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HOUSE OF REPRESENTATIVES—*Friday, August 7, 1987*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O gracious God, a sense of community, where people realize their common heritage, where they appreciate their shared hopes, where they care for one another. May Your blessing be upon this place that every person, respecting the special background and responsibility of others, will keep the focus on the mutual goals of our community, of justice and peace and respect for one another. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes.

The message also announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 945. An act to require the Secretary of Health and Human Services to make grants to local governments for demonstration projects to provide respite homes and other assistance for infants abandoned in hospitals, and for other purposes;

S. 1194. An act to transfer jurisdiction over certain lands in Bernalillo County, NM, from the General Services Administration to the Veterans' Administration;

S. 1196. An act to provide for the enhanced understanding and wise use of ocean, coastal, and Great Lakes resources by strengthening the National Sea Grant College Program and by initiating a Strategic Coastal Research Program, and for other purposes;

S. 1402. An act to amend title VIII of the Public Health Service Act to establish programs to reduce the shortage of professional nurses; and

S. 1532. An act relating to the payment for telecommunications equipment and certain services furnished by the Sergeant at Arms and Doorkeeper of the Senate.

MINESWEEPING OPERATIONS IN THE PERSIAN GULF: WILL ACCOUNTABILITY BE SACRIFICED AGAIN?

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, the recent tragedy in the Persian Gulf that cost the lives of 37 Americans seemed to many a replay of the earlier tragedy in Beirut at the U.S. Marine barracks that took 241 lives.

Yet as John Chancellor noted in a recent commentary, the Pentagon stopped courts-martial in both cases. Mr. Chancellor draws a disturbing conclusion:

> What this does, of course, is to keep the story of what happened to the *Stark* out of the headlines. A court-martial might have dragged on for weeks with embarrassing details in the news every day.

Today we face a new question. Why were not minesweeping operations included immediately in the initial plans for the convoy operations in the Persian Gulf?

Will accountability be sacrificed again, and that question forced aside in the interest of pushing another headline off the front page?

MOTION TO INSTRUCT CONFEREES ON THE TRADE BILL, H.R. 3

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, this morning you are going to be asked to appoint conferees to H.R. 3, the trade bill. At that time I would like to alert the membership that I will be attempting to offer a motion to instruct those conferees to accept the Senate language that bars Toshiba products from being imported into this country.

We all know that Toshiba's actions are blatant disregard of our own national security and are going to cost this country and the taxpayers of this Nation billions of dollars to catch up because of what Toshiba has done just to gain the almighty dollar and to disregard the national security of the free world.

So I hope those Members that are interested in this motion to instruct will come over and will assist me in trying to get the House to vote for this motion to instruct.

CONGRATULATIONS TO THE FELTSMAN FAMILY

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, it was with a great deal of joy yesterday that I learned Vladimir Feltsman and his family have been allowed to leave the Soviet Union. With this move, not only has a family found freedom but the world will now rediscover one of the great musical talents of our time.

More than a year ago Congressman KEMP of New York joined my efforts in leading a drive in this House to contact and urge Soviet leader Mikhail Gorbachev to allow the Feltsman family to emigrate. Many in this body joined our efforts—efforts that surely helped to free this family. I'm sure Congressman KEMP joins me in expressing thanks to our colleagues. But our efforts cannot stop with the happy news of yesterday. There are many, many more in the Soviet Union who are having their basic human rights denied by not being allowed to emigrate. But, unlike Vladimir Feltsman, these people are not world-renowned musicians; they are merchants, educators, laborers, students, they are the every day people who

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have one thing in common—they seek freedom.

I know that many of you have sent letters to Mr. Gorbachev urging that others in the Soviet Union be allowed to emigrate. I know that those efforts have surely had some effect. I hope you will continue your efforts. I know I'll be continuing my efforts to see that those who want freedom, find it.

IRS AND PIT BULLS HAVE SEIZURE FEVER

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, the IRS and pit bulls have a lot in common. Both are violent, vicious creatures who prey on the unfortunate. But in the case of the IRS, the unfortunate are taxpayers.

The IRS now rewards its agents who seize taxpayer property. Signs in some regional offices read "Seizure Fever; Get It." Promotions are enhanced by the number of seizures the agent succeeds in. Property in many cases they seize is the property of the helpless and even the retired are not immune. This seizure fever must be muzzled. A couple weeks ago the IRS seized the assets of a 12-year-old boy—the IRS actually sunk their teeth into a kids' entire $10.35 in savings—and like a pit bull, had to be threatened to release its grip.

The taxpayers' bill of rights is a good first step toward leashing the IRS. I urge all my colleagues to cosponsor, support, and vote for the taxpayers's bill of rights. Let's end the IRS' reign of terror and slap a collar on the most abusive agency in the Federal Government.

ADMINISTRATION SHOULD CONSULT WITH CONGRESS PRIOR TO FUTURE ARMS SALES

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, there are growing indications that this administration plans to resubmit a Saudi arms package when Congress reconvenes in September. As on past occasions, administration intentions on this matter have reached the Hill, not through meaningful consultations but through hints and pronouncements.

It is not my intention, Mr. Speaker, to prejudge the merits or the outcome of any such proposal. I do want to suggest, however, that the administration might consider the fact that many Members will remain skeptical of a package which includes items that Congress has already opposed this year, such as F-15's and Mavericks.

If we wish to pursue constructive policies in the Mideast and if we wish to fashion policies that serve American interests and the real needs of the region, I would hope that this administration would reconsider submitting this package at least in the absence of meaningful consultations.

Rather than renew past battles on issues that already have been fought earlier this year, would it not make more sense for the administration to work with Congress to fashion a policy which commands a broader base of support?

In conclusion, Mr. Speaker, before an arms package is proposed I would hope that the administration would first engage with Congress in the kind of meaningful consultations they have thus far avoided. Only then will there be a solid process for all parties to determine whether all or part of a proposed sale has merit and should proceed.

LET US JOIN TO HELP THOSE UNFORTUNATE MAIMED CHILDREN FROM EL SALVADOR

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, this is a picture of a young 7-year-old girl from El Salvador named Angela Agustina Bonilla, who stepped on a land mine that had been planted by the guerrillas.

Mr. Speaker, in El Salvador, guerrilla land mines are maiming hundreds of innocent children each year. The mines, which are placed in coffee and mango fields and along heavily traveled paths, are designed not to kill, but instead to injure. As a result, hundreds of children are losing limbs and suffering other injuries.

Working with Project HOPE, the Knights of Malta, AID, and U.S. Ambassador to El Salvador Edwin Corr, we have developed a program to bring the most severely injured children to the United States to receive treatment for their injuries.

Last week, Jaimie Hernandez and Jose Mejano, two 13-year-old Salvadoran children, were accompanied to Arlington in my congressional district in northern Virginia by Salvadoran First Lady Inez Duarte. They became the first two El Salvadoran children to receive specialized treatment under the plan.

Eastern, Pan American, and TACA airlines have agreed to transport children to the United States each month at no cost.

Our need now, Mr. Speaker, is to identify hospitals across the country to care for these children. Arlington Hospital in my congressional district is currently caring for two children.

If every major hospital across the country were to care for just one child, our problem would be solved.

I urge my colleagues to become involved in this program and identify hospitals in their congressioanl districts to care for these children.

Mr. Speaker, to whom much is given, much is expected. We have so much in this country. We have an opportunity to help those who are the least of these.

REVAMPING THE FARM CREDIT SYSTEM, CONSENSUS LEGISLATION

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I would like to inform you that the Committee on Agriculture has approved a bill revamping the Farm Credit System. The bill passed 40 to 2 and it is consensus legislation. We hope that it might be able to be brought to the floor the first week after we return from the August recess. I assure you that the diligent work of all of the members of the committee, the input from all sectors of agriculture was received by the committee and this is the best legislation that we can bring you at this time.

I assure all of my colleagues that this year you will have no better bill that will give you a better return for the investment than this revamping of the Farm Credit System and I urge you to look at it during the recess and be prepared to work with us to finalize the action as we bring it to the floor in September.

SUPERCONDUCTING SUPER COLLIDER AUTHORIZATION FOR 1988

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, today, the gentleman from New Jersey [Mr. ROE], the distinguished chairman of the Science, Space, and Technology Committee, the gentleman from New Mexico [Mr. LUJAN], the distinguished vice chairman of the Science, Space, and Technology Committee, and the gentleman from New Jersey [Mr. TORRICELLI], are introducing legislation to authorize fiscal year 1988 funding of $35 million for the superconducting super collider.

I applaud the efforts of these gentlemen to ensure that this essential first year funding for the development and construction of this incredibly promising research facility is made a reality. More than 200 original cosponsors, of which I am proud to be included, have joined the sponsors of this legislation in demonstrating to Congress the overwhelming support that this bill, and SSC itself, has received.

Fermilab, the Nation's largest existing cyclotron, and essentially a smaller version of the SSC, is located within my congressional district at Batavia, IL. I have had the opportunity to witness first hand the tremendous advances in high energy physics that have come about through research at this facility. Consequently, I urge all Members of this body to strongly support this new vision for our Nation's future.

DAVID BURR WILL BE LONG REMEMBERED

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, almost everyone who had enjoyed success can point to someone in their life who has had a critical impact. Someone who took a little extra time to make a personal investment in your future, someone who cared more than the others and was there when you needed advice or friendship.

I have been blessed with a number of these special people to whom I am forever indebted. This week, the State of Oklahoma, the University of Oklahoma and hundreds—maybe thousands—of people who were touched by his life, lost a great friend.

David A. Burr, vice president of the University of Oklahoma, died Thursday leaving his wonderful wife Carol and their three children.

David Burr dedicated his life and career to the University of Oklahoma, its faculty, staff and more importantly, the students in whom he took such an individual interest. He was always there to give a helping hand. As a student, when I didn't quite know where that next tuition payment was going to come from; he gave me a job and offered to personally cosign a loan—a risky precedent for a university official.

Our Nation is a better place because of David Burr. He believed that our most important investment was an excellent university and the young people it serves.

I join so many of his friends throughout Oklahoma and this country who mourn our mutual loss but rejoice in his lasting contribution.

EVENING NEWS OF AUGUST 7, 1787

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I am reporting to you from the floor of the convention in Independence Hall, Philadelphia. The 10-day recess that the delegates had taken in order to allow the Committee of Detail to work out the final draft of the final document has ended and the delegates are back on the floor.

There is a debate raging at this very moment on one aspect of the duties and responsibilities of the Congress of the United States, the first great number of articles that are going to appear in this document.

□ 1015

The basic argument now is on a small detail, yet one that is important, on whether or not to imbed in this document the starting date of each session of Congress, whether it should be in December of the year before starting the session or during the month of January when the session begins. What they have decided, it seems to me, although they have not put the finishing touches on it, is that they are going to allow Congress by law to determine the starting date of each term.

Gouverneur Morris of Pennsylvania is now beginning a separate argument on whether or not the ownership of property should have anything to do with the qualifications of electors, and later as to whether or not that should be a qualification as to whether or not one can be a Member of Congress.

I am reporting to you from the floor of the convention. It seems that everyone has a great deal of optimism during this hot summer in Philadelphia.

VETERANS' ADMINISTRATION RESEARCH ON THE CUTTING EDGE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, at least twice in recent days there have been news reports of medical breakthroughs by Veterans' Administration physicians. Many times I have come before my colleagues to mention the virtues of the VA's excellent research program, which has produced two Nobel Prize recipients. I am pleased to share with you these latest successes.

Researchers led by Dr. Robert Owen, a VA physician in San Francisco, have discovered that a hard-to-detect parasite may be causing the severe wasting experienced by AIDS patients. Only the National Institutes of Health and the Centers for Disease Control conduct more AIDS research than the VA. We firmly believe that the VA will play a major role in the search for answers in this health crisis.

Also, researchers at the Yale School of Medicine and the VA hospital in West Haven, CT, have identified a calcium-regulating hormone they believe may help in detecting and treating cancer.

Mr. Speaker, these are two more fine examples of the outstanding research being conducted within the VA in an effort to improve our quality of life. Funding for VA research is money well spent.

NEW HAMPSHIRE UTILITY CHALLENGES THE CONSTITUTION

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, the Public Service Co. of New Hampshire has stated that it intends to request a 15-percent rate hike and move to overrule on constitutional grounds the banning of construction work in progress in the State of New Hampshire. This, in my opinion, is not only inappropriate, it is outrageous.

The people of New Hampshire have spoken very clearly and said that they do not wish construction work in progress. They have made it very clear that they do not expect to be billed for something which is not functioning. It is totally inappropriate of the Public Service Co. to seek this way around what is obviously the will of the people of New Hampshire.

For that reason, Mr. Speaker, I would strongly urge the Public Service Co. to reconsider its position and to not proceed down the route of challenging constitutionally the construction works in process bill.

IN SUPPORT OF CBI LEGISLATION

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I rise to support new legislation that is crucial to the well-being of our neighbors in the Caribbean, as well as beneficial to the United States. I'm speaking of the Caribbean Basin Economic Recovery Expansion Act, introduced by the gentleman from Florida [Mr. GIBBONS] on Wednesday of this week.

When Congress passed the Caribbean Basin Initiative in 1983 we thought it would improve trade between the Caribbean islands and United States. But it has failed. Exports from the Caribbean to the United States actually have dropped since 1983. Now this new legislation is needed to correct that imbalance.

This bill benefits the United States at the same time as it helps the Caribbean. The stability of the Caribbean, with its open shipping lanes for our oil and other products, is vital to our national interest. We have to promote economic development in these islands if we want to assure their stability and continued friendliness.

I want to commend the sponsors of this bill, who have looked beyond their own districts to think about the broader interests of the Caribbean and the United States:

Sam Gibbons, who put his Subcommittee on Trade to work on this issue.

Jake Pickle, who had his Subcommittee on Oversight hold hearings and thoroughly study the subject for a year.

Plus Frank Guarini, as chairman of the Friends of the Caribbean, Charlie Rangel, Bill Frenzel, and Dick Schulze.

They all deserve our gratitude and their legislation deserves our support.

LET'S CELEBRATE THE NEWEST SHIP OF THE LINE: THE U.S.S. "FORT McHENRY"

(Mrs. BENTLEY asked and was given permission to address the House for one minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, on Saturday, August 8, I will be in Seattle at the Lockheed Shipyard to commission the U.S.S. *Fort McHenry.* A Whidbey Island class LSD, it seems fitting that this ship, used as a durable dock, should be named for a battle site whose famous victory was won by citizen soldiers who took on the pride of the British Army—soldiers trained in the fields of Europe against Napoleon—and licked them.

It was "in the dawn's early light" over Fort McHenry that the "Star Spangled Banner" was seen by Francis Scott Key, who was being held on a British ship in Baltimore Harbor as that battle was waged. The dawn brought not only victory, Fort McHenry held, but it also brought a conviction to the British that they must sue for peace. On that night—"The nest of pirates" as the Baltimore ships' captains and the citizens of Baltimore and North Point had been labeled by the London Press destroyed the British will.

Fort McHenry was the last battle of the War of 1812. The Treaty of Paris, ending the war, was signed before the Battle of New Orleans occurred.

We won it at Baltimore—"pirates" and farmers, merchants, and ships chandlers. And we are so proud to have this wonderful new ship to celebrate anew the American spirit of that victorious dawn in Baltimore Harbor.

Help us wish her crew Godspeed.

MEMBERS SEEK ANSWERS IN FEDERAL COURT ON WAR POWERS ACT

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, under our constitutional system the President of the United States has great and vast powers in foreign policy and in conducting the affairs of our military, but they are not unlimited powers. The War Powers Act provides specifically that this Congress will be notified when American forces are placed in imminent threat of hostilities.

Today, Mr. Speaker, the largest fleet to gather in a generation is taking form in the Persian Gulf. American lives have been lost. Clear and dangerous threats have been made by a hostile government in Tehran. It is simply not plausible to argue that an imminent threat of hostilities does not face our forces, and that the threshold of the War Powers Act has not been reached.

Over 100 of our colleagues have now joined in petitioning the Federal district court to enforce the law and have the President comply. I urge my colleagues to join. The result of our success will be one American policy, a message to Tehran that the laws are being followed and that the Congress and the President stand together in reassurance to the American people that whatever sacrifice may be had, whatever lives may be lost, planning is being done, this Congress is being informed, we are meeting our responsibilities, and that whatever we may face together in the future, we will do it together.

ODILE DODGE STEWART

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, it is with deep sympathy and great sadness that I rise to acknowledge the recent passing of a dedicated American, Odile Dodge Stewart, mother of well-known public servant Phyllis Schlafly.

Mrs. Stewart enjoyed a well-respected reputation not only in the State of Missouri but across the Nation as a patron of the arts. Her great love for the arts took her to the St. Louis Museum of Art where from 1937 through 1962 the caliber of her contributions were far beyond the call of duty. It was always her goal to keep art alive and to spread the joy of art among many.

Mrs. Stewart's selfless efforts extended to other causes as well. She was an original member of the Missouri Historical Society and a member of the Missouri chapter of the National Society of Colonial Dames of America.

Mrs. Stewart passed on July 31, 1987, at the age of 91. Her passion for achievement; her strength; and her independence can be seen in her daughters Phyllis Schlafly and Losi Dodge Pfiefer, eight grandchildren and five great-grandchildren. On behalf of her many friends and admirers I extend our deepest condolences.

Odile Dodge Stewart's efforts and accomplishments will always be with us.

THE SPEAKER AND THE PRESIDENT COMMENDED FOR PEACE OVERTURES IN NICARAGUA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I rise today to commend the President—yes, commend the President—for his recent decision concerning a possible peace effort for Nicaragua. It is refreshing to see that both our Speaker and the President are attempting a joint effort to solve the crisis in that region.

Even though I am concerned, as are many others, that a 60-day time limit is very restrictive, it is also refreshing to hear that the President would be willing to extend that deadline if peace efforts seem to progress. And that is our goal. This policy makes sense.

The leadership of our Speaker is the cornerstone and foundation of this initiative. What also is refreshing is that evidently in the last year and a half of this administration Congress and the White House will attempt to work out a mutual agreement by which we can lead America safely in the future. Americans want to hear that.

So I think it is important in the House that we stand behind our Speaker, who has taken a bold step, one for peace in Central America, and the second for peace with the White House. I commend our Speaker, and we should stand behind him.

INFLATION IN EDUCATION

(Mr. GRANDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRANDY. Mr. Speaker, the college board recently released the results of a survey measuring the skyrocketing higher education inflation rate which is an average of 5 to 8 percent. The board also reported average increases in tuition and fees among private 4-year colleges to be 6 percent since the 1977-78 year. Increases at public institutions has been as much as 20 percent annually.

Mr. Speaker, the crisis in higher education has become headline news. Just today, the Washington Post reported on its front page that "College Costs Reach as High as $75,000." Likewise, the headline in today's USA Today read "College Costs Climb 8%; No End in Sight." The Mason City Globe-Gazette in my district reported today that "Tuition Goes Up, Up, Up."

Its time to put an end to this economic disaster for our young people whose future is dependent on a solid college education.

Mr. Speaker, today I am introducing a bill, along with my friend and colleague, Mr. Daub, which offers hope to our Nation's youth. Many of today's young people desiring to attend college suddenly find their dreams shattered. College costs are rising at a time when many families, who at one time may have been eligible for Federal assistance, are no longer able to tap into the resources once provided by the Federal Government. By taking action now, we can help many of our young people avoid such a tragedy.

The bill we are introducing today would offer families the incentives they need to begin building a college savings account which their children can depend on to help finance college expenses. Our bill would encourage the creation of college savings accounts, the contributions of which would be tax exempt. In order to encourage lower and middle-income families to save, accruals by those whose income is below $35,000 would be indexed when calculating eligibility for Federal aid. Without this kind of indexing method, those families most in need of resources would have little incentive to create such an account. Under this bill, all lower and middle-income families have reason to save.

This bill also guards against the withdrawal of funds from the account for purposes other than education. Thus, funds cannot be used strictly for tax-shelter purposes.

States are already addressing the growing need for college savings accounts and it is time for Congress to provide for a savings instrument which can be used across State lines.

I urge my colleagues to join us in sponsoring this legislation and to work toward enactment so that thousands of young Americans will have the opportunity to continue their education.

□ 1030

AUTHORIZING THE SPEAKER TO DECLARE RECESSES TODAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it be in order for the Speaker to declare recesses on this legislative day subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. WALKER. Mr. Speaker, reserving the right to object, can we assume that this means that we can anticipate that we will not be moving toward recess probably today?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

I will tell the gentleman, we are dealing today with a limited legislative program, as the gentleman knows. The committee in conference has not yet reached agreement, so that it is necessary to make this request.

Mr. WALKER. Mr. Speaker, reserving the right to object, do we have any agreement as to how much notice Members will have before we reconvene the House, so that Members can feel somewhat free to leave the Hill?

Mr. FOLEY. I think we would suggest 1 hour's notice before reconvening.

Mr. WALKER. Put out by the whip systems?

Mr. FOLEY. By the whip systems on each side.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

May I inquire, since all the Members would like to know a little bit of the schedule with regards to any kind of recess, what is the intention now as we proceed this morning with the program?

Mr. FOLEY. Mr. Speaker, If the gentleman will yield further, the program is the Armenian resolution, and that is the extent of the program today except for usual unanimous-consent requests and special orders.

Mr. MICHEL. When will we have the appointment of conferees on the trade bill?

The SPEAKER. We are waiting momentarily for reports from 2 of the 12 committee Chairs, and it is the intention of the Chair to make those appointments as soon as the motion is agreed to and go to conference.

We would probably be able to take that up before the time that we take up the Armenian resolution.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I do understand that there is a bill out here from the Committee on Agriculture in addition to the Armenian resolution.

Are there any more bills anticipated to be brought to the floor today?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

I have just been advised by the chairman of the Committee on Agriculture, the gentleman does have a resolution the gentleman would like to have considered.

It is a sense of Congress resolution, and the chairman of the committee shall attempt to call it up by unanimous consent.

Mr. WALKER. I understand that.

Further reserving the right to object, do we have any other bills that we are going to have under that kind of process?

Mr. FOLEY. Only unanimous-consent requests that have been cleared by the minority side would be brought up.

I would like to tell the gentleman that there is standing authority by unanimous consent to consider any legislation extending the debt ceiling which was reported by the Committee on Ways and Means, and is brought up with the consent of the leadership.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Further reserving the right to object, I would simply point out that these periods before recess tend to be times when we get an awful lot of legislation being brought to the floor that is somewhat troublesome.

I would hope that we are going to scrupulously—

Mr. FOLEY. with the exception of legislation dealing with the extension of the public debt, we have no intention of bringing major legislative matters before the House not scheduled and announced.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. GEKAS. Mr. Speaker, reserving the right to object for one amplification, if I could question the majority leader.

Is the majority leader saying in explicit or implicit terms that we will be in session tomorrow and/or Sunday?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

I am not able to tell the gentleman that at this time. We will not have legislative business to carry us beyond around noon today, and we will not have a report from the Committee on Ways and Means or the conference committee at that time in my judgment, so we are requesting recess authority.

It may be the House will be in session tomorrow, but I cannot tell the gentleman at this time.

Mr. GEKAS. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will advise Members that at the conclusion of the 1-minute speeches, it would be the intention of the Chair to recognize the gentleman from Illinois [Mr. ROSTENKOWSKI] for a motion to go to conference on the trade bill.

NICARAGUA: THE ROAD TO PEACE?

(Mr. WHEAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHEAT. Mr. Speaker, after trying to force-feed the Congress with military solutions to the situation in Nicaragua, President Reagan has stunned many of us with his new 11th-hour enthusiasm for the art of diplomacy. Is it really possible that the same administration that for 7 years spurned negotiated Central American peace plans, now expects to sign one in 60 days? The President assures us that he is sincere in his purpose—to bring stability, security, and peace to Central America, to put an end to the senseless violence that has raped the spirit of the Nicaraguan people.

I want to believe the President, and I want these negotiations to succeed. But my own enthusiasm is tempered by past experience. Historians like to say that "you don't know where you're going till you know where you've been." We've met the President at the crossroads of peace before—we've left those crossroads feeling disappointed and betrayed. Nonetheless, I applaud the President's initiative, for there could be no more welcome traveler on the road to peace.

SENDING MICKEY MOUSE HOME TO DISNEYLAND

(Mr. DIOGUARDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIOGUARDI. Mr. Speaker, I rise this morning to report to the American people that, if they are planning to take their summer vacation at Disneyland or Disney World, they may not find Mickey Mouse when they arrive. No, he isn't sick, he's feeling fine. In fact, Mickey is right here in Washington working his second job as he has done for as long as any of us can remember: He is producing the financial information Congress uses every year to concoct our budget.

Of course, Mickey's services don't come cheap. Mickey Mouse financial management budget and accounting systems are costing the American taxpayer billions each year.

If you are like me, I'm sure you would rather see Mickey Mouse making children smile instead of making taxpayers cry. Yesterday, I introduced legislation to relieve Mickey of his Federal duties by calling for radical changes in Federal financial managment systems through the creation of an independent Chief Financial Officer for the United States.

Mr. Speaker, it's time to send Mickey Mouse back to Disneyland and take fantasyland accounting and budgeting systems out of Washington.

IN SUPPORT OF SUPERCONDUCTING SUPER COLLIDER AUTHORIZATION BILL

(Mr. BRUCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRUCE. Mr. Speaker, today Chairman BOB ROE and MANNY LUJAN, ranking minority member of the Science, Space, and Technology Committee, will join with our colleague BOB TORRICELLI to introduce a bill authorizing $35 million for the superconducting super collider for fiscal year 1988. As a member of the Science Committee and as an original cosponsor of this important legislation, I rise in strong support of this bill.

With the introduction of this bill, Congress possesses the considerable responsibility of deciding whether the United States should move ahead with the world's largest and most advanced scientific project. I am pleased to note that since the President's endorsement of the SSC last February, there has been a steady increase in congressional support for the project: Over 40 House Members went on record in support of the SSC in two special orders I hosted in March; the super collider attracted further congressional attention and support in April, when the House Science Committee held 3 days of well-publicized hearings on the SSC; last month, over 65 of my colleagues signed a letter that I sent to the House Appropriations Committee endorsing a full $35 million appropriation for the project; and today, we have over 200 Members cosponsoring this SSC authorization bill.

Passage of this legislation would represent a tremendous leap forward for American science and technology: The SSC will enable scientists here to continue their quest for a single theory describing all the interactions of matter and energy. In addition, the use and development of the most advanced technologies for the SSC can be expected to lead to spinoffs in the areas of electronics, nuclear medicine, and superconductivity. If the United States does not move forward on the SSC, others will. Europe and the Soviet Union have already embarked upon powerful new accelerators and Japan has expressed interest in a similar project.

Mr. Speaker, the SSC is a bold and innovative project that is ready to go. Initial construction funds in fiscal year 1988 mean that industrial participation can be expanded and that formal negotiations for international participation and cost-sharing can proceed. I urge my colleagues to support this bill.

OBSTRUCTION OF JUSTICE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, instead of deciding whether President Reagan's Supreme Court nominee, Robert Bork, is right for the job, the Senate Judiciary Committee has decided to spend valuable time interpreting their role of advise and consent. One side says the debate is philosophy, the other says the issue should be candidate credentials. The real issue is politics.

The Senate has scheduled hearings for September 15, a full 2½ months after Bork was nominated. If it takes the committee 75 days to set up the hearing, how fast should we expect them to make a decision? The committee chairman has promised a vote in committee by October 1. But Senate procedures allow floor delay, and it is highly probable that the Court will assemble on October 1 with only 8 members, making 4 to 4 splits likely.

This would truly be an obstruction of justice, Mr. Speaker. I urge the Senate to fulfill their responsibility and give the American people what they deserve—a complete Supreme Court. The Senate should hear Robert Bork now and decide if he is the man for the job—listen to his credentials and his philosophy of the law—but turn a deaf ear to political maneuvering.

□ 1040

WALL STREET JOURNAL REPORT ON MALE AND FEMALE UNEMPLOYMENT RATES

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, last week the Wall Street Journal reported that for the first time since records have been collected, unemployment rates for women equal those of men. Yet, equality in unemployment rates does not mean equality of treatment under laws governing unemployment. The unemployment insurance system, set up to increase economic security for American workers, in practice, increases the economic vulnerability of women. In February 1987, over two-thirds of people claiming unemployment benefits were men while women constituted less than one-third of unemployment insurance claimants. And only 3 percent of women receive the maximum unemployment benefit compared to 22 percent of unemployed men.

The unemployment system protects "regular" workers—usually men—while it punishes less than full-time workers—usually women. Two-thirds of all part-time workers are women, yet in every State save six, regulations automatically disqualify applicants for unemployment compensation who limit their availability to part-time work.

The dual responsibilities of working women as mothers and wage earners are also not recognized in unemployment insurance laws. Theoretically, either a man or woman can leave employment to raise a child or deal with a family crisis yet 99 percent of "domestic" quits are by women. Six States expressly forbid unemployment insurance for domestic quits while 28 others restrict compensation for domestic or voluntary quits to those persons who leave jobs to follow a spouse.

Sexual harassment, reported to affect 42 percent of women in the Federal work force alone, often leads to job termination. However, many States do not consider quitting a job to escape sexual harassment a just cause for qualifying for unemployment insurance.

Mr. Speaker, as women continue to take an equal place beside men in the office, the factory and the unemployment line, we in Congress must guarantee that the laws we pass to protect workers protect every worker.

APPOINTMENT OF CONFEREES ON H.R. 3, TRADE AND INTERNATIONAL ECONOMIC POLICY REFORM ACT OF 1987

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3) to enhance the competitiveness of American industry, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there obejction to the request of the gentleman from Illinois?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, I have at the desk a motion to instruct the conferees to accept the Senate language. It deals with the ban on finished Toshiba products from coming into the United States over the next 2 to 5 years.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Speaker, I also have a motion, a privileged motion to instruct.

Mr. SOLOMON. Continuing my reservation, Mr. Speaker, I had hoped that the gentleman from Tennessee [Mr. DUNCAN], the ranking Republican member, would yield to me for the purpose of offering my motion to instruct; however, I do understand there are problems. I do not want to hold up the actions of this House; but the truth is that we have been denied on a number of occasions through the Rules Committee and other areas from dealing with this terribly important subject.

I would just ask the gentleman, instead of my offering this motion, what his intentions are with the conferees when they do meet.

Mr. DUNCAN. Well, I would say in terms of my chairman, that will be a top priority of consideration. In fact, my motion now has in it that the national defense will not be jeopardized, my motion to instruct. I am sure it is going to be one of the top subjects of the conference.

Mr. SOLOMON. Continuing my reservation of objection, Mr. Speaker, I would just say that langauge certainly generically deals with exactly what I am talking about. If the Members of this House live up to that instruction, certainly I would hope to keep that Senate language in the bill.

Mr. Speaker, the motion which I wanted to offer to H.R. 3 would instruct the House conferees to accept the Senate language prohibiting the sale of Toshiba products in this country for 2 to 5 years. This will be the first opportunity for the House to get on record, in any meaningful way, in support of the Toshiba import sanctions.

The Toshiba motion to instruct will help stem the flow of militarily critical technology to the Soviet Union, without unnecessarily restricting exports.

Since the Senate's 92-to-5 vote approving sanctions against Toshiba and Kongsberg we have had the opportunity to carefully review the damage done to the national security, and it is even worst than we thought!

DOD estimates the impact of the sale has allowed the Soviet Union to acquire the ability to produce quieter propellers for its submarine fleet reliably, repeatedly and in large numbers. The five milling machines and software produce "silent propeller" submarines able to penetrate the outer ring of U.S. coastal defenses. The equipment allows the Soviet subs to run so quietly that the United States advantage in detecting and tracking their fleet has been eliminated. According to Fred Ikle, Under Secretary of Defense for Policy, it was a breach which will cost us billions to counter.

Clearly, the sale of this sophisticated milling equipment by Toshiba was one of the most damaging diversions in history.

Toshiba officials have apologized for making these sales to the Soviet Union and the Government of Japan has spent thousands of dollars to run full page ads in United States newspapers to say they are sorry. Yet, the American taxpayers are out tens of billions of dollars, and the very security of the NATO alliance has been placed in jeopardy. And now they say they are sorry. Well that's like getting hit by a Mack truck and the driver stopping just long enough to give you a Band-Aid.

Mr. Speaker, because the ranking Republican, Mr. DUNCAN, included language in his motion to require House conferees to support all positions that would protect our national defense interests, I am satisfied that the Senate language dealing with Toshiba will be maintained; therefore I will not offer my motion and I withdraw my reservation.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection and I withdraw my motion to instruct.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. DUNCAN moves that the managers on the part of the House at the conference on the disagreeing votes between the two Houses on H.R. 3 are instructed to maintain strong support of the House position on all provisions that:
>
> (1) Advance the competitive position of U.S. industries and insure that unfairly traded goods and services do not either undermine America's industrial base and services industries or threaten American jobs;
>
> (2) Support enhanced negotiating authority for the U.S. Trade Representative so that he may pursue aggressively U.S. interests in the Uruguay round;
>
> (3) Provide improvements in our trade laws ensuring that U.S. industries and workers will not have to suffer adverse effects of unfair trading practices and the national defense will not be jeopardized; and
>
> (4) Result in legislation that can be broadly supported by all interests.

The SPEAKER. The gentleman from Tennessee [Mr. DUNCAN] is recognized for 1 hour.

Mr. DUNCAN. Mr. Speaker, I think my motion to instruct is self-explanatory. Essentially, it directs the managers on the part of the House to work hard for the interests on this Chamber in their negotiations with managers for the other body.

Also, it directs House managers to keep in mind the interests and concerns of all of our citizens who have a big stake in this legislation. As far as I know, my colleagues on both sides of the aisle should agree with the principles set forth in the motion.

I urge my colleagues to support it.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. Mr. Speaker, for purposes of debate only, I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I urge support of the motion as well, but I want to take this time to talk for a moment about the comments of the gentleman from New York [Mr. SOLOMON].

At least three committees of this House, and perhaps more, have begun some kind of hearing or internal discussion on the problem of Toshiba. It is a very important one to our Ways and Means Committee, I would tell the House and the gentleman.

We have had one long hearing, and probably will have some others, and are trying to work the problem out as carefully as we can.

We have solicited the help of Messrs. WILSON, HUNTER, and ROWLAND, and others who have introduced bills in their own right, to help in putting ours together. At least for my part, I take the matter very seriously.

I think the problem extends beyond Toshiba, and therefor the solution must do so also. But, certainly that company and its transgression does require some kind of punishment, so that we may show the world that we intend our Cocom regulations and our treaties of all kinds to be observed, fully by both us and by our trading partner companies.

So I hope that will be the understanding of this motion with respect to that element.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER. The question is on the motion to instruct offered by the gentleman from Tennessee [Mr. DUNCAN].

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees from the committees designated and, without objection, reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subjects of the various appointments.

From the Committee on Ways and Means: Messrs. ROSTENKOWSKI, GIBBONS, and DUNCAN;

From the Committee on Agriculture: Messrs. DE LA GARZA, BROWN of California, and ROBERTS;

From the Committee on Banking, Finance, and Urban Affairs: Messrs. ST GERMAIN, FAUNTROY, and WYLIE;

From the Committee on Foreign Affairs: Messrs. FASCELL, BONKER, and BROOMFIELD;

From the Committee on Energy and Commerce: Messrs. DINGELL, FLORIO, and LENT;

From the Committee on Education and Labor: Messrs. HAWKINS, FORD of Michigan, and JEFFORDS;

From the Committee on the Judiciary: Messrs. RODINO, KASTENMEIER, and FISH;

From the Committee on Government Operations: Messrs. BROOKS, CONYERS, and HORTON;

From the Committee on Merchant Marine and Fisheries: Messrs. JONES of North Carolina, BIAGGI, and DAVIS of Michigan;

From the Committee on Public Works and Transportation: Messrs. MINETA, OBERSTAR, and HAMMERSCHMIDT;

From the Committee on Small Business: Messrs. LAFALCE, SMITH of Iowa, and MCDADE;

From the Committee on Science, Space, and Technology: Messrs. ROE, WALGREN, and LUJAN; and

As an additional conferee: Mr. GEPHARDT.

There was no objection.

ANNOUNCEMENT OF ORGANIZATIONAL SESSION OF TRADE CONFERENCE TODAY AND OF MEETING OF CONFEREES ON DEBT CEILING

Mr. ROSTENKOWSKI. Mr. Speaker, let me announce that there will be an organizational session of the trade conference today at 2 p.m. in the Cannon Caucus Room.

Mr. Speaker, let me also announce that the conferees on the debt ceiling will convene in room 1100, Longworth Building, immediately.

FEDERAL TRIANGLE DEVELOPMENT ACT

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation and the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1550) to complete the Federal Triangle in the District of Columbia, to construct a public building to provide Federal office space and space for an international cultural and trade center, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MOLINARI. Reserving the right to object, Mr. Speaker, I do not intend to object, but I yield to the gentleman from New Jersey [Mr. HOWARD] chairman of the Public Works and Transportation Committee, for an explanation of the bill.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, S. 1550, entitled "The Federal Triangle Development Act," authorizes completion of the Federal Triangle by providing for the construction of a Federal office complex and international cultural and trade center on the federally owned site at 14th Street between Constitution and Pennsylvania Avenues, Washington, DC. This exciting proposal will mark the completion of the 25-year program for the redevelopment and reconstruction of Pennsylvania Avenue, commonly referred to as "The Avenue of the Presidents." The building will be built on a lease-to-own plan, whereby the Federal Government's lease payments over a 30-year lease term will pay for the cost of constructing the building. At the end of the 30 years, the Federal Government will own the building in fee simple. Title will revert to the Government and no additional rental payments will be necessary. This method of financing is estimated to save the Federal Government approximately $271 million over the 30-year lease term.

Mr. Speaker, the primary agencies involved in planning and building this Federal complex will be the General Services Administration, the Pennsylvania Avenue Development Corporation, and a Presidential Commission, the International Cultural and Trade Center Commission. The Department of State, National Capital Planning Commission and Commission of Fine Arts will have advisory roles. Safeguards are built in throughout the legislation to ensure that the complex will be the best contemporary design and will be in harmony with other structures located on Pennsylvania Avenue. This site is the missing tooth in the smile of Pennsylvania Avenue which is being undertaken by Pennsylvania Avenue Development Corporation.

According to GSA's estimates the building will provide approximately 1.9 million occupiable square feet; 1.4 million square feet for Federal use and 500,000 square feet for the International Cultural and Trade Center.

Mr. Speaker, in the 1960's the Federal Government stopped constructing Federal buildings due primarily to the large drain on the Federal budget in one particular year. Instead the Government turned to leasing, whereby only the annual lease payments are reflected in the budget. However at the end of the lease term the taxpayers of this Nation are left with nothing but a handful of rent receipts. Further, the Government becomes a "captive tenant" of rental space since the Government has no federally owned space to relocate into. Rents in the Nation's Capital have increased by 30 percent over the last 2 years and the annual Federal Government's rental bill is about $1.4 billion currently, up from approximately $400 million in 1980. It is projected the annual rental bill will escalate to $2 billion by 1992, unless Congress gives further direction to the administration to discontinue leasing, thus, the concept embodied in this legislation is most worthy.

Mr. Speaker, passage of this legislation will save the taxpayers of this Nation $271 million of a 30-year period—allow the Government to hold title to the building at the end of 30 years, it will enhance opportunities for American trade, commerce, and cultural exchange—provide for the completion of redevelopment of Pennsylvania Avenue and provide for the consolidation of agencies thereby avoiding substantial duplicative costs.

Mr. Speaker, the Committee on Interior and Insular Affairs has an interest in this legislation to the extent that the Pennsylvania Avenue Development Corporation is involved. Thanks to the cooperation of the leadership of that committee, we are able to present this matter to the House at this time.

One of the concerns expressed by the members of the Interior Committee involves the provisions in the bill for congressional review of the plan. I want to assure my colleagues that the Interior Committee will be consulted when the development proposal is submitted and that a copy of the proposal will be provided to the committee in a timely manner so that it may contribute to the furtherance of this worthwhile project.

Mr. Speaker, I urge enactment of S. 1550.

□ 1055

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. Under my reservation of objection, I am glad to yield to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking Republican.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of S. 1550, legislation to construct a building for Federal office space and an International Cultural and Trade Center on the Federal Triangle.

S. 1550 would provide for this facility to be constructed on Federal land at 14th Street and Pennsylvania Avenue now being used as a parking lot. The building, which the Federal Government would own following lease payments over a 30-year lease term based on construction costs, would enable the Government to release approximately 15 leases which will be expiring in the next several years—leases that would have to be negotiated at a much higher cost. GSA estimates that annual lease payments for this building will be significantly lower than market rates and that a savings of $281 million over 30 years will be realized.

This facility will enable the Departments of Justice, Treasury, and State to consolidate their office from numerous locations around the area, thereby allowing more efficient operations and administrative cost savings. As a result of this building and other actions, the Department of the Treasury, currently in 38 locations in Washington, will be reduced to 4. Justice, now in 26 locations, will be in 3 locations. The Department of State, which is in 16 different locations, will be reduced to 3.

The International Cultural and Trade Center portion of the facility is an exciting venture which would promote trade and cultural opportunities and would be instrumental in encouraging, through diplomatic reciprocity, similar treatment for the United States abroad.

For several years, we have been faced with ever increasing leasing costs for the Federal Government and there is no end in sight unless we begin to consider innovative proposals such as that which we are considering today. It is clear that the limited resources of the Federal building funds do not allow outright Federal construction and our leasing expenses will continue to grow in the future. This lease-to-own proposal is a creative approach which will allow us to make annual lease payments leading to Federal ownership.

Mr. Speaker, the Public Works and Transportation Committee has worked closely with the Senate on developing this legislation. I would urge my colleagues to join me in supporting this bill today.

Mr. MOLINARI. Continuing under my reservation, Mr. Speaker, I rise in strong support of S. 1550, a bill to complete the Federal Triangle in the District of Columbia through the construction of a public building to provide Federal office space and space for an International Cultural and Trade Center. The Subcommittee on Public Buildings and Grounds held a lengthy hearing on July 22 regarding this project on the last remaining site on the Federal Triangle at 14th Street and Pennsylvania Avenue.

The Public Works and Transportation Committee worked closely and most cooperatively with the Senate in developing this proposal. While the legislation may be designated as a Senate bill, it can truly be considered a joint House/Senate bill.

S. 1550 provides for a building not to exceed 3.1 million gross square feet, which would be constructed on a lease-to-own basis. That is, the Federal Government's lease payments over 30 years would pay for the cost of construction. At the end of that time, title to the building would revert to the Federal Government.

GSA estimates that the rental costs paid to the developer will be substantially less than the market rate for similar space. Savings of $281 million will be realized over the 30-year lease. And, of course, the Federal Government would own the building at the end of the 30 years. This is particularly important as the Government's annual rental bills continue to grow dramatically—up from $400 million in 1970 to over $1 billion currently. Approximately 50 percent of our Federal workers are in leased space. In the Washington area alone, the Government controls 65 million square feet of space and over 30 million square feet of that is leased space.

The building would provide 1.4 million occupyable square feet of office space to house several Federal agencies now located in leased space—primarily Justice, State, and Treasury. An International Cultural and Trade Center to be operated by a 15-member Federal commission would occupy up to 500,000 occupyable square feet. Underground parking facilities account for the remainder of the space.

The Pennsylvania Avenue Development Corporation, which has done an outstanding job on the rehabilitation of Pennsylvania Avenue, would have primary responsibility for the development proposal, design competition and construction of the facility. The Corporation would work closely with GSA and the Commission in carrying out its duties.

GSA would have a master lease with the developer for the entire facility and sublease space for the International Cultural and Trade Center to the Commission. Should demand not match current expectations, GSA could reenter that space and utilize it as additional Federal office space.

It is envisioned that the center will house foreign missions; international, State, and local agencies involved in international trade; Government-sponsored organizations supporting cultural exchanges and contain exhibit space. The State Department has been extremely involved in this project and sees it as a means to provide attractive space to foreign missions which provide us high quality space in their countries, and as a tool to secure similar space for Americans abroad. The center will enhance opportunities for American trade, commerce, and cultural exchange.

Mr. Speaker, this project has the support of the administration, GSA, the Departments of State, Commerce, Treasury, and Justice, the Office of the Trade Representative, the U.S. Information Agency, and OMB. It is an important step in moving away from the continued high cost of leasing space for the Federal Government. In addition, the development of this Federal property, along with other actions, will lead to major consolidations of Treasury, Justice, and State. With such consolidations, greater efficiency will be realized.

There are many benefits to gain from passage of S. 1550 and the development of an underutilized prime piece of Federal real estate. As was stated by the Pennsylvania Avenue Development Corporation at our subcommittee hearing last month, in reference to the great transformation of Pennsylvania Avenue over the past several years: "But the parking lot on the south side of 14th Street and Pennsylvania Avenue is like the missing tooth in a beautiful smile."

Mr. Speaker, we have an opportunity to remedy that situation and I would urge passage of S. 1550 by this House today.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, the Subcommittee on Public Buildings and Grounds and the Committee on Public Works and Transportation, the chairman and ranking members thereto should be congratulated for this landmark piece of legislation.

It is not only a landmark piece of legislation from the standpoint of the building and the square footage that is involved in this particular project, but it is also because of the unique financing method that is being used. This method was used once before in the city of Miami, which is a project that I was associated with that is presently underway and moving forward. It gives the Federal Government an opportunity to expand its ownership of federally occupied building space.

The gentleman from New York [Mr. MOLINARI] stated to the committee the tremendous amount of space that is occupied as leased space by the Federal Government. This I believe is truly a turning point, and I commend the gentleman from New York, the chairman of the subcommittee, the gentleman from American Samoa, and also the chairman of the full Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. HOWARD], and the ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for bringing this legislation to the floor. I urge its adoption.

Mr. Speaker, I rise in strong support of this legislation which would authorize the construction of a Federal office building and an International Cultural and Trade Center on the Government-owned, Federal Triangle property in downtown Washington, DC.

I would like to commend all of those who have been involved with this important and landmark legislation.

This bill is a result of countless hours of work and represents a truly cooperative effort between the House, Senate, the administration and the Washington business community.

S. 1550 would provide for the construction of a 3.2 million square foot building complex to help complete the redevelopment of the Pennsylvania Avenue corridor.

The construction, occupancy and use of this complex represents a new approach in our Federal buildings program.

The facility will be designed and constructed using a competitive design competition, conducted by the Pennsylvania Avenue Development Corporation.

The building is to be financed over a 30-year term with the Government making annual payments to amortize construction and development costs.

At the end of the 30-year period, the building would become part of GSA's Government-owned inventory.

This is a new approach to the acquisition of space for Federal use which has been utilized on one other occasion in Miami, FL; which was a project with which I was pleased to be associated and one which I think will work out quite well from the Government's and the city's perspective.

I urge my colleagues to support this legislation which starts a new beginning for the Federal building program.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I rise in support of S. 1550, a bill to complete the Federal Triangle in the District of Columbia, to construct a public building to provide Federal office space and space for an International Cultural and Trade Center. For many decades, plans have been discussed to use this prime parcel more constructively than for the parking lot it now is. This bill would make possible the construction of the International Cultural and Trade Center, and use this land so centrally located more appropriately. I want to commend subcommittee Chairman SUNIA and the ranking member of the Public Works Committee as well as the Chairman HOWARD.

This International Trade and Cultural Center building would complete the revitalization of Pennsylvania Avenue, and consolidate various Federal functions now dispersed. Key to the development of this site is the transfer of the property and the responsibility for its development to the Pennsylvania Avenue Development Corporation. The site's planning, design, competitions, and construction management of the building would be under the Pennsylvania Avenue Development Corporation. The property would revert to the General Services Administration upon completion of the building.

Mr. Golden, the Administrator for the GSA, has been in contact with me and pointed out the logical extension of the PADC for this development and indeed I concur.

The Pennsylvania Avenue Development Corporation has been involved in similar projects since 1978 on the north side of Pennsylvania Avenue—buying property, acquiring rights of way, holding design competitions, and working with developers. This building is proposed to be completed within a 4-year cycle before being turned over to the General Services Administration who will manage the property after that.

Given the accomplishments of the Pennsylvania Avenue Development Corporation in the past few years, giving them this additional responsibility will serve the needs of this city and the Federal Government. I want to emphasize that any and all construction in this site must be compatible with the existing buildings, and serve to enhance them. Designs must be compatible with the dignity of this core area. The Federal Triangle is recognized for its present design and its significance. Respect must be given to the existing buildings by any future one. Finally, Mr. Speaker, I look forward to being part of this process and in working to ensure that our Nation's Capital reflects our Nation's pride and carefully reviewing the reports that will be submitted to both committees of jurisdiction concerning the Pennsylvania Avenue Development Corporation actions concerning this project, the Interior and Insular Affairs Committee and the Public Works Committee.

Mr. MOLINARI. Mr. Speaker, I think this is an exciting proposal.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Triangle Development Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) it is in the national interest to build a Federal building complex and establish an international cultural and trade center on the Federal Triangle property in the District of Columbia;

(2) development of such a Federal building complex will permit consolidation of a number of Federal agencies which are currently housed in numerous, scattered locations and will enable more economical and efficient use of building space and environs;

(3) inclusion of an international cultural and trade center within the Federal building complex will create and enhance opportunities for American trade, commerce, communications, and cultural exchanges with

other nations and complement the work of Federal, State, and local agencies in the areas of international trade and cultural exchange; and

(4) the appropriate development, maintenance, and use of the Federal Triangle property should be a joint development effort of the General Services Administration, the Pennsylvania Avenue Development Corporation, and the International Cultural and Trade Center Commission.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To transfer the Federal Triangle property from the Administrator of General Services to the Pennsylvania Avenue Development Corporation.

(2) To grant to the Corporation the power of eminent domain to acquire certain properties and rights-of-way adjacent to the Federal Triangle site and to authorize the Corporation to exercise such power as may be necessary to further the public interest.

(3) To authorize the Corporation, after consultation with the Secretary of State, the Administrator, and the Commission, to prepare plans for development of such property.

(4) To establish a process for review and selection of such plans and, after completion of such review process, to authorize the Corporation to enter into an agreement with a private developer selected for the development of such property.

(5) To ensure that the design and construction of the Federal building complex on such property will insofar as practicable be in accordance with the guiding principles for Federal architecture recommended by the Committee on Federal Office Space in 1962 which require among other things that facilities to be used by Federal agencies be efficient and economical and that public buildings provide visual testimony to the dignity, enterprise, vigor, and stability of the Federal Government.

(6) To provide for establishment, operation, and maintenance of a self-sustaining international cultural and trade center in such complex.

SEC. 3. FEDERAL TRIANGLE PROPERTY.

(a) TRANSFER TO PADC.—

(1) GENERAL RULE.—Subject to such terms and conditions as the Administrator and the Corporation may establish, the Administrator shall transfer, without compensation, to the Corporation title to the Federal Triangle property for development under this Act.

(2) DURATION OF TRANSFER.—Title to the Federal Triangle property shall revert to the Administrator at such time as the Administrator and the Corporation agree but not later than the date on which ownership of the building to be constructed on such property under section 5 vests in the United States. On and after such date, title to such building shall be in the Administrator.

(3) LEGAL DESCRIPTION.—The exact acreage and legal description of the Federal Triangle property shall be based upon surveys which are satisfactory to the Administrator and the Corporation.

(b) ADJOINING PROPERTY AND RIGHTS-OF-WAY.—

(1) ACQUISITION.—The Corporation may acquire by purchase, exchange, condemnation, or otherwise such additional property or improvements or interest therein (including any portion of any street, roadway, highway, alley, or right-of-way and any easements to and air rights on or above any public lands or rights-of-way) as are necessary for development of the Federal Triangle property.

(2) TRANSFER TO GSA.—At the time title to the Federal Triangle property reverts to the Administrator under subsection (a), the Corporation shall transfer to the Administrator, without compensation, title to any property or interest therein acquired under this subsection and improvements thereon.

SEC. 4. DEVELOPMENT PROPOSAL.

(a) PREPARATION AND CONTENTS.—The Corporation shall prepare a written proposal for development of the Federal Triangle property which shall include, but not be limited to, the following:

(1) A narrative description of the building to be constructed on the Federal Triangle property, including a description of the types of uses both public and private to be permitted in the building.

(2) A comprehensive plan prepared by the Administrator for providing space for Federal officers and employees in the building.

(3) A plan for inclusion of an international cultural and trade center comprising not to exceed 500,000 occupiable square feet, including a leasing plan prepared by the Commission for occupancy of such center and a plan for permitting conversion of space not used for such center to office space.

(4) A comprehensive plan for providing security for the building and its occupants and contents.

(5) A comprehensive plan for providing parking for motor vehicles of occupants of and visitors to the building and for providing access to the building by delivery and service vehicles.

(6) A statement prepared by the Administrator of rents and other housing costs currently being paid by the United States for Federal agencies to be housed in the building.

(7) Design criteria for the building.

(8) An estimate of the cost of construction of the building and of the annual cost to the United States of leasing the building under section 6.

(9) Environmental impact documentation for development of the Federal Triangle property under Federal laws and regulations.

(10) An analysis of the economic impact in the metropolitan area which includes the District of Columbia of development of the Federal Triangle property.

(11) terms and conditions approved by the Administrator for inclusion in the lease agreement under section 6.

(b) LIMITATIONS.—

(1) SIZE OF BUILDING.—The building (including parking facilities) to be constructed on the Federal Triangle property may not exceed 3,100,000 gross square feet in size.

(2) HEIGHT OF BUILDING.—The height of the building shall be compatible with the height of surrounding Government buildings.

(3) DESIGN.—The building shall be designed in harmony with historical and Government buildings in the vicinity, shall reflect the symbolic importance and historic character of Pennsylvania Avenue and the Nation's Capital, and shall represent the dignity and stability of the Federal Government.

(c) CONSULTATION REQUIREMENT.—In preparing the development proposal under subsection (a), the Corporation shall consult the Secretary of State, the Administrator, and the Commission.

(d) DUTIES OF THE ADMINISTRATOR AND COMMISSION.—

(1) ADMINISTRATOR.—The Administrator shall prepare and submit to the Corporation for inclusion in the development proposal under subsection (a)—

(A) a comprehensive plan for providing space for Federal officers and employees in the building to be constructed on the Federal Triangle property;

(B) a statement of rents and other housing costs currently being paid by the United States for Federal agencies to be housed in the building; and

(C) a list of terms and conditions which the Administrator has approved for inclusion in the lease agreement to be entered into under section 6.

(2) COMMISSION.—The Commission shall prepare and submit to the Corporation for inclusion in the development proposal under subsection (a) a leasing plan for occupancy of the international cultural and trade center under section 8.

(e) REVIEW AND APPROVAL OF DEVELOPMENT PROPOSAL BY GSA AND OTHERS.—

(1) SUBMISSION FOR REVIEW.—As soon as practicable but not later than 365 days after the date of the enactment of this Act, the Corporation shall submit the development proposal prepared under subsection (a) to the General Services Administration, the Commission, the National Capital Planning Commission, and the Commission of Fine Arts.

(2) APPROVAL OR RECOMMENDED MODIFICATIONS.—Not later than 60 days after the date of submission of the development proposal under paragraph (1), each governmental entity referred to in paragraph (1) shall notify the Corporation of approval or recommended modifications of the development proposal. If such governmental entity does not notify the Corporation of its approval or recommended modifications of the proposal within such 60-day period, such governmental entity shall be deemed to have approved the proposal.

(3) CONSULTATION.—In the event a governmental entity referred to in paragraph (1) submits recommended modifications of the development proposal within the 60-day period described in paragraph (2), the Corporation shall consult such entity regarding such modifications and may modify such proposal to take into account one or more of such recommended modifications.

(f) SUBMISSION FOR CONGRESSIONAL REVIEW.—Not later than 150 days after the date of submission of the development proposal to governmental entities under subsection (e)(1), the Corporation shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives for review and approval the development proposal with any modifications made under subsection (e)(3), a statement of the areas of difference between such proposal and the recommended modifications of each such governmental entity, and the views of the Corporation with respect to such differences.

(g) FUNDING.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall transfer from amounts appropriated to the Administrator $800,000 to the Corporation for carrying out this section.

SEC. 5. CONSTRUCTION OF BUILDING.

(a) SELECTION PROCESS.—

(1) GENERAL RULE.—Upon approval of the development proposal submitted under section 4(f) by resolutions adopted by the Committee on Environment and Public Works of

the Senate and the Committee on Public Works of the House of Representatives, the Corporation in accordance with its policies and procedures for a development competition, shall select a person to develop the Federal Triangle property.

(2) Consultation requirement.—In selecting a person to develop the Federal Triangle property, the Corporation shall consult the Administrator and the Commission.

(3) Competition.—The Corporation shall conduct a competition for selection of a person to develop the Federal Triangle property. Such competition shall be conducted in accordance with the existing policies and procedures of the Corporation for a development competition.

(4) Prohibition on payments for bids and designs.—The Corporation may not make any payment to any person for any bid or design proposal under the competition conducted under this subsection.

(b) Development Agreement.—

(1) Authority to enter.—The Corporation may enter into an agreement for the development of the Federal Triangle property in accordance with the development proposal approved under subsection (a) with the person selected to develop the Federal Triangle property.

(2) Contents.—The development agreement under paragraph (1) shall at a minimum provide for the following:

(A) The construction of a building on the Federal Triangle property in accordance with the architectural plans and specifications selected under the development competition.

(B) Ownership of such property and building will be by the United States; except that the person selected under subsection (a) may own such building for a term not to exceed 35 years beginning on the date on which construction of such building commences.

(C) The Administrator to lease such building from such person for the term determined under subparagraph (B).

(D) Inspection of such building during construction by the Administrator and the Corporation.

The agreement shall include a copy of the lease agreement and technical directives and specifications prepared by the Administrator and entered into by the Administrator and such person under section 6.

(c) Connection With Rail System.—The building to be constructed under this section may be connected with the rapid rail system operated by the Washington Metropolitan Area Transit Authority via a station located on the Federal Triangle property. The construction cost of making such connection shall be the responsibility of the person selected to develop the Federal Triangle property. The Washington Metropolitan Transit Authority may not charge any fee or other amount for the connection of such building to such rail system.

(d) Construction Standards and Inspection.—The building constructed under this section shall meet all standards applicable to construction of a Federal building. During construction, the Administrator and the Corporation shall conduct periodic inspections of such building for the purpose of assuring that such standards are being met.

(e) Treatment of PADC.—For purposes of any State or local law (including laws relating to taxation and building permits and inspections), the Corporation with respect to development of the Federal Triangle property shall be treated as the General Services Administration is treated with respect to acquisition and construction of a Federal building.

(f) Applicability of Certain Laws.—Any person who enters into an agreement with the Corporation under subsection (b) for development of the Federal Triangle property shall not, with respect to such development, be subject to any State or local law relating to building permits and building inspection. Such property and any improvements to such property shall not be subject to real and personal property taxation, or special assessments.

(g) Treatment of Federal Triangle Development Area.—For purposes of the Pennsylvania Avenue Development Corporation Act of 1972 (other than section 5), the Federal Triangle development area shall be treated as being a part of the development area described in section 2(f) of such Act (40 U.S.C. 871(f)). The Corporation shall have the same authority with respect to the Federal Triangle development area as it has with respect to the development area described in such section 2(f).

(h) Powers of the Corporation.—The Corporation shall have with respect to its duties under this Act any powers which the Corporation has under section 6 (other than paragraph (9) and (10)) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 875) with respect to its duties under such Act. The Corporation may enter into agreements with any Federal agency or the Commission with respect to this Act, or as permitted or authorized by 31 U.S.C. 1535.

(i) Authorization of Appropriation.—There is authorized to be appropriated, from the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), to the Administrator for transfer to the Corporation for carrying out this section and section 4 $3,700,000 for fiscal year 1988. Such sums shall remain available until expended.

SEC. 6. LEASE OF BUILDING BY GSA.

(a) Entry Into Agreement.—Before the development agreement is entered into under section 5, the Administrator shall enter into with the person selected to construct the building under section 5 an agreement for the lease of such building for Federal office space and the international cultural and trade center space.

(b) Terms of Agreement.—The agreement entered into under this section shall include at a minimum the following terms:

(1) The Administrator will lease the building for the term that the person selected to construct the building owns the building.

(2) The rental rate per square foot of occupiable space for all space in the building will be in the best interest of the United States and carry out the objectives of this Act, but in no case may the aggregate rental rate for all space in the building produce an amount less than the amount necessary to amortize the cost of development of the Federal Triangle property over the term of the lease.

(3) Obligations of funds from the Federal Building Fund shall only be made on an annual basis to meet lease payments.

(4) The Administrator will be permitted to sublease to the Commission for establishment, operation, and management of the international cultural and trade center under section 8.

(c) Accounting System.—The Administrator shall maintain an accounting system for operation and maintenance of the building to be constructed under section 5 which will permit accurate projections of the dates and the costs of major repairs, improvements, reconstructions, and replacements of such building and other capital expenditures on such building. The Administrator shall take such action as may be necessary to assure that funds are available to cover such projected costs and expenditures.

(d) Obligation of Funds.—Obligation of funds to make lease payments under this section may only be made on an annual basis and from amounts in the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

SEC. 7. INTERNATIONAL CULTURAL AND TRADE CENTER COMMISSION.

(a) Establishment.—There is established a commission to be known as the International Cultural and Trade Center Commission.

(b) Duties of Commission.—The duties of the Commission are as follows:

(1) To participate in accordance with section 4 in the planning of the building to be constructed under section 5.

(2) To enter into an agreement with the Administrator under section 8 for the lease of space in the building constructed under section 5 for establishment, operation, and maintenance of an international cultural and trade center.

(3) To operate and manage any space leased under section 8 in accordance with the objectives of this Act.

(4) To prepare under section 8 an annual report on the operation and management of such space.

(c) Membership.—

(1) Number and appointment.—The Commission shall be composed of 15 members as follows:

(A) The Secretary of State or his delegate.

(B) The Secretary of Commerce or his delegate.

(C) The Secretary of Agriculture or his delegate.

(D) The United States Trade Representative or his delegate.

(E) The Administrator or his delegate.

(F) The Director of the United States Information Agency or his delegate.

(G) The Chairman of the Corporation or his delegate.

(H) The Mayor of the District of Columbia or his delegate.

(I) The Chairman of the National Endowment for the Arts or his delegate.

(J) 6 individuals appointed by the President one of whom shall be a resident and registered voter of the District of Columbia and all of whom shall be specially qualified to serve on the Commission by virtue of their education, training, or experience in international trade, commerce, cultural exchange, finance, business, or management of facilities similar to the international cultural and trade center described in section 8.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(2) Terms.—

(A) General rule.—Except as provided in subparagraph (B), the terms of office of the private sector Members first taking office shall begin on the date of the enactment of this Act and shall expire as designated at the time of appointment, two at the end of two years, two at the end of four years, and two at the end of six years.

(B) Filling a vacancy.—Any member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(3) Pay.—Members of the Commission shall serve without pay; except that any member of the Commission appointed under paragraph (1)(J) shall while attending meetings of and attending hearings held by the Commission be entitled to travel or transportation expenses in accordance with section 5703 of title 5, United States Code.

(4) Quorum.—8 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(5) Designation of chairman.—The Chairman and Vice Chairman of the Commission shall be designated by the President; except that the Chairman may only be designated from individuals appointed under paragraph (1)(J).

(6) Meetings.—The Commission shall meet at the call of the Chairman but no less often than every 4 months.

(d) Staff of Commission.—

(1) General rule.—The Commission shall have a staff, including an executive director. Such staff shall be composed of individuals who may either be appointed under paragraph (2) or detailed under paragraph (3); except that the staff of the Commission may not at any time be composed of more than 15 individuals.

(2) Authority to appoint.—The Commission may appoint and fix the pay of not to exceed 10 individuals, including an individual to serve as the executive director of the Commission. Staff appointed under this paragraph shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that—

(A) the individual appointed to serve as the executive director and one other individual appointed to the staff of the Commission may be appointed and compensated without regard to such provisions; and

(B) the pay of any individual (other than the 2 individuals referred to subparagraph (A)) appointed under this paragraph shall be at a rate not to exceed the maximum rate of basic pay payable for GS-17 of the General Schedule.

(3) Detail.—Subject to paragraph (1), upon request of the Commission, the Secretary of State, the Secretary of Commerce, the Secretary of Agriculture, the Special Trade Representative, the Administrator, and the Director of the United States Information Agency may detail, on a reimbursable basis, such of the personnel of the department or agency such person heads as may be necessary to assist the Commission in carrying out its duties under this Act.

(e) Office Space and Supplies.—Upon request of the Commission, the Secretary of State, the Secretary of Commerce, the Secretary of Agriculture, the Special Trade Representative, the Administrator, and the Director of the United States Information Agency may provide, on a reimbursable basis, such office space, supplies, equipment, and other support services as may be necessary for the Commission to carry out its duties under this Act.

(f) Powers of Commission.—

(1) Hearings and sessions.—The Commission may, for the purpose of carrying out its duties under this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) Powers of members and agents.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) Obtaining official data.—The Commission may obtain from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(5) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) Authority to contract out.—Subject to applicable provisions of law, the Commission may enter into such contracts or agreements as the Commission considers appropriate to carry out any of its duties under this Act.

(7) Experts and consultants.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(g) Limitation on Expenses.—

(1) Maximum amount.—The maximum amount of expenses (including salaries, travel expenses, expenses for temporary and intermittent services, expenses under contracts or agreements entered into under subsection (f)(7), and supply expenses) which the Commission may incur in any fiscal year may not exceed $1,000,000 in any fiscal year.

(2) Adjustment for inflation.—Any dollar amount referred to in this subsection, subsection (h)(3), and section 8(d) may be adjusted by the Commission annually to reflect a percentage increase or decrease in the Consumer Price Index for All Urban Consumers for the preceding calendar year, as determined by the United States Department of Labor, Bureau of Labor Statistics.

(h) Funding.—

(1) Requests for transfers.—If the Commission incurs any expenses in carrying out its duties under this Act, the Commission may request the Secretary of State, the Administrator, or any other Federal official referred to in subsection (c)(1) to transfer to the Commission an amount equal to such expenses from funds appropriated to such official.

(2) Authority for transfers.—Subject to paragraphs (3) and (5), any official referred to in paragraph (1) may transfer such amounts from funds appropriated to such official as may be necessary to enable the Commission to carry out its duties under this Act.

(3) Maximum amount of requests and transfers.—The aggregate amount of requests for transfers, and the aggregate amount of transfers, under this subsection may not exceed $1,000,000 in any fiscal year.

(4) Deposit of receipts.—The Commission shall deposit all amounts it receives under this subsection into the account established by section 8(d).

(5) Limitation on effect.—This subsection shall not be effective with respect to any fiscal year beginning after the last day of the 2-year period beginning on the first day the Commission deposits under section 8(c) funds into the account established by section 8(d).

SEC. 8. OPERATION AND MANAGEMENT OF INTERNATIONAL CULTURAL AND TRADE CENTER.

(a) Lease of Space.—

(1) Agreement.—The Administrator and the Commission shall enter into an agreement for the Commission to lease from the Administrator not to exceed 500,000 square feet of occupiable space in the building to be constructed under section 5 to serve as an international cultural and trade center.

(2) Size.—The Commission shall determine the amount of space necessary for operation of the international cultural and trade center based upon demand, except that such space may not exceed 500,000 square feet of occupiable space. Upon certification of such demand by the Commission, the Administrator shall lease such amount of space to the Commission.

(3) Terms.—The agreement entered into under this subsection shall include at a maximum the following terms:

(A) The Commission will be permitted to sublease its space in such building to foreign missions, commercial establishments sponsored by foreign governments, and international cultural and trade organizations, including domestic organizations and State and local governments.

(B) All space leased by the Commission from the Administrator will be at such rate as the Administrator and the Commission may agree but not less than the rate established under section 6(b)(2) plus such amount as the Administrator determines is necessary to pay on an annual basis for the costs of administering such building (including operation, maintenance, and rehabilitation costs) which are attributable to such space.

(C) Such terms relating to default and nonperformance as the Administrator considers appropriate to protect the interests of the United States.

(b) Establishment of Center.—

(1) By commission.—The Commission shall establish, operate, and maintain an international cultural and trade center in the space leased from the Administrator under subsection (a).

(2) Contents.—The international cultural and trade center may include the following:

(A) Office space for foreign missions and domestic and international organizations involved in international trade or cultural activities.

(B) A world exhibition center providing space for exhibits from foreign nations.

(C) An international bazaar providing space for commercial establishments sponsored by foreign governments.

(D) An international center providing a centralized foreign trade reference facility, conference and meeting facilities, and audio-visual facilities for translating foreign languages.

(E) Such other facilities as are consistent with the objectives of this section.

(3) Subleasing of space.—

(A) Agreements.—The Commission may enter into agreements with foreign missions and international cultural and trade organizations (including domestic organizations and State and local governments) to sublease any or all of the space it leased from the Administrator under subsection (a). Space subleased to such missions and organizations may only be used for establishment of trade centers and exhibitions, offices, and commercial establishments described in paragraph (2) and such other facilities as the Commission determines are consistent with an international cultural and trade center.

(B) Terms and conditions.—An agreement entered into under this subsection shall be subject to such terms and conditions as the Commission determines are appropriate to carry out the objectives of this Act. The rental rate per square foot of occupiable space for space subleased under this subsection shall be determined in accordance with subsection (c); except that the Commission may adjust such rate with respect to any space subleased to a foreign mission in accordance with the recommendations of the Secretary of State acting in accordance with section 204(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4304(b)). The Secretary of State may reimburse the Commission for any expenses which are incurred by the Commission as a result of making adjustments in the rental rate for space under this subparagraph.

(4) Reference facility and cultural events.—The Commission may establish in a portion of the space leased from the Administrator under this section a centralized foreign trade reference facility and conference and meeting facilities and audio-visual facilities for translating foreign languages. The Commission may permit cultural events and other activities to be held in a portion of such space. The Commission shall establish in accordance with subsection (c) fees and charges for—

(A) the use of such facilities and auditorium, and

(B) the holding of such events and activities.

(c) Rents and Fees.—

(1) Establishment of amount.—The Commission shall establish the amounts of fees under subsection (b)(4), and establish a rental rate for space subleased under subsection (b)(3), taking into account the objectives of this section and the best interests of the United States. In any fiscal year beginning after the last day of the 2-year period beginning on the first day the Commission deposits under this subsection funds into the account established under subsection (d), the aggregate amount of such fees and rent shall not be less than the cost to the Commission of subleasing space from the Administrator under subsection (a) in such fiscal year plus the expenses (including salaries, travel expenses, expenses for temporary and intermittent services, expenses under contracts or agreements entered into under subsection 7(f)(7), supply expenses and any reimbursable expenses) incurred by the Commission in carrying out its duties under this Act in such fiscal year.

(2) Collection.—The Commission shall collect—

(A) rent for space subleased under subsection (b); and

(B) fees and charges under subsection (b).

(3) Deposit.—The Commission shall deposit all amounts collected under this subsection and all amounts transferred by the Secretary of State to the Commission under subsection (b)(3)(B) into the account established under subsection (d).

(d) Separate Account.—

(1) Establishment.—There is established in the Treasury of the United States a separate account.

(2) Contents.—The account shall include all amounts deposited by the Commission under subsection (c) and section 7(h).

(3) Availability.—Amounts in the account established under this subsection shall be available to the Commission to pay—

(A) all rents owed to the Administrator for lease of space under subsection (a); and

(B) all expenses (including salaries, travel expenses, expenses for temporary and intermittent services, expenses under contracts or agreements entered into under section 7(f)(7), and supply expenses) incurred by the Commission in carrying out its duties under this Act but not exceeding $1,000,000 in any fiscal year.

(4) Payments.—The Commission shall pay, from amounts in the account established by this subsection—

(A) for lease of space under subsection (a) on an annual basis amounts owed to the Administrator for deposit into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)); and

(B) all expenses incurred by it in carrying out its duties under this Act but not exceeding $1,000,000 in any fiscal year.

(5) Transfer of excess funds.—Periodically, but not less often than once per fiscal year, funds which the Commission determines are in excess of those needed to make the payments described in paragraph (4) shall be transferred by the Commission from the account established under this subsection to the fund established under section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(h) Annual Report and Budget.—The Commission shall prepare and transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives (1) an annual report in January of each calendar year on the operation and management of the space leased by the Commission under subsection (a) and the international cultural and trade center, and (2) a budget for such fiscal year for operation, maintenance, and alteration of such center, including amounts received and projected to be received by the Commission in such fiscal year and expenses incurred and projected to be incurred by the Commission in such fiscal year.

SEC. 9. DESIGNATION OF DEPARTMENTAL AUDITORIUM.

(a) The Departmental Auditorium, located on the Federal Triangle between the Custom Service building and Interstate Commerce Commission building on Constitution Avenue, shall hereafter be known and designated as the "Andrew W. Mellon Auditorium".

(b) Any reference in any law, regulation, document, record, map or other paper of the United States to the auditorium referred to in subsection (a) is deemed to be a reference to the "Andrew W. Mellon Auditorium".

SEC. 10. DEFINITIONS.

As used in this Act—

(1) Administrator.—The term "Administrator" means the Administrator of General Services.

(2) Commission.—The term "Commission" means the International Cultural and Trade Center Commission established by section 7.

(3) Corporation.—The term "Corporation" means the Pennsylvania Avenue Development Corporation.

(4) Federal triangle development area.—The term "Federal Triangle development area" means the area which begins at a point on the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue (formerly E Street), Northwest; thence southerly along the west side of Fourteenth Street to the northwest corner of the intersection of Fourteenth Street and Constitution Avenue, Northwest; thence easterly along the north side of Constitution Avenue to the northeast corner of the intersection of Twelfth Street and Constitution Avenue, Northwest; thence northerly along the east side of Twelfth Street and Constitution Avenue, Northwest; thence northerly along the east side of Twelfth Street to the southeast corner of the intersection of Twelfth Street and Pennsylvania Avenue, Northwest; thence westerly along the south side of Pennsylvania Avenue to the point of beginning being the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue (formerly E Street), Northwest.

(5) Federal triangle property.—The term "Federal Triangle property" means—

(A) the property owned by the United States in the District of Columbia, known as the "Great Plaza" site, which consists of squares 256, 257, 258, parts of squares 259 and 260, and adjacent closed rights-of-way as shown on plate IV of the King Plats of 1803 located in the Office of the Surveyor of the District of Columbia; and

(B) any property acquired by the Corporation under section 3(b);

except that for purposes of section 3 such term does not include any property referred to in subparagraph (B).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

OPTIONAL ACREAGE DIVERSION ACT OF 1987

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 3093) to expand and improve the optional acreage diversion program for the 1988 crop of wheat, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

Mr. MARLENEE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Kansas [Mr. Glickman].

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Speaker, this bill amends the existing 50-92 provision in the 1985 farm bill and will permit a producer to receive as much as 92 percent of his expected deficiency payment for his 1988 wheat crop, even if he does not harvest the crop. The bill stipulates payment rates. If the producer selects this option he will be guaranteed that the rate per bushel will be not less than the expected deficiency payment for the 1988 wheat crop.

The bill makes a variety of requirements for the Secretary to carry out this program, including he must promulgate regulations to ensure that producers who select the 0-92 for their crops will not have their base or yield history affected by the crop.

I would just say in addition this bill saves dollars. The program, according to the Department, for the crop will save anywhere between $115 million to $500 million because it is less advantageous for many producers to go this route. But this is an optional diversion program and it allows some people to participate in it. The Department does not oppose this bill.

We had a 0-92 program for wheat in the 1987 crop year. This is 0-92 for 1988 for wheat and feed grains. This is a money saver.

Why are we doing this now? Two reasons.

One is we thought maybe we could get it into a reconciliation package, but we are not going to have a reconciliation package until September, and the wheat producers need to know very, very quickly if they will have this option available to them so that they will not have to unnecessarily make planting decisions that are expensive knowing this program is available.

We thought if we sent this over to the Senate today there is a chance that they might buy it, and if not they might buy it early enough in September so as to give those producers that particular option.

We have also been advised that the Congressional Budget Office will agree that this is a money saver and will count toward our reconciliation goals.

On balance, we are doing this now because we are trying to get an early start to make sure our wheat producers in this country are well aware of this particular option in trying to get it enacted. And also to take advantage of the savings that we will accrue from this bill in reconciliation.

The gentleman from Illinois [Mr. MADIGAN] amended this bill in committee to include feed grains as well as wheat. So we think we have a bill that is roughly comparable to the kind of program we tried last year on an optional basis.

It saves a lot of money over a period of years, it gives producers an option that they do not already have, and it provides some help for reconciliation purposes.

So for these reasons I think it is advisable that the bill be passed today. The bill was passed out of the Agriculture Committee on Wednesday with the help of our chairman, the gentleman from Texas, Mr. DE LA GARZA.

Mr. MARLENEE. Further reserving the right to object, I thank the chairman of the Subcommittee on Wheat and Feed Grains for his explanation.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. Further reserving the right to object, I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I urge the House to approve H.R. 3093, with the committee amendment. The bill must be acted on now to accommodate the producers of the 1988 crop of winter wheat. These farmers, in some areas of the country, will begin planting their 1988 crop in September. And, their planting decisions would be effected by this legislation.

The bill has been cleared on both sides and should be noncontroversial. It will extend the so-called 0-92 program for wheat and feed grain, begun for the 1987 crops, to the 1988 crops.

The 0-92 program does not make any substantive changes in the 1985 farm bill; it just expands the 50-92 program to encompass larger set-sides.

The 0-92 program and 50-92 program are designed to give producers of these commodities, which are now in surplus supply, a chance to scale down production. Producers will be able to participate in the 1988 farm programs by putting their wheat or feed grain land into conserving uses in 1988.

Given current surpluses, it makes good sense to try to reduce supplies. By doing so, we will reduce Federal farm program costs. In fact, the USDA estimates that this bill will reduce farm program costs by up to $500 million over the next crop year.

I encourage the House to adopt this measure.

Mr. MARLENEE. Further reserving the right to object, again I thank the chairman for his explanation of the bill. This is somewhat of an unusual procedure, but it is my understanding that time was of the essence, that planning is imminent, and we must proceed with this in the most expeditious manner.

I would further ask the chairman, under my reservation of objection, to confirm that this bill contains provisions which would protect rural agrobusiness or service businesses against any adverse impacts by directing the Secretary of Agriculture specifically to implement this program in such a manner as to avoid such adverse impacts on agriculturally related businesses.

In other words, if the Secretary sees that too much cropland in a particular area or county would be taken out of production, and thus because small businesses which provide supplies and services to farmers and ranchers would suffer, that he has the authority to limit to some extent the total acreages of wheat or feed grains which would be allowed to participate in the 0-92 program. Is that correct?

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, the gentleman is correct. The gentleman is restating his amendment which was offered in the committee, which was accepted by the committee.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. Further reserving the right to object, I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I wanted to raise that question myself. I wonder if one of the gentlemen can explain that just a little bit more for those of us who are not on the committee, because that is an important provision in my part of the country where we have large participation in the conservation program.

Mr. MARLENEE. Further reserving the right to object, I assure my colleague from Minnesota that we attempted in the committee, in the full committee, and did put an amendment in there. It was the committee's intention that the Secretary of Agriculture would consider all programs that took land out of production, the conservation reserve program, the set-asides, the 0-92, examine the impacts of those on agrobusiness, and if there were adverse impacts that he would consider limiting participation in one or more of the programs.

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That was the intent of the subcommittee.

Mr. Speaker, further reserving the right to object, I would yield to my colleague from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3093—a bill to expand and improve the optional acreage diversion program known as 0-92 which I initiated earlier this year in response to the natural disasters suffered by many of the wheat producers in my part of the country last fall.

I am one of the three original sponsors of this bill and I want to briefly explain to my colleagues why this bill makes good sense not only for American farmers but also for American taxpayers.

This bill will allow wheat and feed grain producers to idle all or any part of their permitted acreage and still qualify for 92 percent of their Government deficiency payments which are provided under the 1985 farm bill. It should be made clear that this measure will not create any new program benefits, but in reality will extend the authority these producers already have under current law to idle up to 50 percent of their permitted acreage while receiving income support payments.

The 0-92 voluntary acreage diversion is simply one more tool producers will have at their disposal for improving farm income without impacting on the Federal budget deficit, and in fact, will result in savings in our farm programs.

The incentives we will give farmers in this bill to take land out of production in the next crop year will help boost market prices by reducing the surplus stocks that already overhang the marketplace. At the same time this provision will provide Federal budget savings through reduced loan forfeitures and storage costs that would otherwise occur if producers were to continue planting to the fullest extent possible under the Federal farm programs.

The U.S. Department of Agriculture has estimated that anywhere from $100 million to more than $500 million in Federal cost savings could be achieved if this program were to be enacted for the new crop year. It was certainly the intention of this Member to support this 0-92 provision as part of the House Agriculture Committee's budget reconciliation efforts to find the necessary budget savings in farm programs specified under the fiscal year 1988 budget resolution.

And I believe that the committee will continue to pursue this effort when we return from the August recess, but if we don't pass this measure today it will very possibly be too late for the producers in my area of the country which are beginning now to plant their 1988 winter wheat crop to consider this as a viable alternative to the current farm programs. Without this authority, these producers will not be able to voluntarily, and I emphasize voluntarily, choose to idle their land and help achieve these vitally important budget savings.

One final issue I would like to address concerns the potential impact this provision might have on agri-industries. I would point out to my colleagues that this bill now includes an important provision that will require the Secretary of Agriculture to implement the 0-92 program in such a manner as to minimize any adverse impact on agribusiness and other agriculturally related economic interests within any given county, State, and/or region of the country. This bill also directs the Secretary to report back to the Congress on the estimated economic losses or gains which may accrue to these agricultural support industries as a result of the implementation of this bill.

Mr. Speaker, this bill requires the immediate attention of this body if we are to be successful in providing this flexible and budget-saving tool for our farmers in the 1988 crop year. I urge my colleagues to support H.R. 3093.

Mr. MARLENEE. Further reserving the right to object, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise in support of the legislation and wish to commend the chairman of the subcommittee, the gentleman from Kansas [Mr. GLICKMAN], the gentleman from Montana [Mr. MARLENEE], the gentleman from Kansas [Mr. ROBERTS], and the gentleman from Oklahoma [Mr. ENGLISH], and the chairman of the full committee, the gentleman from Texas [Mr. DE LA GARZA], for giving our farmers another tool with which to face another year in agriculture. I think it is an important tool.

Mr. Speaker, I wish to request the other body, the Senate to take prompt action on this bill so that our farmers who are preparing for their wheat plantings will be able to make use of this tool in making that decision.

Mr. MARLENEE. Further reserving the right to object, I would yield to my colleague from Minnesota.

Mr. WEBER. Mr. Speaker, I also rise in support of the 0-92 program. I wonder if the gentleman from Montana can explain to us a little bit about the restrictions that may exist under the program for the planting of nonprogram crops on 0-92 acres.

Mr. Speaker, I rise in support of this legislation, which will give farmers another option in their production decisions and take a step toward a more effective farm policy.

The 0-92 provision is good for farmers. It allows those farmers who are carrying a high variable cost of production to not plant their corn or wheat base and receive 92 percent of their deficiency payment. For many farmers, it will give them the chance to get off the treadmill, reduce some of their debt, and take some of their marginal land out of production.

This bill includes provisions to ensure that this measure does not hurt agribusinesses or producers of nonprogram crops. The Secretary may not allow farmers to plant alternative crops if that increased planting would cause a surplus. In addition, the Secretary has the power to limit participation in 0-92 in areas where high enrollment in this program and the Conservation Reserve Program threaten local agribusinesses.

This legislation is also good for the Government. The 0-92 provision will result in Government savings of anywhere from $300 million to $400 million in the wheat and corn programs. Ironically, we could save even more money if we had designed this program to be 0-100. If we encourage more farmers to enter the program, by providing them a full deficiency payment, the cost of the added deficiency payment would be swamped by the extra savings from reduced crop loans.

In the future, I would like to see further consideration by the Congress of a 0-100 provision. Besides the additional savings to the Government, it would make a farmer's planting decision less affected by the Government program.

This bill is a step in the right direction. We have given farmers an added choice, provided balance that will protect other sectors of the farm economy, and produced a measure that will cut Government costs. I urge my colleagues to approve this legislation.

Mr. MARLENEE. Mr. Speaker, I would be happy to yield to my colleague, the chairman of the subcommittee, the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. This is the exact same as in the current 50-92 program.

Mr. WEBER. So there is no change.

Mr. GLICKMAN. None, none.

Mr. WEBER. I thank the gentleman for yielding and I commend the committee for their action.

Mr. MARLENEE. Further reserving my right to object, Mr. Speaker, I yield to the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. I thank the gentleman for yielding.

Mr. Speaker, I commend the gentleman from Kansas [Mr. GLICKMAN] and the gentleman from Montana [Mr. MARLENEE] for their work in this effort.

Mr. Speaker, I wish to thank you for this opportunity to speak in support of the measure before us, H.R. 3093, the Optional Acreage Diversion Act of 1987. This legislation will preserve farm income while addressing the problem of surplus grain stocks. Furthermore, the Optional Acreage Diversion Act of 1987 provides an additional alternative to those faced with the most difficult task of finding more than $2.1 billion in reductions of the Government's agriculture budget for fiscal year 1988.

This is one of very few options offered that would yield a portion of the savings that may be required in budget reconciliation, while not reducing the income of our already financially strapped farmers. I think it is very important that we remember as we consider this bill that we are going to be asked to make very difficult decisions, very soon, regarding the financial assistance farmers receive from the Federal Government. We would be wise to have as many options available to us as possible, when we begin the budget reconciliation process.

The 0/92 option for wheat and feed grains will not only give us the opportunity to reduce expenditures by up to $200 million in fiscal year 1988, but it also contains potential savings of over $900 million through the year 1990. This means 0/92 could provide over 16 percent of the budgetary savings necessary at this time to bring the Federal budget under control.

Mr. MARLENEE. Mr. Speaker, further reserving the right to object, we considered an amendment in the full committee regarding the basis upon which the Department of Agriculture would test and would adjust protein levels in wheat. It seems that they have changed the method, that it is costing our farmers a considerable amount of money. There does not seem to be a good basis for changing this. Instead of an "as is" basis which is tested on a very scientific and accurate measure and basis, they are basing it on moisture content. We withdrew that amendment.

Mr. Speaker, I had a discussion with the chairman of the subcommittee and we have introduced a bill and I would yield to the chairman for that purpose.

Mr. GLICKMAN. Mr. Speaker, if the gentleman will yield, the gentleman is totally on target in terms of his concern about the arbitrariness in the reduction in the price that the producer receives because of the determination of protein content.

I have told the gentleman and I will cooperate with him in trying to get the matter resolved administratively. If we cannot, I have committed to the gentleman that we would move legislation as soon as we come back in September to deal with this matter legislatively.

Mr. MARLENEE. Further reserving the right to object, Mr. Speaker, I want to commend the chairman of the subcommittee and the chairman of the full committee and the gentleman from Kansas [Mr. ROBERTS], who has done an excellent job and is one of the cosponsors of the bill.

Mr. ROBERT F. SMITH. Mr. Speaker, I rise in support of H.R. 3093. This legislation is a first step toward reducing the costs of the 1988 Agriculture budget, as well as giving wheat growers a valuable alternative to crop production. As a member of the Republican Task Force on Budget Reconciliation, I am very concerned about the proposed reduction in the 1988 Agriculture budget of $1.2 billion. The effects of these cuts could be disastrous if not implemented in a logical manner aimed at protecting the intent of the 1985 farm bill. Changing the current 50-92 program to 0-92 will save $10 to $20 million in 1988 and a total of $40 to $50 million by 1990.

I was seriously concerned about the haying and grazing provisions contained in this legislation. My concern was that Congress has created huge surpluses in program crops through a subsidy program and we do not want that to spill over to nonsubsidized crops. The 1985 farm bill is subsidizing people to take their land out of production. I believe it is unfair to allow them to compete with those who grow hay or grass for a living. Thus placing them in competition with those who are paid by the Government not to produce under the new 0-92 provision. I believe it is philosophically wrong to permit these farmers and ranchers to take what amounts to two bites from the same Government apple.

My amendment, offered during committee markup and passed by unanimous consent, will help correct this inequity. It will prohibit haying and grazing on lands enrolled in the 0-92 program. The Secretary of Agriculture will have the authority to allow haying and grazing only in cases of disasters and only if it will not impact related businesses including machinery, seed, fertilizer, and the cattle industry.

Mr. MARLENEE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Optional Acreage Diversion Act of 1987".

SEC. 2. Effective only for the 1988 crop of wheat, section 107D(c)(1)(C) of the Agricultural Act of 1949 is amended by—

(1) in clause (i)—

(A) inserting ", or all such permitted acreage," after "permitted wheat acreage of the farm for the crop";

(B) in subclause (I) thereof, inserting "(or all)" after "such portion", and

(C) adding at the end thereof the following: "Notwithstanding any other provision of this section, any producer who elects to devote all or a portion in excess of 50 per centum of the 1988 permitted wheat acreage of the farm to conservation uses (or other uses as provided in subparagraph (K)) under this subparagraph shall receive deficiency payments on the acreage that is considered to be planted to wheat and eligible for payments under this subparagraph for such crop at a per-bushel rate established by the Secretary, except that such rate may not be established at less than the projected deficiency payment rate for the crop, as determined by the Secretary. Such payment rate for the 1988 crop shall be announced by the Secretary prior to the period during which wheat producers may agree to participate in the program for such crop.";

(2) striking out "To be" in clause (ii) and inserting in lieu thereof "Effective for the 1986, 1989, and 1990 crops, to be";

(3) in clause (iii), striking out "If" in the first sentence and inserting in lieu thereof "Effective for the 1986, 1989, and 1990 crops, if"; and

(4) in clause (iv)—

(A) inserting "(or all)" after "such portion"; and

(B) inserting "under this subparagraph" after "subparagraph (K))".

SEC. 3. Not later than thirty days after the date of enactment of this Act, the Secretary of Agriculture shall issue regulations implementing the amendments made to section 107D(c)(1)(C) of the Agricultural Act of 1949 by section 2.

(A) Such regulations shall include provisions that ensure that the wheat crop acreage base and farm program payment yield for any farm will not be reduced if the producers on the farm set aside from production all, or a portion, of the producer's 1988 permitted acreage under the acreage diversion program under section 107D(c)(1)(C) as so amended.

(B) Such regulations shall ensure, to the maximum extent practicable, that the program authorized by this Act will not adversely affect the relationships between landlords and tenants, regarding any crop acreage base entered into the program authorized by this Act, in existence at the date of enactment of this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Glickman: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Operational Acreage Diverson Act of 1987".

SEC. 2. Effective only for the 1988 crop of wheat, section 107D(c)(1) of the Agricultural Act of 1949 is amended by—

(1) in subparagraph (C)—

(A) in clause (i)—

(i) inserting ", or all such permitted acreage," after "permitted wheat acreage of the farm for the crop";

(ii) in subclause (I) thereof, inserting "(or all)" after "such portion"; and

(iii) adding at the end thereof the following: "Notwithstanding any other provision of this section, any producer who elects to devote all or a portion in excess of 50 per centum of the 1988 permitted wheat acreage of the farm to conservation uses (or other uses as provided in subparagraph (K)) under this subparagraph shall receive deficiency payments on the acreage that is considered to be planted to wheat and eligible for payments under this subparagraph for such crop at a per-bushel rate established by the Secretary, except that such rate may not be established at less than the projected deficiency payment rate for the crop, as determined by the Secretary. Such projected payment rate for the 1988 crop shall be announced by the Secretary prior to the period during which wheat producers may agree to participate in the program for such crop.";

(B) striking out "To be" in clause (ii) and inserting in lieu thereof "Effective for the 1986, 1989, and 1990 crops, to be";

(C) in clause (iii), striking out "If" in the first sentence and inserting in lieu thereof "Effective for the 1986, 1989, and 1990 crops, if"; and

(D) in clauses (iv)—

(i) inserting "(or all)" after "such portion"; and

(ii) inserting "under this subparagraph" after "subparagraph (K)) "; and

(2) in subparagraph (K)—

(A) in clause (ii)(I), striking out "subclause (II)" and inserting in lieu thereof "subclauses (II) and (III)"; and

(B) adding at the end thereof the following:

"(III) Haying and grazing shall not be permitted for the 1988 crop on a farm under subclause (I) on more than 50 per centum of the permitted wheat acreage of the farm.".

SEC. 3. Effective only for the 1988 crop of feed grains, section 105C(c)(1) of the Agricultural Act of 1949 is amended by—

(1) in subparagraph (B)—

(A) in clause (1)—

(i) inserting ", or all of such permitted acreage," after "permitted feed grain acreage of the farm for the crop";

(ii) in subclause (I) thereof, inserting "(or all)" after "such portion"; and

(iii) adding at the end thereof the following: "Notwithstanding any other provision of this section, any producer who elects to devote all or a portion in excess of 50 per centum of the 1988 permitted feed grain acreage of the farm to conservation uses (or other uses as provided in subparagraph (I)) under this subparagraph shall receive deficiency payments on the acreage that is considered to be planted to feed grains and eligible for payments under this subparagraph for such crop at a per-bushel rate established by the Secretary, except that such rate may not be established at less than the projected deficiency payment rate for the crop, as determined by the Secretary. Such projected payment rate for the 1988 crop shall be announced by the Secretary prior to the period during which feed grain producers may agree to participate in the program for such crop.";

(B) striking out "To be" in clause (ii) and inserting in lieu thereof "Effective for the 1986, 1989, and 1990 crops, to be";

(C) in clause (iii), striking out "If" in the first sentence and inserting in lieu thereof "Effective for the 1986, 1989, and 1990 crops, if"; and

(D) in clause (iv)—

(A) inserting "(or all)" after "such portion"; and

(B) inserting "under this subparagraph" after "subparagraph (I))"; and

(2) in subparagraph (I)—

(A) in clause (ii)(I), striking out "subclause (II)" and inserting in lieu thereof "subclauses (II) and (III)"; and

(B) adding at the end thereof the following:

"(III) Haying and grazing shall not be permitted for the 1988 crop on a farm under subclause (I) on more than 50 per centum of the permitted feed grain acreage for the farm.".

Sec. 4. Not later than thirty days after the date of enactment of this Act, the Secretary of Agriculture shall issue regulations implementing the amendments made to sections 107D(c)(1) and 105C(c)(1) of the Agricultural act of 1949 by sections 2 and 3, respectively.

(A) such regulations shall include provisions that ensure that the wheat or feed grain crop acreage base and farm program payment yield for any farm will not be reduced if the producers on the farm set aside from production all, or a portion, of the producer's 1988 permitted acreage under the acreage diversion program under section 107D(c)(1)(C) or 105C(c)(1)(B), respectively, as amended under this Act.

(B) Such regulations shall ensure, to the maximum extent practicable, that the programs authorized under this Act will not adversely affect the relationships between landlords and tenants, regarding any crop acreage base entered into such programs, in existence at the date of enactment of this Act.

Sec. 5. The Secretary of Agriculture shall implement the programs authorized under this Act in such a manner as to minimize any adverse effect on agribusiness and other agriculturally related economic interests within any county, State, or region by restricting the total amount of wheat or feed grain acreage that may be taken out of production under the programs, taking into consideration the total amount of wheat or feed grain acreage that has or will be removed from production under other price support, production adjustment, or conservation program activities.

Mr. GLICKMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Speaker, this amendment reflects the action of the committee.

Mr. MARLENEE. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding. Mr. Speaker, will the gentleman explain the amendment?

Mr. GLICKMAN. Mr. Speaker, the amendment reflects the action of the Committee on Agriculture that we took, including the amendment of the gentleman on the limitation of the use of 0-92 and everything else. It reflects all the actions we took to amend the bill in committee.

Mr. MARLENEE. If the gentleman would yield further, I would urge passage of the 0-92 legislation and the amendment we just heard.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Kansas [Mr. Glickman].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. Glickman] is recognized for 1 hour.

Mr. GLICKMAN. Mr. Speaker, I yield such time as he may consume to the very distinguished member of the committee, the gentleman from Virginia [Mr. Olin].

Mr. OLIN. I thank the gentleman for yielding and for giving me a chance to make some comments on his amendment and his bill.

Mr. Speaker, I regret to say that I am rising in opposition to the bill. I really feel that it is not appropriate to bring this kind of a change in farm policy to the floor in the first place under suspension, particularly with the unanimous-consent request at this late date.

I think the bill needs to be discussed somewhat. I am going to discuss it not for a great length of time, but for enough.

This bill would establish for 1 year the policy of paying farmers not to plant corn, wheat, feed grains, those particular commodities. It represents an extension and change in the basic farm policy of this country. The 1985 farm bill, as we all know, laid out a program of trying to get agriculture focused on the market. We specified in that program that we would put a ceiling on the increase of target prices, we would look forward in the 4th and 5th years of that program to bring target prices down. We decided to lower loan rates, to encourage the farmers to think more of the economics of their operations and try to get themselves in a position where they could sell profitably to the market without extensive Government subsidies. This amendment and the bill of the gentleman would pay the farmers 92 percent of the regular deficiency payment for crops not planted, wheat, corn, and feed grains.

The authorization in this bill is only for 1 year, but I do not really believe that it would end there. I think this would stand a very good chance of becoming a permanent portion of our farm policy.

In that respect, I just have a strong philosophical disagreement with it.

I felt that one of the big dangers we have had in our farm policy is excessive price supports, excessive incentives to produce. Now we are talking about something that might become permanent where we are not going to pay farmers a rather healthy level to produce, but we are going to start paying them for not producing. I think we are moving backward in this respect, I think we are going away from the primary purpose of the 1985 farm bill.

I think it is in the wrong direction. I just do not believe you are ever going to get the budget balanced. This bill is for the purpose of trying to lower the Government cost. But everybody knows that over the last 10 years we have succeeded in raising the Government cost of these programs from around $5 billion to $25 billion. And as we added more and more Government programs that has been the result.

In addition, this particular bill is very unfair to people in the livestock business. It would permit more land to be made available for haying and grazing, not 100 percent of the land involved, but half of the land involved. It would put farmers who previously had been raising wheat and corn, and feed grains in the position of going into the livestock business with a Government subsidy. I think that is a very, very bad policy. It is also quite contrary to the intent of the farm bill with regard to allowing a reasonably long period of time for agriculture to readjust itself to the market. This would accelerate the reduction of acreage, it would be very unfair to agribusinesses. I think, Mr. Speaker, it is unwise to bring the bill up. I am opposed to the bill. I would hope that Members of the House will react against the bill and not make this change.

I thank the gentleman for allowing me the time to speak.

Mr. GLICKMAN. I appreciate the remarks of the gentleman.

Mr. Speaker, I just want to make a couple of quick remarks before I yield back the balance of my time.

This bill does save over a period of years several hundred million dollars, it removes the incentive to overproduce at least with respect to those people who decide to participate.

Finally, there is no change in the current law in terms of the livestock provision. So it should have no other negative impact beyond what is currently existing law.

I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the bill.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to expand and improve the optional acreage diversion program for the 1988 crops of wheat and feed grains."

A motion to reconsider was laid on the table.

URGING THE PRESIDENT TO MAKE DEVELOPMENT OF AGRICULTURAL MARKETS IN DEVELOPING COUNTRIES A HIGH PRIORITY

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture and the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 151) urging the President to make the development of agricultural markets in developing countries a high priority of the foreign economic policy of the Nation, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MARLENEE. Mr. Speaker, reserving the right to object, I do so in order to yield to my colleague from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation, I commend Chairman DE LA GARZA and members of the Committee on Agriculture for bringing it to us today. This legislation is fully consistent with one of the primary recommendations of the National Commission on Agricultural Trade and Export Policy of which I was an active member as was Chairman DE LA GARZA and several other Members of the House and of the other body. I think it is extremely important that the sentiment contained in this resolution be expressed by the Congress, that it become an important part of our foreign economic policy for the country to promote agricultural markets in developing countries. Likewise I believe that the committee's suggestion regarding a specific country by country strategy within that national framework and strategy is also very important.

So as a member of the Trade Subcommittee of the Committee on Foreign Affairs where we also shared jurisdiction in the area of agricultural exports, I want to speak out strongly in support of the resolution.

I thank the gentleman for yielding.

Mr. MARLENEE. Further reserving the right to object, if the chairman of the subcommittee would answer a question, I note the last paragraph that says:

> In doing so to make more effective use of food aid and agricultural export development tools provided in the Food Security Act of 1985 and other laws by developing on a country by country basis a broad comprehensive and integrated program of food aid and economic development, assistance to build future foreign commercial markets for United States agricultural products.

This goes along with the intent and direction of the 1985 farm bill as the chairman so well knows. Does it not?

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. Under my reservation, I yield to the chairman.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Speaker, the gentleman is correct.

Mr. MARLENEE. I think this is an excellent piece of legislation. This is what we need to do. We need to recognize that we are in an international world of competition. This kind of resolution urging the administration to take the kind of actions that we intended in 1985 in the farm bill is essential and I would urge its passage.

Mr. EMERSON. Mr. Speaker, I rise in strong support of this legislation, and I urge my colleagues to support it as well.

It is not often we can adopt farm legislation that both saves money and protects producer income. This bill does that. It will provide a mechanism to reduce commodity surpluses, thereby reducing storage costs, while maintaining producer income.

I do share the concern of my colleague from Montana, that we also take into consideration the interest of agribusiness, and make certain that we balance their needs in this program. On whole, however, I believe this is a good bill, and I urge my colleagues to support it.

Mr. MARLENEE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 151

Whereas the producers of food and fiber in the United States have the capacity to produce 40 percent more than is consumed in the domestic market;

Whereas economic prosperity of the United States farmer and rural America are unalterably linked to strong agricultural exports and export growth:

Whereas agricultural exports have declined for the past 6 years and the farm and rural economic sector of the United States continues of suffer;

Whereas the recommendations of the National Commission on Agricultural Trade and Export Policy, and the preponderance of the research of the Economic Research Service of the Department of Agriculture, private foundations, land grant colleges, and other institutions, support the use of a coordinated program of food aid and economic development assistance to build future foreign commercial markets for United States agricultural products; and

Whereas the food aid and agricultural export development tools provided in the Food Security Act of 1985 have not been used to the fullest extent possible: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress urges the President—

(1) to make development of agricultural markets in developing countries a high priority of the foreign economic policy of the Nation; and

(2) in doing so, to make more effective use of the food aid and agricultural export development tools provided in the Food Security Act of 1985 and other laws, by developing, on a country by country basis, a broad, comprehensive, and integrated program of food aid and economic development assistance to build future foreign commercial markets for United States agricultural products.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. DE LA GARZA: Strike out the preamble and insert the following in lieu thereof:

Whereas the producers of food and fiber in the United States have the capacity to produce 40 percent more than is consumed in the domestic market;

Whereas economic prosperity of the United States farmer and rural America are unalterably linked to strong agricultural exports and export growth;

Whereas agricultural exports have declined for the past 6 years and the farm and rural economic sector of the United States continues to suffer;

Whereas the potential for an increase in demand for U.S. agricultural exports to developing countries can be enhanced through extension of economic assistance and other measures to promote economic growth in those countries;

Whereas the recommendations of the National Commission on Agricultural Trade and Export Policy, and the preponderance of the research of the Economic Research Service of the Department of Agriculture, private foundations, land grant colleges, and other institutions, support the use of a coordinated program of food aid and economic development assistance to build future foreign commercial markets for United States agricultural products; and

Whereas the food aid and agricultural export development tools provided in the Food Security Act of 1985 have not been used to the fullest extent possible: Now, therefore, be it

Mr. DE LA GARZA [during the reading]. Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

□ 1125

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3093, the bill previously passed, and on House Concurrent Resolution 151, the concurrent resolution just adopted.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENDING THE REPORTING DATE FOR THE ETHANOL COST EFFECTIVENESS STUDY

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the Senate bill (S. 1597) to amend the Farm Disaster Assistance Act of 1987 to extend the reporting date for the ethanol cost effectiveness study.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I would like to tell my colleagues that we have the support of our minority leader, the gentleman from Illinois [Mr. MICHEL] and of the gentleman from Illinois [Mr. MADIGAN], who is the ranking member of the Committee on Agriculture.

Under my reservation, I would simply like to thank the committee chairman for expediting this process to extend the life of the ethanol panel from 90 to 180 days so we can have some very valuable work from that panel and so we can make the appointments which have been held up.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ETHANOL COST-EFFECTIVENESS STUDY.

(a) IN GENERAL.—Section 13(d) of the Farm Disaster Assistance Act of 1987 (Public Law 100-45; 101 Stat. 324) is amended by striking out "90 days" and inserting in lieu thereof "180 days".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on May 27, 1987.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 132, NATIONAL DAY OF REMEMBRANCE OF THE ARMENIAN GENOCIDE OF 1915-1923

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 238 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 238

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the joint resoluton (H.J. Res. 132) designating April 24, 1987, as "National Day of Remembrance of the Armenian Genocide of 1915-1923" and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the joint resolution shall be considered for amendment under the five-minute rule. In lieu of the amendment now printed in the joint resolution, it shall be in order to consider, any rule of the House to the contrary notwithstanding, the text following the resolving clause and the preamble printed in the report of the Committee on Rules accompaning this resolution as original text for the purpose of amendment. Amendments in the House and in the Committee of the Whole to the text following the resolving clause, including amendments in the nature of a substitute, must be germane to that text and amendments to the preamble must be germane to the preamble. Consideration of all amendments to the text following the resolving clause and to the preamble made in order by this resolution shall not exceed two hours. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the joint resolution or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. GLICKMAN). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 238 provides for the consideration of House Joint Resolution 132 designating April 24, 1988, as "National Day of Remembrance of the Armenian Genocide of 1915-1923."

The rule provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service.

The rule makes in order the text of House Joint Resolution 132 plus a preamble, printed in the report of the Committee on Rules, any rule of the House to the contrary notwithstanding, as original text for the purposes of amendment.

The rule further provides that all amendments, including amendments in the nature of a substitute, to the text following the resolving clause must be germane to that clause and that amendments to the preamble must be germane to the preamble.

Mr. Speaker, the rule limits the consideration of all amendments to the text following the resolving clause or to the preamble to 2 hours. The rule also provides for one motion to recommit.

Mr. Speaker, if I could, I would like to take a minute to talk a bit about this legislation and the rule we are currently considering. There are Members who feel that House Joint Resolution 132, despite many sincere efforts to soften it, is still too hard on the current Turkish Government. In a further effort to make this legislation less offensive to the Republic of Turkey, the sponsors added the preamble which seeks to broaden the resolution to show the Turkish Government that we do not intend to single them out or to isolate them in this resolution.

By referencing acts of genocide and other instances of man's inhumanity to man, such as the Jewish Holocaust, Cambodian genocide and the destruction of native populations throughout the Americas, the sponsors sought to show that they did not intend to point the finger or isolate any government or people in the resolution.

The sponsors wanted to attach the preamble to the resolving clause so it would come to the floor as one single legislative vehicle—not just a resolution and an amendment. They go together and the sponsors wanted to present them together. For this reason, the rule provides for the consideration of the preamble and the resolving clause as one amendment in the nature of a substitute as original text for the purposes of amendment.

The rule specifies that this new vehicle be considered under the same procedures which are in order for any other joint resolution. That is—the text of the resolving clause be considered for amendment first and that amendments be germane to that clause. When all amendments to the resolving clause are completed, it is in order to consider germane amendments to the preamble.

Mr. Speaker, the rule limits debate on amendments to the resolving clause and the preamble to 2 hours in an effort to honor the leadership request to preserve the limited floor time we have before we recess. In addition, Mr. Speaker, resolutions similar to this one have been fully debated on the House floor in the past. The issues have not changed and should be familiar to Members.

This is an open rule in the sense that Members have the opportunity to amend the resolving clause and the preamble with germane amendments, to the extent that time allows. Mr. Speaker, in light of the fact that no Member other than Mr. LEHMAN indicated to the Rules Committee they were interested in offering amendments, and because Chairman FORD indicated that he was not aware of any Members who wanted to offer amendments, the Rules Committee does not believe this time limit is restrictive.

Mr. Speaker, House Resolution 238 is a very fair rule under which to consider House Joint Resolution 132 and I urge its adoption.

Mr. Speaker, the murder of 1.5 million Armenians beginning in 1915 has been called the first genocide of the 20th century. Mr. Speaker, the world community cannot let genocide and inhumanity go unacknowledged and unmourned, for by doing so, we make it more likely to reoccur. It was, after all, Adolf Hitler who not long after the Armenian genocide, masterminded the genocide of over 6 million Jews and is quoted as having said: "Who still talks nowadays about the extermination of the Armenians?"

House Joint Resolution 132, asks the President to designate April 24, 1988, as a day when all Americans, especially those of Armenian ancestry, can remember the Armenian experience, can remember the victims, and can pray in their hearts that such horrors can be stopped in the future.

Mr. Speaker, I received a letter from the Secretary of State yesterday implying that considering this joint resolution on the floor of the House could jeopardize Turkey's ratification of the defense economic cooperation agreement [DECA].

Every time a joint resolution like House Joint Resolution 132 is scheduled for consideration the Turkish Government comes up with some reason why it is a bad time.

In April 1984, when the resolution was introduced, the administration claimed it would compromise negotiations with Turkey over the air bases.

In September 1984, the administration again argued against Senate passage of the House-passed resolution.

In May 1985 the resolution was scheduled for consideration in the Rules Committee, the administration had it postponed saying it would interfere with strategic negotiations with Turkey.

In January 1985, when Congressman COELHO wanted to introduce the resolution, he was told that Turkish Prime Minister Ozal was going to visit Washington then and if the resolution were introduced, he would cancel the trip. It was postponed.

In April 1987, the resolution was scheduled in committee. The Secretary of State personally called Chairman FORD to say that committee consideration of the resolution would make Turkey's President Evren cancel his scheduled trip to Washington. Chairman FORD postponed consideration. President Evren's Washington trip was postponed for other reasons, and Chairman FORD, I believe to this day cannot find out when he plans to reschedule his trip.

Today, Mr. Speaker, very predictably, the administration, or the Turkish Government, is coming up with yet another excuse why we should not consider this commemorative resolution.

This resolution sets aside a day of commemoration within the United States, not in Turkey or any other country in the world. Over the last several years, great care has been taken to make sure the resolution does not blame the current Government in Turkey for the deeds of long past regimes.

Mr. Speaker, we no more hold the current Turkish Government responsible for the actions of the Ottoman Empire than we hold West Germany responsible for the actions of the Third Reich. But we do not hesitate for a moment to acknowledge the Jewish Holocaust and mourn for the victims of that terrible human tragedy. And, Mr. Speaker, we should not hesitate here to acknowledge the Armenian genocide and mourn for the victims of that terrible human tragedy!

And to my colleagues in the Congress, and in the administration, who now cast doubt on whether there actually was an Armenian genocide at all, I say they are dead wrong.

This very House on two occasions has acknowledged the Armenian Genocide. On April 8, 1975, a resolution very similar to House Joint Resolution 132, introduced by Congressman Helstoski and Congressman Thomas P. O'Neill, was passed under suspension of the rules by a vote of 332 to 55. That resolution clearly acknowledged the Armenian genocide stating that a day of remembrance was needed for victims of genocide, and I quote: "* * * especially those of Armenian ancestry who succumbed to the genocide perpetrated in 1915."

Mr. Speaker, on September 10, 1984, a nearly indentical resolution was passed in the House under suspension of the rules on a voice vote!

In April of 1981, President Ronald Reagan eloquently acknowledged the Armenian genocide. He said:

> Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the holocaust must never be forgotten.

But, in 1982, in a note at the conclusion of a State Department report, it was concluded that—

> Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people.

Well, I don't know which record was being examined, because there are over 24,000 documents compiled from the U.S. National Archives of State Department records from 1910 to 1929 detailing the extermination of the Armenians. The Archives of the United States, Great Britain, France, Germany, Austria, and Italy are open to scholars and amply document the Armenian genocide.

Mr. Speaker, I think it is significant that Raphael Lemkin, the man who coined the term genocide to describe the deliberate destruction of a people, repeatedly used the Armenian genocide and the Jewish Holocaust as prototypes of the term genocide.

I think it is significant that the U.S. Holocaust Memorial Council has approved the inclusion of the Armenian genocide in their exhibits as an example of a planned extermination.

Ataturk, the founder of the modern Turkish nation and widely regarded as the George Washington of Turkey, acknowledged the Armenian genocide under the Ottoman Empire and thought other Turks ought to acknowledge it as well so the healing process could begin.

Mr. Speaker, I would like to conclude my remarks with two quotations—the first is from Ambassador Morganthau, the United States Ambassador to the Ottoman Empire during this time, referring to the Armenians said:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their

> conversations with me, they made no particular attempt to conceal the fact.

The second quote is from the noted English historian, Arnold Toynbee:

> The atrociousness of the two great twentieth century wars was aggravated by "genocide" (i.e. the wholesale extermination of civilian populations). In the First World War the Turks committed genocide against the Armenians; in the Second World War, the Germans committed genocide against the Jews.

Mr. Speaker, the genocide occurred!

□ 1140

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 238 should be defeated outright.

This rule would bring up a resolution that will mean nothing but trouble for the United States interests in a very strategic corner of the world.

The resolution made in order by this rule, House Joint Resolution 132 designates April 24 as a day of remembrance of events that occurred over 70 years ago in Asia Minor.

The joint resolution is offensive to the people of Turkey, it is offensive to the Government of Turkey. It is not a constructive way for Congress to honor the ancestors of American Armenians.

Mr. Speaker, consideration of this resolution is guaranteed to strain our bilateral and treaty relationships with the Republic of Turkey. Its passage might well lead to an outright rupture of diplomatic ties.

The Republic of Turkey is one of our most valuable allies in the cause of peace and freedom, and is one of the most important members of the North American Treaty Organization.

As one who is concerned about the future security interests in the Middle East, I can see no good reason for us to even consider the resolution. The best way for the House to deal with this offensive measure is to take it off the floor program, and the way to do that is to defeat this rule.

The rule is procedurally unfair. The rule limits time for amendments to 2 hours, and it tramples on the minority's right to offer a motion to recommit with instructions.

Mr. Speaker, when this resolution was last considered, the legislative process was stalled by its sponsors.

In December 1985, the House refused to adopt an amendment and the majority managers offered a motion to rise the Committee of the Whole, rather than allow the House to proceed further.

Pending when the Committee rose was an amendment in the nature of a substitute. In case the substitute failed, I was prepared as the ranking minority member of the committee, to offer a motion to recommit with instructions.

Mr. Speaker, we never got to that point in 1985. Under this rule we won't be able to get there again. Two rules of the House, clause 4 of rule XVI and clause 1 of rule XVII, protect and guarantee the right to offer a motion to recommit.

This rule throws the Rules of House by the wayside. The Members opposed to the resolution are treated in an unfair and high-handed manner by this rule.

Mr. Speaker, the wording of the resolution purports to describe historical events. However, there are implications in the way these events are described. The wording of the resolution casts aspersions upon our faithful ally, Turkey.

House Joint Resolution 132 does nothing at all to heal the differences that have grown over the years between the people of Armenian ancestry and the people of Turkey ancestry.

The sponsors of the resolution place the House in a position of ratifying some history in such a way as to favor one point of view over another, and I do not think we should do that.

It is absolutely senseless for us to commemorate this history when the words themselves are enough to cause mindless terrorism against a nation's citizens and diplomats.

Mr. Speaker, I am not a world historian. As the ranking Republican member of the Committee on Post Office and Civil Service, where this and similar resolutions have been considered, I have learned a great deal about the history and the controversy involved here.

There were inhumane events that occurred during the war between the Russian Empire and the Ottoman Empire in the area then known as Anatolia. The war victimized hundreds of thousands of people. There were Christian victims, there were Muslim victims. There were Armenian victims, as well as Turkish victims. Most of the inhumane events occurred in 1915 and 1916.

The ravages of war took a terrible toll, there is no doubt about that. Both the Ottoman Empire and the Russian Empire were ruthless in that war, but the Ottoman Empire was ended by the Turkish revolution in 1922. And the present Republic of Turkey was formed in 1923.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this rule, and urge my colleagues to do the same, so we can settle this business once and for all. Today, let us pass the rule and we must answer two questions. Did the Armenian genocide occur, and if so, should we commemorate the genocide? The answer is an absolute, unequivocal, yes. During the period 1915-23, the Ottoman Empire undertook the incomprehensible task of erasing any trace of the Armenian people, and committed an atrocity which opened the door for the Jewish genocide but one generation later. History tragically records the reports of the survivors, and reveals indisputably that the Ottoman Turks succeeded all too well in their attempted task.

The fact is that the Armenian genocide is very well documented, and I find it extremely distressing and mind-boggling all to bear references to the genocide as "alleged," "claimed," "charged," or "disputed." The late U.S. Ambassador to Turkey Henry Morgenthau, who was in Turkey from 1913-16, affirmed in his memoirs that the Ottoman Government clearly understood it was "giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal this fact."

We have access to literally thousands of pages of testimony by survivors describing the endless raping, murder, mutilation, and enforced starvation. Without getting into the gory details, let me just relate to you what one German eyewitness, a missionary and teacher in Aleppo, described. After reporting the various horrors, the hacking off of hands, the piles of convulsive bodies, the slitting of throats, he concludes that "the object of the deportation is the extermination of the whole Armenian nation."

I have heard the argument from those opposed to this resolution, that the passage of this resolution will put a thorn in the side of our NATO ally, Turkey.

I feel very strongly that to let issues of political expediency enter into this debate is to desecrate the memory of the 1.5 million Armenians who were wiped from the face of the Earth between 1915 and 1923, and erases the lesson we might draw from their tragedy. Two years ago, upon receiving the Congressional Gold Medal of Achievement, Elie Wiesel remarked that the issue of the genocide of millions "transcends politics and diplomacy. The issue here is not politics, but good and evil." Mr. Wiesel is right, and I urge my colleagues to vote yes on this rule and the resolution and in doing so state for all the world to see that genocide must not take a back seat to geopolitics. We must stand on our principles and make a statement that will say clearly that the United States of America remembers the slaughter of Armenians, respects the memory of the victims, and is vigilant to ensure that genocide does not happen again.

Let me add that remembrance of the more recent Jewish Holocaust perpetrated by the German Government of the time has not and does not adversely affect our relations with present-day Germany. I do not condemn the Turks of today, far from it, and this must be clearly understood. As Elie Wiesel said about the Jewish tragedy one generation later, "I do not believe in collective guilt nor in collective responsibility. Only the killers were guilty, their sons and daughters are not."

So why should we commemorate the Armenian genocide? H.G. Wells once remarked that "Human history becomes more and more a race between education and catastrophe." That is a race we must win. Education is our only weapon against catastrophe. We must learn from the past, we cannot just close our eyes to it because it makes us uncomfortable.

We commemorate the Armenian genocide not just for its victims, but with an eye to the future. In 1939, with his own extermination program underway, Adolf Hitler remarked, "Who still talks nowadays of the extermination of the Armenians?" Seventy-two years after the Ottoman Turkish Empire began a system of genocide against the Armenian population that left 1.5 million dead, we respond to Adolf Hitler, We do! We remember! I implore my colleagues to remember the tragedy of the Armenian genocide, so that we can truly make the claim, never again.

Mr. TAYLOR. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Mississippi [Mr. LOTT], the distinguished minority whip, and a member of the Committee on Rules.

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, just as some things are better left unsaid, some bills are better left unconsidered. This is one such instance in which the measure involved should not have been reported from the authorizing committee, should not have been granted a rule from the Rules Committee, and should not be taken up on this floor today.

This is one case in which, even if you should agree with the terms of the rule itself, which I don't, you would be justified in voting against the rule on grounds that the measure it makes in order has no business even being considered by this House. Why? Because this measure, House Joint Resolution 132, has profound, adverse foreign policy implications for our relations with one of our staunchest NATO allies. And, as much as the proponents might protest that this is not aimed at the current government, the fact remains that the government and people of that country do perceive this as a direct affront. And, when it comes to foreign relations, perceptions are everything.

Mr. Speaker, our Secretary of State, in a letter sent just yesterday to our ranking Republican on the Rules Committee [Mr. QUILLEN], urged against even granting a rule in the Rules Committee on grounds that the joint resolution could do serious harm to our relations with the Government of Turkey—a country which he terms "an important ally of the United States, a partner in the NATO and the Atlantic Alliance, and a key player in the Middle East and Europe." The Secretary goes on to remind us that a similar resolution in 1985, and I quote, "provoked a public outcry in Turkey and prompted the Turkish Parliament to review relations with the United States."

I, therefore, appeal to my colleagues on foreign policy grounds alone to vote against this rule so that we do not unnecessarily embarrass our own Government and jeopardize our continuing good relations with such an important ally.

Mr. Speaker, the rule itself is further embarrassment and insult to the membership of this House, on both sides of the aisle. Once again we have a restrictive rule.

This one places a 2-hour limit on the amendment process and denies the minority its usual prerogative to offer instructions in a motion to recommit. Ironically, while the chairman of the authorizing committee had originally asked for a reasonable time limit on amendments in his letter of request for a rule, he withdrew that request in his testimony Monday and indicated that a time limit would not be necessary because there was no attempt to filibuster this by amendment. Nevertheless, the Rules Committee decided to give him the time limit anyway. I tried to remove the 2-hour amendment limit from the rule, but was defeated on a party-line vote.

The same thing happened when I tried to restore the minority's right to offer instructions in a motion to recommit. A lame excuse was offered that this was denied in the rule for fear we could somehow broaden the scope of the resolution in the motion to recommit. But, in checking with the Parliamentarian afterwards my staff learned this was not possible given language elsewhere in the rule. In other words, there are no sound grounds for preventing instructions. This is a purely partisan slap.

Mr. Speaker, I realize the majority party sets the agenda around here and often dictates the procedural terms under which that agenda will be considered. And the minority quite often disagrees with that agenda, or at least the specific terms of bills reported by majority-controlled committees. And, we quite often disagree with the procedures which deny us the full opportunity we think we should have to present our alternatives. That's the nature of the legislative process.

But, for that process to succeed over the long haul, there must be a certain degree of comity and fairness—of bipartisan cooperation and mutual respect. When that begins to break down, when the minority is repeatedly given the back hand and the empty hand, this institution is in trouble. And that is especially the case with a bill like this that has potentially serious foreign policy implications. Here, of all places, we should be giving the President greater deference as our chief foreign policy architect and spokesman, and we should be proceeding with greater bipartisanship in the Congress. Let's vote down this rule and avoid further embarrassment to ourselves and our country.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the rule on House Joint Resolution 132 to designate a "National Day of Remembrance of the Armenian Genocide of 1915-1923."

This year marks the 72d anniversary of the genocide of the Armenian people by the Government of the Ottoman Empire before the establishment of the Republic of Turkey. But to this day Turkey's Government and people deny that the genocide ever happened. Turkey is denying reality. Turkey is denying the truth. And apparently Turkey wants to deny the truth forever.

Self-deception may be good enough for Turkey, but it should not be good enough for America. Can we honestly ignore the existence of documented records in our own State Department which give eye witness accounts of the Armenian genocide? And what about the respected New York Times? Can we honestly ignore over 194 articles which appeared from 1913 through 1922 outlining the hideous manner in which Armenians died in Turkey?

The facts are there. The truth is there for all to see. The only question on this floor is whether or not we, as Representatives of the people of the United States, have the courage to acknowledge a simple historical truth.

Unfortunately, the current administration appears to be buckling under foreign pressure. Fortunately, however, the Members of this Congress have the opportunity right now to show the world we are not afraid of the truth.

I urge my colleagues to join me in voting "yes" on the rule and "yes" on this resolution. Let us pass House Joint Resolution 132 overwhelmingly, and let us get this matter behind us once and for all.

□ 1150

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. HORTON], my colleague on the Post Office and Civil Service Committee.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong opposition to the rule, and to the resolution. The rule itself is restrictive; it unduly limits the type and range of amendments that can be offered, it is not an open rule in that debate on amendments is limited to 2 hours, and a motion to recommit cannot be offered with instructions. Further, the procedure of even granting a rule for a commemorative resolution is unique to House Joint Resolution 132 and an earlier version of this measure.

Let's look at the procedure. I am a member of the House Post Office and Civil Service Committee. We require, except where the chairman and a majority of committee members agree, 218 cosponsors to report a resolution. Proponents of House Joint Resolution 132 could not secure 218 cosponsors. The resolution needed and received an exception to our committee rule. Commemorative resolutions, once reported from our committee, are always considered on either the Unanimous Consent or Suspension Calendars.

Not this commemorative. This resolution, accusing the Ottoman Empire—today Turkey—of genocide against the Armenians in the early part of this century, is the only commemorative of which I am aware to ever be granted a rule. A rule allowing for a simple majority vote on a commemorative resolution is highly unusual.

But this is no ordinary commemorative resolution, contrary to what you might hear. It is very controversial and has far-reaching foreign policy implications, as has been explained by Secretary of State Shultz in a letter each of us has received. No hearings have been held to air and discuss these issues.

Putting aside the procedure, Turkey is our friend and a critically important ally. Look at the map. Turkey is bordered by Iran, Iraq, Syria, and the Soviet Union. We don't have too many friends in that part of the world. Does it make sense, then, to offend an ally which shares the largest border with the Soviet Union—300 miles—of any ally, which has the largest U.S. Air Force base between Europe and the Philippine Islands, and which is the site for critical NATO and United States-Soviet monitoring facilities?

On the merits of the resolution, history doesn't support a genocide. Tragically, hundreds of thousands of Armenians living in eastern Turkey, where the Ottoman Turks battled their Russian enemy, were killed; they were a people caught in the midst and emotion of a raging war. There were atrocities. However, hundreds of thousands of Armenians living in western Turkey, far from the eastern front, were unaffected. This belies the definition of genocide—an intentional, systematic policy to exterminate a people.

You will hear that some midlevel State Department bureaucrat in 1981 wrote a memo that changed our Nation's longstanding support of a recognition of an Armenian genocide. Our policy was wrong. It should have been changed. It was no midlevel bureaucrat, however, that prompted our reexamination of what we had previously considered another in a long list of commemoratives. Our examination of this as an issue started in 1976 with the murder of Turkish diplomats by Armenian extremist and terrorist groups. Since 1976, more than 70 Turkish diplomats and innocent bystanders, including 4 Americans, have been assassinated. These extremist groups publicly state their objectives, which are threefold; first, recognition that a genocide occurred; second, reparations by the Turkish Government; and third, establishment of an Armenian state on Turkish soil.

Finally, regardless of how inconsequential we consider this or most commemoratives, House Joint Resolution 132 is the No. 1 public and media issue in Turkey. It is important to the Turkish people and their elected representatives. It is offensive to them. The Turkish people are justifiably proud of their record of religious and cultural toleration. In World War II, for example, as in the Inquisition before it, Turkey was a haven to literally tens of thousands of Jews who were fleeing barbarism, tyranny, terror, and certain death. With respect to World War II, even the doors to our Nation were closed to Jewish immigrants. It is easy to understand why the Turkish people object to a resolution accusing the Ottoman Empire, to which they trace their roots, of the most heinous crime against humanity.

I urge that my colleagues join me in defeating this rule.

THE SECRETARY OF STATE,
Washington, DC, August 4, 1987.

Hon. FRANK HORTON,
House of Representatives.

DEAR MR. HORTON: I am writing to you personally to express the Administration's strong opposition to H.J. Res. 132 the so-called "Armenian Resolution" and to urge you to vote against it.

We are seriously concerned that passage of this bill would significantly damage our relations with Turkey, a NATO ally and friend of the United States. We have major national security interests in preserving and strengthening our relations with Turkey whose government and people are offended by this Resolution. I understand the motives of the sponsors of this resolution; however, I am seriously concerned not only at the damage the Resolution will do to our relationship with Turkey, but also that it will be used by Armenian terrorists, who have murdered 45 Turkish diplomats since 1975, to justify their past acts and future actions. I know that we are all determined to defeat international terrorism.

Because of these compelling reasons, I ask that you vote against H.J. Res. 132.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the honorable gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, I rise in support of the resolution to recognize April 24 as a day to remember the Armenian genocide.

The State Department would like us to vote against this resolution because Turkey is an important ally where we have many military installations. Mr. Speaker, I submit that this is not an issue of allies and military strategy. Turkey is not going to run out of NATO and into the arms of Russia, or Iran, or anyone else just because we pass this resolution. Let us stop kowtowing to the Ottoman regime of a bygone era. Should we not recognize what the British have been doing to the Irish in order to keep our missiles in England? Let us stop pretending a terrible wrong never occurred. Recognizing an event that took place 80 years ago should not be the type of issue to rearrange strong political friendships and change areas of mutual interest.

This is not a question of military bases. It is a gut instinct about right and wrong. America is a melting pot, and we have to react to the legitimate concerns of people in our own country. A wrong was committed against the Armenian people. A tragedy occurred, and we in the U.S. Congress should be responsible enough to acknowledge it.

Now we've been presented with a group of revisionist scholars who say this tragedy never happened, and our own State Department sides with those denials. But some of the greatest thinkers and leaders of the 20th century, including Theodore Roosevelt, Winston Churchill, and Arnold Toynbee, all referred to the massacres as genocide against the Armenian Christian minority. Major newspapers in the United States and around the world reported the wholesale slaughter of Armenians. U.S. Ambassador Henry Morgenthau and many American missionaries gave eyewitness accounts of the massace of Armenian Christians. Even Kemal Ataturk, the father of modern-day Turkey deplored the killing of Armenians by his Ottoman predecessors.

History tells us it is easy to forget atrocities. When Adolf Hitler was planning the invasion of Poland, he told his generals that the killing of the Armenians had already been forgotten. Such forgetfulness can be dangerous for humanity.

In recognizing the suffering of Armenians, we also recognize the important contributions of a large group of American citizens. Armenians came to America because it has always been a place where persecuted people can make a home. They came here to freely practice the Christian religion, but they also worked hard to maintain their unique culture and language. Today there is no independent Armenian nation, but there are Armenian churches and schools and newspapers wherever Armenian Americans live. The freedom to keep that culture alive is what makes America a great nation.

April 24 is the day Armenian Americans call Martyr's Day. In that day, members of the Armenian community in my district close their shops, schools, and markets and go to church. By recognizing their day, we commemorate not only their suffering, but their achievement as American citizens. We will simply acknowledge the sorrows of Armenians everywhere, and tell them Americans remember.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ], a member of the Post Office and Civil Service Committee and of the Foreign Affairs Committee.

Mr. SOLARZ. Mr. Speaker, no one here denies that hundreds of thousands of Armenians and maybe more lost their lives, often in a cruel and barbarous fashion, in the second decade of the 20th century in eastern Antalya. There is no Member of this House, on either side of the aisle, who is indifferent to the sorrow and the suffering of the Armenian people.

Nevertheless, it seems to me that the adoption of this resolution would be a serious mistake.

It would be a mistake, first of all, because it would place in jeopardy our relationship to one of our most important NATO allies. I recognize it is very difficult for Members of the House to believe that a nonbinding resolution like this, dozens of which we pass every year without thinking twice about them, could possibly be taken seriously by a foreign country, and yet anyone who has been to Turkey, anyone who is knowledgeable about Turkey, knows that this would have very serious consequences for our relationship with that country.

A few weeks ago, the President of Turkey, following the adoption of a similar resolution by the European Parliament, said that if the Congress adopts this resolution, Turkey would have to consider leaving NATO. I do not believe, even if the resolution is adopted, that the Turks will leave NATO, but the very fact that the President of Turkey could say that they would consider leaving the alliance should suggest that the adoption of this resolution will, indeed, have negative consequences for our relationship with one of our most important NATO allies, which we cannot afford.

We have to consider the consequences of what we do. This resolution will do nothing to resuscitate the dead, but it could jeopardize our capacity to defend the living.

Its adoption would also be a mistake because the fundamental factual premise upon which the resolution is premised; namely, that what happened to the Armenian people was a genocide, is itself a matter of significant historic dispute and debate. We have heard how Arnold Toynbee and Rafael Lempkin and Ambassador Morganthau and others all asserted that what happened to the Armenians was a genocide; but 2 years ago every Member of this House received a cable signed by the overwhelming majority of the leading historians of the Ottoman Empire, the Turkish Republic, and the Middle East in our country, urging us to vote against the resolution on the grounds that it is by no means clear that what happened to the Armenians was an example of genocide.

Here is what such preeminent American scholars on the region, such as Bernard Lewis of Princeton and J.C. Hurewitz of Columbia, said about this resolution:

> As for the charge of "genocide:" No signatory of this statement wishes to minimize the scope of Armenian suffering. We are likewise cognizant that it cannot be viewed as separate from the suffering experienced by the Muslim inhabitants of the region. The weight of evidence so far uncovered points in the direction of serious inter-communal warfare (perpetrated by Muslim and Christian irregular forces), complicated by disease, famine, suffering and massacres in Anatolia and adjoining areas during the First World War. Indeed, throughout the years in question, the region was the scene of more or less continuous warfare, not unlike the tragedy which has gone on in Lebanon for the past decade. The resulting death toll among both Muslim and Christian communities of the region was immense. But much more remains to be discovered before historians will be able to sort out precisely responsibility between warring and innocent, and to identify the causes for the events which resulted in the death or removal of large numbers of the eastern Anatolian population, Christian and Muslim alike.
>
> As the above comments illustrate, the history of the Ottoman-Armenians is much debated among scholars, many of who do not agree with the historical assumptions embodied in the wording of H.J. Res. 192. By passing the resolution Congress will be attempting to determine by legislation which side of a historial question is correct. Such a resolution, based on historically questionable assumptions, can only damage this cause of honest historical enquiry, and damage the credibility of the American legislative process.

There is a distinction between massacres and a genocide. Nobody denies that hundreds of thousands of Armenians lost their lives. We bemoan their fate, but whether or not it constituted a systematic effort to exterminate an entire race is apparently open to dispute.

I think it would, therefore, be a mistake for us to insert ourselves into the midst of this raging historic debate.

My friends, I think that in view of the consequences of the adoption of this resolution for our relationship with Turkey, in view of the dispute over whether or not what happened to the Armenian people was a genocide, it would be both reckless and wrong to adopt this resolution, and I therefore urge the defeat of the rule and the rejection of the resolution if the rule should be approved.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Speaker, I rise in support of this rule and the resolution in front of us.

Some have said we ought not to support the resolution because it has a time factor, but if you do not support the rule, we will never get to the resolution.

One thing we in the United States seem to have an abundance of, not a lack of, is an abundance of a loss of a sense of history.

□ 1205

We do not understand history oftentimes, and unfortunately we oftentimes deny history.

I think one of the real problems in this debate is that because of political circumstances there is an effort to deny history because we are fearful if we admit history some others may take political action against us.

I do not think that is in the best interest of the United States ultimately. I recall when Ronald Reagan, before he was President, was addressing this issue. He spoke out eloquently on behalf of a recognition of the losses suffered by Armenians who are now dispersed around the country.

It just seems to me that we owe it to the citizens of this country to recognize history and to hopefully learn from history, and to say that the Ottoman Empire was responsible for this is not a criticism of the present Turkish Government. It should not be seen as such, and I think we ought to step forward and recognize this for what it is, a statement of history, an acknowledgment for what has occurred and a lesson for the future.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Speaker, despite my long friendship with the gentleman from California, the author of House Joint Resolution 132, I oppose the rule because even the consideration of this resolution will do serious

mischief to U.S. foreign policy and at the same time do nothing to settle the longstanding hostilities between the Turks and the Armenians.

There is no difference of opinion in this Chamber over genocide. There are not some people for it and others against. We all deeply abhor the hatred that leads to atrocities—whether it be the deaths of thousands of Armenians or the assassination of dozens of Turkish diplomats and several Americans.

But Congress should understand that there is, sadly, no middle ground between the Turks and the Armenians. There is no magic wand, least of all this resolution, that we can wave to lessen the hatred, settle hotly contested historical facts, or end the terrorism that still goes on.

While we can't make the situation better, we can make it worse. We can ignore the strongest pleas of our Secretary of State, George Shultz, and greatly compromise vital United States interests in modern-day Turkey. We can subject the present Turkish Government which of course had nothing to do with the events of 1915—to deep humiliation just as they are taking more and more steps to align themselves with the United States.

Mr. Speaker, recently a "Dear Colleague" letter complimented the European Parliament for passing a resolution similar to the one proposed to be debated by Congress. The "Dear Colleague" said we should follow suit. What the letter did not say is that only the most radical and liberal elements of the European Parliament even considered this resolution—the vast majority of members boycotted it. Of some 518 members, only 144 voted for the resolution, and all but 18 were Communists, Socialists, and Greens. Great Britain and West Germany, among others, repudiated the move.

Just as our friends in the European Parliament boycotted this resolution, so should we. It is truly a wolf in sheep's clothing, and even the consideration of it can do no good and cause much harm.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, today could be the final day the U.S. House of Representatives will meet until Wednesday, September 9.

This being the situation, what are we debating on the House side of the U.S. Capitol today? Is it the omnibus trade bill? No. Are we debating rescue legislation for the faltering Farm Credit System? No.

Are we debating welfare system reforms (H.R. 1720)? No.

Are we debating tax changes? No.

Indeed, it is incredible that we are into the annual ritual of rehashing the tragic Armenian genocide of 1915–23.

I asked my constituents recently in western Kentucky which one country in the world is the target of an annual resolution attempting to embarrass it in the U.S. House of Representatives. Some guessed it is the Soviet Union. Others guessed it is Iran. A few guessed Cuba.

Those constituents who assumed the country that receives the annual bashing on our House floor is Russia or Iran or Cuba were wrong.

Yes; it is incredible that our NATO ally and good friend Turkey is the victim, even again today.

Yes: Turkey, our friend which borders the Soviet Union, Iran, Iraq, and Syria, is being attacked on the House floor again today.

As a Democrat and an opponent of House Joint Resolution 132, I read again the letter of our Secretary of State George P. Shultz, regarding this resolution. Earlier today my Republican friend and colleague, Hon. FRANK HORTON, read this same letter from Mr. Shultz. It is certainly worthy of repeating now.

The letter to each of us House Members reads as follows:

THE SECRETARY OF STATE,
Washington, August 4, 1987.

Hon. CARROLL HUBBARD, Jr.,
House of Representatives.

DEAR MR. HUBBARD: I am writing to you personally to express the Administration's strong opposition to H.J. Res. 132, the so-called "Armenian Resolution" and to urge you to vote against it.

We are seriously concerned that passage of this resolution would significantly damage our relations with Turkey, a NATO ally and friend of the United States. We have major national security interests in preserving and strengthening our relations with Turkey whose government and people are offended by this Resolution. I understand the motives of the sponsors of this resolution; however, I am seriously concerned not only at the damage the Resolution will do to our relationship with Turkey, but also that it will be used by Armenian terrorists, who have murdered 45 Turkish diplomats since 1975, to justify their past acts and future actions. I know that we are all determined to defeat international terrorism.

Because of these compelling reasons, I ask that you vote against H.J. Res. 132.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. LEATH].

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I want to go on record in firm opposition to the rule.

Mr. Speaker, once again, we are forced to debate the issue of the alleged genocide of the Armenian people that took place more than 70 years ago. Not only did this body debate, and soundly defeat this legislation on two separate occasions in the 99th Congress; but 69 American historians, all specializing in Turkish, Ottoman, and Middle Eastern studies, have publicly denounced the misrepresentations and misleading intent of this resolution (H.J. Res. 132).

There are three major points as to why the U.S. Congress should not even consider this issue, let alone approve a resolution to commemorate its existence.

The first point, which I have already raised, is the historical justification of the Armenian genocide which is undocumented and unfounded. The Ottoman Empire was experiencing a civil war between 1915 and 1923, and many important questions still remain unanswered, including the affect of disease, famine, and the First World War.

Second, this resolution would add fuel to the fire for Armenian terrorists avenging the so-called genocide of their ancestors. At this time, more than 270 deaths in 250 incidents worldwide, including the lives of 30 Turkish diplomats, have resulted from these malicious and unwarranted acts of terrorism. Yesterday, Secretary of State George Shultz sent a letter to Members of Congress, urging them to reject this measure as there are compelling national interest matters at stake.

And finally, and probaly most importantly, is the fact that by approving this resolution, we would deeply offend the people of Turkey, and jeopardize our relationship with our most staunch and important ally in the NATO Alliance. Turkey's troop size of 569,000 is second only to the United States among the NATO forces.

In light of the volatile situation in the Persian Gulf, the Iran/Iraq conflict and the Soviet invasion of Afghanistan, the last thing we need is to strain our relationship with Turkey.

The Republic of Turkey is a vital contributor to Western security, and has been a terrific help in the stability of the Middle East due to their growing economic and diplomatic strength. Turkey also serves as a strategic stalwart in the Soviet's ability of becoming a key player in the Arab world.

Turkey's major military installations contribute significantly to NATO, including: basing for United States tactical fighter-bombers (F-4's); electromagnetic monitoring; radio investigation; storage of war reserve materials, ammunition, and fuel; and radar warning and space monitoring.

Through numerous secondary facilities, 25 percent of NATO's intelligence information is gathered from Turkey, including:

Monitoring Soviet strategic nuclear activities;

Military systems development; and
Force and readiness movement.

As you can see, Turkey plays an intricate and key role in the United States/NATO strategic posture in the Middle East, as well as serving as a deterrent to further Soviet aggression.

Turkey is not only a military friend to the United States, but is also a valued trading partner. In 1986, total United States exports to Turkey amounted to $1.1 billion, with United

States imports from Turkey amounting to $0.7 billion. That's a U.S. trade surplus of almost a half billion dollars.

Among those products that we export to Turkey are: coal (increasing steadily since 1984), shredded steel and iron, aircraft parts, wheat, fertilizers, truck and equipment parts, sugar, cotton, and rice.

The EC Parliament recently approved a similar resolution to commemorate the so-called Armenian genocide, and are now experiencing an adverse trade climate with Turkey. France recently lost a very lucrative contract with Turkey for a radar system.

Currently, there are several major Turkish contracts available for United States bids worth several billion dollars that include: armored personnel carriers and several coal plants.

I think we should carefully examine all of the ramifications that could result from the passage of such a resolution, and take a hard look at what Turkey means to the United States, in light of the highly sensitive and totally uncorroborated issue of Armenian genocide.

Mr. Speaker, I urge all of my colleagues to defeat this resolution; the administration is adamantly opposed to it, it disputes fact, promotes and encourages terrorism, and threatens our relationship with a strong and important ally.

Mr. McCURDY. Mr. Speaker, will the gentlman yield?

Mr. LEATH of Texas. I yield to the gentleman from Oklahoma.

Mr. McCURDY. I, too, rise in firm opposition to the resolution.

Mr. LEATH of Texas. Mr. Speaker, this is a no-win situation. We are going to hear a great many good people, good Members of Congress and good Americans that are going to come to this well today and tell us how innocent this is and tell us how important this is. I do not think anybody in this Chamber disagrees with that feeling, and I think we all understand our friends who are emotionally involved in this issue, and we understand why.

But, Mr. Speaker, ladies and gentlemen, there is one bottom line. That bottom line is will this harm the security interests of the United States, and the answer is "yes." We may not understand that, we may say why do the Turks get upset about something like this.

That is beside the point. The point is the President, the Secretary of State, our Ambassador to Turkey have certified that.

I was in Turkey 2 years ago when this resolution came up the first time to discuss NATO and the importance of NATO. They did not want to talk about that. The Turkish media wanted to talk about this.

I do not think there is anybody in this Chamber that wants to harm the security interests of the United States. It does not have anything to do with genocide, it does not have anything to do with our feelings against what happened to the Armenians.

The bottom line is that everyone, the Ambassador to this country from Turkey, the President of Turkey, the Turkish people, say if you do this you hurt your security interests.

Mr. Speaker, we do not need to do that.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Speaker, I appreciate the gentleman yielding. I would like to say as one who voted for this resolution a couple of years ago, who has done a lot of thinking on it and is now opposed to it, I hope every Member before he comes to vote for the rule will look at a map of Turkey and see what countries border Turkey. Iran, the Soviet Union, Iraq, Syria, and Turkey is our listening post to all of those areas, and this is a disastrous resolution. I hope we reject it.

Mr. LEATH of Texas. I thank the gentleman. Just remember the bottom line. Have great respect for our friends involved in and have great understanding for the Armenian people, have great understanding for the reverence of this occasion, but let us not harm the security interests of this Nation.

Mr. MOAKLEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. GLICKMAN). The gentleman from Missouri [Mr. TAYLOR] has 10 minutes remaining and the gentleman from Massachusetts [Mr. MOAKLEY] has 10¾ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, as a cosponsor of House Joint Resolution 132, I rise in support of this rule and of this resolution.

This is a resolution which is extremely important to many of us in this Chamber and to many Americans around the country. I have many Armenian friends back in my hometown of Glendale, CA, and I have personally heard horrible stories of how the genocide affected them and their families. They are not pretty stories. So, I know how much this resolution means to them and their families. I know how important passage is to the memories of their loved ones who perished in the slaughter.

The purpose of this resolution is to set the historical record straight and to commemorate the victims of Armenian descent who were killed by the Ottoman Empire. The killings of Armenians began in the later part of the 19th century and culminated in the great massacre of 1915 through 1923 in which an additional 1.5 million Armenians died. Many of those who survived were exiled from their homelands. Needless to say, their losses and sufferings have been tremendous.

We have debated this issue before on the floor of this House. We have commemorated the genocide with special orders each April. In fact, in 1975 and 1984 the House passed commemorative resolutions similar to House Joint Resolution 132.

Many of us have been working for a long time to get this resolution passed by the whole Congress. We have reminded our colleagues each year of the historical facts which were recorded by eyewitness accounts, press reports, and numerous official U.S. Government documents since 1915. Yet we are still engaged in a debate over whether or not these events of history should be recognized and remembered.

This is not a resolution condemning anyone or any government today for the actions that occurred many years ago. I stress this and I think we all recognize this. No one holds the Turkish people or the present Government of Turkey responsible for acts committed by a past government. I would like to think we all know in our hearts what is right and what we should do on this resolution.

No one can dispute that we have a moral obligation to recall and recognize the horrible nature of such a crime against humanity. We cannot ignore history or let others rewrite it by ignoring or omitting what has happened. The efforts of those who wish to defeat this resolution offend all victims of genocide. I hope that all Members in this House will reflect deeply on what we have been talking about and vote in favor of this resolution.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Wisconsin [Mr. MOODY].

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I rise in opposition to the rule and to the resolution.

Mr. MOODY. Mr. Speaker, I have a great deal of respect for the authors of this resolution and for its supporters. RICK LEHMAN is a very good friend of mine and DAVE BONIOR and all of the others who support it are top Members of this House, and I am very fond of them and I agree with them about 98 percent of the time. I have a great deal of respect for the Armenian people. I lived and worked for 5 years in that region of the world, not in Turkey, but in the countries surrounding Turkey, and I had Armenians work with me, and they are wonderful people and I love them.

And I am a strong human rights advocate. I do not buy the argument we need this just for military reasons.

But from my personal experience of 5 years in that region of the world, and from visiting Turkey, even though I once was a coauthor of this resolution, I am now opposed to it, as painful as it is.

It puts this Congress, it puts the stamp of this Congress on a particular interpretation of history which is highly disputed. Despite the previous comments, this is a highly disputed interpretation of history.

There were massacres; yes. There was unspeakable killing and atrocities; yes. But was it genocide?

Genocide is the most dastardly charge one can level against anyone because it implies a systematic, premeditated murder of a whole group of people. That is not what was happening in Turkey. As bad as what was happening is, it was not genocide.

What was the context? The context was a civil war within a world war. The Armenian minority in the Anatolian section of Turkey rose up in this period of chaos. There was no effective government at all, much less a context to carry out premeditated murder. They rose up, declared independence, and they were being armed by the Russian-Armenian factions. There was fighting going on behind the lines of the Turkish troops protecting Turkey against an invasion by the Soviet Union, and in that context they attempted to deport the Armenian population in that area, very much the way we attempted to deport the Japanese-Americans from our country.

In that context there was no effective control. Armenians were killing one another, villages were killing one another and 4 to 5 million civilians, that is non-Armenian Turkish citizens, were killed. There was chaos, there was killing all around, there was starvation. People were moved without adequate provisions for health care or food. It was wintertime and people died of exposure. No one doubts the suffering, and almost no one has suffered more than the Armenians.

But the term genocide is just far too strong to apply. Sixty eminent scholars in America, not revisionist historians, as someone put it, but 60 eminent scholars from Chicago, IL, from Wisconsin, from California, have said that this is not genocide, as bad as it was.

The archives of the relevant countries have not been opened, as the gentleman from Michigan [Mr. Bonior] said. They are still closed, and the Balkan countries have not opened their archives to settle this matter.

The problem is putting our stamp of approval will validate the rationale used by Armenian terrorists to assassinate, in cold blood, Turkish diplomats around the world. It will deeply offend the people of Turkey who have had a long history of, whatever problems one may have with them, protecting minorities. In fact, Turkey was the only country in the region who began to take in Jews in World War II during the Holocaust. When every other country in the world, including the United States, would not accept them, they were a sanctuary for Jewish citizens. Turkey took them, and they have a long and enviable record of protection of minorities, and we are defaming this country with this resolution.

□ 1220

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from California [Mr. Matsui].

Mr. MATSUI. Mr. Speaker, I rise in strong support of the resolution designating April 24 a national day of remembrance to reflect on the brutal inhumanity of the Turkish massacre of 1.5 million Armenians from 1915 to 1923. The Armenian people deserve official recognition by the United States that they were the object of genocide by the Ottoman Turks during World War I.

The blood spilled during the Turkish pogrom against the Armenians is a stain on the history of mankind that we must acknowledge. It is an ugly reminder of the kind of inhumanity humans are capable of. A day of remembrance would serve as an important reminder that we must always remain on guard against such acts of brutality.

The United States is a nation which demands the recognition of human rights—by its own Government and the Governments of other nations. If we in this House are to be true to that principle we must stand in support of this resolution—a resolution calling for a day to remember what can happen when disregard of human rights reaches the extreme.

I ask the House to give official recognition that the Armenian genocide was an act which must be condemned. Passage of this resolution will show the world that we will not forget one of history's most brutal episodes.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. Bateman], a member of the Committee on Armed Services.

Mr. BATEMAN. Mr. Speaker, in this precious little bit of time, let me try and make my point by reference to a provision in "Roberts Rules of Order" which allows to a member of a body the right to interpose an objection to the consideration of a question. This is done in order to allow a Member "who believes it would be strongly undesirable for the motion even to come before the assembly."

If we were governed today by Roberts rules, I would interpose such an objection and I would do so because I have yet to hear of any substantial positive meritorious good that will come from the adoption of this resolution were it to be adopted.

I have heard, however, incontrovertible evidence, I know from my discussions with representatives of the Turkish Government in Turkey, and in our Government, how obnoxious this proposition is to them, how unstabilizing, and what turbulence it creates in our relationship with a very strong, staunch, and vital ally.

Balancing the mischief being done by the resolution against the slight positive good that could come from its adoption, I would object to the consideration again and again and again in this body of this resolution.

I cannot object to its consideration, but I can urge my colleagues and do urge my colleagues to defeat this rule, which is the alternative to us of motion objecting to the consideration.

We would do nothing by the enactment of this resolution except to legislatively direct an interpretation of history which is indeed disputed. Why should we spend our time and effort in such an exercise with all of the heavy constitutional requirements imposed upon us to discharge our responsibility to our constituents and to this Nation?

I urge you to defeat this rule. Should it not be defeated, please defeat this mischievous resolution.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Michigan [Mr. Levin].

Mr. LEVIN of Michigan. Mr. Speaker, I rise in support of the resolution and I hope it passes so that we can debate it.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the chairman of the committee, the gentleman from Michigan [Mr. Ford].

Mr. FORD of Michigan. I thank the gentleman for yielding.

Mr. Speaker, it is my responsibility as chairman of the committee to bring this resolution up if the rule is adopted. It passed our committee overwhelmingly. I simply would like to impress upon the Members that if you have been listening to those speaking for it and those speaking against it, you can understand that people feel very strongly about it. It is not in the finest tradition of this House not to consider something because it develops controversy between the Members. It is my feeling that if this comes to a vote, however it turns out—and I will abide by whatever happens, whether it is passed or not passed—that we can get this matter behind us in this Congress and that we can get onto the other business which the gentleman mentioned. So I ask you to vote for the rule so that both sides who feel very strongly about this may muster their arguments, speak for and against it and then we will see how the vote comes out and everybody will have to abide by that.

But please do not deny the people who feel so strongly about this the op-

portunity to have this issue considered by the House of Representatives.

Mr. Speaker, House Joint Resolution 132 would designate April 24, 1988, as a "National Day of Remembrance of the Armenian Genocide of 1915–23."

That is the date that people of Armenian ancestry commemorate the death of some 1.5 million victims of genocide at the hands of the governments of the Ottoman Empire.

Mr. Speaker, I want to emphasize very strongly right at the outset that this measure in no way reflects upon the present Government of Turkey, with which our country enjoys excellent relations.

The resolution specifically and emphatically refers only to the governments of the Ottoman Empire prior to the establishment of the Republic of Turkey.

One would really have to stretch one's imagination to find anything here that legitimately would offend the present Turkish Government.

This resolution was reported by the Committee on Post Office and Civil Service, which I have the honor of chairing, last April. We worked extremely hard to ensure that nothing in it could be interpreted as an accusation against the current Government of Turkey. And I am completely satisfied that we have succeeded.

There have been attempts by revisionists to rewrite history and say that this genocide that wiped out 1½ million Armenians simply never happened. But to entertain this specious argument, one would have to ignore the works of such eminent historians as Arnold Toynbee and Winston Churchill.

Mr. Speaker, the horrible slaughter did take place. And as the beacon of democracy it is our solemn duty to do what we can to guarantee that such atrocities are not allowed to happen in the future.

And I think that this resolution will help achieve that noble goal.

President Roosevelt said, "The Armenian Massacre was the great single crime of (World War I)." The U.S. Ambassador to the Ottoman Empire in 1915 wired the Secretary of State: "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

And on April 22, 1981, President Ronald Reagan, whose State Department has sought to block these resolutions, had this to say:

> Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten.

In fact 10 Presidents of the United States have referred to the persecution of the Armenians. I ask my colleagues to refer to page H6983 of Monday's CONGRESSIONAL RECORD. I have quoted these distinguished leaders on this subject.

Based on the overwhelming evidence to the contrary, I am at a loss to understand how reasonable people could conclude that what happened all those many years ago was anything but a genocide.

This resolution is very important to the thousands of Armenian Americans who have contributed and continue to contribute much to our Nation.

For my part I do not want to have to tell them that the House, which has passed holocaust-type resolutions in the past, refused to recognize the terrible atrocity that occurred from 1915 to 1923.

Memorializing this genocide is no more anti-Turkey than was memorializing victims of the Holocaust anti-West Germany.

The resolution before us contains language to guarantee that it does not refer to the present Government of Turkey.

The SPEAKER pro tempore (Mr. GLICKMAN). The Chair would advise that the gentleman from Missouri [Mr. TAYLOR] has 4½ minutes remaining and the gentleman from Massachusetts [Mr. MOAKLEY] has 8¾ minutes remaining.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Speaker, I have never been to Turkey. I have been in that general area, but I have had a lot of Turkish parliamentarians come to my office.

Now I have to say this: This issue, and the sponsors of this issue did everything they could to narrow the resolution so it would be more acceptable to the Turkish Government. But it is unacceptable.

Our perception is that we have a resolution which is innocuous. It is not innocuous to one of our most important allies and to one of the most difficult areas of this world.

What we are doing here if we defeat the rule is to not have an issue come before us. In other words, if we say, "no" to the rule, we are saying the issue should not even come before the House. I think that is an important point.

We are not then deciding on whether the genocide was good or bad, we are not making a decision on what happened, on which scholars disagree completely. We are saying that this issue should not come before the House.

There is one other important point. They are having an election in Turkey in the near future. The United States Ambassador to Turkey said to us, "You can't do this because it will effect the outcome of their election."

We have a very friendly government, a government that tries to be a bastion against the Russian border and what are we doing? We are going out and passing a resolution which they perceive to be condemning them.

So in my estimation, we make a serious mistake if we pass a rule at this point. And I know people are saying, "Well, I have got a lot of Armenians, I have very few Turks in my district." But let me tell you this, those Turks who sit out there next to the Russian border, they do not vote but they stand as a bastion of freedom and in support as an ally of the United States. And they perceive that we are passing a resolution that is condemning their Government.

I would urge Members of this House to vote against this rule so it does not come before the House, so the decision does not have to be faced and we are not faced with condemning an ally which is so important to the defense of the United States.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, as a cosponsor of this resolution designating April 24 of next year as a "National Day of Remembrance of the Armenian Genocide," I believe it is vital that all Americans learn about the genocide that was directed against the Armenians during the Ottoman Empire, 1915–23.

The sufferings of those people are a powerful reminder of the injustices which we all deplore. Only by learning about the past can we hope to avoid equally terrible sins against mankind in the future.

By supporting this resolution, we recognize genocide as an evil against human beings everywhere.

The massacres of the Armenians in the early years of this century were well documented by both American and foreign sources.

Some tell of how civilian Armenians were transported in boxcars to the salt desert. Those who did not perish from thirst and hunger were executed.

Other sources tell of the wholesale massacres of entire Armenian towns. The American Ambassador to Turkey at that time also reported those terrible incidents.

By any standard, that attempted elimination of the Armenian people was clearly genocide.

Those tragic events were truly a holocaust for the 1½ million Armenians who perished; that genocide was a classic case of man's inhumanity to man.

I commend the House for taking a firm stand on the issue of Armenian genocide and join my colleagues in hoping that such brutality against fellow human beings will never happen again.

Mr. Speaker, I urge passage of the rule.

Mr. TAYLOR. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. I thank the gentleman for yielding.

Mr. Speaker, there are those who have already announced their intention to misunderstand that which we do here today, as an affront to sovereignty, as an insult to an alliance or a military or diplomatic question.

Indeed what we do here today is none of those things. What we do is make a statement of justice, for the Armenian people will not rest, the relatives of the dead will not understand, until history is corrected. That is what we debate here today. Those who threaten us, those who would intimidate us do not understand us. We will not be influenced by such statements.

I urge the adoption of this resolution and more. I urge that Turkey understand that it will be a better nation for this statement, for certainly as our country had to come to terms with our treatment of the Indians, Germany with the Jews, and the Soviets or Cambodians one day with their own people, history demands an accounting, for that is the only guarantee that it will not be repeated.

Turkey is a great nation but it will be a greater nation for correcting misunderstandings of its own past. Turkey will be the better for separating itself from the abuses of another time, of a different government. It will be the better. And just as certainly as America was befriended by those who taught us of our misdeeds in Vietnam or in Central America or as we try to instruct our friends in Britain over their misdeeds in Northern Ireland, what America does here today is an act of friendship.

A Turkey that comes to terms with itself, to the errors in its own history is a Turkey that will be without terrorism, a Turkey that will be at peace with itself, a Turkey that will be ready to face the future and to finally stop debating the past.

I congratulate the gentleman from Massachusetts and I urge adoption of this resolution for our sake, the sake of the Armenian people and indeed for Turkey itself.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. Bereuter].

Mr. BEREUTER. Mr. Speaker, I rise in opposition to the rule and to House Joint Resolution 132.

Mr. Speaker, I ask my colleagues if this resolution merits consideration today.

No matter how well intentioned are the sponsors of the resolution, and how real and massive the Armenian tragedy, this resolution will not change the past but will only create greater difficulties in the present and future. This resolution is, to be generous, I suppose, an improvement over previous versions. My strong opposition to this resolution arises not from the language but the resolution's unintended message. This Member knows full well that it is not the intent of the resolution's designers to alienate and rebuke the moderate democratic government now in power in Turkey. Further, it is surely not the intent of the sponsors to offer any encouragement to a small group of Armenians which espouse terrorism and violence.

But actions such as passage of this resolution can and certainly will be misunderstood or misconstrued. The key point we must consider in the House today is, "What are the unintended acts and messages which could be stimulated by passage of the resolution?"

Emotions surrounding this resolution run higher—far higher, than should be the case. While it certainly is appropriate to designate a day of remembrance of man's inhumanity to man, I do not believe that we should single out one or even several ethnic groups to remember and for whom to grieve, and one nation to accuse. The tragedy which befell the Armenians occurred at a moment of great historical turmoil. A major problem is that House Joint Resolution 132 asks the Congress to endorse, in effect, a specific historical version of tragic events that occurred between 1915 and 1923 in one region of the old Ottoman Empire.

Certainly, genocide of any people, nation, or ethnic group should be remembered. We must preserve the memory of such horrible deeds to help prevent any such reoccurrence. Unfortunately, however, contemporary terrorists seeking to redress history have murdered more than 45 Turkish diplomats since 1975 as part of a campaign aimed, at least part, to destabilize the modern day country of Turkey. Do we really want to inadvertently abet this process? Especially at the expense of a strong NATO ally and friend? This, of course, is not the intent of the resolution, but serious observers believe it would appear to support terrorist claims and would thus do needless damage to United States-Turkey relations.

I would like to bring to my colleagues' attention a portion of a letter to Members of Congress from Secretary of State, George Shultz, that underscores the importance of what we do here today. The letter reads in part:

> We are seriously concerned that passage of this bill would significantly damage our relations with Turkey, a NATO ally and friend of the United States. We have major national security interests in preserving and strengthening our relations with Turkey whose government and people are offended by this Resolution. I understand the motives of the sponsors of this resolution; however, I am seriously concerned not only at the damage the Resolution will do to our relationship with Turkey, but also that it will be used by Armenian terrorists * * * to justify their past acts and future actions. I know that we are all determined to defeat international terrorism.

I urge rejection of the rule, and if considered, the resolution, House Joint Resolution 132.

Mr. TAYLOR. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. Kasich].

Mr. KASICH. I thank the gentleman for yielding.

A lot of things that have been very accurate by Messrs. Moody and Murtha and Horton and Bosco and Leath, but there is one thing that we forget now. We have been bashing our allies and justifiably so for not helping us in the Persian Gulf or anywhere else in the world.

Turkey is the poorest nation in NATO and they do more than West Germany, Holland, and Belgium to help themselves and to help us and to help the alliance.

To bash somebody who is carrying their share of the burden, more than their share of the burden, is absolutely the wrong message to send at a point in time when so many of our allies do not want to do anything to help themselves or to help us.

Let us vote "no" on this resolution.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only I yield 3 minutes to the gentleman from California [Mr. Lehman].

Mr. LEHMAN of California. I thank the gentleman for yielding time to me.

Mr. Speaker, I should hope to have the time to refute the historical record as articulated here by Mr. Moody and Mr. Solarz if we are given the time by passing this rule.

Mr. Speaker, there are several relevant questions to which Members deserve concise and direct answers before voting on the rule.

I would like to address them.

Question No. 1: Was there really a genocide?

The facts are on the table and always have been. The word "genocide" was coined by Raphael Lemkin to describe what had happened to the Armenians. We are not taking an event and fitting it to the term "genocide." Rather, the term "genocide" was invented to describe this specific atrocity. How can it not apply?

The best case for the authenticity of the genocide and the need to commemorate it does not come from an Armenian organization. It comes from our own U.S. Holocaust Memorial Council which stated:

> There was unanimous approval of the fact that the Armenian genocide should be included in the Holocaust Museum Memorial. It was deeply felt that this was part of the entire process that led ultimately to the Holocaust * * *.

Question No. 2: Didn't that happen a long time ago? Why bring it up now?

Like the Jewish Holocaust, the survivors are still alive today. They live in the United States, thousands of them.

Every day the pain of this event is ingrained in their being. There are those who survived at the bottom of sand pits protected by other bodies, and those who had to make the difficult choices like which child to keep and which to leave in the desert because they didn't have enough food or water or the strength to carry them.

I fear that if we begin to forget now in 30 to 50 years there will be people in Germany who question the authenticity of the Holocaust saying their ancestors could never have done a thing like that. Besides, there was a war going on wasn't there?

I hope that our relationship with Germany won't preclude us from obtaining a rule to discuss that issue.

Question No. 3: Won't this damage our relationship with Turkey and harm our alliance?

Nonsense! It has been acknowledged by several Presidents, including this one, and not harmed anything. It has passed the House before and not harmed anything.

But more importantly, it can't harm anything! It says specifically that Turkey didn't do it.

It says clearly and plainly that these events occurred in the Ottoman Empire before the establishment of the Republic of Turkey.

It even mentions other events, including the Jewish Holocaust, the Cambodian genocide, and the destruction of native populations in the Americas.

In other words, we're not pointing any fingers at the Turk's ancestors that we are not willing to point at our own.

Ata Turk, the great Turkish leader, the founder of modern Turkey, acknowledged the events we seek to commemorate. He said in his own writing:

> The Young Turk Party should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven from their homes and massacred.

Ata Turk threw these thugs out. Modern Turkey was founded from the ashes of this catastrophe. He didn't think acknowledging it damaged Turkey. Neither should we and neither should the great Turkish Republic.

The final answer to this question, however, is a decision we must each make as to what kind of relationships we want with other countries.

Should we let another State tell us which genocides to remember and which ones to forget?

Should we recompose our history text each time we change our allies? Should we be more concerned about upsetting the Turkish Ambassador than about the sensitivities of 200,000 Americans which will be shaken if we do not take this small, almost token step in their behalf?

By rejecting this rule we say "We don't even want to discuss your feelings. They are not important."

Question No. 4: Will passage of this resolution justify terrorism?

I couldn't characterize in a manner acceptable for print in the RECORD how I feel about the merits of that charge.

The fact is the opposite is true. Extremists are freer to commit their disgusting acts when there are no institutional outlets for frustration. It is at least just as likely that not acknowledging the genocide will be used by these sick individuals to justify their crimes.

In any event we all agree, I am sure, that we should not be influenced in any manner by the actions of terrorists. We should reject the implication that an exception be made in this instance.

Finally—

Question No. 5: Why are we in this position now? Why do we need this commemorative resolution?

Frankly, we shouldn't have to be doing this. For 60 years this Nation recognized what happened to the Armenian people. Turkey didn't grow farther from us politically, it got closer. This resolution passed without fanfare in 1975.

Then, in 1983, our own State Department declared suddenly that it did not support the Armenian historical position.

Needless to say, the Armenian community was outraged. The State Department dug in, the Turkish Government, which now had an official position to defend, dug in, and the Armenian American community come here to this room.

They didn't throw bombs or break windows. They didn't even demonstrate. They merely asked their elected Representatives in the Congress to mitigate what was to them a grievous and shameful injustice—genocide compounded by denial.

And so we have before us, not a statement condemning the Turkish State or the Turkish people, but a proclamation for a day of remembrance for the dead. It doesn't even change the State Department's position.

If we pass this resolution, it will be behind us and behind Turkey. If we don't, we know that this issue will be back on this floor again and again and again.

Let's vote for the rule, have our hour of debate, and then cast our votes on the issue.

Mr. BIAGGI. Mr. Speaker, I rise in strong support of House Resolution 238, the rule to provide for consideration of a resolution to designate April 24, 1988, as National Day of Rememberence of the Armenian Genocide of 1915-1923." In fact I prefer this resolution to those we have considered in the past because in this one we come straight out and identify what we must accomplish on this date. First we must publicly acknowledge that the Armenian massacre of 1915-23 was in fact an act of genocide. The second is we must use this date to commit ourselves never to have such a horror repeated by any nation or people against any other people.

It is astounding to me how difficult it has been over the years to get this resolution passed by the Congress. We all know the reason. The absolute obstinance of the Turkish Government to accept the fact that the actions of an earlier regime in fact was genocide. Yet history is replete with the recognition that this event was genocide. Consider that the U.S. Holocaust Memorial Council in a 1981 statement said there was unanimous approval of the fact that the Armenian genocide should be included in the Holocaust Museum/Memorial. Most recently in June of this year, the European Parliament adopted a resolution which preconditions Turkey's acceptance into the European Economic Community on its recognition of the Armenian genocide.

There are those who argue that passage of this resolution will harm our relations with the Government of Turkey. I am very familiar with this argument. This same argument was used to try and limit congressional support for legislation to suspend aid to Turkey when they illegally invaded Cyprus 13 years ago. The measure passed, its important message was delivered and relations while affected were by no means permanently affected. I have heard this same argument used by those who do not want us to be critical of Northern Ireland because of its impact on relations with Great Britain. Yet the fact is—we have been critical—we have been critical in a constructive fashion and in the past 10 years we have seen this criticism lead to progress. Today after this time the British have recognized that the solution there needs to be a political one and since they are making progress toward that goal, we are now investing in the future of Northern Ireland, with first time economic aid. The point is through criticism there was progress.

Here the situation is far more remote in nature as it affects the present Turkish Government. The Ottoman Empire deemed responsible for the Armenian genocide long preceded the existing government in Turkey. Is Turkey suggesting that there should continue to be denial in perpetuity for the genocide. Denying it will not make it go away. The memories are too strong for the Armenian people and their commitment to right history is too strong.

I believe it is time to end this episode in what I might refer as "thin skinned" diplomacy. It is time for this Congress, this Nation, and the world to set the record straight on the events of 1915-23 in Turkey. It is time that we recognized that our position as the champions of human rights around the world will continue to be a mockery if we engage in selective morality in those issues, past and present, that we take stands on.

It is argued by those in opposition to this resolution that Turkey has a proud history or cultural and religious toleration. It is a proud democratic friend of the United States. My response is they could prove this by simply accepting the passage of this resolution today and stop working to defeat it.

Finally let me add one point. If this resolution should fail, I would hope the effort would not be abandoned, I would also fervently hope that those in Armenia who are seeking to have this injustice corrected will not resort to further violence. It will not hasten the outcome and in fact may hinder it.

We realize that over the course of history, President Reagan and former President Carter had many disagreements. One issue they did not disagree on was the fact that the events of 1915-23 in Turkey constituted genocide against millions of Armenians. Let us in a bipartisan fashion adopt this resolution today, make this important recognition in history and pledge as we have done with respect to the Holocaust "never again."

Mr. STRATTON. Mr. Speaker, I rise in support of the rule on House Joint Resolution 132, the National Day of Remembrance of Armenian Genocide.

What we are commemorating here is one more example of man's inhumanity to man; and as such, it is in my judgment as appropriate for those of us—the living—to remind ourselves that such tragedies shall never again take place on the face of this Earth—the monstrous tragedy of the Holocaust, the ruthless slaughter of the Cambodian people, and the deliberate starvation of the people of the Ukraine under the reign of Josef Stalin.

Such events are not, of course, pleasant to contemplate. But if we are to prevent these events, we need to recognize them; and, by remembering, we make it easier for us to insure that we will make certain that such deeds shall never again take place.

I can remember as a grade school pupil in Schenectady in the early 1920's being taken with our classmates to a movie in a downtown theater which photographed some of the suffering of the Armenian people at the hands of the Ottoman Empire. This was what was referred to as Near East Relief; and even as a child, I remember our modest efforts as schoolchildren to contribute as we have done for UNICEF and other worthy causes.

There is no doubt that the iniquities that were forced upon the Armenian people deserve to be remembered—as this resolution was designed to do. Nothing can assuage the hearts of those who lost family and friends in that tragedy, as we remember those who lived through this period of terror, of killing.

For many people this story is not known. For many, it is not even believed to be factual. But it did happen, and as I have said as I saw in those early film documentaries from the Near East Relief Organization.

There is a rumor that Members who do not understand the impact of this resolution will try to vote against the rule, which means once again that the House will not be able to debate and consider this resolution as it should properly be done.

Mr. Speaker, I am very proud to have in my congressional district in the capital area of the Empire State—in Troy, Albany, Watervliet—a very large number of people of Armenian descent. They are leaders in the community. They are hard-working people in the Watervliet Arsensal, one of the major military installations in our Nation. They are church-going people. Their contributions to the community are many and great over the years.

One of the things that they have brought to my attention is their deep desire that the American people will make it possible for the generations of Armenians who have come after the tragedies of the Near East genocide to be able to honor those who lost their lives in an earlier time. For these Armenians are firmly proud of their heritage—as all Americans are. And they certainly deserve to be.

As a matter of fact, one of the most notable leaders of the Armenian people, the Governor of California—Governor Deukmejian, was born and lived and was educated in my congressional district. I know that the Governor will be joining with his friends and relatives in hoping that this 1987 resolution will be overwhelming passed and not just brushed aside.

Ms. PELOSI. Mr. Speaker, I rise in support of House Joint Resolution 132, a bill to designate April 24, 1988, as "National Day of Remembrance of the Armenian Genocide of 1915–1923." The intention of this legislation is to commemorate the loss of nearly 1.5 million Armenian victims of genocide perpetrated by the governments of the Ottoman Empire over an 8-year period.

Armenian Americans observe the devastating loss of their ancestors on April 24. As a nation, we should share in their sorrow by publicly acknowledging the circumstances under which it occurred.

Genocide is a tragic blot on the record of human history. If we, as a people, are determined to ensure that new incidents of genocide are not allowed to occur, it is vital that we remember the victims of the past. There is, unfortunately, a movement of historical revisionism which is attempting to deny this particular act of genocide. House Joint Resolution 132 would prevent this occurrence, by protecting the validity of official State Department records, which chronicled the genocide.

This bill is not intended to offend the present Government of the Republic of Turkey, which is an important NATO ally. Despite the importance of Turkey as an ally, we cannot allow history to be rewritten just as an act of mollification. The principles of liberty and respect for human rights, upon which this country is based, are too important to be violated for political purposes. The facts are clear. One and a half million Armenians were killed through a systematic program of persecution and genocide by the Ottoman Empire. Their ancestors deserve public recognition and our sympathy. I strongly urge my colleagues to vote yes on this resolution.

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today in support of House Joint Resolution 132, which designates April 24, 1988, as a National Day of Remembrance of the Armenian Genocide. I am shocked that the House has refused to even take up this important legislation.

This past April I took part in ceremonies in Hartford, CT, commemorating the Armenian genocide. These ceremonies, sponsored by the Connecticut branch of the Armenian National Committee, served as a vivid and touching reminder of one of the most tragic episodes in the history of mankind.

On April 24, 1915, over 200 Armenian religious, political and intellectual leaders were arrested in Constantinople and in Armenian centers throughout the Ottoman Empire by its rulers. These pillars of the Armenian community were then either deported or murdered, leaving the Armenian people leaderless.

In May 1915, the deportation of all Armenians was ordered. The resulting death march, consisting mostly of women, children, and the elderly, wound its way across Asia Minor and Turkish Armenia into the Syrian desert. Countless gruesome atrocities were inflicted upon the defenseless Armenians, including rapes and torture. The road was strewn with Armenian bodies. Able bodied Armenian men serving in the Ottoman Empire's armed forces were segregated into labor battalions, disarmed and either killed outright or worked to death.

Henry Morgenthau, the U.S. Ambassador to Turkey during 1913–16, had no question that the treatment of the Armenians was part of a calculated plan to exterminate them. In 1918 he wrote:

> When the authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.

Morgenthau, who tried desperately to stop the horrible slaughter, asserted that these events "surpass the most beastly and diabolical cruelties ever before perpetrated or imagined in the history of the world."

During the years between 1915 and 1923, 1.5 million Armenians were systematically massacred, and another 500,000 deported by the Ottoman Empire. Successive Turkish governments, in an attempt to rewrite history, have tried to cover up these events by denying their very occurrence. Where this has failed, they have warned of damage to Turkish-American relations should the United States persist in reminding the world of this terrible tragedy.

House Joint Resolution 132 is not an indictment of the Turkish people or their leaders, past or present. It serves as a reminder of one of the saddest chapters in man's history, as an example of man's capacity for evil. We must learn from such examples if we are to avoid repeating them. And to learn we must not forget.

Mr. Speaker, I have cosponsored this resolution each year since first coming to Congress, because I believe that we have a responsibility to remember such events as examples of the cruelty that humans are capable of inflicting on each other. I urge those of my colleagues who have opposed consideration of this legislation to reconsider so that the House may have the opportunity to vote on it.

Mr. GREEN. Mr. Speaker, I think it is critical that the House pass the rule allowing for consideration of House Resolution 132. Passage of this resolution, designating April 24, 1988, as a national day of remembrance for the Armenian genocide of 1915–23, is long overdue.

In December 1985 this House bowed to the pressure of the Turkish Government and defeated a friendly amendment to a similar resolution, 213 to 206. It was not one of the prouder moments of the House and our inability to right this wrong today would only add to our shame.

Let me tell you first what this resolution, which the Government of Turkey has set as a litmus test of our support, does not do. First, it does not seek to attack and deride our ally Turkey. I stand second to none in this House in recognizing the valuable role Turkey plays in the NATO alliance. This resolution does not accuse Turkey; in fact, it explicitly states that this was a genocide which occurred under the Ottoman Empire, prior to the establishment of the Republic of Turkey.

Second, it does not devalue the term "genocide." I have the privilege of being a member of the U.S. Holocaust Memorial Council, which has decided to include the details of the Armenian genocide in its planned Holocaust Memorial.

What this resolution does do is give some comfort to those Armenians whose loved ones were among the 1.5 million Armenians massacred as they watched and who still write me today begging that we not murder them a second time by revising history.

Perhaps the single most important point that can be made in favor of this resolution is Hitler's own words in a 1931 interview as he described his plan for the "final solution":

> . . . And remember the extermination of the Armenians. One eventually reaches the conclusion that masses of men are mere biological plasticine.

And if we defeat this rule and this resolution again today, we might add to that "whose fate can be rewritten for political expediency."

Mr. BOSCO. Mr. Speaker, I rise today in opposition to House Joint Resolution 132, designating April 24, 1988, as "National Day of Remembrance of the Armenian Genocide 1915-1923." This resolution is clearly a well-intentioned piece of legislation, Mr. Speaker, but it would drop a bombshell of bad will upon the country of Turkey, this Nation's critical ally on NATO's southern flank, and cause severe and needless damage to American interests in southern Europe.

At the outset, Mr. Speaker, I would like to make it clear that I do not wish to dispute the claims of immense suffering presented by the Armenian people. I deplore the crimes they have described, and I believe that it is our duty as elected officials to be especially sensitive to the needs of those Armenians who came to this land seeking refuge from foreign calamities and wars.

However, I do not believe that it is appropriate for this body to debate what does and what does not constitute the horrible crime of genocide, and I refuse to engage in such a debate. Mr. Speaker, the U.S. Congress is a political body, not an historical academy. The U.S. Congress can and must be trusted to enact laws that conform to the will of the people of the land, and it can be trusted to respond to political pressure, but it cannot be trusted to discriminate accurately between subtle and confusing renditions of faraway historical events.

But, Mr. Speaker, even more important than the historical debate in this instance are the national security ramifications of this resolution. Many of my colleagues believe that House Joint Resolution 132 carries with it no unfortunate consequences; let me explain why it unfortunately does.

Mr. Speaker, Turkey is a nation truly on the front lines, yet its security relationships with the United States and NATO are currently on the rocks. I submit that the United States and NATO could not invent a more strategically situated ally—Turkey controls the Soviet fleet's access to the Mediterranean—nor could we ever question Turkey's commitment to our common defense—she contributes the second largest number of troops to NATO of any nation in the alliance.

Moreover, Turkey's less visible contributions to alliance security are even more consequential. In particular, she offers the United States crucial intelligence-gathering positions from which we can observe Soviet strategic force developments and verify Soviet compliance with arms control agreements.

Frankly, Mr. Speaker, you would think that a country that borders the Soviet Union, Iran, Iraq, Syria, and Bulgaria would be seen for what it is—vital and absolutely irreplaceable—and that we in Congress would exercise the little influence that is ours to clear away the stumbling blocks between the United States and Turkey, and to ease Turkish fears of the Soviet military and of rising Islamic fundamentalism.

And yet this resolution, however insignificant and benign it might appear to us, when taken in the context of other Western policies by Turkey's leaders, jeopardizes all of these benefits, and consequently jeopardizes the security of the United States. Turkey is an Islamic nation within which there exists a delicate domestic political balance, and although Turkey is constitutionally secular, Islamic fundamentalism poses a constant threat. We should encourage, rather embarrass and undermine, those Turks who place great emphasis and value on continued and expanded cooperation with the West.

Many of my colleagues believe that House Joint Resolution 132 comes on the heels of an identical and similarly well-intentioned resolution passed in June by the European Parliament. Mr. Speaker, the sponsors of House Joint Resolution 132 in fact point to the European Parliament's action as one that should be respected and emulated by this body. They are in grave error.

Mr. Speaker, the resolution in question in effect holds the present Government of Turkey directly responsible for crimes perpetrated during the Ottoman Empire, classifies these crimes unequivocally as "genocide," and recommends that Turkey be denied entry into the Common Market until it accepts these deeds as its own. And what is particularly egregious about this decision?

Mr. Speaker, of the 518 members of the European Parliament, about 145 voted for final passage of this resolution. In other words, all of 28 percent of the European Parliament stood behind what the sponsors of House Joint Resolution 132 term "a historic resolution" for which "the members of the European Parliament are to be commended."

Even more damning is exactly who these parliamentarians were. The group supporting the resolution included primarily Communists, leftwing members of European Socialist parties, Greeks, and the entire Greek delegation. In other words, all of the members of the European Parliament with a clear and established interest in damaging Turkey's economic well-being and diplomatic status, and all of the members interested in undermining the unity and effectiveness of NATO and the Common Market, stood together in supporting this resolution. It is hard to imagine why this distinguished body should emulate such a vote.

Mr. Speaker, three center-right political groups, comprising roughly one-half of the European Parliament, refused to participate in this vote on the grounds that it was not appropriate for the European Parliament to make historical judgments. Further, the British and West German governments, recognizing the severe antialliance sentiment that this resolution expressed, immediately disassociated themselves from the vote.

Mr. Speaker, I am appalled by the possibility that my colleagues may unwittingly aid fringe groups who are consistently and stridently opposed to the NATO alliance. If we pass House Joint Resolution 132 on the heels of a disastrously onesided and vindictive resolution in Europe, and if we proclaim this resolution as our inspiration today, then it is small wonder that our relations with Turkey will suffer.

Mr. Speaker, I call upon my colleagues to join me today in opposition to House Joint Resolution 132, not out of disrespect for the worthy claims presented by Armenian Americans, but out of respect for the reasoned and responsible conduct of America's foreign relations.

Mrs. ROUKEMA. It is with genuine respect for the memory of those Armenians who have suffered persecution that I rise today in support of this resolution. Over 70 years ago, American did everything they could to stop and alleviate the suffering of Armenians. Surely today the least we can do is remember that tragedy, and pledge that it will never happen again.

I support this legislation of a sincere sympathy for the Armenian victims of genocide and because of my sincere belief that the best way to prevent future genocide is by condemning past genocide. There should be no question where the United States stands on this critical human rights issue.

No one should doubt the nature or extent of the suffering that was inflicted on the Armenian people during the last years of the Ottoman Empire. The memoirs of Herbert Hoover vividly recall the atrocities, as well as American efforts to assist the Armenian people. The archives of the U.S. Department of State also record the anguish of our own diplomats as they attempted to deal with the tragedy.

House Joint Resolution 132 will simply commemorate a tragedy that we have acknowledged for decades. It does not seek to blame current governments nor create strain with our allies. It only asks that we remember past suffering, so that we can work to prevent future suffering. Certainly we should not attempt to rewrite history, omitting the inconvenient parts.

For these reasons, I urge my colleagues to support this resolution.

Mrs. MORELLA. Mr. Speaker, in August 1939, before World War II, before the Holocaust, Adolf Hitler asked his generals: "Who still talks nowadays of the extermination of the Armenians?"

We are here today, on the floor of the U.S. Congress, to talk about that very same extermination of the Armenians.

We are here in part, I think, because Hitler taught us the price of forgetting. As Santayana so eloquently put it, "Those who cannot remember the past are condemned to repeat it."

But the danger of repetition is not the only price of forgetting; another victim of the absence of memory is truth. There are those who today would like us to believe that the Armenian genocide never happened.

It is interesting to note that there were no such doubts at the time.

Henry Morgenthau, U.S. Ambassador to the Ottoman Empire at the time of the genocide, wrote in 1918 that:

> The Turkish authorities gave . . . the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.

Ambassador Wangenheim of Germany, the Ottoman's close ally, writing in 1915, noted that, "the government is indeed pursuing its goal of exterminating the Armenian race in the Ottoman Empire."

The founder of modern Turkey, Kemal Ataturk, declared that the regime which preceded his "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred."

It is difficult to comprehend how the present rulers of Turkey, who see Ataturk as their forefather, could deny the genocide which he so rightly condemned.

Let us not join them in their amnesia. Veiled and not-so-veiled threats have been made regarding Turkey's relations with the United States if this resolution should pass.

But this resolution is neither about dismembering the Turkish state nor about supporting Armenian terrorists. This resolution is about truth and memory.

It is not too late to heed Santayana and to answer Hitler by showing that we do remember the Armenian genocide. Let us today vote to designate April 24, 1988, as "National Day of Remembrance of the Armenian Genocide."

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to share with you my support for House Joint Resolution 132, which would designate April 24, 1988, as "National Day of Remembrance for the Armenian Genocide of 1915-23.

Once again, Congress is about to consider this legislation which would honor the victims as well as the survivors of this tragedy which took place earlier this century. I feel it is most important that this legislation be passed by this body, not only for people of Armenian descent but for all Americans. What took place under the Ottoman Empire was indeed a tragedy, but we do not attempt to commemorate this day today in an effort to denigrate the present day government of Turkey. Rather, we honor this day to remind us of the injustices which can take place in modern society and to confirm for history that which the facts have already confirmed—that there was a genocide. We should not be swayed by the officials of the Reagan administration nor by the Turkish officials into believing that there was no effort to eliminate the Armenian people. Clearly there was.

Perhaps I feel it is saddest that they are willing to deny the history in hopes that it will be forgotten. Well, it won't. The suffering which the Armenian people have had to withstand has been too much, and for those who seek to continue to deny it do further injustice. The Armenian people are people of pride and dignity. Let us restore their pride and dignity by voting in support of this resolution today.

Mr. INHOFE. Mr. Speaker, today the House of Representatives will consider the rule on House Joint Resolution 132, to designate April 24, 1988, as "National Day of Remembrance of the Armenian Genocide of 1915-23." I will oppose this rule for three reasons.

First there is a question about the factual accuracy of the resolution. A majority of the leading United States academic specialists on Turkey, the Ottoman Empire and the Middle East have challenged the accuracy of resolution's version of events during the period of time in question. Although it is a fact that a great many Armenians were killed in cruel and barbarous ways, it is also a fact that a great many Muslims were killed in terrible ways. It was a cruel and tragic civil war with a great deal of suffering on both sides. But it is not the role of the U.S. Congress to determine which historical view of those events is correct.

Second, Armenian terrorists have murdered more than 50 Turkish diplomats and two American citizens as part of an effort to destabilize modern Turkey. They are seeking an independent Armenia, just as Armenians in 1915 were, and they use the "Armenian genocide" to justify their actions. To recognize an "Armenian genocide" despite historical discrepancies would be taken as a sign that we condone these terrorists' goals and actions. The pain and suffering of Armenians and Muslims from 1915 to 1923 should not be exploited in this way.

Third, this resolution would have serious consequences for our relations with Turkey, one of our staunchest allies and a strategically vital member of NATO. These consequences might be acceptable if we were absolutely sure about the historical accuracy of the resolution, but the consequences are too great to risk on an uncertain and disputed set of facts. This is in no way meant to deny or minimize the very great pain and loss suffered by both Armenians and Muslims from 1915 to 1923.

For all of the above reasons, I must oppose the rule on House Joint Resolution 132. I urge my colleagues to consider these points when deciding how to vote on this measure.

Mr. McEWEN. Mr. Speaker, the House will today consider, again, a resolution which seeks to designate April 24, 1988 as a "National Day of Remembrance of the Armenian Genocide of 1915-23." In the 99th Congress, this ill advised resolution was to recognize "Man's Inhumanity to Man."

The horrifying and outrageous death tolls during the 8 years of the Ottoman Empire must not be forgotten nor can they be forgiven. The detainment, torture and murder of these Armenian leaders by the empire will live in our hearts and minds for eternity.

The United States has not and will not be silent in our remembrance of these victims of the Armenian tragedy:

The U.S. Holocaust Memorial Council will include this time in Turkish history in its museum and educational programs.

President Reagan in an April 1981 proclamation recognized, on behalf of all Americans, that these Armenian cruelties should never be forgotten.

Today, however, the arguments in favor of this resolution remain erroneous and dangerous. After 4 hours of debate, this resolution was defeated in the 99th Congress.

A year later, the arguments in favor of defeating this resolution are even stronger:

As the Secretary of State, George Shultz, so eloquently detailed in his August 4, letter:

> This Resolution . . . will have a severely negative impact on our country's relations with a major ally and friend, modern-day Turkey. If passed, the Resolution would seriously damage the NATO Alliance.

The Ambassador of the Turkish Republic further states:

> Clearly this resolution should not be seen merely as a symbolic gesture of empathy toward one group of American's forebears regarding a long ago tragedy in a faraway land. Today, in 1987, human lives and crucial alliance relations are at stake. Passage of this resolution will constitute and undeserved blow to a steadfast NATO ally and will severely damage the crucial interests our two countries share.

I share in the grief my colleagues express for the horrific course of this time in Armenian history, 1915-23. No vote by this body will ever erase this tragic event from history, nor from the Armenian people's, or our, minds. This is assured. I urge my colleagues, in no uncertain terms, to oppose House Joint Resolution 132.

Mr. MORRISON of Washington. Mr. Speaker, I am opposed to House Joint Resolution 132, the Day of Remembrance of Armenian Genocide because I believe it harms our relations with and offends the present Turkish Government without serving any worthwhile purpose. Turkey is a major NATO ally, and is the site of the largest American airbase between Italy and the Philippines. All large, tragic losses of life do not meet the definition of genocide—"an attempt to eliminate a national, ethnic, racial, or religious group." Genocide is the highest crime against humanity of which a nation may be accused, and the charge of genocide must only be made based on the clearest historical record. In this case the record is not clear. Although there is no question that hundreds of thousands of Armenians died during the collapse of the Ottoman Empire between 1915 and 1923 (at a time when hundreds of thousands of Moslems also died), whether the circumstances of these deaths meet the specific definition of genocide remains a matter of controversy.

Mr. RAHALL. Mr. Speaker, yet again I speak in opposition to the rule on House Joint Resolution 132, which would designate a "National Day of Remembrance of the Armenian Genocide of 1915-1932."

Many commentators have argued that, whatever the consequences for our relations with the Republic of Turkey, or for our policy of fighting terrorism, we should pass this resolution on purely moral grounds. I am sympathetic to this argument. How could we morally defend ignoring or covering up a crime as heinous as that of genocide? But how, also, is it moral to levy such a grave charge when the historical assumptions on which it rests are so clearly open to historical dispute?

Note the fact that over 60 of our country's most distinguished scholars of Turkish, Ottoman and Middle Eastern studies have consistently argued that the nature of the events which occurred in Eastern Anatolia during the period cited by this resolution is still a matter of historical debate.

Armenians argue passionately that the tragedy which befell their people in Turkey was the result of a deliberate Ottoman government policy to destory their race. This is the view adopted by the resolution. Turks argue just as passionately that hundreds of thousands of Muslims met the same fate in that time and place, and that these horrors were the result of war and the disease and famine which accompanied it. They deny vehemently that there was a deliberate policy to exterminate the Armenian people. Let us not forget that the tens of thousands of Armenians living in Istanbul—the Ottoman capital—were largely left alone and continue to live there presently.

The historians point out that congressional endorsement of a resolution based on the views held by only one side of this debate will limit historical inquiry and damage the credibility of the legislative process. Be that as it may, lending the authority of this body to a statement on which a large number of scholars is unable to agree will debase the value of this House and unnecessarily harm our relations with Turkey, which has proven to be a good friend and an important ally.

I urge my colleagues to leave resolution of this historical point dispute to scholars equipped to do so, and to oppose passage of this resolution.

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to House Joint Resolution 132 and to the rule because it is not the simple comemorative resolution some have billed it to be. Rather, it is a very controversial bill that could create serious problems with the national security of NATO and in our relations with our close and trusted friend, the nation of Turkey.

History does not support the accusation that in 1915 the Ottoman Empire, to which modern Turkey traces its roots, systematically tried to exterminate all Armenians. Sixty-nine of our Nation's top scholars specializing in the Ottoman Empire and Near East history from recognized institutions like University of California-Berkely, Princeton, Columbia, UCLA, University of Pennsylvania, John Hopkins, and others publicly oppose this resolution.

House Joint Resolution 132 asserts that the Armenians were victims of genocide. However, many experts question whether genocide is the proper term for what transpired in the years after 1915. Genocide, an intentional, systematic policy to eliminate a people, is one of the worst crimes against humanity. I share the anguish of the Armenian people and recognize that countless numbers were killed in cruel and brutal ways. However, I also recognize that the period of time covered in this resolution includes World War I and the collapse of the Ottoman Empire. The area where many of the Armenians lived was the scene of bloody fighting between the Russians and the Ottomans. Countless numbers of Moslems and other ethnics were brutally killed along with the Armenians. I have reservations about using the term "genocide" because I understand that hundreds of thousands of Armenians in western Turkey and other parts of the Ottoman Empire—far from the eastern front—were not affected. Compare this to the real genocide of the Jewish people by the Nazis. Jews from all Nazi-occupied territories were hunted and persecuted. Turkey, indicentally, was a safe haven for many thousands of European Jews fleeing the Holocaust. While this resolution names the Ottoman Empire, it is clearly aimed at Turkey and the Turks. Yet, many of the soldiers and armed militia in the Ottoman armies, those accused or murdering the innocent Armenians, were not Turks. They were from other parts of the empire.

I am also concerned that members are ignoring the injustices committed against the Armenian people by the Russians and the Soviets. Half of the region of Armenia was seized by the Soviets and through today they suffer under communism as a second-class non-Russian citizens. Clearly, many Armenians perished at the brutal hands of the Russians and Soviets during the period covered in this resolution. Many tens of thousands of others were killed during Stalin's regime.

Targeting the Turks could have serious consequences for our relations with Turkey and could endanger some of our most vital security interests in the Mediterranean. Turkey is the strategic cornerstone of NATO's southern flank. Its control of the chokepoints of the Bosphorus and the Dardanelles contains the Soviets in the Black Sea and controls their access to the Mediterranean. The Turkish Army is the second largest in the alliance—only ours is larger. The Turks make a significant contribution to the conventional balance of power in Europe.

Turkey is a strong, democratic friend of the United States. Its 1,000-mile border with the Soviet Union is one of the longest in NATO. It has the largest U.S. Air Force base between Europe and the Philippines, is the home to many vital listening posts and pays a proportionally large share of NATO's defense costs. I know that the Turkish people and the Government in Ankara will take great offense at this resolution. This resolution, if adopted, coupled with the provision critical of Turkey in other committee bills and the reduction of our aid to this base-rights country could be a very serious blow to Turkish-American friendship and cooperation.

I know some of my colleagues will cite the European Parliament vote in support of House Joint Resolution 132. It is important to note that less than 25 percent of the delegates were present and of them, 80 percent were Communist and Socialist. Great Britain and Germany have officially disassociated themselves with this voice-vote resolution. Following this vote, Turkish President Evren publicly indicated that a similar resolution adopted by the United States could result in Turkey leaving NATO. The mere suggestion of such a drastic action by a loyal NATO member signals the seriousness of this matter.

I am also very concerned that the passage of House Joint Resolution 132 could give Armenian extremist groups incentive to increase their indiscriminate terrorist activities. Already, these terrorists are responsible for the deaths of more than 70 Turkish diplomats and other innocent bystanders including 4 Americans. I know of these bloody attacks well—the Turkish Consul in Los Angeles was gunned down in my district at the Baltimore Hotel in Santa Barbara, CA. With all of our concern about terrorism, I do not think it wise for Congress to pass a measure that could promote terrorist attacks.

The Armenians were subject to mass killings and suffered greatly. The unwarranted, barbarous attacks on innocent Armenian villages must be condemned. However, if we are going to adopt a resolution which would jeopardize our relations with an important ally and put at risk vital American national security interests, we need to be absolutely convinced of the textual accuracy of this resolution. I am not.

Mr. Speaker, I urge my colleagues to vote against this resolution.

Mr. BOLAND. Mr. Speaker, I would like to associate myself as one who supports House Joint Resolution 132, which would designate April 22, 1988, as "National Day of Remembrance of the Armenian Genocide of 1915-1923."

That it has taken this body over 70 years to make a full recognition of the acts perpetrated by the Ottoman Turks against the Armenians is reason enough for this action. Clearly there is no excuse for not addressing this historical tragedy. We must follow the lead of our allies. The European Parliament has made a formal recognition of Armenian genocide, and has, in fact, pressured the present Government of Turkey to recognize the atrocities of the Ottomans as a prerequisite to admittance to the European Economic Community.

The United States' recognition of Armenian genocide through a designated day would be a little more than a token to the descendants of the victims. It would be an important token, however. The significance of the greatest democracy finally coming to grips with an event which brought death to 1½ million Armenians and permanent displacement from their homeland to over 500,000 more cannot be overestimated. Moreover, to deny even this minute, belated observance of Armenian genocide would be to turn a deaf ear to a persecuted people and to turn our backs to the grievous lessons borne of that persecution.

Mr. Speaker, I urge my colleagues not to let this opportunity escape the Congress. This action is exclusively symbolic in nature. But to deny the facts surrounding Armenian genocide by not allowing for this day of observance would not only prolong the suffering of its victims and the descendants of those victims, but would also abet the future of genocide by failing to raise public consciousness to its reality. I commend the intent of this legislation and urge its immediate passage.

Miss SCHNEIDER. Mr. Speaker, today the House takes note of a period when acts of unbelievable violence were carried out against the Armenian people. We do this because it is fitting that each generation should be reminded of the potential for violence that exists in the world. The massacre of hundreds of thousands of Armenians occurred in a time of war and turmoil. The tragedy that befell the Armenian people must take its place along side the tragedies that befell the victims of Stalin, Hitler, and Pol Pot. It is correct for Congress to take time to remember those who died.

The debate over the exact motivation, the circumstances, and the political decisions that occurred over 75 years ago in present-day Turkey will continue. Congress cannot affix blame on the prepetrators who actively carried out atrocities against the Armenians. Congress cannot extract concessions nor demand reparations from those who allowed or encouraged wide-scale death and displacement. Congress cannot sort out the incidental victims of a period of tumult from who were victims of a deliberate violence directed at the Armenian minority. What Congress can do is to take note of the circumstances under which the oppression of a minority people leads to rampant killing and displacement and to work to ensure that such circumstances are never repeated.

Mr. Speaker, the Armenian community in my own State of Rhode Island is an example of the strength and resiliency of this pround people. In remembering their sorrows, we should not overlook their triumphs. While we commemorate today the suffering and tragedy that befell their friends and relatives over 75 years ago, we can also celebrate their contributions to industry, education, culture, and government. I join my colleagues in remembering the victims of this massacre and dispersion, and I salute the survivors and their accomplishments.

Mr. INHOFE. Mr. Speaker, today the House will consider House Joint Resolution 132, to designate April 24, 1988, as "National Day of Remembrance of the Armenian Genocide of 1915-1923." I will oppose this resolution for three reasons.

First, there is a question about the factual accuracy of the resolution. A majority of the leading United States academic specialists on Turkey, the Ottoman Empire and the Middle East have challenged the accuracy of the resolution's version of events during the period of time in question. Although it is a fact that a great many Armenians were killed in cruel and barbarous ways, it is also a fact that a great many Muslims were killed in terrible ways. It was a cruel and tragic civil war with a great deal of suffering on both sides. But it is not the role of the U.S. Congress to determine which historical view of those events is correct.

Second, Armenian terrorists have murdered more than 50 Turkish diplomats and 2 American citizens as part of an effort to destabilize modern Turkey. They are seeking an independent Armenia, just as Armenians in 1915 were, and they use the "Armenian genocide" to justify their actions. To recognize an Armenian genocide despite historical discrepancies would be taken as a sign that we condone these terrorists' goals and actions. The pain and suffering of Armenians and Muslims from 1915 to 1923 should not be exploited in this way.

Third, this resolution would have serious consequences for our relations with Turkey, one of our staunchest allies and a strategically vital member of NATO. These consequences might be acceptable if we were absolutely sure about the historical accuracy of the resolution, but the consequences are too great to risk on an uncertain and disputed set of facts. This is in no way meant to deny or minimize the very great pain and loss suffered by both Armenians and Muslims from 1915 to 1923.

For all of the above reasons, I must oppose House Joint Resolution 132. I urge my colleagues to consider these points in deciding how to vote on this measure.

Mr. MARTINEZ. Mr. Speaker, some critics claim that we are wasting our time today, discussing events which took place in the Middle East in the early 1900's. These critics claim that there is nothing to be gained by rehashing this subject, and that we have far more important matters to attend to.

To these critics, I respond with an emphatic appeal to remember what America truly represents.

In America, we revere the need to stand up in the face of oppression, to recognize deplorable discrimination and stop at nothing to break down the wall, and to vehemently oppose any future oppression targeted at a people, whether it be against you, me, or anyone else. The Armenians' plight in the Ottoman Empire from 1915 to 1923 is a perfect example of why these national values of ours are vital. It is as much an American issues as it would be if it took place in the United States, due partly to our large Armenian-American citizenry, and perhaps even more importantly because, as Rev. Martin Luther King, Jr., proclaimed, injustice against anyone is injustice against everyone. Our great American principles know no boundaries. We must speak out against persecution irrespective of where the offense occurs. Furthermore, in response to the critics, we are not "rehashing" since we have not yet officially recognized the atrocities of that period, there is much to be gained by this acknowledgment because recognition hinders repetition, and what could be more important than taking a solid stand against an incidence of extreme ethnic discrimination? It is never too late to right a wrong: Today, the United States of America must lend its voice to the triumph of justice and the vindication of a people.

The historical record of the Ottoman Empire from 1915 to 1923 unequivocally reflects what we today would denounce as gross violations of human rights, en masse. Large numbers of Armenians were forcibly rounded up, deprived of their basic rights as citizens, sometimes exiled, and often exterminated. Although the record would by no means have been improved by implementing this policy against all persons in the empire, the invidious application of this policy to persons of Armenian heritage exacerbates these offenses to the level of crimes against humanity. It is true that it is uncertain whether there was an official policy of extermination; but the acts spoke for themselves. Some few public officials at the time had the courage to express outrage over the events. In 1915, U.S. Ambassador Henry Morgenthau expressed his dismay to the U.S. Secretary of State over the activities by assessing that,

> * * * it appears that a campaign of race extermination is in progress under the pretext of reprisal against rebellion.

He resigned his post in 1916 in protest of such offenses, choosing instead to spread the word about the atrocities. Since that time, Theodore Roosevelt, Woodrow Wilson, Jimmy Carter, and Ronald Reagan have all publicly recognized the truth of Morgenthau's assessment.

But recognizing these past offenses are by no means an indictment against our present-day friends in Turkey. The offenders and the offenses are long past, Turkey has proven itself to be a trusted and invaluable ally, and the Turkish Government has proven itself to be a responsible government which in no way engages in such deplorable activities. Even Kemal Ataturk himself, the founder of the Turkish Republic, acknowledged that,

> These left-overs from the former Young Turkey Party . . . should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred.

As Ataturk distanced himself from the perpetrators of those crimes, so too has Turkey distanced itself from the reproachable conduct of its predecessors in power.

But the historical facts must be acknowledged. America has expressed limitless outrage concerning the Nazi genocide of the Jews. America has been fomenting opposition to the ethnic hypocrisy in South Africa. America has very recently taken a strong position in support of the Hungarian minority in Romania that is being subjected to assorted governmental prejudice. America is beginning to assert itself against the tyrannical totalitarianism and human rights abuses of Pinochet's regime in Chile. And the Armenian genocide of 1915-23 defies distinction from these incidents. If we let the travails of millions of Armenians elude our sympathy, then we become politically motivated hypocrites. If we forget their struggle, then we are liable to turn a blind eye toward other infernos. If we tell the worldwide Armenian community that we do not believe they were tormented, then we plead ignorance to the world. Not a day more may be allowed to pass without the United States proclaiming its solidarity to the principles of human rights. We must be effusive in our opposition—in word and in action—to any occurrence of crimes against humanity, wherever they occur, whether perpetrated by friend or foe. The United States has too great a national integrity than to let it swerve from the foundation on which it is based.

Recognition of the genocide of Armenians from 1915-23 cannot reverse the damage done. But it can reaffirm the United States' inexorable values and tell the descendants of those Armenians that, "We are with you."

Mr. FLORIO. Mr. Speaker, on April 24, 1988, we are called upon by our consciences to remember a tragic event that devastated the foundations of humanity and scarred a culture and a peoples. Next year on April 24, we are called upon to remember the tragedy that took away the lives of 1½ million Armenians.

History records this event. There is no denying the evidence and the number of people who perished at the hands of the soldiers of the Ottoman Empire between the years 1915 and 1923.

Before 1915, the Armenians had faced the persistent hostility of a ruling empire. Segregated and separated, the Armenians were often subjected to cruelty and to death.

Starting on May 17, 1915, with the edict of deportation issued from the office of the Ottoman Emperor, the Armenians were systematically herded and driven out of the country under the guard of special organization officers recruited from the ranks of the prison population.

Driven across the desert to Syria, 1½ million Armenians perished en route. Some fell to disease, some fell to starvation. Many fell victim to the hatred that culminated in the massacre of a peoples.

Over half a million other Armenians wound their way out of the empire, and the Armenian presence in the empire came to an end.

We are marking together the plight of the Armenians during these 8 long years of persecution and death.

This is a call to conscience. We are asked to remember this holocaust of men, women, and children.

A national day of remembrance is a memorial to the lives that were lost during these years under the Ottoman Empire.

This remembrance is not an offense to the Turkish Republic. For many years, the United States and Turkey have shared a common desire for peace and democracy in the Near East. In that tradition, we are called upon to remember and to remind ourselves that the tragedy of the Armenian peoples should never be repeated.

Mustapha Kemal, the founder of modern Turkey, recognized the massacre of all the Armenians.

Our Nation has recognized before the need to commemorate the tragic loss of life. Even the U.S. Holocaust Memorial Council has recognized the suffering of the Armenians and intends to incorporate the suffering of those peoples in the memorial to be built here in the Nation's Capital.

April 24, 1988, is a single day to remember the suffering that man has often brought upon his fellow man. It is a single day when we will hopefully join together and remember not only the Armenians of history but the need for human rights forever.

Mr. DOWNEY of New York. Mr. Speaker, I rise today in support of House Joint Resolution 132 designating a national commemoration of the Armenian genocide. As my colleagues know, we have discussed this issue many times in the past few years. I am amazed at the controversy this resolution has caused.

Today, more than ever, we need to reaffirm our resolve that genocide is a crime which can never be tolerated, which can never be ignored. I am distressed by the argument that we cannot really be sure that genocide occurred. I am, quite frankly, even more distressed by the argument that even if genocide did occur, we still should not remind people of it for fear of offending our allies.

Today, there are those who would deny the fact that Nazi Germany killed 6 million Jews. We do not accept that argument. We know full well that the Holocaust happened. In fact, we recognize it as one of the most critical events of all history. There is little doubt that 1½ million Armenians were slaughtered by the Ottoman government between 1915 and 1923. What then stops us from commemorating that horrific event? Strategic considerations? We are, in effect, begin told that if we pass this resolution the Turkish Government will be a less reliable NATO ally. It is also hinted that U.S. defense manufacturers could lose valuable procurement contracts. Must we really carry out a cost-benefit analysis on this resolution? If we must, then pray tell me what is the peculiar calculus that we will use to weigh the loss of contracts against the loss of our moral stature if we give in to this veiled threat?

I urge my colleagues to vote for House Joint Resolution 132. How can we turn a deaf ear to the cries of the Armenians whose tragic deaths foreshadowed later events in Europe, Cambodia, and South Africa?

Mr. GALLO. Mr. Speaker, today I rise in support of House Joint Resolution 132, a bill to designate April 24, 1988, as a "National Day of Remembrance for the Armenian Genocide of 1915-1923." April 24 is an important day for Armenian-Americans. On this day in 1915, scores of Armenian political, religious, educational, and intellectual leaders were arrested and deported to Anatolia.

Many of those taken from their homes were murdered by the Ottomans. Those who were not were driven out of the war zones and ordered to walk across the deserts of Syria and Mesopotamia to relocation centers. These forced marches caused countless Armenians to die en route.

Henry Morganthau, U.S. Ambassador to the Ottoman Empire at the time of the genocide, wrote to the U.S. Government detailing the atrocities taking place against the Armenians. Morganthau wrote, at the time:

> Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a compaign of race extermination is in progress under a pretext of reprisal against rebellion.

Winston Churchill, a Member of Parliament at the time chronicled his eyewitness account and wrote:

> In 1915 the Turkish Government began the infamous deportation of Armenians to Asia Minor. Three or four hundred thousand men, women, and children escaped into Russian territory; but the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could be.

April 24, 1915, marked the day the genocide against the Armenian people, culture, and homeland began. Americans of Armenian descent across this country and around the world remember their relatives who were its victims. For them House Joint Resolution 132, if adopted, will pay tribute to their ancestors who died in the "forgotten genocide." They have not forgotten their history and their heritage, nor should we.

It is for these reasons, Mr. Speaker, that I support this resolution that calls upon the President to issue a proclamation calling on the people of the United States to observe this date as a day of remembrance for the 1.5 million people of Armenian ancestry who were victims of the genocide perpetrated by the governments of the Ottoman Empire from 1915 to 1923, which, I want to emphasize, is prior to the establishment of the Republic of Turkey. In their memory this date is commemorated by all Armenians and their friends throughout the world.

Mr. HOYER. Mr. Speaker, I rise today in support of House Joint Resolution 132 designating April 24, 1988, as "National Day of Remembrance of the Armenian Genocide of 1915-1923."

For we must rekindle the world's memory of the Armenian genocide. It ushered in an era of unprecedented cruelty, of crimes against humanity which were of such magnitude that one could not believe that such crimes could occur much less be repeated. For surely the world would not permit such to reoccur. Yet the Armenians' tragedy was forgotten all too quickly. And crimes against humanity on an even larger scale occurred years later.

The world lives with a terrible, open wound; 1.5 million of its own perished in 1915 and 1916 alone in forced marches and outright massacres. Some of today's Armenian community were witness to the deportations and massacres of their families and friends in the Ottoman Empire. Others have only read or heard about these atrocities. All of them live with the knowledge that their people's very survival was in jeopardy in the Ottoman Empire.

We must never forget the senseless deaths of 1.5 million Armenians. We must continue to fight to ensure that such atrocities—which have taken place all too often, and to which the world has often turned its back—never take place again anywhere in the world. We must never allow the world community to fall to such depths of complacency in the face of man's inhumanity to man.

This is the goal of House Joint Resolution 132: To brand indelibly upon the world's memory the imprint of a tragedy which must never be forgotten. The magnitude of the Armenian genocide is too great. Our responsibility to remember that tragedy, to learn its lessons, is too pressing.

Mr. WAXMAN. Mr. Speaker, I should like to share with you and my colleagues some thoughts on the continuing unwillingness of the Turkish Government to recognize the tragedy of the Armenian genocide of 1915. It is true, as the Turkish Government insists, that the atrocities suffered by the Armenians were prepetrated by the Ottoman Turkish Empire and not by the current Turkish Republic. Still, I deeply feel that the continuity of culture, population and geography create a moral imperative for the current Turkish Government to address itself accurately and honestly to the Armenian genocide. After all, the Federal Republic of Germany is surely an altogether different government from the regime of Hitler's Third Reich. Yet the West German Government has assumed vast moral responsibility for recording the history of the Holocaust and making reparation payments to its survivors.

The United States can and should maintain friendly and constructive relations with both Armenians and Turks. However, such relations must be rooted in our commitment to historical truths and to the universal principles of human rights. Surely the truth about the Armenian martyrs should not be denied or forgotten.

I am both very well aware of and very proud of the fact that I represent a large and politically vibrant Armenian community. I share with Armenians around the world an intense interest in Middle Eastern affairs. I am especially concerned with the role the United States plays in that region.

As you all know there is a great deal of tension between the United States and Turkey.

This tension derives from two sources. Though I want to mention both of them, I am going to confine the rest of my remarks to the second problem.

First, Turkey used American military equipment in the invasion of Cyprus. That equipment was given to Turkey with the explicit understanding that it would be used only for defensive purposess. It was given to Turkey so that Turkey could play its proper role as a member of the NATO alliance.

I and many other Members of Congress have been unwilling to support Turkish arms requests in view of the outrageous misuse to which American arms were put during the war on Cyprus. I will continue to view such requests with a high degree of suspicion.

The second strain between the United States and Turkey comes from Turkey's past and present human rights record. Naturally, today I have uppermost in mind the monstrous treatment of Armenians in this century. I do, however, want to note that other minorities including Greeks, Jews, and Christians have suffered at the hands of the Turkish Muslim majority.

True, the Turks of today did not commit the genocide of 65 years ago that wiped out half of the world's Armenian population. However, the Turks of today and their government have shown no remorse, no sense of decency or compassion. They have not paid a cent in reparations to the survivors of the holocaust nor have they permitted Armenians to return to historic areas of settlement in Eastern Turkey.

I believe the dead, the victims of the Armenian holocaust, are being denied their human rights. We do not usually think of dead people as having human rights. Yet I believe they do.

The most elementary human rights of the Armenian martyrs were irretrivably taken from them at the time they were murdered. They were denied the right to a decent burial. They were denied the right to a final resting place to which their kin could come to pay respects. Like the victims of the Nazi genocide against the Jews the martyrs disappeared into unmarked mass graves.

There is one right of the dead which the martyrs have been denied but which can still be restored: That is the right to have the world hear and learn the truth about the circumstances of their death.

I cannot find language strong enough to express my outrage at the fact that the Turkish government, the Turkish educational and cultural establishments, Turkish historians and journalists, almost without exception, have lied about the mass murders of one and half million Armenians in 1915.

The Turkish myth, like the agitprop of George Orwell's 1984 simply ignores all the facts of the period. The Turks have calmly insisted that "Of course Armenians died during the difficult years of World War I, so did many other people. There were shortages of food and deaths due to starvation. Health care services were disrupted throughout the country resulting in deaths which might have been prevented. But this is not murder, this is merely the unfortunate correlates of war and poverty."

This lie must be exposed in and out of Turkey. Writers, artists, filmmakers and educators, both from within and outside the Armenian community must invent vehicles for delivering the truth about the Armenian genocide. Right here in Los Angeles there are still large numbers of survivors with clear and vivid memories of the death marches of 1915. I know when the older Armenians saw how the Khmer Rouge drove the population out of Phnom Penh and to their deaths from starvation dehydration, disease, and machine gun bullets, they could not help remembering their own experiences at the hands of the Turks.

I must inject here a note of caution. Naturally, not every Turk was a murderer nor does every Turk harbor hatred today against Greeks and Armenians. Yet, we cannot let our tolerance cloud our vision of the role of the Turkish government in the events we are discussing. Certainly, if the people and government of West Germany could be brought to acknowledge—to some degree—their role in the crimes of the Nazis, no less should be expected of the people and government of Turkey.

Those of us who know the history of the Armenian genocide must not underestimate the ignorance of others. The vast majority of Americans do not know about this genocide. Even those who do know about it are generally unaware of the scope and even more unaware of its world historical significance.

The Armenian historian Marjorie Hagopian relates a little known anecdote in the life of Adolph Hitler. At one of the Fuhrer's earliest meetings about the Jewish problem, Hitler outlined his plans for the total extermination of the entire Jewish populations of Germany and German-occupied countries. One of the men at the meeting asked with astonishment how such a plan could be carried out. "Would not world opinion prevent us from doing such a thing?" Hitler laughed. "World opinion! A joke! Who ever cared about the Armenians?"

Each genocide provides a foundation for subsequent horrors. Each historical misrepresentation of efforts to exterminate a particular ethnic group increases the likelihood that such efforts will be undertaken again in another time and place.

The United States has leverage in dealing with Turkey on human rights questions. The Turkish Republic is heavily dependent on us economically, diplomatically and militarily. It cannot afford to ignore serious concerns of the American Government.

I want to conclude by expressing my total disagreement with those in the State Department and the White House who feel the events of the past 2 years have made the United States far more dependent on Turkey than Turkey is on us.

They reason that the United States desperately needs an alliance with Turkey because we have lost our listening posts and other surveillance capabilities we enjoyed before the Iranian revolution. They reason that the outright conquest of Afghanistan by the Soviet Union has further weakened the United States in that critical region along the Soviet border. Their conclusion is that the United States must humbly and gratefully accept Turkish military cooperation and must, at the same time, refrain from troubling the Turkish authorities with idealistic talk of human rights.

I reason the opposite. I reason that Turkey has been weakened by the fall of Afghanisan. It seems obvious to me that Turkey is in more need of American defense assistance than ever now that she has an Iranian neighbor that is literally without a government. Certainly it is not in Turkey's interest for Iran to be under the rule of chaos fanaticism and xenophobia.

We have both a moral and a political obligation to press to the outermost limits our influence in Turkey. American indifference to human rights in any country with whom we are closely allied deprives us of any claim to leadership of the free world.

As your representative in Congress, I will continue to fight for a strong human rights program. I will continue to work for vigorous American efforts on behalf of Armenians seeking just redress from Turkey. Finally, I will do all in my power to see that the history of the Armenian Holocaust is told widely, truthfully and in full.

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the rule on House Joint Resolution 132, and the resolution itself which commemorates the genocide of Armenians in the Ottoman Empire early in this century.

That resolution has been offered in Congress for several years, and has attracted strong opposition from the State Department and the Republic of Turkey. They have believed that the resolution, despite recent improving amendments, casts aspersions on Turkey; that it may encourage anti-Turk terrorist acts by Armenian radicals; and that its use of the term "genocide" may be inappropriate, given scholarly debate over whether the killings of Armenians were aimed at eradicating a population, or were the result of a bloody civil war.

I am sensitive to the undeniable suffering of hundreds of thousands of Armenians. Nevertheless, in my judgment this resolution could damage our relations with Turkey and have other adverse consequences which out weigh any advantage that might be gained by its passage.

This House should stop belaboring its allies to no good purpose. The proponents of this resolution have carried it well past the time of good effect. Its now time to lay it to rest. We should defeat the rule, or the resolution.

Mr. BLILEY. Mr. Speaker, today we will be told that passage of this resolution will cause an increase in terrorism. But are we to believe that a group of terrorists, who have already shown their contempt for laws and civilization by resorting to violence, are greatly affected by action of the U.S. Congress? I think not.

Others will tell us that if this resolution passes that relations with the Republic of Turkey will be severely damaged and that our strategic NATO bases in that country will be threatened. But are we to believe that our recognition of a barbarous act by the long defunct Ottoman Empire will cause the Republic of Turkey to forgo hundreds of millions of dollars in financial aid? That Turkey will pull out of an alliance against a common threat. I think not.

For while we have had decades of conflict with Russia, Turkey has had centuries of war with Russia. The geopolitics that have made this a satisfying relationship for both countries will not be changed. Besides, it is possible to differ publicly yet retain a strong relationship with an ally. Turkey has demonstrated this by voting against the United States 62 percent of the time in the 40th United Nations General Assembly.

Finally, we will be told that we do not possess enough documentation to properly label the attempted extermination of the Armenians as a genocide. But are we to validate this argument because the Ottoman Turks were not as systematic and efficient as the Nazis? Because the Ottoman Turks' form of ovens and gas chambers was the Syrian desert? I think not.

The U.S. National Archives holds innumerable reports by consuls and ambassadors detailing the process by which the Armenian population of the Ottoman Empire was decimated. The New York Times headlines of the time read: "Armenians Sent to Desert to Perish" (August 18, 1915), "Extinction Menaces Armenia (September 25, 1915), and "Death of the Armenian People" (October 2, 1915). Even the leader of the Ottoman Turks, Talaat Pasha, told U.S. Ambassador Henry Morgenthau that, "we have already disposed of three quarters of the Armenians * * * we have got to finish with them."

Mr. Speaker, civilization has witnessed the near destruction of the Armenian people in part because the world turned the other way. Today, I urge all of my colleagues to look truth straight in the eye and support this resolution. Lets us give solace to the still grieving Armenian people and give mankind a better understanding of genocide in order to prevent future atrocities.

Mr. ATKINS. I rise in strong support of House Joint Resolution 132, the bill for a Day of Remembrance of the Armenian Genocide.

Over the course of 8 long years, the Armenian people were systematically reduced from a proud nation of nearly 2 million people, living on land that had belonged to them for nearly 2,000 years to less than a million living in exile. But the world granted little sympathy to the victims. The atrocity that gave birth to the term "Genocide" was hushed up and soon forgotten. It is only now, 70 years later, that we consider granting the small dignity of a remembrance day.

Someday, historians will label the 20th century as the time of the triumph of science. We have invented technical wonders as diverse as spacecraft and microwave ovens, super colliders and VCR's. We can feed more people, prevent epidemics, and examine our world in detail from outer space. We see ourselves as more enlightened and civilized than the people of previous centuries.

Yet, more than three times this century, governments have attempted the most terrifying of feats—the annihilation of an entire people. Other governments have stood by and not acted to stop the genocides. Our claims to civilization are undermined by our inability to prevent such atrocities.

It is no longer possible to say, "It cannot happen today." That is what we said as Nazi Germany carried out a barbaric Holocaust, 20 years after the Armenian genocide. That is what we said 40 years later as Pol Pot led the extermination of millions of Cambodians. Perhaps, if the Armenian genocide had not been hushed up, covered up to prevent insult, it might have served as an example to be avoided. Perhaps it would have been the last genocide.

It is within the power of the human community to say "never again" and mean it. We must establish a policy of prevention. Two steps are essential to this policy: pursuing the perpetrators and bringing them to justice, and remembering, discussing, and learning from our past.

In the case of Nazi Germany, we brought many of the perpetrators to trial at Nuremberg. Some are still being brought to justice today. We have studied the event and sought to learn its causes, and often held days of remembrance and memorial ceremonies. In the case of Cambodia, we have held remembrances, but must still act to bring Pol Pot and his cabal to trail.

In the case of Armenia, it is impossible to bring the perpetrators to justice. The current Turkish Government obviously cannot be held accountable for the events of 70 years ago. But we can try to remember, to discuss and study the Armenian genocide. A day of remembrance is a small but crucial step in our battle to forestall future artocities.

Future historians will see it as a mark of our humanity and our civilization that we are willing to acknowledge, not deny, the darker side of our past. I urge my colleagues to vote for the bill.

Mr. LEVINE of California. Mr. Speaker, I rise in support of House Resolution 238, the rule providing for consideration of House Joint Resolution 132, the Day of Remembrance of Armenian Genocide, which I also support.

There is one primary reason I am supporting this resolution, and it can be found in the title itself: "remembrance." It is often said that those who forget the past are condemned to repeat it. This is not merely a clever turn of a phrase. It is a warning which history tells us we ignore at our own peril.

Forty-two years ago marked the end of a conflagration in which the majority of Europe's Jewish population perished in the fiery furnaces of the Nazi death camps. The principal reason? Simply that they were Jewish, and thus marked for extermination by a perversely racist ideology.

But there is another, equally insidious, reason that the Holocaust was allowed to happen. To paraphrase the infamous query of Hitler, "Who remembers the Armenians?" Had the Western world not suffered collective moral amnesia about the slaughter of the Armenians two decades earlier, it is quite possible that the Jews of Europe might have been spared.

To this day, therefore, we remember the victims of the Holocaust so as never again to allow such unspeakable atrocities to occur. But there is still little recognition of the tragic fate that befell the Armenians of the Ottoman empire. It is time that this unconscionable oversight be rectified.

April 24 is a day of great importance to American-Armenians, many of whose ancestors perished beginning on that day in 1915. It was then that scores of Armenian religious, political, educational, and intellectual leaders in Constantinople were arrested and deported to Anatolia. Many were taken from their homes and murdered. Many more died during forced marches and deportations. Over an 8-year period, there were upward of a million Armenian casualties. It is in the memory of all these victims that proponents—properly—seek passage of this resolution.

Critics of House Joint Resolution 132 claim that this resolution will have a significantly negative impact on our relations with Turkey. I see no reason why it should.

I do not accept that this resolution applies in any way to the Turkey of 1987. Indeed, the resolution specifically indicates that this event took place ". . . in the Ottoman empire prior to the establishment of the Republic of Turkey." Put another way, I would never want to jeopardize relations with our Turkish friends; and I don't think this resolution does—or should—do that.

Turkey is a close friend and ally of the United States. It plays a key role in NATO and the defense of the West. Turkey rightfully deserves recognition for its role as a haven for the oppressed over the centuries. None of these important realities are either compromised or diminished by this resolution.

In conclusion, Mr. Speaker, the imperative is remembrance and recognition, for all the reasons mentioned above. That is why this resolution is so important.

I urge my colleagues to support the rule and the resolution.

Mr. OXLEY. Mr. Speaker, I rise in opposition to both House Joint Resolution 132 and its corresponding rule. Many of us know, this resolution is driven in part, by partisan politics here at home. Numerous Armenian special interest groups which are powerful supporters of this resolution are ever-present elements in our own domestic politics. It should be duly noted that these organizations contribute healthy amounts of money to promote their principles through means other than legislation.

Nevertheless, House Joint Resolution 132 is not merely a symbolic gesture on behalf of a particular American ethnic group as some would like us to believe. It is in fact a very controversial piece of legislation with long-term foreign policy implications for the United States and the Western alliance. Furthermore, this legislation could ultimately result in an erosion of the Turkish democracy.

I am seriously concerned that passage or even consideration of this measure would significantly damage our relations with Turkey, a NATO ally and friend of the United States. We have major national security interest in preserving and strengthening our relations with Turkey, whose government and people are deeply offended by this resolution. I certainly do not wish to see the second largest army in NATO disenfranchised because of an American resolution concerning ethnic disturbance that occurred during a turbulent period of history some 70 years ago.

The resolution before us today asserts that the Armenians were victims of genocide. But in fact, many experts question whether "genocide" is the proper term for what transpired in the years after 1915. It is important to note that the majority of the leading United States academic specialists on Turkey, the Ottoman Empire, and the Middle East have written to every Member of Congress concerning this resolution. Their correspondence, when Congress considered this issue in 1985, challenged the factual accuracy of this resolution. It is my belief, that this Congress should not attempt to clarify historical events through legislation.

Furthermore, this bill would simply add fuel to the fires of international terrorism. Armenian terrorists have murdered more than 70 people around the world, including 40 Turkish diplomats. The events of 1915-23 are used to justify these heinous crimes. Consequently, the Turkish public justifiably believes that passage of this resolution will be interpreted by these terrorists not only as a legitimization and vindication of their crimes by our Congress, but also as an encouragement for continuing their series of international acts of terrorism. This stamp of approval will not help deter terrorism, which is one of our common goals.

Let me conclude by saying that my opposition to the House Joint Resolution 132 and its corresponding rule in no way represents indifference to the suffering of the Armenian people nor to their desire to achieve recognition of a tragic series of events. In the long history of man's inhumanity to man this is but one of many instances which we need to recall in order to sensitize ourselves and prevent further such episodes. Nevertheless, we cannot redress the various ills of events of 70 years ago by legislating a particular version of history. No matter how eloquently worded, justice cannot be served by the consideration and adoption of House Joint Resolution 132.

☐ 1235

The SPEAKER pro tempore (Mr. GLICKMAN). The gentleman from Missouri [Mr. TAYLOR] has 2 minutes remaining.

Mr. TAYLOR. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the resolution is extremely dangerous to the cause of peace because it distracts us from cooperation with our NATO ally, Turkey.

It presents a situation where the actions of this House will be cited and used against Turkey by the forces of reaction and terrorism, who seek revenge not recognition.

The sponsors of the resolution want to thrust this House headlong into a 70-year-old controversy, and we simply are not going to settle it. We can't settle it, we ought not make it worse.

About the only purpose served by this resolution is to reopen old wounds. It presents a negative mark on history that is 70 years old. There is no concern for the future.

Mr. Speaker, the House should be concerned about the future.

We should look for positive steps that might heal the wounds and quiet the differences between the modern day descendants of the Christian and Muslim people of Armenian and Turkish ancestory.

House Joint Resolution 132 does not do that.

In the strongest terms possible, I urge defeat of this rule.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] has 2 minutes and 45 seconds remaining.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I simply want the record to show that I strongly favor the passage of this resolution and the adoption of this rule today.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE.]

Mr. VALENTINE. Mr. Speaker, I rise to express my strong opposiiton both the the rule and to the joint resolution and to associate myself with the wise remarks made by the gentleman from Kentucky [Mr. HUBBARD.]

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again I would like to stress that the purpose of House Joint Resolution 132 is certainly not to embarrass the current Turkish Government. Indeed, Mr. Speaker, the resolution includes language specifically stating that the genocide occurred long before the current Turkish Government existed.

The resolution has two purposes. It seeks to commemorate the suffering of the Armenians, the parents and grandparents of many of our neighbors here in the United States, whose families fled from oppression.

However, Mr. Speaker, what the resolution very specifically seeks to do is to make clear that the Armenian genocide is a definite historical fact. One might have hoped that the graves of a million and a half victims—marked and many more unmarked—would serve as the unimpeachable proof.

Certainly, in a contemporary period, the facts were established beyond doubt. The events were particularly acknowledged, and forcefully condemned, by the great Turkish Patriot Ataturk.

As late as 1948, the drafters of the United Nation's genocide convention, had the events of 1915 through 1923 specifically in mind as one of the two great genocides of this century.

But, in more recent years, there has been an attempt, in some academic circles, to split some very narrow hairs and to rewrite history. Today the House has an opportunity to reject this revisionism.

Mr. Speaker, House Joint Resolution 132 sets aside one day, April 24, 1988, to acknowledge the pain and suffering of the men, women, and children who died for no other reason than the fact that they were Armenians. We owe it to the survivors—and particularly to those who are our neighbors in America—as well as to the memory of a million and a half dead, to remember this tragedy and to learn from it.

On that day Armenians throughout the world, including the United States, will mark this day—as they do every year—to memorialize and mourn the dead, in church services, reunions, rallies and marches. This resolution will make the events of 1988 particularly significant. The resolution will enable this Congress to participate in support, in a particularly meaningful way.

Mr. Speaker, the House has an opportunity today to begin the healing process for the survivors and the families of victims who were killed during this tragic time in world history. By voting for the resolution Congress is saying that this genocide did indeed occur and we must take steps to ensure that it never happen again.

I urge my colleagues to vote for the rule, and to pass House Joint Resolution 132. The time to begin the healing is now.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 189, nays 201, answered "present" 1, not voting 42, as follows:

[Roll No. 312]

YEAS—189

Ackerman
Akaka
Anderson
Andrews
Annunzio
Applegate
Atkins
Bates
Bentley
Berman
Biaggi
Bilbray
Bilirakis
Bliley
Boggs
Bonior (MI)
Borski
Boxer
Brennan
Broomfield
Brown (CA)
Bruce
Bryant
Cardin
Carr
Clay
Coats
Coelho
Coleman (TX)
Conte
Conyers
Courter
Dannemeyer
DeFazio
Dellums
Derrick
Dingell
Dixon
Donnelly
Dornan (CA)
Downey
Dreier
Durbin
Dymally
Dyson
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Ford (MI)
Frank
Gallegly
Gallo
Gejdenson
Gekas
Gilman
Gingrich
Gonzalez
Gordon
Grant
Gray (IL)
Green
Gregg
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hawkins
Hayes (IL)
Henry
Hertel
Hochbrueckner
Howard
Hoyer
Hughes
Hunter
Jacobs
Jeffords
Johnson (CT)
Jones (TN)
Jontz
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Konnyu
Leach (IA)

Lehman (CA)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Lujan
Lungren
Manton
Markey
Martin (NY)
Martinez
Matsui
McCloskey
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Moorhead
Morella
Morrison (CT)
Mrazek
Nelson
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Owens (UT)

Packard
Panetta
Pashayan
Pelosi
Penny
Pepper
Perkins
Porter
Price (IL)
Richardson
Rinaldo
Ritter
Rodino
Roe
Rose
Rostenkowski
Roth
Roukema
Roybal
Russo
Saxton
Scheuer
Schneider
Schumer
Sharp
Sikorski
Skaggs
Smith (FL)
Smith (NJ)
Smith, Robert (NH)
Snowe
Solomon

Spence
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Swindall
Synar
Thomas (CA)
Torres
Torricelli
Traficant
Vento
Visclosky
Vucanovich
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Williams
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)

NAYS—201

Anthony
Archer
Armey
AuCoin
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bereuter
Bevill
Boehlert
Bonker
Bosco
Boucher
Boulter
Brooks
Brown (CO)
Buechner
Bunning
Burton
Byron
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Coyne
Craig
Crane
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
DeWine
Dickinson
Dicks
DioGuardi
Dorgan (ND)
Duncan
Dwyer
Edwards (OK)
Emerson
English
Erdreich
Fields
Fish
Flake
Foglietta
Frenzel

Frost
Garcia
Gibbons
Glickman
Goodling
Gradison
Grandy
Gunderson
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Hefner
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (SD)
Kanjorski
Kasich
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Mazzoli
McCandless
McCollum
McCurdy
McDade
McEwen
McMillan (NC)
Meyers
Mica
Michel

Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nichols
Nielson
Olin
Ortiz
Oxley
Patterson
Pease
Petri
Pickett
Pickle
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Ridge
Roberts
Robinson
Rogers
Rowland (CT)
Rowland (GA)
Sabo
Saiki
Sawyer
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Solarz

Spratt
Stallings
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Tallon

Tauke
Taylor
Thomas (GA)
Upton
Valentine
Vander Jagt
Volkmer
Walker

Weber
Whittaker
Whitten
Wilson
Wise
Wylie
Young (FL)

ANSWERED "PRESENT"—1

Collins

NOT VOTING—42

Alexander
Aspin
Badham
Baker
Beilenson
Boland
Boner (TN)
Bustamante
Callahan
Campbell
Crockett
Daniel
Dowdy
Early

Flippo
Florio
Foley
Ford (TN)
Gaydos
Gephardt
Gray (PA)
Hatcher
Hayes (LA)
Jones (NC)
Kemp
Latta
Lehman (FL)
Lloyd

Luken, Thomas
Lukens, Donald
Mavroules
McGrath
Morrison (WA)
Parris
Roemer
Savage
Schroeder
Smith (NE)
Tauzin
Towns
Traxler
Udall

□ 1250

Mr. BROOKS changed his vote from "yea" to "nay."

Mrs. KENNELLY, Mr. HAYES of Illinois, and Mr. SOLOMON changed their votes from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1300

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL 6 P.M. FRIDAY, AUGUST 28, 1987, TO FILE REPORT ON H.R. 3030, AGRICULTURAL CREDIT ACT OF 1987

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until 6 p.m., Friday, August 28, 1987, to file a report on H.R. 3030, the Agricultural Credit Act of 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1327, PUBLIC HEALTH SERVICE ACT, NATIONAL HEALTH SERVICE CORPS AMENDMENTS ACT OF 1987

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-248) on the resolution (H. Res. 253) providing for the consideration of the bill (H.R. 1327) to amend the Public Health Service Act to establish a National Health Service Corps Loan Repayment Program and to othewise revise and extend the program for the National Health Service Corps, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE SCHEDULE

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have asked for this time for the purpose of learning what the schedule will be for the balance of the day and when we might be able to go on our district work period.

Mr. Speaker, if my colleagues would be interested in the schedule, when they might go home, if any of you have any interest in that, I would be glad to yield to the distinguished majority whip, the gentleman from California, for information on the schedule.

Mr. Speaker, I yield to the distinguished gentleman from California.

Mr. COELHO. Mr. Speaker, I thank the majority whip.

The schedule for the rest of the afternoon is that we will be happy to take unanimous-consent requests or anything else, until 3 o'clock. If there are no requests, we will recess until 3 o'clock, and at 3 o'clock we will pass the debt limit extension, a debt limit extension until September 23.

Mr. LOTT. Mr. Speaker, if the gentleman will allow me to reclaim my time, we will take some unanimous-consent requests and then we are going to recess until 3 o'clock?

Mr. COELHO. Until 3 o'clock.

Mr. LOTT. At which time there will be a vote, and the gentleman is very sure we will pass it?

Mr. COELHO. We will have debate.

Mr. LOTT. Debate and a vote on a short-term extension of the debt ceiling until September 23?

Mr. COELHO. If there are problems, we will notify the membership.

Mr. LOTT. By problems, the gentleman means with the other body?

Mr. COELHO. With the other body, and if something comes up that we are delayed a half hour or so, we will notify the membership prior to 3 o'clock so they will know.

Mr. LOTT. I presume on the short-term extension, we are talking about 1 hour of debate?

Mr. COELHO. One hour.

Mr. LOTT. So we could expect a vote sometime after 3, maybe around 4, is that correct?

Mr. COELHO. Depending on the level of debate and the amount of debate; it might be sooner.

Mr. LOTT. As the gentleman was saying, of course, we would need to see what the Senate does on that extension when it goes over there. Although I would like to say that whatever we do on those terms, I would like to do it and send it to them and that is their problem.

Mr. COELHO. The gentleman from Mississippi knows my attitude.

Mr. LOTT. Now, we do have to pass a recess resolution at some point, is that right?

Mr. COELHO. Yes. It is important that while we might want to make some comments about the other body, they have to pass a recess resolution so we can get out of here, so it is important that we do both things. Hopefully we can.

Mr. LOTT. Mr. Speaker, I thank the gentleman.

PHYSICIAN CERTIFICATION CAN ASSURE QUALITY OF MEDICAL CARE FOR OUR MEDICARE BENEFICIARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I am pleased to introduce the Medicare Physician Competency Certification Act of 1987. Through this bill our Medicare beneficiaries can be assured of the quality of medical care they receive from their doctors.

The Medicare Program annually spends more than $80 billion to meet the health care needs of our elderly citizens. What assurances do these very vulnerable people have, what assurance does the Congress have, that the care given is quality medical care? Unfortunately, there is little assurance that physicians providing care to our elderly are competent and practice using up-to-date knowledge.

Quality assurance in the Medicare Program is delegated to the Professional Review Organizations under contract with the Department of Health and Human Services. With few exceptions, most notably the California Medical Review, the PRO's activities focus solely on the appropriateness of hospitalization. Last year as part of an effort to show an interest in quality assurance, the Department released Medicare mortality figures for each hospital in the Nation. The cacaphony of complaints from hospitals virtually paralyzed further efforts to study and evaluate quality of care in the Medicare Program.

Recently the Department has renewed its interest in determining the quality of care provided to Medicare beneficiaries, both in the hospital and in the office setting. However, this interest in quality of care came about only after congressional pressures and the initiation of a study by the Government Accounting Office last year.

The GAO study is titled, "Medicare: Preliminary Strategies for Assessing Quality of Care." In that study GAO notes that "(w)ithin HCFA, there is no formally designated responsibility or organizational capacity for integrating the results of the separate review activities or assessing the overall quality of medical care." For the billions of dollars the Federal Government spends each year meeting the health care needs of our elderly citizens, there are not enough mechanisms to assure us of the quality of the care rendered, particularly by doctors.

All hospitals that participate in the Medicare Program must have quality assurance programs, the majority of which are periodically reviewed by the Joint Commission on the Accreditation of Hospitals. The adequacy of a hospital's quality assurance program is probably the single most important component in the accreditation process. Medical practices can likewise become accredited voluntarily through a similar process.

The extent of quality review of a physician's practice is limited to hospitalized patients, a very small percentage of any practice. Why do we avoid the task of promoting quality standards for physicians? Do we know what quality is? Do we have the tools to measure quality?

Quality is the most elusive will-o'-the-wisp in medical practice. Ask any doctor to describe it. After a harangue about the process and outcome of care, there is usually a statement such as "Quality is hard to describe, but I know it when I see it."

Decades of study in this country and around the world have failed to produce universally acceptable, easily performed measures of quality. However, because we lack the perfect or ideal methodology to assess quality of care must not prevent us from initiating programs that use the best tools currently available.

Every licensed physician in this country has passed a rigorous licensing examination. Unfortunately, at no time during his or her career is the physician required to again document competence or capability to practice medicine, despite a doubling of medical knowledge every 7 to 10 years.

Every physician designated as a specialist by one of the major specialty associations has passed an additional series of examinations. There are approximately 337,000 certified medical specialists in the United States.

By 1986, 12 of the 24 major medical specialty associations limited the specialty certification to a specified number of years from the initial designation. However, only four specialty certificates were time-limited prior to 1985: Family Practice (1969), Emergency Medicine (1980), Surgery (1976), and Thoracic Surgery (1976). The certifications for the other specialty associations take effect between 1985 and 1992.

Internal medicine, the largest of all the specialties with more than 60,000 diplomats, have yet to adopt a time-limited certification process.

Whether periodic testing of a physician's knowledge is an ideal measure of the quality of care he or she renders should not preclude the use of this method as one part of a comprehensive, coordinated effort to assure quality performance by a doctor.

Let us more fully use the tools we have available to us. We may be in the stone age of quality assurance. But as crude, bulky, and inadequate as our tools may be, we can do more with them than is the current practice.

The Medicare Physician Competency Certification Act of 1987 uses the tools available to us for assuring quality of care in the Medicare Program. It builds on the testing procedures licensing boards and specialty societies presently use.

This bill requires time-limited certification for all physicians who participate in the Medicare Program. The Secretary of Health and Human Services would be required to establish criteria for certification in collaboration with representatives of organizations currently responsible for licensing physicians and for the designation of medical specialists. Medical specialty societies and State medical boards may apply and be qualified to certify physicians who participate in the Medicare Program.

The Secretary would also provide for the certification of physicians who do not participate in a qualified program. Physicians licensed by a State medical board prior to enactment would have 7 full years to successfully become certified by a recognized program.

Only after failure of the examination can a physician be barred from participation in the Medicare Program. When the physician successfully completes the certification process, participation in Medicare is reinstated.

In addition to these provisions the Secretary of Health and Human Services is required to develop additional indicators of quality performance.

A section-by-section analysis of this bill is included at the end of this statement.

Mr. Speaker, Congress can assure the quality of medical care received by Medicare beneficiaries. The Medicare Physician Competency Certification Act of 1987 is a bold initiative that can protect our Nation's elderly.

SECTION-BY-SECTION ANALYSIS—MEDICARE PHYSICIAN COMPETENCY CERTIFICATION ACT OF 1987

The bill provides that the Act may be cited as the "Medicare Physician Competency Certification Act of 1987" and adds a new section to Part B of Title XVIII.

SECTION 1. PHYSICIAN COMPETENCY CERTIFICATION PROGRAM

a. Requirement for Competency Certification.—To receive payment for services under Part B of Medicare a physician must take and pass a written examination. This examination may be taken at any time during the previous 7 years.

b. Examination Standards.—The Secretary, in consultation with organizations that license and certify physicians, shall establish examination standards that assess the knowledge necessary for the practice of medicine by a competent physician.

c. Written Examinations.—Medical specialty societies or state medical boards may be recognized by the Secretary as qualified programs. A program is qualified if the Secretary determines that the examinations given by an organization meets the established standards. The examinations must be offered at least annually. The Secretary is also required to provide for an approved examination for physicians who do not participate in a qualified program. Written examinations offered by organizations prior to the date the standards are established may be recognized by the Secretary as an approved examination.

d. Enforcement.—Except in the case of emergencies, an uncertified physician must inform Medicare beneficiaries in advance that no Medicare payment will be made for services provided by the physician. Furthermore, the physician may not charge for the service unless the beneficiary agrees in advance and in writing to pay for the service and the physician must refund any money collected for services rendered during the time the physician was not certified. Violations are subject to civil penalties.

e. Effective Dates.—The examination standards must be established within one year of enactment. Specialty societies and state medical boards may apply for recognition as qualified programs within 18 months of enactment. The examination provided by the Secretary must be available by January 1st of the third year after enactment.

SECTION 2. STUDY OF OTHER INDICATORS

The Secretary is to study and report to Congress other valid indicators of quality of care furnished by physicians.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, I would like to call attention to the American automotive industry and the continuing pressure of foreign competition that threatens the future of that industry with its millions of good American jobs.

In the new world of international competition, attention is shifting from the location of final assembly to the more important issue of who made the individual components placed under the hood of a car, under the plastic cover of a computer, or behind the television casing.

The chilling fact is that the American automobile market, a few years ago only infiltrated by foreign imports, is now about to be dominated by imports. Record profits for the Big Three U.S. auto companies over the past 2 years have obscured the harsh reality that by 1990, a majority of the components in automobiles sold in the United States will not be "made in America." The math is simple and alarming:

Currently, Japan exports 2.3 million cars annually to the United States, and European and other countries provide 870,000 cars to our market. In addition, foreign car exports for sale under American name plates, such as the Dodge Colt or Chevrolet Spectrum, contributed another 260,000 in so-called captive imports. Therefore, imports of one kind or another currently total almost 3.5 million cars, or 31 percent of the U.S. market of 11 million.

By 1990, American companies plan to double the number of captive imports to over 500,000, while new entrants into the United States market—from Korea, Taiwan, Yugoslavia, and Spain—expect to increase their exports. Therefore, U.S. imports will reach an estimated 4 million cars in 1990.

But that is only part of the story. Increasingly we must take into account foreign auto components that are assembled into new cars in the United States. In 1986, approximately 465,000 cars were produced by three transplant Japanese assembly plants in the United States, using 80 percent Japanese components. Transplant operations in the United States will have the capacity to assemble 1.7 million vehicles by 1990. The value of the imported components in these units will represent more than 1 million additional imported vehicles.

In order to complete the story we must also include what has been termed the invisible import. Hidden under the hoods of the all American car is a growing percentage of parts sourced by foreign-owned suppliers. General Motors imported 800,000 engines in 1986, while the company's domestic engine production dropped from 6.6 million in 1985 to 5.7 million last year. By 1990 these imports are expected to rise to 20 percent or more of each domestic car, effectively making one of every five cars an invisible import. Adding the import content of Japanese transplants to visible and invisible imports, the imported value of the United States car market by 1990 will be more than 60 percent.

In sum, the profile for 1990 new car sales in America will probably look something like the following:

	Millions
Imported finished vehicles:	
Japanese	2.3
Non-Japanese	1.2
"Captive" imports	.5
Vehicle Equivalent of Imported Components:	
In transplant operations	1.2
In Big 3 domestic production	1.6
Import content of U.S. market	6.8
Projected total sales in 1990	11.3

Note.—Import percentage of U.S. Market—60.2 percent.

The 2-million-car excess capacity in the domestic auto market will almost inevitably result in a new round of plant closings and job displacement. Under these conditions, it is not surprising that the major concern of the United Auto Workers union in current negotiations with General Motors and Ford is job security. In fact, I believe their real concern is the continued vitality of auto production in America, since it appears that the strategy of the Big Three is to increase profits while reducing domestic production and employment.

Mr. Speaker, unless we fashion an industrial strategy to preserve a healthy domestic auto industry, including parts production, we face the wholesale export of our industry earnings, jobs and technology not only to Japan and Germany, but also to Korea, Taiwan, Brazil, Mexico, and other countries. It has been estimated that by 1990 restructuring of the auto industry could cost an additional 400,000 American auto making and supplier jobs.

How did we get into this crisis situation, and what policies will help us get out of it?

GETTING INTO TROUBLE

For most of this century, automobile production has been the quintessential American industry. From the time of the Model T through World War II and into the late 1960s, GM, Ford, and Chrysler dominated the American market, and set the standard for the world.

Or so we thought. In retrospect, we were actually involved in an era of effortless superiority, particularly after World War II when our competitors were busy trying to get back on their feet. Meanwhile, we let our productivity, innovation and quality standards slip. When foreign competition first started with small cars such as the Volkswagen Bug, nobody paid much attention. When the Japanese started exporting to the United States, there still was little concern. Then came the oil embargo, and the American gas guzzler was in deep trouble.

Very quickly, American consumers came to appreciate the features of foreign car imports other than fuel economy; and very quickly it became apparent that the American automobile industry was not prepared to compete.

When Japanese imports reached 2 million vehicles in 1980, political pressure began to mount, and a voluntary restraint agreement [VRA] was imposed to limit Japanese imports to 1.7 million vehicles a year. By 1985, the formal VRA was removed but the Japanese have continued to restrict their exports to the United States because the cartelization of the American market suited their purposes.

In fact, American car makers—particularly General Motors—were happy to see the VRA die because this allowed for a substantial increase in captive imports, made for hire by companies in which U.S. car firms bought substantial equity holdings, to be sold under American nameplates. Over the past 3 years, the Big Three have moved on to South Korea, Mexico, Taiwan, Brazil and elsewhere with similar arrangements.

AUTO PARTS TRANSPLANTS

As Detroit developed its new survival strategy, based on reducing American capacity and increasing outsourcing, the Japanese moved to the next phase of their plan—to transplant Japanese vehicle assembly operations onto U.S. soil. This second phase was designed to skirt the political thicket of quotas and the perennial domestic content debate. Nearly every Japanese carmaker—Toyota, Nissan, Honda, Mazda, Mitsubishi, Subaru, Isuzu and Suzuki—has joined the list of those transplanting some assembly to the United States.

On the face of it, this should be good news for U.S. parts suppliers. In theory, the transplants should replace some Japanese car imports and provide more business for American component producers. But in most cases Japanese assemblers are encouraging their domestic suppliers to follow them into the United States instead of shopping for United States products. Eighty percent of the value of Japanese assembled cars in the United States still is composed of foreign-made parts. In fact, what we apparently have is the cozy keiretsu relationship, with tight assembler-supplier vertical integration transplanted to the United States.

Matsushita, Nihon Radiator, Sumitomo Electric, Mitsubishi Belting, Yorozu Motor, and Tokai Rubber have in the past year joined the growing list of Japanese auto parts firms setting up plants or joint ventures in the United States. What began as a trickle threatens to become a flood which could replace a large part of our existing domestic auto parts industry. According to the United States Embassy in Tokyo, up to 300 Japanese parts companies are planning to form American subsidiaries.

When this process is complete, these Japanese suppliers will compete with U.S. parts makers for the U.S. aftermarket, while expanding their already extensive supply of components to the Big Three. The only positive feature of this plan is that American workers will presumably produce the parts that now are imported from Japan. But, we will see.

FOREIGN TRADE ZONES

The crisis in our auto industry is compounded by increasing use of Foreign Trade Zone status by Japanese vehicle assemblers in the United States. Foreign Trade Zones were created in 1934 by an Act of Congress to "encourage and revive the foreign trade of the United States." Opposition to FTZ's was based primarily on arguments that they would promote imports to the detriment of American manufactureres. Step by step, the original intent of FTZ's has been whittled away, from one of export promotion to import penetration.

Today, a company with FTZ status can import a good, manufacture it into a finished product, and sell the product in the domestic market while paving a substantially lower duty than if the product had been imported directly. In addition, duties are not paid on the good until it leaves the zone. Even though Foreign Trade Zones were intended to create employment and exports, at present over 80 percent of goods being imported into FTZ's are used in domestic commerce. Virtually every auto assembly plant owned by GM, Ford, and Chrysler has been designated a Foreign Trade Zone in the past 4 years. Auto parts accounted for three-quarters of the more than $7 billion in parts that flowed through the zones last year.

While the effect of existing zone practice is to provide economic benefits to zone manufacturers and the local area—and in some industries to provide jobs that otherwise would not exist—the net effect of such practices is a loss of tariff protection to domestic suppliers. Through the misuse of the trade zone principles, the various tariff acts of Congress are effectively repealed. Review and reform of the operation of Foreign Trade Zones should be a high priority.

MAQUILADORA MADNESS

One aspect of the increase in outsourcing of components by American auto companies has been a particular concern of mine. According to a recent newspaper report, General Motors is expected to open 12 new maquiladoras, or twin-plants, in Mexico in 1987, making a total of 29 GM twin-plants in that country. This investment in Mexico, where the average wage is less than $1 an hour, will occur while GM closes 11 of its plants in the Midwest and lays off 29,000 American workers.

I am especially concerned about the relocation of automotive facilities to Mexico because a major employer in my district, Trico Products Corp., the auto industry's largest domestic supplier of original windshield wiper assemblies, has begun to transfer half of its manufacturing operations to Matamoros, Mexico. I have been told that this decision will cost 1,200 jobs at the Buffalo plant, over $31 million in direct wages, and an estimated $95 million in indirect employment next year alone. This is not the kind of future we want for our manufacturing workers or our economy. It is not the kind of future we want for their communities which will feel the consequences of their loss of income.

URGENT NEED FOR AN AMERICAN AUTO POLICY

Mr. Speaker, without a healthy domestic auto parts industry, the auto industry is merely a hollow shell lacking an essential building block of industrial dynamism. Every other auto producing country in the world realizes this fact and thus restricts auto imports through content laws, restraint agreements, and other nontariff barriers. I do not like that situation, but it is an unfortunate and inescapable fact of life that we must acknowledge and deal with.

While we are pursuing an essentially open door policy in the automotive industry, every major European country limits Japanese auto imports. England and Germany both impose a 10.8-percent tariff, and have restraint agreements limiting Japanese imports to between 10 and 12 percent of their markets. Italy imposes an 11-percent tariff and restricts Japanese autos to 2,200 annually, which is less than 1 percent of their market. France imposes a 10.8-percent tariff and restricts Japanese autos to less than 3 percent of the market.

I have long been concerned by the disparity between the policies of other auto-producing countries toward auto imports and those of our own country. It is a situation that seems to guarantee that the United States will be the target for autos produced all over the world. If foreign car producers cannot sell their cars in Europe, or Asia, or Latin America, where else will they try to sell them but in the wide open American market?

I believe there is an alternative strategy. There is plenty of evidence that high quality, affordable vehicles can be built in the United States using U.S. design, labor, and parts. GM's own Cavalier, Pontiac 6000 and Ford's new Taurus/Sable line prove that U.S. firms can not only manufacture, but also design a vehicle that captures the interest of the American car buyer.

Therefore, I intend to address the problems of our automotive industry from two directions. Today I will introduce legislation which will provide incentives to keep existing U.S. producers from buying more original equipment from abroad and to keep outsourcing to a minimum. This bill would require 80 percent of the value-added in vehicles assembled in this country to be of U.S. origin in order to enjoy Foreign Trade Zone tariff benefits. Foreign transplant vehicles assembled in a Foreign Trade Zone would be included in any voluntary restraint quota on car imports into the United States.

Because of my concern for continued plant closings and oursourcing of manufacturing production to Mexico, I am also introducing two bills concerning Mexico's twin-plant program. The first would repeal the tax break which encourages American firms to relocate in low-wage countries. Item 807 of the Tariff Code allows American companies to export components or parts of products abroad for assembly and to reimport the finished product duty-free except for foreign value-added. When this provision was codified in 1963, Congress was told that the purpose was to assure U.S. production and to maintain U.S. jobs, as expanded trade would build the United States and world markets. but U.S. exports have not been aided by item 807, because there are no real exports under this provision.

In actual practice, item 807 has worked in two ways to eliminate U.S. jobs. In the first step, U.S.-made components are shipped to low-wage countries where the product is assembled and the value-added is the low labor cost. In these instances there is a high job loss to America. The second step in the 807 evolution is for companies to follow up assembly abroad by the step-by-step transfer of parts production abroad. The result is the U.S. component input diminshes, often to zero. In these instances, job losses have been massive. The continued operation of item 807 would simply bolster the job losses—at taxpayer expense—that continue to help industry flee the country and erode the Nation's industrial base.

The second bill concerning offshore assembly would place an immediate and permanent prohibition on the use of Federal Government funds for supporting projects and publishing materials designed to attract American firms to relocate outside the United States. I am concerned that the trade conference sponsored in Mexico last year by the Department of Commerce—Expo Maquila 1986—is but one example of such a project, and we have no business using taxpayer money to lure American firms abroad.

If American companies continue to pursue their current course of outsourcing and reduced commitment to U.S. production and if our government fails to enact rational trade policies, many more dislocations are to come. Yet there is ample evidence that U.S. companies can manufacture high quality products in existing vehicle and parts plants using American labor. There is also evidence from the trade policies of our competitors that a country can manage its trade in a way which encourages the growth and vitality of its key industries without causing massive, uncontrolled dislocation for workers and communities.

For the past 5 years I have urged the Reagan administration to adopt policies which would assist our manufacturing industries to compete in the new global marketplace. However, the administration has been unresponsive to the deindustrialization of America. Until we are willing and able to fashion a comprehensive industrial strategy for America's strategic industries, we must preserve the domestic jobs and productive capacity which now exist.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SLATTERY] is recognized for 5 minutes.

[Mr. SLATTERY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

[Mr. BONIOR of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

[Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DIOGUARDI] is recognized for 60 minutes.

[Mr. DIOGUARDI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

METRO COMPACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BOUCHER] is recognized for 10 minutes.

Mr. BOUCHER. Mr. Speaker, I am introducing today on behalf of myself and Representatives CARDIN, WOLF, HOYER, PARRIS, MCMILLEN, MORELLA, SISISKY, and FAUNTROY legislation to implement amendments to the Washington Metropolitan Area Transit Authority's [WMATA] interstate compact. These amendments, which have been approved by Virginia, Maryland, and the District of Columbia, represent a regional consensus on modifications that should be made to WMATA's Interstate Compact in order to allow the Transit Authority to conduct its everyday activities in a more efficient, safe, and cost-effective manner.

The bill implements four amendments to the WMATA compact concerning public hearing requirements for minor, experimental and emergency service changes, improvements in public safety, WMATA's financial investment flexibility, and Metro's procurement requirements.

With respect to public hearing requirements, the amendment permits WMATA to make minor or experimental service changes and to provide for emergency situations without first holding a public hearing. With this change, Metro can begin to provide service on an experimental basis as soon as demand for new service is identified without waiting for the entire public hearing process to be completed. This modification will enable Metro to more efficiently sample and serve new transit markets. In all cases, a public hearing would be held prior to instituting a permanent service change. In addition, WMATA would be required to hold a public hearing at the request of a local jurisdiction.

The public safety amendment expands the Metro Transit Police's jurisdiction to include Metrobus stops. Currently, the Metro police jurisdiction is limited to property owned by WMATA. The Transit Police have no official authority to interfere with criminal acts at its bus stops, and therefore cannot adequately protect patrons and Metro employees. A uniformed Metro police officer who may witness a crime near a bus stop does not have the authority to act. The local police departments in Maryland, Virginia, and the District of Columbia all support giving the Metro Transit Police jurisdiction at its bus stops.

With the advent of banking deregulation, WMATA also needs the flexibility to invest in a broader range of financial instruments and to deposit funds in a branch or subsidiary of any bank which has operations in the transit zone. Presently, WMATA's funds may only be deposited in State or national banks located in the transit zone. WMATA's investments are limited to bonds or other obligations of the United States, Maryland, Virginia, or their subdivisions. This amendment enables WMATA to engage in more efficient cash management practices.

Finally, the procurement amendment would increase the dollar threshold for advertising of contracts from $2,500 to $10,000 for the purchase of supplies and equipment, and from $10,000 to $25,000 for construction, reconstruction, or improvement of any facility. The current dollar limits were established in 1966 prior to the decade of high inflation, which dramatically changed the bidding climate. The Federal Government long ago recognized this situation and raised its limits requiring advertising to contracts above $25,000. The higher thresholds will bring WMATA more in line with not only the Federal Government, but also with other transit agencies and many local governments in the region. Raising the thresholds will increase WMATA procurement efficiency and reduce administrative staff time and costs.

Mr. Speaker, these amendments address routine, daily administrative and management activities of the Transit Authority. Once enacted, the new compact provisions will enable Metro to enhance the safety and efficiency of Metrorail and Metrobus operations and improve service to its ridership in Virginia, Maryland, the District of Columbia, and all who visit the National Capital Region.

The resolution and a summary of the resolution follow:

H.J. RES. 352

Joint resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact

Whereas the State of Maryland, the Commonwealth of Virginia and the District of Columbia have adopted amendments to the Washington Metropolitan Area Transit Regulation Compact relating to public hearing requirements, investment flexibility, procurement and public safety; and

Whereas the Congress has reviewed such amendments and is willing to consent to such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That consent of Congress is hereby given to the amendments of the State of Maryland (Chapters 674 and 675, 1984 Acts of the Maryland General Assembly), the amendments of the Commonwealth of Virginia (Chapter 610, 1984 Acts of Assembly of Virginia and Chapter 112, 1987 Acts of Assembly of Virginia) and the amendments of the District of Columbia (D.C. Law 5-122) to sections 62(a), 69(a), 69(b), 73 and 76(a) of the Washington Metropolitan Area Transit Regulation Compact. Such amendments are as follows:

"62(a) The Board shall not make or change any fare or rate, nor establish or abandon any service except after holding a public hearing with respect thereto, except for service changes required by an emergency; minor service changes as defined by regulations promulgated by the Board; experimental service established to test the effect of such service, and in effect for not more than six months; and fare and service changes established for special events.

"69(a) The Board may provide for the creation and administration of such funds as may be required. The funds shall be disbursed in accordance with rules established by the Board and all payments from any fund shall be reported to the Board. Moneys in such funds and other moneys of the Authority shall be deposited, as directed by the Board, in any branch or subsidiary of any state or national bank which has operations within the Zone, and having a total paid-in capital of at least one million dollars ($1,000,000). The trust department of any such state or national bank may be designated as a depositary to receive any securities acquired or owned by the Authority. The restriction with respect to paid-in capital may be waived for any such bank which agrees to pledge federal securities to protect the funds and securities of the Authority in such amounts and pursuant to such arrangements as may be acceptable to the Board.

"69(b) Any moneys of the Authority may, in the discretion of the Board and subject to any agreement or covenant between the Authority and the holders of any of its obligations limiting or restricting classes of investments, be invested in:

"(1) Direct obligations of or obligations guaranteed by the United States of America;

"(2) Bonds, debentures, notes or other evidences of indebtedness issued by agencies of the United States of America, including but not limited to the following: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Export-Import Bank of the United States; Federal Land Banks; Federal National Mortgage Association; Student Loan Marketing Association; Government National Mortgage Association; Tennessee Valley Authority; or United States Postal Service;

"(3) Securities that qualify as lawful investments and may be accepted as security for fiduciary, trust and public funds under the control of the United States or any officer or officers thereof, or securities eligible as collateral for deposits of moneys of the United States, including United States Treasury tax and loan accounts;

"(4) Domestic and Eurodollar certificates of deposit; and

"(5) Bonds, debentures, notes or other evidences of indebtedness issued by a domestic corporation, such as a corporation organized under the laws of one of the States of the United States, provided that such obligations are nonconvertible and at the time of their purchase are rated in the highest rating categories by a nationally recognized bond rating agency.

"73 Contracts for the construction, reconstruction or improvement of any facility when the expenditure required exceeds twenty-five thousand dollars ($25,000) and contracts for the purchase of supplies, equipment and materials when the expenditure required exceeds ten thousand dollars ($10,000) shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids shall be published in a manner reasonably likely to attract prospective bidders, which publication shall be made at least ten days before bids are received and in at least two newspapers of general circulation in the Zone. The Board may reject any and all bids and readvertise in its discretion. If after rejecting bids the Board determines and resolves that, in its opinion, the supplies, equipment and materials may be purchased at a lower price in the open market, the Board may give each responsible bidder an opportunity to negotiate a price and may proceed to purchase the supplies, equipment and materials in the open market at a negotiated price which is lower than the lowest rejected bid of a responsible bidder, without further observance of the provisions requiring bids or notice. The Board shall adopt rules and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice and publication are not required by this section. The Board may suspend and waive the provisions of this section requiring competitive bids whenever:

"(a) the purchase is to be made from or the contract is to be made with the federal or any State government or any agency or political subdivision thereof or pursuant to any open-end bulk-purchase contract of any of them;

"(b) the public exigency requires the immediate delivery of the articles;

"(c) only one source of supply is available; or

"(d) the equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest.

"76 (a) The Authority is authorized to establish and maintain a regular police force, to be known as the Metro Transit Police, to provide protection for its patrons, personnel, and transit facilities. The Metro Transit Police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plainclothes personnel and shall be charged with the duty of enforcing the laws of the signatories, and the laws, ordinances and regulations of the political subdivisions thereof in the Transit Zone, and the rules and regulations of the Authority. The jurisdiction of the Metro Transit Police shall be limited to all the transit facilities (including bus stops) owned, controlled or operated by the Authority, but this restriction shall not limit the power of the Metro Transit Police to make arrests in the Transit Zone for violations committed upon, to or against such transit facilities committed from within or outside such transit facilities, while in hot or close pursuit or to execute traffic citations and criminal process in accordance with subsection (c) below. The members of the Metro Transit Police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the signatories and of the political subdivisions thereof in which any transit facility of the Authority is located or in which the Authority operates any transit service. Nothing contained in this section shall either relieve any signatory or political subdivision or agency thereof from its duty to provide police, fire and other public safety service and protection, or limit, restrict or interfere with the jurisdiction of or the performance of duties by the existing police, fire and other public safety agencies. For purposes of this section, "bus stop" means that area within 150 feet of a metrobus bus stop sign, excluding the interior of any building not owned, controlled, or operated by the Washington Metropolitan Area Transit Authority.".

Sec. 2. The right of Congress to alter, amend, or repeal this joint resolution is hereby expressly reserved.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT TECHNICAL AMENDMENTS FACT SHEET

PUBLIC HEARINGS

Section 62(a)—This amendment provides that minor service changes, experimental service and emergency situations do not require a public hearing. The amendment clarifies current language, negates any potential challenges to current practices and reflects UMTA public hearing requirements.

PUBLIC SAFETY

Section 76(a)—This amendment gives Metro police jurisdiction at Metrobus bus stops. Currently, local police have jurisdiction at bus stops. This change allows Metro police to provide protection for transit patrons at bus stops, thus increasing patron protection and safety.

INVESTMENT FLEXIBILITY

Section 69(a)—This amendment allows WMATA to deposit funds in a branch or subsidiary of any bank which has operations within the Transit Zone. The change permits WMATA to take advantage of the greater flexibility in the banking industry as a result of deregulation.

Section 69(b)—This amendment permits WMATA to invest in a broader range of investments of the U.S. Government and its agencies and to invest in non-convertable instruments of a domestic corporation that carries the highest rating by an established bond rating agency. The amendment allows WMATA to gain a higher rate of return on investments and reduce payments for capital items and bond repayment. The expanded range of investments involves no greater risk than that assumed by the jurisdictions on their own investments.

PROCUREMENT

Section 73—This amendment raises the threshold for advertising contracts for supplies and equipment from $2,500 to $10,000 and for construction and reconstruction from $10,000 to $25,000. Updating the thresholds will increase procurement efficiency and reduce staff time and associated costs. The new thresholds will also make WMATA procurement policies more consistent with the Federal government, other transit properties and many local governments.

FARM PROGRAM PROMPT PAYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ENGLISH] is recognized for 60 minutes.

Mr. ENGLISH. Mr. Speaker, today I am introducing the Farm Program Prompt Payment Act. The purpose of this bill is to give this Nation's food and fiber producers the same protection against slow payment enjoyed by other persons who sign contracts with the Government. In the past, the Department of Agriculture has been free to make payments and commodity loans at its own discretion.

These payments and loans are made through the Commodity Credit Corporation, a wholly owned Government corporation chartered by the Congress to finance farm programs assigned by law to the Department of Agriculture. CCC has authority to borrow up to $25 billion from the U.S. Treasury, and the Congress appropriates sums to repay the Treasury for losses in the CCC operation. In the past 2 years, CCC has reached its borrowing limit and shut down operations until appropriations bills have been enacted.

This year, CCC shut down on May 1 and resumed operations on July 13. During that 2½ months, wheat harvest began and possibly half the crop became eligible for loans. Farmers were faced with a no-win choice: They could wait and stall their creditors or they could sell their grain on a depressed market sometimes as much as 30 cents a bushel below the loan level in my home State.

When farmers complained that they had to pay interest to the Government if they were late in paying taxes, the Department of Agriculture claimed that it did not bear any responsibility because it had no money. Some farmers were told that the blame rested with the Congress because the appropriations bill was not enacted. The House of Representatives could claim that the blame lay with the Senate because the House had acted in a timely manner but the Senate had not.

But farmers rightly complained that their contract was with the U.S. Government, and payment should be made in a timely manner or interest should accrue.

The bill I am introducing today amends the Prompt Payment Act to correct that situation for the future. It recognizes that the binding contract between farmers and the Government creates an obligation by the Government to pay promptly or else include interest on the money due the farmer when payment is finally made.

The dates when farmers become eligible for program benefits are often dependent on the date of harvest of a crop, thus the binding contracts they sign do not include a specific date when payments and loans are due. This bill establishes those due dates, taking into consideration the varying harvest times across the Nation. The dates established by the bill allow ample time for the Department of Agriculture to make timely payments during normal operating periods. The Government would have to make interest payments only when it had not acted to keep CCC in operation or when bureaucratic snarls held payments up.

This bill gives prompt payment protection to the producers who make us the best fed nation in the world. I urge its favorable consideration by the House.

□ 1315

NATIONAL QUALITY IMPROVEMENT ACT OF 1987

Mr. ROE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 812) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish a National Quality Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provision of their goods and services, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Malcolm Baldrige National Quality Improvement Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the leadership of the United States in product and process quality has been challenged strongly (and sometimes successfully) by foreign competition, and our Nation's productivity growth has improved less than our competitors over the last two decades;

(2) American business and industry are beginning to understand that poor quality costs companies as much as 20 percent of sales revenues nationally, and that improved quality of goods and services goes hand in hand with improved productivity, lower costs, and increased profitability;

(3) strategic planning for quality and quality improvement programs, through a commitment to excellence in manufacturing and services, are becoming more and more essential to the well-being of our Nation's economy and our ability to compete effectively in the global marketplace;

(4) improved management understanding of the factory floor, worker involvement in quality, and greater emphasis on statistical process control can lead to dramatic improvements in the cost and quality of manufactured products;

(5) the concept of quality improvement is directly applicable to small companies as well as large, to service industries as well as manufacturing, and to the public sector as well as private enterprise;

(6) in order to be successful, quality improvement programs must be management-led and customer-oriented and this may require fundamental changes in the way companies and agencies do business;

(7) several major industrial nations have successfully coupled rigorous private sector quality audits with national awards giving special recognition to those enterprises the audits identify as the very best; and

(8) a national quality award program of this kind in the United States would help improve quality and productivity by—

(A) helping to stimulate American companies to improve quality and productivity for the pride of recognition while obtaining a competitive edge through increased profits,

(B) recognizing the achievements of those companies which improve the quality of their goods and services and providing an example in others,

(C) establishing guidelines and criteria that can be used by business, industrial, governmental, and other organizations in evaluating their own quality improvement efforts, and

(D) providing specific guidance for other American organizations that wish to learn how to manage for high quality by making available detailed information on how winning organizations were able to change their cultures and achieve eminence.

(b) PURPOSE.—It is the purpose of this Act to provide for the establishment and conduct of a national quality improvement program under which (1) awards are given to selected companies and other organizations in the United States that practice effective quality management and as a result make significant improvements in the quality of their goods and services, and (2) information is disseminated about the successful strategies and programs.

SEC. 3. ESTABLISHMENT OF THE MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.

(a) IN GENERAL.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by redesignating sections 16, 17, and 18 as sections 17, 18, and 19, respectively, and by inserting after section 15 the following new section:

"SEC. 16. MALCOLM BALDRIGE NATIONAL QUALITY AWARD.

"(a) ESTABLISHMENT.—There is hereby established the Malcolm Baldrige National Quality Award, which shall be evidenced by a medal bearing the inscriptions 'Malcolm Baldrige National Quality Award' and 'The Quest for Excellence'. The medal shall be of such design and materials and bear such additional inscriptions as the Secretary may prescribe.

"(b) MAKING AND PRESENTATION OF AWARD.—(1) The President (on the basis of recommendations received from the Secretary), or the Secretary, shall periodically make the award to companies and other organizations which in the judgment of the President or the Secretary have substantially benefited the economic or social well-being of the United States through improvements in the quality of their goods or services resulting from the effective practice of quality management, and which as a consequence are deserving of special recognition.

"(2) The presentation of the award shall be made by the President or the Secretary with such ceremonies as the President or the Secretary may deem proper.

"(3) An organization to which an award is made under this section, and which agrees to help other American organizations improve their quality management, may publicize its receipt of such award and use the award in its advertising, but it shall be ineligible to receive another such award in the same category for a period of 5 years.

"(c) CATEGORIES IN WHICH AWARD MAY BE GIVEN.—(1) Subject to paragraph (2), separate awards shall be made to qualifying organizations in each of the following categories—

"(A) Small businesses.

"(B) Companies or their subsidiaries.

"(C) Companies which primarily provide services.

"(2) The Secretary may at any time expand, subdivide, or otherwise modify the list of categories within which awards may be made as initially in effect under paragraph (1), and may establish separate awards for other organizations including units of government, upon a determination that the objectives of this section would be better served thereby; except that any such expansion, subdivision, modification, or establishment shall not be effective unless and until the Secretary has submitted a detailed description thereof to the Congress and a period of 30 days has elapsed since that submission.

"(3) Not more than two awards may be made within any subcategory in any year (and no award shall be made within any category or subcategory if there are no qualifying enterprises in that category or subcategory).

"(d) CRITERIA FOR QUALIFICATION.—(1) An organization may qualify for an award under this section only if it—

"(A) applies to the Director of the National Bureau of Standards in writing, for the award,

"(B) permits a rigorous evaluation of the way in which its business and other operations have contributed to improvements in the quality of goods and services, and

"(C) meets such requirements and specifications as the Secretary, after receiving recommendations from the Board of Overseers established under paragraph (2)(B) and the Director of the National Bureau of Standards, determines to be appropriate to achieve the objectives of this section.

In applying the provisions of subparagraph (C) with respect to any organization, the Director of the National Bureau of Standards shall rely upon an intensive evaluation by a competent board of examiners which shall review the evidence submitted by the organization and, through a site visit, verify the accuracy of the quality improvements claimed. The examination should encompass all aspects of the organization's current practice of quality management, as well as the organization's provision for quality management in its future goals. The award shall be given only to organizations which have made outstanding improvements in the quality of their goods or services (or both) and which demonstrate effective quality management through the training and involvement of all levels of personnel in quality improvement.

"(2)(A) The Director of the National Bureau of Standards shall, under appropriate contractual arrangements, carry out the Director's responsibilities under subparagraphs (A) and (B) of paragraph (1) through one or more broadbased nonprofit entities which are leaders in the field of quality management and which have a history of service to society.

"(B) The Secretary shall appoint a board of overseers for the award, consisting of at least five persons selected for their preeminence in the field of quality management. This board shall meet annually to review the work of the contractor or contractors and make such suggestions for the improvement of the award process as they deem necessary. The board shall report the results of the award activities to the Director of the National Bureau of Standards each year, along with its recommendations for improvement of the process.

"(e) INFORMATION AND TECHNOLOGY TRANSFER PROGRAM.—The Director of the National Bureau of Standards shall ensure that all program participants receive the complete results of their audits as well as detailed explanations of all suggestions for improvements. The Director shall also provide information about the awards and the successful quality improvement strategies and programs of the awardwinning participants to all participants and other appropriate groups.

"(f) FUNDING.—The Secretary is authorized to seek and accept gifts from public and private sources to carry out the program under this section. If additional sums are needed to cover the full cost of the program, the Secretary shall impose fees upon the organizations applying for the award in amounts sufficient to provide such additional sums.

"(g) REPORT.—The Secretary shall prepare and submit to the President and the Congress, within 3 years after the date of the enactment of this setion, a report on the progress, findings, and conclusions of activities conducted pursuant to this section along with recommendations for possible modifications thereof.".

(b) CONFORMING AMENDMENT.—Section 9(d) of such Act (15 U.S.C. 3708(d)) is amended by striking "or 16" and inserting in lieu thereof "16, or 17".

Amend the title so as to read: "An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the Malcolm Baldrige National Quality Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provision of their goods and services.".

Mr. ROE (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from New Jersey?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I rise in support of H.R. 812, the Malcolm Baldrige National Quality Improvement Act of 1987. H.R. 812 passed the House on June 8, 1987, as the National Quality Improvement Act of 1987. The Senate then amended it by renaming the bill the Malcolm Baldrige National Quality Improvement Act to pay homage to the late Secretary of Commerce. This bill establishes a National Quality Award in Secretary Baldrige's name to recognize and reward high quality in the goods and services of American business.

Malcolm Baldrige knew from firsthand experience that the strength of American manufacturing depended on maintaining both high performance and high quality on the factory floor. He began his career in manufacturing in 1947 as a foundry hand at the Eastern Malleable Iron Co. in Naugatuck, CT, rising to president of the company by 1960. His own career in industry symbolizes the very essence of the award being established in his name.

The award that H.R. 812 creates is modeled after the Japanese Deming Prize which is granted to companies, by specific category, which have attained highest quality management and best adherence to the principles of statistical quality control.

The Baldrige award will consist of a medal inscribed with the words "Malcolm Baldrige National Quality Award" and "The Quest for Excellence." It will be bestowed by the President or the Secretary of Commerce to selected companies in recognition of improved quality. To qualify for the award applicants must prevail in an extensive review and examination of the way in which they operate as a business. The review process will be conducted by a panel of our Nation's best quality experts. Those companies receiving the award then are permitted to use the commendation in their advertisements. This mechanism appears to be highly successful for recipients of the Deming Prize in Japan.

The National Bureau of Standards is tasked with recruiting the private sector quality experts who will audit the program. We believe the Bureau to be uniquely suited for the responsibility of providing the independent and unbiased expertise necessary for judging product and performance quality.

The entire award program outlined in H.R. 812, including administrative costs, would be funded by private contributions, or by a fee charged to award applicants. Thus, there are no appropriated Federal funds involved here.

Mr. Speaker, the bill language is designed to provide the President or the Secretary of Commerce with flexibility in bestowing the award by substituting the term periodically for the term annually, although it is generally presumed that awards will be made every year. It is possible that there may be some years when no candidates will measure up to the award's criteria and therefore a dictate to make annual awards needs to be avoided in the provisions.

Similarly, the provision that no more than two awards be granted in any one category should be understood to have flexibility at the Secretary's discretion. If the Secretary finds that there are more than two entries in a category that clearly warrant the award, then he has the authority to expand, subdivide or modify a category accordingly. We do not expect this to be a frequent occurrence, however only the experience gained by conducting the awards program will make us knowledgeable of how many categories are needed and whether or not other statutory revisions are necessary.

Mr. Speaker, America's products are facing their toughest competition even in today's global marketplace. The pack of industrial nations continues to grow both in commitment and competence to capture markets that were once our Nation's exclusive domain. We as a nation not only need to make every effort to encourage meeting the highest standards of quality, but we need to rebuild the confidence that America can redefine and elevate the meaning of quality by its own new standards for product and performance.

Mr. Speaker, H.R. 812 had solid bipartisan support among the Members when it passed the House in June, and recently in the Senate. Not only is it a bill that furnishes incentive for American industry to establish the highest standards of quality, but it is a fitting tribute to a man whose career was devoted to the pursuit of excellence. I urge my colleagues to support this legislation.

TRIBUTE TO JACK WYDLER

Mr. Speaker, it is with a sad heart that I rise to pay tribute to a former colleague and good friend who passed away last Tuesday. Jack Wydler and I served together on the Science, Space, and Technology Committee from 1969 until his retirement in 1980. Jack was an indefatigable worker and a dedicated representative of his constituency. He served as the ranking Republican member of the committee. In this position of leadership he made a major contribution to the legislative accomplishments of the committee. Of particular significance was the legislation that bears his name, the Stevenson-Wydler Act. This visionary legislation recognized very early the need of this Nation to deal systematically and imaginatively with the problem of international technological competitiveness. The Stevenson-Wydler legislation will undergird our present thrust to deal with this program.

On a personal basis, we will all miss his hearty good fellowship. His friendship and cooperation will not be forgotten. I know that all the members of the Committee on Science, Space, and Technology join me in offering sincere sympathy to Brenda and the whole Wydler family in their bereavement.

Mr. LUJAN. Mr. Speaker, further reserving the right to object, I rise in strong support of H.R. 812, as amended by the Senate, and urge my colleagues to do likewise.

H.R. 812 was introduced in the House on May 18, 1987, as the National Quality Improvement Act of 1987.

In honor of Secretary Malcolm Baldrige and in recognition of his contribution to Government service, it is fitting that this award be named in his honor. The Senate amendment to H.R. 812 does just that.

Malcolm Baldrige will be remembered for his focus on a sound U.S. trade policy, for his strong management style and for recognizing the value of technology transfer not only domestically but also internationally.

The House Committee on Science, Space, and Technology is indebted to Secretary Baldrige. He was instrumental not only in the movement of this legislation but on several other issues of great importance to the committee.

H.R. 812 amends the Stevenson-Wydler Act of 1980 and, as the ranking Republican member of the Science Committee, I would like to pay tribute to former Congressman Jack Wydler, who passed away 2 days ago. Jack served on the Science Committee from 1964 until his retirement from Congress in 1981. During the 95th and 96th Congress, he served as the ranking Republican on the committee. He was a friend and a colleague and will be remembered always. On behalf of the committee, I extend condolences to his wife and three children.

I urge passage of H.R. 812 as amended.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Speaker, I thank the gentleman for yielding. I rise to urge support for final passage of H.R. 812, the Malcolm Baldrige Quality Improvement Act of 1987 as it has been amended by the Senate. This act was essentially amended by the Senate to rename the bill in honor of Malcolm Baldrige, the late Secretary of Commerce. Certainly his life and the contributions he made to our National Government in these several years are important indeed, and his memory is certainly appropriate for what we try to do in this bill.

The purpose of the bill is to encourage American businesses to improve the quality of their goods and services. We all know that in the future economic world we will find ourselves in that quality is what counts, and that it is going to take improvements in quality to market our production both here and abroad.

As Secretary of Commerce, Malcolm Baldrige was in the forefront of the fight to regain America's preeminence as the world leader in trade and commerce, certainly it is fitting that this National Award for Excellence be established in his name.

If the gentleman will continue to yield, I would like to quote from a letter that we received from Secretary Baldrige when we as a committee worked on this bill. He described this program as—

> Another step in encouraging American businesses to improve the quality of their goods and services.

And noted that it does so without—

> Throwing a lot of dollars around indiscriminately at programs of unproven worth.

Secretary Baldrige said:

> We have to encourage American executives to get out of their boardrooms and onto the factory floor to learn how their products are made and how they can be made better.

Certainly we know that in the pursuit of this award process that is exactly what those executives will have to do, and certainly their production processes will be the beneficiaries.

I also would like to mention in passing that this is an area that has been governed by the umbrella act of Stevenson-Wydler, named for Jack Wydler who served on our Committee on Science, Space, and Technology for a number of years before he retired several years ago, and of course Congressman Wydler died several days ago. So it is certainly appropriate that we remember his lasting imprint in this area. This act, by amending Stevenson-Wydler, would pay tribute to him as well.

I want to say again how much we all hope that we will see the return of the days when "made in the U.S.A." was synonymous with the best that money or anyone could buy anywhere in any form. I urge my colleagues to support this important legislation and thank the gentleman for yielding.

Mr. Speaker, I urge final passage of H.R. 812, the Malcolm Baldrige National Quality Improvement Act of 1987, as amended and passed by the Senate on August 5, 1987. H.R. 812 passed the House on June 8, 1987, as the National Quality Improvement Act of 1987. It was amended in the Senate by renaming the bill the Malcolm Baldrige National Quality Improvement Act of 1987 in honor of the late Secretary of Commerce.

The purpose of the bill is to encourage American businesses to improve the quality of their goods and services. Through sponsorship of the Malcolm Baldrige National Quality Award, to be given to the most meticulous of our companies, recognition is being given to the importance of quality to this country's economic well-being.

As Secretary of Commerce, Malcolm Baldrige was in the forefront of the fight to regain America's preeminence as the world leader in trade and commerce. I think it is most fitting that this national award for excellence be established in his name.

I would like to quote from a letter that I received from Secretary Baldrige when H.R. 812 was being considered by the Science, Space, and Technology Committee:

> H.R. 812 takes yet another step in encouraging American businesses to improve the quality of their goods and services, and does so without throwing a lot of dollars around indiscriminately at programs of unproven worth. We have to encourage American executives to get out of their boardrooms and onto the factory floor to learn how their products are made and how they can be made better.

H.R. 812 will do exactly this for applicants for the Baldrige Quality Award by means of its extensive quality audits and by singling out America's best companies for praise and emulation.

I would also like to remind my colleagues that this bill is an amendment to the Stevenson-Wydler Act, named after our distinguished former colleague from New York, Jack Wydler, who passed away this Tuesday. Therefore, this act pays tribute to the Science Committee's former Republican leader as well as to Secretary Baldrige.

Mr. Speaker, I want to see a return to the days when "made in the U.S.A." is synonymous with "the best that money can buy." I urge my colleagues to support final passage of this important legislation.

Mr. LUJAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I want to join my colleagues in offering strong support for this fitting tribute to Secretary Baldrige.

In a letter to our committee in March, Secretary Baldrige endorsed H.R. 812 as—

> Another step in encouraging American businesses to improve the quality of their goods and services.

He continued:

> We have to encourage American executives to get out of their boardrooms and onto the factory floor to learn how their products are made and how they can be made better.

That was the heart of Malcolm Baldrige's philosophy—active, personal involvement to improve every aspect of any operation he headed. He put that philosophy to work both in business and at the Commerce Department, where he revitalized an immense bureaucracy that had been virtually ignored for years.

I can think of no more appropriate memorial to Secretary Baldrige than the creation of the "National Quality Award"—a medal that would lead more executives to follow in his very active footsteps.

In closing, Mr. Speaker, would also like to join with my colleagues in paying tribute to a former very distinguished member of our committee, the late Jack Wydler.

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

RECESS

The SPEAKER pro tempore. Pursuant to a previous order of the House, the Chair declares the House in recess until 3 p.m. today.

The Chair will notify Members 15 minutes prior to reconvening.

Accordingly (at 1 o'clock and 28 minutes p.m.), the House stood in recess until 3 p.m.

□ 1530

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 23 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2855. An act to settle Indian land claims in the town of Gay Head, MA, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2974. An Act to amend title 10, United States Code, to make technical corrections in provisions of law enacted by the Military Retirement Reform Act of 1986.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the following titles:

On July 21, 1987:

H.J. Res. 122. Joint resolution to designate the week beginning July 16, 1987, as "Snow White Week."

On July 22, 1987:

H.R. 558. An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

On July 30, 1987:

H.R. 3022. An act to provide for a temporary extension of the public debt limit.

REPEAL BUDGET ACT AND GRAMM-RUDMAN-HOLLINGS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, after the August recess I will introduce a bill to repeal the Budget Act and Gramm-Rudman-Hollings.

I know that many Members are reluctant to give up the deadlines in the Budget Act. But in 11 fiscal years under the Budget Act we have met the deadline for adopting the first budget resolution once, in 1977.

Look at how long it has taken to adopt the budget resolution in the last 5 fiscal years: 1988, June 24, 70 days late; 1987, June 27, 73 days late; 1986, August 1, 78 days late; 1984, October 1, 139 days late; and 1983, June 23, 39 days late.

During these 5 years, out of a total of 65 appropriation bills, only 9 were signed before the start of the fiscal year, 18 were signed after the start of the fiscal year, and 38 bills were carried for the full year in a CR.

The last time we enacted all of the appropriation bills before the start of the fiscal year was 1954.

In fiscal 1986 and 1987 not a single appropriation bill was enacted before the start of the fiscal year. In fiscal 1987 not a single bill was enacted. All 13 were carried in the CR.

The budget process virtually guarantees that we will not be able to act on appropriations, and that there will be a big CR.

Repeal the Budget Act. Repeal Gramm-Rudman-Hollings. Send Mickey Mouse back to Disneyland. Then the President will propose, and the Congress will dispose, and the responsibility for deficits and CR's will be absolutely clear.

Of course, maybe that's what we're afraid of.

FORTY-SECOND ANNIVERSARY OF DROPPING OF ATOMIC BOMB ON HIROSHIMA

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, yesterday the world commemorated the 42d anniversary of the dropping of an atomic bomb on Hiroshima.

We, meaning all humanity, have been fortunate for the last 42 years in that there has not been, except for the second bomb dropped on Nagasaki a few days later, a repetition of that event.

We have no guarantee that we will always be as lucky. It only takes one accident, one dropping of a bomb anyplace, for it to trigger an all-out nuclear war.

I had occasion as a young member of the U.S. Armed Forces to visit Hiroshima in the summer of 1947, barely 2 years after the bomb was dropped. Hiroshima had not at all been rebuilt. There were some wooden structures that had been put up as temporary shelters. The observatory, which has become the symbol of the atomic bomb attack, was there as it is now as a reminder.

I have had occasion since then to revisit Hiroshima. The city has been totally rebuilt, but the people of that city are understandably obsessed with what happened on August 6, 1945. They look forward and they look backward.

They know, as we all should know, that Hiroshima serves as a constant object lesson to all of humanity. We had better get on with the business of reining in the nuclear arms race before it means the destruction of all of us.

U.S. WHEAT GLUTEN INDUSTRY VICTIMIZED BY EEC SUBSIDIES

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, fair trade is taking another beating at the hands of the European Economic Community.

The U.S. wheat gluten industry is about to become the latest victim of EEC predatory pricing practices.

Wheat gluten is a protein derivative of wheat flour that is used in products ranging from breakfast cereals to pasta to whole grain breads.

EEC wheat gluten producers are selling to U.S. customers at prices that undercut U.S. manufacturers by 20 percent—prices made possible by export subsidies that are clearly in violation of the GATT.

The EEC is now poised to dramatically expand subsidized wheat gluten exports. According to industry estimates, the surplus from the European producers could soon supply the entire U.S. market.

Today, I am introducing a resolution urging that the U.S. Trade Representative immediately institute proceedings under section 301 to respond to these unfair trade subsidies. If consultation with the European Community fails to result in the complete elimination of wheat gluten subsidies, the U.S. Trade Representative should recommend to the President relief that would completely offset the effect of those subsidies on the U.S. wheat gluten industry.

Mr. Speaker, the U.S. Trade Representative must act now.

The U.S. wheat gluten industry is small. It is comprised of only three firms nationwide. Moreover, these firms are not a part of larger companies which could absorb losses while lengthy trade negotiations take place.

Matching the subsidized price of EEC wheat gluten would cost domestic manufacturers $20 million per year—a loss they could not sustain for even 1 year.

These subsidies aren't even hidden. In fact, the level of export subsidies is published monthly by the EEC. According to the June 1 report, firms exporting wheat gluten are refunded 14.8 cents per pound, assuming the July 17 exchange rates.

The EEC now produces a surplus of 70 million pounds of wheat gluten each year. The completion of additional facilities now under construction will increase surplus production to 100 million pounds.

The total U.S. market for wheat gluten is only 130 million pounds. In the very near future, the EEC will be able to supply that market from its surplus production alone.

Concern over the subsidized production and export of wheat gluten is by no means confined to the wheat gluten industry. It is an issue for agricultural producers as well.

This problem began with EEC-subsidized production of starch from low-protein European wheat. Wheat gluten is a coproduct of that process, and is now being produced in quantities that far exceed EEC needs. From 1980 to 1985, the EEC share of world wheat gluten production jumped from 23 to 38 percent.

The production of wheat starch has allowed the EEC to dramatically cut imports of U.S. corn, while the gluten byproduct has served as a protein supplement, allowing the EEC to sharply reduce imports of high-protein U.S. wheat.

Furthermore, if we allow EEC wheat gluten to replace our domestic production it will further reduce the utilization of U.S. wheat by 10 million bushels annually. It would be the functional equivalent of importing 10 million bushels of wheat each year.

To protect its domestic industry, the EEC also restricts imports of wheat gluten through a 90-percent import duty—11 times higher than the duty imposed on U.S. wheat gluten imports. As other wheat gluten producers are shut out of the EEC market, the risk grows that the United States will become a dumping ground for the world's excess.

Mr. Speaker, all my resolution asks for is a level playing field. I do not support or condone protectionism. But we must demand that our trading partners follow the same accepted standards of international fair trade that we do.

Unfortunately, trade rights are not self-enforcing. We must stand up and defend our rights in the international marketplace or we will lose those rights.

The EEC has consistently taken a hardball approach to international trade. And it's time we get in the game. The tools to combat these unfair and predatory trade practices are available under current law. But we must have the backbone to use them.

No amount of moral suasion is going to solve this problem. The EEC will attempt to take advantage of us at every opportunity and they will get by with it any time we allow them.

We have the option of sitting on the sidelines while American industry and workers take one beating after another. Or we can get in the game and help defend U.S. firms against international economic attack. The sooner we decide to go to bat for American industry and workers the better.

GENERAL LEAVE

Mr. BONIOR of Michigan. Mr. Speaker, earlier today the House rejected the rule on House Joint Resolution 132, and as a result general debate was not available to Members of the House to express themselves on the joint resolution.

Therefore, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the rule, House Resolution 238, and that Members be permitted to address the subject matter of the joint resolution to which the rule pertains under this general leave.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENDING GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN UNITED STATES AND SOVIET UNION (H. DOC. NO. 100-96)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries, and orderd to be printed.

(For message, see proceedings of the Senate of today, Friday, August 7, 1987.)

RECESS

The SPEAKER. The Chair declares the House in recess until 4:30 p.m.

Accordingly (at 3 o'clock and 34 minutes p.m.), the House stood in recess until 4:30 p.m.

□ 1706

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. FROST] at 5 o'clock and 6 minutes p.m.

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, I would yield to the distinguished chairman of the Committee on Ways and Means, Mr. ROSTENKOWSKI, and ask him to report to the House on the proceeding of the Committee on Conference.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. I thank the gentleman for yielding.

Mr. Speaker, the House has just received a counteroffer from the Senate to the offer made by the House and it is the intention of the chairman of the House conferees to have the House conferees meet at 5:30 in room 1100, Longworth Building, to further consider the Senate counteroffer.

The offer is one that I think certainly shows progress and I think that the House conferees should sit in conference and make a judgment about it.

I would like to go further, Mr. Majority Leader, and suggest that it is my intention to offer a motion with respect to a short-term extension. However, the conference that is presently considering the long-term extension has not concluded and should not in any way be interpreted as concluded. It is my judgment, Mr. Speaker, that if we pass the short-term extension that the conference will continue to meet with the possibilities of sending a counteroffer to the Senate, should this offer by the Senate not be agreed to.

It is my judgment that this is a valid undertaking with every intention of concluding a successful conference and if it is at all possible, I would like to see that done.

If, Mr. Speaker, that is not possible it does not mean that the conference is going to report back in disagreement; there is a possibility that we could come back in September and further consider what the conference has before it.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. LOTT. I thank the gentleman for yielding.

Mr. Speaker, could the gentleman translate that?

Mr. ROSTENKOWSKI. Was the gentleman not listening?

Mr. LOTT. I was listening but I would like to put it in layman's language as to what that means for the Members as far as what they are going to be expected to do in the next hour and what that means for them tonight or tomorrow.

Mr. ROSTENKOWSKI. Well, the conferees that were so eager to serve on this conference will meet at 5:30.

Mr. LOTT. Are we fixing to have a motion now and a vote on a short-term extension?

Mr. ROSTENKOWSKI. It is the intention of the chairman of the Committee on Ways and Means to offer that as a motion so that other Members if they feel that they have to leave can leave. But I do not see us coming to any—

Mr. LOTT. And that would take us 45 days, short-term? What is the short-term?

Mr. ROSTENKOWSKI. September 23.

Mr. LOTT. September 23. And if I could ask the distinguished majority leader, would we then plan to bring up the adjournment resolution?

Mr. FOLEY. Yes, it would be our intention to bring up the adjournment resolution, again with the understanding that the members of the conference committee would continue to seek to reach agreement.

Mr. LOTT. So the hope is to keep the conferees here but the other Members, assuming that the short-term should pass, and be accepted by the Senate, then the other Members would not be expected to be here tomorrow, for instance, is that correct?

Mr. FOLEY. The gentleman is correct.

Mr. LOTT. The gentleman from Illinois, if I could address a question to him, if the gentleman from Washington would yield so that I could ask a question: Does the gentleman have any idea how long the conference might work tonight? I mean, we could go through these offers and counteroffers for a good long while.

Mr. ROSTENKOWSKI. Well, it is very unfair for me to make a judgment as to how long it will meet. All things being favorably considered, the gentleman from Illinois would like to see a counteroffer offered to the Senate and maybe a negotiation, the possibility of agreeing to a conference report, the possibility of conferees signing it but not taking it up until such time as we return from our recess.

[illegible]T. Let me ask you this then: Ju[illegible]e that there should be some se[illegible]th here of this thing and y[illegible] get an agreement at midni[illegible]ht, I take it that the long-te[illegible]sion with this agreement wo[illegible] be brought back to the H[illegible]l September.

Mr. ROSTENKOWSKI. I am sure that the leadership would make those arrangements so that the Members will not have to return.

Mr. LOTT. I thank the gentleman.

TEMPORARY PUBLIC DEBT LIMIT INCREASE

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the unanimous-consent agreement of August 6, 1987, and with the consent of the majority and the minority leaders, I call up the bill (H.R. 3190), to provide for a temporary increase in the public debt limit.

The Clerk read the bill, as follows:

H.R. 3190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of the enactment of this Act and ending on September 23, 1987, the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be equal to $2,352,000,000,000.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 1 hour.

Mr. ROSTENKOWSKI. Mr. Speaker, the debt ceiling extension which is what we have just discussed carries us through September 23. It is at the level of $2,352,000,000,000 through September 23.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House on Thursday, August 6, 1987, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

Mr. ROSTENKOWSKI. Mr. Speaker, I wish to announce to the Members that the House conferees on the budget are meeting at 5:30 in 1100 Longworth House Office Building.

□ 1715

AN UPDATE ON THE CURRENT STATUS OF FSLIC

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, my colleagues will recall that I have taken the floor of this House on a number of occasions in the recent past to discuss the FSLIC bill. We have now passed the bill. I supported it, and it was necessary to do so.

Subject to the passage of that bill, we have undertaken to calculate the premium income for 1987 based on the average savings and loan deposits during the year 1987. That figure is $894 billion. If you take the projection based on the deposit growth for the first 5 months of 1987, with the regular premium of one-twelfth of 1 percent, $745 million, the special assessment on that amount of money, one-eighth of 1 percent, is $1,118 million on total gross premium income of $1,863 million, less 20 percent, as authorized under the bill, with the recovery of the secondary reserve $165 million, the net premium income to FSLIC in 1987 would be $1,698 million. The annual interest payments on the recap bonds authorized by the bill, assuming 10 percent rates, which is 1.25 percent or 125 basis points higher than the current yield on long-term Treasury bonds, the annual interest cost to FSLIC on the full amount of the $10.824 billion in bonds at 10 percent obviously is $1,082,400,000. This is the amount of interest that will be charged on these bonds each and every year for the 25 or 30 years.

The key facts regarding the debt service burden are these, Mr. Speaker: The annual interest on the $10.82 billion will exceed FSLIC's current regular premium income, as indicated earlier in these remarks, at $745 million, by approximately $337 million annually.

Let me just summarize my comments, Mr. Speaker. I will do so very quickly. The point of all this is that FSLIC's current regular premium income of $745 million will be in fact exceeded by the cost of the bonds to be issued in full amount by $337 million annually. If the savings and loan deposits level off, if the debt service on the bonds through the years, 1990 through 1992, will consume two-thirds of FSLIC's total premium income, if you believe in and adhere to the 20-percent annual amortization of the secondary reserve and if the special assessment is not phased out.

Therefore, the debt service on the recap plan bonds will consume 60 percent of FSLIC's current premium income, assuming the special assessment continues indefinitely, and it would certainly appear from these numbers, Mr. Speaker, that we have no alternative but to do so.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, AUGUST 7, 1987, OR SATURDAY, AUGUST 8, 1987, TO WEDNESDAY, SEPTEMBER 9, 1987

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 175) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 175

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 7, 1987, or Saturday, August 8, 1987, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Wednesday, September 9, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 9, 1987, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore (Mr. FROST). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 9, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Calendar Wednesday, September 9, 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

EXTENDING TO MEMBERS PRIVILEGE TO REVISE AND EXTEND REMARKS IN THE CONGRESSIONAL RECORD NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Wednesday, September 9, 1987, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

INTRODUCTION OF THE MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR ACT

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, today I am joined by 43 of my colleagues in introducing legislation that would create the Mississippi River National Heritage Corridor. I am proud to be the chief sponsor of this bill and honored to have my friends and colleagues join me. We are joined in our efforts by the federally recognized Mississippi River Parkway Commission which is headquartered in St. Paul, MN.

The mighty Mississippi River stretches 2,470 miles from north central Minnesota to the Gulf of Mexico and runs the entire western length of my district, more than 300 miles along its banks. The identity of 10 States are intimately linked to the river; Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, and Wisconsin are touched by the Mississippi River in more than one way.

The Mississippi River is a national treasure, unique for the abundance of commerce, folklore, culture, and history, and a special way of life for millions of Americans for more than two centuries. This river is known throughout the world and its reputation as the great river goes beyond the fact that it is a massive body of water.

The Mississippi River means trade, commerce, and jobs, and with the creation of the National Heritage Corridor, we will provide a means and a stimulus for coordination for the preservation, protection, enhancement, enjoyment, and continuing utilization of the resources of the Mississippi River.

Mr. Speaker, because there is no single source to collect or disseminate information on the multiuses and opportunities in the river valley, the commission formed by this legislation will serve a valuable role as a clearinghouse for a variety of information about the Mississippi River. The commission will be charged with the completion of a multifaceted study and assessment of the resources and economic opportunities in the corridor. I feel that a balanced approach in the uses of the river will help preserve its beauty, its health, and its reputation as a living, working river.

The creation of the Mississippi River National Heritage Corridor is long overdue and important to the overall development of the river valley. Through the enactment of this legislative proposal, I believe we can insure the greatest possible use of the river with a balanced concern for its heritage, historical landmarks, wildlife preservation, and economic growth for generations.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 925

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 925.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3142

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3142.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1122

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1122. My name was added erroneously.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRENZEL. Mr. Speaker, on the assumption that the House is going to recess again, can the Chair inform the Members as to how long the notice will be for the Members when we return to session?

The SPEAKER pro tempore. The bells will be rung 15 minutes before the House goes back into session.

Mr. FRENZEL. We will be on 15 minutes' notice only?

The SPEAKER pro tempore. The gentleman is correct. And the cloakrooms will be notified.

RECESS

The SPEAKER pro tempore. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2155

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 o'clock and 5 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H.R. 3190. An act to provide for a temporary increase in the public debt limit; and

H.J. Res. 216. Joint resolution to support a ceasefire in the Iran-Iraq war and a negotiated solution to the conflict.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 175. Concurrent resolution providing for an adjournment of the Congress until September 9, 1987.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1591) entitled "An act to temporarily restrict the ability to document foreign-built fish processing vessels under the laws of the United States."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1441. An act to reduce the incidence of infant mortality;

S. 1574. An act to combine the Senators' Clerk Hire Allowance Account and the Senators' Official Office Expense Account into a combined single account to be known as the "Senators' Official Personnel and Office Expense Account", and for other purposes; and

S. 1642. An act to designate the U.S. Courthouse located at the intersection of Uniondale Avenue and Hempstead Turnpike in Uniondale, NY, as the "John W. Wydler United States Courthouse."

MESSAGE FROM THE SENATE

The SPEAKER. The Chair lays before the House the following message from the Senate:

The Clerk read as follows:

H. Con. Res 175

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 175) entitled "Concurrent resolution providing for an adjournment of the Congress until September 9, 1987", do pass with the following amendment:

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert: That when the Senate adjourns on Friday, August 7, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 10:00 o'clock a.m. on Wednesday, September 9, 1987, or until 12:00 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the House of Representatives adjourns on Friday, August 7, 1987, or Saturday, August 8, 1987, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock meridian on Wednesday, September 9, 1987, or until 12:00 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER. The question is on the Senate amendment.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kostmayer (at the request of Mr. Foley), after 4:30 p.m. today, on account of official business.

Mr. Rahall (at the request of Mr. Foley), after 4:30 p.m. today, on account of official business.

Mr. Alexander (at the request of Mr. Foley), for today.

Mr. Craig (at the request of Mr. Michel), after 4:30 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Upton) to revise and extend his remarks and include extraneous material:)

Mr. DioGuardi, for 60 minutes, today.

(The following Members (at the request of Mr. Hertel) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.
Mr. Stark, for 5 minutes, today.
Mr. Fazio, for 5 minutes, today.
Mr. Slattery, for 5 minutes, today.
Mr. Boucher, for 10 minutes, today.
Mr. English, for 60 minutes, today.
Mr. Gonzalez, for 60 minutes, today.
Mr. Gonzalez, for 60 minutes, on September 9.

(The following Member (at the request of Mr. Foley) to revise and extend his remarks and include extraneous material:)

Mr. Fazio, for 60 minutes, on September 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Stratton, on House Resolution 238 in the House, today.

Mr. Biaggi, on House Resolution 238 in the House, today.

Mr. Panetta, and to include extraneous matter, notwithstanding the fact that it exceeds two pages and is estimated by the Public Printer to cost $2,455.

Mr. Conyers, and to include extraneous matter, notwithstanding the fact that it exceeds two pages and is estimated by the Public Printer to cost $6,383.

(The following Members (at the request of Mr. Upton) and to include extraneous matter:)

Mr. Gilman.
Mr. Gunderson in two instances.
Mr. Solomon.
Mr. Broomfield.
Mr. Morrison of Washington.
Mr. Dornan of California.
Mr. Gallo.
Mr. Kemp in two instances.
Mr. Daub.
Mr. Crane in four instances.
Mr. Bliley.
Mr. Hefley in five instances.
Mr. Pursell.
Mr. Fawell in two instances.
Mr. McEwen in five instances.

(The following Members (at the request of Mr. Hertel) and to include extraneous matter:)

Mr. Traficant.
Mr. LaFalce.
Mr. Stark in three instances.
Mr. Lehman of Florida.
Mr. Montgomery.
Mr. Rodino.
Mr. AuCoin.
Mr. Sharp.
Mr. Scheuer.
Mr. Feighan.
Mr. Ray.
Mr. Martinez.
Mr. Smith of Florida in two instances.
Mr. Waxman.
Mr. Morrison of Connecticut.
Mr. Edwards of California in two instances.
Mr. Wheat.
Mr. Williams.
Mr. Mazzoli in two instances.
Mr. Hoyer.
Mr. Boland.
Mrs. Boggs.
Mr. Hertel.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 945. An act to require the Secretary of Health and Human Services to make grants to local governments for demonstration projects to provide respite homes and other assistance for infants abandoned in hospitals, and for other purposes; to the Committees on Education and Labor and Energy and Commerce.

S. 1194. An act to transfer jurisdiction over certain lands in Bernalillo County, NM, from the General Services Administration to the Veterans' Administration; to the Committee on Government Operations.

S. 1402. An act to amend title VIII of the Public Health Service Act to establish programs to reduce the shortage of professional nurses; to the Committee on Energy and Commerce.

S. 1441. An act to reduce the incidence of infant mortality; to the Committee on Energy and Commerce.

S. 1532. An act relating to the payment for telecommunications equipment and certain services furnished by the Sergeant at Arms and Doorkeeper of the Senate; to the Committee on House Administration.

S. 1574. An act to combine the Senators' Clerk Hire Allowance Account and the Senators' Official Office Expense Account into a combined single account to be known as the "Senators' Official Personnel and Office Expense Account", and for other purposes; to the Committee on House Administration.

S. 1642. An act to designate the U.S. Courthouse located at the intersection of Uniondale Avenue and Hempstead Turnpike in Uniondale, NY, as the "John W. Wydler United States Courthouse"; to the Committee on Public Works and Transportation.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2309. An act to amend the Christopher Columbus Quincentenary Jubilee Act;

H.R. 2971. An act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services, and for other purposes; and

H.R. 2855. An act to settle Indian Land claims in the town of Gay Head, MA, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 1371. An act to designate the Federal building located at 330 Independence Avenue, SW, Washington, DC, as the "Wilbur J. Cohen Federal Building";

S. 1577. An act to extend certain protections under title 11 of the United States Code, the Bankruptcy Code;

S.J Res. 44. Joint resolution to designate November 1987, as "National Diabetes Month";

S.J. Res. 49. Joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day";

S.J. Res. 87. Joint resolution to designate November 17, 1987, as "National Community Education Day";

S.J. Res. 108. Joint resolution to designate October 6, 1987, as "German-American Day";

S.J. Res. 109. Joint resolution to designate the week beginning October 4, 1987, as "National School Yearbook Week";

S.J. Res. 121. Joint resolution to designate August 11, 1987, as "National Neighborhood Crime Watch Day";

S.J. Res. 157. Joint resolution to designate the month of October 1987, as "Lupus Awareness Month"; and

S.J. Res. 175. Joint resolution to recognize the efforts of the U.S. Soccer Federation in bringing the World Cup to the United States in 1994.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 348. An act to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service;

H.R. 1403. An act to designate the U.S. Post Office Building located in St. Charles, Il, as the "John E. Grotberg Post Office Building";

H.R. 1444. An act to amend titles XI, XVIII, and XIX of the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions relating to those programs;

H.R. 921. An act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units;

H.R. 318. An act to provide for the restoration of the Federal trust relationship and Federal services and assistance to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes; and

H.R. 27. An act to regulate nonbank banks, impose a moratorium on certain securities and insurance activities by banks, recapitalize the Federal Savings and Loan Insurance Corporation, allow emergency interstate bank acquisitions, streamline credit union operations, regulate consumer checkholds, and for other purposes.

DESIGNATION OF HON. THOMAS S. FOLEY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS UNTIL SEPTEMBER 9, 1987

The SPEAKER laid before the House the following communication:

Washington, DC,
August 7, 1987.

I hereby designate the Honorable Thomas S. Foley to act as Speaker pro tempore to sign enrolled bills and joint resolutions until Wednesday, September 9, 1987.

Jim Wright,
Speaker of the House of Representatives.

The SPEAKER. Without objection, the designation is agreed to.

There was no objection.

ADJOURNMENT TO WEDNESDAY, SEPTEMBER 9, 1987

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 175 of the 100th Congress, the House stands adjourned until 12 o'clock meridian, Wednesday, September 9, 1987.

Thereupon (at 10 o'clock and 8 minutes p.m.), pursuant to House Concurrent Resolution 175, the House adjourned until Wednesday, September 9, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1930. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to reduce the cost and improve the administration of the Food Stamp Program and for other purposes; to the Committee on Agriculture.

1931. A communication from the President of the United States, transmitting requests for supplemental appropriations for the Veterans' Administration for fiscal year 1987, pursuant to 31 U.S.C. 1107 (H. Doc. No. 100-97); to the Committee on Appropriations and ordered to be printed.

1932. A letter from the Deputy Assistant Secretary of Defense, transmitting the Navy's Determination and Findings indicating the necessity to exclude the clause from a proposed contract with Moser Processing Ltd., Corseaux, Switzerland, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

1933. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title V of the Motor Vehicle Information and Cost Savings Act, "Improving Automotive Efficiency," to repeal the corporate average fuel economy [CAFE] standards, and for other purposes; to the Committee on Energy and Commerce.

1934. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of intent to provide a course of instruction in "Anti-Terrorist Urban Patrol Techniques" for El Salvador under the Anti-Terrorism Assistance Program, pursuant to 22 U.S.C. 2349aa-3(a)(i); to the Committee on Foreign Affairs.

1935. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions by Max L.

Friedersdorf, of Florida, Ambassador designate, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1936. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on recent events in El Salvador concerning the possibility of the "resurgence of death squad activities" in that country; to the Committee on Foreign Affairs.

1937. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of a resolution adopted by the Honduran Congress congratulating the U.S. Congress on the 200th anniversary of the Constitution of the United States; to the Committee on Foreign Affairs.

1938. A letter from the Assistant Comptroller-Insurance, Departments of the Army and the Air Force, transmitting the Departments two actuary's reports for the year ended December 31, 1986, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1939. A letter from the Administrator, Panama Canal Commission, transmitting the Commission's notice of nine new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1940. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

1941. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on abnormal occurrences at licensed nuclear facilities for the fourth calendar quarter of 1986, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 1720. A bill to replace the existing AFDC program with a new Family Support Program which emphasizes work, child support, and need-based family support supplements, to amend title IV of the Social Security Act to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives; with amendments (Rept. 100-159, Pt. 2). Ordered to be printed.

Mr. WHEAT: Committee on Rules. House Resolution 253. Resolution providing for the consideration of H.R. 1327 a bill to amend the Public Health Service Act to establish a National Health Service Corps Loan Repayment Program and to otherwise revise and extend the program for the National Health Service Corps (Rept. 100-284). Referred to the House Calendar.

Mr. HAWKINS: Committee on Education and Labor. H.R. 1122. A bill to implement the recommendations of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation, and for other purposes; with an amendment (Rept. 100-285). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 1517. A bill to amend the Federal Aviation Act of 1958 to require the installation and use of collision avoidance systems in aircraft, to require the Federal Aviation Administration to complete research on and development of the TCAS-III collision avoidance system as soon as possible, and for other purposes; with an amendment (Report No. 100-286, Pt. 1). Ordered to be printed.

Mr. HAWKINS: Committee on Education and Labor. Report of the Committee on Education and Labor pursuant to section 302(b) of the Congressional Budget Act of 1974, as amended (Rept. 100-292). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3051. A bill to amend the Federal Aviation Act of 1958 to establish minimum standards relating to air carrier passenger services, and for other purposes; with an amendment (Rept. 100-293). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on the Judiciary. H.R. 1578. A bill for the relief of Ray A. Bonney (Rept. 100-287). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 1579. A bill for the relief of Richard W. Ireland; (Rept. 100-288). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 1539. A bill for the relief of Meals on Wheels of the Monterey Peninsula, Incorporated; (Rept. 100-289). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 1490. A bill for the relief of Jean DeYoung; (Rept. 100-290). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 1388. A bill for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, and Kurt Olofsson; with an amendment (Rept. 100-291). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself, Mr. LELAND, Mr. MILLER of California, and Mr. NAGLE):

H.R. 3187. A bill to amend the Public Health Service Act to revise and extend the authority of the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, including revising and extending the program of block grants for the provision of services with respect to mental health and substance abuse; to the Committee on Energy and Commerce.

By Mr. WAXMAN:

H.R. 3188. A bill to amend part B of title XVIII and XIX of the Social Security Act to provide for budget reconciliation with respect to part B of the Medicare Program and with respect to the Medicaid Program for fiscal year 1988; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 3189. A bill to amend the Public Health Service Act to revise and extend the program for the National Center for Health Services Research and Health Care Technology Assessment and the National Center for Health Statistics; to the Committee on Energy and Commerce.

By Mr. ROSTENKOWSKI:

H.R. 3190. A bill to provide for a temporary increase in the public debt limit; to the Committee on Ways and Means.

By Mr. BLAZ:

H.R. 3191. A bill to establish a Commission on War Reparations for Guam; to the Committee on the Judiciary.

By Mr. BOSCO:

H.R. 3192. A bill to direct the Secretary of the Interior to renegotiate the schedules of payment, and to waive certain interest requirements, on certain loans to the Redwood Valley County Water District; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS:

H.R. 3193. A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity; to the Committee on the Judiciary.

By Mr. DAVIS of Michigan (for himself, Mr. DINGELL, Mr. KILDEE, Mr. CONYERS, Mr. WOLPE, Mr. UPTON, Mr. TRAXLER, Mr. SCHUETTE, Mr. CROCKETT, and Mr. LEVIN of Michigan):

H.R. 3194. A bill to grant Federal recognition to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to provide trust lands to the band, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DINGELL:

H.R. 3195. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Polish nationals, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Polish nationals, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. DINGELL (for himself, Mr. THOMAS A. LUKEN, Mr. BRUCE, Mr. MADIGAN, Mr. KILDEE, Mr. BRYANT, Mr. FORD of Michigan, Mr. HALL of Texas, Mr. SCHUETTE, Mr. CARR, Mr. PURSELL, Mr. SLATTERY, Mr. HUCKABY, Mr. TOWNS, Mr. OXLEY, and Mr. COATS):

H.R. 3196. A bill to amend the Clean Air Act to ensure the safety of consumers in issuing regulations concerning mobile sources; to the Committee on Energy and Commerce.

By Mr. DORGAN of North Dakota (for himself and Mr. MOODY):

H.R. 3197. A bill to promote and protect taxpayer rights, and for other purposes; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 3198. A bill to amend title 5, United States Code, with respect to the definition of the term "law enforcement officer" under the Federal employees' retirement system; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Oklahoma (for himself, Mr. Michel, Mr. Lott, Mr. Cheney, Mr. Lewis of California, Mr. Kemp, Mrs. Martin of Illinois, Mr. Madigan, Mrs. Johnson of Connecticut, Mr. Herger, Mr. Hunter, Mr. Bartlett, Mr. Boulter, Mr. Gingrich, Mr. Mack, Mr. Weldon, Mr. Lungren, Mr. Solomon, Mr. Skeen, Mr. Buechner, Mr. Stump, Mr. Hopkins, Mr. Davis of Illinois, Mr. Tauke, Mr. Armey, Mr. Weber, Mr. Walker, Mr. Porter, Mr. Parris, Mr. Lowery of California, Mr. McCandless, Mr. Thomas of California, Mr. Ritter, Mr. Brown of Colorado, Mr. Hefley, Mr. Slaughter of Virginia, Mr. Wortley, Mr. Schaefer, Mr. Lagomarsino, Mr. Frenzel, Mr. Nielson of Utah, Mr. Pashayan, Mr. Young of Florida, Mr. Rowland of Connecticut, Mr. Taylor, Mr. Wolf, Mr. Roth, Mr. Denny Smith, Mr. Bliley, Mr. Coble, Mr. Pursell, Mr. Upton, Mr. Inhofe, Mr. Kolbe, Mr. Livingston, Ms. Snowe, Mrs. Saiki, Mr. Davis of Michigan, Mr. Coleman of Missouri, Mr. Lightfoot, Mr. Bereuter, Mr. Smith of New Hampshire, Mr. Saxton, Mr. Goodling, Mr. Robert F. Smith, Mrs. Vucanovich, Mr. Bilirakis, Mr. Callahan, Mr. Craig, Mr. DeWine, Mr. Dornan of California, Mr. Kyl, Mr. Sundquist, Mr. Henry, Mr. Gallo, Mr. Bateman, Mr. Gregg, Mr. Schuette, Mr. Gradison, Mr. Ireland, Mr. Rogers, Mr. Dreier of California, Mr. Lujan, Mr. Duncan, Mr. Crane, Mr. Miller of Ohio, and Mr. McDade):

H.R. 3199. A bill providing for any bill or joint resolution making continuing appropriations that is agreed to by both Houses of Congress in the same form to be enrolled as a series of separate bills or resolutions for presentation to the President; to the Committee on Rules.

By Mr. MICHEL (for himself, Mr. Brown of Colorado, Mr. Badham, Mr. Baker, Mr. Ballenger, Mr. Bartlett, Mr. Bateman, Mrs. Bentley, Mr. Bereuter, Mr. Bliley, Mr. Boulter, Mr. Broomfield, Mr. Buechner, Mr. Bunning, Mr. Burton of Indiana, Mr. Chandler, Mr. Cheney, Mr. Coats, Mr. Coble, Mr. Combest, Mr. Courter, Mr. Craig, Mr. Daub, Mr. Davis of Illinois, Mr. DeLay, Mr. DeWine, Mr. Dickinson, Mr. DioGuardi, Mr. Dreier of California, Mr. Duncan, Mr. Edwards of Oklahoma, Mr. Fish, Mr. Frenzel, Mr. Gallo, Mr. Gekas, Mr. Gilman, Mr. Gingrich, Mr. Gradison, Mr. Green, Mr. Gregg, Mr. Gunderson, Mr. Hansen, Mr. Hefley, Mr. Herger, Mr. Hiler, Mr. Hopkins, Mr. Houghton, Mr. Hyde, Mr. Inhofe, Mrs. Johnson of Connecticut, Mr. Konnyu, Mr. Kyl, Mr. Lagomarsino, Mr. Latta, Mr. Lewis of California, Mr. Lott, Mr. Lowery of California, Mr. Donald E. Lukens, Mr. Madigan, Mr. Martin of New York, Mrs. Martin of Illinois, Mr. McEwen, Mr. McGrath, Mr. McMillan of North Carolina, Mr. Miller of Ohio, Mr. Miller of Washington, Mr. Molinari, Mr. Moorhead, Mr. Morrison of Washington, Mr. Nielson of Utah, Mr. Oxley, Mr. Packard, Mr. Parris, Mr. Pashayan, Mr. Penny, Mr. Quillen, Mr. Ravenel, Mr. Regula, Mr. Rhodes, Mr. Rogers, Mr. Roth, Mrs. Roukema, Mr. Rowland of Connecticut, Mr. Schaefer, Mr. Schuette, Mr. Shumway, Mr. Skeen, Mr. Denny Smith, Mr. Smith of New Hampshire, Mrs. Smith of Nebraska, Mr. Solomon, Mr. Spence, Mr. Stenholm, Mr. Sundquist, Mr. Swindall, Mr. Taylor, Mr. Thomas of California, Mr. Upton, Mrs. Vucanovich, Mr. Walker, Mr. Whittaker, Mr. Wortley, Mr. Wylie, and Mr. Young of Alaska):

H.R. 3200. A bill to amend title IV of the Social Security Act to improve the program of aid to families with dependent children by establishing a two-tier system for AFDC families, to require each State to establish a comprehensive work program with an organized intake and registration process for such families, to make necessary improvements in the child support enforcement program, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. EDWARDS of Oklahoma (for himself, Mr. Michel, Mr. Lott, Mr. Cheney, Mr. Lewis of California, Mr. Kemp, Mrs. Martin of Illinois, Mr. Madigan, Mrs. Johnson of Connecticut, Mr. Herger, Mr. Hunter, Mr. Bartlett, Mr. Boulter, Mr. Gingrich, Mr. Mack, Mr. Weldon, Mr. Lungren, Mr. Solomon, Mr. Skeen, Mr. Buechner, Mr. Stump, Mr. Hopkins, Mr. Davis of Illinois, Mr. Tauke, Mr. Armey, Mr. Weber, Mr. Walker, Mr. Porter, Mr. Parris, Mr. Fawell, Mr. Schulze, Mr. McCandless, Mr. Thomas of California, Mr. Ritter, Mr. Brown of Colorado, Mr. Hefley, Mr. Myers of Indiana, Mr. Wortley, Mr. Schaefer, Mr. Lagomarsino, Mr. Frenzel, Mr. Nielson of Utah, Mr. Pashayan, Mr. Young of Florida, Mr. Rowland of Connecticut, Mr. Taylor, Mr. Wolf, Mr. Roth, Mr. Denny Smith, Mr. Bliley, Mr. Coble, Mr. Pursell, Mr. Upton, Mr. Inhofe, Mr. Kolbe, Mr. Livingston, Ms. Snowe, Mrs. Saiki, Mr. Davis of Michigan, Mr. Coleman of Missouri, Mr. Lightfoot, Mr. Bereuter, Mr. Smith of New Hampshire, Mr. Saxton, Mr. Goodling, Mr. Robert F. Smith, Mrs. Vucanovich, Mr. Bilirakis, Mr. Callahan, Mr. Craig, Mr. DeWine, Mr. Dornan of California, Mr. Kyl, Mr. Sundquist, Mr. Henry, Mr. Gallo, Mr. Bateman, Mr. Gregg, Mr. Schuette, Mr. Gradison, Mr. Ireland, Mr. Rogers, Mr. Dreier of California, Mr. Lujan, Mr. Duncan, Mr. Crane, Mr. Miller of Ohio and Mr. McDade):

H.R. 3201. A bill to require a 60-percent majority vote of both Houses of Congress for passage of any bill or joint resolution making continuing appropriations; to the Committee on Rules.

By Mr. PANETTA (for himself, Mr. Ireland, Mr. Lowry of Washington, Mr. Studds, Mr. Bonker, Mr. Hughes, Mr. Foglietta, Mr. Badham, Mr. Miller of California, Mr. Fascell, Mr. Stark, Mr. Lowery of California, Mr. Beilenson, Mr. Lehman of California, Mr. Berman, Mr. Levine of California, Mr. Shaw, Mr. Lantos, Ms. Pelosi, and Mrs. Boxer):

H.R. 3202. A bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone; to the Committee on Merchant Marine and Fisheries.

By Mr. ENGLISH (for himself, Mr. Bereuter, Mr. Dorgan of North Dakota, Mr. Johnson of South Dakota, Mr. Jontz, and Mr. Weber):

H.R. 3203. A bill to amend chapter 39 of title 31, United States Code, to require the Commodity Credit Corporation to pay an interest penalty on overdue payments, and for other purposes; jointly, to the Committees on Agriculture and Government Operations.

By Mr. ESPY (for himself, Mr. Dowdy of Mississippi, Mr. Whitten, Mr. Montgomery, Mr. Lott, Mr. Anthony, Mr. Atkins, Mr. Baker, Mr. Bevill, Mr. Boner of Tennessee, Mrs. Boxer, Mr. Beuchner, Mr. Clarke, Mr. Clay, Mrs. Collins, Mr. Ford of Tennessee, Mr. Frenzel, Mr. Frost, Mr. Gordon, Mr. Gray of Illinois, Mr. Gunderson, Mr. Hammerschmidt, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Jones of Tennessee, Mr. Kleczka, Mr. Lancaster, Mr. Leach of Iowa, Mr. Lewis of Georgia, Mr. Martinez, Mr. Owens of New York, Mr. Owens of Utah, Mr. Penny, Mr. Price of North Carolina, Mr. Rangel, Mr. Russo, Mr. Sikorski, Mr. Solarz, Mr. Tauke, Mr. Towns, Mr. Volkmer, Mr. Weber, Mr. Wheat, and Mr. Wolpe):

H.R. 3204. A bill to establish the Mississippi River National Heritage Corridor; to the Committee on Interior and Insular Affairs.

By Mr. GRANDY (for himself and Mr. Daub):

H.R. 3205. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to education savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.R. 3206. A bill to extend deadlines for the redemption of commodity payment-in-kind certificates issued by the Commodity Credit Corporation; to the Committee on Agriculture.

By Mr. JEFFORDS (for himself and Mr. Boehlert):

H.R. 3207. A bill to amend the Dairy Production Stabilization Act of 1983 by reforming and revising the dairy promotion and research program; to the Committee on Agriculture.

By Mr. JONTZ:

H.R. 3208. A bill to amend chapter 30 of title 38; United States Code, with respect to the Montgomery GI bill; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. LaFALCE:

H.R. 3209. A bill to establish a system for regulating depository institutions to be known as consumer services banks, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3210. A bill to prohibit the Department of Commerce from certain activities which feature or convey the advantages of relocating U.S. businesses in a foreign country; to the Committee on Energy and Commerce.

H.R. 3211. A bill to amend the Tariff Schedules of the United States; to the Committee on Ways and Means.

H.R. 3212. A bill relating to the customs treatment of motor vehicles fabricated in foreign trade zones with foreign-made parts; to the Committee on Ways and Means.

By Mr. LEVIN of Michigan (for himself, Mr. Pease, and Mr. Ford of Michigan):

H.R. 3213. A bill to provide for integrated service delivery and other demonstration projects to test methods of reemploying dislocated unemployment insurance recipients; jointly to the Committees on Education and labor and Ways and Means.

By Mr. LEVINE of California (for himself, Mr. Smith of Florida, Mr. Gilman, Mr. Green, and Mr. Gejdenson):

H.R. 3214. A bill to restrict United States assistance for Panama; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. LUNGREN:

H.R. 3215. A bill to designate the Federal building being constructed at the northwest corner of Ocean Boulevard and Magnolia Avenue in Long Beach, CA, as the "Craig Hosmer Federal Building"; to the Committee on Public Works and Transportation.

By Mr. LUNGREN (for himself, Mr. Lagomarsino, Mr. Oxley, Mrs. Boxer, and Mr. Savage):

H.R. 3216. A bill to amend the Controlled Substances Act to make the anabolic steroid methandrosterolone a Schedule I controlled substance; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. McCURDY (for himself, Mr. Brown of California, and Miss Schneider):

H.R. 3217. A bill to establish a national Federal program effort in close collaboration with the private sector to develop as rapidly as possible the applications of superconductivity to enhance the Nation's economic competitiveness and strategic well-being, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Armed Services.

By Mr. McGRATH:

H.R. 3218. A bill to exempt from the 10 percent additional tax on early distributions from qualified retirement plans certain amounts received as termination pay by New York City uniformed public safety officers, firefighters, and sanitation workers; to the Committee on Ways and Means.

H.R. 3219. A bill to repeal the provision of the Tax Reform Act of 1986 which eliminates the deduction for State and local sales taxes; to the Committee on Ways and Means.

H.R. 3220. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to allow the recognition of certain income to be deferred by New York City uniformed public safety officers who contribute to a deferred compensation plan which requires that all plan assets be restricted to providing benefits under the plan; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. MARKEY:

H.R. 3221. A bill to amend the copyright law to secure the rights of authors of pictorial, graphic, or sculptural works to prevent the distortion, mutilation, or other alteration of such works, to provide for resale royalties, and for other purposes; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 3222. A bill to amend title 10, United States Code, to require that retired Army and Air Force Reserve enlisted personnel be advanced in grade after 30 years of service to the highest grade satisfactorily held while on active duty; to the Committee on Armed Services.

By Mr. PASHAYAN (for himself, Mr. Thomas of California, Mr. Lewis of Florida, and Mr. Badham):

H.R. 3223. A bill to strengthen the enforcement of plant and animal quarantine laws by authorizing the inspection of certain mail parcels, excluding letters, in order to prevent the introduction of destructive plant and animal diseases and pests and noxious weeds; jointly, to the Committees on Agriculture and Post Office and Civil Service.

By Mr. PICKLE (for himself, Mr. Jenkins, Mr. Matsui, Mr. Archer, Mr. Wolpe, Mr. Andrews, Mr. Daub, Mr. Brown of Colorado, and Mr. Ford of Tennessee):

H.R. 3224. A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitation shall not apply to deductions allowable for cash out-of-pocket expenses for taxes, interest, and trade or business expenses in connection with rental real estate activities in which the taxpayer actively or materially participates; to the Committee on Ways and Means.

By Mr. PURSELL:

H.R. 3225. A bill to amend the Public Health Service Act to provide for the development of academic expertise in geriatrics through the establishment of centers of excellence in geriatric research and training; to the Committee on Energy and Commerce.

By Mr. RODINO:

H.R. 3226. A bill to amend the Anti-Drug Abuse Act of 1986 to permit certain participants in the White House Conference for a Drug Free America to be allowed travel expenses, and for other purposes; to the Committee on the Judiciary.

H.R. 3227. A bill to establish a Federal Courts Study Commission on Judicial Administration; to the Committee on the Judiciary.

By Mr. ROE (for himself, Mr. Lujan, Mr. Torricelli, Mr. Fawell, Mr. Fazio, Mr. Barton of Texas, Mr. Boulter, Mr. Bruce, Mr. Durbin, Mr. Hastert, Mr. Lewis of Florida, Mr. Martin of New York, Mr. Murtha, Mr. Pursell, Mr. Skaggs, Mrs. Vucanovich, Mr. Wolf, Mr. Ackerman, Mr. Anderson, Mr. Andrews, Mr. Annunzio, Mr. Armey, Mr. Applegate, Mr. Atkins, Mr. Badham, Mr. Baker, Mrs. Bentley, Mr. Berman, Mr. Biaggi, Mr. Bliley, Mr. Boehlert, Mr. Bonker, Mr. Bosco, Mrs. Boxer, Mr. Broomfield, Mr. Brown of Colorado, Mr. Bryant, Mr. Buechner, Mr. Burton of Indiana, Mr. Bustamante, Mr. Callahan, Mr. Campbell, Mr. Chapman, Mr. Cheney, Mr. Coats, Mr. Coleman of Texas, Mrs. Collins, Mr. Combest, Mr. Coughlin, Mr. Craig, Mr. Crane, Mr. Dannemeyer, Mr. Davis of Illinois, Mr. Davis of Michigan, Mr. de la Garza, Mr. de Lugo, Mr. DeLay, Mr. Dellums, Mr. DeWine, Mr. Dicks, Mr. Dingell, Mr. Dixon, Mr. Dornan of California, Mr. Dreier of California, Mr. Duncan, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Edwards of California, Mr. Edwards of Oklahoma, Mr. English, Mr. Evans, Mr. Feighan, Mr. Fields, Mr. Fish, Mr. Ford of Michigan, Mr. Frost, Mr. Gallegly, Mr. Gallo, Mr. Garcia, Mr. Gilman, Mr. Gonzalez, Mr. Grandy, Mr. Gray of Illinois, Mr. Hall of Texas, Mr. Hammerschmidt, Mr. Hansen, Mr. Hawkins, Mr. Hayes of Illinois Mr. Henry, Mr. Herger, Mr. Hiler, Mr. Holloway, Mr. Hopkins, Mr. Horton, Mr. Houghton, Mr. Hughes, Mr. Hunter, Mr. Hyde, Mr. Johnson of South Dakota, Ms. Kaptur, Mr. Kasich, Mr. Kastenmeier, Mrs. Kennelly, Mr. Kolbe, Mr. Konnyu, Mr. Kyl, Mr. Lagomarsino, Mr. Lantos, Mr. Leach of Iowa, Mr. Leath of Texas, Mr. Leland, Mr. Lent, Mr. Lewis of California, Mr. Lipinski, Mr. Lott, Mr. Lowery of California, Mr. Thomas A. Luken, Mr. Donald E. Lukens, Mr. Lungren, Mr. McCandless, Mr. McCloskey, Mr. McCollum, Mr. McDade, Mr. McEwen, Mr. McGrath, Mr. McHugh, Mr. Mack, Mr. Madigan, Mr. Manton, Mr. Marlenee, Mrs. Martin of Illinois, Mr. Martinez, Mrs. Meyers of Kansas, Mr. Mica, Mr. Michel, Mr. Miller of Ohio, Mr. Miller of Washington, Mr. Mineta, Ms. Pelosi, Mr. Molinari, Mr. Moorhead, Mrs. Morella, Mr. Morrison of Washington, Mr. Mrazek, Mr. Nielson of Utah, Mr. Nowak, Ms. Oakar, Mr. Oberstar, Mr. Ortiz, Mr. Owens of Utah, Mr. Oxley, Mr. Packard, Mr. Pashayan, Mr. Pease, Mr. Perkins, Mr. Pickle, Mr. Porter, Mr. Price of Illinois, Mr. Quillen, Mr. Ravenel, Mr. Regula, Mr. Rhodes, Mr. Richardson, Mr. Rinaldo, Mr. Rogers, Mr. Rostenkowski, Mr. Russo, Mrs. Saiki, Mr. Savage, Mr. Sawyer, Mr. Schaefer, Mr. Scheuer, Mr. Schuette, Mr. Schumer, Mr. Sensenbrenner, Mr. Shumway, Mr. Skeen, Mr. Slaughter of Virginia, Mr. Denny Smith, Mr. Smith of New Hampshire, Mr. Smith of Texas, Ms. Snowe, Mr. Solomon, Mr. Stallings, Mr. Stenholm, Mr. Stokes, Mr. Stump, Mr. Sundquist, Mr. Sweeney, Mr. Swift, Mr. Thomas of California, Mr. Traficant, Mr. Udall, Mr. Upton, Mr. Volkmer, Mr. Weber, Mr. Whittaker, Mr. Wortley, Mr. Wilson, Mr. Wylie, Mr. Young of Alaska, Mr. Young of Florida, Mr. Beilenson, Mr. Bereuter, Mr. Blaz, Mr. Brooks, Mr. Chandler, Mr. Coelho, Mr. Courter, Mr. Flake, Mr. Foley, Mr. Grant, Mr. Huckaby, Mr. Hutto, Mr. Inhofe, Mr. Ireland, Mr. Lowry of Washington, Mr. Matsui, Mr. Owens of New York, Mr. Panetta, Mr. Roybal, Mr. Shaw, Mr. Solarz, Mr. Stark, Mr. Stratton, Mr. Tauke, Mr. Taylor, Mr. Torres, Mr. Towns, Mr. Vander Jagt, and Mr. Yates):

H.R. 3228. A bill to authorize appropriations to the Secretary of Energy for the Superconducting Super Collider Program; to the Committee on Science, Space, and Technology.

By Mr. SHAW:

H.R. 3229. A bill to amend the Rehabilitation Act of 1973 to provide that a drug abuser shall not be considered a handicapped individual for purpose of that Act, and for other purposes; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. STARK:

H.R. 3230. A bill to combat nuclear proliferation through the imposition of trade and other sanctions; jointly, to the Committees on Foreign Affairs; Ways and Means; and Banking, Finance and Urban Affairs.

H.R. 3231. A bill to amend title XVIII of the Social Security Act to require periodic competency certification of physicians as a condition of participation under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STENHOLM (for himself, Mr. Jeffords, Mr. Ackerman, Mrs. Bentley, Mr. Boehlert, Mr. Bonior of Michigan, Mrs. Byron, Mr. Aspin, Mr. Carr, Mr. Chapman, Mr. Clinger, Mr. Dyson, Mr. Dorgan of North Dakota, Mr. Espy, Mr. Fish, Mr. Gejdenson, Mr. Gekas, Mr. Gilman, Mr. Goodling, Mr. Grandy, Mr. Gunderson, Mr. Harris, Mr. Hochbrueckner, Mr. Horton, Mr. Houghton, Mr. Hoyer, Mr. Huckaby, Mr. Johnson of South Dakota, Mr. Kastenmeier, Mr. Kleczka, Mr. Kostmayer, Mr. Lewis of Florida, Mr. Martin of New York, Mr. McDade, Mr. McHugh, Mr. Moody, Mr. Murphy, Mr. Nagle, Mr. Oberstar, Mr. Obey, Mr. Penny, Mr. Rangel, Mr. Ridge, Mr. Rose, Mr. Roth, Mr. Sabo, Mr. Schuette, Ms. Slaughter of New York, Mr. Swift, Ms. Snowe, Mr. Solomon, Mr. Stangeland, Mr. Tallon, Mr. Thomas of Georgia, Mr. Towns, Mr. Traxler, Mr. Volkmer, Mr. Walker, Mr. Watkins, Mr. Wortley, Mr. Yatron, Mr. Campbell, Mr. Carper, Mr. Davis of Michigan, Mrs. Kennelly, Mr. Hughes, Mr. Hopkins, and Mr. Stallings):

H.R. 3232. A bill to amend the Federal Meat Inspection Act to require pizza products containing imitation cheese and meat to be labeled to reflect the fact that imitation cheese is contained therein; to the Committee on Agriculture.

By Mr. TOWNS (for himself, Mr. Ackerman, Mr. Anderson, Mr. Atkins, Mr. Conyers, Mr. Dornan of California, Mr. Fauntroy, Mr. Hayes of Illinois, Mr. Jacobs, Ms. Kaptur, Mr. Kostmayer, Mr. Lantos, Mr. Mrazek, Mr. Owens of New York, Mrs. Schroeder, Mr. Stokes, and Mr. Wilson):

H.R. 3233. A bill to amend the Animal Welfare Act to protect farm animals used in nonagricultural research and to prohibit the unnecessary surgery or alteration of animals; to the Committee on Agriculture.

By Mrs. VUCANOVICH:

H.R. 3234. A bill entitled, "The Battle Mountain Pasture Restoration Act of 1987"; to the Committee on Interior and Insular Affairs.

By Mr. WAXMAN:

H.R. 3235. A bill to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 3236. A bill to amend title 38, United States Code, to eliminate the requirement that the Administrator of Veterans' Affairs carry out a transition under which community-based vet centers would be moved to Veterans' Administration medical facilities and to provide standards and procedures governing any closures or moves of vet centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WILSON:

H.R. 3237. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit; to the Committee on Interior and Insular Affairs.

By Mr. BOUCHER (for himself, Mr. Cardin, Mr. Wolf, Mr. Hoyer, Mr. Parris, Mr. McMillen of Maryland, Mrs. Morella, Mr. Fauntroy, and Mr. Sisisky):

H.J. Res. 352. Joint resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mr. CHAPPELL (for himself, Mr. Wortley, Mr. Frost, Mr. Ritter, Mr. Ireland, Mr. Hefner, Mr. Natcher, Mr. Gray of Illinois, Mr. Daniel, Mr. Jones of North Carolina, Mr. Lewis of Florida, Mr. de Lugo, Mr. McDade, Mr. Barnard, Mr. Fields, Mr. Kostmayer, Mr. Denny Smith, Mr. Volkmer, Mr. Fazio, Ms. Oakar, Mr. Rhodes, Mr. Coelho, Mr. Bennett, Mr. Udall, Mr. Leland, Mr. Wolf, Mr. Richardson, Mr. Levin of Michigan, Mr. Bartlett, Mr. Bunning, Mr. Rahall, Mr. Bevill, Mr. Walgren, Mr. Stenholm, Mr. Erdreich, Mr. Lipinski, Mr. Dwyer of New Jersey, Mrs. Boxer, Mr. Smith of Florida, Mr. Young of Florida, Mr. Hayes of Illinois, Mrs. Patterson, Mr. Valentine, Ms. Kaptur, Mr. Wilson, Mr. Horton, Mr. Hughes, Mr. Bustamante, Mr. Tauke, Mr. Lancaster, Mr. Lagomarsino, Mr. Garcia, Mr. Lewis of Georgia, Mr. Stump, Mr. Leach of Iowa, Mr. Savage, Mr. Daub, Mr. Hatcher, Mr. Bryant, Mr. Towns, Mr. Markey, Mr. Nichols, Mr. Conyers, Mr. LaFalce, Mr. Panetta, Mrs. Bentley, Mr. Sundquist, Mr. Matsui, Mr. Weiss, Mr. de la Garza, Mr. Neal, Mr. Dymally, Mr. Kasich, Mr. McEwen, Mr. Dyson, and Mr. Skelton):

H.J. Res. 353. Joint resolution to designate the week beginning April 10, 1988, as "National Telecommunicators Week"; to the Committee on Post Office and Civil Service.

By Mr. DORNAN of California:

H.J. Res. 354. Joint resolution to designate January 14, 1988, as "'Steamboat Willie' Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself, Mr. Leland, Mr. Taylor, Mr. Montgomery, Mr. Solomon, Mr. Solarz, Mr. Horton, Mr. Garcia, and Mrs. Morella):

H.J. Res. 355. Joint resolution designating September 27, 1987, as "Gold Star Mothers Day"; to the Committee on Post Office and Civil Service.

By Mr. LUNGREN (for himself, Mr. Akaka, Mr. Anderson, Mr. Atkins, Mr. Badham, Mr. Bennett, Mrs. Bentley, Mr. Biaggi, Mr. Bilbray, Mr. Bilirakis, Mr. Blaz, Mr. Boner of Tennessee, Mrs. Boxer, Mr. Brown of California, Mr. Bryant, Mr. Buechner, Mr. Burton of Indiana, Mr. Clinger, Mr. Coelho, Mr. Conyers, Mr. Coughlin, Mr. Coyne, Mr. Craig, Mr. Crockett, Mr. Daniel, Mr. Dannemeyer, Mr. Darden, Mr. Davis of Illinois, Mr. Daub, Mr. Dellums, Mr. de Lugo, Mr. DeWine, Mr. Dornan of California, Mr. Dreier of California, Mr. Edwards of Oklahoma, Mr. Fazio, Mr. Fields, Mr. Feighan, Mr. Flippo, Mr. Foglietta, Mr. Frenzel, Mr. Frost, Mr. Fuster, Mr. Gray of Illinois, Mr. Grant, Mr. Guarini, Mr. Hastert, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Henry, Mr. Hefner, Mr. Holloway, Mr. Horton, Mr. Hyde, Mr. Jenkins, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kennedy, Mr. LaFalce, Mr. Lagomarsino, Mr. Lightfoot, Mr. Levin of Michigan, Mr. Levine of California, Mr. Livingston, Mr. McCollum, Mr. McDade, Mr. McEwen, Mr. McGrath, Mr. McMillen of Maryland, Mr. Madigan, Mr. Martinez, Mr. Mazzoli, Mr. Mfume, Mr. Mrazek, Mr. Murphy, Mr. Neal, Mr. Nielson of Utah, Mr. Owens of New York, Mr. Owens of Utah, Mr. Packard, Mr. Pepper, Mr. Rahall, Mr. Ravenel, Mr. Regula, Mr. Ritter, Mr. Rodino, Mr. Roe, Mrs. Saiki, Mr. Savage, Mr. Saxton, Mr. Schuette, Mr. Smith of New Hampshire, Mr. Smith of New Jersey, Mr. Denny Smith, Mr. Smith of Florida, Mr. Sunia, Mr. Traficant, Mr. Towns, Mr. Valentine, Mr. Weldon, Mr. Wolf, Mr. Wortley, Mr. Young of Florida, Mr. Yatron, and Mr. Bliley):

H.J. Res. 356. A joint resolution designating October 31, 1987, as "National Child Identification and Safety Information Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 357. Joint resolution to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules.

By Mr. FOLEY:

H. Con. Res. 175. Concurrent resolution providing for an adjournment of the Congress until September 9, 1987; considered and agreed to.

By Mr. ATKINS (for himself, Mr. Solarz, Mr. Leach of Iowa, and Mr. Lagomarsino):

H. Con. Res. 176. Concurrent resolution expressing the support of the Congress for the July 29, 1987, accord to resolve the ethnic conflict in Sri Lanka, and commending those who have contributed to the success of this effort; to the Committee on Foreign Affairs.

By Mrs. BOGGS (for herself, Mr. Shuster, Mr. Sharp, Mr. Gingrich, Mr. Foglietta, and Mr. Henry):

H. Con. Res. 177. Concurrent resolution authorizing the printing of the compilation of materials entitled "Guide to Records of the U.S. House of Representatives at the National Archives, 1789-1989; Bicentennial Edition"; to the Committee on House Administration.

By Mr. KONNYU (for himself, Mrs. Schroeder, Mr. Lujan, and Mr. Traficant):

H. Con. Res. 178. Concurrent resolution to express the sense of the Congress concerning the equitable distribution among members of the Western Alliance of the defense burden in the Persian Gulf; to the Committee on Foreign Affairs.

By Mr. LEVINE of California (for himself, Mr. Ireland, Mr. Panetta, Mr. Fascell, Mr. Bennett, Mr.

Lowry of Washington, Mr. Studds, Mr. Lantos, Mr. Bonker, Mr. AuCoin, Mrs. Boxer, and Miss Schneider):

H. Con. Res. 179. Concurrent resolution expressing the sense of the Congress with respect to the long-range energy planning of the United States; to the Committee on Energy and Commerce.

By Mr. MICA (for himself, Mr. Fascell, Mr. Nelson of Florida, Mr. Pepper, and Mr. Smith of Florida):

H. Con. Res. 180. Concurrent resolution entitled: "TV Marti, An Open Window of Liberty"; to the Committee on Foreign Affairs.

By Mr. OWENS of New York:

H. Con. Res. 181. Concurrent resolution expressing the sense of Congress with respect to violations of human rights by the provisional National Governing Council of Haiti; to the Committee on Foreign Affairs.

By Mr. SLATTERY (for himself, Mr. Roberts, Mr. Glickman, Mr. Frenzel, Mr. Whittaker, and Mr. Michel):

H. Con. Res. 182. Concurrent resolution to express the sense of the Congress concerning wheat gluten export subsidies of the European Economic Community; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. Durbin, Mr. Johnson of South Dakota, Mr. Penny, Mr. Stallings, and Mr. Leach of Iowa):

H. Res. 254. Resolution expressing the sense of the House regarding the critical need to include the use of oxygenated fuels such as ethanol, produced from our abundant stocks of surplus grain, and methanol, which can be produced from our vast coal reserves, in air pollution control strategies required by the Federal Environmental Protection Agency for carbon monoxide and ozone nonattainment; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

183. By the SPEAKER: Memorial of the House of Representatives of the State of Illinois, relative to inspection of chicken; to the Committee on Agriculture.

184. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to employee welfare benefit plans; to the Committee on Education and Labor.

185. Also, memorial of the General Assembly of the State of Illinois, relative to coal production; to the Committee on Energy and Commerce.

186. Also, memorial of the General Assembly of the State of Illinois, relative to the U.S. Nuclear Regulatory Commission's emergency evacuation planning regulations; to the Committee on Interior and Insular Affairs.

187. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

188. Also, memorial of the General Assembly of the State of Illinois, relative to Sidney Hillman; to the Committee on Post Office and Civil Service.

189. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the one hundred and ninety-fifth anniversary of the birth of George Peabody; to the Committee on Post Office and Civil Service.

190. Also, memorial of the House of Representatives of the State of Illinois, relative to locating the Superconducting Super Collider [SSC] in Illinois; to the Committee on Science, Space, and Technology.

191. Also, memorial of the House of Representatives of the State of Illinois, relative to the term "veteran"; to the Committee on Veterans' Affairs.

192. Also, memorial of the House of Representatives of the State of Illinois, relative to not to use Social Security funds to balance the budget; to the Committee on Ways and Means.

193. Also, memorial of the House of Representatives of the State of Illinois, relative to the Social Security system; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUNNING:

H.R. 3238. A bill for the relief of Maria Linda Sy Gonzalez; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 3239. A bill for the relief of Laurie Dennison; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Kolter.

H.R. 9: Mr. Kolter.

H.R. 74: Mr. Chapman.

H.R. 136: Mr. Neal.

H.R. 340: Mr. Badham, Mr. DeLay, Mr. Dornan of California, Mr. Lagomarsino, Mr. Smith of New Hampshire, and Mr. Swindall.

H.R. 341: Mrs. Bentley, Mr. DeLay, Mr. Dornan of California, Mr. Kasich, Mr. Donald E. Lukens, Mr. Smith of New Hampshire, Mr. Upton, Mr. Barton of Texas, and Mr. Coble.

H.R. 343: Mr. Crane.

H.R. 432: Mr. Frost.

H.R. 457: Mr. Johnson of South Dakota.

H.R. 544: Mr. Moorhead and Mr. Skeen.

H.R. 555: Mr. Owens of Utah.

H.R. 567: Mr. Packard.

H.R. 585: Mr. Owens of Utah.

H.R. 622: Mr. McEwen and Mrs. Bentley.

H.R. 639: Mr. Yates.

H.R. 692: Mr. Schuette.

H.R. 732: Mr. Tallon, Mr. de la Garza, Mr. Gonzalez, Mr. Hansen, Mr. Solomon, Mr. Atkins, Mr. Brown of Colorado, Mr. Donald E. Lukens, Mr. Chappell, Mr. Hefner, Mr. Sundquist, Mr. Espy, Mr. Ravenel, Mr. Dornan of California, Mr. Brennan, Mr. Panetta, Mr. Lewis of California, Mr. Wolf, Mr. Emerson, Mr. Holloway, Mr. Rose, and Mr. McHugh.

H.R. 792: Mr. Mineta and Mrs. Martin of Illinois.

H.R. 817: Mr. Ritter.

H.R. 820: Mr. Hopkins.

H.R. 933: Mr. Lewis of Georgia.

H.R. 939: Mr. Visclosky and Mr. Myers of Indiana.

H.R. 956: Ms. Pelosi.

H.R. 1008: Mr. Edwards of Oklahoma.

H.R. 1140: Mr. Grandy.

H.R. 1231: Mr. Wise and Mr. Hefner.

H.R. 1244: Mr. Swift.

H.R. 1260: Mr. Hughes.

H.R. 1293: Mrs. Collins.

H.R. 1336: Mr. Kolter and Mr. Visclosky.

H.R. 1352: Mr. Owens of Utah.

H.R. 1384: Mr. Dixon, Mr. McDade, Mr. Gordon, and Mr. Martinez.

H.R. 1395: Mr. Hyde, Mr. Roe, Mr. LaFalce, Mrs. Boxer, and Mr. Kasich.

H.R. 1516: Mr. Johnson of South Dakota, Mr. McMillan of North Carolina, Mr. Donald E. Lukens, Mr. Coughlin, Mr. Waxman, Mrs. Schroeder, Mr. Ridge, Mr. Cooper, Mr. Traxler, Mr. Evans, Ms. Slaughter of New York, Mr. Sabo, Mr. McCloskey, Mr. Dwyer of New Jersey, Mr. Lehman of California, Mr. Dorgan of North Dakota, Mr. Jontz, Mr. Kennedy, Mr. Mavroules, Mr. Bosco, Mr. Brennan, Mr. McHugh, and Mr. Hoyer.

H.R. 1517: Mr. Valentine, Mr. McMillan of North Carolina, Mr. Hughes, Mr. Kennedy, Mrs. Collins, Ms. Slaughter of New York, Mr. Kostmayer, Mr. Boehlert, Mr. Shuster, Mr. Petri, Mr. Lightfoot, Mr. Kolter, Mr. Chapman, Mr. Inhofe, Mr. DeFazio, Mr. Cardin, Mr. Bosco, Mr. Alexander, and Mr. Borski.

H.R. 1546: Mr. Stallings.

H.R. 1583: Mr. Inhofe, Mr. Schuette, and Mrs. Bentley.

H.R. 1707: Mr. Hall of Ohio, Mr. Pashayan, Mr. Rose, Mr. Owens of Utah, Mr. Kildee, Mr. Kanjorski, Mr. Shaw, Mr. Dowdy of Mississippi, Mr. Kostmayer, and Mrs. Vucanovich.

H.R. 1737: Mr. Fish, Ms. Kaptur, Mr. Gunderson, Mr. Martinez, and Mr. Holloway.

H.R. 1742: Mrs. Byron.

H.R. 1766: Mr. Tauzin.

H.R. 1782: Mr. Weber and Mr. Gordon.

H.R. 1794: Mr. Bevill.

H.R. 1807: Mr. Price of North Carolina.

H.R. 1832: Mr. Latta.

H.R. 1836: Mr. Jeffords.

H.R. 1873: Mr. Dyson.

H.R. 1874: Mr. Dyson.

H.R. 1883: Mr. Crockett and Mr. Garcia.

H.R. 1907: Mr. Pursell, Mr. Crockett, Mr. Martinez, and Mr. Jeffords.

H.R. 1908: Mr. Pursell, Mr. Crockett, Mr. Martinez, and Mr. Jeffords.

H.R. 1909: Mr. Pursell, Mr. Crockett, Mr. Martinez, and Mr. Jeffords.

H.R. 1910: Mr. Pursell, Mr. Crockett, and Mr. Martinez.

H.R. 1911: Mr. Pursell, Mr. Crockett, Mr. Martinez, and Mr. Jeffords.

H.R. 1938: Mr. Sikorski, Mr. Borski, Mr. Boehlert, and Mr. Darden.

H.R. 1957: Mr. Dannemeyer, Mr. Johnson of South Dakota, Mr. Porter, Mr. Kolbe, Mr. Bruce, Mr. Vento, Mr. Valentine, Mr. Swift, Mr. Brown of Colorado, and Mr. Kasich.

H.R. 2018: Mr. Kolbe, Mr. Kolter, Mr. Clinger, Mr. Garcia, Mr. Hochbrueckner, Mr. Crockett, Mr. Dwyer of New Jersey, Mr. Martinez, Mr. Owens of New York, Mr. McCollum, and Mr. Smith of New Hampshire.

H.R. 2019: Mr. McCollum, Mr. Kolter, Mr. Clinger, Mr. Garcia, Mr. Hochbrueckner, Mr. Crockett, Mr. Dwyer of New Jersey, Mr. Martinez, Mr. Owens of New York, and Mr. Smith of New Hampshire.

H.R. 2036: Mr. Fish.

H.R. 2045: Mr. Jenkins.

H.R. 2056: Mr. Guarini.

H.R. 2131: Mr. Erdreich, Mr. Roe, Mr. Crockett, Mr. Miller of Washington. Mrs. Martin of Illinois, Mr. Mfume, and Mr. Bonker.

H.R. 2138: Mr. Dyson and Mr. Martinez.

H.R. 2148: Mr. Spence.

H.R. 2229: Mr. Swindall, Mr. Bonker, Mr. Feighan, Mr. Bryant, Mr. Applegate, Mr. Jontz, Mr. Price of Illinois, and Mr. Jacobs.

H.R. 2237: Mr. Kolter, Mrs. Meyers of Kansas, Mr. Neal, Mr. Jontz, Mr. Shumway, Mr. Espy, Mr. Martinez, Mr. Nielson of Utah, and Mr. Hefley.

H.R. 2238: Mr. Marlenee, Mrs. Vucanovich, Mr. Shumway, Mr. Gray of Illinois, Mr. Hansen, Mr. Wortley, Mr. Young of Alaska, Mr. Savage, Mr. Donald E. Lukens, Mr. Dornan of California, Mr. Gallegly, Mr. Roe, Mr. Fascell, Mr. Skeen, and Mr. Wolf.

H.R. 2248: Mr. Flippo, Mr. Leland, Mr. Espy, and Mr. Annunzio.

H.R. 2260: Mr. Flippo, Mr. Leath of Texas, Mr. DeFazio, Mr. Boner of Tennessee, Mr. Hughes, Mr. Kemp, Mr. Weber, Mr. Morrison of Connecticut, Mr. Roemer, Mr. Cooper, and Mr. Hastert.

H.R. 2278: Mr. Porter.

H.R. 2328: Mr. Neal and Mr. Smith of Texas.

H.R. 2384: Mr. Perkins, Mr. Boucher, Mr. Martinez, Mr. Wolpe, Mr. Penny, Mr. Towns, Mr. Robinson, Mr. Levine of California, Mr. Foley, Mr. Kolter, Ms. Snowe, Mr. Mavroules, Mr. Chapman, Mr. Edwards of California, Mr. Hughes, Mr. Fazio, Mr. Harris, Mr. Hammerschmidt, Mr. Solarz, Mr. Akaka, Mr. DeWine, Mr. English, Ms. Kaptur, Mrs. Collins, Mr. Markey, Mr. Clay, Mr. Roe, Mr. Foglietta, Mr. Daub, Mr. Kildee, Mr. Gordon, Mr. Conyers, Mr. Williams, Mr. Brown of California, Mr. Hatcher, Mr. Bonker, Mr. Biaggi, Mr. Bilbray, Mr. Savage, Mr. Pepper, Mr. Frost, and Mr. Mineta.

H.R. 2404: Mr. Miller of California, Mr. Foglietta, Mr. Wilson, Mr. Schulze, Mr. Chapman, Mr. Lagomarsino, Ms. Slaughter of New York, Mr. Lancaster, Mr. Solarz, Mr. DeWine, Mr. Feighan, Mr. Panetta, Mrs. Collins, Mr. Garcia, Mr. Stokes, and Mr. Towns.

H.R. 2517: Mr. Owens of Utah and Mr. Ridge.

H.R. 2522: Mr. Leland, Ms. Slaughter of New York, Mr. Vento, Mr. Brown of California, Mr. Jeffords, and Ms. Pelosi.

H.R. 2532: Mr. Gilman.

H.R. 2538: Mrs. Bentley, Mr. Emerson, and Mr. Price of North Carolina.

H.R. 2647: Mrs. Boxer, Mr. Martinez, Mr. Moody, Mr. Towns, Mr. Solarz, Mr. Bennett, Mr. Clay, Mr. Savage, Mr. Frost, Ms. Oakar, and Mr. Weldon.

H.R. 2666: Mr. Fascell, Mr. Morrison of Connecticut, Mr. Sabo, Ms. Slaughter of New York, Mrs. Roukema, and Mr. Gunderson.

H.R. 2670: Mr. Clinger, Mr. Hopkins, and Mr. Owens of Utah.

H.R. 2707: Mr. Roe, Mr. Mollohan, Mr. Bonior of Michigan, Mr. Hayes of Louisiana, Mr. Spratt, Mr. Mfume, Mr. Rinaldo, Mr. Price of North Carolina, Mr. Lehman of California, Mr. McMillen of Maryland, and Mr. Markey.

H.R. 2750: Mr. Oberstar, Mr. Atkins, Mr. Fish, Mr. Dixon, and Mr. Jontz.

H.R. 2787: Mr. Owens of Utah and Mr. Ridge.

H.R. 2792: Mr. Campbell.

H.R. 2800: Mr. Vento, Mr. Guarini, Mr. Donnelly, Mr. Frank, Mr. Schumer, Mr. St Germain, Mr. Lowry of Washington, Mr. Akaka, Mr. Saxton, Mr. Regula, Mr. Stokes, Ms. Oakar, Mr. Rangel, Mr. Tauzin, Mr. Owens of Utah, Mr. Broomfield, Mr. Vander Jagt, Mr. Downey of New York, Mr. Glickman, Mr. McHugh, Mr. Dymally, Mr. Lewis of California, Mr. Mrazek, Mr. Obey, Mr. Roemer, Mr. Hawkins, Mr. Evans, Mr. Walgren, Mr. Murtha, Mr. Rinaldo, and Mr. Livingston.

H.R. 2801: Mr. Donald E. Lukens.

H.R. 2844: Mr. Dwyer of New Jersey.

H.R. 2858: Mr. Savage, Mr. Kastenmeier, Mr. Kleczka, Mr. Yates, Mr. Frank, Mr. Durbin, Mr. Hansen, Mr. Hughes, Mr. Tauke, Mr. Michel, and Mr. Obey.

H.R. 2862: Mr. Robert F. Smith, Mr. Wilson, Mr. Rose, Mr. Roemer, Mr. Stallings, Mrs. Collins, Mr. Holloway, Mr. Kolbe, Mr. Scheuer, Mr. Valentine, Mr. de la Garza, Mrs. Boxer, Mr. Upton, and Mr. Carr.

H.R. 2879: Mr. Owens of Utah.

H.R. 2883: Mr. Miller of California, Mr. Weiss, Mr. Rodino, Mr. Vento, and Mr. Moody.

H.R. 2884: Mr. Slaughter of Virginia.

H.R. 2934: Mr. de Lugo, Mr. Ackerman, Mr. Rose, Mr. Foglietta, Mr. Frost, and Mr. Boehlert.

H.R. 2965: Mr. Lagomarsino, Mr. Oxley, Mr. Rhodes, Mr. Coats, Mrs. Martin of Illinois, Mr. Swindall, Mr. Emerson, Mr. Schaefer, Mr. Fawell, Mr. Goodling, Mr. Holloway, and Mr. Porter.

H.R. 2969: Mr. Hughes, Mr. Vento, Mr. Dwyer of New Jersey, and Mr. Kastenmeier.

H.R. 2977: Mr. Neal, Mr. Smith of Florida, Mr. Darden, Mr. Fazio, Mr. Lightfoot, Mr. Clinger, Mr. English, Mr. Kanjorski, Mr. Whittaker, Mr. Owens of Utah, Mrs. Bentley, Mr. Weber, Mrs. Saiki, Mr. Harris, Mr. Gingrich, Mr. Ford of Tennessee, Mr. Hughes, Mr. Nichols, Mr. Gibbons, Mr. Gradison, Mrs. Smith of Nebraska, Mr. Jenkins, Mr. Callahan, Mr. Penny, Mr. Swift, Mr. Jontz, Mr. Guarini, Mr. McMillan of North Carolina, Mr. Wolf, Mr. Mazzoli, Mr. Lewis of Florida, Mr. Skeen, Mr. Martin of New York, Mr. Morrison of Washington, Mr. Hubbard, Mr. Upton, and Mr. Thomas of California.

H.R. 2979: Ms. Kaptur, Mrs. Collins, Mr. Espy, Mr. Lehman of Florida, Mr. Lagomarsino, Mrs. Saiki, and Mr. Upton.

H.R. 2982: Mr. Lightfoot.

H.R. 2985: Mr. Scheuer, Mr. Montgomery, Mr. Lagomarsino, Mr. Horton, Mr. Weiss, Mr. Owens of Utah, Mr. Rinaldo, Mr. Roe, Mr. Hughes, and Mr. Kolter.

H.R. 2992: Mr. Atkins, Mrs. Boxer, Mr. Carr, Mr. Dwyer of New Jersey, Mr. Fazio, Mr. Ford of Michigan, Mr. Hoyer, Mr. Hughes, Mr. Kolter, Mr. Neal, Mr. Oberstar, Ms. Pelosi, Mr. Pepper, Mr. Price of North Carolina, Mr. Swift, and Mr. Traficant.

H.R. 3005: Mr. Lagomarsino, Mr. Mrazek, Mr. Davis of Illinois, Mr. Gilman, and Mr. Savage.

H.R. 3013: Mr. Boucher, Mr. Denny Smith, Mr. Rahall, Mr. Fauntroy, Mr. Watkins, Mr. Lewis of Georgia, and Mr. Savage.

H.R. 3047: Mr. Burton of Indiana, Mr. Lewis of Georgia, Mr. Davis of Illinois, Mr. Neal, Mr. Lagomarsino, Mrs. Bentley, Mr. Porter, Mr. Badham, and Mr. Smith of Florida.

H.R. 3049: Mr. Ford of Michigan, Mr. Studds, Mr. Bates, Mr. Howard, Mrs. Boxer, Mr. Towns, Mr. Mrazek, Mr. Wolpe, Mr. Savage, Mr. Eckart, and Mr. Morrison of Connecticut.

H.R. 3051: Mr. Howard, Mr. Hammerschmidt, Mr. Anderson, Mr. Shuster, Mr. Roe, Mr. Clinger, Mr. Oberstar, Mr. Molinari, Mr. Nowak, Mr. Shaw, Mr. Rahall, Mr. McEwen, Mr. Applegate, Mr. Sundquist, Mr. de Lugo, Mr. Packard, Mr. Savage, Mr. Boehlert, Mr. Sunia, Mr. Gallo, Mr. Bosco, Mr. Hastert, Mr. Borski, Mr. Upton, Mr. Kolter, Mr. Valentine, Mr. Towns, Mr. Lipinski, Mr. Rowland of Georgia, Mr. Wise, Mr. Gray of Illinois, Mr. Visclosky, Mr. Traficant, Mr. Chapman, Mr. Lancaster; Ms. Slaughter of New York, Mr. Lewis of Georgia, Mr. DeFazio, Mr. Cardin, Mr. Skaggs, Mr. Hayes of Louisiana, Mr. Perkins, Mr. Kastenmeier, Mr. Bustamante, and Mr. MacKay.

H.R. 3054: Mr. Davis of Illinois and Mr. Savage.

H.R. 3057: Mr. Kolter, Mr. Savage, Mr. Boucher, Mr. Foglietta, and Mr. Traficant.

H.R. 3064: Mr. Lagomarsino, Mr. Ackerman, Mr. Savage, Mr. Staggers, and Mr. Penny.

H.R. 3069: Mr. Henry.

H.R. 3071: Mr. Levin of Michigan, Mr. Lantos, Mr. Kastenmeier, and Mr. Morrison of Connecticut.

H.R. 3075: Mr. Hansen, Mr. Dymally, Mr. Myers of Indiana, Mr. Schaefer, Mr. Davis of Illinois, Mr. Lagomarsino, and Mr. Pashayan.

H.R. 3078: Mrs. Vucanovich and Mr. DeFazio.

H.R. 3134: Mr. Grant, Mr. Gibbons, and Mr. Dwyer of New Jersey.

H.R. 3180: Ms. Kaptur.

H.J. Res. 8: Mr. Gallegly.

H.J. Res. 112: Mr. Bates.

H.J. Res. 206: Mr. Daub, Mr. Miller of Washington, and Mr. Bliley.

H.J. Res. 224: Mr. Gejdenson, Mr. Whittaker, Mr. Rowland of Connecticut, Mr. DeFazio, Mr. Wheat, Mr. Gilman, Mr. Neal, Mr. Lowry of Washington, Mr. Henry, Mr. Badham, Mr. Crockett, Mr. Wylie, Mr. Skeen, Mr. Lewis of Georgia, Mr. Foglietta, Mr. Foley, Mr. Blaz, Mr. Biaggi, Mr. Rodino, Mr. Wyden, Mr. Slaughter of Virginia, Mr. Hertel, Mr. Perkins, Mr. Markey, Mr. Fauntroy, and Mr. Montgomery.

H.J. Res. 227: Mr. Bustamante, Mr. Roe, Mr. Berman, Mr. Morrison of Connecticut, Mr. Coleman of Missouri, Mr. Torricelli, and Mr. Shaw.

H.J. Res. 228: Mr. Goodling, Mr. Emerson, Mr. Hertel, Mr. Clinger, Mr. Hawkins, Mr. Bustamante, Mr. Mfume, Mr. Gekas, Mr. Solarz, and Mr. Sundquist.

H.J. Res. 243: Mr. Daniel, Mr. Feighan, Mr. Leland, Mr. Gephardt, Mr. LaFalce, Ms. Pelosi, Mr. Price of Illinois, Mr. Oberstar, Mr. Kildee, Mr. Bryant, Mr. Florio, and Mr. Donnelly.

H.J. Res. 255: Mr. Bliley, Mr. Clinger, Mr. Fascell, Mr. Gephardt, Mr. Gregg, Mr. Lott, Mr. Packard, Mr. Weldon, Mr. Carr, and Mr. Florio.

H.J. Res. 257: Mr. Harris, Mr. Tauke, Mrs. Bentley, Mr. Lewis of Florida, Mr. Lehman of Florida, Mr. Flippo, Mr. Savage, Mr. Wolf, Mr. Boner of Tennessee, Mr. Garcia, Mr. Richardson, Mr. Huckaby, Mr. Leland, Mr. Lagomarsino, Mr. Gordon, Mr. Manton, Mr. Lancaster, Mr. Roe, Mr. Gray of Illinois, Mr. McDade, Mr. Davis of Michigan, Mr. Biaggi, Mr. Dorgan of North Dakota, Mr. Scheuer, Mr. Fazio, Mr. Yatron, Mr. Horton, Mr. Hatcher, Mr. Thomas of Georgia, Mr. Bevill, Mr. Levin of Michigan, Mr. Hughes, Mr. Martinez, Mr. Hefner, Mr. Frost, Mr. Johnson of

South Dakota, Ms. Slaughter of New York, Mr. Smith of Florida, Mrs. Patterson, Mr. Chapman, Mr. Erdreich, Mr. Carper, Mr. McEwen, Mr. Bilbray, Mr. Lungren, Mrs. Boxer, Mr. Crockett, Mr. Stenholm, Mr. Kolter, Mr. Wilson, Mrs. Meyers of Kansas, Mr. Valentine, Mr. Weiss, Mr. Hall of Texas, Mr. Gallo, Mr. Synar, Mr. Fields, Mr. Cardin, Mr. Kasich, Mr. Ballenger, Mr. Rangel, Mrs. Kennelly, Mr. Smith of New Hampshire, Mr. Saxton, Mr. Dwyer of New Jersey, Mr. Gonzalez, Mr. Goodling, Mr. St Germain, Ms. Kaptur, Mr. Ray, Mr. Lipinski, Mr. Fish, Mr. Staggers, Mr. Darden, Mr. Flake, Mr. Chappell, Mr. LaFalce, Mr. Neal, Mr. Owens of New York, Mr. Swindall, Mr. Stark, Mr. Bustamante, Mr. Ackerman, Mr. Akaka, Mr. Atkins, Mr. Baker, Mr. Gejdenson, Mr. Gilman, Mr. Gingrich, Mr. Nowak, Mr. Roemer, Mr. Shaw, Mr. Sunia, and Mr. Tauzin.

H.J. Res. 266: Mr. McEwen, Mr. Gaydos, Mr. Kastenmeier, Mr. Moakley, Mr. Perkins, Mr. Synar, Mr. Courter, Mr. Andrews, Mr. Bennett, Mr. Bosco, Mr. Boucher, Mr. Bruce, Mr. Coleman of Texas, Mr. Durbin, Mr. Dyson, Mr. Evans, Mr. Fascell, Mr. Frank, Mr. Gekas, Mr. Hawkins, Mr. Kasich, Mr. Lehman of California, Mr. Levine of California, Mr. Lantos, Mr. McCollum, Mr. MacKay, Mr. Matsui, Mr. Mineta, Mr. Moody, Mr. Oberstar, Mr. Olin, Mr. Ortiz, Mr. Panetta, Mr. Pursell, Mr. Richardson, Mr. Rowland of Georgia, Mr. Skelton, Mr. Tallon, Mr. Visclosky, Mr. Wheat, Mr. Wolpe, Mr. DeFazio, Mr. Flake, Mr. Ritter, Mr. Torres, Mr. Bateman, Mr. Bilirakis, Mr. Crane, Mr. Leland, Mr. Lowry of Washington, Mr. Mavroules, Mr. Packard, Mr. Saxton, Mr. Madigan, Mr. Rahall, Mr. Bates, Mr. Ackerman, Mr. Chandler, Mr. Gejdenson, Mr. Brown of California, Mr. Emerson, and Mr. Thomas A. Luken.

H.J. Res. 287: Mr. Weiss.

H.J. Res. 297: Mr. Stenholm, Mr. Madigan, Mr. Marlenee, Mr. Jones of Tennessee, Mr. Panetta, Mr. Stangeland, Mr. Thomas of Georgia, Mr. Brown of California, Mr. Lantos, Mr. Lagomarsino, and Mr. Watkins.

H.J. Res. 300: Mr. Hansen, Mr. Hayes of Louisiana, Mr. Hefner, Mr. Holloway, Mr. Howard, Mr. Hoyer, Mr. Hutto, Mr. Jones of North Carolina, Mr. Lagomarsino, Mr. Lantos, Mr. Lewis of California, Mr. Lewis of Florida, Mr. Kanjorski, Mr. Lungren, Mr. McCloskey, Mr. McEwen, Mr. Martin of New York, Mr. Moorhead, Mr. Murphy, Mr. Nichols, Mr. Packard, Mr. Panetta, Mr. Pashayan, Mr. Porter, Mr. Pursell, Mr. Robinson, Mr. Russo, Mr. Saxton, Mr. Schumer, Mr. Stokes, Mr. Sunia, Mr. Tallon, Mr. Tauke, Mr. Thomas of Georgia, Mr. Torricelli, Mr. Traficant, Mr. Valentine, Mr. Vander Jagt, Mr. Yates, and Mr. Young of Alaska.

H.J. Res. 318: Mr. Owens of New York, Mr. Dwyer of New Jersey, Mr. Frost, Mr. Rahall, Mr. Murphy, Mr. Neal, Mr. de la Garza, Mr. Biaggi, Mr. Staggers, Mr. Matsui, Mrs. Collins, Mr. Bateman, and Mr. Oxley.

H.J. Res. 328: Mr. Atkins, Mr. Cardin, Mr. Mfume, and Mrs. Bentley.

H.J. Res. 329: Mr. Weiss.

H.J. Res. 332: Mr. Atkins, Mr. Bartlett, Mrs. Bentley, Mrs. Boxer, Mr. Borski, Mr. Bryant, Mr. Bruce, Mr. Clay, Mr. Clinger, Mr. Coats, Mr. Coelho, Mr. Coleman of Missouri, Mr. Conyers, Mr. Daub, Mr. Dwyer of New Jersey, Mr. Erdreich, Mr. Fascell, Mr. Fauntroy, Mr. Florio, Mr. Frost, Mr. Hall of Texas, Mr. Hamilton, Mr. Hatcher, Mr. Horton, Mr. Hughes, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lantos, Mr. Lehman of California, Mr. Lewis of Florida, Mr. Lungren, Mr. McCloskey, Mr. Matsui, Mr. Mrazek, Mr. Neal, Mr. Skaggs, Mr. Smith of Florida, Mr. Synar, Mr. Towns, Mr. Wheat, and Mr. Wolpe.

H.J. Res. 336: Mrs. Meyers of Kansas, Mr. Johnson of South Dakota, Mr. Weldon, Mrs. Morella, Mr. Weiss, Mr. Fields, and Mr. Sunia.

H.J. Res. 338: Mr. Stangeland, Mr. Gingrich, Mr. Clinger, Mr. McEwen, Mr. Sundquist, Mr. Gallo, Mr. Thomas of Georgia, Mr. Inhofe, Mr. Young of Florida, Mr. Denny Smith, Mr. Molinari, Mr. Packard, Mr. Bilbray, Mr. Carper, Mr. Clarke, Mr. Clay, Mr. Coelho, Mr. Dorgan of North Dakota, Mr. Flake, Mr. McMillen of Maryland, Mr. Miller of California, Mr. Montgomery, Mr. Owens of Utah, Mr. Pashayan, Mr. Regula, Mr. Richardson, Mr. Ritter, Mr. St Germain, Mr. Scheuer, Mr. Slattery, Mr. Spratt, Mr. Stallings, Mr. Gephardt, Mr. Bateman, and Mrs. Saiki.

H.J. Res. 342: Mr. Conyers, Mr. Bryant, Mr. Bustamante, Mr. Lehman of California, Mr. Horton, Mr. Fazio, and Mr. Lagomarsino.

H.J. Res. 349: Mr. Edwards of Oklahoma, Mr. Wolpe, Mr. Swindall, Mrs. Roukema, Mr. Torres, Mr. Miller of Washington, Mr. Yatron, Mr. Studds, Mr. Lantos, Mr. Gilman, Mr. Garcia, Mr. Broomfield, Mr. Kennedy, Mrs. Saiki, Mr. Fuster, Mr. Dornan of California, Mr. Fauntroy, Mr. Gonzalez, Mr. Weiss, Mr. Solomon, and Mr. Morrison of Connecticut.

H. Con. Res. 6: Mr. DeLay.

H. Con. Res. 41: Mr. DeWine and Mr. Smith of New Hampshire.

H. Con. Res. 97: Mr. Kemp and Mr. Gregg.

H. Con. Res. 126: Mr. Wolf, Mr. Bliley, and Mr. de Lugo.

H. Con. Res. 133: Mr. Pepper, Mr. Synar, Mr. Garcia, Mr. Duncan, Mr. Evans, and Mr. Clarke.

H. Con. Res. 138: Mr. Guarini and Mr. Jeffords.

H. Con. Res. 157: Mr. Akaka, Mr. AuCoin, Mr. Badham, Mr. Bilbray, Mr. Bilirakis, Mr. Bliley, Mr. Bonior of Michigan, Mr. Bonker, Mr. Bosco, Mr. Brennan, Mr. Bustamante, Mr. Cardin, Mr. Clarke, Mr. Coble, Mr. Conte, Mr. Courter, Mr. Daniel, Mr. DeFazio, Mr. Fascell, Mr. Flake, Mr. Gallegly, Mr. Gray of Pennsylvania, Mr. Hall of Ohio, Mr. Hayes of Louisiana, Mr. Houghton, Mr. Hughes, Mr. Hutto, Mr. Jontz, Mr. Konnyu, Mr. Lehman of California, Mr. Levin of Michigan, Mr. Lewis of California, Mr. Livingston, Mrs. Lloyd, Mr. Lowery of California, Mr. Lowry of Washington, Mr. Thomas A. Luken, Mr. Donald E. Lukens, Mr. McMillen of Maryland, Mr. Martinez, Mr. Mfume, Mr. Miller of Washington, Mr. Moody, Mr. Nagle, Mr. Parris, Mr. Pepper, Mr. Price of North Carolina, Mr. Ridge, Mr. Roe, Mr. Rogers, Mr. Rose, Mr. Sawyer, Mr. Schuette, Mr. Shaw, Mr. Shumway, Mr. Sikorski, Mr. Skaggs, Mr. Slaughter of Virginia, Mr. Stangeland, Mr. Studds, Mr. Swift, Mr. Tauzin, Mr. Visclosky, Mr. Weldon, Mr. Williams, and Mr. Wise.

H. Con. Res. 173: Mr. Dellums, Mr. Stokes, Mr. Markey, Mr. Crockett, Mr. Miller of Washington, and Mr. Fauntroy.

H. Res 114: Mr. Hyde and Mr. Whitten.

H. Res 131. Mr. Dixon, Mr. Crockett, Mr. Dellums, Mr. Rangel, Mr. Owens of New York, Mr. Conyers, and Mr. Espy.

H. Res. 168: Mr. Hopkins.

H. Res. 189: Mr. Dymally, Mr. Owens of New York, and Mr. Foglietta.

H. Res. 210: Mr. Ridge, Mr. McMillian of North Carolina, and Mr. DeLay.

H. Res. 225: Mr. Bliley, Mr. Callahan, Mr. Gilman, Mr. Holloway, Mr. Hopkins, Mr. Lott, and Mr. Petri.

H. Res. 252: Mr. Dreier of California, Mr. Daub, and Mr. Courter

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 925: Mr. Bilbray.

H.R. 3142: Mr. Martinez.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

59. By the SPEAKER: Petition of Republican National Committee, Puerto Rico, relative to colonial status; to the Committee on Interior and Insular Affairs.

60. Also, petition of Texas Association of Counties, Austin, TX, relative to the Superconducting Super Collider; to the Committee on Science, Space and Technology.

61. Also, petition of Louisiana Clerks of Court, relative to Medicare, Social Security, and related programs for State and local public employees; to the Committee on Ways and Means.

SENATE—*Friday, August 7, 1987*

(Legislative day of Wednesday, August 5, 1987)

The Senate met at 8 a.m., on the expiration of the recess and was called to order by TIMOTHY E. WIRTH, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

I will sing of mercy and judgment: unto thee, O Lord, will I sing. I will behave myself wisely in a perfect way. When wilt thou come unto me? I will walk within my house with a perfect heart.—Psalm 101: 1-2.

Except the Lord build the house they labor in vain that build it * * *.—Psalm 127: 1.

Gracious Father of us all, despite the demands upon public servants during recess, grant the Senators grace and the will to give priority to home and family in these next weeks. Satisfy the loneliness of wives—the desires of children and youths for their fathers. Fill their homes and hearts with Your love and peace and joy. Make it a rich time in reconciliation, edification, recreation, and family strength.

"The Lord bless you and keep you. The Lord make His face to shine upon you and be gracious unto you. The Lord lift up His countenance upon you and give you His peace." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 7, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

RESERVATION OF LEADER TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the majority leader and the minority leader be reserved for their use later today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IS ARMS CONTROL ESSENTIAL TO OUR NATIONAL SECURITY?

Mr. PROXMIRE. Mr. President, make no mistake about it. The most constructive and effective action the Congress can take to protect our national security and maintain superpower peace is to advance arms control. Arms control should be absolutely front and center in any armed service appropriations bill worthy of the name. It is true this has not always been the case in the past. But, oh how it should be. There is no way this Government can preserve the peace by winning a nuclear arms race. We know that and yet that's been the prime focus of our so-called defense efforts in the past. In considering our defense policies in the past we have paid far less attention to arms control than we have to our military buildup and especially to military procurement. We were wrong in this and we were wrong for many reasons.

First, arms control provides a much more likely path to peace than building a bigger military arsenal. Certainly in the world we live in at the present time we need both military strength and arms control agreements and plenty of both. Military strength represents a powerful deterrent to any prospective aggressor. But with the advent of nuclear weapons we live in a world in which a superpower war will leave only losers. We know we can't build to win. President Reagan himself has said that no one can win a nuclear war. We know doomsday weapons will destroy civilization if not mankind. As both superpowers rush to match and surpass each other in infinitely destructive hair trigger weapons we move toward an increasingly dangerous confrontation. Somewhere, some time, someone is likely to make the fatal accident that will trigger a terrible catastrophe. Arms control represents our best effort to bring these weapons under control and reduce the danger of rushing faster and faster toward war.

Second, the military buildup that has throughout the years represented the overwhelming content of our armed services authorization bills has become the major burden of our Federal Government. It has played a lead role in pushing our deficit and our national debt to levels that seriously jeopardize our economy. And our economy represents the bedrock basis of our military strength. How do we keep this immense military buildup under control without losing military strength compared to our great adversary? We can't do this unilaterally. If we reduce our military strength when the Soviet Union is building its strength, we lessen our deterrence. We invite an attack on the free world by superior Communist forces. But we can, with arms control, negotiate a verifiable limit on the arms race that will maintain the credibility of our deterrent, assure the strength of our military forces relative to our adversary. We can do this and at the same time free resources to strengthen our economy.

Third, the armed services authorization bills is exactly where arms control belongs. The Armed Services Committee consists of Senators who have through the years built their expertise with respect to our military forces. They understand the potentiality and limitations of our weapons systems because they have studied and debated and heard our military experts for weeks and months and literally many years. Arms control agreements should not be separated from the kind of expert competence our Armed Services Committee can bring to them. The Senate urgently needs the recommendations of the Senators who know what they're talking about when it comes to agreements that would limit or reduce or eliminate our military weapons. We need to know their views on the consequences of arms control agreements on our defense position. Mr. President, this Senator wants to know SAM NUNN's and JOHN WARNER's expert opinions on arms control proposals. Will the proposals strengthen or weaken our national defense? What is their precise relationship to national defense? Those judgments belong in the armed services legislation that comes before this body.

For these reasons it is eminently necessary that the Nunn-Levin language passed by the Armed Services Committee and declaring our national policy on the interpretation of the ABM arms control treaty be included

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in the armed services authorization bill.

It is also essential that the Senate have a chance to act on the mandate included in the House version of the fiscal year 1988 defense authorization bill that the administration comply with the SALT II Treaty as long as the Soviets continue to do so.

It is critical that the decision of the House incorporated into the fiscal year 1988 DOD authorization bill to continue the moratorium on antisatellite testing be considered by the Senate.

These measures in aggregate will determine whether this country has an effective arms control policy that will keep the peace and strengthen our national security or not. They are every bit as vital to our national defense as the strength of our Armed Forces. The Senate should have a chance to debate them and include them in the bill or reject them.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein.

The Senator from South Dakota.

Mr. DASCHLE. Thank you, Mr. President.

DOD AUTHORIZATIONS AND ARMS CONTROL

Mr. DASCHLE. Mr. President, I commend the leadership for their willingness to extend morning business a little bit longer this morning to give us an opportunity to discuss something of great importance to many. I did not expect that the hour would be such, but I am glad that it is and I am glad that we have the opportunity to do what many of us wanted to do for some time and that is discuss an issue of great import not only to Members on the floor here this morning but to so many people who watch with great interest the deliberations of this body, the decisions made here with regard to arms control, defense policy and long-range international relationships with our adversaries as well as our allies.

Tomorrow may be the beginning of the August recess. I suppose if one is going to analyze or find some analogy to the August recess it is a little bit like an all-star break. It is an opportunity for everyone to assess how far we have come, the record as it looks halfway through the season, an opportunity to assess the players, the agenda, the record, and take some stock as to how far we've come and how willing we have been to address some of the more controversial and substantive issues of the day.

I have watched all of what I have seen over the last 7 months with great interest. Finally, I have been frustrated at times. I have been fascinated at times. I watched with enthusiasm, I suppose, like when a carpenter comes on to the worksite for the first day all decked out with new equipment, new tools, a new uniform ready to go to work, but frustrated, frankly, by those contractors who are still trying to decide the shape and the size of the rooms.

And so we see a Senate with enthusiastic workers, with people willing to work and address and confront the issues that are so important to so many of us and yet thwarted each and every time many of these issues come before the body.

I have immense admiration for our majority leader and, frankly, for the leadership on both sides as we try to work out the many differences that exist. The majority leader has done an admirable job, an incredible job, as we have tried to take the differences, heartfelt, emotional differences at times, bring them to the floor, and work out the many parliamentary and procedural obstacles that exist on a day-to-day basis. It is a contest of wits, frankly, between those who would like to see the will of the majority ultimately have its day and those who do not.

It seems to me, as I sit on the floor and watch with the enthusiasm I hold for this body, that it is a match of wits. The question is: Can you still pass legislation after you put every imaginable roadblock in the path of the legislative process? As I watch, I become even more convinced that ultimately if something does pass the U.S. Senate it has passed very conceivable test of practicality and ingenuity and ultimately determination. Frankly, maybe that is a fair test.

Some would take great comfort in knowing this, in watching what I have watched for the last 7 months.

With all of those obstacles, and with all of the many difficulties, we have established a record of some import here—the Federal savings and loan bill, the highway bill, the Clean Water Act, trade legislation, supplemental appropriations, and scores of other bills that have great significance to people all over the country.

But as we take stock on this, perhaps the last day before the August recess, there is much that has not passed that frustrates this Senator. And to the dismay of some and perhaps the relief of others, perhaps at the very top of the list would be campaign finance reform and the appropriations bills. And while I can understand why on each of these pieces of legislation we ultimately have not met those difficult criteria by which one judges the feasibility and ultimately the success of the legislative process as we address those bills, perhaps most inexplicably of all is the defense authorization bill this year.

What does it say about a process when a bill directly related to the military security of this Nation is being undermined not because of its authorized level of spending, not because of some new weapons system, not because of the size, shape, or future direction of the bill itself, but simply for one—one—provision? And that provision simply says: Look, if you are going to change the ABM Treaty, if you are going to change the scope and the direction that we take in something that we sign with another country, and if you are going to spend money related directly to the change of that scope, come to Congress and ask us. Talk to us. That is all we ask.

That one provision is what keeps us this morning, as it has for months, from taking up one of the most important bills of all this year. That bill directly related to the military security of this Nation.

It does not say, by doing so, that we have taken any position on the treaty itself. It does not say, by doing so, that for some reason we are going to thwart what the President wants to do. It takes the position that Congress has the right to consider, as we have the right to consider any piece of legislation dealing with money, the opportunity here to discuss and debate openly whether or not spending the money that way is a good idea or not.

Of all the issues not being debated this year, I must say this is the most inexplicable of all.

What would be said if the roles had been reversed? What would we have heard from those organizations and those Members who hold the view that we cannot take the defense authorization bill here to the Senate to decide the things that we are supposed to decide and in due process? What would have been their cry had we, those of us discussing this issue today, failed to bring that bill to the floor; if it were us who held up the authorization of all new defense systems; if it had been us who were holding up pay raises for military personnel; if it were us who were stopping the authorization of military construction?

Ironically, I understand all of this obstruction is being done in the name of arms control. That is what is amazing. For the sake of the talks currently underway with INF, we cannot say anything about ABM or anything else at this point; that we have to be mum with regard to discussions that may in some obscure way undermine the President's ability to negotiate.

Well, let us hope, let us hope sincerely this morning, that the INF agreement can be reached sometime very soon, that we see an agreement to limit or eliminate intermediate-range nuclear weapons very soon.

But let us remember what the Senator from Arkansas, [Mr. BUMPERS], said just last week, that as we discuss these issues, that while we have negotiated for the last 6 years to reach an agreement which will cause us to eliminate 316 INF warheads, we are producing 316 new strategic warheads every 10 weeks.

While this administration seeks to eliminate, as it should, 316 warheads, during the last 10 weeks alone we have actually constructed 316 new ones. While this administration seeks its first arms control agreement in 7 years to eliminate those, we have now built more than 12,000. Not only that, but we have had a net increase of more than 1,770 new strategic warheads alone.

In fact, during this 3-hour colloquy, we could call it the $3 million colloquy because that is what we will spend on warheads alone—$3 million; $1 million an hour. In the meantime, the House has been told that, as we authorize the expenditure of these funds, we do not have the money for the nuts and bolts and the conventional equipment that needs to be provided to ensure the viability of those forces around the world that maintain the peace and security of this country.

The country is told that we do not have the minesweeping equipment to take to the Persian Gulf to assure the security of our ships. We are told the National Guard does not have the funds necessary to modernize its equipment that we know it should have.

This August break is now nearly upon us, and as we consider all of this, this Chamber again will go quiet for 30 days and we will assess what we have done for the last 7 months. Perhaps it is needed. Perhaps a break of this kind will allow us to take stock and to reexamine and reconsider. During that 30-day period we will have spent another $600 million on warheads. We will have built another 128 strategic warheads. I daresay not one of us will be better off.

Frankly, as one who is just starting his career in this body, I am very honored and privileged to be here. I am not as concerned about what we take stock in in the August break. What I am concerned about is how we take stock in the August breaks of years to come. Whether or not in defense authorization, whether or not in the construction of nuclear weapons, whether or not on the broad range of issues that imperil our future when it comes to nuclear security, whether or not we have come to grips with that issue; and whether or not in this deliberative body we have found the wherewithal to resolve our differences and come to the solution that we all seek: An end to the nuclear war buildup, an end to the incredible destructibility, an end to the misprioritization as it exists today.

Let us hope in the near future that this body, with all the impediments, with all of the obstacles that exist in parliamentary procedure, has the ability to say: now is the time, before the end of this administration, before the end of the 100th Congress—time to do some good, time to take stock of what is right in this country and how we want the next generation to take hold.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. Mr. President, I welcome this dialog this morning. I have served now in defense appropriations activities for the Senate for 17 years and as the chairman of the Senate Defense Appropriations Committee for 6 years. Let me first point out to the Senate, in 5 of the last 7 years there has been no Defense authorization bill before we marked up a defense appropriation bill, primarily because the Members of the Senate on the other side of the aisle did not want the authorization bill to move.

Again this year, the bill has not moved. It has not moved because of extraneous matters that are in this bill or contemplated for this bill. Those extraneous matters are, in fact, the provision regarding the ABM Treaty, and the issues of SALT II compliance, Asat's, and nuclear testing.

The great problem is that those of us who want this authorization bill, to eliminate the uncertainty as to where the moneys will be allocated in the appropriations process, have been frustrated.

I share the frustrations expressed by Members of this body on the other side of the aisle—that we have not been able to get the authorization bill up yet this year. But I want the Senate to know, and the public to know, that I personally have approached many Members on the other side of the aisle on at least three different occasions with proposals that would bring these issues that they want to debate to the floor, and which would let us go ahead with Defense authorization bills and appropriations bills, and not hold them hostage to these extraneous issues.

The Department of Defense does not negotiate ABM treaties or Asat treaties or SALT II treaties. That is the State Department's job.

We said: Put these extraneous matters on the State Department authorization bill and we will debate them. If you insist on passing them, let the President veto them and we will debate them again and see whether you want to override the President's veto. But do not hold the money for our defense hostage.

The answer was: No, they have got to go in the Defense authorization bill.

So, we said, put them on a separate bill, an independent bill. Let us bring them up and have them stand alone and we will debate them on their merits. We will give you a time agreement, whatever you want, but let us go ahead with these issues, have the debate behind us, and then let us talk about Defense authorization.

There are many problems about Defense authorization this year, Mr. President. The budget resolution which passed this Senate, which I voted against, will reduce the President's budget request for defense by $21 billion. That limit is too low to make the payments on existing equipment coming through open lines at the minimum rate of production and pay the people who are in the military today; let alone pay the increases in the retirement that we have committed to, now, for a period of 3 years and the pay increases for those in the uniformed services today. We know the number for defense is too low. Tough decisions will have to be made. They ought to be made here on the floor without being held up over the issue of ABM.

The ABM Treaty is a 1972 treaty. This is the first year that this issue has been brought up for debate in the Senate—the first year.

It is not the first year SALT II was brought up. I opposed SALT II from the very first time we were briefed in the classified room of the Senate and we were told what SALT II meant. It meant that, once again, the negotiators of a treaty for the United States looked from the western Soviet Union to the eastern part of the United States. Never once did they realize we had a western shore in the United States.

ICBM's were discussed on the basis of a missile that could travel from Murmansk to Maine. No one ever thought how far is it from Kamchatka to Alaska, or to Seattle.

That SALT II Treaty excluded the Backfire bomber, which now stands ready on its pads in the Russian bases across the Bering Strait from my State—said it was not a device of intercontinental range.

It eliminated the SS-20. It was not an intercontinental device; despite the fact that both are in western Siberia and the Soviet far east and both could strike my State and the western part of Canada and the west coast of the United States.

I want to tell the Senate that the last drop of my blood will go out of my body before I will see SALT II go before this body. It was a bad agreement when it was negotiated; the Senate never approved it for ratification, the President never ratified it, and it has not been adhered to by the

Soviets—it is not something we should adhere to.

I hear so many people talk on this floor about us adhering to limits. Why do they not look at the record and see what the Soviets have adhered to? What about telemetry encryption? What about a prohibited second new type ICBM. And, in terms of the ABM, what about Krasnoyarsk?

We are trying our very best to negotiate a treaty at the present time. For the Senate to pass language in a defense bill with a gun held at our head, either pass this bill with these restrictions or let the defense of the United States go downhill; to put the President in the position where he must take these restrictions in ABM or go without any money to run the Defense Department—I hope he stays by his guns and never accepts that threat—but to put him in that position at a time when we are negotiating with the Soviets is absolutely wrong.

My good friend has just mentioned that we would eliminate 316 warheads in the INF negotiation. That is true. But the negotiation would eliminate over 1,300 Soviet INF warheads. That is what it takes to bring the present imbalance down to equality. We are prepared to eliminate whatever is necessary to get us down to a balance between these two superpowers, to eliminate intermediate nuclear weapons from the world. The zero-zero option has now been agreed to by the Soviets.

When we first announced it, and I was one of the first to support it, Mr. President, everybody said that is foolish. The President could never attain that; this is simply a propaganda ploy.

I wish I had had notice that these comments would come up this morning because I would have gone back and gotten out some of those articles, where Members of this Senate said zero-zero can never be achieved. Why does the President announce a goal that cannot be achieved? Such an offer shows that we are insincere in negotiating an INF treaty.

Mr. President, I think the President has to have freedom in negotiations. I have gone to Geneva, as much or more than any Member of the Senate, to observe what is going on in Geneva, and I have the utmost confidence in Ambassadors Kampelman, Glitman, and Lehman. Each one of them has asked me to do my utmost to keep these provisions out of this bill this year.

Why limit our negotiators at a critical time in negotiating an INF treaty. The ABM language would inhibit the negotiations, not simply of an agreement in the defense and space arena, but in the START and INF negotiations as well. We actually have three negotiations going on at the same time in Geneva, and such limitations sends the wrong message to the Soviet negotiators.

Mr. President, only this week in Appropriations Committee, when we got down to allocating money under the budget resolution, the members of the majority cut another $600 million from Defense. On top of what was cut in the budget resolution which I voted against, another $600 million is cut. That means there is certainly not enough money to pay the military, to pay the COLA's, and to pay the military retirees, maintain our commitments abroad, and continue our defense modernization.

Something has to be cut. We need to make those hard decisions.

So if my friends on the other side of the aisle want to stand up and debate whether those cuts should be made, I would welcome the opportunity. But let us put aside the ABM. What does the ABM treaty have to do with the Defense Department to begin with? It is a State Department concept. It is an interpretation, as a matter of fact, of the current adviser to the President, Judge Sofaer, which has led to this debate. He said we have the opportunity to stay within the treaty and interpret it as the original negotiators for the Soviets interpret it.

I say to the Senate that the interpretation of Agreed Statement D of the ABM is an important debate. I would welcome that debate, as I welcome this one, because I have read every one of those documents. They are available to any Member of the Senate. I urge anyone who wants to debate them to read them to make sure we know what we are talking about when we enter that debate.

But that debate should not occur on the authorization bill for Defense. This authorization bill we are talking about is needed primarily to guide those who allocate the money, not only here in the Congress but in the Department of Defense. How much money for naval aircraft; how much money for tanks; how much money for strategic defense initiative; how many people are we going to maintain in the standing Army, Air Force, Navy, and Marine Corps? Are we going to assist the Coast Guard in its modernization program?

The issues, Mr. President, by my last count, number 30,000—30,000 separate items that could be increased or reduced. Why should those items not be debated? They are not to be debated because someone now wants us to adhere to an interpretation of the ABM Treaty that the Soviets never agreed to, because someone wants us to adhere to SALT II, a treaty that was obsolete before it was presented to the President. Some people want us to say we cannot ever interpret the ABM Treaty as the Russian negotiators did in 1972 because to do so might accelerate the strategic defense initiative. Others say we should not have an Asat until we can prove that the Soviets have not gone further in perfecting their Asat.

There is no denying that the Soviets have an antisatellite capability in orbit today. But we are not to increase our capability? The argument is made that we should have a moratorium on Asat systems because if we caught up with them, it is likely to stimulate them to get further ahead of us.

That is the kind of debate I would love to have.

Again, I want to say I will be here the rest of the morning and I will be happy to have a dialog with anyone who wants to discuss these issues. No one wants the authorization bill to come up more than the Senator from Alaska. We want the defense authorization bill passed. Those of us who served on the Appropriations Committee for so many years know how many fights we get into here on the floor of the Senate when we do not have an authorization bill. Even after the authorization bill is passed, the people who serve on the Armed Services Committee write to the Secretary of Defense and say, "We never authorized the moneys in that appropriations bill and, therefore, you cannot spend it."

It is a position that those who try to maintain the defense of this country should not have to endure. I beg the Senate, let us take up the authorization bill. Let us pass it. But let us not try to use it as a level to move the President from the position he has already stated. Let us not use the Defense authorization bill as blackmail, to get the administration to accept provisions it would not otherwise accept.

If my friends on the other side of the aisle are serious about this, I will work up a time agreement today and we will pass a defense authorization bill before we leave today, if you just agree to leave ABM off, leave SALT II off, and Asat off. They have nothing to do with the authorization for 1988 expenditures by the Department of Defense. They could be considered in an independent bill. They could be considered in the State Department authorization bill. They could be considered in a number of other bills that come before us. But the reason they are being considered now is they are used as a justification for those who want to vote against the defense expenditures this year—those who want to reduce them further.

At the present level of defense authorization under the Budget Act, as reduced by the Appropriations Committee this week, we will come out with a maximum expenditure for defense at a level 5-percent less than last year's rate without regard for inflation. It goes considerably into the meat of our modernization program—and that is the ceiling.

To argue about SALT II, ABM, and Asat being included in the defense authorization bill will take us to the point where once again, Mr. President, the defense authorization bill and the defense appropriations bill will be put into the continuing resolution sometime after the 1st of October. The total amounts of money for defense will once again suffer. There will be more uncertainty in term of defense procurement, stretching out the programs and increasing the cost. When we finally end up by putting in less money than is required to maintain the minimum rate of efficient production on any defense production line, it increases the ultimate cost. We might save a little money for 1988 but I can guarantee you if the line keeps going in 1989 and 1990 we will have to pay the piper.

That is what has happened this year. That is what will continue to happen. I would welcome anything the other Senators here this morning do to bring up the defense authorization bill. But I say to them it will not come up so long as it contains ABM restrictions.

Mr. HARKIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. DASCHLE. Will the Senator yield for 30 seconds?

Mr. HARKIN. I am delighted to yield.

Mr. DASCHLE. I want to make a response without taking too much time of the Senator.

The Senator from Alaska knows very well that this bill does not include language directly dealing with SALT II or Asat. They may be amendments that could be offered but the bill, itself, does not do that. I think it would be a major infraction in the record as well as a gross misunderstanding of the scope of the bill to say that it does.

I thank the Senator for yielding.

Mr. HARKIN. I thank the Senator from South Dakota.

I was about to address that issue. I listened with great attention and interest to what the distinguished Senator from Alaska had to say. However, I would just echo what my colleague from South Dakota has said, that we all know that there is nothing in this bill that pertains to SALT II. There is nothing in the bill that pertains to Asat testing. There is something in the bill that pertains to the ABM Treaty.

Mr. STEVENS. If the Senator will yield, it is in the House bill.

(Mr. DASCHLE assumed the chair.)

Mr. HARKIN. We are not debating the House bill. We are debating the bill passed out of the Senate Armed Services Committee. We are not debating the House bill, but the bill that came out of our own committee. To say that we have to restrict ourselves to what is in the House bill and that we cannot bring up our own bill for debate, misses the mark as badly as an unaimed gun on a worthless tank.

Mr. STEVENS. I personally offered a time agreement that said no ABM, no SALT II, and no Asat, because we were told those amendments were coming. They are in the House bill along with one other provision that is noxious to us. But we were notified that only two would be brought up before the Senate. Tell me if I am incorrect in talking about what debate will take place on the floor of the Senate when the authorization bill comes up. I think the Senator ought to take a look again at that offer. Again I make the offer today. If you want to debate authorization without these extraneous riders, we will do it today.

Mr. HARKIN. Mr. President, I enjoy this colloquy. I do not intend to cut the Senator off again. I enjoy the colloquy and I want it to continue. That is what we have been doing here.

Mr. President, let us make clear that the Senator from Alaska is asking that we bring up the defense authorization bill as passed out of the Senate authorizing committee, strip it of one provision that the authorizing committee put in. We are still talking about the ABM Treaty interpretation provision. They debated this provision in committee and they voted on it. It was put in there, or the amendment was offered, if I am not mistaken, at the initiative of the distinguished chairman of the Armed Services Committee, Senator NUNN of Georgia, along with Senator LEVIN of Michigan.

My point is that it was debated and voted on in committee. It is part of the authorizing legislation.

The Senator from Alaska says, "strip it out, take it out of the bill."

Has this Senate ever insisted that something, duly debated and authorized by an authorizing committee, be stripped out before we let the bill come to the floor? I have never heard of such a thing.

Mr. President, that brings up another point. For a long time, we on this side of the aisle, we Democrats, have been painted by the Republicans as being soft on defense. We hear it when every campaign year rolls around, that somehow, Democrats are soft on defense. Not to my memory and not anywhere that I can find in the legislative history of this body, have the Democrats ever filibustered and prevented a defense authorization bill from coming to the floor. Even though we may have been opposed to certain parts, even though we may have at times thought the spending was too high, even though at times we thought the spending was misdirected toward Star Wars or whatever else, never have the Democrats taken the extreme position that is now being taken by the Republicans of filibustering the very motion to bring it up on the floor and debate it.

So, Mr. President, I ask, who is soft on defense? Certainly not the Democrats. We want to bring it up. We want to debate these issues and let the votes fall where they will. All we are asking for is an open system here, not to be handcuffed as the Senator from Alaska would want us to be, to somehow give up our constitutional rights, to give up what the people who elected us invested us with—that is, the charge to debate, to discuss, and to vote on these issues that are so important to our Nation.

The Senator from Alaska termed it an "extraneous" matter to the defense bill. He named the three things he has been talking about—ABM Treaty, SALT II, and Asat testing. Again, I point out that only the ABM provision is now in the bill. How can it be extraneous? If the authorizing committee put it in the bill, how can it possibly be extraneous?

Second, the Senator mentioned SALT II. SALT II, as the Senator from South Dakota said, is not in the bill. But I would argue with the Senator from Alaska that it is not extraneous to the debate surrounding the defense authorization bill. After all, Mr. President, the SALT II Treaty is inextricably involved in how much we spend and how we spend our defense dollars. The Defense Department, in deciding how much to request for the defense of this country, bases those requests on the perceived threat to this country. It outlines that threat and it says to meet that threat, we need so many armaments, and to purchase and sustain those armaments, we need so much money from Congress.

SALT II is the only constraint we have right now on Soviet strategic nuclear forces. So, Mr. President, without the SALT II limits, there is no limit, no limit on how much the Soviet strategic nuclear forces can grow. So to say that SALT II is somehow extraneous, is separate and apart from the debate on the defense authorization bill, I think, is totally illogical because the SALT II constraints help define the threat. SALT II limits the threat, thereby limiting how we have to respond to that threat. Without SALT II, the threat can grow. Our response to that threat also must grow. I am one who says that without SALT II, we are going to have to respond to that threat. So SALT II limits define how much we spend and how we spend our defense dollars.

I do not know how anyone can argue that somehow, SALT II is separate and apart from the debate on the defense authorization bill, that somehow, it ought to be in the State Department bill. Obviously, it is the State Department, as the Senator from Alaska so correctly said, that is involved in the negotiations of treaties, such as SALT II. Again, I say whether or not we adhere to SALT II limits defines the threat and defines how we respond to that threat. That, in turn, defines how much we spend, and that is what the defense authorization bill is all about—how much we spend and how we spend it.

Third, the Senator from Alaska mentioned Asat, the moratorium on testing of antisatellite weapons. Again, the Defense Department, in its request to us for taxpayer money, outlines the threat that is arrayed against us. In order to meet that threat, it says we need so much money. If we have a moratorium on antisatellite testing—as long as the Soviets do not test, we will not test—that keeps our satellites safe. That too would put limits on the threat that we face. Therefore, it defines how we spend our defense dollars.

So, Mr. President, for the life of me, I cannot understand how anyone can argue that those three issues—ABM, SALT II, and Asat—are somehow totally separate and apart from the debate on the defense authorization bill.

Mr. President, the last time we discussed this matter, that is, the Republican filibuster on the motion to proceed, was on July 24. That was when the distinguished majority leader asked unanimous consent to proceed, and it was objected to by the Republican side.

We have had, according to my count, three cloture votes and one unanimous-consent request to bring up the defense authorization bill, but the Republicans have been blocking all attempts to proceed. We have not been able to get the votes to overcome their filibuster, and as I said, on July 24 the Republicans objected to the unanimous-consent request to bring it up.

We have heard a lot of talk from this administration about the priority of national defense over other issues. The President reminds us that defense is the prime responsibility of the Federal Government. It is the first order of national business. It is the function without which all other functions are irrelevant. Translated by the White House, this imperative has come to mean large increases in defense spending, even if money must be borrowed from foreigners and charged against our children, or transferred from the needy to the greedy in our society, even if our best scientists and engineers must be pulled away from helping to protect our environment and redirected to the weaponization of space.

I have been very critical in the past about how narrowly administration supporters define the national security of this country, but at least I thought I understood their line of reasoning: Radical measures were required by the perceived urgency of the need to defend this country. After all, with "Ivan at the gates," there was not a moment to spare. We had to be ready. We had to get our defenses out there; we could not delay.

Now, I must confess that I am a little surprised. Last May, the Republicans began a filibuster against the motion to proceed to debate on the defense authorization bill.

I was even more surprised to learn recently that the Republican minority was not just making a point, but was quite content, apparently, to sabotage the congressional process by sacrificing defense authorization entirely. Because of this filibuster, the Senate will not use the appropriate means of debating and deciding on issues of defense policy. It will not be able to consider these issues on their merits alone. The Senate will not be able to receive maximum benefit from the expertise and hard work of the Senate Armed Services Committee.

Mr. President, perhaps what the Republicans are telling us is that we ought to get rid of authorizing committees: do not have any at all. Why go through the process of having hearings in the authorizing committee, of debating in the committee, of voting in the committee, of reporting out an authorization bill, if all we are going to do at the end of the year is wrap it into a continuing resolution?

As a member of the Appropriations Committee, perhaps in some sense I would have a lot to gain from that: My power would go up; we would be able to define within the Appropriations Committee what the proper levels are; and perhaps through ingenious report language or through limiting how much money can be spent, we can even define how the money is to be spent, let alone how much is to be spent.

However, even though those of us who serve on the Appropriations Committee might gain in some parliamentary sense, I think we all lose if we go down this path. We lose because we lose the time-honored and time-tested and time-proven ability of authorizing committees to fully and thoroughly investigate, debate, and decide how and how much we will spend on these programs. I am not just talking about defense, but about other programs, too.

So, because of this filibuster, we have the unique situation in which the Armed Services Committee has fully and faithfully discharged its responsibility to this body, and yet is not allowed to bring up the bill on the floor.

It is obvious that the Republicans do not want the ABM Treaty interpretation considered on its merits, even though all their current substantive arguments would be available to them once the debate has begun. They can argue it on the floor. No one is trying to argue that if we bring up the defense bill, they cannot have adequate time to debate these things.

The distinguished Senator from Alaska said he wants to have a time agreement on the defense authorization bill and no debate on ABM, Asat, or SALT II.

Well, as I said, Mr. President, the Senate will find a way to address these important and contentious issues and will probably do so on the continuing resolution. But that will be at the end of the year, in the rush to close, without full, fair, and open debate on these issues. It is not a responsible way for this body to operate. In fact, it is totally irresponsible to operate this way. Not only is it irresponsible; I also believe it will leave Congress and the Nation's defenses in a weaker condition than would otherwise be the case.

The distinguished Senator from Alaska made comments about different cuts in the defense bill. That is all to be debated. But for those of us who perceive more of a conventional threat to our interests in Europe and other places, and who believe there should be more of a conventional response on the part of our national defense forces instead of a Star Wars response, for example, we see in this authorization more money than the administration asked for—for things like the Abrams main battle tank or the Apache attack helicopter.

This is the first time we have had this 2-year authorization. I think it is important to note that the authorizing committee has put a lot of stock in moving to the front our readiness and sustainability, especially in the conventional forces—in those critical areas that I think are more important to us than the money we are throwing down the rat hole on Star Wars.

There are many critical areas of readiness and sustainability that the Armed Services Committee addressed. I will note one that is important not only to me but also to other Members of the Senate.

The committee was able to increase funding for Army depot maintenance in fiscal year 1988, a critical readiness area of the fiscal year 1988 budget that was seriously underfunded.

Well, I think that argues against those who say that somehow we are soft on defense and that all we want to do is cut defense. No. I can only speak for this Senator. I am ready to cut Star Wars funding, and we will have a vote on that on the floor. But in these other critical areas, I am not ready to cut, because I see a very real threat in terms of conventional forces and readiness and sustainability. I believe all those are being eroded because of our rush to throw money at weapons in space.

Mr. President, I know that others want to engage in this colloquy. All I will say in closing is that there is still time for the Republicans to participate in the defense issues before the Senate, and there is still an opportunity for a constructive conference. Therefore, I urge my colleagues on the other side of the aisle to really consider the defense needs of this Nation, to consider also whether or not they want to begin the process of destroying the authorizing committee structure of the U.S. Senate.

I say to my colleagues on the other side: Do not go down in history as those who deprived our Armed Forces of authorizing legislation for the first time in three decades. For the first time in 30 years, we may not have a chance to bring up the authorization bill for the Armed Forces of the United States.

So I ask my colleagues on the other side to reconsider. When we come back from our August recess, and when we have a vote on cloture to bring this to the floor for debate, I hope that my colleagues on the other side will reconsider and let the measure come before us. Let us debate these issues, let the Senate work its will, and provide for the adequate defense of our country.

I yield the floor.

Mr. WIRTH. Thank you very much, Mr. President.

I, like the Presiding Officer this morning, arrived in the Senate in January, full of anticipation and watching with great care the deliberations and anticipating that I would be involved in a lot of extraordinary important issues, and I, like the distinguished Presiding Officer, have had my frustrations over the last 8 months as well, feeling a little bit often like the guests who come to the Senate and look down at this institution and sort of wonder what is going on. It is difficult to try to grasp that even after being here for 8 months much less to expect people to come in on their tour of Washington and see immediately what is happening here, why is there not more action, or people who are watching our deliberations on television who see a great number of quorum calls and recesses, and so on, that we are not, as I think was so correctly suggested, we are not doing what we were sent here to do which is to debate and engage the great issues of our time, and certainly one of those great issues is the Defense authorization bill and the various pieces of that including the ABM Treaty and including other amendments that Members of the Senate fulfilling their constitutional obligations are offering.

Where we are in is the simple situation of having a piece of legislation which we, under the rules of the Senate, are required to bring up which is an authorization bill coming out of the Armed Services Committee, and I am a member of that committee.

That authorization bill was crafted after a great deal of work under the leadership of Senator NUNN, probably one of the most respected if not the most respected defense analysts in the Congress or in the Senate or in the House of Representatives, his first year at the helm of that committee, and starting out with a very, very careful examination of our overall strategy and approach, what we were trying to do, where were we going, not micromanagement, but the broad picture, narrowing that down into a bill that was reported out of the committee, I think by only one or two people voting "no" on legislation, a remarkable consensus on both sides, to try to bring that bill to the floor so that all 100 Members of the Senate could participate in the debate over what our Armed Forces ought to be and what our overall strategy ought to be, and where we ought to be going. We anticipated, of course, we would have the opportunity to come to the floor.

But we have not had that opportunity because the minority party, the Republican Party, has systematically engaged in a filibuster to stop the debate, to stop the consideration, to stop the Defense authorization bill.

We have a systematic, apparently party policy of the Republicans with the White House saying we are going to stop this particular piece of legislation. That is what this is all about for those who are curious why we are here this morning and what the problem is. The problem is we have a bill that we want to bring to the floor, the Defense authorization bill, the Republicans and the White House object to one provision in that bill, the provision related to the ABM Treaty. They object to that and so they are filibustering the whole bill and not bringing it up.

Now I gather, Mr. President, that the history of the institution makes very clear that the filibuster is a very legitimate tool. The filibuster is a tool that is there under the compromise that was developed 200 years ago in the development of this Constitution, in which we set up a system which protects the interests of the minority and protects the interests of small States. The filibuster allows a small State or allows a minority interest or somebody who feels very strongly about a particular issue to get up and stop consideration until people really look very carefully at that issue. That is why we have the filibuster. It is there. It is wonderful kind of check in many ways to stop and slow people down and say, "Hey, there are things that I believe or my State believes or my region believes that are enormously important. We may be getting trammeled by the majority or trammeled by big States, so we are going to stop."

That has been used over history very well. People who felt very strongly about civil rights made statements on civil rights; people who felt very strongly about voting rights made statements on voting rights.

Recently we had a very colorful filibuster 2 or 3 years ago on natural gas pricing. And other individuals and States will do it.

But I have not seen a time in the history where a whole party position in concert with the White House systematically said: We are going to stop the movement of the Senate until they go along with dropping out, as the Senator from Iowa so clearly said, dropping out a provision which was clearly put in the legislation by the committee, the provision on the ABM Treaty. Is that appropriate? I do not think so.

Also, Mr. President, I do not remember that the Democratic Party, when it was in the minority in the 1980's, that 6-year period of time, filibustered provisions as a party that we did not agree with. I did not agree with the Kemp-Roth tax cut. You remember that was a major part of what was going on in terms of the President's new philosophy of economics: You can cut taxes and we will all have more money, and it will go back in the economy; we are going to build a better tomorrow in that fashion.

I think most rational economists did not agree with that. We did not filibuster. We lost fair and square on votes. We lost fair and square. It became the law of the land. We did not sit down and filibuster. We said have a fair and square debate.

That is what we ought to have on the ABM Treaty.

The argument is made this morning that not only the filibuster is a legitimate weapon but the filibuster is there, as pointed out, for the purposes of making sure that we not only do not address the ABM Treaty, issues so enormously important, but do not address either other provisions in the legislation, the SALT II provision and the Asat provision.

The Senator from South Dakota, the distinguished Presiding Officer, and the Senator form Iowa, pointed out neither the SALT II Treaty provision nor the Asat Treaty provision is in the bill.

These may be amendments offered, but I think, that any Member of the Senate can offer amendments and I believe that, as I understand it, Senator BUMPERS is considering raising the SALT II amendment and Senator KERRY is interested in raising the Asat amendment.

I do not know what rule there is or what history there is that individuals are precluded from offering those amendments. Those are important issues.

The argument is made that those issues are extraneous. I find it remarkable to think that provisions related to the ABM Treaty and the potential of expenditure of enormous amounts of money are extraneous, or debate related to SALT II, the overall level of warheads and nuclear weapons we ought to have, is extraneous, or debate related to the Asat Treaty is extraneous, Asat weapons, antisatellite weapons is extraneous. What is extraneous?

The ABM Treaty goes directly to the point of what we are going to do in terms of the strategic defense initiative which, as the President has said and as the Defense Department has said, has the potential expenditure of well over $1 trillion. One trillion dollars, Mr. President, is not extraneous. How much is $1 trillion? I mean none of us can even fathom how much money it was. The only way one can say $1 trillion is extraneous is because you cannot imagine how much $1 trillion dollars is so, therefore, it must be extraneous.

I did the numbers while I was sitting here this morning. One trillion dollars, Mr. President, if you spent $1 million a day every day since the birth of Jesus Christ of Nazareth you still would not have spent $1 trillion today. If you spent $1 million a day since the birth of Jesus of Nazareth, do the numbers, and you still would not have spent $1 trillion today.

Now, nearly $1 trillion and a potential of $1 trillion expenditure cannot be described as being extraneous.

Nor can we, when we look at the recent studies, just the early deployment of SDI, if we were to do an early deployment is in my opinion premature, but were we to do an early deployment of the strategic defense initiative system, that would cost, according to studies published just this week, over $1 trillion, early deployment alone, more than $1 trillion. Certainly, the ABM Treaty and all that it reflects and all that it suggests and all that it might lead up to in terms of the strategic defense initiative and deployment is not extraneous.

It was claimed also this morning that this is the first time that the ABM Treaty has been brought up in this kind of a fashion. Of course, it is. I think this is the first time, Mr. President, that the administration has attempted unilaterally to change the treaty.

Is SALT II extraneous? Hardly. The number of warheads? How many warheads should we have? Where should we be going? We are spending approximately $40 billion a year on nuclear warheads, nuclear delivery systems, and the support mechanism—about $40 billion a year. That is not extraneous. That is an enormous amount of money.

Is ASAT extraneous? Does that suggest any kind of new weapons breakthroughs is extraneous? That is like arguing the militarization of space is extraneous, like arguing, as we did in the past, going to intercontinental bombers, a whole new breakthrough, is extraneous, or going to MIRV'ing is extraneous, digital electronics is extraneous. Is any new breakthrough extraneous? Hardly. We ought to be debating and looking at all of those.

What does that have to do with defense? The ABM Treaty has everything to do with defense. It tells us how much are we going to spend on various strategic systems, how much we are going to balance off between conventional and strategic, what are we going to do in terms of spare parts and readiness and balance that against the enormous commitments to SDI. What impact are these investments going to have on our defense industrial base? Enormously important.

What spinoffs can we expect from SDI, if any? I think we would probably benefit from any basic research we did. Those are important issues to be debated. Hardly extraneous.

It was said this morning: "We want the defense authorization bill to come up." Well, let us bring it up. It was said this morning: "We would love to debate these issues." Well, let us do it.

For nearly 2 months now, the Senate has been forced to delay action on the fiscal 1988 national defense authorization bill—the legislation providing for our security.

Now, I join my colleagues in regretting that the bill has been stalled by Members on the other side of the aisle. That is especially regrettable because eight minority members of the Armed Services Committee called this bill a "remarkable achievement" in the committee report. To my knowledge, those who have resisted acting on this bill single out but one objection to further consideration: the Levin-Nunn amendment to require congressional approval of any SDI tests which would violate the restrictive interpretation of the ABM Treaty.

My Republican colleagues who oppose this amendment do so on the grounds that it usurps Presidential power to set overall U.S. defense policy and to interpret treaties affecting that policy. Mr. President, I reject that assertion without any hesitation at all.

Congress does indeed have a role in considering—and acting upon—fundamental national security issues. The Armed Services Committee stressed Congress' prerogative in its report language accompanying the ABM amendment. I think that language bears repeating in the RECORD at this point:

> The decision to authorize expenditure of funds for the armed forces is one of the most significant constitutional responsibilities assigned to the Congress. The strategic defense initiative is one of the most controversial and costly programs ever to be presented to the Congress.
>
> Without prejudging the wisdom and desirability of undertaking testing, development, and deployment of mobile/space-based ABM's using exotic technologies, it is imperative that Congress in general—and this committee in particular—examine in detail any proposed expenditures that would involve a substantial change in policy.

Some argue that Congress—especially the Senate—should not meddle in the interpretation of the ABM Treaty, in what testing is permissible under the accord as negotiated. But this proposition would make a mockery of the constitutional requirement that the President make treaties "by and with the advice and consent of the Senate."

The Senate will be doing a disservice to the Constitution if we stand idly by while the President radically reinterprets an existing treaty.

The administration's new broad interpretation of the ABM Treaty is tantamount to the President unilaterally amending a treaty. Under the Constitution, the President must seek the advice and consent of the Senate in order to amend a treaty. If the Senate does not insist on upholding its constitutional prerogatives to advise and consent, I fear the Senate's role in the treaty making process will be severely damaged.

For example, how could a Senator vote on a future treaty without complete assurance that the meaning placed before the Senate during the ratification process is in fact what the treaty will mean at a later time? How could a Senator support a treaty if he or she knows that, at some unspecified time, the executive branch can change the basic meaning of that treaty—without the advice and consent of the Senate?

One other argument has been advanced: That Congress should not adopt binding legislation concerning programs covered by international treaties. Yet the Constitution empowers Congress to appropriate or withhold funds to provide and maintain America's Armed Forces. This power obviously includes the right to place limits on the appropriation of such funds, including limits on the testing and development of SDI. Regardless of one's position on the ABM Treaty or SDI, no one can dispute the power of Congress to legislate in this area.

Mr. President, in my remarks, I have stressed the importance of Congress' central role in setting U.S. defense policy. That is the overriding issue we face in the administration's attempted "reinterpretation" of the ABM Treaty. But in discussing the accord, we should not lose sight of its intrinsic importance to our defense; the ABM Treaty is the bedrock of superpower arms control efforts and makes a critical contribution to U.S. national security.

For 15 years, the treaty's principal obligation—not to deploy a nationwide defense or provide the base for such a defense—has lent order to the strategic competition between the United States and the Soviet Union.

The ABM Treaty codifies a mutual recognition by the superpowers that neither country would agree to limit or reduce its strategic offensive arms if its adversary could build strategic defenses that would negate the ability to retaliate. The deep reductions in nuclear weapons that we all seek can only occur if strategic defenses are strictly limited.

Six former Secretaries of Defense—three Republicans and three Democrats—recently reaffirmed this stark reality. They said the ABM Treaty "makes possible the negotiation of substantial reductions in strategic offensive forces."

The solemn obligation of both the United States and the Soviet Union not to deploy nationwide defenses or provide the base for such a defense is sustainable only under the restrictive—or traditional—interpretation. Both parties to the 1972 accord understood that space-based and mobile ABM systems have an inherent nationwide capability and thus had to be tightly constrained in order to achieve the treaty's objective.

Article V explicitly supports this objective by prohibiting the development, testing and deployment of space-based and other mobile ABM systems and components. This provision was clearly intended to apply to all technologies, future as well as current, in a treaty of unlimited duration.

If this were not the case, the parties could circumvent this critical prohibition through "exotic" technologies. If such systems were allowed to be developed and tested, the parties would be able to provide the base for a nationwide defense and thereby undermine the main purpose of the treaty. I hasten to add that the six Secretaries of Defense to whom I referred earlier have also urged both the United States and the Soviet Union to uphold this traditional interpretation of the ABM Treaty.

The White House has decided, wrongly in my view, to challenge this well-documented interpretation, substantiated in full by the leading military and civilian officials—including the treaty negotiators—in the Nixon administration. But what the White House cannot challenge is the legislative branch's essential role in assessing any change in our country's existing treaty obligations.

That role is at the heart of our constitutional process. It is a fundamental element of our system of checks and balances. It is the process upon which the integrity and consistency of our international commitments rest.

If the administration is allowed to alter unilaterally our obligations under the ABM Treaty, U.S. credibility in the international arena will certainly be severely undermined. Our friends and allies will question our commitment to other critical international obligations. Arbitrary actions like the "reinterpretation" fly in the face of our national commitment to the rule of law—here and abroad.

The Senate Armed Services Committee has acted, I believe, with foresight in restraining the administration's effort to stretch the ABM Treaty beyond recognition—without consulting Congress. The committee has acted prudently—and without prejudice toward the strategic defense initiative—to bring the administration back within the constitutional guidelines that have served this country so well for two centuries.

That is why I am puzzled by my Republican colleagues' concern about the Levin-Nunn amendment and their filibuster of the entire defense authorization bill. Are they asking the U.S. Senate to choose either an abdication of the Senate's constitutional responsibilities or a sound defense bill? That strikes me as a "lose-lose" proposition.

Mr. President, we have on the calendar a carefully crafted defense bill, which committee Republicans themselves describe as, "a proper balance * * * between our national security objectives and the need to balance the Federal budget." It is time we brought this well-done legislation to the Senate floor.

I urge our colleagues to vote an end to the Republican filibuster of this bill, which authorizes America's defense program and is so important to our national security. By doing so, I hope that Members of the Senate, irrespective of their position on SDI and the ABM Treaty, will join with us on the Armed Services Committee in upholding our responsibility in the Congress and our prerogative to advise and consent in the making of our international obligations.

Let me close by quoting from the debate earlier this morning. It is the other side:

"We want the defense authorization bill to come up." Well, again I would say: Let us bring it up.

The other side: "We would love to debate these issues." Well, let us go to it.

Thank you very much, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

THE COSTS OF THE FILIBUSTER OF THE DOD AUTHORIZATION BILL

Mr. CRANSTON. Mr. President, the filibuster of the DOD bill has crippled the authorization of funds for the national defense—stifling debate and stalling action on vitally important military matters.

This can weaken our military strength and our national defense posture.

It has also prevented the U.S. Senate from considering and coming to grips with the most crucial issue facing us today: arms control and the prevention of nuclear war. An inflexible Republican majority has blocked any action on the defense budget in order to prevent a public vote on vital issues like compliance with the SALT II ceilings, SDI funding, and nuclear testing. Rather than risk an honest, straightforward vote on these measures, these Senators—not all Republicans, but most Republicans—have chosen to undermine the entire authorization process, and to obstruct any debate on priorities for the defense of the United States.

Meanwhile by the end of this year, the United States will have deployed 300 warheads—cruise missiles on B-52's—in excess of the numerical subceilings of the SALT II agreement.

The Reagan administration is working on the prospective INF Treaty. I expect to work hard for that treaty. I expect to help lead an effort to break any fillibuster launched against that treaty—some Republicans may try to block it with a filibuster. I expect to be in President Reagan's corner on that one.

But it is bitterly ironic that while the United States would destroy 316 warheads over 5 years under the INF Treaty, the administration—through its Strategic Modernization Program—is deploying 316 more warheads every 10 weeks. This unilateral abrogation of treaty ceilings by the Reagan administration has gone forward without the Senate ever being permitted to vote on the matter.

At the same time the Reagan administration is squandering billions of dollars in a rush to deploy a provocative but ineffective strategic defense system. The administration is also hard at work developing specious arguments to convince us that SDI testing is allowed under the ABM Treaty. While tortuous arguments continue on Capitol Hill about new and revised interpretations and legally correct definitions for various articles of this treaty, the administration is moving full steam ahead to develop weapons tests that would clearly violate the ABM Treaty restrictions.

Many Senators don't buy the reinterpreted version of the ABM Treaty. Obstructionist Senators, rather than confront the issue head on, are trying to muzzle this body, to keep us silent, to prevent votes not only on arms control, but on the entire defense budget. Certain Senators are unwilling to deal with the defense budget of the United States of America. Clearly, they are concerned that the Senate is likely to vote to uphold the traditional, narrow interpretation of the ABM Treaty. Clearly they are concerned that the Senate may well vote to bring the United States back into compliance with those SALT II limitations which are still being observed by the Soviet Union.

I believe it is a disservice to this body to hold hostage our national defense bill because some Senators want to duck an up-or-down vote on these arms control issues. Worse, it's a disservice to our Nation, and its people. Let's debate these issues in our open forum. Then let's make the tough choices we were sent here to make. Let's proceed with votes on SALT ceilings, on ABM restrictions, and on nuclear testing—and defense issues. And let us not allow the Senate—the world's greatest deliberative body—to become the silent Chamber on vitally important arms control and defense legislation.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have listened to what the distinguished Presiding Officer has said, the distinguished deputy majority leader, and I want to echo their comments. I think what they have said and others have said on this subject has been extremely important. They are matters that the whole country should listen to.

Mr. President, the Senate is facing an unprecedented situation. A determined minority of Senators are preventing action on the defense authorization bill.

No one questions the patriotism of these Senators. They are not against a strong defense of this country. Indeed, some of them are for spending even more for defense than the defense authorization bill would provide. None of them would do anything to undermine our Armed Forces. Yet they have repeatedly prevented the distinguished majority leader and the distinguished chairman of the Armed Services Committee from bringing the defense authorization bill to the Senate floor. Three times they have blocked a cloture motion to bring their filibuster to a halt.

Why on Earth do we have this amazing spectacle of strong, prodefense Senators filibustering the bill intended to authorize every activity and weapon under the purview of the Department of Defense? Why have they refused to let the Senate act on this bill for over 2 months?

Mr. President, the answer is simple. They do not want to allow the Senate to vote on arms control. The bill contains a provision authored by the distinguished chairman of the committee, the Senator from Georgia [Mr. NUNN], and my friend the able Senator from Michigan [Mr. LEVIN] which would prevent the administration from destroying the ABM Treaty in its relentless pursuit of the pie-in-the-sky star wars program.

Star wars, or the strategic defense initiative, has become the touchstone of loyalty to the administration. Its proponents are willing to frustrate the will of the Senate and kill the defense bill if that is what it takes to prevent the Nunn-Levin provision from becoming law. They know there is a decided majority in the Senate in support of the Nunn-Levin language to save the ABM Treaty from being gutted, and they dare not let it come to a vote.

There is another issue, Mr. President, that frightens those who refuse to let the defense bill come up on the Senate floor. That is the Bumpers-Leahy-Chafee-Heinz amendment to put the United States back into observance of the three main weapons ceilings of the unratified SALT II Treaty. We have repeatedly declared our firm intention of offering this amendment, together with our 46 cosponsors, on the defense authorization bill. Fifty Senators have said they believe it is in the national security interests of the United States to maintain the ceilings on Soviet multiple warhead missiles and cruise missile carrying bombers. Those key ceilings strongly favor the United States, and are all that stands between the world and a wide open, totally unconstrained race in strategic missiles and bombers.

Now, why is it that 50 Senators, Republicans and Democrats, support Bumpers-Leahy-Chafee-Heinz, when a decided majority of the Senators support Nunn-Levin, why is it that we cannot vote on this? Why is it that we cannot express the will of our constituents and the will of the majority this way?

The Senate is designed so that the rights of a minority are protected. They may insist on delay and careful consideration of a measure they oppose. But, even in the Senate, there comes a time when the majority must be able to exercise its rights, too. We have waited patiently for the minority who oppose these arms control provisions to state their objections and concern, and then to allow us to make our case in support of our amendments. Yet, they will not allow us this right.

If they oppose our amendments, let us bring them up, let us debate them, let us vote them up or down.

If they want to offer different amendments, then let us do that. Let us vote them up or down. But I think most people in this country know where they stand on arms control issues.

They would probably like to see the U.S. Senate, the body that should be the conscience of the Nation, the pulse of it, vote on the issue of arms control.

Mr. President, this delay threatens to kill the defense bill altogether. But, I say to my friends who are filibustering the defense authorization that they can duck the arms control issues only so long. Congress cannot adjourn this year without passing an appropriation for the Defense Department, either in a separate appropriations bill or in a continuing resolution. It would be better for the Senate and for the Defense Department if we could address these policy issues on a policy bill such as the defense authorization bill, instead of a continuing resolution.

It would be better for the Senate, actually it would be better for the Department of Defense, if we could address these policy issues on a policy bill such as the defense authorization bill instead of on a continuing resolution.

But, if the minority, those opposed to arms control, continues to frustrate the will of the Senate, we will be left with no other choice but to act on the defense appropriations bill or the continuing resolution. We will at last get a vote which will make the Senate show where it stands on preserving the integrity of the ABM Treaty and the SALT II interim restraints in the Bumpers-Leahy-Chafee-Heinz amendment.

Really, here is what we are facing: Is the majority of the U.S. Senate in favor of arms control or are they not? The majority of the people in this country are in favor of arms control. Certainly, when you consider the global states, I would suggest that the majority of the people throughout the world are in favor of arms control.

We are the conscience of the country, we are the conscience of the Nation, in the U.S. Senate. At some point we ought to be allowed to vote and say we are in favor, each one of us. Each 100 of the men and women in this body ought to be able to stand up and say they are in favor of arms control or they are not.

I know I am, and I am eager to have that vote. I want to cast my vote in favor of arms control as do the majority of the Members of this body, as do a lot of Democrats and a lot of Republicans in this body. That is all we are asking, for a chance to do that.

That is why I urge those who are filibustering this bill to stop and allow the distinguished majority leader and allow the distinguished chairman of the Armed Services Committee to bring up the defense authorization bill, debate the issues involved, and vote them up or vote them down.

I thank the Chair.

Mr. NUNN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank my colleagues for bringing this matter to the attention of the Senate this morning. I share their desire to get the defense authorization bill called up. We have been very frustrated in the last couple of months when we have been precluded from having that opportunity.

Mr. President, on Friday, July 21 the distinguished majority leader sought unanimous consent to bring before the Senate the national defense authorization bill for fiscal years 1988 and 1989. This bill—which is vital to the security of our Nation—has been the subject of a filibuster which has precluded Senate consideration since last May.

The filibuster is over a spending limitation in our bill, one which seeks to ensure that the substantial increases we provided for SDI—an authorization of $4.5 billion—are expended in a manner consistent with DOD's testimony about the SDI Program. The amendment became necessary when we received information that the executive branch believed that the funds could be used for any type of test or development program, regardless of whether it had been presented to Congress.

In other words, the administration came up and presented a program to the Senate committee and said, "This is what we are going to do this year. Please give us the money for this."

We gave them the money and the administration spokesman said:

> We reserve the right to go to another testing program that would basically be a departure from what we presented to the Senate, one that would go with a different interpretation of the ABM Treaty, and we can do that at any time. Of course, we will consult with the Congress before we do it.

Consultation, as we all know, can be anything from a letter, to a phone call, to a 20-minute presentation, to a statement that they are going to do something the next morning. So consultation is not enough for those of us who have been here for awhile.

Despite the generous funding of SDI by the Senate Armed Services Committee—a full $1.4 billion more than the House bill—and more than many people think is going to come out of our own Appropriations Committee—there has been objection to taking up our committee's bill. I find such objections particularly perplexing and puzzling in light of a recent letter on the defense bill signed by Secretary of Defense Weinberger, which our committee received on July 28.

Most of this submission is unclassified. Part of it is classified, and I will discuss only the unclassified portion this morning.

According to Secretary Weinberger, this letter constitutes "the Defense views on the House and Senate authorization bills." This document is commonly known in the inner circle as the heartburn letter because it expresses the position of the Pentagon's leadership on the legislative matters of greatest concern.

This year's letter is one of the longest and most detailed in memory. The basic letter consists of 16 single-spaced pages, addressing 31 specific issues. Enclosure 1 includes 6 pages of language appeals, discussing 12 legislative matters. Enclosure 2 has 19 pages with 46 additional items of concern.

Secretary Weinberger's letter discusses 89 issues, ranging from the nuclear testing limitation in the House bill to the House's reduction in funding for the academic and library facility at Fort McNair. It is indeed, a comprehensive list, and provides great insight into what we are told are the Secretary's priorities.

I find it noteworthy, therefore, and I am sure my colleagues will, that this massive document does not make mention of the SDI testing limitation in the Senate bill.

Here we are, after 2 months of filibustering on that major provision, and the Secretary of Defense never even mentions it.

Indeed, Secretary Weinberger's discussion of the SDI Program focuses on the vast differences in funding between the House and Senate versions, and he concludes: "I strongly support the Senate provision."

I emphasize that is on the funding provision. That is not on the limitation provision.

The Secretary's heartburn letter identifies only two provisions as constituting an effort to legislate treaties, both of which appear in the House bill: the nuclear testing limitation and the Salt II limitations on strategic forces.

Secretary Weinberger solicits support for the Senate Armed Services Committee's bill because it does not contain the arms control provisions which he finds offensive: "The inclusion of these provisions in the final conference report could, depending on their form, force the President to veto that legislation."

It is interesting that although these are strong words, they leave open the possibility of compromise on the final form of the legislation.

The predominant theme in Secretary Weinberger's letter is support for the Senate bill. On 26 out of the 31 major items addressed in his letter, he has recommended adoption of the provisions in the bill drafted by the Senate Armed Services Committee. Of the 58 language and additional issues, he recommends adoption of the Senate Armed Services Committee position on 46 items.

It is apparent that while the House bill gives the Secretary heartburn, the Senate bill does not even give rise to a mild case of indigestion, according to his submission.

I wonder whether the Department of Defense has overlooked this provision that has been the subject of filibuster for 2 months, or whether they do not consider it significant. In either event, it seems that the people who have been filibustering would want to pick up the phone and call over to the Department of Defense and say, "Mr. Secretary, we want you to take a look at this provision because we have been filibustering it for 2 months and you never mentioned it in your reclama letter."

Secretary Weinberger's letter reflects the fact that the administration's best hope for a strong defense bill rests with the Senate Armed Services Committee. Their best hope for a substantial increase in SDI funding also rests with this committee. But if this committee is precluded by the Senate from playing a central role in the defense debate, this committee will be in no position to provide the help that Secretary Weinberger is seeking.

Mr. President, the Senator from Massachusetts has already been very generous. If I may take 1 more minute and conclude, I shall yield back to him. I am grateful to him for being so generous in yielding to me.

How did we get to this position? Perhaps there is a clue in the remarks of July 21 by the distinguished Senator from California [Mr. WILSON] as to why he opposed consideration of the defense bill:

> We should have had this fight out last year, Mr. President, in the conference on the defense authorization bill when the House of Representatives, in two or three provisions relating to arms control treaties, sought to impose upon the President of the United States, and the people of the United States, observance of an unratified treaty.
>
> That is wrong. And we started to have that fight, Mr. President, but did not conclude it. Why? Because the House Democrats, members of that conference committee, those conferees, did not wish to undermine the President on his way to Reykjavik and it was on the eve of Reykjavik that, in fact, they decided to withdraw from that engagement and withdrew those amendments.

Mr. President, I appreciate the fact that the Senator from California wanted to teach the House a lesson last year, and that he is frustrated that he was unable to do so. Yet he should recall that the House Members simply did not walk away from their arms control issues last year. With all due modesty, I would remind my good friend that the House was unable in conference to convince this Senator and our colleagues on the Senate side of the conference to accept the views of the House. By using the defense bill as a vehicle for debating these issues, we were able to ensure that a reasonable bill emerged from conference.

This year, we again face arms control issues from the House. If not on the Defense authorization bill, they will appear on an appropriations bill or continuing resolution. We also face severe cuts in SDI funding from the House. If we do not enact our Defense authorization bill, there is a considerable likelihood that the final cuts will be steep.

Mr. President, I appreciate the good-faith efforts undertaken by the minority leader and the ranking member of our committee to bring the bill to the floor. They know that the best posture for the President's defense program is to have the Senate Armed Services Committee leading the way. I regret that they have not been able to persuade their colleagues to take up the bill. But if they are truly interested in the President's defense program, it is time for them to put aside the rhetoric of their colleagues about arms control amendments so we can bring the defense bill to the floor.

There are no arms control amendments in our bill. Let there be no doubt that the Armed Services Committee is capable of drafting an arms control amendment should it see the need for such an amendment. We are capable of drafting an amendment that enshrines the traditional interpretation of the ABM Treaty as the official permanent position of the United States, but we have not done so. We did not do that, although the way some of our colleagues are taking it, we might as well have done that and perhaps we will before this is over.

Our provision does not preclude the administration from testing mobile/space-based ABM's during the next 2 years if they determine that there is a need to do so; rather than leaving this matter to the normal legislative process and type of delays that have plagued this bill, we even provided an expedited procedure to ensure prompt consideration of a Presidential request.

It is clear that neither the authority of the President nor the SDI Program are put in jeopardy. The committee's report accompanying the bill does not assert that section 233 embodies a conclusive interpretation of the ABM Treaty. On the contrary, the report notes that section 233 is based upon the most recent testimony—of whom?—of the Reagan administration as to what it intends to do in the 2 fiscal years covered by this bill:

> The administration has stated that its research and development program for the Strategic Defense Initiative complies with the prohibition against testing and development of mobile/space-based ABMs using exotics. The administration has not requested any funding for fiscal years 1988 or 1989 to test or develop mobile/space-based ABMs using exotics.

Section 233 was added, as noted in the report, because of the administration's insistence that it reserved the right, acting without congressional approval, to initiate such testing and development. In other words, the administration would like to have a $4.5 billion blank check from the Congress.

That is what they are asking for now, that is what the battle is about. It is not whether we have a permanent broad or narrow interpretation of the ABM Treaty. The question is whether the Senate and the House of Representatives are going to have a say-so as to how the money is spent. Are they going to reserve the right to change in the middle of the year after they have been given the money and go to another testing program? That is what this is all about. I think anybody who has any interest in this institution, whether they are for or against a narrow or broad interpretation of the ABM Treaty, would want to take that into account. I think our colleagues need to reexamine this position and allow this to come forward. I am grateful for my colleagues' bringing that to our attention before we recess.

The committee's report makes it clear that the limitation in section 233 was made without prejudice to the President's ability to request statutory authority to use funds provided by Congress for such tests:

> The decision to authorize expenditure of funds for the armed forces is one of the most significant constitutional responsibilities assigned to the Congress. The Strategic Defense Initiative is one of the most controversial and costly programs ever to be presented to the Congress. Without prejudging the wisdom and desirability of undertaking testing, development, and deployment of mobile/space-based ABMs using exotic technologies, it is imperative that Congress in general—and this committee in particular—examine in detail any proposed expenditures that would involve such a substantial change in policy.

The Committee on Armed Services is well aware of the studies going on within the administration as to the meaning of the ABM Treaty. It is not our purpose in this bill to reach a conclusive determination as to what the treaty means—that is a separate matter. But it is important to recognize that a determination as to what the treaty means is only the first step in deciding what our acquisition policy should be.

Even if it is determined that testing and development of mobile/space-based ABM's should be undertaken, that does not mean that every scheme dreamed up by the Pentagon will be wise, efficient, or cost-effective. The decision as to whether funds provided by Congress should be expended on any specific development or testing program must be made by the Congress after careful consideration by the Committees on Armed Services in both Houses of Congress. Section 233 simply ensures that Congress participates in that decision.

In recognition of the importance that the President has placed on this program, we even included a provision guaranteeing that if the President proposes to test mobile/space-based ABM's, he will get a clear vote in Congress within 60 days without any of the delaying tactics that have been displayed in connection with this bill.

Section 233 is consistent with both traditional and current policies of the United States, including those articulated by the administration.

It reflects the implications of the ABM Treaty for weapons systems testing and development, as presented by the Nixon administration to the Senate Armed Services Committee during treaty ratification proceedings in 1972.

It embodies the views of the executive branch, including the Reagan administration, in the arms control impact statements submitted through fiscal year 1985.

It sets forth the views of the Strategic Defense Initiative Organization in its 1985 report.

Although the administration has now asserted that the ABM Treaty should be reinterpreted to permit such tests, the administration has repeatedly stated that its present SDI Program has been structured in a manner that is consistent with the traditional interpretation of the treaty.

In short, section 233 ensures adequate congressional participation in a major military funding decision. While consistent with traditional U.S. policy on the ABM Treaty, it does not mandate a particular interpretation of the treaty and provides a means of dealing with changes in U.S. policy on that treaty, without giving the Pentagon a $4.5 billion blank check to test and develop weapons systems without a presentation to the Congress.

Mr. President, those who really care about the SDI Program know that the best opportunity for adequate funding this year rests with the Senate Armed Services Committee's bill.

Mr. President, I thank my colleague from Massachusetts again for yielding me the time to go forward with this presentation.

Mr. KERRY. Mr. President, I thank the Senator from Georgia, the chairman of the Armed Services Committee. No one in this institution speaks with more authority, more knowledge, and, I think, with more concern about the national security interests of this country than the chairman of the Armed Services Committee. I think his comments were most important.

Mr. President, this filibuster by the Republicans is a filibuster which cannot and should not be taken in isolation. The letters, GOP, which used to stand for the Grand Old Party, are coming to stand, I think, for the Grand Obstructionist Party, because it seems that the strategy of our colleagues across the aisle, on issue after issue in this 100th Congress, is to obstruct, to delay, not to talk but to balk on every single issue that comes before us.

They did not participate in the budget process. We all know that it took the Democrats to put the budget through. We have seen a filibuster not only on this issue but on another issue of major concern before the American people. That is the issue of campaign finance reform. And now, on the defense authorization bill, slowed up for months because of a decision, once again, to obstruct.

I think all of us are very familiar with the term "the misery index," by which we used to measure inflation, and the effects of those disastrous consequences in our economy. I think we ought to start a new index, call it the obstruction index, and begin to measure the approach of the Republican Party to important issues before this country.

Mr. President, this body has now been prevented for months—for months—from considering one of the most important pieces of legislation before the country and before the U.S. Congress, the defense authorization bill. Senators who ordinarily consider themselves to be strong defenders of America's security have said that they would rather see no bill whatsoever—no authorization, no process by which, Senator for Senator and State for State, the U.S. Congress will carry out its obligations in order to pass on important questions of national security—than have a defense bill which includes any provision limiting the President's ability unilaterally to repudiate the ABM Treaty by conducting tests which violate that treaty.

The Republicans have said that so long as the Nunn-Levin language stays on the defense bill, they will continue their filibuster. Indeed, some have said that so long as any arms control provisions limit Presidential freedom to move forward with the arms race, they will continue their filibuster. They do not have the votes to win on the merits, so they are going to try to prevent and they will continue to prevent, as part of their obstructionist strategy, the U.S. Senate from voting at all.

Mr. President, I think we should stop and think for a few moments about what it is that motivates Senator NUNN and Senator LEVIN to create this language in the first place. The chairman of the Senate Armed Services Committee, a man considered, I think, by most people in this country to be as tough as anyone on military matters, decided that the issue over the ABM Treaty was of sufficient gravity that it had to have such language. Why did Senator CARL LEVIN work with Senator NUNN in drafting this language and in securing its passage by a majority vote in the Senate Armed Services Committee?

The reason, Mr. President, is known to all of us. The reason is very simple: it is because Senators in this institution have come to understand that we simply cannot trust the President of the United States on this issue not to proceed forward unilaterally to abrogate the ABM Treaty.

The reason that we cannot trust him is the history of negotiations, not only on this matter but on other defense-related matters. After 14 years of living with a treaty that was passed during President Nixon's administration, promoted by President Nixon and by the Republican Secretary of Defense and others, and voted on by a vote of 88 to 2 by the U.S. Senate—after 14 years of living with that treaty, this administration has come forward and tried to tell us that, no, the treaty does not mean what everybody believed it meant when it was signed and ratified; it somehow means something new, something mysterious, something pulled out of secret documents and negotiations which were never part of the deliberations which the U.S. Senate went through when it passed the treaty in the first place.

They have come up with an interpretation which is 180 degrees contrary to the way the treaty was interpreted by the negotiators, by the Nixon administration witnesses who testified, and by individual Senators who asked questions during the hearings and who spoke on the floor of the Senate during the debate.

This filibuster, Mr. President, is taking place because the Armed Services Committee voted to uphold the traditional prerogatives of the U.S. Senate to make sure that the President of the United States does not unilaterally, on his own, abrogate a treaty of the United States, approved by the Senate, which is the law of the land.

The Nunn-Levin language does not even say that the President is wrong in his reinterpretation. There is no judgment whatsoever in the language put forward by Senator NUNN and Senator LEVIN, even though a majority of the U.S. Senate does believe it is wrong. That is not part of the Nunn-Levin language. All the Nunn-Levin language does is say that the President cannot conduct tests prohibited by the original understanding of the treaty without us, Congress, agreeing to those tests. That is all it says.

The Nunn-Levin language is an attempt to reassert the traditional congressional prerogatives, the right of the Senate to approve treaties and to see that they are lived up to by our Government, and that we will exercise our power of the purse, which is the right to decide what initiatives are worthy of being funded and what initiatives are not worthy of being funded.

The controversy over the interpretation of the ABM Treaty raises a number of important issues which the Nunn-Levin amendment would make certain would be debated prior to any test of an exotic star wars component.

I ask my colleagues: Is it too much to ask that the U.S. Senate should have the opportunity to guarantee that a treaty that we ratified be upheld according to the interpretation that we had when we ratified it?

Mr. QUAYLE. Mr. President, will the Senator yield?

Mr. KERRY. The Senator will yield for an answer to his question at the end of my comments.

Mr. QUAYLE. At that point?

Mr. KERRY. At the end of my comments, I will be happy to yield to the Senator from Indiana, and we can have a colloquy.

Mr. President, the controversy over the interpretation of the ABM Treaty, I think, raises a number of important issues which the Nunn-Levin amendment, itself, would make certain would be debated prior to moving into that exotic test situation.

The administration's back-door attempt to rewrite history in advancing the so-called broad interpretation of the ABM Treaty implicitly repudiates the process of lawmaking in the United States. It repudiates the role of Congress in approving treaties, and it repudiates arms control itself.

The Nunn-Levin language provides Congress with an opportunity to consider carefully whether that kind of repudiation is a good idea or not.

Mr. President, an administration that can come to believe that trading guns for hostages is a neat idea is an administration that is also capable of coming quicker to believe that trading arms control for star wars is also a neat idea—and they have made it abundantly clear that they do believe that is a neat idea.

The Nunn-Levin language, it appears to this Senator, is one way to make certain that star wars does not become the arms control equivalent of the Iran scandal, a neat idea with disastrous consequences in practice.

The Nunn-Levin language is one way for the Senate to stop the cynical interpretation of the treaty by the administration, which prefers to change the meaning of the treaty rather than take the political heat for deciding to get out of the treaty altogether, which is certainly one of its alternatives.

Mr. President, the international community has come a long way over the past century in creating a broadening framework for extending laws through treaties, in improving our relations with other countries by establishing a protocol of international rule of law. The ABM Treaty debate has begun to take place as not merely a debate about whether Congress and the executive are going to agree or disagree to uphold the law, but a debate as to whether the United States will continue to promote the rule of law internationally.

The Nunn-Levin language says that when it comes to the ABM Treaty, the United States is determined to adhere to the standards of international rule of law.

Some in this institution may try to insist that the ABM Treaty is somehow like the Boland amendment, a restriction of controversial legislation passed by slim majority over the protest of the President, but that is not what happened. That is not the case with this treaty.

As I have said, this was a treaty promoted by and signed by President Nixon, approved by this body by a vote of 82 to 2; and in reinterpreting the ABM Treaty to permit what that treaty always prohibited, the administration is doing far more than it has ever done in claiming that something like the Boland amendment inadvertently restricted it.

This interpretation that the administration puts forward undermines the treaty process itself. It undermines arms control, and I would think that Senators would care that it undermines the prerogatives of the U.S. Senate.

Mr. President, if one is permitted to sign into law and ratify a treaty of this country by a vote of 88 to 2 and every aspect of that debate says this treaty means X, and 14 years later a President of the United States can simply say, "No, no, wait a minute; that is not what the treaty means; here is what the treaty means," and pull out documents and information which was never in front of one of those Senators when they voted—even Senator Buckley, of New York, said that the reason he was voting against it was that it did not allow him to do the very things that President Reagan says it did allow them to do secretly—if one is allowed to do that, then you do not need a U.S. Senate ever to ratify any treaty. Then any President could at any time come forward and merely say, "Sorry, folks, we had secret negotiations over here. This is what the treaty really means," and push forward the secret interpretation and try to say to people, "This is what we meant all along. The U.S. Senate interpretation is irrelevant."

Mr. President, that is a constitutional issue. The Constitution of the United States says that you cannot have a law of the land without the Senate's ratification. What the Senate interpreted it as and ratified it as is critical to what that law of the land is. We all know that this President has not cared too much about that. We have seen instance after instance of willingness to reinterpret the law, to have executive fiat, to determine what we will do. The most recent instance of that is this process by which we saw the Iran scandal unfold.

I believe that what we are talking about here is not just the power of the purse, not just the question of a treaty, not just the question of whether the Republicans are going to obstruct everything that comes forward, but is really the prerogative of the U.S. Senate and the question of whether we will uphold the law of the land.

Mr. President, I will try to wind up quickly, because other Senators are waiting.

There is one other argument made by some of my colleagues. They say that they will not allow the consideration of any bill which is allowed to have language which does not let us undercut the SALT II Treaty. Mr. President, time after time, the Secretary of Defense, Caspar Weinberger, has warned us that without increases in defense spending, the United States could not stop "the Soviet attempt to achieve a position of global military superiority."

Yet in deciding to abandon the SALT II Treaty, the administration did the one thing that will permit the Soviets to in fact achieve a position of numerical superiority no matter how much money the Congress were to appropriate.

Every military expert who has testified before the Congress has agreed that the Soviets can flood their country with new nuclear weapons once the United States abandoned the treaty, at a far faster rate than we can provide that kind of nuclear weaponry and they can double their nuclear stockpiles by the early 1990's.

Gen. Bennie Davis, Commander in Chief of the Strategic Air Command, told the Senate in March 1985—

> The Soviet Union, due to its production base, has an enormous capability to field systems. If they were to break out of the treaty limits of SALT II, the disparity between the number of warheads held by the Soviet Union and the United States would be significant.

Now, there have been some issues of compliance with the SALT II Treaty, and they have been raised by both sides appropriately through the process of consultation. But, Mr. President, there has been no question that the Soviets have scrupulously kept to the numerical limits of that treaty. In order to comply with the treaty, the Soviet Union from 1972 until 1985 removed more than 1,000 land-based and 233 submarine-based ballistic missiles as new weapons have entered the force. Without the limits of SALT II, the Soviets did not have to dismantle one of those weapons. In the same period, the United States has dismantled 320 land-based missiles and 544 submarine-based missiles.

So, Mr. President, left in place those SALT limits become more important than ever before, and I think it is particularly important that we do not abandon those limits but, certainly, Mr. President, we ought to have the right to vote on the issue. We ought to have the right to vote on the issue.

Mr. President, more than 30 years ago, President Dwight Eisenhower, having seen the beginning of the nuclear arms race, issued the following warning:

> * * * the true security problem of the day * * * is not merely man against man or nation against nation, it is man against war. * * * When we get to the point, as one day we will, that both sides know that in any outbreak of hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its notion to this truth or die.

George Kennan has said:

> We have gone on piling weapon upon weapon, missile upon missile, new levels of destructiveness upon old ones, helplessly, almost involuntarily, like victims of some sort of hypnotism, like men in a dream, like lemmings headed for the sea.

This arms control filibuster is irresponsible, Mr. President, because it denies the American people the opportunity to have these issues debated on the floor of the Senate and denies the American people the opportunity to vote on these issues.

I hope our colleagues on the other side of the aisle will permit the U.S. Senate to work its business and cease their policy of obstructionism on issue after issue after issue.

I yield my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). Let me indicate that the time for morning business has now expired.

The majority leader.

Mr. BYRD. Mr. President, the time has more than expired by 3 minutes. I ask the Chair to enforce the order.

Mr. President, there are obviously others who want to speak in morning business.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended and that Senators may speak for not to exceed 10 minutes each and that should be the end of morning business for today. We then go on to the next matter which will require a rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I have listened to this colloquy with great interest this morning and feel obliged to remind my colleagues why Senators on this side, including Senators who serve on the Armed Services Committee, have been unwilling to take up the Defense authorization bill.

Mr. President, the reason is entirely related to the inclusion of the provision known as the Levin-Nunn amendment, which I believe is detrimental to our national security interests.

It is not in our national security interests to require by statute that the President follow the more restrictive of two plausible interpretations of the ABM Treaty, when the Soviet Union is seeking an even more restrictive interpretation at the negotiating table. The Levin--Nunn amendment would have that effect.

It is not in our national security interests to seek to bind the United States to an interpretation under the ABM Treaty to which the Soviet Union is not bound. The Levin-Nunn amendment would have that effect.

It is not in the national security interests to grant statutorily to the House of Representatives the unilateral ability to compel the United States to follow for the next 2 years a particular foreign policy regarding our relations with the Soviet Union. The Levin/Nunn amendment would have that effect.

In short, Mr. President, at a time when the United States and the Soviet Union are engaged in negotiations involving the very matter addressed by the amendment, and at a time when we are very close to agreement on not merely limiting but actually reducing nuclear weapons, the Levin-Nunn amendment jeopardizes the prospects for reaching the best possible outcome for our long term national security.

Mr. President, there have been no less than three attempts by the distinguished ranking member of the Senate Armed Services Committee Senator WARNER, to propose a means by which we could proceed with consideration of the defense authorization bill and still protect fully the rights and options of the original authors of the Levin-Nunn amendment. My distinguished colleague from Alaska noted this morning his efforts to devise a means to get on with consideration of the bill. There has been no lack of options proposed by this side to consider fully the provisions of the Levin-Nunn amendment without holding the defense authorization bill hostage.

Mr. President. No Member of this body has a greater respect for the defense authorization process than this Senator. But I remind my colleagues that providing for the national security is what that process is all about. Including the Levin-Nunn provision in the bill would, in my opinion, be contrary to that central objective of providing what is best for our national security.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I did not expect to come to the floor this morning for this purpose. But I have been treated to an interesting little drama over the past hour or so.

For those who are perhaps watching for the first time, this same little drama—I do not mean to rob it of its dramatic value—but I am compelled to tell them that it is a summer rerun. We have had this little debate at least three or four times earlier this year. That is why, Mr. President, it is a totally phony issue to say that what we are doing here is arguing about whether or not we should have a vote and a debate on the Levin-Nunn amendment. Indeed, we have had extensive debate on the Levin-Nunn amendment. The Levin-Nunn amendment is all about interpretation over the AMB Treaty. We have had all kinds of debate on whether we should adhere to the broad or the narrow interpretation of that antiballistic missile treaty.

This is a summer rerun, but I note with interest that there is a cast of new characters. I do not know where they were when we had these earlier debates but those who I have heard pleading for the opportunity to debate this issue and to cast a vote on the defense authorization bill somehow were not very interested earlier when the chairman of the Senate Armed Services Committee, Senator NUNN, took a great deal of time in a special order to argue the case for the narrow interpretation and when I took a special order and spent a good deal of time putting into the RECORD the argument for the broad interpretation.

Mr. President, what is at stake here is very simple. It is an amendment that was attached at the last moment in the deliberations in the Senate Armed Services Committee, which transformed what would otherwise have been a bill going to the floor with uananimous approval into a bill that, because of that amendment which was added to the authorization bill on an almost straight party-line vote, it transformed the bill into one that came to the floor with a straight party-line vote.

And that is worth nothing, Mr. President, because it is a departure from the bipartisan tradition of that committee. For all the years that I have served on it, it is the first time that we have encountered that kind of partisan division. And why? Well, because it is an important amendment, one that has no business being on the defense authorization bill, as the Senator from Alaska earlier stated.

Now those who want an opportunity to vote on it will have an opportunity to add that as an amendment to the State authorization bill that authorizes the spending for the operations of the Department of State, where it may properly belong, if it belongs anywhere.

But as a matter of jurisdiction, it belongs on that bill and not on this one. And the reason that it is attached to this one is because, under the quaint rules of this body, what we try to do in any number of instances through partisan jockeying is attach amendments to those bills that we think which for other reasons the President will not veto. And that is what is going on here. That is what this game is all about.

This amendment could be offered as a freestanding piece of legislation or it could be offered as an amendment to a bill where it rightfully belongs, the Department of State authorization. Why has it been offered to the defense authorization bill? It is to jam down the throat of the President of the United States a measure that he cannot sign. But they have attached it to one that he wants very much to sign because it is essential that we fund the appropriations of the armed services.

So let no one be deluded by what is going on here. We have had the debate three or four times and, of course, we will have it again, because in about 6 months' time we are going to actually be compelled to consider the question as to whether or not the United States should continue with the ABM Treaty. Believe me, we will have the opportunity to discuss it.

But this amendment compels all funding for the Strategic Defense Initiative to be conditioned upon the narrow interpretation, an interpretation rejected by the Soviet Union as is clear from the negotiating record of the ABM Treaty. And we will differ on that. We have. That is what Senator NUNN and I differed on at such great length early this spring, when those who have spoken this morning apparently were not sufficiently interested to participate in the debate.

Mr. President, this amendment substantively is in fact an arms control amendment. And indeed I think the junior Senator from Massachusetts made that quite clear in his lengthy discussion this morning. It is an arms control provision that has no business being on the defense authorization bill. It would first, by operation of the narrow interpretation, stretch out the SDI Program. It would cost us billions; it would cost us years. So substantively it has great importance.

Beyond that, the junior Senator from Massachusetts was concerned with the prerogatives of the Senate. He was intensely concerned with the prerogatives of the committee. Well, as a member of the committee, and he is not, I suppose I should be grateful to him for that concern. I will tell him there are more important things than the prerogatives of that committee. The welfare of this country is infinitely more important.

The kind of thing that we would be doing to SDI with this amendment is simply unacceptable. And the President of the United States, if this bill ever got to his desk, would indeed veto it. That is no secret. He has said so. There are enough signatures on a letter to the President indicating that Senators would sustain that veto so there is no doubt about the outcome of the issue. This provision will not become law during this Presidency. So let there be no suspense about that.

Let me also say, this is the same President, whom so many have spent time bashing this morning as being anti-arms control, who has brought the United States to the threshold of an INF agreement. And these Senators who are so busy bashing him this morning, whether they intend it or not, have the effect of seeking to undercut his position and that of his negotiators, the U.S. negotiators, in Geneva at the very moment when we are engaged in critical negotiations to see whether or not intermediate-range nuclear missiles can be removed from Europe.

Mr. President, the only reason to have this amendment on this bill is to compel the President either to veto the entire thing or to swallow something that is unacceptable. The Constitution of the United States assigns the exclusive authority for the negotiation of treaties and for their interpretation to the executive branch, not to the Senate. The Senate has a very important role and it is a clear role. It is ratification. We can take reservations. We can add qualifications during that process. But it is not the function of this body, 14 years later, to tell the executive what the interpretation was at the time that it was signed.

Mr. President, there are too many on this floor who would be Secretary of State, too many who would be President. Let them run for President. This one did. He was elected to represent all the people of the United States, not once but twice and by overwhelming majorities in both elections. And they are seeking by this effort—in which they ask, "Why can't we vote on the defense bill?"—to embarrass this President, who is seeking an arms control agreement, at the very time that he is very near to it.

Mr. President, let me just say that if they want a vote on the defense authorization bill, they can have one very simply. Remove the Levin-Nunn amendment and they will then have left that bill that would have gone to the floor from the committee with unanimous bipartisan approval. And it will probably receive that kind of a vote on the floor without that amendment. With that amendment, whenever it comes, on whatever piece of legislation to which it is appended, is going to again stir the same kind of debate that it has this morning. I hope it will be better debate than there has been this morning.

We should not, I think, take advantage of the procedures——

The **PRESIDING OFFICER.** The Senator's time has expired.

Mr. **WILSON.** Then I will conclude, Mr. President, by saying we should not take advantage of the procedures of the Senate to compel an unwise action on the part of the Senate to force the President to veto a defense authorization bill, a bill, without this amendment, that he is eager to sign.

The **PRESIDING OFFICER.** The Senator from South Carolina.

Mr. **HOLLINGS.** I thank the distinguished Chair.

Mr. President, the Senator from California said: "Those who want to be President should run. The current one did and he was elected."

This Senator from South Carolina did, too, but it turned into a covert activity.

Let me say this: I have supported the leader in bringing this bill up, but I will not stand any longer hearing again and again this morning the Senator from Massachusetts talking about repudiating the treaty. If there is repudiation, it is on the part of the Senator from Georgia and Michigan and Massachusetts. We will get to that one day. The Senator from Georgia had 3 days on the floor to tell his story and I never have been given that time or the circumstances because we could not get into the bill. I support Senator BYRD's effort to bring it up.

But if there is repudiation, it lies with the Levin-Nunn interpretation of a broad or narrow view of the treaty. Everyone should read this treaty. You could have been a Senator when we ratified it in 1972 and you could know in a second that there is only one interpretation, and that is the legal interpretation—and it is the interpretation advanced by President Reagan.

I wish we had a court test where the Supreme Court would look at the treaty and its negotiating record and give its interpretation in 10 minutes and say, "That is nonsense about the ratification."

Let us begin knowing that the U.S. delegation was instructed to restrict the testing and developing of future systems in space, and they tried repeatedly to accomplish that goal.

I was in the tent, as they called it, when negotiations were occurring in Helsinki, in August 1971. Let me read the statements of General Allison—the JCS representative to the Arms negotiations—and those of several other key individuals involved in ABM negotiations. Lt. Royal Allison stated on June 21, 1972, in a letter to the Chairman of the JCS—the following as it relates to future ABM systems:

> Constraints in the treaty apply to deployments only. Research and development are not constrained.
>
> The U.S. delegation, under instructions, sought a clear-cut ban on deployment of future ABM systems, but the Soviets would not agree. Hence they finally agreed and initialled interpretative statements (quoting Agreed Statement D) * * * we should say that there is an obligation not to deploy such systems without taking certain specified and agreed steps; i.e., in the event such systems are created in the future, specific limitations on them would be subject to discussion and agreement.

Mr. President, look at the treaty itself and you will quickly see that ABM systems are described in article II. The words are the language of precision. Raymond Garthoff, another negotiator, time and time again said, "We want it to be precise." Look at Gerard Smith, our chief negotiator. In his book "Doubletalk" he said the treaty was drawn by lawyers with very precise language in five pages, and it took a year and they haggled over each word.

Article II, describing the parameters of ABM systems, states unequivocally that they are all current. You will see the "current" in the article "Currently consisting of" I quote and then, by words of specificity, in subsection 2 of article II it is stated, "To include those operational, under construction, undergoing tests, undergoing overhaul, mothballed." All refer to current technology—that is the technology of 1972.

So the restriction in article V as to deploying future mobile systems, whether in space or elsewhere, refers to the ABM systems described in article II. Any lawyer will tell you that.

These negotiators, if you just go to the next article, article VI, used the word "future." So you do not have to worry about implicit or explicit meanings or whatever the Senator from Georgia says. The negotiators knew the word future and used it.

Read the Nunn documents and you will see through the smoke. He keeps filling up the record with "implicit" in the ratification. There was not anything implicit. Everything was precise. And our negotiators, failing to get a Soviet agreement to ban future systems, came up with agreed statement D. Again, they used precise language. Let me read it: "In order to ensure fulfillment of the obligation not to deploy." Note, they did not say anything about testing. They did not say anything about research. Agreed statement D states, "In order to ensure fulfillment of our obligation not to deploy ABM systems and their components, except as provided in article III of the treaty, the parties agree that in the event ABM systems based on other physical principles, and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars, are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with article XIII and agreement in accordance with article XIV of the treaty."

Precisely this language does not limit research, testing, and development.

That came out again in recent Senate testimony by Ambassador Nitze. Referring again to Ambassador Smith, I quote his language from testimony in 1972. Ambassador Smith:

> One of the agreed understandings says that if ABM technology is created based on different physical principles . . . development work, research, is not prohibited, but deployment of systems using those new principles . . . would not be permitted unless both parties agree by amending the treaty.

So, he referred to agreed statement D. There is no broad and narrow interpretation. We know. Let the treaty speak for itself. Negotiator Smith responded to a question from Senator Goldwater, as follows:

This is Senator Barry Goldwater.

> Are we and the Soviets precluded from the development of the laser as an ABM?

Mr. Smith replied, tersely:

> No, sir.

Let me quote Gen. Bruce Palmer, testifying before the Senate Armed Services Committee:

> There is no limit on R&D in the futuristic systems.

I will try to finish my statement quickly. We must allow the treaty to speak for itself. Everyone talked about precise language and now we start running into trickery.

You know, we forget the trickery in the Iran-Contra affair. The Congress and the Senate played for years with that Boland amendment, saying: Yes, you could give humanitarian aid but you could not give military assistance.

No, you could not have intelligence agencies, whether for DOD or the CIA, doing anything, and we place it on a mammoth continuing resolution. The White House signs it and says, We'll keep on going because the National Security Council is not restricted.

The last Boland amendment says, Get a tin cup and go out and beg. It rather suggested that to keep the Contras going it was necessary to solicit help of Third World countries. Now you have the same trickery and game going on with the ABM Treaty over the SDI.

The Senators from Michigan and Georgia teamed up to talk about a narrow interpretation and that we are restricted by treaty or by law. It is absolute nonsense.

The treaty speaks for itself as the one general, legal interpretation. The opponents of SDI often use Senator Scoop Jackson to backup their cause. It's bunk. Scoop Jackson never referred to the ABM Treaty during the debate of it on the Senate floor. You ought to read that record. He refers to the SALT I; in fact, all of the Senators were talking generally about SALT I at that particular time.

Look at that record and you will see Senator Mansfield standing down in the well saying, "Look how we are twiddling our thumbs." Pleading for Members to come to the floor. Please, period! There was not any dissension. We went on as a group, realizing thankfully that we had finally gotten an ABM Treaty that did not restrict the testing, the research, and the development. It restricted the deployment. And thankful for that, we got into the SALT I ratification and we were talking about restrictions there.

I appreciate the time given me on this subject. Very briefly, let me say this: Let us quit talking about the broad and narrow interpretation or the commonly accepted interpretation. Let us stop having Senators come to the floor and talk about repudiating a treaty that I happened to vote for—that they are not familiar with and have probably not read. We have lived by this particular interpretation for 15 years and now we come up with the trickery on the defense authorization bill.

But the trickery and the nonsense now of repudiation? The truth is, the legal interpretation allows research and testing. The Senators from Georgia and Michigan know it. If they want to restrict SDI they have got hundreds of restrictions in that particular bill. Tell them to spell it out. But do not give us this pontifical nonsense about the aura of a treaty and that we are bound not to test and we are bound not to develop.

That is absolutely false. The treaty allows it. Our negotiators failed to achieve such limitations and we now see an effort 15 years later to do it by unconstitutional legislative mandate. The Soviets are testing and deploying in violation of the treaty. We should at least do what the treaty allows and proceed with SDI research and testing. Thank you very much.

The **PRESIDING OFFICER.** The Senator from Indiana.

Mr. **QUAYLE.** Mr. President, let me try to put in perspective where we are and how we got here.

Very late in the Armed Services Committee markup, this Levin-Nunn amendment was attached. It was attached to the Armed Services Committee markup. There was vehement objection, there was discussion, and it was voted through.

I presume the reason it was attached in the Armed Services Committee, rather than bringing it to the floor where it should have been, because I believe it is nongermane to the defense authorization bill, is because they knew they would have problems getting 60 votes because they would face a filibuster on the floor.

Worried about a filibuster on the floor, they decided, for tactical reasons, to put it in the defense authorization bill and thereby force the opponents of that particular amendment to have to block it not with 40 votes, or 41 votes, but 51 votes.

I understand their tactical move. But I think everybody understands what the rules of the Senate are.

The rules of the Senate: There are some protections still left for the minority and one of the protections left to the minority is extended debate. Therefore, it is perfectly within the right of those that object to what I believe is a nongermane amendment that should not be on this bill to proceed to filibuster against the bill on a motion to proceed.

If the majority cannot get 60 votes, then it is their responsibility to figure out what to do if they want the bill to go forward.

They can keep bringing it up and forcing vote after vote, like we have done on campaign financing. They can figure out an alternative way to proceed on this. We have offered, this side, three different alternatives to move the defense authorization bill. Everyone knows what the rules of the Senate are. So let us not get into who is obstructing what on the defense authorization bill. The votes have been taken and the votes are not there to proceed.

When the votes are not there to proceed, if the majority wants a bill, and I presume they do, which I would like to see, then it is their responsibility to come forth with some sort of alternative. Otherwise there is not going to be any bill. That is where we are today. We are debating this as we go out.

But let us not forget that this has very important national security implications. It is not a debate on whether you are for a certain level of funding in the defense authorization budget. It is not a debate on SDI or MX. It is not a debate on what the mix is between strategic and tactical weapons. It is not a debate on what the pay or readiness capability of the men and women in uniform should be.

This debate goes to a very fundamental national security issue of who, in fact, is going to negotiate for the United States of America with the Soviet Union to produce an arms control accord.

This administration is adamantly opposed to the Levin-Nunn amendment. The Secretary of Defense is adamantly opposed to this and is supporting our filibuster and our right to delay this bill until we can get some sort of accommodation.

Believe me, this goes to a very fundamental point between the executive branch and the Congress: Who is going to negotiate? Furthermore, as the Senator from South Carolina and the Senator from California have pointed out, it goes to the question of whose constitutional responsibility is it to interpret treaties and to implement treaties.

I would suggest, and I do not believe I would have a dissent—if there is, I would like to hear it—that the constitutional authority is vested in the executive branch, in the President, to interpret and to implement treaties. This Congress has the authority, and this Senate specifically has the constitutional responsibility, to approve treaties, not to interpret and implement. Just to approve.

Certainly, the Congress of the United States has the power of the purse and can cut off appropriations of funds for certain recommendations that the administration has made. If, in fact, the administration comes forward and says they want to have a test on the legal interpretation of the ABM Treaties, which I hope they do sometime, at that time the Congress is certainly within its right to deny the funds for that.

I have heard it suggested today that 15 years ago, "Boy, we sure interpreted that treaty to what is called the narrow interpretation."

But the Senator from South Carolina was here and talked about it in 1972. He said, "We did not focus on that. Do not give me that nonsense that we talked about what the correct interpretation was on what exotic systems and other physical principles were in the agreement. The majority leader had to call people to the floor just to get them to talk about the treaty itself. Do not tell us, then, that there was a lot of focus on that treaty on that particular point 15 years ago. It is simply not the case."

So, where are we now? We are now in a situation where we are not going to have progress as of this day on a defense authorization bill. The reason we are not is because there is a fundamental dispute. I have heard Senators saying today, "I am for arms control; I am for peace; I am for a strong defense; all the good things in the world."

But for those who are talking about how they want to see the arms control process go forward, this particular amendment and other amendments like it are not going to help our negotiators. Ask the people who sit down and eyeball the Soviet negotiators on a day-to-day basis, Mr. President, and see what they think about this amendment. Ask the people who are on the firing line, who have to sit down and work with these people to try to get an agreement, what they think about Congress trying to unilaterally impose their interpretation of the ABM Treaty.

I can tell you what they said because they have told me. They do not like it. They wish Congress would knock it off. So do I.

If Congress does not want to back off, we will debate the issue, probably not in the authorization bill. If not on that, on the appropriations. We will debate that this year and it will be a good, solid debate and I will welcome that debate. I hope people will go back and look at the record.

I know the Senator from Georgia and the Senator from Michigan and others have done an exhaustive study on what our interpretation of the ABM Treaty ought to be. We will get to discuss the technicalities, the ambiguities, and what we think the interpretation ought to be.

Let me say one thing in conclusion, Mr. President. This is a dispute between who is going to interpret and implement treaties. That is not the constitutional responsibility of this Senate. That is the constitutional responsibility of the President. Furthermore, make no doubt about it that this bill will be vetoed. So, we probably will go through an exercise of having a bill and sending it down, having it vetoed and then being back to square one.

If we want a defense authorization bill, we have to come to an agreement, to an understanding.

The majority has lost the votes to bring it up. The minority has been able to sustain the filibuster. When you lose, you lose. When you win, you win.

But I would say if, in fact, you want to move forward, there are options. There are options that can be considered and I hope that we can, in fact, find some options to consider. We have made three specific recommendations on how we can move this bill. None of them have been accepted. All of them have been rejected. I say yes, we should move on, but we are not going to move ahead if we put the President in the position of having to come and negotiate more with the Congress than he has to negotiate with the Soviet counter parts in Geneva or elsewhere.

I yield the floor.

Mr. BUMPERS. Mr. President, there were numerous statements made on this floor this morning regarding arms control. I was not here, but I do want to point out two or three things.

First, as you know, Mr. President, it is hard to follow arms control. I pick up the Post one morning that says Shevardnadze is optimistic. The next day I pick up the Post and George Shultz says, "We are very pessimistic." The next day, Shevardnadze is pessimistic and George Shultz is optimistic.

We are down to the point where those intermediate-range missiles in Western Europe, this so-called INF Treaty to eliminate all the missiles in Europe in the intermediate range—and that is roughly 1,500- to 3,500-mile range—that is what this treaty is all about.

I think it is an excellent treaty for us. I can tell you almost categorically I would vote for it if it ever got here. Why would not everybody in this place jump up and unanimously approve a treaty where we dismantle 316 warheads and the Soviets dismantle 1,400? They are going to dismantle four times more warheads under this treaty than we will. I promise somebody will find flaws in that, figure that is a Soviet plot of some kind.

They say, "Well, how are you going to verify it?" We suggested onsite verification and, after a little consideration, the Soviets said, "OK, onsite verification is OK with us." And some of the defense contractors in this country told the President, "You must be out of your mind; we are not going to let them come tromping through our plants." So we had to back off on our proposal.

The thing I want to point out, and I have said this on the floor before but it does not seem to make an impact; I have never seen it printed in the press. I think it is really relevant. I think it is a phenomenon of sorts that nobody ever picks up on this. I am all for this treaty. Anything that reduces one warhead, in my opinion, will make civilization a little safer. But as I pointed out, we are going to dismantle 316 warheads and we have been negotiating with the Soviets now for almost a year on this treaty, all over our 316 and their 1,400.

Last November, President Reagan said, "We are not going to comply with the SALT Treaty anymore." That was the one that limited both sides to 1,320 MIRV'd launchers—submarine, land-based, ICBM's, and bombers. He said, "We are not going to constrain ourselves any longer and we are not going to comply with that 1,320 limit. We are going to bust out of that."

Here we had been debating about a year about dismantling 316 warheads. And, Mr. President, ever since the President made that decision not to comply with the SALT Treaty anymore, we have been adding 316 warheads every 10 weeks.

So, while I am for the INF Treaty and can hardly wait for it to get here to vote for it, I really do not understand all the folderol about it and everybody getting so rhapsodic and saying, "Wouldn't this be wonderful?" I believe it would be wonderful to get rid of virtually all nuclear weapons on European soil. But while they have been negotiating, we have already added over a thousand warheads. Instead of having 12,500, we are now up to about 13,500 during the time we have been negotiating over 316 warheads.

So, do not anybody be deceived about the nuclear arms race. It is going on apace and we are adding a number of warheads to our arsenal, just as the Soviet Union is. It would take about 100 warheads on each side to decimate the planet, and we add that many about every 3 weeks. And everybody says, "Maybe we can get to 25,000 warheads and we will really be safe then."

On SDI, Paul Nitze, one of the best arms controllers this administration has ever had—the best, in my opinion, a pretty sensible guy—says he is for SDI if it meets two criteria. No. 1, it has to be cost effective; No. 2, it has to be survivable.

When he says it has to be cost effective, what it means is that it will have to cost the enemy more to overpower it or defeat it than it would cost us to deploy.

In my opinion, it will fail on that ground. It would take me 30 seconds to explain that, so I will not get into it, except to say that, in my opinion, the Soviets, with decoys and other methods, can defeat SDI. When it comes to cost effectiveness, it fails. When it comes to survivability, if the Soviets built an SDI, then our SDI is subject to being destroyed by theirs, just as theirs will be subject to being destroyed by ours.

So then it will depend on whether Ronald Reagan or Mikhail Gorbachev hits the red button first. If we hit it first, we destroy his SDI. If he hits the red button first, he destroys our SDI.

If we suddenly realized that our SDI had been destroyed in space, what do you think we would do? We would launch, because we would certainly assume that the Soviets were getting ready to launch. And vice versa.

How long does the President have to make a decision, assuming that we have an SDI in space and the Soviets do not? If they decide to launch a first strike against the United States, do you know how long the President has to make a decision? Somewhere between 40 and 90 seconds. I hope he is not out on the tennis court.

I wrote a letter to General Abramson saying that I would never vote for anything that does not have a man in the loop. I am not going to vote for SDI and stop the end of civilization by a malfunctioning computer chip.

I said: "General, how are you going to activate this system? If the President is asleep or out on the tennis court and you only have 40 to 90 seconds to make this decision, who is going to make it? I want a man in the loop, not a computer chip."

He wrote back and said, "I couldn't agree with you more," but he did not say how that is going to happen. Maybe they are going to put Ollie North down in the basement of the Pentagon and let him decide.

I guess when they say, "We favor a man in the loop," that does not necessarily mean the President. But I do not want some lieutenant colonel. I am a Marine. I am sympathetic to Marine lieutenant colonels. But I am not sure I want one to decide whether the war is going to start or not—the war to end all wars.

World War I and World War II were both designed to be the war that ended all wars. I am here to tell you that I am talking about the war that really is going to end all wars. We "ain't" joking this time.

On SDI, here is General Chain, commander of all our SAC forces, and he is quoted in the August issue of Air Force magazine. Listen to this. He is talking about SDI, if we have SDI up there and the Soviets have SDI up there:

> As a result, General Chain predicted that unless mutual "caps" can be negotiated, "the day we end up with an SDI system on both sides" the US will have to up its strategic bomber force to between 1,000 and 2,000 aircraft with a corresponding increase in advanced cruise missiles. "If the Soviets build an SDI, that means that [SAC] will have to have a larger bomber force with greater standoff capability because the bomber will have to be the penetrator. So the [Advanced Technology] 'Stealth' bomber, rather than [being acquired in the limited] numbers that we are looking at right now, will have to go to very high numbers."

If you do not understand what he is talking about, I will explain it.

SDI is not effective against bombers. So we are going to build an SDI system out in space at the cost of $1 trillion, minimum. The Soviets are going to build one of their own—$1 trillion. And it is not even effective against bombers, not effective against cruise missiles, not effective against depressed trajectory missiles.

So, what you have is this gigantic Maginot line in the sky. And what do we start doing? We are going to do what General Chain said: We are going to build 2,000 penetrating bombers that will penetrate the Soviet Union, or we will fire cruise missiles from outside the Soviet Union.

I guess the Soviets, so the rationale goes, will sit back and watch us do that and say, "Isn't this terrible?" Of course, the Soviet Union is not going to do that. They are going to build 2,000 bombers, loaded with cruise missiles.

So, what do you get for your trillion dollars? You get a worthless system up there that does nothing to preserve civilization. There is only one way to preserve civilization, and that is for the United States and the Soviet Union to sit down and do one thing—talk commonsense.

Mr. President, I yield the floor.

NUCLEAR TESTING LIMITS

Mr. KENNEDY. Mr. President, when the Government of the United States signed the Limited Test Ban Treaty of 1963, the Nonproliferation Treaty of 1968, and the Threshold Test Ban Treaty of 1974, this Nation gave its solemn pledge to continue negotiations toward a comprehensive ban on all nuclear explosions, including underground tests.

This administration's policy with respect to nuclear test ban negotiations has placed this Nation in a deplorable position of noncompliance with our treaty obligations. The administration argues that a test ban must be delayed until that golden age "when we do not need to depend on nuclear deterrence to ensure international security and stability." How many years or decades of an escalating arms race are likely to transpire in the meantime?

And if someday we manage to satisfy the administration's condition of eliminating our dependence on nuclear weapons to ensure international stability, why, at that late date, would we even need a test ban? What purpose would it serve?

Other nations, especially nonweapon states that have signed the Nonproliferation Treaty, are wondering why the United States Government is apparently willing to cooperate with the U.S.S.R. in the installation of the highly intrusive CORRTEX yield estimation equipment to verify continued testing at high levels of explosive power, but not in the installation of less intrusive seismic methods that, unlike CORRTEX, would be useful for restricting tests to dramatically reduced yields.

Has the President shown good faith in his dealings with the Congress on the nuclear testing issue? He has not. Consider the terms of the White House—congressional compromise on nuclear testing in October of last year, and what has transpired since Reykjavik:

First, the President committed himself to prompt ratification of the TTBT/PNE Treaties with or without prior Soviet assent to a package of enhanced verification measures, and then reversed himself a few months later when he submitted these treaties with the unprecedented requirement that they be ratified a second time, after Soviet assent to CORRTEX monitoring had been obtained;

Second, following ratification and United States-Soviet agreement on improved verification measures, he promised immediate parallel negotiations to limit nuclear tests;

Third, the President stated his support for the ultimate attainment of a total ban, and his determination "to take practical steps in the near future toward this goal", and

Fourth, he stated that his own position was consistent with the broad congressional desire to limit nuclear tests.

Moreover, he placed the above commitments squarely in the context of a resolution of the House-Senate deadlock on the fiscal year 1987 defense authorization bill. The choice at that time was between the House position of an immediate 1 kiloton threshold ban and the Senate position of swift ratification of the TTBT/PNE Treaties followed by testing negotiations. The path subsequently pursued by administration—continued unrestrained testing at 150 kilotons—is outside the boundaries of any potential compromise between these two positions, and thus represents an obvious breach of faith, no matter what side of the nuclear testing issue you happen to be on.

It is against this background of complete administration intransigence on the negotiation of further nuclear test limitations that Senator HATFIELD and I, joined by 31 additional Senators, are cosponsoring binding legislation of limited duration that could provide the basis of a meaningful test-ban option for our national security policy.

The Underground Nuclear Explosions Control Act of 1987, which we intend to offer as an amendment to the defense authorization bill, is not a comprehensive ban. Instead, it is intended to create the opportunity for reducing the explosive power of United States and Soviet nuclear tests to the lowest level consistent with effective verification and maintenance of a reliable nuclear deterrent. Our legislation expresses an expert technical and political consensus on these matters outside the administration which we feel the majority of the Senate could endorse.

The limitations contained in our proposed amendment would slow the pace of innovation in nuclear weaponry, reduce mutually perceived requirements for new strategic weapons arising from mutual fears of future vulnerabilities in nuclear deterrent forces, and strengthen the moral and political basis of our nonproliferation policy by signaling reduced superpower reliance on nuclear weaponry to ensure security.

In drafting this legislation, we have sought to satisfy frequently expressed concerns regarding effective verification and continued confidence in the reliability of the nuclear deterrent in order to afford Senators an opportunity for an up or down vote on the critical question: "Is it in the interest of national and international security to slow down the nuclear weapons technology race with the U.S.S.R.?"

The 33 cosponsors of this legislation believe it is, and we ask our colleagues to join us in cosponsoring the Underground Nuclear Explosions Control Act of 1987 and voting for it when it is offered as an amendment to pending legislation in the weeks ahead.

Sixty national church, labor, environmental, professional, and arms control organizations representing millions of Americans have endorsed the Hatfield-Kennedy Nuclear Explosions Control Act. At its annual meeting in June of this year, the United States Conference of Mayors endorsed an immediate suspension of United States nuclear testing, contingent on a similar Soviet suspension of nuclear testing. Mr. President, the American people, like the rest of the world's citizens, are demanding a nuclear test ban.

My colleagues and I have received a number of letters and memoranda from experts concerning nuclear test verification and other nuclear weapons issues, and I ask that these be inserted in the RECORD along with a descriptive summary of the proposed nuclear testing legislation and additional supporting material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Underground Nuclear Explosions Control Act of 1987".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The national interest of the United States would be served by the achievement of mutual, verifiable nuclear arms reductions with the Soviet Union and by mutual, verifiable limits on the number and yield of future underground nuclear explosions conducted by both nations.

(2) A two-year, mutual moratorium by the United States and the Soviet Union on virtually all underground nuclear explosions above a verifiable low-yield threshold would be a crucial first step by both nations toward achieving the goals described in paragraph (1).

(3) A two-year, mutual moratorium on underground nuclear explosions above a verifiable low-yield threshold would constitute a good faith step toward fulfilling the obligations of the United States and the Soviet Union under article VI of the Nonproliferation Treaty to pursue "effective measures relating to the cessation of the nuclear arms race at an early date" and under article I of the Limited Test Ban Treaty to seek "the permanent banning of all nuclear test explosions, including all such explosions underground."

(4) A level of weapon reliability sufficient to deter the use of nuclear stockpiles can be maintained at a greatly reduced rate and yield for underground nuclear test explosions.

(5) The task of monitoring the yields of explosions for compliance with a low-threshold moratorium can be made considerably easier by limiting test explosions to one small test area composed of strong-coupling rock, thereby allowing detection-identification of any off-site nuclear explosion, regardless of yield, to serve as sufficient evidence of violation of the moratorium.

(6) A two-year moratorium on any underground nuclear test which has an explosive power greater than one kiloton could be verified with a high degree of confidence if the current external seismic monitoring network were supplemented by three in-country networks, each composed of four stations, deployed in the vicinity of each nation's primary test site and in regions where peaceful nuclear explosions may have created suitable decoupling cavities in thick salt deposits.

(7) A joint research project between the United States and the Soviet Union to determine the number, type, and locations of additional in-country seismic monitoring stations necessary to verify long-term compliance with the limitations of a low-threshold test ban treaty would contribute significantly to the prospect of concluding such a treaty in the future.

SEC. 3. LIMITATIONS ON NUCLEAR TESTING.

(a) IN GENERAL.—Subject to subsection (b), during the two-year period beginning one hundred and eighty days after the date of the enactment of this Act, funds may not be obligated or expended by any department or agency to conduct an underground nuclear explosion—

(1) with a yield greater than one kiloton, except for two designated test explosions, each with a yield not exceeding fifteen kilotons;

(2) at a location that is not part of a single designated test area; and

(3) unless a public announcement of a proposed explosion has been made at least thirty days before the date of the explosion.

(b) TERMINATION OF RESTRICTION.—The restriction in subsection (a) shall cease to apply if, after the restriction becomes effective—

(1) the President certifies to Congress that the Soviet Union—

(A) has conducted an underground nuclear explosion having a joint seismic yield estimate which indicates a yield greater than one kiloton, except for two designated explosions with a joint seismic yield estimate indicating a yield not greater than fifteen kilotons; or

(B) has conducted an underground nuclear explosion at a location that is not part of a single designated test area; or

(2) the President certifies to Congress that the Soviet Union—

(A) has refused to implement reciprocal, in-country monitoring arrangements; and

(B) Congress has enacted a joint resolution approving such certification.

SEC. 4. TERMINATION FOR CERTAIN NEW AGREEMENTS.

The restrictions on testing contained in section 3 shall cease to apply if supplanted by an agreement, accord, or treaty between the United States and the Soviet Union which makes reductions in the number or yield of underground nuclear explosions permitted under treaties between the United States and the Soviet Union signed before January 1, 1987.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) The term "designated test area" means an area not exceeding two hundred and fifty-nine square kilometers within the Soviet Union or the United States, as the case may be, which—

(A) is located within the boundaries of a single existing nuclear weapons testing site in each country;

(B) is composed of competent or water-saturated strong-coupling rock that does not contain closely spaced underground tunnels or a cavity with a radius greater than twenty meters; and

(C) has been the site, before the effective date of the testing restrictions specified in this Act, of five nuclear calibration explosions of independently determined yield, conducted for the primary purpose of improving the accuracy of seismic monitoring techniques, without the use of diagnostic equipment, except equipment for a Continuous Reflectometry for Radius versus Time Experiment (CORRTEX), or any other method of ascertaining the yield of explosions which is mutually agreeable to the United States and the Soviet Union.

(2) The term "joint seismic yield estimate" means a composite estimate at a high confidence level which—

(A) is based on the concurrent employment of several independent methods for calculating yields of explosions at designated test sites using different seismic waves from an underground nuclear explosion; and

(B) has been the subject of a technical report, provided in both classified and unclassified form to the Committees on Armed Services and on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Armed Services and on Foreign Relations of the Senate, and the Select Committee on Intelligence of the Senate, conducted by a scientific review panel convened under the auspices of the National Academy of Sciences and comprised of ten highly qualified seismologists designated as follows:

(i) one by the Chairman of the Select Committee on Intelligence of the Senate;

(ii) one by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives;

(iii) one by the head of the Air Force Technical Applications Center;

(iv) one by the Director of the Defense Intelligence Agency;

(v) one by the Director of Central Intelligence;

(vi) one by the head of the Defense Advanced Research Projects Agency;

(vii) one jointly by the directors of the national weapons laboratories;

(viii) one by the Director of the Geological Survey;

(ix) one by the Director of the Office of Technology Assessment; and

(x) one by the President of the National Academy of Sciences.

(3) The term "reciprocal, in-country monitoring arrangements" means arrangements between the United States and the Soviet Union to supplement national technical means of verification through—

(A) the conduct by either country of up to six on-site inspections on the national territory of the other, each of which shall be allowed to commence within ten days after the day on which either nation has presented to the other a formal request demonstrating the need for additional information to identify a specific ambiguous event or activity related to apparent violations of the restrictions specified in section 3(a);

(B) designation by each country, not later than thirty days after the date of enactment of this Act, of a candidate designated test area, followed by an independent inspection by the monitoring country, beginning not later than sixty days after the date of enactment of this Act and ending not later than sixty days thereafter, of:

(i) the geologic and material properties within each candidate designated test area, including the presence and disposition of any underground tunnels and cavities; and

(ii) complete drill cores and logs from three holes of appropriate depth within each candidate designated test area, the drilling of which has been observed and the locations of which have been selected by the side monitoring that area;

(C) the provision of at least thirty days advance notice of—

(i) the scheduled date, time, and coordinates for each nuclear test explosion of one kiloton or less;

(ii) the scheduled date, time, and coordinates for not more than two explosions, each with a planned yield in excess of one kiloton, but not exceeding fifteen kilotons; and

(iii) the coordinates, dates, times, and yields of industrial explosions larger than twenty tons of high explosive to be conducted within the nuclear test-capable areas defined in clause (D);

(D) the emplacement by each country, on the national territory of the other, of twelve high performance seismic stations (four bore-hole instrument packages around the periphery of each designated test area and eight additional seismic stations in regions where peaceful nuclear explosions may have created suitable decoupling cavities in thick salt deposits) such that the combined internal and external seismic monitoring network of each nation will be capable of detecting and identifying all nuclear explosions with yields exceeding one kiloton—

(i) at known nuclear weapons tests sites of the other country; and

(ii) at sites in the other country having a current capability to accommodate a decoupled nuclear explosion with a yield exceeding one kiloton; and

(E) the conduct of a joint verification study conducted by experts on nuclear test verification techniques from both the United States and the Soviet Union for the purpose of determining the number and locations in both countries of additional in-country seismic monitoring stations needed to monitor long-term compliance with the terms of a low-yield threshold test ban treaty.

SEC. 6. SPECIAL PROCEDURES FOR CONSIDERING LEGISLATION APPROVING PRESIDENTIAL CERTIFICATION.

(a) In General.—For the purpose of expediting the consideration of a joint resolution referred to in section 3(b)(2)(B), the procedures specified in subsection (b) shall apply.

(b) Special Procedures.—(1) For the purposes of section 3(b)(2)(B), "joint resolution" means only a joint resolution introduced after the date on which a certification by the President under such subsection is received by Congress the matter after the resolving clause of which is as follows: "That Congress approves the certification made by the President, dated , with respect to the refusal of the Soviet Union to implement reciprocal, in-country monitoring arrangements in connection with underground nuclear testing.", the blank space therein being filled with the appropriate date.

(2) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(3) If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of fifteen calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(4)(A) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

THE HATFIELD-KENNEDY NUCLEAR TESTING BILL

COSPONSORS—(S. 1106)

Senators Baucus, Burdick, Conrad, Cranston, Danforth, Daschle, DeConcini, Fowler, Harkin, Hatfield, Kennedy, Kerry, Lautenberg, Leahy, Levin, Matsunaga, Melcher, Metzenbaum, Mikulski, Mitchell, Pell, Proxmire, Riegle, Sanford, Sarbanes, Simon, Specter, Stafford, Wirth, Weicker, Bumpers, Adams, and Inouye.

Underground Nuclear Explosions Control Act Summary of Provisions

Two-year verifiable moratorium on nuclear explosions above one kiloton yield.

Beginning 180 days after enactment, a reduction in the yield threshold for underground nuclear tests to one kiloton, provided that the USSR has agreed to reciprocal installation of temporary moratorium monitoring networks.

Short term monitoring network composed of four bore-hole seismic stations around each nation's designated testing area, and eight other stations deployed in regions where peaceful nuclear explosions have created potential seismic decoupling cavities in thick salt deposits.

Permitted testing confined to one designated test area of 100 square miles (259 square kilometers).

Independent determination by each side of the yields—using CORRTEX or another mutually acceptable method of equivalent accuracy—of at least five underground nuclear explosions conducted at each side's designated testing area within six months of enactment of the moratorium for the purpose of improving the accuracy of seismic yield estimation techniques.

Six on-site inspections over a two year period.

Exception for two tests with yields up to fifteen kilotons for the primary purpose of maintaining confidence in the reliability of the existing nuclear stockpile.

Continued testing at or below one kiloton to assess nuclear weapons effects on the survivability of military systems, maintain weapon safety and security, and maintain laboratory competence.

Termination of the testing restrictions if the President certifies that the USSR:

(1) has conducted an underground nuclear explosion with a yield greater than one kiloton, except for two designated explosions with yields not exceeding 15 kilotons;

(2) has conducted a test outside a "designated test area" as defined in the act;

(3) has refused to implement "reciprocal in-country monitoring arrangements," as defined in the act, including prior notification of all tests and six on-site inspections, and Congress approves the President's certification.

Automatic termination of the testing restrictions if the United States and the Soviet Union conclude a new agreement making significant reductions in the yield or number of underground nuclear explosions.

Mandatory review by a special National Academy of Sciences panel of the technical basis for any seismic yield estimate used to support certification to Congress of Soviet violation of the testing restricitons.

Formation of a joint Soviet-American verification research project to identify the number and locations of additional seismic monitoring stations in both countries needed to verify long-term compliance with a low threshold test ban treaty.

Dear Senator: We, the undersigned organizations, strongly urge you to support the Hatfield-Kennedy Nuclear Explosions Control Act calling for a mutual and verifiable two-year limitation on underground nuclear explosions above one kiloton.

A top priority of our organizations' combined membership is a verifiable halt to all but the smallest US and Soviet nuclear tests as a first step toward a comprehensive test ban. With the exception of this administration, every President since Dwight Eisenhower has sought a CTB. In May, the House of Representatives passed, by a large margin, the Schroeder-Gephardt amendment that prohibits spending for nuclear warhead tests with a yield in excess of one kiloton, provided the Soviets refrain from testing. Clearly, broad public and bipartisan Congressional support exists for such measures.

Please vote for the Hatfield-Kennedy amendment when it comes to the Senate floor. The National Coalition for a CTB urges you to give this effort your full support and immediate attention.

American Association of University Women.

American Baptist Churches, USA.

American Federation of State, County and Municipal Employees.

American Friends Service Committee.

American Medical Student Association.

American Public Health Association.

Americans for Democratic Action.

Catholic Peace Fellowship.

Center for Concern, Washington Office.

Citizens Against Nuclear War.

Church of the Brethren.

Church Women United.

Coalition for a New Foreign Policy.

Committee for National Security.

Council for a Livable World.

Council on Economic Priorities.

Environmental Action.

Environmental Policy Institute.

Federation of American Scientists.

Friends Committee on National Legislation.

Friends of the Earth.

Health and Energy Institute.

International Association of Machinists and Aerospace Workers.

Jesuit Social Ministries, National Office.

Jewish Peace Fellowship.

Lawyers Alliance for Nuclear Arms Control.

Maryknoll Fathers and Brothers, Office of Justice and Peace.

National Education Association.

National Organization of Women.

National Union of Hospital and Health Care Employees.

National Wildlife Federation.

National Womens' Health Network.

Natural Resources Defense Council.

New Jewish Agenda.

Nuclear Information Resource Service.

Nuclear Weapons Freeze Campaign.

Pax Christi, USA.

Physicians for Social Responsibility.

Presbyterian Church (USA), Washington Office.

Professionals Coalition for Nuclear Arms Control.

Project Vote.

Psychologists for Social Responsibility.

SANE.

Sierra Club.

The Mission Education Center Staff, Sisters of Notre Dame de Namur.

Union of American Hebrew Congregations.

Unitarian Universalist Association of Churches in North America.

United Campuses to Prevent Nuclear War.

United Church of Christ, Office for Church in Society.

United Electric, Radio, and Machine Workers of America.

United Food and Commercial Workers International Union.

United States Student Association.

Washington Peace Center.

Women Strike for Peace.

Womens' Action for Nuclear Disarmament.

Womens' International League for Peace and Freedom.

World Federalist Association.

World Peacemakers.

YWCA of the USA, National Board.

U.S. Conference of Mayors—Resolution on the Suspension of Nuclear Testing

(Approved at its annual meeting in Nashville, TN, June 17, 1987)

Whereas, a nuclear war would result in death, injury and disease on a scale unprecedented in human history;

Whereas, spending for the arms race demands enormous amounts of money while programs providing essential assistance to our cities are being cut back;

Whereas, a ban on nuclear testing would promote the security of the United States by constraining new developments in the U.S.-Soviet arms competition and by strengthening efforts to prevent the spread of nuclear weapons to non-nuclear countries;

Whereas, radiation vented from nuclear tests creates a potential health hazard for the people of our country;

Whereas, a ban on nuclear testing would be a concrete and easily achievable first step towards reversing the arms race;

Whereas, the issue of nuclear testing deeply affects the domestic lives of our citizens and must legitimately be placed high on our agenda;

Whereas, a ban on nuclear testing can be verified with high confidence by a worldwide network of seismic monitors, satellites, in-country reciprocal monitoring arrangements, and other verification technology operated by the United States and other nations;

Now, therefore, be it resolved that the U.S. Conference of Mayors calls upon the President to immediately announce a U.S. suspension of nuclear testing, contingent on a similar Soviet suspension of nuclear testing, and to resume negotiations with the Soviets leading to a Comprehensive Test Ban as a first step towards reversing the arms race and reducing the risk of nuclear war.

Questions and Answers Concerning the Underground Nuclear Explosion Control Act of 1987 (UNECA)

Question: How would UNECA restrict the U.S. and Soviet nuclear test programs?

Answer: UNECA would establish a mutual two-year verifiable moratorium on all but two underground nuclear explosions which release more energy than one kiloton (one thousand tons) of chemical high explosive (TNT). These two exceptions to the one kiloton threshold would be limited to 15 kilotons.

Question: How would these restrictions be verified?

Answer: UNECA requires that any permitted tests be conducted at a single "designated test area" of 100 sq. miles in each country, and the bill carefully defines a set of "reciprocal in-country monitoring arrangements" to guarantee adequate verification of tests conducted at this site. The definition of these arrangements includes a quota of six on-site inspections over a two-year period and independent determination of the yields of five nuclear calibration explosions at each designated test area prior to the effective date of the test restrictions, for the purpose of ensuring the accuracy of seismic monitoring techniques.

Question: Could the President terminate the moratorium in the event the USSR failed to exercise comparable restraint or blocked the implementation of adequate verification arrangements?

Answer: Yes. For example, the President could terminate the moratorium if he certified that the USSR had conducted an explosion above one kiloton that had not been designated 30 days in advance as one of two permitted tests above the threshold.

He could also terminate the moratorium if he certifies that the USSR has conducted a test outside a "designated test area," or has failed to implement "reciprocal in-country monitoring arrangements," as defined in the act. The latter certification, which is necessarily more subjective and political in character, would require Congressional concurrence under expedited procedures in order to take effect.

In light of the extended controversy over U.S. official allegations of Soviet violations of the current Threshold Test Ban Treaty, UNECA requires that the technical basis for any certification of Soviet violation based on a seismic yield estimate be reviewed by a government-wide panel of experts, convened under the auspices of the National Academy of Sciences.

Question: Will the monitoring arrangements required by UNECA be effective in ensuring Soviet compliance?

Answer: Yes. The provision limiting permitted test explosions to one small area composed of "strong-coupling" (hard or water-saturated) rock means that detection-identification of any off-site nuclear explosion, regardless of yield, would constitute evidence of a violation. The current U.S. and allied external network can detect and identify nuclear explosions in the Soviet Union down to less than 1 kiloton in hard rock. The in-country network required by this legislation would extend this detection-identification capability down to a 1 kiloton explosion in a "decoupling" cavity designed to muffle the seismic signals from the explosion—the seismic equivalent of a 5 ton explosion in hard rock.

The in-country stations would be placed in regions of thick salt deposits which are thought to have a current capacity to accommodate such decoupled explosions, and around each nation's primary test site.

This means that for either side to cheat on the proposed moratorium, it would have to find an area which it believed was not adequately covered by seismic sensors, and then excavate and instrument a new cavity without detection by surveillance satellite. This scenario would require more than the two year duration of this bill to carry out. Moreover, given a practical engineering limit of 10 kilotons on the size of the explosion for which a decoupling cavity might be constructed, and the ability of both sides to legally conduct two tests up to 15 kilotons, the motivation for launching such an evasion attempt seems difficult to discern.

Question: Would the seismic monitoring network of 12 in-country stations required by UNECA be sufficient, in conjunction with the current U.S. global network outside the USSR, to monitor a permanent very low threshold test ban.

Answer: Probably not, but no one can be sure of the actual operating capabilities of such a network in the USSR until it is up and running. It might require expansion to roughly twice its size to monitor compliance with a long term treaty. UNECA requires the formation of a joint Soviet-American verification research project to identify the number and locations of additional seismic monitoring stations in both countries that might be needed to verify long-term compliance with a low threshold test ban treaty.

APRIL 22, 1987.

Dear Senators KENNEDY, HATFIELD and DECONCINI: It has come to our attention that you are considering the introduction of legislation establishing a reciprocal two-year restriction on the number of Soviet and American underground nuclear explosions above a verifiable low-yield threshold. We believe such a restriction is both desirable in its own right and a logical first step in the direction of an eventual Comprehensive Test Ban Treaty, should national leaders choose to pursue that option in the future.

We believe that a deep mutual reduction in the number and yield of U.S. and Soviet nuclear tests conducted above a monitoring threshold of one kiloton would slow the pace of innovation in nuclear weaponry, lessen reciprocal threats to strategic stability, reduce mutually perceived political requirements for new strategic weapons, and diminish mutual fears of preemptive nuclear attack strategies.

Some of us have long supported the goal of a comprehensive ban on nuclear test explosions, and are in accord with the conclusions reached by Drs. Garwin, Bethe, and Mark in the attached letter that a CTB could be implemented today with a net benefit to our national security. All of us recognize, however, that longstanding strategic and technical disputes over the desirability of a CTB remain unresolved at the highest levels of government. These differences regarding the wisdom of a comprehensive ban should not be allowed, however, to obscure the latent consensus in favor of further restraints on the number and yield of underground nuclear tests.

The present administration argues that keeping U.S. nuclear weapons "safe, secure, reliable, and effective . . . " The level of testing [i.e. yield and frequency] required to satisfy each of these objectives is reviewed in the attached memorandum by Prof. Frank von Hippel of Princeton University.

We endorse this memorandum's conclusion that weapon safety and security could be improved, and that efforts to harden U.S. military equipment against nuclear weapons effects would not be significantly impaired, even if the present 150-kiloton limit on the yield of underground nuclear explosions were reduced to one kiloton.

Experience with nuclear weapons reliability problems since 1958 strongly supports the conclusion that confidence in the stockpile can be maintained by continuing the current primary dependence on a program of careful disassembly, inspection, and refurbishment, supplemented by an average of less than one nuclear test per year in the 5-15 kiloton range.

Regarding the requirement for nuclear explosive tests above one kiloton to improve nuclear weapon "effectiveness" against, for example, hardened underground or mobile targets, we note that continuing such tests at current levels would also allow the Soviet Union to improve its own capabilities in these areas. We believe that the heightened deterrent effect sought by military planners on both sides from such developments would be outweighed by the destabilizing effects of increased mutual fears of preemptive nuclear strikes.

American political leaders have the responsibility of reminding those who develop and operate nuclear weapons systems that their ultimate purpose in fielding a nuclear arsenal is not to ensure prompt destruction of Soviet military targets—the military definition of "effectiveness"—but rather to help prevent the occurrence of nuclear war.

We concur with the conclusion of the attached memorandum that, "from a technical perspective, nuclear testing to improve the nominal "effectiveness" of U.S. nuclear weapons against Soviet military targets is not required to field a nuclear arsenal that is both a reliable and survivable deterrent force."

With respect to the verification of a restriction on tests above one kiloton, it is our view that a capability to confidently monitor Soviet compliance with a one kiloton threshold could be obtained by supplementing the current U.S. and allied seismic detection network around the Soviet Union with an in-country network equipped with high performance seismometers. This network should have an initial capability to verify the yields of permitted tests at a single designated test site, and to detect nuclear explosions in areas presently containing large underground cavities suitable for muffling the seismic signal from an explosion. Of course, the U.S. would have to permit the Soviet government to set up a counterpart seismic monitoring network in the United States.

Depending on the capabilities of the combined internal and external monitoring networks, as determined by actual operating experience during an interim two-year restriction, a joint Soviet-American seismic survey could develop the data needed to identify the number, type, and locations of any additional in-country stations that may be needed to increase confidence in the detection of long-term evasion programs under a permanent low-threshold test ban.

We hope these observations may be of some use to you and your colleagues in clarifying the real nature of the choices available to the Congress as it considers restrictions on underground nuclear test explosions.

Sincerely,

Richard L. Garwin (IBM Thomas J. Watson Research Center, and Cornell, Columbia, and Harvard Universities).

J. Carson Mark (retired, Director of Theoretical Physics Division, Los Alamos Scientific Laboratory, 1947-1973).

Hans A. Bethe (Laboratory for Nuclear Studies, Cornell University Director, Theoretical Physics Division, Los Alamos Scientific Laboratory, 1943-46; Nobel prize for physics, 1967).

Norris E. Bradbury (Director, Los Alamos Scientific Laboratory, 1945-1970).

Glenn T. Seaborg (Lawrence Berkeley Laboratory, University of California Chairman, U.S. Atomic Energy Commission, 1961-71; Nobel prize for Chemistry, 1951).

Lynn R. Sykes (Lamont-Doherty Geological Observatory, Columbia University Member, Threshold Test Ban Delegation, 1974).

Theodore B. Taylor (NOVA Corporation, Damascus, MD; formerly Deputy Director for Science, Defense Atomic Support Agency, 1964-67).

Charles B. Archambeau (University of Colorado, Boulder; Chairman, Seismic Monitoring Advisory Committee, Natural Resources Defense Council).

Jack F. Evernden (U.S. Geological Survey, Menlo Park, CA 94025).

MEMORANDUM

To: United States Senators and Staff.
From: Frank N. von Hippel.[1]
Subject: Low-threshold nuclear test restrictions.

The present Administration argues that keeping U.S. nuclear weapons "safe, secure, reliable, and effective * * * demands some level of underground nuclear testing * * *." The appropriate "level" of testing [i.e. yield and frequency] required to satisfy each of these objectives is reviewed below.

EFFECTIVENESS

The principal rationale for nuclear weapons tests, and therefore the principal objection to a test ban, is the alleged need to develop more militarily "effective" nuclear weapons. From a technical perspective, however, nuclear tests designed to improve the nominal "effectiveness" of U.S. nuclear weapons against the Soviet military target base are not required to field a nuclear arsenal that is both a reliable and survivable deterrent force.

Assessments of nuclear weapon "effectiveness" depend on subjective perceptions of the deterrent benefits to be gained from improved U.S. and Soviet nuclear warfighting capabilities relative to their crisis-destabilizing effects and costs. The background reality for such assessments is that despite the ability of U.S. and Soviet nuclear arsenals to inflict great damage on each other, neither side can strike first without fear of devastating retaliation. The development of improved second-generation or new third-generation nuclear weapons will not change this situation.

The remainder of the objections which have been raised against a comprehensive ban on nuclear test explosions do not apply to a low-threshold/quota test ban.

RELIABILITY

While the need for any nuclear explosive tests to maintain stockpile reliability remains a matter of intense dispute within the expert community, almost everyone agrees that the number and yields of tests needed for this purpose are small. According to a recent joint DOE/DOD testimony on April 29, 1986, "since 1970, eight tests [an average of one every two years] have been conducted to correct defects in stockpiled weapons." If a comparable number of tests were carried out to determine the seriousness of problems detected during routine disassembly and inspection, there would have been a total of about one test per year during this period whose primary purpose was related to concerns about reliability.

According to another Department of Energy statement, since 1958, 14 out of 41 weapons designs in the U.S. nuclear stockpile required post-development nuclear tests to resolve problems. If one assumes that each of these cases resulted in an average of two nuclear explosive tests above 1 kiloton to determine the extent of the problem and certify the required "fix," the resulting average requirement for tests of this kind over the past three decades would again be about one per year. ("Certification" tests of pilot production weapons prior to quantity production are not properly classified as "reliability tests" of stockpiled weapons, as some government officials have suggested, but rather as the final step in the development cycle of a new weapon.)

Virtually all the reliability problems have occurred in the primary stages of two-stage thermonuclear devices. These "primaries" typically have yields between about five and fifteen kilotons.

A quota of about one test per year in the five-to-fifteen kiloton range, would therefore allow continuation at their previous rate of tests designed to maintain confidence in the reliability of the existing stockpile. Of course, one would not expect new problems to crop up indefinitely at this rate in a fixed set of weapons.

It is therefore quite possible that, over a longer period, this quota for reliability tests above the verification threshold could be phased out. Even today, in the view of some experts (including R.L. Garwin, H. Bethe, and C. Mark) a quota averaging one nuclear explosive test per year represents an unnecessary hedge against the appearance of novel flaws in thoroughly-tested stockpile weapons.

HARDENING AGAINST NUCLEAR WEAPONS EFFECTS

Another frequently cited argument against a CTB is the need for additional data regarding the effects of nuclear explosions on nuclear weapons systems and other types of military equipment. Our ability to gain further knowledge in this area is already significantly constrained, however, by the Limited Test Ban Treaty (LTBT) of 1963, which bans explosions which might be conducted, for example, in near space to gauge the effects of electromagnetic pulse, or on the earth's surface to measure cratering effects.

Testing at or below one kiloton can provide most of the knowledge of nuclear effects obtainable from underground tests. For example, approximately the same radiation intensities can be achieved 40 meters away from a 1-kt explosion as 500 meters from a 150-kt explosion.

For this reason most weapons-effects tests are already carried out with low-yield explosions. The permitted annual "stockpile confidence" tests with a yield in the five-to-fifteen kiloton range could also be used to assess nuclear effects.

SAFETY

With regard to safety, U.S. nuclear weapons are already constructed in such a fashion that they are "one-point safe"—meaning that they will not explode with a significant nuclear yield, even if a segment of the chemical explosive in the fission trigger is detonated by accident. Current safety improvements are thus focused on the less serious problem of reducing dispersal of plutonium if the chemical high explosive detonates or burns.

This potential problem is being remedied by the use in new nuclear weapons of "insensitive high explosive" (IHE) which is much less prone to accidental detonation. The introduction of IHE into the U.S. arsenal is motivated primarily by the need to reduce the risks associated with the movements of air-delivered and land-mobile weapons. In these areas, the introduction of IHE is now in an advanced stage.

Most warheads and bombs produced since 1980, such as the B61 and B83 bombs, W85 Pershing II warhead, W87 MX warhead, and W80 and W84 cruise missile warheads, incorporate IHE. The W-87 could also be used as the warhead for the planned Midgetman ICBM, obviating the need for further tests in connection with the deployment of this system.

In some cases, new warheads have been developed without incorporating IHE even when there has been the opportunity to do so. The Navy, for example, has elected not to use IHE in the W-88 warhead for its new TRIDENT II ballistic missile because IHE packs less explosive power per unit volume than normal high explosives, making warheads containing IHE heavier than warheads of comparable yield designed with conventional high explosive.

Use of IHE in SLBM warheads would therefore reduce either the range or the number of warheads that could be delivered by the missile. If the Navy were willing to pay this penalty in return for improved safety, the Trident II could be fitted with the same W-87 warhead as the MX, or a modified version of the W-88 incorporating IHE. Clearly, nuclear testing limitations should not be faulted for depriving military planners of potential safety improvements which they have elected not to pursue even in the absence of a test ban regime.

In the case of artillery shells, the limitations on IHE use arise from technical rather than military considerations: since a larger volume of IHE is required to release a given amount of energy, the small diameter of artillery shells makes them difficult to convert to IHE.

Finally, when one considers that replacement warheads are not being produced for some tactical weapons (such as Atomic Demolition Munitions and nuclear air defense missiles) that are being phased out in favor of precision guided weapons, the future requirement for tests to certify new designs incorporating IHE is far less imposing than might be suggested by the Department of Energy's statement that only one-third of currently stockpiled weapons incorporate IHE.

Virtually all other safety improvements are focused on the mechanical and electrical designs of the triggering systems, and can be adequately tested without producing a significant nuclear yield, using flash X-ray machines and imbedded sensors to monitor the progress of the implosion shock wave. The production of neutrons from test weapons containing reduced amounts of fissile material in so-called "zero-yield" tests of the fission trigger also provides a sensitive measure of the degree of compression that has been achieved by the chemical implosion. All such tests could still be carried out under a threshold restricting the yields of underground tests to below one kiloton.

SECURITY

With regard to the postulated need for explosions at full yield to test further innovations designed to secure U.S. nuclear weapons from unauthorized use, it should be noted that the permissive action links (PALs) which perform this task have already gone through several generations of improvements.

Moreover, not all improvements need intrude into the "physics package" of the primary, prompting redesign and a need for additional nuclear explosive tests.

The primary issue of nuclear security today is not further technical refinement, but rather the fact that many weapons in the U.S. stockpile still lack PALs of any type.

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[1] **Frank N. von Hippel, a physicist, is Professor of Public and International Affairs, Princeton University. Address: Center for Energy and Environmental Studies, Engineering Quadrangle, Princeton, N.J. 08544. (609) 452-4695. This memorandum is based on information and analyses available in the unclassified literature, and on discussions with experts in the different areas surveyed.**

In summary, therefore, a test ban with a threshold of about one kiloton would satisfy the concerns that have been raised regarding the effects of a comprehensive test ban (CTB) on nuclear weapons safety and security and on our ability to collect information about nuclear weapons effects. The addition of a quota averaging about one test per year with a yield between five and fifteen kilotons would permit continuation of stockpile confidence tests at their previous rate.

Such a regime would severely limit the development of new types of nuclear weapons with yields greater than three to five kilotons. It would also limit new nuclear weapon delivery systems to those which could be equipped with already existing or conservatively modified warheads.

VERIFICATION OF A TWO-YEAR LOW-THRESHOLD TESTING MORATORIUM

In-country monitoring is needed primarily to guard against the possibility that the seismic signal of a low-yield underground nuclear explosion could be "decoupled" (muffled) in large artificial cavities or in soft geologic media, such as dry, loose alluvial deposits. The possibility of complete or partial decoupling complicates the task of establishing confidence in our ability to detect and identify nuclear explosions inside the Soviet Union with yields of about one kiloton, and to verify that yields of permitted tests do not exceed the specified thresholds.

The task of monitoring the yields of explosions for compliance with a one-kiloton threshold can be eased considerably by limiting permitted tests to one small test area composed of strong-coupling rock. This would simplify yield estimation of permitted tests and make detection-identification of any off-site nuclear explosion—regardless of yield—sufficient evidence of violation.

Decoupled explosions at the designated testing areas could be precluded by prior knowledge of test site geology and overhead surveillance. Residual ambiguities could be resolved through on-site inspections.

Under these circumstances, a regional seismic monitoring system comprised of four high-performance seismic stations around the one permitted test site in each nation could provide yield estimates with a factor of uncertainty of two or less—especially if the site had been previously "calibrated" with nuclear explosions of known yield. A factor of two uncertainty surrounding the seismic yield measurement in this case means that an explosion with a seismic signal corresponding to one kiloton would have only a 2.5 percent chance of exceeding 2 kilotons, a marginal level of risk which most observers would consider acceptable.

Concerns that the other side might conceal nuclear explosions in the few-kiloton range by decoupling could be allayed during a 2-year moratorium by adding to the regional seismic network around the test site additional regional networks in regions where mining or peaceful nuclear explosions may have already created suitable decoupling cavities in thick salt deposits.

Two such areas have been pointed out in the Soviet Union—one in the southwestern portion of the country north of the Caspian Sea, and one in central Siberia north of Lake Baikal.

In the longer term, if it were decided to convert the two-year moratorium into a permanent low-threshold test ban, concerns might emerge about possible clandestine creation of new large underground caverns in other areas.

Under these circumstances, the regional seismic networks installed to monitor the moratorium could serve as the skeleton for a more extensive network with a country-wide detection/identification capability down to one kiloton fully-decoupled.

During the term of the temporary moratorium, a joint research project involving Soviet and American seismologists could be conducted to develop the data required to determine the number, type, and locations of the additional in-country seismic monitoring stations required to verify compliance with the limitations of a permanent low-threshold test ban.

FEBRUARY 3, 1987.

Dr. JEREMY J. STONE,
Director, Federation of American Scientists, Washington, DC.

DEAR JEREMY, in view of claims and counterclaims about the need for the United States to continue nuclear explosion testing, we want to summarize our views:

1. Nuclear explosion testing is not needed to ensure the reliability of weapons in stockpile which have been tested in their production version. It is not needed to detect degradation nor to remedy degradation. Non-nuclear testing is used for detection, and remanufacture to original specifications is an adequate remedy. In testimony, April 8, 1986, to the Senate Armed Services Committee, the Director of the Livermore Laboratory agreed that, "given enough time and money, replication could be achieved."

2. The U.S. could not have confidence in the performance of nuclear weapons put into stockpile without testing, and we recognize that a comprehensive ban on nuclear tests, or one which bans all detectable tests, would prevent the acquisition of warheads of new nuclear design. Nevertheless, the Midgetman missile could perfectly well use the warhead which has been designed and tested for the MX missile—the W-87. It might need shock-alleviation mounting for a mobile Midgetman subject to nuclear attack, but the demand for a new warhead is analogous to requiring that one redesign an astronaut before launching him or her into space. Careful attention to packaging will do.

3. Although modern security devices for nuclear weapons could be so closely integrated with the nuclear components that these particular systems could not be added to existing weapons, comparable function can be achieved by a system designed to be suitable for retrofit to existing weapons without testing. Insensitive high explosive (IHE) cannot be incorporated into existing weapons which lack them without nuclear testing, but existing weapons are already proof against accidental nuclear explosion, and we believe the incorporation of IHE is not of highest importance. Concern on this point is primarily a matter of peacetime comfort than of wartime need. Since in the absence of any limit on numbers of tests only some 40 percent of U.S. weapons now have IHE, we must not be alone in this view.

4. As for verifiability of a CTBT, some 25 unmanned seismic detection systems on the territory of the Soviet Union are probably adequate to provide high confidence of detection, location, and identification of nuclear explosions of yield of one kiloton or more. But a treaty should provide for the installation of as many as are required in areas of poor seismic propagation, even 100 stations if necessary. No seismic system can detect the stations if necessary. No seismic system can detect the smallest "nuclear explosion." We could readily design a reliable nuclear explosion of yield one-thousandth of a kiloton, simply to demonstrate that it could not be detected by a particular seismic system. So a comprehensive test ban is inherently not verifiable by seismic means. Yet some of the important benefits of a test ban would be lost if low-yield underground nuclear testing were permitted to the nuclear nations. The solution might be to have an initial ban on all nuclear explosions above 1 kiloton yield, a small initial quota of underground nuclear explosions below that yield, and a requirement to pre-announce all nuclear explosions of any yield above one ton, and to provide measurement of their yield by an approved method. The detection of violations would be aided by non-seismic and non-cooperative means, and potential violations of marginal detectability would not represent militarily important advances.

5. The benefits to the U.S. of a test ban arise from denying the Soviet Union the progress in nuclear weaponry which can be made only by nuclear explosive testing. For instance, the Secretary of Energy expresses concern about possible Soviet progress on the nuclear-weapon-powered X-ray laser. That would cease under an appropriate test ban. Even if the U.S. were first to achieve a new military capability by nuclear testing, our security might be impaired, on balance, if the Soviets then acquired the same capability; MIRV is generally regarded as a case in point. We believe that an important benefit of a test ban would derive from the much firmer base it would provide for our leadership of a world-wide effort to eliminate the spread of nuclear weapons the additional hands—an effort in which technical measures reinforced by strict sanctions would serve U.S. security interests.

6. It would be imprudent to believe that all parties would permanently abide by a test ban. So it would be necessary for the U.S. to maintain facilities, skills, and a program of research and design to ensure that we recognize the potential advances which might be achieved and are in a position to pursue them if the Soviet Union should renounce the test ban. Readiness to test need not be on a scale of days or weeks, since a year or more is required for a new weapon concept to affect military capability. Our skills should be honed by analysis, simulation, competitive design teams, and by the confrontation of simulation results with explosive-driven assemblies without nuclear yield.

7. We believe that it is in the U.S. interest to see an early end to the testing of nuclear weapons.

Sincerely yours,

RICHARD L. GARWIN,
(IBM Thomas J. Watson Research Center, and Cornell, Columbia, and Harvard Universities).

HANS A. BETHE,
(Cornell University).

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April 22, 1987.

Senator Edward M. Kennedy,
Senator Mark O. Hatfield,
Senator Dennis DeConcini,
United States Senate, Washington, DC.

Dear Senators Kennedy, Hatfield, and DeConcini: As scientists who have participated for many years in U.S. government and privately sponsored research on underground nuclear test detection-identification, we feel that it is appropriate that we comment on your proposed bill entitled: "Underground Nuclear Explosion Control Act of 1987". After careful review of the bill and all its provisions we wish to express our strong support for its passage.

In regard to the technical considerations implicit in this act, we feel that it might be useful to offer an informed assessment of verification capabilities to be realized under its provisions. In particular, (1) whether yield estimates at the designated test sites, in the range near 1 kt and near 15 kt., can be made with acceptable accuracy and confidence and (2) whether detection—identification of conceivable clandestine tests could be expected with high probability under the provisions of the act. The following is a summary of the more lengthy evaluation contained in an earlier letter sent to you by Charles Archambeau.

As the provisions of the bill affect the accuracy and confidence of yield estimates near 1 and 15 kt; we conclude the following:

We believe that yield estimates at the designated test sites can probably be made within a factor of two uncertainty (at the 95 percent confidence level) in the range near 1 kt. That is, approximately 95 percent of all seismically estimated yields of a 1 kt explosion will fall between 2 kt and .5 kt. At the higher range, near 15 kt, we would expect a lower uncertainty, with a value near 50 percent being most likely. In this case, it is about three times more likely that a seismically observed value of 2 kt is due to an actual 2 kt test than it is to a 1 kt test. Therefore, assuming the provisions of the bill are enacted as stated, there would a low probability of successfully carrying out a very low number of tests, or even one, in the range above 2 kt without being discovered. This would suggest that it would be highly unlikely that any tests in violation of the agreement would ever be tried at designated test sites.

The strategy for yield verification and detection of possible violations should be so strongly established as to insure near certain compliance without the necessity of many on-site inspections to maintain confidence. In this regard, it would not be desirable to initiate inspections, or charges of violations, for estimated yields that appeared only marginally larger than 1 kt, since it is also important to minimize the number of false alarms and the possible unresolvable controversies that could ensue. Therefore, it is necessary to use a "trigger value" for calling an inspection which is sufficiently above the threshold of 1 kt to avoid frequent false alarms, yet not so high as to encourage testing within the "grey-zone" between the 1 kt threshold limit and the value used to trigger the inspections.

A 2 kt "trigger value" for a 1 kt threshold is certainly high enough to avoid many false alarms and provides a rather high degree of confidence that an estimated test yield at or above this value is probably due to a test above 1 kt. However, its use as a fixed "trigger value" could create a wider "grey-zone" than might be desirable. To avoid establishing the perception of such a "zone of immunity", one could simply adopt the strategy of calling for occasional on-site inspections for tests with estimated yields falling anywhere within the "grey-zone" range. In addition, since the basic uncertainty in yield estimates can be expected to decrease with time, in a manner unknown to the tester, the monitor could reduce the "trigger value" over time and thereby not only narrow the gap without increasing the false alarm rate, but also could do so in an unpredictably way producing high levels of tester uncertainy and effectively denying accessibility to this zone.

We consider yield verification capability, for the two possible tests near 15 kt, to be quite sufficient to discourage any considered attempt to test above the limit. Should a tester, nevertheless, conduct a test above this limit by any significant amount (for example, at about 20 kt.), then we would expect that such a test would be seismically identified as a probable violation.

In order to preclude partial or full "cavity decoupling" possibilities, it is important that the bill retain the flexibility for rather complete inspection of the designated test site, along with the drilling and material sampling opportunities prescribed by the bill. Further, the possibility of rejection of a proposed site on grounds of probable decoupling capability is essential.

In regard to detection and identification of possible clandestine tests in areas off the designated test sites; the following observations and conclusions are considered relevant:

If any clandestine tests were conducted in a high to intermediate coupling medium, then the seismic magnitudes of such tests, anywhere within the two countries, would be sufficiently large to allow the events to be detected and identified by national technical means; that is, by monitoring seismic stations outside the countries involved. Therefore, the only testing opportunities of concern to a monitor would be those that could be conducted in very low coupling media and/or in large decoupling cavities.

Since the moratorium is limited to a two year period, it would be very difficult and risky to rapidly construct test facilities and large underground decoupling cavities required for clandestine testing at a totally new test site within a time frame that could impact the moratorium. Aside from the possibility of discovery by satellite observation methods, even a successful development might very well be rendered useless when, at the end of the moratorium, additional seismic stations having capabilities to detect even small decoupled tests throughout the country could be installed.

It is clear that the only reasonable off-site testing possibilities that exist under conditions of a short term moratorium are at sites where either very thick low coupling geologic formations exist or where large underground cavities already exist, or may exist. Such "test-capable" sites are very limited in both the U.S. and U.S.S.R. For the U.S.S.R., such sites are appropriately monitored by external seismic stations supplemented by the in-country seismic stations specified by the bill.

The probability of successful discrimination of earthquakes and fully or partially decoupled explosions above 1 kt. is high for the "test-capable" areas and it is doubtful that even one such small decoupled test, in the areas in question, could be conducted without being identified as a probable explosion. Further, since none of the areas are regions of high natural seismicity, then the necessity of detailed analysis of large numbers of events will not arise. Finally, since the bill specifies that chemical explosions above 20 tons in the "test-capable" areas be announced beforehand to the monitor, then false-alarms from numerous large scale mining explosions will not be a problem either. Consequently, we would expect that very few on-site inspections would be required, and these probably only as confidence-building measures.

Therefore, in conclusion, the combined verification capability represented by the available highly sensitive seismic and satellite monitoring plus on-site inspections of suspect events, as provided for in the bill, should be an extreme deterrent to a tester who realistically considers the risks of clandestine testing and, conversely, should provide the monitor with a high degree of confidence in his ability to identify any violations, should they occur.

Sincerely yours,

Dr. Charles B. Archambeau,
Professor of Geophysics, University of Colorado, Boulder, CO.

Dr. Jack F. Evernden,
Geophysicist, Davenport, CA.

Dr. Lynn Sykes,
Professor of Seismology, Lamont-Doherty Geological Observatory, Columbia University.

NEW SOVIET SALT SUBLIMITS VIOLATIONS

Mr. HELMS. Mr. President, the claim has been made by various Senators that the last shreds of the unratified SALT II Treaty—the so-called sublimits—can somehow form the basis of strategic arms restraint. An erroneous assertion has in fact been made to the effect that the Soviets have not yet violated the three numerical sublimits of SALT II. Therefore, these Senators contend, the United States should adhere to these sublimits. They want to transform these sublimit restraints into a kind of strategic arms treaty all by itself.

I do not doubt the sincerity of the able Senators—but the facts prove them to be sincerely wrong.

Now, Mr. President, they want to go beyond merely advocating these sublimits. They make the preposterous claim that the Soviets are observing these restraints, and that the United States should therefore be required to observe these restraints. Their specious reasoning is that if both superpowers are mutually, and unilaterally, observing these restraints, then we will have a de facto arms control treaty. The problem with the Senators' position is that they are dead wrong when they suggest that the Soviets are "observing these restraints."

Moreover, there is a fundamental policy question here: Are these restraints in the national interest?

So, Mr. President, the vital question is: Since the Soviets are not in compliance, how can it possibly be in the United States interest to shackle our own defense posture?

Even more disturbing is the fact that the Senators propose to lock this administration into the sublimits policy by simple legislation—in other words, amend a treaty in an unconstitutional way. They propose to achieve the effect of a treaty without abiding by the constitutional requirements of ratifying a treaty. They propose to hamstring the United States without the debate and two-thirds consensus that is a basic fact of the treaty process. That is why the President has said that he will veto any legislation that includes these pseudo-treaty elements. The President is right on target.

Even worse is that the facts the Senators allege simply are not so. The Soviets are not complying with the sublimits. Those who have carefully studied this matter know for certain that the Soviet Union has already exceeded two of the three numerical sublimits—and the Soviets are desperately trying to hide these violations through camouflage and deception.

Obviously, Mr. President, when we begin discussing this matter, we enter upon a field where much information is highly classified. But we don't have to go into classified matter to demonstrate that the Soviets are not observing the sublimits. I will demonstrate these violations at length from open sources. But to be certain, I have conferred with key intelligence, defense, and national security authorities in the administration, and they have confirmed that the following statement is both correct and unclassified:

> The Soviets exceeded the SALT II sublimit of 1,200 permitted MIRV'd ICBM's and MIRV'd SLBM's when the 5th Typhoon submarine recently began sea-trials.
>
> Moreover, some SS-X-24 MIRV'd ICBM railmobile launchers should now be accountable under the SALT II sublimit on MIRV'd ICBM's. It appears to me that the Soviets have not yet compensated for any of the SALT II-accountable SS-X-24 launchers. Therefore, the Soviets may also be exceeding the SALT II sublimit of 820 MIRV'd ICBM launchers.

Mr. President, this statement, confirmed by the sources I have mentioned, clearly and conclusively shows that the Soviets have now violated the 1,200 MIRV'd missile sublimits; and it also confirms when we know previously that the Soviets are already violating the 820 MIRV'd ICBM sublimit.

Moreover, Mr. President, it should also be emphasized that we must assume that the Soviets are also violating the third SALT II sublimit. The third sublimit limits MIRV'd missiles and bombers equipped with long range ALCM's to the number of 1,320. The experts have already said that if the Soviets elect to break out of the SALT II restraints, the most likely final step would be to put long range air-launched cruise missiles on the Backfire bomber. Since the Soviets have violated everything else, it would be prudent for the United States to assume that they have gone to this final step.

Mr. President, that is the essence of my statement today. However, those in the arms control field will want to follow the more detailed arguments which support these conclusions. These arguments follows.

Mr. President, let me now focus on the main sublimit of the SALT II Treaty, the limit of 820 MIRV'd ICBM's. First, here is a summary of the strong evidence confirming that the Soviets are already violating this most important SALT II sublimit:

Soviet leader Gorbachev himself admitted at the last United States-Soviet summit meeting that the Soviets have deployed at least two railmobile MIRV'd ICBM launchers for the SS-24. This would put the Soviets right on the 820 MIRV'd ICBM sublimit. But according to several press reports, U.S. intelligence has detected deployment of at least five SS-24 railmobile MIRV'd ICBM launchers. These five SS-24 railmobile launchers would put the Soviets at 823 MIRVed ICBM launchers. These SS-24 railmobile launchers are also reportedly heavily camouflaged and concealed, so the number of five detected must be considered a minimum number. Third, the Soviets probably have deployed more than five SS-24's that the United States has reportedly detected.

In fact, President Reagan officially warned Congress recently that there is a strong probability that the Soviets would try to covertly deploy many more railmobile SS-24's. This warning by the President has turned out to be accurate. The Soviets have not compensated for this deployment by dismantling other MIRV'd ICBM launchers.

In sum, Mr. President, the Soviets therefore now have at least 823 MIRV'd ICBM launchers deployed, and the SALT II sublimit on MIRV'd ICBM launchers is 820.

Thus the Soviets have clearly violated the main SALT II sublimit.

Mr. President, United States intelligence has already given Congress important unclassified testimony that Soviet factories for the mass production of the SS-24 missile and its railmobile launchers are already built. According further to this testimony, the SS-24 missile and its railmobile launcher are both now in mass production. And since January, 1987, when deployment of at least five SS-24's was reportedly first detected, the SS-24 deployment program has progressed even further to now confirmed deployment.

Mr. President, I would reemphasize that these five SS-24 railmobile MIRV'd ICBM launchers detected are heavily camouflaged and concealed. The Soviets are even going so far as to deny the United States previously reported open source information on the total number of railroad cars they are producing, another important sign of clandestine SS-24 railmobile deployment. The Soviets have also tried to deceive the United States into believing that their acknowledged SS-24 deployment was consistent with SALT II, when it was not.

To repeat, I want to emphasize that President Reagan has officially warned Congress that the Soviets would try to deploy even more railmobile SS-24 launchers even more covertly than we have so far been aware. Many more concealed railmobile SS-24 ICBM launchers are probably even now covertly deployed, without the United States having yet detected them.

The CIA has estimated, according again to unclassified testimony, that the Soviets will deploy more than 200 railmobile SS-24 MIRV'd ICBM launchers, carrying over 2,000 MIRV'd first strike warheads. There are reportedly over 1,000 Soviet railroad tunnels along the extensive 160,000 kilometer main Soviet railroad network directly supporting missile complexes, where SS-24's can be concealed and remain survivable. Moreover, each SS-24 launcher has a rapid reload and refire capability for several more missiles, doubling or tripling the SS-24 force.

Mr. President, I would point out to my distinguished colleagues that President Reagan will be fully justified in vetoing any bill attempting to selectively and unconstitutionally legislate parts of the SALT II Treaty, such as the sublimits. The President recently reported to Congress that:

> A number of [Soviet] activities involving SALT II constituted violations of the core or central provisions of the Treaty frequently cited by the proponents of SALT II as the primary reason for supporting the agreement.

Thus in conclusion, Mr. President, the Soviets have already violated the three SALT II sublimits, which are among "the core or central provisions" of the SALT II Treaty. To sum up, the Soviets have clearly violated all three of the three overall numerical SALT II limits, all three of the three sublimits, and they have also violated all of the main SALT II qualitative limits. While the Soviets have gutted the SALT II Treaty, starting their SALT II violations even before the ink was dry on the treaty document on June 18, 1979, some of our distinguished colleagues are trying to legislate United States compliance with selective parts of the treaty. Ironically, even these selective parts of the treaty—the three sublimits—are themselves already being violated.

Efforts to legislate U.S. compliance with an unratified SALT II Treaty are not only unconstitutional, but they constitute efforts aimed at American unilateral disarmament. The American people, however, have repeatedly rejected American unilateral disarmament, as the 1980 and 1984 national elections clearly indicated.

ANNEX: SOVIETS VIOLATE MAIN SALT II SUBLIMIT

Mr. President, I will now make the Senate aware of the details of a new United States verification judgment, now reinforced, showing that the Soviets violated the most important SALT II sublimit as of early October 1986.

I would reemphasize that this Soviet SALT II sublimit violation first occurred as of early October 1986, over a month before the United States exceeded a SALT II sublimit on November 28, 1986.

Our distinguished colleague, Senator JIM MCCLURE, accurately predicted this. In his Senate floor speech of October 17, 1986, Senator MCCLURE stated that at least three railmobile MIRV'd SS-24 ICBM launchers were probably deployed. The new evidence indicates that he was right on target and correct. This new violation focuses upon the large-scale deployment of the Soviet SS-X-24 ICBM, and upon the number deployed.

SOVIETS ANNOUNCE INTENTION TO EXCEED ALL SALT II SUBLIMITS

The Soviets reportedly told United States START negotiators in Geneva in late 1983 that they intended to exceed all three of the SALT II sublimits on MIRV'd missiles and bombers equipped with long range ALCM's. Mr. President, the Soviets have actually carried out their intention.

The Soviets have been violating the main SALT II sublimit since early October 1986. The first Soviet SALT II sublimit violation occurred well before the October 28, 1986 United States deployment of the 131st United States B-52 deployment equipped with long-range ALCM's. Moreover, the Soviets have already launched their fifth Typhoon submarine and their fourth Delta IV submarine. Now that these submarines have gone on sea trials, the Soviets have gone over the Salt II sublimit of 1,200 MIRV'd ICBM and MIRV'd SLBM launchers.

Finally, Soviet covert break out deployment of AS-15 long range ALCM's on each of their 300 intercontinental Backfire bombers would put the Soviets over the third SALT II sublimit of 1,320 MIRV'd missiles and bombers equipped with long range ALCM's. The CIA believes that the Soviets would covertly deploy long-range ALCM's on the intercontinental Backfire bomber if they decided to break out of SALT II. Mr. President, it is clear that the 22 confirmed Soviet SALT II violations constitute this Soviet break out. But we shall consider these two Soviet sublimit violations in more detail later.

I will concentrate first on the details of the Soviet violation of the most important SALT II sublimit, the sublimit of 820 on MIRV'd ICBM launchers.

MIRV'd ICBM's are the most dangerous weapons in the world, because they can destroy any target in the world in 30 minutes. The 820 sublimit is therefore the main SALT II sublimit. The Soviet SS-X-24, a MIRV'd railmobile ICBM, is the focus of this violation.

SS-X-24 DEPLOYMENT IMPENDING THROUGHOUT 1986

Mr. President, in March, 1986, the Defense Department stated:

> The SS-X-24 deployment in a railmobile mode could begin as early as late 1986. Early preparations for the deployment of the SS-X-24 are already underway.

At that time, President Reagan also officially informed Congress of his concern about the effects of the Soviets camouflage, concealment, and deception program upon United States ability to detect Soviet deployment of the SS-X-24. He said that given the extensive concealment associated with the SS-X-24 ICBM Program, and that inherent mobility of this ICBM, there is a strong probability that the Soviets will try to deploy additional SS-24 ICBM launchers more covertly than we are aware of today. They thereby could avoid compensatory SALT II dismantlement of other MIRV'd ICBM's. The President was wise to predict more covert deployment of the railmobile SS-X-24 ICBM. President Reagan's official prediction has turned out to be very accurate indeed.

The CIA and the Arms Control and Disarmament Agency stated in August, 1986, that:

> We can not exclude the possibility, in the context of the SALT II Treaty, that several launchers for the SS-X-24, a railmobile MIRV'd ICBM, may have left their place of final assembly and may therefore be accountable under SALT II.

Mr. President, the likelihood of SS-X-24 deployment has steadily increased since last August, 1986. By early October, 1986, it would soon be time for the United States to remove the "X" from its designator, standing for "experimental." The possibility that the SS-24 has been operational since early October, 1986, is quite strong.

The Defense Department's Soviet Military Power edition for 1987 stated in March, 1987, that:

> An extensive network of rail support facilities continues to take shape in preparation for the imminent deployment of the railmobile SS-X-24 ICBM . . . deployment of the railmobile SS-X-24 is expected soon . . . The SS-X-24 is well along in its flight-test program. The SS-X-24 deployment in a railmobile mode is expected to begin in 1987 . . . Substantial increases in ICBM production are expected by the end of the decade as the SS-X-24 enters series production.

Mr. President, over half of the year 1987 has gone by and we are already at the end of the decade, so the SS-X-24 must be in series production and must be deployed by now, by the Defense Department's own best estimate.

GORBACHEV ANNOUNCES 1986 SS-X-24 DEPLOYMENT AT REYKJAVIK

On October 11, 1986, Soviet Leader Gorbachev stated formally at the Iceland Summit to President Reagan that the Soviet Union had deployed 820 MIRV'd ICBM launchers.

Mr. President, the most reasonable interpretation of this Gorbachev statement is that the Soviets were acknowledging at the highest level that at least 2 railmobile SS-X-24 MIRV'd ICBM launchers were operational, were deployed, and therefore, had entered the Soviet SALT II-accountable inventory. This was evidence that the Soviets themselves believed that the "X" in the SS-X-24's designator could be removed.

Mr. President, why do we conclude that at least two SS-24 railmobile MIRV'd ICBM launchers were deployed? Because the United States, using its national technical means of SALT verification, could at that time confirm only 818 Soviet MIRV'd ICBM launchers as deployed, and all of them were silo launchers. Moreover, the Soviets themselves have previously acknowledged having 818 MIRVed ICBM silo launchers in their required SALT II data exchanges.

Thus, the Soviets had deployed two new nonsilo based MIRV'd ICBM launchers. These had to be mobile MIRV'd ICBM launchers. Further, these had to be railmobile SS-24's, because the SS-24 was the only Soviet ICBM known to have recently completed its flight test program, was a MIRV'd ICBM, and had in fact repeatedly been tested from railmobile launchers.

Mr. President, deployment of at least two railmobile MIRV'd SS-24 ICBM launchers, was therefore, the only explanation for Gorbachev's statement that the Soviets had deployed 820 MIRV'd ICBM launchers, because such deployment was the only explanation which fit all the known facts.

Thus, Gorbachev had admitted deployment of at least two SS-24 railmobile MIRV'd ICBM launchers, and this admission had come from the very highest level of the Soviet Government.

NEW REAGAN ADMINISTRATION VERIFICATION JUDGMENT—THREE SS-24 RAILMOBILE LAUNCHERS DEPLOYED

The only Reagan administration official legally responsible for verification, Dr. Manfred Eimer, Assistant Director of the Arms Control and Disarmament Agency for Verification and Intelligence, stated the following new verification judgment on January 31, 1987:

> On two occasions, first at Reykjavik on October 11, 1986, and again on January 21, 1987, in the newspaper Moscow News Today, the Soviets provided a listing of their strategic offensive arms as of October 11, 1986. These lists included a count of 820 for the category "Launchers of ICBMs equipped with MIRV's." That count of 820 is greater than the U.S. can confirm, unless several railmobile MIRV'd SS-X-24 ICBM launchers are assumed to have been added to the Soviet inventory.
>
> In a recent TASS article dated January 28, 1987, written in English and therefore intended for a Western audience, a Soviet military commentator in discussing Soviet strategic programs, stated: "In deploying missiles of a single new class (SS-24) which is allowed under the SALT II Treaty, the Soviet Union phased out a corresponding number of old missiles."
>
> That statement also strongly implies that several SS-X-24s have entered the Soviet inventory.

Since this ACDA judgment was made on January 31, 1987, the SS-24 program has advanced even further. Moreover, the Soviets have officially provided the U.S. their 820 number yet again, and in a context in which they deliberately understated the numbers of other Soviet strategic systems. Thus the Soviets are clearly deliberately sending the U.S. an important signal when they claim to have 820 MIRVd ICBM launchers in their SALT-II accountable inventory.

RECENT SOVIET ADMISSIONS—BEST EVIDENCE THAT THREE SS-24'S ARE DEPLOYED

Mr. President, we must dissect and closely analyze the Soviet admissions and the ACDA judgment. We need to answer the following questions:

Do the Soviets regard their SS-24 to be operationally deployed, and if so, how many are deployed?

It is extremely important to note that in the TASS statement, the Soviets themselves have removed the "X" for "experimental" from the designation for the SS-24.

This is a clear and unprecedented sign that the Soviets themselves regard the SS-24 as having left its place of final assembly, as operational, as deployed, and therefore part of the Soviet inventory and accountable under the expired SALT II Treaty.

We know that the Soviets are extremely careful in their use of designators for their missiles, and only they have perfect knowledge of the status of their SS-24. Thus removal of the "X" from the SS-24's designator by the Soviet military commentator, who would have definitive knowledge, should be regarded as confirming our interpretation of Gorbachev's Reykjavik Summit statement.

Dr. Eimer also stated that he assumed that "several" SS-24's were deployed. According to Webster's Dictionary, "several" means "more than two," and more than two is at least three.

Moreover, the Soviet TASS statement itself also suggests how many SS-24's are part of the Soviet inventory and are SALT II-accountable, because it acknowledges that with the SS-24 deployment explicitly described, compensatory dismantling would be required for the Soviets to stay below the SALT II sublimit of 820 MIRV'd ICBM launchers. The Soviets would not have to dismantle in compensation for SS-24 deployment unless they deployed more than 2, because the U.S. can confirm only 818 Soviet silo-based MIRV'd ICBM launchers.

Mr. President, thus the Soviet military commentator writing in TASS clearly meant that at least 3 or more SS-24 railmobile MIRV'd ICBM launchers had been deployed. The Soviet military commentator was thus taunting the U.S. with relentlessly growing Soviet strategic superiority.

The Soviets have therefore deployed at least 3 railmobile MIRV'd SS-24 ICBM launchers, by their own admission. But more than 3 have reportedly been detected by U.S. National Technical Means of verification, as I shall soon point out.

NO SOVIET COMPENSATORY MIRV DISMANTLEMENT—THE SOVIETS ARE OVER 820

The fact is that compensatory dismantlement has not been accomplished by the Soviets. The Defense Department's Soviet Military Power 1987 released in March, 1987, and the January 1987 Joint Chiefs of Staff FY 1988 Military Posture Statement both state that all 818 Soviet MIRV'd ICBM silos are operational and SALT II-accountable as MIRV'd ICBM launchers. Thus with deployment of 3 SS-24's, the Soviets are over the 820 SALT II sublimit.

U.S. INTELLIGENCE HAS DETECTED AT LEAST FIVE SS-24'S DEPLOYED

Recent press reports citing intelligence sources indicate that at least 5 SS-24 railmobile MIRV'd ICBM launchers have been detected by U.S. National Technical Means of verification as having left their place of final assembly, as operational, and therefore as deployed and part of the Soviet SALT II-accountable ICBM inventory. Given President Reagan's recent prediction that many more SS-24's would be deployed even more covertly than we were then aware, many more than 5 SS-24's may indeed have already been deployed, but are not yet detected and may never be detected, due to ever increasing Soviet camouflage, concealment, and deception.

DEPLOYMENT OF 5 OR MORE SS-24'S VIOLATES SALT II 820 SUBLIMIT

In sum, Mr. President, the Soviets are admitting deployment of at least 3 SS-24's, but the United States has detected at least 5 SS-24's deployed, and because there has not been any Soviet ICBM MIRV silo dismantling in compensation, the Soviets have clearly exceeded the SALT II sublimit of 820 MIRV'd ICBM launchers. Moreover, many more SS-24's will soon be deployed. As I have already pointed out, Soviet Military Power 1987 states that: "Substantial increases in Soviet ICBM production are expected by the end of the decade of the 1980's as the SS-X-24 enters series production."

SOVIET CONCEALMENT AND DECEPTION MAKES DETECTION OF SS-24 DIFFICULT

The Soviets are engaging in extensive camouflage, concealment, and deception to hide the precise number of SS-24's deployed and their location from the United States. Thus President Reagan was correct to officially warn Congress recently that the Soviets would deploy the SS-24 even more covertly than we are aware. The American national security departments and agencies should be alarmed by now, because increased Soviet camouflage, concealment, and deception has probably caused the United States to fail to detect many more SS-24's which are even more covertly deployed.

It is significant that for the first time the Soviets are not revealing their production figures for railroad rolling stock. We will surely be looking closely at Soviet railroad car plants, in order to account for their railcar production. This unprecedented Soviet reticence on railcar production is probably related to their program of concealed and deceptive deployment of the railmobile SS-24.

Why did Soviet Leader Gorbachev admit SS-24 deployment, if the Soviets are deploying it clandestinely? The Soviets are probably admitting SS-24 deployment in order to try to impress and even scare the United States with a further increased Soviet ICBM threat. Indeed, the main purpose of Soviet strategic weapons is intimidation. But consistent with their extensive camouflage, concealment, and deception program for the SS-24, the Soviets are falsely claiming that this deployment is consistent with SALT II. They were probably hoping that the United States would not be able to detect more than 2, and that the United States would therefore believe their deception plan to announce SS-24 deployment as consistent with SALT II. But the CIA has estimated that the Soviets will probably deploy about 200 railmobile SS-24's over the next several years. There are over 1,000 tunnels on the extensive Soviet rail network, so the Soviets could deploy these SS-24's in the tunnels where they would be concealed and survivable.

TWO OTHER SALT II SUBLIMITS VIOLATED

The Soviets have also violated the other two SALT II sublimits. The CIA believes that the Soviets would covertly deploy AS-15 long range ALCM's on their intercontinental Backfire bombers in the event that they were to break out of the SALT II Treaty. The 22 confirmed Soviet SALT II violations indicate that the Soviets have broken out of SALT II. Thus Soviet covert, break out deployment of AS-15 long range ALCM's on each of 300 intercontinental Backfire bombers puts the Soviets at 1,511 MIRV'd missiles and bombers equipped with long range ALCM's, exceeding the SALT II sublimit of 1,320 on MIRV'd missiles and bombers equipped with long range ALCM's. Alternatively, Soviet deployment of long range (650 kilometers) AS-3 ALCM's on 100 Bear A/B/C bombers, plus 60 Bear H bombers with AS-15 long range ALCM's and 8 Blackjack bombers with AS-15's, would put the Soviets at 1,379, also exceeding the SALT II sublimit of 1,320.

The Soviets are already violating the third SALT II sublimit. The Soviets have already begun the sea trials of the 4th Delta IV SSBN submarine and the 5th Typhoon SSBM submarine. This puts the Soviets at 1,211 MIRV'd ICBMs and MIRV'd SLBM's. This exceeds the SALT II sublimit of 1,200 on MIRV'd ICBM's/SLBM's.

In conclusion, Mr. President, the Soviets are violating the most important SALT II sublimit, and are also violating the second and the third.

In sum, the new Soviet violation of the 1,200 MIRV'd missile sublimit is conclusive, and the previously asserted Soviet violation of the 820 MIRV'd ICBM sublimit is strongly supported and confirmed. The Soviets are also violating the third SALT II numerical sublimit of 1,320 MIRV'd missiles and ALCM-equipped bombers. In fact, the Soviets are already violating all three SALT II sublimits.

We must keep in mind that the 22 Presidentially confirmed Soviet SALT II violations altogether indicate a Soviet decision to "break out" of the SALT II Treaty. The evidence of the expanding pattern of Soviet SALT II violations indicates quite clearly that Soviet break out has already occurred. In fact, Soviet break out from SALT II began even as Soviet Leader Brezhnev signed the treaty on June 18, 1987. The conclusive Soviet violation of the 1,200 sublimit and the strong evidence confirming Soviet violation of the 820 sublimit are further evidence of Soviet SALT II break out. Second, the CIA has warned that, in the event that Soviet SALT II break out could be confirmed, the United States should consider that the Soviets are also violating the third SALT II sublimit. Thus, because the Soviets are indeed confirmed to have broken out of SALT II with now 24 violations, they must be considered to be violating the third SALT II sublimit.

Therefore, the Soviets are violating all three of the SALT II sublimits.

But the Soviet Ambassador to the United States, Yuri Dubinin, wrote on March 1, 1987 in the U.S. Parade magazine, that: "We [the Soviets] are staying within the limits of the SALT I and SALT II agreements."

Unfortunately, this statement is false, but it is a good example of the strong Soviet tradition of disinformation and deception. This kind of Soviet deception is exactly what the United States must be on its guard against in negotiating a new INF treaty.

THE PROBLEM OF HIGH-LEVEL RADIOACTIVE WASTE

Mr. REID. Mr. President, with the exception of my distinguished colleagues from Georgia and South Carolina, I doubt that many Members of the Senate know that stretching along the border of those two great States is the Department of Energy's Savannah River Nuclear Plant. One would think that it would be difficult to keep a facility that encompasses some 192,000 acres or 300 square miles, employs over 15,000 workers and has an annual budget of over $1 billion, largely out of view of the public eye but that is the case.

This incredible industrial complex, operated by Du Pont, is a key installation for the production and research of nuclear materials for national defense and peacetime applications. Its primary purpose is to produce the basic materials used in the fabrication of nuclear weapons, primarily plutonium-239 and tritium.

The reason I bring this to your attention is that an unfortunate and lethal biproduct of this production is high-level radioactive waste. While we spend much of the Senate's time discussing the potential holocaust that could result from the use of nuclear weapons, we tend to lose sight of the present and future dangers that can be caused by the side products of their production.

High-level radioactive waste is, of course, the ultimate garbage of our civilization. For over 30 years the liquid wastes from this program have been stored at the site in tanks that can hold 1.3 million gallons each. In total, 33 million gallons of high-level radioactive waste is stored at this complex. Some of the older tanks have developed leaks, just as they have at another DOE site in Hanford, WA. In 1973, DOE began research, development, and testing of new state-of-the-art process for permanent disposal of this high level radioactive waste. Because the leaking waste threatens the ground water at Savannah River, it has been selected to host the first production-scale facility to accomplish this. This facility, which was begun in 1983, is to be completed and operational by 1989.

As I have been advised, the process begins with in-tank evaporation whereby the liquid high-level radioactive waste is reduced by two-thirds and is concentrated in two forms—sludge and salt. The salt's appearance and chemical composition is similar to that of fertilizer. After radioactive cesium is removed while the salt is in the storage tank, the salt is mixed with a specially formulated cement and is poured into a permanent disposal site at Savannah River. The sludge is a thick, brown substance that contains most of the radioactivity that must be isolated from the environment for long periods of time. This sludge is what will be processed in the defense waste processing facility and will be encapsulated and ultimately disposed of in a permanent high-level radioactive waste repository.

This sludge will be washed and pumped to the facility where radioactivity from the salt decontamination process will be added along with fine particles of glass. The mixture will be placed in an electronic furnance at 2,100 degrees Fahrenheit where it will become a special form of molten glass with the sludge dissolved within it. The furnace will be able to make about 230 pounds of this glass per hour. Any radioactive gas produced will be vaporized and reintroduced to the system. The molten glass containing the sludge is then poured into a stainless steel canister 2 feet in diameter, 10 feet tall and weighing about 2 tons.

Once the glass waste has cooled and solidified, the outside of the canister is sandblasted to remove any radioactivity deposited on the canister during the glass-pouring operation. The glass and water residue from the sandblast process is reintroduced to the process. The canister is then permanently sealed with a stainless steel plug. Finally, the canister is moved by a special vehicle to a temporary storage site that holds 2,300 canisters. They are meant to last until a permanent waste repository is built. This, then, is the current method by which the Department of Energy intends to neutralize high-level radioactive waste generated by the Nation's defense program.

Mr. President, the main point that I want to make to my colleagues today is that this nuclear waste storage process is brand new. It replaces a storage process that has failed because the steel tanks that were originally used to hold the nuclear waste products at this facility are deteriorating and that there is a real danger of nuclear contamination of the ground water in the areas surrounding the facility.

I am sure that the original technology that was developed to store this nuclear waste was thought to be state of the art almost 40 years ago when it was developed. Now we find that an entirely new and expensive process—costing $1 billion—is needed to replace the failing tanks—and this is only considered to be an interim solution to the final disposal of this toxic waste.

It would be catastrophic to find, 30 to 40 years from now, that the technology that the Department of Energy tells us today will permit the safe storage of high-level nuclear waste, possibly in my home State of Nevada, also fails. That is my deepest concern and the reason that I will oppose the rush to begin dumping nuclear garbage in Nevada, or any place else.

The Energy Committee recently reported out legislation aimed at speeding up the process for the selection of a permanent nuclear dump site and also tilted that search—for primarily political reasons—in the direction of Nevada. While I can understand the desire on the part of many in Government and the nuclear industry to get the decision on a nuclear waste site behind them, I do not intend to sacrifice the safety of Nevadans and their children and their children's children for political expediency.

I also want to alert my colleagues that I intend to spend many hours over the next few months educating them on the inherent dangers and shortcoming of rushing to a political judgment on a question as important as who will have to live with the Nation's nuclear garbage for generations to come. They will also be hearing a lot more about the lack of experience we have in dealing with the problems inherent in long-term waste storage and disposal. Finally, I will be offering what I consider to be sound alternative proposals more in keeping with the seriousness of this problem than the one reported by the Energy Committee dealing with the nuclear waste repository siting question.

Mr. President, I urge my colleagues to follow this debate closely and not rush to judgment on this issue. It should be likened to the debate that is taking place and will continue to take place in their own States as these States choose sites and technologies for the disposal of low-level radioactive waste. Quite simply, this question is vital to our future and deserves the kind of close scrutiny and detailed debate for which this body is famous.

Mr. STEVENS. Mr. President, I know that the Senators who have been participating in the colloquy this morning concerning the defense bill still have statements to make. I had intended to make a comment on extraneous subjects, and I ask my good friend from West Virginia whether it is the intention of the leadership to extend this morning business time beyond 11 o'clock.

Mr. BYRD. Yes.

Mr. President, how much time would the distinguished Senator need?

Mr. STEVENS. About 10 minutes. But I see my good friend on the floor. He started it this morning, and I believe he wants to wind it up, and I will be glad to yield for that purpose and then make my statement. I am in no rush.

Mr. BYRD. Mr. President, how much time does the Senator desire?

Mr. DASCHLE. About 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that the morning business period be extended 40 minutes and that the three Senators and Mr. METZENBAUM each be permitted to speak for not to exceed 10 minutes.

The PRESIDING OFFICER. The four Senators being the Senator from Alaska, the Senator from South Dakota, the Senator from Montana, and the Senator from Ohio.

Mr. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and I thank the Senator from Alaska.

The PRESIDING OFFICER. The Senator from South Dakota.

DOD AUTHORIZATIONS AND ARMS CONTROL

Mr. DASCHLE. Mr. President, I thank my distinguished colleague from Alaska for his willingness to allow me to close this debate.

I also thank the distinguished majority leader for his willingness to accommodate all of us this morning. He has indicated an interest in this issue and has allowed us great latitude as we have discussed it in great length this morning.

I believe it has been a good debate and certainly one that adds to the discussion and ultimately the understanding of all Members toward this controversial and very substantive issue.

If we judge the debate by the decibel level, perhaps the other side might win. But I would hope that rather than decibels, we really judge the issue on the basis of logic.

The Senator from Indiana is not on the floor, and I wish he were, because I would like to address a couple of points he made very demonstrably this morning with regard to his interpretation of the situation as he sees it legislatively.

It was the argument of the Senator from Indiana that the role of the Senate is not to interpret a treaty, that the role of the Senate is simply to approve a treaty, that he really did not think it was our prerogative to question whether or not the treaty as it existed for 15 years ought to be changed in any way as it was interpreted back in 1972.

I wonder whether he meant that, whether he meant to say that we, as a Senate, ought not interpret a treaty. I would have asked, had I had the opportunity, whether we, as a Senate, can approve anything if we first do not interpret it, whether we do not interpret every bill, every piece of legislation. Every matter that comes before this body must, by its very nature, be interpreted, by definition, before it is voted upon.

If it is not the role of the Senate to interpet, how in the world can it be the role of the Senate to approve? How would you approve any treaty? How do we pass upon anything if we do not first interpret?

For 15 years the ABM Treaty was interpreted by seven Congresses and by three administrations as we have had it. How is it now that we can delegate that responsibility solely to this administration, without the ability to reconsider, without the ability for any of us to question whether or not the sole interpretation of that President is correct?

He is right about one thing and that is that this is a constitutional issue, perhaps not in the same manner within which he determines or decides or questions that constitutional issue.

But this is a constitutional question. It is a constitutional question because the question here is not whether or not we have the right to interpret, whether or not we as a Congress have the right to ultimately approve those treaties and whether on the basis of our approval that treaty will be implemented and, second, whether or not we have the right to appropriate funds in accordance with that treaty or anything else.

Those are the two fundamental constitutional questions. Does the Senate have the right to approve by, first, interpretation and, second, do we have the right to appropriate?

The answer unequivocally is "yes." We retain the right to approve treaties. We retain the right to appropriate funds and we must as we consider this issue and every other one uphold that right within this body. Democrats and Republicans believe in the prerogative of the Senate to carry out its functions constitutionally and that is what we are talking about here.

There are those who have said that the consideration of this fundamental constitutional question has no business on the defense bill, that it belongs on the State Department bill. But I would ask anyone whether or not the State Department funds SDI, whether or not the State Department has any prerogative with regard to funding of any weapon, SDI or anything else.

The opponents say they will give us an opportunity to bring this bill up in some other form. But they have not agreed to take up the Levin-Nunn amendment in conjunction with that issue with which it is directly associated and that is SDI funding. Give us that opportunity to bring up Levin-Nunn in association with SDI and perhaps we have a deal, but until that time, let us consider this legislation. Let us consider this constitutional issue. Let us consider the Levin-Nunn amendment on that particular bill with which it is directly associated and that is the defense authorization bill.

So let me say again, Mr. President, I think this has been very good debate, a substantive debate, one that will allow us further consideration of this issue and ultimately let us hope that in this debate and in this disclosure we have seen fit again this morning that we can resolve these differences, that in some way we can bring together both sides, that we can resolve the constitutional question before us and ultimately that we can put the defense authorization bill before this body to do the things we must, so that we avoid doing something that we have not done in more than 30 years, failed to pass a DOD authorization bill in one session of Congress.

I thank all of the participants for their willingness to discuss this issue, to debate the issue as we have this morning, and I thank the President, and I yield the floor.

THE WAR POWERS ACT

Mr. ADAMS. Mr. President, I rise to discuss the War Powers Act. As we prepare to leave on the August break, we leave with some satisfaction that we have addressed a number of major issues. But there is one major issue before us today that we have left totally unresolved. Over 5 months ago, the administration unilaterally committed this Nation to an escalating involvement in the Persian Gulf by agreeing to have Kuwaiti tankers fly the American flag and provide American naval protection for those vessels.

I rise today, Mr. President, to discuss a lawsuit which a number of us filed yesterday which I will discuss in a short period of time and will at a later time discuss further. We have filed a suit to have the War Powers Act carried out by the administration and the Congress.

Mr. President, after the President of the United States made a decision without involving the Congress, without actually anyone really knowing about it, to reflag Kuwaiti tankers, he made a commitment to that country. We have seen 37 American servicemen aboard the U.S.S. *Stark* killed by a missile fired by one of the belligerents in the Persian Gulf war. We have lost men in a helicopter, attempting to land on one of our vessels which had to move without careful planning into that gulf area.

We could have lost a great many more of our personnel to a mine if it had instead hit the escorting vessel.

Now, Mr. President, the President of the United States and the Secretary of Defense indicate that they are prepared to indefinitely increase our military presence in the gulf region, but we have not seen, during all this period, meaningful consultation with the Congress. We have not seen a full-scale congressional debate. And what we have not seen is the Congress accept its role and responsibility under the Constitution and under the War Powers Act enacted in 1973, to authorize—it is required—our servicemen to be placed into a situation where imminent involvement in hostilities is clearly indicated.

Mr. President, if we have not seen clearly indicated imminent involvement in hostilities with what has happened in the last 3 weeks, I do not know what imminent hostilities could possibly be.

We have the situation in existence right now that requires cooperation of the Congress under the War Powers Act. It requires the President to send notice to the Congress. It requires Congress to respond and authorize or not authorize within 60 days. This is part of the war-making power of the Congress. It is a power that has been granted and signed into law in 1973 in order to prevent the President of the United States using the Commander in Chief powers and the foreign policy powers to involve the United States in a war, which clearly is the power of the Congress.

This act was created after the Vietnam war to prevent a continual escalation of activity by the United States using the Commander in Chief powers to really go into war without the Nation being mobilized, without the Congress being mobilized, without everyone understanding what that policy is.

Last week, we had an example of the President reaching out, apparently, or Congress reaching out, but at least a reaching out to establish a bipartisan policy in Central America. I am not fully persuaded that policy is right, but I do accept the wisdom of having congressional involvement. In that particular case, we do not have American servicemen—thank God—at this point involved in that conflict. In the Persian Gulf, we have American service personnel directly involved in a situation where we have a military action going on full scale between two major powers and we are in the process, through this reflagging system, of aiding an ally to one of those belligerents in that gulf.

Mr. President, I do not suggest that the administration's escalating the Persian Gulf war by reflagging these vessels was a short-term policy. I am saying, instead, that we have vital interests in the Persian Gulf. We will have to be there a long time. And being there a long time, we should not take precipitate actions. We should have the Congress of the United States utilizing the War Powers Act, taking part, as it should, in defending our vital interests.

I am not sure reflagging is our vital interest. That should be debated. We have not had the opportunity to vote on that.

We are preparing to repeat the mistakes of the past. The President of the United States has not been involved in consulting with Congress. When we debated amendments designed to delay reflagging, we were told there was no need for legislative action. There was, "After all, the Congress had been informed." Mr. President, there is a big difference between consulting and informing. The fact that long after the President made a commitment and we were told about it does not mean we were consulted. And even if we had been consulted, there is a big difference between consultation and the constitutional powers under the War Powers Act and ultimately the power of whether or not to declare war.

We put the test up of whether or not American servicemen are subject to imminent hostilities. Mr. President, that is occurring.

There are a number of different proposals. I do not care which one we use. I am sad that we had to resort yesterday to a lawsuit to force the use of the War Power Act. We did twice before during these last 3 months. First, Senators BUMPERS, HATFIELD, and I joined in introducing S. 1343, legislation that would require the President to report to us, Congress, under 4(a)1 of the War Power Act. That legislation had been considered by the Foreign Relations Committee, was voted on, voted out, reported to the Senate, and sits on the calendar before the President of the Senate right now as order No. 225. It has not been brought up on the floor and it should be.

We have tried that. We have tried desperately to do that. We have gone to other bills. We have obtained votes and those votes indicated a majority of the Senate have grave doubts and wanted to reexamine the vote on the reflagging system. It was not a question of whether or not we stayed in the Persian Gulf, it was not cut and run, it was not a question of the military. It is a question, is this a confrontation of policy? If it is a confrontation of policy, did we want to do that? And above all, are we prepared, militarily or psychologically, for the impacts that will come before us?

Have we overextended our military? Many have stood on this floor and said we are overextended. You cannot put those aluminum frigates up in the gulf. We have talked about the fact of mines. We have talked about air cover, we have talked about the fact that every one of our allies has pulled back away from us.

Second, we joined with Senator MURKOWSKI, a Republican Senator from Alaska, in introducing legislation when we could not get this passed to say, let us sunset this reflagging, let us end it after 6 months and consider whether we should do something else. Let us look at what we are doing in this long-term policy. I hope that legislation will come up. I think it is essential that it does.

Third, Mr. President, the reason I am taking this time this morning is we are blocked on every one of these and we are going into a congressional recess and I am concerned about attacks on our allies, attacks such as occurred at Mecca, attacks on our ships, the difficulties we have. I want the country united.

We could not get it through before the recess, so yesterday, along with Senators SIMON and MATSUNAGA and over 100 Members of the House, I joined as a plaintiff in a suit to seek judicial relief and enforcement of the requirements of the War Powers Act, saying it was triggered by this reflagging of vessels. In addition, that suit says that if that reflagging, which was based on national security interests, is not halted, then the reflagging of those ships, which was based on national security powers, was illegal and that reflagging should not occur.

There are clearly different points of emphasis in this situation, Mr. President, as to which of the three should be used. Those of us who have attempted again and again to get this legislation up want to say we know we have failed and that some would prevent timely action—against either our forces in the gulf or our interests and those of our friends and allies—as they took action in Mecca last week.

We have an obligation, Mr. President, to address this issue—to forge a national policy to sustain our long-term interests in the region. I have consistently indicated that I would not have taken the action that the President has, I would not have reflagged those Kuwaiti vessels or promised protection to them; but the President has done this and our Nation has made a commitment. The question now is how we can protect our overextended military presence and whether we ought to expand or contract our total activity in the gulf.

Mr. President, the only way we are going to answer those questions, the only way we are going to generate public support for whatever policy we adopt, is to air the issue thoroughly, debate it fully and then vote on it.

If, in the next few weeks, there is an escalation of action either in the gulf or against American interests elsewhere, some of us could say "I told you so." But, Mr. President, that is not what we want to say.

What we want to say to our constituents is that we knew what the risks were and we debated them and are prepared to respond. We cannot say that today. The President has taken an administrative action, not a national action under the War Powers Resolution, and as a result we are creating a great risk without a clear view of the United States plan of action.

We want to require the President to accept his obligation to consult with the Congress; we want to require the Congress to accept its obligation to address this issue; we want to use a mechanism specifically created to unify the country behind a well conceived, carefully implemented policy.

Mr. President, we should use the War Powers Act to develop a rational and clearly defined set of goals and mechanisms which will help the United States protect our vital interests in this region and throughout the world.

Mr. President, I ask unanimous consent that an article from the Washington Post of this date commenting on the lawsuit and on the delays in the escort of tankers be printed immediately following my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. DELAYS NEXT ESCORT OF TANKERS

PENTAGON WANTS TO STRENGTHEN NAVAL FORCES IN THE GULF

(By Molly Moore and Edward Walsh)

U.S. military officials have delayed for up to a week the escort of three more reflagged Kuwaiti oil tankers, until sophisticated minesweeping and other protective forces arrive in the Persian Gulf, Defense Department sources said yesterday.

The forces are being sent following the mine damage to a reflagged tanker during the first convoy and because Iran has raised new threats of retaliation against the United States. Within the next several weeks there will be about 24 U.S. Navy warships and support vessels and more than 15,000 U.S. military personnel in and around the gulf, the largest deployment since a naval task force challenged Libya's "line of death" in the Gulf of Sidra early last year.

Meanwhile, more than 100 Democratic members of Congress are asking the U.S. District Court here to force President Reagan to invoke the War Powers Resolution and allow Congress to decide whether U.S. warships should continue to escort Kuwaiti tankers that now fly the U.S. flag. The Persian Gulf has served as a major battleground in the 7-year-old war between Iran and Iraq.

"This is exactly the sort of situation the War Powers Resolution was designed to deal with," said Rep. Mike Lowry (D-Wash.), one of the lawmakers behind the suit. "It is indisputable that American forces in the Persian Gulf face imminent hostility and the situation is becoming more dangerous every day."

The legal maneuver by the members of Congress follows a week of reports that new U.S. military forces are being sent to the Persian Gulf provide additional support to the controversial escorting operation.

The second convoy of tankers and their American warship escorts originally had been sheduled to set out late this week. But the helicopter carrier that will transport eight Sea Stallion mine-hunting and sweeping helicopters to the gulf is not expected to leave the island of Diego Garcia in the Indian Ocean for its three- to four-day voyage to the gulf until today, Pentagon sources said.

The sources said the Joint Chiefs of Staff decided formally on Wednesday to postpone the operation "to let equipment arrive" in the gulf.

Adm. William J. Crowe Jr., chairman of the Joint Chiefs, and Defense Secretary Caspar W. Weinberger spent an hour with top congressional leaders yesterday in a closed-door Pentagon meeting to discuss the gulf operations.

House Armed Services Committee Chairman Les Aspin (D-Wis.), who has criticized the military as being short-sighted in the face of threats such as mines, said he left yesterday's session "feeling a little better."

"The military is at least beginning to think in terms of what's the unusual," Aspin said. "I don't know if it's going to work."

Secretary of State George P. Shultz denied reports yesterday that the reflagging of the three tankers was postponed because a high-level Iranian delegation was in Kuwait trying to persuade that country to abandon the operation. The report of the alleged diplomatic negotiations was published in the London Independent newspaper yesterday.

"I saw that report, and as far as I know, there's nothing to it," Shultz told reporters. "As far as our reflagging operation is concerned, it proceeds according to our schedule, and there hasn't been any particular delay in it."

The newspaper said the Iranians had offered to stop attacking Kuwaiti shipping interests if the Kuwaitis would cancel the escorting arrangements with the United States. Kuwait has been allied with Iran's opponent, Iraq.

The suit being filed today by 104 Democratic House members and three senators is aimed at forcing an end to the escorting operation unless Congress specifically authorizes its continuation or declares war on Iran. Officials participating in the suit conceded, however, that the administration was certain to appeal an adverse ruling by the district court, a process that could take months.

Lowry, chairman of the Democratic Study Group, a research organization of mostly liberal House Democrats that coordinated preparation of the lawsuit, said those bringing the suit were "again hoping that this moves the administration to change the policy" in the Persian Gulf.

Under the War Powers Resolution, the president is required to notify Congress when he has introduced U.S. forces into combat or situations where "imminent involvement in hostilities" is likely. The law requires the president to terminate such operations within 60 days of reporting to Congress unless Congress declares war, authorizes the operation or extends the 60-day deadline.

If the court should rule that the War Powers Resolution does not apply to the Persian Gulf situation, the lawsuit asks that the reflagging of the Kuwaiti tankers be declared illegal. The suit charges that in reflagging the tankers the Reagan administration waived certain safety and inspection provisions of U.S. maritime law that were meant to be bypassed only in conditions "amounting to a military emergency or a state of war."

At the same time, the House Armed Service subcommittee on military personnel and compensation held its hearing on a bill that would force the Defense Department to pay bonuses to U.S. personnel who have served in the gulf since May 1.

"To not pass this bill is to pretend like the Persian Gulf is more like Lake Michigan than it is a very troubled and dangerous international waters," said Rep. Patricia Schroeder (D-Colo.), who introduced the measure. "Danger pay is only $110 a month. It hardly compensates our brave sailors for the dangers they face patrolling the gulf."

Pentagon officials told the subcommittee current law provides that field commanders decide whether their troops are in enough danger to warrant the special pay. Officials said that only the captain of the USS Stark, which suffered a missile attack by an Iraqi pilot May 17 that left 37 sailors dead, has ordered bonus compensation for his crew and officers in the Persian Gulf.

When Shultz was asked by reporters yesterday whether the reflagging could lead the United States deeper into the threat of war, he said, "I don't think there's any prospect at all that we'll be drawn into a shooting war. . . . Our presence in the gulf is not provocative. We are there to deter acts of aggression against perfectly legitimate shipping by countries that are neutral. . . . Obviously if we are attacked, we will have to see what actions we'll take."

Assistant Secretary of State Richard W. Murphy said that Iranian-instigated terrorist attacks as a result of the Persian Gulf operations are a possibility and that the West should be "very much on the alert." Murphy made the remark in a television interview broadcast in Europe and Israel yesterday.

Pentagon sources said yesterday that at least four U.S. warships would be involved in the second escorting operation. Sources also said the Bridgeton, damaged when it hit a mine during the first escort July 24, is scheduled to be escorted out of the gulf after the convoy of the three newly reflagged ships is completed.

Administration officials have said they are considering stronger restrictions on commercial trade with Iran. Total U.S. export to Iran was about $13 million in the first five months of this year.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Alaska.

CENTENNIAL OF THE FOUNDING OF THE METLAKATLA INDIAN COMMUNITY

Mr. STEVENS. Mr. President, today marks a very special day in the history of Alaska as well as the history of Alaska Natives. Exactly 100 years ago the Metlakatla Indian community was founded in southeastern Alaska.

This is a very interesting story of our own national heritage.

On August 7, 1887, a group of Tsimpshean families landed on the Annette Islands in southeastern Alaska. They migrated to Alaska from British Columbia, Canada, to seek religious freedom and a land base for their community. With the encouragement of the U.S. Government, the Tsimpsheans built a sawmill, a cannery, and a community of homes, schools, and churches. In the midst of unsurpassed natural beauty, these pioneers carved a village out of the Alaska wilderness.

On March 3, 1891, the U.S. Congress set apart the Annette Islands as a Federal Indian reservation for the Metlakatla Indians. We had adopted them as American citizens. President Woodrow Wilson recognized the importance of the salmon industry to Metlakatla's economic livelihood, and in 1916 declared the water surrounding the Annette Islands part of the reservation. The community continues to expand the fishing and timber industries which have been the basis of their thriving economy for decades.

Today the Metlakatla Indian community consists of members of many different Alaska Native groups, including the Tsimpshean, Haida, Tlingit, Athabascans, Aleuts, Yup'iks, and Inupiat Natives. This rich cultural mix is invaluable to Alaska's social and educational heritage. Metlakatla is known and respected throughout Alaska for its progressive attitude, yet here is a community that does not ignore its traditional heritage—youth are still taught the languages, carvings, dance, and craftsmanship of their elders.

The Metlakatla Indian community is a great source of pride for me and for all Alaskans. In this bicentennial year of the U.S. Constitution, recognition of their contribution to our diverse cultural heritage is especially appropriate. The pioneers of the Annette Islands are reminders of our Constitution's great history—their ingenuity and perseverance is a tribute to the American spirit.

On July 8, 1923, shortly before his death, President Warren G. Harding visited the Metlakatla Indian community in the first stop of his tour of the territory of Alaska. In his speech to the community be said:

> It is a very great pleasure to greet you; it is a joy to hear your band and to hear you sing, and it is an inspiration to look into your faces. I am glad that we have such an island under the American flag; I am glad that you are part of this republic or ours and doing your share to develop it and make it better. To you as pioneers in this section I pay my tribute for bringing about such a softening and elevating influence in this great Northwest.

Mr. President, I invite the people of Alaska and all citizens of the United States to join the community of Metlakatla in the celebration of their 100-year anniversary, as we initiate the celebration of the 200th anniversary of our Constitution.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter President Reagan has sent to the citizens of Metlakatla, AK.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

THE WHITE HOUSE,
Washington, DC, June 23, 1987.

HON. HARRIS L. ATKINSON,
Mayor of Metlakatla,
Metlakatla, AK.

TO THE CITIZENS OF METLAKATLA, ALASKA: I am pleased to send warm greetings for the centennial of Metlakatla.

Each city and town of our great country is unique, but all are bound together in the love of these United States. We are fortunate to live in a nation of strong and proud communities where everyone has a chance for success and the blessings of liberty and freedom can be enjoyed by all, regardless of background.

As you commemorate this anniversary, you have a splendid opportunity to renew your commitment to preserve the spirit which has forged America into a land of wonder. I am proud to join you in making such a commitment on this historic occasion for the people of Metlakatla.

With hearty congratulations and best wishes for continued milestones,

RONALD REAGAN.

ALASKA OIL

Mr. STEVENS. Mr. President, I have in the past said that the North Slope of Alaska is America's "Persian Gulf." Recent events in the Persian Gulf require that I clarify that remark.

The North Slope is America's Persian Gulf in that it has the potential for discovery of many more super giant oil fields like Prudhoe Bay. Unlike the Persian Gulf, however, we do not have to risk the lives of our sailors to safeguard the flow of oil from the North Slope. Maintaining the flow of this domestic oil requires congressional, rather than military, support.

The huge potential of the North Slope of Alaska and the Coastal Plain of ANWR merits and deserves, as a matter of national policy, the same attention that events in the Persian Gulf are now receiving. For the long term, the North Slope and the Coastal Plain are more vital to America's direct interests than reflagging Kuwaiti tankers.

Mr. President, in my view, it is time to reflag Prudhoe Bay's declining crude oil reserves by adding new discoveries from the Coastal Plain of ANWR, the Arctic National Wildlife Refuge. The national need for these new reserves has been fully demonstrated. There are no significant issues of technology, environment or wildlife in exploration and production in the Coastal Plain. Twenty years of safe, clean, compatible operating experience on the North Slope speaks for itself.

Mr. President, I want to share with the Senate an article by Mr. Tim Bradner from the July 2, 1987, issue of the Energy Daily. In particular, I would direct the attention of Members who will be visiting the North Slope and the Coastal Plain during the August recess to Mr. Bradner's article. This article concerns the oil and gas resources of the Coastal Plain study area of the Arctic National Wildlife Refuge.

The article features the views of a prominent petroleum geologist, Mr. Tom Marshall, on the oil and gas potential of the 1.5 million acre Coastal Plain. Mr. Marshall served as the State petroleum geologist for the State of Alaska in the early 1960's. As State geologist, he played an instrumental role in advising the State of Alaska to select, as part of its statehood entitlement, the public lands on which Prudhoe Bay's 10 billion barrel oil reserves were subsequently discovered by ARCO in late 1967.

Mr. Marshall makes a number of points in "The Energy Daily" article which I would like to call to the attention of my colleagues:

The natural gas potential of the Coastal Plain could double the amount of recoverable gas previously discovered on the North Slope;

In the early 1960's, the Prudhoe Bay area was initially accorded a low priority because it was a "stratigraphic trap" that did not appear as interesting to geologists as other structures shown on seismic surveys;

There are many stratigraphic trap structures in the small 1.5 million acre Coastal Plain area as large or larger than Prudhoe Bay;

Some of the Coastal Plain prospects identified in the Coastal Plain have the geologic potential to contain many times the reserves of Prudhoe Bay.

I would like to read a few excerpts out of Mr. Bradner's article about Mr. Marshall, a highly respected, independent geologist, and his views of the magnitude of the oil and gas potential of the Coastal Plain of ANWR:

Marshall is now an Anchorage-based geology consultant. He was retrained last spring by the National Wildlife Federation to analyze the Interior Department's Section 1002 geologic assessment of the Arctic refuge. Congress is now considering whether to open the 1.5 million-acre Coastal Plain in the far northern part of the refuge to oil exploration.

"The sheer density of prospects per square mile make this [coastal plain] area one with the greatest potential for major discoveries in the country." Marshall says. The region has more and larger potential structures than any other part of the North Slope, including the Prudhoe Bay area, he feels.

Marshall thinks the gas potential of ANWR could almost double the amount of recoverable gas known on the North Slope, when combined with reserves already discovered at Prudhoe Bay and Point Thompson.

"Although I commend the authors of the (1002 report assessment) for their cautious approach," Marshall says, "the fact remains that most of the oil on the North Slopes lies in traps which are located where they are because of truncations, pinch-outs or other stratigraphic mechanisms and I believe this should carry weight in the economic considerations."

For example, Prudhoe Bay itself is partly a stratigraphic trap and for that reason was given a lower priority in the early days of North Slope exploration than other structural formations because these showed up better on seismic surveys. It was only after drilling—and reinterpretation of the seismic with the benefit of regional drilling data—that oil companies decided to drill at Prudhoe Bay, he says. This is one reason why it's so important to drill in ANWR, Marshall argues.

The largest prospect is identified as No. 18, covering 226,822 acres, an area 27 by 15 miles. The second largest is Prospect No. 19, which is located just to the southeast of No. 18. This covers 129,587 acres and measures 22 by 13 miles. By comparison, the Prudhoe Bay oil field is 13 by 26 miles.

What is also significant about Prospects 18 and 19, Marshall says, is their huge vertical closure, or the distance from the top of the geologic anticline to the bottom. In the case of Prospect 18, this closure is 10,000 feet; with Prospect 19, it is 7,000 feet. By comparison, the main Prudhoe Bay Sadlerochit formation has a 1,000-foot vertical closure. When combined with the extent of these formations, an indication of the potential huge size of the geological trapping mechanisms emerge. If it all contained oil, it could be larger than Prudhoe. This isn't likely to be the case, Marshall says, since these are only indications of geological trends.

Mr. President, I ask unanimous consent that Mr. Bradner's article be printed in the RECORD. I also ask unanimous consent that Mr. Marshall's independent consulting geologist report prepared for the National Wildlife Federation on the Coastal Plain's geology be printed in the RECORD following Mr. Bradner's article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Energy Daily, July 2, 1987]

A VETERAN'S CRITIQUE OF ANWR—GEOLOGIST SUGGESTS ANWR'S GAS POTENTIAL IS DOUBLE THAT OF THE NORTH SLOPE

(By Tim Bradner in Alaska)

ANCHORAGE, AK.—The petroleum geologist who prodded the young state of Alaska into selecting federal lands where the 10-billion-barrel Prudhoe Bay oilfield was eventually discovered now feels the Interior Department's assessment of the oil potential in the Arctic National Wildlife Refuge (ANWR) will prove very conservative.

Thomas Marshall was Alaska's state land selection officer, and later State Petroleum Geologist, in the early 1960s when he coordinated the state's selection of unexplored coastal acreage on Alaska's North Slope. Prudhoe Bay, Kuparuk, Lisburne, Endicott and the Milne Points fields—almost 11.7 billion barrels of recoverable reserves—were eventually discovered on the acreage Marshall selected for Alaska.

Marshall is now an Anchorage-based geology consultant. He was retained last spring by the National Wildlife Federation to analyze the Interior Department's Section 1002 geologic assessment of the Arctic refuge. Congress is now considering whether to open the 1.5 million-acre coastal plain in the far northern part of the refuge to oil exploration.

Marshall's critique, which may be the only independent assessment of the U.S. Geological Survey's ANWR report, focused on three aspects of Interior's analysis: that gas was not considered in the department's assessment of recoverable reserves; that the likely presence of stratigraphic traps, in addition to structural formations, was not considered; and that potential of only the deeper Ellesmerian-age rocks, and not the detached younger Mesozoic and Tertiary rocks, were considered by USGS.

Marshall points out that many oil and gas fields have been found in similar Mesozoic and Tertiary geology in the Rocky Mountain over-thrust belt. He also says that exploration on the North Slope has so far been unsuccessful in rocks of these ages, which is probably one reason for caution on the part of USGS authors when making their Section 1002 assessment. There have been oil shows—although not commercial—in rocks of that age group at Point Thompson just across ANWR's western boundary. Perhaps another reason for USGS's conservative approach was the highly complex nature of the Mesozoic and Tertiary rocks in ANWR, which made it difficult for the seismic work conducted in the refuge to spot potential traps.

"The sheer density of prospects per square mile make this [coastal plain] area one with the greatest potential for major discoveries in the country," Marshall says. The region has more and larger potential structures than any other part of the North Slope, including the Prudhoe Bay area, he feels.

Marshall thinks the gas potential of ANWR could almost double the amount of recoverable gas known on the North Slope, when combined with reserves already discovered at Prudhoe Bay and Point Thompson. Interior did not include gas in calculating ANWR's recoverable petroleum reserves because North Slope gas is uneconomical under current market conditions. But things may be different by the late 1990s when any ANWR discoveries would be developed, Marshall believes.

"There's a good possibility that higher oil prices expected by the end of this century will result in a chance that large quantities of gas which may be found in the 1002 area could be marketed," he says.

Interior did include gas in its estimate of in-place reserves. To derive an estimate of recoverable gas, Marshall took Interior's published estimate of 31.3 trillion cubic feet in-place reserves and applied a 75 percent recovery factor (which he says is standard for gas) to arrive at an estimate of 23 trillion cubic feet of recoverable gas in the ANWR 1002 study area. This is "nearly as much as the reserves of 25 trillion cubic feet at Prudhoe Bay," Marshall exclaims. "Together with 5 trillion cubic feet of gas reserves at Point Thompson, North Slope gas reserves could exceed 50 trillion cubic feet."

Marshall thinks stratigraphic traps should be given some consideration in ANWR geologic assessments, but he recognizes that USGS took a cautious approach and based its estimates only on structural prospects that could be clearly identified on the seismic work that has been done. Stratigraphic-type traps are much more difficult to define, given the limited amount of seismic work done in ANWR, says the veteran geologist.

"Although I commend the authors of the (1002 report assessment) for their cautious approach," Marshall says, "the fact remains that most of the oil on the North Slope lies in traps which are located where they are because of truncations, pinch-outs or other stratigraphic mechanisms and I believe this should carry weight in the economic considerations."

For example, Prudhoe Bay itself is partly a stratigraphic trap and for that reason was given a lower priority in the early days of North Slope exploration than other structural formations because these showed up better on seismic surveys. It was only after drilling—and reinterpretation of the seismic with the benefit of regional drilling data—that oil companies decided to drill at Prudhoe Bay, he says. This is one reason why it's so important to drill in ANWR, Marshall argues.

The USGS geologic assessments, conducted as part of the 1002 study, have identified seven major geologic "plays" in different parts of the refuge's coastal plain. Within these, there are 26 major prospects, each a major target for drilling. Seismic and geologic studies have identified two very large structures which could contain oil in quantities similar to Prudhoe Bay in the northeastern part of the coastal plain, east of the Inupiat Eskimo village of Kaktovik.

The largest prospect is identified as No. 18, covering 226,822 acres, an area 27 by 15 miles. It extends out of the 1002 study area into lands now owned by Arctic Slope Regional Corporation (the native development corporation headquartered in the city of Barrow) and offshore into submerged lands owned by the state of Alaska. The second largest is Prospect No. 19, which is located just to the southeast of No. 18. This covers 129,587 acres and measures 22 by 13 miles. By comparison, the Prudhoe Bay oilfield is 13 by 26 miles.

What is also significant about Prospects 18 and 19, Marshall says, is their huge vertical closure, or the distance from the top of the geologic anticline to the bottom. In the case of Prospect 18, this closure is 10,000 feet; with Prospect 19, it is 7,000 feet. By comparison, the main Prudhoe Bay Sadlerochit formation has a 1,000-foot vertical closure. When combined with the extent of these formations, an indication of the potential huge size of the geologic trapping mechanisms emerge. If it all contained oil, it could be larger than Prudhoe. That isn't likely to be the case, Marshall says, since these are only indications of geological trends.

Marshall stresses that the uncertainties in ANWR are many: "the key question is whether these two huge prospects contain Ellesmerian reservoir rocks which are so prolific at Prudhoe Bay." A close reading of Interior's published report raises a question about the presence of Ellesmerian rocks at one point, but in another seems to suggest a seismic interpretation "indicating a significant part of this thick sequence may be present."

The next two largest prospects in ANWR could rival the East Texas field in size if they contain oil, Interior's 1002 report indicates. East Texas, with five billion barrels, was the largest North American discovery until Prudhoe. The better of these two prospects lies in the southeast part of the coastal plain, in the area used intensively by the Porcupine caribou herd for calving. These are also judged by Interior to have Ellesmerian rocks, Marshall points out.

Another prospect is along the Beaufort Sea coast, in the north/central part of the 1002 study area. Yet another is further west near the Marsh Creek anticline, a major geologic formation in ANWR that has intrigued geologists for years.

Generally, 88 percent of the estimated recoverable reserves are in the eastern part of the coastal plain, mainly because of the presence of several very large structures. Seismic studies indicate many smaller structures in the western part of the study area. If a pipeline were built to connect the trans-Alaska pipeline at Prudhoe Bay with potential super-giants in eastern regions of ANWR's coastal plain, the pipeline would traverse these areas, making smaller discoveries economic.

REPORT FOR NATIONAL WILDLIFE FEDERATION ON 1002 AREA GEOLOGY

(By Thomas R. Marshall, Jr.)

A. INTRODUCTION

This is an evaluation of the geological aspects of the draft report of the Department of Interior's "Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment" dated November 1986. Hereinafter this report will be referred to as the draft. It covers the so-called 1002 area of ANWR which consists of 1.55 million acres or about three-fourths of the total coastal plain of the refuge. Also included are requested comments on economic matters covered in the draft which are closely related to geology and petroleum exploration.

Some constraints on my report should be mentioned at the outset. The most pertinent reference to the geological evaluation of the draft will not be available until August 1987. When published as Bulletin 1778, it will contain 23 individual papers on the geological evaluation of the coastal plain area including three papers on reservoir petrography and three or four papers on seismic methodology and interpretation used in the draft. It will be the Technical Appendix to the final report when it is sent to Congress. This bulletin is referenced as Griscom, S.B., on page 73 of the draft; however, the editor is now changed to Bird, K.J. and Magoon, L.B. Without this comprehensive publication my evaluation becomes very dependent on the summary geological and geophysical information in Chapter III of the draft report. In the 1002 area the Department of the Interior controls all the releasable geological data gained from the government's five year data gathering program. The only deep stratigraphic test well in the 1002 area is Chevron USA Inc. KIC drilled to a depth of 15,161 feet near the village of Kaktovik in the north eastern part of the 1002 area. This well was completed on April 15, 1986 and all data except the location, total depth and completion date are protected by the State of Alaska's confidentiality statute. Most of the Chapter III references, regional geology, released well data from wells on the western margin of the 1002 area and older (1980) U.S.G.S. publications which include some reconnaissance gravity surveys have been obtained. An unpublished BLM report on economics of oil and gas production from ANWR was also obtained.

B. COMMENTS ON CHAPTER III OF THE DRAFT

1. *Natural gas was not included in the calculation of economically recoverable resources.*

The draft states on page 50 that "Gas resources are unlikely to be economic at any point in the time period being considered."

I believe that if commercial oil and gas reserves are found in the 1002 area they will not be depleted before the year 2030, perhaps considerably longer if heavy oil or tar deposits are found. The principal reference on ANWR economics (Young, J.S., 1986, p. 11) quotes the American Gas Association as expecting Alaska gas exports to the lower 48 states of .7 to 1.2 TCF/yr by the year 2000 and Chevron expects exports by early in the next century. A recent Oil and Gas Journal article of January 5, 1986, p. 22, by the President of Occidental Petroleum, Ray R. Irani, predicts $60.00/bbl oil by the year 2000. The significance of the oil price to the price of gas is that high oil prices elevate gas prices and vice-versa because of the mutual market substitution. Serious studies by the Arctic Gas Pipeline Consortium were undertaken in the 70's with oil prices in the teens. $60 oil would certainly elevate gas prices in the year 2000, perhaps to 300% of today's prices. Using the conditional mean estimate in the draft of 31.3 TCF of gas in place in the 1002 area and a conservative 75% gas recovery factor, the gas reserves could be over 23 TCF, nearly as much as the reserves of 25 TCF at Prudhoe Bay. Together with 5 TCF of gas reserves at Pt. Thompson, North Slope gas reserves would exceed 50 TCF.

Just after the draft was completed, Yukon Pacific Corporation finalized its environmental impact statement permit for the proposed 800-mile gas line from the North Slope to Valdez, Alaska, where a liquefication plant would be built. Yukon Pacific expects a Pacific Rim "market window" to open in the early 1990's, about the time their project would be completed.

In my opinion there is a good possibility that the higher oil prices expected by the end of this century will result in a moderate chance that large quantities of gas which may be found in the 1002 area could be marketed at a profit.

2. *Stratigraphic Traps not considered as prospects.* See page 51, paragraph 4.

Although the draft considers oil and gas contained in stratigraphic and structural traps in the "in place" estimates, only structural prospects were considered in the estimation of recoverable resources. Strangely, Fig. 111-2 on page 50 of the draft-directly compares the conditional recoverable oil resources of the eight largest 1002 area prospects (all structural) with the original reserves of five U.S. oil fields. Of the three largest fields, two are combination stratigraphic-structure traps and one (East Texas) is purely a stratigraphic trap.

Although I commend the authors of the draft for their cautious approach the fact remains that most of the oil on the North Slope lies in traps which are located where they are because of truncations, pinch-outs or other stratigraphic mechanisms and I believe this should carry weight in the economic considerations.

3. *No prospects defined in detached Mesozoic and Tertiary Rocks.* See Page 58, last paragraph.

No prospects were adequately resolved within the detached (by fault planes) and highly deformed Mesozoic and Tertiary rocks because of the difficulties of mapping them with existing seismic data. Nonetheless in areas of comparable structural geology, many oil, gas, and gas condensate fields have been found in Rocky Mountain area overthrust belts as a result of sub-surface information gained from the drilling of wells combined with detailed seismic surveys. In fairness to the authors of the draft it must be noted that oil and gas exploration results in a similar regional structure area of the North Slope have not been successful.

C. OTHER REQUESTS

1. Compare geological favorability of the three localities having typical prospect characteristics shown on page 7 of the draft.

These three localities contain all the defined structures except No. 15 which is very deep (22,500 feet), has limited vertical closure, and lies mostly (75%) outside the 1002 area. Individual prospect numbers are shown on page 61 and the area they represent is shown on page 49.

Prospect locality No. 1. (Marsh Creek area including 16 defined prospects). Well expressed in surface rocks, the Marsh Creek anticline has been known for many years and with its subsurface extensions it may be 40 miles long. Oil stained sandstone in the Canning Formation is found on the Katakturuk River on the north flank of this huge anticline. Significant amounts of gas have been tested from Ellesmerian rocks at the Kavik well lying outside the 1002 area to the southwest of Marsh Creek anticline.

With direct evidence of both gas and oil nearby, both surface and seismic closure are excellent exposures of the Ellesmerian rocks in the Sadlerochit Mountains immediately to the south, all defined prospects in locality 1 are good with prospect number 5 probably being the best.

Prospect locality No. 2 (Upper Jago River area). This area lies on the Beaufort Sea in the northeastern part of the 1002 area and includes defined prospects 18, 19, 23, and 26. This prospect locality is distinguished by the two largest prospects both from the standpoint of area and vertical structural closure. For comparison, the area of the Prudhoe Bay oil field, the continent's largest, is 13 x 26 miles. Prospect No. 18 is 15 x 27 miles and prospect No. 19 is 13 x 22 miles. Vertical structural closure in the main producing formation of Prudhoe Bay is approximately 1000 feet. Vertical closure at prospect No. 18, is greater than 10,000 feet and No. 19 is greater than 7000 feet. Of course we are comparing hard subsurface data at Prudhoe Bay with speculative seismic interpretations on prospect 18 and 19. However prospect 18 received the greatest number of seismic traverses (16) and prospect 19 was tied for the second largest number (10).

An oil seep at Manning Point lies within the limits of prospect No. 18 and another seep at Angun Point lies about five miles east of prospect 19. An anticline expressed in the surface rocks adds interest to the possibility of heavy oil deposits at shallow depths. The key question here is whether or not these two huge prospects contain the Ellesmerian reservoir rocks which are so prolific at Prudhoe Bay. Fig. 111-6 indicates the questionable presence of Ellesmerian rocks but a statement on Page 54 suggests that a seismic interpretation indicates a significant part of this thick sequence may be present in the eastern part of the 1002 area, i.e., in prospect locality #2.

The draft report authors consider defined prospect No. 19 to contain Ellesmerian rocks but no correlation can be made with prospect #20 because only one east-west seismic line in this area is provided.

Because of the great distances to well control good information on the maturity of possible source rocks in the lower part of the sedimentary section is very speculative. The surface oil seeps may be from very much younger, near surface sources.

Prospect locality No. 3 (lower Jago River area). This area lies in the extreme southeastern part of the 1002 area and includes defined prospects 20, 21, 22 and 24. This locality is more remote from the Beaufort Sea coast. It contains two large prospects, both of which are considered to contain Ellesmerian sediments. Defined prospect 20 is somewhat larger than prospect 21 but a small east-west anticline is expressed in the Brookian surface rocks which may help localize heavy oil deposits if they exist.

2. *Comments on additional oil and gas exploration.*

Although the seismic work done in the 1002 area is of a reconnaissance nature and certainly much more would be done to locate a well seeking oil and gas production, still the information on regional structional wildlife refuge has been enhanced significantly by the seismic program. The real deficiency in information is the amount and quality of reservoir rocks and source rocks present.

Chevron USA Inc. and partners have drilled a deep stratigraphic test on the coast of the Beaufort Sea about 16 miles east of Kaktovik on the extreme eastern end of the KIC lands. This well was drilled to a true vertical depth of 15,161 feet. It was located in Sec. 1, T 8N—R.36E, U.P.M. It was spudded on 2/17/85 and completed on 4/15/86. This well was in an excellent spot to test defined prospect No. 18, the largest structure found in the 1002 area. The data on this well is highly confidential since it was drilled by a private company on lands leased from a Native corporation.

A stratigraphic test hole drilled between defined prospects No. 20 and 21 in the south Jago River area would provide critical reservoir and source rock data in prospect locality No. 3. A test hole drilled north of defined prospect No. 5 in the Marsh creek area would give the data on locality No. 1. Four locations are mentioned in the draft on page 92. Of these, I believe that test hole No. 1 in the northwest area would be of the least importance because there is some well control near the northwest margin and the geology is uncomplicated compared to the rest of the 1002 area. One at these suggested locations (No. 3) is basically where the Chevron KIC strat hole was drilled. It is my understanding that shallow test holes were drilled with very portable equipment in several areas. This information is not presently available but will be included in the Technical Appendix to the draft when it is sent to Congress. This shallow data is probably intended to gain source rock information in the many areas covered by thin surficial sediments of recent age.

There are many areas where information from deep stratigraphic test holes would be very valuable. It is very expensive to move a large drilling rig to remote sites and drill a deep well. Off-structure tests would provide less information than a well drilled for oil and gas. The latter would provide the most critical information of all—whether or not the suspected trap is effective in containing the hydrocarbons and whether the migration of hydrocarbons from source rocks took place before or after the trap was formed.

CONCLUSION

The geological work done in the 1002 area summarized in the draft and available references meets high scientific standards. The overall tenor of Chapter III is, in my opinion, conservative in regard to the oil and gas exploration possibilities. However, the track record of essentially the same geological team was excellent when the realities of development in NPR-A are compared to their initial work before development.

Mr. STEVENS. Mr. President, I am indebted to the Chair for his indulgence and to the majority leader for extending the time so I may make these remarks.

I yield the floor.

THE ADMINISTRATION'S AGRICULTURAL PROPOSAL I

Mr. BAUCUS. Mr. President, the Reagan administration has recently presented a bold proposal in the new round of GATT talks.

The proposal envisions sweeping reforms in agriculture!

It calls for the elimination of all agricultural export subsidies, production subsidies, and import barriers worldwide.

It calls for all of these barriers to be phased out over the next 10 years by all GATT members. The only form of farm support permissible would be direct income supports not linked to production.

The proposal, if fully implemented, would establish a free market in agriculture—now the most heavily protected sector of the world economy.

Free trade is an admirable goal; we all agree about that. And the opportunity exists for reaching a significant international agreement on wheat, feed grains, soybeans, and perhaps a few other commodities during the current round of GATT negotiations.

But I think the administration is shooting too high, and as a result will fall far short of a satisfactory agreement on agricultural trade.

I fear that by shooting for the moon, the administration may never get off the ground.

The emerging consensus for reform will be shattered if we try to push too far, too fast. We must take a more pragmatic approach to liberalizing agricultural trade.

I will make two statements this week that outline my position on this proposal and urge the administration to take a more pragmatic approach to the agricultural trade talks.

Today, I will focus on the reasons why the administration proposal is not practical.

An agricultural trade agreement effects many groups, consumers and taxpayers alike. However, the success of any agreement depends on what it does for farmers.

For farmers in various countries around the world and particularly in our country, the administration's proposal is a mixed bag.

Farmers in Australia, Argentina, and many developing nations would be able to take advantage of their low production costs to greatly increase ther export sales.

On the other hand, farmers from European Economic Community member nations and Japan would face a more difficult situation. They depend much more on government supports. If these supports were eliminated, most farmers from these countries would probably be driven out of business. EEC dairy, sugar, and beef producers would be particularly hard hit.

The EEC could very rapidly lose 30 to 50 percent of its agricultural sector under the administration proposal. This could leave as many as 3 million jobless farmers and farm workers in the EEC.

Japan could actually lose almost its entire agricultural sector!

None of the three major agricultural commodities produced in Japan—rice, beef, and citrus fruits—is competitive in world markets today.

Further, if government farm price supports are removed, the value of Japanese farmland will plummet. Land-hungry Japanese city dwellers would quickly step in and develop the farmland for living space.

In America farmers will face mixed prospects under the administration plan.

Farmers that produce wheat, feed grains, or soybeans are likely to benefit. U.S. farmers are able to produce these commodities at a relatively low cost.

New markets will be opened for these commodities around the world, and some of the major competitors will be removed.

More than likely, exports of these commodities will increase considerably.

Since these three commodities are responsible for about 50 percent of U.S. agricultural exports and 67 percent of the cost of the U.S. farm program, this would be a very positive feature of the administration proposal from the U.S. perspective.

Yet farmers that produce, rice, cotton, and cattle will face an uncertain future.

The United States is now a major exporter of rice and cotton, but production of these commodities is highly subsidized through a marketing loan program. In a complete free market, U.S. rice and cotton producers would face stiff competition from developing nations.

United States cattlemen face the prospect of increasing beef exports to markets like Japan under the administration proposal. Unfortunately, they also face increased competition from imports of lower quality beef from Australia and New Zealand.

U.S. sugar and dairy producers are almost certain to be harmed under the administration proposal. Both of these commodities are heavily subsidized and heavily protected.

The U.S. price for sugar, for instance, is today approximately four times the world market price.

It is unlikely that there would be many independent dairymen or sugar producers if the administration proposal became reality.

Finally, the administration's proposal has frightened many farmers and citizens of rural areas by defining certain vital rural programs—such as the Agricultural Extension Service and the Farm Credit System—as subsidies.

These programs have no measurable impact upon world trade; none of our trading partners has ever complained about them. Yet, they do provide vital services to rural areas and to farmers.

It would make no sense to negotiate an end to these important programs.

As I said at the outset, all major exporting nations have an economic interest in ending the subsidy war on wheat, feed grains, soybeans, and perhaps a few other commodities.

But many nations, including the United States, would face severe economic disruptions as many farmers are thrown out of work if other agricultural commodities and all agricultural programs are included in the scope of the agreement.

The proposal could have such tremendous negative effect upon many rural areas that many groups who would otherwise be natural supporters of such a free trade agreement are being radicalized against it.

The reaction of the U.S. farm community is typical. Not a single major farm group has yet endorsed the administration proposal.

One major farm group ran a headline on its monthly publication that read "U.S. Farmers Sold Out in the GATT."

I understand that the reaction of farmers in Canada has been quite similar.

In order to conclude a successful agreement, we need to incorporate these farm groups in the negotiating process. They must be included.

By proposing a radical agreement that threatens to have a severe negative inpact on rural areas, the administration is frightening off the very groups that could form a strong political basis of support for an international trade agreement.

Later on, I plan to outline a proposal that I believe has a greater potential for forming the basis of an international agreement on agriculture.

JAPANESE SQUID FLEETS

Mr. STEVENS. Mr. President, I would like to bring to the attention of the Senate a series of egregious violations of the regulations governing the interception of North American-origin salmon on the high seas.

The International Convention for the High Seas Fisheries of the North Pacific Ocean sets forth time and area restrictions on the high seas fishing fleets of the member nations. Japan, Canada, and the United States are members of the convention, but only the Japanese fish in those international waters.

The Japanese land-based squid and other driftnet fleets include over 1,500 vessels. These vessels set close to 1 million miles of net annually. The nets are capable of entangling any species of fish, marine mammals, or sea birds which come into contact with them. The convention regulations attempt to minimize the impact on North American-origin salmon, and also serve to provide some protection for sea birds and marine mammals as well. The domestic laws of Japan also nominally prohibit certain fishing activity in conjunction with the convention restrictions. The problem is that those restrictions are not enforced. Our fishermen and the salmon stocks suffer the consequences.

For the last decade, we have had countless reports of violations of the convention regulations by the Japanese fleets. The most recent sightings occurred between July 20 and July 28. Coast Guard surveillance aircraft spotted a total of 18 Japanese vessels fishing in prohibited areas known to contain salmon. Some of these vessels had their official registration numbers concealed to avoid identification.

These repeated violations have shaken my faith in the ability of the Government of Japan to enforce both domestic and international law against its fishermen. The salmon fishery is too important to the State of Alaska and the Pacific Northwest to ignore these blatant violations of the law. I am serving notice that the interception of salmon will become an issue in every legislative initiative before the Senate which relates to Japan.

NINETEENTH ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. METZENBAUM. Mr. President, this coming August 21 will mark the 19th anniversary of the Soviet invasion of Czechoslovakia. I wanted to take a few minutes to reflect upon that event and its aftermath.

When I was growing up, I always thought of Czechoslovakia as being a nation of democratic ideals. It was one of the finest nations in Europe, with the greatest leaders, such as Thomas Masaryk and Dr. Edward Benes. I respected those leaders, and I held Czechoslovakia in the highest esteem. The Russian invasion changed all that.

In August 1968, approximately 500,000 Soviet and Warsaw Pact troops rolled into Prague as the Czechoslovak troops were ordered to stand aside. Although there were few casualties, the results of the invasion were tragic nonetheless.

When the Soviets invaded and took control, they exerted extreme political pressures and excluded tens of thousands of people from daily life in Czechoslovakia. The Czechoslovakia people were denied their basic human rights, and their cultural, political, and other freedoms were suppressed.

In effect, the invasion put Czechoslovakia under the rigid, oppressive rule of the Soviet Government.

Since then, approximately 145,000 Czechoslovaks have left their homeland, with about 25,000 of them settling in the United States. They fled repression in their native Czechoslovakia in order to find a safer and more secure life elsewhere. Those who have stayed in Czechoslovakia now face some 80,000 Soviet troops, permanently stationed there, imposing the politicies of the Soviet controlled government.

I want to express my solidarity with all Czechoslovaks who want to be free. I join with Americans of Czechoslovak descent—1.9 million of them and at least 120,000 in the State of Ohio—who want to be reunited with their brothers, sisters, parents, and cousins in Czechoslovakia. I pledge my support to them in their efforts, and I rededicate myself to the cause of helping any and all Czechoslovaks who seek freedom. I hope that one day Czechoslovakia will become a truly representative democracy, and I will do whatever I can to make that dream come true.

ECONOMIC DEVELOPMENT: THE ULTIMATE CENTRAL AMERICA SOLUTION

Mr. SANFORD. Mr. President, we all can hope that President Reagan's proposals for negotiated settlement in Central America will be the beginning of peaceful solutions in that troubled area.

Peace should be our first objective.

But an end to hostilities is only a first step.

Economic conditions are the root of the problem. Whether or not the administration's new proposals are accepted, they will not eliminate Central America's poverty, poor health, unemployment, and despair. These are the distortions that have enticed the region into conflict. They should be the long-range targets of United States' efforts.

We have the ability to improve those conditions and it is a moral and strategic imperative that we commit ourselves to get on with the best possible development program.

There have been repeated attempts at development in the past, dating all the way back to Franklin Roosevelt's "Good Neighbor" policy. All these plans, however well intended, have had one major flaw. They have not taken into account fully the aspirations of the Central Americans themselves. Without their participation, our efforts at development have smacked of paternalism. Who better knows what is desirable and what is possible than the people who live in the area?

A major new effort is already underway to produce precisely the kind of blueprint that is needed. Extraordinary talent from Central America, the United States and other countries is being enlisted to take part.

Fifteen to 20 leading citizens from the five Central American countries will soon be announced as members of the program's International Commission for the Development of Central America. Eight U.S. citizens have already agreed to serve. They are Lawrence Eagleburger, former Deputy Under Secretary of State; Arthur Levitt, Jr., chairman and chief executive officer of the American Stock Exchange; Viron Vaky, former Assistant Secretary of State; Richard Feinberg, vice president of Overseas Development Council; Albert Fishlow, professor, Department of Economics of the University of California in Berkeley; Sol Linowitz, former ambassador to the U.S. Mission to the Organization of American States; William M. Dyal, Jr., president of St. John's College; and John T. Joyce, president of Bricklayers and Trowel International Pension Fund.

The program is unique in several respects. No government funding is required. Support will be provided by foundations in this and other countries. All contemporary techniques of economic planning will be employed in the most objective manner. Efforts of the past will be examined to determine what has worked and what has not and why.

I have great confidence in this bold new economic initiative. It will give us and the Central American nations a perspective that has not existed. And it will provide a new vision of Central America's future.

Whether or not the administration's new proposals for peace succeed, we will have to have a national commitment to help Central America find its way into the productive and proud regions of the world. That is the only way to prevent future conflict but it is more than that. Democracy is spreading in Central America. Four of the region's countries are governed by democratic regimes, some of them fragile. So the opportunity exists for us to offer encouragement to open and economically healthy societies, of their own making, and that should be the primary objective in our relationship.

JEWEL OF THE OLD WEST

Mr. DASCHLE. Mr. President, in the heart of the Old West, in Rapid City, SD, there stands the Alex Johnson, an 11-story hotel that has captured the hearts of tourists and townspeople alike. The hotel was built 60 years ago under the supervision of its initial owner, Alex Carlton Johnson. Artist Carlos De Lopez oversaw the interior design and construction of this landmark hotel. Edward Oldefest, a Chicago architect, was employed to add a European look to the hotel.

The interior of the hotel projects the image of the Old West. The busts of eight Indian chiefs adorn the pillars of the lobby. Buffalo headmounts, carved railings, ceiling murals, and a large fieldstone fireplace provide a rustic, yet cultured, environment.

Over the years there have been several owners. Each one has been careful to preserve the historic beauty of the hotel.

Tom Didier is the current caretaker of the Alex Johnson. Tom does not feel that he owns the hotel, but rather that he is one of the many devoted caretakers that have been charmed by the Alex Johnson's charisma.

The Alex Johnson has enjoyed the company of many famous people, including Calvin Coolidge, Franklin Roosevelt, Dwight Eisenhower, Gerald Ford, Ronald Reagan, Clark Gable, and Cary Grant. Even one of our legendary "singing cowboys," Gene Autry, has enjoyed the hospitality of the Alex Johnson.

When I am in the "Black Hills," the Alex Johnson is often my home. This establishment is a tribute to the pioneer spirit and South Dakota hospitality. It is everything that Mr. Johnson envisioned, and more.

South Dakota magazine recently published a wonderful article about the Alex Johnson. I ask unanimous consent that this article be printed in the RECORD so that my colleagues may appreciate the historic value of South Dakota's most famous hotel.

I invite my colleagues and all Americans to come to South Dakota and discover the Alex Johnson along with the many other attractions of our beautiful State.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LADY CALLED ALEX

(By Bernie Hunhoff)

Tom Didier fooled around and fell in love. With a hotel. And not just any hotel. The object of this undivided attention is the Alex Johnson, an 11-story dame that was built 60 years ago in the heart of Rapid City.

Forgive her for that masculine name. It comes from the man who dreamed her up, Alex Carlton Johnson. Didier knows that the hotel has had many men in her life before him. He simply looked on the old girl as an investment. But as he came to know the hotel and her history, a romance developed. Now he is "head over heels" involved and in love with the place and he couldn't be happier.

Didier was raised in Rapid City. His father owned the Tip Top Motel and as a boy, he remembers coming down to "the Alex" to "bother" the long time cook, Julio Ramos. "We didn't pay much attention to the hotel, it was just an old place downtown that we'd hang around."

How times changed.

Today "the Alex" is Didier's obsession. Single and just 31 years of age, he laments that it would be best, perhaps, if he had more time for a personal life. "But the hotel has a way of making you fall in love with it. Initially I was just investing in brick and mortar. The plan was to get in and get out quickly. But I fooled around and fell in love."

He appreciates the historical ambiance of the hotel. "You become driven to give the old place life. It really does become quite a passion."

"In a real sense, I don't feel I own this building, I feel all I am is a caretaker and the building will be here long after I'm gone. Maybe it will be my son's or daughter's, if I ever have a son or daughter. But I feel a responsibility to downtown Rapid City and to western South Dakota and to the whole state to pass it on to the next generation in good condition."

"I have a great deal of admiration for those who kept it before me," Didier noted. Despite a sometimes troubled financial history, the Alex has never had to endure the disrepair and disgrace of some other historic hotels in South Dakota.

Perhaps that stroke of good fortune is due to the fact that there has almost always been a man around who loved her dearly—beginning with her namesake, Alex Carlton Johnson. He was a Chicago and Northwestern Railroad official, nearing retirement age, when he fell in love with the Black Hills and its Indian and pioneer heritage. He felt the region cried for a grand hotel that would be a shrine to the Sioux Indian Nation and the West. It is uncertain what part Johnson played in developing the hotel. Some historical accounts say he persuaded the railroad and local investors to take on the challenge. Others believe the railroad was not an active stockholder, however the C&NW did have a ticket office in the Alex in its early years.

Regardless, those who put up the money must have been impressed enough by Johnson's participation that they named the showplace after him. He reportedly commissioned a nationally famous artist, Carlos De Lopez, to oversee the interior design and construction. Edward Oldefest, a Chicago architect, was enlisted to add a European loot to the exterior. His handiwork, which remains unchanged today, is the hotel's Alpine cap, reflecting Dakota's Germanic immigration.

De Lopez' interior also is largely intact. The main feature is a gigantic fieldstone fireplace in the lobby. Eight carved busts of Indian chiefs uphold beams crossing the two-story tall ceiling. A hugh chandelier is formed of war lances and glazed tiles resembling Sioux designs and beadwork. Buffalo headmounts, carved railings along the balcony, ceiling murals, and a warm, inviting wood front desk provide a rugged, Old West charm that couldn't be duplicated today.

Alex Johnson, the hotel's first suitor, retired from the C&NW in 1929 and lived at "the Alex" for most of the 1930s before moving to California, where he died in 1938.

The hotel continued under local ownership until 1947, when it was sold to the Eppley Hotel Company. In 1956, it was sold to Sheraton Corporation and the name temporarily became Sheraton-Johnson. William Baron bought it from Sheraton in 1965 and changed the name back to Alex Johnson.

John T. Vucurevich, a Black Hills banker, owned the hotel in the early 1970s and oversaw extensive remodeling and refurbishing. But as with all the owners, the basic architecture and art of the old gal was not harmed. A group of Kansas and Colorado businessmen bought the hotel from Vucurevich in April of 1973.

There was an embarrassing period in 1977 when the hotel was put up for auction at a Pennington County sheriff's sale because of debts totalling $1,674,085. Drover's National Bank of Chicago, the creditor, had the only bid.

In 1979, a major, multi-million dollar renovation probably saved Alex from becoming just one more rundown, downtown hotel with a past. Claire Wieseler became involved at that time, and he guided extensive restoration and renovation of the old girl for six years. In 1985, Didier and several fellow investors bought the hotel. Didier took over sole ownership last year.

Didier credits Wieseler for "a vision of what the old hotel could become again, and the wherewithal to make it happen."

With much of the needed remodeling behind him, Didier has turned his attention to what he calls his main commodity. Service. "We have a totally people-oriented business. All we sell here is service. Because of that, the most important part of the hotel is our people."

Didier is spending $50,000 with a local Dale Carnegie team to coach virtually all of the hotel's 110 employees on being as service-oriented as humanly possible. From the uniformed bellman who greets most guests on the sidewalk outside the lobby, to the maids who clean the rooms, Didier wants friendly service. He's happy with what he sees.

"We all care about this hotel and about each other," he said of the staff. "This is the only union hotel in the Dakotas, but the union has been no problem. Unions aren't necessary when management is fair."

The Alex has a step up on the competition, not only because of its 60-year history, but also because of its downtown location. It is a popular gathering spot for local business men and women, who come to eat in the fine Landmark Restaurant or have cocktails in the newly-opened pub, Paddy O'Neill's.

Rotarians and Kiwanians meet weekly in the hotel. An old ballroom called Yesterday's is now used for meetings, conventions and an occasional dance band.

The hotel was a cornerstone to Rapid City's downtown development when it was built 60 years ago. With the ground breaking came a two-year construction boom that brought over $3 million in new buildings to the city.

The Alex is still the hub of the downtown. And with a $1 million annual payroll, it's a sizable industry, aside from its historical importance. Didier says concerned citizens can rest assured that the hotel is on its way back from those difficult years. "It is at the point where we have broken even cashwise with it, and this year with some good fortune we hope to generate some cash for non-essential improvements."

He believes the key to future financial success lies with his staff's ability to market the uniqueness and nostalgic environment of the hotel. Rapid City is not an easy town for motel operators these days. There has been a 25 percent increase in the number of hotel rooms in the last five years without a corresponding increase in the number of visitors, says Didier. That creates competition, and it accounts for The Alex's reasonable rates—$45 for a single room and $50 for double occupancy (slightly higher in the summer) and $210 for suites that have housed such notables as Calvin Coolidge, FDR, Dwight Eisenhower, Gerald Ford, Ronald Reagan, Clark Gable, The Osmonds, Cary Grant, Gene Autry, Neil Sedaka and many others.

Guests at The Alex Johnson may walk through the downtown area and see a number of historic commercial buildings. However, few of the structures have retained the historical integrity of the old hotel. "We are seeing some successes on buildings in Rapid City, and still other buildings should be restored," said Didier. "The tough part of historic renovation is that it takes a dollar commitment to upgrade and restore a building and often there is not an economic reward."

Didier hopes to see more attention paid to historic buildings, not just in Rapid City but throughout the Black Hills and the entire state. "Partly, that's because I'm a history buff. But also, historic buildings are important because of tradition. There is nobody in town who can build a building and say President Coolidge slept there. It is important to preserve and respect that link with our past.

"Another reason is the beauty of the buildings," he said. "You're not going to build a building today and put hand-carved wooden Indians in the lobby anymore. The grandeur, the excellence of workmanship, can't be matched today."

Other historic hotels in South Dakota have received some overdue attention in recent years. The Charles Gurney in Yankton, the St. Charles in Pierre, and the Evans in Hot Springs have been updated and converted largely into apartments and office space. Several others continue to serve as full service hotels, including the Franklin in Deadwood, the Ward in Aberdeen and the St. Vincent in Flandreau.

Historic hotels are, at least economically, like a beautiful woman, says Didier, "You devote massive amounts of time and attention to them and you put lots of financial resources into your love . . . and in the end, probably your greatest reward is that you were able to love them and experience them."

OLDER AMERICANS ACT

Mr. HATCH. Mr. President, yesterday we passed the Older Americans Act, H.R. 1451. That legislation included an amendment of mine which will provide health care in the home for Americans. My statement was included in the RECORD, but some additional information describing the amendment was inadvertantly not included. I ask unanimous consent that a hearing statement from Philip W. Brickner, M.D., and my description of the legislation be included in the RECORD as part of the legislative history.

Dr. Brickner recently testified before the Senate Labor and Human Resources Committee on a home health program he has been working on. This legislation is in part based on his excellent work.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY ON CATASTROPHIC ILLNESS EXPENSES LEGISLATION BY PHILIP W. BRICKNER, M.D.

Older persons in the United States particularly need protection against the costs of catastrophic illness. This legislation is significant and important in its design to insure against the catastrophic expenses of those under treatment in acute care hospital beds for prolonged periods. The legislation is also significant because it uses the Medicare program as the mechanism through which coverage will be provided. Medicare is an empirically proven, trusted and reliable insurance program, in the views of most older persons in our country. However, in recent years the failure of Medicare regulations to allow payment for the costs of chronic disability has come under scrutiny, and the present legislation is perhaps the first to focus on chronicity of disease as a matter of concern.

Unfortunately, this legislation does not take the next necessary major step. Its benefits will accrue only to those persons, small in number, who must stay in hospitals for lengthy periods of time. The bill will not provide help for the majority of older disabled individuals who face the much more common financial catastrophe of long term chronic disease. The bill fails to respond to the demographic imperative of the aging in this country, that fact that over the next several decades the numbers of those over 65 years will double from the present figure, and those over age 85 will quadruple. A significant proportion of these older persons will be disabled, and will need help. Without further Medicare amendment, they will not get the help they need.

The frail and disabled aged have few acceptable options for care today. Pressure to leave a hospital bed is inevitable, once the acute phase of illness or injury has passed. Where next? Nursing homes are crowded and expensive; and placement in such institutions will be increasingly limited to the most disabled and helpless of the aged, those that demonstrably must receive twenty-four hour a day care. The vast proportion of frail older persons, then, will need, and will usually wish to receive, services at home. At Saint Vincent's Hospital in New York City we have been caring for homebound aged persons in the community with hospital-based doctor-nurse-social worker teams since 1973. We have made more than 18,000 home visits in this fourteen-year period, and have cared for about 1500 individuals. Two-thirds are women. Two-thirds live alone. The common, strongly-expressed desire of our patients, whose average age is 83 years, is summed up by the remark of one woman as our team arrived for its first home visit: "Thank God you're here. If only you'll keep me out of a nursing home."

If we fail to act, we may well repeat the catastrophe of the deinstitutionalization movement of the chronic mentally ill. In the early 1960's the civil rights activists of that era combined with leadership in state governments to discharge from state mental hospitals, the asylums, many patients with long-term emotional illness. In theory, new community-based programs such as clinics and half-way houses were to serve instead, when combined with the benefits new drugs such as chlorpromazine. However, as a walk through any major city will show, many mentally ill persons are struggling without shelter, without asylum, on the streets, in the parks, on riverbanks, under viaducts, in train and bus stations. The major distinction between the chronic mentally ill and many of the frail elderly is that the latter will suffer out of sight, in their own rooms, apartments or homes, without adequate help.

I urge that the present bill be passed. Then, we should move on to the next task: amendment of Medicare to insure against the catastrophic costs of chronic disease, to wean it from its sole focus on acute illness. Arbitrary regulations now bar persons entitled to Medicare from long term services through devices such as the skilled nursing and the intermittent care requirements. It is as though those with prolonged illness cannot need skilled care, and that the costs of care should be covered only if the disease requires attention intermittently. This makes no sense. We should recognize that the catastrophic health care problems of the elderly, such as those caused by the dementias, stroke, chronic heart and lung disease, arthritis, fractures of the leg and hip, demand skilled care over the long term.

Prompt consideration should be given to funding for a spectrum of non-institutional services for the frail aged. Medicare amendment is a priority. In addition, new forms of insurance, innovative uses of personal assets such as home equity loans, and various types of personal housing should be considered. The "Home and Community Based Services Act of 1987", sponsored by Senator Orrin Hatch, is a significant opportunity. It allows grant funds to be used across the country for innovative home health care programs. Passage of Senator Hatch's bill is one of many actions that will be needed to deal in a prompt, temperate, logical, orderly and humane manner with the catastrophe of chronic disability among the growing numbers of frail and disabled older persons in this country.

HEALTH CARE SERVICES IN THE HOME ACT

This measure would authorize $100 million a year for fiscal years 1988 through 1990 for allotments to states to provide health care services to individuals with catastrophic or chronic illness who can be cared for in their own homes.

From the total amount appropriated for this program in any year, each state would receive an allotment based on the relative per capita income of the state multiplied by the state's population. Minimum amounts as a percentage of the total appropriation are established for the states and the various territories. Provisions are included to authorize allotments to qualified Indian tribes to carry out the purposes of the program.

Use of Allotments: States could use their allotments to:

(1) pay compensation for the services of physicians, nurses, and social workers who plan, manage, or provide home health care services for eligible persons;

(2) identify and locate eligible persons needing home health care services;

(3) develop proper standards and quality assurance mechanisms for the provision of home health care services;

(4) coordinate home health care services for persons with other supportive social services;

(5) coordinate other long term care services provided by public and private institutions and voluntary organizations to ensure provision of these services and to maximize the use of funds provided under this bill and other federal laws; and

(6) provide training to health professionals other than physicians, nurses, and social workers, particularly training for health professionals who work within hospitals, to educate individuals who may benefit from the provision of health care services in the home and training in advanced discharge planning.

States could use amounts allotted to them through grants to health care organizations. In making these grants, states would give priority to home care programs including hospital-based home care programs. For a health care organization to receive such a grant, it would have to agree to use grant amounts only for the provision of health care services in the home for eligible individuals.

Allotment use Conditions: At least 85 percent of the total amount allotted to a state in fiscal year 1988 would have to be used to pay compensation for the services of physicians, nurses, and social workers as outlined above.

In fiscal year 1988 no more than 10 percent of the allotted amount could be used for activities other than the payment of compensation. For later years not more than 5 percent could be used for activities other than the payment of compensation. The legislation stipulates that no more than $2,500 per year could be used by a state with respect to any eligible individual to pay compensation for the services of physicians, nurses, and social workers.

States could not use allotments to (1) provide inpatient services except services involving advanced discharge planning; (2) make cash payments to intended recipients of services; (3) purchase or improve land or any building or facility or purchase major medical equipment; (4) satisfy any requirement for the expenditure of nonfederal funds as a condition for the receipt of federal funds; (5) provide services to an individual if the total cost to the federal government of providing those services would exceed the total cost of institutionalization of the individual; (6) provide reimbursement for services performed by any individual other than a physician, nurse, or social worker; or (7) provide supportive social services for which planning and management is conducted under authority of this legislation.

The Secretary, if requested by the state, would provide technical assistance to the state in planning and operating activities to be carried out under this bill.

Application Requirements: Each application for an allotment under this program would have to contain assurances that the state will meet the following requirements: (1) it will certify that the state agrees to use the allotted funds in accordance with requirements of this legislation; (2) it will provide assurances that the chief executive officer will designate or establish a state agency to administer funds provided under this legislation; (3) it will certify that the state will coordinate the provision of health care services in the home with funds provided under this authority with activities conducted to provide those services by voluntary, religious, and community organizations and local governments; (4) it will provide assurances that the state will make reasonable efforts to provide health care services in the home through home care programs in the state including home care programs based in hospitals; and (5) it will provide assurances that the state will, to the maximum extent feasible, provide health care services in the home to individuals who are low-income individuals and who are not receiving equivalent home care services under the state's Medicaid program.

The chief executive officer would have to prepare a description of the intended use of these allotments, including information on the programs and activities to be supported and the services to be provided. This description would be made public within the state to allow comment from any interested person during development of the description and after its transmittal.

Evaluation: The Secretary would conduct or arrange for the conduct of evaluations of services provided and activities carried out with allotments to the states under this authority.

Definitions: The legislation defines the term eligible individual to mean any individual who (1) resides at home and is at risk of institutionalization because of medical limitations on the ability of the individual to function independently; (2) is a patient in a hospital who is at risk of prolonged hospitalization and who could be cared for in a long term care institution or could return to the community if health care services in the home are available; or (3) is a patient in a skilled nursing facility or an intermediate care facility who could return to the community if health care services in the home are available.

TRIBUTE TO FRANK BROOKS YIELDING, JR.

Mr. HEFLIN. Mr. President, it is my honor to rise, today, to pay tribute to Frank Brooks Yielding, Jr., of Birmingham, AL, who has recently announced that he will step down in January 1988 as chairman of Jefferson Federal Savings and Loan Association. However, I know that everyone at the association is pleased that he will continue to serve as a member of the board of directors, and as chairman emeritus.

For many, many years, Mr. Yielding has been a business and civic leader both in Birmingham, and in my home State of Alabama. Throughout his career, he has worked to advance the standing of Alabama and of America. I believe that he should be commended for his great efforts through the years. He has helped his community and our State to accomplish great things, and all should be thankful for his tireless labor.

The Yielding family has long played an important role in the history of Birmingham, our State and our Nation. Mr. Yielding's great grandfather, Francis Yielding, lived in Blount County, AL and served in the War of 1812. His grandfather, William Berry Yielding, lost his life while serving the Confederacy during the War Between the States. Mr. Yielding's father, Francis Bee Yielding, moved to Birmingham at the age of 17 in 1876, only 4 years after it was founded, to begin a career as a merchant. Since that year, the name Yielding has been associated with retail merchandising in Birmingham, and today it identifies one of the city's leading department stores, still in family ownership after more than a century of operation.

Frank Yielding was born in Birmingham just after the turn of the century. He entered the business world at an early age, and by the time he was 15 he was self-sufficient, earning his spending money and clothing allowance by driving a truck for the Birmingham News. In 1921, he enrolled in my alma mater, the Birmingham-Southern College, and paid his college expenses by driving a truck for Yielding Bro. department Store.

After Mr. Yielding graduated from Birmingham-Southern in 1925, he joined the staff of Jefferson Federal Savings and Loan Association, which was then known as Jefferson County Building and Loan Association. He was made secretary, and at that time Jefferson Federal was a $3½ million association. The next 4 years were profitable ones, and by the time he was made secretary-treasurer in 1929 its assets had grown by $1 million. At that time, however, the Great Depression hit and financial institutions throughout the Nation were forced to close. Yet, Jefferson Federal weathered the storm of these years in an outstanding manner. In 1936, when it converted to a Federal charter, the balance sheet read $1½ million.

In the years since that time, under the steady guidance that Frank Yielding has provided, the association has prospered. Mr. Yielding was made president of Jefferson Federal in 1949 when assets were just over $4 million. Today, the Jefferson Federal Savings and Loan Association is a $500-million institution, of which Mr. Yielding has been chairman of the board and chief executive officer since 1976.

Mr. Yielding has been active in many other business ventures throughout the years. He has served as either director or president, or both, of nine different companies. He has provided tremendous leadership to many of the professional organizations of the savings and loan business, as well, having served as president of the U.S. Savings and Loan League, the first southerner and the only Alabamian to serve in this office, the Alabama Savings and Loan League, and the Southeastern Group Conference, among many others. And for his great experience and expertise, he is known by his peers as "the Dean of the Savings and Loan Business."

As I have mentioned, Frank Yielding has also provided outstanding leadership to Birmingham and to Alabama in civic and community affairs. During World War II, he was head of the Jefferson County War Price and Rationing Board. Under his leadership, the board was nationally recognized for its efficiency and fairness, and was used as a model in setting up boards in many other cities. Because it was so effective at distributing in a fair manner what limited supplies our soldiers could spare, there was not even the slightest indication of black market activity. Throughout the years, he has also been active and has provided leadership to many organizations, including the Birmingham Chamber of Commerce; the Birmingham Better Business Bureau; the Birmingham United Appeal; the Freedom Foundation; and the Birmingham Historical Society. Additionally, he served as the president of the Birmingham Kiwanis Club, the fourth largest Kiwanis Club in the world.

Mr. Yielding's efforts have been recognized and they have been rewarded. For his work for his college, he received the Birmingham-Southern College Distinguished Alumni Award in 1967, and in 1983, he was awarded an honorary LLD. Furthermore, a scholarship at Birmingham-Southern bears his name. Also in 1983, he was recognized by the State of Alabama by being elected to the Academy of Honor.

Frank Yielding has, indeed, provided great service to the State of Alabama. Yet, I know that he was a devoted husband to his wife of 67 years, the late Augusta Smith Yielding, and he is a loving father. His son, Frank Brooks Yielding III, has followed in his father's footsteps and now serves as president, and as a member of the board of Jefferson Federal.

Throughout his life, Frank Yielding has dedicated himself to his community and to our State. His efforts have resulted in many of the benefits that countless citizens now enjoy. With care and devotion, he has played an instrumental role in helping the city of Birmingham to realize its potential, and to become the great place it now is. On behalf of the citizens of Alabama, I wish to thank him for his great service.

TRIBUTE TO BISHOP JOSEPH G. VATH

Mr. HEFLIN. Mr. President, I was saddened to learn of the untimely death of Bishop Joseph G. Vath, who served as bishop of the Roman Catholic diocese of Birmingham since it was created in 1969. Throughout his life, Bishop Vath was dedicated to helping others, and to improving the lives of people in the communities of our State and Nation. He was a man whose actions were dictated by his conscience, and whose conscience was molded by his belief and faith in God. His efforts benefited not just those who shared his religion or who resided in his community. Rather, his efforts benefited all people. And I know that his death is mourned by many.

Bishop Vath was ordained a priest in 1941 and was appointed assistant pastor of Ascension Church in Donaldsonville, LA, where he served until 1946. He served in several other churches in Louisiana before he was consecrated a bishop in 1966. When the Birmingham-Mobile diocese was separated in 1969, Bishop Vath was chosen as the first bishop of the Birmingham diocese. From the time he first came to Birmingham it was apparent that he cared deeply for all people. He was enlisted in many causes to help people, and it was clear that he devoted all of his energy and attention to each of these causes. When a meeting was held to discuss an issue or matter of concern to the community, Bishop Vath always attended in person, rather than to merely send a representative of the diocese, so that every cause would gain from the stature of his office. He embraced, and worked to promote every idea, and each goal that held even the slightest promise of helping even one individual. When he recognized a problem, he worked to find a solution, and then worked even harder to see that solution implemented and the problem solved. And he recognized and worked to solve many, many problems, indeed.

Perhaps his greatest concern was helping the poor and underprivileged, those who often are the least able to care for themselves. Yet, he worked in so many other ways, as well. He worked to improve relations between blacks and whites, believing that all men and women are viewed by God without regard for race or gender—they should be viewed on Earth in the same manner. He recognized that many of the underprivileged elderly had no place to live and then worked to provide them with a home where they could receive the care they needed.

And Bishop Vath's dreams and efforts were rewarded. He witnessed the development of many programs that help to care for those who are unable to provide for themselves. In the last 20 years, he was able to see much of the bitter conflict between blacks and whites end, and turn into joint efforts to help our communities. And perhaps most recently, in June he saw the groundbreaking ceremony for the $2.4 million Villa Maria Manor Housing for the low-income elderly at the St. Thomas Catholic Life Center in East Lake, AL.

I had the pleasure of working with him in many causes and efforts. He conceived the idea that the court system of Alabama should have a "Red Mass." Annually, on the first day of each new court term, a "Red Mass" is attended by the supreme court justices of Alabama, as well as by many other appellate and trial judges, who come to Montgomery for this religious service dedicated toward the improvement of justice. I worked with him on a number of issues in our Nation, as well, such as efforts to prevent abortions.

Throughout his life, Bishop Vath struggled to serve God, and by serving God, serve his fellow man in this world. His actions on behalf of others were sometimes controversial—but his conscience was always clear. He always knew that the action he took was just. Bishop Vath will be greatly missed, just as he is now greatly mourned. Yet, his actions, his efforts, and his example are evident. He demonstrated the path all men and women—whether Catholic or Protestant, Christian or Jew—should follow in this world. His life showed the good that will come from service for others.

Mr. President, I ask unanimous consent that the attached newspaper articles be printed in the CONGRESSIONAL RECORD. They describe the life and the service Bishop Vath provided to his community, my State, and our Nation.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Birmingham Post-Herald, July 16, 1987]

BISHOP JOSEPH G. VATH

Bishop Joseph G. Vath's unexpected death has taken from this community a man who devoted his life to bettering the human condition.

Vath was more than the spiritual leader of Roman Catholics in the Birmingham diocese, which encompasses the northern part of Alabama. He worked long and hard to help the less fortunate members of society, regardless of their religious beliefs. He was a believer in ecumenical efforts, working with individuals and organizations from a variety of denominations on projects that helped individuals who had few places to turn.

Vath's deeply held faith and beliefs did not allow him to build a wall between religious and secular activities. The church, for him, had to be an active participant in this world as it kept open the bridge to the next. One must live one's faith.

This sometimes led him into taking controversial, even momentarily unpopular, stands on issues. But anybody who took the time to consider his views had to be convinced of his unselfish motives. He may have risen in the hierarchy of his church, but he always considered himself a servant—a servant of God and a servant of his fellow man.

The servant has now gone on to his reward. But his legacy remains. In his 18 years as bishop in Birmingham, Joseph G. Vath did much to improve this community and the lives of its members. Catholic and non-Catholic alike have many reasons to be thankful for his time among us.

HEART ATTACK KILLS CATHOLIC BISHOP VATH

(By Emmett Weaver and Bruce Milligan)

Bishop Joseph G. Vath, leader of the Roman Catholic Diocese of Birmingham, died last night in University Hospital of an apparent heart attack.

He was 69.

Vath, whose sometimes controversial stands on public issues earned him statewide recognition, has been a bishop in Alabama 21 years.

Victor Clark, abbot of St. Bernard's Abbey in Cullman, said he and Vath were driving to Montgomery on Sunday when he complained of chest pains. They were on their way to a parole hearing for Edward Markley, imprisoned for offenses connected to his anti-abortion activities.

Clark said Vath checked himself, into St. Vincent's Hospital in Birmingham. He was later transferred to University Hospital where he died at 7:49 p.m., a hospital spokesman said.

Rev. Brian Egan, director of development for the diocese, said he saw Vath at St. Vincent's Hospital yesterday. He said Vath was in "wonderful spirits, and was looking forward to going home in a few days.

Egan said the bishop was transferred to University Hospital when he developed fluid in the lungs. He said Vath's family had a history of heart trouble.

At University Hospital, a blockage was discovered in the blood vessels around the heart.

"They apparently intended to perform surgery, but didn't have time. He died peacefully," the priest said.

Egan said the bishop was "a kind, warm, personable person who was loved by everyone. He was especially concerned for the poor and the underprivileged."

Egan said Vath's dream was to build a home for retired elderly people living on a fixed income. Ground was broken June 29 for such a home at the St. Thomas-on-the-Hill facility in East Lake.

Clark, who ordered the bells rung at the Cullman abbey after the bishop died, called Vath a very kind and gentle man.

"We will surely miss him," Clark said.

Prioress Sister Virginia of the Sacred Heart Convent in Gadsden said everyone there was very saddened by Vath's death.

"Many of the sisters here had contact with him in many areas, including peace and justice, and education. He has just been a friend to the whole community. It will be a real loss," she said.

Rev. Michael Sexton of St. Francis Xavier Church, who is also vicar of the diocese, said Vath was a champion of the poor and "a strong advocate for peace and justice."

Sexton also praised the bishop for his active part in community affairs. "He also was a strong ecumenical leader who reached out to all churches and denominations."

Jefferson County Commissioner John Katopodis worked with Vath on the church's Campaign for Human Development, a reach-out social program sponsored by the church.

"No one was more committed to the poor than he was," Katopodis said.

Katopodis also praised Vath's efforts to promote positive race relations in Birmingham. "He was a great leader, one who exerted his energies toward making this a progressive community."

Vath was ordained a priest in 1941 and was appointed assistant pastor of Ascension Church in Donaldsonville, La., where he served from 1941-46. He served in several churches in Louisiana before he was consecrated a bishop in 1966.

He became bishop of the Birmingham-based diocese in 1969.

Vath achieved statewide prominence for his stands on social and moral issues.

He was criticized for asking church members to donate money for the legal defense of Tommy Lee Hines, a mentally retarded black man accused in 1978 of raping three white women.

In Vath's letter read to church members, the bishop said the church was "concerned that no person should be denied his or her human right to appeal due to lack of finance."

Vath spoke out against the 1983 execution of convicted murderer John Louis Evans, expressing "unconditional opposition" to the death penalty.

When Markley was arrested in 1984 for attacks on abortion clinics in Birmingham and Huntsville, Vath praised the priest for acting out the designs of his conscience. But Vath said he did not condone violence—even to achieve a desirable end.

Church officials last night said funeral arrangements have not been made.

[From The Birmingham News, July 16, 1987]

BISHOP VATH

This community lost a caring and deeply involved leader when the Most Rev. Joseph G. Vath, bishop of the Catholic Diocese of Birmingham, died Tuesday.

While other church leaders might often send their associates to ecumenical meetings over such issues as assisting the poor, Bishop Vath always came himself. He "wanted to give the stature of his office to the things we were trying to do," said Dr. David Huffines, a former Presbyterian executive who had worked with him since Bishop Vath was appointed the first bishop of the Birmingham diocese Dec. 9, 1969.

That was the kind of leader Bishop Vath was. He lived among the people, worked for the people and loved the people of the community.

For example, he had hoped and prayed and worked for housing for the elderly. He saw that dream come true just last month with the ground-breaking ceremony for the $2.4 million Villa Maria Manor housing project for low-income elderly at the St. Thomas Catholic Life Center in East Lake.

Intense involvement has been the hallmark of Bishop Vath's tenure, including such controversial actions as promoting integration of Catholic schools in Alabama and preventing them from being used as a refuge from public school integration.

His concern was not just for his own denomination, but for all the people, especially the poor and underprivileged.

Bishop Vath's death at age 69 is a loss for all of us. Birmingham was richer for his life and service here. He will be missed.

TRIBUTE TO DEAN CHARLES GAMBLE

Mr. HEFLIN. Mr. President, I am honored to rise, today, to pay tribute to Charles W. Gamble, who stepped down this past spring as the dean of the Alabama School of Law. During his tenure as dean, Charles Gamble greatly strengthened our law school. He enhanced its regional reputation and provided it with a force of national impact. He has provided the law school with a great stability and a renewed sense of purpose. Because of his efforts and successes, Dean Gamble deserves the appreciation of all Alabamians, for by his service he has strengthened the law in Alabama.

Throughout his life, he dedicated himself to academics and to scholarship. After an outstanding record at Jacksonville State University, where he received B.S. degrees in English with honors and in history in 1965, he enrolled in the Alabama School of Law. While at the Law School, he served as a member of the Alabama Law Review, was a research assistant to a law professor, and was on the Student Bar Executive Council. He was also honored as a member of the Order of the Coif, the Farrah Order of Jurisprudence, and the Bench and Bar Legal Honor Society. He received his J.D. degree from the law school in 1968, and then received an LL.M. from Harvard Law School in 1971.

Dean Gamble began teaching as an associate professor in business at Jacksonville State University in 1968, immediately after he received his law degree from the Alabama School of Law. In 1972, he became an assistant professor at the Cumberland School of Law, Samford University, was made an associate professor in 1973, and became a professor in 1975. He remained at Cumberland until 1982, where he taught evidence, advanced evidence, commercial transactions, contracts, torts, restitution, and bankruptcy. During is tenure at Cumberland he was twice voted "Outstanding Professor" by the student body. Dean Gamble returned to the Alabama School of Law in the summer of 1982 as a visiting professor, and in the fall he joined the permanent faculty, and was named acting dean. Throughout his tenure as dean, Charles Gamble has continued teaching and is considered by both colleagues and students to be among the best professors at the law school.

Throughout his teaching career, Dean Gamble wrote and published many articles. He wrote a third edition of "McElroy's Alabama Evidence," and together with the late Donald E. Corley, dean of the Cumberland School of Law, authored a manual of damages entitled "Alabama Law of Damages."

It is clear that the first loves of Charles Gamble are teaching and scholarship. Thus, it is equally clear that it was with some reluctance that Charles Gamble accepted the deanship of the Alabama School of Law in 1982. I believe that he would have preferred to continue teaching and publishing. Indeed, only days after he had been named acting dean, he outlined his primary goal in an address to the Alabama Law School Alumni. "So if any of you wonder what my ambition is over the next two years," he said, "it is to do the greatest good for the development of my law school and thereupon to promptly return to the classroom."

I believe that I can speak for all of Alabama when I say that in his 5 years as dean, Charles Gamble has contributed tremendously to the development of our law school. He has attracted wonderful professors who share his enthusiasm for teaching, and for scholarship. He has worked to increase alumni support for the law school, both through financial contributions, and, perhaps more importantly, through contributions of their time, experience, and knowledge. Dean Gamble's efforts have resulted in a strong, bright, and unified student body, and is a strong, caring, and active faculty. And he accomplished the crucial task of generating the confidence and the optimism with which the students, faculty, and alumni must view their law school.

But perhaps the greatest goal Dean Gamble has accomplished is, as he stated, himself in 1982, "to remind all concerned that outstanding teaching, research and service are basic to any great law school." He has reminded everyone that no recruiting program, no amount of funding, and no enormous facility could replace the basic goals of outstanding teaching, research and service. Dean Gamble kept the Alabama School of Law back on the right path with emphasis on scholarship, research and excellent teaching. He was able to do this in an outstanding capacity because he has devoted himself throughout his life to these same pursuits.

Moreover, I believe that by encouraging these goals, he has demonstrated the principles by which all attorneys should live and work. They should strive to teach what they have learned. They should endeavor to complete the necessary research by which a difficult case in won. And they should labor to provide service to their communities, their States, and their law school. More importantly, however, they should serve justice by serving the law. The goals Dean Gamble has identified apply at every level of the law, and in every capacity of life.

Dean Charles Gamble has left a deep mark on the Alabama School of Law. He has improved its facilities, and its capabilities. He has strengthened its faculty, and its student body. He has enhanced its reputation. Yet, I believe that his greatest accomplishment is the direction he has provided to all attorneys, who are responsible for protecting and defending the rights and the liberties of the citizens of my State and our Nation. I am delighted that Charles Gamble will remain as a professor at the Alabama School of Law. He is a strong asset to the law school. I am sure that he will continue as he has in the past—dedicating himself to teaching, research, and service. And I hope that he will be fully content with his position, and will remain for many, many years to come, unless he changes his mind and returns to the deanship.

Thank you, Mr. President.

RECOGNIZING TIM BAKER

Mr. McCONNELL. Mr. President, I rise today to recognize and commend a truly outstanding student, Tim Baker, of Cundiff, KY. A senior at Adair County High School, Tim was recently honored with the highest Future Farmers of America award in the Commonwealth—the FFA Star Farmer Award for Kentucky, the Adair Progress recently reported.

This award is given each year to the student displaying the most outstanding farm program, leadership abilities, and accomplishment in Future Farmers of America. Tim oversees a 75-acre farm and beef cattle operation, the Adair Progress explains in a feature article on this high school student. His success represents a new era of student accomplishment in agriculture, an integral part of the Kentucky economy and vitally important to the nation's livelihood. This prestigious recognition serves as a valuable model for all high school students.

Mr. President, I hope my colleagues share my sentiments in recognizing Tim Baker for his exemplary accomplishment. The FFA Star Farmer of Kentucky certainly warrants the attention of Congress.

ADMINISTRATION AGRICULTURAL PROPOSAL II

Mr. BAUCUS. Mr. President, yesterday, I outlined the reason that I thought the administration's approach to agriculture in the new GATT round was not practical.

Today, I want to suggest a better, more focused plan.

THE BAUCUS PROPOSAL

I believe the major players in the world agricultural market could benefit from an agreement that contained the following elements:

An international concensus to end or sharply decrease production and export subsidies on major crops, such as wheat, feed grains, and soybeans.

Agreement from major importers, like Japan, to gradually open their agricultural markets.

Continuation of effective farm support programs that have at best a miniscule effect on trade patterns. Such programs include the U.S. Agricultural Extension Service and Farm Credit System or similar programs in foreign countries.

An understanding that Government programs which attempt to stabilize market prices without significantly distorting world markets are useful. A basic commodity loan, provided that it is not set so high as to encourage production, falls into this category.

A narrow, defined focus. Clearly, there are some commodities that are highly protected in many markets. Including these commodities in a global agreement will only doom the prospects for reaching a final solution.

WHY IS THIS BETTER?

In the case of certain major commodities, including wheat, feed grains, and soybeans, all parties would benefit from an international agreement along the lines that I have just described.

The major producers of these commodities—the United States, the EEC, Australia, Argentina, Canada—are caught up in a costly subsidy war in which all producers subsidize their exports of these commodities in order to hold their market share.

Ending this subsidy war is in the best interest of everyone.

Australia and Argentina have generally low farm supports and low costs of production. These nations would likely increase exports if production and export subsidies on major commodities were eliminated.

The United States and Canada have generally low costs of production, but fairly high farm supports. If an international agreement to cut subsidies were reached, they would be in the enviable position of both increasing exports and decreasing Government costs. Right now, these three commodities alone account for 67 percent of the cost of the U.S. farm program.

The EEC would be the most difficult party in which to reach an agreement on production and export subsidies for wheat, feed grains, and soybeans.

But if highly sensitive commodities, like beef, sugar, and dairy, are not on the agenda, the EEC may view an international agreement as the only way to hold down sky-rocketing farm costs. The common agricultural policy is now absorbing 70 percent of the EEC's annual budget, and placing a heavy burden on EEC consumers.

The EEC may also see the many political benefits to decreasing trade frictions with the United States.

Some of the major export markets for grains, like Japan and South Korea, may also be convinced to lower their import barriers against wheat, feed grains, and soybeans.

Increasing imports of these commodities may be a way for Japan and South Korea to simultaneously decrease trade tensions with the West and lower their consumer food costs, while retaining some of the most politically important parts of their farm program.

All in all, there is a significant commonality of interests in reaching an agreement like the one just outlined—everyone has something to gain.

However, if we attempt to pursue a still broader agreement that covers all commodities and all programs the common interest disappears.

Even nations such as Australia and Argentina, who have a great deal to gain from an international agreement, may find it difficult to eliminate certain farm programs that extend credit and other services to farmers.

As the reaction of our own farmers indicates, nations like the United States and Canada would have a great deal of difficulty dropping supports on certain heavily protected commodities, such as sugar and dairy.

The United States Congress would have great difficulty terminating vital rural programs, like that Agricultural Extension Service and the Farm Credit System. These programs have never been a source of trade frictions and provide vital services to rural America.

Most agricultural exporters have similar programs which should not be part of an international agreement.

In the case of the EEC, a sweeping agreement is likely to be impossible, It is unlikely that the EEC could muster the political will to drop subsidies on heavily protected items like dairy, sugar, and beef.

Finally, major importing nations, like Japan, may be able to give significant concessions in trade talks. But it is unlikely that Japan could completely dismantle its agricultural sector to achieve an agreement.

From a free market perspective, phasing out all support for all agricultural commodities may sound appealing, but it is just not practical.

The administration may agree with most of what I have just said, but still contend that it is better negotiating strategy to start high and work backwards.

That sounds like sound horse trading, but it ignores the political ramifications of making a more sweeping proposal in this situation.

As I pointed out yesterday, I believe that the major farm constituencies, both at home and abroad, have been galvanized against an international agreement by the political shockwaves created by the administration's initial proposal.

In order to achieve an agreement, we need to cultivate the support of these groups and involve them in negotiations, not alienate them.

An agreement is possible now. But only if we set our sights on realistic goals.

THE JOHN W. WYDLER U.S. COURTHOUSE

Mr. WILSON. Mr. President, I send a bill to the desk, and I ask unanimous consent that the Senate proceed to its immediate consideration, and I offer it on behalf of Mr. D'AMATO and Mr. MOYNIHAN.

The **PRESIDING OFFICER.** The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1642) to designate the U.S. courthouse located at the intersection of Uniondale Avenue and Hempstead Turnpike in Uniondale, NY, as the "John W. Wydler U.S. Courthouse".

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise to introduce legislation designating the U.S. courthouse in Uniondale, NY, as the "John W. Wydler U.S. Courthouse."

Senator Moynihan joins me in introducing this bill, and asking that it be held at the desk and pass by unanimous consent.

If there was one man responsible for making the courthouse in Uniondale, Long Island a reality, it was Congressman John Wydler.

Mr. President, those of us who knew and loved Jack Wydler received very sad news earlier this week. The Congressman, who retired in 1981 after serving 18 years in the House died on Tuesday.

Senator Moynihan and I seek the passage of this bill today in the hope that the Congressman's surviving family and friends, and the entire Long Island Community, can know by the time of his funeral tomorrow that the courthouse he created will be named after him.

John Wydler served his country with honor and distinction all his life. During World War II he was a sergeant in the Army Air Corps in the China-Burma-India Theater. He was a brilliant student and practitioner of the law, and an extraordinary public servant.

He graduated Phi Beta Kappa from Brown University, and received his law degree from Harvard Law School.

From 1953 to 1959, John Wydler was an assistant U.S. attorney in New York. He was also a member of the New York State commission investigating school construction irregularities.

In 1962, he was elected to the 88th Congress. He became a leading Member of the House, particularly on the Science and Technology Committee.

Truly, there can be no more fitting and appropriate name for us to give the Uniondale Courthouse than that of John W. Wydler, the man who made it possible.

Thank you, Mr. President.

Mr. MOYNIHAN. Mr. President, in these closing moments before adjournment, I wish to pause and ask for the Senate's consideration of a bill Senator D'Amato and I join together in introducing, namely, legislation honoring John W. Wydler.

On Tuesday past Jack Wydler died suddenly in Washington. A former colleague and fellow New Yorker, Jack served both his State and the Congress with distinction. We have today the opportunity to remember him and remind his friends in Garden City, Long Island of his outstanding service as senior member of the New York Congressional delegation serving 18 years in the U.S. House of Representatives before retiring in 1980. The U.S. courthouse in Uniondale, NY stands ready as a tribute to Jack. I ask that the Senate today adopt this bill designating the U.S. courthouse at Uniondale and Hempstead Avenues, for which Jack was most directly responsible, the "John W. Wydler Courthouse."

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and was passed as follows:

S. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BUILDING.

The United States Courthouse located at the intersection of Uniondale Avenue and Hempstead Turnpike in Uniondale, New York, shall be known and designated as the "John W. Wydler United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any reference to such building in any law, map, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the "John W. Wydler United States Courthouse".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WILSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I believe my time has been reserved, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I thank the distinguished Presiding Officer.

BRINGING THE BORK NOMINATION TO A VOTE

Mr. DOLE. Mr. President, I was pleased to hear yesterday that Senator Biden has no intention of bottling the Bork nomination up in committee. But the delay that has already occurred will cause problems.

I will not dwell on the point raised by others—that the Bork nomination will have been delayed in committee longer than any other in the past 25 years—but I will point out that the schedule proposed by Senator Biden seems almost certain to cause the Supreme Court to open its term on October 5 with one justice missing.

Under even the best of circumstances, an eight-person Court creates the potential for great confusion in the law. A tie vote on a matter of enough importance to merit the Supreme Court's attention is never satisfactory.

More significantly, however, the delay here will force the Court to proceed short-handed at perhaps the most critical point in its term. On the first Monday in October, the Court announces its decisions, reached the week before, on hundreds of cases that "ripened" over the summer. Last year, for example, the Court opened its term on October 6 by disposing of 941 separate cases. Most of these decisions involved the crucial question of whether the Court was going to hear the cases at all.

In addition, the Court will immediately begin to hear argument, and decide some of the term's most important cases. Among the issues the Court will face during the first 2 weeks of its term are the constitutionality of New Jersey's "moment of silence;" the applicability of the first amendment to school newspapers; the scope of the "government contractor's" defense to tort liability; and the permissibility of denying entry visas to members of the Communist Party.

Under even the most optimistic projections, the Supreme Court will now have to confront those issues short-handed.

Adding to this problem is, of course, the prospect of a filibuster. I have heard some talk that Judge Bork's opponents will try to postpone an "up-or-down" vote on the nomination indefinitely. I certainly hope that talk is wrong.

Since the adoption of the closure rule in 1917, there has been only one successful filibuster of a Supreme Court nominee. That, of course, was the nomination of Abe Fortas to be Chief Justice in 1968, a precedent that has been thrown up frequently by Judge Bork's opponents as justifying, in their minds, just about anything.

The Fortas filibuster did not, however, leave the Court short handed. Chief Justice Earl Warren submitted his resignation to President Johnson "effective at your pleasure," and remained on the Court throughout the debate over Justice Fortas' elevation. Indeed, Chief Justice Warren did not actually retire from the Court until June 23, 1969, well into the Nixon administration.

Here, unlike the Fortas case, we are faced with the prospect of an eight-Justice Court unless, and until, this body decides upon the Bork nomination. This should be reason alone to complete debate promptly, and to vote yea or nay on the nomination itself.

In other words, after considerable debate, lengthy debate, whatever, there ought to be an up-or-down vote. Just as I recall there was an up-or-down vote in the Haynsworth nomination and Haynsworth was rejected. To my mind that was a mistake. Just as there was an up-or-down vote on the Carswell nomination several years ago. I voted for the confirmation of that nominee. I think in that case I was mistaken. But in any event, there ought to be an up-or-down vote.

In the period before this body had a cloture rule, there were cases where the Senate simply refused to act on a Supreme Court nomination. During the Presidency of John Tyler, five nominations were submitted to this body between January 1844 and February 1845; one was rejected, one was postponed, two were withdrawn, and one was simply not acted upon.

President Millard Fillmore had a similar experience in 1852-53, when one nomination was postponed and two were not acted upon.

The Senate refused to act on one nomination of President Andrew Johnson; it rejected one of President Grant's; and he withdrew two others. President Rutherford B. Hayes had one nomination that was not acted upon.

What the country expects, however, is not that the Senate will emulate these sorry 19th-century squabbles, but rather that we will live up to our responsibility under the Constitution to consider and vote upon the President's nomination to bring the Supreme Court up to full strength.

I propose that we prepare ourselves to do this with dispatch once the nomination emerges from Senator BIDEN's committee. In my opinion, the American people will not tolerate a filibuster that leaves the Court short handed and justice ill served.

Mr. President, I reserve the balance of my time.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that there be a 2-minute time limitation on the resolution which I send to the desk; and the distinguished Republican leader is here with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF A SENATE CENTRAL AMERICAN NEGOTIATIONS OBSERVER

Mr. BYRD. Mr. President, I ask that the Senate proceed to the immediate consideration of a resolution, which I now send to the desk on behalf of myself and Senator DOLE.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 273) to establish a Senate Central American negotiations observer group.

Without objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, this resolution is based largely on the observer group resolution that we passed some several months ago dealing with the Geneva negotiations. It would be bipartisan, be equally staffed, and would be made up of three Members on each side for the Senate.

This would provide the funding necessary.

The PRESIDING OFFICER. Is there further debate on the resolution?

Mr. DOLE. Mr. President, I would only say this. This is a matter that in my view involves the two leaders. I want to commend the distinguished majority leader. It was his idea. I think it is a very good one, and I am prepared to act on the resolution.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BYRD. I yield back any time I may have.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the resolution.

The resolution (S. Res 273) was agreed to, as follows:

S. RES. 273

Resolved,

SHORT TITLE

SECTION 1. This resolution may be referred to as the "Central American Negotiations Observer Group Resolution".

ESTABLISHMENT

SEC. 2. (a) There is established a bipartisan group of Senators to be known as the Senate Central American Negotiations Observer Group (hereafter in this resolution referred to as the "Observer Group"), which shall consist of eight Senators as follows:

(1) the Majority Leader and Minority Leader of the Senate, each serving ex officio; and

(2) six Senators appointed by the President pro tempore of the Senate as follows:

(A) Three Senators appointed upon the written recommendation of the Majority Leader from among Members of the majority party.

(B) Three Senators appointed upon the written recommendation of the Minority Leader from among the Members of the minority party.

(b)(1) The Chairman of the Observer Group shall be designated by the Majority Leader from among the individuals recommended for appointment under subsection (a)(2)(A).

(2) The Co-Chairman of the Observer Group shall be designated by the Minority Leader from among the individuals recommended for appointment under subsection (a)(2)(B).

(c) Any vacancy occurring in the membership of the Observer Group shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 3. The duty of the Observer Group shall be to act as a group of official observers as part of the United States delegation to any and all negotiations with the governments of the Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to which the United States is a party and to any multilateral negotiations or discussions dealing with the question of peace in Central America to which the governments of such countries are invited to participate.

STAFF; TRAVEL

SEC. 4. (a) The Observer Group is authorized, from funds made available under section 6, to employ such staff (including consultants at a daily rate of pay) in the manner and at a rate not to exceed that allowed for employees of a standing committee of the Senate under paragraph (3) of section 105(e) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(e)), and to incur such expenses as may be necessary or appropriate to carry out its duties and functions.

(b) The Chairman and Co-Chairman shall jointly appoint appropriate staff personnel to serve the Observer Group, including clerical staff as deemed necessary. The staff appointments shall be made in writing to the Secretary of the Senate.

(c) The Majority Leader and the Minority Leader may each designate one staff member as liaison to serve the Observer Group, and such personnel may be referred to as leadership staff. Funds necessary to compensate leadership staff shall be transferred from the funds made available under section 6(b) of this resolution to the respective account from which such designated staff member is paid.

(d) All foreign travel of the Observer Group shall be authorized solely by the Majority and Minority Leaders, upon the recommendation of both the Chairman and Co-Chairman. Participation by staff members in authorized foreign travel by the Observer Group, access to all official activities and functions by the Observer Group during such travel, and access to all classified briefings and information made available to the Observer Group during such travel, shall be limited exclusively to delegation members with appropriate clearances. No travel or other funding shall be authorized by any committee of the Senate for the use of staff, other than delegation staff, in regard to the activities described in this subsection, without the written authorization of the Majority and the Minority Leader to the chairman of such committee.

(e) Of the Members of the Senate, only Senators appointed as members of the Observer Group may participate in official travel and activities of the Observer Group. In the event that either the Majority Leader or the Minority Leader does not travel on an official trip of the Observer Group, he may designate one other Senator not a member of the Group to travel and participate in the activities of the Observer Group in his stead.

ACCESS TO AND STORAGE OF DOCUMENTS

SEC. 5. (a) The Observer Group should make arrangements with the Executive Branch to provide, on a confidential basis, access to the record of any dialogue or negotiations that may take place relating to peace in Central America.

(b) Classified and other sensitive materials associated with this Observer Group shall be stored under the administration of the Secretary of the Senate in the Office of Senate Security.

FUNDS

SEC. 6. (a) Such sums as are necessary from the contingent fund of the Senate, out of the Account of Miscellaneous Items, shall be made available to pay the expenses of the Observer Group, upon vouchers approved jointly by the Chairman and Co-Chairman (except that vouchers shall not be required for the disbursement of salaries of employees who are paid at an annual rate).

(b) In addition, such sums as are necessary from the contingent fund of the Senate, out of the Account of Miscellaneous Items, shall be made available for the salaries and expenses of leadership staff designated in section 4(c) (except for expenses incurred for foreign travel).

(c)(1) Such sums as are necessary may be expended by the Observer Group, with the prior approval of the Committee on Rules and Administration, to procure the temporary services (not in excess of one year) or intermittent services, including related and necessary expenses, of individual consultants, or organizations thereof, to make studies or advise the Observer Group.

(2) Such services in the cases of individuals or organization may be procured by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent to the highest gross rate of compensation which may be paid to a regular employee of a standing committee of the Senate. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provisions of law requiring advertising.

(3) The Observer Group shall submit to the Committee on Rules and Administration information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by the Observer Group and shall be made available for public inspection upon request.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I thank the distinguished Republican leader.

This will allow both parties in the Senate to have the advice and counsel of independent observers, made up from Members of the two parties; observers who will give us their independent analysis based on their observations. They will not be expected, of course, to negotiate. But they will be observers and the two leaders and two parties will expect to be advised by independent observers as to the good faith of the negotiations and as to the state of play, and the success, and the progress of the negotiations.

I think our experience under the Geneva-observer approach has been a good experience and the administration has been laudatory of their efforts.

Secretary of State Shultz has been commendatory of the efforts of our observers. Senator STEVENS, Senator NUNN, Senator PELL, the other Senators on both sides have been very diligent and devoted to their work and have, I think, been most helpful. Not only to Senators on both sides in having an understanding of what is going on over there but also have been helpful to our negotiators.

Mr. DOLE. Mr. President, if the majority leader will yield?

Mr. BYRD. Yes; I yield.

Mr. DOLE. It is also consistent with what I believe is certainly an appropriate bipartisan effort on the so-called peace initiative; the effort to see if there is not some way to negotiate a settlement, not just in Nicaragua but all of the countries in Central America. I think it is timely and the majority leader will recall he did raise it to the President and Secretary of State. I think Secretary Shultz, who had probably some reservations early on about observers in Geneva, has come to recognize it has been very productive and very helpful to, not only his efforts, but the efforts of the administration.

Mr. BYRD. Yes; that was my observation, Mr. President.

In this resolution as in that resolution the two leaders will be ex officio members and in the event either leader cannot attend a meeting then that leader is authorized by the resolution to appoint a Senator to go in his, the leader's, stead.

That would be the only authority given, however, to substitute Senators for those that are identified in the resolution.

Mr. President, I have not utilized my time under the standing order. It was reserved for me. I yield to the Senator from Ohio.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Ohio is recognized.

THE BORK NOMINATION

Mr. METZENBAUM. Mr. President, I rise today to follow some of those speaking about the Department of Defense authorization bill and the inability to bring it to the floor. But that is not the only measure we cannot move on in the Senate—campaign election reform is not moving, Grove City is not moving, reauthorization of the independent counsel statute is not moving, State Department authorization is not moving, catastrophic health care legislation is not moving, two Persian Gulf resolutions are not moving. For some reason that I cannot quite define, our colleagues on the opposite side of the aisle are not prepared to permit the majority to move on these other important pieces of legislation as well.

Let me say that I do not rise to make a major issue of that fact but, rather, to mention it in conjunction with the comments which have been made on the pace of the Bork nomination.

There has been a considerable amount of discussion about whether we are moving rapidly enough with respect to the Bork nomination.

Some argue we are moving too slowly. Frankly, I find that rather absurd. This is the most important nomination that this body will deal with this session, maybe many sessions before or after. It will have an impact upon our children and our grandchildren. It could literally change the course of the Constitution's interpretation for years to come.

So when some say we are really moving too slowly, let me say that I think just the opposite may be true. We need time to dig into the facts, the background, the history, the statements of this nominee. He has spoken at great length on many important, constitutional issues; he has been a prolific writer; he was involved in the Saturday Night Massacre. He has not been one to hold his tongue, and I do not criticize him for that. But those of us who sit on the committee which must pass judgment on this nomination have a tremendous responsibility to review Judge Bork's voluminous record with fairness and with care. And, frankly, that takes time.

As a matter of fact this Senator has actually taken issue with the chairman of our committee on when the committee hearings would begin. I wanted the hearings to start 1 day later, but, no, the chairman had given a commitment to the ranking minority member to begin on a particular day and said he felt obliged to keep that commitment regardless of what inconvenience it might cause some of us who are on the committee.

Then I wanted to avoid a hearing on a Monday when the Senate would not be in session. But, no, the chairman said, "I am not willing to do that either."

This Senator thinks that there is sort of a push, a drive, a determination that I see with respect to the Bork nomination, that I do not see with respect to passing legislation here on the floor of the Senate. The people who are talking about moving the Bork nomination are the very same people who are not permitting the legislative calendar to move forward rapidly enough.

With respect to the Bork nomination, history shows us that there were many cases where the Court has had less than full membership for several months or longer.

Some express a concern that he may not be on the Court on the first day of the fall term. I consider that concern to be rather inconsequential in light of the complexity and importance of the confirmation process in this particular instance.

Another false issue is that the Senate cannot take the nominee's views on the Constitution into account, that we cannot take into account what he has said, what he has written, about the Constitution.

I find it rather unbelievable that the President would make such an argument. His own chief of staff, Howard Baker, argued just the opposite when he was a Member of this body and opposed the nomination of Abe Fortas to be Chief Justice. When the present White House chief of staff was in the Senate, and a well-respected Member of this body, he said, regarding the Fortas nomination:

> If the Senate believes, for whatever reason, that it is not desirable that the appointments be confirmed, then it has the constitutional responsibility to reject them. For the Senate to do otherwise would be an abdication of its constitutional responsibility to advise and consent, a responsibility that was intended to be real and not nominal.

I agree with what Senator Baker said at that time, and I would hope he would make that same speech to the President of the United States so that the President may acknowledge the responsibilities of those of us in the Senate in connection with the Bork nomination.

It is obvious that Judge Bork was picked for his views. That is the President's right. But the President's argument that the Senate is playing politics if it then considers those views is the pot calling the kettle black. It is also, I might say, a misreading of the Senate's constitutional role and history with respect to Supreme Court nominations.

The framers intended that the Members of the Senate have a full role in judicial appointments. As a matter of fact, one draft of the Constitution provided that the Senate alone would have the power to appoint judges.

The final provision was a compromise dictating that the President and the Senate should share this power equally.

Many distinguished Senators on the other side of the aisle, including the very distinguished ranking Republican member of the Judiciary Committee, have in the past recognized that the Senate can and must consider the views of the appointee. My good friend Senator THURMOND said, in setting out his reasons for opposing Abe Fortas' nomination:

> It is my contention that the power of the Senate to advise and consent to this appointment should be exercised fully * * *.
>
> To contend that we must merely satisfy ourselves that Justice Fortas is a good lawyer and a man of good character is to hold a very narrow view of the role of the Senate, a view which neither the Constitution itself nor history and precedent have prescribed.

Senator THURMOND was correct when he said that then; those views are equally correct today.

It is important to make clear that the issue is not disagreement on Judge Bork's personal philosophy or on policy questions. The issue is how Judge Bork approaches the Constitution, how he interprets the Bill of Rights.

What would Americans think if the Senate totally ignored how a prospective Supreme Court Justice felt about the Bill of Rights, or about the 14th amendment?

Frankly, I am prepared to say that I have not taken a final position on this nomination. But I find some of Judge Bork's views, statements, and decisions deeply troubling.

For instance, how does Judge Bork stand on the right of privacy? From what he has said, he appears to reject any constitutional right to privacy.

He has criticized Supreme Court decisions recognizing the right to privacy as unconstitutional.

He was recently asked by Time magazine if he found a right to privacy anywhere in the Constitution. His unequivocal reply was, "I do not."

Do these views mean he would allow the Government unlimited power to regulate the most private aspects of our personal and family lives, aspects that do not harm and are of no legitimate interest to anyone else?

Judge Bork also has expressed a very narrow view of protected speech. At one point, he said "only explicitly political speech is protected."

Does that mean literature unrelated to politics or government is unprotected? That James Joyce's "Ulysses" is unprotected?

That Hemingway's novels are unprotected? That Melville's "Moby Dick" is unprotected? What about paintings? What about poetry? Where does Judge Bork stand on whether these very important forms of speech are protected by the first amendment?

I am also concerned with Judge Bork's views on protection of minorities. At one time or another, he has opposed public accommodation laws. He has objected to a court decision striking down a poll tax. He has criticized the Supreme Court decision guaranteeing one man, one vote. He has even objected to decisions upholding the Voting Rights Act.

And what about the very much talked about area of original intent? This concept is frequently tossed around by those who advocate judicial restraint. But what does it mean?

Does it mean that your own constitutional views are consistent with those of the framers, but views of your opponents are not? Is it a principled theory of constitutional jurisprudence, or is it an expedient device for interpreting the Constitution the way you want to interpret it to maximize the power of the majority and minimize the freedom of the individual?

Does Judge Bork really believe we can go back 200 years and look into the heads of the framers of the Constitution and determine precisely how they would have expected their views to apply to the problems of today's living? Is that really what original intent is all about?

Unfortunately original intent often seems to be used as a smokescreen for political and ideological agendas. When used in that way, it sheds more heat than light on the issue; it becomes a convenient tool for attacking any decisions you do not like. Those who use original intent to attack a decision they do not like say, well, the framers would not have thought about that, they would not have liked that; therefore, the decision is inconsistent with their intent; therefore the decision is unconstitutional.

Come now. Can anyone really make that claim?

Judge Bork claims he is faithful to original intent; but in the case of statutory interpretation, his statements often directly contradict the intent of Congress. Is the original intent of Congress not important or relevant to him?

In the field of antitrust, Judge Bork provides one of the clearest examples. He says the antitrust laws are only concerned with economic efficiency, not with transfer of wealth from consumers to monopolists or price fixers.

No one can read the legislative history of those laws and come fairly to that conclusion.

Our antitrust laws are stated in very general terms in the statute, and the Supreme Court has had the principal role in interpreting them. Would a Judge Bork, as Justice Bork, reinterpret the antitrust laws in a way that the Congress which passed them would not recognize? Would he reinterpret them in a way that would do great harm to consumers and to our economy?

We also have to look at Judge Bork's conduct in connection with the "Saturday night massacre." Why would the Attorney General and the Deputy Attorney General refuse to fire Special Prosecutor Archibald Cox, but Mr. Bork would agree to do the job?

Judge Bork says he made no promise not to fire Cox and that he was holding the Department of Justice together to prevent massive resignations; but the fact is that the Court found his firing of Archibald Cox to be illegal. It is troubling that he was willing to ignore the law when the President asked him to.

Finally, I want to ask today, what are the real views of the nominee? Frankly, I find some shifting of those views, and that is disturbing to me. The record shows that at one time, he holds one controversial view and later, he recants, or softens, or fails to take responsibility for that view. Everyone is entitled to change his mind, but there is still a legitimate question as to why one does so.

In 1983, Judge Bork wrote an article opposing the Public Accommodations Act. He found the principle that Congress could require hotels and restaurants to serve blacks to be one of "unsurpassed ugliness"—unsurpassed ugliness. He recanted that view when he was up for confirmation to be Solicitor General in 1973. He said then he no longer agreed with his prior view.

He wrote in 1971 that the first amendment "does not cover scientific, educational, commercial, or literary expressions * * * . A novel may have impact upon attitudes that affect politics, but it would not for that reason receive judicial protection". But when he came up for appointment to be Solicitor General and later to the court of appeals in 1982, he failed to take responsibility for this statement. Judge Bork said that at the time he was merely "engaged in academic exercise," in "theoretical argument, which I think is what professors are expected to do."

Now, on the eve of Senate consideration of him for Supreme Court, Judge Bork, viewed as one of the most conservative jurists in America, says, "I don't consider myself to be a conservative." And the administration, which is behind him would try to package him as a centrist.

Is this an honest evolution of Judge Bork's views, or is it merely a convenient way for him to accommodate to the times to the Senate confirmation process?

I hope that the real Robert Bork will stand up before the Senate and tell us who he is, what he is, what he has said, then, each of us in this body will be able to decide whether or not his views comport with what we think are the proper views of a nominee to the Supreme Court of the United States.

In the final analysis, each of us is guided by our conscience, by what is best for the country, by our own conception of the Constitution. Each of us owes the people of this country an independent decision on the suitability of Judge Bork for the Supreme Court. I want to know how he views the Constitution's guarantee of liberty and equality for all Americans.

And I want to know how he views the Court's traditional role in preserving those guarantees for all the people of America.

I look forward to exploring these questions at the hearings and to an independent decision by the Senate on this important, potentially historic, nomination.

Mr. President, I want to publicly express my appreciation to the majority leader for according me sufficient time to conclude my remarks.

Mr. BYRD. I thank the Senator.

SENATE SCHEDULE

Mr. BYRD. Mr. President, I have been listening to what has been said during the period for morning business, which has lasted now almost 4 hours. I have listened with regard to the statements anent the Department of Justice authorization bill and the remarks concerning the Bork nomination.

THE BORK NOMINATION

With respect to the Bork nomination, I stand in the same place and in the same mood and I am of the same opinion, still, as I was when I last spoke briefly on that subject.

I have not made any determination one way or the other as to how I will vote on the Bork nomination. I will take my time and I will carefully, very carefully, study this nomination: the Bork rulings, opinions, and statements; the correspondence from my constituents—mail, telegrams, phone calls; personal contacts. I am going to give this nomination fair, careful, and due consideration. Between myself and God, I do not know at this moment how I will vote.

So the early polls and the early nose-counts, while they are to be expected—and I can see nothing wrong with that—should put me down as a question mark as one Senator; because within my own mind, my own conscience, and my own heart, I am a question mark at this point.

I think that the ultimate question, in my judgment, is going to be is he good or bad for America? Is he good or bad for our constitutional system of tripartite Government? Is he good or bad for our system of checks and balances? What is his view as to stare decisis? What is his view as to the role the Supreme Court should play? Should the Court be a traveling constitutional convention? Should it be a lawmaking body? Or should it only interpret the laws and the Constitution, the laws to be written by the Congress of the United States? How does he view the proper role of the Court to be?

So there are various questions I will want to resolve. I want to hear him answer as to where he stands on these questions.

Now, as to the timing, let me say that if I understood the distinguished chairman of the Judiciary Committee correctly, the hearings are to begin on September 15, and I believe that the chairman, Mr. BIDEN, has also indicated that his target is to vote in committee by October 1. I have heard both sides and some complaints from both sides of the question. Some say that is too soon, some say that is too slow.

Mr. President, I do not think that is too much of a delay, nor do I think it is speeding up too much. It seems to me that is about right, considering all the circumstances. The nomination was sent up to Congress 1 month ago today, as I understand it, on July 7.

We have an August break that is supposed to begin at the conclusion of business today, and that will depend upon what progress the conferees make and continue to make on the debt limit extension.

This August break is by law. It can be repealed and waived by law, of course.

The chairman has scheduled the Bork hearings to start on September 15, and this means that when the Senate returns on Wednesday, the 9th, the hearings will begin the following Tuesday, September 15.

Mr. President, in light of all the circumstances, that is not an inordinate delay.

I would suggest that those Senators who are most interested in expediting the work on the nomination should also be interested in expediting the work of the Senate on legislation. There are some very major pieces of legislation that yet have to be disposed of, and I have iterated and reiterated a litany of legislation, time and time again, as to what those pieces of business are.

The Department of Defense authorization is still going to have to be disposed of. I have no intention of calling up the DOD appropriation bill until the DOD authorization bill is disposed of.

The campaign financing reform bill is a very important piece of legislation. It goes to the heart of this institution, the legislative branch of Government. It goes to the heart of faith in the legislative branch. It is important, and we are going to have some more cloture votes on that.

The reconciliation measure is something that cannot be avoided.

I am going to make an effort to call up the Grove City legislation.

Mr. President, we also have 13 appropriation bills. There are eight appropriation bills that have come over from the House of Representatives already. We all know that, customarily, appropriation bills originate in the House—not by the Constitution but by custom. I note, in looking at the calendar, that actually nine appropriation bills have now come over from the House—one, the Labor-HHS-Education appropriation bill, having been received in the Senate only yesterday.

So there are nine appropriations bills already here, and hearings have been conducted in the Senate subcommittees on these. But it will take a little time for them to be marked up in committee and reported out to the floor.

We will have a busy time down the road in dealing with these several appropriations bills.

It is my intention and hope that the Senate can indeed send to the President's desk these bills rather than send to his desk one mammoth continuing resolution.

So, we have these and many other important pieces of legislation, including catastrophic illness.

Therefore, those who wish to expedite action on the Bork nomination should help the leadership to expedite action on these bills.

Now, the House has no part in the Bork nomination. That is a matter for the Senate only under the Constitution. The role of advice and consent is given by the Constitution only to this House, the Senate, and it seems to me the logical approach should be that we dispose of the legislation as much as we can before we go to the Bork nomination because legislation when disposed of here in so many instances has to go back to the House, there have to be conferences thereon, and the House has to stay around to dispose of that legislation.

Now, it would be, I think, not very reasonable to come back here and, before we dispose of these major pieces of legislation, we start to debate the Bork nomination. That may take quite a while. I hear that there may be a filibuster and I see nose counts around as to cloture votes, and all that. I am not signing on either way on that yet.

But what I am saying is, it does not seem to be a very reasonable approach to have that nomination come up and take 2 or 3 weeks of the Senate's time, while we delay legislation on which the House has a role under the Constitution. The House has no role in the advice and consent process.

So it is important that we dispose of the legislation first as much as we can do so.

I urge Senators to help the leadership to move the legislation forward. Let us clear the decks so that when we get to the Bork nomination we can have a debate that is meaningful, that is informative, informative not only to the people but also to ourselves as to the qualifications of this nominee and as to the merits or demerits of confirmation of the nominee.

I implore those who have their feet in cement and who are stiff-jawed about the DOD authorization bill, campaign finance reform, catastrophic illness, and other measures, to let the Senate get on with debate and action on these measures. Let us clear the decks and then we can have the kind of debate that the country should observe and that the Senate is entitled to engage in on the Bork nomination.

I do not think calumny should be heaped on the chairman of the Judiciary Committee, Mr. BIDEN, by those who maintain that there is an inordinant delay here and that it is a calculated delay.

It seems to me, as I say, the Judiciary chairman has moved about right. He is not going too fast and he is not going too slow. At the rate we are getting legislation passed here—I am talking about the major legislation—at the slow pace we are seeing on major legislation that has to be disposed of before we go out sine die this year, if the slow pace continues, the Bork nomination is going to be delayed. Once the committee reports it out, if the committee votes on October 1 and reports that out, the Senate is not going to be ready for it. Why? Because the Senate will not have disposed of the measures I have been talking about one way or the other: The DOD authorization bill; let us get it up. Those who have amendments, offer them. Campaign financing reform bill; let us get cloture on it. Let us get it up. Those who have amendments, offer them.

This delay strategy, in holding back these bills, is pushing them back, back, back into September and then October.

The House is going to see no reason why it should stay around here while the Senate debates the Bork nomination.

I urge, I implore, I beseech, I importune Senators who are holding back and who will not let the Senate work its will on these measures to let the Senate go ahead with these measures so that the Senate, indeed, will be ready at a reasonably early time to take up the Bork nomination and have the kind of debate that it is entitled to.

I want to see this Senate, the full Senate, make the decision on Mr. Bork. Mr. Bork is entitled to a decision by the full Senate, and if anyone is under the impression that there is a strategy here of delaying this nomination and pushing it over into the next year, there is no such plan, and would have no appeal to this Senator whatsoever. It is entirely alien to my thinking. This Senate in this session should debate and dispose of that nomination one way or the other.

I compliment the chairman, Senator BIDEN. Those who would criticize him should stop and think. I hope they will read my remarks and weigh them. I feel that my remarks represent a reasonable even-handed approach both to the legislation and to the nomination.

And I hope that those who continue to delay will come to their senses, sober up a little bit, and come to an understanding that the thing that may delay the Bork nomination is the very action that they themselves now may be engaging in by delaying action on legislation, delaying action on DOD, delaying action on the catastrophic illness bill, delaying action on the campaign financing reform bill, on prompt payment legislation, and on the State Department legislation.

I hope that, Mr. President, my remarks will be interpreted as positive and helpful on all sides.

Mr. President, what is the situation now as to morning business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAHAM). The time for morning business has expired.

Mr. BYRD. Mr. President, I believe I have the leader's time reserved to me; do I not?

The PRESIDING OFFICER. The leader has reserved his time.

Mr. BYRD. Mr. President, I thank the Chair. I now claim that time.

ARMS TO THE AYATOLLAH

Mr. BYRD. Mr. President, the select committee investigating the Iran-Contra affair has now completed 3 months of public hearings, during which the committee acquitted itself in a distinguished manner. These historic hearings refreshed our country's tradition of open Government and demonstrated that the best way to get to the bottom of controversial activities is to air the facts fully, dispassionately, and carefully—and to let the chips fall where they may.

As the closing statements of the distinguished Senators on the panel indicated, the story which unfolded under the rigorous prodding and hard work of the committee, is a disappointing one, a disturbing one, a disquieting one. It is a story of arrogance, contempt for the law, disdain for the functions and structure of our Government, and of circumvention of the checks and balances which are the tried and true test of our constitutional system.

From the outset it was clear from the testimony of General Secord, and particularly the testimony of the operational figures who pursued the arming of the Ayatollah, that the principal strategy of these men was to avoid informing the Congress.

It is clear to me that laws were circumvented and loopholes vigorously pursued. It is not possible to legislate integrity, good faith, comity, among the branches of Government. It is not possible to legislate high character. No one can write mutual trust into a statute. Trust has to be earned through integrity.

And trust, like man's soul, once gone, never returns.

I believe that the hearings have revealed that certain fundamental corrections should be made in the laws governing covert operations.

I am sure that the Committee on Intelligence will give its very close attention to these matters in a way that, wherever the laws need to be changed, such changes will be recommended.

It seems to me that the National Security Council and, indeed, any Government entity involved in such operations under the statute governing those operations should be included. And I am talking about the laws governing covert operations.

As I say, I think the National Security Council and any Government entity involved in such operations should be included under the statute and should be required the relevant congressional committees. It is also clear that the manner and timeliness of notification to the Congress of covert operations must be more explicit and that the use of third countries and private resources to circumvent U.S. law must be prohibited.

The need for these corrections is clear from recent reports of the drafting of Executive orders in the White House to accomplish these goals. This is, of course, an admission of the need to tighten up the law. But, Mr. President, Executive orders are not good enough because they are obeyed only at the discretion and desire of the administration. And we have seen in this administration a determination to circumvent, to run around, to outflank, to overturn, to avoid, to ignore the requirements of the law. In other words, if the law does not permit us to do what we do, find a way around it—wink at it, smile at it, give it a nod. By all means, avoid telling the Congress. Do not let the people's representatives know.

An administration adept at circumventing the laws and driving freight trains through perceived loopholes cannot be expected to police itself. After the fox has eaten the chicken for years on the matter of arming the Ayatollah, exchanging arms for hostages, it is a brazen fox, indeed, which now expects the Senate to agree that the fox be deputized to guard the chicken coop. And so I am pleased that the Iran/Contra Committee is now vigorously pursuing its mandate in Senate Resolution 23, which created the committee, to identify legislative recommendations for the consideration of the intelligence committee, and other relevant Senate committees.

The Secretary of State was a refreshing relief in the parade of difficult witnesses hiding behind belligerent, aggressive attorneys, who, themselves, should be held in contempt. The Secretary of State indicated clearly that the National Security staff had been out of control, was too large, and had usurped many of the functions of the State and Defense Departments. Indeed, this view was reinforced by Secretary Weinberger. Clearly there is something that needs to be done about the size and activities of the NSC staff to return it to its original function as a coordinating body, the purpose of which is to bring the full range of policy options on important matters to the President. We do not need any more renegade cowboy heroes, operating in secret, with bizarre views of what is patriotic and right, and somehow able to command resources from the rest of the executive branch.

Mr. President, the committee has worked hard at unravelling this sad tale of misjudgment and intrigue at the highest levels of our Government. The investigation has also had the salutory effect of stimulating other important lines of inquiry on these matters. Many questions are still not fully answered, and may never be answered. The story still is unfolding. Of particular note is a column by Flora Lewis of the New York Times, which indicates that the secret policy of arming the Ayatollah may even have begun early in the 1980's, and that this bribery and ransom strategy was on the minds of the inner circle of presidential advisors even before his administration took office. What other explanation is there for the allegation Flora Lewis notes, of a meeting between Mr. Allen, the first security adviser to the President, and a campaign official, who apparently met with Iranian officials during that Presidential campaign, and who may have been linked to Israeli shipments of weapons to the Ayatollah in the early 1980's. This opens up disturbing questions about the longevity of this illconceived arms for hostages strategy. It needs further investigation, in my judgment.

I again commend the select committee for its strenuous labors and look forward to its recommendations and report and to any additional investigation it deems appropriate on these matters during the next several months.

Mr. President, I ask unanimous consent that the article by Flora Lewis in the New York Times on August 3, 1987, and an article from the Washington Times, dated August 4, 1987, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 3, 1987]

THE WILES OF TEHERAN

(By Flora Lewis)

PARIS.—Hashemi Rafsanjani, the Iranian strongman, has now provoked a scandal in France with charges that Prime Minister Jacques Chirac urged Teheran not to release French hostages before the March 16, 1986, elections, which he won.

Mr. Chirac vehemently denies the charge. He did launch an attempt to "normalize" relations once he took office and made several concessions, though not enough to satisfy Teheran. Four hostages were released after he came to power, but another was taken.

It was Mr. Rafsanjani who revealed details of the U.S. arms-for-hostages deal last year. He has hinted he has more such political ammunition. Abolhassan Bani-Sadr, former President of Iran, knows something about it and believes he knows the motives.

Mr. Bani-Sadr, now exiled near Paris, told me Saturday that after Iraq's invasion in September 1980, he was desperate to restore relations with the U.S. so as to buy military spare parts. "We only had 5 to 10 days' supplies," he said. That meant negotiating release of U.S. hostages taken before he became president in January 1980. What he considered a good start was made with the Carter Administration.

"But in October, everything suddenly stopped. My aides found out it was because the group in charge of hostage policy, Rafsanjani, Mohammed Beheshti and Khomeini's son, did not want Carter to win the election. There was a meeting in Paris between a representative of Beheshti and a representative of the Reagan campaign."

Mr. Bani-Sadr did not know their names, nor did he learn until later about an October meeting in Washington of an Iranian envoy with three Reagan workers, Richard V. Allen and Robert McFarlane, who later became national security advisers, and Laurence Silberman.

However, Mr. Bani-Sadr says that these and subsequent events confirm for him persistent rumors that the Reagan campaign offered arms if the hostages were not released until after the 1980 election. In effect, they were released at the same time as Mr. Reagan was inaugurated.

There is no reason to believe that Mr. Bani-Sadr is more dedicated to full candor than American witnesses at Congressional hearings. He offers no firm proof of the charge.

However, arms did start going to Iran from Israel in the first half of 1981, including spare parts for Iran's crippled American fighter planes. This came to light in the last week of July 1981, when a chartered Argentine plane crashed on Soviet territory, apparently off course on its flight from Israel to Iran over Turkey. Mr. Bani-Sadr says the Argentine load of weapons was "the second or third shipment." He was ousted in a coup in July 1981, and has no direct information of what happened later.

The C.I.A. knew about the shipments, Bobby Ray Inman, then deputy director, told me a year or so afterward. It is not clear whether Israel acted with U.S. approval or in apparent violation of its pledge not to transfer U.S. weapons without Washington's permission.

Mr. Bani-Sadr said that when hostage negotiations broke down with the Carter Administration, he warned Ayatollah Khomeini that relations would not improve with Mr. Reagan in power, "they will blame Iran for everything." He said the Ayatollah replied, "So much the better, that will bring a crisis." As what he calls an excuse to stall until the U.S. elections, Iran demanded a $24 billion guarantee from the U.S., dropped soon afterward.

Now, he points out, Mr. Rafsanjani, who has control of the Iranian war effort, is going for total political power, domestically as well. This was indicated in the same July 23 interview with the Teheran paper Etelaat in which Mr. Rafsanjani made his charges against Prime Minister Chirac. He told the interviewer that it was necessary to unite responsibility for domestic affairs just as for the war.

To achieve his aim, Mr. Bani-Sadr says, Mr. Rafsanjani needs external crises, and he suggests the massacres in Mecca was deliberately provoked to bring a crisis with Saudia Arabia as well as with the U.S. and France. "He is like Hitler, he needs new fronts," he said.

"But I don't understand why Reagan, Chirac, King Fahd play his game. They are actually helping him. It takes two to make a crisis. That's what kidnapping and terrorism is used for, otherwise there would be no point."

Of course, Mr. Bani-Sadr, who claims there was no Iranian-sponsored hostage-taking or terrorism during his 18 months as president, is self-serving. But he does know a lot about the mentality and inner workings of the Iranian regime, and how shrewdly it is able to play on divisions within and among Western states. If Western politicians and governments cooperated honestly, it wouldn't be possible. We do help Teheran to outsmart us.

[From The Washington Times, Aug. 4, 1987]

NEW RULES ON COVERT ACTIVITIES DRAW FIRE

(By Tom Diaz and Bill Gertz)

Senior members of the U.S. intelligence community are upset by a draft presidential executive order on covert operations they say is being "rammed through" the White House by the National Security Council staff.

Opponents say the order, which is nearly completed, will effectively gut the country's ability to carry out all but routine intelligence gathering.

"This order would do [to covert operations] what the old Church committee and the Carter administration tried to do," said one administration source. "It is a 'charter' mentality. You don't ban these operations, but you so restrict them with written rules that they in effect, can't be done."

The new draft is said to still be the subject of argument within the administration, but has the support of National Security Adviser Frank Carlucci and D. Barry Kelly, the NSC intelligence director who has come under fire from critics who say he has retreated from past intelligence policies. Paul S. Stevens, the new NSC legal adviser, also was said to have taken part in drafting the new order.

Some critics charge the White House staff is trying to push the order through for political purposes, aiming at a public relations blitz on "intelligence reform" just before Congress goes into recess.

One senior intelligence official condemned the proposal as "preposterous" and said the restrictions could lead to unauthorized operations of the type organized by Marine Lt. Col. Oliver North, who along with retired Maj. Gen. Richard Secord, supported the Nicaraguan resistance forces.

"This is precisely the kind of thing that creates more freelancing," the official said. "When the legitimate guys can't do anything, they will turn to extra-legal means."

According to a source who has seen the document—titled "Approval, Review and Notification of Special Activities"—it sets out strict requirements governing all intelligence activities other than "straight collection" of data.

But a White House source said discussions between the White House and Congress on the new covert action guidelines were in the final stages. The new rules could be released as a "rewrite" of Executive Order 12333, which outlines permissible intelligence activities.

"The only issue outstanding is the timing of notification," the source said.

Another White House official opposed to the new intelligence order said the proposal sends the wrong signal to the public in the wake of the Iran-Contra affair. Proper covert action procedures were not followed by Col. North in the Iran arms and Nicaraguan rebel resupply efforts, the official said.

"The president ought to be asserting his powers when he's under the gun, not furthering the erroneous public perception that something was done that was less than constitutional," the official said.

As of last weekend, the document was unclassified, and its supporters intend to issue it as a public document, a plan that also is criticized by some members of the intelligence community.

"Why lay out all of our internal ground rules for the world to see?" said one source. "Can you imagine the Kremlin doing that?"

The source who has read the document said it contains the following major points with which some key members of the intelligence community take exception:

All activity other than intelligence collection will be considered "special" activity, subject to the requirement for a presidential "finding" authorizing the activity. In addition to making counterintelligence a "special" activity subject to such a finding, it also apparently would require presidential findings for very delicate intelligence-gathering operations outside of normal channels.

"Some of these are one-time intelligence coups presented by a special circumstance," said a source familiar with them. "If you have to run these things through the White House bureaucracy, they'll never happen."

The president will be required to sign every finding every year, in effect recertifying the need for the activity. Critics fear the staff time and paper work inevitably required by such a rule will lead to bureaucratic inertia.

"It will become a lot easier to say, 'Heck, they'll never approve that.'" said one source.

The president will be required to notify Congress within 48 hours of every finding, without exception. A congressional source said current language calls for notification within "two working days."

Critics say this would make some operations—such as the 1980 rescue of American hostages hiding in the Canadian Embassy in Tehran—impossible to mount.

Stansfield Turner, CIA director during the Carter administration, told the House Intelligence Committee in April that he opposed such strict reporting procedures since a requirement for advanced notification or a maximum 48-hour delay would have scuttled a covert rescue mission of U.S. hostages in Iran on the drawing board.

Under the 1980 Intelligence Oversight Act, all presidentially approved covert operations must be revealed to select members of Congress "in a timely fashion." The wording was left ambiguous in order to strike a balance between executive and legislative authority.

State Department and CIA officials testified in June against two House bills that would amend covert action reporting procedures in the 1980 Intelligence Oversight Act. One bill requires advanced notice of all covert action programs, and a second measure would allow for a maximum 48-hour delay.

CIA General Counsel David P. Doherty told the House Intelligence Committee the bills "impermissibly intrude on the president's authority in foreign affairs."

The Iran arms transfers, he said, "stand as an exception to this administration's practices."

All findings will be required to certify that the proposed activity not only conforms to U.S. law, but also to "international law." Critics say the question of what is and is not permitted in the area of covert operations under international law is a subject of intense debate.

"The order doesn't say so, but you know who will make the decision on what international law permits: the State Department," said one source. He implied that the State Department's hostility to covert operations would ensure that few if any covert operations would be found to meet the proposed order's test.

Other less controversial points said to be included in the draft order are:

Requiring presidential findings when special activities are carried out, regardless of the agency involved. This would close the so-called "Department of Agriculture" loophole, under which in the past it has been at least theoretically possible to assign a covert mission to an agency other than the Central Intelligence Agency, thereby avoiding the need for a presidential finding authorizing it.

Banning any retroactively effective findings, such as was involved in one of the arms sales to Iran.

Sen. Chic Hecht, Nevada Republican and a member of the Intelligence Committee, said in an interview yesterday the proposed covert action guidelines appear to be an "overreaction" by the NSC staff to the Iran-Contra hearings.

"I was against the Iran-Contra hearings because I said at the start that they would jeopardize our worldwide intelligence apparatus," Mr. Hecht said. "My worst fears have been realized."

Intelligence activities, such as covert action, require professionals to carry them out, said Mr. Hecht, who was once a covert operative.

"We must not tie the hands of those individuals that are seeking to maintain the security of America," Mr. Hecht said. "I hope we don't get to the point where every intelligence agent will have to have a law degree to interpret his job."

The most recent version of Executive Order 12333 was issued by President Reagan in 1981.

It contains a one-paragraph explanation of the role of "Special activities"—the term for covert action programs—that officials say leaves the president with more flexibility than the proposed order.

The order states that the CIA director "shall be responsible to the president and the NSC and shall . . . conduct special activities approved by the President. No agency except the CIA [and the military in time of declared war] may conduct any special activity unless the president determines that another agency is more likely to achieve a particular objective."

A congressional official said the covert action guidelines are an attempt to head off legislation that could be more restrictive.

"This [a new executive order] is something that can be lived with because it would not be irrevocable," the official said. "The president would retain his constitutional rights."

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the next order of business, I believe, will be in connection with the Iran-Iraq resolution, Senate Resolution 216, to support a cease-fire in the Iran-Iraq war and a negotiated solution to the conflict.

Is there not a time agreement of 1 hour on this resolution?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. And is that matter to be laid before the Senate upon the conclusion of my remarks?

The PRESIDING OFFICER. There is no order to that effect.

Mr. BYRD. Mr. President, I have not inquired of the Republican leader as to whether or not he would be agreeable to the Senate's going to this resolution at this time, but I am making that inquiry at the moment. In which case, if the Senate were to proceed to the resolution with the 1-hour time limitation, a rollcall vote having already—or has a rollcall vote been ordered on this?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BYRD. A rollcall vote having been ordered, the vote would occur around 1 o'clock or 1:15.

Mr. President, I am told that Mr. DOLE approves of proceeding to the resolution at this time. Therefore, I yield the floor and I ask that the Senate proceed to the consideration of the joint resolution at this moment.

IRAN-IRAQ CEASE-FIRE

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 216) to support a cease-fire in the Iran-Iraq war and a negotiated solution to the conflict.

The Senate proceeded to consider the joint resolution.

Mr. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSIAN GULF POLICY: THE MINING OF U.S. CREDIBILITY

Mr. PELL. Mr. President, I support the resolution now under consideration. It should be clear to all of us that a cease-fire and a negotiated solution to the Iran-Iraq war is in the interests of both parties to the conflict and to the international community.

The perils are quite high in the gulf now. An urgent priority should be given to finding a way to peace rather than allowing further dangerous deterioration of the situation.

Mr. President, concerning United States policy in the Persian Gulf, one clear image is etched in the public's mind, that of the supertanker *Bridgeton*—the first of the 11 Kuwaiti tankers to be reflagged—lurching toward port after striking a mine on July 24, and being followed in a neat row by the three United States naval vessels assigned to protect her. Our naval vessels were following the *Bridgeton* for her to protect them, because they were even more vulnerable to serious damage from mines.

This reversal of roles is the most dramatic illustration thus far of the failure of a policy that is designed ostensibly to restore U.S. credibility in the Persian Gulf region—a region in which our stature has suffered the effects of the now discredited secret deals to sell sophisticated arms to Iran. What was mined along with the *Bridgeton* that fateful morning was U.S. credibility.

When I introduced S. 1327 to prohibit the reflagging of the Kuwaiti tankers, I described the administration's policy as "dangerous and poorly conceived." Sadly, unfolding events have only served to validate that judgment.

The risks of our Persian Gulf policy are even clearer today than when the debate on the reflagging decision was first joined. And make no mistake: It is the decision to place United States flags on Kuwaiti ships that is central to this issue.

In addition to the mining incident with the *Bridgeton*, we now learn that there are in the entire United States Navy only three minesweepers available for duty, all of them Korean War vintage ships, and all of them docked in Norfolk, VA. As if the lack of preparedness was not humiliating enough, Great Britain has turned down our request to provide minesweepers to assist our naval convoys. Margaret Thatcher's refusal represented more than a British desire to stay clear of the gulf conflict, it also signals a profound discomfort among our allies with the course of United States policy in that region.

More ominous, Iran has in the past 2 weeks demonstrated its proclivity to engage in violence to further its ends. In the holy city of Mecca, Iranian pilgrims provoked riots which have claimed over 400 lives. Cynically, but also as a direct response to the reflagging, Iran has sought to blame the United States for the Mecca riot. Frenzied mobs are calling for American blood in the streets of Tehran.

As if to underscore their intentions, Iranian revolutionary guards have launched naval maneuvers with small attack speedboats in the gulf, code named "Martyrdom." There are published reports of evidence that the Iranians are preparing terrorist attacks on American installations at home as well as abroad, in retaliation for what Iran regards as a United States tilt toward Iraq after years of careful neutrality. Since the start of the Iran-Iraq war, Kuwait has made no secret of its support for Iraq and has served as Iraq's major supplier.

It is worth reflecting that the Iranian leadership now demanding murderous attacks on Americans is the same leadership the Reagan administration once described as moderates. It is the same leadership to whom we sold weapons that now may be used against us.

Our reflagging policy is not only dangerous, it also reflects astonishingly poor planning. United States warships have been sent to the Persian Gulf to protect Kuwait shipping without the essential support to do the job. No country in the region is willing to provide logistical support or access. Kuwait itself has shrugged off responsibility, asserting "They are your ships now," and refusing to provide a landing and refueling base for Sea Stallion minesweeping helicopters being introduced to protect Kuwaiti ships from Iranian mines.

Mr. President, the United States finds itself isolated from its friends and vulnerable to its enemies in the Persian Gulf because we are pursuing a policy hastily conceived, ill considered, and lacking in essential public support.

Clearly, the United States does have an interest in the Persian Gulf, one which we should assert and defend if necessary. There are, in my judgment, far preferable means of doing so than by reflagging Kuwaiti oil tankers and escorting them with United States naval vessels which are themselves more vulnerable to attack than the ships they are assigned to protect.

We need a "get well" plan for U.S. policy in the region—one that will preserve and protect vital U.S. interests and promote peace in the region.

The first policy that should be pursued vigorously is the one in which we have already had some success, namely action by the United Nations. The Security Council resolution adopted last month was the first step in what should be a two-step process. It should be followed up as soon as possible by internationally imposed sanctions. This would not only contribute to a reduction of tensions in the gulf, it also contains the seed of a chance for a peaceful solution to the Iran-Iraq War.

The second policy that should be pursued, again, in the framework of the United Nations, is the creation of a United Nations peacekeeping force that will use the United Nations flag as an emblem of protection for peaceful shipping in the Persian Gulf. United Nations peacekeeping has been tried on the ground. It should now be made to work at sea.

In this regard former Secretary Vance and Ambassador Elliot Richardson have suggested that a United Nations flag be used on the ships in the gulf rather than the United States flag, thus making the whole operation more a United Nations one. This second policy is one, I think, we should follow.

Despite the administration's failure thus far to enlist the cooperation of our allies, including the concerned Arab States, we should try again, this time through private diplomacy rather than the publicized encounters that have invited rejection, to develop an agreed plan to ease tensions in the gulf region and to adopt practical measures to secure the safety of shipping.

There are other steps that should be taken as part of a get-well plan—actions that would contribute to a reduction of tensions and the security of shipping in the gulf. What the administration has tried so far has made the situation worse, at risk of damage and injury to our naval forces, and without apparent improvement in the safety of shipping. It is time to concentrate on practical, responsible alternatives that will enable us to extricate ourselves from this necessary risk, with our prestige in the region intact and our ability to contribute to a constructive solution restored.

Mr. BYRD. I have cleared this request with the Republican leader. I ask unanimous consent that the vote on the resolution occur today at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, that will be a rollcall vote. The yeas and nays have been permitted. The yeas and nays have not yet been ordered but they will be.

I thank the Senator.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

Mr. BUMPERS. Mr. President, will the Senator withhold?

Mr. PELL. I withhold.

Mr. BUMPERS. What is the parliamentary situation, Mr. President?

The PRESIDING OFFICER. The parliamentary situation is that we have before us House Joint Resolution 216 with a 1-hour time limitation equally divided. There have been 10 minutes used thus far. The vote has been ordered for 1:30.

Mr. BUMPERS. Will the Senator from Rhode Island yield for a question?

Mr. PELL. Certainly.

Mr. BUMPERS. I wanted to speak as though in morning business, but if we are on a time agreement on the resolution, I am reluctant to speak. If the Senators do not want to speak, I will ask unanimous consent that I be permitted to speak without the time being charged against the resolution.

Mr. BYRD. What is the request?

The PRESIDING OFFICER. The request is that the Senator from Arkansas be allowed to speak as in morning business without the time charged against the 1 hour to be equally divided under House Joint Resolution 216.

Mr. BYRD. Mr. President, the time of the vote is 1:30. That leaves ample time for the Senator from Arkansas. I understand 20 minutes have already been utilized.

The PRESIDING OFFICER. Ten minutes have been utilized and 20 minutes remain under the control of the Senator from Rhode Island.

Mr. BYRD. I ask unanimous consent that the time the distinguished Senator wishes to use not be charged against either side on the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PERSIAN GULF SITUATION

Mr. BUMPERS. Mr. President, I will be brief.

No. 1, I want to say that we are getting ready to go out on a 1-month-long recess and our warships are heavily engaged in the Persian Gulf and our reflagging of Kuwaiti tankers proceeds almost apace, though I noted in the Washington Post today that there has been some delay in reflagging the next three Kuwaiti tankers.

Mr. President, this is a very difficult time, in my opinion, for the Senate to be out of session, because it is my firm belief that something very untoward may very well happen in the Persian Gulf while we are gone.

I am not issuing a dire warning. As you know, I have tried to take the lead in this body opposing the President's policy of reflagging for all the reasons I will not repeat.

I feel very apprehensive in light of all the threats coming out of Iran and their mode of exercises in the Strait of Hormuz and the Persian Gulf.

I simply want to point out to my colleagues that I think it is tragic that the President has not invoked the War Powers Act. If there ever was a case where we are involved in a situation where hostilities are imminent, it is in the Persian Gulf.

The other evening, I was on a talk show and one of the questioners said, "Why is it you people always want to run out?"

You know, one of the ways you get into a position of not having to run out is to think out a policy before you get in. Now that we are committed, the argument is that the President's name is on the line, the prestige of the United States is on the line with the moderate Arab States, and the little nations in the Persian Gulf. The argument is that now we are in a lose-lose situation. We lose prestige if we cut and run, and we lose if we stay.

The only way to avoid being put into those kind of lose-lose situations is to think the policy through before you get involved in it.

Mr. President, I make this final point: The reason I wanted this body to act to get us out of the Persian Gulf before we went home is because I can tell you exactly how it is going to develop. We are going to lose American sailors in the Persian Gulf. To me, if we stay there long enough, that is as certain as the Sun coming up in the morning. And whether Iran's fingerprints are on it or not, or whether you can tie the loss of those lives directly to Iran or not will be highly problematical.

I can tell you one thing: We get nothing out of it. We are going to be asking American servicemen to die for Kuwait, who will not even let us land so much as a helicopter on their soil.

Mrs. Thatcher was in this country 2 years ago saying, "The President's policy in the Persian Gulf is eminently correct. It is courageous; it is correct; it is well thought out."

Well, Mrs. Thatcher, how about you helping out by sending a few minesweepers to the Persian Gulf? We only have three and we cannot get them there for months.

"No, no thanks. Thanks, but no thanks."

How about Italy, France, Germany, the Netherlands? Italy makes the best minesweeper in the world. How about all you good friends in NATO sending some minesweepers to the Persian Gulf?

"Thanks, but no thanks."

And to all the nations around there who generally applaud this policy, how about you allowing us to land our helicopters and planes on your soil?

"No, we might offend Iran. We want you there. We want you taking the side of Iraq in this war, but we do not want to offend Iran."

I want you too tell me where is the commonsense of a policy like that? What on Earth is going on here?

As I was about to say a moment ago, we are going to lose American lives, and then the pressure to bomb Teheran is going to become almost inexorable.

That is the reason I am here today saying something that I had rather not say. But I can tell you, anybody who opposes this policy is going to be in a position to say, "I told you so."

Mr. PELL. Will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. PELL. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty minutes.

Mr. BUMPERS. I only need about 5 additional minutes.

Mr. PELL. The Senator can have as much time as he wishes. I will yield that to him.

Mr. BUMPERS. I thank the Senator.

Mr. MURKOWSKI. Is the time equally divided?

The PRESIDING OFFICER. Yes, we are under a 1-hour time agreement on House Joint Resolution 216 relative to a cease-fire in Iran-Iraq. Of the time under the control of the Senator from Rhode Island, there are 20 minutes and 18 seconds remaining. The full 30 minutes remain on the side of the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me also say that this is an executive decision. Congress did not get so much as a by-your-leave from the President before we agreed to reflag those Kuwaiti tankers. Some of us, when we realized they were serious—and I must say it took me a long time to believe that the President was really serious about putting our flag up as though it were some kind of a target in a shooting gallery for every lunatic in the area to take potshots at, but it turned out that was indeed the policy.

But to Congress' eternal credit and what I consider archaic rules of the U.S. Senate, we could not stop it, even though a significant majority of the House and the Senate voted not to do this.

As you know, Mr. President, when I offered a resolution in this body not to go forward with the reflagging of Kuwaiti tankers, a filibuster began on that side of the aisle.

You also know that, even though there are 100 Senators here, 40 Senators can bring this place to a halt anytime they want to. In order to get a vote on my reflagging proposal, I had to move to table my own amendment just to get everybody on the record. Happily, my motion to table my amendment was defeated by a very substantial 56 to 42 vote. In effect, the Senate voted 56 to 42 against this whole operation in the Persian Gulf.

I applaud my colleagues for their thoughtfulness and their courage in doing that.

The House just the day before had voted by about 244 to 184, or 242 to 184, not to go forward with the reflagging.

So, the President is doing this even though a good, substantial majority of both Houses have said, "Don't do it."

Right now, along with the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oregon [Mr. HATFIELD], and the Senator from Washington [Mr. ADAMS], I have a bill pending that says that unless the President can tell us that we need to stay there because of our national security interests and both Houses of Congress approve that proposal, we have to get out of there in 6 months.

I think that does not look as though we are cutting and running or does not jeopardize the President's credibility or his word or anything else. Why should we worry about protocol when everybody in the area says, "We think it is wonderful, but we will not help you and we will not even let you land your planes on our soil"?

I tell you something, Mr. President: I do not have anybody in the service. I have two sons who are military age. Neither of them is in the service. But I tell you I would hate to have to explain to either of those youngsters of mine why they have to die in the Persian Gulf.

Mr. President, did you read Mark Shields' column in the Washington Post the other day? Do you know why so many people are anxious to send soldiers, marines, airmen, and sailors all over the world, It is because their sons are not there. It is not their sons who will go. As long as somebody else's sons are doing the dying, it is an entirely different thing around here.

In Vietnam, they were poor and they were black. If you had enough money to go to college, you avoided the draft. Now, in this day of what we call professional services, professional Army, professional Navy and Air Force, people say, "Well, they are professionals; they are drawing big salaries." Somehow or other we feel around here that they do not really belong to anybody, that their mothers and fathers are not going to grieve if they die, just as those 37 died on the *Stark*.

Let me tell you something, Mr. President. If our national security interest were at stake or there were any kind of rationale for this policy, I promise you, I would escort my two sons down to the recruiting office. But I am not going to escort them to join up and put a uniform on for a policy that they might have to die for that means nothing to this country—nothing.

So, Mr. President, I hope and pray to God that during the 30-day period we are out of session, I am proved as wrong as anybody can ever be proved wrong. But we are not dealing with rational people when we are dealing in an area where the Iranians are holding forth.

Mr. MURKOWSKI addressed the Chair.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 18 seconds.

Mr. PELL. I yield the time to the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, what is the remaining time on the resolution?

The PRESIDING OFFICER. Thirty minutes.

Mr. MURKOWSKI. I appreciate the time yielded by my colleague from Rhode Island. It is my intention to take a portion of the time remaining, of the 30 minutes, unless there is an objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I have heard a good deal of the discussion that has taken place here by the Senator from Rhode Island and the Senator from Arkansas, expressing concern over the status of our presence in the Persian Gulf.

It is indeed an extraordinary set of circumstances that has occurred. While one can relate back to the issues as they developed, I am sure that had we an opportunity to start again, we would have done things quite differently.

We have seen the return of the U.S.S. *Stark* 11 weeks after the missile attack that killed 37 sailors and triggered the crisis in the Persian Gulf.

As indicated in the Boston Globe editorial of August 6, "America's military capability in the Persian Gulf has become an object of ridicule to our allies, not just to our enemies."

We have seen the *Bridgeton* incident. It has been outlined by my colleagues in the debate. The *Bridgeton* was formerly a ship in the Kuwaiti fleet called the *Al-rekkah*, the largest of the tankers that had been hauling crude oil from Kuwait, 401,000 deadweight tons.

It is interesting to reflect, Mr. President, the logic behind reflagging that particular ship. It was one of economics. This was the largest carrier and as a consequence of that it made sense to move the oil in the largest vessel that could move it the cheapest.

Now, if one looks at the Persian Gulf, one finds that there are in the Strait of Hormuz and other areas specific channels where these large ships have to operate. And the reason they do is because they draw substantial draft, somewhere in the area of 74 feet of water. It does not take a genius to recognize the potential danger that mines pose to such large vessels. It is much easier to place mines if there is a designated channel where vessels must go because of their draft. In the case of the *Bridgeton*, that is just what occurred. The *Bridgeton* did hit a mine; the damage was quite severe, limiting the ability of the vessel to operate efficiently.

After surveying the damage, the Coast Guard gave the *Bridgeton* a permit to proceed under the condition that it carry no more than 230,000 metric tons of oil down from its original 401,000.

(Ms. MIKULSKI assumed the Chair.)

Mr. MURKOWSKI. Madam President, four tanks were damaged, two major, two minor. The two major must be sounded periodically while the vessel is underway. No oil may be stored in the four damaged tanks, or the tanks contiguous to them. The vessel must travel at reduced speed and after offloading the oil in Khar Fakkar, it must go to drydock and will be out of commission for 1 month.

Now the justification for using this ship was, it would take two smaller vessels to do the same job. I am going to go at some length here on the merits of utilizing U.S.-flag vessels to move some of this oil.

We have two vessels currently in our reserve fleet on the west coast, that have capacities roughly equal to the *Bridgeton*. They are the *Atlantic* and the *Pacific* with tonnage of 404,531 deadweight tons each.

According to the Transportation Institute, both these vessels could easily take the place of the *Bridgeton*.

So here we have seen our first effort, Madam President, to take the *Al-rekkah*, put an American flag on it, and rename it the *Bridgeton*. And what happens? It is the first vessel to hit a mine because the mines are set in the deep channels where the draft of these larger vessels dictates they must travel.

The mine did not just blow a hole in the *Bridgeton*. I think it blew a hole in U.S. military prestige because it highlighted the lack of indepth planning associated with evaluation the tactic of convoying—especially with regard to the risk factor. The elements of risk are apparent with regard to mining, but we did not seem to take that into consideration.

It is evident to all that we were ill prepared insofar as having minesweepers. We have seen article after article appear that the U.S. minesweeper program is running at full ahead slow. We have seen indications that our Navy currently does not have the resources necessary to move in and address the threat that is posed by the mines that have been placed in the channel or those that are yet to be placed.

The fact that the *Bridgeton*, when hit, suddenly became the minesweeper is evidenced by the fact that the three U.S. ships immediately pulled behind it for safety.

I wonder, Madam President, if the United States learns very well from past mistakes, if we really try to find out what went wrong and what are we doing about it. We are still arguing about whether or not we are going to reflag additional ships.

Basically, we got ourselves in a position, Madam President, where we lack options and we lack them as a consequence of ill and inadequate planning.

There are many in this body, including myself, Senator PELL, and the Senator from Arkansas, who sought to delay reflagging so we could develop other options.

Well, we could not effectively achieve this delay. The administration was committed to go ahead. Now we have seen the results of a reflagged tanker being hit by an Iranian mine and the scramble for options continues.

We really committed ourselves to this venture without being mindful of the consequences. It reminds me of being in Alaska in a barroom brawl without knowing where the exits are. You have to know where you are going to go if this happens or that happens. We did not.

Of course, the Navy did not anticipate the mining situation when the *Bridgeton* hit the mine. The threat should have been removed by conventional minesweepers. They have been around for years and years. Ironically, the protectors became the ones who needed protection in this case. We did not have these minesweepers available. We have had to divert our LPH helicopter carriers to provide a base for minesweeping helicopters because the Kuwaits, the nation directly benefiting from the decision to reflag and assure the delivery of their oil to market, will not let us in. We have seen our friends in Great Britain and the Netherlands, both of which are recipients of substantial crude oil from the Mideast, unwilling to help us. If I am not mistaken, we actually provided the Netherlands with minesweepers some years ago.

What is the Navy doing about this? Obviously they are agonizing just like we are on the floor of the Senate.

Are there solutions, Madam President? I think there are. If we want to continue to put the emphasis on utilizing the very, very large ships, then we are going to have to be concerned with the fact that those channels probably will be mined by Iran. It would seem logical to spread the risk by using smaller ships that do not draw as much water, that can move outside these channels to reduce the risks posed by concentrated mining which we know will continue to occur.

Madam President, it just makes sense to consider the utilization of U.S. merchant ships.

I have already indicated in previous conversations that the Soviets have declined to allow their flag on Kuwaiti ships. They simply responded by leasing at least three vessels, initially under long-term charter, to Kuwait. The British did the same thing, refusing to reflag and instead initiating agreements to charter British merchant vessels.

Madam President, we have idle vessels in the United States that were built with U.S. construction subsidies. They could serve in this carriage. There are currently 57 vessels identified in the U.S. fleet that range in tonnage from 404,000, greater I might add then one *Bridgeton*, to roughly 40,000.

One wonders why the State Department, why the administration, why the White House is not encouraging participation by U.S. shipping firms to enter this trade.

You know what we have done, Madam President, is made a sham of the reflagging process for a reflagged U.S. vessel to Coast Guard regulations require that on foreign voyages, it must carry a U.S. master and radio operator until such time as the ship goes into a U.S. port. Then it must pick up a U.S. crew. The sham is an obvious one, Madam President, these reflagged ships were never designed never to dock into a U.S. port. So it is a matter of convenience. It is a matter of putting our flag up, you might say, for rent. And certainly the American flag is not a piece of cloth to be treated as a flag of convenience for the commercial interest of Kuwait.

You know we have our Navy over there. Why do we not have our U.S. ships participate? Why make a charade of it? We want to keep the Persian Gulf open. But it is interesting to reflect on who are the recipients. We get about 6 percent of our crude oil from the Persian Gulf. Western Europe gets about 35 percent. The rest goes to Japan.

What is the cost of maintaining our Navy in the Persian Gulf? Who are the beneficiaries?

Some have said, well, if we put American merchant vessels over there we are going to be endangering our crews. Let me tell you, Madam President, I am going to ask for the introduction of a letter that was printed in the New York Times August 2, by Frank Drozak, president of the Seafarers International Union.

In his letter, he makes a specific reference to U.S. crews manning U.S.-flagged vessels in the Persian Gulf. And I quote:

> Undeniably, this span would put more American seamen (28 as against 1 per ship) at some risk. But American crews are already voluntarily taking that risk in the Persian Gulf. The additional numbers would be small, particularly compared with the numbers of Navy personnel now being put at substantially greater risk.
>
> The use of genuine United States-flag tankers would cost slightly more than using multinational reflagged hybrids. But the expense is insignificant and, after all, renting the United States Navy should not be free.

I think he is right on target.

Madam President, I ask unanimous consent that the letter from Mr. Drozak be printed in the RECORD, because I think it highlights the attitude of the American merchant marine, who stand ready to go to work. There are about 350 jobs at stake if all of the 11 tankers were U.S.-flag vessels. The ships are available, Madam President. There are 57 in the reserve fleet.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LET THEM RENT WHOLE TANKERS, NOT JUST FLAGS

To the Editor:

President Reagan's decision to reflag Kuwaiti tankers is founded on three legitimate policy objectives: (1) to preserve freedom of navigation in the Persian Gulf; (2) to avoid a vacuum that the Russians could fill, thus furthering their long-time objective in the region, and (3) to stop the tanker war, thereby limiting the Iraq-Iran conflict.

These are laudable goals. But the policy undeniably tilts toward Kuwait and Iraq, and thus risks making the United States belligerent.

If Iran retaliates against the reflagged tankers, United States Navy forces or some other target, what will be the next American step in escalation? Iran is no military match for the United States, but a military confrontation between the two countries only play into the hands of the Soviet Union, which has long coveted the role of Iran's "protector." It also thwarts a strategic objective of our last two Presidents: to normalize relations with a post-Khomeini regime and prevent Soviet hegemony.

Little in the Administration's history of inconsistent lurchings and tiltings in the Iraq-Iran conflict gives anyone confidence that these issues have been carefully considered in the reflagging policy. That it was initiated without a formal intelligence assessment—and that, in the name of freedom of navigation, it tilts against Iran, which has been responsible for only about half as many tanker attacks as Iraq—simply compounds its deficiencies regarding the three United States objectives.

Congress is caught between two unacceptable choices. It can allow the reflagging policy to proceed despite its flaws and dangers. Alternatively, if it stops the reflagging, it risks undermining the President, by creating an impression of withdrawal from the Persian Gulf, which would provide a major opportunity for the Russians. What can be done to make the best of a bad situation?

There is another option that accomplishes all three objectives, while avoiding the tilt toward Kuwait and Iraq, thereby reducing the risk of provoking Iran and making the United States a belligerent. That is to offer to charter genuine United States-flag tankers with United States crews, of which there are an ample number available, to both Kuwait and Iran, to Iraq and to any other country in the region.

This would be an evenhanded policy. The United States tankers and United States Navy protecting them would be strictly neutral. This option would guarantee freedom of navigation in the Persian Gulf, leave no vacuum for the Russians and help stop the tanker war, thus containing the Iraq-Iran conflict.

Even if Iran did not accept the offer, a policy that made our intentions and objectives clear would reduce the risk of attack on our ships and the need for subsequent United States escalation. That United States-flag commercial vessels have been operating in the area throughout the war without serious incident makes it likely that American lives would be far less at risk in this scenario.

The provocation is not the presence of United States ships. American ships have served the region more than 40 years. Rather, the provocation is the thinly veiled reflagging scam that rents our protection to one side at the expense of the other. Doubts about whether the United States will in the end really respond to an attack on the reflagged vessels as if they were genuine American ships only heightens the prospects for confusion, miscalculation and escalating hostilities.

Undeniably, this plan would put more American seamen (28 as against 1 per ship) at some risk. But American crews are already voluntarily taking that risk in the Persian Gulf. The additional numbers would be small, particularly compared with the numbers of Navy personnel now being put at substantially greater risk.

The use of genuine United States-flag tankers would cost slightly more than using multinational reflagged hybrids. But the expense is insignificant and, after all, renting the United States Navy should not be free.

This is probably the best alternative in a bad situation. It could be the most constructive thing the United States has done in the seven-year history of the war.

FRANK DROZAK,
President, Seafarers International Union of North America.

Mr. MURKOWSKI. Madam President, it is important to note that there have been discussions, commercial discussions through the State Department and perhaps through the White House, concerning the merits of utilizing some United States-flagged vessel in the movement of Kuwaiti oil. The tempo of those discussions, Madam President, are directly related to pressure on the Kuwaiti Government by the Congress and the American public on this issue.

I have had communications in my office concerning the utilization of the two larger ships. And it comes and goes. The pressures, obviously, have been inconsistent because there has been no voice from the administration indicating that it is in U.S. interests that we utilize some U.S. ships in this carriage.

As I have indicated, the two larger ships, the *Atlantic* and *Pacific*, could be at sea ready to go within 45 to 60 days. They would require drydocking there on the west coast. There is another ship that could be in the gulf within 60 days. It is called the *Williamsburg*. It is 225,000 tons. There have been efforts to communicate with the Kuwaiti Government concerning the chartering of these ships.

But make no mistake about it, Madam President, the Kuwaits have the best of both worlds. They have the free use of our Navy, they have their own ships being reflagged under the U.S. flag, and they continue to generate the revenue from moving the oil on to the markets of the world. An extraordinary set of circumstances in view of the situation that we have with the Iran-Iraq conflict and the continued escalation of that.

One wonders why this administration—which I happen to be supportive of in most instances, but in this case I think they have failed to follow the basic premise that our own best interests must come first. As we used to say once in a while, "Charity begins at home." We have the ships laid up. They were built with U.S. construction subsidies. We have had available U.S.-operating subsidies for these ships. We have crews that will man them. And there is an opportunity for them to serve without a subterfuge in a carriage in the Persian Gulf. And the administration is not saying to Kuwait, "This is a condition. We will help you out. You use some of our American ships. You get some of our American maritime people active on these ships and provide jobs for them."

That is all that the administration has to do. What do you think the Kuwaits are going to do? They are going to say, "OK, because they have no other choice."

I find it incredible that the Government does not understand the basic principle of leverage, but they certainly do not. They are oftentimes up on a diplomatic plane and it is very difficult to get them down to the practical side.

But this is good for the United States. This provides jobs. Let us be realistic. Our Navy is already over there. Let us let our Navy do what it was built to do, to protect U.S. ships. Let U.S. sailors who are taking those risks know that our policy is a straightforward one, an honest one, not a subterfuge to get around some of the sabotage laws regarding how ships are reflagged.

I think we should keep in mind the symbol of our flag as the freest and long-lived democracy in history. It should not be available for rent at the convenience of a situation that arises once in awhile where there are other alternatives. We should be chartering our U.S. ships, not simply sidestepping, if you will, the issue by reflagging.

These are dubious transfers of title that leave U.S. warships protecting the United States flag and Kuwaiti owners. I feel very strongly that the Navy would much prefer to be protecting our own ships moving oil about the world.

So as I have indicated, Madam President, it just makes sense that the administration reconsider their position. I think that the exposure associated with a vacillation of policy is a grave one, as expressed by the Senator from Arkansas. We are going on recess. We have found ourselves currently in the declining days prior to recess of a great concern over the crisis of debt in our country. It is somewhat paralyzing our Congress. It is constraining our ability to act on many important issues confronting us.

We talk about the origin of the debt. We spend more than we generate in revenues. Are we going to make the cuts? Are we going to increase taxes? The desire for consumption is increasing. We are unwilling to make the hard decisions.

But we have a commitment, obviously, to maintain a strong national defense. It is a situation I support. It is vital and it is necessary.

But it is kind of interesting to reflect that the responsibility of the defense of the free world should be a team effort. We have vital interests, strategic, economic, and political. We are certainly not alone. But, Madam President, today we are alone in the Persian Gulf. We are a team of one in the Persian Gulf.

Where are the Western European minesweepers? I have already discussed that. They are not there. Our friends, the British, are not there. The Dutch are not there. We have got a couple of them that are active if we can find them and get them over there.

Where are the ports for landing our helicopters in the Arab area? They are not there. Where are the Japanese over there? They are not there. Nobody is in the Persian Gulf. The Russians are there hauling oil in commercial tankers. The British are there hauling oil in commercial tankers. The French have sent an aircraft carrier. But basically we are carrying the load again.

We are carrying it, Madam President, as U.S. taxpayers and U.S. naval personnel, carrying it alone in the Persian Gulf.

Madam President, as ranking member of the Veterans Committee, those men and women in the Persian Gulf in the Navy are going to be the veterans of tomorrow. They are observing this process, the frustration. I am sure they have some ideas on how they would suggest that we maintain shipping in the Persian Gulf.

I would like to reflect on another issue that is relevant and that is to the beneficiary.

You know, as we look at the first tanker to basically leave Kuwait, it was not a tanker, it was a gas ship. It was an LPG ship called the *Gas Prince*. It used to be called the *Almagosh*. It was surrounded by U.S. warships, manned by U.S. sailors on those warships and had a U.S. captain and a U.S. radio operator. It was not crewed by U.S. sailors.

At a time when U.S. merchant seamen were drawing unemployment, waiting for a job, when half a dozen LPG carriers built with Government subsidies were out of service. Where was this ship going? It was going to Japan, Madam President. Furnishing energy that drives the Japanese economy.

Make no mistake about it, I am not criticizing the Japanese economy or the Japanese Government. It is the most important bilateral relationship we have in the world. But it is also a competitor, in many ways. And the question is: What is the equity of contribution in the Persian Gulf? The Japanese economy has developed rapidly. It continues to develop in the free world. It is competitive.

It is so competitive, Madam President, it spends 1 percent of its GNP on defense. What do we spend? Obviously five to six times that much.

This is an economy, in Japan, that can buy the most up-to-date fishing fleet processors, catchers—these are huge ships operating the waters of the world but they cannot send a destroyer or a minesweeper to the Persian Gulf. Yet they are the largest recipients, some 65 percent, of the crude oil. And who is over there? Good old America: The U.S. Navy.

It just seems to me that in fairness, equity, Japan ought to come in and say: What can we do to help you? And they are not doing it. It is incredible to me.

Why are not we asking them? Is it above us? Is it diplomatically uncomfortable to do so?

Again, I am not criticizing our relationship, I am just pointing out the inequity that should be obvious to us all.

We are going to see veterans coming out of whatever develops in the next 30 days, 60 days, 6 months or however long. These veterans are going to observe the process that is occurring here in the Congress of the United States as we debate the merits of reflagging; of the administration that makes the policy decisions; of the admirals that address the responsibility of whether, indeed, there was a risk of mining that should have been addressed prior to moving those ships out; that, indeed, the *Stark* was not properly outfitted for the risk.

You know, it is kind of interesting to reflect on the *Stark*.

The captain of the *Stark* was allowed to resign. Several were surprised that the policy decision that allowed that to occur basically terminated there. The investigation, perhaps, did not go high enough.

Well, hindsight is cheap, Madam President. I am not going to belabor the point. But we are becoming immersed in the mud of the Persian Gulf without a clear-cut policy, without a decision if, indeed, a Silkworm missile that is placed along the Iranian shore comes in, whether we are going to take it out, where we are going to go ashore and take it out, what is the extent of our commitment there?

It just appears, Madam President, that we are not on a level playing field. Here we are, committed to a strong defense. You will never have enough defense if you need it. It is a major reason we stand here today, raising the limit of our multitrillion dollar debt.

The tilt means the sailors on the *Stark* and the other ships in the gulf will come home and be on leave and participate, if you will, in the impasse that we have reached with regard to what our policy is.

I just cannot understand, Madam President, why we do not attempt to regroup, get control of this. Here is the country with the largest defense capability, the largest navy—no minesweepers.

The Soviets have all kinds of minesweepers. I just cannot understand why the Navy missed the boat, if you will, on this one. I still have not seen a reasonable explanation on this one from the Navy, and I think the American public and the Congress of the United States, without undue criticism of the Navy, is entitled to a reasonable explanation on why the mining threat was not assessed earlier and, if there was a threat such as there appears to have been, there could not have been an appropriate response to it.

Madam President, I would urge my colleagues, as we reflect on the resolution before us, to consider the plight of the American merchant marine and the fact that the Kuwaiti Government will only respond to the leasing of United States-flagged vessels if there is enough pressure brought on them by this body, by the White House, by the State Department.

I would urge those that will read the RECORD or are viewing this and feel strongly, and the maritime unions, to address the issue. You want to make the effort to get these ships back sailing again; to make the American merchant marine what it is capable of being; to utilize those ships that were built with construction and operating subsidies.

The opportunity is now, Madam President. The ships are there. The crews are willing. I guess the question is: Do we have the tenacity to regroup on our policy and say: This is going to be an all-American policy. The United States is going to meet the obligation of keeping the Persian Gulf open. Only we are going to do it with American ships and proudly fly the American flag where it belongs. This is not only going to be in the best mercantile interest of this country, it is going to be in the best interests of the U.S. taxpayer, administration, the U.S. Navy, and the Congress as well.

Madam President, I ask unanimous consent that an article from the Boston Globe entitled "U.S. Military

Credibility at Stake" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Aug. 6, 1987]

U.S. MILITARY CREDIBILITY AT STAKE

As the USS Stark returns home, 11 weeks after the missile attack that killed 37 sailors and triggered the crisis in the Persian Gulf, America's military capability has become an object of ridicule—not just to enemies, but to allies.

The Bridgeton incident—in which three naval escort ships took protection behind the tanker after it was struck by a mine—has become fair game for cartoonists.

British papers over the past week have vied with each other in ridiculing the American military: "US Navy's catalogue of incompetence" (Times); "Gulf mine blows hole in US military prestige" (Guardian), and "US attempts to recover from convoy fiasco" (Independent).

The off-the-record comments of British and French leaders suggest strongly that they have not volunteered to assist the United States in the gulf because they fear getting involved in yet another botched operation.

A persistent theme running through European reaction to the Persian Gulf operations is a concern that the US has failed to learn from past mistakes—or has even tried to find out why things went wrong.

A London Sunday Times analysis is typical. Referring to the Desert One hostage-rescue mission, the car-bomb attack on the Marine barracks in Beirut, the Grenada invasion (a success only in comic-opera terms), the attack on the Stark, and finally, the Bridgeton incident, the Times commented that "in most of these cases, there has been no thorough investigation to see what lessons can be learned, and senior commanders have never been court-martialed or forced to resign."

Even the captain of the Stark, who was allowed to resign, was surprised that the Navy was so quick to gloss over the incident and the policy decisions that allowed it to occur. "The investigation didn't go high enough," said Capt. Glenn Brindel. "I'm very disappointed."

Those policy makers who bore the ultimate responsibility for the Stark disaster do not, of course, share Brindel's disappointment. Nor do those who bear the responsibility for not having ensured that there were mine-sweeping forces in the Persian Gulf before the first convoy was sent through.

The desire to see these incidents investigated does not stem from a wish to see someone disgraced or punished. It is possible that nobody will be prosecuted for his role in the Iran-contra affair. But as a result of the three investigations—by the Tower Commission, the congressional committees and the special prosecutor—some lessons will be learned. It can be expected, or at least hoped, that both the American people and their political leaders will not make the same mistakes again.

The loss of life and the damage to American credibility from the events in the Persian Gulf, and elsewhere, are fit subjects for investigations as public and as thorough as those into the Iran-contra affair. If no one else will undertake them, Congress should.

Mr. MURKOWSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask for the yeas and nays on the joint resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Minnesota [Mr. DURENBERGER] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—96

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NOT VOTING—4

Biden
Durenberger
Gore
Hatfield

So the joint resolution (H.J. Res. 216) was passed.

Mr. BYRD. Madam President, I move to reconsider the vote by which the joint resolution was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Nicholas Platt.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

DEPARTMENT OF STATE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Nicholas Platt, of the District of Columbia, to be Ambassador Extraordinary Plenipotentiary of the United States of America to the Republic of the Philippines.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR 15 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 2:12 p.m., recessed until 2:27 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. REID].

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I ask unanimous consent that I be permitted to speak for 5 minutes as in legislative session.

The PRESIDING OFFICER. Without objection, that is the order.

Mr. SPECTER. I thank the Chair.

Mr. President, I would like to speak briefly this afternoon on the subject of the ABM Treaty. I had hoped to join the floor debate this morning, but could not do so because of hearings by the Foreign Operations Subcommittee.

There was some considerable discussion about the failure to proceed with consideration of the Department of Defense authorization bill, Mr. President. The point which I would like to make, briefly, is that we have not proceeded with the Department of Defense authorization bill because, at least in the opinion of this Senator, we are not ready to proceed.

There is a provision in the committee bill which, in effect, decides the controversy on the narrow versus the broad interpretation of the ABM Treaty. The President would have to come to the Congress for authorization to have expenditures outside the scope of the narrow interpretation and that is, in effect, a decision, at least preliminary, on narrow versus broad, on the ABM Treaty.

Mr. President, I submit that we are not ready to decide that issue at this time because the studies are not complete and the hearings are incomplete.

There have been hearings before the joint Judiciary-Foreign Relations Committees and more hearings are yet to be held on that very important subject.

Mr. President, if the ABM Treaty binds the United States to a narrow interpretation, so be it. I believe that the ABM Treaty ought to be maintained, notwithstanding our ability to abrogate it on 6 months' notice. I believe it is a valuable treaty and ought to be complied with.

But if the ABM Treaty does not require the United States to be bound by the narrower interpretation, then we ought not impose that limit upon ourselves. We ought to proceed in a way with our legal obligations, but if we may test in a broader way which would be less expensive, that ought to be done. We ought not spend a dime more than necessary. We may test in a way which would expedite the determination of whether or not the strategic defense initiative is realistic, and I think it is worth exploring to make that determination. We ought to do so without imposing any constraints on our own practices.

Mr. President, the issue on subsequent practices of the parties is perhaps the most important determination as to what the ABM Treaty means. There has been extensive consideration of the negotiating record and there is substantial evidence in the negotiating record going both ways. There has been extensive consideration of the ratification record, and that candidly tilts in favor of the narrow interpretation. But, Mr. President, it is not a matter of what the Senate knew; it is a matter of what the United States and the Soviet Union agreed to. On that subject, it has been conceded by most that the subsequent practices of the parties are really determinative.

There is much in that record, Mr. President, that this Senator has had the opportunity to observe which is strongly supportive of the broad interpretation of the ABM Treaty.

So, Mr. President, until we are in the position to complete the study on subsequent practices of the parties, until we are in a position to complete hearings before the Judiciary and Foreign Relations Committees sitting jointly—and I am the ranking member of the Judiciary Committee's Subcommittee on the Constitution and the issue of the ABM Treaty ratification touches on the constitutional function—until those studies have been completed, Mr. President, I think we ought not proceed with the consideration of the Department of Defense authorization bill. Once those studies have been completed and we are ready for that debate, then I think in a timely fashion the DOD authorization bill should be taken up unless the authors are willing to delete the provision which makes that preliminary determination on narrow versus broad. I thank the majority leader for arranging this time.

I yield the floor.

DEPARTMENT OF STATE

The Senate continued with the consideration of the nomination of Nicholas Platt.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is the nomination of Nicholas Platt.

Mr. BYRD. I thank the Chair.

Mr. PELL. Mr. President, I am glad indeed to rise in support of the nomination of Nicholas Platt, a well-qualified and competent foreign service officer. He has been in the service a good many years.

He knows that part of the world, the Far East, and I think would make an excellent ambassador. We have not had an ambassador there for a good many months now, and it is time we got one there as quickly as we can.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. President, the State Department has often stressed the nonpartisan professionalism of the career foreign service. We have heard that over and over and over again over the years. The State Department has repeatedly insisted that such professionals can serve loyally any President of the United States, whether of a differing party or of different political views.

Fine. Let us see about that.

The nomination of Nicholas Platt offers a case study of the manner in which a State Department career official can subvert such professional standards of diplomacy in order to undercut the expressed policy of the President of the United States.

In the judgment of this Senator, Mr. President, Mr. Platt's activities cast grave doubt on his ability or willingness to represent the President abroad when the President's views are different from Mr. Platt's. I will call to the attention of Senators a State Department routing sheet on page 7 of my additional views in the committee report on Mr. Platt.

I had made for this occasion, Mr. President, an enlargement and I have it here on the floor. I would ask Senators to notice what is encircled, saying "Platt does not want this memo to go to Amb. Kirkpatrick."

That jotting, I think, tells the whole story. It tells the story of Mr. Platt's duplicity, and no other word fits, in attempting to undermine the expressed policy of President Reagan and Ambassador Kirkpatrick, a policy against the terrorism and the PLO in particular.

It tells the story of how Mr. Platt successfully made an end run around the President and around the President's Cabinet-level appointee, Mrs. Kirkpatrick, the then Ambassador to the United Nations—an end run to wrench policy back to the State Department policy line.

I would hope all Senators would consider this sentence before they vote for Mr. Platt. Let me repeat it. This is a State Department document which has been enlarged. It is a distribution list, "S/S 8204956."

Incidently, I had difficulty getting it from the State Department. It reads, "Platt does not want this memo to go to Ambassador Kirkpatrick."

You may ask, what are you getting at?

On February 25, 1982, Mr. Platt was the Acting—Acting—Assistant Secretary of State for International Organization Affairs. It is important to note, as I just emphasized, the word "acting." He had never been nominated to this position and he had never been confirmed by the U.S. Senate. He was only, therefore, a bureaucrat temporarily filling a spot until a Presidential nomination would be made. Yet on that date, February 25, 1982, Mr. Platt took steps to undercut U.N. Ambassador Jeane Kirkpatrick's recommendation that President Reagan's policy against the PLO and other terrorists be upheld. Undercut him but do not even let Jeane Kirkpatrick know that you are in the process of disagreeing with him.

Despite the fact that the PLO was on a terrorist march at that very time, Mr. Platt set in motion a bureaucratic mechanism for full funding of the PLO at the United Nations using, in part, the taxpayers' money from the United States.

Mr. President, obviously, Mr. Platt's action was not only contrary to policy, but contrary to common sense. The manner in which he did it is a classic example of the way the bureaucrats throughout this Government—no matter what the Department; the State Department is not alone; all of the bureaucracies—can undercut their superiors all the way up to the President of the United States by distorting and limiting the options available for policy decisions.

On February 25, 1982, Ambassador Kirkpatrick sent an urgent cable from New York to the Secretary of State, who was then Al Haig, asking that the policy of denying American taxpayers' money to the PLO by withholding a proportionate amount of our United Nations dues be continued. She wanted that policy to be continued. Mr. Platt did not.

The denial of funds to the PLO had been established by statute for the previous year, but had been omitted from the law by oversight in the 1982 legislation.

Had it not been for the oversight, the State Department would have no option. But it was omitted by oversight.

Nevertheless, Ambassador Kirkpatrick, who was engaged in a campaign against terrorism at the United Nations, argued that the no-PLO-funding rule be continued as policy. She questioned whether the Reagan administration, and I will quote Ambassador Kirkpatrick, whether the Reagan administration "wanted to be in the position of restoring U.S. funding for programs benefiting these groups," these groups being terrorists.

Ambassador Kirkpatrick further stressed that the decision was "very politically sensitive."

Mr. Platt did not think the anti-PLO rule should be continued. So what did he do? When the cable arrived at the Secretary's office on the morning of February 25, it was forwarded to Mr. Platt's bureau. And even though he was acting only in the capacity of a bureaucrat without political authority, he immediately prepared a distorted and erroneous memorandum intended to conceal a momentous policy change by presenting it as a minor fiscal action.

The historical context of this action favoring the PLO must be recalled. At this time, the PLO was increasing terrorism around the world; the PLO was seeking wider diplomatic recognition, and the PLO was putting the military pressure on South Lebanon and Northern Israel that brought on the Israeli incursion into Lebanon only a few weeks later.

Mr. President, that was the context, that was the framework.

On August 29, 1981, the PLO bombed a synagogue in Vienna, with 2 dead and 20 injured. On October 20, 1981, the PLO bombed an Antwerp synagogue with 2 dead, and 100 injured. This terrorism seemed to enhance the PLO diplomatic campaign. On October 23, 1981, the PLO managed to get Greece to recognize its de facto Embassy in Athens. In December 1981, the PLO got diplomatic recognition from France for its Embassy in Paris. And on February 10, only 15 days before Mr. Platt wrote the memo reporting that there was no political advantage to suspending funding of the PLO—funds provided by the taxpayers' of the United States—the headline in the New York Times said: "Israel Is Said to Weigh an Invasion of Lebanon if PLO Goes On."

Perhaps this is the reason that Mr. Platt's colleagues wrote the following on the distribution list of those to get copies of the memo: "Platt does not want this memo to go to Ambassador Kirkpatrick."

In preparation for the hearing, the committee staff made a careful study of the contents and preparation of this memo, and interviewed as many members of Mr. Platt's former staff at the International Organization Bureau that the State Department permitted them to interview. We were not able to get to some. The State Department refused to permit interviews of two key employees involved in the preparation of Mr. Platt's memo, the memo that Mr. Platt did not want Jeane Kirkpatrick to see.

Mr. Platt's lack of professional integrity—and no other face can be put on it—directly resulted in a major policy error. It not only bears on his competence and his loyalty, but has a direct impact upon the post to which he has been nominated as U.S. Ambassador to the Philippines. The Communist terrorists in the Philippines are aided by a radical Muslim group supported by—guess who? That is right—the PLO.

That is why I am here this afternoon. I do not know Mr. Platt personally beyond being a participant in the hearings. I have nothing personally against him. Nevertheless, just as a matter of principle, I think it would be sheer folly to send the signal to the Philippine people that the man supposedly representing President Reagan in the midst of the Philippine people had previously foiled President Reagan's antiterrorist policy at a critical moment.

Mr. Platt's conduct with regard to U.S. taxpayers' funds financing the PLO will make it difficult for him to function in a country where such terrorism is a major problem facing the Government of the Philippines.

It is an open invitation to Mr. Platt to subvert Mr. Reagan's policy again. If Mr. Platt is confirmed, the people of the Philippines may well wonder why such a man is sent as the United States representative to their country, but they will no doubt be watching Mr. Platt's actions very carefully.

It should also be noted that Mr. Platt played a unique role in the State Department Secretariat during the period of transition from the Marcos administration to the Aquino administration.

Mr. President, I ask unanimous consent that the Platt memorandum and the accompanying documents be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. HELMS. Mr. President, I also submitted 14 questions to Mr. Platt covering issues in that transition, which he has answered in writing, and I ask unanimous consent that those questions and answers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, July 27, 1987.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Following the July 24 nomination hearing of Nicholas Platt, to be Ambassador to the Republic of the Philippines, Senator Helms submitted additional questions to be answered for the record.

Please find enclosed the answers to those questions.

Sincerely,

J. EDWARD FOX,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

Enclosures: As stated.

1. What was the chain of command involved in the Philippine transition effort, and what was your position within the chain of command?

The chain of command for the Department of State was from the President to the Secretary of State or the Undersecretary of State for Political Affairs acting on his behalf, through the Assistant Secretary of State for East Asian and Pacific Affairs to the Ambassador. As Executive Secretary of the Department and Special Assistant to the Secretary of State, I managed channels of communication and staff coordination for the Secretary, but had no position in the chain of command.

2. Were any interagency groups established to coordinate the transition effort? Which agencies were involved?

Secretary of State Shultz convened an interagency meeting at his residence on Sunday morning, February 23, 1986, to provide coordination for handling the crisis in the Philippines. The meeting was attended by the Secretary of Defense and Assistant Secretary of Defense Armitage; General P.X. Kelley representing the Chairman of the Joint Chiefs; Admiral Poindexter, the President's National Security Adviser; Robert Gates, Deputy Director of the CIA; Phillip Habib, the President's Special Representative; and State Department officers, including Deputy Secretary John Whitehead, Undersecretary for Political Affairs Michael Armacost, and Assistant Secretary Paul Wolfowitz.

The President called a meeting of the National Security Policy Group on Sunday afternoon February 23 to review the situation in the Philippines and to discuss policy recommendations. The President, the Secretary of State, the Secretary of Defense, the Director of the CIA, the National Security Advisor, the Chairman of the JCS (or General Kelley), Mr. Habib, and Mr. Armacost were among those who attended.

The agencies involved were the White House (NSC staff), State, Defense, the JCS, and the CIA.

Meanwhile, on Saturday, February 22, a Task Force with interagency representation chaired by State was established round-the-clock in the Operations Center to monitor the crisis and facilitate coordination.

3. Who were the key participants in formulating U.S. policy in the transition period?

The President, the Secretary of State, the Secretary of Defense, the Chairman of the JCS, the Director of the CIA, and the National Security Advisor. These men and their representatives were in constant touch during the crisis.

4. It has been reported that President Ferdinand Marcos won the so-called "snap" elections of February 1986 by approximately 1.5 million votes. Was there at the time, or has there since emerged, any evidence which would demonstrate that President Marcos did not win the election? Was there at the time, or has there since emerged, any evidence which would demonstrate that Mrs. Aquino won the election?

Overwhelming evidence emerged at the time that the level of fraud and manipulation on behalf of the Marcos candidacy was of such a magnitude that President Marcos' alleged victory could not be considered the expressed will of the people.

On February 15, 1986 President Reagan stated that "the elections (in the Philippines) were marred by widespread fraud and violence perpetrated largely by the ruling party." On February 19, the U.S. Senate approved a resolution by a vote of 85 to 9 "expressing the sense of the Senate that the recent presidential elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines."

These conclusions were based significantly on the reports of on-the-scene independent election observers. These most prominently included the 20-member United States Presidential Observer Delegation co-chaired by Senator Lugar and Congressman Murtha, which was sent at the invitation of President Marcos and the Philippine parliament; and the 40-member International Observer Delegation representing nineteen nations which was co-sponsored by the National Republican Institute for International Affairs and the National Democratic Institute for International Affairs. These conclusions were also confirmed by an intensive nationwide observer effort fielded by the United States Embassy, and by the very large contingent of foreign press which was scattered throughout the Philippines during the election period. Independent observers confirmed theft of ballot boxes, stuffing of boxes, fraudulent vote counts, disenfranchisement of voters, denial of the right of accredited opposition and election officials to carry out their functions and physical intimidation—all on a vast scale, perpetrated by the ruling party. In contrast, the level of fraud perpetrated by supporters of Mrs. Aquino was insignificant.

In the final analysis, it was for the Filipinos to judge the outcome of the election, and they have. They regard Corazon Aquino as their president. In a plebiscite on February 2, 1987, the Philippine electorate voted overwhelmingly to adopt a new constitution that was regarded by Aquino opponents and supporters alike as a "referendum" on President Aquino; in Section V of Article XVII it expressly extends the term of the incumbent President and Vice President until June 30, 1992.

5. The Philippine legislature, the "Batasan Pambansa," according to normal election procedure proclaimed Mr. Marcos as President on February 25th. Additionally, according to normal constitutional procedure, Mr. Marcos was sworn as President by the Chief Justice of the Supreme Court at Malacanang Palace on February 25th. Is it your view that Mr. Marcos was the constitutional President of the Philippines after these procedures had been observed? If not, what exact status did Mr. Marcos have at this point?

On February 25, 1986, Mr. Marcos and Mrs. Aquino each took an oath of office as President of the Philippines in separate ceremonies in Manila. On the same day, the United States extended recognition to the Government headed by President Aquino. (A copy of the statement of the Secretary of State extending recognition to the Aquino Government, issued at the White House is attached.) This action effectively resolved any questions regarding the United States' position with respect to Mr. Marcos's status.

SECRETARY'S STATEMENT, FEB. 25, 1986

The President is pleased with the peaceful transition to a new Government of the Philippines. The United States extends recognition to this new government headed by President Aquino. We pay special tribute to her for her commitment to nonviolence which has earned her the respect of all Americans.

The new government has been produced by one of the most stirring and courageous examples of the democratic process in modern history. We honor the Filipino people. The United States stands ready as always to cooperate and assist the Philippines as the government of President Aquino engages the problems of economic development and national security.

We praise the decision of President Marcos. Reason and compassion have prevailed in ways that best serve the Filipino nation and people. In his long term as President, Ferdinand Marcos showed himself to be a staunch friend of the United States. We are gratified that his departure from office has come peacefully, characterized by the dignity and strength that have marked his many years of leadership.

It is the Filipino people, of course, who are the true heroes today. They have high expectations for their country and for democracy, and they have resolved this issue nonviolently in a way that does them honor.

6. On February 24, 1986, Minister Blas Ople, the personal representative of President Marcos, met with Secretary Shultz and Mr. Armacost. What was the position of the U.S. Government conveyed to Minister Ople? Was there a copy of a telegram from President Reagan to President Marcos conveyed to Mr. Ople?

Mr. Ople did meet with Secretary Shultz and Mr. Armacost on February 24, 1986. He was not provided with a telegram. He was provided with talking points which had been prepared and authorized for use by Ambassador Bosworth for his conversation with President Marcos, and sent separately by telegram to Embassy Manila. The text of the paper that was provided to Mr. Ople follows:

Begin text:

The President has asked me to come to you immediately with this message.

The current situation has presented us with a new set of conditions.

The election events, the confrontation, and the violence have deeply affected the American public and government.

If violence is employed against elements of the Philippine Armed Forces, we will not be able to continue military assistance. In addition, there will be strong—perhaps irresistible—pressures from Congress to suspend economic aid as well.

We want to help, but you must recognize it does not now matter how strongly you feel about having won the election, but the perception of your people and the American people is that the election was badly flawed.

The President is deeply concerned and wants to know what scenario you envision for a transition to a new government that will defuse the violent situation now evident.

He wishes to help you make this transition so the government and the people of the Philippines can face the severe problems in the economy and the threat of communist exploitation of this situation.

Our help as a good faith interlocutor with the various elements in confrontation can only be effective if you have reached the same conclusions as we have.

In this regard, he is genuinely concerned that you understand we are ready to facilitate the safety and medical care of you, your immediate family and close associates in the United States.

7. Following the election results, a climate of violence developed in the Philippines. Apparently for four days Philippine Air Force helicopters attacked the Malacanang Palace threatening the lives of President Marcos and his family. Were any of these helicopters refueled at Clark Air Force Base? Did any of these helicopters take ordnance, including rockets, of U.S. manufacture at Clark Air Force Base to be used in the attack against the Palace?

At no time were either helicopters or fixed wing aircraft of the Philippine Air Force rearmed with any type of ordnance at Clark Air Force Base during the crisis.

On Monday, February 24, several Philippine helicopters and fixed wing aircraft did land at Clark Air Base and request fuel and ordnance. They were refueled. During the evening of February 24 (Manila time), instructions were received by Clark Air Base to refuel two of the helicopters without ordnance so that they could be used if necessary by General Ramos for humanitarian air lift if the military situation deteriorated. This was the only instance of any logistical assistance to Philippine Air Force (PAF) units during this time. The Filipino pilots were not night qualified and the helicopters could not fly from Clark until after daylight on February 25. On that day, numerous PAF aircraft landed at Clark Air Base but requested no assistance. Their pilots and commanders were simply taking their aircraft out of the fray.

We are aware of only a single instance in which any type of aircraft attacked Malacanang Palace and that was on Monday morning, February 24. Obviously, therefore, the two helicopters refueled later that night for humanitarian purposes were not subsequently involved in any hostilities against the Palace.

8. What was the chain of command with respect to the actions of the U.S. military during the transition period? Precisely who was involved in the chain of command at the Pentagon? How was this coordinated with the State Department? How was this coordinated with the National Security Council? Who was involved in this coordination effort?

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff were directly involved in the formulation and implementation of United States policy in this regard. Department of Defense personnel coordinated with the State Department, as appropriate, from the Cabinet-level policy formulation to operational decisions by personnel in the field.

The President's National Security Advisor, Admiral Poindexter, was also directly involved in policy formulation throughout this period. He and his staff coordinated with the State Department at many levels, including the Secretary, Undersecretary Armacost, Assistant Secretary Wolfowitz, and Department officers on the desk level.

9. Who instructed General Allen of the JUSMAG to negotiate a departure from the Palace? What was the chain of command involved in this process? How was this coordinated in Washington? Who was involved?

President Reagan invited Mr. Marcos, his immediate family, and close associates to come to the United States. This message was conveyed to President Marcos by Ambassador Bosworth in a telephone conversation on February 24. Talking points for that conversation are set out in the answer to Question 6. Senator Laxalt advised President Marcos at about this time to "cut and cut clean."

In accordance with the President's invitation, United States personnel in the Philippines were directed to prepare for the evacuation of Mr. Marcos, his family, and associates. These instructions were conveyed to Ambassador Bosworth by secure telephone through State Department channels. Confirmatory instructions through State Department channels. Confirmatory instructions were sent through military channels to Clark AB and Subic Naval Base. Specific arrangements were left to U.S. officers on the scene. Ambassador Bosworth was in charge of planning the evacuation and consulted closely with military commanders at Clark and Subic to that end.

10. Is it true that General Allen was instructed to give the impression that the United States would provide for transportation of the President and his family to his home in the province of Ilocos Norte. Precisely what were General Allen's instructions? Who gave General Allen these instructions? What was the chain of command?

General Allen was instructed to evacuate the Marcos party to Clark AB. It was anticipated that Mr. Marcos would make a decision on his final destination after the Marcoses had had an opportunity to rest for the night at Clark. President Marcos indicated before leaving Malacanang that he would prefer to go from Clark to Ilocos Norte, and that General Allen indicated that this was a possibility. As discussed more fully in the answer to Question 12, this situation changed during the night.

As indicated in the answer to Question 9, General Allen was under the direction of Ambassador Bosworth, who was receiving instructions from Washington through State Department channels.

11. At what time was President Marcos and his party airlifted to Clark Air Force Base? Where was the party taken on arrival at Clark Air Force Base?

Two Air Force helicopters under the command of Generals Allen and Williams landed at the Palace at approximately 8:30 p.m., February 25. These helicopters left the Palace at approximately 9:00 p.m. and arrived at Clark at approximately 9:35 p.m. The Marcoses and their party were provided with refreshments and then lodged in Air Force billeting facilities on the base.

12. At what time of the evening was the Marcos Party awakened and informed that they were being taken to Guam? Who informed them of their travel schedule? What was the role of General Williams in this transfer? Did President Marcos object to being flown to Guam? Did he protest this transfer? Was President Marcos threatened in any way? Who gave General Williams his orders to fly the Marcos Party to Guam? What was the chain of command?

During the night the security situation at Clark deteriorated seriously, and General Allen, after consulting with Admiral Crowe by telephone, concluded that it would be advisable for security reasons to remove the party to Guam.

At approximately 3:00 a.m., February 26, the Marcos party was awakened. General Allen advised Mr. Marcos' son, Ferdinand E. Marcos, Jr., Mr. Manotoc, General Ver, and Eduardo Cojuangco of the security threat to the Marcos party, and of the judgment of U.S. military authorities that their safety could be better assured on Guam. Once on Guam they could decide their ultimate destination, and the United States would transport them to that destination. Mr. Marcos' son, Manotoc, Ver, and Cojuangco went into Marcos' personal quarters and returned shorthly thereafter indicating that the party agreed to go to Guam. At the time of the aircraft's departure, Mr. Marcos was fully aware that his destination was Guam. He did not protest in any way and was not threatened in any way. He would not, in any event, have been taken against his will. Upon arrival in Guam Mr. Marcos expressed his pleasure at being on United States' soil.

General Williams was the commander of Clark AB and worked closely with General Allen and Ambassador Bosworth throughout the evacuation. The implementing order to fly President Marcos to Guam was consistent with the President's invitation to come to the United States and Marcos' wishes. The Department's records do not indicate whether General Williams received any further orders through military channels.

13. Would you characterize the transfer of President Marcos as one which took place against his will? Would you characterize this transfer as a kidnapping? Precisely how do you characterize this transfer of a head of state?

As indicated in the answer to Question 12, Mr. Marcos was fully aware of and had agreed to his destination when he left the Philippines. No threats or force were employed to make him leave, and he would not have been taken against his will. Under these circumstances Mr. Marcos' departure from the Philippines cannot be characterized as a "kidnapping." The United States assisted a former head of state to leave his country safely, in accordance with the President's invitation and his own wishes.

14. What is the precise immigration status of President Marcos and his family? What type of visa status do they have? What, if any, are the restrictions placed upon their status here? Can President Marcos freely come and go from the United States? Can Mrs. Marcos freely come and go from the United States? Has President Marcos been informed that he will not be permitted to return to the Philippines? Has President Marcos been informed that he will be forcibly restrained from returning to the Philippines?

This is primarily a legal question. The following answers are from the Department's legal office.

President Marcos and his family were admitted to the United States under the parole authority of the Attorney General. They have no visa status. One daughter (Imee) and her husband (Tommy Manotoc) and their children have left the United States.

On July 6, 1987, the Immigration and Naturalization Service served Mr. Marcos with a departure control order and a modification of the terms of his parole. Those documents provide, in effect, that Mr. Marcos may not leave the island of Oahu without the permission of the United States Government.

Mr. and Mrs. Marcos are also restrained by a February 11, 1987 order of the U.S. District Court for the Eastern District of Virginia, which stayed their commitment for contempt of court, pending appeal, on condition that they not depart the United States.

Mr. Marcos has been informed that he may not now return to the Philippines because the Philippine Government is not willing to consent to his return. Mr. Marcos has been informed that an attempt by him to return to the Philippines would be regarded as a violation of the departure control order and that he would be prevented from departing.

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND
NATURALIZATION SERVICE,
Honolulu, HI, July 6, 1987.

MR. FERDINAND MARCOS,
Makiki Heights Drive,
Honolulu, HI.

DEAR MR. MARCOS: The provisions of 8 U.S.C., Section 1185(a)(1) make it unlawful for any alien to depart the United States unless such departure is in conformity with the rules and regulations issued under that section. I now have reason to believe that you intend to depart from the United States, in a manner which would be prejudicial to the interests of the United States. I further have reason to believe that your departure from the United States would fall within 8 C.F.R., Section 215.3, a copy of which is attached, and is therefore prohibited. Consequently, in accordance with the authority vested in me under 8 C.F.R., Section 215.2(a), a copy of which is attached, you are hereby ordered that you shall not depart the United States until such time as this order is revoked.

In conformity with 8 C.F.R., Section 215.4, you have a right to a hearing before a special inquiry officer (immigration judge) regarding this order. A copy of the regulations describing the hearing process and your entitlement to representation during that process is attached.

Any such request for a hearing must be received by the undersigned at: 595 Ala Moana Boulevard, Honolulu, Hawaii 96813. If you do not make a timely request for such a hearing, this order shall become final fifteen (15) days from the date of service upon you.

Sincerely,

William W. Craig,
District Director.

§ 215.2 Authority of departure-control officer to prevent alien's departure from the United States

(a) No alien shall depart, or attempt to depart, from the United States if his departure would be prejudicial to the interests of the United States under the provision of § 215.3. Any departure-control officer who knows or has reason to believe that the case of an alien in the United States comes within the provisions of § 215.3 shall temporarily prevent the departure of such alien from the United States and shall serve him with a written temporary order directing him not to depart, or attempt to depart, from the United States until notified of the revocation of the order.

(b) The written order temporarily preventing an alien, other than an enemy alien, from departing from the United States shall become final 15 days after the date of service thereof upon the alien, unless prior thereto the alien requests a hearing as hereinafter provided. At such time as the alien is served with an order temporarily preventing his departure from the United States, he shall be notified in writing concerning the provisions of this paragraph, and shall be advised of his right to request a hearing if entitled thereto under § 215.4. In the case of an enemy alien, the written order preventing departure shall become final on the date of its service upon the alien.

(c) Any alien who seeks to depart from the United States may be required, in the discretion of the departure-control officer, to be examined under oath and to submit for official inspection all documents, articles, and other property in his possession which are being removed from the United States upon, or in connection with, the alien's departure. The departure-control officer may permit certain other persons, including officials of the Department of State and interpreters, to participate in such examination or inspection and may exclude from presence at such examination or inspection any person whose presence would not further the objectives of such examination or inspection. The departure-control officer shall temporarily prevent the departure of any alien who refuses to submit to such examination or inspection, and may, if necessary to the enforcement of this requirement, take possession of the alien's passport or other travel document.

§ 215.3 Aliens whose departure is deemed prejudicial to the interests of the United States.

The departure from the United States of any alien within one or more of the following categories shall be deemed prejudicial to the interests of the United States.

(a) Any alien who is in possession of, and who is believed likely to disclose to unauthorized persons, information concerning the plans, preparation, equipment, or establishments for the national defense and security of the United States.

(b) Any alien who seeks to depart from the United States to engage in, or who is likely to engage in, activities of any kind designed to obstruct, impede, retard, delay or counteract the effectiveness of the national defense of the United States or the measures adopted by the United States or the United Nations for the defense of any other country.

(c) Any alien who seeks to depart from the United States to engage in, or who is likely to engage in, activities which would obstruct, impede, retard, delay or counteract the effectiveness of any plans made or action taken by any country cooperating with the United States in measures adopted to promote the peace, defense, or safety of the United States or such other country.

(d) Any alien who seeks to depart from the United States for the purpose of organizing, directing, or participating in any rebellion, insurrection, or violent uprising in or against the United States or a country allied with the United States, or of waging a war against the United States or its allies, or of destroying, or depriving the United States of sources of supplies or materials vital to the national defense of the United States, or to the effectiveness of the measures adopted by the United States for its defense, or for the defense of any other country allied with the United States.

(e) Any alien who is subject to registration for training and service in the Armed Forces of the United States and who fails to present a Registration Certificate (SSS Form No. 2) showing that he has complied with this obligation to register under the Universal Military Training and Service Act, as amended.

(f) Any alien who is a fugitive from justice on account of an offense punishable in the United States.

(g) Any alien who is needed in the United States as a witness in, or as a party to, any criminal case under investigation or pending in a court in the United States: *Provided,* That any alien who is a witness in, or a party to, any criminal case pending in any criminal court proceeding may be permitted to depart from the United States with the consent of the appropriate prosecuting authority, unless such alien is otherwise prohibited from departing under the provisions of this part.

(h) Any alien who is needed in the United States in connection with any investigation or proceeding being, or soon to be, conducted by any official executive, legislative, or judicial agency in the United States or by any governmental committee, board, bureau, commission, or body in the United States, whether national, state, or local.

(i) Any alien whose technical or scientific training and knowledge might be utilized by an enemy or a potential enemy of the United States to undermine and defeat the military and defensive operations of the United States or of any nation cooperating with the United States in the interests of collective security.

(j) Any alien, where doubt exists whether such alien is departing or seeking to depart from the United States voluntarily except an alien who is departing or seeking to depart subject to an order issued in extradition, exclusion, or deportation proceedings.

(k) Any alien whose case does not fall within any of the categories described in paragraphs (a) to (j) inclusive, of this section, but which involves circumstances of a similar character rendering the alien's departure prejudical to the interests of the United States.

§ 215.4 Procedure in case of alien prevented from departing from the United States. (a) Any alien, other than an enemy alien, whose departure has been temporarily prevented under the provisions of § 215.2 may, within 15 days of service upon him of the written order temporarily preventing his departure, request a hearing before a special inquiry officer. The alien's request for a hearing shall be made in writing and shall be addressed to the district director having administrative jurisdiction over the alien's place of residence. If the alien's request for a hearing is timely made, the district director shall schedule a hearing before a special inquiry officer, and notice of such hearing shall be given to the alien. The notice of hearing shall, as specifically as security considerations permit, inform the alien of the nature of the case against him, shall fix the time and place of the hearing, and shall inform the alien of his right to be represented, at no expense to the Government, by counsel of his own choosing.

(b) Every alien for whom a hearing has been scheduled under paragraph (a) of this section shall be entitled (1) to appear in person before the special inquiry officer, (2) to be represented by counsel of his own choice, (3) to have the opportunity to be heard and to present evidence, (4) to cross-examine the witnesses who appear at the hearing, except that if, in the course of the examination, it appears that further examination may divulge information of a confidential or security nature, the special inquiry officer may, in his discretion, preclude further examination of the witness with respect to such matters, (5) to examine any evidence in possession of the Government which is to be considered in the disposition of the case, provided that such evidence is not of a confidential or security nature the disclosure of which would be prejudicial to the interests of the United States, (6) to have the time and opportunity to produce evidence and witnesses on his own behalf, and (7) to reasonable continuances, upon request, for good cause shown.

(c) Any special inquiry officer who is assigned to conduct the hearing provided for in this section shall have the authority to: (1) administer oaths and affirmations, (2) present and receive evidence, (3) interrogate, examine, and cross-examine under oath or affirmation both the alien and witnesses, (4) rule upon all objections to the introduction of evidence or motions made during the course of the hearing, (5) take or cause despositions to be taken, (6) issue subpoenas, and (7) take any further action consistent with applicable provisions of law, Executive orders, proclamations, and regulations.

§ 215.5 Hearing procedure before special inquiry officer. (a) The hearing before the special inquiry officer shall be conducted in accordance with the following procedure:

(1) The special inquiry officer shall advise the alien of the rights and privileges accorded him under the provisions of § 215.4.

(2) The special inquiry officer shall enter of record (i) a copy of the order served upon the alien temporarily preventing his departure from the United States, and (ii) a copy of the notice of hearing furnished the alien.

(3) The alien shall be interrogated by the special inquiry officer as to the matters considered pertinent to the proceeding, with opportunity reserved to the alien to testify

thereafter in his own behalf, if he so chooses.

TEXT OF THE MODIFICATION OF THE TERMS OF MR. MARCOS' PAROLE, SIGNED COPY DELIVERED TO MR. MARCOS JULY 1987

MR. FERDINAND MARCOS,
2338 Makiki Heights Drive,
Honolulu, HI.

DEAR MR. MARCOS: Pursuant to the authority vested in me as District Director of the Hawaii District Office of the Immigration and Naturalization Service, this is to notify you of the following additional conditions of your parole into the United States:

"You must obtain from the District Director in Honolulu written permission to leave the Island of Oahu by any means. In this regard you must submit a written request to the District Director at least forty-eight (48) hours in advance of your proposed departure. This written request must include your purpose of travel, your itinerary, all means of transportation from your Makiki Heights residence, including the person or entity from whom the craft is obtained, its registration numbers, the crew's identities, and the number and identity of your traveling party. You may be required to furnish additional information."

These conditions are imposed upon you by the authority vested in me as District Director by 8 U.S.C. 1182(d)(5) and 8 C.F.R. 212.5.

I will give any request you may make my utmost consideration.

Sincerely,

WILLIAM CRAIG,
District Director.

IN THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA DIVISION, GRAND JURY 86-2

IN RE GRAND JURY SUBPOENAS TO FERDINAND AND IMELDA MARCOS (JOHN DOE 700)

Order

This matter came before the Court this 11th day of February, 1987, on the government's motion for a grant of immunity and an order requiring the above named witnesses to produce documents before the grand jury, motions to quash subpoenas to the witnesses, and a motion to hold them in contempt for refusing to provide the documents to the grand jury on the basis of former head-of-state immunity and various alleged privileges against self-incrimination. Counsel agreed that all motions be heard in the same hearing.

After hearing argument and for the reasons stated from the bench, it is hereby Ordered:

That the government's motion for a grant of immunity and requiring the production of documents before the grand jury is Granted.

That the witness's motion to quash subpoenas is Denied.

That, pursuant to 28 U.S.C. § 1826(a), the witnesses are in *contempt of this Court's Order and Ferdinand Marcos and Imelda Marcos are committed to the custody of the Attorney General or his duly authorized representative until such time as they purge themselves of contempt or for the life of this grand jury.*

That the *commitment of Ferdinand Marcos and Imelda Marcos is stayed for a period of thirty (30) days, to permit an appeal of the Court's decision on the condition that they do not leave or travel outside the United States.* If the Court of Appeals does not rule within the thirty (30) days, this commitment will be stayed until the Court of Appeals rules on the appeal from this Order.

CLAUDE M. HILTON,
U.S. district judge.

Date: Feb. 11, 1987.

QUESTIONS FOR AMBASSADOR PLATT

1. What was the chain of command involved in the Philippine transition effort and what was your position within this chain of command?

2. Were any inter-agency groups established to coordinate the transition effort? Which agencies were involved?

3. Who were the key participants in formulating U.S. policy in the transition effort?

4. It has been reported that President Ferdinand Marcos won the so-called "snap" elections of February 1986 by approximately 1.5 million votes. Was there at the time, or has there since emerged, any evidence which would demonstrate that President Marcos did not win the election? Was there at the time, or has there since emerged, any evidence which would demonstrate that Mrs. Aquino won the election?

5. The Philippine legislature, the "Batasan Pambasa," according to normal election procedure proclaimed Mr. Marcos as President on February 25th. Additionally, according to normal constitutional procedure, Mr. Marcos was sworn in as President by the Chief Justice of the Supreme Court at Malacanang Palace on February 25th. Is it your view that Mr. Marcos was the constitutional President of the Philippines after these procedures had been observed? If not, what exact status did Mr. Marcos have at this point?

6. On February 24, 1986, Minister Blas Ople, the personal representative of President Marcos, met with Secretary Shultz and Mr. Armacost. What was the position of the U.S. government conveyed to Minister Ople? Was there a copy of a telegram from President Reagan to President Marcos conveyed to Mr. Ople? If so, please attach a copy of the telegram.

7. Following the election results, a climate of violence developed in the Philippines. Apparently for four days Philippine Air Force helicopters attacked the Malacanang Palace threatening the lives of President Marcos and his family. Were any of these helicopters refueled at Clark Air Force Base? Did any of these helicopters take on ordnance, including rockets, of U.S. manufacture at Clark Air Force Base to be used in the attack against the Palace?

8. What was the chain of command with respect to the actions of the U.S. military during the transition period? Precisely who was involved in the chain of command at the Pentagon? How was this coordinated with the State Department?

How was this coordinated with the National Security Council? Who was involved in this coordination effort?

9. Who instructed General Allen of the JUSMAG to negotiate a departure from the Palace? What was the chain of command involved in this process? How was this coordinated in Washington? Who was involved?

10. Is it true that General Allen was instructed to give the impression that the United States would provide for transportation of the President and his family to his home province of Illocos Norte? Precisely what were General Allens instructions? Who gave General Allen these instructions? What was the chain of command?

11. At what time was President Marcos and his party airlifted to Clark Air Force Base? Where was the party taken on arrival at Clark Air Force Base?

12. At what time of the evening was the Marcos party awakened and informed that they were being taken to Guam? Who informed them of their travel schedule? What was the role of General Williams in this transfer? Did President Marcos object to being flown to Guam? Did he protest this transfer? Was President Marcos threatened in any way? Who gave General Williams his orders to fly the Marcos party to Guam? What was the chain of command?

13. Would you characterize the transfer of President Marcos as one which took place against his will? Would you characterize this transfer as a kidnapping? Precisely how do you characterize this transfer of a head of state?

14. What is the precise immigration status of President Marcos and his family? What type of visa status do they have? What, if any, are the restrictions placed upon their status here? Can President Marcos freely come and go from the United States? Can Mrs. Marcos freely come and go from the United States? Has President Marcos been informed that he will not be permitted to return to the Philippines? Has President Marcos been informed that he will be forcibly restrained from returning to the Philippines?

EXHIBIT 1

DEPARTMENT OF STATE ACTION MEMORANDUM

To: The Secretary.
From: IO—Nicholas Platt, Acting.
Subject: Response to Ambassador Kirkpatrick on Proportionate Reductions in FY 1982 UN Voluntary Contributions.

SUMMARY

Ambassador Kirkpatrick has suggested making proportionate reductions in our voluntary contributions to UN assistance programs included in the International Organizations and Programs (IO and P) account for FY 1982. This proposal would require rescission of appropriated funds and will not improve program policies of affected international organizations. We recommend that you oppose any effort to reinstate restrictions on this account.

ANALYSIS OF ISSUES

The FY 1981 continuing resolutions provided that none of the funds for the IO and P account finance the U.S. proportionate share for any programs for the Palestine Liberation Organization (PLO), the South West African People's Organization (SWAPO), the Zimbabwe African National's Union (ZANU), the Zimbabwe African People's Union (ZAPU), and Cuba. Pursuant to the law, we reduced our FY 1981 contributions to UNDP ($297,722) UNICEF ($27,316), World Food Program ($6,822), UNEP ($19,000), and IAEA ($130,321). The total reduction ($481,181) amounted to 0.2 percent of the account.

The FY 1982 foreign aid authorization and appropriations bills do not contain proportionate share reductions on U.S. voluntary contributions from IO and P. Congress did retain similar restrictive language on assessed contributions. Since the amount for UNDP, UNICEF and UNEP are specifically earmarked in the FY 1982 legislation, we could reduce our payments to them only through the Congressional rescission process.

EVALUATION OF OPTIONS

If we support restrictions to these organizations, we will undermine our traditional opposition to restrictions in the World Bank and other multilateral agencies.

Last year we argued against these restrictions on this account. Congress chose not to impose reductions on our voluntary contributions while retaining them on assessed payments. From this, we conclude that Congress intended to do precisely what it did. It believes, therefore, that there is no political advantage to reinstituting these restrictions at this time.

U.S. contributions go into a general fund. They cannot be earmarked to prevent the organizations from using them in a particular country or program offensive to us.

The effect of reducing U.S. contributions would be minimal. Our 0.2 percent reduction in FY 1981 did not prohibit the programs for named NLMS and Cuba from transpiring; it only forced affected agencies to allocate the shortfall among all recipients. Thus, the impact of future reductions would no more change events in these voluntary agencies than has the Soviet withholding of funds affected UN peacekeeping operations and UN bond repayments.

Activities of the International Atomic Energy Agency directly advance U.S. strategic interests. A reduction to this organization, which conducted a program in Cuba in FY 1981, would only diminish support for the safeguards program which is vital to the goals for nuclear non-proliferation which we seek.

RECOMMENDATION

That you sign the attached letter opposing reductions in the IO and P account to Ambassador Kirkpatrick and seek Bill Clark's concurrence on this matter.

THE SECRETARY OF STATE,
Washington, DC, March 4, 1982.

Hon. JEANE J. KIRKPATRICK,
U.S. Representative, to the United Nations, New York.

DEAR JEANE: I agree with your memorandum of February 24 that the issue of restrictions of U.S. voluntary contributions to UN assistance programs is politically very sensitive. It is not true, however, that the Department interprets the absence of restrictive provisions in the FY-82 appropriations bill as permission to ignore UN funding for objectionable organizations.

As you know, we have made strong efforts to oppose such activities by UN programs, both in their governing councils and in private consultations with Secretariat officials. Thanks to these efforts, and effective work by your Mission, we were successful last year in limiting UNDP and World Food Program projects in Vietnam, for example.

The question posed by your message is whether the Administration can decide for itself to continue these restrictions in the absence of Congressional direction. The answer is that it cannot. We would need to obtain a formal budget rescission approved by both Houses of Congress covering appropriations for the affected programs. This is a cumbersome procedure which could complicate our relations with Congress on other vital budget issues.

Frankly, I am not sure it would be worth the trouble. As youk now, U.S. contributions to the voluntary programs go into a general fund and cannot be effectively earmarked to prevent use of them in a particular country or activity offensive to us.

If Congress imposes sanctions on the 1983 appropriation, we will of course comply, as we did for the 1981 appropriation. We must in the meantime continue to oppose vigorously activities by UN voluntary programs in support of countries or organizations we find repugnant.

Sincerely,

ALEXANDER M. HAIG, JR.

From: Ambassador Kirkpatrick (FR/New York 244).
To: Alexander M. Haig, Jr., Secretary of State, William P. Clark, National Security Adviser to the President.
From: Jeane J. Kirkpatrick.
Subject: By '82 voluntary contributions to the specialized agencies of the United Nations.

It has come to my attention that the FY '82 U.S. voluntary contributions to the specialized agencies of the United Nations (UNICEF, UNDP, UNFPA, etc.) contain no mandatory restrictions on the utilization of those funds for programs dealing with the PLO, SWAPO, or in Cuba. The previous authorization and appropriations bills had required that we reduce our contributions by an amount equivalent to the contributions to support these activities. The State Department has interpreted the absence of a congressional restriction as permission to ignore U.S. funding of programs for these organizations.

Obviously, this is a very politically sensitive decision. Frankly, I wonder if the administration desires to be in the position of restoring U.S. funding for programs benefiting these groups. Congress' action would not prevent the administration from deciding itself to continue the restrictions, would it? In any case, the decision is politically sensitive enough that we will forward no checks to the organizations concerned until I hear from you.

Mr. HELMS. Mr. President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this nomination was examined in some detail and with care in the committee. We had, not only one hearing but two hearings on it. The main point of the examination was the famous Platt memorandum which, as presented by the Senator from North Carolina, is accurate. It provided the traditional State Department views on the question of withholding funds from United Nations agencies.

In fact, the State Department had advocated that position in congressional testimony. Mr. Platt provided Secretary Haig with his memorandum and also provided the Kirkpatrick cable in which she outlined her views, so that Mr. Haig had the option of a choice between the two views. The Secretary then weighed the two views in the Platt cable and the Kirkpatrick memorandum and decided to stick with the traditional State view, the view that had been advocated by Mr. Platt.

I note that Mr. Platt, as Assistant Secretary of State, is responsible to the Secretary of State, not to the Ambassador to the U.N. As such, he has no obligation to have the U.N. Ambassador sign off on his memoranda to the Secretary of State. After a pretty detailed examination of the issues involved, our committee determined that, regardless of whether the State Department position of withholding was good or bad policy, it was not in any way improper for Ambassador Platt to make the recommendation he did to Secretary Haig.

Ambassador Platt provided Secretary Haig with the cable from Ambassador Kirkpatrick, his memorandum and a proposed response to the Kirkpatrick cable. In so doing, Ambassador Platt provided Secretary Haig with everything he needed to make an informed decision.

The committee found that Ambassador Platt has conducted himself in a professional manner throughout his career in the Foreign Service and is well qualified to be our next Ambassador to the Republic of the Philippines. That was shown by the vote in our committee. It was a vote of 18 to 1 in recommending his nomination to the Senate.

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, the distinguished Senator from Rhode Island, who is my friend—and he knows of my admiration and affection for him—has just made my point. He said that Ambassador Platt was following usual State Department procedure. But the point is that the State Department policy in this matter was a contradiction of the position of Ambassador Kirkpatrick and the President of the United States. Had that not been so, Mr. Platt would have been delighted for a copy of the memo to have gone to Ambassador Kirkpatrick.

So I thank my friend, the chairman of the Foreign Relations Committee, for making my point for me.

I am ready to vote.

The PRESIDING OFFICER. Is there further debate on the nomination?

Mr. PELL. Mr. President, I think one point should be borne in mind, and that is that Platt was a subordinate of Secretary Haig, not a subordinate of Ambassador Kirkpatrick, and his obligation was to respect the policy of the Department in which he worked and his boss. If he did not, I think he would have been liable to very serious censure.

I am prepared to vote.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Nicholas Platt, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], the Senator from North

Carolina [Mr. SANFORD], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 232 Ex.]

YEAS—88

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Hollings
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stevens
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—5

Helms
Humphrey
Kasten
McClure
Symms

NOT VOTING—7

Biden
Boschwitz
Durenberger
Gore
Hatfield
Sanford
Stennis

So the nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to and, at 3:23 p.m., the Senate recessed, subject to the call of the Chair; whereupon, the Senate reassembled at 3:28 p.m., when called to order by the Presiding Officer [Mr. SHELBY].

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, the Senate is in executive session, I believe?

The PRESIDING OFFICER. The Senate was in recess, Mr. Leader. The Senate now remains in executive session.

Mr. BYRD. I thank the Chair.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I understand that Senator PRYOR wishes to speak as in legislative session. I have no objection to that, if he wishes to put a self-limitation as to time on his remarks.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I do seek unanimous consent to speak as if in legislative session. I ask unanimous consent that I may proceed not to extend beyond 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

AMENDMENTS TO STANDING RULES OF THE SENATE

Mr. PRYOR. Mr. President, today, with Senator DANFORTH, I am introducing four amendments to the Standing Rules of the Senate. These changes do not greatly affect the current prerogatives of individual Senators; however, they would greatly improve the ability of the Senate to get its work done in a timely and efficient manner.

Mr. President, the Senate is a fine institution made up of dedicated and knowledgable individuals. We have developed a rich history of rules and traditions that we hold as trustees for future generations. I believe it is incumbent upon us to ask ourselves if we are doing the best we can to insure that the Senate continues to operate at top form.

Unfortunately, it seems undeniable that the Senate is approaching procedural "gridlock." Over the past 20 years there appears to have crept in a decided inability to successfully complete the business of the Senate. This is a problem which must be addressed by all Senators. While the public and the press can discuss our shortcomings as they perceive them, this is a uniquely in-house problem that must be the focus of our thoughtful discussion and deliberation. No one can solve these problems but us.

Let me take a moment to illustrate the morass we have slipped into.

At the request of the Rules Committee, the Congressional Research Service recently reviewed the Senate cloture rule and the history of filibusters in the Senate. The study showed that from 1841 through 1968 there were 62 outstanding filibusters. Since 1968, there have been 80 filibusters. Mr. President, that means the Senate has endured more filibusters in the last 19 years than it did in the preceding 127. Today, even the threat of filibuster is as lethal as the filibuster itself.

Everyone knows about the filibuster problem, but we also need to look at the overall efficiency of the Senate. One measure of the quality of our work is a comparison of the number of hours spent in session with the actual amount of work performed. The results of such analysis are telling. In the 99th Congress, the Senate spent 2,531 hours in session and responded to 740 rollcall votes. In the 93d Congress, we spent 500 fewer hours in session but worked our way through 400 more votes.

In short, we are now churning out 35 percent less work product while lengthening the amount of time in session by 20 percent.

What has caused this slippage?

I believe there are a variety of factors that have eroded our ability to deal with pressing issues. Today I am offering four Senate rules changes that address several of these factors and will streamline our work. These changes will not be the solution to many of our problems, but they will be a step.

The first change targets the proliferation of often frivolous amendments that express the sense of the Senate or the sense of the Congress. The change would prohibit any such amendments that do not have 20 cosponsors. Over the past 5 years, there have been an annual average of 51 sense-of-the-Senate and sense-of-the-Congress resolutions offered as amendments. Rarely were there more than eight cosponsors of these amendments. It is my belief that a 20 cosponsor rule would reduce the number of time-consuming, but often nonessential, amendments that delay bill consideration.

The second change addresses the growing problem associated with the motion to proceed. This change would limit the debate on any motion to proceed to the consideration of any matter—other than an amendment to the Standing Rules of the Senate—to 1 hour equally divided between the majority and minority leaders. At the conclusion of the 1 hour of debate, the Senate would vote on the motion. A simple majority of those Senators voting would then move us to the bill.

The problem is illustrated by the following: In the 99th Congress, there were 12 instances of the motion to proceed being used to delay consideration of legislation. In five cases, the motion to proceed was withdrawn. In five of the remaining seven cases, cloture petitions were filed and the motion to proceed was eventually agreed to, after a delay of at least 2 days. Already this year seven cloture petitions have been filed on two motions to proceed. Neither bill has yet been debated by the full Senate.

The third change would address the growing laxity regarding rollcall votes. My amendment would strictly limit votes to 15 minutes. Over the past years, the time spent on each rollcall vote has skyrocketed to 30 minutes or more. Time spent waiting to complete votes could almost certainly be better used on other Senate business. I estimate that we have wasted more than 40 hours this year in elongated voting patterns. There alone is a wasted week of work we have frittered away, wasted, and we will never be able to reclaim.

The fourth change would address the mayhem that attends many bills when they are amended on the floor. This change is somewhat complex. This change would require that amendments are offered in the order of the section or the title of the measure being amended. Should a Senator desire to revisit a particular section that has been closed out, unanimous consent would be necessary.

These are changes that will not reduce the Senate's ability to function as the deliberative body it was intended to be. In fact, these amendments will allow the Senate to resume that role and spend time discussing the issues rather than bogging down in procedures, and waiting and waiting.

I am certain that some might argue that this particular amendment, the section-by-section concept, is an attempt to make the Senate conform to House procedures. Mr. President, this is clearly not the case nor is it the intent of this particular provision. However, we must in this institution recognize a very major difference between the House and the Senate and how we conduct our respective processes. In the House, each Member of that body accommodates his or her own individual schedule to the rule of the House. In the Senate, the rules and practices of the Senate accommodate each individual Senator's schedule. One hundred years ago maybe that process worked. Today, Mr. President, it does not.

Our modest proposals today offered by Senator DANFORTH and myself for these four changes in the rules of the Senate are merely intended to be a first step in the long march to bring the U.S. Senate into the 20th and hopefully into the 21st century.

(The text of the resolutions are printed later in the RECORD under morning business.)

Mr. BYRD. Will the distinguished Senator yield?

Mr. PRYOR. I yield.

Mr. BYRD. I compliment the Senator. We have heard the Senator take the floor before and speak on the subject of proposed rules changes. It is obvious in listening to what he has said today that he has spent much time and given much thought to the need for improving our procedures in this body.

I am particularly interested in at least two of the Senator's proposals, one being the proposal to provide for 1 hour of debate on a motion to proceed. I have been somewhat of an advocate of this approach for some time. This year I have had occasion on several bills to wish that such a motion were provided for now. If it were provided for, we already would have had catastrophic illness before the Senate; we would have had the Department of Defense authorization bill before the Senate; we would have had the issue of prompt payment before the Senate.

Mr. STEVENS and I have discussed this matter on several occasions. Mr. STEVENS is the ranking member of the Senate Committee on Rules and Administration. He and I do have a resolution. We have been intending to introduce such a resolution for several weeks. It would provide for 2 hours on a motion to proceed. Either way would be satisfactory with me.

The other proposal I want to address briefly is the one with regard to 15-minute rollcall votes.

There is an order which has been entered by the Senate that provides for 15-minute rollcall votes and it is breached almost always.

Mr. PRYOR. Mr. President, would the Senate be in order? I am having difficulty hearing the majority leader.

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

Mr. BYRD. Mr. President, on the last rollcall vote, the time that was taken was 27 minutes. So the time ran 12 minutes over the time under the standing order. A call for the regular order normally would cause the Chair to ask the clerk to complete the tabulation and submit it to the Chair with respect to the vote count. The clerks, of course, are inhibited from doing so because the majority leader tells the clerk not to do that but to hold up the vote, and the clerk has no alternative but to follow the request of the majority leader.

The majority leader is under a great deal of pressure, because I have Members on my side who do not make it here by the time the 15 minutes are up and I try to check on them. I hear they are on the subway, they have left the office and they will be here, should be coming in the door any moment. So we wait.

Then we hesitate to close the vote because of the feeling that 30 seconds after the vote is announced by the Chair, in will come the Senator, huffing and puffing and breaking out in a sweat. He will be angry because he got so close and missed the vote.

Then there are occasions when the distinguished Republican leader will say to me, "We have such-and-such a Senator still out." I want to accommodate the Republican leader. After all, if we allow it for ourselves on this side, we are not justified in closing it out in 15 minutes on our Republican friends. It is an order that is almost impossible to execute.

There are times when the majority leader, whether it be a Republican or a Democrat, is forced to hold up the vote because he is in the well trying to change the outcome. The majority leader is going to try to win on those votes in which his party is deeply involved and deeply interested. So he is going to try to win, and he is going to hold up the vote to do so. He may have to hold it up 15 minutes, 30 minutes, 45 minutes. When the Republicans are in, as I saw they were for 6 years, I recognized what the majority leader then, Mr. DOLE, was doing. I did not press for a vote with regard to bringing it to a close. I knew the majority leader would not tell the clerk to proceed, and I do not want particularly to engage in futile actions of that kind. So I was resigned to the fact that the majority leader was up there trying to win that vote. If he felt he could win it by delaying the vote for an additional 15, 20, 30 minutes, he certainly had the power to do it.

I knew if I were in his stead, I would be doing the same thing. So, it is an order that is virtually impossible, under the circumstances, to execute.

The real problem here, Mr. President, and what frustrates the Senator from Arkansas and what frustrates this Senator and, I am sure, other Senators from time to time is the fact that there are times when Senators could get here within that 15-minute time period if they would try. There is no point in this Capitol complex on the Senate side, in any of the Senate buildings, and of the Senate offices, that a Senator cannot get to this floor within that 15-minute period if he will start when the bells sound. Once in a while, the elevators may break down, and in those instances we know that we have to hold up the vote; no way to avoid that.

There is one Senator who perhaps would have to take a little longer than 15 minutes in getting to the floor. But I daresay he is not a Senator who holds up the Senate. He starts or he is here before the rollcall vote starts, usually. He is sitting right at this post of duty and it is not he who holds these votes up. Other Senators, I know, can do better.

It is very inconsiderate on the part of a Senator to hold up a vote. He knows he can get here, but he also knows that the leaders will hold up the vote for him. He ought to have a little consideration for his colleagues because when he holds up the Senate, has it wait until he can get here to vote, after that 15 minutes under the order have expired and another 5 minutes go by and so on and he continues—I think some Senators wait, I really do, until the 15 minutes are up before they start. They think, "Oh, they will wait; they will hold the vote up for me." And we will. But it is inconsiderate of other Senators, because while that Senator may feel like it is all right for him to take his time in getting here and he is going to make the rollcall and his constituents will be happy because he makes the rollcall he is keeping other Senators from doing their work. Because if we have to wait a minute to take up another matter, other Senators are kept waiting, and time after time we have stood here and sat here, and waited 5 minutes, 10 minutes, 15 minutes over the time for the vote to have been counted and announced by the Chair.

Senators will come in the door nonchalantly, just as though it is in the normal course of things. Everything worked our for them. It is one of the privileges of a Senator. He can take his time. He can sit there in his office until the 7½ minute, midway warning bell sounds. His staff will remind him, and he will say, "Oh, that will be all right, tell them to hold it up, tell them to wait, tell them I am on my way."

We hear that so much. "He is on his way, he is on his way, the Senator is on his way."

Well, from where? From which direction did he start? In which direction is he going? On his way from where? Out West?

Mr. PRYOR. China.

Mr. BYRD. Mr. President, it really places an unreasonable burden on the leaders because I want to protect Senators; Senator DOLE wants to protect the Senators on his side. It places an unreasonable burden on him. But forget us for a moment. It places an unreasonable burden on our colleagues because everybody else has to wait. There are other Senators around here who have to get back to their office. There are other Senators around here who have to get things done. There are other Senators here who have to catch airplanes. And the longer we wait on each vote, the farther we push late votes in the day back, and the more it runs the risk of making other Senators have to catch planes and miss votes later in the day.

It is really unreasonable, it is inconsiderate on the part of a Senator to take advantage of his colleagues like that. That is not the case, of course, every time a Senator comes to the floor late. He can be delayed beyond any reasons of his own making, and perhaps it was impossible for him to get here.

There are times when Senators are on the way from the airport and cannot get here. The planes have arrived late; there has been a storm; there has been a buildup in the landing pattern, and the Senator cannot get here on time.

But Mr. President, I have been around here long enough and I have watched this place long enough to know that there are Senators who do not make the effort to get to the Senate within that 15-minute time period. "They will wait," they say. "Call them up over there and tell them I'm on my way. Tell them to hold the vote for me."

On the other hand, I know there are hearings like the Iran-Contra hearings. Senators on the committee had to travel a long way to get here, and there were witnesses before the committee. This happens in many committees. There are witnesses who come long distances and the committee needs to finish with a particular witness and let him go. These are understandably good reasons why Senators may be delayed in reaching the floor for votes.

These are matters over which Senators do not have control. But I am talking about the times when Senators just take their good, old time getting here because they think the vote is going to be held up for them. They ought to have a little twinge of conscience about it. What are they doing to other Senators? It seems to me that that ought to be a consideration.

I think sometimes it is just too much. But that is our problem. It is frustrating. The Senate wastes its time. Senators ought to take on a little more responsibility themselves and shape up and think of the discomfort and discommodiousness they are bringing upon their colleagues when they deliberately take their good, old time.

Sometimes rollcall votes come up, as the last one did, all of a sudden, without prior notice. No one could be put on notice that that was going to happen, and I can understand how some Senators might have had difficulty with that one. Most times, however, they are alerted in advance and they ought to observe the 15-minute limitation.

I can say, "Let's have a vote tomorrow morning at 10:30," and yet we will still have to hold that vote for 30 minutes tomorrow morning. We all ought to do better than that.

So if it becomes a rule, and it is in order now—it will be almost impossible to enforce.

I appeal to the good sense and the goodwill of Senators to please, in the future, try to do a little better and think of their colleagues.

I thank the good Senator for his efforts.

Mr. PELL. Mr. President, will the Senator yield for a comment?

Mr. PRYOR. I am glad to yield. I thank the majority leader for his comments.

Mr. PELL. Mr. President, I congratulate the majority leader on his thoughts and his condemnation of the unconscionable practice now existing.

I have not been here as long as the majority leader, but I have been here better than 27 years, and, to the best of my recollection, I have never asked to have a vote delayed. You do not have to do that. I have missed several votes by not asking.

I think the simplest practice would be if the majority leader, who does have a lovely, soft heart on occasion, in this case had a hard heart, and we just started in doing 15-minute votes—period, end. As one who has not asked for 27 years, I would welcome that practice.

Mr. BYRD. Mr. President, will the Senator yield, so that I may reply?

Mr. PRYOR. I yield.

Mr. BYRD. The Senator from Rhode Island is a paragon of rectitude, honesty, integrity, straightforwardness, and complete candor, and he is exactly right. He never asks this majority leader any favors such as we have been discussing here. He will come and say, "I am planning to leave at such a time. I would like to be here to make a vote." Earlier today, we asked him about a nomination and whether we could proceed with it. He said: "I would like to be there; but if you have to go ahead, go ahead. Don't hold it up for me."

I say to the Senator from Rhode Island that many of us ought to try to emulate him in that regard.

It is very discourteous to our colleagues when we knowingly and intentionally—of course, not with malicious aforethought—say, "They will hold it up for me. Let me get this done." It is discourteous to one's colleagues.

Far be it from me to try to teach a course in courtesy or good manners or anything else. But I have been around here long enough to watch what is going on. I can observe many times when Senators who are diligent in their duty and who do get here and who do vote and who want to get on with other business cannot do it because of some laggard who takes his good old time and expects the Senate to wait patiently while he gets here at a snail's pace.

Mr. PRYOR. Mr. President, I thank the distinguished majority leader, the Senator from West Virginia, who probably knows more about the operation of this great body and this institution than any leader who has ever occupied that position.

Mr. President, I should like to come before the bar of justice today and plead guilty, and I will gladly plead guilty. On several occasions in the last 5 or 6 years of my service, I had my very fine secretary call the cloakroom and say: "Senator PRYOR is on his way. He is going to be a little longer, but please don't close the vote until Senator PRYOR gets there." I plead guilty before the bar of justice. I have done that.

The Senator from Rhode Island never had done that. I will add one accolade to the accolades the majority leader extended to the Senator from Rhode Island, and that is class. He is a class act; he is a class person.

The cloakroom should have told my secretary: "You tell Senator PRYOR we will be glad to hold the vote open, but in 15 minutes the buzzer or the gong or the bell is going to sound; and the Presiding Officer is going to look out into the Chamber and is going to ask, "Are there any other Senators in the Chamber desiring to vote? If not, the vote is over." That is exactly the amendment to the rules that Senator DANFORTH and I propose.

Mr. President, I also wish to say a word or two in response to the comments of the distinguished majority leader about matters before the Senate. I just checked from 1986 back to 1981.

Mr. President, over the past 5 years we have lost, wasted, frittered away an average of 42 legislative days on just a motion to proceed.

For example, in 1986 we lost an average of 8 legislative days' we lost a week. In 1985, we lost an average of 5 legislative days. Just on the motion to proceed—not the bill itself, not the issue itself, not the substance of the matter, but whether or not we proceed.

Senator DANFORTH and I feel very strongly that the motion to proceed should not be filibusterable, that it should be a motion that will consume no more than an hour, evenly divided; an up-or-down vote immediately; a simple majority of this body deciding whether or not we should succeed.

Also, I know that no one has the affection for this body compared with that of the Senator from West Virginia [Mr. BYRD], but I should like to relate a personal story about the very first time I set my foot in the Senate Chamber.

It was a long time ago. I was a pageboy in the other body just for a summer. And I remember reporting to work to my page overseer. I walked in; I was scared to death. I bought a new pair of black shoes and they were tight and my feet already had blisters on them. They had just gone away from using knickers. Fortunately, I did not have to dress up in knickers.

I walked into the House of Representatives in awe, and the page overseer said, "Are You PRYOR?" And I said, "Yes, sir."

He said, "There is a shortage today of Democratic pages on the Senate floor, and you've got to go down to the Senate and you have to work there today."

I said, "Where is the U.S. Senate?"

He said, "Just walk out that door and straight down the hall, and you can't miss it."

Mr. President, I walked through those two doors right there, green as a gourd and young and idealistic, and I looked down on the Senate floor and there had been an all-night filibuster. Joseph R. McCarthy, of Wisconsin, had been filibustering all night long. He saw me come through the door, and I never forgot it. He snapped his fingers and pointed at me. I said, "Me?"

"Yes, come here son."

I went to Senator McCarthy's desk. He handed me a $5 bill. He said, "Here's my address. You take this $5 bill, son, and go out that door and get in a taxicab and go out to my house and get my bedroom shoes and bring them back to me."

Mr. President, that was my introduction to the U.S. Senate. I am not saying that was the best of all introductions, but at least it was mine as a 17-year-old young man from Camden, AR.

I have loved this body since then, and I know that a lot of people think, Mr. President, that probably I am an old fuddy-duddy. I have gotten to be kind of cantankerous and kind of fuddy-duddyish about some of these things.

Together with Senator DANFORTH and others of our colleagues, 2 years ago we formed something. I am going to blame this on Senator DANFORTH. I think he called it the quality of life. That was never what it was about. It is about the quality of work, and it is the quality of work that we have in this institution.

I think we can make it better. I think that we can prove ourselves to be an institution, yes, an institution that our forefathers envisioned as one to cool the passions of the moment. That is what we are here for. But it was never, Mr. President, intended to be an institution to rock the souls of Members, and that is what is happening today.

(Mr. FOWLER assumed the chair.)

Mr. PRYOR. Mr. President, we are sitting and sitting and sitting. We are staying in session longer. We are voting less. We are consuming more hours. But we are not producing more, and the quality of our work effort has gone down.

I know that the Parliamentarian is here, and I know that people who understand the rules much better than this Senator from Arkansas are going to look at these changes, "Oh, my goodness, what are you going to do if so and so does this or what are you going to do if so and so does this or what is going to happen if so and so wants to abuse the amendment thing and write in a certain section, a new section?"

Mr. President, there are 350 versions of how a scenario could be planned out that could make some of these things workable, and I am not saying they are perfect.

But Senator DANFORTH and I want to get these rules changes in. We want to put them out on the floor. We want to send them to the Rules Committee and we want to see if our colleagues have a response to them, if they want to improve them, or if they really do not want to do anything.

I hope that we will try something. In fact, I would like to see us try something September 15, maybe try these changes the remainder of this year, just try them. If they do not work, Mr President, we will undo them in January.

But whatever we do, I think we have to try something. I think we have to try something different, and I think we have to try something, Mr. President, to bring this body into the 20th century and hopefully into the 21st century.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr President, it is so characteristic of the Senator from Arkansas to again take the initiative in attempting to make work in the Senate more doable and make life in the Senate more livable.

Back in 1985 Senator PRYOR was the instigator of an effort, a bipartisan effort, to get a group of Senators together for breakfast. I think that started out with 3 or 4 or 5 Senators and it grew to maybe 10 or 12.

We met one day with the then majority leader, Senator DOLE, and the then Democratic leader, Senator BYRD, for breakfast and talked about some possible changes that did not require amendments to the rules of the Senate but did require changes in practices. One of those practices, incidentally, at least one of them is still in existence in an expanded form.

One morning for breakfast we met with Senator DOLE and with Senator BYRD and talked about the various problems in the Senate and one of the proposed reforms at that time has been carried out in really an expanded form. At that time it was agreed that there would be no vote on Monday night. At least that would be one night that would be predictable.

Now, of course, Senator BYRD since he has been the majority leader has put in practice at least so far an effort to try to not have votes on Monday which allows predictability for Senators to go back to their States to work there to do other things that we have to do that might take us away from the floor of the Senate.

Senator Pryor was leader of that effort, and again he has called our attention to something that is obviously wrong. Something is obviously wrong, Mr. President. Everybody who serves in the Senate and everyone who observes the Senate recognizes that.

The possibilities of delay around here are enormous. The possibilities of dragging almost anything out for unbelievable lengths of time are enormous.

Senator Pryor told me yesterday that the average time for a vote on a rollcall vote is 30 minutes. It is supposed to be 15 minutes. It is 30 minutes.

We now have the possibility of filibustering motions to proceed, then filibustering bills and then conducting postcloture filibusters and then filibustering conference reports.

I agree with the old saying that the Senate should be the saucer of our Republic and that this is a cooling off place but cooling off, Mr. President, should not mean that we congeal or that we freeze. It should mean that we continue to do the business of Government in some orderly way and it is very difficult to do that.

I think all of us come to the Senate with the idea that we want to do some good work with our lives. We want to participate in something that is meaningful, to get things done, and everything that goes on around here is really geared to preventing things from being done.

Now, I do not have any view that the rules changes that have been unveiled today by the Senator from Arkansas are perfect. I am sure they are not perfect. But one thing that Senator Pryor has done is to initiate the debate, to raise the issue again as he did 2 years ago. Maybe the Rules Committee will find fault with these four proposals. Undoubtedly the Rules Committee will do so. Maybe, however, the Rules Committee will come back with counteroffers. Maybe the Rules Committee focusing on these four changes will come back with different ideas for truly streamlining the operation of the Senate.

I have just one further comment about the efforts of Senator Pryor and that is that both in 1985 and now in 1987 he has attempted to form some sort of bipartisan arrangement for looking at the problems that we face as a body.

I think that that hallmark of his effort in 1985 and again in 1987 is absolutely essential.

Mr. President, we are all politicians, all 100 of us. We are partisan politicians. The aim of the Republicans is to defeat Democrats and the aim of Democrats is to defeat Republicans.

But surely, even as politicians, some degree of comity is required for the common good of this country. And some further degree of communication is essential for the common good of this country.

We have become, for example, totally bogged down in the question of the budget, totally bogged down in trying to figure out what to do about the deficit in the Federal budget which everyone I think recognizes as a terrible problem for America.

Well, there has been a breakdown, total breakdown, as far as I can see, in communication between the executive branch of Government and the Congress, and an almost total mistrust between Democrats and Republicans in Congress.

Republicans have been burned before in suggesting even temporary adjustments to the cost-of-living formulas. Democrats have been burned repeatedly in suggesting anything with respect to revenues. That is the way things are done. That is the political reality of the situation.

And yet I think that it should become increasingly apparent to all of us that our common stake in the economic welfare of this country is going to require at least some further communications between the two parties so that every possible solution is not seen from its outset as either a partisan political bonanza or a partisan political suicide mission. And maybe the kind of bipartisan approach to rules problems that we experience in the Senate will be something that spreads, that expands in our common life together, so that perhaps a greater sense of comity, compromise, and communication becomes the rule rather than the exception around here.

Again, I thank the Senator from Arkansas for this characteristic leadership in this effort and I look forward to renewing our efforts of 1985.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I would be happy to yield to the Senator from Arkansas.

Mr. PRYOR. Let me just say to my friend from Nevada that I was just going to thank the very distinguished Senator from Missouri, my good friend, Senator Danforth, for his kind remarks. I do look forward to working with him and his colleagues and our colleagues in the weeks to come on bringing about these very necessary improvements.

Mr. REID. Mr. President, prior to getting into my delivery regarding S. 2, I wanted to tell the Senator from Arkansas that I think he is right on line. I think his remarks are timely. Those of us who have just come from the House, as the Senator knows, we support that position. We look forward to the expeditious time in which we cast our votes, and we certainly look forward to being able to proceed expeditiously on substantive matters.

Mr. REID. Mr. President, we are proceeding in the legislative business agenda; is that right?

The PRESIDING OFFICER. The Chair must advise the Senator from Nevada that it does not require unanimous consent to speak.

Mr. REID. I ask unanimous consent that we proceed as if in legislative business.

Mr. BYRD. Mr. President, for how long would the Senator wish.

Mr. REID. About 6 or 7 minutes.

Mr. BYRD. Mr. President, that is not an unusual request. I have no objection.

The PRESIDING OFFICER. The Chair hears no objection and the Senator is recognized for 6 to 7 minutes.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. REID. Mr. President, the process by which Americans elect their government has been in continuous flux since the ratification of the Constitution first set it in motion. As problems with the system became apparent, the Congress, and ultimately the people, have developed solutions. Those changes in our system have been as fundamental as the extension of voting rights to the minorities and women, as radical as the direct election of Senators by the people, and as complex as the system of laws which now controls all Federal elections.

Simple or complex, however, through each of those changes runs a common thread. Each was a response to a perception by the public and the Government that the system was not properly functioning.

The last major reform involved the manner by which we elect our President. From the middle of this century forward, it became increasingly apparent that money was having too much impact on Presidential elections. In the early 1970's a system was created by which compaigns for the Presidency were in large part paid for by voluntary check-offs on income tax returns.

The concept was to create a level playing field in which all legitimate candidates would have a reasonable shot at the funds necessary to put across their ideas in this television age. In large part, it has worked and worked well.

With the solution to that problem, however, interest has focused increasingly on the horrendous amount of money raised and spent in campaigns for the U.S. Senate. As it functions today, the system by which Senators are elected can only be described as bloated and, yes, Mr. President, obscene. Many from both sides of the aisle have spoken to that issue; most, I believe would agree with that characterization.

Having just come through an arduous and expensive race, I can speak from experience when I say that the Senate candidate can only succeed if he or she is obsessed with money. Every free waking moment is spent contacting contributors, calling potential donors, asking for more from those who have not contributed the maximum amount. It is a vicious system, for it prevents the candidate from getting across a deeper message, and encourages some candidates to skate on extremely thin legal ice in the never-ending search for money, more money to the campaign.

The underlining cause is that each candidate can spend an unlimited amount on television, radio, and newspaper advertising and advertising designed not to get across an in-depth message, but rather, especially with television, to compress within a few seconds, now down to 30 seconds, the ideas and ideals developed over a lifetime. Those ads must, in the literal blink of an eye, demonstrate the difference between a candidate and his opponent, and tell the public why one is superior to the other. The task is impossible, and the answer has always been the same; money, money and more money.

There is a better way. The answer lies in limits on the ever-spiraling expenditures in Senate campaigns. Those limits, I think most of my colleagues would agree, should be based on a formula taking into account a States population, and providing that an amount necessary for a reasonable campaign may be spent.

There is, however, as there always is, a catch. The U.S. Supreme Court, in striking down Presidential campaign spending limits stated that such limitations could not exist without public financing of campaigns. Thus, we as the Congress can not simply pass limitations on spending in Senate campaigns; we must provide some type of public financing.

For many, including myself, asking the public to pay for Senate campaigns was an unpleasant prospect at best, but a necessary evil if we were to obtain spending limits. Over the past several months we have worked in the Senate around a means to resolve that conflict. At this point, that vehicle is unquestionably Senate bill 2, as it presently is constituted before the U.S. Senate.

S. 2 has undergone a number of revisions and wholesale changes as its sponsors, Senators BYRD and BOREN, have worked assiduously to accommodate objections to public financing, while still falling within the limitations imposed by the Supreme Court. Originally, the bill called for public funds to match those raised by a Senate candidate. Later the percentage of matching funds was reduced.

As the bill now stands, I believe the Senate has achieved the best of all possible worlds. A candidate who agrees to abide by spending limits would receive certain benefits in the form of lower mail and television broadcast rates. Only if his opponent refused to accept those limitations, and collected funds in excess of the limitations, would matching funds be provided to enable the candidate to keep up.

The system is fair and workable. it meets the objection of those who don't want a check-off system to routinely pay for Senate races. It meets the Supreme Court requirement that a benefit be given to permit spending limitations. It discourages the ugly spending spiral by which we have seen campaigns for the upper House of the Federal legislature degenerate into the moral equivalent of a nuclear arms race.

At present, a number of Senators from the other party are filibustering against S. 2. I fully expect that when it becomes apparent as it should now appear, that we have reduced public financing to the bare bones necessary to pass Supreme Court muster, opposition to the bill will evaporate. We have spent the past several months, both sides of the aisle, calling for compromise. The honorable junior Senator from Oregon and the junior Senator from Nevada spoke months ago on this floor on the value of reaching a compromise which limited public financing. I believe that the work of Senators BYRD and BOREN has taken us to that point. Now, the time has come for our friends on the other side to extend a hand to reach that which grasps for compromise.

The situation calls for reforms, and the solution requires both sides meeting on middle ground. That we will do, and in the final analysis, that is how the system works, and it is why, for the past 200 years, we have weathered every crisis and will continue to do so.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent the Senators may speak on any subject notwithstanding the fact that no business is before the Senate and that they may speak at such a period for such speeches not to extend beyond 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, may I inquire how much time remains in the period allotted by the distinguished majority leader?

The PRESIDING OFFICER. There are approximately 19 minutes remaining.

Mr. HELMS. Mr. President, I shall proceed with the understanding that if another Senator comes to the floor desiring time, I shall yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

SUPPORT FOR THE NICARAGUAN RESISTANCE

Mr. HELMS. Mr. President, I have prepared an amendment which I intend to send to the desk at the appropriate time, if the appropriate time occurs.

The amendment proposes $300 million for the Nicaraguan resistance, the freedom fighters, to be available after September 30, 1987, provided that the President certifies to Congress that the peace negotiations have failed.

The parliamentary situation here is we have no legislative business pending at the moment. All Senators, I imagine, are hopeful that some movement will occur on the debt ceiling bill. However, I do not intend to offer this amendment to the debt ceiling bill. But I intend to offer the amendment on any other amendable legislation that becomes the pending business.

I might add that both distinguished Senators from Alabama [Mr. HEFLIN and Mr. SHELBY] are cosponsors of the amendment, as is the able Senator from South Carolina [Mr. THURMOND], the able Senator from Colorado [Mr. ARMSTRONG], the able Senator from California [Mr. WILSON], the able Senator from Idaho [Mr. SYMMS], and the able and distinguished Senator from Nevada [Mr. HECHT].

A number of Senators have said, "Why are you proposing this amendment?"

That answer is quite simple. I do not want to see the freedom fighters in Nicaragua die on the vine while some illusory proposal goes on to delay the mechanism which has been going on for 8 or 9 years. I remember very well when the Communists in Nicaragua came to Washington and they came to this Hill and to this Senate, and—shall we say it?—they bamboozled an enormous number of Senators into giving something like $75 million to get the Communists in power in Nicaragua. That was seed money for all of the festering revolutionary activities that now have beset our hemisphere.

A lot of people tried to put this thing aside and said, "Well, we must not get involved."

Well, we are involved. It is just a matter of whether we want to protect freedom in this hemisphere and prevent an influx of fleeing Central Americans who want to escape the bondage of communism.

The Soviet Union is our real adversary in Central America. I do not give a fig about Mr. Ortega. He is just the front man. He is the wooden Indian standing out in front of the cigar store. The Soviet Union is the perpetrator, the orchestrator, of what is going on in Central America.

We have spent millions and millions of dollars upon armaments and other forms of aid to the Communist Sandinistas whom this Senate and the House of Representatives put in business 8 or 10 years ago by giving them somewhere between $75 and $100 million. The exact figure escapes me at the moment.

The purpose of the amendment, if I can find the appropriate vehicle this afternoon or this evening, is to get an expression of where Senators stand on this issue. Which side are they on? Are they on the side of the freedom fighters or are they on the side of the Communists?

The President has put forward a peace plan which involves, to say the least, a dramatic diplomatic initiative ending on September 30. It is an attempt to show that he is willing to go the last mile to achieve peace through negotiations.

I happen to think that will not occur. But that is a matter of judgment. He is the President. I have not talked to him about what I am doing. I do not know whether he favors it or not. But I think Senators ought to take a stand against communism in Central America or not against communism in Central America.

But if the negotiations fail on that peace proposal announced this week, the Nicaraguan resistance, the freedom fighters, must, it seems to me, be reassured that they will have the means to carry on the fight for freedom. They have not asked for a single U.S. soldier, sailor, or marine to come down there and help them. Yet we must give them something to hope for and something to support their efforts to rid themselves of the scourge of communism.

But while we are letting the freedom fighters know that they will have the means to carry out the fight, I certainly want the Communist Sandinista government in Managua to know that the battle will go on if they do not straighten up and come to terms. If the Communists get the idea that the U.S. Congress is throwing in the towel, what motivation will they have to negotiate in good faith?

They have never negotiated in good faith for anything. They lied, they deceived, they came to Congress in the 1970's and said "Oh, we are going to have free elections." When did those elections happen, Mr. President? They have not happened.

What they have done is they have lined up with the Soviet Union as the orchestrator, the manipulator. And using Fidel Castro and Cuba, the Marxist Sandinistas are exporting revolution throughout Central America and even into South America.

I do not think we need to be a bunch of nervous Nellies about taking a position on this subject. I think we ought to go on record and let the people know back home where we stand. Sure it is controversial. I have people in North Carolina who would like to shrink from any responsibility in this matter, and they write me ugly letters every now and then. But I think we should go on record that we are ready to support freedom in Nicaragua.

I am not going to put it as bluntly as one of my colleagues put it. He said this amendment will make it clear who is voting for the Contras and who is voting for the Communists. But I think the freedom fighters are entitled to know where we stand, where each one of us stands. They deserve to know who are their friends. They deserve to know who will support them in their courageous fight. So this will be a test vote if it occurs.

I reiterate for the purpose of emphasis that I have cleared this with nobody in the administration. I have not talked with the President about it. I have not talked with the President, period, since the meeting the other day about the so-called peace proposals, at which time I expressed my concerns and apprehensions about it. This amendment if, as, and when I am able to call it up this afternoon or this evening, will be simply a test vote. It will be an opportunity to stand before the people and reaffirm that we believe that those courageous individuals in Nicaragua who are fighting for the right to vote, the right to speak freely, the right to practice religion without hinderance, the right to have human dignity. We should be saying to them, "Hold on, boys, we are going to send you some help."

This amendment is fully in accord with the President's proposal. Everybody has read it, I presume. The amendment calls for almost 60 days of intensive diplomatic activity to bring about a cease-fire and amnesty and free elections and reasonable security arrangements allowing the withdrawal of foreign troops. But if this is not accomplished by September 30, it is our duty to allow the Contras to resume their battle for freedom.

The amendment as drafted calls for $300 million to be appropriated, available on September 30 if the President certifies to Congress that the conditions laid down in the bipartisan peace plan have not been met. Those conditions I have outlined here as follows:

First. That there be no Soviet, Cuban, or Communist bloc bases established in Nicaragua that pose a threat to the United States and other democratic governments in the hemisphere.

Second. That Nicaragua pose no military threat to its neighbor countries nor provide a staging ground for subversion or destabilization of duly elected governments in the hemisphere.

Third. That the Nicaraguan Government respect the basic human rights of its people including political rights guaranteed in the Nicaraguan Constitution and pledges made to the OAS—free speech, free press, religious liberty, and a regularly established system of free, orderly elections.

Mr. President, these are the goals of our diplomatic initiative. They will not be achieved if the Communists in Nicaragua believe that the freedom fighters will be disarmed. It is necessary for Nicaragua to believe that Congress has the will to bring not only peace but freedom to Central America. That's why we need to go on record now for support to the Nicaraguan resistance.

Mr. HECHT. Mr. President, will the Senator yield?

Mr. HELMS. I shall be delighted to yield to my friend from Nevada.

Mr. HECHT. I thank the distinguished Senator form North Carolina.

Mr. President, I rise in support of Senator HELMS' amendment, and hope we can get it up as soon as possible which I view as a vital effort to restore some continuity to the peace process in Central America. I have only one problem with this legislation, however; I do not feel it goes far enough.

This amendment would give the administration's peace initiative for Nicaragua some teeth, by ensuring that if the peace plan fails, those inside Nicaragua who are fighting and dying for freedom will not be completely abandoned. But Mr. President, the amendment only calls for $300 million in aid, and only prescribes the aid during fiscal year 1988.

Mr. President, this Senator is tired of going from year to year, from appropriations bill to appropriations bill, never knowing whether or not this country is going to support democracy in this hemisphere during the current fiscal year. I'm sure the people in Nicaragua are also tired of waiting and wondering.

I want this Congress to have the courage to say, once and for all, whether it cares about freedom and democracy—or whether what passes for foreign policy in the Congress is just so much political posturing.

The United States is in a foreign policy crisis, Mr. President: A crisis of consistency and credibility. No one—friend or foe, ally or enemy—knows exactly how far to trust the word of the U.S. Government. We have a Congress that finds it impossible to make a firm commitment on any foreign policy issue. How many different versions did we have of the much-vaunted Boland amendment? How many times has aid to the Nicaraguan freedom fighters gone through the "on again—off again" cycle?

We also have a Government with a reputation abroad for "cutting and running." Mr. President, I suggest you ask our friends in Hungary, Czechoslovakia, East Berlin, Cuba, or Vietnam how much faith they'd put in the support of the United States Government.

We should have the courage and the firmness to tell both the Sandinistas and the freedom fighters that if the Nicaraguan peace process breaks down, the United States Government will come down on the side of freedom and democracy with sufficient aid to see it through to the end. We owe it to the men and women who are shedding their blood for freedom in Central America, and we owe it to our foreign policy credibility.

But most of all, Mr. President, we owe it to our children, because Central America is the last domino in the chain. The cause of freedom, and the cost of failure, are just too great.

Mr. President, I thank the distinguished Senator from North Carolina for yielding the floor. I yield back to him.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. HECHT. I yield the floor.

Mr. HELMS. I simply want to commend the able and distinguished Senator from Nevada. He has put his finger on the very point.

As for the amount of military assistance, that could be negotiated. I just want the freedom fighters in Nicaragua to have enough to assure the restoration of liberty in Nicaragua, and I am sure the Senator feels the same way.

Mr. HECHT. I thank the distinguished Senator from North Carolina.

It is important for the Record to show that we want to continue this down to the end, that we will never allow communism to be present in Central America, a communism that threatens our way of life and that of Honduras, Costa Rica, and of course Mexico and Panama and all of South America. We must not allow that communism cancer to start.

Mr. HELMS. I thank the Senator.

I yield the floor.

EXECUTIVE SESSION

(During the foregoing colloquy the following occurred:)

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session, that Senators may speak or give morning business speeches while in executive session, and that the speeches appear in the Record at a point where legislative business is conducted or morning business, and that nothing that I am saying disturb this colloquy here.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. BYRD. Mr. President, we are going into executive session, is that correct?

The PRESIDING OFFICER. We are in legislative session. If there is no objection, we are going into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BYRD. Mr. President, will the Senator yield to me briefly?

Mr. DIXON. I yield.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate continue in executive session for not to exceed 30 minutes, that the Senate not go to any item on the Executive Calendar, and that Senators may be permitted to speak as in legislative business during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois [Mr. Dixon] is recognized.

(The remarks of Mr. Dixon are printed later in the Record under Statements on Introduced Bills and Joint Resolutions.)

NICARAGUAN PEACE PLAN

Mr. SYMMS. Mr. President, I take the floor this afternoon to speak on my observations of this so-called peace plan that is bantered around this town. I think all people have hope that it will work but, after giving it serious consideration and looking at it very carefully, I am very pessimistic about it.

Overall, Mr. President, I should say that I wholeheartedly support seeking peaceful solutions to the current conflict being waged in Nicaragua.

I would much rather see the Central American government sit down and negotiate at the table and resolve this war, rather than to continue the bloodshed and constant abuse of human rights. However, I object to what is being portrayed here as a peace plan for a number of reasons.

First, I wish I could say, Mr. President, go ahead and make my day. I hope it will work. But I do not see that it is going to happen this way. If the President, House Speaker, Wright and the crowd down at the State Department have drafted a peace plan that will do all the things that they say it is going to do, then I will stand up and lead the applause team. And, if the Sandinistas will agree to the peace plan and abide by their agreement, I will be the first to commend President Reagan, Speaker Wright and all others that participate. But, this will be the first time that there has been any sign of honesty and integrity that the world has ever seen before from the Communists in Nicaragua. This will be a first, as a matter of fact, for Communist governments anywhere in the world. Because they do not have a track record of honesty. There are no examples of them not using treaties and agreements for methods to regroup, restructure, reorganize, and be prepared for the next wave of the war.

As I have said time and time again on this floor, the Soviets knew in 1945, when the Nazis were defeated in Europe, that they were starting World War III to go on with their goal of world domination. They have never hesitated or equivocated about it. It has taken the United States nearly 50 years to wake up to the fact that we are still engaged in a war of freedom versus tyranny. And that has not changed.

Now, if the President can pull this off, then he should go down in history as truly the greatest communicator and negotiator of our time. It will be up there in the halls of history with the first time that you have ever been able to get the Communists to sit down and sign a truce when there was not, as the saying always was, "hot lead and cold steel" to convince them of what it is that they had to do. Otherwise, they have a record of constantly probing and probing with the bayonet until they find something soft and then they push it and thrust it forward and make an advancement. But, if they find something hard they will back up.

However, I want everyone to remember how far negotiating with the Communist Sandinistas has gotten us since 1979—it has gotten us absolutely nowhere. Let me briefly outline what the United States has done in the form of negotiating with the Sandinistas.

Since the Sandinista Communist Dictatorship took over in Nicaragua, the United States has attempted repeatedly to negotiate with them. High level emissaries were sent to Nicaragua in 1981 and 1982. We engaged in quiet diplomacy through our Embassy in Managua. And, in 1984 alone, the United States held nine rounds of talks with the Sandinistas; Nicaragua consistently refused to consider proposals for national reconciliation and a United States proposal of bilateral security guarantees. But, the United States maintains a standing offer to talk on four principal concerns.

It has never changed. They have been there constantly for 7 years, Mr. President.

First, is the issue of Soviet and Cuban presence. Second, the military buildup. That is astronomical. I will not go into it now, but we all know that they have more military war machine-making capabilities, personnel, et cetera, than all the surrounding countries combined in Central America.

In fact, during the period of time while the United States Senate and House conducted the Iran hearings, to find out who said what to whom, about who was trying to fight and stop communism, the Soviets pumped 300 million dollars' worth of aid into Nicaragua because they know what side they are on. They are on the side of tyranny and expansionism of their empire since the Sandinistas took over.

Third, support for subversion; and, fourth, internal reconciliation.

However, the Sandinistas continue to avoid real dialog within the Contadora process or with the United States and the Nicaraguan opposition to their regime. The Sandinistas participation in Contadora has been sporadic at best. What makes us think they have had a change of heart?

Mr. President, I ask unanimous consent that a copy of the chronology of key events outlining the efforts the United States has taken to negotiate with the Sandinistas, be printed in the RECORD, following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SYMMS. Mr. President, this is several pages long. It is 9 pages of a chronology of efforts on the part of the United States to negotiate with the Sandinistas and there has been up to this point no cooperation, no effort.

I believe we should remember whom we have been negotiating with, and what ideology they adhere to. I would like to refresh my colleagues' memories of some rather disturbing quotes of two of the leaders in the Sandinista regime.

Interior Minister Tomas Borge stated in June of 1985:

> We will negotiate with the Contras on the day the right wing parties and COSEP (the Superior Council of Private Enterprise) count all the grains of sand in the sea and all the stars in the sky. When they finish we will ask them to count them all again.

In 1980, while recognizing his heroes, Borge said:

> We say to our brother (Yasir) Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas.

and,

> Our friendship with Libya is eternal * * * Libya is a people which, in accord with our experience, has developed solidarity without frontiers.

That is Tomas Borge. That is the people we are suggesting somehow by this peace proposal that they are going to come to the table and agree with the United States.

And, in May 1984, Commandante Bayardo Arce stated:

> Imperialism asks three things of us: To abandon interventionism to abandon our strategic ties with the Soviet Union and the socialist community, and to be democratic. We cannot cease being internationalists unless we cease being revolutionaries. We cannot discontinue strategic relationships unless we cease being revolutionaries. It is impossible even to consider this.

That is Commandante Bayardo Arce's statement in 1984.

Does this sound like the people who are willing to negotiate a peaceful solution to the Nicaraguan conflict? Does this sound like the people willing to relinquish some of their power by expanding Nicaraguan citizen's constitutional rights? Not to me. Not to this Senator.

I am absolutely perplexed to imagine where this scheme came from. What do we do? Shut the history books when we come up with ideas like this, Mr. President? I hope and pray that it works, and I will give the benefit of the doubt to it. But I cannot believe that President Reagan and Speaker WRIGHT and other leaders can be naive enough to think, unless the Communists have had a spiritual rebirth and a complete change in their ideology, that they are going to change their opinion on these things overnight. They never have in the history of the Communist movement.

They have continually operated under the thesis to use force and tyranny and deprive people of freedom. As a matter of fact, the Soviet Union on the average had to kill about 500 people a day to keep their government in power.

So, I cannot for the life of me understand what makes us think that they are going to do anything any different this time except stall for time, try to starve out the freedom fighters, and then move forward with their dictatorship and start moving it on into the countries to the north so eventually they will be engaged in Mexico.

The late Senator Jackson said it so well. He said it is not El Salvador; it is not Nicaragua. That is not their target. What they want is Mexico. They want to get a revolution going in Mexico so they will be at the soft underbelly of the United States of America and to divert our attention from there so they will have a free field in Europe and the Persian Gulf and Africa to expand their evil empire.

But the most important questions remain. First, when we go to the negotiating table, who will truly benefit? In my view, it will not be the Contras and freedom-loving citizens of Nicaragua. Under the peace plan, all the Sandinistas will have to do is lift the state-of-siege to comply with the proposal, leaving much of the repression in the private sector unrecognized and unchanged.

The plan does not mention the Sandinista Defense Committees [CDS]. These neighborhood or block committees are not technically a part of the government, but the FSLN has delegated to them a number of quasi-governmental responsibilities. As Tomas Borge stated, the CDS are the "eyes and ears of the revolution." The CDS are responsible for the issuance of ration cards needed for the purchase of many basic food items. Anyone not in good standing with the CDS and the Sandinista regime is denied ration cards. In the poor neighborhoods, people depend on these ration cards for survival. Thus, the CDS maintains powerful leverage over the people and are a demoralizing tool used to aid the government to control Nicaraguan citizens.

There will still be the inability of citizens to relocate or change jobs. Only under the consent of the state and the Sandinista labor unions can a person relocate. Moreover, the decrees of property confiscation will remain.

Mr. President, if we are successful in our negotiations, many of these repressions will go unnoticed for several months. And by the time we are aware of the abuses, I fear many innocent lives will be lost.

Next, Mr. President—what happens if we fail to reach the objectives sought in the peace plan? Where would we go from there? Under the plan, the United States will stop all military aid to the Contras during the negotiations. All the Sandinistas have to do is stall the negotiations as long as possible, draining the Contras of their funds and weapon supply and eliminating anything the Contras have accomplished so far. If the negotiations fail, do we resume aid to the Contras, or do we simply write off the hope of achieving freedom and democracy in Nicaragua.

For that reason, I am pleased to join my friend and colleague, Senator HELMS, in cosponsoring legislation to provide $300 million for the Contras for fiscal year 1988. The peace plan makes no mention of resuming assistance to the Nicaraguan resistance forces; however, that inequity would be corrected if Congress approves this or similar legislation.

In other words, if they do not negotiate on the drop-dead date, we are going to have $300 million of aid there. This will enhance the Sandinistas to come to the negotiating table. The way it is now, it is a typical deal. What is ours is theirs and what is theirs is theirs—typical State Department deal. They have been making these kind of deals for the United States as long as we have had the Department. They have always failed to have one group of people in mind and that is the United States of America.

I believe if the negotiations fail, Congress must pass immediately a four-point agenda relating to Nicaragua. The President should do it without Congress passing it. If he does not do it, we should. We ought to cut off all relations with the Sandinista government. We should have done it 7 years ago, but since we did not have guts enough to do it then, we should do it now. It is never too late to preserve freedom.

We ought to recognize the government in exile, the Nicaraguan Resistance. We should recognize them as a legitimate government and provide them with weapons parity. And we should prohibit future negotiations with the Sandinistas.

If the United States cannot successfully overthrow a Communist dictatorship in Nicaragua—and so close to home, then what do we think we are doing in the Persian Gulf, that is 12,000 miles from here.

If we implement that agenda, we would be successful and it would enhance our credibility worldwide to see the Reagan doctrine actually work. We would break the myth that the Brezhnev doctrine is inevitable and it is going to work.

It is time to take decisive action regarding Nicaragua. If the new plan does not work, then let that be the end of negotiations. The United States should stop pussyfooting around with the Communists. If we are going to combat the Red tide of communism, then the United States should give full support to the freedom fighters, not just support that will keep them afloat for a little while longer.

As I said earlier, I support negotiations. But when we have tried and tried again to negotiate to no avail, what do we have left but to negotiate with the only tool Communists recognize: military force.

This newest peace proposal is simply window dressing and is an unequivocal, transparent sellout of the Nicaraguan resistance.

The only way you are going to force the people who adhere to the Marxist-Leninist doctrine to the negotiating table is to run them out of the country. They will not negotiate.

As I said earlier, I support negotiations, but when we have tried and tried again to negotiate to no avail, what do we have left to do but to negotiate with the only tool Communists recognize, and that is military force. Mao Tse-tung himself said that political power comes out of the barrel of a gun. That is the way they view the world.

In my view, this newest peace proposal is simply window dressing, and a transparent sellout of the Nicaraguan resistance.

I want to say again, Mr. President, I hope it does not fail, but in closing, if it does fail, we should immediately break diplomatic relations with the Communist Government of Nicaragua, recognize the freedom fighters as the legitimate government, give them the full support of the people of the United States of America and the surrounding countries, and see that they achieve a victory so freedom will prevail in Central America and we will not end up in 4 or 5 years from now going down to fight in the southern tip of Mexico when the Red tide gets that advanced.

Then the American people will want to stop this and we will be asking young American citizens to shed their blood. It can be avoided now if we take a bold and decisive action.

I just thank my colleagues for their indulgence and I pray that this negotiation plan will work, but I am totally pessimistic. If one has ever looked at history, there is no record of the Communists ever negotiating. When they did negotiate, it was for the sole purpose of stalling off the resistance, when you look at Vietnam, Korea, or wherever. They want to stall off the resistance so they can regroup, consolidate their forces, ensconce their tyrannical governments, deprive people of freedom, and get into such a power position that freedom does not prevail.

I think that is a tragic mistake. Today, American boys are dying, trying to get freedom in Nicaragua. They are not U.S. citizens, but they are young Americans dying in Nicaragua for their freedom and ultimately for our freedom, Mr. President. We should not abandon them in this hour when they are doing so much.

I yield the floor.

EXHIBIT 1

CENTRAL AMERICA—CHRONOLOGY OF KEY EVENTS

1979

February 8: U.S. formally terminates military aid to Somoza regime (already suspended for several months).

July 12: Provisional Junta of the Government of National Reconstruction (GRN) sends telex to Secretary General of the OAS enclosing its program and promising free elections.

July 19: GRN assumes power.

July 21: Salvadoran guerrilla leaders and Sandinista leaders meet in Managua to discuss FSLN support for Salvadoran insurgent organizations.

July 27: U.S. announces airlift of food and medical supplies.

November 9: President Carter asks Congress to provide an emergency $75 million of assistance for Nicaragua.

1980

May 31: President Carter signs legislation providing $75 million in assistance to Nicaragua, requiring certification that Nicaragua is not supporting terrorism.

August 23: Sandinista Defense Minister Humberto Ortega announces postponement of elections until 1985.

September 25-26: U.S. warns privately that continued Sandinista support for Salvadoran guerrillas jeopardizes U.S. aid. Nicaragua responds that its government is not involved.

October-November: FSLN begins airlift of supplies for Salvadoran guerrillas.

December 15: Radio Liberacion, Salvadoran guerrilla clandestine radio, begins transmissions for Nicaragua.

1981

January 14: U.S. warns Nicaragua that continued support for Salvadoran guerrillas could result in termination of aid programs and possible demand for repayment of loans.

April 1: U.S. announces suspension of economic assistance to Nicaragua but does "not rule out" its "eventual resumption."

August-October: U.S. initiates diplomatic exchanges with Nicaragua. U.S. offers bilateral nonaggression agreement and renewed economic assistance if Nicaragua stops aid to Salvadoran guerrillas and limits its military buildup. Nicaragua labels U.S. offer "sterile."

1982

March 15: Honduras proposes Central American peace plan in the Organization of American States to reduce arms and foreign military advisers; to respect non-intervention and to provide for international verification of commitments.

October 4: At San Jose conference the United States, Colombia, Costa Rica, El Salvador, Honduras, Belize and Jamaica issue Declaration of San Jose outlining principles for a regional peace settlement. Nicaragua subsequently refuses to receive Costa Rican Foreign Minister Volio as emissary of group.

1983

January 8-9: Foreign Ministers of Colombia, Mexico, Venezuela and Panama meet on Contadora Island, issue declaration commending dialogue and negotiation as instruments for peaceful settlement.

January-April: Nicaragua resists meeting in multilateral setting, opposes idea of comprehensive agreement dealing with all interrelated issues.

April 20-21: Nine Foreign Ministers of Central America and Contadora Group meet for first time in Panama.

July 17: Declaration of Cancun of the Presidents of the Contadora Group, meeting in Mexico, calls for renewed efforts to continue peace process. Declaration sent to President Reagan, Central American Chiefs of State and Fidel Castro.

July 19: Sandinistas issue six-point plan, calling for cessation of all outside assistance to "the two sides" in El Salvador; cessation of all external support to paramilitary forces in region; prohibition on foreign military bases and exercises; Nicaraguan/Honduran non-aggression pact; non-interference in internal affairs; and end to economic discrimination.

Comment: Proposal accepted multilateral talks but did not address such key issues as foreign advisers, arms limitations and reductions, or democratization and national reconciliation. Plan equated Salvadoran government with guerrillas and, if implemented, would have cut off all U.S. military assistance to El Salvador.

July 21: Foreign ministers of Guatemala, Costa Rica, Honduras and El Salvador propose eight-point peace plan drawing on Honduran plan of March, 1982 and emphasizing contribution that democratization could make to restoration of peace and stability.

July 23: President Reagan expresses support for Contadora objectives in letter to Contadora Group Presidents.

September 9: Document of Objectives adopted by Foreign Ministers of the nine Contadora participating governments. Document includes strong formulation of objectives relating to democratization and national reconciliation.

October 20: Nicaragua proposes series of bilateral and multilateral treaties addressing some but not all goals of Document of Objectives.

October-December: Attempts to translate Document of Objectives directly into treaty falter.

1984

January 8: "Norms of Implementation" declaration adopted in Panama by nine Contadora Foreign Ministers establishes three working commissions in security, political and social-economic matters to recommend by April 30 specific measures to implement Document of Objectives.

April 30: Five Central American foreign ministers request Contadora Group to integrate recommendations into single negotiating text.

June 2: Secretary of State Shultz visits Managua to launch bilateral talks in support of reaching a comprehensive Contadora agreement.

June 8-9: Contadora Group presents "Contadora Act for Peace and Cooperation in Central America" to Central American governments, request comments by mid-July.

June 25-26: First of nine rounds of bilateral talks between U.S. and Nicaragua held at Manzanillo, Mexico. U.S. throughout seeks informal understandings to facilitate Contadora agreement. Nicaragua seeks formal bilateral accords in lieu of Contadora; excludes discussion of democratization and national reconciliation.

August 25-27: Technical Group (vice-ministerial level) of Contadora process meets in Panama to consider oral and written comments on the June 6 draft Act. Nicaragua refuses to accept any feature of the Contadora June draft to which it had not previously agreed.

September 7: Contadora Group submits revised draft Contadora agreement for Central American comment by mid-October.

Comment: The draft agreement achieved Nicaragua's two principal objectives (cessation of support to democratic resistance and prohibition of maneuvers) upon signature while leaving arms reductions and withdrawal of advisers for later negotiation. Verification provisions were weak.

September 21: Nicaragua states it is willing to sign the September 7 draft provided that it is not changed; calls on United States to sign and ratify its Additional Protocol.

Comment: Portrayed by the Sandinistas as a step toward peace, Nicaragua's acceptance was in our view an attempt to freeze the negotiating process at a moment of advantage.

September 25-26: At sixth round of Manzanillo talks, Nicaragua adopts Contadora draft agreement as its negotiating position. U.S. suggests the two sides focus on text of draft agreement but Nicaragua rejects any discussion of possibly modifying the draft.

September 29: EC-Central American Foreign Ministers meeting in Costa Rica call draft agreement "fundamental stage in negotiating process," but refrain from endorsing any text not agreed upon by all participating governments.

October 15: Comments submitted to the Contadora Group by Costa Rica, El Salvador and Honduras identify verification and need for simultaneous implementation of commitments as areas for modification.

October 19-20: Honduras, Guatemala, El Salvador and Costa Rica (Nicaragua was invited but did not attend) meet in Tegucigalpa to consider the September 7 draft agreement and draft proposed modifications. Honduras, El Salvador and Costa Rica endorse modifications and forward to the Contadora Group and Nicaragua.

November 12-16: Extensive private consultations among the Contadora participants are held on the margins of the Organization of American States General Assembly in Brasilia.

December 10-11: Ninth round of Manzanillo talks. Nicaragua definitively rejects U.S. approach to reach agreement on basis of September draft; reverts to initial position of bilateral accords in lieu of Contadora.

1985

January 18: U.S. informs Nicaragua that it is not scheduling further meetings at Manzanillo pending further evolution of the Contadora process.

February 14: Contadora meeting cancelled over asylum dispute between Nicaragua and Costa Rica.

April 11-12: Contadora meeting of plenipotentiaries reaches agreement in principle on revised verification procedures.

May 14-16: Second meeting of Contadora plenipotentiaries, with inconclusive discussion of security issues.

May 31: Sandinista border incursions into Costa Rica kill two Costa Rican Civil Guardsmen.

June 7: OAS Permanent Council appoints investigative commission consisting of Contadora Group and OAS Secretary General to report on May 31 and related border incidents.

June 17-19: Nicaragua's refusal to discuss agreed agenda results in abortion of Contadora meeting or plenipotentiaries, four-month hiatus in Contadora negotiations.

June 24-28: Ambassador Shlaudeman visits Guatemala, El Salvador, Costa Rica, Colombia, and Venezuela for consultations on Contadora; reviews conditions under which the United States might resume bilateral talks with Nicaragua.

June 30-July 2: Ambassador Shlaudeman continues consultations in visit to Mexico and Panama.

July 17: Ambassador Shlaudeman concludes consultations in visit to Honduras.

July 22: Contadora Group governments publicly call on the United States to resume bilateral talks with Nicaragua. Communique also announces intentions to hold bilateral meetings with the individual Central American governments in lieu of resuming talks.

July 26: In Mexico City, Secretary Shultz states willingness of United States to resume bilateral talks if that would promote a Church-mediated dialogue in Nicaragua, and reaffirms strong U.S. support for the Contadora process.

July 28: Following consultations with the Contadora Group, the governments of Argentina, Brazil, Peru, and Uruguay form the "Contadora Support Group."

August 1: Costa Rica, Honduras, and El Salvador in joint statement welcome the visit of Contadora ministers but propose resumption of Contadora negotiations.

August 3-8: Contadora Group Vice Ministers visit the five Central American states to consult on outstanding Contadora issues.

August 23-25: The Contadora Group and Support Group, meeting in Caratagena, Colombia, issue communique stating intent to consult regularly on Contadora matters.

August 26: U.S. welcomes formation of Support Group.

September 4: Costa Rica, Honduras, and El Salvador formally reiterate proposal to resume Contadora negotiations.

September 9-13: Ambassador Shlaudeman consults with Support Group governments in visits to Argentina, Uruguay, Brazil and Peru. He explains U.S. view that Support Group could help by working toward a Sandinista dialogue with armed resistance (United Nicaraguan Opposition) and urges Support Group to consult with all the Central American states.

September 8: Costa Rica, Honduras, and El Salvador jointly request a meeting with the Support Group governments on the margins of the September 12-13 meeting of Contadora process foreign ministers in Panama. The request is declined on the grounds that it might interfere with the scheduled meeting.

September 12-13: The Contadora Group tables a third draft of a Contadora agreement. The Central American foreign ministers agree to convene multilateral negotiations on October 7, with the aim of reaching final agreement within 45 days. The agenda for these negotiations is defined narrowly. It is also agreed that events and developments within the region will not interfere with Contadora talks.

October 7-11: The first round of talks are held on Contadora Island, Panama. Costa Rica states it is willing to sign the September 12 draft. El Salvador and Honduras express general support while identifying issues that require further negotiation. Guatemala maintains neutrality on content of draft while pointing to constitutional difficulty of current government to commit Guatemala in view of upcoming elections. Nicaragua states it is not ready to declare its view.

October 17-19: Second round of plenipotentiary negotiations held on Contadora Island. Nicaragua presents extensive objections to September 12 draft.

October 24: President Reagan addresses the UN General Assembly, presenting an initiative on regional conflicts. President states that U.S. support of struggling democratic forces "must and shall continue" until there is progress in negotiatings between the parties to internal conflicts.

October 29-31: Ambassador Shlaudeman and Nicaraguan Ambassador Tunnermann meet in Washington. Shlaudeman says U.S. will resume bilateral talks if Sandinistas accept March 1985 proposal of the Nicaraguan resistance for Church-mediated dialogue, cease-fire, and suspension of the State of Emergency. Tunnermann reports Nicaraguan Government rejection of this offer.

November 11-12: Foreign ministers of the nine Central American and Contadora Group governments meet with the foreign ministers of the EC-10, Spain, and Portugal, in Luxembourg. EC-Central American economic agreement is signed; political communique supports Contadora and stresses democratic pluralism and civil liberties.

November 11: Nicaragua publishes letter to Contadora Group and Support Group presidents detailing objections to the Contadora Group's September 12, 1985 draft of a final agreement. Nicaragua's position, in essence, is to insist on an accommodation with the United States prior to a Contadora agreement.

November 19-21: Third round of negotiations among Contadora "plenipotentiaries" held in Panama. Some progress on verification and related issues is achieved. All delegations recommend extending 45-day deadline for final agreement.

November 22: U.S. Permanent Representative to the United Nations, Walters, addresses the General Assembly on continued U.S. support of the Contadora process.

December 1: Nicaragua announces that it will not take part in the Contadora meetings to be held on the margins of the OAS General Assembly meeting in Cartagena, Colombia, December 2-5.

December 2: Secretary of State Shultz meets with Contadora Group foreign ministers at the OAS General Assembly in Cartagena.

December 3: Nicaragua submits formal request for suspension of Contadora peace negotiations until May, 1986.

December 6: Contadora Group submits report to OAS Secretary General expressing hope that negotiations will continue.

December 7: Nicaragua reiterates its request for suspension of Contadora talks at a SELA (Latin American Economic System) meeting in Caracas, Venezuela.

December 11: OAS General Assembly Resolution, opposed by Nicaragua only, urges continuation of Contadora talks.

December 10: Venezuelan officials publicly oppose suspension of talks.

December 17-18: Contadora Group governments consult informally in Montevideo.

1986

January 8: Nicaragua publishes letter from President Ortega to the presidents of the Contadora Group and the Support Group proposing a scaled-down treaty of general principles (in lieu of a comprehensive Contadora treaty) and a series of bilateral talks, including U.S.-Nicaraguan talks.

January 11-12: Eight foreign ministers of the Contadora Group and Support Group governments, meeting in Caraballeda, Venezuela, issue the "Message of Caraballeda." It reiterates basic Contadora principles; urges actions to create climate for negotiations, including resumption of Contadora talks; and offers Contadora good offices to "promote new steps of national reconciliation" and renewal of U.S.-Nicaraguan bilateral talks.

January 14: Vice President Bush leads United States delegation to inauguration of Guatemalan President Vinicio Cerezo.

January 15: Foreign ministers of the five Central American states sign the "Declaration of Guatemala" endorsing the "Caraballeda Communique."

January 15: Central American presidents agree to hold summit in Esquipulas, Guatemala, in May.

January 16: Central American presidents issue statement expressing satisfaction that their foreign ministers have endorsed the Message of Caraballeda.

January 16: Nicaragua publicly reaffirms its position on Contadora, as set forth in its November 11 statement, and describes actions called for in the Caraballeda Message as prerequisites to Contadora talks.

January 16: Secretary Shultz receives the Caraballeda Message from Washington ambassadors of the Contadora Group and Support Group governments and promises to give it careful study.

January 17: U.S. statement on Caraballeda announces visit of Ambassador Shlaudeman to Central American and Contadora Group countries to explore possibilities in the Caraballeda Message.

January 17: President-elect Jose Azcona of Honduras visits Washington for consultations. At National Press Club, Azcona opposes resumption of U.S.-Nicaraguan bilateral talks as detracting from Contadora.

January 19-23: Ambassador Shlaudeman visits Panama, Costa Rica, El Salvador, Colombia and Venezuela.

January 25: Secretary of State Shultz invites foreign ministers of the Contadora Group and Support Group governments to Washington for February 10 consultations.

February 4: Daniel Ortega leads FSLN delegation to Third Congress of the Cuban Communist Party in Havana; gives speech to the Congress.

February 6: Nicaraguan foreign minister D'Escoto writes open letter to Contadora Group and Support Group foreign ministers calling on ministers to press for renewal of U.S.-Nicaraguan talks but cautioning that the U.S. would have to abandon the idea that such talks could be used as an "instrument to force Nicaragua into an immoral dialogue with terrorist forces."

February 7: Six Nicaraguan opposition parties propose cease-fire, effective amnesty, agreement on a new national electoral process and lifting of the State of Emergency. UNO leaders endorse proposal.

February 10: Secretary meets with eight Contadora foreign ministers in Washington. He offers simultaneous U.S.-GON/GON-UNO talks and policy adjustments in response to Nicaraguan movement on our four areas of concern.

February 14-15: Meeting of Contadora/Central American negotiators in Panama. Nicaragua refuses to negotiate on a Contadora treaty.

February 18-26: Ambassador Shlaudeman meets with presidents of Mexico, Panama, Colombia, Uruguay, Argentina, Peru, Costa Rica, Guatemala, Honduras, El Salvador. Conveys U.S. support for six-party proposal of February 7.

February 27-28: Contadora Group and Support Group ministers meet at Punta del Este, Uruguay.

March 7: President Reagan appoints Ambassador Philip Habib as Special Envoy for Central America.

EXTENSION OF EXECUTIVE SESSION FOR 20 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed in executive session for an additional 20 minutes, that no item on the Executive Calendar be placed before the Senate and the Senators may speak as if in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, it is my understanding that the House has passed the short-term debt-limit extension. When that resolution comes to the Senate, the Senators should be aware that the Senate will proceed to take action on it.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I understand my colleague from Connecticut has a brief message on the same issue. I would like to briefly yield to him.

Mr. DODD. I thank my colleague. I will be very brief, Mr. President.

PEACE IN CENTRAL AMERICA?

Mr. DODD. The news out of Central America today is startling; peace may have broken out down there. I know that comes as a great shock to some people but, nonetheless, it appears to be happening. I think all of us want to take a moment to hope that this process that has been initialed or signed by the five Central American Presidents might succeed. We ought to be taking some time, regardless of one's position today, to applaud what appeared only a few days ago to be an impossibility. Now we have a start. Just maybe we can resolve these differences which have plagued this region for decades; not just the last decade.

Secretary Shultz pointed out that there could be no answer ultimately in Central America except an answer provided by Central Americans. I agree with him. That has begun today. Central Americans—not ourselves, the Soviets, Cubans, Mexicans, Panamanians, Colombians, or anyone else—have decided what the future of Central American ought to be. Central Americans have decided.

Also, I want to take a moment, Mr. President, to congratulate our President. I have been suspicious of the motives behind this negotiating plan that surfaced earlier this week. I have not endorsed that plan. I could not endorse that plan, but I did endorse that effort. It indicated to me a change in spirit. That is my judgment. It is hard to tell at this early hour. But I think the fact that the administration appeared to be for the first time in 6 or 7 years committed to a negotiated diplomatic solution, not a military one, had to have a positive impact on these five Central American Presidents. To that extent, he deserves to be applauded. My hope is now that the administration, those of us in Congress and others, will play a supportive role of this effort. That is our job now, to be supportive; to offer constructive suggestions and try and make this process work.

Today, Mr. President, for the first time in 7 years that I have been involved in this issue, I am delighted to stand before this Chamber and to tell my colleagues that we may, just may, have seen a possibility for real peace in Central America.

Mr. President, I again thank my colleague from New York.

The PRESIDING OFFICER. The Senator from New York.

PANAMA

Mr. D'AMATO. Mr. President, yesterday several of my colleagues and I introduced legislation to suspend United States aid to Panama unless there is true democratic civilian control of government. I rise to share with my colleagues information I have received concerning General Noriega's secret master plan, a plan which we have had come into our possession to ensure that democratic civilian control does not come about.

This document which was apparently supplied to the opposition, a high-level member of the Panama Defense Force, is significant for two important reasons. Initially, it suggests there are members of the defense forces that do not have confidence in General Noriega. Many members of the Panama Defense Force are decent men who want only to ensure the national security of Panama, instead of their current role as enforcers of a despot's whims.

I am confident that the number of these men who are willing to step forward will increase as the excesses of General Noriega grow.

More importantly, however, Mr. President, these documents demonstrate the desperation of General Noriega and the draconian plans he plans to implement to continue his hold and power.

These documents spell out in detail the precise plans the government has for the national civic crusade, the business groups, the economic sector, the church, the media, and Col. Diaz Herrera recently kidnapped by General Noriega.

Many of the steps have already been followed.

In respect to Colonel Diaz, the plan calls for obtaining from Diaz a signed statement declaring his previous accusations to be false.

Mr. President, we have already seen this take place.

This document states that a health certificate showing Diaz' mental instability should be published.

Mr. President, we have seen this take place, also.

With regard to the civil crusade, the plan calls for the threat of exile, arrest, and assassination of the crusade's leaders and the prohibition of gatherings and demonstrations. Mr. President, we have seen these things take place, also.

The plan calls for the cancellation of tax exemptions and government contracts for those businesses owned by the opposition. Mr. President, this, too, has taken place.

With regard to the economic sector, the plan calls for convincing the Pentagon, without the knowledge of the State Department, that there is imminent danger that the Communists will take over the government or the civilian movement unless both military and economic aid are renewed.

Mr. President, I hope our friends at the Pentagon are listening. I hope our friends at the CIA are listening. It is incredible and rather ironic that Noriega is attempting to use the Red scare tactic when most of the Communist leaders in Panama are in this government.

I have here an interesting and clever example of Noriega's desperate campaign to neutralize and crush the opposition. The plan calls for the creation of similar and parallel organizations of the opposition. Yesterday, prominent press organizations around the country received this newspaper. It is, Mr. President, an attempt to paint the leaders of the opposition, particularly Arnulfo Arias, the former President of Panama and a prominent opposition leader, as a Nazi.

The newspaper was cleverly put together and mailed out from the organization, the so-called National Civic Crusade for Democracy." Notice "the National Civic Crusade for Democracy in Panama," the extra words, which should not be confused with the National Civic Crusade for Panama. So it is a clever use of putting two extra words in to make it seem that one of the organizations that is leading the drive against Noriega will be circulating against one of the opposition leaders. This is an incredible attempt to besmirch one of their leaders and associate him with a Nazi.

Clearly, this is an attempt to discredit the National Civic Crusade for Panama.

I ask unanimous consent that a translation of this document be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE WORK MEETING OF THE HIGH COMMAND WITH THE SOCIO-POLITICAL ACTION TEAMS OF THE GOVERNMENT AND THE HALCON COMMAND

Problem: The growing loss of control over economic, political and social confidence and tranquility.

DESCRIPTION OF THE PROBLEM

After evaluating results of the activities of both the opposition and the government, the High Command has deemed it of utmost necessity to design a plan of action that would, in the fastest possible time, rescue national control over the confidence of the most important sectors of the population: (a) the popular masses, (b) the economic sector, (c) the international socio-political and economic environment.

It is a logical conclusion, once the above-mentioned sectors are controlled, peace should return to the national scene which would allow whatever corrections are deemed necessary in the political as well as in the economic sectors, without the multiple pressures which have the effect of multiplying subversive information.

OBSERVED SITUATION

The public accusations and declarations made by Roberto Diaz Herrera gave backing to and started the wave of popular protests demanding structural changes in the government, starting with the retirement of Gen. Noriega.

The formation of the Civic Crusade by civic, professional and business groups, creates a new organization which channels and organizes popular demonstrations, taking advantage of spearate and spontaneous activities, thereby reaching national dimension and making the Crusade a launching platform of new opposition leaders.

The intense and biased publications by the local as well as international media, has obtained support from friendly nations which today withhold economic aid that the plans of the government require.

In the face of these pressures, the U.S. Government and the Pentagon, have not only suspended agreed economic aid, but are also publicly requesting that the opposition's demands be met.

The financial center and the banking community have not been able to prevent their workers from participating in the demonstrations, and as a result of the disciplinary measures taken by the military forces, have fallen into the apparently irreversible stage of having plywood covering their windows, thereby showing tremendous insecurity to their depositors, resulting in large scale withdrawals, as we explained in our report of the meetings of July 16 and 17.

Opposition demonstrations are obtaining increasing support from popular sectors which have been previously politically indifferent to similar situations.

The Catholic Church continues to show support to the opposition sectors by means of their expressed positions in their various communiques.

RECOMMENDED STEPS: DIAZ HERRERA

Obtain a signed statement from Robert Diaz Herrera (RDH) declaring that all his previous accusations were false, the product of this imagination and made for the purpose of vengeance.

Local and international widespread distribution of these statements, especially in the U.S.

Issue and publish health certificates showing that RDH is mentally unstable.

Keep RDH away from contact with the local and international press.

CIVIC CRUSADE

In order to show an improved image to the country and especially to the U.S., try to arrange dialogs with leaders of the Crusade.

Step up campaigns to discredit the leaders of the Crusade through controlled channels of communication, as well as leaflets and paid foreign media.

Divide the (opposition) movement by means of individual meetings of members of the armed forces and politicians of UNADE (pro-government coalition) with members of the Crusade in order to create confusion and suspicion.

Attack the Crusade through politicians of the ADO (Alianza Democratica de Oposicion) with whom we maintain contact, opening the way to a major role (for them) in the leadership of the movement.

Do not permit gatherings, caravans or demonstrations by maintaining the physical presence and actions of the military forces in order to increase fear and clear the streets.

Spread rumors about imminent exile, arrest, and plots to assassinate leaders of the Crusade, of the political opposition and of the business sector.

Reinforce para-military groups in order to increase the effectiveness of the plans for intimidation previously set forth.

BUSINESS GROUPS

Maintain pressure (on them), by means of official investigations of the businesses of participants in the Crusade.

Continue to carry out the implementation of popular actions that affect the interest of the business community (reduction of prices, eliminate withholding payments for private debts of government employees, consumer protection measures, etc.) at the same time, negotiate to force them not to participate in protest activities in order to weaken the Crusade.

Divide the members of CONEP (Chamber of Commerce, Manufacturing Association, etc.) by creating similar and parallel organizations with no involvement in political problems.

Review and cancellation of tax exemptions and government contracts held by opposition businessmen.

Exert personal pressure on the most important foreign businessmen with the aim of making them aware that if they continue their support for the protests they will be persecuted mercilessly.

ECONOMIC SECTOR

Overcome, at all cost, the economic sanctions imposed by the U.S. through the politicians in Washington.

Convince the Pentagon, without the knowledge of the Department of State, of the imminent danger that the communists here will take over this government or the civic movement unless both military and economic aid are renewed.

Continue efforts to obtain soft loans or national debt refinancing with USSR, Japan, France and Israel.

Reinforce the government's lobbying effort in Washington.

Increase the pressure on the banking sector so as to have them exercise pressure on the Crusade for an immediate suspension of all activities that endanger the financial sector.

Continue the talks recommended in the summary of the economic team meeting of July 16 and 17.

POPULAR SECTOR

Postpone compliance with SAL 2 (of IMF-World Bank) regarding public labor force reduction, in order to continue receiving government workers support.

Press the notion that we are dealing with a plan led by the United States against Panama and that Noriega is fighting against interventionism and against bad Panamanian oligarchs and "rabiblancos" who are against the poor and blacks.

Given major importance to unionized groups of the people and local leftist who are politically organized by giving them more official participation, including public jobs.

Insist that the U.S. does not wish to honor the Torrijos-Carter Treaties.

Reiterate to public employees that Noriega's fall would mean the loss of their jobs.

Convince the members of the Defence Forces that all attacks and demonstrations are against their Institution which the opposition wants to dismantle and not against Noriega, who must be defended.

CHURCH

Weaken ecclesiastical authority giving greater importance to the arguments of the military chaplains and establishing the opportunity to separate the interests of the State from those of the Church for the benefit of the faithful.

THE MEDIA

Reinforce controls over the opposition media at the request of grass roots organizations. Open shut-down media only with strong restrictions that would allow them to be closed again immediately for non-compliance with the law.

Exercise better control over journalists and over news coverage on national television stations.

Verify the contents of news material sent abroad in order to avoid bad impressions. This should be done before transmissions via satellite.

Maintain vigilance over the activities of foreign correspondants, and gain their trust and goodwill.

POLITICAL PARTIES

Special mention should be given to this sector, because even though they have been unable to take advantage and direct the actions of the protests begun by the Civic Crusade, they have submitted themselves to the Crusade achieving a certain degree of sympathy.

After reconvening the sessions of the National Assembly, it will be necessary to discuss issues which force the attendance of opposition legislators and thus demonstrate to the world a working democratic parliament.

It is equally useful to help the membership drives of disqualified parties (Panamenista, PNP, Pueblo, FRAMPO), in order to obtain greater political support.

Mr. D'AMATO. Mr. President, there is a possibility that this document could be disinformation. I doubt it. We have considered this very carefully. This document contains too many examples of recommendations that have already been implemented against Noriega's opposition. I urge my colleagues to look closely at this plan. I believe this document clearly reveals the calculating and dangerous character of General Noriega's dictatorship. This document confirms for this Senator that we must redouble our efforts to support the Democratic movement in Panama and support those brave citizens who have risked their lives in the fight for democracy.

CENTRAL AMERICA

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, about an hour ago, the five Central American presidents meeting in Guatemala City signed their names to what I believe is going to go down in history as the beginning of the end of strife in Central America and the beginning of a peace process which I sincerely hope will lead to peace throughout the entire region. It is indeed a historic document that was signed today in Guatemala City.

Earlier today, Mr. President, Secretary Shultz appeared before the Foreign Relations Committee, of which this Senator is a member, testifying about the administration's and Speaker JIM WRIGHT's Central American peace proposal. I told the Secretary this morning that while I might have had at first reservations about the plan and had been somewhat skeptical in the beginning, I stated to Secretary Shultz that I supported the plan. Despite my doubts, I believe that the stakes in the region are so high and the need to end the regional conflict so great that this proposal for peace should be given a chance.

At today's hearings, Secretary Shultz once again outlined the provisions of the proposal and addressed President's Ortega's call for the resumption of the bilateral discussions with Nicaragua.

On this point, Secretary Shultz said, again paraphrasing, that we are prepared to talk about peace with everyone in the region. But he said it has to be a regional approach; there is no way the United States will want to sit down with Nicaragua and decide what is right for Central America.

I am pleased with that statement by Secretary Shultz. It appears that the Central Americans have done precisely that. According to the Speaker of the House this afternoon, these five Central American Presidents have signed on to an agreement that could really bring peace to the region.

I say could, if it is given a chance. Under the agreement, within 90 days, the group will bring about a simultaneous cease-fire, an agreement by all five countries to halt aid to any group working to bring about the overthrow of the government in any country in the region. I hope that the President and Secretary Shultz, who took this courageous action, will embrace the Central American proposal. Likewise, I hope that Secretary Shultz, who made a commitment to abide by the decisions of all Central American governments rather than just the United States and Nicaraguans alone, will support this plan. Although there are differences over timing, the peace proposal now signed in Guatemala City shares the basic thrust of the plan put forward by Speaker WRIGHT and Mr. Reagan.

I only quote what the Speaker said:

> While the timetable differs from the peace proposal, I believe that the United States should get behind the agreement by the five Presidents.

Again, quoting from a wire service report, the Speaker said:

> I cannot conceive of the United States being in a position of upsetting this timetable of doing anything but rejoicing and cooperating.

Mr. President, we all rejoice at what has taken place in the last several days. With this agreement signed this afternoon, this is truly a historic occasion. Peace may really be at hand in Central America, thanks to the courage and foresight of Speaker WRIGHT, President Reagan, our majority leader, Mr. BYRD, and Secretary Shultz.

Mr. President, I hope this does not give anyone a heart attack and I suppose there are a lot of people who wonder that this Senator, who has been so opposed to President Reagan's policy in Central America, especially his policy dealing with the contras, would stand here in the U.S. Senate and congratulate the President of the United States on his courage and his foresight and also that of his Secretary of State, George Shultz. It is not often that I have praised this particular President, with whom I have had so many policy differences. On this occasion, I believe the President exhibited courage and foresight in promoting this peace plan.

I hope that all of my colleagues from both sides of the aisle will join the Central Americans in support of this plan once it is signed by the Central Americans, which has just been done.

We are now on the brink of peace in Central America. For 6 years, the Central Americans have been waging war. It is now time they they began waging peace. Peace in Central America appears to be within our grasp. I hope that all, regardless of party affiliation, will support the President, will support Secretary Shultz, and all of us together, Republicans and Democrats alike, will support the proposal signed by the five Central American Presidents this afternoon. This truly could bring and end to the suffering and the bloodshed there and bring about a peaceful resolution of that conflict in Central America.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the time for executive session be extended, with the same limitations and restrictions as heretofore, for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LONG-TERM HEALTH CARE

Mr. WILSON. Mr. President, it is time for Congress and the administration to address the long-term health care needs of older Americans. When we return from the August recess, I intend to introduce legislation that will provide Federal employees the opportunity to purchase optional insurance to cover the costs of nursing home and long-term home health care. It is my hope and purpose not only to provide needed coverage to Federal employees but thereby to provide a model which will stimulate many group insurance carriers to enter the market for long-term health care coverage.

Mr. President, the experience of 20 years has taught us that Medicare, as originally drafted, failed to answer many of the diverse health care needs of older Americans including the need for long-term care. One of the most heartening developments of recent years has been the widespread development of experimental programs, community-based or corporate-sponsored, which have brought new approaches to long-term care and, above all, preventive medicine.

Yet, despite all these efforts, too many older Americans find themselves growing older without adequate health care coverage. They suffer the debilitating doubt and anxiety that inevitably accompany growing older without having any clear idea of how they will be able to obtain care or pay for it, should they be confronted by catastrophic illness or the need for long-term care, in thier own homes or in a nursing home.

We are all aware of the need to address the problem of catastrophic illness, which can wipe out the savings of a family literally in a matter of days. Both the administration and the Congress are at work to provide a solution that will avoid such tragedies.

But of even greater concern to most older Americans, as they foresee the probability of declining health, is their need for long-term nursing home care or home-health care, and what seems to them to be the impossibility of providing themselves such sustained and costly care. It is understandably a virtual obsession of many low to moderate income older Americans, and it demands the attention of those of us who must in conscience share their concern.

Is there a solution, Mr. President, one which does not impose impossible and unrealistic new expenditures upon the Federal Government?

There may well be, Mr. President, in a sound old idea to which a new twist is to be applied. The old idea is simply that of spreading risk over a large group so as to be able to offer individual members of the group insurance at affordable rates.

The most familiar application of this idea is life insurance by which a young bread-winner seeks to provide for the financial needs of the young family which survives him or her. But when, happily, most members of the insured group survive to a time when their children are grown and independent, they are confronted by new needs accompanying the onset of old age and its infirmities—and the specter of draining health care costs.

The new twist is simply to permit those insured under group life insurance to convert a portion of the face value of their policy to coverage of their need for health care as they grow older.

Last January, that is exactly what the Federal Office of Personnel Management proposed. And I propose now to introduce legislation when we return from recess, to implement OPM's imaginative and overdue public-private partnership. Basically, all federal employees would be eligible to buy nursing home and long-term home health care insurance. Assuming 10 years or more membership in existing Federal group life insurance programs, they would have an opportunity to convert up to $25,000 of the face value of their life insurance—to coverage providing long-term care. Workers would pay a biweekly premium of up to $11, depending on the number of participants and public employer contributions. In exchange they would receive $40 a day coverage for up to 3 years of nursing home care.

Alternatively, they could be insured for one $20 home visit per day to an incapacitated elderly person for up to 3 years. Federal workers who opted to join such a system could still purchase extra life insurance if they wanted to leave their heirs a cash-death benefit.

The Government would continue to pay its share of the total amount of basic insurance that would have been in force without the long-term care option. There would be no additional cost to the taxpayer.

Currently, there are 3.1 million active Federal workers. Add retirees and the total grows to 4.6 million, offering a tempting market for insurance carriers to offer such group long-term care coverage. By taking the lead to provide a market in this area, the Federal Government can create a sort of long-term care domino effect: More insurance carriers will enter the market; existing insurance programs will expand to offer additional services, prices will fall and consumer choices will multiply as a result of a competition which does not yet exist. The competition will be among private sector insurance carriers serving group business. The sole Federal role is to create the market by offering the first such group customer for this needed service.

No one pretends that it will be easy to develop a long-term care system that is both comprehensive and affordable. But let us begin on what is already an urgent problem. This legislation is a first response to a clear and fast-growing national need. No amount of emphasis on preventive medicine will eliminate the sad but undeniable fact that millions of people will still fall ill, many of them cut off from family and friends, many reliant upon nursing homes and the care they provide.

It is an old and regrettable axiom that as we get older, we find ourselves giving up things. But there should be no need to give up either one's self respect or one's dignity when long-term care becomes necessary. Instead we must search for realistic and practical ways of providing and paying for such long-term care. This approach will permit us to do so, and to remove perhaps the major cause of anxiety of the elderly, and of those of us who worry about them.

NEED TO PROTECT RIGHTS OF U.S. MUSIC INDUSTRY

Mr. WILSON. Mr. President, I rise to call to the attention of my colleagues a matter that deserves our attention upon our return from the August recess.

The manufacturers of digital audio tape recorders [DAT's] are now poised to begin selling their machines in the United States. As my colleagues know, DAT is a technology capable of cloning copyrighted American music and wreaking havoc on the U.S. music community. The imminent introduction of these machines makes it imperative that we act swiftly on S. 506, which I have cosponsored with the Senator from Tennessee, [Mr. GORE]. Our bill would require DAT recorders sold in the United States to contain circuitry to control unauthorized taping of copyrighted music.

Members of both Houses of Congress have encouraged the DAT manufacturers to be reasonable, but to no avail. In the face of direct congressional requests that they postpone introduction of DAT's into the U.S. market pending a technical report by the National Bureau of Standards—the work on the report having already begun—the manufacturers have refused to comply. Instead, at least one company has announced plans to begin marketing its machines in November of this year.

Mr. President, in view of the manufacturers' disinterest in cooperating to find a solution to the grave threat that DAT poses for American music, and their rush to penetrate the U.S. market with these devices, the Subcommittee on Commerce, Consumer Protection and Competitiveness of the House Committee on Energy and Commerce decided that it was time to act. On Monday of this week, the subcommittee met to mark up H.R. 1384, the companion bill to S. 506. I am pleased to report that the measure was reported out of the subcommittee by a large margin, with an amendment that I believe is a reasonable accommodation to the need, created by the manufacturers, to act before completion of the NBS study. That amendment allows the legislation to go forward, but suspends its effect if it is subsequently determined that the copyright-protection technology, known as the copy-code scanner system, degrades the sound quality of prerecorded music or is too easily circumvented. The legislation is also suspended, by the terms of the amendment, if the DAT manufacturers implement a technology that is as effective or more effective than the copy-code scanner system, or if they agree to other measures that adequately protect copyrighted music from unauthorized duplication.

I applaud the House subcommittee's quick response to the DAT manufacturers' attempts to rush the gate. When we return from the August recess, I will be doing all I can to have the Senate take complementary action.

ORDER OF PROCEDURE

Mr. WILSON. Mr. President, I thank the majority leader for his gracious extension of time for morning business.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, how much time remains under the order?

The PRESIDING OFFICER. Six and a half minutes remain.

Mr. BYRD. I thank the Chair.

CENTRAL AMERICAN PEACE PROCESS

Mr. BYRD. Mr. President, the meeting of Central American Presidents in Guatemala City, to consider a plan for regional peace offered by President Oscar Arias of Costa Rica has just now concluded. The Presidents have agreed on a plan and a specific agenda for implementation endorsing the general thrust of the Arias proposal and have invigorated the search for peace in the region. The plan itself is a complicated document, but the following are the essential features, according to the "schedule of execution of the accord":

First. Within 15 days after the document of agreement is signed—today—the Foreign Ministers will meet as an executive commission to further the implementation of the accords contained in the basic document.

Second. 90 days after the signing, the Foreign Ministers will meet to arrange the following events:

Amnesty; cease fire; and democratization

Third. In complying with the procedures the parties agree:

To urge the governments inside and outside the region to suspend aid to irregular forces and insurrection forces.

To use the international mechanisms to impede the use of national territories for insurrection movements against other states.

To impede the traffic in arms and military assistance to persons, organizations, or groups which are intent on destabilizing the Central American States.

Fourth. 120 days after the agreement is signed, the OAS international Commission of Verification will analyze the progress in complying with the accords of the document.

Fifth. 150 days after the signing of the document, the five Central American Presidents will meet to receive the report of the International Commission of Verification.

There are many elements in common between the agreement reached in Guatemala City and the ideas offered by the distinguished Speaker of the House JIM WRIGHT earlier this week. He is to be commended for his leadership in helping galvanize the peace process in Central America.

It is also encouraging that the administration has moved in the direction of endorsing a diplomatic solution in the region. As part of the solution, as President Napoleon Duarte of El Salvador said in a press conference yesterday at the meetings in Guatemala City, it is important for the administration to engage the Nicaraguan Government in a bilateral dialog on security matters. That can only be resolved through direct negotiations between the Nicaraguan Government and the Reagan administration. Such a dialog would serve as a complement to the multilateral peace process now given renewed impetus and life by the five Central American Presidents. For this complicated process to succeed, a good faith supportive effort by the administration is a key ingredient.

The Central American Presidents themselves are to be congratulated for their energy and leadership in consummating this agreement. President Cerezo of Guatemala hosted the meetings and served as an indispensable conciliator in the process. President Arias of Costa Rica is to be commended for pursuing his vision to reach this milestone. And the five Presidents as a group have now demonstrated that they have a positive initiative underway for their peoples and nations. They are now in charge of a political dynamic which I am sure all my colleagues join me in supporting and encouraging. The new Senate observer group that the distinguished Republican leader and I created today will be ready to serve as a mechanism to monitor and encourage this initiative by the five Presidents in Central America.

REACTION TO SABATO OP-ED

Mr. BYRD. Mr. President, this morning, August 7, the op-ed page of the Washington Post carried a guest editorial by Larry Sabato, an associate professor of government at the University of Virginia, titled "The Attack on PAC's: It's a Smoke Screen that Obscures the Real Corruption." In it, the author presents a case that the campaign financing reform legislation proposed by the distinguished senior Senator from Oklahoma [Mr. BOREN]—S. 2—of which I am a proud and active cosponsor, does not confront the most serious problems pertaining to campaign finance. The author goes on to suggest his own ideas for confronting them.

I found the article interesting, Mr. President, but was amazed to read some of the observations about S. 2 which it contained, and some of the alternative remedies it suggested.

Mr. Sabato suggests that the "4,211 PAC's [are] an extremely diverse lot that work at cross purposes and check each other," and that "All PAC's together provide only a third of all money raised by House candidates and just a fifth of the war chests of Senate contenders." He states his belief that "a strong defense of the legitimacy of PAC and interest-group campaign activity can easily be made." and attempts to do that by noting that "[v]igorously competing interests of great variety, after all, are one significant indicator of a thriving democracy."

These points about PAC's are interesting, and to a degree, even accurate in my view, Mr. President. But they miss some crucial points.

First, with respect to their effect on the overall political process, it may often be correct that competing PAC's cancel the effect of each other. But that quite often is not true with respect to contributions to individual candidates for the Senate and the House. It is more often the rule than the exception that major contributions to a candidate are made by PAC's on one side rather than both sides of an issue or set of related issues. At least as relevant, even if not based on empirical evidence, Mr. President, is the fact that the public perceives the influence wielded over elected officials by PAC's who contributed to them as undue. That is eroding confidence in our political process and our representative system of democracy, Mr. President, and we are myopic indeed if we fail to recognize and then address this reality.

Second, Mr. Sabato is correct, I believe, Mr. President, in what I interpret to be his fundamental premise: that vigorous competition of interests—in all aspects of electoral democracy, including election campaigns—is healthy, and that PAC's and special interest group activity is legitimate and not cancerous per se. It is for that precise reason that S. 2—as originally introduced, as reported by committee, and in the form of the latest amendment introduced by Senator BOREN on July 1—does not outlaw PAC contributions to candidates. The committee reported version, and Senator BOREN's July 1 amendment, do not reduce the amounts a PAC may contribute to an individual candidate at all. That amount in current law is $5,000 per candidate per election, and it is unchanged in these versions of S. 2.

The problem with PAC's is not that PAC's are involved in the political and campaign processes, Mr. President. They have a right to pursue their interests and objectives. The solution is not to ban PAC's. That is not fair and, more importantly, would not solve the real problems we have with PAC's. The real problem with PAC's is one of balance and proportion—both of which are crucially important to the human concept of propriety.

I do not find it one bit surprising that the citizens of this great Nation are troubled when they see campaign contributions from any source—but particularly a source with a specific vested interest in the outcome of legislation before the Congress—reach a point where they compose an inordinate proportion of the campaign funds of any candidate for office. The American people are not stupid, Mr. President, and it is we who are the fools if we take them for fools. They know that organizations chiefly interested in the economic well-being of their members are not making multithousand-dollar contributions to Senate and House campaigns solely because of their commitment to the democratic process.

S. 2 seeks to restore a sense of proportion not by prohibiting PAC contributions, which is an overreaction that is just as extreme in the opposite direction as a suggestion that we should ignore this problem. S. 2 simply says to those running for the Senate that they may not accept more contributions from all PAC's together than an amount equal to 30 percent of the voluntary primary election spending limit established in S. 2.

It is simple, Mr. President. We simply provide by law that no candidate for the Senate or the House will receive a disproportionately large share of campaign contributions from special interest PAC's.

I might note, Mr. President, that it is the proposal of the leading Republican opponents of S. 2, Senators McCONNELL and PACKWOOD—not S. 2—that eliminates the ability of PAC's to contribute directly to Senate campaigns. Another Republican proposal, by the distinguished senior Senator from Alaska, my friend Mr. STEVENS, reduces the amount any PAC can contribute to a candidate to $2,500 per election.

There is another distressing problem involving some but by no means all PAC's, which has come to be known by the colloquial term "bundling." I referred earlier to the current law's $5,000 limit on the amount any one PAC may contribute on behalf of its member contributors to any candidate for any election. That was a limit placed in the law in earlier years to seek the same objective I have just described; namely, perceived propriety based on a sense of balance and proportion. But a number of PAC's have discovered and exploited a loophole in the law where they collect personal checks from their members, made out to specific candidates rather than to the PAC, and deliver those checks in bundles to the PAC's favored candidates. The effect is just as pronounced as if the PAC itself contributed the funds. The difference is that some PAC's have amassed contributions to single candidates upward of $200,000 in one election.

This bundling is the way to get around the $5,000 limitation that is on PAC's.

If this does not obliterate a sense of propriety, based on proportion and balance, I do not know what would. S. 2, in all its forms, prohibits this practice of "bundling." I should note that the proposals of the Republican opponents of S. 2, while making great claims of virtue by prohibiting direct contributions by PAC's themselves, or reducing the permissible amounts of such contributions, leave this loophole wide open. Were those proposals to be enacted, while direct PAC contributions would disappear, PAC's—by "bundling"—would become an even more potent force in campaign financing and further erode the sense of balance so important to perceived propriety.

Mr. Sabato goes on to say that "additional reforms are needed to tackle the authentic deficiencies identified by BYRD and BOREN. Campaign outlays," he continues, "are in fact staggerling high * * *." But then Mr. Sabato objects to the voluntary campaign spending limits established by S. 2 and advocates, instead, requiring broadcasters to provide free air time for political advertisements, permitting, according to Mr. Sabato's calculations, "[campaign] costs [to be] slashed by one-third or more."

In theory, Mr. President, this idea may be well worth consideration. But I learned one lesson a long time ago: Politics and, in particular, the business of passing legislation in the Congress, is the art of the possible.

And I also learned a long time ago, Mr. President, in political science classes which I attended—and my grades were "A," by the way—that what I learned in those classes is a long way from what we learn in the actual legislative forum and in the legislative arena. There is a great gap that separates theory from practicality. In theory, we may see things one way. I have had interns who have come here and worked in my office, who were political science majors, and who have said:

> It is a lot different seeing the real thing from what we are taught in political science classes.

The greatest idea in the history of mankind will not help anyone if it cannot attract enough votes to pass both Houses of the Congress. I do not believe Mr. Sabato has counted his votes on this proposal. Perhaps a critical mass of support can be assembled for a proposal such as this some day. But I do not expect a serious challenge to a statement that that day is not today.

I and the other supporters of S. 2 want to do something real—now—about our campaign financing problems. We are not in this exercise just for the mental challenge it poses. It is my firm belief that S. 2—in the form of the amendment proposed by Senator **Boren** on July 1—can be passed this year, and we are committed to accomplishing this. While it is not a solution to every problem or deficiency of our campaign financing system, and neither could, nor tries to suggest that it does, remove every potential cause of the corruption or the perception of corruption to which Mr. Sabato refers in his editorial, it does make real, immediate, and very significant progress in that direction.

Undoubtedly, once S. 2 is enacted, as beneficial as it will be—and as much faith in our political process as I believe it will restore—there will be other steps the Congress should take. S. 2 will not take us to a state of perfection, if that need be said. But such is true, Mr. President, of any legislation. We never will enact a state of Nirvana.

Mr. Sabato made another major proposal that merits comment. He suggests that 100-percent tax credits up to $50 to parties and candidates are the best means of encouraging the strengthening of the political parties and the participation of more average citizens in the electoral process. The Congress just repealed a not dissimilar provision—a 50-percent credit for contributions up to $100—when we enacted the Tax Reform Act of 1986. So this is not a new concept, Mr. President, I, among a number of others, have taken a look at it. Before considering its substantive problems, however, it is instructive to look just at its cost. The Joint Committee on Taxation, in June of this year in response to my request, tentatively estimated the cost of a 100-percent tax credit on contributions of up to $100. The committee's tentative cost estimate for that proposal is $1.5 billion in fiscal year 1989; that is billion with a B. While the cost is likely to be more than half as much for Sabato's proposal which would apply the credit to contributions up to $50 rather than those up to $100, the sum of $750 million a year in the current climate is a daunting one.

Mr. President, that is 15 times the cost of the version of S. 2 reported by the Rules Committee which contained provision for public financing of approximately 80 percent of the general election costs of all Senate candidates. It is 90 times the likely cost of the July 1 Boren amendment if most candidates agree to abide by its voluntary spending limits. Further, enacting a tax credit proposal would do absolutely nothing to remedy many of the current problems that have led to the eroded public confidence in our political process. It would do absolutely nothing to put a stop to the frightening, continuing escalation of costs for Senate campaigns. It would do absolutely nothing to reduce the requirements on candidates for the Senate—incumbents and challengers alike—to spend huge amounts of their time in fundraising. In a perfect world, Mr. President, with unlimited resources available to us, it might well be worth considering. But then, in a perfect world, we would not be spending time on this topic.

So, Mr. President, I will thank Mr. Sabato for providing additional proof that the subject of campaign financing reform is of interest and concern to Americans beyond the confines of the four walls of this Chamber. But I believe a number of his suggestions either are impractical or fail to address directly the most serious problems that confront us. I know that it is difficult to fully understand the problems of our election process unless one has hands-on experience in the political arena. And one does not find that in political science textbooks.

While I am on the subject, Mr. President, I noted that some of the Republican opponents of S. 2, in debate during the past several days, have commented on the so-called millionaire's loophole. They have given the impression, perhaps unintentionally, that S. 2 does not address the problem of Senate candidates who spend large amounts of their own funds for their campaigns. That is not true, Mr. President.

S. 2 does recognize that the Supreme Court has equated campaign expenditures in many cases with free speech, and has said that a person cannot be prohibited from spending his own resources to seek election. So S. 2 establishes a carrot and stick set of incentives to encourage candidates to limit spending of their own resources. The amendment submitted by Senator **Boren** on July 1 provides that any candidate who spends more than $250,000 of his or her family's funds must report that fact, as well as all additional personal or family expenditures in $10,000 increments. That will permit his opponent, if he wishes to do so, to make the wealthy candidate's expenditures a campaign issue. Further, when and if the candidate spending heavily of his own resources exceeds the State's spending limit in the general election, the opposing candidate, if he is qualified and participating in the voluntary spending limits program established by S. 2, will receive public funds to counter the excessive spending of the wealthy candidate.

So, in the Boren amendment those public funds which come from the tax checkoff and which are the results of the voluntary actions on the part of citizens when they file their income taxes, those public financing funds would be utilized only as an enforcing mechanism.

What does the proposal of the Republican critics provide: only that those whose opponents spend more than $250,000 of their own funds may accept contributions from individuals up to $10,000 each instead of the current law limit of $1,000. In effect, they are permitting one form of excessive spending, already determined by the Congress and the Supreme Court to be prone to corruption, in exchange for a second form of activity which is objectionable. That is no solution, Mr. President. That is moving backward.

All of this discussion leads inexorably, Mr. President, to one conclusion: it is long past time for the Senate to get down to business on campaign financing reform, determine the form of the bill it wants to pass, and send a bill to the House for its action. That can only occur when the Republican filibuster ends or is broken. As I have said previously, there will be other cloture votes if necessary, as it appears it will be, to try to move this legislation forward, so that we can get seriously into the amendment and perfecting process and pass a bill.

I hope that all Senators will consider this carefully over the recess, and come back in September prepared to move forward on S. 2, and, if necessary, prepared to vote for cloture.

I ask unanimous consent that this editorial by Mr. Sabato be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE ATTACK ON PACs—IT'S A SMOKE SCREEN THAT OBSCURES THE REAL CORRUPTION

(By Larry Sabato)

Sens. Robert Byrd and David Boren, the new champions of reform in campaign financing, are absolutely right to be concerned about rising campaign costs, about a system that is weighted heavily against challengers and about the appearance of corruption in the political system. But they are absolutely wrong about the cause of these problems and the best solutions for them. Their opposition to political action committees is wrongheaded and futile, and their obsession with PACs draws attention away from some deeply troubling aspects of political money. Far more valuable remedies than theirs are available.

The current Byrd-Boren proposal seeks to cure the ills of campaign finance by curtailing PAC contributions and attempting to place a strict lid on spending in Senate races (by offering various incentives to candidates who accept spending limits). In this, the sponsors have failed to make the vital distinction between real corruption and pseudo corruption.

The pseudo corruption is PAC money. First, the power of PACs has been greatly exaggerated. Not only are the 4,211 PACs an extremely diverse lot that work at cross-purposes and check each other, but all PACs together provide only a third of all money raised by House candidates and just a fifth of the war chests of Senate contenders. Most of the solid academic studies of the relationship between congressional decision-making and PAC contributions have reached the same basic conclusion: PAC money usually has little influence on the legislative votes cast by congressmen. The members' party affiliations, ideological orientations and, most of all, the wishes of their constituencies are far more important in determining their votes than the PAC gifts they have received.

Moreover, a strong defense of the legitimacy of PAC and interest-group campaign activity can easily be made. Vigorously competing interests of great variety, after all, are one significant indicator of a thriving democracy. And if nothing else PACs are a useful vehicle for disclosure of the interest-group money which has always reached campaigns—and which always will find a political outlet in a free society.

A limitation on what candidates can accept from PACs won't do any good: PAC largess, which is not going to just disappear, will flow into less accountable channels such as independent expenditure. And suppression of PACs will only result in the money's being given in less discernible ways, as illustrated by Boren himself. He virtuously refuses all PAC donations but accepts the very same kind of special-interest gift from individuals. According to a "Campaign Practices Reports" study, at least a quarter of the million-dollar war chest he raised in 1983 and 1984 came from executives and employees of the energy and banking industries—individuals whose interests were not always easy to identify in the Federal Election Committee records. This included women related to the executive contributors but listed only as "homemaker."

The reformers' "big PAC attack," an increasingly popular campaign sport, serves as a smoke screen that obscures the real corruption, such as:

Honoraria of millions of dollars each year that go directly into the pockets of congressmen for their personal use. By contrast, campaign contributions are expended for a worthy public enterprise.

Free trips for congressmen that are often lengthy and lavish sojourns to resorts, which have sometimes included family members and are paid in full by the special interests.

A singularly seedy loophole in election law that permits the 221 current representatives who were in office on Jan. 8, 1980, to convert all remaining campaign funds to personal use after their retirement. These often-massive supplementary pensions are obtained under false pretenses for a reelection bid that never occurs.

Phony fund raising by many independent political groups and committees that rivals PTL's. This fraud, perpetrated mainly by direct mail, raises money by means of extravagant, never-fulfilled promises to contribute to certain causes and candidates dear to the hearts of naive donors on targeted lists.

A constructive agenda of campaign changes would highlight the real scandals, not PACs. Reformers should be spending their energies demanding the abolition of honoraria (perhaps in exchange for salary increases), severe limits on junketing when interest groups pick up the tab, repeal of the congressional "golden parachute" clause, mandatory disclosure of all direct-mail solicitations for groups that file with the FEC, and full disclosure in each solicitation of the proportion of the organization's funds spent on administrative costs (just as charities must do in many states).

Additional reforms are needed to tackle the authentic deficiencies identified by Byrd and Boren. Campaign outlays are in fact staggeringly high, but a limitation on the total amount candidates can spend would reduce competition by hurting some challengers in key marginal races where the incumbent is threatened. (We often forget that a challenger must somehow compensate for the hundreds of thousands, possibly millions, of dollars the incumbent already spent in previous elections and for taxpayer-funded constituency services.)

Instead of attempting to lower expenditures artificially, let's subtract from actual campaign costs. In most districts and states, costs can be slashed by one-third or more simply by reclaiming a few paltry advertising hours of the public's airwaves from broadcasters. The time can be apportioned in 30-second, 60-second and 5-minute slots to all major-party general election congressional candidates. In large media markets, where the crush of candidates would be too great, the parties should have the power to allocate available spots to their strongest challengers and most endangered incumbents. The broadcasters can certainly afford the lost revenue. As one television executive recently put it, "Having a license to operate a commercial TV station in this country is like receiving the government's permission to print money." And rather than wasting their outrage on PACs, reformers ought to be furious that broadcasters are lining their pockets selling our air time for the most important ritual of democracy.

Finally, we ought to be encouraging the strengthening of the political parties and the participation of more average citizens in the electoral process. One-hundred-percent tax credits for gifts up to $50 to parties and candidates are the best means. In this fashion, PACs are limited indirectly; that is, as party money and small individual gifts are proportionately expanded, PAC contributions will have even less influence than they do now. Tax credits for small gifts also produce money that will flow to starved challengers, not just well-heeled incumbents. Along with free broadcasting time, this could make our politics somewhat more competitive. And if politicians such as Byrd are really concerned about unfair incumbent advantages, they can bring under control the flagrant and expensive abuses of the free frank that currently exist. Most congressional newsletters are little more than taxpayer-subsidized reelection-literature.

The reformers have done a great disservice by focusing narrowly on pseudo corruption and slap-dash remedies for both genuine and imagined ills. Not only have they diverted attention from real corruption and more useful ideas, they have also increased cynicism about politics by playing to the public's natural suspicion of any mix of money and politicians. Granted, many of my alternative proposals can be labeled political "untouchables," but so was tax reform. If the determination to cure the malady is as great as the reformers suggest, then it is not too late to engineer a set of changes that will create a more wholesome and productive electoral system, rather than another jerry-built rig of good intentions and unintended consequences.

(The writer is an associate professor of government at the University of Virginia.)

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate takes up the short-term debt limit extension proposal later today, there be a time limitation thereon of not to exceed 1 hour conditioned on the approval of Mr. Packwood, whom we cannot find at the moment; that that time be divided equally and controlled by Mr. Packwood and Mr. Bentsen; that no amendments thereto be in order; that condition also be subject to his approval, but if that receives disapproval, then everybody has the same right to offer amendments; and that no motions to commit to any committee be in order.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DOLE. Reserving the right to object—and I shall not object, I need to protect Senator Packwood, I just cannot locate him. I do not believe he has any objection although he has been one of the conferees who have been pushing for a resolution of this before the recess. As I understand the request, if Senator Packwood came to the floor and said: I object to the agreement, then it would be——

Mr. BYRD. It would fall.

Mr. DOLE. It would fall.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

Mr. DOLE. I have just been informed Mr. Packwood is fine.

Mr. BYRD. So, Mr. President, as I understand it from the distinguished Republican leader, now there is no conditioning limit to the order at all?

The PRESIDING OFFICER. Without objection, the unanimous-consent request as proposed by the majority leader is agreed to.

Mr. BYRD. I ask unanimous consent it be in order at this time to order the yeas and nays on the adoption of the debt limit extension.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, as soon as that message is received from the House, or very shortly thereafter—I understand it is before the Senate. Senators will now come to the floor. I am about to yield the floor and call up the resolution.

TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the debt limitation extension measure.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3190) to provide for temporary increase in the public debt limit.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, we have been in conference on a permanent debt limit increase with the House and with the chairman of the Ways and Means Committee. The conferees have taken some action this afternoon. But, it is nearly the end of this particular part of our session. We are about to start a recess. We are faced with the fact that last night, time ran out on the last temporary extension of the debt limit. We are looking at the fact that the Government would be in a real cash crunch, which would be a serious problem for the financial structures of the country. We have reached the point that we cannot issue securities, and the Treasury would run out of cash by at least the 17th of August and perhaps 2 or 3 days before that time.

We have made, I think, some progress on the permanent extension of the debt. We have seen some compromise on both sides. I do not think we are too far apart, but I am not sure that we will achieve a final concurrence and agreement on that measure tonight. That bill includes a number of budget restrictions to assure us finally getting back to a balanced budget.

With that in mind—that we have not reached that consensus yet, and might not be able to enact it prior to going out—I strongly urge that we accept and adopt the action that has just been taken by the House for an extension of the debt on a temporary basis to September 23.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, it is with some reluctance that I agree with my colleague from Texas, the chairman of the Finance Committee. Last year at this time, we were working on the tax reform bill and by carrying the conference into Friday, Saturday, and Saturday night, even though the recess had started, we were able to finish the conference. I think had we not carried the conference on, we would not have gotten the tax bill, had we carried the conference over the recess.

I feel the same about the conference on the debt ceiling and Gramm-Rudman-Hollings. I think if we could confer for another day or two, we would have an agreement with the House that the House could accept and the President could accept. But the problem is it is attached to the debt ceiling. Whereas last year, we could finish the conference on the tax bill and go home and come back in September and pass it, here we have not only to finish the conference, but then we would have to come back and pass an extension of the debt ceiling. We would be calling our Members back from Missoula, from Moscow, and everyplace else, for a vote.

I would like to state that I think if we could stay we would complete our work on the Gramm-Rudman-Hollings. It is with some reluctance that I think we should extend the debt ceiling and hope when we come back in September we can conclude our work on Gramm-Rudman-Hollings.

Mr. BENTSEN. Will my distinguished friend yield for a moment of my time?

Mr. PACKWOOD. I am happy to.

Mr. BENTSEN. I could not agree with the Senator more and I have so advised the House.

As chairman of that conference committee, I stand quite ready to meet, and you have advised me of the same thing. I do not know of any conference members who have not said they were ready to stay and continue to negotiate to see if we could do something on the long-term extension.

We have not yet heard back from the House but my understanding is that a meeting over there is now going on amongst the House conferees. There is a likelihood that they might send us back a counteroffer. If there is any light of day there, any encouragement at all, I am happy to stay here tomorrow, next week, whatever it takes.

Mr. PACKWOOD. I agree with the chairman. I think we can finish. I will cancel any plans I have if we can finish this.

Mr. President, I yield 5 minutes to the Senator from New Hampshire.

Mr. RUDMAN. I thank my friend.

Mr. President, I rise somewhat reluctantly to oppose the recommendation of my distinguished colleagues from Texas and Oregon. I do so for precisely the reasons that they have both stated and I think firmly believe. I know that everybody would like to leave this town tonight. Nobody would like to leave this town tonight any more than I would like to leave this town tonight. I think we have all had a difficult time for the last 6 months, some more difficult than others.

It seems to me that we have a benchmark here and the benchmark that today marks well might be the only time that we have the kind of pressure operating that will allow us to do what we have to do this year.

I want to point out that when we come back we will be on the verge of a sequestration order based on a $108 billion deficit target which everybody recognizes as unrealistic.

Last year, the House, faced with the fallback mechanism, just did not vote. We did, as the Senators who have been running this conference will remember. But the House did not vote.

Not only will we not pass a reconciliation bill, in my mind, but in my view we will have a good chance we will not pass any appropriations bills. We will be in the last September-early October syndrome and the chance of getting this thing fixed, the pressure that the Senator from Oregon talks about, will be gone, in my view.

I just want to make a couple of points.

I said this is a benchmark. I hope I am wrong. There are no better negotiators in the Senate than the Senators from Texas and Oregon and the Senator from New Mexico, the ranking member of the Budget Committee, or my friend from Texas, Senator GRAMM. But I believe that it will take something that does not even exist in this Chamber with all the competence that we have to get this thing fixed in the midst of a time when a sequestration order is coming down, when continuing resolutions are being considered, and all the other dynamics that will be in this Chamber will be gone. I think we will simply let the deficit slide.

I hope I am wrong. But if I am not, I want to say something on this floor tonight which I think is important to say.

The Senator from Oregon and I had a conversation 2 weeks ago. What we talked about was his view, which I respect, as to what would happen if we could get this thing fixed now or later.

His view is a view that I agree with. We will have declining interest rates; we will have more employment and less unemployment; we will have inflation stabilized, and the trade deficit will come down dramatically.

Those are the stakes that we are talking about.

I see on the floor my friend from North Dakota. I will say unequivocally, if you think that the Farm Belt has had problems in the last 2 years, you wait and see what the problems will be in the agricultural sector of this economy if this Congress walks away from deficit reduction in this year. It will be devastating. It will be true in the Energy Belt. It will be true in my own New England.

What we are gambling with tonight, in my view, is high unemployment, a return to high interest rates, increased inflation, more unemployment, and a higher trade deficit. That is what turns on this issue.

For those kinds of stakes, Mr. President, frankly, although the airports around Washington this evening will probably look a little like the airports in England in 1944 when we were launching bombing raids on Germany with planes taking off in all directions, I say call them back. I would far prefer the mountains of New Hampshire to the swamps of Washington during the month of August, but I think the stakes are very high.

I believe we ought to vote against this, cause all the consternation that is going to be caused by that, and then grudgingly but surely people will come back. I believe with that kind of pressure, the Senators from Texas, both of them, the Senator from Oregon and the Senator from New Mexico can sit with those House conferees and work out a solution that will be good for America. Because if we do not and we do not do it in September, it will not make much difference if the Republicans blame the Democrats or the Democrats blame the Republicans or the President blames us or we blame the President, because the American people will not care. They will blame us all and they have a right to do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. CONRAD addressed the Chair.

Mr. BENTSEN. How much time does the Senator wish?

Mr. CONRAD. Five minutes.

Mr. BENTSEN. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. Mr. President, let me say I agree with the distinguished Senator from New Hampshire on the outcome if we do not take deficit reduction very seriously this year. As the Senator from New Hampshire knows, I have tried to participate in a Gramm-Rudman fix, have tried to propose an across-the-board spending cut, have tried to propose, along with the Senator from Louisiana and the Senator from Colorado, a reduction in the deficit targets for this year, because I am convinced that we must have year-to-year deficit reduction.

I am not certain that the Senator from New Hampshire is correct that we must defeat this measure tonight in order to succeed, but he may well be right. There are those of us who are absolutely committed to year-to-year deficit reduction, because we believe as the Senator from New Hampshire does, that if we do not do that, the consequences will be precisely as he describes. That is, we will have greater trade deficit. We will have more unemployment, we will have higher interest rates, and my part of the country, the heartland—the productive area for agriculture and energy—will suffer even more.

So I am going to be listening very carefully in the hour to come on what we do with the prospect we are faced with immediately; that is, whether to approve a temporary limit or to try to call those back who have left. I am advised that our fellow legislators on the other side, in the other Chamber, have already adjourned and many of them have left town. That presents us with a fait accompli to some extent, but it gives us the opportunity obviously to dramatize this issue by calling them back if we defeat a temporary extension. I am not averse to doing that if I become convinced over the next hour that that is the only way we have an assurance of getting deficit reduction this year and in the 4 years to come.

Mr. President, I yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, I yield 10 minutes to the Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I thank the distinguished Senator from Oregon.

I would like to begin by thanking the chairman of the conference committee for his help in trying to negotiate a solution to this problem. I do not think there's anybody here that is more disappointed than I am, after a long month of working to put the teeth back into the Gramm-Rudman-Hollings law and put us back on a path toward a balanced budget, to find ourselves here.

I remember vividly in 1985, when we passed this balanced budget law and trumpeted throughout the country that we had changed the way Congress is going to do business, that we were going to change the economy; immediately, interest rates started to decline, the economy started to move ahead more confidently, and the deficit began to decline. In fact, the deficit fell from $233 billion to $160 billion. The plain truth is that most of the deficit reduction was not done by us.

By setting out a 5-year program of mandated deficit reduction, we were able to convince the financial markets of the country that something had changed, that a 10-year pattern of runaway Government spending and inflation and high interest rates was ending. As a result, long-term interest rates declined. The largest creditor in the world, the U.S. Government, was the largest beneficiary in the world of declining interest rates.

We were able to prevent a new spending program here and there. We displayed some spending constraint. We did nothing overwhelming; in fact, there is some disappointment that we did not have a fundamental reordering of spending priorities. But I remind my colleagues that the deficit fell from $233 billion to $160 billion.

What has happened in the last 5 months? All of a sudden, the current services deficit has escalated. A portion of the increase is a result of the unevenness in the tax reform package, but a lot of the increase occurs because suddenly in January, February, and March, the financial markets discovered what most of us already knew. That is that the Gramm-Rudman-Hollings law had stopped constraining Congress and a new spending spree was underway. In fact, the deficit has been unabated since that time. As a result, all the help we received 1½ years ago from improved expectations in the financial markets is now working against us.

I am disappointed that we are here. I am not going to make an impassioned plea about defeating the bill to raise the debt ceiling. I am going to vote against the bill. I would never counsel people to allow the U.S. Government to default, but we are not going to be in a position to default until August 16th or 17th, and today is only the 7th.

I believe that we should stay here, but I am a realist. Odysseus may have found a way to escape the siren's song long ago on his way back from the Trojan War, but there is no siren's song like momma in the pickup and the little children waving the fishing pole, saying, "When is pop going to get off work?" We all know that that lure is why we are here to vote on a short-term debt ceiling increase.

If we adopt this temporary debt ceiling increase, as I am relatively confident we will, we will lose our best opportunity to fix the Gramm-Rudman-Hollings law. It is not our only opportunity, but it is our best one. I am an optimist and in a sense I sort of feel like a salesman. Are you going to pay me now or pay me later? Later it is going to be a lot more expensive; not for us, because we are going to be protected, but for the people out there in the country doing the work, paying the taxes, pulling the wagon. They are the ones who are going to suffer the economic hardship that is totally unnecessary because we are not doing our job of producing a system that can gain control of the deficit.

I remember when I first came to Congress 9 years ago, right out of the chute, the first vote I had to cast was on raising the debt ceiling. I voted against it and I remember that the then majority leader, now Speaker, stood and gave a talk, in essence saying, you have to pay your bills. If someone goes out and spends a lot of money, they cannot refuse to pay the bills. I stood and said, "That is right, but there is one difference between that and the real world. When the bill collector comes to the door, you pay the bill collector. But then the family sits down around the kitchen table and gets out the credit card, cuts it up, writes out a budget, makes resolutions, and everybody starts out anew."

We are not making any resolutions here tonight. We are not making any commitment to deal with this problem, and this problem will not be dealt with without those commitments. So I intend to vote "No" on this debt ceiling increase.

When we come back in September, we are only going to have 13 legislative days if we are not in session on Monday. That is only 13 days to pass a continuing resolution; that is only 13 days to pass a reconciliation bill; that is only 13 days to fix Gramm-Rudman-Hollings in such a way that we can then meet the deficit targets. That is some heavy lifting for an athlete who has not run a race in this case for over a year and a half, and I am speaking of the U.S. Congress. Maybe it can be done. I am committed to that objective. But I want to make two points about the fix.

First, those who want to say, "Let us fix it for 3 years and then forget it," that is not going to happen. If we are going to have a fix—and I am committed to a fix—it has to be a fix all the way to balancing the Federal budget.

Second, if we are going to balance the budget, we need fixed targets to assure that we are taking into account outyear spending; to assure that if you terminate a program—may God grant that some day we will do that again—you get credit in the outyears for it.

We need fixed targets. We need a commitment to see this through to a successful conclusion, to balance the Federal budget. That is what I support.

The great Nation we live in will survive financial irresponsibility. It has done so for many years. The Nation will continue to grow and, in relative terms, prosper, and people will be happier here than anywhere else. But the great tragedy is that they can be even happier: We can have more opportunities and more growth and more freedom for our people.

We are not going to achieve that tonight, because we are going to pass this temporary increase in the debt ceiling. We are going to put it off until after the recess. After we come back, the mountain will be a little higher, but I hope we can increase our resolve to climb it. I have that resolve, and I am sure others do as well.

Mr. BENTSEN. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me say at the outset that the distinguished Senator from Texas and the distinguished Senator from Oregon have done an outstanding job. I think the gentleman from Illinois [Mr. ROSTENKOWSKI] on the House side, has also done an outstanding job.

So my vote tonight against this temporary extension is to register my personal persistence and consistency in trying my dead-level best to attain the very same objective sought by the Senator from Texas [Mr. GRAMM]. We have been working side by side, but I am afraid that we have been somewhat unrealistic in some of the negotiations. I do not want to go into details because we are still in negotiations. The conference committee will continue its deliberations despite the fact that we have a temporary extension of the debt limit.

My point is that my counterpart, Senator GRAMM, says he wants and will only vote for a plan that ensures, lockstep, categorical reduction of the deficit until the Government is back in the black. Indeed, that is the whole intent of the Gramm-Rudman-Hollings initiative.

However, Mr. President, regrettably, there are a lot of conscientious objectors in this war against the deficit. We do not have all the troops on this side of the aisle, and we do not have all the troops on the other side. Likewise, there are noncombatants among our colleagues in the House. Accordingly, it is incumbent upon the more gung-ho among us to be more realistic in our expectations.

I think the Senator from Texas makes an excellent point: We cannot bind the current President to a trigger but say that the next President will be free of that constraint.

Mr. President, as a practical matter, if we had the trigger for only the first 2 years, in subsequent years we would be locked into increased taxes, but without the trigger there would be little reduction in expenditures. This, of course, would give rise to the claim: "Look, you folks got the tax increase, and now you don't have any pressure to push for spending reductions." This would lend credence to the charge that this body stands for tax and tax, spend and spend.

We have a good bipartisan recommendation from our House colleagues to keep the trigger in place for 3 years. This gives the current President some 15 months controlled by the trigger, and the incoming President, in January 1989, some 21 months. So you could not say that the new President in January 1989 was not covered.

Speaking of incoming Presidents, I harken back to what we said about President Reagan when he took office in 1981. We called his economic program a riverboat gamble. That is how the Republican majority leader described it. The Republican Vice President was less tactful in calling it voodoo. There were all kinds of colorful descriptions. Nonetheless, we adopted it by an overwhelming vote. There were only 11 or 12 votes on this side of the aisle and the Senator from Maryland on that side of the aisle against it. I fought that particular program.

My point is that any incoming President, be he Democrat or Republican, should be granted, by virtue of his election by the people of the United States, every opportunity to institute his own economic program. We can have triggers in place through 1992, but if a President takes office in 1989 and says, "I disagree," then we will be obliged to repeal that.

Mr. President, we must not delude ourselves into thinking and acting like we are etching a program in granite. The Senator from Texas and I would prefer that. We have all worked to achieve it. But I am for getting the job done, and I do not want to lose any more troops in this war against the deficit.

So my vote against this temporary debt limit without the fix is intended as a vote of confidence for continued negotiations, for persistence. Let us proceed with realism. Let us realize that we are gathering steam politically, but it will not be easy to hold together the troops in the battle that lies ahead.

I thank the distinguished chairman of the Finance Committee for yielding me time.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. PACKWOOD. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I am grateful to the distinguished Republican manager for yielding me a few minutes.

I cannot help recalling someone who wrote about the end of the world, that it will end not with a bang but with a whimper. I have forgotten who wrote it, or maybe I am too tired to recall it at the moment because, like most Members of this body, I am about as fatigued as I can ever recall being.

In fact, as I look around the room, it appears to me that virtually every Member of the Senate is red-eyed and has that ghastly pallor you get when you work 15 or 18 hours a day for several days as the session draws to a close. But this is drawing to a close with a whimper and on really a very sad note because we came about that close to actually drafting a conference that would make permanent the Gramm-Rudman-Hollings budget reforms.

I am really convinced, and I must admit I was skeptical when I went into the conference, that our brothers in the House tried to meet us halfway and tried to put together something with the Senate conferees that would reestablish automatic sequester process and reestablish the kind of targets that would bring us on a glidepath to a balanced budget within the next 5 or 6 years.

Somehow we did not quite have the staying power to get it done.

The thing I regret the most of it is, I think, even now we are within 6 hours or 12 hours or 24 hours of being able to do it, but at some point, we just ran out of energy and so because we are tired and because we want to take a month off, we are giving up and saying well, we will be able to do better in September, and maybe that is true.

But, I remind my colleagues of what happens every year in the fall. Every year in the fall Charlie Brown is coaxed out onto the playing field by the mischievous Lucy. You remember, she holds the football and every year she promises she is not going to jerk it away as he comes thundering toward the middle of the field to give it a swift kick. Every year he says, "You are not going to do it again and make a fool of me?" And every year she says, "No, I won't do this and I have done it the last time." Every year he comes down the field and the ball is jerked away from him and again he is humiliated.

Mr. President, I again am getting sick and tired of seeing the Congress humiliated over this issue. We are doing it to ourselves wildly.

The wisest course of action would not be to go on recess. It would be just to recess just for the night, come back tomorrow morning on Saturday and start over on this process and insist that our brothers from the House do the same, and I know some of them are already headed home and on their way for well-deserved periods of recreation, time with their families, vacations, and periods at home with their constituents, all of which are necessary and important, but there is not any problem facing this country in my opinion that is more urgent or more timely or closer to solution than is this Gramm-Rudman-Hollings fix.

We could do it even this weekend or maybe Monday or Tuesday of next week if we were just willing to stay and do it.

I believe if we were giving prizes tonight for who is the most tired, I think I would be a contender. I think I am about as tired as anybody around here.

But I say to my colleagues, let me appeal to them. It is worth it. If we just hang in there, if we just were to turn down this extension of the debt limit, there then would not be any other course of action but to stay tomorrow, Sunday, and Monday until we could reach a compromise.

I just want to report as one conferee that I think we are pretty close. I think even now, there is a good spirit among the conferees, even though they are weary and kind of frustrated, and I think we could do it.

I am not sure we can summon that same spirit again in September. Maybe we can. But I guess somehow being at a deadline, being backed up against the looming recess, facing imminent crisis, those are all the ingredients of the solution, and I guess unless we have that kind of pressure it is impossible to get everybody around one table and make a deal, and we are at that point right now.

So while I respect the opinion of the chairman and ranking member of the Finance Committee who I understand intends to vote for the extension of the debt limit, for my own part I am going to vote against it, feeling that if we were to defeat the extension at this time the result would be to force us back to the bargaining table and I believe in relatively short order to a better solution than is now in prospect.

Mr. PACKWOOD. Mr. President, let me say for the benefit of the Members, and I am trying to help as much as I can, there is a wedding tonight of former Senator Jackson's daughter and a good many of our Members are going to the wedding at 7:30.

I would hope we would not take too much time and vote soon.

I yield 5 minutes to the Senator.

Mr. DOMENICI. I just need 1 minute.

Mr. PACKWOOD. I yield 1 minute to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I agree with just about everything that has been said, but I have reached the opposite conclusion. I believe we ought to go ahead and vote out this bill.

When you look at the episode that we have been through, actually the U.S. House has passed no bill on one of the most complex and profound pieces of legislation that Congress has ever considered, and we have gotten as far as has been described here today.

I believe the time has come to go ahead and extend the debt limit a short period of time. What has been said here tonight ought to bode well for getting the job done and perhaps that can get done. I hope so.

But I do not believe it will get done by us turning the debt limit down tonight.

I do not think that enhances the chances of getting the Gramm-Rudman-Hollings permanent fix one bit.

There will not be any way we will get it done in 1 or 2 days. I disagree with those who have said that. It will take a while, a little thinking, and I actually believe a little more time here might lead us to a solution that we can indeed come up with, have broad support, and pass in both Houses.

I hope we vote "aye" on this debt limit bill and give us a chance to vote in conference again.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Texas.

Mr. BENTSEN. Mr. President, let me state the conferees have worked long and hard on this and made a sincere effort. They went long in the night and missed meals, and the rest of it. It was a dedicated effort and they did it in an amicable manner most of the time.

I am convinced that if we go into recess we will come back recharged and renewed and that we will have not lost ground but will be able to bring this to a successful culmination.

Now I would like to recognize the distinguished Senator from Florida for whatever time is left of the time allotted that he desires to use.

Mr. CHILES. Thank you, Mr. President. How much time does the Senator from Florida have remaining?

The PRESIDING OFFICER. The Senator from Florida has 18 minutes.

Mr. CHILES. Thank you, Mr. President, I will try to confine myself to that period of time.

Mr. President, I feel a little bit like the Ancient Mariner. I do not know when I caught that albatross but he sure has been around my neck for awhile and I think a lot of us feel that way, and we know that it is starting to smell, and we thought we were going to have a chance to maybe get rid of him this week.

I am disappointed, I think, as anybody here that we see that chance slipping away from us.

Again, we always seem to be a day late and a dollar short. I think we were very, very close, and I think the tragedy of it is that we did not go ahead and get a vote to really see where we were on this thing. I think had we been able to get the last offer back from the House, we could have had a vote in here. I would like to think it would have passed but if it would not it would at least have given us a better indication of where we are.

We have been wrestling with this thing so long and now we see it put off again.

I sincerely hope that we will be able to pick up and build on what we have had, that it will not all be lost, that we will not be starting over again, and that we will be able to finish this time sometime in the near future.

Now, I would like to go back and review, if I might, where I think we find ourselves.

Mr. President, I am not going to do that. I am disappointed. I wish we could have a chance to have a vote. I know that people do want to have a vote on this, and I yield the floor.

Mr. BENTSEN. Mr. President, let me state no one worked harder than the chairman of the Budget Committee. He did an extraordinary job, and I am proud of the participation he gave.

I yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden], the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], the Senator from Hawaii [Mr. Matsunaga], the Senator from Montana [Mr. Melcher], the Senator from North Carolina [Mr. Sanford] and the Senator from Illinois [Mr. Simon] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. Durenberger], the Senator from Utah [Mr. Garn] and the Senator from Oregon [Mr. Hatfield] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 39, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—51

Adams
Baucus
Bentsen
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Byrd
Chafee
Chiles
Cochran
Cranston
D'Amato
Danforth
Daschle
Dixon
Dodd
Dole
Domenici
Ford
Fowler
Graham
Heinz
Inouye
Johnston
Kassebaum
Kerry
Lautenberg
Leahy
Lugar
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sarbanes
Stafford
Stennis
Stevens
Thurmond
Weicker

NAYS—39

Armstrong
Bingaman
Burdick
Cohen
Conrad
DeConcini
Evans
Exon
Glenn
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Karnes
Kasten
Levin
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Proxmire
Rudman
Sasser
Shelby
Simpson
Specter
Symms
Trible
Wallop
Warner
Wilson
Wirth

NOT VOTING—10

Biden
Durenberger
Garn
Gore
Hatfield
Kennedy
Matsunaga
Melcher
Sanford
Simon

So the bill (H.R. 3190) was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table is agreed to.

The PRESIDING OFFICER. The majority leader.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. BYRD. Mr. President, I call for regular order.

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. FORD. Mr. President, as chairman of the Rules Committee, authorized by the Senate Members, I send a modification to the committee amendment to the desk.

The PRESIDING OFFICER. The chairman of the committee, as authorized by the committee, has the right to modify the committee amendment. The amendment is so modified.

The amendment as modified is as follows:

Strike all after the enacting clause, and insert in lieu thereof the following:

That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

Sec. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"Sec. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"Sec. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the

State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $150,000, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—file with the Commission a declaration whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided*, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediately family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

SEC. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

SEC. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

SEC. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"Sec. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"Sec. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

Sec. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

Sec. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

CLOTURE MOTION

Mr. BYRD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will state the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute, as modified, to S. 2, a bill to amend the Fedral Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multi-candidate political committees, and for other purposes.

Senators David Boren, John F. Kerry, Brock Adams, Jeff Bingaman, J. James Exon, John C. Stennis, Harry Reid, Alan Cranston, Barbara Mikulski, Terry Sanford, Robert C. Byrd, Dennis DeConcini, Wyche Fowler, Jr., Wendell Ford, John Melcher, Bob Graham, and Daniel K. Inouye.

AUTHORIZATION TO CONDUCT A CEREMONY ON THE UNITED STATES CAPITOL GROUNDS

Mr. BYRD. Mr. President, there is a House concurrent resolution at the desk, House Concurrent Resolution 161. I ask unanimous consent that the Senate proceed to the consideration of that resolution.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

House concurrent resolution (H. Con. Res. 161) authorizing a public ceremony on the West Lawn of the Capitol in honor of the Bicentennial of the United States Constitution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. DECONCINI. Mr. President, this year marks a very special occasion in our Nation's history. On September 17, 1987 we will celebrate the 200th anniversary of the signing of our Constitution. I would like to place particular emphasis on the word "our", for as we know, the Constitution is a document meant for all.

In honor of this milestone a special event is planned to mark the beginning of this historical occurrence. "A Celebration of Citizenship" will be held on September 16, 1987, on the West Lawn of the Capitol.

The program will commence with a reciting of the Pledge of Allegiance by our Nation's leaders accompanied by America's youth. Across the country, approximately 66 million students, teachers, and administrators will participate in a day long "teach-in" on the Constitution. Over 110,000 schools nationwide are expected to take part, clearly illustrating the union of our Nation's present with the future. Chief Justice Warren Burger will then lead the reading of the Preamble to the Constitution via a live broadcast from the West Lawn to the Nation.

I believe it is important for all Americans to join in the celebration, and it is anticipated that over 100,000 will be present at the Capitol ceremony alone. Additionally, I urge my colleagues to take part in this great event illustrating the very foundations on which our Nation is built—a government of the people, by the people, and for the people. With united support, this will truly be a "Celebration of Citizenship."

Mr. STEVENS. Mr. President, the resolution before us will authorize the use of the West Front of the Capitol for what may be the greatest ceremony of the celebration of our Constitution's bicentennial.

On September 16, at 1 p.m., a live, nationwide broadcast will originate from the western steps of the Capitol. This program, "A Celebration of Citizenship," will be an opportunity for every American citizen to rededicate themselves to the principles of our Constitution.

Leading the way will be America's schoolchildren. At least 60 million students in 110,000 schools are expected to take part in a day-long "teach-in" focusing on the rights and responsbilities of citizenship. The highlight will be the program broadcast nationally on radio and television. We will join with the Nation's youth in reciting the Pledge of Allegiance to our flag, as part of this commemoration of the Constitution's bicentennial.

During the next 1½ months every effort will be made to reach out to all parts of our Nation and encourage people to take part in this "Celebration of Citizenship." Mailings to the Nation's schools have already gone out. Public service announcements should begin to appear in August. On August 20, the Commission on the Bicentennial of the Constitution, along with the American Newspaper Publishers Association, the National Association of Broadcasters, and 12 education organizations, with two corporation sponsors, will be holding a press conference to focus attention of the program.

There are many more details of the program which we will all have a chance to familiarize ourselves with as the date draws nearer. However, for this program to take place, we must authorize the use of the West Front, and we must do so before leaving for the August recess. That is why we have this resolution before us.

There is little doubt in my mind that the Senate will unanimously approve this resolution, just as the House did. To have the entire Nation participate in an event of this kind is, I believe, unprecedented. Armed Services Radio and USIA's radio works will also be carrying it—allowing people all over the world to take part. I understand that many of our embassies plan to get up in the middle of the night to join in. I would note to my colleagues, by the way, that I was especially pleased by the timing of this ceremony—Alaskans can take part without losing any sleep.

A little over a year ago, New York was the focus of attention as the Statue of Liberty was relit. The accompanying fanfare was quite spectacular. "A Celebration of Citizenship" will be different. There will be no Elvis impersonators on the West Front. What we will have is a reaffirmation of the faith of this Nation in our Constitution.

September 17, 1987, will be the 200th anniversary of the signing of the Constitution by the delegates to the Constitutional Convention. I believe this program was originally scheduled for September 16 because we had hoped to make the 17th a national holiday. That, simply, is not to be. The timing of this program, however, could not be better. On September 16, we will try to touch the hearts of all of America's citizens. I cannot imagine joining in with everyone in the United States in the "Pledge of Allegiance" without feeling my heart beat more quickly under my hand.

When the fanfare has faded, however, the people of America will begin to think. On the next day—on the bicentennial of the signing of our Constitution—Americans will carry out their normal routine. And, as they go through their normal day, each one will realize, "It is our Constitution which lets me do what I am doing today." If we can instill that thought in the minds of our citizens, then the celebration of this bicentennial will have been a success.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 161) was agreed to.

Mr. BYRD. I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADJOURNMENT RESOLUTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 175, the adjournment resolution.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The bill clerk read as follows:

A House concurrent resolution (H. Con. Res. 175) providing for an adjournment of the Congress until September 9, 1987.

H. CON. RES. 175

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 7, 1987, or Saturday, August 8, 1987, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Wednesday, September 9, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

AMENDMENT NO. 674

(Purpose: Providing for a conditional adjournment of the Congress for the August nonlegislative period)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 674.

Strike all after the resolving clause and insert in lieu thereof the following:

"That when the Senate adjourns on Friday, August 7, 1987, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 10 o'clock a.m. on Wednesday, September 9, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the House of Representatives adjourns on Friday, August 7, 1987, or Saturday, August 8, 1987, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Wednesday, September 9, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.".

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 674), as modified, was agreed to.

The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

Mr. BYRD. Mr. President, I yield the floor.

FIRST SWIM BETWEEN ALASKA AND SOVIET UNION

Mr. MURKOWSKI. Mr. President, I should like to call to the attention of my colleagues a truly extraordinary event. Certainly, all Alaskans and other Americans share in congratulating a young American by the name of

Lynne Cox, who is a world-class marathon swimmer from California. Moments ago, she completed a swim across the Bering Strait, from Alaska to the Soviet Union, from the Island of Little Diomede, which is in the United States, to the Soviet Island of Big Diomede.

This is the first known swimmer to swim from the United States to the Soviet Union. Lynne, who has many world records to her credit, completed this extraordinary event, a 2.7 mile swim, in 35 to 37 degree waters. She was met at the International Date Line by Soviet ships and was escorted the final miles to Big Diomede.

She undertook this effort as a gesture of peace and cooperation with the Soviet Union and as a scientific research project on the effects of hypothermia and extreme temperatures on the human body.

It is interesting to note, for those who follow swimming, that she was not greased and she was not in a wet suit. She was in the water nearly 2 hours.

We worked with Lynne to secure Soviet cooperation, which was extraordinary in this effort.

We congratulate her on her swim, on behalf of my senior colleague, Senator STEVENS; Representative DON YOUNG; and the Senators from California, PETE WILSON and ALAN CRANSTON. It was a job well done. I thank Jessica Gavora, of my staff, who worked hard on this.

I think we have an extraordinary event here, in which an American has achieved another record.

USSR TRIP REPORT

Mr. HEINZ. Mr. President, today I would like to share with my colleagues my impressions from a trip I made this past Memorial Day to the Soviet Union. My primary purpose was to assess the status of human rights in the Soviet Union, especially in light of Mikhail Gorbachev's reform efforts in the political and economic sphere.

I had just 4 days in Moscow, but in that time I met with a number and diversity of human rights activists that would have been impossible even a few months earlier. This in itself says something about the conditions of human rights in the U.S.S.R., although unfortunately the picture is still very grim.

I met with Jewish refuseniks. I met with Pentecostalist refuseniks. I met with Russian Orthodox believers and writers who are publishing their own human rights journal. I discussed these issues with officials of the Foreign Ministry, the Communist Party Central Committee, an official of the Orthodox Church, and a member of Mikhail Gorbachev's brain trust.

It is impossible to convey all the impressions and thoughts that came out of these meetings in a short statement. Following this statement I will have printed a copy of my trip report, which describes the results of these meetings in greater detail. A slightly edited version of this report will also be printed as a report of the Committee on Banking, Housing, and Urban Affairs, which sponsored the trip. Let me take a moment to summarize some key points.

First, there is certainly a serious effort underway to shake up Soviet life. This is confirmed by both official and private Soviets. There is a recognition that unrealistic economic principles must be modified or abandoned to achieve results. There is an effort to restore accountability for economic results, through press attention and some experimentation with democratic choice in the factories.

Second, there have also been some real but very limited improvements in some human rights areas. Arrests of religious activists and others have stopped for the moment. A number of political prisoners, around 200, have been released. The numbers of Jews allowed to emigrate has risen above levels of the past 8 years, although these numbers are still disappointingly modest.

Third, together with these modest improvements, the infrastructure of persecution is intact. Restrictions on religious activity have not changed very much. It is unclear whether the Kremlin will allow unofficial writers to publish. They have still not acknowledged, much less changed, the policy of imprisoning political dissidents in mental institutions. Emigration is still arbitrarily denied to thousands of Jews, Pentecostals, and others.

In sum, the picture is at best mixed and at worst a disappointment. It is impossible to say whether Gorbachev's reform program will ever improve the status of basic human rights any more than is minimally needed to complement the drive to revitalize the Soviet economy. There are enough positive developments taking place in the Soviet Union to warrant a continuing close examination. There is also enough injustice and persecution continuing to justify our perseverance in pressing the Soviets to live up to both their international legal commitments and basic notions of justice and human rights. It is my intention to continue to do both.

One concluding word about "glasnost." We westerners have consistently translated this word as "openness." According to a particularly knowledgeable diplomat and scholar of Soviet history, this is a misleading and inaccurate approximation. According to this expert, "glasnost" translates far more accurately as "publicity." If he is correct, and I believe he may be, the west would be well advised not to fall for what may be purely and simply a new and better public relations campaign by the U.S.S.R.'s new and more effective leadership.

I ask unanimous consent that a report on my trip to the Soviet Union be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OVERVIEW OF VISIT

Senator John Heinz led a delegation on an official visit to the Soviet Union from May 22 to May 26, 1987. The delegation consisted of Senator Heinz and one staff assistant. The purpose of the visit was to investigate the following issues:

The condition of human rights under the government of Soviet Communist Party General Secretary Mikhail Gorbachev;

The prospects for significant improvement in the area of human rights which could significantly affect bilateral relations and the atmosphere for increased US-Soviet trade activity; and

The "democratization" and economic reform initiatives undertaken by the Soviet Government under General Secretary Gorbachev.

In order to gain insights into these issues, the delegation met with a wide array of private Soviet citizens, and Soviet officials dyring a four-day visit to Moscow. A maximum effort was made to exploit the opportunities for meetings with private Soviet human rights activists created by the limited releases of Soviet political prisoners in 1987.

The delegation arrived in Moscow on the evening of Friday, May 22, and was met by staff of the U.S. Embassy.

On the morning of May 23, the Embassy staff provided a briefing on various prominent issues in US-Soviet relations, including bilateral discussions of human rights issues. Following the briefing, the delegation met with Metropolitan Philaret of Minsk, head of the External Relations Department of the Russian Orthodox Church, to discuss religious freedom and the condition of the Orthodox Church in the Soviet Union.

Following this meeting, the delegation met with a group of Russian Orthodox clergy and lay people to discuss the status of religious freedom in the Soviet Union. The group included Father Gleb Yakunin, Father Zelinsky, Alexander Ogorodnoikov, Vladimir Popov, and Alexander Bessmertniy. The meeting was held in the Popovs' apartment.

On Saturday evening, the delegation met with a group of Soviet Jewish refuseniks, people who have been denied permission to emigrate from the Soviet Union for a long period. The meeting included Vladimir and Maria Slepak of Moscow, Boris and Galina Kalendariov of Leningrad, Yuli Kosharovsky of Moscow, and Lev Elbert of Kiev. The meeting took place over dinner at the Slepaks' apartment.

On Sunday, May 24, the delegation met with a group of released political prisoners who are organizing an unofficial journal on human rights in the Soviet Union. The Soviet dissidents at this meeting included Sergei Gigoryants, Lev Timofeyev, Yuri Kronopolou, and Nikolai Lyushin. The meeting took place at Mr. Grigoryants' apartment.

On Monday, May 25, the delegation held a series of official meetings. In the morning, there was a meeting in the office of Alexander Bovin, international political commentator for the Soviet government newspaper Izvestiya. The discussion centered on the new Soviet policy of openness in the media.

Following the meeting with Bovin, the delegation met with Fyodor Burlatsky in his offices at the headquarters of the newspaper Literaturnaya Gazyeta, the organ of the Soviet writer's union, to discuss human rights, democratization, legal reform, and other aspects of current Soviet political change. Mr. Burlatsky's formal duties include serving as political commentator for Literaturnaya Gazyeta and chief of the philosophy department of the Communist Party Central Committee's Social Science Institute. Additionally, Mr. Burlatsky is believed to serve as an adviser to the Politburo on matters of political reform.

On Tuesday, May 26, the delegation held a round of meetings with various Soviet officials. The first meeting was with Roald Sagdeyev, Director of the Institute of Space Research of the Academy of Sciences. The discussion there focused on current US-Soviet arms control talks and the subject of space-based strategic defenses.

The next meeting was with Deputy Foreign Minister Alexander Bessmertnykh at the Soviet Foreign Ministry. This discussion covered the full array of US-Soviet bilateral issues, with an emphasis on human rights matters that have historically affected trade and political relations. A broader discussion of the prospects for fundamental political and economic change under Mikhail Gorbachev also took place.

The final meeting of the visit was with Dmitri Lisovolik, chief of the American Section at the Communist Party Central Committee International Department. The meeting with Lisovolik was developed to Soviet human rights issues of interest to the United States.

The delegation departed Moscow on May 26 shortly after the final meeting at the Central Committee offices.

THE CURRENT STATE OF HUMAN RIGHTS IN THE SOVIET UNION

Four days in Moscow did not afford sufficient contact with Soviet society or individuals to confidently assess the exact condition of all human rights in all parts of the Soviet Union. However, the experiences and leadership positions of the private citizens involved in the meetings brought a breadth of knowledge and perspective which added greatly to the value of the insights gained while in Moscow.

Following is an assessment, based on discussions with Soviet officials and private citizens, of the current status of certain human rights practices in the Soviet Union.

EMIGRATION

Of the various Soviet human rights practices which receive significant attention in the West, the one which figures specifically in United States law affecting trade between the U.S. and the Soviet Union is the right of free emigration. The most important such legal restriction is the Jackson-Vanik amendment, which conditions the granting of Most Favored Nation status to the Soviet Union on the achievement higher levels of Jewish emigration from the USSR.

During the Moscow visit, the issue of free emigration figured prominently in both private and official meetings. The delegation met with two groups of Soviet citizens who have applied for permission to leave the Soviet Union.

The first group consisted of long-term Jewish refuseniks, who gathered at the Moscow apartment of Vladimir and Maria Slepak. Each of the Soviets present was able to tell stories that are familiar to those who follow the plight of refuseniks—loss of appropriate employment, police harassment, imprisonment, the pain of separation from family members.

If there were a consensus among the members of this group, it was that long-term refuseniks had noted an improvement in tone but not substance on the part of the Soviet government. They agreed that government officials who normally would talk with them or even refuse them entry to their offices had generally displayed a much less hostile, more business-like attitude when accepting documents and discussing specific emigration cases.

The long-term refusenik community is of course keenly aware of the rise in the Soviet Jewish monthly emigration figures in the first half of 1987. But this rise in exit visas has not, in the view of the group that met the delegation, changed the basic approach of the Soviet government to the emigration question. They characterized that approach as one which views Jews and others who wish to emigrate as commodities to be traded for Western good will.

The diversity of backgrounds of the group which met the delegation demonstrated a key feature of Soviet emigration policy: arbitrariness. While most of those present had been refused on grounds of state secrecy, that was clearly an implausible reason to deny them exit visas. But applying the standard of state security on a random basis does serve the purpose of confirming the state's unlimited power, and denying the refusenik community any basis for forming expectations about their cases.

One member of the group, Yuli Kosharovsky, illustrated that arbitrariness and inconsistency are not limited to the exit visa process. Mr. Kosharovsky, who has been imprisoned for organizing Hebrew instruction and is a long-term refusenik, nonetheless holds one of the few private enterprise permits in Moscow. Under General Secretary Gorbachev's new economic initiatives, Soviet citizens can purchase a private enterprise permit that allows them to operate a private business. Mr. Kosharovsky repairs foreign-made consumer electronic equipment, a business that appears to have great potential in Moscow. This activity is allowed despite the fact that Kosharovsky has not been allowed to work at an appropriate level in his field since he applied to emigrate in 1971.

Two major developments concerning Soviet emigration have been the promulgation of a new decree on emigration and the establishment of a special review board to which refuseniks can appeal. The second development is surrounded by uncertainty and unconfirmed reporting. One of the refuseniks who met the delegation, Lev Elbert of Kiev, has spent considerable time attempting to identify the make-up and functions of the review commission.

According to Elbert's investigations, the commission is an ad-hoc interagency body with representatives from the Ministry of Foreign Affairs, the KGB, and other unidentified domestic government agencies, and operates under the aegis of the Supreme Soviet, the Soviet legislative branch. But these and all other facts about the commission, even its actual existence, remain purely speculative. So far as is known to the Moscow refusenik community, no cases reviewed by the commission have led to the release of long-term refuseniks.

A Soviet community whose emigration efforts have received relatively scant attention is the Pentecostalist Christians. Members of various ethnic groups from throughout the Soviet Union, the Pentecostals lack the common national or ethnic heritage that has so far allowed some Jews, Volga Germans, and Armenians to emigrate from the U.S.S.R.

The delegation met with a group of Pentecostalists who have been attempting to emigrate for 10 years or more. Vasiliy Barats, his wife Galina, and their host Ivan Lupachev discussed the Pentecostalists' emigration problems with the delegation at Mr. Lupachev's apartment on May 24. The meeting was the only one during the four days in Moscow in which the surveillance of the KGB was overt.

Mr. Barats first applied to emigrate in 1977. His conflict with Soviet authorities had begun before this, owing to the status of Pentecostals in the Soviet Union, a subject discussed below under the rubric of religious freedom. Barats and other Pentecostals petitioned Politburo members, the Supreme Soviet, and the 26th Congress of the Soviet Communist Party asking permission to emigrate. One such petition listed approximately 500 names from 50 families.

Many Pentecostalists have been promised exit visas serveral, times, but only a few were actually let out of the Soviet Union, during the 1970s. Activists such as Barats have been imprisoned for their pursuit of emigration rights. Barats was released from prison camp about a month before meeting the delegation. He was jailed in 1981 along with seven other Pentecostals who formed the Committee for Emigration Rights in the U.S.S.R.

In discussions with Deputy Foreign Minister Bessmertnykh and Central Committee official Mr. Lisovolik, the delegation did not receive any information or assurances that would justify expectations of an improvement in Soviet emigration practices. Both officials stressed that they had improved various human rights practices, and intended to do more, in order to correct past mistakes and build a better society, and not in response to Western pressure.

Consistent with the reported pattern in the last year, the Soviet officials accepted the delegation's lists of emigration cases and other human rights cases without the resistance or acrimonious exchanges that formerly characterized Soviet responses to such lists.

Although Senator Heinz presented the specific cases in detail in each meeting, the only assurances received was that the officials promised to provide the Senator with an "update" of the status of each refusenik.

Nothing heard by the delegation while in Moscow indicates that a fundamental change is underway in Soviet emigration policies. Permission to leave the Soviet Union is still treated as a guarded privilege, not as an inherent human right, and those desiring to leave are still considered pawns in a game with the West over trade and international image-making. Officials claimed that many fundamental legal reforms would be accomplished within the current reform campaign, but the delegation thinks it is very unlikely that total—and arbitrary—state control over emigration will be weakened in the years ahead.

FREEDOM OF RELIGION

An important measure of the Soviet government's seriousness in significantly changing its human rights practices is its policy on freedom of conscience, most clearly expressed by its treatment of religion. The delegation met with Jews, Pentecostals, and Russian Orthodox Christians to discuss the current official policy towards religion in the Soviet Union.

Judging from the experiences of the religious believers who met with the delegation, the difficulties suffered by different religious groups in the Soviet Union vary more in degree than in kind. One thing stressed by both the Orthodox and Pentecostalist believers is that treatment of believers varies from place to place, and little is known of conditions in vast areas of the Soviet Union. It is generally believed that repression of religion and persecution of believers can be far harsher in the more remote parts of the country.

All religions suffer from a legal code that severely restricts religious education and association, while condoning atheist and antireligious activity and propaganda. The key restrictions are contained in a 1929 decree and several articles of the RSFSR criminal code. Believers have been jailed under both political and religious articles.

To get the perspective of the official Russian Orthodox church, the delegation met with the Metropolitan Philaret of Minsk, head of the External Relations Department of the Moscow Patriarchate, at the Danilovskiy Monastery, recently restored to Church control and currently under renovation. Most observers interpret this transfer as one of the official actions designed to enhance the image of the religious tolerance in the Soviet Union in anticipation of the celebration of 1,000 years of Russian Christianity in 1988.

When queried about such things as the adequacy of religious training for clergy, availability of Bibles, and general status of religion, Metropolitan Philaret responded with bland assurances that everything was fine. Overall, the image of the official church presented by Philaret corresponded closely to the characterization offered by foreign observers and other Russian Orthodox believers—compromised, weak, and materially well cared for.

Following the meeting with Philaret, the delegation met with a group of Russian Orthodox believers and clergy. Present were two prominent activists, Father Gleb Yakunin and Alexander Ogorodnikov. The group stressed that Gorbachev's reform program, known as glasnost (publicity) in relation to openess in the media and peryestroyka (restructuring) with reference to economic and political change, had yet to touch religion. While known arrests of believers have virtually stopped, many believers remain in prison, the laws inhibiting religious activities remain on the books, and in general believers still live like second-class citizens.

The major problems facing religious believers in the Soviet Union, according to the group of Orthodox believers, are severe shortages of religious literature and Bibles, prohibitions on religious instruction of children, confinement of all religious activities to registered places, and tight restrictions on social association between believers.

The shortage of Bibles and religious literatures was of particular concern to the Orthodox believers, and also was a problem for others, such as Jews and Pentecostals, who met the delegation. The Orthodox cited black market prices of 30-100 rubles for Bibles as evidence of a severe shortage. In addition, they claimed there was a total lack of children's Bibles, save for a few copies printed abroad and smuggled into the Soviet Union. The Orthodox cited instances in which Bibles or other religious materials were seized by police during harassment of believers.

A certain number of Bibles in Russian and other languages of the Soviet Union are imported into the USSR. According to Metropolitan Philaret, there is no shortage of Bibles in the USSR. He claimed that the fifith Bible printing since the Russian Revolution, now underway, would produce 150,000 Russian-language Bibles. While it is not possible to confirm this number or details of the Bibles' distribution, it is clearly an inadequate printing in a country thought to have tens of millions of Christian believers.

Under the 1929 decree on religious cults and articles of the current criminal code, religious believers of all faiths are forbidden to instruct any but their own children on religious matters. This effectively inhibits religious education, and added to the social pressures faced by children to avoid religious beliefs, makes propagation of religious faith very difficult.

The degree of pressure faced by believers is illustrated by an assertion by the Orthodox who met the delegation that the ban on religious association outside registered places would make a sewing circule among women believers an illegal activity subject to police disruption. The requirement that all group activities by believers take place within a registered church building assists in the state's surveillance of religion, as KGB agents or citizens responsive to KGB pressures are infiltrated throughout registered religious organizations.

The compromised state of the official Orthodox Church is of great concern to Father Yakunin and other Orthodox believers. Yakunin sees the current period as one of historic opportunity for the Church to improve its status within society. Yakunin and others are convinced that Gorbachev has made overtures to the Church to join in the peryestroyka program to revitalize Soviet society. Yakunin cited several incidents in which Communist Party leaders inquired of Church leaders as to their plans for contributing to restructuring, only to be disappointed by timid and irrelevant responses from the Church hierarchy. Yakunin and some other Orthodox fear that an historic opportunity to improve religious life in the Soviet Union may be missed if Gorbachev's reform program is not extended to the religious sphere.

Another concern of the Orthodox believers is that the upcoming millennium celebration of Russian Christianity in 1988 will serve as a show-piece for foreign visitors to convince them that the Church is vigorous and unfettered in the Soviet Union. Believers appear to be divided on the question of whether foreign religious leaders should visit the U.S.S.R. for the millennium.

This division also applies to efforts to improve religious life under Gorbachev. Father Yakunin and his followers represent the moderate school, which believes there is room within Gorbachev's reform initiatives for liberalization of religious policy, if it is worked right. More radical activists such as Alexander Ogorodnikov believe that the Soviet Communist Party's fundamental hostility toward religion has not changed, and must be confronted with uncompromising positions based on principle. Ogorodnikov reportedly refused to remove a gold cross he wore around his neck, even after torture from prison guards, an indication of the determination of some religious activists.

To a great extent, this division among religious activists is mirrored in other parts of the dissident community, where there is disagreement over how much dissidents should cooperate with officials in attempting to increase the scope for expression of religious, political, and other rights.

The delegation's meeting with Vasiliy Barats provided graphic confirmation of the problems described by the Russian Orthodox believers. The Pentecostals suffer severe difficulties because of their location in the more remote areas of the Soviet Union, the absence of any link to specific national, ethnic, or regional traditions, and frequently hostile popular reactions to their fundamentalist practices. In addition, Soviet Pentecostals have sought emigration, which has put them even further outside the bounds of normal Soviet society and made them the target of harsh KGB harassment and imprisonment. An overriding concern of Barats and other Pentecostals is that they, unlike members of other religious faiths in the U.S.S.R., lack a network of foreign supporters to keep their plight before the eyes of world opinion. Given the large and vigorous evangelical community in the West and the United States in particular, Barats found this absence of support very disturbing.

Other smaller sects such as the Hare Krishnas are known to suffer severe persecution in the Soviet Union, but detailed information about their condition is difficult to obtain. Believers who met with the delegation pointed to the treatment of Hare Krishnas as an example of how harsh Soviet policy can become toward small, geographically isolated groups who lack foreign interest or support.

Based on the delegation's discussions with Orthodox Pentecostal, and Jewish religious believers, it seemed clear that the reform program now underway has yet to lighten the burden of repression on religious life. When these issues were raised with Soviet Officials, they repeated their claims that efforts were underway to improve Soviet society generally by correcting mistakes made in the past. However, they were unable to offer any assurances that the legal basis for persecution of religious believers would be removed, or that Communist Party policy towards religion would improve. The prospects for increased freedom of conscience in the Soviet Union would have to be rated as very uncertain.

FREEDOM OF EXPRESSION

The delegation met with a group of writers, many of them recently released from prison or camp, who intend to publish a journal covering human rights in the Soviet Union. The group, led by Sergei Grigoryants, met with the delegation in Grigoryants' apartment. Also present were Lev Timofeyev, Yuri Kronopolou, and Nikolai Lyushin.

The group has announced its intention to publish its journal, entitled Glasnost, with or without official permission. However, they said they intend to first seek official sanction for the publication. This approach, bold for the Soviet context, reflects one approach by the dissident community to Gorbachev. This approach takes Gorbachev at his word and attempts to exploit the political opening created by Gorbachev's announced reform program to advance the human rights agenda.

The delegation was shown a copy of the first edition of Glasnost. Its contents seemed very explosive—articles on the abuse of psychiatric hospitals against political prisoners, the plight of Jewish refuseniks, the need for independent publishing in the USSR, an interview on human rights with Andrei Sakharov.

As with other groups of dissidents that met the delegation, the Glasnost group has divided on many issues relating to Gorbachev's reform campaign. Grigoryants displayed some enthusiasm about the opportunities presented by Gorbachev's initiatives, while Timofeyev seemed more cautious and skeptical about proposals to "democratize" Soviet political life. Notwithstanding differences on specific issues, however, all the writers seemed to agree that Gorbachev's initiative had changed the atmosphere in the Soviet Union in their favor.

For example, Grigoryants asserted that dissident writers no longer felt like victims, but like a part of a national process of revitalization. Gorbachev's emphasis on change, and his derisive approach to those who defend the inertia of Soviet economic and political life, have given dissidents a morale boost that is leading to such innovative steps as the journal Glasnost. The group agreed, however, that the Soviet Communist Party, including Gorbachev's circle, may not be ready for many of the things they have called for in public speeches.

For this group of writers, one way of showing seriousness about changing human rights policies would be for the government to repeal Articles 70 and 190 of the RSFSR Criminal Code, which deal with anti-Soviet agitation and slander. These are the articles under which most political activists are jailed in the Soviet Union. Another key move would be to release more political prisoners. Roughly 160 of an announced total of 280 political cases under review had led to prisoner releases by the time of the visit to Moscow. The number of political prisoners still incarcerated is unknown, but the writers expressed the opinion that many of the over 600 well-documented prisoners of conscience would have to be released to establish the serious intentions of the Gorbachev government.

While the group viewed political inertia as an enormous obstacle to real change in the USSR, they seemed to recognize Gorbachev's dependence on urban intellectuals in generating pressure for reform. They hoped that the government would realize the need for independent, creative political thought such as that which will be published in the journal Glasnost, which they view as contributing to Gorbachev's campaign for reform.

The writers planned to seek a meeting with Alexander Yakovlev, Central Committee secretary in charge of propaganda and an architect of the glasnost policy, to ask official sanction for their publishing venture. While such approval seemed unlikely, the attempt did reflect the enthusiasm and unbowed determination of the writers to pursue independent political expression despite their experiences of imprisonment and persecution. The group planned to proceed with publication with or without official sanction.

The delegation discussed the policy of glasnost with several official Soviets, including Izvestiya commentator Alexander Bovin and Central Committee analyst Fyodor Burlatskiy. Bovin asserted that he had long favored the more objective, candid approach to reporting which was now showing up in Soviet media. He acknowledged that coverage of foreign topics still suffers from a propagandistic approach, but predicted that this coverage will become more objective "very soon." Consistent with this view, Bovin said he had long favored an end to jamming of all foreign radio broadcasting. While the delegation was in Moscow, an end to jamming of the Voice of America was announced, following an end to jamming of the BBC. Jamming of Radio Free Europe/Radio Liberty was to continue.

Bovin cited "telebridges," in which American and Soviet television audiences participated in live broadcasts, were a good example of how glasnost can promote US-Soviet relations. He denounced such shows as "Amerika," for inflaming anti-Soviet feelings. Finally, Bovin noted that glasnost had many opponents in the Soviet bureaucracy and in Soviet society, and that implementing the policy will be a struggle.

Burlatskiy called glasnost the most important current component of the reform program, because it was helping to create new ways of thinking and new political interest groups and institutions. Burlatskiy told the delegation that the Soviet people had to be able to read about the economic achievements of the West, of Japan, even of some developing countries like Brazil, in order to develop a more sophisticated basis for action in their own society. Soviets also need glasnost, according to Burlatskiy, to learn to live with diversity and debate, from which they have been shielded by 70 years of stilted, propagandistic journalism.

Asked about limits to glasnost, both Bovin nor Burlatskiy said there were no rules per se, just a system of experimentation and trial and error. Burlatskiy predicted that there would be a new press law attempting to institutionalize more objective journalism.

When Senator Heinz pressed Burlatskiy on the issue of the use of psychiatry to commit dissidents to mental hospitals, Burlatskiy indicated that we knew of neither evidence or even accusations about such practices but would investigate. Senator Heinz delivered substantial documentation to Burlatskiy the next day, but as yet no reply or follow-up has been received.

While there are still limits, albeit undefined, to glasnost, the current openness and candor of the Soviet media clearly have imparted new energy and interest to Soviet political life. So far, it is not clear that Gorbachev sees glasnost as anything more than an adjunct to his economic reform campaign, intended to shake up inefficient sectors and unmask corruption and incompetence. While this is welcome from the point of view of freedom of expression, the delegation left with serious doubts that glasnost would soon extend to the discussion of sensitive political matters like political prisoners or government infringement on the legally-guaranteed rights of Soviet citizens.

DEMOCRATIZATION AND ECONOMIC REFORM

The delegation heard varying assessments of the nature and prospects of political and economic reform under Gorbachev. As noted above, many in the dissident community are divided over what the reform initiatives may mean for human rights practices. They are also divided over the proper response of the activist sector: should they continue to make maximal demands, or should they try to use the opening created by Gorbachev to push a human rights agenda?

Among officials with whom the delegation met, there seemed to be a uniformly positive approach to democratization and peryestroyka, the term generally applied to economic reform.

Fyodor Burlatskiy, who once served as an adviser to Khrushchev and is now among Gorbachev's brain trust, offered useful insights into all aspects of the current restructuring program. He set the stage for his analysis by contrasting the cautious, consistent approach of Gorbachev with the more spontaneous, disorganized reform efforts of Nikita Khrushchev. In Burlatskiy's view (one shared by Deputy Foreign Minister Bessmertnykh), Khrushchev lacked a well thought-through program, and his experimentation aroused concern while failing to exploit widespread perceptions of a need for change.

Burlatskiy and Bessmertnykh agreed that Gorbachev's efforts were based on a recognition that the Soviet Union had reached a crisis stage because it continued to manage its society on a "war communism" model, adopted in the early years after the Revolution. Meanwhile, inescapable laws of economics that called for reliance on decentralization and individual initiative were ignored, and stagnation finally reached the point where something had to be done. Burlatskiy asserted that the struggle between the "war communism" model and the more liberal outlines of the New Economic Policy adopted in Lenin's last years continues, and will continue for the foreseeable future.

According to Burlatskiy, Gorbachev's reform program blends political and economic change in order to maintain a balance between the two. He cited Poland as an example where political reform had outstripped economic change, and China as an example of the opposite problem.

One of Burlatskiy's most interesting points was his assertion that Soviet political culture presents the major obstacle to real change. Burlatskiy asserted that years of centralized rule and cult of personality had destroyed Soviet society's ability to cope with choice and diversity, and had also led to an atrophy of political institutions which should represent independent sources of ideas and opinion.

Burlatskiy lamented the fact that the political opening under Gorbachev had already led to communal strife among groups not accustomed to a less controlled environment. For example, groups of urban youth who resent foreign influences (named "lyuberi," after the Moscow suburb where they originated) have clashed with youth imitating Western punk rock lifestyles, and a group known as "Pamyat" (memory) has started promoting xenophobic and chauvinistic Russian values in the name of cultural preservation. In the absence of well-defined rules, Burlatskiy fears, such "political hooliganism" may increase.

The lack of rules for the new atmosphere is evident in the area of "democratization," the term applied to efforts to increase choice and diversity in the selection of political and managerial personnel. Burlatskiy noted that experiments with multiple candidate elections, in which there were more choices on the ballot than positions to be filled, and had spawned unworkable situations in which too many candidates were nominated and voters were faced with confusing situations.

Overall, Burlatskiy said, there was great excitement about the prospects for multiple-candidate elections, but very little understanding of how to run such a system smoothly or efficiently. The delegation inquired about limits on terms of service for elected officials, and the power of superiors or outsiders to fire incompetent managers elected to positions in economic enterprises.

Burlatskiy recalled that he had once drafted a law for Khrushchev that would have limited the terms of Politburo members, but that it had gone nowhere.

Another element of democratization more directly linked to Western concepts of human rights is reform of the Soviet legal system. Burlatskiy noted that their proposals for such reform being drafted, and that they would address the rights of defendants in Soviet courts. Burlatskiy noted that he had seen one draft, and that it left much to be desired. He was not able to discuss in detail what such reform might entail. It was difficult for the delegation to imagine significant reform in this area, as it would directly challenge the power of the Communist Party and government in relation to Soviet citizens. Nonetheless, in Burlatskiy's mind the legal reform was part and parcel of the reform program which aimed at reducing corruption and abuse of government power.

While Burlatskiy evidenced a sincere enthusiasm for significant reform in the Soviet economic and political system, there were clearly limits to even his openness. When asked about the continuing incarceration of Soviet political prisoners in psychiatric hospitals, Burlatskiy professed ignorance of the situation. This was a question which met with a similar response from all officials queried by the delegation. While Burlatskiy said there were no known limits to glasnost, it appears the delegation was able to discover at least one such limit.

One common observation backed up by Burlatskiy is the idea that Gorbachev needs a success in negotiating an agreement on the removal of U.S. and Soviet intermediate-range nuclear missiles in Europe to provide him political momentum to carry out his domestic program.

PROSPECTS FOR CHANGE

There is little doubt that there are many high-level Soviet officials who seek major changes in Soviet economic and political life. They are armed with a strong, stable and attractive leader who is cautious in implementing a reform program that seeks to address the fundamental sources of stagnation in the Soviet Union. After so many years of stagnation on so many levels, it will clearly take time for the Soviets to implement major changes, and to elaborate new rules of behavior. And the depth and diversity of opposition to change cannot be underestimated.

With respect to human rights, the current Soviet record is mixed, with a continuation of many of the most objectionable policies directed against Soviet citizens who seek to exercise freedom of conscience, expression, or emigration.

To the extent that emigration represents a direct threat to the ultimate authority of the state, the prospects for fundamental change in emigration policy seem dim. The current upsurge in Jewish emigration is to be welcomed, but given the concurrent difficulties of the Pentecostals and other Soviets seeking emigration, it appears that recognition of emigration as an inherent right is not in prospect. So far there is no evidence to show that the new Soviet decree on emigration heralds a basic shift in the treatment of Soviet would-be emigres as pawns for use in dealings with the West. If this proves correct, the need for a strong campaign of pressure on the emigration issue will continue.

The bright spot in current Soviet human rights practices would appear to be attitudes towards open candid expression. While its implicit limits are still far short of those common in Western societies, the glasnost policy does represent progress in the Soviet context. Whether such flexibility extends to unofficial bodies such as the glasnost writers group remains to be seen. One important measure of the progress of this openness policy is whether more candid journalism will be allowed to contribute to the improvement of other human rights practices through exposure and publicity.

As a measure of fundamental intentions, Soviet practice on freedom of conscience is most revealing. And in this area, aside from the limited release of some political prisoners, there is as yet no important progress. The legal and bureaucratic basis for the persecution of religious believers is intact. Despite some informal signals of conciliation to the hierarchy of the Russian Orthodox Church, there is no evidence that the fundamental hostility to religion inherited from previous regimes has changed. The coming years will test the theory that Gorbachev needs the moral support of religion in his drive to reinvigorate Soviet society. In the meantime, continuing persecution of religion indicates the most fundamental human right, freedom of thought, is not yet on the agenda of reform.

In summary, the human rights changes under Mikhail Gorbachev have been real and significant, but have been of a partial, and not fundamental, nature. Based on the four-day visit to Moscow, the delegation could not predict with confidence that improvements in official Soviet human rights practices will go beyond those minimally necessary to assist General Secretary Gorbachev's primary objective of economic revitalization. As such, these practices will continue to shape Western perceptions of the Soviet Union and United States policies towards that country.

THE LEVIN-NUNN AMENDMENT TO THE DEFENSE BILL

Mr. DOLE. Mr. President, earlier today the Senate devoted three hours of morning business to a discussion of the defense authorization bill. As we prepare to depart for the August recess, the point which many of our colleagues appeared eager to make was that they would have liked to have considered the defense bill by now. So would we.

Under the best of circumstances, the DOD authorization bill usually takes about a week of floor action, so it is hard to know what the real point of this morning's debate was. The Senator from Alaska [Mr. STEVENS], clearly pointed out that there has been ample opportunity to move to the defense bill. Indeed, he and the ranking Republican on the Armed Services Committee, Mr. WARNER, made several attempts to break the impasse.

The problem is the so-called Levin-Nunn amendment which—if it belongs anywhere—belongs on the State Department authorization bill. It could have been added to that bill with the assent of the ranking Republican of the Foreign Relations Committee, Mr. HELMS. Another alternative was immediate consideration as a free-standing resolution as offered by the ranking Republican on Armed Services, Mr. WARNER. Both these offers were rejected.

The clear intent of Levin-Nunn backers is to hold SDI funding hostage. Thus Levin-Nunn remains on the defense bill and the bill remains on the Calendar.

In the meantime, we will have to take advantage of debates in morning business to remind our colleagues of the issues surrounding Levin-Nunn. The Senator from South Carolina [Mr. HOLLINGS], recalled the basics: American ABM Treaty negotiators tried, but the Soviets repeatedly refused, to ban development and testing of ABM systems based on other physical principles.

The obligations of the United States under the treaty cannot be other than what was mutually agreed between the two parties. And the ultimate arbiter of U.S. obligations cannot be other than the President of the United States.

President Reagan has exhaustively studied all relevant information and concluded that the ABM Treaty permits testing and development of systems based on other physical principles.

Nevertheless, Levin-Nunn would bind us to the so-called narrow interpretation of the ABM Treaty unless a move to the broad is approved by both Houses of Congress. Thus, not only is the Senate inserting itself into treaty interpretation, the House of Representatives—which clearly has no role in treaty-making—must also approve the President's interpretation. This is simply unacceptable.

It is also stunning that this issue persists at such a delicate time in the Geneva negotiations. This morning the Senator from California [Mr. WILSON], eloquently pointed out that for all the talk about Ronald Reagan's hostility to arms control, it is indeed Ronald Reagan who has brought us to the brink of an agreement. Interestingly, the area in which he has had the most success is precisely that area in which the Congress has not insisted in micromanaging negotiations policy, and has provided the weapons systems which got the Soviets to bargain seriously.

I think the August recess ought to give us an opportunity to step back and consider how we—the United States—should proceed on defense and arms control. I believe we should let the President get down to the all-important last details of the INF agreement, and continue to press the Soviets for a properly structured 50-percent reduction in strategic weapons. While he does that, we in the Senate should turn to the defense bill without the burden of the Levin-Nunn amendment which undercuts his every effort.

REPUBLICAN MEMBERS OF CENTRAL AMERICA OBSERVER GROUP

OBSERVER GROUP FORMED

Mr. DOLE. Mr. President, earlier today, the Senate passed a resolution establishing a Senate observer group to monitor any negotiations in Central America which grow out of the President's recently announced diplomatic initiative.

In accord with that resolution, I am pleased to announce the selection of three outstanding Republicans as my appointees to the group.

COCHAIRMAN: MC CAIN

As cochairman of the group, I have designated JOHN McCAIN of Arizona. Senator McCAIN has been one of the most active, thoughtful and articulate Senators on this side of the aisle on the issues relating to Central America. He is a member of the Armed Services Committee, and will bring that expertise to the group's examination of the security and military issues of the region, which are going to be central to any cease-fire and settlement.

Senator McCAIN came to the Senate with a rich experience in the House on foreign affairs. And I think we all know of his distinguished background as a military officer and his heroic service in Vietnam. He's paid his dues.

And he will do an outstanding job as cochairman of the group.

The other two Senators that will be named later this evening to the group are equally outstanding.

MEMBERS: COCHRAN, SYMMS

From Mississippi, I am designating Senator THAD COCHRAN. Despite his relative youth, he is a member of our Republican leadership, reflecting his great talent, independent thought and the respect he enjoys from Republicans across our ideological spectrum.

When we on this side are looking for a truly "solid citizen" to pull tough duty; to do hard work; to make tough decisions, THAD COCHRAN is one of those that always comes to mind.

Finally, I am also naming Senator STEVE SYMMS of Idaho, another one of the bright lights among younger Republicans in the Senate.

STEVE is another member of the Armed Services Committee. And he has been a major spokesman of conservative Republican thought on many, many national security issues. I think STEVE made clear, in his comments on the Senate floor today, that he is going to take a very tough and careful look at any negotiations that may transpire. And he will give the Senate a straight-from-the-shoulder report on what he sees.

CENTRAL AMERICAN PRESIDENTS' DOCUMENT

Mr. President, setting up this group has been a remarkably timely effort. Not only do we have the new negotiating initiative, but I understand the five Central American presidents have initialed their own document today.

We are now awaiting the text of that document—I understand it will be available this evening. So far, reports are too sketchy to make any comment on it. But I will certainly be looking at it myself and asking those Senators I have just designated to take their own careful look in the days ahead.

With the caliber of Senators that I will name—and I know the Democratic leader will also be making outstanding choices—I am even more confident the group will serve the Senate, and the country, in outstanding fashion.

I again commend the distinguished majority leader for his initiative in this area. It parallels the observer group in Geneva with reference to arms control.

BICENTENNIAL MINUTE

AUGUST 7, 1789: PRESIDENT WASHINGTON SCOLDS THE SENATE

Mr. DOLE. Mr. President, 198 years ago today, on August 7, 1789, the Senate received a bitter message from President George Washington. Only 4 months into the first session of the First Congress, the President and the Senate clashed over what would become a perennial question: should senatorial confirmation be based only on the competence of the nominee, or should political ideology also be a factor.

President Washington appointed Benjamin Fishbourn to the position of naval officer of the Port of Savannah. In the first instance of what would later be called senatorial courtesy, the Senate rejected that nomination because the two Georgia Senators, William Few and James Gunn, favored another candidate, Lachlan McIntosh, a member of their own faction in Georgia politics.

Washington yielded, and nominated McIntosh to the office, but not without these polite, but scolding words to the upper House: "Whatever may have been the reasons which induced your dissent, I am persuaded they were such as you deemed sufficient. Permit me to submit to your consideration whether on occasions where the propriety of nominations appear questionable to you, it would not be expedient to * * * avail yourselves of the information which led me to make them."

After expounding upon Fishbourn's military and political qualifications for the post, Washington concluded his message abruptly: "It appeared therefore to me, that Mr. Fishbourn must have enjoyed the confidence of the militia officers, in order to have been elevated to a military rank; the confidence of the freemen, to have been elected to the assembly; the confidence of the assembly to have been selected for the council; and the confidence of the council, to have been appointed collector of the Port of Savannah."

ALAN GREENSPAN

Mr. SIMPSON. Mr. President, just a few days ago this body approved the nomination of Alan Greenspan, one of the Nation's top economists and reknowned inflation fighters, to be the new Chairman of the Federal Reserve—the Board in charge of monetary policy for the entire Nation.

I would just like to say a few words about the new Chairman. He was confirmed by an overwhelming majority (91 to 2). This is but one indication of the confidence and respect the Senate has for Mr. Greenspan. I have come to know him since I have been here. I have found him to be a most extraordinary person. As head of a bipartisan commission to study the Social Security system, he made recommendations that laid the foundation for the Social Security Reform Act of 1983. That law helped to improve the solvency of the Nation's largest retirement system and ensure that benefits would continue to be available to all persons later participating in the Social Security system. In other capacities—both in the public and private section—he has shown his tremendous intelligence, talent, common sense and experience.

The pragmatic, steady, thoughtful approach to the economy and inflation that is held by Alan Greenspan will serve our country well and continue the sound economic strategy of his predecessor, Paul Volcker. Those are big shoes to fill—I know, because Paul and I are both over 6 foot 7 inches tall with pretty good underpinning! I was deeply impressed with the former Fed Chairman. He did some heavy work and left us a superb record of accomplishment—bringing inflation under control, restoring confidence to the Federal Reserve, and putting the economy back on a road to recovery.

The Fed Chairman has such a very difficult job—defending the dollar in world markets and keeping the economy at home on a steady course, especially in the pressure of the difficult financial times we face. With his fine background and great experience, I know Alan will do us a fine job too. So, I do look forward to the new Chairman to continue those inflation fighting policies which halted the double-digit inflation of recent years and to help prod the economy along. We in Congress must try to do our very best to restrain Government fiscal excess and work closely with Alan Greenspan in order that all Americans may benefit from the full prosperity that this Nation is capable of giving us.

CATASTROPHIC HEALTH CARE PROTECTION

Mr. SHELBY. Mr. President, I rise today to speak on an issue that currently waits in the wings for its moment of scrutiny by this body—I am speaking of legislation to help older Americans address catastrophic health care costs. Many of us hope that this important matter will have its day on the Senate floor soon. But in the meantime, I feel it incumbent upon me to share my thoughts on a subject that has become nearer and more personally significant to me in recent weeks.

This past week I returned from Alabama where my wife has been in the hospital. I am thankful that she is on the road to recovery and will hopefully be well again soon. Being in a hospital setting gave me the opportunity to think at length about the potential devastation associated with a serious illness. As I walked through the hospital corridors I saw many senior citizens, husbands and wives, children, and parents each, in their own way, coping with illness, life and death.

I know that for a long time now, we have all been aware of the special needs of our senior citizens. Many of us have the opportunity to sit on committees that have jurisdiction over the Medicare Program or like myself, are members of the Aging Committee. This gives us a somewhat special perspective on this issue.

In April of this year, through the forum of an Aging Committee field hearing, I had the opportunity to bring to the State of Alabama for discussion this very critical issue. We entitled that field hearing "The Catastrophic State of Catastrophic Health Care Coverage." It strikes me again and again how appropriate and representative that title was then and continues to be.

I cannot forget the cries for assistance I heard on that day in April from all sectors of the health care community and perhaps more importantly, from victims of the indiscriminate battle against illness and cost. The truth is that regardless of what many of our elderly think, Medicare does not cover the tremendous cost of nursing home care, outpatient prescription drugs, routine physical exams, hearing aids, and many optical procedures.

So what then, exactly, does the legislation that the House has passed and that we are soon to consider actually do for the elderly? Both H.R. 2470 and S. 1127 are designed to expand Medicare coverage for acute care. Essentially, the bills are made up of several similar provisions, including:

All hospital coinsurance and the limit on the number of covered days in the hospital are eliminated.

Coverage of days in a skilled nursing facility is increased from 100 to 150 days per year, with no prior hospitalization required.

Daily home health care coverage is increased from 21 to 45 days in the Senate version and up to 35 days in the House-passed bill.

The limit of hospice care is lifted completely based on certification of a physician.

Both bills have an approximate out-of-pocket expenses cap of $1,750—an amount that would rise each year with inflation.

Perhaps the most glaring difference between the House and Senate versions is the absence of outpatient prescription drug benefits in S. 1127.

Essentially, as the Senate version stands, it will not free our elderly from the reigns of exorbitant medical costs. While both bills address some of the very real health-care needs of the elderly, both versions also shy away from the coverage gap this legislation continues to foster.

Recent statistics released by the Department of Health and Human Services indicate that life expectancy after birth has reached a new high of 74.7 years. In addition, the Alabama State data center projects that from 1987 to 1995 the percentage of the over age 85 population will rise 50 percent, from approximately 33,000 to just over 50,000 people. Not only is the number of people in the over age 65 population growing, but longevity is also on the rise. Surely, these statistics have incredible implications for our public health policy.

Mr. President, there are 1.5 million Americans currently in nursing homes. This figure is expected to rise to 2.2 million by the year 2000, and 4.5 million people by the year 2040. Keep these statistics in mind as we consider that 81.2 percent of the out-of-pocket expenses of the elderly go to nursing home care and the approximate cost of a year in a nursing home is $20,000.

Mr. President, I suggest that if we think that things are bad now, we need only look down the road toward a coverage problem of "catastrophic proportions."

The controversy in my mind, centers around whether or not we are going to continue to expand acute-care benefits when it is the long-term care needs of the elderly that we must address. This idea of "lack of long-term care coverage" in the bills currently before the Congress is also expressed in a report prepared for Senator JOHN MELCHER, and released today by the General Accounting Office.

The report also revealed and I quote, that, "historically 91 percent of the Medicare beneficiaries have had copayment expenses totaling less than $1,000 for services covered by Medicare. This means that under the proposed legislation, 91 percent of the enrollees who apply for benefits would not exceed the $1,043 cap—if past trends were to continue—and, therefore, would not be eligible for benefits."

While I believe the expansion of benefits as detailed in both H.R. 2470 and S. 1127 is certainly warranted, I do believe that we need to go that next step and truly make the Senate version live up to it's title of "catastrophic protection."

I feel confident that when we do take up this important legislation, we will work together and pass legislation that will be closer to meeting the special needs of this population group.

There is no question in my mind that our work on this legislation will be difficult. We have some very tough questions to answer on funding, coverage, and expansion. However, to me, this issue is and should be one of the highest priorities for this Congress.

We are not just legislating for today, tomorrow, or even next year. We are legislating for the protection of generations to come. Our task is not to facilitate a "quick fix"—it is to approve a solid, comprehensive measure that will grow and accommodate the graying of our Nation.

Let us not leave our elderly hoping that Medicare will cover all expenses, hoping for a quick recovery to ease the financial strain they are feeling, or hoping that the dreaded last resort, "spending down" for Medicaid eligibility, does not become a reality.

We cannot allow a catastrophic illness to penalize the elderly for a lifetime of hard work and saving. We should not take away the financial and psychological independence of any couple or family, when one member becomes seriously ill. We should not allow a catastrophic illness to dictate poverty to any American.

Mr. President, I look forward to upcoming debate on this issue.

SENATORIAL ELECTION REFORM

Mr. PRESSLER. Mr. President, last weekend I had the privilege to travel to Colorado Springs, CO, to attend the U.S. Air Force Academy Board of Visitors meeting. One of the highlights of this meeting was having the opportunity to visit with our distinguished former colleague, Senator Barry Goldwater of Arizona.

During my visit with Senator Goldwater we discussed the campaign reform legislation presently being considered by the full Senate. In previous debate on this issue in this Congress, there was some confusion about Senator Goldwater's support of S. 2. Following up on our visit, I received a letter from Senator Goldwater stating his position on this proposal. Senator Goldwater states in his letter that he cannot go along with Federal Government financing in part, or all, of campaigns. He asked that I put his position into the Record so that there can be no question about where he stands.

I ask unanimous consent that Senator Goldwater's letter to me dated August 4, 1987, be placed into the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Scottsdale, AZ,
August 4, 1987.

Hon. Larry Pressler,
U.S. Senate,
Washington, DC.

Dear Larry: At the Air Force Academy, this last weekend you told me you had not received a letter from me relative to my position on what was once the Boren-Goldwater Bill.

This letter will explain my position. I was very happy to cosponsor Senator Boren's Legislation, but when he introduced federal support, at any level, or any amount, I just could not go along with it. One of the surest ways that I know of to raise havoc with our election system, federal or local, would be to have the federal government finance part, or all, of campaigns.

I would appreciate your putting my position in the Record, so that my friends, who think I still support the Boren-Byrd approach, can be properly informed, and act accordingly.

It was great seeing you at the meeting the other day. That was a good turnout, and I think we did a lot of good.

With best wishes,

Barry Goldwater.

INDEPENDENT FEDERAL AVIATION ACT OF 1987

Mrs. KASSEBAUM. Mr. President—I am pleased to join my good friend and colleague Senator Ford in introducing legislation which, in our view, is essential to the long-term resolution of problems currently confronting our national air transportation system. This bill, the Independent Federal Aviation Act of 1987, takes the all-important step of reestablishing the Federal Aviation Administration as an entity clearly charged with the authority to respond to the demands we place upon the system.

Over the past several years, it has become increasingly obvious that, as a nation, we cannot afford to see the demand for improved airway and airport capacity held hostage to other political goals and agendas. There are hard decisions which must be made about the future course of Federal aviation policy. Such decisions should be made on the basis of a thorough analysis of current conditions and future goals. We must get on with that process, and we need an aviation entity solely dedicated to aviation objectives—a role the FAA can not currently fill. Only an independent FAA will be capable of independent, factual analysis.

The existing relationship between the Department of Transportation and the FAA is a relationship of shared authority. This relationship has not been conducive to either clear accountability or effective leadership. This bill would correct that structural defect and, as an added benefit, provide a clear mandate to revitalize the FAA.

Among the most serious of structural defects I hope this legislation will help resolve is the perennial conflict between the promise of the airport and airway trust fund and the reality of the budget and appropriations process. I am personally convinced that if a clear linkage is established between system demand and the money actually made available to fund and manage the system, we will have taken an important step in fixing a systemic problem. An independent FAA would be critical to establishing that linkage.

There are, of course, other important issues which will require resolution. Prominently mentioned problem areas include procurement and personnel regulations which, in many instances, present obstacles to the FAA's efforts to improve system capacity. We will welcome comments and suggestions on these and other matters during the hearing process later this year. As the legislative process goes forward, Senator Ford and I have every confidence that significant progress can be made in meeting the aviation needs of the nation through this measure.

The FAA has a clear mandate to assure safe and efficient air transportation is the norm for the traveling public. I believe this bill is an important step in freeing the hands of the FAA to carry out that mandate. It is a positive initiative calculated to help assure that, as a nation, we have the best system of air transportation possible.

COMPLEXITY OF TELECOMMUNICATIONS

Mr. LEVIN. Mr. President, telecommunications issues are among the most complicated issues that I've been exposed to in my tenure as a U.S. Senator. Because of their complexity, I have great admiration for those who are well versed in the intricacies of those issues. My approach is to look to general trends that are emerging from these underlying complexities.

I do not intend to debate the modified final judgment [MFJ], the agreement that currently governs the operation of most of the telecommunications industry, or the impact that it has had on our Nation's telephone network. I will leave those debates to those more involved than I am.

I do want to speak briefly about what I believe to be a central issue in telecommunications policy: maintenance of the local service network. Providing affordable, universally available local telephone service has long been a goal of our telecommunications policy. This goal should continue to be pursued. One of the reasons that we have been successful in providing affordable, universally available local telephone service has been the revenue from a number of sources that, in effect, subsidized local telephone service. In other words, excess revenue from low-cost services was used to reduce the expense of higher cost services. This system worked for many years because there were largely no alternative services that could be substituted for that provided by AT&T.

Technology and litigation changed the picture, and alternatives became available. Those who wanted to avoid higher charges that resulted from the subsidies began to use these alternatives. Some even constructed systems allowing them to completely avoid the local telephone network.

What did this mean? Quite simply, fewer customers were contributing to the subsidization of local telephone service. With the reductions in the subsidies costs rose.

One possibility for providing an infusion of revenue to help maintain affordable, universally available local telephone service would be to allow the Regional Bell Operating Cos. [RBOC's] to provide what are known as information services through the local telephone network. Greater use of the local telephone network would generate greater revenue which could be put toward its maintenance.

It is likely that there would be a great demand for these services. In Japan, for example, ealier this year the national telephone company, Nippon Telephone and Telegraph Co. [NTT] began offering a service very similar to that provided by answering machines. This service allows telephone messages to be stored and retrieved in the company's computers. The demand for this service has outstripped NTT's ability to accommodate it.

It is ironic that in 1986 approximately 4.6 million answering machines were purchased by U.S. consumers, very few of which were produced in the United States, and our telephone companies are prevented from providing a similar service by the MFJ. The demand for this type of service exists. Furthermore, if there was an alternative to purchasing answering machines, like an answering machine-type service provided by local telephone companies, it is likely that the number of machines purchased could be reduced. Any reduction in the number of machines purchased would have a beneficial impact on our trade deficit.

We could therefore, reap two benefits from this example of information services; greater revenue for the maintenance of the local telephone network and a reduction in our trade deficit. While I am no expert in this area, it sure seems reasonable to encourage a thorough consideration of the possibility of allowing the RBOC's to provide information services.

THE IMPORTANCE OF FARM CREDIT REFORM AND MODERNIZATION

Mr. CONRAD. Mr. President, I am very pleased today to join with Senator Melcher of Montana and Senator Boren of Oklahoma to introduce the Farm Credit Act of 1987. This bill is a major step in stabilizing and modernizing the Farm Credit System—a farmer cooperative which provides 25 to 30 percent of the credit necessary to produce the food to feed America. This bill also provides for the modernization and reform of the Farmers Home Administration of the U.S. Department of Agriculture. The Farmers Home Administration provides an additional 25 percent of the credit of all farmers.

These two institutions—a farmer cooperative and a Federal agency—together with small community banks throughout the rural areas of this country provide the bulk of credit available to farmers. All of these institutions are under severe stress because of the recession in agriculture. While most of the press has moved on to other stories, the economy of rural America, particularly the grain producing States of the Midwest and Great Plains remains very depressed.

Let me give you just a few examples of severity of the problems we face and remind my colleagues that these problems not only affect the farmer, small businesses, and financial institutions in rural areas, but have the potential to seriously affect financial institutions and interest rates throughout the economy.

During the 1980's, American farmers have faced the most difficult farm economy since the Great Depression. Adjusted for inflation, net farm income has been lower in the 1980's than in any period since the 1929 through 1932 years. We have many fewer farmers today than in the 1930's, but that does not reduce the effects of the sharp drop in farm income. The average net income of family farmers—those with sales of $50,000 to $250,000 per year—has dropped from $41,000 per year in the 1970's to $12,500 in the 1980's—a 70-percent decline.

Let me give a few more facts. The USDA predicts that the value of our grain and oilseed exports this year will be only one-third of the 1981 level. As a consequence, farmers have lost two-thirds of their grain export income. But that is not all. In the domestic market, the farmers share of the consumer food dollar has dropped by 50 percent in 6 years. The spread between what the farmer receives and what the consumer pays—the farm to market spread—has increased 7 fold in 6 years.

The effects of busting the farmers' income is to bust the banks and financial institutions which serve him. That is why we are here today to introduce the Farm Credit Act of 1987.

The legislation will accomplish two goals. First, it will stabilize the Farm Credit System. This is essential to the rebuilding of our rural economy. Second, it will force the Farm Credit System and the Farmers Home Administration to write down the loans of farmers if writing down the loans is less costly to the Farm Credit System or the Farmers Home Administration than foreclosure. This is essential to keeping our family farm system of agriculture and to getting young farmers back in business. Most commercial banks and some Farm Credit System banks are already writing down loans when it will improve their bottom line. The Farm Credit System and Farmers Home Administration need to follow their example in order to help farmers and to reduce Government expenditures.

Some of my urban colleagues and many Americans in our cities may not understand why this legislation is so important. For me, it means that we in rural areas can begin to work our way out of the disastrous farm recession of the 1980's; that we can begin to rebuild our rural communities; and that we can begin to get our young people back into farming.

For urban Americans the stakes are just as high. The failure of one Farm Credit System cooperative bank to meet its bond repayment commitments will affect the interest rates which we all pay on home mortgages and student loans. The bonds of the Farm Credit System, Sallie Mae and Fannie Mae all benefit from an implied Federal guarantee. The failure of the Farm Credit System to meet one payment on its bonds will have repercussions throughout the economy. It will raise interest rates for home mortgages and student loans because if the Federal guarantee is no good on Farm Credit System bonds, it is no good on Fannie Mae bonds.

We are not willing to let that happen. I would like to assure my colleagues and the many farmers that legislation will pass this year.

I want to commend the hard work of Senators Melcher and Boren and their staffs on the excellent work on this bill.

NOMINATION OF DR. KENNETH C. ROGERS TO THE NUCLEAR REGULATORY COMMISSION

Mr. SIMPSON. Mr. President, as the ranking minority member of the Subcommittee on Nuclear Regulation of the Committee on Environment and Public Works, I do wish to commend this nominee to the full Senate. Dr. Rogers has been nominated for a 5-year term as a member of the Nuclear Regulatory Commission—perhaps one of the more difficult jobs in Washington. This is an especially important nomination, Mr. President, particularly in view of the fact that the position to which Dr. Rogers has been nominated has been vacant since July 1—leaving the Commission currently with only four sitting members.

I have had the opportunity—as many of my colleagues have—to meet personally with Dr. Rogers in order to discuss with him his interest in this position and to review his qualifications and background. He and I have had a fruitful discussion about the role and responsibility of the Commission in regulating the commercial nuclear power industry, as he has shared with me the perspective and expertise that he would bring to bear as one of five members of this collegial body.

Dr. Rogers has been nominated to serve at a time of great challenge for both the Nuclear Regulatory Commission and the industry that it regulates and for all indications, Mr. President, he is well equipped to serve in that capacity. It is a difficult—and sometimes thankless—job. But as I say this is perhaps one of the more important and certainly more difficult jobs in town, and I am pleased to see that people of Dr. Rogers' caliber are willing to perform the task and serve our Nation. I thank you, Mr. President, and I urge my colleagues to support this nominee.

NASA'S SHUTTLE DERIVED VEHICLE STUDY

Mr. HEFLIN. Mr. President, NASA announced that it woud initiate a study of an unmanned heavy-lift launch vehicle that will utilize the engines, solid rocket boosters, the external fuel tank, and launch facilities of the space shuttle. It would be a complimentary vehicle to the shuttle and not a competitive vehicle. The main purpose of the study is to determine whether the vehicle, now known as shuttle-C for cargo, would be cost effective in assembling and operating the space station. However, most agree that the vehicle can be used to meet a vast array of space launch needs and space activities.

Mr. President, this is something that I have advocated for quite some time and I commend NASA for taking this initiative.

Before I go any further, let me dispel any queries relative to this vehicle and its relationship to the Advanced Launch System [ALS] for which funds for a study were provided in the fiscal year 1987 supplemental appropriations bill. NASA must and will play a major role in the ALS Program. The ALS is jointly being studied by the Air Force and NASA and is considering only advanced rocket technologies. While the SDV, or shuttle-C, will support ALS, it will be a near-term vehicle and is expected to solve a problem which NASA will encounter in the early 1990's. More specifically, in the 1992-93 timeframe. If we build the ALS, which, in my judgment we must, it will not come on line until the late 1990's or just after the year 2000. In addition, the SDV is expected to be a low-flight rate vehicle, most likely used only four to eight times per year, whereas the ALS could fly several more times a year.

These two programs are not totally separate. They will support each other. Elements of the modular ALS also will be considered as alternatives for aiding space station assembly and/or operations. A joint DOD/NASA steering group will monitor the progress of the studies. The NASA-lead shuttle-C study will include Air Force participation and concentrate on minimum modification of existing systems and facilities. The results of the shuttle-C efforts will be integrated with other ALS studies and enable the steering group to formulate a national heavy-lift vehicle strategy that may best accommodate both near-term requirements, such as space station assembly and longer term objectives for reduced space transportation costs.

Mr. President, it is clear that the Nation will need an unmanned launched vehicle in the near-term with the capabilities to lift 100,000 to 200,000 pounds of payload into low Earth orbit. A common sense approach to meeting the Nation's near-term and future launch needs will be to build upon and take full advantage of the investments that the Nation has already made and are still very well in place. These exist in the form of shuttle propulsion elements, the outstanding test facilities and teams of people that have gained many years of experience in development of these and other propulsion systems.

As a result of conscious national decisions, launch vehicle development for U.S. needs over the past 20 years have been met by NASA. NASA has shown that they have the foundation and proven expertise in the management and development of propulsion systems.

The shuttle-C will provide NASA the support for space station assembly and logistics, it could be used as a new and greater vehicle launch capabilities for more major science and planetary programs, serve as an unmanned test bed for new shuttle boosters such as the advanced solid rocket motor, and provide operational options to relieve the shuttle manifest. In that regard, the shuttle may be reserved for missions which specifically require man's presence in space.

The SDV not only satisfies the early need but provides an option for graceful evolution to the next generation vehicles at the turn of the century. In the near-term, expendability may be the appropriate choice for engines and avionics, both considered to represent high recurring costs. However, the SDV design may readily and easily utilize a reusable propulsion/avionic module that would lower the recurring cost below other expendable launch vehicle options.

A simple path of vehicle configuration and program evolution may begin by removing the orbiter from the shuttle system and replacing it with a payload carries. This approach would attempt to utilize the external tank and solid rocket boosters as configured, retain the thrust structure, plumbing, and main engines as the payload carrier propulsion system and develop the structure for accommodating the payload. The approach intentionally constrains the shuttle-derived-vehicle concept to conserve early development funds. Because this approach wants to utilize as much of the existing launch processing and launch facilities as possible, the payload carrier must be almost orbiter size. Since the program elements are the same in this evolutionary approach as in the inline evolution approach, the real value inherent in the program continuity is the same. The flight planning, preparation, and launch processing options for all SDV concepts are simplified versions of the corresponding shuttle operations. These benefit from the body of shuttle experience, trained personnel, software, and computer resources now in place. Where SDV operations add to the burden of existing operations, the thrust is one of straightforward expansion of capabilities rather than development and implementation of new and radically different operational processes and facilities. Where new systems are introduced as part of the SDV evolution, such as a flyback booster or an inline vehicle, the changes are incremental and retain the benefits of proven operations until the new systems are matured.

NASA and industry teams for hardware design, production, and testing; for launch site facility and equipment design and construction; and for launch and flight operations' definition and execution embody the expertise to adapt the present systems to the needs of the shuttle-C and to accomplish its evolution to the launch systems of the future.

The shuttle-derived-vehicle, in my judgment, appears to be the most cost effective alternative to the various near-term unmanned, and Mr. President, I stress unmanned, launch vehicles that have been under consideration. The SDV development program can be accomplished at minimal cost, schedule and risk because the vehicle makes use of existing shuttle propulsion, structural, tankage, and avionic elements. Initial estimates indicate, depending upon configuration, that the shuttle-C can be operational in less than 5 years for $1 to $1.5 billion in development cost. Existing shuttle launch propulsion facilities require modifications to accommodate the shuttle-C with very nominal cost for shuttle size payloads and may approach 10 to 15 percent of development cost for the very large payload carriers.

Distinct from the savings due to sharing fixed cost between the shuttle and SDV, there are further economies associated with direct labor learning that would be experienced if shuttle-C flights were added to an existing base of shuttle flights. The shuttle-C would gain the benefits of previous shuttle experience and would thus get the immediate cost advantage of buying lower on the learning curve. Also, the additional cumulative experience of propulsion and operational manpower teams would decrease unit costs more rapidly if the total activity level were higher due to complimentary shuttle-C flights.

Mr. President, study after study has determined that NASA will need a heavy lift capability as part of a badly needed expendable launch vehicle fleet. In my judgment, the SDV/shuttle-C is a vitally important project for the future of our Nation's space program. The SDV is a natural compliment to the shuttle system and shuttle facilities. Once again, I commend NASA on initiating the shuttle-C study, and I look forward to the results.

THE GUNS OF GLASNOST

Mr. HELMS. Mr. President, the major news media of the United States and other Western countries have been pounding away throughout the Free World with a constant repetition of the Russian word "Glasnost" in conjunction with vague allusions to new "openness" in the Soviet dictatorship.

We have seen similar Russian peace offensives in the past, with similar aid and comfort from the Western press. Usually these activities precede an event like the invasion of Afghanistan or the conclusion of an arms treaty in favor of—and, I should add, violated by—the Soviet military.

One of the few journalists to recognize that "Glasnost" is just a new name for the same old lies is Edgar Ulsamer of Air Force Magazine.

I commend to the Senate his article, entitled "The Guns of Glasnost," which appeared in the June 1987 issue of Air Force Magazine, and I ask unanimous consent that the article be printed in the RECORD at the conclusion of these remarks.

I hope that this article will be read by all Senators as well as by their staffs. It is instructive and—for Americans who love their homeland—compelling.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GUNS OF GLASNOST

The central conclusion of the just-released 1987 edition of *Soviet Military Power*—the US government's comprehensive annual assessment of the USSR's defense activities—is that Soviet leader Mikhail Gorbachev's "peace offensive" over the past two years is controverted by the USSR's accelerating one-sided arms race. *Glasnost* notwithstanding, Soviet arms spending in 1986 grew more rapidly than in prior years and in the aggregate, accelerated at an annual rate of three percent over the past few years, even though US defense spending declined by about seven percent over the past two years. Possibly the single most telling statistic unearthed by the new US assessment is that the USSR devotes between fifteen and seventeen percent of its GNP (gross national product) to defense compared to about six percent for the US.

Soviet Military Power 1987 enumerates a host of facts about the Soviet arms buildup, including evidence of operational laser devices that have been used to temporarily blind aircrews from countries that the Pentagon declined to identify as well as of new hard-target-killcapable SLBMs and new generations of advanced ICBMs. Defense Secretary Caspar W. Weinberger, in the document's preface, provides a quick numerical overview to make the point that in the arms sector the Soviet Union continues to live up to the Leninist dictum that quantity has a quality all its own: "For the decade 1977–86, the USSR built 3,000 ICBMs and SLBMs, the US 850; the USSR 140,000 surface-to-air missiles, the US 16,200; the USSR 24,400 tanks, the US 7,100; the USSR ninety submarines, the US forty-three; the USSR 28,200 artillery pieces, the US 2,750.

In the past, the West has been able to rely on superior technology to counteract the Soviet advantage in numbers of troops and weapons, but of late "our technological lead is being increasingly challenged." Secretary Weinberger explained that each year, "we confront a more technologically advanced Soviet Union," partly as a result of purloined Western technology but due also to that country's steadily growing and maturing technological and scientific base.

NO SYSTEMIC CHANGES IN SOVIET SYSTEM

Neither the new US document nor the series of briefings involving Secretary Weinberger and other senior experts associated with its issuance recorded evidence of fundamental change in Soviet military policy or geopolitical objectives. While the "winds of change" are indeed blowing in the USSR, they involve changes in form, not substance, as one senior official pointed out. Furthermore, these changes implemented by Gorbachev clearly carry with them the cachet of the Soviet military, for they enhance the productivity of the Soviet Union and thereby the industrial and technological infrastructure of the defense sector. Gorbachev's commitment to revitalizing the country's economic base—the locomotive of future military modernization—has been evident ever since he became General Secretary.

Over the past two years, he has scored impressive gains: The Soviet GNP last year grew by more than four percent, with industry—the focus of Gorbachev's modernization efforts—recording its best growth in a decade. But as a joint CIA-DIA assessment pointed out, whether that growth rate can be maintained for long is problematic for, massive rhetoric notwithstanding, none of Gorbachev's reform measures will "greatly change the system of economic incentives that has discouraged management innovation and technological change." At any rate, the winds of change affect not only the work ethic and discipline of Soviet labor but tangibly provide for enhanced quality control.

Possibly most significant is the relatively rapid replacement of aging machinery and facilities with equipment embodying a higher level of technology to meet what Soviet planners refer to as "world standards." In combination, these reforms are meant to upgrade the country's technological base to put the Soviet Union on a higher, self-sustaining growth level. Gorbachev's goal is to sustain an annual GNP growth rate of four percent for the remainder of the current Five-Year Plan—which ends in 1990—and to seek a five percent average annual growth rate during the 1991-2000 period.

But the economic reforms launched by the new Soviet regime stand in stark contrast with its rigid adherence to the global power policies decreed by Marxist-Leninist ideology. As Secretary Weinberger put it in summarizing the conclusions of the new document, "The Soviets do not change military policy. They can have different kinds of General Secretaries, younger ones, healthier ones, better dressed ones, but the policy remains the same . . . If a General Secretary came in and tried to change that policy, I don't believe he would be General Secretary very long."

THE AFGHAN SCAM

While Soviet ideology and the resultant military policy are treated as sacrosanct dogma by the Kremlin, the portrayal of these commandments to the outside world can shift freely and cynically, the U.S. document points out. The charade of a gradual withdrawal of Soviet forces from Afghanistan is a case in point cited by *Soviet Military Power*. Following General Secretary Gorbachev's televised announcement in Vladivostok last summer that he intended to withdraw a "limited number" of Soviet forces from Afghanistan, beginning with the pullout of six regiments by the end of 1986, the Soviets employed massive and ingenious deception to "document" realization of this hollow pledge. For one, "the Soviets brought in two infantry units from Central Asia expressly for the purpose of being able to remove them."

The Soviets also beefed up understrength units already earmarked for rotation with reinforcements and new equipment from the USSR or from other units stationed in Afghanistan to showcase their withdrawal. After the PR hype, the US document pointed out, most of the equipment and reinforcements were reassigned to units that remain in Afghanistan. Lastly, about half of the units withdrawn as part of this media circus involved air defense forces. Since the mujahedeen (the Afghan resistance fighters) have no air force, the US report points out, "the three antiair regiments scheduled to be pulled out were of marginal value to the Soviet military effort."

BROAD ARRAY OF NEW WEAPONS

In hardware terms, the new US intelligence document stresses that the USSR is building new generations of offensive strategic and theater nuclear forces as well as modern conventional land, sea, and air forces and strategic defense forces, going "far beyond legitimate requirements for defense." Among the most noteworthy developments last year cited by *Soviet Military Power* were the following:

The USSR's newest class of strategic ballistic missile submarine (SSBN), the Delta IV, is entering operational service carrying sixteen SS-N-23 SLBMs. This SLBM, the newest weapon of its type, carries ten warheads. This extremely accurate weapon, US intelligence experts find, will have hard-target kill capability when operated in concert with Glonass, the Soviet equivalent to the US Navstar global positioning system (GPS).

The USSR's first fifth-generation ICBM, the roadmobile SS-25, now numbers more than 100 launchers, with additional deployments of this Minuteman-size weapon pending. At the same time, an extensive network of rail support facilities continues to take shape in preparation for the deployment of the rail-mobile MX-size SS-X-24 later this year. Some of these new missiles that carry ten warheads will also be deployed in silos.

The hardness levels of Soviet ICBM has been increased to about four times that of the best operational US designs, or about 12,000 psi (pounds of overpressure per square inch). The SS-25 and SS-X-24 are members of the so-called "fifth generation" of Soviet ICBMs. The bulk of all currently deployed Soviet ICBMs represents the fourth generation, consisting of the SS-17s, SS-18s, and SS-19s that were first fielded eight years ago.

By way of a benchmark, the US intelligence assessment points out that the 308 SS-18 Mod 4 ICBMs, by themselves, are capable of destroying between sixty-five percent and eighty percent of all US ICBM silos, while retaining more than 1,000 SS-18 warheads for restrike. In the same vein, the lead in deployed MIRVs that results from the relentless modernization of the Soviet ICBM forces is widening dramatically. Over the past ten years, the number of MIRVs carried by the Soviet ICBM force shot up from about 1,200 warheads to about 6,500 while the US MIRV level remained constant at about 2,200 ICBM warheads. Overall, the operational Soviet ICBM force consists of more than 1,400 silo-based and mobile launchers, which, of and by itself, constitutes a breach of the SALT II agreement that the Soviets—unlike the US—claim to consider binding.

In addition to the fourth- and fifth-generation ICBMs, the Soviets have started flight-testing a follow-on to the SS-18 Mod 4, bearing the NATO code name Satan. This ICBM will probably have more throw-weight, carry at least ten warheads, and have better accuracy than its predecessor. These attributes suggest unsurpassed effectiveness as a prompt hard-target killer. There is evidence also, according to the latest edition of *Soviet Military Power*, of plans for follow-on systems to both the SS-25 and SS-X-24.

Not satisfied with an already burgeoning arsenal of SS-20 long-range theater weapons—at least 441 of which are known to have been fielded—the USSR is "vigorously pursuing test-firings" of a still more accurate intermediate-range ballistic missile that is likely to become operational this year. At the same time, deployment of a new generation of shorter-range theater ballistic missiles, the SS-21 and SS-23, continues.

In terms of air-breathing strategic weapons, strategic aviation is "making a strong comeback in the Soviet Union," according to the new US threat assessment. At least seven Blackjacks, a larger and faster Soviet counterpart to the B-1B, are in advanced flight test. At least fifty-five new Bear-H bombers are operational and can carry the 3,000-kilometer-range, nuclear-armed AS-15 air-launched cruise missiles. Some of these Bears, *Soviet Military Power* points out, routinely fly training missions against North America, at times coming within fifty miles of US airspace. The combination of Bear-H and Blackjack bombers will eventually enable the Soviets to launch hundreds of difficult-to-detect, hard-target-kill-capable AS-15 cruise missiles.

Along with the operational deployment of air-launched cruise missiles, the USSR is flight-testing SSC-X-4 nuclear-capable, ground-launched cruise missiles as well as nuclear-capable SS-NX-21 sea-launched cruise missiles from submarines.

Operational deployment of a sophisticated new generation of mobile surface-to-air missiles, the SA-12, has started. One variant, the "Gladiator," or "A" model, is being fielded, while the SA-X-12B/Giant is still under development. The latter type, the U.S. intelligence assessment reports, is deemed broadly effective not only against aircraft and cruise missiles at any altitude but also against tactical ballistic missiles as well as some categories of strategic ballistic missiles. The advent of the SS-12—and its possible deployment by Soviet surrogate forces—could drastically affect the utility of the US SR-71, which heretofore has been largely beyond the reach of hostile surface-to-air weapons.

UPGRADED STRATEGIC DEFENSES

During the past decade, the Soviets allocated resources equivalent to approximately $400 billion to strategic programs, of which about half went to defensive weapons. As a result, the Soviets continue to lead the US in deployed strategic defensive systems by a wide margin, *Soviet Military Power* reports. Key here is the fully operational ABM system ringing Moscow. This system is being expanded to a two-layer network composed of silo-based, long-range, modified and reloadable Galosh interceptors; silo-based, probably nuclear-armed Gazelle high-acceleration interceptors that engage reentry vehicles within the atmosphere; and associated engagement radar systems, including the new Pill Box large, phased-array radar at Pushkino north of Moscow. This modernized two-tiered system is expected to reach operations status within two or three years.

Pacing the ABM defenses is a space-based early warning system resembling the US DSP (Defense Support Program) system, but consisting of ten (rather than three) satellites. The Soviet early warning system provides thirty minutes' tactical warning and can determine the general origin of a given missile. Additionally, two over-the-horizon radars that are directed at US ICBM fields also can give about thirty minutes' warning. The next layer of the Soviet detection and tracking network consists of eleven large Hen House ballistic missile early warning radars situated on the periphery of the USSR. These sensors corroborate the warning information from the satellite and OTH radar systems, determine the size of the attack, and provide target-tracking data in support of antiballistic missile forces.

Backing up these capabilities by providing ballistic warning and tracking are nine LPARs (large phased-array radars), including one at Krasnoyarsk—which, because of its inland location, violates the ABM treaty—and three that were completed last year. These systems and the demonstrated capability of the SA-10 and SA-X-12B/Giant air defense systems to perform ABM functions, the US report charges, create an infrastructure that permits the relatively rapid deployment of a nationwide ABM system.

The Soviet Union also maintains a multifaceted operational strategic air defense system that dwarfs that of the US as well as a wide-ranging research and development program in both traditional and advanced defenses. The operational Soviet ASAT system, which plays a significant strategic role, consists of fifteen interceptors that can be launched at a rate of five a day. Moreover, the Soviets' passive defense program includes deeply buried shelters—some 800 feet below the surface and protected by solid rock—to protect key elements of the Soviet leadership.

The strategic defense forces are designed to complement the effectiveness and credibility of the strategic offensive forces in two ways. One is to intercept and destroy whatever hostile strategic weapons—be they missiles or aircraft—that might survive the preemptive strikes of the Soviet offensive forces before they can reach their targets on Soviet soil. The other key function assigned to the defensive forces is protection of the Party, state, military, and industrial infrastructures along with key components of the labor force to permit the eventual recovery of the USSR from a nuclear war ahead of any adversary.

Conversely, the job of Sovet offensive strategic forces in the case of nuclear attack is to destroy or neutralize as much of the enemy's strategic forces—regardless of basing mode—before they can be launched. Another mission of the offensive forces is to destroy or disrupt the enemy's command control and communications apparatus. The tools for achieving these tasks are more than 10,000 deployed missiles warheads and bombs carried by ICBMs, SLBMs, and bombers with intercontinental range. The most troublesome recent development in the strategic offensive sector, a senior defense official pointed out, is the Soviet commitment to mobile ICBMs, because it is "very, very difficult to . . . find those mobile targets [that] operate as far as 100 miles out of garrison."

SOVIET GAINS IN SPACE

Support of terrestrial military operations continues to be a top Soviet priority, especially in terms of C^{3}I, according to *Soviet Military Power*. The USSR operates the world's only military radar and electronic-intelligence ocean reconnaissance satellites, These sensors are eminently capable of detecting and tracking hostile naval forces. The Soviets launch satellites of this type routinely for tests during Soviet and NATO naval exercises.

Robust and versatile launch capabilities are a driving force behind the steady growth in Soviet military space operations. About every third day, the Soviets orbit a military payload, using one of eight types of operational spacelaunch vehicles. The pending deployment of the medium-lift Titan IIIC-Class SL-X-16 and of a heavy-lift launcher—comparable to the Apollo program's Saturn V and designated as SL-W—will increase Soviet spacelaunch capabilities even further. The SL-W booster, *Soviet Military Power* points out, will do double duty by serving as the launcher of the Soviet space shuttle orbiter as well as of other heavy payloads weighing around 100,000 kilograms.

The SL-X-16, capable of placing a payload of more than 15,000 kilograms into low earth orbit, will probably serve as the primary launch vehicle for the Soviet space plane, which has been flight-tested by means of a subscale version. This small, manned spacecraft could be used for quick-reaction, real-time reconnaissance missions, satellite repair and maintenance, crew transport, space station defense, satellite inspection, and, if necessary, space combat, according to the new US analysis.

With the SL-X-16 and SL-W, the Soviets will have ten types of expendable launch vehicles, four of which support manned spaceflight, and three different manned space vehicles: Soyuz-TM (an improved crew-ferry vehicle), the Shuttle (whose first launch could come this year or in 1988), and the space plane. The combination of these systems will give the Soviets even greater versatility and redundancy to conduct and augment military operations in space.

Soviet interest in manned military space operations, the US intelligence community believes, impels the USSR's large space-complex program. This large, modular facility—whose construction is expected to get under way within a few years—is to accommodate as many as 100 cosmonauts. Experiments carried out aboard the much smaller Salyut space stations suggest that the Soviets are evaluating the ability of military cosmonauts to locate, identify, and track targets from space as the first step toward "designing a space weapons platform for use against targets in space and on earth." Such a platform, *Soviet Military Power* contends, could be used for ASAT and ballistic missile defense operations as well as space station defense.

CONVENTIONAL FORCES KEEP GROWING

Concurrent with the expansion of its strategic nuclear forces, Moscow is stepping up modernization and expansion of its conventional warfare forces and capabilities. The Soviet ground forces, the new US report points out, have been boosted to 211 active and five inactive mobilization-base divisions. One of the most significant developments in ground-forces technology brought out by the new US report is Soviet emphasis on reactive armor technology that helps neutralize antiarmor weapons, a concept pioneered by the Israelis. The widespread application of this technology to new Soviet tanks as well as retrofitting it to existing equipment "threatens to shift fundamentally the conventional force balance," according to *Soviet Military Balance*. The basic idea of reactive armor is to dissipate the force of incoming antiarmor rounds by exploding reactive charges.

In the air warfare arena, the new US assessment points out that the Soviet military aircraft industry is "in the midst of a technological revolution." Most of the new military aircraft incorporate much more complex and sophisticated electronic subsystems than did their predecessors. There is evidence that the Soviets have made progress in developing aircraft with low-observable radar signatures. At least one completely new fighter is in development, and several variants of existing, relatively new fighters can be expected to enter production over the next several years.

At the same time, a new airborne warning and control system (AWACS), the Mainstay, is entering the operational inventory in quantity. Primarily meant to handle early warning and air combat command and control, the modified Il-76TD has a true overland look-down capability. There are indications also that in addition to incorporating a new identification friend or foe (IFF) system, this aircraft may have a comprehensive electronic countermeasures complement.

Two new Soviet attack helicopters, the Havoc and the Hokum, are undergoing prototype testing. Armed with either a 23- or 30-mm cannon and as many as sixteen antitank guided missiles, the Havoc's primary quarry will be tanks as well as antitank helicopters. The Hokum, by contrast, is a unique special-purpose helicopter tailored to the air-to-air role. Featuring a coaxial rotor system, retractable landing gear, and a streamlined, jet-aircraft-like fuselage, the Hokum's speed probably ranges around 350 kmh (kilometers per hour). This new helicopter probably will employ air-to-air missiles and a rapid-fire cannon in day, night, and adverse weather conditions in its role as a low-level tactical counterair system.

A CORNUCOPIA OF NEW NAVAL WEAPONS

The proliferation of new weapon systems, *Soviet Military Power* points out, is evident also in the naval warfare arena. In addition to continuing the production of nine classes of submarines and eight classes of major surface warships during the past year, the USSR also unveiled and began sea trials of a revolutionary new class of amphibious aircushion vehicles. This landing craft, identified as the Pomornik class, is the largest military air-cushion vehicle ever built. The vehicle is fifty-seven meters long, displaces 350 tons, and is capable of high operating speeds. This craft, which went from building ways to sea trials in less than a year, demonstrates the Soviet Navy's determination to introduce new designs into the fleet.

Another startling new Soviet effort involves WIG (wing-in-ground) amphibious vehicles that cruise efficiently and rapidly at altitudes of less than fifty feet, riding on a cushion of air formed between the wing and the ground during low-altitude flight. Hybrid vehicles of this type can carry heavy loads long distances, especially over water, with great fuel efficiency. One of the Soviet WIG designs under development incorporates six missile launch tubes and is evidently meant to perform antiship missions, according to the US intelligence report.

ORGANIZATIONAL CHANGES AND OUTLOOK

While the USSR's military leaders continue to be consulted by the Communist Party's leadership on strategic decisions, *Soviet Military Power* finds that "the standing of the military within the overall Soviet leadership has been somewhat reduced in recent years." This assessment rests, in part, on the fact that Marshal of the Soviet Union Sergei Sokolov, the USSR's Defense Minister, has not yet been made a full member of the Politburo, but remains at the lower status of candidate member. There is evidence that Marshal Sokolov has been passed over for full membership on several occasions, which suggests "a reduction in the status of the armed forces within Soviet decision-making circles," according to the US government assessment.

The ultimate control over all military decisions continues to rest with the Defense Council, which is composed primarily of Party leaders and is chaired by Gorbachev. This body, *Soviet Military Power* asserts, controls "all aspects of national security policy [and] conveys the Party's wishes on all defense, budgetary, organizational, and senior personnel matters." Marshal Sokolov is its only military member.

Linked closely to national security policy is the Soviet Union's foreign policy, which under Gorbachev is taking on a new dynamic dimension: "To energize Soviet foreign policy and to overcome the impression that the influence of the USSR abroad is based solely on its military prowess, Gorbachev has restructured the upper echelons of the country's foreign-affairs apparatus. Eight of eleven first deputy and deputy foreign ministers, in addition to Foreign Minister Eduard Shevardnadze, are Gorbachev appointees."

In addition, more than thirty ambassadors have been replaced, including those in most major Western and Asian capitals. The new appointees, *Soviet Military Power* finds, "are sophisticated men with backgrounds in Party work and international relations as well as knowledge of or experience in dealing with the news media [well versed in] stressing global interdependence and the flexible, pragmatic nature of Soviet foreign policy."

Central to these changes is the emergency of arms-control policy as the Kremlin's major tool for dealing with the West: "The Soviets are trying to wrest concessions from the US through superficially tempting but one-sided offers [and to] weaken Alliance resolve through protracted negotiations and well-targeted propaganda [aimed at complicating] the funding of US defense programs." Although Moscow's style and rhetoric have changed, the US analysts conclude, the "ultimate goals have not. Expansion of influence and consolidation of gains remain the basic goals of the Soviet Union's activities worldwide."

THE HUNTWORK-JEJNA-WOLF RESOLUTION

Mr. WILSON. Mr. President, the American Bar Association is now holding its annual convention in San Francisco, and the ABA board of governors will vote on Monday on whether to terminate a declaration of cooperation between the ABA and the Association of Soviet Lawyers.

In 1985, the ABA and the ASL jointly adopted this declaration to "advance the rule of law in the world" and discuss "legal initiatives for peace and human rights."

Mr. President, the tragic and bitter irony is that the Association of Soviet Lawyers has consistently undermined the rule of law and even minimum observance of human rights, much less what is required by decency.

The ASL is a government-sponsored and controlled organization that has served as a mouthpiece for the Soviet Government's antireligious propaganda. Two years ago, along with the anti-Zionist committee of the Soviet public, the ASL published the infamous white book, which slandered the Jewish people and religion as well as promoted the idea that Zionism and racism were moral equivalents.

In 1982, a former vice-president of the ASL wrote a book entitled "The Anatomy of a Lie," which characterized Andrei Sakharov as a "spreader of disinformation" and accused Anatoly Sharansky of treason.

And last year, congressional members of the Helsinki Commission wrote that the ASL had "played an active role in Soviet repression of human rights activity, including the virulent anti-semitic campaign now raging in the U.S.S.R."

Yet ASL spokesmen such as Samuel Zivs have repeatedly denied the existence of a "Jewish problem" in the U.S.S.R. and maintained that strict standards of law and human rights governed the decisions of the Communist party.

What do American attorneys and social activists think of the ASL? Harvard Law School professor Alan Dershowitz has called it "the most reprehensible organization on the face of the Earth" and Federal Judge Frank Kaufman once compared the ASL to Hitler's Third Reich. Perhaps it was Morris B. Abram, himself a lawyer and Jewish leader, who gave the most accurate professional judgment of the ASL by declaring, "these are not lawyers."

Mr. President, the Senate has relied for decades on the ABA's evaluations of the men and women whose nominations to the Federal bench we are asked to confirm. I find it sadly ironic that this great organization of lawyers and scholars did not apply the same rigor to examining the fitness and decency of the ASL as they have to judicial nominees. Indeed, in the area of human rights, the ASL could not achieve even a rating of "minimally qualified."

Mr. President, with the greatest respect as a lawyer for the principles and purposes of the ABA, I strongly urge the members of ABA to recognize the Association of Soviet Lawers for what it is—an organ of Soviet disinformation and repression whose true activities constitute a vile repudiation of the noble principles and purposes of the ABA. I respectfully submit that to cooperate with such an organization is to allow the ABA to be used to confer apparent legitimacy upon practices which the American tradition of law and justice should rightly condemn as illegal and unjust.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. ROTH. Mr. President, my father used to tell me that nothing worthwhile is ever easy. And, today, as we concern ourselves with the issues and challenges of good government—a very worthwhile cause—I understand only too well what my father meant. Convictions and emotions run high on both sides of many issues as the lines of distinction between what is good, better, and best for the American people are blurred.

An example of this is an issue that Congress is considering in this session—a proposal to develop the coastal plain of the Arctic National Wildlife Refuge. There's nothing wrong with this consideration, as we have done it before. In 1979 and 1980, as a Republican leader in the debate on this issue, I worked with then Massachusetts Senator Paul Tsongas to steer most of the park, refuges, and wilderness areas of Alaska through the Senate. Then and now, those who advocate the development are doing what they believe is in the best interest of the American people. We live in an energy-intensive environment, we depend on readily available resources. And the American people—the people we serve—deserve to have their resources used for their necessities and comforts, especially when these resources are conveniently located in our own States and territories.

However, the question whether or not to develop the coastal plain of the Arctic National Wildlife Refuge is more complex than what it appears. On this issue, our responsibility to the American people goes far beyond the realm of convenient resources and into the realm of ecological management—the management of the precious, but limited, resources we enjoy on this fragile globe. In a case such as the one we face now, the short-term gains are over shadowed by the long-term consequences.

The area of the Arctic coast—so important to our sense of natural responsibility—is one of the world's most extraordinary natural frontiers. As a nation, we take pride that it's ours, and that we have the responsibility for its management and care. To paint a poetic picture of the area's grandeure, we'd have to begin with the magnificent Brooks Range, where the plain runs north to the sparkling ice packs of the Arctic Ocean. The rolling tundra is braided by crystal blue rivers and, in season, is splashed with a kaleidoscope of wildflowers. In the world there is no other wilderness quite like it. It's the land of the polar bear, the land of the caribou. It's the home of the snow goose and the muskox—that shaggy survivor of the ice age. It's that part of America that causes our children to dream and our grownups to boast. It's the last of a great frontier.

From a scientific perspective, the coastal plain is described as the "most biologically productive" part of the wilderness refuge. The Department of Interior has long seen the area as critical to endangered species that make the area so powerfully beautiful and productive to our world's ecosystem. The amount of research and scientific studies that have been carried out in this region—research and studies that benefit wilderness and wildlife everywhere—can only be guessed. In the discipline of science alone, the region is priceless.

Unfortunately, Mr. President, if we open the coastal plain to the oil industry, the frontier will be in danger. Laced with 380 miles of roads, 100 miles of main pipeline, and collector lines, the refuge will be lost. There would be seven large production facilities, four smaller ones, two ports with salt water treatment facilities, and four airfields. In addition, there are concerns about adequate water supplies, where the gravel will come from—and communities of several thousand people.

Contrast the mental image of the Arctic National Wildlife Refuge that I drew earlier to the image of Prudhoe Bay. Among others, here is a land where an estimated 74,000 tons of nitrogen oxides are spewed into the air annually—almost half the amount produced by New York City. Here is a land spotted with gas flares and plumes of black smoke.

Mr. President, we can see the difficult decision faced by Congress. It might even be considered a conundrum, but we're expected to find the answer. And I believe we can. I believe that the 1-to-5 odds of finding oil, and the added fact that the oil found would not be enough to last more than a few months, demonstrate that we must leave the beauty and the natural resources of the frontier to the wildlife and to future generations.

To meet our Nation's energy requirements, we must continue to proceed on two fronts. We must continue to reduce the demand for energy through conservation. And we must increase domestic supplies of energy through efforts that will result in long-term solutions. Recent advances in automotive technology have provided remarkable results. Superconductivity is another area that represents the most exciting scientific advancement of the decade—maybe even of the century. What it will do for mankind cannot yet be imagined.

Mr. President, my message today is clear. Congress must resist being hurried into a decision to develop the coastal plain. Instead, it must reaffirm its decision to save this area and declare it a wilderness. Because this pristine untouched ecosystem spreads out over two countries, I would like to suggest that the area be protected on both sides of the border through an international park designation. There are a number of ways to do this, and I would like the Secretary of the Department of Interior to undertake an expeditious review of this suggestion and report back to the Congress as soon as possible.

Mr. President, for the information of my colleague, the Canadian Government has proceeded to designate the Yukon North Slope region for a special conservation refuge and set aside a 3-million-acre Northern Yukon National Park within this refuge. This land is part of the same ecosystem and provides the opportunity for the United States and Canada to protect and preserve the last pristine world-class ecosystem on the North American Continent.

To this end, Mr. President, I feel it is only natural that I step forward today and announce at this time that I will introduce legislation when we return from the August recess that will designate the coastal plain of the Arctic refuge as a wilderness area. It is my hope that a bipartisan group will cosponsor this legislation at that time.

ST. MARY'S COUNTY, MARYLAND CELEBRATES ITS 350TH ANNIVERSARY

Mr. SARBANES. Mr. President, it is a great pleasure to bring to the attention of my colleagues in the U.S. Senate the celebration of the 350th anniversary of St. Mary's County, the Mother County of Maryland and the birthplace of religious freedom. I am particularly pleased to do so as county residents prepare for festivities on August 15, culminating commemorative events commencing on Maryland Day earlier this year. This anniversary is significant because our State's oldest county is 3½ centuries old, and because this milestone coincides with another important event in our Nation's history, the Bicentennial of the Constitution.

St. Mary's County, the fifth oldest in the Nation, is truly the "Mother County of Maryland." It was here that Leonard Calvert, Maryland's first Governor, and his brother George Calvert entered the Potomac River on March 5, 1634 and made their official landing on St. Clement's Island on March 25, 1634. At the request of Second Lord Baltimore Cecelius Calvert, Leonard and George's brother in England, they, Father Andrew White S.J. and about 300 other adventurers sailed from Cowes, England in the passenger ship named the *Ark*, accompanied by a pinnace of smaller size, the *Dove*, to settle the Province of Maryland. Although Cecelius Calvert had issued instructions that all Roman Catholic acts of worship were to be done privately, Father Andrew White, S.J., celebrated Mass in thanksgiving for the colony on this day, Annunciation Day.

On March 27, 1634, Leonard Calvert and Captain Henry Fleet, a fur trader who acted as interpreter for the Indians, landed at the Indian village of Yeocomico on the St. Mary's River. They purchased Yeocomico and 30 miles of land from the Indians and christened the village Saint Maries. This served as Maryland's capital from 1676 through 1693 when the capital moved to Annapolis. The 30 mile tract, first named as Augusta Carolina, soon became Saint Mary's. Although the local records of St. Mary's County have been destroyed by fire, it is certain that on January 24, 1637 St. Mary's is referred to specifically as a county in the proceedings of the Council of Maryland in commissioning John Lewger as "Conservator of the Peace within the County of St. Maries". Thus St. Mary's County officially came into existence.

Mr. President, the citizens of St. Mary's County take great pride in their rich heritage which is at the very foundation of the State of Maryland. This heritage began with the Charter of Maryland as conceived by First Lord Baltimore, George Calvert, when he established the idea of founding a haven of all who suffered persecution. The charter espoused "Freedom of Conscience" and "Separation of Church and State"—dangerous ideas for 1632 England where English Catholics were persecuted for their beliefs.

Cecelius Calvert, who received the Maryland Charter from King Charles I, continued his father's work in establishing this haven, achieved in the colony's first decade the establishment of a prosperous settlement not endangered by religious animosities. His goal was to use government to protect, not persecute, the free expression of individual conscience. The successful founding and enlightened early governance of Maryland between 1633 and 1645 represented the truly creative, liberal, and significant milestone in American religious history. Maryland became the first English colony in North America where Protestants and Catholics worshipped, labored, and legislated side by side in peace.

By 1650, Puritans exiled from Virginia and Anglicans expelled from Massachusetts had found tolerance in St. Mary's. Unfortunately, a Puritan-dominated assembly revoked the toleration act of 1649 and from 1689 until the American Revolution religious liberty was drastically restricted. The early noble experiment, though interrupted, helped pave the way for modern beliefs whereby Cecelius Calvert's principle of liberty of conscience assumed a broader significance that we all appreciate today.

St. Mary's County survived the loss of State government in 1693. Many large and prosperous estates rose and St. Mary's continued as an agricultural economy, with tobacco as the principle crop. Ports of entry were very active in world trade with tobacco, grain, nuts, fruit, and cured hams exported to many parts of the world. The prosperity continued until the Revolutionary War, when St. Mary's was generous with manpower, ships, and money. Later the Civil War brought about a transformation whereby large plantations were divided into small family farms. During this period of transition the seafood industry became the livelihood of about one-half of the population and soon oystering assumed greatest importance. With the advance of power equipment in the 20th century, tobacco again became king. Changes continued to take place in the county, with a budding tourism industry, and the establishment by the Federal Government of Patuxent Naval Air Station which has brought many new residents and economic prosperity to the county.

Mr. President, I believe the slogan for this year's celebration indeed expresses how the people of St. Mary's County feel about their home: "A Way of Life Worth Preserving." St. Mary's has witnessed many changes over the last three and a half centuries, yet today it can still boast clean air and beautiful water, with 400 miles of shoreline. Its land, bordered by the Potomac River, the Patuxent River, and the Chesapeake Bay, boasts countryside with approximately 40 percent in agriculture and 50 percent in forests. St. Mary's County lives harmoniously with its past—the horse and buggy of the Amish community coexist with the automobile; oystermen still hand tong for oysters while superjets roar overhead.

More than living with its past, many citizens and organizations are involved in preserving the rich architectural heritage of St. Mary's County. Thanks to the efforts of organizations such as the St. Mary's City Commission, the St. Mary's Committee of the Maryland Historical Trust, the St. Mary's County Historic District Society, and the St. Mary's County Historical Commission, much has been accomplished in exploring, recording, and preserving the county's cultural and architectural history and resources. It is difficult to go anywhere in St. Mary's County and not see something of historical significance.

"St. Maries City", the third oldest permanent English settlement on the continent, is now an unspoiled 800 acre outdoor museum dedicated to resurrecting the vanished community in a way that will honor it's significant achievement. It is recognized as the best preserved 17th Century townsite in the United States and is made very accessible to visitors through excellent interpretive 17th Century exhibits. The St. Clement's Island-Potomac River Museum in Colton's Point is a small, regional museum which successfully interprets the history, heritage, and culture of the immediate area. Point Lookout State Park at the very tip of the peninsula of southern Maryland offers countless visitors, many families, a pleasant environment to examine a wealth of history as it was once the site for the largest Union prison for Confederate POW's. 17th Century Sotterly Plantation, one of several fine historic houses in the county, is the only such structure open to the public on a regular basis. Leonardtown, originally laid out in 1708 and renamed from "Seymour Town" in 1728, is believed to be the oldest incorporated municipality in Maryland. The government of St. Mary's County has remained in this pleasant town continuously to present day. Tudor Hall, an 18th Century Manor House in Leonardtown purchased by the County Historical Society, will play an important role in the 350th anniversary celebrations.

The attributes and attractions of this beautiful, historic county are too numerous to list. The natural beauty provides countless opportunities for outdoor recreation. Local restaurants abound with southern Maryland style stuffed country ham and crabcakes. Over 600 small businesses contribute to the marketplace. Fine institutions serve the community including many churches; St. Mary's College, a four year liberal arts college in St. Mary's City; The Seafarers Harry Lundeberg School of Seamanship; St. Mary's Hospital; Cedar Lane Apartments for the elderly; St. Mary's Nursing Home, and Charlotte Hall Veterans Home. Several military installations and related contractors boost the local economy including Naval Air Station; Naval Air Test Center; Naval Electronics Systems Engineering Activity; and Naval Aviation Logistic Command.

Mr. President, above all the best resource in St. Mary's County is its people—natives whose descendents came over on the *Ark* and *Dove* and newcomers who bring new ideas to the area. It is evident they love their county and take delight in sharing it with others. I wish to commend all the organizations which have contributed to keeping this wonderful heritage alive and especially the St. Mary's County Celebration Committee for focusing our attention on this significant moment in the history of "The Mother County."

TRIBUTE TO THE GARDEN CLUB OF AMERICA

Mr. SARBANES. Mr. President, I want to join with all Americans in saluting the members of the Garden Club of America.

For the past several years, this group has involved itself with many programs and projects directed toward ensuring our lands and resources for future generations. Members of the

Garden Club actively lobbied for several measures which went on to become laws. Efforts of the club members are presently aimed at bringing back a few acts which didn't get passed last session.

The Saint George's Club of Maryland, one of the member clubs of the Club of America, helped with the contribution of more than 65,000 slides of American gardens and parks donated to the Smithsonian Institution's Office of Horticulture earlier this year.

Included in the collection were more than 2,500 rare, hand-painted slides from the 1920's and 1930's which were assembled through the efforts of members nationwide. There are images of the oldest surviving landscaped gardens in the United States, the Gilded Age gardens, as well as gardens of celebrities and famous people.

The donation of these slides will preserve both the vanishing and flourishing gardens of America in addition to improving our ability to understand the land and to learn our social history. The slides will be available on videodisc to the public sometime within the next 3 to 5 years.

It is clubs like these which really do improve our quality of life, and so Mr. President, I ask my colleagues to join with me in honoring and thanking the members of the Garden Club of America and the Saint George's Club of Maryland for their outstanding work.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE SOVIET UNION—MESSAGE FROM THE PRESIDENT—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1832(b), was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an agreement effected by exchange of notes of June 29 and July 24, 1987, extending for the period of one year from December 31, 1987, until December 31 1988, the Governing International Fishery Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics, signed at Washington on November 26, 1976. The exchange of notes, together with the present Agreement, constitutes a Governing International Fishery Agreement within the requirements of Section 201(c) of the Act.

This Agreement is one of a series negotiated in accordance with the Act and has been extended for periods of between one year and 18 months since July 1982. The extension of the Agreement would ensure the continuation of mutually beneficial joint ventures between the U.S. and Soviet fishing industries in the U.S. exclusive economic zone. Unless the Agreement is extended, these operations will cease, causing significant financial hardship to U.S. fishermen.

I recommend that the Congress give favorable consideration to this extension at an early date.

RONALD REAGAN.

THE WHITE HOUSE, *August 7, 1987.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on August 4, 1987, he had approved and signed the following enrolled bill and joint resolution:

S. 1020. An act to confer the honorary status of Librarian of Congress Emeritus on Daniel J. Boorstin; and

S.J. Res. 151. Joint resolution to designate August 1, 1987, as "Helsinki Human Rights Day."

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:10 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1577. An act to extend certain protections under title 11 of the United States Code, the Bankruptcy Code.

The enrolled bill was subsequently signed by the President pro tempore [Mr. STENNIS].

At 2:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3) to enhance the competitiveness of American industry, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Ways and Means: Mr. ROSTENKOWSKI, Mr. GIBBONS, and Mr. DUNCAN.

From the Committee on Agriculture: Mr. DE LA GARZA, Mr. BROWN of California, and Mr. ROBERTS.

From the Committee on Banking, Finance and Urban Affairs: Mr. ST GERMAIN, Mr. FAUNTROY, and Mr. WYLIE.

From the Committee on Foreign Affairs: Mr. FASCELL, Mr. BONKER, and Mr. BROOMFIELD.

From the Committee on Energy and Commerce: Mr. DINGELL, Mr. FLORIO, and Mr. LENT.

From the Committee on Education and Labor: Mr. HAWKINS, Mr. FORD of Michigan, and Mr. JEFFORDS.

From the Committee on the Judiciary: Mr. RODINO, Mr. KASTENMEIER, and Mr. FISH.

From the Committee on Government Operations: Mr. BROOKS, Mr. CONYERS, and Mr. HORTON.

From the Committee on Merchant Marine and Fisheries: Mr. JONES of North Carolina, Mr. BIAGGI, and Mr. DAVIS of Michigan.

From the Committee on Public Works and Transportation: Mr. MINETA, Mr. OBERSTAR, and Mr. HAMMERSCHMIDT.

From the Committee on Small Business: Mr. LAFALCE, Mr. SMITH of Iowa, and Mr. MCDADE.

From the Committee on Science, Space, and Technology: Mr. ROE, Mr. WALGREN, and Mr. LUJAN.

Appointed as an additional conferee: Mr. GEPHARDT.

The message also announced that the House has passed the following bills, without amendment:

S. 1550. An act to complete the Federal Triangle in the District of Columbia, to construct a public building to provide Federal office space and space for an international cultural and trade center, and for other purposes; and

S. 1597. An act to amend the Farm Disaster Assistance Act of 1987 to extend the reporting date for the ethanol cost effectiveness study.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2741. An act to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic Games;

H.R. 1315. An act to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989, and for other purposes;

H.J. Res. 130. Joint resolution to designate the week beginning November 22, 1987, as "National Family Caregivers Week";

H.J. Res. 268. Joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week";

H.J. Res. 313. Joint resolution designating the month of August 1987 as "National Child Support Enforcement Month"; and

H.J. Res. 335. Joint resolution designating the week of September 13 through September 19, 1987, as "National Reye's Syndrome Awareness Week".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 174. Concurrent resolution expressing the sense of the Congress regarding the twentieth anniversary of the establishment of the Association of Southeast Asian Nations [ASEAN].

At 5:23 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 812) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish a National Quality Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provision of their goods and services.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2686. An act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1371. An act to designate the Federal building located at 330 Independence Avenue SW., Washington, District of Columbia, as the Wilbur J. Cohen Federal Building";

H.R. 2309. An act to amend the Christopher Columbus Quincentenary Jubilee Act;

H.R. 2971. An act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services, and for other purposes;

S.J. Res. 44. Joint resolution to designate November 1987, as "National Diabetes Month";

S.J. Res. 49. Joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day";

S.J. Res. 87. Joint resolution to designate November 17, 1987, as "National Community Education Day"; and

S.J. Res. 108. Joint resolution to designate October 6, 1987, as "German-American Day";

S.J. Res. 109. Joint resolution to designate the week beginning October 4, 1987, as "National School Yearbook Week";

S.J. Res. 121. Joint resolution to designate August 11, 1987, as "National Neighborhood Crime Watch Day"; and

S.J. Res. 157. Joint resolution to designate the month of October 1987, as "Lupus Awareness Month"; and

S.J. Res. 175. Joint resolution to recognize the efforts of the United States Soccer Federation in bringing the World Cup to the United States in 1994.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. Stennis].

At 6:07 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3190. An act to provide for a temporary increase in the public debt limit.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 151. Concurrent resolution urging the President to make the development of agricultural markets in developing countries a high priority of the foreign economic policy of the Nation; and

H. Con. Res. 175. Concurrent resolution providing for an adjournment of the Congress until September 9, 1987.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1315. An act to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2686. An act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Environment and Public Works.

H.R. 2741. An act to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic Games; to the Committee on Banking, Housing, and Urban Affairs.

H.J. Res. 130. Joint resolution to designate the week beginning November 22, 1987, as "National Family Caregivers Week"; to the Committee on the Judiciary.

H.J. Res. 268. Joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week"; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 174. A concurrent resolution expressing the sense of the Congress regarding the 20th anniversary of the establishment of the Association of Southeast Asian Nations [ASEAN]; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 7, 1987, he had presented to the President of the United States the following enrolled bills:

S. 769. An act to provide grants to support excellence in minority health professions education; and

S. 1577. An act to extend certain provisions under title 11 of the United States Code, the Bankruptcy Code.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration: Special report, pursuant to Public Law 99-87, entitled "Printing Pictures of Missing Children on Senate Mail" (Rept. No. 100-145).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 1163: A bill to amend chapter 101 of title 18, United States Code, to impose criminal penalties for offenses relating to certain aviation reports and records (Rept. No. 100-146).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation without amendment:

S. 1628: An original bill to extend the Aviation Insurance Program for 5 years (Rept. No. 100-147)

By Mr. HELMS, from the Committee on Labor and Human Resources, without amendment:

S. 1632: An original bill to authorize appropriations for the National Science Foundation for fiscal years 1988 through 1992 (Rept. No. 100-148).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1360: A bill to amend the Indian Financing Act of 1974, and for other purposes (Rept. No. 100-149).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 908: A bill to amend the Inspector General Act of 1978 (Rept. No. 100-150).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HUMPHREY (for himself, Mr. Nickles, Mr. Helms, Mr. Hecht, Mr. Armstrong, Mr. Thurmond, and Mr. Gramm):

S. 1621. A bill to amend the Davis-Bacon Act to modify the provisions of such act prescribing the minimum wages to be paid laborers, mechanics, and helpers employed on public construction projects, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself and Mr. Conrad):

S. 1622. A bill to amend the Internal Revenue Code of 1986 to treat rural electric or telephone cooperatives in the same manner as other cooperatives for purposes of the book income preference under the minimum tax; to the Committee on Finance.

S. 1623. A bill to amend the Internal Revenue Code of 1986 to permit rural telephone cooperatives to have qualified cash or deferred arrangements, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE:

S. 1624. A bill to provide for a demonstration program in which a limited number of States would be permitted to provide unemployment compensation to individuals for the purpose of funding self-employment; to the Committee on Labor and Human Resources.

By Mr. SANFORD:

S. 1625. A bill to enhance the effectiveness and independence of the United States Court of Military Appeals; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself and Mr. Heflin):

S. 1626. A bill to keep secure the rights of intellectual property licensors and licensees which come under the protection of title 11 of the United States Code, the Bankruptcy Code; to the Committee on the Judiciary.

By Mr. McCONNELL:

S. 1627. A bill to provide incentive grants to an elementary and secondary school for excellence in each congressional district, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

S. 1628. An original bill to extend the Aviation Insurance Program for 5 years; placed on the calendar.

By Mr. MITCHELL (for himself, Mr. Chafee, Mr. Durenberger, Mr. Baucus, Ms. Mikulski, Mr. Stafford, and Mr. Lautenberg):

S. 1629. A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors; to the Committee on Environment and Public Works.

By Mr. HEFLIN (for himself, Mr. Grassley, and Mr. DeConcini):

S. 1630. A bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes; to the Committee on the Judiciary.

By Mrs. KASSEBAUM:

S. 1631. A bill to assure additional protection in connection with the transportation of radioactive materials; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

S. 1632. An original bill to authorize appropriations for the National Science Foundation for fiscal years 1988 through 1992; placed on the calendar.

By Mr. BYRD (for Mr. Gore):

S. 1633. A bill to amend the Public Health Service Act to revise and extend the program of assistance to organ procurement organizations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER (for himself and Mr. Quayle):

S. 1634. A bill to provide allotments to States to support the development of qualified risk pools to provide health insurance for medically uninsurable individuals; to the Committee on Labor and Human Resources.

By Mr. PRYOR (for himself and Mr. Melcher):

S. 1635. A bill to amend title XVI of the Social Security Act to increase the effectiveness and improve the administration of the SSI program, and for other purposes; to the Committee on Finance.

By Mr. GRAMM:

S. 1636. A bill to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 1637. A bill for the relief of Romeo Manabat and his wife Grace Manabat; to the Committee on the Judiciary.

S. 1638. A bill for the relief of Elmer Clint Mauthe; to the Committee on the Judiciary.

By Mr. DIXON:

S. 1639. A bill to prohibit the export of defense or defense-related goods by persons using the services of trading companies that have violated export controls promulgated by the Coordinating Committee; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. Daschle):

S. 1640. A bill to amend the Internal Revenue Code of 1986 to allow reserve for bad debts to production credit associations and banks for cooperatives; to the Committee on Finance.

By Mr. STEVENS:

S. 1641. A bill for the relief of Barry W. Jackson of Fairbanks, Alaska; and Thomas Fenton of Fairbanks, Alaska; to the Committee on the Judiciary.

By Mr. WILSON (for Mr. D'Amato (for himself and Mr. Moynihan)):

S. 1642. A bill to designate the United States Courthouse located at the intersection of Uniondale Avenue and Hempstead Turnpike in Uniondale, New York, as the "John W. Wydler United States Courthouse"; considered and passed.

By Mr. SIMON (for himself, Mr. Stennis, Mr. Bond, Mr. Breaux, Mr. Bumpers, Mr. Cochran, Mr. Danforth, Mr. Dixon, Mr. Durenberger, Mr. Ford, Mr. Gore, Mr. Grassley, Mr. Harkin, Mr. Johnston, Mr. Kasten and Mr. Sasser):

S. 1643. A bill to establish the Mississippi River National Heritage Corridor; to the Committee on Energy and Natural Resources.

By Mr. PELL:

S. 1644. A bill to extend the temporary suspension of duty on a certain chemical; to the Committee on Finance.

By Mr. DeCONCINI (for himself, Mr. Inouye, Mr. Evans, Mr. Daschle, Mr. Burdick, Mr. McCain and Mr. Murkowski):

S. 1645. A bill to reauthorize certain Indian educational programs, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. MURKOWSKI (for himself and Mr. Karnes):

S. 1646. A bill to amend title 38, United States Code, to provide eligibility to certain individuals for beneficiary travel payments in connection with travel to and from Veterans' Administration facilities; to improve the review of quality assurance programs in the Veterans' Administration; and to extend the transition period for the veteran's readjustment counseling program; to the Committee on Veteran's Affairs.

By Mr. CHILES (for himself, Mr. Pryor, Mrs. Kassebaum, Mr. Proxmire, Mr. Exon, Mr. Nickles, Mr. Cohen, Mr. Mitchell, Mr. Sanford, Mr. Adams and Mr. Conrad):

S. 1647. A bill to reform the laws relating to former Presidents; to the Committee on Governmental Affairs.

By Mr. MITCHELL (for himself and Mr. Durenberger):

S. 1648. A bill to amend titles XI and XVIII of the Social Security Act to improve the efficiency and fairness of the system of peer review of the utilization and quality of health care services, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. Conrad):

S. 1649. A bill to provide for the reduction of carbon monoxide emissions from gasoline powered motor vehicles through the use of oxygenated fuels in the District of Columbia; to the Committee on Environment and Public Works.

By Mr. CRANSTON (for himself, Mr. D'Amato, Mr. Kennedy, Mr. Helms, Mr. Dodd; Mr. Inouye, Mr. Matsunaga, Mr. Johnston and Mr. Breaux):

S. 1650. A bill entitled the "Democracy in Panama Act of 1987"; to the Committee on Finance.

By Mr. DASCHLE:

S. 1651. A bill to freeze the basic price support loan rates for the 1987-1990 crops of corn at the 1986 level, and for the 1988-90 crops of wheat at the 1987 level; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN:

S. 1652. A bill to authorize the establishment by the Secretary of Agriculture of plant stress and water conservation research laboratory and program at Lubbock, TX; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 1653. A bill to limit the amount of "junk" securities that can be held by federally insured institutions and to amend the Securities Exchange Act of 1934 to provide that debt securities issued by shell corporations are subject to the margin restrictions regulations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NICKLES:

S. 1654. A bill to amend title V of the Motor Vehicle Information and Cost Savings Act, "Improving Automotive Efficiency," to repeal the corporate average fuel economy [CAFE] standard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself and Mr. D'Amato):

S. 1655. A bill to amend title IV of the Social Security Act to improve the program of aid to families with dependent children by establishing a two-tier system for AFDC families, to require each State to establish a comprehensive work program with an organized intake and registration process for such families, to make necessary improvements in the child support enforcement program, and for other purposes; to the Commitee on Finance.

By Mr. HELMS:

S. 1656. A bill to restrict foreign military sales and military assistance to certain countries which are not members of COCOM or which are not complying with export controls under COCOM; to the Committee on Foreign Relations.

S. 1657. A bill to make it unlawful to expel from United States diplomatic missions or consulates in Communist countries persons seeking political asylum without review of their claims; to the Committee on Foreign Relations.

S. 1658. A bill to repeal South African sanctions; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. Chafee, Mr. Danforth, Mr. Durenberger, Mr. Heinz and Mr. Wallop):

S. 1659. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and credit for contributions to, education savings accounts; to the Committee on Finance.

S. 1660. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of educational savings accounts the earnings on which will not be taxed; to the Committee on Finance.

S. 1661. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and a credit for contributions to, education savings accounts but to provide that the earnings of such accounts will be taxable; to the Committee on Finance.

S. 1662. A bill to provide for the issuance of educational savings bonds a portion of the interest on which is exempt from taxation, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. Thurmond, Mr. Harkin, Mr. Matsunaga, Mr. Simon, Mr. Pell, and Mr. Durenberger):

S. 1663. A bill to reauthorize the Child Abuse Prevention and Treatment Act and other related Acts dealing with adoption opportunities and family violence; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1664. A bill to extend authorizations of appropriations for programs under the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MELCHER (for himself, Mr. Boren, Mr. Conrad, Mr. Burdick, Mr. Pryor, and Mr. Harkin):

S. 1665. A bill to amend the Farm Credit Act of 1971 to ensure the continuation of the Farm Credit System as a source of agricultural credit at fair and competitive rates; to increase farmer and rancher participation in the farm credit system; to restore the impairment of borrower stock in farm credit system institutions; to reform the lending practices on the farm credit system; to require forbearance on and restructuring of certain high-risk and nonaccrual loans; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE (for Mr. Stevens (for himself, Mr. Pryor, and Mr. Inouye)):

S. 1666. A bill to amend title 5, United States Code, to provide for the extension of physicians comparability allowances and to amend title 37, United States Code, to provide for special pay for psychologists in the commissioned corps of the Public Health Service.

By Mr. RIEGLE (for himself, Mr. Danforth and Mr. Levin):

S.J. Res. 184. Joint resolution designating October 15, 1987, as "National Safety Belt Use Day"; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself, Mr. Durenberger, Mr. Baucus, Mr. Bentsen, Mr. Bradley, Mr. Breaux, Mr. Bumpers, Mr. Conrad, Mr. Cranston, Mr. Daschle, Mr. Dodd, Mr. Ford, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Johnston, Mr. Levin, Mr. Matsunaga, Mr. Mitchell, Mr. Moynihan, Mr. Nunn, Mr. Pell, Mr. Pryor, Mr. Reid, Mr. Sanford, Mr. Sasser, Mr. Simon, Mr. Sarbanes, Mr. Stennis, Mr. Wirth, Mr. Kerry, Mr. Boschwitz, Mr. Chafee, Mr. Domenici, Mr. Garn, Mr. Hatch, Mr. Humphrey, Mr. Karnes, Mr. Kasten, Mr. McCain, Mr. McClure, Mr. Evans, Mr. Hecht, Mr. Nickles, Mr. Simpson, Mr. Stafford, Mr. Warner, Mr. Wilson, Mr. Grassley, Mr. Heinz, Mrs. Kassebaum, Mr. Pressler, Mr. Roth, Mr. Stevens, and Mr. Symms):

S.J. Res. 185. Joint resolution to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "National Drinking Water Week"; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. D'Amato):

S.J. Res. 186. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. Dole):

S. Res. 273. A resolution to establish a Senate Central American Negotiation Observer Group; considered and agreed to.

By Mr. PRYOR (for himself and Mr. Danforth):

S. Res. 274. A resolution to amend the Standing Rules of the Senate to limit sense of the Senate or Congress amendments; to the Committee on Rules and Administration.

S. Res. 275. A resolution to limit time on the motion to proceed; to the Committee on Rules and Administration.

S. Res. 276. A resolution to amend the Standing Rules of the Senate to impose a strict 15 minute limit on votes in the Senate; to the Committee on Rules and Administration.

S. Res. 277. A resolution to amend the Standing Rules of the Senate to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution, or other measure; to the Committee on Rules and Administration.

By Mr. STEVENS:

S. Res. 278. A resolution referring the bill for the relief of Barry W. Jackson and Thomas Fenton to the Chief Judge of the United States Claims Court; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. Boschwitz, Mr. Byrd, and Mr. Dole):

S. Res. 279. A resolution expressing the sense of the Senate regarding ethical conduct expected of Senate political committees.

By Mr. KERRY (for himself and Mr. Pell):

S. Con. Res. 68. A concurrent resolution expressing the sense of the Congress regarding the agreement to end the ethnic conflict in Sri Lanka; to the Committee on Foreign Relations.

By Mr. BREAUX (for himself, Mr. Hollings, Mr. Inouye, Mr. Adams, Mr. Trible, Mr. Ford, Mr. Kerry, Mr. Gore, Mr. Exon, Mr. Riegle, Mr. Kasten, Mr. Byrd, Mr. Shelby, Mr. Durenberger, Mr. Sarbanes, Mr. Melcher, Mr. Pell, Ms. Mikulski, Mr. Simon, Mr. Levin, Mr. Dodd, Mr. Burdick, Mr. D'Amato, Mr. Cranston, Mr. Matsunaga, Mr. DeConcini, Mr. Glenn, Mr. Warner, Mr. Dixon, Mr. Cohen, Mr. Chiles, Mr. McConnell, Mr. Specter, Mr. Heflin, Mr. Metzenbaum, Mr. Reid, Mr. Johnston, Mr. Lautenberg, Mr. Murkowski, Mr. Mitchell, Mr. Sasser, Mr. Stennis, Mr. Biden, Mr. Karnes, Mr. Kennedy, Mr. Cochran, Mr. Harkin, Mr. Daschle, Mr. Sanford, Mr. Hecht, Mr. Leahy, Mr. Thurmond, Mr. Pryor, Mr. Wirth, Mr. Rockefeller, and Mr. Bumpers):

S. Con. Res. 69. A concurrent resolution to reaffirm support for the maritime policy of the United States and the laws implementing it, as set forth in the Merchant Marine Act, 1936, and related laws; and to urge that any consideration of changes in that policy or laws be removed from the agenda of the United States-Canadian free trade negotiations; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY (for himself, Mr. Nickles, Mr. Helms, Mr. Hecht, Mr. Armstrong, Mr. Thurmond, and Mr. Gramm):

S. 1621. A bill to amend the Davis-Bacon Act to modify the provisions of such act prescribing the minimum wages to be paid laborers, mechanics, and helpers employed on public construction projects, and for other purposes; to the Committee on Labor and Human Resources.

DAVIS-BACON ACT REFORM

● Mr. HUMPHREY. Mr. President, today, along with Senators Nickles, Helms, Hecht, Armstrong, Thurmond, and Gramm, I am introducing legislation to reform the Davis-Bacon Act.

More than 50 years old, this statute is inconsistent in its implementation and inflationary in its effect. It sorely needs revision. Specifically, this legislation will amend the Davis-Bacon Act to:

First, codify the regulatory definition of "prevailing wage." Prevailing wage determinations would be based on the wages paid to 50 percent of more of the surveyed workers in a particular job classification. The statute is presently silent on what constitutes a prevailing wage.

Second, require that wage determinations be established within local rural or urban civil subdivisions. This change effectively bans wage determinations that "import" high determinations from urban areas into rural areas. Current administrative procedure also does away with importation.

Third, require wage surveys to take only private sector construction projects into account for wage determination purposes. This change codifies current practice and is in keeping with the underlying intentions of the statute.

Fourth, permit the Labor Department to issue wage determinations for "helper" job classifications in those localities where the use of helpers is a prevailing practice. This change tracks a proposed regulation. Although the Supreme Court has upheld the Secretary's right to allow for helpers and limit their use through a ratio requirement, the regulation has not yet been finalized.

Fifth, increase the statutory $2,000 threshold to $100,000 for all construction contracts except those let by the Department of Defense, which shall have a $1 million threshold. The $2,000 threshold has been in effect since 1935.

Since 1979, the Senate has debated Davis-Bacon seven times. On one occasion, the Senate passed a similar reform measure only to see it die in conference. The 100th Congress should act to update this antiquated statute. The reforms proposed by this bill are modest. Essentially, they codify Labor Department practice.

The Congressional Budget Office [CBO] estimates that the taxpayer will save $635 million in budget authority and $155 million in outlays in fiscal year 1988.

I believe these reforms are long overdue. I urge support for my legislation.

Mr. President, I ask unanimous consent that the text of my legislation and the CBO estimate be reprinted in RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINIMUM WAGES FOR EMPLOYEES ON PUBLIC CONSTRUCTION PROJECTS.

(a) WAGE DETERMINATIONS.—Subsection (a) of the first section of the Act of March 3, 1931, commonly known as the Davis-Bacon Act (40 U.S.C. 276a(a)), is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary of Labor shall base the determination of wages prevailing for the corresponding classes of laborers, mechanics, and helpers under paragraph (1) on—

"(A) the wage paid to 50 percent or more of the corresponding classes of laborers, mechanics, and helpers employed on private industry projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there; or

"(B) if the same wage is not paid to 50 percent or more of the laborers, mechanics, and helpers in the corresponding classes, the weighted average of the wages paid to the corresponding classes of laborers, mechanics, and helpers employed on private industry projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.".

(b) MINIMUM CONTRACT.—The first sentence of subsection (a)(1) of such Act is further amended by striking out "$2,000" and inserting in lieu thereof "$100,000 or, in the case of contracts awarded by the Department of Defense, every contract in excess of $1,000,000".

(c) HELPERS.—

(1) The first section of such Act is further amended—

(A) in subsection (a)(1), by striking out "mechanics and/or laborers" and inserting in lieu thereof "laborers, mechanics, helpers, or any combination thereof";

(B) by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers";

(C) in subsection (a)(1), by striking out "mechanics and laborers" and inserting in lieu thereof "laborers, mechanics, and helpers"; and

(D) in subsection (b), by striking out "laborer or mechanic" and inserting in lieu thereof "laborer, mechanic, or helper".

(2) Section 2 of such Act (40 U.S.C. 276a-1) is amended by striking out "Laborer or mechanic" and inserting in lieu thereof "laborer, mechanic, or helper".

(3) Section 3 of such Act (40 U.S.C. 276a-2) is amended by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers".

(4) The first section of such Act is further amended by adding at the end thereof the following new paragraph:

"(3) In making a wage determination under paragraph (1), the Secretary of Labor may limit the use of helpers employed at a particular site.".

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 3, 1987.

Hon. GORDON HUMPHREY,
U.S. Senate,
Washington, DC.

DEAR SENATOR: As you requested in your letter of May 20, 1987, the Congressional Budget Office (CBO) has examined the budgetary effects of the draft bill you forwarded relating to reforms in the Davis-Bacon Act (DBA).

The legislation as drafted would increase the current minimum applicable contract size under the DBA of $2,000 to $1,000,000 for Department of Defense (DoD) contracts and to $100,000 for all other agencies. In addition, the majority wage determination rule now being used by the Department of Labor (DoL) would be codified under your bill. The legislation would also permit the unlimited use of helpers, a class of workers who assist journeymen workers; currently employers are required to employ such workers at wage rates paid to the journeymen with whom they work.

Table 1 displays, section by section, the estimated savings from the proposed changes in the DBA. The savings are based on the assumption that the DBA raises Federal construction costs by slightly more than 3 percent for contracts covered under the Act. Moreover, the CBO assumes that the elimination of the restriction on helpers accounts for about half of these savings. (For more details, see the CBO study entitled, "Modifying the Davis-Bacon Act: Implication for the Labor Market and the Federal Budget," June 1983.) The codification of the majority wage rule is assumed to have no effect on federal costs because the CBO baseline assumes that the current regulatory enforcement of this rule would continue indefinitely.

TABLE 1.—ESTIMATED COST SAVINGS FROM PROPOSED DAVIS-BACON ACT REFORMS, BY FISCAL YEAR

[In millions of dollars]

	1988	1989	1990	1991	1992
Majority wage rule:					
Estimated authorization level	0	0	0	0	0
Estimated outlays	0	0	0	0	0
Increase applicable minimum contract size:					
Estimated authorization level	95	95	95	95	95
Estimated outlays	30	60	80	85	90
Use of helpers:					
Estimated authorization level	540	570	595	620	640
Estimated outlay	125	335	455	525	565
Total					
Estimated authorization level	635	665	690	715	735
Estimated outlays	155	395	535	610	655

Estimates of the potential costs of DBA requirements are subject to a number of limitations, particularly with regard to the availability of data. First, data on federal contracts subject to the DBA are not centrally maintained. The Federal Procurement Data File (FPDF) only includes information on contracts that are direct federal procurements and therefore excludes federally-assisted projects that fall under the DBA requirements. For example, the FPDF data for the Department of Transportation (DoT) represent less than 2 percent of total DoT construction spending. The CBO has calculated the distribution of DoT contracts based on an agency report on construction bids opened in calendar 1985. Moreover, agencies are only required to report contract actions of at least $25,000 to the Federal Procurement Data Center. Second, cost studies of the impacts of the DBA have shown a broad range of effects, but none of these studies has effectively controlled for all of the factors that could affect costs.

Based on FPDF data adjusted to reflect the underreporting of small contracts, the proposed $1,000,000 contract threshold for DoD is estimated to exempt about 30 percent of new spending for construction in 1988. The percentage for the $100,000 minimum contract size in all other agencies is estimated to be 3 percent. These percentages are assumed to decline slightly over time as inflation causes more and more contracts to exceed the thresholds. On the other hand, because inflation is also assumed to increase the average size of exempted contracts, the actual dollars that would be excluded under this bill are assumed to remain constant over time.

If you have any further questions on this estimate, please call me or have your staff call Paul Cullinan (226-2820).

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.●

By Mr. SANFORD:

S. 1625. A bill to enhance the effectiveness and independence of the United States Court of Military Appeals; to the Committee on the Judiciary.

U.S. COURT OF MILITARY APPEALS IMPROVEMENT ACT

● Mr. SANFORD. Mr. President, I am today introducing legislation to enhance the effectiveness and independence of the U.S. Court of Military Appeals. The decisions of this court affect in a significant way the lives and liberty of some 2,100,000 active duty service persons as well as almost 1,500,000 members of the reserve components. This legislation would reconstitute the court under article III of the U.S. Constitution and would make provision for judicial disability or tem-

porary vacancy in the membership of the court.

Mr. President, the U.S. Court of Military Appeals has been the victim in recent years of a number of difficulties that have plagued its ability to function effectively, including rapid turnover of judges; long periods of time during which, because of disability or vacancy, only two judges are available to deal with a burgeoning caseload; confrontation with the Department of Defense; uncertainty as to the court's authority; and public confusion about what the court is and does.

The court's responsibilities have become significantly greater in recent years. Besides the increase in the number of cases it considers, the issues to be decided by the court have themselves become more complex and raise constitutional issues that were not even contemplated at the time the court was created. Deciding these issues properly demands a careful balancing of individual rights of service members against the needs of the unique military society. Moreover, in its role as gatekeeper for Supreme Court review of courts martial convictions, the Court of Military Appeals must decide whether to grant review and thereby render a case eligible for further review on writ of certiorari.

The jurisdiction of the Court of Military Appeals has recently been greatly increased. A 1986 amendment to article II of the Uniform Code of Military Justice has expanded court-martial jurisdiction over reservists. If both active duty and reserve members of the Armed Forces are considered, more than 3,500,000 Americans—a number greater than the population of half of the States—are subject to courts-martial. Moreover, the recent decision of the Supreme Court in Solorio versus United States, overruling O'Callahan versus Parker, and restoring the status test for court-martial jurisdiction, renders triable by court-martial misconduct which previously could only have been punished in the civil courts. Finally, as a result of changes made in 1984 in the manual for courts-martial, military tribunals are currently the only Federal courts in which imposition of the death sentence is a realistic possibility.

In view of the larger role now being played by the Court of Military Appeals, attention has recently begun being focused on solving some of the problems it has experienced. In 1983, Congress directed the Secretary of Defense to appoint a Commission which, among other things, would consider how to provide a fair and equitable retirement system for the judges of the Court of Military Appeals.

The Commission proposed that retirement problems be solved by reestablishing the court under article III of the Constitution, thus placing its judges within the judicial retirement system. The Federal Bar Association, the Bar Association of the District of Columbia, the American Bar Association Standing Committee on Military Law, and other groups later also took the view that article III status ought to be provided the court.

Creation of article III status indeed appears to offer the best prospect for solving the court's problems. Certainly, it would better assure not only that the court and its judges are independent, but also that they are perceived by the public as being independent. Indeed, it seems incongruous that three judges who deal with the liberty and lives of service members, control access to the Supreme Court for review of military convictions, and embody in the military justice context the principle of civilian control are accorded less status than other Federal judges.

The Commission appointed by the Secretary of Defense commented:

> [A]s the highest court in the military, whose jurisdiction extends over millions of persons in times or war and peace (and which is of critical importance to the defense of our nation) the status of the court of Military Appeals should be equal to the other federal courts. Without article III status, the Court will not achieve such equality. Not only will the Court of Military Appeals suffer as a result, but its contributions to criminal and constitutional jurisprudence may not be accorded the respect and precedential value, in civilian cases, to which they should be entitled.

Since the Court of Military Appeals has only three judges, granting them article III status will not dilute the prestige of existing article III judges. Furthermore, the 5 years of favorable experience with the Federal Circuit, under the able leadership of Chief Judge Markey, has demonstrated that article III status for a court is consistent with its having a jurisdiction defined in terms of subject matter, rather than geography. To the extent that some believe article III status should be reserved for judges who decide broad constitutional issues, the members of the Court of Military Appeals clearly qualify. Indeed, not only do they regularly consider constitutional issues, but consideration of those issues is made all the more complex by their having to take into account the unique needs of the military society.

Granting article III status to the court would also eliminate difficulty and delay resulting from uncertainty as to the court's authority. There would no longer be a question of the court's ability to consider constitutional issues because of its article I status. If the Court of Military Appeals had article III status, it would also be more difficult to attack collaterally court-martial convictions reviewed by the court.

Finally, article III status would reduce the court's judicial personnel problems. The judges would be under the Federal judicial retirement system and, therefore, would be less inclined to resign in order to accept a judicial appointment elsewhere. Moreover, the improved retirement benefits would likely expand the pool of potential nominees for a position on the court. As the Commission said: "Article III status will be an essential inducement in attracting candidates for the court with the highest standards of professionalism and judicial temperament."

Like the military justice system itself, the Court of Military Appeals today is quite different from the institution that Congress created in 1951. Many reasons exist for the changes the court has undergone; and it is clear the court will continue to change to respond to the vicissitudes of the military society it was established to serve. The legislation I introduce today acknowledges the progress that has already been made in balancing the rights of service members against the needs for military discipline and provides assurance that the proper balance will be maintained in the future.

I urge my colleagues to give this legislation their support.

I send this bill forward and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This act may be cited as the "United States Court of Military Appeals Improvements Act of 1987."

SEC. 2. ESTABLISHMENT OF COURT UNDER ARTICLE III OF THE CONSTITUTION

Subsection (a) of section 867(a) (article 67) of title 10, United States Code, is amended to read as follows:

"(a)(1) There is a United States Court of Military Appeals established under article III of the Constitution of the United States. The court consists of three judges.

"(2) The judges of the United States Court of Military Appeals shall be appointed from civil life by the President, by and with the advice and consent of the Senate.

"(3) No person is eligible for appointment to the United States Court of military Appeals who is not a member of the bar of a Federal court or the highest court of a State.

"(4) Each judge of the United States Court of Military Appeals is entitled to the same salary, travel allowances, retirement pay, entitlements, rights, privileges, precedence, and other appurtenances of office as are, and from time to time may be, provided for judges of the United States Courts of Appeals.

"(5) The United States Court of Military Appeals may prescribe its own rules of procedure and determine the number of judges required to constitute a quorum.

"(6) A vacancy in the United States Court of Military Appeals does not impair the right of the remaining judges to exercise the powers of the court.

"(7) Judges of the United States Court of Military Appeals shall hold office during good behavior.

"(8)(A) If any judge of the United States Court of Military Appeals is unable to perform the duties of his office or the office is vacant, the Chief Justice of the United States, upon application by the Chief Judge of the United States Court of Military Appeals, may designate a judge of a United States Court of Appeals to sit as a judge of the United States Court of Military Appeals until the illness or other disability has been terminated or the vacancy has been filled, as the case may be.

"(B) If any judge of the United States Court of Military Appeals has recused himself with respect to any matter, the Chief Justice of the United States, upon application by the Chief Judge of the United States Court of Military Appeals, may designate a judge of a United States Court of Appeals to sit as a judge of the United States Court of Military Appeals in such matter until the matter is resolved.

"(9) A judge of the United States Court of Military Appeals shall be eligible to take senior status under the same terms and conditions, and with the same rights and benefits, as apply to a judge of a United States Court of Appeals.

"(10) A judge of the United States Court of Military Appeals shall be eligible to sit from time to time as a judge of a United States Court of Appeals in a circuit designated by the Chief Justice of the United States.

"(11)(A) The United States Court of Military Appeals may accept facilities and administrative support furnished by the Department of Defense.

"(B) The Secretary of Defense shall furnish such facilities and administrative support to the United States Court of Military Appeals as the Chief Judge of the court requests in order for the court to carry out its responsibilities.".

SEC. 3. CIVIL SERVICE RETIREMENT

(a) Contributions.—The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by striking out "and a judge of the United States Court of Military Appeals".

(b) Immediate Retirement.—Section 8336(1) of title 5, United States Code, is amended—

(1) in the first sentence, by striking out "A judge of the United States Court of Military Appeals who" and inserting in lieu thereof "An employee who is a judge of the United States Court of Military Appeals and"; and

(2) in the second sentence, by striking out "A judge who" and inserting in lieu thereof "an employee who is a judge of such court and".

(c) Disability Retirement.—The fourth sentence of section 8337(a) of title 5, United States Code, is amended by striking out "A judge of the United States Court of Military Appeals who" and insert in lieu thereof "An employee who is a judge of the United States Court of Military Appeals and".

(d) Deferred Retirement.—Section 8338(c) of title 5, United States Code, is amended—

(1) in the first sentence, by striking out "A judge of the United States Court of Military Appeals who" and insert in lieu thereof "An employee who is a judge of the United States Court of Military Appeals and"; and

(2) in the second sentence, by striking out "A judge of such court who" and inserting lieu thereof "An employee who is a judge of such court and".

SEC. 4. TRANSITION PROVISIONS

(a) Continued Service.—The President is urged and requested to nominate for appointment to the office of judge of the United States Court of Military Appeals each judge who is actively serving as a judge of such court on the day before the date of enactment of this Act.

(b) Retired Status.—Any judge who is receiving retired pay as a senior judge on the day before the effective date specified in section 5(a) may continue to receive the same benefits to which such judge would be entitled under subsection (a)(4) of section 867 (article 67) of title 10, United States Code, as such subsection is in effect on the day before such effective date.

SEC. 5. EFFECTIVE DATE; APPLICABILITY

(a) Effective Date.—Section 867(a) (article 67(a)) of title 10, United States Code, as amended by section 2, shall take effect on the first day of the fourth calendar month beginning on or after the date of the enactment of this Act.

(b) Applicability.—Paragraphs (2), (3), (4), (7), (8), (9), and (10) of section 867(a) (article 67(a)) of title 10, United States Code, as amended by section 2, shall apply only in the case of persons appointed to the United States Court of Military Appeals under section 867 (article 67) of title 10, United States Code, on or after the effective date specified in subsection (a).●

By Mr. DeCONCINI (for himself and Mr. Heflin):

S. 1626. A bill to keep secure the rights of intellectual property licensors and licensees which come under the protection of title 11 of the United States Code, the Bankruptcy Code; to the Committee on the Judiciary.

INTELLECTUAL PROPERTY BANKRUPTCY PROTECTION ACT

● Mr. DeCONCINI. Mr. President, today I join my colleague Senator Heflin in introducing a bill entitled the Intellectual Property Bankruptcy Protection Act of 1987. This legislation is designed to address a major problem facing intellectual property in the current Bankruptcy Code by clarifying the rights of parties if a licensor or licensee declares bankruptcy. Past court decisions have allowed for the technical dissection of intellectual property licensing agreements by creating situations where a completed transaction involving intellectual property is really nothing more than a promise that can be broken. It's time we took the steps needed to end this unfair practice.

Let me paint a picture for you of how current law can effectively sound a death knoll for the small business dependent on intellectual property for the success of its operation. A small businessperson contracts with a patent owner to utilize the newly developed technology in his business. Things are going well. The business is successful and growing. Then, the licensor files for bankruptcy. The bankruptcy judge handling the case determines that the licensor can obtain a much higher royalty if he enters into an exclusive license with another party. The judge then decides to resell the rights to the patent as part of the reorganization, even though such a decision could effectively doom the licensee's business. A successful business folds because it no longer has access to the intellectual property that its foundation was built on in the first place. This is the kind of scenario this legislation is designed to prevent.

Some of the difficulty with the intellectual property agreements stems from court decisions to render the license agreements "executory." This is done because of the nature of the agreements, that is, the licensor's promise not to sue the licensee for infringement, the licensee's duty to account for profits, or the licensee's commitment to use its best efforts to use the licensed property. This decision means the agreements are eligible to be rejected or breached by a licensor-debtor in possession or the trustee of the licensor's bankruptcy estate.

Let's consider a real-life example which involves Lubrizol, Enterprises—a division of Lubrizol Corp. in Ohio. Lubrizol licensed a metal finishing technology from a Virginia firm that filed for bankruptcy a year later. The company planned to put the technology rights up for sale to alleviate some of its financial crunch. Lubrizol objected and sued to retain its license. However, it lost on appeal and that area of its business was lost. The Lubrizol ruling occurred because Congress never considered this issue, because no courts had considered it before the Bankruptcy Reform of 1978 and because it requires the application in bankruptcy cases of the very specialized area of intellectual property law.

The system of granting rights for the use of intellectual property, rather than an outright transfer of ownership, evolved to assure a full and fair development opportunity for patents, copyrights, trade secrets, and trademarks. Through the use of nonexeclusive licenses, different commercial applications of intellectual property develop in different geographic markets. Society benefits from the licensing of new technology because licensing increases the number of companies that can take advantage of an innovative or cost-saving discovery. But recent court decisions have changed the game. Potential licensees are now insisting on total ownership transfers to prevent the possible loss of rights during a bankruptcy filing.

In addition, this quirk in the bankruptcy law threatens American licensors competing in the international marketplace. Uncertainty over the law jeopardizes American technology licenses in the world market. We need to act now to encourage full development of intellectual property in the worldwide marketplace.

The solution I am proposing today would deny bankrupt licensors the ability to deprive licensees of irreplaceable intellectual property. It would provide protections similar to those offered in real estate sales agreements and leases. The bill protects the licensee's right to use intellectual property which exists at the time of the bankruptcy filing in accordance with the terms of the parties' agreements. The bill does not address other provisions of the agreement which might impose affirmative obligations upon the trustee or debtor-in-possession. However, it does explicitly validate and make self-enforcing any arrangements which the parties have made prior to the bankruptcy filing which provide for access to information or property that exists at the time of the bankruptcy filing and that will facilitate the licensee's post filing use of the intellectual property as it exists at the time of the filing.

The bill generally leaves to other provisions of the Bankruptcy Code and to the contractual rights of the parties under their specific agreement, as enforceable in bankruptcy, the rights of the nondebtor party to an intellectual property license in the event the trustee or debtor-in-possession is permitted by the bankruptcy court not to perform other affirmative obligations under the license. There are two exceptions to the general approach. First, where the debtor is a trademark licensee. To sustain a trademark, the licensee must comply with the trademark owner's (licensor's) ongoing quality assurance program. If the trustee or debtor-in-possession is unable or unwilling to comply with that quality assurance program, the trademark owner's rights in the trademark are damaged at best or lost. Second, where the debtor was the licensee under a disclosure agreement which required the debtor to maintain the confidentiality of trade secrets, although rejection of that contract or lease will relieve the debtor and trustee, or other prospective obligations, the debtor, the trustee and the licensor are required to maintain the contractual confidentiality to avoid the loss of the trade secret under applicable nonbankrupcy law. To avoid undue burden upon appointed trustees, the bill requires that trustees receive actual notice of the existence of protected information prior to imposition of any obligations upon the appointed trustee.

I urge my colleagues to join me in correcting this existing inequity in our bankruptcy law. As chairman of the Senate Subcommittee on Patents, Copyrights and Trademarks, I am critically aware of the importance of intellectual property licenses. Licenses that involve patents, copyrights, and trade secrets are different from others because in this type of license, there is only one source—the company that owns the intellectual property. There is no alternative for the licensee. Thus losing the license may have enormous consequences, since there is nowhere else the company can go to get the technology or information it needs. We must make sure the "executory" contract does not signal the execution of many businesses relying on intellectual property licenses for their livelihood. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intellectual Property Bankruptcy Protection Act of 1987".

SEC. 2. Section 365 of title 11 of the United States Code is amended by inserting at the end the following new subsection:

"(n)(1) For the purpose of this title—

"(A) the term 'protected information' means trade secrets and other confidential technical information to the extent the confidentiality thereof is protected by applicable nonbankruptcy law; and

"(B) the term 'intellectual property' includes inventions, designs, works of authorship, mask works, protected information, trademarks, trade names, service marks, and other products of intellectual or creative effort now or hereafter protected by applicable nonbankruptcy law.

"(2) Until and unless a trustee assumes an executory contract or unexpired lease under which the debtor has granted rights in intellectual property, the trustee may not interfere with the grantee's rights (A) to deal with the intellectual property, as provided in the contract or lease, (B) to gain access to or possession of any information or property in existence as of the time of the filing which the contract or lease provided would be made available to the grantee if the debtor failed to perform its affirmative obligations, and (C) in the case of a trademark, trade name, service mark, or similar intellectual property, to permit existing grantees to continue in concert the quality assurance procedures of the licensor. If the trustee rejects such a contract or lease, the trustee is relieved only from the specific performance of prospective obligations thereunder measured from the filing date and is prohibited from taking any action which would interfere with the grantee's rights set forth in subparagraphs (A), (B), and (C) of this paragraph. Subject to subsection (g) of this section and to section 553 of this title, if the grantee elects to exercise its rights under the contract or lease as set forth in this subsection, the grantee must satisfy its obligations under such contract or lease.

"(3) If the debtor was the grantee under an executory contract or unexpired lease which granted rights in intellectual property, prior to assumption or rejection and notwithstanding rejection of such contract or lease, the trustee, the debtor, and the grantor must maintain the confidentiality of any protected information obtained pursuant to the executory contract or unexpired lease to the extent requried by applicable nonbankruptcy law. Prior to assumption or rejection, the grantor is entitled to adequate assurance of the continued confidential treatment of such protected information. If the contract or lease is rejected, upon requrest by the grantor including an offer of reimbursement of expenses, all materials embodying protected information shall be returned to the grantor. The trustee, after he has received actual notice of the existence of the protected information in the bankruptcy estate, and the debtor, are not, by reason of the rejection, permitted to disclose protected information without the consent of the person to whom the obligation of confidentiality is owed.".●

By Mr. McCONNELL:

S. 1627. A bill to provide incentive grants to an elementary and secondary school of excellence in each congressional district, and for other purposes; to the Committee on Labor and Human Resources.

EXCELLENCE IN EDUCATION INCENTIVE ACT

● Mr. McCONNELL. Mr. President, today I am introducing the Excellence in Education Incentive Act of 1987. The bill is modest in its commitment of Federal dollars; yet it reassures families and teachers that excellence in education is a national goal.

Throughout the 1980's we have seen a plethora of reports on the condition of education in America. These reports have different names—"A Nation at Risk," "Making the Grade," "Action for Excellence," "Barriers to Excellence"—but the theme is the same: our schools are not preparing our children for the future.

Historically, teaching and curriculum have been the purview of States and localities. Recommendations have been made and State and local governments have instituted reforms while, at the same time, they have assumed a larger share of the financial responsibility for educating their children. But I will disagree with those who maintain that there is no role for the Federal Government beyond helping the economically disadvantaged and the handicapped. To state a truism, not all States, much less counties, are equal. In fact, I fear we are currently in the cycle of the "rich get richer" and the "poor get poorer" State-by-State scenarios when it comes to education for our children.

Federal dollars for elementary and secondary public schools decreased by $700 million between 1980 and 1985 while, at the same time, States increased their share by $17 billion and local governments by $15 billion. So for every dollar the Federal Government didn't spend for public school financing, State and local governments put up an additional $45. Bearing in mind that this is a national average, States and local governments with broad tax bases were able to invest larger sums than their poorer neighbors.

Let me state I do not believe that money is the "be all and end all" of education. In fact, I believe that the more important elements of a strong education are the commitment, training and instructional ability of teachers, leadership of school administrators and parental attitude and involvement. But it is a fact of life that compensation for teachers can be an incentive or, conversely, a disencentive if it is inadequate. In fact, most of the reports on education which have been issued on problems in education have pointed to a need for greater teacher compensation in the form of merit pay, merit awards, or career ladders as ways to improve performance in our schools.

Many of the reports on education recommended that we reward the "best and the brightest" schools based on student performance. In fact, Secretary Bennett has sponsored efforts to identify outstanding elementary and secondary schools across the country. Three of these schools recently acknowledged for their achievement were in the Commonwealth of Kentucky. I think this is a good program, Mr. President, but are we not forgetting those schools and teachers which, notwithstanding low teachers' salaries, inadequate facilities and community indifference, are making monumental strides toward improvement? We all love a star, Mr. President, but let's not forget those underdog school systems who are making gains against great odds. And it is these school systems and their teachers my bill recognizes and awards.

The Excellence in Education Incentive Act of 1987 provides incentive grants up to $50,000 for one elementary and one secondary school in each congressional district which show the largest measure of improvement in academic performance, attendance and a decrease in the drop-out rate.

Upon award by the Secretary of Education, 75 percent of the grant award shall be used for merit bonuses to teachers and school principals. No teacher in the winning school shall receive less than $250 and may receive up to $2,500. The remaining 25 percent may be used for academic programs, supplies and equipment, or for the repair of academic facilities. The actual dispensation of the merit bonuses shall be decided by an education excellence merit board composed of the head of the local parent-teacher organization, the principal of the winning elementary or secondary school and the superintendent of the local educational agency. The board shall consider the following criteria when making individual awards: the teacher's attendance record, the attendance record of the students enrolled in the classes of the teacher, the academic achievement and improvement of the students enrolled in the classes taught by the teacher and innovative educational techniques.

I do not suggest, Mr. President, that a merit bonus is going to compensate our teachers adequately. Certainly, too often teaching is not a comprehensive enough job description. The job often entails administrative paperwork and assuming the role of mother, father, disciplinarian, hall monitor and truant officer. Unfortunately, a number of parents are indifferent and nonsupportive. It's a strange society, Mr. President, that pays millions of dollars to rock stars and sports figures and undervalues the very individuals who prepare our children for the challenges of the future. My bill cannot address these problems but it can, at the least, award best efforts in the face of considerable obstacles. It can supplement a salary in counties where the tax base is insufficient for just compensation. And it can reassure our educational community that the Federal Government recognizes that a quality education is a national priority, to be appreciated and sought by all.●

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. DURENBERGER, Mr. BAUCUS, Ms. MIKULSKI, Mr. STAFFORD, and Mr. LAUTENBERG):

S. 1629. A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors; to the Committee on Environment and Public Works.

INDOOR AIR QUALITY ACT

Mr. MITCHELL. Mr. President, today I am introducing legislation to reduce the health threats posed by exposure to contaminants in the air indoors.

I am pleased that Senators CHAFEE, DURENBERGER, BAUCUS, STAFFORD, MIKULSKI, and LAUTENBERG are joining me in sponsoring this important legislation.

This legislation is based on testimony provided at a hearing of the Subcommittee on Environmental Protection on April 24, 1987 and on comments from other interested parties. Witnesses at the hearing were in agreement on several key points.

There was general agreement that Americans spend up to 90 percent of the day indoors and that we are exposed to contaminants in the air in workplaces, schools, homes, and other buildings.

Witnesses at the hearing agreed that recent scientific studies indicate that exposure to some air contaminants may be higher indoors than outdoors.

There was agreement that indoor air contaminants such as radon, asbestos, volatile organic chemicals, combustion by products, and respirable particles pose a threat to public health.

The subcommittee heard testimony that radon gas is estimated to cause between 5,000 and 20,000 lung cancer deaths each year and other contaminants result in several thousand additional cancer deaths and a wide range of other health effects.

Finally, there was general agreement that there is not an adequate effort by Federal agencies or States to conduct research on indoor air contaminants or to develop coordinated response plans addressing these contaminants.

Mr. President, we believe that the serious health threats of indoor air contamination are well documented and that it is time to consider legislation to address this problem.

The bill we are introducing today authorizes a national program to reduce the threat to human health posed by contaminants in the air indoors. It is intended as a reasonable response to the health threats identified at the recent hearing.

We had several basic objectives in drafting this legislation.

A primary objective of the bill is to expand and strengthen research of indoor air contaminants. Section 5 of the bill establishes a comprehensive research program for indoor air quality, describes basic research authorities, and creates a control technology development grant program.

Another objective of the bill is to provide for the development of "health advisories" on contaminants in the indoor air indicating the health risks at various concentrations, including a "no adverse effect level." This information will help the Federal Government focus efforts on the most serious contaminants and will help avoid duplication of effort by States in assessment of contaminants.

I want to stress that the bill does not provide for setting enforceable standards for indoor air contaminants. In addition, the bill provides no new authority to regulate indoor air contaminants beyond the authorities which already exist in current statutes and regulations.

Section 7 of the bill provides for a "national response plan" which will focus and direct the relevant authorities which exist in current statutes. The response plan is intended to identify contaminants of concern and specify response actions to reduce exposures to these contaminants. These response actions may involve a wide range of activities, including both regulatory and nonregulatory actions.

Another key objective of the bill is to demonstrate development of very basic indoor air quality management strategies and assessments at the State level. States have the option of applying for grant assistance to devel-

op management strategies and assessments. States may also apply for grant assistance to respond to specific indoor air contaminants in specific areas of a State. We hope that this provision of the bill will foster an improved understanding of the role of State governments in responding to indoor air quality problems.

The bill also addresses the problem of coordination of indoor air quality activities among Federal agencies. The nature of indoor air pollution problems requires that a wide range of Federal agencies participate in assessment and control efforts. Section 10 of the bill establishes a Council of Indoor Air Quality to oversee the indoor air activities of various Federal agencies.

While the bill is intended to foster interagency coordination, it also clearly gives the Environmental Protection Agency the lead role in responding to indoor air quality problems. EPA is to chair the Interagency Coordinating Council and a new Office of Indoor Air Quality is established at the EPA.

Finally, the bill is designed as a general management framework. It does not preempt the development of additional legislation addressing specific pollutants, such as radon and asbestos, and does not preempt State laws or initiatives.

This indoor air quality legislation complements legislation which I have developed specifically addressing radon contamination issues. The radon bill, which was passed by the Senate on July 8 of this year, would help States, such as my home State of Maine, expand programs to respond to radon contamination.

It is our intention to seek a full range of public comment on this legislation over the August recess. As part of this process, we hope to gather information on several proposals not included in this version of the legislation.

For example, we will seek comment on the concept of considering total exposure to a contaminant in setting ambient air quality standards under the Clean Air Act. We would also like to explore the best way to facilitate development of methods and procedures for diagnosis and correction of indoor air quality problems in "sick buildings."

When the Senate reconvenes in September, we plan to review the response to the bill and consider appropriate changes or improvements. At that time, a decision can be made concerning the best format for the development of this legislation.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SEC. 1. (a) TITLE.—(1) This Act, together with the following table of contents, may be cited as the "Indoor Air Quality Act of 1987".

(b) TABLE OF CONTENTS.—

Sec. 1: Title.
Sec. 2: Findings
Sec. 3: Purpose.
Sec. 4: Definitions.
Sec. 5: Indoor air quality research.
Sec. 6: Indoor air contaminant health advisories.
Sec. 7: National indoor air quality response plans.
Sec. 8: State indoor air quality programs.
Sec. 9: Office of Indoor Air Quality.
Sec. 10: National Indoor Air Quality Council.
Sec. 11: Federal building demonstration program.
Sec. 12: Indoor air quality information clearinghouse.
Sec. 13: State and federal law.
Sec. 14: Authorizations.

FINDINGS

SEC. 2. (a) FINDINGS.—(1) The Congress finds that—

(A) Americans spend up to ninety percent of a day indoors and, as a result, have a significant exposure to contaminants in the air indoors;

(B) exposure to indoor air contaminants occurs in workplaces, schools, public buildings, residences, and transportation vehicles;

(C) recent scientific studies indicate that pollutants in the indoor air include radon, asbestos, volatile organic chemicals (e.g. formaldehyde, benzene), combustion byproducts (e.g. carbon monoxide, nitrogen oxides, carbon dioxide) metals and gases (e.g. lead, chlorine, ozone), respirable particles, biological contaminants, and other contaminants;

(D) a number of contaminants found in both ambient air and indoor air may occur at higher concentrations in indoor air than in outdoor air;

(E) indoor air pollutants pose serious threats to public health including cancer, respiratory illness, skin and eye irritation, and related effects;

(F) radon is among the most harmful indoor air pollutants and is estimated to cause between 5,000 and 20,000 lung cancer deaths each year,

(G) other indoor air pollutants are estimated to cause as many as 3,500 and 6,500 additional cancer deaths per year;

(H) sources of indoor air pollution include conventional ambient air pollution sources, building materials, consumer and commercial products, combustion appliances, indoor application of pesticides and other sources;

(I) there is not an adequate effort by Federal agencies to conduct research on the seriousness and extent of indoor air contamination, to identify the health effects of indoor air contamination, and to develop control technologies and other methods of reducing human exposure to such contamination;

(J) there is not an adequate effort by Federal agencies to develop response plans to reduce human exposure to indoor air contaminants and there is a need for improved coordination of the activities of these agencies and for reporting to the Congress on the effectiveness of these activities; and

(K) State governments can contribute to the effective reduction of human exposure to indoor air contaminants and the Federal government should assist States in development of programs to reduce exposures to these contaminants.

PURPOSE

SEC. 3. (a) PURPOSE.—(1) The purposes of this title are to—

(A) establish at the Environmental Protection Agency and at other agencies of the United States a comprehensive and coordinated program of research and development concerning the seriousness and extent of indoor air contamination, the human health effects of indoor air contaminants, and the technological and other methods of reducing human exposures to such contaminants;

(B) establish a process whereby the existing authorities of Federal statutes will be directed and focused to assure the full and effective application of these authorities to reduce human exposure to indoor air contaminants where appropriate;

(C) provide support to State governments to demonstrate and develop indoor air quality management strategies, assessments, and response programs; and

(D) to authorize activities to assure the general coordination of indoor air quality-related activity, to provide for reports on indoor air quality to Congress, to assure that data and information in indoor air quality issues is available to interested parties, to provide training, information, and technical assistance to the public and private sector, and for other purposes.

DEFINITIONS

SEC. 4. (a) DEFINITIONS.—(1) Section 302 of this Act is amended by adding at the end thereof the following new subsections—

(q) the term "Agency" means the United States Environmental Protection Agency;

(r) the term "indoor" refers to the enclosed portions of buildings including nonindustrial workplaces, public buildings, Federal buildings, schools, commercial buildings, residences, and the portions of vehicles occupied by passengers;

(s) the term "indoor air contaminant" means any solid, liquid, semisolid, dissolved solid, biological organism, aerosol, or gaseous material, including combinations or mixtures of substances, which may impair the quality of indoor air or have an adverse effect on human health;

(t) the term "Federal agency" or "agency of the United States" means any department, agency or other instrumentality of the Federal government, any independent agency or establishment of the Federal government including any government corporation;

(u) the term "Federal building" means any building which is owned by the Federal government.

INDOOR AIR QUALITY RESEARCH

SEC. 5. (a) AUTHORITY.—(1) The Administrator shall, in cooperation with appropriate Federal agencies, establish a national research, development, and demonstration program to assure the quality of air indoors and as part of such program shall promote the coordination and acceleration of research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, sources, effects, extent, prevention, detection, and correction of contamination of indoor air.

(2) In carrying out the provisions of this section, the Administrator is authorized to—

(A) collect and make available to the public through publications and other appropriate means, the results of research, development and demonstration activities conducted pursuant to this section;

(B) conduct research, development and demonstration activities and cooperate with other Federal agencies, with State and local government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions and organizations and other persons in the preparation and conduct of such research, development and demonstration activities;

(C) make grants to the States or to local government entities, to other public agencies and authorities, to nonprofit institutions and organizations, and to other persons;

(D) enter into contracts or cooperative agreements with public agencies and authorities, nonprofit institutions and organizations, and other persons;

(E) conduct studies, including epidemiological studies, of the effect of indoor air contaminants or potential contaminants on mortality and morbidity and clinical and laboratory studies on the immunologic, biochemical, physiological, and toxicological effects including the carcinogenic, teratogenic, mutagenic, cardiovascular, and neurotoxic effects of indoor air contaminants or potential contaminants;

(F) develop and disseminate informational documents on indoor air contaminants describing the nature and characteristics of such contaminants;

(G) develop effective and practical processes, methods, and techniques for the prevention, detection, and correction of indoor air contamination;

(H) construct such facilities and staff and equip them as may be necessary to carry out the provisions of this section;

(I) call conferences concerning the potential or actual contamination of indoor air giving opportunity for interested persons to be heard and present papers at such conferences;

(J) utilize, on a reimbursable basis, facilities and personnel of existing Federal scientific laboratories and research centers; and

(K) acquire secret processes, technical data, inventions, patent applications, patents, licenses, and an interest in lands, plants, equipment and facilities and other property rights, by purchase, license, lease, or donation.

(b) PROGRAM REQUIREMENTS.—(1) The Administrator shall conduct or assist research, investigations, studies, surveys, or demonstrations with respect to, but not limited to, the following—

(A) the effects on human health of contaminants or combinations of contaminants at various levels whether natural or anthropogenic, that are found or are likely to be found in indoor air;

(B) the exposure of persons to contaminants that are found in indoor air [including exposure to such substances from sources other than indoor air contamination including drinking water, diet, or other exposures];

(C) the exposure of persons to contaminants in different building classes or types; and in vehicles, and assessment of the association of particular contaminants and particular building classes or types and vehicles;

(D) identification of building classes or types and design features or characteristics which increase the likelihood of exposure to indoor air contaminants;

(E) identification of the sources of indoor air contaminants including association of contaminants with outdoor sources, building or vehicle design, classes or types of products, building management practices, equipment operation practices, building materials, and related factors;

(F) assessment of relationships between contaminant concentration levels in ambient air and the contaminant concentration levels in the indoor air;

(G) methods and techniques for characterizing and modeling indoor air movement and flow within buildings or vehicles, including the transport and dispersion of contaminants in the indoor air;

(H) the fate, including degradation and transformation, of particular contaminants in indoor air;

(I) methods and techniques to characterize the association of contaminants, the levels of contaminants, and the potential for contamination of new construction with climate, building location, seasonal change, soil and geologic formations, and related factors;

(J) methods, techniques and instruments for sampling indoor air to determine the presence and level of contaminants including sample collection and the storage of samples before analysis and development of methods to improve the efficiency and reduce the cost of analysis;

(K) development of quality sampling methods and instruments which are inexpensive and easy to use and may be used by the general public;

(L) development of control technologies or other measures to prevent the entrance of contaminants into buildings or vehicles, including air intake protection, sealing, and related measures;

(M) development of control technologies or other measures to reduce the contaminations indoors, including control of emissions from internal sources of contamination, improved air exchange and ventilation, and related measures;

(N) development of materials and products as alternatives to materials or products which are now in use and which contribute to indoor air contamination;

(O) development of building or vehicle management practices and related activities which will contribute to the reduction of indoor air contaminants; and

(P) development of equipment and processes for removal of contaminants from the indoor air.

(c) TECHNOLOGY DEMONSTRATION PROGRAM.—(1) The Administrator may enter into cooperative agreements or contracts, or provide financial assistance in the form of grants, to public agencies and authorities, nonprofit institutions and organizations or other persons, to demonstrate practices, methods, technologies, or processes which may be effective in controlling sources or potential sources of indoor air contamination and preventing the occurrence of indoor air contamination.

(2) The Administrator may assist demonstration activities under paragraph (1) of this subsection only if—

(A) such demonstration activity will serve to demonstrate a new or significantly improved practice, method, technology or process or the feasibility and cost-effectiveness of an existing, but unproven, practice, method, technology, or process and will not duplicate other Federal, State, local or commercial efforts to demonstrate such practice, method, technology, or process;

(B) such demonstration activity meets the requirements of this section and serves the purposes of this Act;

(C) the demonstration of such practice, technology, or process will comply with all other laws and regulations for the protection of human health, welfare, and the environment; and

(D) in the case of a contract or cooperative agreement, such practice, method, technology, or process would not be adequately demonstrated by State, local or private persons or in the case of an application for financial assistance by a grant, such practice, method, technology, or process is not likely to receive adequate financial assistance from other sources.

(3) The demonstration program established by this subsection shall include solicitations for demonstration projects, selection of suitable demonstration projects from among those proposed, supervisions of such demonstration projects, evaluation of the results of demonstration projects, and dissemination of information on the effectiveness and feasibility of the practices, methods, technologies and processes which are proven to be effective. The Administrator shall publish regulations to assure satisfactory implementation of each element of the demonstration program authorized by this subsection.

(4) Within one hundred and eighty days after the date of enactment of this Act, and no less often than every twelve months thereafter, the Administrator shall publish a solicitation for proposals to demonstrate, prototype or at full-scale, practices, methods, technologies, and processes which are (or may be) effective in controlling sources or potential sources of indoor air contaminants. The solicitation notice shall prescribe the information to be included in the proposal, including technical and economic information derived from the applicant's own research and development efforts, and other information sufficient to permit the Administrator to assess the potential effectiveness and feasibility of the practice, method, technology, or process proposed to be demonstrated.

(5) Any person and any public or private nonprofit entity may submit an application to the Administrator in response to the solicitations required by paragraph (4) of this section. The application shall continue a proposed demonstration plan setting forth how and when the project is to be carried out and such other information as the Administrator may require.

(6) In selecting practices, methods, technologies or processes to be demonstrated, the Administrator shall fully review the applications submitted and shall evaluate each project according to the following criteria—

(A) the potential for the proposed practice, method, technology, or process to effectively control sources or potential sources of contaminants which present the greatest risk to human health;

(B) the capability of the person or persons proposing the project to successfully complete the demonstration as described in the application;

(C) the likelihood that the demonstrated practice, method, technique or process could be applied in other locations and circumstances to control sources or potential sources of contaminants, including consideration of cost, effectiveness, and feasibility;

(D) the extent of financial support from other persons to accomplish the demonstration and described in the application; and

(E) the capability of the person or persons proposing the project to disseminate the results of the demonstration or otherwise make the benefits of the practice, method, or technology widely available to the public in a timely manner.

The Administrator shall select or refuse to select a project for demonstration under this subsection within ninety days of receiving the complete application for such project. In the case of a refusal to select a project, the Administrator shall notify the applicant within such ninety-day period of the reasons for the refusal.

(7) Each demonstration project under this section shall be performed by the applicant, or by a person satisfactory to the applicant, under the supervision of the Administrator. The Administrator shall enter into a written agreement with each applicant granting the Administrator the responsibility and authority for testing procedures, quality control, monitoring, and other measurements necessary to determine and evaluate the results of the demonstration project.

(8) The Administrator shall enter into arrangements, wherever practicable and desirable, to provide for monitoring testing procedures, quality control, and such other measurements necessary to evaluate the results of demonstration projects or facilities intended to control sources or potential sources of contaminants.

(9) Each demonstration project under this section shall be completed within such time as is established in the demonstration plan. The Administrator may extend any deadline established under this subsection by mutual agreement with the applicant concerned.

(10) Total Federal funds for any demonstration project under this section shall not exceed 75 per centum of the total cost of such project. In cases where the Administrator determines, in accordance with criteria established by regulation, that research under this section is of a basic nature which would not otherwise be undertaken, the Administrator may approve grants under this section with a matching requirement other than that specified in this subsection, including full Federal funding.

(d) CLARIFICATION OF AUTHORITY.—(1) The Superfund Amendments and Reauthorization Act of 1986 is amended to delete Title IV of such Act.

(2) Not later than October 1, 1988, the Administrator shall submit to the Congress a report respecting his activities under Title IV of the Superfund Amendments and Reauthorization Act of 1986 and his activities pursuant to this title, and making such recommendations as appropriate.

INDOOR AIR CONTAMINANT HEALTH ADVISORIES

SEC. 6. (a) LIST OF CONTAMINANTS.—(1) Within 240 days after the date of enactment of this Act, the Administrator shall prepare and publish in the Federal Register a list of the contaminants which are known to occur (or which may be expected to occur) in indoor air. The list may include combinations or mixtures of contaminants and may refer to such combinations or mixtures by a common name.

(2) The Administrator shall from time to time and as necessary to carry out the provisions of this Act, but not less often than biennially, review and revise such list adding other contaminants pursuant to the requirements of this Act.

(3) The list provided for in paragraph (1) of this subsection shall include, at a minimum—

(A) any air pollutant listed pursuant to section 108(a)(1) of the Clean Air Act (42 U.S.C. 1857 et seq.);

(B) any hazardous air pollutant listed pursuant to section 112(b)(1)(A) of the Clean Air Act (42 U.S.C. 1857 et. seq.);

(C) any other contaminants which are known to occur (or which may be expected to occur) in indoor air.

(4) In development of the list provided for in paragraph (1) of this subsection or in revision of such list pursuant to paragraph (2), the Administrator shall provide for public review and comment.

(5) The listing of contaminants under this subsection is not an agency rulemaking and is not subject to the requirements of section 553 of title 5 of the United States Code. In considering objections raised in any judicial action, the court shall uphold the Administrator's decision to list a particular contaminant unless the objecting party can demonstrate that the decision was arbitrary or capricious or otherwise not in accordance with the law. The list of contaminants prepared in accordance with this subsection shall not be construed to indicate that those contaminants not listed are safe for human exposure or without adverse health effect.

(6) Upon application of the Governor of a State showing that a contaminant or potential contaminant in the indoor air which is not listed pursuant to paragraph (1) of this subsection may be reasonably anticipated to endanger human health as a result of its presence in the indoor air, the Administrator shall, within ninety days, revise the list established by paragraph (1) of this subsection to include such contaminant or publish in the Federal Register the reasons for not making such a revision.

(b) CONTAMINANT HEALTH ADVISORIES.—(1) The Administrator shall, in consultation with the advisory panel provided for in subsection (e) of this section, publish advisory materials addressing the human health effects of individual contaminants listed pursuant to subsection (a) of this section. Such advisory materials shall describe—

(A) the physical, chemical, biological, and radiological properties of the contaminant;

(B) the human health effects of the contaminant in various indoor environments and in various concentrations;

(C) an analysis of the risk posed by the contaminant to human health at various concentrations;

(D) the concentration of the contaminant at which there is no known or anticipated human health effect, with an adequate margin of safety;

(E) to the extent that the contaminant, or a mixture of contaminants, is associated with a particular substance or material, emissions rates which are expected to result in varying levels of contaminant concentration in indoor air;

(E) any indoor air contaminant standards or related action levels which are in effect under any authority of a Federal statute or under the authority of State statutes; and

(F) to the extent such information is available, any indoor air contaminant standards or related action levels which are in effect under the authority of any local government.

(c) FORMAT.—(1) The Administrator shall establish and utilize a standard format of presentation of indoor air contaminant health advisories. The format shall be designed to facilitate public understanding of the risks of exposure to indoor air contaminants and shall include a summary of the research and information concerning the contaminant which is understandable to public health professionals and to those who lack training in toxicology.

(d) TIMETABLE FOR ESTABLISHING ADVISORIES.—(1) The Administrator shall publish advisories for individual indoor air contaminants listed pursuant to subsection (a) of this section as expeditiously as possible. At a minimum, the Administrator shall publish not less than six advisories within one and one-half years of enactment of this Act and shall publish an additional six advisories within three years of enactment of this Act.

(e) ADVISORY PANEL.—(1) The Indoor Air Panel of the EPA Science Advisory Board shall advise the Administrator with respect to the implementation of this section including, but not limited to, the listing of contaminants, the contaminants for which advisories should be published, the order in which advisories should be published, the content, quality, and format of advisory documents, and the revision of such documents.

(f) REVISION OF ADVISORIES.—(1) Advisories shall be reviewed, revised and republished to reflect new scientific and related findings or information on a periodic basis but not less frequently than five years.

NATIONAL INDOOR AIR QUALITY RESPONSE PLAN

SEC. 7. (a) AUTHORITY.—(1) The Administrator shall develop and publish a national indoor air quality response plan.

(2) The response plan provided for under this section shall establish a range of response actions which will result, to the fullest extent practicable, in—

(A) attainment in the indoor air of the standards established under section 109 and 112 of the Clean Air Act (42 U.S.C. 1857 et seq.);

(B) attainment of the advisory concentration levels established under section 6(b)(1)(D) of this Act; and

(C) reduction in the concentration levels of contaminants identified in section 6(a) of this Act.

(b) EXISTING AUTHORITY.—(1) The Administrator shall include in the plans provided for in subsection (a) of this section a description of specific response actions based on existing statutory authorities including authorities provided in:

(A) Titles I, II, and III of the Clean Air Act (42 U.S.C. 1857 et seq.);

(B) the Toxic Substances Control Act;

(C) the Federal Insecticide, Fungicide, and Rodenticide Act;

(D) the Safe Drinking Water Act;

(E) the authorities of the Consumer Product Safety Commission;

(F) the authorities of the Occupational Safety and Health Administration; and

(G) other regulatory and related authorities provided under any other Federal statute.

(c) SUPPORTING ACTIONS.—(1) The Administrator shall include in the plans provided for in subsection (a) of this section specific nonregulatory actions which will contribute to the reduction of human exposure to indoor air contaminants including but not limited to—

(A) programs to disseminate technical information to public health, design, and construction professionals concerning the risks of exposure to indoor air contaminants and methods and programs for reducing exposures to such contaminants;

(B) education programs for the general public concerning the health threats posed by indoor air contaminants and appropriate individual response actions;

(C) technical assistance to States and local air pollution control organizations and related groups concerning the risks of exposure to indoor air contaminants and methods and programs for reducing exposures to such contaminants;

(D) development of model building codes, including ventilation rates, for various types of buildings designed to reduce concentration levels of indoor air contaminants; and

(E) research initiatives to develop technology or methods for the control of indoor air contaminants.

(d) Contents of Plan.—(1) In describing specific actions to be taken under subsections (b) and (c) of this section, the Administrator shall—

(A) identify the contaminant or contaminants to be addressed by a particular action;

(B) identify the statutory basis for the action;

(C) identify the schedule and process for implementation of the action;

(D) identify the Federal agency responsible for the action; and

(E) identify the financial resources needed to implement the specific action and the source of these resources.

(e) Federal Building Response Plan.—(1) The plan provided for in subsection (a) of this section shall include a specific response plan addressing indoor air quality in Federal buildings.

(2) Federal building response plans shall provide that air quality in Federal buildings attain, to the extent practicable taking technologic feasibility into consideration, the standards established under sections 109 and 112 of the Clean Air Act (42 U.S.C. 1857 et seq.), and the contaminant concentration levels specified in section 6(b)(1)(D) of this Act.

(3) Federal building response plans provided for in paragraph (1) of this subsection shall include—

(A) a list of all Federal buildings;

(B) a description and schedule of general response actions including general management practices, product purchase guidelines, air quality problem identification practices and methods, personnel training programs, and other actions to be implemented to reduce exposures to indoor air contaminants in those buildings listed in paragraph (A);

(C) a list of individual buildings listed in paragraph (A) for which there is a reasonable likelihood that standards under section 109 or 112 of the Clean Air Act (42 U.S.C. 1857 et seq.) or a health advisory under section 6(b)(1)(D) may be exceeded;

(D) a description and schedule of specific response actions to be implemented in each specific building identified in paragraph (C) to achieve compliance with standards under section 109 or 112 of the Clean Air Act (42 U.S.C. 1857 et seq.) or a health advisory under section 6(b)(1)(D);

(E) an identification of the Federal agency responsible for funding and implementation of each response action identified in paragraphs (B) and (D); and

(F) an identification of the costs of each response action identified in paragraphs (B) and (D) and the source of these resources.

(4) The response plan provided for in subsection (e) shall address each Federal building identified in paragraph 3(A), except that the Administrator, in consultation with the Administrator of the General Services Administration, may identify specific buildings to be exempted from coverage under this subsection. Such buildings may be exempted on the grounds of

(A) national security;

(B) anticipated demolition or termination of Federal ownership within three years; and

(C) specialized use of a building which precludes necessary actions to obtain applicable standards or advisory concentration levels.

(5) Any person may petition the Administrator to include a particular building in the list provided for in paragraph 3(C) of this section. Such petition shall provide a showing that indoor air contaminants have been found, or may reasonably be expected to be found, in the building in excess of a standard established pursuant to section 109 or 112 of the Clean Air Act (42 U.S.C. 1857 et seq.) or a health advisory provided for in section 6(b)(1)(D). Within ninety days, the Administrator shall add the building to the list provided for in paragraph 3(C) or shall publish in the Federal Register the reasons for not making such additions.

(f) Schedule.—(1) The response plan provided for in subsection (a) shall be submitted to Congress within 18 months of enactment of this Act and biennially thereafter.

(g) Review.—(1) The Administrator shall provide that the response plan provided for in subsection (a) shall be published in the Federal Register for public review and comment not less than 3 months prior to submission to the Congress. The Administrator shall include in the response plan a summary of public comments.

(2) The Administrator shall provide for the review and comment on the response plan by the National Indoor Air Quality Council provided for under section 40 of this Act. The Administrator shall include in the response plan a letter and any supporting materials providing the comments of the National Indoor Air Quality Council.

STATE AND LOCAL INDOOR AIR QUALITY PROGRAMS

Sec. 8. (a) Management and Assessment Strategy Demonstration.—(1) The Governor of a State may apply to the Administrator for grant support for demonstration of the development of a management strategy and assessment with respect to indoor air quality within such State.

(2) State indoor air quality management strategies shall—

(A) identify a lead agency and provide an institutional framework for protection of indoor air quality;

(B) identify and describe existing programs, controls or related activities concerning indoor air quality, including regulations, education programs, assessment programs, or other activities;

(C) assure coordination among Federal, State and local agencies involved in indoor air quality activities in the State; and

(D) assure coordination of indoor air quality programs with ambient air quality programs and related activities.

(3) State indoor air quality assessment programs shall—

(A) identify indoor air contaminants of concern and, to the extent practicable, assess the seriousness and the extent of indoor air contamination by contaminants listed in section 405(a) of this Act;

(B) identify the classes or types of buildings or other indoor environments in which indoor air contaminants pose the most serious threat to human health;

(C) if applicable, identify geographic areas in the State where there is a reasonable likelihood of indoor air contamination as a result of the presence of contaminants in the ambient air or the existence of sources of a contaminant;

(D) establish methods and procedures for indoor air contaminant assessment and monitoring; and

(E) provide for periodic assessments of indoor air quality and identification of indoor air quality changes and trends.

(4) States which are selected to demonstrate the development of management and assessment strategies shall provide a management strategy and assessment pursuant to subsections (2) and (3) to the Administrator within 36 months of selection and shall certify to the Administrator that the strategy and assessment meet the requirements of this Act.

(5) States shall provide for public review and comment on the management strategy and assessment prior to submission of such strategy and assessment to the Administrator.

(b) Response Programs.—(1) A Governor of a State or the executive officer of a local air pollution control agency may apply to the Administrator for grant assistance to develop a response program designed to reduce the human exposure to an indoor air contaminant or contaminants in the State or in a specific class or type of building in that State, or in a specific geographic area of that State.

(2) A response program shall—

(A) address a contaminant or contaminants listed pursuant to section 6(a) of this Act;

(B) identify existing data and information concerning the contaminant or contaminants to be addressed, the class or type of building to be addressed, and the specific geographic area to be addressed;

(C) describe and schedule the specific actions to be taken to reduce human exposure to the identified contaminant(s);

(D) identify the State or local agency or public organization which will implement the response actions;

(E) identify the Federal, State and local financial resources to be used to implement the response program; and

(F) provide for the assessment of the effectiveness of the response program.

(c) Grant Management.—(1) Grants under subsection (a)(1) of this subsection shall not be less than $75,000 for each fiscal year and shall be available to a selected State for a period not to exceed three years.

(2) In selecting States for demonstration of management strategies and assessments, the Administrator shall consider—

(A) the previous experience of the State in addressing indoor air quality issues;

(B) the seriousness of the indoor air quality issues identified by the State; and

(C) the potential for demonstration of innovative management or assessment measures which may be of use to other air pollution control agencies.

(3) Grants under subsection (b)(1) of this section shall not exceed $250,000 per fiscal year and shall be available to the State for a period of not to exceed three years.

(4) In selecting response programs developed under section (b) for grant assistance, the Administrator shall consider—

(A) the potential for the response program to bring about reductions in indoor air contamination levels;

(B) the contaminants to be addressed, giving priority to contaminants for which health advisories have been developed pursuant to section 405 of this Act;

(C) the type of building to be addressed, giving priority to building types in which substantial human exposures to indoor air contaminants occur; and

(D) the potential for development of innovative response measures or methods which may be of use to other air pollution control agencies.

(5) The Federal share of grants under subsections (a) and (b) of this section shall not exceed 75% of the costs incurred in implementation of such activities and shall be made on the condition that the non-Federal share is provided from non-Federal funds.

(6) Funds granted pursuant to subsections (a) and (b) in a fiscal year shall remain available for obligation for the fiscal year in which obligated and for the following fiscal year.

(7) No grant shall be made under subsection (b) in any fiscal year to a State or air pollution control agency which in the preceding year received a grant under subsection (b) unless the Administrator determines that such agency satisfactorily implemented such grant activities in such preceding fiscal year.

(8) Air pollution control agencies receiving funds under subsections (a) and (b) of this section shall agree to provide such information pertaining to grant funded activities to the Administrator as he considers necessary.

OFFICE OF INDOOR AIR QUALITY

SEC. 9. (a) ESTABLISHMENT OF OFFICE.—(1) The Administrator shall establish an Office of Indoor Air Quality within the Office of Air and Radiation at the Environmental Protection Agency.

(b) RESPONSIBILITIES OF OFFICE.—(1) The Office of Indoor Air Quality shall—

(A) list indoor air contaminants and develop health advisories pursuant to section 6 of this Act;

(B) develop national indoor air quality response plans as provided for in section 7 of this Act;

(C) manage Federal grant assistance provided to air pollution control agencies under section 8 of this Act;

(D) assure the coordination of Federal statutes and programs administered by the Agency relating to indoor air quality and reduce duplication or inconsistencies within these programs;

(E) work with other Federal agencies to assure the effective coordination of programs related to indoor air quality; and

(F) work with public interest groups and the private sector in development of information related to indoor air quality including the health threats of human exposure to indoor air contaminants, the development of technologies and methods to control such contaminants, and the development of programs to reduce contaminant concentrations.

(c) ORGANIZATION OF OFFICE.—(1) The Office of Indoor Air Quality shall—

(A) be directed by a Director who shall be a member of the Senior Executive Service;

(B) include a staff of not less than 10 full time equivalent employees; and

(C) be supported by not less than one full time equivalent employee in each Agency regional office.

NATIONAL INDOOR AIR QUALITY COUNCIL

SEC. 10. (a) AUTHORITY.—(1) The President of the United States shall establish, within the Executive Office of the President, a National Indoor Air Quality Council.

(b) RESPONSIBILITIES.—(1) The National Indoor Air Quality Council shall—

(A) provide for the full and effective coordination of Federal agency activities relating to indoor air quality;

(B) provide a forum for resolution of conflicts or inconsistencies in statutes or programs related to indoor air quality;

(C) advise the President and other members of the Executive Department on the development of indoor air quality programs and policies;

(D) review and comment on the national indoor air response program developed pursuant to section 7 of this Act;

(E) prepare a report to Congress pursuant to subsection (d) of this subsection.

(c) ORGANIZATION.—(1) The National Indoor Air Quality Council shall include senior representatives of Federal Agencies involved in indoor air quality programs including—

(A) the Environmental Protection Agency, which shall chair the Council;

(B) the Department of Human Services;

(C) the Department of Labor;

(D) the Department of Housing and Urban Development;

(E) the Department of Energy;

(F) the Department of Transportation;

(G) the Consumer Product Safety Commission; and

(H) the General Services Administration.

(2) Additional members of the Council shall include a representative to be appointed by the President, a representative to be appointed by the Majority Leader of the Senate, and a representative to be appointed by the Speaker of the House. Appointed representatives shall not be employees of a Federal agency.

(3) The Council shall be served by a staff to include an Executive Director, who shall be a member of the Senior Executive Service, and not less than 3 full time equivalent employees.

(d) REPORT TO CONGRESS.—(1) The Council shall submit to the Congress, within 18 months of enactment and biennially thereafter, a report which shall—

(A) describe the seriousness and extent of indoor air contamination;

(B) summarize the major research issues concerning the protection of indoor air quality, describe the research accomplishments of Federal agencies over the previous two years, and provide an agenda of indoor air quality research for Federal agencies over a three year period;

(C) provide a general description of the activities to be conducted by Federal agencies to address indoor air quality problems over the following three year period; and

(D) make recommendations for any actions needed to assure the quality of indoor air, including recommendations relating to institutional structures, funding, and legislation.

(2) the Council shall provide for public review and comment on the report required by this subsection.

FEDERAL BUILDING DEMONSTRATION PROGRAM

SEC. 11. (a) AUTHORITY.—(1) The Administrator, in consultation with the Administrator of the General Services Administration, shall conduct a program to demonstrate methods of reducing indoor air contaminant concentrations in new Federal buildings.

(b) INDOOR AIR QUALITY RESERVE.—(1) The Administrator of the General Services Administration shall reserve 0.5% of any funds appropriated for construction of new Federal buildings for design and construction of measures to reduce indoor air contaminant concentrations within such buildings.

(2) Measures which may be funded with the reserve provided for in this subsection may include, but are not limited to—

(A) development and implementation of general design principles intended to avoid or prevent contamination of indoor air;

(B) design and construction of improved ventilation techniques or equipment;

(C) development of product purchasing guidelines;

(D) design and construction of contaminant detection and response systems; and

(E) development of building management guidelines and practices.

(3) Upon completion of construction of each Federal building covered by this section, the Administrator of the General Services Administration shall file with the Administrator, with the Clearinghouse established under section 12 of this Act, and with the Council established under section 10 of this Act, a report describing the uses made of the reserve provided for in this subsection. Such report shall be in sufficient detail to provide design and construction professionals with models and general plans of various indoor air contaminant reduction measures adequate to assess the appropriateness of such measures for application in other buildings.

(4) The Administrator of the General Services Administration, with the concurrence of the Administrator, may exempt a planned Federal building from the requirements of this section if he finds that such exemption is required on the grounds of national security or that the intended use of the building is not compatible with the authority of this section.

NATIONAL INDOOR AIR QUALITY INFORMATION CLEARINGHOUSE

SEC. 12. (a) AUTHORITY.—(1) The Administrator is authorized and directed to establish a national indoor air quality clearinghouse to be used to disseminate indoor air quality information to other Federal agencies, State and local governments, and private organizations and individuals.

(2) The clearinghouse shall be a repository for reliable indoor air quality related information to be collected from and made available to government agencies and private organizations and individuals. At a minimum, the clearinghouse established by this section shall make available reports, programs, and materials developed pursuant to the requirements of this Act.

(3) The Administrator may provide for the design, development, and implementation of the clearinghouse through a contractual agreement with a nonprofit organization.

STATE AND FEDERAL AUTHORITY

SEC. 13. (a) Nothing in this title shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common or any local ordinance.

AUTHORIZATIONS

SEC. 14. (a) AGENCY AUTHORIZATIONS.—(1) For the purpose of carrying out sections 5 and 6 of this Act there is authorized to be appropriated $25 million for each of the fiscal years ending September 30, 1988, 1989, 1990, 1991 and 1992. Of such sums appropriated, one quarter shall be reserved for implementation of section 6 of this Act and one quarter shall be reserved for implementation of section 5(c) of this Act.

(2) For the purpose of carrying out sections 7, 9, and 12 there is authorized to be appropriated $10 million for each of the fiscal years ending September 30, 1988, 1989, 1990, 1991, and 1992. Of such sums appropriated, one fifth shall be reserved for implementation of section 12.

(3) For the purpose of carrying out section 8(a) of this Act, there is authorized to be appropriated $10 million for each of the fiscal

years ending September 30, 1988, 1989, 1990, 1991, and 1992. For the purposes of carrying out section 8(b) of this Act, there is authorized to be appropriated $10 million for each of the fiscal years ending September 30, 1988, 1989, 1990, 1991, and 1992.

(b) OTHER AUTHORIZATIONS.—(1) For the purpose of carrying out section 10 of the Act there is authorized to be appropriated $3 million for each fiscal year ending September 30, 1988, 1989, 1990, 1991, and 1992.

[SUMMARY]

INDOOR AIR QUALITY ACT OF 1987

The Indoor Air Quality Act of 1987 authorizes a national program to reduce the threats to human health posed by exposure to contaminants in the air indoors. The Act includes the following provisions—

Sec. 1: Title—The title of the bill and table of contents are identified.

Sec. 2: Findings—Contaminants in the air indoors pose a serious threat to human health and there is not an adequate effort by Federal and State governments to respond to this problem.

Sec. 3: Purpose—The purpose of the legislation is to establish a coordinated research program on indoor air contamination, to establish a process for directing and focusing the authorities of existing Federal statutes to reduce indoor air contamination, and to demonstrate and develop State and local responses to indoor air contamination problems.

Sec. 4: Definitions—Key terms are defined.

Sec. 5: Indoor Air Quality Research—The bill provides the EPA with general authority to conduct research of indoor air contamination and identifies specific research topics to be addressed. The bill establishes a program to demonstrate various technologies which may contribute to the reduction of indoor air contamination and provides for grant assistance to governments and others for such demonstrations.

Sec. 6: Indoor Air Contaminant Health Advisories—The bill provides that the EPA develop a list of indoor air contaminants and prepare health advisory documents for these contaminants. Health advisory documents are to identify the concentration level of a contaminant which poses a threat to human health.

Sec. 7: National Indoor Air Quality Response Plans—The EPA is to develop a national response plan identifying actions to be taken to reduce contaminants in indoor air. The response plan is to be submitted to Congress within 18 months of enactment and biennially thereafter.

The response plan is to identify and schedule actions under the authority of existing statutes, including the Clean Air Act, the Federal pesticide law, the Toxic Substances Control Act, and other statutes. The plan is also to include general information, education, and technical assistance programs to reduce indoor air contamination.

The response plan is to specifically address air quality in Federal buildings. In the case of buildings with identified indoor air quality problems, specific actions to attain applicable standards or advisory contaminant concentration levels are required.

Sec. 8: State and Local Indoor Air Quality Programs—The bill provides for the demonstration of State strategies for the management and assessment of indoor air quality. In addition, States or other air pollution control agencies may develop response programs to address a particular indoor air contaminant of concern, a particular class of buildings, or buildings in a specific geographic area. Limited Federal grant support is provided for demonstration and development of management and assessment strategies and response programs.

Sec. 9: Office of Indoor Air Quality—The bill establishes an Office of Indoor Air Quality within the EPA to manage EPA indoor air activities and to work with other Federal agencies and interested groups on indoor air issues.

Sec. 10: National Indoor Air Quality Council—The bill establishes, within the Executive Office of the President, a National Indoor Air Quality Council to coordinate indoor activities of Federal agencies. The Council is to consist of representatives of Federal agencies and other groups.

Sec. 11: Federal Building Demonstration Program—The EPA, in consultation with the General Services Administration, is to conduct a program to demonstrate methods of reducing indoor air contamination in new Federal buildings. One half of one percent of funds appropriated for construction of such buildings are to be reserved for demonstration of indoor air quality technologies and building management methods.

Sec. 12: National Indoor Air Quality Information Clearinghouse—The EPA is to establish a national clearinghouse of information related to indoor air quality and may provide for the operation of the clearinghouse on an contractual basis by a nonprofit organization.

Sec. 13: State and Federal Authority—Nothing in this title shall preempt any State or Federal law or local ordinance.

Sec. 14: Authorizations—The bill authorizes the following appropriations for each fiscal year from 1988 to 1992:

Research and health advisories: $25 million (Of such sums appropriated, one quarter is reserved for health advisories and one quarter reserved for demonstration grants.)

EPA operations: $10 million (Of such sums appropriated, one fifth is reserved for the information clearinghouse.)

State management and assessment grants: $10 million.

State response program grants: $10 million.

National Indoor Air Quality Council: $3 million.

Mr. CHAFEE, Mr. President, today I join with Senators MITCHELL, DURENBERGER, and BAUCUS in introducing legislation to address the serious health threats posed by contaminants in the air indoors.

Over the last decade we have made considerable progress in abating some of the most harmful pollutants of our outdoor environment. Emissions from cars are no longer as injurious to the air quality, and leaded gasoline, known to cause health effects in children, is being phased out. Once unsightly rivers are now returning to a state where they are fishable and swimmable.

Yet for all this progress, we have not turned our attention to the environment where Americans spend an average of 90 percent of their time: indoors. Much is known about the effects of some indoor contaminants, such as radon, asbestos and tobacco smoke. However, there are several other contaminants prevalent in the indoor environment about which very little is known. These include formaldehyde, volatile organic chemicals, combustion byproducts and respirable particles. There is a great likelihood that these pollutants pose a serious threat to public health.

At a hearing on the health effects of indoor air pollution before the Environmental Protection Subcommittee of the Committee on Environment and Public Works, it became painfully clear that there is not an adequate effect by Federal agencies or State to conduct research on indoor air contaminants. The legislation we are introducing today will direct the various agencies responsible for indoor air quality to coordinate their response plans to address these contaminants. The bill will place the Environmental Protection Agency squarely in the lead in developing the Federal response to indoor air contamination.

I would like to make it clear that this legislation does not place the Federal Government in the living rooms of Americans. The bill does not provide authority to "regulate" indoor air contaminants, but rather takes an informational approach. The bill instructs EPA to develop "health advisories" which would indicate the health risks at various concentration levels, and inform homeowners of ways to reduce and minimize the risk from various contaminants.

The primary purpose of the bill, however, is to establish a coordinated research program on indoor air contamination. In addition, the bill will instruct EPA to assist States in developing strategies for the management and assessment of indoor air quality. This legislation will establish a national indoor air quality council, within the Executive Office of the President, to coordinate indoor air activities of Federal agencies.

Mr. President, this legislation is long overdue. Americans need to know how to insure that the quality of the air inside their home is healthy. This bill takes a giant step toward addressing the health threat posed by contaminants of the air indoors. I urge my colleagues to join with us in supporting this important legislation.

By Mr. HEFLIN (for himself, Mr. GRASSLEY, and Mr. DECONCINI):

S. 1630. A bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes; to the Committee on the Judiciary.

RETIREMENT AND SURVIVOR ANNUITIES FOR BANKRUPTCY JUDGES AND MAGISTRATES ACT

● Mr. HEFLIN. Mr. President, I am pleased today to introduce the Retirement and Survivor Annuities for Bankruptcyy Judges and Magistrates Act of 1987 and to be joined in this effort by Senator GRASSLEY, the ranking member of the Courts and Administrative Practice Subcommittee, and Senator DeConcini. This legislation will provide a retirement system for magistrates and bankruptcy judges comparable to the retirement system for territorial judges.

The responsibilities assigned to magistrates and bankruptcy judges, while of different character, are of equal importance. While bankruptcy judges are charged with deciding the rights of debtors and creditors, magistrates who serve as full time judicial officers may now try any civil case as long as the parties give their voluntary consent and the district court approves. For the position of both bankruptcy judges and magistrates, a very high caliber of legal talent is needed. Unfortunately, the level of compensation for these judicial officers and the retirement system for these judicial officers has not kept pace with the expansion of their responsibilities.

Since the U.S. Magistrate System was created in 1968 to replace the U.S. Commissioner System, the powers of district courts to assign matters to magistrates have been expanded. District courts have been given the power to assign duties to magistrates that are not inconsistent with the Constitution and laws of the United States. The misdemeanor jurisdiction of magistrates has expanded to include all Federal misdemeanors regardless of the amount of the fine.

In 1984 in response to the Supreme Court decision in *Northern Pipeline Construction Co.* v. *Marathon,* 458 U.S. 50 (1982), Congress enacted the Bankruptcy Amendments and Federal Judgeship Act of 1984, Public Law 98-353. As a result of this legislation, bankruptcy judges were made adjuncts of the district court. Last Congress we passed legislation which authorized 52 bankruptcy judges which increases the number of bankruptcy judges by 25 percent. However, this increase in the number of judges in no way parallels the rising increase in the caseload of the bankruptcy courts.

An article in the Wall Street Journal—Tuesday, December 9, 1986—indicates that a decade ago the bankruptcy courts were handling fewer than 200,000 new filings a year. In 1986, the caseload of the bankruptcy courts increased to over 700,000 separate filings. A record 76,281 businesses filed for bankruptcy during 1986. This is more than double the number of business bankruptcies in 1980 and nearly five times the number in 1970. These cases demand not only time, but individual sacrifices on the part of bankruptcy judges to give each party, both creditor and debtor, a fair and judicious hearing.

In attempting to attract individuals to serve as bankruptcy judges and magistrates, it is becoming increasingly difficult not only to attract capable individuals, but to retain those individuals. Congress recently enacted the Magistrates' Retirement Parity Act—P.L. 100-53—but this legislation only makes the retirement system for magistrates equal to that of bankruptcy judges. The current system for both groups is still inadequate.

This legislation would provide for retirement at age 65 on full salary if the bankruptcy judge or magistrate had served 14 years. The system would be a noncontributory retirement system in which a bankruptcy judge or magistrate with 8 or more years of service would receive a pension at age 65 based on the percentage that his or her years of service was of 14 years. Bankruptcy judges currently serve 14-year terms. Full-time magistrates serve for 8-year terms. The pension would cap at 14 years of service at which time the retiree would be eligible for a pension receivable at age 65 equal to the salary of the office at the time the person leaves office. There is a provision allowing for cost-of-living increases, but there is also a provision which limits this amount so as not to exceed the salary of active magistrates and bankruptcy judges.

This legislation would also include spouses and dependents of bankruptcy judges and magistrates within the judicial survivor annuities program which was enacted in the last Congress for article III judges. Judges choosing to participate in the survivors annuity program would do so on a contributory basis.

Currently, bankruptcy judges are in a contributory retirement system similar to that of Members of Congress. They contribute 8 percent of their salary and their pension is computed by multiplying their years of eligible service times 2.5 percent. They can retire at age 62 with 5 years of service or at age 60 with 10 years of service.

I urge my colleagues to study this legislation carefully. As chairman of the Subcommittee on Courts and Administrative Practice, I believe that we need to take a careful and comprehensive look at this issue. I pledge my efforts to work to enact legislation which will acknowledge the tremendous contribution these individuals make to our judicial system.●

● Mr. GRASSLEY, Mr. President, I am happy to sponsor this legislation with Senator Heflin, to make badly needed improvements in the retirement system for bankruptcy judges and magistrates.

This bill addresses the current disparity in retirement benefits between bankruptcy judges and magistrates, and other Federal judges. The bill provides for a new retirement system and survivors' benefits based on the system already in place for territorial judges. The bill recognizes that bankruptcy judges and magistrates, each with fixed terms of office, may have limited years of Federal service compared with articles III judges.

Accordingly, the bill provides for retirement at age 65 on the full salary being paid at the time a retiree left office if 14 years of service as a bankruptcy judge or magistrate had been completed. The bill also provides for reduced retirement benefits for those judicial officers who have served at least 8 years but less than 14. Such benefits would be based on the percentage of the years of service compared to 14 years.

Mr. President, we need to enhance the retirement system for bankruptcy judges and magistrates. Current laws acts as a powerful disincentive to the recruitment and retention of qualified judges and magistrates. In fact, since 1980, more than 160 bankruptcy judges have left the bench. Many have gone on to lucrative private law practice.

Since 1985 alone, nearly one-third of our 232 bankruptcy judges have resigned or retired. To give some context to this statistic, only 7 percent of district and appeals court judges have resigned or taken senior status during this same period.

In large measure, these judges have left the bench because of an inadequate retirement and salary policy.

Mr. President, although we often fail to realize it, I think it's fair to say that no Federal court touches the Nation more than our bankruptcy courts. Its caseload, already the largest of any Federal court, recently surged past 725,000—more than double the size of 6 years ago. By one estimate, the court's reach extends to more than $100 billion in corporate and individual assets and 35 million creditors. More and more, bankruptcy courts are forced to make tough choices on the survival of entire industries. As examples, I cite the recent enactment of the family farmer bankruptcy law, which I supported, and the 1984 law permitting court modification of collective bargaining agreements. So I appreciate the importance of the bankruptcy courts and the critical role they play in our legal system.

As we all know, the 99th Congress authorized the creation of 52 additional and badly needed, bankruptcy judgeships. In this Congress, we have provided funding for these judgeships in the supplemental appropriations bill. But without a sufficient salary and benefits package to offer these applicants, some courts of appeal are reporting difficulty attracting qualified candidates.

While this bill does not address the level of bankruptcy judges' salaries—currently at only 81 percent of District Court judges salaries—it does make badly needed improvements in the retirement system for these judges and for magistrates. I urge my colleagues to support the bill.●

By Mrs. KASSEBAUM:

S. 1631. A bill to assure additional protection in connection with the transportation of radioactive materials; to the Committee on Commerce, Science, and Transportation.

RADIOACTIVE MATERIALS TRANSPORTATION ACT

● Mrs. KASSEBAUM. Mr. President, the disposal of nuclear waste materials is a difficult and emotional issue that defies easy answers. In the daily transportation of nuclear waste across our Nation's highways and railways is the potential for unspeakable disaster.

There is no doubt that shipments of both high-level and low-level nuclear waste will significantly increase in the next 10 years. I am deeply concerned that the Department of Transportation does not possess the resources it needs to ensure that nuclear wastes are transported as safely as possible. Therefore, I am introducing legislation which will mandate the hiring of additional safety inspectors in the DOT.

The legislation is simple. It authorizes such funds as may be necessary for the hiring of 20 additional inspectors who are specialists in nuclear matters. One would be allocated to the Research and Special Programs Administration, which has authority for implementing the Hazardous Materials Transportation Act of 1974, five to the Federal Railroad Administration, and five would be allocated to Federal Highway Administration. The remaining inspectors would be allocated among the aforementioned Administrations at the discretion of the Secretary.

There are about 2.8 million shipments of low-level waste and 1,400 high-level nuclear shipments per year. This number will increase as sites are chosen for both high- and low-level nuclear waste disposal. It is my feeling that preventative actions need be taken which will preclude any disaster or accident. By bolstering the ranks of inspectors who license commercial drivers, who inspect tracks, major signals, and the containment casks, and who determine routes, we ensure that safety standards are enforced and maintained.

My home State of Kansas is a favorite corridor for shipment of both types of nuclear waste. Additionally, the State entered the Central States Compact after enactment of the Low-Level Radioactive Waste Policy Act in 1980. Consequently, Kansas is now facing the very real possibility of housing low-level nuclear waste generated by other members of the compact. Needless to say, Kansans are very concerned. Better emergency response programs and improved inspection programs must be increased and made available to all States, and safety must be made priority No. 1.

Mr. President, I know many Senators have expressed a good deal of concern about this issue. The Commerce Committee has been working diligently on the safe transportation of nuclear materials. I would hope that this legislation could be considered in the course of this ongoing dialogue and I ask that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the "Radioactive Materials Transportation Act of 1987".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the Department of Transportation's radioactive materials transportation program affecting both low-level and high-level radioactive materials must be improved and strengthened;

(2) the Federal Highway Administration, Federal Railroad Administration, and the Research and Special Programs Administration within the Department of Transportation must be authorized an adequate number of inspectors to ensure and promote compliance with existing federal safety regulations affecting the transportation of radioactive materials; and

(3) for those persons violating existing federal safety regulations, the Secretary of Transportation should impose meaningful and substantive penalties.

ADDITIONAL SAFETY INSPECTORS

SEC. 3. (a) The Secretary of Transportation, in fiscal year 1988, shall employ and maintain thereafter an additional 20 safety inspectors above the number of safety inspectors authorized for fiscal year 1988, in the aggregate, for the Federal Railroad Administration, Federal Highway Administration, and the Research and Special Programs Administration. The Secretary shall take such action as may be necessary to assure that the additional inspectors authorized by this act shall, to the extent possible, focus their activities on the promotion of radioactive materials transportation safety, including, but not limited to,

(1) licensing of drivers and operating practices of engineers;

(2) ensuring that tracks and major signals along routes are inspected at least once each 12-month period;

(3) inspecting every high-level nuclear truck and rail shipment at the point of origin; and

(4) inspecting, to the maximum extent possible, low-level nuclear shipments.

(b) In carrying out their duty under this act, inspectors authorized by this act shall, to the maximum extent possible, conduct such duty in cooperation with safety inspectors of the Nuclear Regulatory Commission and appropriate state and local governmental officials.

(c) Of the 20 inspectors authorized by subsection (a), not less than one shall be allocated to the Research and Special Programs Administration, not less than five shall be allocated to the Federal Railroad Administration, not less than five shall be allocated to the Federal Highway Administration, and the remaining inspectors shall be allocated, at the discretion of the Secretary, among the aforementioned administrations.

PENALTIES

SEC. 4. Subsection (a) of section 110 of the Hazardous Materials Transportation Act is amended (1) by deleting "knowingly" each place it appears therein; and (2) by adding at the end thereof the following: "The amount of the civil penalty imposed under this subsection for the violation of a provision of this act or a regulation shall not be less than $500 for each such violation."

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out this act.●

By Mr. GORE:

S. 1633. A bill to amend the Public Health Service Act to revise and extend the program of assistance to organ procurement organizations, and for other purposes; to the Committee on Labor and Human Resources.

ORGAN TRANSPLANT AMENDMENTS ACT

● Mr. GORE. Mr. President, today I am introducing legislation to reauthorize key provisions of the National Organ Transplant Act.

In 1984, Congress passed the act to help those whose lives depend on whether or not a donor can be found in time.

We have made progress. Since 1983, when we began taking steps to improve the donor system, the number of transplants performed has risen dramatically. From 1983 through 1986, the number of heart transplants jumped from 172 to 1,364, liver transplants went from 164 to 924, and kidney transplants increased from 6,000 to 8,500.

But there is still much to do. Waiting lists are still long, and many die each year waiting for a donor, while studies show a potential for approximately 20,000 organ donors per year.

The bill I am introducing today renews our commitment to help. It will continue Federal efforts to strengthen local organ retrieval, and coordinate the various Federal endeavors in organ procurement and transplantation, for another 3 years.

By now, the need for a strong national transplant policy should be clear. Years of public appeals, illustrated by such well-known cases as Baby Jesse, Alex Girard, and Ronnie DeSillers, have convinced most Americans that the old system was not fair.

The foundation for a new, more equitable system based on medical need was put in place with the 1984 law. Last October, Congress built on that foundation by passing transplant amendments as part of the reconciliation bill. The amendments set a deadline of October 1, 1987, for a fully operational national organ procurement and distribution system. This bill will assure a continued smooth transition between the old and new systems.

Mr. President, 4 years ago we decided to stop forcing families to leave the bedside of a dying loved one in order to go out and drum up media exposure. I believe we are finally getting in sight of that goal. This bill will bring us another important step closer.

I urge support for this legislation.●

By Mr. DURENBERGER (for himself and Mr. QUAYLE):

S. 1634. A bill to provide allotments to States to support the development of qualified risk pools to provide health insurance for medically uninsurable individuals; to the Committee on Labor and Human Resources.

ACCESS TO HEALTH INSURANCE FOR MEDICALLY UNINSURABLE INDIVIDUALS ACT

● Mr. DURENBERGER. Mr. President, I am happy to introduce today the Access to Insurance for the Medically Uninsurable Act of 1987. This act is designed to encourage the provision of insurance coverage for a significant number of persons who have been denied the opportunity to purchase health insurance due to preexisting health conditions or have been offered insurance policies with extremely high premiums.

Mr. President, medically uninsurables include people with both chronic and acute health problems. Statistics are not available on how many people are presently uninsurable for health reasons. However, advances in medical technology have increased the number of people who are surviving various cancers and chronic diseases. Improved diagnostic tests make it easier to identify diseases at earlier stages, so the number of medically uninsurable people is considered by many to be increasing. The problem is serious enough that 14 States have already chosen to assist their uninsurable citizens by setting up insurance pools and many more are considering this option.

Premiums cover the majority of claims paid by the pool. Premiums are high but they would even be higher in the absence of State imposed limits that cap premiums at no more than a fixed percentage—usually 125 percent to 150 percent—of the standard individual premium in the State. In practice, however, premiums are generally insufficient because of the poor health status of the insured individuals. Accordingly, the losses incurred are compensated by a variety of means. For example, in Illinois, the difference between claims payments and premiums is made up by the State through broad-based revenues. The program called the comprehensive health insurance plan will be operative on January 1, 1988. In other instances, a contribution is levied on all health insurance companies doing business in the State. One organization is selected to administer the plan under the guidelines for benefits, premiums, deductibles as set forth in the State law. The health plan awarded the contract then offers policies to individuals or families who are not part of a covered employee group and have been unable to obtain conventional health insurance coverage as individuals.

The program in Minnesota is one of the oldest in the Nation and covers over 10,000 people. The policy provided by the pool for a person aged 60 to 64 years with a $1,000 deductible costs the individual $1,200 per year in premiums. Obviously, this alternative is not for everyone but it surely has made the difference for many Minnesotans. It may also serve some different people each year as they change jobs and gain access to group insurance.

I believe that in some instances insurance pools are an appropriate State option for addressing the needs of high risk individuals. Whether it is the best solution, however, and how it should be financed, designed, and subsidized, depend entirely on local conditions. The role of the Federal Government should be to encourage the establishment of such pooling mechanisms through Federal grants to study and develop the pools, and promote initiatives for the utilization of State and private sector resources.

One obstacle to States forming pools is the lack of a consensus and public understanding of the need for a broad base to finance pool losses. It is for this reason that I am including in the bill an appropriation of $10 million to be allocated among States based on their proportionate share of the national population. No State share may be less than one-half of 1 percent nor more than 3 percent of the total amount appropriated including the District of Columbia and Puerto Rico. For those States that already have satisfactory pools, the funds maybe used to develop methods to address the problem of other individuals who do not have access to affordable insurance.

The final provision of this bill would require the Department of Health and Human Services to make a study due within 12 months of enactment that will include an assessment of whether or not other programs for the medically uninsurable are being set up rapidly enough and whether or not further legislation is needed to enable or facilitate risk pools. In particular, the study should also consider whether or not a Federal residual pool might be needed or desirable.

Mr. President, this bill is part of a process I began last year with the introduction of S. 2403, a bill intended to amend the Internal Revenue Code of 1954 to assure access to health insurance. That bill included five provisions designed to make private health insurance more readily available to many of those now uninsured: Extension of employment-based health insurance coverage for laid-off workers and their dependents; establishment of subsidized health insurance pools; requirement that States establish programs to provide health plan coverage for the uninsured and underinsured or establish mechanisms to fund hospital uncompensated care; tax deduction for health benefits to encourage individuals to offer health insurance to employees; and studies and demonstrations of methods to reduce the cost of health coverage to small business and the self-employed.

I introduced this bill to start a dialog with people on health insurance and the response was overwhelming. A significant number felt that medically uninsurable people have long been neglected. This problem has to be addressed now. Mr. President, this bill represents a vital next step in the process to provide access for all medically uninsurable Americans to private health coverage. Gaps will remain even after this measure is passed but the bill keeps Congress moving in the right direction. It provides a framework for new Federal initiatives and reforms of the existing Federal role in assuring access to health care. Much more work will need to be done at both the State and Federal level to solve this problem. Many States have already taken the initiative and established some type of plan for providing coverage to those currently without health insurance.

Mr. President, I ask unanimous consent that the text of the bill and the attached summary of its key features be printed in the RECORD.

There being no objection, the bill was/were to be printed in the RECORD, as follows:

S. 1634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Access to Health Insurance for Medically Uninsurable Individuals Act of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) there are a significant number of individuals who have been denied health insurance due to poor health or who have been offered insurance policies with extremely high premiums or with restrictive exclusions for pre-existing conditions;

(2) the lack of access to insurance for such individuals violates the principle that everyone should have the opportunity to purchase health insurance and the principle that consumers should be able to choose private health insurance coverage in the local health marketplace;

(3) in response to this problem, 14 States have enacted laws creating risk pools for medically uninsurable individuals, including Connecticut, Florida, Indiana, North Dakota, Minnesota, Wisconsin, Nebraska, Montana, Tennessee, Iowa, Illinois, New Mexico, Washington, and Maine;

(4) similar legislation has been introduced in 10 other States this year, including New York, Ohio, Oregon, South Carolina, Texas, Vermont, West Virginia, California, Mississippi, and South Dakota;

(5) in the United States, the number of uninsured individuals has recently grown from approximately 33,000,000 individuals to 37,100,000 individuals, and—

(A) more than two-thirds of those without health insurance are employed or the dependents of individuals who are employed;

(B) some of the uninsured are self-employed, some work for small employers who find it difficult to finance health insurance for their employees, and some work in occupations that are seasonal or transient and offer no benefits; and

(C) many of the uninsured are children; and

(6) some of the uninsured do not seek health care because they cannot afford to pay for it, and others are turned away because they lack insurance.

PURPOSE

SEC. 3. It is the purpose of this Act to provide assistance to States—

(1) for the development and operation of qualified risk pools to provide health insurance for medically uninsurable individuals; or

(2) in the case of States in which such risk pools exist, for the development of methods to address the problem of other individuals who do not have access to affordable insurance.

DEFINITIONS

SEC. 4. For purposes of this Act:

(1) The term "medically uninsurable individual" means an individual—

(A) who is a resident of a State;

(B) who does not have health insurance coverage on the date on which the individual applies for health insurance coverage under a qualified risk pool in the State; and

(C) who has received—

(i) a notice of rejection by one or more insurers for coverage substantially similar to the coverage offered by the qualified risk pool in the State, without material underwriting restriction;

(ii) a notice of health insurance benefit reduction or limitation that substantially reduces benefits compared to benefits available to others, such as a rider that excludes or modifies benefits for a condition for a period which exceeds 6 months; or

(iii) a notice of increase in premium for medical reasons for substantially similar health coverage either applied for or in force that exceeds the premium rate for coverage provided by the qualified risk pool in the State.

(2) The term "qualified risk pool" means any organization that—

(A) is a nonprofit corporation established pursuant to and regulated by State law;

(B) has a membership that may include—

(i) insurers writing expense-incurred health insurance;

(ii) hospital and medical service plan corporations;

(iii) health maintenance organizations; and

(iv) employers;

(C) makes available (without regard to health conditions) to all medically uninsurable individuals in a State, levels of health insurance typical of the levels of coverage provided in the State, except that—

(i) the amount of annual out-of-pocket expenses for covered services shall be limited to $2,000 for individual coverage and $4,000 for family coverage;

(ii) any such level of insurance may not establish a lifetime benefit limit for any individual of less than $250,000;

(iii) subject to cause, such insurance may provide for a choice of deductibles but not to exceed $1,000 for each covered individual; and

(iv) such insurance may deny coverage for covered services for preexisting conditions for a period not to exceed 6 months;

(D) charges a pool premium rate that does not exceed 150 percent of the average premium rates for individual standard risks in the State for comparable coverage; and

(E) finances losses of the pool through revenue sources as broad-based as possible that are determined pursuant to State law.

(3) The term "Secretary" means the Secretary of Health and Human Services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. For the purpose of allotments to States to carry out the activities described in section 8, there are authorized to be appropriated $10,000,000 for fiscal year 1988 and each of the 2 succeeding fiscal years.

ALLOTMENTS

SEC. 6. (a) From the total amount appropriated under section 5 for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount that bears the same ratio to such appropriated amount as the population of the State bears to the population of all States, except as provided in subsections (b) and (c).

(b) Notwithstanding subsection (a), the allotment of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands under this section for a fiscal year—

(1) shall not be less than one-half of one percent of the total amount appropriated under section 5 for such fiscal year; and

(2) shall not be more than 3 percent of the total amount appropriated under such section for such fiscal year.

(c) To the extent that all the funds appropriated under section 5 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

(1) one or more States have not submitted an application or description of activities in accordance with section 9 for such fiscal year;

(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

(3) some State allotments are offset or repaid under section 10(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

PAYMENTS UNDER ALLOTMENTS TO STATES

SEC. 7. (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under section 6 from amounts appropriated for that fiscal year.

(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

(c) The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

(1) the fair market value of any supplies or equipment furnished the State under this Act; and

(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal government when detailed to the State and the amount of any other costs incurred in connection with the detail of such officer or employee;

if the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of and at the request of the State and for the purpose of conducting activities described in section 8. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based. The amount shall be deemed to be part of the payment and paid to the State.

USE OF ALLOTMENTS

SEC. 8. (a) Except as provided in subsection (b), amounts paid to a State under section 7 shall be used by the State to develop and operate qualified risk pools to provide health insurance for medically uninsurable individuals.

(b) If the Secretary determines a qualified risk pool exists in a State during a fiscal year for which the State receives an allotment under section 6, the State may use any amount paid to the State under section 7 for such fiscal year to develop methods to provide affordable private health insurance to individuals who do not have access to such insurance.

(c) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this Act.

(d) Not more than 10 percent of the total amount paid to a State under section 7 for a fiscal year may be used for administering the funds made available under section 7. The State shall pay from non-Federal sources the remaining costs of administering such funds.

APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

SEC. 9. (a)(1) In order to receive an allotment for a fiscal year under section 6 each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require.

(2) Each application required under paragraph (1) for an allotment under section 6 for a fiscal year shall contain assurances that the State will meet the requirements of subsection (b).

(b) As part of the annual application required by subsection (a) for an allotment for any fiscal year, the chief executive officer of each State shall—

(1) certify that the State agrees to use the funds allotted to the State under section 6 in accordance with this Act; and

(2) certify that the State agrees that Federal funds made available under section 7 for any period will be used to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under such section and will in no event supplant such State, local, and other non-Federal funds; and

(3) provide such other certifications and assurances as the Secretary may require.

(c) The chief executive officer of a State shall, as part of the application required by subsection (a) for any fiscal year, also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 6 for the fiscal year for which the application is submitted, including information on the programs and activities to be supported. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities carried out by the State under this Act, and any revision shall be subject to the requirements of the preceding sentence.

REPORTS AND AUDITS

SEC. 10. (a)(1) Each State shall prepare and submit to the Secretary annual reports on its activities under this Act. Such reports shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary (A) to determine whether funds were expended in accordance with this Act, (B) to secure a description of the activities of the State under this Act, and (C) to secure a record of the purposes for which funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes for which the funds were provided. Copies of the report shall be provided, on request, to any interested person (including any public agency).

(2) In determining the information that States must include in the report required by this subsection, the Secretary may not establish reporting requirements that are burdensome.

(b)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under section 7.

(2) Each State shall provide for one of the following:

(A) A financial and compliance audit of the funds provided the State under section 7. Such audits shall be performed biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

(B) A single financial and compliance audit of each entity administering funds provided under section 7. An audit of such an entity shall be conducted biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards of the Comptroller General referred to in subparagraph (A).

Within 30 days after completion of an audit under subparagraph (A) or (B), a copy of the audit report shall be transmitted to the State legislature and the Secretary and shall be made available for public inspection. For purposes of subparagraphs (A) and (B), the term "financial and compliance audit" means an audit to determine whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles, and whether the entity has complied with laws and regulations that may have a material effect upon the financial statements.

(3) Each State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the affected State, repay to the United States amounts found not to have been expended in accordance with this Act or the certification provided under section 8. If such repayment is not made, the Secretary shall, after providing the State with adequate notice and opportunity for a hearing, offset such amounts against the amount of any allotment to which the State is or may become entitled under section 6.

(4) The State shall make copies of the reports and audits required by this section available for public inspection within the State.

(5) The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of grants under this Act in order to assure that expenditures are consistent with this Act.

WITHHOLDING

SEC. 11. (a)(1) The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State that does not use its allotment in accordance with this Act or the certification provided under section 8. The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(2) The Secretary may not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with this Act or the certification provided under section 8. Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

(3) The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with this Act or the certification provided under section 8.

(4) The Secretary may not withhold funds under paragraph (1) from a State for a minor failure to comply with this Act or the certification provided under section 8.

(b)(1) The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this Act in order to evaluate compliance with this Act and the certification provided under section 8.

(2) The Comptroller General of the United States may conduct investigations of the use of funds received under this Act by a State in order to insure compliance with this Act and the certification provided under section 8.

(c) Each State, and each entity that has received funds from an allotment made to a State under this Act, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity on a reasonable request therefor.

(d)(1) In conducting any investigation in a State, the Secretary or the Comptroller General of the United States may not make a request for any information not readily available to such State or an entity that has received funds from an allotment made to the State under this Act or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

(2) Paragraph (1) does not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

NONDISCRIMINATION

SEC. 12. (a)(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of handicap under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this Act.

(b) Whenever the Secretary finds that a State, or an entity that has received a payment from an allotment to a State under section 6, has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable; or

(3) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

CRIMINAL PENALTY FOR FALSE STATEMENTS

SEC. 13. Whoever—

(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this Act; or

(2) having knowledge of the occurrence of any event affecting the initial or continued right of the person to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized;

shall be fined not more than $25,000 or imprisoned for not more than 5 years, or both.

REPORT TO CONGRESS

SEC. 14. By October 1, 1989, the Secretary shall prepare and transmit to Congress a report—

(1) describing the activities conducted by States with allotments under this Act;

(2) assessing the efficacy of qualified risk pools established under this Act; and

(3) containing such recommendations for legislation as the Secretary considers appropriate to facilitate the provision of health insurance for medically uninsurable individuals.

EFFECTIVE DATE

SEC. 15. This Act shall become effective on October 1, 1987.

PRINCIPAL FEATURES OF S. 1634

1. The bill appropriates $10 million for fiscal year 1989 and each of the two succeeding fiscal years to provide assistance to states for the development and operation of qualified risk pools for medically uninsurable individuals or, in the case of states in which such risk pools exist, for the development of methods to address the problem of individuals who do not have access affordable insurance.

2. The allotment of each state shall be based on their proportionate share of the national population. No state share may be less than one-half of one percent nor more than three percent of the total amount appropriated including the District of Columbia, and the Commonwealth of Puerto Rico.

3. The members of the qualified risk pools can be insurers writing expense incurred health insurance; hospital and medical service plan corporations; health maintenance organizations; and employers and other health financing entities.

4. Qualified pools charge a premium rate not to exceed 150% of average premium rates for individual standard risks in the State.

5. The losses of the pool will be financed through revenues determined by relevant state law.●

● Mr. QUAYLE. Mr President, I am pleased to join my distinguished colleague, Senator DURENBERGER, in introducing the Access to Health Insurance for Medically Uninsurable Individuals Act of 1987.

The purpose of this legislation is to alleviate some of the difficulties many individuals have in obtaining affordable health insurance for reasons of poor health or who have only been offered insurance policies with extremely high premiums or with restrictive exclusions for preexisting conditions.

Fourteen States, including my home State of Indiana, have addressed this problem by setting up risk pools for the medically uninsurable. For example, the risk pool in Indiana has been in existence since 1982. To date, it has provided insurance coverage to over 3,000 individuals.

The basic design of a risk pool is to guarantee availability of adequate health insurance to all individuals, regardless of their physical condition. While the operation of pools vary from State to State, there is a basic pattern. The State generally forms an association of all health insurance companies doing business in the State. An organization is selected to administer the plan under the guidelines for benefits, premiums, and deductibles as set forth in the State law. Individuals are then able to purchase insurance from the plan.

This bill would encourage other States to begin to address the problems of the uninsurable population by establishing a grant program for States that want to use the funds to develop and set up risk pools for individuals who are unable to obtain health insurance because of their medical condition.

For those States which already have a risk pool, the bill would permit the funds to be used for the development of methods to provide affordable health insurance to other individuals who do not have access to it. The bill would authorize this program at $10 million for each of the next 3 fiscal years.

While this proposal would by no means provide a solution to the overall problem of the uninsured, it would provide a solution for a discrete clearly identified segment of the uninsured. I urge my colleagues to join me in supporting this legislation.●

By Mr. PRYOR (for himself and Mr. MELCHER):

S. 1635. A bill to amend title XVI of the Social Security Act to increase the effectiveness and improve the administration of the SSI Program, and for other purposes; to the Committee on Finance.

SSI IMPROVEMENT AMENDMENTS

Mr. PRYOR. Mr. President, today, along with Senator MELCHER, the distinguished chairman of the Senate Special Committee on Aging, I am introducing legislation which would make a number of improvements in the Supplemental Security Income [SSI] Program, as well as provide for the continuation of Medicaid benefits to former SSI beneficiaries under special circumstances. The bill attempts to address some of the more glaring inequities in the SSI and Medicaid Programs, as well as correct some of the more troublesome "glitches" in these programs which can have a profoundly negative impact on some of our most vulnerable and needy citizens.

The Supplemental Security Income Program was established in 1972 to consolidate and federalize assistance programs to the elderly poor, blind, and permanently and totally disabled. The SSI Program has strict eligibility standards related to income and assets, and the program's benefit structure places considerable restrictions in circumstances where a beneficiary receives other income or in-kind benefits. In recent years there has been much discussion of ways to ease management difficulties and to provide for more compassionate consideration of beneficiaries with respect to eligibility and benefits. Some of my colleagues have worked to correct some of the most serious problems in these areas; the legislation being introduced today would continue these efforts.

Among the provisions included in the legislation is an increase to $35 in the monthly personal needs allowance [PNA] for SSI and Medicaid beneficiaries who are residents of health care facilities. Since 1974 when the PNA was instituted the monthly benefit has remained $25; after 13 years inflation has greatly eroded the value of this benefit, yet we still expect it to cover the costs of personal items for these institutionalized individuals—including the cost of phone calls, laundry services, shampoo and shaving needs, prescriptions not covered by the Medicaid Program, eyeglasses, clothing, newspapers, and the like. This modest $10 increase—coupled with an annual cost-of-living adjustment—is long overdue. The legislation requires all States currently providing payment in addition to the basic PNA to pass through this amount to residents. On a related matter, it is my hope that at some time in the near future we will be able to approve legislation which would protect the personal needs allowance from being spent for items which should rightly be provided by the facility under the Medicaid Program.

Among its many other provisions, the legislation seeks to:

Extend Medicaid coverage to those individuals who, at age 60, lose SSI eligibility because of their eligibility for Social Security early widow or widower's benefits. Many of these individuals have no other health care coverage—they are not eligible for Medicare until age 65—and can ill afford the high cost of health care.

Provide Medicaid benefits for disabled adult children who became eligible for such income between January 1, 1981, and June 30, 1987. In transferring from the SSI Program these disabled young adults lost their much-needed health care benefits under Medicaid.

Provide special notice to blind SSI recipients regarding a change in benefits.

Establish a demonstration program for outreach to the homeless in public shelters to assist them in ascertaining eligibility for SSI benefits.

Exclude from countable resources for SSI purposes real property when it cannot be sold because it is jointly owned, there is a legal impediment to its sale, or a good-faith effort has resulted in no sale.

Exclude death benefits—such as proceeds from life insurance policies and lump-sum death benefits from the Veterans' Administration—from countable resources to the extent that they are spent on the deceased's last illness and burial.

Ease several of the restrictions on availability of emergency advance benefits under the SSI Program.

Mr. President, these are just a few of the many provisions which make up the legislation that I am introducing today. For the most part, each addresses a serious gap in coverage which affects a relatively small number of individuals, but affects these individuals profoundly. Most of these problems have been brought to our attention by advocates for the poor and the elderly who have witnessed these problems in real-life situations, and whose hands were tied by legislative and regulatory restrictions which seriously hampered access to much-needed benefits.

Without exception each provision of this legislation deserves our prompt attention. It is my belief that these situations warrant corrective action, and hope that my colleagues will join in cosponsoring this legislation and in working for its timely passage. I ask unanimous consent that a factsheet on the "SSI Improvement Amendments of 1987" and the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "SSI Improvement Amendments of 1987".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Section 1. Short title; table of contents.

TITLE I—SSI AMENDMENTS RELATED TO HEALTH CARE

SUBTITLE A—PERSONAL NEEDS ALLOWANCE CHANGES

Sec. 101. Increases in personal needs allowance benefit standard for residents of medical institutions.

Sec. 102. Continuation of full benefit standard for individuals temporarily institutionalized.

SUBTITLE B—CONTINUATION OF MEDICAID UPON LOSS OF SSI ELIGIBILITY

Sec. 111. Retention of medicaid when SSI benefits are lost upon entitlement to early widow's or widower's insurance benefits.

Sec. 112. Amendment relating to provision which retains medicaid when SSI benefits are lost upon entitlement to or increase in disabled adult children insurance benefits.

Sec. 113. Extension of deadline for disabled widows to apply for medicaid protection under 1984 amendments.

TITLE II—SSI AMENDMENTS RELATED TO EMERGENCY ASSISTANCE

Sec. 201. Permanent extension of disregard of nonprofit organizations' in-kind assistance to SSI and AFDC recipients.

Sec. 202. Increased emergency advance payments for presumptively eligible individuals.

Sec. 203. Modification of interim assistance reimbursement program.

Sec. 204. Extension from three to twelve months of the length of time that an individual in a public emergency shelter can be eligible for SSI.

TITLE III—SSI AMENDMENTS RELATED TO THE BLIND

Sec. 301. Special notice to blind recipients.

Sec. 302. Technical amendments relating to rehabilitation services for the blind.

TITLE IV—SSI AMENDMENTS RELATED TO TREATMENT OF CERTAIN INCOME AND RESOURCES

Sec. 401. Determination of living arrangements.

Sec. 402. Retroactive social security benefits not to be treated as income when received.

Sec. 403. Exclusion of interest on burial accounts.

Sec. 404. Disregard of certain welfare benefits under SSI retrospective accounting.

Sec. 405. Reduction in time during which income and resources of separated couples must be treated as jointly available.

Sec. 406. Exclusion of real property when it cannot be sold.

Sec. 407. Adjustment to the penalty for transferring an asset for less than fair market value.

Sec. 408. Exclusion of underpayments from resources.

Sec. 409. Technical amendments relating to 1986 amendment concerning the treatment of certain couples in medical institutions.

Sec. 410. Exclusion of death benefits to the extent spent on last illness and burial.

TITLE V—MEDICAID AMENDMENTS RELATED TO PERSONAL NEEDS ALLOWANCE

Sec. 501. Personal needs allowance under medicaid.

TITLE VI—DEMONSTRATION PROGRAM TO ASSIST HOMELESS INDIVIDUALS IN OBTAINING SSI BENEFITS

Sec. 601. Establishment of demonstration program.

Sec. 602. Membership of SSI Outreach and Eligibility Teams.

Sec. 603. Functions of SSI Outreach and Eligibility Teams.

Sec. 604. Information and Reports; Evaluation.

Sec. 605. Authorization of Appropriations.

TITLE VII—GENERAL EFFECTIVE DATE

TITLE I—SSI AMENDMENTS RELATED TO HEALTH CARE

SUBTITLE A—PERSONAL NEEDS ALLOWANCE CHANGES

SECTION 101. INCREASES IN PERSONAL NEEDS ALLOWANCE BENEFIT STANDARD FOR RESIDENTS OF MEDICAL INSTITUTIONS.

(a) INCREASE IN STANDARD.—Section 1611(e)(1)(B) of the Social Security Act is amended—

(1) by striking "$300 per year" in clauses (i) and (ii)(I) and inserting "$420 per year"; and

(2) by striking "$600 per year" in clause (iii) and inserting "$840 per year".

(b) COST-OF-LIVING ADJUSTMENTS IN STANDARD.—(1) Section 1611(e)(1)(B) of such Act (as amended by subsection (a) of this section) is further amended—

(A) by striking "$420 per year" and all that follows down through "1612(b))" in clause (i) and inserting "$420 per year (or, if greater, the amount determined under section 1617), reduced by the amount of any income not excluded pursuant to section 1612(b),";

(B) by striking "$420 per year" and all that follows down through "facility)," in clause (ii)(I) and inserting "$420 per year (or, if greater, the amount determined under section 1617), reduced by the amount of any income, not excluded pursuant to section 1612(b), of the one who is in such hospital, home, or facility,"; and

(C) by striking "$840 per year" and all that follows down through "1612(b))" in clause (iii) and inserting "$840 per year (or, if greater, the amount determined under section 1617), reduced by the amount of any income not excluded pursuant to section 1612(b),".

(2) Section 1617(a) of such Act is amended—

(A) by striking "and (b)(2)" in paragraph (1) and inserting "(b)(2), (e)(1)(B)(i), and (e)(1)(B)(ii)(I)";

(B) by striking "pursuant to paragraph (2)" in paragraph (1)(A) and inserting "pursuant to subsection (d)";

(C) by striking "; and" at the end of paragraph (1)(B) and inserting ", and";

(D) by striking "under paragraph (1)" in paragraph (2) and inserting "under subparagraph (A)";

(E) by striking "(and rounded, when not a multiple of $12, to the next lower multiple of $12)" in paragraph (2) and inserting "and rounded in accordance with subsection (d)";

(F) by striking the period at the end of paragraph (2) and inserting "; and";

(G) by striking "(1) each", "(A) the", "(B) the", and "(2) the" and inserting "(1)(A) each", "(i) the", "(ii) the", and "(B) the", respectively;

(H) by striking the final period and inserting "; and"; and

(I) by adding at the end (after and below paragraph (1)(B) as redesignated by subparagraph (G) of this paragraph) the following new paragraph:

"(2) the dollar amount in effect for such month under subsection (e)(1)(B)(iii) of section 1611 shall be increased to twice the amount to which the dollar amounts specified in subsection (e)(1)(B)(i) and (e)(1)(B)(ii)(I) of such section are increased under paragraph (1), effective with respect to benefits for months after such month.".

(3) Section 1617 of such Act is further amended by adding after subsection (c) the following new subsection:

"(d)(1) The amount obtained under paragraph (1)(A) with respect to each subsection specified therein other than subsections (e)(1)(B)(i) and (e)(1)(B)(ii)(II), as further increased under paragraph (1)(B), shall be rounded, when not a multiple of $12, to the next lower multiple of $12.

"(2) The amount obtained under paragraph (1)(A) with respect to subsections (e)(1)(B)(i) and (e)(1)(B)(ii)(I), as further increased under paragraph (1)(B), shall be rounded as follows:

"(A) such amount, when not a multiple of $1, shall be rounded to the next lower multiple of $1; but

"(B) in no case shall the resulting increase in such amount be less than $1.".

(4) The amendments made by this subsection shall be effective with respect to benefits for months after December 1988 (taking into account determinations made under section 215(i) of the Social Security Act in and after 1988).

(c) MANDATORY PASS-THROUGH OF INCREASED PERSONAL NEEDS ALLOWANCE.—(1) Section 1618 of such Act is amended by adding at the end the following new subsection:

"(g) In order for any State which makes supplementary payments of the type described in section 1616(a) (including payments pursuant to an agreement entered into under section 212(a) of Public Law 93-66) to recipients of benefits determined under section 1611(e)(1)(B), on or after May 1, 1987, to be eligible for payments pursuant to title XIX with respect to any calendar quarter which begins—

"(1) after May 1, 1987, or, if later

"(2) after the calendar quarter in which it first makes such supplementary payments to recipients of benefits so determined,

such State must have in effect an agreement with the Secretary whereby the State will—

"(3) continue to make such supplementary payments to recipients of benefits so determined, and

"(4) maintain such supplementary payments to recipients of benefits so determined at levels which assure (with respect to any particular month after May 1987) that—

"(A) the combined level of such supplementary payments and the amounts payable to or on behalf of such recipients under section 1611(e)(1)(B) for that particular month,

is not less than—

"(B) the combined level of such supplementary payments and the amounts payable to or on behalf of such recipients under section 1611(e)(1)(B) for February 1987 (or, if no such supplementary payments were made for that month, the combined level for the first subsequent month for which such payments were made), increased—

"(i) in a case to which clause (i) of such section 1611(e)(1)(B) applies or (with respect to the individual or spouse who is in the hospital, home, or facility involved) to which clause (ii) of such section applies, by an amount equal to one-twelfth of the difference between $300 and the dollar amount in effect under such clause for that particular month, and

"(ii) in a case to which clause (iii) of such section 1611(e)(1)(B) applies, by an amount equal to one-twelfth of the difference between $600 and the dollar amount in effect under such clause for that particular month.".

(2) Section 1618(a) of such Act is amended by adding at the end (after and below paragraph (4)) the following new sentence:

"Notwithstanding any other provision of this section, the term 'supplementary payments' as used in this subsection and subsections (b) through (e) does not include payments made to recipients of benefits determined under section 1611(e)(1)(B).".

SEC. 102. CONTINUATION OF FULL BENEFIT STANDARD FOR INDIVIDUALS TEMPORARILY INSTITUTIONALIZED.

(a) IN GENERAL.—Section 1611(e)(1) of the Social Security Act is amended—

(1) in subparagraph (A), by striking "and (E)" and inserting "(E), and (G)";

(2) in subparagraph (B), by inserting "(subject to subparagraph (G))" after "throughout any month"; and

(3) by adding at the end the following new subparagraphs:

"(G) A person may be an eligible individual or eligible spouse for purposes of this title, and subparagraphs (A) and (B) shall not apply, with respect to any particular month throughout which he or she is in such a public institution (other than a correctional institution) or is in a hospital, extended care facility, nursing home, or intermediate care facility receiving payments (with respect to such individual or spouse) under a State plan approved under title XIX, if it is determined in accordance with subparagraph (G) that—

"(i) such person's stay in that institution or facility (or in that institution or facility and one or more other such institutions or facilities during a continuous period of institutionalization) is likely not to exceed 3 months, and the particular month involved is one of the first 3 months throughout which such person is in such an institution or facility during a continuous period of institutionalization; and

"(ii) such person needs to continue to maintain and provide for the expenses of the home or living arrangement to which he or she may return upon leaving the institution or facility.

The benefit of any person under this title (including State supplementation if any) for each month to which this subparagraph applies shall be payable, without interruption of benefit payments and on the date the benefit involved is regularly due, at the rate that was applicable to such person in the month prior to the first month throughout which he or she is in the institution or facility.

"(H) The Secretary shall establish procedures for the determinations required by clauses (i) and (ii) of subparagraph (G), and may enter into agreements for making such determinations (or for providing information or assistance in connection with the making of such determinations) with appropriate State and local public and private agencies and organizations. Such procedures and agreements shall include the provision of appropriate assistance to individuals who, because of their physical or mental condition, are limited in their ability to furnish the information needed in connection with the making of such determinations.".

(b) CONFORMING AMENDMENT.—Section 1901(l) of such Act is amended by striking "1611(e)(1)(E)" and inserting "subparagraph (E) or (G) of section 1611(e)(1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective July 1, 1988.

SUBTITLE B—CONTINUATION OF MEDICAID UPON LOSS OF SSI ELIGIBILITY

SEC. 111. RETENTION OF MEDICAID WHEN SSI BENEFITS ARE LOST UPON ENTITLEMENT TO EARLY WIDOW'S OR WIDOWER'S INSURANCE BENEFITS.

(a) IN GENERAL.—Section 1634 of the Social Security Act is amended by adding at the end the following new subsection:

"(d) If any person—

"(1) applies for and obtains benefits under subsection (e) or (f) of section 202 (or under any other subsection of section 202 if such person is also eligible for benefits under such subsection (e) or (f)) as required by subparagraph (A) of this paragraph, being then at least 60 years of age but not entitled to hospital insurance benefits under part A of title XVIII, and

"(2) is determined to be ineligible (by reason of the receipt of such benefits under section 202) for supplemental security income benefits under this title or for State supplementary payments of the type described in section 1616(a)

such person shall nevertheless be deemed to be a recipient of supplemental security income benefits under this title for purposes of title XIX, so long as he or she (A) would be eligible for such supplemental security income benefits, or such State supplementary payments, in the absence of such benefits under section 202, and (B) is not entitled to hospital insurance benefits under part A of title XVIII.".

(b) NOTICE.—The Secretary of Health and Human Services, acting through the Social Security Administration, shall (within 3 months after the date of the enactment of this Act) issue a notice to all individuals who have attained age 60 but not age 65 as of October 1, 1987, and who received supplemental security income benefits under title XVI of the Social Security Act prior to attaining age 60 but lost those benefits by reason of the receipt of widow's or widower's insurance benefits (or other benefits as described in section 1634(d)(1) of that Act as added by subsection (a) of this section) under title II of that Act. Each such notice shall set forth and explain the provisions of section 1634(d) of the Social Security Act (as so added), and shall inform the individual that he or she should contact the Secretary or the appropriate State agency concerning his or her possible eligibility for medical assistance benefits under such title XIX.

(c) STATE DETERMINATIONS.—Any determination required under section 1634(d) of the Social Security Act with respect to whether an individual would be eligible for benefits under title XVI of such Act (or State supplementary payments) in the absence of benefits under section 202 shall be made by the appropriate State agency.

(d) CONFORMING AMENDMENTS.—Section 1920(a)(2) of the Social Security Act is amended—

(1) by striking "1634" in subparagraph (B) and inserting "1634(c)"; and

(2) by adding at the end the following new subparagraph:

"(C) Section 1634(d) of this Act (relating to individuals who lose eligibility for SSI benefits due to entitlement to early widow's or widower's insurance benefits under section 202(e) or (f) of this Act).".

(e) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any individual without regard to whether the determination of his or her ineligibility for supplemental security income benefits by reason of the receipt of benefits under section 202 of the Social Security Act (as described in section 1634(d)(2) of such Act) occurred before, on, or after the date of the enactment of this Act; but no individual shall be eligible for assistance under title XIX of such Act by reason of such amendments for any period before October 1, 1987.

SEC. 112. AMENDMENT RELATING TO PROVISION WHICH RETAINS MEDICAID WHEN SSI BENEFITS ARE LOST UPON ENTITLEMENT TO OR INCREASE IN DISABLED ADULT CHILDREN INSURANCE BENEFITS.

Effective July 1, 1987, section 10(b) of Public Law 99-643 is amended by adding at the end the following new paragraph:

"(3) The amendments made by section 6 shall apply with respect to any individual without regard to whether the cessation of his or her eligibility for supplemental security income benefits by reason of the receipt of benefits under section 202 of the Social Security Act (as described in section 1634(c)(2) of such Act) occurred before, on, or after the date of the enactment of this Act, so long as it occurred after December 31, 1980; but no individual shall be eligible for assistance under title XIX of such Act by reason of such amendments for any period before July 1, 1987.".

SEC. 113. EXTENSION OF DEADLINE FOR DISABLED WIDOWS TO APPLY FOR MEDICAID PROTECTION UNDER 1984 AMENDMENTS.

Effective July 1, 1987, section 1634(b)(3) of the Social Security Act is amended by striking "during the 15-month period beginning with the month in which this subsection is enacted" and inserting "no later than July 1, 1988".

TITLE II—SSI AMENDMENTS RELATED TO EMERGENCY ASSISTANCE

SEC. 201. PERMANENT EXTENSION OF DISREGARD OF NONPROFIT ORGANIZATIONS' IN-KIND ASSISTANCE TO SSI AND AFDC RECIPIENTS.

Section 2639(d) of the Deficit Reduction Act of 1984 is amended by striking "; but" and all that follows and inserting a period.

SEC. 202. INCREASED EMERGENCY ADVANCE PAYMENTS FOR PRESUMPTIVELY ELIGIBLE INDIVIDUALS.

Section 1631(a)(4)(A) of the Social Security Act is amended by striking "a cash advance against such benefits in an amount not exceeding $100" and inserting "a cash advance against such benefits in an amount not exceeding the amount of the monthly benefit, including any federally-administered State supplementary payments, that would be payable to an eligible individual with no other income for the first month of such presumptive eligibility".

SEC. 203. MODIFICATION OF INTERIM ASSISTANCE REIMBURSEMENT PROGRAM.

(a) IN GENERAL.—The first sentence of section 1631(g)(2) of the Social Security Act is amended by striking "at the time the Secretary makes the first payment of benefits" and inserting "(i) at the time the Secretary makes the first payment of benefits with respect to the period described in clause (A) or (B) of paragraph (3) or (ii) as a replacement for a benefit check which has been lost or stolen as described in clause (C) of such paragraph".

(b) DEFINITION OF INTERIM ASSISTANCE.—Section 1631(g)(3) of such Act is amended—

(1) by inserting "(A)" after "basic needs"; and

(2) by inserting before the period at the end the following: ", (B) during the period beginning with the first month for which the individual's benefits (as defined in paragraph (2)) have been terminated or suspended if the individual was subsequently found to have been eligible for such benefits, or (C) during any period for which a benefit check has been issued if such check was lost or stolen before being negotiated by the individual and there has not been a prompt replacement".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with the 13th month following the month in which this Act is enacted, or, if sooner, with the first month for which the Secretary of Health and Human Services determines that it is administratively feasible.

SEC. 204. EXTENSION FROM THREE TO TWELVE MONTHS OF THE LENGTH OF TIME THAT AN INDIVIDUAL IN A PUBLIC EMERGENCY SHELTER CAN BE ELIGIBLE FOR SSI.

Section 1611(e)(1)(D) of the Social Security Act is amended by striking "more than three months in any 12-month period" and inserting "for more than 12 consecutive months".

TITLE III—SSI AMENDMENTS RELATED TO THE BLIND

SEC. 301. SPECIAL NOTICE TO BLIND RECIPIENTS.

(a) IN GENERAL.—(1) Section 1631 of the Social Security Act is amended by adding at the end the following new subsection:

"Special Notice to Blind Individuals with Respect to Hearings and Other Official Actions

"(j)(1) In any case where an individual who is applying for or receiving benefits under this title on the basis of blindness is entitled (under subsection (c) or otherwise) to receive notice from the Secretary of any decision or determination made or other action taken or proposed to be taken with respect to his or her rights under this title, such individual shall at his or her election be entitled either (A) to receive a supplementary notice of such decision, determination, or action, by telephone, within 5 working days after the initial notice is mailed, or (B) to receive the initial notice in the form of a certified letter.

"(2) The elections described in paragraph (1) may be made at any time; but an opportunity to make such an election shall in any event be given (A) to every individual who is an applicant for benefits under this title on the basis of blindness, at the time of his or her application, and (B) to every individual who is a recipient of such benefits on the basis of blindness, at the time of each redetermination of his or her eligibility. Such an election, once made by an individual, shall apply with respect to all notices of decisions, determinations, and actions which such individual may thereafter be entitled to receive under this title until such time as it is revoked or changed.".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1987; and the Secretary of Health and Human Services shall take appropriate steps, no later than one year after the date of the enactment of this Act, to ensure that every individual already receiving benefits under title XVI of the Social Security Act on the basis of blindness is given an early opportunity to make the election provided for in section 1631(j) of such Act (as added by such amendment).

(b) STUDY.—The Secretary of Health and Human Services shall study the desirability and feasibility of extending special or supplementary notification rights of the type conferred upon blind individuals by section 1631(j) of the Social Security Act (as added by subsection (a) of this section) to other individuals who may lack the ability to read and comprehend regular written notices, and shall report the results of such study to the Congress, along with such recommendations as may appear appropriate, within 6 months after the date of the enactment of this Act.

SEC. 302. TECHNICAL AMENDMENTS RELATING TO REHABILITATION SERVICES FOR THE BLIND.

Section 1631(a)(6) of the Social Security Act is amended—

(1) by inserting "blindness (as determined under section 1614(a)(2)) or" before "disability (as determined under section 1614(a)(3))";

(2) by inserting "blindness or other" before "physical or mental impairment"; and

(3) by inserting "blindness and" before "disability benefit rolls" in subparagraph (B).

TITLE IV—SSI AMENDMENTS RELATED TO TREATMENT OF CERTAIN INCOME AND RESOURCES

SEC. 401. DETERMINATION OF LIVING ARRANGEMENTS.

Section 1612(a) of the Social Security Act is amended—

(1) by striking "and" after the semicolon at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) an individual (and his eligible spouse, if any) will not be determined, upon applying for benefits or requesting reinstatement following a period of suspension, to be living in the household of another and receiving support and maintenance in kind (for purposes of paragraph (2)(A)) if the individual may be expected to pay, upon receipt of benefits under this title (including federally-administered State supplementary payments), a reasonable portion, as determined by the Secretary, of the expenses of the household in which he is living, and such portion does not exceed the amount that would be payable under this title (including any amount payable pursuant to an agreement under section 1616) to an individual (and spouse), with no other income, to whom paragraph (2)(A)(i) applies (and in determining whether the individual may be expected to pay such portion of the household expenses he shall be presumed to have been paying such portion during the period beginning on the first day of the second month preceding the month in which his application or request is made and ending on the date of his first receipt of such benefits pursuant thereto).

At the time of the payment to an individual described in paragraph (3) of his or her initial monthly benefit under this title pursuant to such application or request, the Secretary shall inform such individual in writing that he or she must thereafter pay a reasonable portion of the expenses of the household in which he or she is living in order to avoid the application of paragraph (2)(A) (or a reduction in the amount of the benefit to reflect the value of the support and maintenance involved).".

SEC. 402. RETROACTIVE SOCIAL SECURITY BENEFITS NOT TO BE TREATED AS INCOME WHEN RECEIVED.

Section 1612(b) of the Social Security Act is amended—

(1) by striking "and" after the semicolon at the end of paragraph (12);

(2) by striking the period at the end of paragraph (13) and inserting "; and"; and

(3) by adding after paragraph (13) the following new paragraph:

"(14) any amount received in a month (after reduction under section 1127 if that section applied) which is attributable to underpayments of benefits for one or more prior months under title II, where such benefits were payable to such individual (or spouse) or to any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title.".

SEC. 403. EXCLUSION OF INTEREST ON BURIAL ACCOUNTS.

Section 1613(d)(4) of the Social Security Act is amended by adding at the end the following new sentence: "Notwithstanding paragraph (1), the exclusion of interest and appreciation under this paragraph shall apply regardless of whether the amount of the interest or appreciation involved, when added to the other resources of the individual and spouse, would cause such resources to exceed the applicable limit specified in paragraph (1) or (2) of section 1611(a)."

SEC. 404. DISREGARD OF CERTAIN WELFARE BENEFITS UNDER SSI RETROSPECTIVE ACCOUNTING.

Section 1612(b)(6) of the Social Security Act is amended by inserting before the semicolon at the end thereof the following: "(including payments of aid to families with dependent children under a State plan approved under section 402)".

SEC. 405. REDUCTION IN TIME DURING WHICH INCOME AND RESOURCES OF SEPARATED COUPLES MUST BE TREATED AS JOINTLY AVAILABLE.

(a) IN GENERAL.—Section 1614(b) of the Social Security Act is amended by striking "for more than six months" in the first sentence and inserting "for more than one month".

(b) WAIVER OF REQUIREMENT IN EMERGENCY SITUATIONS.—Section 1614(b) of such Act is further amended by adding at the end the following new sentence: "Where the Secretary determines that the individual applying for benefits or requesting continuation of benefits has been the victim of domestic violence or that other emergency circumstances (such as homelessness or the imminent likelihood of homelessness) exist, the Secretary shall waive the one-month requirement and treat the individual (if otherwise eligible) as an eligible individual without an eligible spouse (for purposes of paying or continuing benefits) from the date of such application or request, unless the waiver of such requirement would place the individual (for those purposes) in a less advantageous position.".

SEC. 406. EXCLUSION OF REAL PROPERTY WHEN IT CANNOT BE SOLD.

Section 1613(a) of the Social Security Act is amended by adding at the end the following new sentence: "Nothing in this section shall permit the Secretary to take into account as a resource of an individual any real property which cannot be sold because (i) it is jointly owned (and its sale would cause undue hardship, including but not limited to loss of housing, for the other owner or owners), (ii) its sale is barred by a legal impediment, or (iii) the owner's reasonable efforts to sell it have been unsuccessful.".

SEC. 407. ADJUSTMENT TO THE PENALTY FOR TRANSFERRING AN ASSET FOR LESS THAN FAIR MARKET VALUE.

Section 1613(c) of the Social Security Act is amended—

(1) by inserting immediately after "the exclusions under subsection (a)" in paragraph (1) the following: ", and subject to paragraph (4) of this subsection";

(2) by inserting "(A)" after "within the preceding 24 months if" in paragraph (1);

(3) by inserting before the period at the end of paragraph (1) the following: ", and (B) the fair market value of such resource or interest at the time it was given away or sold (plus the fair market value of any other resources or interests therein which were owned by such individual or eligible spouse within the same 24 months and were given away or sold for that purpose) exceeds the compensation received for such resource or interest (plus the compensation received for all of the other resources and interests so given away or sold) by more than $3,000"; and

(4) by adding at the end the following new paragraph:

"(4) The Secretary shall by regulation provide for suspending the application of paragraph (1) to the extent (in any instance) that the Secretary determines that such suspension is necessary to avoid undue hardship.".

SEC. 408. EXCLUSION OF UNDERPAYMENTS FROM RESOURCES.

Section 1613(a)(7) of the Social Security Act is amended by inserting after "shall be limited to the first 6 months following the month in which such amount is received" the following: "(or to the first 12 months following such month with respect to any amount so received during 1987 or 1988)".

SEC. 409. TECHNICAL AMENDMENT RELATING TO 1986 AMENDMENT CONCERNING THE TREATMENT OF CERTAIN COUPLES IN MEDICAL INSTITUTIONS.

Effective November 10, 1986, section 9 of Public Law 99-643 is amended—

(1) by striking "sharing a room or comparable accommodation in a" and inserting "living in the same"; and

(2) by striking "shared such a room or accommodation" and inserting "lived in the same such hospital, home, or facility".

SEC. 410. EXCLUSION OF DEATH BENEFITS TO THE EXTENT SPENT ON LAST ILLNESS AND BURIAL.

(a) Subparagraphs (D) and (E) of section 1612(a)(2) of the Social Security Act are amended to read as follows:

"(D) payments occasioned by the death of another person, to the extent that the total of such payments exceed the amount expended by the individual for purposes of the deceased person's last illness and burial;

"(E) support and alimony payments, and (subject to the provisions of subparagraph (D) excluding certain amounts expended for purposes of a last illness and burial) gifts (cash or otherwise) and inheritances; and".

(b) The amendments made by this section are effective beginning with the sixth month following the month in which this Act is enacted.

TITLE V—MEDICAID AMENDMENTS RELATED TO PERSONAL NEEDS ALLOWANCE

SEC. 501. PERSONAL NEEDS ALLOWANCE UNDER MEDICAID.

(a) REQUIRING PERSONAL NEEDS ALLOWANCE OF AT LEAST $35 FOR AN INDIVIDUAL AND $70 FOR AN INSTITUTIONALIZED COUPLE NOT RECEIVING SSI BENEFITS.—Section 1902 of the Social Security Act is amended—

(1) in subsection (a)—

(A) by striking the period at the end of paragraph (47) inserted by section 9407(a) of the Omnibus Budget Reconciliation Act of 1986;

(B) in paragraph (47) added by section 11005(b) of the Anti-Drug Abuse Act of 1986, by transferring and inserting such paragraph immediately after paragraph (47) (referred to in paragraph (1) of this subsection), by redesignating such paragraph as paragraph (48), and by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (48) the following new paragraphs:

"(49) provide, in accordance with subsection (p), for a monthly personal needs allowance for certain institutionalized, non-SSI individuals and couples; and

"(50)(A) require each skilled nursing facility or intermediate care facility to meet the requirements of subsection (q)(1); and

"(B) specify under subsection (q)(2) the items and services included in skilled nursing facility services and intermediate care facility services under the plan.";

(2) by redesignating subsection (l) added by section 3(b) of Public Law 99-643 as subsection (o); and

(3) by adding at the end the following new subsections:

"(p)(1)(A) In order to meet the requirement of this paragraph for purposes of subsection (a)(49), the State plan must provide that, in the case of an institutionalized, non-SSI individual or couple described in subparagraph (B), in determining the amount of the individual's couple's income to be applied monthly to payment for the cost of care in an institution, there shall be deducted from the monthly income (in addition to other allowances otherwise provided under the plan) a monthly personal needs allowance—

"(i) which is reasonable in amount for clothing and other personal needs of the individual (or couple) while in an institution; and

"(ii) which is not less (and may be greater) than the minimum monthly personal needs allowance described in paragraph (2).

"(B) In this subsection, the term 'institutionalized, non-SSI individual or couple' means an individual or married couple—

"(i) who is an inpatient in a hospital, skilled nursing facility, or intermediate care facility for which payments are made under this title throughout a month,

"(ii) with respect to whom a supplemental security income payment is not made under section 1611(e); and

"(iii) who is determined to be eligible for medical assistance under the plan.

"(2) The minimum monthly personal needs allowance described in this paragraph for months in—

"(A) 1988 is $35 for an institutionalized individual and $70 for an institutionalized couple (if both are aged, blind, or disabled, and their incomes are considered available to each other in determining eligibility); or

"(B) a subsequent year, is equal to the allowance established under this paragraph for the months in the previous year increased by the applicable percentage increase (as defined in section 215(i)) effective in December of the previous year;

except that any such allowance determined under subparagraph (B), if not a multiple of $1, shall be rounded to the next highest multiple of $1.

"(3) Paragraphs (10) and (17) of subsection (a) shall not be construed as requiring (or permitting) individuals who are entitled to supplemental security income payment under title XVI to have their personal needs allowance determined under this subsection in a manner comparable to that provided to institutionalized, non-SSI individuals and couples.

"(q)(1) The requirements of this paragraph with respect to a skilled nursing facility or intermediate care facility are as follows:

"(A) The facility must—

"(i) upon written authorization by a resident, accept responsibility for holding, safeguarding, and accounting for the resident's personal funds, and providing each resident access to such funds and records of such funds; and "(ii) establish and maintain a system that—

"(I) assures a full and complete accounting of each resident's personal funds;

"(II) establishes a separate account for such funds in order to preclude any commingling of such funds with institutional funds or with the funds of any other resident other than another such resident; and

"(III) notifies each resident receiving medical assistance under the State plan when the amount in the resident's account reaches $1,600 and the fact that if the amount in the account (in addition to the value of the resident's other nonexempt resources) reaches $1,800 the resident may lose eligibility for such medical assistance.".

(b) Specification of Items Included in Skilled and Intermediate Care Facility Services Without Additional Charge.—Section 1902(q) of such Act, as added by subsection (a)(3), is amended by adding at the end the following:

"(B) The facility must notify each resident—

"(i) at the time of admission to the facility or, if later, at the time the resident becomes eligible for medical assistance under this title, of—

"(I) the items and services (including those specified under paragraph (2)) that are included in skilled nursing facility services or intermediate care facility services (as the case may be) under the State plan and for which the resident may not be charged (except as permitted in section 1916); and

"(II) those other items and services that the facility provides and for which the resident may be charged and the amount of the charges for such items and services; and

"(ii) of changes in the items and services described in clause (i) and of changes in the charges imposed for items and services described in clause (i)(II).

"(2) Each State plan shall specify the items and services that are included as part of skilled nursing facility services and intermediate care facility services under the plan and for the provision of which the facility may not impose any additional charge on an individual entitled to assistance for such services. Such items and services shall include all medical items and services required to be provided as a condition of the licensure or certification of the facility or the cost of which is included in the payment rate for such a facility under the plan.".

(c) Effective Dates.—(1) The amendments made by this section apply (except as provided under paragraphs (2) and (3)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1988, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2)(A) Subject to paragraph (3), section 1902(q)(2) of the Social Security Act (relating to a State's specification of the items and services required to be included in skilled nursing facility services and intermediate care facility services) shall take effect on January 1, 1989, regardless of whether or not the Secretary of Health and Human Services has issued regulations to carry out such section before such date.

(B) Section 1902 (q)(1)(B) of the Social Security Act (as amended by subsection (b) of this section relating to notice required by skilled nursing facilities and intermediate care facilities) shall take effect on January 1, 1988. With respect to individuals who, as of January 1, 1988, are resident in a skilled nursing facility or intermediate care facility and are entitled to medical assistance under a State plan under title XIX of the Social Security Act for services in the facility, the facility must notify the resident, before January 31, 1988, of the items and services described in section 1902(q)(1)(B)(i) of such Act.

(3) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Heath and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded a failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

TITLE VI—DEMONSTRATION PROGRAM TO ASSIST HOMELESS INDIVIDUALS IN OBTAINING SSI BENEFITS

SEC. 601. ESTABLISHMENT OF DEMONSTRATION PROGRAM.

(a) In General.—In order to demonstrate and test the feasibility of developing and using special procedures to ensure that all homeless individuals in shelters fully and clearly understand their rights to benefits under the SSI program and other programs established under the Social Security Act, to provide such individuals with all possible assistance in applying for such benefits and obtaining the information and documentation necessary for that purpose, and to ensure that all such individuals receive the benefits to which they are entitled under such programs, up to 10 States may each create an SSI Outreach Team Project and provide thereunder for the establishment and operation of an SSI Outreach and Eligibility Team, in accordance with this title. Each project approved under this title shall meet such conditions and requirements, consistent with this title, as the Secretary of Health and Human Services (in this title referred to as the Secretary) shall prescribe.

(b) Application and Approval of Projects.—(1) The Secretary shall consider all applications received from States desiring to conduct SSI Outreach Team Projects under this title and shall approve up to 10 applications involving projects which appear likely to contribute significantly to the achievement of the purpose of this title.

(2) Of the projects approved under paragraph (1), 5 shall commence their operations during the fiscal year 1988 and the remainder shall commence their operations during the fiscal year 1989, as designated by the Secretary at the time of such approval.

(c) Funding.—The Secretary shall make grants to the States whose applications are approved under subsection (b) in order to cover the costs incurred by such States in carrying out their SSI Outreach Team Projects, including the costs of staff, administration, transportation, and other necessary expenses. The cost of each such project shall not exceed $250,000 a year, except that the Secretary may in any particular case permit the State to incur costs in excess of such amount (and increase the amount of the grant accordingly), to the extent that appropriated funds are available therefor, if the State satisfactorily demonstrates that higher costs must be incurred in order to properly serve the homeless within the project area.

SEC. 602. MEMBERSHIP OF SSI OUTREACH AND ELIGIBILITY TEAMS.

(a) In General.—Each State's SSI Outreach and Eligibility Team, under a project approved under this title, shall consist of—

(1) a case worker from the State adult social services agency or from a local adult social services agency within the State, who shall be the team leader, and (if necessary for the effective performance of the team's functions) one additional case worker from such an agency;

(2) a consultative medical examiner who is a physician/psychiatrist either employed by a social services agency described in paragraph (1) or in private practice, and who has qualified to provide consultative examinations for the Disability Determination Service of the State vocational rehabilitation service;

(3) a disability examiner, from the State Disability Determination Service, who makes determinations in social security and SSI disability cases for the Social Security Administration; and

(4) a claims representative from an office of the Social Security Administration.

(b) Detail of Team Members.—Under an agreement which shall be entered into between the Secretary and the State, each of the team members shall be detailed from his or her agency to serve on the team, and while so serving shall retain all of the authority to make decisions and determinations which he or she would have within such agency.

SEC. 603. FUNCTIONS OF SSI OUTREACH AND ELIGIBILITY TEAMS.

(a) In General.—Each SSI Outreach and Eligibility Team established under a project approved under this title shall—

(1) seek to identify all homeless individuals (not already receiving assistance) who may qualify for benefits under the SSI program or under any other program established under the Social Security Act;

(2) ensure that such individuals fully and clearly understand their rights under the program or programs involved;

(3) assist such individuals in applying for any benefits for which they may be eligible and in obtaining and providing the information and supporting documents which may be necessary for that purpose; and

(4) take any and all other actions which may be necessary or appropriate to ensure that all homeless individuals receive the benefits to which they are entitled.

(b) Functions To Be Performed at Shelters.—Each team shall perform its functions at shelters where potential SSI recipients may be found, except with respect to particular functions and in particular cases where the exercise of such functions at other locations is required. To the maximum extent possible, all of the decisions, determinations, and other administrative actions necessary to provide homeless individuals with the benefits to which they are entitled shall be made or taken at the shelters, without requiring such individuals to travel to the governmental agency or entity involved; and the members of the team shall have full authority to make such decisions and determinations and take such administrative actions, at the shelters, in accordance with the authority granted to them by their respective agencies as described in section 602(b).

(c) Specific Duties of Team Leader.—The team leader (and the additional case worker referred to in section 602(a)(1) if there is one) shall have the specific responsibility of—

(1) determining, prior to the visit of the team to a shelter, the names of the individuals in the shelter who are potentially eligible individuals for SSI purposes, and determining whether they are receiving or have received SSI benefits or other benefits administered by the Social Security Administration (utilizing the claims representative on the team for this purpose);

(2) arranging transportation and (if necessary) accompanying SSI disability applicants to necessary examinations outside of the shelter;

(3) assisting as needed in the initial and subsequent interviews of potential SSI applicants by the claims representative;

(4) tracking and monitoring all decisions made on claims by applicants at the shelters; and

(5) assisting as needed in obtaining additional eligibility-related information about applicants.

(d) WAIVERS.—The Secretary shall waive any and all requirements, restrictions, and limitations (contained in title XVI of the Social Security Act or in regulations prescribed thereunder, or in any other law or regulation) which could prevent or hinder the SSI Outreach and Eligibility Team from carrying out its functions in accordance with this section; but each such team shall otherwise be subject to all of the applicable provisions of such laws and regulations.

SEC. 604. INFORMATION AND REPORTS; EVALUATION.

(a) SUBMISSION OF PROJECT INFORMATION BY STATES.—Each State having an approved SSI Outreach Team Project shall periodically submit to the Secretary such information (with respect to the project) as may be necessary to enable the Secretary to evaluate such project in particular and the demonstration program under this title in general.

(b) REPORTS AND EVALUATION.—(1) The Secretary shall from time to time (but not less often than annually) submit to the Congress a full and complete report on the program under this title, together with a detailed evaluation of such program and of the projects thereunder along with such recommendations as may be deemed appropriate. Such evaluation and such recommendations shall be designed to serve as a basis for determining whether (and to what extent) the activities and procedures included in the demonstration program under this title should be continued, expanded, or modified, or converted (with or without changes) into a regular feature of permanent law.

(2) The criteria used by the Secretary in evaluating the program and the projects thereunder shall not be limited to those which would normally be used in evaluating programs and activities of the kind involved, but shall fully take into account the special circumstances of the homeless and their need for personalized attention and follow-through assistance, and shall emphasize the extent to which the procedures and assistance made available to applicants under such projects are recognizing those circumstances and meeting that need.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

To carry out this title, there are authorized to be appropriated to the Secretary—

(1) the sum of $1,250,000 for the fiscal year 1988;

(2) the sum of $2,500,000 for the fiscal year 1989; and

(3) such sums as may be necessary for each fiscal year thereafter.

TITLE VII—GENERAL EFFECTIVE DATE

Except as otherwise specifically provided, the amendments made by this Act shall become effective on October 1, 1987.

SUPPLEMENTAL SECURITY INCOME IMPROVEMENT AMENDMENTS OF 1987

TITLE I. SSI AMENDMENTS RELATED TO HEALTH CARE

Subtitle A—Personal needs allowance changes

Section 101. Increases in personal needs allowance benefit standard for residents of medical institutions. Effective October 1, 1987, provides for a $10 increase in the federal SSI benefit standard from $25 to $35 monthly for residents of medical facilities. Beginning January 1, 1989, the personal needs allowance would be increased annually to reflect the cost of living increase in regular SSI benefits. States which currently supplement the federal payment would be required to pass through the initial increase and the annual cost of living increase.

Section 102. Continuation of full benefit standard for individuals temporarily institutionalized. Provides that SSI recipients who enter a medical facility or a public institution would not have their benefits reduced to the personal needs allowance benefit if it is determined that their stay is expected to be of a temporary nature (three months or less). This provision allows individuals the resources to maintain a living arrangement to return to after release from the institution. Effective July 1, 1988.

Subtitle B—Continuation of Medicaid upon loss of SSI eligiblity

Section 111. Retention of medicaid when SSI benefits are lost upon entitlement to early widow's or widower's insurance benefits. Provides that an individual who would otherwise qualify for SSI on the basis of disability or blindness but beginning at age 60 qualifies for social security early aged widow's or widower's benefits and loses eligibility for SSI would be deemed to be SSI eligible for purposes of eligibility for medicaid. Entitlement to medicaid would continue until such time as that individual becomes eligible for medicare as a social security retiree at age 65 or on the basis of being eligible for social security disability benefits.

Section 112. Amendment relating to provision which retains medicaid when SSI benefits are lost upon entitlement to or increase in disabled adult children insurance benefits. Current law provides that, after July 1, 1987, an SSI recipient who loses SSI (and therefore medicaid) eligibility upon becoming eligible for social security benefits as an adult disabled child would retain eligibility for medicaid benefits. This section would allow all SSI recipients who became eligible for social security adult disabled children's benefits between January 1, 1981, and June 30, 1987, to be eligible for medicaid benefits.

Section 113. Extension of deadline for disabled widows to apply for medicaid protection under 1984 amendments. Many disabled widows lost SSI and medicaid benefits as the result of a 1983 increase in social security disabled widows benefits. Legislation enacted in 1987 deemed these individuals eligible for SSI so that they could maintain health benefits under medicaid, and required that they apply for medicaid benefits no later than June 1987. Many of these individuals have not yet received word of their eligibility and have not applied for the benefits. This section extends the deadline for filing for these benefits until July 1, 1988.

TITLE II. SSI AMENDMENTS RELATED TO EMERGENCY ASSISTANCE

Section 201. Permanent extension of disregard of nonprofit organizations' in-kind assistance to SSI and AFDC recipients. Permanently extends the provision which expires September 30, 1987, which provides that in-kind assistance provided by a private nonprofit organization to an SSI or AFDC applicant or recipient will not be counted as income if the state has determined that such assistance was provided on the basis of need.

Section 202. increased emergency advance payments for presumptively eligible individuals. Provides that emergency advance payments which can be paid directly by a Social Security district office to those in need of immediate subsistence income be increased from a maximum of $100 to a maximum of the monthly regular SSI benefit standard plus the state supplementary payment, if any.

Section 203. Modification of interim assistance reimbursement program. Under current law, the interim assistance program provides reimbursement to a state from a retroactive SSI payment if the state has provided emergency assistance to an applicant prior to receipt of retroactive SSI benefits after initial application. This section provides that the interim assistance program could also be used in cases where the state has provided assistance to individuals whose SSI benefits were terminated or suspended but are subsequently found to have been eligible during the time benefits were not provided. Use of this program would also be permitted when the recipient's check has been lost or stolen and there is no prompt replacement.

Section 204. Extension from three to twelve months of the length of time that an individual in a public emergency shelters can be eligible for SSI. Current law prohibits SSI eligibility for residents of public institutions except in cases where the public institution is a public emergency shelter. In such cases, eligibility for SSI payments can extend for up to three months. This section would extent the three month period to twelve consecutive months.

TITLE III. SSI AMENDMENTS RELATED TO THE BLIND

Section 301. Special notice to blind recipients. Requires the SSA to provide applicants and recipients on the basis of blindness the option to receive a supplementary notice (i.e., by telephone or certified letter) of any decision, determination or other action taken or proposed to be taken with respect to his or her rights under the SSI program.

Section 302. Technical amendments relating to rehabilitation services for the blind. Provides that the blind receiving benefits under the SSI program would, as is now the case for disabled SSI recipients, be allowed to continue to receive vocational rehabilitation services funded under the SSI program even if there is an improvement in their medical condition that results in their no longer qualifying for SSI benefits.

TITLE IV. SSI AMENDMENTS RELATED TO TREATMENT OF CERTAIN INCOME AND RESOURCES.

Section 401. Determination of living arrangement. Modifies the assumptions to be used in determining whether or not an SSI applicant is receiving in-kind assistance when living with others in such a way as to protect SSI applicants from an automatic ⅓ reduction in their initial federal SSI benefit.

Specifically, the provision presumes the individual is paying his share of household expenses, and specifies that the ⅓ reduction will not apply to current benefits if the beneficiary indicates his intention to pay his portion of the household expenses upon receipt of benefits. This amendment would protect SSI applicants living in relatively low income households from an automatic application of the ⅓ reduction in SSI benefits during the first months of SSI eligibility.

Section 402. Retroactive payment of social security benefit. Provides that a retroactive social security benefit received by an SSI recipient will not be counted as income in the month it is actually received but will only be counted in determining SSI benefits that would have been payable for the month in which the back benefit was due. Under present law, if an individual is found eligible to receive both social security and SSI benefits, when the back award is paid the social security benefit portion will be treated as income for the month it was received, even though it will not be counted as a resource for the next six months. The result is that the person will lose SSI benefits for one month even though he will be eligible again the next month. This provision eliminates the financial and logistical nightmare by excluding the social security back award from income when it is received.

Section 403. Funds set aside for burial expenses. Provides that interest earned on burial accounts owned by SSI recipients will not be counted as a resource for purposes of the resource limit whether or not the value of the account plus other countable resources exceeds the general countable resource limit. Current law excludes interest on burial accounts only if the value of the burial account plus other countable resources takes the individual above the resource limit; thus, a beneficiary with less than $1,800 in resources (including interest on a burial account) is penalized where an individual with resources greater than $1,800 (including burial interest) would not be penalized.

Section 404. Treatment of certain income in retrospective accounting. In calculating the initial benefit amount of an SSI recipient, the Secretary will not count welfare benefits received by the individual in the two months prior to payment of the SSI benefit. Current law prevents an individual from being eligible for both AFDC and SSI benefits in the same month, but, due to restrospective accounting rules, some beneficiaries losing AFDC eligibility are penalized for SSI purposes for the first two months despite the fact that the other benefit has been terminated.

Section 405. Eligibility of couples living apart. Provides that an individual and spouse would be treated as individuals for determining eligibility and payments under SSI after one month of living apart. Current law required that they be living apart for six months before they are treated as individuals under the SSI program. In cases of domestic violence or other emergency situations the Secretary is to waive the requirement for a one month wait unless it would be to the disadvantage of the individual.

Section 406. Exclusion of real property when it cannot be sold. The HHS Secretary must count real property as a resource it it is not specifically excluded. This section would provide that real property which is owned by an SSI recipient would not be counted as a resource if it could not be sold because it is jointly owned and its sale would cause undue hardship (including loss of housing), the sale is barred by a legal impediment, or the owner's reasonable efforts to sell it have been unsuccessful.

Section 407. Adjustment to the penalty for transferring an asset for less than fair market value. Under current law, even the transfer of a small asset for less than fair market value can result in the individual being barred from the SSI program for two years. This section would (1) permit the Secretary of HHS to waive the penalty where it "is necessary to avoid undue hardship," and (2) eliminate the penalty where the aggregate amount involved is less than $3,000.

Section 408. Exclusion of underpayments from resources. Under the 1984 DEFRA provision, a social security or SSI back award is excluded from resources for six months. There are many disabled individuals who will be entitled to very substantial back awards once SSA begins to issue decisions in disability cases pending for review under the 1984 social security disability reform act. This provision allows them 12 months (rather than six) to determine how best to use the funds before they will be counted as a resource. Because it is anticipated that SSA will issue decisions in these cases in the near future, the provision is limited to those who receive back awards during 1987 and 1988.

Section 409. Technical amendments relating to 1986 amendment concerning treatment of certain couples in medical institutions. Permits states to apply the special rule regarding SSI couples residing in a medical institution if the individuals live in the same medical institution, not just when they are living in the same room.

Section 410. Exclusion of death benefits to the extent spent on last illness and burial. Under current law, life insurance proceeds are excluded from income of the beneficiary to the extent that they are spent on the insured's last illness and burial and do not exceed $1,500; the amount in excess of the limit is counted as unearned income even if the excess amount is also spent on the insured's last illness and burial. The section provides that death benefits paid by private insurance companies, lump-sum death benefits paid by the Railroad Retirement Board, the Veterans Administration, or the SWSA, inheritances and gifts from relatives, friends, or members of the community that are occasioned by a person's death shall be counted as income only to the extent that these benefits were spent on the deceased's last illness and burial.

TITLE V. MEDICAID AMENDMENTS RELATED TO PERSONAL NEEDS ALLOWANCE.

Section 501. Personal needs allowance under medicaid. Extends personal needs allowance provision of section 101 to medicaid beneficiaries, including cost of living and state pass through provisions.

TITLE VI. DEMONSTRATION PROGRAM FOR SSI OUTREACH TO HOMELESS IN SHELTERS.

Authorizes five demonstration projects for fiscal year 1988 and five more demonstration projects in fiscal year 1989 (for a total of 10 in fiscal 1989) to test the feasibility of using special procedures to ensure that homeless individuals in shelters understand their rights to benefits under the SSI program and to provide assistance in applying for SSI benefits. The states shall submit an evaluation of their projects to HHS, and HHS shall submit an evaluation and recommendations to the Congress for future action. Funding authorized at $1.25 million in fiscal year 1988 and $2.25 million for fiscal year 1989.

TITLE VII. GENERAL EFFECTIVE DATE.

Except as otherwise specified, provisions are effective October 1, 1987.

Mr. MELCHER. Mr. President, today I am proud to join my distinguished colleague from Arkansas, Senator PRYOR, in introducing much needed legislation to make improvements in the Supplemental Security Income Program. The SSI Improvement Amendments of 1987 propose reasonable changes which will make SSI better able to serve the needy aged, blind, and disabled.

This legislation makes corrections and clarifications in a system which was designed to help those in need, but has fallen short. By making sensible changes, it will improve the lives of those affected by the program, as well as make SSI more fair and responsive to their needs.

One important provision of this bill would increase the personal needs allowance for nursing home residents by $10. The PNA has remained at $25 per month since 1974, and is heavily relied upon by nursing home residents for such basics as telephone service, postage stamps, clothing, shoes, bus fare, and other items which most people take for granted.

Changes resulting from a few of the bill's other provisions would, among other things, increase the fairness of the income and assets tests under the program, ensure that recipients receive their benefits in a timely manner, and help those who are temporarily institutionalized maintain enough of an income to eventually return to a home in their community.

Most of the bill's provisions are relatively modest, but each of them is extremely important. Some modifications will enable certain blind, disabled and elderly individuals to continue receiving needed assistance, while other changes will provide those who need it with a little more help.

This legislation is well-designed to eliminate senseless inequities within the SSI Program. It makes important technical changes in a program which is badly in need of reform, and I urge my colleagues to join in working for its prompt passage.

By Mr. GRAMM:

S. 1636. A bill to authorize the acceptance of a donation of land for addition to the Big Bend National Park, in the State of Texas; to the Committee on Energy and Natural Resources.

ACCEPTANCE OF A DONATION OF LAND

● Mr. GRAMM. Mr. President, today I am introducing legislation which would provide authority to the National Park Service to accept a donation of land to Big Bend National Park in Texas.

The property, known as the Harte Ranch or North Rosillos Mountains Preserve, is currently held by the

Texas Nature Conservancy. In 1984, the owners of the property donated the 67,000 acres to the Conservancy with the understanding that it would be transferred in the future to the National Park Service for inclusion in Big Bend National Park. This legislation would provide the authority which will enable the Conservancy and the Park Service to honor that commitment.

Big Bend National Park currently consists of 708,000 acres of Federal land and 33,000 acres of non-Federal land. It contains a unique mix of desert, mountains, and prairie. The proposed addition to the Park contains much of the North Rosillos Mountain Range.

The acquisition of the land would cost the taxpayers no money. The measure that I am introducing today is identical to legislation that was earlier introduced in the House by Congessman LAMAR SMITH. The proposal is supported by the administration and I encourage the Senate's early and favorable action.

I ask unanimous consent, Mr. President, that the text of the legislation be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept, for addition to Big Bend National Park, Texas, the donation of that parcel of land, including interests therein and improvement thereon, known generally as the Harte Ranch, being adjacent to the northwest boundary of Big Bend National Park and consisting of approximately sixty-seven thousand one hundred and twenty-five acres. When title to the land so donated is vested in the United States, it shall thereupon become part of Big Bend National Park, subject to all the laws and regulations applicable thereto.●

By Mr. STEVENS:

S. 1637. A bill for the relief of Romeo Manabat and his wife Grace Manabat; to the Committee on the Judiciary.

RELIEF OF ROMEO MANABAT AND HIS WIFE GRACE MANABAT

● Mr. STEVENS. Mr. President, I am introducing today a private relief bill for Romeo and Grace Manabat.

This couple are being threatened with deportation because they were married when they immigrated to the United States. Romeo was allowed to immigrate to this country under the second preference—as an unmarried son of a legally admitted resident alien. During the delay between his application and the date Romeo was allowed to immigrate he and Grace were married. Romeo entered the United States in 1980. Grace followed shortly afterward. Their resident status is now being challenged, however, because they were married at the time of their entry.

Many members of both of their families have immigrated to the United States. Romeo and Grace have provided valuable contributions to their community. They have proven to be hardworking, and, in fact, provide support for Romeo's father.

Removing them from the community would prove a great hardship to both themselves and their family. Without the relief which would be provided by this bill, however, this result seems almost inevitable. I feel the Manabats deserve this assistance.●

By Mr. STEVENS:

S. 1638. A bill for the relief of Elmer Clint Mauthe; to the Committee on the Judiciary.

RELIEF OF ELMER CLINT MAUTHE

● Mr. STEVENS. Mr. President, I rise to introduce a private relief bill for the benefit of Elmer Clint Mauthe.

Clint Mauthe is a young man who came to Anchorage, AK, in 1981, to attend the University of Alaska. In December 1986 he completed his education, obtaining an MBA. With the completion of his academic career, Clint's student visa expired.

The reason Clint came to the University of Alaska was to play hockey. While there he made a major contribution to the school's team. He was a team captain, one of the team's all-time leading scorers, and had a hand in bringing the team near a national championship in 1984.

If this were the end of his story Clint Mauthe, while a fine young man, would not deserve the special treatment provided by a private bill. Over the last 7 years, he has won the gratitude and recognition of many from his contributions to the community and his volunteer work. Drawing upon his most recognized skill, he has helped organize and coached Boys' Club hockey teams, and served as an assistant coach for the University of Alaska without pay.

We do have a system which allows foreign workers to come into this country if they possess skills, and if there is no U.S. worker available to fill their position. If Clint Mauthe were being considered for a professional coaching job, he might be able to breeze through the certification process—after all, we let Canadians play for United States hockey teams.

Unfortunately, the same consideration is not available for those who volunteer their time. Clint has been befriended by many in Anchorage, and they tried to help him in getting his contribution recognized. Clint Mauthe provides opportunities, through his volunteer work, which will disappear if he is forced to leave the country. It is therefore to help the children of Anchorage, as well as Mr. Mauthe, that I am introducing this private relief bill.●

By Mr. DIXON:

S. 1639. A bill to prohibit the export of defense-related goods by persons using the services of trading companies that have violated export controls promulgated by the Coordinating Committee; to the Committee on Banking, Housing, and Urban Affairs.

DISAPPROVAL OF EXPORT LICENSES

Mr. DIXON. Mr. President, like many of my colleagues, I have followed with growing apprehension the scandal surrounding the diversion of sophisticated Toshiba milling machines to the Soviet Union.

This unconscionable act has given the Soviet Union the ability to grind its submarine propellers to very precise tolerances. As a result of Toshiba's sale to the Soviets, I am told that the Soviets now are able to evade highly sensitive United States detection devices designed to help locate Soviet attack and nuclear missile submarines.

Some estimates I have read claim that it will cost the United States up to $30 billion to create detection devices to monitor the newly quiet Soviet subs. Think of it. Toshiba's greed for an extra $17 million in profits may end up costing the U.S. taxpayer up to $30 billion.

Of great concern to me is the fact that we have no assurances that our scientists actually can create the necessary detection devices to track the newly quiet Soviet subs. If not, the effects of the Toshiba diversion could be disastrous to America's national security.

As a result of Toshiba's misdeeds, Congress has taken action to deal with Toshiba Machinery, which sold the milling machines to the Soviets, and to Toshiba Machinery's parent company as well. The amendment included as part of the trade bill, which I was pleased to cosponsor, also puts a mechanism in place to deal with any future violations of multilateral export controls.

I feel, however, that Congress may have overlooked a key factor in the Toshiba diversion. I would like to address that issue today.

THE JAPANESE TRADING COMPANY

Mr. President, little is known in the United States about the key role that trading companies play in almost all trading matters in Japan.

In Japan, let us say that a manufacturer wishes to sell its products to a foreign purchaser. In this scenario, the manufacturer does one thing quite well; it makes a product.

However, the same manufacturer which makes a product is not necessarily very adept at marketing its product, or if it finds a buyer, at working its way through the myriad of Government regulations and banking procedures that are required to place its product in the hands of the foreign buyer.

Few Japanese manufacturers wish to build an internal staff to handle such matters. Rather, the manufacturer prefers to concentrate on what he does best: he manufactures—and leaves the details of foreign sales up to someone else.

In Japan, that someone else is a Japanese trading company.

The Japanese trading company undertakes many tasks. Because it handles a broad number of business clients and covers a wide spectrum of products, it offers the manufacturer—both large as well as small companies—cost benefits derived from the economies of scale.

The tasks that the average Japanese trading company handle include: locating a buyer; marketing and selling the product; coordinating with the manufacturer and the buyer to meet buyer specifications; handling financial matters that are part of the sale, such as transfers of funds, letters of credit and the myriad of paperwork that accompanies a sale; dealing with export regulations of Japan's giant Ministry of International Trade and Industry; dealing with import regulations in the country of the purchaser; handling all customs matter, including inspections, customs clearances, et cetera; making sure that all products are properly packaged and are ready for shipment; and engaging in general liaison with both seller and buyer.

The Japanese trading company therefore plays a key role in the export of Japanese products abroad. Thus, even Japanese industrial giants like Toyota continue to use trading companies.

In the Toshiba diversion case, two Japanese trading companies are said to have been involved: First, Wako Trading, a small firm; and second, the giant Japanese trading company, C. Itoh.

From what has been made public so far, it appears that Wako Trading Co. represented the potential buyer, the Soviet Machine Import Co., while C. Itoh represented Toshiba Machinery's interests.

JAPANESE TRADING COMPANIES AND UINTED STATES MANUFACTURERS

What a Japanese trading company does for a Japanese manufacturer in terms of Japanese sales abroad, it also does for a foreign manufacturer selling in Japan. For the Foreign manufacturer selling in Japan, the Japanese trading company:

Identifies a buyer; promotes and then sells the product; coordinates with the buyer and manufacturer to meet buyer specifications; handles financial matters that are part of the sale, such as transfers of funds, letters of credit and the myriad of paperwork that accompanies a sale; deals with often stringent and quirky import regulations of Japan's giant Ministry of International Trade and Industry; deals with export regulations in the country of the seller; handles the multitude of arcane Japanese customs and regulations for imports, including inspections, custom clearances, et cetera; makes sure that all products are properly packaged to meet rigid Japanese import regulations and are ready for shipment; and handles general liaison with both seller and buyer.

In the area of trade with Japan that should most concern Americans—that of sales of defense items to Japan's Defense Agency—Japanese trading companies play a most important role. Only in the case of the sale of the most sensitive of United States technologies are Japanese trading companies kept out of the action. A case in point is the sale of America's Aegis shipborn target acquisition, tracking and fire control system, which is being handled on a government-to-government basis.

Generally, American defense contractors selling in Japan prefer that sales take the "commercial sales" route rather than the government-to-government one, since profit margins are cut sharply in a noncommercial, government-to-government sale. When they take the commercial sales route, American defense contractors rely upon a Japanese trading company to handle the multitude of problems involved in the sale of a foreign-made product in Japan.

Sales of United States-supplied defense items are an important component of United States-Japan trade. In fact defense, along with those commercial activities surrounding the recycling of Japan's surplus dollars, are two of Japan's leading growth industries. It is no fluke, for example, that Nomura Securities displaced Toyota last year as Japan's largest income earner.

With the Nakasone government's decision to move defense spending above the magic figure of 1 percent GNP, defense has emerged as a positive growth industry in Japan as well. Thus, Japan's hard-pressed manufacturing sector is looking to defense manufacturing under licensing agreement with mostly United States companies as a boon to an otherwise slack manufacturing economy.

Of course, Japan's trading companies see this increase in defense spending as a major target of trading company business activity for the future. They see the defense business activity for the future. They see the defense business as a major profit center for the next decade.

TRADING COMPANIES AND THE TOSHIBA CASE

There is no question that two Japanese trading companies were involved in the diversion of highly sensitive technology from Japan's Toshiba Machinery Co. to the Soviet Union.

Those two companies have been identified as Wako Trading Co., a small company with no apparent power in Japan; and C. Itoh, one of Japan's three largest trading companies and a major political force in Japan's political and business community.

While Congress has focused on Toshiba Machinery and its parent, Toshiba Corp., we have, I fear, overlooked the vital role that these two trading companies have played in the diversion process.

If information that has been made public is correct, it appears that Wako Trading Co. brought the Soviet offer to purchase the milling machines in question to Toshiba Machinery.

From there, it appears that Toshiba Machinery then contracted its normal trading company for sales to the Soviet Union, C. Itoh, and solicited its assistance.

At this point, the record grows vague, with claims and counterclaims as to culpability on the part of Wako, Toshiba, and C. Itoh. What is abundantly clear, however, is the fact that there would have been no sale of the sophisticated milling machinery from Toshiba Machinery to the Soviet Union without the intervention of Wako Trading Co. and the assistance of C. Itoh.

Mr. President, we are punishing Toshiba, as we should, for its role. Yet, C. Itoh's role, like Wako's, was significant in the diversion. What was C. Itoh's punishment for its actions in the Toshiba diversion? The Japanese Government gave it a gentle pat on the wrist and barred C. Itoh from doing business with the Soviets for a period of 3 months.

Think of it, Mr. President. Three months. For all we know, it takes 3 months just to negotiate a deal with the Soviets. Three months is hardly sufficient sanction for C. Itoh for its role in the Toshiba diversion, no matter how small C. Itoh might claim that role was.

The fact is, C. Itoh lent the prestige of its name, its high standing and its political clout to this sordid venture with the Soviets. If it were going to err, it should have erred on the side of caution.

USING THE "SILVER BULLET" OF TRADE SANCTIONS

Mr. President, Congress has at its disposal a "silver bullet" to use in the Toshiba case which will help prevent a repetition of this disaster in the future. It is a rifle shot at the heart of Japan's problem in dealing with past and future diversions of critical technology to the Soviet Union. It is a careful, sensible approach to a most serious problem.

What I suggest today, Mr. President, is that Congress take aim at the critical nexus in diversion cases and fire its "silver bullet" of trade sanctions in an effective and salutary manner.

This means that we in Congress focus as much of our legislative muscle as is required on dealing with the key trading company nexus in any diversion case.

We need a way to make it clear to C. Itoh and every other trading company that we will no longer tolerate the cavalier way they approach multilateral national security export controls. We need a way to demonstrate to them that their access to the U.S. market depends on making a much greater effort to comply with these controls than they have so far.

A LEGISLATIVE REMEDY

Mr. President, what I offer today is a legislative remedy to this problem. It is not a scatter-gun approach; it builds on the Toshiba amendment we have already added to the Senate-passed trade bill.

The amendment we have already passed focuses on banning imports from those who have violated multilateral national security export controls, and prevents these violators from contracting with the U.S. Government. These two sanctions can be imposed for between 2 and 5 years.

My proposal adds another element that is particularly relevant to trading companies. What I suggest is that we not reward trading companies that violate multilateral national security export controls with lucrative contracts with U.S. defense and other companies exporting military or militarily critical items. Rather, I suggest that we put each United States exporter on notice that we intend to deal with trading companies in a sophisticated, even Japanese way—that we intend to deny them the fruits of doing business with United States high-technology exporters for a significant period of time—between 2 and 5 years to be exact.

The legislation that I introduce today would do just that: It denies export licenses for items controlled to the Soviets under the national security provisions of the Export Administration Act, or for items controlled under the Arms Export Control Act, if a trading company that has violated multilateral national security export controls is involved in the transaction.

Importantly, Mr. President, this action would not hurt U.S. companies. They would be able to switch their export business from a trading company that violated export controls to one that has not. Instead of the competition in laxity in meeting export controls that currently exist among the trading companies, my bill will promote competition in complying with export controls.

In taking this action, we are sending a clear and unequivocal message to the Japanese trading companies: if you want to do illegal deals with the Soviets, then don't also try to represent American high-technology or defense firms, because you will lose your business with them as a result.

We will be sending a message to the key nexus in any future diversion attempt. We will be letting the Japanese trading companies know to be on their guard in any and all dealings with the Soviets where potentially critical equipment and technologies are involved. We will be placing on the Japanese trading companies the burden of exercising caution, and placing that burden squarely where it belongs.

In the future, if a Japanese manufacturer seeks secretly to engage in a diversion of sensitive technology to the Soviets, it will take pause. Most certainly, any Japanese trading company called in to help facilitate a future diversion of Japanese technology to the Soviets will have ample reason to be cautious, given the sanctions that we impose with this legislation.

Mr. President, the American people deserve better than we have given them with our actions so far in the Toshiba diversion matter. While we have much to be proud of in our legislative response, we can and should do more.

Don't we have an obligation to the public to do as much as we can to ensure that a Toshiba case does not occur in the future?

I believe, Mr. President, that the legislation that I offer today gives the American people greater assurance that they will not be called upon in the future to make even further financial sacrifices as the result of the greed of a few Japanese companies.

Mr. President, I urge my colleagues to read this legislation, to join with me in cosponsoring it, and to work with me to secure its passage.

The American public deserves no less.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT FOR DISAPPROVAL OF CERTAIN EXPORT LICENSES

(a) EXPORT ADMINISTRATION ACT OF 1979.—Notwithstanding any other provision of law, the Secretary of Commerce shall disapprove the application of any person for a license under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) for the export of any item which, if exported to a controlled country to which exports are controlled pursuant to section 5 of the Export Administration Act of 1979 would require an export license (other than a qualified general license) to any country, if—

(1) the export of such item involves, directly or indirectly, a corporation or trading company, or an affiliate, parent, subsidiary, or assign of such corporation or trading company, which the Secretary finds has violated any regulation issued by a country to control exports for national security purposes pursuant to the agreement of the group known as the Coordinating Committee; and

(2) the violation by the corporation or trading company has resulted in substantial enhancement of Soviet and East bloc military capabilities.

(b) ARMS EXPORT CONTROL ACT.—Notwithstanding any other provision of the law, the President shall disapprove any proposed sale subject to the Arms Export Control Act if—

(1) the proposed sale involves, directly or indirectly, a corporation or trading company, or an affiliate, parent, subsidiary, or assign of such corporation or trading company, which the President finds has violated any regulation issued by a country to control exports for national security purposes pursuant to the agreement of the group known as the Coordinating Committee; and

(2) the violation by the corporation or trading company has resulted in substantial enhancement of Soviet and East bloc military capabilities.

(c) DEFINITION.—As used in this Act, the term "controlled country" has the same meaning provided in section 16(6) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(6)).

(d) TERMINATION OF REQUIREMENT FOR DISAPPROVAL.—The provisions of subsections (a) and (b) shall apply to a corporation or trading company or other entity which is the subject of a finding described in subsection (a)(1) or (b)(1) for a period of not less than 24 months and not longer than 60 months, as determined by the President.

By Mr. BAUCUS (for himself and Mr. DASCHLE):

S. 1640. A bill to amend the Internal Revenue Code of 1986 to allow reserve for bad debts to production credit associations and banks for cooperatives; to the Committee on Finance.

EQUITABLE TAX TREATMENT FOR PRODUCTION CREDIT ASSOCIATIONS AND BANKS FOR COOPERATIVES

● Mr. BAUCUS. Mr. President, today Senator DASCHLE and I are introducing a bill to allow Production Credit Associations' and Banks for Cooperatives to use the same method of accounting for loan losses for Federal income tax purposes as that allowed to small banks. The Tax Reform Act of 1986 provided that small banks, those with less than $500 million in assets, could retain the reserve method of calculating loan losses. Excluding the taxable entities of the Farm Credit System from this relief places an unwarranted burden on the financially troubled Farm Credit System and its borrowers. Even though spread out over 4 years, this new tax burden forces the Farm Credit System to absorb further losses which must be passed along to borrowers, many of whom are in no position to pay additional charges. This increased tax burden makes it all the more difficult for the Production Credit Associations and the Banks for Cooperatives to charge competitive interest rates.

The most important reason that the Congress should proceed to act expeditiously on this bill is the adverse impact of the new tax on the abililty of the Farm Credit System to survive. Indeed, when the Congress reconvenes in September, one of our highest priorities will be legislation now in the Agriculture Committee to ensure the overall fiscal soundness of that system. Money that now must be allocated for new tax payments could be better used to help that beleagured system make it through difficult times and relieve the interest rate burden of financially distressed farmers and their cooperatives.

My bill merely puts the taxable entities of the Farm Credit System on a parity with small commercial banks. It is most appropriate that we consider this proposal when we consider the technical corrections bill for last year's tax measure.

David Kasten, a farmer-rancher from Brockway, MA, testified before my Subcommittee of Taxation and Debt Management of the Committee on Finance that, without this corrective action, the additional tax burden would "definitely limit the ability of the system to lower interest rates to its farmer/rancher borrowers."

We simply cannot allow this to happen, Mr. President. In my State, our farmers and ranchers are served by 70 farm supply cooperatives, 27 grain marketing cooperatives, and 9 rural telephone co-ops. In addition, Montana is served by over two dozen rural electric distribution cooperatives which provide electricity to rural areas. The ability of these cooperatives to borrow from the Banks for Cooperatives is crucial for effective functioning and well-being.

The Farm Credit System supports this proposal, while recognizing, as do I, the need to do more and allow all entities of that system to use the bad debt reserve method. In the coming months I plan to work with interested colleagues in developing a comprehensive measure to include entities of the Farm Credit System which have assets greater than $500 million.

The Senate soon will be examining legislation to restore the Farm Credit System to financial health. We must do so soon. Once we complete that task, it would be foolhardy to have Treasury write a check to bolster the Farm Credit System only to have those entities pay part of that check back to the Internal Revenue Service.

I encourage my colleagues to join me in sponsoring this much needed legislation.●

By Mr. STEVENS:

S. 1641. A bill for the relief of Barry W. Jackson of Fairbanks, Alaska; and Thomas Fenton of Fairbanks, Alaska; to the Committee on the Judiciary.

RELIEF OF BARRY W. JACKSON AND THOMAS FENTON

● Mr. STEVENS. Mr. President, I am introducing today a private bill for the relief of Barry W. Jackson of Fairbanks, AK; and Thomas Fenton, also of Fairbanks, AK. Accompanying this bill is Senate Resolution 278, a resolution referring the bill to the U.S. Claims Court. This legislation is necessary to provide full judicial review of the claims of these two men arising from their efforts on behalf of Alaska's Natives in conjunction with passage of the Alaska Native Claims Settlement Act of 1971 [ANCSA].

ANCSA carved out 44 million acres and set up a $962 million fund to help settle the land claims of Native Alaskans. When Congress passed the landmark Settlement Act, it abrogated all contracts between Natives and their lawyers, and instead provided a $1.9 million fund for the 27 lawyers and consultants. This act further restricted reimbursable expenses to cover only a few types of costs, and excluded out-of-pocket expenses.

Barry Jackson and Thomas Fenton were both deeply involved in development of ANCSA. The compensation they received under the act fell short of the value of the contribution they made to the legislation. Referring their cases to the Claims Court makes no prejudgment on their entitlement to additional compensation. It will assure them the chance to challenge the abrogation of their contracts. To date they have been unable to obtain a full judicial hearing on their claims.

This bill and resolution address their problem. The measures ask the U.S. Claims Court, which has jurisdiction for claims against the Federal Government, to examine the facts of the situation and report to Congress. The court would examine whether Congress tread upon the Natives' right to counsel and to petition Congress, and whether it justly denied the men's contractual rights to equitable fees. The court would be asked to report to Congress within 18 months on whether their claims, taken individually, are legal or equitable, and the amounts, if any, legally or equitably due to them from the United States.●

By Mr. SIMON (for himself, Mr. STENNIS, Mr. BOND, Mr. BREAUX, Mr. BUMPERS, Mr. COCHRAN, Mr. DANFORTH, Mr. DIXON, Mr. DURENBERGER, Mr. FORD, Mr. GORE, Mr. GRASSLEY, Mr. HARKIN, Mr. JOHNSTON, Mr. KASTEN, and Mr. SASSER):

S. 1643. A bill to establish the Mississipi River National Heritage Corridor; to the Committee on Energy and Natural Resources.

MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR ACT

● Mr. SIMON. Mr. President, I am pleased and honored to join with my esteemed friend and colleague, the President pro tem of the Senate, Senator STENNIS, in introducing the Mississippi River National Heritage Corridor Act of 1987.

I am all the more pleased to introduce this legislation with the cosponsorship of nearly every Senator from a State bordering the Mississippi River.

Clearly, the creation of the Mississippi River National Heritage Corridor is an idea whose time has come. We have recently designated the Blackstone River in Massachusetts and Rhode Island and the Illinois-Michigan Canal National Heritage Corridors. Now, for our Nation's greatest waterway, we seek to create a commission to coordinate and encourage national awareness of its vast resources.

In this effort we are building upon the experience and comprehensive representation of the Mississippi River Parkway Commission, which will be, in effect, incorporated into the National Heritage Corridor Commission.

I invite all of our colleagues to join in this effort to bring into focus the resources and potential of this corridor, to the benefit of the entire Nation.●

By Mr. DECONCINI (for himself, Mr. INOUYE, Mr. EVANS, Mr. DASCHLE, Mr. BURDICK, Mr. MCCAIN, and Mr. MURKOWSKI):

S. 1645. A bill to reauthorize certain Indian educational programs, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN EDUCATION AMENDMENTS ACT

Mr. DECONCINI. Mr. President, I rise today to introduce on behalf of myself and my colleagues, Senators INOUYE, EVANS, DASCHLE, BURDICK, MCCAIN, and MURKOWSKI, the Indian Education Act Amendments of 1987. This bill proposes to reauthorize the Indian education programs administered by the Bureau of Indian Affairs and the Department of Education. These programs serve the approximate 360,000 native American students attending BIA, public or tribally contracted schools.

Both the reservation and urban Indian communities rely on these vital programs to educate their children from kindergarten through high school. Parents and leaders of these communities place the highest priority on education. Education is critical to their efforts to achieve economic self-sufficiency. Like many other Americans, they want a better world for their children and look to a strong education system as the best way to achieve this end. They want quality education for their children and many have committed themselves to the task of improving Indian education as members of local school boards, parent committees, and tribal councils. Many others have become teachers and school administrators and devoted themselves to serving in the reservation school systems. This considerable investment in education must not be overlooked. Instead, I believe that it is time for the Federal Government to meet the Indian tribes and its communities halfway and it can do so by strengthening its commitment to Indian education.

The Federal Government, under the Federal trust relationship, has a special duty to the Indian tribes to assure the availability of the best educational opportunities possible. This duty must be fulfilled by our Government in a manner consistent with the Indian self-determination policy. The bill which I am proposing today is designed to strengthen the Federal-tribal partnership as it relates to Indian education. The bill seeks to improve the administration of Indian education programs by refining the existing law and proposing new options for Indian communities to use in their pursuit of excellence in education. I am convinced that these proposals will generate sufficient interest in the Indian community and provide additional ideas on the best way to respond to some of the problems which now plague Indian education. I lay this bill on the table for discussion and urge my colleagues to give the needs of Indian education the consideration and attention they deserve.

I look forward to working with the distinguished chairman of the Senate Committee on Indian Affairs, Mr. INOUYE, in scheduling hearings on this bill in the very near future. I respectfully ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INDIAN EDUCATION

SHORT TITLE

SECTION 101. This title may be cited as the "Indian Education Amendments Act of 1987".

STATUTORY AUTHORITY FOR BUREAU FUNDED SCHOOLS

SEC. 102. Paragraphs (1), (2), and (3) of subsection (g) of section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001(g)) are amended to read as follows:

"(1) The Congress hereby specifically authorizes funding under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) for the operation of each school or dormitory which—

"(A) was a Bureau funded school on January 1, 1987, including (i) each school or dormitory facility in operation on that date or for which construction, expansion, or improvement was authorized but which was not in operation before that date; and (ii) each grade level or other program of the school in operation on that date or which was, prior thereto, authorized by the Congress, the Secretary, or the Bureau but which had not been initiated prior to such date; or

"(B) becomes a Bureau funded school after January 1, 1987, by law, action of the Secretary, or action of the Bureau (including a school, dormitory, or grade level or other program expansion identified in a congressional committee's report in connection with an Act or Joint Resolution providing appropriations for fiscal year 1987, or any subsequent fiscal year, for such school, dormitory, grade level, or program expansion).

"(2) Notwithstanding any other law, the Secretary may not terminate, transfer, or contract to any other entity (except under the Indian Self-Determination and Education Assistance Act or the Indian Self-Determination Grants Act of 1987), consolidate, or substantially curtail a Bureau funded school (including a grade level, program, or facility of the school) authorized under this subsection except (A) as hereafter expressly provided by a provision of law, enacted after the date of the enactment of the Indian Education Amendments Act of 1987, relating specifically to the school and the action, or (B) as requested by resolution of the tribal governing body or bodies representing an aggregate of 90 percent or more of the students served by the school.

"(3) If the Secretary or any part of the Department of the Interior or of the Bureau, at any time, has under consideration or review an action subject to paragraph (2), the Secretary shall promptly report that fact to the affected tribal governing body or bodies and to local school board or boards of the school or schools involved. Those bodies shall be (A) kept fully and currently informed during such consideration or review, (B) afforded opportunities to comment as the consideration or review progresses, and (C) notified at least 6 months prior to the end of the school year preceding the proposed effective date of such an action if a formal decision is made that the action should be taken. Copies of such a notice shall be promptly transmitted to the Congress and published in the Federal Register.".

EMERGENCY AND SPECIAL SITUATIONS

SEC. 103. Subsection (g) of section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001(g)) is further amended by adding at the end thereof the following new paragraphs (5), (6), and (7) as follows:

"(5)(A) A temporary action that would be subject to paragraph (2) may be taken by the Secretary if required by conditions that constitute an immediate hazard to health or safety of the school's students.

"(B) The hazard which makes the action necessary must be confirmed by an inspector designated by a tribal governing body of the location of the school or, in the case of a school not located within the jurisdiction of a tribe, designated by a tribal governing body representing a substantial number of the students who attend the school. If an inspector is not designated by a tribal governing body within a reasonable time, the hazard must be confirmed by a State, county, or municipal inspector designated by the Secretary.

"(C) If the hazard is confirmed, the action may be taken without regard to paragraphs (2), (3), and (4) but shall be for the shortest possible period and shall terminate before the beginning of the second academic term after the action is taken. An extension of the temporary period may only be allowed (i) if approved by resolution of the tribal governing body or bodies representing an aggregate of 90 percent or more of the students served by the school, or (ii) by compliance with paragraphs (2), (3), and (4).

"(6) The Assistant Secretary shall prescribe regulations governing the determination of eligibility for schools to become Bureau funded schools and for Bureau funded schools to add grade levels or otherwise expand their programs in a manner which will increase the amount of funding they would be eligible to receive from the Bureau. The regulations shall provide for the eligibility determination to be based on geographic and demographic factors and the history and record of success or failure of (A) the proposed school or school proposing to add a grade level or otherwise expand its program, and (B) the public schools or other alternative providers or potential providers of the services which the school proposes to provide with the financial assistance that would be provided by the Bureau. A determination of disapproval under the regulations may not be based on the proximity of other education facilities. The regulations shall provide for the invitation and consideration of information and views from the Indian tribe or tribes affected, the local education agencies in the area, and all other interested parties.

"(7) Notwithstanding any other provision of law, the Bureau funded schools at the Pueblo of Zia and the Tama Settlement are each expanded to include grades kindergarten through grade 8 at the beginning of the next school year after a vote of the school's local school board for such an expansion if the vote occurs within two years of the date of the enactment of this sentence.".

DORMITORY CRITERIA

SEC. 104. Section 1122 of the Education Amendments of 1978 (25 U.S.C. 2002) is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection (d):

"(d)(1) The criteria established under this section may be waived in the same manner as provided for the waiver of standards in section 1121(d) of this Act.

"(2) An action that is subject to section 1121(g)(2) of this Act may not be taken with respect to a school that was a Bureau funded school on January 1, 1987, because the school does not meet the criteria established under this section.

"(3) By February 1, 1988, the Assistant Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.".

ENACTMENT OF REGULATIONS

SEC. 105. Section 1123 of the Education Amendments of 1978 (25 U.S.C. 2003) is amended to read as follows:

"REGULATIONS

"SEC. 1123. (a) The provisions of parts 31, 32, 33, 39, 40, 42, and 43 of title 25, Code of Federal Regulations, as in effect on April 1, 1987, shall remain in effect on and after the date of the enactment of the Indian Education Amendments Act of 1987 until changed or amended in accordance with this section.

"(b) Such parts referred to in subsection (a) may only be changed or amended as specifically provided by a law enacted after the date of enactment of the Indian Education Amendments Act of 1987. Except as required (1) to implement Public Law 99-228, (2) to implement a gifted and talented factor in the formula under section 1128(a)(2)(H), or (3) as specifically required by this Act or any other law enacted after the enactment of the Indian Education Amendments Act of 1987, no regulation, guidelines, policies, procedures, or executive action of general effect shall be issued or implemented concerning matters included in the parts referred to in subsection (a) except as provided by a law enacted after the date of the enactment of the Indian Education Amendments Act of 1987.

"(c) The Secretary may waive a provision of a part referred to in subsection (a) for the benefit of an Indian if (1) the waiver is not contrary to another law, and (2) the waiver was permissible under section 1.2 of part 1 of title 25, Code of Federal Regulations, as such section was in effect on April 1, 1987.

"(d) On and after the date of the enactment of this subsection, in the administration of section 40.1 of part 40, title 25, Code of Federal Regulations, the terms 'loans or', 'loans and', and 'of one-fourth or more degree' shall be considered as having been deleted.".

FORMULA MODIFICATIONS

SEC. 106. Subsection (a) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended by adding at the end thereof the following new sentence: "For fiscal year 1989 and each subsequent fiscal year in which the formula established under the first sentence of this subsection is used to determine the amount of funds for each Bureau funded school, the Secretary shall (i) use a weighted student unit of 1.2 for students in the seventh and eighth grades; (ii) consider a school with an average daily attendance of less than 50 students as having an average daily attendance of 50 students for purposes of implementing the small school adjustment factor; and (iii) make provision in the formula for the provision of residential services on a less than nine-month basis at a school when the school board and supervisor determine that a less than nine-month basis will be implemented for the school year involved.".

ADMINISTRATIVE COST

SEC. 107. (a) The text of subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended to read as follows:

"(c) The Secretary shall provide each Bureau funded school (other than a Bureau school) with an administrative cost allowance in addition to the amount allocated under subsection (a) of this section. The amount provided (subject to the availability of appropriations) shall be either the actual amount needed or an amount determined under a formula which the Secretary prescribes by regulation after consultation with Indian tribes, school boards, Indian educators and education administrators, and others.".

(b) Section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended by adding at the end the following new subsection (h):

"(h) The term 'administrative cost allowance' as used in this section means the amount that a Bureau funded school (other than a Bureau school) is provided under subsection (c) of this section to meet their necessary additional expenses that a Bureau school does not need to incur. These additional expenses may include, but are not limited to, the cost of insurance, fiscal management and auditing, legal services, archives, contract or agreement administration, and services for personnel management, procurement, and property management.".

LOCAL PROCUREMENT

SEC. 108. (a) Section 1129(a)(4) of the Education Amendments of 1978 (25 U.S.C. 2009) is repealed.

(b) Section 1129 of such Act (25 U.S.C. 2009) is amended by adding the following new subsection (e) at the end thereof:

"(e) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of no more than $25,000 of the amount allotted the school under section 1128 to acquire supplies and equipment for the school without competitive bidding if for each procurement—

"(1) the cost for any single item purchase does not exceed $10,000;

"(2) the school board approves the procurement in advance;

"(3) the supervisor certifies that the cost is fair and reasonable;

"(4) the documents relating to the procurement executed by the supervisor or other school staff cite this subsection as authority for the procurement; and

"(5) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any other information the supervisor or board considers relevant.".

(c) This section shall take effect on the date of its enactment into law, or on October 1, 1987, whichever occurs later.

COORDINATED PROGRAMS

SEC. 109. Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding after subsection (e) the following new subsection:

"(f)(1) A tribe or tribes whose children are served by a Bureau school or a program in a Bureau school may enter into a cooperative agreement with a local education agency or a public school concerning the school or program. The agreement may involve coordination of some or all of the following—

"(A) the academic program and curriculum (but if implementation of the agreement would result in the loss of any State or regional accreditation the Bureau school has achieved, the agreement must be approved by the Secretary);

"(B) support services, including procurement and facilities maintenance; and

"(C) transportation.

"(2) Except as provided in subparagraph (A) of paragraph (1), an agreement under this subsection shall not be subject to approval by the Secretary or the supervisor of the Bureau school or schools involved.

"(3) Subject to the availability of amounts allotted under section 1128 to the Bureau school or schools involved, upon request by the tribe or tribes involved, the Secretary and supervisor shall implement a cooperative agreement entered into under this subsection.".

CONSULTATION

SEC. 110. (a) Section 1130 of the Education Amendments of 1978 (25 U.S.C. 2010) is amended as follows:

(1) by deleting "Bureau" the first time it appears and inserting in lieu thereof "the Secretary and the Bureau";

(2) by adding the following sentences at the end thereof: "The Secretary shall engage in consultation with the tribes as to all matters relating to the Secretary's carrying out of Indian education programs or support services for those programs including (but not limited to) the Secretary's carrying out of this Act and any other authorities or matters relating to the education of Indian children or adults. No policy or regulation relating to matters for which consultation is required under this section may be initiated or changed prior to such consultation."; and

(3) by redesignating the current text as subsection (a) and adding the following new subsections at the end thereof:

"(b)(1) In this section the term 'consultation' means the Secretary's dialog with tribes and Indian organizations during a systematic process of meeting with tribes and Indian organizations as provided in this subsection.

"(2) The meetings shall be held in various localities around the United States to facilitate participation. The meetings shall be planned so that one is held at least once every three months and that one is held at least once every two years in each of the Bureau's geographic administrative areas having Bureau funded schools or public schools serving Indian students aided by the Bureau under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.).

"(3) At least 30 days before each meeting, the Secretary shall publish a notice of the meeting in the Federal Register and send a notice of the meeting to at least those agency school boards, local school boards, Bureau funded schools, and local parent committees or Indian controlled local school board of a public school with students for which the Bureau provides aid under the Act of April 16, 1934, in the Bureau's geographic administrative area in which the meeting is to occur and to each tribal governing body representing a substantial portion of the students at one or more of those schools. The notices shall state the date, time, and place for the meeting and the subjects to be discussed and that adequate time will be provided for the representatives of the recipient of the notice and representatives of other tribes or Indian organizations to ask questions and discuss those subjects or other matters relating to (A) the Secretary's carrying out of Indian education programs or support services for those programs under this Act and any other authorities, and (B) the education of Indian children or adults in Bureau funded or other schools.

"(4) The Secretary shall assure that each meeting includes the provision of information and a dialog on (A) Indian education related budget or policy proposals, and (B) regulatory, administrative, or procedural changes which will be made or which may be considered during at least the six months following the meeting.

"(5) Each meeting will be conducted by the Secretary (or an official designated by the Secretary to represent and speak for the Secretary) who shall be accompanied by the Director of the Office of Indian Education Programs (or an official designated by the Director to represent and speak for the Director) and such other officials and staff as may be desirable to assure responsiveness to questions and that the Secretary or the Secretary's representative and accompanying officials and staff can engage in an informative dialog with those attending the meeting concerning the subjects identified in the notice of the meeting and other matters that are likely to be considered.

"(c) To the maximum extent practicable, the Secretary shall accommodate a request from a tribe or an Indian organization for a special consultation meeting under this section.

"(d) The Secretary shall carry out the recommendations made by tribes and Indian organizations during consultation under this section unless the Secretary determines otherwise for clear and convincing reasons and advises such tribes and organizations in writing.

"(e) The Secretary shall promptly report any violation of this section to the Congress.".

(b) Section 1136(a) of the Education Amendments of 1978 (25 U.S.C. 2016(a)) is amended by inserting after the second sentence therein the following new sentence: "Such report shall include information on the Secretary's compliance with section 1130, the recommendations and views received from tribes and Indian organizations during the consultation process required by section 1130, and the Secretary's clear and convincing reasons for not carrying out each recommendation received during the consultation process which the Secretary has not carried out.".

INDIAN EMPLOYMENT PREFERENCE

SEC. 111. Subsection (f)(1) of section 1131 of the Education Amendments of 1978 (25 U.S.C. 2011) is amended by deleting "an employee" and inserting in lieu thereof "an applicant or employee".

PERSONNEL COMPENSATION, RECRUITMENT, AND RETENTION

SEC. 112. (a) The Education Amendments of 1978 is amended by inserting after section 1140B (25 U.S.C. 2022) the following new section 1140C:

"STUDIES

"SEC. 1140C. (a)(1) The Assistant Secretary for Indian Affairs shall conduct such studies and develop such information as may be needed for a report that the Assistant Secretary shall submit to Congress by March 1, 1988, comparing personnel compensation in Bureau funded schools with that in the public schools of the local education agencies nearest the Bureau funded schools and with the averages for public schools in the States in which the Bureau funded schools are located. The report shall include detailed information on (A) the current salaries and personnel benefits for comparable positions in the Bureau funded and public schools, (B) a comparison of starting salaries, tenure, length of service, educational and certification requirements, length of work year and work day, and fringe benefits, (C) a projection of the Bureau funded and public school compensation figures over the next five years, and (D) such additional information and analysis as the Assistant Secretary deems appropriate.

"(2) The cost of the studies and report (including but not limited to costs for all contracts, travel, and staff assigned to the study) shall be paid from amounts appropriated for the Bureau's Management and Administration Subactivity of the General Administration Activity except that the salaries and personnel benefits of employees detailed to the study from the Bureau's Office of Indian Education Programs may continue to be charged to the amounts appropriated for the Bureau's Education Activity. The staff detailed to work on the studies and report shall include not less than two career employees from the Office of Indian Education who have substantial experience in the administration at the agency level of school operations and in the drafting of personnel regulations, including but not limited to those under this Act.

"(3) The Assistant Secretary shall conduct such future studies of personnel compensation in Bureau funded and public schools as are desirable in carrying out this Act.

"(4) The Assistant Secretary may conduct part or all of the studies under this subsection by a contract or contracts with one or more Indian education organizations.

"(b)(1) Upon the request of the local school board of a Bureau school, the Assistant Secretary shall grant the supervisor of the school authorization for one or more post differentials under section 1131(h)(3) unless the Assistant Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school that is either (1) at least 5 percent, or (2) less than 5 percent and affects the recruitment or retention of employees at the school. The request of a local school board under this subsection shall be deemed granted as requested at the end of the 60th day after the request is received in the Bureau's Central Office unless before that time it is approved, approved with modification, or disapproved by the Assistant Secretary.

"(2) The Assistant Secretary or the supervisor may discontinue or decrease a post differential authorized under this subsection at the beginning of a school year after either (A) the local school board requests that it be discontinued or decreased, or (B) the Assistant Secretary or supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(c) On or before February 1 of each year, the Assistant Secretary shall submit a report to Congress describing the requests and grants of authority under this subsection during the previous fiscal year and listing the positions contracted under those grants of authority.".

(b) Section 1136(a) of the Education Amendments of 1978 (25 U.S.C. 2016(a)) is amended by adding at the end thereof the following sentence: "Additional reports to Congress are required in sections 1130(e) and 1140C(c).".

DEFINITIONS

SEC. 113. Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended as follows:

(1) Clause (3) is amended to read as follows: "(3) the term 'Bureau funded school' means (A) a Bureau school; (B) a contract school; or (C) a school financially assisted under the Indian Self-Determination Grants Act of 1987;"; and

(2) Clauses (4) through (10) are redesignated as (6) through (12) and the following new clauses are inserted after clause (3):

"(4) the term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending other than a Bureau school;

"(5) the term 'contract school' means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract or agreement with the Bureau under section 102, 104(1), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(1), and 458d).

INDIAN PREFERENCE

SEC. 114. The Indian preference provisions of section 12 of the Indian Reorganization Act (25 U.S.C. 472) shall, on and after the effective date of this section, be considered to be applicable in the case of any office or position within the Office of Indian Education, Department of Education, involved in the administration of the Indian Education Act of 1972.

TITLE II—SELF-DETERMINATION GRANTS

SHORT TITLE

SEC. 201. This title may be cited as the "Indian Schools Operations Agreements Act of 1987".

CONGRESSIONAL FINDINGS

SEC. 202. (a) The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

(1) the Indian Self-Determination and Education Assistance Act of 1975, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

(2) the Bureau of Indian Affairs' administration and domination of the Public Law 93-638 contracting process has not provided the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

(3) the Indian people will never surrender their desire to control their relationships both among themselves and with the non-Indian governments, organizations, and persons.

(b) The Congress further finds that—

(1) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

(2) the Federal administration of education for Indian children has not effected the desired level of educational achievement nor created the diverse opportunities and personal satisfaction which education can and should provide;

(3) true local control requires the least possible Federal interference; and

(4) the time has come to enhance the concepts made manifest in Public Law 93-638.

DECLARATION OF POLICY

SEC. 203. (a) The Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will further deter further perpetuation of Federal bureaucratic domination of programs.

(c) The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

(d) The Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These can best be met through a grant process.

(e) The Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

(f) The Congress hereby repudiates and rejects any policy of unilateral termination of Federal relations with any Indian Nation.

GRANTS AUTHORIZED

SEC. 204. (a) Grants under this title shall go into a general operating fund of the school to defray, at the determination of the tribally controlled school board, any expenditures, including but not limited to, expenditures for school operations, academic, educational, residential, guidance and counseling, and administrative purposes and for the operation and maintenance (where funds for same are provided at the request of the tribally controlled school board) and for support services, including transportation, of the school. Funds provided pursuant to this title may not be used in connection with religious worship or sectarian instruction.

(b) Funds may not be expended for administrative costs (as defined under section 1128(g) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128(c) of such Act.

(c) In the case of a grantee which operates more than one schoolsite, the grantee shall expend no less than 95 percent of the funds generated under section 1128 of the Education Amendments of 1978 for each schoolsite at each school site.

GRANTS ELIGIBILITY

SEC. 205. (a) To be eligible for grants under this title, a tribally controlled school shall fulfill one of the following criteria—

(1) was, on the date of the enactment of this Act, a school which received funds under the authority of the Indian Self-Determination and Education Assistance Act (Public Law 93-638);

(2) was a school operated (as either an elementary or secondary or combined program) by the Bureau of Indian Affairs on the date of the enactment of this Act, meets the requirements of a tribally controlled school, and has met the requirements of section 206(a); or

(3) is a tribally controlled school for which funds from the Bureau of Indian Affairs have not been previously received but which has met the requirements of section 206(b).

(b) Any application which has been submitted by a tribe for a school which is not in operation on the date of the enactment of this Act shall be reviewed under the guidelines and regulations in effect at the time of submission, unless the tribe or tribal organization elects to have the application reviewed under the provisions of section 206.

(c) Nothing in this Act may or shall be construed to require a tribe or tribal organization, or allow the coercion of any tribe or tribal organization, to apply for or accept a grant under this Act to plan, conduct, and administer all or parts of any Bureau program. Such applications, and the timing of such applications are strictly voluntary. Nothing in this title shall be construed as allowing or requiring any grant with any other entity, whatsoever.

DETERMINATION OF ELIGIBILITY

SEC. 206. (a)(1) Within 120 days after receiving a request submitted by an Indian tribe or tribal organization for eligibility under subsection (b) of section 205, the Secretary shall make an initial determination of whether the applicant can maintain a tribally controlled school. The Secretary shall award a grant based upon such application unless the Secretary finds by clear and convincing evidence that the services to be provided will be deleterious to the welfare of the Indian beneficiaries of the particular program to be operated under this authority. In the award of a grant under this paragraph, the Secretary shall consider whether the tribe or tribal organization would be deficient in performance under the grant with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be operated, (D) adequately trained personnel, or (E) other necessary components of grant performance.

(2) An application from a tribal organization shall be accompanied by an action of the tribal governing body authorizing such application. A grant shall become effective beginning with the academic year succeeding the fiscal year in which such application is made or at an earlier date, at the Secretary's discretion.

(3)(A) Whenever the Secretary declines to issue a grant under this section, the Secretary shall (i) state the objections in writing to the tribe or tribal organization within the allotted time, (ii) provide assistance to the tribe or tribal organization to overcome all stated objections, and (iii) provide the tribe or tribal organization a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objection raised.

(B) Whenever the Secretary has provided an opportunity and the technical assistance necessary to correct stated objections under subparagraph (A), the Secretary shall reconsider the amended application within 60 days.

(b)(1) The Secretary, within 180 days after receiving a request by an Indian tribe or tribal organization seeking a grant for a tribally controlled school program for which funds from the Bureau of Indian Affairs have not been previously received, shall conduct an eligibility study to determine whether there is justification to maintain a tribally controlled school and shall make an initial determination of eligibility under this title. In making this determination, the Secretary shall give equal weight to all of the following factors:

(A) Within the applicant's proposal—

(i) the adequacy of facilities or the potential to obtain or provide adequate facilities;

(ii) geographic and demographic factors in the affected areas;

(iii) adequacy of applicant's program plans;

(iv) geographic proximity of comparable public education, provided that no negative decision can be made primarily based upon the proximity of such programs; and

(v) the wishes of all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

(B) with respect to all education services already available—

(i) geographic and demographic factors in the affected areas;

(ii) adequacy and comparability of programs already available;

(iii) consistency of available programs with tribal education codes or tribal legislation to education; and

(iv) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

(2) An application from a tribal organization under this authority shall be accompanied by an action by the tribal governing body authorizing such application. Submission of information on the factors in paragraph (1)(A) shall constitute an adequate submission for purposes of an application under this section, provided that the applicant may also provide such information relative to the factors in paragraph (1)(B) as it considers appropriate. Except as provided in paragraph (3), a grant shall become effective beginning with the academic year succeeding the fiscal year in which such application is made or at an earlier date, at the discretion of the Secretary. Whenever the Secretary declines to issue a grant under this subsection, the Secretary shall (A) state the objections in writing to the tribe or tribal organization within the allotted time, (B) provide assistance to the tribe or tribal organization to overcome all stated objections, and (C) provide the tribe or tribal organization a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objection raised.

(3) If the Secretary fails to make a determination within 180 days of receipt of the application, such application is approved, provided that in these cases, the grant shall become effective 18 months after the date of application, or an earlier date, at the Secretary's discretion.

(c)(1) Expansions of the grade levels offered or modification to initiate residential services by eligible tribally controlled schools shall require an application. Such application shall be by a tribe or be accompanied by an action of the tribal governing body authorizing such application. The Secretary, within 120 days after the receipt of an application under this subsection, shall make a final determination on such application. Expansion or change of services or programs within grade levels shall not require Secretarial approval. In reviewing all applications under this subsection, the Secretary shall give equal weight to the factors in subsection (b)(1), and to the enhancement of the quality of the overall program offered by the applicant. Whenever the Secretary declines to agree to the expansion proposed under this subsection, the Secretary shall (A) state the objections in writing to the tribe or tribal organization within the allotted time, (B) provide assistance to the tribe or tribal organization to overcome all stated objections, and (C) provide the tribe or tribal organization a hearing under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act and an opportunity to appeal the objection raised.

(2) A modification to a grant under this subsection will become effective beginning with the academic year succeeding the fiscal year in which such application is made or at an earlier date, at the discretion of the Secretary, except that an expansion involving more than two grade levels, or their equivalent, or the addition of residential services to a program not now offering them shall become effective 12 months after the application, or earlier, at the discretion of the Secretary. Whenever the Secretary declines to modify a grant pursuant to this subsection, the Secretary shall (A) state the objections in writing to the tribe or tribal organization within the allotted time, (B) provide assistance to the tribe or tribal organization to overcome all stated objections, and (C) provide a tribe or tribal organization a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objection raised.

(d) All applications under this section shall be filed with the Office of the Agency Education Superintendent or Education Programs Officer or Area Education Officer, at the discretion of the Director of the Office of Indian Education Programs (hereinafter referred to as the "Office"), and the calculation of the timeliness will begin on the date of receipt by this Office.

(e) The Bureau of Indian Affairs shall submit an annual report to Congress on all applications received and actions taken under this section at the same time as the budget is submitted.

GRANTS

SEC. 207. (a) Tribally controlled schools meeting at least one of the criteria under section 205(a) or which have a positive determination under section 206 shall receive grants under this Act.

(b) The eligibility determination made under section 206 shall only be made for the initial grant. Extension shall be automatic, subject to the availability of appropriations and satisfactory performance, as defined in this title.

(c)(1) For purposes of this title, satisfactory performance shall be defined only as the submission of the reports stipulated under paragraph (2) and one of the following:

(A) Certification or accreditation by a State or regional accrediting association as determined by the Secretary of Education, or candidacy in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by students within the education programs are or will be accepted at grade level by a State certified or regionally accredited institution provided that the Secretary may waive this requirement for a period not to exceed three years if the Secretary determines that there is a reasonable expectation that candidacy or accreditation will be reached within that time and that the program offered is beneficial to the Indian students.

(B) Accreditation by a Tribal Division of Education.

(C) Acceptance of the standards promulgated under section 1121 of the Education Amendments of 1978, evaluation of performance under this section to be done in conformance with the regulations pertaining to Bureau operated schools by an outside evaluator chosen by the grantee, but no grantor shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

(D) A positive evaluation conducted once every three years for performance under standards adopted by the contractor under the contract for a school contracted under Public Law 93-638 prior to the date of enactment of this title, such evaluation to be conducted by an outside evaluator agreed to by the Secretary and the grantee provided that upon failure to agree on such an evaluator, the tribal authority shall choose the evaluator or perform the evaluation.

The choice of standards shall be consistent with section 1121(e) of the Education Amendments of 1978.

(2) The reports to be submitted shall be limited to—

(A) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

(B) a biannual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

(C) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

(D) a program evaluation conducted by an outside entity, to be based on the standards under paragraph (1).

(d) Grants under this title shall not terminate, modify, suspend, or reduce the Federal responsibility to provide such a program. Whenever an Indian tribe requests retrocession of any program receiving a grant under this title, such retrocession shall become effective upon a date specified by the Secretary not more than 120 days from the date of the request of the tribe or such later date as may be mutually agreed upon by the appropriate Secretary and the tribe.

(e) The Secretary shall not make a determination of a lack of satisfactory performance or reassume a program until the Secretary provides notice to the tribal authority authorizing the tribally controlled school, giving the specific deficiencies which led to the negative determination and the actions which are needed to remedy said deficiencies and afford such authority an opportunity to effect any remedial actions, except that the Secretary shall provide such technical assistance as is necessary to effect such actions. Such notice and technical assistance shall be in addition to hearing and appeal to be conducted pursuant to the regulations established under section 206.

GRANT AMOUNTS

SEC. 208. (a) One grant shall be made to each tribally controlled school for each fiscal year for a sum which is not less than the total of—

(1) the amount the tribally controlled school is eligible to receive under section 1128 of the Education Amendments of 1978, including, but not limited to, any funds provided under this or any other authority for transportation costs;

(2) funds provided for operations and maintenance and other facilities accounts, pursuant to the provisions of section 1126(d)(1) of the Education Amendments of 1978, if such funds have been requested by the tribally controlled school;

(3) any other provision of law notwithstanding, funds received and distributed by the Bureau under authority of chapter 1 of the Education Consolidation and Improvement Act of 1981 and the Education of the Handicapped Act, on the same basis as these funds are distributed to Bureau operated programs, provided that programs which are within the basic grant of authority under the legislation for funds so distributed are conducted within the grantee's program, the Bureau shall place no program priority or activity limitations whatsoever upon receipt of these funds; and

(4) administrative costs as determined under section 1128(c)(1) of the Education Amendments of 1978.

(b) No grantee receiving a grant shall be held accountable for interest earned on grant funds, pending their disbursement for program purposes. Interest derived is not to be used to reduce Federal dollars under the Federal funding levels generated by the contractors under this authority, or any other authority. The investment of Federal dollars must be only in federally insured investments.

(c) For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this title shall not be taken into consideration.

APPLICABILITY OF OTHER STATUTES

SEC. 209. All provisions of sections 5, 6, 7, 105, 109, and 110 of the Indian Self-Determination and Education Assistance Act (Public Law 93-638) except those provisions pertaining to indirect costs and length of contract, shall apply equally to grants under this title. Until 120 days after the date of enactment of this title, contractors for activities covered by this title who have a contract under the Indian Self-Determination and Education Assistance Act in effect upon such date of enactment shall be afforded an opportunity to elect to have the provisions of this title apply to such activity.

ROLE OF THE DIRECTOR

SEC. 210. Applications for grants pursuant to this title and all application modifications shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

REGULATIONS

SEC. 211. The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this title. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this title, the Secretary shall not issue regulations. Regulations issued pursuant to this title shall not have the standing of a Federal statute for the purposes of judicial review.

DEFINITIONS

SEC. 212. For the purposes of this title, the term—

(1) "eligible Indian student" has the meaning of such term in section 1128(f) of the Education Amendments of 1978;

(2) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(3) "tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served

by such organization and which includes the maximum participation of Indians in all phases of its activities, except that in any case where a grant is made to an organization to perform services benefiting more than one Indian tribe, the approval of Indian tribes representing 80 percent of those students attending such a tribally controlled school shall be considered a sufficient prerequisite of tribal authorization for such grant;

(4) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(5) "tribally controlled school" means a school, operated by a tribe or a tribal organization, enrolling students in grades kindergarten up to grade 12, including preschools, which is not a local educational agency as defined in this title, and which is not directly administered by the Bureau of Indian Affairs; and

(6) "a local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

TITLE III—OTHER PROGRAMS OF INDIAN EDUCATION

EXTENSIONS OF AUTHORIZATIONS OF OTHER INDIAN EDUCATION PROGRAMS

SEC. 301. (a) Section 307(a) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241ff) is amended by—

(1) deleting "(1)" after "appropriated";

(2) deleting "October 1, 1986" and inserting in lieu thereof "October 1, 1993"; and

(3) deleting the fourth comma and all that follows and inserting in lieu thereof a period.

(b)(1) Section 421(g)(1) of the Indian Education Act is amended by deleting "1989" and inserting in lieu thereof "1993".

(2) Section 421(g) of such Act is further amended by deleting paragraph (3).

(c)(1) Section 422(c) of the Indian Education Act (20 U.S.C. 3385a) is amended by deleting "1986" and inserting in lieu thereof "1993";

(2) Section 422(c) of the Indian Education Act (20 U.S.C. 3385a) is further amended by deleting the second sentence thereof.

(d) Section 423(a) of the Indian Education Act (20 U.S.C. 3385b) is amended by deleting "1989" and inserting in lieu thereof "1993".

(e) Section 423(d) of the Indian Education Act (20 U.S.C. 3385b) is amended to read as follows:

"(d) There is authorized to be appropriated for the purposes of this section such sums as may be necessary for fiscal year 1989 and each of the next following four fiscal years.".

(f) Section 442(a) of the Indian Education Act (20 U.S.C. 1221g(a)) is amended by deleting "1989" and inserting in lieu thereof "1993".

PROOF OF ELIGIBILITY

SEC. 302. Section 453(a) of the Indian Education Act (20 U.S.C. 1221h(a)) is amended by inserting ", as defined by the tribe, band, or other organized group," immediately after "member".

GIFTED AND TALENTED

SEC. 303. (a) The Secretary of Education shall establish American Indian Gifted and Talented Centers located at Sinte Gleska College and Navajo Community College, and shall make grants to and enter into contracts with the Sinte Gleska College, the Navajo Community College, and the American Indian Higher Education Consortium for demonstration projects designed to address the special needs of American Indian gifted and talented elementary and secondary school students and their families. The grantees shall be authorized to subcontract where appropriate, including with the Children's Television Workshop.

(b) Demonstration projects under this section may include—

(1) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these individuals and their families;

(2) the conduct of educational psychosocial and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of American Indian languages and exposure to American Indian cultural traditions.

(3) the use of public television in meeting the special educational needs of such gifted and talented children;

(4) leadership programs designed to replicate programs for such children throughout the United States, including the dissemination of information derived from the demonstration projects conducted under this section; and

(5) appropriate research, evaluation, and related activities pertaining to the needs of such children and their families.

(c) The Secretary of Education shall facilitate the establishment of a national network of American Indian and Native Hawaiian Gifted and Talented Centers, and ensure that the information developed by these centers shall be readily available to the education community at large.

(d) In addition to any other amount authorized for such projects, there is authorized to be appropriated $3,000,000 for fiscal year 1988 and for each succeeding fiscal year through fiscal year 1993. Such sums shall remain available until expended.

TITLE IV—NAVAJO COMMUNITY COLLEGE

AMENDMENTS

SEC. 401. (a) Section 5(b)(1) of the Navajo Community College Act (25 U.S.C. 640c-1(b)(1)) is amended by deleting "administrative, academic, and operations and maintenance costs." and inserting in lieu thereof the following: "the following factors—

"(A) funds for the maintenance and operation of the college, including basic, special, developmental, vocational, technical, and special handicapped education costs, funds for annual capital expenditures, including equipment needs, minor capital improvements and remodeling projects, physical plant maintenance and operation costs, and exceptions and supplemental need account, and costs associated with summer and special interest programs;

"(B) funds for major capital improvement costs, including internal capital outlay funds and capital improvement projects;

"(C) funds for mandatory payments, such as payments due on bonds, loans, notes, or lease purchases; and

"(D) funds to support supplemental student services, such as student housing, food service, and the provision of access to books and services.".

(b) Section 5(b)(2)(A) of such Act is amended to read as follows:

"(A) $5,820 per an Indian student count as determined by the Secretary in accordance with section 2(a)(7) of Public Law 98-192; or".

(c) Section 5(b)(2)(B) of such Act is amended by inserting immediately before the comma at the end thereof the following: "as determined under paragraph (b)(1)".

(d) Section 5(b)(2) of such Act is amended by deleting "less" and inserting in lieu thereof "more".

By Mr. MURKOWSKI (for himself and Mr. KARNES):

S. 1646. A bill to amend title 38, United States Code, to provide eligibility to certain individuals for beneficiary travel payments in connection with travel to and from Veterans' Administration facilities; to improve the review of quality assurance programs in the Veterans' Administration; and to extend the transition period for the veterans' readjustment counseling program; to the Committee on Veterans' Affairs.

VETERANS' BENEFICIARY TRAVEL, MEDICAL QUALITY ASSURANCE, AND READJUSTMENT COUNSELING IMPROVEMENTS ACT

● Mr. MURKOWSKI. Mr. President, as ranking minority member of the Committee on Veterans' Affairs, I rise today, along with the distinguished Senator from Nebraska, Senator, KARNES, to introduce a bill which addresses three issues: Travel reimbursement for eligible veterans to and from VA medical centers, VA health care quality assurance programs, and readjustment counseling for Vietnam-era veterans. I urge my colleagues to join with me in supporting this measure.

The beneficiary travel and quality assurance provisions of my bill are identical to those in S. 1464, as ordered favorably reported by the Committee on Veterans' Affairs on July 31, 1987. I am an original cosponsor of the beneficiary travel provisions which were carefully crafted in a bipartisan effort to meet the transportation needs of veterans seeking VA medical care in a thoughtful and responsible manner. In addition, I, along with Senator CRANSTON, Introduced those provisions of S. 1464 concerning the need to improve oversight of the VA quality assurance program. If veterans, the Congress, and the American people are to maintain confidence in the VA health-care system, we must be assured that the VA is delivering high quality health-care services. I am pleased that the distinguished chairman of the committee, Senator ALAN CRANSTON, and I have been able to work together on these very important issues, and I look forward to our continued joint efforts to see to their enactment.

I cannot, however, support title III of S. 1464, which is derived from S. 1501, relating to the Readjustment Counseling Program—otherwise known as the Vet Center Program. I object to the provisions of this title on procedural as well as substantive grounds. This title would make major and fundamental changes to that program. It would do so without the benefit of hearings or input from America's veterans.

Additionally, I have several serious concerns about the substance of the title—many of which are shared by certain veterans' service organizations. I can think of no words which can better express these concerns than the very eloquent and powerful statement of the National Commander of the Disabled American Veterans, Ken Musselmann—himself a very severely disabled Vietnam veteran—"[I]f we establish an official policy that says to Vietnam veterans that they are so different from all veterans of prior wars that services of this type will always have to be provided in a segregated setting, we are encouraging and perpetuating the very things we wish to abolish". As the Senate deliberates on legislation which would continue to perpetuate a segregated system of services for Vietnam veterans and which could serve to reinforce a false and self-defeating stereotype of these gallant men and women, I urge my colleagues to reflect on the words of Commander Musselmann.

I am introducing this bill which will provide my colleagues with the opportunity to support legislation relating to beneficiary travel and quality assurance without committing themselves to major policy changes in the Readjustment Counseling Program. The bill also includes a provision, previously passed by the Senate as part of S. 477, which would provide the VA with an additional year to complete the transition of the Vet Centers to the grounds of VA medical centers as required by current law.

I ask my colleagues to remember that there is no need for hasty action. The Vet Center Program is not threatened with extinction. By October 1, 1989, current law requires that readjustment counseling services be provided primarily on the grounds of VA medical centers. In certain locations there may be a need to continue operation in the community, and I am confident that the VA will make those judgments in a sound fashion based upon reasonable criteria.

Finally, The American Legion with 800,000 Vietnam veterans, the Veterans of Foreign Wars with 700,000 Vietnam veterans, and the AMVETS with 40,000 Vietnam veterans have asked the committee not to proceed with consideration of title III of S. 1464. These organizations—representing the interest of all veterans including those of the Vietnam-era—have asked the Congress to provide them with a chance to study the impact of these provisions and to comment on their merits and shortcomings.

I believe their request is most reasonable. Thus, I strongly urge my colleagues to join with me in cosponsoring my legislation which would:

First, provide beneficiary travel payments to certain veterans;

Second, improve oversight of the VA's quality asurance programs, and

Third, provide a 1-year extension of the date by which a majority of Vet Centers would be located on the grounds of VA medical centers.

I ask unanimous consent that the letters from these organizations and the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38, UNITED STATES CODE.

(a) Short Title.—This Act may be cited as the "Veterans' Beneficiary Travel, Medical Quality Assurance, and Readjustment Counseling Improvements Act of 1987".

(b) References to Title 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—BENEFICIARY TRAVEL

SEC. 101. VETERANS' ADMINISTRATION BENEFICIARY TRAVEL PROGRAM.

Section 111 is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f);

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) Except as provided in subsection (g) of this section and notwithstanding any other provision of law, if, in any fiscal year, the Administrator exercises the authority under this section to make any payments, the Administrator, in such fiscal year, shall make the payments prescribed in this section, subject to any applicable deduction under paragraph (2) of this subsection, to or for the following persons:

"(A) A person receiving benefits under this title for or in connection with a service-connected disability.

"(B) A veteran receiving pension under section 521 of this title.

"(C)(i) A veteran whose annual income, determined in accordance with section 503 of this title, does not exceed the maximum annual rate of pension which would be payable to such veteran if such veteran were eligible for pension under section 521 of this title, or (ii) a veteran who is determined, under regulations prescribed by the Administrator, to be unable to defray the expenses of the travel for which payment under this section is claimed.

"(D) A veteran whose travel to a Veterans' Administration facility was incident to a scheduled compensation and pension examination.

"(E) A veteran whose travel to a Veterans' Administration facility was required to be performed by a special mode of travel and such travel (i) was authorized by the Administrator before such travel was commenced, or (ii) was in connection with a medical emergency of such a nature that the delay incident to obtaining authorization under subclause (i) of this subparagraph would have been hazardous to the person's life or health.

"(2)(A) Except as provided in subparagraphs (B) or (C) of this paragraph, the Administrator, in making a payment under this section to or for a person described in subparagraphs (A), (B), or (C) of paragraph (1) of this subsection, shall deduct from the amount otherwise payable an amount equal to $3.75 for each trip to or from a Veterans' Administration facility.

"(B) In the case of a person who is determined by the Administrator to be a person who is required to make six or more one-way trips to or from a Veterans' Administration facility for needed care or services under chapter 17 of this title during the following calendar month or months, the amount deducted by the Administrator pursuant to subparagraph (A) of this paragraph from payments for trips made to or from such facility during any of such months shall not, except as provided in subparagraph (C) of this paragraph, exceed $22.50 with respect to travel made during such month.

"(C) Whenever the Administrator increases or decreases the rates of allowances or reimbursement to be paid under this section, the Administrator shall, effective on the date on which such increase or decrease takes effect, adjust proportionately the dollar amounts specified in subparagraphs (A) and (B) of this paragraph.";

(3) in subsection (f) (as redesignated by clause (1))—

(A) in paragraph (2)—

(i) by striking out clause (A); and

(ii) by redesignating clauses (B) and (C) as clauses (A) and (B); and

(B) in paragraph (4)—

(i) by inserting "or adjusting amounts" after "rates" the first place it appears; and

(ii) by inserting "and amounts" after "rates" the third place it appears; and

(4) by adding at the end the following new subsections:

"(g)(1) With respect to any fiscal year in which the Administrator exercises the authority under this section to make payments, the Administrator shall prior to October 1 of such year make an allocation to each Veterans' Administration medical facility sufficient to enable the head of such facility to make payments during such year to persons entitled to such payments under subsection (b) of this section.

"(2)(A) In any fiscal year in which funds are allocated pursuant to paragraph (1) of this subsection, the head of each such facility, unless granted a waiver pursuant to subparagraph (B) of this paragraph and regulations which the Administrator shall prescribe thereunder, shall utilize such funds, except as provided in subparagraph (C) of this paragraph, solely for the purpose of making payments under this section.

"(B)(i) In any case in which the head of such a facility demonstrates to the Chief Medical Director that, on April 12, 1987, such facility was making payments under this section at levels less than the levels then authorized under this section, the

Chief Medical Director shall waive the provisions of subsection (b) of this section and authorize payments to be made at any such prior level of payment or at any higher level, proposed by such facility head, less than the amounts prescribed in such subsection.

"(ii) In any other case in which the head of such a facility proposes to make payments under this section at a level less than the amount prescribed in subsection (b) of this section, if the Chief Medical Director determines that making payments at such lesser level would be in the best interests of furnishing care and services to eligible veterans at such facility, the Chief Medical Director may waive the provisions of subsection (b) of this section and authorize payments to be made at the level proposed by such facility head or at any higher level less than the amounts prescribed in such subsection.

"(C) Any funds which are allocated to a facility pursuant to paragraph (1) of this section for the purpose of payments under this section but which are not expended for such purpose shall be available to the head of such facility for support of other authorized direct-health-care purposes.

"(h)(1) The Administrator, in consultation and coordination with the Secretary of Transportation and appropriate representatives of veterans' service organizations, shall take all appropriate steps to facilitate the establishment and maintenance of a program under which such organizations or individuals who are volunteering their services to the Veterans' Administration would take responsibility for the transportation, without reimbursement from the Veterans' Administration, to Veterans' Administration facilities of veterans, primarily those residing in areas which are geographically accessible to such facilities, who seek services or benefits from the Veterans' Administration under chapter 17 or other provisions of this title.

"(2) Not later than six months after the date of the enactment of this subsection, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the implementation of this section.".

TITLE II—MEDICAL QUALITY ASSURANCE

SEC. 201. ESTABLISHMENT OF OFFICE OF MEDICAL INSPECTOR GENERAL.

(a) IN GENERAL.—Chapter 73 is amended by inserting after section 4103 the following new section:

"§ 4103A. Office of Medical Inspector General

"(a) There is established in the Office of the Chief Medical Director an Office of Medical Inspector General.

"(b) The Office of Medical Inspector General shall consist of the following:

"(1) The Medical Inspector General who (A) shall be the head of the Office of Medical Inspector General, (B) shall be directly responsible to the Chief Medical Director for such functions as may be assigned to the Medical Inspector General in regulations prescribed by the Chief Medical Director consistent with the provisions of this section, and (C) shall be a qualified doctor of medicine appointed by the Administrator upon the recommendation of the Chief Medical Director.

"(2) Not less than five Assistant Medical Inspectors General who shall be qualified doctors of medicine, doctors of dental surgery or dental medicine, or registered nurses and who shall be employed on a full-time basis in the Veterans' Administration.

"(3) Not less than two registered nurses (including any who are Assistant Medical Inspectors General) who are employed on a full-time basis in the Veterans' Administration.

"(4) Not less than one qualified doctor of dental surgery or dental medicine (who may be an Assistant Medical Inspector General) who is employed on a full-time basis in the Veterans' Administration.

"(5) Not less than five support personnel, who are employed on a full-time basis in the Veterans' Administration.

"(c) The Medical Inspector General shall be appointed for a term of four years, with reappointment permissible for successive like periods. The Medical Inspector General shall be subject to removal by the Administrator only for reasonable cause upon the recommendation of the Chief Medical Director.

"(d)(1) The Medical Inspector General shall monitor, review, and investigate any adverse incident which is experienced by a patient during the course of the patient's care in a Veterans' Administration health-care facility, including any incident that would not normally be considered a natural consequence of the patient's disease process or illness and any incident that would carry a recognized need for medical intervention.

"(2) The Medical Inspector General shall also conduct such reviews and investigations as the Medical Inspector General considers necessary to identify problems in the provision of health care to veterans and, when problems are detected, shall propose to the Chief Medical Director such corrective measures as the Medical Inspector General considers necessary or appropriate.

"(3) The Medical Inspector General shall conduct such other studies, reviews, and investigations relating to the quality of health care provided to veterans as the Administrator or the Chief Medical Director may assign to the Medical Inspector General.

"(4) Subject to paragraph (3) of this subsection, the Medical Inspector General shall have sole discretion in determining whether to investigate any incident involving patient care or to study or review any problem in the provision of health care to veterans.

"(e) In conducting an investigation of any incident involving the care of a patient or any study or review of any problem in the provision of health care to veterans, the Medical Inspector General shall assign to the investigation, study, or review at least one health-care professional from the Office of the Medical Inspector General.

"(f) The Medical Inspector General shall submit to the Administrator, the Chief Medical Director, and the Committees on Veteran Affairs' of the Senate and the House of Representatives a report each year, not later than February 1, on the activities of the Office of Medical Inspector General under this section during the preceding fiscal year. The Medical Inspector General shall include in each such report—

"(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Department of Medicine and Surgery disclosed by such activities during the preceding fiscal year;

"(2) a description of (A) the recommendations for corrective action and of any recommendations for disciplinary action made by the Office during the preceding fiscal year with respect to significant problems, abuses, or deficiencies identified pursuant to clause (1) of this subsection, and (B) the action taken as of the end of such fiscal year on each such recommendation, including any such recommendations on which action had not been completed prior to the end of such fiscal year;

"(3) a specification of (A) which activities of the Office were carried out pursuant to an assignment by the Administrator or the Chief Medical Director, and (B) which activities of the Office were carried out on the initiative of the Medical Inspector General;

"(4) an identification of each significant recommendation for corrective or disciplinary action described in the report or in previous annual reports under this subsection on which action has not been completed;

"(5) a summary of any matters referred to prosecutorial authorities and the prosecutions and convictions which have resulted; and

"(6) a summary of each incident in which information or assistance requested by the Medical Inspector General from the Department of Medicine and Surgery during the preceding fiscal year has been, in the judgment of the Medical Inspector General, unreasonably refused or not provided.

"(g) The Medical Inspector General shall be an ex officio, nonvoting member of all policymaking bodies within the central office of the Department of Medicine and Surgery that are concerned with the quality of health care provided in Veterans' Administration facilities or that are concerned with quality assurance in the provision of such care. The Medical Inspector General shall not, however, have any direct responsibility for quality assurance activities, including patient risk management and the reporting of patient injuries under quality assurance procedures.

"(h)(1) The Administrator shall transfer to the Office of Medical Inspector General each fiscal year, out of any funds available to the Veterans' Administration for such fiscal year (other than funds available for the operation of the central office of the Department of Medicine and Surgery), such amounts as may be necessary, as determined by the Chief Medical Director, to support five full-time medical doctors and five full-time support personnel in the Office of Medical Inspector General.

"(2) The positions of five full-time medical doctors and five full-time support personnel in the Office of Medical Inspector General shall be counted against the number of full-time employees authorized by the Office of Management and Budget for the program, function, or activity for which the funds transferred pursuant to paragraph (1) of this subsection would be available except for the transfer of such funds. In the event that the Administrator transfers funds from more than one program, function, or activity, the ten full-time positions shall be counted against the number of such positions authorized by the Office of Management and Budget for each such program, function, or activity in proportion to the amount of funds transferred therefrom."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4103 the following:

"4103a. Office of Medical Inspector General.".

SEC. 202. ASSISTANT CHIEF MEDICAL DIRECTOR FOR QUALITY ASSURANCE.

Section 4103(a)(4) is amended by adding at the end the following new sentence: "One Assistant Chief Medical Director shall be a qualified physician trained in, or having suitable extensive experience in, health-care quality assurance and risk management who shall be responsible to the Chief Medical Director for carrying out the responsibilities assigned to the Chief Medical Director in subchapter V of this chapter and such related responsibilities as are assigned to the Assistant Chief Medical Director by the Chief Medical Director.".

SEC. 203. IMPLEMENTATION OF THE HEALTH CARE QUALITY ASSURANCE PROGRAM.

Section 4151 is amended by adding at the end the following:

"(f) The Chief Medical Director shall take such action as may be necessary to ensure that all personnel of the Department of Medicine and Surgery—

"(1) are given an explanation periodically of their responsibilities for the quality assurance activities of such department; and

"(2) are advised that any failure to comply with quality assurance procedures prescribed in regulations or in procedural publications issued by the Department of Medicine and Surgery, including any failure to report any incident as required under such procedures, will result in appropriate disciplinary action.".

SEC. 204. ESTABLISHMENT OF THE VETERANS' ADMINISTRATION ASSISTANT INSPECTOR GENERAL FOR HEALTH CARE QUALITY ASSURANCE REVIEW.

(a) IN GENERAL.—(1) Chapter 3 is amended by adding at the end the following new subchapter:

"Subchapter V—Other Veterans' Administration Offices

"§ 250. Assistant Inspector General for Health Care Quality Assurance Review

"(a) There is established in the Veterans' Administration Office of the Inspector General, in addition to the positions of Assistant Inspector General of the Veterans' Administration provided under section 3(d) of the Inspector General Act of 1978 (5 U.S.C. App. 3), the position of Assistant Inspector General for Health Care Quality Assurance Review.

"(b) The Administrator shall make available to the Office of the Inspector General sufficient resources to provide for an Assistant Inspector General for Health Care Quality Assurance Review and the personnel required by subsection (d) of this section and to enable such Assistant Inspector General and personnel to perform the duties of such Assistant Inspector General.

"(c) The Assistant Inspector General for Health Care Quality Assurance Review shall be a qualified doctor of medicine appointed by the Inspector General of the Veterans' Administration.

"(d) The staff of the Assistant Inspector General for Health Care Quality Assurance Review shall include the following:

"(1) Not less than two qualified doctors of medicine.

"(2) Not less than one qualified doctor of dental surgery or dental medicine.

"(3) Not less than one qualified registered nurse.

"(4) Not less than one attorney who has expertise in health care law.

"(5) Not less than one individual who has expertise in health care quality assurance and risk management.

"(6) Not less than one individual who has expertise in health care administration.

"(7) A sufficient number of support and additional personnel, but not less than the equivalent of five full-time personnel, to enable the Assistant Inspector General for Health Care Quality Assurance Review to perform the duties of such Assistant Inspector General.

"(e) The Assistant Inspector General for Health Care Quality Assurance Review, in addition to performing (with respect to activities of the Department of Medicine and Surgery) such other functions and duties prescribed for the Inspector General of the Veterans' Administration in the Inspector General Act of 1978 (5 U.S.C. App. 3) as may be directed by the Inspector General, shall—

"(1) monitor, through reviews of Veterans' Administration health care facilities, the establishment and implementation of the health-care quality assurance and risk management programs of the Department of Medicine and Surgery;

"(2) monitor the activities of the Medical Inspector General of the Department of Medicine and Surgery;

"(3) recommend that the Medical Inspector General of the Department of Medicine and Surgery conduct such investigations as the Assistant Inspector General for Health Care Quality Assurance Review considers appropriate;

"(4) coordinate the activities of the Assistant Inspector General for Health Care Quality Assurance Review with the activities of the Medical Inspector General of the Department of Medicine and Surgery;

"(5) review any investigation conducted by the Medical Inspector General of the Department of Medicine and Surgery of any adverse incident or incidents occurring during the course of providing health-care services in a Veterans' Administration facility or facilities and make such recommendations for additional action to such Medical Inspector General as the Assistant Inspector General for Health Care Quality Assurance Review considers appropriate;

"(6) monitor and analyze the collection and analysis of quality assurance and risk management information by the Department of Medicine and Surgery (including information relating to medical malpractice claims), review the quality assurance and risk management information collected by the Department of Medicine and Surgery in order to identify data that is not collected and should be collected, and monitor the analysis by the Department of Medicine and Surgery of trends in the provision of health care services by such Department;

"(7) make to the Inspector General such recommendations for corrective action on health-care matters as the Assistant Inspector General for Health Care Quality Assurance Review considers appropriate; and

"(8) monitor the implementation of recommendations for corrective action made to the Administrator by the Inspector General on health-care matters.

"(f) The Inspector General of the Veterans' Administration, in addition to preparing and submitting the reports required by the Inspector General Act of 1978 (5 U.S.C. App. 3), shall submit to the Administrator and the Committees on Veterans' Affairs of the Senate and the House of Representatives each year, not later than February 1, a report containing—

"(1) a discussion of the activities undertaken by the Assistant Inspector General for Health Care Quality Assurance Review during the fiscal year preceding the fiscal year in which the report is submitted, including—

"(A) the findings and conclusions resulting from such activities;

"(B) the recommendations made (on the basis of such activities) by the Inspector General to the Administrator for corrective action in the activities of the Department of Medicine and Surgery; and

"(C) any corrective actions taken with respect to those recommendations; and

"(2) a discussion of the activities undertaken by the Assistant Inspector General for Health Care Quality Assurance Review to monitor the activities of the Medical Inspector General of the Department of Medicine and Surgery during the fiscal year preceding the fiscal year in which the report is submitted, including—

"(A) the findings of the Inspector General of the Veterans' Administration and the Assistant Inspector General for Health Care Quality Assurance Review on the activities of the Medical Inspector General of the Department of Medicine and Surgery during such preceding fiscal year;

"(B) the recommendations, if any, made by the Inspector General of the Veterans' Administration to the Chief Medical Director or the Administrator on the basis of such monitoring activities, including any recommendations for remedial or disciplinary actions as a result of such activities; and

"(C) an assessment of the extent to which the Medical Inspector General of the Department of Medicine and Surgery has been effective during such preceding fiscal year in bringing about such recommended remedial and disciplinary actions.

"(g) The rate of pay for the position of Assistant Inspector General for Health Care Quality Assurance Review shall be the same rate of pay established for the positions of the other Assistant Inspectors General of the Veterans' Administration.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER V—OTHER VETERANS' ADMINISTRATION OFFICES

"250. Assistant Inspector General for Health Care Quality Assurance Review.".

(b) RESOURCES FOR MONITORING QUALITY ASSURANCE PROGRAM.—Section 4151(e)(2) is amended by inserting "to the Assistant Inspector General for Health Care Quality Assurance Review" after "qualifications)".

SEC. 205. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 1987.

TITLE III—READJUSTMENT COUNSELING

SEC. 301. POSTPONEMENT OF TRANSITION PERIOD FOR READJUSTMENT COUNSELING PROGRAM.

Section 612A(g) is amended—

(1) in paragraph (1), by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990";

(2) in paragraph (1)(A)—

(A) by striking out "October 1, 1989" and inserting in lieu thereof "October 1, 1990.".

SEC. 302. REQUIREMENT TO OBTAIN SOCIAL SECURITY NUMBERS OF BENEFICIARIES.

Section 612(A) is amended by adding at the end the following new subsection:

"(i) The Administrator, for the purpose of determining and analyzing information on the workload and work-flow in furnishing services under this section, shall obtain from each veteran receiving such services the veteran's social security number.".

DISABLED AMERICAN VETERANS, NATIONAL SERVICE AND LEGISLATIVE HEADQUARTERS, *Washington, DC, July 30, 1987.*

Hon. Frank H. Murkowski,
U.S. Senate,
Washington, DC.

Dear Senator Murkowski: During the July 31, 1987, Veterans Affairs Committee "markup" hearing, Senator Frank Murkowski will offer an amendment in the nature of a substitute to S. 1501, The Vietnam Veterans Readjustment Counseling Program Preservation Act of 1987.

As presently drafted, S. 1501 proposes to delete certain language contained in Section 612A, Title 38, U.S.C., and thereby remove the current statutory requirement that, by October 1, 1989, an orderly transition shall have occurred, transforming the current program of readjustment counseling services from one primarily located in centers situated apart from VA medical facilities, to a program primarily located within VA medical facilities.

As we understand the Murkowski Amendment it would, among other things, retain the current law requirement for an orderly transition of the majority of readjustment counseling services to VA medical facilities, however, it would postpone the date for such a transition to be completed until October 1, 1990.

In this regard, the DAV is supportive of an orderly and gradual programmatic transition of VA's Readjustment Counseling Centers into VA medical centers. Accordingly, we favor this aspect of the Murkowski Amendment which seeks to set a timeframe for the accomplishment of the transition.

Our organization has long been and continues to be a strong supporter of VA Psychological and Readjustment Counseling Services for Vietnam veterans. Indeed, the authorization for such services (P.L. 96-22) and subsequent evolution of the VA's "outreach" or "Vet Center" concept for provision of such services were influenced greatly by the DAV's own Vietnam Veteran Outreach Program which had its beginning in 1976.

A decade ago, when recognition and understanding of the post-traumatic stress disorder (PTSD) problems of Vietnam veterans was just beginning to emerge and when Vietnam veterans themselves were filled with feelings of anger, suspicion and bitterness toward government authority and government institutions—including the Veterans Administration—it made a great deal of sense to position counseling and readjustment services out of the "traditional" VA setting. The logic—and it proved to be very sound—was that Vietnam veterans, distrustful of government authority/bureaucracy, suffering from PTSD and other types of readjustment problems, would be much more receptive to the extension of services in a local community setting.

Indeed the VA's current program may never have gotten off the ground had it not been physically separated from the traditional setting.

But while the commitment was made to provide these services for as long as they were needed, a history of the program and its development reveals that all who were involved—the Congress, the VA and the veterans' community—envisioned that at some point in time, although the need for these services might well continue to exist, their provision, in the majority of cases, could be phased back into the traditional setting of VA medical facilities.

The DAV has and continues to subscribe to this scenario.

We believe, from the standpoint of the ultimate reconciliation, readjustment and, if you will self-acceptance of Vietnam veterans themselves, that it is essential for these services to be phased back if Vietnam veterans shall not, in fact, continue to be alienated or continue to perceive themselves to be alienated from the rest of the veterans' community and society as a whole. In a very real sense, if we establish an official policy that says to Vietnam veterans that they are so different from all veterans of prior wars that services of this type will always have to be provided in a segregated setting, we are encouraging and perpetuating the very thing we wish to abolish.

The national environment and the mindset of Vietnam veterans and many Americans that existed ten to fifteen years ago, that required segregated Vet Centers if the program was to work at all, no longer exists today. . . signs of this are everywhere: the attraction of the Vietnam Veterans Memorial to millions of Americans, the plethora of movies and books about Vietnam and televised fund raising tributes are recent indications of an ongoing and healthy national reconciliation process. We would submit the attitudes and self-image of Vietnam veterans themselves have been and continue to be improved.

In short, the appropriate and orderly "phase back" of the majority of readjustment and counseling services for Vietnam veterans to a VA hospital setting is an attainable goal, born of sound policy, and should not be abandoned. The DAV does not support any change of current law that would deter us from such a goal or fundamentally alter such a policy.

We therefore urge that you and other members of the Committee strongly support this portion of the Murkowski Amendment to S. 1501.

Sincerely,

Kenneth G. Musselmann,
National Commander.

July 17, 1987.

Hon. Alan Cranston,
Chairman, Senate Veterans' Affairs Committee, Russell Senate Office Building, Washington, DC.

Dear Chairman Cranston: On review of legislation, S. 1501, which you introduced on July 15, we find ourselves in substantive disagreement over some of the specific provisions. Therefore, we respectfully request a formal public hearing to examine the contents of this legislation. While we are mandated by National Convention resolution to support the "Vet Center" program, the general expansion of it under section 3(A) and (B) of S. 1501 to include eligibility for counseling for "any veteran or person" is objectionable. The meaning of "or person" in the legislation is without definition in title 38 and we fear it may permit access to the program by dishonorably discharged individuals or others for whom the program was never intended.

A second consideration we believe justifies a hearing is the matter of personnel and fiscal resources that will be required to implement the expansion of the "Vet Center" program. By this we refer specifically to the provision of services by the VA's Department of Veterans Benefits and Department of Medicine and Surgery.

Moreover, in view of the foregoing reservations concerning S. 1501, we must conclude that it would be premature to mark up this legislation at the committee session scheduled for July 23. As always, your attention to the views of The American Legion is appreciated.

Sincerely,

E. Philip Riggin,
Director.
National Legislative Commission.

Veterans of Foreign Wars of the United States,
Washington, DC, July 21, 1987.

Hon. Alan Cranston,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Veterans of Foreign Wars was greatly disturbed with the discovery of your intention to mark up the "Veterans Readjustment Counseling Preservation Act of 1987" this coming Thursday, July 23, 1987. We firmly believe this bill, S. 1501, should have the benefit of a hearing in order to fully explore its merits and/or shortcomings.

As you know, S. 1501 not only counters the intent of current law but redirects the entire thrust of the Vet Center Program. A bill of this magnitude demands careful congressional oversight coupled with the recommendations and concerns of the Veterans of Foreign Wars and other veteran's organizations.

For these reasons, we strongly urge you to refrain from marking up S. 1501 so as to properly allow for a congressional hearing.

Sincerely,

Cooper T. Holt,
Executive Director.

AMVETS,
Lanham, MD, July 20, 1987.

Hon. Alan Cranston,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The American Veterans of World War II, Korea and Vietnam (AMVETS) wishes to respectfully comment on the proposed bill: "Vietnam Veterans Readjustment Counseling Program Presentation Act of 1987" introduced by yourself together with Senators Matsunaga and Kerry.

While AMVETS is supportive of the Vet Centers' concept and their unique ability to deliver needed psychological services to Vietnam Era Veterans, we believe that the proposed "Act" needs to be at this time more fully aired and debated. There is scant time for AMVETS to fully review the merits of the "Act", especially Section 3, in order to make an informed decision.

AMVETS, therefore, cannot at this time support the Act until we have had time to fully review the Act's implication with respect to the Vet Centers.

Thank you for allowing AMVETS the opportunity to express its views.

Sincerely,

David J. Passamaneck,
National Legislative Director.

Non-Commissioned Officers Association,
Alexandria, VA, July 28, 1987.

Hon. Alan Cranston,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Non Commissioned Officers Association (NCOA) is deeply concerned about the provisions of S. 1501 and your amendment No. 610 which would extend psychological readjustment counseling benefits through vet centers to active duty servicemembers. While NCOA appreciates the obvious concern this legislation expresses for active duty servicemembers, we believe it is likely to create substantial problems.

Both the physical and mental health of members of the armed forces are critical to military readiness. Accordingly, the military provides a full support network (including individual and family counseling) to meet the health needs of service personnel and to identify individual health problems which may adversely affect readiness or safety. Extending psychological counseling to active military personnel outside this monitored system could have a devastating effect on readiness and the safety of both the member and his unit. It would be most tragic and unfortunate to allow this to happen.

NCOA urges you to withdraw the provisions concerning care for active duty military personnel from S. 1501. Thank you for your consideration.

Sincerely,

RICHARD W. JOHNSON,
Director for Legislative Affairs.

By Mr. CHILES (for himself, Mr. PRYOR, Mrs. KASSEBAUM, Mr. PROXMIRE, Mr. EXON, Mr. NICKLES, Mr. COHEN, Mr. MITCHELL, Mr. SANFORD, Mr. ADAMS, and Mr. CONRAD):

S. 1647. A bill to reform the laws relating to former Presidents; to the Committee on Governmental Affairs.

FORMER PRESIDENTS ACT

Mr. CHILES. Mr. President, today, I am introducing the "Former President's Act of 1987."

Senators PRYOR, KASSEBAUM, PROXMIRE, EXON, NICKLES, COHEN, MITCHELL, SANFORD, ADAMS, and CONRAD join me in cosponsoring this legislation.

The bill is designed to stop, and then reverse, the increasing costs of services and protection currently provided former Presidents. It is designed to restore the original intent and character of the programs dedicated to former Presidents.

A close examination of former Presidents' benefits continues to reveal we are still in an era of the "imperial" former Presidency, with lavish libraries, special staffs and benefits, around-the-clock Secret Service protection for life, and other badges of privilege.

This legislation will establish a reasonable set of controls on the Federal spending associated with programs benefiting former Presidents. The authorizations for these programs remain open-ended; the level of expenditures remain out of control. Their cost has leaped from $64,000 in 1955 to $6.3 million in 1975 to over $24 million in fiscal 1986.

Since 1981, the overall program has cost more than the expense of running the White House for our incumbent President.

Looking back on how the laws relating to former Presidents were put together, Congress has repeatedly affirmed a national policy ensuring each former President a dignified retired life, free from a need to commercialize the prestige of the Office of the Presidency, and free from danger resulting from its visibility. The original purposes of the various laws governing former Presidents reflect this belief.

Since our Nation's first President took the oath of office in 1789, 30 Presidents have left public office to reenter private life, George Washington, our first and most eminent President, reminded us that to return to private life after serving as President is one of the highest honors a citizen of our country could receive.

But the history of our former President's demonstrates that the transition out of office has not always been easy. History suggests that only two former Presidents, William Howard Taft and John Quincy Adams, achieved greater happiness once out of the White House. Taft became a Chief Justice; Adams served a distinguished career in the House of Representatives. While several former President's did not have financial problems once out of office, a number of our former Presidents, including Thomas Jefferson and Ulysses Grant, died penniless.

Prior to 1958, the President of the United States was virtually the only officer or employee of the Federal Government not covered by some sort of retirement program, much less the other benefits they receive today. Largely as a result of needs presented by President Truman, Congress passed legislation to enable franking privileges, establish an office allowance and staff, and create pensions. The former President's Library Act was also passed in the late 1950's. Later legislation extended Secret Service protection.

The increase in expenditures we have experienced since then greatly exceeds original program expectations. More importantly, tax dollars have been used to help former Presidents become wealthy. This is a consequence never envisioned by the lawmakers who authorized the original acts. It decreases citizen confidence and respect for the institution of the American Presidency.

By failing to place reasonable limits on these programs for former Presidents, Congress is permitting them to extend far beyond their intent and character. This direction must be reversed.

This bill is similar to legislation I introduced to the 96th, 97th, 98th, and 99th Congresses. My comments on this bill are similar to what I stated in the last Congress. Since its initial introduction over 7 years ago, considerable work and several modifications have resulted in this edition.

While progress has been slow, it has been steady. There has been a sustained national discussion on what the taxpayers' responsibility for former Presidents should be. I believe all interested parties have commented and contributed to what is in the bill today. The provisions summarized at the end of this statement represent a balanced approach to enable former Presidents to have a dignified retired life, yet end what I have called the era of the "imperial" former Presidency.

In the past this legislation has addressed three basic areas; libraries, office staff and allowances, and secret service protection. During the past Congress, the title relating to Presidential libraries was separated from the comprehensive bill and enacted into law. The Presidential Libraries Act of 1986 (P.L. 99-323) limits the size of future Presidential libraries to 70,000 square feet, unless an endowment is provided to cover additional expenses. The new law also requires a private endowment of 20 percent of the value of the facility be provided to help defray operating costs.

While the Senate passed unanimously the remaining two titles limiting office staff and allowances and Secret Service protection, the House did not act upon the legislation. (S. 1047; S.R. 99-349)

I am reintroducing the remaining two titles this Congress because I think it is important Congress complete the task of stopping the excesses in the former Presidents programs. I am optimistic the job can be done this Congress for two reasons.

In the past this legislation has been referred to four separate House committees. With this bill I believe the referral process will involve only two committees. Together with Congressman NELSON who has sponsored this legislation in the House, I have communicated with the chairmen of both the House Judiciary and House Post Office and Civil Service Committees. They have indicated a willingness to consider and move the legislation.

Second, former President Nixon voluntarily relinquished his Secret Service protection last year. Former President Ford responded to this action on national television by stating that at the proper time, under the proper circumstances, he and Mrs. Ford will do the same. I view these actions as acknowledgements by two of our former Presidents that there comes a point when the need for protection diminishes. This should encourage some who have expressed concern about limitations on Secret Service protection to rethink the issue.

In conclusion, this legislation strikes a balance between the legitimate needs which arise from an individual's service as President and the need to impose reasonable controls on Federal spending. Obviously, passage of this bill is not going to balance the budget. It will save money. More importantly, we should not lose sight of the original purpose and character of the former Presidents programs.

Given the sacrifices many are being asked to make in order to reduce the huge Federal deficits, the "imperial" former Presidency is a highly visible national symbol which is wrong and should be removed.

I invite my colleagues to join in cosponsoring this legislation.

Mr. President, I ask unanimous consent that a summary of the bill and a table showing costs of former Presidents to U.S. taxpayers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF FORMER PRESIDENTS ACT OF 1987

TITLE I: OFFICE STAFF AND ALLOWANCES

Establishes an original staff allowance of $300,000 a year, which will be reduced over a 9 year period to a ceiling of $200,000 a year. The Administrator of the General Services Administration [GSA] is to be the accountable Federal official for supervising the allowance.

Limits each former President to one office which is to be located in a public building owned or leased by the United States. The office is not to be in excess of 4,000 square feet unless the Administrator determines unusual circumstances exist to warrant more space.

Prohibits the use of funds for either partisan political activities or income-generating activities. Funds may not be used for the preparation of memoirs or speeches or other media engagements for which the former President is paid.

Requires each former President to submit a report by March 1 of each year concerning activities carried out with the funds for necessary services and facilities provided under the act.

Mandates a 10-year "sunset" provision for the authorization of staff allowances. The automatic termination forces Congress to redetermine what the proper funding should be at least every 10 years.

Places the pension of a surviving spouse at two-thirds the level of a former President's pension if the former President were alive.

Authorizes the Administrator of GSA to provide necessary services and facilities to a former Vice President for winding up the affairs of Office.

TITLE II: PRESIDENTIAL PROTECTION

Specifies a former President may have automatic, around the clock Secret Service protection for 5 years instead of for life. The Secretary of the Treasury must justify at least annually to the Congress any additional protection needed after the 5-year period.

Specifies a spouse and children may have protection for 2 years after the respective President leaves office, after which their protection becomes incidental to protection given to the former President.

Entitles a surviving spouse, and surviving children to 6 months of protection after a former President dies, or to the remaining time in the 2-year period after a President leaves office, whichever is longer.

Mandates the Secretary of the Treasury to consider any request for protection by a former President, spouse, surviving spouse, children, or surviving children, and report to Congress if the request is not acted upon.

Authorizes the President to direct the Secret Service to protect a former President, spouse, surviving spouse, child, or surviving child upon determining that a threat warrants emergency action. The President shall notify Congress and such authorization shall not extend beyond 60 days, or beyond the time needed for congressional review once the Secretary of the Treasury has submitted a request.

Limits protection of former Vice Presidents from their last day in office to the end of that fiscal year.

COST OF FORMER PRESIDENTS TO U.S. TAXPAYERS

Fiscal year	Libraries	Office allowances	Secret Service protection	Total
1955	$63,745			$63,745
1956	64,853			64,853
1957	74,836			74,836
1958	142,536			142,536
1959	168,057	$160,000		328,057
1960	180,140	200,000		380,140
1961	219,223	250,000		469,223
1962	294,297	300,000		594,297
1963	325,520	310,000		635,520
1964	380,251	300,000	$49,507	729,758
1965	559,485	310,000	100,790	970,275
1966	611,966	235,000	289,022	1,135,988
1967	613,745	235,000	346,633	1,195,378
1968	676,000	251,000	390,298	
Truman Library addition	312,000			1,629,298
1969	1,406,808	253,000	527,552	
Hoover Library addition	1,074,000			3,261,360
1970	1,980,855	335,000	727,617	3,043,472
1971	2,252,289	343,000	1,002,355	
Eisenhower Library addition	1,610,000			5,207,644
1972	2,513,559	418,000	1,275,120	
Roosevelt Library addition	882,000			5,088,679
1973	2,722,116	408,000	1,241,117	4,371,233
1974	2,863,457	60,000	979,789	3,903,246
1975	4,542,447	160,000	1,530,144	6,232,591
1976	6,409,380	364,168	2,294,887	9,068,435
1977	6,297,611	390,000	4,679,489	11,367,100
1978	7,230,486	671,000	6,252,190	14,153,676
1979	7,523,783	771,000	7,187,582	
Truman Library addition	2,667,000			18,149,365
1980	10,171,000	740,394	7,563,432	18,474,826
1981	12,295,000	718,325	9,741,663	22,754,988
1982	11,532,000	1,025,000	11,750,238	24,307,238
1983	12,972,000	1,029,000	10,941,419	24,942,419
1984	14,350,000	1,068,000	10,741,124	26,159,124
1985	14,636,000	1,151,000	11,416,329	27,203,329
1986	14,845,000	1,065,000	8,359,615	24,269,615
1987 (estimated)	14,943,000	1,172,000	8,939,508	25,054,508
Kennedy Library addition	5,200,000			30,299,497
1988 (estimated)	16,920,000	1,328,000	9,346,954	27,594,954

By Mr. MITCHELL (for himself and Mr. DURENBERGER):

S. 1648. A bill to amend titles XI and XVIII of the Social Security Act to improve the efficiency and fairness of the system of peer review of the utilization and quality of health care services, and for other purposes; to the Committee on Finance.

PEER REVIEW ORGANIZATION REFORM ACT

● Mr. MITCHELL. Mr. President, I rise today to introduce the Peer Review Organization Reform Act of 1987. I strongly support the concept of peer review for the Medicare Program, but believe that the program needs to be amended to reflect legitimate concerns raised by providers and PRO contractors.

In March of this year, I chaired a hearing in the Health Subcommittee to examine the Peer Review Organization. During that hearing a number of witnesses expressed their concerns about major problems they had experienced in the administration of the PRO Program.

The legislation I am introducing today is an attempt to address some of those concerns, and to improve the ability of PRO's to carry out the important task of providing quality health care for Medicare beneficiaries, while at the same time controlling utilization, and therefore costs, of the program.

During the March hearing a number of witnesses, particularly physicians, expressed their concern about the issue of due process for providers. Press accounts of rural physicians who had been sanctioned were cited, raising particular concern about physicians in rural parts of our country who had lost the right to participate in the Medicare Program.

Since the March hearing, the American Medical Association, the Health Care Financing Administration, the American Association of Retired Persons, and the Office of the Inspector General in the Department of Health and Human Services have reached an agreement which is designed to improve the procedures for imposing sanctions on physicians. My bill calls for the Secretary to report to Congress 1 year after enactment of this legislation on the improved procedures for imposing sanctions, as described in this agreement.

My legislation also requires the Secretary to consult with representatives of providers other than physicians to see if the terms of the agreement can be made applicable to them. The bill includes a provision requiring reasonable notice and opportunity for a practioner or provider to discuss and review a determination prior to the denial of a claim.

The level of funding for the PRO Program has been an ongoing concern expressed by the Health Care Financing Administration, AMPRA, the American Hospital Association, and physicians. Many believe that inadequate funding for the program has created numerous problems including a lack of onsite review for rural hospitals.

This legislation calls for separate funding levels for the Peer Review Organization, and requires that any expansion of the scope of work be accompanied by a reasonable increase in funding. Because of the unusual funding structure of the PRO Program, legislating in this area is difficult. We intend to continue to work on this issue to come to the best resolution of the funding problem within the existing funding mechanism for this program.

The issue of contract management was one raised by the hospital industry as well as the PRO's themselves. It is now common for HFCA to issue changes in regulations and to require additional review functions in a very short timeframe. Our bill includes a provision which requires HCFA to give both PRO's and hospitals a reasonable timeframe in which to implement any changes and calls for a renegotiation of the fixed-price contract for any additional scope of work.

In an effort to improve the communications work between PRO's and hospitals, this legislation includes a number of provisions which will increase the contact between reviewers and hospital staff, including a requirement for a minimum level of onsite review and a periodic educational review between physician reviewers and professional staff. This legislation also creates a Quality of Care Research and Education Center designed to enhance the performance of PRO's.

The Peer Review Organization Reform Act of 1987 is an attempt to address the major concerns expressed by physicians, hospitals, PRO's, and the administration about the Peer Review Organization Program under Medicare. It is not a panacea for all problems and will not totally satisfy the concerns of all of these parties.

It is, however, an honest effort to resolve the most glaring of these problems and work toward the improvement of this vital program which protects the quality of health care for millions of elderly persons.

I look forward to working with my colleagues in the Senate and with interested organizations to refine and improve this legislation in the coming weeks. I welcome interest and support from my colleagues and urge their support of this important bill.●

● Mr. DURENBERGER. Mr. President, I am delighted to join my distinguished colleague from Maine, Senator GEORGE MITCHELL, in introducing the Peer Review Organization Reform Act of 1987. This bill would improve the administrative efficiency and fairness of the peer review system [PRO] which Congress has created to ensure that health care purchased on behalf of Medicare beneficiaries is of high quality, as well as medically necessary and appropriate. Oversight of the PRO Program in order to guarantee the safety and quality of health care for Medicare beneficiaries, especially the frail elderly, is one of the most important duties of the Finance Committee.

This bill will help correct some contracting and administrative problems and move us to resolving what is to me the most severe problem: the serious underfunding of the program. The Minnesota experience is a good indicator of what is happening across the country. The Minnesota PRO Program is in a state of crisis at this time. Why? Because peer review requirements and additional obligations for new review duties have far outstripped the Federal commitment to pay for the services. The Minnesota PRO Program has worked well for years and has enjoyed the support of a large number of dedicated doctors and other health professionals. I have talked with or heard from dozens of physicians and physician advisers in the program in the past few months, especially the last 2 weeks. It is clear that we must act soon to stem defection from the program. Dr. Jim Knapp, a practicing physician from Dakota Lakes, MN, whose opinions I value, summarized these issues eloquently in the following way:

> We must make this program work. Otherwise, Congress will have to develop some other kind of surveillance and all of the hard work done to date will be wasted. To have real peer reviews, you have to have experts. A properly done review—and Medicare should want no less—is time consuming. Concentrated time is required and care must be taken in making judgments. Both physicians reputations and judgments are at stake. Care must be taken to protect the patient and ensure that good quality care is rewarded, not inadvertently penalized.

This bill makes an important contribution to strengthening the PRO Program, and I am grateful for Senator MITCHELL's outstanding leadership on this bill. I do have one reservation about the bill. In terms of contracting with organizations to do the reviews, I believe that there should be competition every 3 years, at a minimum. I believe that the instate organization will have an advantage because it is most likely to have support of its doctors. An effective PRO with a good track record will also have an advantage in a properly designed competitive process. But I also believe that competition keeps us all on our toes. Competition ensures that organizations are accountable to the Federal Government, to the patients they serve, to the providers they depend on and ultimately the taxpayers who count on them to safeguard Medicare beneficiaries. Broad competition on a periodic basis ultimately creates more efficient systems.

I look forward to working with Senator MITCHELL and my colleagues to refine this important bill and move it to passage by the Senate. I urge my colleagues to join us in supporting this measure.●

By Mr. DASCHLE:

S. 1651. A bill to freeze the basic price support loan rates for the 1987-1990 crops of corn at the 1986 level, and for the 1988-90 crops of wheat at the 1987 level; to the Committee on Agriculture, Nutrition, and Forestry.

FARM PROGRAM REVISION ACT

Mr. DASCHLE. Mr. President, as I began my term in the U.S. Senate, I set three priorities in agriculture policy: credit, trade, and price. If we could achieve substantial policy improvements in these areas, we would be on a course toward a more healthy rural economy.

The Senate has passed a trade bill that makes significant improvements in that arena. Congress is working hard on reforms in the Farm Credit System and Farmers Home Administration. With the legislation I introduce today, I offer the third component of my agriculture agenda.

It is ironic that the Reagan administration—while pushing a proposal to eliminate agricultural subsidies by the year 2000—is the major proponent of staying the course on the biggest subsidy program in America's history. Taxpayers are expected this year to provide almost $26 billion to American farmers, big and small. Almost 50 percent of farmers' incomes comes from the Government.

This infusion of taxpayer dollars into farm country has lulled some people into the belief that conditions are improving. That's true only so long as the payments continue. Cut back the Government money and farmers will be in serious financial trouble.

The reality is that even with Government payments many farmers still are in financial trouble. According to the Center for Agricultural and Rural Development at Iowa State University, almost 39 percent of the farm operators in the United States have negative net cash flows. Nearly 10 percent of the farms are in such dire financial straits that they are expected to fail soon. In the four States—South Dakota, Nebraska, Iowa, and Colorado—comprising the Omaha Farm Credit District, the most financially hard hit of the 12 districts nationwide, almost 17 percent of the farm operators are expected to fail financially.

Those figures don't make a compelling case for the status quo.

Despite the failure of present policy, there's tremendous pressure against making any changes that might start to liberate farmers from dependency on Government money. The 1985 farm bill mandates a 2-percent cut in the target price this year, a 5-percent cut in 1989, and another cut again in 1990. The administration in its budget called for cutting target prices this year by another 10 percent above the reduction already scheduled. Some people have proposed turning farm programs into welfare, the so-called 0/92 plan.

But these proposals fail to confront the fundamental problem—price.

Mr. President, America's farmers and ranchers do not want to depend on Government payments. They want a fair price in the market, one that will enable them to recover their costs and make a living. Our current policy moves in the opposite direction. Instead of reducing the dependence on Government payments, the farm bill now sets us on a path of declining loan rates and lower prices. It is time to shift direction.

The legislation I introduce today would freeze the base loan rates for wheat and feed grains. For corn, the base loan rate would be set at $2.40 per bushel for the 1987-90 crop years.

For wheat, the rate is set at $2.85 per bushel for the 1988-90 crops.

The bill also would limit the reduction in the base loan rates under the so-called Findley provision to 10 percent beginning with the 1987 crop of corn and 1988 crop of wheat.

In addition, the bill limits to 25 percent the portion of deficiency payments that may be paid in generic certificates, raises the limits on the amount of grain allowed in the Producer Reserve Program, and requires that storage payments for the producer reserve be not less than the national average rate of payment for storage in commercial warehouses. For the latter, it is my intention that the Department of Agriculture reduce commercial rates and raise producer reserve rates to achieve equal rates for both types of storage.

These proposals not only improve farm policy, they save money. The Congressional Budget Office estimates that the freeze in the base loan rate alone saves almost $900 million in 1988.

Some people will suggest that stopping the further declines in loan rates will send the wrong signal to our competitors. I would remind these individuals that we can maintain our competitive position in world markets through an aggressive use the Export Enhancement Program. Furthermore, I would note that if we export at below our cost of production, we lose money on every sale.

Farmers in my State cannot continue to withstand lower and lower prices. As Congress considers policy changes to meet the budget targets, we must hold the line against further erosion in prices.

Mr. President, this legislation holds that line and saves taxpayer money. I urge my colleagues to support this much-needed change to fulfill the program of better credit, price and trade policies that will restore prosperity in agriculture.

By Mr. BENTSEN:

S. 1652. A bill to authorize the establishment by the Secretary of Agriculture of a plant stress and water conservation research laboratory and program at Lubbock, TX; to the Committee on Agriculture, Nutrition, and Forestry.

ESTABLISHMENT OF PLANT STRESS AND WATER CONSERVATION RESEARCH LABORATORY AND PROGRAM

● Mr. BENTSEN. Mr. President, today I am introducing legislation to officially authorize the U.S. Department of Agriculture's plant stress and water conservation research latoratory at Texas Tech University in Lubbock, TX.

I am proud to have played a major role in the establishment of this important and productive research lab. The plant stress lab is doing research on the critical soil-water-plant relationships that determine the efficiency of growing plants. This pioneering work encompasses of wide variety of research disciplines, including genetic engineering work to identify heritable characteristics related to water use and the genes which control them, which in turn will allow these researchers to implant or magnify the impact of those beneficial genes in important food and fiber crops.

This work promises to greatly improve the efficiency of crop production. More efficient production means lower cost production and improved ability to compete in world markets, and there is no greater need today in U.S. agriculture.

The first USDA scientist arrived at Texas Tech in 1979 and began working with other researchers on the Tech faculty and at the nearby Texas Agricultural Experiment Station. Researchers at the plant stress lab have done outstanding work and the program has grown from the initial funding of $200,000 to the current research budget of $1.15 million. I have strongly supported this program, and I believe that these funds have been a wise investment that will be repaid many times over through the application of the research findings of this lab.

However, the very success and growth of this program over the past 7 years has created problems. Approximately 20 State and USDA research scientists are now actively engaged in this research program, and they have outgrown the facilities which Texas Tech University has been able to furnish. Some scientists are housed in temporary buildings 10 miles from the Tech campus, at the Lubbock branch of the Texas Agricultural Experiment Station. This separation detracts from the close multidisciplinary cooperation which is needed in this effort and which has been so fruitful to date. In addition, lack of adequate laboratory space and facilities has become a significant limiting factor in the complex and precise research work which is demanded.

Architectural and engineering studies have been completed for the construction of an adquate laboratory facility, which is projected to cost about $24 million. I supported funding for those studies, and I support construction funding for this lab building. Unfortunately a request for these construction funds has never been included in the USDA budget request or in the appropriations bill for USDA.

It is my hope that this legislation can be passed and that it will provide the encouragement needed to get this construction funding request acted on favorably. I am pleased to note that this bill is a joint effort by the Texas Congressional delegation, and that identical legislation has been introduced in the House by Congressmen COMBEST, DE LA GARZA, and STENHOLM.

Mr. President, I urge the Senate to pass this legislation.●

By Mr. DOMENICI:

S. 1653. A bill to limit the amount of "junk" securities that can be held by federally insured institutions and to amend the Securities Exchange Act of 1934 to provide that debt securities issued by shell corporations are subject to the margin restrictions regulations; to the Committee on Banking, Housing, and Urban Affairs.

JUNK BOND LIMITATION ACT

Mr. DOMENICI. Mr. President, I rise today to introduce the Junk Bond Limitation Act of 1987, which will curb one of the most serious threats to the safety and soundness of our Nation's financial system and the integrity of our capital markets. That threat is the proliferation of junk bonds and their ownership by banks and savings and loans.

The Junk Bond Limitation Act of 1987 will:

First. Prevent all federally insured banks from purchasing additional junk bonds once they have an amount in excess of 5 percent of their capital and surplus invested in junk bonds—the same limitation that now applies to national banks;

Second. Prevent all federally insured thrift institutions from purchasing additional junk bonds once they have an amount in excess of 10 percent of their assets invested in junk bonds—the same limitation that now applies to nationally chartered thrift institutions;

Third. Allow the Federal Deposit Insurance Corporation and the Federal Home Land Bank Board to waive these limitations if an institution demonstrates that the investment in junk bonds would be consistent with the exercise of prudent banking or business judgment;

Fourth. Prevent all federally insured financial institutions from investing in junk bonds if their ratio of primary capital to total assets or net worth is less than 6 percent;

Fifth. Apply the Federal Reserve's margin requirement to junk-bond financed takeovers carrried on through a shell corporation; and

Mr. President, although I am not an economist or a businessman and I don't pretend to have any special expertise in this area, I have been following the corporate takeover craze generally, and the junk bond phenomenon specifically. For some time now, and many aspects of this phenomenon give me pause.

When I first became concerned about the role of junk bonds in corporate takeovers several years ago, some suggested that I was an economic "chicken little" because I expressed concern about the default rate of junk bonds and the trouble that banks and savings and loans could get into with junk bond investments. Well, I'm here to tell you that the sky has started to fall and I think it will fall futher. Junk bond defaults are up dramatically—there were over 3 billion dollars' worth of junk bond defaults last year—and will continue to increase. We have seen one savings and loan lose $10 million in the junk bond market.

Let me stress at this point that I don't believe that all junk bonds are bad. I would not suggest that we prohibit all junk bonds. If individual investors who know the risks want to invest in junk bonds, that is their business. What I am concerned about is the ownership of junk bonds by banks and thrifts that are insured by Federal agencies, such as FDIC and FSLIC. It worries me that depositors and beneficiaries of those entities and the Federal Government are insuring such risky investments. I suggest that reasonable limitations be placed on junk bond investment by banks and thrifts that benefit from Federal insurance guarantees.

Corporate takeovers have a profound effect on our economy and a tremendous impact on our financial markets. I am concerned about the cost to society as a whole of all this takeover activity. Takeovers increase corporate debt to dangerous levels, drain credit resources from productive uses, decrease the competitiveness of our Nation's corporations, cause research and development and long-range planning to be sacrificed in order to pay off debt, absorb an inordinate amount of the energies of corporate America, and lead to community disruption and human dislocation, in the form of employee layoffs and plant closings. These developments can have wide-ranging societal consequences that are reflected far beyond the balance sheets of the individual companies involved.

Although I am extremely distressed by the adverse effects of corporate takeovers on our Nation, the bill I am introducing today does not seek to address that issue. The Banking Committee is currently considering, legislation to curb the abuse of corporate takeovers, so the Senate will soon have the opportunity to take much-needed action on that front.

I am aware that not all persons share my pessimistic view of the effects of corporate takeovers. There are those who would argue that takeovers have a net beneficial effect on the economy. Even if one chooses to ignore the evidence and regard takeovers as beneficial for the economy, one must still be concerned about the methods used to finance takeovers.

Many mergers, particularly hostile takeovers, float junk bonds to finance the transaction. These junk bonds, which are defined as bonds rated below Baa by Moody's or BBB by Standard and Poor's, are high-risk debt instruments. Currently, there is over $125 billion worth of junk bonds on the market, much of it issued in recent years to finance takeovers. In 1981, $1.7 billion worth of junk bonds were issued. In 1986, $34.2 billion worth were issued, which is far more than 1984 and 1985 combined. In fact, we have witnessed a twentyfold increase in junk bond issuance in the past 6 years. It is estimated that 50-60 percent of these junk bonds are used to finance mergers and acquisitions, primarily hostile takeovers.

The high level of junk bond financing adds another element of risk to the takeover phenomenon. Should the acquiring company be unable to pay off the bonds from the assets and income of the acquired firm and the bonds go into default, there will be no security with which to repay investors.

Last year, the Federal Reserve took a small step toward curbing one of the most abusive tactics in corporate takeovers, that is the use of junk bonds to finance the takeovers. The Fed issued an interpretation of regulation G of the margin rules that subjected junk bond-financed takeovers that are conducted through shell corporations with no asset base of their own to the margin requirements. This ruling was made because these shell corporations have no assets with which to secure the loan except the stock of the target company. Therefore, the Fed determined that the junk bonds were loans indirectly secured by margin stock and subject to the margin requirement.

This ruling, however, has not led to a drop in the amount of junk bonds used to finance takeovers. Rather, the corporate raiders have simply changed the way junk bonds are used to finance takeovers. More junk bonds are being issued by the acquiring companies themselves, rather than shell corporations, to facilitate takeovers and circumvent the Fed's ruling. Thus, the abusive tactic of using junk bonds to finance takeovers continues.

I am also concerned about the junk bond phenomenon because it presents a particular danger to the integrity of our capital markets and the safety and soundness of our financial institutions.

A number of federally insured savings and loans, primarily State-chartered savings and loans, have invested in junk bonds. In March 1985, the Federal Home Loan Bank Board conducted a study and found that FSLIC-insured institutions and their subsidiaries held $5.1 billion worth of junk bonds. At the end of last year, it was estimated that their holdings had increased to $7.6 billion. One savings and loan has $2.33 billion—28 percent of its assets—in junk bonds.

I agree that a well-diversified, properly managed portfolio of junk bonds can be very profitable for these institutions. However, for the past 3 years, long-term Government debt securities have outperformed high-yield debt.

I can understand why some savings and loans are attracted to the high yields of junk bonds. But to earn high yields, you must take high risks.

Although junk bonds have a higher than average return rate, they also have a higher default rate. The junk bond defaut rate of junk bonds in 1986 stood at 3.4 percent. The default rate on new issue junk bonds, those bonds issued as junk bonds, is approximately 11 percent.

There has been over $5 billion worth of junk bond defaults since 1980. The dollar value of junk bond defaults skyrocketed in 1986 and exceeded $3 billion for the first time ever. The $3.2 billion in junk bond defaults in 1986 easily surpassed the next highest year—1985, which had less than $1 billion in defaults. There were 33 junk bond defaults in 1986.

The Beverly Hills Savings and Loan suffered $10 million in loses from its investment in junk bonds. Beverly Hills invested in junk bonds after incurring huge losses in the real estate market as a "last ditch" attempt to raise income—and then lost $10 million. This is the danger of junk bonds for unstable institutions: They will be attracted to the high yield of junk bonds as a way of bailing out of their financial difficulties.

It is because the danger of default is always present with junk bonds that I encourage the Senate to take the steps necessary to ensure that neither the innocent depositors at our Nation's financial institutions nor the Nation's taxpayers end up picking up the bill for a junk bond default.

Currently, national banks may invest an amount not in excess of 5 percent of the bank's capital and surplus in junk bonds, so long as the exercise of prudent banking judgment is used to determine that the issuer of the junk bonds will be able to meet its obligations.

Federal thrifts may invest up to 10 percent of their assets in junk bonds if they classify them as commercial loans. Otherwise, they may acquire junk bonds in an amount up to 1 percent of its assets if, in the exercise of prudent business judgment, there is adequate evidence that the issuer will be able to meet its obligations, including debt servicing.

However, these restrictions apply not to all federally insured institutions, but only to those institutions that are chartered by the Federal Government and subject to these limitations. State-chartered banks and thrifts are not subject to these restrictions. These institutions can invest in

junk bonds without any restrictions imposed by the Federal Government, even though the Federal Government insures these institutions. FDIC and FSLIC would be called on to bail out institutions that get into trouble because of junk bond holdings. It is unfair that these funds should be called on to insure such rank speculation. If the restrictions on federally chartered institutions make sense, and I think they do, then state-chartered institutions that benefit from the FDIC and FSLIC guarantees should be subject to the same limitations.

Additionally, at this time, there are no limitations on which institutions can own junk bonds. Only institutions that meet certain minimal net worth requirements should be permitted to do so.

The legislation that I am introducing today will impose some reasonable limitations on junk-bond ownership by federally insured institutions and will assure that the margin requirement is applied to the most abusive junk-bond financed takeovers.

Mr. President, let me reiterate: I understand that junk bonds are a vital financing tool for many companies. I am not suggesting that Congress limit the ability of companies to issue junk bonds or to restrict the ability of the average investor to invest in junk bonds if he or she wishes. What I am saying is that the Federal Reserve's margin requirements should be applied to junk-bond financed takeovers and that those institutions that benefit from Federal insurance guarantees should be subject to the reasonable limitations on investment in junk bonds. These restrictions should be uniformly applied.

Mr. President, I ask unanimous consent that the text of the Junk Bond Limitation Act of 1987 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Junk Bond Limitation Act of 1987".

INVESTMENT LIMITATION

SEC. 2. (a) The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end thereof the following new section:

"INVESTMENT LIMITATION

"SEC. 28. (a)(1) No insured bank shall, directly or indirectly, make an investment for its own account in noninvestment grade securities the proceeds of which will be used, directly or indirectly, to purchase or carry margin securities if a similarly situated national bank would be prohibited from making such investment. The preceding sentence shall not apply to a State non-member insured bank which obtains a waiver of this provision from the Federal Deposit Insurance Corporation based upon a showing that such an investment would be consistent with the exercise of prudent banking judgment.

"(2) No insured bank shall make an investment for its own account in such noninvestment grade securities if at the time of the investment its primary capital is less than 6 percent of its assets.

"(b) For purposes of this section—

"(1) the term 'noninvestment grade securities' means—

"(A) unrated bonds or preferred stock;

"(B) bonds or preferred stock with a rating lower then Baa by Moody's, BBB by Standard and Poor's, or an equivalent rating by one or more nationally recognized bond rating house;

"(C) other debt instruments that are, or will become, subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness; or

"(D) any equity or quasi-equity instruments other than common stock or preferred stock (except as provided above), including warrants or other rights to acquire such equity or quasi-equity instruments;

"(2) the term 'margin securities' means any security defined as a margin security under the rules and regulations of the Board of Governors of the Federal Reserve System.".

(b) Title IV of the National Housing Act (12 U.S.C. 1724 et seq.) is amended by adding at the end thereof the following new section:

"INVESTMENT LIMITATION

"SEC. 415. (a)(1) No uninsured institution, as defined in section 408 of this title, shall, directly or indirectly, make an investment for its own account in noninvestment grade securities the proceeds of which will be used, directly or indirectly, to purchase or carry margin securities if a similarly situated Federal savings and loan association would be prohibited from making such investment. The preceding sentence shall not apply to a State-chartered uninsured institution which obtains a waiver of this provision from the Federal Home Loan Bank Board based upon a showing that such an investment would be consistent with the exercise of prudent business judgment.

"(2) No insured institution, as defined in section 408 of this title, shall make an investment for its own account in such noninvestment grade securities if at the time of investment its net worth is less than 6 percent of its total assets.

"(b) For purposes of this section—

"(1) the term 'noninvestment grade securities' means—

"(A) unrated bonds or preferred stock;

"(B) bonds or preferred stock with a rating lower then Baa by Moody's, BBB by Standard and Poor's, or an equivalent rating by one or more nationally recognized bond rating house;

"(C) other debt instruments that are, or will become, subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness; or

"(D) any equity or quasi-equity instruments other than common stock or preferred stock (except as provided above), including warrants or other rights to acquire such equity or quasi-equity instruments; and

"(2) the term 'margin securities' means any security defined as a margin security under the rules and regulations of the Board of Governors of the Federal Reserve System.".

MARGIN RESTRICTIONS

SEC. 3. Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by redesignating subsections (e) through (g) as subsections (f) through (h), respectively, and by inserting after subsection (d) the following new subsection:

"(e)(1) For purposes of subsection (d) and the rules and regulations thereunder, any lender that purchases, directly or indirectly, any debt securities issued by a shell corporation, the proceeds of which will be used, directly or indirectly, any debt securities issued by a shell corporation, the proceeds of which will be used, directly or indirectly, to purchase or carry margin stock in the context of a tender offer or a request or invitation for tender covered by section 14(d) of this Act or the acquisition of securities which would require the filing of a report under section 13 of this Act, shall be deemed to have extended or maintained credit secured indirectly by such margin stock and shall be subject to the maximum loan value limitations prescribed by the Board of Governors of the Federal Reserve System.

"(2) For purpose of this subsection, the term 'shell corporation' means a corporation which has—

"(A) no business operations,

"(B) no significant business function other than acquiring or holding shares of the target company, and

"(C) no substantial assets or cash flow to support credit other than the margin stock it has acquired or intends to acquire.

"(3) Debt securities shall not be treated as indirectly secured by margin stock if—

"(A) the issuing corporation has assets other than margin stock that the lender can rely upon for collateral;

"(B) the debt securities are guaranteed by a corporation other than the shell corporation, and such guaranteeing corporation has substantial non-margin stock assets or cash flow;

"(C) a merger agreement has been executed between the acquiring and target companies at the time the lender makes a commitment to purchase the debt securities or before the lender advances loan funds;

"(D) the lender's obligation to advance funds by purchasing debt securities is contingent on the shell corporation's first acquiring the minimum number of shares necessary under applicable State law to effect a merger without approval of the shareholders or directors of the target company; or

"(E) there is specific evidence that the purchasers of the debt securities in good faith have not relied on the margin stock as collateral.".

By Mr. NICKLES:

S. 1654. A bill to amend title V of the Motor Vehicle Information and Cost Savings Act "Improving Automotive Efficiency" to repeal the corporate average fuel economy [CAFE] standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. NICKLES. Mr. President, I am introducing today the Motor Vehicle Information and Cost Savings Act of 1987. This measure was originally included in title IV of the President's

Trade, Employment, and Productivity Act of 1987.

The Senate did not include this provision of the President's bill in its Omnibus Trade and Competitiveness Act of 1987. I believe, as does the administration, that the Congress should have the opportunity to specifically address the need and the wisdom of the 1975 CAFE standards, as well as the need to revise the manner in which the EPA tests fuel efficiency in automobiles.

The Motor Vehicle Information and Cost Savings Act of 1987 would repeal the corporate average fuel economy [CAFE] standards for new model years. The American auto industry and the American consumer must be released from this archaic law. As with many of the energy-related statutes of the middle 1970's the imposition of CAFE standards in the Energy Policy and Conservation Act of 1975 was a well meaning but misguided response by the Congress to intervene in the marketplace in the hopes of reordering consumer tastes to use less energy.

The CAFE standards have hurt the domestic auto industry and helped no one. The standards have been of no advantage to consumers. The overall fuel economy of cars purchased by U.S. consumers has not been affected by the CAFE standards—certainly not in recent years. Consumers continue to buy the cars they wish to buy, and the ratio of large to small cars being purchased is and has been different than the ratio predicted by the experts in 1975—who expected the price of gasoline to be well above $2 a gallon during the 1980's.

Moreover, the CAFE standards further hurt the U.S. economy by favoring foreign large car production to U.S. large car production. Foreign automakers have huge banks of CAFE credits which will enable them to flood the U.S. market with the large, higher value-added cars for the foreseeable future. Meanwhile, the two largest U.S. automakers have been bumping up against the CAFE standards for years—facing penalties and changing otherwise efficient business decisions to meet the requirements of this law. The result is that the CAFE standards are encouraging U.S. automakers to export jobs in car and part production overseas.

The concept behind the CAFE standards is fundamentally flawed. Congress decided that it would, by fiat from Washington, force U.S. consumers to buy more fuel-efficient cars by requiring manufacturers selling cars in the United States to meet increasingly strict corporate average fuel economy levels. As Congress has discovered with much of the other energy legislation of the period, demand cannot be changed by a regulatory scheme that constrains only a portion of the supply. Congress learned this when it imposed price controls on domestic oil and consumers paid virtually the same price as they would have paid without the price controls because imported oil was not controlled. A few years ago, Congress again learned this lesson, this time with its regulation of natural gas. Even though price ceilings on old gas prices were keeping almost half of the Nation's natural gas production at below market prices, consumers were paying the same price they would have paid without controls. This is because they were paying higher than market prices for the decontrolled half of the natural gas supplies.

The CAFE law repeats this ineffective regulatory strategy by in effect regulating only a few of the suppliers of automobiles. The only companies that are constrained by CAFE in manufacturing more large cars are General Motors and Ford.

As was true with much of the Federal energy regulation of the 1970's CAFE standards are proving to be not only ineffective, but in fact harmful to the domestic economy. The market inefficiencies created by Federal energy laws of the 1970's are, unfortunately, not completely behind us. We are still importing too much oil, due in large part to Federal price controls and the windfall profit tax. The United States is still in the painful transition in the natural gas marketplace from the high take or pay contracts between pipelines and producers following the Natural Gas Policy Act of 1978. And we still need to repeal the CAFE standards that harm only two corporations in the world auto market: GM and Ford.

In 1975, the average car was getting about 15 miles per gallon. The current fleet is roughly twice as fuel efficient. This improvement is mostly due to the change in the price of motor fuel and the increase in the conservation awareness of the American public.

It is time for the U.S. Congress to finally admit that, although the goals of the CAFE law may be laudable, mandatory fuel economy standards have not changed public taste, but are having a serious impact on U.S. jobs.

The bill I am introducing today is not just a repeal of the CAFE standards. This bill specifically retains and improves the EPA's labeling requirements under the existing law. In order for supply and demand to work smoothly, it is essential that the consumer be aware of the consequences of his free choice. Accordingly, this bill would also improve the methodology in the EPA fuel efficiency testing to more accurately reflect real-life driving conditions.

I ask unanimous consent that the transmittal letter from the Secretary of Transportation, a section-by-section analysis provided by the Department of Transportation and the text of the bill be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Motor Vehicle Information and Cost Savings Act of 1987."

SEC. 2. Section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001) is amended to read as follows:

"DEFINITIONS

"SEC. 501. For purposes of this part:

"(1) The term 'automobile' means any 4-wheeled vehicle propelled by fuel which is manufactured primarily for use on public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails), and which has a gross vehicle weight rating of 8,500 pounds or less.

"(2) The term 'fuel' means gasoline and diesel oil.

"(3) The term 'fuel economy' means the average number of miles traveled by an automobile per gallon of gasoline (or equivalent amount of diesel oil) consumed, as determined, by rule, by the EPA Administrator in accordance with procedures established under section 502.

"(4) The term 'manufacturer' means any person engaged in the business of manufacturing or assembling new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

"(5) The term 'import' means to import into the customs territory of the United States.

"(6) The term 'model type' means a particular class of automobile as determined, by rule, by the EPA Administrator.

"(7) The term 'model year', with reference to any specific calendar year, means a manufacturer's annual production period (as determined by the EPA Administrator) which includes January 1 of such calendar year. If a manufacturer has no annual production period, the term 'model year' means the calendar year.

"(8) The term 'EPA Administrator' means the Administrator of the Environmental Protection Agency.".

SEC. 3. Section 502 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002) ("Average Fuel Economy Standards Applicable to Each Manufacturer") is repealed, except to the extent provided by section 9 of this Act.

SEC. 4. Section 503 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003) is amended by redesignating section 503 as section 502 and is further amended to read as follows:

"DETERMINATION OF FUEL ECONOMY

"SEC. 502. (a)(1) Fuel economy for any model type shall be measured in accordance with testing and calculation procedures established by the EPA Administrator, by rule, which produce results that simulate conditions of actual use. Procedures under this section, to the extent practicable, shall require that fuel economy tests be conducted in conjunction with emission tests conducted under section 206 of the Clean Air Act.

"(2) The EPA Administrator shall, by rule, determine that quantity of diesel oil which is the equivalent of one gallon of gasoline.

"(3) Testing and calculation procedures applicable to a model year, and any amendment to such procedures (other than a technical or clerical amendment), shall be promulgated not less than 12 months prior to the model year to which such procedures apply.

"(4) Proceedings under this section shall be conducted in accordance with section 553 of title 5, United States Code.".

SEC. 5. Section 504 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2004) is amended by redesignating section 504 as section 503 and is further amended to read as follows:

"JUDICIAL REVIEW

"SEC. 503. (a) Any manufacturer may, at any time prior to 60 days after a rule under section 502 or 504 is prescribed, file a petition in the United States Court of Appeals for the District of Columbia, or for any circuit wherein such manufacturer resides or has its principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of such court to the officer who prescribed the rule. Such officer shall thereupon cause to be filed in such court the written submissions and other materials in the proceeding upon which such rule was based. Upon the filling of such petition, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(b) If the petitioner applies to the court in a proceeding under subsection (a) for leave to make additional submissions, and shows to the satisfaction of the court that such additional submissions are material and that there were reasonable grounds for the failure to make such submissions in the administrative proceeding, the court may order the EPA Administrator to provide additional opportunity to make such submissions. The EPA Administrator may modify or set aside the rule involved or prescribe a new rule by reason of the additional submissions, and shall file any such modified or new rule in the court, together with such additional submissions. The court shall thereafter review such new or modified rule.

"(c) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(d) The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.".

SEC. 6. Section 505 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2005) is repealed, except to the extent provided by section 9 of this Act, and except for the following provisions which are redesignated as section 504:

"SEC. 504(a)(1) Every manufacturer shall establish and maintain such records, make such reports, conduct such tests, and provide such items and information as the EPA Administrator may, by rule, reasonably require to enable the EPA Administrator to carry out his or her duties under this part and under any rules prescribed pursuant to this part. Such manufacturer shall, upon request of a duly designated agent of the EPA Administrator who presents appropriate credentials, permit such agent, at reasonable times and in a reasonable manner, to enter the premises of such manufacturer to inspect automobiles and appropriate books, papers, records, and documents. Such manufacturer shall make available all of such items and information in accordance with such reasonable rules as the EPA administrator may prescribe.

"(2) The district courts of the United States may, if a manufacturer refuses to accede to any rule or reasonable request made under paragraph (1), issue an order requiring compliance with such requirement or request. Any failure to obey such an order of the court may be treated as a contempt thereof.

"(b) Measurements and calculations under section 502 shall be made available to the public in accordance with section 552 of title 5, United States Code, without regard to subsection (b) of such section."

SEC. 7. Section 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006) is amended by redesignating section 506 as section 505 and is further amended to read as follows:

"LABELING

"SEC. 505(a)(1) Each manufacturer shall cause to be affixed, and each dealer shall cause to be maintained, on each automobile manufactured in any model year after the enactment of this Act, in a prominent place, a label—

"(A) indicating the fuel economy of such automobile,

"(B) containing a statement that written information (as described in subsection (b)(1)) with respect to the fuel economy of other automobiles manufactured in such model year (whether or not manufactured by such manufacturer) shall be made available by the EPA Administrator in such manner as he or she finds appropriate, in order to facilitate comparison among the various model types,

"(C) containing in the case of any automobile, the sale of which is subject to any Federal tax imposed with respect to automobile fuel efficiency, a statement indicating the amount of such tax, and

"(D) containing any other information authorized or required by the EPA Administrator which relates to information described in subparagraph (A) or (B).

"(2) The form and content of the label required under paragraph (1), and the manner in which such label shall be affixed, shall be prescribed, by rule, by the EPA Administrator. The time and manner by which the statement referred to in paragraph (1)(C) must be included on any label may be prescribed so as to take into account any special circumstances or characteristics. The EPA Administrator may permit a manufacturer to comply with this paragraph by permitting such manufacturer to disclose the information required under this subsection on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(3) Proceedings under this section shall be conducted in accordance with section 553 of title 5, United States Code.

"(b) The EPA Administrator shall compile the data on fuel economy to be included on labels for automobiles manufactured in each model year. The EPA Administrator shall make these data available to the public in such manner as he or she finds appropriate.

"(c)(1) A violation of subsection (a) shall be treated as a violation of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232). For purposes of the Federal Trade Commission Act (other than sections 5(m) and (18)), a violation of subsection (a) shall be treated as an unfair or deceptive act or practice in or affecting commerce.

"(2) As used in this section, the term 'dealer' has the same meaning as such term has in section 2(e) of the Automobile Information Disclosure Act (15 U.S.C. 1231(e)) except that in applying such term to this section, the term 'automobile' has the same meaning as such term has in section 501(1) of this Act.

"(d) Any disclosure with respect to fuel economy or estimated annual fuel cost which is required to be made under the provisions of this section shall not create an express or implied warranty under State or Federal law that such fuel economy will be achieved, or that such cost will not be exceeded, under conditions of actual use.

"(e) In carrying out his duties under this section, the EPA Administrator shall consult with the Federal Trade Commission and the Secretary of Energy.".

SEC. 8. Sections 507-512 of the Motor Information and Cost Savings Act (15 U.S.C. 2007-2012) ("Unlawful Conduct"; "Civil Penalty"; "Effect on State Law"; "Use of Fuel Efficient Passenger Automobiles by the Federal Government"; "Retrofit Devices"; "Reports to Congress") are repealed, except to the extent provided by section 9 of this Act.

SEC. 9. (a) This Act shall not affect any rights accrued, duties imposed, penalties, or other liabilities incurred or actions or suits commenced or that may be commenced with respect to any average fuel economy standard for any model year ending before the effective date of this Act.

(b) The EPA Administrator shall determine average fuel economy for any manufacturer that has a need to determine carryback credit and has filed a carryback plan for that purpose with the Secretary of Transportation for the model years in which the manufacturer plans to earn such credits. Average fuel economy shall be determined in accordance with testing and calculation procedures utilized by the EPA Administrator for model year 1975, or procedures which yield comparable results. The EPA Administrator shall report any such determinations of average fuel economy to the Secretary of Transportation.

SEC. 10. The provisions and chapter analyses of title 15, United States Code, shall be amended to conform with the amendments made by this Act.

SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to any other person or circumstance shall not be affected by such invalidation.

SEC. 12. This Act shall be effective upon the date of its enactment, except to the extent provided by section 9 of this Act.

SECRETARY OF TRANSPORTATION,
Washington, DC, August 5, 1987.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am submitting for your consideration a draft bill—To amend the Title V of the Motor Vehicle Information and Cost Savings Act, "Improving Automotive Efficiency," to repeal the corporate average fuel economy (CAFE) standards, and for other purposes.

This draft was previously transmitted to Congress by the President on February 19, 1987 as subtitle F of title IV of the President's "Trade, Employment, and Productivity Act of 1987."

The draft bill would: (1) repeal the corporate average fuel economy (CAFE) standards for new model years; (2) retain and update the Environmental Protection Agency's (EPA) fuel economy labeling requirements; and (3) revise the EPA's automotive fuel economy testing procedures to require that results simulate conditions of actual use.

When the CAFE program was enacted in 1975, the goal of the program was to arrive by stages at a CAFE level for passenger cars of 27.5 mpg by model year 1985. This level was approximately twice the level of the automotive fleet in 1975. In setting the goal of 27.5 mpg, Congress hoped to decrease the Nation's dependence on foreign oil and, at the same time, encourage full employment in the domestic auto industry. The legislation also mandated that labels be affixed on new automobiles to indicate their fuel economy, annual fuel operational costs, and the fuel economy of comparable automobiles.

The energy conservation that Congress sought to achieve by the CAFE regulatory program has largely been realized. In model year 1986, the average fuel economy of all automobiles sold in fact exceeded 27.5 mpg. Now that this fleet-wide goal has been met, it is time to consider the problems CAFE has engendered and how to resolve them.

It has been clear for some time that the CAFE standards cause economic distortions in the marketplace. These distortions arise largely from the fact that while the standards exert pressure on the manufacturers of large cars to sell a mix of vehicles to meet the required CAFE level, they do nothing to ensure that consumers will want to buy the mix the manufacturer offers.

Moreover, CAFE endangers U.S. jobs. The statute provides a perverse incentive to manufacturers to shift large car (or parts) production to foreign manufacturing sites, so that they can combine this production with their more fuel efficient captive import fleets to meet the CAFE standards. Such actions distort the manufacturers' normal marketing strategies and negate the original purpose of the program by causing the export of jobs abroad, while doing nothing to promote energy conservation.

These concerns together suggest that the CAFE program has outlived its usefulness. A considerable body of economic opinion holds that it was primarily the decontrol of the price of oil and changes in gasoline prices not the standards, that led to the increase in fuel efficiency over the past decade. The Nation might well have achieved similar results simply through the natural operation of the market. At this time there is strong evidence that the market will continue to provide the proper balancing of fuel efficient vehicles versus other vehicle characteristics such as size, safety, and performance without the need of CAFE. Accordingly, the most sensible public policy is to repleal the CAFE standards program.

Notwithstanding the repeal of the CAFE standards program, the bill would ensure that the government may conclude compliance cases and that manufacturers may earn credits to offset any liability for civil penalities, in keeping with their previously-filed carryback plans, for any model year ending before the bill's effective date.

We believe that the fuel economy labeling system provides information which enables consumers to make informed decisions in their choice of automobiles. To the extent that consumers are accurately informed about the relative fuel efficiency of comparable automobiles, they will be able to make appropriate choices in the marketplace. The labeling system thus helps the market to work by enabling consumers to consider the need for energy conservation in their purchasing decisions. Accordingly, the labeling system would be continued under this proposal, and the bill would require that EPA's testing procedures similate conditions of actual use with respect to fuel economy determinations for individual model types.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the President's Program.

Sincerely,

ELIZABETH DOLE.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This Act is cited as the "Motor Vehicle Information and Cost Savings Act of 1987."

SECTION 2

This section would amend section 501 of the Motor Vehicle Information and Cost Savings Act ("Definitions") to delete those definitions, in whole or in part, which relate to the corporate average fuel economy (CAFE) standards, and to conform the remaining definitions to the fuel economy labeling program.

SECTION 3

This section would repeal section 502 of the Motor Vehicle Information and Cost Savings Act ("Average Fuel Economy Standards Applicable to Each Manufacturer"), except to the extent provided by section 9 of this Act. This proposal is based on the following points:

a. CAFE standards are no longer necessary as a conservation measure. Oil price decontrol has made the price of gasoline an effective, market-based control on fuel economy.

b. The objectives of the original Act have largely been achieved. The U.S. manufacturers have virtually doubled the fuel economy of their product since 1975 and the fuel economy of new cars sold in the U.S. has met the goal set by Congress (27.5 mpg). As noted in the Economic Report of the President for 1986, market demand, not the CAFE statute has been the primary reason for this progress.

c. The CAFE standards provide a serious distortion in the motor vehicle market that is detrimental to the economy.

d. The Act results in unequal burdens on various manufacturers, with special difficulties for U.S. full-line manufacturers.

e. The provisions of the Act once intended to preserve U.S. jobs now threaten to cause substantial foreign outsourcing of large car production and related jobs.

SECTION 4

This section would amend section 503 of the Motor Vehicle Information and Cost Savings Act ("Determination of Average Fuel Economy") to delete those provisions relating to the corporate average fuel economy (CAFE) standards program and to require that the EPA Administrator's testing and calculation procedures produce results that simulate conditions of actual use. Since 1975, EPA has improved its procedures to produce results that better reflect average driving conditions and patterns nationwide. The phrase "simulate conditions of actual use" is intended to codify and continue this progress, without requiring any major revisions to EPA's procedures. Whether testing and calculation procedures adequately simulate conditions of actual use would be a matter committed to EPA's discretion. As amended, the section would retain only those provisions relating to the determination of fuel economy for individual model types. Since this information is used in the labeling of automobiles, it would be retained as a part of the continued labeling program. As amended, the section would be redesignated as section 502.

SECTION 5

This section would amend section 504 of the Motor Vehicle Information and Cost Savings Act ("Judicial Review") to delete those aspects which relate to the corporate average fuel economy (CAFE) standards program and to clarify who has standing to bring challenges to tules prescribed under this amended program and specify the rules that they may challenge. As amended, the section would be redesignated as section 503.

SECTION 6

This section would amend section 505 of the Motor Vehicle Information and Cost Savings Act ("Information and Reports"), to delete those provisions that would not be needed to support the activities of the EPA Administrator in the continued labeling program. As amended, the section would be redesignated as section 504.

SECTION 7

This section would amend section 506 of the Motor Vehicle Information and Cost Savings Act ("Labeling") to update and simplify this section's requirements and to require that the EPA Administrator compile fuel economy data and make it publicly available in place of the fuel economy booklet which dealers have been required to make available to prospective purchasers. The publication and distribution of this booklet by the Department of Energy is deleted to be consistent with the President's fiscal year 1988 budget request.

Even with the repeal of the corporate average fuel economy (CAFE) standards, the fuel economy labeling system provides information which enables consumers to make informed decisions in their choice of automobiles. Consumers continue to be interested in fuel economy. The label on an automobile will continue to inform them about the fuel economy of that automobile. Other information formerly on the label, such as the fuel economy of comparable automobiles, will be readily available through the EPA. To the extent that consumers are accurately informed about the fuel efficiency of automobiles, they will be able to make appropriate choices in the marketplace. The labeling system, together with the information published by EPA, helps the market to work by enabling consumers to be responsive to the continuing needs for energy conservation. A provision is added to expressly require that the rulemaking proceedings under this section be conducted in accordance with section 553 of title 5, United States Code. As amended, the section would be redesignated as section 505.

SECTION 8

This section repeals sections 507 through 512 of the Motor Vehicle Information and Cost Savings Act ("Unlawful Conduct"; "Civil Penalty"; "Effect on State Law"; "Use of Fuel Efficient Passenger Automobiles by the Federal Government"; "Retrofit Devices"; "Reports to Congress"), except to the extent provided by section 9 of this Act.

These sections are all supportive of the CAFE standards and have no further utility with the repeal of the standards. To the extent that enforcement of the fuel economy labeling program is necessary, it can be provided, as under current law, through the provisions of the Automobile Information Disclosure Act (15 U.S.C. 1232).

SECTION 9

Subsection (a) of this section provides that this Act shall not affect any rights accured, duties imposed, penalties, or other liabilities incurred or actions or suits commenced or that may be commenced with respect to any average fuel economy standard for any model year ending before the effective date of this subtitle. Accordingly, notwithstanding the repeal of the section 502 program of average fuel economy, this section preserves the status quo, with respect to standards for any model year ending before the effective date of this subtitle, for: (1) non-compliances by any manufacturer with any average fuel economy standard applicable to such manufacturer under section 502; (2) the liability of any manufacturer for civil penalties under section 508, after taking into account credits available to the manufacturer under section 502(1); and (3) previously-filed carryback plans under section 502(1) to meet shortfalls with respect to an average fuel economy standard.

Since the determination of whether a manufacturer has failed to comply with a fuel economy standard and the amount of civil penalties for such noncompliance is based in part on whether a manufacturer exceeds the fuel economy standards for the three following model years, there must be an interval of three full model years between the model year in which the standards are repealed and the last model year of their final enforcement. Accordingly, subsection (a) of this section will ensure that the government may conclude compliance cases and that manufacturers may earn credits to offset any liability for civil penalties, in keeping with their previously-filed carryback plans, for any model year ending before the effective date of this Act.

Subsection (b) of this section ensures that: (1) the EPA Administrator will continue to make determinations of average fuel economy, in accordance with existing procedures or procedures yielding comparable results, for manufacturers which have a need to determine carryback credits and have filed a carryback plan with the Secretary of Transportation for that purpose; and (2) determinations of average fuel economy will be reported by the EPA Administrator to the Secretary of Transportation.

SECTION 10

This section provides that confirming amendments be made to the provisions and chapter analyses of title 15, United States Code, which are amended by this Act.

SECTION 11

This section sets out the severability clause for the Act.

SECTION 12

This section provides that the Act is effective upon enactment, except to the extent provided by section 9 of this Act.●

By Mr. DOLE (for himself and Mr. D'AMATO):

S. 1655. A bill to amend title IV of the Social Security Act to improve the program of aid to families with dependent children by establishing a two-tier system for AFDC families, to require each State to establish a comprehensive work program with an organized intake and registration process for such families, to make necessary improvements in the child support enforcement program, and for other purposes; to the Committee on Finance.

AFDC EMPLOYMENT AND TRAINING REORGANIZATION ACT

Mr. DOLE. Mr. President, today along with my colleague Senator D'AMATO, I am introducing the same welfare reform bill that was introduced by 104 House Republicans yesterday. This bill represents a good faith effort to address the valid needs and flaws of the current welfare system. Also, the administration supports this approach, and we should make certain that Congress acts on legislation that will not be headed for a veto in the Oval Office.

Also, the administration supports this approach, and I believe we should have all the reasonable alternatives we can have before this body when we come back in September.

It is also my intention, when we return in September, to introduce another welfare reform bill that I will introduce along with other of my colleagues, which will contain the child support enforcement provisions as well as the work provisions that appear in other bills that have been introduced.

What I am suggesting is that it seems to me that if we can lay out all the options and if there is a willingness to work in a bipartisan way, we may pass a welfare reform bill, if not this year, sometime early next year.

At this time, the Senator from Kansas believes that it is important to lay out a reasonable alternative to the current proposal that has been introduced by the distinguished chairman of the Subcommittee on Social Security and Family Policy. When the Finance Committee marks up a bill this fall, there will be plenty of options for Members to consider in hammering out a new plan for the current unsatisfactory welfare system.

NEED FOR WELFARE REFORM

Mr. President, in the Congress and the administration, there is strong bipartisan agreement that the Nation's welfare reform system needs to be revamped, because it is encouraging a dependency that is demoralizing for those who depend on its benefits for their everyday survival. Demographic and economic trends in our society—among them the rise in divorce rates and single-parent families—have resulted in a vast increase in low-income female-headed households. While the poverty rate has dropped for the elderly segment of our society, it has steadily risen over the past 7 years among our Nation's children in female-headed households, and this is a matter of serious concern for our society as a whole.

Research findings are quite clear when it comes to the question as to who is most at risk of long-term dependency. High on that list are young women who have never completed high school. We should make a definite effort to reduce that risk by requiring certain recipients to attend school or participate in a program leading to a high school diploma or its equivalent. It is clear that something has to be done to reverse this trend, and there are many different proposals that have been laid out in an effort to achieve this goal.

Although there may be disagreement over how best to achieve needed reforms, there is widespread agreement among the leaders of this debate that education, job training, and work requirements need to be strengthened. It is inevitable that there will be some cost involved in this effort, but it is a worthwhile investment in human capital at this time. The Federal Government is willing to provide its share of the necessary resources to accomplish these goals.

Part of this effort will be to respond to States and their desire to provide more opportunities for people to get work experience. With few exceptions, we would propose that everyone who wishes to receive benefits under the AFDC program, should either be in school or a training program, in a job or activity seeking a job.

PROVISIONS OF BILL

Mr. President, this legislation would create an employment and training program to help welfare applicants and participants enter the labor force and leave their welfare dependency behind. In the process, we would give States substantial flexibility in designing and implementing their employment training programs, so that these programs can be tailored to the needs of local communities. In conjunction with the work program, the legislation would establish realistic participation standards that would require States to expand their programs over a 9-year period until 70 percent of their AFDC families are involved in work, training, job search, or education.

In an attempt to address the most at-risk group within the AFDC population, this proposal would provide incentives for States to focus their programs on potentially long-term recipients—those who are unwed mothers with children under age 3, those who are high school dropouts, and those who are under age 22. States which place these clients in jobs receive both more money to conduct their programs and a higher Federal match of State funds.

Recognizing that some new expenditures are in order so that improvements in the existing system can be made, the bill would provide $500 million of capped budget authority annually to fund the employment and training programs. The GOP alternative ensures that States will receive at least as much money for work-related programs as they did in 1987. Funds above the 1987 levels are provided to States on a 50-50 matching basis.

TRANSITIONAL BENEFITS

Mr. President, to the extent that we expect people to work, particularly women with young children, we must be willing to assist them in gaining access to child care. We need to encourage people to stay off welfare once they have entered the work force. To this end, we would provide some transitional benefits with regard to continued funding for child care and Medicaid. This legislation would provide for both child care and health insurance during the welfare-to-work transition.

Under this plan, States must submit plans for creating child care certificates to be used by employed parents leaving welfare whose income is below 15 percent of the poverty level. Only child-care providers currently licensed for certified by States are eligible for participation

STRENGTHENING OF CHILD SUPPORT ENFORCEMENT

Another important aspect of the current welfare problem is the failure of fathers to provide support for their children. This legislation would strengthen the current child support enforcement system. It would mandate income withholding at the time a child support order is entered unless both parents agree in writing that withholding is unnecessary or the parent paying child support posts a bond equal to 6 months of child support.

Further, this bill would require States to establish child support guidelines that are a rebuttable presumption in all child-support cases either in the courts or in administrative proceedings. We would establish a plan for requiring all States to adopt automated data systems for handling child-support cases by 1991. In addition, there are provisions to improve interstate enforcement of child support and the establishment of paternity.

DEMONSTRATION AUTHORITY

Mr. President, one of the concepts that has been extremely important to the administration is the authority for States to implement demonstration projects that would allow them maximum flexibility in designing support systems for low-income families and individuals. In many ways, States can best determine how to address the needs of their own people. They would be in a position to discover and test new ways to help the welfare recipients achieve economic independence. States are best able to coordinate services from programs currently providing benefits to the poor. Responsibility for approving and coordinating State plans would fall to a low-income opportunity board, which would be established to review proposed State demonstrations in accordance with various criteria. Twenty-two Federal programs would be eligible for inclusion under this new demonstration authority.

CONCLUDING REMARKS

Mr. President, no welfare reform plan will be perfect, but I am introducing this proposal as an alternative to proposals that have already been introduced. The welfare debate will be ongoing during the 100th Congress, but it is necessary to make certain that Members of Congress have a variety of options to choose from when they design a plan during the committee process. In introducing this measure today, we will have before us another approach to welfare reform in the Senate.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "AFDC Employment and Training Reorganization Act of 1987".

(b) TABLE OF CONTENTS.—

Section 1. Short title; table of contents

TITLE I—TWO-TIER SYSTEM UNDER AFDC PROGRAM

Sec. 101. Statement of purpose.
Sec. 102. Establishment of first and second tiers.
Sec. 103. Households headed by unmarried minors.

TITLE II—COMPREHENSIVE EMPLOYMENT AND TRAINING PROGRAM

Sec. 201. Statement and purpose.
Sec. 202. State plan requirements; registration for work-related counseling, assessment, and assignment.
Sec. 203. Coordinated administration of work-related programs.
Sec. 204. Participation standards.
Sec. 205. Special rules for the territories.
Sec. 206. Establishment of office of work programs.
Sec. 207. Recordkeeping and reporting requirements.
Sec. 208. Hours of participation in CWEP.
Sec. 209. Technical, conforming, and miscellaneous amendments.

TITLE III—CERTIFICATE SYSTEM FOR CHILD CARE

Sec. 301. Authorization of Federal reimbursement for costs of providing child care services for certain families no longer receiving AFDC payments.
Sec. 302. State plans.
Sec. 303. Withholding for noncompliance.
Sec. 304. Treatment of Benefits.
Sec. 305. Definitions.
Sec. 306. Reports regarding use of Federal funds and State regulation of child care services.

TITLE IV—CHILD SUPPORT ENFORCEMENT AMENDMENTS

Sec. 401. Statement of purpose.
Sec. 402. State guidelines for child support award amounts.
Sec. 403. Periodic updating of child support orders.
Sec. 404. Demonstration projects requiring participation in work-related programs by noncustodial parents unable to pay child support.
Sec. 405. Requirement of data in birth records.
Sec. 406. Paternity establishment.
Sec. 407. Interstate enforcement of child support cases.
Sec. 408. Automated data systems.
Sec. 409. Mandatory income withholding.
Sec. 410. Use of employment security information obtained through Federal and State telecommunications networks.
Sec. 411. Time limitations.
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TITLE V—STATE DEMONSTRATION PROGRAMS

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PART B—SUBMISSION OF BOARD RECOMMENDATION TO CONGRESS AND CONGRESSIONAL ACTION

Sec. 521. Board approval of programs; submission of demonstration proposal; congressional action.

PART C—INTERAGENCY LOW-INCOME OPPORTUNITY BOARD

Sec. 531. Establishment and mission of Board.

PART D—MISCELLANEOUS

Sec. 541. Definitions.

TITLE VI—EVALUATION OF EMPLOYMENT AND TRAINING PROGRAMS AND STATE DEMONSTRATION PROGRAMS

Sec. 601. Statement of purpose.
Sec. 602. Establishment of interagency panel.
Sec. 603. Advisory board.
Sec. 604. Operation of interagency panel.
Sec. 605. Study of transition child care.
Sec. 606. Reports.
Sec. 607. Authorization of appropriations.

TITLE VII—MISCELLANEOUS AND RELATED PROVISIONS

Sec. 701. Demonstration of family independence program in Washington State.

TITLE I—TWO-TIER SYSTEM UNDER AFDC PROGRAM

SEC. 101. STATEMENT OF PURPOSE.

It is the purpose of this title—

(1) to create a cash assistance program under title IV of the Social Security Act that is based on the view of Congress that

nearly all welfare recipients are potentially able employees capable of self-support; and

(2) to provide a two-tier system of cash assistance that imposes minimum requirements on recipient parents with very young children and recipients who have participated in the program for only a brief period of time, while clarifying societal expectations that other recipients will cooperate with local agencies by participating in education, training, and employment programs in good faith and in this way fulfilling their civic responsibility to accept welfare benefits only while they prepare for independence and for the briefest possible period of time.

SEC. 102. ESTABLISHMENT OF FIRST AND SECOND TIERS.

(a) IN GENERAL.—Part A of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"ESTABLISHMENT OF TWO-TIER SYSTEM

"SEC. 416. (a) All applicants for and recipients of aid to families with dependent children under the plan of any State approved under section 402 shall be assigned to the first tier or the second tier in accordance with this section.

"(b)(1) The first tier shall consist of all families applying for or receiving aid under the plan (other than two-parent families eligible pursuant to section 407) which include a child or children under 6 months of age.

"(2) The registration requirements of section 402(a)(19) and the employment and training requirements of section 417 shall not apply to any family in the first tier.

"(c)(1) The second tier shall consist of all two-parent families applying for or receiving aid under the plan pursuant to section 407, and all other families applying for or receiving such aid which do not include any child under 6 months of age.

"(2)(A) Each family in the second tier receiving aid under the plan shall be subject to the registration requirements of section 402(a)(19) and required to participate in the employment and training program under section 417, except as provided in subparagraph (B) and paragraph (4).

"(B) If the caretaker relative in a family in the second tier, or any child in such a family who has attained age 16 but not age 19, does not have a high school diploma (and has not completed a GED program), he or she may be required by the State (instead of registering and participating in the employment and training program under section 417) to enter and maintain satisfactory progress in an accredited high school or GED program, and if the caretaker relative is the individual (or one of the individuals) so required the family shall not be subject to such registration requirements or required to participate in such employment and training program until the caretaker relative has obtained a high school diploma or completed the GED program, or until 18 months have elapsed after he or she would initially have been required to register and participate in such program (without regard to paragraph (4)) but for this subparagraph, or, in the case of a caretaker relative who is under the age of 17, until 12 months have elapsed after he or she (if regularly enrolled and in good standing) would normally have graduated from high school and received such a diploma.

"(3) The sanctions provided under section 402(a)(19)(F) shall apply with respect to a family described in paragraph (2)(B), when the caretaker relative (or a child to whom such paragraph applies) fails to enter and maintain satisfactory progress in an accredited high school or GED program, in the same manner and to the same extent as they apply with respect to families described in paragraph (2)(A) which refuse to participate in good faith in the employment and training program under section 417.

"(4) A State may at its option provide that families in the second tier which do not include a child under 6 months of age, applying for aid under the State's plan approved under section 402, need not register under section 402(a)(19) or participate in the employment and training program under section 417 until the expiration of a period of up to 6 months after the date of their application.

"(d) For purposes of this section, the determination of whether a family is in the first tier or the second tier for any month shall be made as of the beginning of such month.".

(b) CONFORMING AMENDMENTS.—Section 402(a)(19)(A) of such Act is amended—

(1) by striking out clause (v) and inserting in lieu thereof the following:

"(v) the parent or other relative of a child under 6 months of age who is personally providing care for the child with only very brief and infrequent absences from the child;"; and

(2) by striking out "or" after the semicolon at the end of clause (viii), adding "or" after the semicolon at the end of clause (ix), and inserting after clause (ix) the following new clause:

"(x) a member of a family described in section 416(c)(2)(B), or a member of any family in the second tier (as described in section 416(c)(2)(A) or (B)) during the period in which it need not register by reason of section 416(c)(4);".

SEC. 103. HOUSEHOLDS HEADED BY MINORS.

(a) IN GENERAL.—Section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (38);

(2) by striking out the period at the end of paragraph (39) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (39) the following new paragraph:

"(40) provide (A) that in the case of any individual who is under age 18 and is not and never has been married, and who is responsible for the care of a dependent child (or is pregnant and on that basis eligible for aid under the plan), such individual and such dependent child shall be eligible for such aid only if such individual is living with his or her parent in a place of residence maintained as such parent's own home, except that, if the State agency determines that—

"(i) such individual has no parent who is living and whose whereabouts are known;

"(ii) the health and safety of such individual or such dependent child would be seriously jeopardized if such individual lived in the same residence with his or her parent; or

"(iii) such individual has lived apart from his or her parent for a period of at least one year prior to the birth of the dependent child for whose care the individual is responsible or the making of a claim for aid under this part, whichever is later,

this paragraph shall not apply to such individual, and (B) that whenever an individual to whom this paragraph applies is eligible for aid under the plan, the State agency shall pay such aid to the parent with whom such individual is living (instead of making payment to such individual) unless the State agency determines that the parent is unable to manage funds to such extent that making payment to the parent would be contrary to the welfare of such individual and dependent child.".

(b) CONFORMING AMENDMENT.—Section 402(a)(39) of such Act is amended by striking out "or legal guardian" and "or legal guardians".

(c) EFFECTIVE DATES.—The amendments made by subsection (a) shall become effective October 1, 1987; and the amendment made by subsection (b) shall become effective upon its enactment.

TITLE II—COMPREHENSIVE EMPLOYMENT AND TRAINING PROGRAM

SEC. 201. STATEMENT OF PURPOSE.

It is the purpose of this title—

(1) to put the States on a path of gradually expanding employment and training programs, perfected over a period of years on the basis of evaluation data, that leads to increased participation in the labor force and decreased dependence on public assistance among welfare applicants and recipients;

(2) to expand the opportunities for education, training, and employment of participants in the program of aid to families with dependent children (the "AFDC program) and thereby reduce welfare dependency in the United States;

(3) to provide substantial flexibility to States, allowing each of them to design employment and training programs tailored to the needs of AFDC clients in the particular State involved;

(4) to coordinate the administration of AFDC training and employment programs at the Federal and State levels;

(5) to promote efficiency and Federal-State cost sharing in the financing of AFDC training and employment programs;

(6) to provide financial incentives for the States to increase the focus of their employment and training activities on AFDC clients that are at risk of long-term dependency;

(7) to establish a new Federal office to coordinate AFDC employment and training programs and to collect and summarize information about such programs;

(8) to provide resources and incentives to help States facilitate the welfare-to-work transition of AFDC clients; and

(9) to stimulate collection and analysis of data requisite to evaluation of the long-term effects of the AFDC employment and training programs.

SEC. 202. STATE PLAN REQUIREMENTS; REGISTRATION FOR WORK-RELATED COUNSELING, ASSESSMENT, AND ASSIGNMENT.

(a) REQUIREMENT OF REGISTRATION.—Section 402(a)(19) of the Social Security Act is amended—

(1) in subparagraph (A) (as amended by section 102(b) of this Act)—

(A) by striking out "shall register" and all that follows down through "regulations issued by him," in the matter preceding clause (i) and inserting in lieu thereof "shall register with the State agency, in accordance with regulations issued by the Secretary, for work-related counseling, assessment, and assignment to employment, training, education, and other employment-related activities as described in section 417(b),";

(B) by striking out "a child" in clause (i) and inserting in lieu thereof "a dependent child";

(C) by striking out clause (iii);

(D) in clause (vi)—

(i) by striking out "(iii), or (iv)" and inserting in lieu thereof "or (iii)";

(ii) by striking out "the Secretary of Labor" and inserting in lieu thereof "the State agency"; and

(iii) by striking out "to participate under a work incentive program or accept" and inserting in lieu thereof "to participate in good faith in counseling and assessment offered by the State agency under section 417 and in employment, training, or education pursuant to an assignment under that section, or to accept";

(E) by striking out "any individual referred to in clause (v)" in the matter following clause (x) (as added by section 102(b)(2) of this Act) and inserting in lieu thereof "any individual exempt from registration under the preceding provisions of this subparagraph"; and

(F) by redesignating clauses (iv) through (x) (as amended by the preceding provisions of this paragraph and by section 102(b) of this Act) as clauses (iii) through (ix), respectively;

(2) in subparagraph (B), by striking out "or the individual's certification" and all that follows and inserting in lieu thereof "or the individual's certification to the State agency under subparagraph (G) of this paragraph, or by reason of an individual's participation in employment, training, or education pursuant to an assignment made by such agency under section 417(b)(1)(D);";

(3) in subparagraph (C), by striking out "a non-Federal contribution to the work incentive programs" and all that follows and inserting in lieu thereof "a non-Federal contribution by appropriate State and local agencies and private organizations to the work incentive programs established by part C, and to any other work-related programs to which individuals are assigned by the State agency under section 417(b)(1)(D), equal to the portion of the cost of such programs not specifically financed by Federal contributions;";

(4) in subparagraph (D), by striking out "under section 434" and "a program established by section 432(b) (2) or (3)" and inserting in lieu thereof "under a program to which individuals are assigned by the State agency under section 417" and "such a program", respectively;

(5) in subparagraph (F)—

(A) by striking out "that if" and all that follows down through "purposes of such part C" (in the matter preceding clause (i)) and inserting in lieu thereof "that if (and for such period as is prescribed under regulations of the Secretary) any child, relative, or individual required to register under subparagraph (A) has been found by the State agency to have refused without good cause to so register, or has refused without good cause to participate in good faith in counseling and assessment offered by the State agency under section 417 or in employment, training, or education activities pursuant to an assignment made by such agency under section 417(b)(1)(D) or the imposition of a job search requirement under section 417(b)(2)(B),"; and

(B) by adding after and below clause (v) the following:

"and for purposes of this subparagraph a refusal by an individual to accept employment shall be considered to have been made with good cause if the acceptance of such employment would result in a net loss of earned income by such individual;";

(6) in subparagraph (G)—

(A) by striking out "for the administration of programs established pursuant to section 432(b) (1), (2), or (3)" and inserting in lieu thereof "by the State agency established or designated under section 417";

(B) by striking out "the order of priority listed in section 433(a)" and inserting in lieu thereof "the order of priority applicable under the work-related program involved";

(C) by striking out "under section 432(b) (1), (2), or (3)" each place it appears and inserting in lieu thereof "under the work-related program involved";

(D) by striking out "the Secretary of Labor" each place it appears and inserting in lieu thereof "the State agency";

(E) by striking out "accepts employment" and "retain such employment" and inserting in lieu "accepts employment, training, or education" and "retain such employment or continue in such training or education", respectively; and

(F) by striking out clause (iii) and redesignating clause (iv) as clause (iii); and

(7) in subparagraph (H), by striking out "under section 432(b) (1), (2), or (3)" and inserting in lieu thereof "under section 417".

(b) REQUIREMENT OF COORDINATED ADMINISTRATION OF WORK-RELATED PROGRAMS.—Section 402(a) of such Act (as amended by section 103(a) of this Act) is further amended—

(1) by striking out "and" after the semicolon at the end of paragraph (39);

(2) by striking out the period at the end of paragraph (40) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (40) the following new paragraph:

"(41) coordinate the administration of the State's work-related functions under this part, by providing for the assignment of registered individuals by the State agency to employment, training, and education programs as described in section 417 and for the performance by such agency of its other duties under that section and under paragraph (19) of this subsection."

SEC. 203. COORDINATED ADMINISTRATION OF WORK-RELATED PROGRAMS.

Part A of title IV of the Social Security Act (as amended by section 102(a) of this Act) is further amended by adding at the end thereof the following new section:

"COORDINATED ADMINISTRATION OF WORK-RELATED PROGRAMS

"SEC. 417. (a)(1) The State agency administering or supervising the administration of the plan approved under this part shall perform the functions specified in this section, section 402(a)(19), and section 402(a)(41).

"(2) It shall be the general purpose of the State agency, in carrying out its duties under this section and section 402(a)(19), to assist applicants for and recipients of aid to families with dependent children in finding gainful employment and in obtaining training and education which may be appropriate to enable them to perform such employment, with the objective of reducing the number of individuals on the welfare rolls by providing such applicants and recipients with a realistic opportunity to become self-sufficient.

"(3) Federal funds made available to a State for purposes of the program under this section shall be used only to augment and expand education, training, job search, and other employment-related activities which promote the purpose of this section, maintaining any such activities not included in the program under this section at or above their levels in the fiscal year 1987, and shall not in whole or in part replace or supplant any other funds (Federal, State, or local, public or private) already being expended for the same general purpose.

"(b)(1) In carrying out the purpose described in subsection (a)(2), the State agency (in addition to performing its other duties under this part) shall—

"(A) establish a single intake and registration process for all applicants for and recipients of aid to families with dependent children, consistent with section 402(a)(19);

"(B) administer, or enter into arrangements with administering authorities of the programs involved for, the participation of such recipients in appropriate employment, training, and education activities in furtherance of the objective stated in subsection (a)(2), including activities authorized in—

"(i) the work incentive program under part C of this title,

"(ii) the work incentive demonstration program under section 445,

"(iii) the State's community work experience program under section 409,

"(iv) the State's work supplementation program under section 414,

"(v) any program of job search and related services, including services offered by vocational education agencies and the public employment offices of the State, and

"(vi) a work demonstration program under section 1115;

"(C) promote the participation of such recipients in appropriate employment, training, and education activities in furtherance of the objective stated in subsection (a)(12), including activities authorized in—

"(i) any program under the Job Training Partnership Act, and

"(ii) any other program (Federal, State, local, or private) which could be made effectively available to such recipients and participation in which would further such objective;

"(D) assign each such recipient to one or more of the programs described in subparagraphs (B) and (C) which are determined by the State agency to be appropriate for such recipient, and provide all possible assistance to such recipient in preparing for, enrolling in, and participating in such program or programs; and

"(E) take all other actions, not inconsistent with the provisions of this section or of the law governing the program or programs involved, which may be necessary or appropriate to achieve the objective stated in subsection (a)(2).

"(2) In carrying out such purpose and performing its functions under paragraph (1), the State agency may—

"(A) assess the employment capabilities of each registered applicant and recipient in order to determine whether immediate employment is a realistic possibility or whether training or education is needed in order to prepare such applicant or recipient for employment;

"(B) provide (notwithstanding any other provision of law) that any applicant for aid to families with dependent children will be required to undertake an immediate program for job search;

"(C) provide counseling for each such applicant and recipient with respect to his or her potential for such immediate employment or such training or education and with respect to the program or programs (Federal, State, local, or private) which might be available to such applicant or recipient and most appropriately serve his or her interests; and

"(D) develop an employment plan for each such recipient, in partnership with the administering authorities of the programs described in paragraph (1)(B) and (C).

"(3) The arrangements authorized under paragraph (1)(B) may include contracts providing (in the case of both public and private organizations) for incentive payments or for compensation in accordance with specified performance-based criteria.

"(C) (1) The terms and conditions of participation in employment, training, and education activities as described in subsection (b)(1)(B), and the manner in which the provisions of the programs involved are to apply with respect to registered applicants and recipients, shall be determined (subject to the specific requirements of this title and of such programs) by the State agency in consultation with the administering authorities of such programs.

"(2) The provisions of sections 142(a) and 143 of the Job Training Partnership Act shall apply to employment, training, and education activities conducted under a program specified in subsection (b)(1)(B) in the same manner as they apply to comparable activities conducted under such Act (except that the minimum rate of compensation or wages, referred to in paragraphs (2) and (3) of section 142(a) of such Act, shall in all cases be the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938).

"(3) To the maximum extent possible, the steps taken in providing for participation in employment, training, and education activities as described in subsection (b)(1)(B) shall include coordination of the services furnished and activities conducted under the various programs involved with respect to applicants and recipients in order to avoid inefficiency and duplication of effort and to assure the widest possible availability to such applicants and recipients of services and activities which will further the objectives stated in subsection (a)(2). Under regulations prescribed by the Secretary, this section and all functions performed by State agencies and entities under this section shall be coordinated with the work and training requirements which apply to applicants for and recipients of benefits under the Food Stamp Act of 1977.

"(4) Education activities to which participants are assigned under subsection (b)(1)(D) must be remedial in nature, and training activities to which participants are so assigned (except to the extent otherwise provided with respect to activities under the Job Training Partnership Act) must be directed toward immediate employment.

"(5) Individuals whose participation in the program under this section consists solely of education or training (or both) shall receive no cash payments in the nature of stipends under this part (in addition to their regular payments of aid under the State plan approved under section 402) by reason of such participation; and no part of the cost of any such cash payments made under other programs in connection with such participation shall be federally reimbursable.

"(d)(1) Activities conducted under this section which relate to job training and orientation for work, the terms and conditions of participation in such activities, and the manner in which the programs involved are to apply to registered applicants and recipients shall be consistent with the coordination criteria specified in the Governor's coordination and special services plan required under section 121 of the Job Training Partnership Act. Each State agency shall submit to the State job training coordinating council, not less than 90 days prior to the effective day of this section, a full and complete description of such activities and such terms and conditions (and of the manner in which the programs involved are to apply), for the purpose of review and comment by the council on matters related to the delivery of job training services and of coordinating activities under this section with similar activities under the Job Training Partnership Act.

"(2)(A)(i) Any local agency responsible for providing services under this section (including the State agency itself in cases where the AFDC program is State-administered) shall develop, in coordination with each appropriate private industry council and with the chief local elected official or officials for the service delivery area involved (as designated under section 101 of the Job Training Partnership Act), plans related to the job training and work preparation activities which are to be conducted under this section and which are applicable to such area.

"(ii) Each such plan shall be developed into consideration programs and activities developed in coordination with the appropriate private industry council and the chief elected official or officials in the service delivery area.

"(B)(i) The local agency shall develop, in coordination with the private industry council and chief elected official or officials, the job training components of the plan to be provided in the service delivery area.

"(ii) No funds may be used for job training activities under this section in any area without a cooperative agreement developed under clause (i), assuring effective coordination with other similar programs and services in the area.

"(C) The local agency shall provide to the private industry council and chief elected official or officials such information concerning the operation of the program under this section as is necessary to refine and improve the effectiveness of the program components.

"(e)(1) The State agency shall provide recipients who are assigned for employment, training, or education under subsection (b)(1)(D) (and applicants who are required to engage in job search under subsection (b)(2)(B)) with such child care services and transportation, and such other assistance not inconsistent with law, as may be necessary and appropriate to achieve the objective stated in subsection (a)(2). The State agency shall take all appropriate steps to ensure that only child care services which meet acceptable levels of health and safety (as defined by the State) are so provided.

"(2) Any applicant or recipient to whom child care services or transportation are unavailable may not be required to participate in education, training, or work programs under this section. If any applicant or recipient is to be sanctioned for failure to participate in good faith, he or she must be notified thereof at least 30 days in advance of any benefit reduction, and given the opportunity for a fair hearing; and if the issue at any such hearing is the availability of necessary child care services, the burden shall be upon the State or local agency to demonstrate that child care services are available.

"(f)(1) Notwithstanding any other provision of law, the Federal contribution to the costs incurred by the State agency under this section in any fiscal year, and to the costs incurred by any other agency or entity in carrying out a program referred to in clause (i), (ii), (iii), (iv), (v), or (vi) of subsection (b)(1)(B) with respect to individuals assigned to that program under subsection (b)(1)(D) (or in carrying out a program of job search with respect to individuals required to participate therein under subsection (b)(2)(B)) in any fiscal year to the extent that such costs are paid by the State agency consistently with subsection (a)(3) (including in both such cases administrative costs and the costs of providing support services to individuals for whom work-related services are being provided), shall be determined as follows (and as so determined shall be in lieu of any Federal contribution under section 493)a)):

"(A) With respect to costs not exceeding in the aggregate the amount of the costs incurred in the fiscal year 1987 (for activities specified in clauses (i) through (vi) of subsection (b)(1)(B)) with respect to which the Federal payments referred to in subsection (h)(2)(A) were made, such contribution shall be equal to the applicable percentage of such costs determined under paragraph (2); and

"(B) with respect to any additional costs, but not exceeding in the aggregate twice the amount allotted to the State under subsection (h)(2)(B) for such fiscal year, such contribution shall be equal to 50 percent of such additional costs.

Any non-Federal contributions made in kind by a State with respect to costs described in subparagraph (A) in any fiscal year may not exceed the total contributions made in kind by that State with respect to the costs of the program or programs involved in the fiscal year 1987; and no non-Federal contributions may be made in kind by a State with respect to any costs described in subparagraph (B).

"(2) For purposes of paragraph (1)(A), the applicable percentage of the costs described in that paragraph which are incurred by the State agency or any other agency or entity, for any fiscal year, shall be a percentage equal to a fraction the denominator of which is the total amount of the expenditures made by the State in carrying out the programs referred to in clauses (i) through (vi) of subsection (b)(1)(B) for the fiscal year 1987 (including related administrative expenses), and the numerator of which is the total amount of the Federal payments made to the State under sections 403(a) and 435 with respect to such expenditures for the fiscal year 1987.

"(g)(1) The Secretary shall determine for each fiscal year, in the case of each State having a plan approved under this part—

"(A)(i) the total number of individuals who are receiving aid under the State's plan approved under section 402 (or whose needs are included in making the determination under section 402(a)(7)) and who are not exempt from registration under section 402(a)(19) by reason of subparagraph (A) thereof (including applicants who are participating in job search under subsection (b)(2)(B) and individuals who are in school pursuant to the State's exercise of its option under section 416(c)(2)(B), but not including individuals whose registration and participation are being delayed by reason of the State's exercise of its option under section 416(C)(4)) (in this subsection referred to as the State's 'mandatory AFDC population'), and (ii) of such total number, the number of individuals who have attained age 16 but not age 19; and

"(B)(i) the greatest number of individuals described in subparagraph (A)(i) who are satisfactorily participating under this section in education, training, or employment activities scheduled for not fewer than 20 hours per week, the scheduled hours being measured, in accordance with regulations of the Secretary, by the mean of the scheduled hours for all individuals included in such number, and (ii) the number of individuals described in subparagraph (A)(ii) who are satisfactorily enrolled in and attending school as full-time students as determined by the appropriate State or local agency.

"(2) For purposes of this subsection, the term 'participation rate' with respect to individuals within a State's mandatory AFDC population in any fiscal year means—

"(A) with respect to all of the individuals comprising such population as described in paragraph (1)(A)(i), a percentage which is equal to a fraction the denominator of which is the total number of the individuals so described and the numerator of which is the number determined under paragraph (1)(B)(i); and

"(B) with respect to individuals described in paragraph (1)(A)(ii), a percentage of which is equal to a fraction the denominator of which is the number of the individuals so described and the numerator of which is the number determined under paragraph (1)(B)(ii).

"(3)(A) The participation rate for the mandatory AFDC population of each State during any fiscal year (as determined under paragraph (2)(A)) must be at least—

"(i) 15 percent in the case of the fiscal year 1988;

"(ii) 20 percent in the case of the fiscal year 1989;

"(iii) 20 percent in the case of the fiscal year 1990;

"(iv) 25 percent in the case of the fiscal year 1991;

"(v) 30 percent in the case of the fiscal year 1992;

"(vi) 40 percent in the case of the fiscal year 1993;

"(vii) 50 percent in the case of the fiscal year 1994;

"(viii) 60 percent in the case of the fiscal year 1995; and

"(ix) 70 percent in the case of the fiscal year 1996 and each succeeding fiscal year.

"(B) In the case of individuals described in paragraph (1)(A)(ii), the participation rate for each State (as determined under paragraph (2)(B)) must be at least 80 percent for the fiscal year 1990 and for each succeeding fiscal year.

"(4)(A) Subject to subparagraph (B), if any State fails to comply with the requirement of subparagraph (A) or (B) of paragraph (3) with respect to any fiscal year, the amount of the Federal reimbursement to such State under section 403(a)(1) or (2) for quarters in the succeeding fiscal year (as determined without regard to this subsection) shall be reduced by 2 percent.

"(B) If any State fails to comply with the requirements of both subparagraph (A) and subparagraph (B) of paragraph (3) with respect to any fiscal year, the amount of the Federal reimbursement to such State under section 403(a)(1) or (2) for quarters in the succeeding fiscal year (as determined without regard to this subsection) shall be reduced by 3 percent.

"(h)(1) Notwithstanding any other provision of law, there are authorized to be appropriated—

"(A) $500,000,000 for fiscal year 1988, and

"(B) such sums as may be necessary for each succeeding fiscal year,

to carry out this section. It is the intention of the Congress that the annual amount of Federal funding for fiscal years after 1988 should be increased if and to the extent that the education and training programs operated by the States under this section are proving to be successful in reducing dependency among welfare clients.

"(2) Of the amount appropriated pursuant to paragraph (1) for any fiscal year, the Secretary—

"(A) shall first allot to each State an amount equal to the total amount of the Federal payments which were made to such State (under sections 403(a) and 435) for the activities specified in clauses (i) through (vi) of subsection (b)(1)(B) for the fiscal year 1987, including related administrative costs incurred by the State agency; and

"(B) shall thereafter allot to each State—

"(i) in the case of the fiscal year 1988, an amount which bears the same ratio to the remainder of the amount so appropriated as the eligible AFDC population of such State bears to the total eligible AFDC population of all the States;

"(ii) in the case of the fiscal year 1989, an amount which bears the same ratio to the remainder of the amount so appropriated as the participating AFDC population of such State for the preceding fiscal year bore to the total participating AFDC population of all the States for such preceding fiscal year; and

"(iii) in the case of the fiscal year 1990 and each succeeding fiscal year, the amount determined under paragraph (3).

"(3)(A) Of the amount appropriated pursuant to paragraph (1) for any fiscal year after the fiscal year 1989—

"(i) 50 percent shall be allotted to the States on the basis of the ratio of the participating AFDC population of each State for the preceding fiscal year to the total participating AFDC population of all the States for such preceding fiscal year (adjusted by the Secretary in accordance with subparagraph (B)); and

"(ii) 50 percent shall be allotted to the States on the basis of their relative efficiency ratios determined under subparagraph (C).

"(B) For purposes of making allotments under clause (i) of subparagraph (A) for a fiscal year, the Secretary shall adjust the amounts determined pursuant to the formula specified in such clause for that fiscal year to the extent necessary to reflect changes in the relative unemployment rates of the various States during the preceding fiscal year.

"(C)(i) For purposes of making allotments under clause (ii) of subparagraph (A) for any fiscal year, the Secretary shall determine the efficiency ratio of each State for the preceding fiscal year by dividing the total amount paid to the State for the activities specified in clauses (i) through (vi) of subsection (b)(1)(B) for such preceding fiscal year by the number of high-priority applicants and recipients who were placed in school or jobs under this section in such State for such preceding fiscal year and have remained in school or jobs for 6 months or more.

"(ii) For purposes of clause (i)—

"(I) the term 'high-priority applicants and recipients' (subject to clause (iii)) includes individuals who have failed to complete high school (or an equivalent course of instruction), unwed mothers with children under 3 years of age, and recipients of aid who are under 22 years of age, and

"(II) in order to count as a job, employment must yield an income equal at least to the income from a half-time job at the applicable minimum wage.

"(iii) The Secretary shall have authority to modify the definition of the term 'high-priority applicants and recipients' for purposes of clause (i), before making the initial Federal contributions to the cost of the program under this section (in consultation with the Interagency Panel established under section 602 of the AFDC Employment and Training Reorganization Act of 1987 if he so desires) and at such later times as may appear appropriate, if the Secretary determines on the basis of empirical evidence that the modification or modifications involved will better promote the purpose and objectives of this section. The Secretary shall publish any such modification in the Federal Register, no later than the time at which the modification becomes effective, along with a full statement of the evidence on which the modification was based.

"(D) For purposes of this paragraph—

"(i) the term 'eligible AFDC population' means, with respect to a State for a fiscal year, the total number of individuals who are required to be registered with the State agency pursuant to section 402(a)(19) for purposes of assignment to and participation in employment-related activities under this section during such fiscal year (including applicants who are participating in job search under subsection (b)(2)(B) and individuals who are in school pursuant to the State's exercise of its option under section 416(c)(2)(B), but not including individuals whose registration and participation is being delayed by reason of the State's exercise of its option under section 416(c)(4)); and

"(ii) the term 'participating AFDC population' means, with respect to a State for a fiscal year, a number of individuals (registered with the state agency) equal to (I) the 'greatest number' as that number was determined under subsection (g)(1)(B)(i) with respect to such fiscal year plus (II) the number of individuals satisfactorily enrolled in and attending school as fulltime students (as determined under subsection (g)(1)(B)(ii)) during such year.".

SEC. 204. PARTICIPATION STANDARDS.

Each State, as a condition of receiving full Federal reimbursement under section 403(a) of the Social Security Act, must maintain rates of participation in the program established by section 417 of such Act at least equal to the applicable percentages specified in subsection (g)(3) of such section 417.

SEC. 205. SPECIAL RULES FOR THE TERRITORIES.

(a) ALTERNATIVE STATE PLAN REQUIREMENT.—In the case of Puerto Rico, the Virgin Islands, and Guam, section 402(a)(19) of the Social Security Act is amended to read as follows (rather than as amended generally by section 202(a) of this Act):

"(19) provide that the State agency will, to the maximum extent feasible, implement a coordinated program of activities designed to afford greater opportunities for individuals to achieve self-sufficiency through employment;".

(b) CERTAIN PROVISIONS INAPPLICABLE.—Sections 402(a)(41) 416, and 417 of such Act (as added by sections 102(a), 202(b) and 203, respectively, of this Act) shall not be applicable to Puerto Rico, the Virgin Islands, or Guam.

(c) AUTHORIZATIONS.—There are authorized to be appropriated, for each fiscal year after 1987, for payments to Puerto Rico, the Virgin Islands, and Guam, to carry out section 402(a)(19) of the Social Security Act as amended by subsection (a) of this section (and without regard to the provisions for financial participation by such jurisdictions under section 403 of the Social Security Act)—

(1) $775,000 in the case of Puerto Rico,

(2) $130,000 in the case of the Virgin Islands, and

(3) $95,000 in the case of Guam,

which shall be the maximum amount to which each of those jurisdictions may become entitled to carry out section 402(a)(19) of such Act as so amended. If, for any fiscal year, no amount is appropriated pursuant to this subsection, the requirement of such section 402(a)(19) shall not be applicable to Puerto Rico, the Virgin Islands, or Guam.

(d) Conforming Amendments.—(1) Section 1108(a) of such Act is amended by striking out "applies" and inserting in lieu thereof "or section 205(c) of the AFDC Employment and Training Reorganization Act of 1987 applies".

(2) Section 1108(b) of such Act is amended by striking out "and services provided under section 402(a)(19)".

SEC. 206. ESTABLISHMENT OF OFFICE OF WORK PROGRAMS.

Title VII of the Social Security Act is amended by adding at the end thereof the following new section:

"Sec. 711. There shall be established in the Office of Family Assistance an Office of Work Programs (in this section referred to as the 'Office'). The Office shall be headed by a Director, who shall have responsibility for (1) coordinating and facilitating the employment and training programs under title IV of this Act, (2) collecting data relating to the operation and effectiveness of such programs, and (3) providing or arranging for the provision of technical assistance to the States in carrying out the requirements of sections 402(a)(40), 402(a)(41), and 417 of this Act.".

SEC. 207. RECORDKEEPING AND REPORTING REQUIREMENTS.

(a) Recordkeeping.—Section 402(a)(25) of the Social Security Act is amended to read as follows:

"(25) provide that—

"(A) information is requested and exchanged for purposes of income and eligibility verification in accordance with a State system which meets the requirements of section 1137 of this Act, and

"(B) complete information of the type described in section 1137(a)(2) is maintained for each family receiving aid under this title for the period beginning with the first month in which such aid is received and ending with (and including) the twenty-fourth month after such family has ceased to receive such aid;".

(b) Reporting.—Section 402(a) of such Act, as amended by the preceding provisions of this Act, is further amended—

(1) by striking out "and" at the end of paragraph (40);

(2) by striking out the period at the end of paragraph (41) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (41) the following new paragraph:

"(42) provide that the State agency will collect and report to the Secretary (in such form and with such frequency as the Secretary may require) data on—

"(A) the number of families and individuals receiving assistance under this title;

"(B) the number of such individuals who enter training pursuant to paragraph (19)(A) (and the number who enter such training voluntarily);

"(C) the number of such individuals who complete such training;

"(D) the number of such individuals who engage in job search under section 417;

"(E) the number of such individuals who are in school;

"(F) the number of such individuals who are placed in subsidized and unsubsidized jobs;

"(G) the number of such individuals who received aid under the State plan and are employed six months after initial placement in a job (setting forth such number separately for high-priority applicants and recipients as described in section 417(h)(3)(C) and for other individuals);

"(H) the impact of such training has on the total amount of the benefits paid to families in the State under this title; and

"(I) such other matters relating to the employment, training, and education activities described in section 417(b) as the Secretary deems appropriate.".

SEC. 208. HOURS OF PARTICIPATION IN CWEP.

Section 409(a)(1)(E) of the Social Security Act is amended—

(1) by inserting "(i)" after "equals", and

(2) by striking out "divided by" and inserting in lieu thereof "increased (if the State so desires) by the cash value of any food stamps received by the family in such month, divided by (ii)".

SEC. 209. TECHNICAL, CONFORMING, AND MISCELLANEOUS AMENDMENTS.

(a) Amendments to Part A of Title IV.—(1) Section 401 of the Social Security Act is amended by inserting "(other than section 417)" before the period at the end of the first sentence.

(2) Section 402(a)(8)(A)(iv)(II) of such Act is amended by striking out "under the programs established by section 432(b) (2) and (3)" and inserting in lieu thereof "under any training, education, or public service employment program to which such child or relative has been assigned pursuant to section 417(b)(1)(D)".

(3) Section 402(a)(35)(A) of such Act is amended by striking out "(or who would be required to register under paragraph (19)(A) but for clause (iii) thereof)".

(4) Section 403(c) of such Act is repealed.

(5) Section 407(b)(2)(C)(i) of such Act is amended by striking out "for the work incentive program" and all that follows and inserting in lieu thereof ", and".

(6) Section 407(d)(1) of such Act is amended by striking out "a community work experience program under section 409, or the work incentive program established under part C" and inserting in lieu thereof "a program with respect to which the State agency has provided under section 417(b)(1)(B) for participation by registered individuals in employment, training, and education activities".

(7) Section 407(e) of such Act is amended—

(A) by striking out "and the Secretary of Labor shall jointly" and inserting in lieu thereof "shall";

(B) by striking out "for the work incentive program" and all that follows down through "or in connection" and inserting in lieu thereof "and in connection"; and

(C) by striking out "both the work incentive program" and inserting in lieu thereof "both the programs referred to in section 417(b)(1)(B)".

(8) Section 409(b)(2) of such Act is amended by striking out "but for" and all that follows and inserting in lieu thereof "but for the exception contained in clause (iv) of such section (but only if child care is available for the child for whom the parent or relative is caring)".

(9) Section 414(h) of such Act is amended by striking out "or part C".

(b) Amendments to Part C of Title IV.—(1) Part C of title IV of such Act is amended—

(A) in section 431, by striking out the text of the section and inserting in lieu thereof the following:

"Sec. 431. The amounts necessary to carry out the purpose set forth in section 430 with respect to individuals assigned to the work incentive program (or the work incentive demonstration program) pursuant to section 417(b)(1)(D) shall be made available for that purpose from the sums appropriated to the Secretary pursuant to section 417(h)(1), and shall be used for making payments to States in accordance with this part.";

(B) in section 432(a), by striking out "The Secretary of Labor (hereinafter in this part referred to as the Secretary)" and inserting in lieu thereof "The Secretary";

(C) in section 436(b), by striking out "prescribed jointy by him and the Secretary of Health and Human Services" and inserting in lieu thereof "prescribed by him";

(D) in section 439—

(i) by striking out "and the Secretary of Health and Human Services" where it first appears, and

(ii) by striking out ", jointly by the Secretary and the Secretary of Health and Human Services," and inserting in lieu thereof "by the Secretary";

(E) in section 441, by striking out "(jointly with the Secretary of Health and Human Services)";

(F) in section 443—

(i) by striking out "of Health and Human Services" in the first and second sentences, and

(ii) by striking out "and shall be paid by the Secretary of Health and Human Services to the Secretary" in the fourth sentence;

(G) in section 444(a), by striking out "by the Secretary of Health and Human Services"; and

(H) in section 445—

(i) by striking out "of Health and Human Services" each place it appears in paragraphs (1) and (2) of subsection (b) and in subsection (e), and

(ii) by striking out paragraph (3) of subsection (b).

(2) Section 433(a) of such Act is amended—

(A) by striking out "certified to him by a State, pursuant to section 402(a)(19)(G)" and inserting in lieu thereof "assigned to the work incentive program pursuant to section 417(b)(1)(D)"; and

(B) by striking out "certified to him under section 402(a)(19)(G)" and inserting in lieu thereof "assigned to the work incentive program pursuant to section 417(b)(1)(D)".

(3) Section 433(b)(3) of such Act is amended by striking out "certified to him pursuant to section 402(a)(19)(G)" and inserting in lieu thereof "assigned to the work incentive program pursuant to section 417(b)(1)(D)".

(4) Section 433(g) of such Act is amended by striking out "certified to the Secretary pursuant to section 402(a)(19)(G)" and inserting in lieu thereof "assigned to the work incentive program pursuant to section 417(b)(1)(D)".

(5) Section 435(a) of such Act is amended by striking out "shall not exceed 90 per centum of the costs of carrying out this part" and inserting in lieu thereof "shall be determined in accordance with under section 417(f)".

(6) Section 444(a) of such Act is amended by striking out "individuals certified" and

all that follows and inserting in lieu thereof "individuals assigned to the work incentive program pursuant to section 417(b)(1)(D).".

(7) Section 444(d) of such Act is amended by striking out "certified to the Secretary by such agency under section 402(a)(19)(G)" and inserting in lieu thereof "assigned to such agency under section 417".

(8) Section 445 of such Act is amended—

(A) by striking out "Not later than June 30, 1984, the" in subsection (b)(1) (in the matter preceding subparagraph (A)) and inserting in lieu thereof "The";

(B) by striking out ", and shall be required to participate in," in subsection (b)(1)(B); and

(C) by striking out "shall be in force for a three-year period" in subsection (d) and inserting in lieu thereof "shall be in force for such period as may be specified in the letter of application submitted under subsection (b)(1), and may be renewed (upon the submission by the Governor of an appropriate letter of application, subject to approval in the manner described in subsection (b)(2)) for an additonal period or periods".

(c) Relationship With Other Work-Related Programs.—Whenever a provision of section 417 of the Social Security Act, or any other provision of such Act which is amended by the preceding provisions of this Act, is determined to be inconsistent with a provision of any of the work-related programs referred to in section 417(b)(1)(B) of such Act or of any other work-related program which may involve or affect individuals who have registered under section 402(a)(19) of such Act and are assigned to such program under section 417(b)(1)(D) of such Act, the provision of section 417 of the Social Security Act (or other provision of such Act as amended by this Act) shall govern.

TITLE III—CERTIFICATE SYSTEM FOR CHILD CARE

SEC. 301. AUTHORIZATION OF FEDERAL REIMBURSEMENT FOR COSTS OF PROVIDING CHILD CARE SERVICES FOR CERTAIN FAMILIES NO LONGER RECEIVING AFDC PAYMENTS.

Section 417(f)(1) of the Social Security Act (as added by section 203 of this Act) is amended by inserting immediately after "individuals for whom work-related services are being provided" the following: ", for this purpose treating the costs of providing child care certificates to individuals under a plan approved and being implemented in accordance with title III of the AFDC Employment and Training Reorganization Act of 1987 as though they were costs incurred in providing child care services as described in subsection (e)(1) to individuals who are assigned for employment, training, and education under subsection (b)(1)(D) and for whom work-related services are being provided under this section".

SEC. 302. STATE PLANS.

(a) In General.—(1) Each State which desires to receive Federal reimbursement (under section 417 of the Social Security Act) for costs incurred in providing child care services for individuals described in subsection (b)(2)(A) shall submit a State plan under this title to the Secretary of Health and Human Services (in this section referred to as the "Secretary") at such time and in such manner as the Secretary may require.

(2) Under regulations prescribed by the Secretary, such plan (instead of being submitted separately) may be incorporated, by an appropriate amendment, in the State's plan for aid and services to needy families with children approved under section 402.

(b) Contents of State Plans.—Each State plan under this title shall meet the requirements of each of the following paragraphs:

(1) Description of program.—A plan meets the requirements of this paragraph only if it describes the certificate program under the plan and its proposed implementation.

(2) Certificates available only to low-income individuals for child care necessary for employment.—A plan meets the requirements of this paragraph only if it meets the requirements of subparagraphs (A) and (B).

(A) In general.—A plan meets the requirements of this subparagraph only if it provides that certificates will be available under the plan only to individuals in families which—

(i) have a family income of less than 150 percent of the nonfarm income official poverty line defined by the Office of Management and Budget (and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981),

(ii) received aid to families with dependent children within the past 3 months but are no longer receiving such aid solely because of increased earnings (or because of a reduction in the amount of earnings disregarded under section 402(a)(8) of the Social Security Act), and

(iii) are paying at least a part (no less than 10 nor more than 90 percent) of the cost of the child care services involved,

and only for child care services which are necessary to permit the certificate recipient to be employed or actively seeking employment.

(B) Certificates available for child care services provided by documented providers.—A plan meets the requirements of this paragraph only if it provides that certificates will be available under the plan for child care services provided by (and only by)—

(i) a child care provider which is required by State law to be licensed or certified and which is so licensed or certified, or

(ii) a family day care provider which is required by the State to be licensed or certified and which is not so licensed or certified, or a child care provider which is not required by State law to be licensed or certified, but which agrees (I) to provide the State with the operator's name and address, and (II) to comply with applicable State licensing or certification requirements (if any) within 2 years.

(C) Public information; assistance for family day care providers.—A plan meets the requirements of this paragraph only if it includes an agreement—

(i) to disseminate to the public, through public libraries and appropriate State and local agencies, the names and addresses of all registered, licensed, or certified child care providers in the State;

(ii) to establish communication by the State with each child care provider which is registered, licensed, or certified for the purposes of providing information on—

(I) child care provider support groups and training opportunities if any are in existence in the provider's geographical area;

(II) requirements for certification and licensure of child care providers;

(III) programs on child development and health in the provider's geographical area; and

(IV) the availability of, and application procedures for, any publicly funded child nutrition programs for children in child care; and

(iii) to establish regular communication by the State with parents for the purpose of providing information on the parents' role in selecting and monitoring child care and on where to report complaints against child care providers.

(D) Exception from registration requirements.—This paragraph shall not apply to the family day care providers in any State if such State demonstrates to the satisfaction of the Secretary that not less than 80 percent of the children likely to be served by family day care providers for full-day child care are likely to be served by family day care providers the names and addresses of which are recorded by the State.

(3) Administrative provisions.—A plan meets the requirements of this paragraph only if it—

(A) Budget.—Includes a budget for administrative expenses under the plan and a description of how the designated State agency will distribute administrative funds to local agencies operating under the plan.

(B) Limit on administrative expenses.—Provides that not more than 8 percent of the costs incurred under the plan which are subject to reimbursement under section 417(f) of the Social Security Act may be incurred for administrative expenses directly related to providing certificates under the plan (including staff training, planning, and evaluation).

(C) Accounting procedures.—Provides that fiscal control and fund accounting procedures will be established to assure the proper disbursement of and accounting for all funds which are used by the State under the plan and are subject to Federal reimbursement under section 417(f) of the Social Security Act.

(D) Other administrative procedures.—Describes administrative procedures to be used in carrying out the certificate program, including procedures for establishing handling complaints from child care providers or recipients, handling allegations of fraud or abuse under the certificate program, and determining compliance with the terms of the certificate program.

(4) Publicity; other information.—A plan meets the requirements of this paragraph only if it—

(A) provides for publicizing the availability of certificates under the plan, including eligibility criteria for participation; and

(B) includes such other information as the Secretary may require with respect to the certificate program.

(c) Plan Approval, etc.—The Secretary shall approve any State plan under this title, or modification thereof, which meets the requirements of this section (whether such plan or modification is separately submitted or is incorporated into the State's plan approved under section 402), and shall not finally disapprove (in whole or in part) any plan or modification without first affording the State reasonable notice and opportunity for a hearing within the State. Whenever the Secretary disapproves a plan or modification, the Secretary shall, on a timely basis, assist the State to overcome the deficiencies involved.

(2) Approval or disapproval within 60 days of receipt.—The Secretary shall approve or disapprove its receipt by the Secretary.

(3) Other timetables.—The Secretary shall, as soon as practicable after the date of the enactment of this title, establish criteria and standards for the State plan re-

quirements under this section, together with timetables for carrying out the plan.

SEC. 303. WITHHOLDING FOR NONCOMPLIANCE.

Whenever the Secretary, after providing reasonable notice and opportunity for hearing to any State, finds that there has been a substantial failure to comply with any provision set forth in the State plan of such State under this title, the Secretary shall notify the State that further Federal contributions will not be made with respect to the expenses involved under section 417(f) of the Social Security Act until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further Federal contributions shall be made with respect to such expenses under such section 417(f).

SEC. 304. TREATMENT OF BENEFITS.

Notwithstanding any other provisions of law, the amount of any certificate provided under this title not be considered income or resources for purposes of any Federal or State law, including any law relating to taxation, public assistance, or welfare programs.

SEC. 305. DEFINITIONS.

For purposes of this title—

(1) CHILD CARE.—The term "child care" means care of an individual—

(A) who is a dependent (as defined in section 152 of the Internal Revenue Code of 1986) of the certificate recipient, and

(B) who has not attained age 12.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(3) STATE.—The term "State" includes the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 306. REPORTS REGARDING USE OF FEDERAL FUNDS AND STATE REGULATION OF CHILD CARE SERVICES.

(a) IN GENERAL.—Each State shall prepare reports on its activities carried out under this title. Such reports shall be in such form, contain such information, and be of such frequency (but not less often than every 2 years) as the Secretary determines is necessary to provide an accurate description of such activities and to secure a complete record of the purposes for which funds were spent in implementing the State's plan under this title. Such reports shall describe—

(1) the number and ages of children who receive child care services as a result of the certificate program;

(2) the setting of services provided; and

(3) the amount of assistance provided from the reimbursement for child care services under the certificate program as compared with title XX and other Federal and State child care assistance programs.

(b) SUBMISSION OF REPORTS, ETC.—Each State shall make copies of the reports required of it by this section available for public inspection within the State and shall transmit a copy of the reports to the Secretary.

(c) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall compile such reports and submit a report to the Congress summarizing the results of the Secretary's analysis of the State reports. The Secretary's report shall be submitted not later than 180 days after the filing of the State reports to which it relates.

(2) CONTENT.—The Secretary's analysis shall include the Secretary's assessment of the certificate programs.

TITLE IV—CHILD SUPPORT ENFORCEMENT AMENDMENTS

SEC. 401. STATEMENT OF PURPOSE.

It is the purpose of this title to expand the program of child support enforcement established under part D of title IV of the Social Security Act by improving the process of paternity establishment, by improving the available techniques of collecting child support payments, by standardizing the amounts of child support orders, and by strengthening the enforcement of interstate child support cases.

SEC. 402. STATE GUIDELINES FOR CHILD SUPPORT AWARD AMOUNTS.

Section 467(b) of the Social Security Act is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking out ", but need not be binding upon such judges or other officials"; and

(3) by adding at the end thereof the following new paragraphs:

"(2) There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of such guidelines is the correct amount of child support to be awarded. A written finding or specific finding on the record that the application of such guidelines would be unjust in a particular case shall be sufficient to rebut the presumption.

"(3) The guidelines must specify (as a part of such rebuttable presumption) that the correct (and legally required) total amount of support awarded to two or more children of an absent parent for any period (whether or not all of such children are being awarded support in the same proceeding) shall be equal at least to (A) the amount that would be determined in accordance with such guidelines for an award to one of such children if there are no other children of the absent parent to whom support is being or has been awarded, plus (B) an additional amount for each additional child up to a total of at least four such children.".

SEC. 403. PERIODIC UPDATING OF CHILD SUPPORT ORDERS.

(a) IN GENERAL.—The first sentence of section 467(a) of the Social Security Act is amended by inserting before the period at the end thereof the following: ", along with procedures for the periodic review and routine updating of all child support orders, at least once every two years, so as to ensure that (taking into account any changes which may have occurred in the custodial or noncustodial parent's financial situation and in other circumstances) they remain in full compliance with such guidelines".

(b) STATE PLAN REQUIREMENT.—Section 466(a) of such Act is amended by inserting immediately after paragraph (9) the following new paragraph:

"(10) Procedures requiring the uniform application of the guidelines established under section 467(a), and the periodic updating of child support awards in accordance with that section, in full compliance with all procedural due process requirements of the State.".

SEC. 404. DEMONSTRATION PROJECTS REQUIRING PARTICIPATION IN WORK-RELATED PROGRAMS BY NONCUSTODIAL PARENTS UNABLE TO PAY CHILD SUPPORT.

Section 1115 of the Social Security Act is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) In order to encourage and permit States to improve child support enforcement in cases where the noncustodial parent is financially unable to meet his support obligations, up to 10 States (under subsection (a)) may undertake and carry out demonstration projects specifically requiring (1) that absent parents who owe child support, but whose income is insufficient to pay such support, participate in the State's AFDC employment and training program established under section 417, in an appropriate State program under the Job Training Partnership Act, or in a similar program of work or training, and (2) that the State office having responsibility for child support enforcement will ensure that all such absent parents are complying with clause (1) by confirming their participation in the relevant programs at least once every 6 months.".

SEC. 405. REQUIREMENT OF DATA IN BIRTH RECORDS.

Section 466(a) of the Social Security Act (as amended by section 403(b) of this Act) is further amended by inserting immediately after paragraph (10) the following new paragraph:

"(11) Procedures which require that the names and social security account numbers of the father and mother of every child born in the State will be recorded in the child's birth records. The State shall take such action as may be necessary to ensure that the social security account numbers so recorded are disclosed or made available only to duly authorized officials.".

SEC. 406. PATERNITY ESTABLISHMENT.

(a) IN GENERAL.—Section 466(a)(5) of the Social Security act is amended by inserting "(A)" after "(5)", and by adding at the end thereof the following new subparagraphs:

"(B) Procedures under which the State is required)—

"(i) to open and take action on the question of paternity within 60 days after the date on which any case involving that question is opened under part A;

"(ii) to require the child and either or both parents to submit to blood tests upon the request of any party in a contested paternity case; and

"(iii) to use a 95 percent probability index from blood tests as a rebuttable presumption of paternity.

"(C) Procedures under which all court decisions in contested cases involving paternity are required to be based on the same standard of proof as the standard of the State's burden of proof in civil cases.".

(b) INCENTIVE PAYMENTS.—Section 458(d) of such Act is amended by inserting after "In computing incentive payments under this section," the following: "(1) each State shall be deemed to be collecting support in the amount of $100 a month, for a period of up to 12 months, in every case in which paternity has been established but actual collections have not commenced, and (2)".

SEC. 407. INTERSTATE ENFORCEMENT OF CHILD SUPPORT CASES.

(a) REQUIRED STATE PROCEDURES.—Section 466(a) of the Social Security Act (as amended by the preceding provisions of this title) is further amended by inserting immediately after paragraph (11) the following new paragraph:

"(12) Procedures under which—

"(A) employers are required to disclose to the child support enforcement agency of the State the address, earnings, social security number, date of birth, and length of employment of any employee who is obligated under court order to pay child support (to the extent the information is available in the employer's business records), notwithstanding any other provision of law which would make the information confidential, upon written request of such agency; and

"(B) the most recent version of the Uniform Reciprocal Enforcement of Support Act, or a law containing equivalent provisions, is in effect in the State.

Failure to provide the information requested under subparagraph (A) or a statement that any or all of it is not known or available, within 30 days after receiving the agency's request, shall subject the employer to civil penalties; but any employer responding to the agency's request in good faith shall be immune from any liability, civil or criminal, that might otherwise result from the release of the requested information. The State shall ensure that the use of disclosure of information obtained from employers under subparagraph (A) is limited to purposes directly connected with the administration of the plan under this part or with an investigation, prosecution, or civil proceeding conducted in connection with the administration of such plan.".

(b) Modifications of Support Orders Issued in Other States for Income Withholding Purposes.—Section 466(b)(9) of such Act is amended by inserting before the period at the end thereof the following: "; but when one State duly requests another State to modify a support order (on behalf of a custodial parent residing in the requesting State) so as to permit income withholding from an absent parent residing in such other State, such other State shall not have jurisdiction (in complying with such request) to modify any other aspect of the order.".

SEC. 408. AUTOMATED DATE SYSTEMS.

(a) In General.—(1) Section 454(16) of the Social Security Act is amended by striking out ", at the option of the State," and inserting in lieu thereof ", in accordance with the requirements of section 452(d)(3).".

(2) Section 452(d) of such Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) No later than October 1, 1989, each State shall either have in effect an automatic data processing and information retrieval system meeting all the requirements of section 454(16) or have submitted an advance automatic data processing planning document of the type referred to in that section.

"(B) By October 1, 1990, the Secretary shall have reviewed and approved the advance planning document of each State which has submitted such a document; and by October 1, 1992, every state shall have in effect an operational automatic data processing and information retrieval system meeting all the requirements of section 454(16).".

(b) Repeal of 90-Percent Federal Reimbursement Rate for Automated Data Systems.—Effective October 1, 1992, section 455(a)(1) of such Act is amended by striking out "an amount—" and all that follows down through "except that" and inserting in lieu thereof the following: "an amount equal to the percent specified in paragraph (2) of the total amounts expended by such State during such quarter for the operation of the plan approved under section 454; except that".

SEC. 409. MANDATORY INCOME WITHHOLDING.

(a) Commencement of Automatic Withholding Upon Issuance of Court Order.—Paragraph (3) of section 466(b) of the Social Security Act is amended to read as follows:

"(3) Such withholding shall apply in every case where an individual residing in the State owes child support under a court order which has been issued or modified in the State (or under an order of an administrative process established by a law of the State), without the necessity of any determination as to whether the absent parent is or is not in arrears and without regard to whether or not the obligation involved is one which has been assigned to the State under section 402(a)(26) or which has been (or could upon application have been) undertaken to be collected by the State under section 454(6); except that an exemption from this requirement (A) may be permitted by the State in cases where (i) the support order involved was in existence on the effective date specified in section 412 of the AFDC Employment and Training Reorganization Act of 1987, and (ii) the parent paying child support pursuant to such order has at all time maintained a satisfactory record of timely support payments (as determined by the State), and (B) must be permitted in any case where (i) the parent paying child support posts a bond in an amount equal to 6 months of child support payments, with provision for the forfeiture of such bond if such parent is 30 days in arrears or the equivalent thereof, at which time income withholding would be initiated, or (ii) a written agreement is reached between both parties which provides for an alternative arrangement.".

(b) Conforming Amendments.—(1) Section 466(b)(2) of such Act is amended by striking out "in the case of a child" and all that follows down through "In either case such withholding must occur", and inserting in lieu thereof ", and must occur".

(2) Section 466(b)(4)(A) of such Act is amended by striking out all that follows "the proposed withholding" and inserting in lieu thereof a period.

SEC. 410. USE OF EMPLOYMENT SECURITY INFORMATION OBTAINED THROUGH FEDERAL AND STATE TELECOMMUNICATIONS NETWORKS.

(a) In General.—Section 454 of the Social Security Act is amended—

(1) by striking out "and" after the semicolon at the end of paragraph (22);

(2) by striking out the period at the end of paragraph (23) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (23) the following new paragraph:

"(24) provide that the State agency administering the plan, and the Parent Locator Service, will be given access to all employment security information which is in the possession or control of any Federal or interstate telecommunications network or which is available through any other data exchange method (including information made available under section 1137(a)(4)(B)), subject to reimbursement for the reasonable cost of furnishing such information as agreed to by the parties, and will use such information for child support enforcement purposes in carrying out their duties under this part, so long as such information is adequately protected against unauthorized disclosure for other purposes under safeguards established in regulations prescribed by the Secretary.".

(b) State Law Requirements.—Section 466(a) of such Act (as amended by the preceding provisions of this title) is further amended by inserting immediately after paragraph (12) the following new paragraph:

"(13) Procedures under which the agency or official responsible for the State's participation in any interstate telecommunications network or other data exchange arrangement that gathers, provides, or coordinates employment security information will make such information available upon request to the State agency administering the plan of the State under this part or the agency administering the plan of any other State under this part, or to the Parent Locator Service, subject to reimbursement for the reasonable cost of furnishing such information (as agreed to by the parties) and to the safeguards against unauthorized disclosure referred to in section 454(24), for use in child support enforcement as provided for in that section.".

(c) Federal Authority.—Section 452 of such Act is amended by adding at the end thereof the following new subsection.

"(g) In accordance with regulations prescribed by the Secretary, the head of each Federal agency which operates or participates in a telecommunications network or other data exchange arrangement that gathers, provides, or coordinates employment security information shall make such information available upon request to any State agency administering a plan under this part, and to the Parent Locator Service, subject to reimbursement for the reasonable cost of furnishing such information (as agreed to by the parties) and to the safeguards against unauthorized disclosure referred to in section 454(24), for use in child support enforcement as provided for in that section.".

SEC. 411. TIME LIMITATIONS.

(a) In General.—Within 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall develop and publish standards for the amount of time a State may take to complete each of several actions in child support cases. In publishing these standards, the Secretary shall include, but is not limited to, the following milestones in the enforcement process:

(1) the time for opening an AFDC case until the State child support enforcement office under part D of title IV of the Social Security Act opens the case and takes some documented action;

(2) the time to take documented action on a case received from another State;

(3) the time from opening a child support enforcement case under part D of title IV of the Social Security Act until a child support order is established when expedited process is used;

(4) the time required to establish paternity;

(5) the time required to establish a support order;

(6) the time required to collect the first payment in intrastate cases; and

(7) the time required to collect the first payment in interstate cases.

Each standard shall specifiy the percentage of cases that should have received the specified action within the time alloted.

(b) Penalties for Failure to Comply.—Section 403(h) of the Social Security Act shall apply with respect to any failure by the State to comply with the standards developed and published under subsection (a), as though such failure were the failure of a State program operated under part D of the Social Security Act to comply with requirements imposed by such part.

SEC. 412. EFFECTIVE DATE; GAO EVALUATION REPORT.

(a) Effective Date.—Except as otherwise specifically indicated, the amendments made by this title shall become effective on the first day of the first calendar quarter which begins one year or more after the date of the enactment of this Act.

(b) GAO REPORT.—The Comptroller General shall conduct a study to evaluate the implementation by the various States of the amendments made by this title, and shall submit to the President and the Congress, no later than 4 years after the date of the enactment of this Act, a report setting forth the results of such study together with his recommendations for any further legislative or administrative actions that he considers necessary or appropriate.

TITLE V—STATE DEMONSTRATION PROGRAMS

SEC. 501. STATEMENT OF PURPOSE.

It is the purpose of this title—

(1) to find and test new ways to use Federal and State funds to help families and individuals achieve financial independence through education, training, and work experience;

(2) to allow States maximum flexibiity in using funds that now support low-income families and individuals in order to relieve poverty and its effects; and

(3) to ensure that there will be an opportunity for congressional consideration of demonstration programs that alter the nature of Federal entitlement programs.

PART A—STATE DEMONSTRATIONS

SEC. 511. FILING TO CONDUCT DEMONSTRATION.

In order to conduct a demonstration in accordance with the provisions of this title, a State shall submit a filing, consistent with the requirements of this subpart, to the Interagency Low-Income Opportunity Board established pursuant to part C of this title (hereinafter referred to as the "Board").

SEC. 512. RESPONSIBILITY OF BOARD.

(a) IN GENERAL.—The Chairman (appointed pursuant to section 531(a)), in consultation with the Board, shall have continuing responsibility for the certification and evaluation of each demonstration conducted pursuant to this part, and shall perform, with advice and assistance from such other Federal departments and agencies as may be appropriate, such other functions as are required to implement the demonstrations.

(b) POLICY GOALS.—The Chairman and the Board, in exercising their responsibility with respect to the certification and evaluation of each demonstration conducted pursuant to this part, shall consider the following policy goals:

(1) to ensure that public assistance is an adequate supplement for other resources in meeting essential needs;

(2) to focus public assistance resources on efforts to reduce future dependency on public assistance;

(3) to individualize determinations of need for public assistance, and to make such determinations, to the extent possible, through local decisions;

(4) to make work more rewarding than welfare;

(5) to require that those who are able to work do so for their public assistance benefits;

(6) to encourage the formation and maintenance of economically self-reliant families;

(7) to require public assistance recipients to take greater responsibility for managing their resources, and to encourage community-based administration of public assistance;

(8) to create opportunities for self-reliance through education and enterprise; and

(9) to reduce the future costs of public assistance by reducing the need for it.

SEC. 513. PRIORITY GOALS.

State demonstration filings may be addressed to any aspect of reform to achieve one or more of the policy goals identified in section 512(b), but special consideration shall be given to demonstrations designed to investigate the following issues:

(1) effective means of helping American citizens avoid poverty;

(2) improved methods of helping welfare recipients achieve economic independence;

(3) coordination of employment and training programs currently supported by Federal or State funds, including but not limited to programs under the Job Training Partnership Act, United States Employment Service programs, adult education programs, vocational education programs, and the various employment, training, and work programs associated with the AFDC program;

(4) establishing paternity and obtaining child support orders in AFDC cases for which paternity was not established when the case was opened; and

(5) facilitating efforts by nongovernmental organizations to help welfare clients achieve economic independence.

SEC. 514. CONTENT OF FILING.

(a) IN GENERAL.—A filing to conduct a demonstration under this part may include any or all of the following programs:

Food stamps.
Temporary food assistance (TEFAP).
Housing.
Rent supplements.
Community development block grants.
Women, infants, and children (WIC).
Head start.
Job Training Partnership Act.
Work incentives (WIN).
U.S. employment service.
Vocational rehabilitation.
Vocational education.
Adult education.
Chapter I (money to public schools based on poverty).
Low-income home energy assistance (LIHEAP).
Medicaid.
Maternal and child health.
Aid to families with dependent children (AFDC).
Supplemental security income (SSI).
Emergency assistance.
Social services block grants.
Child support enforcement.

(b) PARTICULAR MATTERS TO BE INCLUDED.—A filing shall be submitted by the Governor or his designee, and shall describe in detail the demonstration to be conducted, with particular reference to—

(1) the program or programs to be included in the demonstration;

(2) the classes of individuals and families who will be eligible to participate;

(3)(A) the principles for determining eligibility for and maximum total benefits under the programs included in the demonstration, including income and asset limits to be applied, the form or forms in which benefits are to be provided (such as cash, in kind, vouchers, insurance, or services), and the dollar value to be assigned to benefits to be provided in a form other than cash; and

(B) information sufficient (i) to demonstrate that benefit levels will be adequate to allow individuals and families to reasonably meet the needs previously addressed by the programs included in, but superseded by, the demonstrations, when such benefits are used to supplement individual, family, and community resources, and (ii) to reasonably assure that the demonstration will not adversely affect those in need;

(4) the way in which the demonstration is expected (A) to improve low-income individuals' and families' opportunities and abilities to achieve economic independence through employment, (B) to improve the functioning of low-income communities in support of the efforts of such individuals and families to attain independence, and (C) to improve the efficiency and effectiveness of the programs included in the demonstration.

(c) EMPLOYMENT-RELATED ACTIVITIES.—The filing shall specify the employment-related activities, such as job search, and work and training activities designed to directly improve employability, that will be required of individuals receiving assistance under the demonstration, and the circumstances in which such individuals will not be required to participate in such activities.

(d) OTHER MATTERS TO BE INCLUDED.—The filing shall also—

(1) specify the geographic area or the political subdivisions within which the demonstration will be conducted and designate the agency responsible for the day-to-day conduct of the demonstration;

(2) describe steps that will be taken to make the information required by subsections (b) and (c) readily available to the public in the geographic areas or political subdivisions affected;

(3) specify the time period during which the demonstration will be conducted and the reasons that such period was selected;

(4) specify the laws or parts thereof, and the regulations thereunder or parts thereof, applicable to any Federal or federally assisted program to be included in the demonstration, for which waiver is requested;

(5) describe a plan for evaluating the results of the demonstration, including (A) the way in which provision has been made by the State for the use of control or comparison groups to assess the extent to which dependency on welfare has been reduced in excess of the reduction that would have occurred in the absence of the demonstration or, if the use of such groups is infeasible, the alternative methods that will be adopted to obtain measureable results during and after the completion of the demonstration, and (B) the measures that the State proposes for use in assessing the extent to which dependency on welfare and other programs serving low-income populations has been reduced;

(6) contain a budget setting forth the amounts and sources of funding for the demonstration (including Federal funds that would have been made available under the programs included in the demonstration, determined in accordance with subsection (a)), and non-Federal funds that would have been required in order to obtain such Federal funding under the rules of the programs to be included in the demonstration, and any other sources;

(7) provide for the conduct of audits in accordance with the provisions of chapter 75 of title 31, United States Code; and

(8) contain an agreement to submit an annual report and to cooperate as necessary for the Board's review and evaluation of the demonstration.

The agency designated in paragraph (1) may conduct the demonstration directly, or may do so, in whole or in part, through grants to or contracts with public or private agencies, or individuals, but the Governor must in any case retain final responsibility for compliance with all requirements imposed by or pursuant to this part, or with action agreed to by the State in its certified filing.

(e) Procedures.—The filing shall describe the procedures for determining the initial and continuing eligibility of, and benefits for, individuals and families, and all administrative and fiscal procedures to be applied in the conduct of the demonstration. These procedures must ensure that all eligibility and benefit amount standards will be accurately applied and that funds under the demonstration will be expended consistent with principles of sound fiscal management. Such procedures may be the same as those already applicable to a program included in the demonstration, or may differ in whole or in part from currently established procedures, but must clearly and reliably assure responsible program administration.

SEC. 515. FUNDING AND BUDGET.

(a) In General.—(1) prior to submission of the filing to Congress, the head of each Federal department or agency with responsibility for a program to be included in the demonstration shall, with respect to each such program (or part of a program), estimate the amount of Federal funds that would, but for the demonstration, be provided to the State, or an entity within the State eligible to receive such funds, to operate such program (or part of a program) during each fiscal year that the demonstration is in effect and the amount of non-Federal funds that would be required in order that the State be eligible for such Federal funds. Each Federal department or agency head shall provide a statement of the principles and assumptions to be employed in making such estimates, including, in the case of any programs with respect to which the department or agency head has discretion in the provision of funds, the recent experience of such State (or grantees or contractors within the State) with respect to fund awards under such program. The principles and assumptions shall be consistent with all Federal laws and regulations applicable to the programs, and the funding of those programs, as in effect at the time the estimates are made. The amounts and the principles and assumptions shall be reported to the Board.

(2) The State shall provide to the Board a statement of the principles and assumptions it employed in developing its budget and funding levels referred to in section 514(d)(6).

(b) Determinations With Respect to Consistency and Adequacy of Funding and Budget.—The Chairman shall determine whether the funding determined by the Federal agency heads referred to in subsection (a)(1), and the budget and underlying principles and assumptions described in subsection (a)(2) as submitted by the State, are consistent and are adequate to carry out the demonstration.

(c) Effect of Federal Laws and Regulations.—If, during any fiscal year that the demonstration is in operation, the Federal laws or regulations under which such funding is authorized or provided are amended, or new Federal law applicable to any such program is enacted (or new regulations adopted), the Chairman shall adjust the amounts reflected in the budget in accordance with applicable Federal law and regulations and the principles and assumptions referred to in subsection (a). In any event the budget shall be reviewed and revised, in accordance with such principles and assumptions and all currently applicable Federal law and regulations, not less frequently than annually.

(d) Amount of Federal Funds To Be Available.—The amount determined pursuant to subsection (b), or the adjusted amount adopted pursuant to subsection (c), shall be the amount of Federal funds available for carrying out the demonstration in any fiscal year.

(e) Schedule for Payments.—The Board shall establish a schedule pursuant to which payments will be made by each agency responsible for the administration of a program included in the demonstration from the funds appropriated to carry out such program.

(f) Reductions in Federal Payments in Certain Cases.—Notwithstanding the preceding provisions of this section, if it is determined at any time that the State received, prior to the commencement of the demonstration, an amount of Federal funds under any program included in the demonstration in excess of the amount to which it was entitled, or which it should have received, by reason of the application of any provision regarding erroneous expenditures under the program or because of overpayment by the Federal Government to the State for any other reason, the amount which the State would otherwise receive to carry out the demonstration shall be reduced to the same extent and in accordance with the same procedures as would have been applied had the State continued to operate, apart from the demonstration, the program in which the overpayment is determined to have been made.

(g) Establishment of Non-Federal Share Requirement.—The Chairman may establish a single non-Federal share requirement for each year for purposes of accounting for funds expended under each demonstration. Such share shall be established on the basis of the relative proportion of Federal and non-Federal funds contained in the demonstration budget. The Chairman shall also establish a single set of technical grant or contract requirements applicable to the conduct of the demonstration.

(h) No Adjustment for Savings Achieved in Conduct of Demonstration.—Notwithstanding any other provision of law, to the extent that the amount of Federal funds necessary to carry out the demonstration, either for assistance to individuals or families or for the costs of administration, is less than the amount contained in the budget by reason of the effectiveness of the demonstration in achieving the objectives of this title, no adjustment shall be made in amounts payable to the State for such demonstration, and the State may treat such Federal funds as reimbursement for expenditures properly made by the State under the programs concerned, to the extent that such funds are used by the State to improve the demonstration or otherwise benefit individuals and families included in the demonstration.

(i) Specific Requirements.—The State's filing must conform to the following requirements:

(1) the proposed demonstration must be structured to permit sound evaluation of the effectiveness of the demonstration in meeting the objectives of this title;

(2) the rights of individuals and families under title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1973, title IX of the Education Amendments of 1972, title VIII of the Civil Rights Act of 1968, and all other applicable law prohibiting discrimination must be protected; and

(3) all requirements of this part, including the budget, must be met.

SEC. 516. EXCLUSIVITY OF ELIGIBILITY UNDER DEMONSTRATION.

Notwithstanding any other provision of law, once the demonstration has been approved, if an individual or family is within a class eligible to participate in the demonstration, then such individual or family shall only be eligible for benefits (whether provided in cash, in kind, in the form of services, or in any other form or manner) under a program included in the demonstration under the terms and as part of the demonstration (including individuals or families who are ineligible for benefits under the demonstration solely by reason of their income or assets of their failure to comply with a condition of eligibility for benefits under the demonstration).

SEC. 517. INTERIM EVALUATIONS AND REPORTS: CHANGES IN DEMONSTRATION.

(a) In General.—(1) The Board shall, during the period throughout which the demonstrations are conducted under this part, carry out activities appropriate to evaluate the progress and effect of the demonstrations.

(2) The Board shall require a State to submit annual reports on the progress of the demonstration.

(b) Changes to Improve Demonstrations.—If (1) the State determines that an amendment to the demonstration, as described in its filing as originally submitted, would improve the likelihood of its accomplishing the objectives of this title, (2) the amendment meets all the requirements for submission under this part that applied to the filing as originally submitted and approved, and (3) the cash, in-kind benefits, and services to which individuals are entitled under the demonstration are not substantially altered, the Chairman shall submit the amendment to the Congress for its consideration (and the provisions of section 521 shall apply to such amendment in the same way they apply to the initial demonstration proposal). The Chairman shall notify the State of the effective date of the amendment, the increased Federal and non-Federal funding (if any) that will be made available, determined as provided in section 514(c), and any other matters necessary to implement the amendment without adversely affecting the conduct of the demonstration.

SEC. 518. TERMINATION OF PROJECT.

(a) By State Governor.—If, after the commencement of a demonstration, the Governor of the State concerned determines that the demonstration is not achieving (or is not likely to achieve) the purposes of this part, and that the interests of the Federal Government, the State, or the participating individuals would be better served by returning to the separate conduct of the included programs, the Governor may terminate the demonstration upon the provision to the Chairman of at least 3 months' advance notice (or such greater advance notice as may be necessary so that the separate conduct of the programs involved will resume at the beginning of a quarter in the fiscal year), or at such other time as the Governor, in consultation with the Chairman, may find appropriate.

(b) By Chairman.—If, after the commencement of a demonstration, the Chairman determines that the demonstration is not meeting the conditions specified in section 515(i) or the applicable laws and regulations not waived in the filing, the Chairman may terminate the demonstration upon the provision to the Governor of at least 3 months' advance notice (or such greater advance notice as may be necessary so that the separate conduct of the programs involved will resume at the beginning of a quarter in the fiscal year), or at such other time as the Chairman, in consultation with the Governor, may find appropriate.

SEC. 519. REPORTS BY STATE.

Not later than 6 months following the completion of a demonstration, the Governor of the State concerned shall submit to the Board a final report containing (1) a review of the demonstration, including both its achievements and its shortcomings, and (2) such other findings, comments, and recommendations as he may deem appropriate to assist in restructuring the Federal programs involved to better achieve the objectives of this title and serve the needs of their beneficiary populations.

SEC. 520. ANNUAL REPORT TO CONGRESS.

The Chairman shall prepare and transmit annually a report to the Congress describing the demonstrations being conducted during the relevant year. The report shall provide information about the interim or final results of the demonstrations, and their success in achieving the objectives of this title, based on the reports furnished by States conducting demonstrations, and on the data and conclusions contained in interim and final evaluations of these demonstrations.

PART B—SUBMISSION OF BOARD RECOMMENDATION TO CONGRESS AND CONGRESSIONAL ACTION

SEC. 521. BOARD APPROVAL OF PROGRAMS; SUBMISSION OF DEMONSTRATION PROPOSAL; CONGRESSIONAL ACTION.

(a) Selection and Approval.—The Board shall select and approve the demonstration programs it judges to be worthy of implementation, in accordance with criteria established by the Board and communicated to the States.

(b) Preparation and Submission of Demonstration Proposal.—(1) The Board shall then prepare a single demonstration proposal containing all information pertinent to the demonstration programs selected (and if one or more additional demonstration programs are selected after the initial demonstration proposal is prepared and submitted, a supplementary demonstration proposal, containing all information pertinent to such additional programs, shall be prepared (and treated under this section in the same way as the initial proposal)). Special emphasis shall be given to showing how, if at all, the demonstrations selected would alter the nature of entitlements and other benefits for individuals.

(2) The demonstration proposal shall be submitted to the Congress, and referred to each committee of the House and Senate having jurisdiction over any of the demonstration programs involved in the proposal.

(3) The respective committees may hold hearings, receive written testimony, conduct investigations, and initiate legislative action to reject the demonstration proposal if they consider it necessary.

(c) Proposal Effective After Consideration by Congress.—Unless legislation rejecting the demonstration proposal has been enacted within 60 days after its submission by the Board, the demonstration proposal shall become effective according to its terms.

PART C—INTERAGENCY LOW-INCOME OPPORTUNITY BOARD

SEC. 531. ESTABLISHMENT AND MISSION OF BOARD.

(a) In General.—In order to provide a focal point within the Federal Government for the development and coordination of innovative policies and activities to improve opportunities for low-income individuals and families, and to encourage the provision of assistance by both the public and private sectors in a more effective manner, there is established an Interagency Low-Income Opportunity Board. The Board shall be comprised of a Chairman appointed by the President by and with the advice and consent of the Senate, the Secretaries of Agriculture, Health and Human Services, Housing and Urban Development, Labor, and the Interior, the Attorney General, and the Director of the Office of Management and Budget (or, with respect to each such official, his designee), as permanent members. In addition, for the purpose of carrying out the Board's responsibilities with respect to a particular filing under part A to conduct a demonstration, or with respect to the certification and evaluation of a particular demonstration, the Board shall include the head of each department or agency (or his designee) having responsibility for the administration of a program to be included in the demonstration.

(b) Compensation of Chairman.—(1) The Chairman shall be compensated at the rate provided for level II of the Executive Schedule.

(2) Section 5313 of title 5, United States Code, is amended by adding at the end the following nw item: "Chairman, Interagency Low-Income Opportunity Board.".

(c) Other Personnel.—The Chairman is authorized to appoint and fix the compensation of such personnel as may be necessary to assist the Board in carrying out its responsibilities, in accordance with chapter 51 and subchapters III and VIII of chapter 53 of title 5, United States Code.

(d) Assistance From Other Departments and Agencies.—The head of each Federal department or agency who is a permanent or other member of the Board shall make available to the Board such assistance as it may require to carry out its activities.

(e) Use of Mails.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

PART D—MISCELLANEOUS

SEC. 541. DEFINITIONS.

As used in this title—

(1) the term "State" means the 50 States, the District of Columbia, Puerto Rico, and any Indian tribe;

(2) the term "Governor" includes the Chief Executive Officer of the District of Columbia, and the federally recognized governing body of an Indian tribe; and

(3) the term "Indian tribe" means any Indian Tribe, Band, National, Rancheria, Pueblo, Colony, or Community, including any Alaska Native village, which is recognized as eligible by the United States Government through the Secretary of the Interior for the special programs and services provided to Indians because of their status.

TITLE VI—EVALUATION OF EMPLOYMENT AND TRAINING PROGRAMS AND STATE DEMONSTRATION PROGRAMS

SEC. 601. STATEMENT OF PURPOSE.

It is the view of the Congress that there is now a broad national consensus on the importance of work and preparation for work as a means of avoiding the dependency often associated with poverty. In recent years, the States have undertaken impressive new job search, education, training, and employment programs designed to help welfare recipients achieve financial independence. Evaluations of these programs provide some reason to think they may be successful in moving welfare recipients into the workforce. In enacting this Act the Congress is attempting to help the States pursue these programs by providing generous new resources and a great deal of flexibility in designing and implementing the programs. In addition, the Congress is granting the States great latitude in using funds currently addressed to meeting the needs of low-income citizens and citizens living in poverty. But the Congress also intends to learn as much as possible from this new investment of public funds and this new enrichment of Federal-State relations. In recent years the Congress has profited from the knowledge produced by large-scale evaluations; it is the intent of the Congress to pursue the strategy of careful evaluation of social programs in order to improve and perfect the legislation upon which these programs are based. It is the purpose of this title to carry out this objective.

SEC. 602. ESTABLISHMENT OF INTERAGENCY PANEL.

Within 3 months after the enactment of this Act, the Secretary of Health and Human Services shall convene an Interagency Panel consisting of representatives from the Office of Management and Budget, the Congressional Budget Office, the Congressional Research Service, the General Accounting Office, and the Low-Income Opportunities Board. The Panel shall meet periodically to design, implement, and monitor a series of implementation and evaluation studies to assess the methods and effects of the programs initiated under titles II and V of this Act. Insofar as possible, the Panel shall work in a collegial fashion; but if consensus cannot be reached among Panel members on particular decisions, the Secretary of Health and Human Services is authorized to make all final decisions about program design, use of contractors, conduct of particular studies, and any other matters which may come before the Panel.

SEC. 603. ADVISORY BOARD.

Within 6 months after the enactment of this Act, the Interagency Panel shall select an advisory board of not more than 12 members. The advisory board shall include representatives of business, labor, academia, children's groups, State government, local government, welfare rights organizations, religious organizations, and community self-help organizations. The advisory board shall meet at least twice during the first year following its formation and at least once a year thereafter. It shall be the function of the advisory board to provide the Interagency Panel with advice and counsel on all aspects of its operation.

SEC. 604. OPERATION OF INTERAGENCY PANEL.

(a) In General.—The Interagency Panel shall identify the significant questions to be pursued in its studies, and shall also adopt an overall design that maximizes the knowledge gained from contrasts and comparisons between the individual studies. The Panel shall make special efforts to coordinate with the States and with the Low-Income Opportunities Board and to use control groups and other methods of scientific evaluation, whenever possible.

(b) OBTAINING INFORMATION FROM SECRETARY.—The Panel may request the Secretary of Health and Human Services to supply any information, in the possession of or available to the Secretary, which may be of assistance in carrying out the Panel's functions under this title, and may request the Secretary to obtain any such information from States by requiring its inclusion in any of the State reports provided for under this Act. To the maximum extent possible, the Secretary shall comply with any request received from the Panel under this subsection.

SEC. 605. STUDY OF TRANSITION CHILD CARE.

The Interagency Panel shall ensure that a study of child care during the welfare-to-work transition period is conducted during the first 3 years of its operation. Questions addressed by the study shall include, but not be limited to, the following: How many former welfare recipients used the transition child care financial assistance; in the case of families that did not use the public financing, what types of child care arrangements did they select and why did they elect not to use public funding; whether the funds made available under title III of this Act were adequate to meet the child care needs of parents leaving welfare; and an overall assessment of the role of transition child care financing in encouraging families to leave welfare and enter the labor force. The study shall include an assessment of how many families below 150 percent of the poverty level but not receiving public assistance would participate in a publicly funded child care program and how much money would be required to provide such child care with a public subsidy similar to the one contained in title III of this Act.

SEC. 606. REPORTS.

The Interagency Panel shall report to the Congress and the President at such times as it sees fit to do so, but an interim report shall be submitted no later than 30 months after the enactment of this Act covering the implementation of the programs under this Act during their first two years. The Panel shall also submit a final report providing an overview of each study it has conducted or authorized, an overall assessment of the State programs initiated under titles II and V of this Act, and a set of specific recommendations to the Congress and the President on needed changes in legislation, regulations, and program administration at the State and Federal levels. The final report shall cover the first four years of program implementation and shall be published no later than five years after the enactment of this Act.

SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated the total sum of $20,000,000 to enable the Panel to perform its functions during the first five years of its existence.

TITLE VII—MISCELLANEOUS AND RELATED PROVISIONS

SEC. 701. DEMONSTRATION OF FAMILY INDEPENDENCE PROGRAM IN WASHINGTON STATE.

(a) IN GENERAL.—Upon application by the State of Washington and approval by the Secretary of Health and Human Services (in this section referred to as the "Secretary"), the State of Washington (in this section referred to as the "State") may conduct a demonstration project in accordance with this section for the purpose of testing whether the operation of its Family Independence Program enacted in May 1987 (in this section referred to as the "Program"), as an alternative to the existing AFDC program, would more effectively break the cycle of poverty and provide families with opportunities for economic independence and strengthened family functioning.

(b) NATURE OF PROJECT.—Under the demonstration project conducted under this section—

(1) every individual who would be eligible for aid under the State plan approved under section 402(a) of the Social Security Act shall be eligible to enroll in the Program, which shall operate simultaneously with the AFDC program so long as there are individuals who qualify for the latter;

(2) cash assistance shall be furnished in a timely manner to all eligible individuals under the Program (and the State may not make expenditures for services under the Program until it has paid all necessary cash assistance), with no family receiving less in cash benefits than it would have received under the AFDC program;

(3) individuals may be required to register, undergo assessment, and participate in work, education, or training under the Program, except that—

(A) work or training may not be required in the case of—

(i) a single parent of a child under 6 months of age, or more than one parent of such a child in a two-parent family,

(ii) a single parent with a child of any age who has received assistance for less than 6 months,

(iii) a single parent with a child under 3 years of age who has received assistance for less than 3 years,

(iv) an individual under 16 years of age or over 64 years of age,

(v) an individual who is incapacitated, temporarily ill, or needed at home to care for an impaired person,

(vi) a woman who is in the third trimester of pregnancy, or

(vii) an individual who has not yet been individually notified in writing of such requirement or of the expiration of his or her exempt status under this subparagraph;

(B) participation in work or training shall in any case be voluntary during the first two years of the Program, and may thereafter be made mandatory only in countries where more than 50 percent of the enrollees can be placed in employment within 3 months after they are job-ready;

(C) in no case shall the work and training aspect of the Program be mandated in any country where the unemployment level is at least twice the State average; and

(D) mandated work shall not include work in any position created by a reduction in the work force, a bona fide dispute, the decertification of a bargaining unit, or a new job classification which subverts the intention of the Program;

(4) there shall be no change in existing State law which would eliminate guaranteed benefits or reduce the rights of applicants or enrollees; and

(5) the Program shall include due process guarantees and procedures no less than those which are available to participants in the AFDC program under Federal law and regulation and under State law.

(c) WAIVERS AND ADJUSTMENTS.—(1) The Secretary shall (with respect to the project under this section) waive compliance with any requirements contained in title IV of the Social Security Act which (if applied) would prevent the State from carrying out the project or effectively achieving its purpose.

(2) The Secretary shall make such adjustments in the determination of allotments and related matters under section 417 of such Act as may be necessary to take appropriate account of the project under this section and the State's resulting nonparticipation in the allotment process under such section 417.

(d) FUNDING.—(1) The Secretary shall reimburse the State for its expenditures under the Program (from funds available for Federal contributions under section 403(a) of the Social Security Act)—

(A) at a rate equal to the Federal matching rate applicable to the State under section 403(a)(1) of such Act, for cash assistance and child care provided to enrollees;

(B) at a rate equal to the applicable Federal matching rate under section 403(a)(3) of such Act, for administrative expenses; and

(C) at the rate of 75 percent for an evaluation plan approved by the Secretary.

The State shall be required to pay the same portion of all expenditures made for cash assistance and services under the Program as it would be required to pay if such expenditures were made under its State plan approved under section 402(a) of the Social Security Act.

(2) Under no circumstances may the State receive Federal reimbursement for its expenses incurred in carrying out the project under this section (and in simultaneously carrying out the AFDC program during any part of the period of the project) in excess of the Federal reimbursement it would have received under section 403(a) of the Social Security Act over the period of the project if the project were not being conducted; and, as a condition of approval of the project, the State must provide assurances satisfactory to the Secretary that the total amount of such Federal reimbursement over the period of the project will not exceed the anticipated Federal reimbursements (over the period) under the current AFDC program. However, this paragraph shall not prevent the State from claiming reimbursement for additional persons who would qualify for aid under the AFDC program, for costs attributable to increases in the State's payment standard, or for any other federally matched benefits or services.

(e) DURATION OF PROJECT.—(1) The project under this section shall begin on the date on which the first individual is enrolled in the Program, and (subject to paragraph (2)) shall end 5 years after that date.

(2) The project may be terminated at any time, on 6 months written notice, by the State or (upon a finding that the State has materially failed to comply with this section) by the Secretary.

(f) REPORTS AND EVALUATION.—The State shall design and conduct, in consultation with the Secretary, a rigorous scientific evaluation of the project under this section. In addition, the State shall prepare and submit to the Secretary one or more interim reports on the progress of the project under this section while the project is being conducted, and shall prepare and submit a final report on the project upon its completion.

By Mr. DOLE (for himself, Mr. CHAFEE, Mr. DANFORTH, Mr. DURENBERGER, Mr. HEINZ, and Mr. WALLOP):

S. 1659. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and credit for contributions to, education savings accounts; to the Committee on Finance.

S. 1660. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of educational savings accounts the earnings on which will not be taxed; to the Committee on Finance.

S. 1661. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and a credit for contributions to, education savings accounts but to provide that the earnings of such accounts will be taxable; to the Committee on Finance.

S. 1662. A bill to provide for the issuance of educational savings bonds a portion of the interest on which is exempt from taxation, and for other purposes; to the Committee on Finance.

ENCOURAGING SAVINGS FOR COLLEGE

Mr. DOLE. Mr. President, today, Senators CHAFEE, DANFORTH, DURENBERGER, HEINZ, WALLOP, and I are introducing four proposals to encourage private saving for college. If we are going to have tax incentives for specific activities, I cannot think of a more important activity to encourage than saving for a college education.

EDUCATION SAVINGS ACCOUNTS

Three of the proposals are tax-advantaged savings accounts for post-secondary school education. One of these options is patterned after individual retirement accounts. Under this option, education savings accounts could be established for each child in a family. Parents and the child could contribute up to $1,000 annually to this account and receive a 15 percent tax credit. Creditable contributions could be made each year until the child reaches age 21 or enrolls at a qualified college or vocational school, whichever occurs first.

Amounts from the fund would not be subject to tax when used for tuition, fees, and reasonable living expenses while the child is studying at a qualified educational institution. However, the tax benefit would be recaptured in equal installments over 10 years by including one-tenth of the amount not previously subjected to tax in the child's income beginning in the year in which the child attains age 25.

If this approach seems familiar, it should. I have introduced similar legislation several times over the last few years, beginning as far back as 1980. With the attention that education and education costs have been receiving recently, it may be that this is an idea whose time has finally come.

The second and third proposals are variations on this concept. One variation would retain the feature that interest earned on amounts in the account would remain tax-deferred. The other would retain the credit, but the investment earnings would be subject to tax currently.

EDUCATION SAVINGS BONDS

The fourth proposal—a tax-advantaged education savings bond—is based on legislation I first introduced in 1978. It would work in a manner similar to the education savings account proposals, except that an individual could buy a tax-advantaged savings bond directly from the Federal Government, rather than setting up an account with a financial institution. The amount that would be allowed to be invested in would be limited to $1,000 annually for each child.

I know some may argue that we should not have any special tax incentives in the tax laws. They may argue that taxpayers would be better off if there were no incentives and rates were commensurately lower. However, we all know that we are unlikely to see that simple a tax code any time in the near future.

COLLEGE COSTS SKYROCKET

A college education is one of the biggest expenditures a family encounters. Back in 1980, I noted that the cost of a college education at a private institution had increased 105 percent over the previous 10 years, and the cost of a college education had increased 80 percent at public schools over the same period. This sad state of affairs has, unfortunately, not changed much in the intervening years.

This week, the college board released the results of a new study on the costs of college education. The survey showed that for the seventh straight year college costs have outstripped inflation. While the consumer price index rose 3.7 percent last year, college costs will rise an average of 6 percent at 4-year public colleges and 5 percent at 2-year community colleges.

But the costs at private schools, as in the past, have increased at an even greater rate—8 percent over the last year. The survey notes that the cost for a 4-year education at some of the most prestigious colleges and universities will reach $75,000.

Let me give a few examples. The cost at the University of Kansas will be $4,880 this year. At the University of Virginia it will be $6,100. Penn State will cost $7,800. Duke University will cost $14,940, Stanford will cost $17,548, and Princeton will cost $17,805.

Not many students or their families will be able to afford these expenses without outside help. But, with the trends we have seen over the last couple of decades, it is frightening to think how families will afford these costs for babies born this year. It is obvious that most families will not be able to fund college expenses out of the parents' current salary and the student's part-time jobs. On the other hand, it is difficult for most of us to think ahead 18 or more years. Today's problems often seem to get in the way.

One of the most effective ways to help Americans set their priorities toward a long-term commitment to saving for college is to adopt a sense of partnership between the Government and taxpayers and their families. That is what a tax incentive is, after all.

I hope these proposals will help generate debate on this vital issue. The reason for introducing several options is to encourage discussion on how to create the most effective and efficient incentives. No one should expect that anything we do in this area can provide adequate incentive without incurring some cost, unless, of course, other incentives are reduced. However, we must make every effort to assure that we design incentives that will encourage the behavior we are hoping for without having any more revenue impact than is necessary. I ask unanimous consent that an article from today's Washington Post on this subject be printed in the RECORD following my statement and that the text of the bills also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. EDUCATION SAVINGS ACCOUNTS.

"(a) CREDIT ALLOWED.—In the case of an individual, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of the sum of—

"(1) amounts paid in cash, and

"(2) the fair market value at time of transfer of stock, bonds, or other securities, which are readily tradeable on an established securities market, transferred,

during the calendar year which ends with or within the taxable year by such individual to an education savings account.

"(b) LIMITATIONS.—

"(1) ACCOUNT MAY NOT BE ESTABLISHED FOR BENEFIT OF MORE THAN 1 INDIVIDUAL.—An education savings account may not be established for the benefit of more than 1 individual.

"(2) INDIVIDUAL MAY NOT BE BENEFICIARY OF MORE THAN 1 ACCOUNT.—If an individual is the beneficiary of more than 1 education savings account during any calendar year, no credit shall be allowed under subsection (a) for any amount paid or transferred for such calendar year to any account established for the benefit of such individual.

"(3) MAXIMUM CREDIT PER ACCOUNT.—The amount allowable as a credit under subsection (a) to an individual for amounts paid or transferred to an account for any calendar year shall not exceed $150.

"(4) CONTRIBUTIONS BY MORE THAN 1 PERSON.—If more than 1 individual makes contributions to an education savings account during a calendar year, the $150 amount under paragraph (3) shall be allocated proportionately among all individuals contributing to the account during that year on the basis of the amounts contributed by each such individual.

"(5) NO CREDIT AFTER BENEFICIARY ATTAINS AGE 21 OR BECOMES STUDENT.—No credit shall be allowed for any contribution to an education savings account established for the benefit of an individual if, before the close of the calendar year in which such contribution is made, such individual—

"(A) has attained age 21, or

"(B) has begun attendance as a student at an eligible educational institution.

"(6) ADJUSTMENT OF LIMIT FOR INFLATION.—

"(A) IN GENERAL.—Beginning in 1988, the dollar amounts in paragraph (3), paragraph (4), and subsection (c)(1)(A) shall each be adjusted by multiplying such amounts by the inflation adjustment factor for the 12-month period ending July 31 of the preceding calendar year and, as adjusted, shall be substituted for such amounts for taxable years ending with or within the calendar year next beginning after such 12-month period.

"(B) COMPUTATION OF INFLATION ADJUSTMENT FACTOR.—

"(i) DETERMINATION AND PUBLICATION.—The Secretary shall, not later than October 1 of each calendar year (beginning in 1987), determine and publish in the Federal Register the inflation adjustment factor for the immediately preceding 12-month period ending on July 31 in accordance with this paragraph.

"(ii) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the average of the Consumer Price Index as of the close of the 12-month period ending on July 31 of such year and the denominator of which is the average of the Consumer Price Index as of the close of the 12-month period ending on July 31, 1986.

"(iii) CONSUMER PRICE INDEX.—For purposes of this subparagraph, the term 'Consumer Price Index' has the meaning given such term by section 1(f)(5).

"(c) DEFINITIONS AND SPECIAL RULES.—

"(1) EDUCATION SAVINGS ACCOUNT.—For purposes of this section, the term 'education savings account' means a trust created or organized in the United States exclusively for the purpose of paying the educational expenses of an individual, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted unless it is in cash, stocks, bonds, or other securities which are readily tradeable on an established securities market, and, except in the case of contributions from another education savings account, contributions will not be accepted for the taxable year in excess of $1,000.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(C) No part of the trust assets will be invested in life insurance contracts (other than contracts the beneficiary of which is the trust and the face amount of which does not exceed the amount by which the maximum amount which can be contributed to the account exceeds the sum of the amounts contributed to the account for all taxable years).

"(D) The assets of the account may be invested in accordance with the direction of the individual contributing to the account, but, if more than one individual has made contributions to the account, the consent of all such individuals shall be required for any such direction.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(F) Any balance in the account on the day after the date on which the individual for whose benefit the trust is established attains age 25 (or, if earlier, the date on which such individual dies) will be distributed on that date—

"(i) to each of the individuals who have contributed to the trust in an amount which bears the same ratio to such balance as such individual's contributions bear to the sum all such contributions, or

"(ii) as directed by such individuals, to another education savings account established for the benefit of an individual who has not attained age 25 or to an eligible educational institution.

"(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of a calendar year if the contribution is made on account of such calendar year and is made not later than the time prescribed by law for filing the return for the taxable year (not including extensions thereof) with or within which the calendar year ends.

"(3) STOCK, ETC., TO BE VALUED AS OF TRANSFER DATE.—The fair market value of stocks, bonds, and other securities shall be determined as of the date on which they are transferred to the account. If the date of transfer falls on a Saturday, Sunday, or public legal holiday, then the fair market value shall be determined by reference to the last preceding day on which they could have been traded on an established securities market.

"(4) EDUCATIONAL EXPENSES.—The term 'educational expenses' means—

"(A) tuition and fees required for the enrollment or attendance of a student at an eligible educational institution,

"(B) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution, and

"(C) a reasonable allowance for meals and lodging while attending an eligible educational institution.

"(5) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

"(A) an institution of higher education, or

"(B) a vocational school.

"(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means the institutions described in section 1201(a) or 481(a) of the Higher Education Act of 1965.

"(7) VOCATIONAL SCHOOL.—The term 'vocational school' means an area vocational education school as defined in subparagraph (C) or (D) of section 521(3) of the Carl D. Perkins Vocational Education Act which is in any State (as defined in section 521(27) of such Act).

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, if any amount is paid or distributed out of an education savings account, there shall be included in the gross income of each individual who has contributed to the account for the taxable year in which the payment or distribution is made an amount which bears the same ratio to the amount such payment or distribution as—

"(A) the amount contributed by that individual as of the time of the payment or distribution, bears to

"(B) the aggregate amount contributed by all individuals to such account as of such time.

"(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS.—Paragraph (1) shall not apply to any payment or distribution which—

"(A) is used exclusively to pay the educational expenses incurred by the individual for whose benefit the account is established, or

"(B) is described in subsection (c)(1)(F)(ii).

"(3) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Paragraph (1) shall not apply to the distribution of any contribution paid during a taxable year to an education savings account to the extent that such contribution exceeds the amount allowable under subsection (c)(1)(A) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

"(B) no credit is allowed under subsection (a) with respect to such excess contribution, and

"(C) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which it is received.

"(4) QUALIFIED DISTRIBUTIONS INCLUDED IN BENEFICIARY'S INCOME OVER 10-YEAR PERIOD.—The gross income of an individual for whose benefit an education savings account was established for the taxable year in which that individual attains age 25 and for each of the 9 succeeding taxable years shall be increased by 10 percent of the sum of the amounts paid or distributed out of the account which were used exclusively to pay the educational expenses incurred by that individual.

"(e) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—An education savings account is exempt from taxation under this subtitle unless such account has ceased to be an education savings account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(2) LOSS OF EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION.—

"(A) IN GENERAL.—If, during any taxable year of an individual who contributes to an education savings account, that individual engages in any transaction prohibited by section 4975 with respect to the account, the account ceases to be an education savings account as of the first day of that taxable year.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be an education savings account by reason of subparagraph (A) on the first day of any taxable year, paragraph (1) of subsection (d) shall apply as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit an education savings account is established uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to that individual.

"(f) ADDITIONAL TAX ON CERTAIN AMOUNTS INCLUDED IN GROSS INCOME.—

"(1) DISTRIBUTION NOT USED FOR EDUCATIONAL EXPENSES.—If a distribution—

"(A) is made from an education savings account, and

"(B) is not used in connection with the payment of educational expenses of the individual for whose benefit the account was established,
the tax liability (for the taxable year in which such distribution is received) of each of the individuals who has contributed to the account shall be increased by an amount equal to 10 percent of the amount of the distribution which is includible in his gross income for such taxable year.

"(2) DISQUALIFICATION CASES.—If an amount is includible in the gross income of an individual for a taxable year under subsection (e), the tax liability of such individual under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be included in his gross income.

"(3) DISABILITY OR DEATH CASES.—Paragraphs (1) and (2) do not apply if the payment or distribution is made after the individual for whose benefit the education savings account becomes disabled within the meaning of section 72(m)(7) or dies.

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 408(n)) or another person who demonstrates, to the satisfaction of the Secretary, that—

"(1) the manner in which he will administer the account will be consistent with the requirements of this section, and

"(2) the custodial account would, except for the fact that it is not a trust, constitute an education savings account described in subsection (c).
For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(i) REPORTS.—The trustee of an education savings account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations."

(b) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended—

(1) by inserting "education savings accounts," after "accounts," in the heading of such section,

(2) by redesignating paragraph (2) of subsection (a) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) an education savings account (within the meaning of section 25A(c)),",

(3) by striking out "or" at the end of paragraph (1) of subsection (a), and

(4) by adding at the end thereof the following new subsection:

"(d) EXCESS CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNTS.—For purposes of this section, in the case of an education savings account, the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the account exceeds the amount allowable under section 25A(c)(1)(A) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the education savings account in a distribution to which section 25A(d)(3) applies shall be treated as an amount not contributed."

(c) CONTRIBUTION NOT TO BE TREATED AS A GIFT FOR GIFT TAX PURPOSES.—Section 2503 of such Code (relating to taxable gifts) is amended by adding at the end thereof the following new subsection:

"(g) EDUCATION SAVINGS ACCOUNTS.—For purposes of subsection (b), any payment made by an individual to an education savings account described in section 25A(c) shall not be considered a gift of a future interest in property to the extent that such payment is allowable under section 25A(c)(1)(A)."

(d) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR EDUCATION SAVINGS ACCOUNTS.—An individual for whose benefit and education savings account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be an education savings account by reason of the application of section 25A(e)(2)(A) to such account.", and

(2) by inserting "or an education savings account described in section 25A(c)" in subsection (e)(1) after "described in section 408(a)".

(e) FAILURE TO PROVIDE REPORTS ON EDUCATION SAVINGS ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "or an education savings account" after "annuities" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 25A(i) to file a report regarding an education account at the time and in the manner required by such section shall pay a penalty of $50 for each failure unless it is shown that such failure is due to reasonable cause."

(f) EXCLUSION FROM GROSS INCOME.—

(1) Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 135 as section 136 and by inserting after section 134 the following new section:

"SEC. 135. EDUCATION SAVINGS ACCOUNT DISTRIBUTIONS.

"In the case of an individual, and except as is provided in section 25A(d)(4), gross income does not include distributions from an education savings account used exclusively for the payment of educational expenses of that individual (within the meaning of section 25A(c)(4))."

(2) The table of sections for such part III is amended by striking out the item relating to section 135 and inserting in lieu thereof the following new items:

"Sec. 135. Education savings account distributions.

"Sec. 136. Cross references to other Acts."

(g) DEPENDENT.—Subsection (b) of section 152 of such Code (relating to definition of dependent) is amended by adding at the end thereof the following new paragraph:

"(6) A payment to an individual for whose benefit an education savings account (as defined in section 25A(c)) is established from that account which is excluded from the gross income of that individual under section 135 shall not be taken into account in determining support for purposes of this section."

(h) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Education savings accounts."

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, education savings accounts, certain 403(b) contracts, and certain individual retirement annuities."

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by inserting "or on education savings accounts" after "annuities" in the item relating to section 6693.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986.

S. 1660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end thereof the following new part:

"PART VIII—EDUCATION SAVINGS ACCOUNTS

"Sec. 529. Taxation of education savings accounts.

"SEC. 529. TAXATION OF EDUCATION SAVINGS ACCOUNTS.

"(a) EXEMPTION FROM TAXATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an education savings account is exempt from taxation under this subtitle.

"(2) UNRELATED BUSINESS INCOME.—An education savings account shall be subject to the tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(b) DEFINITION OF EDUCATION SAVINGS ACCOUNT.—

"(1) IN GENERAL.—For purposes of this section, the term 'education savings account' means a trust created or organized in the United States exclusively for the purpose of paying the educational expenses of an individual, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted unless it is in cash, stocks, bonds, or other securities which are readily tradeable on an established securities market, and, except in the case of contributions from another education savings account, contributions will not be accepted for the taxable year in excess of $1,000.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(C) No part of the trust assets will be invested in life insurance contracts (other than contracts the beneficiary of which is the trust and the face amount of which does not exceed the amount by which the maximum amount which can be contributed to the account exceeds the sum of the amounts contributed to the account for all taxable years).

"(D) The assets of the account may be invested in accordance with the direction of the individual contributing to the account, but, if more than one individual has made contributions to the account, the consent of all such individuals shall be required for any such direction.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(F) Any balance in the account on the day after the date on which the individual for whose benefit the trust is established attains age 25 (or, if earlier, the date on which such individual dies) will be distributed on that date—

"(i) to each of the individuals who have contributed to the trust in an amount which bears the same ratio to such balance as such individual's contributions bear to the sum all such contributions, or

"(ii) as directed by such individuals, to another education savings account established for the benefit of an individual who has not attained age 25 or to an eligible educational institution.

"(G) The account may not be established for the benefit of more than 1 individual.

"(H) The beneficiary of the account may not be the beneficiary of any other education savings account.

"(2) ADJUSTMENT OF LIMIT FOR INFLATION.—

"(A) IN GENERAL.—Beginning in 1988, the dollar amount in paragraph (1) shall be adjusted by multiplying such amount by the inflation adjustment factor for the 12-month period ending July 31 of the preceding calendar year and, as adjusted, shall be substituted for such amount for the calendar year beginning after such 12-month period.

"(B) COMPUTATION OF INFLATION ADJUSTMENT FACTOR.—

"(i) DETERMINATION AND PUBLICATION.—The Secretary shall, not later than October 1 of each calendar year (beginning in 1987), determine and publish in the Federal Register the inflation adjustment factor for the immediately preceding 12-month period ending on July 31 in accordance with this paragraph.

"(ii) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the average of the Consumer Price Index as of the close of the 12-month period ending on July 31 of such year and the denominator of which is the average of the Consumer Price Index as of the close of the 12-month period ending on July 31, 1986.

"(iii) CONSUMER PRICE INDEX.—For purposes of this subparagraph, the term 'Consumer Price Index' has the meaning given such term by section 1(f)(5).

"(3) STOCK, ETC., TO BE VALUED AS OF TRANSFER DATE.—The fair market value of stocks, bonds, and other securities shall be determined as of the date on which they are transferred to the account. If the date of transfer falls on a Saturday, Sunday, or public legal holiday, then the fair market value shall be determined by reference to the last preceding day on which they could have been traded on an established securities market.

"(c) OTHER DEFINITIONS.—For purposes of this section—

"(1) EDUCATIONAL EXPENSES.—The term 'educational expenses' means—

"(A) tuition and fees required for the enrollment or attendance of a student at an eligible educational institution,

"(B) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution, and

"(C) a reasonable allowance for meals and lodging while attending an eligible educational institution.

"(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

"(A) an institution of higher education, or

"(B) a vocational school.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means the institutions described in section 1201(a) or 481(a) of the Higher Education Act of 1965.

"(4) VOCATIONAL SCHOOL.—The term 'vocational school' means an area vocational education school as defined in subparagraph (C) or (D) of section 521(3) of the Carl D. Perkins Vocational Education Act which is in any State (as defined in section 521(27) of such Act).

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, if any amount is paid or distributed out of an education savings account, there shall be included in the gross income of each individual who has made contributions to such account for the taxable year of such individual in which such payment or distribution is made the applicable percentage (within the meaning of paragraph (5)) of the amount which bears the same ratio to the amount of the payment or distribution as—

"(A) the amount contributed by the individual as of the time of the payment or distribution, bears to

"(B) the aggregate amount contributed by all individuals to such account as of such time.

"(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS.—Paragraph (1) shall not apply to any payment or distribution which—

"(A) is used exclusively to pay the educational expenses incurred by the individual for whose benefit the account is established, or

"(B) is described in subsection (b)(1)(F)(ii).

"(3) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Paragraph (1) shall not apply to the distribution of any contribution paid during a taxable year to an education savings account to the extent that such contribution exceeds the amount allowable under subsection (b)(1)(A) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year, and

"(B) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (B) shall be included in the gross income of the individual for the taxable year in which it is received.

"(4) QUALIFIED DISTRIBUTIONS INCLUDED IN BENEFICIARY'S INCOME OVER 10-YEAR PERIOD.—The gross income of an individual for whose benefit an education savings account was established for the taxable year in which that individual attains age 25 and for each of the 9 succeeding taxable years shall be increased by 10 percent of the sum of the applicable percentage (within the meaning of paragraph (5)) of any amount paid or distributed out of the account which was used exclusively to pay educational expenses incurred by that individual.

"(5) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage equal to the fraction—

"(A) the numerator of which is the excess of—

"(i) the aggregate amount of earnings on an education savings account immediately before a payment or distribution, over

"(ii) the amount of earnings previously treated as paid or distributed out of the account under this section, and

"(B) the denominator of which is the balance in such account as of such time.

"(e) TAX TREATMENT OF ACCOUNTS.—

"(1) CESSATION OF TREATMENT AS ACCOUNT.—

"(A) IN GENERAL.—If, during any taxable year of an individual who contributes to an education savings account—

"(i) the requirements of subsection (b)(1) are not met, or

"(ii) such individual engages in any transaction prohibited by section 4975 with respect to the account,

the account shall cease to be an education savings account as of the first day of that taxable year.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be an education savings account by reason of subparagraph (A) on the first day of any taxable year, paragraph (1) of subsection (d) shall apply as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(2) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit an education savings account is established uses the account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to that individual.

"(f) ADDITIONAL TAX ON CERTAIN AMOUNTS INCLUDED IN GROSS INCOME.—

"(1) DISTRIBUTION NOT USED FOR EDUCATIONAL EXPENSES.—If a distribution—

"(A) is made from an education savings account, and

"(B) is not used in connection with the payment of educational expenses of the individual for whose benefit the account was established,

the tax liability (for the taxable year in which such distribution is received) of each of the individuals who has contributed to the account shall be increased by an amount equal to 10 percent of the amount of the distribution which is includible in the gross income of such individual for such taxable year.

"(2) DISQUALIFICATION CASES.—If an amount is includible in the gross income of an individual for a taxable year under subsection (e), the tax liability of such individual under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be included in his gross income.

"(3) Disability or death cases.—Paragraphs (1) and (2) shall not apply if the payment or distribution is made after the individual for whose benefit the education savings account becomes disabled within the meaning of section 72(m)(7) or dies.

"(g) Community Property Laws.—This section shall be applied without regard to any community property laws.

"(h) Custodial Accounts.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 408(n)) or another person who demonstrates, to the satisfaction of the Secretary, that—

"(1) the manner in which he will administer the account will be consistent with the requirements of this section, and

"(2) the custodial account would, except for the fact that it is not a trust, constitute an education savings account described in subsection (b).

For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(i) Reports.—The trustee of an education savings account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations."

(b) Tax on Excess Contributions.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended—

(1) by inserting "1EDUCATION SAVINGS ACCOUNTS," after "ACCOUNTS," in the heading of such section,

(2) by redesignating paragraph (2) of subsection (a) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) an education savings account (within the meaning of section 529(b)),",

(3) by striking out "or" at the end of paragraph (1) of subsection (a), and

(4) by adding at the end thereof the following new subsection:

"(d) Excess Contributions to Education Savings Accounts.—For purposes of this section, in the case of an education savings account, the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the account exceeds the amount allowable under section 529(b)(1)(A) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the education savings account in a distribution to which section 529(d)(3) applies shall be treated as an amount not contributed."

(d) Contribution Not To Be Treated as a Gift for Gift Tax Purposes.—Section 2503 of such Code (relating to taxable gifts) is amended by adding at the end thereof the following new subsection:

"(g) Education Savings Accounts.—For purposes of subsection (b), any payment made by an individual to an education savings account described in section 529(b) shall not be considered a gift of a future interest in property to the extent that such payment is allowed under section 529."

(e) Tax on Prohibited Transactions.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) Special rule for education savings accounts.—An individual for whose benefit an education savings account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be an education savings account by reason of the application of section 529(e)(1)(A) to such account.", and

(2) by inserting "or an education savings account described in section 529(b)" in subsection (e)(1) after "described in section 408(a)".

(f) Failure To Provide Reports on Education Savings Accounts.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "or an education savings account" after "annuities" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 529(i) to file a report regarding an education account at the time and in the manner required by such section shall pay a penalty of $50 for each failure unless it is shown that such failure is due to reasonable cause."

(g) Exclusion From Gross Income.—

(1) Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 135 as section 136 and by inserting after section 134 the following new section:

"SEC. 135. EDUCATION SAVINGS ACCOUNT DISTRIBUTIONS.

"In the case of an individual, and except as is provided in section 529(d)(4), gross income does not include distributions from an education savings account used exclusively for the payment of educational expenses of that individual (within the meaning of section 529(c)(1))."

(2) The table of sections for such part III is amended by striking out the item relating to section 135 and inserting in lieu thereof the following new items:

"Sec. 135. Education savings account distributions.

"Sec. 136. Cross references to other Acts."

(h) Dependent.—Subsection (b) of section 152 of such Code (relating to definition of dependent) is amended by adding at the end thereof the following new paragraph:

"(6) A payment to an individual for whose benefit an education savings account (as defined in section 529(b)) is established from that account which is excluded from the gross income of that individual under section 135 shall not be taken into account in determining support for purposes of this section."

(i) Conforming Amendments.—

(1) The table of parts for subchapter F of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Part VIII. Education savings accounts."

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, education savings accounts, certain 403(b) contracts, and certain individual retirement annuities."

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by inserting "or on education savings accounts" after "annuities" in the item relating to section 6693.

(j) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986.

S. 1661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATION SAVINGS ACCOUNTS.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. EDUCATION SAVINGS ACCOUNTS.

"(a) Credit Allowed.—In the case of an individual, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of the sum of—

"(1) amounts paid in cash, and

"(2) the fair market value at time of transfer of stock, bonds, or other securities, which are readily tradeable on an established securities market, transferred,

during the calendar year which ends with or within the taxable year by such individual to an education savings account.

"(b) Limitations.—

"(1) Account may not be established for benefit of more than 1 individual.—An education savings account may not be established for the benefit of more than 1 individual.

"(2) Individual may not be beneficiary of more than 1 account.—If an individual is the beneficiary of more than 1 education savings account during any calendar year, no credit shall be allowed under subsection (a) for any amount paid or transferred for such calendar year to any account established for the benefit of such individual.

"(3) Maximum credit per account.—The amount allowable as a credit under subsection (a) to an individual for amounts paid or transferred to an account for any calendar year shall not exceed $150.

"(4) Contributions by more than 1 person.—If more than 1 individual makes contributions to an education savings account during a calendar year, the $150 amount under paragraph (3) shall be allocated proportionately among all individuals contributing to the account during that year on the basis of the amounts contributed by each such individual.

"(5) No credit after beneficiary attains age 21 or becomes student.—No credit shall be allowed for any contribution to an education savings account established for the benefit of an individual if, before the close of the calendar year in which such contribution is made, such individual—

"(A) has attained age 21, or

"(B) has begun attendance as a student at an eligible educational institution.

"(6) Adjustment of limit for inflation.—

"(A) In general.—Beginning in 1988, the dollar amounts in paragraph (3), paragraph (4), and subsection (c)(1)(A) shall each be adjusted by multiplying such amounts by the inflation adjustment factor for the 12-month period ending July 31 of the preceding calendar year and, as adjusted, shall be substituted for such amounts for taxable years ending with or within the calendar year next beginning after such 12-month period.

"(B) Computation of inflation adjustment factor.—

"(i) Determination and publication.—The Secretary shall, not later than October 1 of each calendar year (beginning in 1987), determine and publish in the Federal Register the inflation adjustment factor for the immediately preceding 12-month period ending on July 31 in accordance with this paragraph.

"(ii) Inflation adjustment factor.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the average of the Consumer Price Index as of the close of the 12-month period ending on July 31 of such year and the denominator of which is the average of the Consumer Price Index as of the close of the 12-month period ending on July 31, 1986.

"(iii) Consumer price index.—For purposes of this subparagraph, the term 'Consumer Price Index' has the meaning given such term by section 1(f)(5).

"(c) Definitions and Special Rules.—

"(1) Education savings account.—For purposes of this section, the term 'education savings account' means a trust created or organized in the United States exclusively for the purpose of paying the educational expenses of an individual, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted unless it is in cash, stocks, bonds, or other securities which are readily tradeable on an established securities market, and, except in the case of contributions from another education savings account, contributions will not be accepted for the taxable year in excess of $1,000.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(C) No part of the trust assets will be invested in life insurance contracts (other than contracts the beneficiary of which is the trust and the face amount of which does not exceed the amount by which the maximum amount which can be contributed to the account exceeds the sum of the amounts contributed to the account for all taxable years).

"(D) The assets of the account may be invested in accordance with the direction of the individual contributing to the account, but, if more than one individual has made contributions to the account, the consent of all such individuals shall be required for any such direction.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(F) Any balance in the account on the day after the date on which the individual for whose benefit the trust is established attains age 25 (or, if earlier, the date on which such individual dies) will be distributed on that date—

"(i) to each of the individuals who have contributed to the trust in an amount which bears the same ratio to such balance as such individual's contributions bear to the sum all such contributions, or

"(ii) as directed by such individuals, to another education savings account established for the benefit of an individual who has not attained age 25 or to an eligible educational institution.

"(2) Time when contributions deemed made.—For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of a calendar year if the contribution is made on account of such calendar year and is made not later than the time prescribed by law for filing the return for the taxable year (not including extensions thereof) with or within which the calendar year ends.

"(3) Stock, etc., to be valued as of transfer date.—The fair market value of stocks, bonds, and other securities shall be determined as of the date on which they are transferred to the account. If the date of transfer falls on a Saturday, Sunday, or public legal holiday, then the fair market value shall be determined by reference to the last preceding day on which they could have been traded on an established securities market.

"(4) Educational expenses.—The term 'educational expenses' means—

"(A) tuition and fees required for the enrollment or attendance of a student at an eligible educational institution,

"(B) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution, and

"(C) a reasonable allowance for meals and lodging while attending an eligible educational institution.

"(5) Eligible educational institution.—The term 'eligible educational institution' means—

"(A) an institution of higher education, or

"(B) a vocational school.

"(6) Institution of higher education.—The term 'institution of higher education' means the institutions described in section 1201(a) or 481(a) of the Higher Education Act of 1965.

"(7) Vocational school.—The term 'vocational school' means an area vocational education school as defined in subparagraph (C) or (D) of section 521(3) of the Carl D. Perkins Vocational Education Act which is in any State (as defined in section 521(27) of such Act).

"(d) Tax Treatment of Distributions.—

"(1) In general.—Except as otherwise provided in this subsection, if any amount is paid or distributed out of an education savings account, there shall be included in the gross income of each individual who has made contributions to such account for the taxable year of such individual in which such payment or distribution is made the applicable percentage (within the meaning of paragraph (5)) of the amount which bears the same ratio to the amount of the payment or distribution as—

"(A) the amount contributed by the individual as of the time of the payment or distribution, bears to

"(B) the aggregate amount contributed by all individuals to such account as of such time.

"(2) Exception for certain distributions.—Paragraph (1) shall not apply to any payment or distribution which—

"(A) is used exclusively to pay the educational expenses incurred by the individual for whose benefit the account is established, or

"(B) is described in subsection (c)(1)(F)(ii).

"(3) Excess contributions returned before due date of return.—Paragraph (1) shall not apply to the distribution of any contribution paid during a taxable year to an education savings account to the extent that such contribution exceeds the amount allowable under subsection (c)(1)(A) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

"(B) no credit is allowed under subsection (a) with respect to such excess contribution, and

"(C) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which it is received.

"(4) Qualified distributions included in beneficiary's income over 10-year period.—The gross income of an individual for whose benefit an education savings account was established for the taxable year in which that individual attains age 25 and for each of the 9 succeeding taxable years shall be increased by 10 percent of the sum of the applicable percentage (within the meaning of paragraph (5)) of any amount paid or distributed out of the account which was used exclusively to pay educational expenses incurred by that individual.

"(5) Applicable percentage.—For purposes of this subsection, the term 'applicable percentage' means the percentage equal to the fraction—

"(A) the numerator of which is the excess of—

"(i) the aggregate amount of contributions to an education savings account immediately before a payment or distribution, over

"(ii) the amount of contributions previously treated as paid or distributed out of the account under this section, and

"(B) the denominator of which is the balance in such account as of such time.

"(e) Tax Treatment of Accounts.—

"(1) Account subject to tax at 15 percent rate.—

"(A) In general.—There is hereby imposed for each taxable year on the taxable income of an education savings account a tax equal to 15 percent of such taxable income.

"(B) Taxable income.—For purposes of this paragraph, the term 'taxable income' means the gross income of the education savings account less any deductions allowable under this chapter which are directly allocable to such income.

"(2) Treatment of account where individual engages in prohibited transaction.—

"(A) In general.—If, during any taxable year of an individual who contributes to an education savings account, that individual engages in any transaction prohibited by section 4975 with respect to the account, the account ceases to be an education savings account as of the first day of that taxable year.

"(B) Account treated as distributing all its assets.—In any case in which any account ceases to be an education savings account by reason of subparagraph (A) on the first day of any taxable year, paragraph (1) of subsection (d) shall apply as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit an education savings account is established uses the account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to that individual.

"(f) ADDITIONAL TAX ON CERTAIN AMOUNTS INCLUDED IN GROSS INCOME.—

"(1) DISTRIBUTION NOT USED FOR EDUCATIONAL EXPENSES.—If a distribution—

"(A) is made from an education savings account, and

"(B) is not used in connection with the payment of educational expenses of the individual for whose benefit the account was established,

the tax liability (for the taxable year in which such distribution is received) of each of the individuals who has contributed to the account shall be increased by an amount equal to 10 percent of the amount of the distribution which is includible in the gross income of such individual for such taxable year.

"(2) DISQUALIFICATION CASES.—If an amount is includible in the gross income of an individual for a taxable year under subsection (e), the tax liability of such individual under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be included in his gross income.

"(3) DISABILITY OR DEATH CASES.—Paragraphs (1) and (2) shall not apply if the payment or distribution is made after the individual for whose benefit the education savings account becomes disabled within the meaning of section 72(m)(7) or dies.

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 408(n)) or another person who demonstrates, to the satisfaction of the Secretary, that—

"(1) the manner in which he will administer the account will be consistent with the requirements of this section, and

"(2) the custodial account would, except for the fact that it is not a trust, constitute an education savings account described in subsection (c).

For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(i) REPORTS.—The trustee of an education savings account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations."

(b) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended—

(1) by inserting "EDUCATION SAVINGS ACCOUNTS," after "ACCOUNTS," in the heading of such section,

(2) by redesignating paragraph (2) of subsection (a) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) an education savings account (within the meaning of section 25A(c)),",

(3) by striking out "or" at the end of paragraph (1) of subsection (a), and

(4) by adding at the end thereof the following new subsection:

"(d) EXCESS CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNTS.—For purposes of this section, in the case of an education savings account, the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the account exceeds the amount allowable under section 25A(c)(1)(A) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the education savings account in a distribution to which section 25A(d)(3) applies shall be treated as an amount not contributed."

(c) CONTRIBUTION NOT TO BE TREATED AS A GIFT FOR GIFT TAX PURPOSES.—Section 2503 of such Code (relating to taxable gifts) is amended by adding at the end thereof the following new subsection:

"(g) EDUCATION SAVINGS ACCOUNTS.—For purposes of subsection (b), any payment made by an individual to an education savings account described in section 25A(c) shall not be considered a gift of a future interest in property to the extent that such payment is allowable under section 25A."

(d) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR EDUCATION SAVINGS ACCOUNTS.—An individual for whose benefit an education savings account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be an education savings account by reason of the application of section 25A(e)(2)(A) to such account.", and

(2) by inserting "or an education savings account described in section 25A(c)" in subsection (e)(1) after "described in section 408(a)".

(e) FAILURE TO PROVIDE REPORTS ON EDUCATION SAVINGS ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "or an education savings account" after "annuities" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 25A(i) to file a report regarding an education account at the time and in the manner required by such section shall pay a penalty of $50 for each failure unless it is shown that such failure is due to reasonable cause."

(f) EXCLUSION FROM GROSS INCOME.—

(1) Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 135 as section 136 and by inserting after section 134 the following new section:

"SEC. 135. EDUCATION SAVINGS ACCOUNT DISTRIBUTIONS.

"In the case of an individual, and except as is provided in section 25A(d)(4), gross income does not include distributions from an education savings account used exclusively for the payment of educational expenses of that individual (within the meaning of section 25A(c)(4))."

(2) The table of sections for such part III is amended by striking out the item relating to section 135 and inserting in lieu thereof the following new items:

"Sec. 135. Education savings account distributions.

"Sec. 136. Cross references to other Acts."

(g) DEPENDENT.—Subsection (b) of section 152 of such Code (relating to definition of dependent) is amended by adding at the end thereof the following new paragraph:

"(6) A payment to an individual for whose benefit an education savings account (as defined in section 25A(c)) is established from that account which is excluded from the gross income of that individual under section 135 shall not be taken into account in determining support for purposes of this section."

(h) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Education savings accounts."

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, education savings accounts, certain 403(b) contracts, and certain individual retirement annuities."

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by inserting "or on education savings accounts" after "annuities" in the item relating to section 6693.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986.

S. 1662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATIONAL SAVINGS BONDS.

(a) ISSUANCE OF BONDS.—Chapter 31 of title 31, United States Code, is amended by inserting after section 3105 the following new section:

"§ 3105A. Educational savings bonds

"(a) Except as provided in this section, the Secretary of the Treasury may, with the approval of the President, issue bonds under section 3105 which are designated as educational savings bonds.

"(b) Any bond issued under subsection (a) shall by its terms provide—

"(1) for payment of interest (or investment yield) only on redemption,

"(2) that no interest (or investment yield) is payable if the bond is redeemed within 12 months of the date of issuance,

"(3) that it ceases to bear interest (or provide investment yield) at the end of the 240th month after the date of issuance, and

"(4) is not transferable.

"(c) Any bond issued under subsection (a) shall bear interest at a rate equal to the Federal long-term rate (within the meaning of section 1274(d)(1) of the Internal Revenue Code of 1986) in effect at the time such bond is issued. The Secretary may from time-to-time adjust such rate (but not below the rate at time of issuance) to reflect the differential between such rate and the rate of other bonds issued under section 3101.".

(b) Exclusion From Gross Income.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 103 the following new section:

"SEC. 103A. EDUCATIONAL SAVINGS BONDS.

"(a) General Rule.—Gross income for any taxable year shall not include any interest (or investment yield) on an educational savings bond issued under section 3105A of title 31, United States Code.

"(b) Limitation.—Subsection (a) shall not apply to that portion of the interest (or investment yield) for any taxable year on educational savings bonds to the extent the aggregate face amount of such bonds exceeds $1,000. If such aggregate amount exceeds $1,000, bonds shall be taken into account for purposes of this section in the order in which issued.".

(c) Inclusion of Certain Amounts in Gross Income.—Part II of subchapter B of chapter 1 of such Code (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 90. EDUCATIONAL SAVINGS BOND INTEREST.

"(a) General Rule.—Notwithstanding section 103A, interest or investment yield on an educational savings bond issued under section 3105A of title 31, United States Code, shall be included in the gross income of the taxpayer for the taxable year in which the bond is redeemed—

"(1) to the extent that the amount of such interest or investment yield for the taxable year exceeds the sum of the higher education expenses paid or incurred by the taxpayer with respect to a dependent for that taxable year, or

"(2) if the bond is redeemed more than 300 months after the date of its issuance.

"(b) Subsection (a) Not to Apply in the Case of Disability or Death.—Subsection (a) shall not apply for any taxable year during which the educational savings bond is redeemed if, for that taxable year, the registered owner is disabled within the meaning of section 72(m)(7), or the taxable year is ended by the death of the registered owner.

"(c) Higher Education Expenses Defined.—

"(1) In general.—The term 'higher education expenses' means—

"(A) tuition and fees required for the enrollment or attendance at an eligible educational institution,

"(B) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution, and

"(C) a reasonable allowance for meals and lodging while attending an eligible educational institution.

"(2) Eligible educational institution.—The term 'eligible educational institution' means—

"(A) an institution of higher education; or

"(B) a vocational school.

"(3) Institution of higher education.—The term 'institution of higher education' means the institutions described in section 1201(a) or 481(a) of the Higher Education Act of 1965.

"(4) Vocational school.—The term 'vocational school' means an area vocational education school as defined in subparagraph (C) or (D) of section 521(3) of the Carl D. Perkins Vocational Education Act which is in any State (as defined in section 521(27) of such Act).".

(d) Conforming Amendments.—

(1) The table of sections of chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3105 the following new item:

"3105A. Educational savings bonds.".

(2) The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 103 the following new item:

"Sec. 103A. Educational savings bonds.".

(3) The table of sections for part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 90. Educational savings bond interest.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to taxable years beginning after December 31, 1986.

[From the Washington Post, Aug. 7, 1987]

College Costs Reach as High as $75,000—Tuitions Outstrip Annual Inflation

(By Lawrence Feinberg)

The cost of a college education is continuing to climb far more rapidly than inflation, according to a new College Board survey. At some of the nation's most prestigious private colleges and universities, the survey indicates, the total four-year cost of a bachelor's degree has reached $75,000.

"It's sobering when you look at these figures," said Kathleen Brouder, director of information for the College Scholarship Service, the financial aid division of the College Board.

Even with financial aid, Brouder said, "it's going to require quite a bit of effort for most families to send their children" to private colleges.

Despite relatively large tuition increases, averaging 8 percent for the coming academic year, private four-year institutions generally say they have had a strong year in student applications and acceptances.

"If you are at a certain perceived level of quality, then you can charge higher tuition and get the students you want," said Mary McKeown, associate director of the finance division of the Maryland State Board of Higher Education. "Maybe if your tuition is at a certain level, you are perceived to be of high quality."

According to the new College Board data, tuition and required fees will rise an average of 6 percent at four-year public colleges and two-year private schools, and by 5 percent at two-year community colleges, where tuitions already are relatively low.

It is the seventh straight year in which college costs have outstripped inflation. The general cost of living, as measured by the Labor Department's consumer price index, rose by 3.7 percent in the last year, although recent price increases have reached an annual rate of more than 5 percent.

The nation's most expensive undergraduate institution is Bennington College, a fine arts school in southern Vermont, whose total annual cost is estimated at $19,400. Other prestigious schools, including the University of Chicago and most Ivy League schools, are charging more than $12,000 in tuition this fall, and estimate their total costs at $18,000 to $19,000.

At Georgetown University, the area's highest-priced college, annual undergraduate tuition will be $10,950 this fall—up 7.6 percent from the last academic year. Total costs, including room, board, and other expenses, will reach slightly more than $17,000.

Tuition will rise at George Washington University by 9.2 percent, to $9,006, and at Catholic University by 8.2 percent, to $8,740. At American University, it will rise 8.2 percent, to $9,744.

Among the public universities, which are heavily subsidized, tuition and fees this fall for state residents will reach $2,366 at the Univerity of Virginia, a 5.7 percent rise, and $1,740 at the University of Maryland, an increase of 8.7 percent.

At the University of the District of Columbia, the area's lowest-priced college, tuition for residents is unchanged at $634 a year affer a 28 percent increase last fall. Officials have said they fear another tuition increase would cut enrollment, which has tumbled by about 25 percent since 1979.

By contrast, Harvard University had more applications than ever, even though its bill for tuition, room and board will be $17,100, with total expenses, including travel, books and incidentals, reaching an estimated $18,800.

That means that a student there can expect to pay more than $75,000 for the four years it normally takes to receive a bachelor's degree. The cost of a bachelor's degree at Harvard and other prestigious schools reached $50,000 five years ago, according to the College Board data.

In statements announcing their price increases, universities said they are needed for faculty pay raises and to improve research facilities, libraries and maintenance. Competition for good faculty members has increased.

In addition, many colleges have raised tuition partly in order to finance expanded scholarship programs for the needy.

For several years, the college price increases have been strongly criticized by U.S. Education Secretary William J. Bennett.

"There they go again—and again, and again," Bennett said yesterday after the release of the College Board report. "When will they ever stop?"

Bennett has contended that rises in federal student aid, opposed by the Reagan administration, have helped fuel college cost increases—a view that has drawn strong rejoinders from spokesmen for college groups. Federal aid programs reached $16 billion this year. Such programs, excluding veterans benefits, cost $12.7 billion during the 1983-84 school year, before Congress voted a significant increase in 1984.

In the new College Board compilation the average tuition and fees at two-year public colleges nationwide is $687, with total estimated costs for commuters, including living expenses, coming to $3,889.

At public four-year colleges the average tuition will be $1,359, with estimated costs for students who live on campus totalling $5,789.

Among all private four-year colleges, the average tuition is $7,110. Total estimated costs for a student living on campus will be just under $12,000. The figures include many small private colleges, mostly church-related, whose costs remain relatively low.

In the Washington area, one such institution is Columbia Union University in Takoma Park, which is sponsored by the Seventh-day Adventist Church. Its tuition this fall is $6,480 after a modest 4.9 percent increase. Room and board costs—for vegetarian meals—will be $2,000.

Nationwide, the average tuition and required fee increases this fall are similar to those of a year ago, although below the double-digit raises imposed from 1980 to 1983.

THE PRICE OF HIGHER EDUCATION

Costs at area colleges for the next academic year [1]]

School	1987–88 tuition, fees	One-year increase (percent)	1987–88 total costs [2]	1981–82 tuition, fees
PRIVATE				
Georgetown	$10,950	7.6	$15,480	$6,890
American	9,744	8.2	14,307	6,270
George Washington	9,006	9.2	13,846	5,100
Catholic	8,740	8.2	13,120	5,870
Mount Vernon	8,811	10.2	13,641	4,800
Trinity	8,063	9.7	13,061	5,485
Howard	4,345	11	7,418	2,515
Gallaudet	2,954	18	6,119	n/a
Johns Hopkins	11,320	7.8	15,930	n/a
Columbia Union	6,480	4.9	8,480	n/a
PUBLIC				
U. of Virginia	2,366	5.7	5,216	1,350
Out-of-state	5,796	6.0	8,646	3,276
U. of Maryland	1,740	8.7	5,411	1,185
Out-of-state	4,846	8.2	8,517	3,303
George Mason	1,824	8.6	5,892	1,176
Bowie State	1,776	6.1	4,794	1,250
Montgomery	1,254	5.6	N/A	891
Prince George's	1,290	13.2	N/A	710
NOVA	763	0.3	N/A	558
UDC	634	0	N/A	364
Out-of-state	2,434	0	N/A	1,580

[1] For full-time undergraduates. Public college rates are for local residents except where noted.

Tuition, room and board only. Books and travel not included.

Note: N/A denotes not applicable. n/a denotes not available.

Mr. CHAFEE. Mr. President, it is a pleasure to join with my colleague, Senator DOLE, in introducing four bills which address a very serious problem confronting the parents of this Nation—how to pay for the education of their children. Just today there was an article on the front page of the Washington Post pointing out that the total cost of a bachelor's degree has reached $75,000 at a number of the Nation's best colleges and universities.

The future of this country depends in every way upon the education of our young people. We have always known that our democratic system of government depends upon an educated citizenry. In addition, it is becoming more and more obvious that an educated work force is vitally important to our ability to compete economically in the international marketplace.

Our approach to education has traditionally been that the Government will bear responsibility for a large portion of the task, but we also rely on the individual families to pay for part of the education of their children. The problem is that the cost of college education has for the past 7 years grown faster than inflation, leaving parents with enormous tuition bills to pay.

In this time of huge Federal budget deficits, it is unrealistic to think that the Government can step in and pay all these bills, but that does not mean we should turn our back on the problem. The four bills we are introducing today are offered to spark a debate on other ways in which we might assist parents who are trying to save for these rising tuition costs. Each of these bills embodies a different idea of how we can make saving easier and thus encourage families to plan for these educational expenditures.

All four bills use various tax incentives to help parents save for education. Last year in the tax reform bill we eliminated numerous tax incentives for various activities so that we could drastically lower the tax rates. I strongly supported the tax reform bill, and I continue to stand by that philosophy.

However, even in tax reform we saved certain incentives because we thought they were the right social or economic policy. We left the charitable deduction in the Tax Code. We left the home mortgage interest deduction in the Tax Code. We left in a tax credit for research and development and a tax credit for the rehabilitation of historic buildings. We continue to have a whole array of tax incentives for pension plans and savings for retirement.

Thus, I think it is appropriate that we consider using tax incentives as a way of helping and encouraging parents to save for the education of their children—especially in view of the drastic increase in the cost of a college education. I will look forward to a hearing in the Finance Committee on these bills, so that we can debate and decide just how best to help families save for these very large and very important expenses.

Thank you.

By Mr. DODD (for himself, Mr. THURMOND, Mr. HARKIN, Mr. MATSUNAGA, Mr. SIMON, Mr. PELL, and Mr. DURENBERGER):

S. 1663. A bill to reauthorize the Child Abuse Prevention and Treatment Act and other related acts dealing with adoption opportunities and family violence; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1664. A bill to extend authorizations of appropriations for programs under the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and for other purposes; to the Committee on Labor and Human Resources.

CHILD ABUSE PREVENTION AND TREATMENT ACT REAUTHORIZATION AND CHILD ABUSE PREVENTION AND TREATMENT AMENDMENTS

Mr. DODD. Mr. President, today I am introducing legislation designed to address perhaps the most pressing problem facing children, families, and the Nation today; namely, the crisis presented by child abuse and neglect, family violence, and growing numbers of special needs children without permanent families. As chairman of the Subcommittee on Children, Families, Drugs and Alcoholism, I am very pleased to have my distinguished ranking minority member, Senator THURMOND, join me in introducing the Child Abuse Prevention and Treatment Act Reauthorization of 1987. He has played a lead role in developing this legislation and I am very grateful for his able assistance. We are also pleased to have other distinguished members of the Committee on Labor and Human Resources, including Senators HARKIN, MATSUNAGA, SIMON, and PELL join us as well as Senator DURENBERGER in sponsoring the Child Abuse Prevention and Treatment Act Reauthorization of 1987.

As witnesses testified at the child abuse reauthorization hearing held in the subcommittee on April 1, 1987, even by conservative estimates reports of child deaths from abuse or neglect jumped 23 percent nationwide between 1985-86. The victims are more often than not our youngest citizens, with many failing to reach their first birthdays. Some die as a result of serious physical abuse. Others die from injuries sustained while home alone without any adult supervision. Yet others die because their families fail to secure timely and adequate medical care. Whatever the cause, their deaths diminish our families, our communities, and our country.

Perhaps even more tragically, these deaths do not stand alone. Infant deaths associated with poor maternal and child health care in parts of our cities are as high as those in some of the poorest developing nations, ranking us at the bottom of 20 industrialized nations with respect to infant mortality. The teenage suicide rate which peaked in 1977 has begun to climb again in alarming clusters, and injuries remain the single biggest killer of children after the first year of life. Young people between the ages of 15 to 24 years of age are four times more likely to die from car crashes, drownings, firearms, and fires than from any other cause.

This country already has the dubious distinction of being the only industrialized nation in which children constitute the poorest age group. We also have the highest teenage pregnancy and infant mortality rates in the Western industrialized world. To add high rates of child and youth deaths across the board to this profile of American childhood would be untenable, and given that the numbers of child deaths in this country appear to be climbing, the legislation being introduced today would mandate an immediate Federal focus on this crisis. Under this legislation, a Presidential commission would report within 1 year on the causes and possible remedies for child deaths associated with abuse, neglect, poor health care, sudden infant death syndrome, accidental injuries, and suicide.

Given that we lack uniform data on child and youth deaths both within and across States, this legislation would also help establish the uniform collection of such reports. We know more about the number of stolen autos in this country than the number of children whose lives are snuffed out by fires while home alone. Yet without such vital information, we will continue to look at such deaths as isolated incidents, failing to prevent or combat them in any coordinated fashion.

What little we do know about child deaths should give us greater cause for alarm. We know that in as many as 25 percent to 50 percent of all child abuse fatalities last year, the families involved were already know to local child protective service agencies and workers. In at least one State, every child death involved a child previously identified as having been abused or neglected. It therefore makes good sense to examine this rise in child deaths within the context of the reauthorization of the Child Abuse Prevention and Treatment Act.

Child abuse fatalities, however, should not stop us from examining some of the very real progress made as a result of this landmark, albeit relatively modest, program. In many ways, over the past decade this legislation has had great success in encouraging and assisting 48 States to establish special procedures to prevent, identify and treat child abuse and neglect.

Perhaps the most eminent and successful peer group working with abusive parents from Connecticut to California, parents anonymous, was started with seed money from this act. And the National Center on Child Abuse and Neglect was founded, to make the prevention and treatment of child maltreatment a foremost priority in this country.

Other real signs of progress are numerous. As I reviewed in two previous hearings of the Senate Children's Caucus I cochair, the surge in reports of child sexual abuse in recent years demonstrates greatly increased public awareness and concern. And overall prevention efforts, augmented by children's trust funds in some 40 States, have made real strides. As the author of the Federal Challenge Grant Program for Children's Trust Funds, I intend to hold oversight hearings specifically on prevention sometime this fall. With respect to the bill we are introducing today, however, the crisis presented by child deaths sends us a clear signal that underfunded and overburdened local and State child abuse agencies need immediate assistance.

To the detriment of children and families, the Prevention and Treatment Act has never been well-funded. In 1981, the authorization levels were cut in half and any separate funding for sexual abuse projects was eliminated. Although an amendment I offered 3 years ago to restore such funding was eventually enacted, we are only now starting to catch up to where we were 6 years ago with respect to Federal leadership in the area of child abuse.

In the meantime, reports of abuse and neglect have skyrocketed within the past decade. In my State of Connecticut and other States, the increase in reported cases of physical and sexual abuse has been dramatic. Such staggering increases have only exacerbated absenteeism, burnout, and turnover among child protective service workers. In one New York City agency last year, 86 percent of the staff either transferred or quit. Another agency in Florida reported workers struggling with 100 cases or more as a result of staff turnover.

At the same time, cutbacks in Federal funding has forced many States to make hard choices indeed. As the Child Welfare League of America revealed last year in a study of child abuse, workers and agencies all too often must make investigating reports of the neglect and abuse of older children a lower priority, based on the theory that older children can at least run away from abusive homes.

Thus, although we have been able to increase the authorization level for the child abuse Prevention and Treatment Act by $5 million, bringing it to $48 million, I wish it was higher. Last year, the National Center on Child Abuse and Neglect [NCCAN] was only able to fund one out of every four grant applications it received. Although these National Center applications account for one-sixth of all those sent to the overall Office of Human Development Services [OHDS], the National Center's budget amounts to only 1 percent of the funds spent within OHDS. This is surely an expression of critical need from the field for more funds to address the prevention, identification, and treatment of child abuse and neglect.

In order to strengthen the National Center on Child Abuse and Neglect, this bill would authorize the appointment of a director with experience in child abuse and neglect. Professional staff would likewise demonstrate expertise in the field. And, to encourage the participation of outside experts most effectively, this bill would increase the number of public members on the Advisory Board on Child Abuse and Neglect, including those with expertise in prevention, treatment, research, social services, law enforcement and the judicial system, health, adolescents, as well as representatives of parent self-help and voluntary orgnizations. This Board would then advise and consult with the National Center on long-range planning and proposed research priorities.

This bill would require that a majority of the discretionary research and demonstration grants be focused on prevention. It would also place a priority on long-term research, by extending from 3 to 5 years the limitation on research grant awards. It calls for a study on the incidence of child abuse among children with handicaps, the relationship between child abuse and children's handicapping conditions, and the incidence of children developing handicapping conditions as a result of abuse or neglect. It further calls for a study on the Guardian-Ad-Litem Program, in an effort to improve further the representation of children in the courts.

By expanding innovative project authority to include home health visitor programs, programs aimed at preventing or treating alcohol-related child abuse and neglect, and training for those seeking to curb the abuse of child with handicaps, this bill addresses several serious concerns. Recognizing the importance of parental self-help in combating child abuse, this legislation would also include support for a national, parent self-help program of demonstrated effectiveness. It would mandate national resource centers on child abuse and neglect. The Secretary would also be encouraged to fund interagency demonstration programs.

Last but not least, this bill would extend temporary waivers for several States who have been acting in good faith to come into compliance with the act.

ADOPTION OPPORTUNITIES REAUTHORIZATION

I am very pleased to be able to reauthorize a small but very important program—the Adoption Opportunities Act. The purpose of the Adoption Opportunities Program from its inception in 1978 has primarily been to promote the adoption of special needs children—children who are handicapped, older, part of a sibling group or members of a minority group. According to the most recent figures available from the U.S. Department of Health and Human Services, there are more than 36,000 special needs children in the foster care system who are legally free and waiting for adoptive families. Further, it is now estimated that approximately 42 percent of these children are minorities. Finding adoptive families for minority children has become an even more urgent priority for adoption agencies over the past few years as the proposition of minority children in foster care has risen from an estimated 35 percent in 1977 to 50 percent today. Further, in my own home State of Connecticut, minority infants wait on average 2½ times longer than white infants for placement with adoptive families. Thus, it is clear that much more work remains to be done in placing minority children in adoptive families, especially in the area of recruitment and placement with minority families.

The Adoption Opportunities Act has, however, been successful over the last decade in helping to steadily increase the numbers of special needs children placed in adoptive families. But what we have learned from this experience, as well as from families adopting infants, is that "living happily ever after" for adoptive families often requires a continuing helping hand from the adoption agencies. "Post Legal Adoption Services"—the extension of a range of services to adoptive families after the adoption is legally finalized—are increasingly in demand.

The Children's Home Society of Minnesota has been a pioneer in the field of post legal adoption services. They have been instrumental in advancing the quality and availability of such services by issuing a model statement and hosting an annual conference for the past several years. Unfortunately, I understand from Catholic Charities/Catholics Family Services in Hartford, CT, that Post Legal Adoption Services still "are most frequently left to chance and/or crises." Thus, it is my hope that with Federal leadership, we can promote an effective public-private partnership to increase the availability and quality of post legal adoption services.

In light of the disproportionate numbers of minority children needing adoptive families and the growing demand for post legal adoption services, new demonstration authorities have been included in the Adoption Opportunities Act to strengthen Federal leadership in these two areas. Programs designed to increase the number of minority children—who are in foster care and have the goal of adoption—placed in adoptive families, with a special emphasis on recruitment of and placement with minority families, will be eligible for demonstration grants. If they can provide documentation that appropriate and sufficient placements have been made during the grant period, they would be eligible for an additional grant award. Finally, they must make provisions to train other agencies interested in strengthening their program to increase the number of minority children placed in adoptive families.

A similar demonstration authority has been added to increase the availability and quality of post legal adoption services. Organizations providing individual, group, or family counseling or case management services to adoptive parents, adopted children, or siblings of adopted children would be eligible to receive grants. These grants may be renewed if documentation is provided to the Secretary of the Department of Health and Human Services demonstrating the effectiveness of such services during the previous grant period. To increase the availability and quality of post legal adoption services, grantees must also make provisions for the training of other organizations interested in providing such services.

The total authorization level for adoption opportunities would be raised from $5 to $7 million. The additional $2 million will be equally split between the minority placement and post legal services demonstration authorities.

FAMILY VIOLENCE

I am very pleased that we have strong bipartisan support for reauthorization of the Family Violence Prevention and Services Act. This too is a small Federal initiative, originally enacted in 1984, designed primarily to increase the availability of shelter services to victims of domestic violence. It also makes provision for the training of local community actors to prevent family violence—staff from schools, hospitals, and mental health agencies, just to name a few. Equally important, this law makes specific provision for the establishment of law enforcement training and technical assistance to assure that personnel of local and State law enforcement agencies are trained to provide appropriate responses to incidences of family violence.

As we heard from witnesses from Connecticut, South Carolina, Iowa, and New York at our reauthorization hearing on the Family Violence Prevention and Services Act earlier this spring, the need for these services goes without question. These experts indicated that it is estimated that about 1.8 million American women are beaten each year in their own homes and that every other woman requesting shelter services must be turned away. In 40 percent of domestic violence cases, children are also victims. Thus, it is critical that the Federal Government continue its leadership role.

The consensus of Members on both sides of the aisle is to continue this program at an authorization level of $26 million. These funds are needed to continue the impetus for States and localities to increase or improve their services to victims of family violence. Due to the desire not to disrupt current services in States where they don't have the capacity to open new shelters, the provision restricting shelter grants to 3 years has been eliminated.

In closing, Mr. President, the Child Abuse Prevention and Treatment Act, the Adoption Opportunities Act, and the Family Violence Prevention and Services Act are critical components in an effort to prevent children from growing up at risk and to strengthen families. I urge my colleagues to join with us in sponsoring the reauthorization of the "Child Abuse Prevention and Treatment Act Reauthorization of 1987."

I ask unanimous consent that the bills be printed in the RECORD.

Mr. THURMOND. Mr. President, I am pleased to join my distinguished colleague, Senator DODD, in introducing legislation to reauthorize programs under the Child Abuse Prevention and Treatment Act and the Family Violence Prevention and Services Act.

Mr. President, the growth in reported incidents of child abuse, as well as research suggesting that such abuse may have long-term negative results for both the child and society, have increased concerns regarding the prevention of child abuse, and treatment for abused children.

According to recent statistics, there are now 1.9 million reported cases a year of child mistreatment, of which 39 percent were substantiated upon investigation. National data collected by the American Humane Association indicates an increase of 121 percent in child abuse and neglect cases over the last 10 years. While this increase is due in part to better reporting practices, it nonetheless underscores the seriousness of the problem.

Protecting our children from abuse and neglect is the responsibility of everyone. Government programs alone will not solve this problem. We must involve families, professionals, communities, the private sector, and national and local organizations.

The role of the Federal Government is to provide national leadership and to assist States and local communities in developing, expanding, and improving programs to prevent, identify, and treat child abuse and neglect.

Furthermore, parents have the prime responsibility for protecting their children. The experience of social programs over the last 25 years indicates that services to assist parents in carrying out this responsibility are best planned and provided at the local level.

Mr. President, Federal support in this area has largely been channeled through the Child Abuse Prevention and Treatment Act, Public Law 93-247. This act provides for four programs relating to the prevention and treatment of child abuse.

These programs are: first, State grants for activities related to preventing and treating child abuse and neglect; second, discretionary grants for research and demonstration projects related to preventing and treating child abuse and neglect; third, State grants to implement procedures and programs mandated by the Child Abuse Amendments of 1984 to respond to reports of medical neglect of disabled infants with life threatening conditions; fourth, demonstration grants related to prevention of family violence. In addition, funds are earmarked for research and demonstration projects specifically relating to child sexual abuse.

Many of these programs have been in place for over 13 years and enjoy wide congressional support.

Mr. President, within the Child Abuse Prevention and Treatment Act is the Adoption Opportunities Program. Many thousands of children remain in institutions or foster homes solely because of legal or other barriers to their placement in permanent adoptive homes. The purpose of the Adoption Opportunities Program is to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit by adoption, particularly children with special needs.

Mr. President, initiatives supported under this program include the development of model adoption legislation for States which would eliminate jurisdictional obstacles to adoptions, and a national adoption information exchange to bring together children available for adoption and prospective parents.

In addition to provisions already discussed, the legislation we are introducing today would establish two demonstration programs to address concerns raised during hearings conducted by the Senate Children's Subcommittee this year.

The first program will help to encourage adoption of minority children. Forty-five percent of the 36,000 children awaiting adoption today are black or Hispanic, although these groups make up only 14 percent of the total population. Accordingly, this measure would fund a demonstration program to facilitate the adoption of these minority children.

The second program provides assistance to parents who have adopted special-needs children. Often, these children are returned to State institutions to be cared for at government expense. This measure would authorize additional support, after adoption, to assist these parents, so that these special-needs children can remain in loving homes.

Mr. President, the legislation we are introducing today also provides for the reauthorization of the Family Violence Prevention and Services Act, which funds programs that shelter and counsel battered spouses and their children. I have heard of many worthy projects in South Carolina being supported by this program. For instance, Minor Mickel Shaw, president of the Junior League of Greenville, SC, has informed me of the shelter they have established with assistance from this program, and how it has provided a safe haven for many women who would have nowhere else to go to escape abuse by their spouses. Accordingly, I am pleased to support the reauthorization of this program.

Mr. President, I am also pleased to introduce today on behalf of the administration, S. 1664, their reauthorization proposals in this area. I am confident the recommendations contained therein will be useful as the Children's Subcommittee considers the reauthorization of these programs.

I ask unanimous consent that this measure be printed in the Record immediately following these remarks, as well as a detailed section-by-section summary of its provisions.

Mr. President, at this time I would like to express my appreciation for the outstanding leadership of Senator Dodd, chairman of the Senate Subcommittee on Children, Family, Drugs, and Alcoholism, in focusing attention on the needs of this Nation's greatest asset: Our children.

As ranking member of this subcommittee, I look forward to working with him on these vital issues so that we may see bipartisan support and swift passage of these children's programs.

Mr. DURENBERGER. Mr. President, I am delighted to join my distinguished colleague from Connecticut, Senator Christopher Dodd, in introducing the "Child Abuse Prevention and Treatment Act of 1987." Senator Dodd's leadership in the prevention of child abuse has long been recognized and it is my great privilege to support this legislation and work with him on this grave national problem.

As this bill recognizes, the United States has a major problem of child abuse and neglect as shown in the progressive increase of maltreatment and deaths arising from either cumulative severe beatings or from single violent episode. Tragically, we also know that children have died because parents have been negligent and have either failed to secure needed medical care or provide adequate supervision.

My special interest in this issue is to prevent the tragedies and to make certain that we spend as much energy, money, and time in stopping child abuse and other domestic violence as we spend in treating it. I am particularly honored to work with Senator Dodd on expanding the attention to more preventive programs, which Senator Dodd has always emphasized. More emphasis should be given to prevention strategies not only because the financial cost of prevention is much lower but because it will also avoid longrun consequences such as increased juvenile delinquency as well as the loss of some future lifetime earnings by the victims of maltreatment.

In my own State of Minnesota, the great potential for prevention is being demonstrated. In Ramsey County, there is a State-supervised, county-administered Home Health Visitor Program where a team of about 10 doctors work closely with public health nurses to address the problem of prevention of child abuse. There is also an ongoing parent outreach project which tests a multidisciplinary collaborative program for preventive intervention with families considered as potential risks for child maltreatment. It integrates the use of volunteer parent befrienders and professional service providers like public health nurses and community parent educators. Although the program is fairly new, experts report that already 10 children have been saved from potential tragedy.

Preventive intervention will lead to progress in dealing with the heartbreaking effects of child abuse and neglect. This is a cause that needs bipartisan support. Therefore, I urge my colleagues to join us in supporting this valuable legislation which addresses a serious national problem of critical dimensions.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Child Abuse Prevention and Treatment Act Reauthorization of 1987".

TITLE I—NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 101. REAUTHORIZATION

Section 5 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) (hereafter in this title referred to as the "Act") is amended by inserting after the second sentence the following: "There are further authorized to be appropriated for purposes of this Act $48,000,000 for fiscal year 1988, $55,000,000 for fiscal year 1989, $60,000,000 for fiscal year 1990, and $66,500,000 for fiscal year 1991.".

SEC. 102. DIRECTOR FOR NCCAN

(a) Appointment.—Subsection (a) of section 2 of the Act (42 U.S.C. 5101(a)) is amended by—

(1) inserting "(1)" after "(a)"; and

(2) adding at the end thereof the following:

"(2) The Center shall be headed by a Director who shall have experience in child abuse and neglect and shall be appointed by the Secretary.".

(b) Staff Experience.—Subsection (d) of section 2 of the Act (42 U.S.C. 5101) is amended by adding at the end thereof the following: "The Secretary shall require that professional staff have experience in child abuse and neglect.".

SEC. 103. ADVISORY BOARD

(a) Public Member Majority.—The first sentence of section 6(a) of the Act (42 U.S.C. 5105(a)) is amended by striking out ", and not less than three members from the general public with experience or expertise in the field of child abuse and neglect." and inserting in lieu thereof ", and not less than 15 members or such greater number necessary to represent a majority of the Advisory Board from the general public who are knowledgeable in fields representing child abuse prevention, treatment, research, social services, judiciary and legal, medical, adolescents, parent self-help organizations, and voluntary organizations.".

(b) Further Duties.—Section 6(a) of the Act is further amended by inserting at the end thereof the following: "The Advisory Board shall be responsible for advising and consulting with the Director on proposed research studies and long-range planning for the Center.".

SEC. 104. NATIONAL DATA ON CHILD ABUSE AND NEGLECT

Subsection (b) of section 2 of the Act (42 U.S.C. 5101(b)) is amended—

(1) in clause (9) by striking out the period and inserting "; and";

(2) in clause (10) by striking out the period and inserting "; and";

(3) by adding before the flush matter at the end thereof the following:

"(11) as a part of research activities, establish a national data collection and analysis program with respect to State child abuse and neglect reports which shall include—

"(A) standardized data on false, unfounded, or unsubstantiated reports; and

"(B) information on the number of deaths due to child abuse and neglect."; and

(4) by adding at the end of the flush matter at the end thereof the following: "The Director shall submit an annual summary of the data collected and an analysis of such data under clause (11) to the appropriate committees of Congress.".

SEC. 105. PREVENTION EMPHASIS

(a) Redesignations.—Section 4 of the Act (42 U.S.C. 5103) is amended by designating subsections (d), (e), (f), and (f), as added by section 123(a) of Public Law 98-457, are redesignated as subsections (e), (f), (g), and (h), respectively.

(b) Prevention Emphasis.—Section 4(f) of the Act (42 U.S.C. 5103), as redesignated by subsection (a), is amended by striking out "proportionate share of assistance" and inserting in lieu thereof "majority share of assistance for discretionary research and demonstration grants".

SEC. 106. LONGITUDINAL RESEARCH

The second sentence of section 2(c) of the Act (42 U.S.C. 5101 (c)) is amended by striking out "three" and inserting in lieu thereof "five".

SEC. 107. NATIONAL RESOURCE CENTERS

Section 4 of the Act (42 U.S.C. 5103) is amended by adding at the end thereof the following:

"(i) The Secretary in consultation with the Director, shall ensure that a share of assistance under this title is available for national resource centers addressing issues of child abuse and neglect.".

SEC. 108. WAIVER

(a) Waiver.—Section 4(b)(3) of the Act (42 U.S.C. 5103(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) Subject to subparagraph (C) of this paragraph, any State whose waiver under subparagraph (A) expired as of the end of fiscal year 1986 may be granted an extension of such waiver, if the Secretary makes a finding that such State is making a good-faith effort to comply with the requirements under paragraph (2) of this subsection—

"(i) through the end of fiscal year 1988; or

"(ii) in the case of a State the legislature of which meets only biennially, through the end of fiscal year 1989 or the end of the next regularly scheduled session of such legislature, whichever is earlier.";

(2) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraph (C)"; and

(3) in subparagraph (C), as redesignated, by inserting "or (B)" after "subparagraph (A)".

(b) Effective Date.—The amendments made by this section, and waivers granted pursuant to section 4(b)(3)(B) of the Act, shall be effective retroactively to October 1, 1986.

SEC. 109. STUDY OF GUARDIAN-AD-LITEM

(a) Study.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of—

(1) how individual child legal representations in cases of child abuse or neglect have been provided in each State; and

(2) the effectiveness of legal representation of children in cases of abuse or neglect through the use of guardian-ad-litem and court appointed special advocates.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to improve legal representation of children in cases of abuse or neglect.

SEC. 110. MANDATORY GRANTS FOR CENTERS

(a) Elimination of Discretionary Grant.—Section 4(a) of the Act is amended by—

(1) striking out paragraph (2); and

(2) redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) Mandatory Grant.—Section 4(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for the establishment and maintenance of resource centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect providing advice and consultation to individuals, agencies, and organizations which request such services.

"(B) Not more than $1,000,000 of the funds appropriated for any fiscal year under section 5 of this Act may be used to carry out this paragraph.".

SEC. 111. CHILD ABUSE AND DISABILITY

(a) Study.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of—

(A) the incidence of child abuse among children with handicaps and the relationship between child abuse and children's handicapping conditions; and

(B) the incidence of children who have developed handicapping conditions as a result of child abuse or neglect.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to prevent abuse of disabled children.

SEC. 112. PROFESSIONAL TRAINING

Section 4(a)(1) of the Act (42 U.S.C. 5103(a)(1)) is amended to read as follows:

"(1) for training programs (including interagency demonstration programs) for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect and in treating and preventing abuse of children with handicaps, and training programs (including interagency demonstration programs) for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;".

SEC. 113. REPEAL OF DEADLINE FOR COMPLIANCE WITH REQUIREMENTS FOR PROGRAMS FOR DISABLED INFANTS

Section 4(b)(2) of the Act (42 U.S.C. 5103(b)(2)) is amended in subparagraph (K) by striking out "within one year after the date of the enactment of the Child Abuse Amendments of 1984, have" and inserting in lieu thereof "have".

SEC. 114. ADDITIONAL MISCELLANEOUS AMENDMENTS

(a) Grants.—Paragraph (3) of section 4(a) of the Act (42 U.S.C. 5103(a)(4)), as redesignated by section 110, is amended to read as follows:

"(3) for such other innovative programs and projects including programs and projects for parent self help, for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs, that show promise of successfully preventing and treating cases of child abuse and neglect and for a parent self-help program of demonstrated effectiveness which is national in scope, as the Secretary may approve.".

(b) Demonstration Priorities.—The first sentence the flush matter after clause (11) in section 2(b) of the Act (42 U.S.C. 5101(b)), as amended by section 104 of this Act, is amended by inserting "and demonstration" after "research".

SEC. 115. PRESIDENTIAL COMMISSION ON CHILD AND YOUTH DEATHS

(a) Findings.—The Congress finds that—

(1) even by conservative estimates, during 1985 and 1986, child abuse fatalities in this country increased by 23 percent;

(2) the average age of a child who dies from abuse and neglect is two years old;

(3) child abuse fatalities are not inherently predictable but many are preventable;

(4) many accidental childhood injuries are likewise preventable;

(5) accidental childhood injuries remain the biggest killer and disabler of children between the ages of 1 and 14;

(6) in the face of stagnating infant mortality indicators, the United States is now tied for last place in among 20 industrialized nations with respect to infant mortality;

(7) the teen suicide rate is starting to climb again, with deaths totaling over 5,000 in 1986; and

(8) homicide is the second leading cause of death in youths aged fourteen to twenty-four years.

(b) Establishment of Commission.—There is established a National Commission on Child and Youth Deaths (hereafter in this section referred to as the "Commission"). The Commission shall be composed of fifteen members as follows:

(1) Two members of the Senate, one to be selected by the Majority Leader of the Senate, the other to be selected by the Minority Leader of the Senate.

(2) Two members of the House, one to be selected by the Speaker of the House of

Representatives, the other to be selected by the Minority Leader of the House.

(3) Four representatives of State government shall be jointly selected by the Majority Leader of the Senate and the Speaker of the House of Representatives:

(A) The chief executive officer of a State, to be selected by the President.

(B) A chief State official responsible for administering child health and mental health programs, to be selected by the President.

(C) A chief State official responsible for administering children's social services programs, to be selected by the President.

(D) A chief State official responsible for administering law enforcement programs, to be selected by the President.

(4) The Secretary of Health and Human Services.

(5) Six at large members, including representatives of community-based organizations with demonstrated expertise in the prevention and identification of child and youth deaths due to child abuse and neglect, infant mortality (including sudden infant death syndrome, suicide, homicide, and unintentional injuries), to be selected by the President.

(c) Study and Evaluation by the Commission.—(1) The Commission shall study and evaluate comprehensively Federal, State, and local public and private resources which affect child and youth deaths and shall—

(A) evaluate the adequacy and effectiveness of programs designed to prevent or identify child and youth deaths, including child health and mental health services, child protective services, child welfare services, education, juvenile justice services, and law enforcement activities;

(B) evaluate the effectiveness of current Federal, State, and local policies and systems aimed at appropriately identifying and collecting accurate, uniform data on child and youth deaths in a coordinated fashion;

(C) evaluate the adequacy of current Federal, State, and local efforts to enable an appropriate distribution of properly trained child health, mental health, social services, protective services, education, juvenile justice, and law enforcement personnel to prevent and identify child and youth deaths; and

(D) identify current resource, intergovernmental, and within the Federal Government, interagency barriers to the health care needed to prevent high infant mortality.

In order to conduct the study and evaluation required by this subsection, the Commission shall hold hearings in areas of the United States with high infant mortality rates.

(d) Recommendations and Report of the Commission.—(1) The Commission shall make recommendations with respect to—

(A) a national policy designed to reduce and prevent child and youth deaths, including recommendations for more accurate reporting systems and recommendations concerning appropriate roles for the Federal Government, States, and local governments and the private sector;

(B) specific changes needed within Federal laws and Federal programs to achieve an effective Federal role in preventing child and youth deaths, including the programs specified in subparagraph (A); and

(C) specific changes needed to improve national data collection with respect to child and youth deaths.

In making its recommendations, the Commission shall review recommendations made in recent regional and national conferences and reports on child and youth deaths.

(2) Within 12 months after the date of enactment of this section, the Commission shall prepare and transmit to the President and the appropriate committees of the Congress a report describing the activities of the Commission and containing information gathered and evaluations required by subsection (c) and recommendations required by paragraph (1) of this subsection.

(e) Administration Provisions.—(1) A vacancy in the Commission shall be filled in the same manner as the original appointment was made. A vacancy in the Commission shall not affect its powers.

(2) Members shall be appointed for the life of the Commission.

(3) The members of the Commission shall elect a Chairman from among the members of the Commission.

(4) Eleven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(5) The Commission shall hold its first meeting on a date specified by the President which is not later than 90 days after the date of enactment of this Act. Thereafter, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least three times during the life of the Commission.

(f) Compensation of Members.—(1) Each member of the Commission who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of duties as a member of the Commission. Each member of the Commission who is an officer or employee of the United States shall receive no additional compensation.

(2) While away from their homes or regular place of business in the performance of duties for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rate authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(g) Director of Staff Commission.—(1) The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(3) The Executive Director and the additional personnel of the Commission referred to in paragraph (2) may be appointed without regard to the provisions of chapter 51 and subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates.

(4) Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

(5) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

(h) Powers of Commission.—(1) For the purpose of carrying out this section, the Commission may hold such hearings, sit and act at such times and place, take such testimony, and receive such evidence, as the Commission considers appropriate. The commission may administer oaths or affirmation to witnesses appearing before the Commission.

(2) Any member or employee of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) The commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out this section. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

(i) Authorization of Appropriations.—For fiscal years beginning after September 30, 1987, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(j) Termination.—The Commission shall terminate 90 days after the date on which the Commission transmits the report required under subsection (d)(2) to the President and the Congress.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. MINORITY PLACEMENT

Section 203(b)(5) of the Child Abuse Prevention Treatment and Adoption Reform Act of 1978 (hereafter in this title referred to as the "Act") is amended to read as follows:

"(5) provide (directly or by grant to or contract with public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups and community-based organizations with experience in working with minority populations) for the provision of programs aimed at increasing the number of minority children (who are in foster care and have the goal of adoption) placed in adoptive families, with a special emphasis on recruitment of and placement with minority families subject to the following conditions:

"(A) such grants or contracts may be renewed if documentation is provided to the Secretary demonstrating that appropriate and sufficient placements of such children have occurred during the previous funding period; and

"(B) such grants or contracts shall include provisions for training other interested organizations to replicate such programs;".

SEC. 202. POST LEGAL ADOPTION SERVICES

Section 203(b)(6) of the Act (42 U.S.C. 5113(b)(6)) is amended to read as follows:

"(6) provide (directly or by grant to or contract with public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups) for the provision of post legal adoption services for families who have adopted special needs children subject to the following conditions:

"(A) such documentation is provided to the Secretary demonstrating the effectiveness of such services during the previous funding period;

"(B) such grants or contracts shall include provisions for training other interested organizations to replicate such programs; and

"(C) as used in this subsection, the term 'post legal adoption services' means an array of services provided to adoptive parents, adopted children and siblings of adopted children, following a legal adoption, which may include but not be limited to individual counseling, group counseling, family counseling and case management."

SEC. 203. AUTHORIZATION OF APPROPRIATIONS

Section 205 of the Act is amended by inserting at the end thereof the following: "There are authorized to be appropriated $5,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out this Act. There are authorized to be appropriated $1,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(5). There are authorized to be appropriated $1,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(6).".

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES ACT, REAUTHORIZATION

SEC. 301. REMOVAL OF THREE-YEAR LIMIT ON GRANTS FOR SHELTERS

Section 303(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(c)) is amended by striking out the second sentence.

SEC. 302. REAUTHORIZATION

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended by striking out the period at the end thereof and inserting in lieu thereof ", and $26,000,000 for fiscal year 1988, and such sums as are necessary for fiscal years 1989, 1990, and 1991.".

S. 1664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abuse Prevention and Treatment Amendments of 1987".

TITLE I—AMENDMENTS CONCERNING CHILD ABUSE PREVENTION AND TREATMENT

SEC. 101. NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

Section 2(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101) (hereafter in this title referred to as the "Act") is amended—

(1) in paragraph (3), by striking out "all"; and

(2) in paragraph (9), by striking out "annually".

SEC. 102. DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS: SECRETARY'S DISCRETIONARY GRANTS.

Section 4(a) of the Act (42 U.S.C. 5103(a)) is amended by striking out all that follows "may be—" and inserting in lieu thereof the following:

"(1) for the development and provision of interdisciplinary training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the prevention, identification, and treatment of child abuse and neglect (including family violence related to child abuse);

"(2) for providing information, technical assistance, and professional expertise in the areas of child abuse and neglect, and child sexual abuse, throughout the Nation in order to develop, expand, strengthen and improve the capacity of State and local agencies, professionals, and local communities to use exemplary methods and resources to provide effective services to children and their families; and

"(3) for the development and evaluation of such other innovative programs and exemplary projects that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve, including programs and projects for parent self-help, for prevention and treatment of drug-related child abuse and neglect, or addressing family violence related to child abuse.".

SEC. 103. PROGRAMS FOR DISABLED INFANTS WITH LIFE-THREATENING CONDITIONS.

(a) Section 4(b)(2) of the Act (42 U.S.C. 5103(b)(2) is amended in subparagrah (K) by striking out "within one year after the date of the enactment of the Child Abuse Amendments of 1984, have" and inserting in lieu thereof "have".

(b) Section 4(c)(1) of the Act (42 U.S.C. 5103(c)(1)) is amended by striking out "The Secretary is authorized to make additional grants to the States" and inserting in lieu thereof "From amounts appropriated for any fiscal year available for the purpose of making grants to States under subsection (b), not less than $3,000,000 shall be available to the States".

SEC. 104. DEFINITION OF "STATE".

Section 4(g) of the Act (42 U.S.C. 5103(h)) is amended by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Guam".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of the Act (42 U.S.C. 5104) is amended to read as follows:

"SEC. 5. There are authorized to be appropriated such sums as may be necessary for fiscal year 1988 and each of the 2 succeeding fiscal years to carry out the purposes of this Act. Of the amount appropriated for any fiscal year, 55 percent shall be available for the purpose of making grants to States under section 4(b), and 45 percent shall be available to carry out sections 2(b), 4(a), and 4(c)(2).".

TITLE II—AMENDMENTS TO RELATED PROGRAMS

SEC. 201. SHORT TITLE FOR ADOPTION OPPORTUNITIES PROGRAM.

Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by adding before section 201 the following new section:

"SHORT TITLE

"SEC. 200. This title may be cited as the 'Adoption Opportunities Act'.".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS FOR ADOPTION OPPORTUNITIES.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended by striking out all that follows "There are authorized to be appropriated" and inserting in lieu thereof "such sums as may be necessary for fiscal year 1988 and each of the 2 succeeding fiscal years to carry out this title.".

SEC. 203. REPEAL OF CHILD ABUSE CHALLENGE GRANT AUTHORITY.

Sections 402 through 409 of Public Law 98-473 (42 U.S.C. 5116-5116g), including the captions thereof, are repealed.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1987.

[S. 1664]

CHILD ABUSE PREVENTION AND TREATMENT AMENDMENTS OF 1987

[Section-by-Section Summary]

SHORT TITLE

Section 1 of the bill provides the short title. When enacted, it would be cited as the "Child Abuse Prevention and Treatment Amendments of 1987".

TITLE I—AMENDMENTS CONCERNING CHILD ABUSE PREVENTION AND TREATMENT

Title I of the bill would extend and amend programs under the Child Abuse Prevention and Treatment Act ("the Act").

NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

Section 101 of the bill would make minor amendments intended to relax certain requirements for activities by the National Center on Child Abuse and Neglect, in order to permit better allocation of the Center's resources, as follows:

The information clearinghouse would not be required to include information on all child abuse prevention and treatment programs showing promise of success. There are now so many programs nationwide, and so many similar programs, that such comprehensive coverage would not be useful even if it were possible; this amendment would permit the Center to concentrate on the truly outstanding programs.

The provision concerning reports on coordination efforts of responsible agencies and organizations would be amended to delete the requirement for annual reports. This requirement is inconsistent with the remainder of the provision, which calls for biennial reports.

DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS: SECRETARY'S DISCRETIONARY GRANTS

Section 102 of the bill would amend the Secretary's discretionary authority for demonstration programs and projects to reflect more accurately the types of activities responsive to current needs. As revised, the authority would also specifically provide for activities addressing family violence related to child abuse. Section 4(a) of the Act, as amended, would authorize grants or contracts—

(1) for interdisciplinary training programs for professional and paraprofessional personnel preparing for or working in the prevention, identification, and treatment of child abuse and neglect (including family violence related to child abuse);

(2) for providing information, technical assistance, and professional expertise in the areas addressed by the Act in order to improve the capacity of State and local agencies, professionals, and local communities to provide effective services to children and families; and

(3) for development and evaluation of such other innovative programs and exemplary projects that show promise of successfully preventing or treating child abuse and neglect as the Secretary may approve, including programs and projects for parent self-help, for prevention and treatment of drug-related child abuse and neglect, or addressing family violence related to child abuse.

PROGRAMS FOR DISABLED INFANTS WITH LIFE-THREATENING CONDITIONS

Section 103(a) of the bill would delete the statutory deadline for State compliance with the requirements to have procedures or programs to respond to the reporting of medical neglect (including withholding of medically indicated treatment from disabled infants with life-threatening conditions). Literal application of this requirement would make ineligible for grant funds under the Act States that failed to meet the original deadline of October 9, 1985, but that now have the required procedures and programs in place.

Subsection (b) of the bill would amend the provision of the Act providing for grant funds to States for activities designed to ensure appropriate provision of services to disabled infants with life-threatening conditions. Current law provides for additional, separate grants to States for this purpose. This amendment would instead earmark for these purposes $3 million of the amount appropriated for each fiscal year for State grants. This earmark will maintain the level of Federal funding for these activities that was provided for FYs 1985, 1986, and 1987.

CORRECTION OF DEFINITION OF "STATE"

Section 104 of the bill would amend the definition of the term "State" in the Act to include the Commonwealth of the Northern Mariana Islands (added by P.L. 94-241).

AUTHORIZATION OF APPROPRIATIONS

Section 106 of the bill would authorize appropriations of such sums as necessary for each of FYs 1988 through 1990 to carry out the purpose of the Act. Of amounts appropriated for each fiscal year, 55 percent would be available for grants to States, and 45 percent for the activities of the Secretary and the National Center on Child Abuse and Neglect.

TITLE II—AMENDMENTS TO RELATED PROGRAMS

SHORT TITLE FOR ADOPTION OPPORTUNITIES PROGRAM

Section 201 of the bill would create a short title for the adoption opportunities program under title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. That title would be cited as the "Adoption Opportunities Act".

AUTHORIZATION OF APPROPRIATIONS FOR ADOPTION OPPORTUNITIES

Section 202 of the bill would authorize appropriations of such sums as necessary for FY 1988 and each of the two succeeding fiscal years to carry out the adoption opportunities program under title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

REPEAL OF CHILD ABUSE CHALLENGE GRANT AUTHORITY

Section 203 of the bill would repeal the authority, at sections 402 through 409 of P.L. 98-473, for Federal challenge grants to encourage States to establish and maintain funding mechanisms to support child abuse and neglect prevention activities.

TITLE III—EFFECTIVE DATE

EFFECTIVE DATE

Section 301 of the bill provides that amendments made by the bill would become effective October 1, 1987.

By Mr. MELCHER (for himself, Mr. BOREN, Mr. CONRAD, Mr. BURDICK, Mr. PRYOR and Mr. HARKIN):

S. 1665. A bill to amend the Farm Credit Act of 1971 to ensure the continuation of the farm credit system as a source of agricultural credit at fair and competitive rates; to increase farmer and rancher participation in the Farm Credit System; to restore the impairment of borrower stock in farm credit system institutions; to reform the lending practices on the Farm Credit System; to require forebearance on and restructuring of certain high-risk and nonaccrual loans; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM CREDIT ACT

Mr. MELCHER. Mr. President, I rise today to address one of the central issues in the ongoing crisis facing America's farming and ranching communities.

Contrary to some rose-colored press accounts, a tremendous number of farmers and ranchers continue to suffer serious financial hardship. Land values are down, commodity prices are down, and net farm income is down. Meanwhile, interest rates for farmers and ranchers are up, and they are highest for those least able to pay. Many honest, hardworking, responsible people are left in an impossible situation, unable to make their credit payments and facing foreclosure.

Mr. President, the current condition of farm credit in this country can only be described as desperate. Farmers and ranchers are not the only ones affected by the credit crunch. When farmers and ranchers go down, they bring down their banks, their suppliers and much of America's rural business community with them. When the banks are brought down, they raise interest rates, require additional security and foreclose upon borrowers who have gotten behind. That brings farmers and ranchers down even further and fuels the vicious circle which threatens to destroy the family farm economy altogether.

The inability of many borrowers to make their payments has already thrown the Farm Credit System into a period of unprecedented financial difficulty. With 37 banks and nearly 400 local associations, the Farm Credit System holds more than 25 percent of the total farm debt and nearly 40 percent of the farm real estate debt. It is the largest institutional lender serving American agriculture.

The Farm Credit System gets its income, of course, from the struggling farmers and ranchers who try to wring a few extra dollars our their already starving operations. Meanwhile, the system is trying to pay its own debts which are comprised mainly of high-cost, long-term bond obligations taken on several years ago, during healthier times. This situation forces the system to hold rates for its borrowers at high levels. Even so, the system posts net losses and is forced to dip into surplus capital to make its own payments.

Well, Mr. President, the so-called surplus capital in the system is running out. Net losses in 1985 and 1986 totaled $4 billion. By the end of 1986, system surplus had dwindled to $1.4 billion. At the end of the first quarter of this year, $1.2 billion. The surplus capital soon will be gone, and when that happens, like a wounded cat preparing to eat its young, the system will cast a hungry eye upon its only remaining capital—the $4.2 billion in borrower-held stock which represents borrower participation in the system.

By the end of 1987, six system banks will have completely dissipated their capital. That means they will be unable to access the debt markets and will be forced into liquidation. Projections indicate that even if the healthiest banks in the system share everything with the weakest—and that is unlikely considering the mountain of pending lawsuits over that very practice—borrower stock will be impaired on a system wide basis by the end of 1987.

In some cases, the rights of borrower stock holders have already been compromised. Following the liquidation of production credit associations in the Spokane and Omaha districts of the Farm Credit System, stock held by borrowers was frozen, which means that it could not be redeemed, even by those who had paid off their debt and were entitled to the return of that investment.

Before this crisis becomes a disaster, Mr. President, we must do something to lift this crushing burden from the back of rural America. We must get system interest rates down and stop the wholesale foreclosure and forced liquidations of family farms and ranches. We must ensure that credit will be available to our farmers and ranchers in the future. We must create an environment in which banks in the Farm Credit System can get back on their feet without draining the system of its borrower stock.

Likewise, borrower rights and protections must be applied to the troubled Farmers Home Administration. Forbearance and restructuring, homestead protection, encouragement of mediation and sale of properties to family farmers, must be required rather than desired. Just wishing for these reforms doesn't guarantee results. Big corporations, foreign buyers, and local land speculators are buying up our farms because FmHA hasn't gotten the right message from Congress.

Mr. President, the bill I introduce today with Senators BOREN, BURDICK, and CONRAD is the Farm Credit Act of 1987. This bill is designed to fix what's wrong with the Farm Credit System and the Farmers Home Administration. It provides new capital for the system to use to shore up its own debts and thereby reduce interest rates for borrowers. It compels the system and Farmers Home to restructure those loans which can be saved and remove the most hopeless, nonaccruing accounts from their books. It protects borrowers from suddenly finding themselves homeless and ensures that acquired lands will be kept in the hands of the family farmer. And not least of all, it guarantees the par value of borrower stock in the Farm Credit System and ensures that stock already frozen or impaired as a result of PCA liquidations, shall be redeemed at par value immediately.

Mr. President, this much needed legislation takes the farm credit bull by the horns. With it, we can wrestle down high interest rates, stop unnecessary foreclosures, protect the fundamental credit rights of farmers and ranchers, and put American agriculture's cooperative lending system back in the saddle again.

Mr. President, I ask unanimous consent that following Senator BOREN's statement, S. 1630 be printed in the RECORD, along with a section by section analysis of the bill and a detailed summary of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Farm Credit Act of 1987".

TABLE OF CONTENTS

SEC. 2. The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

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TITLE I—FARM CREDIT REVOLVING FUND; FRANCHISE TAXES; PURCHASE OF STOCK

SEC. 101. RENUMBERING OF SECTIONS; REPEAL OF CERTAIN SECTIONS.

(a) Title IV of the Farm Credit Act of 1971 is amended by—

(1) amending the heading immediately preceding section 4.0 to read to follows:

"PART A—FARM CREDIT REVOLVING FUND";

(2) inserting after section 4.1 a new heading as follows:

"PART B—FUNDING";

(3) renumbering sections 4.2 through 4.9 as sections 4.10 through 4.17;

(4) repealing section 4.9A;

(5) redesignating Parts B, C, D, D1, E, and F as Parts C, D, E, F, G, and H, respectively;

(6) renumbering sections 4.10 through 4.12 in Part C, as redesignating by paragraph (5), as sections 4.20 through 4.22;

(7) renumbering sections 4.13 through 4.19 in Part D, as redesignating by paragraph (5), as sections 4.30 through 4.38;

(8) repealing section 4.20 in Part D as redesignated by paragraph (5);

(9) renumbering sections 4.25 through 4.28 in Part E, as redesignated by paragraph (5), as sections 4.40 through 4.43;

(10) striking out the heading immediately preceding section 4.28A and inserting in lieu thereof the following:

"PART F—LOAN RESTRUCTURING BY SYSTEM INSTITUTIONS; DISPOSAL OF PROPERTY.

"SUBPART 1—LOAN RESTRUCTURING CORPORATION";

(11) renumbering sections 4.28A through 4.28I as sections 4.50 through 4.58;

(12) repealing sections 4.28J, 4.28K, and 4.28L;

(13) renumbering section 4.29 in Part G, as redesignated by paragraph (5), as 4.70;

(14) renumbering section 4.35 in Part H, as redesignated by paragraph (5), as section 4.80; and

(15) repealing section 4.36 in Part H as redesignated by paragraph (5).

(b) The Farm Credit Act of 1971 is amended by—

(1) striking out "section 4.8(b)" each place it appears in sections 1.1(c) and 5.19(b) and inserting in lieu thereof "section 4.16(b)";

(2) striking out "section 4.10" each place it appears in sections 1.3, 2.0, 3.0, and 5.17(a)(2), and inserting in lieu thereof "section 4.20";

(3) striking out "section 4.18" each place it appears in sections 1.4(12), 2.1(20), 2.3(b), 2.12(13); and 3.1(11) and inserting in lieu thereof "section 4.37";

(4) striking out "section 4.17" in section 2.15(b) and inserting in lieu thereof "section 4.36";

(5) striking out "section 4.25" in section 2.16(b), as renumbered by subsection (a)(3), and inserting in lieu thereof "section 4.40"; and

(6) striking out "section 4.19(b) in section 5.17(a)(3) and inserting in lieu thereof "section 4.38(b)"; and

(7) striking out "section 4.2" in section 5.17(a)(4) and inserting in lieu thereof "section 4.10".

SEC. 102. FARM CREDIT REVOLVING FUND.

Section 4.0 of the Farm Credit Act of 1971 amended by—

(1) inserting before the first sentence "(a)";

(2) striking out "Capital Corporation" and all that follows through the period at the end of the section and inserting in lieu thereof "banks and associations of the Farm Credit System. To the extent there are funds available under this section, the Farm Credit Administration shall make such purchases of stock as the Farm Credit Administration Board determines are necessary to (1) prevent impairment of stock of any bank or association of the Farm Credit System held by persons or entities other than the Farm Credit Administration, (2) if such stock is impaired, restore any impairment thereof, or (3) provide collateral for obligations issued under section 4.10 by a bank in an amount sufficient to permit such bank to finance its lending operations. In lieu of purchasing stock in a Federal land bank association or production credit association, the Farm Credit Administration (A) may require the district Federal land bank or Federal intermediate credit bank, as the case may be, to invest in the stock of the association to prevent or restore the impairment of the association stock and (b), if so required, shall purchase an equivalent amount of stock in the bank. Such revolving fund may be referred to hereinafter in this Act as the 'Farm Credit Revolving Fund'. For the purposes of this subsection, the term 'stock' means voting stock, nonvoting stock, participation certificates, contributions to the guaranty fund of a bank for cooperatives,

and allocated equities that are to be revolved on or before December 31, 1992, under a revolving cycle established by an institution prior to the date of enactment of the Farm Credit Act of 1987."; and

(3) adding at the end thereof the following new subsections:

"(b) At any time after December 31, 1992, the Farm Credit Administration shall require the retirement of any stock purchased under subsection (a) at such times as the Farm Credit Administration Board determines the bank or association has resources available therefor and the need for such Government-owned stock is reduced or no longer exists. If the Farm Credit Administration Board determines that a Federal land bank association or a production credit association does not have resources available to retire stock held by the Farm Credit Administration but that the Federal land bank or the Federal intermediate credit bank in the district, as the case may be, has resources available to do so, the Farm Credit Administration may require that (1) such bank invest in an equivalent amount of nonvoting stock of such association and (2) the association retire the stock held by the Farm Credit Administration. The retirement of any association stock purchased by a bank under this subsection shall be retired in accordance with regulations of the Farm Credit Administration. The ownership of stock in any farm credit bank or association by the Farm Credit Administration shall not be deemed to change the status of ownership of the banks and associations, but, during the time such stock is outstanding, the pertinent provisions of the Government Corporation Control Act shall be applicable.

"(c) Notwithstanding any other provision of law, funds in the Farm Credit Revolving Fund shall also be available to the Farm Credit Administration to purchase obligations of the Farm Credit Banks Insurance Corporation as authorized in title VI, carry out the program described in subsection (d) and (e), and make loans to the Loan Restructuring Corporation as provided for in subsection (f).

"(d) From funds available under subsection (C), the Farm Credit Administration shall make payments to the holders of stock, including participation certificates issued in lieu of stock, of Farm Credit System associations placed in liquidation between January 1, 1983, and the date of enactment of the Farm Credit Act of 1987. Such payments shall be made under such terms and conditions as the Farm Credit Administration Board may prescribe, and the amount of any such payment shall be determined in accordance with generally accepted accounting principles to ensure that the holder receives an amount equivalent to the par or face value of such stock after taking into consideration any distributions such holder received from the assets of the association. As a condition for receiving payments under this subsection, the stockholder shall be required by the Farm Credit Administration to assign to the Administration all rights of the holder to any subsequent distributions from assets of the association. Any such distributions received by the Farm Credit Administration shall be deposited in the Farm Credit Revolving Fund and shall be available to the Administration for the purposes set out in this section.

"(e) From funds available under subsection (c), the Farm Credit Administration shall make payments to the holders of stock, including participation certificates issued in lieu of stock, that was retired at less than the par of stock, that was retired at less than par or face value by a Federal land bank association or a production credit association between January 1, 1987, and the date of enactment of the Farm Credit Act of 1987. The amount of any such payment shall be determined by the Farm Credit Administration Board to ensure that the holder receives an amount equivalent to the par or face value of such stock taking into consideration the amount received at the time it was retired by the association.

"(f) From funds available under subsection (C), the Farm Credit Administration shall make such loans to the Loan Restructuring Corporation in such amounts as the Farm Credit Administration Board determines are necessary to permit the Corporation to (1) refund to the Farm Credit banks and associations all required purchases and assessments as provided for in section 4.59, (2) grant forbearance on or restructure loans under Part F of this title, and (3) provide such other funds as needed in its operations.

"(g) Funds in the Farm Credit Revolving Fund shall be available to the Farm Credit Administration to repurchase from the Secretary of the Treasury any obligations issued by the Farm Credit Administration Board under section 4.1.

"(h) Proceeds received by the Farm Credit Administration from (1) the partial or the full retirement of stock of any Farm Credit institution and (2) the payment of loans and obligations described in subsection (c) shall be deposited in the Farm Credit Revolving Fund.".

SEC. 103. AUTHORITY TO ISSUE NOTES TO THE SECRETAY OF THE TREASURY

Section 4.1 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 4.1. AUTHORITY TO ISSUE NOTES TO THE SECRETARY OF THE TREASURY.

"(a) The Farm Credit Administration, through the Farm Credit Administration Board, may make and issue notes to the Secretary of the Treasury for the purpose of obtaining funds for the Farm Credit Revolving Fund necessary to permit the Farm Credit Administration to purchase stock and make loans and payments as set out in section 4.0.

"(b) Notes issued under subsection (a) shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be prescribed by the Farm Credit Administration Board with the approval of the Secretary of the Treasury. Such notes shall not bear interest. The Secretary of the Treasury shall purchase any notes issued under subsection (a), and, for that purpose, the Secretary of the Treasury may use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which such securities may be issued under the Second Liberty Bond Act, and the purposes for which such securities may be issued under such Act are extended to include the purchases of notes issued by the Board. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public-debt transactions of the United States.

"(c) Notwithstanding any other provision of law, the requirement of the Secretary of the Treasury to purchase obligations of the Farm Credit Administration under this section may be exercised, without regard to fiscal year limitation, in a total amount not to exceed $6,000,000,000. The Farm Credit Administration shall not issue any obligations for the purpose of obtaining funds to purchase stock of any Farm Credit institution under section 4.0(a) after December 31, 1992.".

SEC. 104. FRANCHISE TAXES.

Title IV of the Farm Credit Act of 1971 is amended by adding after section 4.1 the following:

"SEC. 4.2. FRANCHISE TAXES.

"(a)(1)(A) Each of the banks of the Farm Credit System shall pay to the United States as a franchise tax a sum equal to the amount by which its unallocated retained earnings (taking into account any adjustments under sections 4.59 and 4.60) as of December 31, 1986, exceed 5 percent of its net loans (total loans outstanding less allowances for losses).

"(B) Each of the production credit associations shall pay to the United States as a franchise tax a sum equal to the amount by which its unallocated retained earnings (taking into account any adjustment under section 4.59) as of December 31, 1986, exceed 13 percent of its net loans (total loans outstanding less allowances for losses).

"(C) No institution shall be required to pay to the United States any part of the franchise tax provided for in this paragraph to the extent that the payment of such amount would result in the impairment of stock. For the purposes of this paragraph, the term 'stock' shall have the same meaning as that provided for in section 4.0(a).

"(2) The franchise tax provided for in paragraph (1) shall become due and payable sixty days after the adjustments are made under sections 4.59 and 4.60. All amounts paid by the banks and production credit associations under this subsection shall be deposited in the Treasury as miscellaneous receipts, and upon any such deposit, an equivalent amount of funds in the miscellaneous receipts in the Treasury shall, notwithstanding any other provision of law, be transferred to the Farm Credit Revolving Fund.

"(b)(1) Effective January 1, 1993, at the end of any fiscal year of a Farm Credit bank or association in which the Farm Credit Administration holds any stock in any such bank or association, each bank and association of the Farm Credit System, after complying with section 1.17, 1.18, 2.6, 2.14, or 3.11, as the case may be, shall pay to the United States as a francise tax a sum equal to 25 percent of its net earnings for the year before establishing any contingency reserves or declaring any dividends or patronage distribution.

"(2) The franchise tax for any year provided for in paragraph (1) shall be due and payable ninety days after the beginning of the subsequent fiscal year of the bank or association. All amounts paid by the banks and associations under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(3) The franchise tax due for any year from any Farm Credit bank or association under paragraph (1) shall be reduced by—

"(A) an amount, not in excess of the tax due, equal to an amount of funds that the bank or association paid, prior to the date the tax becomes due, to the United States for the retirement of any stock of such institution held by the Farm Credit Administration; and

"(B) an amount, not in excess of the tax due, equal to the amount of funds, if any, that such bank or association contributes, prior to the date the tax becomes due, to another Farm Credit bank or association to permit the other bank or association to retire any of its stock held by the Farm Credit Administration to the extent that any amount so contributed is used by the other bank or association to retire such stock prior to the date the tax becomes due. Notwithstanding any other provision of this Act, each bank and association of the Farm Credit System may make such contributions, and any contributions made by the bank or association shall be considered operating expenses of the institution.

"(c) If any bank or association fails to pay all or part of any franchise tax under subsections (a) and (b) within thirty days after such tax becomes due and payable, the Secretary of the Treasury shall notify the Farm Credit Administration of such failure. Within sixty days of the receipt of such notice, the Farm Credit Administration shall, notwithstanding any other provision of this Act, after notice to such bank or association and an opportunity for a hearing before the Farm Credit Administration Board, shall suspend the charter of the bank or association until such time as the franchise tax is paid if the Farm Credit Administration Board determines that such tax has not been paid and the bank or association has not made provision to pay such tax.".

SEC. 105. PURCHASE OF STOCK OF FARM CREDIT SYSTEM INSTITUTIONS BY FARM CREDIT ADMINISTRATION.

(a) Section 1.5 of the Farm Credit Act of 1971 is amended by—

(1) in subsection (d)—

(A) inserting "(1)" before the first sentence; and

(B) adding at the end thereof a new paragraph (2) as follows:

"(2) Nonvoting stock may be issued to the Farm Credit Administration for the purposes set out in this Act.";

(2) in subsection (e), inserting after "bank" in the first sentence "except stock held by the Farm Credit Administration"; and

(3) at the end of subsection (f), adding a new sentence as follows: "No patronage refund may be paid in any year in which the Farm Credit Administration holds stock in the bank.".

(b) Section 1.16 of the Farm Credit Act of 1971 is amended by adding at the end thereof a new subsection (d) as follows:

"(d) Notwithstanding the provisions of subsections (a) and (b), each Federal land bank association may issue nonvoting stock to the Farm Credit Administration and to the Federal land bank in the district for the purposes set out in this Act. Dividends shall not be paid on any stock held by the Farm Credit Administration.".

(c) Section 1.17 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 1.17. LAND BANK RESERVES; DIVIDENDS.—(a) Each Federal land bank shall, at the end of each fiscal year, carry to reserve account a sum of not less than 50 percent of its net earnings for the year until such reserve account shall be equal to the outstanding capital stock and participation certificates of the bank, after restoring any impairment thereof. Thereafter, a sum equal to 10 percent of the year's net earnings shall be added to the reserve account until the account shall be equal to 150 percent of the outstanding capital stock and participation certificates of the bank. Any amounts added to the reserve account in excess of 150 percent of the outstanding capital stock and participation certificates may be withdrawn from such reserves with the approval of the Farm Credit Administration: *Provided*, That if the Farm Credit Administration holds any stock in a bank, such funds shall be withdrawn and used to retire such stock.

"(b) Any bank may declare a dividend or dividends, and pay patronage refunds, or do any of them, as provided in its bylaws, out of the whole or any part of net earnings which remain after (1) the maintenance of the reserve required in subsection (a), (2) the payment of the franchise tax, if any, as required by section 4.2., and (3) approval of the Farm Credit Administration. No patronage refund may be paid in any year in which the Farm Credit Administration holds stock in the bank.".

(d) Section 1.18 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 1.18. ASSOCIATION RESERVES; DIVIDENDS.—(a) Each Federal land bank association shall, at the end of each fiscal year, carry to reserve account a sum of not less than 10 percent of its earnings until the reserve account shall equal 25 percent of the outstanding capital stock and participation certificates of such association after restoring any impairment thereof. Thereafter, 5 percent of the net earnings for the year shall be added to such reserve account until it shall equal 50 percent of the outstanding capital stock and participation certificates of the association. Any amounts in the reserve account in excess of 50 percent of the outstanding capital stock and participation certificates may be withdrawn with the approval of the Federal land bank and the Farm Credit Administration: *Provided*, That if the Farm Credit Administration holds any stock in an association, such funds shall be withdrawn and used to retire such stock.

"(b) Any association may declare a dividend or dividends and pay patronage refunds, or do any of them, as provided in its bylaws, out of the whole or any part of its net earnings available therefor which remain after (1) maintenance of the reserve required in subsection (a), (2) the payment of the franchise tax, if any, required by section 4.2, and (3) approval of the supervising bank and the Farm Credit Administration. All patronage refunds shall be paid on the proportionate patronage basis approved by the bank. Dividends shall be noncumulative, and the rate of dividends may be different between classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the Federal land bank by such classes and issues, but otherwise dividends shall be without preference. No dividends or patronage refunds may be paid by the association in any year in which the Farm Credit Administration holds stock in such association.

"(c) Whenever any association is liquidated, a sum equal to its reserve account as required in this Act shall be paid and become the property of the bank in which such association is a shareholder.".

(e) Section 1.20 is amended by inserting, after "held by", "the Farm Credit Administration".

(f) Section 2.2 of the Farm Credit Act of 1971 is amended by—

(1) in subsection (d), inserting before the first sentence "(1)" and adding a new paragraph (2) as follows:

"(2) Nonvoting stock may be issued to the Farm Credit Administration for the purposes set out in this Act."; and

(2) at the end of subsection (f), adding a new sentence as follows: "In any year that the Farm Credit Administration holds stock in a bank, no dividends may be paid on stock except as authorized by the Farm Credit Administration Board."; and

(3) in subsection (g), striking out in the first sentence of the fourth paragraph "The bank may retire" and inserting in lieu thereof the following: "If the Farm Credit Administration does not hold any stock in the bank, the bank may retire other".

(g) Section 2.6 of the Farm Credit Act of 1971 is amended by—

(1) adding before subsection (c) two new subsections as follows:

"(a)(1) If, at the end of a fiscal year a Federal intermediate credit bank shall have stock outstanding held by the Farm Credit Administration, such bank shall determine the amount of its net earning after paying or providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves) and shall apply such net earnings as follows: (A) to the restoration of the impairment, if any, of capital stock and participation certificates, as determined by its board of directors; (B) to the restoration of the amount of the impairment, if any, of the bank's surplus account or allocated reserve account, as determined by its board of directors; (C) 25 percent of any remaining net earnings, to the creation and maintenance of an allocated reserve account; (D) to the payment to the United States of a franchise tax, as provided in section 4.2 of this Act; (E) to a reasonable unallocated contingency reserve account as may be established and maintained; (F) to the payment of dividends on stock held by production credit associations and on participation certificates that may be declared, as provided in section 2.2(f); and (G) to the retirement of any stock held by the Farm Credit Administration out of any remaining net earnings.

"(2) Amounts applied to reserve account as provided in paragraph (1)(C) shall be allocated on the patronage basis and have the tax treatment as is provided in subsection (b) of this section. At the end of any fiscal year that the allocated reserve account of any bank exceeds 25 percent of its outstanding stock and participation certificates, such excess may be distributed, oldest allocations first, in stock to production credit associations and participation certificates to other financial institutions issued as of the date of the allocations.

"(3) If and when the relative amounts of stock in a Federal intermediate credit bank owned by the production credit associations are adjusted to reestablish the proportion of such stock owned by each association, as provided in the first or second paragraphs of section 2.2(g), amounts in the reserve account that are allocated to production credit associations may be adjusted in the same manner, so far as practicable, to reestablish the holdings of the production credit associations in the allocated legal reserve accounts into substantially the same proportion as are their holdings of stock.

"(4) In the event of a net loss in any fiscal year after providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves), such loss shall be absorbed by: first, charges to the unallocated reserve account; second, impairment of stock held by the Farm Credit Administration; third, impairment of the allocated reserve account; fourth, impairment of surplus; fifth, impairment of stock and participation certificates held by production credit associations and participation certificates held by other financing institutions; and sixth, impairment of other nonvoting stock.

"(b) Allocations to the reserve account under subsection (a)(1)(C) shall not be subject to Federal income taxes. All such allocations shall be made in the proportion that the amount of interest earned by the bank on its loans to and discounts for each production credit association or other financing institution bears to the total interest earned by the bank on all such loans and discounts outstanding during the fiscal year."; and

(2) in subsection (c)—

(A) in the first sentence—

(i) inserting, after "fiscal year", "in which the Farm Credit Administration hold no stock in the bank"; and

(ii) striking out "continue to"; and

(B) amending the last sentence to read as follows: "Provision shall be made for the payment of the franchise tax, if any, required in section 4.2.".

(h) Section 2.7 of the Farm Credit Act of 1971 is amended by inserting, after "second," in the first sentence, "all stock owned by the Farm Credit Administration at par; and third,".

(i) Section 2.13 of the Farm Credit Act of 1971 is amended by—

(1) in subsection (c), striking out "to other investors" and inserting in lieu thereof "Farm Credit Administration";

(2) in subsection (d), after "nonvoting stock" in the first sentence, inserting "(other than nonvoting stock held by the Farm Credit Administration)";

(3) adding at the end of subsection (i) a new sentence as follows: "Dividends shall not be paid on stock, other than preferred stock, in any year in which the Farm Credit Administration holds stock in the association."; and

(4) in subsection (j), after "held by", inserting "the Farm Credit Administration or".

(j) Section 2.14(a) of the Farm Credit Act of 1971 is amended by—

(1) striking out "and second," and inserting in lieu thereof "second,"; and

(2) inserting before the period at the end thereof the following: "; third, for the payment of the franchise tax, if any, under section 4.2; and fourth, for the retirement of any stock of the association held by the Farm Credit Administration".

(k) Section 2.14(b) of the Farm Credit Act of 1971 is amended by adding a new sentence at the end thereof as follows: "Patronage refunds shall not be paid in any year in which the Farm Credit Administration holds stock in the association.".

(l) Section 2.17 of the Farm Credit Act of 1971 is amended by adding at the end thereof of two new sentences as follows: "Such associations, their property, their franchises, capital, reserves, surplus, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, territorial, or local taxing authority; except that interest on the obligations of such associations shall be subject only to Federal income taxation in the hands of the holder thereof pursuant to the Public Debt Act of 1941 (31 U.S.C. 742(a)) and except that any real and tangible personal property of such associations shall be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed. The exemption provided in the preceding sentence shall apply only for any year or part thereof in which stock in the production credit association is held by the Farm Credit Administration.".

(m) Section 3.3 of the Farm Credit Act of 1971 is amended by adding at the end thereof of a new subsection (g) as follows:

"(g) Nonvoting stock may be issued to the Farm Credit Administration for the purposes set out in this Act.".

(n) Section 3.10(c) of the Farm Credit Act of 1971 is amended by inserting, after "all stock" in the first sentence, "(other than stock held by the Farm Credit Administration)".

(o) Section 3.11 of the Farm Credit Act of 1971 is amended by

(1) adding before subsection (b) a new subsection as follows:

"(a) Each bank for cooperatives, at the end of each fiscal year when such bank shall have stock outstanding held by the Farm Credit Administration, shall determine the amount of its net earnings after paying or providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves) and shall apply such earnings as follows: (1) the amount of the impairment, if any, of capital stock, as determined by its board of directors, shall be restored; (2) 25 percent of any remaining net earnings shall be used to create and maintain a surplus account; (3) it shall next pay to the United States a franchise tax as provided in section 4.2; (4) reasonable contingency reserves may be established; (5) dividends on investment stock may be declared as provided in this title; and (6) any remaining net earnings shall be distributed as patronage refunds as provided in subsection (c) or (d): *Provided*, That any patronage refunds received by a district bank from any other bank for cooperatives shall be excluded from net earnings of the district bank for the purpose of computing such franchise tax. Amounts applied as provided in clause (2) of the preceding sentence shall be allocated on a patronage basis approved by the Farm Credit Administration. At the end of any fiscal year, any portion of the reserve, established under clause (4) in the first sentence of this subsection, that is no longer deemed necessary shall be transferred to the surplus account, and, if the surplus account of any such bank for cooperatives exceeds 25 percent of the sum of all its outstanding capital stock, the bank may distribute in the same manner as a patronage refund any part or all of such excess which has been allocated. In making such distributions except as otherwise provided in section 3.5 and distributions by the Central Bank, the oldest outstanding allocations shall be distributed first."; and

(2) in subsection (b)—

(A) after "fiscal year" in the first sentence, inserting "in which the Farm Credit Administration holds no stock in the bank"; and

(B) amending the last sentence to read as follows: "Provision shall be made for the payment of the franchise tax, if any, required under section 4.2.".

(p) Section 3.12 of the Farm Credit Act of 1971 is amended by adding at the end thereof of two new sentences as follows: "Such banks, their property, their franchises, capital, reserves, surplus, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, territorial, or local taxing authority; except that interest on the obligations of such banks shall be subject only to Federal income taxation in the hands of the holder thereof pursuant to the Public Debt Act of 1941 (31 U.S.C. 742(a)) and except that any real and tangible personal property of such banks shall be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed. The exemption provided in the preceding sentence shall apply only for any year or part thereof in which stock in the bank for cooperatives is held by the Farm Credit Administration.".

(q) Section 5.17(a)(8) of the Farm Credit Act of 1971 is amended by striking out "Capital Corporation" and inserting in lieu thereof "banks and associations of the Farm Credit System".

TITLE II—LOAN RESTRUCTURING

SEC. 201. REFORM OF FARM CREDIT SYSTEM CAPITAL CORPORATION.

(a) Section 4.50 of the Farm Credit Act of 1971, as renumbered by section 101, is amended by striking out "reviewed on December 31, 1987." in the second sentence and all that follows and inserting in lieu thereof: ", upon enactment of the Farm Credit Act of 1987, amended by the Farm Credit Adminstration to change the name of such Corporation to 'Loan Restructuring Corporation'. The charter of the Corporation shall be revoked by the Farm Credit Administration on December 31, 1990, unless the Farm Credit Administration Board unanimously adopts by April 30, 1989, a resolution providing for a one year extension of the charter, in which case the charter shall be revoked on December 31, 1991. The Farm Credit Administration shall prescribe by June 30, 1989, regulations for (1) the orderly termination of the activities of the Corporation, (2) the payment of outstanding obligations of the Corporation, including obligations on loans made to the Corporation to the Credit institutions from which they were originally acquired. If so offered, such institutions shall be required to repurchase such loans and other property from the Corporation by the Farm Credit Administration under section 4.0, and (3) the distribution of any assets of the Corporation remaining after providing for the payment of such obligations. Such regulations shall require that, prior to the revocation of the charter, the Corporation offer to sell all loans and other property held by the Corporation to the Farm Credit institutions from which they were originally acquired. If so offered, such institutions shall be required to repurchase such loans and other property from the Corporation. The repurchase price to be paid for any such loans and property may not exceed the amount the Corporation originally paid for such loans and property.".

(b) Section 4.51 of the Farm Credit Act of 1971, as renumbered by section 101, is amended to read as follows:

"SEC. 4.51 PURPOSES.—For the sole purpose of carrying out activities provided for in this part, the Loan Restructuring Corporation shall—

"(1) hold, restructure, collect, sell, and otherwise administer nonperforming assets participated in or acquired from other Farm Credit System institutions; and

"(2) provide technical assistance to Farm Credit System institutions with respect to restructuring loans of their member-borrowers.".

(c) Section 4.52 of the Farm Credit Act of 1971, as renumbered by section 101, is amended to read as follows:

"SEC. 4.52. BOARD OF DIRECTORS OF THE LOAN RESTRUCTURING CORPORATION.—

"(a) The board of directors of the Loan Restructuring Corporation shall consist of five members of which—

"(1) two members shall be appointed by the Farm Credit Administration Board, with the original appointees under this paragraph being the members appointed by the Chairman of such Board to the board of directors of the Capital Corporation prior to the effective date of this section;

"(2) one member shall be appointed by the Farm Credit Administration Board by a resolution adopted unanimously by such Board; and

"(3) two members shall be elected by the boards of directors of the twelve farm credit districts and the board of directors of the Central Bank for Cooperatives.

"(b)(1) To be eligible for membership on such board, a person must be a citizen of the United States.

"(2) Members appointed under subsection (a)(1) and (2) shall not be member-borrowers, shareholders, salaried officers, employees, or agents of any institution of the Farm Credit System. Each of the members elected under subsection (a)(3) shall be a member-borrower of a Farm Credit institution and a bonafide farmer or rancher.

"(3) Within ten days after the date of enactment of the Farm Credit Act of 1987, the Farm Credit Administration shall seek nominations of at least two qualified candidates for membership on the Corporation's board under subsection (a)(3), and within thirty days after such date, the Administration shall conduct a poll of the district and Central Bank boards to elect the directors from the candidates so nominated. The two candidates receiving the highest numbers of votes shall be deemed elected.

"(c) Members of the Corporation's board of directors shall serve terms of two years, may succeed themselves, and may serve until their successors are duly seated. Vacancies on the board shall be filled in the same manner as the vacant position was previously filled.".

(d) The board of directors of the Farm Credit System Capital Corporation existing on the date of enactment of this Act shall continue as board of directors of the Loan Restructuring Corporation until all new members of the board of such Corporation are elected or appointed under section 4.52 of the Farm Credit Act of 1971 as amended by this section, at which time their terms shall expire.

(e) Section 4.56(a) of the Farm Credit Act of 1971, as renumbered by section 101, is amended by—

(1) in paragraph (4), striking out "its loans, commitments, and other financial assistance are made;";

(2) in paragraph (6), before "contract", inserting "carry out a loan restructuring program as provided in this part and";

(3) striking out paragraphs (9), (13), (14), (15), (16), (17), (19), and (21); and renumbering paragraphs (10), (11), (12), (18), (20), (22), and (23) as paragraphs (9) through (15), respectively; and

(4) amending paragraph (13), as renumbered by the preceding paragraph, to read as follows:

"(13) grant forbearance on, restructure, or liquidate any loan participated in or acquired from a Farm Credit institution.".

(f) Section 4.56(b) of the Farm Credit Act of 1971, as renumbered by section 101, is amended to read as follows:

"(b) Any power of the Corporation enumerated in subsection (a) with respect to the restructuring and liquidation of loans and the disposal of property shall be subject to the provisions of subpart 2 of this part.".

(g) Section 4.58(b) of the Farm Credit Act of 1971, as renumbered by section 101, is amended to read as follows:

"(b) Sales by the Loan Restructuring Corporation of real property formerly securing a liquidated loan shall be conducted pursuant to guidelines adopted by the Corporation that are consistent with the provisions of this part.".

(h)(1) Part F of title IV of the Farm Credit Act of 1971, as redesignated by section 101, is amended by adding after section 4.58 two new sections as follows:

SEC. 4.59. ADJUSTMENT OF ASSESSMENTS.

"Any required purchase or assessment of the Farm Credit System Capital Corporation taken between July 31, 1986, and the date of enactment of the Farm Credit Act of 1987 for the purpose of obtaining funds to make financial assistance available to System institutions is hereby rescinded and funds obtained by the Corporation through required purchases or assessments shall be refunded to contributor institutions.

SEC. 4.60. ADJUSTMENT OF LOSS-SHARING CONTRIBUTIONS.

"Any amounts paid or that remain accrued, by contributor institutions to other System institutions on or after July 31, 1986, under System bank capital preservation (loss-sharing) agreements, shall be repaid to contributor institutions or reversed, as the case may be.".

(2) The adjustments required by the amendments made by paragraph (1) shall be completed within sixty days after the date of enactment of this Act.

SEC. 202. LOAN RESTRUCTURING BY SYSTEM INSTITUTIONS.

Title IV of the Farm Credit Act of 1971 is amended by adding after section 4.60 a new subpart 2 as follows:

"SUBPART 2—LOAN RESTRUCTURING BY SYSTEM INSTITUTIONS; DISPOSAL OF ACQUIRED PROPERTY

"SEC. 4.61. Notwithstanding any other provision of this Act—

"(a)(1) Within sixty days after the date of enactment of the Farm Credit Act of 1987, each farm credit district and the Loan Restructuring Corporation shall have in place a policy under which all nonaccrual loans held by the banks and associations in the district or the Corporation, as the case may be, are to be reviewed on a case-by-case basis to determine whether such loans should be considered for forbearance, restructuring, or liquidation. Each district policy shall be adopted by the farm credit district board and shall be binding upon each farm credit bank and association in the district. Each policy shall be submitted to the Farm Credit Administration Board in such manner as it may prescribe. The policy shall give special emphasis to forbearance and restructuring of loans rather than liquidations. The policy shall also provide for the review of all high-risk loans held by the bank and associations in the district, or the Corporation, to determine on a case-by-case basis what steps may be necessary to prevent such loans from becoming nonaccrual loans. The Farm Credit Administration Board may require such changes in a policy that it deems necessary to ensure compliance with this part and to ensure that the policies, including provisions relating to shared-appreciation mortgages, are consistent throughout the twelve farm credit districts to the extent practicable.

"(2) Each policy required under paragraph (1) shall indicate that—

"(A) each bank and association in the district, or the Corporation, will grant forbearance on nonaccrual and high-risk loans to the maximum extent possible to avoid losses to the institution on such loans; and

"(B) nonaccrual or high-risk loans will be restructured through reduction of principal and interest or otherwise in a manner that would enable the borrower to make payments of principal and interest due on the loan without unduly impairing the standard of living of the borrower, in cases in which—

"(i) the borrower can present a plan containing reasonable assumptions that indicates a high probability that the borrower will regain financial viability as the result of the restructuring; and

"(ii) the loan will be restructured in such a manner as to minimize any loss to the bank or association; and

"(iii) if the loan were restructured in a manner that would ensure its viability, the loss that would occur to the institution during the term of the loan as restructured would be less than or equal to the loss that would occur from liquidation.

"(3)(A) In determining any loss from liquidation, the institution shall consider (i) the amount by which the outstanding indebtedness of the borrower exceeds the appraised value of interests in property securing such indebtedness plus the book value of any stock and participation certificates of the institution held by the borrower, (ii) the estimated administrative and legal expenses necessary to liquidate the loan and dispose of any property acquired therefrom, and (iii) any other costs to the institution associated with such loan prior to its liquidation, including but not limited to holding the loan as a nonperforming asset. With respect to any loan restructured by the institution during the three-year period preceding the review, the loss to the institution determined under this paragraph shall include, in addition to the factors listed in the preceding sentence, the amount of loss incurred by the institution as a result of the prior restructuring of the loan.

"(B) Each loan restructured by the institution shall be considered a new loan made to the borrower. No nonaccrual or high-risk loan shall be restructured by a bank, association, or the Corporation unless the borrower agrees that any stock, including participation certificates, of the institution held by the borrower that is in excess of the amount required to capitalize the restructured loan shall, notwithstanding any other provision of this Act, be retired and any proceeds therefrom forfeited by the borrower to the institution.

"(4)(A) Each farm credit district board shall also establish a Special Credit Team to provide assistance to the banks and associations in the district in the handling of nonaccrual or high-risk loans. If requested by a bank or association in the district, the Special Credit Team shall be responsible for restructuring, granting forbearance, or liquidating such loans on a case-by-case basis. The Special Credit Team shall also provide technical assistance to the banks and associations in the district with respect to any loans restructured or liquidated by the bank or association.

"(B) Each district plan shall establish an appeals procedure under which a borrower whose loan has been determined to be not eligible for restructuring by an association, bank, or Special Credit Team can receive reconsideration of such decision by an appeals committee. The committee shall be composed of officers or employees of farm credit banks or associations in the district who were not responsible for the decision with respect to the loan and at least one member-borrower of a Farm Credit institution in the district. If the committee determines that the loan is eligible for restructuring, the bank, association, or Special Credit Team shall proceed to restructure the loan in the manner prescribed by the committee. No foreclosure or other steps shall be taken to liquidate any loan determined to be ineligible for restructuring by a bank, association, or Special Credit Team (i) until the borrower has been given an opportunity to appeal such decision, (ii) if the decision is appealed, until the appeals committee has considered the appeal and determined that the loan is ineligible for restructuring, and (iii) if such loan is determined by the appeals committee to be so ineligible, until the loan has been submitted to the Corporation, together with such documentation as it requires to make an independent decision, for a determination and the Corporation has determined that the loan is not eligible for restructuring. The appeals committee shall submit any loan determined by it to be ineligible to the Corporation within ten days and the Corporation shall make its determination within forty-five days from the date of receipt. If the Corporation determines the loan is eligible, the association, bank, or Special Credit Team shall proceed to restructure the loan in the manner prescribed by the Corporation. The borrower must file an appeal to the committee within thirty days of receipt of notice that the loan of the borrower has been determined to be not eligible for restructuring.

"(C) Any notice of ineligibility for restructuring shall be sent to the borrower by registered or certified mail within fifteen days after the determination of ineligibility. Such notice shall contain (i) the determination and the reasons for the determination, (ii) the computations used by the institution to make the determination, including the estimate of the collateral value of the land used to secure the loan, and (iii) the right of the borrower to appeal the decision to the appeals committee and to appear before such committee to contest the determination.

"(D) Any appeal filed with the appeals committee under paragraph 4(B) may include a request for an independent appraisal of any interests in property securing the loan other than the stock or participation certificates of the institution held by the borrower. The appeals committee shall arrange for such independent appraisal within thirty days of the date the request was received and shall consider the results of such appraisal in any final determination with respect to the loan. A copy of any appraisal made under this subparagraph shall be provided to the borrower.

"(E) The appeals committee shall make a final determination on the loan within sixty days of the date of receipt of the written appeal.

"(5)(A) If the Corporation determines that a loan held by it is not eligible for restructuring, the Corporation shall, within thirty days of such determination, notify the Special Credit Team in the district from which such loan was originally acquired by the Corporation and shall present such documentation with respect to the loan as to permit the Special Credit Team to make an independent decision as to whether such loan is eligible for restructuring. The Special Credit Team shall review the loan and make a determination thereon within thirty days after notification by the Corporation. If the Special Credit Team determines that the loan is eligible, the Corporation shall (i) restructure the loan in the manner prescribed by the Special Credit Team or (ii) offer to sell the loan to the bank or association in the district from which the loan was acquired for the net amount that the Corporation determined that it could have received from foreclosure of the loan. If the loan is so offered, the bank or association shall purchase the loan at such price and, after such purchase, shall restructure the loan in the manner prescribed by the Special Credit Team.

"(B) If the Special Credit Team determines that the loan is ineligible for restructuring, such decision may be appealed by the borrower within thirty days after receipt of notice of such decision, to the appeals committee established under paragraph (4)(B), and, if the committee determines that the loan is eligible for restructuring, the loan shall be restructured by the Corporation in the manner prescribed by the committee or sold for such restructuring to the bank or association from which it was originally acquired in the same manner and under the same conditions as provided in subparagraph (A). The provisions of paragraphs (4) (C), (D), and (E) shall apply with respect to any notice and appeals made under this subparagraph.

"(b) The review of all nonaccrual loans held by the banks, associations, and Loan Restructuring Corporation on the date of enactment of the Farm Credit Act of 1987 as provided for in subsection (a) shall be completed not later than one hundred and twenty days after such date, and all action required on loans eligible for forbearance or restructuring shall be completed by the institutions not later than two and one-half years after such date.

"SEC. 4.62. ADDITIONAL COLLATERAL.

"No institution of the Farm Credit System may—

"(1) require any borrower to provide additional collateral to secure a loan if the borrower is current in the payment of principal and interest on the loan; or

"(2) bring any action to foreclose, or otherwise liquidate, any loan as a result of the failure of a borrower to provide additional collateral to secure a loan if the borrower was current in the payment of principal and interest on the loan at the time the additional collateral was requested.

"SEC. 4.63. HOMESTEAD PROTECTION.

"(a) Effective during the period beginning one hundred and twenty days after enactment of the Farm Credit Act of 1987 through December 31, 1992, and notwithstanding the requirements of section 4.64, if a bank (other than a bank for cooperatives), association, or the Loan Restructuring Corporation forecloses a loan made for agricultural purposes that is held by the institution, or if a borrower who is primarily liable for payment of such loan declares bankruptcy or goes into voluntary liquidation to avoid foreclosure or bankruptcy, the institution shall, subject to the provisions of subsection (g), upon application by the borrower, permit the borrower to retain possession and occupancy of any principal residence of the borrower and a reasonable amount of adjoining land for the purpose of family maintenance that the institution acquired as the result of such foreclosure, bankruptcy, or involuntary liquidation. The period of occupancy of homestead property under this section shall not be less than three years nor more than five years, subject to compliance with the requirements of subsection (c).

"(b) The value of the homestead property shall be determined by an independent appraisal made within thirty days from the date of the borrower's application to retain possession and occupancy of the homestead property.

"(c) To be eligible to occupy homestead property, a borrower must—

"(1) apply for such occupancy within thirty days after the property is acquired by the institution;

"(2) have exhausted all remedies for the extension or restructuring of the loan that were available to the borrower under section 4.61;

"(3) have received from farming or ranching operations at least $30,000 in gross annual income in at least two calendar years during the five-year period preceding the calendar year in which the application is made;

"(4) have received from farming or ranching operations at least 60 percent of the gross annual income of the borrower and any spouse of the borrower during at least two years during such five-year period;

"(5) have occupied the homestead property, and engaged in farming or ranching operations on adjoining land, or other land controlled by the borrower during such period;

"(6) present information or documentation that establishes, to the satisfaction of the institution, that the borrower during the occupancy period will be likely to have some income sufficient to meet in a timely manner all expenses associated with occupying such property, including rental payments under paragraph (7) during such period.

"(7) during the period of occupancy, (A) pay to the institution a reasonable sum as rent for such property, on an annual or monthly basis as the institution may require, in an amount equivalent to rents charged for similar residential properties in the area in which it is located and (B) maintain such property in good condition; and

"(8) agree to such other terms and conditions as the institution may require to protect the interest of the institution in the property.

"(d) Failure to (1) pay rental payments in a timely manner; (2) maintain the property in good condition; or (3) comply with other terms and conditions required under subsection (c) shall constitute cause for the termination of all rights of a borrower under this section.

"(e) At the end of the period of occupancy described in subsection (a), the borrower shall have a first right of refusal to reacquire the homestead property on such terms and conditions as the institution shall determine, except that the insitution may not demand a total payment of the principal that is in excess of the value of the homestead property as established under subsection (b).

"(f) No rights of a borrower under this section, and no agreement entered into between the borrower and the institution for occupancy of the homestead property, shall be transferable or assignable by the borrower or by operation of any law, except that in the case of death or incomptency of such borrower, such rights and agreements shall be transferable to the spouse of the borrower if such spouse agrees to comply with the terms and conditions therof.

"(g) The provisions of this section shall not apply in any case in which the institution determines, on the basis of an independent appraisal conducted at the same time as the appraisal under subsection (b), that the value of the acquired real estate prior to the separation would be more than the sum of the value of the homestead plus the value of the remaining property.

"SEC. 4.64. DISPOSAL OF ACQUIRED AGRICULTURAL PROPERTY.

Notwithstanding any other provision of this Act—

"(a) No institution of the Farm Credit System may sell any agricultural real estate that was acquired by an institution of the System as the result of a loan foreclosure, bankruptcy of a borrower, or voluntary liquidation of a loan entered into by a borrower (hereinafter in this section referred to as 'acquired real estate') if the sale of such acquired real estate would result in a substantial adverse effect on the value of agricultural land in the area in which the acquired real estate is located, as determined by the institution in accordance with regulations issued by the Farm Credit Administration.

"(b) If a farm credit institution holds any acquired real estate in tracts of land that are equal in size to, or smaller than, the average family farming or ranching operation in the area in which the property is located, taking into consideration the type of farming or ranching operation for which such property is well suited, such tracts of land shall not be combined for sale or lease by the institution if the size of the resulting tract substantially exceeds the size of such average farming or ranching operation, as determined by the institution under regulations issued by the Farm Credit Administration.

"(c) Each farm credit institution, holding acquired real estate in tracts of land larger in size than the average family farming or ranching operation in the area in which the property is located, taking into consideration the type of farming or ranching operation for which such property is well suited, prior to offering such acquired real estate for sale or lease, shall subdivide such land into tracts of land not substantially larger than such average farming or ranching operation, as determined by the institution under regulations issued by the Farm Credit Administration.

"(d) The provisions of subsections (b) and (c) shall not apply to the sale of acquired real estate by the institution to another institution of the Farm Credit System, and any combination or subdivision of acquired property by a Farm Credit institution shall not affect any right of a prior owner to redeem the property under any law of the State in which such property is located.

"(e) (1) Whenever an institution of the Farm Credit System, directly or through an agent, offers to sell or lease any acquired real estate or any similarly acquired personal property (other than an offer made to another Farm Credit System institution), such offer shall be made to the public, and the sale or lease of the acquired real estate or personal property shall be on the basis of competitive bidding conducted in accordance with regulations issued by the Farm Credit Administration. Such regulations shall ensure that—

"(A) adequate notice of the availability of such property is given to the public in the area in which the property is located, which notice shall contain the minimum amount, if any, required to qualify a bid as acceptable to the institution and any terms and conditions to which such sale or lease will be subject, including the right of first refusal by the previous owner to purchase or lease the property as provided for in subparagraph (C);

"(B) actual notice of the availability of the property, to the extent possible, is given to the previous owner from whom the property was acquired, which notice shall contain the same information as described in subparagraph (A); and

"(C) the property will be sold or leased on the basis of the highest qualified bid received by the institution, subject to the right of first refusal of the previous owner to purchase or lease the property for the same amount and under the same terms and conditions as such bidder: *Provided,* That the previous owner has resources available to conduct a successful family-size farming or ranching operation and to meet all payments, terms, and conditions of such sale or lease as determined by the institution under regulations issued by the Farm Credit Administration.

"(2) If two or more qualified bids in the same amount are received by the institution under paragraph (1), and such bids are the highest received, the institution shall sell or lease the property in accordance with regulations of the Farm Credit Administration to one of the highest qualified bidders. Such regulations shall ensure that priority for purchasing or leasing the property is given to qualified bidders who are operators, or would upon acquisition of the property become operators, of a farm or ranch that does not substantially exceed the size of the average family farming or ranching operation in the area in which such property is located or to be used.

"(3) The provisions of this subsection shall only apply to leases that are of a term of three years or less. The Farm Credit Administration shall issue regulations to ensure that the leasing authority of this subsection shall not be used by any institution in any manner to avoid the leasing requirements of subsection (f).

"(f)(1) If any Farm Credit System institution holds (A) acquired real estate that is not eligible for sale under this section and that is not leased under subsection (e), or (B) any similarly acquired personal property that is not leased under subsection (e), such institution shall offer to lease such property for a term of not less than five nor more than ten years to persons who are operators, or will upon receiving the lease become operators, of a farm or ranch that does not substantially exceed the size of the average family farming or ranching operation in the area in which such property is located, as determined by the institution in accordance with regulations issued by the Farm Credit Administration. Each lease offered under this subsection shall contain an option to purchase the property upon expiration of its term for the appraised value of the property. Such value shall be determined by an independent appraisal of the property made within the six-month period prior to the expiration of the term of the lease. The appraisal shall be based upon the market value of the property in the case of acquired personal property or the average annual income that may be reasonably anticipated to be generated from farming or ranching operations conducted on such land in the case of acquired real estate.

"(2) Each offer to lease under this subsection shall be made to the public, and the lease shall be granted on the basis of competitive bidding conducted in accordance with regulations of the Farm Credit Administration. Such regulations shall ensure that—

"(A) adequate notice of the availability of the property is given to the public in the area in which the property is located, which notice shall contain the minimum amount, if any, of rental payments required to qualify a bid as acceptable to the institution, the terms and conditions to which such lease will be subject, including the right of first refusal by a previous owner to lease the property as provided for in subparagraph (C);

"(B) Actual notice of the availability of the property, to the extent possible, is given to the previous owner from whom the property was acquired, which notice shall contain the same information as described in subparagraph (A); and

"(C) the property will be leased on the basis of the highest qualified bid received by the institution, subject to the right of first refusal of the previous owner to lease the property for the same amount and under the same terms and conditions as the highest qualified bidder: *Provided,* That such previous owner (i) meets, or upon receiving the lease will meet, the qualifications of an operator of a family-size farm or ranch under paragraph (1), and (ii) has the resources available to conduct a successful family-size farming or ranching operation and meet all rental payments, terms, and conditions of such lease, as determined by the institution under regulations issued by the Farm Credit Administration.

"(3) If two or more qualified bids in the same amount are received by the institution under paragraph (2), and such bids are the highest received, the institution shall determine which such bid to accept in accordance with regulations issued by the Farm Credit Administration.

"(g) Effective January 1, 1990, if a bank or association enters into any installment sales contract or similar agreement or any financing arrangement with any person for the purchase of acquired real estate or similarly acquired personal property, such person shall be required to own, and the institution shall issue to such person, voting stock (if such person is qualified to hold such stock), nonvoting stock, or participation certificates of the institution in an amount equivalent to that required to be owned by member-borrowers of the farm credit banks and associations under this Act. In the case of such contracts, agreements, or arrangements entered into by a Federal land bank, the person shall be required to purchase stock in the Federal land bank association serving the territory in which the property is located; and such association shall, in turn, purchase a similar amount of stock in the bank. In the case of a Federal intermediate credit bank, the person shall be required to own nonvoting stock or participation certificates of such bank in an amount equivalent to that required for loans made by the production credit association serving the territory in which the property is located. Stock, including participation certificates, issued under this provision shall be retired in accordance with regulations of the Farm Credit Administration, which regulations shall ensure, to the extent possible, that such stock is retired in the same manner as other borrower-owned stock of the institution.

"(h) Each institution of the Farm Credit System (1) shall sell, as provided for in subsection (e), or lease as provided for in subsection (f), all acquired real estate or similarly acquired personal property held by it on the date of enactment of the Farm Credit Act of 1987 not later than the end of the four-year period beginning on such date, and (2) shall sell or lease subsequently acquired real estate or personal property under such provisions not later than the end of the four-year period beginning on the date such property was acquired by the institution.".

SEC. 203. CONFORMING ADMENDMENTS.

(a) The Farm Credit Act of 1971 is amended by striking out "Federal Farm Credit Corporation" and "Capital Corporation" each place such terms appear, other than in sections 4.50 and 4.57, as renumbered by section 101, and inserting in lieu thereof "Loan Restructuring Corporation".

(b) Section 4.12(c) of the Farm Credit Act of 1971, as renumbered by section 101, is repealed.

SEC. 204. ACCESS TO DOCUMENTS AND INFORMATION.

Section 4.31 of the Farm Credit Act of 1971, as renumbered by section 101, is amended to read as follows:

"SEC. 4.31. ACCESS TO DOCUMENTS AND INFORMATION.—Each institution of the Farm Credit System shall provide to its borrowers, at the time of execution of loans and at any time thereafter upon request—

"(a) copies of all documents signed or delivered by the borrower;

"(b) a copy of the institution's articles of incorporation or charter and bylaws;

"(c) the current and effective interest rates on the borrower's loans, whether fixed or variable, and any changes in the current and effective interest rates during the terms of the loans;

"(d) copies of current forebearance and restructuring policies, including notices of the right to and method of appeals; and

"(e) copies of each appraisal of the borrower's assets or used by the institution.".

SEC. 205. RIGHT TO SUE; STANDING.

Title IV of the Farm Credit Act of 1971 is amended by adding a new Part I as follows:

"PART I—RIGHT TO SUE; STANDING

"SEC. 4.90. RIGHT OF ACTION; JURISDICTION; STANDING.

"(a) Subject to subsection (c), any person shall have the right to sue—

"(1) any institution of the Farm Credit System for violation of

"(A) any duty, standard, or limitation prescribed under this Act and owing to that person; and

"(B) any order issued by the Farm Credit Administration with respect to any such duty, standard, or limitation owing to that person; and

"(2) the Farm Credit Administration for the failure to perform any act or duty prescribed under this Act to the extent that it is not discretionary.

"(b) The United States district courts shall have original jurisdiction, without regard to the amount in controversy, over any action brought under subsection (a).

"(c) A person shall have standing to sue under this section if such person suffers legal wrong or is aggrieved or adversely affected by the violation or violations on which the suit is based.

"(d) This section shall not affect the right any person may otherwise have under this Act or any other statute to sue any institution of the Farm Credit System or the Farm Credit Administration.".

TITLE III—INSURANCE OF OBLIGATIONS OF FARM CREDIT BANKS; LIABILITY OF BANKS ON OBLIGATIONS

SEC. 301. CREATION OF CORPORATION.

The Farm Credit Act of 1971 is amended by adding at the end thereof a new title VI as follows:

"TITLE VI—FARM CREDIT BANKS INSURANCE CORPORATION

"SEC. 6.0. CREATION OF FARM CREDIT BANKS INSURANCE CORPORATION.

"(a) There is created a Farm Credit Banks Insurance Corporation (hereinafter in this title referred to as the 'Corporation'), which shall insure the notes, bonds, debentures, or similar obligations of the banks of the Farm Credit System eligible for insurance as hereinafter provided. The Corporation shall be under the direction of the Farm Credit Administration Board (hereinafter referred to as the 'Board') and operated by it under such bylaws, rules, and regulations as it may prescribe for carrying out this title. The principal office of the Corporation shall be the same as the principal office of the Farm Credit Administration.

"(b) Upon the effective date of this title, the Corporation shall become a body corporate, and shall be an instrumentality of the United States, and as such shall have the power—

"(1) to adopt and use a corporate seal;

"(2) to have succession until dissolved by Act of Congress;

"(3) to make contracts;

"(4) to sue and be sued, complain and defend, in any court of competent jurisdiction in the United States or its territories or possessions or the Commonwealth of Puerto Rico, and may be served by serving a copy of process on any of its agents and mailing a copy of such process by registered or certified mail to the Corporation at its principal office;

"(5) to appoint and fix the compensation of such officers, employees, attorneys, or agents, as shall be necessary for the performance of its duties. Nothing in this title or any other provision of law may be construed to prevent the appointment and compensation as an officer, attorney, or employee of the Corporation, of an officer, attorney, or employee of any board, corporation, commission, establishment, agency, executive department, or instrumentality of the Government. The Corporation, with the consent of any such entity of the Government, may avail itself of the use of information, services, and facilities thereof in carrying out its duties and responsibilities; and

"(6) to borrow from the Farm Credit Revolving Fund, on such terms as may be fixed by the Board, such funds as are from time to time required by the Corporation for insurance purposes. Any such loan shall be used by the Corporation solely in carrying out its functions with respect to such insurance, including, but not limited to, the payment of its operating expenses. During the period beginning on the effective date of this title and ending December 31, 1992, any operating expenses of the Corporation shall be deemed to be operating expenses of the Farm Credit Administration.

"(c) The Corporation shall be entitled to the use of the United States mails for its official business in the same manner as the executive departments of the Government, and shall determine its necessary expenditures and the manner in which the same shall be incurred, allowed, and paid, without regard to the provisions of any other law governing the expenditure of public funds.

"(d) Moneys of the Corporation not required for current operations shall be deposited in the Treasury of the United States, or upon the approval of the Secretary of the Treasury, in any Federal Reserve bank, and shall be invested in obligations of, or guaranteed as to principal and interest by, the United States. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money under such regulations as may be prescribed by the Secretary of the Treasury, and may also be employed as a fiscal agent of the United States, and it shall perform all such reasonable duties as a depository of public money and fiscal agent as may be required of it.

"(e) No individual, association, partnership, or corporation may use the words 'Farm Credit Banks Insurance Corporation' or any combination of these words that would have the effect of leading the public in general to believe there was any connection, actually not existing, between such individual, association, partnership, or corporation and the Farm Credit Banks Insurance Corporation, as the name under which such person or entity shall do business. No individual, association, partnership, or corporation may advertise or otherwise represent falsely by any device that the obligations of the person or entity are insured or in any way guaranteed by the Corporation, or by the Government of the United States, or by any instrumentality thereof; and no institution whose obligations are insured by the Corporation, and no individual, partnership, association, or corporation that markets insured obligations, shall advertise or otherwise represent falsely the extent to which or manner in which such obligations are insured by the Corporation. Every individual, partnership, association, or corporation violating this subsection shall be punished by a fine of not exceeding $1,000, or by imprisonment not exceeding one year, or both, for each violation.

"SEC. 6.1. INSURANCE OF OBLIGATIONS OF FARM CREDIT BANKS.

"(a) It shall be the duty of the Corporation to insure the obligations of the Federal land banks, Federal intermediate credit banks, and the banks for cooperatives as provided for in this title.

"(b) Application for such insurance shall be made by each of the farm credit banks within sixty days after the effective date of this title. Such applications shall be in such form as the Corporation shall prescribe. Each application shall contain an agreement (1) to pay the reasonable cost of such examinations as the Corporation shall deem necessary in connection with such insurance, and (2) if the insurance is granted, to permit and pay the cost of such examinations as the Corporation may from time to time deem necesary for its protection and the protection of other insured institutions, to permit the Corporation to have access to any information or report with respect to any examination made by any regulatory authority and to furnish any additional information or report with respect thereto as the Corporation may require, and to pay the premium charges for insurance as hereinafter provided. Any examination required under this subsection shall be made by Farm Credit Administration examiners, and, whenever possible, the Corporation shall use the examinations made by the Farm Credit Administration in lieu of requiring separate examinations of an institution.

"(c) The Corporation shall reject the application of any applicant if it finds that the financial policies or management of the applicant are unsafe. Upon the approval of any application for insurance, the Corporation shall so notify the applicant and issue to the applicant a certificate stating that it has become an insured institution. In considering applications for insurance, the Corporation shall give full consideration to all factors in connection with the financial condition of applicants and insured institutions, and shall have power to make such adjustment in their financial statements as the Corporation finds to be necessary.

"SEC. 6.2. EXTENT OF INSURANCE.

"(a) The Corporation shall insure the payment of principal and interest on notes, bonds, debentures, or other obligations issued by the farm credit banks under section 4.10(c) and (d), or any similar provision of previous law that become due and payable after December 31, 1992; as follows:

"(1) if the reserve of the Corporation is not above the level described in section 6.4, the Corporation shall provide for full payment of any amount of principal or interest due on insured obligations that the banks primarily and secondarily liable therefore under section 4.12 are unable to pay; and

"(2) if the reserve of the Corporation is above the level described in section 6.4—

"(A) to the extend that the reserve contains funds above such level in an amount sufficient to provide for the full payment of any amount of principal or interest due on insured obligations that a bank primarily liable therefor under section 4.12 is unable to pay, the Corporation shall provide for the full payment of such amount; and

"(B) to the extent that the reserve contains funds above such level but such funds are not sufficient to provide for the full payment of any amount of principal or interest due on insured obligations that a bank primarily liable therefor under section 4.12 is unable to pay, the Corporation (i) shall provide for the partial payment of the principal or interest due that the bank primarily liable therefore is unable to pay in the amount that funds in its reserve are above such level prior to making any call for payment from banks secondarily liable therefore under section 4.12 and (ii) shall provide for the full payment of any amount of principal or interest remaining due on insured obligations that the banks primarily and secondarily liable therefor are unable to pay after application of the amount provided by the Corporation under clause (i).

"(b) Each payment required under subsection (a) shall be provided by the Corporation in such manner as it shall determine.

"(c) No action against the Corporation to enforce a claim for payment of insurance of an obligation insured under this title may be brought after the expiration of three years from the date such obligation becomes due and payable.

"SEC. 6.3. PREMIUMS FOR INSURANCE.

"Each farm credit bank whose application for insurance is approved shall agree to pay to the Corporation the amount of the premiums for insurance as determined under this subsection. Such premiums shall be assessed by the Corporation on the portion of each insured obligation issued after December 31, 1992, that the bank is primarily liable therefor. The premiums shall be at such level as the Corporation shall from time to time determine but shall not exceed two-tenths of 1 percent of the proceeds of such obligation. Premiums shall be collected in the manner prescribed by the Corporation. The level at which such premiums are assessed shall be determined by the Corporation, taking into consideration (1) the total amount of insured obligations outstanding, (2) the date on which the obligation matures, (3) the financial condition of the farm credit banks, (4) the reserve requirements of the Corporation, (5) any losses incurred by the Corporation, (6) the operating expenses of the Corporation as determined by the Board, and (7) the extent of the insurance provided under this title. The premium level assessed with respect to obligations of the same maturities shall apply equally to each bank whose application for insurance is approved.

"SEC. 6.4. ESTABLISHMENT OF RESERVE.

"The Corporation shall establish and maintain a reserve, which shall be the general reserve of the Corporation. The Corporation, after providing for its annual operating expenses, including any payments due on obligations issued to the Farm Credit Revolving Fund, shall set aside in such reserve all income received by the Corporation from insurance premiums and investments. Unless the reserve is above a level equal to 1 percent of all outstanding insured obligations of the banks, the Corporation shall not provide payments as provided for in section 6.2(a)(2).

"SEC. 6.5. TERMINATION OF INSURANCE AND ENFORCEMENT PROVISIONS.

"(a) Subject to the provisions of subsection (d), any farm credit bank whose obligations are insured under this title may terminate its status as an insured institution by written notice to the Corporation specifying a date for such termination.

"(b)(1) Whenever, in the opinion of the Corporation, any insured bank has violated its duty as such or is engaging or has engaged in an unsafe or unsound practice in conducting the business of such institution, or is in an unsafe or unsound condition to continue operations as an insured institution, or is violating or has violated an applicable law, rule, regulation, or order, or any condition imposed in writing by the Corporation in connection with the granting of any application or other request by the institution, or any written agreement entered into with the Corporation, including the agreement to pay required premiums, the Corporation shall serve upon the bank a statement with respect to such violations or practices or conditions for the purpose of securing the correction thereof.

"(2) Unless such correction is made within one hundred and twenty days after service of such statement, or such shorter period of not less than twenty days after such service (A) as the Corporation shall require in any case where the Corporation determines that its insurance risk with respect to such banks could be unduly jeopardized by further delay in the correction of such violations or practices or conditions, or (B) unless within such time the Corporation shall have received acceptable assurances that such correction will be made within a time and in a manner satisfactory to the Corporation, or if such assurances are submitted to and accepted by the Corporation but are not carried out in accordance with their terms, the Corporation may, if it shall determine to proceed further, issue and serve upon the bank written notice of intention to terminate its status as an insured institution.

"(3) Such notice shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices or condition, and shall fix a time and place for a hearing thereon. Such hearing shall be fixed for a date not earlier than thirty days after service of such notice. Unless the bank shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured institution. In the event of such consent, or if upon the record made at any such hearing, the Corporation shall find that any violation or unsafe or unsound practice or conditon specified in such notice has been established and has not been corrected within the time prescribed in which to make correction, the corporation may issue and serve upon the bank an order terminating the status of the bank as an insured institution. However, any such order shall not become effective until it is an order that has become final (except in the case of an order of termination issued upon consent, which shall become effective at the time specified therein).

"(c) The effective date of the termination of the bank's status as an insured institution under the provisions of this section shall be the date specified for such termination in the notice by the institution to the Corporation as provided in subsection (a) or the date upon which an order of termination issued under subsection (b)(3) becomes effective. The Corporation may from time to time postpone the effective date of the termination of a bank's status as an insured institution at any time before such termination has become effective, but in the case of termination by notice given by the institution such effective date shall be postponed only with the written consent of the institution.

"(d) In the event of the termination of a bank's status as an insured instituton, insurance on obligations of the institution to the extent that they were insured on the effective date of such termination shall continue, but no obligation on which the institution is primarily liable shall be subsequently insured. The Corporation shall have the right to examine such bank from time to time during the period in which its insured obligations remain outstanding. Such bank shall be obligated to pay annual insurance premiums to the Corporation on such outstanding insured obligations, which annual premiums shall be in such amounts as the Corporation determines necessary to cover its risk of loss on the institution's outstanding insured obligations.".

SEC. 302. CONFORMING AMENDMENTS; REQUIREMENT OF INSURANCE; LIABILITY OF BANKS ON OBLIGATIONS

(a) Section 4.11(a) of the Farm Credit Act of 1971, as renumbered by section 101, is amended by inserting at the end thereof a new sentence as follows: "Effective January 1, 1993, any minimum capital adequacy requirement established under this subsection shall be established at a level to ensure that the risk of loss to the Farm Credit Banks Insurance Corporation in insuring obligations of the banks is reduced to the extent practicable.".

(b) Section 4.10 of the Farm Credit Act of 1971, as renumbered by section 101, is amended by—

(1) in the first sentence, striking out "paragraph (e)" and inserting in lieu thereof "subsections (e) and (g)";

(2) in subsection (d), striking out the proviso at the end of the second sentence and inserting in lieu thereof the following: *Provided*, That there shall be no issues of System-wide obligations that are payable on or before December 31, 1992, without the concurrence of the boards of directors of

each of the twelve farm credit districts and the Central Bank for Cooperatives and the approval of the Farm Credit Administration for such issues shall be conditioned on and be evidence of the compliance with this provision: *Provided further,* That there shall be no issues of System-wide obligations that become due and payable after December 31, 1992, without the concurrence of the boards of directors of each of the banks insured by the Farm Credit Banks Insurance Corporation and the approval of the Farm Credit Administration for such issue shall be conditioned on and be evidence of compliance with this provision"; and

(3) adding at the end thereof two new subsections as follows:

"(f) In granting approval for issuances of obligations under this section, the Farm Credit Administration, after taking into consideration interest rates and other factors, shall ensure that the outstanding obligations of the banks will become due and payable over a term of years to the extent practicable.

"(g) No bank may join with other banks in the issuance of notes, bonds, debentures, or other obligations under subsections (c) and (d) that are due and payable after December 31, 1992, unless such bank is an institution insured by the Farm Credit Banks Insurance Corporation.".

(c) Section 4.12(a) of the Farm Credit Act of 1971, as renumbered by section 101, is amended by—

(1) inserting "(1)" before the first sentence thereof;

(2) in the first sentence, striking out ", and shall be liable for the interest payments on long-term notes, bonds, debentures, or other obligations issued by other banks operating under the same title of this Act";

(3) adding at the end thereof two new paragraphs as follows:

"(2)(A) With respect to any issue of consolidated or System-wide obligations issued during the period beginning January 1, 1988, and ending December 31, 1992, that are due and payable during such period, the liability of the banks thereon shall be as follows:

"(i) Each bank shall be primarily liable for the payment of principal and interest on the portion of any issue of such obligations made on its behalf to the extent that the bank has available funds to pay such portion without impairing its stock;

"(ii) If a bank is not able to pay under clause (i) the full amount of principal and interest due on the portion of any issue of such obligations made on its behalf, each of the other banks operating under the same title of this Act as such bank, as called upon by the Farm Credit Administration, shall be jointly and severally liable for the amount that such bank is unable to pay under clause (i) to the extent that a bank liable under this clause has available funds to pay such amount without impairing its stock;

"(iii) If the banks operating under the same title of this Act are unable to pay under clauses (i) and (ii) the full amount of principal and interest due on the portion of any issue of such obligations made on behalf of a bank, each of the other banks operating under other titles of this Act, as called upon by the Farm Credit Administration, shall be jointly and severally liable for the amount that the banks are unable to pay under clauses (i) and (ii) to the extent that a bank liable under this clause has available funds to pay such amount without impairing it stock; and

"(iv) If the banks are unable to pay under clauses (i), (ii), and (iii) the full amount of principal and interest due on the portion of any issue of such obligations made on behalf of a bank, such bank shall be primarily liable to pay any remainder of the principal and interest due to the extent of funds available in its capital accounts, and, if the funds available in the capital accounts of such bank are insufficient to pay such amount, each of the other banks, as called upon by the Farm Credit Administration, shall be jointly and severally liable for the payment of any amount remaining unpaid to the extent of funds available in its capital accounts.

"(B) In making calls for payment from banks under subparagraph (A), the Farm Credit Administration shall take into consideration the capital, surplus, bonds, debentures, or other obligations which each bank may have outstanding at the time of the call. Calls under subparagraph (A)(iv) shall be made first upon banks operating under the same title of this Act as the bank described in subparagraph (A)(i), and second upon the banks operating under other titles of this Act.

"(C) For the purpose of this paragraph, the term 'stock' means voting stock, nonvoting stock, participation certificates, allocated equities, and contributions to the guaranty funds of a bank for cooperatives, and the term 'capital accounts' means accounts maintained by a bank that reflect its outstanding stock.

"(3) Calls upon banks under this subsection shall be made in accordance with regulations of the Farm Credit Administration.".

(d) Section 4.12(d) of the Farm Credit Act of 1971, as renumbered by section 101, is amended by—

(1) redesignating subsection (d) as subsection (c); and

(2) inserting before the period at the end thereof the following: ", except to the extent such obligations are insured under title VI.".

(e) The amendments made by subsections (a) through (c) shall be effective January 1, 1988.

SEC. 303. EFFECTIVE DATE.

Except as otherwise specifically provided herein, this title shall be effective thirty days after enactment of this Act.

TITLE IV—REAL ESTATE LENDING; INTEREST RATES

SEC. 401. LOANS TO FARMERS AND RANCHERS.

(a) Section 1.6 of the Farm Credit Act of 1971 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided,* That no loan may be made to any person for the purchase of any interest in agricultural real estate unless such person is, or upon acquisition of such interest will become, a bona fide farmer or rancher.".

(b) Part H of Title IV of the Farm Credit Act of 1971, as redesignated by section 101, is amended by adding at the end thereof a new section as follows:

"Sec. 4.81. Definitions; Terms.—For the purpose of this Act, the term 'farmer or rancher' means a person whose income is derived principally from the production or harvesting of agricultural commodities, as determined under regulations of the Farm Credit Administration, and the term 'producer or harvester of aquatic products' means a person whose income is derived principally from the production or harvesting of aquatic products, as determined under regulations of the Farm Credit Administration. The term 'person' shall include a partnership, corporation, or other legal entity, the principal interest in which is owned by individuals who are farmers, ranchers, or producers or harvesters of aquatic products, as determined under regulations of the Farm Credit Administration.".

SEC. 402. INTEREST RATES ON FEDERAL LAND BANK LOANS.

Section 1.7 of the Farm Credit Act of 1971 is amended by—

(1) inserting "(a)" before the first sentence thereof;

(2) in the last sentence, striking out "The" and inserting in lieu thereof "Except as provided for in subsection (b), the";

(3) adding at the end thereof five new subsections as follows:

"(b) Each bank shall make available to bona fide farmers and ranchers long-term real estate mortgage loans of terms not less than fifteen years at a fixed rate of interest. The rate of interest on such loans shall not exceed by more than 2 percent the average rate of interest on obligations of comparable maturities issued by the bank or issued on its behalf during the preceding twelve-month period.

"(c) No bank may establish a differential interest rate program for loans of members of any Federal land bank association under which different rates of interest are charged on loans made to bona fide farmers and ranchers on the basis of creditworthiness, the type of agriculture involved, or other factors unless the majority of the holders of voting stock of such association approves such a program at a meeting of such stockholders. The weighted average rate of interest on all agricultural loans made under a differential interest rate program shall not exceed by more than 2 percent the average rate of interest on obligations issued by the bank or issued on its behalf during the preceding twelve-month period.

"(d) Except for loans made under subsections (b) and (c) and any fixed-rate agricultural loans outstanding on the date of enactment of the Farm Credit Act of 1987, the rate of interest on all agricultural loans of a bank shall not exceed by more than 2 percent the average rate of interest on obligations issued by the bank or issued on its behalf during the preceding twelve-month period.

"(e) No bank may increase the rate of interest on any outstanding loan as the result of such loan being unfavorably classified.

"(f) Notwithstanding the provisions of subsections (b) and (d), the Farm Credit Administration may authorize a Federal land bank to charge a higher interest rate on such loans if the Farm Credit Administration Board determines that the bank requires such higher rate to ensure that the bank will be able to continue to make and service loans in remote areas in which the number of eligible borrowers is limited.".

SEC. 403. SECURITY OF FEDERAL LAND BANK LOANS.

Section 1.9 of the Farm Credit Act of 1971 is amended to read as follows:

"Sec. 1.9. Security.—Loans originated by a Federal land bank or in which it participates with a lender that is not a Farm Credit System institution shall not exceed—

"(1) except as provided for in paragraphs (2) and (3), 75 percent of the appraised value of the real estate security;

"(2) in the case of young or beginning farmers and ranchers, 85 percent of the appraised value of the real estate security if the borrower has sufficient repayment capacity as determined by the bank and provides such other collateral for the loan as may be required by the bank; or

"(3) if the loan is guaranteed by Federal, State, or other governmental agencies, such greater percentage, not to exceed 97 percent, of the appraised value of the real estate security as may be authorized under regulations of the Farm Credit Administration.

"(b) All loans so originated or participated in by a bank shall be secured by first liens on interests in real estate of such classes as may be approved by the Farm Credit Administration.

"(c) The value of the real estate security shall be determined by an appraisal of such security under appraisal standards prescribed by the Farm Credit Administration Board. In the case of agricultural loans made to young or beginning farmers and ranchers and in the case of all nonagricultural loans, the appraised value shall be determined on the basis of the normal market value of the real estate security. In all other cases involving agricultural real estate, the appraised value shall be determined on the basis of the use of the real estate security for agricultural purposes, taking into consideration the anticipated annual income that can reasonably be generated from agricultural production on such real estate security.

"(d) Additional security for any loan may be required by the bank to supplement real estate security, and credit factors other than the ratio between the amount of the loan and the security value shall be given due consideration.

"(e) Each Federal and bank shall require a financial statement from each borrower at least once every three years or such shorter period of time as may be required under regulations of the Farm Credit Administration.".

SEC. 404. FUTURE PAYMENT PLANS.

Part A of title I of the Farm Credit Act of 1971 is amended by adding at the end there of a new section so follows:

"SEC. 1.12A. FUTURE PAYMENT PLANS.

"Notwithstanding any other provision of law, each Federal land bank shall establish a future payment plan into which its borrowers shall be permitted to pay such amounts, not in excess of the amount of outstanding principal of any indebtedness of the borrower to the bank, for the payment of any payment of principal or interest that becomes due on such indebtedness. The bank shall pay interest on such funds. The rate of interest paid shall be adjusted monthly and shall not be less than the average rate of interest on all obligations issued by the bank or issued on its behalf during the preceding three-month period. The bank may require reasonable notice if any borrower wishes to withdraw from such plan, and each borrower participating in such plan shall authorize the bank to apply any amount of funds paid into such plan by the borrower for application against any payment of principal or interest on indebtedness of such borrower that is overdue by more than 30 days.".

SEC. 405. INTEREST RATE PROGRAM OF PRODUCTION CREDIT ASSOCIATION LOANS.

Section 2.15(b) of the Farm Credit Act of 1971 is amended by—

(1) inserting "(1)" before the first sentence thereof;

(2) in the first sentence, striking out ", and shall" and inserting in lieu thereof the following: ": *Provided*, That no rate of interest may be in excess of 2 percent of the discount rate of the bank. Such loans shall"; and

(3) adding at the end thereof a new paragraph (2) as follows:

"(2) No association may establish a differential interest rate program for loans of its members under which different rates of interest are charged on loan to bona fide farmers or ranchers on the basis of creditworthiness, the type of agriculture involved, or other factors unless the majority of the holders of voting stock of such association approves such a program at a meeting of such stockholders.".

SEC. 406. FARM CREDIT ADMINISTRATION APPROVAL OF CERTAIN LOANS.

Part H of title IV of the Farm Credit Act of 1971, as redesignated by section 101, is amended by adding at the end thereof a new section as follows:

"SEC. 4.82. REQUIREMENT OF FARM CREDIT ADMINISTRATION APPROVAL FOR CERTAIN LOANS.

"No Federal land bank, Federal intermediate credit bank, or production credit association may make or participate in any loan to a farm credit district director, or a director of a district bank having a separate board of directors, without the prior approval of the Farm Credit Administration.".

TITLE V—SERVICE ORGANIZATIONS

SEC. 501. SERVICE ORGANIZATIONS.

Part E of title IV of the Farm Credit Act of 1971, as redesignated by section 101, is amended by adding at the end thereof three new sections as follows:

"SEC. 4.44. FARM CREDIT CORPORATION OF AMERICA.

"(a) The Farm Credit Administration shall revoke the charter issued to the Farm Credit Corporation of America under section 4.40 as of the close of business on September 30, 1989, unless a majority of the board members of the boards of directors of each Federal land bank association, production credit association, farm credit district, and the Central Bank for Cooperatives by votes in a poll conducted by the Farm Credit Administration by April 30, 1989, vote to permit such corporation to continue operations.

"(b) If a majority of the directors in the poll conducted under subsection (a) do not vote to permit such corporation to continue operations, the corporation shall diligently commence all practical and reasonable steps to achieve an orderly termination of its affairs by the date of termination in subsection (a).

"SEC. 4.45. FEDERAL FARM CREDIT BANKS FUNDING CORPORATION.

"(a) The charter issued to the Federal Farm Credit Banks Funding Corporation by the Farm Credit Administration under section 4.40 shall not permit such corporation to set policy, prescribe lending limits or standards, make lending decisions, hold any primary capital of any System institution, or assume in any manner the responsibility of other Farm Credit institutions to service their member-borrowers.

"(b) Within thirty days after the date of enactment of the Farm Credit Act of 1987, the Farm Credit Administration shall amend the charter of such corporation to provide that the corporation shall have a board of directors composed of five members. One member shall be elected by a majority of the members of the boards of directors of the first, second, and third farm credit districts; one member shall be elected by a majority of the members of the boards of directors of the fourth, fifth, and sixth farm credit districts; one member shall be elected by a majority of the members of the boards of directors of the seventh, eighth, and ninth farm credit districts; and one member shall be elected by a majority of the members of the boards of directors of the tenth, eleventh, and twelfth farm credit districts. The fifth member shall be appointed by the Farm Credit Administration Board. The term of office for such members shall be three years, except that the initial term of office of a member of the initial board may be shorter as determined by the Farm Credit Administration Board to permit staggering of terms of office. The nomination and election of directors shall be conducted by the Farm Credit Administration under procedures established by it. The board of directors of the corporation existing on the date of enactment of the Farm Credit Act of 1987 shall continue as directors until all of the members of the initial board are elected or appointed under this subsection. The procedures adopted by the Farm Credit Administration shall ensure that the initial board is elected or appointed within one hundred and twenty days after enactment of such Act.

"(c) The corporation shall make an annual written report to each System bank and association detailing its bond placements, budget, costs and expenses. Copies of this report shall be furnished to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Agriculture of the House of Representatives, and to the Farm Credit Administration Board.

"SEC. 4.46. PROHIBITION FOR CHARTERING NEW SERVICE CORPORATIONS

"Effective on the date of enactment of this section, the Farm Credit Administration shall issue no charter to any new service corporation under section 4.40 unless specifically authorized by an Act of Congress.".

TITLE VI—MERGERS

SEC. 601. VOLUNTARY MERGERS OF ASSOCIATIONS; MANDATORY COOLING-OFF PERIOD FOR ASSOCIATION MERGERS; NOTIFICATION TO STOCKHOLDERS.

Section 4.22(a) of the Farm Credit Act of 1971, as renumbered by section 101, is amended by—

(1) by inserting "(1)" after "(a)";

(2) in the third sentence, striking out "present and voting or voting by written proxy";

(3) in the last sentence, after "Administration", inserting "Board"; and

(4) adding at the end thereof two new paragraphs as follows:

"(2) A voluntary merger approved by a vote of the stockholders of two or more associations under paragraph (1) shall not take effect for at least sixty days after the date on which the stockholders of such associations were notified of the final result of the vote. If a petition for reconsideration, signed by at least 5 percent of the stockholders of any one of the merging associations, is presented to the Farm Credit Administration by the thirtieth day after the date of such notification, a special stockholders' meeting to reconsider the merger shall be held before the sixtieth day. The special meeting shall include the stockholders of all merging associations. If a majority of the stockholders of any merging association votes against merger at the special meeting, the merger shall not take place.

"(3) Prior to holding any meeting of stockholders for the purpose of voting on the voluntary merger of two or more associations under paragraph (1), each such association shall notify the stockholders of the association at least thirty days prior to the date of such meeting of the proposed merger plan. Such notification shall contain an enumerated statement of the anticipated benefits to the stockholders of the association from such merger and the potential disadvantages to such stockholders if the merger should occur. Such notification shall be submitted to the Farm Credit Administration Board for approval prior to being provided to the stockholders. The Farm Credit Administration Board shall require that, prior to being provided to the stockholders, the notification be amended as it determines necessary to provide accurate information to the stockholders in order that they may make an informed decision as to the advisability of the proposed merger.".

SEC. 602. MERGER OF SIMILAR BANKS.

Section 4.20 of the Farm Credit Act of 1971, as renumbered by section 101, is amended by inserting after "Farm Credit Administration" the following: "by resolution adopted unanimously by the Farm Credit Administration Board".

SEC. 603. TREATMENT OF CERTAIN FARM CREDIT ASSOCIATIONS.

Section 5.17(a)(2) of the Farm Credit Act of 1971 is amended by striking out "; and the Farm Credit Administration shall ensure that the board of directors of district banks does not discriminate against the disapproving associations in exercising its supervisory authorities. Such associations shall not be (i) charged any assessment under this Act at a rate higher than that charged like associations in the district or (ii) discriminated against in the provision of any finncial service and assistance;; and inserting in lieu thereof the following: ". The Farm Credit Administration Board shall ensure that disapproving associations (i) shall not be charged any assessment under this Act at a rate higher than that charged other like associations in the district and (ii) shall be provided, on the same basis as other like associations in the district, financial services and assistance".

SEC. 604. SPECIAL RECONSIDERATION OF CERTAIN MERGERS.

Part C of title IV of the Farm Credit Act of 1971, as redesignated by section 101, is amended by adding at the end thereof a new section as follows:

SEC. 4.23. SPECIAL RECONSIDERATION OF CERTAIN MERGERS.

"Notwithstanding any other provision of this Act—

"(a) Subject to the provisions of this section, the Farm Credit Administration shall issue regulations under which the stockholders of any association that voluntarily merged with one or more associations after December 23, 1985, and before the date of enactment of the Farm Credit Act of 1987, may petition in writing for the opportunity to organize themselves as a separate association.

"(b) The regulations issued by the Farm Credit Administration shall require that—

"(1) the petition be signed by 5 percent of the stockholders of any one of the associations that merged during the period;

"(2) the petition describe the territory in which the proposed association will operate;

"(3) if approved, (A) the loans of the members of the new association be transferred from the current association to the new association; (B) stock, including participation certificates and allocated equities, of the current association held by such members be retired at book value and the proceeds transferred to the new association, and an equivalent amount of stock and equities be issued to the members by the new association; and (C) other assets of the current association be distributed equitably among the current association and any resulting new association.

"(c) Not later than thirty days after the filing of such petition with the Farm Credit Administration, the current association shall notify its stockholders that a petition to establish the separate association has been filed. Such notification shall contain the date of a special stockholders meeting to consider the petition and an enumerated statement of the anticipated benefits to the stockholders of the association in establishing the separate association and the potential disadvantages to such stockholders if the separate association should be established. Such notification shall be submitted to the Farm Credit Adminstration Board for approval prior to being provided to the stockholders. The Farm Credit Administration Board shall require that, prior to being provided to the stockholders, the notification be amended as it determines necessary to provide accurate information to the stockholders in order that they may make an informed decision as to the advisablity of establishing the separate association. The special stockholders meeting to consider the petition shall be held within sixty days after the filing of the petition.

"(d) If, at the special stockholders meeting, a majority of the members of the current association who would be served by the new association approves the establishment of the separate association, the Farm Credit Adminstration, within thirty days, shall issue a charter to the new association and shall amend the charter of the current association to reflect the territory to be served by the new association.".

TITLE VII—BOARDS OF DIRECTORS

SEC. 701. OUTSIDE DIRECTORS FOR FEDERAL LAND BANK ASSOCIATIONS.

Section 1.14 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 1.14. BOARD OF DIRECTORS.—Each Federal land bank association shall elect a board of directors of such number, for such terms, in such manner, and with such qualifications as may be required by its bylaws. Such bylaws shall permit the election of not more than one person who is not, and has not been during the preceding five-year period, a member-borrower, officer, employee, or agent of any institution of the Farm Credit System if the association's voting stockholders approve the bylaw permitting the election of such outside director. The approval shall require a vote of a majority of the holders of voting stock of the association present and voting or voting by written proxy at a duly authorized meeting.".

SEC. 702. OUTSIDE DIRECTORS FOR PRODUCTION CREDIT ASSOCIATIONS.

Section 2.11 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 2.11. BOARD OF DIRECTORS.—Each production credit association shall elect a board of directors of such number, for such terms, in such manner, and with such qualifications as may be required by its bylaws. Such bylaws shall permit the election of not more than one person who is not, and has not been during the preceding five-year period, a member-borrower, officer, employee, or agent of any institution of the Farm Credit System if the association's voting stockholders approve the bylaw permitting the election of such outside director. The approval shall require a vote of a majority of the holders of voting stock of the association present and voting or voting by written proxy at a duly authorized meeting.".

SEC. 703. CONFORMING AMENDMENT; NOMINATION OF DIRECTORS.

Section 4.34 of the Farm Credit Act of 1971, as renumbered by section 101, is amended in the second sentence by striking out "farmers" and inserting in lieu thereof "nominees".

SEC. 704. OUTSIDE DIRECTORS FOR CENTRAL BANK FOR COOPERATIVES.

Section 3.2 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 3.2. BOARD OF DIRECTORS OF THE CENTRAL BANK FOR COOPERATIVES.—(a) The Central Bank for Cooperatives shall have a board of directors of not more than fifteen members, one from each farm credit district, one at large, and two who have extensive knowledge and experience in banking and finance. A member from a farm credit district shall be elected by the board of directors of the bank for cooperatives in such district. The at-large member shall be appointed by the Farm Credit Administration Board. The two members who have extensive knowledge and experience shall be elected by a majority of the members described in the preceding two sentences; if a majority of such members fails to elect a member under this subsection, the Farm Credit Administration Board shall appoint a qualified person to serve on the board until a member is so elected.

"(b)(1) To be eligible for membership on the board of directors of the Central Bank for Cooperatives, a person—

"(A) must be a citizen of the United States for at least 10 years;

"(B) in the case of a director elected by the district bank boards or appointed by the Farm Credit Administration Board, must not be, and have not been within one year next preceding the date of election or appointment, a salaried officer or employee of the Farm Credit Administration or of any institution of the System;

"(C) in the case of a director who has extensive knowledge and experience, must not be, and have not been within five years next preceding the date of election or appointment, a member-borrower, salaried officer, or employee of any institution of the System or of the Farm Credit Administration ;

"(D) must have been a resident of the distict for at least two years in the case of a district member;

"(E) must not have been convicted of a felony or adjudged liable in damages for fraud; or,

"(F) must not be a resident of the same state as the other member having extensive knowledge and experience.

"(c) No director of the Central Bank board may continue to serve in that capacity and the office shall become vacant if, after the election or appointment of the member of the board, the member becomes (1) a salaried officer or employee of the Farm Credit Administration, of any institution of the System, or a member of the Farm Credit Administration Board, (2) in the case of a director with extensive knowledge and experience, a member-borrower of any System institution, or (3) legally incompetent or is finally convicted of a felony or held liable in damages for fraud.

"(d) No person who served as a member of the Central Bank board may be elected or designated to serve as a salaried officer or employee of the Central Bank for Cooperatives during the one-year period beginning on the date such person ceased to be a member of such board.

"(e) The terms of directors of the Central Bank board shall be three years, except that the terms of the initial members with extensive knowledge or experience may be for shorter periods to permit staggering of such terms.

"(f) For the purposes of this section, the provisions of sections 5.4, 5.5, and 5.6 shall apply to and shall be the authority of the board of directors of the Central Bank for Cooperatives the same as though the board were a board of directors of a farm credit district.".

SEC. 705. OUTSIDE DISTRICT DIRECTORS.

(a) Section 5.1(a) of the Farm Credit Act of 1971 is amended by striking out "seven" and inserting in lieu thereof "nine".

(b) Section 5.1(b) of the Farm Credit Act of 1971 is amended by—

(1) amending paragraph (1) to read as follows:

"(1) in the case of a member elected under section 5.2(a)(1) and (2)(A), is, or has been within one year next preceding the date of election, a salaried officer or employee of the Farm Credit Administration or any institution of the System;"

(2) redesignating paragraphs (2) and (3) as paragraphs (3) and (4);

(3) inserting after paragraph (1) a new paragraph (2) as follows:

"(2) in the case of a member elected or appointed under section 5.2(a)(2)(B), is, or has been within five years next preceding the date of election, a member-borrower, salaried officer, or employee of any institution of the System or a salaried officer or employee of the Farm Credit Administration;"; and

(4) amending paragraph (4), as redesignated, to read as follows:

"(4) in the case of the election of a member under section 5.2(a)(1), if there is at the time of the election another resident of the same State who was elected to the district board by the same electorate, or in the case of the election or appointment of a member under section 5.2(a)(2)(B), if there is at the time of the election or appointment another resident of the same State who was elected or appointed to the district board under section 5.2(a)(2)(B): *Provided*, That the requirement of this paragraph shall not apply in the case of a district embracing only one State.";

(5) striking out the last two sentences;

(6) redesignating subsection (c) as subsection (e);

(7) inserting after subsection (b) two new subsections as follows:

"(c) No director of the district board may continue to serve in that capacity and the office shall become vacant if, after the election or appointment of the member of the board, the member becomes (1) a salaried officer or employee of the Farm Credit Administration, of any institution of the System, or a member of the Farm Credit Administration Board, (2) in the case of a director elected or appointed under section 5.2(a)(2)(B), a member-borrower of any System institution, or (3) legally incompetent or is finally convicted of a felony or held liable in damages for fraud.

"(d) No person who served as a member of the district board may be elected or designated to serve as a salaried officer or employee of any bank or joint employee of the district for which the person served as director during the one-year period beginning on the date such person ceased to be a member of such board."; and

(8) amending subsection (e), as redesignated by paragraph (6), to read as follows:

"(e) The terms of district directors shall be three years, except that the terms of the initial directors elected or appointed under section 5.2(a)(2)(B) may be for shorter periods to permit staggering of such terms.".

(c) Section 5.2(a)(2) of the Farm Credit Act of 1971 is amended by—

(1) redesignating subparagraph (B) as subparagraph (C); and

(2) inserting a new subparagraph (B) as follows:

"(B) The eighth and ninth members shall, in addition to meeting the requirements of section 5.1(b), have extensive knowledge and experience in banking and finance and shall be elected by a majority of the seven members of the board elected under subsection (a)(1) and (2)(A) presenting and voting; if a majority of such seven members fails to elect a member under this subparagraph, the Farm Credit Administration Board shall appoint a qualified person to serve on the board until a member is so elected.".

(d) Section 5.2(b) of the Farm Credit Act of 1971 is amended by striking out "an elected director" in the first sentence and inserting in lieu thereof "a director elected under subsection (a)(1) and (2)(A)".

(e) Section 5.2(c) of the Farm Credit Act of 1971 is amended by striking out "an elected director" in the first sentence and inserting in lieu thereof "a director elected under subsection (a)(1) and (2)(A)".

SEC. 706. SEPARATE BOARDS OF DIRECTORS FOR SYSTEM BANKS.

(a) The Farm Credit Act of 1971 is amended by adding after section 5.3 a new section 5.3A as follows:

"SEC. 5.3A. ELECTION TO HAVE A SEPARATE BOARD OF DIRECTORS FOR A SYSTEM BANK.—(a) REFERENDUM.—Upon receipt of a petition signed by one or more stockholders of any bank representing at least 15 percent of the total number of votes that may be cast by the bank's stockholders in the election of district directors, the Farm Credit Administration shall, within thirty days, issue a notice to all stockholders stating that a referendum has been called to determine whether to elect a separate board of directors for the bank. For the purposes of this section, the term 'stockholder' in the case of a bank for cooperatives means a holder of voting stock or subscriber to the guaranty fund of the bank. The notice shall state the time and place of a special stockholders' meeting to hold the referendum. The notice to each association shall state the number of votes that the board of the association is entitled to cast in the referendum, based on the number of voting stockholders of that association on the date of such notice, as determined by the Farm Credit Administration. The meeting shall be held not less than thirty nor more than sixty days from the date on which the notice is mailed.

"(b) STOCKHOLDERS' MEETING.—If at the special stockholders' meeting called pursuant to subsection (a), a majority of the votes cast at such meeting is in favor of a separate board of directors for the bank, a separate board of directors for the bank shall be established as provided for in subsection (c).

"(c) ESTABLISHMENT OF SEPARATE BOARD.—The separate board of directors of the bank shall be composed of seven members. Two of the members of the board shall be the two members of the district board who are elected by the bank's stockholders under section 5.2(a)(1). Such members of the district board, upon becoming directors of a separate board for the bank, shall not have voting privileges on the district board when it acts as the board of directors of another bank under section 5.6(a)(1). Two members shall be the members of the district board elected or appointed under section 5.2(a)(2)(B). Three members shall be elected by the stockholders of the bank in the same manner as district board members under section 5.2(a)(1) are elected, and the Farm Credit Administration shall conduct a nominating and election poll for such directors in accordance with section 5.2(b) and (c). The initial election shall be held not later than 120 days after the stockholders' meeting under subsection (b). The initial board shall not conduct business until such members are duly elected and qualified. The three elected members of the board shall meet the same eligibility requirements of section 5.1 as district board directors elected under section 5.2(a)(1) and shall receive the same compensation as district directors under section 5.5. Each elected director shall serve a term of three years, except that the initial term for the initial directors shall be for one, two, or three-year terms to permit staggering of terms.

"(d) BANK BOARD OFFICERS.—Each such separate bank board shall elect from its members a chairman and a vice chairman and shall appoint a secretary from within or without its membership as it may see fit. The chairman, vice chairman, and secretary shall hold office for a term of one year and until their successors are selected and take office.

"(e) ABOLISHMENT OF SEPARATE BOARDS.—A separate board of directors established pursuant to this section shall continue until abolished. If the Farm Credit Administration receives a petition from stockholders, representing the same voting strength as that described in subsection (a), requesting a referendum to determine whether to retain the separate board of directors for the bank, a referendum shall be held in the same manner as the referendum described in subsection (a). If a majority of the votes represented at a special stockholders' meeting called pursuant to the preceding sentence are cast in favor of abolishing the separate board of directors of the bank, the board shall be abolished.

"(f) POWERS.—The separate board of directors of a district bank elected pursuant to this section shall have the power to exercise all of the powers granted to the bank in section 1.4, 2.1, or 3.1, whichever is applicable.".

SEC. 707. CONFORMING AMENDMENTS.

(a) Section 4.21 of the Farm Credit Act of 1971, as renumbered by section 101, is amended by—

(1) in the second sentence, striking out "each of the district boards" and inserting in lieu thereof "the board of directors of each bank"; and

(2) by striking out the third sentence.

(b) Section 4.22(a) of the Farm Credit Act of 1971, as renumbered by section 101, is amended by striking out in the last sentence "district board" and inserting in lieu thereof "board of directors of the supervising bank".

(c) Section 4.34 of the Farm Credit Act of 1971, as renumbered by section 101, is amended in the last sentence by inserting—

(1) after "district directors", "or directors of a separate district bank board"; and

(2) after "district board", "or separate board of directors of a district bank".

(d) Section 5.6(a) of the Farm Credit Act of 1971 is amended by—

(1) in paragraph (1), after "in the district", inserting "except banks for which a separate board of directors is established under section 5.3A";

(2) in paragraph (2), after "the banks", inserting "(except banks for which a separate board of directors is established under section 5.3A";

(3) in paragraph (3)—

(A) after the first sentence, inserting a new sentence as follows: "The election of, or provision for, joint officers or employees under the preceding sentence shall, in the case of a joint officer or employee of a district bank for which a separate board of directors is established under section 5.3A, be subject to the approval of such bank board.";

(B) in the third sentence, after "district farm credit board", inserting "or a separate district bank board established under section 5.3A"; and

(C) in the fourth sentence, striking out "board of directors" and inserting in lieu thereof "district farm credit board or a separate district bank board".

(4) in paragraph (4), after the first sentence, inserting a new sentence as follows: "The authority of the district board set out in the preceding sentence shall not apply to property solely owned by a district bank for which a separate board of directors is established under section 5.3A."; and

(5) in paragraph (5), striking out "districts, all of such activities subject to" and inserting in lieu thereof "districts. Any agreement authorized under the preceding sentences with respect to joint services or undertakings involving a district bank for which a separate board of directors is established under section 5.3A shall require the approval of such bank board. All such activities shall".

TITLE VIII—AMENDMENTS TO TITLE V OF THE FARM CREDIT ACT OF 1971; MISCELLANEOUS

SEC. 801. LIMITATION OF COMPENSATION OF DISTRICT BOARD.

Section 5.5 of the Farm Credit Act of 1971 is amended by inserting before the period at the end thereof the following:

": *Provided*, That no director may receive compensation under this section during any year in a total amount exceeding $15,000".

SEC. 802. FARM CREDIT ADMINISTRATION BOARD.

(a)(1) Section 5.8(a) of the Farm Credit Act of 1971 is amended by—

(A) in the second sentence, striking out "three" and inserting in lieu thereof "five"; and

(B) in the fourth sentence, striking out "two" and inserting in lieu thereof "three";

(2) Section 5.8(b) of the Farm Credit Act of 1971 is amended in the first sentence by—

(A) striking out "two members" and inserting in lieu thereof "four members"; and

(B) striking out ", one on the expiration of two years after the date of appointment, and one on the expiration of";

(3) Section 5.8(c) of the Farm Credit Act of 1971 is amended by striking out the last sentence and inserting in lieu thereof two new sentences as follows: "The Board shall adopt such rules as it deems appropriate for the transaction of its business. The Board shall select a Board secretary who shall be responsible for keeping permanent and accurate records and minutes of the Board's actions and proceedings.";

(4) Section 5.10(a) of the Farm Credit Act of 1971 is amended to read as follows:

"(a) The Chariman of the Board shall be the chief executive officer of the Farm Credit Administration. In carrying out the responsibilities of the chief executive officer, the Chairman shall be responsible for directing the implementation of policies and regulations adopted by the Board and, after consultation with the Board, the execution of all the administrative functions and duties of the agency. In carrying out policies as directed by the Board, the Chairman shall act as spokesman for the Board and represent the Board and the agency in their official relations within the Government. Under policies adopted by the Board, the Chairman shall consult on a regular basis with the Secretary of the Treasury in connection with the exercise by the System of the powers conferred under section 4.10 of this Act, with the Board of Governors of the Federal Reserve System in connection with the effect of System lending activities on national monetary policy, and with the Secretary of Agriculture in connection with the effect of System policies on farmers, ranchers, and the argicultural economy.";

(5) Section 5.11 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 5.11. ORGANIZATION OF THE FARM CREDIT ADMINISTRATION.—The chairman of the Board, in carrying out the powers and duties vested in the Chairman by this Act and acts supplementary thereto, shall be governed by policies of the Board and by such regulatory decisions, findings, and determinations as the Board may by law be authorize to make. The appointment by the Chairman of the heads of major administrative divisions under the Board shall be subject to the approval of the Board. Personnel employed regularly and full-time in the immediate offices of Board members other than the Chairman shall not be affected by this section. The officers and employees of the agency shall be (1) subject to the Ethics in Government Act of 1978, (2) considered officers or employees of the United States for the purposes of sections 201 through 203, and sections 205 through 209, of title 18 of the United States Code, and (3) subject to section 5373 of title 5 of the United States Code. The powers of the Chairman as chief executive officer may be exercised and performed by the Chairman through such other officers and employees of the Administration as the Chairman shall designate, subject to Board approval. The operations of the Farm Credit Administration and the salaries of members of the Board and employees of the Administration, shall be funded and paid for from the fund created under section 5.15.";

(6) Section 5.12 of the Farm Credit Act of 1971 is amended by inserting, after "Chairman of the Board", ", subject to the approval of the Board,";

(7) Section 5.17(a) of the Farm Credit Act of 1971 is amended by—

(A) in paragraph (2), striking out the last sentence and inserting in lieu thereof the following: "The Farm Credit Administration Board, after consultation with the respective boards of directors of the affected banks, may require two or more district banks of the Farm Credit System operating under the same title to merge if the Board determines that one of such banks has failed to meet its outstanding obligations."; and

(B) in paragraph (15)—

(i) inserting, after "determined", "by the Board",

(ii) adding at the end thereof a new sentence as follows: "The Board may not delegate its responsibility under this paragraph."; and

(C) adding at the end thereof a new paragraph as follows:

"(16) Appoint a farm credit appraiser for each farm credit district. Such appraiser shall be responsible for ensuring that appraisal standards established by the Farm Credit Administration Board for security offered for loans made by each of the farm credit banks and associations in the district are adhered to and for notifying the Farm Credit Administration Board if any institution fails to comply with such standards. Any such failure shall be considered as unsafe or unsound practice under this Act. The prior approval of the farm credit appraiser may be required for the acceptance of any interest in property offered as security from a loan from a bank or association in the district to the extent provided for in the regulations of the Farm Credit Administration.";

(8) Section 5.19(a) of the Farm Credit Act of 1971 is amended by striking out "the Chairman of" each place it appears; and

(9) Section 4.22(b) of the Farm Credit Act of 1971, as renumbered by section 101, is amended by inserting "Board" after "Farm Credit Administration" each place it appears other than in clause (5) of the first sentence.

(b) Title V of the Farm Credit Act of 1971 is amended by adding after section 5.37 a new section as follows:

"SEC. 5.38. EXCLUSIVE POWER TO REMOVE DIRECTORS AND OFFICERS.—Notwithstanding any other provision of this Act, no farm credit district board, bank board, or bank officer or employee may remove any director or officer of any production credit association or Federal land bank association.".

SEC. 803. EXAMINATION OF FEDERAL LAND BANK ASSOCIATIONS.

Section 5.19(a) of the Farm Credit Act of 1971 is amended by—

(a) in the first sentence, striking out "Each" and inserting in lieu thereof "Except for Federal land bank associations, each"; and

(b) inserting after the first sentence a new sentence as follows: "Each Federal land bank association shall be examined by Farm Credit Administration examiners at such frequency as the Farm Credit Administration Board may determine but at least once every five years.".

SEC. 804. INDEPENDENT AUDITS

Part H of title IV of the Farm Credit Act of 1971, as redesignated by section 101, is amended by adding at the end thereof a new section as follows:

"SEC. 4.83. INDEPENDENT AUDITS.

"No institution of the Farm Credit System may enter into any contract or agreement for an independent audit of any Farm Credit institution or any other financial institution eligible to borrow under title II unless such contract or agreement is for a term of no more than two years and such contract or agreement is entered into under a competitive bidding procedure, as prescribed by regulations of the Farm Credit Administration.".

SEC. 805. LOAN ORIGINATION FEES.

Part C of title I of the Farm Credit Act of 1971 is amended by adding a new section as follows:

"SEC. 1.22. LOAN ORIGINATION FEES.

"Each Federal land bank that finances all or any part of the stock of a Federal land bank association in connection with a loan made by a bank to a borrower shall charge a loan origination fee, not to exceed 2 percent of the loan, in an amount sufficient to cover the cost to the bank in making the loan. In no case may any institution of the Farm

Credit System finance the loan origination fee required by this section.".

SEC. 806. RETIREMENT OF FEDERAL LAND BANK ASSOCIATION STOCK.

Section 1.16 (a) of the Farm Credit Act of 1971 is amended by striking out the sixth sentence and inserting in lieu thereof the following: "Except as otherwise provided in this subsection, no stock may be retired prior to the payment of the full amount of the loan, at which time such stock shall be retired and paid in cash at book value not to exceed par, as determined by the association. If the loan is in default, stock may be retired at book value not to exceed par, as determined by the association, and the proceeds therefrom applied at any outstanding indebtedness of the borrower to the bank.".

SEC. 807. LOAN APPLICATIONS.

Section 4.30(b) of the Farm Credit Act of 1971, as renumbered by section 101, is amended to read as follows:

"(b) Each application for a Federal land bank or a production credit association loan shall clearly state the following:

"(1) the amount of stock required to be purchased or owned with respect to the loan;

"(2) except as provided for in this Act, there is no assurance that the borrower will receive par or face value for stock upon retirement;

"(3) in the case of default on a loan, stock owned by the borrower may be retired and the proceeds therefrom applied against the loan; and

"(4) in the case of Federal land bank association stock, the stock shall not be retired prior to full payment of the loan except as provided for in paragraph (3).".

TITLE IX—FARMERS HOME ADMINISTRATION LOAN RESTRUCTURING

SEC. 901. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended—

(1) in section 331(d) (7 U.S.C. 1981(d)) by striking out "The Secretary" and inserting in lieu thereof "Subject to section 331D, the Secretary"; and

(2) by inserting after section 331C (7 U.S.C. 1981C) the following new section:

"SEC. 331D. DEBT RESTRUCTURING.—"(a)(1) Within sixty days after the date of enactment of the Farm Credit Act of 1987, the Secretary shall implement a policy under which all nonaccrual farm ownership and operating loans held by the Farmers Home Administration and loans made by a Federal or State chartered bank, savings and loan association, cooperative or other legally organized lending agency that have been guaranteed by the Secretary under this Title are to be reviewed on a case-by-case basis to determine whether such loans should be considered for forbearance, restructuring, or liquidation. The Secretary shall give special emphasis to forebearance and restructure of loans rather than to liquidations. The Secretary shall also provide for the review of all high-risk loans held by the Farmers Home Administration, to determine on a case-by-case basis what steps may be necessary to prevent such loans from becoming nonaccrual loans.

"(2) The Secretary may pursue to final collection, by way of compromise or otherwise, all claims against third parties assigned to the Secretary in connection with loans made, including the power—

"(i) to negotiate a guaranteed loan with a lending institution to enable the Secretary to honor a portion of a guarantee and avoid foreclosure; and

"(ii) to purchase a guaranteed loan in its entirely from a lending institution and thereby permit loan servicing by the Secretary under the authority of the Secretary.

"(3) The Secretary shall grant forbearance on nonaccrual and high-risk loans to the maximum extent possible to avoid losses to the Farmers Home Administration on such loans and shall restructure nonaccrual or high-risk loans through reduction of principal and interest or otherwise in a manner that could enable the borrower to make payments of principal and interest due on the loan and ensure a reasonable standard of living for the borrower and his family, in cases in which—

"(i) the borrower can present a plan containing reasonable assumptions that indicates a high probability that the borrower will regain financial viability as the result of the restructure; and

"(ii) the loan will be restructured in such a manner as to minimize any loss to the Farmers Home Administration; and

"(iii) if the loan were restructured in a manner that would ensure its viability, the loss to the Farmers Home Administration during the term of the loan as restructured would be less than or equal to the loss that would occur from liquidation.

"(4)(A) In determining any loss from liquidation, the Secretary shall consider (i) the amount by which the outstanding indebtedness of the borrower exceeds the appraised value of interests in property securing such indebtedness, (ii) the estimated administrative and legal expenses necessary to liquidate the loan and dispose of any property acquired therefrom, and (iii) other costs to the Farmers Home Administration associated with its liquidation and disposition of the loan and collateral, including but not limited to holding the loan as a nonperforming asset. With respect to any loan restructured by the Secretary during the three-year period preceding the review, the loss to the Farmers Home Administration determined under this paragraph shall include, in addition to the factors listed in the preceding sentence, the amount of loss incurred by the Farmers Home Administration as a result of the prior restructuring of the loan.

"(B) Each loan restructured by the Secretary shall be considered a new loan made to the borrower.

"(5)(A) The Secretary shall establish an appeals procedure under which a borrower whose loan has been determined under this section to be not eligible for restructuring can receive reconsideration of such decision by an appeals committee. The committee shall be composed of one employee of the State in which the loan originated who was not responsible for any of the decisions with respect to the loan and one county committee member from the same State, and one member appointed by the State Director of the Farmers Home Administration. If the committee determines that the loan is eligible for restructuring, the Secretary shall proceed to restructure the loan in the manner prescribed by the committee. No foreclosure or other steps shall be taken to liquidate any loan determined to ineligible for restructuring by Farmers Home Administration, (i) until the borrower has been given an opportunity to appeal such decision, (ii) if the decision is appealed, until the appeals committee has considered the appeal and determined that the loan is ineligible for restructuring, and (iii) if such loan is determined by the appeals committee to be so ineligible, until the loan has been submitted to the Secretary, together with such documentation as it requires to make an independent decision, for a determination and the Secretary has determined that the loan is not eligible for restructuring. The appeals committee shall submit any loan determined by it to be ineligible to the Secretary within ten days and the Secretary shall make its determination within forty-five days from the date of receipt. The borrower must file an appeal to the committee within thirty days of receipt of notice that the loan of the borrower has been determined to be not eligible for restructuring.

"(B) Any notice of ineligibility for restructuring shall be sent to the borrower by registered or certified mail within fifteen days after such determinations. Such notice shall contain (i) the determination and the reasons for the determination, (ii) the computations used by the Secretary to make the determination, including the estimate of the collateral value of the land used to secure the loan, and (iii) a statement of the right of the borrower to appeal the decision to the appeals committee and to appear before such committee to contest the determination.

"(C) Any appeal filed with the appeals committee under paragraph 5(A) may include a request for an independent appraisal of any interests in property securing the loan. The appeals committee shall arrange for such independent appraisal within thirty days of the date the request was received and shall consider the results of such appraisal in any final determination with respect to the loan. A copy of any appraisal made under this subparagraph shall be provided to the borrower.

"(D) The appeals committee shall make a final determination on the loan within sixty days of the date of receipt of the written appeal.

"(6) The review of all nonaccrual loans held by the Farmers Home Administration on the date of enactment of the Farm Credit Act of 1987 as provided for in subsection (a) shall be completed not later than one hundred and twenty days after such date, and all action required on loans eligible for forbearance or restructuring shall be completed by the Secretary not later than two and one-half years after such date.".

SEC. 902. ADDITIONAL COLLATERAL.

(a) The Secretary of Agriculture may not—

(1) require any borrower to provide additional collateral to secure a farm ownership or operating loan held by the Secretary if the borrower is current in the payment of principal and interest on the loan; or

(2) bring any action to foreclose, or otherwise liquidate, any such loan as a result of the failure of a borrower to provide additional collateral to secure a loan if the borrower to provide additional collateral to secure a loan if the borrower was current in the payment of principal and interest on the loan at the time the additional collateral was requested.

SEC. 903. HOMESTEAD PROTECTION.

Section 1320 of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof a new subsection as follows:

"(c) (1) Notwithstanding the provisions of subsection (b), effective during the period beginning one hundred and twenty days after enactment of the Farm Credit Act of 1987 through December 31, 1992, and notwithstanding the requirements of section 333c, if the Secretary forecloses a loan made for agricultural purposes that is held by

Farmers Home Administration, or if a borrower who is primarily liable for payment of such loan declares bankruptcy or goes into voluntary liquidation to avoid foreclosure or bankruptcy, the Secretary shall, upon application by the borrower, permit the borrower to retain possession and occupancy of any principal residence of the borrower and a reasonable amount of adjoining land that the Secretary acquired as the result of such foreclosure, bankruptcy, or involuntary liquidation for the purpose of family maintenance.

"(2) The value of the homestead property shall be determined by an independent appraisal made within thirty days from the date of the borrower's application to retain possession and occupancy of the homestead property.

"(3) To be eligible to occupy homestead property, a borrower must—

"(A) apply for such occupancy within thirty days after the property is acquired by the Secretary;

"(B) have exhausted all remedies for the extension or restructuring of the loan that were available to the borrower under section 331D;

"(C) have received from farming or ranching operations at least $30,000 in gross annual income in at least two calendar years during the five-year period preceding the calendar year in which the application is made;

"(D) have received from farming or ranching operations at least 60 percent of the gross annual income of the borrower and any spouse of the borrower during at least two years during such five-year period;

"(E) have occupied the homestead property, and engaged in farming or ranching operations on adjoining land, or other land controlled by the borrower during such period;

"(F) present information or documentation that establishes, to the satisfaction of the Secretary, that the borrower during the occupancy period will be likely to have income sufficient to meet in a timely manner all expenses associated with occupying such property, including rental payments under subparagraph (G) during such period;

"(G) during the period of occupancy, (i) pay to the Farmers Home Administration sum as rent for such property, on an annual or monthly basis as the Secretary may require, in an amount equivalent to rents charged for similar residential properties in the area in which it is located and (ii) maintain such property in good condition; and

"(H) agree to such other terms and conditions as the Secretary may require to protect the interest of the Farmers Home Administration in the property.

"(4) Failure to (1) pay rental payments in a timely manner; (2) maintain the property in good condition; or (3) comply with other terms and conditions required under subsection (c) shall constitute cause for the termination of all rights of a borrower under this section.

"(5) The period of occupancy allowed the former owner of homestead property under this section shall not be less than three years nor more than five years. At the end of the period of occupancy, the borrower shall have a first right of refusal to reacquire the homestead property on such terms and conditions as the Secretary shall determine, except that the Secretary may not demand a total payment of the principal that is in excess of the current market value of the homestead property as established by an independent appraisal.

"(6) No rights of a borrower under this section, and no agreement entered into between the borrower and the Secretary for occupancy of the homestead property, shall be transferable or assignable by the borrower or by operation of any law, except that in the case of death or incompetency of such borrower, such rights and agreements shall be transferable to the spouse of the borrower if such spouse agrees to comply with the terms and conditions thereof.".

SEC. 904. REDEMPTION OF REAL PROPERTY.

The Consolidated Farm and Rural Development Act is amended by inserting after section 333B the following new section:

"SEC. 333C. REDEMPTION OF REAL PROPERTY. (a) The Secretary shall allow redemption by the borrower of real property that has been used to secure any loan made to the borrower under this title and that has been acquired by the Secretary through foreclosure or otherwise, during the greater of 1 year beginning on the date the property was acquired by the Secretary or any period prescribed under State law.

"(b) TERMS AND CONDITIONS.—Any redemption under subsection (a) shall be on such terms and conditions as required under State law, or if there be none, on reasonable terms and conditions established in regulations promulgated by the Secretary.

"(c) BORROWER PREFERENCE.—The Secretary shall give the following persons preference in the purchase of property that has been foreclosed, purchased, redeemed, or otherwise acquired by the Secretary through any foreclosure procedure, in the following order:

"(1) The person from whom the Secretary acquired the property,

"(2) The immediate family of the person referred to in paragraph (1), and

"(3) In the event that the acquired property lies within the boundaries of reservation or treaty lands of a recognized native American tribe, (A) other members of the same tribe, or a tribal corporation or partnership of members of the same tribe, (B) or in the event that none of the preferences in (3)(A) are exercised, the Secretary shall hold the land in beneficial trust until such time as the tribe or tribal members are able to reacquire the property. In the event that the Secretary retains ownership of the land under this section, he may transfer the land to the Secretary of Interior for management and administration.".

SEC. 905. FARM LEASEBACK PROGRAM

Section 335(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(e)) is amended—

(1) in paragraph (1), by striking out "in the following order of priority" and inserting in lieu thereof "to the following";

(2) in paragraph (3)—

(A) by striking out "special consideration to" in subparagraph (C) and inserting in lieu thereof "the right of first refusal"; and

(B) by inserting "a previous owner or operator or other" after "preference to" in subparagraph (D); and

(C) by adding at the end thereof the following new subparagraph:

"(E) The Secretary may sign contracts to provide for the lease of land to the owner before the Secretary actually acquires that land.";

(e) in paragraph (6)—

(A) by striking out "and" after the semicolon at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) provide written notice of the availability of such farmland to the immediate previous owner of such land."; and

(f) by adding at the end thereof the following new paragraph:

"(9) Denials of applications for or disputes over terms and conditions of a lease or purchase agreement under this section are appealable under section 333B.".

Sec. 906. INCOME RELEASE

(A) RELEASE OF OPERATING EXPENSES.—Section 335(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(f)) is amended by striking out subsection (f) and inserting in lieu thereof the following new subsections:

"(f) The Secretary shall release from the sale of security provided for any loan under this title, or from any other property, income, or payments that (but for the action of the Secretary) would be received by the borrower, an amount sufficient—

"(1) to assure a reasonable standard of living for the borrower and the borrower's family; and

"(2) to pay all necessary farm operating expenses.

"(g) The Secretary shall issue regulations consistent with this section that assure the release of funds to each borrower, and that establish guidelines for release, including a list of expenditures for which funds will normally be released.

"(h) If a borrower is required to plan for or report on how proceeds from the sale of collateral property will be used, the Secretary shall—

"(1) notify the borrower under this title; and

"(2) advise the borrower of the right to the release of funds under this section and the means by which a request for the funds may be made.

"(i) A denial of a release of security property is appealable under section 333B.".

(b) IMPLEMENTATION.—The amendments made by subsection (a) shall be implemented not later than 90 days after the date of enactment of this Act.

TITLE X—STATE MEDIATION PROGRAM

SEC. 1001. PURPOSES.

It is the purpose of this title to—

(1) establish guidelines for state mediation programs;

(2) establish matching Federal grants for operations of qualifying State mediation programs;

(3) require certain Federal agencies that make, guarantee, or insure farm loans to participate in the mediation process; and

(4) require Farm Credit System institutions to participate in the mediation program.

SEC. 1002. QUALIFYING STATES.

(a) IN GENERAL.—A State is a qualifying State if the Secretary of Agriculture (hereinafter in this title referred to as the "Secretary") determines that the State meet the following requirements:

(1) FARM LOAN MEDIATION PROGRAM IN EFFECT.—The State has in effect a farm loan mediation program that meets the requirements of section 1003.

(2) NOTICE TO BORROWER OF AVAILABILITY OF STATE MEDIATION SERVICES.—The law of the State requires that, not less than 14 days before the creditor of a farm borrower engages in conduct described in any paragraph of section 362(a) of title 11, United

States Code (but not described in any paragraph of subsection (b) of such section), with respect to the individual, the creditor shall—

(A) notify the individual that—

(i) the creditor intends to engage in such conduct;

(ii) the individual may apply to the farm loan mediation program of the State to obtain mediation services with respect to any farm loan made to the individual;

(iii) the individual to be eligible for the program must apply to the mediation program within 14 days after receipt of the notice; and

(iv) the conduct of the creditor described in paragraph (2), shall be suspended during the pendency of State mediation with respect to the loan; and

(B) prominently include on the notice an address and telephone number where information may be obtained by an individual about—

(i) the farm loan mediation program of the State; and

(ii) obtaining help in analyzing the financial sitution of the individual, and developing alternative debt restructuring proposals.

(3) SERVICES REQUIRED TO BE PROVIDED BY A STATE.—

(A) IN GENERAL.—The law of the state must require the State—

(i) to make farm management counseling and technical support available to any individual to whom a farm loan has been made and who faces substantial financial difficulties, for not more than a reasonable fee; and

(ii) to provide to an individual, for not more than a reasonable fee, financial advice necessary for such individual—

(I) to prepare a proposal for the restructuring of the farm loan made to that individual; and

(II) to analyze proposals made by the farm creditor for the restructuring of the loans.

(B) COMMUNITY-BASED ORGANIZATIONS AND EDUCATIONAL INSTITUTIONS.—The law of the State must require the State to give priority to community-based organizations and educational institutions with an established history of service to family farming enterprises in the provision of any service described in subparagraph (A) that is to be provided on a contractual basis.

(B) DETERMINATION BY SECRETARY.—Within 15 days after the Secretary receives from the Governor of a State, a description of the farm loan mediation program of the State and a statement certifying that the State has met all of the requirements of subsection (a), the Secretary shall determine whether the State is a qualifying State.

SEC. 1003. MEDIATION PROGRAM.

(a) IN GENERAL.—The farm loan mediation program of a State meets the requirements of this section if the program is conducted as follows:

(1) TRAINING OF MEDIATORS.—The head of the mediation program (hereinafter in this title referred to as the "Director") must select and train, for each county or other local region of the State, mediators in such numbers as the Director determines are necessary to carry out the duties of mediators under the program, with procedures appropriate to ensure reasonable competency (including a basic understanding of Federal and State agricultural debt relief programs and Federal income support and agricultural price support programs), and lack of bias.

(2) ACCEPTANCE OF APPLICATIONS FOR MEDIATION.—The mediation program must accept applications for mediation from an individual who receives a notice described in subsection (d) or (e) of section 305 of title 11, United States Code, and from any other individual as the State determines is appropriate.

(3) ACTIONS BY MEDIATION PROGRAM AFTER RECEIPT OF APPLICATION.—On receipt of an application for mediation from any individual described in paragraph (2), the mediation program shall—

(A) notify each financial counterpart of the individual that the individual has applied for mediation; and

(B) appoint a mediator to facilitate negotiations between the individual and each financial counterpart of the individual.

(4) INITIAL MEETING.—The mediator appointed to facilitate negotiations between an individual and the financial counterpart of the individual must arrange for an initial meeting to be held between such parties within 14 days after the date the program receives the application.

(5) DUTIES OF MEDIATOR DURING NEGOTIATIONS.—The program must require mediators to facilitate negotiations by—

(A) listening to each individual desiring to be heard;

(B) advising each individual as to the existence of available assistance programs;

(C) attempting to mediate between the individual and each financial counterpart of the individual;

(D) encouraging each individual to adjust, refinance, or provide for the payment of the debts involved;

(E) advising, counseling, and assisting the individual and each financial counterpart of the individual in arriving at an agreement for the future conduct of the parties,

(F) obtaining a copy of any qualified debt restructuring agreement reached by the individual and each financial counterpart of the individual; and

(G) ensuring that all parties to the mediation sign the agreement.

(6) GOOD FAITH PARTICIPATION.—The program must contain reasonable guidelines to ensure that each individual (or representative of the individual with the authority to enter into contracts on behalf of the individual) and each financial counterpart of the individual (or representative of such financial counterpart with the authority to enter into contracts on behalf of the financial counterpart) participates in good faith in efforts to restructure the loans involved by attending all mediation meetings and providing all relevant financial information.

(7) MEDIATION PERIOD.—The program must provide for mediation with respect to the farm loans made by or to an individual during a period of not less than 42 days beginning the date the program receives the application for mediation by the individual.

(b) FINANCIAL COUNTERPART DEFINED.—For purposes of subsection (a), the term "financial counterpart" means, with respect to an individual who has applied for mediation after receipt of a notice described in—

(1) subsection (d) of section 305 of title 11, United States Code, the farm creditors of that individual; or

(2) subsection (e) of section 305 of title 11, United States Code, the indivdiual who sent such notice.

SEC. 1004. MATCHING GRANTS TO STATES.

(a) MATCHING GRANTS.—Within 60 days after a qualifying State appropriates an amount for the operation or administration of the farm loan mediation program of the State, the Secretary shall provide financial assistance to the State, in accordance with subsection (b), for the operation and administration of the farm loan mediation program.

(b) AMOUNT OF GRANT.—

(1) IN GENERAL.—Subject to paragraph (2), Secretary shall pay to a State under subsection (a) not more than 50 percent of the cost of the operation and administration of the farm loan mediation program of the State.

(2) MAXIMUM AMOUNT.—The Secretary shall not pay more than $1,000,000 per year to a single State under subsection (a).

(c) USE OF GRANT.—Each State that receives an amount paid under subsection (a) shall use that amount only for the operation and administration of the farm loan mediation program of the State.

(d) PENALTY.—Any state that does not comply with subsection (c) shall cease to be a qualifying State for purposes of this title.

SEC. 1005. PARTICIPATION OF FEDERAL AGENCIES.

(a) DUTIES OF THE SECRETARY OF AGRICULTURE.—The Secretary shall prescribe rules requiring that each program under the jurisdiction of the Secretary that makes, guarantees, or insures farm loans to—

(1) cooperate in good faith with requests for information or analysis of information made; and

(2) present and explore debt restructuring proposals advanced, in the course of mediation under any farm loan mediation program described in section 503.

(b) DUTIES OF THE FARM CREDIT ADMINISTRATION.—The Farm Credit Administration shall prescribe rules requiring the system institutions of the Farm Credit System to—

(1) cooperate in good faith with requests for information or analysis of information made; and

(2) present and explore debt restructuring proposals advanced, in the course of mediation under any farm loan mediation program described in section 1003.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriate to carry out this title $15 millions for fiscal year 1988, $15 millions for fiscal year 1989, $15 millions for fiscal year 1990, and $15 millions for fiscal year 1991.

SEC. 1007. REGULATIONS.

Within 60 days after the date of enactment of this title, the Secretary shall prescribe such regulations as may be necessary to carry out this title.

THE FARM CREDIT ACT OF 1987

EXECUTIVE SUMMARY

The bill will:

Return all System institutions to viability by restoring any impairment of stock.

Ensure that borrower stock is retired at par value at the time of full repayment without requiring borrowers to wait for a partial payment in future years.

Resolve the lawsuits and provide for System self-help by imposing a one time assessment in the form of a franchise tax.

Provide for a realistic repayment mechanism which will ensure repayment, but will not put an institution out of business in the process of demanding onerous payments not based on the health of the institution.

Provide for significant reforms in the System that are necessary to ensure that the System doesn't repeat the mistakes of the past. These reforms include:

Greater oversight through expansion of the F.C.A. Board and through the increase of the Board's involvement in F.C.A. decisions.

Minimum reserve requirements for institutions;

Establishment of an insurance corporation to provide as a buffer to joint and several liability.

Requires district banks to have two outside directors on their boards in order to provide the borrower board members with outside expertise in banking and finance.

Requires that audits be made through a competitive bidding process in order to ensure the audits are independent are not done by the same firm year after year.

Requires F.C.A. to appoint Farm Credit appraisers in each district to ensure that appraisal standards are adhered to.

Requires F.L.B. borrowers to provide financial statements at least once every three years so that the bank can properly monitor a borrower's financial condition.

Prohibits F.L.B.'s from loaning in excess of 75 percent of the agricultural value of agricultural property (except for young and beginning farmers or ranchers) in order to prevent a recurrence of the reckless lending spree which occurred in the seventies.

Limits interest rates to not more than 2 percent above the rate of interest on a bank's obligations during the preceding 12-month period, thereby forcing institutions to base interest on their actual cost of money and consequently resulting in a substantially greater degree of matched securities.

Requires F.L.B.'s to offer long-term real estate loans, with terms of at least 15 years, at fixed rates of interest (interest would be limited to not more than 2 percent above the bank's obligations of similar maturities during the preceding 12-month period) in order to provide farmers with certainty and to provide for matching these loans with obligations of similar maturities.

Requires F.L.B.'s to provide a future payment plan for borrowers under which borrowers can set aside money for future payments during downturns in the agricultural economy.

Limits compensation of district directors to $15,000.

Requires borrowers to pay a loan origination fee, not in excess of 2 percent, if the borrower finances the stock purchase requirement, in order to provide immediate cash to institutions.

Strengthens the requirements that agricultural real estate loans be made only to bona fide farmers or ranchers in order to prevent System institutions from speculating in other industries.

Prohibits the retirement of F.L.B. stock until the loan is paid in full, except in the cases of default, in order to prevent a common practice whereby stock, financed by the bank, is used to produce the principal of the loan with the result being that a borrower only repays 95 percent of the loan.

Requires that applications for loans include notices of the treatment of borrower stock.

Provide assistance to borrowers who are experiencing difficulty in meeting their payments of principal and interest in a timely manner. These provisions include:

Requires that loans be restructured when the loss associated with restructuring is less than the loss associated with foreclosure.

Requires each district to establish a special Credit Team to provide assistance to the banks and associations in handling the high-risk and nonaccrual loans.

Requires each district to establish an appeals committee for borrowers determined ineligible for restructuring.

Changes the name of the Capital Corporation to the Loan Restructuring Corporation and restricts its activities to the management of nonperforming assets previously acquired and to providing technical assistance to institutions with respect to restructuring loans.

Provides for a "review of last resort" by the Loan Restructuring Corporation in cases in which the appeals committee determines a loan is ineligible for restructuring. The Corporation would have to concur in foreclosing on a loan before it could be foreclosed on. In this manner, the Corporation would serve as a "check" against districts that did not want to restructure loans at all. This will correct the current problem of leaving restructuring completely up to the districts.

Requires the Corporations to submit loans, held by it, determined ineligible for restructuring to the Special Credit Team in the district in order to provide a "check" against adverse by the Corporation on loans acquired prior to enactment, and provides borrowers with a right of appeal to the district appeals committee as is provided other borrowers.

Requires all nonaccrual loans to be reviewed within 120 days after enactment and to complete all action on loans eligible for forebearance and restructuring within 2½ years after enactment.

Prohibits an institution from requiring additional collateral if a borrower is current in the payment of principal and interest.

Establishes procedures for certain borrowers to retain, for not less than three nor more than five years, possession and occupancy of any principal residence (and a reasonable amount of adjoining land) in the event of foreclosure, bankruptcy, or involuntary liquidation.

Establishes procedures for the disposition of property acquired by institutions. This includes:

The right of first refusal by the previous owner to purchase or lease the property for the same amount and under the same terms and conditions as the highest bidder.

A requirement to sell or lease to the highest bidder, subject to the right of first refusal.

A requirement that priority be given to family-size farmers or ranchers if two or more qualified bids are received.

A requirement that all property held on the date of enactment be sold or leased, with a lease term of not less than 5 nor more than 10 years, within 4 years.

A requirement that long-term leases include an option to purchase the property.

A requirement that stock be purchased, beginning in 1990, by persons entering into installment sales contracts or similar arrangements for the purchase of acquired real estate.

Requires that borrowers be given access to all documents and information pertaining to the borrower's loan, including the appraisal of the borrower's assets.

Ensures a person's right to sue the Farm Credit System and the Farm Credit Administration and provides that Federal district courts would have original jurisdiction without regard to the amount in controversy.

Provides for return to local control by—

Terminating the Farm Credit Corporation of America unless a majority of the boards of directors of System institutions vote to permit the F.C.C.A. to continue.

Prohibiting the chartering of new service organizations.

Requiring F.C.A. to approve loans of district directors in order to prevent district employees from conditioning approval of loans on policy decisions of the director.

Requiring a majority vote of all stockholders prior to any merger of associations or banks.

Requiring unanimous F.C.A. Board approval of mergers of a bank in one district with a bank in another district.

Providing for the reconsideration of mergers which occurred after December 23, 1985.

Providing for a 60 day cooling-off period after a merger vote.

Providing that associations, voting not to merge, would be provided the same services and pay the same assessments as other associations in the district.

Providing the stockholders of a bank to establish a separate board of directors.

Prohibiting district employees or directors from removing an officer, employee, or board member of a local association.

Prohibiting establishment of differential interest rates unless a majority of the stockholders approves a differential interest rate program.

FARM CREDIT ACT OF 1987—DETAILED SUMMARY

TITLE I—FARM CREDIT REVOLVING FUND; FRANCHISE TAXES; PURCHASE OF STOCK

Farm Credit Revolving Fund

(Section 102)

Authorizes and requires the Farm Credit Administration (F.C.A.) to make purchases of stock to—

(a) prevent impairment of stock of any bank or association;

(b) restore any impairment of any bank or association;

(c) provide collateral for obligations issued by a bank in an amount sufficient to permit the bank to finance its lending operations.

Defines "stock" as: voting stock, nonvoting stock, participation certificates, contributions to the guaranty fund of a bank for cooperatives, and allocated equities that are to be revolved on or before December 31, 1992, under a revolving cycle established by an institution prior to the enactment of the Farm Credit Act of 1987.

Authorizes the F.C.A. to require after December 31, 1992, the retirement of stock purchased by the F.C.A. whenever the institution has the resources to do so.

Authorizes the F.C.A. to use funds in the Farm Credit Revolving Fund to purchase obligations of the new Farm Credit Banks Insurance Corporation and to make loans to the Loan Restructuring Corporation (the current Capital Corporation as reformed by the bill).

Requires the F.C.A. to make payments to (1) holders of stock of associations placed in liquidation between January 1, 1983, and the date of enactment and holders of stock that was retired at less than the par or face value by an association between January 1, 1987, and the date of enactment in amounts to ensure that the holders of the stock receive par or face value.

Requires the F.C.A. to make loans to the Loan Restructuring Corporation as the F.C.A. determines necessary to permit the Corporation to—

(1) refund all required purchases and assessments as provided in the bill;

(2) grant forbearance on or restructure loans; and

(3) provide other funds as needed in its operations.

Provides for the F.C.A. to repurchase from the Secretary of the Treasury any obligations issued by the F.C.A. Board for the purpose of obtaining funds to purchase stock and carry out other provisions of section 102.

Authority To Issue Notes to the Secretary of the Treasury

(Section 103)

Authorizes the F.C.A. Board to issue, and requires the Secretary of the Treasury to purchase, notes for the purpose of obtaining funds necessary to purchase stock and make loans and payments as provided in the bill. The notes would be non-interest bearing. Authorizes the Secretary of the Treasury to purchase up to $6 billion in notes. No obligations could be issued by the F.C.A. Board for the purpose of optaining funds to purchase System institution stock after December 31, 1992.

Franchise Taxes

(Section 104)

Requires each bank of the Farm Credit System to pay to the United States a franchise tax equal to the amount by which its unallocated retained earnings as of December 31, 1986, exceed 5 percent of its net loans.

Requires each production credit association to pay a franchise tax equal to the amount by which its unallocated retained earnings as of December 31, 1986, exceed 13 percent of its net loans.

Beginning in 1993, at the end of any year in which the F.C.A. holds any stock in any bank or association, requires each bank and association, after complying with reserve requirements, to pay a franchise tax equal to 25 percent of its net earnings for the year before establishing any contingency reserves or declaring any dividends or patronage distribution.

Provides for the reduction of the tax due, beginning in 1993, from any bank or association by—(1) the amount of funds that the bank or association paid for the retirement of any Government-owned stock of the institution; and (2) the amount of funds that a bank or association contributes to another Farm Credit institution to permit the other bank or association to retire any of its Government-owned stock.

Purchase of Stock of Farm Credit System Institutions by Farm Credit Administration

(Section 105)

Requires each Federal land bank and Federal land bank association to establish and maintain a reserve account. Establishes a minimum reserve level for each Federal land bank and a minimum level for contributions to the reserve account. In any year in which the F.C.A. holds stock in a Federal land bank, prohibits the payment of patronage refunds and permits the payment of dividends with F.C.A. approval. In any year in which the F.C.A. holds stock in a Federal land bank association, prohibits the payment of patronage refunds and dividends.

Prohibits a Federal intermediate credit bank from paying dividends as long as the F.C.A. holds stock in the banks, except as authorized by the F.C.A. board. Federal intermediate credit banks would not be authorized to make patronage refunds in any year in which the F.C.A. holds stock in the bank. Establishes procedures for the application of Federal intermediate credit bank earnings and the absorption of any net losses. Exempts from Federal income taxation allocations to the reserve account of the Federal intermediate credit bank, whenever F.C.A. holds stock in the bank.

Prohibits a production credit association from paying patronage refunds or dividends on stock, other than preferred stock, as long as the F.C.A. holds stock in the association. Provides for the application of the net earnings of production credit associations and the establishment and maintenance of a surplus account. Exempts from taxation, in any year in which the F.C.A. holds stock in the association, the production credit association, its property, its franchises, capital, reserves, surplus, and other funds, and its income, with certain exceptions, except that interest on the obligations of such association would be subject to Federal income taxation in the hands of the holder and except that any real and tangible personal property of the association would be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed.

Establishes procedures for the application of banks for cooperatives net earnings. Exempts from taxation, in any year in which the F.C.A. holds stock in a bank, the bank, its property, its franchises, its capital, reserves, surplus, and other funds, except that interest on the obligations of such bank would be subject only to Federal income taxation in the hands of the holder and except that any real and tangible personal property of such bank would be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed.

TITLE II—LOAN RESTRUCTURING

Reform of the Farm Credit System Capital Corporation

(Section 201)

Requires the F.C.A. to change the name of the Capital Corporation to the "Loan Restructuring Corporation" and to revoke the charter of the Corporation on December 31, 1990, unless the F.C.A. Board unanimously provides for a one year extension.

Restricts the activities of the Corporation to the management of nonperforming assets previously acquired and to providing technical assistance to institutions with respect to restructuring loans.

Provides for a new Board of Directors for the Corporation, consisting of five members—three public and two farmer/rancher borrowers from the System.

Rescinds and refunds required purchases or assessments of the Capital Corporation taken between July 31, 1986, and the date of enactment of the Farm Credit Act of 1987 and requires the Corporation to refund the purchases or assessments to the contributor institutions. Also requires that amounts paid or that remain accrued by contributor institutions to other System institutions on or after July 31, 1986, under loss-sharing agreements be repaid to the contributor institutions or reversed as the case may be. (Note: Sec. 104 of the bill replaces the assessments, purchases, and loss sharing with a one-time franchise tax).

Loan Restructuring by System Institutions

(Section 202)

Requires each farm credit district and the Loan Restructuring Corporation to have in place a forbearance and restructuring policy for all nonaccrual and high-risk loans.

Requires the policy to indicate that institutions will grant forbearance on nonaccrual and high-risk loans to the maximum extent possible to avoid losses to the institution and that nonaccrual or high-risk loans will be restructured through reduction of principal and interest or otherwise in cases in which—

(1) the borrower can present a plan indicating a high probability that the borrower will regain financial viability;

(2) the loan will be restructured in such a manner as to minimize any loss to the bank or association; and

(3) if the loan were restructured in a manner that would ensure its viability, the loss that would occur to the institution during the term of the loan as restructured would be less than or equal to the loss that would occur from liquidation.

Requires the institution, in determining "loss" to consider (1) the amount by which the debt exceeds the appraised value of the property; (2) the estimated administrative and legal expenses necessary to liquidate the loan, and (3) any other costs associated with the loan prior to its liquidation.

Requires the institution, in determining "Loss" with respect to any loan previously restructured by the institution during the preceding three year period, to include the amount of loss incurred by the institution as a result of the prior restructuring.

Requires borrowers, as a condition of loan restructuring, to agree to forfeit stock that is in excess of the amount required to capitalize the restructured loan.

Requires each district to establish a Special Credit Team to provide assistance to the banks and associations in handling of nonaccrual or high-risk loans at the request of the banks and associations. If requested, the Team would be responsible for restructuring, granting forbearance, or liquidating loans.

Requires each district to establish an appeals procedure, with an appeals committee, for borrowers determined ineligible for restructuring by an association, bank, or Special Credit Team. If the Committee determines the loan is eligible, the association, bank, or Special Credit Team would be required to restructure the loan accordingly.

Prohibits foreclosure of any loan determined ineligible (1) until the borrower had been given the opportunity to appeal; (2) if appealed, until the appeals committee had determined the loan ineligible, and (3) if the appeals committee determined the loan was ineligible, until the loan had been presented to the Loan Restructuring Corporation and the Corporation concurred in the decision. If the Corporation determines the loan eligible for restructuring, the association, bank, or Special Credit Team would be required to restructure the loan accordingly.

Requires borrowers to file an appeal within 30 days of receipt of notice that the loan is ineligible. The notice of ineligibility must contain (1) the reasons for the determination; (2) the computations used to make the determination, including the estimate of the collateral value of land securing the loan; and (3) the right of the borrower to appeal. The borrower would have the right to request an independent appraisal of any property securing the loan and the appeals committee would arrange for such appraisal.

Requires the appeals committee to make a final determination within 60 days after receipt of the written appeal.

Requires the Loan Restructuring Corporation to submit loans held by it, determined ineligible for restructuring, to the Special Credit Team in the district from which the loan originated prior to taking any adverse action. If the Special Credit Team determines the loan is eligible, the Corporation would (1) restructure the loan as prescribed by the Team or (2) offer to sell the loan to the bank or association from which the loan originated.

If the Special Credit Team determines the loan is ineligible, the borrower would have the same appeals rights as a borrower whose loan was held by an association or a bank.

Requires that all nonaccrual loans be reviewed within 120 days after enactment of the Farm Credit Act of 1987 and that all action required on loans eligible for forbearance and restructuring be completed within two and one-half years after enactment.

Prohibits an institution from requiring any borrower to provide additional collateral if the borrower is current in the payment of principal and interest on the loan and prohibits an institution from bringing any action to foreclose, or otherwise liquidate, any loan for failure to provide additional collateral if the borrower was current in the payment of principal and interest at the time the collateral was requested.

Homestead provisions.—

During the five-year period beginning with the date of enactment, requires institutions to permit certain borrowers to retain possession and occupancy of any principal residence (and a reasonable amount of adjoining land) in the event of foreclosure, bankruptcy, or involuntary liquidation. The period of occupancy would be not less then three nor more than five years.

At the end of the occupancy period, provides a right of first refusal to reacquire the homestead property.

Excludes from the homestead provision cases in which the value of the acquired property prior to separating the homestead would be more than the value of (1) the agricultural property remaining after the separation, and (2) the homestead.

Disposal of acquired agricultural property.—

Prohibits the sale of acquired property if the sale would result in a substantial adverse effect on the value of land in the area.

Prohibits the combining of tracts of acquired land of sale or lease if the combination would result in a tract substantially larger than the average farming or ranching operation in the area.

Requires, prior to sale or lease, the subdivision of land larger than the average family farming or ranching operation in the area into tracts not substantially larger than the average family farm or ranch.

Requires that the sale or lease of acquired property be on the basis of competitive bidding and that adequate notice of the availability of the land be given to the public and to the previous owner.

Requires that property be sold or leased on the basis of the highest qualified bid subject to the right of first refusal by the previous owner to purchase or lease the property for the same amount and under the same terms and conditions as such bidder.

Requires that priority be given to family-size farmers or ranchers if two or more qualified bids in equal amounts are received.

Requires all property held on the date of enactment to be sold or leased, with a lease term of not less than 5 nor more than 10 years, within 4 years. Further requires all property acquired subsequent to enactment to be sold or leased, with a lease term of not less than 5 nor more than 10 years, within 4 years from the date of acquisition.

With respect to property leased for not less than 5 nor more than 10 years, all lease contracts would be required to include an option to purchase the property, for the appraised value, upon expiration of the term of the lease.

Effective January 1, 1990, requires the purchase of stock by any person entering an installment sales contract or similar agreement or any financing arrangement for the purpose of acquired real estate or similarly acquired personal property.

Access to Documents and Information

(Section 204)

Requires each institution to provide its borrowers, at the time of execution and at any time upon request—

(1) copies of all documents signed or delivered by the borrower;

(2) a copy of the institution's articles of incorporation or charter or bylaws;

(3) the current and effective interest rates;

(4) copies of forbearance and restructuring policies; and

(5) copies of each appraisal of the borrower's assets.

Right to Sue; Standing

(Section 205)

Ensures a person's right to sue any institution of the Farm Credit System and the Farm Credit Administration for violations of duties required of the institution or the Administration.

Provides that Federal district courts would have original jurisdiction without regard to the amount in controversy.

Provides standing under this section only to persons who have suffered legal wrong or who were aggrieved or adversely affected by violations of the duties required.

The existing rights of any person to sue an institution or the Farm Credit Administration are not affected.

TITLE III—INSURANCE OF OBLIGATIONS OF FARM CREDIT BANKS; LIABILITY OF BANKS ON OBLIGATIONS

Creation of Corporation

(Section 301)

Establishes a Farm Credit Banks Insurance Corporation under the direction of the Farm Credit Administration Board for the purpose of insuring obligations of Farm Credit banks payable after December 31, 1992.

Establishes procedures for determining the extent of insurance when the Corporation's reserve is above or below one percent of the outstanding insured obligations of the banks.

Premiums for insurance would be at a level, not to exceed two-tenths of one percent of the proceeds of each obligation, determined by the Corporation.

Establishes procedures for the voluntary and involuntary termination of status as an insured bank.

Requirement of Insurance; Liability of Banks on Obligations

(Section 302)

Prohibits an uninsured bank from joining with other banks in the issuance of obligations.

Liability of the banks, operating under the various titles of the 1971 Act, for consolidated and System-wide obligations issued, and payable, between January 1, 1988, and December 31, 1992, would be in the following order:

(1) the bank primarily liable, to the extent that its stock would not be impaired;

(2) other banks operating under the same title, to the extent that their stock would not be impaired;

(3) other banks operating under other titles, to the extent that their stock would not be impaired;

(4) the bank primarily liable out of funds available in its capital accounts;

(5) banks operating under the same title, out of funds available in their capital accounts; and

(6) banks operating under other titles, out of funds available in their capital accounts.

TITLE IV—REAL ESTATE LENDING; INTEREST RATES

Loans to Farmers and Ranchers

(Section 401)

Clarifies the provision in current law requiring that real estate loans only be made to bona fide farmers and ranchers.

Defines a farmer or rancher as one who receives the principal portion of his or her income from the production of agricultural commodities.

Interest Rates on Federal Land Bank Loans

(Section 402)

Requires each bank to offer long-term real estate loans of not less than 15 years at a fixed rate of interest.

Limits the interest rate on long-term real estate loans at no more than 2 percent plus the average interest rate on obligations of comparable maturities issued by the bank during the preceding twelve-month period.

Prohibits banks from establishing a differential interest rate unless a majority of association stockholders approve the program.

Limits the interest rate on loans other than long-term loans mentioned above to no more than 2 percent plus the average interest rate on obligations issued by the bank during the preceding twelve-month period.

Prohibits a bank from increasing the interest rate on a loan as a result of the loan being unfavorably classified.

Authorizes the F.C.A. to permit a bank to charge a higher rate of interest if necessary to ensure the bank will be able to continue servicing and making loans in remote areas.

Security of Federal Land Bank Loans

(Section 403)

Limits loans to no more than 75 percent of the appraised value of the property, except for young and beginning farmer or rancher loans and guaranteed loans.

Defines "appraised value" as the agricultural value, except for young and beginning farmer or rancher loans.

Defines "appraised value" as the normal market value with respect to young and beginning farmer or rancher loans.

Requires each borrower to provide a financial statement at least once every three years.

Future Payment Plans

(Section 404)

Requires each Federal land bank to establish a future payment plan into which borrowers would be permitted to maintain a reserve for future payments, not to exceed the amount of the borrower's debt.

Requires that interest be paid at a rate not less than the average rate of interest on all obligations issued by the bank during the preceding three-month period.

Interest Rate Program of Production Credit Association Loans

(Section 405)

Limits interest rates to no more than 2 percent above the Federal intermediate credit bank discount rate.

Prohibits associations from establishing a differential interest rate program unless a majority of the stockholders approve the program.

Farm Credit Administration Approval of Certain Loans

(Section 406)

Requires the F.C.A. to approve Federal land bank, Federal intermediate credit bank, or production credit association loans to farm credit district directors or a director of a district bank having a separate board of directors.

TITLE V—SERVICE ORGANIZATIONS

Requires the F.C.A. to revoke the charter of the Farm Credit Corporation of America by September 30, 1989, unless a majority of the board members of each farm credit association, farm credit district, and the central bank for cooperatives vote to continue the organization.

Prohibits the Federal Farm Credit Banks Funding Corporation from setting policy or otherwise assuming the responsibilities of other institutions.

Modifies the Funding Corporation's charter with respect to the board of directors of the Corporation.

Requires the Funding Corporation to publish an annual report.

Prohibits the F.C.A. from chartering new service organizations.

TITLE VI—MERGERS

Voluntary Mergers of Associations; Mandatory Cooling-off Period for Association Mergers; Notification to Stockholders

(Section 601)

Modifies the provision in current law permitting the voluntary merger of associations by requiring that a majority of the stockholders of each association approve the merger.

Provides for a sixty day cooling-off period before a merger could take place and procedures for reconsideration of a merger during that time period.

Requires the F.C.A. Board to approve the notification to stockholders of a meeting to merge or reconsider a merger and requires the notification to include an enumerated statement of the anticipated benefits and potential disadvantages of a merger.

Merger of Similar Banks

(Section 602)

Modified the current provision permitting a bank in one district to merge with a similar bank in another district by requiring the F.C.A. board to unanimously approve such merger.

Treatment of Certain Farm Credit Associations

(Section 603)

Clarifies current law by ensuring that associations, disapproving a merger, would not be charged any assessment at a rate higher than that charged other like associations and that they would be provided financial assistance and services on the same basis as other associations.

Special Reconsideration of Certain Mergers

(Section 604)

Establishes procedures for the reconsideration of association mergers which occur between December 23, 1985, and the date of enactment of this bill.

Establishes procedures for the creation of a separate association in the event a majority of the stockholders vote to create a separate association.

TITLE VII—BOARDS OF DIRECTORS

Outside Directors for Federal Land Bank Associations and Production Credit Associations

(Sections 701 and 702)

Permits associations to have on their board of directors not more than one member who is not a member-borrower, official, employee, or agent of any Farm Credit institution.

Outside Directors for Central Bank for Cooperatives

(Section 704)

Requires the central bank for cooperatives to have two outside members, with experience in banking and finance, on their board of directors.

Outside District Directors

(Section 705)

Requires each district board to have two outside members who have experience in banking and finance.

Separate Boards of Directors for System Banks

(Section 706)

Establishes a procedure under which a majority of the stockholders of any System bank could establish or abolish a separate board of directors for that bank.

TITLE VIII—AMENDMENTS TO TITLE V OF THE FARM CREDIT ACT OF 1971; MISCELLANEOUS

Limitation of Compensation of District Board

(Section 801)

Limits compensation a district director could receive in one year to $15,000.

Farm Credit Administration Board

(Section 802)

Adds two members to the F.C.A. Board.

Increases the role of the Board with respect to setting F.C.A. policy and the hiring of certain employees.

Requires Board approval prior to the Chairman of the F.C.A. requiring two or more banks to merge.

Requires the F.C.A. to appoint a farm credit appraiser for each district.

Clarifies that no district board, bank board, or bank officer or employee would have the power to remove any director or officer of an association. Retains F.C.A.'s power to do so.

Examination of Federal Land Bank Associations

(Section 803)

Modifies the current requirement for all institutions to be examined by the F.C.A. at least once a year by permitting the F.C.A. to determine the frequency of examinations of Federal land bank associations.

Requires Federal land bank associations to be examined at least once every five years.

Independent Audits

(Section 804)

Prohibits institutions from contracting for an independent audit unless the contract is less than two years in length and is entered into under competitive bidding procedures.

Loan Origination Fees

(Section 805)

Requires each federal land bank to charge a loan origination fee of not more than 2 percent in cases where an individual borrows the funds necessary to purchase all or any part of the stock required to be purchased.

Retirement of Federal Land Bank Association Stock

(Section 806)

Prohibits a Federal land bank association from retiring all or any part of the stock until the loan has been paid in full, except in cases of a default.

Loan Applications

(Section 807)

Requires applications for Federal land bank or production credit associations to clearly state the provisions that affect the retirement of the stock required to be owned by the borrower.

THE FARM CREDIT ACT OF 1987

Section-by-section analysis

Sec. 1. Short Title.

Section 1 provides that the bill may be cited as the "Farm Credit Act of 1987".

Sec. 2. Table of Contents.

Section 2 sets forth the table of contents of the bill.

TITLE I—FARM CREDIT REVOLVING FUND; FRANCHISE TAXES; PURCHASE OF STOCK

Sec. 101. Renumbering of Sections; Repeal of Certain Sections.

Subsection (a) renumbers sections and redesignates parts in title IV of the Farm Credit Act of 1971; and repeals various sections in title IV which would be inconsistent with provisions in this bill.

In addition, *subsection (a)* repeals *section 4.20* of the Act. Under *section 4.20,* the provisions of (1) *section 2, 3* authorizing the federal intermediate credit banks to lend to or discount paper for other financing institutions (i.e., any national bank, state bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, or any association of agricultural producers engaged in the making of loans to farmers and ranchers, and any corporation engaged in the making of loans to producers or harvesters of aquatic products) *and* (2) *section 3.7(b)* authorizing the financing of certain domestic or foreign entities in connection with the import or export activities of cooperatives that are borrowers from the banks for cooperatives are scheduled to expire on September 30, 1990, unless extended by Congress. The effect of the repeal of *section 4.20* is to make permanent the authorities in *sections 2.3* and *3.7(b).*

Subsection (b) makes various conforming amendments to the Farm Credit Act of 1971.

Sec. 102. Farm Credit Revolving Fund.

This section amends *section 4.0* of the Farm Credit Act of 1971 to require F.C.A. to use monies in the "Farm Credit Revolving Fund" to (1) purchase stock in financially troubled Farm Credit institutions and (2) for other purposes provided for in this section.

Paragraph (1) redesignates current provisions of *section 4.0* as *subsection (a).*

Paragraph (2) amends the provisions of *section 4.0(a),* as redesignated by paragraph one, to—

(1) eliminate the authority for the F.C.A. to purchase stock in the Capital Corporation;

(2) require the F.C.A., to the extent funds are available in the Revolving Fund, to purchase stock in associations in the Revolving Fund, to purchase stock in associations and banks of the System as the F.C.A. Board determines necessary to—

(A) prevent impairment of stock of any bank or association;

(B) if stock is impaired, restore any impairment; or

(C) provide collateral for obligations issued by a bank in an amount sufficient to permit the bank to finance its lending operations.

(3) authorize the F.C.A., in lieu of purchasing stock in a Federal land bank association or production credit association, to require the district Federal land bank or Federal intermediate credit bank to invest in the stock of the association to prevent or retore impairment of stock;

(4) require the F.C.A. to purchase an equivalent amount of stock in a district Federal land bank or Federal intermediate credit bank, if the bank is required to purchase such stock; and

(5) define the term "stock" as voting stock, nonvoting stock, participation certificates, contributions to the guaranty fund of a bank for cooperatives, and allocated equities that are to be revolved on or before December 31, 1992, under a revolving cycle established by an institution prior to the enactment of the Farm Credit Act of 1987.

Paragraph (3) adds seven new subsections to *section 4.0* of the Act.

New subsection (b) authorizes the F.C.A., after Decemeber 31, 1992, to require the retirement of stock purchased by the F.C.A. when the F.C.A. Board determines the bank or association has resources available and the need for Government-owned stock is reduced or no longer exists. The F.C.A. would be authorized to require, when a Federal land bank association or a production credit association does not have resources available to retire Government-owned stock, that (1) the Federal land bank or the Federal intermediate credit bank in the district invest in an equivalent amount of nonvoting stock of the association if the bank has resources available to do so, and (2) the association then retire the stock. In cases where a bank was required to purchase stock in an association, such stock would be retired in accordance with regulations of the F.C.A. During the time Government-owned stock is outstanding, the pertinent provisions of the Government Corporation Control Act would be applicable, but the ownership of stock by the F.C.A. would not change the status of ownership of the banks and associations.

New subsection (c) authorizes the F.C.A. to use funds in the Farm Credit Revolving Fund to, among other things, purchase obligations of the Farm Credit Banks Insurance Corporation, as created in title III of the bill.

New subsection (d) requires the F.C.A. to make payments to holders of stock, including participation certificates issued in lieu of stock, of associations placed in liquidation between January 1, 1983, and the date of enactment of the Farm Credit Act of 1987. The F.C.A. would be required to ensure that the holder receives an amount equivalent to the par or face value of such stock after taking into consideration any distributions such holder received from the assets of the association. As a condition of receiving these payments, the stockholder would be required to assign all rights to any subsequent distributions from assets of the association to the F.C.A. Any proceeds received from such distributions would be deposited in the Farm Credit Revolving Fund.

New subsection (e) requires the F.C.A to make payments to holders of association stock, including participation certificates issued in lieu of stock, that was retired at less than the par or face value by an association between January 1, 1987, and the date of enactment of the Farm Credit Act of 1987. The F.C.A. Board would be required to ensure that the holder receives an amount equivalent to the par of face value of such stock taking into consideration the amount received at the time of its retirement by the association.

New subsection (f) requires the F.C.A. to make loans to the Loan Restructuring Corporation (as described in title II of the bill) as the F.C.A. board determines necessary to permit the Corporation to refund all required purchases and assessments as provided in section 4.59 (as added by title II of the bill); to grant forbearance on or restructure loans; and to provide other funds as needed in its operations.

New subsection (g) provides for the F.C.A. to repurchase from the Secretary of the Treasury any obligations issued by the Farm Credit Administration Board.

New subsection (h) requires that funds received by the F.C.A. from the partial or full retirement of Government-owned stock and the proceeds from the repayment of any loans made to the Loan Restructuring Corporation or obligations purchased from the Farm Credit Banks Insurance Corporation be deposited in the Farm Credit Revolving Fund.

Sec. 103. Authority to Issue Notes to the Secretary of the Treasury.

This section essentially replaces the current *section 4.1* of the Act with a *new section 4.1* to authorize the F.C.A. to issue notes to the Secretary of the Treasury for the purpose of obtaining funds for the Farm Credit Revolving Fund.

New subsection (a) authorizes the F.C.A. Board to issue notes for the purpose of obtaining funds necessary to purchase stock and make loans and payments as provided in the bill.

New subsection (b) provides that the form, denomination, and maturities of the notes would be prescribed by the F.C.A. Board with the approval of the Secretary of the Treasury and provides that the notes would not bear interest. The Secretary would be required to purchase the notes issued by the F.C.A. and, for that purpose, authorizes the Secretary to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act. All redemptions, purchases, and sales of the notes by the Secretary would be treated as public-debt transactions of the United States.

New subsection (c) authorizes the Secretary to use up to $6 billion for the purchase of notes. The F.C.A. would not be permitted to issue obligations for the purpose of purchasing stock of Farm Credit institutions after December 31, 1992.

Sec. 104. Franchise Taxes.

Section 104 adds a *new section 4.2* to the Act.

New subsection 4.2 provides for assessments upon the banks and associations in the form of franchise taxes.

Subsection (a) of *new section 4.2* provides for one assessment based upon unallocated retained earnings due during the first year after enactment of the bill.

Under *subsection (a)(1)(A)*, each bank of the Farm Credit System would be required to pay to the United States a one-time franchise tax equal to the amount by which its unallocated retained earnings (taking into account any adjustments under *sections 4.59* and *4.60*, as added by title II of the bill) as of December 31, 1986, exceed 5 percent of its net loans.

Under *subsection (a)(1)(B)*, each production credit association would be required to pay to the United States a one-time franchise tax equal to the amount by which its unallocated retained earnings (taking into account any adjustments under *section 4.59* as added by title II of the bill) as of December 31, 1986, exceed 13 percent of its net loans.

Under *subsection (a)(1)(C)*, no institution would be required to pay any part of the franchise tax to the extent that the payment would result in the impairment of stock. The term "stock" would have the same meaning as that under *section 4.0 (a)* of the Act.

Under *subsection (a)(2)*, the franchise tax under this subsection would become due and payable 60 days after the adjustments in purchases and assessments are made under *new sections 4.59* and *4.60* (as added by title II of the bill). The tax would be deposited in the Treasury as miscellaneous receipts, and upon such deposit, and equivalent amount of funds in the miscellaneous receipts in the Treasury would be transferred to the Farm Credit Revolving Fund.

Under *subsection (b)(1)*, beginning in 1993, at the end of any fiscal year in which the F.C.A. holds any stock in any Farm Credit bank or association, each bank and association would be required, after complying with reserve requirements, to pay as a franchise tax a sum equal to 25 percent of its net earnings for the year before establishing any contingency reserves or declaring any dividends or patronage distribution.

Under *subsection (b)(2)*, the franchise tax under the preceding paragraph would be required to be paid 90 days after the beginning of the bank's subsequent fiscal year and provides that such amounts would be deposited in the Treasury of the United States as miscellaneous receipts.

Under *subsection (b)(3)*, the tax due from any bank or association would be reduced by (i) the amount, not in excess of the tax due, equal to an amount of funds that the bank or association paid to the United States for the retirement of any Government-owned stock of such institution, and (ii) an amount, not in excess of the tax due, equal to the amount of funds that a bank or association contributes to another Farm Credit bank or association to permit the other bank or association to retire any of its Government-owned stock. The banks and associations are authorized under this paragraph to make contributions to other institutions for the purpose of retiring Government-owned stock and provides that such contributions would be considered operating expenses of the contributing institution.

Under subsection (c), the F.C.A. Board would be required to suspend the charter of any bank or association, after notice and an opportunity for a hearing before the F.C.A. Board, in the event that a bank or association has not paid the franchise tax and has not made provision to pay such tax.

Sec. 105. Purchase of Stock of Farm Credit System Institutions by Farm Credit Administraton.

Section 105 contains amendments to restore, with certain changes, previous provisions of the Act relating to the issuance of stock to the F.C.A., the establishment of reserve accounts, and the application of earnings.

Subsection (a) amends *section 1.5* of the Act by—

(1) redesignating the current provisions of *subsection (d)* as *paragraph (1)*:

(2) adding a *new paragraph (2)* which authorizes Federal land banks to issue nonvoting stock to the F.C.A.;

(3) amending *subsection (e)* to exclude stock issued to F.C.A. from the payment of non-cumulative dividends and patronage refunds; and

(4) amending *subsection (f)* to prohibit a Federal land bank from paying patronage refunds during any year in which the F.C.A. holds stock in the bank.

Subsection (b) adds a *new subsection (d)* to *section 1.16* of the Act to authorize Federal land bank associations to issue novoting stock to the F.C.A. and to the Federal land bank for the purposes of this bill and precludes the payment of dividends on stock held by the F.C.A.

Subsection (c) amends *section 1.17(a)* of the Act to require each Federal land bank to carry to reserve account a sum of not less than 50 percent of its net earnings for the year until the reserve is equal, after restoring any impairment of stock, to the outstanding capital stock and participation certificates of the bank.

Thereafter, each Federal land bank would be required to add to the reserve a sum equal to 10 percent of the year's net earnings until the account equals 150 percent of the outstanding capital stock and participation certificates of the bank. The withdrawal of amounts in excess of 150 percent would be permitted with the approval of the F.C.A., except that if the F.C.A. holds any stock in a bank, such funds would be required to be withdrawn and used to retire such stock. [Under existing law, Federal land banks are required to maintain a reserve account in accordance with standards set by the F.C.A.]

Subsection (c) also amends *section 1.17(b)* of the Act to provide for the payment of the franchise tax prior to the payment of dividends or patronage refunds by Federal land banks. No patronage refunds could be paid in any year in which the F.C.A. holds stock in the bank.

Subsection (d) amends *section 1.18* of the Act relating to the establishment of reserves and the payments of dividends and patronage refunds by the Federal land bank associations.

Under *section 1.18(a)*, as amended, each Federal land bank association would be required to carry to reserve account a sum not less than 10 percent of its net earnings for the year until the reserve is equal to 25 percent of the outstanding capital stock and participation certificates of such association, after restoring any impairment of stock. Thereafter, 5 percent of the net earnings for the year would be added to the reserve account until it equals 50 percent of the outstanding capital stock and participation certificates of the association. The withdrawal of amounts in excess of 50 percent would be permitted with the approval of the F.C.A. and the Federal land bank, except that if the F.C.A. holds any stock in a bank, the funds would be required to be withdrawn and used to retire Government-owned stock. [Existing law provides that Federal land bank associations have a reserve account in accordance with standards set by the F.C.A.]

Under *section 1.18(b)*, as amended, the payment of the franchise tax would occur prior to the payment of dividends or patronage refunds by the Federal land bank association as provided in current law. F.C.A. approval would be required prior to the payment of dividends or patronage refunds. In addition, in any year in which the F.C.A. holds stock in the association, the payment of dividends or patronage refunds would not be permitted. [Under existing law, the F.C.A. is permitted to provide general direction with regard to the payment of dividends and partronage refunds by Federal land bank associations.]

Subsection (e) amends *section 1.20* of the Act to provide that Federal land banks and associations would not have a first lien on stock held by the F.C.A.

Subsection (f) amends *section 2.2* of the Act to authorize Federal intermediate credit banks to issue nonvoting stock to the F.C.A. and to prohibit the payment of dividends on stock in any year in which the F.C.A. holds stock in the bank, unless authorized by the F.C.A. Board. *Subsection (f)* also reestablishes the provision in the original Farm Credit Act of 1971 which limited the authority of the bank to retire certain stock, other than that required to capitalize the lending operations of the bank, in cases in which F.C.A. holds stock in the bank.

Subsection (g)(1) amends *section 2.6* of the Act by adding two new subsections.

Under *new subsection (a)(1)*, net earnings of each Federal intermediate credit bank would be required to be applied in the following order—(i) to the restoration of impairment of capital stock and participation certificates; (ii) to the restoration of the amount of the impairment, if any, of the bank's surplus account or allocated reserve account; (iii) 25 percent of any remaining earnings, to the creation and maintenance of an allocated reserve account; (iv) to the payment of a franchise tax, if any; (v) to a reasonable unallocated contingency reserve account that may be established and maintained; (vi) to the payment of dividends on stock held by production credit associations and on participation certificates; and (vii) to the retirement of any stock held by the F.C.A. out of any remaining net earnings.

Under *subsection (a)(2)*, amounts applied to the allocated reserve account would be allocated on a patronage basis and, in any year in which the reserve account of any bank exceeds 25 percent of its outstanding stock and participation certificates, a bank could distribute, oldest allocations first, the excess in stock to production credit associations and participation certificates to other financial institutions.

Under *new subsection (a)(3)*, amounts in the reserve account that are allocated to production credit associations could be adjusted when relative amounts of stock in a bank owned by the associations are adjusted to reestablish the proportion of stock owned by each association.

Under *new subsection (a)(4)*, net loss would be absorbed by (1) charges to the unallocated reserve account; (2) impairment of stock held by the F.C.A.; (3) impairment of the allocated reserve account; (4) impairment of surplus; (5) impairment of stock and participation certificates held by associations and participation certificates held by other financing institutions; and (6) impairment of other nonvoting stock.

Under *new subsection (b)*, allocations to the allocated reserve account would not be subject to Federal income taxes. In addition, all allocations would be required to be made in the proportion that the amount of interest earned by the bank on its loans to and discounts for each association or other financing institution bears to the total interest earned by the bank on all loans and discounts outstanding during the bank's fiscal year.

Subsection (g)(2) contains two conforming amendments to *section 2.6(c)* of the Act. The first amendment would make the provisions of current law, with respect to distribution of net earnings, applicable only in years in which the F.C.A. holds no stock in the Federal intermediate credit bank. The second amendment provides for the payment of a franchise tax.

Subsection (h) amends *section 2.7* of the Act to provide, in the event of liquidation or dissolution of a Federal intermediate credit bank, for the payment or retirement of stock owned by the F.C.A. at par before payment or retirement of stock owned by production credit associations.

Subsection (i) deletes the current authority for production credit associations to issue nonvoting stock to other investors in *section 2.13* of the Act and authorizes associations to issue nonvoting stock to the F.C.A. F.C.A. would be prohibited from voting with respect to production credit associations issuing preferred stock. Dividends on stock, other than preferred stock, could not be paid in any year in which the F.C.A. holds stock in the association. In addition, production credit associations would not have a first lien on stock held by the F.C.A.

Subsection (j) amends *section 2.14(a)* of the Act to provide for production credit associations to pay the franchise tax, if any, and to retire any stock of the association held by the F.C.A. out of earnings after the restoration of impairment, if any, of capital, and the establishment and maintenance of the surplus account.

Subsection (k) amends *section 2.14(b)* of the Act to prohibit production credit associations from paying patronage refunds in any year in which the F.C.A. holds stock in the association.

Subsection (l) amends *section 2.17* of the Act to provide that in any year in which the F.C.A. holds stock in a production credit association, the association, its property, its franchises, capital, reserves, surplus, and other funds, and income would be exempt from Federal, State, territorial, or local taxation, except that interest on the obligations of the association would be subject only to Federal income taxation in the hands of the holder and except that any real and tangible personal property of the association would be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed.

Subsection (m) adds a *new subsection (g)* to *section 3.3* of the Act to authorize banks for cooperatives to issue nonvoting stock to the F.C.A.

Subsection (n) amends *section 3.10(c)* of the Act to provide that banks for cooperatives would not have a first lien on stock held by the F.C.A.

Subsection (o)(1) amends *section 3.11* of the Act to add a new *subsection (a)*.

Under *new subsection (a)*, the net earnings of a bank for cooperative, in any fiscal year when such bank has stock outstanding held by the F.C.A., would be applied as follows: (1) to the restoration of the impairment of capital stock; (2) 25 percent of remaining earnings to be used to create and maintain a surplus account; (3) to pay a franchise tax; (4) to establish reasonable contingency reserves; (5) to declaration of dividends on investment stock; and (6) any remaining net earnings to be distributed as patronage refunds as provided in current law. Patronage refunds received by a district bank from any other bank for cooperatives would be excluded from net earnings of the district bank for the purpose of computing the franchise tax. Amounts applied in the surplus account would be allocated on a patronage basis approved by the F.C.A. At the end of any year in which any portion of the contingency reserve is no longer necessary, it would be transferred to the surplus account and, if the surplus account of any bank exceeded 25 percent of the sum of all its outstanding capital stock, the bank could distribute the excess in the same manner as a patronage refund.

Subsection (o)(2) contains two conforming amendments to *section 3.11(b)* of the Act. The first amendment would make the provisions of current law, with respect to distribution of net earnings, applicable only in years in which the F.C.A. holds no stock in the bank for cooperatives. The second amendment provides for the payment of a franchise tax.

Subsection (p) amends *section 3.12* of the Act to provide that in any year in which the F.C.A. holds stock in a bank for cooperatives, the bank, its property, its franchises, capital, reserves, surplus, and other funds, and income would be exempt from Federal, State, territorial, or local taxation, except that interest on the obligations of the bank would be subject only to Federal income taxation in the hands of the holder and except that any real and tangible personal property of the bank would be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed.

Subsection (q) amends *section 5.17(a)(8)* to (1) delete the current authority for the F.C.A. to purchase stock in the Capital Corporation, and (2) authorize the Farm Credit Administration to purchase stock in banks and associations of the Farm Credit System.

TITLE II—LOAN RESTRUCTURING

Title II of the bill establishes procedures for providing forbearance and restructuring of all nonaccrual and high risk loans when the loss associated with forbearance or restructuring is less than the loss associated with liquidation. Title II also reforms the Capital Corporation by removing most of its current powers and restricting its purpose to loan restructuring. Title II also provides certain rights to borrowers, including access to all documents associated with the loan, homestead protection in the event of liquidation, right of first refusal by the previous owner on subsequent leasing or sale of acquired property, and procedures for the disposition of acquired property in general.

Sec. 201. Reform of Farm Credit System Capital Corporation.

Section 201 amends *Title IV* of the Act to provide for the reform of the Farm Credit System Capital Corporation.

Subsection (a) amends *section 4.50* [current section 4.28A]. Under the amendment, the provision for the review of the Capital Corporation and the requirement for the F.C.A. to submit a report on the Capital Corporation would be deleted. The name of the Capital Corporation would be changed to the Loan Restructuring Corporation and the charter of the Loan Restructuring Corporation would be revoked on December 31, 1990, unless the F.C.A. board unanimously adopts a resolution providing for a one year extension. [Under current law (section 4.28G(b)), the powers of the Capital Corporation are limited after December 31, 1990, to providing direct or indirect financial assistance to borrowers and institutions receiving assistance on that date.] The F.C.A. would be required to prescribe regulations for the orderly termination, the payment of outstanding obligations, and the distribution of assets of the Corporation. The Corporation would be required, prior to its termination, to resell all loans and property held by it to the Farm Credit institutions from which they originated. The resale price could not exceed the price the Corporation originally paid for the loans and property.

Subsection (b) amends *section 4.51* [current section 4.28B] to restrict the activities of the Corporation to the management of nonperforming assets previously acquired and to providing technical assistance to institutions with respect to restructuring loans. The Corporation's authority to carry out a program of financial assistance, to acquire nonperforming assets, to provide assistance in the administration of institution's loan portfolios, and to receive and administer financial assistance originating outside of the Farm Credit System is deleted.

Subsection (c) amends *section 4.52* [current section 4.28C] to modify the provisions relating to the board of directors of the Corporation. The board of directors would consist of five members with two-year terms. Two members would be appointed by the F.C.A Board, with the initial appointees being the members appointed by the Chairman of the F.C.A. Board to serve on the Capital Corporation Board; one member would be appointed by a resolution adopted unanimously by the F.C.A. Board; and two members would be elected by the boards of directors of the 12 farm credit districts and the board of directors of the Central Bank of Cooperatives. The three members appointed by the Chairman and the F.C.A board could not be member-borrowers, shareholders, officers, employees, or agents of any institution of the System. The two members elected by the boards of directors of the District boards and the Central Bank for Cooperatives board would be required to be member-borrowers of an institution and bonafide farmers or ranchers.

Subsection (d) provides for the continuation of the current board of directors of the Capital Corporation until all new members of the board of directors of the Loan Restructuring Corporation are elected or appointed.

Subsection (e) makes various conforming amendments to *section 4.56(a)* of the Act [current section 4.28G(a)] with respect to the powers of the Loan Restructuring Corporation.

Subsection (e)(1) deletes the authority in *subsection (a)(4)* for the Corporation to include in its bylaws provision for making loans, commitments, and other financial assistance.

Subsection (e)(2) amended *subsection (a)(6)* of the Act to provide for carrying out the loan restructuring program as added by section 202 of the bill.

Subsection (e)(3) deletes paragraphs (9), (13), (14), (15), (16), (17), (19), and (21) of *subsection (a)* and renumbers the remaining paragraphs (10) through (23) as paragraphs (9) through (15). The paragraphs relate to the Corporation's authority for issuing obligations to the Secretary of the Treasury or the F.C.A.; for joining with Farm Credit banks in the issuance of System-wide obligations; for requiring institutions to make funds available to the Corporation and to administer financial assistance; for purchasing loans and assets from institutions; for requiring institutions to sell to the Corporation loans, assets and interests; for assuming debt or other liabilities from institutions in connection with the acquisition of loan; and for purchasing from associations undergoing liquidation all asssets which are performing loans not purchased voluntarily by other associations.

Subsection (e)(4) amends *subsection (a)(13)* [current subsection (a)(20)] to delete the current authority of the Corporation to guarantee loans and the requirement to make a determination prior to liquidation of the loans, in order to conform the authority with the other provisions in the bill relating to granting forbearance, restructuring, and liquidation.

Subsection (f) amends *section 4.56(b)* [current section 4.28G(b)] of the Act to conform the powers of the Corporation with respect to restructuring, acquisition, and liquidation of loans and the acquisition and disposal of property to the restructuring provisions of the bill.

Subsection (g) amends *section 4.58(b)* [current section 4.28I(b)] of the Act to conform the powers of the Corporation relating to the sale of acquired real property with the disposition of acquired property requirements of the bill.

Subsection (h)(1) amends *Part F* [current Part D1] of Title IV of the Act to add two new sections relating to Capital Corporation assessments and loss-sharing agreements.

New section 4.59 rescinds all required purchases or assessments of the Capital Corporation taken before date of enactment of the Farm Credit Act of 1987 and requires the Corporation to refund the purchases or assessments to the contributor institutions.

New section 4.60 provides that amounts paid or that remain accrued, by contributor institutions to other system institutions on or after July 31, 1986, under loss-sharing agreements be repaid to the contributor institutions or reversed as the case may be.

Subsection (h)(2) requires that the adjustments under *sections 4.59* and *4.60* be made within 60 days after date of enactment.

Sec. 202. Loan restructuring by System Institutions.

Section 202 adds after section 4.60 a *new subpart 2,* containing four new sections, relating to loan restructuring by System institutions and disposal of acquired property.

New section 4.61 establishes requirements for restructuring of nonaccrual and high-risk loans.

Under *subsection (a)(1),* each farm credit district and the Loan Restructuring Corporation would be required to have a policy in place within 60 days after date of enactment under which all nonaccrual loans would be reviewed on a case-by-case basis to determine whether such loans should be considered for forbearance, restructuring, or liquidation. The district policy would be binding upon each bank and association in the district and would be submitted to the F.C.A. board. The policy would be required to give special emphasis to forbearance and restructuring of loans in lieu of liquidating loans. The policy would also be required to provide for the review of all high-risk loans to determine on a case-by-case basis what steps might be necessary to prevent the loans from becoming nonaccrual loans. The F.C.A. Board would also be authorized to require changes in the policy that are necessary to ensure compliance with the bill and to ensure that the policies, including provisions relating to shared-appreciation mortgages, are consistent, to the extent practicable, throughout the twelve farm credit districts.

Under *subsection (a)(2),* each policy would have to indicate that—(1) each bank and association in the district, or the Corporation, will grant forbearance or nonaccrual and high-risk loans to the maximum extent possible to avoid losses to the institution on such loans, and (2) nonaccrual or high-risk loans will be restructured through reduction of principal and interest or otherwise in a manner that would enable the borrower to make payments without unduly impairing the standard of living of the borrower in cases in which (a) the borrower can present a plan indicating a high probability that the borrower will regain financial viability, (b) the loan will be restructured so as to minimize any loss to the institution; and (c) if the loan were restructured in a manner that would ensure its viability, that the loss to the institution resulting from the restructuring would be less than or equal to the loss occurring from liquidation.

Under *subsection (a)(3)(A)*, institutions, when determining loss from liquidation, would be required to consider the amount by which the outstanding debt of the borrower exceeds the appraised value of the property plus the book value of any stock held by the borrower, the estimated administrative and legal expenses necessary to liquidate the loan and dispose of the property, and any other costs associated with the loan prior to liquidation, including holding the loan as a nonperforming asset. The amount of loss incurred by the institution as a result of the prior restructuring of the loan during the three-year period preceding the review would be taken into consideration when determining loss.

Under *subsection (a)(3)(B)*, each loan restructured would be considered a new loan to the borrower. In addition, no loan could be restructured unless the borrower agrees that any stock, including participation certificates, held by the borrower that is in excess of the amount required to capitalize the restructured loan be retired and the proceeds be forfeited to the institution.

Under *subsection (a)(4)(A)*, each district board would be required to establish a Special Credit Team to provide assistance to the banks and associations in handling nonaccrual and high-risk loans. At the request of a bank or association in the district, the Team would be responsible for restructuring, granting forbearance, or liquidating loans on a case-by-case basis. The Team would provide, if requested, technical assistance to the banks and associations with respect to any loans restructured or liquidated by the bank or association.

Under *subsection (a)(4)(B)*, each district plan would be required to provide for an appeals procedure whereby borrowers, determined to be ineligible for restructuring by an association, bank, or the Special Credit Team, would receive reconsideration by an appeals committee if so requested within 30 days of receipt of notice that the loan was ineligible for restructuring. The committee would be composed of offices or employees of banks or associations who were not responsible for the initial decision and at lesst one of the members of the committee would have to be a member-borrower of an institution in the district. Upon a decision by the committee that the loan is eligible for restructuring, the bank, association, or Special Credit Team would be required to restructure the loan in the manner prescribed by the committee. Foreclosure or other steps to liquidate any loan determined ineligible for restructuring by a bank, association, or the Special Credit Team would be prohibited (1) until the borrower has been given an opportunity to appeal, (2) if the decision is appealed, until the committee has considered the appeal and determined the loan to be ineligible, and (3) if the loan is determined by the appeals committee to be ineligible, until the loan has been presented to the Loan Restructuring Corporation and the Corporation concurs that the loan is ineligible for restructuring. The appeals commitee would be required to submit any loan determined ineligible for restructuring to the Corporation within 10 days and the Corporation would be required to make its determination within 45 days of receipt. If the Corporation determines the loan is eligible for restructuring, the bank, association, or the Special Credit Team would be required to restructure the loan in the manner prescribed by the Corporation.

Under *subsection (a)(4)(C)*, banks associations, or the Special Credit Team would be required to notify the borrower of ineligibility within 15 days after the determination. The notice would have to contain the reasons for the determination, the computations used by the institution, and the right of the borrower to appeal the decision to the appeals committee in the district.

Under *subsection (a)(4)(D)*, borrowers would be permitted to include in their appeal a request for an independent appraisal of any interests in property securing the loan. Upon such a request, the committee would be required to arrange for an independent appraisal within 30 days and to consider the results of the independent appraisal in any final determination. The borrower would be given a copy of the independent appraisal.

Under *subsection (a)(4)(E)*, the appeals committee would be required to make a final determination on the loan within 60 days after receipt of the written appeal.

Under *subsection (a)(5)(A)*, the Loan Restructuring Corporation would be required, when it determines a loan held by it is ineligible for restructuring, to submit the loan for review to the Special Credit Team located in the district in which the loan originated. The Team would be required to review the loan and to determine the eligibility for restructuring within 30 days after notification by the Corporation. If the Team determines the loan is eligible, the Corporation would be required to restructure the loan in the manner prescribed by the Team or sell the loan to the bank or association from which the loan was originally acquired for the amount the Corporation determined it could have received from liquidation of the loan. If the loan is sold, the loan would be restructured in the manner prescribed by the Team.

Under *subsection (a)(5)(B)*, a borrower would be allowed to appeal the decision of the Special Credit Team with respect to loans held by the Loan Restructuring Corporation within 30 days after receipt of notice of ineligibility. If the appeals committee determines the loan is eligible for restructuring, the Corporation would be required to restructure the loan in the manner prescribed by the committee or sell the loan to the bank or association from which the loan was originally acquired for the amount the Corporation determined it could have received from liquidation of the loan. If the loan were sold, the loan would be restructured in the manner prescribed by the appeals committee. The same appeals and notice provisions provided to other borrowers would be applicable to borrowers whose loans are held by the Loan Restructuring Corporation.

Under *subsection (b)*, all nonaccrual loans held by the banks, associations, and the Loan Restructuring Corporation would be required to be reviewed within 120 days after the date of enactment and that all action required on loans eligible for forbearance or restructuring be completed within two and a half years after date of enactment.

New section 4.62 prohibits an institution of the Farm Credit System from requiring a borrower, current in the payment of principal and interest on the loan, to provide additional collateral to secure the loan. This section further prohibits an institution from bringing any action to foreclose or otherwise liquidate any loan as a result of the failure of a borrower to provide additional collateral if the borrower was current in the payment of principal and interest at the time the additional collateral was requested.

New section 4.63 provides for homestead protection in the event of liquidation of loans held by institutions of the Farm Credit system during the period beginning 4 months after enactment until December 31, 1992.

Under *subsection (a)*, if a bank, association, or the Loan Restructuring Corporation forecloses an agricultural loan, or if the borrower declares bankruptcy or goes into voluntary liquidation to avoid foreclosure or bankruptcy, the institution would be required (subject to subsection (g)) to permit an eligible borrower to retain possession and occupancy of any principal residence and a reasonable amount of adjoining land for a period of not less than 3 nor more than 5 years.

Under *subsection (b)*, an independent appraisal of the value of the homestead would have to be made within 30 days from the date of receipt of a borrower's application to retain the homestead.

Under *subsection (c)*, eligible borrowers would be defined as those who (1) apply for occupancy of the homestead within 30 days after the property is acquired by the institution; (2) have exhausted all remedies for the extension or restructuring of the loan that were available; (3) have received from farming or ranching operations at least $30,000 in gross annual income in at least 2 calendar years during the 5-year period preceding the year in which the application is made; (4) have received from farming or ranching operations at least 60 percent of the gross annual income of the borrower and any spouse during at least 2 years during the same 5-year period; (5) have occupied the homestead property and engaged in farming or ranching operations during the 5-year period; (6) present information that establishes that the borrower will likely have sufficient income to meet all expenses associated with occupying the property, including rental payments; (7) pay, during the period of occupancy, a reasonable sum as rent for the property on an annual or monthly basis, in an amount equal to rents charged for similar residential properties in the area; (8) during the period of occupancy, maintain the property in good condition; and (9) agree to other terms and conditions the institution may require to protect the interest of the institution in the property.

Under *subsection (d)*, failure to (1) pay rental payments, (2) maintain the property in good condition, or (3) comply with the other terms and conditions required would constitute cause for the termination of all rights under the homestead provision.

Under *subsection (e)*, borrowers, who are permitted to retain the homestead, would have a right of first refusal to reacquire the homestead property at the end of the occupancy period, and an institution would not be permitted to demand a payment on the homestead property from the borrower that is in excess of the value determined at the time the borrower applied for retention of the homestead.

Under *subsection (f)*, the transfer or assignment of rights of a borrower under the homestead provisions would not be permitted, except in the case of death or incompetency of the borrower at which time the rights and agreements would be transferred to the spouse if the spouse agrees to comply with the terms and conditions.

Under *subsection (g)*, the homestead provision would not be applicable to cases in which the value of the acquired property prior to the separation of the homestead, based on an independent appraisal, would be more than the value of (1) the agricultural property remaining after the separation, and (2) the homestead.

New section 4.64 establishes procedures for the disposition of acquired agricultural property.

Under *subsection (a)*, an institution could not sell acquired property if the sale would result in a substantial adverse effect on the value of agricultural land in the area in which the acquired real estate is located, as determined by the institution in accordance with regulations issued by the F.C.A.

Under *subsection (b)*, an institution would not be permitted to combine tracts of acquired land for sale or lease if the combination would result in a tract substantially larger than the average family farming or ranching operation in the area, as determined by the institution in accordance with regulations issued by the F.C.A.

Under *subsection (c)*, institutions holding acquired property in tracts of land larger in size than the average family farming or ranching operation in the area would be required to subdivide, prior to sale or lease, the land into tracts of land not substantially larger than the average family farm or ranch, as determined by the institution in accordance with regulations by the F.C.A.

Under *subsection (d)*, acquired property sold to another institution of the Farm Credit System would be excluded from the prohibition on combining tracts smaller than the average size of family farming or ranching operations in the area and the requirement to subdivide land larger than the average size of family farming or ranching operations in the area. In addition, right or redemption laws in a State in which property is located would not be affected by any combination of subdivision of acquired property by a Farm Credit institution.

Under *subsection (e)*, the disposition of acquired property through sales and short-term leases of less than three years are provided. (See *new subsection (f)* below for provisions relating to long-term leases.)

Under *subsection (e)(1)*, offers to sell or lease acquired property would be required to be made to the public and made on the basis of competitive bidding conducted in accordance with F.C.A. regulations. The regulations would have to ensure that (1) adequate notice is given to the public of the availability of the property and that the notice include the minimum amount, if any, required to qualify a bid and the right of first refusal by the previous owner to purchase or lease the property; (2) actual notice of the availability of the property is given to the previous owner; and (3) that the property will be sold or leased on the basis of the highest qualified bid received, subject to the right of first refusal of the previous owner to purchase or lease the property for the same amount and under the same terms and conditions as the highest bidder, if the previous owner has the ability to conduct a successful family-size farming or ranching operation and to meet all payments, terms and conditions of the sale or lease.

Under *subsection (e)(2)*, in the event of receiving 2 or more qualified bids in the same amount, the institution would sell or lease the property according to regulations of the F.C.A. to one of the highest qualified bidders. The regulations would be required to ensure that priority is given, for purchasing or leasing, to operators, or those who would upon acquisition of the property become operators, of a farm or ranch not substantially exceeding the size of the average family-size farming or ranching operation in the area.

Under *subsection (e)(3)*, the provisions of this subsection would only apply to leases that are of a term of 3 years or less, and the F.C.A. would be required to issue regulations to ensure that the leasing authority of this subsection would not be used to avoid the long-term leasing requirements in *subsection (f)* as described below.

Under *subsection (f)*, the leasing of acquired property not eligible for sale and not leased under *subsection (e)* is provided.

Under *subsection (f)(1)*, any property not eligible for sale and not leased under *subsection (e)* would be leased for a term of not less than 5 nor more than 10 years to family-size farmers or ranchers or to those who would be family-size farmers or ranchers upon acquisition of the lease. The lease would be required to contain an option to purchase the property upon expiration of the lease for the appraised value of the property. The value of the property would be determined by an independent appraisal made within the 6-month period prior to the expiration of the lease and the appraisal would be based upon the market value of the property in the case of personal property or the average annual income that could reasonably be anticipated from farming or ranching operations conducted on the land in the case of real estate.

Under *subsection (f)(2)*, the offer to lease would be required to be made to the public and granted on a competitive bidding basis in accordance with F.C.A. regulations. The regulations would have to ensure that (1) adequate notice of the availability of the property is given to the public and that the notice contain the minimum amount, if any, of rental payments required to qualify a bid and the right of first refusal by a previous owner to lease the property; (2) actual notice of the availability of the property is given to the previous owner; and (3) the property will be leased on the basis of the highest qualified bid received, subject to the right of first refusal of the previous owner to lease the property for the same amount and under the same terms and conditions as the highest qualified bidder, if the previous owner has the ability to meet the qualifications of an operator of a family-size farm or ranch, and has the resources necessary to conduct a successful operation and meet all rental payments, terms, and conditions of the lease.

Under *subsection (f)(3)*, if an institution receives 2 or more qualified bids in the same amount, the institution would be required to determine which bid to accept in accordance with regulations issued by the F.C.A.

Under *subsection (g)*, beginning in 1990, persons entering into an installment sales contract or similar financing arrangement with a bank or association for the purchase of acquired real estate or personal property would be required to purchase stock in Farm Credit institutions. If the person is not eligible to hold voting stock, the person would be required to purchase nonvoting stock or participation certificates equal to the amount required to be owned by member-borrowers. If a Federal land bank enters into such an agreement, the person would be required to purchase stock in the Federal land bank association serving the territory in which the property is located, and the association, in turn, would purchase a similar amount of stock in the bank. If a Federal intermediate credit bank enters into such an agreement, the person would be required to own nonvoting stock or participation certificates of the bank in an amount equal to that required for loans made by the production credit association serving the territory in which the property is located. Stock issued under this provision would be retired in accordance with regulations of the F.C.A. and the regulations would ensure, to the extent possible, that the stock is retired in the same manner as other borrower-owned stock of the institution.

Under *subsection (h)*, all property held on the date of enactment would be required to be sold or leased, with a lease term of not less than 5 or more than 10 years, within 4 years. All property acquired subsequent to the date of enactment would be required to be sold or leased, with a lease term of not less than 5 nor more than 10 years, within 4 years from the date of acquisition.

Sec. 203. Conforming amendments.

Section 203 deletes references to the Capital Corporation in the Farm Credit Act of 1971, other than in *section 4.50* and *4.57* [current sections 4.28A and 4.28H] and inserts in lieu thereof "Loan Restructuring Corporation". This section also deletes from *section 4.12(c)* [current section 4.4(c)] inclusion of the Capital Corporation in the definition of the term "banks" with respect to liability of banks on consolidated and System-wide issues of obligations.

Sec. 204. Access to documents and information.

Section 204 amends *section 4.31* [current section 4.13A] to require each institution to provide, at the time of execution of a loan and any time thereafter on request, to its borrowers copies of all documents signed or delivered by the borrower; a copy of the institution's articles of incorporation or charter and bylaws; the current and effective interest rates on the borrower's loans, whether fixed or variable, and any changes in the current and effective interest rates during the terms of the loans; copies of current forbearance and restructuring policies; and copies of each appraisal of the borrower's assets. [Current law requires institutions to provide, at the time of execution, copies of all documents signed, and at any time thereafter upon request, copies of all documents signed or delivered by the borrower and a copy of the institition's articles of incorporation or charter and bylaws.]

Sec. 205. Right to sue; standing.

Section 205 amends Title IV of the Act by adding a *new Part I* containing a *new section 4.90* relating to a borrower's right to sue and standing.

Under *subsection (a)*, a person would have the right to sue any institution of the Farm Credit System and the Farm Credit Administration for violations of duties required of the institution or the Administration under the Act.

Under *subsection (b)*, federal district courts would have original jurisdiction without regard to the amount in controversy.

Under *subsection (c)*, standing under this section would be provided only to persons who suffer legal wrong or who are aggrieved or adversely affected by violations of the duties required.

Under *subsection (d)*, the existing rights of any person to sue an institution or the Farm Credit Administration would not be affected by this section.

TITLE III—INSURANCE OF FARM CREDIT BANKS OBLIGATIONS; LIABILITY OF BANKS ON OBLIGATIONS

Sec. 301. Creation of Corporation.

Section 301 adds a *new title VI* to the Farm Credit Act of 1971 relating to the insurance of obligations issued by banks.

New section 6.0(a) creates a Farm Credit Banks Insurance Corporation for the purpose of insuring the payment of obligations of the banks of the System eligible for insurance. The Corporation would be under the direction of the Farm Credit Administration Board.

Under *subsection (b)*, the Corporation would be an instrumentality of the United States and would have the general powers and privileges given to other government corporations. In addition, the Corporation would have the power to borrow funds from the Farm Credit Revolving Fund as are required for insurance purposes, including operating expenses, and to determine its necessary expenditures and the manner in which they are to be incurred, allowed, and paid, without regard to the provisions of laws governing the expenditure of public funds. During the period beginning on the effective date of this title and ending December 31, 1992, operating expenses of the Corporation would be considered operating expenses of the F.C.A.

Under *subsection (c)*, the Corporation would be permitted to use the U.S. mails for its official business in the same manner as other executive departments and provides that the Corporation would determine its necessary expenditures without regard to the provisions of any other law governing the expenditure of public funds.

Under *subsection (d)*, funds of the Corporation would be deposited in the Treasury, or, if approved by the Secretary of the Treasury, in any Federal Reserve bank. The funds could only be invested in obligations of, or guaranteed as to principal and interest by, the United States.

Under *subsection (e)*, various fraudulent activities relating to the Corporation and its insurance and penalties for such violations are prescribed.

New section 6.1(a) requires the Corporation to insure the obligations of the Farm Credit banks.

Under *subsection (b)*, each Farm Credit bank would be required to apply for insurance within sixty days after the effective date of the title. If insurance is granted, each bank would be required to agree to examinations and to furnish additional information as the Corporation may require and to pay the premium charges for insurance. Any examination required would be made by Farm Credit Administration examiners, and, whenever possible, the Corporation would use the examinations made by the F.C.A. in lieu of requiring separate examinations of an institution.

Under *subsection (c)*, the Corporation would be required to reject any application if it determines that the financial policies or management of the applicant are unsafe. Upon the approval of any application for insurance, the Corporation would be required to notify the applicant.

New section 6.2(a) establishes the extent of the insurance on the payment of principal and interest on consolidated or System-wide obligations that become due and payable after December 31, 1992.

Under *subsection (a)(1)* if the reserve is not above the prescribed minimum level, the Corporation would be required to provide for the full payment of any amount of principal or interest due on insured obligations that the banks primarily and secondarily liable therefor are unable to pay.

Under *subsection (a)(2)(A)*, if the reserve is above the minimum level and contains sufficient funds to provide for the full payment of principal or interest that a bank primarily liable is unable to pay, the Corporation would make the full payment.

Under *subsection (a)(2)(B)*, if the reserve is above the minimum level but does not contain sufficient funds to provide for the full payment of principal or interest that a bank primarily liable is unable to pay, the Corporation would (1) provide for the partial payment of the principal or interest due that the bank primarily liable therefor is unable to pay in the amount that funds in its reserve is above the minimum level prior to making any call for payment from banks secondarily liable therefor; and (2) provide for the full payment of any amount of principal or interest remaining due that the banks primarily and secondarily liable therefor are unable to pay after application of the partial payment initially made by the Corporation.

Under *subsection (b)*, the Corporation would determine the manner of payments on insured obligations.

Under *subsection (c)*, no action against the Corporation to enforce a claim for payment of insurance of an obligation could be brought after the expiration of three years from the date the obligation becomes due and payable.

New section 6.3 requires each insured bank to agree to pay premiums for insurance of its obligations. The premium would be set by the Corporation at not more than two-tenths of 1 percent of the proceeds of each insured obligation the bank is primarily liable therefor and would be collected in the manner prescribed by the Corporation. The Corporation would be required, when determining the premium, to take into consideration the total amount of insured obligations outstanding, the date on which the obligation matures, the finanical condition of the Farm Credit banks, the reserve requirements of the Corporation, any losses incurred by the Corporation, the operating expenses of the Corporation and the extent of insurance provided. The premium level, with respect to obligations of the same maturities, would apply equally to each insured bank.

New section 6.4 requires the Corporation to establish and maintain a reserve and sets the minimum reserve level at one percent of all outstanding insured obligations of the banks. Under *new section 6.2*, the extent of payments made by the Corporation is determined by the level of funds in the reserve.

New section 6.5 provides for the termination of insurance and enforcement.

Under *subsection (a)*, a bank would be permitted to voluntarily terminate, by written notice, its status as an insured bank subject to insured obligations of the bank that remain outstanding.

Under *subsection (b)(1)*, the corporation would have the power to terminate a bank's insured status of (1) engaging in unsafe and unsound practices, (2) being in an unsafe or unsound position, or (3) violating any agreement between the bank and the Corporation. Prior to instituting proceedings to terminate a bank's insured status, the Corporation would notify the bank of its charges, and the bank would have an opportunity to make corrections.

Under *subsection (b)(2)*, if the bank failed to make corrections within 120 days and was unable to provide acceptable assurances that corrections would be made, the Corporation could issue a written notice of intention to terminate its status as an insured institution.

Under *subsection (b)(3)*, upon issuance of such notice, the bank would be given an opportunity for a hearing prior to the termination of its status.

Under *subsection (c)*, the effective date of the termination would be the date specified in the notice or the date upon which an order of termination becomes effective. The Corporation would be permitted to postpone the effective date of involuntary terminations and, with the consent of the institution, voluntary terminations.

Under *subsectioin (d)*, if a bank's status as an insured institution is terminated, either voluntarily or involuntarily, insurance on its obligations insured prior to the date of termination would continue and the bank would be obligated to continue to pay premiums therefor. However, no obligations of the bank issued subsequent to the termination could be insured.

Sec. 302. Conforming Amendments; Requirement of Insurance; Liability of Banks on Obligations.

Subsection (a) amends *section 4.11(a)* [current section 4.3(a)] to require, beginning January 1, 1993, that minimum capital adequacy requirements be at a level to ensure that the risk of loss to the Farm Credit Banks Insurance Corporation is reduced to the extent practicable.

Subsection (b) amends *section 4.10 [current section 4.2]* to conform the provisions relating to issuance of System-wide obligations with the other provisions in the bill and to add two new subsections at the end.

New subsection (f) requires the F.C.A., in granting approval for the issuance of obligations, to ensure that the outstanding obligations of the banks will become due and payable over a term of years to the extent practicable.

New subsection (g) provides that only banks insured by the Corporation would be permitted to join in the issuance of consolidated or System-wide obligations that become due and payable after December 31, 1992.

Subsection (c) amends *section 4.12(a)* [current section 4.4(a)] of the Act with respect to the liability of a bank on obligations.

Subsection (c)(1) redesignates *subsection (a)* as *subsection (a)(1).*

Subsection (c)(2) deletes the provisions of *subsection (a)(1)* relating to the liability of a bank with respect to interest payments on obligations issued by other like banks. The provision would not affect any liability on such obligations outstanding on the date of enactment. It is intended to make the liability provisions consistent with the insurance provisions.

Subsection (c)(3) adds two new paragraphs to *subsection (a).*

New paragraph (2)(A) provides for liability on consolidated or System-wide obligations issued between January 1, 1988, and December 31, 1992, and payable during such period.

Under *paragraph (2)(A)(i)*, each bank would be primarily liable for the payment of principal and interest on the portion of any obligation made on its behalf to the extent that the bank has available funds to pay such portion without impairing its stock.

Under *paragraph (2)(A)(ii)*, if a bank is not able to pay the full amount for which the bank is primarily liable, the other banks operating under the same title of the Act as that bank, as called upon by F.C.A., would be jointly and severally liable for the amount the bank is not able to pay, to the extent that a bank liable for the payment has available funds to pay the amount without impairing its stock.

Under *paragraph (2)(A)(iii)*, if the banks operating under the same title of the Act are unable to pay the full amount, each of the other banks operating under other titles of the Act, as called upon by F.C.A., would be jointly and severally liable for the amount that the banks are unable to pay to the extent that a bank liable could do so without impairing its stock.

Under *paragraph (2)(A)(iv)*, if the banks are unable to pay the full amount of the principal and interest under clauses (i) through (iii), the bank primarily liable would pay any remainder of the principal and interest due, to the extent of funds available in its capital accounts, and, if that is insufficient, each of the other banks, as called upon by the F.C.A. shall be jointly and severally liable for the payment of any amount remaining unpaid to the extent of funds available in its capital accounts.

Under *paragraph (2)(B)*, the F.C.A., in making calls for payment, would be required to take into consideration the capital, surplus, bonds, debentures, or other obligations which each bank may have outstanding at the time of the call. The F.C.A. is also required, in making calls for funds from capital accounts, to make the calls first on the banks operating under the same title of the Act as the bank primarily liable and second upon the banks operating under other titles of the Act.

Under *paragraph (2)(C)*, the term "stock" is defined as voting stock, nonvoting stock, participation certificates, allocated equities, and contributions to the guaranty funds of a bank for cooperatives, and defines the term "capital accounts" as accounts maintained by a bank that reflect its outstanding stock.

Under *paragraph (3)*, calls upon banks under *subsection (a)* would be made in accordance with regulations of the Farm Credit Administration.

Subsection (d) amends *section 4.12(d)* [current section 4.4(d)] of the Act to reflect the liability of the United States to the extent obligations are insured by the Farm Credit Banks Insurance Corporation.

Subsection (e) provides for *subsections (a)* through *(c)* to be effective January 1, 1988.

Section 303. Effective Date.

Section 303 would make the effective date of title III of the bill effective 30 days after enactment, except where otherwise provided.

TITLE IV—REAL ESTATE LENDING; INTEREST RATES

Sec. 401. Loans to Farmers and Ranchers.

Subsection (a) amends *section 1.6* of the Act to clarify the provision requiring that real estate loans be made to bona fide farmers and ranchers.

Subsection (b) amends *Part H* of Title IV of the Act *[current Part F]* by adding a new section.

New section 4.81 defines a "farmer or rancher" as a person who receives the principal portion of his or her income from the production of agricultural commodities as determined under F.C.A. regulations, and defines a 'producer or harvester of aquatic products' as one who receives the principal portion of his or her income from the production or harvesting of aquatic products as determined under F.C.A. regulations. The term "person" would include a partnership, corporation, or other legal entity, the principal interest in which is owned by individuals who are farmers, ranchers, or producers or harvesters of aquatic products, as determined under F.C.A. regulations.

Sec. 402. Interest Rates on Federal Land Bank Loans.

Section 402 amends *section 1.7* of the Act relating to interest rates on Federal land bank loans.

Paragraph (1) redesignates the current provisions of *section 1.7* as *subsection (a)*.

Paragraph (2) contains a conforming amendment to *subsection (a)* that relates to variable interest rates.

Paragraph (3) adds five new subsections to *section 1.7*.

New subsection (b) requires each Federal land bank to make available to bona fide farmers and ranchers long-term real estate mortgage loans of terms of not less than 15 years at a fixed rate of interest, not in excess of the average rate of interest on obligations of comparable maturities issued by the bank or issued on its behalf during the preceding twelve-month period plus 2 percent.

New subsection (c) precludes Federal land banks from establishing a differential interest rate program under which different rates of interest may be charged on loans based on creditworthiness, the type of agriculture involved or other factors, unless a majority of the association's stockholders approves such a program. The weighted average rate of interest on agricultural loans made under a differential interest rate program could not exceed by more than 2 percent the average rate of interest on obligations issued by the bank or issued on its behalf during the preceding twelve-month period.

New subsection (d) provides that the interest rate on Federal land bank loans (other than long-term real estate loans mentioned above, loans made under a differential interest rate program, and fixed-rate loans outstanding on the date of enactment) could not exceed by more than 2 percent the average rate of interest on obligations issued by the bank or issued on its behalf during the preceding twelve-month period.

New subsection (e) prohibits a bank from increasing the rate of interest on any outstanding loan as a result of the loan being unfavorably classified.

New subsection (f) authorizes the F.C.A. to permit Federal land banks to charge a higher interest rate if the F.C.A. Board determines that the bank requires a higher rate in order to continue to make and service loans in remote areas in which the number of eligible borrowers is limited.

Sec. 403. Security of Federal Land Bank Loans.

Section 403 essentially replaces the current *section 1.9* of the Act with a new *section 1.9* relating to security offered for Federal land bank loans.

New subsection (a) would permit loans to be made up to 75 percent of the appraised value, except for young and beginning farmers and ranchers and loans guaranteed by Federal, State, or another governmental agency. Loans made to young and beginning farmers could be made up to 85 percent of the appraised value of the real estate security if the borrower has sufficient repayment capacity and provides such other collateral for the loan as the bank may require. The provision in current law with respect to loans guaranteed by Federal, State, or other governmental agencies would be continued. [Under current law, loans, guaranteed by Federal, State, or other governmental agencies, can be made up to 97 percent of the appraised value of the real estate security. All other real estate loans can be made up to 85 percent of the appraised value.]

New subsection (b) continues the current provision requiring that all loans be secured with first liens.

New subsection (c) requires that the value of the real estate security be determined by an appraisal under appraisal standards prescribed by the F.C.A. Board. For loans to young and beginning farmers and ranchers and all nonagricultural loans, the appraised value would be the normal market value of the real estate security. For all other agricultural loans, the appraised value would be determined on the basis of the use of the real estate security for agricultural purposes, taking into consideration the anticipated annual income that can reasonably be generated from the property.

New subsection (d) contains the current authority to require additional security. In addition, the current requirement to consider other credit factors is continued.

New subsection (e) provides that each Federal land bank would require a financial statement from each borrower at least once every three years or a shorter period of time as may be required under F.C.A. regulations.

Sec. 404 Future Payment Plans.

Section 404 amends *part A* of *title I* of the Act by adding a *new section 1.12A* that requires each Federal land bank to establish a future payment plan into which its borrowers would be permitted to pay amounts, not in excess of the amount of outstanding principal of any indebtedness of the borrower to the bank, for the payment of any principal or interest that becomes due on such indebtedness. The bank would be required to pay interest, adjusted monthly, at not less than the average rate of interest on all obligations issued by the bank or issued on its behalf during the preceding three-month period. The bank could require reasonable notice if a borrower wishes to withdraw from the plan and each borrower participating would authorize the bank to apply any amount for against any payment of principal or interest that is overdue by more than 30 days.

Sec. 405. Interest Rate Program of Production Credit Association Loans.

Section 405 amends *section 2.15(b)* of the Act relating to interest rates of production credit association loans.

Paragraph (1) redesignates *subsection (b)* as *subsection (b)(1)*.

Paragraph (2) precludes a production credit association from charging a rate of interest that is in excess of 2 percent of the discount rate of the bank.

Paragraph (3) adds a *new paragraph (2)* that prohibits a production credit association from establishing a differential interest rate program under which different rates of interest may be charged on the basis of creditworthiness, the type of agriculture involved, or other factors, unless the majority of the stockholders approves such a program.

Sec. 406. Farm Credit Administration Approval of Certain Loans.

Section 406 adds a *new section 4.82* to *part H* of title IV (current part F) that requires F.C.A. approval of any Federal land bank, Federal intermediate credit bank, or production credit association loan to a farm credit district director or a director of a district bank having a separate board of directors.

TITLE V—SERVICE ORGANIZATIONS

Section 501 amends *part E* of title IV of the Act (current part D) by adding three new sections relating to service organizations.

New section 4.44 requires the F.C.A. to revoke the charter issued to the Farm Credit Corporation of America unless a majority of the board members of the boards of directors of each Federal land bank association, production credit association, farm credit district, and the Central Bank for Cooperatives votes by April 30, 1989, to permit such corporation to continue operating. The corporation would be required to diligently commence all practical and reasonable steps to achieve an orderly termination if the majority of the directors votes to discontinue the corporation.

New section 4.45(a) provides that the charter of the Federal Farm Credit Banks Funding Corporation not permit the Corporation to set policy, prescribe lending limits or standards, make lending decisions, hold any primary capital of any System institution, or assume in any manner the responsibility of other Farm Credit institutions to service their member-borrowers.

Under *subsection (b)*, the F.C.A. would have to amend the charter of the Funding Corporation, within 30 days after enactment, to provide that the board of directors of the Funding Corporation be composed of five members as follows: (1) one member elected by the boards of directors of the first, second, and third farm credit districts; (2) one member elected by the boards of directors of the fourth, fifth, and sixth farm credit districts; (3) one member elected by the boards of directors of the seventh, eight, and ninth districts; (4) one member elected by the boards of the tenth, eleventh and twelfth districts; and (5) one member appointed by the F.C.A. Board. The term of office of the members would be three years, except that the initial term could be shorter as determined by the F.C.A. Board to permit staggering of terms of office. The nomination and election of directors would be conducted by the F.C.A. under procedures established by it and the procedures would have to ensure that the election of the initial board would be completed within 120 days after enactment.

Under *subsection (c)*, the Funding Corporation would be required to make an annual written report to each System bank and association detailing its bond placements, budget, costs and expenses, and requires that the report be submitted to the House and Senate Agriculture Committees and the F.C.A. Board.

New section 4.46 prohibits F.C.A. from chartering any new service corporation unless specifically authorized to do so by an Act of Congress.

TITLE VI—MERGERS

Sec. 601. Voluntary Mergers of Associations; Mandatory Cooling-off Period for Association Mergers; Notification to Stockholders.

Section 601 amends *section 4.22(a)* of the Act [current section 4.12(a)] relating to mergers of associations.

Paragraph (1) redesignates *subsection (a)* as *subsection (a)(1)*.

Paragraph (2) amends *subsection (a)* by deleting the "present and voting or voting by written proxy" requirement in the case of stockholder approval of voluntary mergers of associations, thereby permitting the merger of associations only upon the majority vote of the stockholders of each of the associations.

Paragraph (3) modifies the provision in *subsection (a)* to give the Farm Credit Administration Board, in lieu of the Farm Credit Administration, the authority to require mergers if an association has failed to meet its outstanding obligations.

Paragraph (4) adds two new paragraphs to *section 4.22(a)*.

New paragraph (2) provides that if the stockholders of each association vote to merge, the merger would be prohibited from taking effect for at least 60 days after the date on which the stockholders were notified of the final result of the vote. If a petition for reconsideration, signed by at least 5 percent of the stockholders of any one of the merging associations is presented to the F.C.A. by the 30th day after the notification, a special stockholders' meeting to reconsider the merger would be required before the 60th day. A merger could not take effect if a majority of the stockholders of any merging association voted against merger at the special meeting.

New paragraph (3) requires, prior to holding any meetings for the purpose of voting to merge two or more associations, each association to notify the stockholders at least 30 days prior to the meeting and to include in the notice an enumerated statement of the anticipated benefits and the potential disadvantages if the merger should occur. The F.C.A. Board would be required to approve the notice prior to its being provided to stockholders and to require modification of the notice as it determines necessary to provide accurate information on the advisability of the merger.

Sec. 602. Merger of Similar Banks.

Section 602 amends *section 4.20* of the Act [current section 4.10] to require that F.C.A. approval for the voluntary merger of similar banks be by a resolution unanimously adopted by the F.C.A. Board.

Sec. 603 Treatment of Certain Farm Credit Associations.

Section 603 amends *section 5.17(a)(2)* of the Act to clarify that the F.C.A. Board would be required to ensure that associations, disapproving a merger, would not be charged any assessment at a rate higher than that charged other like associations in the district and that disapproving associations would be provided, on the same basis as like associations in the district, financial services and assistance. [Current law requires the F.C.A. to ensure that the disapproving associations are not discriminated against by the supervising bank in the exercise of its supervisory powers and prohibits such associations from being charged an assessment at a rate higher than that charged other like associations in the district or from being discriminated against in the provision of any financial service and assistance.]

Sec. 604. Special Reconsideration of Certain Mergers.

Section 604 amends *part C* of Title IV of the Act [current part B] by adding a *new section 4.23* relating to reconsideration of mergers occurring between December 23, 1985, and the date of enactment of the Farm Credit Act of 1987.

Under *subsection (a)*, the F.C.A. would be required to issue regulations under which the stockholders of any association that voluntarily merged with one or more associations during the period mentioned above may petition in writing for the opportunity to organize themselves as a separate association.

Under *subsection (b)*, the regulations would have to ensure—

(1) that the petition be signed by 5 percent of the stockholders of any one of the merged associations;

(2) that the petition describe the territory in which the proposed association would operate; and

(3) that, if approved, (A) the loans of the members of the new association would be transferred from the current association to the new association; (B) stock of the current association held by such members would be retired at book value and the proceeds transferred to the new association, and an equivalent amount of stock would be issued to the members by the new association; and (C) other assets of the current association would be distributed equitably among the current association and any resulting new association.

Under *subsection (c)*, not later than 30 days after the filing of the petition with the F.C.A., the current association would be required to notify its stockholders that a petition had been filed. The notification would have to contain the date of a special stockholders meeting to consider the petition and an enumerated statement of the anticipated benefits and the potential disadvantages of establishing a separate association. The F.C.A. Board would be required to approve the notification and to require the notification to be amended as it determines necessary to provide accurate information to the stockholders in order that they may make an informed decision. The special stockholders meeting would be held within 60 days after the filing of the petition.

Under *subsection (d)*, the F.C.A. would be required to issue a charter to the new association and to amend the charter of the current association to reflect the territory to be served by the new association if a majority of the members of the current association, would be served by the new association, approve the establishment of a separate association.

TITLE VII—BOARDS OF DIRECTORS

Title VII amends various parts of the Act to provide for outside members on boards of directors.

Sec. 701. Outside Directors for Federal Land Bank Associations.

Section 701 amends *section 1.14* of the act to authorize, subject to the approval of the stockholders, the bylaws of each Federal land bank association board to require the election of one board member who is not, and has not been during the preceding 5-year period, a member-borrower, officer, employee, or agent of any institution of the Farm Credit System.

Sec. 702. Outside Directors for Production Credit Associations.

Section 702 amends *section 2.11* of the Act to authorize, subject to the approval of the stockholders, the bylaws of each production credit association board to require the election of one board member who is not, and has not been during the preceding five year period, a member-borrower, officer, employee, or agent of any institution of the Farm Credit System.

Sec. 703. Conforming Amendment; Nomination of Directors.

Section 703 amends *section 4.34* of the Act [current section 4.15] to reflect the authority for an outside association director.

Sec. 704. Outside Directors for Central Bank for Cooperatives.

Section 704 amends *section 3.2* of the Act to provide for two outside directors for the Central Bank for Cooperatives.

Section 3.2, as amended, would increase the number of members of the board of directors of the Central Bank for Cooperatives by two. The two new members would be required to have extensive knowledge and experience in banking and finance and would be elected by a majority of the other board members. If the other board members fail to elect a member with experience in banking and finance the F.C.A. Board would be required to appoint a qualified person to serve on the board until the member was duly elected.

Section 3.2, as amended, would also provide eligibility requirements for board members that are essentially the same as those provided for in *section 5.1(b)* of the Act, with two additions relating to the outside directors as follows:

(1) an outside director must not have been during the preceding five years, a member-borrower, salaried officer, or employee of any institution of the System or of the F.C.A.; and

(2) an outside director must not be from the same state as the other outside director.

Section 704 also modifies *section 3.2* of the Act to provided that a person could no longer continue to serve as an outside director if the director becomes a member-borrower of any System institution.

Sec. 705. Outside District Directors.

Section 705 provides for two outside directors for the farm credit district boards.

Subsection (a) amends *section 5.1(a)* of the Act to increase the number of members of the district boards by two for a total of nine.

Subsection (b) amends *section 5.1(b)* of the Act to reflect the requirement for district boards to have two outside directors. The current provision, relating to the ineligibility to serve on a district board if the person was within the previous year a salaried officer or employee of the F.C.A. or any institution of the System, would continue to apply to those board members who are not outside directors. A person could not be elected or appointed to the board as an outside director if that person has been within five years a member-borrower, salaried officer, or employee of any institution of the System or of the F.C.A. In addition, except in a case of a district composed of only one state, the two outside directors could not be from the same state.

Subsection (c) amends *section 5.2(a)(2)* of the Act by redesignating *subparagraph (B)* as *subparagraph (C)* and adding a *new subparagraph (B).*

New subparagraph (B) provides that the two outside district directors would be required to have extensive knowledge and experience in banking and finance. The outside district directors would be elected by a majority of the other seven board members. If a majority of the seven board members fail to elect an outside district director, the F.C.A. Board would be required to appoint a qualified person to serve on the board until the member was duly elected.

Subsection (d) amends *section 5.2(b)* of the Act to reflect the requirement for outside district directors.

Subsection (e) amends *section 5.2(c)* of the Act to reflect the provisions in the bill relating to outside district directors.

Sec. 706. Separate Boards of Directors for System Banks.

Subsection (a) adds a *new section 5.3A* to title V of the Act to authorize the election of a separate board of directors for a system bank.

New section 5.3A(a) would permit stockholders of any bank (representing at least 15 percent of the total number of votes that may be cast by the bank's stockholders in the election of district directors) to petition the F.C.A. for a referendum to determine whether to establish a separate board of directors for the bank. Within 30 days of receipt of the petition, the F.C.A. would be required to issue a notice to all stockholders that a referendum had been called. The notice would state the time and place of a special stockholders' meeting. Further, the notice to each association would have to state the number of votes that could be cast by the board of the association. The meeting would be held not less than 30 nor more than 60 days from the date the notice was mailed.

Under *subsection (b),* if a majority of the stockholders vote in favor of having a separate board of directors for the bank, a separate board would be established.

Under *subsection (c),* the separate board would be composed of seven members—two would be the members of the district board elected by the bank's stockholders to serve on the district board; two would be the outside directors of the district board; and three would be elected by the stockholders of the bank in the same manner as district board members are elected. Eligibility requirements would be the same as for district board members. The initial election would be held not later than 120 days after the stockholders' meeting. Compensation of the board members would be the same as for district directors and the terms would be 3 years, except for the initial directors.

Under *subsection (d),* the separate bank board would be permitted to elect from its members a chairman and vice chairman, and appoint a secretary.

Under *subsection (e),* a mechanism for the abolition of separate boards of directors would be established. If the stockholders present a petition, representing 15 percent of the voting strength, requesting a referendum to determine whether to retain the separate board of directors, a referendum would be held. If a majority of the stockholders votes in favor of abolishing the separate board of directors, the board would be abolished.

Under *subsection (f),* a separate board of directors would have the same powers granted to a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives, whichever is applicable.

Sec. 707. Conforming Amendments.

Section 707 makes various conforming amendments to titles IV and V of the Farm Credit Act of 1971 as they relate to separate boards of directors.

Subsection (a) amends *section 4.21* of the Act [current section 4.11] to reflect the provisions of the bill relating to separate bank boards and to delete authority for a merged bank to have a good board of directors that is different from the board provided in the Act.

Subsection (b) amends *section 4.22(a)* of the Act [current section 4.12] to reflect the provisions of the bill relating to separate district bank boards.

Subsection (c) amends *section 4.34* of the Act [current section 4.15] to reflect the provisions of the bill relating to separate district bank boards.

Subsection (d) amends *section 5.6(a)* of the Act to reflect the provisions of the bill relating to separate district bank boards.

TITLE VIII—AMENDMENTS TO TITLE V OF THE FARM CREDIT ACT OF 1971; MISCELLANEOUS

Sec. 801. Limitation of Compensation of District Board.

Section 801 amends *section 5.5* of the Act by limiting the annual compensation that may be received by district board members to $15,000.

Sec. 802. Farm Credit Administration Board.

Subsection (a)(1) amends *section 5.8(a)* of the Act to expand the number of members of the Farm Credit Administration Board by two and provides that not more than three of the members of the board be of the same political party.

Subsection (a)(2) amends *section 5.8(b)* of the Act to provide that the term of the first four members, other than the Chairman, would be four years, and thereafter each term would be six years.

Subsection (a)(3) amends *section 5.8(c)* of the Act to require the Board to select a Board Secretary who would be responsible for keeping permanent and accurate records and minutes of the Board's acts and proceedings.

Subsection (a)(4) amends *section 5.10(a)* of the Act to require the Chairman of the Board to consult with the Board with respect to the execution of all administrative functions and duties of the agency.

Subsection (a)(5) amends *section 5.11* of the Act to provide that the Chairman of the Board, in carrying out the powers and duties of the Chairman, would be governed by policies of the Board and its regulatory decisions, findings, and determinations. The appointment of the heads of major administrative divisions would require the approval of the Board. Subject to the approval of the Board, the powers of the Chairman as Chief Executive Officer may be exercised and performed by the Chairman through other officers and employees.

Subsection (a)(6) amends *section 5.12* of the Act to require the approval of the Board prior to the Chairman of the Board establishing one or more advisory committees.

Subsection (a)(7)(A) amends *paragraph (2)* of *section 5.17(a)* of the Act to permit the F.C.A. Board to require two or more banks of the Farm Credit System to merge if the Board determines the bank has failed to meet its outstanding obligations. [Current law permits the Chairman of the F.C.A. to require mergers.]

Subsection (a)(7)(B) amends *paragraph (15)* of *section 5.17(a)* of the Act to require the Board to determine if salary scales for employees of the banks of the System are fair and reasonable and to prohibit the Board from delegating its responsibility to make such determination.

Subsection (a)(7)(C) amends *section 5.17(a)* of the Act by adding a *new paragraph (16)* which requires the F.C.A. to appoint a farm credit appraiser for each farm credit district. The appraiser would be responsible for ensuring that appraisal standards established by the Farm Credit Administration Board for security offered for loans are adhered to. If the standards are not adhered to, the appraiser would be required to notify the Farm Credit Administration Board. The failure to comply with the standards would be considered an unsafe or unsound practice. Prior approval of the farm credit appraiser for acceptance of any interest in property offered as security for a loan would be authorized to the extent provided in F.C.A. regulations.

Subsection (a)(8) amends *section 5.19(a)* of the Act by deleting all references to the Chairman with respect to examinations of institutions, thereby vesting the authority in the F.C.A. Board.

Subsection (a)(9) amends *section 4.22(b)* [current section 4.12(b)] of the Act by vesting in the F.C.A. Board all power with respect to appointments of conservators or receivers for any institution.

Subsection (b) amends title V of the Act by adding a *new section 5.38* which provides that no farm credit district board, bank board, or bank officer or employee would have the power to remove any director or officer of any production credit association or Federal land bank association. [Current law providing the F.C.A. with this authority would continue (Sections 5.28 and 5.29).]

Sec. 801. Examination of Federal Land Bank Associations.

Section 803 amends *section 5.19(a)* of the Act by excluding Federal land bank associations from the current requirement that all institutions be examined by the F.C.A. at least once a year. Federal land bank associations would be required to be examined at least once every five years. The F.C.A. Board would be permitted to determine the frequency of F.C.A. examinations of a Federal land bank association.

Sec. 804. Independent Audits.

Section 804 amends *part H* of title IV of the Act [current part F] by adding a *new section 4.83* relating to independent audits.

New section 4.83 prohibits an institution of the Farm Credit System from entering into any contract or agreement for an independent audit of any System institution or other financial institution eligible to borrow from a Federal intermediate credit bank unless the contract or agreement is for a term of not more than two years and is entered into in accordance with a competitive bidding procedure prescribed by F.C.A. regulations.

Sec. 805. Loan Origination Fees.

Section 805 amends *part C* of title I of the Act by adding a new section relating to loan origination fees.

New section 1.22 requires each Federal land bank to charge a loan origination fee of not more than 2 percent in cases where an individual borrows the funds necessary to purchase all or any part of the stock required to be purchased as a condition of receiving a loan. No institution of the Farm Credit System would be permitted to finance the loan origination fee required under this section.

Sec. 806. Retirement of Federal Land Bank Association Stock.

Section 806 amends *section 1.16(a)* of the Act by deleting the provision in current law which provides the authority for Federal land bank association stock to be retired prior to full payment of the loan and to apply the proceeds toward the payment of the loan. The amendment specifically prohibits the retirement of stock prior to the full payment of the loan, except in cases where the loan is in default.

Sec. 807. Loan Applications.

Section 807 amends *section 4.30(b)* of the Act [current section 4.13(b)] to require that applications for Federal land bank or production credit associations clearly state the provisions that affect the retirement of the stock required to be owned by the borrower. Each application would be required to state—

(1) the amount of stock required to be purchased or owned with respect to the loan;

(2) except as provided for in the Act, that there is no assurance that the borrower will receive par or face value for stock upon retirement;

(3) in the case of default on a loan, stock owned by the borrower may be retired and the proceeds therefrom applied against the loan; and

(4) in the case of Federal land bank association stock, the stock would not be retired prior to full payment of the loan, except in the case of a default on a loan.

Mr. BOREN. Mr. President, today, the distinguished Senator from Montana, Senator MELCHER, and I are introducing the Farm Credit Act of 1987. A bill which will prevent the impairment of borrower stock in Farm Credit System institutions and will ensure that a borrower-owned and controlled Farm Credit System will provide credit to our Nation's agricultural producers.

We are all well aware of the serious financial trouble facing the Farm Credit System at the present time. We stand at a crossroads, having basically two choices: either we decide we want to continue to have a Farm Credit System as we know it today and take the bold steps that may be necessary to ensure its survival, or, we provide for the orderly termination of the Farm Credit System. To hesitate at this point to do what is necessary to preserve the Farm Credit System will only delay the day of reckoning.

Mr. President, while I am willing to take the requisite action to preserve the system, I certainly am not in favor of giving the system a blank check. There will have to be significant reforms in the system and it will have to earn the help by making needed changes. In addition, the system must be put in a sound enough financial position so that it is not necessary to readdress this issue in a few years. Finally, the Federal assistance must be in the form of a loan that is repaid as was all previous assistance.

The Farm Credit Act of 1987 will accomplish these objectives, not by attempting to re-invent the wheel, but by relying primarily on the history of the system and the methods by which the system survived for 55 years, including the years of the Great Depression.

First, the bill will return all system institutions to viability by restoring any impairment of stock.

Second, borrower stock will be retired at par value at the time the loan is paid in full without requiring borrowers to wait for a partial payment in the future.

Third, the lawsuits that have slowed attempts at system self-help will be resolved by reversing the assessments and purchases and the loss-sharing since the third quarter of last year. These will be replaced with a one-time franchise tax, similar to that proposed in the systems bill.

Fourth, the bill provides a realistic repayment mechanism which will ensure the repayment of all Federal funds, but which will not be so onerous as to force an institution out of business in the process of repaying Federal funds.

Fifth, the bill would make significant reforms in the system designed specifically to ensure that the system doesn't have the opportunity to repeat the mistakes of the past.

Sixth, the bill provides assistance to borrowers who are experiencing difficulty in meeting their payments of principal and interest in a timely manner and to borrowers whose loans are liquidated.

Seventh, procedures for the orderly disposition of property acquired by system institutions are provided.

Eighth, borrowers will be provided access to all documents and information pertaining to their loans, including appraisals of borrowers' assets.

Ninth, the bill will ensure a person's right to sue the Farm Credit System and the Farm Credit Administration and provides that Federal district courts would have original jurisdiction without regard to the amount in controversy.

And, finally, the bill includes a number of provisions which will return the control of the Farm Credit System to the farmer and rancher-borrowers.

SYSTEM INSTITUTION VIABILITY

The Farm Credit Act of 1987 will ensure a viable Farm Credit System by providing immediate Government capital, in the form of stock purchases, to ailing system institutions. During the hearings held by the Subcommittee on Agricultural Credit, on which I have the pleasure of serving as chairman, we were repeatedly told by farmers and representatives from all the agricultural groups that they did not want to merely preserve the "system." They wanted to ensure the viability of the individual institutions. Our bill will accomplish that objection. We cannot afford to merely preserve the system as a whole; we must ensure that the borrowers' institutions will be given the opportunity to survive. We could ignore the stability of the individual banks and associations and merely provide enough money to keep the aggregate system's balance sheet in the black, but by doing that we could eliminate 8 of the 12 Federal land banks before Federal assistance ever became available. This bill will ensure that all institutions are returned to viability and will, in essence, let them start off with a clean slate.

In drafting our bill, we relied on the method by which assistance has been provided to the Farm Credit System in the past. At every point in history, when the Government provided assistance to an institution of the Farm Credit System, it did so in the form of stock purchases.

Under our bill, the Farm Credit Administration will be required, for the next 5 years, to make purchases of stock to first, prevent impairment of stock of any bank or association; second, restore any impairment of any bank or association; or third, provide collateral for obligations issued by a bank in an amount sufficient to permit the bank to finance its lending operations. The Secretary of the Treasury would, in turn, purchase up to $6 billion of obligations from the F.C.A. for the purpose of making stock purchases in system institutions. It is quite possible that $6 billion is more than necessary. Regretfully, at the present time, no one has been able to pinpoint the exact amount necessary to return all the institutions to viability. I would rather ensure that we have provided enough than to find out later that we were penny wise and pound foolish. It would be ridiculous for us to spend any money now if half the Federal land banks in the system were going to collapse because enough funding was not provided.

Several proposals attempt to delay the assistance and to only provide assistance when institutions are on the brink of liquidation. By doing so, we substantially increase the total cost of assistance in reality and if we're not willing to spend it when it is needed, we are, in essence, setting these institutions up for liquidation. Some of the proposals do provide a moderate amount of assistance for 5 years, but regretfully most of the weaker institutions would never be able to survive beyond the 5-year period, such that the day Federal assistance ends, these institutions would have to be liquidated or merged with healthier institutions. If we are not going to provide enough funds to return the weak institutions to viability, then, in fact, we should provide for their orderly termination.

It has been argued that the weaker institutions are in trouble because of "bad management" in that institution. That is partially true, however, I would argue that there has been bad management in some of the healthier institutions, as well. The districts that are in trouble are districts in which the majority of its borrowers have geen producers of the commodities which have suffered the greatest reduction in prices consistently for the past 5 years and in districts which have witnessed the greatest reduction in land values. I will be the first to argue that many of the loans made during the seventies should never have been made, but they were and every district made them, not just the districts in trouble today. I will also be the first to attempt to change the law so that no institution could make these kinds of loans.

However, Mr. President, are we going to liquidate the Federal land bank and the Federal land bank associations in the Wichita district just because that district is comprised primarily of wheat producers who have suffered great losses over the past 6 years, through no fault of their own? Is that equitable? Will that ensure that the wheat farmers in my district are able to get credit on reasonable and competitive terms? I'm not sure that the wheat farmers of Oklahoma would want, or be able, to borrow money from the Balitimore district or even the St. Louis district.

If we are going to spend any money on the Farm Credit System, we must ensure that every institution is given a chance to get back on its feet. The Farm Credit Act of 1987 will give every institution that chance.

PROTECTION OF BORROWER STOCK

By restoring the impairment of stock of every institution, we accomplish what I believe is a major objective of a majority of my colleagues, that is ensuring that borrowers will receive par value for their stock for the next 5 years. Unlike some of the proposals that have been advanced, farmers will not have to wait a number of years after paying off their loans to receive all of their stock. Upon enactment of this bill, farmers and ranchers will know that they will be able to receive their stock at par value. And, by keeping all institutions viable for 5 years, the institutions are given an opportunity to return to profitability at the end of that 5-year period, so that the retirement of borrower stock at less than par will not be an issue even then. Another advantage of this approach is that so-called "borrower-flight", due to concern about the future viability of the institution, will not occur.

In addition, our bill will require FCA to make payments to holders of stock of associations placed in liquidation between January 1, 1983, and the date of enactment of the Farm Credit Act of 1987. Further, the bill requires FCA to make payments to holders of association stock that was retired at less than par value by an association between January 1, 1987, and the date of enactment. Payments made by the FCA would be in an amount necessary to ensure that all affected holders of stock receive the equivalent to the par value of stock.

This provision is necessary to provide for an equitable treatment of borrowers of the Farm Credit System. There are currently 11 production credit associations in liquidation, 8 of which are in the Spokane district, 2 in the Omaha district, and 1 in the Louisville district. As a result of the liquidations, shareholders have suffered large losses. In the Spokane district, losses to stockholders were approximately $13 million and, in the Omaha district, losses were $2.5 million. Since we are ensuring that all current and new borrowers stock would not be impaired during the next 5 years, it only makes sense to provide equal treatment to borrowers of associations who happened to have been at the forefront of the system's difficulties. It would be unfair to penalize these stockholders while taking care of the others.

RESOLUTION OF SYSTEM LAWSUITS

The Farm Credit Act Amendments of 1985 provided a mechanism for system institutions to help each other through this difficult time period. However, by mid-1986, lawsuits were springing up all over the country questioning the assessment and purchase requirements imposed by the 1985 act and the loss-sharing agreements. Over $1 billion of surplus remains in the system, yet the lawsuits have made it impossible to move that surplus to the institutions in need of assistance.

In an effort to resolve this issue and at the same time draw upon the resources of system institutions for the purposes of aiding weaker institutions, our bill rescinds and refunds required purchases or assessments of the capital corporation taken after July 31, 1986, and reverses and refunds contributions made or that remain accrued after July 31, 1986. All of the lawsuits pertain to assessments, purchases, or contributions required after that date. The bill would not refund or reverse actions taken prior to July 31, 1986.

Our bill replaces the purchases, assessments, and contributions after that date with a one-time franchise tax imposed on each bank of the system, identical to that in S. 1219, introduced by Senators LEAHY and LUGAR, and endorsed by all of the farm credit districts. Under this, each bank would be required to pay to the United States a franchise tax equal to the amount by which its unallocated retained earnings, as of December 31, 1986, exceed 5 percent of its net loans.

In addition, since most of the surplus in the system is in the hands of the production credit associations, our bill also requires each production credit association to pay a franchise tax equal to the amount by which its unallocated retained earnings, as of December 31, 1986, exceed 13 percent of its net loans.

Under the tax on the banks, the healthier districts do contribute the bulk of it; and the tax on the production credit associations would result in several of the weaker districts providing funds as well, including the Wichita district. Consequently, the funds that result from both taxes are provided by virtually all, if not all, the districts and not concentrated on the few healthy districts.

The 72d Congress enacted a bill which provided for a similar assessment. The purpose of the provision in that law was to restore the impairment of stock in any Federal intermediate credit bank. The franchise tax provided for in our bill will accomplish the same as the money derived from this tax will be used for the purpose of restoring impairment in any institution of the system.

REALISTIC REPAYMENT MECHANISM

Our bill, again, relied primarily on the method by which assistance from the Government in the past was repaid in drafting our repayment mechanism. In essence, the bill would put back in the law the language providing for repayment of Government funds that was taken out in the 1985 act. This mechanism worked in the past quite well and there is no reason why it would not work again.

Under our bill, repayment of Federal funds would begin in 1993 by imposing on each institution a franchise tax, equal to 25 percent of each institution's net earnings. The tax would be paid by all institutions as long as any stock, held by the F.C.A., is outstanding. The tax would be reduced by the amount an institution paid to retire its, or another institution's, government-held stock. In addition, as was done in the past, F.C.A. would have the authority to require institutions, having outstanding F.C.A. stock, to retire the stock when the F.C.A. board determines the bank or association has resources available and the need for Government-owned stock is reduced or not longer exists.

Some concerns have been expressed about using a repayment formula based on the net earnings of an institution, as it might be possible to hide a part of or all of the institution's net earnings and thereby avoid paying the franchise tax. I understand that concern, however, I believe the F.C.A. has the authority to ensure that audits of an institution accurately reflect its financial position. In addition, I believe most institutions will want to pay the tax in order to retire its Government-held stock so that the system can once again become completely privately-owned. The tax on all institutions will continue as long as there is $1 of outstanding F.C.A. stock in the system.

In addition, to base repayment on anything other than net earnings could result in an institution being forced to repay funds to the point of making the institution nonviable. I don't believe any of us want to have a repayment formula which is so onerous, or which doesn't accurately reflect the well-being of the institution, that it would force institutions out of business. Basing the repayment formula on net earnings, therefore, would more accurately reflect an institution's ability to repay Federal assistance.

Mr. President, several proposals advanced recently would not require institutions not receiving assistance to repay any of the Government funds, as though these institutions gained no benefit from keeping the Farm Credit System solvent. This flies in the face of reality because every institution, whether receiving direct Government assistance or not, has the benefits of being a part of the System. For example, every institution of the System has access to low cost funds by virtue of being a part of the Farm Credit System and by having implied Federal backing similar to that of other agency bonds.

The term "franchise" means a privilege of a public nature conferred by the Government, thus it very appropriately applies to the imposition of a franchise tax on institutions that are a part of the Farm Credit System. The tax is the price institutions will pay, for any year there is Government-held stock outstanding, for the privilege of being a part of the Farm Credit System.

Recognizing that there are some institutions which do not want to be a part of the System when it comes to repayment of Federal funds provided to keep the System afloat, our bill gives every institution a choice. Each institution that does not have outstanding stock held by the FCA would either pay the franchise tax directly to the Treasury and it would be applied to reducing the national debt or the institution could pay an amount, equal to the franchise tax, to another institution for the purpose of retiring that institution's Government-held stock. In this manner, institutions could either help other institutions in the cooperative Farm Credit System or they could help us reduce the national debt.

The idea of a franchise tax with respect to the Farm Credit System dates back to the Agricultural Credits Act of 1923. Under the 1923 act, receipts from the franchise tax created could be used to reduce the outstanding indebtedness of the Government. The Farm Credit Act of 1953 utilized the tax specifically for the retirement of Government-held stock.

REFORM OF THE FARM CREDIT SYSTEM

Our bill also makes significant reforms in the Farm Credit System that are necessary to ensure that the System doesn't repeat the mistakes of the past.

First, our bill provides for greater oversight through the expansion of the FCA board and through the increase of the board's involvement in FCA decisions. Several of the bills introduced would create an additional Federal board to oversee, temporarily, the assistance to the System. As Assistant Secretary of the Treasury, Charles O. Sethness, stated in June:

> . . . The "federal board" concept . . . arises from a very bad analogy to the Chrysler loan guarantee board. There are large and crucial differences between the System and Chrysler which spell for me a huge potential for failure in relying on a federal board to make strategic decisions for the System.

Chrysler was different in one crucial aspect: There was in place no regulatory agency for Chrysler. The Farm Credit System does have a regulatory agency already set up and fast on its way to becoming the strong, independent, regulator as envisioned by the 1985 act. To establish another board, now, would merely result in duplication of efforts and would not accomplish any more than the FCA can accomplish, except as a means of accomplishing extreme centralization of the System, which I would strongly oppose. Creating a new board would simply add cost to the farmers and ranchers who borrow from the System and increase the overall cost of Federal assistance.

As I see it, there is no need to create another Federal board unless the intent is to provide the new board with powers far above that currently granted to FCA. Some proposals have given this new board extreme powers, including the right to remove any officer, employee, or board member without cause, the right to force an institution to merge before providing any assistance to the institution. To give any board the authority to condition the receipt of assistance on merging is very problematic with me. As I have stated, we should pick and choose which institutions to save; rather, we should give all institutions an equal chance of pulling out of their present difficulties.

Regretfully, this debate has often revolved around personalities and a basic mistrust of the various people currently holding positions in the Farm Credit Administration and in the System institutions. Some of the proponents of the new board concept have argued that some of the current people could not be trusted to dispense aid, therefore we have to create another board to do this. Creating another board will not necessarily resolve this as we could end up having the same problems people perceive now.

I have always believed that we should not legislate on the basis of personalities; we should, rather, do as our founders did in drafting the Constitution of this country. That is, we should draft legislation tight enough to work despite the failings of human beings. Our bill accomplishes this. The Farm Credit Act of 1987 will increase the objectivity of the current FCA board by expanding its membership by two and by providing for the entire board, instead of one member of the board, to be more involved in decisionmaking. In addition, the assistance provided in this bill will be triggered when an institution reaches impairment and there would be no way around providing assistance.

The second reform made in our bill is putting back in the law language requiring specific reserve levels for institutions of the Farm Credit System and language providing for the application of earnings in a manner designed to ensure that the reserve is built up over time and that repayment of Federal assistance is accomplished. In addition, the Farm Credit Act of 1987 creates an insurance corporation to provide as a buffer to joint and several liability.

The Farm Credit Banks Insurance Corporation, established by the bill, would be under the direction of the Farm Credit Adminstration board and would insure obligations of farm credit banks payable after December 31, 1992. Our bill would require the corporation to establish and maintain a reserve with a minimum level equal to 1 percent of all outstanding insured obligations. If the reserve is not above the minimum level, the Corporation would be required to provide for the full payment of any amount of principal or interest due on insured obligations that the banks primarily and secondarily liable for are unable to pay. In other words, joint and several liability, as provided under current law, would be applicable in cases where the reserve was below the minimum level.

If the reserve is above the minimum level and contains sufficient funds to provide for the full payment of principal or interest that a bank primarily liable is unable to pay, the Corporation would make the full payment. If the reserve is above the minimum level but does not contain sufficient funds to provide for the full payment of principal or interest, the Corporation would first, provide for the partial payment equal to the amount by which the funds in the reserve are above the minimum level; and, second, provide for the full payment of any amount remaining due after the banks primarily and secondarily liable therefor are unable to pay after application of the partial payment initially made by the Corporation. In this way, the reserve will be maintained to the greatest extent practicable while still providing some protection to all institutions of the System.

Unlike some of the other proposals, our bill does provide a maximum limit on the amount of premiums the Corporation could charge. The premium would be set by the Corporation at not more than two-tenths of 1 percent of the proceeds of each insured obligation the bank is primarily liable for. In addition, the premium level, with respect to obligations of the same maturities, would apply equally to each insured bank, so that Federal intermediate credit banks, issuing mostly short-term obligations, would not be unfairly treated when compared to Federal land banks, issuing mostly long-term obligations.

Our bill also would not permit a bank, not insured by the Corporation, to join in the issuance of consolidated or systemwide obligations that are due and payable after December 31, 1992. It would be unfair to the banks that are insured if we permitted uninsured banks to participate in joint obligations as all banks participating would be liable for the payment of the obligations issued jointly.

Some of the proposals, Mr. President, completely replace joint and several liability with an insurance corporation similar to that which we have proposed. I believe this would be a grave mistake. In our meetings with various investors and even with representatives from the System, the one thing we heard consistently was that we should not weaken the joint and several liability provisions of current law as that would result in investors demanding a higher premium. As we have seen recently with other insurance-type funds, such as FSLIC, it is impossible to predict the exact level of reserves needed in the future. Our bill, consequently, keeps joint and several liability in place, but does set up a mechanism whereby institutions can, during the good years, build up a reserve and avoid being hit the hardest when conditions are not favorable as is the case at present.

The provisions in current law relating to joint and several liability date back to the original 1916 act when all Federal land banks were liable when another bank failed to meet its payments of principal and interest on outstanding obligations. Regretfully, many have confused joint and several liability with the ongoing lawsuits relating to loss-sharing and the capital corporation assessments.

In an effort to give the Farm Credit Administration board an option for reducing costs and to stress the cooperative nature of the Farm Credit System, our bill does modify the liability of the banks, operating under the various titles of the 1981 act, with respect to consolidated and systemwide obligations issued, and payable, between January 1, 1988, and December 31, 1992. Under the bill, liability would be based on the following order: first, the bank primarily liable would pay to the extent its stock would not be impaired; second, if that were not sufficient, the other banks operating under the same title would pay to the extent their stock would not be impaired; third, if that were not sufficient, the other banks operating under other titles would pay to the extent their stock were not impaired; fourth, if that were not sufficient, the bank primarily liable would pay out funds available in its capital accounts; fifth, if that were not sufficient, the banks operating under the same title would pay out of funds available in their capital accounts; and sixth, if that were not sufficient, the banks operating under other titles would pay out of funds available in their capital accounts.

This modification is also necessary in order to reduce the amount of funds that must be spent by the FCA to prevent a bank from impairing its stock. It must be stressed, however, that despite this provision, no bank would be in a position of having impaired stock as the provisions in title I of the bill would require FCA to purchase stock to restore any impairment of stock. If liability under this provision were taken to the sixth tier, the FCA would, in turn, purchase an amount of stock in each institution necessary to restore impairment.

In addition, Mr. President, this provision would give the banks an incentive to issue long-term obligations during the present period of relatively low interest rates. One of the reasons the system is in trouble at the present time is because they are issuing a tremendous amount of short-term obligations precisely at a time they should be issuing long-term obligations because interest rates are so low. Mismatching securities has been a problem of the system since the late sixties and early seventies. It was heightened in the past 7 or 8 years as the system had made long-term loans with short-term money. This worked fine as long as interest rates in general were going up, but as we all know, it ultimately caught up with the system. The provision in our bill will give system banks a strong incentive to issue long-term debt as this mechanism for liability would only be triggered on obligations that are due and payable between January 1, 1988, and December 31, 1992.

The third reform provided in our bill would require each district bank to have two so-called outside directors on their boards. These members would be required to have extensive knowledge and experience in banking and finance and could not have been member-borrowers, officials, employees, or agents of any farm credit institution. The purpose of the outside-directors is to provide the farmers and ranchers who typically serve as members of the district boards with a colleague knowledgeable in finance. In this way, the board members would no more apt to make their decisions based on sound financial management.

The fourth reform made by the Farm Credit Act of 1987 would require that audits, secured by institutions, would have to be made through a competitive bidding process and the bill would prohibit a contract for auditing to be longer than 2 years. This reform is necessary in order to ensure that all audits are conducted independently and are not done by the same firm year after year after year. Only in this way can we ensure that audits are completely accurate. I understand this provision is similar to that applicable to some of the other lending institutions.

The Farm Credit Act of 1987 also requires the FCA to appoint farm credit appraisers in each district in order to ensure that appraisal standards are adhered to. One of the problems encountered in the past few years has been that institutions basically used appraisals that were favorable to their objectives. In some cases, an institution would use an appraisal which was substantially higher than that for similar property in the area when the institution was considering foreclosure and thereby base the decision to foreclose on an unrealistic assumption of the value of the property. At the same time, I've seen instances where the institution classified a loan as a result of a very low appraisal that was substantially below the market value of the property and was, interestingly enough, substantially below the value the institution claimed it could gain if it foreclosed on the borrower.

Prior to the 1971 act, there were Federal land bank appraisers in each district which ensured that all loans were properly collateralized and which ensured that the value attributed to the property was accurate. The Law was changed in 1971 primarily as a result of the fact that production credit associations began making loans using agricultural real estate as security and production credit associations did not have anyone verifying the worth of the security. Regretfully, instead of bringing PCA's under the same standards and same regulation, the 1971 act equalized the situation by eliminating the farm credit appraisers for Federal land banks. We should have done just the opposite and perhaps we would not be facing as much difficulty as we are at present. Our bill will reinstate the farm credit appraisers in each district and their task will be to ensure that appraisal standards are adhered to.

The sixth reform implemented by our bill would require all Federal land bank borrowers to provide financial statements at least once every 3 years so that the bank can properly monitor a borrower's financial condition. One of the comments we have heard repeatedly from those who have been involved in attempts to restructure loans is that the loan could have been restructured if the institution had only known a few months earlier that the borrower was having difficulty.

The seventh reform will prohibit Federal land bank's from loaning in excess of 75 percent of the agricultural value of agricultural property, except for young and beginning farmers or ranchers. There is no doubt that one of the major reasons the System is facing difficulties is due to the change in the 1971 act which substantially increased the amount of money that could be loaned on a farm. The 1971 act increased this amount to 85 percent of the current market value from 65 percent of the normal agricultural value. In many cases, this immediately doubled the amount a producer could borrow, despite the fact that the producer's ability to repay had not increased. There was no serious problem with this as long as land values continued and borrowers could continue receiving loans based on the artificially increased value of the land. However, the minute land values started going down, the bottom fell out for farmers who all of a sudden found their equity completely gone.

The reason we are permitting young and beginning farmers to continue to receive their loans based on the market value of land is due to the concerns expressed by several of our colleagues on the Senate Agriculture Committee. They were concerned that many young and beginning farmers would be unable to obtain loans if they could receive no more than 75 percent of the agricultural value of the land. We did provide for this exception, despite the fact that those are probably the last borrowers we should allow to become over-extended.

The eighth reform in the bill will limit interest rates that can be charged on agricultural loans to no more than 2 percent above the rate of interest on a bank's obligations during the preceding 12-month period. There is no doubt that the major reason the system got into its present condition is the method used during the seventies to price interest rates. Prior to 1971, the System was required to base interest rates on the most recent bonds issued by the institution. In this manner, the interest rate offered to farmers and ranchers closely reflected current financial market conditions, thereby permitting System interest rates to track those of other competitors. After the 1971 act, however, interest rates were based primarily on the average cost of bonds the bank had issued, with no reflection in the maturity of those bonds. By using the average cost, interest rates in the seventies and early eighties were artificially lower than those for other commercial lenders and most recently they have been substantially higher than that offered by other lenders. In 1981, for example, the prime rate was 18.87 percent. The interest rate for agricultural loans from commercial banks at that time was 18.5 percent for operating loans, while the interest rate offered, on average, by production credit associations was 14.46 percent for similar loans. On average, in 1981, the interest rate for agricultural real estate loans were 15.42 percent by commercial lenders while the Federal land banks were offering 11.27 percent. It is now clear that the System, in the 1970's and early 1980's used the average cost pricing method to gain an unfair advantage over commercial lenders and encouraged farmers to borrow too much money. Our bill will force System institutions to price their interest based on current market trends and thereby prevent this from recurring.

The ninth reform implemented in the bill is a requirement that Federal land banks offer long-term real estate loans, with terms of at least 15 years, at fixed rates of interest. The interest rate on these loans would be limited to not more than 2 percent above the bank's obligations of similar maturities during the preceding 12-month period. One of the major reasons the Federal land banks were established in 1916 was to provide farmers with long-term loans at fixed rates of interest. Until then, farmers could not get loans for longer than 5 years and they were often subjected to changing interest rates. At the present time, only two districts offer loans, longer than 5 years, at fixed interest rates. Our bill will correct this.

The tenth reform in the bill will require borrowers to pay a loan origination fee, not in excess of 2 percent, if the borrower finances the stock purchase requirement. This is an attempt to address concerns of our colleagues on the agricultural committee who believed it was necessary to generate hard cash for the system.

LOAN RESTRUCTURING AND FORBEARANCE

Our bill will provide assistance to borrowers who are experiencing difficulty in meeting their payments of principal and interest in a timely manner by requiring districts to restructure loans when the loss associated with restructuring is less than the loss associated with foreclosure. In addition, each district would be required to establish an appeals committee for borrowers whose loans are determined ineligible for restructuring.

One of the problems we have had over the past couple of years is the failure of most of the districts to restructure loans. Therefore, we have included in our bill a check against districts who simply were not willing to write off principal even in cases where the loss associated with that was less than the loss associated with foreclosure. After a borrower has been denied his request for restructuring by the appeals committee for the district, the loan restructuring corporation would review the loan to make certain that the loan was ineligible for restructuring.

Our bill will also prohibit an institution from requiring additional collateral if a borrower is current in the payment of principal and interest. Several farmers have in fact been foreclosed on simply because they didn't have any additional collateral.

In addition, the Farm Credit Act of 1987 will permit certain borrowers to retain possession and occupancy of any principal residence—and a reasonable amount of adjoining land—in the event of foreclosure, bankruptcy, or involuntary liquidation.

The Farm Credit Act of 1987 also establishes procedures for the disposition of property acquired by institutions. This includes the right of first refusal by the previous owner to purchase or lease the property for the same amount and under the same terms and conditions as the highest bidder. I know of one circumstance where a Federal land bank refused to accept cash in an amount above the minimum announced from a farmer who was the previous owner of the land. Our bill will correct that.

RETURN TO LOCAL CONTROL

The Farm Credit Act of 1987 provides for a return to local control by making several reforms.

First, the Farm Credit Corporation of America would be terminated unless a majority of the boards of directors of System institutions vote to permit it to continue.

Second, no new service organizations could be chartered.

Third, the Farm Credit Administration would approve loans of district directors in order to prevent district employees from conditioning approval of loans on policy decisions of the directors.

Fourth, a merger between banks or associations could not occur without a majority vote of all stockholders.

Fifth, the bill will require the Farm Credit Administration board to unanimously approve mergers of a bank in one district with a bank in another district.

Sixth, mergers which occurred after December 23, 1985, could be reconsidered by the borrowers, as many of those mergers were forced on the borrowers through threats from district bank employees.

CONCLUSION

Mr. President, in general, I believe we have put together a balanced, moderate bill. We have strived to reflect the concerns expressed at the hearings we held earlier this year in the Subcommittee on Agricultural Credit. I urge my colleagues to give careful consideration to the bill.

Mr. President, I believe it would be helpful if my colleagues reviewed the history of the Farm Credit System. Wayne Rasmussen, recently retired from the USDA, provided very enlightening testimony to the subcommittee. I ask unanimous consent that his testimony be included in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

STATEMENT OF WAYNE RASMUSSEN, HISTORIAN, SENIOR SCHOLAR, NATIONAL AGRICULTURAL LIBRARY

Mr. Rasmussen. Thank you, Mr. Chairman and members of the subcommittee. I am pleased to be here today to discuss the historical background of the Farm Credit System and its programs. I shall try to summarize what I have to say, and my full statement will be available to members of the committee and to their staffs.[1]

Throughout our colonial and national history, the frontier farmer found it difficult to secure credit. Money was usually scarce, prices low, and both interest rates and risks high. The situation became acute after the Civil War. The farmers' needs were even more acute in that the Federal Government was aiding financial and business interests by reducing the amount of money per capita in circulation.

Many farmers turned to the old Greenback movement, the Populist Party, or free silver as promising aid, but all failed in their attempts to get more money into circulation. Sensitive to the needs of the business community, the Government was indifferent to the farmers' financial problems.

The first governmental recognition of the farmers' credit needs came in 1908 when President Theodore Roosevelt's Country Life Commission called attention in its report to the lack of any adequate system of agricultural credit.

There were a number of committees appointed and all said that we should have some sort of a system. Action seemed assured when, in their 1912 conventions the Republican, Democratic, and Progressive parties pledged themselves to better credit facilities for the farmer. Action on the legislation was delayed by the need to reconcile three opposing views.

One plan called for the establishment of privately owned farm mortgage banks under the supervision of the Federal Government. Another was for the organization of a system based on cooperative principles, while the third plan was for the Federal Government to make direct loans to farmers.

It was not until July 17, 1916, that the Federal Farm Loan Act was passed and signed by the President. The compromise act permitted the establishment of both privately owned and cooperative farm mortgage banks.

The agricultural credit system was modeled upon the Federal Reserve System in its general outline as well as in many details. Corresponding to the Federal Reserve Board at the head of the Federal Reserve System was the Federal Farm Loan Board. The Federal land banks occupied a position analogous to that of the Federal Reserve Banks. There were other similarities as well.

Congress, in passing the original Federal Farm Loan Act in 1916, made it quite clear that it expected the Federal land banks and the Federal Land Bank Associations to become a cooperative credit system in which farmers would have the responsibility of organizing and operating their local associations, and in owning and in having a voice in running their district Federal land banks. That is, a decentralized system that in time could be controlled by the farmers themselves was established.

Congress provided the original capital for the Federal land banks with a provision for farmers to organize local associations. As farmers obtained long-term mortgage loans from the land banks, they were to invest 5 percent of their loans in the capital stock of their local associations, and thus the associations would become owned by the farmers.

The Federal land banks by making available amortized loans for periods as long as 20 to 40 years brought about fundamental changes in farm mortgage lending. They eliminated the need for high interest rates and renewal fees every 3 to 5 years. Other lenders gradually began to follow suit in order to compete.

In 1923, Congress authorized the organization of the 12 Federal intermediate credit banks to work alongside the Federal land banks. These banks were essentially to be wholesalers of credit, and only limited use was made of them up until 1933 because of the lack of retail outlets.

Useful as the land banks and intermediate banks were to individual farmers—and Senator Melcher, my father in Montana obtained the first loan from the Federal Land Bank of Spokane back in 1916—they were unable to stem the ravages of the continuing farm depression of the 1920's.

Then when the Great Depression hit the Nation in 1929, farm prices already down, went down further and faster than anything else. The Federal land banks were dependent upon installment payments on their loans to pay interest on their bonds, but many farmers were unable to make payments.

The situation made it almost impossible for the banks to sell bonds so loan funds dried up. In 1932, the banks made loans totaling only $28 million to 7,000 farmers in spite of the fact that many more were clamoring for money.

The Depression deepened, and it was, of course, stimulated by the continuing farm depression. Then beginning in 1933, a number of rapid actions were taken by President Franklin D. Roosevelt and Congress to solve the desperate credit needs that faced the American farmers. By 1933, farmers' incomes were approaching the vanishing point. Lenders were foreclosing mortgages by the thousands.

In fact, the Midwest, we even had some violence with the Farm Holiday Association. Congress made provisions for emergency credit by passing the Emergency Farm Mortgage Act of May 12, 1933. This act provided a $200 million fund to the land bank commissioner to make both first and second mortgage loans to refinance farmers' debts as a supplement to financing by the Federal land banks. These loans were handled through the existing Federal Land Bank System. The Emergency Farm Mortgage Act also provided for a temporary reduction of interest rates in Federal land bank loans.

The land banks were reimbursed from the U.S. Treasury for the difference between the interest rates the farmers contracted to pay and the emergency rate established by the Congress. The establishment of the Farm Credit Administration by Executive order on May 27, 1933, was followed by the Farm Credit Act of June 13, 1933. There were then a series of acts which I detailed in the paper but will not take the time to discuss now. In general, the Federal Government, Congress particularly, was appropriating emergency money to the Farm Credit Administration to refinance farm loans.

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[1] See p. — for the prepared statement of Mr. Rasmussen.

From May 1933 to the end of 1935, the Land Bank System on its own behalf and for the Federal Farm Mortgage Corporation made 726,000 loans totaling nearly $2 billion. By the end of 1935, the Federal Land Bank System held 48 percent of the total farm mortgage debt of the country.

The refinancing program cut farmers' interest bills by about $38 million a year. In addition, many creditors agreed to scale down farmers' debts to them so farmers might be eligible for mortgage loans and thus enable creditors to get cash.

These scale-downs totaled an estimated $200 million. In 1939, the Farm Credit Administration was transferred from its independent agency status to become a part of the U.S. Department of Agriculture. This was a very controversial move, and it caused some problems for the Farm Credit Administration, for the Department and for other people.

In 1953, the Farm Credit Administration again became an independent agency. In 1971, Congress consolidated all previous laws regarding the Farm Credit System into a new Farm Credit Act. The act specified that Federal land bank loans could not exceed 80 percent of the appraised value of the real estate offer for security. Prior to 1971, the banks could lend only up to 65 percent of the normal agricultural value of real estate.

Under this new legislation, the component parts of the Farm Credit System were able to pool capital, share losses, exchange loans, participate in loan syndications, and continue to gather funds nationwise through the sale of bonds and other debt instruments.

For many years, the Farm Credit System was regarded as one of the most stable segments of the financial community. During the 1970's when farmers were generally prosperous, the system increased its share of lending to the agricultural sector from 24 percent of total agricultural loans made in 1971 to 33 percent in 1981.

However, as land prices began to fall in 1982, the security backing many of the loans fell to below the amount of the loans. That is our situation, of course, today. Too, increasing interest rates caused problems. Although legislation has set special interest rates at various times in the past for the System, legislation in effect for many years provided that the interest rates charges should not exceed the interest rate on the last series of farm loan bonds issued by the bank making the loan plus 1 percent.

This meant that in a period of rapidly rising interest rates, the Farm Credit land banks could keep up with the increasing costs of money. However, in recent years, the System priced its interest rates according to the average rate it paid on its total portfolio of bonds and notes outstanding plus 1 percent. This helped farmers in times of inflation, but was a problem for the System.

The 1985 amendments to the Farm Credit Act changed the organizational structure of the overseeing agency, the Farm Credit Administration, by replacing the 13 person Federal Farm Credit Board with a 3 person Presidentially appointed board of directors. The administration's regulatory powers over the System's institutions was increased. The amendments brought about major changes in that authority over the entire System was more centralized as contrasted with the original objective of setting up a decentralized System in which farmer members would have a major voice. The amendments also made it clear that as Congress should direct, the U.S. Treasury would be a lender of last resort to the System to ensure that it would not have to default on its outstanding bonds and notes.

The Farm Credit System today is responsible for providing the credit needed for keeping American farmers in operation insofar as that can be done. But the System is dependent upon farmers having an opportunity to make a living and to pay off their debts.

The Farm Credit System like farmers has been caught up in a very deep downturn in a cycle of agricultural prices and returns. But because farming is cyclical in nature, we can hope that the cycle has bottomed out and is starting an upturn. It is possible, however, that the System may have to rely upon funds from the U.S. Treasury to stay solvent until the cycle moves further along the upside.

If that happens, then the Farm Credit System will have the opportunity to do what it did in the 1930's. With Federal funds, it can help farmers survive a difficult period and thus contribute to the betterment of American life. Thank you very much.

Senator BOREN. Let me go back to your statement about the original purposes as we look back to the creation of the System in 1916. I gather that one of the purposes was to provide long-term mortgages for farmers so that they would be able to pay out these mortgages over a reasonable period of time and be able to sustain their farming operations.

Also one of the problems in the beginning was the wide differential in interest rates that were available to farmers in various parts of the country and various circumstances. Was one of the purposes of the original System to try to provide not only long-term credit but also credit at some equality of interest rates?

Mr. Rasmussen. That was certainly true. The commercial banking system at that time did not seem to be particularly interested in long-term loans to farmers. In fact, there were very few such loans available. Three to five years was the average term in the early 1900's for farm mortgage loans. And with that short period of time interest rates were high. They were probably twice as high at the time the land banks were set up, twice as high for farmers as they were for the commercial side of our economy.

Farming, of course, was more risky. There is just no doubt about that. It always has been. Nevertheless, there seemed to be a certain unfairness in a system that could not provide for the basic industry of the United States. This is what the Country Life Commission of 1908 said in its report. It is what a number of other study groups appointed by first President Roosevelt, President Taft, and President Wilson all said in regard to the problem.

So the goal was to establish long-term loans at moderate interest rates, at interest rates that would be certainly no higher than commercial long-term loans and hopefully with a cooperative system could be brought down even lower.

Senator BOREN. What about the equality of rates between farmers? Was it assumed that the System would provide credit to farmers on a reasonably equalized interest rate basis?

Mr. RASMUSSEN. Yes, it was. The whole System was set up as a cooperative, basically a cooperative System so that there would be an equality as between farmers. That you would not charge one member of your System 7 percent and another member 4 percent. It was pretty much across the board that there would be some interest rate, 4, 5, or 6 percent at that time.

Senator BOREN. Equally applied then to all the member borrowers?

Mr. RASMUSSEN. Equally applied across the board, yes.

Senator BOREN. Let me go back to the time, and Senator Grassley talked about the fact that obviously we went through a period of time in the thirties in which we faced circumstances not very dissimilar to what we are facing now. We had terrible cash flow problems for farmers. We had depressed incomes, and we had, of course, deflation of land values, deflation of the assets on which farmers were securing credit.

How did the Government during the farm depression of the thirties respond to the financial strains that were placed upon the System? And then I would ask you if you think a similar approach would be workable today?

Mr. RASMUSSEN. The System was under very, very severe stress by the early 1930's. It was not particularly the fault of the System. It was the fault of the continuing farm depression which really helped drag the whole Nation into the Great Depression. But something had to be done. In Iowa in Senator Grassley's State, a group of farmers went and pulled a judge off of a bench where he was hearing foreclosure proceedings, took him out and threatened to hang him unless he would swear to never again sign a foreclosure proceeding.

The judge stood by his guns and the farmers let him go. They didn't hang him, but nevertheless that showed the kind of thing that was going on.

Senator BOSCHWITZ. May I just ask a question?

Mr. RASMUSSEN. Yes.

Senator BOSCHWITZ. Not to interrupt, Senator Boren, but, what was the size of the Farm Credit System relative to overall farm lending? Was it about the same proportion as it is today?

Mr. RASMUSSEN. No, it was substantially smaller at the time. At that time, it had about a fourth of farm loans.

Senator BOREN. We have declined now in recent days—of course we have been much higher—but I understand we are down to somewhere in the neighborhood of a third now.

Mr. RASMUSSEN. Yes, well—

Senator BOREN. We were up much higher at one time.

Mr. RASMUSSEN. Yes. At the time the Farm Credit Administration was established, land banks had about a fourth of the farm mortgage paper. By the mid-1930's, they had about one-half.

Senator BOREN. So it grew very rapidly.

Mr. RASMUSSEN. It grew very rapidly, and it grew very rapidly in this way. Congress appropriated emergency funds. They appropriated emergency funds to help overcome the Great Depression in cities and in the country as well. It sounded like a lot of money, but the money that was being appropriated was less than the money being appropriated to relieve distress in the cities at the time.

Under the regulations, then, any creditor who wanted to foreclose had to work with a local committee with his debtor to see if they could reach some accommodation. When they could not, then the Farm Credit Bank, Farm Credit System, might take over that loan. But ordinarily they tried to reach some accommodation first. Even if they reached some accommodation and the bank was pressed for money, then the Federal land bank would buy that paper using the money that had been appropriated as an emergency appropriation by the Congress.

Senator Boren. So the Congress, rather than following the posture of raising interest rates, transferring funds within the System, and continuing with the foreclosure policy, appropriated an injection of capital into the System at that period of time?

Mr. Rasmussen. That is absolutely correct. In addition to just appropriating the capital, some of the funds were available if interest rates were reduced. Say in the private area, if interest rates were cut, then the system could reimburse that private bank for the difference in interest rates if they thought it was necessary.

They even went that far in trying to save the family farmer at that time.

Senator Boren. That is right. And as a result of that, was that appropriation, in essence, finally paid back?

Mr. Rasmussen. Every penny of it was paid back.

Senator Boren. When did the final payback occur?

Mr. Rasmussen. If I remember correctly, it was in the early 1960's.

Senator Boren. When you look at, and again from your historic perspective, when you compare what is done now with what was done then which to enable us to keep the interest rates on a stable, relatively low basis for farmers, enabled us to not put pressure on the local associations because of capital shortages and push them into foreclosures, do you think it would be more appropriate for us to look at a similar approach to that used in the 1930's?

Mr. Rasmussen. A historian should never forecast or make recommendations, but I'll step aside from being a historian and say my studies of the Farm Credit System suggest to me that we should take a very close look at the actions that were taken by the Congress in the 1930's and give you very serious consideration to going through some such action.

I know that the Farm Credit System today is proud of owning its own system, or not owning any Federal money, but nevertheless, the Farm Credit System was set up to serve the American farmer. The Farm Credit System was not set up to be a self-serving system.

Senator Boren. Let me ask one last question, and then I will not impose on my colleagues any longer. There were changes, of course, made in 1971 principally, and along the way since the system was first set up, and I understand when the System was first set up, loans to farmers were limited to 50 percent of the value of their holdings, and the land holdings were appraised based upon their agricultural use value.

Along the way, and particularly in the 1970's, that was changed to allow for up to 85 percent loan against the market value which, of course, was a much higher value than the agricultural production value. I was talking recently to some people about the state of British agriculture, and they said, well, one of the reasons why British agriculture was in a position to perhaps survive more of the stresses and strains that all of us are now going to be going through than American agriculture is because they were so much less highly leveraged and that the amount of debt per farm unit compared to normal income was so much lower in many other countries than the debt burden for farm unit is in the United States.

Why were these changes made, and do you think they contributed to our highly leveraged situation today?

Mr. Rasmussen. Well, just the last question. Of course, they contributed to our highly leveraged system today, and they were made because the period of the 1970's was the period when surpluses had disappeared. We were going into a period of inflation in the Nation. Farm prices were going up even faster than prices for everything else. The Secretary of Agriculture, most of the agricultural economists in the country and most of us in the Department of Agriculture, and most people in the land-grant colleges were saying we are reaching a new level of stability. Prices are going to stay high. Demand is going to stay high. Now is the time for the farmer to get out there and expand. Now is the time to buy that extra quarter section or to buy that new four-wheel drive tractor or whatever it is.

And every financial institution of which I am aware was out there selling the farmer money based on these very, very optimistic prognostications. They were good for about a decade during the seventies, but they got the farmer into the situation in which he is today.

Senator Boren. Senator Boschwitz, any questions?

Senator Boschwitz. That certainly is a fair appraisal of things. I want to ask you to repeat what was done in the thirties. Times do change in agriculture. In addition to the folks our there hawking money, interest rates were very low in real terms which was reversed in the 1980's, and interest rates became very high in real terms.

Interest rates in the Farm Credit System were even sometimes less than the rate of inflation so that it was very appealing to borrow, particularly when you were receiving all this advice from the "wisemen" who allegedly knew what was going to happen. It is a lesson that we should not overlook.

But would you repeat again quite precisely what the Federal Government did in the 1930's, and what the amount of money was involved? You skipped over it, and you said the figure of $38 million, and it was not clear to me. Would you please rather precisely say what was done in the 1930's and how much it cost? What did it cost, for instance, to go from a quarter of the farm loans to half of the farm at that time?

Mr. Rasmussen. The first provision for emergency credit was under the Emergency Farm Mortgage Act of 1933, and this provided a $200 million fund to the Land Bank Commissioner.

Senator Boschwitz. Are you reading from your statement?

Mr. Rasmussen. This is on page six of the statement. But I wanted to go ahead and say, and this is something I did not get into this statement, but this was followed very shortly by a $1.1 billion allocation from emergency funds to the new Farm Credit System. So that by the mid-1930's, the Federal Government probably had something in the nature of $1.5 billion in the System.

Of course, that does not seem like that much today, but back then that was real money.

Senator Boschwitz. I think we covered it cost $1.5 billion to go from a quarter to half, or the $1.5 billion included the first quarter as well?

Mr. Rasmussen. Well, it cost about that much to make the change, yes. Now, there was a lot of refinancing. I would have to go back and do a little studying to be able to answer that precisely. I am sorry to say I just don't know that exactly.

Senator Boschwitz. What was the rate of interest? That may not be a relevant question because the rate of interest was so low at those times.

Mr. Rasmussen. It was generally around 4.5 or 5 percent.

Senator Boschwitz. That was high at that time.

Mr. Rasmussen. That was high, yes.

Senator Boschwitz. Surprisingly high.

Mr. Rasmussen. It was generally running about that.

Senator Boschwitz. Thank you, Mr. Chairman.

Mr. Rasmussen. Excuse me. There was one other thing I should add that Congress from time to time did pass laws providing for lower interest rates for particular kinds of loans for particular purposes at one time and another, 3 percent loans for some purposes.

Senator Boschwitz. Was this an appropriation that the Congress made to the Farm Credit System, or was this a loan that was made to the Farm Credit System that was paid back, as you said, in the early 1960's?

Mr. Rasmussen. A lot of the money was a loan that was paid back. The very first money came out of an emergency appropriation and was an appropriation. But nevertheless it was always regarded as a loan aside from the setting of expenses, operating expenses for the System.

Senator Boren. Was the loan made, however, principally from appropriated funds even though it was made as a loan? It would be paid back?

Mr. Rasmussen. It was made out of directly appropriated funds.

Senator Boren. So Congress appropriated the funds, but then appropriated it with the condition that it be paid back as a loan over a period of time?

Mr. Rasmussen. Yes.

Senator Boren. Senator Daschle, any questions?

Senator Daschle. Thank you, Mr. Chairman. First, I am sorry I missed your initial comments, Mr. Rasmussen, and you may have addressed this. In terms of severity, does the acute condition within which the System finds itself today have any parallel in the 50 years?

Mr. Rasmussen. Well, certainly the Land Bank System found itself in 1930, 1931, and 1932——

Senator Daschle. I should say other than at the time of creation?

Mr. Rasmussen. No, at that time we have never had that bad a situation. We had a depression in the mid-1950's that put a little pressure on the System but not enough that there was even any doubt about it being able to carry through. This is the first time that we have had a farm depression that is more or less parallel to that of the 1930's.

Senator Daschle. In the 1930's, there was a real dissimilarity in interest rates and in the availability of capital in PCA's and Federal land banks. The variance in interest rates was quite dramatic. Is that not correct.

Mr. Rasmussen. That is correct, yes.

Senator Daschle. That is also correct today. What analogous relationships can you draw from that comparison?

Mr. Rasmussen. Well, the only thing I could say along that line is that as the System became established with this tremendous infusion of Federal money that the interest rates tended to level out throughout the System.

Senator Daschle. So, in other words, you could associate the dramatic variances in interest rate with the severity of the situation within which the System found itself?

Mr. Rasmussen. Yes, I certainly would.

Senator Daschle. Would you go as far as to say there were rational bases for that variance in interest rates?

Mr. Rasmussen. Well, certainly. It was a lot more risky to loan money on my old home ranch in Montana at that time than it was to lend money to a dairy farmer in Vermont who had a sure market in New York City. So naturally enough, the interest rate on that Montana ranch would be higher.

Senator Daschle. As you consider the opposition which obviously exists today—as I traveled through North and South Dakota, Nebraska, and Iowa, one of the most consistent statements of frustration and virtually outrage were the ads which indicated one could "buy North Dakota for 4.9 percent," you know that is understandable. They oftentimes do write and say, but I have to pay 12.5 percent to buy my land back in South Dakota. What would your answer be to somebody like that?

Mr. Rasmussen. My answer would be that we should be refinanceing 12 percent loans, and that we should be getting them down to current interest rates. I think that that was done with the land bank loans. A lot of those loans in the 1920's had been made at fairly high interest rates because of general prosperity at the time. They had to be refinanced at a lower interest rate, and that was what saved the American farmer in the 1930's.

Senator Daschle. And the refinance as paid for in large part through the appropriation we were addressing earlier?

Mr. Rasmussen. Exactly.

Senator Daschle. Let me ask one last question, and that relates to this trend toward centralization that we are developing here. As I understand it, there was a trend toward centralization 50 years ago, and then the whole System became decentralized with a great deal of local control. The local PCA's and Federal land banks had virtual autonomy when it came to much decisionmaking authority. We are shifting back toward that centralized sort of system. How do you see that? First of all, do you think the situation warrants that centralization? Number two, what are the ramifications from an historical perspective for the loss of local control?

Mr. Rasmussen. Well, of course, Congress did make the change a couple of years ago, and certainly Congress at the time felt that that was a rational thing to do. However, it was totally contrary to the original goals of the establishment of the Farm Credit System. The Farm Credit System when it was established in 1933 was not to further centralize the land bank system. It was to further decentralize the land bank system.

The thought then was that the financial interests in the big cities were not simply interested and were not able to take care of farm interests out there in the country. If you were going to have the farmers' interests taken care of, you had to get some by the farmers. And the thought was that not only would the farmers have a say in the local organizations, but eventually with their purchase of stock and paying back the Federal money, the farmers themselves would own and operate the system on a decentralized basis.

Now whether or not that is applicable today, I think I would have to leave that up to you, Senator.

Senator Daschle. I would say it is not applicable today.

Mr. Rasmussen. That is my own feeling, too. But it is a real problem.

Senator Daschle. Thank you. I am sure I have used up my time, Mr. Chairman. Thank you.

Senator Boren. Thank you, Senator Daschle. Senator McConnell.

Senator McConnell. Thank you, Mr. Chairman. Most of us would not like to see the Farm Credit System become a quasi-public Farmers Home Administration. FmHA has long since shown its ineptness in managing loan portfolios. I was wondering, Mr. Rasmussen, what the historical relationship has been between the Farm Credit System and the Farmers Home Administration, particularly back in the thirties?

Mr. Rasmussen. The Farm Credit System was basically set up to save what today we would call the mid-level, or the commercial family, farmer. It was not set up to help the tenant farmer become an owner. It was not set up to carry on an educational process with some poor farmer in some poor area. It was not to move a farmer from some poor area to another. First, the resettlement; then farm security; then today our Farmers Home Administration was set up, as they said at the time, to help the poorest of the poor, to help some of the tenants who were losing their places in some areas to become land owners. And there were a great many very expensive and some very inept plans set up to do this.

But the whole concept of the two systems was different. The one was to try to bring some very low level farmers up to a mid-level position, while the Farm Credit Administration was there to preserve what had been the backbone of our American economy, the mid-level family farm.

Senator McConnell. You may have covered this earlier, but has the Farm Credit System in the past had to deal with widely fluctuating interest rates that we have had for the last 8 years?

Mr. Rasmussen. Not nearly as much. The idea at any given time up until recent years that you had to take account of what that land could produce at current prices was kind of a leveling influence there. It kept the loans from going up as the prices of land went up and as interest rates went up. Of course, that was changed when we moved from the 60 to the 85 percent of value.

Senator McConnell. Senator Boren, in his opening statement, touched on an issue in this debate which may become important. I am wondering if the System has considered diversifying its loan portfolio to protect itself against these kind of wide swings in farm income?

Mr. Rasmussen. I am sorry. I just do not know.

Senator Boren. Well, the System was never set up, though, really to be a diversified lending institution. It was really set up strictly to service farmer members; was it not?

Mr. Rasmussen. That is correct. It was set up to be operated by farmers for farmers. That was it.

Senator Boren. So it was not ever really anticipated that it would invest in shopping centers or whatever?

Mr. Rasmussen. No, not in the beginning. It certainly never was. When it was set up, it was a farm system.

Senator Boren. Thank you very much, Senator McConnell. Again, Mr. Rasmussen, thank you very much for the perspective that you have provided for us this morning. It is very helpful to us as we begin these deliberations.

STATEMENT OF WAYNE D. RASMUSSEN, AGRICULTURAL HISTORIAN

Mr. Chairman, Members of the Subcommittee, I am pleased to be here today to discuss the historical background of the Farm Credit Administration and its programs.

Throughout our colonial and national history the frontier farmer found it difficult to secure credit. Money was usually scarce, prices low, and both interest rates and risks high. The situation became acute after the Civil War. The Western farmer was of necessity a commercial farmer, while many Eastern farmers were making the change from subsistence to commercial farming. The establishment of a commercial farm and its continued existence depended in many cases upon the availability of credit. The Southern farmer, too, was in need of money to re-establish or establish himself in the production of cotton.

Farmers' needs were the more acute in that the federal government was aiding financial and business interests by reducing the amount of money per capita in circulation. Many farmers turned to the Greenback movement, the Populist party, or free silver as promising aid, but all failed in their attempts to get more money into circulation. Sensitive to the needs of the business community, the government was indifferent to the farmers' financial problems.

The first governmental recognition of the farmers' credit needs came in 1908 when President Theodore Roosevelt's Country Life Commission called attention in its report to the lack of any adequate system of agricultural credit. The commission commented upon the cooperative phases of mortgage credit and posed the entire problem as one needing solution. The Commission saw a formal rural credit program as promoting rural life and welfare as well as serving to stabilize farm production.

The National Monetary Commission, appointed by President Roosevelt in 1909 to study general banking conditions, presented a detailed account of the German rural credit system. The American Bankers' Association carried on further studies. In the spring of 1912, the Southern Commercial Congress persuaded David Lubin, founder of the International Institute of Agriculture, to discuss the problem at the annual meeting of the Congress. With Lubin's encouragement, the Congress appointed an unofficial American Commission on Agricultural Credit and Cooperation to visit Europe in 1913 and study different agricultural credit systems.

Meanwhile, early in 1912, President Taft asked American diplomatic representatives abroad to gather material on European systems for a report. This report was sent to the state governors in the fall of 1912. In his transmittal letter, the President outlined the problem and stated that the federal and state governments must assume responsibility for "economically and honestly conducted institutions."

Action seemed assured when, at their 1912 conventions, the Republican, Democratic, and Progressive parties pledged themselves to better credit facilities for the farmer. In the spring of 1913, President Wilson appointed an official United States Commission to cooperate with the American Commission on Agricultural Credit and Cooperation. The commissions issued their report in the winter of 1913-1914, and legislation to effectuate their recommendations was introduced early in 1914.

Action on legislation was delayed by the need to reconcile three opposite views. One plan called for the establishment of privately-owned farm mortgage banks under the supervision of the federal government. Another was for the organization of a system based on cooperative principles, while the third plan was for the federal government to make direct loans to farmers. It was not until July 17, 1916, that the Federal Farm Loan Act was passed and signed by the President. The compromise act permitted the establishment of both privately-owned and cooperative farm mortgage banks.

The agricultural credit system was modeled upon the federal reserve system in its general outline as well as in many details. Corresponding to the Federal Reserve Board at the head of the federal reserve system was the Federal Farm Loan Board. The federal land banks occupied a position analagous to that of the federal reserve banks. The national farm loan associations of the agricultural credit system were to it what the individual member banks are to the federal reserve system. The joint stock land banks presented a structural difference, but otherwise the outlines of the two systems were almost identical, and the joint stock land banks were comparatively short lived. Congress, in passing the original Federal Farm Loan Act in 1916, made it quite clear that it expected the Federal Land Banks and the Federal Land Bank Associations to become a cooperative credit system in which farmers would have the responsibility of organizing and operating their local associations, and in owning and having a voice in running their district Federal Land Banks. That is, a decentralized system that in time could be controlled by the farmers themselves was established.

Congress provided the original capital for the Federal land banks with a provision for farmers to organize local associations. As farmers obtained long-term mortgage loans from the land banks, they were to invest 5 percent of their loans in the capital stock of their local associations. The local associations would in turn invest in the capital of the Federal land banks and gradually replace the Government-owned capital. They were to operate at cost. The joint stock land banks were to be capitalized by private interests, and operate to make a profit for their stockholders. Both the systems were empowered to sell bonds to the investing public to raise money for making loans to farmers.

The federal land banks, by making available amortized loans for periods as long as 20 to 40 years throughout the country, brought about fundamental changes in farm mortgage lending. They eliminated the need for high interest rates and renewal fees every 3 to 5 years. Other lenders gradually began to follow suit in order to compete.

In 1932, Congress authorized the organization of the 12 Federal intermediate credit banks to work alongside the Federal land banks. These banks by discounting farmers' short-term notes were to provide funds for operating purposes. The banks were wholesalers of credit. Congress hoped commercial banks would use their services and that farmers would also organize local associations to serve as retailers of credit. The banks were also authorized to lend to farmers' marketing cooperatives on security of commodities in storage. Federal intermediate credit banks had only limited use up to 1933 because of the lack of retail outlets. Congress had authorized the Secretary of Agriculture to lend farmers the money to organize local agricultural credit corporations to use the facilities of the Federal intermediate credit banks. However, only a few were organized.

Starting as early as 1918, the Secretary of Agriculture had been authorized and funds had been provided, from time to time, to make emergency seed, crop, and feed loans. The authority to make such loans was transferred later to the jurisdiction and control of the Farm Credit Administration.

Useful as the land banks and the intermediate banks were to individual farmers, they were unable to stem the ravages of the continuing farm depression of the 1920's. Then when the Great Depression hit the Nation in 1929, farm prices, already down, went down further and faster than anything else. The Federal Land Banks were dependent upon installment payments on their loans to pay interest on their bonds, but many farmers were unable to make payments. The situation made it almost impossible for the banks to sell bonds so loan funds dried up. In 1932, the banks made loans totaling only $28 million to 7,000 farmers in spite of the fact that many more were clamoring for money.

Meanwhile, in 1929, upon the recommendations of President Hoover, Congress had established the Federal Farm Board with a revolving fund with which to make loans to cooperatives. The cooperatives were to hold and market commodities over the year instead of having farmers selling all at once at low prices at harvest time. Worthy as the goal was, the advent of the Great Depression, brought about at least in part by the continuing farm depression, made it impossible for the Farm Board to stabilize farm markets.

A number of rapid actions were taken by President Franklin Delano Roosevelt and Congress to solve the desperate credit crisis which faced American farmers. By 1933, farmers' income was approaching the vanishing point. Lenders were foreclosing mortgages by the thousands. Hundreds of thousands of other farmers were without credit and threatened with the loss of their farms.

In the Midwest, some farmers join what they called the Farm Holiday Association and, in addition to trying to stop the movement of products to market, they threatened violence to stop foreclosures. Additional legislation was needed to enable the government to meet the desperate need for emergency credit.

Congress made provision for emergency credit by passing the Emergency Farm Mortgage Act of May 12, 1933. This act provided a $200 million fund to the Land Bank Commissioner to make both first and second mortgage loans to refinance farmers' debts as a supplement to financing by the Federal land banks. These loans were handled through the existing Federal land bank system. The Emergency Farm Mortgage Act also provided for a temporary education in interest rates on Federal land bank loans. The land banks were reimbursed from the United States Treasury for the differences between the interest rate the farmers contracted to pay and the emergency rate established by Congress. The legislation provided for extension of time to worthy land bank borrowers who were unable to meet their payments, by authorizing the United States Treasury to subscribe amounts to the paid-in surplus of the banks equal to amounts deferred. The act also provided for the liquidation of the joint stock land banks.

The establishment of the Farm Credit Administration by executive order on May 27, 1933, was followed by the Farm Credit Act of June 16, 1933. The Farm Credit Act provided for the establishment of local production credit associations to bring the services of federal intermediate credit banks to farmers. It provided the original capital to organize these credit cooperatives, but arranged for farmers to gradually replace the Government-owned capital by investing in stock in proportion to the size of their loans. The Farm Credit Act made funds available to capitalize 12 district banks and 1 central bank for cooperatives.

The Farm Credit Act was followed by the Federal Farm Mortgage Act of January 3, 1934. This act used the Land Bank Commissioner fund to capitalize a Federal Farm Mortgage Corporation to expand the money available for emergency financing.

The additional authority and funds enabled the Federal land banks on their own behalf and for the Federal Farm Mortgage Corporation to stem the tide of foreclosures, save the farms of hundreds of thousands of families, and incidentally help unfreeze the assets of country banks and insurance companies. From May 1933 to the end of 1935, the land bank system on its own behalf and for the Federal Farm Mortgage Corporation made 726,000 loans totaling nearly $2 billion. By the end of 1935, the Federal land bank system, together with the Federal Farm Mortgage Corporation, held 48 percent of the total farm mortgage debt of the country. The refinancing program cut farmers' interest bills by about $38 million a year. In addition, many creditors agreed to scale down farmers' debt to them so farmers might be eligible for mortage loans and thus enable creditors to get cash. These scale-downs totaled an estimated $200 million.

The Frazier-Lemke Amendment of June 28, 1934 was the most controversial law relating to farm mortgages ever passed by the Congress. This law, to be in effect until 1938, called first for voluntary and then for compulsory negotiations between creditors and debtors. If agreement could not be reached, the debtor could not foreclosure on the property for three years. The law was declared unconstitutional in 1935 and was replaced by a revised Frazier-Lemke Act which gave creditors more protection. This act was renewed until 1949, when it expired. The law was strongly attacked and as strongly defended, but by 1935 the refinancing of farm mortgage being carried out through the Farm Credit Administration had taken some of the pressures off for moratoriums on foreclosures. In 1934, there were 27.8 foreclosures per thousand farms mortaged, while in 1936 the number had declined to 20.0. Three years later the number was 15.0.

With the refinancing program under control, the land bank system turned to the task of finding ways to straighten out the overlapping territories of national farm loan associations, later designated Federal land bank associations, and to strengthen their financial structure. The stock of over one-third of the associations was impaired.

By 1939, the land banks found many of the borrowers they and the Federal Farm Mortgage Corporation had financed were still not able to make enough progress to indicate they would be able to handle their debt loan. The foreclosure rate on loans of the Federal Farm Mortgage Corporations rose.

It was at this time the Farm Credit Administration was transferred from its independent agency status to become a part of the United States Department of Agriculture. To leaders of the Farm Credit Administration, loss of independent status seemed a threat to the cooperative nature of the farm credit system. In the period between the President's message to Congress on Reorganization Plan No. I, April 25, 1939, and the actual transfer, effective July 1, 1939, protests were made to the President and to Congress.

Dissatisfied officials of the Farm Credit Administration and others who opposed the transfer were assured by Secretary of Agriculture Henry A. Wallace on May 22, 1939, that the Farm Credit Administration would not become an integral part of the Department of Agriculture. It would remain an autonomous agency except that it would report to the Secretary of Agriculture rather than to the President.

After reviewing Farm Credit Administration policies in relationship to other policies and programs of the Department of Agriculture, Secretary Wallace decided that the Farm Credit Administration as a part of the Department of Agriculture should have its functions coordinated with the other activities of the Department. Forrest F. Hill was succeeded as governor of the Farm Credit Administration by Albert T. Black, who had been serving as the Department's Director of Marketing and Regulatory Work. The appointment of Black as Acting Governor was announced by President Roosevelt on December 20, 1939. These changes were followed by an easing of the foreclosure policy of the banks and the Federal Farm Mortgage Corporation which resulted in cutting foreclosures from 18,694 in 1939 to 9,407 in 1940. Variable payment plans geared to farm income were tried on 7,000 farms, and standstill agreements on second mortgage Federal Farm Mortgage Corporation loans were put into effect on about the same number of farm loans. The effort to resell or lease foreclosure farms to former borrowers or their relatives was increased. During World War II, a period of farm prosperity, FCA used its loan authority to help farmers make changes needed to increase production, while encouraging the paying off of earlier loans. On December 4, 1953, the Farm Credit Administration again became an independent agency.

In 1971, Congress consolidated all previous laws regarding the farm credit system into a new Farm Credit Act. The act specified that Federal Land Bank loans could not exceed 85 percent of the appraised value of the real estate offered for security. Prior to 1971, the banks could lend up to only 65 percent of the normal agricultural value of real estate. Under this legislation, the component parts of the farm credit system were able to pool capital, share losses, exchange loans, participate in loan syndications, and continue to gather funds nationwide through the sale of bonds and other debt instruments.

For many years the farm credit system was regarded as one of the most stable segments of the financial community. During the 1970's, when farmers were generally prosperous, the system increased its share of lending to the agricultural sector from 24 percent of total agricultural loans made in 1971 to 33 percent in 1981. However, as land began to fall in 1982, the security backing many of the loans fell to below the amounts of the loans. Too, increasing interest rates caused problems. Although legislation has set special interest rates at various times in the past, legislation in effect for many years provided that the interest rates charged should not exceed the interest rate on the last series of farm-loan bonds issued by the bank making the loan plus one percent. This meant that in a period of rapidly rising interest rates, the Farm Credit Land Banks could keep up with the increasing costs of money. However, at least in recent years, the system priced its interest rates according to the average rate it paid on its total portfolio of bonds and notes outstanding plus one percent. This helped farmers in times of inflation but was a problem for the system. By mid-1985, the Spokane and Omaha districts were in difficulty and the entire system was deteriorating. Nonperforming loans were on the increase and the demand for the system's bonds and notes eroded. These problems led to a major overhaul by Congress of the system's regulatory structure and business methods.

The 1985 amendments to the Farm Credit Act changed the organizational structure of the overseeing agency, the Farm Credit Administration, by replacing the 13-person Federal Farm Credit Board with a 3-person Presidentially-appointed Board of Directors. The Administration's regulatory powers over the system's institutions was increased. The Farm Credit System Capital Corporation was rechartered as essentially an additional bank with the responsibility for assisting system banks in financial difficulty. The amendments empowered the Secretary of the Treasury to purchase bonds issued by this Corporation up to an amount provided for by Congressional appropriations.

The amendments brought about major changes in that authority over the entire system was more centralized as contrasted with the original objective of setting up a decentralized system in which farmer members would have a major voice. The amendments also made it clear that as Congress should direct, the U.S. Treasury would be a lender of last resort to the system to ensure that it would not have to default on its outstanding bonds and notes.

The Farm Credit system is responsible for providing the credit needed for keeping America's farmers in operation insofar as that can be done. But the system is dependent upon farmers having an opportunity to make a living and to pay off their debts. The Farm Credit system, like farmers, has been caught up in a very deep downturn in the cycle of agricultural prices and returns. But because farming is cyclical in nature, we can hope that the cycle has bottomed out and is starting an upturn. It is possible, however, that the system may have to rely upon funds from the U.S. Treasury to stay solvent until the cycle moves further along the up side. If that happens, then the Farm Credit Administration will have the opportunity to do what it did in the 1930's. With Federal funds, it can help farmers survive a difficult period and thus contribute to the betterment of American life.

By Mr. RIEGLE (for himself and Mr. DANFORTH):

S.J. Res. 184. Joint resolution designating October 15, 1987, as "National Safety Belt Use Day"; to the Committee on the Judiciary.

NATIONAL SAFETY BELT USE DAY

● Mr. RIEGLE. Mr. President, I rise today to introduce legislation with Senator DANFORTH that designates October 15, 1987, as "National Safety Belt Usage Day."

In 1984, Secretary Dole issued a rulemaking that had the effect of spurring many States to pass mandatory seatbelt laws. Since that time, 29 States and the District of Columbia have enacted such statutes, and it is clear that seatbelt usage has increased, and injuries from traffic accidents in those States have declined. Statistics that have been gathered by the Department of Transportation show that safety belts saved 2,200 lives in 1986, with 1,760 of those in States with mandatory belt use laws. Thousands of critical injuries have also been prevented by the use of safety belts.

Mr. President, almost every study that has ever been conducted on the use of safety belts has shown that they are effective in reducing death and injuries from automobile accidents. Indeed, most people know that fact, and yet less than one-half of all Americans use their safety belts. The number of people using seatbelts, however, continues to climb, and the combination of public education and mandatory laws has seen total usage increase from 11 percent in 1982 to 42 percent in 1987. We can, and will continue this improvement.

Another area where proper restraint systems have reduced death and injuries are child seats. It is estimated that proper usage of these seats could save about 500 lives per year.

We do hope that our Senate colleagues can join us in cosponsoring this joint rsolution. It is fitting that we recognize the benefit that safety belts have had on all of our lives, and this joint resolution will serve to continue our efforts toward the goal of universal safety belt usage. I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 184

Whereas safety belts and child safety seats have proven to be effective in reducing highway fatalities and injuries;

Whereas the legislatures of 29 States and the District of Columbia have recognized the benefits of safety belt use and enacted safety belt use laws;

Whereas child safety seat laws are in effect in all of the States;

Whereas as a result of these laws and other activities, millions of Americans are regularly wearing safety belts and using child safety seats;

Whereas the universal use of these safety systems would prevent thousands of fatalities and injuries each year;

Whereas the use of safety belts and child safety seats should be encouraged even as passive restraint systems are phased into the vehicle fleet;

Whereas numerous public interest and safety organizations are working to encourage more extensive use of safety belts and child safety seats; and

Whereas the law enforcement community has played an essential role in encouraging the more widespread use of safety belts and child safety seats: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 15, 1987, is designated as "National Safety Belt Use Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to wear safety belts and have their children use child safety seats, and encouraging public safety and law enforcement agencies to promote greater usage of these essential safety devices.

● Mr. DANFORTH. Mr. President, I am pleased to join with Senator RIEGLE in introducing a resolution on designating October 15, 1987 as "National Safety Belt Use Day." This resolution is designed to promote the use of two important safety devices, child car seats and seat belts.

Mr. President, we have made considerable progress in both child safety seat use and seat belt use in the last 5 years. We should not use a "National Seat Belt Use Day" solely for self congratulation, however. In fact, there were 46,000 highway deaths in 1986—a 5-percent increase over 1985. To stop this trend, we must make further improvements and I want to discuss some of those improvements.

CHILD SAFETY SEATS

Mr. President, I have long been a believer in the value of child safety seats. In 1984, I helped pass legislation requiring each State to expend at least 8 percent of its highway safety grant money in fiscal years 1985 and 1986 for developing and implementing programs concerning the use of child safety seats.

Child car seat laws are in effect in all 50 States. The child safety seat law in my home State of Missouri is representative of these lifesaving measures. It requires that children under 4 years of age be protected by an approved safety seat if they are riding in the front seat. Young children in the rear seat must be restrained with a seat or a standard belt. An infraction carries a $25 fine.

These laws and public education have greatly increased child safety seat use. The National Highway Traffic Safety Administration [NHTSA] reports that between 1981 and 1986, safety seat use rose 23 to 72 percent. These laws are critical to the protection of our children. A 1986 Department of Transportation [DOT] study estimated that when correctly used, child car seats can greatly reduce deaths and injuries. A child that is in a car seat can survive 71 percent of the serious accidents that would be fatal to an unrestrained child. A child car seat can prevent 69 percent of the hospitalization that unrestrained children suffer in serious accidents.

The same 1986 DOT study points out an area in which our efforts in the child safety seat area can improve—proper usage. Specifically, DOT found that 21 percent of seats are grossly misused that is, where either the child is not restrained in the child car seat, the seat is not anchored to the vehicle, or an unsuitable seat is used—and 40 percent of the seats are partially misused. That is, where some elements of the child car seat are not used properly but the child is somehow held in the seat which is anchored to the vehicle in some manner. Grossly misused seats were found to be of little or no value in reducing death and injury. Partially misused seats are only 44 percent effective in reducing fatalities and 48 percent effective in reducing hospitalizations.

Mr. President, I hope the occasion of "National Seat Belt Use Day" will be used to encourage public education on the proper use of child safety seats.

STATE MANDATORY SEAT BELT USE LAWS

State mandatory seat belt use laws are an important weapon against highway death. Twenty-nine States have enacted seat belt laws. On September 25, 1985, my home State of Missouri became the fourth State to enact such a law.

We have now had enough experience with seat belt laws to know what makes them work. First, there must be local community support and extensive publicity about the seat belt law and the value of seat belts. For example, in my home State of Missouri, the Missouri Safety Council has published Missouri Buckle Up-Date to encourage belt use. Gov. John Ashcroft declared May 18–25, 1987, "All American Buckle-Up Week" in Missouri. We need to support these local efforts in the Congress. That is exactly why we need events such as "National Seat Belt Use Day." Second, the law must be well written so that it can be effectively enforced. Laws that provide no fine—for example, Minnesota—or a minimal fine—for example, Idaho, $5—are less likely to be observed. Finally, law enforcement must make public education about such laws and enforcement a high priority.

When all of these forces come together, these laws can work well. For example, seat belt use rates in Texas have been the highest in the country. According to a DOT study of belt use in 19 cities from January to June 1986, Dallas led the country with 70.9 percent belt use and Houston was next with 70.1 percent use. The Insurance Institute for Highway Safety and Texas officials have attributed this success to extensive publicity and effective organizing by community groups and to a strong enforcement program (including 28,000 tickets handed out by State Troopers between January and April, 1986).

Mr. President, seat belt use is important and we should use "National Seat Belt Use Day" to rededicate ourselves to encouraging widespread seat belt use. There is another essential compenent of an effective occupant protection system that we must also encourage—the airbag. A seatbelt is not a substitute for an airbag. Great Britain has achieved 95 percent compliance with its seatbelt law that went into effect on February 1, 1983. Fatalities have been reduced but certain types of injuries have increased. Drivers who used to be killed are now surviving because their seatbelts prevent ejection. But, according to a study of British hospital admissions entitled, The Medical Effects of Seat Belt use in the United Kingdom, there was 45.8 percent increase in major head injuries to drivers after the law's enactment. This occurs because drivers using seat belts often strike their head on the steering wheel. Air bags could prevent such injuries and also reduce fatalities. If we use airbags along with seatbelts, DOT estimates that we could save 8,500 lives and prevent more than 30,000 injuries each year.

Under DOT's passive restraint rule, 10 percent of model year 1987 cars, 25 percent of model year 1988 cars, 40 percent of model year 1989 cars and 100 percent of all cars manufactured in model year 1990 and beyond must be equipped with passive restraints. To comply with the passive restraint rule, manufacturers have the choice of equipping their cars with either airbags, automatic seat belts or specially padded interiors. I am pleased that many automakers have chosen airbags, the most effective occupant protection device, as their method of compliance. Mercedes led the way with airbags. Ford took the lead among the domestic manufacturers. Ford plans to offer 500,000 to 1 million driver side airbag-equipped cars by model year 1990. Chrysler told the Commerce Committee in March 1987 that it plans to offer driver side airbag-equipped cars on the following schedule: model year 1988—50,000 to 70,000; model year 1989—200,000 to 250,000; and model year 1990—600,000 to 900,000. GM has announced plans for 500,000 driver side airbag-equipped cars in model year 1990 and by model year 1992 it plans to produce nearly 3 million driver side airbag-equipped cars. I am heartened by these announcements and I hope that the automakers follow through on their promises.

CONCLUSION

Mr. President, I urge all my colleagues to support the designation of October 15, 1987, as "National Seat Belt Use Day," We can make great strides to improve highway safety if child safety seats and seat belts are widely used.●

By Mr. DeCONCINI (for himself, Mr. Durenberger, Mr. Baucus, Mr. Bentsen, Mr. Bradley, Mr. Breaux, Mr. Bumpers, Mr. Conrad, Mr. Cranston, Mr. Daschle, Mr. Dodd, Mr. Ford, Mr. Glenn, Mr. Gore, Mr. Graham, Mr. Johnston, Mr. Kerry, Mr. Levin, Mr. Matsunaga, Mr. Mitchell, Mr. Moynihan, Mr. Nunn, Mr. Pell, Mr. Pryor, Mr. Reid, Mr. Sanford, Mr. Sasser, Mr. Simon, Mr. Sarbanes, Mr. Stennis, Mr. Wirth, Mr. Boschwitz, Mr. Chafee, Mr. Domenici, Mr. Garn, Mr. Hatch, Mr. Humphrey, Mr. Karnes, Mr. Kasten, Mr. McCain, Mr. McClure, Mr. Nickles, Mr. Simpson, Mr. Stafford, Mr. Warner, Mr. Wilson, Mr. Evans, Mr. Grassley, Mr. Hecht, Mr. Heinz, Ms. Kassebaum, Mr. Pressler, Mr. Roth, Mr. Stevens, and Mr. Symms):

S.J. Res. 185. A joint resolution to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "National Drinking Water Week"; to the Committee on the Judiciary.

NATIONAL DRINKING WATER WEEK

Mr. DeCONCINI. Mr. President, along with Senator Durenberger and numerous Members of this body, it gives me great pleasure today to introduce a joint resolution that designates the week of May 2 through May 8, 1988, as National Drinking Water Week.

A clean and abundant supply of quality drinking water is often taken for granted in this country. Individuals around the United States wonder into their businesses and households and expect an unlimited quantity of water to pour from the spouts. Not a day goes by, however, that we do not learn of another incident somewhere in this Nation where those supplies of quality water are being threatened by pollution, acts of nature, or other occurrences. A clean and healthy supply of drinking water is vital to the continued well-being of our Nation's citizens. It's availability, however, is the result of hard work from dedicated men and women who are involved in daily responsibility of bringing fresh quality drinking water to our household taps.

Coming from a State like Arizona where water is a precious commodity, I have a personal knowledge and understanding of the importance of water and realize only too clearly the consequences of a scarce and unusable supply. It is one reason that gives us life. And, it is one resource Americans need to better understand and value. The purpose of this resolution is to enhance the public's awareness of clean drinking water through public education programs, ceremonies, and activities. The designation of the week of May 2 through May 8, 1988 will get us started on this long overdue education process.

Mr. President, I hope this body will approve the National Drinking Water Week resolution. In closing, I wish to thank my fellow colleagues who have lent their support for this joint resolution.

By Mr. CRANSTON (for himself and Mr. D'Amato):

S.J. Res. 186. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SHORT TERM EXTENSION OF FHA INSURANCE

Mr. CRANSTON. Mr. President, I rise today with Senator D'Amato to introduce a joint resolution that would provide for a short term extension of the FHA insurance program.

This bill would provide for a short term extension until November 1, 1987, and make it clear to everyone who cares about affordable homeownership that we are determined to prevent FHA from shutting down this year. Last year, FHA was forced to shut down six times for a total of 51 days. Those inexcusable disruptions harmed the housing industry and hundreds of thosands of homebuyers.

The Housing and Community Development Act of 1987 would provide for permanent FHA insurance authority so that we will never have a recurrence of the shameful failure that we saw in the last Congress.

We are now engaged in conference negotiations with the House on the housing bill. The negotiations are proceeding very well in the spirit of good bipartisan cooperation.

We expect to have a sound agreement shortly after we return from the August recess, well before the September 30 expiration of FHA authority. However, many have expressed concern that administration opposition could cause the deadline to be missed. Introduction of this bill today will put the administration on notice that we will not let this happen. We will not permit the administration to "play chicken" with FHA insurance.

Identical legislation will be introduced on the House side and the House and Senate leaders intend to act on this joint resolution soon after we return from the August recess.

● Mr. D'AMATO. Mr. President, as ranking member of the Senate Housing Subcommittee, I rise today to join with the chairman of the subcommittee, Senator Cranston, to introduce legislation to extend the insuring authority of the Federal Housing Authority [FHA] of the U.S. Department of Housing and Urban Development. Under this legislation, the FHA mortgage insurance authority would be extended until November 1, 1987. Currently, under Public Law 99-430, the FHA authority to insure home mortgages will expire on September 30, 1987.

Both the House and the Senate have passed a housing reauthorization bill, including provisions for the continuation of the FHA insuring authority. However, there are more than 100 other provisions to be reconciled. A House and Senate conference committee, of which Senator Cranston and I are members, has begun work to produce a housing bill. This process may take us passed the September 30 deadline for the authorization of FHA mortgage insurance. Therefore, Senator Cranston and I are introducing legislation today that would allow the FHA to continue, without interruption, its operating authority for the numerous mortgage insurance programs through November 1, 1987. This will give the conferees enough time to work out our differences without a threat of a FHA shut down.

As you know, Mr. President, last year the FHA insuring authority had become a pawn in a larger battle between the House and Senate over a controversial reauthorization bill of all Federal housing programs. The Congress passed seven short-term extensions. However, during the course of congressional deliberations, the insuring authority was allowed to expire a shocking six times. FHA shut down its operation a total of 51 days. This caused confusion and frustration among many prospective homebuyers. It threatened the housing plans of many low- moderate- and middle-income Americans. Further, it destabilized the mortgage and housing financing system in our Nation.

The legislation being introduced will not allow the insuring authority to expire on September 30, 1987, while the 1987 housing reauthorization bill is in conference. This will keep the FHA running smoothly through November 1, 1987, without causing any undue hardship on homebuyers, mortgage lenders, home builders, and the many individuals involved in our Nation's housing industry and financing system.

Mr. President, FHA is one of the most successful partnerships ever created between the public and private sectors. During its illustrious 53-year history, FHA has assisted more than 15 million American families realize the dream of homeownership. Let us continue that history. Let us preserve the integrity of this vital Federal agency. I urge my colleagues to join us and to support this legislation.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 58

At the request of Mr. DANFORTH, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 181

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 181, a bill entitled the "Public Safety Officers' Death Benefits Amendments of 1987".

S. 604

At the request of Mr. PRYOR, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 612

At the request of Mr. SIMON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 612, a bill to repeal a provision of Federal tort liability law relating to the civil liability of Government contracts for certain injuries, losses of property, and deaths and for other purposes.

S. 629

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 629, a bill to establish literacy programs for individuals of limited English proficiency.

S. 680

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 680, a bill to prohibit the use of subtherapeutic doses of penicillin, chlortetracycline, and oxytetracycline in animal feed.

S. 685

At the request of Mr. QUAYLE, the name of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 685, a bill to amend the Deficit Reduction Act of 1984 to make permanent the administration offset debt collection provisions with respect to education loans.

S. 756

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 756, a bill to ensure the amounts paid for home improvements to mitigate indoor air contaminants such as radon gas qualify for the tax deduction for medical care expenses.

S. 929

At the request of Mr. MELCHER, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. DIXON], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 929, a bill entitled the "Volunteer Protection Act of 1987".

S. 936

At the request of Mr. DURENBERGER, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 936, a bill to amend title XVIII of the Social Security Act to permit certain individuals with physical or mental impairments to continue medicare coverage at their own expense.

S. 943

At the request of Mr. ADAMS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 943, a bill to amend the Federal Aviation Act of 1958 to ensure the fair treatment of airline employees in airline mergers and similar transactions.

S. 1085

At the request of Mr. GLENN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1085, a bill to create an independent oversight board to ensure the safety of United States Government nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, and for other purposes.

S. 1220

At the request of Mr. KENNEDY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1220, a bill to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

S. 1320

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1320, a bill to provide adequate funding levels for solar energy research and development, to encourage Federal procurement of solar energy systems, to encourage Federal loans for solar energy equipment, to enhance the international competitiveness of the solar industry, and for other purposes.

S. 1343

At the request of Mr. BUMPERS, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1343, a bill to require that the use of United States Armed Forces to escort, protect, or defend certain reregistered vessels in the Persian Gulf comply with the War Powers Resolution.

S. 1347

At the request of Mr. SIMON, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1347, a bill to facilitate implementation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes.

S. 1355

At the request of Mr. GRAMM, the names of the Senator from Wyoming [Mr. WALLOP] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1355, a bill to ensure energy security for the Nation by expanding the domestic petroleum reserve base.

S. 1371

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1371, a bill to designate the Federal building located at 330 Independence Avenue SW., Washington, District of Columbia, as the "Wilbur J. Cohen Federal Building".

S. 1391

At the request of Mr. EXON, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 1391, a bill to amend the Surface Transportation Assistance Act of 1982.

S. 1453

At the request of Mr. HEINZ, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1453, a bill to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other purposes.

S. 1468

At the request of Mr. MITCHELL, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of S. 1468, a bill to provide for a Samantha Smith Memorial Exchange Program to promote youth exchanges between the United States and the Soviet Union, and for other purposes.

S. 1469

At the request of Mr. BOSCHWITZ, the names of the Senator from Alabama [Mr. SHELBY], the Senator from California [Mr. WILSON], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 1469, a bill to amend title VII of the Social Security Act to restrict the use of "Social

Security" or "Social Security Administration" on goods not connected with such Administration.

S. 1475

At the request of Mr. Melcher, the names of the Senator from Arizona [Mr. DeConcini], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of S. 1475, a bill to establish an effective clinical staffing recruitment and retention program, and for other purposes.

S. 1483

At the request of Mr. Heinz, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 1483, a bill to reestablish food bank special nutrition projects, to establish food bank demonstration projects, and for other purposes.

S. 1501

At the request of Mr. Cranston, the name of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of S. 1501, a bill to amend title 38, United States Code, to eliminate the requirement that the Administrator of Veterans' Affairs carry out a transition under which community-based Vet centers would be moved to Veterans' Administration medical facilities and to provide standards and procedures governing any closures or moves of Vet centers, and for other purposes.

S. 1511

At the request of Mr. Moynihan, the names of the Senator from Oregon [Mr. Hatfield], the Senator from Missouri [Mr. Bond], the Senator from California [Mr. Cranston], the Senator from Vermont [Mr. Leahy], and the Senator from Ohio [Mr. Metzenbaum] were added as cosponsors of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC Program with a comprehensive program of mandatory child support and work training which provides for transition child care and medical assistance, benefits improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal.

S. 1519

At the request of Mr. Lautenberg, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 1519, a bill to authorize the President of the United States to award congressional gold medals to Lawrence Doby and posthumously to Jack Roosevelt Robinson in recognition of their accomplishments in sport and in the advancement of civil rights, and to authorize the Secretary of the Treasury to sell bronze duplications of those medals.

S. 1520

At the request of Mr. Baucus, the names of the Senator from Washington [Mr. Evans], the Senator from Missouri [Mr. Danforth], the Senator from Alabama [Mr. Heflin], the Senator from Nevada [Mr. Hecht], the Senator from Alabama [Mr. Shelby], the Senator from North Dakota [Mr. Conrad], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of S. 1520, a bill to amend the Internal Revenue Code of 1986 to allow certain entities to elect not to make changes in their taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 1522

At the request of Mr. Riegle, the names of the Senator from Tennessee [Mr. Gore], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1546

At the request of Mr. D'Amato, his name was added as a cosponsor of S. 1546, a bill to provide for the termination of the reregistration of certain Kuwaiti-owned vessels under the flag of the United States.

At the request of Mr. Bumpers, the names of the Senator from Colorado [Mr. Wirth], the Senator from Hawaii [Mr. Inouye], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Vermont [Mr. Leahy] were added as cosponsors of S. 1546, supra.

S. 1548

At the request of Mr. Lugar, the names of the Senator from Illinois [Mr. Dixon], the Senator from Florida [Mr. Chiles], and the Senator from Virginia [Mr. Trible] were added as cosponsors of S. 1548, a bill to amend section 1886 of the Social Security Act to require that certain hospitals be classified as being located in an urban area for purposes of determining payments under the medicare program for inpatient hospital services furnished by such hospitals and to require that certain hospitals be treated in the same manner as a hospital located within a particular geographic area for purposes of making such determination.

S. 1554

At the request of Mr. Fowler, the name of the Senator from Vermont [Mr. Stafford], was added as a cosponsor of S. 1554, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy conservation, and for other purposes.

S. 1557

At the request of Mr. Hollings, the name of the Senator from California [Mr. Cranston] was added as a cosponsor of S. 1557, a bill to require the Secretary of Transportation to promulgate rules regarding certain operating transponders on aircraft, and for other purposes.

S. 1587

At the request of Mr. D'Amato, the names of the Senator from Idaho [Mr. McClure], and the Senator from California [Mr. Wilson] were added as cosponsors of S. 1587, a bill to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic Games.

S. 1614

At the request of Mr. D'Amato, the names of the Senator from Utah [Mr. Garn], and the Senator from New Mexico [Mr. Bingaman] were added as cosponsors of S. 1614, a bill to restrict United States assistance for Panama.

SENATE JOINT RESOLUTION 21

At the request of Mr. Hollings, the name of the Senator from West Virginia [Mr. Byrd] was added as a cosponsor of Senate Joint Resolution 21, joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 26

At the request of Mr. Pell, the name of the Senator from Nebraska [Mr. Exon] was added as a cosponsor of Senate Joint Resolution 26, joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 106

At the request of Mr. Bingaman, the names of the Senator from Massachusetts [Mr. Kennedy], the Senator from South Dakota [Mr. Pressler], and the Senator from Kentucky [Mr. McConnell] were added as cosponsors of Senate Joint Resolution 106, joint resolution to recognize the Disabled American Veterans Vietnam Veterans National Memorial as a memorial of national significance.

SENATE JOINT RESOLUTION 144

At the request of Mr. Wirth, the names of the Senator from Virginia [Mr. Trible], the Senator from Kansas [Mrs. Kassebaum], the Senator from Georgia [Mr. Fowler], the Senator from Iowa [Mr. Grassley], the Senator from Michigan [Mr. Riegle], the Senator from Mississippi [Mr. Cochran], the Senator from South Dakota [Mr. Daschle], the Senator from Arizona [Mr. DeConcini], the Senator from Massachusetts [Mr. Kerry], the Senator from Minnesota [Mr. Boschwitz], the Senator from California [Mr. Wilson], the Senator from Washington [Mr. Evans], the Senator from Virginia [Mr. Warner], the Senator from Rhode Island [Mr. Chafee], the Senator from New York [Mr. Moynihan], the Senator from North Carolina [Mr. Helms], the Senator from New Mexico [Mr. Domenici], the Senator from Michigan [Mr. Levin], the Senator from Missouri [Mr. Bond], the Senator from California [Mr. Cranston], and the Senator from Georgia [Mr. Nunn] were added as cosponsors of Senate Joint Resolution 144, joint resolution designating the week beginning Octoer 18, 1987, as "Financial Independence Week."

SENATE JOINT RESOLUTION 148

At the request of Mr. D'Amato, the names of the Senator from California [Mr. Cranston], the Senator from Nebraska [Mr. Exon], the Senator from Maryland [Mr. Sarbanes], and the Senator from Georgia [Mr. Nunn] were added as cosponsors of Senate Joint Resolution 148, joint resolution designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 152

At the request of Mr. Riegle, the name of the Senator from Oklahoma [Mr. Nickles] was added as a cosponsor of Senate Joint Resolution 152, joint resolution expressing the sense of the Congress with respect to the freedom and independence of the people of Estonia, Latvia, and Lithuania.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. Dole, the names of the Senator from New Jersey [Mr. Bradley], the Senator from North Dakota [Mr. Burdick], the Senator from Florida [Mr. Chiles], the Senator from New York [Mr. D'Amato], the Senator from Missouri [Mr. Danforth], the Senator from Connecticut [Mr. Dodd], the Senator from New Mexico [Mr. Domenici], the Senator from Minnesota [Mr. Durenberger], the Senator from Nebraska [Mr. Exon], the Senator from Kentucky [Mr. Ford], the Senator from Iowa [Mr. Grassley], the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Sanford], the Senator from Pennsylvania [Mr. Specter], and the Senator from Virginia [Mr. Trible] were added as cosponsors of Senate Concurrent Resolution 9, concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol Rotunda.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. Grassley, the name of the Senator from New Hampshire [Mr. Humphrey] was added as a cosponsor of Senate Concurrent Resolution 32, concurrent resolution to express the sense of Congress that volunteer work should be taken into account by employers in the consideration of applicants for employment and that provision should be made for a listing and description of volunteer work on employment application forms.

SENATE CONCURRENT RESOLUTION 46

At the request of Mr. Kennedy, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of Senate Concurrent Resolution 46, concurrent resolution expressing the sense of the Congress concerning representative government, political parties, and freedom of expression on Taiwan.

SENATE RESOLUTION 246

At the request of Mr. Moynihan, the name of the Senator from Indiana [Mr. Quayle] was added as a cosponsor of Senate Resolution 246, resolution to honor Irving Berlin for the pleasure he has given to the American people through almost a century of his music.

SENATE CONCURRENT RESOLUTION 68—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE AGREEMENT TO END THE ETHNIC CONFLICT IN SRI LANKA

Mr. KERRY (for himself and Mr. Pell) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 68

Whereas the ethnic conflict in Sri Lanka has caused much suffering, economic dislocation and personal tragedy;

Whereas the Tamils and Sinhalese have too long endured strife, mutual distrust, and grave danger;

Whereas the Congress and the American people support the territorial integrity of Sri Lanka and its democratic form of government;

Whereas the Congress and the American people believe that in a democratic society such as Sri Lanka the rights, freedoms and privileges of all citizens should be protected with equal fervor;

Whereas President Jayewardene and Prime Minister Gandhi have demonstrated great courage and statesmanship in together seeking an accord which would end the civil strife in Sri Lanka and bring about a just resolution of the conflict;

Whereas the July 29 accord offers the best hope of dramatic improvements in the human rights situation in Sri Lanka: Now, therefore, be it

Resolved by Senate (the House of Representatives concurring), That—

The Congress expresses the hope that a new era of good will and cooperation among nations of the region will result from the July 29 accord;

The Congress urges the President of the United States to convey to President Jayewardene and Prime Minister Gandhi the congratulations and best wishes of the American people as these leaders proceed to implement the accord and usher in a new era of harmony and mutual respect between the Tamil and Sinhalese populations in Sri Lanka;

The Congress also commends those Sinhalese and Tamil leaders who have agreed to abide by the peaceful principles set forth in the July 29 accord;

The Congress applauds this accord which makes possible the resolving of humanitarian issues, including reunification of families, an amnesty for those held in custody, and distribution of medical care and other needed humanitarian aid throughout the country;

The United States should work with other nations to establish an international fund of other multi-lateral effort to provide additional resources for rehabilitation and reconstruction in Sri Lanka, particularly in those areas most seriously affected by the long-standing ethnic conflict.

● Mr. KERRY. Mr. President, on July 29, President Junius Jayewardene of Sri Lanka and Prime Minister Rajiv Gandhi of India signed a landmark agreement designed to resolve Sri Lanka's tragic ethnic conflict. In reaching this accord, both leaders displayed statesmanship and courage. As the agreement established a basis for ending armed hostilities and for equitable treatment of both the minority and majority groups, it constitutes the best hope for a just and lasting solution to Sri Lanka's ethnic conflict.

The history of Sri Lanka's ethnic struggle extends back at least to 1956, when the minority Tamils were first seriously aggrieved by legislation designed to promote the primacy of Sinhalese-Buddhist culture in Sri Lankan society. Ethnic riots have burst out sporadically since then, though the summer of 1983 marked a dramatic increase in the severity of the violence. Since 1983, more than 6,000 Sri Lankans have been killed, and over 200,000 Sri Lankan Tamils have become refugees. The increasingly radicalized Tamil separatists have committed numerous atrocities against Sinhalese civilians. Government troops, paramilitary forces, and police have killed many Tamil noncombatants, and according to international press reports and Amnesty International, they have been guilty of numerous other human rights abuses. The conflict became an endless cycle of revenge, with both sides becoming more and more radicalized and willing to use force.

Yet, while it would be wrong to ignore history, this is not the time to dwell on past tragedy. The July 29 agreement offers the hope for a new era of peace, prosperity, and democracy in Sri Lanka. The successful implementation of the accord is by no means a foregone conclusion, however. The purpose of our resolution is to express the Congress' firm support for the agreement and for those striving for the full realization of its goals. In the resolution we encourage the President of the United States to also express his firm support.

The resolution also calls on the United States to work together with other donor nations to establish a fund to provide additional resources for rehabilitation and reconstruction efforts in Sri Lanka. Such additional funds would be directed especially to those areas that have been most seriously affected by the ethnic conflict.

The Reagan administration and several other governments, including those of Britain, Canada, Sweden, Norway, and the Netherlands, have expressed willingness to provide the much needed emergency funds in the event of a settlement.

Sri Lanka's economy has been badly damaged by the civil war, particularly in the areas where much of the fighting took place such as the northern and eastern provinces. Unemployment has risen to roughly 22 percent, despite the fact that the armed forces have increased from 7,000 in 1980 to over 30,000 in early 1987. It has been costing the Government $407 million per year to prosecute the conflict, which accounts for roughly 20 percent of the government's total budget. Inflation has increased from zero in 1985 to roughly 11 percent this year. The need for foreign assistance is clear. The provision of additional economic aid would also underscore America's firm commitment to support the July 29 agreement.

In keeping with our desire to look forward, the resolution emphasizes that the accords offers the best hope for a dramatic improvement in the human rights situation in Sri Lanka. It calls on all parties to attend to as yet unresolved humanitarian issues, such as the reunification of families and the distribution of medical care. Our hope is that his clause will add impetus to efforts already underway to restore full rights, health, and general well-being to all those who have been harmed by this tragic conflict.

In introducing this resolution, I have worked closely with our colleagues in the House. Congressmen SOLARZ and ATKINS are introducing a resolution with identical language, so this resolution can represent the full authority of the U.S Congress.

Peace and prosperity in Sri Lanka contributes to stability in the region as a whole. As it would allow a restoration of full democracy in Sri Lanka, a peaceful resolution of the ethnic conflict serves America's desire to spread and deepen democracy around the globe. Until recently, Sri Lanka had the reputation of being among the most vibrant democracies in the Third World. With this resolution, Congress offers its support for Sri Lanka's return to its former promise.●

SENATE CONCURRENT RESOLUTION 69—TO REAFFIRM SUPPORT FOR THE MARITIME POLICY OF THE UNITED STATES

Mr. BREAUX (for himself, Mr. HOLLINGS, Mr. INOUYE, Mr. ADAMS, Mr. TRIBLE, Mr. FORD, Mr. KERRY, Mr. GORE, Mr. EXON, Mr. RIEGLE, Mr. KASTEN, Mr. BYRD, Mr. SHELBY, Mr. DURENBERGER, Mr. SARBANES, Mr. MELCHER, Mr. PELL, Ms. MIKULSKI, Mr. SIMON, Mr. LEVIN, Mr. DODD, Mr. BURDICK, Mr. D'AMATO, Mr. CRANSTON, Mr. MATSUNAGA, Mr. DECONCINI, Mr. GLENN, Mr. WARNER, Mr. DIXON, Mr. COHEN, Mr. CHILES, Mr. MCCONNELL, Mr. SPECTER, Mr. HEFLIN, Mr. METZENBAUM, Mr. REID, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. MURKOWSKI, Mr. MITCHELL, Mr. SASSER, Mr. STENNIS, Mr. BIDEN, Mr. KARNES, Mr. KENNEDY, Mr. COCHRAN, Mr. HARKIN, Mr. DASCHLE, Mr. SANFORD, Mr. HECHT, Mr. LEAHY, Mr. THURMOND, Mr. PRYOR, Mr. WIRTH, Mr. ROCKEFELLER, and Mr. BUMPERS) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 69

Whereas, it is necessary for the nations defense and development of its foreign and domestic commerce that the United States have a merchant marine sufficient to carry its domestic water-borne commerce and a substantial portion of its water-borne export and import foreign commerce and to provide shipping service essential for maintaining the flow of such domestic and foreign water-borne commerce at all times;

Whereas, it is necessary for the national defense and development of its foreign and domestic commerce that the United States have a merchant marine capable of serving as a naval and military auxiliary in time of war or national emergency;

Whereas, it is necessary for the national defense and development of its foreign and domestic commerce that the United States have a merchant marine owned and operated under the United States flag by citizens of the United States insofar as may be practicable;

Whereas, it is necessary for the national defense and development of its foreign and domestic commerce that the United States have a merchant marine composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with trained and efficient personnel who are United States citizens;

Whereas, it is necessary for the national defense and development of its foreign and domestic commerce that the United States have a merchant marine supplemented by efficient facilities for shipbuilding and ship repair; and

Whereas, the changes in United States maritime promotional policies and laws under consideration in the United States-Canadian negotiations on a Free Trade Area Agreement would, if agreed to, seriously undermine the maritime policy objectives of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress strongly urges that the Free Trade Area Agreement currently being negotiated by the United States and Canada not contain any changes or revisions to the maritime policy and laws of the United States.

SENATE RESOLUTION 273—TO ESTABLISH A SENATE CENTRAL AMERICAN NEGOTIATIONS OBSERVER GROUP

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 273

Resolved,

SHORT TITLE

SECTION 1. This resolution may be referred to as the "Central American Negotiations Observer Group Resolution".

ESTABLISHMENT

SEC. 2. (a) There is established a bipartisan group of Senators to be known as the Senate Central American Negotiations Observer Group (hereafter in this resolution referred to as the "Observer Group"), which shall consist of eight Senators as follows:

(1) the Majority Leader and Minority Leader of the Senate, each serving ex officio; and

(2) six Senators appointed by the President pro tempore of the Senate as follows:

(A) Three Senators appointed upon the written recommendation of the Majority Leader from among Members of the majority party.

(B) Three Senators appointed upon the written recommendation of the Minority Leader from among the Members of the minority party.

(b)(1) The Chairman of the Observer Group shall be designated by the Majority Leader from among the individuals recommended for appointment under subsection (a)(2)(A).

(2) The Co-Chairman of the Observer Group shall be designated by the Minority Leader from among the individuals recommended for appointment under subsection (a)(2)(B).

(c) Any vacancy occurring in the membership of the Observer Group shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 3. The duty of the Observer Group shall be to act as a group of official observers as part of the United States delegation to any and all negotiations with the governments of the Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to which the United States is a party and to any multilateral negotiations or discussions dealing with the question of peace in Central America to which the governments of such countries are invited to participate.

STAFF; TRAVEL

SEC. 4. (a) The Observer Group is authorized, from funds made available under section 6, to employ such staff (including consultants at a daily rate of pay) in the manner and at a rate not to exceed that allowed for employees of a standing committee of the Senate under paragraph (3) of section 105(e) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(e)), and to incur such expenses as may be necessary or appropriate to carry out its duties and functions.

(b) The Chairman and Co-Chairman shall jointly appoint appropriate staff personnel to serve the observer Group, including clerical staff as deemed necessary. The staff appointments shall be made in writing to the Secretary of the Senate.

(c) The Majority Leader and the Minority Leader may each designate one staff member as liaison to serve the Observer Group, and such personnel may be referred to as leadership staff. Funds necessary to compensate leadership staff shall be transferred from the funds made available under section 6(b) of this resolution to the respective account from which such designated staff member is paid.

(d) All foreign travel of the Observer Group shall be authorized solely by the Majority and Minority Leaders, upon the recommendation of both the Chairman and Co-Chairman. Participation by staff members in authorized foreign travel by the Observer Group, access to all official activities and functions by the Observer Group during such travel, and access to all classified briefings and information made available to the Observer Group during such travel, shall be limited exclusively to delegation members with appropriate clearances. No travel or other funding shall be authorized by any committee of the Senate for the use of staff, other than delegation staff, in regard to the activities descibed in this subsection, without the written authorization of the Majority and the Minority Leader to the chairman of such committee.

(e) Of the Members of the Senate, only Senators appointed as members of the Observer Group may participate in official travel and activities of the Observer Group. In the event that either the Majority Leader or the Minority Leader does not travel on an official trip of the Observer Group, he may designate one other Senator not a member of the Group to travel and praticipate in the activities of the Observer Group in his stead.

ACCESS TO AND STORAGE OF DOCUMENTS

SEC. 5. (a) The Observer Group should make arrangements with the Executive Branch to provide, on a confidential basis, access to the record of any dialogue or negotiations that may take place relating to peace in Central America.

(b) Classified and other sensitive materials associated with this Observer Group shall be stored under the administration of the Secretary of the Senate in the Office of Senate Security.

FUNDS

SEC. 6. (a) Such sums as are necessary from the contingent fund of the Senate, out of the Account of Miscellaneous Items, shall be made available to pay the expenses of the Observer Group, upon vouchers approved jointly by the Chairman and Co-Chairman (except that vouchers shall not be required for the disbursement of salaries of employees who are paid at an annual rate).

(b) In addition, such sums as are necessary from the contingent funds of the Senate, out of the Account of Miscellaneous Items, shall be made available for the salaries and expenses of leadership staff designated in section 4(c) (except for expenses incurred for foreign travel).

(c)(1) Such sums as are necessary may be expended by the Observer Group, with the prior approval of the Committee on Rules and Administration, to procure the temporary services (not in excess of one year) or intermittent services, including related and necessary expenses, of individual consultants, or organizations thereof, to make studies or advise the Oberver Group.

(2) Such services in the cases of individuals or organization may be procured by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent to the highest gross rate of compensation which may be paid to a regular employee of a standing committee of the Senate. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provisions of law requiring advertising.

(3) The Observer Group shall submit to the Committee on Rules and Administration information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by the Observer Group and shall be made available for public inspection upon request.

SENATE RESOLUTION 274—AMENDING THE STANDING RULES OF THE SENATE TO LIMIT SENSE OF THE SENATE OR CONGRESS RESOLUTIONS

Mr. PRYOR (for himself and Mr. DANFORTH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 274

Resolved, That Rule XV of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"6. On a point of order made by any Senator, no amendment expressing the sense of the Senate or the sense of the Congress, or an amendment to such amendment, shall be received unless the amendment is signed by at least 20 Senators.".

SENATE RESOLUTION 275—AMENDING THE STANDING RULES OF THE SENATE TO LIMIT TIME ON THE MOTION TO PROCEED

Mr. PRYOR (for himself and Mr. DANFORTH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 275

Resolved, That (a) paragraph 2 of rule VIII of the Standing Rules of the Senate is amended by striking out the last sentence.

(b) Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to one hour, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SENATE RESOLUTION 276—AMENDING THE STANDING RULES OF THE SENATE TO IMPOSE A STRICT 15 MINUTE LIMIT ON VOTES IN THE SENATE

Mr. PRYOR (for himself and Mr. DANFORTH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 276

Resolved, That (a) paragraph 1 of rule XII of the Standing Rules of the Senate is amended by adding after the first sentence the following: "No roll call vote shall exceed 15 minutes in duration. When 15 minutes have elapsed from the beginning of any roll call the Presiding Officer shall ask if there are any other Senators in the Senate chamber wishing to vote or change their votes. If no Senator answers, the Presiding Officer shall announce the decision and the question shall be decided.".

(b) In order to implement the amendment made by subsection (a), the Committee on Rules and Administration shall establish a system in the Senate chamber to signal the expiration of 15 minutes from the beginning of a roll call vote.

SENATE RESOLUTION 277—AMENDING THE STANDING RULES OF THE SENATE WITH RESPECT TO THE CONSIDERATION OF AMENDMENTS IN ORDER OF THE SECTIONS OF THE MEASURE BEING AMENDED

Mr. PRYOR (for himself and Mr. DANFORTH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 277

Resolved, That Rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. (a) Each bill, resolution, or other measure, subject to amendment, considered by the Senate shall be open for amendment in the order that sections (or paragraphs, in the case of an appropriation bill or resolution) appear in the bill, resolution, or other measure.

"(b)(1) On a point of order made by any Senator, no amendment shall be received to a bill, resolution, or other measure, or a committee reported substitute treated as original text, unless the amendment—

"(A) amends the section (or paragraph in the case of an appropriation bill or resolution) to which it is offered; and

"(B) relates to the subject matter of the section (or paragraph in the case of an appropriation bill or resolution) to which it is offered.

"(2) It shall not be in order to consider any amendment to a section (or paragraph in the case of an appropriation bill or resolution) to a bill, resolution, or other measure if more than 20 minutes has lapsed following the final disposition of an amendment to the section (or paragraph in the case of an appropriation bill or resolution) under consideration.

"(c)(1) The provisions of subparagraph (a) of this paragraph shall not apply to any amendment which is a technical, clerical, or conforming amendment.

"(2) The provisions of this paragraph may be modified by an order of the Senate.".

SENATE RESOLUTION 278—TO REFER THE BILL S. 1641 TO THE U.S. COURT OF CLAIMS

Mr. STEVENS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 278

Resolved, That the bill S. 1641, for the relief of Barry W. Jackson of Fairbanks, Alaska and Thomas Fenton of Fairbanks, Alaska, now pending in the Senate is hereby referred to the United States Claims Court and the Chief Judge of the United States Claims Court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code; said court shall file its reports within eighteen months from the dates of filing of Mr. Jackson's petition and Mr. Fenton's petition, respectively, in said court giving such findings of fact and conclusions of law therein as shall be sufficient to inform the Congress of the nature and character of the demands as claims legal or equitable, against the United States, and the amounts, if any, legally or equitably due from the United States to the claimants.

SENATE RESOLUTION 279—RELATING TO THE ETHICAL CONDUCT EXPECTED OF SENATE POLITICAL COMMITTEES

Mr. KERRY (for himself, Mr. BOSCHWITZ, Mr. BYRD, and Mr. DOLE) submitted the following resolution; which was placed on the calandar:

S. RES. 279

Whereas the practice of selecting our government leaders by election is at the foundation of our democracy; and

Whereas our democratic tradition is strengthened by participation of the largest number of eligible voters; and

Whereas the Senate and its adjunct political committees have a responsibility to encourage voter participation by setting and adhering to the highest possible standard of conduct; and

Whereas such participation is discouraged by negative campaigns and attacks on candidates' character, integrity and patriotism; and

Whereas such attacks and negativism are unbefitting the values and the code of conduct of the Senate and its political committees; and

Whereas such attacks and negativism can only do injury to the democratic process, as well as to the men and women who have chosen to serve as candidates for office: Now Therefore, be it *Resolved*, That it is the sense of the Senate—

(1) The Senate and its agent political committees must be diligent in adhering to a code of conduct of the highest standard, avoiding even the appearance of improper, unethical, or illegal activity;

(2) Candidates and their party committees should engage in positive and constructive campaigns, avoiding negative attacks calculated to impugn the character, integrity or patriotism of a candidate.

(3) The Senate, and the political committees and candidates of both parties must renew their commitment and dedication to winning not only the votes of the citizenry, but the trust and confidence of that body as well.

AMENDMENTS SUBMITTED

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS

REID AMENDMENT NO. 667

(Ordered referred to the Committee on Rules and Administration.)

Mr. REID submitted an amendment intended to be proposed by him to the bill (S. 780) to amend the enforcement provisions of the Federal Election Campaign Act of 1971, as follows:

On page 4, after line 20, add the following:

SEC. 9. This Act and the amendments made by this Act shall become effective on the date of enactment and shall apply to the first Federal election after such date of enactment, and thereafter.

Mr. REID. Mr. President, as many of my colleagues are aware, I have spent the past few months actively campaigning for reform of enforcement of Federal campaign laws.

In part, that drive for reform has been based on my past personal experience with the unenthusiastic approach of the FEC to enforcement of existing law. In part, it arose based on the histories related to me by my colleagues, Democrat and Republican, who underwent similar frustrating experiences.

The overriding factor in drafting the legislation which I call the Fair Campaign Enforcement Act, however, has been that the law is straightforward, fair, and necessary for the protection of our system of electoral government.

Certainly, the proposed revisions are neither difficult to understand nor to apply. They call for tightened enforcement of Federal law, and a realistic avenue to a private cause of action for enforcement where the FEC still doesn't do its job.

Certainly, my colleagues on both sides of the aisle would agree that those revisions are fair. They do not load the process in favor of one party or another. They do not favor one method or another of obtaining funds or spending them. The changes simply call for adequate enforcement of the law of our land.

It strikes me, that for one to believe that such an approach was partisan, would constitute almost an admission that the Speaker believed the party against which he thought the law was aimed was in fact a consistent violation of Federal election laws. If such a situation exists, we can not allow it to continue.

Certainly, the revisions of which I speak are necessary. There is wide agreement in this body, and throughout our Nation, that the Federal election laws are inadequately enforced. At this time various proposals are being discussed to revise the code which governs the conduct of elections. What I am saying to you my fellow trustees of the national spirit, is that we should enforce the laws we have, as well as any we think worth passing in the future. To do otherwise is to show a cynical contempt for our system of law and government unworthy of this great House and each and every Member who serves and has served within it.

I am, however, concerned that some will view this act as one which will permit a party to pursue a past opponent to a greater degree than otherwise possible under present law. While I rather doubt if such a law could be retroactive, the concern is certainly legitimate and I have an easy solution. I am today submitting an amendment to S. 780 to come to the floor at the same time as the bill. That amendment will make it clear, as part of the act, that the new standards proposed are not retroactive.

I have offered this amendment because I feel that passage of this bill is of paramount importance and that the changes it contains are vital to the health of our electoral system. It is offered in the bipartisan spirit with which I hope we can work on all the election reform issues which arise in this 100th Congress; issues which transcend short-term interests and look to our role in strengthening the Nation's electoral system.

It is important, I think, from time to time for each of us remember the body in which we sit, and its responsibilities to the larger constituency; the American people and their future. This bill, S. 780, meets some of those responsibilities, and I hope Members from both parties will join me as cosponsors.

INDIAN HEALTH SERVICE CLINICAL STAFFING AND RECRUITMENT ACT

MELCHER AMENDMENT NO. 668

(Ordered referred to the Select Committee on Indian Affairs).

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill (S. 1475) to establish an effective clinical staffing recruitment and retention program, and for other purposes, as follows:

On page 2, line 25, change the period to a semicolon, and add the word and. On page 3, add the following new paragraph:

(4) be employed by the Service on a voluntary basis without a service obligation in a position which qualifies for the purpose of this Act.

MELCHER (AND INOUYE) AMENDMENT NO. 669

(Ordered referred to the Select Committee on Indian Affairs.)

Mr. MELCHER (for himself and Mr. INOUYE) submitted an amendment in-

tended to be proposed by them to the bill S. 1475, supra, as follows:

On page 3, at the end of line 25 add the following new sentence:

In approving applications for the Loan Repayment Program, the Secretary shall ensure that nurses and other non-physician applicants have equitable access to the loan repayment program.

MELCHER AMENDMENT NO. 670

(Ordered referred to the Select Committee on Indian Affairs.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill S. 1475, supra; as follows:

On page 23, line 15, insert the following new section:

TORT LIABILITY

SEC. 211 Subsection (c) of section 103 of the Indian Self-Determination Act (25 U.S.C. 450g(c)) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(1) The Secretary", and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of section 224 of the Public Health Service Act (42 U.S.C. 233(a)), and chapter 171 and section 1346 of title 28, United States Code, with respect to claims for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, a tribal organization or Indian contractor carrying out a contract, grant agreement, or cooperative agreement under sections 103 or 104(b) of this Act, the Act of April 30, 1908 (35 Stat. 71; 25 U.S.C. 47) or section 23 of the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47) is deemed to be part of the Public Health Service of the Department of Health and Human Services with carrying out such contract or agreement and its employees (including those acting on behalf of the organization or contractor as provided in section 2671 of title 28) are deemed employees of the Service while acting within the scope of their employment in carrying out the contract or agreement".

MELCHER (AND INOUYE) AMENDMENT NO. 671

(Ordered referred to the Select Committee on Indian Affairs.)

Mr. MELCHER (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by them to the bill S. 1475, supra, as follows:

On page 11, line 14, add the following new paragraph:

(D) With respect to an individual who is completing advanced clinical education or training to specialize in nurse midwifery, community or public health nursing, as a nurse practitioner, or clinical nurse specialist, the date referred to in paragraphs (1) through (3) shall be the date upon which the individual completes the training required for such degree, except that the Secretary shall, at the request of such individual, defer such date until the end of the period of time (not to exceed 3 years or such greater period of time as the Secretary, consistent with the needs of the Service, may authorize) required for the individual to complete such advanced clinical training or education. With respect to an individual receiving a degree in nurse midwifery, community or public health nursing, nurse practitioner, or a clinical nurse specialist, the date referred to in paragraphs (1) through (3) shall be the date upon which the individual completes the training required for such degree, except that the Secretary shall, at the request of such individual, defer such date until the end of the period of time (not to exceed 1 year or such greater period as the Secretary, consistent with the needs of the Service, may authorize) required for the individual to complete such training. No period of training under this section shall be counted toward satisfying a period of obligated service under this subtitle.

AIDS RESEARCH AND INFORMATION ACT

CRANSTON AND OTHERS AMENDMENT NO. 672

(Ordered to lie on the table.)

Mr. CRANSTON (for himself, Mr. MOYNIHAN, Mr. KENNEDY, Mr. WILSON, and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill (S. 1220) to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome; as follows:

At the appropriate place, insert the following new section:

SEC. . DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct 3 demonstration projects to determine the effectiveness and cost of providing subacute-care services described in subsection (b) to patients infected with the human immunodeficiency virus (HIV) and the impact of such services on the health status of such patients.

(b) SERVICES UNDER DEMONSTRATION PROJECTS.—(1) The services provided under each demonstration project shall be designed to meet the specific needs of patients infected with the HIV and shall include—

(A) care and treatment of such patients by providing—

(i) subacute care;

(ii) emergency medical and specialized diagnostic and therapeutic services as needed and where appropriate either directly or through an affiliation with a hospital with experience in treating AIDS patients; and

(iii) case management services to ensure adquate coordination with existing services and programs and, through existing services and programs whenever possible, appropriate discharge planning for patients; and

(B) technical assistance, to other facilities in the region served by such facility, regarding education and training of physicians, nurses, and other health-care professionals in the subacute care and treatment of patients infected with the HIV.

(2) Services provided under each demonstration project may also include—

(A) hospice services;

(B) outpatient care; and

(C) outreach activities in the surrounding community to hospitals and other health-care facilities serving patients infected with the HIV.

(3) Demonstration projects may collect payments from patients in accordance with their ability to pay.

(c) DURATION AND LOCATION OF PROJECTS.—The demonstration projects shall be conducted—

(1) during a period of 4 years beginning not later than 9 months after the date of the enactment of this section; and

(2) in sites that (A) are geographically diverse and located in areas that are appropriate for the provision of the required and authorized services, and (B) have the highest incidence of AIDS and the greatest need for subacute-care services.

(d) EVALUATION AND REPORTS.—The Secretary shall evaluate the operations of the demonstration projects and shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

(1) a preliminary report, not later than 18 months after the beginning of the projects, containing a description of the sites at which the projects are being conducted and of the services being provided in each project, and a preliminary evaluation of the projects' experience during their first 12 months; and

(2) a final report, not later than 6 months after the completion of the projects, containing, among other things, an assessment of the costs of subacute care for patients infected with the HIV (including the breakdown of all other sources of funding for the care provided to cover subacute care), a final evaluation of the projects, and recommendations for appropriate administrative or legislative changes.

(e) PROMOTION OF RESEARCH.—Each demonstration project shall promote efforts to obtain funding for research carried out at the site of such demonstration projects for—

(1) clinical research regarding AIDS, with particular attention to research on the neurological manifestations of infection with the HIV; and

(2) the study of the psychological and mental health issues regarding HIV infection.

(f) FUNDING.—(1) To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1988 and such sums as are necessary for fiscal years 1989, 1990, and 1991.

(2) Amounts appropriated pursuant to paragraph (1) shall remain available until September 30, 1992.

(g) DEFINITIONS.—As used in this section:

(1) The terms "patients infected with the human immunodeficiency virus" and "patients infected with the HIV" means persons who have a disease or are recovering from a disease attributable to such persons' infection with the human immunodeficiency virus and, as a result of the effects of such disease, are in need of subacute-care services.

(2) The term "subacute care" means medical and health care services required for persons recovering from acute care episodes that are less intensive than the level of care provided in acute-care hospitals, and includes skilled nursing care, hospice care, and other types of health services provided in other long-term facilities.

(h) SERVICES FOR VETERANS.—The Secretary shall enter into an agreement with the Administrator of Veterans' Affairs under which appropriate provision will be made for the furnishing, through the demonstration projects, of services to eligible veterans under contracts with the Veterans' Administration pursuant to section 620 of title 38, United States Code.

Mr. CRANSTON. Mr. President, I rise to explain an amendment I intend to offer to S. 1220, the proposed AIDS Research and Information Act of 1987 to establish, and authorize appropriations for, three demonstration projects of nursing home care for persons with AIDS. Joining with me as cosponsors of the amendment are Senators MOYNIHAN, KENNEDY, WILSON, and D'AMATO.

I want to congratulate my very good friend, the distinguished chairman of the labor and Human Resources Committee [Mr. KENNEDY] for moving S. 1220 so quickly. As the principal Democratic cosponsor of this bipartisan measure when it was introduced last June, I know the great effort that Senator KENNEDY has made on this bill. It responds to the AIDS crisis in a comprehensive and responsible way, and I am very pleased to support this effort.

Mr. President, the availability of appropriate care and treatment for people with AIDS or AIDS-related complex [ARC] varies widely across the country. With very few exceptions, care and treatment are at best a patchwork of hospital, home, and community-based services. At worst, they are nonexistent. In most places, they are simply inadequate.

In areas where communities have developed care systems outside hospitals, costs for treating people with AIDS have dropped from $140,000 a year to between $30,000 and $50,000 a year. But much more needs to be done to foster the development of those kind of services. I am very pleased that S. 1220 directly addresses this issue by providing grants to States to develop and pay for home health-care services, and I applaud the effort of the chairman and ranking minority member [Mr. HATCH] of the Labor Committee in this regard.

Although the home and community-based services which S. 1220 as reported would promote are badly needed, a pressing need also exists for the development of nursing home care models. Home and community-based care cannot always provide the needed level of attention or medical services that people with AIDS or severe ARC sometimes require. Although these individuals may not need hospitalization, family and community support services are not enough.

Many individuals with AIDS and ARC, particularly those that suffer from neurological complications resulting from infection with the HIV virus, need 24-hour-a-day surveillance that cannot be provided in a noninstitutional setting. Other individuals may not need the high level of care found in a hospital, but may need more sophisticated medical care than can be provided for at home.

Patients with those needs typically are referred to nursing homes. Unfortunately, there is a paucity of skilled nursing or subacute care available for individuals with AIDS throughout the country. Although a very small number of nursing homes have agreed to take AIDS patients, most refuse to do so. This gap in the continuum of care for AIDS patients means that more patients stay in hospitals when they don't need to or that they simply don't receive needed medical and social services.

Even in San Francisco, which has served as a model for providing a coordinated network of community medical and social services to people with AIDS, very little nursing home care is available.

Dr. David Werdegar, director of public health in San Francisco, estimatres that least 7.5 percent of AIDS patients need skilled nursing care at any one time. By the end of this year, 258 people with AIDS or severe ARC in San Francisco alone will be in need of skilled nursing care. That number will surpass 500 in 1991. And that estimate does not take into account the impact of A.Z.T. or other drugs that may be developed to prolong the life of AIDS patients.

Currently, patients who require skilled nursing care in San Francisco are placed in a variety of settings, most of which are inappropriate. For instance, many patients continue to receive care in acute-care settings, because they need a certain amount of medical assistance that cannot be provided for in the community. San Francisco estimates that approximately 12 to 13 percent of the patients at San Francisco General at any one time are in that situation.

Many more AIDS and ARC patients are discharged to their homes, even though neurological complications resulting from the HIV infection or drug addiction make adequate care at home or in a community residential setting difficult or impossible. Most tragic and disturbing are the cases of those individuals who are discharged from the hospital with no home to go to and who, with their tragic vulnerability to life-threatening diseases, are then forced into homelessness.

Mr. President, the city of San Francisco is trying to address that problem. Efforts are underway to convert to a skilled nursing facility the old Public Health Service hospital located at the Presidio that is currently being used by the Army as a language school. This hospital is ideal for use as a regional skilled nursing and training facility. I am pursuing this issue with the chairman of the Senate Armed Services Committee [Mr. NUNN] to bring about a transfer to the city of San Francisco and am hopeful that we can resolve this issue soon. The demonstration project authority we are proposing would provide the basis, along with Medicaid payments, for the operation of this facility as a subacute care treatment center for AIDS.

Mr. President, one of the least understood aspects of AIDS is the effect HIV infection has on the central nervous system. More and more scientists and doctors treating AIDS patients are finding symptoms of neurological dysfunction and dementia. When this occurs, continuous custodial care may often be required. As the 1986 landmark Institute of Medicine report on AIDS pointed out:

> Irrespective of the level of family or social support, these patients can almost never receive adequate care in a community-based setting, because they require 24-hour-a-day surveillance. Because extended care facilities, in almost all cases, refuse admittance to patients with AIDS, dementia will lead to extended use of acute care hospital beds unless alternatives are found.

Our amendment seeks to remedy this situation. It would establish a 4-year—fiscal years 1988 through 1991—program of three demonstration nursing homes for people with AIDS or ARC. It would test the concept of making this type of care available in order to allow more patients to leave the hospital and still receive adequate care. It would also provide for assessing the costs of subacute care for people with AIDS or ARC and the home care rates and other sources of income to cover the costs of providing nursing home care to persons with AIDS, who often have very serious complications.

These facilities would also serve as a training ground for nurses, mental health counselors, physicians, and other health care professionals and paraprofessionals who provide care to people with AIDS. Finally, the amendment would provide for evaluating whether it is more appropriate to establish specialized AIDS centers or units or to provide AIDS patients with care in community nursing homes.

As I noted, earlier, at present, few nursing homes will admit AIDS patients. In many cases, nursing home staffs are not appropriately trained to care for people with AIDS. Other nursing homes refuse AIDS patients because the level of reimbursement under Medicaid is too low. Sadly, it appears that still other nursing homes are denying admittance to AIDS patients out of fear—fear of contagion and fear that their other patients would leave.

At the same time that we try to overcome these barriers, nursing facilities established under the amendment would help provide needed training to health care workers, research on the long-term aspects of AIDS and, most importantly, needed and appropriate services to people with AIDS.

Under the amendment, $10 million would be authorized to be appropriated to establish three demonstration projects. These projects would involve hundreds of AIDS patients and health care workers. Although my original design was for a funding level of $15 million per year—which I still believe is preferable—I have agreed to reduce the level of $10 million in order to receive agreement on the amendment from the chairman and ranking minority member of the committee.

Mr. President, these demonstration projects would fill a major gap in our health care system for people with AIDS. I urge all my colleagues to support this amendment.

INDIAN FINANCING ACT

INOUYE AMENDMENT NO. 673

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 1360) to amend the Indian Financing Act of 1974, and for other purposes; as follows:

At the end of the bill, add the following:

SURETY BOND GUARANTEES

SEC. 5. The Indian Financing Act of 1974 is amended by inserting the following new section 217A after section 217:

"SEC. 217A. (a) The Secretary may guarantee and enter into commitments to guarantee a surety against loss as the result of a breach by a principal of the terms of a bid bond, payment bond, or bonds ancillary and coterminous therewith, if:

"(1) the principal is an Indian tribe, an Indian, or an economic enterprise as defined in section 3;

"(2) the contract involved does not exceed $1,250,000;

"(3) the bond is required if the principal is to be a qualified bidder on a contract or a prime contractor or subcontractor on the contract;

"(4) the principal cannot obtain the bond on reasonable terms and conditions without the guarantee;

"(5) there is a reasonable expectation that the principal will perform the conditions of the contract;

"(6) the contract meets requirements established by the Secretary for feasibility of successful completion and reasonableness of cost;

"(7) the terms and conditions of the bond are reasonable in light of the risks involved and the extent of the surety's participation; and

"(8) the guarantee or commitment limits the obligation of the Secretary to 90 percent or less of the loss incurred and paid by the surety as the result of the principal's breach of the contract and includes such terms and conditions as the Secretary may prescribe in general or as the Secretary determines on the basis of the Secretary's experience with the particular surety or, in the case of an application for a guarantee on behalf of an enterprise that is less than 100 percent Indian owned, the guarantee or commitment limits the obligation of the Secretary to not to exceed 90 percent of the contract amount that is proportionate to the percentage of Indian ownership of the economic enterprise.

"(b) The terms, conditions, and procedure prescribed by the Secretary for reimbursing a surety for the losses paid by the surety may include monthly billing by the surety to the Secretary for losses paid by the surety and payment by the Secretary based upon prior monthly payments to the surety, with subsequent adjustments by the Secretary as may be appropriate.

"(c) The Secretary may audit in the surety's office the documents, files, books, records, and other material relevant to a guarantee or commitment to guarantee under this section.

"(d) The Secretary shall establish reasonable fees to be paid by principals and premiums to be paid by sureties and shall deposit them in the Loan Guarantee and Insurance Fund under section 217 of this Act. A guarantee or commitment to guarantee under this section is a guaranteed loan for purposes of section 217 of this Act.

"(e) In this section—

"(1) 'bid bond' means a bond conditioned on the bidder on a contract entering into the contract if the bidder receives the award and furnishes the prescribed payment and performance bonds;

"(2) 'payment bond' means a bond conditioned on the payment by the principal of money to persons under a contract;

"(3) 'performance bond' means a bond conditioned on the completion by the principal of a contract in accordance with its terms;

"(4) 'surety' means the person who (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and materials in carrying out the work under the contract if the principal fails to make prompt payment, or (D) is an agent, underwriter, or any other company or individual authorized to act for such person;

"(5) 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond or a performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment or performance bond;

"(6) 'principal' means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in connection with the contract, and for whose performance the surety is bound under the payment or performance bond. A principal may be a prime contractor or a subcontractor.

"(7) 'prime contractor' means the person with whom the obligee has contracted to perform the contract; and

"(8) 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

"(f) The Secretary, within the 180-day period following the date of the enactment of this section, shall promulgate such regulations as may be necessary to implement this section.".

● Mr. INOUYE. Mr. President, as chairman of the Select Committee on Indian Affairs, I am today reporting S. 1360, a bill to amend the Indian Financing Act of 1974. The Indian Financing Act was enacted in the 93d Congress and was a part of a package of legislation that was intended to stimulate economic activities and opportunities on or near Indian reservations, promote the economic and social well-being of the Indian people, and, along with the Self-Determination and Education Assistance Act of 1975, enhance the ability of the Indian people, through their own tribal governments, to plan and determine their own destinies.

The Indian Finance Act was enacted in recognition of the special problems encountered by Indian entrepreneurs and tribes to gain access to private capital and develop appropriate business enterprises. The act consolidated a number of revolving loan funds that had been established as early as 1934, established a loan guaranty and insurance program, provided for interest subsidies and assistance on administrative expenses, and established a program for Indian business grants.

The bill the Select Committee is reporting today is a modest bill. It will amend the Indian Financing Act of 1974 to increase the limitations on the amount of a loan guarantee for an individual Indian or Indian economic enterprise from $350,000 to $500,000, it removes the restriction on the sale or assignment of loans to financial institutions to allow sale or other disposition of such loans in secondary markets, and it raises the loan guarantee authorization from $200 million to $500 million. The increase in loan guarantee authorization is badly needed since the Department of the Interior is currently approaching that limit.

Mr. President, in the course of our deliberations on the committee, it became apparent that a serious deficiency in the economic development programs at the Department of the Interior is the lack of a program to provide surety bond guarantees for Indian contractors. Inability of Indian contractors to obtain surety bonding has long been identified by these contractors, or potential contractors, as a barrier to their participation in the private economy in a full and meaningful way. There is a surety bond guaranty program in effect at the Small Business Administration. While this has certainly provided assistance to some Indian contractors, nevertheless Indian contractors have continued to have problems obtaining the surety bond guarantees necessary to compete in the market.

In conjunction with the bill I am reporting today on behalf of the committee, I am also submitting an amendment to the bill which I propose offering when the bill is brought up for consideration by the full Senate. I am submitting this bill at this time in order that the public, and particularly the Indian people, may consider the amendment and make appropriate recommendations to the committee.

The Indian Financing Act of 1974 does not provide for guarantees to underwriters of performance bonds who insure contractor performance. Interior Department policy implementing the "Buy Indian" Act (25 U.S.C. 47), while providing for Indian preference in contracting, requires performance bonding of Indian contractors on many kinds of contracts authorized under the broad parameters of that act. In the area of Surface Transportation Act construction, particularly, and in construction of education, medical, residential, and other public facilities, Indian contractors are passed over because of the inability to meet the bonding requirements of 100 percent bond cover. By virtue of language included in the defense appropriation legislation, the "Buy Indian" Act also applies to Department of Defense contracts where bonding requirements could impose an impediment. In addition, the "Buy Indian" Act can be utilized by other Bureaus within the Interior Department, the Indian Health Service at the Department of Health and Human Services, and possibly other agencies, but these contract opportunities will also require surety bonds.

Providing a performance bond guarantee will have an immediate impact on Indian involvement in construction activities and provide an incentive to buyers and procurement agents to purchase goods and services from Indian businesses. The provisions in section 5 of this bill are modeled on the Small Business Administration Surety bond guarantee program.●

ADJOURNMENT OF THE CONGRESS UNTIL SEPTEMBER 9, 1987

BYRD AMENDMENT NO. 674

Mr. BYRD proposed an amendment, which was subsequently modified, to the concurrent resolution (H. Con. Res. 175) providing for an adjournment of the Congress until September 9, 1987; as follows:

Strike all after the resolving clause and insert in lieu thereof the following:

"That when the Senate adjourns on Friday, August 7, 1987, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 10:00 o'clock a.m. on Wednesday, September 9, 1987, or until 12:00 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the House of Representatives adjourns on Friday, August 7, 1987, or Saturday, August 8, 1987, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock meridian on Wednesday, September 9, 1987, or until 12:00 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it."

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SECURITIES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Friday, August 7, 1987, to conduct hearings on the SEC proposal to define insider trading.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INTERNATIONAL SPECIAL OLYMPICS WEEK

● Mr. BINGAMAN. Mr. President, this week has been International Special Olympics Week. And, I would be loathe to let the week end without some acknowledgment of its importance.

The Special Olympics is, indeed, special. It is special, not only because it is the largest year-round program of sports training and competition but, because of what it means to over 1 million athletes who compete in the games. The competition helps each of these athletes form a healthy self-image with which to build a positive environment at home and work. It helps them to realize their potential and meet their life goals.

The International Special Olympics was founded by Eunice Kennedy Shriver. It started small, with just 100 children and 100 volunteers. Over the years it has grown to include over 1 million child and adult athletes, ages 8 to 80; and over one-half million volunteers. Every State in the union and over 70 countries boast Special Olympic athletes.

This year, the International Summer Special Olympics is being held in South Bend, IN. Thirty-five athletes from my home State of New Mexico will be involved in this competition. In New Mexico, we are very proud of our Special Olympians—the 35 who are in the International competition in South Bend as well as the 2,500 to 3,000 athletes from our State who were not. I am pleased to serve on the New Mexico Special Olympics Board, and I am hopeful that the New Mexico Special Olympics can continue to send althletes to these games every year in the future.

I applaud Senator LUGAR for sponsoring the Senate Joint Resolution 85, which has become Public Law 100-75, commemorative resolution, and I offer my warmest congratulations to each Special Olympic athlete.●

TRIBUTE TO GLEN TAYLOR, MINNESOTA STATE SENATOR

● Mr. DURENBERGER. Mr. President, the people of Minnesota are proud to have a diverse group of State legislators from numerous professions, in fact, they accurately reflect the type of work performed in the State. Today, I would like to address the accomplishments and success of one Minnesota State Senator in particular, Glen Taylor.

Glen, who represents an area of south central Minnesota including the city of Mankato, was recently recognized by Corporate Report Minnesota with the distinguished honor of "Executive of the Year," for the application of the business sense he has acquired as owner of Taylor Corp. to his efforts in the Minnesota Senate. In his service to the State, he has addressed key issues like unemployment compensation, post-secondary education and legislative rules.

Though he uses these business skills to the advantage of all in the State, he is not the type of person to bring his business involvement onto the Senate floor. Glen has effectively found a way to wear two hats—business and legislative. I know he has succeeded in both.

There is a great number of astute, concerned individuals who would never consider giving their time to serve the State in which they live. In recognition of Glen's achievements both the St. Paul and Mankato—and the subtle manner with which he applies his business sense and experience to the legislative process, I would like to submit for the RECORD the Corporate Report Minnesota article which details Taylor's efforts and achievements.

The article follows:

[From the Free Press, Jan. 31, 1987]

EXECUTIVE OF THE YEAR: GLEN TAYLOR

(EDITOR'S NOTE: The following story, written by Jay Novak, is reprinted from the current issue of "Corporate Report Minnesota" magazine. The magazine chose local businessman Glen Taylor as the "Executive of The Year." Taylor was honored at a banquet hosted by the magazine in Mankato last week)

Senator Glen Taylor recalls being "kind of quiet" in his first two years at the Minnesota Capitol, during the legislative seasons of

1981 and 1982. "I got my local issues taken care of, but I thought you should listen and learn and try not to upset things," he says. Soon he had established a reputation as someone who took his committee assignments seriously, came prepared to hearings, asked smart questions and gave informed answers. If he hadn't, James Ulland would not have appointed Taylor assistant minority leader at the start of the 1983 session, and his Republican colleagues would not have elected him Ulland's successor as minority leader in 1985.

Taylor had operated a successful business in the central Minnesota city of North Mankato before becoming a senator. It was evident to Ulland, who is now senior vice president for corporate relations at First Bank System, that while Taylor "was learning the legislative process, he already knew the management process." It was also evident early to Ulland that Taylor was a "consensus builder"—someone who shares both important responsibilities and credit for accomplishments; "The result," says Ulland, "is that other people develop skills more quickly, and ultimately he has a better team."

Gene Waldorf, a DFL senator from St. Paul, affirms that Taylor seems "absolutely not" interested in getting recognition for his legislative work. If he were, Waldorf says, he would never have sought a position on the Education Division of the Senate Finance Committee. The subcommittee, which Waldorf chairs, sets appropriations for the University of Minnesota, Minnesota's state university system and the state's 18 community colleges and 30 vocational and technical institutes.

Taylor calls it "a super [sub]committee to be on, because there are just a few of us." Waldorf, a 3M engineer, says that it's super for legislators who want to commit a lot of time to work of some consequence, but that it's a poor assignment for someone trying to impress the folks back home—especially poor for anyone interested in running for a higher office. The nine-member subcommittee's biennial budget of $1.9 billion is close to 20 percent of all state expenditures, but the work that it does seems nearly invisible. Few reporters drop by, especially television reporters.

Taylor is a member of the Rules Committee. Because he believes that education "is probably our greatest resource compared to other states"—in college, he planned to become a math teacher—he is also a member of the Senate Education Committee, which deals with public schooling from kindergarten through high school. After six winters in the Legislature, he is most proud of having sponsored and gotten carried a measure establishing engineering schools at the University of Minnesota-Duluth, St. Cloud University and Mankato State. Because of Taylor's bill, those schools had combined enrollments of more than 1,260 engineering and preengineering students early last fall.

Business issues comprise Taylor's other broad area of interest in politics. "I've concentrated on education and business because the two, to me, are so tied together," he says. "Having an engineering school for Mankato is not just education, it's an opportunity for southwest Minnesota . . . We have a tough time getting companies there, because what do they do for continuing education [for employees]?" For his first four years in office, Taylor was a member of the Senate's Employment Committee, which deals with issues of employee relations, including workers and unemployment compensation programs. "Those were subjects I had a background in from my daily work," he says.

Not many lawmakers or lobbyists from labor and business groups would guess that Taylor has any background at all in those subjects beyond his legislative committee work. He seldom discloses that he did graduate work at the Harvard Business School a few years ago, or even that he owns a business. Robert D. Anderson, who, for a four-year period that ended last month, was chief of staff of the Senate's Independent-Republican caucus, says that until Taylor became minority leader, other lawmakers "knew nothing of his business; they didn't know he had one." Now, Anderson says, "most of them don't know the nature of it, and he never tells them."

A few of those senators are likely to have read this far thinking that Taylor is being designated *Corporate Report Minnesota's* 1987 Executive of the Year for mainly reasons that have to do with his duties at the Capitol. If so, they are in for a surprise. His selection, by consensus of the editorial staff, is based in part upon his commitments to community service, including his legislative work, but mainly on his accomplishment in business—in the past year or so, and in the course of his career. He would tell you, however, that the two would be hard to separate.

The nature of Taylor's business is specialty printing. Among the things that Taylor does not tell his Senate colleagues, is that the Taylor Corp. is the nation's largest printer of wedding stationery, which includes invitations, response and reception cards, thank-you notes and church programs If you receive a wedding invitation mailed from anywhere in the United States, the chances are better than 50 percent that it was printed by one of 20 wholly-owned subsidiaries of the Taylor Corp. If it was mailed from Minnesota, North Dakota, South Dakota or Iowa, the chances are better than 80 percent that Taylor printed it.

The chances are also good—though not nearly 50 percent—the Taylor Corp. subsidiary printed your business card or your company's letterhead stationery. Taylor Corp. subsidiaries are located in 11 states plus the city of Winnipeg, although the biggest of them by far is Carlson Craft of North Mankato, whose 1,500 employees process 5,000 printing orders a day, six days a week. Among the corporation's other products are personal stationery, graduation announcements. Christmas cards and wedding accessories, (including printed napkins, engraved stemware and personalized gifts for wedding attendants.)

Taylor offers a single simple reason for keeping those facts from his fellow legislators: "I sort of wanted to come to the Legislature as Senator Taylor.

"I didn't want anyone to think that I am just speaking as a businessman. I wanted to show that there needn't be a business viewpoint versus an employee viewpoint. I've tried to break down that kind of thinking, though I've failed in that area. . . . I suppose," he hesitates, "that when I speak on business issues, I am speaking as a businessman; that's what I am. But I am also speaking as a person with a lot of employees, and I want laws to protect them." He adds: "I mean it wasn't that long ago that I was an employee."

There is at least one Minnesota lawmaker and more than one member of the Minnesota Business Partnership who have lectured in Taylor's presence about the naivete of politicians who've never had to meet a payroll. They would not have known that Taylor has nearly 4,000 employees, and that during the pre-wedding season employment peak next spring he will have at least 300 more. Only five other privately-held companies headquartered in Minnesota have more than 4,000 employees (Cargill, the Carlson Companies, S.J. Groves & Sons, Schwan's Sales Enterprises and Lifetouch). Only two Minnesota companies headquartered outside of the Twin Cities area have more than 4,000 employees (Schwan's of Marshall and George A. Hormel of Austin).

Twelve years ago, when Taylor bought controlling interest in the company from its founder, its annual revenues were approximately $6 million. Since then, its product expansions, acquisitions of other companies and a series of start-ups have resulted in a compound growth rate of slightly more than 33 percent a year—never less than 20 percent in any one year and never by as much as 40 percent until 1985, when revenues spurted upward by more than 50 percent to $200 million. "We've sort of aimed for a 25 percent-a-year increase," Taylor says.

In November, Taylor said that the company was sure to achieve that rate of increase for 1986, when the annual sales of the company (not including the revenues of the bank, the engineering company, and the Post-It Note printer), woud exceed $250 million. If acquisitions that were pending in late November were consummated by the end of December, the company will all but have assured a 25 percent growth rate again in 1987.

The company's 12-year surge of growth has been achieved with an unusually youthful group of top managers who are unusually active in community service organizations—especially the Mankato area Chamber of Commerce, Jaycees, YMCA and United Way, which are all organizations that occupied much of Taylor's time before he became a legislator. The growth also took place while the company has paid its production employees higher wages than most manufacturers in outstate Minnesota and provided its employees with an exceptional employee benefits package that includes pension and profit-sharing plans for all employees. Except for several Twin Cities hospitals, the company was until last month, the only corporation in Minnesota running an on-site day center for children of its employees.

Most remarkably, the Taylor Corp's growth in the past dozen years has been achieved with minimal financial leverage. Company officials will not reveal specific earnings figures, but they will say this: Not only has the company been profitable in every year since Taylor bought controlling interest—as it was for at least a decade before his purchase—its profits have been sufficient to finance its own expansion. The corporation has made a dozen-and-a-half acquisitions of operating production plants since 1975, none of them with borrowed money. "We've had the seller carry us for a while a few times," Taylor says, "but we've never had to get money from a bank."

Meanwhile, an emergency cash reserve fund of more than $5 million—how much more, Taylor won't say—has been built up, at his insistence. "I'm very conservative," he says. "I always think about what if we had a year when we didn't make any profits. Maybe I'm too conservative."

Al Fallenstein doesn't think so. Fallenstein, the executive vice president and chief financial officer of the Taylor Corp., says that when companies "get to be highly leveraged, they play games to show a profit." Taylor won't tolerate games: "For example, if we have a doggy inventory, we write it off." The company does not concern itself with avoiding taxes, Fallenstein says. "We just say, 'Let's not worry about the tax consequences; let's make a profit and pay our taxes.'" The company has probably missed opportunities to invest in real estate to depreciate against earnings, he says. Fine, he says; that means it isn't tempted to buy real estate it doesn't need. "We don't want to muddy up what we do," he says. "It's just easier to manage that way.

"To me, it's like we're saying, 'Let's not screw this thing up,'" he says. "We have a lot of good people working for us, and we're responsible for them. They can screw up orders and lose business for us, but if we screw up we cause bigger problems. Look at all the cars in the parking lot; they represent a lot of car loans, and there are a lot of house loans.

"We are conservative," Fallenstein continues. "That's because this [company] isn't something to play with and feed our egos with.

"Of course," he adds, "what I'm saying all comes from Glen."

There are a few key managers in the Taylor Corp. who wonder if Glen Taylor hasn't been screwing up things at the company by agreeing to be interviewed for this article.

A 4,000-employee corporation isn't easy to hide from public view, but the Taylor corporation has done its best to keep out of sight, not only from Glen Taylor's associates in politics, but from the news media. Company officials have spoken with reporters about the company's day-care facility, but little else. Because its subsidiary companies are dispersed widely—and because they not only have dissimilar names, but actually compete with each other for customers—the parent company can appear to be much smaller than it actually is.

The company's managers have regarded that as an advantage. "We're a very service-oriented company," Taylor explains. "There's a perception that if you're a little smaller, you care about your customers more—or your suppliers, or employees. We'd hate to have someone say, 'Well, they're so big they don't need our business.'" Another fear is that Taylor's own employees could become complacent: "They could think, 'This customer is small, so we don't need him,' that sort of thing," Taylor says. Says Fallenstein: "People think we've got some secret patent, or that we can sell something no one else can sell. But even in Mankato, our competitors can sell the same things we do for approximately the same price. When we were small, we knew that the only way to be successful was through quality and service, and it still is."

Most of the company's products are sold through independent vendors—including commercial printers (for whom an order of wedding invitations is little more than a nuisance), and bridal, card-and-stationery and gift stores. Many of those kinds of stores will have several 6-inch-thick sample books from one or several Taylor subsidiaries for their competitors. In exchange for logging an order and mailing or phoning it in, the printer or retailer will get 50 percent of the cost of the order.

If an order is placed by mail, it is processed and shipped the following day, usually by United Parcel Service. If a special request is telephoned in by 1 p.m. it will be shipped out on the same day. If a mistake is made in the printing, no matter whose fault it is, Taylor will reprint the order promptly and not charge the dealer. "Our forte is handling large volumes of custom orders in a short period," says Stafford Harder, 34, the vice president of operations for the company. "Red-tag service is a promise we make to our dealers . . . . We get almost to the point of becoming unreasonable with ourselves."

Each shift, he says, "has what we call a walk-through team that does nothing but coordinate orders with unreasonable service dates; we get hundreds of orders like that every day." A typical order is $30 to $40. Usually, eight or more orders for printing on a particular type of paper will be ganged together for economy, but "we won't delay a run for lack of volume," even though that is likely to mean losing a few dollars per order. Do orders for wedding invitations really need to be treated like emergencies? "It's psychological," Harder says. "You order something, you want it right away."

Besides, he says, prospective brides and their mothers—that's who order most wedding invitations—have enough things to worry about without having to wonder whether their invitations might arrive late, or if they'll be printed with mistakes. Moreover, if problems arise, the customers will blame the dealers, who can affect how much repeat business Taylor gets. "If we don't treat the dealer right, he'll put our sample book under the counter and show our competitors' [book]," Harder says.

Harder started with the company 16 years ago, when he was a freshman at Mankato State College. Two years later, he was made a supervisor, which required him to work "40-plus" hours a week. That forced him to delay his college graduation by a year, but it was okay with him because he was "getting my career started."

Dozens of other employees of the company got started in their careers while they were college students. Even though the company has plants in 11 states, 67 of its top 100 managers are graduates of either Mankato State or the Mankato Area Vocational and Technical Institute who worked for the company while they were in school. One of them was Glen Taylor.

Taylor was the second of seven children raised on a small southwest Minnesota farm, five miles outside of Comfrey, a one-streetlight outpost of perhaps 200 families. His parents worked, but did not own, 160 acres that would today be rare for their diversity of crops; the Taylors raised oats, corn, soybeans, alfalfa and livestock—always hogs and cows, and in most years, sheep and chickens. One of Taylor's three daughters (he also has a son) now lives on a hobby farm that he owns outside of Mankato, where he raises several horses, geese, ducks and what his brother Larry describes as "every kind of strange chicken you can think of—everything but white."

"He likes the land," says Larry Taylor. "He likes putzing around, digging, gardening. Last weekend he was with a brother-in-law combining corn." Glen "would have been a good farmer," Larry Taylor says. "I think he would have been successful at anything he did."

For a year, his first out of high school, Glen Taylor was a full-time farmer. Already married—his wife, Glenda, had grown up on a farm adjacent to the Taylors'—Taylor operated the family farm when his father became a seed distributor. When he and Glenda moved to Mankato in 1959 so that Taylor could attend Mankato State, the farm was leveled and turned into a 160-acre cornfield.

Needing a part-time job, Taylor applied at Carlson Wedding Service, an 18-person outfit operating in a building that has since become the Mankato Salvation Army Store. He was told there were no openings. He left. Before he got to the highway, he was called back to talk with Bill Carlson, the owner. He was about to take his first vacation in years and he had decided that it wouldn't hurt to have an extra person on hand in case someone quit. "You look like you really need a job," Carlson added.

Carlson and his wife had started the company as a mimeograph service after World War II, taking the idea from a U.S. Chamber of Commerce manual called *Small-Business Ideas for Returning Servicemen*; soon he had branched into selling custom-printed wedding invitations and other specialty products. Taylor was put to work at a napkin-stamping machine, the least desirable job in the company. When another student was away for a few weeks, Taylor was put temporarily in charge of the stockroom. After revamping the company's method of keeping track of inventories, he was put permanently in charge of the stockroom. He then impressed Carlson by instituting some new procedures for ordering supplies.

When Taylor was about to graduate—in 1961, a full year ahead of the rest of his class—Carlson asked him to stay on and help manage the company, which had been expanding since about the time that Taylor arrived. Carlson had invested $10,000 in a new catalog in 1959, and it had increased his business by 49 percent. Thermography, or "simulated engraving," as Carlson calls it (a process for producing raised lettering in which ink is laid on paper and a fine plastic powder is laid on the ink; when the paper is heated the plastic melts in place), was growing in popularity, and Carlson was one of many printers taking advantage of the expanding market.

Modern Mathematics, a new method of teaching math that had been developed at the University of Illinois, was just being introduced to public schools. Because Taylor had done practice teaching at junior high school where Modern Math was being taught, he received invitations to apply for teaching jobs at many of the best schools in Minnesota. Carlson encouraged him to go to the interviews; he would match whatever salary Taylor could get by teaching, he said.

Taylor received several offers, "but I decided I would rather stay with Mr. Carlson," he says. "If I was teaching; I would not want to be teaching; I would want to be principal, superintendent, something like that. Here I would be second from the top." He told Carlson he didn't have to match his best teaching offer. "Whatever someone else offers me doesn't matter," he said. "I know you'll be fair."

Carlson wrote down a figure on a piece of paper.

It was $4,200.

Taylor thanked him. Later, it occurred to him that $4,200 was probably only $800 less than Carlson had been paying himself after running the company for 14 years.

"But I had not had any offers that low," Taylor says.

Carlson built a new building in North Mankato soon after that—and he expanded it three times in the next 12 years, as his company grew to more than 500 employees.

Cautiously, and often at Taylor's urging, he added new product lines—new colors and styles of wedding invitations. At the time Taylor started with the company, wedding invitations were invariably white; "You were really daring if you had ivory," Taylor says. Carlson, however, was persuaded to sell invitations on blue paper and pink paper. Where he had offered a choice of two texts—one for Protestants and one for Catholics—he was soon experimenting with contemporary texts, colored inks, and coordinated designs of invitations, reply cards and thank-you notes.

"We hit it just right," says Taylor. "People wanted something different; they wanted to choose." Meanwhile, thanks to an expansion of United Parcel Service deliveries throughout the Midwest in the 1960s, the company was able to reach a broader customer base than it could in the previous decade. "Without that," says Taylor, "we probably could not have grown much."

In 1967, when he was 52, Carlson made what he says was "the single most important business decision I have ever made, next to the idea of starting the business itself." He decided to sell shares in his business to three key employees, who would become eligible to succeed him when he decided to retire. One was Taylor, who had been placed in charge of inventories, purchasing, and some marketing functions. The others were Jim Holland, who headed the administrative and clerical staffs, and Merlyn Andersen, who ran most of the printing operations.

When Carlson did retire in 1974, he sold his majority interest to Taylor—with the acquiescence of Andersen and Holland, who also sold Taylor part of their shareholdings. Both are still with the company, however; both, in fact, own significant minority interests in the company. Says Andersen: "In 1974 we had to decide among the three of us who would be the boss, and the best person for the job was Glen Taylor." Taylor, he says, had up to that point been "especially instrumental in the growth of the company. He was probably the best motivated. He wasn't afraid if he had an idea to go ahead and make it work. We had a lot of competitors bigger than us, but he was not afraid to go head-to-head with those guys, to learn what they do and how to do it better."

Andersen remembers an occasion when Taylor, probably in his 20s at the time, talked about the costs and use of space in one room of a production plant—about the ways the room could be better used to justify the cost, about uses that wouldn't justify the cost, about when it makes sense to add on to existing space. The details of the conversation are fuzzy but Andersen remembers being impressed by Taylor's "ability to sit back and look at the whole thing." Some people, he says, "don't take time to plan ahead; they just keep working hard. But Glen always looks at the big picture."

The picture got bigger after Jan. 1, 1975, when Taylor took possession of Carlson Craft, which was soon to be a subsidiary of the Taylor Corp. In April he hired Al Fallenstein, a Mankato native who had moved on to Salt Lake City and then to Sioux City, Iowa, before helping to set up the Minnesota Housing Finance Agency in St. Paul. Hiring Fallenstein was an exception to a policy now established, of promoting key managers from within; Taylor told Fallenstein that, but said that a growing company would need an experienced comptroller. Taylor bought another company the following August. McPherson's Inc., a 45-employee producer of wedding stationery in Sunman, Ind., had seen sales and profits decline for four years. The owner wanted his son to take over the business for him, but the son wasn't interested; the employees, worried about dealing with the son, had petitioned for a union election. The owner called it a betrayal. The negotiations for the sale went quickly. When they were done, the seller said to Taylor: "I'm never going in there again."

And he didn't, Taylor introduced himself to the employees the next day. "You want security," he said, "and security comes from company growth. . . . I'm here to help you grow." Three weeks later, the petition for a union election was rescinded. A former press operator was named plant manager. McPherson's now has 135 employees; its revenues and its employment rolls have grown every year.

In subsequent purchases—many of them negotiated by Fallenstein—Taylor has invariably promised sellers of family-operated firms that he would retain their employees (although not all managers) after the sale. If the seller cares about that, the employees are likely have been treated well enough to "be loyal and stay with it," Taylor says, "I tell them, 'If you don't care, maybe I'm not the guy who should buy the company.' " Of course, by making that promise—and by paying cash—"it means maybe I don't have to pay top dollar," Taylor says. That, of course, can mean more purchases.

Brad Schreier, president of the Taylor Corp., says that in the late 1970s, Taylor "handpicked a dozen or so managers that he wanted to groom" for bigger jobs. One was Schreier himself, who grew up in the southwest Minnesota city of Currie (population about 180) and worked for Taylor while attending Mankato State. "I think he picked people like himself intentionally," Schreier says "He picked people who were younger and willing to make some sacrifices, from small towns, and with not a lot of formal education. He looked for a strong work ethic.

Schreier says that Taylor "asked a lot" of his managers—making it clear that "no matter how good we did, we could do better. You could work a 100-hour week—and I'm not exaggerating—and there was never even a matter of discussion about adding managers. You just had to do more and more . . . Of course he worked every bit as much as anyone."

Schreier was made president of the company a year ago, at age 34. Actually, he was given the title a year ago. Two years ago, Taylor told him to assume the responsibilities for a year, and if everything worked out, the title would come later. "I've had that discussion before," Taylor says. "That way, if it doesn't work, no one gets embarrassed by having a title taken away." Schreier concedes that it is unusual to have a 35-year-old former napkin stamper presiding over a 4,000-employee company, but "I feel like I got 20 years of experience in the last 10 years," he says. In the print shop, vice president for operations Stafford Harder says much the same thing: "I feel like he [Taylor] has made me into all the manager I could be in the last 16 years.

Says Al Fallenstein: "All of us guys think we could run the company."

"That's why I ran for the legislature," Taylor says, "Sure I believe in service and I wanted to learn, but I thought it was consistent with the needs of the company. I had gotten really strong people . . . but was still sort of interfering with them. I had to get out of their way. The only other way was to take long vacations or go golfing, and I wasn't willing to do that.

"I am a hands-on type of person, and I was involved with everything. I knew that if this company was going to keep growing, it was going to have to go from an entrepreneurial sort of company to one where the managers had more lee-way . . . I thought that, given the opportunity, they would blossom, and I was right in that."●

A COMPASSIONATE AND UNIFYING FORCE IN LEBANON

● Mr. SIMON. Mr. President, we all continue to be deeply concerned about the continued strife in Beirut, and the drastic economic situation faced by Lebanon. When Lebanon appears in the papers, it is always bad news.

Recently, I had the chance to become familiar with a program which offers hope that, with time and international support, Lebanon can begin the road back to stability. It will be a long road, and the prospects are by no means clear. But it is clear that there are organizations which are committed to helping Lebanon move toward peace and productivity.

One of these organizations is the YMCA in Lebanon. My office was recently visited by Mr. Ghassan Sayyah, the Director of the Lebanon YMCA. Pulling together a number of funding sources, including a grant from the Agency for International Development, the YMCA is providing services to individuals and communities, regardless of their religious or political beliefs.

Let me cite a few of the services provided by the Lebanon YMCA throughout the country:

VOCATIONAL TRAINING AND REHABILITATION

The YMCA started a program in 1978 offering young people a 3-month crash course in a variety of skills including carpentry, tiling, plumbing, plastering, brick laying and electrical work. Over the course of the program 18,000 young people have received training, and the vast majority are working in the Lebanese building and construction fields today.

RELIEF ASSISTANCE

The YMCA provides immediate relief assistance, including food, medicine, clothing, fuel for heating, and shelter to needy and displaced families throughout Lebanon. In some instances, the YMCA works with private voluntary agencies to provide the relief. In other, more critical instances, the YMCA staff and volunteers distribute commodities directly. This program has reached over 236,000 individuals.

WAR AFFECTED CHILDREN'S PROGRAMS

This summer, the YMCA will be taking 6,000 children affected by the war to both resident and day camps. The children will have the opportunity to participate in educational recreation, health education, reconciliation programs, sports and nature activities. Along with this, the YMCA offers leadership training to the 600 volunteers working with these children. Here again, the children participating represent all geographic, political and religious parts of Lebanese society.

Mr. President, I know my colleagues join me in saluting Mr. Sayyah and his staff and volunteers in Lebanon, for their compassion and courage in providing necessary services and hope to the people of Lebanon. And, I also applaud our own Agency for International Development for its continued support for many of the programs administered by the Lebanese YMCA.●

BETHEL GRAD CARVES A NICHE IN HISTORY

● Mr. DURENBERGER. Mr. President, we are surrounded by the art and architecture of this Capitol, paintings and statues and rooms where the history of the Nation has been shaped. But we are often too busy to stop and appreciate it.

I recently came across an article which made me more aware of how the living tradition of the Capitol is formed. It describes the work of an accomplished young sculpture, Judson Nelson, who is creating a bust of former Vice President and U.S. Senator from Minnesota Walter Mondale which will be on permanent display in the Capitol. As my colleagues know, a bust of Hubert Humphrey now stands only a few yards from here, just off the Senate floor. The people of Minnesota take pride in their contributions to National Government, and welcome the recognition of that service through the busts of these two outstanding public servants.

Mr. Nelson attended Bethel College in St. Paul, MN, and graduated in 1966. The alumni magazine, the Bethel Focus, produced the following article, which I ask be included in the Record.

The article follows:

[From the Bethel Focus (St. Paul, MN), August 1987]

Bethel Grad Carves a Niche in History

Sculptor Judson Nelson comes highly recommended, and at the top of his list of references is Walter F. Mondale, former vice president of the United States.

Mondale recommended the Bethel College grad to create a portrait bust to join those of 37 other vice presidents on display in the Senate and nearby corridors of the Capitol.

Mondale credits his wife Joan for introducing him to Nelson and says the sculptor's work "spans a broad range of exceptional creative endeavor."

"It has been the highlight of my career," Nelson says, "working with Walter Mondale, creating his bust for the Capitol building."

The experience was a first for both the former vice president and the sculptor. Mondale had never posed for a sculptor before; Nelson had never created a three-dimensional portrait in marble. But what the pair may have lacked in experience, they made up in enthusiasm. "Fritz worked with me in the studio with equal determination," Nelson recalls.

The bust is a life-like representation of Mondale—even down to his wry smile. "I knew from the start a smile would be in order," Nelson explains. "The natural and genuine Fritz Mondale smile reflects his positive attitudes toward life and his politics."

A portrait bust is developed in three stages—clay, plaster, and marble. It's a process that Nelson likens to writing, memorizing, and delivering a speech. He intends to deliver his sculpted, marble "speech" to the Capitol this fall, where it will be on permanent display in the Senate wing. The bust of Mondale will join works by other noted sculptures, including Augustus Saint-Gaudens and Daniel Chester French.

Nelson is one of only a handful of contemporary artists who work directly in marble. He selected the stone—a rich, warm, white Carrara statuario—from a quarry in Carrara, Italy.

Nelson has received other major commissions. He created a heroic figure in bronze of an astronaut for the Gerald R. Ford Museum in Grand Rapids, Michigan. At the dedication ceremony, President Ford said he was "tremendously impressed and proud to have 'Man in Space' as a part of the Ford Museum."

Nelson's work is also included in the permanent collections of the Walker Art Center in Minneapolis and the Solomon R. Guggenheim Museum in New York City. His pieces have appeared in exhibitions at the Hirshhorn Museum and Sculpture Garden in Washington, DC; the Pennsylvania Academy of Fine Arts in Philadelphia, PA; the Oakland Museum in Oakland, CA; Wave Hill in Bronx, NY; Hammarskjold Plaza Sculpture Garden in New York City; the Richmond Museum in Richmond, VA; and the Renaissance Society at the University of Chicago.

"I discovered I was an artist as a student at Bethel," Nelson says. He is grateful for the unique relationship he was able to develop with Eugene Johnson, his first art professor. "Eugene Johnson let me take over a corner of the studio and do what I wanted to. I'll never forget that."

Nelson says of his work, "Carving is my approach to form. My work is based on direct observation, line for line, fold for fold."

It's clear that his eye for detail has helped Judson Nelson carve a niche for himself in the art world—and in history.●

NEW JERSEY'S MANYA UNGAR TO HEAD NATIONAL PTA

● Mr. LAUTENBERG. Mr. President, I am pleased to recognize Mrs. Manya Ungar of Scotch Plains, NJ, for her election as national president of the Congress of Parents and Teachers, known as the National PTA.

Mrs. Ungar has served the New Jersey and national PTA diligently since 1958. She has chaired and served on many PTA committees on the local level, on the county level in Union County, and on the State and National levels. In the past, she has served as president and vice president of the PTA at all levels. Mrs. Ungar has represented the National PTA on several organizations and was the Governor of New Jersey's representative on the Task Force on New Jersey Minimum Competencies and Standardized Testing. Through these years of service, Mrs. Ungar has developed a thorough understanding of and commitment to children and the issues that affect them.

Through her dedication, integrity, and experience, Mrs. Ungar has earned the respect of Federal and State officials, professional educators, and members of the business community. In 1982, she was the first woman to receive the New Jersey Jaycees Outstanding Citizen Award, and from 1978 to 1982 she was the first woman, and 1 of only 12 laymen, to be appointed by the New Jersey Supreme Court Justice to the New Jersey Bar Association Ethics and Fee Arbitration Committee. In 1985, Mrs. Ungar won the New Jersey Women in Education Award, and, a year later, was appointed to the board of directors of the New Jersey Public Education Institute. Twenty-eight States and the European Congress have recognized her dedication to the PTA by granting her honorary life membership or special service awards.

Mrs. Ungar's intelligence and determination are manifested in many areas aside from the PTA. She has had experience as a concert classical pianist, radio and TV actress, and singer. She was a founder of and co-producer/director at the Summer Musical Theatre Workshop in Scotch Plains. Mrs. Ungar has worked for the New Jersey Commission for the Blind, Boy Scouts of America, and the League of Women Voters. Her recognized hard work for organizations other than the PTA is a tribute to this multitalented individual.

This remarkable record of service has been amassed with the support of her husband, Skip, and two sons, Paul and Michael. She is loved and respected by her family and her peers, and possesses all the qualities one could desire in a national PTA president and in an American citizen. The honor Mrs. Ungar has brought to the State of New Jersey is only matched by the pride which we have for her as she assumes her new position.

I was pleased to meet with Mrs. Ungar and work with her when I first came to the Senate. At that time she was PTA national vice president for legislation. Her expertise and commitment were immediately obvious to me and her help was invaluable. I have enjoyed working with Mrs. Ungar and the National PTA on many issues, including the problem of asbestos in schools, the 21 drinking age amendment, children's television, and youth suicide prevention. The PTA was very fortunate to have Manya Ungar at the helm.●

● **Mr. BRADLEY.** Mr. President, I rise today to congratulate Manya Ungar, from Scotch Plains, NJ, on her recent election to the position of president of the National Parent-Teacher Association [PTA].

Mrs. Ungar's commitment to the promotion of parent-teacher partnerships is evidenced by the 29 years of service that she has devoted to the association. Her contributions to the PTA are commendable. On the State level, for example, she has facilitated the development of a State PTA Legislative Advisory Committee. On a national level, she has been an articulate spokesperson for our Nation's school children. As director of legislative activity and as first vice president of the National PTA, Mrs. Ungar has traveled extensively and has garnered a broad knowledge of local and regional concerns of parents and children. Mrs. Ungar's many commendations attest to the admirable work she has done.

I firmly believe that parents are their children's first and most influential teachers. We must do all we can to support the role of parents in educating their children. The National PTA has worked closely with me in developing the "Family-School Partnership Act," legislation designed to encourage the development of better ways to involve parents in the education of their children.

It is with great pleasure that I congratulate Manya Ungar on her installation as president of the National PTA. New Jersey has always taken great pride in the role she has played in strengthening parent involvement in education, both in the State and nationally. I am certain Mrs. Ungar will be a great asset to the organization and to the parents, children and teachers of this Nation.●

SALUTE TO NORB McCRADY

● **Mr. DURENBERGER.** Mr. President, on August 21, the Independent Bankers of Minnesota will be honoring its executive vice president, Norb McCrady, for his more than 11 years of service to the banking industry in Minnesota.

Norb McCrady is one of those unique individual who has enjoyed a wide variety of vocational opportunities and always kept public service as a high personal priority.

A native of Owatonna, Norb graduated from Owatonna High School and then served in the U.S. Army during World War II. He was an elected official, serving 8 years as Steele County Treasurer and was the Republican endorsed candidate for Minnesota Secretary of State in 1962.

Prior to joining the Independent Banker, Norb was executive vice president and chief lobbyist of the Minnesota Finance Conference for 8 years.

As staff director and chief lobbyist of the Independent Bankers, Norb has been active in the programs of the Independent Bankers Association of America. He is a frequent speaker at conventions and regional meetings and is as highly respected spokesman on farm credit and other issues of concern to rural bankers both in St. Paul and in Washington.

Always quick with a great sense of humor, Norb and his wife Natalie are the parents of five children and have nine grandchildren. His optimistic attitude is well expressed in his statement that "few people have enjoyed a more interesting life than I without spoiling it by becoming wealthy."

Mr. President, because of the outstanding contributions made by Norb McCrady, to the banking industry and the entire State of Minnesota, I would ask that the following article on Norb from the St. Paul Pioneer Press/Dispatch be printed at this point in the RECORD.

The article follows:

BANKER McCRADY LIKES INDEPENDENCE

(By Jim McCartney)

Few in the banking world like a fight better than Norb McCrady of the Independent Bankers of Minnesota.

McCrady has battled the foes of small independent banks ever since he was hired as executive vice president of the Independent Bankers eight years ago. In the past, those foes have preferred to ignore him, but now they may be forced to pay attention to him.

"I'm not afraid to get into a groin-kicking contest with the big bank systems," McCrady say with a flair that makes some bankers wince.

"I don't have to mince words about where I stand," he continues. "But I don't go veering off by myself—I stay within the confines of what the group wants."

His job is to advance the views and goal of the independent banks, mainly small-town financial institutions not affiliated with large bank holding companies. As head of a special interest group, his objective is simple: prevent big banks from being allowed unlimited expansion powers, either statewide, and thereby protect the interests of the small-town banker.

Just as efforts to legalize interstate banking and statewide branching have picked up in the past few years, so have McCrady's counterattack. And McCrady has taken a no-holds-barred approach that has upset the reserved, pin-striped world of banking.

"I like a good scrap," he says, which is demonstrated by those incidents.

In a newsletter to his members, he called testimony against a bill his group was proposing "asinine" and specified one banker as being "one of the most asinine."

He charged a state regulator with having a conflict of interest in promoting interstate banking.

He accused the two big Minneapolis-based bank holding companies—Norwest Corp. and First Bank System—of abandoning the Iron Range in its time of need.

And he continually pummels away at the Minnesota Bankers Association (MBA), a rival trade group that represents nearly all the banks in the state, for allegedly favoring its large bank members to the detriment of the small ones.

Although his targets prefer to ignore these attacks they are clearly irritated by McCrady. When asked about the accusations, they refute them as untruthful and unfair. Few will speak on the record about McCrady, although several believe the trade group would do well to get rid of him. They view McCrady and the Independent Bankers of Minnesota as a negative group whose principal goal as to protect its members from healthy competition.

But now that McCrady's group gained a measure of success in the last state legislative session, they may have to start paying attention to him.

One of the group's top priorities was to put a ceiling on the amount of deposits any one bank holding company can have in Minnesota. The so-called concentration bill would restrict bank holding companies with 10 percent or more of the bank deposits in the state from further expansion.

The bill had been introduced every year for the last half dozen years, and some years never even got a hearing.

This year it was not only heard and passed by the banking committee, but it also passed the Senate by an overwhelming margin and was sent on to the House of Representatives for consideration next session.

The concentration bill is aimed at preventing the nation's huge banks, such as Citibank or Bank of America, from entering Minnesota and dominating the state, according to McCrady. And it also prevents the two large Minneapolis-based bank holding companies from further expansion, since each has about 20 percent of the state's deposits.

The small banks, already feeling threatened by First Bank and Norwest are afraid that much larger banks from outside the state could come in and drive them out of business.

McCrady's argument: If we must have interstate banking, then at least there should be limits as to how far the big banks are allowed to expand.

The issue has generated quite a few sparks.

William Sands, president of Western State Bank in St. Paul, testified on behalf of the MBA against the bill. Sands said that as an independent banker, he is very much opposed to the bill. He argued that the bill discriminates against large banks, would do little to help small banks, and is unnecessary.

He also argued that the bill could reduce competition in small towns by restricting the large banks from expanding through detached facilities in order to compete with the independent banks in those towns. The detached facility restriction was later removed from the bill.

McCrady retaliated through his newsletter to members:

"Maybe the most asinine testimony (and there was plenty of asinine testimony, believe me) came from MBA's Bill Sands, who expressed the concern that our bill would result in several independent banks becoming a monopoly through concentration in their own community causing serious harm to the affiliates of the regional giants in those communities," he wrote.

That comment upset Sands, and ruffled the feathers of a few fellow independent bankers who said McCrady should not resort to name calling.

"I'm not too sure I like the method he uses—always taking a hard crack at somebody," said Thomas Olson, president of

First National Bank in Starbuck and a member of the Independent Bankers. "He does seem to have a flair for writing."

But the president of the Independent Bankers supports McCrady. "I think Norb was being generous," Wakefield said.

"I get feedback to cool it," McCrady says. "I could tone down my remarks. But there's a downside to that. A subtle approach to major problems is fine if you're a Supreme Court justice with a massive presence to your utterances.

"But if I said something subtle about interstate banking—'it might not hurt to take a look at concentration limits'—I wouldn't have much effect."

As for Sands, he shades his head and wonders why the independent bankers group is so negative all the time.

"If they'd stop being so negative, and roll up their sleeves and get to work, they wouldn't have to worry about the big banks," said Sands, who claims that he rarely sees independent bankers at marketing programs for bankers and other educational seminars for bankers. "It seems like they're just out to protect their little freedoms."

But McCrady did not stop at Sands. In another newsletter, he used the concentration issue as an opportunity to take another crack at the big bank holding companies. He criticized both Norwest and First Bank for turning financially ailing banks in the depressed Iron Range into detached facilities of nearby affiliate banks.

Norwest asked for legislative permission to merge its Silver Bay affiliate into its Two Harbors bank, while First made a similar request to merge its Babbitt affiliate into its Virginia bank. The big banks claimed because of the depressed economy in those areas, their affiliates could not continue to be operated as separate banks.

Those actions "give a clue as to why they are fighting so hard against this limitation on their 'brick and mortar' expansion," McCrady wrote. "When the going gets tough as it has in those two communities, they simply want the convenience of being able to 'pack up and pull out,' shifting their capital investment to greener pastures."

McCrady refers to the banks' actions in the Iron Range as "shenanigans," calling the moves a "serious disservice to the community," and summed up by writing "IT STINKS."

But the holding companies say that their efforts to merge the Iron Range banks into healthier banks was beneficial, not detrimental, to the communities. And both say that the legislation that allowed the mergers (which would otherwise violate state detached facility regulations) passed the Legislature without a single dissenting vote.

"What was done in those two cases was to reaffirm commitment to those two communities," said Ron Pratt, vice president and chief lobbyist for First Bank System. "Unemployment was 80 percent in those depressed areas and it was not economical to operate them as separate charters."

"They were the only banks in town, and looking at them from a profit and loss standpoint would have suggested closing them," said Ronald McLellan, regional president for Norwest. "We have the economies of scale to keep them open."

Both lobbyists criticize the concentration bill as bad legislation, and argue that, in any case, it will not help the small banks. Both said their bank holding companies have held more than 10 percent of the state's deposits for the last several decades, and no one has been able to prove any harm to consumers or small bankers because of it.

But McCrady goes beyond criticism of the natural enemy of the independent bankers to his favorite target of late: the much larger, rival Minnesota Bankers Association, whose members include almost all the banks in Minnesota, including most of the Independent Bankers.

Disregarding the arguments for or against the bill, McCrady points to a poll of MBA members which shows that the majority of those members support the concentration bill, especially if the state allowed out-of-state banks to acquire Minnesota banks.

A questionnaire was sent to all the members of the Minnesota Bankers Association by the "Fair Representation Committee," a group of independent bankers who are also members of MBA. In the poll, 323 bankers favored the concentration bill, while 118 were against it and 23 offered no opinion.

McCrady says the poll shows that the MBA does not represent the interests of all its members, just the large ones. "They . . . serve the wants of their powerful minority," McCrady wrote of the MBA.

To back up his point, McCrady points to the same poll when it addressed the issue of interstate banking. The MBA had supported a last-minute proposal by Gov. Rudy Perpich which would, among other things, allow banks from states with reciprocal agreements to come into Minnesota. The poll showed that nearly half of the 459 association members responding were flatly against interstate banking, while one-fourth supported interstate banking only if "it includes the protection of a 10 percent concentration limitation."

Truman Jeffers, executive vice president of the MBA, counters that his association "represents independent banks and represents them well."

He argues that his association has thoroughly discussed the concentration issue, and decided against supporting the legislation. He also said the issue of interstate banking had been discussed thoroughly in the past by his members.

"Such polls are useless without adequate information," Jeffers said. "Without adequate and objective explanation of the pros and cons of the issues, you really don't have a credible result. It's easy to ask questions that will produce the particular answers you want."

He said his association has made a number of attempts to talk to the Independent Bankers about the issues, but has been rebuffed every time.

"We've had discussions before, and they echo the verbiage of Norwest and First," said Wakefield, who recently gave up his membership in the MBA to protest the association's stands on these issues.

"There's not much hope of the independents being able to reach agreement with them."

Beyond that, however, Jeffers is unwilling to talk about McCrady and his group.

"I'm not even going to talk about that other organization and I won't," Jeffers said.

McCrady also lashed out at another opponent of the concentration bill: John Chisholm, who recently resigned as Perpich's banking commissioner.

Chisholm was head of the Marquette National Bank of Rochester for many years before he took the commissioner post for the second time (he was also bank commissioner in the early 1960s). He also is the only banker to serve as president of both the MBA and the Independent Bankers.

Chisholm was the main proponent of Perpich's proposal to revolutionize Minnesota banking laws, which included the interstate banking provision.

"The single most important item on his agenda is interstate banking," McCrady says. "After all, he has his own special interest—substantial interest in F&M Marquette. And no one in the state can buy them."

Marquette National of Rochester and F&M Marquette of Minneapolis are both part of Bank Shares Inc., the bank holding company controlled by Minneapolis businessman Carl Pohlad and family. It is the third largest bank holding company in Minnesota with about $1.7 billion in assets.

First bank and Norwest probably would be prevented by antitrust laws from acquiring Bank Shares. And since no other bank in the state is large enough to buy that company, McCrady reasoned that only a bank outside the state could take it over.

McCrady claimed that Chisholm, who is 68, was pushing interstate banking because he was interested in selling his bank stock at a premium before retiring.

But Chisholm said McCrady's charge is groundless because he no longer has an interest in F&M Marquette, and never had a substantial holding in the bank. If he did, he would have had to disclose it before he took his job as banking commissioner, he said.

McCrady's foes are loath to give him, and his tactics, credit for the success of the Independent Bankers efforts. Pratt credits not McCrady, but the hired lobbyist for the Independents, Larry Redmond, with the success of the concentration bill last session.

"The Independent Bankers have one of the most effective and respected lobbyists at the Capitol—he's tenacious and hard-working," Pratt said. "McCrady doesn't have an active daily presence in St. Paul."

Pratt added that state Senate banking committee had a "dramatic turnover" in membership last session, and many of the members were new to the committee. The previous chairman of the committee refused to hear the bill. In addition, the independent bankers lobbied hard, and made it difficult for outstate legislators to vote against the wishes of their hometown banks, he said.

But others recognize that McCrady and his tactics are an important part of the success of the Independent Bankers.

"I think they tried to make a case for the good, little guys vs. the big bad guys, and they were successful in doing so," said Sen. Sam Solon, chairman of the state Senate banking committee, who opposed the concentration bill.

"He's a very effective lobbyist," Solon said, "He does tend to get a little excited. Most tend to be more conservative than him. Norb gets the blood pressure up."

After having a bypass operation, you'd think the 60-year-old McCrady would try to keep his blood pressure down. But McCrady says his lobbying efforts on behalf of the independents is one thing that keeps him going.

McCrady's experience with government and politics goes back to his days as Steele County treasurer, where his home town of Owatoona is located. He became an active member of the County Treasurers Association, and then helped to organize Minnesota Good Government, an organization that represented county employees at the state level.

After an unsuccessful run for secretary of state in 1962, he became a staffer for the

Republican Party. After a short stint in Missouri, he returned to run a trade association for the industrial loan and thrifts in 1968. And in 1975, he agreed to join the Independent Bankers of Minnesota.

With the recent deregulation of financial institutions, and the continuing efforts to further deregulate, McCrady faces a number of battlegrounds.

"I like a good scrap and a lot of excitement," McCrady says. "Fate put me in the right place at the right time."

And whether they like it or not, his opponents may find themselves with their hands full.●

THE DISTRIBUTIONAL EFFECTS OF AN INCREASE IN EXCISE TAXES

● Mr. MITCHELL. Mr. President, earlier this year, the Congressional Budget Office released a working paper, prepared at my request, on the distributional implications of selected excise tax increases.

As expected, the study documented the regressivity of excise tax increases and the disproportionate burdens that such increases would place on lower income families. The CBO study included a number of tables measuring the average tax burden by income class of selected excise tax increases. Those tables all indicate the extent to which excise taxes extract greater burdens as family income declines.

Following the release of the study, I asked CBO to prepare additional information comparing the distributional effects of increases in Federal excise taxes to the distribution of the income tax reductions provided in the Tax Reform Act of 1986. I believe this information will be useful as the Congress debates legislation this year to raise revenues to reduce the deficit.

One of the most important benefits from last year's tax reform bill was the reduction in tax burdens provided to lower income families. A principal reason this bill was able to attract such broad support in and out Congress was that it removed more than 6 million low-income families from the tax rolls.

Yet, there is a real danger that the benefits provided to low-income persons in tax reform last year will be repealed by Congress this year—not directly through changes in the income tax, but by increases in various excise taxes. As the CBO study illustrates, those taxes extract far greater burdens from low and moderate income families. Not because those families consume more of the taxed product, but because the flat excise tax levy takes a greater percent of their lower income.

I am including two tables prepared by CBO which measure the extent to which the tax reduction in last year's tax reform bill would be eroded by excise tax increases this year. The figures are not surprising. They show that even modest excise tax increases this year would take back more than the entire average income tax reduction provided to lower income families from tax reform. In contrast, families making over $100,000 would be relatively untouched by excise tax increases.

The budget resolution approved by Congress this year calls for $19 billion in increased revenues in the next fiscal year. If Congress looks to various excise taxes for only one-half of that increase, on average families making under $10,000 would lose all of the benefits provided in tax reform. In contrast, families with incomes in excess of $100,000 would lose less than one-tenth of the benefits they secured from tax reform.

CBO calculations indicated that every $1 billion increase in excise taxes from any of the major excise taxes would offset from 9 to 13 percent of the average tax relief provided in tax reform to families with less than $10,000 income. In contrast, the same excise tax increase would offset from 0.5 to 2 percent of the average tax relief provided to families in the above $100,000 income groups.

Mr. President, the information included in these new CBO tables clearly demonstrates that excise tax increases at this time are unfair and unwise.

I ask that the two tables prepared by the Congressional Budget Office be reprinted in the CONGRESSIONAL RECORD.

As Congress considers legislation to increase revenues this year, I believe we should also take into account the effects of past legislation on relative tax burdens among different income groups. Current evidence indicates that the Federal revenue system has become less progressive over the last several years as income taxes have declined while payroll and excise taxes have increased. Furthermore, the Federal budget cuts have forced many States to increase their overall level of taxation. Since States have traditionally relied on more regressive excise, sales, and property taxes, overall tax burdens have tended to move down the income scale.

That trend is confirmed in recent Census Bureau studies measuring after-tax income. According to Census data, for households with an annual pre-tax income of $75,000 or more, average Federal, State, and local taxes declined from 41.3 percent of pre-tax income in 1980 to 32.4 percent in 1985. The average household paid 22.2 percent of its income in taxes in 1985, down from 23.1 percent in 1980. In fact, in 1985 every income category enjoyed lower tax burdens compared to 1980, except one. Unfortunately, the only income category with a tax burden increase over the 5-year period was the lowest income category. According to the Census Bureau, those households with less than $10,000 in pre-tax income paid 10.8 percent of their income in taxes in 1985 compared to only 9.1 percent in 1980.

Those statistics clearly indicate the trend toward greater unfairness in relative tax burdens over the last several years. The Tax Reform Act of 1986 will make up for some of that effect on lower income households, but that progress will only be temporary if Congress turns to excise taxes this year.

To more fully understand recent trends in overall Federal tax burdens, I have asked the Congressional Budget Office to prepare a study of the change in the distribution of Federal burdens over a 12-year period from 1977 to 1989. The information developed in this study should provide Congress with the necessary data to determine the future direction of Federal tax policy.

The material follows:

TABLE A–1.—DISTRIBUTION OF FEDERAL INDIVIDUAL AND EXCISE TAX BURDEN, FOR FAMILIES BY INCOME CLASS: 1988

[In percent]

	Percent of families [1]	Income share	Federal individual income tax [2]		Federal excise taxes						
			Prior law [3]	TRA–86	Gasoline	Beer	Wine	Distilled spirits	Tobacco	Telephone [4]	Air fare
Income class: [5]											
Less than $10,000	21.0	3.1	0.1	0.1	9.1	11.3	9.0	9.6	13.7	12.1	7.8
$10,000 to $20,000	21.2	10.0	4.0	3.2	15.4	15.9	13.0	14.2	18.6	16.0	13.6
$20,000 to $30,000	17.8	13.9	9.1	8.8	16.8	17.1	14.6	15.8	17.8	15.4	13.9
$30,000 to $40,000	13.7	14.9	12.3	12.2	15.9	16.1	14.4	15.7	16.2	14.8	13.7
$40,000 to $50,000	9.3	13.1	12.2	11.9	12.4	12.8	11.7	11.7	11.4	11.4	11.4
$50,000 to $75,000	11.4	21.6	23.2	23.7	19.0	15.9	19.9	18.0	15.3	17.6	19.8
$75,000 to $100,000	3.3	8.8	10.7	11.0	6.6	6.0	9.3	8.1	4.2	6.6	9.6
$100,000 or more	2.4	14.7	28.3	29.2	4.7	5.0	8.2	6.9	2.7	6.1	10.1
All incomes	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Includes single individuals.
[2] Includes the refundable portion of the earned income tax credit.
[3] Prior law taxes were calculated at 1988 income levels, after adjusting incomes for changes in response to the Tax Reform Act.
[4] Assumes that the telephone excise tax is extended through 1988.
[5] Comparing the distribution of excise tax payments to the distribution of income tends to overstate the burden of these taxes on lower income families because although income is measured over a single year, excise tax payments reflect expenditures that probably are more closely related to a family's expected long-term level of income.

Source: CBO simulations. Income and individual income taxes derived from the March 1985 Current Population Survey, adjusted for consistency with the 1984 Statistics of Income, and aged to 1988. Excise taxes calculated from the 1982–83 Consumer Expenditure Survey, aged to 1988.

TABLE A-2.—DISTRIBUTION OF FEDERAL INDIVIDUAL INCOME TAX REDUCTIONS AND OF A $1,000,000,000 INCREASE IN EACH FEDERAL EXCISE TAX, FOR FAMILIES BY INCOME CLASS: 1988

	Average Federal individual income tax [1]			Average Federal excise tax increase						
	Prior law [2]	TRA–86	Change in average taxes	Gasoline	Beer	Wine	Distilled spirits	Tobacco	Telephone	Air fare
Income class: [3]										
Less than $10,000	$24	−$25	−$49	$4.33	$5.37	$4.27	$4.58	$6.55	$5.77	$3.71
$10,000 to $20,000	737	550	−186	7.56	7.77	6.38	6.95	9.12	7.85	6.69
$20,000 to $30,000	1,985	1,784	−200	10.25	10.47	8.91	9.66	10.87	9.42	8.53
$30,000 to $40,000	3,494	3,185	−308	12.25	12.37	11.06	12.10	12.47	11.37	10.57
$40,000 to $50,000	5,099	4,617	−482	13.82	14.21	12.97	12.97	12.66	12.66	12.68
$50,000 to $75,000	7,882	7,475	−407	16.13	13.50	16.89	15.26	12.97	14.95	16.82
$75,000 to $100,000	12,556	12,011	−546	18.32	16.59	25.94	22.63	11.75	18.43	26.52
$100,000 or more	45,666	43,682	−1,984	17.36	18.50	30.06	25.47	9.96	22.30	37.17
All incomes	3,874	3,590	−284	10.22	10.22	10.22	10.22	10.22	10.22	10.22

[1] Includes the refundable portion of the earned income tax credit.
[2] Prior law taxes were calculated at 1988 income levels, after adjusting incomes for changes in response to the Tax Reform Act.
[3] Comparing the distribution of excise tax payments to the distribution of income tends to ovestate the burden of these taxes on lower income families because although income is measured over a single year, excise tax payments reflect expenditures that probably are more closely related to a family's expected long-term level of income.

Source: CBO simulations. Income and individual income taxes derived from the March 1985 Current Population Survey, adjusted for consistency with the 1984 Statistics of Income, and aged to 1988. Excise taxes calculated from the 1982–83 Consumer Expenditure Survey, aged to 1988.●

COSPONSORSHIP STATEMENT—S. 1546

● **Mr. D'AMATO.** Mr. President, I rise today in support of S. 1546. I am pleased to join today as a cosponsor of this bill to end the program of reflagging Kuwaiti tankers under the U.S. flag after a 6 month period. Unless the President certifies that the program's continuation is in our national security interest and Congress passes, under expedited procedures, a joint resolution authorizing continuation of the reflagging program, U.S. flags would be removed from these tankers after 6 months. I believe it is vitally important for the Senate to act on this issue now, before American lives are lost and shooting starts in the Persian Gulf between United States forces and Iranian forces.

In foreign policy, our ability to solve a problem depends directly upon how well we understand the problem. If we do not understand the problem, we are incapable of solving it except through the operation of luck. While good fortune has historically played a role in our diplomacy, I do not believe we should rely upon its operation for success in the Middle East, an area which is vital to our national interest.

I fear we are now embarked upon a course of action which is based upon either a remarkable lack of understanding of the problem, or a decision to address a different problem while ignoring its connection to a larger problem.

Specifically, if our decision to reflag and escort Kuwaiti tankers is intended to address the problem of potential Soviet penetration of the gulf, as administration statements assert, then it pays too little heed to the interaction of the proposed solution with the region's overriding problem—the spread of the Iranian islamic revolution.

On the other hand, if the reflagging and escort policy is intended to respond to the spread of Iran's power and influence, it is the wrong answer. It opens the United States to involvement in the gulf conflict in ways we should avoid and which Iran can easily turn against us. In fact, our present course of action plays into Iran's hands, allowing and encouraging Kuwaiti's forces to strike at our power and influence in the Islamic world.

Simply stated, the Iranian Islamic revolution is a mass popular revolutionary movement. Its basis is religious, but its effects are political, economic, and military. While it might make us feel good to send the United States Navy to the gulf to protect Kuwaiti shipping, it will not overawe the Ayatollah or adversely affect the course of his revolution. If anything, it will hinder the operation of latent pro-American forces in Iran.

The danger is not simply that the Iranians will continue to mine the ship channels the Kuwaiti tankers must use, or that Iranian revolutionary guards or Silkworm missiles may attack the tankers or our warships as they escort the tankers. The danger is not that we will lose ships or sailors and have to shoot back with the *Missouri's* 16-inch guns or stage air strikes with A-6's from our aircraft carriers outside the gulf.

The danger is that by reflagging these tankers and sending the United States Navy to escort them, we set ourselves up to be provoked into the use of armed force against revolutionary Iran. Once we do use armed force, we walk into a political trap which is there in plain view for all to see. If we walk into this trap, we will lose far more than we stand to gain. We will actually help the Iranian Islamic revolution succeed.

The first time we fire at Iranians, we create martyrs to the cause of the revolution. The first time we kill Iranians, we create a blood debt which, in the eternal calculus of the Middle East, can only be repaid in blood. Most importantly, we will prove the truth of the Ayatollah's charge that America is the "great Satan," the ultimate evil force opposed to God's will as expressed through the Islamic revolution.

We will be sowing dragon's teeth—for every fallen Iranian, the Ayatollah's propaganda machine will call forth a hundred new volunteers for the front. For every destroyed military installation, two more will be built through increased sacrifices called forth from the Iranian people.

The Iranian people are not completely behind the war with Iraq. They don't believe everything the Ayatollah tells them. There is a substantial reservoir of pro-American feeling in Iran. But by leading with our chin—by cleverly positioning ourselves so that the Ayatollah can easily provoke us into an armed attack on Iran—we can, by our own actions, provide a major new impetus to the revolution. We can validate the Ayatollah's propaganda, prove true statements his own people view cynically, and greatly increase the chances of an Iranian victory over Iraq.

This brings me to the focus of the issue. The strategic center of gravity of this situation, in a military sense, is the front line between Iranian and Iraqi forces. Whoever prevails there wins the war. Everything else is a sideshow.

Iraq exports its oil overland, not by sea. Only Iran exports its oil by sea. By protecting Kuwaiti tankers, we are protecting a major financial backer of Iraq. But if Kuwaiti exports were reduced, or their price were increased, even to the point where Kuwait could no longer help support Iraq, it would not be critical to the outcome of the war.

On the other hand, if our armed intervention in response to an Iranian attack on these tankers does reinvigorate and inspire the Iranian revolutionary forces, it could very well be critical to the outcome of the war. If thousands of new Iranian volunteers reach the front and the Iraqi Army suffers reverses—not even rising to the level of major defeats—the Iraqi regime could fall and the Islamic revolution could dramatically expand.

The Washington Post in this morning's edition published a Charles Krauthammer column entitled "Eyeless in the Gulf." In this column, Mr. Krauthammer correctly points out that Iraq started the tanker war in the gulf. He reminds us that Iraq began the tanker war as a desperate move to choke off Iran's oil exports which finance Iran's war effort. Iraq was moved to desperation because it was under heavy pressure on the ground along the central front.

Mr. Krauthammer goes on to point out that Iraq has suspended its attacks against Iran's tankers since we began our reflagging program. This removes Iraq's major source of pressure against Iran, allows Iran to refill its coffers with money for weapons and war material, and adversely affects the chances of a gulf cease fire and a negotiated end to the war.

Lastly, in his article, he points out that Iraq is now faced with a difficult choice—resuming the tanker war and most likely triggering an Iranian attack on the Kuwaiti tankers, thus dragging the United States into the war, or surrendering a major theater of military operations against the Iranians. He raises the issue of the quality and level of U.S. military and political preparedness for this situation.

On August 5, 1987, the New York Times published an article by Philip Taubman entitled "Iran and Soviets Draft Big Projects, Including Pipelines and Railroad." The article, datelined Moscow, stated that:

> The Soviet Union said * * * it had reached general agreement with Iran to cooperate on large-scale economic projects and to deepen political relations. The press agency Tass, reporting on a visit to Teheran by Deputy Foreign Minister Yuli M. Vorontsov, said the two countries had "declared for the implementation of large-scale projects of mutually beneficial economic cooperation."

This article should serve as further warning about the wrong-headedness of the policy we are now pursuing. Soviet-Iranian relations have been cool-to-cold since the Islamic revolution. We run the risk, through the Kuwaiti tanker reflagging program, of driving the Iranians into the Soviet's arms. The long-term consequences of such a realignment of power in the gulf region would be disastrous to U.S. interests.

Taubman's article concluded with a review of these possible consequences. He wrote:

> Construction of a railroad from the Soviet Union to the Persian Gulf would have potentially enormous military and economic implications. It would give the Soviet Union, which has historically sought access to warm waters, a direct link to the gulf to transport both industrial products and military equipment.

He continued:

> The building of a pipeline would serve both Iranian and Soviet interests, giving Iran a land route for exporting its oil to Europe and giving Moscow access to the gulf for its oil exports. All Iran's oil exports are transported by tanker through the gulf, putting Iran at a disadvantage compared with Iraq, which can export oil by pipeline through Turkey and Jordan.

Mr. President, I believe these two articles make points my colleagues should study with care. Accordingly, I ask that they appear in the RECORD at the conclusion of my remarks.

The U.S.S. *Missouri* is a tremendous weapon—when used as a tool of a well-though-out foreign policy. Used to retaliate for Iranian attacks on reflagged Kuwaiti tankers or their United States Navy escorts, it will be very effective. No Silkworn missile base or revolutionary guard naval base can stand up against it.

But the Iranian revolution is a popular mass revolution. It is not based upon any complex of military installations or any command and control nework. It is based upon the religious fervor of the Shiite Iranians and the ability of Iranian leaders to mobilize this fervor for political, economic, and military purposes.

Fighting revolutionary Iran with the U.S. Navy is like trying to stop a flood with a sword. The sword may be sharp and strong and the correct weapon for battle, but it is the wrong tool to use to stop a flood. You can cut the flood waters with the sword's edge, but the flood will surge onward. If you don't learn to use the right tools—shovels and sandbags—you will drown.

Our policy in the Persian Gulf is in danger of drowning. It is in danger of drowning through our own inability to deal with the phenomenon of mass popular revolutions. We need shovels and sandbags, not swords.

What kind of shovels and sandbags are useful against the spread of Iran's Islamic revolution? First, Iranian political factions opposed to the Ayatollah. We should find them and support them with money and assistance. To be effective, such support would have to be covert. Second, friendly Arab governments. We need to assist them in any way we can to help block the revolution's expansion. But our help must not be of the kind Kuwait has demanded and received—help which can be turned into a weapon against us.

We can support our Arab allies with weapons and equipment, choosing carefully what we provide so as to protect Israel's security. We can and must seek more involvement by our NATO allies and Japan in the process of protecting our collective interests in the gulf. We should not go it alone.

Sending the U.S. Navy to the gulf to oppose the Ayatollah has domestic political potency—I don't like the Ayatollah and I don't know many New Yorkers who do. It is a dramatic gesture. It makes it appear that we are taking action to resolve the situation, not sitting passively while the gulf war grinds on. But we may pay a grave and permanent price for this gesture, a price we cannot afford.

I remain opposed to the reflagging and escort policy. Now that the United States is committed to it, I fear that we may have started down a road which goes down hill to disaster at a rapidly increasing pace. I counsel caution and prudence.

We should avoid, if at all possible, any shooting confrontation with Iranian forces. But we may have no choice. If they shoot first, we must respond and when we respond, we must not repeat the errors we made at the outset of the Vietnam war—using the flesh and blood of our servicemen and women to send diplomatic "signals."

If Iran fires upon U.S. warships, we must strike back and strike back hard. If they should attack a second time, we must consider taking military action which will affect the balance of power.

Moreover, we must make it clear to the Iranians at the outset, before the shooting starts, that we will not be in any sort of limited military operational posture once they start shooting—whatever they start, we are prepared to finish.

Last, we must not leave U.S. Navy or Air Force flight crews in Iranian hands. I fear another hostage situation, in which downed U.S. fliers are paraded through Teheran mobs to a torturous captivity. If we must respond, we cannot leave U.S. personnel in Iranian prisons. This means we must be prepared to use U.S. special operations capabilities to extract them, no matter where they are held.

Those tankers are now flying the Stars and Stripes. If possible, if luck is with us and we do not fall into the maelstrom of the gulf war, we should terminate the convoy and escort operation as soon as is decently possible.

This bill, S. 1546, does that. Because it allows the reflagging programs to continue for 6 months, it provides time to work out other arrangements to protect the Kuwaiti tankers. I am confident that, now that the world has seen the perils of an expanded gulf war in closer focus, we will have more success making new arrangements to protect those tankers.

We should encourage the Saudis and other Arab states to assume this burden. The Gulf Cooperation Council failed to meet its first test—Kuwait called upon the United States and the U.S.S.R., not its neighbors, when it felt threatened. We can help assemble an Arab naval task force to protect those vessels. We can provide technical advice, AWACs, and some intelligence support to a combined Arab task force. Saudi Arabia can provide F-15's to fly fighter cover and mine sweepers to clear the channels. They should be doing this job, not the U.S. Navy.

I hope the reservations voiced by the Senate and by the House have been heard by the executive branch. I hope they will take them seriously and reconsider this dangerous course of action.

I believe in a strong America and I do not flinch from the use of U.S. military power when and where necessary. But the employment of U.S. military forces in support of a flawed policy does not deserve our support. Until shooting starts, we have an obligation to carry on with our efforts to correct this policy. That I intend to do, and I know that many of my colleagues share my view. Therefore, I urge my colleagues to support S. 1546 and press for its early consideration by this body.

The articles follow:

[From the Washington Post, Aug. 7, 1987]

EYELESS IN THE GULF

(Charles Krauthammer)

Frayed by a summer's worth of TV hearings, an enervated America turns its attention now to the question of mine sweepers and why a 600-ship, $100 billion Navy has to beg and borrow them. But the main point of the reflagging debacle is being missed. U.S. policy in the Gulf may already have failed. Not because a mine blew a hole in a tanker. That can happen to the best of navies. But because, notwithstanding grossly hyped Iranian naval maneuvers, a cease-fire may have broken out over the Gulf.

What is wrong with that? The reasoning is not as tortured as it seems. The United States did not go into the Gulf to defend the principle of "free navigation." That is a fool's mission. The Gulf, the world and the oil trade lived quite nicely for three years with the unfree navigation brought on by the Persian Gulf tanker war. Moreover, the United States is not defending the free navigation of Iranian or even Saudi or Japanese shipping. It is defending the shipping of Kuwait, Iraq's closet ally.

If the reflagging plan has a purpose, it is to help shore up Iraq, the weaker side of the Iran-Iraq war. Iraq, losing the land war, began attacks at sea as a way of strangling Iran economically. Iran responded in kind, targeting in particular the ships of Kuwait, Iraq's ally and supplier. The United States stepped in to defend Kuwait and thus tilt toward Iraq.

Then something odd happened. Missed amid the sounds of exploding mines, chanting mobs and Iranian patrol boats laden with aspiring martyrs is the sudden silence of the Iraqi air force. Since the arrival of the U.S. Navy bearing armor, order and flag, Iraq—not Iran—has quite suddenly ceased fire in the Gulf.

Now, this is exactly the opposite of what the reflagging plan was intended to achieve. The Iraqis had hoped that, behind American protection, they could exploit their one area of military superiority by pressing the naval war against Iran. Instead, they have had to suspend their attacks.

Why? Because the United States has made it clear to the Iraqis that it wants them to cease fire. Why did we ask Iraq to cool it? Because, says Robert Oakley, the National Security Council's director of Near East and South Asian affairs, if Iraq stands down in the Gulf for a period, that will "make clear where the trouble is coming from." Clear to Congress, especially, which is not too pleased about the tilt toward Iraq and which takes the view—correct but irrelevant—that Iraq is the more guilty party. (It may be more guilty but it is also weaker, and its defeat by Iran would be a catastrophe for the West.)

That is the official reason we have asked Iraq to cool it. The other, unspoken reason is so as not to provoke Iranian naval retaliation. The administration fears that if it cannot ensure the safety of American ships, it will incur political disaster at home. It does not want its ships in the middle of a cross fire.

But for at least three years before the reflagging the U.S. Navy went about protecting American ships while both sides exchanged fire in the Gulf. Moreover, if we are pressuring Iraq to stand down, our reflagging policy is entirely self-defeating. The only sensible purpose of reflagging is to tilt toward Iraq. A cease-fire at sea is wholly in Iran's interest: Iran wants to fight and win on land.

Which is why Iraq won't stand down for long. Iraq has therefore told the United States that it will resume naval attacks unless progress is made toward a comprehensive—land and sea—cease-fire. The United States has dutifully assured the Iraqis that it is working diligently for a comprehensive cease-fire. Which explains Secretary of State Shultz's ostentatious and otherwise incomprehensible trip to the United Nations to cast personally the American vote for a cease-fire resolution.

The newspapers played this on page one ("U.N. Vote Seen a Key In Gulf"), but the vote was just for show—for the United States to show Iraq its sincerity about trying to end the war. The sincerity is there. But the means are not. There have been several such resolutions passed over the past seven years, and Iran has dismissed them all. Iran dismissed this latest one before it was even voted. There is not the slightest prospect of a comprehensive cease-fire. The ayatollah wants victory.

Which means that the administration is in a bind with time running out. A comprehensive cease-fire is something that the United States cannot deliver. As soon as we have to admit that, Iraq resumes firing in the Gulf.

Then what? One hopes that this is a contingency for which the administration and the military have prepared. Their handling of mines, however, does not inspire confidence in their contingency planning. If they are not prepared, both militarily and politically, then we are in for a very bad time.

And if the administration wants not to prepare—if it wants Iraq to continue indefinitely the cease-fire at sea so not to endanger the American fleet—then we would be better off not to be in the Gulf in the first place. Iraq would be better off, since it would then be free to carry on the naval war. And the United States would be better off too. After all, if safety is the goal, there are better places to go looking for it than the Persian Gulf.

IRAN AND SOVIET DRAFT BIG PROJECTS, INCLUDING PIPELINES AND RAILROAD

(By Philip Taubman)

Moscow, Aug. 4.—The Soviet Union said today that it had reached general agreement with Iran to cooperate on large-scale economic projects and to deepen political relations.

The press agency Tass, reporting on a visit to Teheran by Deputy Foreign Minister Yuli M. Vorontsov, said the two countries had "declared for the implementation of large-scale projects of mutually beneficial economic cooperation."

Tass gave no details on the agreement, which appeared to signal a major step in Moscow's recent efforts to stabilize and improve relations with Teheran after a period of tension earlier in the year.

In Teheran, the Iranian press agency reported that Soviet and Iranian officials had discussed several major industrial projects, including oil pipelines, refineries and a railroad from the Soviet Union to the gulf.

The Iranian agency said:

"The two sides discussed the building of oil pipelines, expansion of cooperation in the area of power and steel, oil refining, preliminary progress in joint shipping in the Caspian Sea and plans to build a railroad linking the Soviet border with the Persian Gulf."

The proposed agreements were also reported in a Teheran dispatch by a correspondent of the South-North News Service based in New Hampshire.

[In Washington, Reagan Administration officials said they understood that the Russians and Iranians had discussed possible economic cooperation, as they have done in the past, but that no agreement had been signed during Mr. Vorontsov's visit. Until now, the officials said, economic cooperation between the two countries has been limited. Soviet technicians have not been allowed to return to industrial sites in northern Iran, and no work has begun on a plan to refurbish the Soviet-Iranian natural gas pipeline.]

EFFECT ON REGION'S BALANCE

Improved ties between Moscow and Teheran, particularly construction of oil pipelines and a railroad, would have significant bearing on the strategic and political balance in the region, as well as American interests.

The United States has long feared an expansion of Soviet influence in Iran, and through it, in the Persian Gulf region, the main source of imported oil for Western Europe and Japan and an important source for the United States.

Since the Islamic fundamentalist revolution that toppled the pro-Western Government of Shah Mohammed Riza Pahlevi in 1979, Washington and Moscow have jockeyed to maintain influence in Teheran.

Both are looking to possible changes after the death of Ayatollah Ruhollah Komenini, the Islamic revolutionary leader.

REAGAN CITED SOVIET THREAT

President Reagan cited the threat of a Soviet military buildup in the gulf when he announced in June that the United States would increase military forces there to protect shipping.

"If we don't do the job, the Soviets will," Mr. Reagan said.

Moscow and Washington have been engaged in a complex series of diplomatic maneuvers in recent weeks seeking to end the seven-year-old Iran-Iraq war and to protect shipping, while simultaneously defending their own national interests.

Mr. Vorontsov's visit to Teheran, following stops in Iraq and Syria last week, was billed by Moscow as an effort to end the fighting and gain agreement from Iran and Iraq to honor the cease-fire resolution of the United Nations Security Council.

The reports in Moscow and Teheran today suggested that Mr. Vorontsov, the Soviet Union's top troubleshooter, was pursuing a broader agenda, including an effort to bolster Soviet influence and to line up support for a Moscow proposal that all foreign military forces be withdrawan from the gulf.

Tass said that Mr. Vorontsov met during his three-day visit with President Hojatolislam Ali Khamenei, Prime Minister Mir Hossein Mousavi, Foreign Minister Ali Akbar Velayati and others.

"During the meetings there was a detailed exchange of views on matters concerning Soviet-Iranian relations and their further development on a long-term basis," Tass said.

The Iranian agency reported that Mr. Vorontsov had expressed his Government's condolences over the death of hundreds of Moslem pilgrims, many from Iran, in Mecca last Friday. The agency quoted the Soviet official as having said, "Such murders and massacres are shocking to our imagination."

In Moscow, the Foreign Ministry spokesman, Gennadi I. Gerasimov, said, "We express our regret over the bloodshed that took place in Mecca."

IRAN SAID TO BACK SOVIET PROPOSAL

Tass said that Iran had declared support for a Soviet proposal, announced last month, that all foreign military forces be withdrawn from the gulf.

Iran also said, according to Tass, that, along with Iraq, it would refrain from "actions posing a threat to international shipping."

An Iranian journalist working for the South-North News Service, Fereydon Pezeshkan, also reported from Teheran that Soviet and Iranian officials had agreed to the development of several major industrial ventures, including a railroad and oil pipeline from the Soviet border to the gulf.

The wording of the Tass report and the Iranian press agency announcement was less definitive and left unclear whether the two sides had agreed to proceed with the specific projects or had reached a more general understanding.

Construction of a railroad from the Soviet Union to the Persian Gulf would have potentially enormous military and economic implications.

It would give the Soviet Union, which has historically sought access to warm waters, a direct link to the gulf to transport both industrial products and military equipment.

The building of an pipeline would serve both Iranian and Soviet interests, giving Iran a land route for exporting its oil to Europe and giving Moscow access to the gulf for its oil exports.

All Iran's oil exports are transported by tanker through the gulf, putting Iran at a disadvantage compared with Iraq, which can export oil by pipeline through Turkey and Jordan.●

MARYLAND VIETNAM VETERANS MEMORIAL FUND

● Mr. SARBANES. Mr. President, this year once again the Maryland Vietnam Veterans Memorial Fund, Inc., will be conducting a walk to raise money for the construction of Maryland's Vietnam Veterans Memorial to be located on Federal Hill in Baltimore, and I want to commend all those who are participating in this notable event. Last year five veterans walked from Oakland in far western Maryland to the beaches of Ocean City. This year's walk will cover another part of our State—from Point Lookout in St. Mary's County to Federal Hill from next Monday, August 10 to August 16.

The Maryland Vietnam Veterans Memorial will cost approximately $3 million to construct. The Governor of Maryland and the Maryland General Assembly have appropriated over $2 million for the memorial, and the Maryland Vietnam Veterans Memorial Fund, Inc., plans to raise an additional $1 million. The project has been strongly supported by former Gov. Harry R. Hughes and Gov. William Donald Schaefer. The pink granite memorial will be etched with the names of the 1,009 Marylanders known to have been killed in Vietnam and the 37 listed as missing in action. Plans for the memorial were originally developed by the Maryland Vietnam Memorial Commission.

I have met many of the Vietnam veterans who are spearheading this effort. They are totally committed to raising the money needed to build this memorial dedicated not only to those who lost their lives in Vietnam but also to all those veterans who served there. Knowing the people of Maryland—their respect for their veterans and their generosity, I believe that they will respond wholeheartedly to our veterans making the walk.

I salute all of the participants in "Last Patrol II" and their efforts to recognize in a fitting way the sacrifices of all those who served our Nation with honor in Vietnam.●

TRANSPORTATION AND EDUCATION FOR OLDER AMERICANS

● Mr. KARNES. Mr. President, the Senate passed the Senate version of the Older Americans Act amendments by a vote of 98 to 0. I was very pleased to see this bill receive such a clear and positive vote of approval, for I know that the bill addresses many of the unmet needs of America's older citizens.

I was among those who took a special interest in this legislation. I had my staff examine both the House and Senate versions in great detail and discuss the legislation at great length with the subcommittee staff. I applaud passage of the bill, and I hope that the conference on H.R. 1451 will begin as soon as possible so that the final version may reach the President's desk for signature soon.

I note two particular omissions in the Senate version that could be rectified rather easily. The House bill included two amendments that I believe have special value to older individuals. I refer to the amendments that would provide for the study of transportation needs and the study which would direct older individuals to colleges and universities where they would be able to counsel about their educational needs and attend classes on a low-cost basis.

Section 37 of the House bill would examine how the funds authorized in the Older Americans Act for transportation services are used and require a report from the Commissioner on Aging as to whether and how those services meet the needs of older individuals. It is my understanding that information on how transportation funds for older individuals is being utilized has not been gathered and collated in recent years. This provision would require that such a study be conducted to determine how effective the Federal policy is in satisfying the transportation needs of older people.

Section 19 of the House version would require a report of which postsecondary educational institutions have a policy to offer courses of study to older individuals on a low cost/no cost, space available, or some other special basis, and which of them also provide counseling to those older individuals who have an interest in attending such courses. This is information of great importance to many of our senior citizens who would like to take advantage of extra educational opportunities where those opportunities exist. I also feel that the provision would send a signal to our institutions of higher learning that education programs for older Americans deserve an important position on their schedule of priorities, too.

These issues were addressed by the House version but were not in the Senate bill. I considered offering amendments to the Older Americans Act reauthorization bill to ensure that provisions addressing these specific transportation and educational needs would be included in the Senate version. However, in the interest of keeping the bill moving forward as quickly as possible, and to allow the Senate conferees the greatest latitude for negotiation, I withheld my amendments. I chose, rather, to urge the conference to solve the problem by acceding to the House position on these two amendments.

Mr. President, we have a golden opportunity right now to make sure that we have the best information on these issues. In the upcoming conference, I urge my colleagues who will be named to the conference to strongly consider acceding to the House position on these two provisions.●

DIGITAL AUDIO TAPE

(By request of Mr. Byrd, the following statement was ordered to be printed in the Record:)

● Mr. GORE. Mr. President, I appreciate the opportunity to address a problem that requires our immediate attention when we reconvene after the recess. Digital audio tape [DAT] machines will arrive in the U.S. marketplace this fall despite our efforts, and those of our colleagues in the House, to convince the manufacturers of DAT to delay for only a few weeks the introduction of these recorders. The postponement was requested so that the National Bureau of Standards could complete a technical study to aid Congress in its consideration of the DAT problem. The manufacturers' insistence on marketing these machines in this country with no protection for the American music community compels us to respond before irreparable damage is done.

I am delighted that our colleagues in the House just this week responded to the unreasonable tactics of the DAT manufacturers by reporting out of subcommittee H.R. 1384, the companion bill to S. 506. I hope the Senate will follow their lead by acting promptly on legislation that would require DAT manufacturers to install copy-code technology in their hardware to control the unauthorized taping of copyrighted music.

Mr. President, I wish to close my remarks by reminding my distinguished colleagues of the high stakes involved here. These digital recorders will enable tapers to make perfect clones of copyrighted music without compensation to those whose livelihoods depend on music. DAT machines will not only affect the careers of countless aspiring musicians in my home State of Tennessee, and in many other areas of the country, but will also touch the lives of all Americans who look to the music industry for employment and entertainment.

In the face of this grave problem, the DAT manufacturers, with arrogant indifference, are nevertheless proceeding with their marketing strategy. That is why it is imperative that we place consideration of S. 506 at the top of our legislative agenda when we return.●

EFFECTS OF TRADE BILL ON ALASKA

● Mr. STEVENS. Mr. President, H.R. 3, as reported by the House, contained two provisions that have no business in a trade enhancement measure and are particularly inappropriate in a country plagued by the trade deficits we are presently experiencing.

The first provision would ban the export of crude oil from the United States. The short term effect of the provision would be to obstruct planned shipments of crude oil from the Cook Inlet area of Alaska to Taiwan. The disadvantages of this provision were described articulately by Senator Murkowski in the recent debate over the trade bill. Restrictions such as this one ultimately will cost U.S. consumers substantial sums by increasing shipping costs for crude oil.

The other provision creates what is called an "export refinery" category under the Export Administration Act and limits the ability of such refineries to export no more than one-third of their output. The sponsors of this legislation make no effort to hide the fact that it is aimed at preventing one refinery—the Alaska Pacific Refinery planned for Valdez, AK—from being built. It has been crafted to exclude all existing refineries from its effect. Moreover, it runs contrary to a well-conceived provision adopted by the Senate Banking Committee in a trade bill which reduces Federal authority over the export of refined petroleum products.

It is a mistake to enact legislation aimed at denying one group of entrepreneurs the right to develop a facility that will enable the United States to increase value-added exports. The House provision would deny U.S. suppliers the opportunity to sell several hundred million dollars worth of equipment to establish the proposed refinery at Valdez. It would obliterate $200 million worth of jobs. In my State, where unemployment is up and the economy is depressed, this project would be a tremendous benefit. For the Nation, the refinery would provide desperately needed additional capacity to produce jet fuel, gasoline, and diesel. It would provide a source of refined product for the U.S. military overseas.

The export refinery amendment is opposed by several Federal agencies for reasons as diverse as its potential to interfere with our NATO commitments and its contradiction of international trade policy.

I wish to commend the Senate Banking Committee, and this body as a whole, for certain specific action it took with regard to the 1987 trade enhancement bill we just approved. They did not include these two legislative restrictions in the Senate version of the trade bill. Their decision in this regard has served the national interest well, and I strongly urge the conferees to be unwavering in their efforts to reflect this position in the legislation they craft with the House.●

THE MEESE MESS

● Mr. METZENBAUM. Mr. President, the public continues to hear about the actions of the Attorney General of the United States, Edwin Meese. In recent weeks we have seen news reports of failure to comply with Office of Government ethics regulations regarding the conduct of his personal finances. It is also important that the public understand fully Mr. Meese's role in the Iran-Contra controversy, his conduct of the investigation by the Justice Department, and any knowledge Mr. Meese may have had regarding the sale of arms to Iran, and statements to Congress about this policy.

I believe my colleagues will find two recent editorials in major newspapers in my own State of Ohio, the Toledo Blade and the Akron Beacon Journal, very insightful. In a commentary entitled "The Incredible Mr. Meese" the Toledo Blade said—

> Any public servant with even a modicum of a sense of propriety would have long since resigned a position of trust in the U.S. Government. But here he is, involved in three current special investigations into possible wrongdoing, still holding grimly onto office, and offering whatever excuse comes to mind to fend off criticism . . . in fairness to the American voters who put the Reagan Administration into office and kept it there, Mr. Meese should tender his resignation forthwith.

The Akron Beacon Journal also calls for Mr. Meese's resignation. In an editorial entitled, "The Meese Mess," the Journal finds it—

> appalling that the Nation's top law enforcement official should allow himself to fall into such difficulty. But it's not the first time for Edwin Meese. It took him 13 months to win Senate confirmation as Attorney General, the longest of any Cabinet nominee in U.S. history.

I urge my colleagues to read these thoughtful commentaries and I ask that they be printed in the Record.

The articles follow:

[From the Akron Beacon Journal, July 14, 1987]

The Meese Mess

Edwin Meese, a close friend of Ronald Reagan since their California days, is a man the President would like to have on the U.S. Supreme Court. But Meese's name wasn't mentioned recently when a court vacancy occurred, and he is again caught in ethical and legal problems so serious that he will be lucky to keep his job as U.S. attorney general.

He shouldn't keep that job. If criminal charges are brought, Meese will have to resign in disgrace. He has already brought such disgrace to the office that the integrity of the entire Justice Department suffers.

Meese's actions in the Iran-Contra scandal are being investigated by independent counsel Lawrence Walsh. Independent counsel

James McKay is investigating Meese's ties to Wedtech Corp., a New York defense contractor under criminal investigations by state and federal authorities. And just last week, the director of the government ethics office said flatly that Meese broke the law when he failed to get ethics office approval to invest $60,000 in a limited blind partnership, a partnership set up by a former director of Wedtech. Some of the money might have been invested in Wedtech.

It's appalling that the nation's top law enforcement official should allow himself to fall into such difficulty. But it's not the first time for Edwin Meese. It took him 13 months to win Senate confirmation as attorney general, the longest of any Cabinet nominee in U.S. history. There were political problems, mainly from Meese's role as point man for President Reagan's early attempts to dismantle civil-rights legislation. But of greater concern was Meese's ethical standards and his fitness for office.

The confirmation process included a five-month investigation by an independent counsel into Meese's background: his giving government jobs to at least five people who loaned him large amounts of money; his failure to report some personal loans, including one from a company that got special treatment from the administration; his knowledge of the theft of papers from then-President Carter so that candidate Reagan could prepare for a televised debate.

The investigation found many ethical lapses, and records so tangled that the full truth could not be found. But it listed "no basis" for criminal prosecution—hardly a resounding vote of confidence for an attorney general candidate.

Meese's standard at the time was that if an action was not illegal, then it was ethical. That apparently is the standard adopted by the Reagan administration, which explains its current troubles in public trust and its ongoing ethical problems.

Meese said after his 1985 confirmation that the process had given him "a much higher level of sensitivity" to even the "appearance" of impropriety. It's now obvious that that "sensitivity" remains unchanged. A U.S. attorney general should have a higher notion of public service.

[From the Toledo Blade, July 13, 1987]

THE INCREDIBLE MR. MEESE

Attorney General Edwin Meese is something else. Any public servant with even a modicum of a sense of propriety would have long since resigned a position of trust in the U.S. Government. But here he is, involved in three current special investigations into possible wrongdoing, still holding grimly onto office, and offering whatever excuse comes to mind to fend off criticism.

It defies credulity, in fact, that Mr. Meese has the gall to criticize the Office of Government Ethics for not reminding him that he was violating federal law. That was his defense when the OGE disclosed that the attorney general and his wife had made more than $35,000 in ultra-fast profits on an investment of between $50,000 and $60,000 in a so-called blind partnership.

The law says that government officials must make annual financial statements as to income from a trust or other financial arrangements unless they have entered into a "blind trust," which requires the approval of the office. Mr. Meese did not seek OGE approval of his partnership.

In attempting to answer the accusations, Mr. Meese maintained that he had complied fully with federal laws and accused the office of having violated federal law itself by failing to notify him that he had not made the proper disclosures as required. In other words, the OGE had neglected to tell the attorney general—the leading figure of justice in the United States—of his own shortcomings in disclosing income information.

It was left to Fred Wertheimer, president of Common Cause, to pin the tail on the donkey. "It is unbelievable," he commented, "that the attorney general of the United States should be claiming that this is the fault of the OGE when the statute makes it absolutely clear to him what he has to do to comply with the law." Just so.

In fairness to the American voters who put the Reagan administration into office and kept it there, Mr. Meese should tender his resignation forthwith. He will not do that, of course, because he is constitutionally incapable of that sort of gesture and President Reagan has made it clear that he will not force the issue. The chances are excellent that Mr. Meese will stay in office until the bitter end next year.

In the meantime, however, all investigations involving the attorney general—his role in the Iran-contra affair, his financial shortcomings, his possible role in a scam involving a defense contractor called Wedtech—should proceed full steam ahead. The law applies to everyone, especially the man in charge of the Justice Department of the United States.●

INFORMED CONSENT: IOWA

● Mr. HUMPHREY. Mr. President, the letter which I submit today to be printed in the RECORD is from a concerned woman in Iowa. Her testimony of the need for informed consent before abortions are performed constitutes another of the hundreds of pleas which this alphabetical series of informed consent letters is intended to bring before the Senate. These women share scars left by abortion and seek to prevent other women from suffering the same fate.

I urge my colleagues to support mandatory informed consent before abortions are performed. This is the best way to ensure that women will make intelligent choices with regard to abortion.

I ask that this letter from a woman in Iowa be inserted in the RECORD.

The letter follows:

STONY CITY, IA,
March 4, 1987.

DEAR SENATOR HUMPHREY: Since the age of 12 I used various forms of birth control made available through the local Planned Parenthood Clinic. For several years, I used "the pill," without my parents knowledge or consent. However, I was immature about sex and contraception as most young teenagers, and I didn't take the pills on any kind of consistent schedule. The liberal theme of the day was "carefree sex", and that irresponsible attitude carried over into my irregular use of contraceptives.

I inevitably became pregnant in my senior year when I was 17. I have the father narrowed down to one of two men. I didn't care for either of them, and never consider marriage an option.

Because of the atmosphere generated by Planned Parenthood concerning pregnancy and abortion, I never once gave thought to carrying the pregnancy full term for the purpose of raising a child or putting it up for adoption. Actually, I never thought of myself as "with child," it was more like I goofed and was in need of an extreme measure of birth control.

Planned Parenthood was there to arm us during the sexual revolution, bandage us up if we got hit, and then push us right out into the front lines again.

I remember that day when I entered the clinic building. I took the pregnancy test, waited 20 minutes and was informed it was positive. The counselor asked me "Do you want a baby?" "No" I replied. Her next statement was a referral to the county hospital for an abortion. There was no "counseling." No alternative or choice was brought up.

Today, I am finally at peace with myself and the world concerning my abortion. I now know the Lord and all His mercy and forgiveness. I also know that my 13 year old nameless, faceless, fatherless child is in heaven with the Lord and Savior.

It wasn't until I became involved with conservatives and Christians that I became aware of the other side of the abortion issue. Being out there involved with sex, drugs and rock 'n' roll I never came across any material or information contrary to the pro-abortion stand. What little pro-life activity there was, was very subtle.

I now have three beautiful children. My worry is that in their attendance of public school-based clinics. It is hard for a parent to tell their child not to believe, what the schools they themselves are sending them to, are teaching.

As I see it, we have two things going for us. First, it's been more than a decade since *Roe vs. Wade* and knowledge and statistics we've gained since sex ed. was started, proves that it's only done more damage than good. Teen pregnancies are up, abortions up and gaining momentum.

The second and most important thing we have for us is that God is still on the throne and prayer changes things.

TERESA FOWLER MEESTER.●

THE JUDICIAL RECORD OF JUDGE ROBERT H. BORK

● Mr. CRANSTON. Mr. President, yesterday the Public Citizen Litigation Group released a 150-page report, "The Judicial Record of Judge Robert H. Bork." This report is based upon a review and analysis of more than 400 reported cases in which Judge Bork participated as a member of the U.S. Court of Appeals for the District of Columbia Circuit. The report focuses upon the 144 opinions he wrote and the 56 split decisions in which he participated in.

Mr. President, this detailed examination of Judge Bork's actual decisions reveals some fascinating data. I ask that a summary of this report be printed in the RECORD at the conclusion of my remarks.

This analysis concluded that Judge Bork's votes cannot be explained by the consistent application of judicial restraint or any other judicial philosophy.

Rather, Mr. President, it appeared that Judge Bork's vote could be predicted with almost 100 percent certainty simply by identifying the parties to the lawsuit.

The report found that Judge Bork voted against workers, individuals, and public-interest organizations, and in favor of the executive branch, in 26 out of 28 administrative law and constitutional split decisions. On the other hand, Judge Bork voted against the executive branch in eight out of eight administrative law decisions where a business entity was the adverse party.

The report discusses Judge Bork's record of consistently voting to deny access to the courts for individuals, applying antitrust laws in a manner that would be detrimental to consumers and small businesses, and narrowing rights under the first amendment.

It also highlights the fact that in several cases, Judge Bork's colleagues have been extremely critical of Judge Bork for "misinterpreting Supreme Court precedent, for substituting his policy judgments for those of the Congress, and for going beyond the facts of a particular case."

Mr. President, the Public Citizen Litigation Group has never before, since its founding in 1971, taken a position on a nomination to the Federal bench. Their thorough examination of Judge Bork's record on the court of appeals, however, led this organization to oppose his nomination on the grounds that "he does not have the dispassionate, judicial detachment that is essential for a Supreme Court Justice, but instead adheres to a remarkably categorical political philosophy under which workers, consumers, and individuals are the losers and the Government and corporations prevail."

Mr. President, as debate on the Bork nomination begins, it is extremely important that his record be examined carefully. Some of the administration's supporters have strenuously attempted to characterize Judge Bork as a "principled" believer in judicial restraint. Critics, on the other hand, have concluded that his judicial philosophy changes depending on who appears at the courthouse door.

The comprehensive analysis of Judge Bork's decisions released by the Public Citizen Litigation Group sheds some important light on this debate. I recommend a careful reading of this document by every Member of the Senate.

The document follows:

EXCERPT FROM "THE JUDICIAL RECORD OF JUDGE ROBERT H. BORK," PUBLIC CITIZEN LITIGATION GROUP

INTRODUCTION

On July 1, 1987, President Reagan nominated Judge Robert H. Bork to be an Associate Justice of the Supreme Court of the United States. The nomination was instantly controversial because in recent years the man Judge Bork would replace—Associate Justice Lewis F. Powell, Jr.—has been the swing vote in many 5-4 cases.

Both his supporters and opponents have argued that Judge Bork should be evaluated on the basis of his record. An important source of data is Judge Bork's performance as a member of the United States Court of Appeals for the District of Columbia Circuit, popularly known as the "D.C. Circuit." Many legal observers consider this court to be second only to the Supreme Court in terms of influence, primarily because it hears a large number of important cases involving the federal government that can affect people across the nation.

Judge Bork has served on the D.C. Circuit for over five years. Prior to his nomination, he had participated in approximately 400 cases in which there were published opinions, and he had written 144 majority, concurring and dissenting opinions. Shortly after the nomination was announced, the Public Citizen Litigation Group undertook a detailed examination of these cases.

The Public Citizen Litigation Group lawyers were aware of Judge Bork's decisions in cases involving their own clients and knew that in cases involving public interest organizations and government, Judge Bork had regularly sided with the executive branch.[1] Recognizing, of course, that this experience was not necessarily an accurate reflection of his overall record, we undertook a study of all his pre-nomination cases, to discern if any common themes or trends could be identified.

This analysis focuses on Bork's role in those cases where the judges disagreed with each other. We identified 56 "split decisions" in which Judge Bork participated—those cases in which one or more judges disagreed with the majority on how the case should be resolved and filed a dissenting statement. Judge Bork's votes in split decisions are significant for several reasons. First, it is likely that these votes made a difference in the outcome. In addition, although most D.C. Circuit cases are decided by a unanimous three-judge panel, the cases in which judges disagree publicly tend to be the more controversial cases, some of which will ultimately reach the Supreme Court for resolution. Finally, these are the "tough cases" because by definition split decisions are cases in which at least one judge disagreed with Judge Bork.

A. SUMMARY OF FINDINGS

An analysis of Judge Bork's record on the D.C. Circuit demonstrates that:

Judge Bork's performance on the D.C. Circuit is not explained by the consistent application of judicial restraint or any other judicial philosophy; instead in split cases, one can predict his vote with almost complete accuracy simply by identifying the parties in the case;

In split cases where the government is a party, Judge Bork voted against consumers, environmental groups, and workers almost 100% of the time and for business in every such case;

In 14 split cases, Judge Bork denied access to the courthouse every time; among the many losers was the United States Senate, which, according to Judge Bork's dissent, could not bring a case of major constitutional significance to the federal courts;

Judge Bork has expressed a desire to reformulate broad areas of antitrust law, and to narrow the constitutional protections of individuals;

Judge Bork is far less a friend of the First Amendment than some have suggested, as evidenced by four cases in which he voted against the First Amendment claims of political demonstrators;

On several occasions, Judge Bork's colleagues have been extremely critical of him for misinterpreting Supreme Court precedent and going beyond the facts of a particular case.

Judge Bork is widely credited as being a proponent of judicial restraint, a judicial philosophy that in administrative law cases requires courts to defer to the executive branch. Our analysis of his decisions, however, found that Judge Bork generally adhered to this philosophy only in cases brought by individuals or organizations other than a business (referred to as "nonbusiness cases").

In the field of administrative law, Judge Bork adhered to an extreme form of judicial restraint if the case was brought by public interest organizations. His vote favored the executive in every one of the 7 split decisions in which public interest organizations challenged regulations issued by federal agencies. These cases included environmental issues, the regulation of potentially carcinogenic colors in foods, drugs, and cosmetics, the regulation of television and radio licensees, and a requirement that family planning clinics notify parents of teenage girls who sought birth control information and devices. The single non-business general regulatory issue on which Judge Bork voted in favor of the individual involved challenges by President Reagan and Senator Kennedy to a decision of the Federal Election Commission regarding the treatment of campaign expenses.[2]

Judge Bork also deferred to the executive branch in labor cases brought to benefit employees, where he voted for the government in 4 out of 5 cases in which the court split.[3] And in cases brought under the Freedom of Information Act ("FOIA") and related statutes, he voted for the agency and against the requester in all 7 of the cases in which the court split, even though Congress has made it clear in the statute that no deference is to be accorded the executive branch agencies in those cases.

In the area of constitutional law, the doctrine of judicial restraint has a similar meaning: it requires judges to be reluctant to find new rights in the Constitution or to expand existing ones. Once again, in civil rights and civil liberties cases brought by individuals, Judge Bork adhered to this philosophy. In the 6 split decisions where the government was a party, he voted against the individual every time. The pattern in criminal cases was the same; Judge Bork voted for the prosecution in the 2 split criminal decisions. Indeed, he voted against the criminal defendant in 23 of the 24 criminal cases in which he participated on the D.C. Circuit.

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[1] A list of the Public Citizen Litigation Group cases in which Judge Bork has participated appears in the appendix.

[2] None of the cases were brought by the "conservative" public interest organizations such as the Heritage Foundation.

[3] In the single vote that favored employees' interests, Judge Bork voted to remand that case to the Merit Systems Protection Board after upholding a worker's discharge on the merits, so that the agency could explain its reasons for a strictly procedural ruling in favor of the executive.

A summary of Judge Bork's votes in split decisions involving the federal government and a party other than a business appears below:

JUDGE BORK'S VOTES IN SPLIT DECISIONS IN CASES AGAINST THE EXECUTIVE NOT BROUGHT BY BUSINESS

	Public interest group, worker, individual, FOIA requester, candidate	Executive
Administrative law:		
General regulatory cases	1	7
Labor cases	1	4
Freedom of Information cases	0	7
Constitutional law	0	6
Criminal law	0	2
Total	2	26

However, Judge Bork did not consistently adhere to the principles of judicial restraint. To the contrary, when a private corporation or business group (referred to as a "business interest") sued the government, he was a judicial activist. Thus, in the 8 split decisions where a business interest challenged the government, Judge Bork voted for the business every time. Five of these are ratemaking cases where the court's decisions directly affected the cost of services provided to consumers, and 3 are labor cases in which the losers were workers. The other victory by a business interest reversed the Department of Agriculture's so-called "junk food rule," which prohibited the sale of soft drinks and other products in competition with nutritious meals being served in school lunch programs.

Judge Bork's votes in split administrative law cases in which a business interest was a party appear in the table below:

JUDGE BORK'S VOTES IN SPLIT DECISIONS IN ADMINISTRATIVE LAW CASES BROUGHT BY BUSINESS

	Business	Executive
Federal Energy Regulatory Commission, Interstate Commerce Commission, Department of Agriculture cases	5	0
Labor cases	3	0
Total	8	0

The only split case in which a business interest asserted a constitutional right is *Jersey Central Power & Light Co.* v. *FERC*, 768 F.2d 1500 (1985) and 810 F.2d 1168 (1987) (*en banc*), which also raised administrative law issues. Judge Bork's opinions in favor of Jersey Central in this case, as well as his position in several other cases, suggest that he is much more willing to find a constitutional violation where business is asserting a property interest, such as a taking of property without just compensation, than when individuals are seeking constitutional protection for their non-economic rights.

Not only did Judge Bork consistently rule against individuals and public interest organizations on the merits, but in many cases he did not even let them through the courthouse door. Thus, in the 14 split cases involving questions of access to the courts or to administrative agencies, Judge Bork voted against granting access on every occasion. He voted to dismiss cases against prison inmates, social security claimants, Haitian refugees, handicapped citizens, the Iranian hostages, and the homeless. Judge Bork did not reach the merits in any of these cases; rather, he refused to decide the claims raised. And in one case, he affirmed a decision of the Nuclear Regulatory Commission denying the Attorney General of Massachusetts an opportunity to participate in a proceeding concerning the safety of a nuclear power plant in Massachusetts.

The most significant expression of Judge Bork's views on access are contained in his dissent in *Barnes* v. *Kline*, 759 F.2d 21 (1985). There Judge Bork voted to preclude the United States Senate, the House of Representatives, and 33 Members of Congress from litigating an issue of major constitutional importance (whether the President had effectively exercised the pocket veto), even though the President's attorney had conceded that the plaintiffs could sue. According to Judge Bork, the courts are not available to resolve major constitutional controversies between the President and Congress; instead, those issues must be decided in the political arena.

Judge Bork's opinions in Barnes and other standing cases strongly suggest that, if he were on the Supreme Court, he would vote to deny standing in a large variety of cases challenging executive action, including many cases brought by public interest organizations. Because his theory of standing is grounded on his own interpretation of Article III of the Constitution, only a constitutional amendment could alter the result. A summary of Judge Bork's votes on access cases appears below:

Judge Bork's votes in split decisions in cases involving access to the courts

Granted access	0
Denied access	14

Taken together, Judge Bork's decisions in the fields of administrative, constitutional, and criminal law and his rulings on access present a clear theme: where anybody but a business interest challenged executive action, Judge Bork exercised judicial restraint either by refusing to decide the case or by deferring to the executive on the merits. However, when business interests challenged executive action on statutory or constitutional grounds, Judge Bork was a judicial activist, favoring the business interest in every split decision in which he participated. In summary, when split cases in which Judge Bork participated during his five years on the D.C. Circuit are combined, on 48 out of 50 occasions (or 96 percent of the time) Judge Bork voted to deny access, voted against the claims of individuals who had sued the government, or voted in favor of the claims of business which sued the government.●

FAMILY SECURITY ACT OF 1987

● Mr. SIMON. Mr. President, I rise in strong support of the Family Security Act of 1987, a bill introduced by my colleague, Senator MOYNIHAN. The main purpose of this bill, S. 1511, is to replace the half-century-old Aid to Families with Dependent Children [AFDC] Program. This is a comprehensive program that amends title IV of the Social Security Act. The Family Security Act of 1987 targets family responsibility, expanded opportunities in education and training, as well as benefit improvement, program innovation, and organizational renewal at every level in the Federal system. Senator MOYNIHAN is a recognized expert on the family and Federal income-support policy.

In recent years, the Federal Government has worked closely with States to improve methods of collecting child support payments. Many States, such as my own State of Illinois, have been successful in ensuring that children receive the support they are entitled to from the noncustodial parent, thereby reducing the dependency these families have on Federal or State welfare programs.

S. 1511 takes the next logical steps to ensure that, within reason, parents who can take care of their children's financial needs will do so. Given the number of families who must rely on Government assistance, parents who can afford to provide for their children must meet this responsibility. This bill strikes the right balance between the needs of our children and the rights of both the custodial and noncustodial parent. While I do not believe that we should approach child support enforcement in a punitive manner, the Federal Government must provide strong leadership to the States in ensuring that court-ordered child support agreements are met and enforced. In my view, this is a key component to this welfare reform legislation.

While this bill addresses the issue of child support enforcement, it also provides a job opportunity and basic skills program. Therefore, parents with dependent children who are eligible for the Child Support Supplement Program can receive the education, training, and employment that will help them avoid long-term dependency on public assistance programs. I am concerned about the permissive nature of these essential programs. If the States elect not to provide basic education and work programs for participants, there is little likelihood that the cycle of welfare dependency can be broken. Without the tools of employability—the ability to read, write, and compute, as well as some work skills—workfare won't work.

The Family Security Act of 1987 requires the direct involvement of the family in lifting the family, whatever their economic or social status, from dependency to self-sufficiency. That is a role that a compassionate government should play. This bill takes the steps necessary to change our present welfare system to one that encourages family responsibility and, hopefully, a measure of self-respect.●

TRIBUTE TO NORMAN B. LEVENTHAL

● Mr. KERRY. Mr. President, I wish to recognize Norman B. Leventhal of Newton, MA, who was recently presented the Man of the Year Award by the Boston Latin School—an honor he most certainly deserves. Since his graduation from Boston Latin in 1933, Norman Leventhal has dedicated himself to improving the community and the quality of life for all individuals. Although he did not come from a family of enormous means, Norman, through hard work and commitment, has become one of the most successful and respected businessmen in Massachusetts. I am honored to call him my friend, and our State and Nation are fortunate to have him among our citizen.

I submit Norman Leventhal's Man of the Year acceptance speech for the RECORD:

MAN OF THE YEAR ACCEPTANCE SPEECH

Ladies and gentlemen, I am still astonished to be here as the Man of the Year. I feel very modest in the company of those alumni who have preceded me. It is a remarkable sensation to look out and see so many faces of alumni and friends, and yet be thinking about the child who passed through the portals of Boston Latin just a few years ago. So may I begin by saying thank you for this high tribute and for your kindness.

I must start by saluting a long standing Boston Latin tradition. This tradition is so entrenched that it reminds me of a tradition in the Jewish faith. Every Passover, we read from the Haggadah as we have each year for countless generations. We begin by saying that we repeat the story of the Exodus each year so that we will remember whence we came.

If the Boston Latin Alumni Dinner had its own scripture, I could guess the sentence we would read every year. Like the Passover quotation it would help us to remember whence we came. Like the Passover tradition, I can't imagine a year without this message. It goes something like this:

Mr. Cray was the meanest —— I ever met in my life. (May his soul rest in peace.)

You see—I can laugh about it now, and my mother told me that someday I would. Mr. Cray told me that Charon would get out of Hades before I passed his Latin course. I did pass it finally but nothing has ever been more difficult. Sometimes I believe that Mr. Cray was put on earth as a gift to all of us, so that our lives after high school would seem such an uninterrupted pleasure.

This occasion has invited me to think about a time of my life many years ago. I was only 15 years old when I graduated from Boston Latin. So when I think back, I remember the thoughts of a child. To me, for example, the trip to school was as memorable as many other things. I walked from Wolcott Street, up Columbia Road to the Franklin Park Station on Blue Hill Avenue. The street car to Roxbury Crossing, which has disappeared with the construction of the Southwest corridor and in good weather would walk to Latin School. It took about an hour each way, but the five cent ticket made it seem quite a luxury. It was the world that Teddy White described so perfectly when he wrote in Search of History. It was a World I shared with Teddy by birth. We lived in the same neighborhood, had the same scarce resources, and ducked snowballs thrown by the same boys on street corners.

But we also shared Boston Latin. For those of us born to minority groups in Boston, the Latin School was an open place—a place to take whatever potential we had and prepare for whatever dream we had.

Of course, Teddy also said that Boston Latin was an unrelieved torment. Because I was truly a child at the school, I do remember that my social life was not the most fascinating way of life on earth. In fact, my classmate Harold Levy, with the help of a little advanced mathematics, once added a year to my age out of kindness to me so that I could join the Pioneers Club in my neighborhood. And if Harold doesn't know it, I still thank him for that.

I was by inclination a good student in math. And so while I was not everyone's first choice for a date, I was extremely popular for homework sessions. I remember Mr. Cannell very fondly—he was my math teacher and many of you will remember him as the Bunk. Personally, I like the Bunk, I know that the late George Levy, who sat in front of Harold would forgive me if I recall the occasion when George was having just a little trouble with math. Our sensitive and caring Mr. Cannell inspired George by saying:

"Levy, you're just a dope"—of my time at Boston Latin, I am probably proudest of the fact that I made it through the subject I loved most and can say that The Bunk never called me a dope.

In thinking about Boston Latin I thought a great deal about what real lessons I learned there. Since we seem to spend the first third of our lives just getting ready for the next two thirds, it was a useful recollection.

First, we learned the basics—the fundamental skills and knowledge that formed the foundation of our intellectual lives. I'm sure you found as I did that college life seemed less of a struggle and more enjoyable to us than it did to students from other high schools. When you listen to the leaders of Liberal Arts Education describe its advantages, you can't help but remember Boston Latin. It taught us to think, it taught us how to learn. And while I could not decline a verb unless Mr. Cray hovered over me now; the mental exercise he gave us has helped me for 53 years. So I think of Boston Latin as giving me the apparatus I would first need as a student at M.I.T., and then for a lifetime career.

Second, I learned that I had a debt to our community. By its very existence, Boston Latin taught me that we can help ourselves and our community by helping people in need. I was one of those people in need. So by my own life and whatever success I have achieved, I believe in how much we can all gain by accepting responsibility for every member of our society. I believe that when we save one person, we save the world.

As I grew more and more committed to our community, I learned that in the end this commitment brings value to a city such as ours. As an example, one of my more rewarding involvements has been the creation of many thousand of units of affordable housing along the Eastern Seaboard. Of all of these, the most satisfying has been not-for-profit units for the elderly community of Boston, where 1,200 people can live in dignity. While this endeavor obviously improved the living environment for many people in need, it has also created jobs. And at the end of the chain of events started by each new housing unit and each new job, the original commitment to the community translates into a strengthened economy, a broadened tax base, and all of the resulting derivatives from safer streets to cleaner water and better schools.

This commitment to the community has helped me to share in the extraordinary opportunity of seeing the rebirth of our cities. In that experience I join many of you. We share a sense of pride in seeing the dreams of so many people achieved. We share the belief that when we enable rich and poor to realize the full dreams of American potential, we are weaving the fabric which binds the city together and the nation together.

Third, we learned a code of ethics from Boston Latin. Not from the strict behavior rules, though we had those down to our jackets and ties. Not even from the rewards for good behavior, though I was as proud of my Fidelity Prize as we all were; and not from any moldy discourse on ethics. Instead, I believe that we learned our code from the subjects we studied. We may have read the Iliad to exercise our translation skills, but in our imaginations we became Achilles and all that we admired about him. We struggled through the Republic, but as we did we watched Glaucon grow from a hedonistic man to a virtuous one. We labored over the dialogues, but saw virtues pictured as so desirable that we could not help but aspire to them. I don't remember hearing the word ethics, but we got the message.

You know, of course, that ethics is the latest business topic. Just read the Wall Street Journal. When a young man poisons medicine for profit, when insiders wink at insider trading, or when an engineer cuts corners on a building that could cause the loss of human lives—then we can be assured that there will be a flurry of business experts and seminar leaders who want to introduce ethics courses. The answer seems much simpler to me: I would propose to you tonight that we climb up to the attic and dust the cobwebs from Achilles and Ulysses and Glaucon, and introduce them to our children. While we all know that a family and many other influences build a code of ethics, I do believe that these accidental heroes or ours, met by chance as we studied many classical subjects, taught us how to make the difficult ethical choices we would face for a lifetime.

Of course, Boston Latin also gave me the chance to muse with you this evening about the past, and to reflect on what the School gave me that has most influenced my life. So I thank Boston Latin for declamation. I did not rise to the distinction of my good friend Larry DiCasra, who won the Gold Medal for his Cyrano deBergerac—but I can still recall the speeches of Abraham Lincoln as well as I could then—and I believe there is something good about keeping Mr. Lincoln's thoughts in one's head.

I remember those painful sessions of trying to remember so many sentences as if Declamation Day were tomorrow. But declamation did introduce me to President Lincoln, for which I will always be thankful. It gave me one very special memory that I have kept with me since that anxious day so many years ago when I memorized his second Inaugural Address—that I should lead my life and conduct myself with malice toward none, and with charity for all.

The lesson of that phrase probably summarizes what Boston Latin gave me more than any words could. Of course, none of us is perfect, and perhaps we are permitted to have just a little bit of malice once in a lifetime. I will be happy to share mine with you. It is that I have met thousands of people in the 53 years since Boston Latin. I have met famous people, obscure people, charitable and cruel, educated and not so educated. And one self-evident truth remains after all those thousands of people:

Mr. Cray really was the meanest ——— I ever met, may his soul rest in peace.●

KEN HEATH—LEGISLATIVE FELLOW

● Mr. BINGAMAN. Mr. President, I take a few moments today to express my deep appreciation for the tremendous job which Kenneth Heath has done handling foreign affairs and veterans issues as an American Political Science Association Fellow in my office.

Ken will soon be returning to the National Security Agency where he will join the Congressional Relations Office. Their gain is very much my loss.

I am not going to try to list here today all of Ken's accomplishments over the past 10 months. Suffice it to say that Ken has counseled me on many pieces of legislation and handled a large volume of constituent inquiries with dedication, good humor, sensitivity, and good sense. He has been a full member of my legislative team and integrated himself so well into my office's efforts that his departure is going to be akin to a house losing one of its main pillars. The rest of my staff is going to face a tall order in their attempt to fill the gap left by Ken's departure.

Since it is happening today, I do want to highlight one example of Ken's stalwart efforts in behalf of New Mexico. Today, Senate Joint Resolution 106, a bill to give national recognition to the Disabled American Veterans National Vietnam Veterans Memorial in Angel Fire, NM, gained its 49th, 50th, and 51st cosponsors in Senators KENNEDY, PRESSLER, and McCONNELL. It is now eligible for fast-track consideration by the Judiciary Committee. I am not sure that we would ever have reached this point without Ken's dedicated help. Certainly, it would have been much later in this Congress if we had not had Ken to serve as the shepherd. He has devoted himself to making sure that this beautiful and moving memorial to those who served in Vietnam gained the full recognition it deserves. He has spent many hours lobbying his colleagues on other Members' staffs in favor of the bill.

We will miss Ken in my office, and I am sure many others who work in the Senate will miss him, too. Luckily, in his new assignment, we will still see him regularly as he works on behalf of the National Security Agency's programs here in the Senate. I understand Ken will be handling military construction along with other issues. I can only warn Senator DIXON, Senator SASSER, and Senator BOREN that, if Ken is half as persuasive to them and their staffs on behalf of NSA's military construction needs as he has been to me on foreign affairs and veterans issues, General Odom may soon be presiding over a veritable Taj Mahal at Fort Meade.

Mr. President, I wish Ken all the best in his new assignments certain that it will lead to even greater responsibility in the future.●

IS DEMOCRACY POSSIBLE IN LEBANON?

● Mr. KERRY. Mr. President, no nation or people have suffered more during the last dozen years that have the Lebanese. Civil war, foreign intervention, and terrorism have resulted in more than 100,000 casualties and divided Lebanon into armed camps. Iranian-backed terrorists intimidated the local citizenry while Syrian occupation forces are unable or unwilling to prevent kidnappings and assassination in areas under their control.

Most Americans now associate Lebanon with chaos, terrorism, and complete disorder. Gone are the memories of Beirut as the Paris of the Middle East when one could go snow skiing in the morning and swimming in the afternoon.

One would have to be an unbridled optimist to believe that the light of democracy could still burn during these dark days for Lebanon. To my surprise, President Amin Gemayel is such an optimist. Even more amazing is his continued commitment to the Lebanese people and democracy.

I read with interest a recent interview with the Lebanese President in the June/July issue of Lebanese Affairs. I submit for the RECORD a copy of this interview. What is clear from President Gemayel's comments is that despite all of the trauma, the President and others in the Government still hold democratic values dear and are struggling to have these values prevail over the forces of tyranny.

Although weakened, democratic institutions—Parliament, an independent judiciary and an elected Executive—continue to function. The President, moreover, realizing that Lebanon's Republican system of government no longer adequately reflects the actual population distribution, has presented a plan to give a greater voice to underrepresented groups. He emphasizes a willingness to discuss any aspect of his proposal and views it as a catalyst for future discussions. I urge other Lebanese leaders to join in these discussions.

President Gemayel also emphasizes that despite all of the trauma no major Lebanese leader or group has called for the partition of Lebanon or its annexation to a neighboring state. In fact, the years of turmoil have underlined the identity of all Lebanese with their country. Furthermore, the overwhelming silent majority of Lebanese support the legitimate institutions of the state and condemn the lawlessness.

Too often we allow ourselves to be distracted by headlines about ghastly acts of terrorism emanating from Lebanon. We forget all those individuals who share our values and are struggling to ensure that democracy survives. These are the individuals who are bearing the brunt of the assault on international civility and we should not forget them.

It is easy to be a democrat in Western Europe or the United States. We are asked to make a minimal sacrifice. But those who struggle in the Philippines, Haiti, or Lebanon risk their very lives as is underlined by tragic assassinations in the Philippines and Lebanon this week. Many strong individuals are struggling for the values we cherish. We must not forget them.

The interview follows:

MAKING PEACE A REALITY

Q. Mr. President, many people say that Lebanon no longer exists. How do you respond to such statements?

A. No one can deny that the last thirteen years of turmoil have taken a terrible toll on the Lebanese people and the institutions of this country. Such perceptions as expressed in your question, however, are far from the truth. As strange as it may appear to the outsider, these difficult times have solidified the Lebanese people in a common identity. The overwhelming majority of Muslims, Christians and Druze are firmly committed to the survival of Lebanon as an independent nation with a distinctive Lebanese people. Never was this more clear than at the funeral of Prime Minister Karami. The people of Tripoli who are overwhelmingly Sunni Muslim, bedecked their city with Lebanese flags as a demonstration of their commitment to the Lebanese nation. Finally, let me emphasize that no Lebanese community has asked to be partitioned from the rest of Lebanon or annexed by one of our neighbors. Lebanon faces problems, but it exists as a nation state with a central government, and it shall endure.

Q. No one will deny that the spirit of the Lebanese people is truly amazing and that their commitment to Lebanon is deep, but after thirteen years of strife Lebanese institutions are shattered and any semblance of a functioning government is long gone.

A. I realize that this is the perception of many, but it is not the case. The Lebanese government continues to perform most functions under extraordinary conditions. Water is provided. Electricity is generated. Mail is delivered. Civil courts function. Schools operate. Roads are repaired. Parliament meets. Our diplomats represent us abroad and the President conducts the business of state. All these activities take place but at a slower pace due to the war and to external intervention in our affairs.

Q. All of that is true. Nevertheless, your cabinet did not meet for a year. Your Prime Minister has been assassinated. The Speaker of the Parliament has tendered his resignation. And, some have speculated that you intend to resign. Are these the actions of a functioning government?

A. First of all, I have no intention of resigning. The Speaker has withdrawn his resignation. We are facing a very serious political problem in Lebanon. The problem is an assault upon our national institutions. The assassination of Prime Minister Karami was an assault upon all Lebanese institutions. There are those, both in Lebanon and outside, who wish to see the fragmentation of Lebanese society. I shall make sure that they fail. I believe that all Lebanese must work to strengthen our national institutions—Parliament, the Prime Ministership, the Army and the Presidency. Our friends abroad must help us by supporting the central government and by rejecting those who want to divide one Lebanese from another. I shall fight to the end any attempt at partition.

Q. Another basic function of government is the provision of security for its people. Today, Syrians, Israelis, and various militias provide security in much of Lebanon. Does this not diminish the importance of the central government?

A. It certainly does. Most Lebanese want the Internal Security Forces and the Lebanese Army to assume control of public security. In many areas, this is the case. The militias will have to be disarmed. This will not be easy. Many in the militias have become accustomed to acting above the laws. They have been able to perpetuate their influence by intimidation and playing upon people's fears. In order to reduce their influence, a political accommodation needs to be reached and the institutions of the central government strengthened. As we move in this direction the influence of the militias will diminish and the need for an external presence will be reduced.

Q. In order for the Lebanese central government to be able to provide security, the Lebanese Army would have to be an effective force. Is the Lebanese Army capable of performing those functions?

A. Yes, the Lebanese Army along with the Internal Security Forces, are capable of providing security once a political accord is attained. The Army remains one of our strongest national institutions. As you know, the Army represents all Lebanese, and operates throughout Lebanon. All members are paid by headquarters and Muslims and Christians in the Army work together on a daily basis.

I invested a great deal in the army and built it with US help into an efficient modern fighting force.

Q. You also spoke of political accommodation as a prerequisite for the reestablishment of the central government's ability to provide security for all Lebanese. Why should anyone believe the Lebanese people are prepared to set aside their differences? Or, will you and other Christian leaders be willing to share some of the power which has rested in your hands?

A. Over the last thirteen years, we Lebanese have learned a great deal. The first thing is that we desire to have peace in our country. Secondly, as I said before, we are one people and we must live together. In order to do this, each community will have to make concessions to the others. In fact, each will have to give more than seems possible at this time.

The new formula for the governing of Lebanon shall be based on the principle of equality in all positions of state-parliament, cabinet, bureaucracy, judiciary, etc. The governing of the country shall be on the basis of consensus with the power concentrated in the Council of Ministers in which all communities, are equitably represented. Lebanon is the responsibility of all the Lebanese communities, and not of any single community and, therefore, all must share equally in the governing process. The Lebanese communities have lived in peace and have together produced a prosperous, liberal, democratic order. It was exploitation by external forces that exaggerated the differences and transformed propitious religious diversity into political-military conflict. Leave the Lebanese alone and they will again surprise the world with their constructive diligence.

Q. Most people in the West believe the main political problem facing Lebanon is the lack of adequate influence of the Shiite community. Do you believe this is true?

A. In the new political formula, I am proposing that we commit ourselves to the principle of abolishing political confessionalism as a criterion in the governing process and I am proposing a rigorous mechanism to attain this objective in the near future. Meanwhile the confessional principle will be maintained, but it will be corrected to provide equitable representation to all communities. The Shiite community deserves greater power in the governing formula than it has had, and this is accounted for in my reform proposals. Shiite demands emerged later on in the war and were not the cause of the Lebanese conflict. This does not reduce the Shiite case which is just on its own terms. The number of Shiite deputies will be increased; the powers of the Shiite Speaker of Parliament will be enhanced, and new positions in the power structure will be allocated to the Shiite community. Community rights are best guaranteed by an effective system based on equality, justice, and development opportunities.

Q. There are those who argue that the Syrians intend to annex Lebanon or at least occupy it for the foreseeable future. They believe the Syrians want to see the Lebanese divided and, thus, provide the excuse for continued occupation. What is your view?

A. I do not accept this. The Syrians have reassured all Lebanese that they want to withdraw from Lebanon and I must take them at their word. The Syrian government knows that long-term Syrian interests are not enhanced by their troops remaining in Lebanon. Their becoming involved in internal Lebanese affairs is not in their interest either. No matter how benign the Syrian intervention may be, over time the Lebanese people will want Lebanese providing for their own security. The Syrians know that the way to assure continued Lebanese respect, appreciation and thanks will be to help the Lebanese government restore order and regain its sovereignty.

Q. You speak of security for the Lebanese, but the Israelis are concerned about security for their northern border. They maintain their security zone in order to protect their northern settlements from raids emanating from Lebanese territory. Why should the Israelis heed Lebanese calls to withdraw totally from Lebanon and place their own citizens in jeopardy?

A. Israeli policy toward Lebanon over the last twenty years has been a failure. Of all its borders, today, only Lebanon poses a security threat. The Golan Heights, the Jordan River valley and Sinai are all peaceful. The reason they are peaceful is that on the Arab side there is a strong cental government which can control the border.

No matter what the intention of Israeli policy in Lebanon, their actions has weakened the authority of the central government. From the humiliating raid on Beirut Airport in 1968, to the refusal to turn key positions over to the Lebanese Army during their withdrawal, to their continued presence in South Lebanon, Israeli actions have weakened the Lebanese government. Israeli security can never be attained through the use of proxy forces. Full implementation of UN Security Council Resolutions 425 and 426 is in the interest of peace. Friends of Israel should not take actions which weaken the Lebanese central government.

Q. Regarding a peace conference between Israel and its Arab neighbors: will Lebanon participate?

A. Participation of Lebanon in an international conference is important for the success of such a conference. Lebanon, like Syria and Jordan, has part of its territory occupied by Israel. While the previous international conference discussed solely the withdrawal of Israel from territories occupied in 1967, after twenty years no discussion would be complete without including Lebanese territories occupied since then.

On the issue of the Palestinians, the future of the Palestinians in Lebanon and their relationship with any Palestinian entity is important to a conference. It is hard to imagine any solution to the Palestinian question that does not address the concerns of the large Palestinian community in Lebanon.

Finally, peace in the region will not be achieved by Israel unless it is for all concerned. This must include Lebanon. No one can negotiate such an agreement for the Lebanese, if peace is to have real meaning. Therefore, in order to secure success, Lebanon must participate alongside Jordan and Syria.

Q. There are those who say that the authority of the President does not extend beyond the walls of the Presidential palace. Why then, do you believe the Presidency is so important?

A. This of course is not true. All Lebanese institutions—Presidency, Cabinet, Parliament, bureaucracy—have become relatively weak. This is due to the war, to the prevalence of militias, to occupation, and to the presence of external forces. However, legitimate authority exists with competence, albeit weak, over all the Lebanese territory. It is stronger in some areas than in others. The Presidency is the apex of legitimate authority; and this authority is not only active in conducting the regular administrative legal affairs of the Lebanese, but is equally engaged with regional powers and with the superpowers in regaining the unity and the independence of Lebanon. In a sense the Presidency is weak. In another sense it is stronger than ever in its determination to end the war and give the Lebanese the peaceful life they deserve. The overwhelming silent majority of the Lebanese support the legitimate institutions of the state and condemn the lawlessness perpetuated by the armed groups and their foreign supporters. I have a clear vision of the Lebanon of the future. I am battling all odds in office to realize this vision. I shall continue to do so with equal vigor in my private capacity when my constitutional term of office expires.●

UNITED STATES POLICY TOWARDS PANAMA

● Mr. KERRY. Mr. President, Secretary of State George Shultz is to be commended for his strong statement yesterday detailing the administra-

tion's support for democratization in Panama.

There have been many contentious foreign policy issues which have divided the Congress and this administration over the past 6½ years. Yet, once again our Government stands firmly united behind a policy in support of the democratic aspirations of a people struggling to overturn yet another despot.

Democracy and support for legitimate democratic forces around the world is a common goal which can, and which has, united the Congress and the executive branch on important foreign policy matters. We demonstrated in the case of the Philippines, Haiti, South Korea, and now Panama, that our Government can pursue a consistent foreign policy that is truly reflective of our values.

The Senate has demonstrated strong bipartisan support for the removal of Gen. Manuel Noriega in order to bring to an end his thuggish and corrupt rule. The Senate has demonstrated strong bipartisan support in behalf of the democratic forces in Panama who have taken to the streets in impressive numbers in Panama to register their protest against a dictatorship. Just yesterday, 10 of us introduced legislation in the Senate terminating all military and economic aid to Panama. Under our proposal, aid would not be resumed until four conditions are met:

First, the Government of Panama must demonstrate substantial progress in the effort to assure civilian control of the military and the removal of the Panama Defense Forces and its leaders from nonmilitary activities and institutions.

Second, the Government of Panama must commence an independent investigation into allegations of illegal actions by members of the Panama Defense Forces.

Third, a nonmilitary transitional government must be in power.

And fourth, freedom of the press and all other constitutional guarantees for the Panamanian people must be restored.

Secretary Shultz reinforced the goals of this legislation when he announced that the administration would continue to freeze military and economic aid to Panama. The message is obvious from both the administration and the Congress—General Noriega must go and a civilian democracy must be reconstituted in Panama.

While the concern over General Noriega and his overstaying generals runs very deeply in the Senate, I support strongly Secretary Shultz's statement that it is essential for Panama to have a strong, professional armed force. I share the same view of the Secretary that the armed forces should be professional and not political.

The resolution which passed the Senate 84 to 2 on June 26, and the legislation we introduced yesterday, is not directed at the Panama Defense Forces. It is directed at those who would abuse military power. General Noriega would have the people of Panama believe that our actions and concerns are directed at the Panama Defense Forces as an institution. They are not. We all support a strong, professional, military institution under the control of a civilian government, democratically elected by the people.

Today, Panama operates under military decrees that are, in many ways more harsh than the state of emergency in Nicaragua. As one opponent of the Noriega regime observed earlier this week—there is not any justice in Panama today. The citizens of Panama have had their constitutional rights abolished and their rights to recourse for their grievances suspended.

It is time for General Noriega and his cronies to step aside and give real democracy a chance. That moment has come for Panama just as it did in the Philippines, and just as it is coming for South Korea. The drive for democratic change comes not from Moscow, or Havana, or Managua, but the middle-class Panamanians. As in South Korea, it is the middle class who is filling the streets of Panama with protest.

The antigovernment demonstrators have spanned the very rich to the very poor, with the nucleus being merchants and university students. The poor suffer too much poverty and unemployment in Panama. Particularly in the face of conspicuous consumption by the military elite to consider General Noriega their defender.

I have been particularly impressed by the courage and persistence demonstrated by the people of Panama who continue to challenge peacefully this dictatorship. And it is important for them to understand that the U.S. Senate stands unequivocally behind them and will not abandon them. That is the reason my colleagues and I introduced the legislation we did yesterday terminating all but humanitarian assistance to Panama.

Finally, special credit should go to the ranking member of the Senate Foreign Relations Committee, Senator JESSE HELMS, for his persistent efforts over the years, to focus attention on the Noriega dictatorship in Panama. While we have many differences on foreign policy matters, including the issue of the Panama Canal Treaties, Senator HELMS has played a critical role in focusing attention on the state of affairs in Panama. Since I was elected to this body, I have listened to what Senator HELMS has said about the Government in Panama. He was right then, and he is right now. He has exhibited integrity on this critical matter by not mixing up the issue of the Panama Canal Treaties with the need to restore democracy in Panama. I respect the work he has done as it relates to the dictatorship of General Noriega and I commend him for the job he has done.●

● Mr. DECONCINI. Mr. President, the Reagan plan for peace in Central America reminds me of the opening of Charles Dickens' book, "David Copperfield." Paraphrasing Dickens: It was the best of times, it was the worst of times, it was a time for hope and a time for skepticism. The hope is that the United States is serious about a bipartisan peace plan moving that country toward free elections and the Central American region toward stability. The skepticism is that there is nothing new enough in this proposal that will change the Sandinistas' minds, especially before the September 30, 1987, deadline.

Furthermore, my concerns are that if those negotiations fail, President Reagan will attempt to fashion an expensive and aimless $150 million military package for the Contras. Many Members of Congress, including this Senator, have serious questions regarding the violations of civil liberties and constraints on religious freedoms imposed by the Sandinista regime on the citizens of Nicaragua. Moreover, the Sandinistas should not allow Soviet and Cuban advisors or troops into the country, thereby destabilizing the entire region. The Reagan peace plan, which closely resembles the Costa Rican President Arias' peace plan and Senator SASSER's proposal last year on Contra aid, attempts to address many of these concerns. Increasing military assistance to a band of divided Nicaraguan fighters, which includes a number of former Somoza supporters, is not the answer.

There are a number of concerns I have regarding the Contras. Unlike the Afghan democratic resistance, the Contras do not control any land within Nicaragua. They have been criticized by many for numerous human rights violations as well as failing to substantially improve their support. They also have not designed a military strategy or game-plan to win the battle in Nicaragua. Even the administration admits that it would take substantially more money to improve the Contras' potential to win, and even then there are no assurances. Mr. President, I have many reservations toward providing $150 million in U.S. taxpayer money to a cause which is questionably democratic and entails little hope of winning.

I hold out hope that peace for the democratic countries in Central America is possible. It is possible, Mr. President, if we pursue a peace plan that supports these democratic countries' interests and concerns. I cautiously support the Reagan-Wright bipartisan effort in Central American while recognizing the reality of the situation in

Nicaragua. I truly hope the Reagan administration fully and wholeheartedly pursues the promise comprised in this plan.●

JIM DICKSON—A DREAMER MAKING A DREAM COME TRUE

● Mr. CHAFEE. Mr. President, today I rise to bestow best wishes on a dreamer who is embarking on an extraordinary journey. On Tuesday, August 4, Jim Dickson set sail on a trans-Atlantic voyage from the Bend Boat Basin in Portsmouth, RI, aboard his 36-foot Tillotson-Pearson sailboat named *Eye Opener.*

Many people have sailed across the Atlantic Ocean. That is not special. But Jim Dickson's dream is special, for Jim hopes to be the first blind sailor to cross the Atlantic Ocean solo. Dickson, 41, has been legally blind since he was 7 years old, but that has not stopped him from reaching beyond his disability.

Jim has spent months preparing for this journey, gathering supplies, studying charts, and familiarizing himself with the boat that will be his only companion on this trans-Atlantic adventure. Like any man of the sea, Jim Dickson has planned for the unexpected. The *Eye Opener* is equipped with a number of high-tech devices, including a braille compass, a talking computer and a radar unit that whistles whenever it detects objects in the boat's path. Ultimately, though, Jim Dickson will guide the vessel. It is his courage and inspiration that will sail the *Eye Opener* over 3,400 nautical miles to England.

I commend Jim Dickson, and with all Rhode Islanders wish him well on his trans-Atlantic crossing. He is an inspiration to us all and a dreamer making a dream come true.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. SIMON. Mr. President, it is with sadness that I join my colleagues in participating in the Union of Councils for Soviet Jewry's Congressional Call to Conscience. The union is to be commended for sponsoring this initiative, but it is unfortunate the need exists.

There are all too many examples of the Soviet Government's unwillingness to recognize the basic human rights of these individuals. Let me focus on one case that is particularly important to me: Abe Stolar.

Abe Stolar was born in Chicago in 1911 and was brought to the Soviet Union by his father during the Depression. Abe and his family have been trying unsuccessfully to leave since 1974. In April 1985, Abe, Gita, and their son were given permission to leave the Soviet Union, but only if Michael's wife, Julia Shurukht was left behind. The family refuses to leave without Julia.

Julia's mother has refused to sign documents stating that her parents have no financial claims against her. In addition, the Soviets have not recognized the religious ceremony of marriage between Michael and Julia. Though many individuals have come forward to be the guarantor in the event that Julia's mother should need financial support, permission has still been withheld.

Time and time again, it seemed that permission was coming. Time and time again, the hopes of Abe and his family have been raised only to be disappointed. How long is this to continue?

I call upon the Soviet Union as a member of the United Nations to respect the Universal Declaration of Human Rights of 1948; as a partner in the ratification of the International Covenants on Human Rights in 1973 to recognize the basic human right of freedom from religious persecution; and as a signator to the Helsinki Final Act of the Conference on Security and Cooperation in Europe in 1975 to recognize the basic human right of freedom of choice.

It is time to let Abe Stolar and his family go. It is time to let all refuseniks go.●

JAMES JACKSON O'KEEFE

● Mr. KERRY. Mr. President, I wish to recognize the death of James Jackson O'Keefe in Boston last week. It has been said that some people become a legend in their own time. Jimmy O'Keefe was a legend to all kinds.

Politicians such as Mayor Tobin, athletes such as Ted Williams, characters such as Specs O'Keefe, Jazz Maffie and Legs Diamond all sought his friendship. Jimmy's office, the Dugout Cafe, served as a clubhouse, a precinct room, and a counseling center for students from Boston University.

James Jackson O'Keefe is not only the name of a saloonkeeper, it is a definition of honor and a definition of compassion. Jimmy's saga began in simpler times. But the times stayed simple for Jimmy because values are values, and that, Mr. President, is the stuff legends are made of.

Mr. President, I ask that the following article from the Boston Globe be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Boston Globe, July 28, 1987]

WHAT THE DEATH NOTICES DIDN'T TELL WAS THE LEGEND OF JIMMY O'KEEFE

(By Douglas S. Crocket)

They're going to bury Jimmy O'Keefe tomorrow morning and when they do, a big portion of what used to be Boston will be gone.

He died at Deaconess Hospital Sunday, and he was 83 years old.

The death notice in yesterday's papers ran just a few lines and, at the end, said he was the owner of a place called The Dugout Cafe just outside of Kenmore Square.

It didn't say that James J. O'Keefe was the closest thing to a legend Boston had left.

It didn't say that many people believe that, if it wasn't for O'Keefe, one man, Maurice Tobin, would never have been elected mayor of Boston, then governor of Massachusetts and then appointed to a presidential Cabinet. It didn't say that once, O'Keefe physically beat up a Massachusetts governor because he did not get a job for a man who stood in the rain and snow and gave out cards for the governor at a polling place.

It didn't say that in the 1940s and 1950s Jimmy O'Keefe's nightclub and restaurant at the corner of Boylston Street and Massachusetts Avenue was the gathering place of the greats, the near greats and the failures in sports, politics, entertainment and the press.

It didn't say that he knew bank robbers and boxers and convicts and priests and cops and reporters and cab drivers and prostitutes and waitresses and bartenders and all the rest.

"He knew everyone but the unknown soldier," Frank Kennedy, one of his closest friends, said last night.

It did not say that thousands of Boston University students looked at him as a father figure.

It did not tell that thousands of alcoholics, homeless people and those down on their luck knew that Jimmy O'Keefe was always good for a handout.

It didn't tell of thousands of dollars loaned and never asked for, nor of jobs obtained.

But this is the story of Jimmy O'Keefe.

He was born in Boston's Back Bay and he never left that area.

He delivered groceries as a youth from a horse and wagon in the area now called Kenmore Square, played football and graduated from Boston English High School, worked for the telephone company for a while and then found his calling.

He became a bootlegger. He even bought a drugstore on Huntington Avenue and they used to say, "Jimmy O'Keefe sold more booze there than he did aspirins."

And, after Prohibition ended, he bought the Dugout in 1934.

There are so many stories about Jimmy O'Keefe they could never be told in a day.

In politics, he was of the old school. He not only knew everyone in his area, he knew their cousins and friends and aunts and uncles and sisters and brothers and everyone else who even came in contact with them.

That was why Maurice Tobin went after him, O'Keefe didn't make speeches for Tobin. He organized his campaign for mayor.

O'Keefe brought all his friends into the organization and they came through. Tobin was elected but everyone knew O'Keefe was behind it.

Tobin went on to become governor but one day, when O'Keefe asked him to help a friend and Tobin said he was too busy, O'Keefe beat him up.

He never admitted it or denied it, but plenty of people knew it was true.●

NEW JERSEY AFL-CIO CENTRAL PETER McGUIRE LABOR DAY CELEBRATION

● Mr. LAUTENBERG. Mr. President, on September 4, the AFL-CIO Central Labor Union of New Jersey is sponsoring the annual Peter J. McGuire Labor Day Celebration.

Peter J. McGuire is attributed with the creation of "Labor Day" in America. The idea was born back in May 1882 at a meeting of the Central Labor Union. At that meeting, Peter J. McGuire spoke about various days in history designated to memorialize soldiers, statesmen, explorers, musicians, and even poets. He recognized that nowhere, in any country, was a day designated to honor the common working man. And so he called for the creation of a day to honor "those who from rude nature have delved and carved all the grandeur we behold"—America's workers.

From this idea a campaign grew to make Labor Day a reality. On September 6, 1882 American Laborers marched with bands and banners in New York for picnics, concerts, and celebration. Two years later, when the Federation of Trades and Labor Union met at Chicago, a resolution was passed urging Congress to declare the first Monday in September a national holiday. In 1894, Congress enacted a law to officially sanction a Labor Day. One by one the States made a commitment to celebrate the day in honor of our Nation's workers.

In honor of Labor Day and in honor of Peter J. McGuire, the AFL-CIO Central Labor Union has organized this celebration. My friend George E. Norcross, the union's president, has been particularly instrumental in facilitating the celebration this year and in the past. I commend him for his dedication to honor America's working men and women.

It is fitting that the participants in this celebration will visit Peter McGuire's memorial in Pannsauken Township. There they will place a wreath and flowers at the McGuire statue.

Mr. President, the annual Peter J. McGuire Labor Day Celebration is an important event for the AFL-CIO Central Labor Union. I am pleased and proud that they have organized this event to honor Peter J. McGuire for his important contributions to the working men and women of America.●

ARCTIC NATIONAL WILDLIFE REFUGE

● Mr. JOHNSTON. Mr. President, as many of my colleagues know, the Senate Energy and Natural Resources Committee is currently considering the issue of whether to open the Coastal Plain of Alaska's Arctic National Wildlife Refuge [ANWR], to oil and gas leasing, exploration and production, or to leave it closed to such activities.

One of the issues associated with this matter is a proposal by the Department of the Interior, some Alaska Native Corporations, and several oil companies to exchange certain lands owned by Alaska Natives located inside units of the wildlife refuge system in Alaska for oil and gas resources underlying lands located in ANWR. The Department, the Natives, and the oil companies have been working for several months to draft these proposed exchange agreements.

I understand that the land selection and valuation phases have now been completed and that these proposals have been made public. The Secretary has indicated to me and to others, however, that he will proceed no further on these exchanges pending some indication from those most involved in the ANWR issue that these exchanges should be pursued. He has also made it clear that he will submit these exchanges to the Congress for approval rather than consummating them administratively.

I have indicated to the Secretary, in private and in public, that I believe these proposed exchanges should not be pursued. My concern is based upon two main factors. First, I believe that consideration of these exchanges by the committee and Congress will delay a congressional decision regarding the opening of ANWR for oil and gas development. In my judgment, these proposed exchanges will confront the Congress with numerous new and difficult issues—not directly related to opening ANWR—which will take a considerable amount of time to resolve. Regardless of what the committee ultimately decides on ANWR, I do not think that additional delay will serve anyone well.

Second, it is my judgment that neither the committee nor the Congress will ever be willing to vote to permit the Secretary of the Interior to make these exchanges. There are simply too many uncertainties; too many unknowns and unknowables; and too much opportunity for finger pointing and second guessing. If, for example, the Congress directs the Secretary of the Interior to convey lands in ANWR for inholdings in another wildlife refuge in Alaska, what would be the public's response to a subsequent revelation that for this inholding, which might be valued at $30 million, the Congress of the United States conveyed Federal lands in ANWR found to contain oil and gas reserves valued at $1 billion? I can tell you what the response would be—the public would be outraged! And the public would not blame the Secretary of the Interior, the Alaska Native Corporations involved, or the oil and gas industry—it would blame the Congress. It would be the Congress that approved the exchange and it would be the Congress that should have figured out in advance what the public's lands were worth. I simply do not believe that members of the committee or the Congress are going to be anxious to step forward and make those kinds of decisions.

Before concluding, Mr. President, I want to clarify one point. I am not opposed to acquiring inholdings inside wildlife refuges. As a matter of fact, I have introduced legislation (S. 735) to enhance opportunities for such acquisitions by dedicating a portion of future oil and gas revenues from ANWR to a special account in the land and water conservation fund. While there may be higher priority refuge acquisition projects than some of those included in the proposed ANWR exchanges, we can certainly explore using a portion of the oil and gas revenues from ANWR for some of these acquisitions—if the area is ever opened. Clearly, these proposed exchanges are not the last chance we will have to acquire more lands in refuge units in Alaska.

Mr. President, for these reasons I have continuously urged all parties to not pursue these exchanges. I continue to believe that the committee and the Congress should deal with one issue and one issue only regarding this matter: Should we open ANWR to oil and gas leasing, production and development, or should it remain closed? Until Congress has enacted legislation opening ANWR to oil and gas exploration and development, I will continue to oppose these land exchanges.●

CLEAN AIR ACT

● Mr. MITCHELL. Mr. President, 10 years ago this week, Congress enacted and the President signed legislation that extended the life of the Clean Air Act, protected the Auto Emission Program, created a statutory base for the program to protect clean air areas, and established deadlines and sanctions to protect the health of people in the Nation's rapidly growing urban areas. Later that year, a similar and equally aggressive extension of the Clean Water Program was approved.

The Clean Air Act Amendments of 1977 were as important for what they didn't do as for what they did do.

The 1977 act did not relax standards for auto emissions in any significant way.

It did not relax ambient air quality standards or toxic pollutant standards, though it gave more time to implement those standards that had been established.

It did not relax the rules with respect to protecting clean air areas, though it codified a procedure to assure the goal was accomplished.

It did not give in to those whose interests were focused on the short term. It did not give in to those who believed bold environmental laws were unnecessary—those who asked us to look at pollution as a steady State problem.

On the other hand, the 1977 act was essentially a defense of the 1970 law, a midcourse correction.

A decade later it is possible to assess the impact of that legislation. In the 17 years since enactment of the Clean Air Act, our economy has expanded and our cities have grown. Our population has increased by 40 million since 1970. There has been an enormous increase in the use of motor vehicles; vehicle registrations and miles traveled are up by nearly 60 percent. The amount of electricity consumed in our country has grown by two-thirds since 1970, despite the OPEC embargo. There has been substantial growth in economic activity; the GNP has grown by half in real terms.

The pollution associated with this expansion has been only partially offset by stringent controls we were told were too costly and infeasible 10 years ago.

Absent the Clean Air Act, and for that matter the Clean Water Act, the Nation's environmental resources could have deteriorated unacceptably from growth alone and without regard to the need to clean up past pollution. Unlike 1977, the time has come for more than a single midcourse correction. The Senate Subcommittee on Environmental Protection has drafted a bill which reflects that need.

Absent successful enactment of this legislation, deterioration of air quality will continue.

In this context, the subcommittee bill is a necessity, the benefits of which will not be realized for yet another decade. Only in the future will people look back and note that the health of the American people, especially those who live in our major cities, would have been seriously threatened.

Detractors of this legislation must have little faith in the future of America; I believe that this country will grow and prosper, that long-term economic and environmental health must not be sacrificed to short-term gain, and that only aggressive action now will guarantee future environmental resources for future economic growth and prosperity. I cast my lot with optimism rather than negativism.●

AQUA FARMS

● Mr. DASCHLE. Mr. President, I would like to take this opportunity to congratulate Mr. Gene Boettger, of Sioux Falls, SD, on his success in bringing a new and innovative industry to the town of Humboldt, SD. In so doing, I would also like to focus attention on a side of American business ingenuity that deserves our attention and support.

Gene Boettger will be breaking ground this month on a 1 million gallon per year ethanol facility. What is notable about his operation is that it will also produce 450,000 fish fillets a year, 65,000 pounds of beef per week, tomatoes and fertilizer, utilizing byproducts from the ethanol production process. The plant will consume an estimated 1,600 bushels of corn a day, producing ethanol for gasoline and a high-protein feed mash to feed the fish and cattle. Further, the fish holding tanks will be warmed from heat retrieved from the corn processing operation. Finally, fish parts will be converted into fertilizer.

This fully integrated operation is not only extremely efficient, it also creates new jobs and expands the city's economic base. Equally important, it brings the ethanol industry back to South Dakota. In a State that produced over 300 million bushels of corn last year alone, we should be encouraging new ethanol production facilities to absorb our surplus grains, provide an environmentally superior liquid fuel, and enhance our national energy independence. Aqua Farms represents the American entrepreneurship at its best.

I commend Gene Boettger's accomplishment and hope that his is but the first of many similar initiatives.●

POLITICAL APPOINTEES

● Mr. STEVENS. Mr. President, I would like to take a few minutes to talk about an article in yesterday's Washington Post titled, "Top Federal Jobs Politicized." In assessing a recent General Accounting Office [GAO] report on the issue, Senator GLENN, chairman of the Senate Governmental Affairs Committee, is quoted as saying that the Reagan administration has "packed" the top ranks of the Government with political appointees.

Other than executive schedule employees, the bulk of the Government's political appointees fall into one of two categories: noncareer SES employees, and schedule C employees. The Senior Executive Service [SES] was created under the Civil Service Reform Act of 1978. By law, noncareer SES positions may not exceed 10 percent of the total number of SES positions.

While I agree with Senator GLENN that the career Senior Executive Service [SES] is the Government's institutional memory, I must disagree that the current administration is "packed" with political appointees.

For example, from fiscal year 1980 through fiscal year 1986, career SES appointees to the Small Business Administration decreased by 2 individuals, from 31 to 29, while noncareer SES appointees increased by 1 individual, from 16 to 17. In the Department of Labor, career SES appointees decreased by 26 individuals, from 154 to 128, while noncareer SES appointees increased by 3 individuals, from 14 to 17.

The number of noncareer SES positions has increased from 582 to 658 individuals out of a total work force of 2,175,391. As a percentage of allocated SES positions, the 658 noncareer appointees are 8.4 percent, well being the 10 percent statutory limit.

In addition, the number of schedule C appointments increased more dramatically under the Carter administration than under the Reagan administration. The number of schedule C appointments under the Carter administration jumped from under 1,000 to 1,456, an increase of 456. Under the Reagan administration, the number increased from 1,456 to 1,643, an increase of only 187 appointments.

Let's not forget that the SES was created during the Carter administration. A Democratic Congress created the system under which we now operate. In fact, a number of political appointees to the Carter administration actually converted to the career SES after the passage of the Reform Act in July of 1979.

These are not new issues. Both President Nixon and President Carter were severely criticized for their efforts to replace career executives with political appointees. Every administration, Democratic and Republican, has an agenda it wants to pursue. Obviously, political appointees are the vital link between the decision of the electorate in choosing a President and the overall direction and management of the executive agencies. On the other hand, career executives represent an important national resource which the Government develops at considerable cost. Their central purpose is to give nonpartisan professional advice and to see to the impartial administration of the laws. Both functions could be jeopardized if agencies are too peppered with political appointees.

It is my understanding that Chairman GLENN intends to hold hearing on the SES in mid-September. I hope that we refrain from further politicizing this particular issue. There are a number of substantive issues which need to be addressed. For instance, I am told that the statutory definition of an SES position often results in the inclusion of many positions that should not be in the SES. The SES was envisioned as a cadre of executive who would be developed for broad-ranging assignments at top management levels, when in practice, it often includes specialized positions, such as scientific and research positions.

In addition, it has recently come to my attention that in some agencies there are schedule C employees in grade 15 and below who supervise career SES employees. Situations like this may be symptomatic of a larger problem plaguing the entire Federal work force—insufficient pay. Until this problem is adequately addressed, I'm afraid this type of practice will remain commonplace and only serve to exacerbate the tension that already exists between career and noncareer managers.

Mr. President, I would encourage the chairman to address these and other substantive issues in consultation with knowledgeable individuals, Federal personnel managers, and management associations before undertaking another ill-fated reform of the Federal personnel system.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, I am speaking on behalf of Naum Meiman, a Soviet refusenik who has been denied emigration for more than 10 years.

Initially, Naum was refused an exit visa on grounds that he possessed "state secrets." Naum was a physicist by trade and performed calculations for the Soviet Union. However, after expressing his desire for emigration, he was forced to abandon his profession. Thus, the original reason for denial is no longer applicable since Naum has now surpassed the 10-year statute of limitations for access to state matters.

Naum Meiman is an elderly man with a limited number of years left. I strongly encourage the Soviet Union to allow Naum's remaining years to be free ones, and grant him permission to live in the country he desires.

I urge the Soviet Government to grant Naum Meiman an exit visa to Israel.●

A JOYOUS HISTORIC DAY—PEACE MAY BE ABOUT TO SHINE IN CENTRAL AMERICA

● Mr. PELL. Mr. President, initial reports indicate that we are conducting business on the Senate floor on a historic day. It looks very much like Central America, after years of bitter strife, may be on the verge of a real and lasting peace. This afternoon, the Presidents of the five Central American countries, meeting in Guatemala City on the peace plan initiated by Costa Rican President Oscar Arias, have agreed to a plan which eventually will put in place its historic provisions.

Against overwhelming odds, and after years of working for a diplomatic solution, it looks like the basis of a real peace may be finally at hand. The Presidents have agreed to work on the implementation of a plan which involves a cease fire, an amnesty, democratization, an end to external aid to irregular forces, an end of the use of territory for the support of insurrection against other states, and an end to arms traffic and military assistance designed to destabilize the Central American States. According to the time-table, the Foreign Ministers of the five countries will meet in 15 days to further the implementation of the provisions of the document. In 90 days, the Foreign Ministers will meet to arrange the amnesty, cease fire, and democratization. In 120 days, an International Commission of Verification, reportedly made up of representatives of the OAS, the United Nations and other international bodies, will meet to analyze progress. Finally, in 150 days, the five Central American Presidents will meet again to receive the report of the International Commission.

Many deserve credit for coming to this historic moment. President Arias and his fellow Presidents for their perseverance, Speaker WRIGHT and Secretary Shultz for providing impetus, the Contadora countries and the support group countries for all their hard work.

Peace is on the way but the road ahead is still long and still full of obstacles, but at least there is a bright light shining ahead. It is my fervent hope that the administration will support this Central American effort to its fullest extent and follow through with the idea of bilateral negotiations on security matters and take other actions necessary. Peace is at hand and cannot be permitted to slip away.●

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

SENATE CENTRAL AMERICAN OBSERVER GROUP

The PRESIDING OFFICER. Pursuant to section 2(a)(2)(A) of Senate Resolution 273, passed August 7, 1987, the Chair on behalf of the President pro tempore, upon the written recommendation of the majority leader, appoints the following Members from the majority party: CHRISTOPHER DODD, Connecticut, chairman; JAMES SASSER, Tennessee; TERRY SANFORD, North Carolina.

The Chair, on behalf of the President pro tempore, upon the recommendation of the minority leader, appoints the following Senators as members of the Central American negotiations observer group: The Senator from Arizona [Mr. MCCAIN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Idaho [Mr. SYMMS].

Mr. BYRD. Mr. President, the three names I have recommended to be on the Central America observer group are carefully chosen and, I think, constitute an excellent selection. Mr. DODD, as chairman, is the chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee. He is an expert on the region. He has had long experience dealing with matters concerning Central America. He has made many, many trips to that area. He is a student of the Nicaraguan problem. I feel that he will reflect well on myself as the one who has chosen him and reflect well on the Senate.

Senator SASSER is a member of the Senate Appropriations Committee. He is an astute observer. He has attempted to promote compromise in Central America, especially with respect to the Nicaraguan problems. I am confident Mr. SASSER will conduct himself in a very, very fine way and reflect well on the Senate. He will give his time and his strength. He is highly respected on this side of the aisle. For a good many years now he has been asked by me to be the Senator who headed up the task force on Central American problems. I have been very much impressed by his steady, levelheaded, evenhanded, careful, studious approach to this thorny subject.

Mr. SANFORD is a member of the Foreign Relations Committee. He was an early and vocal supporter of the Arias plan. I am sure he will dedicate himself to the task. He will work hard at it and he will work well within the group of Republicans and Democratic observers who have been chosen by the Republican leader and myself.

I am sure that we will all have good reason to be proud of his services.

APPOINTMENT ON BEHALF OF THE VICE PRESIDENT

DANIEL K. INOUYE APPOINTED TO THE BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 83-420, as amended by Public Law 99-371, appoints the following Senator to the board of trustees of Gallaudet University: The Senator from Hawaii [DANIEL K. INOUYE].

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

APPOINTMENTS TO THE EISENHOWER CENTENNIAL COMMISSION

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-624, appoints the following Senators to the Eisenhower Centennial Commission: The Senator from Colorado [Mr. ARMSTRONG], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Arizona [Mr. MCCAIN].

NEWTON DODSON APPOINTED TO THE FEDERAL COUNCIL ON THE AGING

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93-29, as amended by Public Law 98-459, appoints Newton Dodson, of Mississippi, to the Federal Council on the Aging.

THE PROGRESS OF THE CONGRESS

Mr. BYRD. Mr. President, Congress is preparing for its August recess. It does so against the backdrop, of a first hint of a return of the bipartisanship in development of American foreign policy. The new diplomatic initiative in Central America by the administraton comes in the immediate aftermath of the public hearings of the Iran-Contra committee. It is a welcomed alternative to foreign policy made in secret.

Clearly the Iran-Contra hearings dominated the public's attention with regard to the Congress. These hearings revealed in stark profile the inherent dangers to our political process when we take leave of our established system of checks and balances. Much of the work of the Congress to date has been concerned with the flawed foreign policy initiatives of the administration.

The Congress is deeply concerned about the increasing tension in the Persian Gulf and the conflict with Nicaragua. The Congress has repeatedly registered its concern that the administration's policy toward reflagging of Kuwaiti oil tankers has been hastily conceived and implemented. The Congress' advice was for the administration to take a deep breath—and not rush into the dangerous waters of the gulf without a clear recognition of all the political and military dangers.

The new effort of the administration to use the diplomatic option in Central America is a positive step, a step that is long over due. There is bipartisan support for this new willingness to use the diplomatic option and to work with the Congress.

There is, however, skepticism on the part of many Members of Congress regarding the administration's September 30 deadline. Keeping peace negotiations on track is not the same thing as keeping the Metroliner on schedule. Unless the administration shows flexibility on this deadline, there is a danger that this new diplomatic initiative will be seen as only another effort at cosmetic diplomacy.

Mr. President, the Iran-Contra hearings, Contra aid, and the Persian Gulf have dominated recent news. But Congress has proceeded with other important business. As we are all aware the Congress overrode two Presidential vetoes—that of the Clean Water Act and the highway bill.

Congress has not been idle. We have been debating campaign finance reform, and I am sure we will debate it when we return after the August recess. The Congress has passed a trade bill of significance which is now in conference. Congress has passed a banking bill to shore up our savings and loan industry.

Other major legislation is proceeding. Catastrophic health insurance reform is moving through the legislative process. Welfare reform legislation has been introduced.

The Senate must still take up the DOD authorization bill if and when my good friends on the other side of the aisle will end their filibuster.

There is much to be done when the Congress returns from its vacation. The nomination of Judge Bork, the potential of an arms control agreement, the budget, Contra aid are high on our agenda. All of these issues and others will be framed by whether or not the President will work with the Congress and not consider the Congress of the United States an alien institution.

Bipartisanship requires a two way effort.

I ask unanimous consent that a list of Senate accomplishments to date in the 100th Congress be printed in the RECORD at this point. The list will enumerate the significant public laws that have been enacted, the bills that have been passed by both Houses, the bills in conference, and additional significant bills that have been passed by the Senate, and other major items passed by the Senate not requiring the President's signature.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATE ACCOMPLISHMENTS TO DATE IN THE 100TH CONGRESS

SIGNIFICANT PUBLIC LAWS ENACTED

H.J. Res. 93, Long Island Railroad Labor Dispute, PL 100-2.

H.R. 1, Clean Water (veto overridden), PL 100-4, without approval.

H.J. Res. 102, Emergency Food and Shelter Supplemental/Federal Pay Disapproval, PL 100-6.

H.J. Res. 153, Asbestos School Hazard Abatement, PL 100-11.

S. 83, Energy Standards for Appliances, PL 100-12.

H.R. 1056, Ginnie Mae Guaranty Fee Limitation, PL 100-14.

H.R. 2, Federal Aid Highway Authorization (veto overridden), PL 100-17, without approval.

S. 632, Office of Classified National Security Extension, PL 100-18.

H.R. 1123, Dairy Policy, PL 100-28.

H.R. 14, Wild and Scenic Rivers Studies: New Jersey, PL 100-33.

H.R. 1963, Surface Mining Control and Reclamation, PL 100-34.

H.R. 240 Sante Fe National Historic Trail, PL 100-35.

H.R. 2360, Debt Limit Extension, PL 100-40.

S. 903, Bankruptcy Protection Extension (Retiree Health Benefits), PL 100-41.

H.R. 1941 (S. 85), Power Plant and Industrial Fuel Use, PL 100-42.

S. 1177, Thrift Savings Fund Investment Procedures, PL 100-43.

H.R. 1157, Wheat Acreage Diversion and Disaster Assistance, PL 100-45.

S. 942, Tuscon Wage Area Pay Retention, PL 100-47.

H.R. 1085, New GI Bill Continuation, PL 100-48.

H.R. 1846, Higher Education—Technical Amendments, PL 100-50.

H.R. 1947, Magistrates Retirement Credit, PL 100-53.

S. 626, Statue of Liberty Entrance Fee, PL 100-55.

H.R. 191, Peace Garden Establishment, PL 100-63.

H.R. 2480, International Fishery Agreement between the U.S. and the Republic of Korea, PL 100-66.

H.R. 1827, Supplemental Appropriations, FY 1987, PL 100-71.

H.R. 2166, Small Business Amendments, PL 100-72.

H.R. 558, Homeless Relief Act, PL 100-77.

H.R. 3022, Temporary Debt Limit Increase, PL 100-80.

H.R. 1444, Medicare and Medicaid Patient and Program Protection, PL 100- .

H.R. 348, Postal Service Employee Appeal Rights, PL 100- .

H.R. 921, Minimum Altitude for Aircraft Flying Over National Parks, PL 100- .

H.R. 318, Ysleta del Sur Pueblo and Coushatta Indian Tribes Recognition, PL 100- .

H.R. 27 (S. 790), Federal Savings and Loan Insurance Corporation Recapitalization, PL 100- .

S. 769, Minority Health Education and Care, PL 100- .

H. Con. Res. 93, Congressional Budget Resolution. Action completed, does not require President's signature.

BILLS IN CONFERENCE

S. 825, Housing Authorization.

H.R. 2112, Intelligence Authorization, FY 1988-1989.

H.J. Res. 324, Public Dept Limit Increases.

H.J. 3, Omnibus Trade and Competitiveness Act (House conferees not yet appointed).

BILLS PASSED BY BOTH HOUSES

H.R. 431, Garn-St Germain Depository Institutions Act Extension (House disagreed to Senate amendments; Message on House action received 3/23, and held at desk).

S. 742, Fairness in Broadcasting Doctrine (veto message referred to Senate Commerce Committee, 6/23).

H.R. 317, Wild and Scenic Rivers Act (message on Senate action sent to House, 7/13).

H.R. 2782, NASA Authorization (message on Senate action sent to House, 7/14).

H.R. 2689, Arms Control and Disarmament Agency Authorization (message on Senate action sent to House, 7/24).

H.R. 1504, Veterans Employment and Education Amendments.

S. 1417, Developmental Disabilities Assistance (message on House action received in Senate 8/5, and held at desk; House amendments to Senate bill).

H.R. 2971, Uniform Cotton Classing Fees Act.

H.R. 812, Malcolm Baldrige National Quality Improvement Act.

H.R. 1340, Commodity Distribution Reform Act.

SIGNIFICANT BILLS PASSED BY SENATE

S. 341, Emergency Agricultural Assistance.

S.J. Res. 34, Federal Pay Increase Disapproval.

S.J. Res. 42, Federal Pay Increase Recision.

S. 825, Housing and Community Development Authorization.

S. 477, Homeless Veterans Assistance.

S. 514, Jobs for Employable Dependent Individuals.

S.J. Res. 91, Disapproval of Presidential Anti-Drug Effort Certification with Respect to Panama.

S. 677, FTC Authorization.

S. 659, Agricultural Aid and Trade Missions.

S. 778, Star Schools Program.

S. 853, National Highway Safety Administration Authorization.

S. 360, Native Hawaiians Education Improvement.

S. 345, Contracts Disputes Amendments.

S. 727, Indian Fishing Rights.

S. 829, U.S. International Trade Commission, Customs Service, and Office of the U.S. Trade Representative Authorizations.

S. 496, Computer Matching and Privacy Protection.

S. 623, Independent Safety Board Authorization.

S. 52, Continental Scientific Drilling Exploration.

S. 1383, Federal Aid Highway Authorization Technical Corrections.

S. 836, Strategic Petroleum Reserve Protection.

S. 104, National Academies of Practice.

S. 442, Protection of Semiconductor Chip Designs.

S. 239, Support for Democracy in Panama.

S. 744, Exposure to Radon Health Threat.

S. 1452, Securities Law Technical Amendments.

S. 1047, Northern Mariana Islands Covenant Approval.

S. 1267, U.S. Travel and Tourism Administration Authorizations.

S. 1502, Public Buildings Authorizations, FY 1987.

S. 1158, Public Health Service Amendments.

S. 548, Retiree Benefits Security.

S. 970, Alternative Agricultural Products Research.

S. 1068, Clayton Act Amendments.

S. 938, Departments of Justice Authorization.

S. 1581, Imports from the R.M.S. Titanic Prohibition.

S. 1577, Extension of Bankruptcy Protections.

S. 945, Abandoned Infants Assistance.

S. 1591, Documentation of Foreign-Built Fish Processing Vessels.

S. 1550, Federal Triangle in D.C.

S. 1402, Nursing Shortage Reduction.

S. 1196, Marine Science, Technology, and Resources Development.

S. 1596, Child Abuse and Neglect Assistance Extension.

S. 1597, Ethanol Cost Effectiveness Study Extension.

OTHER MAJOR ITEMS PASSED BY SENATE (NOT REQUIRING PRESIDENT'S SIGNATURE)

S. Res. 80, Committee Funding.

S. Con. Res. 8, Human Rights in the Soviet Union.

S. Res. 23, Select Committee on Iran/Contra Affair.

S. Res. 30, Arms Control Observer Group.

S. Res. 94, Soviet/U.S. Arms Control Resolution.

S. Res. 103, Philippine Resolution.

S. Con. Res. 24, Central America Initiative Support.

S. Res. 164, Japanese Semiconductor Violation.

H. Con. Res. 77, Speed Limit Increase on Rural Interstates.

S. Con. Res. 21, Opposition to European Community Tax Proposal.

S. Con. Res. 27, Canadian Agricultural Subsidies Investigations.

S. Res. 185, Farm Credit System Borrower Stock.

S. Res. 190, Acquired Immune Deficiency Syndrome Research.

S. Res. 31, Soviet Occupation of Afghanistan.

S. Res. 98, Soviet Release of Igor V. Ogurstov.

S. Con. Res. 26, U.S. Foreign Language Skills.

S. Res. 205, Vietnam Political Prisoners.

H. Con. Res. 27, Veterans' Administration Health Care Funding Levels.

S. Res. 220, Economic Summit (Venice).

S. Res. 225, Economic Summit (Venice).

S. Res. 226, Negotiations to Protect the Ozone.

S. Res. 237, Wheat Program and Acreage Limitation Level.

S. Res. 241, Democracy in the Republic of Korea.

S. Res. 255, Missing in Action Negotiations.

S. Con. Res. 29, American Relatives in the Soviet Union.

S. Res. 248, Support for Human Rights in Haiti.

S. Res. 261, Site of the Soviet Embassy in Washington.

S. Res. 266, U.S. Assistance to Pakistan.

I ask unanimous consent to insert in the RECORD a digest of Senate legislative actions for the 100th Congress, 1st session, January 6, 1987, through August 6, 1987.

There being no objection, the digest was ordered to be printed in the RECORD, as follows:

DIGEST OF SENATE LEGISLATIVE ACTIONS, 100TH CONGRESS—1ST SESSION

(January 6, 1987-August 6, 1987)

(Includes all bills except for land conveyances, interstate compacts, medals, memorials, and proclamations. Record vote numbers for Senate action on final passage, a conference report, or a veto override are indicated in parentheses immediately following the status of a bill. Where there are no vote numbers, action was completed by voice vote.)

AGRICULTURE

Agricultural Aid and Trade Missions: S. 659—Passed Senate April 9, 1987.

Establishes agricultural aid and trade missions to visit eligible developing countries to promote U.S. food and trade programs and seek firm proposals or agreements to implement these programs; expands agricultural exports and markets through greater participation of private voluntary organizations (PVO's) and cooperatives, increased use of foreign currency proceeds by PVO's and cooperatives for development purposes, increased use of section 108 programs in Title I agreements, and expanded reporting and expediting of PVO and cooperative activities under P.L. 480 Title II and section 416 of the Agricultural Act of 1949; approves multiyear agreements under the Food for Progress program; and requires the Secretary to report to Congress on the performance of the intermediate Export Credit Program.

Agricultural Export Enhancement Program: S. Con. Res. 67—Senate agreed to July 22, 1987.

States the sense of Congress that the Secretary of Agriculture should ensure that the Export Enhancement Program is adequately funded (with either cash or PIK commodities) for FY 1987-1990.

Alternative Agricultural Products Research: S. 970—Passed Senate July 29, 1987.

Authorizes $75 million in each FY 1988-2007 for research to develop new crops or modify existing crops and crop materials in order to develop and produce new marketable commercial and industrial products.

Commodity Distribution Reform: H.R. 1340—Passed House August 3: Passed Senate amended August 5, 1987. (227)

Requires the USDA to improve the quality, packaging, and delivery of commodities delivered under the National School Lunch, Elderly Feeding, Food Distribution on Indian Reservations, Child Care Food, and School Breakfast programs; extends the National Commodity Processing Program until June 30, 1989; requires that USDA-issued recipe cards be regularly updated using USDA and HHS dietary guidelines; extends until June 30, 1989, the Cash or Commodity Letters of Credit pilot projects which allow certain school districts to receive cash or commodity letters of credit in lieu of National School Lunch program commodities and requires that food purchased by the pilot projects be produced and processed in the U.S.; allows State agencies participating in the Women, Infants, and Children (WIC) Program to devise methods to reduce food costs, such as by competitive bidding, and to use up to 20 percent of the savings to administer the program to additional applicants with the remainder to be used for additional food purchases; allows States to carry over one percent of the unspent FY 1986 and 1987 WIC funds into the succeeding fiscal years; requires that infant formula bought for the WIC program meet the Infant Formula Act requirements; requires that State agencies coordinate the WIC and medicaid programs; requires the USDA to conduct a study of savings in the Medicaid and State indigent health care programs for newborn infant care due to the mothers participation in WIC; and extends the deadline for USDA quality control program studies from 12 to 15 months.

Emergency Agriculture Assistance: S. 341—Passed Senate January 29, 1987.

Requires the Secretary to (1) make disaster payments to all wheat producers who were prevented in 1986 from planting 1987 wheat crop in time to assure normal crop production, and (2) provide cost estimates by February 17 regarding the extension of disaster relief to cotton, feed grain, and soybean producers whose crop value was reduced because of flooding and other related moisture problems; places an overall cap of $1 million on this assistance; and limits to $20,000 the maximum amount that would be provided to any individual producer of hay and straw.

Farm Credit System: S. Res. 185—Senate agreed to April 8, 1987.

States the sense of the Senate that the Farm Credit Administration and the Farm Credit System should use their authorities to ensure the availability of reasonable credit rates and terms and protect borrowers' stock or allocated equities from impairment; and that the Farm Credit Administration should certify the Farm Credit System's need for financial assistance.

Food Security Act Amendments: H.R. 1123—Public Law 100-28, approved April 24, 1987.

Extends until March 31, 1988, the date by which the National Commission on Dairy Policy must report to the Secretary of Agriculture and Congress on matters relating to the domestic milk production industry and the Federal milk price support program; and gives alfalfa producers, in rotation practice during the 1981-85 crop years, until June 1, 1988, to fully comply with the Highly Erodible Land Conservation provisions of the Act.

Uniform Cotton Classing Fees: H.R. 2971—Public Law 100-x, approved x, 1987.

Extends through FY 1992, the Secretary of Agriculture's authority to recover costs associated with cotton classing services; prescribes methods for determining the classification fee for each crop year and requires the Secretary to announce the uniform fee, and any surcharge, by June 1 of each crop year; authorizes an increase in the operating reserve from 20 to 25 percent operating reserve; and requires the Secretary of Agriculture to report to Congress a study on the differences between processing efficiency and product quality for Light Spotted and White grade cottons.

Wheat Diversion Program and Acreage Limitation Level: S. Res. 237—Senate agreed to June 19, 1987.

States the sense of the Senate that it is in the best interests of the U.S. wheat producers to immediately receive the details of the 1988 wheat program which should include no more than a 27.5 percent acreage limitation level.

Wheat Diversion Program and Disaster Assistance: H.R. 1157—Public Law 100-45, approved May 27, 1987.

Provides for a winter wheat diversion program for the 1987 crop year under which producers could set aside 100 percent of their acreage and receive 92 percent of their deficiency payment; authorizes disaster payments for producers of 1987 crops of cotton, spring wheat, and rice who were prevented from planting because of disasters occurring in 1986; expresses the sense of the Congress that the Secretary of Agriculture should establish a sunflower price support program if a soybean price support program is initiated; makes the deficiency payments for the 1986 feed grains crop immediately available and payable in negotiable certificates; authorizes the issuance of additional Commodity Credit Corporation commodity certificates to cover the full amount of claims submitted by farmers under the 1986 special farm disaster program, subject to advance appropriations; and requires appointment of the ethanol panel within 30 days of enactment.

APPROPRIATIONS—FY 1987

Emergency Food and Shelter Program/Federal Pay Increase Disapproval: H.J. Res. 102—Public Law 100-6, approved February 12, 1987. Note: (The House, on February 4, 1987, agreed to the Senate amendments, thus clearing the bill for the President. Because the House did not act prior to the midnight, February 3, 1987, deadline, the Federal pay raise went into effect.) (12)

Transfer $50 million from the Federal Emergency Management Agency's (FEMA's) disaster relief program to its emergency program to feed and shelter the homeless, especially during the bitter cold months, $5 million of which would be transferred to the Veterans Administration for homeless veterans with chronic mental illness; rescinds $7.5 million in FEMA disaster relief funds; disapproves the $28 million deferral for the Temporary Emergency Food Assistance Program; and disapproves the automatic salary increase for Members of Congress, Federal judges, and top Executive Branch officials, as recommended by the President in his FY 1988 Budget, transmitted to Congress on January 5, 1987.

Supplemental Appropriations, 1987: H.R. 1827—Public Law 100-71, approved July 11, 1987. (145)

Makes supplemental appropriations for FY 1987 totaling $9,377,119,976 in new budget authority, which includes $408,536,000 for increased pay costs, $1,163,781,000 to fund the homeless initiative, $5,553,189,000 to reimburse the CCC for net realized losses, $747,500,000 for DOD, $257,813,486 for U.S. contributions to international financial institutions, and $137,216,000 for the Immigration and Naturalization Service.

BUDGET

First Concurrent Budget Resolution, 1988: H. Con. Res. 93—Action completed June 25, 1987. (97, 157)

Sets forth the recommended levels of total new budget authority, outlays, and revenues for the U.S. government for FY 1988-90 as follows (in billions of dollars): Budget Authority—$1,153.20 $1,217.90, and $1,261.60 in FY 1988-90, respectively; Outlays—$1,040.80, $1,083.85 and $1,117.05 in FY 1988-90, respectively; Revenues—$932.80, $993.95, and $1,066.75 in FY 1988-90, respectively; establishes deficit and public debt limits as follows (in billions of dollars): Deficit—$108.00, $89.90, and $50.30 in FY 1988-90, respectively; Public Debt Limit—$2,565.10, $2,777.10, and $2,964.20 in FY 1988-90 respectively.

DEFENSE-NATIONAL SECURITY

Intelligence Authorizations: H.R. 2112—Passed House June 9, 1987; Passed Senate amended July 23, 1987; In conference.

Authorizes a classified amount of funds for U.S. intelligence activities in FY 1988 and 1989, $21.9 million in each FY 1988 and 1989 for the Intelligence Community Staff, and $134.7 million in FY 1988 and $144.5 million in 1989 for the CIA Retirement and Disability System; requires the Attorney General to report annually to Congress any cases where Soviet nationals have been admitted to the U.S. over the objections of the FBI Director, for employment or assignment to a diplomatic establishment or international organization in the U.S.; extends through FY 1989 the Secretary of Defense's authority to terminate any civilian officer or employee of the Defense Intelligence Agency and extends this authority to cover civilian employees of intelligence elements within the military departments; exempts the DIA from Executive Branch personnel reporting requirements; establishes a graduate-level training program in critical skill areas to facilitate recruitment and retention of qualified personnel; directs the Secretary of Defense and the Director of Central Intelligence to develop a plan for the conduct of net assessments which allow for independent judgments by the intelligence community; and exempts the National Foreign Intelligence Program from any undistributed reductions in the FY 1988 and 1989 DOD Authorization Act.

Military Retirement Reform Technical Corrections: H.R. 2974—Passed House July 28, 1987; Passed Senate amended August 5, 1987.

Makes several minor modifications in the COLA mechanism to ensure the accurate and uniform implementation of the changes in the Military Retirement Reform Act.

DISTRICT OF COLUMBIA

Federal Triangle Development: S. 1550—Passed Senate August 5, 1987.

Authorizes development of a Federal office complex and International Cultural and Trade Center on the Federal Triangle site in the District of Columbia to be built on a "lease-to-own" plan under which the Federal government's lease payments over 30 years will pay for the building's construction.

ECONOMY-FINANCE

Federal Savings and Loan Insurance Corporation (FSLIC) Recapitalization: S. 790—Passed Senate March 27, 1987. (44) H.R. 27—Public Law 100-x, approved x, 1987. (226)

Recapitalizes, at $10.825 billion, the Federal Savings and Loan Insurance Corporation (FSLIC); provides for the refund of contributions by thrift institutions to the FSLIC secondary reserve; closes the nonbank bank loophole as of March 5, 1987, and restricts the expansion of grandfathered nonbank banks; imposes a moratorium through March 1, 1988, on certain securities and insurance activities of banks or bank holding companies; requires thrift institutions to use generally accepted accounting principles instead of the regulatory accounting system; allows emergency interstate bank acquisitions; allows regulators to operate failed banks for up to three years while seeking purchasers for those institutions; establishes a new program to facilitate the recovery of troubled, but well-managed thrifts; regulates consumer checkholds; streamlines credit union operations; provides for the seven-year amortization of farm loans in agricultural banks; and reaffirms the sense of the Congress that Federally-insured deposits are backed by the full faith and credit of the U.S. government.

Garn-St Germain Depository Institutions Act Extension: H.R. 431—Passed House February 4, 1987; Passed Senate amended March 3, 1987; House disagreed to Senate amendment, March 12, 1987.

Extends until September 15, 1987, the emergency merger acquisition provisions of the Garn-St Germain Depository Institutions Act of 1982.

Malcolm Baldrige National Quality Award Program: H.R. 812—Passed House June 8, 1987; Passed Senate amended August 5, 1987.

Establishes the Malcolm Baldrige National Quality Award Program under which awards would be presented periodically to companies for improving their product quality.

Public Debt Limit: H.R. 2360—Public Law 100-40, approved May 15, 1987.

Increases and extends the current temporary debt limit of $2.3 trillion (expiring on May 15, 1987) to $2.32 trillion until July 17, 1987, after which it will revert to the permanent level of $2.111 trillion unless extended or increased.

H.R. 3022—Public Law 100-80, approved July 30, 1987.

Extends the temporary debt limit of $2.32 trillion (which expired on July 1, 1987) until August 6, 1987, after which it will revert to the permanent level of $2.111 trillion unless extended or increased.

H.J. Res. 324—Passed House July 23, 1987; Passed Senate amended July 31, 1987; in conference. (224)

Increases the public debt limit from $2.111 trillion to $2.8 trillion until May 1, 1989; modifies the deficit targets under the Balanced Budget and Deficit Control Act of 1985 (Gramm-Rudman-Hollings) and its sequester procedures; requires more effective management of social security trust funds and ensures payment of benefits when the government reaches the debt ceiling; and requires, beginning in 1990, an affirmative vote by Congress to approve the recommendations of the President's Quadrennial Commission for a Congressional pay raise.

SBA Authorization: H.R. 2166—Public Law 100-72, approved July 11, 1987.

Makes minor amendments, without any net increase in budget authority, to SBA program levels and authorizations as follows: increases by $108 million, to $1.25 billion, the authorized FY 1988 program level for the Surety Bond Guarantees Program; requires that $425 million of the $450 million previously authorized for guarantees of debentures issued by development companies in each of FY 1987 and 1988 be sold to private investors rather than to the Federal Financing Bank; and authorizes $16 million for the pollution control contract guarantees program to pay losses on previously issued guarantees.

SEC Authorization and Securities Law Amendments: S. 1452—Passed Senate July 10, 1987.

Authorizes $158.6 million in FY 1987 and $172.2 million in 1988 for the Securities and Exchange Commission (SEC), clarifies and expands the enforcement capabilities of the SEC and other Federal regulatory agencies for registered transfer agents and their associated professionals, and makes technical, clarifying, and conforming amendments to securities laws including provisions to: eliminate the requirement that regulated savings and loans and similar institutions limit their fees for issuing securities to three percent of the security's face value in order to qualify for registration exemption; codify the SEC's authority to bring administrative proceedings against persons that are, or seek to be, associated with a broker-dealer, municipal securities dealer, or investment adviser at the time they committed an alleged Federal securities violation, regardless of their current employment or association status; make the administrative remedies available against persons associated with municipal securities dealers conform with those provided for persons associated with broker-dealers and investment advisers; require the SEC and relevant regulatory Federal banking agencies to notify each other when they institute proceedings and enter orders against persons associated with transfer agents and municipal securities dealers; and provide access to criminal history records in the FBI's National Crime Information Center system by the SEC and SEC-designated self-regulatory organizations.

Thrift Savings Fund Investment Procedures: S. 1177—Public Law 100-43, approved May 22, 1987.

Permits Treasury to make up any loss of earnings to the Federal Employee's thrift savings plan resulting from suspension of Treasury's borrowing authority because the debt limit has been reached.

EDUCATION

Higher Education—Technical Amendments: H.R. 1846—Public Law 100-50, approved June 3, 1987.

Makes certain technical and clarifying amendments to the 1986 amendments to the Higher Education Act as follows: clarifies the discretionary authority of financial aid administrators to make student aid eligibility determinations on a case-by-case basis; modifies the needs analysis provisions; mandates the development and implementation of a simplified needs analysis application form; allows schools to submit guaranteed loan applications to financial institutions but requires the applicant to indicate his choice of lender; makes nondegree candidates, under limited circumstances, eligible for guaranteed student loans; requires loan counseling for borrowers seeking student loan consolidations; and directs the Advisory Commission on Student Financial Assistance to study multiple applications processing and the appropriateness of reinstating limitations on schools which want to serve as lenders in the GSL program.

Native Hawaiians Education Improvement: S. 360—Passed Senate April 22, 1987.

Authorizes $9.9 million for supplemental education programs to benefit Native Hawaiians, including implementation of model educational curricula, the establishment of family based preschool education centers, higher education programs; and gifted, talented, and special education programs.

Star Schools Program: S. 778—Passed Senate April 23, 1987. (80)

Authorizes the Star Schools Program to award grants to educational telecommunications partnerships for developing, constructing, and acquiring telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages in the U.S.

ENERGY

Continental Scientific Drilling and Exploration: S. 52—Passed Senate June 17, 1987.

Directs the Secretaries of Energy and Interior and the Director of the National Science Foundation to cooperate in implementing a Continental Scientific Drilling Program (CSDP) to enhance the fundamental understanding of the composition, structure, dynamics, and evolution of the continental crust, and how these processes affect natural phenomena and to report to Congress, within 180 days of enactment, on the CSDP including long- and short-term policy objectives, projected schedules of certain scientific and engineering events, the extent and duration of resources and funding required, possible benefits from the program, and other information or recommendations deemed appropriate.

Energy Standards for Appliances: S. 83—Public Law 100-12, approved March 17, 1987. (28)

Establishes national energy conservation standards for major residential appliances.

Ethanol Cost Effectiveness Study Extension: S. 1597—Passed Senate August 5, 1987.

Amends the Farm Disaster Assistance Act of 1987 to extend the reporting date for the ethanol cost-effectiveness study from 90 to 180 days.

Powerplant and Industrial Fuel Use: S. 85—Passed Senate April 8, 1987; H.R. 1941—Public Law 100-42, approved May 21, 1987.

Amends the Powerplant and Industrial Fuel Use Act of 1978 (FUA) (P.L. 95-620) to repeal the prohibition on the use of natural gas or petroleum as the primary fuels used in new electric powerplants or in new large industrial boiler facilities; substitutes, for the FUA requirement that all new electric powerplants be capable of using coal or another alternate fuel, a requirement that new baseload powerplants have the design capability to be converted after they are constructed from natural gas or oil to coal, or another alternate fuel, as market conditions warrant; repeals several provisions including the discretionary authority of the Secretary of Energy to prohibit the boiler use of natural gas for space heating, the ban on the use of natural gas for outdoor decorative lighting, restrictions on increased petroleum use by certain existing powerplants which have used coal or another alternative fuel as a primary energy source, optional compliance mechanisms for certain existing electric powerplants and annual reporting requirements with respect to domestic coal reserves and Federal agency compliance under the Act; and amends the Natural Gas Policy Act of 1978 (P.L. 95-621) to repeal the incremental pricing requirements in Title II.

Strategic Petroleum Reserve (SPR) Security: S. 836—Passed Senate June 25, 1987.

Authorizes the Department of Energy to arm its protective force personnel at SPR sites and to empower them in certain instances to make arrests without warrants for violations of Federal law, and establishes a Federal offense of trespass on Federally-owned SPR sites.

ENVIRONMENT

Clean Water:[1] H.R. 1—Vetoed January 30, 1987. House overrode veto February 3, 1987; Senate overrode veto February 4, 1987; Became Public Law 100-4, February 4, 1987, without approval. (4, 19)

Authorizes a total of $18 billion through FY 1994 for water treatment projects of which $8.4 billion is for a new revolving fund to provide loans to States for up to 100 percent of a project's cost (funded from 1989-94) and $9.6 billion is for the Title II construction grant program (funded from 1986-90); provides a process for States to develop and implement programs for control of nonpoint source pollution allowing them to use both grants and revolving funds for this purpose and earmarks $400 million over four years for nonpoint source pollution remedies; authorizes an increased Federal share for certain wastewater treatment projects; and makes various amendments to the construction grant program and the standards and enforcement provisions of the Act.

Surface Mining Control and Reclamation: H.R. 1963—Public Law 100-34, approved May 7, 1987.

Amends the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to permit States to set aside in a special trust fund up to 10 percent of their annual appropriated allocations of Abandoned Mine Land Reclamation Funds for future abandoned mine reclamation; and repeals the provision exempting surface coal mining operations that affect two acres or less and extract coal for commercial purposes from all provisions of SMCRA.

FISHERIES

Documentation of Foreign-Built Fish-Processing Vessels: S. 1591—Public Law 100-x, approved xx, 1987.

Prohibits until October 15, 1987, the certification of any application for documentation of a foreign-built fish-processing vessel submitted after July 20, 1987.

U.S.-Korea International Fisheries Agreement Extension: H.R. 2480—Public Law 100-66, approved July 10, 1987.

Extends from July 1, 1987, to November 1, 1987, the governing international fishery agreement between the U.S. and Korea, and confirms the legal status of the one-year Congressional and Executive Branch fellowships awarded under the Sea Grant Act.

GENERAL GOVERNMENT

Christopher Columbus Quincentenary Amendments: H.R. 2309—Public Law 100-x, approved x, 1987.

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[1] Vetoed—1st Session (1987).

Increases the annual contribution limitations for individuals and corporations to $250,000 and $1 million, respectively; permits broader use of the Christopher Columbus Quincentenary Logo; adds a third nonvoting member from a Caribbean country to the Commission; and extends the termination date for the Commission from November 15, 1992, until December 13, 1993.

Computer Matching and Privacy Protection: S. 496—Passed Senate May 21, 1987.

Allows Federal agencies to enter into computer matching agreements and establishes the criteria and procedures for their implementation; requires participating Federal agencies to establish internal Data Integrity Boards; and prohibits an agency from terminating any person's benefits or taking other adverse action without verifying the relevant matching data and providing the individual an opportunity to contest the data.

Contracts Disputes Amendments: S. 345—Passed Senate May 21, 1987.

Requires the competitive selection of Contract Appeals Board members (BCA judges) and provides for their removal only if "good cause" can be shown at a hearing before the Merit Systems Protection Board; and exempts BCA judges from agency performance evaluations and provides for guaranteed periodic salary increases.

Librarian of Congress Emeritus: S. 1020—Public Law 100-83, approved August 4, 1987.

Creates the Office of Librarian of Congress Emeritus and provides that each duly appointed Librarian of Congress shall, upon retirement, be designated Librarian of Congress Emeritus.

HASA Authorizations: H.R. 2782—Passed House July 9, 1987; Passed Senate amended July 10, 1987.

Authorizes $9.6 billion for NASA activities in FY 1988 (including $3.7 billion for research and development, $4.1 billion for space flight control and data communications, $210.7 million for facilities construction, and $1.6 billion for research and program management of which $10 million is for the National Space Grant College and Fellowship Program) and $4.6 million for the Office of Commercial Space Transportation.

Public Buildings Authorizations: S. 1502—Passed Senate amended July 23, 1987.

Authorizes $2.93 billion in FY 1988 for the GSA's Public Buildings Service including $443.45 million for repair and alterations, $115.03 million for design and construction services, $1.19 billion for leasing, $845.38 million for real property operations, and $115.65 million for construction and acquisition of which $3.7 million is for construction of the International Cultural and Trade Center in Washington, DC., and such sums as necessary for the design and construction of a Federally-owned building to house the Environmental Protection Agency.

U.S. Golf Association Rules: S. Res. 247—Senate agreed to July 10, 1987.

States the sense of the Senate that the U.S. Golf Association should review its rules and procedures and consider nondiscriminatory flexibility to allow qualified disabled individuals to effectively compete in its sanctioned tournaments.

GOVERNMENT EMPLOYEES

Air Traffic Controllers Annuity Computations: H.R. 1403—Public Law 100-x, approved x, 1987.

Specifies that pre-1987 service as an air traffic controller would be included in the air traffic controllers retirement annuity computations.

Federal Employees Retirement System—Technical Corrections: H.R. 1505—Public Law 100-20, approved April 7, 1987.

Makes technical corrections to the Federal Employees Retirement System (FERS) which: (1) allow prior creditable service under the Civil Service Retirement System (CSRS) to be creditable toward satisfying the 18-month service requirement for survivor's benefits under FERS for employees with more than five but less than 10 years service under CSRS who die within 18 months of transferring to FERS; and (2) change, from January 1, 1988, to April 1, 1987, the thrift savings plan participation eligibility date for employees who were automatically covered under FERS on January 1, 1987, but did not have CSRS contributions withheld during 1984-86.

Federal Pay Increase Disapproval: S.J. Res. 34—Passed Senate January 29, 1987. (9)

Disapproves the automatic salary increase for Members of Congress, Federal Judges, and top Executive Branch Officials, as recommended by the President in his FY 1988 Budget, transmitted to Congress on January 5, 1987.

Federal Pay Increase Rescission: S.J. Res. 42—Passed Senate February 4, 1987.

Rescinds the salary increase for Members of Congress, Federal Judges, and top Executive Branch Officials, as recommended by the President in his FY 1988 Budget, transmitted to Congress on January 5, 1987, and which became effective on February 4, 1987.

Postal Service Employee Appeal Rights: H.R. 348—Public Law 100-x, approved x, 1987.

Extends the right to appeal adverse personnel actions to the Merit System Protection Board (MSPB) to nonveteran postmasters and supervisors and Postal Service employees engaged in confidential personnel work with one year of continuous service.

Tucson Wage Area Pay Retention: S. 942—Public Law 100-47, approved May 29, 1987.

Makes Federal wage employees in the Tucson, Arizona, wage area whose salary was reduced as a result of a wage survey conducted during FY 1986 eligible for pay retention retroactive to the effective date of the reduction.

U.S. Bankruptcy Judges and Magistrates Retirement Parity: H.R. 1947—Public Law 100-53, approved June 18, 1987.

Modifies Civil Service Retirement System provisions relating to U.S. magistrates and bankruptcy judges.

HEALTH

Acquired Immune Deficiency Syndrome (AIDS): S. Res. 190—Senate agreed to April 10, 1987.

States the sense of the Senate that the Nation make a major commitment of resources consistent with the National Academy of Science's recommendation for health care, research, and education relating to AIDS, and that a Presidential Commission be created to assist in establishing priorities and developing comprehensive plans to deal with the domestic and international problems relating to AIDS.

Asbestos School Hazard Abatement: H.J. Res. 153—100-11, approved March 17, 1987.

Requires the Environmental Protection Agency to award Asbestos School Hazard Abatement program grants and loans in time to ensure that eligible local educational agencies can complete asbestos abatement work in schools during the 1987 summer recess.

Developmental Disabilities Assistance and Bill of Rights Amendments: S. 1417—Passed Senate July 21, 1987.

Updates terminology in the Act to focus on the competence and preferences, rather than the limitations, of developmentally disabled persons, and modifies the Act as follows: the basic State grant program—authorizes $62.2 million in FY 1988, $69.9 million in 1989, and $77.4 million in 1990; increases the minimum State allotment to $350,000, when appropriations reach $60 million; clarifies and strengthens the independence of State Planning Councils; requires the Councils to review the scope and effectiveness of State services provided to developmentally disabled persons; and increases State flexibility in determining program priorities; protection and advocacy system—authorizes $20 million in FY 1988, $22 milion in 1989, and $24.2 million in 1990; increases the minimum State allotment to $200,000, when appropriations reach $20 million; requires that State systems address the needs of racial and ethnic minorities, establish a grievance procedure, provide for public comment on established system priorities, and be authorized to (1) investigate reported incidences of abuse and neglect, and (2) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection and advocacy for developmentally disabled persons; university affiliated programs (UAPs)—authorizes $9.4 million in FY 1988, $10.2 million in 1989, and $11 million in 1990 for existing UAPs and $4.5 million in FY 1988, $5 million in 1989, and $5.5 million in 1990 for training grants in areas of emerging national significance related to developmentally disabled persons; allows the use of funds to study the feasibility of establishing new UAPs and satellite centers and directs the Secretary of HHS to consider expanding into unserved States; and requires that a UAP applicant demonstrate coordination between its activities and those conducted under the State plan; projects of national significance—authorizes $3.65 million in each FY 1988-90 for the Secretary of HHS to make grants to, or contract with, agencies and nonprofit entities for projects of national significance related to developmentally disabled persons and to educate policy makers, develop a data collection system, determine the feasibility of developing a nationwide information and referral system and pursue interagency initiatives and other projects which expand opportunities for the developmentally disabled.

Infant Mortality: S. 1441—Passed Senate August 6, 1987.

Increases the FY 1988 authorizations for Migrant Health Centers by $3 million and for the Community Health Centers program by $35 million to combat high rates of infant mortality through expanded and improved maternal and child health services; requires the Secretary of HHS, in administering the Community Health Centers program, to give priority to rural areas designated as frontier areas and to use FY 1988 appropriations which exceed $418 million for grants to support special prenatal services and special prenatal coordinated projects; increases the FY 1988 authorization for the Area Health Education Centers program by $3 million, requires that an equal amount of FY 1988 appropriations be used for contracts to support programs that will train personnel to offer maternal and child health services in underserved areas, especially along the U.S.-Mexico border, frontier areas, the Pacific Basin region, and areas with disproportionately high infant mortality and low birthweight infant rates; and establishes a new program, authorized at $4 million for FY 1988, of grants to nonprofit nursing schools to operate fellowship programs for training nurse midwives and pediatric, family obstetric, and gynecologic nurse practitioners and gives priority to applicants employed by Community, Migrant Health, Indian, or Native Hawaiian health centers.

Minority Health Education: S. 769—Passed Senate July 21, 1987.

Authorizes $10 million in FY 1988, and such sums as necessary for 1981-91, to the Secretary of HHS for grants to centers for minority health professions education.

Nursing Shortage Reduction: S. 1402—Passed August 5, 1987.

Establishes initiatives to reduce nursing shortages including: establishing a special advisory committee of health care professionals to develop long-term solutions to the problems of hospitals and other health care institutions in recruiting and retaining professional nurses; authorizing $2 million for each FY 198-90 for a matching grant to a nonprofit private entity to demonstrate and evaluate innovative hospital nursing practice models designed to reduce vacancies in hospital nursing position; authorizing $2 million for FY 1988, and such sums as necessary for 1989-90, for grants and contracts with collegiate nursing schools to demonstrate and evaluate innovative nursing practice models related to providing long-term health care in the home or long-term care facilities; and authorizing $1 million for FY 1988, and such sums as necessary for 1989-90, for grants and contracts to develop, establish, and operate of regional model professional nurse recruitment centers.

Public Health Service Amendments: S. 1158-Passed Senate July 23, 1987.

Reauthorizes programs and activities under Title II of the Public Health Service Act for three years through FY 1990 at the amounts stated for FY 1988 and such sums as necessary in 1989-90: $26.5 million for the National Center for Health Services Research and Health Care Technology, $55 million for the National Center for Health Statistics, $94 million for immunization grants, $5 million for vaccine stockpiles, $22 million for tuberculosis grants, $100 million for Sexually Transmitted Diseases Prevention; authorizes in each FY 1988-90, $65 million for the National Health Service Corps (NHSC), $750,000 for the Council on Health Care Technology, and such sums as necessary for NHSC Scholarships; establishes new three-year project grants for (1) providing immunizations with vaccines approved after enactment and (2) tuberculosis research, public education, and health professionals education; authorizes the Centers for Disease Control to maintain a six-month vaccine stockpile; establishes a NHSC Loan Repayment Program to pay up to $20,000 in loans for each year that an individual agrees to serve in a Corps health manpower shortage area, and authorizes such sums as necessary to carry out the program; authorizes $1 million in FY 1988, and such sums as necessary in 1989 and 1990, for a new three-year NHSC State loan repayment program; prohibits the Secretary from removing a locale from the list of health manpower shortage areas until interested persons are allowed to provide information in support of its continued designation; authorizes the Secretary to make loans of up to $25,000 to a Corps member who agrees to enter into full-time private practice in a health manpower shortage area; requires the Secretary of HHS, in assigning NHSC family practitioners, to consider the needs of urban areas with serious rates of infant mortality, adolescent pregnancy, drug and alcohol abuse, sexually transmitted diseases, and other acute urban health care needs; and prohibits the discharge in bankruptcy of any payback requirement under the NHSC Scholarship Program unless the Bankruptcy Court finds that nondischarge would be unconscionable.

Radon Program Development: S. 744—Passed Senate July 8, 1987.

Directs EPA to assist States in developing and implementing radon programs and authorizes $10 million each in FY 1988-90 for State grant assistance; authorizes $1.5 million to expand and improve EPA's radon training and proficiency testing programs, and $1.5 million for and EPA survey of radon contamination in public schools; and requires the Departments of Agriculture, Interior, and Defense, the GSA and VA to conduct studies on radon contamination in Federal buildings.

HOUSING

Ginnie Mae Guaranty Fee Limitation: H.R. 1056—P.L. 100-14, approved March 24, 1987.

Limits to six basis points the fee that the Government National Mortgage Association (Ginnie Mae) may charge for the guaranty of mortgage-backed securities insured by the FHA, VA, or FmHA.

Housing and Community Development Programs Extension: S. 825—Passed Senate March 31, 1987; Passed House amended June 17, 1987; In conference. (49)

Extends for three years, through FY 1989, programs authorized under the Housing and Community Development Act of 1974, including the Rehabilitation Loan Program (with no new authorization), the insurance and loan authority for rural single and multi-family housing programs, the urban homesteading program, the Urban Development Action Grant Program, the Community Development Block Grant Program, the elderly and handicapped housing program, and the contract authority for the National Flood Insurance policies; freezes rural housing programs at their current levels; limits increases in flood insurance premiums; permanently extends the 9.25 percent interest rate limitation for the section 202 Elderly and Handicapped Housing Program, the Home Mortgage Disclosure Act, and the authorization for FHA mortgage insurance; provides lower income families residing in public housing projects with an opportunity to purchase their units; establishes a fair housing initiatives demonstration program to prevent or eliminate discriminatory housing practices; and establishes an opportunity grant (Nehemiah) program under which the Secretary of HUD may make grants to nonprofit corporations for noninterest-bearing second mortgage loans to median income families for the purchase of newly constructed or substantially rehabilitated homes.

Section 515 Prepayment Moratorium: S. 1430—Passed Senate June 26, 1987.

Imposes a moratorium until January 1, 1988, on prepayments under section 515 of the Housing Act of 1949, unless the loan was made or insured (1) at least 20 years prior to the date of prepayment, or (2) made or issued pursuant to a contract entered into before December 21, 1979, and the Secretary determines that the prepayment or refinancing will not result in a substantial rent increase or the displacement of tenants.

INDIANS

Indian Fishing Rights: S. 727—Passed Senate May 13, 1987.

Specifies that income derived by Indians from the exercise of fishing rights secured by treaty, executive order, or act of Congress is tax exempt.

Ysleta del Sur Pueblo and Alabama and Coushatta Tribes of Texas Restoration: H.R. 318—Public Law 100-x, approved x, 1987.

Restores the Federal trust relationship to the Alabama and Coushatta Indian Tribes and the Ysleta del Sur Pueblo Tribe located in Texas.

INTERNATIONAL (SEE ALSO TREATIES)

Anti-Drug Effort Certifications Disapproval—Panama: S.J. Res. 91—Passed Senate April 3, 1987. (NOTE: On the same day, the Senate tabled similar resolutions with respect to Mexico and the Bahamas.) (63)

Disapproves the President's certification, as required by Section 481(h) of the Foreign Assistance Act of 1961, that Panama has cooperated fully in matters related to drug interdiction and eradication efforts and in preventing and punishing the laundering of drug-related profits or monies. (NOTE: Under the Anti-Drug Abuse Act of 1986 (P.L. 99-570) the President is required to certify to Congress by March 1 of each year that 24 specified countries, which are recipients of U.S. aid, have in the past year cooperated fully with the U.S. in its effort to eradicate the drug problem or be subject to stiff sanctions, including a 50 percent reduction in U.S. foreign aid. The Act further provides for Congressional disapproval of any certification by passage of a joint resolution of disapproval, within 30 calendar days of its receipt, under expedited procedures. The President submitted the required certification with respect to Panama on March 1. Because Congress did not act before the expiration of the 30 day period, or April 2, the disapproval resolution would have no punitive effect.)

Arms Control and Disarmement Agency (ACDA) Authorization: H.R. 2689—Passed House June 29, 1987; Passed Senate amended July 22, 1987.

Authorizes $29 million for the ACDA in FY 1988 (the same as its FY 1987 level); limits ACDA spending on the Reduced Enrichment in Research and Test Reactor Program to $2.6 million and urges the agency to review the program and seek cooperative DOE funding; earmarks $7,053 million for expenses related to the Geneva negotiations, and $310,000 for the William C. Foster Fellows Program; requires the U.S. Commissioner of the Standing Consultative Commission to report annually to Congress on strategic arms treaty compliance questions and related issues; clarifies and expands the requirements of the annual Presidential report on compliance by the U.S. and other nations with arms control agreements; and requires the ACDA Director to report annually to Congress on arms control and disarmament issues including a comprehensive list of related R&D and other studies performed for and by the Government.

Central American Initiative Support: S. Con. Res. 24—Senate agreed to March 12, 1987. (30)

States that Congress (1) appreciates the recent bold initiative by the heads of state of Costa Rica, El Salvador, Guatemala, and Honduras (the Arias Proposal), and congratulates them on their significant contributions toward ending armed conflict and reinforcing democracy in Central America; and (2) supports the thrust of this initiative and looks forward to the next summit meeting in Esquipulas, Guatemala, in May.

Contra Aid Disapproval: S.J. Res. 81—Senate rejected March 18, 1987. (31)

Disapproves the provision of additional assistance ($40 million) to the Nicaraguan Democratic Resistance, pursuant to title II of the Military Construction Appropriations Act of 1987, except as provided in section 211(b) thereof within the limits of funds previously made available. (NOTE: Section 211(b) limits assistance to the Contras to humanitarian assistance, logistics advice and assistance, support for democratic political and diplomatic activities, intelligence gathering activities, and equipment and supplies necessary for defense against air attacks.)

Haitian Human Rights S. Res. 248—Senate agreed to July 30, 1987.

States the sense of the Senate that: the President should make clear U.S. support for a full and functioning democracy in Haiti; the National Council of Government should abide by the constitution which mandates an independent body to organize and conduct elections, be responsive to the conditions of U.S. economic and military assistance established in the Special Foreign Assistance Act of 1986 (P.L. 99-529), and redouble its efforts to demonstrate progress in investigations into past human rights abuses by the Haitian armed forces and safeguard against future abuses; the Haitian armed forces should respect human rights and exercise restraint; and all Haitians should work to avoid further violence in the transition to democracy.

Korean Democracy S. Res. 241—Senate agreed to June 27, 1987.

States the sense of the Senate that: the U.S. supports the efforts of Koreans to establish fair and free elections and peacefully evolve to a full democratic government; the U.S. recognizes President Hwan's commitment to initiate the first peaceful transition of power in Korea by stepping down in March 1988; the President of the U.S. should undertake all possible efforts to facilitate dialogue and negotiation among all parties to achieve democracy in the Republic of Korea; and the necessary conditions for free elections and achieving democracy are flexibility, fairness, freedom of expression, freedom of press, respect for due process of law and an independent judiciary, and the restoration of full political and civil rights and legal guarantees for the proper treatment of detainees.

Lithuanian Human Rights: S. Res. 232—Senate agreed to July 1, 1987.

Deplores Soviet denial of religious liberty and other human rights in Lithuania and elsewhere, and sends the Senate's greetings on the occasion of the 600th anniversary of Christianity in Lithuania; supports those Lithuanians who are persecuted for attempting to exercise freedom of religion; urges the President, the Secretary of State, and the U.S. delegation to the Vienna Review Meeting of the Conference on Security and Cooperation in Europe to continue speaking out against violations of religious liberty everywhere and specifically in Lithuania, and to solicit the support of our allies in this effort; and calls upon the Soviet Union to abide by the Universal Declaration of Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe, including the religious liberty provisions.

Ozone Negotiations Resolution: S. Res. 226—Senate agreed to June 5, 1987. (147)

Urges the President to endorse the U.S. original position in ongoing international negotiations to protect the earth's ozone layer and continue to seek an immediate freeze in the production of major ozone-depleting chemicals at 1986 levels, a prompt automatic reduction of not less than 50 percent in the production of such chemicals, and, as set forth in the U.S. original position, the virtual elimination of such chemicals; and that the agreement should provide for regularly scheduled assessments of scientific, economic, and technological factors.

Pakistani Assistance: S. Res. 266—Senate agreed to July 31, 1987.

Expresses the sense of the Senate in support of the President's forthcoming efforts to gain Pakistan's compliance with its past commitments, including those not to produce weapon-grade nuclear materials and urging the President to (1) inform Pakistan that its verifiable compliance with these commitments is vital to further U.S. military assistance, and (2) pursue vigorously an agreement by India and Pakistan for simultaneous accession to the Nuclear Non-Proliferation Treaty and simultaneous acceptance of the International Atomic Energy Agency safeguards for all nuclear installations, mutual inspection of one another's nuclear installations, renunciation of nuclear weapons through a joint declaration, and the establishment of a nuclear weapons free zone in the sub-continent.

Panamanian Democracy S. Res. 239—Senate agreed to June 26, 1987. (163)

Expresses the sense of the Senate that the Panamanian government should: restore suspended Constitutional guarantees to the people of Panama; establish genuine autonomy for civilian authorities and remove the Panamanian Defense from non-military activities; provide for an impartial investigation of the allegations leveled against certain officials of the Panamanian defense forces; take specific steps to help ensure free and fair elections, the establishment of an independent judicial system, and the guarantee of a professional, nonpolitical military establishment under civilian control; and in accord with the Judicial Code of Panama, direct the current commander of the Panamanian defense forces and any other implicated officials to relinquish their duties pending the outcome of the impartial independent investigation.

Philippine Resolution: S. Res. 103—Senate agreed to February 19, 1987. (29)

Reaffirms U.S. support for the Government of the Philippine under the leadership of President Corazon Aquino on the occasion of the approval of the new constitution by the Philippines people; commends President Aquino for the progress toward democracy and justice she has achieved in her first year in office; and praises the continued commitment of the Philippine government and people to strengthen their democracy and achieve significant economic, political, and military reform.

Soviet Embassy Site: S. Res. 261—Senate agreed to July 30, 1987.

Declares that the President should void the current embassy site and construction agreements between the U.S. and the Soviet Union and enter into negotiations for a new agreement under which the Soviet Union will move its new embassy to a site in the District of Columbia that is no more than 90 feet above mean sea level.

Soviet Human Rights; S. Con. Res. 8—Senate agreed to January 21, 1987. (5)

Protests continued human rights repression in the Soviet Union; declares that these abuses seriously affect the atmosphere for productive negotiations on U.S.-USSR bilateral relations; calls on Soviet authorities to permit the release and emigration of "refuseniks"; and makes Congressional support of the restoration of human rights to all Soviet citizens, especially the internationally recognized right of Soviet Jews and others to emigrate, a priority of the 100th Congress.

Soviet Occupation of Afghanistan: S. Res. 31—Senate agreed to January 6, 1987. (2)

Renews Senate condemnation of the Soviet invasion and continued occupation of Afghanistan and its commitment to support the Afghan people through the provision of appropriate material support.

Soviet Release of Igor V. Ogurtsov: S. Res. 98—Senate agreed to March 11, 1987.

Expresses the sense of the Senate that the Soviet Union should release Igor V. Orgurstov from internal exile and allow him to emigrate to the West without renouncing his views.

Soviet-U.S. Arms Control: S. Res. 94—Senate agreed to February 17, 1987. (27)

Expresses the Senate's support for the President's commitment to achieve mutual, equitable, verifiable, and stabilizing nuclear arms reduction agreements with the Soviet Union; encourages both nations to use determined and creative diplomacy to resolve their differences; cautions the Soviet Union against pursuing strategies designed to exploit American domestic politics or to divide the U.S. from its allies in an effort to secure advantages on arms reduction matters; urges the Soviet Union not to condition progress in all arms control matters on issues relating to strategic defense technologies; declares that an important obstacle to the achievement of acceptable arms control agreements with the Soviet Union has been that nation's violations of existing agreements and calls for rectification of the violations; and urges the President to closely consult with America's allies and the Senate in the construction of sound arms reduction agreements.

Soviet/U.S. Family Visitations: S. Con. Res. 29—Senate agreed to July 29, 1987.

States the sense of the Congress that the promotion of unrestricted family visits between related people of the U.S. and the Soviet Union is an essential part of American policy toward the Soviet Union, and that the Administration should raise this issue in discussions with the leadership of the Communist Party and the Soviet government.

U.N. International Conference on Drug Abuse and Illicit Trafficking: S. Res. 238—Senate agreed to June 26, 1987. (159)

States that the Senate strongly urges the U.S. delegation to the International Conference on Drug Abuse and Illicit Trafficking to secure firm commitments from the governments of drug-producing and drug-transit countries to: make drug abuse and trafficking priorities in their domestic governments as well as international policy; reduce illicit drug crop production and transshipment; design and participate in more effective methods of sharing intelligence and information for cooperative international drug law enforcement; negotiate extradition treaties and mutual legal assistance treaties for mutual enhancement of efficient drug enforcement; and support the initiative to develop a new convention to combat illicit narcotic traffic.

U.S. Foreign Language Skills: S. Con. Res. 26—Senate agreed to March 6, 1987.

Expresses the sense of the Congress that a cooperative effort to improve the foreign language skills and international awareness of the American people will help the U.S. compete economically.

Venice Economic Summit: S. Res. 220—Senate agreed to June 4, 1987.

States the sense of the Senate that the President should make the resolution of agricultural issues a priority of the Venice Economic Summit in June and that the participating nations should make a coordinated effort to reduce surplus agricultural supplies and eliminate agricultural export subsidies.

S. Res. 225—Senate agreed to June 4, 1987. (146)

States the sense of the Senate that the President should encourage the Allies at the upcoming Venice Economic Summit to cooperate in diplomatic and military measures to ensure Western security interests in the Persian Gulf and seek commitments from: (1) Germany and Japan to reduce their trade surpluses by substantially increasing their imports; (2) the European Community and Japan to liberalize their agricultural import policies; and (3) other participants at the summit to contribute and cooperate with the U.S. and international efforts to combat and prevent the spread of AIDS.

Vietnam MIA Negotiations: S. Res. 255—Senate agreed to July 28, 1987. (213)

Expresses the Senate's support for General Vessey in his forthcoming negotiations to determine the fate of those Americans missing in action in Southeast Asia, facilitate the return of the recoverable remains of those missing in action, and discuss the remaining humanitarian issues affecting both nations; and calls on Vietnam to respond positively to these concerns in a humanitarian context.

Vietnam Political Prisoners: S. Res. 205—Senate agreed to May 1, 1987.

States the sense of the Senate that Vietnam should immediately release prisoners held because of their association with the South Vietnamese government before 1975, and fulfill its commitment to negotiate their humane resettlement abroad or to rejoin family members outside of Vietnam; and immediately resume processing family reunification cases under the U.N. High Commissioner for Refugees' Orderly Departure Program.

JUDICIARY AND ADMINISTRATION OF JUSTICE

Bankruptcy Protections Extension: S. 903—Public Law 100-41, approved May 15, 1987.

Extends until September 15, 1987, certain provisions under title 11 of the Bankruptcy Code relating to the protection of retiree health benefits when companies file for bankruptcy.

S. 1577—Public Law 100-x, approved x, 1987.

Extends from September 15, 1987, until October 15, 1987, certain provisions under title 11 of the Bankruptcy Code relating to the protection of retiree health benefits when companies file for bankruptcy.

Clayton Act Amendments: S. 1068—Passed Senate July 31, 1987.

Amends section 8 of the Clayton Act, which prohibits individuals from serving on the boards of competing corporations, to raise its jurisdictional threshold for application to corporations from $1 million to $10 million in net worth; requires that the jurisdictional threshold be adjusted annually based on GNP growth; creates three de minimis exceptions to its application in cases of insignificant competitive overlaps; and expands coverage to offices elected or chosen by the board of directors; and modifies the Antitrust Premerger Notification System of the Act, which requires that the Department of Justice and the Federal Trade Commission be informed of proposed mergers valued over specified monetary limits, to modify the definition of a "person" for purposes of premerger notification requirements to include a general and controlling partner with an equity interest of 50 percent or more; increase the monetary threshold requirements to require the reporting of transactions if the annual net sales or total assets of the smaller of the involved parties equals $15 million or more and the acquiring party would hold more than $20 million worth of the acquired party's voting securities and assets; lengthen the period which antitrust enforcement agencies have to review cash-tender merger offers from 25 to 40 days; and allow the antitrust enforcement agencies to petition the courts for up to 25 additional days to review complex mergers.

Justice Department Authorizations: S. 938—Passed Senate July 31, 1987.

Authorizes $5.5 billion for Department of Justice activities in FY 1988 and 1989 including $103.5 million in FY 1988 and $138.0 million in 1989 for DOJ general administration, $1.5 billion in each FY 1988 and 1989 for the Federal Bureau of Investigation (FBI), $522.0 million in FY 1988 and $563.0 million in 1989 for the Drug Enforcement Agency (DEA), $1.1 billion in each FY 1988 and 1989 for the Immigration and Naturalization Service (INS), and $216.1 million in FY 1988 and $230.0 million in 1989 for the U.S. Marshals Service; permanently enables the DOJ's financial management authorities; and contains authorization and exemptions, which shall expire on October 1, 1989, for the conduct of undercover investigations by the FBI, DEA, INS, and the U.S. Marshals Service.

Retirement Benefits Bankruptcy Protections: S. 548—Passed Senate July 24, 1987.

Amends the Bankruptcy Code to require companies which file for bankruptcy to continue the insurance benefits payments of retirees who had gross incomes of less than $250,000 during the 12 month period preceding the bankruptcy filing; establishes procedures for petition of modification of the benefits payments; provides for the conversion from chapters 11 or 13 to chapter 12 bankruptcy proceedings of eligible family farm bankruptcy cases commenced before November 26, 1986, which are pending or reviewable; prohibits the discharge in bankruptcy of an individual debtor's Guaranteed Student Loan obligations and any debt arising from a judgment or consent decree which requires restitution for violating a State law; and provides for an additional bankruptcy judge in each of the judicial districts of Colorado and Arizona.

Semiconductor Chip Protection Extension: S. 442—Passed Senate June 26, 1987.

Extends for three years, until November 8, 1990, the authority of the Secretary of Commerce to issue interim orders providing protection in the U.S. to semiconductor chip designs first commercially exploited outside the U.S., and codifies the authority of the President to suspend, revise, or revoke proclamations issued pursuant to the Semiconductor Chip Protection Act of 1984.

NATURAL RESOURCES—HISTORIC SITES (SEE ALSO ENVIRONMENT)

Aircraft Altitude Over National Parks: H.R. 921—Public Law 100-x approved x, 1987.

Requires the Secretary of Interior to report to Congress, within three years, on the appropriate minimum altitude for aircraft flying over national parks, and sets interim limitations of flights over the Yosemite, Grand Canyon, and Haleakala National Parks.

Marine Science, Technology, and Resources Development: S. 1196—Passed Senate August 5, 1987.

Authorizes $46 million for FY 1988, $48 million for FY 1989, $50 million for FY 1990, $52 million for FY 1991, and $54 million for FY 1992 for the National Sea Grant core program; $1 million for each FY 1988-92 for the Sea Grant international program; authorizes $5 million for FY 1988, $9 million for FY 1989, $13 million for FY 1990, $17 million for FY 1991, and $20 million for FY 1992 for a new Strategic Marine Research Program and limits program spending to 50 percent of appropriations for the National Sea Grant College Program Act; expands fellowship eligibility to postgraduates; requires that grant administration minimize Federal prior approval requirements; and clarifies activities authorized under the international program.

Peace Garden Establishment: H.R. 191—Public Law 100-63, approved June 30, 1987.

Authorizes the establishment of a Peace Garden on a Federal land site in the District of Columbia to be selected by the Secretary of Interior.

Sante Fe National Historic Trail: H.R. 240—Public Law 100-35, approved May 8, 1987.

Designates the Sante Fe Trail for inclusion in the national historic trails system.

Statue of Liberty Entrance Fees: S. 626—Public Law 100-55, approved June 19, 1987.

Prohibits the charging of an entrance fee at the Statue of Liberty National Monument.

Wild and Scenic Rivers Designations:

California (H.R. 317—Passed House March 31, 1987; Passed Senate amended July 8, 1987).

Designates a segment of the Merced River in California as a component of the National Wild and Scenic Rivers System.

Wild and Scenic Rivers Studies:

New Jersey (H.R. 14—Public Law 100-33, approved May 7, 1987).

Authorizes the study of segments of the Maurice River and its tributaries, the Manumuskin River, and Menantico Creek in New Jersey for study for possible inclusion in the National Wild and Scenic Rivers System.

NOMINATIONS

(Action by Roll Call Vote)

Trusten F. Crigler, of Virginia, to be Ambassador to Somalia—Nomination confirmed April 24, 1987. (81)

Alan Greenspan, of New York, to be Member and Chairman of the FED—Nomination confirmed August 3, 1987. (225)

M. Peter McPherson, of Virginia, to be Deputy Secretary of the Treasury—Nomination confirmed August 6, 1987. (230)

Arnold L. Raphel, of New Jersey, to be Ambassador to Pakistan—Nomination confirmed May 1, 1987. (85)

David S. Ruder, of Illinois, to be a member of the Securities and Exchange Commission—Nomination confirmed August 6, 1987. (228)

William H. Webster, of Missouri, to be Director of the CIA—Nomination confirmed May 19, 1987. (115)

SENATE

(See also Congress)

Arms Control Observers Group: S. Res. 30—Senate agreed to January 6, 1987.

Reauthorizes, through the 100th Congress, the Senate Arms Control Observer Group, established in the 99th Congress to monitor all arms control negotiations which the United States is officially undertaking with the Soviet Union.

Deputy President Pro Tempore: S. Res. 90—Senate agreed to January 28, 1987. (4)

Authorizes the appointment of an additional Deputy President pro tempore to serve at the pleasure of the Senate during the 100th Congress. NOTE: (Subsequently, the Senate passed S. Res. 91, appointing Senator George J. Mitchell, of Maine, to the position.)

Office of Classified National Security Extension: S. 632—Public Law 100-18, approved April 3, 1987.

Extends through June 5, 1987, the existing statutory authority for the Office of Classified National Security Information within the Office of the Secretary of the Senate, which authority expired February 28, 1987.

Office of Senate Security: S. Res. 229—Senate agreed to June 5, 1987.

Creates an Interim Office of Senate Security, within the Office of the Secretary of the Senate, to assume the duties, functions, personnel and facilities of the Office of Classified National Security Information, which shall expire on July 10, 1987.

S. Res. 243—Senate agreed to July 1, 1987.

Creates a permanent Office of Senate Security, under the policy direction of the Majority and Minority Leaders and the administrative direction of the Secretary of the Senate, to develop and implement any policies and procedures necessary to protect classified information handled in the Senate.

Select committee on Iran/Contra Affair: S. Res. 23—Senate agreed to January 6, 1987. (1)

Establishes a Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition (Contras) to investigate activities by (1) members and staff of the National Security Council, (2) any foreign government, or any of its agencies, officers, or employees, or (3) any other individual group, corporation, entity, or organization with respect to the direct or indirect sale, shipment, or other provision of arms to Iran and the use of the proceeds from such transactions to provide assistance to any faction or insurgency in Nicaragua or in any other foreign country, in order to determine whether any of the activities were illegal, improper, unauthorized, or unethical.

SOCIAL SERVICES

Abandoned Infants Assistance: S. 845—Passed Senate August 5, 1987.

Authorizes $20 million for each FY 1988-90 for the Secretary of HHS to make demonstration grants to local governments for demonstration projects to provide respite homes and other assistance for infants abandoned in hospitals, especially infants with acquired immune deficiency syndrome (AIDS), and requires the Secretary to report to Congress within six months of enactment on the scope of this problem and the estimated annual costs to Federal, State, and local governments to provide housing and care for such infants.

Child Abuse and Neglect Assistance Extension: S. 1596—Passed Senate August 5, 1987.

Amends the Child Abuse Prevention and Treatment Act to extend through FY 1987, the Secretary of HHS authority to waive the certain eligibility criteria to allow States which are working toward compliance to receive funding for child abuse treatment and prevention programs.

Jobs for Employable Dependent Individuals (JEDI): S. 514—Passed Senate April 2, 1987. (61)

Amends the Job Training Partnership Act to establish an incentive bonus program that pays States a percentage of Federal welfare savings for educating, training, and placing certain employable dependent individuals in nonsubsidized employment for one year; and permits States to provide year-round training to AFDC/SSI dependent youth under the Summer Youth Jobs Program.

Medicare and Medicaid Patient and Program Protection: H.R. 1444—Public Law 100-x, approved x, 1987.

Requires that individuals convicted of program-related crimes or patient abuse or neglect be excluded for a minimum of five years from Medicare and Medicaid; broadens the Secretary of HHS' discretionary authority to exclude health care providers for convictions related to obstructing an investigation, controlled substance violations, loss or suspension of license, and suspension or exclusion from any Federal health care program; extends the mandatory and discretionary exclusions and the criminal penalties for bribes, kickbacks, and false statements to the Maternal and Child Health Services and Title XX Social Services Block Grant Programs; authorizes the Attorney General to deny, revoke, or suspend the controlled substances registration of any individual or entity subject to mandatory exclusion from Medicare; clarifies the Secretary's authority to consolidate exclusion and civil monetary penalty determinations involving the same providers into a single administrative proceeding; broadens the Secretary's authority to impose civil monetary penalties for the submission of false claims for physician and hospital services and to seek injunctive relief to protect assets for the payment of imposed civil monetary penalties; and requires States, as a condition of receiving Medicaid funds, to provide information to the Secretary regarding actions taken against health care practitioners by State licensing authorities.

Older Americans Act Amendments: H.R. 1451—Passed House May 28, 1987; Passed Senate amended August 6, 1987. (229)

Authorizes appropriations for FY 1988-91 for Older Americans Act programs which provide support and nutrition services for older Americans; authorizes $100 million each in FY 1988-90 for a new program to provide home health care for individuals suffering from a catastrophic or chronic illness; requires the Secretary of Labor to develop a consumer price index which reflects the impact of inflation on elderly Americans; makes adult day care centers eligible to participate in food programs under the National School Lunch Act; requires that grant recipients under title V (community service employment for low-income elderly) distribute materials to enrollees regarding age discrimination; authorizes a White House Conference on Aging in 1991; and reauthorizes from FY 1988-91 the Native American Programs Act.

School Lunch/Nutrition Program: H.R. 1340-Passed House xx, 1987; Passed Senate August 5, 1987. (227)

Requires the USDA to improve the quality, packaging, and delivery of commodities delivered under the National School Lunch, Elderly Feeding, Food Distributing on Indian Reservations, Child Care Food, and School Breakfast programs; extends the National Commodity Processing Program until June 30, 1989; extends until June 30, 1989, the Cash or Commodity Letters of Credit pilot projects which allow certain school districts to receive cash or commodity letters of credit in lieu of National School Lunch program commodities and requires that food purchased by the pilot projects be produced and processed in the U.S.; allows State agencies participating in the Women, Infants, and Children (WIC) Program to devise methods to reduce food costs, such as by competitive bidding, and to use up to 20 percent of the savings to administer the program to additional applicants with the remainder to be used for additional food purchases; allows States to carry over one percent of the unspent FY 1986 and 1987 WIC funds into the succeeding fiscal years; requires that infant formula bought for the WIC program meet the Infant Formula Act requirements; mandates that State agencies coordinate the WIC and medicaid programs; requires the USDA to conduct a study of savings in the medicaid and State indigent health care programs for newborn infant care due to the mothers' participation in WIC; requires that USDA-issued recipe cards be regularly updated using USDA and HHS dietary guidlines; and extends the deadline for USDA quality control program studies from 12 to 15 months.

Urgent Relief for the Homeless: H.R. 558—Public Law 100-x approved x, 1987.

Authorizes $442.7 million in FY 1987 and $611 million in 1988 for homeless aid programs including: an additional $15 million in FY 1987 and $124 million in 1988 for the FEMA Emergency Food and Shelter Program; an additional $100 million in FY 1987 and $120 million in 1988 for the HUD Emergency Shelter Grants Programs; $80 million in FY 1987 and $100 million in 1988 for the Supportive Housing Demonstration Program; $25 million in each FY 1987 and 1988 for Supplemental Assistance for Homeless Facilities; an additional $35 million in budget authority for HUD's Section 8 moderate rehabilitation certificates only for rehabilitating single room occupancy housing for the homeless; $50 million in FY 1987 and $30 million in 1988 for outpatient health services for the homeless; $35 million in FY 1987, and such sums as necessary in 1988, for a block grant program to States to provide emergency assistance for chronically mental ill homeless persons; an additional $10 million each in FY 1987, to remain available through 1988, for alcohol and drug abuse treatment services for the homeless and community-based services to chronically mentally ill individuals who are homeless or at risk of homelessness.; $5 million in each FY 1987 and 1988 for grants to States to develop and implement plans to educate homeless children; $12 million in FY 1988 for a three-year competitive grant job training demonstration program for the homeless; an additional $45 million in each of FY 1987 and 1988 for the Community Services Homeless Block Grant Program; and $30 million in FY 1987 and 1988 for the Veteran's Job Training Act; makes surplus Federal real and personal properties available to eligible nonprofit organizations which serve the homeless; requires a State, city, or county to submit a comprehensive homeless assistance plan for approval by the HUD Secretary to be eligible for housing assistance in the bill; establishes the Interagency Council on the Homeless; requires States to expedite food stamp service for the homeless and makes other modifications to the food stamp program; reauthorizes the Temporary Emergency Food Assistance Program (TEFAP) at $50 million in FY 1988 and provides for the distributing of additional TEFAP commodities; and requires that FY 1987 appropriations made pursuant to this bill not increase the deficit levels established for FY 1987 in the Balanced Budget and Emergency Deficit Control Act of 1985.

TRADE

Canadian Agricultural Subsidies Investigation: S. Con. Res. 27—Senate agreed to March 26, 1987. (40)

Expresses the sense of the Congress that the U.S. Special Trade Representative should determine whether the imposition of a Canadian tariff of 84.9 cents per bushel on American corn is inconsistent with Canada's GATT obligations, and if found unjustifiable, initiate an investigation and report the results to the President within 60 days.

European Community Tax Proposal: S. Con. Res. 21—Senate agreed to March 26, 1987. (39)

Expresses the sense of the Congress that the Administration should vigorously oppose the European Community's proposal for establishing a tax on vegetable and marine fats and oils, which the U.S. views as inconsistent with Europe's GATT obligations.

Japan-U.S. Semiconductor Trade Violations: S. Res. 164—Senate agreed to March 19, 1987. (34)

States sense of the Senate that the President should take all appropriate actions under section 301 of the Trade Act to remedy and prevent further Japanese violations of the semiconductor trade agreement; and declares that the President should insure that Japan fulfills its commitment under the terms of the Market Opening Sector Specific telecommunications negotiations for 33 percent equity participation by foreign firms in any consortium formed to compete with Kotusai Denshin Denwa in providing international telecommunications services via a fiber optics trans-Pacific cable from Japan to the U.S. through Alaska.

Omnibus Trade and Competitiveness Act: H.R. 3—Passed House April 30, 1987; Passed Senate amended July 21, 1987; Senate insisted on its amendments and requested a conference August 5, 1987. (208)

Renews the "fast-track" procedure for when the President enters into trade agreements with foreign countries; mandates responses to unfair distortions of international trade; improves the enforcement of U.S. antidumping and countervailing duty laws; establishes a new program of trade competitiveness assistance for firms and workers; repeals the windfall profit tax; establishes a special procedure to open foreign markets with a "consistent pattern of trade barriers"; modifies export licensing procedures under the Export Administration Act; modifies Federal Reserve regulations relating to bank-affiliated export trading companies; states U.S. policy regarding international economic policy coordination and currency markets; authorizes withdrawal of privileges for companies from foreign countries which do not accord competitive opportunities to U.S. financial institutions comparable to those of their domestic counterparts; modifies the criminal prosecution provisions of the Foreign Corrupt Practices Act; authorizes the President after an investigation by the Secretary of Commerce to take appropriate actions to restrict foreign investment in U.S businesses which threaten the national security; requires the President to impose sanctions on the importation of the products from companies found to have violated international export control agreements, including the Toshiba Corporation and Kongsberg Vaapenfabrik; directs the President to address the international debt problem of developing countries, including the proposal of an international debt facility; establishes a Trade and Development Program with authority over the mixed credit program; increases appropriations and staff levels for the Foreign Agricultural Service to expand its agricultural export marketing programs and activities; modifies the provisions of several existing agricultural trade programs including: increasing funding for the Targeted Export Assistance Program, and establishing a triggered marketing loan program for the 1990 crop year for certain commodities if a GATT agreement on agricultural trade has not been reached; requires that imported food be labeled to specify the country of origin; requires that annual appropriations to reimburse the CCC for net realized losses be made by means of a current indefinite appropriation; requires advance notification of plant closings and mass layoffs; creates demonstration programs for dislocated workers, self-employment opportunities, public works employment, dislocated farmers, farm employees, and ranchers, and job creation; authorizes funds for education programs to improve American competitiveness; authorizes various grant programs including the Star Schools and foreign language study programs; makes amendments to the patent laws, with respect to patented processes, the patent misuse doctrine, licensee challenges to patent validity, and patent term restoration; reorganizes the National Bureau of Standards into the National Institute of Technology with responsibility for developing the quality for developing the quality control techniques and generic research to improve U.S. manufacturing and product technologies; establishes a pilot State Technology Extension Program to support innovative State projects to transfer Federal technology to businesses and creates a new Commerce Department Clearinghouse on State and Local Initiatives on Productivity, Technology, and Innovation; amends the International Air Transportation Fair Competitive Practices Act to facilitate DOT review of complaints by U.S. carriers; and strengthens export assistance programs for small businesses.

Titanic Imports Prohibition: S. 1581—Passed Senate August 3, 1987.

Prohibits the importation of objects into the customs territory of the U.S. from the R.M.S. *Titanic* for commercial gain, until an international agreement, which governs any exploration and salvage of the *Titanic* and to which the U.S. is a party, has entered into force.

U.S. International Trade Commission (ITC), Customs Service, and Office of the U.S. Trade Representative (USTR) Authorizations: S. 829—Passed Senate March 30, 1987.

Authorizes for FY 1988, $35.4 million for the ITC, $1.04 billion for the Customs Service, and $15.2 million for the Office of the USTR; requires the Commissioner of Customs to notify Congress 180 days in advance of taking any action resulting in a significant reduction in customs force, hours of operation, or services, or eliminating or relocating any Customs office or eliminating any port of entry; establishes a private sector Advisory Committee on Commercial Operations of the U.S. Customs Service; and directs the Secretary of the Treasury to prohibit the importation from the Soviet Union of certain articles produced wholly, or in part, by convict, forced, or indentured labor under penal sanctions, unless the President certifies that the articles are not being made by forced labor, or that a prohibition would directly affect U.S. national security interests.

U.S. Travel and Tourism Administration Authorizations: S. 1267—Passed Senate July 21, 1987.

Authorizes $14 million in FY 1988, $15 million in 1989, and $16 million in 1990 for the U.S. Travel and Tourism Administration.

TRANSPORTATION AND COMMUNICATIONS

Fairness Doctrine:[1] S. 742—Vetoed June 22, 1987; Senate referred veto message to Commerce Committee June 24, 1987. (75)

Passage of the bill which amends the Communications Act of 1934 to codify the Fairness Doctrine adopted by the FCC, by regulation, in 1949 which obligates broadcast licensees (1) to cover issues of public importance, and (2) to do so in a balanced fashion; and provides that the enforcement and application of the Fairness Doctrine shall be consistent with the FCC's rules and policies in effect on January 1, 1987.

Federal Aid Highway Authorization:[1] H.R. 2—Vetoed March 27, 1987. House overrode veto March 31, 1987; Senate overrode veto upon reconsideration April 2, 1987; Became Public Law 100-17, April 2, 1987, without approval (21, 33, 51, 60)

Authorizes for FY 1987-91 a total of $68.6 billion from the Highway Trust Fund for the Federal-aid Highway Program, $18.9 billion for the Federal Urban Mass Transit program, and $630 million for highway safety activities of the National Highway Traffic Safety Administration; provides that funds for the Interstate Cost Estimate and Interstate Substitute Cost Estimate would be administratively released on October 1 annually if Congress has not acted to approve them; and reforms the Uniform Relocation Assistance and Real Property Acquisition Policies Act to make its administration more equitable and efficient at all levels of government.

H. Con. Res. 77—Action completed March 20, 1987. (35)

Makes an enrollment correction in the Federal-Aid Highway Act (H.R. 2) in order to permit States to raise the speed limit to 65 miles per hour on interstate highway segments located outside any urbanized area having a population of 50,000 or more.

S. 1383—Passed Senate June 18, 1987.

Makes technical corrections in the Federal-Aid Highway Act (H.R. 2).

Federal Trade Commission Authorization: S. 677—Passed Senate April 7, 1987. (69)

Reauthorizes the Federal Trade Commission through FY 1990, at a funding level of $69.86 million in FY 1988, $70.85 million in 1989, and $71.85 million in 1990, plus such amounts as necessary for increases in salary, pay, and other employee benefits authorized by law; modifies the FTC's authority with respect to certain regulatory functions;

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[1] Vetoed—1st Session (1987).

prohibits FTC intervention in Federal or State agency proceedings without prior notification to the Commerce Committees; provides for a 90-day congressional review of FTC rules and disapproval through enactment of a joint resolution of disapproval; requires the redirection of $858,000 to FTC's regional offices and maintenance of the offices at their present locations in FY 1988-90 at not less than that in the proposed FY 1988 budget submission to Congress; and requires separate FTC reports to Congress on: (1) unfair, deceptive, or misleading practices in the sale of health insurance to the elderly and on the increase in property and casualty rates for small business owners, local governments, physicians, dentists, and child care centers; (2) FTC enforcement activities in the area of resale price maintenance; and (3) FTC enforcement activities in the area of predatory pricing.

Independent Safety Board Authorization: S. 623—Passed Senate April 25, 1987.

Authorizes $26.2 million, $275 million, and $28.8 million for FY 1988-90, respectively, for the National Transportation Safety Board.

Long Island Rail Road Labor Dispute: H.J. Res. 93—Public Law 100-2, approved January 28, 1987.

Provides for the employees of the Long Island Rail Road to return to work for a period of 60 days during which time a three member board appointed by the National Mediation Board is to prepare and submit to Congress, at least 10 days before the 60 day period expires, a comprehensive report on the dispute, progress and negotiations, and its recommendations for a solution.

National Highway Safety Administration: S. 853—Passed Senate April 24, 1987.

Authorizes appropriations for FY 1988-89 for the National Highway Safety Administration (NHSTA) to carry out its various responsibilities mandated under the National Traffic and Motor Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act; directs NHSTA to upgrade and expand the current side impact crash protection standard, to apply certain automotive safety standards to multipurpose passenger vehicles, including light trucks, and to require lap-shoulder belts on outboard rear seats; and withholds two percent of Federal highway safety funds from States which fail to implement a uniform national handicapped parking system.

U.S. TERRITORIES

U.S. Citizenship Eligibility in the Northern Marianas Islands: S. 1047—Passed by Senate July 10, 1987.

Modifies the Covenant establishing a Commonwealth of the Northern Mariana Islands (P.L. 94-241) by specifying that the Section 301 definition of persons who would automatically be granted U.S. citizenship under the Covenant extends to persons who were born in the Northern Marianas and had at least one parent born in the islands when they were a Territory and persons who have foreign citizenship and took an oath of disallegiance to that foreign nation as of November 23, 1986; and providing that a parent, guardian, or person in loco parentis may complete the oath of disallegiance on behalf of children under age 13.

VETERANS

GI Bill Continuation: H.R. 1085—Public Law 100-48, approved June 1, 1987.

Provides for the indefinite continuation of the new GI bills' programs of educational assistance for members and veterans of the All-Volunteer and the Selected Reserve beyond the current June 30, 1988, date for closing off programs to new participants; provides for vocational readjustment; and restores lost educational opportunities to those service men and women who served on active duty after June 30, 1985.

Homeless Veterans Assistance: S. 477—Passed Senate amended March 31, 1987.

Authorizes the Administrator of Veterans' Affairs, in FY 1987-89, to transfer or lease certain hard-to-sell properties from its inventory to veterans' organizations and nonprofit entities for use as shelters for homeless veterans and their families; requires the Administrator to conduct a pilot program to assist homeless veterans and their families and a pilot program of contracting for community-based residential care for homeless veterans suffering from chronic mental illness; extends the Veterans' Job Training Act through FY 1988, and expands eligibility to homeless veterans; and postpones, for one year, the transition period for the Vietnam-era veterans readjustment counseling program and related reports.

Veterans' Employment and Education: H.R. 1504—Passed House June 30, 1987; Passed Senate amended August 4, 1987.

Authorizes $30 million for FY 1987 and $60 million for each 1988-90 for the Veterans' Job Training Act (VJTA); extends from July 2, 1987, to September 30, 1990, the application deadline for the VJTV on-the-job training program for Vietnam Era and Korean Conflict veterans established; extends from January 2, 1988, to March 30, 1991, the deadline for a participating veteran participating to enroll in a job training program; establishes a program of employability training and counseling for VJTV participants; requires the VA Administrator and the Secretary of Labor to report to Congress within 90 days of enactment on the implementation of the VJTV program; transfers the funding for the State approving agencies (SAAs), which approve education courses for veterans' educational assistance benefits from the VA General Operating Expenses account to the Readjustment Benefits account and requires the VA to fund the reasonable and necessary expenses of SAAs up to $12 million annually; and expands the Commission on Veterans' Education Policy to include the Assistant Secretary of Defense for Force Management and Personnel as an ex officio member.

Veterans' Health Care Funding Levels: H. Con. Res. 27—House agreed to March 3, 1987; Senate agreed to amended April 7, 1987.

Rejects the proposal to eliminate funding for Category C veterans care (veterans with non-service connected disabilities who have incomes above $20,260 and agree to pay a modest copayment) and opposes any policy to exclude any category of eligible veterans from receiving VA hospital, nursing home, or other health care through a reduction in funding.

SENATOR THOMAS A. DASCHLE

Mr. BYRD. Mr. President, I will note that the distinguished occupant of the chair [Mr. DASCHLE] has spent 54 hours in the chair, and he has already gone an additional 31 minutes over this current stint in the chair. He has done so willingly. He is always ready, always able, and does an excellent job of presiding. I feel that all of our new Members have taken on their duties with zeal and have acted effectively in carrying out their duties.

One of the more onerous duties is that of presiding over the Senate. It is a thankless task in many ways, but Mr. DASCHLE has never been recreant in his duties, he has never been hestitant, he has never offered any excuses to try to shun the task. I compliment him personally and thank him publicly. He is well on his way to being a recipient of the golden gavel.

EXPRESSING THANKS TO THE MINORITY LEADER

Mr. BYRD. Mr. President, the Senate will shortly be going out for its August break. I want to take this occasion to thank my colleague, my counterpart, on the other side of the aisle [Mr. DOLE] for his unfailing courtesies, his cooperation, his understanding, and for his friendship. The Senate has made considerable progress and will, of course, make more following the break. I have found it to be a pleasure, a genuine pleasure, to work with BOB DOLE; I have found him to be always understanding of my problems. He has tried to be helpful in many instances and was helpful. He has tried to be helpful in other instances and could not be helpful because of problems on his own side of the aisle.

I deeply appreciate his friendship. I wish him and his lovely wife, Elizabeth, an enjoyable, restful, and happy August vacation.

Upon our return, he and I will sit down with the calendar and try to map out the course of our activities for the remainder of the session. I do not know of anyone on the other side of the aisle with whom I have a better relationship, and a genuinely good, effective, and enjoyable relationship. I thank him very much.

Mr. DOLE. Mr. President, I say to the majority leader I certainly appreciate his fine comments. I say to the majority leader, as I have said a number of times, I recall Senator STENNIS saying one day at a meeting that leaders are sort of powerless around here; we have to have the cooperation of other Members. I certainly try to make every effort to cooperate with the majority leader; sometimes we have differences of opinion.

It is a very difficult job that the distinguished Senator from West Virginia has. Having had it for a couple of years, I know how difficult it is. I must say as I look over the last, even this week, there were not that may votes, but there was a lot of action, a lot of very important bills were being passed because of efforts on both sides, with our Members on both sides working out our problems.

I certainly want to commend the distinguished majority leader for the record he has made since the beginning of this session. I think it is a very good record. The calendar is essentially bare. The cupboard is almost bare. There are some items there—as an example, we should have passed the AIDS bill today. We were so close, within an inch of an agreement, but it fell apart. I think all the parties involved were acting in good faith. We just could not get there.

The same is true of nearly every other bill that has been before the Senate. I look forward to sitting down with the majority leader after the recess and working out the balance of the year.

Finally, I say to the distinguished majority leader, it is certainly a pleasure working with the majority leader; a man whose word is good. He gives it and that is it. You do not have to have it in writing; it is all over. It makes my job much easier. That is the way it ought to be.

We have to have some trust around this place and without it, particularly in the leadership, it is pretty difficult for the majority leader to make things happen and to produce the legislation that we must complete when we come back after the recess.

I thank the majority leader. I think during the recess, I may be traveling a bit, but I hope the majority leader will have some time for relaxation, to be with Erma and others in his family.

EXPRESSIONS OF THANKS

Mr. BYRD. Mr. President, I thank the minority leader. I wish him safe travel and a safe return always from his destination.

I take the occasion also to thank all Members of the Senate on both sides of the aisle and to extend my warmest felicitations and good wishes to them and their families. I hope that God's blessings and His angels will attend them wherever they go.

I thank also our floor staffs. The minority leader spoke of the number of bills that have been passed in the last few days. It took hours and, on many occasions, days and in some instances, weeks for these floor staffs on both sides of the aisle to work out the understandings and agreements by which many of these bills were taken up and passed.

I have been greatly impressed by the work of Elizabeth Greene. She is always so pleasant to deal with, and my floor staff on this side of the aisle find her to be most congenial and a very, very capable individual. We on our side owe a lot to Elizabeth Greene. I should say that publicly and I do so without any hesitation.

I also compliment and thank Howard Greene, her husband, who is secretary for the minority.

On this side of the aisle, I thank Abby Saffold, the secretary for the majority, who is doing an outstanding job in that capacity—one that makes us very proud of her. She works on the Executive Calendar, and I am greatly indebted to her.

I thank Charles Kinney, Marty Paone, and Bill Norton for the work they do. They put in many hours of serious attention and dedication to helping to iron out matters whereby these bills can be brought up by unanimous consent. They work out time agreements. Those are sticky, thorny, difficult assignments, but they do them well, and all of us are in their debt.

Without mentioning other positions and names, I am sure we express our good wishes and thanks to everyone: the doorkeepers, the other employees of the Senate, the men and women who sit at the desk, the Journal clerks, the reading clerks, the parliamentarians, the assistant parliamentarians, the men and women in the reception room, the pages, the people in our respective cloakrooms, those on the policy staffs, and the people in our leadership offices.

I hope that they all receive many blessings out of the upcoming August. For some, there will be a little vacation during the time we will be away; but there will also be a great deal of work as we prepare for the reconvening of the Senate upon our return.

To my colleagues on both sides of the aisle, I thank them for their many courtesies to me, their forbearance, their patience. I know I tax them at times, but I am grateful to them all.

ETHICAL CONDUCT OF SENATE POLITICAL COMMITTEES

Mr. BYRD. Mr. President, Senate Resolution 279 expresses the sense of the Senate regarding the standard of highest ethical conduct expected of Senate political committees. I hope we will be able to take up that resolution on the Wednesday of our return, September 9, 1987.

At this point, I ask unanimous consent that Senate Resolution 279 be placed on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object—and I shall not object—I thought we had this all worked out so that we would have a vote on it as soon as we came back, and I think we will be able to do that.

Senator BOSCHWITZ, who is involved in negotiations, left before I could catch him. I see no reason why it should not be taken up the day we return and voted on.

The PRESIDING OFFICER. Without objection, the request of the majority leader is agreed to.

Mr. BYRD. I thank the Republican leader.

Mr. President, there will be a rollcall vote on the day of our return on the motion to invoke cloture on the nomination of Melissa Wells.

I would hope that following that vote, the Senate could proceed to the resolution that has just been placed on the calendar and that the Senate may vote thereon. There will probably be other votes that day if matters are cleared to that point.

THE CALENDAR

Mr. BYRD. Mr. President, there is one measure on the calendar and a companion measure to that joint resolution, Calendar Order No. 296, Senate Joint Resolution 155. There is a House Joint Resolution 335, which is the House companion measure, received from the other body today.

I wonder if the Republican leader would have any objection to passing both those measures at this time.

Mr. DOLE. They have been cleared on this side.

Mr. BYRD. I thank the Republican leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the two items seriatim.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL REYE'S SYNDROME WEEK

The joint resolution (S.J. Res. 155) to designate the period commencing on September 13, 1987, and ending on September 19, 1987, as "National Reye's Syndrome Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

Whereas Reye's Syndrome is a disease of unknown origin that swiftly strikes children, adolescents, and some adults recovering from viral illnesses;

Whereas Reye's Syndrome has no cure, and as a result over 30 percent of its victims die, and another 15-25 percent are left with brain damage;

Whereas recent medical research has proven a link between the use of aspirin (salicylate) and the development of Reye's Syndrome;

Whereas the Surgeon General, the Center for Disease Control, the American Academy of Pediatrics, and the National Reye's Syndrome Foundation have issued warnings against the use of aspirin for children and young adults recovering from influenza-like illnesses and chicken pox;

Whereas the symptoms of Reye's Syndrome are unfamiliar to most citizens and health professionals;

Whereas this lack of knowledge often leads to misdiagnosis and improper treatment;

Whereas the current reporting of cases of Reye's Syndrome is not a true incidence of the disease because it is not reportable nationwide and annually more cases are reported to the National Reye's Syndrome

Foundation than to the Center for Disease Control;

Whereas the National Reye's Syndrome Foundation is a volunteer organization with affiliates established throughout the continental United States and is supported by thousands of volunteers;

Whereas the National Reye's Syndrome Foundation exists to assist in the broad communication of information aimed at the general public and medical community, to stimulate the scientific community by sponsoring symposiums, to support investigation that will identify the cause, develop a cure, and lead to the prevention of Reye's Syndrome, to give families experiencing the personal trauma of Reye's Syndrome support and guidance, and to encourage the Federal Government to support and sponsor Reye's Syndrome research; and

Whereas there is a lack of urgency to resolve the mystery of Reye's Syndrome at the Federal level: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on September 13, 1987 and ending on September 19, 1987, is designed as "National Reye's Syndrome Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL REYE'S SYNDROME AWARENESS WEEK

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 335) designating the week of September 13 through September 19, 1987, as "National Reye's Syndrome Awareness Week"

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 335) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FLOOD CONTROL FOR LOCK HAVEN, PA

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3085 dealing with the Lock Haven flood control project in Lock Haven, PA.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3085) To amend the Water Resources Development Act of 1986 relating to the level of flood protection provided by the flood control project for Lock Haven, Pennsylvania.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HEINZ. Mr. President, I rise in support of H.R. 3085, a bill introduced by my colleague from Pennsylvania, Congressman BILL CLINGER, that will amend the Water Resources Development Act as it relates to the authorization of the Lock Haven flood control project.

Let me first express my appreciation to the chairman of the Environment and Public Works Committee, Senator BURDICK, the ranking minority member, Senator STAFFORD, for providing prompt clearance of this legislation, and to the majority and minority leaders for allowing the bill to be taken up under unanimous consent.

Mr. President, this bill makes a technical correction to Public Law 99-662, the Water Resources Development Act of 1986, by reducing the level of protection for a flood control project now in final planning stages for Lock Haven, PA.

The Corps of Engineers has conducted an indepth study of the need to protect portions of Lock Haven from recurrent flooding by the Susquehanna River. In their phase II general design memorandum, the corps recommended a 200-year level of protection. Unfortunately, the Water Resources Development Act, in authorizing the project, incorporated a much higher and more expensive level of protection. H.R. 3085 revises this act by reducing the scope of the project to levels consistent with the corps recommendations.

I would like to point out that H.R. 3085 imposes no new additional costs to the Federal Government. To the contrary, H.R. 3085 will reduce the project scope and in the long run help save the Federal Government $15 million.

Again, I thank the leadership of the Senate and of the authorizing committee for their willingness to move with dispatch on this legislation. I urge the Senate to approve H.R. 3085.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3085) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CHILD SUPPORT ENFORCEMENT MONTH

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 313.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 313) designating the month of August 1987 as "National Child Support Enforcement Month".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 313) was ordered to a third reading, was read the third time, and was passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEVELOPMENT OF AGRICULTURAL MARKETS IN DEVELOPING COUNTRIES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 151.

The PRESIDING OFFICER (Mr. SARBANES). The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 151) urging the President to make the development of agricultural markets in developing countries a high priority of the foreign economic policy of the Nation.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 151) was agreed to.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO PLACE S. 1666 ON THE CALENDAR

Mr. DOLE. Mr. President, I send the enclosed bill to the desk on behalf of Senator STEVENS and ask that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS OF 1987

Mr. STEVENS. Mr. President, the Federal Physicians Comparability Allowance Act of 1978, enabled the heads of executive agencies to offer service agreements to certain categories of Federal physicians and dentists in order to alleviate recruitment and retention problems experienced by the agencies. The allowance which was reauthorized in 1979, 1981, and 1983, is used only where there is a significant recruitment and retention problem. Currently it may not exceed: $7,000 per annum if, at the time the agreement is entered into, the physician has served for 24 months or less; or $10,000 per annum if the physician has more than 24 months service.

The act will expire September 30, 1987.

Recent statistics show that in the last 3 years, the percentage of physicians receiving the bonus has grown from 53 to 61 percent Government-wide. The largest category of physicians receiving the allowance are researchers—92 percent. Even with the comparability allowance these physicians have a pay gap with private sector physicians ranging from 28 to 75 percent. Consequently, the agencies are still experiencing recruitment and retention problems. Mr. President, we are living in a time when we must attract the very best physicians to the Federal Government. We need top academicians to attack national problems such as AIDS and cancer. We cannot always provide the benefits and modern facilities commonly available in the private sector, but we can do something to narrow the pay gap.

The bill I am introducing today, would reauthorize the act until September 30, 1990. It will also raise the maximum allowance to $20,000 in lieu of the current $10,000. I would still expect that the $10,000 limit would be used in most cases, but additional incentive would be available for extraordinary recruitment and retention problems. The bill will also expand special pay coverage to psychologists in the commissioned corps of the Public Health Service who have been board certified by the American Board of Professional Psychology. It is comparable to the board certified pay given to Public Health Service medical officers. Mr. President, I ask unanimous consent that the bill appear in the RECORD following my remarks.

ORDER FOR STAR PRINT OF PRESIDENT'S MESSAGE REQUESTING APPROPRIATIONS FOR FISCAL YEAR 1988 FOR THE DEPARTMENT OF DEFENSE, INTERNATIONAL SECURITY ASSISTANCE, AND NASA

Mr. BYRD. Mr. President, I ask unanimous consent that there be a star print of the President's message requesting appropriations for fiscal year 1988 for the Department of Defense, International Security Assistance, and NASA, and I send the correction to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT OF THE REPORT TO ACCOMPANY S. 1550

Mr. BYRD. Mr. President, I ask unanimous consent that the report to accompany S. 1550, the Federal Triangle Development Act, be star printed to reflect the following changes, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT OF S. 2 TO REFLECT THE MODIFICATION OF THE COMMITTEE AMENDMENT

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2 be star printed to reflect the modification of the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR FILING BILLS AND REPORTS ON WEDNESDAY, AUGUST 12, 1987, AND TUESDAY, SEPTEMBER 1, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that committees may have permission to file bills and reports between the hours of 10 a.m. and 4 p.m. on Wednesday, August 12, 1987, and Tuesday, September 1, 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY BIRTHDAY, HELEN DEWAR

Mr. BYRD. Mr. President, the hour is 9 o'clock and it is Friday, August 7.

I am not allowed, under the rules, to call attention to anyone in the galleries, but today is the birthday of Helen Dewar, who is a congressional correspondent for the Washington Post and for many years has been covering the Congress, the U.S. Senate in particular, and has won deserved awards for her good work.

It seems to me that it is eminently appropriate to call attention to her work and the fact that the Senate is in at this late hour on the birthday of this fine lady, whom we all know and appreciate and for whom we all have great respect.

I wish at this time to thank her, and convey our good wishes, and I am sure the good wishes of all our colleagues. We wish her many happy returns for this day and many, many good days in the future and good years in covering the U.S. Senate.

I thank her personally, and I am sure all Senators will agree, for her courtesy and unfailing fairness toward all of us.

I recall an appropriate bit of verse by Louis Shimon:

Wouldn't this old world be better
  If the folks we meet would say—
"I know something good about you!"
  And treat us just that way?

Wouldn't it be fine and dandy
  If each handclasp, fond and true,
Carried with it this assurance—
  "I know something good about you!"

Wouldn't life be lots more happy
  If the good that's in us all
Were the only thing about us
  That folks bothered to recall?

Wouldn't life be lots more happy
  If we praised the good we see?
For there's such a lot of goodness
  In the worst of you and me!

Wouldn't it be nice to practice
  That fine way of thinking, too?
You know something good about me,
  I know something good about you?

And so, to Helen Dewar, we all know something good about you.

Happy birthday.

NOMINATIONS TO REMAIN IN STATUS QUO

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate remain in status quo, notwithstanding the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate with the following exceptions:

Marine Corps: Michael K. Sheridan, James M. Mead;

U.S. Claims Court: Robert Charrow;

U.S. Marshal: Eugene Davis, Basil S. Baker, Marvin E. Brezeale;

Department of Transportation FAA: Lawrence M. Hecker;

Department of Housing and Urban Development: Deborah G. Dean;

And finally, U.S. District Court: Robert Miller.

Mr. ARMSTRONG. Mr. President, reserving the right to object, would the distinguised leader yield to me for a moment?

Mr. BYRD. I will be happy to yield.

Mr. ARMSTRONG. I want to be sure I understand the parliamentary situation, Mr. President. As I understand it, the leader has propounded a unanimous consent request, the effect of which would be to hold in their present status quo here in the Senate all of the pending nominations except for a list of a handful, 6, 7, 8, or however many are on the list which he has just read.

If I have understood the situation correctly, then the practical effect of the unanimous consent request is to hold everything in the status quo and would send this list of nominations back to the White House and they would, therefore, not be confirmed unless subsequently resubmitted by the President to the Senate and acted upon.

Mr. BYRD. Mr. President, the Senator is correct. All the names, to wit, Robert Miller, Melissa Wells, et al, would remain in status quo, would not go back to the White House as they otherwise would without this request being granted. They would have to be returned to the President of the United States for his resubmission, in his judgment, if he wished to resubmit them. Those names which have been excepted on the list that I have read would indeed be returned to the President.

Mr. ARMSTRONG. Mr. President, if the leader will yield further, I note that among the names which he has listed, that is, the names which will be sent back to the White House, is the name of Robert Miller who is the President's selection for the U.S. District Court in Colorado. I am hopeful that as he propounds his unanimous consent request the leader would not mention that name and thereby his name would be kept in the Senate, or, if it would be the preference of the leader, I would be happy to make the unanimous consent request that Mr. Miller be held over with all of the other names that will stay in the Senate and not be returned to the President.

The point is simply we would like Mr. Miller to have an opportunity to stay here and have a hearing before the Judiciary Committee in due course.

Mr. WIRTH. Will the majority leader yield to me?

Mr. BYRD. Yes.

Mr. WIRTH. I think it would be helpful for purposes of the RECORD to fill in at least this Senator's understanding as to what has happened.

Mr. Miller's nomination has been in the works for a long time. I have a committee of very distinguished lawyers in Colorado which has looked at Mr. Miller's nomination and recommended to me that he should be, in fact, supported.

What has happened here, Mr. Leader, is that apparently this nomination has gotten hung up in the past over a disagreement that occured when Mr. Miller was U.S. Attorney with William French Smith, who was then the Attorney General and it resulted in a reprimand. There was later correspondence between Mr. Miller and the Attorney General that cleared up this reprimand that he had. It is my understanding that Mr. Miller was then exonerated.

This issue was discussed at great length and I communicated all of this to the senior Senator from Colorado. This issue was discussed at great length with my own legal advisory committee and they came to the conclusion they know Mr. Miller a lot better than I do, know his record and so on, and said no problem, everything is fine, and urged me to do everything I could, along with Senator ARMSTRONG, to expedite Mr. Miller's appointment.

Apparently now, the Judiciary Committee would like to have further information from the Justice Department about this particular incident and last April, 3 months ago, had sent to the Justice Department a letter requesting a number of specifications on this reprimand. The Justice Department has not been forthcoming in sending up that information and that is the cause of the particular problem that we currently have.

The problem, I think, could be resolved and I would like to join with my colleague in hoping that we might keep Mr. Miller's nomination up here with a further suggestion, that perhaps we might call upon the good Republican leader, [Mr. DOLE] to use his good offices to put as much pressure as he can on Mr. Meese and the Justice Department to send up here that file and all of the information necessary to the committee's full consideration of Mr. Miller's nomination.

I do not think we are going to find a problem, but I do understand the procedural issues. They want to look at that file, I think they should like to look at that file. We would like to have it cleared up and we could go forward in representing different parties, hoping Mr. Miller could move out smartly and we could get the Justice Department to send out that information. That could be looked at by the Judiciary Committee and I hope that with that information, the committee would feel it appropriate to hold a hearing on Mr. Miller and go ahead. But I certainly would like to have his nomination kept up here and perhaps we could get the help of the Republican leader to expedite this if that is at all possible and we see if we can move this out.

The purpose is to get this information, from my perspective, and I think that is shared by the senior Senator from Colorado, to have Mr. Miller's hearing before the Judiciary Committee as rapidly as possible.

Mr. ARMSTRONG. If the Senator will yield. I appreciate his suggestion. Personally, if we could prevail upon Senator DOLE to communicate in this way with the Justice Department, I think it would be wonderful. I do not know what the outcome would be. As my colleagues know, the proceedings of this Chamber are broadcast on nationwide television, but regrettably, I do not think the Justice Department is tuned in. My experience has been that of all the agencies of Government, the Department of Justice is one of the most persistently unresponsive.

I share his hope that we can get a response. I do not know exactly what the information is, but whatever it is, anything the committee wants as far as I am concerned they ought to have. If they cannot get it on a friendly basis, we ought to force their hand.

My conviction is that Robert Miller should not be penalized because somebody at the Justice Department does not want to send something over—if that is the case. I honestly do not know all the facts, but if that is the case, I certainly would join in urging the Justice Department to send that material over.

There is nothing to be gained, in my opinion, by sending the nomination back. So if Senator DOLE can help us or Senator BYRD can help us or if there are others who can join in expressing the desire that the Department furnish this information, that would be wonderful.

Mr. WIRTH. If the majority leader will further yield, what we want to do is have the information complete for the Judiciary Committee. If this is a different way of skinning the cat, I believe we ought to try that. If the Republican leader would give us that kind of assistance, I know he does not control the Justice Department, but he is somebody who perhaps is heard more loudly and clearly than either of us has been heard.

Mr. DOLE. Reserving the right to object, Mr. President, I would certainly be pleased to cooperate and direct an inquiry forthwith to the Justice Department, including comments made on the Senate floor and excerpts from the RECORD so they clearly understand there is a desire for the information.

This request was made in April. It would seem to me that by now, it would have been made available. I do not know how slowly the bureaucracy works, but that is probably a good example.

In any event, the answer is I certainly will be pleased to cooperate with both Senators from Colorado. I think Mr. Miller is certainly entitled to have the information. He is a man known to both Colorado Senators and I should think by now, the information would have been furnished.

Having said that, I also indicate that the name of Richard Viets was submitted to the Department of State. That would also remain. I must say in that case, if I object to the entire request of the distinguished majority leader, then I would assume that all nominations might go back. But I think the Viets case as I understand it—I do not know anything about the details—does involve some indication of a problem. It was called to my attention by the ranking member of the Committee on Foreign Relations, Mr. HELMS. Unfortunately, Mr. HELMS is not available and neither is the chairman of the committee, Senator PELL.

I believe that some agreement was reached—I do not know who were the parties to it—that Mr. Viets' name would be on the list, while Mr. Miller's would be removed, according to the agreement reached on the Senate floor.

Mr. BYRD. Mr. President, the list was handed to me. Mr. Viets has been reported by that committee, which cannot be said of Mr. Robert Miller. The name of Mr. Miller and the name of Mr. Charrow and the names of the three U.S. Marshals were, as I understood it, agreed upon between the chairman and the ranking member of the Judiciary Committee, neither of whom is here on the floor. I was told that the staff of those two Senators and the Senators had agreed upon this list.

Here on the floor are the two Colorado Senators. I can understand their strong support for and strong feelings with respect to the nominee for the U.S. District Court, Mr. Robert Miller.

I have tried to carry out what I understood to be the joint understanding between both sides and the Judiciary Committee.

I think that under the circumstances, with both Colorado Senators here, wanting to retain Mr. Miller in status quo, putting myself in their position, I would feel the same way.

So I am not constrained—even though it was my understanding that this nominee had been agreed upon by both sides, the chairman and the ranking member of the Judiciary Committee, to be an exception to the unanimous-consent request that that name go back—personally, I have no feeling either way. So I am going to remove that name from the list, in deference to the two Colorado Senators. I will treat them as I would like to be treated if I were in their stead at this point.

Mr. WIRTH. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. WIRTH. Mr. President, I am very grateful for the spirit of cooperation and generosity of the leader in this situation.

This has been more misunderstanding than real, I believe, and we will resolve that for Colorado. I appreciate that, and I want to register that not only for myself, but also for a lot of people in my State.

I would like to note for the record, in terms of the request that the distinguished Republican leader has agreed to send down, that we want more than just the correspondence about the reprimand and the reply on that. It is the material behind the reprimand. I think that was the issue at stake earlier. If Senator DOLE sends down the record of this colloquy, I would like it to show that the file behind that is what the committee wants to have, and it is that file that the Justice Department has so far been unable to understand or to find it, whatever it may be.

We would certainly like to expedite the Miller hearing.

I again thank the distinguished Republican leader and the distinguished majority leader for their support.

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. ARMSTRONG. Mr. President, I join my colleague from Colorado and endorse what he has said.

I express my own personal appreciation to the majority leader for helping us to work this out in what I think is really the best for the Senate, for Mr. Miller, and for our State.

May I also say a word of appreciation to my colleague. I expect that by 9:30 on Friday evening, he had planned to be somewhere else, as I did. But this little exchange here tonight is really a good example of the working relationship he and I have established these last 7 or 8 months since he has been in the Senate.

In this case, the investment of a little time to work this out on the floor has really been helpful, and I think it has speeded up what would otherwise have been an unnecessary delay.

I thank my colleague, and I thank the two leaders.

I remove the name of Mr. Robert Miller from my request.

Mr. President, I believe the distinguished Republican leader had made a reference to Viets.

Mr. DOLE. Yes. If the majority leader will yield, I do not know Mr. Viets and do not know any of the circumstances. I believe it is a bit unfair to the leadership to be handed a list we have no information on.

I just called the distinguished Senator from North Carolina and told him to head for the Senate, and he is at home. He knows about Mr. Viets. I would not know Mr. Viets if he walked in.

I do not want to delay the Senate, but I feel compelled at least to suggest the absence of a quorum until Mr. HELMS is able to come to the floor. I do not know how far he is from here.

(Mr. WIRTH assumed the chair.)

Mr. SARBANES. Mr. President, will the leader yield?

Mr. BYRD. I do not yield the floor for the suggestion of the absence of a quorum.

I yield, yes.

Mr. SARBANES. I do not know what discussion might have been held between the chairman of the Foreign Relations Committee and the ranking minority member.

Viets was considered by the committee and reported out by the committee. Extensive hearings were held about Viets.

The ranking minority member on the committee raised a number of objections. The committee considered them and did report him out by a fairly substantial vote. I do not recall exactly what the vote was at the moment.

Mr. BYRD. As I understand it Senator PELL had not wanted this nomination to go back to the President. As the Senator from Maryland [Mr. SARBANES], the senior Senator, stated this nomination was acted upon by the committee and reported out and it is on the calendar which was not the case with the nomination of Mr. Miller.

Mr. BYRD. Mr. President, I am going to include the name of Richard N. Viets, Department of State, to the list as one of the exceptions.

The Republican leader and I, we did not create this list. We are kind of victims of circumstances. And, as I felt a moment ago in connection with the nominee that came from the State of Colorado, with both Colorado Senators here on the floor, I felt constrained to take that name off the list.

Now, the Republican leader has some responsibilities, too. He could object to the entire list if he wanted to. Of course, it would create many problems for him as well as for me.

I think that I am going to add this name. I see no point in asking Mr. HELMS to come all the way back here tonight to make his case. I discussed this nomination today with him. My recollection of that discussion was that if he did not want that nomination called up today, I would not call it up. He made some reference to nominations going back downtown. I said it did not bother me either way. I said I do not know what problems I may have on my side. So I did not make any commitment as to putting the person on the list. But, as far as I am concerned, it is fine.

But, I, of course, at that moment could not speak for my own side and, as we now see, the name is on the list.

I took it off. But, I think, having spoken for the record and the situation as I now find it, and the Republican leader having made his request, I am going to add that name to the list of exceptions.

So, Mr. President, let me read the list again. These will be exceptions to the request that all nominations received by the Senate remain in status quo: Marine Corps, Michael K. Sheridan and James M. Mead; U.S. Claims Court, Robert Charrow; U.S. Marshal, Eugene Davis, Basil S. Baker, and Marvin E. Breazeale; Department of Transportation/FAA, Lawrence M. Hecker; Department of State, Richard N. Viets; and Department of Housing and Urban Development, Deborah G. Dean.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Reserving the right to object, and I shall not object, I want to thank the distinguished majority leader. Again, I think it puts us at somewhat of an unfair advantage. I do not know how the names ended on the list. Somehow, someone must have agreed.

I am reminded by Senator THURMOND that he will not object to this agreement, but that the record should reflect he would like to have all the Judiciary nominations in the Senate remain in status quo. As I understand it, there was some agreement in each case.

Having said that, I think the majority leader has certainly been very fair. I do not know the circumstances surrounding the Viets nomination, except, in conversation with the distinguished Senator from North Carolina, he indicates that it is a real problem. The record has been made and I thank the distinguished majority leader.

Mr. BYRD. I thank the Republican leader.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none and the unanimous-consent request is agreed to.

RECESS APPOINTMENTS

Mr. BYRD. Mr. President, I have had two conversations with former Senator Howard Baker. In those conversations, I urged that there be no recess appointments and I was assured by Mr. Baker that there would not be any recess appointments; that if there were going to be any recess appointments, he, Mr. Baker, would let me know, tell me well in time.

He knew of none. I made this inquiry as recently as, I believe, the day before yesterday, and I made the same inquiry a few days before. On both occasions, Mr. Baker gave me that assurance and I am assured that there will be no recess appointments.

I know Howard Baker would have told me and I know that, based on my two inquiries, he would have made it his business to find out. And I say this for the record, may I say to the Republican leader.

I also stated to Mr. Baker that I had no reference to Mr. Bork, that I felt that the President surely would not make that appointment, but any recess appointments would create problems across the board, could create problems for Mr. Bork if some other appointments were made, because we have done our best to keep the Executive Calendar as clear as we can and we are acting in good faith.

So, for the record, I have made the statement with respect to the assurances that Mr. Baker gave me.

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, there are some nominations on the calendar that we could still clear.

Mr. President, I ask the able Republican leader if the following nominees have been cleared: Calendar Order No. 280, under the Department of State; Calendar Order No. 285, under the Department of State; Calendar Order Nos. 289, 290, 322, and 323.

Mr. DOLE. Those nominations have been cleared.

Mr. BYRD. Mr. President, I thank the leader.

I ask unanimous consent that the foregoing nominations be considered en bloc, confirmed en bloc, that the President be immediately notified of the confirmation of the nominees, that the motion to reconsider be laid on the table, and the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. As in executive session, it is so ordered.

Mr. BYRD. I thank the Chair. I thought the Senate was in executive session, but it was not.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Leonard Grant Shurtleff, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of the Congo.

Warren Clark, Jr., of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Charles L. Gladson, of California, to be an Assistant Administrator of the Agency for International Development.

AFRICAN DEVELOPMENT FOUNDATION

Charles L. Gladson, an Assistant Administrator of the Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 22, 1991.

THE JUDICIARY

John Daniel Tinder, of Indiana, to be United States District Judge for the Southern District of Indiana.

DEPARTMENT OF JUSTICE

Philip N. Hogan, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

NOMINATION OF CHARLES L. GLADSON AS ASSISTANT AID ADMINISTRATOR FOR AFRICA

Mr. HELMS. Mr. President, following the Foreign Relations Committee's hearing on Mr. Gladson, which was conducted on July 9, I asked Mr. Gladson several questions with regard to AID funding of certain projects in Southern Africa.

Inasmuch as this topic has been of interest to a number of colleagues, I ask unanimous consent, Mr. President, that these questions, as well as the answers provided by Mr. Gladson, be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. HELMS. 1. Please provide an itemized accounting of funds authorized by the Foreign Assistance Act of 1986 (P.L. 99-83) for Southern Africa and by the Comprehensive Anti-Apartheid Act of 1986 (P.L. 99-440) and, pursuant to such authorizations, subsequently appropriated.

Answer. The latest Project Accounting Information System (PAIS) report, which is the official expenditure reporting record for the agency, provides expenditure data through March 31, 1987, the end of the second quarter of the fiscal year. This is a quarterly report which is completed and distributed within A.I.D. approximately five weeks after the end of each quarter. I am submitting for the record page 71 of the report, covering the Program for Disadvantaged South Africans and pages 93 through 98, covering the Southern Africa Regional Program. It will be noted that a net total of $259,000 of new funds were obligated during the first half of the fiscal year, while $12,823,000 was expended during the same time period. Because of the lengthy process involving project design, negotiation with governments (or, in the case of South Africa, with non-government organizations) the preparation of congressional notifications and the apportionment of funds, most of the obligations occur during the final half of the fiscal year. Thus far during the current quarter, an additional $6,969,177 has been obligated. Expenditures during this quarter will be provided to you when the next PAIS report is completed in early August.

AGENCY FOR INTERNATIONAL DEVELOPMENT—DOLLAR FUNDED PROJECT ASSISTANCE—REPUBLIC OF SOUTH AFRICA

[Data as of Mar. 31, 1987—thousands of dollars]

Project	Project title	Acct. stat.	Purp. code	Tech. code	App. code	L/G	Start date	PACD date	Obligations		Expenditures		
									Actual for fiscal year 1987	Cume thru 3/31/87	Actual for fiscal year 1987	Cume thru fiscal year 1987	unliquidated oblig.
674-0223	Labor Union Training	674	760B	710	ES	G	September 19, 1986.	July 19, 1987	0	1,500	0	0	1,500
674-0230	South Africa Bursaries Prog	674	601B	650	ES	G	September 19, 1986.	September 19, 1986.	0	500	0	0	500
674-0301	Comm. Outreach/Leadership Dev.	674	401B	760	ES	G	September 19, 1986.	September 19, 1990.	0	2,260	426	426	1,834
674-0302	Alternative Education	674	610B	690	EH	G	June 19, 1986	June 19, 1988	0	550	0	0	550
674-0306	Building Democratic Institutions	674	701B	790	ES	G	September 19, 1986.	September 19, 1986.	0	212	0	0	212
674-0307	Int'l. Committee of the Red Cross (ICRC)	674	920B	840	ES	G	September 19, 1986.	September 19, 1987.	0	500	0	0	500
	Project total:												
	Grant								0	5,522	426	426	5,096
	Loan								0	0	0	0	0
	Active projects								0	5,522	426	426	5,096
	Terminating projects								0	0	0	0	0
	Completed projects								0	0	0	0	0
	Country total								0	5,522	426	426	5,096

AGENCY FOR INTERNATIONAL DEVELOPMENT—DOLLAR FUNDED PROJECT ASSISTANCE—SOUTHERN AFRICA REGION—OSARAC

[Project listing—subproject, funding source, and activity classification detail (data as of Mar. 31, 1987—thousands of dollars)]

Project No.	Project title	Acct. stat.	Purp. code	Tech. code	App. code	L/G	Start date	PACD date	Obligations		Expenditures		
									Actual for fiscal year 1987	Cume. thru 3/31/87	Actual for fiscal year 1987	Cume. thru 3/31/87	Unliquidated oblig.
690-0063	Dev. Training Southern Africans	690	630S	731	EH	G	Jun. 1976	September 1982	0	1,970	0	1,970	0
		690	630S	731	SA	G	June 1976	September 1982	0	5,853	0	5,853	0
690-0063.95	Development Training for Southern Africa	690	630S	731	ES	G	June 1979	September 1982	0	12,623	162	12,623	0
	Project total								0	20,446	162	30,446	0
690-0076	Southern Perimeter Road	632	701B	824	ES	G	June 1978	November 1987	0	8,000	0	7,929	71
		632	701B	824	SA	G	June 1978	November 1987	0	26,000	765	25,393	607
	Project total								0	34,000	765	33,322	678
690-0083	So. Africa Academic and Skills Training	690	600B	600	EH	G	September 1977	September 1985	0	1,778	0	1,707	71
		690	600B	600	SA	G	September 1977	September 1985	0	2,374	0	2,319	55
	Project total								0	4,152	0	4,026	126
690-0104.01	Program Development	645	790B	980	SA	G	March 1978	September 1981	0	49	0	49	0
690-0104.95	South Africa PDS	690	790B	980	SA	G	October 1977	September 1981	0	897	0	897	0
	Project total								0	946	0	946	0
690-0206.01	Planning Mgt and Resch	633	799B	710	ES	G	May 1980	September 1985	0	286	0	264	22
690-0206.02	Planning Mgt and Resch	611	799B	710	ES	G	June 1981	September 1984	0	84	0	83	1
690-0206.03	Planning Mgt and Resch	613	799B	710	ES	G	September 1981	September 1983	0	1,470	50	1,350	120
690-0206.11	PMR—Zambia	611	799B	710	ES	G	December 1983	September 1987	28	234	44	178	56
690-0206.13	PMR—Zimbabwe	613	799B	710	ES	G	December 1983	December 1987	75	1,111	373	749	362
690-0206.33	Planning Mgt and Research	633	799B	710	ES	G	July 1986	September 1987	0	109	43	69	40
690-0206.56	PMR—Mozambique	656	799B	710	ES	G	August 1985	September 1986	22	115	15	26	89
690-0206.74	PMR—South Africa	674	799B	710	ES	G	August 1985	June 1986	86	794	195	285	509
690-206.90	PMR-OSARAC	613	799B	710	ES	G	February 1984	September 1985	48	2,115	132	1,374	741
690-0206.95	Planning Mgt and Research	690	799B	710	ES	G	January 1980	November 1982	5	1,837	47	1,835	2
	Project total								264	8,155	899	6,213	1,942
690-0207	Agriculture and Livestock Dev.	613	110B	078	ES	G	July 1982	February 1987	0	1,175	112	438	737
690-0209.11	Transport and Storage Dev—Zambia	611	160B	061	ES	G	September 1981	June 1989	0	956	0	955	1
690-0209.13	Transport and Storage Dev—Zimbabwe	611	160B	061	ES	L	September 1981	June 189	0	13,100	221	5,066	8,034
		613	160B	061	ES	L	September 1982	September 1984	0	4,149	0	4,149	0
	Project total								0	18,205	221	10,170	8,035
690-0213.95	Training Disadvantaged South Africans	690	600R	700	EH	G	April 1982	April 1987	0	15,050	2,838	11,464	3,586
		690	600R	700	ES	G	April 1982	April 1987	0	7,831	1,017	5,166	2,665
	Project total								0	22,881	3,855	16,630	6,251

AGENCY FOR INTERNATIONAL DEVELOPMENT—DOLLAR FUNDED PROJECT ASSISTANCE—SOUTHERN AFRICA REGION—OSARAC—Continued

[Project listing—subproject, funding source, and activity classification detail (data as of Mar. 31, 1987—thousands of dollars)]

Project No.	Project title	Acct. stat.	Purp. code	Tech. code	App. code	L/G	Start date	PACD date	Obligations		Expenditures		Unliquidated oblig.
									Actual for fiscal year 1987	Cume. thru 3/31/87	Actual for fiscal year 1987	Cume. thru 3/31/87	
690-0214.95	Private Enterprise Development	690	700B	930	ES	G	September 1982	September 1983	0	150	0	150	0
690-0215.12	SADCC Tech Support—Malawi	612	770B	066	ES	G	July 1984	June 1988	0	974	273	311	663
690-0215.32	SADCC Tech Support—Lesotho	632	770B	066	ES	G	August 1984	May 1988	0	298	0	0	298
*690-0215.45	SADCC Tech Support—Swaziland	645	770B	066	ES	G	June 1984	May 1988	0	1,400	103	285	1,115
	Project total								0	2,672	376	596	2,076
690-0220.95	Entrepreneurial Trng/Disadvantage S.A.	690	610B	867	ES	G	September 1983	September 1985	0	3,000	733	2,140	860
690-0222.74	University Preparation Prog.—South Afr	690	610B	620	ES	G	September 1986	September 1987	0	89	60	88	1
690-0222.95	University Preparation Program	690	610B	620	ES	G	September 1983	September 1984	0	1,989	8	1,987	2
	Project total								0	2,078	68	2,075	3
690-0223.95	Labor Union Training for South Africans	690	600R	710	ES	G	September 1983	September 1984	0	1,893	0	1,893	0
690-0224.13	Reg Sorghum/Millet Rsrch—Zimbabwe	613	141R	072	ES	G	August 1984	September 1988	0	14,800	1,904	6,690	8,110
690-0225.13	Regional Agricultural Res Coordination-Z	613	111B	080	ES	G	August 1984	April 1990	1,500	0	−66	0	0
690-0225.33	Regional Agricultural Res Coordination-B	633	111B	080	ES	G	August 1984	April 1990	1,464	1,464	149	149	1,315
	Project total								−36	1,464	83	149	1,315
690-0230.74	SoAfr Bursaries Program—So Africa	674	660B	690	ES	G	April 1986A	September 1987	0	6,860	87	93	6,767
690-0230.95	South Africa Bursaries Program	690	660B	690	ES	G	September 1985	September 1988	0	0	0	0	0
	Project total								0	6,860	87	93	6,767
690-0231.11	Regional Transport Development—Zambia	613	130B	820	ES	G	September 1985	September 1988	0	7,000	0	0	7,000
690-0231.56	Regional Transport Development—Mozambi	656	130B	820	ES	G	September 1985	September 1988	0	5,540	2,264	2,551	2,989
	Project total								0	12,540	2,264	2,551	9,989
690-0234	Improvement Blantyre-Tete-Harare Road	613	130B	061	ES	G	July 1984	June 1986	0	700	100	600	100
690-0235.13	Intl Exec Svc Corps (IESC)—Zimbabwe	613	510B	810	ES	G	September 1985	September 1987	0	225	68	128	87
690-0235/74	Africa Private Enterprise Fund	674	510B	810	ES	G	September 1986	September 1987	0	104	0	0	104
690-0235.95	Private Enterprise Fund	690	510B	810	ES	G	March 1985	March 1988	0	121	3	25	96
	Project total								0	450	71	163	287
690-0237	Regional Transport Dev II	690	730B	824	ES	G	July 1986	October 1989	0	10,500	0	0	10,500
690-0238	Trans Dev II Sec Techasst	690	771B	824	ES	G	June 1986	June 1988	0	1,500	0	0	1,500
690-9801.11	Special Self-Help/Population—Zambia	611	771R	960	ES	G	October 1984	September 1986	0	118	1	37	81
		611	771R	960	SD	G	October 1984	September 1986	0	0	0	0	0
690-9801.13	Human Rights Fund—Zimbabwe	613	771R	960	ES	G	September 1979	March 1985	0	193	22	113	80
690-9801.33	Human Rights Fund—Botswana	633	771R	960	ES	G	September 1979	September 1986	0	38	7	37	1
690-9801.56	Human Rights Fund—Mozambique	656	771R	960	ES	G	May 1986	September 1986	0	30	1	10	20
690-9801.74	Human Rights Fund—South Africa	674	771R	960	ES	G	September 1979	September 1986	0	3,095	612	1,957	1,138
	Project total								0		3,474	643	2,154
690-9901.11	Special Self-Help Dev—Zambia	611	790R	900	ES	G	April 1984	September 1986	0	570	82	489	81
690-9901.13	Special Self-Help Dev—Zimbabwe	613	790R	900	ES	G	September 1980	September 1986	0	1,493	162	1,432	61
690-9901.33	Special Self-Help Dev—Botswana	633	790R	900	ES	G	September 1980	September 1986	47	585	83	504	81
690-9901.56	Special Self-Help Dev—Mozambique	656	790R	900	ES	G	September 1984	September 1987	−9	118	37	59	59
690-9901.74	Special Self-Help Dev—South Africa	674	790R	900	ES	G	September 1980	June 1986	−7	1,151	116	046	205
	Project Total								31	3,917	480	3,430	487
	Grant								259	158,709	12,602	105,660	53,049
	Loan								0	17,249	221	9,215	8,034
	Active projects								211	161,440	12,538	102,481	58,959
	Terminating projects								48	10,369	285	8,245	2,124
	Completed projects								0	4,149	0	4,149	0
	Country total								259	175,958	12,823	114,875	61,083

Mr. HELMS. Follow-up to question No. 1. Please be more specific in supplying the actual organizations and individuals who received U.S. funds.

Answer: Organizations That Have Received A.I.D. Funds in Fiscal 1987.

A. Self Help Projects for 1987

Auburn House School—Cape Town Project ($4,400.00).
Kwa-No-Themba Workshop for the Disabled—Cape Town Project ($4,000.00).
Montagu and Ashton Community Service—Cape Town Project ($8,000.00).
Masibambane Christian Development Center—Cape Town Project ($10,000).
Nomzi Senior Secondary School—Cape Town Project ($9,000.00).
Umzokhano Cooperative—Cape Town Project ($4,000.00).
Inqounqulu Secondary School—Durban Project ($500.00).
Insika Rural Development Association—Durban Project ($7,300.00).
Kwandengesi Community Centre—Durban Project ($7,400.00).
Madadeni Congregational Council—Durban Project ($4,800.00).
Msinga Community Development Association—Durban Project ($9,000.00).
Sibusisiwe High School—Durban Project ($6,000.00).
Association for the Physically Disabled—Johannesburg Project ($4,000.00).
Dihlopaneng Community Clinic/Health Center—Johannesburg Project ($4,000.00).
Ditsobotla Association for the Physically Disabled—Johannesburg Project ($4,000.00).
Evaton Old Age Disability, Child and Family Welfare—Johannesburg Project ($4,000.00).
St. Anthony's Clinic—Johannesburg Project ($4,000.00).
Self-Help Association of Disabled (Alexandra)—Johannesburg Project ($2,000.00).
Thusanani Christian Association for the Handicapped—Johannesburg Project ($5,000.00).
Weiler's Farm Squatter Camp—Johannesburg Project ($5,000.00).
The Home Training Trust—Johannesburg Project ($3,000.00).
Evangelical Lutheran Church in S.A.—Pretoria Project ($5,000.00).
Luckhoff Primary School—Pretoria Project ($500.00).
Makena Pre-School—Pretoria Project ($4,500.00).
Molabosane Senior Secondary School—Pretoria Project ($8,000.00).
NGK Church, Mamelodi Congregation—Pretoria Project ($7,500.00).
Partners in Progress (Sisters Pride)—Pretoria Project ($7,500.00).
S.A.V.E. Hydroponic Farm—Money taken out of Self Help Budget—in particular Consul or Embassy Project ($10,000.00).
Unezandla Home Industry—Pretoria Project ($5,000.00).

B. Internal Bursaries

C. External Bursaries

Institute of International Education (U.S.).

D. PM&R

Steven Rubin (U.S.).
M&M Personnel.
Development Alternatives (U.S.).
Controlled Management Dynamics.
Robert Nathan (U.S.).
Coordinated Marketing.
International Science and Technology (U.S.).
Chris Merkling (U.S.).
Arnold Zack (U.S.).
Consumer Behavior.
Barry Masoga.
African Teachers Association of South Africa.
Association of Historically Black Colleges (U.S.).
Natal Education Organization.
Paul Roudenbush (U.S.).
Rick Johnson (U.S.).
Academy for Educational Development (U.S.).
Council for Enrichment of African Political Affairs.
John Dugard.
Louis Skewiya.
Mathole Motshekga.
Advice Centers Association Women's Desk.

E. OFDA Disaster Relief

Operation Hunger.

F. Human Rights

Matlosane Diaconia Trust.
Planning Youth Employment Investments.
Save the Starving Community.
Savage, Jooste and Adams, Attorneys.
Anglican Diocese of Johannesburg.
Center for Applied Legal Studies.
Advice and Legal Aid Office, Kwandebele.
Johannesburg Central Advice Office.
Moutse Project.
Mphome Diaconate Committee.
Human Awareness Program.
Operation Real South Africa.
ODJ Advice Bureau.
Soweto Electricity Advice Center.
Port Elizabeth Black Civic Organization.
IDAMASA (Port Elizabeth).
Northern Transvaal Bail Fund.
Women for Peace (Alexandria).
Noordgesig Advice Center.
Witwaterstrand Council of Churches Advice Bureaux.
Johannesburg Child Welfare Society.
Neighborhood Advice Center.
Alexandra Workers Advice Association.
African Miners Allied Workers Union.
St. Francis Day Care Center, Bashabela.
Umtapo Advice Unit.
Port Shepstone Community Advice Center.
Crisis Center.
Sawela Creche.
Association of Democratic Journalists.
Galiteans Peace Team Project.
UWC Law Students Human Rights Conference.
Lawyers for Human Rights (Durban).

G. Human Rights, Legal Assistance

Black Sash Advice Office Trust.
Legal Resources Center.
Rural Legal Services Project.
Smith, Tabota and Van Hearden, Attorneys.
Bell, Daulet and Hall, Attorneys.
Raymond Tucker, Attorney.

Mr. HELMS. Additional specification of actual dollar amounts for the above grants is to be provided by AID within the next few days.

Mr. HELMS. 2. Has any U.S. support—financial or otherwise—been provided to the Institute for a Democratic Alternative for South Africa?

Answer. Yes, it is my understanding that the National Endowment for Democracy has made a grant of funds for the Institute for a Democratic Alternative for South Africa.

The National Endowment for Democracy granted approximately $25,000 to the Institute for a Democratic Alternative for South Africa to hold a conference in Port Elizabeth this past May.

Mr. HELMS. 3. Has any U.S. support—financial or otherwise—been provided to any project supported by Chief Mangosuthu "Gatcha" Buthelezi? Is there a conscious policy not to provide aid to such projects?

Answer. A.I.D. does not formally vet its South Africa projects with any of the top political leadership in South Africa. However, there most certainly is no policy which discriminates against projects supported by Chief Buthelezi.

Rather, great care is taken to assure that the activities we undertake are fully supported by the local community the project is intended to serve. Thus, our consultations are with local community leaders all over South Africa.

A.I.D. programs in South Africa now offer scholarship support for education at U.S. and South African universities, training in community development skills, basic human rights assistance, training for black trade unionists and entrepreneurs and help meet the food needs of people at risk of starvation. Many of these programs impact directly in Kwa-Zulu and on the citizens of Kwa-Zulu.

Mr. HELMS. 4. Has any U.S. support—financial or otherwise—been provided to the African National Congress, or any project associated with that organization?

Answer. No, A.I.D. has provided no financial or other support to the African National Congress or any South African "political" organization. A.I.D. has never met with the ANC to discuss projects in South Africa.

Mr. HELMS. 5. Section 211 of the Comprehensive Anti-Apartheid Act of 1986 (P.L. 99-440) requires that "No assistance may be provided under this Act, the Foreign Assistance Act of 1961, or any other provision of law to any individual, group, organization, or member thereof, or entity that directly or indirectly engages in, advocates, supports, or approves the practice of execution by fire, commonly known as 'necklacing'."

a. What has A.I.D. done to ensure compliance with this provision of law?

b. Is any affirmative statement or action required on the part of individuals, groups, organizations, or entities that they do not directly or indirectly engage in, advocate, support, or approve the practice of execution by fire, commonly known as 'necklacing' in order to be eligible for U.S. assistance?

c. Have any individuals, groups, organizations, or entities been terminated from U.S. assistance as a result of this provision?

Answer. a. Guidelines established to implement this section of Comprehensive Anti-Apartheid Act of 1986 have our A.I.D. Mission in South Africa as well as our Embassy there increasing efforts to be as familiar as possible with the groups to which assistance is provided. In the event it were discovered that a particular group we are assisting contained in its ranks an individual who has been found to engage in gross violation of internationally recognized human rights we would offer the assisted group the choice of either terminating its relationship with the individual involved or terminating the grant with A.I.D.

b. No, A.I.D. does not require such affirmative statements from the various groups it assist in South Africa. We believe the procedures we use to check the groups assisted are sufficient to assure we are not aiding any individual or entity in South Africa advocating "necklacing".

c. No groups have been terminated since we have not determined that any individual, group, organization or entity we support, supports "necklacing".

Mr. HELMS. 6. Section 103(b)(4)(B) of the Comprehensive Anti-Apartheid Act of 1986

(P.L. 99-440) requires direct U.S. financial assistance to the "families of those killed by terrorist acts such as 'necklacing'." Please provide a list of families who have been assisted with direct U.S. financial assistance pursuant to this requirement and the levels of such assistance. What are the criteria for determining such assistance?

Answer. To implement this section of the Comprehensive Anti-Apartheid Act of 1986 we are currently in the final stages of negotiating a grant agreement with the South African Red Cross.

We selected the South African Red Cross for this grant to ensure that it will be fairly implemented. The South African Red Cross adheres to the principle of impartiality, a hallmark of the International Committee of the Red Cross (ICRC). The ICRC has agreed to monitor the performance of the South African Red Cross in its implementation of our grant. The South African Red Cross is highly regarded as a humanitarian organization and is truly committed to helping individuals and families regardless of political or employment affiliations.

Since the grant is still being negotiated we have no data on actual disbursements at this time. The criteria for determining the provision of assistance constitute an element of the sensitive negotiations now in progress with the South African Red Cross. We expect these negotiations to be completed during the month of August, and we will provide the agreed upon criteria to you at that time.

Mr. HELMS. Follow-up to question #6. Provide an update of the negotiations for the grant agreement and the expected date of implementation.

Answer. The basic negotiations between A.I.D. and the national office of the South African Red Cross (SARC) have been completed. The criteria for providing support are governed by the impartial international criteria of the International Committee of the Red Cross (ICRC). The National Office of the South Africa Red Cross and the ICRC are currently negotiating technical implementation details with SARC's regional office which will be making the assistance to the affected families available. A South Africa Red Cross Board meeting is scheduled for Saturday, August 1 with a final meeting with AID/South Africa, scheduled for Tuesday, August 4. An agreement is scheduled to be signed shortly thereafter.

Mr. HELMS. The supplemental appropriations act for fiscal year 1987 (P.L. 100-71) requires a Presidential certification for any country for which the President proposes to disburse funds within the Southern Africa Development Coordination Conference that such country (1) has not advocated the form of terrorism, commonly known as "necklacing," used against South African blacks; (2) has provided assurances that it has taken action against any person who has been found to have practiced necklacing against South African blacks; and (3) is not knowingly allowing terrorists who practice necklacing to operate in its territory.

a. Has such a certification been made for any SADCC country? If so, please provide a detailed explanation of the rationale for each certification.

b. Does the U.S. government consider members of the African National Congress to be "terrorist" for purposes of this requirement?

c. Does the U.S. government consider members of the ANC's military wing, the Spear of the Nation, to be "terrorist" for purposes of this requirement?

d. Does the U.S. government consider members of the South African Communist Party to be "terrorist" for purposes of this requirement?

Answer. a. I have been informed that the Department of State is in contact with the concerned governments with regard to the requirements necessary for certification under the law, but that no such certification has yet to been made.

As I understand it, the requirement for certification turns upon the actions of the governments in question toward those who engage in the practice of necklacing.

With regard to questions b, c and d, I understand that the Department of State is studying the legislation that you refer to.

Mr. HELMS. Follow-up to question #7. Provide a time line for the State Department review of this legislation.

Answer. The Department of State has been in touch with the concerned governments and is both receiving and assessing pertinent information. Since it is the intention of the Administration to obligate the SADCC funds this fiscal year, it expects to finish the review and complete the determination and certification process by mid-September.

Mr. HELMS. 8. Please provide a list of each donor country's contributions to SADCC as well as a list of each recipient country's allocation from SADCC.

Answer. First, SADCC itself does not make country specific allocations. Financing for SADCC projects is allocated by donors to a specific regional institution or the country or countries in which the project activity occurs, not to SADCC, which is a regional development planning organization. The exceptions to this are a few small grants for regional studies provided directly to the SADCC Secretariat. By definition the direct beneficiaries are generally broader than the specific country in which a donor financed activity occurs. For example, the Dar es Salaam corridor project, currently under preparation, provides direct benefits to Malawi, Zambia and Tanzania. Project financing is allocated to the rail company, TAZARA, while actual rail and train rehabilitation occurs only in Tanzania and Zambia.

The following is a list of major donors and their contribution to SADCC programs according to the latest information available.

	Millions, 1986
EEC	$110.0
United Kingdom	14.7
France	39.0
Denmark	52.6
Holland	50.0
Sweden	32.0
Italy	50.0
Canada	25.0
Germany (FRG)	20.0
United States	14.7
Total	408.0

Mr. HELMS. 9. During Mr. McPherson's testimony before the Committee on March 10, he suggested that rather than having the United States contact the Mozambique National Resistance (RENAMO) directly—with respect to food aid for Mozambique—we would rely on the efforts of a U.N. food coordinator.

a. Now that one has been appointed, has he met with RENAMO about food relief efforts?

b. Has any U.N. food coordinator or other U.N. representative met with RENAMO about getting food relief to RENAMO-controlled areas?

c. If not, what is A.I.D. doing to ensure contact with RENAMO with regard to food relief to RENAMO-controlled areas of Mozambique?

Answer. a. Not to my knowledge.

b. Not to my knowledge.

c. As part of the overall relief effort for Mozambique that is coordinated by the U.N., the ICRC, which traditionally has been the international organization which provides assistance to victims in conflict situations, has taken on the role of food delivery to the contested areas of Mozambique. In that context the ICRC has been in contact with representatives of RENAMO and the Mozambique Government to ensure safe transport of food supplies in these contested areas. A.I.D. has encouraged ICRC in these efforts and has offered to support ICRC's program. ICRC is presently planning a major expansion of its food delivery operations.

Mr. HELMS. Follow-up to question #9. If the U.N. coordinator is not talking to the RENAMO representative, then how does A.I.D. ensure that food deliveries to RENAMO held areas are not disrupted.

Answer. A.I.D. is relying on the International Committee of the Red Cross to provide humanitarian assistance to areas directly affected by the RENAMO insurgents. ICRC has traditionally been the organization that assists victims in conflict situations. The ICRC has already begun regular visits to conflict-affected districts in Central Mozambique and is expanding the coverage of its program. These visits are made regularly with advanced notification to all parties so that both sides in the conflict are aware of them. So far there has been no disruption to these ICRC activities. The ICRC has been concentrating on medical treatment and nutritional surveillance. However, A.I.D. has put at ICRC's disposal 1,500 MT of food aid to respond to any severe malnutrition it detects. A.I.D. is also planning a response to ICRC's latest appeal for its Mozambique program. To ensure ICRC is making maximum efforts, we have met and will continue, on a regular and systematic basis, to meet with ICRC representatives. This is being done by our A.I.D. Representatives in Maputo.

NOMINATION OF JOHN DANIEL TINDER

Mr. LEAHY. Mr. President, the Judiciary Committee approved yesterday the nomination of John Daniel Tinder to be a U.S. district judge for the Southern District of Indiana. The committee held a hearing on this nomination, at which I presided, on July 21. For the benefit of my fellow Senators, who will soon vote on whether to confirm this nomination, I offer the following brief summary of the nominee's qualifications and experience, and of the testimony elicited at the hearing.

Mr. Tinder currently serves as U.S. attorney for the district which he has been nominated to serve as a judge. He has held this position since 1984. The nominee's previous experience includes stints as a Federal and State prosecutor, as a public defender, and as an attorney in private practice with two Indianapolis firms. Mr. Tinder, who is 37 years old, received both his undergraduate and law degrees from the University of Indiana. The Ameri-

can Bar Association's Standing Committee on the Federal Judiciary rated him as "Qualified" for the Federal court.

At the hearing on July 21, the nominee, after being introduced by Senators LUGAR and QUAYLE, and by Representative ANDREW JACOBS, the nominee was questioned concerning his recent resignations from two social clubs that do not admit women as members; his establishment of a blind trust approved by the Office of Government Ethics; the transition from a prosecutorial to a judicial role; and methods of constitutional interpretation. In response to written follow up questions which I submitted to him, Mr. Tinder discussed the aspects of his experience as a lawyer which he felt qualified him for the Federal bench despite his relative youth. The nominee's responses to the questions posed to him at the hearing and afterwards were satisfactory.

Mr. President, I would note for the record that once again the Judiciary Committee has moved expeditiously to present this nomination to the Senate for its consideration. The position to which Mr. Tinder has been nominated became vacant on December 31, 1986. More than 5 months later, on June 2, 1987, the President nominated Mr. Tinder to fill this vacancy. A hearing was held on his nomination on July 21, and the committee approved the nomination about 2 weeks later, on August 6. Thus, well over two-thirds of the vacancy period is attributable to the time it took the President to decide to nominate Mr. Tinder. Less than one-third of the period is attributable to the advice and consent procedures of the Senate.

Mr. President, this nomination comes before the Senate with the favorable recommendation of the Judiciary Committee. I hope that it will be speedily confirmed.

Mr. BYRD. Mr. President, I think now that all the business has been transacted that we can transact.

ORDER THAT CLOTURE VOTE ON SEPTEMBER 9, 1987, OCCUR AT 2 P.M. AND THAT THE MANDATORY QUORUM BE WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture—I make this request as in executive session—I ask unanimous consent that the vote on the motion to invoke cloture on the Melissa Wells nomination, which will occur on Wednesday, September 9, occur at 2 o'clock that day and that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, it is so ordered.

ADJOURNMENT UNTIL WEDNESDAY, SEPTEMBER 9, 1987 AT 10 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the provisions of House Concurrent Resolution 175, as amended, that the Senate stand in adjournment until the hour of 10 a.m., on Wednesday, September 9, 1987.

The motion was agreed to; and, at 9:38 p.m., in accordance with the provisions of House Concurrent Resolution 175, as amended, the Senate adjourned until Wednesday, September 9, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 7, 1987:

DEPARTMENT OF STATE

William Caldwell Harrop, of New Jersey, a career member of the senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zaire.

William Henry Houston III, of Mississippi, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Textile Matters.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

William Schneider, Jr., of New York, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice Colin Spencer Gray, resigned.

DEPARTMENT OF DEFENSE

Stephen M. Duncan, of Colorado, to be an Assistant Secretary of Defense, vice James H. Webb, Jr., resigned.

DEPARTMENT OF COMMERCE

Jeffrey M. Samuels, of Virginia, to be an assistant commissioner of Patents and Trademarks, vice Margaret Muth Laurence.

MISSISSIPPI RIVER COMMISSION

Rear Admiral Wesley V. Hull, National Oceanic and Atmospheric Administration, to be a member of the Mississippi River Commission, vice John D. Bossler.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Thomas G. Pownall, of Maryland, to be a member of the board of trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term of 2 years, New Position.

INTERSTATE COMMERCE COMMISSION

Frederic N. Andre, of Indiana, to be a member of the Interstate Commerce Commission for a term expiring December 31, 1992. (Reappointment)

MARINE MAMMAL COMMISSION

Francis H. Fay, of Alaska, to be a member of the Marine Mammal Commission for the term expiring May 13, 1988, vice William Evans, resigned.

DEPARTMENT OF JUSTICE

Thomas J. Ashcraft, of North Carolina, to be U.S. attorney for the western district of North Carolina for the term of 4 years, vice Charles R. Brewer, term expired.

THE JUDICIARY

Robert E. Cowen, of New Jersey, to be U.S. circuit judge for the third circuit, vice James Hunter III, retired.

Stephen S. Trott, of Virginia, to be U.S. circuit judge for the ninth circuit, vice Joseph T. Sneed, retired.

Wade Brorby, of Wyoming, to be U.S. circuit judge for the 10th circuit, vice James E. Barrett, retired.

Nicholas H. Politan, of New Jersey, to be U.S. district judge for the district of New Jersey, vice Herbert J. Stern, resigned.

Richard J. Arcara, of New York, to be U.S. district judge for the western district of New York, vice John T. Elfvin, retired.

Executive nominations confirmed by the Senate August 7, 1987:

DEPARTMENT OF STATE

Nicholas Platt, of the District of Columbia, a career member of the senior Foreign Service, class of career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

Leonard Grant Shurtleff, of New Hampshire, a career member of the senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of the Congo.

Warren Clark, Jr., of Connecticut, a career member of the senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Charles L. Gladson, of California, to be an Assistant Administrator of the Agency for International Development.

AFRICAN DEVELOPMENT FOUNDATION

Charles L. Gladson, an assistant administrator of the Agency for International Development, to be a member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 22, 1991.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Philip N. Hogen, of South Dakota, to be U.S. attorney for the district of South Dakota for the term of 4 years.

THE JUDICIARY

John Daniel Tinder, of Indiana, to be U.S. district judge for the southern district of Indiana.

EXTENSIONS OF REMARKS

THE CARIBBEAN BASIN REGIONAL DEVELOPMENT COMMISSION

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to enhance current Caribbean Basin Initiatives and complement similar legislative efforts by our Trade Subcommittee Chairman GIBBONS and Oversight Chairman PICKLE.

My legislation provides a reliable funding mechanism for improving the infrastructure of CBI countries, for improving production capacities, for promoting tourism and facilitating economic integration among CBI nations. It does not, in any way, however, encourage domestic production relocation to CBI nations.

The establishment of a Caribbean Basin Regional Development Commission would greatly enhance the effectiveness of our efforts in the region and improve economic and long-term stability in this area so vital to our national interests.

For your perusal, I have enclosed a copy of a summary of my legislation and encourage my colleagues to examine these proposals closely and join me moving them toward fruition:

SCHULZE BILL OUTLINE

I. CARIBBEAN BASIN REGIONAL DEVELOPMENT COMMISSION

A. Establishes a Caribbean Basin Regional Development Commission composed of 5 persons appointed by the Secretary of Commerce who by training and experience are knowledgeable regarding the Caribbean Basin Initiative (CBI).

The term of office is two years, with a maximum of two terms.

B. The Commission shall provide financial assistance to beneficiary countries to carry out projects that (a) improve the infrastructure of such countries; (b) improve production capacities; (d) promote tourism and (e) facilitate economic integration among beneficiary countries.

C. Each beneficiary country shall submit a development plan consistent with the above objectives for approval by the Commission.

The Commission may not approve any portion of a plan that will (a) result in, or add to, surplus capacity for the production of specific articles or (b) cause production facilities to be transferred to a beneficiary country.

D. The Commission may work with U.S. firms or on its own initiative suggest proposals to a beneficiary country for inclusion in its plan.

E. Upon approval of the plan, the Commission shall transfer to beneficiary countries monies collected from dutiable items imported from such countries.

Fifty percent of the duties collected shall be distributed to Eastern Caribbean countries and fifty percent shall go to the larger beneficiary countries.

Also, amounts authorized and appropriated each year from duties collected on imports from Latin American CBI donor countries (not to exceed 20% of such duties) shall go into a matching grant account whereby the Commission can match up to 100 percent of approved projects financed by the beneficiary country.

II. TREATMENT OF SUGAR AND SUGAR CONTAINING PRODUCTS

A. GSP limits on duty-free treatment of imports of sugar is repealed because quantitative limits govern all imports of sugar at this time.

B. Quotas shall not be applied to sugar containing products (containing not less than 10 percent dry weight of crystalline sugar) imported from beneficiary countries, notwithstanding section 902(a) of the Food Security Act of 1985.

EXTEND THE SCHOOL YEAR TO 240 DAYS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. LEVINE of California. Mr. Speaker, today I am introducing legislation that is designed to extend the school year to 240 days and create an incentive program for schools that do an exceptionally good job of teaching their students.

No one can deny that there is room for improvement in the U.S. educational system. If we expect to maintain a competitive edge over the rest of the world, we must bring the quality of American education up to world standards.

A recent report by the Department of Labor on the future of the American work force reported that:

> Very few jobs will be created for those who cannot read, follow directions, and use mathematics. [The] demographic trends in the work force, coupled with the higher skill requirements of the economy, will lead to both higher and lower employment: more joblessness among the least-skilled and less among the most educationally advantaged.

Thus, the quality of the education our children receive will be key not only to their own personal well being, but also to our ability to remain a world economic power. Thus, improving our educational system must be a top national priority. The United States has a significantly shorter school year than other industrialized nations. In Japan, children go to school for 240 days per year. In Europe, the figure is 220 days. Here in the United States, children go to school for 180 days. It should be no mystery why American students perform significantly poorer on standardized tests than do their counterparts in Europe and Japan. I reject the notion that Japanese and European children are smarter or more talented than American children. Our children have the ability to lead the world in educational achievement if we will just give them the tools to do so. It is unfair to expect American students to learn as much in 180 days as their European and Japanese counterparts learn in 220 to 240 days.

The 180-day school year is outdated for more reasons than the fact that it is hindering the learning of our students—it is a throwback to the days when children were needed in the fields to help their parents harvest their crops. That is obviously not as great a concern today as it once was.

This program will not come cheaply. My legislation will provide $10 billion per year to defray the additional costs to local school districts that increase the length of the school year. While this may sound expensive, it is, in reality only a fraction of the costs of a longer school year. I have included this figure for reasons of fairness. If the Federal Government is going to impose additional burdens on our schools it should help foot part of the bill.

However, local school districts are going to have to help finance an extended school year. This will require a reordering of priorities on their part.

Today the United States spends more on education, in relation to gross national product, than any other nation except Sweden. Clearly we are not getting everything we should. Part of the reason is a misdirection of priorities. The schools must find ways to reduce spending in some areas and concentrate their efforts on educating our children. It is interesting to note that in Boston, teachers make up less than half of the employees on the school district payroll. Clearly, economies can, and must be found.

My legislation will also create a $10 billion program to benefit schools whose students perform above the national average on national competency examinations. These scores will be adjusted to reflect scores for socioeconomically equivalent school districts. This will provide an impetus for teachers to do their best to help their students excel.

We cannot solve our educational problems by simply lengthening the school year or throwing more money at the schools. However, we cannot expect our students to compete internationally if they have 25 percent less classroom time than children in other nations. American children are smart, but it is unfair to expect them to compete effectively on an uneven playing field. In the high technology world of the future, a high quality education will be more important than ever before.

Thus, while we should not delude ourselves in believing that money alone will solve our problems, we cannot afford to skimp on funding for education. We must be willing to spend whatever is necessary to give our children a world class education and create a world

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

class work force. I am convinced that the American people are willing to pay the bill to ensure their children a quality education.

Nothing less than the future of our country is at stake here. This legislation will make an important contribution to improving our international competitiveness and will help ensure that no child anywhere in the world receives a better education than an American child.

FOURTH DISTRICT RESIDENTS SPEAK OUT ON THE ISSUES

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. LENT. Mr. Speaker, in April, I mailed my 17th annual questionnaire to the residents of the Fourth Congressional District in Nassau County, NY. A tradition throughout my years in Congress, the questionnaire provides me with an accurate and invaluable gauge of my constituents' positions on important national issues. Knowing their thoughts and opinions helps me do a better job representing them in Congress.

As in the past, there was a tremendous response, with over 18,000 people participating in this year's poll. I'd like to thank everyone who took the time and effort to complete the questionnaire and to let me know what they think about the problems facing our Nation today.

Three of the poll's 10 questions dealt with deficit reduction and the budget. I'd like to point out to my colleagues that a significant majority of 82.8 percent felt that Congress should make every effort to adhere to the statutory deficit reduction target of $108 billion for fiscal year 1988 required by the Gramm-Rudman-Hollings law. This is a far cry from the "so-called" savings made by the Democratic budget plan recently passed by Congress over my objections. Furthermore, 76 percent opposed even a temporary delay in the tax rate reductions brought about with tax reform as a means to reducing the deficit. In addition, a proposal to save Federal dollars through the privatization of the Amtrak rail passenger line was approved by a margin of 76.2 percent.

On other important national issues, better than 93 percent favored random drug and alcohol testing of airline and railroad crews responsible for public safety and endorsed requiring able-bodied welfare recipients to perform public service work to qualify for benefits.

Ninety-three percent of respondents now covered by Medicare said they would be willing to pay an additional $5 per month for comprehensive catastrophic health care coverage. Unfortunately, these benefits will cost seniors as much as $1,454 per individual per year—$2,908 for couples—through higher premiums under the House-passed bill. That's a far cry from $5 a month and when senior citizens find out exactly what they'll be paying, I predict there'll be an uproar heard from Maine to California.

A somewhat smaller, although significant, majority voted "yes" on the question of raising the national minimum wage from the current $3.35 per hour to as much as $4.85 per hour. However, respondents were more equally divided on who to reduce the trade deficit: 52 percent opposed and 48 percent supported restricting foreign imports even at the risk of retaliation against American exports abroad and higher prices for American made goods. Federal legislation to control acid rain pollution garnered the support of 94.7 percent of those polled.

The final question deals with a matter of considerable importance to hundreds of thousands of commuters who ride the Long Island Rail Road [LIRR] to and from work every day. The LIRR is currently under the jurisdiction of the Federal Railway Labor Act which permits strikes. Last January, in a dispute with management, rail labor walked off the job, leaving commuters stranded without reliable rail transportation. And, as you may recall, emergency legislation I introduced to end the 11-day strike and restore service was debated and passed in this very chamber. Following Senate approval, the President signed the bill into law and workers were ordered back on the job.

However, in order to prevent future strikes, some have urged bringing the LIRR under the jurisdiction of the New York State Taylor Act which prohibits strikes by public employees, such as police and firemen. A full 85.1 percent said they favor Federal legislation to accomplish this change. Certainly, this is a matter Congress should give full consideration to.

Mr. Speaker, I hope that by sharing this information, my colleagues have gained a better understanding and appreciation for the views of my Long Island constituents on these critical national issues. These results will be made available to the media and conveyed to President Reagan as well.

In closing, I'd like to thank the good people of New York's Fourth Congressional District for their help in making my 17th annual questionnaire a success. Their participation and the involvement of all our citizens is the most essential ingredient to the future of American democratic Government.

THE QUALITY CONTROL AMENDMENTS OF 1987

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. MATSUI. Mr. Speaker, today I am introducing legislation reinstituting the moratoria on the collection of fiscal penalties from States in the Aid to Families with Dependent Children [AFDC], Medicaid, and Food Stamps Programs.

The purpose of the quality control system is to help States improve administration and to reduce errors. Its purpose is not, or should not be, to force States to cut benefits or develop more restrictive eligibility requirements. Its purpose is not to shift costs from the Federal to State budgets. Its purpose is certainly not to force States to cutback on administrative staff or otherwise reduce administrative resources which will undoubtedly result in more errors in the future. This is counterproductive and the reverse of what the quality control system seeks to achieve. Yet, when 49 States face potential fiscal sanctions in the AFDC, Medicaid, and Food Stamps Programs, that is exactly what States will be forced to do.

During the last legislative session, we recognized that our present quality control system was inherently flawed and we acted upon these concerns. The House called for major reform through passage of the AFDC Error Reduction and Quality Control Improvement Act, which I sponsored. Unfortunately, during conference deliberations on COBRA, that provision was dropped. Instead, the conferees adopted a 2-year moratorium on the collection of sanctions under the AFDC program while the National Academy of Sciences conducted a study of the quality control system. Similar provisions to study the quality control system for the Food Stamps and Medicaid Programs were also adopted last Congress; however, there was no moratorium extended to the Medicaid Program and the Food Stamp moratorium was cut to only 6 months.

When we enacted the quality control study and moratorium provisions, it was contemplated that reform of the system would take 2 years. The study was to be completed within 1 year and Congress was to have an additonal year to review and implement the recommendations. Recently, the National Academy of Sciences released a portion of this congressionally mandated study addressing food stamp quality control reform. The Academy, however, does not anticipate finishing the rest of the report until the end of 1987.

The completion of the study has taken longer than anticipated, which now necessitates certain revisions to the existing timetable for quality control reform. The legislation I am introducing today would extend the moratoria in all three programs until the end of fiscal year 1988. This extension would give Congress the necessary time to review the study recommendations and enact legislation implementing a new Federal quality control system.

Through the establishment of the moratoria, we recognized that States should not be penalized under a system whose accuracy had been widely challenged. As we begin the task of reviewing the work of the National Academy of Sciences and preparing reform initiatives, we cannot continue imposing fiscal penalties against the States—especially when the evidence illustrates overwhelmingly that the existing system is not working:

Notwithstanding the tremendous progress that States have made to reduce errors, the number of States subject to sanction and the amount of money levied in penalties continues to increase at an alarming rate. Ironically, despite continued improvements in States performance, after 4 years of official sanctions in all three programs, every single State but one has been subject to fiscal penalties. More alarming, however, is the result—pending penalties potentially totaling over $1 billion. I respectfully request that the following charts be printed in the RECORD to illustrate the extent of State performance and liability under the current quality control system.

When virtually every State in the Union is subject to exorbitant fiscal penalties, our quality control system is crying out for reform. I support the concept of sanctions under certain conditions; however, until the results of the quality control studies can be analyzed and the recommendations acted upon, I believe that a moratorium is the most reasonable way to handle this potentially explosive situation.

My legislation will give us the opportunity to enact substantive reforms and it will protect the integrity of the existing programs. Until we can develop a new system that will serve as an effective management tool measuring overall State performance, we cannot allow the existing process to be used to impose additional and more punitive hardships upon the States and ultimately the very people these programs are to serve.

I urge my colleagues to join me in this effort which is of such vital importance to preserving an effective Federal-State partnership in the management of our major means-tested entitlement programs.

AFDC PAYMENT ERROR RATES

	Fiscal year—				
	1981	1982	1983	1984	1985
National average	7.7	6.9	6.5	6.0	6.25
Alabama	7.7	5.3	3.2	4.4	4.0
Alaska	18.1	12.1	15.5	6.8	10.5
Arizona	8.3	11.6	10.0	9.7	9.3
Arkansas	6.8	7.0	4.9	3.8	3.0
California	6.8	6.0	4.8	5.2	6.3
Colorado	8.2	6.6	6.2	4.6	5.5
Connecticut	7.5	6.4	4.4	3.4	4.7
Delaware	11.6	11.9	9.4	7.8	7.9
District of Columbia	13.6	17.1	13.1	11.2	9.9
Florida	7.9	6.0	4.5	5.4	5.7
Georgia	6.5	5.1	5.7	6.2	7.8
Hawaii	10.1	8.2	6.9	6.7	6.3
Idaho	9.1	5.4	3.0	9.7	3.9
Illinois	8.3	8.2	6.8	6.5	7.4
Indiana	4.1	3.9	4.9	4.0	4.7
Iowa	4.3	4.5	3.4	3.7	4.9
Kansas	8.1	2.8	5.1	5.5	5.2
Kentucky	5.0	3.6	3.4	4.1	3.1
Louisiana	6.7	6.2	5.7	5.8	7.2
Maine	7.9	4.1	4.5	4.1	5.7
Maryland	11.6	8.2	5.3	5.7	7.0
Massachusetts	9.3	7.4	11.4	7.8	3.6
Michigan	7.3	8.2	9.1	8.0	6.6
Minnesota	4.4	3.0	2.6	2.0	3.0
Mississippi	6.9	4.7	3.5	2.0	2.8
Missouri	7.1	4.8	3.4	3.7	3.9
Montana	4.9	2.5	2.5	6.9	7.5
Nebraska	5.5	9.6	4.7	6.9	8.1
Nevada	2.3	1.3	2.7	2.1	2.6
New Hampshire	6.6	5.9	4.3	7.5	5.2
New Jersey	8.0	7.3	6.4	5.1	6.3
New Mexico	12.4	10.5	6.3	5.9	5.7
New York	8.0	8.0	9.4	7.1	7.4
North Carolina	5.4	3.3	2.7	3.5	2.2
North Dakota	3.1	1.9	2.1	4.7	1.2
Ohio	8.9	7.6	5.6	6.4	6.6
Oklahoma	6.6	3.8	4.1	3.0	2.8
Oregon	6.8	7.1	6.0	4.6	3.9
Pennsylvania	9.0	8.5	9.1	9.1	6.6
Puerto Rico	8.9	8.9	8.6	7.7	6.3
Rhode Island	6.3	5.7	6.2	3.7	4.6
South Carolina	7.8	8.9	7.1	7.8	6.9
South Dakota	4.7	3.7	2.1	2.9	1.5
Tennessee	8.9	4.9	4.5	4.3	3.4
Texas	7.5	8.4	7.2	5.7	4.3
Utah	4.9	5.0	5.7	5.8	4.5
Vermont	5.2	4.5	7.9	5.8	5.7
Virginia	3.6	4.1	3.8	3.5	3.5
Washington	9.3	6.4	4.8	4.1	6.4
West Virginia	7.4	8.2	3.0	4.8	5.8
Wisconsin	8.2	6.5	5.1	6.6	8.8
Wyoming	13.7	4.8	7.1	5.6	3.0

AFDC DISALLOWANCES

	Fiscal year—			
	1981	1982	1983	1984
Alabama	47,000			700,000
Alaska			1,000,000	700,000
Arizona	[1] 209,000	1,090,634	2,400,000	2,800,000
Arkansas		323,042	200,000	200,000
California	25,067,000	27,358,934	12,000,000	34,500,000
Colorado	1,898,00	1,130,182	1,200,000	900,000
Connecticut	424,000	854,023	400,000	400,000
Delaware		454,227	700,000	700,000
District of Columbia		3,013,839	3,700,000	3,100,000
Florida	3,467,000	1,782,642	1,700,000	3,400,000
Georgia			2,200,000	4,300,000
Guam			500,000	600,000
Hawaii	1,212,000	1,083,939	1,300,000	1,500,000
Idaho	691,000	168,807		900,000
Illinois			11,600,000	14,800,000
Indiana	113,000		700,000	900,000
Iowa				600,000
Kansas	1,903,000		500,000	1,100,000
Kentucky				1,100,000
Louisiana			1,500,000	2,600,000
Maine	168,000		200,000	600,000
Maryland	[1] 1,325,000	1,093,979	1,400,000	3,100,000
Massachusetts			16,600,000	9,700,000
Michigan		13,305,903	29,100,000	30,800,000
Minnesota	571,000			
Mississippi				
Missouri				900,000
Montana				700,000
Nebraska	280,000	1,521,056	200,000	1,300,000
Nevada				
New Hampshire			50,000	600,000
New Jersey	[1] 1,200,000	4,019,957	5,900,000	5,200,000
New Mexico	2,554,000	1.929,997	600,000	1,000,000
New York	6,270,000	19,812,355	47,600,000	39,400,000
North Carolina				500,000
North Dakota				200,000
Ohio	3.935,000	5,894,804	5,800,000	13,600,000
Oklahoma	1,508,000		20,000	10,000
Oregon			1,000,000	900,000
Pennsylvania		1.797,228	21,200,000	24,500,000
Puerto Rico	1,714,000	1,749,392	2,200,000	1,800,000
Rhode Island			900,000	300,000
South Carolina	[1] 1,004,000	2,071,595	1,700,000	2,600,000
South Dakota	13,000			
Tennessee	1,754,000		300,000	700,000
Texas	1,112,000	2,138,881	2,100,000	2,800,000
Utah	[1] 300,000	324,594	600,000	1,000,000
Vermont	[1] 225,000	93,532	1,000,000	800,000
Virgin Islands			100,000	
Virginia				400,000
Washington	4,162,00	1,826,594	1,000,000	1,600,000
West Virginia		691,271		1,000,000
Wisconsin		294,799	3,000,000	10,700,000
Wyoming	413,000	33,281	200,000	200,000
Total	69,200,000	95,951,000	189,000,000	223,000,000

[1] Full disallowance waived.

MEDICAID PAYMENT ERROR RATES

	Fiscal year—				
	1981	1982	1983	1984	1985
National average	3.8	3.8	2.8	2.6	2.7
Alabama	3.02	2.9	2.8	3.0	1.6
Alaska	12.7	2.6	5.2	2.6	2.0
Arizona	3.08			7.3	6.2
Arkansas		3.5	3.6	3.4	1.7
California	5.8	5.5	2.7	4.2	2.8
Colorado	4.1	5.5	4.1	2.6	4.1
Conneticut	5.1	2.1	1.4	2.6	2.4
Delaware	9.4	4.4	1.1	.9	.4
District of Columbia	2.6	10.8	3.8	1.6	4.8
Florida	5.3	4.3	1.8	2.4	1.4
Georgia	6.8	5.6	2.7	6.3	4.3
Hawaii	8.4	6.8	2.3	1.5	1.9
Idaho	4.6	2.4	1.0	1.8	.7
Illinois	4.9	2.0	2.2	2.4	1.9
Indiana	1.0	7.4	5.0	4.8	3.6
Iowa	3.0	4.7	2.4	2.0	2.1
Kansas	3.1	3.0	2.9	3.1	1.1
Kentucky	4.4	2.8	2.3	1.6	1.5
Lousiana	3.2	3.1	3.5	1.9	2.8
Maine	7.5	7.7	4.6	1.8	3.6
Maryland	5.2	4.0	2.7	2.2	3.2
Massachusetts	8.3	7.8	4.6	2.7	2.5
Michigan	2.7	3.3	2.1	2.6	2.2
Minnesota	.5	.5	1.9	1.3	3.4
Mississippi	3.0	5.7	3.1	1.1	2.4
Missouri	.5	3.4	4.9	1.4	3.1
Montana	14.7	8.5	1.5	.9	2.2
Nebraska	6.0	5.1	3.2	1.7	1.5
Nevada	1.8	2.1	.7	.5	.1
New Hampshire	3.5	4.1	1.7	2.6	.2
New Jersey	3.0	2.5	2.1	1.2	1.2
New Mexico	3.9	8.4	7.1	3.7	3.0
New York	2.4	1.9	2.8	2.3	2.8
North Carolina	3.7	2.1	1.5	.7	2.3
North Dakota	3.6	2.3	1.1	1.0	1.1
Ohio	2.2	4.5	2.6	2.7	3.5
Oklahoma	5.7	3.0	3.4	5.5	5.0
Oregon	3.4	3.5	1.9	2.1	1.6
Pennsylvania	3.6	5.5	2.9	3.8	4.1
Rhode Island	5.5	2.0	4.0	1.2	2.5
South Carolina	2.3	5.8	4.2	3.6	3.0
South Dakota	3.7	3.5	1.5	1.0	1.4
Tennessee	3.5	4.5	2.2	1.7	2.5
Texas	3.4	5.4	3.0	2.8	1.8
Utah	4.9	3.7	1.2	3.2	1.1
Vermont	5.0	4.2	3.3	4.3	2.8
Virginia	2.0	3.2	1.6		
Washington	6.8	6.7	3.3	2.2	2.0
West Virginia	10.2	5.5	.3	1.6	1.8
Wisconsin	3.1	3.9	3.2	3.3	2.2
Wyoming	3.9	3.6	2.6	1.4	2.3

MEDICAID DISALLOWANCES

	Fiscal year—				
	1981	1982	1983	1984	1985
Alabama				13,314	
Alaska	1,955,00		487,738		
Arizona			274,918	1,269,480	944,548
Arkansas			2,091,634	652,496	
California		4,112,979	8,201,735	11,910,430	
Colorado	171,000	1,653,883			748,612
Connecticut					
Delaware	359,000				
Distict of Columbia		3,269,333			1,519,513
Florida					
Georgia				6,707,527	3,407,726
Guam					
Hawaii	2,309,000	1,660,577			
Idaho	234,000				
Illinois					
Indiana		9,870,921		6,836,060	2,734,825
Iowa					
Kansas				103,209	
Kentucky					
Louisiana					
Maine		655,091			744,843
Maryland			30,344		574,555
Massachusetts		6,771,575	873,300		
Michigan					
Minnesota					2,092,336
Mississippi		732,509			
Missouri			6,153,787		
Montana					
Nebraska	1,567,000	894,150	784,641		
Nevada					
New Hampshire		219,402			
New Jersey					
New Mexico		1,587,507	271,994		790,405
New York					
North Carolina					
North Dakota					
Ohio					5,063,621
Oklahoma	1,170,000				4,407,145
Oregon					
Pennsylvania			465,230		8,160,461
Puerto Rico					
Rhode Island	1,018,000			399,629	
South Carolina		1,671,286		370,913	
South Dakota					
Tennessee		855,983			
Texas		3,301,065			
Utah	614,000			217,701	
Vermont	27,000			484,276	
Virgin Islands					
Virginia					
Washington	2,645,000	3,266,889	848,388		
West Virginia	1,321,000	92,986			
Wisconsin			1,166,652	1,330,919	
Wyoming			24,994		
Total	12,578,000	40,616,046	22,076,024	37,562,953	32,188,590

FOOD STAMP PAYMENT ERROR RATES

State	Fiscal year—				
	1981	1982	1983	1984	1985
National average	12.4	11.9	8.32	8.64	8.30
Alabama	7.36	5.72	6.98	13.35	13.50
Alaska	23.23	20.80	13.86	8.79	13.53
Arizona	12.25	11.58	9.79	9.38	9.38
Arkansas	9.17	9.54	8.88	9.66	7.88
California	7.11	8.61	6.73	7.67	7.08
Colorado	12.87	15.07	12.63	10.66	8.48
Connecticut	9.97	12.73	12.80	7.11	7.04
Delaware	7.45	6.40	4.54	6.40	7.17
District of Columbia	13.12	11.10	10.08	8.80	9.81
Florida	12.85	10.25	10.09	9.00	6.71
Georgia	9.48	8.34	7.48	9.57	12.91
Hawaii	6.97	5.96	4.28	3.69	4.35
Idaho	9.49	8.32	8.48	6.88	5.16
Illinois	8.50	8.93	7.23	8.31	8.16
Indiana	8.08	7.41	8.77	8.64	10.90
Iowa	9.11	9.25	8.51	8.51	8.41
Kansas	11.12	9.69	9.09	7.35	8.16
Kentucky	7.75	7.15	6.90	8.93	6.00
Louisiana	10.45	9.71	9.45	10.16	9.76
Maine	8.09	8.49	8.37	6.74	7.91
Maryland	14.22	9.70	7.12	6.85	7.37
Massachusetts	11.31	13.38	13.60	9.68	9.71
Michigan	9.30	8.99	7.70	6.46	7.35
Minnesota	7.65	8.37	7.92	9.77	9.51
Mississippi	10.10	9.11	8.23	9.24	7.98
Missouri	8.52	7.40	6.72	5.83	5.33
Montana	13.48	7.56	5.52	8.77	7.44
Nebraska	11.02	10.67	7.22	8.79	9.04
Nevada	3.39	1.48	2.17	2.54	2.48
New Hampshire	12.53	16.29	9.99	8.18	4.42
New Jersey	9.40	8.68	7.95	7.47	8.50
New Mexico	13.34	12.85	11.43	11.83	8.83
New York	13.63	11.42	9.98	10.14	7.11
North Carolina	11.37	10.51	7.86	7.22	6.49
North Dakota	5.16	6.89	4.98	6.27	3.53
Ohio	7.74	8.56	6.90	6.65	7.43
Oklahoma	9.31	8.02	8.79	7.63	10.58
Oregon	8.99	10.36	10.03	9.18	9.41
Pennsylvania	9.567	10.87	10.37	10.41	9.36
Puerto Rico	9.71	N/A	N/A	N/A	N/A
Rhode Island	10.50	8.90	8.90	7.08	8.00
South Carolina	9.03	9.57	8.20	10.90	12.10
South Dakota	8.26	10.64	7.84	3.59	3.15
Tennessee	11.31	10.04	6.83	6.09	6.39
Texas	9.28	9.69	7.57	9.97	10.38
Utah	7.89	9.79	13.29	11.43	7.26
Vermont	9.21	10.26	16.71	9.71	8.06
Virginia	7.50	8.20	6.46	7.63	6.67
Washington	8.49	9.82	10.08	9.23	9.50
West Virginia	9.09	9.03	5.52	6.95	5.07
Wisconsin	10.24	11.40	8.27	9.60	8.00
Wyoming	12.37	8.72	9.88	9.88	6.78

FOOD STAMP ERROR RATE FISCAL SANCTIONS

State	Fiscal year—				
	1981	1982	1983	1984	1985
Alabama	0	0	0	9,221,622	13,118,714
Alaska	2,148,102	0	0	1,199,017	2,095,708
Arizona	236,206	0	0	4,263,749	4,329,756
Arkansas	0	0	0	1,144,268	13,136,972
California	0	0	0	0	1,242,979
Colorado	0	0	1,000,445	1,381,910	1,354,275
Connecticut	0	0	0	0	1,025,885
Delaware	0	0	0	0	246,819
District of Columbia	0	0	0	235,823	1,561,937
Florida	0	0	181,223	2,116,453	2,432,062
Georgia	0	0	0	3,697,445	16,441,248
Hawaii	0	0	0	0	0
Idaho	0	0	0	0	57,098
Illinois	0	0	0	2,844,492	9,029,457
Indiana	0	0	0	1,361,069	5,659,493
Iowa	0	0	0	690.194	2,028,618
Kansas	0	0	0	101,150	1,078,122
Kentucky	0	0	0	1,395,355	776,939
Louisiana	0	0	965,340	5,283,439	7,719,113
Maine	0	0	0	0	598,696
Maryland	0	0	0	0	2,531,920
Massachusetts	0	1,585,034	2,796,743	2,321,093	5,860,198
Michigan	0	0	0	0	4,563,908
Minnesota	0	0	0	1,461,779	3,218,388
Mississippi	0	0	0	1,731,884	1,816,892
Missouri	0	0	0	0	487,902
Montana	0	0	0	90,933	385,539
Nebraska	0	0	0	301,193	1,152,601
Nevada	0	0	0	0	0
New Hampshire	0	0	0	73,631	0
New Jersey	0	0	0	1,088,471	5,829,207
New Mexico	0	623,045	563,423	2,197,196	1,620,642
New York	0	0	0	10,063,964	16,280,441
North Carolina	0	0	0	523,964	1,802,557
North Dakota	0	0	0	0	0
Ohio	0	0	0	0	3,690,595
Oklahoma	0	0	0	586,756	5,312,273
Oregon	0	1,642,118	303,364	1,340,292	3,800,149
Pennsylvania	0	1,619,419	2,316,399	7,819,005	11,709,304
Puerto Rico	0	0	0	0	0
Rhode Island	0	0	0	0	391,265
South Carolina	0	0	0	3,159,387	8,319,451
South Dakota	0	0	0	0	0
Tennessee	0	0	0	0	2,058,553
Texas	0	0	0	8,212,334	28,120,597
Utah	0	576,696	726,506	1,334,155	583,204
Vermont	0	0	705,015	200,169	410,263
Virginia	0	0	0	652,347	1,415,766
Washington	0	0	705,919	1,509,980	4,048,211
West Virginia	0	0	0	0	111,525
Wisconsin	0	0	0	1,391,622	1,267,661
Wyoming	0	0	14,853	94,377	138,332
Total	2,384,308	6,046,312	10,279,230	81,090,518	200,862,117

SUPPORT FOR TEXAS WINERIES

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. DE LA GARZA. Mr. Speaker, I rise today in support of the wineries of my State that are rapidly making a name for Texas wines both nationally and internationally.

Franciscan missionaries were producing sacramental wine in the El Paso Valley over 300 years ago, but it is only in the last two decades that Texas began to produce substantial quantities of wine to match its well-deserved reputation for quality. As recently as 1975 there was only one bonded winery in the State and about 25 acres of vines. Today the industry has expanded to 21 wineries and production which exceeded 750,000 gallons in 1986.

The growth of Texas wineries is not as amazing as the little-known impact leaders in the Texas wine industry have had worldwide. One of the legendary pioneers, T.V. Munson of Denison, not only was responsible for some of the most important grape production experimentation during the late 19th and early 20th centuries, but also did important work on control of the devastating disease phylloxera that earned him the award of Chevalier du Merite Argicole in the Legion of Honor and an honorary membership in the Societie National d' Agriculture de France. After a pyhlloxera epidemic practically destroyed the world wine industry, Munson grafted French vines onto phylloxera-resistant Texas rootstock and shipped these specimens to France. This selfless effort on the part of this great Texas pioneer was said to be the salvation of the demolished French wine industry.

It is ironic that the French should come to honor a Texan since there appears ample evidence that A. Dubois de Saligny, chargé d'affaires at the French legation in Texas, posted there in 1839 while Texas was still an independent nation, spent much of his time keeping an eye on Texas' fledgling wine industry and assuring that nothing impeded the importation of French wines into Texas.

Today wineries at such seemingly unlikely places at Fort Stockton and Lubbock are producing chardonnays, Johannisberg rieslings, sauvignon blancs, and fume blancs that will stand comparison with any in the world for quality and price. Texas is so vast, with such a wide range of climates and soils, that we can grow just about any variety of grape that can be grown in the world, and our people are anxious to show that Texans are vintners of world class.

Mr. Speaker, it is my intention to work with our vintners in promotion of their product, and we will soon be informing you about our efforts to help put Texas wines in the forefront in the main wine consumption areas of the United States and around the world. Working with Texas vintners, it will be my pleasure to help expand an industry that means top quality wines for American and foreign consumers and a new horizon for Texas agriculturalists.

For those of my colleagues who might like to know more about this little-known area of Texas greatness, we recommend that you purchase or obtain from the Library of Congress Sara Jane English's definitive work on "The Wines of Texas." This marvelous compendium of Texas wine lore should be of great pleasure to those uninitiated in this vital area of enology, and the facts contained therein are, I'm sure, already a matter of great concern to vintners all over the world. When true wine connoisseurs have a chance to sample the best that Texas vintners have to offer, large areas of France, Italy, and California may have to be declared disaster areas.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. BERMAN. Mr. Speaker, I rise today to add my voice to this Congressional Call to Conscience Vigil for Soviet Jewry. I am pleased to have this opportunity to honor the courage of Soviet refuseniks who risk their lives and careers in their quest for freedom.

In Los Angeles, Mr. Speaker, lives a young refugee from the Soviet Union named Izhak Kofman. Izhak has appealed to me and to all of my colleagues to help his father and brother, Haim and Samoil Kofman of Kishinev. For the past 9 years, the Kofmans have tried to emigrate to the United States so that they might be reunited with their family members here.

Haim is 82 years old and suffers the deteriorating health that sometimes accompanies such advanced age. His wife, to our great sorrow, died last year never having realized her final wish to be reunited with her son and daughter in this country.

Haim's son Samoil is now 36 years old. He was stripped of his job after he requested permission to emigrate. The official reason given for denial of his request is "exposure to state secrets" while serving in the army. However, Samoil's army service was more than 15 years ago! Since the new Soviet emigration policy states that security classification is generally limited to 5 years and no longer than 10, to use this as a cause for refusal is unreasonable and incomprehensible.

There are many families like the Kofmans in the Soviet Union who heroically and relentlessly plead for freedom. In America, where we take so much for granted, it is indeed hard for us to comprehend the pain of forceful separation from those we love.

As a father and as a Member of the United States Congress, I am moved by the plight of all people denied the comfort of their family members. Until every such person is permitted the freedom to emigrate lawfully, we must continue our efforts to increase world pressure on the Soviets to adopt a moral and reasonable policy that recognizes human rights.

PERSONAL EXPLANATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. LELAND. Mr. Speaker, I was absent the afternoon of August 3, 1987, due to official business in my district. Had I been present, I would have voted as follows:

Rollcall No. 294, "yea."

Rollcall No. 295, "yea."

RAISING THE DEBT LIMIT

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. LIGHTFOOT. Mr. Speaker, once again we are debating raising the Federal Government's debt ceiling—the most glaring symbol of our failure to legislate in a fiscally responsible way. Every time we lift the debt limit, we confess our fiscal sins before the American public and assure them that "this is the last time. This is the limit." Well, Mr. Speaker, all we've shown them is the sky's the limit when it comes to their tax dollars, and they are fed up.

Two hundred years ago, at the Federal Convention in Philadelphia, the drafters of our Constitution put the Government in the hands of the people and gave this body the responsibility for managing the people's finances. Our forefathers, too, would be outraged at our inability to properly exercise the unique constitutional role they granted us.

Mr. Speaker, I believe that the American people and the framers of the Constitution are right, and I resent being forced into this position time and again.

Mr. Speaker, I will not support a rise in the debt ceiling because this body has not demonstrated that it won't make the same demands on the American taxpayer next year.

There are ways out of this mess and they include both budget reform and a balanced budget amendment. Both have been endorsed by a substantial number of the Members of this body. In fact, a majority of this body has cosponsored a balanced budget amendment, but the leadership has yet to allow its consideration.

Until we make these changes we can expect to be right back here year after year piling more and more onto our national debt burden.

RABBI SOLOMON D. COHEN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. WAXMAN. Mr. Speaker, I am honored to call to your attention and to the attention of this House the forthcoming retirement of Rabbi Solomon D. Cohen of Rochester, NY. Rabbi Cohen is now concluding 37 years as rabbi of Congregation Light of Israel, and is a constituent of my esteemed colleague, LOUISE MCINTOSH SLAUGHTER.

Rabbi Cohen's personal and spiritual impact on his congregants has been so great that even those who left Rochester many years ago remember him with respect and great fondness. Indeed, the Sephardic Temple Tifereth Israel of Los Angeles, led by Rabbi Jacob Ott, has a number of former congregants of Rabbi Cohen who have gone out of their way to pay homage to him in connection with his forthcoming retirement.

Rabbi Cohen was born in the holy city of Jerusalem and took his early rabbinical training at that city's famous Sephardic Seminary Porat Yosef. Rabbi Cohen completed his rabbinical training in New York City, where he studied in both the Seminary of Mir and the Talmudic Academy Torah V'Dat.

Both Rabbi Cohen and his wife June Cohen (nee Nahmod) have made a tremendous contribution to every facet of Jewish life both in America and in Israel. They have been especially active in support of Jewish education and in efforts to bind ever closer the Jewish communities of the diaspora with the Jewish people settled in the State of Israel.

Rabbi and Mrs. Cohen, proud parents of five children, paid the supreme price for their commitment to Judaism and to Zion, when their youngest child, Ezra, was killed in the Golan Heights while serving as a member of the Israel Defense Force.

Mr. Speaker, I ask you and all my esteemed colleagues to join me in thanking Rabbi and Mrs. Cohen for their many years of public service, and in wishing them good health and much spiritual fulfillment as they soon realize their lifetime dream of settling in the city of Jerusalem.

HANDMADE SENIOR CITIZENS FLAG

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. HORTON. Mr. Speaker, last weekend I returned to my district in upstate New York. While there, I was honored with a special presentation by the senior citizens of Wolcott, NY. On July 31, at the senior citizen nutrition site, a special, handmade senior citizen flag was presented to me for display in my Washington office. This flag represented countless hours and days of effort by the many dedicated members of this group.

During the presentation, a dedication was read by Jim Hogan, which said:

> We of the Wolcott Senior Citizens Nutrition Site wish to dedicate this flag to all our present and future friends:
>
> To all those who have attended and gone on to other walks of life, and to honor those who are now serving under God's Heavenly flag.
>
> We could not include all the names of those who have attended here but they are certainly not forgotten.
>
> We wish to present this flag as a symbol of productivity for all senior citizens.
>
> For those who are able to attend the site we are happy * * * for those unable to attend our site we say "In God we trust in our golden years." Thank you.

Among the honored guests were Evelyn Magde, nutrition project director, who represented the Wayne County Area Agency on Aging; Site Manager Patricia Lapp, who coordinated the program; the Reverend and Mrs. David Milan, who represented the clergy; and Mildred Green and Joe Impomeni, who were honored for their longevity.

Mr. Speaker, the flag is proudly displayed in my office here in Washington. It will eventually be returned to the Wolcott Senior Citizens Nutrition Site. I invite my colleagues to drop by my office to view this beautiful flag.

IN HONOR OF MARY STOUT, NEWLY ELECTED PRESIDENT OF THE VIETNAM VETERANS OF AMERICA

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. EVANS. Mr. Speaker, today, I want to honor the newly elected president of the Vietnam Veterans of America [VVA], Mary Stout. Ms. Stout takes over the leadership of the only congressional chartered Vietnam veterans organization and largest national service organization exclusively devoted to Vietnam veterans. As the House Chair of the Vietnam-era Veterans in Congress [VVIC], I have great faith in the leadership of Ms. Stout and am certain that she will well represent the 35,000 members of the VVA.

I would like to take this opportunity to share with my colleagues the following articles from the August 3, 1987, Washington Post and New York Times newspapers concerning Ms. Stout's recent victory. Again, I offer my personal congratulations to the new VVA president, Mary Stout.

> [From the New York Times, Aug. 3, 1987]
>
> WOMAN TAKES COMMAND
>
> WASHINGTON, Aug. 2.—Mary R. Stout, a former Army nurse, was elected president of the Vietnam Veterans of America on Saturday night, marking the first time a woman had been selected to head a national veterans organization.

Ms. Stout, a 43-year-old-resident of Arlington, Va., defeated William Stillwagon, a former marine, by a ratio of three votes to one in balloting by 400 delegates at the organization's annual convention here. She previously held a number of high offices within the group and is regarded as a leading expert on issues involving female veterans.

"I think this is really significant," she said today, "because for the first time a national veterans association has acknowledged that there are women who are veterans, and 'veteran' is no longer a male word.'

Robert O. Muller, retiring as the president of the organization, which he founded, called Ms. Stout "a truly remarkable person" and added, "The old-boy network is truly a club for the old boys, and that's one reason why we're proud not to be a member of that club."

The Vietnam Veterans of America, which has 35,000 members, 300 of them women, provides a variety of legal and social services to Vietnam veterans and their families.

Its new leader joined the Army in 1964 and was a lieutenant in the Nurse Corps at the Second Surgical Hospital in An Khe and Chu Lai, South Vietnam, from late 1966 to late 1967. She spent most of her Vietnam tour caring for patients in intensive care and recovery units.

[From the Washington Post, Aug. 3, 1987]

WOMAN TO LEAD CHARGE FOR VIET VETERANS GROUP—ELECTION FOLLOWS TRADITION OF NON-TRADITION

(By Lee Hockstader)

There could hardly have been a more masculine scene in Washington yesterday than at the Shoreham Hotel. Hundreds of delegates to the Vietnam Veterans of America convention filled the lobby and corridors, a panorama of men draped in combat memorabilia and camouflage fatigues, of men with shins shiny with scar tissue, of common men sharing uncommon experiences.

But this fraternal society turned not to one of its brothers, but to a sister veteran, electing Mary R. Stout, 43, of Arlington as the second president of the VVA Saturday.

Stout, a former lieutenant in the Army Nurse Corps who spent a year working in a surgical hospital in Vietnam, is believed to be the first woman to lead a national veterans organization. She joined the VVA's Columbus, Ohio, chapter in 1982 after having symptoms of post-traumatic stress syndrome, an affliction relatively common among veterans of the United States' longest war.

Then she was looking for emotional support and the "immediate trust" of kindred spirits. Now, she is the principal spokeswoman for the only federally chartered group devoted exclusively to Vietnam veterans and their families.

A sober, intense woman who spent much of yesterday fielding questions from reporters and taking advice from well-wishers, Stout was not eager to discuss the significance of a woman's elevation to the head of a veterans group.

Yes, she said vaguely, she brings a "certain sensitivity" to the job. After all, she added, there are 1.1 million female veterans in this country and "veteran is not a male word." However, she said, the VVA's agenda—compensation for the victims of Agent Orange, judicial review of decisions by the Veterans Administration, a full accounting of Americans who may remain in Indochina, and a shakeup in the VA bureaucracy—would not be much altered.

But others, including VVA founder and outgoing president Robert O. Muller, saw Stout's election by a 3-to-1 ratio as an important symbolic departure from the traditional all-male hues of other large veterans groups.

"The fact that the delegates elected a woman is one of the clearest statements you can imagine that Vietnam veterans are a totally different generation of veteran—much more progressive in thinking and not as sexist, racist and reactionary" as other groups, said Muller, a paraplegic who is leaving the presidency to concentrate on aid to the people of Indochina. "It's a helluva statement."

Although Stout does not seem to possess the same firebrand charisma that made Muller the nation's leading advocate for Vietnam veterans, her elevation signals a continuation of the VVA's strategy of being divorced from the traditionally cozy ties binding the Veterans Administration, the Veterans of Foreign Wars and the House Armed Services Committee—in veterans' parlance, the "iron triangle," according to VVA delegates.

Several veterans said that Stout's election to lead VVA's 30,000 members reflects the maturation of the organization, which Muller founded in 1978 with meager finances and stubborn ambition. Muller, they said, was the dynamic leader who formed VVA from scratch; Stout will be the stable administrator and steward.

Stout went to Vietnam in November 1966 and spent a year working in a hospital intensive care unit and recovery room. On returning home, she put the war largely out of her mind until 1981 when her husband, a career soldier, was sent to Korea.

Under pressure to make ends meet and care for her three daughters, Stout found herself remembering her year in Vietnam, and that led her to the local chapter of VVA. "Just being with other Vietnam vets, you realize you're accepted . . . There's an almost immediate trust."

In 1983, she moved to Arlington to work in the VVA's downtown Washington headquarters as membership director, and subsequently she moved through the group's ranks to national secretary. Her election as president was widely expected, and the convention floor was a sea of green "Mary" buttons pinned to delegates' lapels.

In an interview yesterday, Stout said: "The leadership, the future of this country is going to come from Vietnam vets who are committed to never sending our men and women to war without the total commitment of their country."

SAVINGS AND LOANS AREN'T IN THIS ALONE

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. GRADISON. Mr. Speaker, on August 3, 1987, the House passed the conference report on H.R. 27, providing for the recapitalization of the Federal Savings and Loan Insurance Corporation [FSLIC], by a vote of 382–12. The Senate gave an equally impressive vote of confidence in the provisions of the FSLIC recapitalization on the folowing day. By a vote of 96–2, the other body cleared the way for President Reagan to sign the bill into law.

I have been a persistent critic of the recapitalization proposal from its inception and I voted against the conference report. I did so because, in my opinion, the FSLIC recap plan is a budgetary gimmick that hides the true cost from the public, is insufficiently capitalized, and does little to reform and strengthen the regulatory process in a manner that will arrest the deterioration in the thrift industry.

I have little doubt that Congress will have to revisit this issue. At that time, it is likely that our options will be far fewer because we did not do it right the first time. The public is gradually becoming aware that a bailout using taxpayers' money may not be too far off.

In a front-page story in its August 5, 1987, edition, USA Today published a review of the present condition of the thrift industry. I urge my colleagues to consider the arguments presented in the article carefully in light of the legislation we have just passed.

[From USA Today, Aug. 5, 1987]

SAVINGS AND LOANS AREN'T IN THIS ALONE

(By Mindy Fetterman and Kevin Maney)

Ever see that warm old movie *It's a Wonderful Life?* Jimmy Stewart's building and loan helps folks in fictional Bedford Falls save money, then uses those deposits to make home loans—all of which helps ease the town into prosperity.

Well, the movie and the savings and loan business it portrayed have gone separate ways. *It's a Wonderful Life* has been colorized. The thrift industry is fading to red. So many thrifts are losing money that the industry's backbone—the Federal Savings and Loan Insurance Corp.—ran out of cash to cover deposits of insolvent thrifts that should be shut down soon. A $10.8 billion FSLIC rescue—part of a broad banking bill—passed the Senate on Tuesday and was sent to President Reagan, but experts say it's just a first step. If FSLIC falters, the thrift business could collapse.

Even if you're not a thrift depositor or stockholder, don't think you can change the channel and be rid of this mess. To bail out the thrift industry, taxpayers likely will foot the bill—and it could be a big one. Some experts say FSLIC needs as much as $45 billion to bail out thrifts.

Other potential side effects: A mass selloff of failed thrifts' real estate investments could drive down commercial property values—especially in Houston or Denver. Also, banks may be forced to pay part of the bailout—a cost they'd pass on to customers and stockholders.

And that's if the problems are solved.

The big trouble: FSLIC (said "fizz-lick") has 461 insolvent thrifts that it must close or merge. The bailout bill, which Reagan is expected to sign, lets FSLIC use up to $3.75 billion a year to close thrifts. But FSLIC needs $6.3 billion just to cover current obligations to close failing thrifts.

To understand the quagmire, it helps to understand how the industry got into it.

Thrifts are in an insurance bind—something that could happen to your car insurance. Say you'd been driving for 20 years, never had a ticket, never had a complaint about insurance rates. Suddenly, a quarter of the drivers covered by your insurer start motoring like maniacs. Millions of dollars in claims push the insurance firm near collapse. To save itself, it raises rates—and good drivers end up bailing out bad drivers.

Take that back to 1934, when the government started FSLIC to assure Depression-wary people that their money would be safe in savings and loans. The FSLIC guarantees deposits of up to $100,000; thrifts then and now have paid 1/12 of 1% of their total deposits for that insurance.

To be part of FSLIC, thrifts also had to adhere to a pile of regulations—they could only offer the equivalent of passbook savings accounts and home mortgages. Few thrifts failed; the FSLIC had plenty of insurance money—until 1982.

That's when thrifts were deregulated, and their troubles began, says Robert Litan of the Brookings Institution, a Washington, DC, think tank. Thrifts competed to pay higher interest rates, which squeezed profits. They started offering business loans, mutual funds, insurance and commercial real estate. Suddenly, there were too many stories such as Vernon Savings & Loan Association in Vernon, Texas. The Federal Home Loan Bank Board charged Vernon executives with "looting" the thrift by making unsafe loans and paying themselves more than $40 million over four years.

Now, one-fourth of FSLIC thrifts are losing money. Worse, 1986 losses by the bad thrifts totaled $8.7 billion—almost as much as the $9.1 billion earned by all those good thrifts.

To bolster its reserve, FSLIC has slapped on a surcharge of 1/8 of 1% of thrifts' total deposits to pay for bailouts. That fee costs Home Federal Savings & Loan in San Diego $12 million a year, says President Robert Adelizzi.

So, a number of thrifts want to do what you'd do if you got a car insurance hike. They want to ditch FSLIC and join another insurer: the Federal Deposit Insurance Corp., which insures commercial banks such as Citicorp. Already, 19 FSLIC banks—including Home Federal, the 11th largest—have applied to join FDIC. That's where the web gets thicker. What might happen next:

CONGRESS' BILL

For one, healthy thrifts don't think this is fair. They'll have to pay even higher fees to back bonds that will pay for the $10.8 billion bailout. The bond payments would force the thrifts to either hurt customers by increasing loan interest rates or hurt stockholders by shrinking profits and/or dividends. Besides, the thrifts say, it's like asking Ford to bail out Chrysler.

The bill also erects a Berlin Wall around FSLIC with a moratorium that forces thrifts to remain members for at least another year. Still, the bill will drive a "significant number" of thrifts to apply to the FDIC (which would save them the bond-related fees), says William Isaac, former FDIC chief and now a Washington, DC, consultant.

Also, critics say $10.8 billion is a speck in the mudpile. It's a "step in the right direction, but I don't believe anybody thinks it's the final solution," says Henry Peltz, thrift industry analyst with Keefe, Bruyette & Woods, New York.

FSLIC AND FDIC MERGE

An exodus from FSLIC could speed what officials say is inevitable: "In two or three years, I'm convinced the two funds will merge," Isaac says. But frankly, "the banks don't want to be burdened with the bum real estate deals of the S&Ls," Peltz says.

The FDIC says it can't afford the thrifts. FDIC has $18 billion in reserves for its 14,000 banks (vs. FSLIC's 3,200 thrifts). FDIC banks would have to immediately insure the thrifts, plus help pay for bailouts, while it would take years for fees from thrifts to build. That could raise interest rates on commercial bank loans or cut into profits. FDIC Chairman L. William Seidman calls the thrifts "brides that bring no dowry."

So far, four of 19 thrifts that applied to FDIC have been approved—FDIC has stricter requirements. Yet thrifts will keep trying. Says Lori Christenson of Everett Mutual Savings Bank, Everett, Wash., "Our customers ask us, 'When are you going to FDIC?' It's more than just cost—it's a marketing problem."

A BIG SOLUTION

What if Congress and FSLIC committed $45 billion—or half that—to bail out deathbed thrifts?

First, banking officials say FSLIC could not wisely manage more than a $3.75 billion-a-year infusion. But even if it could, economic shock waves would rumble through the USA. Bailing out failed thrifts means selling the thrifts' real estate. That would flood a market, such as in Texas, where office buildings stand empty.

Of course, if $45 billion went to bail out thrifts, taxpayers—not healthy thrifts—would foot the bill, and taxpayers would probably do a lot of screaming. The much-debated Farm Credit bill only costs $6 billion—and there's far greater support for helping farmers.

Thrifts would just as soon scrape the FSLIC sticker off their doors. FSLIC "has become an embarrassment," says Litan. "Thrifts are going the way of the dinosaur, and this is accelerating that trend."

A 17TH DISTRICT GRADUATE RECEIVES HIGH HONORS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to David William Wilson, a 1987 graduate of Lordstown High School of my 17th Congressional District. It gives me great pride to inform my fellow Members of the U.S. House of Representatives that David was selected to represent Ohio at the Congressional Youth Leadership Council at Trinity, Washington, DC, from July 28, 1987 through August 2, 1987. We, in the 17th District are truly fortunate to have a candidate such as David. He has brought many great honors to the Mahoning Valley. David was honored in "Who's Who Among American High School Students" and has received a scholastic scholarship from Youngstown State University.

David studied Italian, a beautiful but difficult language. David earned an award for his work with Italian during his senior year at Lordstown. He also received a scholarship from the Italian IMM.

Along with these prestigious awards David was also presented the Award of Distinction from the Ohio Board of Education and was selected to take the Ohio scholastic achievement test in social studies.

I must inform my fellow House Members that David's achievements are especially important to me because David is the son of Mary Jane Wilson, a Lordstown councilwoman and former volunteer on my staff. Her dedication to the community is noteworthy and her impact will grow not only through her, but also through the works of her devoted son.

Hence, it is my pleasure that I join with the residents of the 17th Congressional District in recognizing a fine young man, David William Wilson.

PREVENTION OF PESTICIDE CONTAMINATION OF GROUND WATER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. OBERSTAR. Mr. Speaker, today I have introduced the Ground Water Safety Act of 1987, which will help prevent and control contamination of ground water pesticides.

For many years we assumed that, while surface waters were undeniably contaminated by many pollutants from point and nonpoint sources, our ground water was pure.

Now we find, wherever we look, that ground water has been contaminated, by landfills, spills, septic tanks and, more and more, by pesticides.

EPA, in its new "Agricultural Chemicals in Ground Water Strategic Plan," documents the presence of 20 different pesticides in ground water in 24 States, where the source of the contaminant was most probably the result of normal agricultural application rather than from spills or other point sources of the pesticides.

In Minnesota, a recently completed test of 500 public and private drinking water wells indicates that pesticides and herbicides are present in 38 percent of the wells tested.

Any contamination of a drinking water supply represents at least an incipient health threat. The double tragedy of pesticide contamination is that it most frequently occurs in rural areas, affecting small towns and single-family wells. It is extremely expensive for small communities to install treatment equipment. Even more tragic is the dilemma of the family farmer who finds his well polluted. He can't afford to install and maintain adequate treatment equipment for his family and his livestock. He can't afford to lay a pipe to bring in water from an alternative source. He may be faced with continuing to use the water, or abandoning the farm. Thus, while restrictions on pesticide use may cause added expense, and more complex pesticide application procedures, contamination of a drinking water well risks health as well as the value of the farm.

The bill I introduce today deals with the normal application of pesticides, rather than with spills or illegal uses. It makes the bridge between drinking water quality and pesticide application, first by determining which pesticides are likely to leach into which soils; and second by setting an action trigger at a very low health-based ground water contamination level. If a pesticide leaches, that leaching must be controlled. If it's found in drinking water, even at levels well below the health standard, its use can be sharply curtailed or banned in the immediate area before it threatens health.

The bill is thus protective and proactive.

The resource: This bill protects not only those aquifers in use today, but those which could potentially be used in the future.

The standard: The standard is the ground water residue guidance level [GRGL], which is set at the maximum contamination level goal [MCLG], a purely health-based level under the Safe Drinking Water Act, if such has been promulgated. If the pesticide has been detected at 3 or more ground water sampling points, but has no GRGL, the GRGL is set at 5 micrograms per liter.

Leachers: The Administrator of Environmental Protection Agency is required, first of all, to establish criteria by which to determine whether a pesticide has the potential to leach into ground water. Pesticide registrants are then required to submit the required data from which EPA will determine whether that particular pesticide has leaching potential. If so, EPA can require the registrant to develop management practices to prevent leaching or, if necessary, refuse to register or reregister the pesticide. Any pesticide found at three or more ground water sampling points around the country is automatically a leacher.

Monitoring: If the pesticide has leaching potential, the registrant will be required to monitor ground water in areas where the pesticide is used. Monitoring results must be provided to EPA and the State.

Action: If EPA determines from the above or other information that the pesticide is likely to reach or exceed the GRGL: that is, it has been found at 25 percent of the GRGL in different parts of the country, EPA must amend the registration to prevent such exceedence.

If a pesticide is found to reach or exceed 50 percent of the GRGL, either the State or EPA must take steps, including if necessary banning the use of the pesticide in the specific area of contamination, to prevent the contamination level from reaching or exceeding the GRGL. EPA may also order the registrant to provide water treatment facilities or alternative water supplies, and take other abatement actions.

State programs: The bill also establishes State programs to prevent pesticide contamination of ground water, and provides $25 million per year for these programs.

The nonpoint source connection: Contamination of ground water by normal application of pesticides is a nonpoint source problem. However, nonpoint source practices have long been considered to aggravate or even cause ground water problems. For instance conservation tillage or no-till, which help prevent erosion and the escape of pesticides, herbicides, and nutrients into surface water, may require increased application of pesticides, which then can leach into ground water. The ability to predict and control or prevent pesticide leaching, and management practices developed therefrom, would be an invaluable addition to nonpoint source [NPS] management practices.

Compounding the potential problem, while the NPS management programs will usually be housed in the water divisions of State environmental protection agencies, pesticide control programs may well be lodged in State agriculture departments.

It is imperative to bring the two resources to be protected, their management agencies and programs, together on the ground, in practice.

My bill therefore amends the new Clean Water Act, section 319, nonpoint source management programs, to assure that these two management programs become compatible and mutually helpful.

Section 4 of this bill requires EPA to encourage consultation between State agencies or agency subdivisions, and coordination between programs. It further requires those states where pesticides are a substantial ground water problem to assure that information developed under this bill reaches the NPS agency, and that the NPS program's best management practices [BMP's] reflect this bill's pesticide management practices. Section 4 also permits use of NPS funds to incorporate pesticide control measures into section 319's technical assistance, financial assistance, education, training, technology transfer, and demonstration projects.

Finally, I have provided $5 million a year to EPA to assist in developing management practices that will protect both surface and ground water resources from pesticide contamination.

Mr. Speaker, it truly seems that, in the case of ground water contamination, if we seek, we find it. Treatment is in many cases impracticable, and in some cases impossible, leaving the farm family with the choice of drinking contaminated water, or purchasing bottled water, and even possibly losing the value of their home and farm.

An aquifer once destroyed is destroyed almost in perpetuity. The only course is prevention.

This legislation is needed now, before more ground water resources are lost or contaminated. I will join with any and all who share this goal, to achieve its enactment at the earliest moment.

WOMEN ESCAPING A VIOLENT ENVIRONMENT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. MATSUI. Mr. Speaker, I rise today to offer my personal thanks and to pay tribute to an outstanding public service organization in Sacramento, CA, called Women Escaping a Violent Environment, Inc., [WEAVE]. WEAVE is a nonprofit organization providing a wide range of services to the victims of domestic violence.

As you well know, the frequency and severity of family violence in this country is frightening, and is most deserving of public attention. It has been estimated that a woman is battered every 15 seconds in the United States, and the FBI has suggested that wife abuse is the greatest underreported crime in this country. In this connection, WEAVE has recently undertaken the "In River City" project which will help raise needed funds to support their programs.

Mr. Speaker, I would like to take this opportunity to offer my total support for WEAVE as they undertake the "In River City" project, and commend each of the individuals who have helped to make WEAVE such a vital community resource.

THE 27TH MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. GILMAN. Mr. Speaker, I was recently privileged to have the opportunity to participate as a delegate in the 27th Mexico-United States Interparliamentary Conference that was held from June 25–29, 1987 in Cancun, Mexico. Our U.S. delegation was led by the distinguished gentleman from Texas, Mr. DE LA GARZA, and the distinguished Senator from Connecticut, Mr. DODD, and included Representatives YATRON, COLEMAN, DREIER, GIBBONS, GOODLING, KOLBE, MILLER, and RANGEL, and Senators FOWLER, MIKULSKI, and SANFORD.

I would also like to acknowledge the Chairman of the Mexican Delegation and Chairman of the Great Commission of the House, Nicolas Reynes Berezaluce, Co-chairman of the Mexican delegation, Senator Humberto Hernandez Haddad, and the outstanding support of Deputy David Jimenez Gonzalez for their efforts in helping to improve bilateral initiatives in combating drug trafficking and drug abuse.

Through the efforts of Deputado David Jimenez, the distinguished chairman of our House Select Committee on Narcotics Abuse and Control, Mr. RANGEL, with whom I have the pleasure of serving as ranking minority member, and I were able to develop a set of conclusions pertaining to the illicit production, trafficking and consumption of drugs that were agreed to by the delegations of both nations attending the conference.

The conclusions stressed the need to seek new measures to reduce the consumption and production of drugs, to join together in a cooperative, constructive regional approach to the drug problem, to finalize a mutual legal assistance treaty for the prosecution of drug trafficking crimes, and to reaffirm the support for the Mexico-United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control.

Although Mexico was one of the first countries to develop a strategy to control the illicit cultivation of narcotic plants, in recent years, the illicit production and trafficking of drugs has increased significantly to the point where Mexico is the single major source country for the production, processing, and trafficking of heroin and marijuana entering the United States. In addition, our relations have been strained by the February 1985 kidnapping and brutal murder of DEA Special Agent Enrique Camarena Salzar, and the August 1986 torture of Special Agent Victor Cortez by Jalisco State Police.

Despite these problems, Mexico and the United States continue to share a free and open 2,000 mile border which is a testimony to our mutual trust and friendship. Through open and frank discussions of the narcotics problems confronting our nations, we were able to agree on a number of key points at the conclusion of our bilateral interparliamentary conference, which, when fully implemented, should go a long way in helping to combat drug traffickers and drug abuse.

Mr. Speaker, I would like to insert at this point in the RECORD the full text of my statement delivered at the 27th Mexico-United States Interparliamentary Conference and the complete text of the conclusions adopted by the delegations of both nations attending the conference.

Conclusion of the Discussion on Cooperation Against Drug Trafficking of the 27th Mexico-United States Interparliamentary Meeting held in Cancun, Mexico (June 26-28, 1987):

Mexico and the United States recognize and praise the efforts that their governments are making to combat illegal drug trafficking and drug abuse, as well as the work done by Attorneys General Sergio Garcia Ramirez of Mexico and Edwin Meese III of the United States.

The delegations from Mexico and the United States agree to adjust and update their legislation in order to prevent and penalize these illegal acts. They agree to exchange all relevant documents on legislative initiatives, and to go to the core of the issue, i.e., the causes that give rise to this scourge.

The delegates agree to seek new measures, including educational measures, to reduce the consumption and production of narcotics and other problems created by drug trafficking, to combat the drug trade and the use of its illegal profits.

The delegates of both nations honor those who, in the line of duty, have lost their lives combatting the drug traffickers.

The delegates recognize that in order to strengthen the fight against international drug trafficking, we must join together in a cooperative, constructive regional approach to the drug problems.

The delegates urge their governments to finalize an agreement on a mutual legal assistance treaty for the prosecution of drug trafficking crimes.

Both countries reaffirm the agreement adopted at the 26th Mexico-United States Interparliamentary Conference in Colorado Springs, Colorado whereby an intergovernmental commission was proposed to consider the efforts made by both governments and to recommend measures to improve those actions presently being implemented to combat international drug traffic, while at the same time respecting the sovereignty of each State.

STATEMENT OF HON. BENJAMIN A. GILMAN BEFORE THE 27TH MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE, CANCUN, MEXICO, JUNE 25-29, 1987

Mr. Chairman, distinguished legislators from Mexico and the United States, It is a pleasure for me to have the opportunity once again to visit your beautiful country on the occasion of our annual meeting of the Mexico-United States Interparliamentary Conference. I am also delighted that the distinguished chairman of the U.S. House of Representatives Select Committee on Narcotics Abuse and Control, my long-time friend, Mr. Charles B. Rangel, is able to join us and that we are able to share with you, candidly, our concerns regarding efforts to combat the illicit production, trafficking and consumption of drugs.

As we are all aware, the free and open border that we share as friends, neighbors and allies is testimony of our mutual trust and friendship, but regrettably, it has also become a source of growing tension between our two countries during the past several years. This tension is caused by the increased flood of heroin, marijuana and cocaine across our joint 2,000 mile border. As friends and neighbors, our border is open to facilitate the exchange of commerce, culture, people and ideas. There is no iron curtain separating our nations or our people.

Before proceeding, let me say that there is a need for us to speak frankly about the narcotics problems that we face and an urgent need for us to work together to combat our common enemy: The drug traffickers and the human suffering they create by their sordid drug trafficking operations. I would hope that in doing so, however, we avoid the temptation to point fingers, make accusations or to try to blame one another for the drug problems confronting both our nations. Such actions are counterproductive, and defeat the purpose for our meeting together.

We are both drug producing and drug consuming nations. We share a mutual responsibility in seeking and developing solutions to this deadly problem that is dividing our two nations. Ultimately, we must avoid actions that would restrict the legitimate free and open movement across our borders. Instead, we must do everything possible to seal our borders to drug traffickers and to work together to eradicate the illicit production, trafficking and consumption of drugs in both our nations. But the United States cannot do this alone. We need your help and expertise.

Until a few short years ago, the United States and Mexico shared one of the most effective bilateral anti-narcotics programs in the world. Mexico's opium poppy eradication efforts in the late 1970's were a model of effectiveness and one that other nations attempted to emulate. Since that time, however, opium and marijuana production has increased annually, despite recently increased eradication efforts, and nearly one-third of the cocaine currently consumed in the United States is trafficked through Mexico.

Despite increased drug production and trafficking, Mexico deserves praise for the enforcement efforts it has sought to initiate and maintain. From January 1986 through the end of September 1986, Mexican authorities reported that 12 kilograms of heroin had been seized in Mexico, compared to 8.8 kilograms seized in all of 1985. In addition, 192 metric tons of marijuana were seized in 1986, and 7,201 persons were reported arrested for marijuana-related offenses. Finally, in 1986, over 5,500 kilograms of cocaine were reported seized in Mexico, which is twice the amount seized in 1985, and more than ten times the 444 kilograms reported seized in 1984.

The United States shares in this fight as well. In 1986, United States law enforcement agencies seized 28 tons of cocaine, A 55 percent increase over the 18 tons of cocaine seized in 1985. Between 30,000 and 60,000 tons of marijuana are smuggled into the United States annually, and in 1986, Mexico accounted for 25 percent of the market share. In addition to increased cocaine seizures, U.S. enforcement agencies seized 365 kilograms of heroin and 825,000 kilograms of marijuana in 1986.

Regrettably, the United States has become a drug producing nation. An estimated 4,000 tons of illicit marijuana is cultivated in the United States. Every effort is being made to reduce and eliminate this domestic cultivation through the Drug Enforcement Administration's (DEA) Domestic Cannibus Eradication/Suppression Program. In 1986, eradication efforts resulted in the destruction of nearly 130 million marijuana plants in over 33,000 plots and the arrest of 5,537 individuals and seizure of 1,646 weapons.

While our individual efforts show promise, we must increase coordination and cooperation between our two countries in order to win the war against the traffickers. In March of this year, Chairman RANGEL and I attended a meeting of the Andean Parliament that was held in Colombia. The nations of the Andean region have joined together to take cooperative action against drug trafficking and abuse in that region. We need to revitalize the Mexico-United States joint, cooperative activity and emulate the Andean model.

For many years, it has been alleged that increased drug production and trafficking in Mexico is the direct result of the increasing demand for drugs in the United States. The United States Congress has mandated an all-out effort to educate the American public on the dangers of drug use. The Anti-Drug Abuse Act of 1986, which authorized nearly $3 billion a year for 3 years, for all anti-narcotics efforts, allocated $250 million in fiscal year 1987 for drug education programs.

Furthermore, just about two weeks ago, our Narcotics Select Committee held a hearing on our administration's efforts to reduce the demand for drugs in our nation, and frankly, we severely criticized our Secretary of Education for not doing more to educate our citizens on the dangers of drug abuse.

Mexico is also beginning to feel the all too common impact of expanded drug production and trafficking within its own population. Concern over the rising incidence of drug abuse has resulted in the establishment of a Presidential committee, entitled the Committee on the Protection of Delinquency Associated with Drug Abuse to oversee this problem. In addition, the private sector in Mexico is becoming involved in seeking solutions to the problem, and several studies and programs are underway to develop a better understanding of the overall drug abuse situation in Mexico. Your government is to be commended for this action, but we need to work together to intensify our efforts to combat this deadly menace.

No mention of our mutual efforts in the war against drug trafficking and drug abuse would be complete without reference to the work of the United Nations Fund for Drug Abuse Control (UNFDAC). Since 1971, UNFDAC has utilized the voluntary contributions of U.N. member nations to promote supply and demand reduction programs around the world. Unfortunately, the trend toward increased contributions was reversed in 1986, when contributions fell by a third to $16.9 million from $24.4 million in 1985. I commend the Government of Mexico for its continuing support under very trying economic conditions and hope that you will work with other nations of the Americas to encourage their greater participation in this global effort.

I sincerely believe that unless we work together, jointly and cooperatively, we will never succeed in defeating the drug traffickers. We must pool our resources, equipment, personnel and expertise. What is needed is the will to see that those objectives become a reality. We must strengthen our resolve, and fully recognize that the price we both pay for uncooperative and uncoordinated efforts is placing our historic friendship in jeopardy. No amount of effort is too great to preserve that friendship and alliance. No government can fight the power and resources of the traffickers alone. Let us join hands and work together for the common good of both our nations and for our citizens. Thank you, Mr. Chairman.

MODEST PROPOSAL FOR JAPAN

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. COELHO. Mr. Speaker, economics writer Robert J. Samuelson offered a great proposal in his column in yesterday's Washington Post which I would like to share with my colleagues. He suggests that the Japanese Government set up a "Ministry of Japan Bashing," to serve as a Government ombudsman and to offer constructive criticisms of Government policies.

My thoughts about our current trade problems with Japan are well known. Yet I would like to remind the Japanese that I do not enjoy making critical public comments about an important friend of the United States. The high value I place on our alliance with Japan is the catalyst for my thoughts and statements regarding trade—because I do not like a friendship to be taken advantage of by one of the parties. In a subtle way, Mr. Samuelson has conveyed what many Americans are thinking: the Japanese should act to eliminate trade barriers, instead of just talking about it. It could save us all a great deal of anguish:

MODEST PROPOSAL FOR JAPAN

Here's a modest proposal for Japan: create a new ministry. Call it the Ministry of Japan Bashing. Its job would be to criticize the sacred cows and pet projects of Japanese interest groups and other government ministries. These are the policies that hamper Japan in reducing its massive trade surplus and assuming greater international responsibility.

The Japanese constantly issue reports emphasizing the need for economic and social change without ever saying what those changes should be. Typical was a recent foreign ministry report. It decried "strident" protectionism abroad. It said Japan must act "boldly" to shift its economy from the "old export-dependent structure to a domestic-demand-powered structure." It urges the Japanese to be more open to foreign products and ideas even if that means "short-term sacrifices" by some groups.

Great. But how are these wonderful things to be achieved? The report contains hardly a clue. The Japanese so value maintaining "harmony," avoiding conflicts and building consensus that no one can say openly what specifically needs to be done. Enter now our Ministry of Japan Bashing. It isn't so reticent. Here—among other things—is what it recommends:

Food imports: End restrictions on beef, rice and other products. Import quotas keep retail food prices outrageously high. Beef costs as much as $30 a pound. High food prices dampen consumer spending on other goods and reduce Japan's economic growth.

Taxes: Raise real estate taxes. Along with high farm subsidies, low real estate taxes make it easier to keep land in farming. Land scarcity increases Japan's astronomical real estate prices and contributes to congested housing conditions. Greater availability of land would spur construction and economic growth.

Jet fighters: Don't develop Japan's next fighter in Japan, as the domestic aerospace industry wants. Buy an existing plane abroad, probably in the United States. The cost would be less (maybe half as much), allowing Japan's limited defense budget to go further. Buying abroad would also cut the trade surplus.

Oil stocks: Build a bigger strategic petroleum reserve. Japan's reserve is much smaller than that of its U.S. counterpart—both in absolute size and in relation to imports—although Japan depends almost entirely on foreign oil.

Sound impossible? Well, maybe. But the suggestion for a Ministry of Japan Bashing is offered only half in jest. Change comes from specific policies, not platitudes. But Japanese politics frustrates the most essential policy changes.

One myth about Japan is that it's an especially farsighted society, blessed with brilliant bureaucrats who wisely plan for the future. The reality is that Japanese bureaucrats, like those elsewhere, protect their turf. The agriculture ministry protects the farmers, the finance ministry protects the bankers and the defense ministry protects the military contractors. It's the strength and legitimacy of these alliances that stifle criticism and make Japanese politics so resistant to change.

The trouble is that all these individual interests don't necessarily coincide with Japan's national interest. What's good for the farmers is not necessarily good for Japan. The great problem for Japan today is not economic, but political. It's finding a way out of this straitjacket. Political paralysis at home abets the stident criticism abroad that the Japanese now so deplore. Strangely, though, the Japanese actually encourage overseas criticism as a way of influencing domestic politics.

Foreigners are assigned the job of advocating controversial social and economic changes that the Japanese consider taboo. In Japan the habit of responding only to foreign pressures is strong. Witness the recent Toshiba affair. As is well known, a Toshiba subsidiary illegally sold machinery to the Soviets that allowed them to make quieter submarine propellers. The Japanese aggressively investigated the security breach only after the United States insisted. And when the incident triggered a congressional outcry, Japanese leaders made profuse apologies.

Maybe relying on foreign pressure was once a viable approach to politics. It no longer is. Shifting onto foreigners the burden of unpopular ideas fosters the illusion that these proposals are anti-Japanese. This is often wrong. Of course, liberalizing food imports will hurt some Japanese farmers. But the costs of inaction are greater. Unless Japan finds ways to raise its imports—either through fewer restrictions, faster economic growth or both—the yen will appreciate further and reduce Japan's exports. Unemployment will rise. The conflicts are real and aren't contrived by foreigners.

Consigning the dirty work of Japanese politics to foreigners also explains Japan's deteriorating relations with the rest of the world. Foreigners feel the only way to get anywhere with the Japanese is to keep the pressure on. From Americans and others, there's a constant chorus of criticism, abuse and threats. The result is a spiraling cycle of acrimony the Japanese feel increasingly persecuted. They think—sometimes correctly—that they're unfairly criticized and made the scapegoat for other countries' problems. Foreign criticism is often no more discriminating than the Japanese reaction to it.

Unfortunately, the cycle can't be broken simply by deploring it. Increasingly frustrated by their disputes with Japan, foreigners overlook the benefits—high-quality products and competitive prices—of trade with Japan. There's a convenient forgetfulness of the genuine changes Japan has made. For years the Japanese were pressured to raise their defense spending. They have. The Japanese Navy now has more destroyers than the British Navy. Meanwhile, the Japanese feel sorry for themselves and sink into a customary sulk: woe is us, we are so misunderstood.

Somehow the Japanese have got to shake their self-defeating habit of relying on foreign pressures as a primary mechanism to make controversial social and economic changes. There will be less criticism abroad if there's more change at home. Maybe a Ministry for Japan Bashing sounds awkward. But does anyone in Japan have a better idea?

TAX TREATMENT OF CHURCH SELF-FUNDED DEATH BENEFIT PLANS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. FRENZEL. Mr. Speaker, I rise to introduce legislation that would treat church self-funded death benefit plans as life insurance contracts for purposes of the Internal Revenue Code of 1986. This legislation is needed because section 7702 of the Internal Revenue Code, added by the Deficit Reduction Act of 1984, has raised a question as to whether benefits provided through church death benefit plans maintained through church pension boards are excludable from income under section 101(a) of the Code and whether the value of such coverage is entitled to exclusion from income under the rules set out in section 79 of the Code.

Section 7702 of the Internal Revenue Code was enacted to provide a statutory definition of the term "life insurance contract" because Congress was concerned about the proliferation of investment-oriented commercial life insurance products and other insurance related tax shelters. There is no suggestion, section 7702 either in the language of section 7702 or in the legislative history that accompanied it, that the long-standing employer-funded death benefit programs of the Nation's churches were intended to be adversely impacted through its enactment.

Church death benefit programs are substantially similar to pure term insurance and contain no investment or cash value element, so they meet the cash value accumulation test and the guideline/premium cash value corridor test of section 7702. However, section 7702 also requires that an insurance contract, to be treated as a "life insurance contract" for purposes of the Code, must qualify as such under applicable—that is, State or foreign—law. Because church ministers and lay workers reside in all 50 States, this "under the applicable law" requirement means that the law of each State must be examined to determine if the church's death benefit program is treated as a life insurance contract under applicable law.

In some States, it is clear that church death benefit programs are treated as life insurance contracts. In other States, the law is not clear or says that such programs are not to be treated as life insurance contracts. Thus, the "under the applicable law" requirement of section 7702 and its interrelationship with section 101(a), could produce a situation in which the proceeds payable from some church death benefit programs will be taxable to the recipients, while the proceeds from other church death benefit programs will not be taxable, depending upon the provisions of "applicable law."

Mr. Speaker, the Federal tax treatment of church self-funded death benefit plans should be uniform and certain and not turn on the vagries of various State laws, producing different results—even with respect to the same program depending upon the State where the minister, lay worker or beneficiary happens to reside. There would appear to be no policy goal that would justify taxing death benefit proceeds provided by church benefit plans funded through pension boards. These programs have never been the subject of abuse and clearly have not been and are not used to shelter otherwise taxable investment income.

If the legislation I sponsor is not adopted, the proceeds of some church death benefit programs may be subject to taxation, and several church denominations will be forced to consider dismantling their present programs.

I see no purpose in forcing churches to enter into more costly commercial arrangements which may not even be available to meet their unique needs. In addition, it is far from certain that commercial insurers would provide similar levels and types of coverage as are now provided by the church plans. In some cases, affordable life insurance may not be available for certain high-risk groups, such as missionaries, teachers and medics serving in Central America and the Third World.

I include the text of the bill in the RECORD.

H.R. 3147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHURCH SELF-FUNDED DEATH BENEFIT PLANS TREATED AS LIFE INSURANCE CONTRACTS.

(a) IN GENERAL.—Section 7702 of the Internal Revenue Code of 1968 (defining life insurance contract) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) TREATMENT OF CERTAIN CHURCH-PROVIDED PLANS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, for purposes of this title, the term 'life insurance contract' includes a plan or arrangement which provides for the payment of benefits by reason of the death of the individuals covered under such plan or arrangement, but only is such plan or arrangement—

"(A) is provided by a church for the benefit of its employees and their beneficiaries, directly or through an organization described in section 414(e)(3)(A) or an organization described in section 414(e)(3)(B)(ii), and

"(B) satisfies the requirements of this section without regard to the requirement of subsections (a) and (g)(3) that such plan or arrangement be a life insurance contract under the applicable law.

A plan or arrangement treated as a life insurance contract under this paragraph shall be treated as a life insurance policy under section 79.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) CHURCH.—The term 'church' means a church or a convention or association of churches.

"(B) EMPLOYEE.—The term 'employee' includes an employee described in section 414(e)(3)(B).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 221(a) of the Tax Reform Act of 1984.

ALZHEIMER'S DISEASE RESEARCH ANNOUNCEMENT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. BIAGGI. Mr. Speaker, I want to take a few minutes to mention an important occasion in which I had the honor to participate this morning. The National Institute on Aging, the Alzheimer's Disease and Related Disorders Association, and Warner-Lambert Co. held a press conference to announce clinical trials of THA—also called tetrahydroaminoacridine or tarcine—a drug which may alleviate some symptoms of Alzheimer's disease.

I am pleased to have been invited to speak at such an important function; it is our hope that this experimentation will be a turning point in our efforts to find a cure for this deadly disease. Almost everyone is becoming familiar with Alzheimer's disease, which is an age-related brain disorder that impairs thinking and behavior and robs its victims of their ability to function. Millions of Americans may some day benefits from the clinical work that we announced today.

THA, the drug which will be administered to some 300 Alzheimer's victims, may relieve some of the memory impairment and other cognitive losses characteristic of the disease. The drug does this by inhibiting the breakdown of a chemical in the brain—acetylcholine—that is involved in communication between nerve cells. The use of THA is restricted at this time to physicians who are participating in these FDA-approved trials.

Mr. Speaker, I am pleased that Mount Sinai Medical Center in New York City, which is currently an Alzheimer's disease research center, will participate in this study of THA, which begins this month. Over the next 2 years, we hope to establish whether THA is effective and safe enough to make it available to individuals across the Nation. Although it does not appear that THA will cure the disease, it is a great step toward reducing its detrimental effects and toward understanding its causes. I congratulate Mount Sinai Medical Center for its commitment to research in the area of Alzheimer's disease and related disorders, and I congratulate those organizations and individuals who have made this study possible. In particular, I want to commend Dr. Kenneth Davis, who serves as a professor and chairman of the Department of Psychiatry, as well as codirector of the Alzheimer's Disease Research Center at the Mount Sinai Medical Center. Your efforts are essential in our fight to save millions of older Americans.

Mr. Speaker, in conclusion I want to remind my colleagues that research and clinical trials are only two elements of an effective approach to conquering Alzheimer's disease. My colleagues on the Select Committee on Aging and I have worked diligently for a number of years to provide moneys for diagnosis and treatment, social services, public education, and respite care, as well as biomedical research and research centers for victims of this devastating disease and for their families. For example, I was recently successful in amending the Older Americans Act reauthorization bill to include programs providing supportive services to Alzheimer's disease victims and their families among those eligible to be funded under a new title III part D for in-home services for the frail elderly. We will continue to make such endeavors a priority and I ask that all my colleagues join us in this important battle against Alzheimer's disease.

THE SUGAR PROGRAM IN NEED OF REFORM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. GRADISON. Mr. Speaker, Thomas K. Billington, writing in the August edition of Reader's Digest, argues forcefully for a change in American sugar policy. It is a policy that adversely affects consumers and is injurious to the friends and allies of the United States that depend on sugar exports for their economic livelihood.

Within a short period of time, perhaps 2 to 4 years, the dynamics of the program will make it impossible to maintain the fiction of a no-net-cost price support program. The sugar program is clearly in need of reform. I commend Mr. Billington's article to my colleagues.

THE UNSWEETENED TRUTH ABOUT SUGAR SUBSIDIES

(By Thomas K. Billington)

At the supermarket a shopper purchases cereal, mayonnaise, flavored yogurt, a canned ham, cake mix and ice cream. Each product contains sugar that costs the food producer, three times the world sugar price—a cost that is, of course, passed on to the consumer. Because the price of sugar is mandated by law, it amounts to a hidden sale tax that sets back Americans nearly $3 billion a year.

In 1986, mountains of raw sugar were sold to communist China. The U.S. Department of Agriculture's Commodity Credit Corporation paid at least 18 cents a pound to acquire and store the 153,000 metric tons; it unloaded the sweet stuff for less than five cents per pound. Loss to the American taxpayer: over $45 million.

Government-mandated reductions in foreign sugar imports helped force the closing of Brooklyn's Revere Sugar Refinery in March 1985, throwing 450 employees out of work.

The consequences of the federal government's sugar program have been disastrous. Maneuvered into law by some of the nation's shrewdest lobbyists, it wastes taxpayer dollars and wreaks economic havoc on U.S. allies. The main beneficiaries are some 12,000 to 15,000 sugar farmers—representing less than one percent of American agriculture.

"If America's consumers knew what Congress had done to them through the sugar program, there'd be a real cry of outrage," says Rep. Willis D. Gradison, Jr. (R., Ohio). "It would be difficult to find a more clear-cut example of the federal government undercutting America's foreign policy objectives," concludes Rep. Stephen J. Solarz (D., N.Y.).

The Depression gave us the Sugar Act of 1934, which pushed up U.S. sugar prices by limiting both foreign imports and domestic production. During World War II, it was briefly scrapped, but the basic program continued until it expired in 1974. The Food and Agriculture Act of 1977 provided price supports for the '77 and '78 sugar crops.

Then Congress brought back a full system of sugar price supports in the 1981 Farm Bill—with the acquiescence of the Reagan Administration, which was seeking votes for its budget-cutting bills. Under the bill, the government lent money to sugar mills, accepting sugar as collateral. It set an artificial suggested selling price for sugar called the "market stabilization price" (MSP). In 1982 the Administration established quotas and tariff levels on imported sugar to keep domestic prices high.

Processors were thus guaranteed against loss. When prices dipped below the artificial MSP in 1985 and '86, some mills simply forfeited the sugar to the government and kept the loan money. Huge amounts of domestic refined beet and raw cane sugar were dumped on the Commodity Credit Corporation, with taxpayers paying the $78-million price tag.

The 1985 Farm Bill mandated that the sugar program operate at "no cost." So the government now restricts imports more severely than ever to maintain sugar prices at high enough levels to avoid costly forfeitures.

The growers have provided us with plenty of homegrown sugar at stable prices, but does the program operate at "no cost"? Hardly. Because of it, Americans are forced to pay not just an extra 60 cents for each five-pound bag of sugar, but higher prices on virtually every product that contains sugar.

The sugar program has shattered America's once thriving cane refining industry. Since the program began in 1981, eight plants have closed, and our total refining capacity has been slashed by one-third. Some 7,000 Americans—ranging from dockworkers to plant operators—have been laid off, according to the U.S. Cane Sugar Refiners Association.

The plant closings are directly linked to the sugar program. First, because of the strict quotas, the amount of raw sugar imported into the United States has been reduced dramatically. This means there is less to refine. Second, sky-high prices have induced many giant companies like Pepsi-Cola to use high-fructose corn syrup rather than sugar in their products.

The quotas have particularly hurt fragile Third World countries seeking to build democracy. This year's quotas have cut sugar imports to the lowest level in almost a century. The Caribbean Basin Economic Recovery Act of 1983 was designed to strengthen 27 countries in Latin America and the Caribbean by promoting free trade and investment in the area. America's sugar program has, in fact, left our hemispheric neighbors economically weakened.

Sugar is the Caribbean's second-largest source of foreign exchange and employment. As a result of the U.S. quotas, however, the region's sugar exports to this country plunged from some 700,000 tons in 1981 to 182,000 this year. U.S. Trade Representative Clayton Yeutter concedes this will have a "devastating impact on many of our trading partners who depend heavily on exporting sugar."

The Caribbean nation suffering most from our quotas in the Dominican Republic. The United States has cut imports from that country—where sugar is the nation's largest employer—by 41 percent this year. In desperation, the tiny nation has recently signed a three-year sugar contract with the Soviet Union, the world's largest importer of sugar. Futher cuts in U.S. imports would create a "dangerous situation for democracy," warns former Dominican Republic ambassador to the United States Carlos Despradel.

Democracy in the Philippines may be increasingly threatened by the cut in its U.S. sugar quotas for 1987. While President Corazon Aquino is struggling to make her nation a showcase for democracy, the distress of the Philippine sugar workers provides new hope for the Communists. Only last February a dozen top guerrilla leaders held a summit meeting to plot against President Aquino on the sugar-producing island of Negros, where a majority of the island's sugar workers are jobless.

How could the U.S. sugar program have become law? It is a classic case of a single-minded lobby manipulating a distracted Congress, a special interest prevailing over the national interest.

The "sugar lobby" is a coalition of longtime Washington insiders serving those who grow and process sugar beets and sugar cane. Powerful corn interests also support the lobby because alternate sweeteners (like high-fructose corn syrup) reap windfall profits thanks to greatly increased sugar prices.

To get its way, the lobby has shoveled out money, forged deals and melded coalitions. The sugar-interest political action committees (PACs) poured $1.4 million into Congressmen's coffers between 1983 and 1986, according to Public Voice, a nonprofit consumer advocacy group. The biggest bundles flowed to the most influential, with seven of the top ten House recipients sitting on the House Agriculture Committee.

Says Horace Godfrey, the outspoken, unofficial leader of the lobby, "If you get a friend in office, you want to keep him in office. And it takes money to get elected."

Congressmen deny their votes are being bought by PACs and by rich operators. Insists Rep. Jerry Huckaby (D., La.), chairman of the House Subcommittee on Cotton, Rice and Sugar, "I totally support the sugar industry. They know where I'm coming from, and as a result, they support me. If there were no sugar PAC, I'd still support them." But consumer experts such as Ellen Haas, Public Voice's executive director, do not share that view. "There is a direct correlation between sugar dollars and sugar votes," she says.

Sugar legislators trade votes with Congressmen representing other commodities—such as tobacco, cotton and milk. The coalition soundly defeated, 263 to 142, a recent attempt to lower sugar price supports—an amendment to the 1985 farm bill, sponsored by Reps. Gradison and Thomas Downey (D.,N.Y.).

"The various agricultural segments certainly support one another," concedes Representative Huckaby. "If each one had to go to the floor all by itself to try to get some legislation, it probably wouldn't have a chance. It's mutual coalition-building."

Senator Bill Bradley (D., N.J.) believes that such tactics preserve pork barrels for narrow special interests. "Coalition-building ensures that an isolated program is not going to be looked at in terms of public policy but in terms of political logrolling," he says.

A new Reagan Administration proposal to improve our sugar policy represents a step in the right direction. It would cut by one-third the subsidized loan rate to processors. This cut would help consumers pay less for sugar and other sweetened products. The proposal would also give "transition payments" to compensate growers for their loss in earnings. This payment, which could reach $1.1 billion, would phase out over four years. These two measures would lower prices and pressure domestic farmers either to become efficient, to diversify or to get out of the sugar business. Over the long term, the measures could save consumers billions and help democracies abroad.

But change is far from certain. Unless ordinary Americans protest to their Congressmen, the sugar lobby will continue to block any cutbacks in the sugar program. Uncle Sam should not have become "Uncle Sugar"—coddling a tiny group at tremendous cost to everyone else. As Representative Solarz put it, "Rarely have so few extracted so much from so many."

A TRIBUTE TO MISS HELEN GIAZIKIS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Miss Helen Giazikis, a very special young lady of my 17th Congressional District of Ohio. This lovely young lady was recently named Miss Ohio Preteen during the State pagent held at the Hyatt Regency of Cincinnati on April 18, 1987. The contestants who were chosen to participate were outstanding members of their schools, communities, and churches. These ladies were were judged on their ability to interview, and their poise and appearance at the interview as well as on stage. Miss Giazikis' charms led to her to receive a crown, banner, trophy, flowers, and a monetary award. Along with all of these prizes Miss Giazikis will represent Ohio in the 1987 National Pageant in Tampa, FL, and will be the honored guest of honor at the 1988 State pageant and will crown the 1988 queen.

I have had the opportunity to meet with Miss Giazikis and her family. She most certainly is fine young lady and most deserving of this honor. Thus, I would like to take this opportunity to join the people of the 17th Congressional District in congratulating Miss Ohio 1987, Helen Giazikis.

U.S. INDUSTRIES NEED TO REPLACE OUTDATED MANAGEMENT TECHNIQUES TO COMPETE

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Miss SCHNEIDER. Mr. Speaker—

At GE we decided to see the world as it is and as it's becoming * * * rather than as we liked it and wanted it to be. We chose to understand change less as a problem * * * and approach it more as an opportunity.

The preceding statement is an excerpt taken from the insightful remarks made by Mr. Frank Doyle, senior vice president of General Electric, at a Competitiveness Caucus luncheon last Thursday, July 31, 1987. Mr. Doyle is the principle author of the Council of Economic Development's paper on "Work & Changes: Labor Market Adjustment Policies in a Competitive World." He is also a member of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation.

I believe that Mr. Doyle, and his colleagues at General Electric, are providing the leadership needed to meet the challenges facing our industries overseas. General Electric realizes that if United States industries are to recapture the share of global markets lost to the Japanese, Koreans, and Germans, American managers are going to have to replace outdated management techniques with dynamic, versatile longer term strategies. The focus should be on job training—and retraining—and improving the basic skills requirements of the workers if we are to restore American industrial might to the levels enjoyed during the postwar era.

Mr. Speaker, as cofounder and cochair of the Competitiveness Caucus I urge my colleagues to take note of Mr. Doyle's remarks and to work toward the creation of flexible public policies that will accelerate economic and social change. The time is now and the need for change critical if the United States is to remain a contender in the global economic arena.

REMARKS OF FRANK P. DOYLE

OUR GLOBAL PREMISE: CHANGE

Let me suggest a macroeconomic premise—the premise of a rapidly, dramatically changing global economy—that explains both our business strategy and our worker adjustment policies at GE.

At the beginning of this decade, we looked outside ourselves more rigorously than we had in the past. We saw markets shifting . . . technology sharpening . . . and competition stiffening . . . all at an unprecedented rate. We saw American companies losing their unrivalled edge in product and process technology . . . their virtual monopoly on best quality . . . lower capital costs . . . our superior rate of productivity growth . . . and we worried that our economy was in danger of losing our standard of living leadership as well.

My company used to be able to sell everything we could make . . . but by the Eighties we found that the tables had turned. We knew that we still had the capacity to make everything we could sell . . . but to sell it only if we have the best quality, lowest cost, quickest delivery and most favorable financing terms. We realized that competition was no longer on our terms, and that competitiveness was something to be redefined and reclaimed.

So at GE we decided to see the world as it is and as it's becoming . . . rather than as we liked it and wanted it to be. We chose to understand change less as a problem . . . and approach it more as an opportunity. And we resolved not to get stuck as a slow-growth company in a fast-change world.

We began consolidating plants and people in our pressured core manufacturing businesses, positioning them for long-term survival. We launched a process of restructuring, buying more than 300 businesses or product lines and divesting more than 200 others since 1981. And at the same time, we began moving our overall business mix to higher-growth sectors of the economy . . . especially toward advanced technology and services where we could extend our competitive advantage.

That shift should not be confused with deindustrialization. For us, manufacturing matters . . . and we're very good at it. If you go into our Medical Systems or Aircraft Engine plants, for example, you'll find the most sophisticated high-technology factories in the world. Those were deliberate investments. And we believe that the market—and the private sector—are best equipped to pick the businesses that can win.

COMPETITIVE ADVANTAGE

Why did we decide to move our mix—and invest heavily in those businesses we chose to keep? Because we knew that remaining a strong company—and a significant employer—meant committing ourselves to markets and product lines where we could invest and maintain an edge in either product or process technology, or maybe in distribution . . . where we could not only compete with the world, but win. To win, you've got to have—or do—something better than your competitor. If you're not willing to make low labor costs your global productivity advantage—and I don't think this nation can or should—then you have to find a different advantage either with your product technology . . . your process technology . . . or your superior distribution and marketing. Where you can't, you have to exit . . . or pay the cost of losing.

That competitive strategy explains, for example, why we sold our Housewares business—where we no longer held those advantages—to Black & Decker in 1983 . . . a firm with a larger commitment to competing globally in that market than GE. And that's also why just last week we announced an agreement to sell the combined GE/RCA Consumer Electronics business to Thomson of France—again a company with a larger commitment and greater economies of scale in that market—in return for Thomson's medical equipment business . . . where we do have the advantages necessary to make us a global winner and where we are in fact the global share leader.

But why, for example, do we keep Lighting and Major Appliances, also large consumer businesses? Because in those two businesses . . . our investments in both product and process technology leadership have thus far secured market leadership. Maybe Samsung of South Korea can beat us on the labor costs when it comes to white goods—or Tungsram of Hungary in lighting—but we've maintained our edge in those essential areas of product and process technology . . . which keeps us in the enviable best quality/lowest cost position.

But when I mention investing in product technology in, say, Major Appliances . . . I'm not just talking about automation. I'm talking about training people in the new and often higher skills they need to work flexibly . . . on fully or partly automated lines. There we've invested in the people side of productivity . . . training for computerized quality control, inventory and the like. Upgrade the technology . . . but upgrade skills. Let automation take the place of some people tasks . . . but simplify job classification and train people to perform multiple tasks at the same time. Years of experience has convinced us of the inherent flexibility and adaptability of American workers. The coupling of advanced automation with dynamic employee participation and communication works . . . and we have proven it in our plants.

CUSHIONING CHANGE: THE '82 SETTLEMENT

So we have a strategy—a winning strategy—but it's a radical change strategy and it has impact on people. But as we carefully chose our markets to stay with . . . we also took care with our people. Divesting and downsizing businesses has not meant simply disposing of people. Instead, we levelled with our employees . . . communicated our strategy clearly . . . and committed ourselves to cushioning the process of change.

The watershed for us was our 1982 labor negotiations, when we told the unions that we would go through a period of plant closings, product line consolidations and automation projects in order to improve the competitive positions or our businesses. We, in turn, recognized that their concerns had to be addressed fairly for our businesses to succeed. Out of a two-way dialogue, through the give and take of collective bargaining at its best, came GE's new job and income security plan to ease the impact of structural—as distinct from cyclical—competitive change.

In the case of plant closings, advance notice of at least six months was agreed to . . . a standard still tougher than proposed legislation would provide. Increased severance pay and special severance payment arrangements were established . . . along with provisions for new early retirement programs and continuing insurance coverages. Employment assistance programs were added . . . along with fresh retraining programs.

The thrust of the total package—enhanced and extended in our next round of negotiations in 1985—was to soften the severity of plant closings by providing employees with time, money and assistance to adjust. What made possible those constructive—rather than destructive—settlements was, in the end, our openness about our strategy . . . and our unions' willingness to make preparation for change—instead of resistance to change—their bargaining objective. Business restructuring and worker adjustment were accepted, by both sides, as a complementary process.

CHANGE AS AN OPPORTUNITY

That's what we've tried, we think successfully, at GE. But those are only the building blocks to ease change. So much more needs to be done across American industry to better prepare workers for change . . . by labor and management together . . . and in partnership with government at all levels. As individual companies climb the technology ladder and contract their workforces, it's not good enough to just let people fall off the skill ladder and out of the workforce: we should find them and help them. We need to act earlier. Even more fundamentally, we must not only accept change as a constant . . . but embrace it as a positive challenge.

Confronting us is the fact that as the U.S. restructures to become more competitive, "old" work—not all of it good work—is eliminated . . . and "new" work is being created. Too much of the current debate over structural economic change is focused on the fear of change . . and not enough on the new employment opportunities being created . . . the new skills being demanded . . . or on the conditions and commitments needed to make the transition from the old to the new work successful.

I believe that the more severe effects on people and communities don't come from change that moves too quickly . . . but from change that is made to move too slowly. The danger, in my view, is that we may be tempted to slow the process of change in the mistaken belief that such actions will mitigate the effects on people. Failure to reposition our industries and workforces to compete in domestic and world markets will eliminate more jobs permanently . . and diminish our ability to meet the social costs of change. Fighting change won't create opportunity. Facilitating it will.

I believe that the most important test for private or public adjustment policies—whether those hammered out on the bargaining table or on the legislative floor—should be whether they ease or impede the transition to new opportunity . . . whether they establish or deny supportive mechanisms for workers undergoing the often painful and costly move to a new job. The challenge is to identify those workers experiencing the greatest hardship . . . and work to speed the process and improve the quality of their adjustment.

We worked hard not only at the CED—but on the Brock Task Force as well—to arrive at consensus recommendations . . . based on the central conclusion that it is in the national interest to foster—through public and private means—the reemployment of the clearly defined population of workers permanently displaced by economic change. These are experienced, highly skilled workers. Leaving them behind would be a national waste. And the size of the problem, though great, is not so vast that we're talking about budget-busting solutions. What we need to make measurable progress on adjustment . . . is a set of highly interdependent private initiatives and public policies . . . not all of them at the federal level.

WHAT THE PRIVATE SECTOR CAN DO

What can the private sector do on its own? First, wage and benefit innovations—such as flexible total compensation and temporary incentives for early retirement—are ways of adapting existing plans to the needs of people . . . without permanently burdening a business with excessive cost.

Another initiative firms can take is reorienting employee benefits to lessen the penalties suffered by displaced workers moving between companies and industries. Without lessening companies' commitment to their long-tenured work force, it's time to reexamine issues like pension portability, medical insurance continuation, training and education benefits and severance pay options . . . among others. The point is that benefits can be recast to encourage—rather than penalize—workers seeking to change jobs and skills.

The private sector can also establish support programs that allow people to shift to new opportunities either within a firm when new work is being created . . . or outside it when old work is being eliminated. The best mechanisms here are job training programs. American companies already spend an estimated $30-50 billion a year formally educating and training employees . . . and informal training has been estimated to run as high as $180 billion a year. We need to do even more. And if there ever were a perfect arena for expanding cooperation between management, labor and government . . . job training is it.

PUBLIC POLICIES

As for what government can do, neither its principal strength—nor its primary responsibility—is actually running an economy. Instead, government is indispensable in building and supporting the foundations of growth and adjustment. It can't always attack economic problems directly . . . but it can fortify our workers and companies who carry the brunt of change. Public policymakers will help most by addressing the conditions that create opportunity . . . and ways of easing the adjustment of displaced workers and their communities.

Investing in education—emphasizing the fundamental skills and attitudes demanded by new higher-skilled, technology-based jobs—is the single greatest long-term contribution government at all levels can make. An important finding of the CED Statement "Work and Change" is that level of education is a key variable in determining the duration of unemployment when workers are displaced. The more we can build basic skills, the better for easing adjustment. The renewed bipartisan commitments to excellence—backed by greater funding—that state governments in every region of the country are undertaking in this decade are extremely encouraging . . . and should attract even more vigorous business support as we try to make the most of our first-class workforce and become #1 again.

Labor adjustment policies in the public sector should seek to further leverage our strengths—such as mobility—that give us a distinct competitive advantage over the European nations and Japan. American history can be virtually written in terms of people moving to opportunity. I'm not advocating a crude "vote with your feet" ethic . . . or asking displaced workers and their families to crisscross the country reading the want-ads. What I am advocating is the basic premise that people will change jobs, upgrade skills, and switch industries . . . not once but several times in their careers. I envision a dynamic mobility within communities and regions . . . where government policies complement flexible benefits and reinforce private training and support efforts. For example, we can provide incentives to reemployment . . . by expanding existing programs such as Unemployment Insurance and providing support services such as counseling, job search and retraining for new work.

Government can also improve the coordination of public and private sector resources at the state and local level . . . to enable quick and effective response to plant-closing situations. GE has had encouraging experiences with state governments, especially in Ohio, Massachusetts, New York and Indiana . . . where job training and search facilities have placed many of our employees. Another step is more aggressive state and local economic development strategies to create jobs in communities affected by displacement.

Provisions in the current trade bill that would establish Dislocated Worker Units in the Department of Labor and at the state level—and rapid-response teams in each state—are major advances in providing quality services to workers affected by plant closings and large layoffs. They are exactly the kind of bold, imaginative steps for which there is an urgent new consensus . . . to cushion hardship while speeding adjustment.

However, I believe that the mandatory advance notice provisions put forward in that same legislation—despite significant modifications in the right direction—will split and undermine the hard-won consensus on worker training and adjustment. Let me be absolutely clear: a company that does have control over its business circumstances—and the wherewithal—should give notice of a plant closing. The practice, through not as widespread as it should be, is spreading. But notice is best given on a negotiated or voluntary basis, where varied business conditions can be taken into account and the focus is kept on easing the transition of workers to new jobs.

Mandatory plant closing notice remains a divisive and diversionary issue . . . and extending it to layoffs has made it even more of one. I would sincerely hope that in those significant areas where we do have consensus . . . we can move forward together . . . and move forward quickly.

COOPERATION IN THE PUBLIC POLICY ARENA

With many of you, I have been deeply involved over the last decade in trying to understand the fundamental change that is taking place in our global economy . . . its effect on people . . . and what we should do about it. For me, as I suspect for you, there are good days and there are bad days. The bad days are when we split into opposing camps: one group alleging the process of change brings with it its own solutions, so nothing needs to be done . . . the other camp arguing that the problem is so radical—its impact so severe—that the process itself must be changed or that nothing can be done. I want to borrow from both: I believe that something should be done, that something can be done.

The acceleration of economic change plays to the strength of this nation's social and economic system. We are a flexible, adaptable, even agile society. Our workforce likes to change occupations, employers, jobs . . . and does so more easily and effectively than any other workforce in the world. The work of the future . . . the better work . . . the more rewarding work . . . demands these very strengths of flexibility and mobility and self-determination.

Let's be certain that those of us who should provide positive leadership don't seek retrogressive, fear-driven solutions. There's no good reason why we should avoid the unavoidable contest. We have so many strengths to use . . . so many assets to deploy.

OUR LEADING ASSETS, COMPETING ON OUR TERMS

The days when a nation's leading asset is its wealth of natural resources . . . are over. The days when a nation's leading asset is less costly labor . . . are over too. The days when a nation's winning assets are the excellence of its education . . . the adaptability of its workforce . . . the flexibility of its management and the creativity of its public policies . . . are here today.

Our strengths—more than ever—are the strengths that will allow America not only to compete . . . but to win. The fact is . . . America is in many ways ill-suited to the work of the past. And Americans are people who didn't wear well in the world—or with each other—when we blame foreigners for our shortcomings . . . or begin to accept protectionism, even back-door protectionism, as a new synonym—or poor substitute—for competitiveness.

When it comes to American competitiveness . . . I'm an optimist.

One of the things that concerns me most is the widespread fear that either Japan with its targeted economy and mass production achievement . . . . or Europe with its protected markets . . . . or the developing countries with their low wages . . . . have something we can't match . . . and therefore we should avoid open and fair competition . . . instead of asking what is our unique asset, our edge, on what we want to compete.

I think those terms are fast change . . . independent, creative minds . . . and adaptable people. Those are our grounds. They're perfect—a perfect fit for us—in the emerging new world of work. Let's fight on those grounds . . . play from our strengths and win.

Thank you very much.

COASTAL ZONE MANAGEMENT ACT

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. LOWRY of Washington. Mr. Speaker, today I am introducing legislation, that has broad bipartisan support, which would restore to coastal states the authority which Congress believed it had granted to them in passing the Coastal Zone Management Act [CZMA] of 1972. The authority I speak of is the authority to require Federal agencies to act consistent with the state coastal management programs in conducting all Federal activities that directly affect the coastal zone irrespective of the geographic location of those activities.

The issue stems from a 1984 decision by the Supreme Court—Secretary of the Interior versus California—in which the court, by a 5 to 4 decision, ruled that the Department of the Interior's lease sales on the Outer Continental Shelf [OCS], for oil and gas activities, is not an activity that "directly affected" the coastal zone under section 307(c)(1) of the CZMA. Therefore, the Department of the Interior was not required to conduct OCS lease sales in a manner consistent with state coastal management programs which have been approved under the CZMA. The majority based its ruling, in part, on their conclusion, which I find erroneous, that Congress intended to limit the scope of the states' consistency authority to activities exclusively within the coastal zone. However, Federal activities, such as OCS lease sales, dumping of dredged spoil, incineration of hazardous wastes, and discarding decommissioned nuclear submarines, do not respect legal boundaries such as "OCS" and "coastal zone" and to suggest they do make little sense. The majority also denied that OCS lease sales were the type of activity which Congress was concerned with when it enacted the consistency provisions of the CZMA. Again, this is misreading congressional intent. Congress was concerned with the type of impacts that OCS lease sales produce and what impacts could be expected on the land and water uses and natural resources of the coastal zone. An OCS lease sale is a significant Federal activity which will result in foreseeable environmental impacts in the coastal zone of the adjacent coastal state. To say that Congress was not concerned with the OCS leasing process when it passed the CZMA is like saying that Congress was not concerned with the effects of dredge and fill activities in the coastal zone because it was silent on the subject.

When Congress enacted the CZMA, it struck a bargain with the coastal states. However, thanks to the Supreme Court's confused interpretation and to recent actions by the Department of Justice and the Department of Commerce, that bargain is being abrogated. When Congress passed the CZMA in 1972, it held out two carrots to encourage coastal States to participate in this voluntary Federal program. The Federal Government would give grants to the States to develop and implement their programs and the Federal Government would require that all Federal actions that have any direct effect on the coastal zone would be carried out in a manner that is consistent with the approved State program. However, since 1981, the Administration has tried to zero out grant funds for the implementation of the CZMA and since 1984 the Administration has acted to broaden the scope of the Supreme Court's decision.

When the Supreme Court's decision was first issued, the administration testified that they would narrowly construe its ruling—limit its impact to OCS lease sales. However, it has become increasingly clear that the administration has backed away from their initial position. The administration now construes the Court's decision very broadly. The Justice Department recently testified before the Committee on Merchant Marine and Fisheries' Subcommittee on Oceanography on this issue. At that hearing the Justice Department witness not only denied their earlier position but stated that the Department had always construed section 307(c)(1) fo the CZMA as limited in its landward scope and would even consider section 307(c)(1) as limited in its seaward scope.

The legislation that I am offering today would put to rest the question of the types of Federal activities and their geographic locations that are subject to the consistency requirements of section 307 of the CZMA. Under this legislation, any Federal activity—regardless if it is within the coastal zone, landward of the coastal zone, or seaward of the coastal zone including the OCS—that produces or may produce significant effects on any land or water use or natural resource of the coastal zone would be subject to the consistency requirements of the CZMA. This legislation also specifies that OCS lease sale activities, as well as the sale, transfer or lease of other Federal lands, are the types of activities that are subject to consistency review. I assume that most of these activities will result in significant changes in the land or water uses or natural resources of the coastal zone and therefore must be conducted consistent with the approved State coastal zone management programs.

This legislation retains the original language of "directly affecting" but defines it in terms of "significant effects" on the land and water uses and natural resources of the coastal zone. The term "significant effects" has a well-known meaning under the National Environmental Policy Act [NEPA], the implementing regulations developed by the Council on Environmental Quality, and NEPA case law which should be followed. This does not mean that all of NEPA's requirements are incorporated in this proposal. For example, this proposal has a different triggering mechanism than NEPA's requirement of "major Federal action." "Significant effects" also must be read in the context of the CZMA's concern with the land and water uses and natural resources of the coastal zone.

This legislation also requires Federal agencies to act "fully consistent" with the enforceable, mandatory policies of approved state coastal management programs. These Federal agency activities must be fully consistent unless the Federal law otherwise applicable to the particular Federal activity prohibits this degree of consistency or a circumstance arising after a management program is approved and which was not foreseen at the time of program approval prevents the Federal agency from being fully consistent. If either of these circumstances exists, the Federal agency is allowed to deviate from the norm of full consistency but only to the extent justified by the applicable circumstance. This standard adopts NOAA's longstanding interpretation of consistency as expressed in its regulations (15 CFR 930.32). This standard also makes it clear that all Federal activities having effects in the coastal zone are subject to this requirement. There are no automatic exemptions for certain Federal activities.

At a time when the United States is just beginning to explore the vast resources of its 200-mile Exclusive Economic Zone [EEZ], technological advances are enabling new uses of the oceans and more and more Americans are living in the coastal areas of the United States, it is more than timely to return to coastal States the authority they need to cope with these impacts. The Federal Government, States, and local governments all need to cooperate in this effort. I believe that this legislation will encourage more cooperation in this area. I urge all of my colleagues to join me in supporting this measure.

THE DUBLIN CENTER

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. MOAKLEY. Mr. Speaker, as you well know, I'm very proud to be of Irish descent, and I'm proud of the strong Irish-American roots that exist in my own community of Boston. It's not unusual, therefore, for many of us to keep close watch on developments in Ireland—particularly ones that provide the opportunity for the people in the Government of this country to work hand in hand with the people in the Government of the Irish Republic.

Such an opportunity exists, Mr. Speaker, to lend the resources and development expertise of this great Nation, to a major initiative recently proposed by the Government of the Republic of Ireland. Prime Minister Haughey has announced his plans to undertake the largest commercial project in Ireland's history—the development of a World Trade Center at the Customs House Dock Site in Dublin.

The Dublin Center—anticipated to cost more than $350 million, with estimated floor space at 2 million square feet—is designed to be a focal point for business, commerce and tourist industries. Dedicated to strengthening Ireland's economic contacts around the globe, this center will make Dublin a vital hub of economic activity. A major feature of the center will be the development of a new financial services industry for the Irish Republic—one which will be able to compete internationally by the use of advanced telecommunications technology.

Mr. Speaker, there is a tremendous opportunity here for this Nation to join hands with Ireland in promoting and supporting this major venture. I know that several American businesses have already expressed their enthusiasm for the center, and are looking for ways to participate in the proposed financial services network that is currently envisioned. I am also aware that Irish Government officials are actively soliciting bids from American corporations for the development and construction of the World Trade Center. It would be wise policy for Congress to seek out appropriate ways to facilitate this particular Irish-American partnership.

There is no question, Mr. Speaker, that this project will be an important investment in Ireland's future. Recent Government statistics demonstrate the hard fact that, after two decades of prosperity, Ireland now has the highest unemployment in Europe. From Castlebar to Cork, factories are shutting down, jobs are disappearing and people are leaving. By creating more than 10,000 jobs, the Dublin World Trade Center can be the impetus for future commercial growth and the occasion for tremendous job opportunities for the young people of Ireland.

Mr. Speaker, let us give our enthusiastic support to this ambitious venture. Thank you.

REFINERY GATE PROPOSAL WILL NOT SOLVE GASOLINE EXCISE TAX EVASION PROBLEM

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. HOUGHTON. Mr. Speaker, I am concerned about the problem of Federal gasoline excise tax evasion in this country. At the current rate of 9.1 cents per gallon, this tax provides the Federal Government with nearly $8 billion of income yearly. Any evasion of this tax is therefore a matter of serious concern as the Congress tries to bring the Federal budget closer into balance. As a member of the Budget Committee, I am particularly aware of this aspect of the problem.

I am pleased that the 99th Congress attempted to address the evasion issue in the 1986 Tax Reform Act. With one modification, that provision, scheduled to take effect on January 1, 1988, would go a long way to alleviate the evasion problem.

I recently received a letter on this matter from a constituent, William Campbell, president of Campbell Oil in Olean, NY, and also the president of the Petroleum Marketers Association of America [PMAA]. PMAA is the largest organization of independent petroleum marketers in the country and they are vitally concerned with the evasion issue. PMAA opposes any efforts to change the collection procedure further by moving the collection point from the terminal to the refinery gate, especially in view of the fact that the gasoline excise tax provision in last year's law has not even had a chance to be tested yet.

Mr. Speaker, I would like to insert the text of the July 27 letter from PMAA president Campbell to me on the gasoline excise tax issue in the CONGRESSIONAL RECORD. I commend it to my colleagues and particularly urge members of the Ways and Means Committee to oppose the refinery gate proposal:

PETROLEUM MARKETERS
ASSOCIATION OF AMERICA,
Washington, DC, July 27, 1987.

Hon. AMO HOUGHTON,
House of Representatives, Washington, DC.

DEAR AMO: We have discussed on many occasions the issue of motor fuels excise tax evasion both at state and federal level. You know my strong belief that the only way evasion will be halted, regardless of the procedure by which the taxes are collected, is to have better audit trails and stronger enforcement. New York State has made some progress in this area, but the state is still leaving a tremendous amount of money on the table by not implementing stronger enforcement of excise tax collections against both the Indians who are selling tax free gasoline and bootleggers who bring gasoline across the border from Canada and from other places.

My purpose in writing is not to belabor the situation in New York, which is not working as well as some would have you believe, but to discuss the issue of federal motor fuel excise tax collections. As you know, I am currently serving as President of the Petroleum Marketers Association of America (PMAA), the largest organization in the country representing independent petroleum product marketers. PMAA represents some 11,000 marketers who sell over half the gasoline, sixty percent of the diesel fuel, and three quarters of the home heating oil sold in the United States. Developing means to end excise tax evasion has been one of the top priorities of PMAA for the last two years.

Congress made major progress in ending evasion by modifying the gasoline excise tax collection procedure as part of last year's Tax Reform Act. This change defined the point of taxation as when gasoline is loaded into trucks at the terminal. It also prohibits tax exempt sales downstream. This change takes effect January 1, 1988. We believe one minor modification to this system—allowing purchasers of product at the terminal the option of remitting the excise tax—will make this an ideal system for ending evasion and eliminate any competitive advantage one person might have over another in the market.

I am troubled, however, by efforts currently being made by some of your colleagues to change this procedure even before it takes effect. They argue that the tax should be collected at the refinery gate. The only positive aspect of this proposal is that it generates a one time small infusion of revenue to the Treasury. It does not assist in ending evasion beyond what is accomplished by the change in last year's Tax Reform Act. This is a commonly accepted fact in the industry but even Congress' own revenue estimators project no additional revenue from evasion as part of this proposal.

As desperate as Congress is for new revenue, I can understand the temptation to enact a change in collection procedures which provides a small one time bonus. However, I urge you and all of your fellow legislators to consider several other factors which far outweigh any small revenue increase.

For example, collecting excise taxes at the refinery gate would give some competitors an advantage over others. In New York State there are no refineries. Every gallon of gasoline entering the state would thus have all Federal taxes already paid with the exception of the imported gasoline entering New York harbor. Such importers would have a lag time in paying their taxes thus creating a favorable cash flow situation for them that other competitors would not have.

Perhaps a more serious concern is the impact of this proposal on the primary storage of gasoline in this country. If refiners have to pay the tax when gasoline leaves the refinery, they naturally will be reluctant to ship product through the pipelines unless they have an assured sale. This could leave those areas of the country, not close to domestic refineries, including New York State, in a precarious position in the event of any temporary supply interruption whether caused by a war in the Middle East or a mechanical failure in pipeline transportation.

There are many other negatives to this proposal. It hurts thousands of small businessmen by substantially increasing their cost of doing business. Part of these costs will find their way to consumers in the form of higher prices. As I mentioned previously, it will not be a better tool to end excise tax evasion and may in fact make IRS auditing more difficult if the gasoline manufacturing process is shifted downstream and blending occurs at the terminal.

I urge you to do everything possible to reject this proposal of a refinery gate tax. Please call me personally if you have any questions relative to this. If your staff has further questions, please have them contact PMAA's Washington staff, either Phil Chisholm or Al Cobb.

Sincerely,

WILLIAM E. CAMPBELL,
President.

COMMUNITIES RESOLVE TO SOLVE AIRPORT NOISE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. FLORIO. Mr. Speaker, in the past few weeks, I have urged my colleagues in Congress to come to grips with what is a growing problem for all of our communities—airport noise.

All across the Nation, the communities are being besieged by the roar of aircraft day and night as the planes land on and take off from the runways.

Earlier this year, the Federal Aviation Administration implemented a program known as the "Expanded East Coast Plan." The intent of the plan was to improve the safety of airplane flights and to improve the number of routine delays in the flight schedules.

However, the plan is better known for the noise that it has consistently and persistently generated throughout the Nation.

Back in 1979, the Congress authorized a program whereby Federal funds could be used to perform studies of the airport noise problem and, when called for, to address it with solutions.

Those solutions might be as minor as changing the operating hours of the airport or adjusting the flight paths of incoming and outgoing aircraft to dissipate the noise more. The solutions might involve better soundproofing for the communities surrounding the airports.

In all these cases, the airport authorities are never alone in the process. Throughout the study and the solution, the Federal Government is willing and able to lend a helping hand in addressing the problem.

Yet the problem has not been sufficiently addressed everywhere throughout the Nation.

Since the FAA adopted its plan, over 5 million people have joined in the daily ritual of planes overhead and noise inside their homes.

I recently urged the authorities with jurisdiction over the airports affecting my home State of New Jersey to undertake the studies and to do something to address the problem to the people's satisfaction.

At the Philadelphia International Airport, the airport authority has agreed to participate in a limited study to examine the magnitude of the problem.

And as the airports are being pressed to address the issue, the communities themselves are participating in the call for action.

The Borough of Bellmawr recently passed a resolution calling on the airport authority at Newark International Airport to reduce noise.

Now the Township of Cranford, NJ, has also joined in the call for reduction in airport noise levels.

The resolutions being debated among the people and representatives of these communities are a model to the rest of the Nation as we try to resolve the problem.

The funds exist to resolve it. And as these communities have expressed through the instruments of democracy, the will to resolve it is not only undiminished, but also stronger.

I am including below the resolution as passed by the township of Cranford, NJ:

TOWNSHIP OF CRANFORD, CRANFORD, NJ

RESOLUTION

Whereas, the Port Authority of New York and New Jersey has, with the concurrence of the Federal Aviation Administration changed the flight patterns of incoming and outgoing airplanes at Newark International Airport; and

Whereas, this change in flight patterns has plagued the residents of Cranford with increased and frequent jet noise; and

Whereas, an informal survey of the frequency of jet noise taken by a Cranford resident on June 1st, 14th and 15th showed the flights overhead to average one every three minutes; Now, therefore, be it

Resolved by the Township Committee of the Township of Cranford this 21st day of July, 1987, That a Part 150 Study and any other appropriate study be undertaken that will make the existence of Newark International Airport more bearable and return Cranford to the quiet suburban community that it has striven so far to attain.

Be it further resolved, That copies of this resolution be forwarded to Governor Thomas A. Kean, Federal Aviation Administrator, Representative James J. Florio and Assemblywoman Maureen Ogden.

THE TRAUMA CARE AND EMERGENCY MEDICAL SERVICES PLANNING AND DEVELOPMENT ACT OF 1987

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. BATES. Mr. Speaker, it gives me great pleasure today to introduce the "Trauma Care and Emergency Medical Services Planning and Development Act of 1987." Joining me today as the principal cosponsor of this legislation is Representative HENRY WAXMAN, the chairman of the Health and Environment Subcommittee of the Committee on Energy and Commerce, and a leading advocate in the House of Representatives for health care for all Americans. I am also pleased to announce that Representatives GERRY SIKORSKI, JAMES SCHEUER, GEORGE MILLER, and CARDISS COLLINS have signed on as original cosponsors of this bill.

Mr. Speaker, accidental injury is presently the greatest health threat facing our Nation's young people; 140,000 Americans die from injuries each year. For persons under the age of 34, injury is more commonly the cause of death than all diseases combined. More than 4.1 million preretirement work years are lost to injury each year, nearly three times the amount of work years lost to cancer. Yet research expenditures for injury prevention and treatment are just 11 percent of expenditures for cancer research. For too many years now, accidental injury has occupied a spot near the bottom of the American health care priority list. We have failed to recognize the costs of injury to our economy, our productivity, and our health care system. The fact is that injury represents a devastating cost to our society. Current estimates put the total direct and indirect costs of injury in America at between $75 and $100 million per year. Mr. Speaker, these are precisely the costs that this legislation addresses. A sophisticated regional trauma care system in conjunction with improvements in emergency medical services communications systems will reduce these costs significantly.

BILL PROVISIONS

The "Trauma Care and Emergency Medical Services Planning and Development Act of 1987" has two principal objectives. First, to remove existing impediments to the swift and effective implementation of emergency medical services in the individual States. Second, to provide incentives for States to plan and develop coordinated regional trauma care systems to serve the needs of citizens in all areas of the Nation.

Section 2 of this bill authorizes the establishment of a national clearinghouse, to be administered by the Secretary of Health and Human Services, for the purpose of collecting and disseminating information on the various EMS programs, policies, and procedures enacted by the various States. According to a 1984 General Accounting Office study, State EMS administrators believed that the sharing of such information would be of benefit to all State administrators, in that each may learn of the benefits and pitfalls of the various initiatives undertaken elsewhere. Appropriations are authorized for the initial 3 years of operation, although in subsequent years, I believe the clearinghouse should be able to fund itself through subscriptions and user fees to be charged States who utilize its services. The Secretary of HHS will conduct a study prior to the final year of authorized funding and report to Congress on the progress of the clearinghouse in moving toward its goal of self sufficiency.

Section 3 of the bill provides that each State recipient of preventive health and health services block grants will provide its State officers responsible for highway safety with the opportunity to participate in the development of any plans relating to emergency medical services. These parties will be afforded the opportunity to review and comment on proposed uses of all grants awarded to the States for EMS related purposes.

Section 4 amends the Public Health Service Act to permit States receiving preventive health and health services block grants to use those grants for the purchase of EMS communications equipment. This section also requires the Federal Communications Commission to study the availability of radio frequency channels for EMS communications, and requires the FCC to disseminate information to the States regarding suitable equipment and operating procedures for EMS communications.

Section 5 requires each state to annually submit, as part of the application for PHHS block grants, a comprehensive EMS and trauma care plan. These plans would include standards for the implementation of regionalized trauma care centers, guidelines for the designation of trauma care centers, accreditation procedures, and procedures for data reporting and analysis of trauma victim statistics. It would also require neighboring States sharing standard metropolitan statistical areas to include provisions in their respective plans that would foster cooperation among trauma centers in these areas.

Section 5 requires the Secretary of Health and Human Services to promulgate standards for regional trauma systems that are at least as stringent as the guidelines formulated by the American College of Surgeons.

Section 5 also establishes a system of trauma care grants for the States; $60 million would be authorized to be appropriated for each of 3 fiscal years—1988, 1989, 1990. For fiscal year 1988, allotments will be made to the States according to the ratio each State's population bears to the population of all States. For fiscal years 1989 and 1990, two thirds of the funds appropriated will be allotted according to population, while the remaining one third will be allotted according to the ratio the uncompensated care expenditures of each State bear to the uncompensated care expenditures of all States. Under no circumstances will any State allotment be less than $500,000 for any fiscal year.

Each State will use no more than 5 percent of the allotment for administrative costs; a minimum of 60 percent of the allotment will go toward the planning and implementation of regionalized trauma centers; the remaining 35 percent is discretionary, and may be used to reimburse trauma centers which meet the American College of Surgeons guidelines for level I and II centers, and which have implemented the required procedures specified in the annual State trauma plan.

Section 6 of this bill requires the Secretary of HHS to conduct a study of the financial impact of regional trauma systems on Medicare's DRG system and Medicaid reimbursement policies. Results of the study will be reported to Congress.

CONCLUSION

Mr. Speaker, the Emergency Medical Services Planning and Development Act of 1987 represents a significant step toward the realization of effective, coordinated care for trauma victims in this Nation. Coordinated trauma care systems are not only a medical necessity for ensuring the long-term health of all Americans, but they make economic sense as well. Millions of dollars are wasted each year because accident victims do not receive proper medical care. Medical complications and prolonged hospital treatment caused by inadequate trauma care constitute a major drain on our Nation's medical resources. At one point in our recent history, hospitals lacked resources and medical technology for treating trauma victims. Today, it is coordination, planning, and communications which are the primary obstacles preventing injury victims from receiving proper care. Mr. Speaker, this legislation will provide the impetus for States to establish state-of-the-art trauma care for all citizens. I urge my colleagues to support this life-saving legislation.

AGREEMENTS RELATING TO THE SALE OF AWACS TO SAUDI ARABIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues correspondence I had with the State Department regarding agreements and understandings with Saudi Arabia relating to the sale to Saudi Arabia of AWACS early warning aircraft in 1981.

The State Department indicates in its reply that it knows of no information in State Department files or elsewhere which indicates any connection between alleged Saudi support of the Contras and the sale of the AWACS aircraft to Saudi Arabia.

A copy of my letter to the State Department dated April 14, 1987 and the Department's reply of July 10, 1987 follows:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, April 14, 1987.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Department of State,
Washington, DC.

DEAR MR. SECRETARY: In 1981, the Committee on Foreign Affairs received testimony from the Department of State regarding the proposed sales of AWACS aircraft and related services to Saudi Arabia.

On October 1, 1981, the Undersecretary of State for Security Assistance, James L. Buckley, testified that all negotiations relating to the sale were completed and that, with classified briefings on security conditions and safeguards, Congress would have all documents, understandings and agreements relating to this sale.

As you know, there have been persistent reports that Saudi Arabia has been providing assistance to the Contras as part of an agreement related directly or indirectly to the AWACS deal. Out of these reports, certain questions arise to which I would like answers: Does the State Department stand by its 1981 testimony that all relevent documents, understandings and agreements relating to this sale were provided the Committee in classified or unclassified form in October, 1981? Were there any direct or indirect, written or oral understandings with Saudi Arabia relating to Saudi assistance to the Contras reached at the time of the AWACS sale, prior to it or subsequent to it? And was there any liaison arrangement with Saudi Arabia involving Saudi government or private support for the Contras which was concluded before or after the AWACS sale was concluded?

I appreciate your consideration of these questions and trust that your reply will represent the views of the United States Government on this matter.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 10, 1987.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of April 14 regarding the sale of AWACS aircraft and related services to Saudi Arabia. I regret the delay in our response.

The Department of State stands by its 1981 testimony that all relevant documents, understandings and agreements relating to the AWACS sale were provided to the Committee on Foreign Affairs in classified or unclassified form.

Nothing exists in Department of State records, nor are we aware of any other information, which would indicate any connection between any alleged Saudi contributions to the Nicaraguan Democratic Resistance and the sale of AWACS, any other arms sales or any other aspect of the Saudi Arabia-United States military relationship.

Information available to the Administration bearing on alleged Saudi contributions to the resistance has been made available to the Select Committees investigating the Iran/Contra affair.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

A TRIBUTE TO MICHAEL FUCHILLA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay special tribute to Michael Fuchilla, a very special resident of my 17th Congressional District. Mr. Fuchilla is one of the many people of our area that suffers from the woes of the American steel industry—he is unemployed.

Although this generally gives a person the opportunity to lament, Mr. Fuchilla refuses to give up hope. Rather he sees this as an opportunity to serve the community that he is a part of. When there is a friend in need Mr. Fuchilla is a friend indeed. If one needs help fixing his car, Michael will be there to help. Is there a lawn to be cut? A drive to be shoveled? Ask Michael—he'll be more than happy to do it. Whether it be fixing a car or raising funds for the local school, Michael Fuchilla is always willing to lend a helping hand. I've even heard that Mr. Fuchilla plays Santa Claus at local Christmas pageants. I wonder if he is just a man disguised as Santa on the holidays or Santa Claus disguised as a man during his off-season.

Mr. Fuchilla would never accept any sort of payment for his generosity. This is why 47 members of Mr. Fuchilla's neighborhood, the residents of the 17th Congressional District and I will be honoring Michael Fuchilla and award him a "Certificate of Special Congressional Recognition" on August 7, 1987.

A SALUTE TO THE WILLIAM PENN ASSOCIATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. WALGREN. Mr. Speaker, I would like to take a moment to salute the William Penn Association which is holding its annual convention in Toronto, Canada, this September.

This fraternal organization has thousands of dedicated and selfless members who give their time to care for and help others in need on a community level. This convention in Toronto will be the organization's 31st, and over 200 delegates from around the country will attend.

I have a special place in my heart for the William Penn Association since a dear friend, William Arbanas, was instrumental in the activities of the association's predecessor group in Pittsburgh, the Catholic Knights of St. George. In fact, Bill brought me into this group many years ago.

This year, on the occasion of their 31st convention, I am pleased to ask my colleagues to join me in saluting the William Penn Association.

A CONGRESSIONAL SALUTE TO ALEX G. SPANOS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to Alex G. Spanos, who will be honored as Man of the Year by AXIOS, an organization of southern California business and professional men representing the Greek-American community, on Thursday, September 3, 1987.

Alex G. Spanos was born September 28, 1923, in Stockton CA. He attended elementary and high school in Stockton before furthering his education at Cal-Poly University and University of the Pacific. He served in the U.S. Army Air Force before he was married to Faye Faklis on August 22, 1948. Alex and Faye were blessed with four children—Dean, Dea, Alexis, and Micheal—and six grandchildren.

Alex's keen sense of business and his natural industrious nature became very evident with the success he has enjoyed with his many business ventures. His impressive business record has earned him the fruits of his labor as he has served as either the president or the chairman of the board in each company on his long list of business accomplishments.

Over the years, Alex has been acknowledged by his community, colleagues, and peers as one of the outstanding citizens of our time. He has received a long list of awards, citations, honorary degrees, dedications, and appointments marking his great contributions to his community. In 1973, the Alex and Faye Spanos Teaching Award was established by the Spanos children and an annual fund to the Alex and Faye Spanos Distinguished Teaching Award was established at the University of Nevada, Las Vegas. Alex is also the first person to ever win the Bob Hope Pro-Am Desert Classic in the United States and the Bob Hope British Pro-Am Classic in Britain. Among his prized possesisions is his majority interest ownership in the San Diego Chargers professional football team.

Mr. Speaker, as you can see, Alex G. Spanos is a remarkable person. His success has benefited others, as well as himself and his family. My wife, Lee, joins me in congratulating Alex G. Spanos on his many great achievements. We wish him and his wife, Faye, and their children, Dean, Dea, Alexis, and Michael, and their grandchildren, Alexander Gus, John Dean, Dimitri, Alexandros, Adriana Faye, and Nicoletta Toporcian happiness and all the best in the years ahead.

SALUTE TO THE REVEREND ANDREW FOWLER, D.D., ON THE CELEBRATION OF 50 YEARS OF CIVIC AND PUBLIC SERVICE TO THE DISTRICT OF COLUMBIA

HON. WALTER E. FAUNTROY

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. FAUNTROY. Mr. Speaker, it is with near inexpressable delight that I rise in this hallowed Chamber to salute one of the great citizens of Washington, the Reverend Andrew Fowler, pastor of the Capitol View Baptist Church as the city salutes his 50 years of public service to the Nation's Capital.

Every generation is blessed to receive from the storehouse of Providence distinctive and visionary individuals whose vision of a community of real brotherhood and dedication to the achievement of the right, contribute immeasurably to the realization of community, equality, justice, and peace. Dr. Fowler stands tall in this corps of the unique.

As an undaunted clarion for justice, he was a leader in the struggles for equal justice and equality in the Nation's Capital who significantly contributed in hastening the demise of segregation. With equal vigor in subsequent years, he was in vanguard for home rule and full self-determination for the people of Washington.

In his scholarship, he dedicated his life to banish ignorance by the training of minds as a professor at Howard University and founder of the Washington Baptist Seminary.

Finally, Mr. Speaker, as a devoted and dedicated servant of God, Dr. Fowler has been fearless in his defense of those timeless and transcendent values and ethics, without which no society can long endure.

One of his teachers, Dr. Howard Thruman once inquired in one of his many profound writings:

> In your own way, do you keep a lantern burning by the roadside with a note saying where you may be found, "just in case?" Do you place a jar of cool water and a bit of fruit under a tree at the road's turning, to help the needy traveler? God knows the answer and so do you.

I am glad that in these 50 years of selfless service, we have seen that Dr. Fowler has answered well his teacher's question. Our city and Nation are grateful that he did.

TRIBUTE TO LOCAL 853 FOR 50 YEARS OF QUALITY LEADERSHIP

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mrs. BOXER. Mr. Speaker, today marks the 50th anniversary of Teamsters Local 853 of Oakland, CA. For half a century, the local has served the San Francisco Bay area with leadership and dedication. Throughout these years, the local has created and preserved fair wages, benefits, and working conditions for the thousands of members it represents.

Local 853 was originally chartered by the International Brotherhood of Teamsters, Chauffeurs, Stablemen & Helpers on August 24, 1937, under the official name of General Warehousemen Local Union 853, Alameda and Contra Costa Counties. The charter was amended in 1940 to restrict the local's jurisdiction to Alameda County. The local operated under this charter for the next 28 years, representing members in various types of warehousing and production fields.

In the late 1940's and early 50's local 853 became involved with the employees of Montgomery Ward. Because the makeup of the local changed from basically warehousing and production to include the jobs covered under the Ward's agreement, the charter was again amended to include the union's present name of Warehouse, Mail Order & Retail Employees Local Union 853, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America.

Presently, local 853 is the fastest growing local union in northern California, with almost 5,000 members. Through its active membership and outstanding leadership, the local represents workers in fields covering office clericals to bus builders, warehousepersons to outside sales persons.

Local 853 clearly embodies the unity, spirit, and strength of the union movement. Unions like local 853, have improved the livelihood of workers everywhere, and continue to be an essential part of American life.

I hope my colleagues will join me in congratulating local 853 for its 50 years of commitment and progress. May the future hold continued success and prosperity for local 853 and the members it serves.

INTRODUCTION OF THE PASCUA YAQUI TRIBAL CONSTITUTION LEGISLATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. UDALL. Mr. Speaker, I am introducing today a bill which would provide a tribal constitution for the Pascua Yaqui Tribe, an Indian tribe located near Tucson, AZ.

In 1978, this tribe was recognized by Public Law 95-375 under this act. The Pascua Yaqui Tribe was to adopt a constitution within 30 months after the date of enactment and the Secretary of the Interior was to review such document to ensure that it complied with the provisions of Public Law 95-375.

Today, because of the inability of the various tribal factions and the Bureau of Indian Affairs to agree on a final draft, a constitution has still not been presented to the tribal electorate for ratification.

To make matters worse, the tribe has recently been shaken by internal factional disputes which have challenged the legitimacy of the present tribal government. I believe that unless the various tribal factions and the Bureau of Indian Affairs can soon come to an agreement on the scheduling of an election for the purpose of ratifying a tribal constitution, Congress should act to provide a constitution for the tribe in order to bring a measure of stability to the tribal government.

The introduction of this bill does not mean that I am in favor of any particular version of a tribal constitution or that I favor direct congressional intervention in tribal affairs. I consider congressional action in this area only as an act of last resort. I hope that the introduction of this legislation will provide added incentives to the tribal factions and the Bureau of Indian Affairs to sit at the negotiating table and come to an agreement so that election on ratification of a tribal constitution can be scheduled. Should this occur in the near future, this legislation would become moot and there would not be any further need for congressional action.

A TRIBUTE TO NATHAN PERLMUTTER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. STOKES. Mr. Speaker, on July 12, 1987, our Nation lost a great spokesman and humanitarian. Nathan Perlmutter, national director of the Anti-Defamation League of B'nai B'rith since 1979, died in Manhattan at the age of 64. With his passing, we lost a compassionate and committed human being.

Mr. Perlmutter grew up In the Williamsburg section of Brooklyn, the child of immigrants from Poland. At age 19, he began work as a clerk/typist at the Pentagon in Washington, DC. He later enrolled at the Georgetown University School of Diplomatic and Consular Practice. He also studied at Villanova College and earned an LL.B. from New York University School of Law.

An author, lecturer, lawyer, former Marine infantry officer and 38-year veteran in the human relations field, Mr. Perlmutter first joined the Anti-Defamation League in 1949. From that time until 1964 he served as director of the agency's 31 regional offices. From 1965 to 1969, he was associate national director of the American Jewish Committee; and from 1969 to 1973 when Mr. Perlmutter returned to ADL as assistant national director, he was a vice president of Brandeis University.

Known for his independence of viewpoint and literary style, Mr. Perlmutter's essays on social and political issues have appeared in a broad variety of national publications. A widely respected authority on Jewish as well as general democratic concerns, he was regularly consulted by government officials and journalists. He was the author of "A Bias of Reflections" and coauthor, with his wife, Ruthann Perlmutter, of "The Real Anti-Semitism in America."

Mr. Speaker, Mr. Perlmutter has earned many honors and awards for his unyielding dedication. In January 1986, he received the B'nai B'rith International Presidential Gold Medallion for Humanitarianism. In May of this year, New York City Mayor Edward Koch presented him with the Eleanor Roosevelt Human Rights Award "for extraordinary courage, enduring humanity and unshakeable faith in a world without prejudice." Mr. Perlmutter was also the recipient in June of the 1987 Presidential Medal of Freedom, America's highest civilian award, for his public service. In making the presentation, President Reagan called Mr. Perlmutter "a hero of the human spirit."

Mr. Perlmutter has been a catalyst for freedom and equality. Through his efforts the Anti-Defamation League as been in the forefront of the struggles for social justice, religious freedom and human rights. The regional offices, including the Northern Ohio Regional Office which is located in my congressional district and which I have a close working relationship with, reflect the high caliber which Mr. Perlmutter brought to the ADL.

In March Mr. Perlmutter was awarded an Honorary Degree of Doctor of Humane Letters from Hebrew Union College. I believe the citation is an excellent summation of the life of this great man. It reads as follows: "Devoted Jewish leader, distinguished attorney and outstanding citizen whose name has been synonymous with vigorously combating bigotry and discrimination, whose long and exceptional service to the Jewish people is a reflection of his religious commitment, whose dedication to the ideals of Judaism has made him an emissary of social justice and brotherhood, whose manifold talents, fused with pragmatic idealism, have elevated him to national leadership".

Our Nation has lost a true soldier for democracy—a general in the ongoing fight for freedom and justice for all.

Mr. Speaker, I would like to ask that my colleagues join me in expressing our sympathy to Mr. Perlmutter's wife, Ruthann, and his children.

RECOGNITION OF THE BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES ON ITS 100TH ANNIVERSARY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. CONYERS. Mr. Speaker, I wish to take this opportunity to give special recognition to the significant achievements of the Brotherhood of Maintenance of Way Employes as they celebrate their 100th anniversary this year. This organization embodies the ideals of trade unionism by standing firmly behind its membership throughout great changes in the rail industry.

In the spring of 1887, a small group of section foremen who envisioned a better way of life for people working on American railroads gathered on a riverbank in Demopolis, AL and conceived a fraternal society that would be chartered as the Order of Railway Trackmen. American workers of varied ethnic backgrounds, including immigrants from the British Isles, Italy, Ireland, China, native Americans, and persons of Spanish descent, were required to endure many hardships while devoting their skill and strength to build and maintain the tracks, bridges, and structures of American railroads. They have earned their place as true pioneers of one of the greatest industrial societies in the history of mankind.

As it grew, the Order of Railway Trackmen assumed the obligations of a labor organization. There were amalgamations with other similar organizations of railway workers. An affiliation with its Canadian brothers resulted in an international union, the Brotherhood of Maintenance of Way Employes.

There has been a dramatic contraction of the Nation's rail network in the past few years, and the closing of rail lines is far from over. Railway workers are in danger of losing jobs, and dozens of communities face the loss of vital transportation services. Unfortunately, when the tracks are dismantled, rail service is almost impossible to restore. The Brotherhood of Maintenance of Way Employes is responding to this crisis with initiative and responsibility. The BMWE is proposing partnerships between employes and railroad operators to ensure the maintenance of as many rail lines as possible. Other strategies to maintain job security are being developed.

The BMWE is also celebrating its anniversary by recognizing one of its greatest resources: its 22,000 retired members. These retirees are now being asked to form their own organization, a force for political activism and community service. This organization will not be merely an extension of the BMWE but will be completely administered by its members. In fact, all retirees are now being asked to suggest a name and an agenda for the new group. This respect for the dedication and enthusiasm of its members is a hallmark of the BMWE.

Mr. Speaker, the Brotherhood of Maintenance of Way Employes and its leadership stand ready for future challenges which await the organization in its second century. I hope that you and our colleagues will join me in extending best wishes for their continued growth and progress.

THE COOPERSTOWN CONFERENCE

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. BOEHLERT. Mr. Speaker, each year, for the past 10 years, representatives from both the private and public sector gather for discussions of regional rail issues at the historic Otesaga Hotel in Cooperstown, NY. This year's conference marked a decade of its existence and not only succeeded in providing a great deal of substantive information on the short- and long-term trends facing the railroad industry but also recommended what options the industry might employ to survive these changes. Some of the more interesting comments to come out of the conferences were those of my colleague from New Jersey, Representative JAMES J. FLORIO. JIM's insightful remarks confirmed the indispensability of labor to the rail industry and outlined the effects superconductivity and short-line railroads could have on the future of our rail system. For the benefit of my colleagues, I insert here the Journal of Commerce article on the conference, published on August 4, 1987:

[From the Journal of Commerce, Aug. 4, 1987]

LABOR A VITAL INGREDIENT IN RECIPE FOR RAIL CHANGE

(By Leo Abruzzese)

Structural changes in the U.S. railroad industry will not succeed unless management works more closely with labor, a Congressional transportation leader predicted.

James Florio, D-N.J., chairman of the commerce subcommittee of the House panel on Energy and Commerce, said railroads may face difficult times if they fail to deal with labor fairly.

"Some in the railroad industry would probably argue that management should do what has to be done and if the employees go along, that's fine, and if not, do it anyway," Rep. Florio told a railroad conference Monday in Cooperstown, N.Y.

"Well, you must remember that the railroad industry is a service industry," he added, "and service is provided by the employees."

Rep. Florio, who focused on the future of the industry in the year 2000, discussed technological advances like superconductivity. But he also evaluated more immediate structural changes, including the rise of short-line railroads.

Superconductivity refers to the property of some metals to lose their electrical resistance at low temperatures, enhancing their ability as conductors.

If superconductivity is possible at higher temperatures, it may allow the long-distance transmission of electricity with little efficiency loss. That could end the need for rail transportation of coal to local utilities, Rep. Florio said, cutting a crucial revenue source.

Conversely, superconductivity may permit the creation of high-speed magnetic levitation trains, which could lead to a resurgence of passenger business.

The New Jersey congressman sees the same type of conflict as short-line railroads increase in number.

Locally based short-lines often can provide better service to nearby shippers than a major railroad headquartered in another part of the country, he said.

But Rep. Florio warned the short-line explosion may be getting out of hand.

Investor groups are now assembling rail systems that total several hundred miles, he said, but which often receive no more government scrutiny than the sale of a two-mile short-line.

Employees affected by these broader short-line deals, he noted, often are left unprotected.

"Is it appropriate to treat line sales of such magnitude the same way as a two-mile-long line sale?" Rep. Florio asked.

Ultimately, he stressed, labor issues will determine the fate of the railroad industry.

Management's failure to address labor protection concerns, for example, will delay efforts to resolve the retirement and liability issues the industry considers crucial.

Moreover, the possibility remains that unions, disillusioned with management, may align with shipper groups who are trying to revise the Staggers Act.

Although there are practical problems with a shipper/union alliance against the railroads, Rep. Florio said it should be a serious concern for the industry.

"In the long term, passage of (rail reform legislation) is one good way to increase the chances that there will be no railroad industry in the year 2000," the congressman said.

VA EMPLOYEES VOICE STRONG SUPPORT FOR THEIR MEDICAL COMPUTER SYSTEM

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. MONTGOMERY. Mr. Speaker, a controversy over the effectiveness and cost of the Veterans' Administration's medical computer system, known as the Decentralized Hospital Computer Program [DHCP] system, has arisen in the Congress. As chairman of the Committee on Veterans' Affairs, I have scheduled many oversight hearings on this important medical computer system over the past several years and the reports on its effectiveness and costs have been uniformly very positive.

Since our hearing of April 8, 1987, on this important subject, I have received many letters from veterans and Veterans' Administration employees in support of the DHCP.

I would like to share with my colleagues a copy of a letter which I received from Dr. Ira B. Tager, Chief, Information Resources Management Service at the VA Medical Center in San Francisco, CA, that demonstrates how the VA employees feel about "their" medical computer system. The letter follows:

VETERANS' ADMINISTRATION,
San Francisco CA, March 23, 1987.

G.V. (SONNY) MONTGOMERY,
House of Representatives, Chairman, Committee on Veterans' Affairs, 335 Cannon House Office Building, Washington, DC.

DEAR MR. MONTGOMERY: In my role as Chief of Information Resources Management at the Va Medical Center, San Francisco (Fort Miley), it has come to my attention that there is Congressional interest in a major change in the computer systems that will be used to manage the VA medical centers. Let me assure you that any radical departure from the current DHCP program will spell disaster for the local VA stations (and I suspect for the Va Central Office).

Like all complex computer-based data management systems, the DHCP system has its problems; but fundamentally, it is a sound system with enormous potential that can only be realized through the experience that will be gained as a consequence of its continued implementation and evolution. The amount of effort that has gone into the training of personnel, the creation of data structures, the planning of projects and the establishment of a long-term record of the VA's patient-care and administrative experience is enormous. During these activities, much has been learned about how best to exploit the potential of DHCP for the benefit of medical administration and patient care activities. Any sudden shift to a new system or delays in planned equipment purchases for FY 88 will create havoc that will result in serious dislocations in the operations of local VA stations. For example, in the area of fiscal management, it has taken our station hundreds of hours of personnel time to train the staffs of a number of Services in the use of IFCAP, the software that enables the Station to order supplies, track these orders and encumber the funds required for their purchase. A significant database has been developed which has considerable importance for the responsible fiscal management of the Station. A sudden elimination of the support (including FY 88 purchase of equipment) for this activity would have consequences that I'm sure are obvious to you. As an example, in the area of patient care management we have developed software and programs that permit the more accurate monitoring of the complications of surgical procedures to assure that all possible steps are taken to minimize the risks of surgery to our patients. This program is being expanded to include the more accurate summarization of medical records for use in patient care evaluations. The locally developed software would not have been feasible in the absence of an exhaustive body of software developed as part of the DHCP. A considerable effort already has been expended on the programming tasks and the training of personnel, all of which would be lost with the sudden shift to a new system. Moreover, full implementation of the program will not be possible if FY 88 purchases are delayed. I could provide you with numerous other examples with similar consequences should you desire them.

It also should be pointed out that a number of very important DHCP pilot projects are in a critical stage of their development. The IFCAP software that was referred to above is an example. A great deal has been learned about the potential of this system over a period that spans several years. The system is just about ready for overall distribution within the VA patient-care network. What is to become of all of the effort and money that has been expended to develop a fiscal management system that is designed to save money and improve operating efficiency?

Before dismissing this letter as a self-serving attempt on the part of a VA employee to preserve the status quo, I would like you to be aware of the fact that, at the local level, I have voiced consistently my reservations about many elements of the DHCP software and implementation. However, at no time did I consider the solution to be one of dismemberment, but rather one of modification and evolution. I accepted my current position 18 months ago, because I realized the considerable potential of this system for medical administration and patient-care related research. I remain convinced that my initial assessment was accurate.

In closing, let me assure you that I believe that it would be fiscally and managerially irresponsible to undertake the delays and/or changes that appear to be contemplated. The responsibilities of Congress and the needs of Veterans would be served far better by a continued critical review of the DHCP and the provision of the resources required for its proper and healthy evolution.

Sincerely yours,

IRA B. TAGER, M.D., M.P.H.,
Chief, Information Resources Management Service, Associate Professor of Medicine & Epidemiology, University of California, San Francisco.

A TAX INCREASE IN DISGUISE

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. HUBBARD. Mr. Speaker, I recently received a letter from my friend and constituent Joyce Strader of Cadiz, KY, regarding the Tax Reform Act of 1986. Joyce Strader's letter to me points out some very interesting facts which I believe are worthy of publication in the CONGRESSIONAL RECORD. Her letter follows:

JUNE 18, 1987.

Hon. CARROLL HUBBARD,
House of Representatives,
Washington, DC.

DEAR MR. HUBBARD: This letter is to express my concern about the Tax Reform Act of 1986. Although the Administration is touting it as a "tax cut," I feel that this law is really a tax increase in disguise. I think people will realize this when they file their 1987 tax returns.

According to the book "The Tax Revolution" I bought when the bill became law, one-fifth of all Americans will realize a tax increase. This will most certainly be true if the family has two incomes and no dependents at home. Why must the tax burden be placed on middle income families and the very rich get a tax cut? Both my husband's salary and mine are required to pay for a home, two cars to drive to work, insurance, doctor bills, and the regular monthly expenses as is the case with many Kentuckians and people all over the Nation. We are already paying an exorbitant amount of taxes. Even the small amount of unemployment my husband draws when he is laid off in the winter months costs us about 50 percent of it back when we file our return. We thought at this time of our lives we would be able to save some money and enjoy a few pleasures of life now that our children are on their own, but it appears that we'll just be paying it to the IRS.

Now I am concerned that Congress is going to pass a budget bill with another tax increase tacked on. Please make your fellow representatives aware that the so-called "tax cut" is really a "tax increase" for 20 percent of America. Both our incomes combined are less than $50,000, but according to the new tax code we'll be in the 35 percent bracket this year and then 33 percent after that. I think this is an unfair amount of taxes for a married couple who have worked hard all their lives and are trying to save a little for the future and retirement.

I would also like to point out that the inflation figure, which is extremely low according to the Administration, doesn't seem to hold true in west Kentucky. I'm not sure how they arrive at their percentage, but I know it isn't from the supermarket, pharmacy, or other such businesses. I would like to invite them to compare prices from one trip to the next and see how much they go up. Some items jump as much as 30 percent in the year. I'm talking about things that are necessities, not big-ticket items such as houses and cars that you don't buy every year.

Another thing very inflationary is the cost of health care. A few weeks ago I went to the doctor for a case of strep throat. By the time I got home it had cost me $70, $30 at the doctor's office and $40 at the pharmacy. And this will not be reimbursed by health insurance since the deductible is so high I never reach it. I don't think we're being told the truth about inflation.

I am also concerned about the huge budget deficit. I would think raising taxes is probably a good way to cut it if I didn't already feel that we just had a tax increase. At this time I am more in favor of cutting government spending.

Thank you for the opportunity to get this off my chest. I realize that letter writing does little good, but I think you are doing a good job in representing your constituents and are truly concerned about what we think.

Sincerely,

JOYCE STRADER.

MALCOLM BALDRIGE: A MAN WHO EPITOMIZED WHAT IS BEST ABOUT AMERICA

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1987

Mr. WORTLEY. Mr. Speaker, I wish to add my tribute to the eloquent words of our colleagues who have spoken about our departed friend, Malcolm Baldrige.

Malcolm Baldrige was a man of all seasons. He epitomized what is best about a dedicated American public servant and what is best about a free enterprise executive and leader. He was a man's man, a family man, and a friend of humanity.

Mac endowed America with an enduring legacy. In the real world of international trade, he was the voice of fair trade. He was the force behind America's policies of moderation. He was a champion of negotiation and conciliation.

As a tough competitor, our plain speaking friend knew best how to make America more competitive.

Mac has ridden from our midst. But the strong echoes of his voice will long persist throughout this land he loved and served.

Among the people of this earth whom Mac touched were those of us in Fayetteville, NY, my hometown. There, he dwelt among us—a couple of blocks from the house where I live—when he was the manager of the Fraser and Jones Co., three decades ago when times were hard. True to the form he maintained throughout his life, Mac helped to make things better. We will never forget his contributions to central New York.

As in the cowboy's prayer, Mac has taken "that last inevitable ride to the country up there." In his memory, we must never slacken the pace he set.

At this point, Mr. Speaker, I request that an editorial, carried July 28 by the Post-Standard of Syracuse, be added to my remarks.

BALDRIGE—WE'LL MISS COMMERCE "COWBOY"

Some might argue that at age 64, Commerce Secretary Malcolm Baldrige should have hung up his spurs.

But the Yale graduate and successful businessman refused to give up his cowboy ways. Over the weekend, this durable fixture of the Reagan administration lost his life doing what he loved—roping steers.

Baldrige spent part of this life in Central New York: he lived in Fayetteville while serving as manager of Frazer & Jones Co. in the 1950s. He was one of only three Cabinet holdovers from the first days of the Reagan administration, along with Defense Secretary Caspar Weinberger and Samuel Pierce at Housing and Urban Development.

He will be hard to replace. In his soft-spoken yet forceful way, Baldrige helped to bridge a gap that had widened between President Reagan and Congress on the subject of foreign trade. With Congress clamoring for protective trade measures and the president adamantly opposed to artificial trade barriers. Baldrige charted a middle course, arguing for agressive action to counter unfair trade practices by foreign governments, and working effectively to open up new markets for U.S. products in China, the Soviet Union and elsewhere.

His mediating skills could have served his president well in the upcoming delicate negotiations with the House and Senate which have passed tough trade bills.

Baldrige, whose name bedeviled novice journalists with that mischievously missing "d," deserves some praise from the writing fraternity for demanding cleaner, leaner memos from his department's bureaucrats.

He also earns high marks for off-the-cuff wisdom. Moments before Saturday's tragic accident, Baldrige offered this profound distinction between being a cowboy and a Washington policymaker: "In a rodeo, cowboys don't talk unless they have something to say."

TRIBUTE TO MALCOLM BALDRIGE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1987

Mr. MICHEL. Mr. Speaker, I am glad to be able to joint with our colleagues in paying tribute to the late Secretary of Commerce, Malcolm Baldrige, whose untimely and tragic death has certainly deprived this administration and this country of a dedicated public servant.

Since, as we all know, Mac had a critical eye and ear for sloppy use of the English language, I am going to put this in plain English: Mac Baldrige was one of those rare human beings whose personal gift for friendship was matched by his public gifts of competence, courage, and a sincere love of this country.

I guess many have remarked upon the fact that Mac was both a successful corporate executive and a successful rodeo rider. I don't know why that should seem such a strange justaposition to us—after all both demand quick decisions and the ability to know where to make the right move. Mac certainly knew how to do those things.

Roy Denman, head of the delegation of the Commission of the European Communities, wrote in the Washington Post:

"Mac Baldrige was one of the finest, straightest men I ever met * * * I never met a tougher negotiating partner."

In my experience, that combination of personal warmth and wit and professional toughness is rare.

TRIBUTE TO JOHN W. WYDLER

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mrs. LLOYD. Mr. Speaker, I'd like to express my support for H.R. 812 not only for what the award represents, but also for the fact that this is an important memorial to a very effective Cabinet officer. Mr. Baldrige was an accomplished industrialist, and distinguished public servant. This bill also included amendments to the Stephenson/Wydler Technology Transfer Act and that legislation should now serve as a lasting memorial to another distinguished American who died suddenly this week.

Congressman John W. "Jack" Wydler served on the Science, Space, and Technology Committee for 18 years and was the ranking Republican for 4 years. Jack and I fought side by side in some very difficult battles, including the authorization of the Clinch River breeder reactor project. But whether the issue was in nuclear energy development, synthetic fuels, aviation R&D, or science issues in the committee or the House, Jack Wydler displayed the same outstanding characteristics. In fact, "Towards the Endless Frontier" the history of the Committee on Science, Space, and Technology, bears testimony to Jack's contributions with countless references to him. He did his homework, he knew the issues, he argued with compelling logic and appealing wit, and he was a true and loyal friend to his colleagues in the House.

We shall miss Jack very much and I hope that the Stephenson/Wydler Act, the implementation of which is now so crucial to U.S. technological competitiveness, will serve to remind us of a great colleague, a good friend, and a most effective Member of this body.

TRIBUTE TO MATT RYAN

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. WELDON. Mr. Speaker, I rise today in order to share with my colleagues recent honors bestowed upon Pennsylvania House Republican minority leader, Representative Matthew Ryan.

Two major national organizations met in Indianapolis, IN last week to announce their picks for the most "outstanding State legislators". Both the National Conference of State Legislators, and the National Republican Legislators' Association honored Representative Ryan as one of our Nation's outstanding State legislators".

Matt Ryan has been a State representative from my district since 1963. He is currently the minority leader in the Pennsylvania House of Representatives and has served in that capacity since 1983. Representative Ryan had been the majority leader in the House from 1979 to 1980, and Speaker of the House from 1981 to 1982. Clearly his dedication to the Pennsylvania House of Representatives and his constituency qualify him for the honors he has received.

Matt Ryan is both a good friend and excellent example. As a member of the U.S. House of Representatives, former Delaware County Councilman, and mayor of Marcus Hook, I realize how important leadership in government can be. Matt Ryan exemplifies the principles of good government. His leadership in the State house has made the Pennsylvania legislature a strong body, responsive to the needs of its constituency.

On behalf of the 100th Congress and the people of the Seventh District of Pennsylvania, I would like to extend my sincere congratulations to Representative Matt Ryan and wish for him the best in his continued service.

RAIL SAFETY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Ms. SLAUGHTER of New York. Mr. Speaker, today I am introducing legislation to improve the safety of Americans who travel by rail. The Amtrak/Conrail accident in Chase, MD, earlier this year tragically demonstrated the need for improved safety devices on trains, especially those operating in the heavily traveled Northeast corridor [NEC] which runs from Boston to Washington, DC.

The NEC is a high speed corridor serving more than 28,000 intercity railroad passengers daily on 97 trains moving at speeds of up to 125 miles per hour. Approximately 40 freight trains per day also operate on the NEC at speeds up to 50 miles per hour; a significant portion of the freight carried is hazardous material. In addition, commuter raillines carry over 220,000 passengers every day on more than 750 trains.

The Department of Transportation has concluded that public safety can be enhanced by ensuring that trains obey rail signals and has stated, "The only system now capable of ensuring that a train is operated in conformity with signal indications is the automatic train control system."

The Automatic Train Control System features two hardware elements—a signal transmission system located in the rail, and a receiver unit built into each locomotive. The Northeast corridor already has the transmission system installed in the track. Establishing Automatic Train Control in the Northeast corridor, therefore, would only require that each railroad operating on the NEC equip each locomotive with Automatic Train Control receivers.

Automatic Train Control, or "ATC," works when an electrical impulse in the rail is decoded by a receiver in the locomotive, establishing a signal in the cab. If the cab signal is changed to require a reduction in speed, the engineer must act within a certain timeframe—usually 8 seconds—to slow the train down. If the engineer does not respond properly, the brakes will automatically be applied and the train brought safely to a stop. Mr. Speaker, it is widely acknowledged that Automatic Train Control would have prevented the Chase, MD, accident.

The Secretary of Transportation, following a recommendation by the National Transportation Safety Board [NTSB], recently issued a proposed order to require all trains operating on the NEC to be equipped with Automatic Train Control. I support these actions but believe we need to go further. We need to put Congress firmly on record establishing rail safety as a national priority. This bill, which codifies the NTSB and DOT Automatic Train Control recommendations, makes such a statement.

Mr. Speaker, this is not a controversial proposal. ATC is a technology that has long been used in railroad operations and has been proven to be reliable, as well as reasonable to maintain. It is widely recognized that ATC will make significant safety improvements in rail travel on the Northeast corridor. Yet the potential for a tragic accident similar to that which occurred in Chase, MD, exists in all rail corridors in the Nation which carry passengers, especially those that mix both passengers and freight. It is important that we do all we can to explore methods by which we might reduce the potential for accidents on rail corridors nationwide.

Toward this end, this legislation requires DOT to conduct a study to determine the advisability and feasibility of requiring ATC on each rail corridor on which passengers are carried. The DOT would consult with Amtrak, freight carriers, commuter agencies, railroad passengers, and rail equipment manufacturers in its conduct of the study. The study includes an assessment of the risks of not requiring ATC on each corridor, cost-benefit analyses of requiring ATC on the corridors, as well as an investigation of alternative means of accomplishing the safety objectives envisioned by Automatic Train Control.

In addition, this bill requires the Secretary of Transportation, within 120 days of enactment, to promulgate regulations to require that all locomotives in operation nationwide to be equipped with operable radios capable of train-to-train and train-to-fixed station communications. Lack of effective radio communication was found to be a factor in the 1985 Westminster, CO, crash, and may have been related to the recent Chase, MD, accident. Making sure that all trains possess operable radios before they leave the station is merely common sense. Yet there is no statutory or regulatory requirement in effect today which mandates this important safety practice. This provision, which mirrors another NTSB recommendation, clearly states the intent of Congress that this practice should be strictly abided by.

Finally, the legislation provides an additional tool for rail safety enforcement. The maximum penalty for safety violations is increased to $25,000. This would grant the Federal Railroad Administrator, as he has requested, additional discretion to levy a heavy punitive assessment in the case of a flagrant safety violation, or in the case of repeated noncompliance. The intent is that this authority would rarely be used. It would, however, be available for use in exceptional cases where conventional remedies fail to realize their intended effect.

Mr. Speaker, I believe these specific, targeted measures will make travel by rail safer for citizens who travel, not only in the Northeast corridor, but throughout the country. I urge its enactment.

TWO HUNDRED YEARS AGO TODAY AT THE CONSTITUTIONAL CONVENTION (AUGUST 6)

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. SHARP. Mr. Speaker, on August 6, 1787, the special Committee of Detail presented its report to the Convention. Meeting over the last week, the five-member committee had transformed the patchwork of resolutions passed during the Convention's first 2 months into a detailed, coherent draft constitution.

The 7-page, 3,700-word document, which left plenty of room on the margins for comments and changes, contained a preamble and 23 articles separated into 41 sections. Beginning with the familiar "We the People," the committee's draft further enumerated the powers of the three branches of government.

After hearing a reading of the report by John Rutledge of South Carolina, the Convention adjourned for the day so the delegates could study their copies. Although more than a month remained in the deliberations, the draft Constitution the delegates took away from the State House that day, turned out to be quite similar to their final product.

ON THE PASSING OF MICHAEL V. SCIGLIANO

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. FEIGHAN. Mr. Speaker, on July 5, 1987 both the labor movement and particularly the musicians of Cleveland lost a good friend. He was Michael V. Scigliano, president of local 4 of the Cleveland Federation of Musicians.

Mike played with the Bob Alexander Orchestra, was the house drummer at the Moe's Main Street, and played at various clubs in and around Cleveland. Said his daughter, Linda Scigliano-Stokel, "I think he was just born with the rhythm."

All of us who knew Mike mourn his passing and extend our sympathies to his family.

Mr. Speaker, I include the following article from the Cleveland Musician in its entirety:

MICHAEL V. SCIGLIANO

The passing of our President Mike Scigliano on July 5th, 1987, has touched all of the members of Local 4, as well as his family and many, many friends.

Mike was a legend. Webster's Dictionary describes "Legend" as "A story of the life of a Saint". This was Mike—despite his many duties as President, Secretary and Treasurer, he always found time to help; a ready listener to all problems of our members, be they personal or pertaining to Union business, Mike was usually able to help solve their problems.

He served this Union with "All his Might" for the past thirteen years as an officer, and previous to that as a Business Agent. He left a mark and a challenge to ALL of the members of Local 4 to keep united and work together for a strong Union. Mike always said, "We Are The Professionals". Let's prove him right!

We offer our sincere condolences to Mike's family, his wife Lucy, daughter Linda, sons Mike and Joel and their families.

All of the members of the Cleveland Federation of Musicians, Local 4 will miss Mike, and join you in your sorrow. Mike lives on in our memory.—Henry S. George.

TRIBUTE TO MAXWELL A. BROWN

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. HOWARD. Mr. Speaker, I know I speak for many in commending Maxwell A. Brown, a long-time stellar resident of the Third Congressional District of New Jersey, for his outstanding contributions to many worthy causes over his continually prosperous lifetime. Mr. Brown's strong personal commitment to leading and helping others can easily be recognized in all of his chosen endeavors.

The list of Mr. Brown's accomplishments is awe inspiring. He has worked in many types of organizations including serving as president of the Monmouth Council of the Jewish National Fund; B'nai Brith, Shore Area Lodge; Gabor-Zimel Resnick Chapter of the American Red Magen David for Israel; Fort Monmouth Chapter of the Association of the United States Army; Industrial Representative Association (of the Fort Monmouth area), and chairman, Electromagnetic Compatibility Group, New Jersey Coast Chapter, Institute of Electrical and Electronic Engineers. His leadership in the Jewish community is also exemplified by his active participation in Israel bond drives and United Jewish Appeal campaigns. As one of the founders of the Hillel School of the Shore Area and the local chapter of the American Mizrachi Organization, Mr. Brown's work in education attests to the diverse nature of his fields of expertise.

Maxwell Brown is a special and well respected resident of Bradley Beach, NJ. By using his skills as an organizer, communicator, and a motivator Maxwell has led by example and has touched many individuals and organizations both locally and nationally.

A devoted family man, Maxwell and his wife Hilda, a former librarian of Bradley Beach, have a son and daughter and three grandchildren who will continue to grow and prosper from their guidance.

In keeping with the lofty goals and high ideals of Maxwell Brown a scholarship is being established in his name which will provide study trips to Israel for Jewish youth in order to develop potential leaders for the future also, in honor of all of Mr. Brown's distinguished achievements a testimonial brunch is being sponsored by five major shore organizations on Sunday, October 25, at Temple Beth Torah in Wanamassa, NJ.

Mr. Speaker, I rise today to ask my colleagues to join me to pay tribute to a man whose accomplishments and character make me honored to be able to represent him.

A TRIBUTE TO DAV STATE COMMANDER DAVID R. HELTON

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. McEWEN. Mr. Speaker, I rise today to pay tribute to the State commander of the Ohio Disabled American Veterans, David R. Helton. Commander Helton was recently elected to serve for the 1987–88 term at the Ohio DAV State Convention in June of this year.

Dave is a life member of the Pike County Chapter No. 88, and he has served as the chapter adjutant for the past 7 years. Commander Helton has also served the Ohio department of the DAV as 9th district commander, executive committeeman, first and second junior vice commander of Ohio, as well as senior vice commander in 1986.

Commander Helton served in the U.S. Marine Corps. He was medically retired from the Marines after 16 years on active duty. He served the cause of freedom in Vietnam in 1968 and 1969. During his tour of duty he received several combat awards.

Mr. Speaker, David's wife, Winifred, is the president of the Ohio DAV Women's Auxiliary. She has also been very active on veterans issues as well for several years. Dave and Winifred live in Waverly, OH. They have three children, Tina, Sheila, and David, Jr. The Helton family is quite a team. I want to extend my warmest congratulations to David and Winifred for their leadership and willingness to serve Ohio's veterans.

TRIBUTE TO MR. SAM KARLIN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to and recognize my constituent and long-time public servant, Mr. Sam Karlin, of my hometown of Pittsfield, MA on the occasion of his retirement from the Internal Revenue Service.

Sam can take great pride as he looks back on 30 years of service to the taxpayers of this Republic. During his tenure he exhibited compassion and professionalism that was uncommon and certainly well beyond the public's expectations when dealing with the Internal Revenue Service. Truly Sam stands as a model for those in the tax enforcement and collection business. When Sam audited your taxes and told you that you owed more money, he did so in such a way that the taxpayer not only wanted to pay the money, but was looking forward to writing the check.

While this may be just a bit of an exaggeration, the quality of Sam's work and his commitment to public service can never be overstated. He worked hard, rose through the ranks and is now reaping the benefits of hard work and dedication. I personally thank Sam Karlin for all he has done for my constituents and taxpayers and congratulate him on an outstanding career in public service. I wish him the very best as he sets out on the road to leisure and relaxation. And when April 15 rolls around to haunt us all next year, Sam will be among the haunted rather than the haunters. Sam, good luck and God speed.

AIRPORT 1987

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. MOAKLEY. Mr. Speaker, I submit for the RECORD a copy of an editorial from the May 17, 1987, edition of the Norfolk, VA, Pilot.

As the editorial points out, and as the increasingly intense focus of the national debate over air transportation quality and safety highlights, past inadequacies in our approach to the funding and development of the national airport and airway systems lies at the heart of today's air transportation problems.

The fact of the matter is that almost 20 years ago we in the Congress decided that the best way to provide an adequate capital foundation for our air transportation system was to establish a user funded account precisely for that purpose. Unfortunately, however, we have not kept that commitment, and while we have collected the revenue from the system's users, we have chosen not to spend it for the promised support of the system. The unavoidable result, of course, is an airport and airway infrastructure incapable of meeting the demands of the traveling public.

Fortunately for all of us, we will have an opportunity later this year to come to terms with these past failures when the Congress acts on the airport and airway trust fund reauthorization. Before that time, I trust that my colleagues will have the opportunity to read the Pilot's editorial and give careful thought to the implications of a failure to permit the airport and airway systems to sustain themselves. As airline deregulation has established, there is a tremendous level of consumer demand for safe, efficient and economical air service—it is incumbent upon us to permit the system to operate to fulfill this demand.

AIRPORT 1987

The "friendly skies" in the U.S. aviation industry may face some of the most inhospitable legislative weather since airlines were deregulated by the federal government nearly a decade ago. This year, programs to expand airports, abate noise, modernize the air-traffic-control system, tax airline tickets and impose other user fees all are scheduled to expire. Meanwhile, the flying public—which includes a disproportionate number of lawmakers, virtually all of whom are "frequent fliers"—continues to be nagged by increasing delays in service and doubts about margins of safety.

Consider the bad news in recent weeks: The number of top-rated air traffic controllers is fewer and their workloads heavier than previously assumed; numbers of air traffic controller errors and near midair collisions have increased, as numbers of flights have reached record highs; and some reports claim that the Federal Aviation Administration's air-traffic-controller-academy students may have been cheating on exams for as long as two years.

The FAA responds that the record of U.S. aviation has never been safer. Yes, but can it remain so?

Congress wonders: Should it tighten regulation of the parts of the nation's aviation system over which it retains oversight? For various reasons, both political and practical, the answer is likely to be no this year.

But one part of the nation's aviation network does need immediate congressional attention. It is the Airport and Airway Trust Fund. Like the Highway Trust Fund, the airport fund is user-fee-financed and earmarked for capital improvements to airport facilities. By the end of this year, the trust fund is expected to have a $5.2 billion surplus. Although that falls well short of airport-expansion wish lists, the money, if spent, could relieve pressure throughout the entire aviation system.

Why won't Congress spend the surplus plus? It would rather use it as a phony deficit-reducer. Because the airport trust fund is part of the "unified federal budget" that includes general tax revenues, lawmakers can subtract the fund's surplus from the federal deficit. If they couldn't fiddle with the trust-fund figures on paper, they would have to find other more meaningful—and politically painful—ways to reduce the red ink.

Partly as a result, the American flying public may face drastic government imposed cuts in commercial flights during the approaching summer travel rush, as recommended last month by the head of the National Transportation Safety Board. Such a move, while it may be necessary to ensure safety in the short term, certainly would not be in step with the spirit of airline deregulation approved by Congress nearly a decade ago. Congress should get back in step by releasing money meant for airport expansion that it holds hostage to its own political and fiscal purposes.

THOMAS W. (TEDDY) GLEASON, PRESIDENT, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. FEIGHAN. Mr. Speaker, after 24 years as President of the 116,000-member International Longshoremen's Association, AFL-CIO, Thomas W. (Teddy) Gleason recently retired and was named "President Emeritus." He has been associated with the waterfront for over 70 years.

The son of Irish immigrants, Gleason was born in Manhattan's Greenwich Village on November 9, 1900, the oldest of 13 children. He first went to work on New York City's West Side docks at age 15 where he acquired the nickname "Teddy" to distinguish him from his father, who was also a dockworker.

Except for a period in the early 1930's when stevedoring firms blacklisted him from working on the piers because of his union activity, Gleason enjoyed a steady rise in his two careers: initially as a longshoreman and later as a union official.

His first election to an ILA international office came in 1953 when be became the union's general organizer. In 1961 he assumed the post of ILA executive vice president and became the union's chief negotiator in contract talks with waterfront employers. Two years later, Mr. Gleason was elected to his present position as international president.

Gleason serves on the executive council of the AFL-CIO as one of its vice presidents, a position he was first elected to in 1969. In February 1983, AFL-CIO President Lane Kirkland further expanded Mr. Gleason's role on the executive council by designating him chairman of the federation's International Affairs Committee.

The ILA president's leadership was first given international recognition in early 1965 with his election to office of the International Transport Workers' Federation [ITF]. This worldwide labor organization which represents more than 6 million transport workers in 78 countries of the free world later elected Mr. Gleason a vice president in 1974.

His numerous trips abroad representing the American trade union movement have earned him the title of "International Labor Ambassador." Federation President Kirkland often refers to Mr. Gleason as the "AFL-CIO's Secretary of State."

An intelligent and talented negotiator, Gleason's role as the union's chief negotiator for the past 25 years has coincided with dramatic developments and innovations that have reshaped the longshore industry.

Automation, mainly in the form of containerization, brought tremendous gains for shippers and carriers in terms of productivity but also meant a loss of manhours for ILA members. President Gleason realized in the early 1960's that ILA members needed protection against this loss and he was instrumental in securing a guaranteed annual income [GAI] program that allowed for automation to flourish while recognizing and rewarding the contributions of ILA members whose lives and livelihoods were invested in the industry.

The unique GAI program was further strengthened in the late 1970's with the creation of a job security program [JSP] that insured the welfare and fringe benefit funds of ILA members.

Gleason presently serves on numerous labor, maritime and Government bodies including President Ronald Reagan's Maritime Advisory Committee.

Keenly aware and proud of his Irish ancestry—his father was from Nenagh, Co. Tipperary and mother from Omagh, Co. Tyrone—Gleason has dedicated considerable personal time and effort to aid in the development of

Ireland. He is an outspoken proponent of a 32-county United Ireland. He founded the Irish American Labor Coalition in 1981 and holds membership in the Ancient Order of Hibernians, the Friendly Sons of Saint Patrick and the American Irish Historical Society.

Mr. Gleason's affection for Ireland was appropriately recognized and rewarded in March 1984 when the ILA president was elected Grand Marshal of New York City's St. Patrick's Day Parade, the largest Irish celebration in the world. He led a quarter of a million marchers up Fifth Avenue. The grand marshal designation is one of many honors and tributes awarded to Mr. Gleason by Irish American organizations.

Mr. Gleason holds a 1980 honorary doctor of laws degree from Molloy College in Rockville Centre, NY.

The father of three sons, Mr. Gleason is a widower and resides in New York City.

UNDERCUTTING THE CONTRAS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. KEMP. Mr. Speaker, I wish to insert the following Wall Street Journal editorial into the RECORD. This is not the time for the President to back off from taking the issue of funding the Contras to the American people. Oliver North did more for the Contra cause in 6 days than the State Department has done in 6 years. For the first time ever, public opinion has turned toward support for the Contras. The President should bring the issue of Contra funding to the American people today:

UNDERCUTTING THE CONTRAS

Mr. President, wake up. Ollie North won it for you. You can stop behaving like someone whose only goal is to get out of town one step ahead of impeachment.

That this message hasn't yet sunk in at the White House is the only conceivable explanation of the new administration plan for undercutting the Contras. Just when for the first time aid to the Nicaraguan resistance has been picking up some public support, the administration agrees not even to ask for more money until after the current funding expires on September 30. Not only that, but House Speaker Jim Wright says the president has agreed not to disturb the Sandinistas' thoughtful consideration of the newest set of negotiating points by engaging in any "florid rhetoric." In other words, the president has agreed not to go to the nation to build support for the Contras. Incredible.

The speaker has of course offered a return concession: If peace doesn't dawn by Septemer 30 and the administration does make an aid request, he will not block a vote in the House. Emerging from the White House, he uttered smarmy phrases about how some believed the president would just "go through the motions," but that he had "received assurances that this is not the case." In short, he used the White House to lay the groundwork for blaming the president if the Sandinistas don't agree to dismantle their repressive apparatus.

No doubt thare are some in the administration who rationalize this as giving the Democrats a face-saving device for easing opposition to the aid. In the end, some aid probably will be approved, if only because in a presidential election year the Democrats' optimum political strategy is to give enough aid to keep the sore festering but not enough to allow a Contra victory. But the issue has just been stalled 60 days, and we have not heard any pledges of silence from Mr. Reagan's opponents.

With the president out of action and memories of the North testimony fading, emotionally committed opponents will use the time to regroup, finding new imperfections in the Contras and new reasons to pretend that the Sandinistas are changing their spots. If the Sandinistas suddenly get clever, they will encourage the process by dropping their initial rebuff and then bogging down the negotiations. The delay in going to the country makes Contra aid more problematical, not less.

The whole problem with policy toward Nicaragua, as Lt. Col. North so eloquently put it, is that it has been "fickle, vacillating, unpredictable, on-again, off-again." What we see in the 60-day delay and yet another negotiating package is more of the same, with President Reagan joining the game. And just at a time when the moment was ripe to go to the country and consolidate the upsurge of support the North testimony had engendered.

What is triply disheartening about this is what it says about the current spirit of the president and the administration. There is no will to fight. Fear of another Watergate drove the administration to drop the prerogatives of the presidency last November. That this was not another Watergate became entirely clear with the public reaction to Lt. Col. North, but the White House still has not shaken its fear. So everything remains compromise. If President Reagan cuts a mushy deal on Contra aid, his signature on a protectionist trade bill is in the cards. And a tax increase probably can't be far behind.

THE FAIR AND EQUITABLE CARGO ALLOCATION ACT OF 1987

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. FIELDS. Mr. Speaker, I am today introducing legislation to eliminate a highly onerous and discriminatory provision in our maritime law.

Specifically, this bill will repeal section 901b(c)(2)(B) of the Merchant Marine Act of 1936. This section, which was created with the enactment of the Food Security Act of 1985 established the so-called Great Lakes Cargo Set-Aside Program.

While there is not a great deal of legislative history concerning this specific provision, what there is indicates that the purpose of this language was not to produce a windfall for the Great Lakes but to be as port-range neutral or impartial as reasonably possible.

In fact, the statute says:

The Secretary of Transportation shall take such steps as may be necessary and practicable without detriment to any port range to preserve the percentage share or metric tonnage of bagged, processed, or fortified commodities, whichever is lower, experienced in calendar year 1984 as determined by the Secretary of Agriculture.

Mr. Speaker, in short, this language was not designed to mandate that preference be given to Great Lakes ports over all other ports in the United States.

Unfortunately, that is exactly what is happening and cargo is being unfairly diverted from a number of gulf coast ports, including my own in Houston, for the direct benefit of the Great Lakes including most specifically the Port of Milwaukee.

While I have nothing against Milwaukee or any Great Lakes port facility, it is wrong and inappropriate to simply guarantee that Government cargo will be shipped from any specific port regardless of the cost.

Public Law 480, Title II cargo must be allocated on the lowest landed cost basis because this approach is in the best interests of both the port industry and the taxpayers of this Nation.

And, I will say to my colleagues that what I find most troublesome about the Great Lakes cargo reservation system is that it eliminates and destroys the incentive for ports to be competitive.

During the past few years, gulf coast ports, including Houston, have significantly reduced their unloading costs and wharfages, while at the same time the Great Lakes ports have increased their costs.

In an effort to become more competitive, there has been a concerted effort at the Port of Houston to reduce overhead, cut profit margins, and scrutinize every cost involved in the movement of cargo. In addition, the labor force has agreed to reduce their wages by more than 22 percent.

Mr. Speaker, no one likes to have their take-home pay or profits reduced but this unprecedented commitment was made to attract new cargo for the Port of Houston.

It is, therefore, particularly galling to learn that despite all of these sacrifices this Government cargo still is being moved to a port where costs may be at an all-time high.

In the words of Mr. Ted Thorjussen, who is the president of the West Gulf Maritime Association:

This is not only heart-breaking, but totally unfair to the American taxpayers.

In addition, Mr. David A. Schaller, the president of the Gulf Ports Association, has testified that:

It is very difficult to find yourself in the best competitive position to handle the business only to have it diverted because of an arbitrary and discriminatory requirement.

Mr. Speaker, the Port of Houston is not afraid of competition. In fact, they invite it. And, like Smith-Barney, they encourage other ports—like Milwaukee—to gain access to this cargo the old-fashioned way—by earning it. You will never hear this Member raise an objection over the loss of cargo to any port which out competes the Port of Houston. What the Port of Houston and all other ports ask for is the opportunity to bid for Government cargo on an open, fair and competitive basis. The "Great Lakes Cargo Set-Aside Program" is a perversion of the system and it must be eliminated.

While U.S.-flag carriers have, for all practical purposes, abandoned the Great Lakes, this is not the fault of the gulf coast ports and they should not be penalized for the changing nature of our cargo transportation system.

Mr. Speaker, unlike the cargo set-aside program, this bill will not discriminate against any port range but will simply allow the Government to allocate title II cargo on a competitive basis.

I would urge my colleagues to join with me in supporting the Fair and Equitable Cargo Allocation Act of 1987. We must eliminate this discriminatory reservation system which is having such an adverse and detrimental effect on the gulf, Atlantic, and west coast port ranges.

Thank you, Mr. Speaker.

THE MONTEREY JAZZ FESTIVAL MARKS ITS 30TH ANNIVERSARY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. PANETTA. Mr. Speaker, the renowned Monterey Jazz Festival will be presented for the 30th consecutive year this September, and I want to bring to the attention of my colleagues some of the great history of this festival.

As my colleagues may be aware, the Monterey Jazz Festival is the oldest continuously presented jazz festival in the Nation. It has presented, since its first showing in 1958, 150 concerts on the Pattee Arena Stage of the Monterey County Fairgrounds. In those concerts, more than 700 hours of music has been performed by some 7,100 jazz stars—and seen in person by more than a million fans.

Musicians from all over the world have played at the Monterey Jazz Festival. Some of the most prominent are Dizzy Gillespie, Louis Armstrong, Dave Brubeck, Billie Holiday, Gerry Mulligan, Ernestine Anderson, Sonny Rollins, Max Roach, and Harry James. This year, performers will include Ray Charles, BB King, the Modern Jazz Quartet, and Woody Herman.

All of the profits from the Monterey Jazz Festival are devoted to music and education. Over $1.2 million has been spent on worthwhile projects, primarily on the Monterey Peninsula.

Mr. Speaker, the producers of the Monterey Jazz Festival have prepared a brief history of the festival which I would like to include in the RECORD at this point. I know my colleagues join me in wishing them the best of luck for this year's festival and for its continuing success for many years to come.

The following is a history of the jazz festival:

THE MONTEREY JAZZ FESTIVAL

The Monterey Jazz Festival began 30 years ago as a seed in the mind of Jimmy Lyons, then a popular respected Bay Area D.J. The seed of an idea for a "whole weekend of just getting drowned in jazz" was presented to a group of Monterey businessmen who—knowing that Monterey needed something to bring in business during the lull between Labor Day and the Crosby—donated $6700 to fund the first festival in 1958. Since then the seed has blossomed into the premier event of its kind.

For that first festival, Jimmy Lyons called on his friends, people he'd helped introduce and promote during his days as a jazz announcer. People like Dizzy Gillespie, Louis Armstrong, John Lewis, Dave Brubeck, Billie Holiday, Shelly Manne, Gary Mulligan, Ernestine Anderson, Cal Tjader, Art Farmer, Sonny Rollins, Max Roach, Harry James, Bobby Brookmeyer, and Willie Bobo. Needless to say, that first festival was a smashing success and the spirit that was in the air then is still very much present as the Monterey Jazz Festival looks forward to celebrating its 30th year. Among this year's guests are Ray Charles, BB King, The Modern Jazz Quartet, Woody Herman, Poncho Sanchez, Etta James, Red Holloway, and Eddie Vinson.

For 30 years now, the Monterey Jazz Festival has had a tremendous impact on the world of music. It has also played a significant role in helping to educate future jazz musicians. Over $1,000,000 in profits have been donated over the years to organizations like Monterey Peninsula College, Monterey County Symphony, Lyceum of the Monterey Peninsula, Hidden Valley Music Seminars, the Carmel Bach Festival, the Monterey Peninsula Youth Orchestra, the Monterey Concert Association, Asilomar Jazz Workshops, the Seaside Community Choir, the Carmel Classic Guitar Festival, Seaside Parade of Champions, and school districts in Monterey, Carmel, Pacific Grove, Salinas, Seaside, York, RLS and Aptos. And through the festival, the annual high school jazz competition known as the California High School Jazz Competition was born. Every Spring, high school musicians from throughout the state compete in Monterey for honors as best big band, best jazz combo, and the California Jazz Competition's High School All Stars. The top young musicians that emerge from this competition earn the chance to play jazz on the stage of the Monterey Jazz Festival with the greats, the festival's headlining stars.

In 1985, the festival added a Jazz Education Fund to its accomplishments. This is a county-wide program bringing the stars of the festival and the world of jazz to Monterey County's high schools, with a series of concerts and lectures; a traveling teacher's program that visits high schools here throughout the year, an instrument bank with $52,000 worth of quality musical instruments and an extensive sheet music library.

The Monterey Jazz Festival has been a valuable asset, and has done much to further the pride of the Monterey Peninsula. What started out as a dream, is now the oldest continuous jazz festival in the nation. In a short time of 30 years, the Monterey Peninsula has been associated with an event that has brought nothing but positive results, through keeping the spirit of jazz alive in both education and in the music world.

ONE HUNDRED FIFTEEN MEMBERS OF CONGRESS JOIN IN WAR POWERS ACT LAWSUIT

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LOWRY of Washington. Mr. Speaker, more than 100 Members of Congress today joined with me in filing suit in Federal court asking that the President be required to comply with the War Powers Act by officially notifying Congress that he has introduced U.S. Armed Forces into "hostilities" or "imminent hostilities" in the Persian Gulf.

This action was initiated by the House Democratic Study Group [DSG] of which I am currently the chairman. The more than 100 plaintiffs in the lawsuit—111 Representatives and 4 Senators—are believed to be the largest number of Congressmen and Senators to ever join together as individuals in a legal action.

Specifically, the lawsuit asks the court to declare that the President was required to submit a report to Congress, under the War Powers Act, within 48 hours of the time three U.S. warships entered the Persian Gulf on July 22 for the purpose of escorting two reflagged Kuwaiti tankers, and to order the President to submit such a report. Such action by the court would limit use of U.S. forces in the escort operation to 60 days, unless Congress were to specifically authorize a longer period.

We are filing this lawsuit because we believe the evidence that the President is currently not in compliance with the War Powers Act is overwhelming. The meaning of "hostilities" and "imminent hostilities" in the War Powers Act is clear from the act's legislative history. The House report accompanying the War Powers Act defines "hostilities" as situations in which "fighting has actually begun" or where there is "a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict." "Imminent hostilities" are defined as a situation where "there is a clear potential for a state of confrontation or actual armed conflict."

It is indisputable, especially in light of these definitions, that U.S. forces in the Persian Gulf currently face hostilities or imminent hostilities. Our point is simple: If the Persian Gulf situation does not represent "imminent hostilities," then the meaning of that term has been distorted beyond all recognition.

As long as the President is not in compliance with the War Powers Act, the rights and responsibilities of the Members of the House of Representatives and the Senate under the act are being abrogated.

For those who argue that there is a legislative remedy for our complaint, our response is that Congress should not have to pass a new law to ensure compliance with an existing law.

The purpose of the War Powers Act is to foster cooperation between Congress and the President, not confrontation. By the court requiring that this law be complied with, the mechanism will be set in place for collaboration between Congress and the President on developing a well-thought-out Persian Gulf policy that will have the support of the American people.

Finally, let me note that if the court rules that a war powers report from the President is not required, the suit asks the court to declare the reflagging of Kuwaiti tankers null and void on grounds that the administration's waivers of navigation and inspection laws are invalid because the law under which the waivers were granted was intended only for use in wartime and military emergencies.

The administration can't have it both ways. Either our forces face imminent hostilities and the President should therefore report to Congress under the War Powers Act, or they don't face hostilities and the waiving of our maritime laws and the reflagging of Kuwaiti tankers are invalid.

CIVIL RICO REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1987

Mr. CONYERS. Mr. Speaker, I introduce today for myself and my distinguished colleague, the gentleman from California, Mr. DON EDWARDS, the Racketeer Influenced and Corrupt Organizations Act of 1987.

I.

In 1970, Congress enacted the Organized Crime Control Act, title IX of which is known as the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961-68 (1982) ("RICO"). Congress enacted the 1970 Act "to strengthen * * * the legal tools in the evidence gathering process, * * * [to] establish * * * new penal prohibitions, and [to] provide * * * enhanced sanctions and new remedies * * *" (84 Stat. 923.) Among other concerns, Congress expressed its disquiet about "fraud." (Id. at 922.) In addition, Congress found that "the sanctions and remedies available" under the law current in 1970 were "unnecessarily limited in scope and impact." (Id. at 923.) Besides providing new criminal and civil sanctions at the suit of the Government, the 1970 Act provided treble damage relief to "person[s] injured" in their "business or property" by reason of violations of the statute. (18 U.S.C. 1964(c)). The treble damage provisions were modeled on the similar, but not identical sections of the antitrust laws. At the time, the RICO concept was called for or supported by no less than the President, the President's Commission on Crime and the Administration of Justice, the Judicial Conference of the United States, the American Bar Association, and the United States Chamber of Commerce. The Senate passed the bill 73 to 1. The House passed the bill 431 to 26. The statute became law on October 15, 1970.

II.

Today, RICO is the prosecutive tool of choice by the Department of Justice against organized crime, political corruption, white-collar crime, violent criminal groups, and domestic and foreign terrorists. The Department is also moving to implement the legislation civilly. In addition, 27 States have adopted and are vigorously implementing similar State legislation.

The private civil bar did not begin to use the Federal and State RICO legislation until relatively recently. It, too, is finding that the RICO concept is a powerful tool to use to obtain appropriate relief for those victimized by sophisticated forms of criminal activity, particularly white-collar fraud, which the Department of Justice estimates has a $200 billion impact on our society.

Writing in 1967, the President's Commission on Crime and the Administration of Justice, whose studies led to RICO, noted in its "The Challenge of Crime in a Free Society 47-48" (1967):

> During the last few centuries economic life has become vastly more complex. Individual families or groups of families are not self-sufficient; they rely for the basic necessities of life on thousands or even millions of different people, each with a specialized function, many of whom live hundreds or thousands of miles away.

The Commission also observed:

> Fraud is especially vicious when it attacks, as it so often does, the poor or those who live on the margin of poverty. Expensive nostrums for incurable diseases, home improvement frauds, frauds involving the sale or repair of cars and other criminal schemes create losses which are not only sizable in gross but are also significant and possibly devastating for individual victims. (Id. at 33-34.).

Recent testimony before the Subcommittee on Criminal Justice, which I am privileged to chair, gives contemporary significance to the Commission's findings and the importance of civil RICO: 500 to 750 homeowners in Virginia, targeted because they were old, poor, and, in some instances, minorities, were cheated out of and lost their houses—averaging $15,000 in value—in a home improvement scam perpetrated by unscrupulous contractors with the knowing complicity of a reputable bank; and 400 plus senior citizens were victimized by a retirment home fraud run as a Christian retreat to spend their last years.

In each tragic instance, the rights of the victims were vindicated by a successful civil RICO suit.

Mr. Speaker, white-collar crime victimizes, not only the poor or the old, but all of us, and it is a problem crying out for continued national attention. A brief look at two salient areas well-illustrates my central point: bank fraud and securities fraud.

The problem of bank and savings and loan associations failures is nationwide and of epidemic proportions. In 1986, 145 banks failed, a post-Depression record expected to increase by 25 percent in 1987. Organized crime elements have been involved in some of these bank failures. See, e.g., *Federal Deposit Insurance Corp.* v. *Antonio*, 649 F. Supp. 1352 (D. Colo. 1987). About 1,500 banks are on the Federal Deposit Insurance Corporation's "sick list," 10 percent of which will fail each year. The FDIC reserve fund of $18 billion is expected next year to shrink by $1 to $3 billion. The assets of the 1986 moribund banks totaled $7.7 billion; it cost the FDIC $2.8 billion to pay off insured depositors and shut down these institutions.

The Federal Savings and Loan Insurance Corporation is insolvent, according to generally accepted accounting principles. Its reserves have fallen below $2 billion. If contingent liabilities are considered, its negative net worth may exceed $3 billion. Four hundred forty five operating thrift institutions are insolvent; they are losing $5 billion a year, but are not being closed because the FSLIC lacks the resources. One of the most common faults in failed thrifts is fraudulent real estate appraisals. More than 800 of 3,200 thrift have been found to have significant appraisals deficiencies amounting to $3 billion in understatements. In addition, brokered funds are often brought into an ailing thrift from outside of the area as the price of making questionable loans. See, e.g., *Federal Savings and Loan Insurance Corp.* v. *Shearson-American Express*, 658 F. Supp. 1331 (D. Puerto Rico 1987). The result is usually the demise of a key financial institution in a local community. The Federal Home Loan Bank Board has estimated that it will cost $23.5 billion to close down these insolvent institutions.

Estimates in 1984 by the Commerce, Consumer and Monetary Affairs Subcommittee, chaired by our distinguished colleague, DOUG BARNARD, suggest that one-half of the banks failures and one-quarter of the savings loan association failures involve serious criminal activity by insiders. In 1984, the committee noted:

> Despite * * * enormous losses, neither the banking nor the criminal justice systems impose effective sanctions or punishment to deter white-collar bank fraud. The few insiders who are singled out for civil sanctions by the banking agencies are usually either fined de minimis amounts or simpy urged to resign. The few who are criminally prosecuted usually serve little, if any, time in prison for thefts that often cost millions of dollars. (H.R. Rep. No. 1137, 98th Cong., 2d Sess. at 5 (1984)).

The Department of Justice is now, however, pursuing 300 cases involving significant fraudulent dealing by insiders; the FBI is probing another 200 cases representing $1.5 billion in losses at institutions closed by regulators. Nevertheless, prosecutive resources are severely strained; 45 major bank fraud cases have been awaiting trial for over a year because of a shortage of prosecutors. More recently, too, the Federal Bureau of Investigation by looking at new data has reached alarming conclusions similar to those of the Barnard commitee. In 1984, the FBI completed approximately 7,000 separate bank fraud and embezzlement investigations involving loses of $382 million. In 1985, the loss figure jumped to $841 million for another set of approximately 7,000 closed investigations. The FBI's loss figure for completed bank fraud investigations for 1986 is $1,111,000,000. The FBI estimates that over 80 percent of these cases involved allegations of wrongdoing on the part of a bank officer or employee.

Stockholders lose everything in bank and thrift failures; creditors lose almost everything. While FDIC and FSLIC insurance programs shift losses from individual depositors to the insurance pool, when that pool is inadequte, as it is in the case of the FSLIC, Congress must ultimately make up the difference out of the pockets of the general taxpayer. When the national budget is also in the red, as it is today, other programs necessary for the health, education, and welfare of the Nation necessarily suffer. Banks and thrift failure maybe said, therefore, ultimately to affect the school lunch program.

The losses associated with just the failure of the Butcher banking dynasty, for example, inflicted an estimated $1 billion in harm. A civil RICO suit for $125 million has been brought by the trustee in bankruptcy against Butcher, 10 relatives, and associates, including butcher's accountant and three lawyers, who allegedly helped Butcher fraudulently hide since 1982 more than $26 million in assets. Criminal activity, too, is often accompanied by professional misfeasance or malfeasance. The FDIC is now suing Ernst & Whinney for $250 million for "departing markedly from professional standards" in the 1981 audits of four banks before the 1983 collapse of the Butcher empire.

The problem of securities and misfeasance by brokers are the subject of daily headlines. The National Association of Securities Dealers, the brokerage industry's chief self-regulatory organization, reports, for example, a steady increase of complaints filed against brokers—from 3,087 in 1984 to 3,592 in 1986. Customer complaints filed with the Security and Exchange Commission have risen an alarming 128 percent in the last 4 years. The complaints run the gamut from failing to send certificates to fraud. Amounts alleged in damage vary from under $1,000 to $3.5 million. In 1981, various writers knowledgeable about Wall Street, moreover, began to suggest that the recent rise in corporate takeovers was accompanied by illegal insider trading so pervasive that nothing could be done to prevent it. SEC Chairman John Shad dismissed the significance of these allegations, claiming that such articles unfairly impugned the integrity of the participants in securities markets and unjustifiably shook investor confidence.

Most knowledgeable observers, however, now conceded, in light of the Boesky and Siegle insider trading scandals, which have occasioned several multimillion dollar civil RICO suits by the corporate and other victims, that the abuse of insider information in the takeover game is endemic and has grown systematic over the past half decade. The possible ultimate scope of that fraud is staggering. In 1986, over 3,000 takeovers involving $175 billion occurred. Contrary to SEC Chairman Shad, the Wall Street Journal sadly concluded:

> Whatever specific numbers come out in the unfolding federal probe, it's probably a safe bet that they'll vastly understate the total losses incurred by stock-market investors, as well as many target companies that no longer exist and their acquirers, who doubtless paid too dearly for them. (Feb. 17, 1987, p. 27).

Sometimes financial fraud and bank failures are intertwined. The "Report of the National Commission on Fraudulent Financial Reporting" 1—exposure draft April 1987—not surprisingly, concluded: "Fraudulent financial reporting is * * * a serious problem." Indeed, since 1980, major accounting firms have had to pay more than $180 million to settle such liability suits. As the National Commission also concluded," [W]hen fraudulent financial reporting occurs, serious consequences ensue. The damage that results is widespread, with a sometimes devastating ripple effect." (Id. at 4). The spectaular failure in 1985 of ESM Government Securities, Inc. of Fort Lauderdale, FL, for example, occasioned investor loses of as much as $315 million. The collapse of ESM, which fell after falsified books that concealed millions of dollars of losses were made possible by a bribed accounting firm auditor, led to the insolvency of Home State Savings Bank in Ohio, which lost almost $150 million, and it shut down 71 other privately insured thrift institutions in that State. The personal losses of individual depositors had to be made up by special State legislation. Similarly, the collapse in 1983 of the Nebraska Depository Institution Guaranty Corp., has occasioned multimillion dollar losses—and a multimillion dollar civil RICO claim.

Recently, the accounting firm of Grant Thornton reached a $22.5 million settlement in EMS litigation with the American Savings & Loan Association, which lost $55.3 million; it also reached a $50 million settlement with 17 municipal governments. Here, too, the successful suits were brought under civil RICO. Such suits are also pending against other major accounting firms in similar situations. The Houston-Galveston Area Council, a regional planning commission and a political subdivision of the State of Texas, for example, has filed a multimillion dollar civil RICO suit against Ernst & Whinney in connection with a systemic embezzlement scheme, which has led to the criminal conviction of William B. Prince, the council's former controller. In fact, spokesman for the accounting profession frankly acknowledge to the press that billions of dollars of claims against accountants are now pending in civil RICO suits. (Natl. J., Sept. 6, 1986 at 2114).

III.

Mr. Speaker, it is against this backdrop that we must assess proposals for civil RICO reform. When the private bar began to use the RICO statute, a fire storm of complaints erupted. On one side of the controversy are the State attorneys general and various consumer groups, which see the 1970 legislation as an effective remedy for sophisticated forms of fraud. On the other side are various segments of the business community, but in particular, the bankers, the securities industry and the accounting profession.

Those segments of the business community fighting against civil RICO have advanced a number of arguments against its vigorous use. One or more of eight basic complaints are most often heard. First, RICO was designed to cripple organized crime, not legitimate businesses. Second, RICO is being inappropriately applied in the typical business transaction, which merely uses the mails or phones. Third, since law enforcement agencies can be depended upon to prosecute the real malefactors, private enforcement mechanisms are not needed. Fourth, multiple damage suits are unnecessary. Fifth, RICO's "racketeer" label, particularly along with the threat of treble damages, leads legitimate businesses to settle "garden variety" fraud claims for "extortionate" amounts. Sixth, existing Federal and State jurisprudence is adequate to deal with fraud. Seventh, the Federal courts are being unjustifiably inundated with new litigation under civil RICO. Eighth, current remedies against litigation abuse are not adequate to remedy the misuse of RICO.

I, for one, am not wholly convinced that individually or collectively these loudly voiced claims are supported by hard facts or that they warrant fundamental or radical changes in the RICO statute. Testimony before the Subcommittee on Criminal Justice more than adequately answers each complaint. (See 133 CONG. REC. H3643 (daily ed. May 18, 1987)). Indeed, I belief that the civil RICO statute ought to be strengthened, not only fine-tuned to guard against abuse.

As such, the Racketeer Influenced and Corrupt Organizations Act of 1987, which I introduce today, is a synthesis of the provisions of 27 State RICO statutes, which were enacted after the 1970 act and which built on experience with it, the former recommendations of the Department of Justice, and the current recommendations of the National Association of Attorneys General and National District Attorney's Association. It also meets, at least half-way, the legitimate complaints of business groups. The proposed legislation would:

Strengthen RICO:

1. Add new predicate offenses enacted by Congress since 1970 in the areas of violence, terrorism and fraud.
2. Assure that marijuana is predicate offense.
3. Assure that the federal government may sue as "person."
4. Assure that States may sue as parens patriae.
5. Provide for recovery for personal injuries except pain and suffering for crimes of violence.
6. Assure preliminay and permanent equitable relief for private parties.
7. Provide for life imprisonment where death results from crimes of violence.
8. Assure that the burden of proof in civil suits is preponderance of evidence.
9. Provide for counsel fees for a prevailing plaintiff.
10. Provide for recovery of prejudgment interest.
11. Assure that actual not treble damages survive against trustee in bankruptcy.
12. Provide for international service of process.

Guard Against Abuse of RICO:

1. Eliminate "racketeer" label in fraud base suits.
2. Assure that securities fraud predicate offenses are based on "willfull" conduct.
3. Eliminate, where appropriate, from "pattern" single episodes (time and place).
4. Exclude from RICO private suits that are primarily: a. domestic relations; b. products liability; c. decedent estates; and d. landlord tenant.
5. Exclude from RICO labor disputes.
6. Establish detailed pleading rules:
   a. verification;
   b. particularly for: (i) fraud, (ii) coercion; (iii) agency; (iv) respondent superior; (v) accomplice; and, (vi) conspiracy.
7. Provide for notice to Attorney General of private suits.
8. Provide for treble damages for frivolous suits.
9. Assure issue and claim preclusion between civil and criminal suits.
10. Assure, with appropriate exceptions, voluntary arbitration of RICO disputes.
11. Provide for sense of Congress resolution for use of RICO by State and local agencies.

Clarifies and Resolves Six Issues in Litigation:

1. Enterprisee may be defendant, if perpetrator.
2. No financial motive required in violence based offenses.
3. Jurisdiction exclusive in federal courts.

4. Association in facts must be structures groups.
5. Eliminates personal act rule.
6. Assures requirement of state of mind.

Mr. Speaker, this proposed legislation is not offered as the final word in the RICO reform process. It is being proposed as a study bill. I, for one, am not committed to any of its provisions in concept or form. I expect to hold extensive hearing on it and various other alternatives to strengthen RICO and guard against its abuse.

Over the last 2 years, hearings before the Subcommittee on Criminal Justice on RICO reform focused on general propositions, not all of which reflect current law or practice. If we are to move toward real reform legislation, we must now focus on sound policy solutions embodied in actual text, which are reasonably adapted to fact-based views of what is really happening.

IV.

Mr. Speaker, my distinguished colleague and friend from Virginia [Mr. BOUCHER] has introduced H.R. 2983, which reflects, among others, the views of segments of the banking and securities industries as well as some members of the accounting profession. I cannot support H.R. 2983 as it is presently drafted. As our hearings go forward to look at civil RICO reform, I expect to ask several questions of those who support H.R. 2981.

Why change the "racketeer" label for all RICO actions—criminal and civil—drug dealing and fraud—if it is only abjected to in civil commercial litigation?

Why require a criminal conviction before private treble damage suits may be brought if that limitation is not found in any other similar suit for sound policy reasons and it will have a profoundly adverse impact on cross examinations of the complaining witnesses in RICO criminal prosecutions will forgo the opportunity to ask: Is it true that if the jury believes you, but only if the jury believes you, that you will be able to collect treble damages? Which jury will then not have a doubt about the truthfulness of the complining witness?

I note, too, that skillful plea bargaining can alway successfully circumvent even that limited promise of treble damage relief. Ivan Boesky, the most egregious insider trader in history, pleaded guilty, for example, to a conspiracy to file a false statement with the SEC (18 U.S.C. 371, 1001). In fact, Boesky was, therefore, not convicted of a RICO predicate offense. Indeed, it may ironically turn out that only a small part of Boesky's criminal conduct will technically constitute "insider trading" in violation of the securities statutes. If the Supreme Court rejects, as it is likely, the misappropriation theory of securities fraud in the Carpenter appeal, (106 S. Ct. 666 (1986)), now on its docket for argument and decision next term, only RICO, through its other fraud predicate offenses, will offer a Federal claim for relief for such outrageous insider trading. We must, therefore, not curtail RICO's scope, in this area, certainly not retroactively.

Why take away the authority of independent government corporations to pursue civil RICO litigation at their own expense with their seasoned litigators and confine it—at taxpayer expense—to the hands of relatively inexperienced and over-worked assistant U.S. attorneys?

Little expectation exists that the Department of Justice can successfully take on this new civil burden; it has all it can do now prosecuting criminal fraud cases. The FDIC and FSLIC are, moreover, vigorously pursuing a policy of using civil RICO against bank fraud. They are independent government corporations; they do not use the attorneys of the Department of Justice; they use their own experienced personnel or outside counsel. This feature of H.R. 2983 would have, therefore, a substantial adverse impact on bank fraud litigation by the FDIC and FSLIC.

Why eliminate the treble damage remedy in business fraud litigation in light of its valuable compensatory, deterrent, and other features?

If society authorizes the recovery of only actual damages for deliberate antisocial conduct engaged in for profit, it lets the perpetrator know that if he is caught, he must return the misappropriated sums. If he is not caught, he may keep the money. Even if he is caught and sued, he may be able to defeat part of the damage claim or at least compromise it. In short, the balance of economic risk under traditional single damage recovery provides little economic disincentive to those who would engage in such conduct. In fact, as the court in Haroco, Inc. versus American National Bank & Trust Co. of Chicago, observed:

> [T]he delays, expense and uncertainties of litigation often compel plaintiffs to settle completely valid claims for a mere fraction of their value. By adding to the settlement value of such valid claims in certain cases clearly involving criminal conduct, RICO may arguably promote more complete satisfaction of plaintiffs' claims without facilitating indefensible windfalls. (747 F.2d 384, 399 n.16 (7th Cir. 1984), aff'd on other grounds, 105 S. Ct. 3291 (1985))

Similarly, studies under the treble damage provisions of the antitrust statutes show that most such suits are now settled to close to actual damages. (Study of the Antitrust Treble Damage Remedy, Serial No. 8, House Comm. on the Judiciary, 98th Cong., 2nd Sess. 14 (1984)). No reason exists to believe that a similar pattern will not develop under RICO, at least in the fraud area. Ironically, it may be necessary to authorize treble damages to assure that deserving victims receive actual damages.

Why limit punitive damage recovery to natural persons?

What of not-for-profit or "surrogate entities" for natural persons, including foundations, pension funds, universities, mutual funds, religious bodies, et cetera?

Why—in the light of the developing insider trading scandals on Wall Street—give special treatment to the securities industry—and exclude it from punitive damage claims?

Why cut down the statute of limitation for Federal RICO from 4 to 3 years, particularly when the State legislatures, which have specifically considered the issue, have usually set the period at 5 years for State RICO suits?

Reflecting a recognition of the complexity of investigating and pleading a RICO claim for relief, 15 of the 27 States that have enacted State RICO statutes have provided special statutes of limitations. Eleven set the period at 5 years; one at 6; three at 7.

Why extend specificity in pleading to RICO, but not to other similar private claims for relief?

Why make the elimination of treble damages retroactive?

We have, of course, wide latitude in making civil, as opposed to criminal, statutes retroactive. The Constitution only prohibits without qualifications ex post facto criminal legislation. Nevertheless, not everything that is constitutional is wise. Justice Frankfurter—then a professor of law—put it well in 1925: "[P]reoccupation with the constitutionality of legislation rather than its wisdom * * * [is] a false value." (P. Kurland, *Felix Frankfurter on the Supreme Court* 177 (1970)). Making legislation retroactive—whatever its naked constitutionality—is, in the words of Justice Doe, one of the giants of American jurisprudence, in *Kent* v. *Gray* "irreconcilable with the spirit of our institutions." Justice Doe elaborated:

> [I]t is most manifestly injurious, oppressive, and unjust, that, after an individual has, upon the faith of existing laws, brought his action * * * [that] the legislature should step in, and, without any examination of the circumstances of the cause, arbitrarily repeal the law upon which the action * * * has been rested. * * * [S]uch an exercise of power is irreconcilable * * * with the great principles of freedom upon which [our institutions] are founded * * * (53 N.H. 576, 580 (1873))

RICO, in short, did not make anything unlawful that was not already unlawful before its passage under its predicate offenses. No question is present here of a sudden or unexpected new liability. When we passed RICO, we held out to victims of sophisticated forms of crime the promise of treble damages to encourage the private enforcement of the law. Litigation has now been instituted in a trusting reliance on that promise. It is a promise, therefore, that we ought not lightly break, particularly when the character of the conduct that it will insulate from its just desserts is noted: the principal beneficiaries of the retroactive elimination of the treble damage remedy will be the perpetrators of the recent bank fraud and insider trading scandals. Can such a result, which protects the Butchers and Boeskys of the world, be justified in the clear light of day?

Mr. Speaker, voices were heard in the 1930's, which advocated the repeal or modification of the Securities Act of 1933. They suggested that the legislation was so "draconian" that it would "dry up the Nation's underwriting business and the 'grass' would grow on Wall Street." (D. Ratner Securities Regulation 80 (1982)). Mr. Justice Frankfurter—then a professor and one of the leading spokesmen for the securities acts—put it well:

> The leading financial law firms who have been systematically carrying on a campaign against [the Securities Act of 1933] have been seeking—now that they and their financial clients have come out of their storm cellar of fear—not to improve but to chloroform the Act. They evidently assume that the public is unaware of the sources of the issues that represent the boldest abuses of fiduciary responsibility. (J. Seligman, "The Transformation of Wall Street" 79 (1983)).

History repeats itself now with civil RICO.

According to recent public opinion polls, the American people rightly believe that white-collar crime is very—49 percent—to somewhat—41 percent—common. Only 10 percent believe it is not very common. (Business Week, July 20, 1987, p. 71.) Apparently, the American people know something that more members of this body need to heed.

The President's Commission of Law Enforcement and the Administration of Justice in 1967 sadly observed:

> Serious erosion of morals accompanies [the white-collar offender's] violation. [Those who so] flout the law set an example for other businesses and influence individuals, particularly young people, to commit other kinds of crime on the ground that everyone is taking what he can get. ("The Challenge of Crime in a Free Society," 47-48 (1967)).

Mr. Speaker, civil RICO reform in 1987 must not be permitted to chloroform the 1970 Act.

I ask that the text of the Racketeer Influenced and Corrupt Organizations Act of 1987, along with an outline of its rationale and a section-by-section analysis and a resolution of the National Attorney's General Association on Civil RICO reform appear in the RECORD following my remarks.

H.R.—

A bill to amend chapter 96 of title 18, United States Code, relating to racketeering influenced and corrupt organizations, to create a new offense for fraudulent activity, and to restructure the civil claims procedures

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Racketeer Influenced and Corrupt Organizations Act of 1987".

SEC. 2. NEW OFFENSE FOR FRAUDULENT ACTIVITY.

(a) NEW PREDICATE OFFENSES.—Section 1961 of title 18, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) 'racketeering activity' means (A) any act involving murder, kidnapping, prostitution involving minors, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in narcotic or other dangerous drugs, which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: chapter 51 (homicide), chapter 73 (obstruction of justice), and chapter 110 (sexual exploitation of children), section 32 (relating to destruction of aircraft facilities), section 81 (relating to arson), section 112 (relating to protection of foreign officials and other persons), section 115 (relating to assaults and other acts against Federal and other persons), section 201 (relating to bribery), section 215 (relating to bank bribery), section 224 (relating to sports bribery), section 373 (relating to solicitation to commit a crime of violence), sections 471, 472, and 473 (relating to counterfeiting), section 511 (relating to forgery of State and other securities), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is a felony, section 664 (relating to embezzlement from pension and welfare funds), section 666 (relating to theft or bribery in benefit programs), section 831 (relating to prohibited transactions involving nuclear material), section 844 (relating to explosive materials), section 875 (relating to interstate communications), section 876 (relating to mailing threatening communications), section 877 (relating to mailing threatening communications from foreign countries), section 878 (relating to threats), sections 891-894 (relating to extortionate credit transactions), section 929 (relating to restricted ammunition), section 1084 (relating to the transmission of gambling information), section 1203 (involving hostage taking), section 1362 (relating to communications lines), section 1363 (relating to buildings), section 1364 (relating to foreign commerce), section 1365 (relating to energy facility) sections 1461-1465 (relating to obscene matter), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering, section 1952A (relating to murder-for-hire), section 1952B (relating to violent crime in aid of racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1992 (relating to trains), section 2277 (relating to vessels), sections 2314 and 2315 (relating to interstate transportation of stolen property) except for an act indictable under the second undesignated paragraph of section 2314, sections 2318 and 2320 (relating to counterfeit materials), section 2320 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341-2346 (relating to trafficking in contraband cigarettes), sections 2421-24 (relating to white slave traffic); (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds); (D) any act which is indictable under the Controlled Substances Act (21 U.S.C. 951 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 801 et seq.); or (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act;".

(b) DEFINITION OF FRAUDULENT ACTIVITY.—Section 1961 is further amended by—

(1) redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively; and

(2) inserting after paragraph (1) the following:

"(2) 'fraudulent activity' means (A) any act which is indictable under any of the following provisions of title 18, United States Code: section 510 (relating to fraud of the Treasury or other securities), section 1029 (relating to fraud in connection with access devices), section 1030 (relating to fraud in connection with computers), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to bonds fraud), the second undesignated paragraph of section 2314 (relating to scheme to defraud involving transportation of stolen goods and other items); (B) any act which is indictable involving fraud under title 11 (relating to bankruptcy); or (C) any act which is indictable involving fraud under the Securities Act of 1933 (15 U.S.C. 77x), the Securities Exchange Act of 1934 (15 U.S.C. 78ff), the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-3), the Trust Indenture Act of 1939 (15 U.S.C. 77yyy), the Investment Company Act of 1940 (15 U.S.C. 80a-49 and 80b-17), the Commodity Exchange Act (7 U.S.C. 13), or Truth in Lending Act (15 U.S.C. § 1644);".

(c) MODIFICATION OF PROHIBITED ACTIVITIES.—Section 1962 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking out "or" after "racketeering activity" and inserting in lieu thereof "or a pattern of fraudulent activity, or both, or";

(B) in the second sentence by striking out "any pattern or racketeering activity or" and inserting in lieu thereof "any pattern of racketeering activity or any pattern of fraudulent activity, or both, or;"

(2) in subsection (b) by striking out "or" after "racketeering activity" and inserting in lieu thereof "or a pattern of fraudulent activity, or both, or"; and

(3) in subsection (c) by striking out "or" after "racketeering activity" and inserting in lieu thereof "or a pattern of fraudulent activity, or both, or".

(d) CRIMINAL PENALTIES.—Section 1963 of title 18, United States Code, is amended in paragraph (a)(3) by inserting after "racketeering activity" the following: "or fraudulent activity, or both,".

SEC. 3. DEFINITION OF PATTERN.

Paragraph (6) of section 1961 of title 18, United States Code, as redesignated by section 2(b) of this Act, is amended to read as follows:

"(6) 'pattern' means at least two acts of racketeering activity or fraudulent activity, or both, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity or fraudulent activity, or both, that are—

"(A) under subsection 1962(c) of this chapter, related to the affairs of an enterprise;

"(B) not isolated, but they need not be part of a common scheme or plan; and

"(C) except under section 1962(b) of this chapter, not so closely related to each other and connected in point of time and place that the acts constitute a single episode involving only one victim so that they do not in themselves, in light of the purpose for which they were committed, with reference to the enterprise, or otherwise, give rise to an inference of the possibility of continuity of activity;".

SEC. 4. CRIMINAL AND CIVIL SANCTIONS.

"(a) CRIMINAL SANCTIONS.—Section 1963 of title 18, United States Code, is amended by striking out "both," and inserting in lieu thereof "both; if death results, any term of years or for life;".

"(b) CIVIL REMEDIES.—Section 1964 of title 18, United States Code, is amended to read as follows:

"§ 1964. Civil remedies

"(a) In any civil action or proceeding instituted under this section, the district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter, shown by a preponderance of evidence, by rendering an appropriate judgment or decree, including—

"(1) ordering any person to divest himself of any interest, direct or indirect, in any enterprise;

"(2) imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in or the activities of which affect interstate or foreign commerce;

"(3) ordering dissolution or reorganization of any enterprise, making the due provision for the rights of innocent persons; or

"(4) taking such other action as may be just.

"(b)(1) The Attorney General may institute a proceeding under subsection (a) of this section.

"(2) Pending final determination of a proceeding instituted by the Attorney General under subsection (a) of this section, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as might be just.

"(c)(1) Any person may institute a proceeding under subsection (a) of this section.

"(2) In any proceeding brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage, including the possibility that any judgment for money damages might be difficult to execute, in other cases, but no showing of special or irreparable injury shall have to be made.

"(3) Upon the execution, in the discretion of the court, of a proper bond against damages for an injunction improvidently granted, a temporary restraining order and a preliminary injunction may be issued in any proceeding under subsection (a) of this section before a final determination of it upon its merits. Such undertaking shall not be required when the applicant is a State or territory of the United States.

"(4) If the person who brings a proceeding under subsection (a) of this section substantially prevails, his recovery shall include the costs of the action, including a reasonable attorney's fee in the trial and appellate courts.

(d)(1) Whenever the United States is, directly or indirectly, injured in its business or property by reason of any violation of section 1962 of the chapter, the Attorney General may bring a civil action in an appropriate United States district court and shall recover threefold the actual damages, shown by a preponderance of evidence, sustained by it, and if the United States substantially prevails, the costs of the action, including the cost of investigations and litigation.

(2) Damages recovered under this subsection shall not be limited to competitive or distinct injury.

(e)(1) Any person who is, directly or indirectly, injured—

(A) in his person by a crime of violence, or

(B) in his business or property by reason of any violation of section 1962 of this chapter, may bring a civil action in an appropriate United States district court and shall recover threefold the actual damages, shown by a preponderance of evidence, sustained by him, and if the person who brings the action under this subsection substantially prevails, the costs of the action, including a reasonable attorney's fee in the trail and appellate courts.

(2) Damages recovered under this subsection shall not be limited to competitive or distinct injury.

(f) if the court determines that the filing of any pleading, motion, or paper under subsection (c) or (e) of this section was frivolous or that any action or proceeding was brought or continued under subsection (c) or (e) of this section in bad faith, vexatiously, wantonly, or for an improper or oppressive reason, it shall award treble the actual costs of the action or proceeding including a reasonable attorney's fee in the trail and appeallate courts, unless the court finds that special circumstances, including the relative economic position of the parties; make such an award unjust.

"(g) Upon the filing of a civil action or proceeding under subsection (c) or (e) of this section, the person filing the action or proceeding shall immediately notify the Attorney General in such manner as the Attorney General shall direct by regulations. The United States may, upon timely application, intervene in any civil action or proceeding brought under subsection (c) or (e) of this section, if the proceeding is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if it has instituted the action or proceeding.

"(h)(1) Notwithstanding any other provision of law providing a shorter period of limitation, any civil action or proceeding under subsection (c) or (e) of this section, shall be barred unless it is commenced within five years after the unlawful conduct terminated or the cause of action otherwise accrued, whichever is later.

"(2) Whenever any civil action or criminal action or proceeding is brought or intervened in by the United States to prevent, restrain, sanction, or punish any violation of section 1962 of this chapter, the running of the period of limitations provided in this subsection with respect to any cause of action arising under subsection (c) or (e) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years after the pendency of such action.

"(i)(1) Notwithstanding any other provision of law, any civil action or proceeding brought under subsection (c) or (e) of this section, the underlying elements of which constitute fraudulent activity, by any person, other than any attorney general under subsection (1) of this section or a State or unit of local government, shall be subject to the procedures of chapter 1 of title 9 (relating to arbitration).

"(2) Any claim resolved under the procedures of chapter 1 of title 9 (relating to arbitration) under this subsection shall preclude the parties to such claim as to issues and claims decided in such arbitration if—

"(A) the party seeking to use issue or claim preclusion could not have jointed the previous proceedings;

"(B) the party against whom issue or claim preclusion would apply had incentive to fully litigate the issue in the prior proceeding;

"(C) there have been no inconsistent rulings on the issue in prior actions or proceedings; and

"(D) there are no new procedural opportunities available to the precluded party in the second action or proceeding or, if there are, they are not likely to cause a result different from that of the first action of proceeding.

"(j)(1) No action or proceeding may be brought under subsection (c) or (e) of this section by a person, if the elements of the pattern of fraudulent activity involve primarily—

"(A) domestic relations:

"(B) products liability:

"(C) decedents estates; or

"(D) a landlord-tenant dispute.

"(2) No action or proceeding may be brought under subsection (c) or (e) of this section by a person in connection with and during a labor dispute.

"(3) For the purposes of this subsection—

"(A) 'domestic relations' means divorce, separation, custody, support, or adoption;

"(B) 'products liability' means the liability of manufacturers or sellers to compensate buyers, users, or others for any damages suffered because of manufacturing or packaging defects in goods sold;

"(C) 'labor disputes' means any controversy concerning the terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange the terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relation of employer and employee;

"(D) 'decedents estates' means will, bank account trusts, testamentary trusts, revocable trusts that become irrevocable upon death of grantor, or intestate succession; and

"(E) 'landlord-tenant disputes' means any dispute concerning the terms of fulfillment of a contract arising out of the relation where one person occupies the premises of another with his permission in subordination to the other's interest in the premises.

"(k)(1) Notwithstanding any other provision of law, any pleading, motion, or other paper filed by a person in connection with an action or proceeding under subsection (c) or (e) of this section shall be verified. Where the person is represented by an attorney, the pleading, motion, or other paper shall be signed by at least one attorney or record in his individual name, whose address shall be stated. Where such pleading, motion, or other paper includes an averment of fraud, coercion, agency, respondent superior, accomplice, or conspiratorial liability, it shall state, insofar as practicable, the circumstances with particularity.

"(2) The verification by a person and the signature by an attorney required by this subsection shall constitute a certification by the person or attorney that he has carefully read the pleading, motion, or other paper and, based on a reasonable inquity, believes that—

"(A) it is well grounded in fact;

"(B) it is warranted by existing law, or a good faith argument for the extension, modification, or reversal of existing law; and

"(C) it is not made for any bad faith, vexatious, wanton, improper or oppressive reason, including to harass, to cause unnecessary delay, to impose a needless increase in the cost of litigation, or to force an unjust settlement through the serious character of the averment.

"(3) If a pleading, motion, or other paper is verified or signed in violation of the certification provisons of this subsection, the court, upon motion or upon its own initiative, shall, after a hearing and appropriate findings of fact, impose upon the person who verified it or the attorney who signed it, or both, a fit and proper sanction, including treble the actual costs of the proceeding or action under subsection (f) of this section.

"(l)(1) Notwithstanding the provisions of subparagraphs (A), (B), (C), and (D) of paragraph (1) of subsection (j) of this section, any attorney general of a State may bring an action or proceeding under subsection (c) or (e) of this section in the name of the State, as parens patriae, on behalf of individuals residing in the State, in an appropriate United States district court. The court shall exclude from the amount of monetary relief awarded in the action or proceeding any amount of monetary relief—

"(A) which duplicates amounts which have been awarded for the same claim; or

"(B) which is properly allocable to natural persons who have excluded their claims pursuant to this subsection and any business entity.

"(2)(A) In any action or proceeding brought under this subsection, the State attorney general shall, at such times, in such manner, and with such content as the court may direct, cause notice of it to be given by publication. If the court finds that notice given solely by publication would deny due process of law to any person, the court may direct further notice to such person according to the circumstances of the case.

"(B) Any person on whose behalf an action or proceeding is brought under this subsection may elect to exclude from adjudication the portion of the State claim for monetary or other relief attributable to him by filing notice of such time as specified in the notice given under this subsection.

"(C) Any final judgment or decree in any action or proceeding under this subsection shall preclude any issue or claim under subsection (c) or (e) of this section by any person on behalf of whom such action was brought and who fails to give such notice within the period specified in the notice given under this subsection.

"(3) Any action or proceeding under this subsection shall not be dismissed or compromised without the approval of the court, and notice of any proposed dismissal or compromise shall be given in such manner as the court directs.

"(4) In any action or proceeding under this subsection—

"(A) the amount of the plaintiffs' attorney's fee, if any, shall be determined by the court; and

"(B) the court may, in its discretion, award a reasonable attorney's fee to a prevailing defendant upon a finding that the State attorney general has acted in bad faith, frivolously, vexatiously, wantonly, or for an improper or oppressive reason.

"(5) For purposes of this subsection, the term 'state attorney general' means the chief legal officer of a State, or any other person authorized by State law to bring actions under subsection (c) or (e) of this section and includes the Corporation Counsel of the District of Columbia, except that such term does not include any person employed or retained on—

"(A) a contingency fee based on a percentage of the monetary relief awarded under this subsection; and

"(B) any other contingency fee basis, unless the amount of the award of a reasonable attorney's fee to a prevailing plaintiff is determined by the court under this subsection.

"(m) A final judgment or decree rendered in favor of the United States in any civil action or proceeding in favor of the United States or any plaintiff or a defendant in any civil action or proceeding shall preclude the plaintiff or defendant in any subsequent civil action or proceeding as to all issues or claims respecting which the judgment or decree would preclude an issue or claim between the parties to it.

"(n)(1) The court may award under this section, upon the motion made after verdict, simple interest on actual damages for the period beginning on the date of service of the pleading setting forth a cause of action under this section and ending on the date of verdict, or for any shorter period, if the court finds that the award of interest for the period is just.

"(2) In determining whether an award of interest under this section for any period is just the court shall consider—

"(A) whether the opposing party, or either party's representative, filed pleadings, made motions, or filed other papers so lacking in merit as to show that such party or representative acted in bad faith, vexatiously, wantonly, or for an improper or oppressive reason;

"(B) whether, in the course of the proceeding of action involved, the opposing party, or either party's representative, violated any applicable rule, statute or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings;

"(C) whether the opposing party, or either party's representative engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost of the litigation; and

"(D) whether the award of such interest is necessary to compensate the opposing party for the injury sustained by him.

"(o)(1) An action or proceeding under this section shall not abate on the death of the plaintiff or defendant, but shall survive and be enforceable by and against his estate and by and against surviving plaintiffs or defendants.

"(2) An action or proceeding under this section shall survive and be enforceable against a receiver in bankruptcy, but only to the extent of actual damages or other relief.".

(c) VENUE AND PROCESS.—Section 1965 of title 18, United States Code, is amended—

(1) in subsection (b), by striking out "residing in any other district";

(2) in subsection (b), by striking out "in any judicial district of the United States by the marshall thereof." and inserting in lieu thereof "anywhere the party may be found.";

(3) in subsection (c), by striking out "in any other judicial district" and inserting in lieu thereof "anywhere the witness is found";

(4) in subsection (c), by striking out "in another district"; and

(5) in subsection (d), by striking out "in any judicial district in which" and inserting in lieu thereof "where".

SEC. 5. COSTS OF PROSECUTION AND INVESTIGATION.

Section 1918 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) Upon conviction in a court of the United States for an offense in chapter 96 of title 18, the court may order the defendant pay the costs of investigation and prosecution. Amounts collected under the preceding sentence shall be covered into miscellaneous receipts of the Treasury.

"(2) As used in this subsection, the term 'cost of investigation' includes—

"(A) attorney, investigator, and auditor salaries and expenses;

"(B) special contract costs and special purchases;

"(C) travel costs and witness fees; and

"(D) grand jury fees and other related costs of investigation.".

SEC. 6. SENSE OF CONGRESS

It is the sense of the Congress that the National Association of Attorneys General form a State RICO committee that will promulgate advisory guidelines on the use of section 1964 of title 18, United States Code, by State and local units of government that will seek to assure, among other relevant factors, that it—

(i) is used—

(A) with restraint;

(B) selectively;

(C) uniformly;

(D) only where necessary adequately to reflect or reach the nature and extent of the unlawful activity involved; and

(E) with due regard for limited Federal judicial resources; and

(2) is not used—

(A) routinely; or

(B) to create a bargain tool where its use would otherwise be inappropriate.

SEC. 7. CONSTRUCTION DIRECTIVES.

Chapter 96 of title 19, United States Code, shall not be construed—

(1) to prohibit a person from constituting an enterprise, or a part thereof, and a defendant in the same count of an indictment or a complaint;

(2) to require in a criminal or civil proceeding or action the showing of economically motivated conduct or a mercenary motive;

(3) to confer jurisdiction to hear a criminal or civil proceeding or action under its provisions on a judicial or other forum of a State or local unit of government;

(4) to permit the showing of an enterprise by no more than a showing of a pattern of racketeering or fraudulent activity, or both;

(5) to require a showing that each person named as a defendant in a criminal or civil proceeding or action commit, or agree to commit, personally the minimum number of acts required to constitute a pattern; or

(6) to permit a showing of criminal responsibility or civil liability without a showing of a state of mind other than that required for the offenses included in the pattern of racketeering or fraudulent activity, or both.

SEC. 8. CONFORMING AMENDMENTS.

(a) The analysis of chapter 96 of title 18, United States Code, is amended by striking out the item for section 1962 and inserting in lieu thereof the following:

"1962. Prohibited activities.".

(b) Section 1962(d) of title 18, United States Code, is amended by striking out "subsections" and inserting in lieu thereof "subsection".

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT OF 1987

RATIONALE AND SECTION-BY-SECTION ANALYSIS

Section 1. This provision sets out the Act's short title, the "Racketeer Influenced and Corrupt Organizations Act of 1987." (Act).

Section 2. The Organized Crime Control Act of 1970, Title IX, Racketeer Influenced and Corrupt Organizations (RICO), codified at 18 U.S.C. Section 1961 et seq. incorporates as predicated offenses—termed "racketeering activities"—Federal and State criminal offenses in five general areas:

1. violence,
2. provision of illegal goods and services,
3. government corruption,
4. union corruption, and
5. fraud.

RICO's criminal and civil sanctions are then made subject to a finding of a violation of these predicate offenses. The Comprehensive Crime Control Act of 1984, 98 Stat. 1976, added a number of new offenses to the Federal criminal code.

Section 2 of the Act incorporates relevant new Federal and State offenses into RICO from the 1984 Act and State law. It adds:

1. prostitution involving minors under State law,
2. chapter 51 (homicide) of Title 18,
3. chapter 73 (obstruction of justice) of Title 18,
4. chapter 110 (sexual exploitation of children) of Title 18,
5. section 32 (relating to destruction of aircraft or aircraft facilities) of Title 18,
6. section 81 (relating to arson) of Title 18,
7. section 112 (relating to protection of foreign officials and other persons) of Title 18,
8. section 115 (relating to assaults and other acts against Federal and other persons) of Title 18,
9. section 215 (relating to bank bribes) of Title 18,
10. section 373 (relating to solicitation to commit a crime of violence) of Title 18,
11. section 511 (relating to forgery of State and other securities) of Title 18,
12. section 666 (relating to theft or bribery in benefit programs) of Title 18,
13. section 831 (relating to prohibited transactions involving nuclear materials) of Title 18,
14. section 844 (relating to explosive materials) of Title 18,
15. section 875 (relating to interstate communicators) of Title 18,
16. section 876 (relating to mailing threatening communications) of Title 18,
17. section 877 (relating to mailing threatening communication from foreign country) of Title 18,
18. section 878 (relating to threats) of Title 18,
19. section 929 (relating to restricted ammunition) of Title 18,
20. section 1203 (involving hostage taking) of Title 18,
21. section 1362 (relating to communications) of Title 18,
22. section 1363 (relating to buildings) of Title 18,
23. section 1364 (relating to foreign commerce) of Title 18,
24. section 1365 (relating to energy) of Title 18,
25. section 1952A (relating to murder-for-hire) of Title 18,
26. section 1952B (relating to violent crime in aid of racketeering) of Title 18,
27. section 1992 (relating to trains) of Title 18,
28. section 2277 (relating to vessels) of Title 18,
29. section 2318 and 2320 (relating to counterfeit and other materials) of Title 18,

As such, the Act will strengthen RICO generally, particularly in the area of violence offenses relating to terrorist activity.

In addition, Section 2 of the Act adds a new category of "fraudulent activity" to RICO. It is composed of the fraud offenses currently included within 18 U.S.C. Section 1961 (1), which are then removed from "racketeering activity." It also adds from the 1984 Act:

1. section 510 (relating to fraud of the Treasury or other securities) of Title 18,
2. section 1029 (relating to fraud in connection with access devices) of Title 18,
3. section 1030 (relating to fraud in connection with computers) of Title 18, and
4. section 1344 (relating to bank frauds) of Title 18.

It also adds section 134 of the Truth in Lending Act, which deals with credit card fraud.

The addition of new fraud offenses will strengthen RICO in the area of fraud was recommended by the Federal Deposit Insurance Corporation; the addition of credit card fraud was recommended by business groups.

18 U.S.C., section 1961 currently incorporates fraud in the sale of securities and drug offenses by generic designation. The redrafted Act refers to specific provisions.

It has been argued, unsuccessfully, that "marijuana" is not among the included drug offense. *United States* v. *Bascaro,* 742 F.2d 1335, 1342-43 (11th Cir. 1984), cert. denied, 108 S.Ct. 3476 (1985). The redrafted provisions settle that dispute by including "marijuana."

It has been argued, unsuccessfully, in connection with offenses dealing with fraud in the sale of securities that purchases of securities are not included *Hanna Mining Co.* v. *Norcen Energy Resources Ltd.* [1982] Fed. Sec. L. Rep. (CCH) 98,772 (N.D. Ohio, 1982). The redrafted provisions settle that dispute by including fraud in the purchase of securities.

The redrafted provisions include the specific criminal provisions of the securities acts—all of which may be violated only by "willful" conduct—and thereby guarantee that merely negligent conduct or a transaction that operates as a fraud without regard to state of mind will not come within RICO. See *Aaron* v. *Securities and Exchange Comm.,* 446 U.S. 680, 701-02 (1980); *Dan River, Inc.* v. *Icahn,* 701 F.2d 278, 291 (4th Cir. 1983) ("criminal intent is necessary in . . . securities fraud (under RICO)").

The addition of new fraud offenses and the inclusion by specific designation rather than generic designation of other offenses reflect the recommendations of the National Association of Attorneys' General, the National District Attorneys Association, and various consumer groups.

Separating "fraudulent activity" from "racketeering activity" will remove the "racketeering" label from RICO litigation, where only "fraudulent activity" is alleged. Even where "fraudulent activity" and "racketeering activity" or both are involved, RICO, as amended, will distinguish between them in terms of the use of the "racketeer" label.

The inclusion of the fraud offenses within a new category separate from "racketeering activity" reflects the concern of the securities, banking, insurance, and accounting industries as well as other members of the business community that the "racketeering" label has been misused in ordinary commercial litigation. The separation of "fraudulent activity" from other offenses rejects the recommendations of the National Association of Attorneys General and the National District Attorneys Association, which suggested that no need existed to differentiate between them. The Department of Justice also indicated that it saw no reason to change the descriptive term applicable to the predicate offenses.

Section 3. The Supreme Court in *Sedima* v. *Imrex S.P.R.L.,* 473 U.S. 479, 500 (1985) suggested that the use of civil RICO that has given rise to concern by some members of the judiciary and the business community appears to be primarily the result of the "failure of Congress and the courts to develop a meaningful concept of 'pattern'." 18 U.S.C. Section 1961 (5) in fact does not define "pattern." It merely provides that a pattern "requires" at least two acts of racketeering within ten years, one of which must be after the effective date of the statute.

Section 3 of the Act defines pattern. It retains the twin requirements of continuity and relationship reflected in the 1970 legislative history. It requires that acts constituting the predicated offenses, where appropriate, be related to the affairs of the enterprise and not be isolated; it does not, however, require that they be held together by a common scheme or plan. It also rejects the holding and rationale of *Superior Oil Co.* v. *Fulmer,* 785 F.2d 252 (8th Cir. 1986) (multiple schemes required for "pattern"). As such, it codifies the holding in *United States* v. *Weisman,* 624 F.2d 1118, 1121-23 (2nd Cir.), cert. denied, 449 U.S. 871 (1980), and it rejects the dicta in *United States* v. *Stofsky,* 409 F. Supp. 609, 613-14 (S.D.N.Y. 1973), aff'd on other grounds, 527 F.2d 237 (2nd Cir. 1975), cert. denied, 429 U.S. 819 (1976), in so far as it might be read to require in each case a common scheme on plan to exist between the acts rather than to relate them to each other through their common enterprise. Accordingly, it follows the recommendation of the RICO Cases Committee of the Criminal Justice Section of the American Bar Association. A Comprehensive Perspective on Civil and Criminal RICO Legislation and Litigation 36-37 (1985) (RICO Committee Report); it rejects the recommendations of the Ad Hoc Civil RICO Task Force of the Section of Corporation, Banking and Business Law. Report of the Ad Hoc Task Force 208 (1985) (Corporation Report). The Art reflects the reasoning of the RICO Committee that "modern criminal organizations that are, in effect, conglomerates of crime involve a wide range of offenses; they should not be beyond the reach of the statute." RICO Committee Report at 37. The adoption of the position of the Corporation Committee might preclude prosecutions under RICO such as that sustained in *United States* v. *Turkette,* 452 U.S. 576 (1981). The result would be unwise.

Section 3 of the Act also defines pattern, where appropriate, to exclude from its definition acts constituting predicate offenses, where they are so closely related to each other and connected in point of time and place that they comprise a single episode involving only one victim and do not give rise to an inference of continuing activity. As such, it could exclude up to 40% of the current case load. For example, a simple receipt of an illicit good could be broken down into both possession and importation—two offenses—yet in fact, but a single transaction occurred. See, e.g., *United States* v. *Buscaro,* 742 F.2d 1335, 1360-63 (11th Cir.) (1984) cert. denied, 105 S. Ct. 3476 (1985). Absent some threat of continuing behavior, that result would make "the [RICO] net . . . too large and the remedies disproportionate to the gravity of the offense." S. Rep. No. 91-61, 91st Cong. 1st Sess. 158 (1969). As such, it reflects the reasoning of *United States* v. *Moeller,* 402 F. Supp. 49, 57 (D. Conn. 1975) (burning of plant and kidnapping one episode), except that it, unlike *Moeller,* might apply where multiple victims were involved. It also recognizes that a threat of continuity might be inferred, not only from the character of the acts (e.g., extortion), but also from the purpose for which they were committed, (e.g., to facilitate commission of another offense) or the character of the enterprise (e.g., an ongoing criminal group). See, e.g., *Cowan* v. *Corley,* 814 F.2d 223, 227 (5th Cir. 1987) (threat from formation and execution of illegal association); *United States* v. *Watchmaker,* 761 F.2d 1459, 1475 (11th Cir. 1985) (simultaneity of shooting of police officers by criminal gang did not preclude a finding of a threat of continuity); *United States* v. *Brooklier,* 685 F.2d, 1208, 1217 (9th Cir. 1982) (each payment in ongoing extortion scheme considered separately), cert. denied, 459 U.S. 1206 (1983). It would, therefore, exclude from consideration in finding a pattern acts that are of jurisdictional significance only, such as the use of the mails, interstate wire communications, or interstate travel. See *United States* v. *Feola*, 420 U.S. 671, 676 n.9 (1975); *Lipin Enterprises, Inc.* v. *Lee*, 803 F.2d 322, 325 (7th Cir. 1986) (Cudahy, J. concurring).

The exclusion from pattern of acts comprising a single episode, where appropriate, is consistent with prosecutive guidelines of the Department of Justice. RICO Guidelines 9-110.340 (June 13, 1983). It reflects the recommendations of the National Association of Attorneys General and the National District Attorney's Association. It also reflects the policy recommendations of the RICO Committee Report at 36-37 and the Corporations Report at 208.

Section 4. Sections 4 of the Act extensively amends 18 U.S.C. 1964-65, which set out the civil procedures and sanctions under RICO. A number of the amendments included in the amended Act had the support of the Senate, the Department of Justice, and the American Bar Association in 1972 and 1973. See S.16 2d Cong., 2nd Sess. (1972) passed by Senate, 118 Cong. Rec. 29379 (1972); S.13, 92nd Cong., 2nd Sess. (1973) passed by Senate, 119 Cong. Rec. 10319 (1973); Victims of Crime: Hearings on S.16, etc., Before the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary, 92nd Cong., 1st Sess. (1972) (testimony of the Department of Justice at 4-5, 158; testimony of the ABA at 439-91) (1972 Hearings). They were considerd, but not finally acted upon in the House. The amended Act's new provisions will clarify and strenghen RICO; they will also guard against its abuse in civil litigation by private parties.

The Acts new amendments to RICO clarify and strengthen in it nine ways. First, it could be contended in light of *United States* v. *Cooper Corp.*, 312 U.S. 600, 614 (1941) (United States not "person" within antitrust statutes) that the government is not a "person" with 18 U.S.C. Section 1961(3). It was, unsuccessfully, contended in *United States* v. *Barnett*, No. 85-754-Civ-S. 16. The redrafted provisions in new subsection (d) settle that dispute by creating a separate claim for treble damage relief for the government. In 1972 and 1973, these provisions had the support of the Senate, the Department of Justice and the ABA. 1972 Hearings at 4-5, 158, 489-91 (actual damages).

No doubt exists that government corporations can sue under present law. Compare *United States* v. *General Electric Corp.*, 209 F. Supp. 197 (E.D. pa. 1962) (Tennessee Valley Authority and price fixing) with *Federal Deposit Insurance Corp.* v. *Hardin*, 608 F. Supp. 348 (N.D. Tenn. 1985) (bank fraud under RICO). No need exist to clarify RICO in this area.

Second, it could be contended in light of *Hawaii* v. *Standard Oil Co. of California*, 405 U.S. 251, 257-66 (1972) (no parens patriae suits under antitrust statutes) that a state could not bring an action under RICO as parens patriae in behalf of its victimized citizens. See *People of State of Illionois* v. *Life of Mid America Insurance Co.*, 805 F.2d 763, 767 (7th Cir. 1986) (no parens patriae under RICO). The redrafted provisions in new subsection (L) assure that parens patriae suits may be brought. They are modeled on, but not identical to Title III of the Hart-Scott-Rodino Antitrust Improvements Acts of 1976, 90 Stat. 1394, which authorizes parens patriae under the antitrust statutes. The ability of state attorneys general to bring such suits will sharply increase the probability that civil suits will be brought against individuals and organizations, particularly in the organized crime area, that a private litigant acting alone might be reluctant to sue.

Third, the text and decisions under RICO limit damages to injury to business or property. 18 U.S.C. Section 1964 (c); Callan State Chemical Mef. Co., 584 F. Supp. 619, 623 (E.D. Pa. 1984) (no personal injury). In addition, the decisions under RICO are split on the issue of the recovery of indirect rather than direct injury. Compare *Cenco, Inc.* v. *Seidman and Seidman*, 686 F.2d 449, 457 (7th Cir.) (injury must be direct), cert. denied, 459 U.S. 880 (1982) with *Alexander Grant and Co.* v. *Tiffany Industries, Inc.*, 742 F.2d 408, 413 (8th Cir. 1984) (injury may be indirect), reversed on other grounds, 105 S. Ct. 3550 (1985), reinstated, 770 F.2d 717 (8th Cir. 1985), cert. denied, 106 S. Ct. 799 (1986). The redrafted provisions in new subsection (e) provide for the recovery of all types of personal injuries, excluding only pain and suffering, where they are caused by a crime of violence. 18 U.S.C. § 16. The recovery of personal injuries, particularly those of a physical nature, is consistent with the inclusion of violent crimes among the predicate offenses. The exclusion of pain and suffering removes an item that is not easily calculated and is off-set by the authorization of the recovery of treble damages. The redrafted provisions in new subsection (e) also settle the dispute on indirect injuries by authorizing the recovery of indirect injuries. There is no intention, however, to disturb the normal standing rules applicable to who may assert a damage claim. See, e.g., *Warren* v. *Mfg. National Bank*, 759 F.2d 542, 544 (6th Cir. 1985) (shareholder lacks standing to prosecute RICO claim of corporation). Finally, the rule that damages are not limited to competitive or distinct injury is codified. *Sedima, S.P.R.L.* v. *Imrex Co., Inc.*, 373 U.S. 479, 495-99 (1985) (not limited to competitive or distinct injury); *Marshall & Ilsley Trust Co.* v. *Pate*, 819 F.2d 806, 809 (7th Cir. 1987) ("some or all of the activities"). The amended act would also provide for life imprisonment where death results. See 18 U.S.C. § 242.

Twenty-seven states have adopted RICO-type legislation. Ariz. Rev. Stat. Section 13-2301-16 (1978 & 1984-85 Supp.); Cal. Penal Code Sections 186-186.8 (Werst Supp. 1985); Colo. Rev. Stat. Sections 18-17-101-109 (Supp. 1984); Conn. Gen. Stat. Ann. Sections 53-393-403 (Supp. 1984); Del. Code Ann. Tit. 11 Sections 1501-11 (1986); Fla. Stat. Ann. Sections 895.01-05 (West supp. 1983); Ga Code Ann. Sections 26-3401-14 (1983); Hawaii Rev. Stat. Sections 842-1-12 (1976); Idaho Code Sections 18-7801-05 (Supp. 1984); Ill. Rev. Stat. Ch. 56-½ Sections 1651-60 (Smith-Hurd Supp. 1984-85) (limited to narcotics); Ind. Code Ann. sections 35-45-6-2, 34-4-30.5-1-6 (Burns Supp. 1982); La. Rev. Stat. sections 15:1351-56 (West 1985) (limited to narcotics); Miss. Code Ann. Sections 97-43-1-11 (Lawyer Co-op 1984); Nev. Rev. Stat. Sections 207.350.520 (1983); N.J. Stat. Ann. Sections 20:41 6.2 (West Supp. 1982); N.M. Stat. Ann. Sections 30-42-1-6 (Michie Supp. 1980); N.Y. Penal Code Section 460.00 *et seq.* (1986); N.C. Gen. Stat. Section 75-D-1-14 (1986); N.D. Cent. Code Sections 12.1-06.1.08 (Smith Supp. 1983); Ohio Rev. Stat. Ann. sections 2923.31-36 (Page 1986); Or. Rev. Stat. Sections 166-715-35 (1981); 18 Pa. Cons. Stat. Section 911 (Pardon 1983); R.I. Gen. Laws. Sections 7-15-1-11 (Michie Supp. 1983); Tenn. Code Ann. Section 39-1-1001 (1986) (limited to narcotics); Utah Code Ann. sections 76-10-1601-1608) (Smith Supp. 1983); Wash. Rev. Code Ann. Sections 9A.82-010-901 (West Supp. 1985); Wis. Stat. Ann. Sections 946-80-87 (West Supp. 1984-85).

No State explicitly denies damages relief. New York, Tennessee, Pennsylvania, California, and Connecticut are silent. Hawaii, Rhode Island, New Jersey, and Nevada provide for damages to business or property; the rest (16) cover all injuries. Hawaii does not provide for multiple damages; Wisconsin provides for double damages; the rest (18) provide for treble damages. Georgia, Indiana, Utah, Oregon, Wisconsin, and Mississippi provide for multiple damages and punitive damages. The Act follows the language of the Ohio statute, which is one of the more recently enacted provisions.

Fourth, the decisions are currently split under RICO on question of the ability of a private litigant to obtain other than treble damage relief. Compare *Chamber Development Co., Inc.* v. *Browning-Ferris Industries*, 590 F. Supp. 1528, 1540-41 (W.D. Pa 1984) (yes) with *Religious Technology Center* v. *Wollersheim*, 796 F.2d 1076 (9th Cir. 1986) (no) cert. denied, 107 S. Ct. 1336 (1987). The redrafted provisions in new subsection (c) settle that dispute by creating a separate provision for a full range of equity-type relief for private parties. They codify the general rule that irreparable injury or inadequacy of the remedy at law need not be shown, where a statute is the basis for equity relief. See, e.g., *Atchison Topeka and Santa Fe Ry.* v. *Lennen*, 640 F.2d 255, 259-60 (10th Cir. 1981). The provisions of the Act follow the reasoning of *Mishkin* v. *Kennedy and Branisel, Inc.*, 609 F. Supp. 1254, 1255-57 (S.D.N.Y. 1985) (equity relief available to prevent dissipation of assets to secure money damages) and reject the reasoning of *Ashland Oil, Inc.* v. *Gleave*, 540 F. Supp. 81, 84 (W.D.N.Y. 1982) (not available except as legal attachment). As such, they specifically recognize that equity, relief is proper apart from the issue of attachment to monitor the transfer of assets that might defeat the recovery of money damages. See e.g., *F.D.I.C.* v. *Antonio*, 649 F. Supp. 1352, 1354 (D. Colo. 1987). Unless a plaintiff can obtain such relief, it may well be that nothing will be left after judgment to make the victim whole, particularly in the organized crime area or in the white collar crime area where the defendant does not have substantial roots in the community. See generally *Deckert* v. *Independence Shares Corp.*, 311 U.S. 282, 288-90 (1940) (status quo injunction upheld under securities act); *Foltz* v. *U.S. News and World Report*, 760 F.2d 1300, 1309 (D.C. Cir. 1985) (same under ERISA); *Lynch Corp.* v. *Omaha National Bank*, 666 F.2d 1208, 1211-12 (8th Cir. 1981) (same generally); *Productos Carnic, SA.* v. *Central American American Beef and Sea Food Trading Co.*, 621 F.2d 683, 685 (5th Cir. 1980) (same under securities act). A bond must be posted to protect the rights of the defendant, except where the applicant is a State or territory of the United States. With the exception noted, these provisions reflect the recommendations of the National Association of Attorneys General, the National District Attorneys Association, the RICO Committee Report at 96-98, 113-14 (permanent injunctive relief recommended, but limited to restrain future violation), and the Corporation Report at 341 (preliminary equity relief only recommended subject to traditional standards; permanent injunctive relief recommended, but limited to restraining future violations). In 1972-73, these provisions had support of the Senate, the Department of Justice, and the ABA. 1972 Hearings at 4-5, 158, 489-91.

No State explicitly denies equitable relief to the government or private parties. New York, Tennessee, Pennsylvania, California and Connecticut are silent on private equitable relief. The Act follows the language of the Ohio statute, which is one of the more recently enacted provisions.

Fifth, the decisions under RICO reflect the rule that in a civil proceeding the burden of proof is by a preponderance of the evidence. *United States* v. *Cappetto,* 502 F.2d 1351, 1357-58 (7th Cir. 1974) (government civil suit), cert. denied, 420 U.S. 925 (1975); *Alcon County, Miss.* v. *U.S. Interstate Supplies, Inc.,* 731 F.2d 1160, 1169 (5th Cir. 1984) (private civil suit). That rule reflects the 1970 legislative history of RICO. See *Sedima S.P.R.L.* v. *Imrex Co., Inc.,* 473 U.S. 479, 491 (1985). The redrafted provisions codify that rule. They follow the recommendations of the National Association of Attorneys General and the National District Attorney Association. They also reflect current law in other areas where criminal and civil and public and private suits may be brought. *Herman and MacLean* v. *Huddleston,* 459 U.S. 375, 388 (1983) (securities fraud); *Ramsey* v. *UMW,* 401 U.S. 302, 307-11 (1971) (anti-trust). They reject the recommendation of the RICO Committee Report at 110-11 (majority recommendation for clear and convincing; minority recommendation for preponderance of the evidence) and the Corporations Report at 384 (beyond a reasonable doubt). Arizona, Indiana, Utah, North Dakota and Washington provide that the burden of proof in all civil actions or proceedings is preponderance of the evidence. Wisconsin provides that it is reasonable certainty. Ohio provides that it is clear and convincing in a damage action, but preponderance in an equity proceedings. The rest (20) are silent.

Sixth, RICO has been interpreted to preclude recovery of counsel fees where litigation is settled. *Aetna Casualty and Surety Co.* v. *Liebowitz,* 730 F.2d 905, 907 (2d Cir. 1984). The redrafted provisions provide for costs of the action, including counsel fees in the trial appellate courts, for a plaintiff which substantially prevails. As such, they follow the general rule under other federal statutes. New York, Tennessee, Pennsylvania, California and Connecticut are silent on counsel fees and costs. The rest (22) provide for counsel fee and costs.

Seventh, it could be argued that prejudgment interest cannot be recovered under RICO, except where it represents as such an element of damages, since RICO authorizes multiple damage relief. See *United States* v. *Foster Wheeler Corp.,* 447 F.2d 100, 102 (2d Cir. 1971) (prejudgment interest not awarded under double damage provision for fraud under False Claims Act). The redrafted provisions settle this dispute by authorizing in new subsection (n) prejudgment interest under stated guidelines. The provisions are modeled on, but are not identical to Title III of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 90 Stat. 1394, which authorizes prejudgment interest under the antitrust statutes.

Eighth, the redrafted provisions in new subsection (o) codify the results in *Summers* v. *Federal Deposit Insurance Corp.,* 592 F. Supp. 1240, 1243, (W.D. Okla. 1984) (treble damages do not survive bankruptcy beyond actual damage against receiver) and *State Farm Fire and Casualty Co.* v. *Estate of Caton,* 540 F. Supp. 673, 683-85 (N.D. Ind. 1982) (treble damages do survive against estate of dead perpetrator).

Ninth the redrafted provisions extend RICO's service of process provisions for summons and subpoena to parties and witnesses who are outside the United States. As such, they remedy the defect identified in *Nordic Bank D.L.C.* v. *Trend Group, Ltd.,* 619 F. Supp. 542, 564 (S.D.N.Y. 1985) (absent statute, no foreign service of summons) and *Soltex Polymer Corp.* v. *Fortex Industries, Inc.,* 590 F. Supp. 1453, 1458-60 (E.D.N.Y. 1984) (same). They reflect current securities law. See e.q., *Bersch* v. *Drexel Firestone, Inc.,* 519 F.2d 974, 998-1000 (2d Cir. 1979); see also, *Hanson* v. *Dencla,* 357 U.S. 235, 253 (1958); *SEC* v. *Kasser,* 548 F.2d 109, 116 (3d Cir. 1977) ("United States must not be permitted to become a "Barbary Coast" (for fraud)"), cert. denied, 431 U.S. 938 (1977).

The Act's new amendments to RICO guard against its abuse in civil litigation by private parties in nine ways. First section 2, noted above, removes the "racketeer" label from litigation based solely on "fraudulent activities."

Second, section 3, noted above, defines "pattern," guaranteeing that RICO cannot be, where inappropriate, applied to isolated or sporadic conduct.

Third, the redrafted provisions in new subsection (j) explicitly exclude from RICO private litigation that is based on fraudulent activities and primarily constitutes a complaint in four areas:

(1) domestic relations,
(2) products liability,
(3) decedents estates, and
(4) a landlord-tenant dispute.

The redrafted provisions also exclude labor disputes.

The exclusion of domestic relations reflects a long standing federal policy. See *Ohio ex rel Popovici* v. *Agler,* 280 U.S. 379, 384 (1930) (despite exclusive federal jurisdiction over consuls, state had to hear divorce action); Exparte Burrens, 136 U.S. 586, 593-94 (1980) (despite federal habeas corpus jurisdiction, writ to obtain custody of child void); *Barber* v. *Barber,* 62 U.S. 21 How.) 582, 584 (1858) (despite diversity jurisdiction, divorce may not be heard in federal court). Products liability litigation is expressly excluded, since it rests on theories of strict liability not encompassed within the theories of mens rea or criminal responsibility under RICO's predicate offenses. The provision of treble damages makes little sense, except where the responsibility of the defendant is based on a theory of fault rather than social insurance. The exclusion codifies the result in *Campbell* v. *A.H. Robins Co., Inc.,* 615 F. Supp. 496, 501 (W.D. Wis. 1985) (RICO does not include products liability). The exclusion of decedents estates also codifies long standing federal policy. *Markham* v. *Allen,* 326 U.S. 490, 494 (1946) (federal court may not exercise general jurisdiction over probate proceeding); cf *Case of Broderick's Will,* 88 U.S. (21 Wall) 503, 517 (1874) (despite diversity jurisdiction, probate of will was not heard in federal court). The exclusion of landlord-tenant disputes removes from RICO an area of civil litigation where the potential benefit of individual cases is outweighed by the potential detriment of the volume of litigation. Where a systemic problem exists, it can be handled by the government or a state attorney general in a *parens patriae* suit. Finally, the exclusion of labor disputes similarly codifies longstanding federal policy. See Norris LaGuardia Act of 1932, 47 Stat. 70; Clayton Act of 1914, 38 Stat. 730; *United States* v. *Hutcheson,* 312 U.S. 219 (1941); *WSB Electric Co.* v. *Rank and File Committee to Stop the 2-Gate System,* 103 F.R.D. 417, 420 (N.D. Cal. 1984) (RICO not applicable to labor dispute; Rule 11 sanctions imposed). The broad definition of "labor dispute" is taken from present law; the concept of "in connection with" has also been broadly interpreted. See *Supt. of Insurance* v. *Bankers Life and Casualty Co.,* 404 U.S. 12-13 (1971) ("in connection with").

Fourth, the redrafted provisions in new subsection (k) set out certain pleading and notice rules. They apply to both plaintiff and defendants; they apply to claims, counter-claims, defenses, and other papers. Verification is required. The responsible attorney must be identified. Averments of fraud, coercion, agency, respondent superior, accomplice or conspiracy liability must be pleaded with particularity. The verification and signature constitutes a certification that the paper has been carefully read that it is well grounded in fact and law and that it is not filed in bad faith. A violation of the verification or signature rule is subject to sanction.

Verification and particularity are now required under federal law in Rule 23.1, Federal Rules of Civil Procedure (derivative actions by shareholders). Fraud, too, must be pleaded with particularity. Rule 9(b), Federal Rules of Civil Procedure. Decisions extend the requirement of particularity to conspiracy. *Slotnick* v. *Garfinkle,* 632 F.2d 163, 165 (1st Cir. 1980).

Under Rule 11 Federal Rules of Civil Procedure, violations of the Rules are subject to sanctions, which have been imposed in RICO litigation. Compare *Financial Federation, Inc.* v. *Ashkanazzy,* (1984) Fed. Sec. L. Rep. (CCH) 91, 489 (D.C. Cal. 1983) (award of $150,000 in attorneys fee for bad faith commencement and maintenance of RICO action), vacated and remanded, 742 F.2d 1461 (9th Cir. 1984), reinstated in unpublished opinion with *Miller* v. *Affiliated Financial Corp.,* 600 F. Supp. 987, 990-92 (N.D. Ill. 1984) (sanction for assertion of frivolous defense of RICO action). Since 1983, when Rule 11 was redrafted and strengthened, nearly 200 requests for sanctions have been reported. About half of the requests have been granted. Sanctions, in short, can work to curtail improper litigation.

The redrafted provisions codify these rules and extend them to coercion, agency, respondent superior, and accomplice liability under RICO *See* 1 U.S.C. Section 1 ("whoever" includes entities); 18 U.S.C. Sections 2 (aid and abet); 371 (conspiracy), 1961 (3) ("person" includes entities), which expressly contemplate such liability under RICO. See *New York Cent, & H.R.R.* v. *United States,* 212 U.S. 481, 493-95 (1909) (corporate criminal responsibility based on conduct of agent or employee); *United States* v. *Illinois Cent. R.R.,* 303 U.S. 2349, 244 (1983) (corporate criminal responsibility based on duty imposed by statute); *United States* v. *A & P Trucking Co.,* 350 U.S. 121, 125-27 (1958) (same partnership); *United States* v. *Adams Express Co.,* 229 U.S. 381, 389-90 (1913) (same joint stock company).

These provisions reflect the concern of members of the business community, particularly the professions, that private plaintiffs are filing civil RICO claims, especially in the fraud area, without proper consideration of the facts and law. Concerns of the business community are expressed most strongly by those whose liability is alleged to be derivative or vicarious. These provisions, however, are drafted in an even-handed fashion; they apply to all litigants and all sides of all issues. With the exception noted, the provisions reflect the recommendations of the National Association of Attorneys General, the National District Attorneys Association, and the RICO Committee Report at 125–29 (majority recommendation for sanctions; minority recommendation for treble costs).

Fifth, the redrafted provisions in new subsection (g) requires private litigants who file RICO claims or counter-claims to notify the Attorney General, who is given authority to specify by regulations how that notice has to be effected. The provisions envision that the notices could be as full as requiring the actual papers to be filed with the Attorney General, so that they could be reviewed on a comprehensive basis, or as minimal a basis as the mailing of a computer card, so that data could be collected for a review limited to selective monitoring. Initially, a strategy of comprehensive review might be wise; eventually, mere data collection might be sufficient. The Attorney General is given explicit authority to intervene to bring to the court's attention public policy concerns and to seek in his own right any appropriate relief. Through this mechanism, review can be achieved of private litigation that might otherwise unwisely proceed and advocate legal positions inconsistent with the orderly development of the law.

These provisions reflect Arizona law and procedure.

Sixth, the redrafted provisions in new subsection (f) provide for the award of treble costs, including reasonable attorneys fees, for the filing of, or the continuation of, any claims, counter-claims, defense, or any other legal or factual position in civil RICO litigation that is frivolous or in bad faith. The authorization of an award for treble actual cost is made subject to an exception of special circumstances, including relative economic positions of the parties that would make the award unjust. The exception is modeled on, but not identical to Ohio law. Current law provides for the award of counsel fees for frivolous suits. *Gordon* v. *Heimann,* 715 F.2d 531, 537–39 (11th Cir. 1983) (inherent power, Rule 11, and 28 U.S.C. Section 1927); *Taylor* v. *Bear Stearns and Co.,* 572 F. Supp. 667, 683 (N.D. Ga. 1983) (Rule 11 and 28 U.S.C. Section 1927). Treble damages are needed under RICO to reflect the accumulative harm occasioned by its violation, to deter the deliberate wrongful conduct prohibited by it, and to give plaintiffs adequate incentive to act as private attorneys general. See generally Note, Treble Damages Under RICO: Characterization and Computation, 61 Notre Dame Law Rev. 526, 533–34 (1986). Similarly, both plaintiffs and defendants must be protected from frivolous or bad faith tactics that initiate, continue, or resist civil RICO litigation. Treble costs, including attorneys fees, constitutes an appropriate sanction to remedy and deter such abuse. These provisions complement, but go beyond new subsection (k), noted above, which focuses on pleading abuse; they go to the underlying basis of the litigation itself. As such, they also reflect the concern that private litigants are filing or defending RICO claims improperly.

Seventh, the redrafted provisions in new subsection (n) provide for issue and claims preclusion between criminal and civil actions or proceedings. They are intended to extend these principles under current law as far as due process permits. Consistent with the Constitution, litigation ought not be needlessly multiplied. No one ought to have to bring or defend more litigation than is necessary. Each person ought to have a day in which to be heard—but not more than a day—consistent only with basic fairness. Abuse here, too, need a remedy to vindicate the concept of finality.

Eighth, the redrafted provisions in new subsection (i) codify the rule that permits arbitration of RICO claims; it modifies it where the elements are not based solely on "fraudulent activity." See generally *Shearson/American Express, Inc.* v. *McMahon,* 107 St. Ct. 2332 (1987). Other RICO claims, the elements of which are not solely based on "fraudulent activity," or are based on "fraudulent" and "racketeering" activity, would not be subject to arbitration. "Fraudulent activity" alleged under RICO constituting a violation of the Securities Act of 1933 would be subject to arbitration. The provisions apply to private litigants, other than States or units of local government. The provisions give issue and claim preclusion effect to the arbitration under the due process standard articulated in *Parkland Hosiery Co.* v. *Shore,* 439 U.S. 322 (1979). The recovery of costs, including counsel fees, are mandated for plaintiffs who substantially prevail in the arbitration proceeding or any related judicial proceeding to enforce or vindicate the agreement to arbitrate or the arbitration award itself.

Under the redrafted provisions, RICO claims based solely on fraudulent activity would be subject to arbitration; RICO claims not based solely on fraudulent activity would not be subject to arbitration. Otherwise, the usual rules would obtain. Where the underlying elements of a RICO claim are adversely determined in an arbitration proceeding, for example, issue or claim preclusion effect may be given to the determination. *Greenblatt* v. *Drexel Burnham Laubert, Inc.,* 763 F.2d 1352, 1361–62 (11th Cir. 1985). But see *Sports Factory, Inc.* v. *Chanoff,* 587 F. Supp. 342, 346 (E.D. Pa. 1984) (arbitration award not accompanied by findings of fact not given preclusion effect, but used to prevent claim splitting). The relief that can be granted in the arbitration proceeding is determined by the intent of the parties. *In Re Farkar Co. and Handson Disc, Ltd.,* 583 F.2d 68, 71–72 (2nd Cir. 1978), rehearing denied, 604 F.2d 1 (2nd Cir. 1979) (no consequential damage provision in agreement not unconscionable and enforceable in arbitration); *Willoughby Roofing & Supply Co., Inc.* v. *Kajima Int'l Inc.,* 598 F. Supp. 353, 357–64 (N.D. Ala. 1984) (award of punitive damage matter of intent and federal law); *Sports Factory, Inc.* v. *Chanoff,* 586 F. Supp. 342, 348 (E.D. Pa. 1984) ("nothing to prevent plaintiff requesting [RICO treble] damages from arbitration"). But see *Garrity* v. *Lyle Stuart, Inc.,* 40 N.Y. 2d 354, 386 N.Y.S. 2d 831, 353 N.E.2d 793 91976) (punitive damages matter for courts only without regard for intent of parties). A general claim of fraud is subject to arbitration, *Scherk* v. *Alberto Culver Co.,* 417 U.S. 506 (1974), except where it goes to the agreement to arbitrate itself, *Prima Paint Corp.* v. *Flood & Conklin Mfs. Co.,* 388 U.S. 395, 404 (1967), *Moseley* v. *Electronic Missile Facilities, Inc.,* 374 U.S. 167, 171 (1963); *S.A. Mineracao DA Trindade-Samitri* v. *Utah Int'l, Inc.,* 745 F.2d 190, 195 (2nd Cir. 1984), affirming, 576 F. Supp. 566, 569–73, 574–76 (S.D.N.Y. 1983) (RICO claims not subject to arbitration, modified, 579 F. Supp. 1049 (S.D.N.Y. 1983) (stay order certified under 28 U.S.C. Section 1292 (b)); *In Re Oil Spill by Amoco Cadiz,* 659 F.2d 789, 794 (7th Cir. 1981) (tort claim of fraud not amounting to inducement to arbitrate within agreement to arbitrate). These general rules are not disturbed by the new amendments.

The new provisions reflect the concern of members of the business community that private plaintiffs through RICO claims based on allegations of "fraudulent activity" are radically transforming ordinary commercial litigation. Since most commercial transactions are conducted through written contracts in which the parties may freely agree to arbitration, making them subject to arbitration coupled with issue and claim preclusion, even though RICO claims based soley on "fraudulent activity" are interposed, will take such transactions—and such claims—out of the federal courts and settled them quickly, economically, fairly and decisively. Accordingly, the impact of civil RICO on ordinary civil litigation will be largely left up to the negotiations of the parties.

Ninth, the redrafted provisions in new subsection (h) provide for a uniform statute of limitations for RICO claims. RICO does not include a statute of limitations. The Supreme Court has applied to the statute the four year period of the anti-trust provisions. *Agency Holding Corp.* v. *Malley-Duff & Associates, Inc.,* No. 86-497, (Sup. Ct. Jun. 22, 1987). The cases also reflect the usual rules dealing with tolling (personal disabilities, duress and undue influence, fraud in the concealment, etc.) accrual, commencement, relation-back, survival and revival. See, e.g., *In Re Olympia Brewing Co. Securities Litigation,* 612 F. Supp. 1370, 1371–75 (N.D. Ill. 1985) (relation-back); *Creamer* v. *General Teamsters Local Union,* 579 F. Supp. 1284, 1290–91 (D.C. Del. 1984) (fraud in the concealment. These usual rules would not be disturbed.

The redrafted provisions provide for a uniform five year period, which is parallel to the general criminal statute. 18 U.S.C. section 3282 (five years). The period is suspended during government criminal and civil proceedings and for two years thereafter. The period runs from the termination of the unlawful conduct, that is, the investment or use (section 1962 (a)), the acquisition or maintenance (section 1962 (b)), the conduct or participation (section 1962 (c), or the conspiracy (section 1962 (d)). Running the period of limitation from the termination of the conduct, or when it otherwise accrues, whichever is later, gives an adequate opportunity to determine that the claim is valid and fixes a clear point of reference within which an action may or must be brought. The phrase "cause of action accrues" preserves the usual rules on tolling, etc.

The inclusion of a uniform statute of limitations had the support of the Senate, the Department of Justice, and the American Bar Association in 1972–73. Hearings at 4–5, 158, 489–91. It also reflects positions of the National Association of Attorneys General, the National District Attorneys Association, the RICO Committee Report at 132–34 and the Corporation Report at 394.

Twelve states do not provide for a special period of limitation for RICO claims. Florida, Arizona, Georgia, New Jersey, Oregon, Wisconsin, North Dakota, Nevada, Louisiana, Mississippi, Washington, Ohio, Tennessee, Delaware and North Carolina provide a special period, which ranges from five to seven years. Arizona, North Dakota, Mississippi, and Washington do not provide for suspension pending criminal proceedings; the rest (8) suspend for criminal proceedings.

The Act follows the language of the Ohio Statute, which is one of the more recently enacted provisions.

The Act does not adopt the recommendation of some members of the business community that private civil RICO litigation be made subject to a showing of a prior criminal conviction. Such a requirement would have a substantial adverse impact of criminal prosecutions, as noted by the Supreme Court in *Sedima, S.P.R.L.* v. *Imrex Co., Inc.*, 473 U.S. 479, 493 n.9 (1985) (no criminal conviction required before a civil RICO suit). It would destroy the practical effectiveness of the private attorney general concept embodied in and essential to the design of RICO. Not unexpectedly, it would be unprecedented in Federal law. See, e.g., *Standard Sanitary Mfg. Co.* v. *United States*, 226 U.S. 20, 52 (1912) (a conviction requirement would "take from the [antitrust] statute a great deal of its power"); *McSweeney* v. *Utica Fire Ins. Co.*, 224 F.2d 327, 328 (4th Cir. 1955) (acquittal not bar to civil suit to prove arson); *Burns* v. *United States*, 200 F.2d 106, 107 (4th Cir. 1952) (acquittal not bar to civil suit to prove murder); Uniform Probate Code section 2-803(e) (1983) (conviction for murder not required and killing may be shown by preponderance of the evidence). Finally, it would give to State legislatures whose RICO Acts are based on the Federal model unwise leadership. As such, the Act follows the former recommendations of the Department of Justice and the current recommendations of the National Association of Attorneys General, the National district Attorneys Association, the RICO Committee Report at 99-105 and the Corporation Report at 238.

Most, if not all, of the abuses of civil RICO by private litigants cited by the business community will be alleviated or eliminated by the new amendments of RICO without radically altering the design of the private enforcement mechanism of the 1970 Act. Finally, if the criminal conviction limitation were adopted, the business community, as well as governmental and other entities and private individuals, would be deprived of the substantial benefit of civil RICO. Accordingly, the criminal conviction limitation was not adopted.

Section 5. Section 5 of the Act provides for cost of prosecution and investigation.

Section 6. Section 6 of the Act expresses the sense of Congress that the National Association of Attorneys General form a State RICO Committee that will promulgate advisory guidelines on the use of Federal civil RICO by State and local units of government that will reflect the general principles, suitably modified, that are embodies in the RICO guidelines successfully employed by the Department of Justice. It is recognized that the guidelines cannot be binding; it is recognized, too, that the Association has already announced the formation of such a Committee. Nevertheless, it is felt that the expressing Congress' sense would go a long way toward assuring the responsible exercise of discretion by legal officers at the State and local level of government. Absent such an expression, the fears expressed in *Illinois Dept. of Revenue* v. *Phillips*, 771 F.2d 312, 317 (7th Cir. 1985) of the unwise use of Federal civil RICO by the States might be realized.

Section 7. Section 7 of the Act assures that the proper construction of RICO will not continue to be in dispute in six separate ways. As such, the Act resolves a number of major issues now in litigation in the courts, several of which have already resulted in splits in the circuit courts of appeal or between state appellate courts. These disputes are important to the administration of RICO. Eventually, they would have to be resolved by the Supreme Court. Nearly one-third (45) of the Supreme Court's already crowded docket is taken up with resolving intercircuit conflicts. Another equal number of requests for review are denied for want of time to hear them. Time and expense in litigation can be saved by their authoritative resolution now by the Congress.

First, the Act sets aside the results of a line of cases that hold that, without regard to the circumstances, a person may not be an enterprise and a defendant in the same count of an indictment or complaint for criminal responsibility or civil liability. The cases are collected in *Bennett* v. *United States Trust Co. of New York*, 770 F.2d 308, 314-15 (23nd Cir. 1985), cert. denied, 106 S. Ct. 800 (1986). The Ninth Circuit has handed down inconsistent opinions. Compare *United States* v. *Washington*, 725 F.2d 807, 822 n.21 (9th Cir. 1986) (be both) with *Rae* v. *Union Bank*, 725 F.2d 478, 480-81 (9th Cir. 1984) (not be both). The proposition is rejected in *United States* v. *Hartley*, 678 F.2d 961, 988 (11th Cir. 1982), cert. denied, 459 U.S. 1170 (1983). The rule reflects a technical reading of the language of 18 U.S.C. 1962 (1983). The rule reflects a technical reading of the language of 18 U.S.C. section 1962(c) that an enterprise cannot be "employed by or associated" with itself; it is also rooted in an unease at the prospect of holding an entity that is an enterprise liable where it is the "victim" of the pattern of unlawful conduct engaged in by a person employed by or associated with it. Neither justification supports the rule. The issue is not technically whether or not the enterprise may be "employed by or associated" with itself, but whether or not the conduct of a person who is employed by or associated with the enterprise may be attributed to the enterprise under the usual rules of agency or respondent superior. Those general rules, too, answer the other concern that underlies the rule. When the enterprise is the victim, the conduct of a person employed by or associated with it will not be attributed to it, for the person must not only act within the scope of his agency or employment, but also with intent to benefit his principal or employer. See, e.g., *United States* v. *Cincotta*, 689 F.2d 238, 241-43 (1st Cir.) cert. denied, 459 U.S. 991 (1982); *United States* v. *Local 560, IBT*, 581 F. Supp. 279, 332 n.30, 337 (D.C. NJ 1984), aff'd, 780 F.2d 267, 284 (3rd Cir. 1985), cert. denied, 106 S. Ct. 2247 (1986). In addition, the rule threatens to frustrate the chief purpose of RICO, when it is used to strike down indictments framed under a group enterprise theory. Compare, *United States* v. *Standard Drywall Corp.*, 617 F. Supp. 1283, 1292-94 (S.D.N.Y. 1985) (corporation cannot be defendant and one of a group constituting an enterprise) with *Fustok* v. *Conticommodity Services, Inc.*, 618 F. Supp. 1074, 1075-76 (S.D.N.Y. 1985) (corporation can be defendant and one of a group constituting an enterprise). If the rule were applied to the association in fact theory in a prosecution of an organized crime family, it would abort the prosecution. Accordingly, the Act sets aside the rule. As such, it reflects the recommendation of the Corporation Report at 377.

Second, the Act sets aside the result of *United States* v. *Ivic*, 700 F.2d 51, 59-65 (2nd Cir. 1983) (Croatian nationalist terrorists violence conviction under RICO reversed because no financial motive shown). While RICO was intended to attack the infiltration of legitimate business by organized crime, it was not limited to that purpose; it was designed to apply to any form of sophisticated criminal group engaging in specified kinds of activities, including violence, without regard to the motive of the perpetrators. Motive may be relevant, but no showing of a particular kind of motive ought to be required. *Ivic* effectively eliminates RICO's application to organized crime related violence not specifically tied to its money making endeavors; it also makes its application problematic to other violence based conspiracies, including international terrorists organizations and domestic anti-Semitic or white hate groups. Accordingly, *Ivic* is set aside. As such, the Act follows the recommendation of the RICO Committee Report at 58-59. See generally *United States* v. *Bagaric*, 706 F.2d 42, 53-55 (2nd Cir.) (*Ivic* distinguished and criticized), cert. denied, 464 U.S. 840 (1983) for a critique of the policy objections to the *Ivic* holding.

Third, the Act assures that jurisdiction to hear civil RICO claims will be a matter exclusively assigned to the Federal courts. RICO did not specifically deal with the issue of exclusive jurisdiction. The issue has been litigated. See *County of Cook* v. *Midcon Corp.*, 773 F.2d 892, 905 n.4 (7th Cir. 1985) (issue noted, cases reviewed, but question not resolved). The state appellate courts, moreover, have not uniformly resolved how to treat efforts to bring federal civil RICO cases in state forums. Compare *Cianci* v. *Superior Court of Contra Costa County*, 221 Cal. Reptr. 575, 710 P.2d 375 (1985) (not exclusive in Federal Courts) with *Main Rusk Associates* v. *Interior Space Constructors, Inc.*, 699 SW.2d 305, 307 (Texas Ct. of App. 1985) (exclusive in federal courts); *Greenview Trading Co., Inc.* v. *Hershman & Leichner, D.C.*, 108 App. Div. 2d 468, 498 N.Y.S.2d 502 (1st Dist. 1985) (same) and *Crowson* v. *Sealaska Corp.*, 705 P.2d 905, 907 (Alaska 1985). The Act resolves this dispute by requiring that civil RICO be construed to be exclusive in the Federal courts.

Fourth, the Act sets aside the result of a line of cases that permits the showing of an enterprise to consist of no more than the showing of a pattern of predicate offenses. The showing of the existence of the enterprise ought to include a showing of a distinct structure beyond that merely required for the commission of the predicate offenses. Compare *United States* v. *Bledsoe*, 674 F.2d 647, 659-65 (8th Cir.) ("distinct" structure), cert. denied, 495 U.S. 1040 (1982); *United States* v. *Riccobene*, 709 F.2d 214, 223-224 (3rd Cir.) (*Bledsoe* followed), cert. denied, 464 U.S. 849 (1983) with *United States* v. *Mazzei*, 700 F.2d 85, 87-90 (2nd Cir.) (*Bledsoe* rejected), cert. denied, 461 U.S. 945 (1983); and *United States* v. *Cagnina*, 697 F.2d 915, 921 (11th Cir.) (*Bledsoe* rejected), cert. denied, 464 U.S. 856 (1983). Otherwise, the concept "enterprise"—a separate distinct element of the offense relating to the existence of an entity—would be reduced to a mere conspiracy or merged with the concept of a "pattern" of predicate offenses, which is a separate and distinct element of the offense relating to the commission of individual offenses. See *United*

States v. *Turkette,* 452 U.S. 576, 583 (1981). As such, the Act is consistent with the recommendations of the Corporation Report at 162. It reflects prosecutive guidelines of the Department of Justice. RICO Guidelines 9-110.360 (June 13, 1983).

Fifth, the Act sets aside the result of a line of cases that requires a showing that each person named as a defendant in an indictment or complaint commit, or agree to commit, personally the minimum number of acts required to constitute a pattern. The rule originated in dictum in *United States* v. *Elliot,* 571 F.2d 880, 903 (5th Cir.), cert. denied, 439 U.S. 953 (1978), where it was used as a rule of evidence, that is, from the commission of the required number of acts, an agreement could be inferred to commit them. In *United States* v. *Martino,* 648 F.2d 367, 394 (5th Cir. 1981), reversed on other grounds, 681 F.2d 952 (5th Cir. 1982), reversed and affirmed on other gounds, *Russello* v. *United States,* 464 U.S. 16 (1983), the rule of evidence, however, was treated as a rule of law: absent a showing of the personal commission of the required number of predicate offenses, or an agreement to commit them personally, responsibility could not be established under RICO. As such, the rule was then adopted in other circuits. *United States* v. *Ruggiero,* 726 F.2d 913, 921 (2nd Cir. 1984); *United States* v. *Winter,* 663 F.2d 1120, 1136 (1st Cir. 1981). It has been rejected by other circuits *United States* v. *Adams,* 759 F.2d 1099, 1115-16 (3rd Cir. 1985), cert. denied 106 S. Ct. 275 U.S. (1986); *United States* v. *Alonso,* 740 F.2d 862, 870-72 (11th Cir. 1984), cert. denied, 105 S. Ct. 928 (1985); *United States* v. *Title,* 729 F.2d 615, 619-20 (9th Cir. 1984); *United States* v. *Carter,* 721 F.2d 1514, 1528-32 (11th Cir. (1984). Ironically, it no longer represented the rule in the Fifth Circuit. *United States* v. *Cauble,* 706 F.2d 1322, 1339 (5th Cir.1983), cert. denied, 104 S. Ct. 996 (1984). The Act would set aside the rule as inconsistent with traditional jurisprudence, which has long recognized aiding and abetting or conspiracy theories of responsibility without a requirement that the aider or abettor or the co-conspirator personally engaged in the substantive offense. See, e.g., *People* v. *Luciano,* 277 N.Y. 348, 361, 14 N.E.2d 433, 446 (1938) (Luciano, a founder of organized crime, did not take an active part in the management or daily operation of a prostitution business, "but he cannot escape his criminal responsibility as the leader and principal"), cert. denied, 305 U.S. 620 (1938). Yet, under the personal act rule, a leader of an organized crime family, like a Luciano, who keeps his hands "clean"—merely directing others—would not be criminally or civilly responsible for a RICO conspiracy or for violating RICO substantively by aiding and abetting. That result is indefensible. Accordingly, the Act sets aside the personal act or agreement rule. As such, it reflects the recommendations of the RICO Committee Report at 65.

Sixth, the Act sets aside the result of a line of cases that hold that RICO is a strict liability offense in regard to its RICO specific elements, that is, that no state of mind is required for a violation of RICO other than that required for the commission of the predicate offenses. See, e.g., *United States* v. *Scotto,* 641 F.2d 47, 55-56 (2nd Cir. 1980), cert. denied, 452 U.S. 961 (1981). These decisions have not commanded general acceptance. See, e.g., *United States* v. *Bledsoe,* 647 F.2d 647, 661 (8th Cir.) ("We express grave doubts as to the propriety of these holdings"), cert. denied, 459 U.S. 1040 (1982). The better reasoned approach is represented by *United States* v. *Elliot,* 571 F.2d 880, 906-07 (5th Cir.), cert. denied, 439 U.S. 953 (1978). The usual rules should obtain under RICO. State of mind is a question of legislative intent. *United States* v. *Bailey,* 444 U.S. 394, 402-09 (1980). It will generally be read into common law, but not regulatory offenses. Compare *United States* v. *Balint,* 258 U.S. 250, 251-52 (1922) (regulatory) with *Morissette* v. *United States,* 342 U.S. 246, 251 (1952) (common law). RICO is not a regulatory offense: it is more analogous to a common law offense. As such, conduct is usually held to be "knowing," while surrounding circumstances and results are usually held to be "reckless." No state of mind is generally required for elements that are of grading or jurisdictional significance only. *United States* v. *Feola,* 420 U.S. 671, 676 n.9 (1975). No presuasive reason can be offered for treating RICO as if it were not like other similar offenses requiring an appropriate showing of state of mind. Given its seriousness, it would be anomalous to treat RICO as a strict liability offense. Accordingly, the Act sets aside the contrary line of cases. As such, it reflects the recommendations of the American Bar Association. See RICO Committee Report at Appendix A, pp. 9-10; Corporation Report at Appendix B, pp. 2-10.

Section 8. Section 8 makes technical changes to conform RICO.

[From the National Association of Attorneys General Spring Meeting]

RESOLUTION II.—RICO

Whereas, Congress enacted in 1970 the Racketeer Influenced and Corrupt Organization provisions (Title IX) of the Organized Crime Control Act;

Whereas, Title IX, which applies to patterns of racketeering activity involving personal violence, provision of illegal goods and services, corruption in private or public life, and various forms of fraud, also provides important criminal and civil sanctions to protect victims of patterns of racketeering activity, including:

criminal forfeiture of proceeds of racketeering activity;

criminal forfeiture of interests in enterprises;

equitable relief for the government;

equitable relief for victims of racketeering activity; and

treble damages, costs, and attorney's fees for victims of racketeering activity; and

Whereas, fraud against state and local government has a multi-billion dollar annual impact, and Title IX provides important sanctions in the area of fraud against state and local units of government; and

Whereas, twenty-seven states have enacted legislation patterned after Title IX, and other states are actively considering the passage of legislation patterned after Title IX; and

Whereas, state and local units of government have found that Title IX and state legislation patterned after it are effective and essential means of redressing wrongs;

Now, therefore, be it resolved that the National Association of Attorneys General:

(1) Reaffirms its support for the Federal RICO provisions and encourages states to enact legislation patterned on Title IX to strengthen criminal and civil sanctions, particularly in the area of fraud against the government, including:

appropriate new predicate offenses, such as murder-for-hire and bonds fraud;

a clarification of the federal statute to assure that private plaintiffs may obtain equity-type relief;

the clarification of the federal statute to assure that Attorneys General may bring *parens patriae* suits; and

the inclusion of recovery for personal injuries/or violent offenses.

(2) Opposes efforts in the U.S. Congress to repeal or weaken the provisions of Title IX, such as:

prohibiting suits by local units of government unless authorized by specific state statute;

providing that private suits for treble damages cannot be brought without a showing of prior criminal conviction under either RICO or a predicate offense;

prohibiting government corporations from bringing civil RICO suits except by using Department of Justice attorneys;

limiting the recovery of punitive damage relief to natural persons;

excluding the securities industry from punitive damage liability;

making retroactive changes in the measure of damages in pending litigation;

imposing an unduly short statute of limitations on civil suits;

imposing unduly restrictive pleading rules on civil RICO suits; and

adopting an unduly strict definition of pattern and reforming only the civil definition of pattern.

(3) Authorizes the RICO Working Group chaired by Attorney General Ken Eikenberry to monitor the RICO issue in the U.S. Congress and to speak on behalf of the Association; and

(4) Authorizes the Executive Director to transmit these views to the Administration, appropriate members of the Congress, and other interested organizations.

RESOLUTION III—HAZARDOUS WASTE VIOLATION AS A PREDICATE OFFENSE FOR RICO

Whereas, the increasing body of knowledge regarding the present and future adverse impacts on and serious endangerments of the public health, welfare and the environment which result from the improper handling and disposal of hazardous wastes has led and is continuing to lead to much-needed regulation of hazardous waste management and disposal practices; and

Whereas, the lawful and environmentally responsible management and disposal of hazardous wastes in compliance with federal and state laws and regulations results in costs which are often orders of magnitude higher than illegal dumping or other improper hazardous waste disposal practices; and

Whereas, the still-increasing cost differences between legal hazardous waste disposal practices which are protective of the public health and the environment and illegal practices which can jeopardize the health and welfare of our nation's citizens and communities is providing a growing impetus for corrupt individuals and organizations to seek illicit gain by inducing legitimate businesses, through fraud or misrepresentation, to utilize the "lower cost" hazardous waste disposal "services" offered by the corrupt individuals or organizations; and

Whereas, the endangerments to the public health and the environment and the damage to our nation's natural resources which can result and have resulted from the illegal hazardous waste management and disposal practices employed by corrupt individuals and organizations for their illegal profit-making purposes emphasizes the urgent need to effectively deter such practices and to divert from such corrupt individuals and organizations the proceeds of such illicit activities; and

Whereas, the principal and most-effective piece of federal legislation aimed at deterring such illegal enterprises and diverting from corrupt organizations such illicit proceeds is the federal Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. secs. 1961-1968 (1984); and

Whereas, the list of predicate offenses contained in 18 U.S.C. sec. 1961(1) (1986 Supp.), which trigger the application of RICO's civil and criminal provisions and remedies does not include any provisions aimed directly at criminal enterprises in the hazardous waste management and disposal areas; and

Whereas, many state "RICO" and organized crime control acts incorporate by reference the list of predicate offenses recited in the federal RICO Act, 18 U.S.C. sec. 1961(1) (1984), thereby enabling a single change in the federal Act to achieve maximum beneficial effect by directly enabling states to apply their own resources, processes and sanctions to such criminal enterprises while at the same time enabling federal enforcement resources to be effectively applied against such criminal enterprises; and

Whereas, the absence of a specific provision in federal RICO aimed at criminal enterprises in the hazardous waste management and disposal areas makes application of the RICO statute's provisions and sanctions to hazardous waste-related crimes more difficult and uncertain, thereby reducing and/or eliminating the significant deterrent potential of the statute and exposing our nation's citizens and natural resources to endangerment which could otherwise be prevented or deterred.

Now, therefore, be it resolved by the National Association of Attorneys General that the Congress of the United States should be, and hereby is, urged to promptly amend the provisions of the federal RICO statute by adding to the end of 18 U.S.C. sec. 1916(1) (1986 Supp.), the following language:

(F) Any act which is indictable under section 3008 of the federal Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. sec. 6928 (1984), or any act which is chargeable as a crime under a similar provision of a state hazardous waste program authorized by the Administrator of the Environmental Protection Agency, pursuant to section 3006 of RCRA, 42 U.S.C. sec. 6926 (1984).

The addition of this language would add knowing violation of hazardous waste management and disposal laws to the list of RICO "predicate offenses," two (2) violations of which trigger application of the RICO statute's deterrent civil and criminal sanctions.

Be it further resolved that:

(1) a legislative subcommittee of the Environment Committee be created;

(2) interested Attorneys General be requested to designate staff to serve on the subcommittee;

(3) the subcommittee monitor the progress in Congress and in federal agencies of enviornmental issues upon which NAAG has taken positions by formal resolution;

(4) the subcommittee bring the resolutions passed by the Association to the attention of the U.S. Department of Justice's National Environmental Enforcement Council, the U.S. EPA Advisory Committee, Congress and federal agencies; and

(5) members of the subcommittee are authorized, in consultation with the chair of the subcommittee, to speak on behalf of the Association and to advocate before Congress and the federal agencies the Association's position on this resolution.

RESOLUTION II.—THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS STATUTE

Whereas, Congress enacted in 1970 the Racketeer Influenced and Corrupt Organizations provisions (Title IX) of the Organized Crime Control Act; and

Whereas, Title IX is applicable to patterns of racketeering activity, involving:

1. personal violence;
2. provision of illegal goods and services;
3. corruption in private or public life; and
4. various forms of fraud; and

Whereas, Title IX provides important new criminal and civil sanctions to protect victims of patterns of racketeering activity, including;

1. criminal forfeiture of proceeds of racketeering activity;
2. criminal forfeiture of interests in enterprises;
3. equitable relief for the government;
4. equitable relief for victims of racketeering activity; and
5. treble damages, costs, and attorney's fees for victims of racketeering activity; and

Whereas, twenty-two states have enacted legislation patterned after Title IX; and

Whereas, other states are actively considering the passage of legislation patterned after Title IX; and

Whereas, states and local units of government have begun to make effective use of Title IX and state legislation patterned after it; and

Whereas, Title IX provides important new sanctions in the area of fraud against state and local units of government; and

Whereas, fraud against state and local government has a multi-billion dollar annual import; and

Whereas, state and local units of government have found that Title IX and state legislation patterned after it are effective and essential means of redressing wrongs;

Now, therefore, be it resolved, that the National Association of Attorneys General supports efforts by states to enact legislation patterned after Title IX and to strengthen the criminal and civil provisions of Title IX, particularly in their application to public and private civil sanctions in the area of fraud against the government; and

Be it further resolved, that the National Association of Attorneys General opposes efforts to repeal or modify, in whole or in part, the provisions of Title IX, particularly in their application to public and private civil sanctions in the area of fraud against the government; and

Be it further resolved, that the Executive Director and General Counsel of the National Association of Attorneys General is authorized to transmit this Resolution to appropriate committees of Congress, the Administration, and other appropriate individuals and associations.

INTRODUCTION OF BUDGET RECONCILIATION PROVISIONS AFFECTING MEDICARE AND MEDICAID

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce today a bill reflecting the decisions made yesterday by the Committee on Energy and Commerce, making changes in the Medicare and Medicaid programs to respond to the instructions in the concurrent budget resolution. Those instructions require that we amend the Medicare program to reduce outlays. They also authorize additional spending in the Medicaid program to combat infant mortality, address the needs of the elderly poor and working welfare recipients, and adjust payments to the territories to account for inflation.

I am introducing this bill now so that the results of our committee markup will be conveniently available to the other Members and to the general public. The bill incorporates the amendments made yesterday by the committee to the committee print that was used as the markup vehicle. I wish to caution the Members, however, that the committee report that will be submitted to the Committee on the Budget after our August district work period may differ slightly from the bill I am introducing today, because the committee reported with the usual instructions to make the necessary technical corrections.

"I am proud of this bill. It contains an exciting and thoughtful set of proposals that make important policy changes in these two programs. There is a particularly dramatic difference between this bill and previous reconciliation bills in the treatment of Medicare payments for physician services. Previously, the primary focus was simply on meeting budget goals, with some deference paid to policy objectives. This year, with the assistance of the Physician Payment Review Commission and the cooperation of several important physician groups, we have been able to fashion a set of proposals that, taken together, not only achieve outlay reductions but also make significant contributions to our long range strategy for reforming the Medicare payment rules. This year, we gave policy goals their due consideration. I want to commend the American College of Radiology for taking a responsible leadership role in developing the reform proposal contained in this bill. I also want to express appreciation to the American Society of Anesthesiologists and to the College of American Pathologists, for their cooperation in developing policy reforms. The National Association of Medical Equipment Suppliers also deserves recognition for its leadership in developing a major reform in Medicare payments for durable medical equipment.

The major Medicaid initiative is the proposal developed by Chairman DINGELL, Senator PEPPER and me, to improve the quality of care in nursing homes, based on the recommendations contained in a study report completed by the Institute of Medicine. Other major, and long overdue, improvements include: allowing the States to extend Medicaid eligibility to pregnant women and children with family incomes up to 185 percent of the Federal poverty line; allowing the States to extend Medicaid eligibility to children with family incomes below the Federal poverty line and requiring them to cover children in families with income and resources below the State AFDC standards; and requiring the States to continue Medicaid eligibility for 24 months for welfare mothers and their children who lose cash assistance because of their earnings from employment.

Many members of the Subcommittee on Health and Environment, and many members of the full committee, from both sides of the aisle, contributed greatly to putting this bill together. Credit for its success, and the gratitude of Chairman DINGELL and myself, is to be shared widely. I hope the other Members of the House will have a chance to review this bill and will support its passage.

VETERANS MAY NOT HAVE A PERFECT SYSTEM, BUT THEY HAVE A VERY GOOD ONE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MONTGOMERY. Mr. Speaker, one of the great advantages of being citizens of a free country is that we can openly criticize our Government if we don't like the way things are being run. Two of the most often-used terms in voicing our complaints are "redtape" and "bureaucracy," and I don't think any one of us could deny that there are plenty of both. We are imperfect, and that is a wonderful thing to be able to say when you consider the lesser alternatives.

I would like to share with my colleagues a recent article written by Vicki Williams, a columnist with the Times of Hammond, IN. Using our Veterans' Administration Home Loan and Hospital Programs as an example, she hits the heart of the matter by reminding us that the programs we depend on may not be perfect, but we are very fortunate to have them.

Her article follows:

FELLOWSHIP IN THE VA HOSPITALS

The Veteran's Hospital epitomizes the love-hate relationship Americans often seem to have with their government. Perhaps anyone who has been involved with the military has these attitudes to an even more heightened degree.

The VA hospital conforms to the "tangled in red tape" view of government agencies that is common among those who have to deal with them. As a real estate salesperson, I dread a buyer telling me that he wants to "go VA or FHA" in getting his financing. I know it's going to require much more paperwork and time than getting a loan from another source. I also know that some of these people couldn't think of buying a home without the help of the federal government and so, despite the inconvenience, I'm grateful that federally subsidized loans are available.

In the same way, though my exhusband griped about the "hurry up and wait" process of getting admitted (Admissions to Records to Admissions to Clothing to Room Assignment), he was thankful nonetheless that America stands behind its veterans by offering medical care to those who can't afford it otherwise.

Our local public hospital has gone all the way in accepting the "hospitals as cheerful places" theory. The walls are green and yellow and blue with lilac stripes zig-zagging down their length. The curtains are boldly flowered. The VA hasn't quite swallowed lilac stripes and posied drapes but if it is short on rainbow-colored walls, it is long on camaraderie and a kind of laid-back ambience.

While the community hospital keeps an exceedingly close watch on its patients' whereabouts, the ambulatory guests of the Veteran's Hospital drift around as they choose, wandering from the cafeteria for coffee to the day rooms to the library or outside under the trees. When my ex-husband asked one elderly man where he was off to in his wheelchair, he replied, "Nowhere special. I'm just prowling."

Because these are all now or former members of the armed services, men and women, they have the military ability to be disciplined and obedient when it is necessary and nonchalant about rules when they decide obedience is not required. They help take care of one another, pushing wheelchairs and sharing smokes.

They accept whatever ailment has brought them here with a kind of grisly humor. A man with a gangrenous foot requiring high amputation shrugs and says—"I'm here to have a leg whacked." My exhusband tells them—"I'm here because my lung is trying to give birth to an alien."

The veterans hospitals across the country are examples of our federal tax dollars at work. It is so easy to complain about the government bureaucracy and the abuses that often seem so inherently a part of it until you think of the alternatives.

For some renters yearning to own homes, for some youngsters dreaming of a college education, for some hungry children, for some desperate farmers and for some old soldiers, the federal government is the court of last resort.

SMALL BUSINESS SUPPORT FOR INCREASED HEALTH BENEFITS DEDUCTION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LAFALCE. Mr. Speaker, on July 30, I introduced H.R. 3065, to make health insurance costs fully deductible for self-employed individuals. I have received letters of support for this initiative from the National Federation of Independent Business and the Small Business Legislative Council, which I insert in the RECORD at this point:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, August 5, 1987.

Hon. JOHN LAFALCE,
Chairman, House Small Business Committee, Rayburn House Office Building, Washington, DC

DEAR CHAIRMAN LAFALCE: On behalf of the membership of the National Federation of Independent Business (NFIB), I would like to congratulate you for your introduction of H.R. 3065 which addresses the issue of the deductibility of health insurance premiums for self-employed business owners.

The tax laws give a distinct advantage to the business owner who operates in the corporate form as opposed to the business owner who operates as a sole proprietor. In the corporate form the owner's full health insurance costs, as well as those of his employees, are deductible as business expenses, while for the self-employed only the health insurance costs attributable to the employees are fully deductible.

The Tax Reform Act of 1986 made a move in the right direction by allowing twenty-five percent of the cost of the self-employed employer's health insurance costs to be deductible. However, this partial deduction still treats the corporate and non-corporate business owners differently merely because of the legal forms of business under which they choose to operate. This arbitrary distinction in the tax code denies the self-employed business owner the incentives given to the corporate business owner to obtain health insurance.

According to a 1985 study by the Employment Benefits Research Institute (EBRI), forty-two percent of self-employed business owners carry no health insurance. These business owners make up sixteen percent of all uninsured workers. H.R. 3065, therefore, would address a significant portion of the health insurance gap that exists simply by equalizing the treatment for incorporated and unincorporated businesses.

Your bill would address this problem of the uninsured self-employed workers by increasing their deduction for the cost of health insurance to 100 percent. NFIB applauds your efforts to eliminate the current unwarranted discrimination against self-employed business owners. NFIB will be urging your colleagues in the House to join you in supporting this bill.

Sincerely,

JOHN J. MOTLEY III,
Director, Federal Governmental Relations.

SMALL BUSINESS LEGISLATIVE COUNCIL,
July 30, 1987

Hon. JOHN LAFALCE,
Chairman, Committee on Small Business, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Small Business Legislative Council (SBLC), I would like to offer our support for legislation to make health insurance coverage fully deductible for the self-employed.

The Small Business Legislative Council (SBLC) is a permanent, independent coalition of ninety trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of over four million small businesses in manufacturing, retailing, distribution, professional and technical services, construction and agriculture. A list of our members is attached.

Under prior law the Internal Revenue Code created an unfair distinction between unincorporated and incorporated businesses in its treatment of health care costs and Congress in 1986 finally addressed this problem in the Tax Reform Act of 1986. Unfortunately the Act established a deduction for only twenty-five percent of the cost of such coverage for the self-employed. There is no rational reason why a small business should have received only a quarter loaf.

Your initiative to make these costs fully deductible is a positive step towards ensuring adequate health coverage for millions of

Americans and we look forward to working with you and your colleagues on this matter.

Sincerely,

JOHN S. STAGAJ,
President.

POLITICAL PARTIES

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. HEFLEY. Mr. Speaker, "I vote for the person, not the party." "It doesn't really matter whether you're a Democrat or Republican, it's the kind of person you are that counts." I wish politicans wouldn't be so partisan."

We hear these kinds of statements everywhere the subject of politics is discussed, and in Colorado we show that we believe them by the way we vote. We elect a liberal Democrat Governor and a conservative Republican U.S. Senator in the same election, both by landslide margins. We consistently elect Democrat Governors at the same time we give large Republican majorities in both Houses of the legislature. We have one liberal Democrat U.S. Senator and one conservative Republican U.S. Senator. Three of our congresional delegation are Democrat and three are Republican.

We don't seem to choose candidates based on party or even on philosophy. Maybe it is the way they look, or sound, or the image they project that influences our choice. But does it make a difference which party is in charge?

The party in charge sets the agenda. Let's use Congress as an example. the Democrats have controlled the House since 1954 and the Senate for most of that time. This means a Democrat is always Speaker of the House, Democrats are chairmen of every committee, Democrats make the rules and determine the flow of every piece of legislation. While Republicans can influence the process, Democrats have the final say because they are in charge.

If you like our tax codes, welfare programs, defense policy, regulatory system or budget deficit, the Democrats should get the credit. If you don't like these things, give the Democrats the blame. The question remains, however, would it have made any difference if the Republicans had been in charge over the last 33 years?

I hope the answer to this question is "yes." While not all Democrats agree on everything, nor do Republicans, there should be a basic philosophical difference between the two parties. This difference should be reflected in how they view the role of government, and thus, what approaches are taken to solving problems.

An example of a problem that government must solve is national defense. Most Members of Congress feel our country must be defended but there is a distinct difference between the two parties as to how much defense is needed.

In the recently debated defense authorization bill most Democrats wanted less defense, less SDI, less testing of weapons systems, more unilateral disarmament, and seemed to place more faith in the Soviets. Most Republicans, on the other hand, expressed more skepticism of Soviet intentions and, therefore, wanted more defense, more SDI, more testing, and no unilateral disarmament. There was even a group of 70 Congresspeople who voted to do away with all three legs of our strategic defense triad which is composed of bombers, sea-based missiles and land-based missiles. Sixty-nine of these votes to dismantle our defense strategy were Democrats and one was a Republican. Clearly, this bill illustrates that there is a difference between the parties and this difference is reflected in almost every issue which comes before Congress.

Our own Colorado House delegation further illustrates this difference. With all six of us coming from the same Western State, five of us having served in the legislature, and all of us concerned about what's best for Colorado, you would assume that we would be philosophically similar and, therefore, would vote in a similar manner.

While we do work together on many things that specifically relate to Colorado, our philosophies are vastly different, and these differences are reflected along party lines. If we use PAT SCHROEDER, the senior Democrat in the delegation and HANK BROWN, the senior Republican, as bench marks, we can compare voting records of each member of the delegation.

First, PAT and HANK vote together about 40 percent of the time. It appears that there are enough noncontroversial votes that, regardless of philosophy, the Republicans will vote with PAT about 40 percent of the time and the Democrats will vote with HANK 40 percent. The exception to this rule is DAVID SKAGGS who has voted with HANK only 33 percent of the time.

When we compare the votes of the other Democrats to PAT'S, we find DAVID voting with her 77 percent of the time and BEN CAMPBELL 70 percent. On the other hand, I voted with HANK 78 percent of the time and DAN SCHAEFER voted with him 72 percent. Thirty-four percent of the votes were divided along party lines with the three Democrats voting on one side and the three Republicans on the other.

These figures show conclusively that it does make a difference who is elected to these positions. Democrats and Republicans simply do not view the world the same, even when they are from the same State and have many other things in common.

It is up to the voters to place candidates in office who more nearly share their own views and to hold those candidates accountable once they are office holders.

SANDINISTAS MAY GET NEW MISSILES

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SMITH of Florida. Mr. Speaker, in the backdrop of the Central America summit meeting taking place in Guatemala and the administration's and Speaker's new inititative for a negotiated settlement in Nicaragua, we must remain acutely aware of the real issue of Sandinista aggression. While most attention has been focused on these peace initiatives, the Sandinistas continue to upgrade their military capabilities.

The truth about the Sandinistas is clear: they are a Soviet sponsored client state whose objectives are to destablize regional, pro-Western, democracies by exporting their Communist ideology and guerrilla war beyond its own borders.

As the Central American peace initiatives develop, we must remain skeptical of Sandinistas objectives in Central America. Furthermore, we must continue to promote democracy in Central America and around the world.

For the benefit of my colleagues, I am including an August 2, 1987, article from the Miami Herald for the RECORD.

SANDINISTAS MAY GET NEW MISSILES

(By June Carolyn Erlick)

LOS BRASILES, NICARAGUA.—Defense Minister Humberto Ortega said Saturday that the Sandinista army will soon begin to use new and "more sophisticated" anti-aircraft missiles to combat U.S.-backed contra rebels.

Ortega also repeatedly insisted on Nicaragua's right to acquire jet fighter airplanes such as Soviet MIGs as an integral part of its "defense anti-air system."

He spoke at the eighth anniversary celebration of the Sandinista air force at the National Aviation School in Los Brasiles, a few miles outside Managua.

He described the new anti-air missiles as "more powerful and more sophisticated" than the Soviet C-3Ms the Sandinistas are now using, which are roughly equivalent to the U.S. Redeye missiles the rebels are believed to have.

Ortega refused to say what type of new missile Nicaragua will use, where it comes from or whether the missiles are in the country yet.

Earlier in the week, Maj. Ricardo Wheelock, the Sandinista army intelligence chief, had called the building of air defense "fundamental," saying that the contras could not survive without their airdrops.

Ortega said the Nicaraguans were technically prepared to receive fighter airplanes.

The Reagan administration has repeatedly said it will not tolerate the presence of MIGs or other supersonic jet fighter planes in Nicaragua.

Ortega's insistence on combat planes as an integral part of an air defense system suggests that the acquisition of such aircraft may be a Sandinista bargaining point in the Central American presidents' meeting opening Thursday in Guatemala.

This article reconfirms the advanced nature of Sandinista military equipment. I ask my colleagues not to lose sight of the ball in Central America.

GAPS IN IMPORT INSPECTION

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. PANETTA. Mr. Speaker, in March of this year I introduced legislation, H.R. 1877, to improve the inspection and enforcement of U.S. pesticide and drug residue restrictions on imported fruit, vegetable, meat, poultry, and egg products. This legislation builds on recommendations from an 18-month General Accounting Office investigation and a February 1987 Office of Inspector General audit which identified significant deficiencies in U.S. food import inspection operations. A portion of H.R. 1877—dealing with meat, poultry, and egg products—was included in the omnibus trade bill, H.R. 3.

On March 30, my Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition received testimony from witnesses who expressed deep concern over the gaps in our import inspection operations and advocated country-of-origin labeling as an alternative way to address these problems. On June 19, I took a field tour of U.S. import inspection facilities located in Otay Mesa, CA to investigate these concerns. I was told that some steps have been taken by a few of FDA's district operations to address some of the concerns reported in the GAO report. While this is a step in the right direction, it is clear that the agency's sampling operations are still not giving us an accurate picture of what is actually coming through our borders. FDA's enforcement system does not prevent contaminated food from reaching American consumers, nor does it effectively deter future violations. I was also not only surprised, but disturbed, to discover the lack of communication between the FDA and Mexican officials, as well as other exporting countries, on established pesticide regulations and followup on violations. Clearly, we in Congress have the responsibility to address these problems to ensure that the American food supply is safe for consumption.

I am inserting, for the RECORD, the text of a report that I prepared for my June 19 field visit to import inspection facilities located in Otay Mesa, CA and recent articles that provide additional information on this matter. I would hope that revised legislation that I have been working on with members of the Committee on Energy and Commerce to address these problems will receive expeditious consideration when we return from the August recess.

INTRODUCTION

On June 19, 1987 the Honorable Leon E. Panetta, Chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, was given a field tour of U.S. import inspection facilities located at Otay Mesa, California. The purpose of the field visit was to obseve current U.S. import inspection operations and determine where improvements could be made, on both sides of the border, to ensure that food coming in from abroad complies with U.S. pesticide residue limits and is safe for consumption. The field visit involves meeting with officials from the Food and Drug Administration (FDA), Customs, and the Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS); officials from Mexico's Secretariat of Agriculture; and importers. Also present were officials from the General Accounting Office (GAO), and the Environmental Protection Agency (EPA). A list of individuals present at the meeting is provided in the appendix of this report.

The field visit was prompted by a growing concern over the adequacy of import inspection operations and the safety of imported foods. In September 1986, GAO released a report which identified serious deficiencies in FDA's import inspection operations and raised serious doubts over its ability to protect consumers from illegal pesticide residues on imported foods. In response to the recommendations in the report, Congressman Panetta introduced legislation, H.R. 1877, to improve FDA's inspection and enforcement operations.

Following the GAO report, however, additional concerns were raised over the laxity by which many Third World Nations regulate pesticides in a number of news reports. Imports from many of these countries has dramatically increased in the last 10 years and make up a growing share of food consumed by Americans.

On March 30, 1987, the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition held a hearing to review country-of-origin labeling legislation. Witness after witness testified as to their concern over glaring gaps in U.S. pesticide inspection and enforcement operations. They were concerned that these deficiencies may be exposing U.S. consumers to unacceptable health risks and placing U.S. farmers at a competitive disadvantage with foreign growers who may be able to use pesticides banned for use in the U.S.

The field visit provided Subcommittee Chairman Panetta with the opportunity to investigate these concerns, discuss changes that could be made to improve U.S. inspection and enforcement operations, and discuss areas where communications with Mexico could be expanded to reduce pesticide violations at the border.

The field visit confirmed the need for full implementation of GAO's recommendations. GAO recommended that FDA's sampling selection be more representative of the imports coming in from abroad, and that improvements be made in its enforcement system to ensure that liquidated damages are collected to discourage future violations. In addition, a strong federal commitment towards improving testing methods is needed in order to spur commercial development in this area. The field visit also confirmed the need to improve the exchange of information between U.S. officials and their counterparts abroad.

I. FOOD IMPORT DATA

Between 1975 and 1986, the value of vegetable imports almost tripled in real terms (1986 dollars), rising from $537 million to $1.6 billion. Over the same time period, the real value of fruit imports rose from $350 million to $1.6 billion, a four-fold increase. Indeed, USDA's Economic Research Service (ERS) reports that for the first time in over 30 years, the U.S. imported more food products than it exported in May, 1986 and ran another monthly deficit in July, 1986, as well.

Trade with Mexico alone accounts for approximately 30% of U.S. food imports. Mexico supplies 42% of our vegetable imports and 16% of our imported fruits. The U.S. is by far the largest export market for Mexico, receiving 80% of its agricultural exports.

Additional information on US agricultural import data is provided in the appendices to this report.

II. FDA'S INSPECTION OPERATION

A September, 1986 GAO report identified serious deficiencies in US import inspection operations. It found that the FDA's monitoring program does not adequately test these imports for dangerous pesticide residues which may pose health risks to American consumers. The weaknesses identified in the GAO report include (1) inadequate sampling techniques—too few shipments are tested and the cross-section of countries and commodities sampled is not representative of U.S. agricultural imports, (2) technically deficient laboratory testing protocols for the presence of pesticide residues, and (3) poor enforcement—contaminated shipments are rarely successfully recalled from the marketplace, and penalties are often not collected from violators.

FDA's district officials have indicated that since the release of the GAO report, steps have been taken to address some of the deficiencies identified in the report. While such actions are a step in the right direction, it is also clear that additional changes must be made in order to ensure that food coming in from abroad meets U.S. standards and that violators are effectively deterred.

(A) Volume sampled and sample selection

According to GAO, FDA samples less than 1% of the approximately 1 million food shipments imported annually. Between 1979 and 1985, GAO notes that FDA collected and analyzed 33,687 samples of imported food and found that 6.1% of them contained illegal residues—more than twice the violation rate for domestically grown food. Over half the foreign samples were taken from shipments originating in Mexico; the violation rate for Mexican imports was 5.5%. But even these numbers do not reflect the true scope of the problem because the percent of shipments sampled is too small (1%) and is not representative of the total imported food supply which may contain such residues. Based on current FDA inspection and monitoring operations, it is impossible to determine the extent to which American consumers are being exposed to toxic pesticide residues.

FDA generally follows a 3-tier approach in its sampling methodology. Although this approach is intended to treat violators with greater scrutiny, the chances of being caught are still so low that its deterrent effects are essentially negated. Under current procedures the 3-tier approach operates as follows:

(1) Surveillance sampling—on-site FDA inspectors randomly sample import shipments, without suspicion that such shipments may contain illegal pesticide residues. Importers may release these shipments into commerce before sample analysis is completed by the laboratory. If a violation is found, the importer is given a recall notification which requires that the tainted product be recovered from the market.

On-site FDA and Customs officials said, however, that tainted shipments are rarely successfully recalled from commerce. And under surveillance sampling, penalties are never levied against violators.

(2) Compliance sampling—imported fruits or vegetables that are repeatedly found to contain illegal pesticide residues through surveillance sampling are placed under compliance sampling. If specific produce is

listed on a compliance list, each shipment may be subject to sampling by FDA. Such shipments, however, are generally allowed to go out into commerce before the sample analysis is completed. If the shipment is later found to be in violation, the importer is notified that he must recall his product from the market. If the shipment is not recalled, FDA may advise that Customs levy a fine against the importer.

On-site Customs officials said, however, that even though penalties may be assessed—a large share is never actually collected. This is because importers frequently appeal such cases to an International Court of Trade.

(3) Certification sampling—an importer that is found to be a repeat violator under compliance sampling may be placed under certification sampling. Under certification sampling, the importer is required to present a certificate of analysis from a private laboratory showing that each shipment does not contain unacceptable levels of the pesticide in question. On-site FDA officials indicated that such shipments are not permitted into commerce until certificate of analysis is presented.

GAO noted that some district offices periodically analyze samples of food under certification to verify the accuracy of the analysis provided by private laboratories. This monitoring appears to be done on a random basis at the discretion of individual FDA district offices, rather than on a systematic basis. But, perhaps of even greater concern, is the uncertainty over whether the sample submitted for analysis is representative of the particular shipment.

Recommendation: To address these concerns, FDA should develop an effective monitoring system to ensure that certification samples are representative of their shipment and that the private laboratory analysis is accurate.

The overall violation rate for surveillance samples taken under FDA's General Import Program between 1979 and 1985 was 5.2% while the violation rate for compliance samples was 8.1%. Mexico's surveillance sample violation rate for the same period was 3.4%, while its compliance sample violation rate was significantly higher—20.2%.

(B) Enforcement is Weak

As noted above, even when imported food shipments are found to contain illegal pesticide residues, the food will probably be marketed and consumed rather than re-exported or destroyed because current FDA policies allow perishable foods to be distributed before laboratory analysis is completed. Since it can take from two to five days to run the sample, contaminated foods are often marketed and consumed before they are detected.

GAO reviewed adulterated shipments which entered the U.S. in fiscal year 1985. Out of 87 contaminated shipments detected by surveillance sampling, 52 (or 60 percent) reached American consumers. According to GAO, "FDA recognizes that shipments immediately released for distribution and later found to be adulterated may ultimately be consumed by the public. However, FDA maintains that such shipments do not present a risk to the public health . . . and stated that these adulterated commodities do not make a toxicologically significant contribution to a consumer's total dietary intake of pesticide residues . . ."

FDA also maintains that penalties should not (and are not) be levied against first-time offenders. Under surveillance sampling, the only threat of reprisal for failure to recover tainted food from commerce is the possibility that the importer or grower may be monitored more closely under compliance sampling in the future.

But moving to compliance sampling does not always prevent the marketing of tainted shipments either. Indeed, GAO reports that 21 of 77 shipments (or 27 percent) found to have illegal residues under compliance review in 1985 were distributed domestically and consumed. And from information provided in Customs and FDA files, GAO was unable to determine what happened to another 11 shipments.

In the 21 violations involving compliance samples, only 8 importers were assessed penalties. GAO also noted that it was only able to find evidence that penalties were ultimately collected in 2 of these cases.

This lack of enforcement allows foods containing illegal pesticide residues to be consumed by the American public. And because penalties are often not collected, there is no strong deterrent against future violations. One of the ironies of the situation is that when an importer does recover and destroy the shipment before it reaches the consumer, that party loses the value of the shipment while the importer of the shipment that reaches the consumer suffers no loss.

Recommendation: Since only a small number of imported food shipments are sampled for pesticide residues, it is essential that FDA implement a tough enforcement system that will discourage other importers from distributing tainted food. FDA should follow GAO's recommendation that importers be required to certify which pesticides were used during production and penalties should be collected from importers that fail to recover contaminated shipments from commerce.

(C) Inconsistent Coverage

In its September 1986 report, GAO also found that FDA's sampling procedures lacked a systematic methodology. It found that sample selections were not representative in terms of the types of commodities coming in from abroad or their country-of-origin.

The GAO report provided the following examples:

(1) 27 countries exported cucumbers to the U.S. in each year of a 3 year sample period. However, FDA sampled shipments from only 9 of those countries during this entire period. This occurred during a time when the violation rate for cucumbers was running significantly higher than the average for other foods.

(2) 26 countries exported pineapples to the U.S. during the 3 years surveyed. Again the FDA sampled shipments from only 9 countries even though pineapples were one of the highest-volume fruits imported into the U.S. 18.6% of these samples contained illegal residues. In addition, FDA officials have acknowledged that not a single pineapple imported from the Philippines was inspected, even though it was known that these pineapples had been treated with heptachlor, a chemical banned for food use in the U.S. since 1978 because of its carcinogenic effects.

In general, GAO found that many commodities that are imported on a regular basis were not sampled at all while others were subject to a disproportionately high rate of sampling. GAO cites one district in which over 500 samples of tomatoes were taken in each of the last 2 fiscal years, with only one violation in each year. Melons (other than watermelon and muskmelon), on the other hand, were not sampled at all.

At each point of entry, the actual selection of commodities to be sampled is the result of thousands of on-the-spot judgments made by individual FDA inspectors. Although historic information on import shipments is available from various sources within FDA, GAO found that it was not compiled in a usable form which would help on-site inspectors make sampling selection decisions.

GAO also found that there was little coordination between FDA inspectors at the different points of entry. Consequently, a foreign grower whose crops have been tainted with illegal pesticide residues in the past could reduce the risk of being sampled merely by sending shipments through a different point of entry where the inspector may be unaware of the grower's reputation.

Recommendation: To address these deficiencies, GAO recommended that FDA should develop a comprehensive monitoring summary containing (1) the commodities being imported, (2) the country of origin, (3) the volume, (4) the number of samples taken, and (5) the number of violations. Without this basic information, FDA inspectors are ill-equipped to stem the tide of illegal residues on imported foods.

Since GAO released its report, FDA district officials said that such information is now being entered into computers at individual inspection sites and that efforts are being made to coordinate this on a national basis.

Admittedly, FDA inspectors have been hampered in their ability to provide greater inspection coverage because they suffer from an accute manpower shortage. In the past, for example, FDA has only assigned four inspectors to cover the 1,200-plus miles of the Texas-Mexico border from Brownsville to El Paso. And about half of their time was spent on other domestic duties. FDA inspectors also were not always on duty during the week, and rarely on weekends, when the points of entry are open. These conditions make it impossible for an FDA inspector to adequately monitor all imported food shipments.

FDA officials also said that additional personnel have been put on at U.S.-Mexican border points within the last 10 months. In addition, inspectors are now on full-time duty during the week and that some coverage is provided on weekends.

(D) Laboratory Technologies can only detect limited number of pesticides

The technology used in FDA laboratories to detect pesticide residues is severely limited. GAO estimates that 496 pesticides are available for use on food crops. FDA routinely utilizes 5 separate multiresidue tests that can each detect from 24 to 123 different pesticides. Cumulatively, however, these tests can detect only 203 pesticides—or less than half of the pesticide residues that might appear in food.

In 1979, FDA developed a Surveillance Index to classify pesticides according to potential health hazards. Pesticide chemicals undergoing "special review" at EPA because of special health or environmental concerns were given priority in being classified in the index. The index lists pesticides in classes I, II, and III, with class I indicating the highest health risk. The ranking is based on the toxicity, use pattern (poundage and crop), potential for food residues and persistance in the environment. FDA has classified 186 pesticides.

Of the 81 pesticides FDA identified as warranting routine monitoring, 33 are not detectable by any of the multiresidue tests. They must be detected using less comprehensive or single residue methods. However, GAO reported that of these 33 pesticides, 30 received little or no testing during the period 1979 through 1985.

Furthermore, 8 out of 9 of FDA's Class I pesticides which represent a high health hazard on a toxological basis cannot be detected by any of the 5 multiresidue tests. In addition, several class II pesticides, which FDA considers to pose possible high risk toxicity, cannot be detected, including the widely used ethylene bisdithiocarbamates (EBDC's) Mancozeb, Maneb, Metriam, and Zineb. Although EBDC's represent 57% of the total fungicides used worldwide, FDA did not conduct a single special test for them between 1978 and 1987.

Appendix A contains a list of Class I, II, and III pesticides that are NOT detected by FDA's 5 multiresidue tests.

An April report by CRS asserts that new multiresidue tests will probably be limited in their scope of coverage. According to the report, they will only be able to detect a small number of new pesticides because their chemical structure is more complex than their predecessors. CRS notes, however, that there has been increased interest in new rapid test methods, commonly referred to as bioassay and immunoassay tests, which use biologically produced reagents. The advantages to such test are that they are relatively inexpensive, quick, and easy to use. Rapid test method average in cost at less than $20 per sample, while multiresidue tests can cost beween $200 and $320 per sample.

To date, however, most research into rapid test methods has been limited to university researchers and a small number of private firms. Government agencies have been only minimally involved. EPA, the Agency charged with registering pesticides and setting tolerence levels, has not funded any research in this area. Fortunately, however, FDA's Center for Food Safety has begun to initiate research efforts in this area. By the end of FY87, FDA will contract with a private firm to develop several analytic methods which use this technology to determine pesticide residies in selected foods ($250,000 is to be applied to this effort in FY 87). The Agency hopes to expand this allocation in the future in order to evaluate the utility and validity of this methodology for use in is food monitoring programs, as well as the performance of commercially available immunoassay test kits.

FDA officials also suggested that its laboratory capabilities could be improved if chemical manufacturers were required to submit better residue tests at the time new chemicals are registered for use by EPA.

Recommendation: Clearly, a strong Federal commitment towards improving testing methods is needed in order to spur commercial development in this area.

(E) Inadequate information about pesticide use abroad

FDA's efforts are further hampered because it lacks adequate information about pesticide usage abroad. This makes it extremely difficult for FDA to determine which multiresidue test should be used in the laboratory. Consequently, even if a shipment is detained for testing, FDA labs may fail to detect illegal pesticide residues unless the proper test method is used. And, as noted earlier, cumulatively used, FDA's 5 multiresidue tests can detect less that half of the pesticides available today.

To address this problem, FDA recently contracted with a private firm, Battelle, to gather information on pesticide usage abroad. While this is a step in the right direction, there seem to be a number of problems in following this approach.

In 1986, FDA spent $238,000 acquiring information from the Battelle World Agrochemical Data Bank, a computerized data base containing information on pesticide usage in the production of selected crops in about 30 countries. Battelle also supplies this information to agrichemical companies who use it to develop marketing strategies and to keep track of their competitors worldwide. In fact, the data base is tailored to the needs of these corporations, concentrating on pesticides used on major commodities—as opposed to fruits and vegetables.

Battelle gathers its information from surveying industry and consumer groups and from operatives abroad. FDA officials argue that Battelle's data base is the best available, and employing it is more cost effective than developing one of its own. However, it should be noted that this data base is not exhaustive, nor does it cover all countries that export to the U.S.

FDA maintains that obtaining good information about pesticide use abroad is also complicated by the fact that pesticide registration and monitoring are under the auspices of different departments in different countries. And in some countries, the government pays little attention to pesticide usage.

However, based on information obtained during the June 19th field visit, it is clear that a great deal of information about pesticide usage abroad could be obtained through relatively simple government-to-government exchanges. For example, at the June 19th meeting, Mexican officials displayed a manual which contained pesticide usage information in their country and said that a copy of the manual was sent each year to FDA. District officials from FDA's Los Angeles office said, however, that they have never received a copy of the manual. They also added that such information would be very useful in their laboratory operations.

In another instance, FDA explained that they were finding that a large number of grape shipments imported from Mexico contained Omethoate, a pesticide not approved for use in the U.S. FDA said that they sent a letter to the Mexicans informing them of this problem. The Mexican officials said, however, that they did not receive such information and were unaware of the problem. FDA and Mexican officials attending the meeting agreed that improved communications would lead to better pesticide enforcement.

Since the June 19th meeting, FDA's Pesticide's Coordinator from the Los Angeles Laboratory traveled to Mexico to meet on many of these issues with Mexican officials, laboratory technicians, and representatives from grower/export organizations. A member of my staff was informed that one immediate benefit from this trip was the realization, on the part of FDA, that its import violation information was not being sent to the appropriate office in Mexico. FDA's Pesticide's Coordinator said that the visit enabled him to better understand how pesticides are monitored in Mexico and to establish better contacts in Mexico which will hopefully lead to improvements in follow-up action and reductions in future violations.

(F) Mexican Pesticide Regulatory Structure

In Mexico, the country from which we import significant amounts of agricultural products, regulation of pesticides is done by two ministries: (1) the Secretariat of Agriculture and Hydraulic Resources which controls pesticide use and (2) the Secretariat of Health. Mexico publishes a manual on how to meet tolerance requirements—which, for the most part, seems to track the regulatory program in the U.S. fairly closely. Although, in contrast to the U.S., it appears that private grower/exporter associations take a significant share of the responsibility for minitoring pesticide use among growers and distributing information on recommended pesticide use.

Authority to issue instructions and set tolerances derives from the Animal and Plant Sanitary Act, enacted in 1974. Reportedly this law has been implemented very gradually, and only recently has approached full implementation. According to EPA, the law provides for criminal sanctions and financial penalties for misuse. However, the level of governmental resources devoted towards monitoring compliance and laboratory analysis is very limited. According to a GAO analyst, for example, while Mexico has 12 laboratories that may have the capability to conduct residue testing, only three are operational because of inadequate funding.

In support of this view, John Obannon, an American pesticide consultant for San Quintin growers, said that he has never seen any government monitoring of pesticide application in San Quintin and that farmers make their own decisions about what pesticides to use and when to spray them. According to researchers at the University of California, some Mexican growers use large amounts and dangerous combinations of pesticides because they lack the technology and trained staff to employ integrated pest management strategies.

Determining which pesticides are applied to Mexican produce is further complicated by FDA's lack of knowledge about the training, licensing and supervision of staff used to mix and apply chemicals there. According to University of California staff, Mexico, like many other countries, requires producers to use domestic chemicals when available. Researchers have indicated that quality control in Mexican chemical plants is inconsistent and assert that, as consequence, chemicals used by producers may be weaker or stronger than the label would indicate.

A GAO analyst indicated, however, that while these concerns are significant, it also appears that Mexico is taking steps to address some of these problems. For example, during a July 1987 field trip, GAO was told that Mexico is initiating a new project in two states to address some of these problems. In Jalisco and Michoacam, for example, growers will be required to obtain a permit to purchase pesticides for use on specified crops based on the recommendation of technical consultants.

GAO was also shown a private laboratory in Culiacan, located in the State of Sinaloa, which is the largest production region in Mexico. The laboratory is operated by a national grower's association, known as the U.N.P.H. Reportedly, the U.N.P.H. distributes information to Mexican growers on pesticide use and application and operates its own pesticide monitoring system by taking random samples from area farms at the time of harvest. Evidently, the U.N.P.H. works in conjunction with the Mexican government on pesticide regulation. GAO was doubtful, however, whether other Mexican States had similar private laboratory facilities.

Recommendation: Obtaining more information about pesticide use abroad would help FDA identify problem shipments and pesticides and lead to better enforcement of U.S. standards. As noted previously, much of this information could be obtained through relatively simple government-to-government exchanges. Personnel stationed at U.S. embassies abroad, for example, should become informed about pesticide usage and monitoring systems in that country. It was not only shocking, but inconvenient as well, to discover that no one assigned to the U.S. Embassy located in Mexico City was knowledgeable about Mexico's pesticide regulatory system.

FDA, as well, seems to be ill-informed about Mexico's pesticide regulatory system. Clearly, FDA should develop a better system of communicating on a regular basis with comparable government agencies and/or grower/exporter associations abroad. In addition, FDA should ensure that its regional and district offices have a quick and effective method of communicating with such entities abroad.

U.S. VEGETABLE IMPORTS, 1986 (Vegetables and Preparations)

[In millions of current dollars]

	World	Mexico	EC–12	Canada	Brazil	Other South America	China	Other East Asia	Southeast Asia (Thailand)	Japan	Other Europe	Israel	Caribbean	Central America	other
1986	1,579	667	301	104	27	20	53	151	24	44	44	26	36	24	18
Percent of total	100	42	19	7	2	1	3	12	2	3	3	2	2	1	1

U.S. FRUIT IMPORTS, 1986 (Fruits AND PREPARATIONS)

[In millions of current dollars]

	World	Mexico	EC–12	Canada	Chile	Other Latin American	Middle East	Thailand	Other Southeast Asia	Japan	Other Asia	Other Europe	Other
1986	861	139	78	57	194	61	28	76	83	26	102	15	4
Percent of total	100	16	9	7	22	7	3	9	10	3	42	2	0

Source: "Foreign Agricultural Trade of the United States," calendar year 1986 supplement, USDA, ERS, Washington, DC, (May 1987).

Vegetable Imports

The value of vegetable imports almost tripled in real terms from 1975 through 1986, rising from $537 million to $1.6 billion. Figure 2.6 shows the upward trend in the value of vegetable imports since 1975 and compares the value of prepared and preserved vegetables with the value of fresh and frozen vegetable imports. In 1986, the values of imports in these two categories were roughly equal, but fresh and frozen imports grew more rapidly from 1975 through 1986 than prepared and preserved imports. The value of fresh and frozen imports in 1986 was 350 percent higher than that in 1975, compared with 119 percent for prepared and preserved imports.

Fruit Imports

The value of fruit imports increased substantially from 1975 through 1986. (See figure 2.3.) In constant 1986 dollars, they grew from about $350 million in 1975 to about $1.6 billion in 1986—over a four-fold increase. Most of the rise in recent years has been due to increased orange juice imports. Fresh and frozen fruit imports have climbed gradually, as have prepared and preserved imports.

FROM: GAO REPORT—PESTICIDES:

Need to Enhance FDA's Ability to Protect the Public from Illegal Residues—October 1986

The chart lists pesticide chemicals that FDA considers to be of monitoring priority because of potential health effects, and that are not detected by the five analytical multiresidue methods routinely used by FDA. The chemicals are listed by Surveillance Index class. Class I pesticides are considered the highest priority based on toxicity, use pattern (poundage and crop), potential for food residues and persistence in the environment. All of the chemicals listed are registered for use with the following exceptions:

Class I

All uses of the arsenate compounds listed in Class I have been voluntarily withdrawn by manufacturers except for use in wood treatment. Also, lead arsenate is still used on grapefruit, orthoarsenic acid is used as an herbicide on cotton (food residue potential in cotton seed oil and by-products), and sodium arsenate is used as a fungicide on grapes.

Class II

Cancellations: carbon tetrachloride; ethylene dibromide (except, still registered for use on mangoes); pentachlorophenol; 2,4,5-T; Silvex.

Class III

Cancellations: dibromochloropropane; dinoseb (emergency suspension).

TABLE 3.3.—*Pesticides in classes I, II, and III that are not covered by FDA's most commonly used multresidue methods*

[EPA nationwide estimates of pounds used by American agriculture] Class I: *(Millions)*

Calcium arsenate	1-2
Copper arsenate	1-2
Lead arsenate, except grapefruit	1-2
Magnesium arsenate	1-2
Orthoarsenic acid except cotton	1-2
Potassium arsenate	1-2
Sodium arsenate, except grapes	1-2
Sodium arsenite	1-2
Class II:	
Benomyl	2-3
Carbon tetrachloride	<1
Daminozide	<1
Ethylene dibromide, except mangoes	<1
Maleic hydrazide	4-7
Mancozeb	9-12
Maneb	5-6
Metiram	2-3
Paraquat	5-6
Pentachlorophenol	<1
2,4,5-T	<1
Silvex	<1
Thiophanate methyl	<1
Zineb	1-2
Class III:	
Chloroxuron	<1
Cyhexatin	<1
Dibromochloropropane	<1
Dinoseb	7-8
Diuron	2-3
Formetanate hydrochloride	<1
Picloram	<1
MCPA	5-8
Methyl bromide	<1
Oxyfluorten	<1
2,4-D	<1

Note: < means less than.

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[From the Stockton Record, June 20, 1987]

U.S. May Bar Grapes of Mexico

ILLEGAL PESTICIDE TRACES DISCOVERED

(By Rick Sandoval)

Federal food inspectors are considering a temporary ban on imports of fresh grapes from Mexico because several shipments have shown traces of a pesticide banned in the U.S.

While Food and Drug Administration officials say the pesticide poses no known threat to consumer health, a U.S. congressman touring food inspection facilities in San Diego fears the situation points to a growing danger of contamination from imported food.

Since March, FDA inspectors have been closely monitoring Mexican grape shipments for residues of Omethoate, a pesticide registered for use in Mexico, but not in the United States.

Tests of shipments from at least seven Mexican producers forced the FDA to bar them from the U.S. unless they can prove the grapes are residue-free.

The problem is severe enough that FDA officials in Los Angeles have asked that all Mexican growers be forced to prove their grapes are clean.

About 44 million pounds of Mexican grapes are imported annually by American produce brokers, beginning in early summer.

FDA officials expect word from Washington on the request for a ban on Mexican grapes within days.

Besides grapes, FDA inspectors in Texas and California are finding the chemical on shipments of green onions, coriander, and several types of chile peppers. Shipments of those crops from some Mexican growers are being closely watched said George Gerstenberg, FDA's Los Angeles district director.

Omethoate is not allowed in the U.S. because its manufacturer has not applied for use permits from the federal Environmental Protection Agency.

Mexican agriculture officials met with FDA inspectors and Rep. Leon Panetta, D-Calif., Friday in San Diego and stressed their data show the chemical is safe to use on grapes.

Panetta toured San Diego's Otay Nesa border crossing, where about 100 truckloads of Mexican produce crossed into the U.S. each day. The Monterey congressman is gathering information on FDA's imported food inspection program that will affect several proposed changes recommended by a recent federal report charging FDA inspections are inadequate.

While FDA inspectors say the Omethoate problem is new, one Mexican official said the proposed ban of his country's grapes comes as a surprise.

"We've been using it safely for almost 20 years. We have all the toxicological information necessary on the chemical. So why only now is the FDA having a problem with it?" asked Manuel Hernandez, head of pesticide enforcement in Baja California for Mexico's Sanidad Vejetal—a branch of the Mexican agriculture department.

Hernandez expects pressure was put on FDA by California table grape growers to limit Mexican imports because they compete with Coachella Valley growers who will be harvesting their crops soon.

But Bruce Obbink, president of the California Table Grape Commission, said he was unaware Mexican grapes were being subjected to tighter federal inspections.

While tougher federal action is being considered, FDA officials would not speculate on how many Omethoate-treated grapes are now reaching U.S. consumers.

While the FDA has stepped up testing of Mexican grapes, it still only checks a fraction of the grapes crossing the border.

Panetta, a member of the House Agriculture Committee, said the problem with grapes now facing inspectors is frightening.

"Here is an example of something that you know they are doing. You know there are violations, and yet the sense I get is everyone is still proceeding with the normal process," he said.

Panetta said the FDA's inspection program works as well as its budget allows. He added at least three bills have been introduced in Congress this spring to beef up border inspections and raise requirements for pesticide residues on imported food.

Panetta said the bills will be voted on later this year.

[From the San Diego Tribune, Saturday, June 20, 1987]

Lawmaker Urges Better Inspection of Imported Food

(By Preston Turegano)

A Northern California congressman, visiting the San Diego border, says more personnel, equipment and money are needed for better government inspection of commodities tainted by dangerous pesticides in foreign countries and imported into the United States.

The congressman, Rep. Leon E. Panetta, D-Monterey, visited the Food and Drug Administration inspection offices at the Otay Mesa border crossing and met with FDA, General Accounting Office and U.S. Department of Agriculture officials.

Panetta is chairman of the House Agriculture Committee's subcommittee on domestic marketing, consumer relations and nutrition.

He recently introduced legislation requiring the FDA and the USDA to present a plan to Congress improving their inspection processes. The bill, now in committee, resulted from a GAO study last year.

Officials of the three federal agencies told the congressman yesterday that because of the present levels of manpower equipment and funding FDA inspectors are able to inspect only 5 percent of all produce entering the United States.

"Sampling only 5 percent is not giving us an accurate picture of what is actually going through," Panetta said. "It's obvious you need more manpower, inspection equipment and money to do a better job."

One FDA inspector at Otay Mesa said about 70 percent of the 30 to 40 Mexican trucks inspected at the border crossing daily carry produce.

FDA officials from San Diego and Los Angeles told Panetta that they have detected higher degrees of pesticide residue in domestic produce than in Mexican produce.

"The volume is half of what it is domestically," said Barbara Helene Smith, San Diego FDA supervisor.

In the GAO study, 6.1 percent of 33,600 samplings of imported food taken by the FDA between 1979 and 1985 were found to contain illegal residues.

Other FDA officials said tainted Mexican produce is not regarded as a health hazard to American consumers, yet they expressed concern because the FDA has never been permitted to visit Mexican farms where officials suspect growers may be preparing to use more toxic pesticides.

The FDA and USDA inspectors told Panetta that it is not government policy to routinely publicize the detection of contaminated and tainted food.

[From the Wall Street Journal, Thursday, Mar. 26, 1987]

AS FOOD IMPORTS RISE, CONSUMERS FACE PERIL FROM USE OF PESTICIDES

LAX THIRD WORLD REGULATION, WEAK CONTROLS AT BORDER MAKE DETECTION DIFFICULT

The Case of Tainted Mangoes

(By Barry Meier)

CULIACAN, MEXICO—As morning mists rise from the foothills of the Sierra Madre, brightly dressed Mixtec Indians shower chemicals over lush fields of tomatoes, cucumbers, eggplants and green peppers.

Within the next few days, the vegetables—some still coated with pesticides, including a suspected cancer-causing compound—will be harvested and loaded into 500 tractor-trailers that leave here daily for the U.S. some of the pesticide-laced produce will be spotted by U.S. border inspectors, but the rest will reach tables in American homes.

As food imports to the U.S. rise, so does concern about the safety of Americans' diets. "Of all the chemical hazards the public faces from polluted air, water and food, pesticides in food pose the greatest risk," says Richard Jackson, the incoming chairman of the committee on environmental hazards of the American Academy of Pediatrics.

Poor Safety Record

Pesticides are used on U.S. crops as well as on foreign ones. But detecting chemically tainted food among the imports is tougher than monitoring it domestically. One problem is that pesticide use is poorly regulated in the Third World, where American chemical producers are pushing pesticide sales. In addition, Mexico, a major U.S. food supplier, has a poor safety record handling pesticides. And U.S. border controls are lax.

Food imports, meanwhile, are soaring. Last year, Americans bought a record $24.1 billion of imported food, a 40% rise from 1982, the International Trade Commission estimates. Fruit and vegetable imports led the increase, driven by big consumer demand for fresh produce year round. Fresh fruit imports reached $1.2 billion last year, more than double 1970 levels, according to the commission.

Federal agents who watch U.S. borders say that 6.1% of all food imports tested violate U.S. safety laws, double the rate for domestic produce. Yet a mere 1% of the estimated one million food shipments entering the U.S. annually are ever checked for dangerous pesticide residues, according to a September 1986 study by the General Accounting Office, the investigative arm of Congress.

Cancer and Other Ills

In the last year alone, a number of pesticides banned by U.S. officials as public health threats have been found on imported produce. The compounds are suspected of producing cancer, neurological problems and other ills. More commonly, the pesticides found on foreign produce are legal but exceed U.S.-approved levels or were sprayed on crops for which the U.S. hasn't approved their use. "People think the system [for catching pesticide-tainted food] is working, but it isn't," says Jack Musselman, a California food inspector.

At the major U.S. border crossing for Mexican exports in Nogales, Ariz., food may enter the U.S. every weekday evening and on Fridays and Saturdays without pesticide checks. The reason: Pesticide inspectors of the federal Food and Drug Administration aren't on duty. Even when the FDA does test the produce, its slow procedures prevent it from stopping 45% of the pesticide-tainted shipments headed for U.S. consumers, the GAO's study found.

Importers handling pesticide-tainted produce need fear little punishment. Between 1979 and 1985, according to the GAO, the FDA levied fines in only 15% of the cases in which importers repeatedly violated U.S. food-safety standards. Some 75% of those funds hadn't been collected by the FDA more than a year later. "FDA processes the paper work, but then they let everything drop," says Ralph Dominick, a GAO investigator who helped study FDA monitoring of pesticide levels in food imports.

Politics compound border problems. Take the example of tainted mangoes, which are still being eaten by U.S. consumers. In 1983, the federal Environmental Protection Agency banned domestic use of the pesticide ethylene dibromide, known as EDB, because of concern that it might cause cancer. But it allowed foreign mango growers to continue using the pesticide until 1985 while they tried to find alternatives. (The pesticide, which is used to kill fruit flies, penetrates the mango's skin and contaminates the flesh.)

According to documents filed in a Washington, D.C., federal appeals court, State Department pressure caused the EPA to cancel its planned ban, which would have affected 80% of the mangoes eaten by U.S. consumers. In two letters to the EPA in 1985, State Department officials argued that the ban might be economically harmful to Mexico and Haiti, two major mango-exporting nations, as well as damaging to U.S.-financed mango-growing projects that relied on EDB in Belize and Guatemala. "In addition to its economic impact, this decision also has political importance because of what it symbolizes to [food] supplier nations." James H. Michel, a State Department official, wrote the EPA in October 1985.

In January, the appeals court ruled that the EPA's failure to enforce the EDB import ban was "arbitrary and capricious." In a sharply worded decision, the three-judge panel also accused the EPA of placing concern for "foreign well-being" above the interests of U.S. consumers. The court acted on a lawsuit brought against the EPA by Florida mango growers and U.S. environmentalists.

An EPA spokesman says that the agency has asked the court to allow continued imports of EDB-tainted mangoes until September, when several producers are expected to have nonchemical ways of killing the pests. A court decision on the EPA's request is pending.

Meanwhile, U.S. pesticide producers, faced with flat domestic demand, are trying to sell more of their products to foreign growers. "The industry is going to where the crops are being grown," says Jack Early, the president of the National Agricultural Chemicals Association, a trade group.

The industry's exports of banned pesticides are waning, many pesticide experts say. But many of these compounds are still produced by government-subsidized pesticide manufacturers in the Third World. Moreover, poorly trained Third World farmers often use U.S.-approved pesticides at the wrong time, on the wrong crops or in excessive amounts. "Many Third World growers don't know [pesticide] residues are even an issue," says Agi Kiss, a World Bank pesticides expert.

Mexico, which supplies more than half the vegetables eaten by Americans between December and March, is a special focus of concern. While federal officials say that Mexican pesticide practices are improving, problems persist. During one week in January, federal food inspectors identified 15 shipments of tainted Mexican sugar peas, squash, eggplants and other produce. They were contaminated by pesticides that hadn't been approved by U.S. officials for those crops or that tested at levels exceeding federal health standards. Mexican bell peppers were coated with benzene hexachloride, a suspected cancer-causing pesticide banned by U.S. regulators.

By midday in the Culiacan Valley, the air is thick with the sweet, heavy smell of pesticides. Crop-dusters repeatedly buzz growing fields, their chemical mist raining down on crops and farm workers alike. A recent University of California study called Mexican pesticide use "heavy" and added that area growers sprayed chemicals regularly, rather than limiting their use to times of high insect infestation.

For their part, Mexican growers say that they abide by U.S. pesticide laws. "We use pesticides as safely as American farmers," says Hector Miguel Gonzalez, the head of Mexico's national growers' union. Driving through Culiacan's hectic streets, Mr. Gonzalez points to a new laboratory built by local growers to test vegetables for pesticide residues before the produce is shipped to the U.S.

In the lab, two high-speed blenders are grinding eggplants into mush. Pedro Bastidas, the lab's chemist, explains that he is running tests to convince U.S. officials that Mexican eggplant growers are, in fact, using a U.S.-approved pesticide. For reasons yet unknown, Mr. Bastidas says, the approved chemical is breaking down into an illegal one before the eggplants reach U.S. borders.

Some U.S. chemists question the claim. "From what I know about those [pesticides] that kind of breakdown is impossible," says K.C. Ting, the supervisor of California's pesticide residue laboratory.

Whatever the case, federal efforts to increase import scrutiny are only beginning in a bid to focus federal testing efforts FDA officials recently paid $285,000 for access to a data base compiled by the Batelle Institute, based in Columbus, Ohio. It tracks international pesticide use on a country-by-country basis. Agency officials are also preparing responses to the problems highlighted by the GAO report, an FDA spokesman says.

Some states, such as California and Florida, aren't waiting. In Los Angeles' teeming central produce market, Mr. Musselman, the food inspector, takes out a pocket crowbar and pries open a crate of Mexican string beans bearing a familiar label. "The last time this stuff came in, it was dirty" with pesticides, he says.

The shipment is impounded four hours later, after state lab tests detect the pesticide methamidophos, which isn't approved by U.S. officials for string-bean use. The episode marks the second time in two months that pesticide-tainted string beans from the same importer have turned up in Los Angeles wholesale markets, Mr. Musselman says. "By the time [the FDA starts moving on a problem," he says "our people are already eating it." As a result, California officials plan to test 1,500 import shipments this year for pesticide problems, double the number tested in 1986.

Several developing countries are reducing pesticide use. Indonesia recently banned 57 widely used pesticides, including several U.S.-produced compounds, after chemical overuse led to insect resistance to some chemicals and the ruin of the country's rice crop. Growers in Grenada, Costa Rica and several other Central American countries are working with U.S. scientists to develop farming practices that minimize chemical use, says Allen Steinhauer, the chairman of the entomology department at the University of Maryland, College Park.

Meanwhile, controversy in the U.S. over pesticide residues—on both imported and domestic food—is expected to intensify soon. A recent EPA report called food pesticide residues a leading U.S. public-health threat. Later this spring, the National Research Council, based in Washington, D.C. expects to release an EPA-sponsored report pinpointing foods posing the higher pesticide-related cancer risks.

One preliminary finding: Nearly 50 percent U.S. dietary exposure to suspected cancer causing pesticides comes from fresh air processed tomatoes.

[From the Washington Post, Friday, May 1, 1987]

FDA Admits Laxity in Testing Food Imports

(By Michael Weisskopf)

Five years after the cancer-causing pesticide heptachlor was banned in the United States, the Philippines was annually exporting hundreds of thousands of tons of heptachlor-treated pineapple to this country.

None of it was stopped—or even tested—by the Food and Drug Administration.

The pineapples were cited yesterday at a House Energy and Commerce subcommittee hearing as evidence of the FDA's failure to stop imports of food adulterated with pesticides, including cancer-causing chemicals banned in this country.

The FDA commissioner, Dr. Frank E. Young, acknowledged that inspection was lax, but declared that "we do not find that the food supply is contaminated" by pesticides.

Testimony showed that little of the 45 billion pounds of food shipped annually into the United States is sampled for pesticides, that 64 percent of the imported food products sampled from 1982 to 1985 contained pesticide residues, and that half of the imports found to be adulterated moved to market before the FDA had completed its analysis and ordered them detained.

Of the food imports, valued at $20 billion last year, Assistant Comptroller General J. Dexter Peach said, "Not only is there inadequate coverage of certain pesticides, but some foods coming from various countries are not being tested for any pesticides at all."

The subcommittee was told of a pesticide group known as EBDCs, the chemicals most widely used worldwide against fungus in fruits and vegetables.

Although a byproduct of EBDCs is known to be a probable cause of human cancer, Peach said the FDA did not test any imported food for the pesticide from October 1978 through last March. At the same time, according to the subcommittee, imports of such EBDC-treated products as tomatoes and orange juice concentrate increased dramatically.

"That record is unacceptable," said Rep. Ron Wyden (D-Ore.), directing his criticism at Young.

"I agree, and that's why we're trying to change it," Young replied, pledging increased enforcement of pesticide limits on imported foods.

A General Accounting Office analysis presented by Peach showed that 6 percent of imported food samples surveyed by the FDA between 1979 and 1985 violated federal pesticide limits. There was evidence of violations by domestic producers as well: 2.9 percent of the U.S. food had excessive levels.

But yesterday's hearing focused on pesticide residues in imports, which account for one-sixth of U.S. food consumption, including one-fourth of the fruit.

Rep. Gerry Sikorski (D-Minn.) was critical of the FDA sampling of imported bananas, of which only two were tested from 1979 to 1987 despite wide foreign use of the pesticide benomyl, suspected of causing cancer, birth defects and genetic mutations.

The FDA can no longer be bashful about hazardous food imports," he said. "The time has arrived to subject the Chiquita banana lady to a serious strip search."

[From the Washington Post, June 3, 1987]

Facing the Issue of Pesticide Residues

HOW CAN CONSUMERS BRING ABOUT CHANGE?

(By Carole Sugarman)

Ralph Nader wrote to several large supermarket chains last year asking that they stop selling apples treated with daminozide, a farm chemical shown to cause cancer in laboratory animals. Four grocery chains, plus several apple juice and baby food companies agreed, and turned to suppliers who grew apples without daminozide. Meanwhile, the chemical is still on the market.

Thus, in the case of Alar, the trade name for daminozide, organized consumer pressure brought about stricter accountability than the government has yet required. It showed how in some cases the marketplace can move faster than the bureaucracy.

A study published two weeks ago by the National Academy of Sciences, which reported that current government regulations should be significantly improved to better protect the food supply from carcinogenic pesticides, raises the debate of what consumers can do—both personally and collectively—to bring about change and reduce their risks.

The report picked 15 foods estimated to have the greatest potential risk. It did not imply that these 15 foods are actually dangerous as they are currently grown and marketed, but that regulations left them with the greatest allowable risk. In the case of tomatoes, for instance, not only are they widely consumed, but more carcinogenic fungicides are approved for them than for any other food. However, it is unlikely that all of those fungicides would be used at one time.

NAS used the worst-case scenario that assumed that pesticide residues were present in goods at the maximum tolerance level, that 100 percent of the acreage of the crop was treated and that exposure occurred over a 70-year lifetime.

The report "is not a food safety issue," said committee member Donald Bissing of FMC Corporation, a manufacturer of agricultural machinery and chemicals; rather, the numbers were meant to identify regulatory priorities.

While the public "shouldn't stop eating tomatoes," said Richard Wiles, project officer for the NAS study, "people should be concerned." Wiles said that the fundamental problem is that the regulatory system perpetuates exposure to chemicals that are more hazardous than many safer alternatives.

There are only bits and pieces of data on actual pesticide residues in food as consumed, although more is surfacing as a result of the NAS report, according to Wiles. The most comprehensive information to date is the Food and Drug Administration's Total Diet Study, which involves the analysis of 234 foods, prepared and cooked as consumers actually eat them. In 1986, pesticide residues on these foods were well below acceptable daily intakes, according to Ellis Gunderson, chemist with the FDA's Division of Contaminants Chemistry. The study is limited, however, because it does not analyze every pesticide for which there is a regulated tolerance.

Even so, environmental groups have long criticized the methods by which tolerances are set. Almost half of all registered pesticides lack fundamental safety studies on which tolerances are set, a factor which leads advocates to believe that their risks are greater than currently known.

At least nine fungicides presently used are known to cause tumors in animals, according to EPA. For example, one widely used one, mancozeb, was estimated by EPA to have a risk of 2.2 cancers per 100,000 people, when it breaks down to a more dangerous chemical in the body.

From a consumer standpoint, it is virtually impossible to determine what pesticides have been used on a particular food, given the complexity of the distribution chain and fact that although numerous chemicals are often registered for a given crop, they may not actually be employed. There are striking regional differences in pesticide use, too, depending on climate and geography. The majority of fungicides used on tomatoes, for example, are applied by growers in the Midwest, East and Southeast, even though less than one-third of tomatoes are gown in these regions, according to the NAS report. Similarly, potatoes from Idaho have fewer fungicides applied to them than those from Maine.

Unfortunately, since there is very little information disclosed at the point of purchase, "protecting yourself from pesticide residues is not a self-help project," said Ellen Haas, excutive director of the consumer group Public Voice for Food and Health Policy. Haas recommends that consumers be wary of "perfect-looking produce," which may have been sprayed liberally to kill insects that would mar the look of perfection and be aware that imported produce may contain pesticides either banned in the United States or above domestic tolerance levels.

In addition, everyone agrees that washing food is likely to get rid of at least some pesticides. "We can't wash everything all off of everything," said Wiles. "But keep washing. Wash and write your congressman.

While the EPA has very little data on what home washing actually does. Chuck Trichilo, chief of the agency's residue chemistry branch, said that warm water may be better than cold, and that mild soapy water may remove even more residues. Trichilo, who says he use warm water and Ivory soap to wash his own produce and peels his apples because he doesn't want to eat the wax, emphasized that thoroughly washing off soap is crucial. (The June issue of the EPA Journal recommends that consumer scrub fruits and vegetables with a brush and peel them if possible; it does not recommend soap. It also suggests discarding fats and oils in broths and pan drippings, since residues of some pesticides concentrate in fat.)

When it comes to rinsing produce after it is harvested, not all crops are washed since water may decrease their lifespan, according to Claudia Fuquay, director of National Agrichemical Program of the United Fresh Fruit and Vegetable Association. Fuquay said that most head lettuces are not commercially washed; however, their outer leaves are generally removed for handling and asthetic reasons before they are packed. Tomatoes, citrus and most free fruits are washed, according to Fuquay.

As for washing before produce as processed, research performed by the National Food Processors Association found that 71 percent of parathion residue on spinach was removed by washing and blanching using factory sprays and equipment. NFPA concluded that the nature of the chemical and the crop on which it is applied affect the amount of pesticide that will be removed.

Unfortunately, some pesticides just won't wash off. Systemic pesticides, which lodge inside a food, cannot be removed by rinsing. Benomyl, a fungacide used on tomatoes, and dammozide in apples are two examples of systemic pesticides.

Waxes, which are often used on the surface of fruits and vegetables, frequently are mixed with fungicides, according to Sandra Marquardt, resource information coordinator with the National Coalition Against the Misuse of Pesticides. Both the wax and the fungicide are difficult to remove. Marquardt said.

Determining pesticide residues in processed food is another issue. With some foods, such as tomato paste and dried fruit, pesticide residues actually became higher after the food is processed because these products are concentrates.

According to a study from the National Food Processors Association, tomatoes containing 1.76 parts per million of benomyl after harvest were rediced to .31 ppm after harvest were reduced to .31 ppm after commercial washing. When the tomatoes were turned into paste, the residue increased to .57 ppm.

The increase, however, was still 1/10th of the residue permitted in the raw agricultural product, according to Dennis Heldman, executive vice president of scientific affairs at NFPA.

Whatever the types and amounts of pesticides residues in food and whether or not they pose a health threat, it is clear that consumers are concerned about them. According to recent survey conducted by the Food Marketing Institute, a trade group of supermarket chains, 76 percent of shoppers rated pesticide residues in food a "serious hazard." No other food and health issue was rated as serious a hazard by as many people.

Consumer groups, who have bounded the EPA and FDA for years to better regulate pesticide residues in food, are now trying to mobilize this concern by putting the pressure on growers, manufactures and retailers to offer pesticide-free alternatives.

Although the committee makes no recommendations for or against organic agriculture, Wiles of NAS said, "as a consumer you're helpless unless you manipulate the market. The best weapon you have is your money."

"So much time and effort goes into lobbying to get a certain chemical banned," noted Ben McKelway, associated director of the recently formed Americans for Safe Food. While the group tries to keep track of regulatory efforts, the major focus, he said, is in stimulating demand for pesticide-free foods.

ASF, coordinated by the advocacy group, Center for Science in the Public Interest, is setting up local action groups throughout the country to encourage interest in organically grown foods.

McKelway said the local consumer leaders will "very politely urge supermarket buyers to seek out organic products to offer an alternative." The whole process is expected to be taken, he says, "on a positive, cordial basis."

Organic foods cost about 10 to 30 percent more than conventionally grown food, according to McKelway, but he says "once it gets rolling, we hope the price differential would decrease. Right now consumers must pay a premium for safer foods."

According to Karen Brown of the Food Marketing Institute, a number of supermarket chains have expressed a willingness to provide organically grown foods, but she noted they face several obstacles. One is the problem of availability.

Larry Johnson of Safeway said that the chain has had "some in-house discussion" about organic produce but that the biggest problem is that the quantity available doesn't match the chain's needs. Johnson did say, however, that organic produce could be promoted on a select store basis or as a specialty item.

Sue Challis, spokesperson for Giant, said the chain has investigated buying organic produce, but has found similar supply problems. Additionally, "if we had consumers calling us every day and asking for organic produce, it would be a different story," Challis said.

Richard Koslow, co-owner of Organic Farms, a Beltsville wholesale company that sells organic goods throughout the East Coast, said that the company has had ongoing discussions with large supermarket chains. Aside from concerns over adequate consumer demand, Koslow said, the companies are reluctant to change a "very ingrained pattern of behavior."

Another problem that supermarkets face, noted Brown, is certifying that the food was actually grown without chemicals. McKelway is well aware of the problem of certification: "There's a potential for abuse there, and I just hope that it's not too common." Several months ago, Giant Food was preparing to carry so-called "natural beef," but canceled the program at the last minute after discovering the cattle had been treated with antibiotics.

One problem is that there is no national definition of organic. McKelway hopes that differences among farmers can be ironed out enough to win support for a bill in Congress for a definition. Several states already have definitions, but they are not all the same.

Marquadt of the National Coalition Against the Misuse of Pesticides said that consumers should educate themselves about the problems of pesticides, support the organic movement and write to their representatives on both the state and federal level "to let them know that they don't want to take it anymore."

[From The Washington Post, Wednesday, Aug. 5, 1987]

A MATTER OF IMPORTS

CONTROVERSY OVER LABELING THE ORIGINS OF FOODS

(By Carole Sugarman)

A can of Campbell's Beef Vegetable Soup is constructed like a Chrysler: The Beef most likely came from the company's plant in Argentina, the cans were made from Japanese steel, and although Campbell usually buys domestic produce, the vegetables could have been imported from anywhere in the world.

Consumers may not know that the meatballs in their Franco-American spaghetti were probably partly processed from New Zealand or Australian cattle, or that between December and April more than half of the fresh tomatoes consumed in the U.S. come from Mexico. Domestic manufacturers are not required to list where their ingredients come from, and retailers don't have to identify whether the bananas in the bin were grown in Guatemala or Honduras.

But there's a movement to change that. Over the past year, about half a dozen different "country-of-origin" labeling bills have been introduced in Congress. And recently, an amendment was added to the omnibus trade bill that would require country-of-origin identifications at the retail level for all domestically processed foods containing a significant percentage of imported ingredients, as well as all imported fresh foods.

The labeling issue adds grist to the current international trade debate, this time pitting some U.S. producers against domestic manufacturers and retailers—and leaving consumers in the middle of another plea to buy America and save the American farmer.

While the United States still exports more food and raw agricultural products than it imports, over the past five years the numbers have narrowed. In 1981, according to the U.S. Department of Agriculture, food and agricultural exports exceeded imports by $26.6 billion; in 1986, exports exceeded imports by only $5 billion. Conversely, from 1982 to 1986, the dollar value on imported food increased by 41 percent. (In 1987, for the first time since 1981, food and agricultural exports are expected to rise slightly and imports to decrease slightly, according to the USDA.)

Campbell is "firmly committed to worldwide sourcing," said company spokesperson Jim Moran, because of the lower costs and assured supply of imported food. "Otherwise, we'd get clobbered by foreign competitors," he said. Moran said the company would support the position of the National Food Processors Association, which opposes mandatory country-of-origin labeling.

Dennis Phelan, director of legislative affairs at NFPA, said that such labeling would be "totally unworkable" for American processors who, for example, make a product such as beef stew that contains ingredients from any number of foreign countries. Since the company's sources many change depending on cost and availability of the ingredients, the number of potential label combinations would put the firm "out of business in about an hour," Phelan said. If a law made it difficult for companies to use imported ingredients, they'd stop doing it—and switch to domestic goods, Phelan said.

Phelan believes that proponents of the measure don't care so much about consumers' right to know as they do about shutting out imports. Opponents see country-of-origin labeling as a protectionist move and a nontariff trade barrier.

Senator James Exon (D-Neb.), who offered the amendment to the trade bill in June, represents a state well known for its beef production. Country-of-origin labeling poses a "happy marriage between the consumer's right to know and protecting, to some degree, the markets of American producers of quality food," Exon said in a recent interview.

Exon said that the amendment would not ban the importation of foreign beef and that the labeling difficulty raised by food processors is a "totally phony argument." Food companies change their labels in some way or another every year for marketing purposes, Exon said. Besides, federal regulations would require "reasonable and practicable" application, meaning that the exact country of origin might not have to be identified, but rather a selection of possibilities, he added.

In a draft General Accounting Office report that addresses the issue of labeling of imported meat, the agency concluded that "insufficient evidence exists" that the benefits of country-of-origin labeling justify the costs of implementing, monitoring and enforcing such a requirement. Those costs would ultimately be passed on to the consumer, the report stated. GAO said that livestock producers have been pushing for country-of-origin labeling for the past 20 years.

During that period, domestic production of manufacturing grade beef declined and Australia and New Zealand emerged as the primary sources of the kind of meat used in ground beef, sausages, chili, stews, soups and frozen dinners. About 7 percent of the beef consumed in the U.S. is imported, although nearly 40 percent of the domestic ground beef supply contains imported beef, according to GAO. Many food processors, fast food companies and restaurants blend imported and domestic beef together in their products. (Imported manufacturing grade meat is generally leaner than the domestic variety.)

It's not just industry representatives who are concerned that mandatory country-of-origin labeling would impose a complicated monitoring system. The chocolate industry sees the measures as a threat to its trade secrets. According to Susan Smith, director of public and legislative affairs for the Chocolate Manufacturers Association of the U.S.A., the taste distinctions among Hershey, Mars and Godiva chocolates are largely due to the origin of the cocoa beans in each formulation.

Identifying country of origin for fresh produce is a health and safety issue as well as an economic one. Supporters of such labeling for fruits and vegetables believe that consumers have a right to know where their produce comes from since foreign countries may be using pesticides that are either illegal in this country or in excess of U.S. tolerances. Between 1979 and 1985, about 6 percent of the imported produce sampled and analyzed by the FDA contained illegal pesticide residues.

Nevertheless, "the solution is not to label [tainted produce]," said NFPA's Phelan. "That's absurd." The answer lies in strengthening enforcement programs so that the produce "doesn't come in to begin with," he said.

Rep. Leon Panetta (D-Calif.), who recently returned from a trip to Otay Mesa, one of California's primary points of entry for Mexican produce, said that he was surprised by the lack of communication between the Food and Drug Administration and Mexican officials concerning which pesticides are illegal in this country, the FDSA's lax procedures in notifying the Mexican government when violations are found, and the lack of tough enforcement after violations are detected. In the meantime, in lieu of a more effective enforcement program, "we have the responsibility to educate the consumer as to the risks." Panetta said he has become "more sympathetic" to country-of-origin labeling because he believes it would do that.

U.S. farmers have to comply "with the strictest regulations in the world," according to Leona Lewis, president of California Women for Agriculture. Lewis' group, which has supported state efforts for country-of-origin labeling, said that labeling raw products is "something we desperately need. Everything else we buy—clothing, liquor, you name it—it's identified. If we don't market our own products to the best of our ability, who will?"

Since 1979, the state of Florida has had its own country-of-origin labeling act. According to testimony of Martha Rhodes, Florida's assistant commissioner of agriculture, such information has afforded consumers with "the basic information to make a conscious choice." Rhodes said that state costs to enforce these requirements have been "minimal" and that adding the words "From Chile" or "From Mexico" to produce placards has not been burdensome for retailers.

However, Clayton Hollis, spokesperson for Publix supermarkets, a Florida chain, said that the state's country-of-origin requirement is a "very difficult law to follow." Hollis said that particularly when it comes to separating and labeling the same produce item from different sources (e.g. oranges from Florida and Sicily) that it is "a big hassle."

Hollis said that where the produce comes from doesn't matter to Publix's shoppers. They purchase fruits and vegetables which are the "best looking and the best price, whether they be domestic or imported," he said.

While Sen. Exon believes that American consumers will be attracted to American meats because of their quality reputation, Sharon Bomber of the United Fresh Fruit and Vegetable Association, believes that "country-of-origin labeling is not going to make people buy American. Quite the opposite is true, Bomer said; consumer trends show an increasing demand for imports and exotics, at least when it comes to produce. In addition, a survey conducted by The Packer, the produce industry's trade publication, showed that out of 13 characteristics important to consumers when buying produce, country-of-origin ranked 12th, according to Bomer.

Consumers might use country-of-origin information in the same way they use brand names, said Mona Doyle, president of Consumers Network, a consulting firm that regularly polls consumers. When it comes to food, the cachet of imported products depends on the item, Doyle said. American meat has a very positive image, Doyle believes, while English, Canadian and French dairy products are seen as better than American. Perception of produce items is probably split, she added.

Consumers don't realize that they may be displacing American labor by buying foods such as Italian-made pasta, Doyle said. But consumers want imported ethnic foods, she conceded; it makes them think " 'I'm eating the authentic stuff.' "

DECEPTIVE MARKETING TECHNIQUES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. BONKER. Mr. Speaker, I would like to bring to the attention of my colleagues outstanding testimony presented at a recent hearing before the Subcommittee on Housing and Consumer Interests of the Select Committee on Aging which I chair. The subcommittee has been investigating the all-too-common deceptive and unfair practices used in the sale of MediGap, long-term care insurance and other forms of insurance to the elderly.

The elderly are especially vulnerable to deceptive and unfair marketing techniques. Nowhere is the problem more acute than in the health field. Not surprisingly, older persons, who have a higher utilization of health care services than any other age group, are deeply concerned about their health care costs.

Many greedy and unethical agents take advantage of seniors even in their own homes, and load them up with ineffective or duplicative insurance. Once their foot is in the door, an agency or agent often returns over and over to sell the senior multiple mediGap policies, as well as policies to cover dread diseases such as cancer, long-term care and life insurance.

While many States are not effectively protecting consumers in this area, I am proud to say that my home State of Washington continues to show national leadership in vigorously pursuing unfair advertising and sales practices in the insurance field.

The following testimony was given by Washington State's Office of the Insurance Commissioner. This statement illustrates these outrageous practices and highlights what can be done at the State level to protect seniors.

As this testimony clearly shows, Insurance Commissioner Richard Marquardt should be commended for his work in this area. Commissioner Marquardt has committed his office and resources to tackling these issues head on. I want to also commend Assistant Insurance Commissioner Patricia Petersen whom the Commissioner has assigned to protect seniors, for her testimony and her work. She has quickly become recognized as a national expert in the MediGap and health insurance field.

Washington State should be looked upon as a model for other States, as well as the Federal Government, for addressing tactics used to frighten, manipulate, and exploit the vulnerability of the elderly over their health care needs. The text of Ms. Petersen's testimony follows:

Testimony of Patricia Ruth Donovan Petersen, Deputy Insurance Commissioner, State of Washington on Illegal Activities in the Senior Citizens Insurance Market

Chairman Bonker and members of the Subcommittee on Housing and Consumer Interests, on behalf of both Insurance Commissioner Dick Marquardt and myself, thank you very much for inviting me here today to present the perspectives of the Washington State Insurance Commissioner regarding the provision of private Medigap insurance to the nation's elderly.

I am Patricia Petersen. I am Deputy Insurance Commissioner for the State of Washington. I am an attorney and as Deputy Insurance Commissioner I am in charge of major facets of regulation of the Medigap industry for our state.

Today I will present four key areas of constant concern to me in my work. First, illegal advertising via television and direct mail for Medigap insurance by Medigap companies, is very widespread. Second, illegal acts by agents representing Medigap companies to senior citizens require constant monitoring and enforcement actions by state regulators. Third, we have found that some Medigap companies are making illegally high profits. Fourth, despite the enactment of the Baucus amendment in 1980 and those state laws addressing Medigap abuse, victimization of our elderly citizens through illegal practices continues much the same as it did in the 1970's. Many Medigap companies still cannot or do not choose to correct these abuses. While Washington has been a leader regulating Medigap abuse and in utilizing implementation of a state senior volunteer assistance program, most other states have the same problems and concerns although each state attacks these problems with greatly varying degrees of enthusiasm. Because sales of Medigap and life insurance to seniors often go hand in hand, my comments concerning Medigap abuse also apply in large part to sales of life insurance to the elderly.

ILLEGAL ADVERTISING FOR MEDIGAP AND LIFE INSURANCE IS WIDESPREAD

In 1973, in response to substantial abuses in advertising and sales of Medigap insurance, Washington state adopted the Washington State Disability Advertising Insurance Regulation. This is a model law which has also been adopted in similar form by forty-seven states. This regulation applies to advertising in all its forms.

Many of the current advertisements for Medigap and life insurance, particularly those directed to our elderly population, contain substantial violations of this advertising regulation and other state statutes. Washington state is in the process of taking action against several of these Medigap companies which advertise on television. My Cease and Desist Order against four of Colonial Penn Franklin Insurance Company's Medigap insurance advertisements, featuring Ed McMahon, is attached for your review [Exhibit 1]. My Cease and Desist Order against several of National Home Life Assurance Company's Medigap insurance advertisements, featuring Lorne Greene and Tennessee Ernie Ford, is also attached [Exhihit 2]. The various illegal aspects of these advertisements are set forth in those Orders. Some ten years ago we halted television advertising for Medigap insurance featuring Art Linkletter; the violations are fairly similar yet companies persist in continuing this abuse.

Further, the amount of illegal direct mail advertising for Medigap insurance is staggering. Medigap companies themselves mail countless advertisements to seniors, many of which are inaccurate or misleading. Further, in the past 18 months, we have uncovered an illegal "cold lead" system of advertising in this market. Typically, an advertisement is mailed directly to senior citizens, often bearing the appearance of affiliation with an official government entity or nonprofit senior citizens consumer group. Many look like your federal tax return, all bear official-sounding names (Consumer Referral Service Center, Medicare Division, Washington, D.C.; Federated Benefits, Benefits Information Department, Washington, D.C.; Senior Security Benefit Service, Senior Citizens Division, Washington, D.C.). Nearly all are located in Texas but many bear Washington, D.C. addresses which often are merely drop boxes, meant to add credence to the official appearance of the mailing. They advise the recipient that there are changes to the Medicare program—or changes to the federal tax reform act—and offer to provide the recipient with information concerning these changes if only the recipient will complete and return the postage paid card. As far as we have discovered, through voluminous numbers of complaints to our office, the only response the senior citizen receives is when a private insurance agent or several agents appear at his door, unannounced, to sell private Medigap insurance.

What has happened here is that when the card is returned it is sold by the cold lead company for approximately $8 to $24 per card to insurance companies; the Dallas Morning News, for example, reports that National Home Life Assurance Company is a large purchaser and acknowledges such purchases are common practice. Alternatively Medigap agents who are often encouraged in company publications and elsewhere, purchase and use these cards on a large scale. Also, in some situations insurance companies themselves wholly own and control cold lead companies (United American Insurance Company which is the second highest commercial Medigap premium producer in the country, owns Consumer Support Services, Globe Life and Accident Insurance Company owns American Consumer Services). The Dallas Morning News reports that one company alone—National Referral Systems of Dallas which owns Consumer Referral Service Center—sent 6 to 7 million such advertisements through the mails in 1986 alone. The profits from the Medigap cold lead referral business are tremendous.

These advertisement are solicitation for insurance and contain specific violations of Washington law, and the laws of most states. In the past 18 months Washington has issued Cease & Desist Orders against ten such companies and obtained letter agreements to cease from two others. Attached is a list of these companies [Exhibit 3]. Attached also are two such Orders with the offending advertisements exhibited [Exhibits 4 and 5]. Many more advertisements are under investigation. It appears that our Orders have curtailed this activity in Washington, but we have evidence some companies have merely changed their names and continued their illegal activities. The great majority of states have taken no action, so the mailings continue elsewhere.

FRAUDULENT ACTS OF MEDIGAP AGENTS

When an insurance company appoints an agent to represent it, the company is virtually always legally responsible for the actions of that agent. Of the 27,000 agents licensed to sell insurance in Washington state, due to drop outs and revocation orders 7,000 turn over each year. The majority of these agents are in the life and health insurance, including Medigap, field.

The population of Medigap agents is not a stable one. While there are many Medigap agents of high caliber, the enticement of potentially high profit attracts many unscrupulous agents as well. On first year Medigap policies which generally cost $400 to $1,500 annually, the agent will earn about 65% commission. On first year sales of life insurance, which can cost $2,000 and up for $100,000 coverage for a 70 year old male with no major health problems, the agent will earn approximately 85% to 105% commission. Further, by statements from Medigap companies themselves and other information received by us, many Medigap companies have no education programs for their agents. We also do not believe that many such companies do significant screening of agents before they appoint them. Our office receives about 150,000 contacts per year regarding insurance problems. Thousands of these concern Medigap insurance. Complaints from Washington consumers received by the Federal Trade Commission are apparently being routinely transmitted to our office, with the explanation that the Federal Trade Commission lacks jurisdiction [Exhibit 6].

I sit as an administrative law judge in contested license revocation proceedings. The majority of cases I hear involve Medigap agents and their transactions with senior citizens. I attach copies of two recent Findings of Fact, Conclusions of Law and Orders on Hearing which were the decisions reached after presentation of evidence in these cases [Exhibits 7 and 8]. For example:

Agent James Walters, who does 99% of his business in Medigap and nursing home insurance and other insurance for senior citizens, arrived at the home of Madeline Melvin, having made the contact through a cold lead card. Mrs. Melvin was at least 85 years old, frail, and possessed life savings in the amount of about $5,000. The agent personally completed and signed his own name to two of her checks, one payable to a senior citizens insurance agency he represented, and one to "American Integrity Insurance Company" which he also represented. Agent Walters sold Mrs. Melvin five policies, including two for which she did not qualify and one which she already had.

Agent Walters returned later to Mrs. Melvin with the intent to defraud her of additional funds for his own personal use. He advised Mrs. Melvin's bank that he was her grandson, that he was taking care of all her affairs and that she needed $2,500 to pay her medical expenses. First he advised he would be picking up a loan contract for "grandma" to sign; later he advised that he would simply be withdrawing the funds from her account. Only by very good fortune did investigators meet the agent and Mrs. Melvin in the bank and so uncover this agent's fraudulent dealings with this elderly woman. This agent had also had questionable dealings with insureds prior to this time.

Agent Patrick O'Brien has been licensed in Washington for 14 years, doing 100% of his business in Medigap, nursing home and other insurance for senior citizens. Agent O'Brien went to the home of 73-year-old Albert Mock, who you will meet today as a witness. He received $793 to purchase a Medigap policy, issuing Mr. Mock a receipt for this amount for "12 months' coverage for Policy Form MAXC," a Medigap policy which Mr. Mock wanted. In the application to United American Insurance Company Agent O'Brien falsely reported he had received $347 for six months Medigap coverage. Under an improperly obtained application for life insurance, Agent O'Brien purchased a life insurance policy with the balance of these funds; an agent commonly receives a much higher commission premium on first year sales of life insurance. Agent O'Brien later returned to Mr. Mock and offered to sell him an "investment" and left with a check payable to United American Insurance Company. Mr. Mock never saw any evidence of his "investment."

When Mr. Mock later became aware that he was not covered by his Medigap policy for a full year, he went to an attorney; by letter Agent O'Brien threatened to sue Mr. Mock and the attorney should suit be brought against him.

Agent O'Brien arrived at the home of 80-year Mary Nameniuk who lives on an income of $392 per month. He collected a check for $2,600 for Medigap insurance, and some life insurance, and issues her a receipt on behalf of United American Insurance Company. He returned to his victim to collect an additional $1,037. Unknown to Mrs. Nameniuk for quite some time, no funds were submitted to United American or any company. No insurance was ever purchased for Mrs. Nameniuk with these funds, and she never saw her money again until, despite an exculpatory letter written in Agent O'Brien's own hand ostensibly on behalf of this victim, the insurance commissioner intervened.

In the O'Brien revocation proceeding five other egregious cases against other victims were proven. Agent O'Brien had also had many other serious disciplinary proceedings against him over the years, yet few if any Medigap or life companies ever terminated his appointments to represent them.

We currently have cases where Medigap agents have apparently acquired money from insurance clients through—literally—investments in nonexistent oil wells, dishonored or illegal promissory notes, sales of worthless objects, and the list goes on.

In addition to the above-mentioned fraudulent activities, other common areas of fraud in this market are "twisting"—convincing a client to switch Medigap policies, thereby increasing time periods for pre-existing conditions and creating lags in coverage; "loading up"—selling multiple overlapping policies, and "clean sheeting"—purposely not stating the health problems of the applicant in order to assure that the policy will be issued and the agent will receive his commission; but when the insured has a claim it may not be covered. Other cases apparently seem to involve inexcusable incompetence on the part of the agent or company.

I have just heard and decided a case where the agent, even after his license had been temporarily revoked, continued, in addition to various activities as above described, to go "cold turkey" through senior citizens apartment complexes advising the elderly that he was a representative of the federal Medicare program appointed to review their Medigap policies-collecting checks to cover his "fee" and then cashing them immediately after leaving the premises.

As with Agent O'Brien and others, when complaints against agents are brought to the attention of the Medigap companies, Medigap companies commonly do not terminate the authority of these agents to represent them; often this type of unscrupulous agent is a very high premium producer for the company and a valued employee. In fact, an agent who has actually lost his license for unethical or illegal behaviour will be hired by the Medigap company or a senior citizens insurance agency to act in some other capacity, such as a "trainer" of new agents.

The above activities are various examples of cases we deal with daily. The cases, such as those detailed above, which result in revocation of the agent's license are only part of those which we know exist, due to lack of knowledge or fear on the part of the elderly victims, lack of investigatory capability, lack of sufficient evidence against an agent or company, or agent intimidation of witnesses prior to hearing. It takes many office hours to bring just one agent to a revocation hearing. In the above examples, if the insurance commissioner had not stepped in relief for these victims would not likely have been forthcoming and the agents would still be licensed to sell insurance.

SOME MEDIGAP COMPANIES MAKE ILLEGALLY HIGH PROFITS

The Baucus amendment establishes loss ratio "targets" for Medigap policies that set a goal for 60% (individual policies) and 75% (group policies) of insurance premiums to be returned to policy holders in the form of benefits. These 60% loss ratio requirements are not "targets" in Washington State; Washington law requires that Medigap companies meet 65% (individual and mass marketed policies) and 75% (group policies) loss ratio requirements. The purpose of this law is to curtail generation of inordinately high profits by these companies. The General Accounting Office recently reported that loss ratios of most commercial policies were below the Baucus amendment targets and average 60.2% in 1984. [Medigap Insurance: Law has Increased Protection Against Substandard and Overprised Policies, GAO Report to the Subcommittee on Health, Committee on Ways and Means, Oct. 1986, p. 4.]

Because the Baucus amendment does not require states to monitor loss ratio experience of Medigap companies [GAO Report, p. 5], it appears to be correct that many states do not monitor this experience [GAO Report, p. 25]. Because Washington mandates compliance with these loss ratios, we do monitor loss ratios by requiring a separate fiscal statement to be filed annually covering only Medigap business for each company (the form is similar to that produced by the National Association of Insurance Commissioners).

Washington has found loss ratios for many Medigap companies to be far below our legal requirements; in other words, profits are too high. Based upon the fiscal statements and other information, in December 1986 we wrote to twenty-one companies giving them the opportunity to justify their low loss ratios. Attached, for example, is our letter to American Integrity Insurance Company advising that for 1983, 1984 and 1985 it earned about $608,000 in premiums on individual disability (including Medigap) policies in Washington and paid out only about $90,000 in claims resulting in an unacceptably low loss ratio of 14.8% [Exhibit 9]. Attached also is our letter to United American Insurance Company advising that for 1983, 1984 and 1985 it earned about $10,601,000 in premiums on individual disability policies in Washington, yet paid out only about $2,841,000 in claims resulting in an unacceptably low 26.8% loss ratio [Exhibit 10]. Even in the face of such inordinately high profits, United American has currently filed a request to be able to charge higher premiums for its Medigap policy. Gerber Life Insurance Company is being questioned for its loss ratio of 20.5% [Exhibit 11]. To date these companies in six months have failed to justify their unacceptably low loss ratios. These companies' profits are illegally high.

Because of inordinately high profits, we have required several other such compaines to either increase their benefts or lower their premiums to bring loss ratios into compliance (we understand that Wisconsin has done the same to United American). To other companies we have announced our intent to prohibit further sales of their products in our state due to illegally high profits.

WASHINGTON SENIOR HEALTH INSURANCE BENEFITS ADVISORS PROGRAM (SHIBA)

Ten years ago, in order to try to curtail abuses and confusion in the senior citizens insurance market, Washington embarked upon its Senior Health Insurance Benefits Advisors Program (SHIBA). The first program of its kind in the nation, the major purposes of SHIBA are education of seniors regarding enrollment and rights under Medicare and choice of Medigap policies, assistance in filing claims and obtaining benefits under Medicare and Medigap and problem resolution or referral to the insurance commissioner's office.

SHIBA is an all-volunteer organization currently numbering 400 primarily senior citizens that serves other seniors out of counselling offices in nearly 100 cities and towns throughout the state. These offices are housed with other senior organizations and the space is donated. Two members of the insurance commissioner's consumer protection division staff coordinate SHIBA, recruiting and training volunteers and seeing that they are provided with undated information and support. The state is divided into 25 regions and each region is administered by one volunteer coordinator.

To become a SHIBA volunteer, an individual must take a 40 hour training course taught by the commissioner's staff. This training includes major aspects of Medigap policies and the Medicare program. At this point a volunteer is qualified to work any number of hours out of his regional office counselling seniors provided he fulfills strict monthly continuing education requirements. A volunteer has no authority to regulate the Medigap companies of agents or legally *require* them to return funds, rescind unwanted policies or otherwise effectuate relief for a victimized senior citizen. However, through its educational and advocacy functions many problems are resolved or prevented in the first place. SHIBA is of great value to the insurance commissioner's consumer protection function and, by reaching over 55,000 of Washington's 500,000 seniors annually through over 23,000 volunteer hours, it is of great value to our senior citizens. A summary of SHIBA is attached [Exhibit 12] and copies of our recently updated senior citizen health insurance information pamphlet have been given to Committee staff.

Our estimated annual cost for SHIBA, including the two employees' salaries and benefits and all educational and training material for volunteers, is $100,000.

Washington has responded over the years to the requests of about thirty states requiring information about setting up programs similar to SHIBA. Currently, we know of a minority of states which have such programs in effect.

RECOMMENDATIONS

Clearly, Medigap companies have not earned the right to have their market protected. Three main areas which could be considered in an effort to curtail abuse in this market include 1) simplification of Medicare, which would render Medigap policies more understandable, 2) broadening of the Baucus amendment to realistically cover the areas of abuse in the market and to include a vigorous enforcement mechanism, and 3) expansion of Medicare in such a way as to eliminate the need for Medigap insurance.

(1) The terms of coverage under Medicare could be simplified. The current status of terms under Medicare is confusing and overly complicated at best. It is in this confusion that the opportunity for fraud and other abuse occurs in sales of Medigap and other senior health policies. If seniors knew what Medicare does not cover they would know what "gap" coverage they need to purchase, would be less likely to be persuaded to buy duplicating coverage, and they might not have to speculate as to what coverages are available to them under Medicare or Medigap. For example, Medicare Part B covers "80% of Medicare's allowable charges." Substantial numbers of Medicare beneficiaries do not realize that because these "allowable charges" are very low in proportion to the actual charges, Medicare in fact only pays some 50% of the actual doctors charges in the frequent situation where the doctor does not accept assignment. Even the GAO Report (p. 32) fails to recognize this problem. Further, contrary to the GAO Report our state sees little or no educational effort about Medicare conducted by any federal agency.

(2) The Baucus amendment, which is the source of federal regulation of the Medigap market, could be broadened and given a mechanism with which to vigorously enforce it. The Baucus amendment is currently deficient in three areas. First, whereas it sets minimum standards which must be met in Medigap policies, there are no provisions for re-review or altering the minimum standards to cope with changing times and practices.

Second, whereas Baucus sets "targets" for loss ratios, the majority of states do not enforce those minimum loss ratios. If you want to restrict inordinately high profits of Medigap companies, Baucus should *require* states to impose minimum loss ratio requirements.

Third, as reviewed above, Medigap fraud is widespread and currently Baucus addresses almost none of these fraudulent practices. The states vary greatly in their efforts to regulate this market, and state regulation at best is piecemeal. Insurance knows no boundaries; Washingon can do its best to curtail abuse within its state but companies and agents can and do continue these illegal practices in other states where such enforcement has not occurred. For example, illegal advertising we have stopped in Washington we know to be continuing in other states. As another example, when our investigators have spent countless hours gathering sufficient evidence against an agent, at a hearing I can revoke his license, but he can merely cross state lines and often become licensed in another state with little trouble. If you want to curtail Medigap fraud in a meaningful manner, nationwide, Baucus could address the fraudulent practices which exist in the marketplace and provide a vigorous mechanism with which to enforce it.

(3) Lastly, serious consideration could be given to expansion of Medicare to eliminate the need for the Medigap product. We recognize that no amount of state or federal effort can truly exert itself well enough into the living rooms of the elderly, into the policies and practices of Medigap companies and the agents for whom they are responsible.

This additional coverage could be on an optional premium funded basis and could include the mandate that physicians accept assignment of Medicare benefits. The cost could be negotiated between Medicare and the providers—the elderly patient should no longer have to be caught in the middle. We are heartily in favor of the current bill to provide coverage of catastrophic care and other expenses, however optional long term care coverage should also be seriously considered. States are developing their regulations in a piecemeal fashion, and we already see that the illegal practices of Medigap companies and agents work equally well in the long term care market. In fact, the companies and agents in these two markets are the same.

CONCLUSION

In conclusion, over the years we have seen that the Medigap insurance industry either cannot or does not choose to correct their abuses, their illegal practices, themselves. Because the elderly consumers who are the targets of this industry are the most vulnerable members of our society, we must either regulate this industry effectively or expand Medicare to eliminate the need for the Medigap product. This problem will only grow worse with neglect.

The great historian Toynbee concluded that a society's quality and durability can best be measured "by the respect and care given its elderly citizens," those in the twilight of life. From my perspective dealing with Medigap abuses daily, we are falling far short of respecting and caring for our elderly citizens.

Thank you. Please accept Washington state's invitation to be of assistance to you.

PUBLISHER OF THE NATION, HAMILTON FISH 3D, MOVES ON AFTER A JOB WELL DONE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. EDWARDS of California. Mr. Speaker, as a faithful reader of the Nation for many years, I have been delighted to see the historic journal brought to good health by Hamilton Fish 3d. At age 35, Mr. Fish has accomplished something remarkable: he has revitalized a liberal magazine in an era of pronounced conservatism.

Traditions die hard at the Nation, even though subscribers are often fickle. Mr. Fish has quadrupled the Nation's readership without changing the magazine's historic place in American journalism. He is, as the editorial which I have submitted notes, an "entrepreneur of dissent." I thank him for a job well done and wish him success in his future endeavors.

The editorial follows:

[From the Nation, August 1/8, 1987]

CHANGE AND CONTINUITY

Entrepreneur of dissent, staff psychiatrist, soother of outraged subscribers, salesman for shoestring dreams, promoter of political happenings, beggar for good causes, mediator, manager, cheerleader, organizer, con man—Hamilton Fish 3d has, during his nine and a half years as publisher of *The Nation*, worn many hats, all of them jauntily. Now, after almost a decade of presiding over the business side of this operation, he has decided that at age 35 it's time to move on and explore the possibility of running for Congress. (He is also co-producing a film on Klaus Barbie by Marcel Ophuls.)

To publish a grubby, troublemaking, muckraking, independent progressive journal in America in the 1980s is neither a glamorous occupation nor a conventional launch pad for political office. Yet Ham Fish is not a conventional person. He brought sparkle and enthusiasm to the job and to this office, and an absolutist commitment to freedom of the press. He has scrupulously honored the *Nation* ideal of editorial independence, resisting the temptation to interfere in the magazine's content even when he harbored real reservations about some of its editorial positions. As proof that virtue does not go unrewarded, he leaves *The Nation* with four times the number of subscribers it had when he arrived, with advertising revenues up threefold and with a new publisher, Arthur L. Carter, who is dedicated to carrying on the unique trust that has been handed down by a series of liberal and enlightened publishers since the magazine's founding in 1865.

We will miss Hamilton Fish 3d, although we strongly suspect that *The Nation's* loss will be the country's gain. Politics is a notoriously chancy occupation, but compared with keeping afloat a left-liberal magazine in Reagan's America, it should be a piece of cake.

COMPREHENSIVE ALCOHOL ABUSE, DRUG ABUSE, AND MENTAL HEALTH AMENDMENTS ACT OF 1987

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WAXMAN. Mr. Speaker, I am pleased to announce the introduction of H.R. 3187, the "Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1987."

The principal purpose of the bill is to revise and extend the authorization of appropriations for expiring programs of the Alcohol, Drug Abuse and Mental Health Administration [ADAMHA]. These activities include the research and demonstration programs of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse; the activities of the Office for Substance Abuse Prevention (including grants for high risk youth); and State block grant assistance for community mental health, alcohol abuse, and drug abuse services. The authorization of appropriations for these activities expire on September 30, 1987.

The legislation also delineates the appropriate role for ADAMHA in assessing: First, the nature and extent of substance abuse and mental illness and second, the comparative efficacy and cost effectiveness of mental health and substance abuse programs. Hearings conducted by the Subcommittee on Health and the Environment earlier this year illustrated that the extent of knowledge about the incidence of substance abuse and mental illness and the relative effectiveness of prevention and treatment programs is poor.

Mr. Speaker, it is clearly in the national interest for the Federal Government to support and maintain a capability to assess trends in the changing character of alcohol, drug abuse, and mental illness. Unfortunately, in recent years this capability has eroded and as a result, public policy and the allocation of scarce Federal resources has been influenced more by anecdote than epidemiology.

Accordingly, H.R. 3187 establishes a much needed statutory framework for allocating resources through ADAMHA to develop accurate data collection and program evaluation capability. These activities are a unique Federal responsibility which cannot be left solely to the private sector.

SUBSTANCE ABUSE AND COMMUNITY MENTAL HEALTH SERVICES

Mr. Speaker, a major feature of this legislation is the inclusion of a new allocation formula for distributing Federal alcohol abuse, drug abuse and mental health service funds to States. Since the alcohol and drug abuse and mental health services block grant was created in 1981, the Congress has recognized that the allocation formula was unfair to a large number of States and millions of their residents who could benefit from enhanced services. During the past 6 years the Congress has directed the Secretary of Health and Human Services to study and make recommendations on how the formula could be revised to more equitably distribute limited Federal funds where they are needed most.

The current allocation system appears seriously flawed. It seriously discriminates against certain States for reasons that can best be explained as an historical anomaly.

Under current law there are two Federal block grant programs which provide funding for alcohol abuse, drug abuse, and mental health services by States. These include: First, the Alcohol and Drug Abuse and Mental Health Service Block Grant (Public Health Service Act, Part B) and second, the emergency substance abuse treatment services block grant—Public Health Service Act, part C.

Federal funds available under these programs are allocated between the States by formulas which have been severely criticized by the Department and the General Accounting Office for their lack of equity, statistical precision, and failure to target funds to States most in need for Federal assistance. As a consequence, funding to many States has been kept arbitrarily and artificially low relative to their population's need for services. In fact, the allotments to some States are significantly lower than their relative share of the U.S. population. Maintaining such an allocation disparity is clearly unfair and, after 6 years, can no longer be justified.

Recently the General Accounting Office [GAO] issued a report [GAO/HRD-87-109BR] which compared the current allocation formula with the proposed fairness formula contained in H.R. 3187. The proposed new formula is based upon a comprehensive study conducted by the Institute for Health and Aging (University of California, San Francisco pursuant to Public Law 98-509). The GAO confirmed the principal finding of the Institute for Health and Aging study that the current allocation formula was seriously flawed and resulted in inequitable funding between the states.

The GAO concluded:

> Unlike the current formula, the proposed formulas would allocate all funds according to need and ability to pay and would use more precise measures of these two factors.

The report concludes that new allocation formulas—

> Would substantially improve the equity of the distribution of federal funds.

Mr. Speaker, H.R. 3187 revises the current funding formula to more accurately reflect the relative State populations in need of substance abuse/mental health services and the relative ability of the States to pay for these services—fiscal capacity. These changes are critically important to assuring that individuals and States are treated equitably in the allocation of these limited but vitally important funds.

In order to minimize any disruptions that might occur in States whose funding level might decline as a result of the formula change, the legislation provides for a 2-year transition period before the new formula becomes fully effective. For example in fiscal year 1988 no State would receive less than 80 percent of what they received under the Alcohol and Drug Abuse and Mental Health Services [ADM] Block Grant Program (Public Health Service Act, title XIX, part B) in fiscal year 1987. It is my hope that no State will be unduly disadvantaged by revisions in the allotment formula. The authorization of appropriations for mental health and substance abuse services have been raised to levels that will prevent a reduction in actual funding to any State.

In order to implement the new "fairness formula" the legislation replaces the ADM block grant and emergency substance abuse services block grant with a: First, Community Mental Health Services block grant and a second, Substance Abuse Services block grant.

Mr. Speaker, establishing discrete allotment programs for mental health and substance abuse is necessary for two reasons. First, the allocation formulas for mental illness and substance abuse reflect different populations at risk. The study conducted by the Institute for Health and Aging concluded that the population most at risk of mental illness was not, for example, the same population most at risk of alcoholism. For this reason a State's allotment under H.R. 3187 for mental health funds will likely vary from its allotment for substance abuse.

Second, the Congress has historically made larger appropriations for substance abuses services—$423 million in fiscal year 1987—than for mental health services—$248 million in fiscal year 1987. This distinction was deliberate and reflects the Congress' assessment of the relative need of States for additional substance abuse funding.

There is, however, growing interest for increasing Federal support of community mental health services. Establishing a separate Community Mental Health Services block grant permits the Congress to authorize additional funding for mental health services without making a corresponding increase in the level of substance abuse funding. As noted earlier, the populations in need of mental health or substance abuse services are often quite different. In many cases, State mental health and substances abuse programs are administered by separate State agencies.

H.R. 3187 increases the authorization of appropriations for community mental health services by $39 million over the fiscal year 1987 authorization level. The higher authorization is necessary to minimize the impact of revising the State allocation formula, and hopefully, to assure that no State receives a net reduction in Federal funding.

Mr. Speaker, it is the subcommittee's intention to mark up this important legislation and report it to the House in September.

I insert a summary of the major provisions of H.R. 3187 in the RECORD at the end of my remarks:

MAJOR PROVISIONS OF H.R. 3187

COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT

(1) Establish State block grant for community mental health services using new "fairness formula." Funding is authorized for three fiscal years. The new block grant supersedes the mental health provisions of the current Alcohol and Drug Abuse and Mental Health Services Block Grant.

SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES BLOCK GRANT

(2) Establish State block grant for alcohol and drug abuse prevention, treatment and rehabilitation services using new "fairness formula." Funding is authorized for three fiscal years. The new block grant supersedes the alcohol and drug abuse provisions of the current Alcohol and Drug Abuse and Mental Health Services Block Grant and Emergency Substance Abuse Treatment Block Grant.

(3) Authorization of appropriations

A. Mental Health Services (including block grant):

Fiscal year 1988, $350 million.

Fiscal year 1989, "Such funds as may be necessary."

Fiscal year 1990, "Such funds as may be necessary."

A minimum of 5% of funds appropriated for mental health services is reserved to provide technical assistance to State and local program providers, improve data collection on the incidence of mental illness, and conduct research into improving the quality and cost effectiveness of community mental health services. In Fiscal Year 1988 a maximum of $320 million would be available for allotment to States for community mental health services. States which receive block grant assistance would be required to allocate at least 10% for programs or services for severely disturbed children and adolescents. States would be required to give priority to the use of Federal funds for development of new or expanded community mental health services and in Fiscal Year 1990 would be required to use at least 55% of their Federal block grants for mental health services not available prior to Fiscal Year 1988.

B. Substance Abuse Services (including block grant):

Fiscal year 1988, $500 million.

Fiscal year 1989, "Such funds as may be necessary."

Fiscal year 1990, "Such funds as may be necessary."

A minimum of 15% of funds appropriated for substance abuse services is reserved for the activities of the Office for Substance Abuse Prevention (including grants for high risk youth) and for expanding technical assistance, data collection and research into improving the quality and cost effectiveness of alcohol and drug abuse programs. In Fiscal Year 1988 a maximum of $425 million would be available for allotment to States for alcohol and drug abuse prevention, treatment and rehabilitation services.

C. National Institute on Alcohol Abuse and Alcoholism (NIAAA):

The authorization of appropriations for biomedical and behavioral research conducted by NIAAA is extended for three fiscal years; $89 million in Fiscal Year 1988 and "such funds as may be necessary" in Fiscal Year 1989 and 1990.

D. National Institute on Drug Abuse (NIDA):

The authorization of appropriations for biomedical and behavioral research conducted by the NIDA is extended for three fiscal years; $183 million in Fiscal Year 1988 and "such funds as may be necessary" in Fiscal Years 1989 and 1990.

E. National Institute of Mental Health (NIMH):

The authorization of appropriations for NIMH sponsored demonstration projects (including the Community Support Program [CSPI]) is extended through Federal Year 1989. For Fiscal Years 1988 and 1989 $32 million is authorized. The authorization levels for Fiscal Years 1988 and 1989 reflect the program's expansion in response to the needs of the homeless and the addition of statutory authority to develop innovative programs to prevent mental illness among high risk groups such as displaced or dislocated workers, young children adolescents.

HELSINKI HUMAN RIGHTS DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. KEMP. Mr. Speaker, I join my colleagues from the Human Rights Caucus and the distinguished Chairman of the Helsinki Commission in celebrating the 12th anniversary of the signing of the Helsinki accords.

Twelve years ago, 35 countries signed an agreement to work together toward greater cooperation on military, economic, scientific, cultural, educational, and human rights issues. There has been some progress; noted refuseniks have recently left the Soviet Union and the emigration numbers have slightly increased over the previous years. However, there are still nearly two-thirds of the 644,000 Jews who applied to leave the Soviet Union in the past 20 years who remain in the Soviet Union, who have been refused permission to leave and exist in a political, social, and economic limbo. Czechoslovakia's Helsinki monitoring group, Charter 77, and Poland's Helsinki Watch Group paid a terrible price similar to Moscow's Helsinki Watch for their belief in the Helsinki process—jail, loss of livelihood, loss of life. Romania's compliance record has been so poor that Congress voted to revoke its trade status as a most favored nation. Needless to say, these examples do not demonstrate even minimal compliance.

As leaders in the free world we must continue to make full use of the Helsinki process to encourage and ensure improved compliance by all participating nations. Without the Helsinki Act, we would have one less meeting ground for discussion of the goals of peace, freedom, and respect for human dignity. President Ford said at the time of the signing of the agreement:

> History will judge this Conference not by what we say here today, but by what we do tomorrow—not only the promises we make but the promises we keep.

Each year we commemorate Helsinki Human Rights Day. Each year we have another opportunity to review how closely the 35 countries have kept the promises we made on August 1, 1975. And each year for the past 12 years we have regretted the slow progress. This year, as in previous years, we keep sight of our moral and legal obligation and vow to work for greater success in compliance with the great and lofty goals, the promises we made in Helsinki in 1975.

TO TAX OR NOT TO TAX

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. HEFLEY. Mr. Speaker, each year Congress is faced with the enormous, tedious, yet vital task of determining the Nation's budget. Not only must Congress determine the new budget, however, theoretically it must do so in a concerted attempt to keep it balanced. Unfortunately, Congress lacks the responsibility and discipline required to control spending so must, as it considers the budget, also consider whether or not to increase taxes.

"To tax, or not to tax" has been the subject of heated debate throughout the Chambers of Congress for nearly two centuries. Conventional wisdom says the Federal budget deficit can be lowered by increasing taxes. Receipts will rise, while expenditures are unchanged, lowering the gap between the two components of the deficit. Reality, however, teaches us that tax increases will not reduce the deficit. In fact, it usually leads to increased spending by Congress which leads to a greater Federal deficit.

Just a few weeks ago, both the House and Senate passed the 1988 budget resolution calling for a $19.3 billion tax increase in 1988 and a $64 billion increase over the next 3 years. The answer to this year's dilemma?: To tax. Now the question focuses around the form in which the citizens will be taxed.

One proposal being considered is to increase excise taxes. While some say the most fair way to impose a tax is to spread it evenly across a wide section of the population, an excise tax—in reality—is possibly one of the most regressive taxes ever imposed upon the American public. A study released by the Congressional Budget Office in January revealed that a $19-billion increase in excise taxes would eliminate the entire income tax reduction provided to families with incomes under $30,000.

In short, excise taxes would hit the families with the lowest incomes the hardest, and those with high incomes, would be affected the least. Some of the most likely candidates for an increase are gasoline, cigarettes, oil, alcoholic beverages, and telephone taxes. If imposed, these products may very well be considered extreme luxury items for low-income families.

When I was elected in 1986, one of the promises I made was to avidly fight for a balanced budget and against raising taxes. And to effectively uphold my promises, I have consistently voted against all legislation proposing tax increases. The answer to achieving a balanced budget, however, lies not in taxing the citizens but in reducing Government spending.

The problem isn't that we undertax the people, but that we overspend in Federal Government. To give Congress yet even more money to spend could produce catastrophic consequences to the economy. We must get a tight hold on our government purses and put an end to this spend, spend, spend mentality. Only then will we realize the answer to our fiscal problems is to act carefully and responsibly, not to punish the people by taxing them excessively.

UNITED NATIONS VIENNA CONFERENCE ON INTERNATIONAL NARCOTICS ABUSE AND ILLICIT TRAFFICKING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GILMAN. Mr. Speaker, narcotics trafficking and drug abuse have reached epidemic proportions worldwide, jeopardizing the health of all mankind, and undermining the institutions of civilized nations everywhere. Globally, drug trafficking activities are estimated to exceed $300 billion annually, and nations throughout the world are reeling from this devastating impact.

The drug traffickers, who have highly sophisticated organizations, and who are well-armed, well-financed and have the best equipment to conduct their sordid transactions, have become international criminal syndicates. They are a transnational force, historically unprecedented, that bypasses geographic borders and political ideologies, and they are capable of destroying entire societies. This deadly menace represents a threat to all mankind, comparable to nuclear holocaust and the dreaded AIDS disease.

In an effort to combat the illicit production, trafficking, and consumption of drugs, nations of the international community, regionally and globally, are beginning to work together to combat the drug traffickers. Recently, the United Nations held an International Conference on Drug Abuse and Illicit Trafficking [ICDAIT] that was held in Vienna, Austria, from June 17-26, 1987. The conference was attended by representatives of 138 nations, most international agencies, and numerous non-governmental organizations concerned with drug-related issues. ICDAIT, which was the first global ministerial-level conference devoted exclusively to the drug problem, also included parliamentarians from national legislative bodies.

The U.S. delegation was ably led, successively, by Attorney General Edwin Meese III, Deputy Secretary of State John Whitehead, and Permanent Representative to the United Nations, Vernon Walters. Along with the distinguished chairman of our Narcotics Select Committee, Mr. RANGEL, with whom I serve as ranking minority member, had the opportunity to participate with our delegation in the conference. Although we were not able to attend the entire conference, we were instead able to meet privately with parliamentarians from Mexico, and the Andean nations of Colombia, Peru, Bolivia, Ecuador and Venezuela and various international agencies and nongovernmental organizations.

For the first time nations of the international community discarded their regional, political and economic differences to join in a common effort to combat drug trafficking and drug abuse. This was a very positive, constructive conference that represented a changed attitude by the international community, which in the past would frequently pit drug producing nations against drug consuming nations. Nations throughout the world are recognizing that this distinction is a myth; that drug producing nations have become drug consuming nations and drug consuming nations have become drug producing nations; that illicit drugs are a threat to all mankind regardless of region or stage of development; and that every nation is reeling under the devastating impact of drug trafficking and drug abuse.

ICDAIT produced two documents that were adopted by consensus: First, the comprehensive multidisciplinary outline [CMO], which is not a treaty or international agreement, but constitutes a guideline of programs and actions that nations can undertake to deal with the illicit production, trafficking and consumption of drugs. The second ICDAIT document is a resolution that expresses the commitment of the international community to control the illicit supply of drugs, to supress its trafficking, to prevent and reduce drug demand, and to treat and rehabilitate individuals who are addicted to drugs; it is a resolution that urgently needs to be implemented.

Mr. Speaker, in an attempt to keep my colleagues fully informed about the international efforts to combat drug trade, I am inserting at this point in the RECORD the complete text of the conference resolution, and I urge my colleagues to continue to support the United Nations efforts and our own national efforts in the war against drugs.

UNITED NATIONS INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING

RECOMMENDATIONS REGARDING A COMPREHENSIVE MULTIDISCIPLINARY OUTLINE OF FUTURE ACTIVITIES RELEVANT TO THE PROBLEM OF DRUG ABUSE AND ILLICIT TRAFFICKING

Declaration

We, the States participating in the International Conference on Drug Abuse and Illicit Trafficking, believing in human dignity and the legitimate aspiration of human-kind for a decent life with moral, humanitarian and spiritual values in a healthy, safe environment, concerned at the human suffering, loss of life, social disruption, especially the effect on youth who are the wealth of nations, brought about by drug abuse worldwide, aware of its effects on States' economic, social, political and cultural structures, and its threat to their sovereignty and security,

Commit ourselves to vigorous international actions against drug abuse and illicit trafficking as an important goal of our policies.

Express our determinations to strengthen action and co-operation at the national, regional, and international levels towards the goal of an international society free of drug abuse.

Strive for the universal accession to the 1961 Single Convention on Narcotic Drugs or this Convention as amended by the 1972 Protocol and to the 1971 Convention on Pychotropic Substances and their strict implementation as well as the completion and adoption of the draft Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances at the earliest possible date, agree on the following:

1. We express our determination to pursue the goals we have set for ourselves at various levels of government towards combatting this scourge and to adopt urgent measures to strengthen international co-operation through a balanced, comprehensive and multidisciplinary approach. In this regard, we emphaize the pivotal role of governments in deveoping appropriate national strategies within which such measures could be implemented.

2. In evolving effective action against drug abuse, illicit production and trafficking, we emphasize the need for the international community to adopt measures to treat all aspects and causes of the problem. To be effective, these measures must take into considertion the relevant social, economic and cultural factors and should be conducted in the context of states' policies in this regard. We recognize the collective responsibility of the states to provide appropriate resources for the elimination of illicit production, trafficking and drug abuse.

3. We affirm the importance of and the need for wider adherence to the 1961 Single Convention on Narcotic Drugs or this Convention as amended by the 1972 Protocol and to the 1971 Convention on Psychotropic Substances. We call for the urgent but careful preparation and finalization, taking into account the various aspects of illicit trafficking, of the draft Convention Against Illicit Trafficking in Narcotic Drug and Psychotropic Substances to ensure its entry into force at the earliest possible date and to complement existing international instruments.

4. We recognize the important role of the United Nations system in the efforts to combat drug abuse and illicit trafficking, and in particular the role of the United Nations Secretary-General in facilitating co-ordination and interaction among Member States and within the United Nations system. We attach importance to the role of the United Nations Commission on Narcotic Drugs as the policy making body of the United Nations on drug control matters. We commend the positive action carried out by the Division of Narcotic Drugs, the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control, and we urge strong national and international support for the Fund as as to enable it to fulfill its mandate.

5. We recognize the constant, determined efforts of Governments at the national, regional and international levels to counter the escalating incidence of drug abuse and illicit trafficking and the growing link between drug trafficking and other forms of international organized criminal activities.

6. We also recognize and welcome the significant role played by non-governmental organizations in the drive against drug abuse, and urge that further initiatives be encouraged to strengthen the efforts made at the national as well as international levels.

7. We welcome the compilation of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control (CMO) as a compendium of possibilities for future action by all concerned.

8. Recognizing the magnitude and extent of the world-wide drug problem, we agree to intensify efforts against drug abuse and illicit trafficking. As an expression of our commitment, we also agree to promote inter-regional and international co-operation in:

(a) prevention and reduction of demand;
(b) control of supply;
(c) suppression of illicit trafficking; and
(d) treatment and rehabilitation.

For this purpose, we consider that the following, inter alia, should guide the development of our actions:

(a) Prevention and reduction of demand.

(i) develop methodologies and institute systems for assessing prevalence and trends of drug abuse on a comparable basis;

(ii) develop and implement the necessary measures to reduce drastically illicit demand through adequate techniques and programmes.

(b) Control of supply.

(i) Encourage contributions from international financial institutions and governments, where possible, for the implementation of programmes and projects for integrated rural development activities including crop eradication/substitution schemes, and continue scientific research in related areas.

(ii) Develop and implement the necessary procedures to eliminate the illicit supply of specific precursors and other materials necessary for the manufacture of narcotic drugs and psychotropic substances, and to prevent the diversion of pharmaceuticals to the illicit drug market.

(c) Suppression of illicit trafficking

(i) Develop bilateral and other instruments or arrangements for mutual legal assistance which might include among other things, if appropriate, extradition and tracing, freezing and forfeiture of assets, and for enhancing international legal or law enforcement cooperation in this field.

(ii) Improve dissemination of information to national and international law enforcement bodies, especially concerning profiles and methods of operation of drug trafficking organizations and further develop international, financial, technical and operational cooperation in investigation and training for officers and prosecutors.

(d) Treatment and rehabilitation

(i) Develop, promote and evaluate effective treatment and rehabilitation techniques;

(ii) Provide health professionals and primary health care workers with information and training concerning appropriate medical use of narcotic drugs and psychotropic substances.

9. We affirm our determination to continue our efforts and request the Secretary-General of the United Nations to keep under constant review the activities referred to in this Declaration and in the Comprehensive Multidisciplinary Outline. We request the Secretary-General of the United Nations to propose in the context of the United Nations programme and budget within available resources how the priority attached to the field of drug abuse control can best be carried out. The Commission on Narcotic Drugs should examine the most suitable modalities for following up these activities as appropriate at the international level.

THE CONSTITUTION

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SMITH of Florida. Mr. Speaker, throughout the past 200 years this Nation has faced many a crisis. In its relatively short history America has seen her sons fight against one another on her own soil, fight against enemies on foreign shores, and bound as hostages in hostile lands. This Nation has faced internal strife on a wide array of issues from women's suffrage to civil rights.

Through all the haze of conflict and political dissent, our Nation's supreme document, the Constitution, has been the beacon of stability and freedom for the world to witness. The framers' promise of justice and rule by law has not waned. The document has been flexible enough to bend to the progressions of time while not relinquishing its original principles.

I am not suggesting that the original document was without flaw. I shudder to think of a society where women do not have the right to vote or minorities do not enjoy freedom. However the framers passed down a document that could be amended as our Nation developed. It is these processes that are at the heart of protecting our Government. If we lose sight of those processes we are in danger of slipping into a system of government where the whims of a few can rule our country's policy. From time to time those assaults are attempted, but our society is strong and our institutions secure as long as we are vigilant.

It is my hope that on this day of celebration for this magnificent document that we pause and remember the reason the Constitution has withstood the test of time. As citizens, we all must continue to ensure that our Nation is run by the system of rule by law.

AIDS: A PRISONER'S FEAR

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. DORNAN of California. Mr. Speaker, George Hansen, a former colleague and a good friend of mine, wrote an article on AIDS which appeared in the Washington Post on Sunday, August 2, 1987. In the article George relates the horrendous risk of AIDS infection to Federal prison inmates throughout the United States. The danger is such that many inmates see a jail sentence as a death sentence.

Mr. Speaker, I would like to share with my colleagues George's article as it appeared in the Washington Post.

AIDS: A PRISONER'S FEARS

(By George V. Hansen)

The Post's editorial of July 18 "Protecting Prisoners from AIDS" was right on target. I speak from experience as a former member of Congress who is currently incarcerated at Petersburg Federal Prison, south of Richmond.

AIDS has people in prison terrified—afraid for themselves and afraid for their families.

This prison facility has 200 inmates in a minimum-security camp and 800 across the road behind walls and wire in maximum security. Everyone is compacted together in the use of all facilities, with no choice or options. As your editorial stated, "They do not have the freedom to decide where to eat and sleep or the right to choose those with whom they must live in close contact."

This past week inmates in the camp were badly shaken when a prisoner was removed, reportedly for AIDS. He had been a resident for a month, sharing all the same facilities including drinking from common Thermos jugs at work and other activities.

This "AIDS case" has unusually long fingernails that badly scratched other players in basketball games. The scare among inmates was evident. In fact, one inmate remarked, "Every time I kiss my wife and children on a visit, I can't help but wonder what disease I might be giving them."

These prisoners have now actively joined me in a call for help. I have been pleading for action by federal officials for months in behalf of worried prisoners and their families and citizens everywhere. Recent letters of July 11, 1987, to Attorney General Edwin Meese and Federal Prison Director Michael Quinlan clearly point out that "the opportunities to contract AIDS are wholesale."

Meese was told that "Avoiding the blood and bodily fluids of others is virtually impossible by nature of the overcrowded conditions; the potential for violence and abuse; the homosexuality problem; the virtual disregard in many facilities for even the most basic sanitation, with general pressure for everyone to use a common razor, fingernail clippers and even a toothbrush."

I advised the attorney general that "people in the prison system are exposed to "conditions so terrible that inmates helplessly consider that any incarceration, whether it be for months or for years, could well be a death sentence." This was reinforced by the July 11, 1987, Post article describing the transmittal of the AIDS virus when an inmate in the Arlington jail bit another prisoner.

As a public official, I have seen firsthand prison systems and jails across this nation and the world where I witnessed appalling conditions. But more than that, I personally have been dragged through numerous prison (and jail) facilities during my incarceration over the past 13 months; and I have been recklessly exposed to everything from tuberculosis to violent schizophrenia to AIDS.

My letter to Prison Director Michael Quinlan stated, "I can tell you, sir, that new evidence found in the past few months convinces me, even more than before, that the record of violence and killing and scandalous health hazards brought on by criminal behavior and neglect by public officials in the prison systems of the nation is nothing short of alarming," and that "this is particularly true of the AIDS crisis."

I reminded both officials, who preside over the federal prison system, that I went to Quinlan's office six months ago "to present matters of urgent and even life-threatening concern to the nation's prison population (of 500,000 inmates) and even the public in general." The failure to respond, I said, "is all the more puzzling in view of the interest expressed to you by U.S. Sens. Orrin Hatch and Strom Thurmond, and considering the fact I was joined in the effort by former EPA administrator Anne Burford and Washington Rabbi Bruce Kahn."

The Post editorial clearly identified a laid-back attitude when it observed that "steps to protect the prison population are still in the planning stages, but those plans must be accelerated." And the stated conclusion was unavoidable that prisoners "must be protected and so must the families to whom they will eventually return," but that "the inexorable deadliness of the infection makes a swift effective response by prison officials imperative."

The 500,000 inmates, and tens of thousands of new prisoners each year, will soon recycle back into the general population, and we had better deal with this fact of life right now. My letter to Attorney General Meese strongly encouraged him "to take immediate and decisive action to clearly identify the AIDS carriers and hazards in the prison system, and press for the earliest possible shift in sentencing practices to drastically reduce the nation's prison population—for better disease control, not to mention the billions in relief to the taxpayers in resultant spending reduction and increased tax revenues."

Law enforcement and prison officials need to know that inmates and their families are real people and that the fear of AIDS in prison is real—as is the threat to Americans everywhere. Inmates and their families are deeply concerned that going to jail can be fatal—and they pray for relief. We must act quickly and decisively to end this "chamber of horrors" we call a prison system.

SENATOR QUICKLY DISQUALIFIES SELF

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to call the attention of the House to an editorial in the Santa Maria (CA) Times of July

30 regarding the controversy surrounding the President's nomination of Judge Robert Bork to the Supreme Court. I think the Times makes a good point about the way this nomination has been handled, and request that the editorial be included in the RECORD.

[From the Santa Maria (CA) Times, July 30, 1987]

SENATOR QUICKLY DISQUALIFIES SELF

One cannot help but be amused at the spectacle of Sen. Joseph Biden, D-Del., as he digs himself in deeper concerning Judge Robert Bork's fitness to serve on the U.S. Supreme Court.

Several months ago, before the Associate Justice Lewis Powell announced his departure from the high court, Sen. Biden said he would support the next highly qualified conservative nominee for the court. Indeed, the chairman of the Senate Judiciary Committee and presidential aspirant said that Judge Bork, who he described as "brilliant," was such a man. The Senator even went so far as to tell *The Philadelphia Inquirer* that he would endure the slings and arrows of special-interest groups that opposed Bork, although it could hurt his chances for the White House.

The Senator's endurance lasted until President Reagan nominated Judge Bork to succeed Justice Powell several weeks ago. Confronted soon thereafter by an angry special-interest group, Sen. Biden caved in. He promptly vowed to "resist any efforts by this administration to do indirectly what it had failed to do directly in Congress—and that is to impose an ideological agenda on our jurisprudence." Translated: No conservatives need apply for the high court while I'm in charge here.

Not content to keep his mouth shut and cut his losses, Sen. Biden recently had lunch with some Washington reporters and told them it would be "dishonest" for him to pretend he had an "open mind." He concluded his confession with these weasel words: "I don't regret any statement I've made about Judge Bork. What I regret is the timing with which I said them. It was more a PR mistake than a substantive mistake."

Let's get this straight. Sen. Biden was for Judge Bork until the heat was on. Then he turned tail and ran. Although he's not sorry about saying bad things about the judge, it pains him that he said those nice things beforehand when he was pretending to have an open mind.

Put another way: Joe Biden has no business being chairman of the Senate Judiciary Committee, let alone president of the United States.

GAG ORDERS: AN INFRINGEMENT UPON CONSTITUTIONAL RIGHTS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. CONYERS. Mr. Speaker, I rise today to express my deep concern about an important legal issue raised by the case of our distinguished colleague from Tennessee, HAROLD FORD, an issue which has deep implications for the civil liberties of all Americans. The right to free speech and the right to a fair trial have been thrown into conflict in this matter, without proper consideration being given to the need to balance the interest at stake.

The gag order imposed on Congressman FORD seriously interferes with his right to speak about his case to his constituents and supporters. It seriously hinders his ability to fight the pending charges, and impairs his efforts to raise funds to sustain a vigorous defense.

The sacred principle which is the cornerstone of our American criminal justice system is that a person accused of a crime is innocent until proven guilty. The circumstances surrounding the indictment of Congressman FORD, however, suggest that he is not being treated in that manner. The prosecutor pursued his investigation for 4½ years, and sought an indictment from a Federal grand jury in Knoxville, TN, after the grand jury in Memphis rejected his initial petition. Congressman FORD was inexplicably denied the opportunity. First, the Court said that since the framers of the Constitution did not "assign priorities as between First Amendment and Sixth Amendment rights, ranking one as superior to the other, * * * it is not for us to rewrite the Constitution by undertaking what they declined to do." Second, the Court held that "pretrial publicity—even pervasive, adverse publicity—does not inevitably lead to an unfair trial." And last, the Court stated that "the barriers to prior restraint remain high," and that if a judge is to step beyond them, he must first find that measures taken short of a gag order would not have effectively preserved the atmosphere essential for a fair trial.

The gag order issued by Judge Jarvis, upon close examination, clearly does not meet the requirements set forth by the Supreme Court in *Nebraska*. Other actions the Court could have ordered were a change of venue, or a postponement in order to let the publicity subside. Judge Jarvis, in his memorandum opinion supporting the modified order, arbitrarily dismisses all possible alternatives, offering no analysis whatsoever of why they would not work in this case.

HAROLD FORD, as an elected official, cannot adequately perform his duties with the dark cloud of suspicion hanging over his head. It is ridiculous that a U.S. Congressman is forbidden to speak with his constituents on a matter of such significance. The amicus brief filed by the Speaker and the Bipartisan Leadership Group, points out that "it is inconsistent with the requirements of a representative democracy for a Court to interfere with, let alone prohibit, communication between a appear before the grand jury and present information which could have established his innocence. Leaks of selective bits of information about the case to the news media by "unnamed sources," then compelled FORD to respond publicly and explain his conduct, and to also question the conduct and motives of the prosecutor.

Judge Jarvis then issued the gag order which he justified by arguing that "because of the high visibility of this case and the nature of the public comments which have already been made, I am of the opinion that without a 'no comment' order there is a substantial likelihood of prejudicial news which would make difficult the impanelling of an impartial jury and tend to prevent a fair trial."

I respect the need of a trial judge to take steps to ensure a fair trial. But, the imposition of a gag order to achieve that goal seems to me to be an extreme and highly questionable act. In the case of *Estes* v. *Texas,* 381, U.S. 532 (1965), the Supreme Court held that "the atmosphere essential for the preservation of a fair trial—the most fundamental of all freedoms—must be maintained at all costs." I fervently share the Court's opinion, but in the case of our embattled colleague, I do not believe that Judge Jarvis seriously considered his options.

In *Nebraska Press Assn.* v. *Stuart,* 427 U.S. 562-70 (1976), the Supreme Court considered the appropriateness of a gag order imposed on the media during the course of a sensational murder trial. The Court, in striking-down the gag order, made three very important findings that are relevant to the case of Member of Congress and the people he represents." Any court order which threatens to interfere with such a vital function of a public official must be subjected to the most exacting review.

Because HAROLD FORD is a member of this legislative body, and enjoys certain protections under the Speech or Debate Clause, that does not mean that a gag order filed against a member of the general public deserves no less scrutiny. A gag order is an extraordinary legal tool which can infringe upon the enjoyment of two or our most important civil liberties. Its use should come only as a last resort, and only after other, less draconian, options have been explored.

The Supreme Court in Nebraska held that prior restraint was the "most serious and least tolerable infringement on First Amendment rights." Where a person's integrity or personal freedom is at stake as the result of proceedings against them in a court of law, they must not be prevented from speaking out in their defense.

ATTENDING TO AMERICA: PERSONAL ASSISTANCE FOR INDEPENDENT LIVING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MILLER of California. Mr. Speaker, I would like to call my colleagues attention to a new report, "Attending to America: Personal Assistance for Independent Living," a report of the National Survey of Attendant Services Programs in the United States, prepared by the World Institute on Disability.

The results of the survey reveal some important trends about the status of disabled children and adults in our society, and the barriers which exist to their ability to function in a healthy family or to live independently in the the community. A lack of community-based personal assistance services for independent living and the lack of a nationwide policy direction and mechanism for meeting the need are reported as the major obstacles to independence and self-sufficiency for millions of disabled individuals.

The major goal of personal assistance services is to keep people out of institutions, to avoid dependence and encourage self-sufficiency. It has been 15 years since the first Independent living program run by disabled people was founded in Berkeley, CA. Since then, based on a program I authored in the Rehabilitation Act, more than 200 similar programs have been established. Their success has been dependent on the availability of finding community-based personal attendant services. This task has not always been easy.

For every person who is actually receiving community-based, publicly funded personal assistance services, there are three people who could benefit from such services but who are not receiving them. In addition, services are not uniformly available in all States, services are often inadequate, eligibility criteria vary widely, and direct services providers are poorly compensated.

For children, as the report indicates, the use of nonfamily paid providers to foster independence in children has not been given much attention at all. As the Select Committee on Children, Youth, and Families learned, and as this report confirms, such personal care services can alleviate financial pressure on families to allow them to be employed outside the home; personal assistants for children can relieve emotional strain in families; and finally, providing personal assistants for children with disabilities allows them to develop and mature in a normal process, to allow interaction with peers, to have more recreational opportunities, and participate in family chores and duties, just as nondisabled children do.

The report found, however, that there may be as many as 74,000 children who could benefit from personal attendant services who are not receiving them.

The National Council on the Handicapped has selected personal assistance as one of its priority issues. As a body which advises Congress and the President on policy issues related to disability, I urge my colleagues to heed their recommendations and consider personal assistance services as a major policy goal for the 100th Congress. The wealth of new information included in this report provides a strong basis for developing a national policy.

ECONOMIC IMPACT OF IMMIGRATION REFORM IN MEXICO

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GARCIA. Mr. Speaker, the 1986 Immigration Reform and Control Act has had effects beyond our own borders of which it is important to be aware. Our immigration legislation has repercussions upon the economies of the countries supplying the immigrants, and thus also upon their political stability and their attitudes toward the United States. I would therefore like to insert in the RECORD the following report, which appeared in the July 22 issue of the Washington Report on the Hemisphere published biweekly by the Council on Hemispheric Affairs [COHA], authorized by COHA researcher Louisa C. Lund, which surveys some of the issues raised in Mexico by current United States immigration policy.

The report follows:

PLAYING A WAITING GAME—MEXICAN PRESIDENT STALLS ACTION ON U.S. IMMIGRATION LAW

(By Louisa C. Lund)

Last fall, the United States Congress surprised itself, Washington analysts, and undocumented Mexican immigrants by passing the 1986 Immigration Reform and Control Act. Even more surprising, until last June the law seemed to have stunted illegal immigration coming from Mexico. Currently immigration is rising somewhat, but remains significantly lower than last year's levels.

Mass deportations of the estimated 1.5 to 5 million illegal Mexican aliens in the United States have not taken place, and the employer sanctions, which are the teeth of the law, will not begin until October. Throughout most of the spring, immigration rates slowed dramatically, resulting in a 25-30 percent drop in border arrests. But the grace period, during which time the unenforced legislation deterred illegal aliens from entering the United States, may be ending. In June, arrests along the border were 30 percent more frequent than in immediately previous months, although they remained almost 30 percent lower than in June 1986.

Because there have been no major deportations of illegal aliens, the Mexican economy has not yet been negatively affected. If the trend toward lower immigration continues, however, particularly if it strengthens again with the onslaught of enforcement in October, the legislation will virtually close what had been a crucial safety valve for Mexico's unemployed throughout that country's five-year-old economic crisis. In the past, the United States provided not only additional jobs, but also an estimated $2-4 billion in remittances sent home by Mexican workers in the United States. Such funds are among the top sources of foreign exchange for the Mexican government. While it is hard to determine the exact number of Mexicans seeking employment in the United States in recent years, 900,000 new workers enter the job market in Mexico each year, and some estimates say that upwards of half of these go to the United States in search of employment. More conservative figures suggest that each year, at least 200,000 immigrants have successfully attempted to enter the United States.

According to Center for Strategic and International Studies Fellow M. Delal Baer, the main economic impact of the measure may be felt, not in Mexico as a whole, but in specific regions of the country which, in the past, have sent the highest rates of illegal emigres. Doris Meissner, Senior Associate at the Carnegie Endowment maintains, however, that immigration legislation is significant for the entire country, since it "puts increasing pressure on an economy that already has a lot of pressure on it." The very fact that after years of debate the measure has finally passed is traumatic for Mexicans, 54 percent of whom said, in a November 1986 New York Times poll, that they thought their country would never successfully emerge from its economic crisis, and who now perceive a sudden closing of one of the few escape routes from absolute poverty.

Considering that Mexico's current unemployment rate is 18 percent and underemployment is at 40 percent, it seems unlikely that the country's economy can easily absorb more workers into its labor force without massive investments of new capital. Nor is the Mexican government in a good position to expand welfare or unemployment payments, since it suffers from the effects of an inflation rate which, in 1986, was 106 percent, and a foreign debt of over $105 billion.

President Miguel de la Madrid has been pursuing programs of stringent budget-cuts in an effort to control government spending and reduce inflation, although he has left taxes relatively low—at about 10 percent of the Gross Domestic Product (GOP). De la Madrid has promised "to defend the workers' real salary and continue promoting social development programs that complement the real income of the poor," but real wages are 45 percent lower today than they were in 1982 when he took office. For a ruling party whose basic backing lies largely in its labor and campesino constituency, this is a serious problem, which can only be aggravated by increasing pressure on unemployment levels caused by the immigration legislation.

The legislation has been criticized by the Mexican Senate and by a group of Mexican bishops as being based on a unilateral decision without regard for Mexican needs. Washington analysts say that Mexican popular opinion views the measure as insensitive at best, while some charge it is part of a U.S. attempt to manipulate Mexican foreign policy. This view may be strengthened by the July 8 Reagan administration order which will allow as many as 200,000 Nicaraguans receive special treatment which will enable them to remain in the United States legally.

Mexican government officials, however, stick to the position that the immigration law is a purely internal matter of the United States. Officially, the government refrains from interfering in the U.S. immigration legislative process on principle, in the belief that this may set a good example for Washington in its relations with Mexico.

Meissner suggests that another reason for government inaction may be that the immigration problem is somewhat embarassing, since it broadcasts Mexico's economic troubles abroad. For now, its government is waiting. De la Madrid has observed, "We will wait to see their reaction when they no longer have Mexican labor, costs rise, and they lose competitiveness."

Washington analysts agree that it is too early to tell what the effects of the legislation will be in the long term. A slowed rate of immigration may be the result, not so much of the legislative restrictions themselves, as of an ignorance of the law's provisions, which theoretically allow many Mexican laborers to enter the country legally.

The Immigration and Naturalization Service (INS) has received fewer applications for amnesty from illegal immigrants already in the country than it had expected, possibly because potentially legal aliens are waiting to see how difficult it is to acquire residency status and because they fear INS control over the process. Provisions of the law allowing Mexican agricultural workers to enter the United States have not been effective either. "Where the United States government and the Mexican government are missing the boat is they are not doing a careful job of trying to get information out," Meissner said.

WE MUST ACT NOW TO SAVE DEMOCRACY IN HAITI

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. OWENS of New York. Mr. Speaker, few nations have a history as tragic as that of Haiti. The state which once began as the bold, bright star of freedom and enlightenment in the 18th century Caribbean is today the Caribbean nation where enduring democracy now proves the most elusive. The promise of freedom has come many times in Haiti's history, but each and every time it has been snuffed out, crushed beneath the heels of an endless stream of dictators, thugs, and thieves. But last year, when the people of Haiti revolted and President-for-Life Jean-Claude Duvalier was ovethrown, Haitians believed that this time would be different, this time the promise of democracy would be fulfilled. And when last March a new constitution providing for a democratic government was overwhelmingly approved by the people, those hopes for a new and free Haiti were intensified.

Today, however, suddenly Haitians are no longer confident of the future. Events over the last several weeks have convinced many that the promise of freedom is fading and that Haiti is once again hurtiing down the familiar, slippery slope toward repression and kleptocracy.

The passion for democracy demonstrated by the people in the March plebiscite sent shudders down the spines of all Duvalierists who linger and lust for power in Haiti and now they are fighting back, struggling to restrain and contain it. As swiftly and as vehemently as the people approved the new constitution, the ruling military junta has repudiated it.

Defying the new constitutions' guarantee of freedom of the press, the provisional National Governing Council [CNG] has launched a campaign of often violent intimidation and harassment against foreign and domestic journalists working in Haiti. Reporters have been threatened, short at, beaten, and illegally detained, their cameras confiscated, and their offices strafed with gunfire.

Haitians who dare to exercise their new constitutional freedoms of assembly and association now find that they do so at their own peril. The military is routinely deployed to disrupt and put down even the smallest peaceful protest by whatever means necessary. Over the last year the United States has sent $4 million in so-called nonlethal military aid to Haiti, including tear gas, rubber bullets, and other crowd control materiel, but apparently, like much of the aid we send to the Haitian Government, it now seems to be missing. The military is not using rubber bullets to break up demonstrations; they are using very real ones, with sickening results. This year nearly 50 people have been murdered in the streets for exercising their constitutional rights and over 200 have been shot and wounded.

For Haitians who reside in rural areas of the country—85 percent of the population—the free exercise of political and economic rights has also been thwarted by the continuing presence and power of the Ton Ton Macoutes in the countryside. From the beginning, it was well-understood that disarming and neutralizing the murderous Macountes was vital to the construction of a democratic society in Haiti and, for this reason, United States aid to the CNG was made contingent upon its progress in meeting this goal. But it has not happened. No serious effort has been made to disarm the Macoutes or to prosecute those responsible for the bloody crimes of the past. Instead, with the full acquiescence of the CNG, gangs of Macoutes continue to terrorize and pillage the countryside, acting as agents of the large landowners to enforce the feudalistic order of the past. Peasant lands are still being illegally expropriated by the Macoutes and their patrons and the tentative efforts of some peasants to reclaim their property are repulsed with horrible violence. Just two weeks ago, a mob of Macoutes ambushed and slaughtered 300 to 700 peasants outside San-Rabel in one of the worst massacres in Haiti's history. The only response of the CNG to this mass murder has been to vilify and defame the dead.

Most ominously of all, the CNG has also moved to obstruct and sabotage the pending local, congressional, and presidential elections. Under the new constitution, the elections are to be administered by the independent, nonpartisan Provisional Electoral Council [CEP], but the CNG has refused to officially recognize this body's authority. On May 13, 1987, the junta announced that it, and not the CEP, would be responsible for writing the new national election law. Undaunted by this announcement, the CEP pressed ahead and completed its work on the election law it alone has the constitutional authority to write. On June 22, 1987, however, the CNG publicly rejected the law drafted by the CEP and issued its own more restrictive law which gave the junta full and exclusive authority over the administration of the elections. This unconstitutional decree was met by a massive wave of public protests throughout Haiti, forcing the CNG to reluctantly rescind its election law on July 1. Two weeks later, again in response to public protests, the junta finally promulgated the election law which had been drafted by the CEP.

Although the legal framework for the elections has now been established, the CNG has continued to block the CEP from making even the most elementary preparations for the actual balloting. Despite repeated requests from the CEP, the junta has refused to provide it with any funding, staff, or even an office, making it impossible for the CEP to function as the constitution intended. With the scheduled elections just weeks away, this impasse has made it increasingly unclear whether the elections will be held at all, or, if they are, just how fairly they will be administered.

No one had great expectations of the CNG when it took power. The task of rebuilding democracy in Haiti is an enormous one and the CNG, dominated as it is by Duvalierists, seemed particularly ill-suited to the job. But we at least expected some effort, however feeble, to support and nurture the return of democracy. We have been betrayed. Not only by its inaction on behalf of democracy, but now by its actions against it, the CNG is placing the promise of a free Haiti in jeopardy. This can no longer be tolerated.

Today I am introducing a resolution which calls upon the President to immediately suspend all military assistance and all nonemergency economic assistance to the CNG. It is now clear that the United States can no longer credibly claim that it is pursuing a domestic outcome in Haiti at the same time that it is bankrolling the antidemocratic activities of the junta. The people need and deserve our assistance; the corrupt and autocratic generals of the junta do not.

My resolution also calls for action to undergird and support the efforts of those in Haiti who are struggling to move the democratic transition forward. If the CNG will not provide the CEP with the funds it needs to plan for and administer the elections, then the United States should. More than that, we must also act to provide whatever technical and logistical assistance that members of the CEP believe necessary to ensure that the elections are run fairly and effectively. Election monitors and advisers from international organizations such as the Organization of American States should also be available to the CEP to assist with this all-important task.

The promise of democracy will only die in Haiti this year if we permit it. At too many times in the history of Haiti, the United States has stood on the wrong side of the struggle for justice, choosing dictatorship over democracy and throwing our lot in with butchers and thieves. Not this time. At this critical moment in Haiti's history, we must now stand strongly on the right side—with the people of Haiti in their courageous quest for freedom.

The text of my resolution follows:

H. CON. RES. 181

Whereas the democratic aspirations of the people of Haiti have long been suppressed and thwarted by a succession of brutal and corrupt dictatorships;

Whereas the people of Haiti struggled courageously and at great cost to free themselves from the despotic regime of President-for-Life Jean-Claude Duvalier;

Whereas an overwhelming majority of the people of Haiti have expressed their support for freedom and democracy by ratifying a new constitution which provides for the establishment of a democratically elected government and the protection of fundamental civil liberties;

Whereas the transition of Haiti to democracy can only be achieved if the provisional National Governing Council of Haiti respects human rights and acts in full accordance with the principles and provisions of the new constitution;

Whereas the National Governing Council has systematically violated constitutional guarantees of freedom of the press by harassing, illegally detaining, physically assaulting, and firing indiscriminately upon foreign and domestic journalists on repeated occasions;

Whereas the National Governing Council has violated constitutional guarantees of freedom of assembly and association by prohibiting outdoor assemblies and gatherings that are integral to the democratic electoral process;

Whereas the National Governing Council also has violated constitutional guarantees of freedom of assembly and association by violently suppressing peaceful protests and demonstrations, which has resulted in the death of approximately 50 demonstrators and nonfatal injuries to more than 200 demonstrators in 1987;

Whereas the National Governing Council has systematically abrogated the rights of Haitian workers to organize trade unions and bargain collectively by seeking to disband the Autonomous Center of Haitian Workers, by subjecting members of the Center to physical violence and illegal detention, and by demanding that the present leaders of the Center be removed from office;

Whereas the National Governing Council has systematically violated constitutional guarantees of free, fair, and independent elections by temporarily suspending the authority of the Provisional Electoral Council to promulgate a national election law and by refusing to provide the Provisional Electoral Council with funds to carry out its constitutional mandate; and

Whereas the National Governing Council has failed to fulfill its commitment to disarm and disband the paramilitary Volunteers for National Security, and such failure resulted in the massacre of more than 300 Haitian peasants on July 23, 1987, at Jean-Rabel in Haiti by former members of the Volunteers for National Security: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the failure of the National Governing Council of Haiti to abide by the new constitution of Haiti and respect internationally recognized human rights poses a grave threat to the transition of Haiti to democracy;

(2) the President should—

(A) suspend immediately all military assistance and all nonemergency economic assistance provided to the National Governing Council; and

(B) use every nonmilitary means at his disposal, including the provision of technical and financial assistance to the Provisional Electoral Council in Haiti, to ensure that pending local, congressional, and presidential elections in Haiti are carried out fairly, freely, and without future obstruction or interference; and

(3) international organizations, such as the Organization of American States, should make their resources and expertise available to the Provisional Electoral Council to assist the Council in implementing and monitoring the pending local, congressional, and presidential elections in Haiti.

STEPHEN JAMES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. RANGEL. Mr. Speaker, at a time when the image of the black American male is tainted by stories of drugs and violence, I would like to draw the attention of my colleagues to the uplifting story of Mr. Stephen James. I am including commentary No. 294 from the Civil Rights Journal that gives a more detailed account of this man's struggle and drive for higher education.

Despite the fact that Mr. James is a high school dropout, through years of hard work and determination, this June he graduated summa cum laude from Lehman College. Fighting against the odds, often he had to hold two jobs at once to support his wife and three children in order to attain this honor. For his most admirable efforts, Mr. James has been awarded a 6-year, $57,000 fellowship to the Harvard Ph.D program in American literature.

We can all be proud of Mr. James and his accomplishments. He is a perfect reflection of the true image of the black American male.

[From the Civil Rights Journal, July 15 1987]

STEPHEN JAMES

The headline of New York's Daily Challenge read, "Bronx Bus Driver Awarded Harvard Fellowship." The story is about 34-year-old Stephen James, a high school dropout, who has been given a six-year, $57,000 fellowship to Harvard's Ph.D. program in American literature. After talking with Mr. James, one realizes that he is more than a scholar. He is, in fact, a committed African American man whose determination and sense of family refute the racist stereotype of the Black male in the United States.

Stephen remembers James Meredith's attempt to attend Ole Miss. (the University of Mississippi) in 1963. As he watched Meredith being barred from entering the all-white university, he was mystified, though only 10 years old at the time. He wondered what was so precious about education that someone would prevent African Americans from taking full advantage of it. He vowed to find out why.

Mr. James talks of his love of learning, of the challenge of new ideas. He remembers devouring the books which his mother made available to him after their television broke. He talks of dropping out of high school during the 10th grade, but of continuing to read books such as the The Autobiography of Malcolm X and the writings of Du Bois and of African authors. When asked why he dropped out he replies that no one in the school took any particular interest in him. He wasn't a discipline problem and so, no one seemed to notice him. As he says, "The school system is not geared to keeping Blacks in school. Many teachers believe that Black kids are hopeless. Particularly if you're a discipline problem, they're glad to see you go."

But even while he was out of school he never lost his love for reading. And he never lost his self-esteem. He always believed he could do whatever he set out to do.

James later entered New York's Lehman College in its Adult Degree Program. To support himself, his wife and three children he often worked two jobs. But he never stopped studying. And he never failed in his obligation to his family. As he said, "I worked seven days a week and worked overtime when I could get it. Sometimes I wasn't with my family on holidays, but they were with me all the way and they understood." He was a carpenter, then a bus driver. He studied before and after work, and even read or listened to taped lectures between runs.

Though he loved learning, his obsession to finish school was not only for his own benefit. He says, "The only reason I want to teach is to give the knowledge back to my community. And Black people need to see that teaching is as much a profession and as important as being a bus driver or an entrepreneur. I've become a role model to those who've watched my long journey."

And long it was. Between holding down two jobs and leaving school to work full-time, it took James 8 years, but this June he graduated from Lehman, summa cum laude. What gives him almost as much pleasure as his degree is watching his children follow in his footsteps. His youngest son, 4-year old Elliott, recently completed a listing of the African countries—all spelled correctly. His daughter, Joy, knows that she too, will one day attend Harvard. And his mother, a registered nurse, now also attends Lehman College for a degree in nursing.

At a time when the image of the Black male in this society is constantly put down, Stephen James provides a visible role model for young and old alike.

A TIME FOR DELIBERATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. EDWARDS of California. Mr. Speaker, I commend to our colleagues the very thoughtful words of wisdom offered by Alan Parker, the distinguished former general counsel of the House Judiciary Committee, in his article "A Time For Deliberation." The article, which follows, appeared recently in Trial, the monthly magazine of the Association of Trial Lawyers.

A TIME FOR DELIBERATION

(By Alan A. Parker)

(Haint we got all the fools in town on our side? And aint that a big enough majority in any town?—Mark Twain)

From time to time and in their kinder moments, some single-issue and special-interest lobbyists have labeled the House Committee on the Judiciary a "bottleneck." In an unkinder moment, one called the committee a legislative "boot hill."

Although "bottleneck" is probably meant to be pejorative, I refuse to consider the term that way. A bottleneck can be utilitarian. It is a narrow passage designed for an orderly and controlled flow. It is not a cork.

Imagine the waste of fine wine if it were poured from Mason jars rather than from elegant bottles or decanters. Think of the mess if catsup gushed forth unimpeded by a bottleneck. Heaven knows, it's tricky enough pouring catsup with a bottle even now. (And I must say that I don't think our entrepreneurs helped matters much with those little foil packets that require the strength of a Samson to open.) Now think, if you can bear to, of what would happen if legislation poured unchecked from Congress . . . if there were no committees to regulate the flow.

The committee system by its very nature is a bottleneck. It has been carefully molded, shaped, and refined over the 200-year history of our Republic. Congressional committees have investigative and oversight obligations; they also funnel bills to the floor.

In recent years, however, this carefully crafted system has come unraveled. Today the object is to legislate quickly and to use any means to achieve one's end—a year-end continuing resolution, budget resolution, or whatever—any way to escape the time-consuming regular process. Over recent years, House members have given the words "Christmas tree" an entirely new meaning.

Occasionally, I admit, there may be emergencies that require swift action by Congress. But even then, Congress has an obligation to proceed with care. The committees are engaged in fashioning public policy of a higher order, policy that is meant to endure. They should not be stampeded by emotional efforts to amend the Constitution or to enact laws that would threaten constitutional principles. The Congress should not react reflexively to every perceived crisis or unpopular court decision that comes along, no matter how loud or passionate the cry for a quick fix. Caution and an awareness of the obvious—that committee members are not infallible—must moderate committee action.

It has been pointed out that Congress is a body made up of 535 diverse people that are not designed to be fast on their 1,070 feet. Delay is preferable to error, as Jefferson said, and good law, like good wine, takes time.

Lately I can't help but feel that the sense of deliberation that used to infuse Congress, in both houses, has been lost. Wandering around Capitol Hill talking to lots of folks, I get a sense that they think legislation will cure every ill. Frequently, the motivation is publicity or reaction to a strong, vocal group or a segment of 60 Minutes or a story in the Washington Post or the New York Times.

Not nearly enough time is spent in unearthing the facts. Is there really a problem? Is the only way to fix it federal legislation? Legislation feeds on itself. The more bills Congress enacts, the more it needs to enact to correct the mistakes it made and the problems it created with the first legislation. (An example is the tax bill—the subsequent technical-amendments bill is more than 450 pages.)

A sort of feeding-frenzy feeling comes over me when I watch Congress at work these days. It would be wise of the members to slow down, refuse to be stampeded by watever mediagenic pressures are being applied, and do what great legislative bodies do well—deliberate.

Another sign of this popular frenzy is in the area of constitutional amendments. Advocating amendments has become very popular.

While our founding fathers wanted a constitution that was neither too rigid nor too mutable, thank goodness they did not make it too easy to amend. Commentators point to this trend to offer many amendments as an indication of a lack of understanding of how a constitution differs from ordinary law; they suggest we, as a people, may be losing faith in republican politics.

Ten-thousand amendments have been proposed in Congress since 1789. Only 33 have been referred to the states for ratification, and only 26 have been ratified.

There has been a gradual and steady increase in the number of constitutional amendments proposed. Nearly half of all proposed amendments have been proposed since 1957; nearly one-third since 1969. Also, more and more of the proposals have dealt with rights of individuals (voting, equal rights, abortion, school prayer) as opposed to form (president elections, congressional terms, judicial terms). Some have become symbols: ERA and the balanced budget come to mind.

Then we have the handy-dandy do-it-yourself lawmaking took—the initiative. Some 23 states and the District of Columbia use the initiative. Common Cause says if you hire the right people you can qualify anything for the ballot. In California, there are a dozen initiative-circulating consulting firms—the "initiative industry"—that are now branching out into other states. What was originally, designed to be a volunteer or citizens' effort, which grew out of a progressive era in the West, has become a slick and professional industry.

The initiative process could over-shadow legislative efforts. The process can pressure members of legislatures to take action they would not otherwise take.

We may be over-legislated, over initiatived, and over-amended. It's time to let legislatures do what they should do best—deliberate.

GOLD STAR MOTHERS DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GILMAN. Mr. Speaker, today I am introducing legislation designating September 27, 1987, as "Gold Star Mothers Day." I would also like to thank my colleagues who have joined me in cosponsoring this resolution.

On June 4, 1928, a group of 25 mothers, comprised of mothers who had lost a son or daughter in World War I, gathered in Washington, DC, to form a national organization to be known as the "American Gold Star Mothers, Inc.," a nondenominational, nonprofitable and nonpolitical organization. From 1928, their membership has grown to over 5,000 women, which include mothers throughout the United States; North, South, East, and West. Today, any mother who is a citizen of the United States or of the territorial and insular possessions of the United States, whose son or daughter served and died in line of duty in the Armed Forces of the United States of America or its Allies, or died as a result of injuries sustained in such service, is eligible for membership in American Gold Star Mothers, Inc.

During the days of World War I, a Gold Star was used to represent each person in the military service of the United States who had sacrificed their life for their Nation. The idea of the Gold Star was that the honor and glory accorded the person for their supreme sacrifice in offering for their country, the last full measure of devotion and pride of the family in this sacrifice, rather than the sense of personal loss which would be represented by the mourning symbols. Thus the term "Gold Star Mother," as applied to mothers whose sons or daughters died in the world wars, came into being.

American Gold Star Mothers is a member of the Advisory Board of the Veterans' Administration Voluntary Service. All chapters of American Gold Star Mothers throughout the United States give many hours of volunteer work and personal service in all hospitals for veterans and to the veteran and his family and their community. The Gold Star Mothers organization works closely with all veterans organizations.

American Gold Star Mothers are committed to keeping alive and developing the spirit that promoted world services; maintaining the ties of fellowship born of that service, and assisting and furthering all patriotic work; inculcating a sense of individual obligation to the community, State, and Nation; perpetuating the memory of those whose lives were sacrificed in our wars; and promoting peace and good will for the United States and all other nations. This is an organization of mothers whose sons and daughters served and died that this Nation and the world might be a better place in which we live.

Accordingly, I urge my colleagues to support the bill, the text of which follows:

H.J. RES. 355

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired our Nation throughout our history;

Whereas we honor ourselves and the mothers of America when we revere and emphasize the role of the home and the family as the true foundations of our Nation;

Whereas by doing so much for the home, the American mother is a source of moral and spirtual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Veterans' Administration, and aid the men and women who served and died or were wounded or incapacitated during hostilities; and

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing sons and daughters who served in the Armed Forces, and thus perpetuate the memory of all whose lives were sacrificed in our wars: Now, therefore, be it

Resloved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 27, 1987, is designated as "Gold Star Mothers Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

DEMOCRATS FACE A FISCAL GRIDLOCK

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LAGOMARSINO. Mr. Speaker, as we debate the merits or demerits of new tax increases, I would like to offer an editorial from the Santa Maria (CA) Times which bears directly on this issue. The Times points out, correctly, I feel, that feeding the deficit with higher taxes only whets the appetite in Washington for higher spending. This is a view which cannot be ignored and I request that the editorial be included in the RECORD.

With the television spectacle of the Iran-Contra hearings providing a noisy diversion, Democratic lawmakers have begun trying to figure out how to raise taxes by nearly $65 billion over the next three years.

That is the amount of new revenues envisioned by the budget resolution passed in May by Democratic majorities in the Senate and House over the strong protests of President Reagan.

Of this total, $19.3 billion in higher taxes is needed for fiscal 1988 to reduce the deficit to $134 billion, according to the Democratic plan. The budget proposed by the White House in January would have achieved the same deficit level without the tax increase, but Democratic lawmakers months ago rejected the cuts in domestic spending sought by the President.

Even with the higher taxes, which are not likely to be enacted over President Reagan's promised veto, the 1988 deficit would be $26 billion higher than the $108 billion target established by the Gramm-Rudman Act. Lawmakers are grateful to flout the law now that the Supreme Court has removed its teeth—a provision triggering automatic, across-the-board spending cuts if the deficit-reduction targets are not reached by Congress.

Now, the Democratic leaders of the Senate Finance Committee and the House Ways and Means Committee, where revenue bills originate, are faced with delivering on their pledge to hike taxes.

Their aim is to portray the Democratic Party as fiscally responsible by considering, among other measures, an additional 50-cent tax on a six-pack of beer and a 10-cent per gallon tax on gasoline on top of the current 9-cent federal fuel tax. What many Democratic lawmakers seem to have forgotten is that Walter Mondale pledged to raise taxes under the guise of fiscal responsibility and was soundly drubbed in 49 states.

There are many flaws in the Democratic approach to the deficit.

The principal one is the specious premise that boosting taxes will produce a commensurate decrease in red ink. On the contrary, feeding the deficit with higher revenues only whets the insatiate appetite on Capitol Hill for higher spending, which inevitably negates the benefit to the deficit. History has demonstrated this truism time and again.

In addition, the Democratic-proposed increases in excise taxes on liquor, cigarettes, gasoline, and interstate telephone calls would shift the deficit-reduction burden to lower-income persons, who spend a larger share of their wages on such items.

Such regressive taxes defy the Democratic Party's traditions but are the main sources of higher revenue left after House Speaker Jim Wright struck out miserably in calling on Congress to raise income taxes for the upper-middle-class only months after tax rates were lowered in exchange for eliminating most deductions.

IN SCHOOL TOGETHER, SCHOOL-BASED CHILD CARE SERVING STUDENT MOTHERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MILLER of California. Mr. Speaker, I would like to call to the attention of my colleagues a new book, "In School Together, School-Based Child Care Serving Student Mothers," that was developed by the Academy of Educational Development's new Support Center for Educational Equity for Young Mothers. This book was created to serve as a resource to improve educational and economic opportunities for teen parents. It is a how-to guide for creating school-based child care centers for children of teen parents describing the phases of the development process including support strategies, staffing, program and policies, funding, and evaluation.

As the report indicates, and as testimony before the Select Committee on Children, Youth, and Families has repeatedly confirmed, lack of child care is a critical component of any dropout prevention program for teen parents. School-based child centers allow mothers to complete their education and become independent and productive adults, as well as prevent them from having repeat pregnancies. Also, these centers offer parenting education and support services for teen parents and their families, to enhance child development and ensure family stability.

The Academy for Educational Development visited the following child care centers to gather information needed in order to implement child care in school-based settings: Center for Infant Development, Elizabeth, NJ; Crib Infant Care Center, St. Louis; Murray-Wright Infant-Toddler Child Development Center, Detroit; Polytechnic Child Care Center, Fort Worth; Rule High School Preschool/Parenting Learning Center, Knoxville; and Living for the Youth Family through Education [LYFE], Brooklyn.

This report is an invaluable guide to any community or school district concerned about teen parenting and considering a positive and successful method of intervention.

TRUTH IN LABELING

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. ROTH. Mr. Speaker, it is a fact that approximately 75 percent of the frozen pizzas produced in the United States are made with imitation cheeses. The consumer is unaware of the percentage of imitation cheeses in our pizza. H.R. 2891, the truth in Pizza Labeling Act of 1987 will rectify this by making the truth known to the consumer.

The artifical cheeses used by the pizza manufacturers are made from the imported milk protein, casein, which USDA studies have confirmed is causing a steadily-increasing interference with the dairy price support system. It is estimated that the enactment of prominent labeling for frozen pizzas would save the Government a projected $56 million a year by utilizing more real cheese and decreasing Federal inventories.

Besides saving the taxpayers money, H.R. 2891 would clean up conflicting regulations governing the labeling of pizza. There is a great deal of inconsistency within the Government on the labeling of frozen pizzas. The Food and Drug Administration regulates frozen cheese pizzas and requires 100 percent real cheese to be used. However, the Department of Agriculture, which regulates meat-topped pizzas, only mandates 10 percent real cheese. As a result approximately 75 percent of frozen pizzas are not made with real cheese.

Consumers presently have no indication that they are purchasing a frozen pizza made with artificial ingredients. The discriminating buyer would purchase the "real" item if the price was comparable. It is only reasonable to demand that the necessary information be readily available. Let the consumer decide whether to purchase a frozen pizza made with real cheese or an imitation.

A consistent labeling policy for frozen pizzas would clearly be in the best interest of the consumers. In addition, we should do everything in our power to utilize our own substantial supply of dairy products. It is our Nation's best interest to end consumer deception and let competition regulate the marketplace. I strongly urge my colleagues to cosponsor this responsible legislation.

THE SCHOMBURG CENTER EXHIBIT COMMEMORATING THE 100TH BIRTHDAY OF MARCUS GARVEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. RANGEL. Mr. Speaker, I am pleased to have this opportunity to share with you, and the Member of this body, the New York City event opening the centennial celebrations of the birth of Marcus Garvey. Each day this week I have come before the Members of this illustrious body to inform them of the activities, both here and abroad, honoring this extraordinary man. And, I feel it is extremely fitting that I should close this week with a commemoration of the opening of the Schomburg Center for research in black culture exhibit.

The Schomburg Center houses the largest collection of African-American history and artifacts in the world. The hub of major black cultural life, the center sponsors activities and disseminates information that illuminates and enhances its resources. In a fitting tribute to one of the giants in African-American history, the Schomburg's Marcus Garvey: The centennial, exhibition will feature more than 300 photographs, manuscripts, prints, publications, paintings and memorabilia.

I want to praise the Schomburg for its insight in capturing and making this celebration a reality. As the leader of the largest African-American movement in this country, Marcus Garvey is deserving of the recognition that he is receiving in this the centennial year of his birth. He popularized the attitude that "Black is Beautiful," and stressed the need for unity and a sense of purpose of the black community.

The Schomburg Center must be commended for securing the services of Dr. Robert Hill, one of the foremost authorities on Marcus Garvey, as guest curator for this exhibition. An associate professor of history at UCLA, Mr. Hill is best known as director of the Marcus Garvey and UNIA Papers project. Commenting on the exhibit, Mr. Hill said:

> This is a momentous, historic event. Marcus Garvey was an icon of New York and we are presenting, for the first time in an historical context, rare, orginal manuscripts, visual media and memorabilia from around the world which document in compelling ways the rise, fall and enduring relevance of Garvey and Garveyism.

Both the legacy of Mr. Garvey and the tenets of the Schomburg Center represent what is unique and exciting about African-American culture, representing our strength and character as a collective people. I would like to close by encouraging all of my colleagues to learn more about this exciting man. If any of you are in New York City please take the time to visit the exhibit at the Schomburg Center. It opens to the public on August 8 and will remain on view until March 5. Marcus Garvey was a true prophet and a revered leader of the black community, and more people should know about his contribution.

HEALTH MAINTENANCE ORGANIZATION AMENDMENTS OF 1987

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce today H.R. 3225, the Health Maintenance Organization Amendments of 1987.

This bill addresses a number of issues that have arisen in recent years regarding the requirements the Federal Government imposes on HMO's that seek Federal qualification and on the employers that offer federally qualified HMO's to their employees. The bill would give HMO's additional flexibility in their corporate structure, the organization of their physician services, and the rating systems by which they establish their premiums for enrolled members. The bill would clarify for employers the level of contribution they must make on behalf of employees under their health benefits plans when employees enroll in HMO's as opposed to the other health insurance options offered by the employer. (Employers would be required to make contributions for employees enrolling in HMO's in an amount that does not financially discriminate against them.) Finally, the bill would make clear that State laws and regulations cannot impose requirements on HMO's that prohibit the HMO's from complying with the conditions of their Federal qualification.

Mr. Speaker, the HMO law—title 13 of the Public Health Service Act—has proven to be one of our most important public health statutes. These amendments are a further fine tuning of that law.

Title 13 was established in 1973 and has been modified on several occasions. The law has generated the development of hundreds of prepaid health care organizations that have changed the face of medical care in this country. HMO's have successfully controlled health care costs and, by their very presence, forced other providers and insurers to become more efficient and less costly.

The Federal qualification process, by which the Department of Health and Human Services reviews applications from HMO's to become federally qualified, remains at the heart of the law today. The compliance by HMO's with the requirements of their Federal qualification provides assurance to employers and their employees that HMO's which serve them will be fiscally sound and well managed and will provide good quality health care in an economical way.

The HMO law plays a major role in our health care system today. This bill will improve the law.

INTRODUCTION OF THE NUCLEAR PROLIFERATION SANCTIONS ACT OF 1987

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. FORTNEY. Mr. Speaker, I rise today to introduce legislation to broaden, harmonize, and update our nuclear nonproliferation laws. My bill, the Nuclear Proliferation Sanctions Act of 1987 [NPSA], is designed to provide more flexibility to and fill gaps in the Nuclear Non-Proliferation Act and the Glenn-Symington amendments to help us to enforce more effectively our policy that nuclear proliferation should be stopped dead in its tracks.

An effective nuclear nonproliferation policy rests upon two main supports: the will to act against countries that violate our policy, regardless of possible harmful effects to our bilateral relations; and the flexibility to tailor our response to the specific situation we face so that we can exert the maximum amount of leverage on the offending countries.

So far, our will has been weak, mainly because there has not been a consensus on the importance of nonproliferation. Nuclear proliferation has not received the attention it deserves; in fact, it has not even reached the agenda of general public discussion. Because we tend not to address a problem until it is generally perceived to have reached crisis proportion, there has been little attempt to determine the status of nuclear proliferation and to propose ways to curb its expansion. With this subject, though, we cannot afford to delay action, for the costs of a crisis, in human, economic, and environmental terms, are just too great. By the time a nuclear weapon is exploded by a nonsuperpower country or a terrorist organization, the realities of proliferation will be too intractable and the time to solve them too short for us to prevent a disaster of unthinkable horror. Stronger will cannot be legislated, it can only be achieved through greater education about the perils of nuclear proliferation and public insistence that the issue be given a higher priority in our relations with other nations.

The flexibility that our existing laws give us has also been lacking, largely because they are too narrow in both the scope and degree of responses to certain actions. Under Glenn-Symington, for example, if a country takes certain steps to develop a nuclear capability, the United States would be obliged to cut off foreign aid. That is all there is to it—if you take a certain critical step you lose all aid. There are no provisions to respond to more preliminary steps along the proliferation process nor are there options to make other responses.

This narrowness raises three major difficulties. First, a country can move right up to the threshold of a nuclear capability with total impugnity. By the time it gets that close, just one step away from the tantalizing land of nuclear independence, it may be willing to risk its U.S. foreign aid for the power and prestige that nuclear status would bring it. If, however, we were to penalize a country at each step of the process, and make those penalties increasingly more severe, it might well decide at an early stage that the still-distant possibility of a nuclear capability did not warrant the loss of very tangible benefits in the present.

Second, the all-or-nothing nature of the sanctions reduces our ability to negotiate. For less serious violations we would be unwilling to take the drastic step of a total cutoff of foreign aid and would therefore do nothing. For very serious violations we would be more likely to cut off aid but would then have no further leverage if that drastic step did not work.

Third, the threat to cut off foreign aid means very little to countries to whom we do not give much aid but means an awful lot to countries that receive substantial amounts of aid. Most of our foreign aid goes to five close allies: Israel, Egypt, Pakistan, Turkey and the Philipines. For the rest of the world, our aid is of relatively small consequence. The result is that a certain action by one of those five will, in effect, be punished more severely than the same action by some other country. This inconsistency generates tremendous resentment, particularly because the countries being more severely treated by these laws are, ironically, among our closest friends. For example, if we were to enforce Glenn-Symington against Pakistan, it would lose a 6-year, $4 billion aid package. If we were to enforce it against India, its regional rival, it would lose about $150 million a year.

Clearly, we need to approach this issue with some new tools. We need to use a scalpel rather than a meat cleaver. My legislation, the NPSA, would provide the needed precision by establishing three levels of violations, four types of sanctions and a process to enable the President to tailor the punishment to fit the crime while retaining maximum leverage.

The three levels of violations are as follows: "most threatening actions," which include detonating, transfering or receiving a nuclear weapon or obtaining weapons-grade uranium or plutonium; "very serious actions," which include transfering or receiving enrichment or reprocessing technology without full-scope safeguards; and "serious actions," which include violating, abrogating, or terminating a safeguards agreement with the IAEA or the United States or failing to sign the Nuclear Non/Proliferation Treaty by January 1, 1989.

If the President determines that a country is guilty of one of those violations, he must examine four U.S. aid relationships—foreign aid, trade concessions, World Bank loans and Eximbank assistance—and determine which is the most valuable relationship to the offending country. That relationship would be designated the "primary assistance relationship" and the other three would be "secondary assistance relationships."

Having determined the violation and established the ranking of aid relationships, the President would then levy the punishment. For a "most threating action" the President would be required to terminate aid under the primary relationship and could terminate aid under any or all of the secondary relationships. For a "very serious action" the President could cut off the primary relationship and would have to cut off at least one of the secondary relationships. For a "serious action" the President could, at his discretion, eliminate any of the four aid relationships or do nothing. There are, of course, provisions for waivers and suspensions for national security reasons.

Mr. Speaker, I believe that the greatest improvement the NPSA represents over current law is the flexibility that it gives the President to address troubling behavior by a country in the proliferation area before it becomes a major problem and to tailor the U.S. response to fit the offense. It should allow us to act sooner and more surgically with weapons other than diplomatic jawboning. And, by providing for sanctions under four different aid relationships, rather than just one, it enables us to treat similar offenses by different countries more equally, thus obviating the argument that we deal more harshly with our allies in the area than with others less friendly to us.

The NPSA builds upon the concepts and foundations in the NNPA and the Glenn-Symington amendments to deal with the problem of proliferation through the end of the century. We cannot sit still while countries pursue a nuclear capability, for each country that is added to the nuclear rolls represents an exponential increase in the threat to us all of a nuclear disaster. We owe it to ourselves and our children to be diligent on this issue and the NPSA will allow us to translate our commitment to nonproliferation into concrete action. I urge my colleagues to join with me in this effort.

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MILLER of California. Mr. Speaker, recent reports indicate rampant abuse of children in foster care. In 1980, I authored the Adoption Assistance and Child Welfare Act, which was designed to guarantee that States would monitor children in foster care to ensure their well-being and provide them with needed services. But many States and particularly the Department of Health and Human Services have failed to enforce the law.

In 1986, I brought to the attention of HHS and the GAO violations of PL 96-272 by the State of California. The State was using Federal funds to warehouse foster children with delinquent youths in an isolated detention camp in the Nevada desert. As a result of studies that I ordered, HHS directed California this spring to repay the Department $434,000, and has pledged to tighten current regulations that have permitted serious abuse of the foster care system and misuse of taxpayer dollars.

HHS Secretary Otis Bowen has assured me that his Department's administering of 96-272 had been effective in protecting foster children. Yet just yesterday, researchers in California released a report documenting the neglect of major medical and mental health problems suffered by children in foster care. The report's author said he had found that many children "are not getting any kind of assessment or treatment" as they enter foster children's programs, despite our knowledge that they are usually in the system because they have been sexually or physically abused, neglected or abandoned. If the children are screened at all, he said, it is usually by an emergency room doctor with no appreciation of what they have suffered or what their needs are.

This outrageous state of affairs is not limited to California. In recent testimony before the Select Committee on Children, Youth, and Families, expert witnesses from around the country said that inadequate resources were being allocated to provide the basic services mandated by Public Law 96-272.

With no one looking out for them, the well-being of foster children increasingly depends on lawsuits filed by public interest groups. Last week, for instance, a Federal judge in Maryland ordered the State to obey Public Law 96-272 and take tangible steps to protect these children. Reacting to the physical, sexual, and emotional abuse of foster children in Baltimore, he ordered a strict monitoring program, as was mandated by the 1980 act. As a result, Maryland officials will finally be compelled to visit and appraise every child in foster care periodically and to review each foster home in the city to ensure that it meets State licensing standards.

But foster children cannot depend on lawsuits. The Maryland ruling is an exception, not the rule, and it sends an important and overdue message to Federal HHS officials and to the States: The abuse and neglect of foster children is intolerable and illegal.

The Nation's foster care system was designed to provide temporary homes to children pending adoption or a return to their parents, and to provide services during foster placement to ensure the children's safety and health. Since most children spend years in foster care—the average stay in Maryland is 5.1 years, and in Baltimore 7.4 years—it is incumbent upon Government to monitor the quality and safety of the homes in which we place these vulnerable children.

I urge you to read the following two articles: one from the Washington Post about the Maryland decision, and the other from the San Francisco Chronicle about the State's continued neglect of foster children.

[From the San Francisco Chronicle, Aug. 5, 1987]

BIG PROBLEMS IN FOSTER CARE CITED IN REPORT

(By Charles Petit)

Foster children in California suffer major medical and mental health problems because disorganized and understaffed county programs cannot keep up with them, according to a report to be published today.

Dr. Neil Halfon, director of the Center for the Vulnerable Child at Children's Hospital in Oakland, said a survey of foster care in 14 California counties showed: "Many kids are not getting any kind of assessment or treatment as they enter foster children's programs.

"Yet they are usually in the system because they have been sexually or physically abused, neglected or abandoned."

Only one California county—Ventura—has a thorough system for evaluating the mental health of its young charges and providing regular counseling and follow-up, he said.

Halfon, a pediatrician, blamed Proposition 13, the tax-cutting measure passed in 1978 by the state's voters, for many of the difficulties facing the estimated 33,000-plus foster children in the state.

"In Alameda County, prior to Proposition 13, they had half a dozen people doing assessments on foster kids. Now they practically have none."

He would single out no counties as the worst, but said the survey of foster care administrators, doctors, social workers and others in the field "found just about all of them have major problems." Bay area counties surveyed include San Francisco, San Mateo, Alameda, Solano and Santa Clara.

"These kids have a high prevalence of medical and mental health problems, as you would expect given their history, but usually if they are screened at all it is by an emergency room doctor with no appreciation of what they have been through or their special needs," said Halfon.

Halfon conducted the survey with Linnea Klea of the Institute for Health Policy Studies of the University of California at San Francisco, under a grant from the David and Lucille Packard Foundation of Los Altos. Their report is being published today in the journal Pediatrics, published by the American Academy of Pediatrics.

The Packard Foundation, responding to the study, is also financing pilot programs in foster child medical screening in Santa Cruz, Monterey, San Diego, and Alameda counties, Halfon said.

"These kids are abused and neglected by their home situations, and then they come into the foster care system and they are abused and neglected by the state," he said.

[From the Washington Post, July 30, 1987]

FOSTER CHILD ABUSE RULING FAR-REACHING

(By Paul W. Valentine)

BALTIMORE.—Attorneys in a widely heralded foster home abuse case here say a ruling by a federal judge Tuesday goes well beyond previous cases elsewhere in the country in requiring government agencies to protect children in state custody.

In the relatively new field of foster care litigation, U.S. District Judge Joseph C. Howard ordered state officials to take several specific steps designed to tighten supervision and weed out unfit foster parents.

Howard's ruling came in a 55-page preliminary injunction issued Tuesday after he heard testimony of widepread physical, sexual and emotional abuse of hundreds of foster children in Baltimore in a case brought by the Maryland Legal Aid Society and the Washington-based Children's Defense Fund.

In his highly detailed order, Howard directed officals of the state Department of Human Resources to monitor every child in a foster home at least once a month.

In cases where there has been a complaint of mistreatment, he ordered weekly visits by caseworkers.

In addition, the judge ordered officials to report all complaints to juvenile court authorities and the child's attorney within five days of the complaint.

He also required officials to submit a plan within 20 days for review of each foster home in the city to see that they meet licensing standards.

Relying on the few previous cases on the subject, Howard ruled that the U.S. Constitution's 14th Amendment guarantee of due process extends to state-supervised foster children—as it does to prisoners and mental patients—and they thus should be free from harm.

The judge "clearly has said foster children have the same rights," Legal Aid Society lawyer William L. Grimm said in an interview today.

A high-ranking official in the Maryland attorney general's office grudgingly agreed. "The case is not groundbreaking, but it's important," he said.

The attorney general's office is defending state foster care officials in the Legal Aid case.

Officials said they are studying a possible appeal of Howard's ruling.

There are about 2,800 foster children in Baltimore and 5,000 to 5,500 throughout Maryland, including hundreds in Prince Georges and Montgomery counties.

Attorneys on both sides of the case said they did not know whether Howard's order could be applied only to Baltimore foster homes or all homes in the state. Grimm said he believes no other court in the country has issued such a far-reaching order requiring monitoring, licensing compliance and reporting to juvenile authorities.

Previous cases are scarce.

A federal judge in Louisiana ruled in 1976 that foster children are entitled under the Social Security Act to proper care and medical services, Grimm said.

But, he said, a more important 14th Amendment "breakthrough case" came in 1981 in the 2nd U.S. Court of Appeals.

The court held that under the amendment, a state agency could be held responsible for the child's sexual abuse by a foster parent if the agency had failed to supervise the child's placement in the foster home adequately.

Several attorneys in the Baltimore case said successful placement of foster children is an inexact science at best: The children often are the products of broken or socially disrupted homes and suffer a range of emotional problems; some foster parents are lured by the promise of payments by the state—about $320 a month per child—and have little genuine interest in the child.

"It's an incredibly intractable problem," said one official in the attorney general's office.

Grimm acknowledged that unqualified foster parents are a major problem but said there are "also a lot of good, almost angelic foster parents, too."

Added to the problem, according to a Maryland governor's foster care task force report issued in January, is that children often "linger on" for years in what are supposed to be temporary foster homes until they can be assigned to adoptive parents or returned to their parents.

According to the report, the average stay in the state is 5.1 years.

In Baltimore, the average stay is 7.4 years.

THE FUTURE OF NATO

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GARCIA. Mr. Speaker, I am submitting the final two installments of Elizabeth Pond's series of articles on the future of NATO which appeared last week in The Christian Science Monitor.

As chairman of the North Atlantic Assembly's Civilian Affairs Committee, I have come to appreciate just how important NATO is to the security of the United States and Western Europe. This is not to say that it is above criticism or scrutiny. It is only to say, that the Alliance has and does serve a useful purpose as an organization dedicated to keeping the peace.

I am submitting Ms. Pond's provocative article to help keep my colleagues informed on current issues facing NATO.

WILL THE REST OF EUROPE JOIN IN?

(By Elizabeth Pond)

BONN.—Will the rest of Europe join in? Can what the French call their "alliance within the alliance" with West Germany become the core of a pan-European defense, as both President Francois Mitterand and Prime Minister Jacques Chirac hope?

The answer depends primarily on the "strong man" of Europe, Prime Minister Margaret Thatcher, and on how far she carries Britain's newfound acceptance of European identity into the domain of conventional and nuclear security. It depends further on Italy's demonstrated desire to play a political role commensurate with its newfound economic muscle. And it depends further still on how the smaller countries also take part in collaborative weapons procurement and the jerky process of "revitalizing" the Western European Union (WEU), the seven-nation pact on collective security, comprising the four large European states and the Benlux countries and dating back to 1954.

Jean Picq, a defense policy adviser to Mr. Chirac, presents a strong case for a unified European voice that could be "clear" on a "European conception of security." Such a development, he says, would be "the beginning of the comeback of Europe for Europe." And it would, he says, increase the chances that Europe will be listened to.

In the "post-Reykjavik" world, he suggests, if Europe "doesn't weigh in on this [security issue], it won't exist anymore."

The British Foreign Office has somewhat the same view, though being British, it is less interested in French-style declarations of principle than in practical measures of coordination.

Mrs. Thatcher, by all accounts, while jolted by the American disregard of Europe at the superpower summit in Reykjavik, Iceland, last October, is still less troubled than her ministries; she tends to put less store in a European "alliance within the alliance" than in the rest of the Anglo-American special relationship and her own ability to persuade President Reagan to alter vexing policies.

In the conventional field, the British have some impatience with the apparent inconsistency between French rhetoric about European solidarity and continued French aloofness from NATO. One official in London, while welcoming France's increasing engagement, suggested dryly that daily cooperation between the British Army on the Rhine and West German forces far surpasses the occasional ballyhooed French-West German maneuver.

Thatcher has recently made a point of consulting the French on East-West issues, however; she conspicuously visited both Paris and Bonn before her trip to Moscow this year. And there is an obvious rapprochement of bilateral British and French interests in the nuclear arena.

Whatever the considerable differences in their nuclear doctrines and planning, the two countries have a common desire to protect the effectiveness of their own arsenals both against any double regime of antimissile defense ("star wars") and against the cuts in purely European capability that Moscow repeatedly tries to extract from superpower arms control negotiations. The projected sixfold or more proliferation of British and French warheads in the next decade will make these questions especially acute in a period when the superpowers will presumably be pruning their much larger nuclear inventories.

One idea that some European strategists are toying with—others reject it summarily—is coordinating French and British nuclear deterrence with sufficient ambiguity for Moscow to think that the two may be extending this deterrence to cover West Germany as a kind of "reinsurance" to the American nuclear guarantee.

Britain's nuclear force is, of course, already committed to NATO, and therefore to West Germany, in most circumstances. The real question mark for any "extended deterrence" is therefore France. And a major question for London in nuclear cooperation is how far Paris might be ready to adjust its nuclear doctrine of one all-out spasm to NATO's doctrine of graduated escalation.

A few strategists in and outside France speak of some "convergence" already, and France did agree last month to receive some nuclear information from NATO for the first time in decades. Full convergence is still a long way off, however; in circular logic, any French moves toward NATO doctrine at this point are perhaps best measured in whatever British-French cooperation develops.

Certainly both right and left mainstreams in Paris welcome in private the prospect of increased bilateral nuclear coordination. And British and French officials note that bilateral contacts have long since established mutual landing rights of nuclear carriers in emergencies and lately have discussed tentatively the possibilities of joint submarine maintenance, coordinated submarine sailing schedules, and perhaps even interchangeability of missiles between the two countries' submarines. Any cooperative targeting is a much more sensitive question.

Sir James Eberle of London's Royal Institute of International Affairs thinks that the "sheer requirements of size [for nuclear deterrence] to be minimally credible in the 21st century" in an environment of some strategic defense will compel "Britain and France to get their heads together and think what the next systems after the present ones should be." He also believes that "Britain and France will be forced to de facto extended deterrence."

Dominique David of the Foundation for National Defense Studies, in Paris, also envisages a situation in which "France does not cover Germany officially, but where the Soviets may not intervene in Germany without asking if the French will respond. The basis of credibility in the Federal Republic of [West] Germany is that the Soviet Union cannot be sure that France will not respond with nuclear arms to defend West Germany."

Along the same lines, defense adviser Picq argues that the proper question is not extending a French nuclear guarantee to West Germany, but rather "establishing a situation where adversaries see a common destiny of these countries so that this has the same effect" as extended deterrence.

In the conventional area, if there is a move toward greater political military coordination in Europe, the likely channels for it are intensified bilateral contacts, the independent European Program Group (IEPG), and the WEU.

For years the WEU languished, until the French resurrected it in the 1980s as a standing, convenient, non-NATO forum that France belongs to, that is strictly European, and that moreover comprises only Europeans who are, as one British diplomat put it, "serious" about defense.

The French temporarily lost interest in the WEU once the West Germans actually deployed NATO Missiles in 1983 and French worry about potential German neutralism subsided.

The Reykjavik summit and the Euro-missile arms control negotiations rekindled French fears about the Germans, however, and added new fears about the decline of Mr. Reagan and the seductive attractiveness of Soviet leader Mikhail Gorbachev. Chirac is therefore now campaigning to crown the WEU's two-year "revitalization" this fall with a new "charter."

The WEU's sister organization, for European cooperation in weapons procurement, is the decade-old IEPG. The record of multilateral and bilateral efforts so far is spotty, with some expensive successes like the Tornado fighter aircraft, and some busts like the French-German tank.

The multilateral European fighter, the biggest project for the 1990s, is proceeding without French participation, not for lack of French government enthusiasm, but because of the refusal of the Dessault corporation to compromise on its share.

The trend shows a gradual increase in collaborative production. West Germany, Britain, and Italy are involved in most projects, and Britain now spends 15 percent of its equipment budget on collaborative programs.

Whatever the chosen forums, there is clearly more incentive for the Europeans to hang together in security now than at any time since France vetoed the European Defense Community in 1954. The motor of a sense of crisis in the West German elite about gathering American disengagement and in the French elite about America and West Germany propels both Bonn and Paris in this direction.

The British elite, although not feeling the same degree of urgency, does not want to and will not be left behind, nor will Italy. And a Dutch official expressed the sentiment of several of the smaller countries in saying recently that his nation, too, would like to contribute troops to any joint French-West German brigade.

A West German general comments, "I think there is a spreading feeling in France as in Germany that we have to succeed or we will perish." About Britain he is not yet sure.——

EUROPE: A US PILLAR OR RIVAL IN NATO?

(By Elizabeth Pond)

BRUSSELS.—There are two schools of thought in the United States about closer European cooperation. Washington vacilates between them.

One view—this has prevailed in public pronouncements over the years—holds that European integration is good for the US and would provide in defense a strong European "pillar" for NATO that is very much needed.

In particular, it could increase the conventional military contribution of the rich and populous Europeans to a more proportional share and relieve America's military and economic burdens.

In part it could do this by fostering quiet French cooperation with NATO, while letting Paris formally disclaim any such rapprochement in order to preserve the French security consensus for Gaullist independence.

The contrary view—this one tends to appear whenever American officials descend from the level of broad policy goals to the nitty-gritty of everyday decisions—is that a unified Europe would become a rival and make it hard for the US to exercise the leadership that a superpower must display within its alliance. In more elegant language, Henry Kissinger used to contend in his time as secretary of state in the 1970s that the European habit of laboriously negotiating a compromise position and then presenting the final product to the US as a take-it-or-leave-it proposition was quite intolerable.

And American diplomats—impatient with the obverse tendency of European governments to feud and cancel out each other's views—contend that a single dominant leader like the United States is indispensable to knock heads together and force NATO to reach any decisions at all.

Not surprisingly, the Europeans view the phenomenon of superpower leadership somewhat differently. To them it seems that the US often plays one European off against the other to secure the kinds of alliance decisions Washington wants. But Europeans have only themselves to blame, they readily concede, since their disunity allows this to happen and ensures that it is always the US that proposes and Europe that weakly reacts.

Moreover, Europeans also see their efforts at establishing a European defense consensus as the only way to prevent the expected American drawndown of troops from being dangerously destablizing to peace in Europe.

As nearly as Europeans can tell, the latter-day Reagan administration has never fully decided between the "pillar" and "rival" theses about European defense cooperation. When the French first revived the Western European Union (WEU) a few years back, a famous confidential letter went out from then Undersecretary of State for European Affairs Richard Burt warning the Europeans not to come to NATO discussions with precooked positions.

The suspicion implicit in this letter has subsequently been disavowed by American officials, including Mr. Burt, now the ambassador to West Germany.

But Europeans take Washington's current endorsement of the WEU and the lack of strong pressures from Washington at the moment more as a sign of disarry within the administration itself than special deference to European sensitivities.

One senior West German official made the classic case for why the US should approve the beginnings of a "European political authority" that might develop as foreign ministers and general staffs prepare for joint security decisions by heads of government.

"You would make available to NATO a larger force, because you would have the French forces [which have not come under NATO's command since 1967], or you would work together for the upgrading of your conventional forces. All that is still in the future, [of course], because the French so far have blocked any progress toward this."

But the important outcome he hoped for from European cooperation was that "heads of government see to it that ministries of defense get a sufficient part of the budget and get the manpower for sufficient size of forces and make these forces available to NATO with active French participation.

"So it's [less] a question of a European organization than of European manpower armed, of the input into common defense and of French readiness to make available resources to this end and to make available French forces as . . . operational reserves to NATO, with an interpretation saying they can come close to forward defense [near the East-West German border] early in the game."

Certainly some of this is already happening. Although it is a highly sensitive subject, one West German and two French sources said, on the understanding that they not be identified, that French Air Force and field exercises with West Germany are really exercises with NATO.

One source added that representatives of NATO's Military Committee have quietly visited French troops on maneuvers.

Sir James Eberle of the Royal Institute of International Affairs in London, like a number of other Englishmen interviewed, thought that "France would like to see the WEU as a forum that would endorse French ideas and present them to the US."

But he quickly noted, "I think other European countries would see it slightly differently: developing European ideas before discussion in the NATO alliance . . . clearing away some of the undergrowth."

He himself saw defense as the third leg of European cooperation to join with the political aims of the European Community's "Single European Act" that went into effect this month and the economic goal of finally creating a truly free European market by the early 1990s.

This emerging European entity, he suggested, will require that NATO "change to something more of a partnership."

The American-run alliance existed "not because the US necessarily wanted to be the dominant partner, but because Europeans lay on their backs with their legs in the air and said 'please defend us.' This relationship has got to change, and management of that change is the greatest task which now faces us—management of West-West relations rather than West-East relations."

A senior French diplomat also stressed that an evolving European defense identity must not come at the expense of the Americans: "What could emerge since the crisis of Reykjavik is a clear consciousness of European interests, which is not against NATO of course, not ganging up against the US. . . .

"The US should be glad. But after complaining for years that Europeans should be interested in their own security," when they do show this interest, he objected, some Americans don't like it.

A British diplomat was skeptical about French intentions but upbeat about France's actual policy: "Gaullist philosophy has not disappeared and is not lilely to in France. But in terms of what France sees as vital security concerns for Europe, it is coming some way back toward NATO."

The diplomat described the British point of view this way: "We see the WEU, which is always a slightly neuralgic point [in Washington], as a body where Europeans should more clearly identify what their interests are and put them forward in a more coherent and bolder way in the alliance.

Too often we wait for an American initiative and then grumble about it.

"[Foreign Secretary Sir Geoffrey] Howe stressed in his speech in Brussels in March that the alliance will remain the only decisionmaking forum. [The WEU] will be a mind-clearing forum where we don't develop a monolithic view, but a more coherent, better input to NATO."

A colleague added: "I think the WEU must avoid coming into NATO and saying, 'This is it, chums; take it or leave it!' European voices in defense will ultimately be no stronger than their contribution to defense."

He also spoke of the need for explaining to the young generation why defense is necessary and commented, "The dreadful feeling that we defend ourselves to please the Americans is appalling."

Analyzing British reservations about closer European defense cooperation, a member of the NATO secretariat in Brussels summed up the situation by saying, "There is an impetus to cooperation, if cooperation means having French concerns [about the Germans] put to rest. But as always with Britain, this [development] has to complement and not contradict the alliance."

Whether pillar or rival, then, does the new sense of crisis condemn Europe to succeed this time around in its effort to hang together? The analyst cautioned against unrealistic expections.

"For the past four years we have all talked about the impetus to European integration because of Reagan and Reaganism, . . . but I don't see [much result]. There have been a few meetings of the WEU, a few bilateral meetings." This sort of thing "always has to be stage by stage. It will probably emerge without any of us realizing it; there won't be a fanfare of trumpets."

CRISIS IN HAITI

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. OWENS of New York. Mr. Speaker, there is a crisis in Haiti.

Just 4 months after the people of Haiti overwhelmingly voted to approve a constitution providing for a democratic government, the great dream of new, democratic Haiti is suddenly fading, threatened by the greed and hunger for power of the ruling military junta.

The ink was scarcely dry on the new constitution before the CNG began trampling its most basic provisions. Freedom of the press, the freedom of trade unions, freedom of speech, and freedom of assembly and association have been routinely and systematically violated. Dozens of Haitians have been murdered and over 100 wounded by the army in the past few months merely because they dared to exercise their right to engage in peaceful protest. The Ton Ton Macoutes still terrorize the countryside and 2 weeks ago butchered more than 300 peasants in Jean-Rabel.

Most ominously of all, the CNG has moved to strangle the fragile electoral process. In May, the CNG suddenly suspended the authority of the independent Provisional Electoral Council over the elections; public protest later forced the CNG to back down from this blatant power grab but even today the CNG refuses to cooperate with the PEC or to provide it the funds it needs to do its job. No one can now be sure if there will ever be elections in Haiti and if there are, no one can be sure that they will be anything more than a sham. As Secretary of State Shultz observed about elections in Nicaragua:

> An election just as an election doesn't really mean anything. * * * The important thing is that if there is to be an electoral process, it be observed not only at the moment when people vote, but in all the preliminary aspects that make an election really mean something.

Today in Haiti, with elections just weeks away, there are no preliminary aspects to speak of and no commitment by the CNG to elections which really mean something.

There is a crisis in Haiti and it demands urgent action by the United States. It is not enough to wring our hands, deplore the violence, and express our support for democracy in Haiti. We must demonstrate our support for democracy by suspending all nonemergency assistance to the power-mad CNG and by providing technical and financial aid to the beleaguered Electoral Council. We must do everything in our power to ensure that the great dream of democracy becomes a reality for the people of Haiti.

CHINESE POPULATION PROGRAM IS STILL COERCIVE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SMITH of New Jersey. Mr. Speaker, yesterday the House Appropriations Committee completed its markup of the foreign operations appropriations bill for fiscal year 1988.

During the committee's deliberations, they defeated an amendment that sought to overturn the administration's Mexico City international population assistance policy. This policy provides that private voluntary organizations which receive U.S. funds for population assistance programs sign and agreement that they will not perform or actively promote abortion as a method of family planning. The Agency for International Development reports that 800 contractors in 70 nations have accepted U.S. population assistance under the Mexico City conditions. It is important to note that the implementation of this policy has not caused any reduction whatsoever in overall U.S. support for international population assistance programs.

The Appropriations Committee also retained the Kemp-Kasten amendment, which prohibits U.S. funding of organizations which support programs of coercive abortion. Under the terms of the Kemp-Kasten law, the United Nations Fund for Population Activities [UNFPA] has been deemed ineligible for U.S. funding. The UNFPA's strong support of the highly coercive Chinese population program has unfortunately lent international prestige to a program that clearly violates fundamental human rights.

Despite an active disinformation campaign by the Communists in Beijing and their apologists in the population community, there is abundant evidence that the Chinese population program remains highly coercive. Anthropologist Steven Mosher was the first Western expert to publicly reveal the coercive nature of the Chinese program back in 1981. Mr. Mosher returned to China in May of this year and found that these coercive policies are still very much in force.

Mr. Speaker, on July 30, 1987, Steven Mosher testified before the Senate Appropriations' Foreign Operations Subcommittee. I believe that Mr. Mosher's insightful testimony makes a powerful case for the U.S. Government disassociating itself from these abominable practices. I urge my colleagues to carefully consider Steven Mosher's revealing testimony as Congress further deliberates the foreign operations appropriations bill, the foreign assistance authorization legislation, and any other bills that deal with international population assistance programs. Steven Mosher's testimony follows:

STATEMENT ON CHINA'S POPULATION CONTROL PROGRAM

SUMMARY

China's basic policy on birth control has remained unchanged since 1983: A women must have an intrauterine device inserted following the birth of her first child, a couple must have one of their number sterilized following the birth of their second child, and a woman who is pregnant without official permission must undergo an abortion.

During this same time period, the policy on childbirth has been modified. While officials and workers are still strictly limited to one child, beginning in late 1984 exceptions for peasants facing "real difficulties" was allowed. If their first child is a girl, couples are generally allowed to have a second—on condition that at least four years have elapsed since the first and that they will voluntarily submit to sterilization following the birth.

This exception, liberally interpreted by local officials in the countryside, has resulted in a modest rise in the birth rate. An official crackdown on second births is now underway.

The Chinese population control program remains painfully coercive. Both urban and rural women with one child are required to have IUDs inserted, the removal of which is a crime. (FBIS-CHI-87-133, July 13, 1987, p. Q1) Both urban and rural women who bring a second child to term continue to be sterilized, sometimes involuntarily. Both rural and urban women pregnant with second children for which they have not been given exemptions are pressured to get abortions, and sometimes force is used.

Unapproved births do occur, mainly by a means called "childbirth on the run." Women who are pregnant with "illegal" children go to live with relatives in distant villages or towns. Away from their native place, they are often able to escape detection by the local authorities. Only after they have actually given birth do they dare return home. This is because abortions are performed in China up to the very time of parturition. As the child descends headfirst in the birth canal, it is given an injection of formaldehyde or alcohol into the fontanel, or soft spot, causing instantaneous death.

Couples who succeed in bringing such "illegal" children into the world are subject to heavy fines. Typically, a family will have to pay a fine equivalent to a year's income, and face monthly penalties as well, for having a second child without permission. Such fines are intended to deter, not merely dissuade, young couples from having children outside the plan.

In sum, Peking is continuing a population control program which, despite its claims of "voluntarism," relies heavily on coercive abortion and coercive sterilization. The United Nations Fund for Population Activities, for its part, continues to support this program in word and deed.

It is not consonant with America's commitment to human rights to support, directly or indirectly, a Chinese program that not only violates the right of couples to decide for themselves the number and spacing of their children, but also the right of women to control their own bodies. To resume AID funding to the UNFPA at a time when that organization has shown not the slightest inclination to distance itself from the coercive abortion and sterilization practices of one of is largest grant recipients would be a mistake. It will send the message to the world that America cares little about violations of human rights in population control programs.

China's basic population control policy, what it calls its "technical policy of birth control," was promulgated in 1983 and is still in effect today. It is contained in a directive of the Central Committee of the Chinese Communist Party, whose pronouncements have the force of law in China. Its principal content is: "Those women who have already given birth to one child must be fitted with IUDs, couples who already have two children must undergo sterilization of either the husband or the wife, and women pregnant outside of the plan must adopt remedial measures [i.e., abortion] as soon as possible." (NANFANG RIBAU, May 15, 1983, p. 3)

This directive, the operant passage of which have appeared repeatedly in the Chinese press, makes a bow in the direction of "voluntarism," by which is meant that the formal consent of the person involved must be obtained prior to any operation. But the directive is written in the imperative, and is in fact a prescription for mandatory IUD insertion, for mandatory sterilization and, when the policy on childbirth is violated, for mandatory abortion.

What is called "the policy on childbirth" is in reality two policies, one for officials and workers, and one for peasants. Like the policy on birth control, the policy on childbirth for officials and workers, who comprise perhaps 20 percent of the population, has remained unchanged for the past five years. It reads: "All state cadres, workers and employees, and urban residents, except for special cases which must be approved, may have only one child per couple." (NANFANG RIBAU, May 15, 1983, p. 3; for a recent restatement of the same policy by Henan party leader Yang Xizong see FOREIGN BROADCAST INFORMATION SERVICE (FBIS), CHI-87-133, July 13, 1987, p. P4.) In the cities, second children are simply not allowed, and tremendous pressures (about which more below) are brought on pregnant women to submit to "remedial measures."

The rural policy on childbirth has, from the beginning, been less strict than this. Instead of being strictly enforced, the one-child policy is merely to be "vigorously advocated." In practice, however, the "vigorous advocacy" of undereducated, overzealous rural officials often resulted in forced abortions and sterilizations.

To combat growing rural discontent a major exception to the policy of promoting one child in the countryside was made in 1984. Couples facing "real difficulties," it was announced, could apply for permission to have a second child. The "real difficulties" in question were never spelled out clearly in documents, perhaps because the Central Committee recoiled at putting a clearly sexist policy in writing, but were widely understood to be those caused by the birth of a girl, namely, that she could neither carry on the family name nor support her peasant parents in their old age. (See, for example, FBIS-CHI-87-133, July 13, 1987, p. P4)

It was stressed that exemptions to the one-child rule were not to be made indiscriminately to all rural couples with first-born girls. The quotas on births handed down to each province were to be respected, and second-child exemptions were to be contingent upon a wait of four to seven years after the first child. The "technical policy on birth control" was also not to be violated, so that the prior agreement of the couple, usually the woman, to accept sterilization following the birth of their second child was required. Women who met these conditions would, at the appropriate time, be allowed to have their IUDs removed. (Personal Communication)

This policy put local officials in the difficult position of having to grant second-child exemptions to some but denying others. Although perfectly ready to impose uniform rules concerning the spacing of births and the timing of sterilization, some refused to interpret a deliberately ambiguous Central Committee policy in the expected manner. Rather, they chose to consider that all of the one-child couples in their communities had "real difficulties" and licensed them to conceive and bear a second child. As a result the 1986 birth rate is the highest in four years, although at 1.4 percent it remains extremely low by the standards of the Third World. Recent remarks by government officials indicate that the number of exemptions to the one-child policy allowed in the countryside will be reduced. (FBIS-CHI-87-135, July 15, 1987, p. T1; FBIS-CHI-87-133, July 13, 1987, p. P4) This will necessarily mean an increase in the level of coercion as peasants attempt to bear second children without permission.

Overall, the key to understanding the degree of coercion in China is not the "policy on childbirth," but in the technical policy on population control." Both urban and rural women with one child are required to have IUDs inserted, the removal of which is a crime. (FBIS-CHI-87-133, July 13, 1987, p. Q1) Both urban and rural women who bring a second child to term continue to be sterilized, sometimes involuntarily. Both urban and rural women pregnant with second children for which they have not been given exemptions are pressured to get abortions, and sometimes force is used. Even if the one-child policy were abandoned tomorrow in favor of a "two-child," policy, the program would remain painfully coercive as IUD insertions, sterilizations, and abortions continued.

Unapproved births do occur, mainly by a means called "childbirth on the run." Women who are pregnant with "illegal" children go to live with relatives in distant villages or towns. Away from their native place, they are often able to escape detection by the local authorities. Only after they have actually given birth do they dare return home. This is because abortions are performed in China up to the very time of parturition. As the child descends headfirst in the birth canal, it is given an injection of formaldehyde or alcohol into the fontanel, or soft spot, causing instantaneous death.

Couples who succeed in bringing such "illegal" children into the world are subject to heavy fines. Typically, a family will have to pay a fine equivalent to a year's income, and face monthly penalties as well, for having a second child without permission. Such fines are intended to deter, not merely dissuade, young couples from having children outside the plan.

In Guangdong, women who refuse the operations they are ordered to undergo are arrested and taken in police vans directly to clinics. These vans have become popularly known as "pig basket" vans, after the large wicker baskets in which pigs are taken to the slaughterhouse.

To bring together these disparate parts of China's population control program into a coherent whole and illustrate how the program actually functions, I have chosen one of the numerous interviews I conducted while in China in later May of this year. The case of the Wangs, a young couple living in Zhuhai, China, follows:

Like most women in rural China, Chen Suxiang wasn't content with the one child she was allowed under the state's birth quota system. With her husband, a truck driver, on the road much of the time, and her only child, a boy, set to enter primary school the following year, she wanted another baby.

Sitting in the living room of his modest house in Zhuhai, a Special Economic Zone in Guangdong Province designated for foreign investment, her husband recalled that he at first tried to dissuade her, pointing out the pressures they would be subjected to—fines, meetings, and even heavier penalties. "As a permanent employee in a state factory, there are no exceptions allowed to the one-child quota," Chen said. "I told her I could be fired from my job, but she wouldn't listen."

Chen's wife found a midwife who, for a fee of $20, was willing to perform an illegal procedure: remove the steel IUD that had been inserted following the birth of her first child. After several months, in September 1986, she became pregnant.

By staying home most of the time, Suxiang was able to hide her pregnancy from the population control workers for several months. Her growing reclusiveness eventually made them suspicious, however, and they finally ordered her to go in for a pelvic examination.

Chen explained what that meant. "If they discovered that my wife was pregnant, they would order her to have an abortion." By this time, fully supportive of his wife's plan, he decided that she would go to live with a cousin in a neighboring county until she gave birth. Called "childbirth on the run," her response was a common last resort of couples under government pressure. Though his wife was safely out of reach, Chen was not, and was taken aback at the onslaught that followed. His superiors at the factory missed no opportunity to pressure him to end his wife's pregnancy. Each day the vice director of his factory sought him out and lectured him. Each evening he would be visited by a birth control delegation. And each week at political meetings he was singled out as a bad example to the rest of the workers, and even his friends felt obligated to criticize him in public. The message was always the same: "For the sake of the nation, the community, the factory, and the Four Modernizations, he and his wife must give in."

Chen, an angular-faced man with a shock of unruly black hair, refused to buckle under this pressure. She has left me, he protested, because I would not allow her to keep the child. I do not know her whereabouts. He was not believed, and the pressure continued.

The factory director, seeing that Chen could not be budged, resolved to find his absent wife by other means. He ordered the factory's dozen purchasing agents and sales representatives to make inquiries, promising a bonus to the one who located Chen's wife. It was one of their number who, discovering that Chen frequently detoured to the neighboring county on his runs, began making inquiries there. Chen's wife was found and brought back in February, seven months pregnant.

Afraid that she would escape again if she were allowed to go home, the factory director ordered the runaway confined to a factory dormitory, under the supervision of birth control workers, who missed no opportunity to badger her to accept an abortion. Separated from her husband, so distraught that she was unable to eat and sleep, she was no match for the "thought work committee" that was assigned to reeducate her into accepting an abortion. Going into the ninth month of pregnancy, she bowed to the pressure.

She was immediately taken to the local medical clinic and given an injection of an abortifacient drug. Her child was born dead 48 hours later. "They didn't even tell me she was in the clinic until they had already given her the shot," Chen said. She was four weeks from term.

Despite the stringent controls, however, there are still couples who manage to bring a second child to term, like Wang guohan and his wife, both of whom worked in a state-run retail store. The Wang's story begins like the Chen's. Like Mrs. Chen, Wang's wife paid a midwife to illegally remove her IUD and conceived a child. Again like Mrs. Chen, when she was discovered by the authorities she decided upon "childbirth on the run."

Here the similarity ends, however. Unlike Chen's wife, Mrs. Wang shuttled between the homes of several relatives, making it impossible for her unit to find her. A midwife helped with the birth, so she was able to avoid the fate that her "illegal" child would have met in the hospital. She returned home with a strong, healthy boy in her arms, and was of course allowed to keep him. Her "little treasure" did not come free of charge, however.

The party committee of the department store fined the Wangs 3,000 renminbi, or $500, an amount equivalent to two years income. His monthly income was also slashed from $30 a month to $9, as his bonus, cost-of-living allowance, expense allowance, and overtime were cut off. They had family members in Hong Kong willing to help with the bills, Mr. Wang said, otherwise they would starve.

There is a final note to their story. Mrs. Wang, having borne a second child, was ordered to report to the hospital for sterilization. She refused. Several times she was warned. Still she refused. One day a police van pulled up in front of here house. She was taken against her will in this "pig basket" van to the hospital and given a tubal ligation. She was still in the hospital recovering from this unwanted operation on the day I interviewed her husband.

Peking is continuing a population control program which, despite its advertised "voluntarism," relies heavily on coercive abortion and coercive sterilization and the threat of same. The United Nations Fund for Population Activities, for its part, continues to support this program in word and deed.

For example, the UNFPA representative in Peking recently praised China's program. "China is actively working to set up a model of how social and economic factors can be harnessed in a harmonious way," he was quoted as saying. "The government has shown its full commitment to a family planning program that has been internationally acknowledged as one of the most successful efforts in the world today." (Peking, New China News Agency, July 11, 1987, FBIS-CHI-87-133, July 13, 1987, p. Al) Such comments call into serious doubt whether the UNFPA is capable of distinguishing between legitimate family planning, as defined by its charter, and coercive population control.

It is not consonant with America's commitment to human rights to support, directly or indirectly, a Chinese program that not only violates the right of couples to decide for themselves the number and spacing of their children, but also the right of women to control their own bodies. To resume AID funding to the UNFPA at a time when that organization has not shown the slightest intention to distance itself from the coercive abortion and sterilization practices of what is one of its largest grant recipients would be a mistake. It would send the message to the world that America cares little about violations of human rights in population control programs.

FINANCIAL DISCLOSURE FOR 1986

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MAZZOLI. Mr. Speaker, It has been my custom to submit a statement of financial disclosure every year that I have served in the House of Representatives. While the law now dictates that Members of Congress submit financial statements in May of each year, I continue to file this more detailed family financial report. In this way, my constituents are kept fully and completely informed concerning my financial status.

The financial statement follows:

Romano L. and Helen D. Mazzoli income, calendar year 1986

Interest and dividends:	*Amount*
U.S. Treasury bills (KFO-2-400-40-3938-01; KP8-2-400-40-3938-01; LK8-2-400-3938-01; JR6-2-400-3938-01)	$1,411.00
Liberty National Bank & Trust, IRA account No. 01-527329	1,169.79
Liberty National Bank & Trust, IRA account No. 29-508123	389.34
Lincoln Federal Savings & Loan Association, IRA account No. 401564814	520.84
Lincoln Federal Savings & Loan Association, No. 1037339	63.31
Liberty National Bank, C.D. No. 010090063046	142.57
American United Life Insurance Co., policy No. 16-11163212-0	29.75
American United Life Insurance Co., policy No. 16-011729-0	14.63
Meritor Savings Bank, account, No. 5-99-76	182.86
Meritor Savings Bank, account, No. 5-18-241	86.59
Meritor Savings Bank, account, No. 05-96-1906	287.21
Congressional Federal Credit Union, No. 62976-0	4.58
Congressional Federal Credit Union, No. 62976-1	20.12
U.S. Treasury Bonds, series E	125.11
Total, interest and dividends	$4,447.70
Honorariums:	
Electronic Industries Association (January)	1,000.00
American Farm Bureau Federation (February)	1,000.00
National Cable TV Association (April)	1,500.00
National Association of Broadcasters (May)	1,500.00
Northern Kentucky Chamber of Commerce (July)	230.00
Grocery Manufacturers of America (July)	2,000.00
Pfizer, Inc. (August)	1,000.00
National Restaurant Association (October)	2,000.00
Motion Picture Association of America (November)	2,000.00
Agricultural Producers, Inc. (November)	1,500.00
Western Growers Association (November)	2,000.00
Seyfarth, Shaw, Fairweather & Geraldson, attorneys (December)	2,000
Brookings Institution (December)	300.00
Seyfarth, Shaw, Fairweather & Geraldson, attorneys (December)	750.00
Total, honorariums	18,780.00
Salary:	
U.S. House of Representatives (R.L. Mazzoli)	75,100.00
Data Management Specialists, Inc. (Helen Mazzoli)	21,767.38
Total, salaries	96,867.38
Gross income	120,095.08

Romano L. and Helen D. Mazzoli statement of financial worth as of December 31, 1986

Cash on deposit:	*Amount*
Lincoln Federal Savings & Loan, account No. 1037339	$211.84
Liberty National Bank, No. 010090063046	4,142.57
Meritor Savings Bank, account No. 05-99-76	1,342.77
Meritor Savings Bank, account No. 05-18-241	981.49
Meritor Savings Bank, account No. 05-96-1906	4,891.36
Sergeant at Arms, U.S. House of Representatives No. 5348	3,412.39

Congressional Federal Credit Union, No. 62976-0	87.64
Congressional Federal Credit Union, No. 62976-1	5,725.47
Total, cash on deposit	20,795.53
Individual retirement accounts:	
Liberty National Bank & Trust Co., IRA account, No 29-508123	4,443.70
Liberty National Bank & Trust Co., IRA account, No. 01-527329	13,070.05
Lincoln Federal Savings & Loan, IRA account, No. 401564814	5,535.84
Total, individual retirement accounts	23,049.59
Bonds and Treasury bills:	
U.S. Government Bonds, series E	1,923.89
U.S. Treasury Bill, account LV4-2-400-40-3938-01	10,000.00
U.S. Treasury Bill, account MK7-2-400-3938-01	10,000.00
Total, bonds and Treasury bills	21,923.89
Real property:	
939 Ardmore Dr. Louisville, KY (assessed value)	42,000.00
Less: Mortgage, the Cumberland S&L Association No. 15970	6,116.04
Subtotal	35,883.96
1030 Anderson St., Alexandria, VA (assessed value)	109,200.00
Less: Mortgage, Cowger & Miller Co., No. 15184	42,227.40
Subtotal	66,972.60
Total, real property	102,856.56
Cash surrender value of life insurance policies:	
American United Life Insurance Co., policy 16-011729-0	5,291.95
American United Life Insurance Co., policy 16-1116312-0	1,091.49
Total, cash surrender values	6,383.44
Federal employees retirement system: Total contributions	71,775.11
Automobiles:	
1965 Rambler	200.00
1973 Chevrolet	1,096.00
1985 Chevrolet (assessed value)	6,696.00
Less: Mortgage, Congressional Federal Credit Union No. 6976-2	4,789.40
Subtotal	1,906.60
Total, automobiles	3,202.60
Household goods and miscellaneous personal property: Total value	5,000.00
Total, assets	290,870.68
Liabilities: Miscellaneous	2,213.55
Net assets	288,657.13

Romano L. and Helen D. Mazzoli 1986 income tax recapitulation (Federal, State, and local)

	Amount
Federal:	
Gross income	$118,690
Adjustments to income	8,977
Adjusted gross income	109,713
Deductions and exemptions	19,937
Taxable income	89,776
Taxes	26,880
Tax withheld	23,970
Tax due	2,910
Kentucky:	
Tax withheld and tax paid to other States	3,685
Tax due	3,516
Refund	169
Virginia:	
Tax withheld	985
Tax due	625
Refund	360
Louisville and Jefferson County, KY: Tax due	389

FOCUS ON THE FIRST 60 MONTHS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MILLER of California. Mr. Speaker, I would like to bring to my colleagues' attention a recent report by the National Governor's Association's Committee on Human Resources and Center for Policy Research entitled, "Focus on the First 60 Months."

"Focus on the First 60 Months," confirms the findings of the Select Committee on Children, Youth, and Families and our report, "Opportunities for Success: Cost-Effective Program's for Children" by presenting ample evidence that cost savings accrue when effective prevention strategies are set in motion:

The Perry Preschool Project demonstrated the economic savings over a lifetime of participating children to be seven times the cost of 1 year of preschool.

Early regular prenatal care has been demonstrated to prevent low birthweight (and infant mortality) at a fraction of the cost for intensive care of a low birthweight infant, which averages $54,800.

The report provides an extremely valuable service by refocusing attention, with the hope of redirecting resources, toward cost-effective prevention programs. What this report so clearly establishes is that we know how to accomplish this task. We have information about what works. The report describes 19 prevention/early intervention projects in 19 States that work and save money:

Arkansas: The Home Instruction Program for Preschool Youngsters, a reading readiness program targeted to 4-year-olds in disadvantaged families, has already demonstrated success.

California: The School-Age Parenting and Infant Development Program supports child care centers located at junior and senior high school for the children of teen parents. Approximately 1,800 children and their teen parents participate with the goal of allowing them to finish school and avoid welfare, unemployment and poverty.

Minnesota: Parenting education and support as a child abuse prevention strategy was initiated by MELD, Minnesota Early Learning Design, and has successfully taught parents to cope with stress and family changes. The program has been successfully replicated in 19 States and in Australia, Canada, and West Germany.

The report describes other successful efforts to prevent infant mortality, school dropouts, and child abuse, and to enhance child development and family stability in Colorado, Delaware, Georgia, Illinois, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Mexico, New York, North Carolina, Oregon, South Carolina, Virginia, and Washington.

Along with the National Governor's Association, I urge my colleagues to make note of the report and its policy implications.

THE TAXPAYERS' PROTECTION ACT OF 1987

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, today I am with Mr. MOODY introducing the Taxpayers' Protection Act of 1987.

The task of collecting taxes in this country is monumental one. Last year the IRS processed 100 million returns and collected about $800 billion from individuals and businesses. While most of this tax collection is voluntary and goes smoothly, some does not. Last year, for example, the IRS never received $100 billion in legally-owed taxes.

A few months ago I proposed a major 5-year plan for the IRS which would help to collect over $100 billion in revenues which are owed but not collected. My plan has a two-pronged approach to ensuring the continued stability of our voluntary tax system and improving the taxpayer compliance rate; the first is to enhance taxpayer assistance and service, and the second is to increase enforcement efforts of those who do not pay their fair share. I am now introducing the third element in a comprehensive tax policy plan which will offer sufficient protections for honest taxpayers.

I believe that the honest taxpayer who might have made an inadvertent error on a tax return should be informed of the appropriate procedures regarding his payment of the taxes he or she owes and be given a fair chance to pay the deliquent amount.

The main provisions of the Taxpayer Protection Act of 1987 include:

Requires the IRS to prepare and distribute a statement of taxpayer rights and obligations.

Provides that IRS interviews shall be held at a time and location convenient to the taxpayer and the IRS.

Increases the period of IRS levies from 10 to 30 days.

Requires that the IRS disclose levely procedures and alternatives to the taxpayer.

Increases the value of property which is exempt from levy from $1,500 to $5,000; makes all animals exempt.

Increases the value of the exemption of property of a noncorporate trade or business from $1,500 to $5,000.

Increases the amount of salary or wages that is exempt from levy from $75 per week to $150 per week plus $50 per dependent.

Adds the following levy exemptions: welfare payment; supplemental security payments for Social Security; unemployment training allowances.

Requires the prompt return of wrongfully levied property or its fair market value.

Disallows the IRS from collecting deficiency interest and penalties which result from incorrect written advice from the IRS.

Increases the authority of the Ombudsmen to issue taxpayer assistance orders.

This legislation along with my other proposals on taxpayer compliance will ensure that the Internal Revenue Service fully carries out its most recently adopted Statement of Mission from 1984. That statement reads:

> The Purpose of the IRS is to collect the proper amount of tax revenues at the least cost to the public, and in a manner that warrants the highest degree of public confidence in our intergrity, efficiency and fairness. To achieve that purpose, we will: Encourage and achieve the highest degree of voluntary compliance in accordance with the tax law and regulations; Advise the public of their rights and responsibilities; Do all things needed for the proper administration and enforcement of the tax laws; Continually search for new and implement new, more efficient and more effective ways of accomplishing our Mission.

I request your cosponsorship of the Taxpayers' Protection Act of 1987.

The text of the bill follows:

H.R. 3197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF INTERNAL REVENUE CODE OF 1986.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayers" Protection Act of 1987".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. DISCLOSURE OF RIGHTS AND OBLIGATIONS OF TAXPAYERS.

(a) IN GENERAL.—The Secretary of the Treasury shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, prepare a brief but comprehensive statement which sets forth in simple and nontechnical terms—

(1) the rights and obligations of a taxpayer and the Internal Revenue Service (hereinafter in this section referred to as the "Service") during an audit;

(2) the procedure by which a taxpayer may appeal any adverse decision of the Service (including administrative and judicial appeals);

(3) the procedures for prosecuting refund claims and filing of taxpayer complaints; and

(4) the procedures which the Service may use in enforcing the internal revenue laws (including assessment, jeopardy assessment, levy and distraint, and enforcement of liens).

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—The Secretary of the Treasury shall transmit drafts of the statement required under subsection (a) (or proposed revisions of any such statement) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day. Any draft (or any revision of a draft) of the statement may not be distributed under subsection (c) until 90 days have elapsed from the date it was transmitted to such committees.

(c) DISTRIBUTION.—The statement prepared in accordance with subsections (a) and (b) shall be distributed by the Secretary of the Treasury to all taxpayers along with any tax form or forms sent from the Internal Revenue Service to the taxpayers.

SEC. 3. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7519. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

"Upon request of any taxpayer, any officer or employee of the Internal Revenue Service in connection with any interview with such taxpayer in connection with the assessment of a deficiency shall conduct such interview at a reasonable time and place convenient to the taxpayer and such officer or employee.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end thereof the following new item:

"Sec. 7519. Procedures involving taxpayer interviews.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interviews conducted on or after the date of the enactment of this Act.

SEC. 4. LEVY AND DISTRAINT.

(a) NOTICE.—Section 6331 (relating to levy and distraint) is amended—

(1) by striking out "10 days" in subsections (a) and (d)(2) and inserting in lieu thereof "30 days",

(2) by striking out "10-day period" in subsection (a) and inserting in lieu thereof "30-day period",

(3) by striking out "10-DAY REQUIREMENT" in the heading of subsection (d)(2) and inserting in lieu thereof "30-DAY REQUIREMENT", and

(4) by adding at the end of subsection (d) the following new paragraph:

"(4) INFORMATION INCLUDED WITH NOTICE.—The notice required under paragraph (1)—

"(A) shall cite the sections of this title which relate to levy on property, sale of property, release of lien on property, and redemption of property, and

"(B) shall include a description of—

"(i) the provisions of this title relating to levy and sale of property,

"(ii) the procedures applicable to the levy and sale of property under this title,

"(iii) the administrative appeals available to the taxpayer with respect to such levy and sale and the procedures relating to such appeals,

"(iv) all alternatives available to the taxpayer which could prevent levy on the property (including installment agreements under section 6159),

"(v) the provisions of this title relating to redemption of property and release of liens on property, and

"(vi) the procedures applicable to the redemption of property and the release of a lien on property under this title.

"(C) the Secretary has determined that such liability is unenforceable due to the financial condition of the taxpayer.".

(b) PROPERTY EXEMPT FROM LEVY.—

(1) FUEL, PROVISIONS, FURNITURE, AND PERSONAL EFFECTS.—Paragraph (2) of section 6334(a) (relating to fuel, provisions furniture, and personal effects) is amended—

(A) by striking out "and poultry" and inserting in lieu thereof "poultry, and other animals", and

(B) by striking out "$1,500" and inserting in lieu thereof "$5,000".

(2) BOOKS, TOOLS, AND MACHINERY.—Paragraph (3) of section 6334(a) (relating to books and tools) is amended to read as follows:

"(3) PROPERTY OF A TRADE OR BUSINESS.—If the taxpayer is not a corporation, so much of the books, tools, machinery, equipment, and other property necessary for the trade, business, or profession of the taxpayer as do not exceed in the aggregate $5,000 in value.".

(3) WAGES, SALARY, AND OTHER INCOME.—

(A) INCREASE IN AMOUNT EXEMPT.—Paragraph (1) of section 6334(d) (relating to exempt amount of wages) is amended—

(i) by striking out "$75" is subparagraph (A) and inserting in lieu thereof "$150", and

(ii) by striking out "$25" in subparagraph (B) and inserting in lieu thereof "$50".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies made on or after the date of the enactment of this Act.

SEC. 5. ADVICE OF INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Section 6404 (relating to abatements) is amended by adding at the end thereof the following new subsection:

"(f) ABATEMENT OF DEFICIENCY AND ANY PENALTY OR INTEREST ATTRIBUTABLE TO WRITTEN ADVICE BY THE INTERNAL REVENUE SERVICE.—

"(1) ABATEMENT OF DEFICIENCY.—The Secretary shall abate the full amount of any deficiency attributable to erroneous advice furnished to the taxpayer in writing by an officer or employee of the Internal Revenue Service, acting in his official capacity, in response to a specific request of the taxpayer unless the deficiency resulted from a failure by the taxpayer to provide adequate or accurate information.

"(2) ABATEMENT OF PENALTY OR INTEREST.—Any penalty or interest imposed on a deficiency to which paragraph (1) applies shall be abated.".

(b) ORAL ADVICE.—Each officer or employee of the Internal Revenue Service shall, at the time any oral advice is given to any person, inform such person that the Internal Revenue Service is not bound by such advice.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 6. TAXPAYER ASSISTANCE ORDERS.

(a) IN GENERAL.—Subchapter A of chapter 80 (relating to general rules for application of the internal revenue laws) is amended by adding at the end thereof the following new section:

"SEC. 7811. TAXPAYER ASSISTANCE ORDERS.

"(a) AUTHORITY TO ISSUE.—Upon application filed by a taxpayer with the Office of Ombudsman (in such form, manner, and at such time as the Secretary shall by regulations prescribe), the Ombudsman may issue a Taxpayer Assistance Order if, in the determination of the Ombudsman—

"(1) the taxpayer is suffering or about to suffer from an unusual, unnecessary, or irreparable loss as a result of the manner in which the internal revenue laws are being administered by the Secretary, and

"(2) with respect to such taxpayer, the Secretary has failed to carry out his duties under the law or has violated any provision of law.

"(b) Terms of a Taxpayer Assistance Order.—The terms of a Taxpayer Assistance Order may require the Secretary—

"(1) to release property of the taxpayer levied upon, or

"(2) to cease any action, or refrain from taking any action, with respect to the taxpayer under—

"(A) chapter 64 (relating to collection),

"(B) subchapter B of chapter 70 (relating to bankruptcy and receiverships),

"(C) chapter 78 (relating to discovery of liability and enforcement of title), or

"(D) any other provision of law which is specifically described by the Ombudsman in such order.

"(c) Effect of Order.—The Secretary shall obey any Taxpayer Assistance Order issued by the Ombudsman under this section.".

(b) Conforming Amendment.—The table of sections for subchapter A of chapter 80 is amended by adding at the end thereof the following new item:

"Sec. 7811. Taxpayer Assistance Orders.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 7. ADDITIONAL PROPERTY EXEMPT FROM LEVY.

(a) In General.—Subsection (a) of section 6334 (relating to property exempt from levy) is amended by adding at the end thereof the following new paragraphs:

"(11) Certain public assistance payments.—Any amount payable to an individual as a recipient of public assistance under—

"(A) title IV (relating to aid to families with dependent children) or title XVI (relating to supplemental security income for the aged, blind, and disabled) of the Social Security Act, or

"(B) State or local government public assistance or public welfare programs for which eligibility is determined by a needs or local income test.

"(12) Governmental training allowance.—Any amount payable to an individual to alleviate hardships of unemployment or underemployment under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)."

(b) Effective Date.—The amendment made by this section shall apply to amounts payable after the date of the enactment of this Act.

SEC. 8. TAXPAYER MUST RECEIVE FAIR MARKET VALUE WHERE PROPERTY WRONGFULLY LEVIED AGAINST, ETC.

(a) Taxpayer Entitled to Fair Market Value Where Property Sold.—Paragraph (3) of section 6343(b) is amended to read as follows:

"(3) if the property is sold, the greater of—

"(A) the amount received by the United States from the sale of the property, or

"(B) the fair market value of such property immediately before the levy."

(b) Property Must Be Returned Within 14 Days, Etc.—The second and third sentences of section 6343(b) are amended to read as follows: "The specific property levied upon shall be returned at the earliest practicable date after the Secretary determine that the levy was wrongful. The monetary amount described in paragraphs (2) and (3) may be returned at any time before the expiration of 9 months from the date of such levy and may be returned pursuant to this subsection thereafter only if a claim for the return of such property was filed within 9 months from the date of the levy but shall be returned within 14 days after the date the Secretary determines that the levy was wrongful."

(c) Increase in Rate of Interest Payable by Secretary Where Wrongful Levy.—Subsection (c) of section 6343 (relating to interest) is amended by striking out "overpayment rate" and inserting in lieu thereof "underpayment rate".

(d) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to property sold after the date of the enactment of this Act.

(2) Subsection (b).—The amendment made by subsection (b) shall apply to levies made after the date of the enactment of this Act.

(3) Subsection (c).—The amendment made by subsection (c) shall apply for purposes of determining interest for periods after the date of the enactment of this Act.

AMERICAN BAR ASSOCIATION'S TIES WITH ASSOCIATION OF SOVIET LAWYERS QUESTIONED

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SMITH of New Jersey. Mr. Speaker, a number of my colleagues have joined me in sending a clear message to the American Bar Association [ABA] regarding their formal ties with the Association of Soviet Lawyers [ASL].

Last year, the ABA house of delegates voted down a resolution which would have abrogated the Declaration of Cooperation which has been intact since 1985. This controversial agreement which was adopted only by the executive committee of the ABA and not the rank and file will again be debated during the ABA's annual meeting which begins in San Francisco on Sunday, August 9. A report on progress of the ABA-ASL relationship which was requested at last year's meeting will be presented.

Although the ABA recognizes that the ASL is an arm of the oppressive Soviet Government and that its role has been to present the Soviets' human rights record and legal system to the West in a favorable light, the ABA hopes that the formal dialog and cooperation will promote the cause of human rights. Nonetheless, as stated in the letter to the ABA board of governors, "We believe this agreement bestows an undeserved aura of legitimacy upon the ASL."

Mr. Speaker, I believe that the current arrangement implies that the members of the ASL are coequals with the lawyers in this country whose calling it is to seek justice and the protection of individual rights under the law. Mr. Speaker, I do not agree that the formal relationship can generate further progress in the realm of human rights than informal ties. Instead, the agreement lends undeserved credence to ASL lawyers—stooges of the Soviet state—who allow and participate in the prosecution of citizens tried and convicted on trumped-up charges.

As former Soviet lawyers, Konstantin Simis and Dina Kamiskaya have noted:

> The Association of Soviet Lawyers will not and simply cannot conscientiously fulfill its agreement with the American Bar Association by virtue of its complete subordination to the authorities.

In addition, outstanding human rights activists such as Anatoly Shcharansky and Dr. Antoli Koryagin, a former Soviet psychiatrist who plans to attend the annual meeting in San Francisco, are concerned about the legitimacy which the Declaration of Cooperation offers to the ASL.

Mr. Speaker, we have asked the ABA to support the mutual goal of respect of human rights through informal relations and communication with the Soviet lawyers until the ASL demonstrates a genuine respect for the rule of law. The free world must not continue to legitimize a judicial system which refuses to protect individual freedoms.

MARY DALY—AN APPRECIATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. EDWARDS of California. Mr. Speaker, I would like to share with my colleagues an article about Mary Daly, from the Irish Times of July 16, 1987. It was written by our distinguished friend, the Honorable Garret FitzGerald, Ireland's former Prime Minister.

The article is a beautiful description of a wonderful woman who had so many friends here in Congress. We all miss Mary and feel lucky to have known her.

The article follows:

Mary Daly—An Appreciation

A Canadian woman married to an Episcopalian American whose roots are in West Cork. The cold words of description can convey nothing of the warmth and vitality of Mary Daly—nor anything of her love for the country of her husband's forebears. It was to her husband Chuck's beloved Bantry, which had become her beloved Bantry too, that she returned to die. And there she was laid to rest by their many friends from Bantry and other parts of Ireland who had come to know and to love her.

Mary cared passionately for people. She cared for the young whom, in Chicago, she encouraged to become involved in the performing arts—as she had been involved in her youth, when she trained as an actress in the famous Pasadena Playhouse in California—and, with Chuck, when he was Assistant Vice-Chancellor of Chicago University and later Executive Vice-President of Harvard, she helped to channel student radicalism constructively.

She cared for those affected by violence, which she abhorred—an abhorrence which led to her active participation in the campaign against the Vietnam War. On one occasion she held back with a cane armed soldiers trying to detain demonstrators who had taken refuge in her house in Washington, and then told the soldiers they could come inside if they left their guns behind!

She found the violence in Northern Ireland equally intolerable—all the more so because for her the real Ireland was epitomised by the warmth and decency of the people of Bantry whom she had come to know and love so well. She worked for reconciliation in the North, particularly by encouraging the Irish of America to join in efforts towards this end. And she worked for the victims of crime, especially of rape. Her concern for people was so deep and genuine that it brought many to confide their problems to her; she was always a sympathetic and constructive listener. But there was nothing anodine about her views on people who fell short of her standards; these views were expressed with admirable—if at times alarming!—pungency.

Her 38-year long and loving marriage with Charles Daly—the fruit of a relationship that started a little unpromisingly when at their first encounter he invited her to dinner and then, finding he had no money, had to ask her to settle the bill—radiated joy and encouragement, especially to the thousands of young people whom she and her husband met through their work in American politics and their work for the poor in particular. No one could fail to be touched by their mutual devotion, and by their pride and concern for each other and their two boys, Michael and Douglas. Her three men, as she called them, and all her friends, miss deeply the light of her presence.

PERSIAN GULF

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. HEFLEY. Mr. Speaker, does the United States have a role to play in keeping sealanes open in the Persian Gulf? The President says "yes," and the Congress, thus far, has responded with a firm "maybe."

It is a fact of life that Western economies are heavily dependent on oil for their survival and a further fact that 70 percent of the world's proven oil reserves are in the gulf region. Our ability to continue to develop economically and to maintain the way of life we are accustomed to depends on our unimpeded access to this oil.

Most importantly, and often overlooked, is the fact that the world oil market is one market. If supply is disrupted anywhere, prices rise for all consumers and, as a result, all world economies are adversely affected. For example, as a result of the Iranian revolution and Iraq's attack on Iran, international fear that these developments would disrupt oil supplies sent the price of a barrel of oil from $13 to $31. Unquestionably, our vital national interests are at stake in the gulf.

The Soviets, in contrast, do not have a vital economic interest in that region because they are a net exporter of oil. Their objective in the gulf is to establish a presence that ultimately enables them to manipulate the movement of Persian Gulf oil. For these reasons, the United States must be present, vigilant, and resolute in the gulf.

Important U.S. objectives in the gulf, endorsed for over four decades by eight U.S. Presidents, both Democratic and Republican, include: denying Soviet access and influence in the region which would threaten free world access to oil resources; stability and security of the Gulf States which is critical to ensure free world access to oil; and access to gulf oil resources, the disruption of which would seriously affect the free world oil market.

Today, those interests are in danger as the continued expansion of the Iran-Iraq war creates opportunities for the Soviets to expand their influence at our expense, increases the threat of Iranian movement against the other Gulf Arab States, and endangers freedom of navigation for nonbelligerent shipping and the free flow of oil.

To counter those threats and safeguard our interests, President Reagan has approved a strategy which has at its focal point a major international diplomatic effort to end the Iran-Iraq war, preserving the independence and territorial integrity of both belligerents. Our military presence in the region is perhaps the most important element in this effort, and includes protection of a limited number of Kuwaiti tankers under the United States flag. Britain, France, and Russia are already involved in protecting shipping in this region.

Our reflagging arrangement with Kuwait is a limited response to a very real threat. Should Kuwait or the other Arab Gulf States be left without support in the face of Iranian intimidation, Iran's ability to gain effective dominance over navigation and energy resources in the entire gulf would increase significantly. Moreover, should we not be responsive to Kuwait's request for help, the Soviets will be quick to supplant us, thereby positioning themselves to become the protector of the gulf.

There will be some risks to U.S. Naval Forces. After all, this is a war zone. These risks, however, appear to be moderate and every effort will be made to minimize them. If we did nothing, the risks to world peace would be even greater.

Protecting 11 Kuwaiti ships under the United States flag is not part of an open-ended unilateral American commitment to defend all nonbelligerent shipping in the Persian Gulf. It is a limited but effective signal of our determination to stand up to intimidation, to support our friends, and to help contain, and eventually end, the Iran-Iraq war.

ILLEGAL EXPORT OF SENSITIVE TECHNOLOGY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GUNDERSON. Mr. Speaker, earlier today during discussion on the conference committee on the trade bill, the subject of the Kongsberg's and Toshiba's illegal export of sensitive technology to the Soviet Union was raised. This matter has received a great deal of public attention, most of which has been devoted to a shrill attack on those companies and countries involved.

Today, I would like to take a different approach to this issue—one which not only seeks to define the problem, but also seeks to highlight the remedial actions already taken by those involved especially our ally, Norway.

A Norwegian state-owned defense firm and a well-known Japanese high-technology company conspired a few years ago to sell highly sensitive technology to the Soviet Union, which has substantially improved its submarine fleet. The two companies, Kongsberg Vaapenfabrikk and Toshiba Machine, secretly provided the Soviets with propeller milling machines and numerical controllers—obscure-sounding instruments, but items at the very top of the West's restricted list of technology prohibited for export to Warsaw Pact nations.

What these machines do is build highly advanced, super-quiet submarine propellers. Soviet submarines used to sound like Mack trucks plowing through the ocean. With the new propellers, they can now sneak up on our own subs, pass by our underwater detection devices, and position themselves to within 10 minutes' missile flight time from U.S. shores.

This adds a much greater element of danger for our naval forces. Clearly, Kongsberg and Toshiba's illegal export of technology to the Soviet Union has done serious damage to the security of all Western nations, and neither company should go unpunished.

In response, the Senate has added an amendment to the Trade bill which would impose a 2 to 5-year ban on all Kongsberg and Toshiba imports. This action, and the heated rhetoric accompanying similar proposals in the House, has unnecessarily strained normally-congenial relations with one of our most loyal allies—Norway.

The initial embarrassment and commitment to positive action shared by most Norwegians is changing to resentment and anger, as a result of American vindictiveness. For decades, Norway has been among the most loyal of American friends and, unlike other NATO countries, has willingly increased its defense budget to share the burden of mutual security. With a long coastline and a shared border with the Soviet Union, naval security is one of Norway's highest priorities.

More importantly, the Norwegian Government has taken swift action against the perpetrators of the illegal sale. The subsidiary of Kongsberg responsible for the sale has been dismantled, and Kongsberg is forbidden from any future trade with Soviet bloc countries. All individuals who were involved in the sale have had their security clearances revoked, and have been removed from Kongsberg. The sales manager who arranged the sale is under indictment. And the Norwegian Parliament will soon consider tighter export control laws, which will include more stringent criminal penalties and fines. For its part, Japan has made similar efforts.

Further, the rest of Kongsberg, the weapons division, had no involvement in the conspiracy. In fact, this division of Kongsberg has had a long history of joint ventures with American companies to produce the F-16 jet, the Sea Sparrow missile, and most recently, the Penguin antiship missile. The U.S. Navy has been trying for months to add the Penguin to its arsenal. Yet the ban on Kongsberg imports would jeopardize that effort, denying the Navy an inexpensive and highly effective missile.

Sanctions against Kongsberg fail to take those factors into account. In turn, it fosters a perception among Norwegians that this measure is really a punishment against Norway. This contributes to bitterness against the United States. The result is the Soviets win both ways—high technology to eliminate what was once a serious disadvantage, and another crack in the NATO alliance they've always sought to dismantle.

An American ban on Kongsberg and Toshiba imports also ignores a vital principle in relations with NATO partners: that all nations within NATO have a stake in each other's security, and that it is up to each NATO partner to police its own people.

As the leader of the NATO alliance, our focus should be on where we go from here. Since the heart of the issue is security from the Soviet threat, all actions should be with a view toward strengthening the alliance. Secretary of Defense Caspar Weinberger and Secretary of State George Shultz have taken the lead in this fashion, by fighting the Senate's sanctions proposal and working with Norway and Japan to begin restoring NATO's submarine fleet and anti-submarine warfare technology back to primacy—a project whose cost will be jointly shared among the United States and the two countries.

This kind of positive approach is a better option than simple punitive action. In the long term, the solution should involve stronger internal export controls in each NATO country, stronger multilateral export controls, and criminal penalties for executives who authorize illegal sales. The solution also involves working toward mutual security as a team.

FAILURE TO DEAL WITH A CRISIS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WAXMAN. Mr. Speaker, last week, the House passed a reauthorization of the Price-Anderson Nuclear Liability Act. In the course of the debate, the House rejected several amendments that many of us believe would have improved treatment of victims of a nuclear accident and would have created incentives to prevent accidents from happening.

On August 3, a Los Angeles Times editorial commented on the House's failure to bring this 30-year-old law up-to-date. I urge my colleagues to take a few moments to read this insightful outside perspective.

FAILURE TO DEAL WITH A CRISIS

Congress passed the 1957 Price-Anderson Act to stimulate what was then a young nuclear-power industry. This act substantially limits the liability of all nuclear-power facilities in the event of an accident, and exempts the builders and suppliers of nuclear facilities from any liability whatsoever. In 1957 the fledgling nuclear-energy industry needed all the help that it could get.

With more than 100 power plants on line, the nuclear-energy industry is no longer young or struggling, but the preferential insurance provisions are still in place, and the United States is dramatically underinsured against a major nuclear accident. Worst-case estimates place the damage of a nuclear accident in the United States at more than $15 billion. As it stands, the Price-Anderson Act cannot deal with a crisis of that magnitude.

A need to renew Price-Anderson last week gave Congress an opportunity to better insure this country against a nuclear accident, a chance that the House of Representatives promptly muffed. Though the House voted to increase industry liability to a maximum level of approximately $7 billion, it did not specify who would assume liability payments if that cap was exceeded, leaving open the possibility of endless litigation and stalemate over claims resulting from a nuclear accident.

The House also failed to repeal the immunity of Department of Energy contractors from accident liability. Although commercial nuclear utilities must self-insure, these institutions—defense contractors and research universities—remain exempt from liability even in the event of criminal negligence. The House even failed to amend a provision that gives nuclear-industry lawyers a stronger claim on the fund than the accident victims whom it is also intended to compensate.

Reforming the Price-Anderson Act would have recognized the maturation of the nuclear-power industry and acknowledged the industry's responsibility for risks. But some proponents of nuclear power saw Price-Anderson reform as a referendum on the future of their industry. The President threatened to veto any legislation that did not protect Department of Energy contractors, and the nuclear utilities walloped the House with a major lobbying effort. The nuclear-energy industry will likely continue to receive preferential treatment from this government, using its strength to prevent change in an archaic law whose only purpose was to let it grow strong.

THE CONSUMER SERVICES BANK BILL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LAFALCE. Mr. Speaker, last February, I introduced legislation that is designed to improve the delivery of financial services for individual consumers, particularly lower income consumers. This bill, the Consumer Services Bank Act of 1987, provides for the establishment and regulation of depository institutions, known as consumer services banks. The primary function of these institutions is to offer low-cost financial services for less affluent consumers.

As I stated when I first introduced this legislation, the Consumer Services Bank Act of 1987, is "a positive first step toward a re-examination of our country's outdated financial institutions laws." With the recent passage of H.R. 27, the Competitive Equality Banking Act of 1987, at least one of the most contentious issues is behind us. The closure of the nonbank bank loophole, which I proposed in my original version of H.R. 1172, has been completed. We must now concentrate our efforts on task at hand—reforming our antiquated financial institutions laws.

I have chosen to reintroduce this legislation with some minor modifications in language which make it consistent with the soon-to-be-enacted conference report.

However, the thrust of the bill remains the same. Under this legislation, consumer services banks would be required to provide the following services to individuals and families: consumer loans, basic lifeline banking accounts for lower-income consumers; cashing of Government checks at no fee to lifeline account holders and at reasonable fees for other account holders. In addition, consumer services banks would be required to: commit at least 65 percent of their deposits to reinvestment in the State from which the deposits were received; comply with disclosure requirements of truth-in-savings, applicable State and Federal credit card disclosure laws, and the requirements of the Expedited Funds Availability Act; maintain a 9-percent capital ratio; disclose orally and in writing affiliations with other companies, and that a customer is not obligated to purchase one product in order to obtain another.

My legislation would enable new consumer services banks to be established as well as permitting grandfathered limited purpose—or nonbank—banks to convert to these institutions. All of these consumer services banks would operate under the stringent regulatory environment outline in the bill.

The consumer services bank concept is one that is supported by a large number of consumer-oriented interest groups, including the American Association of Retired Persons, the National Urban Coalition, the National Urban League, the National Home Economics Association, the National Alliance of Senior Citizens, the U.S. Jaycees, and many more. The consumer services banks authorized under my legislation will increase consumer access to financial services and improve efficiency in the marketplace by generating more competition. They will respond to a genuine need in our banking system for more affordable and accessible consumer banking services. I also believe this concept could help to refocus debate in Congress away from narrow, parochial, special interest legislation and toward a more positive approach to the changes needed in our financial institutions laws.

THE PLO AND PRC ARMS TRANSFERS IN THE MIDDLE EAST

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SMITH of Florida. Mr. Speaker, the PLO is internationally recognized as the preeminent terrorist organization. Contrary to public perception, the PLO is not a rag-tag organization, but a well-financed, multinational corporation funding armed aggression.

The inner workings of the organization remain a black box. Every so often, a news report will give us a glimpse—mostly disturbing ones—into the PLO's internal decision-making process.

For the benefit of my colleagues, I request that the following article which appeared in the July 28, 1987, publication of the Foreign Broadcasting Information Service be added to the record. The article offers insight into the military procurement activity of the PLO and the shady role of the PRC in Middle East arms transfers.

PLO 'SECRETLY' NEGOTIATING PURCHASE OF SUBMARINES

TUNIS.—Al-Ra'y al-'Amm has learned that the PLO is secretly negotiating with the PRC and other East bloc countries to purchase small submarines for the Palestinian navy. These are to be used in attacks against important Israeli naval and economic targets. At this point the PLO leadership is exploring the possibility of starting a fleet of small naval vessels which can operate successfully from nearby naval bases. The PLO leadership is also exploring the possibility of using these vessels as naval torpedos in suicide missions.

VA EMPLOYEES VOICE STRONG SUPPORT FOR THEIR MEDICAL COMPUTER SYSTEM

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MONTGOMERY. Mr. Speaker, a controversy over the effectiveness and cost of the Veterans' Administration's medical computer system, known as the Decentralized Hospital Computer Program [DHCP] system, has arisen in the Congress. As chairman of the Committee on Veterans' Affairs, I have scheduled many oversight hearings on this important medical computer system over the past several years and the reports on its effectiveness and costs have been uniformly very positive.

Since our hearing of April 8, 1987, on this important subject, I have received many letters from veterans and Veterans' Administration employees in support of the DHCP.

I would like to share with my colleagues a copy of a letter which I received from Mr. DeWayne C. Robertson, Director of the VA Medical Center in Canandaigua, NY, that demonstrates how the VA employees feel about "their medical computer system. The letter follows:

VA MEDICAL CENTER,
Canandaigua, NY, April 17, 1987.

Hon. G. V. "SONNY" MONTGOMERY,
Rayburn House Office Building,
First & South Capital Streets,
Washington, DC.

DEAR MR. MONTGOMERY: I am concerned with the proceedings of the House Appropriation Sub-Committee on HUD and Independent Agencies on Wednesday, March 4, 1987, and by the representations of the McDonnell Douglas Health Systems Company Vice-President and their newly employed former senior member of the Senate VA Committee Staff. The threat of all this was to halt the DHCP effort and replace it with a costly proprietary system. This proposed diversion of funds appropriated for the health care of eligible veterans, particularly in these times of fiscal stringency, would dishonor the Nation's contract with its deserving veterans. McDonnell Douglas surely has many alternative, meritorious, profit-making undertakings. They can surely afford to abandon this one.

My experience with the DHCP System shows that it is capable of meeting the needs of the VA and is the cheapest and most effective computer system for the VA. Users satisfaction is high and the training of all the medical center staff has easily and successfully been accomplished. This training cycle for the DHCP has been ongoing for four years. The system has had many evaluations and on all evaluations they have recommended its continuation. It is my opinion we don't need to start over with a Department of Defense Contractors Inflexible system—designed by computer people—and not health care staff.

It is my hope that you will see to it that this effort by McDonnell will be halted immediately and we can pursue the continued growth of the DHCP which will result in our providing quality health care to our veterans, and information to our staff, that will permit us to continue to provide the cheapest and most effective data for the operation of our VA system.

I am looking forward to a favorable response.

Sincerely yours,
DEWAYNE C. ROBERTSON,
Medical Center Director.

A TRIBUTE TO SECRETARY BALDRIGE

SPEECH OF

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1987

Mr. WATKINS. Mr. Speaker, I have a confession to make: I failed the Mac Baldrige test. The last time I was in his office seeking his advice and counsel on a project I have been working on for the Third District of Oklahoma, he challenged me to rope. I tried and failed. But, Mr. Speaker, let me assure you and my colleagues, Mac Baldrige didn't fail in his task as Secretary of Commerce.

Mac Baldrige and I shared other common factors in our lives. We were both of the farm—he as a ranch hand on the plains of Nebraska and I from a cattle and peanut farm in southeast Oklahoma. We both had grave concerns about our Nation's trade deficit.

Mac Baldrige was a member of the Rodeo Hall of Fame and come from the great Midwest where many thousands of dollars change hands each day with no need for a written contract and no more assurance of fulfillment than a handshake. But, there's not a lot of sleep lost about delivery.

Out where I come from, we understand that kind of man and that way of doing business. We don't want to always be looking over our shoulder as we move forward.

Mac Baldrige helped this Nation move forward. He's going to be missed by me personally, by the Third District, by Oklahoma, the United States and, I think, the world.

Mr. Speaker, this world would be a much better place with a few more Mac Baldrige's to help us along.

WELFARE REFORM

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. HEFLEY. Mr. Speaker, no one likes welfare. The taxpayer doesn't like it because it costs too much money. The public doesn't like it because people are "getting something for nothing." Even those on the receiving end of welfare don't like it because it is demeaning and most would prefer to be earning their way.

Is it any wonder, then, that when a bill is introduced in Congress that is designated "welfare reform," everyone gets excited. Every poll indicates the American public wants welfare reformed to provide work incentives, more State control, and a legitimate expectation that the system works to get people off of welfare and into productive society.

The welfare reform bill which is going through Congress at the present time is a fraud. Rather than breaking the cycle of poverty and dependence, the bill harms welfare recipients, making them more dependent and unable to afford to work. It is a cruel approach that discourages independence and productive work. If we truly wish to help the poor, we will break down the barriers that keep people from using their talents to become productive citizens.

This bill takes exactly the wrong approach by creating new barriers to work; raising benefits above the wages of entry-level jobs in many States; preventing States from using demonstration projects to decrease welfare dependence and increase administrative efficiency; and raising Federal spending by more than $5 billion in a time of massive deficits without designating a financing mechanism to pay for it.

Most Americans would not support legislation which makes it more difficult to put a welfare recipient to work, yet this bill imposes major hurdles to this goal. It would prohibit assignment to jobs that paid less than "current pay scale," which is some arbitrary determination of what a job is worth. Further, recipients would not have to take a job that pays less than their welfare benefits. In California, the combined value of AFDC, food stamps and Medicaid is about $826 per month. Thus, welfare recipients would not have to accept a job paying $4.50 per hour even though a $4.50 per hour job can provide experience that can lead to a much higher paying job.

By boosting welfare benefits to a level above what an entry level job pays, and then prohibiting assignment to a job that doesn't pay more than welfare, the bill entraps the poor. In Colorado, the value of the welfare package could be as high as $14,000 per year for each recipient. Most entry level jobs do not pay that much so there is no incentive to go to work.

A third major objection to this legislation is that the bill fails to allow State governments to experiment with their welfare programs. Colorado has improved its welfare system through experimentation and it would be a shame to lose the ability to do this. It's just another example of Washington thinking it has all the answers.

Most Members of Congress, for the first time ever, agree that dependency on welfare programs is a serious problem, and that work, for those who are able, and preparation for work, form at least a partial solution to the problem. Thus, Congress should seize this opportunity to reform our Nation's welfare programs by giving States the flexibility and money to help welfare families join the rest of society by entering the work force. Promoting work, not increasing welfare benefits, is the key to welfare reform.

LEGISLATION EXTENDING REDEMPTION LIFE COMMODITY CERTIFICATES

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GUNDERSON. Mr. Speaker, today I am introducing a bill to extend the redemption life of commodity certificates issued by Commodity Credit Corporation for 1 year beyond the expiration date identified on the certificate.

Currently, the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture has the discretionary authority to extend the life of these commodity payment-in-kind certificates. My bill would simply state that any such certificate issued on or after the enactment date of the bill could be redeemed up to 1 year after the stated expiration date on the certificate.

I believe this bill improves current law by providing flexibility to commodity certificate holders, and urge my colleagues to give their support to this proposal.

ALEX G. SPANOS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WAXMAN. Mr. Speaker, on September 3, 1987, AXIOS Foundation for Worthiness will honor Mr. Alex G. Spanos as its 1987 "Man of the Year" dinner, as a tribute to his many contributions to our community.

A native of Stockton, CA, after graduating from Cal-Poly State University and University of the Pacific, Alex served in the U.S. Army Air Force honorably and well.

Mr. Spanos is an extraordinary individual, who far exceeds any expectations one may have of the invaluable hardworking and dedicated pillars of our community. As a prominent builder, sportsman and philanthropist, Mr. Spanos has been extremely active; he has given generously to innumerable causes on behalf of his concern for the happiness, health and welfare of his fellow man.

Alex's achievements, awards and activities that are incredibly varied and much too numerous to list in their entirety. He has served as honorary regent for the University of the Pacific, as trustee for the Eisenhower Medical Center, for the Fine Arts Museum of San Francisco, and for the Children's Hospital of San Francisco, as honorary trustee for the American College in Greece and on the board of governors for the USO. He has sponsored many benefit dinners on behalf of various worthy charities and organizations. In 1980, he was a member of the winning team at the Bob Hope British Pro-Am Classic, becoming the first person ever to win both the Bob Hope Pro-Am Desert Golf Classic in the United States and the Bob Hope Pro-Am Classic in Britain. He is also the the past recipient of the prestigious Horatio Alger Award as well as many other well-deserved honors and commendations.

I ask the Members to join with me in congratulating Alex G. Spanos, his wife Faye, and their family on this special occasion, recognizing his many contributions to our community and in wishing him continued success and fulfillment in all of his endeavors.

AN APPEAL FOR THE PEOPLES OF THE SOUTH MOLUCCAS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. FLORIO. Mr. Speaker, none among us takes heart in the continuation of human rights violations throughout the world whether in the Soviet Union, Cuba, Central America, or South Africa. But few are aware of the plight of the South Moluccan peoples.

Recently, Professor Albert P. Blaustein of the Rutgers University School of Law in Camden, NJ, brought to my attention the condition of the South Moluccans. Having followed the history of their struggle for the basic human freedoms in Indonesia, he sent me the testimony of Margaretha Hatu-Syauta, a foreign representative speaking on behalf of the South Moluccans.

In the testimony prepared for the United Nations Commission on Human Rights earlier this year, instances of human rights violations are documented. Living in Indonesia, these South Moluccan natives are often subjected to torture and discrimination.

Mr. Speaker, I appreciate the efforts of Professor Blaustein on behalf of the South Moluccan peoples to make the world more aware of these allegations. Their condition warrants our attention.

For the record, I am including the remarks of Margaretha Hatu-Syauta as sent to me by Professor Blaustein:

FROM THE PEOPLE OF THE SOUTH MOLUCCAS: A HUMAN RIGHTS APPEAL

(By Margaretha Hatu-Syauta)

We came before the United Nations for the first time to plead for the human right of self determination. We come before you today to plead for survival. For the systematic violation of our human rights now threatens our very existence.

We addressed this survival issue to the Working Group on Indigenous Populations at the meeting here in Geneva two years ago. That message was recorded on an cassette and carried by tourists to the South Moluccas. And it is shameful to report that several or our people have been arrested by the Indonesian police for the novel crime of listening to that cassette.

For we are the South Moluccan people. We were heroes in the struggle against the Japanese when they swarmed into what was then the Netherlands East Indies. After the war, we attempted to exercise our right of self determination. In that effort we established the Homeland Mission 1950. The work of this Mission continues and I am here as its foreign representative.

But I am not here to talk about self determination or politics. I am here because of the continuing humam rights violations which we have born—expecially in the past two years—which have raised the specter that our particular Species of mankind will disappear from this earth. No longer will the culture of the South Moluccans add to the diversity which constitutes the total culture of our planet. Our language, our music, the very clothes that we wear and so many members of our population will simply disappear.

Some of the human rights violations which we suffer is due to the Indonesian Transmigration Programme which is moving people from overcrowded Java to the other islands of the archipelago. We have complained about this repeatedly and so have the other victims. The human rights violations in connection with this Programme are outlined in the 1984 Report of the International Commission of Jurists—Australia Section.

In brief, the Programme is being carried out against the best interests of the indigenous people of the South Moluccas and—this I emphasize—the indigenous peoples of West Papua and East Timor as well. We are all in the same position, but the people of the South Moluccas have fared worse.

But this is only a small part of the human rights violations which we suffer and which we decry. We are the victims of genocide. The Javanese who dominate Indonesia seek our destruction. The indigenous female population of the South Moluccas is being coerced into a birth control program from which the transmigrated Javanese are exempt. No South Moluccan woman may have more than three children, spaced at three-year intevals. Indigenous women dare not escape the program. The coercion is overwhelming. For it is only by program enrollment that they get the indispensable "card" which is the necessary prerequisite in job-hunting, to enter into a labor plan, to attend high school or college, to secure the admission of one's children to the primary schools, etc.

We are also being weakened by the continuous program to destroy the unique South Moluccan institution of pelahood. This is the Brother Bond which unites the indigenous Christian and Muslim communities of our islands. Under pela, there is a concerted awareness of being one people. It functions as a cooperative system of support in which different villages help each other in the building of schools and churches and act as an insurance factor for each other in times of flood, famine, etc. Pursuant to pela, Muslims and Christians honor each other because of their common belief that their ancestors founded the system and their spirits are demanding its continuity. The Indonesian authorities impute that pela contains the remnants of heathenism and make it difficult for pelahood to survive. But we know that its survival is our survival for without it there will be conflict between Muslim and Christian and the end to a

South Moluccan unity and an end to a South Moluccan people.

And in addition to everything else there is torture—not just isolated police brutality, but organized torture approved by higher authority. Our occupiers utilize a torture of which you in the West have no conception. It involves the use of a snake house or snake den, and the most notorious is located next to the old prison at what was Pohon-Pulehsreet in Ambon city.

Witnesses and victims tell of being placed in such a snake house and at first feeling relaxed. This is because of the quietness and because of the absence of the abuse of interrogation officers. The calmness and quietness end abruptly as a huge snake coils itself around the victim and the struggle for life begins. Reports are that these pythons or petola-snakes are as large around as a man's thigh and easily capable of crushing the prisoner to death. Usually a Javanese (probably the reptile's trainer) enters the snake house in time to unwrap the victim, but there are many reports of broken bones and permanent injury from such practices. Sometimes a prisoner is locked inside the snake house and the snake is not let out of its cage; the torture is in the fear of the victim as he awaits the serpent.

South Moluccans are arrested for the slightest of reasons or for no reason at all. There are few lawyers on the islands, no legal aid, etc., and therefore few actual trials. There is instead detention for a week or so at a time. This is accompanied by frequent clubbing and threats that if the prisoners report on their torture more clubbing will follow.

We have a long list of those who have been imprisoned (one for more than ten years) and those who have been tortured. Naturally, we can name no names for fear of reprisal. But I assure you that they do exist and that all have been prisoners of conscience and not criminals engaged in acts of violence.

We know that democracy demands majority rule. But we also know that democracy and human rights demand respect for and protection of minorities. We again share our plight with you. We seek your help, your guidance and your blessings in the human rights struggle in which we are engaged.

CATASTROPHIC HEALTH CARE

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. HEFLEY. Mr. Speaker, when the President mentioned the need for catastrophic health protection in his January State of the Union address, we all applauded. We were enthusiastic because we have all seen instances where lifelong savings were eaten up by extended health care costs. We have long looked for answers that would help solve this problem and were pleased that the President was focusing attention on it.

Our hopes were dashed this week by the passage of a so called catastrophic health bill that could bankrupt the Medicare system, place the burden of payment on the backs of senior citizens and doesn't get at the long-term care needs that are really the problem. It is legislation that could cause public outrage and vault this nation further into irreconcilable debt.

While we all agree on the necessity of a comprehensive catastrophic health care plan, the Medicare Catastrophic Protection Act of 1987 offers damaging and possibly irreparable results. While some senior citizens will benefit, the great majority will be stuck with the bill. It is estimated that a widow receiving $15,000 per year can expect to pay $2,000 additional taxes each year.

Although this plan will purportedly ease the burden of catastrophic health bills by the elderly, all seniors will pay an extraordinary surtax because of the bill's large-scale expansion of Medicare commitments. Within 20 years this new tax would, according to Treasury Department forecasts, take thousands of dollars from seniors due to drastic hikes in premiums. The drug entitlement portion of the bill will benefit only one in five retirees, but will make them pay the cost of the very expensive treatment of AIDS patients regardless of age. We all have sympathy for AIDS patients, but should seniors pay for their treatment? In addition, this bill severely restricts individual choice since it turns over to the Government coverage of things that 80 percent of Medicare beneficiaries have already insured themselves against.

I supported an alternative bill offered by Representative BOB MICHEL of Illinois that would avoid any and all surtaxes, facilitate options to Medicare enrollees who seek protection from high hospital and nursing-home costs, and focuses its prescription-drug help on seniors at or near the poverty line. This bill did not pass.

The current bill jeopardizes the financial viability of the Medicare Program itself and does not adequately address the long-term care cost problems faced by our Nation's elderly. It is a mistake to enact legislation that does not really meet the need. It is estimated that this bill's massive Medicare expansions will soon exceed revenues producing an annual shortfall of $2 billion by 1995. By the year 2005, the total costs of the bill would be nearly $100 billion, adding $20 billion to the deficit in that year along. Such extreme shortfalls will further threaten the future solvency of the Medicare trust fund which can only result in even more increased premiums for older Americans.

To provide effective and efficient long-term health care for our elderly, the program must be self-financed, actuarially sound, and affordable for Medicare beneficiaries. This can not be achieved, however, simply by expanding coverage indiscriminately, Doing so will serve only to drive up premiums and taxes for many Medicare beneficiaries and place the financial solvency of the Medicare trust fund at great risk.

We can not afford for Medicare or, for that matter, Social Security to go broke. This will likely be the result if this legislation passes. What is billed as help for retirees is actually a cruel tax.

THE DUBLIN WORLD TRADE CENTER

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WRIGHT. Mr. Speaker, I have recently learned that the Government of the Republic of Ireland is moving forward with plans to establish a World Trade Center at the Customs House docksite in downtown Dublin. The proposed Center, which will ultimately encompass over 2 million square feet of floor space, and is projected to cost $350 million, will be the largest commercial project in Ireland's history.

This domestic and international business center, by bringing together prominent shipping, finance, and manufacturing industries into one focal point, will establish Dublin as a center of international commerce. An international financial services network will be a major feature of the Dublin World Trade Center, and a number of American businesses have already expressed strong interest in participating in the endeavor.

Mr. Speaker, I draw the attention of my colleagues to this project for several reasons. Our ties to the people of Ireland are strong and deep. Over 40 million Americans are of Irish ancestry. We cannot ignore, Mr. Speaker, the disturbing fact that at this point of Ireland's history its chief exports are the best and brightest of its people. After two decades of prosperity, Ireland now has the highest unemployment in Europe. In fact, between April 1985 and April 1986, 31,000 Irish left home. In the next 5 years, 150,000 are expected to emigrate.

Clearly, the Dublin World Trade Center project, by creating at least 10,000 new jobs, will present enormous opportunities for young workers. There is also no question that the Trade Center will spark the future commercial growth that is so critical to a land that has too often been the scene of economic hardship.

At a time when we are looking for ways to reestablish ourselves as leaders in the international marketplace, the Dublin World Trade Center project presents us with a tremendous opportunity to play a role we are well suited to play—sharing our expertise and resources for development with a land and people joined to us by ties of kinship, history, and commitment to democratic values.

INTERNATIONAL EXECUTIVE SERVICE CORPS IN SOUTH AFRICA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. PORTER. Mr. Speaker, in Cape Town, successful local businessman Hugh Nathan is giving up part of his workweek to help Zelpha Mpontshane start up a new discount card business called General Promotions. In Soweto, Arnold Nelson is assisting Mvumenti Nqalati, a former joint managing director of the Frame Group, one of South Africa's largest textile manufacturers, and is working with Durban clothing designer, Rejoice Misokuhle Mccoyi to expand her markets and find news sources of materials. These three white South African businessmen-volunteers are not just people who are working without pay. They are also members of an organization that will provide a vital link in a new kind of commitment to local black businesses. As a member of the House Appropriations Subcommittee on Foreign Operations, I wish to make my colleagues aware of this organization—the International Executive Service Corps—and the progress it is fostering in South Africa.

Since 1964, when The International Executive Service Corps began, it had an impressive record of success in helping small businesses in developing countries around the world. In 1986, IESC management in Stamford, CT, considered the possibility that the same concept might be equally effective in helping black businesses in South Africa. They felt IESC could demonstrate that United States businesses and Government could join in providing positive, constructive assistance to the disadvantaged sector of the South African economy.

A factfinding mission convinced IESC president, Thomas S. Carroll, that IESC would indeed be welcome in South Africa. IESC board of directors and the U.S. Departments of State and Commerce supported the concept. In January 1987, Houghton R. Hallock, a former IESC country director in Casablanca, was sent to South Africa to establish an IESC prototype, with a twist. A $96,000 project grant came from the United States Agency for International Development in cooperation with the USAID Mission Pretoria. The eventual goal, however, is to have a self-supporting agency drawn from local contributions. In addition, only South Africa volunteers are being utilized. This has not only helped reduce costs, but it will also give South Africans the opportunity to assist in the solution of problems in their own country. It will enable them to draw on their knowledge of local conditions and, most importantly, provide a direct interface at working level between black businessmen and white volunteers.

The overall reception has been overwhelming. In only 6 months, 35 projects have been completed or are underway. That's not to say it has been an easy task. Operating as a one-man band, Hal Hallock, himself a volunteer in this cause, was given the use of an office in the Standard Bank. His first step was to get to know the leaders in the black and white business community as well as the U.S. foreign service officials; get acquainted with the local situation, and make IESC's purpose, goals, and philosophy known to the local community.

After a preliminary investigation, it was decided to start operations in each of three cities, Cape Town, Durban, and Johannesburg, with the exclusive use of white South African businessmen as volunteers. The formal organization would come later on.

Hallock recruited his volunteers by placing notices in the various media. Over 100 individuals responded and a current skills bank of 74 volunteers with varied expertise is now in existence. Even more significantly, 40 white businesses have offered financial and manpower assistance, plus encouraging support. Contacts were made with Anglo American, Anglo Vaal, Barlow Rand, Premier Milling, and Pick n' Pay stores, to name some examples. All this has led Hallock to conclude, "A tremendous number of people in the community realized that something must be done—now. And there's no better way to establish trust in one another than to come as a friend."

The next step was to match the volunteers with the small businesses who desired help. Targeting the small businesses was no problem, since there are literally thousands of them. The only problem was selecting the most deserving ones which would also be most beneficial to the economy. A final area that still needs to be ironed out is the charge per project, which will have to be dedicated on by the future board of directors.

At present, volunteer recruiting and new project development is moving full-speed ahead. There is a full-time representative in each of the major cities and steps are being taken to establish IESC South Africa as a separate legal entity. Agreements have been signed with USAID Pretoria and the Get Ahead Foundation which will ensure the continuity of the program. Get Ahead Foundation will be authorized to use the unexpended portion of the initial project grant (approximately $40,000) to fund IESC South Africa until an independent IESC is established with approved documentation. At that time Anglo American Corporation of South Africa will nominate a senior executive as patron.

Mr. Speaker, as IESC South Africa continues to grow and prosper through the transfer of humanity and the transfer of technology, it could become a very effective way to bridge the chasm which exists between the economic and diplomatic factions.

QUESTIONS CONCERNING FADA

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. FLORIO. Mr. Speaker, recently an article by Kathleen Day appeared in the Washington Post describing a disturbing situation regarding the Federal Asset Disposition Association [FADA]. FADA is charged with selling property turned over to the Federal Savings and Loan Insurance Corporation from failed savings and loan associations.

The article details a series of problems, including inadequate return to the Government, and the lack of notice to consumers about the sale of properties.

Mr. Speaker, the article points out troubling questions about FADA. With the current unfortunate state of the savings and loan industry, the effective disposition of assets is critical. It is vital that Congress make sure that FADA is working toward the goal for which it was created.

The article follows:

[From the Washington Post, July 12, 1987]

FADA OUT OF FAVOR WITH MANY REALTORS

CONGRESS ASKED TO REVIEW POLICIES OF FEDERAL LAND BROKER AGENCY OWNED BY FSLIC

(By Kathleen Day)

Florida real estate broker Dale R. Homan had his eye on a prime four-acre lot in Fort Myers last August that he thought a client could turn into a money-making bowling alley.

Local developers told Homan that the U.S. government owned the land, that it was one of thousands of vacant sites, shopping centers, office buildings and residential properties that federal officials had inherited from failed savings and loan institutions. The Fort Myers property, Homan learned, was being sold by the Federal Asset Disposition Association, or FADA.

FADA was created by the Federal Home Loan Bank Board in late 1985 to help manage the $7 billion in property it has acquired since 1980, when hundreds of S&Ls began to go under.

Started as a quasi-government company with $25 million in federal funding, FADA is owned by the bank board, the federal agency that regulates S&Ls. The bank board is FADA's only client.

FADA officials told Homan no oral offers would be accepted for the property, so Homan submitted a $750,000 offer by registered mail. Several weeks later he learned FADA already had accepted an $800,000 oral bid for the lot.

Homan said he told FADA officials he was prepared to make an $825,000 counter offer, but FADA was unwilling to reopen the bidding.

Homan decided that the procedure for buying federally owned real estate is the government's best-kept secret, one he's unlikely to crack. Although he recently learned that the land he wanted still has not been sold, he's no longer interested.

"Now I wouldn't touch one of their properties," Homan said of FADA. "It's a waste of time. You can't get information. You spin your wheels and get half-answers. I think something smells awfully funny here."

Real estate executives from across the country are complaining to Congress about FADA, saying it fails to provide even the most general information about how to make a bid and frequently gives answers that are contradictory.

FADA's mission is to streamline the sale of government property and pump the proceeds into the Federal Savings and Loan Insurance Corp., the insolvent bank board fund that insures deposits at S&Ls and repossesses property when S&Ls fail. But to angry real estate executives and congressmen, FADA may be the proverbial cure that's worse than the disease.

Instead of efficiency and income, the critics say, FADA adds a layer of bureaucracy and cost to the government's task of selling a rapidly growing inventory of bad investments left over from failed savings and loans.

FADA often hires local lawyers and real estate companies to manage properties. Frequently it hires the same firms that were doing the work for the government before FADA was created. FADA adds its own fee to that charged by subcontractors and charges both to FSLIC.

When FADA was formed, it was touted as a semi-private corporation that would mimic the efficiencies of profit-making enterprises. But real estate executives say FADA has decreased competition in the sale of repossessed real estate, using its clout as an offspring of the government to channel business away from many private bidders.

Homan and others say FADA often sells property without competitive bidding or even public notice, a practice that makes it difficult to get the best possible price.

Critics say, too, that FADA, whose executives are among the most influential in the S&L industry, is interwoven with conflicts of interest both internal and external. Some FADA officials owe money to failed S&Ls whose property FADA now manages. Several FADA board members and employees also have long-established business relationships with companies that are bidding to buy and manage FADA properties.

The complaints led Rep. James J. Florio (D-N.J.) and Rep. Stephen L. Neal (D-N.C.) to launch a congressional investigation.

"Potential purchasers of property allege that FADA does not disclose properties which could be sold for a [profit] to the federal government, is generally unhelpful to legitimate consumers willing to buy these properties, and may show favoritism in determining who to notify about the availability of properties," the congressmen said.

House Banking Committee Chairman Fernand J. St Germain also is looking into "suggestions of favoritism in the hiring of subcontractors." The congressman started his probe when FADA refused to tell him how much it was paying its top executives and had to be pressured to provide the information.

"Already we have seen an agency more concerned with its bonuses and high salaries than with its primary function of recovering the maximum for the federal government from liquidated assets," said St Germain.

Although FADA was the creation of a federal agency, it was the brainchild of the S&L industry. The U.S. League of Savings Institutions, the largest S&L trade group, lobbied the bank board to form the new corporation and give it the job of selling property from failed associations. The members of FADA's board are among the S&L industry's most active and influential members.

FADA Chairman William F. McKenna is chairman of the Federal Savings and Loan Advisory Council, an industry group that advises federal regulators. He is founding partner of McKenna, Conner and Cuneo, a Los Angeles law firm that represents most of the largest S&Ls in the industry. Industry insiders claim no bank board chairman has been appointed by the White House without his—and the league's—approval.

One of the key arguments for moving FADA outside the government was to attract experienced real estate people who would not work for a government salary. FADA is not bound by government pay scales set by Congress, an exemption that allows FADA President and Chief Executive Roslyn Payne to earn at least $250,000 a year—$50,000 more than the president of the United States.

Payne has a Harvard master's degree in business and, before joining FADA, was president of Genstar Pacific Development Ventures, a real estate development firm in Newport Beach, Calif. Payne's credentials helped win FADA early support in Congress.

Payne, the highest-paid federal worker, had been with FADA for only nine months at the end 1986 when she got a $75,000 bonus, St Germain said.

"FADA is in danger of becoming another runaway agency handling billions of dollars of government assets without proper supervision and control," St Germain said. Until FADA came along, FSLIC hired private companies to manage and sell property from failed savings associations. FADA was supposed to take over those functions by acting as a subcontractor to FSLIC.

That's not how it has turned out. FADA does take responsibility for managing and selling many government-owned properties, but more often than not FADA hires subcontractors to do the work. It acts as a middleman, in many cases hiring the same firms FSLIC used to hire but with a difference: FADA passes on the cost of the subcontractor and then adds a consulting charge to pay for FADA's overhead.

FADA contracts show it charges FSLIC $850 a day in consulting fees and collects an annual fee of three-quarters of 1 percent of the value of the property it manages, in addition to the subcontractor costs.

Money from the property that FADA sells is to go directly to FSLIC, which is desperate for funds. FSLIC ended 1986 at least $6 billion in the red. So far no FADA profits, have found their way to the fund. FADA ended 1986 with a loss of $3.6 million and industry sources say the losses grew to $5 million by the end of June. Payne said the company expects to earn a profit this year. FADA's semi-government status also is intended to exempt FADA from public disclosure laws and congressional audits that apply to regular government agencies.

FADA officials say public disclosure would undermine FADA's ability to use tough negotiating tactics in selling property. Critics say it allows FADA to operate with little if any public scrutiny.

FADA director Thomas R. Bomar agreed in a recent letter to Congress that, "No group of elected or appointed officials has any business doing the public's business in secret." But, he said, FADA does not make rules or approve applications and so should not be treated like a government agency.

But critics argue that FADA does indeed decide how the public can bid on government property and does the government's business when it accepts bids.

In a recent interview, CEO Payne said that the periodic business plans FADA submits to the bank board provide sufficient oversight to make sure FADA sticks to its purpose and treats bidders fairly.

But a bank board report earlier this year said, "FADA's performance to date in providing sound business plans in a timely manner has been unacceptable."

At the end of May, FADA managed or advised FSLIC on $5.2 billion in property and loans. About 20 percent of those assets are real estate. The remaining 80 percent are loans that FADA renegotiates, Payne said.

At the end of May, FADA says it had closed sales and completed payoffs on $37 million in loans and property and had renegotiated $295 million in loans.

Many FSLIC officials are dubious about whether FADA is saving the government any money. A March 11 memo by FSLIC staff member Lisa Miller, acting director of operations and liquidations, concluded, "The quality of FADA asset management work is poor . . . [and] FADA should not receive any further assignments, until [its] performance reaches acceptable levels."

Another memo, dated March 3, from FSLIC employee Cherie Barker to Lisa Miller, says, "I also have a concern that FADA, although they are purported to be industry experts in asset management, are not doing the work themselves. Instead they have hired many layers of subcontractors to perform the management of the assets.

"If the only help we needed was from contractors . . . it could have been done more cost effectively if we had hired the contractors, and performed the oversight ourselves," Barker says. FADA is charging $400,000 to $500,000 every month for each of several failed S&Ls it manages, Barker says.

Bank board member Lawrence White said the tension between FADA and bank board employes stems from confusion over FADA's purpose and authority.

In an interview last month, White said that, "There were two problems that weren't resolved when FADA was created. One: What was FADA supposed to do? And two: To whom and how was FADA to report?"

He said employes of FSLIC are uneasy because FADA's boundaries "were very undefined. In a very real sense, FADA was being given control of assets but FSLIC was bearing responsibility for the outcome of their sale." In recent months FADA has been told that it reports to the head of FSLIC, so the reporting issue has been resolved, White said. "But the proper role for FADA is still being sorted out," he said.

Payne denies FADA is confused about its role. "We're here to help FSLIC," she said. She admits to some "emotional pimples" between FADA and the bank board, but says they are being cleared up. Payne says she has answered satisfactorily all inquiries from congressmen on behalf of angry constituents. She denies that potential buyers may be falling through the cracks because they find FADA too maddening to deal with. "You know, I'm not sure we've had a lot of problems," Payne said.

Many would-be buyers of government properties disagree. New Jersey real estate developer William T. Juliano last week summed up repeated efforts since January to find out how to bid on FADA property: "If someone had a house for sale and people had to get an attorney and threaten to sue before they could put in a bid, I don't think the house would sell, do you?"

William Raabe, Juliano's assistant, says he repeatedly called Tim Solomon and John Hatfield in FADA's Atlanta office during February and March about hotels and shopping centers in Florida and Louisiana, but was always told that the two men were "unavailable."

In April, Raabe says, he finally got through to Hatfield. "I told him of my problems of trying to reach [FADA officials] . . . and of trying to prove ourselves as bona fide buyers to FADA," Raabe says. "He said they didn't give information to just anyone but if we were an Eddie DeBartolo [the large mall builder], things might be different."

"Hatfield said that as far as they knew we were just John Smith from down the block," Raabe said." "I told him not everyone owns 90 malls."

Raabe said he asked for information about any of the dozens of shopping center FADA manages but was told "there was no information on any of these centers and we could not look at them."

FADA officials eventually told Juliano about 52 properties they said were valued at $180 million. The officials said they wanted to sell the properties as a package within three weeks, but told Juliano they could only give him information about eight properties, according to Juliano. "That makes no sense," he said.

Neither Hatfield nor Solomon returned telephone queries about Juliano and Raabe's complaints.

When Juliano threatened a lawsuit, top FADA officials met with him April 28, apologized for how he had been treated and promised to send him information on several properties right away. Two months later Juliano is still waiting.

"Is this what Congress intended with FADA?" said Juliano, who has placed ads in the Wall Street Journal seeking other real estate executives to join in a class-action suit againt FADA. He said he's had several dozen responses.

Many congressmen are trying to sort through such complaints. "This is not the first time that I have been made aware of internal problems at FADA," Rep. Stan Parris (R-Va.) said in a letter to a fellow lawmaker asking for a congressional inquiry.

"Considering that FADA Chief Executive Payne is the highest paid federal employee, earning more than the President of the United States, I would hope that she could adequately explain to our subcommittee why there are internal problems within her organization," Parris wrote.

Payne said that she doesn't think FADA has any problems beyond those of any startup company. She said she thinks the complaints come from business executives who are disappointed to learn that FADA is not going to sell property in massive quantities and at fire sale prices, a practice that lowers prices for smiliar property in a given market and is known as "dumping."

"People get very angry when we try to explain we're not dumping," she said.

For example, she said, a man called her recently about an office building in Dallas that FADA manages. "He said, 'Look I am ready, willing. I've got cash. I would like to buy that building.' And I said, 'At what price?' He told me and I said, 'That's not enough. You're asking for a number which I personally think is 50 percent what that building will be worth in two years. . . . And I said, 'I'm sorry that's not acceptable.'"'

FADA's policy of speculating that prices will rise is very different from the one espoused by the Federal Deposit Insurance Corp., the federal agency that insures deposits and takes over property at failed commercial banks. FDIC officials say they do not "dump," but they believe the federal government has no business gambling on real estate values to rise.

Says Bert Ely, an Alexandria banking consultant, "Waiting around for prices to recover—that's speculation. Private sector investors playing with their own money are going to be better speculators than quasi-government employes using government money. The real question ought to be: How well can a quasi-government agency manage those assets compared to private industry?"

DARE TO BE DIFFERENT

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. KONNYU. Mr. Speaker, the remarks which follow this statement were delivered by F. Peter Simmons on May 16, 1987, to the graduating class of the State University of New York College of Technology at Utica/Rome. As Mr. Simmons is vice president of the Space station program office of United Technologies Corp. I believe he is a man to be listened to when it comes to charting a course for the furture of our great Nation.

Not only do I hope other Members will read this speech, but also I hope they distribute it to young people in their districts. Lately, there has been too much focus on the negative at the national level. Let us not forget back home there are young people who can rekindle the pioneer spirit which will bring back the many positive aspects unique to America. We need to encourage those young people to "go for it."

I'm pleased there are private citizens out there like Mr. Simmons trying to excite young people about the future and especially about the future of the space program. In looking for solutions to the problems of the space program, perhaps the most overlooked solution is the spirit and the enthusiasm a new generation of scientists and engineers will bring to the program. As Members of Congress we need to encourage the growth of spirit and enthusiasm as much as Mr. Simmons. I consider his words a call to duty. A dare to be different.

DARE TO BE DIFFERENT

Today is the day many of you thought would never come and I feel very privileged to be able to share it with you. Today has a special significance for each of you. It is a major milestone along the pathway of your life—a pathway that causes most of you to wonder where it will lead, and what your achievements will be along its way. For many of you the most important question you have is what should be your next step. These are hard questions to answer because the younger we are the more difficult it becomes to differentiate our long-term goals that may not yet be very well defined, versus our short-term opportunities that may turn out to be stepping stones to nowhere. It is too bad that we have to make these important decisions when we are so young and inexperienced. Wouldn't it be great if we could make today's decisions tomorrow, or next year, or 10 years from now, when we have had more experience, and then be able to make that decision retroactive to today! But no, we can't do that. The scheme of things does not allow us such luxuries.

But we can decide to be different! We can make that decision today. And when we look around at our declines over the past decade, in employment opportunities, economics, and world prestige, brought about by years of the same old thing—the status quo—maybe more of us should decide to be different. When I think about the state society is in today, I am grateful that the future is in the hands of a new generation—your generation. The future is so much more important to you—you're going to spend more time in it than some of the rest of us—that the sooner you take over its management the better. Several years ago I heard someone say that we had not inherited this earth from our ancestors, we had only borrowed it from our children. Many of you, I am certain, feel it is time to take it back before my generation does further harm. So dare to be different; it holds the only promise for a change for the better.

Thoreau said "If a man does not keep pace with his companion, perhaps it is because he hears a different drummer. Let him step to the music he hears, however measured, or far away". Stepping to a different tune has never been popular, and it certainly takes a great deal of courage, and sometimes personal sacrifice, to be different—to be uncommon by choice.

Leonardo da Vinci was uncommon. Five hundred years ago he sketched the concept for a helicopter. Can you imagine how different that had to be back then before airplanes, motors or even the development of the math and science to create the technology necessary to even dream of a helicopter? Four hundred sixty years later, in 1940, Sikorsky turned that different dream of da Vinci's into reality.

Remember Rober Fulton? He was uncommon. Nearly two hundred years ago he was trying to promote the steam engine in place of sails, for reliable boat transportation. Sailboat owners were incredulous that Fulton advocated the building of a fire inside the hull of their wooden boats.

They had spent generations of seagoing activities avoiding fires of any kind. Fulton's ideas were very unpopular and certainly different. Finally he built the first successful steamboat, the Clermont, and steamed from New York to Albany in 1807. This was the start of the canal system that the economy of New York State depended on for so many years. When railroads threatened this canal economy, they were so different and unpopular that the then New York State Governor, Martin van Buren, wrote to President Andrew Jackson in 1828 pleading to have railroads outlawed. Fortunately for New York State, Van Buren was only governor for two months.

Just fifteen years ago this kind of negative thinking had our nations space program is a shambles. We had, in 10 short years, achieved the greatest event in the history of mankind—landing man on the moon and bringing him back. And yet we did not have the courage to continue along the pathway of this fabulous pioneering accomplishment. We abandoned the Apollo program. This decision was tantamount to never colonizing America after it was discovered. Once on the Moon we should have stayed there and built the factories we now say are needed to produce exotic alloys in a low gravity environment. The Moon could have been our first space station back in the early 1970s. The abandonment of this kind of opportunity is foreign to the philosophy of what makes America tick. As a result, America no longer enjoys the prestige we once had in technology leadership, social serenity, and international acclaim. Instead we have Japanese cars, hostages, Irangate, a grounded Shuttle, and the Russians getting worldwide attention with their permanently manned Space Station, the Mir, which stands for Peace.

A strong space program has turned out to be a mandatory requirement for the United States—it is a critical element in the continuing prosperity of our economy and society. The decisions we make today about how vigorously we as a nation will respond to the new challenges of space will expand or constrict your ability to fulfill the aspirations for happiness that mankind has always had.

Fortunately we are beginning to get a strong space program thru the leadership of the new management at NASA. Our shuttle has been fixed and will start flying again next year. Last year the President announced that we would begin research and development on an aerospace plane that will take off from an airport runway . . . fly at speeds of 4000-7000 or more miles per hour . . . at altitudes of 20 miles or higher and two hours or less after departure, roll to a stop at an airport on another continent halfway around the Earth. . . . Or, instead, fly from the airport to orbit, work in space, then return for a conventional airport landing. This National Aero-Space Plane is expected to be operational by the year 2000. I am certain that some of you here today will not only contribute to the technical success of this program but also be passengers on some future flight.

And, just three weeks ago, NASA received the go-ahead from the White House and Congress to proceed with the first step of establishing a national research center in space—the Space Station program. Nothing that I have ever done in my career has given me the excitement I feel as part of this program. I hope that all of you someday have a challenge that fulfills you like this one does for me.

The Space Station will be a permanent research center in space to serve as a laboratory to conduct basic research in a low gravity environment, an observatory to look down on Earth, or peer out into the depths of the universe, a garage to fix and service other spacecraft, a manufacturing plant to make exotic metal alloys or super pure pharmaceuticals, an assembly plant to build large structures too big to fit in the shuttle cargo bay and a platform for staging manned missions to Mars or establishing the Lunar Base we should have done back in the early 70s.

These new space programs—the National Aerospace Plane and the Space Station represent the highest technology available today, and as graduates of SUNY College of Technology you are all prepared for this exciting challenge. You are blessed to have these tremendous opportunities in front of you and I am certain that many of you will become an integral part of these pioneering space activities.

An appreciation of what is happening in science today, and how great a distance lies ahead for exploring, will be one of the rewards of your education. This knowledge shoud be good in itself, not something just acquired on the way to a career, but part of the cast of thought needed for getting into the kind of century that is just down this road of yours. Most of you will be under 35 years of age when we reach the year 2000! Think if that—just a liltle over one decade to the next century! How do you plan on spending those 13 years? The old adage that you're "only young once so make the most of it", in my opinion, is archaic and has no place in today's society. You're young a lot longer than you're old! I'm 60, and I'm still young! My wife says that I haven't grown up yet!

As I think about all of this I think about the inconsequential dimensions of time. Have you ever looked up at the stars at night and realized that your eyes are a backward time machine? The light you see tonight is a photon that left that star a long time ago. If you were looking at the spiral galaxy in the constellation Andromeda,—the closest neighboring galaxy to our Milky Way—you were looking 2.2 million light years away. Think about that! That photon you see tonight left Andromeda about the time that the dinosaurs appeared on Earth. The mind must stretch its concepts of space and time far beyond their normal limits to comprehend the sweep of the events that make up the history of our Universe. Let us adopt a point of view so broad that the passage of a billion years is like an hour. Imagine the face of a cosmic clock on which one twenty four hour day represents the entire 14 billion year life of our Universe. On this clock, one million years is a minute, and two thousand years—the entire span of human civilization since the birth of Jesus—is only one-eighth of a second.

Consider the great events of the history of life on Earth within the framework of this analogy. Let the creation of the Universe occur at midnight; then the galaxies and stars begin to form twenty minutes after midnight, and continue to form throughout the night and the day. At 4 p.m. on the following afternoon, the sun, the earth, and the moon appear. At 11:53 p.m., the fish crawl out of the sea; two minutes before midnight, the dinosaurs appear, sixty seconds later, they disappear; one second before midnight, man appears on the scene; and one-eight of a second before midnight Jesus was born.

So when I look up at our beautiful night sky, I sometimes reflect that I am seeing energy that was created so very long ago, and traveled so far, and has taken all that time to reach my eye and be noticed by me. And if I had blinked just then I would have missed that particular photon! How sad to think that after all that time, and the tremendous distance of its pathway, that no one even noticed that it existed. Then I think about me and wonder if the energy I emit in my short span of life will ever be noticed? When I was your age I thought time was forever. I had never figured out that I really only had 40 years or so to emit effective energy and if I spend 4 or 5 years spinning my wheels finding myself, I would have used up 10 percent or so of my available time. What a waste of time that would have been.

So establish your goals early. Do not be afraid to be different. Take small but significant steps toward your goal and never become discouraged by the rocks and crevices along the way. Be true to yourself and give yourself a chance to reach your full potential and never accept less than that full potential. This makes you a winner.

To be a winner you need to be different and it takes courage to be different. The same old status quo may not satisfy you so have the courage to change it. Do not follow where the status quo path may lead. Go, instead, where there is no path and leave a trail of achievement. If along the way you think you've reached the end of your rope—tie a knot and hang on. And along this pathway of yours, remember that obstacles are those frightful things you see when you take your eyes off the goal you have set for yourself. Being a winner, being the best in this unknown world of space adventure, is easy because no one has come before you to whom you will be compared. You are applying the technology that you have learned here, for the first time, to these challenging endeavors. So go out there and accept the challenges of being different, be the first, and help this country regain the strength and prestige that only comes from the high technology the degree you are receiving today signifies.

Good luck and thank you for letting me share this important day with you.

CHALLENGING CONSTITUTIONALITY OF BOLAND AMENDMENTS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. DORNAN of California. Mr. Speaker, I rise today to express my concern about congressional micromanagement of U.S. foreign policy. Beginning with the war powers resolution in 1973, Congress has incrementally usurped the President's authority granted in the Constitution to defend the Nation. More recently, the controversy over the Boland amendments, restricting aid to the Nicaraguan resistance, has been instructive of the manner in which Congress by a slim majority mandates ambiguous and unworkable foreign policy restrictions for which the Executive ironically takes responsibility in the end.

As we celebrate the 200th anniversary of our great Constitution, it is fitting to that we attempt to resolve years of jurisdictional disputes between the executive and legislative branches. Clearly, no branch of Government should attempt to usurp or negate the exercise of powers entrusted by the Constitution to another branch. Yet Congressional encroachment on Executive powers has gone unchecked for years. Curiously, the Iran-Contra hearings have been the catalyst for efforts to challenge the wisdom and constitutionality of these congressional forrays, especially in the area of foreign policy.

Under article 2, section 2 of the Constitution, the President has exclusive and sole authority in the field of foreign affairs. The President's duties also include national security, given his authority as Commander in Chief of our military forces.

Throughout his campaign for the Presidency, Ronald Reagan articulated very clearly his goal of seeking a democratic outcome in Nicaragua. One clear campaign promise was to help the Nicaraguan Democratic Resistance regain control of their government from the Sandinista Communists. Using his authority vested in the Constitution, the President has attempted to follow through on that campaign commitment.

However, the Democratic majority which controls the U.S. Congress is determined to block, thwart, and nullify the Reagan doctrine in Central America. A number of us in Congress think that such action by Congress, whether it be the Boland amendment or some similar pattern of legislation, which uses the power of Congress to appropriate funds and regulate commerce, usurps the President's authority in the conduct of foreign relations and is therefore unconstitutional.

I am confident that our Founding Fathers did not give exclusive authority to the President to direct a policy and simultaneously envision congressional restrictions designed to significantly subvert Presidential initiatives. For this reason, I have been joined by 14 of my colleagues in both bodies of Congress as co-plaintiffs in a law suit which challenges the constitutionality of the Boland amendments and their progeny. I think the time has come for the courts to help clearly delineate the boundaries of constitutional authority for our Nation's foreign policy.

Mr. Speaker, below follows a copy of my law suit challenging the Boland amendment. I encourage my colleagues to read the suit and to join our efforts to settle this ongoing debate.

In the U.S. District Court for the District of Columbia

[Civil Action No. 87-1414, Gesell, J.]

Congressman Robert K. Dornan, Congressman Dan Burton, Congressman Jack F. Kemp, Congressman Robert E. Badham, Congressman Gerald B.H. Solomon, Congressman Tom DeLay, Congressman Patrick L. Swindall, Congressman William E. Dannemeyer, Congressman Philip M. Crane, Congressman Norman D. Shumway, Congressman Bob Livingston, Congressman Donald E. Lukens, Congresswoman Helen Delich Bentley, Congressman Thomas J. Bliley, Jr., Congressman Howard C. Nielson, Senator Jesse Helms, plaintiffs

v.

Secretary of Defense, Secretary of State, Director, Central Intelligence Agency, Ronald W. Reagan, defendants

Amended Complaint for Declaratory Judgment and Injunction

1. Plaintiffs allege: This case arises under Article II, Sections 1(7) and 2(2); and Article VII; of the United States Constitution, the Rio Treaty of 1947, the Charters of the United Nations and the Organization of American States, and Sections 206-209, Title II of the Military Construction Appropriations Act, 1987, incorporated in the further continuing resolution for FY 1987 (Public Law 99-500); Section FY 1987 (Public Law 99-569); Section 9045 of the Department of Defense Appropriations Act, 1987 incorporated in the further continuing resolution for FY 1987 (Public Law 99-500); Section 1351 (a) of the National Defense Authorization Act, 1987; and Section 722 (d) and (e) of the International Security and Development Co-Operation Act of 1985 (Public Law 99-83) and is an actual controversy within the meaning of 28 U.S.C. 2201 as appears more fully herein.

2. The matter in controversy exceeds, excluding interest and costs, the sum of $10,000.

3. Plaintiffs are duly elected members of the United States House of Representatives and its Foreign Affairs Committee and represent the constituents in their respective Congressional Districts.

4. Defendants U.S. Secretary of Defense, U.S. Secretary of State, and U.S. Central Intelligence Agency Director are agents of the President of the United States and officers within their respective Departments of the U.S. Government.

5. Ronald W. Reagan, President of the United States, is the official constitutionally bound to "faithfully execute the office of President" and to "preserve, protect and defend the Constitution of the United States." (Article II, Section 1, Clause (7)), carry out the functions of commander in chief, and the constitutional officer solely empowered to conduct U.S. foreign relations. (Art. II, Sec. 2(1) and (2)).

6. Plaintiffs allege as material facts the matters set forth in paragraphs 6 through 16 herein below:

7. The President has determined upon, publicly announced and actively pursued and executed a "national commitment" United States defense policy of support for and assistance to paramilitary operations of democratic resistance forces in Nicaragua opposing the Soviet and Cuban backed campaign of the Sandinistas to "Sovietize" Nicaragua and establish a Soviet military base there similar to that in Cuba.

8. Plaintiffs allege this duly established executive policy is a "national commitment" which has the same force and effect as an executive decree or executive agreement, and as an official U.S. policy enjoys the same constitutional status under the Supremacy Clause as a law or treaty. It is the supreme law of the land. The Congress cannot reverse it and the President himself is bound by his sovereign "national commitment" policy as certainly as Congress is bound by its own acts until the President himself officially changes it.

9. The following statutory provisions adopted by Congress unconstitutionally usurp President Reagan's authority as commander-in-chief as the sole organ of the federal government and in the field of international relations by negating, in violation of the Supremacy Clause, U.S. treaty obligations under the 1948 Rio Treaty, the O.A.S. and U.N. charters, the treaty-making requirements and separation of powers doctrine of the Constitution, and the duly adopted U.S. Government "national commitment" to carry out support of paramilitary operations in Nicaragua:

(a) Title II of the Military Construction Appropriations Act, 1987, incorporated in the further continuing resolution for FY 1987, (Public Law 99-500) (restrictions concerning $100 million program of aid to the Nicaraguan resistance);

(b) Section 106 of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99-569) (restrictions concerning the Central Intelligence Agency, Department of Defense, and other intelligence agency or entity support for paramilitary operations in Nicaragua during FY 1987);

(c) Section 9045 of the Department of Defense Appropriations Act, 1987 incorporated in the further continuing resolution for FY 1987 (Public Law 99-500) (restrictions concerning Central Intelligence Agency, Department of Defense and other intelligence agency or entity support for Nicaraguan democratic resistance during FY 1987);

(d) Section 1351(a) of the National Defense Authorization Act, 1987, (restrictions on use of certain appropriation accounts to assist Nicaraguan democratic resistance);

(e) Section 722(d), International Security and Development Cooperation Act of 1985 (Public Law 99-83) (restrictions on use of certain foreign aid funds to assist any person or group in rebellion against government of Nicaragua).

10. Plaintiffs allege that by disregarding a duly adopted "national commitment" to implement U.S. treaty obligations and submitting to the above pattern of "Boland Amendment" type unconstitutional laws which reverse the U.S. official national defense policy in Nicaragua, the President has violated the supreme law of the land and allowed Congress to revitalize through the back door the January 21, 1956 Friendship Treaty with Nicaragua which was officially terminated on May 2, 1986.

11. By his action, the President has deprived Congress of its right to be consulted and vote on compliance with U.S. treaty obligations and deprived plaintiffs of their derivative and individual rights and duties under Article I of the Constitution to participate in the internal processes of Congress and vote as individual and collegial members of Congress, representing the constituents in their Congressional districts, on legislative proposals for or against changing the U.S. anti-Sandinista national commitment policy, the national commitment to the anti-Sandinista para-military forces in Nicaragua, implementing U.S. treaty obligations and the right to participate in Congressional investigations of more effective executive compliance with treaty obligations and the national commitment to Nicaragua's democratic resistance forces.

12. Neither Congress as an institution nor plaintiffs as participants in the internal processes of Congress have an alternative remedy because of the President's constitutional authority as the sole organ of foreign affairs under the treaty-making power and separation of powers doctrine.

13. Plaintiffs have a plain, direct and adequate interest in maintaining the effectiveness of their votes, and they claim a right and privilege under the Constitution to vote to support the U.S. national commitment to aid Nicaraguan democratic para-military forces. The President has in effect nullified that right by disregarding the commitment in response to legislation plaintiffs allege is unconstitutional.

14. Plaintiffs allege they have no available legislative solution. Congress has no power to compel the President to comply with his officially proclaimed national commitment or U.S. treaty obligations to the Contras. As a result, plaintiffs are affected personally and in a concrete way in that constituent support for them may be eroded for failure to support the national commitment.

15. Plaintiffs allege that the political branches of the federal government have reached a constitutional impasse over a pure question of constitutional law whose resolution is not subject to the political process and allege that this Court has the Article III duty under the Declaratory Judgement Act to say what is the law under Article VI.

16. Plaintiffs further allege that this suit does not involve a political question because it does not involve a question committed by the Constitution to a coordinate branch. It involves the President's failure to obey a valid and subsisting U.S. national commitment to the Contras in support of U.S. treaty obligations.

Wherefore, plaintiffs request a judgment of this Court declaring that submission by the President and his agents to usurpation by Congress of his foreign affairs responsibility under Article II of the Constitution in accordance with which he adopted a national commitment to support the "Contras" is an unconstitutional abdication of duty and responsibility, and/or further request a judgment enjoining the President and his agents named as defendants herein from further compliance with said laws and such other relief as to the Court seems meet and proper.

Respectfully submitted,

Carl L. Shipley,
I.D. #038687
Marion H. Smoak,
I.D. #171108

Of counsel: Shipley Smoak Henry & Holdgreiwe.

July 6, 1987.

MEMBERS OF CONGRESS CALLING FOR RESIGNATION OF U.S. ATTORNEY GENERAL EDWIN MEESE III

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. CONYERS. Mr. Speaker, I include a statement of Members calling for the resignation of Attorney General Edwin Meese and an article from the Washington Post:

STATEMENT OF MEMBERS OF CONGRESS CALLING FOR RESIGNATION OF U.S. ATTORNEY GENERAL EDWIN MEESE III

Following the testimony of the Attorney General before the select committees on the Iran-contra affair, the growing allegations of improper conduct in the Wedtech scandal, and the GAO report issued this week concluding failure to follow federal ethics regulations, it has now become clear that under the present leadership, the Department of Justice has lost the appearance of professional competence, high ethical standards and independence that it needs to function as the chief law enforcement agency of the United States. Accordingly we think it appropriate that, and we call upon Edwin Meese III to resign from his post as Attorney General.

Among the failures of the Attorney General evidenced in the select committee hearings on Iran-contra indicating poor administration of the department during the Iran-contra affair and the subsequent Department of Justice investigation into it include:

The failure, despite clear evidence of criminality, to initiate a criminal investigation until after the inquiry was completed on November 25, 1986 and substantially after the memorandum indicating diversion of funds to the contras was discovered on November 22, thereby allowing essential documents to be destroyed;

The honoring of requests to administration officials already under criminal probes to delay criminal investigations into illegal contra support activities because principals of those investigations were involved in the sale of arms to Iran; and

The failure to take steps to see that the statutory obligation to notify Congress of the Iran arms sales was fulfilled, following the attorney general's approval of a January 1986 finding on those sales which specifically postponed notification to Congress with the now stated understanding that such a notification delay would last no longer than approximately three months.

The series of misleading and incorrect statements made in the attorney general's November 25, 1986 press conference when accurate facts were either in his possession or readily accessible, as detailed in the Washington Post on July 30, 1987.

There are also well documented claims that the attorney general has ignored credible allegations of illicit contra support activities, public and private, for over one year prior to November 1986.

In addition, and notwithstanding whether an independent counsel may find criminal wrongdoing in the alleged use of personal influence to gain White House support for the military contractor Wedtech, the continued failure to comply with Ethics in Government Act requirements regarding financial disclosure by executive personnel, and other ethical matters being investigated by the independent counsel, have compounded questions raised about the attorney general's independence, standards and commitment to impartiality in the conduct of office.

Taken together, these matters have created the impression of professional competence and ethical standards inconsistent with public office, especially that required of the nation's chief law enforcement officer. Because this impression will continue to compromise the day-to-day functioning of the Department, we therefore call upon the attorney general to resign.

John Conyers, Jr., Chairman, House Judicary Subcommittee on Criminal Justice; Barney Frank, Chairman, House Judiciary Subcommittee on Administrative Law; Gerry Sikorski, Chairman, House Post Office and Civil Service Subcommittee on Human Resources; Patricia Schroeder, Chairwoman, House Post Office and Civil Service Subcommittee on Civil Service; Edward F. Feighan, Committee on the Judiciary; Harley O. Staggers, Committee on the Judiciary.

[From the Washington Post, July 30, 1987]

RECORD CONTRADICTS MEESE'S NOVEMBER 25 STATEMENTS

(By David Hoffman)

Attorney General Edwin Meese III used his testimony before the Iran-Contra committees this week to defend statements he made during his November 25 news conference announcing the diversion of Iran arms sales money to aid the Nicaraguan rebels.

But the record laid out since then shows that Meese was wrong or misleading about many facets of the affair that day. Meese has acknowledged that some of the incorrect statements were the result of wrong information provided to him by others.

The picture Meese drew last November 25 portrayed the President as someone who learned about key events in the Iran arms deals after they occurred and depicted Lt. Col. Oliver L. North as "the only person in the United States Government" who knew "precisely" of the Contra diversion. The facts that have come to light since then show that Reagan was a central player in the Iran arms sales, and, while the President did not know of the Contra diversion, others in the Government, including then-CIA Director William J. Casey, did.

Meese testified Tuesday that "our information was by no means complete at that time," but he said, "we were able to piece together a basic outline of what is now known as the Iran-Contra story, which has been essentially validated during the extensive investigations which have occurred since."

But the investigations have shown that in its scope and depth the Iran affair extended far beyond that which Meese described to reporters November 25.

For example, Meese said then that Reagan approved the arms sales to Iran in a "finding" in January 1986. "And, incidentally," Meese said, "all of these transactions that I am referring to took place between January of 1986 and the present time."

In fact, the Iran operation began well before January 1986. Israel, with U.S. approval, made two shipments of weapons to Iran in August and November, 1985.

On November 25, Meese said nothing about a finding Reagan signed December 5, 1985. That document outlined an explicit trade of arms for hostages; the January finding described a broader initiative involving a strategic opening to Iran. Meese testified this week he did not know about the earlier finding at the time it was signed. Former National Security Adviser John M. Poindexter testified he tore it just as Meese's initial inquiry was getting under way.

On November 25, Meese said Reagan "did not have full details of all of the aspects of transactions that took place prior to the (January) finding." Meese said, for example, that Reagan did not learn of the November 1985 shipment of Hawk missile parts from Israel to Iran until February 1986. "And it's my understanding that the United States individuals were also informed after the fact," he said.

But days earlier, Reagan told Secretary of State George P. Schultz that he was aware of the November shipment, according to Schultz's testimony.

On November 25, Meese said that neither of the Israeli shipments involved the United States. In fact, top administration officials, including North and former National Security Adviser Robert C. McFarlane, were involved.

Meese stressed November 25 that the administration "is doing everything we can to be sure that there is no hint that anything is trying to be concealed." Subsequent testimony has shown that documents were shredded, false chronologies were prepared and other documents had been concealed.

Meese said November 25 that representatives of Israel and Iran had carried out the financial transactions. This week he said that, hours after the November 25 news conference, then-Israeli Prime Minister Shimon Peres called to say that the Iranians paid the money directly into the Swiss bank account of an American company and the Israelis were not aware of the beneficiary.

Meese estimated on November 25 that "somewhere between $10 (million) and $30 million" was diverted to the Contras. However, the investigations have established that less than $3.5 million actually went to the Contras. About $16 million was diverted from the Iran arms sales, and of that, about $8 million remains. The rest went to middlemen and for other purposes.

"So far as we know at this stage," Meese said November 25, "no American person actually handled any of the funds that went to the forces in Central America." Subsequent investigations have shown that North and others who were involved in the so-called "enterprise" to support the Contras did handle the money.

JAPAN AND GERMANY SHOULD SHARE OUR DEFENSE COSTS IN THE PERSIAN GULF

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. KONNYU. Mr. Speaker, it is no secret Japan and West Germany have deep rooted interests with respect to our military presence in the Persian Gulf.

Japan receives 59 percent of its crude oil from this region which accounts for 30 percent of all crude oil passing through the Strait of Hormuz, while West Germany has an 8 percent interest in crude oil from the Persian Gulf. Persian Gulf oil comprises only 5.5 percent of our domestic oil imports and we are spending $1.7 million a day to protect these shipping lanes.

These two countries maintain large trade surpluses with the United States at $49.8 billion for Japan and $15.6 billion for West Germany. In light of the above facts we feel the Governments of Japan and West Germany should help to defer our costs to defend this region to the extent they rely on Persian Gulf oil.

This legislation addresses this matter by urging President Reagan to request Japan and West Germany to assist us, either militarily or financially, with the burden of defending shipping lanes which are so vital to their domestic welfare.

There is an increasing threat of conflict against the United States and our Armed Forces as evidenced by Iranians designating a "Day of Hate" and their promise to avenge the violence at Mecca by retaliating against us. We mustn't let these threats go unheeded, the safety of our servicemen is at stake and the cost of protecting these shipping lanes is quite substantial. Japan and West Germany can and should share the burden.

The words of our legislation introduced today follows:

H. CON. RES. 178

Whereas Iranian Interior Minister Ali Akbar Mohtashemi threatened to avenge the violence at Mecca by retaliating against the United States through "martyrdom" tactics by the Iranian Revolutionary Guards in the Persian Gulf;

Whereas the designation by Iran of a "Day of Hate" against the United States should be interpreted as a potent and hostile threat against the United States and its armed forces in the Persian Gulf;

Whereas the United States is spending $1,700,000 a day protecting the Persian Gulf shipping lanes, although Persian Gulf oil comprises only 5.5 percent of domestic U.S. oil imports;

Whereas Japan and the Federal Republic of Germany have not taken any action to assist the United States, Great Britain, and France in keeping the Persian Gulf shipping lanes open or to financially support the countries doing so;

Whereas Japan receives 59 percent of its crude oil from the Persian Gulf region accounting for 30 percent of all crude oil derived from that region and the Federal Republic of Germany receives 8 percent of its crude oil from the Persian Gulf region accounting for 8 percent of all crude oil from that region;

Whereas the Federal Republic of Germany and Japan maintain large trade surpluses with the United States at $15,600,000 and $49,800,000,000, respectively, stated in 1984 constant dollars; and

Whereas many Members of the United States Congress and large numbers of overburdened American taxpayers are properly outraged that the Federal Republic of Germany and Japan are not sharing the cost, either military or financial, of keeping the Persian Gulf shipping lanes open: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States should request that the Federal Republic of Germany and Japan enter into negotiations with the United States for the purpose of establishing a more equitable distribution of the defense burden in the Persian Gulf and that an equitable level of assistance for Germany and Japan should be not less than: (1) a contribution to the total military forces necessary to defend the interests of the Western Alliance in the Persian Gulf region of 30 percent and 8 percent of such total for Japan and Germany, respectively, or (2) a comparable level of monetary compensation to the United States for this Nation's additional costs of assuming an inequitably large share of the defense burden in the Persian Gulf.

FREEDOM HOUSE JOINS EFFORT TO BRING DEMOCRACY TO PANAMA

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. PEPPER. Mr. Speaker, before America entered World War II, Freedom House was created to oppose Nazis and Fascists seeking world domination. For 45 years, the Freedom House has opposed tyrannies on the left as well as the right of the political spectrum. Freedom House has pursued its single-minded opposition through the decades and I am sure that we all support its efforts. In its attempt to highlight all peoples' struggle for democracy, Freedom House has joined in an effort to bring the benefits of democracy to Panama. I would like to insert in the RECORD a letter from John W. Reihm, president of Freedom House to Gen. Manuel Antonio Noriega, the Commander-in-Chief of the Panama Defense Forces.

FREEDOM HOUSE,
New York, NY, August 6, 1987.

Gen. MANUEL ANTONIO NORIEGA,
Commander-in-Chief, Panama Defense Forces, Panama City, Panama.

DEAR GENERAL NORIEGA: A large and dedicated sector of the Panamanian people is engaged in a critical struggle to reestablish democratic rule. A generation has been denied the opportunity to experience civilian government under the rule of law. The current crisis stems in large part from failure of 1984 elections to produce a credible result. The legitimacy of the current government was further eroded when the elected President was forced to resign under military pressure. Since that time much evidence has emerged that leading figures in the Panamanian political and military system have conducted violent and illegal activities to maintain their position. Reacting to recent demonstrations and strikes, the Panamanian authorities have engaged in detentions, brutality, and censorship. In recent days, authorities, have raided opposition offices and threatened new arrests; La Prensa and two other opposition papers have been closed, as have several radio stations; and new restrictions have been imposed on two independent TV channels. We deplore these and other actions abridging the basic rights of the Panamanian people.

We believe that military rule has no place in the Western Hemisphere. It is time for the security forces to adhere to the Panamanian Constitution and renounce further involvement in political life. This renunciation and fair new elections are the preconditions for reestablishing the tranquility and security of the country. Because the current government is popularly identified with the military, a legitimate civilian government can now be achieved only by calling an election as soon as feasible under the supervision of an electoral commission fully acceptable to the major political parties. To ensure the fairness and credibility of this election under present conditions, the commission might invite the assistance of appropriate international or regional bodies.

The Panamanian people deserve to take their place among the democratic peoples of the Americas.

Sincerely yours,

JOHN W. RIEHM,
President of Freedom House.

THE GREENHOUSE EFFECT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SCHEUER. Mr. Speaker, although many current problems require us to focus our attention on near-term issues, the responsibility of the Congress is to preserve the American heritage for many generations to come. None of the problems we face today pose a greater threat to our heritage than the risks associated with uncontrolled climate change due to the buildup of carbon dioxide and other greenhouse gases in the atmosphere.

Human activities are changing the composition and the behavior of our atmosphere, a resource held in trust for all peoples and all generations. Industrial and agricultural activities are emitting a collection of pollutants that are changing the atmosphere's heat balance and increasing the risk of ozone depletion. If current trends continue, the atmosphere will be committed, within a matter of decades, to a global warming greater than anything experienced in the last 100,000 years. As a result, coastal areas will be flooded, fertile farmland threatened with desertification, and regional climates disrupted.

The United States contains only about 6 percent of the world's population, but uses about 30 percent of the world's energy and produces about 25 percent of the carbon dioxide emitted from the burning of fossil fuels. Our country produces and uses about 30 percent of the chlorofluorocarbons [CFC's] that contribute to the problems of global warming and stratospheric ozone depletion. Choices made in the U.S. Congress today about energy strategies, foreign aid, CFC's, and agriculture and land-use policies will heavily influence the timing and extent of future global warming. The following discussion by Gus Speth, president of the World Resources Institute, summarizes our current predicament and the prospects for limiting the risks of global warming through policy choices made today. I commend it to your attention, as well as the more detailed report, "A Matter of Degrees: The Potential to Limit the Greenhouse Effect," of which this is the foreward.

FOREWORD

For the past several years the international scientific community has been issuing unusual warning signals. Earth's climate, they say, the climate that has sustained life throughout human history, is now seriously threatened by atmospheric pollution.

Perhaps the most notable warning came in October, 1985, as a conference sponsored by the International Council of Scientific Unions, the World Meteorological Organization, and the United Nations Environment Programme, in Villach, Austria, drew to a close. "As a result of the increasing concentrations of greenhouse gases," the conference statement began, "it is now believed that in the first half of the next century, a rise of global mean temperature could occur which is greater than any in man's history."

More recently, in 1986 and 1987, the Environment and Public Works Committee of the U.S. Senate asked a dozen leading scientists from the United States and abroad to testify at extensive hearings. Wallace S. Broecker, a geochemist at Columbia University, spoke for many:

"The inhabitants of planet earth are quietly conducting a gigantic environmental experiment. So vast and so sweeping will be the impacts of the experiment that, were it brought before any responsible council for approval, it would be firmly rejected as having potentially dangerous consequences. Yet, the experiment goes on with no significant interference from any jurisdiction or nation. The experiment in question is the release of caborn dioxide and other so-called greenhouse to the atmosphere."

Climate shapes the character of places and human activities as powerfully as any force. It allows corn to flourish in Iowa and causes crops to fail in sub-Saharan Africa. It makes Siberia harsh, Tahiti gentle, and lends distinctive character to every place on the globe.

Until recently, climate was taken for granted and assumed to be unchangeable. The evidence is clear, however, that through such activities as burning fossil fuels, leveling forests, and producing certain synthetic chemicals, people are releasing large quantities of "greenhouse" gases into the atmosphere. These gases absorb Earth's infrared radiation, preventing it from escaping into space. This process traps heat close to the surface and raises global temperatures.

Excess carbon dioxide (CO_2) is the main offender. Prior to the Industrial Revolution, the concentration, of CO_2 in the atmosphere was about 280 parts per million. At this concentration CO_2 (and water vapor) warmed Earth's surface by about 33 °C and made Earth habitable. But, since then, especially since 1900 or so, the accelerating use of fossil fuels and vegetation loss over large areas of the planet have caused CO_2 in the atmosphere to increase by about 25 percent, to 346 parts per million.

But carbon dioxide build-up is not the only problem. Much of the new urgency about the greenhouse effect stems from the realization that other gases released through human activity—including chlorofluorocarbons (CFCs), methane, nitrous oxide, and others now contribute about as much to the greenhouse effect as CO_2 does.

According to one estimate, past emissions of greenhouse gases have already committed Earth to warm by 0.5 °C to 1.5 °C over the pre-industrial era, though only a fraction of this warming has been felt to date because of the inertia of the oceans. Several models project that if current trends in greenhouse gas build-up continue, we will have committed Earth to a warming of 1.5 °C to 4.5 °C by around 2030, the upper end of this range being the more probable.

It is vital to understand what these changes could mean. Not since the dawn of civilization some 8000 years ago has Earth been about 1 °C warmer than today. To find conditions like those projected for the middle of next century, we must go back millions of years. In short, if the greenhouse effect turns out to be as great as predicted by today's climate models, and if current emission trends continue, our world will soon differ radically from anything in human experience.

While the regional impacts of a global warming are uncertain and difficult to predict, many of the anticipated changes are far-reaching and disturbing. Rainfall and monsoon patterns could shift dramatically, upsetting agricultural activities worldwide. In summer, the Great Plains of the United States, Central Europe, and parts of the Soviet Union could experience Dust Bowl conditions. Sea level could rise from one to four feet, flooding coasts and allowing salt water to intrude into water supplies. Ocean currents could shift, altering the climate of many areas and disrupting fisheries. The ranges of plant and animal species could change regionally, endangering protected areas and many species whose habitats are now few and confined. Record heatwaves and other weather anomalies could harm susceptible people, crops, and forests.

In this context, it is not surprising that the scientists at Villach took the important step of urging that the greenhouse issue be moved into the policy arena. "[U[nderstanding of the greenhouse question is sufficiently developed," they concluded, "that scientists and policy-makers should begin an active collaboration to explore the effectiveness of alternative policies and adjustments."

WRI senior associate Irvin Mintzer, who participated in the Villach meeting, has worked since 1985 to design a method to help scientists and policy-makers collaborate. "A Matter of Degrees" is the first fruit of that effort. Between scientific understanding and policy initiative lies the domain of policy research, and Mintzer's paper describes a promising tool for addressing many of the questions that must be answered before effective national and international action can be taken.

Mintzer has integrated many existing simulation models into one structure—the Model of Warning Commitment—that can be used to project future emissions of the six gases that contribute most to global warming and to estimate their ultimate warming effects. Individual components of the model can be separately manipulated to simulate possible policy initiatives and economic changes.

"A Matter of Degrees" describes the model and presents important results of analyses using it. These results provide grounds for great concern about current trends and guidance toward a less risky future. They suggest that strong measures can significantly diminish the build-up of greenhouse gases if implemented effectively and soon. They also suggest that even with such measures substantial climate change stemming from past and current activities may now be inevitable.

A comparison of two of Mintzer's scenarios brings out these conclusions. His "base case" scenario reflects conventional wisdom about population, economic, and energy growth from 1980 to 2075. No policies are introduced to slow the greenhouse gas build-up: no major effort is made to arrest tropical deforestation, to improve energy end-use efficiency, or to introduce non-fossil energy sources. Environmental concerns have little effect on energy policy. Similarly, no policy steps are taken to limit CFC emissions. In Mintzer's "slow build-up" scenario, economic growth is the same, but strong policies are adopted to introduce solar energy, improve energy efficiency, discourage the use of solid fuel, and arrest deforestation. CFC production is frozen by international agreement at the 1985 level, and other measures reduce CFC releases.

By 2030, the difference in global warming between these two scenarios is already significant in the model, with a warming commitment in the range or 1.6°C to 4.7°C in the base case scenario above pre-industrial temperatures and 1.1°C to 3.2°C in the slow build-up scenario. By 2075, the difference is profound—2.9°C to 8.6°C above pre-industrial temperatures in the former and 1.4°C to 4.2°C in the latter.

Using these results, it appears that, even with measures as far-reaching as Mintzer considers in the slow build-up scenario, the earth's surface temperature could be committed to an increase of 2°C or 3°C by about 2030—a major change in the planet's climate. Yet the strong measures tested in the slow build-up scenario do succeed over the next century in preventing changes possible two to three times this great, an extremely important result. Without such measures, current trends and policies appear to have mankind on a course that could lead to very large and potentially devastating climate changes in the next century.

Several responses to these findings are possible. Given the gaps in our knowledge and the inevitable distance between model and reality, one could simply beg to differ. Indeed, because the findings presented here are seriously disturbing, we must hope that future research and improvements in our understanding will lift this burden from societies in some measure. Time, of course, would tell whether the concerns now voiced by many scientists are justified. But can we afford to take that time and risk the planet's future? Mintzer's work, and that of others, suggests that, far from having the luxury of time, we are already late getting started and the costs of delaying a response are large.

Another possible response, considering the difficulty of measures needed to slow the build-up of greenhouse gases, is to conclude that not much can be done because of practical and political constraints. The greenhouse issue may present the ultimate environmental dilemma. Collective judgments of historic importance must be made—by decision on default—largely on the basis of scientific models that have severe limitations and that few can understand. To some, the trade-off will be whether to provide the energy needed for economic growth or to protect humanity from a seemingly distant and uncertain threat. Further, addressing that threat will require international cooperation on a scale seldom achieved save in war.

Yet, with the build-up of greenhouse gases proceeding apace, a great planetary experiment is under way, as Wallace Broecker correctly obseved. Before the results are fully known, our children and future generations may have been irrevocably committed to an altered world—one that may be better in some respects but that also involves truly unprecedented risks. Not to despair requires an act of faith in people—faith that as these risks become widely appreciated, people will not sit idly by but will respond to protect deeply held values. Moreover, the alternative of action may appear more attractive as it is better understood.

Virtually all the steps societies should take to slow greenhouse gas build-up have powerful justifications apart from preventing climate change. And to those who believe" a little warming might not be so bad, on the whole," the appropriate response is that "a little warming" is no longer the issue. A big warming is.

"A Matter of Degrees" suggests that two kinds of action are justified: adaptive measures to prepare for climate change that seems inevitable and, even more important, preventive measures to forestall changes that we can still influence. Control of greenhouse gas releases can both buy precious time and, ultimately, maintain Earth's climate as close as possible to that of the past several thousand years. Given what is now known, major national and international initiatives—grounded in the best available science and policy analysis—should become a top priority of governments and citizens.

Clearly, a deeper appreciation of the risks of greenhouse gas build-up should spread to leaders of government and business and to the general public, investing the greenhouse issue with a sense of urgency not present today. If nations are to be spared a Hobson's choice between energy shortages and climate change, a priority commitment should be made here and abroad to energy efficiency, to solar and other new and renewable energy sources, and to economic incentives and other measures that discourage the use of high-carbon fuels. Steps should also be taken to halt the damaging deforestation now under way in the tropics and to regulate CFCs and other greenhouse gases.* "A Matter of Degrees" uses changes in all these directions to shape the slow build-up scenario.

The years immediately ahead should be a period of intense scientific research, policy exploration, and adoption of appropriate measures. Innovative international responses should be discussed. Global and regional energy futures should be explored with special emphasis on their effects on the greenhouse problem. Preventive and adaptive strategies appropriate to the world's regions should be mapped and means found to build U.S.-Soviet cooperation on this issue since these two countries together have 55 percent of the world's coal reserves.

In this period of intense interaction among scientists and policy-makers, scientists will have a special role to play. Without their leadership, the necessary public understanding will not be achieved. But the search for solutions must also involve leaders in government, business, energy, environment, and international and economic affairs. Cooperation will make the difference between choice and chance.

The World Resources Institute expresses its deep appreciation to the C.S. Mott Foundation, the Rockefeller Brothers Fund, and the German Marshall Fund of the United States for their support of WRI's work on energy and atmospheric issues.

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* See, e.g., "Tropical Forests: A Call For Action" and "The Sky Is The Limit."

SOUTHWEST WASHINGTON STATE BOASTS TWO ALL-AMERICAN CITIES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. BONKER. Mr. Speaker, I feel distinctly proud that not just one, but two cities in my congressional district in southwest Washington State received the All-American City award, presented by President Reagan.

These two cities, Vancouver and Olympia, earned this coveted recognition through strong public-spirited leadership that gave their respective communities vision and a number of notable accomplishments.

One of the leading citizens in Vancouver is Harriet Campbell who was in Washington, DC, to accept the award. She shared her thoughts and experiences in a column that appeared in the Vancouver Columbian on July 22, 1987. the article is reprinted below:

[From the Columbian, July 22, 1987]

AN ALL-AMERICAN CITY DOESN'T REST ON ITS LAURELS FOR LONG

(By Harriet Campbell)

A very proud Vancouver USA, represented by 10 of its citizens, traveled to Washington, D.C., last Thursday to accept the All-American City award. You were all there with us, because without you there would have been no award.

A gracious Ronald Reagan handed Mayor Bruce Hagensen the copper-faced wooden plaque recognizing our efforts. We could almost hear you cheering.

The president was probably having a little respite from his busy schedule Thursday, as Washington, D.C., was very quiet. Many of the legislators were in Philadelphia attending ceremonies for the bicentennial celebration of the Constitution.

Nevertheless, there were some really wonderful things still there.

We visited the Vietnam Memorial, a monument so eloquent in its simplicity you could hear the awe and respect in the silence of those paying tribute.

We drove by the National Gallery of Art, where Andrew Wyeth's Helga paintings, among his many others, are on display.

We passed the Lincoln Memorial and paused to reflect on another time in our nation's history when our country was also torn by opposing views.

We toured the Capitol, where the American people have the right to have their wishes represented by their elected officials.

We passed the Supreme Court building, the ultimate repose of the law of the land.

And we were very proud to be Americans.

We didn't have the time or the opportunity to say everything we wanted to say about Vancouver, USA. We tried to do that in Kansas City, Mo., where we made our presentation to convince the National Civic League that Vancouver was an All-American City.

But I think if we'd had the opportunity again in our nation's capital, we would have added that Vancouver is a small, All-America city with an awful lot of good friends who like to work very hard to accomplish the things we believe in. We have friends in our county, friends in our state, friends in Oregon, our good neighbor to the south. We also have very good friends in Japan and the Soviet Union.

We hope in our own small way we have demonstrated to America and perhaps even to the world what communication, cooperation and understanding can achieve.

As our exciting, hurried, three-day trip drew to a close and we flew back to our beautiful Pacific Northwest, we gave thanks as we passed Mount Hood and saw Mount St. Helens and Mount Adams in the distance. And as we flew in over the Columbia River, with its green forested banks, and saw Vancouver, our own personal All-America city, we were glad this is home.

We were back in the community that allowed us the privilege of representing it.

We remembered again how, at the closing of the Nihonga Art exhibit, on which our All-America City application was based, our community spirit and confidence were unbounded. And at that time we asked, what's next?

So we hosted the 50th anniversary celebration of the 1937 Chkalov transpolar flight from Moscow to Vancouver. We saw the Leningrad Kirov Ballet perform at the Columbia Arts Center. We hosted another international exhibit at the Marshall House in cooperation with the Soviet Union. And we accepted the All-America City Award from the President of the United States.

It seems the only logical question to ask once again is, what's next?

Let's see: Officers Row, A Goodwill sheltered workshop for the handicapped, revitalizing the Columbia Arts Center, reconstructing our waterfront, downtown Vancouver. . . .

A FREEDOM UP IN SMOKE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. COBLE. Mr. Speaker, there has been much debate in recent days on issues relating to the consumption and advertising of tobacco products. There are some in the House who are seeking to ban the advertising and promotion of all tobacco products. Those of us who oppose this effort claim that the banning of a lawful product such as tobacco is nothing but censorship.

Rather than repeat the arguments I have used before, I commend to my colleagues an excellent editorial from the High Point Enterprise of July 29, 1987. I urge those of my colleagues who are seeking to ban the promotion of a legal product to read this editorial carefully.

The editorial follows:

A FREEDOM UP IN SMOKE

A 1930s magazine ad for Lucky Srike cigarettes featured Buster Crabbe, Olympic swimming champion and later Flash Gordon in the movies, who testified that smoking increased his wind.

1980s athletes know better and few, apart from golfers and baseball designated hitters, indulge in the habit. Nowadays, it is a poor role model indeed who encourages youngsters to smoke cigarettes or dip snuff or chew tobacco.

That is the point that several athletes are making during congressional hearings this week. The House Energy and Commerce subcommittee on health is taking testimony on a bill that would ban all tobacco product advertising.

Basketball players Wayne "Tree" Rollins of the Atlanta Hawks and Scott Wedman of the Boston Celtics were two who spoke in favor of the ban. They belong to an organization called Athletes Against Tobacco that wants to "send a strong message to our nation's youth that tobacco use and sports do not mix," according to Wedman.

That is an important and accurate message, one that should be broadcast coast to coast. In a free society, public education is accomplished through the broad dissemination of information.

In contrast, nothing good is gained, and much is lost, through censorship. The authors of the Bill of Rights knew that when they wrote the First Amendment to the Constitution which says that Congress shall make no law that would abridge freedom of speech or of the press.

Unfortunately, Congress has before it a proposed law that would do exactly that. A ban on tobacco advertising would be clearly and outrageously unconstitutional.

Certainly, this nation could survive in freedom even if tobacco advertising were outlawed. But Americans would be less free, particularly those who earn their living through the manufacture and sale of legal tobacco products.

And Congress does not restrain itself when it achieves any small success. The erosion of freedoms would continue with legislation to eradicate the advertising of other legal products such as alcoholic beverages, firearms, motorcycles or anything else that might be perceived as dangerous if misused. What would be the limit if Congress decided to enact exceptions to the First Amendment, which was written without exceptions? It is not far from that point to a ban on the distribution of other kinds of information.

Athletes, doctors and headline-hunters in Congress don't worry about such constitutional questions. They are more concerned about the nation's health, and that's fine. Somebody should be. But the health of our Constitution on its 200th birthday is important, too. And right now, it's in a little bit of danger.

UNEMPLOYMENT INSURANCE DEMONSTRATION PROGRAM FOR DISLOCATED WORKERS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LEVIN of Michigan. Mr. Speaker, today I am introducing legislation, along with my colleagues Mr. DONALD PEASE and Mr. WILLIAM FORD, to establish a five-State demonstration program to test innovative ways to help dislocated workers collecting unemployment benefits find new jobs.

For the past two decades, the American economy has been undergoing an enormous transformation. The challenges of foreign competition, a new technologies, and rapidly changing consumer demands are altering our worker's lives and expectations. These forces have already caused massive dislocations. Between 1981 and 1986, 5.1 million experienced workers lost their jobs permanently, far more than during any past economic downturn. A recent study commissioned by the Department of Labor, "Workforce 2000," found that "worker dislocations are certain to be an economic fact of life in the foreseeable future." We can now expect the average worker to be forced to change careers as many as six times during his or her working life.

Unlike many other industrialized countries, the United States does not have a national strategy to deal with the problem of dislocated workers. While times have changed, the systems we have in place to aid these workers lag decades behind.

Dislocated workers often face much greater barriers to reemployment than other unemployed workers. The permanence of their job loss, their substantial investment in and attachment to their former jobs, and the fact that they tend to be concentrated in certain localities, industries, and occupations make it much more difficult for dislocated workers to obtain new jobs. Moreover, the new jobs in the service sector frequently require greater literacy and higher levels of analytical and communication skills than the jobs they are replacing. These demands are being placed on workers at a time when a growing number of adults cannot read at an eighth-grade level.

Despite the new challenges facing dislocated workers, the basic systems we have in place to assist them—Unemployment Insurance (UI) and the Employment Service (ES)—have changed little since they were created during the Great Depression when the problems the country faced were much different than they are today.

The UI system was designed to supply funds to keep a family going until the breadwinner could get back to work—usually back to the same or similar work. Yet during the 1982 recession, over half of the rise in unemployment was due to permanent dislocation.

The ES system is equally unsuited to help dislocated workers adjust to different jobs in new industries, for which they are often unprepared. "Workforce 2000" found that the routinized job listing and referral services of ES are entirely inadequate to address the needs of dislocated workers.

It is clear that these systems must be updated. We can make better use of these resources, a particularly crucial point as we struggle to reduce our massive budget deficits.

Congress took a first step toward helping dislocated workers when it created the Trade Adjustment Assistance (TAA) Program, and this year's trade bill contains important improvements. These programs aid workers dislocated as a result of foreign competition. But dislocated workers face barriers to reemployment regardless of the cause of their job loss. It is time to move to generalized system that reaches all dislocated workers.

Fortunately, many of the tools we need are already in place. UI reaches 69 percent of all dislocated workers. There are ES staff and offices in every State, and Job Training Partnership Act (JTPA) programs have gained valuable experience in linking the public and private sectors to train workers for productive jobs. These systems can be the building blocks of a modern approach to aiding dislocated workers.

Last year in New Jersey, the Department of Labor tested an integrated delivery system to identify and mobilize the current UI, ES, and JTPA systems and offer intensive help to dislocated workers. Preliminary results from this experiment are encouraging. In addition, experience with TAA and the programs of other States and countries, particularly the 25-year-old Canadian Industrial Adjustment Service, indicates that a variety of program approaches have worked to facilitate worker readjustment.

Building on these models, we propose a five-State demonstration program to upgrade the UI and ES systems to better serve displaced workers. This program has six main elements.

First, it authorizes States to develop a service delivery system that integrates the UI, ES, JTPA and TAA programs to help displaced workers rapidly find new employment. This system will coordinate administrative procedures and develop new linkages among UI, ES, JTPA and TAA. The demonstration refocuses and redirects the efforts of ES, in particular, to provide an identifiable public agency that will coordinate public and private efforts to aid dislocated workers. It also establishes joint working groups to develop innovative projects and build existing services that have proven effective into new, high-quality programs.

Second, the program reorients the UI and ES systems to find dislocated workers early, within a few weeks of unemployment, to inform them of available reemployment services, before their unemployment benefits run out. "Workforce 2000," emphatically found that the earlier these workers are identified, the more effective delivery of public and private services.

Third, the program provides intensive services to dislocated workers. It establishes a "New Start" program of vocational and aptitude testing, job search, individualized assessment, and vocational and career counseling. The demonstrations will help dislocated workers develop individualized "New Start" plans and will refer them to basic educational and vocational training programs, when appropriate.

Fourth, the program improves labor market services for business. The demonstrations will conduct labor market surveys, improve outreach efforts to businesses, and work closely with local employers to develop aggressive job matching and referral services that direct dislocated workers to appropriate job openings. The demonstrations will also instruct agencies to develop streamlined on-the-job training contracts with private employers and tailor job training courses to provide employers with workers "custom-trained" for specific jobs in specific firms.

Fifth, the program authorizes States to experiment with other new and innovative services such as relocation assistance, self-employment allowances, reemployment bonuses, and economic adjustment allowances.

Finally, it allows workers in approved training programs to continue collecting UI and to extend their benefits for up to an additional 30 weeks.

The proposed demonstration program is jointly funded by the Federal Government and the States on an 80/20 matching basis. The Federal share is paid out of the UI Trust Fund. This fund currently has a surplus of over $1 billion. Using this surplus for the demonstration program will not endanger the solvency of the UI system. The Federal costs of the demonstration program are capped at $50 million per year.

The programs are administered by the States under guidelines established and monitored by the Department of Labor. DOL will provide States with technical assistance and will evaluate State projects. States will have leeway to experiment and to develop innovative programs for aiding dislocated workers.

The need to assist dislocated workers is clear. This legislation is a carefully planned first step in that direction.

The shock of change in our economy can either be destructive or an opening to new growth. We must choose the productive course and ease the transition required of men and women forced to build new lives in new places and to acquire new skills. It is in the national interest to help dislocated workers readjust quickly. We must unite public and private efforts in a comprehensive, coordinated approach to give dislocated workers the education and training that a dynamic, competitive economy requires. We have the best in human resources—let's make the most of them.

CIVIL RIGHTS RESTORATION ACT: A MATTER OF SIMPLE JUSTICE

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GRAY of Pennsylvania. Mr. Speaker, the matter of civil rights has been addressed appropriately by this body before. Unfortunately this clear message has been misinterpreted by the February 1984 Supreme Court decision in the Grove City College case.

Recently an article regarding this issue was written by Mr. Andrew Henshel and appeared in the Philadelphia News Observer. I would like to acknowledge this very thorough analysis of the Civil Rights Restoration Act by printing the article in the CONGRESSIONAL RECORD.

THE CIVIL RIGHTS RESTORATION ACT: A MATTER OF SIMPLE JUSTICE

Dear Editor:

A top priority on the legislative agenda for the 100th Congress should be passage of H.R. 1214, the Civil Rights Restoration Act of 1987.

Enactment of the Civil Rights Restoration Act will restore to full force and effect four key civil rights laws whose provisions were undermined by the February 1984 decision of the Supreme Court in the Grove City College case. The four laws affected are Title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of the 1975.

These four laws contain provisions, identical in language, that prohibit the use of federal funds to subsidize institutions or programs that discriminate on the basis of race, sex, disability or age. The Supreme Court, however, in the Grove City decision, ruled that only a program or activity directly receiving federal assistance is subject to the anti-discrimination provisions of present law. This decision narrowed the comprehensive, institution wide coverage that had previously existed. Thus, an individual department or unit of an institution can now engage in discriminatory practices, and the institution can receive federal funds as a result of the Grove City decision.

The need for passage of the Civil Rights Restoration Act is clear. Since the Grove City College ruling, a substantial number of Federal cases involving discrimination against individuals based on race, sex, disability or age have been delayed, suspended, or closed. It is critical, therefore, the Congress act expeditiously to restore the broad, comprehensive coverage of our nation's civil rights laws that previously existed, applying to all institutions receiving federal funds.

The Grove City decision directly contradicted prior Executive and Congressional intent, which was expressed eloquently by President John F. Kennedy in a 1963 message to Congress: "Simple justice requires that public funds to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by federal, state or local government is prohibited by the Constitution. But indirect discrimination, through the use of federal funds, is just as invidious."

Passage of the Civil Rights Restoration Act of 1987 will reaffirm our nation's commitment to the principles of fairness, justice, and equality of opportunity for all. As our nation commemorates the Bicentennial of the Constitution, it is appropriate that the Congress act to restore full protection of civil rights under federal law. Clearly, it is a matter of simple justice.

TEDDY GLEASON—FIGHTER FOR THE WORKING MAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. BIAGGI. Mr. Speaker, I rise today to pay tribute to a leader in labor reform, a champion of the American laborer, a truly great American, and a very dear friend—Teddy Gleason. Last Friday, Teddy left his position as president of the International Longshoreman's Association of the AFL-CIO. As one of the founders of the ILA, and as it's president for the past 34 years, Teddy has dedicated his life to ensuring quality of working conditions and good wages and benefits for our Nation's longshore workers. However, Teddy is not going into a much-deserved retirement. He will continue as president emeritus of ILA and as president of local 1, the local he founded and the second largest local of the ILA. I have long admired Teddy's dedication to his goals and causes and deep devotion to ensuring the rights of his fellow workers. I would like to reflect for a moment on Teddy's life and accomplishments.

The son of poor Irish immigrants, Teddy, at age 15, began working on the docks of New York's West Side. Hour after hour, year after year, he performed the backbreaking work required. He advanced through a variety of jobs until he became a dock superintendent. In 1932, he was booted off the docks because of his union-organizing activities. After a brief period during which he worked in a sugar factory by day and sold hotdogs at Coney Island at night, Teddy returned to the docks and soon became president of ILA Local 1346. Local 1346 eventually merged with other locals to form local 1. Teddy soon became president of this new local.

Since the days of the New Deal, Teddy Gleason has been a leader in the union movement. He lead the fight for safer working conditions—not only for dockhands but for laborers generally. Federal, State, and local leaders have solicited his advice and support. When Government officials wanted a credible "blue ribbon panel," they sought Teddy Gleason's participation. In 1953, Gleason's fellow longshoremen elected him general longshoreman organizer of the ILA and, 10 years later, selected him as international president. Gleason's primary responsibility was, of course, to protect those who elected him. He was a tough negotiator, who sought to assure job security and a fair wage for longshoremen.

Probably the greatest challenge the ILA and Teddy faced was the technological revolution brought about by intermodalism. In an intermodal operation, products are packed in large metal containers that can then be transported by rail, truck, or specially designed container vessels. As ocean shippers increasingly used containers, dockside work decreased. Management and the shipping community would not tolerate union efforts to block intermodalism. Teddy was faced with the task of protecting the jobs of his fellow workers while not blocking technological progress. The agreements that emerged from those early negotiations represented a dramatic victory for labor while fostering a technological revolution that changed transportation patterns forever.

Teddy Gleason will go down in history as a champion of the labor union. Due to his diligent efforts many Americans support themselves and their families working with the shipping industry. He will shine as an example of selfless dedication to others and endless commitment to justice for all workers.

Teddy, you have given us a great model for hard work and service of others. I know you will continue in your tradition of excellence and your commitment to justice.

KUDOS TO COLORADO SUPERCONDUCTOR RESEARCHERS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mrs. SCHROEDER. Mr. Speaker, this week Colorado State University announced a major advance in the search for superconducting material. I wish to express my admiration for the work of Prof. Walajabad Sampath and graduate student Nitate Mate.

This research team at the university has isolated microscopic particles that repeatedly show evidence of superconductivity at temperatures up to 70 degrees Fahrenheit. In addition, they have been able to maintain superconductivity at room temperature for up to 2 days.

This is an exciting advance that may hold the key to finding a superconductor that works at room temperature. While other researchers have found evidence of similar superconductivity, they have been unable to duplicate the results or isolate the superconductive properties.

[From the Rocky Mountain News, Aug. 6, 1987]

CSU ISOLATES "KEY" TO SUPERCONDUCTORS

(By John C. Ensslin)

FORT COLLINS.—A Colorado State University research team yesterday said it has isolated microscopic particles that could unlock the mystery of superconductors, materials that conduct electricity with no resistance or loss of energy.

The researchers think the tiny ceramic specks may hold the key to the hottest race in modern physics: to find a superconductor that works at room temperature.

The CSU researchers were able to demonstrate superconductivity at temperatures of up to 70 degrees for up to two days, said CSU mechanical engineering professor Walajabad Sampath.

"Other researchers have seen tantalizing hints of superconductivity at these temperatures, but they haven't been able to repeat or sustain it," Sampath said.

While CSU officials touted the results as "a major coop," Sampath modestly downplayed the significance, winding at the mention of "breakthrough" or "discovery."

"It's just an isolation technique," he said. "It's on the road maybe, but we're not there," he said. "The final story is when you can make a material that is all that stuff (a room-temperature superconductor.)"

Superconductivity is a phenomenon in which electricity passes through a material with no resistance.

Since 1911, scientists have known that certain materials, when cooled to near absolute zero, become superconductive.

In recent years, scientists have discovered a ceramic compound of copper, yitrium, barium and other oxides that have superconductive properties at much higher temperatures.

These breakthroughs have fueled visions of building high-speed trains, compact supercomputers and no-loss energy transmissions lines with the material.

But one of the stumbling blocks has been the temperature required to create the phenomenon. Reaching and maintaining superconductivity at such frigid (minus 319 degrees Fahrenheit) temperatures has made commercial application of superconductivity impractical and too expensive.

Earlier this year, researchers at the University of California at Berkeley said they showed superconductivity at 60 degrees, but other researchers have been unable to duplicate the results or isolate the superconductive properties.

Sampath's research took a different turn when one of his graduate students, Nitate Mate, suggested they pulverize the superconductive chip and study its properties under a microscope.

In an around-the-clock experiment last week, Sampath and co-researcher Sean Riley demonstrated superconductivity by running a magnet over the specks.

The superconductive particles—no bigger than the diameter of a human hair—"danced" as they generated their own electric field, repelling that of the magnet.

"We just monitor the temperature at which the particles stop dancing," Sampath said. "That is one indication that these are high-temperature superconductors."

If his hunch is correct, Sampath said, the next step will be to analyze the particles and eventually reproduce the material.

A patent is pending on CSU's process for isolating the superconducting material. The process was a result of research initiated by Sampath, who has been at the school since 1985, and Mate.

CSU MAKES BREAKTHROUGH ON SUPERCONDUCTIVITY

(By Anne Gordon)

Two Colorado State University scientists announced a new discovery Wednesday that may speed up the already fast-paced race to develop a superconductor that works at room temperature.

The CSU researchers said they have isolated bits of material that repeatedly show evidence of superconductivity at temperatures up to 70 degrees Fahrenheit.

Other researchers have found evidence of similar superconductivity, but they were not able to tell exactly which part of the compound was active at the higher temperature. The CSU discovery is important because it isolated the superconducting particles in the compound. The CSU research may allow scientists to reproduce the room-temperature superconducting material.

"No one else has achieved constancy and been able to duplicate their results. We have been able to isolate and analyze their composition and hopefully now will synthesize these compounds," said CSU's Walajabad Sampath, a mechanical engineering professor.

Superconductivity is the phenomenon in which electricity passes through materials with no resistance or loss of energy. But the promise of superconductivity goes well beyond that textbook explanation. William R. Graham, the White House science adviser, has compared the discovery of superconductors to the invention of the laser and even the electric light.

Superconductors may one day be used to change everyday life as they power such marvels as a levitating train and immensely powerful computers. But for today, the challenge facing scientists is just to understand superconductors and later build and stabilize the material. Some developers have said it may take as long as 10 years to get the new breed of superconductors out of the laboratory and into practical use.

Sampath and his co-researcher Sean Riley have been working around the clock this past week repeatedly demonstrating superconductivity occurring at room temperature several times for as long as two days. "Time and time again, we have physically seen particles the diameter of a human hair become superconductive at temperatures ranging from minus 19 to 70 degrees Fahrenheit," Sampath said.

The CSU research "could be very exciting" if the results are confirmed by others, Northwestern University physics professor Arthur J. Freeman said Wednesday.

It comes in the midst of reports that unconfirmed results in Japan indicate superconductivity at 86 degrees, reproduced over four days, and 122 degrees reproduced over six to eight days," Freeman said.

Sampath and Riley use a blend of copper, yurium, barium and other oxides, cool them with liquid nitrogen and place the material above a magnet. Under the eye of a microscope, Sampath watched "the particles dance and simply measured when the last one danced" at 70 degrees Fahrenheit.

The scientific explanation for the marathon dancing of these particles is called the Meisner Effect, where superconductive material generates its own magnetic field and begins to repel against that of the magnet. The repelling causes the particles to move and spin.

A patent is pending on the CSU process for isolating the superconductive materials, said Sampath. "We went down a totally different road from other lands."

For the past 18 months, researchers across the world have been racing to develop superconductive materials at increasingly high temperatures. Intense attention had been paid to the phenomenon of superconductivity since a Houston scientist, Paul Chu, stimulated the effect in particles at about 283 degrees below zero. Since then the temperature in which superconductivity can be seen has heated up by leaps and bounds.

Reports of superconductivity occurring as high as 60 degrees have been made by the scientists at the University of California at Berkeley. But researchers have not been able to duplicate these results nor isolate the higher-temperature particles.

This is one of the most perplexing twists in superconductivity research today—the superconductive materials simply disappear. Several leading researchers have seen evidence of superconductivity at high temperatures one day, and been unable to repeat the effect the next.

Until the mysterious substances can be reproduced and stabilized, researchers have no way of knowing how they made it and just how the atoms are aligned. The atoms can be structured in hundreds of thousands of different crystaline formations.

"These materials are so wonderful and complex," said Sampath. "We want to isolate small regions and analyze it in order to know what questions to ask. What makes these materials different from the rest."

THE VIETNAM VETERANS READJUSTMENT COUNSELING PROGRAM PRESERVATION ACT OF 1987

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WILLIAMS. Mr. Speaker, today I am introducing the Vietnam Veterans Readjustment Counseling Program Preservation Act of 1987. This legislation contains several provisions relating to the Veterans' Administration Readjustment Counseling Program for Vietnam-era veterans and more specifically, to eliminate the requirement that the Veterans' Administration carry out a transition under which community-based vet centers would be moved to VA medical facilities and to provide standards and procedures governing any closure or moves of vet centers.

The original legislation provided for eligibility for readjustment counseling for all Vietnam veterans for a 2-year period. Ironically it was the Veterans' Administration, with some consultation with Congress, that determined that services would be provided through small community based vet centers in leased space and that services would be provided by a mix of professionals and paraprofessionals with an emphasis on Vietnam veteran staffing. In fact, approximately 60 percent of all readjustment counseling staff nationwide are themselves Vietnam theater veterans and an additional 25 percent are Vietnam-era—non-theater—veterans.

Mr. Speaker this legislation would eliminate the statutory mandate beginning in October 1987, for the transition of the Vietnam-era veteran readjustment counseling program from one conducted primarily through vet centers in their community locations, to one conducted primarily through VA medical facilities.

Frankly, the real intention of Congress in establishing a transition requirement was to ensure that the VA continue to have the capacity to provide counseling to veterans who were clients in the program when the eligibility came to an end. We repealed that 1984 limit in Public Law 98-160 and made the entitlement to request readjustment counseling a permanent one.

The Readjustment Counseling Program, provided through these community-based storefront vet centers, was created in response to the authorizing legislation contained in Public Law 96-22 on June 13, 1979. In the 7 years since its inception, the program has provided readjustment services to over 437,000 Vietnam era veterans and more than 125,000 family members. New records of first time client visits have been established each year since the inception of the program and in fact in 1987 so far about 72,000 new clients have been seen. While at the same time the cost of the programs has remained fairly constant at $52 million each fiscal year. Currently about one-third of the veterans seen present post-traumatic-stress disorders deriving from experiences while on duty in South East Asia during the Vietnam war. The remaining two-thirds are seen for employment problems.

Mr. Speaker this model of storefront counseling centers was adopted for a number of reasons: (1) the model had proved successful throughout the 1970's in the form of self-help groups; (2) the judgment was made both by the Veteran's Administration and the Congress that readjustment counseling clients should not be treated as psychiatric patients and that diagnostic labeling should be avoided, in anticipation that this approach would speed recovery and rehabilitation. And finally and probably most important it was and still is very much recognized that some degree of estrangement or alienation had arisen between the Veteran's Administration facilities and Vietnam veterans, and the assessment was made that that veterans would come more readily for help to community-based centers whose identification with the Veteran's Administration kept at a low profile.

These vet centers were established with a sense of urgency in an effort to relieve a disturbing and troubling situation from this Nations most recent war. There is no doubt in my mind that this model that I have described above is very effective in accomplishing that purpose and needs to be continued in its present structure. Workloads at most vet centers have persisted at high levels over the 7 years in part because of the consumer orientation and personal touch made possible by the staff. That structure of a small team and vet center services provided has been strongly endorsed and accepted by the Vietnam-era veteran public. In fact based on the information presently available, including a 5.4-percent increase in new clients and an 8.8-percent increase in visits at vet centers for the first 6 months of fiscal year 1987 as compared to a year ago, the transition policy in current law is seriously flawed and should be repealed.

Increased utilization of vet centers coupled with the increased responsiveness of vet centers will only enhance the basic mission of these community based centers. The needs of Vietnam era veterans and their families are only beginning to be met. It is time now to realize that it is not only the veterans who experience problems but also their wives and children. The legacy of Vietnam is being passed on to the next generation. This model most effectively meets this challenge.

In part because of its unique and innovative character, the Readjustment Counseling Program during the past 7 years has been the object of an unusual amount of study, evaluation, and oversight. Included in this are three evaluations completed by the VA's Department of Medicine and Surgery Vet Center Planning Committee, VA Advisory Committee on Readjustment of Vietman Veterans, and finally the work of the Chief Medical Directors Special Committee on Post-Traumatic-Stress Disorder. All of these advisory committees have made recommendations that the program is effectively carrying out the mission designed for it by the Congress and the Veterans' Administration; and that the present vet center program should be continued after fiscal year 1988 with no major alterations in structure, services, or eligibility.

My legislation will accomplish the following basic purposes:

First, eliminate the statutory requirement for a fixed transition of vet centers;

Second, replace that transition provision with one permitting a closure or relocation of a vet center only if such a move or closure would not result in any diminution in the availability of readjustment counseling needed by veterans;

Third, require 60 days advance notice and other information be provided to the House and Senate Veterans' Affairs Committees before relocation;

Fourth, protect for 3 years the budget and personnel ceiling for any vet center relocated to a VA medical facility;

Fifth, make World War II and Korean veterans eligible for although not entitled to readjustment counseling;

Sixth, authorizes the relocation to vet centers of other VA personnel from the Department of Veterans' Benefits for the purpose of providing veterans through the program with other VA benefits and services;

Seventh, require that vet center personnel be converted to career positions;

Eighth, require the same process that currently applies in the administrative reorganization at other VA facilities be applied to any major VA readjustment counseling reorganization.

Mr. Speaker, the purpose of veterans readjustment counseling programs goes much farther than the great human benefit provided to those that have served this country. This program expresses good faith on the part of the Government and gratitude to those who have served. In that sense the storefront veterans readjustment counseling programs are not just another form of Federal assistance, but a contract that should be kept. Vietnam veterans have earned a preeminent place in this Nation. The lives of Vietnam veterans and their families make the true legacy of Vietnam, and we should do everything possible to help them. This legislation will continue that good faith and promise to our veterans.

OPPOSE THE MOTOR FUELS TAX INCREASE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. ANDERSON. Mr. Speaker, House Resolution 225 which I introduced along with the bipartisan leadership of the Committee on Public Works and Transportation, expresses the sense of the House that gasoline and diesel fuels excise taxes shall not be increased for deficit reduction purposes.

In the 3 weeks since its introduction, House Resolution 225 has already attracted 78 cosponsors, enjoying strong support from both sides of the aisle. The arguments for this resolution, and against imposing a motor fuels tax increase to reduce the deficit, are compelling.

For the benefit of our colleagues, Mr. Speaker, I ask that the text of this short resolution be printed, along with a list of its cosponsors. Additional cosponsors would be welcomed.

The resolution follows:

HOUSE RESOLUTION 225

Whereas Federal excise taxes are regressive in that a lower income individual must use a higher percentage of his income to pay the taxes than a higher income individual;

Whereas adding 10 cents or more per gallon to the cost of fuel will have a devastating effect on the Nation's economy in that such an increase would—

(1) reduce the gross national product by $10 billion in the 1st year,

(2) reduce automobile production by 1.3 percent,

(3) reduce housing construction by 0.9 percent,

(4) increase unemployment by 80,000 in the 1st year and 180,000 by 1990,

(5) reduce petroleum refinery output by 1.2 percent,

(6) reduce income tax revenues by almost $1 billion annually,

(7) reduce personal savings by nearly 3 percent, and

(8) increase the Consumer Price Index by 0.3 percent;

Whereas it would be discriminatory for one portion of the Nation's population, highway users, to pay an additional tax in order to reduce the Federal deficit, thereby forcing this segment to shoulder a greater share of our Nation's financial burden;

Whereas it would be inequitable for individuals to contribute to Federal deficit reduction based on the number of miles driven per year;

Whereas Federal highway and public transit programs are funded at levels significantly lower than documented needs requiring States to provide funds to fill that shortfall;

Whereas an increase in the Federal tax on gasoline and diesel fuel—

(1) inhibits the ability of State and local governments to raise revenues to fund transportation projects, and

(2) reduces the revenues for State and local government fuel taxes unless State and local governments increase their taxes; and

Whereas total motor fuel taxes (including State and local taxes) account for nearly 25 percent of the retail price of gasoline and about 29 percent of the retail price of diesel fuel making motor fuel among the most heavily taxed essential items in the Nation: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Federal excise taxes on gasoline and diesel fuel shall not be increased in order to reduce the Federal deficit.

Mr. Anderson, Mr. Howard, Mr. Hammerschmidt, Mr. Shuster, Mr. Akaka, Mr. Applegate, Mr. Ballenger, Mr. Barton of Texas, Mr. Bilbray, Mr. Bliley, Mr. Boehlert, Mr. Borski, Mr. Bunning, Mr. Callahan, Mr. Carr, Mr. Chapman, Mr. Clinger, Mr. Courter, Mr. Craig, Mr. Daub, Mr. DeFazio, Mr. DeLay, Mr. de Lugo, Mr. Dornan of California, Mr. Dymally, Mr. English, Mr. Fascell, Mr. Gallo, Mr. Garcia, Mr. Gilman, Mr. Gordon, Mr. Grant, Mr. Gray of Illinois, Mr. Hastert, Mr. Hayes of Illinois, Mr. Hefner, Mr. Henry, Mr. Holloway, Mr. Hopkins, Mr. Inhofe, Mr. Jeffords, Mr. Jones of North Carolina, Mr. Kasich, Mr. Kolter, Mr. Lagomarsino, Mr. Lancaster, Mr. Latta, Mr. Lightfoot, Mr. Lott, Mr. Donald Lukens, Mr. Mack, Mr. Martin of New York, Mr. McEwen, Mr. Mineta, Mr. Neal, Mr. Nielsen, Mr. Nowak, Mr. Oberstar, Mr. Oxley, Mr. Packard, Mr. Perkins, Mr. Petri, Mr. Rahall, Mr. Ravenel, Mr. Savage, Mr. Shaw, Mr. Smith of New Hampshire, Mr. Smith of Florida, Mrs. Smith of Nebraska, Mr. Stangeland, Mr. Stump, Mr. Tallon, Mr. Towns, Mr. Upton, Mr. Valentine, Mr. Whittaker, Mr. Wise, Mr. Wortley.

UNITED STATES-MEXICAN RELATIONS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GEJDENSON. Mr. Speaker, according to a recent national poll, of all the world's nations, Mexico ranks close to the top among those of the most vital interest to the United States. The survey by the Chicago Council on Foreign Relations of American opinion leaders found that 86 percent felt that the United States had a vital interest in Israel—94 percent felt that the United States had a vital interest in Great Britain. And a whopping 96 percent said that Mexico was of vital interest to us. Only the Federal Republic of Germany and Japan placed ahead of Mexico in this survey.

Nevertheless, United States-Mexican relations are frequently ignored by American opinion leaders. As a member of the Foreign Affairs Subcommittee on Western Hemisphere Affairs, I am particularly concerned that we anticipate and deal effectively with future linkages and problems in our bilateral relations with Mexico. The United States Ambassador to Mexico, Charles J. Pilliod, recently delivered a thought-provoking speech on the current and future state of America's relations with our neighbor South. In the speech, which was delivered to the American Chamber of Commerce in Guadalajara, Ambassador Pilliod emphasized that we are on the verge of entering "a new era of expanding opportunities and development—for citizens of both our countries—in a larger, more unified North America."

Excerpts from Ambassador Pilliod's speech follow:

[From the Mexico City News, May 13, 1987]

UNITED STATES-MEXICO RELATIONS: WHAT LIES AHEAD?

The following are excerpts from a speech delivered Tuesday by U.S. Ambassador to Mexico Charles J. Pilliod, Jr. to the American Chamber of Commerce in Guadalajara entitled: U.S.-Mexico Relations: What Lies Ahead?

A GENERAL OUTLOOK OF MEXICO

I needn't tell you that Mexico is in the midst of profound economic and social change. In the last few years, Mexico has suffered a combination of natural and commercial setbacks, but it has also shown a great sense of purpose and resiliency and, under the present administration, is on the way to turning what were considered seemingly overwhelming disasters into opportunities for the future. A future which will, in my view, mean changes in commercial, political and personal linkages between Mexicans and Americans.

ON MEXICO-U.S. RELATIONS

At the highest level, our relations are excellent. Our two Presidents meet on a regular basis—at least once a year—and our Vice-President has met frequently with President De la Madrid and considers him a personal friend. Our two Secretaries of State are in regular contact and enjoy a cordial relationship.

The close working and personal connections go well beyond the official contacts between our two governments. They are presently in business, between universities, in the arts and within the public in general, particularly among the more than three million Americans who visit Mexico as tourists every year.

President Reagan once said that the two most important embassies to the United States are the Russian and the Mexican. The Russians because if we do not handle them properly between us we could destroy the world. The Mexican because if we do not manage our relations property, we can annoy each other to death.

ON FOREIGN POLICY

The importance to the United States of a strong democratic country on our southern border, with a healthy growing economy and effective political leadership, cannot be overstated. And it is equally important for Mexico to have a strong, friendly, democratic government on its northern border. One which is receptive to political, economic and cultural cooperation.

The breadth and depth of our relationship with Mexico is growing day by day. However, that doesn't mean that we can or will agree on every aspect of foreign and domestic policy. As in any worthwhile relationship, what it does mean, however, is that we must respect one another and learn to appreciate each other's differences while settling our disagreements through earnest negotiation.

A good example of this is in our differing approaches to the conflict in Central America.

You are familiar with the U.S. viewpoint. It is based on support for democracy, particularly in our hemisphere. A government which is the product of intervention and does not provide for self-determination should not, in our opinion, be immune from pressure to fulfill the promises made to its people and to its neighbors. This is especially true where it is also their practice to export revolution through support for insurgents in neighboring countries as is now being experienced by El Salvador, Honduras and Guatemala.

ON NICARAGUA AND CHILE

Mexico's beliefs are a matter of record. It bases its foreign policy on the principles of non-intervention and self-determination. We find no quarrel with this. However, it appears that in practice Mexico interprets these principles selectively, depending upon the ideological orientation of the government in question. For example, Mexico is supportive of the Marxist-Leninst government in Managua, which is engaged in intervention, and does not provide for self-determination and lacks respect for human rights.

Meanwhile, Mexico has broken diplomatic relations with Chile, whose government it severely criticizes for the lack of self-determination and respect for human rights.

What we find surprising, and very difficult to understand, is Mexico's recognition of and support for the insurgent movement in El Salvador a country with a democratically elected government. We also fail to understand how such a policy toward El Salvador can be reconciled with the principle of non-intervention.

In our review, it is not enough simply to practice democracy and self-determination at home. Democracies such as El Salvador, Honduras, Costa Rica and Guatemala, and any other country in Latin America faced with an externally supported insurgency, must know that we will assist them in defending their principles and their right to self-determination and against outside intervention. We sincerely hope Mexico and all other Latin American democracies will eventually join with us in this struggle.

ON MEXICO'S RECOVERY

According to all official and private reports, Mexico is on the road to economic recovery. With additional foreign loans, the Mexican government will be able to finance some needed public sector investment programs and imports. These loans, if used wisely to promote greater efficiency and increased private sector investment, should add to the pace of economic activity. As any businessman knows, there is nothing wrong with borrowing money, the trick is to spend it wisely so that it brings in proper return.

In its approach to the problems of economic recovery, the Mexican government has taken a number of steps which will strengthen the economy in the future. Among these are the reduction in government subsidies and renewed commitments to sell non-priority state-owned companies. It has also been highly sucessful in its efforts to stimulate nonpetroleum exports through exchange rate and other policies, and to implement a trade liberalization package agreed to with the World Bank. The decision to join the GATT and actively promote in-bond industries are already producing favorable results. In addition, the growing debt-equity swap program has helped to promote increased investment and reduce the country's foreign debt burden which, by the way, was managed to be successfully restructured.

ON TRADE PARTNERSHIPS

With regard to the U.S.-Mexican trade relationship, there is one erroneous perception I would like to dispel. From time to time one hears allegations that the United States is "protectionist," or is somehow discriminating against Mexico. I believe this is entirely false. As I have previously noted, Mexico's non-petroleum exports to the U.S. grew by almost 30 percent last year and probably will grow by even more in 1987. At the same time, Mexico had a 5.3 billion dollar trade surplus with the U.S.—the eight largest of all our trade partners. Also, even as it runs a 150 billion dollar trade deficit, the United States has been absorbing more than two thirds of the developing countries' manufacturing exports. So if the U.S. with the largest trade deficit in the world is considered protectionist, what do you call the other countries.

ON IMMIGRATION

An area which has received a lot of attention recently, not all positive and accurate, is the U.S. Immigration Law. The United States and Mexico agree that it is entirely proper for a country to pass laws regulating immigration. In this case, Mexico feels—and rightfully so—that it is so profoundly affected by the changes in U.S. law that it should be consulted on the implementation process. We agree with this.

No one really knows how many illegal aliens there are in the U.S. Estimates range from three to six million, but reliable statistics are impossible to obtain. The progress of the present amnesty program is encouraging. The two to four million people who are expected to take advantage of the law's provision will henceforth be able to live and work openly, in dignity and with the full protection of all the civil rights guaranteed under the laws of the U.S. Also, they will eventually qualify to obtain U.S. citizenship should they wish to do so.

Regarding current estimates, you must consider the roll-up. Once they have legalized their status, they will in turn bring their immediate family members, so multiply that figure by five and you have 7.5 million. Still farther down the road, they will have the right to petition for entry of their brothers and sisters, you can apply your own figures to that.

ON NARCOTICS

Another issue that has attracted a great deal of attention both here and in the United States is the problem of illicit narcotics. U.S.-Mexican cooperation in the struggle to combat narcotics trafficking has been exemplary. Beginning in 1975, the U.S. and Mexico launched a cooperative effort to reduce the cultivation of marijuana and opium poppy. Mexico was the first country to adopt aerial fumigation to attack illegal plantations and the program developed into a model for other countries to follow. It has continued unabated for over a decade.

Recently, however, in spite of our best efforts, the production of drugs in Mexico has grown significantly. Since 1975, although our eradication effort has increased, the traffickers have diversified and become more sophisticated. New, remote areas have come under cultivation and Mexico's drug eradication problem is now nearly nationwide.

The problems we all hear so much about are true—the traffickers are powerful, and there is corruption and it does impede our efforts to do a job in Mexico—just as it does in Miami, New York and Detroit. Drug traffickers mark their success by the degree that they are able to corrupt the system. That is the only way they can exist and they have the money to do it and do it well.

However, we cannot allow corruption, or adverse economic conditions, or traffickers' devious tricks to deter us in this all-important compaign. President Reagan and President De la Madrid have made clear their determination to attack this evil with all the means at their disposal and together, I believe we will win.

WHAT LIES AHEAD?

I foresee the continual forging of new linkages between the U.S. and Mexican economies. The eventual formation of a common market involving Mexico, Canada and the United States is a distinct possibility.

I foresee our continued close cooperation in the elimination of environmental pollution along the border, in scientific and technical cooperation and in programs to improve productivity, health and living standards of our people.

I foresee renewed determination to overcome the scourge of drug trafficking.

I foresee improved bilateral relations based on the close working relationships between American and Mexican officials at all levels.

And lastly, I foresee the beginning of a new era of expanding opportunities and development—for citizens of both our countries—in a larger more unified North America.

BELIZE'S ENDANGERED TRANQUILITY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. FEIGHAN. Mr. Speaker, since becoming an independent state in 1981, tranquil, peaceful Belize has pursued closer cultural, economic, and political ties with the United States. Belize, formerly British Honduras, is strategically located in Central America and considers iteself both a Caribbean and Central American country. Currently Belize's tranquility is threatened by renewed Guatemalan claims of sovereignty over parts of Belize, a flood of new immigrants from neighboring war-torn countries and the continued presence of drug traffickers and growers. Due to its close ties and strategic location, this tiny country deserves the increasing attention of our regional foreign policymakers and the Members of this House. For that reason, Mr. Speaker, I am inserting into the RECORD a recent article entitled "Belize's Endangered Tranquility," which I consider a thorough update of the issues confronting this Nation. The article originally appeared in the July 22 "Washington Report on the Hemisphere," a biweekly publication of the Council on Hemispheric Affairs [COHA], and was authored by COHA researcher Katherine C. Hall.

My colleagues should note that Belize is increasingly involved in the broad range of problems facing Central America. If Belize's economic, cultural, and military ties to the United States continue to grow as they have since its 1981 independence, Belize will merit greater attention by our regional foreign policymakers and the Members of this House.

Belize's Endangered Tranquility—Growing Regional Problems Affecting Isolated Neighbor

(By Katherine C. Hall)

The political, social, and economic stability of historically tranquil Belize has been endangered in recent years by escalating threats of massive immigration from neighboring war-torn countries, drug-trafficking, and Guatemalan claims of sovereignty over parts of the country. Because it is a former British colony, Belize, with ethnic, cultural, and economic ties to the Caribbean nations, and political and military ties to Great Britain, stands out from the other Central American countries.

GUATEMALANS REMAIN COOL

Guatemala's persistent claim to sovereignty over Belize, based on an 1859 treaty with Britain, has been a major threat to the country since becoming independent six years ago. Although the past year has seen renewed efforts to resolve the dispute, an April 29 meeting in Miami—between Belizean Minister of Foreign Affairs Dean Barrow, his Guatemalan counterpart Mario Quinonez, and David Joy of London's Foreign Commonwealth Office—made little progress and may have been counterproductive. Belmopan's position was backed by the United Nations, where 139 members of the General Assembly approved a 1980 resolution supporting Belize's rights and territorial integrity.

Guatemalan-British relations, severed in 1963 because of the Belize dispute, were restored last December soon after incoming President Vinicio Cerezo stated that his government was "willing to recognize Belize's position," provided an "honorable solution" could be found. Responding to rightist nationalist ire, Quinonez and Cerezo emphasized the economic pragmatism of the move, saying it would boost exports to the European Economic Community countries. Since the April conference, however, Cerezo's government has, in Barrow's words, "hardened its attitude" by demanding sea and land concessions.

Belize attributes the changed attitude to Cerezo's growing need to harmonize his policies to those of an increasingly hostile military and right wing within his own country. The civilian government's new international image, much improved compared to that of the gross human rights violations attributed to the previous military regimes which ruled in the 1970s and through the middle 1980s, may have encouraged its reverting to a hard-line policy against tiny Belize. Although the issue seems intractable, Belizean Prime Minister Manuel Esquivel reported in May that the three countries had tentative plans to meet again in three months.

REFUGEE INFLUX

Another complex problem troubling the Esquivel government is the huge influx of refugees from Guatemala, El Salvador, and Honduras. Government officials estimate that in recent years 25,000 Central American refugees have flooded the country's population of 166,000.

In early June, the government announced its intention to curb the entry of refugees. Basing its position on the report of the Immigration Advisory Committee that was appointed by Barrow to investigate the implications of refugee entry and make policy recommendations, Esquivel's cabinet will begin to restrict immigration as well as integrate into "the social fabric" only the approximately 4,000 migrants who are legally registered. The report also advocated gradually phasing out the United Nations High Commission on Refugees UNHCR) because of Belmopan's financial obligation to look after the refugees' welfare in accordance with "certain standards" required under UNHCR policies.

The end of the government's open-door refugee policy has motivated church and non-government relief groups to assume the government's former aid efforts. Padrig Czaikowski, the UNHCR representative in Belize, lamented the government's new lack of sympathy for refugees while acknowledging the panic the sheer numbers are causing in the country. Rising violent crime rates and escalating marijuana cultivation and drug trafficking have been linked to the large numbers of recently arrived immigrants, while tradesmen and rural workers complain their arrival has contributed to the 14 percent unemployment rate.

DRUG PURGE

The Esquivel Administration has made more of a concerted effort than its predecessor to eradicate marijuana plantations. Angered that the approximately five square miles of marijuana under illegal cultivation in Belize had made the country a significant supplier to the United States, the Senate Foreign Relations Committee considered cutting a 1985 $25 million aid package to Belmopan because it had not agreed to destroy its crop.

Since then, efforts by police and the Belize Defense Forces to eradicate crops and arrest growers and traffickers have been more successful. An operation last October and November destroyed 2,158 acres of marijuana and resulted in the arests of 66 people, 42 of them foreigners. Washington has been providing funds for the expensive efforts, and in 1986, about half the crop was eliminated.

During a United States-sponsored Caribbean conference on "drug demand reduction" held in Belize in April, Esquivel petitioned Washington for a more comprehensive policy to aid in the drug war. He stated that while poor economic conditions do not justify marijuana cultivation, it is difficult for impoverished nations to compete with the money and resources of drug dealers. His decision to wage a war against such a lucrative crop is especially unpalatable, he said, because of declines in sugar exports, the country's mainstay. Esquivel has been outspoken in condemning the Reagan Administration's cuts in sugar quotas and its failure to show greater support for the Caribbean Basin Initiative.

CONCERN FOR KENYAN DEMOCRACY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. PORTER. Mr. Speaker, in light of the approaching floor consideration of next year's foreign aid bill, I want to bring to my colleagues' attention a recent amnesty report that accuses the Kenyan Government of adopting a deliberate program to silence or intimidate its political opponents.

Contrary to President Moi's claim that "the country cherishes democracy and the rule of law as enshrined in its constitution," Kenya's international reputation sadley has rapidly declined in recent months as numerous reports have indicated increase use of torture. Amnesty reports that in the last 16 months, hundreds of Kenyan citizens have been arrested and at least two people have died in police custody. For over a year the authorities have repeatedly ignored Kenyan law which stipulates that anyone arrested must be brought before a court or released within 24 hours.

Mr. Speaker, for the first time the language in next year's foreign aid bill makes a portion of United States aid to Kenya conditional on an improvement in its human rights record. I hope this encourages the Kenyan Government to halt its human rights abuses and recover its reputation as a stable haven for parliamentary democracy.

TRIBUTE TO J.W. "BUD" FORRESTER

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. AuCOIN. Mr. Speaker, I'm here today to tell you about a man who means an awful lot to my home State. I'm talking about J.W. "Bud" Forrester, who for decades has been a moving force in Oregon.

To me, Bud Forrester and Oregon are in many ways one and the same. He is strong, far-sighted, high-minded, and, take it from me, he's relentless.

Above all, Mr. Speaker, he is a kind man who has devoted his life to helping Oregon and Oregonians.

Bud Forrester stared out small, and made it big, in the eyes of everyone who's been lucky enough to know him. He's a newspaper man. He reports on what he sees with a skeptical honesty that's hard to argue with. If you're brave enough to get in a tussle with him, he'll win 10 times out of 10.

Bud doesn't brook any nonsense when it comes to public policy, and he cares about public policy with a passion that should be emulated by citizens everywhere. In the 14 years I've known him, he's always let me know where I stand.

Bud is owner, editor and publisher of the Daily Astorian, in the picture perfect town of Astoria at the mouth of the Columbia River. He also owns the Pendleton East Oregonian, edited and published by his son, Mike. He left the helm of his Pendleton paper, and took over the Astorian in 1973, the year before I was elected to Congress.

Lewis and Clark discovered Astoria in 1805. John Jacob Astor turned it into a trading metropolis. In the post-world War II era, like most of Oregon, Astoria has been boom and it's seen bust, and Bud Forreter has covered it all.

Mr. Speaker, Bud Forrester is retiring in November. And before the most respected person in Oregon journalism leaves the public eye, I'd like to tell my colleagues a little bit about his remarkable life.

Forrester's career has taken him from big city to small town, and back again. And as he criss-crossed the State, he made a name for himself.

Bud was born on April 3, 1914, in Portland. He began his newspaper work on the Oregon State College Barometer in the early 1930's. He then went to work for the Oregonian—our State's biggest newspaper, where I also had a reportorial career—in 1933 under sports editor L.H. Gregory, whom I also broke in under. In 1935, Bud moved to the East Oregonian, in Pendleton, where he met and married Eleanor Aldrich.

He then was appointed sports publicity director at Oregon State College, and worked for the Associated Press in San Francisco before World War II. During the war, Bud served our country in the merchant marine.

In 1945, he and Eleanor bought the Coos Bay Harbor, a weeky paper in North Bend, OR. They operated that paper as a team, he on the news side and she on the business side, for 5 years.

In 1950, the Forresters moved back to Pendleton, and Bud became the third editor in the history of the East Oregonian. He held that position until 1973, when he and his son Mike exchanged positions. Mike, up until then, was editor of the Astorian.

Like father, like son. In Bud's case, I should say sons. Mike is now the editor of the East Oregonian. His brother, Steve, has been a Washington reporter for 9 years and is returning to Oregon to take over at the Astorian.

Their father's accomplishments are legendary. Bud served as president of the Oregon Newspaper Publishers Association, chairman of the Oregon Newspaper Publishers Association, and 1 year was a member of the panel that awarded Pulitzer Prizes.

He started the PTA in North Bend. He served as member of the Oregon State Legislature's interim Committee on Education from 1985–86, on the State's Land Conservation and Development Commission from 1976–79, on the State Parks and Advisory Committee from 1970–76, as chairman and then as a member of the Oregon State Board of Higher Education from 1957–69. Bud also was a member of the Travel Advisory Committee on the Highway Commission from 1951–60.

Bud has been honored by countless organizations. He's received Distinguished Service Awards from both Oregon State University and the University of Oregon. He was named Oregon Education Citizen of the Year by the Oregon Education Association. And the city of Pendleton named him its First Citizen.

Bud is considered one of the best writers in the business, and a top-notch editor as well.

As the undisputed Dean of Oregon Journalism, Bud has gained the friendship of many Oregonians. Bob Chandler, a fellow editor and friend told me, "Bud is a major factor of good in Oregon. He has a high regard for public service. Bud has a well-honed sense of humor, and a very low threshold for intolerance."

Duncan Law, somewhat of a legend in Astoria himself for his work to help the fishing industry, told me he has "never met a person with so much loyalty and devotion to his community."

Bud editorializes against gold plated weapons systems that don't work, protectionism that would bring on retaliation from our trading partners and budget deficits that are going through the roof and ruining the economy both in Oregon and around the Nation. He stands up for sensible programs like the Job Corps, which has done so much for Astoria's economy, and favors preserving Oregon's wilderness areas, such as the Columbia River Gorge.

Bud thinks apartheid in South Africa and U.S. policy in Central America are just plain wrong. When he disagrees, whether on a National, State or local issue, he takes the responsible officials to task in the Astorian's editorial columns.

There you have it, Mr. Speaker. In this age of high rises and high technology, satellite communications and selfishness, there's a decent, honest man in Astoria, OR, who throws himself into his work and works hard for his community.

The Daily Astorian got a brand-new computer system in 1983. The idea was to speed up production, to make the staff more efficient. Bud Forrester is the most efficient, speedy, and hardworking member of the newspaper's staff. You can see him every morning, pounding away on his old upright Underwood typewriter.

Good luck in retirement, Bud. And, thanks for everything.

HOW PUBLIC SERVICE AFFECTS THE QUALITY OF AMERICAN LIFE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. DINGELL. Mr. Speaker, in my district, the Public Employees Roundtable annually awards public service scholarships for outstanding literary essays. Joanna Briganti was one of the recipients of this award for her essay entitled, "How Public Service Affects the Quality of American Life."

I wish at this time to insert a copy of the essay by Joanne Briganti.

The essay follows:

HOW PUBLIC SERVICE AFFECTS THE QUALITY OF AMERICAN LIFE

Because so many aspects of American life are affected by government and public service, it is hard to imagine everyday life in this country without all the benefits they provide. From the foods we eat, to the cars we drive, the products we use are carefully regulated to insure our safety as consumers. Law enforcement personnel protect our homes and our persons. Road crews and park maintenance crews provide us with decent roads to travel on and beautiful parks to enjoy. And yet, this is only a fraction of the services provided by public employees. Services that are many times taken for granted or viewed as an inconvenience, such as drivers' license bureaus or drain commissions, might only be appreciated if the consequences that would result in their absence could be seen.

Since most of these services are vital to the smooth running of our cities and states, public service is a necessary factor in maintaining the quality of American life today. Those citizens that complain that the public sector has become too large an entity would be overwhelmed if saddled with the large number of responsibilities that currently face government offices. A huge population relies on the public sector for services—more than the number of customers facing any private business domestically.

Considering this huge clientele, the services Americans demand are provided with a remarkable degree of efficiency. If this were not the case, the entire country, our cities and states, would be in utter chaos. Even if one half of the services now provided by public employees were eliminated, life in this country could not go on as it does today. Efficiency in public service is evident in the fact that so many services are provided for millions of Americans. However, Americans expect the same fast, super-efficient service from government as they do from private, competitive businesses which may only be servicing a relatively small segment of the population or a certain target group of consumers. Some public servants, such as welfare workers, could hardly use "sales forecasting" methods in order to increase efficiency. There is no truly accurate way to predict the needs of all Americans on a day to day basis when it comes to certain services that the government provides. Yet some "forecasting" does occur in the public sector and most Americans receive the services they need.

This is not to say that there is no room for improvement. New techniques in organizational development and employee motivation are ways in which the government is seeking to increase the satisfaction that Americans desire from publicly provided goods and services. With continued increases in efficiency and with improved budgeting practices for various government departments, the quality of American life will continue to be favorable for this country's citizens. The services provided will continue to contribute to the high standard of living this country enjoys as a nation.

The quality of American life would suffer without our public servants. It is important that Americans be reminded how indispensable the services are that these individuals provide. It is also important that our government officials remember that quality is measured against expectations. Therefore, our public servants must be constantly encouraged to maintain and improve the services provided in order to satisfy our citizen's needs. Elected officials must do their part to insure that incentive exists for the public employee and that resources are available for priorities. The services provided by the public sector will then continue to meet the challenge of American's expectations to insure their quality of life.

"CARIBBEAN BASIN ECONOMIC RECOVERY IMPROVEMENT ACT OF 1987"

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. PICKLE. Mr. Speaker, I join the distinguished chairman of the House Ways and Means Trade Subcommittee in introducing the Caribbean Basin Economic Recovery Improvement Act of 1987.

This legislation is a result of the House Ways and Means Subcommittee on Oversight review of the Caribbean Basin Economic Recovery Act of 1983, more commonly referred to as the Caribbean Basin Initiative, or "CBI".

Our investigation began with oversight hearings in February 1986. U.S. Government agencies involved in the implementation of the CBI legislation, government officials of CBI beneficiary countries, and United States and foreign investors in the Caribbean testified about the impact of this initiative on the region and offered suggestions for improving the program. Much of the testimony indicated that after 2 years of operation, the CBI had not achieved the goal of substantially improving economic conditions in the region.

In evaluating CBI-related trade and investment opportunities, the Subcommittee on Oversight conducted a fact-finding mission to the region in January 1987. The subcommittee delegation visited five countries—Jamaica, Costa Rica, Barbados, Dominican Republic, and Haiti—all CBI-beneficiary countries. The delegation saw first hand the outgrowth of the CBI legislation. We toured numerous investment sites, including production facilities, and met directly with investors. Clearly jobs created by new investments in the Caribbean, including the Central American countries, serve to stabilize the fragile economies in these neighboring countries.

Diversification from traditional exports, and the growth of new industries are essential to the stability of the economies of these countries. Increased economic stability is important to the establishment and maintenance of democratic systems in the region. Without economic growth and stability both those democratic systems and our own national security interests in the region are at risk.

The regional economy has suffered from the drastic reduction in sugar quotas and the drop in world market prices of sugar and bauxite—both traditional exports. The CBI alone will not change the balance of payments or balance of trade picture for the region. In fact, data show that declining sales of traditional exports along with falling oil prices offset increases in non-traditional exports over the past 2 years. This has created the perception that little or no progress was made during the first 3 years of this 12-year program. That is just not the case.

Following this year-long review of the CBI, the subcommittee, on a bipartisan basis, issued a report titled "Recommendations to Improve the Impact and Effectiveness of the Caribbean Basin Initiative." The February 1986 hearings, the congressional mission to the region, and the subcommittee's report provide the basis for the legislation introduced today. Numerous recommendations for improving the CBI were received from the public and private sectors of CBI beneficiary countries. We analyzed these suggestions in light of our domestic interests and with an eye toward strengthening this commitment to partnership, and we have developed proposals aimed at both increasing incentives for U.S. investment in the region and addressing concerns expressed by Caribbean Basin countries.

Many of my colleagues have demonstrated a keen interest in the Caribbean region and have expressed their interest in supporting this bill. I urge your review and cosponsorship of this legislation.

Mr. Speaker, this CBI legislation is in our National interest. We must give greater emphasis to the concerns of our neighbors in the Caribbean. We must give them incentives to develop new jobs and new industries. This legislation is a good positive indication of our concerns and commitments.

HOUSE COMMITTEE FINDS THAT THE CONTRAS DON'T SMUGGLE DRUGS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. BROOMFIELD. Mr. Speaker, I am pleased to report that the House Select Committee on Narcotics, which investigated allegations that the Contras are involved in drug smuggling, recently determined that those charges are false.

Just yesterday, Members of the House Foreign Affairs Committee and the Armed Servicess Committee met at length with the United Nicaraguan Opposition. Allegations concerning possible drug smuggling by the Contras were discussed with the Directors of the United Nicaraguan Opposition. They reiterated their unequivocal opposition to narcotics trafficking and stated that anyone in a leadership position in that group, or anyone in their military units would be immediately removed from their duties in the United Nicaraguan Oppositin organization and severely reprimanded for such activity.

The official position taken by the senior leaders of the United Nicaraguan Opposition closely parallels the findings of the Select Committee on Narcotics Abuse and Control after an extensive investigation.

Representative CHARLES B. RANGEL of New York, chairman of the committee, said that "None of the witnesses have any evidence that would show the Contra leadership was involved in drug smuggling."

As a supporter of the UNO's efforts to bring democracy to Nicaragua, I salute the Select Committee for its significant work in the battle against narcotics. I commend the following Washington Post article on this topic to my colleagues in the House:

HILL PANEL FINDS NO EVIDENCE LINKING CONTRAS TO DRUG SMUGGLING

(By David S. Hilzenrath)

A House committee that has been investigating allegations that leaders of the Nicaraguan contras were involved in drug smuggling yesterday reported it has discovered no evidence to support the allegations.

"None of the witnesses gave any evidence that would show the contra leadership was involved in drug smuggling," said Rep. Charles B. Rangel (D-N.Y.), chairman of the Select Committee on Narcotics Abuse and Control.

The strongest evidence the committee has gathered shows that known drug traffickers participated in the U.S. effort to funnel supplies to the contras, Rangel said after a closed hearing.

The committee, which has received reams of testimony from hundreds of witnesses since it began its inquiry in June 1986, will give its material to another House panel that is taking over the investigation.

The key question facing the House crime subcommittee, members said, is whether officials in the U.S. government deliberately ignored drug dealing by individuals who carried supplies to the contras.

"There were flights going down with goods and guns, and there were flights comming back with drugs," said Rep. James A. Traficant Jr. (D-Ohio). "I don't know how it could occur without someone in this country knowing what's going on," he said.

Republican members sharply disagreed with Traficant's conclusion but concurred that Congress should continue the investigation.

"I just don't believe any of it, frankly. I haven't seen one scintilla of evidence," said Rep. Robert K. Dornan (R-Calif.).

The narcotics panel yesterday heard more than three hours of testimony from private organizations that have been scrutinizing the Nicaraguan resistance.

Rep. William J. Hughes (D-N.J.) said the witnesses repeated the same unsubstantiated allegations that have been publicized for months. "They're just allegations," said Hughes, chairman of the crime subcommittee, which has voted to issue subpoenas to three federal prosecutors in connection with its own ongoing investigation.

Documents provided to the Rangel panel yesterday included three letters showing that a firm whose vice president was under indictment on cocaine charges contras participated in the effort to transport nonlethal supplies to Central America.

Rangel said that Michael Palmer, vice president of Vortex Aircraft Sales and Leasing, was under indictment in 1986 when be billed the State Department's Nicaraguan Humanitarian Aid Office approximately $100,000. A State Department official said the department did not know that Palmer was under indictment.

H.R. 111: LET US NOT SURRENDER THE TAX REVOLT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. CRANE. Mr. Speaker, "Simplicity." "Fairness." "Efficiency." "Promotion of economic growth." These were the rallying cries for reform of the byzantine tax code. Unfortunately, Congress' response—the Tax Reform Act of 1986—failed to achieve these important goals.

I would be hard pressed to describe as "simple" or "efficient" the two volumes—totalling over 1,800 pages—of new tax legislation, the 1,379 pages of general explanation, the 503 pages of proposed technical corrections, the 296 of explanations of these proposed technical corrections, and the tens of thousands of pages of resulting Treasury regulations. In terms of "fairness," this was achieved for some taxpayers at the expense of others through many retroactive and hidden tax provisions. Finally, the important issue of encouraging and nurturing "economic growth" was similarly neglected. Those provisions which increase the corporate tax burden by $121 billion over 5 years, retroactively eliminate the investment tax credit, increase the tax on capital gains, and reduce IRA and 401(k) savings incentives, will certainly have a negative impact on economic growth. While some argue that the increased economic efficiency of the lower rates (a top corporate rate of 34 percent and top individual rate of 33 percent when fully phased in) will overshadow this negative impact, it is disturbing to note that the chairman of the President's Council of Economic Advisors admits that the tax reform bill raises the cost of capital. Thus, only serving to highlight the disincentives for savings and investment.

And now we learn that the Democrat-controlled Congress has called for a $64.3 billion tax increase over the next 3 years. Certainly this threatens to unravel the very few reforms—such as the reduction in tax rates—which were achieved in the Tax Reform Act of 1986.

Let us not surrender the tax revolt. True reform of the Tax Code is still within our grasp.

I have introduced H.R. 111, in order to continue the fight for true tax reform and to amend the complex and inequitable reform of the past. The bill imposes a single, proportional tax rate and can be broken down into three basic sections. These consist of: elimination of the corporate income tax, reform of the personal income tax, and tax amnesty.

The first element, elimination of the corporate income tax, recognizes the vivid economic reality that it amounts to just another cost to business. It is the same thing as the costs of labor, material, and overhead, all of which must be passed on. Unfortunately, this tax is usually transferred in a discreet—yet significant—fashion. The corporate income tax is one of the most indefensible forms of taxation:

Because a tax on corporate income is eventually transformed into higher prices, the tax, falls most heavily onto lower income individuals, who spend the greatest proportion of their income on consumption;

Because a tax on corporate income manifests itself in the form of reduced corporate savings and investment, the tax reduces employment due to negative impact on economic growth;

Because a tax on corporate income is transferred into reduced wages, it becomes a hidden tax on workers;

Because a tax on corporate income is transferred in the form of reduced dividends, it falls on stockholders, the majority of which are pension plans;

Because many corporate business decisions are made as a direct result of tax considerations, the corporate tax prevents true and clear business motives and perpetuates corporate inefficiency.

In view of these points, it becomes clear that the corporate income tax should be eliminated. It is a hidden tax on individuals that only works to prejudice the market toward certain investments and lower economic growth. A truly reformed Tax Code taxes individuals directly and does not interfere with the workings of the free market.

The second section of H.R. 111 concerns reforms of the personal income tax. H.R. 111 would levy on the taxpayer a single, flat rate of 10 percent on all earned income above $10,000. All other credits, deductions, exemptions, and exclusions are eliminated. More than one point here requires clarification and discussion.

The first point of clarification is that concerning the precise definition of the term "earned income." Earned income in this context constitutes any and all of the following:

Wages, salaries and other forms of direct employee compensation;

The amount of the taxpayer's net earnings from self-employment for the taxable year;

The amount of dividends which are from a direct service corporation or which are otherwise direct or indirect compensation for services rendered.

The following are exceptions which are not to be termed "earned income":

Passive income, such as interest income, dividend income except as noted above, and capital gains.

Any amount received as a pension or annuity which have resulted from pre-taxed dollars.

Any tip, unless the amount of the tip is not within the discretion of the service representative.

The second point of clarification is that regarding the exemption amount. This exemption is merely a protective measure for individuals such as very low income wage-earners, who are detrimentally affected most drastically by such taxes, or adolescent workers who are trying to establish initial savings, such as educational finances. This exemption is set at $10,000 for every individual, for taxable years beginning after December 31, 1987, and is fully indexed to inflation.

The final section of the bill provides a blanket amnesty from all former tax liability, penalties and interests to all taxpayers not involved in criminal activity. This provision should dramatically increase the tax base by bringing the underground economy—presently estimated at $500 billion for noncriminal activity—back onto the tax roles. But more importantly, it allows citizens an entirely fresh start under the new tax system.

These reforms undoubtedly fulfill President Reagan's highest expectations in their satisfaction of his lofty goals. The simplicity of H.R. 111 is obvious. By imposing a single proportional tax on all earned income, while eliminating all shelters, credits and deductions, any taxpaying citizen can fully understand the system of taxation. It follows intuitively that taxpayers will be more likely to comply with a Tax Code with which they can deal knowledgeably.

As for being fair, nothing could be more fair than a Tax Code that treats each individual on the basis of his earnings, allows corporations to make more efficient and economic business transactions, and cleans every individual's slate of all but criminal financial activity.

Finally, the central focus of the bill, the concept that every earned dollar should be taxed only once, strongly promotes the important notion of economic growth. The increased savings resulting from the elimination of the tax on interest and dividend income will put downward pressure on interest rates, thus reducing the cost of capital. By eliminating the tax on capital gains, risk investment and expansion of capital funds will be strongly encouraged, which will lead to more businesses and employment. By eliminating the tax on dividends, the tax penalties for investing in stocks will cease, thus stimulating greater capital availability. In addition, the exemption from taxation of the first $10,000 of earned income per each individual would not only provide relief for lower income individuals, but would provide a valuable incentive to individuals to enter the work force. For these reasons, in addition to those supporting the elimination of the corporate tax, it is not difficult to see how H.R. 111 is not only simple, efficient and fair, but that it promulgates and effectively perpetuates real economic growth.

This bill forms the proper basis for continuing the fight for true tax reform!

ECONOMIC HYPOCHONDRIA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. McEWEN. Mr. Speaker, sometimes it seems that behind every silver lining there's a dark cloud. Should someone mention that there are millions of new jobs in America today, the doomsayers will tell you that those jobs are not significant.

M.S. Forbes, Jr., deputy editor-in-chief of Forbes magazine, characterized this national malady as hypochondria.

Mr. Speaker, today I'd like to bring to the attention of my colleagues in the House a recent article by Mr. Forbes as well as several other articles which address the controversy surrounding the quality of the new American jobs.

[From Forbes magazine, Mar. 9, 1987]

FACT AND COMMENT II

(By M.S. Forbes, Jr., Deputy Editor Editor-in-Chief)

MAJOR PROBLEM WITH THE AMERICAN ECONOMY: HYPOCHONDRIA

Each day certain economists and others warn us that the American economy is in serious trouble. These hypochondriacs would have us believe that manufacturing is dead, that new jobs are all at the minimum wage, that we are on a spending binge, that we are too much in debt, and that Japan and the rest of the world will soon own all our assets. This caterwauling would be amusing except that so many of our politicos and supposed thought-leaders take this stuff seriously. They are ready to raise taxes, erect trade barriers, debase the dollar and increase government intervention in the economy, all to cure largely nonexistent ills.

Manufacturing. We are getting stronger, not weaker. In response to ferocious competition, American goods makers have reacted admirably. Since 1982 manufacturing productivity has gone up at a 4.3% annual pace, a surge almost unprecedented in peacetime America; output has jumped by almost one-third; and payrolls have gone up, not down. As a proportion of our economy, manufacturing output today is *above* the post-WWII average.

Trade. We have a big merchandise trade deficit. Why is that a sign of decline? Why is a surplus considered a symbol of strength? The U.S. ran a trade shortfall for the first one hundred years of its existence; we became the greatest industrial nation in the world. Japan ran big deficits in the 1950s and 1960s. Was that decay? Mexico runs a trade surplus. Do we want to swap our economy for theirs?

Our imports as a percentage of GNP are no higher today than they were six years ago. During that time, however, we grew while most of the rest of the world stagnated. We could cure the trade deficit by going into a recession and getting European-like rates of unemployment. Would that be a sign of economic virility? Our exports have done well in recent years, considering the collapse of Latin America (a big market for us) and the volatility of the dollar. If the rest of the world would grow, our merchandise trade deficit would shrink just as it has always done before when the global economy was buoyant.

Jobs. Many politicos claim most new jobs are low-pay, dead-enders, "McJobs." The facts from the Bureau of Labor Statistics show just the opposite. Only one new job in ten qualifies as a "McJob." One-third, in fact, are in the managerial, professional category.

Budget. In the last decade, the average budget deficit in this country (combining federal, state and local finances) has been far lower than that of Japan and not much worse than that of Germany or Britain. About $100 billion of Uncle Sam's spending goes for capital items that can be legitimately financed by debt. The budget shortfall, moreover, is shrinking.

Debtor nation. In recent years, foreigners have been investing more money in this country than we have invested abroad. That means we are a "debtor nation," which some observers seem to equate with being an economic equalvalent of AIDS or herpes. That foreigners put their money here is a sign of confidence; you don't put your money in areas where you think you'll lose it. We could shed our status as a debtor nation by adopting policies that lose the confidence of the rest of the world and by forcing our banks to resume sending out $100 billion-plus a year in dubious loans to Third World nations.

Borrowing. Are we too deeply in debt? The proportion of our federal deficit that is being financed by overseas money is less today than it was seven years ago. Our national debt as a percentage of the GNP is smaller than that of Japan and Germany. The debt-to-equity ratio of corporate America, taking market values, is better today than it was during the 1970s.

If the dollar rises—it's a crisis. If the dollar falls—crisis. If the stock market goes down—that's trouble. If is goes up, it's 1929 all over again.

Foreign observers haven't been much better than our own. To hear their carping, you would never know that if it hadn't been for the stimulus of the U.S. economy, Europe would still be in a deep recession and Japan would have had only a fraction of its growth in recent years.

We certainly have problems, and certain industries have them more than others. But the hysteria about the overall state of the American economy is unhealthy. And wrong.

[The Wall Street Journal, Wednesday, Mar. 25, 1987]

Low-Pay Jobs: The Big Lie

(By Warren T. Brookes)

For the past two months, organized labor has been running Dickensesque TV commercials that show Americans in the year 2010 clad in dusty scarves and sitting in rockers in dingy attics. The point of this dismal scene is that the future is bleak for U.S. workers.

But is it? Over the past 12 months (February 1986 to February 1987), 2.7 million jobs were created, 41.5% of which were "managerial and professional speciality," the highest-paid category classified by the Labor Department.

This is the largest year-to-year growth-share for top-paid jobs, and continues a trend over the past four years. From February 1983 to February 1987 the shares of managerial/professional, technical/sales, and precision/production categories all rose. The shares of the service, laborer and farm-worker categories declined. In other words, the Labor Department shows Americans "trading up" in jobs at a fairly steady rate.

Yet, Big Labor has been busy putting out the story that just the opposite is taking place. Worried about the sharp decline in their share of the U.S. work force, the unions have promoted the work of Barry Bluestone of the University of Massachusetts and Bennett Harrison of MIT that supposedly shows an "alarming trend toward low-pay jobs," using the period from 1979 to 1984 as the key point of assault, and comparing that period with 1973 to 1979.

LABOR DEPARTMENT WARNING

The Bluestone Harrison research eventually found its way to the Joint Economic Committe of Congress, whose then-chairman, Rep. David Obey (D., Wis.), published it in December.

As it was later learned, the Labor Department had warned Messrs. Bluestone and Harrison back in October that their use of the consumer price index as the "deflator" to arrive at constant dollar wage brackets rather than the personal consumption expenditure (PCE) index dramatically understand constant-dollar wage scales in the 1979-84 period, and thus overstated their low-pay wage thesis. When the PCE deflator was used, most of the low-pay trend disappeared.

The Labor Department also cautioned them that by selecting the period from 1979 to 1984, they were picking the most extreme possible case that did not reflect the long-term, essentially stable trend. But both these warnings were ignored, and the study was released and has since become part of national economic mythology.

Yet, as the Labor Department's data have repeatedly demonstrated, this whole low-pay jobs thesis is largely a statistical fraud resulting from careful selection of unrepresentative years. As Robert Samuelson, economist and Washington Post and Newsweek columnist, said on Feb. 23: "Welcome to Economics Propaganda 101. The notion that the U.S. economy is producting mostly low paying, unskilled jobs is an economic fiction.

"Generally speaking, the mix between well-paid and poorly paid work is the same as in the 1970. Creating the impression that it's otherwise an exercise in statistical myth-making designed to advance a political agenda."

In short, it is part of Big Labor's short-sighted strategy to sell the American people the witches brew of protectionism, tariffs and quotas.

Despite Mr. Samuelson's debunking, the Washington Post gave this "myth-making" still another shot in its Sunday Outlook section on March 15, where Lance Compa, a lawyer for the United Electrical, Radio and Machine Workers of America, argued that "44% of the new jobs in the Reagan years paid $7,400 or less." In order to come up with such a charge, Mr. Compa had to include as "Reagan years" the period from 1979 through 1981, or three Carter fiscal years that also included two recessions, the worst inflation in modern history and a massive 7%, two-year decline (1979-81) in average real wages

The reason Messrs. Bluestone and Harrison chose the 1979-84 period for their study becomes obvious in an analysis made by congressional staff economist Christopher Frenze for Rep. Dan Lungren (R., Calif). Mr. Frenze's study uses Bureau of Labor Statistics data to supply the same Bluestone-Harrison breakdown for all years 1973-85. His analysis shows that between 1973 and 1985, there is almost no change in the basic distribution of jobs by pay classification, even accepting the Bluestone-Harrison data base with its disputed deflator.

When you arrange the data in four-year presidential budget cycles—1973-1977 (Nixon-Ford budgets), 1977-1981 (Carter budgets) and 1981-1985 (Reagan budgets)—a stunning new picture emerges. During the Carter years, of the net new jobs created, 41.7% were in the Bluestone-Harrison low-pay category. At the same time, their high-pay category lost jobs. [See Table.]

Now compare that with the real Reagan years, 1981-1985: In that period, 46.1% of the net new jobs were in the high-wage category. At the same time, only 6% were in the low-wage category, and 1986 raw data suggest this high-wage trend accelerated last year.

What has actually happened is that since 1982 we have been correcting the unusual downward trends associated with the double-digit inflation of 1979 and 1980, and the two back-to-back recessions of 1980 and 1981, all of which apparently had the greatest impact on the high-pay jobs category. In effect, the recovery has focused mainly on bringing those jobs back up to their original 1973 share of the economy.

As Janet Norwood, the nonpartisan commissioner of labor statistics, said in a very carefully understated Feb. 22 article in the New York Times, "the findings [of so-called low-wage jobs studies] are extremely sensitive to the particular set of data used [and] the years chosen for the analysis."

A MORE SERIOUS PROBLEM

What is much more troubling about all this statistical filmflammery is that it is obscuring a much more serious problem in our economy: Since 1982, we apparently have been generating high-pay and high-skill jobs at a much faster rate than we have been training people to fill them.

This is already producing serious and potentially inflationary skilled-labor shortages in many sectors of our economy, even as it leaves out the untrained underclass. Even a perfunctory review of the nation's current record levels of help wanted advertising shows a very strong basis toward higher-skilled jobs in both the service and the manufacturing sectors.

By using the phony low-pay jobs thesis to protect old labor-union turf, the nation's liberals are overlooking and undercutting a potentially greater new opportunity for social spending and advocacy: the case for much more education and training for the high-wage economy being created.

[From Newsweek magazine, Feb. 23, 1987]

The American Job Machine

(By Robert J. Samuelson)

CONTRARY TO WHAT YOU MAY HEAR, IT ISN'T PRODUCING ONLY LOW-SKILLED AND LOW-PAYING EMPLOYMENT

One great strength of the U.S. economy—or so it has seemed—has been its ability to generate new jobs: about 12 million since late 1982. Now we're told it ain't so. Introducing his new trade legislation, Senate Finance Committee chairman Lloyd Bentsen of Texas recently embraced the new revisionism. Sure there are more jobs, he says, but they're lousy jobs. Nearly 60 percent of the new jobs in the past six years and low-skilled jobs paying less than $7,000 a year.

Welcome to Economics Propaganda 101. The notion that the U.S. economy is producing mostly low-paying, unskilled jobs is an economic fiction. Generally speaking, the mix between well-paid and poorly paid work is the same as in the 1970s. Creating the impression that it's otherwise an exercise in statistical mythmaking designed to advance (as in Bentsen's case) a political agenda purporting to protect high-paying jobs. The danger in believing these myths and enacting policies based on them is that we will damage a job-creation process that, on the whole, has been a success.

The myths, of course, have an intuitive appeal. The spotty prosperity of the mid-1980s leaves many pockets of distress. In Bentsen's home state, the latest unemployment rate for Houston is 10 percent. Across the country, factory shutdowns have forced millions of workers into lower-paying jobs. Consider a Labor Department study of 5.1 million workers displaced between January 1979 and January 1984. Of those with full-time jobs by early 1985, nearly one-fifth had taken pay cuts of 20 percent or more.

These visible examples of downward mobility involve undeniable individual suffering. But in an economy of 111 million workers, their overall social significance is diluted. Countertrends go unnoticed or are underreported. The same study of displaced workers found that one-third of those reemployed had earnings gains of 20 percent or more. Extravagant theories of social change, such as the disappearance of the middle class, have been built on the misleading use of selective statistics.

The genuinely serious jobs problem lies elsewhere. Despite the new jobs, the civilian unemployment rate (6.7 percent in January) is undesirably high. Even at this level, though, most skilled workers can find jobs. Some unemployment reflects people—mainly women and younger workers—moving from home or school into jobs. The average jobless spell is now less than four months. High unemployment's real victims are the least skilled, poorest workers.

The dilemma is this: policies that help these workers also produce inflation. The 1960s' and 1970s' obsessive pursuit of "full employment" (usually defined as 4 percent unemployment) created enough demand to improve the job prospects of those at the bottom. Unfortunately, it also spawned an overheated economy and wage-price spiral. No one talks about the dilemma anymore because no one has a solution. The temptation is to find a new "problem" for which a new "solution" can be devised. The alleged proliferation of poverty-level jobs fills this void.

Bentsen's figure comes from a study done for the congressional Joint Economic Committee. The study defined low-income jobs as those paying half the median wage in 1973, adjusted for subsequent inflation. By 1984 a low-paying job meant $7,012 or less. A high-paying job paid more than twice the 1973 median, adjusted for inflation, or $28,048 in 1984. The study claimed that 58 percent of the new jobs between 1979 and 1984 were low paying.

In fact, this low-wage explosion is mostly a statistical illusion, reflecting the impact of inflation and recession on workers' earnings. Wage gains in the late 1970s temporarily rose faster than prices. A reversal occurred when inflation accelerated and the 1981–82 recession depressed wage gains. As "real" (inflation adjusted) wages dropped, some people moved from the study's "middle" to "lower" category while holding the same job. In the study this shift meant a new poverty-level job although the job handn't changed.

Comparing 1979 (average unemployment: 5.8 percent) with 1984 (average unemployment: 7.4 percent) was also misleading. The study doesn't actually compare jobs but rather the wage and salary incomes of workers. The difference is important. In 1984 more workers with good-paying jobs were on layoff or between jobs, reducing their annual earnings—even if their salaries or wage rates hadn't changed. The study made it appear that they had simply gotten lower-paying jobs.

More gains: As the recovery has continued and "real" wages have slowly risen, the "low" category has contracted. An updating of the JEC study to 1985 puts 31.4 percent of workers in this group, the smallest proportion since 1973 except for two years (1978, 1979). And because the study measures annual earnings—not pay rates—roughly nine-tenths of the people in the low category either have part-time work (less than 35 hours a week) or, like students, work only part of the year. In 1986 the median annual earnings of full-time workers was $18,600 and rose 2.6 percent after inflation.

There's huge ferment in the job market. More women work, baby-boom workers face the competition of their own numbers and many industries have acute problems. Downward wage pressures exist, but the picture of a low-wage explosion is a vast exaggeration. Equally suspect are suggested policies—trade protection, restrictions on plant closings—to save high-paying jobs. Europe has embraced this approach by restricting the ability of companies to fire workers. Existing jobs are protected, but new ones discouraged. Companies hesitate to hire if they can't easily fire. Excessive wages cause firms to substitute machines for people and let attrition cut their work forces. Since 1970 Europe's jobless rate has risen from 2 to about 11 percent.

Our system is imperfect. "Hard core" unemployment is more unyielding than it seemed in the inflationary 1960s and 1970s. For other workers, some job security is lost in return for a flexibility that allows companies to hire, fire and reduce pay to adjust to changing circumstances. The process is messy and often cruel, but in a profit-making economy jobs cannot be saved by forcing companies to do unprofitable things. The American job machine has not created a utopia, but it works. Those who think they can make it work better bear a heavy burden of proof.

[From the U.S. News & World Report, Feb. 16, 1987]

THE BOOM: COMING OR GOING?

(By David R. Gergen)

Herman Kahn would have loved it. Five years ago, he wrote a controversial book about the future of America. At the time, a severe recession was battering the nation, interest rates were running in double digits, morale was low and the Soviet empire was still digesting its ill-gotten gains of the 1970s. Flying in the face of conventional wisdom, Kahn insisted that the United States was on the verge of an economic, political and international boom. Revitalization was "a near certainty."

The critics would hear none of it—and not long afterward Kahn died, leaving his colleagues at the Hudson Institute to carry on his work. But now one can almost hear him laughing from the grave, amused at how well his prophecy is turning out.

Amidst all the caterwauling about the state of the nation, the truth is that the United States is in much better shape today, its prospects brighter than in recent decades. Thanks largely to Paul Volcker, inflation has almost been squeezed out of the system. The U.S. in the past half-dozen years has created 10 million jobs, while Western Europe has lost 1.4 million. Companies in industries such as autos are renewing themselves. And, well into one of the longest recoveries since the war, the economy is picking up speed again.

Even more striking is how robust our ideals are becoming elsewhere in the world. According to the Freedom House in New York, no fewer than 10 nations have become politically "free" over the past five years—most of them in Latin America. An aggressive U.S. posture has also prevented the Soviets from consolidating their hold over nations such as Nicaragua and Angola that turned toward Marxism in the 1970s. The United States can also take a measure of pride in the thunderous victory for democracy in the Philippines last week.

Economically, the totalitarians are almost everywhere in retreat, their systems unable to keep up with the revolution in technology and people's expectations. Smart leaders such as Gorbachev and Deng are trying to introduce market-oriented reforms to their societies, but their success seems chancy. In Washington, observers privately speculate that entrenched interests could topple Gorbachev within three years. Nearly everywhere, the lesson is clear: Socialism is becoming one of the greatest failures of the 20th century.

But if this is a time to acknowledge that Herman Kahn was right, it is certainly a moment to remember his warning, too: The greatest danger to our future, he said, was if we managed our affairs stupidly. Our principles would not defeat us; lousy management could.

His point has special force in Washington today, where our elected leaders are sinking into their own paralysis and—*worse*—don't seem to care. Everyone knows that our gargantuan budget and trade deficits could undermine our progress, yet no one in authority seems prepared to act seriously. Officeholders in the Reagan administration are more concerned about future jobs than the future of the country. Democrats in Congress talk a good game, only to disgrace themselves with sneaky tricks over federal pay. The press doesn't help by paying so much attention to the mistakes of the past and to candidates of the future that it ignore the realities of today.

The country will eventually pay a price if Washington remains paralyzed for two more years, letting debts pile up. By the early 1990s, the follies of mismanagement in the 1980s could force us to send as much as $100 billion overseas every year—just to satisfy foreign creditors.

From Pete Peterson, a public-spirited leader, came a call in the New York Times this past week for a budgetary summit, convened by the President and Congress. From Governor Mario Cuomo of New York comes the equally forceful idea of a "Greenspan commission" on U.S. competitiveness—a blue-ribbon panel that unites behind a single program of action. Both are right.

It's not good enough for the politicians or press to wait for the next President to clean up; that will be too late, and to expect that of him is to condemn the country to yet another failed Presidency. Those elected to lead in 1987 and 1988 have a responsibility to lead now—and let the country enjoy a full and glorious boom.

[From the Washingon Post, June 11, 1987]

THEY'RE NOT 'MCJOBS'

(By William E. Brock)

Sure, a lot of the new employment is in the service sector. What's wrong with that?

Prophets of pessimism are busily spreading a new myth about America's job situation. They acknowledge that millions of new jobs are being created in this country (13 million since 1982), but then go on to argue that they are not the right kind of jobs—that they are in the service sector rather than the industrial sector and are thus mostly part-time, low-wage, dead-end positions. (For a couple of examples of this, see the article by Lance Compa in Outlook of March 15 and one by Barry Bluestone and Bennett Harrison in the business section May 17.)

Seldom have I seen such bad information given such wide play and granted such instant credibility. It's as if we were to accept the idea that producers of goods have no need of telephones, computers, engineering, banking, insurance, accounting, training or any of a host of similar services.

In truth, manufacturing and services need each other. These are not competing functions. Remember, the industrial sector isn't shrinking, except as percentage of the work force, and that's not because it's getting smaller (it isn't) but because of the incredible boom in the service sector.

TAKING EXCEPTION

When one sector profits, as services have, the other will benefit as well.

The myth of the inferiority of service jobs has become the predicate for discussions on many issues that profoundly affect our competitiveness. What is most troubling is that those who believe this myth will not prepare for the future but rather will remain shivering fearfully in the shadows of the past, or worse, will be feverishly preparing laws to preserve the past. We can't afford that as a society or as a nation.

New life has been injected into this 20th Century Flat Earth Society by a recent study that brought forth a plethora of bad news. Most often cited is its finding that 58 percent of the jobs created between 1979 and 1984 paid $7,000 per year or less.

But look at the time frame again: 1979-84. Four of the six years studied were low-growth, high-inflation years of a recession that this president inherited. By all accounts, the recovery didn't begin until the end of 1982. Let's look at it again—in a different way. Comparing 1979-82, inclusive, with the succeeding four years is telling:

In 1979-82, real economic growth was 0.3 percent; in 1983-86 it was 3.8 percent (These are average annual rates.) Inflation in the first four years was 10 percent, in the second, 3.2 percent. Growth in real disposable income went from 0.7 percent to 3.7 percent, and in employment from 0.1 percent to 3.4 percent. The total number of new jobs in 1979-82 was 0.1 million; in 1983-86 it was 12.7 million.

By expanding the aperture on our inquiry these figures present quite a different picture. We actually see a trend line rising rapidly toward opportunity, not sinking toward despair.

Yet the proponents of protectionism continue to press, citing the service sector as the villain. As a plant closes, goes the argument everyone goes to work in a fast-food restaurant. Baloney!

Of course plants close. Some facilities were simply too old. Others were unable to modernize or adapt to changing consumer preference or new technologies. Other changes may have been the result of bad management decisions. Meanwhile others open. In the past year, more than 50,000 new businesses opened each and every month. This is important, for in the past decade nearly half of all new jobs were created by firms less than four years old.

In a recent speech, I talked about the service sector, pointing out that our reluctance to move into service parallels our reluctance 50 years ago to move from agriculture to industry. I went on to say that if we are willing to seize the opportunity for growth—in manufacturing as well as in services—that these new services offer, we will surpass the tremendous economic growth experienced with our move off the farm.

The service sector has been characterized as "McJobs." In a phrase, it just isn't true. So much of the service sector consists of higher-paid work; transportation, public utilities, communications, finance, banking, insurance and data processing. In the five years of this recovery, only one major segment of the job sector has declined; minimum-wage jobs have fallen 25 percent, while those jobs paying $10 an hour or more have increased by 50 percent. Beyond that, 90 percent of these new jobs are full-time.

With the tremendous growth in the service sector has come an accompanying need for higher skills. The number of jobs that require skills is growing much faster than those that require little education. The skills requisite to this new marketplace are cognitive, reasoning, math and communication skills. The majority of new jobs will require postsecondary skills.

We don't need to be fighting the service sector—it is essential to a productive, growing manufacturing sector. We need to be positioning ourselves so that we can take full advantage of both. To do so, we need skills—basic skills and flexible skills. To this end the president has proposed the worker readjustment act and the AFDC/Youth proposal as part of the Trade, Employment and Productivity Act of 1987. Both these programs are aimed at equipping our present and future work force with the skills that will enable it not just to survive, but to thrive in a changing market.

The piece by Lance Compa in the Outlook section hinted at no less than a class confrontation brought on by the alleged proliferation of low-paid, part-time jobs. Let me say that a class confrontation is indeed possible if we have skilled, educated, gainfully employed people on one side and unskilled *unemployable* people on the other.

We argue about labor-intensive jobs being "exported," when we should be concentrating on investing in our human capital. We can create the technology that can foster the higher skilled, better-paying, more productive jobs. These are the jobs that represent the future rather than the past. If we don't concentrate our efforts on acquiring these new skills, we'll be importing people to fill these jobs, or doing without the growth the jobs could provide.

The days of disguising functional illiteracy with a high-paying assembly line job are soon to be over. We have work to do—lots of it—in making sure we're ready to continue to be the most productive nation in the world. It's our interest as a society to make sure everyone has the skills he needs.

We know opportunity lies ahead; but it is tough to focus on the 21st century when the debate remains in the 19th.

SUSPENSION OF MOST-FAVORED-NATION STATUS FOR ROMANIA

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. BRYANT. Mr. Speaker, as one who has consistently supported the House's effort to suspend the most-favored-nation status of Romania because of its human rights' violations, I want to commend to my colleagues' attention the hearings conducted on July 30, 1987, by the House Subcommittee on Europe and the Middle East on this issue.

In the absence of Chairman LEE H. HAMILTON, the hearings were adeptly conducted by my distinguished colleague from California, Mr. LANTOS, another strong supporter of suspending Romania's status. My colleagues from New York, Mr. GILMAN, and New Jersey, Mr. SMITH, also participated in the hearings. My distinguished colleagues from Virginia, Mr. WOLF, and New York, Mr. ACKERMAN, were guest questioners of the only witness, Hon. Rozanne Ridgway, Assistant Secretary of State for European and Canadian Affairs.

The unanimous agreement among the members of the subcommittee that the human rights record of Romania is atrocious was shared by Assistant Secretary Ridgway. Questions asked of her focused upon the opinion of the Department of State as to whether the temporary suspension would result in a permanent revocation of MFN status and to the end of the United States' leverage with Romania.

My distinguised colleague from California, Mr. LANTOS, joined with other members of the subcommittee in correctly observing that past efforts have not produced the desired results. The Romanian Government will, we hope, respond to this effort by improving its human rights record. Only then will I support the reinstatement of MFN status for Romania.

I also commend the Subcommittee on Europe and the Middle East for its steadfast exposure of two particular groups in Romania which are the focus of government repression: the protestant religious believers and the national minority groups, especially the 2.5 million Hungarians of Transylvania who seek the observance of their human, cultural, and self-determination rights.

I praise the effective and diligent work done by many international human rights organizations, including the Christian Response International and the American Hungarian Federation, in order to get Congress to recognize and act to change the oppressive internal policies of the Government of Romania, which draw criticism even from their Communist neighbors. Congratulations are due to all of those who have worked for this cause, especially Dr. Z. Michael Szaz, the Secretary of International Relations for the American Hungarian Federation, whose work is also supported by the American Hungarian Action Committee and the Transylvanian World Federation.

A SALUTE TO THE WILLIAM PENN ASSOCIATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WALGREN. Mr. Speaker, I would like to take a moment to salute the William Penn Association which is holding its annual convention in Toronto, Canada, this September.

This fraternal organization has thousands of dedicated and selfless members who work hard on behalf of all of us in our various communities. This convention in Toronto will be the organization's 31st, and over 200 delegates from around the country are expected to attend.

I have a special place in my heart for the William Penn Association, since a dear friend, William Arbanas, was instrumental in the activities of the Association's predecessor group in Pittsburgh, the Catholic Knights of St. George. In fact, Bill brought me into this group many years ago.

This year, on the occasion of their 31st convention, I am pleased to ask my colleagues to join me in saluting the William Penn Association.

LEGISLATION SUSPENDING AID TO PANAMA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LEVINE of California. Mr. Speaker, today I, and a bipartisan group of my colleagues are introducing legislation to suspend all United States assistance to Panama until such time as democratic reforms have been undertaken in that country.

This bill is the House companion to similar legislation introduced in the Senate yesterday by a broad bipartisan coalition, and supports the Reagan administration's recent suspension of aid to Panama. What the legislation specifically does is to require that democratic reforms be undertaken in Panama before aid is restored. "Substantial progress in the effort to assure civilian control of the armed forces," and the establishment of "a non-military transition government" are required by the bill before aid may resume.

The Noriega dictatorship's continuing suppression of such basic freedoms as freedom of speech and assembly has made a withdrawal of U.S. support necessary. Just 2 days ago, Panamanian authorities banned public demonstrations and ordered the arrest of six opposition leaders on apparently groundless charges of plotting against the Government. This follows the recent arrest of a military rival of General Noriega who dared to criticize his administration.

The Panamanian people have demonstrated through their public protests that they are no longer willing to tolerate the repression and corruption of the current regime. We should not make their efforts to make their voices heard more difficult by giving financial support to this dictatorship. We should state unequivocally that the voices of the people—the voices of democracy—are going to have to be listened to before this democracy will again offer its financial support to a government in Panama.

It is important for all to understand that this legislation is not in any way aimed at the Panamanian people. It is simply the best way we have of expressing our opposition to the current regime's repression of Panama's people.

It is also important to emphasize that we do not seek to intervene in Panamanian affairs. We only seek to stand up for a principle—that the United States should not be in the business of giving financial support to repressive, undemocratic governments. We have every right in donating assistance to choose to whom we give it. Here we make such a choice.

I urge my colleagues to support this bipartisan legislation.

MERCHANT MARINE ACADEMY CHANGE OF COMMAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. BIAGGI. Mr. Speaker, in a few weeks the Merchant Marine Academy at Kings Point will begin its 44th academic year under the new leadership of Paul L. Krinsky. As vice chairman of the House Merchant Marine and Fisheries Committee and a member of the Merchant Marine Academy Board of Visitors I have a deep interest in the Academy. Federal sponsorship of this fine institution vividly demonstrates our national commitment to a strong and healthy U.S.-flag maritime fleet.

During my service on the Academy Board of Visitors I have had numerous opportunities to meet with Paul Krinsky and I have been very impressed with his ability and his understanding of the important role the Academy plays in training young men and women for a life at sea. Krinsky, is a 1950 graduate of the Academy who went on to serve in the U.S. Navy, and on board numerous commercial vessels including the fastest commercial vessel in the world—The S.S. *United States*.

In 1958, Krinsky returned to the Academy where he served as professor, director of admissions, assistant academic dean, and assistant superintendent of Academic Affairs. The new Superintendent has certainly won his position the old fashioned way—he earned it.

However, as we focus on the future, we cannot forget those who established a platform for success. The retiring Superintendent, Adm. Tom King can be justifiably proud of his numerous accomplishments since assuming command of the Academy in 1980.

The President recently praised Admiral King for his service to the Academy saying; "The innovations you brought to the Academy, including simulators, ensure our graduates the kind of instruction and guidance that will serve them and our Nation into the next century. I appreciate your steady hand at the helm, and so do the many patriotic citizens readied by your leadership to man our merchant ships."

After having worked with the Superintendent for over 8 years, I strongly echo these sentiments. Great institutions are the product of the dedication and vigilance of committed leaders. Admiral King leaves behind a proud legacy of success.

DECISION ON SEQUESTRATION

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MARTINEZ. Mr. Speaker, on July 28, 1987, U.S. District Court of the District of Columbia Judge Joyce Hans Green ruled in favor of the National Association of Counties' battle to force Treasury Secretary James Baker to release $180 million in General Revenue Shares [GRS] funds that would have been allocated to local governments across our country in fiscal year 1986, but were instead sequestered on February 1, 1987 by the President pursuant to the Gramm-Rudman law. While I rise today to applaud Judge Green's decision, I also want to call to my colleagues' attention that Secretary Baker may delay the release of sequestered GRS funds by appealing the district court's decision. I am hopeful that Secretary Baker does not make such a decision.

Further litigation initiated by Secretary Baker in this case would fly in the face of the jurisprudence demonstrated by Judge Green and would further delay the allocation of $180 million in sequestered GRS funds to local governments. In her decision, Judge Green clearly illustrated that Secretary Baker was acting outside his statutory authority in refusing to disburse the GRS sequestered funds. As a result of the Supreme Court's constitutional invalidation of the automatic sequester trigger in the Gramm-Rudman law, funds sequestered prior to the courts decision were to be reallocated if those funds were placed in a special or trust fund. Upon receiving the sequester order in February 1986, Treasury officials set aside the $180 million in GRS funds in a special account. Finally, Judge Green showed that the Consolidated Omnibus Budget Reconciliation Act of 1985, which included a provision to phase out GRS, and the Revenue Sharing Act, which provided original authorization of GRS, made clear that the budget authority for revenue sharing did not expire with the end of fiscal year 1986, contrary to Secretary Baker's claim. Therefore, there was nothing in the law which prohibited funds sequestered from a fiscal year 1986 appropriation to be dispersed beyond fiscal year 1986. I am confident that even if Secretary Baker appeals this decision, Judge Green's opinion will most certainly be reaffirmed.

Since such an appeal would tell us what we already know, why then would Secretary Baker persist in appealing this case? More delays will not help the cities and counties throughout our country which have waited too long to receive the previously sequester GRS funds. Indeed, with every passing day, local governments lose revenue from interest payments on the sequestered GRS funds, which would have been used for needed community services. Additionally, the sequestration of these funds has forced many jurisdictions to reduce essential services. For instance, the County of Los Angeles has historically set aside GRS funds for the operation of the county's hospitals. In the event that the county does not receive the approximately $3 million that was sequestered from its share of fiscal year 1986 GRS funds, the county will have no other option than to make budget cuts in several vital areas.

As a former mayor of Monterey Park, CA, I know from personal experience the importance of revenue sharing. In the past several years, the 14 cities in the district I represent in Congress have been required to enlarge their respective capacities to deliver essential services in order to meet the needs of a large influx of the homeless and those in poverty. Moreover, the imposition of revenue raising constraints like California's Proposition 13 has limited the ability of cities in my district and local units of government throughout California to effectively expand services. It is bad enough when the Federal Government pulls the carpet out from under literally thousands of cities across our country that need such assistance to perform the growing amount of responsibilities faced by local government. That is what occured when Congress failed to appropriate funds for GRS last fall. Now the Treasury Department may pound a few more nails in the coffin by using legal means to delay the inevitable court order to release the sequestered revenue sharing funds. Therefore, I urge Treasury Secretary Baker not to appeal Judge Green's decision and to release the sequestered funds to local governments.

THANKS, ROGER STEVENS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. BOLAND. Mr. Speaker, I am very pleased to have this opportunity to recognize the hard work, and many contributions to our Nation's cultural life, of the retiring Chief Executive Officer and Chairman of the Kennedy Center for the Performing Arts, Roger L. Stevens.

For the past 16 years Roger Stevens has managed what has come to be known as one of the most productive and efficient art complexes in the world. His dedication to encouraging the flourishing of the arts in the Nation's Capital dates back to the Eisenhower administration when the idea of a national cultural center was born. Since that idea became embodied in the Kennedy Center, Washingtonians and tourists alike have enjoyed consistently high-quality productions and thrilled to performances by artists such as Douglas Fairbanks, Jr., Katherine Hepburn, and Henry Fonda. The impressive Kennedy Center building, which over 48 million people have visted, now hosts most of the significant theater, ballet, concert, and opera events here in Washington.

I am sure that without Roger Stevens, the Kennedy Center simply would not be what it is today. The reputation Mr. Stevens enjoys is the product of his willingness to work long and hard for something he believes in. We have been very fortunate that a person of his great ability was available to guide the Kennedy Center through its formative years. As Roger Stevens leaves his post, I want to both commend him for his efforts and extend to him best wishes as he turns his attention to new challenges.

VISUAL ARTISTS RIGHTS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MARKEY. Mr. Speaker, I am pleased to introduce today the Visual Artists Rights Act of 1987. This legislation is similar to H.R. 5722, a bill introduced in the last Congress.

In order to foster the growth and development of fine arts in this Nation, additional protections for visual artists are essential. Those who dedicate themselves to painting, drawing, and sculpture enrich our lives and our heritage beyond measure. It is unfortunate that too many of these artists face economic and judicial obstacles in their creative efforts. They must often choose between compromising the artistic integrity of their work with a copyright notice or dispensing with full copyright protection. They must face the prospect of the unauthorized alteration, multilation, or destruction of their work after its sale. And they must often sell their works at minimal prices, only to have others, whether speculators, dealers or friends of the arts, be the ones who profit financially from the later recognition of their work. Mr. Speaker, if we are to encourage the arts, we must encourage artists. We can and we must rectify certain shortcomings of American law so that the protections afforded authors of works of visual fine art are brought closer to the protections afforded other artists and authors.

This legislation I am introducing today would amend copyright law to improve protections for visual artists in three important areas; copyright notice, moral rights, and resale royalties.

My bill would provide full copyright protection to works of fine art without requiring that a copyright notice appear on the work. The need for this preserving the intergrity of the work is, I think, obvious.

My bill would also recognize the moral right a painter or sculptor has in his or her work. Long established in law in European countries, this principle recognizes the right of the author of a work of art to prevent its unauthorized alteration, mutilation, or destruction. Violation of this right would be subject to civil penalties under copyright law.

Finally, this bill would allow the visual artist to participate in the success of his or her work after its first sale, by providing for the payment of resale royalties. Too often, visual artists remain poor while others grow rich dealing in their works of art. This provision would ensure that visual artists profit from public recognition of the quality of their work, whether this recognition comes quickly or, as often happens, is delayed until well after many works have been sold. The value of these works comes not from the material they are made of, but from the creative effort of the artist. This should be reflected in our law. The resale royalty provision gives to painters and sculptors some of the economic protection afforded to artists whose work is published or performed.

Mr. Speaker, I commend this legislation to my colleagues. By better protecting artists' rights, we encourage art and foster a better life for our Nation.

BIKE-AID 1987

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WILSON. Mr. Speaker, this summer, bike riders from throughout the United States are participating in a program called Bike-Aid 1987. Over 150 riders—ranging from 15 to 60 years old and representing 27 States—left from Portland, Seattle, San Francisco, and Los Angeles on June 17 and from Austin on July 14. They are involved in a 3,700-mile trek across the country to raise funds for, and public awarness of, hunger and poverty in the United States and developing countries.

Bike-Aid 1987 is sponsored by the Oversight Development Network [ODN], a national student organization with headquarters at Harvard and Stanford universities and chapters at over 40 colleges. Funds raised during this tremendous effort will support locally designed, small-scale, self-help projects at home and abroad. The goal of the overseas development network is to promote self-sufficiency and long-term progress.

ODN has three basic programs: (1) The Partnership in Development Program matches each local chapter with a grassroots project which the chapter then corresponds with and sponsors through educational fund-raising on campus; (2) the Development Education Program promotes public education concerning the problems facing developing countries through a monthly newsletter, a development package, and frequent conferences and video programs organized by local chapters; and (3) the Development Opportunities Program gathers and disseminates information about internships and service/learning opportunities in this country and in Third World countries.

As riders make their way across the country—staying in a combine total of 225 towns and cities in 38 States—they will contact district congressional offices, meet with folks who are involved in local hunger projects, work with food banks and talk with local media. On August 13, the five routes will converge in Washington, DC, for a congressional reception. The entire group will then continue on to New York City to take part in a closing celebration hosted by UNICEF at the United Nations building on August 19.

Mr. Speaker, I am a strong supporter of this fine program. Indeed, democracy is not a spectator sport, and this is a classic example of U.S. citizens—young and old—jumping in and getting wet all over for a most worthy cause. I like that, and I commend Bike-Aid 1987 participants for their marvelous effort, their exceptional endurance, and their unwavering commitment to promote self-reliance in the United States and abroad.

COMPREHENSIVE ALCOHOL ABUSE, DRUG ABUSE AND MENTAL HEALTH AMENDMENTS ACT OF 1987

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MILLER of California. Mr. Speaker, I am pleased to be an original cosponsor of the Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1987, with my colleague Mr. WAXMAN. Our legislation, which would revise and extend the alcohol, drug abuse, and mental health block grant, would bring greatly needed assistance to those who suffer from emotional or substance abuse problems.

MILLIONS OF CHILDREN SUFFER MENTAL HEALTH PROBLEMS; SERVICES SCARCE

I am particularly pleased that this bill will restore a set-aside for severely emotionally disturbed children and adolescents to no less than 10 percent of the mental health share, and will increase the overall funding to $350,000,000.

As the Select Committee on Children, Youth, and Families, which I chair, learned in its recent hearing on Children's Mental Health, services for emotionally disturbed children are largely unavailable. A recent report by the Office of Technology Assessment [OTA] found that at least 7.5 million American children are seriously emotionally disturbed. Yet 70 to 80 percent of them receive either inappropriate care or no care at all.

There is a particular shortage of community-based services, which has too often forced children to be unnecessarily institutionalized. An estimated 40 percent of psychiatric hospital placements are medically inappropriate. One parent told the committee that to get publicly funded treatment for her son, she had to give up custody of him because no community-based or in-home support services were available.

Despite a growing consensus that family-focused, community-based alternatives are needed—and are more appropriate—for children and youth, within most States, such programs have not been developed. Instead, the bulk of children's mental health funding goes to more costly residential placements, which are usually far from a child's home.

What emerged most clearly at our hearing is that there is no mandate for children's mental health services. A lack of assumed responsibility for children's welfare coupled with poor coordination between the various agencies that serve children has led to many troubled children going without treatment.

By providing grants to States, this legislation will help stimulate the development of a continuum of mental health services for children.

FEDERAL SUPPORT FOR TROUBLED YOUTH LIMITED; CHILDREN'S MENTAL HEALTH NEEDS NEGLECTED

Even more compelling is that when the children's set-side was amended in 1985 to include other underserved populations, such as the homeless and the elderly, some States chose not to fund children's services at all.

By restoring the set-aside for children, we send a strong message to the States that mental illness among children is pervasive and that emotionally disturbed children require appropriate care.

We also reverse a downward trend in mental health funding for youth. The mental health portion of the alcohol, drug abuse, and mental health block grant has been cut 22 percent since 1981. Funds for training of child mental health professionals have dropped 85 percent in this decade. And, less than $5 million is dedicated to the promising Child Adolescent Service System Program to develop coordinated systems of care for seriously emotionally ill youth.

SUBSTANCE-ABUSING WOMEN UNDERSERVED

The Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1987 will also preserve the set-aside for women with drug and alcohol problems, including funding for prevention and early intervention initiatives, and will increase funding for substance abuse programs and related activities to $500,000,000.

A focus on women is crucial because even today, alcoholism is not recognized as a serious problem among women. This has led to lack of identification and proper treatment. Although women comprise 30 to 50 percent of alcoholics, they represent only 20 percent of those served in public treatment facilities. A recent survey of chemical dependency treatment centers in the Minneapolis/St. Paul area found that more than two-thirds—67.8 percent—of the patients were men.

In addition, existing programs are neither accessible nor sensitive to the needs of women. Many programs around the country are in unsafe locations, most lack child care, and the majority have few or no female staff.

A focus on the health care needs of women is also essential because of the serious consequences for babies born to addicted mothers. In 1982, between 3,700 and 7,400 babies were born with fetal alcohol syndrome [FAS], a leading cause of mental retardation. Up to 36,000 newborns each year may be affected by a range of severe alcohol-related effects. Compared to normal infants, cocaine-exposed infants are at a significantly higher risk for Sudden Infant Death Syndrome and respiratory abnormalities.

Despite these risks, more women of childbearing age today are drinking alcohol and using heroin, cocaine, stimulants, and other drugs than they did a decade ago. In 1983, there were at least 884 addict births in New York City, a rate of 7.9 per 1,000 live births, as compared to 227 addict births—1.5 per 1,000 live births—in 1966.

Over the past 3 years, this set-aside has proven to be the catalyst for new and improved services for women with alcohol problems. In my State of California, for example, set-side funds enabled 24 new programs targeted at special populations, such as battered women, black, Hispanic, and Native American women, to be established. Prevention, outreach, and intervention initiatives were also created. According to the National Council on Alcoholism, most States would not have been able to provide such services without Federal support. Federal support is still needed to preserve the newly made gains and to extend the success of this small effort to more of the estimated 4 million alcoholic women in this country.

I urge my colleagues to support this important legislation.

RAY DANDRIDGE TRIBUTE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. RODINO. Mr. Speaker, it is with great pride and pleasure that I rise to salute an adopted son and long-time resident of Newark, as well as a splendid baseball player, Raymond Dandridge, who was recently inducted into the Baseball Hall of Fame.

For the casual fan of baseball who is unfamiliar with the diamond exploits of Ray Dandridge, I believe it behooves me to recount the life and career of this truly great sportsman.

Born on August 31, 1913, in Richmond, VA, Ray began his professional career mostly at third base at the tender age of 20 with the Detroit Stars in one of the old Negro leagues.

From the Stars he went on to play for the Newark Eagles, the New York Cubans, and had stints on a number of teams in the Mexican and Cuban leagues. His prowess on the ballfield finally attracted the notice of major league scouts when he was playing in Mexico in the late 1940's. Ray was signed by the New York Giants in 1948 after batting a stellar .370 in his previous season in Mexico. Ray made it as far as the Giants' highest farm club, the Minneapolis Millers, where at the age of 37 he was saluted as the first black player to win the most valuable player award of the American Association in 1951. However, it was the eclipsing presence of one of Ray's young teammates, a ballplayer named Willie Mays, that distracted the Giants' attention from Ray's achievements, and he was never called to the parent club.

Although Ray never made it to the major leagues, his stature as being one of the all-time great baseball players is beyond question. Roy Campenella, the Dodger great, has said of Ray, "I played with Billy Cox and I saw Brooks Robinson and a lot of other good third basemen. Believe me, Dandridge could match them all * * * he belongs."

Ray was the only nominee selected by the Hall of Fame's Veterans' Committee for this year. To be inducted, a candidate must receive at least 75 percent of the vote from the 18 members of the committee.

The segregation of baseball until the emergence of Jackie Robinson in the late forties denied great players such as Ray the fame and adulation they would have rightly received had they been allowed to play in the major leagues. I cannot help but think that the sport did itself a great disservice by denying the fans the opportunity to experience the great talents and hard work that are only now being belatedly recognized. It is truly a shame that Ray Dandridge was never able to realize his dream of playing in the major leagues when one considers that in his heyday he would have been one of its great stars. I believe that Ray captured the essence of his dream best when he said, "I just wanted to put that right foot in a major league ballpark."

I believe the game of baseball does itself a signal honor by bestowing this great award upon Ray Dandridge.

IN MEMORY OF JESSE UNRUH: A GIANT IN CALIFORNIA POLITICS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. DIXON. Mr. Speaker, it is with deep sadness that I comment on the passing of one of California's political giants, Jesse Marvin Unruh. Recognized as a man of great influence and many accomplishments, Jesse Unruh left his mark on California government.

Raised in economic deprivation, Mr. Unruh was an American success story, a self-made man who in his capacity as assembly speaker and State treasurer worked to improve the quality of life for the average Californian. Elected to the California State Assembly in 1954, he quickly gained respect within the legislature for his political expertise. In 1961, he was elected California Assembly Speaker, a position he held until 1968. Under his tenure, major pieces of legislation were enacted, including the Unruh Civil Rights Act prohibiting racial discrimination in businesses servicing the general public, and the Collier-Unruh Act authorizing property tax diversions to build rapid transit systems. Other significant bills led to the prohibition of employer discrimination on the basis of age, the increase of State funding for education and recreation, and the creation of the California Commission on the Arts.

In 1970, Mr. Unruh left the assembly to pursue an ultimately unsuccessful bid for Governor. In 1974, he was elected to the position of State treasurer, a then-obscure office which, before his death, he converted into an immensely powerful post with influence over billions of dollars of State investments. He also made it profitable for the State, aggressively investing billions of dollars of idle State funds.

It is without a doubt that the energetic efforts of Jesse Unruh have benefitted many, and will continue to assist countless others in the future. The recent passing of the State treasurer is a great loss to the government, and to the people of California.

SSC GOOD FOR U.S. SCIENCE AND TECHNOLOGY

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. FAWELL. Mr. Speaker, today my colleagues BOB ROE and over 200 cosponsors, will introduce a bill to authorize $35 million for the superconducting super collider for fiscal year 1988. There is no question that the SSC will significantly advance our scientific understanding of the universe and keep American scientists at the forefront of research. What is less well known is that the SSC will also be a boon to America's technological edge. I am inserting into the RECORD two articles that make this case very well.

The articles follow:

[From the CERN Courier, April 1985]

PARTICLE PHYSICS AND TECHNOLOGICAL SPIN-OFF

(By John Dowell)

Technological spin-off from fundamental science has several time scales. Short term developments are typified by improvements to equipment manufactured by firms in close contact with the field. The high rate of innovation in the particle physics field produces technology available to industry and applicable over a very wide range of activities.

Medium term development is led by the need for fundamental science to press technology to the limit. Here, physics is at an important advantage as its practitioners are well qualified to invent and exploit the instrumentation required. Such instrumentation frequently finds extensive application in other areas of scientific research as well as in the commercial and medical fields. The developments also include whole areas of application arising from a particular discovery such as, for instance, the muon spin rotation technique.

Very long term spin-off permeates vast areas of technology and affects our whole culture. Such developments from fundamental studies are rare and unpredictable and the timescale of the resulting technological impact is long. An outstanding example is the development of the quantum theory to account for the behaviour of matter at the atomic level and which now underlies all of the technologies involving matter on the molecular, atomic and nuclear scales, including all of modern electronics.

SHORT TERM EFFECTS

To gauge short term technological spin-off, studies at CERN have measured the "economic utility" to firms with CERN contracts.[1] This was assessed in hard cash terms based on increased sales and cost savings arising out of the CERN contracts and additional to the value of the contract itself.

Short term technological spin-off from CERN's work covers an impressive range, including computers, electronics, telecommunications, power generation and distribution, cryogenics, vacuum technology, optics, precision mechanics, magnet technology, steel and welding, car design, railways, shipbuilding, subway control, refrigeration, oil prospecting, materials storage, television, and solar energy.

Particle physics requirements have also had a significant impact in manufacturing techniques and the industrial application of new materials. The CERN Task Force of the British Overseas Trade Board notes a number of examples:

Construction of low mass, high strength structures using glass reinforced epoxy and plastics such as kapton, mylar and kevlar;

Fabrication of expoxy-resin mouldings to new standards of reproducibility and uniformity;

Development of epoxy resins for use as electrical insulators (now replacing ceramics in many applications);

Development of conducting plastics with moderate resistivities and precisely defined characteristics;

Production of multicore superconducting wires using hydrostatic methods;

Invention of the flat cabling technique (known worldwide as the Rutherford technique) now widely used for transformer coils as well as for superconducting coils; and

Development of high quality electrical insulation for use at low temperature.

TECHNOLOGY TRANSFER

With the increasing application of particle accelerators and radioactive sources it is not surprising that particle detectors have followed suit. This kind of spin-off extends from the earliest detectors developed for nuclear research (Geiger counters) through all kinds of scintillation counters to multiwire proportional chambers. Although important development work has taken place in the fields of application themselves, the real innovations in detectors have come from the nuclear/particle physics area.

A good example is the multiwire proportional chamber (MWPC), invented in 1968 by Georges Charpak working at CERN. It provides a sensitive, high precision, versatile, two dimensional detector of radiation. The vast range of sizes and types of MWPC are one of the principal detection techniques in particle physics. In addition, applications in medicine, materials science and biochemistry are starting to appear—positron tomography and X-ray imaging being two good examples.

The positron (antielectron) was one of the earliest discoveries of particle physics. It is emitted by certain radioactive substances and is produced along with an electron by sufficiently energetic gamma rays. Positrons annihilate with electrons in ordinary matter to produce two gamma rays each of energy 511 keV, which fly off in opposite directions. Detection of the two gamma rays defines a line through the point where the positron annihilation occurred. Measurement of a number of such approximately intersecting lines defines the position of the positron emitter in space. Suitable MWPCs provide excellent two dimensional detectors for the annihilation gamma rays. Coupled with appropriate electronics (also developed for particle physics applications) and readily available small computers. a "user friendly" system can be provided.

In the medical sector, such systems are now undergoing clinical trials. *In vivo* images can be produced in acceptable scan times from radiographically acceptable radiation doses. Applications to date include blood flow in peripheral limbs and in the brain, arthritic bone lesions, thyroid studies, bone marrow studies, and bone metastases and various research studies using animals.

The MWPC has lately proved to be a useful large area two dimensional X-ray imaging detector with applications in X-ray diffraction medicine, non-destructive testing, etc. The high quantum efficiency for 8 keV X-rays in a suitably constructed chamber reduced to two hours the time necessary for an X-ray diffraction study which would have taken several days by traditional methods. In the area of non-destructive testing, a gamma-ray imaging detector has been developed using a cobalt-60 source for examination of large underwater welded structures.

These applications and others use standard MWPC technology, but recent developments such as the multistep avalanche detector promise additional possibilities

ELECTRONICS AND COMPUTING

A notable feature of particle physics has been the development of modular data acquisition systems which have subsequently gained wide acceptance outside the field. An initial example was the Harwell 2000 series of the early 1960s, but this has been followed by Nuclear Instrumentation Modules (NIM), CAMAC and now Fastbus. NIM and CAMAC crates, power supplies and modules are available from many manufacturers world-wide and CAMAC, in particular, is a natural choice for high quality, medium speed, computer-controlled data acquisition systems.

As well as the hardware, particle physics groups have also developed sophisticated software. For instance the Data Handling Division at CERN has supplied CAMAC software to at least 25 users outside the particle physics field (in astronomy, medicine and other branches of physics) over the last few years. Fastbus has only been available for a short time but new modules are appearing on the market every month and it seems likely to become the future standard for very high performance systems.

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[1] Economic Utility Resulting from CERN Contracts—a study by M. Bianchi-Streit, N. Blackburne, R. Budde, H. Reitz, B. Sagnell, H. Schmied and B. Schorr, available from CERN Publications, 1211 Geneve 23, Switzerland.

In other specialized areas of data acquisition, such as the implementation of economical, high speed systems with thousands of channels of time-to-digital or amplitude-to-digital conversion, particle physics has played a pioneering role.

Particle physicists were one of the first groups of scientists to use on-line computers for monitoring the performance of apparatus and for data acqusition and have been in the forefront of this technology since the early sixties. The combined software and hardware expertise at CERN has been recognized by Electricité de France, which made a detailed study of the multi-computer system used to control the 450 GeV Super Proton Synchrotron and has adopted several of its features for the control of its new generation of nuclear power stations. Elements of the SPS control system have been employed in seven other Laboratories.

Particle physicists have been major users of large computer systems for off-line data analysis for many years. They pioneered techniques for maintaining suites of programs which could be used by many physicists in different institutions and yet be under simultaneous development. A very large number of routines for ray tracing, data manipulation and display, curve fitting and pattern recognition have been developed and are widely used for applications beyond the particle physical field.

In particular, UK particle physicists were quick to realize the need for a communications link between all university departments working in the field and the Rutherford Appleton Laboratory. Initially only a means of providing remote job entry to the RAL mainframe computers, this developed into a network linking multi-user computers in the universities to RAL, CERN and DESY. The UK part of this network was extended to form SRCNET. The immense advantages of such networks have been recognized both nationally, with the introduction of the Joint Academic NET work, and internationally.

SUPERCONDUCTING MAGNET TECHNOLOGY

Cryogenics and superconductivity provide one of the most striking examples of particle physics spin-off. Kammerlingh Onnes discovered the properties of superconductivity back in 1911. Unfortunately the materials he was working with had a critical field level of 1/20 Tesla and it was some 50 years before a new class of material, niobium-zirconium alloy, was developed in the US, capable of operating at high magnetic fields. In the early 1960s the high energy physics community saw the value of superconductivity and pressed for the development and construction of specialized magnets for their work. Very important contributions to this technology were made at Rutherford Appleton Laboratory.

When RAL entered the field of superconducting magnet construction the only conductor available was 0.5 mm niobium-zirconium wire which had to be embedded into copper. This was a laborious, difficult and uncertain process. In collaboration with Imperial Metal Industries, RAL embarked on a highly successful programme of conductor development which has resulted in intrinsically stable forms of conductor and cabling techniques now used world-wide for constant and ramped currents.

Special problems in the mechanical stability of superconducting magnets arise due to the need for good thermal matching of the materials in large structures cooled to a few degree Kelvin. Extensive work by RAL in conjunction with outside firms on the electrical and mechanical properties of materials in this temperature range has resulted in very stable structures.

The requirements of particle physics have forced the pace of development of superconducting technology to the substantial advantage of other users. Examples are computer programs for magnetic field calculation, wiggler magnets, industrial purification and separation systems, magnetohydrodynamics, power generation and transmission, fusion, d.c. motors, and energy storage.

Probably the most successful and well known use of superconductivity is in medical nuclear magnetic resonance imaging, where Oxford Magnetic Technology has been very successful.

NEW FIELDS

In addition to technological spinoff, actual discoveries in particle physics and related sectors have opened up new areas.

One such example is muon spin rotation. Like the positron, the muon was one of the early discoveries of particle physics. A gift of nature, revealed some twenty years after the discovery of the muon, is that both the production and the decay of the muon violate parity conservation (left-right symmetry). This apparently arcane and very fundamental property means that when a muon is produced in pion decay it has spin and magnetic moment polarized in a known direction, and when it decays the polarization of the decay electron tells us the polarization of the muon at the moment of its death. Thus the muon acts like a tagged subatomic magnet. It lives for 2.2×10^{-6} sec, long enough for it to interact with solids, liquids and even gases at moderate pressure. Many fundamental physical and chemical interactions occur in this 10^{-6} to 10^{-9} sec timescale. Magnetic forces in the material act on the muon during its lifetime and rotate its spin. The muon thus acts as a probe of the structure on the atomic scale and the measured muon spin rotation is used as a tool in solid state physics, chemistry and biophysics, especially for the study of short lived species and their dynamics. The exploitation of this technique has grown remarkably over the past ten years.

While some of the medical uses of positrons have already been mentioned in connection with multiwire proportional chambers, they are also being considered for use in materials testing, and applications could well emerge soon.

PARTICLE ACCELERATORS

Particle accelerators were conceived and built to make laboratory particle physics experiments possible, but now they have a long list of other applications. Radioisotope production for use in medical research, diagnosis and treatment, for monitoring and control of thin films, for industrial radiography, etc. has become an industry. The market for thallium-201 alone is currently $30M per annum in the USA.

Radiotherapy using X-rays from low energy electron accelerators or radioactive isotopes is a familiar and well established medical technique. The use of protons, neutrons, alpha particles and pions produced by accelerators has been under study for some time and has distinct advantages over more conventional techniques in some cases. Negative pions slow down as they pass through material and at rest are absorbed by nuclei to release their rest mass energy in the form of short range particles ejected from these nuclei. The pion thus acts as an atomic size "depth charge," depositing practically all its energy around its stopping point so that, unlike X-rays which affect all the tissue through which they pass, the pions destroy the cancer cells with much less damage to the surrounding healthy tissue. The effective cancer destroying dose is much higher than with conventional techniques.

The use of pions in radiotherapy was proposed in the 1950s by two British physicists who first observed the pion in nuclear emulsions. The accelerator technology to produce intense pion beams suitable for treating patients was developed in the following 20 years. The number of patients treated at the SIN Laboratory in Switzerland has increased by a factor of ten since 1981. Clinical experience appears promising: certain tumours, in particular in the head and neck, respond well to such treatment. Thick tumours near radiosensitive structures such as the eye (which cannot be treated by conventional techniques) can be treated by particle beams. Other types of particle beam are also being evaluated.

SYNCHROTRON RADIATION

Perhaps one of the most surprising spinoffs from accelerator technology has been the construction in recent years of custom-built accelerators in the few GeV range to produce synchrotron radiation. The parasitic use of the synchrotron radiation from accelerators in use for particle physics studies was so successful as to warrant the building of such machines. It is hard to believe that the necessary accelerator development would ever have taken place without the particle physics input.

Synchrotron radiation, produced when a beam of electrons is bent in a magnetic field, provides a continuous spectrum which extends from X-rays through ultraviolet and visible wavelengths to the infrared. The source can be made very intense, highly collimated and polarized. These features make synchrotron radiation a unique and invaluable tool in many branches of science which could easily form the subject for another CERN Courier article.

Other accelerator applications include non-destructive testing and sterilization by electron beams, ion implantation in semiconductors, radiation processing, heavy ion fusion research, and studies using secondary neutron beams.

After such an impressive list of concrete achievements, it is natural to ask what are likely to be the long term applications. It is difficult, if not impossible, to answer this question and it is worthwhile to repeat the often quoted remark of Rutherford when he was asked about the possibility of nuclear power—"Anyone who expects a source of power from the transformation of these atoms is talking moonshine!" The possibilities of future applications arising from particle physics range from fusion catalysis using new stable particles, with all its implications for power generation, to prospecting for oil and minerals using neutron beams.

Particle physics is clearly a particularly fruitful source of spin-off at every level from short term feedback to industry through to the seeding of whole new technologies. This success arises from the fact the field is concerned with fundamental science and stretches high technology to the limit. Prediction is notoriously unreliable but history demonstrates how frequently discoveries which have been regarded at the time as utterly remote from any kind of application have turned out to be of the greatest practical importance. We have no reason to believe that the future will be different.

[From the CERN Courier, January/February 1985]

ECONOMIC SPIN-OFF FROM CERN

About ten years ago, a famous study by Helwig Schmied on the economic "spin-off" resulting from CERN contracts revealed that every Swiss franc spent by CERN on high technology had produced about 3.5 francs of new business for the firm involved.

This is a useful bonus for a major European Laboratory whose basic objective remains, as always, pure scientific research. CERN's scientific achievements may well go on to revolutionize the 21st century in the same way that the technology of today is the direct result of the basic breakthroughs in electrodynamics by Faraday, Maxwell, Hertz and others about a hundred years ago. But this can never be proved, and these 19th-century researches certainly did not require multinational budgets.

Now a repeat of the initial survey on CERN's economic impact,[1] using more data and more sophisticated methods, essentially comes out with the same result for the period 1973-87. The results are based on interviews with a sample of 160 of CERN's 520-odd suppliers of high technology, who were asked to estimate the 'Secondary Economic Utility' (increased turnover plus cost savings) directly generated by CERN orders placed during the period 1973-82. The Economic Utility for the years 1983-87 is based on forecasts.

The total utility for the period 1973-87 amounts to 4800 million Swiss francs (1982 prices), while CERN's purchases from the firms involved in the period 1973-82 amount to 1380 million francs. Allowing for the continuing economic utility from orders placed before 1973, the survey clearly finds that one franc spent by CERN in the high technology sector has generated three useful francs for the suppliers.

Broadly, this high technology business can be grouped into five categories—Electronics, optics and computers; Electrical equipment; Vacuum, cryogenics and superconductivity; Steel and welding; Precision mechanics. The utility to sales ratio is especially impressive (4.2) in the first category.

All this concrete spin-off is especially remarkable when, unlike big research centres working on energy sources, communications, etc., CERN's end-product—scientific culture—has in itself little immediate practical application or economic relevance. How does CERN make such a big economic impact?

The major part of the equipment needed for CERN's research is beyond manufacturing capabilities of CERN's workshops and has to be supplied by industry. Often the necessary specifications and requirements are beyond the "know-how" currently available and present a challenge to the supplier. Once accomplished, this produces positive effects—quality improvements, increased productivity, new products, etc. Added to the fact that this is happening in an already rapidly expanding market, the results soon become evident.

Some examples. Without large orders, some high technology sectors are naturally reluctant to embark on substantial research and development programmes without an assured market. Thanks to CERN orders, European firms have been able to develop new products and widen their interests. There are other instances of new firms created essentially out of CERN requirements which have gone on to become highly successful in the export market. Equipment at CERN frequently sets new industry standards or serve as a long-term test-bed whose stringent criteria are widely recognized and respected. CERN business also stimulates interest-company collaboration and produces cost savings.

But the news is never all good. In one case, the rigorous technical requirements of CERN work made one company change its assembly line procedures. Later it was found that productivity fell! However such examples are very much the exception. The new study clearly shows that CERN continues to provide a powerful stimulus for European high technology industry.

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[1] Economic Utility Resulting from CERN Contracts—a study by M. Bianchi-Streit, N. Blackburne, R. Budde. H. Reitz, B. Sagnell, H. Schmied and B. Schorr, available from CERN Publications, 1211 Geneva 23, Switzerland.

UNITED PARCEL SERVICE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. RITTER. Mr. Speaker, the Founders Day celebration on August 28, 1987, will mark the 80th anniversary of United Parcel Service. Honoring United Parcel Service means paying tribute to fair competition and the free enterprise system, both of which keep this country economically strong.

Almost 1 million customers benefit from the corporate strategy of a customer-oriented, conservative approach which pays attention to customers and customer service. UPS attributes its $6 billion record income last year not only to its customer-oriented approach but also to its financial structure.

United Parcel Service employees hold nearly 99 percent of the company. From top to bottom, there is reason to work hard—those who run the business are the ones who own it. Almost all managers in the UPS ranks have been promoted from within. George Lamb, the current top executive, started out in a clerical job and progressed up through the UPS ranks. Decision making is as decentralized as it can be without 12 or 13 layers of management to get through.

Our own Lehigh Valley is proud to have enjoyed the service of United Parcel Service since its inauguration in Pennsylvania on March 18, 1964. It is most heartening to me, in my task force involvement with competitiveness, quality and integrated systems of management and labor, to have the occasion to celebrate the Founders Day of UPS. UPS epitomizes those relationships, incentives and shared ownership which put a company on top and yield the greatest value to the customer it serves.

A TRUE EXAMPLE OF HEROISM

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. APPLEGATE. Mr. Speaker, constituents of mine are grieving over the loss of three brave and selfless people. Drowning has claimed Carl James "Jimmy" Parker, Jr., 14, and Harold "Pat" Starkey, 60, both of Uhrichsville, and Richard Starkey, 25, of Tuscarawas, OH.

Parker was swimming with two cousins in Big Stillwater Creek in Uhrichsville, OH, when one of them was overcome by rushing water. Jimmy tried to rescue him, but was himself overcome. Pat Starkey and his nephew, Richard, who worked in the Tuscarawas-Warwick Volunteer Fire Department, immediately plunged into the water to try to save Jimmy. All three were found later, drowned.

Richard Starkey could not even swim, but knew his duty right away and tried to help a small boy in mortal danger. Pat Starkey also did his best, having pulled out drowning swimmers a number of times previously.

Pat Starkey lived in Uhrichsville all his life, and had worked as an auto parts salesman for 15 years. He was an outgoing, friendly man, active in his church and his Masonic lodge. He fought for our country in World War II. He leaves behind a wife, five children, and seven grandchildren.

Richard Starkey also sold auto parts and was known as a quiet, helpful man who would go out of his way to help people. Having only recently joined the volunteer fire department, he came in for some kidding but always took it well. Why did he jump in the water when he could not swim? This is no mystery to his fellow firefighters: He did it, simply, "Because he's a fireman," one said.

Jimmy Parker was a freshman at Claymont High, and was a Boy Scout, newspaper carrier, and baseball player. He was an active, outgoing boy and his baseball coach said Jimmy had a positive attitude and was among the most dependable boys on the team. He was to be presented with two trophies at the end of the season, an accolade that he will now never know. His parents, a brother, and other relatives remain to mourn their loss.

Mr. Speaker, this was true heroism, far different from that which is trumpeted in Washington these days. Without hesitation or thought for themselves, the Starkeys and Jimmy Parker gave their lives trying to save another.

Would that we could all learn from their example.

KILDEE HONORS MARGE MAUL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. KILDEE. Mr. Speaker, it is my pleasure to rise before my colleagues in the U.S. House of Representatives to call attention to the retirement of Mrs. Marge Maul from the presidency of the Genesee Federation of the Blind. It is a privilege to know such a dedicated, active, and concerned human being as Mrs. Maul. Although she has graced the Flint community with over 50 years of diverse and highly valuable volunteer activity, I am certain that this fine lady's long list of community deeds will continue to grow even after her official retirement. Indeed, her disappearance from public service is unimaginable and, if it were to occur, would be an immeasurable loss not only to the thousands of visually impaired persons she has aided throughout her career, but to the entire community which she has so long and so enthusiastically sought to enrich.

In listing Mrs. Maul's various volunteer services, one hardly knows where to begin. During her first 25 years of life as a volunteer, Mrs. Maul dedicated countless hours to the Red Cross, the Children's Ward at Hurley Hospital, and numerous blood programs. She also served the Flint Community Public Schools as a volunteer teacher's assistant and homeroom mother. Further demonstrating her superb organizational and leadership skills, Mrs. Maul founded and led for several years a Woman's Club at Flint Southwestern High School and a Teen and College Drop-In-Center at Freeman Elementary School. This already active and community conscious woman worked further in her community to improve the safety of her neighborhood as a key organizer for the Red Arrow Neighborhood Watch.

Mr. Speaker, Marge Maul has been legally blind since the age of 7. Her poor vision, rather than handicapping her activities, has increased her desire to service the visually impaired. Beginning as a volunteer receptionist and tour guide for the Genesee Federation of the Blind in 1962, she served many years on that organization's board of directors and is presently concluding her fourth year as president of that superb institution.

Mrs. Maul further expanded her unwavering community service as the director of our Service Center for the Visually Impaired. Dedicating over 1,200 hours a year for 14 years, Mrs. Maul directed volunteer services and further gave her special skills and vast knowledge of community servicing as a liaison for the eye clinic, run by the Fling Downtown Lion's Club. She has also served 1 year as a member of the board for the Retired Senior Volunteer Programs and 11 years as an active member of the Service Center Board.

This list is far from complete, Mr. Speaker. Marge Maul is without doubt one of the most enthusiastically active and caring individuals I have ever had the pleasure of knowing. Mrs. Maul has demonstrated time and again her value to the Flint community. She has enriched the quality of life for both those with sight and those without. I am very pleased to have this opportunity to bring to the attention of this body and the Nation the services of this outstanding individual. The many public deeds of Mrs. Maul shall continue to enhance the quality of life for all those within her community, especially the visually impaired.

THE RESOURCE CENTER FOR THE HANDICAPPED

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MILLER of Washington. Mr. Speaker, on August 30, 1987, in my home State of Washington, over 200 athletes from 47 States and 8 foreign countries will participate in the largest wheelchair race in the world. This event called the "Wheels of Fire", is sponsored by an extraordinary private nonprofit training and service center, the Resource Center for the Handicapped. "Innovative, focused, and dedicated"; that's what supporters say about the Resource Center. And they are exactly right. This innovation, this focus, and this dedication have been used to equip scores of people with the skills they need to thrive and prosper in a rapidly changing world. Severely disabled persons are trained in marketable, high-technology skills and placed in the private and public sector. RCH has been exceptionally successful in their program. A recent example of this exceptional record: Xerox filled 9 of its 10 open electronic technician jobs with RCH graduates!

The "Wheels of Fire" race is a major fundraising event, but more important it is a way to bring together disabled athletes from around the world. Competitors will be vying for the largest purse ever awarded to disabled athletes, $25,000. Participants may choose from six events designed to involve athletes with many different disabilities.

The Resource Center for the Handicapped is to be congratulated for its fine work. With an organization like RCH sponsoring the "Wheels of Fire", it is bound to be a huge success. I am sure my colleagues join me in saluting RCH's achievements.

HONORING RAY O'MALLEY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. HERTEL. Mr. Speaker, I rise to recognize the 50th Anniversary of the first bowl game Michigan State University participated in January 1, 1938, and would like to say a few words about a member of that team—a special friend, someone who through his hard work and generous nature has helped make this world a better place to live. That person is Ray O'Malley, of Grand Rapids: husband, father, teacher, coach, veteran, and football player.

Ray O'Malley was born in Grand Rapids in 1915, his father, Frank, was chief of police there. After attending St. Andrews Grade School and Catholic Central High School, Ray went on to Michigan State University from which he graduated in 1938. At Michigan State University, Ray played on the football team for 4 years and was part of the victorious 1937 team which played in the first Orange Bowl in Florida on New Year's Day 1938.

During WW II Lt. Raymond O'Malley served in the Army, training at Fort Benning and fighting in France and England. After the war, Ray returned to Grand Rapids when he began teaching history at Creston High School. He and his wife, Mary, have three sons, Ray, Tom and Brian.

In addition to work and the many family responsibilities, Ray coached high school basketball and football. In the evenings he helped his sons with their studies, giving them the guidance that only a professional teacher can give, and the kind words of encouragement that only a father could give.

Ray O'Malley always stressed the importance of education to his sons. Each son attended Blessed Sacrament Grade School, Catholic Central High School, and Michigan State University. Raymond obtained his law degree from Wayne State University, while Tom earned his master's from Western Michigan University. Brian received his law degree from Cooley Law School.

Ray O'Malley retired from Creston High School 5 years ago, but continues to hear stories of success from former students. Ray O'Malley guided and prepared his sons, however he also had the tremendous responsibility of educating others. Ray O'Malley guided his students by example and through his unparalled wisdom of the world. Few men possess the characteristics necessary to successfully mold young people into outstanding citizens. Ray has these necessary qualities. Ray serves as a model citizen to his former students, athletes, and those who have had the opportunity to meet this fine American.

Ray and Mary O'Malley reside in Grand Rapids where they have been active in political campaigns, church activities, and county events. Standing beside her husband throughout their marriage, Mary O'Malley has extended warmth and support to her husband and sons. Mary's unyielding loyalty to her family has created a loving environment which always has been the foundation of this strong family.

As we honor the 50th anniversary of Michigan State University's appearance in a bowl game, we look to a member of that team, Ray O'Malley for inspiration and guidance. We have learned from Ray O'Malley the importance of dedication to God, family, and country. Ray O'Malley has epitomized the qualities we all must strive to achieve. Ray and Mary, through their helping hands have touched the lives of many, for that we are forever grateful.

OPPOSITION TO THE SOVIET UNION'S EXHIBITION "U.S.S.R.: THE INDIVIDUAL, THE FAMILY AND SOCIETY"

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. HOLLOWAY. Mr. Speaker, I rise in opposition to allowing the Soviet Union to conduct an exhibition called "U.S.S.R.: The Individual, The Family and Society" to be held not only at the New Orleans Convention Center on August 25 through September 15, 1987, but also all around the United States.

The exhibition, held in conjunction with the Soviet Union's celebration of the 70th anniversary of the communist revolution, will feature displays, meetings, and discussions in which visitors will purportedly learn how ordinary Soviet citizens live.

The truth, of course, is that the more than 60 Soviets attached to the exhibition will not be ordinary citizens, nor will they give an accurate picture of life in the Soviet Union. They will be carefully selected and trained propaganda and disinformation agents and their purpose will be to gloss over the fact that the Soviet Union—the facade of glasnost notwithstanding—is a repressive totalitarian society with neither political, economic nor religious freedom.

If the Soviet Union was serious about glasnost, they would allow the 400,000 Jews who want to leave the Soviet Union to do so instead of the paltry number of 3,092 Jews who were allowed to leave during the first 6 months of this year.

If the Soviet Union was serious about their proclaimed intention to live in peace with the West, they would, in the words of their just-released and much-abused prisoner of conscience, Dr. Andrei D. Sahkarov, "put an end to the cruel war in Afghanistan."

In fact, Mr. Speaker, the Soviet Union's sorry performance in complying with the 1975 Helsinki accords, which include the right to practice one's religion and culture and to leave one's country, has created doubts about its credibility in other fields such as arms control.

The Soviets are hoping to put on a "human face" at the New Orleans exhibition and at their exhibitions in other cities of America and thus score a propaganda victory. With their 60 propagandists and disinformation specialists, they will attempt to brush aside any questions or discussions about human rights. We cannot allow that to happen, Mr. Speaker.

I would encourage other Members of Congress to become involved in protests at each stop of this outrageous Soviet propaganda exhibit across these United States and I would encourage my fellow Americans to join them in these efforts. I include for the RECORD a list of locations and dates of the Soviet Union's exhibition in other cities around the United States.

PANDAS HAVE COME TO SAN DIEGO

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LOWERY of California. Mr. Speaker, the Nation was saddened by the death of the panda cub born last month to Ling Ling and Hsign Hsing at Washington's National Zoo. With as few as 700 pandas estimated to be found in the wild and just over 100 living in captivity, the death of this cub frustrated yet again the hopes of panda enthusiasts the world over that the species could be saved from extinction.

Despite this setback, there is a bright light on the horizon. I am pleased to announce that on July 23, 1987, two panda bears were delivered to the San Diego Zoo on loan from the Fuzhou Zoo in southeast China through January 1988. Yuan Yuan, a 6-year-old male, and Basi, a 7-year-old female, are participants in a unique behaviorial research program which is hoped will enhance the chances for successful breeding of pandas in captivity.

This program involves extensive physical handling of the pandas by trainers who work with them to accomplish various tasks, such as standing on their hind legs, throwing balls through hoops, and even riding a bicycle. Visitors to the San Diego Zoo will be able to observe the pandas in action during their 4-hour daily workout, a display never before seen outside of China.

The long-term benefits of this program appear promising. The familiarity of the animals with humans allows trainers to collect far more information about their health and natural behavior. As a result, trainers are able to gather blood samples, temperature and blood pressure readings, and other physiological data—all without anesthesia.

According to Yuan Yuan and Basi's trainer in China, anesthetising the pandas puts stress on their systems which may affect their ability to reproduce. The trainer believes that Basi's ease with humans may actually allow her to be artificially inseminated without the trauma that accompanies anesthesia.

Learning more about the physical and behavioral nature of pandas may also provide clues on how we can help pandas survive and flourish in the wild.

On a different plane, Yuan Yuan and Basi's visit in San Diego symbolized the successful efforts of the United States and the People's Republic of China to expand and improve cultural relations. In fact, the San Diego Zoo has been trading animals with China since 1979, and today the zoo is home for some 40 different species of Chinese animals. The loan of these two pandas symbolizes the zoo's ongoing efforts to maintain excellent relations with China. I salute the San Diego Zoo for this accomplishment.

Yuan Yuan and Basi's presence in the United States will also provide a unique forum for educating Americans on the plight of the panda bear. I encourage my colleagues and fellow Americans to visit the San Diego Zoo and see these magnificent animals for themselves. This is a rare treat that no one should pass up.

TEXAS PRISON REFORM

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LELAND. Mr. Speaker, today I request that the article entitled "Ex-priest, Ex-nun Working for Texas Prison Reform," that was published in the Plainview Daily Record, be included in the RECORD. I have worked closely with the subjects, Charles and Pauline Sullivan, and I am honored at the chance to recognize their unselfish dedication to prison reform in our country.

For the last 15 years, this husband and wife team have tackled prison reform in Texas and now they are attempting to focus national attention on the need to address prisoner's rights. Charles and Pauline first received recognition because of the assistance they provided 7 years ago when the Texas Legislature was faced with a court order concerning overcrowding and living conditions in the State's prisons. Through legislation, advocated by the Sullivans, "restitution centers" were created to pay criminals to work, thus allowing them to support their families and compensate victims, while continuing to serve their sentences. More recently, the Sullivans founded the organization, Citizens United for Rehabilitation of Errants [CURE] which I am privileged to consider myself a supporter of. The Sullivans have been widely praised for their successful efforts to allow prisoners to change their own lives. They were once referred to as "Heroes of the People" in 1985 by the Texas Observer magazine, "for their sheer persistence and determination that changed the way we treat criminal offenders in the State of Texas." They are continuing to concentrate their energies on alternatives to locking up people, restitution for the victims of crimes, and rehabilitation for criminals. I commend them for their efforts, wish them much success, and respectfully submit the following article:

[From the Plainview (TX) Daily Herald, July 22, 1987]

EX-PRIEST, EX-NUN WORKING FOR TEXAS PRISON REFORM

MANY BETTING COUPLE CAN MAKE A BIG DIFFERENCE

(By Peggy Roberson)

WASHINGTON—For 15 years, Charles and Pauline Sullivan, an ex-priest and an ex-nun, quietly labored to reform the prison system in Texas. Last year, with a number of successes to their credit, the couple arrived here intent on tackling prison reform issues on a national basis with the same gritty zeal they'd applied in the Lone Star State.

Already, the couple is being heard from. And if it takes them twice the time it took for them to succeed in Texas, the Sullivans say they are prepared to make the investment.

With 41 states' prisons bursting at the seams from overcrowding and with new inmates being funneled through the courts at a record rate, the Sullivan's hopes for solutions may seem almost laughable.

Where they come from, however, no one is laughing and many are betting the Sullivans can make a big difference.

In Texas, they are credited with helping draft and pass a package of 20 prison reform bills that Rep. Pete Laney said "helped Texas catch up with the rest of the country."

Here, they already have succeeded in getting Rep. Robert W. Kastenmeier, D-Wis., to introduce a bill that would restore voting rights to former federal prisoners.

Charles Sullivan, 46, and his wife, Pauline, 49, choosing to live in genteel poverty, work out of a one-bedroom apartment a few blocks from the Capitol on what must be the smallest budget of any lobby in this town—$20,000-a-year in dues collected from an organization of prisoners' families they helped to start. And the fund covers both the Sullivans' lobbying efforts and their living expenses.

The Sullivans are concentrating their efforts on alternatives to locking up people, restitution for the victims of crime, and rehabilitation for criminals.

In June, the grassroots organization they founded, Citizens United for Rehabilitation of Errants, or CURE, held its first national convention here with 200 people from all parts of the country taking part in workshops and hearing speeches by experts in areas of prison reform.

The group bestowed on Rep. John Conyers, D-Mich., chairman of the House Judiciary subcommittee on criminal justice, its first Congressional Member of the Year Award. Conyers, in turn, praised the Sullivan's work.

(Three Texas members of the U.S. Congress—Reps. John Bryant, D-Dallas, Albert Bustamante, D-San Antonio, and Mickey Leland, D-Houston—are official CURE sponsors.)

The road to success in their chosen field was not an easy one for the Sullivans.

Charles, son of a well-to-do Alabama dentist, left the Catholic priesthood in 1969 in Birmingham because of the church's go-slow attitude on civil rights. Pauline, a teaching nun in Minnesota, decided in the same year that the sisterhood was not for her.

A mutual friend introduced the pair and they were married in 1970. With a strong desire to serve humankind, they moved to San Antonio in 1971 and became involved in the anti-war movement.

Both were arrested in demonstrations and Charles Sullivan said his five days in jail showed him how terrible life was behind bars.

"There was no rehabilitation and no efforts to allow people in jail to turn their lives around," he said. The Sullivans then embarked upon their crusade. They organized chartered bus caravans for families to visit relatives in prisons.

"The response was overwhelming," Pauline Sullivan said, and the couple began their drive for legislative reforms.

"At first legislators ran from us," Charles Sullivan said, "They called us communists."

One of those who ran, Pete Laney, former chairman of the Corrections Committee in the Texas House, finally became an ally of the Sullivans.

"They are very, very sincere," Laney said.

The Sullivans' first legislative victory came in 1973 when a bill passed that banned inmates from serving as guards.

In 1980, when the Texas Legislature was confronted with a federal court order to ease prison overcrowding and improve inmates' living conditions, Laney and others turned to the Sullivans to help draft legislation that would assist the state in meeting the court order.

For example, the Sullivans advocated "restitution centers," where criminals could work to pay their own way, support their families and compensate victims. Laney sponsored the bill that created the centers, and Texas is now saving money and its inmates have better living conditions as a consequence.

Apart from the legislative gains they helped engineer, the Sullivans began to get some recognition.

Texas Observer magazine named the Sullivans "Heroes of the People" in 1985 "for sheer persistence and determination (that) changed the way we treat criminal offenders in this state."

Now that they are in the nation's capital, the Sullivans intend to rely on low-key lobbying to oppose the federal death penalty, to see that new federal sentencing guidelines are implemented and to push for nutrition programs for pregnant prisoners.

The problems of U.S. prisons are mammoth, and the Sullivans don't believe they can make major changes singlehandedly. So they are cooperating with the National Prison Project, sponsored by the American Civil Liberties Union and with Amnesty International and similar groups.

At the end of 1966, 546,659 inmates were in state and federal prisons, a 65.7 percent increase in the prison population since 1980. "Another 1,000 people are sentenced each week," Sullivan said.

In 40 states, the District of Columbia and the federal system, officials report that prisons are operating at or above 100 percent of their capacity.

THE 40TH ANNIVERSARY OF INDIA'S INDEPENDENCE TO BE OBSERVED IN JERSEY CITY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GUARINI. Mr. Speaker, on August 17, 1987, ceremonies will be held at city hall in Jersey City marking the 40th anniversary of India's independence. India gained its independence from Great Britain on August 15, 1947, and became a dominion following endorsement of a plan to partition the subcontinent by the Moslem League and the All-India Congress. We all recall that Jawaharlal Nehru became the first prime minister of Hindu India. Nehru, a close associate of Mahatma Gandhi, proclaimed that day:

> It is a fateful moment for us in India, for all Asia and for the world. A new star rises, the star of freedom in the East, a new hope comes into being, a vision long cherished materializes. May the star never set and that hope never be betrayed!

The Indian flag will be hoisted over city hall by Jersey City Mayor Anthony R. Cucci and the Indian Ambassador from Washington, DC, P.K. Kaul. This marks the third annual ceremony, and is the only community in the Nation to have such a flag raising, according to officials of the International Mahatma Gandhi Association of Jersey City who are coordinating the event. In addition to a proclamation, plans are being made to have a portion of the Journal Square business district designated as "India Square" during the week of August 15 to 22, 1987.

For the past 10 years there have been a growing number of migrants from India coming to America to live in my district. A recent article in the Jersey Journal estimated that there are 15,000 Indo-Americans residing in Jersey City alone. They are peaceful, hard-working, productive, religious people with strong family ties and full of ambition to succeed in many areas especially education and business.

It was my happy privilege last month to be a special guest at a cultural event by more than 30,000 Indo-Americans where some of the leading artists of that nation performed at Madison Square Garden, which was an inspirational sight to see.

Two weeks ago I attended a religious function at Ferris High School where more than 5,000 individuals attended. There I witnessed the impact of their strong desire to adopt America as their new nation while still maintaining cultural ties to their beloved homeland.

When we think of India, of course, we must reflect on the great contributions to mankind that Mahatma Gandhi gave us all. He was a relentless champion of human dignity and human rights, calling for equality for people of all races and nationalities; women and minorities. We will recall that his unshakable faith in the power of nonviolent struggle inspired the work in the civil rights movement we witnessed under the leadership of Dr. Martin Luther King.

Gandhi fervently and strongly supported the position that no society can be built on denial of individual freedom and "that the purification of politics requires the removal of the taint of the double standard by men of courage and integrity." Gandhi long preached truth and justice and proclaimed that:

> Truth is like a vast tree, which yields more and more fruit the more you nurture it. The deeper the search in the mine of truth, the richer the discovery of the gems buried there in the shape of openings for an ever greater variety of service.
>
> Truth quenches untruth. Love quenches anger, self-suffering quenches violence. This eternal rule is a rule not for saints only but for all.

In my district, Indo-Americans are making their mark in the professional fields of medicine, accounting, and law. They are purchasing small businesses and opening restaurants. The children of this community show their competence by their matriculation in local schools and colleges.

I was pleased to learn that the valedictorian of the 1987 North Bergen High School graduating class is Mukesh Patel, who I understand has been in this country for about 7 years. He has won full scholarships to Princeton and Rutgers and has been a Governor's scholar and a Rutger's scholar, as well as playing with the varsity soccer team for the past 4 years. His classmate, S. Shah was student council president and the rolls of the North Bergen High School shows that 10 percent of all the honor students were of Indian background, which is remarkable because only 5 percent of the students are Indian. This only reflects the good family background of people from the Indian subcontinent. This nation and its people, both at home and here in the United States, are ambitious, self-reliant, and dynamically dedicated to the determination and quest for peace, freedom, and international understanding. I have encouraged their involvement in the community and political life of the area and over the years they have worked together, offering their talents to aid our communities.

I have been pleased to work with officials of India Abroad and India News. Many have shown their leadership over the years, especially Hardyal Singh, Sulochana Sathyanarayan, Jai Dayal, Mohan Singh, Nari Murjani, M.S. Bavishi, attorney Monoj Patel, attorney Rejanikant Mody, and Mono Sen.

The International Mahatma Gandhi Association, under the leadership of Hardyal Singh, is very active in working to represent the interests of Asian Indian residents. They foster friendship and understanding in order to preserve and popularize their culture and heritage. They also coordinate and present programs aimed at advancing the cultural, educational, social, economic, and community interests of their group as they work toward carrying out human causes with other organizations.

Recently Mr. Hardyal Singh received recognition from Mayor Anthony R. Cucci and was named a member of the Jersey City Human Rights Commission on June 16. Mr. Singh also is the first of his group to be appointed a special deputy sheriff of Hudson County. He is a leader in organizing functions to commemorate the philosophy and value of the lives of the great Indian and world leaders such as Gandhi, Pandit, Nehru, and Mrs. Indira Gandhi. Singh has been part of the leadership of the India National Flag Ceremony at city hall for the past 3 years. He also served as a member of the Governor's Advisory Committee on Consumer Affairs.

I am pleased to have the input of this fine group whose heritage goes back thousands of years. Against the backdrop of a rich and varied cultural heritage, a new India is taking shape—industrialized, self-sufficient, self-reliant, dynamic and dedicated to the quest for peace, freedom, and international understanding.

They are working in close harmony with more than 100 ethnic groups who reside in the 14th Congressional District. The reverence of this group, always working with the ideals of Mahatma Gandhi in mind, is most noteworthy. It was he who proclaimed that:

If an individual ceased to count, what is left of society.

He also said:

A person cannot do right in one department of life whilst he is occupied in doing wrong in another. Life is one individual whole.

When you educate a man you educate one person, but when you educate a woman you educate a family.

Gandhi's philosophy as follows is ageless:

"MEASURE OF A MAN"

It is not the critic who counts, nor the man who points out how the strong man stumbles, or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat; who strives valiantly; who errs and may fail again, because there is no effort without error or shortcoming, but who does actually strive to do the deeds; who does know the great enthusiasm, the great devotion who spends himself in a worthy cause; who at the best, knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

I am sure that my colleagues wish to join me in this celebration.

SOUTHEAST ASIAN REFUGEES: THE SUFFERING CONTINUES

HON. JACK KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. KEMP. Mr. Speaker, "A people forced to go a dangerous drama, across feats of darkness and turbulent seas, in favor of freedom."—Inscribed on the painting, "The Boat People" by Nguyen Van Lau

All of us have known at least second hand of the plight of the Southeast Asian refugees. We know them as a valiant and freedom loving people who gave their support and assistance to our efforts to prevent Soviet domination of their region. From books such as "Brother Enemy" by Nayan Chanda and "To Bear any Burden" by Al Santoli we know of the immediate consequences of our abandonment of Vietnam, Cambodia, and Laos.

Today I draw the attention of my colleagues to a more recent side of this tragedy: the suffering of those individuals and families interned in the gulags of our former allies. Under many names—"reeducation camps" "seminar camps"—the chains of political prisons continue to house those whose only crime was to love freedom.

The story which appears below is the that of the Khamphouy family as told by Samly Kamphouy to Joanna C. Scott at the Philippine Refugee Processing Center of Bataan, Philippines, as part of her book, "In Favor of Freedom." It details the suffering and eventual flight of one family from the "liberation" of the Pathet Lao.

Samly and Bounsy Khamphouy now live safely in Danbury, CT, with their two children. Samly's sister, Manola, and one brother, Pakaypheth, have also achieved their dream of coming to America. Manola lives in Virginia and Pakaypheth in Louisiana. But despite their escape to freedom, their tragedy has not ended.

A third brother, Khamchanh, his wife and three children languish in the Na Pho refugee camp in Thailand. They have been denied entry to the United States. Khamchanh Khamphouy, like his brother, served in the Royal Lao Army. The Communists sent him to the Vang Miang "seminar" camp in 1976. He escaped, was recaptured and was sent to the Ban Bo camp to boil salt. In 1984, he escaped and with his brother, Samly, and their families fled across the Mekong into Thailand.

United States Immigration and Naturalization Service authorities in Thailand say that Khamchanh has told them an "inconsistent" story of his military service and imprisonment. Small wonder. Eight years of semistarvation, forced labor and intimidation by the Communists would leave the strongest man in terror of authority.

If Khamchanh and his family are not granted entry to the United States it is almost certain that they will be returned by the Thai authorities to Laos. Declining funding for the refugee camps has caused two, Khao I Dhang and Ban Vinai, to be closed. Na Pho faces a similar fate.

Return of this family to Laos is a virtual death sentence—even for the children. Eight years of prison camp, a valiant escape across the Mekong and 3 years at Na Pho may result in execution because the United States denies their story.

Along with other colleagues in both Houses, I have asked the Attorney General to grant a humanitarian parole to this family. Let them be reunited with their family. Let them come to the United States to live in freedom. Let them live. I urge any colleagues who feel as I do to write to the Attorney General or to INS Commissioner Al Nelson and urge reconsideration of the case of this family.

KHAMCHANH KHAMPHOUY, LAO REFUGEE CASE NUMBER: NP6434 T127098

My name is Samly Khamphouy. I live in Connecticut with my wife and my two sons. I was a prisoner of the Communists in Laos for ten years, and my wife and children for eight.

When I was in the seminar camp my wife made a vow to the Buddha. She promised that if we ever escaped from the Communists I would show my gratitude by serving in a pagoda for a time, giving thanks for our lives. In July of this year I went to New York and spent a week as a novice monk as she had promised.

But my heart was heavy while I was there for my youngest brother, Khamchanh, and his wife and three little children. I brought him out from Laos with me and now I am free but he has been rejected by the United States officials and he is very afraid and all our family that he will be sent back to Laos where he will be killed by the Communists.

Khamchanh is the youngest of my father's children. There are three others; myself, my brother Pakaypheth and my sister Manola. In 1970, when Khamchanh was nineteen, he was drafted into the Royal Lao Army. I myself was a field officer with training in the United States but Khamchanh was assigned to Headquarters Compagnie Khonh Kheng as an auto mechanic. His supervisor was Major Vanhdy Vongdara. Major Vanhdy had asked me if I would like to have him assigned to me but I said, "No, no. You keep him at headquarters." So that is what happened. Our middle brother, Pakaypheth, was a government clerk in the Treasury Department.

When the Communists took over the government in 1975, there was a purge of everyone associated with the Royal Lao Government and the United States military. All three of us brothers were sent to "seminar" camps. The name was a trick. There was nothing to be learned there but hard labor, hard labor until we died of illness or of starvation.

Being an officer, I was sent to Camp 06 near Vieng Xay where Laos and Vietnam come together in the northern mountains. Khamchanh was sent to the Vang Miang seminar camp in Vientiane Province in February of 1976. He was there until 1979.

In 1979 he was given a permit to visit his wife and family in their village about fifty miles north-east of Vientiane and he went into hiding there. But he was caught by the Communists about a month later and sent to the Ban Bo seminar camp which is a salt processing camp near Ban Keun and he was made to work there boiling salt with very little food and no medical care.

In 1984 I had been a prisoner of the Communists for nearly ten years. I was weak and sick and looked forward only to death. Then by wife and our father found out how to buy my release and my father sold his house and paid the bribe. He is dead now but he bought my life before he died. I was brought from Camp 06 by truck and helicopter and put in a hospital in Vientiane. My family also got a permit for my young brother Khamchanh to come from the salt camp and visit me there. We talked about taking our families and escaping from Laos but I was very weak and I told my brother to wait. We did not want to leave the home country but we were afraid we would die or be killed and our wives and children too if we stayed.

Khamchanh also talked with my wife, Bounsy, about escaping but finally they came to no plan and Khamchanh went back to Ban Bo to work boiling salt. But his life was too unbearable so one day he hid on a truck bringing salt from the Ban Bo camp to Vientiane. He found me and I was stronger then and we decided that now it was time to escape. So we gathered our wives and five children together and fled for our lives across the Mekong River.

In Thailand we were sent to the Na Pho refugee camp and two months later our middle brother, Pakaypheth, and our sister, Manola, came there too. They also had fled in fear of the Communists.

Khamchanh and I arrived at Na Pho on October 11, 1984 and I and my wife and sons were sent on to the second asylum camp in the Philippines on September 15, 1985 and then to Danbury, Connecticut on April 29, 1986. Pakaypheth arrived in the Philippines later in 1986 and is now in Louisiana. My sister, Manola, is living in Virginia. Khamchanh's military supervisor, Vanhdy Vongdara, also escaped from Laos and is living in the United States.

But Khamchanh and his family are still in Na Pho. He has been interviewed twice by the U.S. Immigration and Naturalization Service but he has been rejected both times. The first time they said that he did not meet the requirements for a refugee under Section 101a42. The second time they said his story was different from what he told them in the first interview.

But I do not understand this. Khamchanh's background is almost the same as mine and also very like that of Pakaypheth, our middle brother. It seems that a mistake or misjudgement has been made in his case. Also, after years of being so afraid living in a Communist camp, Khamchanh is very terrified of government officials and he is afraid that he will not say the right things to save his family from disaster and so he gets confused.

Things are becoming very dangerous for refugees in Thailand. Since the United States Congress stopped giving money for refugee programs the Thais have been wanting to close down all the camps. Some Hmong have been sent back across the border to Laos and there is talk of more Laos being sent back. Khao I Dhang and Ban Vinai have been closed and no one seems to know what is happening to the people from these camps. Na Pho is still operating but no one knows for how long. Life is desperate for Khamchanh and his family. If he is sent back to Laos, he and his family will surely be sent to prison or murdered.

I am the eldest brother and, since my father's death, the head of the family and I have failed my youngest brother. I have done all I know how to do but our family is still divided. All I can do now is to beg the government of the United States to have pity on my brother and on his wife and his three little children.

OLLIE AT THE BAT

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WHEAT. Mr. Speaker, for the past several months the revelations of the Iran-Contra hearings have been the subject of analysis and debate by our Nation's political leaders, distinguished journalists, and interested citizenry. My constituents have certainly not been shy in expressing to me their wide-ranging and deeply felt feelings on the Iran-Contra story.

One of my constituents, Mr. Philip F. Cardarella, has been inspired to scale new literary heights. Mr. Cardarella, a poet-in-exile, has provided me with one of his more recent efforts, a tour de force entitled "Ollie At the Bat". I would like to share with my colleagues some of the magic that flows from the pen of Philip Cardarella.

Someday, many, many years from now, the Iran-Contra affair will be little more than a foothill on the landscape of history. However, Philip Cardarella's status as a giant in the annals of American literature will undoubtedly be confirmed and revered.

The poem follows:

OLLIE AT THE BAT

(By Philip F. Cardarella)

Casey made me give the missiles to the madman in Iran.
Casey made me shred epistles, when the Contras hit the fan.
Casey made me send Hawks and Tows to protect Khomini's rear.
Casey made me lie through my nose when the Congress asked me here.
Casey made me go a 'beggin' to the Sultans and the creeps.
Casey made me not tell Reagan, (Things run better when he sleeps).
Casey made me give the money to the Contra boys regime.
Casey made me skim the "honey" off the Secord and Hakim.
Casey made me lie and cheat—still, with boyish grin or phony tear,
Casey made me—rest in peace, Bill—the American hero you see here.

TOYING WITH PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. FUSTER. Mr. Speaker, I would like to insert in the CONGRESSIONAL RECORD today an excellent and preceptive editorial which appeared in the Washington Post today titled "Toying with Puerto Rico." Particularly noteworthy is the advice of the editorial cautioning Vice President BUSH and Senator DOLE to "be more careful of interfering in the sensitive internal politics of Puerto Rico."

Pandering to political currents with one upmanship in submitting bills about Puerto Rico's status is not the way to assist the people of Puerto Rico to exercise their right to self determination.

The editorial should be a warning to those who, indeed, toy with Puerto Rico's political status merely for their own national political ambitions, and to their cronies whose injudicious interference is even more improper.

[From the Washington Post, Aug. 1, 1987]

TOYING WITH PUERTO RICO

One of the anomalies of the presidential selection process is that territories that are not eligible to vote in the general election nonetheless choose delegates to the national convetions. The largest of these is Puerto Rico, whose 3 million U.S. citizens will be represented by 56 Democratic and 14 Republican delegates in 1988. Unfortunately, in the fierce battle for these delegates, candidates often do damage not to their cause, but to the public life of Puerto Rico.

The most recent example comes in this year's Republican contest. George Bush, who won Puerto Rico's delegates in 1980 with the slogan "Statehood Now," met with a group of Puerto Rican leaders in Washington in April and left them believing he would push for legislation to admit Puerto Rico as a state; he then "clarified" this by saying he'd push for statehood if the people of Puerto Rico want it. This seemed insufficiently pro-statehood to some members of Puerto Rico's New Progressive Party, most of whom support Republicans in mainland politics, and in May Sen. Bob Dole flew twice to San Juan and said he'd introduce a bill to pay for a referendum on statehood between 1989 and 1994, and a pro-statehood group of mayors voted 11 to 0, with one abstention, to support his candidacy. In June, Mr. Bush flew to San Juan and one-upped that by supporting a bill that would require Puerto Rico to hold a referendum on its status.

All of this may sound like a petty bidding war. Holding out the promise of statehood has been a Republican tradition at least since President Ford did so in 1976. But the issue of status—whether Puerto Rico should seek statehood, should retain the commonwealth status that leaves it a self-governing island under the American flag, or should become an independent nation—is the central focus of Puerto Rico's politics and public life. It inspires such interest that turnout in Puerto Rican elections is higher than anywhere in the 50 states.

Mainland politicians should be careful not to tilt the balance by trumpeting promises of immediate statehood—promises that Mr. Bush or Mr. Dole, in the high offices they now hold or the higher one they seek, would be hard put to deliver on. Mr. Dole wisely cautions that a "clear majority of Puerto Ricans must speak, must desire statehood" before Congress will grant it, and Mr. Bush says he'll push for Statehood "only if the people of Puerto Rico want it." But these caveats are fine print next to the statehood headlines. Mr. Bush and Mr. Dole should be more careful of interfering in the sensitive internal politics of Puerto Rico.

TRUTH IN LABELING FROZEN PIZZAS

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. STENHOLM. Mr. Speaker, today I am introducing, along with many of my colleagues, a bill that amends the Federal Meat Inspection Act to require frozen pizza products containing imitation cheese and meat to be labeled to reflect the fact that imitation cheese is contained therein.

Specifically, this legislation would require frozen pizzas containing imitation cheese to note that fact in prominent letters contiguous to the product name. It would not force any pizza manufacturer to use real cheese; it would simply require that consumers be informed through clear and prominent labeling when the frozen, meat-topped pizza they purchase contains imitation cheese.

Mr. Speaker, I would agree that a technical subject of this kind is usually dealt with in the proper regulatory process. However, the legislation is necessary because of a bureaucratic inconsistency on food labeling policy. Under current Department of Agriculture [USDA] policy, the "cheese" component of a meat-topped pizza need only contain 10 percent real cheese while up to 90 percent can be imitation cheese. But under the labeling requirements of the Food and Drug Administration [FDA], this blend of predominately imitation cheese would have to be clearly and prominently labeled because FDA, just like consumers, recognizes cheese as a "characterizing" ingredient of pizza. Consequently, I believe this conflicting situation violates the accepted standard of identity or "characterizing" ingredient guidelines.

In summary, I believe this legislation will aid in eliminating the apparent consumer deception and Federal agency inconsistency which persists with this issue. Let me point out that I would welcome any suggestions for changes in the language I have used provided it would accomplish and fulfill my intent that imitation cheese content in frozen meat-topped pizzas be lableled in such a way that the typical consumer knows what he or she is buying.

Mr. Speaker, I urge my colleagues to support this legislation and at this point in the RECORD I include language of the bill. The material follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRUTH IN LABELING REQUIREMENT.

Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended by—

(1) striking out "or" at the end of paragraph (11);

(2) redesignating paragraph (12) as paragraph (13); and

(3) inserting after paragraph (11) the following:

"(12) if it is a pizza product that contains meat or a meat food product and includes an ingredient that imitates or resembles any variety of cheese for which a standard of identity exists, and there does not appear on the label in a prominent manner contiguous to the product name the term 'contains imitation cheese'; or".

SEC. 2. REGULATIONS BY SECRETARY OF AGRICULTURE.

The Secretary of Agriculture shall issue regulations implementing the amendments made by section 1 to become effective not later than October 1, 1987.

PRESIDENT MUST COMPLY WITH WAR POWERS ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. OBERSTAR. Mr. Speaker, today I joined 115 of my colleagues as coplaintiffs in a lawsuit asking the U.S. District Court for the District of Columbia to order the President to observe the legal requirements of the War Powers Act regarding our military activity in the Persian Gulf. The action contends that the entry of three U.S. warships into the Persian Gulf on July 22, 1987, for the purpose of escorting two reflagged Kuwaiti tankers constituted the introduction of U.S. Armed Forces into "hostilities" or a situation "where imminent involvement in hostilities is clearly indicated by the circumstances." The suit asks the court to: (1) Declare that a report was required to be submitted under section 4(a)(1) of the War Powers Act within 48 hours of the time the three U.S. warships entered the Persian Gulf on July 22, 1987, and; (2) order the President to submit such a report.

Either action by the court would have the effect of triggering the 60-day time limit of the Act. If the court finds in our favor, the President would be required under section 5(b) of the act to end the use of U.S. Armed Forces in the escort operation not later than September 22, 1987, unless Congress specifically authorizes their continued presence. Alternatively, if the court finds that no report from the President is required, the suit asks the court to declare the reflagging of Kuwaiti tankers null and void on the grounds that the waivers of navigation and inspection laws are invalid because the law under which the waivers were granted was intended only for use in wartime and military emergencies. Thus, if the Persian Gulf is not a situation involving "hostilities" or "imminent hostilities," the waiver law does not apply. Such a determination by the court would require the administration to withdraw warships from the region immediately.

This extraordinary bipartisan initiative to bring a halt to the administration's reflagging of Kuwaiti vessels is an attempt to straight-forwardly address the crystal clear requirement of the War Powers Act, passed in 1973 following prolonged U.S. involvement in the Vietnam war, to ensure that the executive branch—and that means any administration—will consult with the U.S. Congress before going ahead with large-scale military undertakings of this kind. The War Powers Act states, in part:

> It is the purpose of the joint resolution to fulfill the intent of the framers of the Constitution of the United States and ensure that the collective judgement of both the Congress and President will apply to the introduction of United States Armed Forces into "hostilities, or into situations were imminent involvement into hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

This lawsuit is necessary if we are to prompt the administration to reconsider its decision to introduce troops into the region without such congressional consultations.

Mr. Speaker, the House of Representatives, on July 8, 1987, passed an amendment to the fiscal year 1988 Coast Guard authorization bill, which would have delayed the reflagging for a 90-day period to provide sufficient time for the administration to consult with Members of Congress and to develop alternatives to the reflagging plan. The bill passed the House by a vote of 222 to 184, and was sent to the Senate where, amidst filibuster threats, if died.

Yesterday, the House Merchant Marine and Fisheries Committee, of which I am a member, conducted hearings into the Kuwaiti Government's refusal to allow U.S. military forces to use Kuwaiti bases needed to furnish adequate air cover for the ships. Kuwait's refusal to allow U.S. forces to use their bases has heightened the anxiety here in the Congress and among the American people about the safety of our ships in the region and the wisdom of the administration's policy there. I will continue working in the Congress to develop more flexible and sustainable principles for U.S. foreign policy in the Persian Gulf.

Meanwhile, I look forward to the district court's decision on the lawsuit just filed.

FROM A RARE DISEASE, AIDS HAS BECOME A NATIONAL EPIDEMIC

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GRANT. Mr. Speaker. Fearful and frightening, AIDS has swept across this land. From a rare disease a few short years ago, it has become a national epidemic.

Not since polio swept this land has a disease been so feared and a cure seemed so elusive.

Recently I had lunch with one of our Nation's most respected physicians, Dr. Robert E. Windom, Assistant Secretary for Health in the Department of Health and Human Services.

He told me that by June 1, 1987, AIDS has stricken more than 36,000 people in this country, nearly 21,000 of whom have died. He estimates that an additional 1.5 million Americans have already been infected by the virus that causes this lethal disease and that 20 to 30 percent of these persons may develop AIDS within the next 5 years.

Additionally, even though many infected persons currently have no symptoms and are not aware they have been infected, they can transmit the virus to others.

The AIDS virus attacks a person's immume system and damages his or her ability to fight off other diseases. Without a functioning immune system to ward off other germs the body is vulnerable to infection by bacteria, protozoa, fungi, and other viruses and malignancies which may cause life-threatening illness, such as pneumonia, meningitis, and cancer.

When AIDS strikes, a deadly chain of events begins. The victim's protective immune system is destroyed by the virus, leaving the door open for other diseases and cancer to infect the body. Doctors refer to these other diseases and cancer as "opportunistic diseases" because they take the opportunity to invade the body after the immune system is destroyed.

Some of the most common of the opportunistic diseass are pneumonia and tuberculosis, but the victim is vulnerable to virtually any disease. Although doctors try to treat the opportunistic diseases as best they can. There is simply no escaping the death sentence with AIDS.

The Center for Disease Control never predicted an explosion of the disease in the United States, only a slow expansion with the prediction that by 1992, 9 percent of the 270,000 dead or dying AIDS victims will be heterosexuals who aren't drug users. So far that grim timetable has proven to be 95 percent correct.

Who can ever forget the children we have seen on television who have been infected through blood transfusions? Their families and loved ones cry out in anguish and pain and there is no solution to the problem—only the hope that a vaccine can be developed some years in the future.

As Dr. Windom pointed out in testimony before a Government Operations Subcommittee on which I serve, education is the only current weapon in our arsenal.

The Public Health Services is to be commended for its efforts to inform the American people about the disease and how it is transmitted.

There are others, however, who are beginning to downplay the seriousness of this disease. This backlash which defies common sense will result in an additional toll of sorrow and death.

This is no small problem. It is a gigantic one.

Personally I believe that our efforts in research, education, and treatment are at levels which are reasonable.

I quote from a statement made by Dr. Windom:

> Soon after recognition of AIDS as a devastating new illness, efforts to combat it became the Public Health Service's No. 1 priority. Today the best scientists of the Public Health Service and medical institutions around the world are bending every effort to find effective treatments for AIDS patients and a safe and effective vaccine against the virus.
>
> Encouraging progress has been made, but we do not now have a cure for the disease, and availability of a vaccine appears to be some years in the future. Thus the only current weapon in our arsenal against the disease is education of the public about the seriousness of the AIDS threat, the ways the virus is and is not spread, and the practical steps each person can take to avoid acquiring or spreading the virus.
>
> In the current fiscal year, the Public Health Service will spend a minimum of $79.5 million on public information and education about AIDS, and President Reagan has asked Congress to increase funding for these efforts by $47 million. This increase would bring total PHS spending in Fiscal Year 1987 for AIDS research, information, and education to $447 million.

Might I pause here to tell my colleagues that we Floridians are proud to have one of our own in such a position of responsibility.

Before becoming Assistant Secretary, Bob Windom was a practicing physician, and a very good one, specializing in internal medicine in Sarasota, FL. He has been clinical professor of internal medicine at the University of South Florida School of Medicine and clinical associate professor of internal medicine at the Miami School of Medicine. He is a past president of the Florida Medical Association, the Florida Heart Association, the Florida Medical Political Action Committee, and the Sarasota County Chamber of Commerce. He served as a delegate to the American Medical Association, as a member of the national board of the American Heart Association, and as a member of the advisory council to the National Institute on Aging. Dr. Windom has been chosen as a distinguished alumnus of the Duke University School of Medicine and he won the Health Communicator of the Year Award from the Florida Hospital Association for his 10 years of producing and hosting regular television programs on health topics.

Confirmed by the Senate in June 1986 as Assistant Secretary for Health, Dr. Windom directs the activities of the Public Health Service, which includes the Health Resources and Services Administration; the Alcohol, Drug Abuse and Mental Health Administration; the Centers for Disease Control; the Food and Drug Administration; the National Institutes of Health; and the Agency for Toxic Substances and Disease Registry.

Dr. Windom provides policy guidance for other HHS programs including the Health Care Financing Administration, which administers Medicare and Medicaid. He also maintains relationships with other Government and private agencies concerned with health. He advises and assists the Secretary on health policy and on all health-related activities.

Dr. Windom was born July 14, 1930, in Columbus, OH. He received his B.S. and M.D. degrees from Duke University in 1952 and 1956, respectively. He served his internship and residency in internal medicine at Parkland Memorial Hospital in Dallas, TX.

Dr. Windom and his wife, the former Lelia Ann Harmon, have three sons: Robert Jr., Ross, and Hugh.

I am pleased that this distinguished physician is giving of his time and talents in a vital role for the future of this Nation and for that matter in finding a solution to a plague of international proportions.

Health officials agree that if people take precautions, they can dramatically reduce their chances of acquiring this deadly virus.

Let us pray for a breakthrough as dramatic as that which ended the scourge of polio. In the meantime, increased emphasis in educating this Nation is of the highest priority.

As I speak, the death toll among its victims rises. Across the globe, the list of the dead grows longer and longer. This is no joking matter. This is an equal opportunity disease; it does not affect just one segment of our society.

We must have a national commitment to do whatever has to be done to stop this deadly epidemic which threatens so many yet unborn, so many infected and who are not aware, so many who refuse to recognize the seriousness of the situation.

History will judge us harshly if we do not do everything within our power to remove this plague from the face of the Earth.

MORE HELP FOR COLLEGE STUDENTS

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. DAUB. Mr. Speaker, I rise today in support of the Individual Education Savings Account Act of 1987 introduced earlier today by my colleague from Iowa, Mr. GRANDY. The estimated costs of financing a college education in 10 or 20 years pose a serious problem for lower and middle income families planning for the future.

Mr. GRANDY'S bill will do the following: First, it creates a tax-free savings account in the manner of an IRA solely for the purposes of financing a college education; second, it enables families with incomes below $35,000 to remain eligible for financial aid; third, the amount of savings accumulated can be used at the school of choice without facing penalties, which are included in other plans under consideration.

Finally, it creates a private family account instead of a public national trust. It will be a goal a family can work toward and be proud of. Furthermore, it doesn't subject savings to bureaucratic and distant forces.

In sum, Mr. Speaker, Mr. GRANDY has offered a realistic and creative solution to the expected problems of future high education costs, one which offers a way to plan for the future. I encourage interested Members of the House to take a look at this intelligent piece of legislation.

HOUSE RESOLUTION 249—JAPAN SHOULD PAY ITS FAIR SHARE FOR PERSIAN GULF PROTECTION

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SENSENBRENNER. Mr. Speaker, During the past year, the ongoing Persian Gulf war has intensified. It has now spread to involve noncombatants in the region. Civilian commercial shipping has fallen prey to the sabotage of nations whose intent is to interrupt the flow of oil to the industrialized West, to disrupt the tenuous balance in the gulf, and to violate the internationally recognized laws of the sea.

In response to this situation, the United States considered the requests made by the Kuwaiti Government last year, and has initiated a precarious policy of reflagging and escorting commercial shipping through the hostile gulf. Since July, the U.S. Navy has been on station risking American lives to maintain the right of free passage through international shipping lanes.

The job is neither small nor easy. The risk is deep and the cost great. The massed might of a dozen ships and 2,600 sailors and marines requires a commitment of $1.7 million each day. Our fleet, in harms way, can easily be harassed as has been promised, by a small force of fanatical, committed, and suicidal Iranian revolutionary guards. The United States has assumed the burden of this danger and cost of the operation alone.

We are by no means the largest benefactor of this burden and cost. The service the U.S. Navy provides to the nations of the industrialized free world cannot be underestimated. While we maintain our strategic presence, Japan will receive 60 percent of its oil which comes from the Persian Gulf, versus the 6 percent the United States receives. Japan needs this oil to run the powerful industrial and technological machine it has built since World War II. It cannot compete in the international marketplace or survive as a nation without this oil. Japan gains the most from our protection. We guarantee their economic growth and competitiveness. Japan flourishes while only we pay. That simply is not fair.

House Resolution 249 proposes that Japan assist the United States reflagging policy by politically supporting and financially reimbursing our Government for the service. We want the support of our allies, especially those who stand to gain so much. Japan needs our help and it is appropriate that they devote more of their resources to those policies which defend their viability as an industrialized free world nation. Our allies should be expected to carry some of the burden.

House Resolution 249 appears below:

H. RES. 249

Whereas the ongoing war between Iran and Iraq has intensified to a heightened level of hostile activity in the Persian Gulf;

Whereas this hostile activity now involves and effects civilian commercial shipping from non-combatant nations such as Kuwait;

Whereas the strategic and political situation in the Persian Gulf has destabilized to such a degree as to allow the possibility of expanded Soviet influence;

Whereas the United States has responded to the requests of the Government of Kuwait by providing the protection and support of the American flag to commercial oil tankers through a process of reflagging which gives these ships "authentic U.S. nationality";

Whereas the United States has stationed its naval forces in the Persian Gulf to provide escort to those reflagged oil tankers in order to slow the spread of the Iran-Iraq war, to deny the Soviet Union strategic presence in the region, and to ensure an unimpeded supply of the region's oil to the industrialized nations of the Free World;

Whereas although more than 70 percent of Free World oil reserves are located in the Persian Gulf, only 6 percent of the oil needs of the United States are supplied by this region;

Whereas Japan received nearly 60 percent of its oil through the Persian Gulf and is by far the largest benefactor of our protective reflagging policy;

Whereas the estimated cost of keeping the United States fleet and 2600 American sailors in the Persian Gulf as protection is approximately $1,700,000 per day;

Whereas Japan has for years enjoyed the full assistance of United States military forces in protecting their national sovereignty at virtually no cost to that nation; and

Whereas Japan for years has flourished economically under that "protective defense umbrella" to such a degree that Japan has risen to become an industrial giant on a level rivalling the United States: Now, therefore, be it

Resolved, That, notwithstanding its constitutional restriction on maintenance of a standing deep-water naval capacity, Japan should assist the United States reflagging policy by politically supporting and monetarily reimbursing the United States Government for United States Naval protection of the Persian Gulf oil supply which is essential to the Japanese.

JAMES RIVER CORP. 1986 NATIONAL BLOOD DONOR CAMPAIGN

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. BLILEY. Mr. Speaker, in 1986, the James River Corp., an international paper products company based in Richmond, VA, in partnership with the Richmond Metropolitan Blood Service [RMBS], a not-for-profit organization that provides all blood and blood products utilized by patients in hospitals in Richmond, VA, and surrounding counties, launched an innovative blood donor recruitment campaign.

Though James River had long supported blood drives at its Richmond facilities and at the discretion of its plant managers throughout the world, it had never conducted a campaign throughout its entire corporate structure, one with a central goal supported by the company's top management.

James River has always taken pride in its decentralized style of operation, but the company had become convinced that in a time of rising fears about the safety of the Nation's blood supply its employees could make an invaluable contribution to the more than 40 communities in which it operates by having its top officers endorse the idea of contributing blood.

The results of this commitment were impressive. The goal of 30 units of blood donated for every 100 people employed was met in plant after plant, office after office, in the United States, Canada, and the British Isles, until 5,400 units of blood had been collected, a 168-percent increase over the previous year when the company's plants and offices had conducted individual drives.

RMBS helped by contacting the organizations responsible for collecting blood in all these communities so that accurate records could be kept of what may be the first nationwide blood donation campaign ever attempted by a corporation.

This remarkable achievement by James River Corp. was recognized in a special way on July 23 when the company was 1 of the 100 companies out of 1,000 submitting entries in 1987 to receive recognition from the President's Citation Program for Private Sector Initiatives.

As a responsible manufacturer of paper products, James River is accustomed to being a guardian of trees and water. Their national blood donation program shows their commitment to that most precious renewable resource, life giving blood.

WHERE IS THE DEFENSE AUTHORIZATION BILL?

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. FAZIO. Mr. Speaker, the Congress must act now on the defense authorization bill in order to make a clear contribution to the development of a consensus on national defense and arms control policies. It is in the best interest of the Nation that an authorization conference be convened before the end of the fiscal year. The American people expect the Congress to take an active role in shaping our national defense and arms control policies. Without action on the Defense authorization bill our influence and input will be sharply restricted.

As my colleagues on both sides of the aisle are aware, during consideration of the defense authorization bill, this body reaffirmed the traditional interpretation of the ABM treaty as well as U.S. compliance with the central numerical sublimits of the SALT II agreement. Clearly, we hold the key to preserving United States-Soviet agreements on strategic arms limitations—limitations that provide the foundation on which future arms control agreements can be built. This body has taken charge of the arms control agenda. We have defined the issues, asserted budget priorities, and worked to secure a safer world. The Senate should join the House in this effort.

WINONA FLOOD DIKE SYSTEM

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. PENNY. Mr. Speaker, unfortunately, the nature of man is to criticize, rather than compliment—and surely the Congress of the United States is often on the receiving end of criticism. Occasionally, however, were are pleased to report that people do appreciate our work. Recently, Edward Kohner, acting city manager of Winona, MI, presented 8,000 signatures to Senator DURENBURGER and me, as representatives of the Minnesota congressional delegation. The signatures were in recognition and appreciation of congressional support for the Winona Flood Dike System. During the 1960's, the Federal Government contributed $30 million for the construction of a system of dikes along the Mississippi River in Winona, whose citizens had long lived with the threat of flooding along the river.

The building phase of the project is now finished, but the people of Winona will deem it truly completed only when they have properly thanked those responsible for the levees. The Winona project of appreciation, spearheaded by the Kiwanis Club of Winona, has consisted of an essay contest on the benefit of the dike system to the city of Winona; the presentation of the signatures of appreciation to Congress; and the placement and dedication of a bronze plaque at Winona's Levee Park bearing an inscription that will recognize the U.S. Congress for its support.

And so, Mr. Speaker and fellow colleagues, it is my pleasure to convey to all of you the deep appreciation and gratitude of the people of Winona.

WASHINGTON SQUARE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. FOGLIETTA. Mr. Speaker, today I am introducing legislation for the purpose of enhancing the story of this country's struggle for independence. All of us are well aware of the role played by Independence Hall and the different components of Independence National Historical Park to the founding of this Nation. Carpenter's Hall was the site of the drafting of the Declaration of Independence. Congress Hall was the location where the signing of the U.S. Constitution took place. Both of these sites have been given national recognition as parts of Independence National Historical Park. But one site where an irreplaceable contribution to this Nation's history was made has been overlooked. That place is Washington Square.

Washington Square is one of Philadelphi's five great squares and is listed on the National Register of Historic Places. Much of its history, however, is tied to the activities and events of the Revolutionary War and national recognition will not be complete unless Washington Square is include in the Independence National Historical Park story. Neither, I would add, is the Independence National Historical Park story complete without Washington Square.

Washington Square is the burial place for more than 2,000 unknown Revolutionary War dead. I would note, too, that some of those buried in Washington Square died from their wounds or disease in Independence Hall itself, a mere 100 yards away, which had been turned into a prison during the British occupation.

I think it would be heldful to put the magnitude of the Washington Square burial site into perspective. Several unmarked mass grave sites surround Valley Forge. Accounting to the National Park Service, however, no more than 50 Americans are interred at any site. The National Park Service at the Minuteman National Park advises that there were not many casualties at either Lexington or Concord. There are no mass grave sites at Minuteman. At Fort Griswold, the site of Benedict Arnold's treachery, only 150 Americans were involved.

My legislation would grant Washington Square the recognition it deserves as an intimate part of the history of Independence National Historical Park. The bill would also authorize the Secretary of the Interior to enter into a cooperative agreement with the city of Philadelphia to provide technical assistance in the preservation and interpretation of Washington Square.

The citizens of Philadelphia, particularly the Washington Square Association, have done an admirable job of restoring the square and of commemorating the unknown Revolutionary War dead buried there. Unfortunately, despite all the work and effort, Washington Square is, and will continue to be, passed by unnoticed visitors unless its story is woven to Independence Hall—as it properly should be.

Mr. Speaker, in this year in which we celebrate the 200th anniversary of the document which created the democracy we now enjoy, it is important to pay homage to those who fought and died to create the opportunity for our Constitution to be framed. Without the men and women buried in Washington Square, our Independence may never have been secured. This park deserves to be included among the other sites of this Nation's birth.

JOHN BURT NAMED STATE SMALL BUSINESS PERSON OF THE YEAR

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SCHUETTE. Mr. Speaker, today I am honored to have the privilege of congratuating one of my constituents on being named State Small Business Person of the Year in our great State of Michigan. John R. Burt, president of Duro-Last Roofing, Inc. in Saginaw, received the award for 1987.

Because it is such a large part of our Nation's economy and generates the lion's share of our Nation's job growth, small business plays an important role in the economic well-being of the United States. Certainly, it is also the backbone of many of our smaller communities and provides numerous jobs for America's workers.

As president of Duro-Last Roofing, Inc., John Burt runs an outstanding operation and provides an important service for his community and felllow citizens. Now, his achievements and dedication to small business in Michigan have been recognized by his peers in the form of this high honor.

Mr. Speaker, I hope you and our colleagues in the House of Representatives will join me in congratulating John Burt for his receipt of Michigan's 1987 Small Business Person of the Year Award. I wish John many more years of success in his professional career and best wishes for his future endeavors.

EXPLANATION OF VOTE

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LIVINGSTON. Mr. Speaker, I was unavoidably absent on August 5 during the vote on rollcall 304, an amendment to reduce discretionary spending in the fiscal year 1988 Labor, HHS, Education bill by 4.07 percent. Had I been present, I would have voted "nay."

TWO HUNDRED YEARS AGO TODAY AT THE CONSTITUTION CONVENTION (AUGUST 7)

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SHARP. Mr. Speaker, on August 7, 1787, the Convention began reviewing the draft constitution prepared by the Committee of Detail.

The day was spent discussing who should be able to vote for Members of the House of Representatives. The committee had proposed qualifying anyone eligible to vote in elections for State legislature.

At the time each State set different criteria for suffrage—ranging from owning 50 acres of land to just being a taxpayer—and therefore the committee did not feel they could establish one centralized procedure.

During the day, several proposed criteria were offered including property ownership, taxpaying, and residency. However, the Convention decided to stick with the committee's more vague recommendation.

EXPLANATION OF VOTE NUMBER 311

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Miss SCHNEIDER. Mr. Speaker, yesterday I was called from a meeting to vote on what I understood to be an amendment to cut funding for H.R. 2686. I arrived at the floor at the last moment and cast my vote no. Only on returning to my office did I find out that I had inadvertantly voted against the passage of the Economic Development Administration and Appalachian Regional Commission. The rules of the House appropriately prohibit the changing of a vote once the gavel is sounded, but I did want to provide an explanation for a vote that is obviously inconsistent with my previous votes and also inconsistent with my position regarding these two important programs.

I support both EDA and ARC and the programs that they foster in economically distressed areas of the country. Without the important public facilities projects funded by these programs, many important sanitation, transportation, health, and education programs could not be accomplished. I apologize to my friends for the error that resulted in this miscast vote and for any misunderstanding that it might cause.

DEDICATION OF THE GERALD ROSS MEMORIAL HOME

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LEHMAN of Florida. Mr. Speaker, on August 23, at 5 p.m., Dade Countians of all walks of life will gather for a special ceremony to dedicate a special place—the Gerald Ross Memorial Home.

This facility, which was built with funding from the U.S. Department of Housing and Urban Development, will provide an attractive living environment for 20 mentally handicapped persons, giving them the opportunity to participate in society to the fullest extent of their ability.

This home represents a great accomplishment for the board and members of the Northwest Dade Community Mental Health Association, as well as for the government and civic leaders who have done so much to take a good idea and make into reality. This home represents the best of our community, for it is truly the result of caring, compassion, understanding and giving. Our county is a better place for the efforts of these dedicated people.

The home is named in memory of Dr. Gerald C. Ross, first president of the Northwest Dade Community Mental Health Association and a key figure in establishing the commitment to caring and service that continues in that organization to this very day.

Mr. Speaker, I commend the Northwest Dade Community Mental Health Association for a job well done.

VOTING PERCENTAGE OVER THE LAST 4 YEARS

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. RAY. Mr. Speaker, I want to let my colleagues know that I have begun working full time again after my recent medical leave. Although my recuperation has been right on schedule, it disturbs me that I missed a number of rollcall votes. During my four years in Congress, I have compiled voting percentages of 98.3, 96.1, 98.5, and 97.7. In fact, this year before my medical leave, I had only missed four votes.

Obviously, this year's percentage will not be as high as my past ones. However, let me assure my colleagues that I intend to work diligently to bring my voting percentage up to the standard that I have maintained since I was elected to Congress in 1982.

A CRISIS IN OUR HEALTH CARE SYSTEM: A NATIONAL NURSING SHORTAGE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GALLO. Mr. Speaker, I rise today to bring to the attention of my colleagues in the House of Representatives a critical situation facing this Nation's health care system, namely an impending shortage of skilled nurses.

Nurses are a central component of our health care system and, too often, their availability is taken for granted. However, if recent trends in the enrollment of young men and women in nursing programs hold true, this Nation will lack this most valuable resource in just a few short years. The availability of nurses is critical to the ongoing patient care, both in hospitals and long-term care facilities.

In particular, I am committed to the greater use of home health care for our senior citizens, and I know that the success of home care utilization depends, in large measure, on the availability of skilled nurses. As we look to the future of health care in this country, we see an increasing number of elderly who will need long-term care. That care, when possible, should be provided in the home under the supervision of skilled nurses.

Mr. Robert Hess, director of critical care and respiratory rehabilitation for St. Clares-Riverside Medical Center in Denville, NY, recently brought some startling facts to my attention. Mr. Hess points out that one well-known university in my district has customarily enrolled about 200 students in their baccalaureate program for professional nurses annually and, on average, graduates 150 of these students. This year, only 20 students have enrolled for the fall semester.

Mr. Hess concludes that the "implications for 1991 are frightening." I agree. For these reasons, I bring this critical situation to the attention of my colleagues and ask for their due consideration of any and all available remedies. The future of our health care system and our ability to meet the new demands of an aging population depend on a stable supply of skilled nurses.

THE FRENCH HAVE THE GUTS TO CUT OFF IRANIAN OIL IMPORTS: WHY DON'T WE?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. STARK. Mr. Speaker, today's news reports that the French are stopping their imports of Iranian oil, thus hurting the Iranian economy and war effort.

For years we have imported nearly a billion dollars a year from Iran in oil, rugs, pistachios and other products. We export almost nothing—except for secret sales of weapons—to Iran.

Thus the United States has provided large sums of money to help Iran's war effort against Iraq.

As soon as Iran was identified as having influence over our hostages, as soon as it was identified as a terrorist nation, we should have embargoed imports from that nation. Instead of selling them arms, we should have told them, "let our hostages go, or you won't sell a drop of oil to us." We should have worked with our allies to stop their purchases.

But no, we dealt with a terrorist nation, encouraged them to take more hostages, helped tilt the war against relatively-moderate Iraq, scared our Arab allies, causing Kuwait to invite the Russian Navy into the Persian Gulf, and thus causing us to begin convoys—convoys that will soon chew up billions in extra fuel, wear and tear on our Navy.

Let's quit buying Iranian products. I had an amendment accepted to the Foreign Aid Authorization Act 3 years (section 505, Public Law 99-83) giving the President authority to embargo Iranian products. It's time he used it!

Mr. Speaker, let's join the French.

NATIONAL SUPERCONDUCTIVITY, COMPETITIVENESS AND NATIONAL SECURITY ACT OF 1987

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. McCURDY. Mr. Speaker, today I am introducing a new bill entitled the "National Superconductivity, Competitiveness and National Security Act of 1987".

As I noted last week in introducing H.R. 3048, the National Superconductivity and Competitiveness Act of 1987, we would require additional legislation to incorporate our defense needs in this area. The bill I am now introducing accomplishes this important task.

Members will recall the President recently proposed an 11-point superconductivity initiative. This bill attempts to provide a legislative basis for many of the President's concepts. Specifically, the bill incorporates a strong focus for DOD activities within a national superconductivity research and development program. That focus, together with the nondefense efforts previously outlined, forms a basis for a national response to growing competition in this critical field.

I urge my colleagues to support this legislation as we consider it and other ideas to improve our capabilities in superconductivity. I look forward to continuing discussions with Members and the administration as we move this bill through the legislative process to enactment.

RALPH R. RULE—COMMITTED CITIZEN

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. MOORHEAD. Mr. Speaker, I would like to take this opportunity to pay tribute to a good friend of mine—Ralph R. Rule. I do this not as a part of any particular celebration like a retirement or a roast, I do this because Ralph Rule is one of those special people who, through commitment and principle, have made our society stronger.

Mr. Rule lives in the 22d Congressional District in the foothill community of Sierra Madre. He served on the city council for 13 years, including three terms as mayor.

He has been deeply involved in education at all levels. He has given time to the Sierra Madre Community Nursery School and the Sierra Madre PTA. He was chairman of Sierra Madreans Interested in Local Education and a member of a special task force to study educational relationships between cities within the same school district. Mr. Rule was a member of Citizens for Excellence in Education and the Expanded School Curriculum Committee for the Pasadena School District.

Other community activities include the Sierra Madre Rose Float Association, the Sierra-Hastings Council of Campfire Girls, local civil defense, and the Sierra Madre Congregational Church.

On November 4, 1986, he was elected to the board of directors of the San Gabriel Valley Municipal Water District.

In general he has been committed and involved in the drive to establish excellence in education, to clean-up natural canyon areas in and around Sierra Madre, to install sanitary sewers in his community, to upgrade and repair the city's old water system while seeking new supplies and he was instrumental in building new police, fire, and recreational facilities for the city.

I think it is clear that Ralph Rule was involved in his community in a broad and varied manner over many, many years. His commitment has been constant. His dedication steady. His successes enduring and beneficial. His concern for his fellow man has been demonstrable and unwavering.

Mr. Speaker, I am proud to have this family man and veteran as a constituent and a friend.

LEGISLATION TO HELP MEET THE HEALTH NEEDS OF OLDER AMERICANS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. PURSELL. Mr. Speaker, today I introduced legislation designed to address the serious shortage of physicians trained or conducting research in the field of geriatrics. This measure, which is based on recommendations contained in an Institute of Medicine report, provides for the development of academic expertise in geriatrics through the establishment of centers of excellence in geriatric training and research.

The centers will be geographically distributed at medical schools throughout the United States and will conduct research into aging processes and into the diagnosis and treatment of aging diseases and disorders; provide advanced training programs in current methods of diagnosis and treatment of such diseases; operate programs to develop individuals capable of conducting research on aging; and support educational and training activities for students of the health professions in order to enhance their knowledge in geriatrics.

This legislation is intended to eliminate the serious disparity between the large number of elderly who will need specialized care by the year 2000 and the number of physicians who will be trained to provide such care. According to the Institute's report, an estimated 5.4 million Americans will be over the age of 85 at the turn of the century, creating an enormous demand for geriatric health care. Currently, only about 100 physicians complete fellowships in geriatric medicine or geriatric psychiatry each year. In order to meet the projected demand in this area, at least a doubling of the yearly current output of graduates in geriatrics is needed to meet the conservative goal of 2100 academic geriatricians by the year 2000.

The inadequate number of specialists trained in geriatrics is a result of the slow growth in our capacity to train geriatricians and the lack of applicants. Although there are several Federal and private programs which fund geriatric research and training, these efforts fall short of the amount needed. Establishment of centers of excellence will enhance training and research in geriatrics by increasing the number of academic geriatricians and creating an effective program of recruitment into the field.

I urge my colleagues to join me in cosponsoring this important legislation to ensure an adequate supply of health professionals capable of meeting the health care needs of our older Americans.

JUSTICE DENIED: ARMENIAN TRAGEDY IGNORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. TOWNS. Mr. Speaker, today we allowed political expediency to take precedence over human rights. It is a historical fact that a concerted effort was made to eliminate the Armenian people by the Turkish Government during the years 1915–23.

Apparently, we were even afraid to have this nonbinding resolution considered by the House. By defeating the rule on House Resolution 132, we effectively prevented debate and consideration of this measure. One must ask: Why is the Congress afraid to address this human rights tragedy? Whether the Government of Turkey is our ally today does not change the deaths of the Armenian people at the turn of the century.

As we have condemned the atrocities of the Holocaust, the devastation against the people of Cambodia and the barbarism of apartheid in South Africa, the genocide of the Armenian people deserves the same recognition. Human rights violations should be addressed regardless of who the victims are. In the future, I hope that Congress will recognize that the Armenian people are also victims.

GUIDE TO THE RECORDS OF THE U.S. HOUSE OF REPRESENTATIVES AT THE NATIONAL ARCHIVES

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mrs. BOGGS. Mr. Speaker, today I am introducing a resolution to authorize the printing of the compilation of materials entitled "Guide to Records of the U.S. House of Representatives at the National Archives, 1789–1989: Bicentennial Edition."

The Historian of the House of Representatives, Dr. Raymond Smock, and his counterpart in the Senate, Dr. Richard Baker, have encouraged the National Archives to prepare inventories of the House and Senate records in the custody of the Archives. Once these inventories are completed, the House inventory would be printed under the terms of this resolution. The Senate has already passed a resolution authorizing the printing of the inventory of its records.

The last time the Archives published anything on House records was a preliminary inventory done more than 25 years ago. This new inventory will serve as an important study not only for historians, but the committees of the House whose records are at the Archives and for the Clerk's Office which has authority over the records of the House.

This will be a fitting contribution to the bicentennial of the House of Representatives. I am joined in sponsoring this resolution by my colleagues on the Commission on the Bicentenary of the U.S. House of Representatives.

THE GENTLEMAN FROM PENNSYLVANIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. LEWIS of California. Mr. Speaker, in the minds eye of his friends in Congress, there is no greater guy than Joe McDade. It was not Mr. Smith who came to Washington, it was Joe McDade—the gentleman from Pennsylvania.

TRIBUTE TO NEW YORK'S WWSC

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. SOLOMON. Mr. Speaker, civic pride and spirit is a way of life in the 24th District of New York, which I have the privilege of representing, and one of the best examples of that spirit and pride is radio station WWSC.

WWSC has qualified for recognition in the President's Citation Program for private-sector initiatives. None of us who live in the 24th district are surprised at all. WWSC has a long tradition of charitable and civic involvement, not the least of which is its giant garage sale, the proceeds of which provide food for less fortunate families at Thanksgiving and Christmas, as well as scholarships for aspiring journalism students.

One of the themes of the Reagan Presidency has been volunteerism—that willingness of Americans to help their neighbors without expecting anything in return. At WWSC, volunteerism is an art form, and the entire area is better off for it.

I'm sure everyone in this body joins me in saluting Christopher P. Lynch, president and general manager; and Dave Covey, station manager; and the entire staff and management of this fine radio station.

TRIBUTE TO THE YOUNGSTOWN COMMITTEE ON ALCOHOLISM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute the Youngstown Committee on Alcoholism, a very special organization in my 17th Congressional District. It gives me great pride to inform my fellow Members of the U.S. House of Representatives that this wonderful committee has been operating for 40 years and its dedicated staff can proudly look back upon a history of marvelous accomplishments and achievements.

The charter members began this organization as a center for information on alcoholism, but their devout commitment to those who suffer from this disease led them to form the first nonprofit, freestanding, clinic for alcoholism. Even today, the Youngstown Committee on Alcoholism is run through the Board of Directors at this historic clinic.

When the Youngstown Committee on Alcoholism began, its quest was to provide the victims of alcoholism and their families with the best treatment and services to aid them in their unfortunate situation. Still today, these are the goals set forth by the committee in their desire to alleviate the pains of alcohol from the community. As a former director of the Mahoning County Drug Program, I recognize the vital importance of the type of work done by the committee. It's tough work and they do an excellent job. Thus, it is with special pride that I join the people of the 17th Congressional District in thanking the Youngstown Committee on Alcoholism.

MFN RENEWAL FOR HUNGARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. HOYER. Mr. Speaker, I would like to speak on issues relating to the President's recommendation to extend Hungary's most-favored-nation [MFN] trade status for another year.

As chairman of the Commission on Security and Cooperation in Europe—the Helsinki Commission—I have a strong interest in these issues. As you know, the Commission is charged with monitoring compliance with the Helsinki accords and Hungary is one of 35 signatory states to the Helsinki Final Act. In the past year, I visited Budapest and met with several high-level officials and Hungarian citizens to discuss humanitarian and other CSCE issues relating to Hungary.

Hungary has enjoyed MFN status on its exports to the United States since 1978, under the terms of the Jackson-Vanik amendment. While this amendment explicitly ties such status to a country's emigration performance, it implicitly embraces wider human rights considerations, such as respect for freedom of expression and religious liberty.

Turning first to the emigration picture, I am pleased to note that family reunification cases between the United States and Hungary have continued to be resolved without difficulty. While the number of cases between the two countries has never been high, the resolution of outstanding cases by the Hungarian authorities over the last 4 years demonstrates how the MFN review—in conjunction with a continual dialog between the United States and Hungary—can work to meet the concerns of all those involved. I welcome this positive development and hope to see it continue.

However, the continuing existence of strict Hungarian emigration laws causes concern. One never knows when a restrictive law will be used to limit freedoms, even though it is not being used this way presently. Removal of these laws from the books would build confidence that Hungary will continue its current, favorable practices.

It is often stated that Hungary's human rights practices are more positive than those of the other East bloc states. I would not argue with this position. Hungarian citizens who express dissenting views are not imprisoned and have been permitted to to travel to the West. Still, many individuals frequently are harassed for expressing independent views on human rights and other sensitive issues. In the past year, there have been numerous raids and searches of the apartments of those individuals, known as the "democratic opposition," who engage in independent (samizdat) publishing. Copies of unofficial journals have been confiscated and the individuals involved heavily fined for violation of the press law. Several individuals have been denied permission to travel aboard. While some were later given permission, others—such as Ferenc Koszeg and Ottilia Solt—continue to be denied. In addition, the sale of works by notes Hungarian playwright Istvan Csurka has been banned because of his activities while abroad, and a regional journal, Tiszataj, was forced to close because its contents were not acceptable to the authorities.

Unfortunately, there are signs that the Hungarian Government is not prepared to stop these practices. A new press law confirms the need for governmental approval to publish and reinforces the right of the police to confiscate unofficial material and fine those who possess it. Furthermore, we have learned of a 1986 report and resolution of the ruling Hungarian Socialist Workers Party which call for efforts to suppress the opposition and its publishing activities.

Mr. Speaker, I support the President's recommendation. Nevertheless, I want to note that there are continuing human rights problems in Hungary. While these problems, relative to those in other East bloc countries, are mild, they are violations of the provisions of the Helsinki final act and Madrid concluding document nonetheless—and only serve to stain Hungary's positive image in the West. I urge the Government of Hungary to cease the harassment and intimidation of those citizens who express independent views and to improve compliance with its Helsinki and Madrid commitments.

FEDERAL COURTS STUDY COMMISSION ACT OF 1987

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. RODINO. Mr. Speaker, today I am introducing the Federal Courts Study Commission Act of 1987 to review the administration of our Federal courts and to make recommendations for improving the effectiveness and efficiency of those courts.

The system of justice created by our Constitution is a vital part of our democratic society. One of the primary reasons our form of government has lasted for over 200 years is the system of justice created by that important document. Citizens who have access to the courts to settle their differences do not need to resort to violence and revolution. Thus, it is imperative that we do all we can to preserve and improve our judicial system, while at the same time ensuring access to the courts for enforcement and preservation of our rights and resolution of our differences.

It is also clear that our judicial system is overburdened. In the words of University of Virginia Law Professor Daniel Meador, it is beset with "near runaway inflation" in the number of cases it processes and in the number and variety of personnel it employs. In just over a quarter of a century, our courts have experienced an explosive increase in the number of cases filed and litigated. According to the Administrative Office of the U.S. Courts, civil cases filed in 1960 in Federal district courts numbered less than 60,000 and criminal cases less than 30,000. By 1986, however, those figures had increased to over a quarter of a million civil cases and more than 41,000 criminal cases. And, the appeals courts have seen an even more dramatic increase in their workload—from just under 4,000 cases filed in 1960 to over 34,000 in 1986, not including the caseload of the court of appeals for the Federal Circuit.

As a result of this large increase in the number of cases, our courts have become increasingly clogged; huge backlogs and long delays between the filing of a case and its final resolution are becoming the norm rather than the exception in many courts. Congress has attempted to deal with this burgeoning caseload by adding additional judges and creating new judicial officers in the form of Federal magistrates. Between 1960 and 1986, again according to the Administrative Office, the number of authorized district court judgeships increased from 245 to 575, and the number of circuit court judgeships increased from 68 to 168. And, these figures do not include judgeships on either the Court of Appeals for the Federal Circuit or its predecessors—the Court of Claims and the Court of Customs and Patent Appeals.

Unfortunately, adding more personnel can create its own kind of inflation and its own set of problems. While additional personnel to assist judges with their duties may enable them to hear and decide more cases, there are inherent risks. We do not want our courts turned into bureaucracies with judges spending more time supervising employees than adjudicating cases. Creating new judgeships at the appellate level may lessen delays, but it also makes it more difficult to maintain a nationally uniform body of federal law. Then too, as Chief Justice Rehnquist warned in 1982, "down the road that indefinite multiplication of judicial positions may well detract from the prestige of the job, an important element which has enabled the federal judiciary to command the respect which it has today." If we are to attract the "best and the brightest" to service on the Federal bench, we must ensure that a Federal judgeship carries with it the respect and honor due to highly qualified individuals. Clearly, new solutions are needed.

The problems facing our overcrowded courts today will not diminish. Experience suggests that the workload of the Federal courts will continue to increase and there will be even more large, complex cases in the future. Thus, it is good public policy to analyze carefully the operations of our judicial system and develop a coherent, long-range plan to meet future needs.

However, in the search for ways to streamline the Federal judiciary, we must be careful not to compromise justice. Stripping the Federal courts of their jurisdiction in some areas or limiting an individual's access to the Federal courts are not viable solutions for a nation based on the principle that all citizens, no matter what their economic or social position, are entitled to have their rights protected by the Federal courts.

Although many groups have looked at the administrative problems facing the Federal courts, there is a need for a nationally recognized group to study the issues and make concrete, practical recommendations, based on its work and that done in the past. The legislation I am introducing today would establish such a group—a Federal Courts Study Commission on Judicial Administration.

The Commission would evaluate procedures, staffing, and administration of the Federal courts; make recommendations for improving the effectiveness and efficiency of the Federal courts; and make recommendations for long-range planning for the efficient and effective administration of the Federal courts. Although the Commission is authorized to review all issues relating to Federal court administration, the bill specifies five areas in particular need of study. These areas include: use of technology by the Federal courts to increase efficiency; use of personnel in ways that increase efficiency; use of the discovery process and ways of limiting any abuses; use of specialized courts; and use of alternative methods to resolve disputes.

The Commission has 15 members, representing a variety of interests and areas of expertise. To ensure that it will not become another bureaucracy, the Commission has a limited life. At the end of 2 years, the Commission submits a final report on its findings and recommendations and ceases to exist 60 days thereafter.

As we celebrate the bicentennial of the Constitution and the unique system of justice it established, it is appropriate that we study the administration of our Federal courts to ensure that they will be equipped to meet the future needs of our citizens.

SENATE—*Thursday, August 20, 1987*

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a field hearing on "Prescription Drugs and the Elderly: The High Cost of Growing Old—Part II."

The hearing will take place on Thursday, August 27, 1987, at 9:30 a.m. at the Pulaski Heights United Methodist Church, Woodlawn and Monroe Streets, in Little Rock, AR. The hearing will be chaired by committee member, DAVID PRYOR.

For further information please contact Max Richtman, staff director at (202) 224-5364 or Theresa Forster at (202) 224-2363.

Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing to receive testimony on the progress in enforcing and administering the Age Discrimination in Employment Act.

The hearing will take place on Friday, September 11, 1987 at 10 a.m. in room 628 of the Dirksen Senate Office Building.

For further information please contact Max Richtman, staff director, at (202) 224-5364.

THE 1988 CENSUS DRESS REHEARSAL

Mr. SARBANES. Mr. President, on August 7 of this year the Joint Economic Committee held a hearing on the potential effects of the proposal by the Office of Management and Budget to drop from the 1988 census dress rehearsal roughly 30 questions hitherto scheduled for inclusion. The hearing reflected the longstanding concern of the Joint Economic Committee for the quality of the Federal statistical infrastructure and the belief that access to accurate, comprehensive and timely data is indispensable to sound decisionmaking. While full and reliable statistical information does not, in itself, constitute or inevitably lead to sound decisions, it plays an essential role in responsible decisionmaking in both the private and public sectors.

Because questions deleted from the 1988 dress rehearsal would also be omitted from the official 1990 Decennial Census, and because the proposed deletions would affect such critical areas as housing, employment and unemployment, transportation, mobility, and energy, the long-term ramifications of the OMB proposals require very careful examination. Unfortunately the proposals were announced only on July 24 with September 14 the final deadline for all public comment, and the August 7 hearing was therefore an effort to draw together, on very short notice, the analyses now being developed by major users of census data all across the country. Given the short time available, many were able to submit their documentation only subsequent to the hearing, and I ask to have included in the RECORD but a few representative examples of the materials which reached the Joint Economic Committee shortly after the August 7 hearing:

The material follows:

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, August 6, 1987.

Hon. PAUL S. SARBANES,
Chairman, Joint Economic Committee, U.S. Congress, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to comment on the Office of Management and Budget attempt to eliminate critical questions from the Census questionnaires to be used in the 1988 Dress Rehearsal. As this information is vital to the functioning of our State governments, we have been particularly attentive to Census issues. In a letter of May 14, 1987 to Senator Pryor, Chairman, Subcommittee on Federal Services, Post Office, and Civil Service, U.S. Senate, we communicated support for the proposed 1990 Census content submitted to Congress by the Census Bureau. We believe that the items, determined through the extensive content development and testing program of the Bureau, represent the key items that are most important for decision making at the state level.

We, of course, were quite surprised to learn of the proposed OMB changes to the 1990 Census content. It is our understanding that OMB has been involved for a number of years in the formal mechanisms the Census Bureau established to identify data needs for the next Census. We are aware that OMB representatives not only participated in the local public meetings as observers but as participants in the subject-based inter-agency working groups of the Bureau. In addition, OMB established the Federal Agency Council on the 1990 Census specifically to participate in the content development process. They also participated in the budget review process that approved the local public meetings and related content development and testing activities of the Bureau. To our knowledge, throughout the process, OMB raised no significant concerns that would lead to the proposed elimination of roughly 30 questions. The OMB proposed question deletions, in fact, come at a time after the content development process peaked with the submission of the proposed content to Congress in March of this year.

The 1990 content subjects proposed to Congress have survived the winnowing process imposed by the Bureau to reduce the vast number of questions that were requested during the national public comment process. Five broad principles guided the Bureau's selection of the subjects to be included in the 1990 Census. It is interesting that three of the five principles used by the Census Bureau for content selection appear as criteria used by OMB to delete questions.

Particularly troublesome is the fact that, the OMB has cited its responsibility under the Paperwork Reduction Act as a basis for its actions. This appears to us to be an inappropriate interpretation of the authority provided in the language of the Act. We do not believe the intent of the Act was to have a single agency's action supercede and overturn an entire data content development process including an extensive public comment mechanism and Congressional action.

Regarding paperwork reduction, we generally believe the potential for duplication and paperwork burden will only increase during the 1990's, if the content is changed as proposed by OMB. The questions slated for deletion are not superfluous, as Census Bureau documentation is likely to show. And additionally, by eliminating the 30 specified questions, the policy uses of the remaining 1990 Census questions will decrease. The subjects as presented to Congress are consistent, for the most part, with the 1980 Census which enhances the comparability of data between the decades. The elimination of items will diminish this benefit.

Several specific aspects of the OMB rationale warrant comment. While we cannot replicate, here in this letter, the tens of thousands of person hours involved in documenting how the data meet the pre-determined criteria for selection, we can offer a few specific examples.

First, OMB cites the fact that there are alternative sources available for obtaining the data in the questions proposed for deletion. We believe that there are no adequate substitutes for these data. These data not only serve to describe the demographic and housing conditions of the country in 1990; but the Census results also serve as benchmarks for numerous data series and play a key role in survey design work throughout the decade. Survey data are not adequate as a substitute for a variety of reasons including the fact that analysis is most often needed at highly localized geographic levels. For example, the Current Population Survey (CPS) would not be an adequate substitute for the labor force questions. The data obtained from surveys, such as the CPS, which is based on a national sample of households, contains detailed data for only a limited number of states and is therefore not sufficient in geographic detail for 50 state use.

Administrative records have limitations as well when being considered for use as alternative sources of data to the Census. For example, the IRS administrative data containing tax filers' addresses, if used as proxy for migration, by matching records over time, may indicate relative change in migration patterns during a specified time period but could not be used to estimate the levels of migration. We understand also that most of the IRS address records, included in attempts to report matches, remain un-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

matched. Another example is the fertility data which are used in the population projections process. Birth certificate data are not an adequate substitute.

Second, OMB further stated that there was a scarcity of documented evidence that the data resulting from the census would serve important purposes. Several examples will illustrate that these data are crucial for state policy planning, program enactment and fund allocation. The fertility and migration data are used by State Education agencies to adjust school enrollment estimates that are used to allocate State education funds, which average about 37% of annual state budgets, to purchase textbooks and other materials and to employ staff. Another example is the housing questions such as tenure, rent, mobility and the type of rooms in the unit. As the nature of housing problems shifts, from a focus on housing quality to affordability, state housing agencies must create an adequate baseline of housing finance data.

A third point raised by OMB was that the data in the questions targeted for deletion are not needed at highly localized geographic levels. The 1990 Census is the most crucial of the data resources available to aid transportation officials manage the shifting size and character of work-trip commuting that is placing strong demands on the local transportation infrastructure. Census journey-to-work questions have been particularly important determinants in examining the transportation planning process and dispelling population change as a principal indicator to support transportation improvements. In addition, the data are vital to the areas of traffic operations and management, transport system planning and development, transit routing and system planning, government organization and programs and metropolitan development and governance.

Data reliability, another concern of OMB, is reasonable, however it should not be the sole basis to eliminate questions that have been determined to be essential by other criteria. The solution to data reliability questions is not to eliminate the data from the data collection test. Rather these are the items that should be included on the 1958 Dress Rehearsal questionnaires so that the reliability issues can be addressed and the data collection methods improved by 1990.

In closing, we believe that the process undertaken by the Census Bureau was thorough and perhaps the most intensive in the history of Census taking preparation. Taking this extensive public involvement process into account, along with the role Congress has played and will play in overseeing Census activities, the Congress may well want to revisit the role of the Paperwork Act activities in relation to Census activities and consider exempting the Census questionnaire from such provisions.

Again we appreciate the opportunity to express our views on the 1990 Census.

Sincerely,

RAYMOND C. SCHEPPACH.

STATE OF GEORGIA,
OFFICE OF PLANNING AND BUDGET,
Atlanta, GA, August 10, 1987.

Hon. PAUL SARBANES,
Chairman, Joint Economic Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN SARBANES: Enclosed is a copy of the response from Governor Joe Frank Harris to the proposed changes in the content of the 1990 Census of Population and Housing.

This is to request that Governor Harris' letter be included in the Record of Hearing held August 7, 1987, regarding the Office of Management and Budget's proposed deletions.

Thank you for your assistance.

Sincerely,

CLARK T. STEVENS,
Director.

STATE OF GEORGIA,
OFFICE OF THE GOVERNOR,
Atlanta, GA, August 7, 1987.

WENDY GRAMM, Ph.D.,
Administrator, Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, Washington, DC.

DEAR DR. GRAMM: This letter is in response to the Office of Management and Budget's proposed changes in the content of the 1990 Census of Population and Housing. Census data is widely used in Georgia for policy making, planning, program development, and in many other areas. We have often needed more data than that which was available from the decennial censuses; therefore, the proposed deletions of some questions from the 1990 questionnaires is very disturbing. Although some of the data may be available in the form of estimates from private vendors, much of the data can only be obtained from the decennial Census of Population and Housing.

In particular, from the population section, the data on residence five years ago and transportation/time to work (questions 14 and 23-24) is widely used for determining migration trends and transportation planning. Also, data on work and transportation disabilities is very difficult to obtain and affects such a small percentage of the total population, that to move those questions to the sample form may seriously affect the availability and validity of the resulting data.

With regard to the housing section, this data is used to target housing revitalization efforts, to determine low income energy assistance payments, weatherization programs, community development block grants, and for a variety of other planning functions. Deleting these questions, especially question numbers H6, 9, 10a, 12, 13, 15-18, and 21-28, would seriously impact numerous programs and policy decisions in Georgia.

It is with these points in mind that I request that you reconsider the decision to delete these questions from the 1990 census.

With kindest regards, I remain

Sincerely,

JOE FRANK HARRIS.

[Telegram]

CARMEL, CA, *August 7, 1987.*

Senator PAUL SARBANES,
Chairman, Joint Economic Committee, Dirksen Senate Office Bldg., Washington DC.

Thank you for your attention to the problems that would be created by the elimination of important housing employment and transportation questions from the 1988 census dress rehearsal and ultimately from the 1990 census. Yesterday, the U.S. Conference of Mayors notified the Office of Management and Budget that it opposed the proposal to drop these questions. This is a time when all levels of government must stretch scarce resources to meet growing needs, it is not a time to take away the data we need to manage those scarce resources or measure those growing needs.

Members of the executive committee and advisory board, U.S. Conference of Mayors, assembled August 7, 1987; Richard L. Berkley, mayor of Kansass City, President.

STATE OF MARYLAND,
REGIONAL PLANNING COUNCIL,
Baltimore, MD, August 10, 1987.

Hon. PAUL S. SARBANES,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: I want to bring to your attention the Regional Planning Council's (RPC's) concerns over recent developments regarding the upcoming 1990 Census. The Office of Management and Budget (OMB) has asked the Census Bureau to shorten the Draft 1990 Census Survey Questionnaire dramatically. They propose accomplishing this through the elimination of several questions relating to the labor force status and commute to work of resident workers, population migration patterns, and housing cost indicators.

The RPC is concerned that information essential to our work will be eliminated if the OMB plan is implemented. The proposed deletions are particularly disconcerting in light of the extensive review, refinement, and public outreach process undertaken by the Census Bureau in developing the original questionnaire—a process which has yielded a fair compromise between the needs of the many local, state and federal agencies requiring accurate census information. Enclosed is a copy of a letter sent to OMB by the Executive Director of RPC which presents critical comments from a planning staff perspective.

We would greatly appreciate your consideration of this matter and support in the upcoming Congressional Hearings.

Thank you for your concern.

Sincerely,

GEORGE F. HARRISON, Jr.,
Chairman.

STATE OF MARYLAND,
REGIONAL PLANNING COUNCIL,
Baltimore, MD, August 7, 1987.

DONALD R. ARBUCKLE
Assistant Chief, OIRA, Office of Management and Budget, New Executive Office Building, Washington, DC.

DEAR MR. ARBUCKLE: The purpose of this letter is to communicate the concern of the Baltimore Regional Planning Council staff over the proposed deletion of questions on the most recent Draft 1990 Census survey questionnaire. The proposal set forth by the Office of Management and Budget calls for the elimination of questions relating to the labor force status and commute to work of resident workers, population migration patterns, and housing cost indicators. Failure to provide for a systematic, consistent national data collection effort on these items as part of the decennial census effort would restrict our future work at both a local and metropolitan level and hinder our ability to conduct comparative analyses with prior years' data and with other regions of the country.

The current census format is the product of an extensive review, refinement, and public outreach program administered by the Census Bureau in recent years. The questionnaire now represents a fair compromise among the various groups that offered input during the public hearing process. Introducing major changes at this point would violate that process.

The proposed changes will limit the base of observed statistics on key transportation, demographic, and housing indicators. This information, as collected through past census efforts, has been relied upon heavily for preparing and checking our planning forecasts and in detecting and monitoring emerging trends at the metropolitan level and below. In addition, the availability of statistics for other regions has bolstered our ability to compare regional and subarea patterns against those of other regions of the country.

Census-reported statistics on commuting have proven to be a valuable data resource in understanding the travel-generating characteristics of various types of development. Small area data on automobile ownership patterns, reported travel mode, and time for commuter trips have contributed greatly to transportation planning studies focusing on current, as well as long-range, issues facing the region and its political jurisdictions.

The availability of these data items in a consistent format, for both the local area and other areas across the nation, has enabled us to respond to information needs which extend beyond the immediate Baltimore area. For example, recent transportation studies conducted with the Metropolitan Washington Council of Governments required the integration of small area census data for 1980 from both the Baltimore and Washington, D.C. regions. Much of this work could not have been performed had the information on travel time and mode not been available for both regions in a consistent, small-area format.

In addition, census data on housing and population have proven critical to our work in transportation, economic development, and human resource planning. Our agency relies upon this information to support studies of housing quality, affordability, and adequacy. Census-reported information on birth rates and migration patterns in relied upon heavily by state and local agencies in demographic trends analysis and forecasting efforts. These socioeconomic forecasts, in turn, form the basis for critical decisions on infrastructure planning and improvements at all levels of government.

Finally, we are planning to use local funds to support a data collection effort which will complement the 1990 census. Prior to and during the census effort, we intend to collect information on noncommuting travel behavior, as well as overall transportation systems usage. The proposed questionnaire deletions would undermine and invalidate this local initiative and no doubt similar local initiatives being taken across the nation. To undertake a large data collection effort compensating for the proposed delections would far outstrip the funding resources available for planning in the region.

In summary, we feel that the 1990 Census will be seriously weakened if the proposed Office of Management and Budget recommendations are implemented. We feel that the census format originally proposed by the Census Bureau should be retained.

Sincerely,

Alfred P. Gwynn,
Executive Director.

Consortium of Social
Science Associations,
Washington, DC, August 7, 1987.

Hon. Paul Sarbanes,
Chairman, Joint Economic Committee, Dirksen Senate Office Building, Washington, DC.

Dear Senator Sarbanes: We applaud your calling hearings concerning the attempt by OMB to eliminate and downgrade questions concerning housing and other important issues from the 1990 census questionnaire.

The enclosed letter indicates our feelings about this unfortunate policy proposal from OMB. As an organization that has spent the past few years investigating OMB's attempts to diminish information collection, (we helped the House Science and Technology Committee to push for a GAO investigation of OMB's information collection clearance policies), we hope you will use all the power at your disposal to stop this proposal from going forward.

The Consortium of Social Science Associations (COSSA) represents 185,000 American scientists across the broad range of social and behavioral science disciplines. A list of COSSA Members, Affiliates, and Contributors is attached.

Thank you for your time and attention. If you have any questions please feel free to call us.

Sincerely,

Howard J. Silver,
Associate Director for Government Relations.

Enclosure.

Consortium of Social
Science Associations,
Washington, DC, August 6, 1987.

Hon. James C. Miller, III,
Director, Office of Management and Budget, Washington, DC.

Dear Director Miller: I am writing to express COSSA's concern about OMB's proposal to eliminate certain items from the 1988 Census Dress Rehearsal Questionnaire and to downgrade others to the sample component of that questionnaire. The collection of information, particularly in the methodical way of the decennial census, should be a major responsibility of the national government in a federal system. Good public policy planning and analysis depend on good data. The Paperwork Reduction Act should not be utilized to justify the loss of information vital to those who must make public and private policy decision affecting the future of this nation.

Data on housing and household trends which you propose to eliminate reveal future needs, not only for housing and construction, but for highways, schools, water and sewer lines, and other services and facilities important to state and local governments. Researchers in housing policy note that your proposed elimination and downgrading of housing items will make it difficult to collect crucial data necessary for local planning agencies to qualify for Federal programs. For example, the development of Housing Assistance Plans necessary for Community Development Block Grant applications require the kind of data you propose to eliminate. In addition, the need to measure physical quality and affordability and the need to estimate energy consumption and expenditures will also be lost. Many states and localities rely on the data from the housing census to develop housing needs profiles and to provide benchmarks in developing follow-up studies. State and local government collection of this data would not be cost-effective and information collection of this nature should be a federal responsibility. The housing items proposed for elimination should be restored to the questionnaire.

At a time when the Committee on National Statistics of the National Academy of Sciences has recommended the enhancement of fertility statistics, you are proposing to eliminate the question on the census that deals with this important issue. This seems short-sighted and unfortunate. In addition, when warnings of a 'birth dearth' are being debated, accurate information about fertility rates and patterns would help enlighten the debate as it moves from books and magazines to the public policy arena. The fertility item should be restored to the questionnaire.

The Consortium of Social Science Associations (COSSA) represents 185,000 American scientists across the wide spectrum of the social and behavioral sciences, many of whom rely on census data for their research and policy analysis. A list of COSSA's Members, Affiliates, and Contributors is attached.

Thank you for your time and attention.

Sincerely,

David Jenness,
Executive Director.
Howard J. Silver,
Associate Director for Government Relations.

Consortium of Social Science Associations

MEMBERS

American Anthropological Association.
American Economic Association.
American Historical Association.
American Political Science Association.
American Psychological Association.
American Sociological Association.
American Statistical Association.
Association of American Geographers.
Association of American Law Schools.
Linguistic Society of America.

AFFILIATES

American Assembly of Collegiate Schools of Business.
American Association for Public Opinion Research.
American Educational Research Association.
American Society of Criminology.
Association for Asian Studies.
Association for the Social Sciences in Health.
Eastern Sociological Society.
Gerontological Society of America.
History of Science Society.
International Studies Association.
Law and Society Association.
Midwest Sociological Society.
National Council on Family Relations.
National Council for the Social Studies.
North Central Sociological Association.
Northeastern Anthropological Association.
Operations Research Society of America.
Population Association of America.
Regional Science Association.
Rural Sociological Society.
Social Science History Association.
Society for the History of Technology.
Society for Research on Adolesence.
Society for Research in Child Development.
Society for the Scientific Study of Religion.
Southern Sociological Society.
Southwestern Social Science Association.

Speech Communication Association.
The Institute of Management Sciences.

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Center for Advanced Study in the Behavioral Sciences.
University of Chicago.
University of Colorado.
Columbia University.
Cornell Institute for Social and Economic Research.
Cornell University.
Florida State University.
Harvard University.
Howard University.
University of Illinois.
Indiana University.
Institute for Research in Social Science, UNC-Chapel Hill.
Institute for Social Research, University of Michigan.
University of Iowa.
The Johns Hopkins University.
University of Maryland.
Massachusetts Institute of Technology.
Maxwell School of Citizenship and Public Affairs, Syracuse University.
University of Michigan.
University of Missouri.
National Opinion Research Center.
University of Nebraska.
New York University.
University of North Carolina, Chapel Hill.
Ohio State University.
University of Oregon.
University of Pennsylvania.
Pennsylvania State University.
University of Pittsburgh.
Princeton University.
Rutgers University.
Social Science Research Council.
University of Southern California.
Stanford University.
State University of New York at Stony Brook.
University of Tennessee, Knoxville.
Texas A & M University.
Tulane University.
University of Virginia.
University of Washington.
University of Wisconsin, Madison.
University of Wisconsin, Milwaukee.
Yale University.

AUGUST 6, 1987.

We, the undersigned, scholars and users of the Census, wish to register our strong objection to the changes in the content of the 1990 Decennial Census of Population and Housing proposed by the Office of Management and Budget.

Our objection is two-fold: we disagree profoundly with the substance of the changes as will be described later in this letter. But we also take equal umbrage with the manner in which these changes are being proposed. Why were these proposals not made long enough ago that they might be discussed at those public meetings whose very purpose it is to examine such matters? Why has so little time been allowed for public response? Why was the summer vacation-time chosen as the period in which to make a brief announcement of what amounts to a major public policy change? If these changes to the Census are in fact worthy ones, then they should be able to bear reasonable, thorough public scrutiny.

As for the substance of the proposed changes, we object in general to dropping questions except those which have become historically irrelevant because questions asked on previous Censuses are an important part of the historical record of the United States. Yet we understand that it is being proposed to drop almost half of the questions. Is it possible that nearly half of the questions on the Census have become obsolete within a ten-year period?

There is far more at stake than the quantity of the information which the Census reveals. It is the quality of the data which would be compromised by dropping many of the questions. The Census alone provides adequate benchmarks for defining the samples of other surveys. Only the Census includes information on as many people as it does. Only the Census combines so much demographic and economic data on such a scale. As an example, consider the labor force questions from the Current Population Survey—the answers to which determine our national employment data. This vital data would be far more biased if the labor force participation questions were dropped from the Census. The real value of questions asked on the Census is that unlike other sources of data, Census provides numbers which can be associated with a wealth of demographic and other material. Losing this connectedness would be a national tragedy.

The principles that are at stake here are: that of responsible governance whereby major public policy changes ought not to be made until they have been publicly and most carefully considered; and that of maintaining the worth of our most important national survey which is done by assuring its quality, its consistency, and its completeness.

Christine C. de Fontenay, Steven S. Smith, Clifford M. Winston, Kenneth S. Flamm, Edward J. Lincoln, Charles L. Schultze, Richard Goode, Gilbert Y. Steiner, Robert A. Katzman, Henry J. Aaron, Martin N. Baily, Edward M. Bernstein, Rose M. Rubin, Ralph C. Bryant, Weir M. Brown, Gary T. Burtless, John S. Earle, Alfred Reifman, Barry Bosworth, Stephen Hess, Samuel Kernell, Bruce MacLaury, Paul E. Peterson.

UNIVERSITY OF NOTRE DAME,
August 10, 1987.

Hon. PAUL SARBANES,
Chairman, Joint Economic Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: It has come to my attention that the Office of Management and Budget (OMB) has "suggested that certain questions be dropped" from the 1990 Decennial Census questionnaire.

First, the Bureau of Census has held extensive public hearing and seminars soliciting information about the 1990 Census and the questions which should and should not be asked. They have volumes of information at their disposal. They are the statisticians of the federal government with a great deal of expertise. To my recollection, I have not heard of any public meetings or seminars being held by the OMB as to questions for the 1990 Census. Just who does OMB think they are and based on what expertise does OMB question the Census on its carefully constructed questionnaire? Particularly at this late date and with little or no public input. Census knows its users and should not be asked to unduely justify questions so important to the nation.

Second, let me provide you with examples of usages by the local level, "nitty-gritty" users of the Census information.

(1) a local bank used the "residence five years ago" to plan its new branch.

(2) The MACOG (Michiana Area Council of Governments) uses the utility information in planning for another oil embargo by identifying areas which would be hardest hit if oil prices escalated. Again, migration information and "mode and travel time to work" is used in charting the growth of the area and planning transportation needs, roads, etc. "Rent and value" is used in tax planning.

(3) Small business uses the statistics in placing new small businesses and assessing expansion of existing business concerns.

(4) Our MBA students use this information in planning their marketing strategies for classroom assignments. This same methodology is then continued by them on the job with large and small firms.

Third, let me address the OMB reasons for deleting the questions.

(1) "A scarcity of documented evidence—such as for policy planning purposed, program enactment or other broadly based public need—that the resulting data would serve important purposes." As stated above the Census Bureau has held extensive hearings and meetings, for which there are transcripts and reports. I, as a participant, have received such transcripts. OMB need only to ask for these. I have also indicated above that the local governmental unit MACOG as well as other city offices (ie. police, transportation,) and small business concerns, all use these statistics. OMB has obviously not checked with any of the local planning groups or local government before putting forth this argument.

(2) "Data resulting from some of the items are not necessary at highly localized geographic levels." The Michiana Area Council of Government is not interested in state level information, neither is the City of South Bend's transportation department. They are interested only in highly localized geographic levels of information directly within their administative view. The small local business is not establishing a nationwide local business and needs only highly localized geographic level information, usually within the city and county. Again, OMB has not checked with the Small Business Administration concerning what information needs the local small business has and what statistical agency or survey answers those questions.

(3) "Some data items are not required uniformly across the nation." Again I differ with the OMB. Most transportation agencies of local government, county or regions will be using the information provided by the Census. True, it may not be uniformly required, but local units through the Census Bureau's State Data Center Program manipulates the given data into useful reports.

(4) "Some are available from alternative sources." In some cases true, but not uniform or a reliable source. The difficulties of entering, validating, and merging information from various sources make the resulting statistics less than reliable. The OMB continues to put this reason forward. The Census Bureau has been collecting information for over 100 years. Their methodology and validity is well known and used by the users of statistics. Alternative sources would introduce undue costs and statistical error to any endeavor.

(5) "Some of the questions would yield data that would not be sufficiently reli-

able." The questions identified by OMB contain less statistical error and are more reliable than others left in the questionnaire. The Census Bureau has been improving the reliability of its statistics and has discussed this issue at its public meetings. The statistical community is well aware of the faults of the statistics but has adapted and is quite capable of using the statistics. The absence of any information is not as desirable as having data with a known statistical error associated with it.

Finally, OMB has waged, in my opinion, a systematic war on the statistical evidence of our nation. In presuming to question the 1990 Census, it is obvious that the OMB does not know about the uses of the statistics the Census provides and that they are unaware of the Census Bureaus continuing program of evaluation. If the OMB had familiarized themselves with the Census Bureau and its programs and the information available to it (OMB), the "suggested" deletions would not have been made.

I am asking that you communicate to OMB (1) that your constituents do use information at the "Highly localized area" and that (2) the OMB should check their facts before assuming that their (OMB) knowledge about the statistical user community and needs of the citizens is better then a much larger, high specialized agency who is constantly reviewing its programs such as the Bureau of the Census.

My time is valuable. The constant battle between OMB and the Statistics-user community is time consuming and wasteful. The Paperwork Reductions Act, used so frequently as a reason for OMB action, has done little to reduce the amount of time and paper I must expend fighting OMB action on statistical and other issues.

I thank you for your attention to this important matter. I will be happy to discuss this with anyone from your office if you would like.

Respectfully,

STEPHEN M. HAYES,
Reference and Public Documents Librarian.

OFFICE OF COUNTY EXECUTIVE,
Ellicott City, MD, August 7, 1987.

Senator PAUL SARBANES,
Dirksen Building, Washington, DC.

DEAR SENATOR SARBANES: It has come to our attention that the Office of Management and Budget is proposing the deletion of an alarming number of data items from the questionnaire designed for use in the 1990 Census, and Howard County recommends firmly the retention of these questions in order to ensure the retrieval of invaluable data toward the making of informed decisons at the local level.

Therefore, please find attached a copy of my letter addressed to Donald R. Arbuckle of the Office of Management and Budget detailing our reasons for this recommendation, and I shall appreciate your careful consideration and active concurrence with these expressed needs of good government at the local level.

Sincerely,

WILLIAM E. EAKLE,
Acting County Executive.

OFFICE OF COUNTY EXECUTIVE,
Ellicott City, MD, August 7, 1987.

Mr. DONALD R. ARBUCKLE,
Assistant Chief, OIRA, Office of Management and Budget, Washington, DC.

DEAR MR. ARBUCKLE: Since writing a brief letter yesterday to your associate Ms. Wendy Gramm expressing the County's opposition to the deletion of important population, transportation-related and housing questions from the 1990 Census, it has come to our attention that a slightly more detailed rationale for our recommendation is in order.

Accordingly, the following programmatic applications of Census data would be seriously curtailed for this local government by the deletion of these essential questions for the 1990 Census: (1) residence five years ago is a basic factor in immigration and, therefore, population forecasting; (2) mode of transportation to work, carpooling, time of departure and travel time to work are not only key elements in transportation and traffic modeling, but the basis for such essential issues as commuting patterns, land use and highway planning; (3) all questions related to the residential labor force are critical to economic development and planning, and are vital to a County located centrally in the Washington-Baltimore corridor; and (4) each of the housing questions proposed for deletion have provided invaluable data for County planning and decision-making in the areas of housing and human service delivery systems. Perhaps the greatest loss, however, would be the ability to cross-tabulate these essential data items for the ongoing process of General Plan development, comprehensive zoning and budgetary forecasts. In addition, much of this information is required in the background narrative for Community Development Block Grant applications, as well as Section 3, Section 4(i) and Section 18 grant applications to the Urban Mass Transit Administration.

For these reasons, we shall be extremely interested in seeing the level of statistical information derived from the decennial Census remain (at the very least) at the fine standard achieved in 1980.

Sincerely,

WILLIAM E. EAKLE,
Acting County Executive.

IBA,
August 7, 1987.

Representative LEE HAMILTON,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE HAMILTON: It has come to our attention that the Bureau of the Census may be reducing the number of questions on the schedule for the 1990 census.

The response to such inquiries during each census provide an invaluable data resource which is used by government agencies, businesses and educational institutions to evaluate the needs of the citizens of our country.

We anticipate you may be interested in this action by the Census Bureau. Enclosed is a photocopy of a letter to Donald R. Arbuckle of the Office of Management and Budget expressing our concerns about reducing the amount of important census data.

Sincerely yours,

WILLIAM H. KING,
Executive Vice President.

INDIANA BANKERS ASSOCIATION,
Indianapolis, IN, August 5, 1987.

DONALD R. ARBUCKLE,
Office of Management and Budget, Washington, DC.

DEAR MR. ARBUCKLE: We have just discovered that, on the direction of the federal Office of Management and Budget, the Bureau of the Census will have to cut many questions from the schedule for the 1990 Census.

The data which would be lost under this proposal would impair the ability of many forms of business and educators to adequately respond to the needs of the citizens of our county. It would seem that if we are to take the time to conduct a census, the gathering of all pertinent data is extremely important.

We would encourage you to carefully evaluate the need for this data and reconsider its deletion.

Sincerely,

WILLIAM H. KING,
Executive Vice President.

INDIANA 15 REGIONAL PLANNING COMMISSION,
Huntingburg, IN, August 7, 1987.

Re: 1990 Census.

Mr. DONALD R. ARBUCKLE,
Office of Management and Budget, Washington, DC.

DEAR MR. ARBUCKLE: I understand that OMB is planning to drop almost half the questions from the 1990 Census Questionnaire. I find this most appalling in light of the great need to evaluate the growth of our country and plan for the needs of the future.

I also do not fully understand what cost-saving could be anticipated. Particularly if you compare the cost-savings to the benefits lost!

Please reconsider your proposal and keep the 1990 Census Questionnaire 100% complete.

Thank you for your time and consideration with this matter. Should you have any questions or comments, please call my office.

Sincerely,

ROBERT P. GREWE,
Executive Director.

LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT,
Lexington, KY, August 5, 1987.

Hon. LEE H. HAMILTON,
Vice Chairman,
Joint Economic Committee,
Washington, DC.

DEAR VICE CHAIRMAN HAMILTON: We just learned of action by the U.S. Office of Management and Budget which could have a very detrimental impact on the functioning of our local government. It relates to a directive issued recently by OMB to the U.S. Census Bureau to cut approximately 30 questions which are scheduled to be included in the 1988 Census Dress Rehearsal in preparation for the 1990 Census. The elimination of these data could seriously impair the planning functions of this government.

My Division of Planning informs me that the loss of certain housing and transportation data would seriously diminish our efforts to assess neighborhood conditions, analyze transportation facilities and target public transit. Specific information needed by the Division of Planning include: value of home, rent, residence five years ago, public sewer, number of bedrooms, number of autos, transportation/time to work, and labor force information.

We utilize these data for all our urban planning as well as for assessing and determining pockets of poverty for purposes of our enterprise zone and certain CDBG and UDAG projects, among myriad other projects. The OMB directive essentially eliminates necessary census data at the block level.

In your review of the aforementioned OMB action, I urge you to consider the very detrimental impact this could have on the functioning of local governments as well as businesses and industries which also rely on these data. Please restore these essential data to the 1988 Dress Rehearsal and the 1990 Census.

Sincerely,

SCOTTY BAESLER,
Mayor.

INDIANA UNIVERSITY,
SCHOOL OF BUSINESS,
Bloomington, IN, August 4, 1987.
Congressman LEE H. HAMILTON,
Rayburn House Office Building,
Washington, DC.

DEAR LEE: OMB is doing it again.

The Office of Management and Budget has instructed the Bureau of the Census to eliminate significant data elements from the 1990 Census. It is disguised as applicable to the St. Louis test run, but it means that vital information would be lost for the full-scale run in 1990.

That directive must be reversed. If not, American business will lose data on, among other things:

The migration of the population;

The value of owner-occupied housing;

The amount of rent paid;

The type of fuels used for water and space heating;

Labor force participation details; and

Transportation to work detail.

Our office serves hundreds of small businesses across Indiana. We know the value of these data, not for academic research (which is not an unworthy cause), but for practical business decisions. The sad part is that the small business owner will think that a reduced questionnaire is to be cheered. The loss will never be known until time of need. Then that same person will wonder why we do not have such data to help him or her and will make some derisive remark about the inadequacy of federal programs.

Please, on behalf of Hoosier businesses, make an effort to protect the 1990 Census from these new destructive incursions by OMB.

Best regards,

MORTON J. MARCUS,
Director.

AUGUST 11, 1987.
Mr. DONALD R. ARBUCKLE,
Office of Management and Budget,
Washington, DC.

DEAR MR. ARBUCKLE: We are writing to express our deepest concern about OMB's decision to eliminate a number of items from the 1990 Census Questionnaire. We are not insensitive to OMB's desire to reduce paperwork for respondents, and we are not in a position to contend that each and every question in the survey is indispensible. But OMB's hit-list of questions seems unreasonably expansive.

Our office frequently receives requests for census data. Over the years, these requests have covered virtually every data item in the census. The community really does use the data—all of the data—produced by the Census Bureau.

As the designated Metropolitan Planning Organization (MPO) for the urbanized area, we are particularly alarmed about the possibility that certain transportation-related questions (travel mode, work travel times, number, of automobiles per household) may be eliminated. This information is necessary for the MPO to meet its federally-required urban transportation planning responsibilities, sepcifically with regard to traffic modeling and forecasting. One of the greatest improvements in recent censuses has been the inclusion of several transportation questions—sparing communities the need to perform (usually with federal funds) expensive and time-consuming surveys.

The Planning Department also makes use of census information related to migration patterns, labor force composition, number of bedrooms, group housing, tenure, and similar items in formulating growth and development policies for the Bloomington urbanized area. This data is important not only to the urban transportation planning process, but also in comprehensive planning matters. We are strongly opposed to OMB's recommendation to eliminate certain questions covering the aforementioned areas, or to move others from the 100% survey to the sample survey.

The Census Bureau did not devise the 1990 questionnaire without considerable input from data users. Our agency has participated in some of the public meetings and workshops sponsored in local and regional areas by the Census Bureau. We undersand that the Bureau has also met extensively with congressional representatives, government agencies, special interest groups, and other interested parties as part of the question selection process.

We further reject the notion that much of the data slated for elimination is available through other sources. Only the census consistently provides data at the census tract, neighborhood, and sometimes even at the block level. Moreover, data items which are available elsewhere are usually collected by the Census Bureau for the purpose of permitting ready cross-tabulations with other data.

The decennial census is an invaluable source of information. We believe that OMB's proposed trimming of the 1990 questionnaire would have significant and negative impact on the local planning process. Please reconsider your decision very carefully before action is taken on this matter. The census project is too important to do otherwise.

Thank you for the opportunity to express our opinions.

Sincerely,

TED E. SKINNER,
Senior Planner.
(For Timothy A. Mueller,
Planning Director).

HOOSIER ENERGY,
RURAL ELECTRIC COOPERATIVE, INC.,
Bloomington, IN, August 13, 1987.
Mr. DONALD R. ARBUCKLE,
Office of Management and Budget, NEOB,
Washington, DC.

DEAR MR. ARBUCKLE: It has come to our attention that the Office of Management and Budget has informed the Bureau of the Census that many questions are to be deleted from the 1990 census. While we all object to senseless census questions, we are concerned that additional deletion of questions in the 1990 census will virtually render useless much of the data base we and other utilities use in power requirements studies and consumer marketing surveys.

Of particular interest to us are questions on type of fuel used for space and water heating, number of bedrooms in homes, value of owner occupied homes, amount of rent paid, data on automobile ownership, travel time to work, other means of transportation, and place of residence in 1985, just to mention a few. As well, there are many other questions related to the general areas that these specific questions represent which are of great importance in our marketing and investment planning. Additionally, the thousands of businesses and industries we supply power to in southern Indiana rely on data from the census for their planning, which would be severely affected if any more questions were deleted from the 1990 census.

Thank you for your time and consideration of this most important matter which does directly affect the more than half-a-million residents, businesses and industries we serve.

Sincerely,

DOUG STAUCH,
Manager of Information Services.

DETROIT REGIONAL CENSUS
ADVISORY COUNCIL,
Detroit, MI, August 10, 1987.
Dr. WENDY GRAMM,
Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC.

DEAR DR. GRAMM: The Detroit Regional Census Advisory Council is gravely concerned about the proposed reduction of questions for the 1990 Census. The Council, as indicated by the attached membership list, includes representatives of the major data producers and users in southeast Michigan.

We believe that this decision is ill-advised and should be reversed; the 1988 Dress Rehearsal questionnaire should be approved as submitted by the Bureau of the Census.

The Census Bureau has conducted a long and thorough process leading to development of this questionnaire. Federal government needs were identified through the Federal Agency Council, chaired by your office. Other governmental needs, as well as those of the general public, were ascertained through a long series of local public meetings beginning in 1984. Legislation and governmental regulations requiring use of census data have been reviewed at all levels. *To meet these needs, the questions proposed for deletion must be included.*

Let me cite just a few examples:

- The labor force questions provide data used to determine ratios for estimating unemployment levels and rates for sub-county areas. These are used in Job Training Partnership Act funding.
- The item on place of residence five years ago provides the measurement of migration: the patterns and characteristics of people moving from one place to another. A benchmark derived from these data is important for interpreting migration rates derived from matched income tax returns as used in population estimates. The erstwhile General Revenue Sharing program and others depend on these numbers.
- Rent and value provide the only socioeconomic measure available for very small areas, including voting precincts. The fact that respondents may misstate value, estimating it too high, is unimportant because the item is used to compare one area to another, rather than for its absolute value.

Vehicles available is critical for planning for public transit needs in an era of scarce resources.

The Decennial Census is the premier data collection activity of the nation. Because its constitutionally mandated function requires that every household and every resident be contacted, it is unique as a vehicle for collecting the variety of auxilliary information that is so important for the wide range of planning and decision making over a ten-year period.

For this reason, we do not believe that the Decennial Census should be viewed as a paperwork burden at all. Fifteen minutes, or even 45 minutes, of a household's time once in ten years is a minimal effort to spend for this very important result. If paperwork needs to be reduced, let us find other vehicles for that effort. The Decennial Census should be left alone.

We hope that, with the additional information that has been presented to you by both the Bureau of the Census and the data user community throughout the nation, you will see fit to reverse the decision made on July 24 and proceed forthwith to approve the questionnaire as submitted.

Sincerely,

PATRICIA C. BECKER,
Chairperson.

Enclosure: Membership roster.

DETROIT REGIONAL CENSUS ADVISORY COUNCIL MEMBERSHIP LIST

Donna D. Atkinson, Greater Detroit Area Health Council, Detroit.

Patricia C. Becker, City of Detroit Planning Department, Detroit.

Peter Bernard, Independent Consultant, Detroit.

Claude J. Brittingham, United Community Services, Detroit.

Bill Brown, Livingston County Planning Department, Howell.

Barbara Bryant, Market Opinion Research Co., Detroit.

Dr. Roy J. Butz, Oakland Schools, Pontiac.

Doris Detwiler, Detroit Public Library, Detroit.

Howard Face, Michigan Bell Telephone Co., Detroit.

Denise Flynn, Washtenaw County Metro Planning Comm., Ann Arbor.

James Frederick, Michigan Cancer Foundation, Detroit.

Judith Goetz, Numbercrunchers, Detroit.

Paul Good, Southeast Michigan Council of Governments, Detroit.

David Hay, Oakland County Planning Division, Pontiac.

Charles Henry, Detroit Police Department, Detroit.

Cornelius Henry, Southeastern Michigan Transit Authority, Detroit.

Don Hoag, Detroit News, Detroit.

Jeffrey Jenks, Michigan Department of Civil Rights, Detroit.

Mark Kohl, Community Mental Health Services, Detroit.

Gordon Lambert, Oakland County Community Develop. Div., Pontiac.

Winston Lang, NAACP—Detroit Branch, Detroit.

Edward Limoges, Southeast Michigan Council of Governments, Detroit.

Von D. Logan, Michigan Employment Security Commission, Detroit.

Amy Majeske, Wayne State University Computing Center, Detroit.

Peter Mallery, St. Clair County Planning Dept., Port Huron.

Ellen McCarthy, Michigan Department of Civil Rights, Detroit.

Donald Morandini, Macomb County Planning Commission, Mt. Clemens.

Jeffrey Moyer, R.L. Polk Co., Detroit.

Frank Nagy, Monroe County Planning Department, Monroe.

Mark Neithercut, MIMIC/CUS, Wayne State University, Detroit.

Michael Ponder, Pontiac School District, Pontiac.

Barbara Rennie, Detroit Urban League, Detroit.

Kenneth Riopelle, Sandy Corp., Troy.

Maurice Roach, Wayne County Office of Economic Develop., Detroit.

Robyn Rontal, Botsford General Hospital, Farm. Hills.

Ronald Ropke, United Foundation, Detroit.

Gary Sands, Development Research Associates, Inc., Plymouth.

William Simmons, National Bank of Detroit, Troy.

Sue Smock, Wayne State Univ., Ctr. for Urban Studies, Detroit.

Denny Stavros, Detroit Public Schools, Detroit.

John R. Steiner, Greater Detroit Chamber of Commerce, Detroit.

Thomasina Tucker, City of Detroit Planning Department, Detroit.

Horacio Vargas, New Detroit, Inc., Detroit.

Susan Wachsberg, Detroit Free Press, Detroit.

Gary Wilson, Michigan Chronicle, Detroit.

Anne Zald, Wayne State University, Purdy Library, Detroit.

Saad E. Zara, Detroit Edison Company, Detroit.

LIAISON REPRESENTATIVES

Dwight Dean, U.S. Bureau of the Census, Detroit.

Robert C. Graham, GLS Region V Planning and Development, Flint.

Kurt Metzger, U.S. Bureau of the Census, Detroit.

Billie Thon, Dept. of Housing and Urban Development, Detroit.

[Mailgram]

BOSTON, MA, *August 6, 1987.*

Hon. PAUL S. SARBANES,
Joint Economic Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: As the officer who maintains Massachusetts records and supervises our State census, I strongly object to the Office of Management and Budgets decision to delete many important questions from the U.S. Census Bureau's long form for the 1990 census.

These questions will provide substantial and important information to me and other State officials about subjects as diverse as transportation and housing, failure to obtain this information will cripple this and other State governments in carrying out important duties.

Thanks for holding hearings on this critical issue, I hope that these important questions will be restored.

MICHAEL J. CONNOLLY,
Massachusetts Secretary of State.

STATE OF MONTANA,
DEPARTMENT OF COMMERCE,
Helena, MT, August 5, 1987.

Senator JOHN MELCHER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MELCHER: Early this week it was brought to my attention that the Office of Management and Budget (OMB), has suggested reducing the number of questions to be included in the 1988 Census Dress Rehearsal questionnaire. Individuals who use the information normally generated by the questionnaire are extremely concerned by this action, and are worried that the reduction indicates that these questions will not be included in the 1990 Decennial Census.

Reducing the amount and kinds of information that the census has provided in the past has serious implications for economists, demographers and other data users in Montana, as well as the rest of the nation. The OMB cites several reasons for eliminating the questions, one of which is that this information is not necessary at highly localized geographic levels. By "highly localized" the OMB means all counties and metro areas with populations under approximately two million. This, of course, would eliminate Montana entirely from much of the information normally gathered by the census.

A hearing on this matter has been convened by Senator Paul Sarbanes of Maryland, for Thursday, August 6 at 9:30 a.m. in room 628 of the Dirksen Office Building. Any personal or written testimony you can offer on the state's behalf would be appreciated. The hearing is being organized by Dan Melnick of the Congressional Research Service. He can be reached at 287-8640.

Please feel free to contact me if I can supply any additional information.

Sincerely,

KEITH L. COLBO,
Director.

STATE OF MONTANA,
DEPARTMENT OF COMMERCE,
Helena, MT, August 6, 1987.

Distribution list for materials submitted to Office of Management and Budget on the 1988 dress rehearsal Census questionnaire.

Materials telefaxed:

The Honorable Paul Sarbanes, The United States Senate, SD 332 Dirkson Senate Office Bldg., Washington, D.C. 20510.

The Honorable Ron Marlenee, The House of Representatives, Attn: Corbit Harrington, 409 Cannon House Office Building, Washington, D.C. 20515.

Materials mailed:

Wendy Gramm, Ph.D., Administrator, Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, 1726 Jackson Place, Washington, D.C. 20503.

The Honorable Max Baucus, The United States Senate, SH-706 Hart Senate Office Building, Washington, D.C. 20510.

The Honorable John Melcher, The United States Senate, SH-730 Hart Senate Office Building, Washington, D.C. 20510.

The Honorable Pat Williams, The House of Representatives, 2457 Rayburn House Office Building, Washington, D.C. 20515.

Donald R. Arbuckle, Assistant Chief, Commerce and Lands Branch, Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, 1726 Jackson Place, Room 3228, Washington, D.C. 20503.

Dorothy Tell, Chief, Statistical Policy Office, Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, 1726 Jackson Place, Washington, D.C. 20503.

William P. Butz, Associate Director for Demographic Fields, U.S. Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20233.

Leo Schilling, Regional Director, U.S. Bureau of the Census, 101 Stewart St., Suite 500, Seattle, WA 98101-1098.

Theron A. Schnure, Chair, State Data Center Steering Committee, Assistant Director, Comprehensive Planning Division, Connecticut Office of Policy and Management, 80 Washington Street, Hartford, CT 06106-4459.

Association of Public Data Users, Princeton University Computer Center, 87 Prospect Avenue, Princeton, NJ 08544.

STATE OF MONTANA,
DEPARTMENT OF REVENUE,
Helena, MT, August 5, 1987.

Hon. JAMES C. MILLER III,
Director Office of Management and Budget, Washington, D.C.

DEAR MR. MILLER: It has been brought to my attention that the OMB is proposing major changes in the questions to be included in the 1990 Census. As a significant user of Census data, I feel these changes would be unfortunate.

My Office is intimately involved in tax policy planning for the State of Montana. We provide information to policymakers that illustrates the effects of their policy options on taxpayers and state and local governments.

Census data provides the only source of valuable data in many instances. Examples of recent policy issues which relied on data that would be deleted under OMB's proposal include the creation of a homeowner property tax exemption and an income tax credit for rent paid. Census data had to be used to estimate for the revenue impacts on the various taxing jurisdictions and to illustrate the impacts on different types of taxpayers.

The OMB's proposed deletions, had they occurred in the 1980 Census, would have significantly reduced our ability to accurately estimate the impacts of these and other proposals.

I request that you reconsider your proposal. The information is used for important decisions and is not available from other sources.

Thank you for your consideration on this matter.

Sincerely,

STEVEN G. BENDER,
Chief, Research Bureau.

STATE OF MONTANA,
DEPARTMENT OF COMMERCE,
Helena, MT, August 5, 1987.

WENDY GRAMM,
Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC.

DEAR MS. GRAMM: It is my understanding that the elimination of Questions 24a through 24d of the 1990 census is being considered.

On behalf of the Passenger Assistance Bureau of the Montana Department of Commerce, I would recommend that you not drop question 24a through 24d. The data collected by the Census Bureau in answer to that question is extremely helpful to us in assisting local communities, whether they are large or small, in meeting their public transportation needs.

Passenger Bureau staff have assisted local transportation systems in sixty-plus communities in Montana.

Staff have advised these communities in such areas as: public transportation; paratransmit; home to work program; van pooling; car pooling; and coordinating with local taxi service.

Staff have assisted communities in determining the following: number of passengers per mile; cost of passenger per mile; cost per one-way trip; cost per hour; and cost per vehicle mile.

The data collected on the census report is extremely useful to us and all transit providers in providing the cost of service.

I thank you for considering the above information before making your decision.

Sincerely,

PATRICIA SAINDON,
Chief, Passenger Bureau.

UNIVERSITY OF MONTANA,
Missoula, MT, August 4, 1987.

DONALD R. ARBUCKLE,
Office of Management and Budget, Washington, DC.

DEAR MR. ARBUCKLE: I have received the proposed deletion of items from the 1988 Census Dress Rehearsal. If these items are also deleted from the 1990 Census, they will have a significant impact on our ability to provide timely and accurate information for Montana decision-makers.

We have two programs here at the Bureau that are designed to provide economic forecasts and demographic information for Montanans. *Economics Montana* provides forecasts for statewide and substate economic activity, which are widely quoted in the press and mailed (at no charge) to over 200 users. The County Data Packages provide timely updates of demographic information for all Montana counties; almost 1,000 requests have been made in the last two years. The users of both programs include state and local officials, business people, and private individuals. Similar information is available from no other sources.

Both of these programs will be directly affected by the deletion of items 14, 20, 21b, 23-24, 25-27, and 31. The 1990 values would provide both a reliable benchmark for our forecasts and parameter estimates for our models.

I strongly urge you not to delete these items.

Sincerely,

PAUL E. POLZIN,
Professor and Director of Economic Forecasting.

STATE OF MONTANA,
DEPARTMENT OF COMMERCE,
Helena, MT, August 5, 1987.

Hon. JAMES C. MILLER III,
Office of Management and Budget Director, Washington, DC

DEAR MR. MILLER: This letter is in response to your office's proposed deletion of approximately 30 questions from the questionnaire for the 1988 Census Dress Rehearsal. I strongly oppose this action. I oppose it both on general and on specific grounds.

In general it is very unwise to subvert the carefully designed and executed process of choosing questions for the 1988 and 1990 Census questionnaries. As you may know, this process included a series of 65 public meetings held throughout the country, identification of U.S. Government needs through interagency working groups and the Federal Agency Council, along with other consultations with public and private organizations. The action by the OMB Desk Officer, Donald Arbuckle, in proposing the elimination of roughly 30 questions undermines the above described process.

The Decennial Census is the source for important and useful information that is not available elsewhere. The questions proposed for elimination are of this nature. These data are not available from alternate sources, but are vital for decisions at the state and local levels, many of which involve federal funding. The Census Bureau has ample documentation of these uses. I offer one example out of my own experience to illustrate the point.

In 1984, I produced population projections for the age group 65 and over, for each county in Montana. These projections were specifically prepared for the Montana Department of Health for use in their process of issuing certificates of need for new/expanded nursing homes. A certificate of need is required at least in part because much of the income of nursing homes comes from the Medicaid program. In order to produce county population projections for this age group, I needed historical data on migration by age. The only source for this kind of information was the 1970 and the 1980 Censuses of Population. Without this information it would have been impossible to make meaningful projections.

I strongly urge you to reverse the preliminary judgement to eliminate approximately 30 questions from the 1988 Census Dress Rehearsal Questionnaire. Thank you for your consideration in this matter.

Sincerely,

PHILLIP D. BROOKS, Ph.D.,
State Economist.

STATE OF MONTANA, DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION,
Helena, MT, August 5, 1987.

WENDY GRAMM,
Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC.

DEAR MS. GRAMM: DNRC just today learned of OMB's plans to drop a number of questions from the 1988 Dress Rehearsal census questionnaire. We cannot agree with OMB's assessment that these are not necessary. DNRC needs reliable information on housing characteristics and fuel uses that is not available from sources other than the Census. In particular, we use information on the utilities and housing stock in our analyses of energy conservation potential and of utility system loads and reliability. These studies are required for DNRC and region-wide conservation program planning and for the utility facility licensing process.

We realize that OMB has proposed that some of these questions be moved to the sample. However, in a state as sparsely populated as Montana, a sample size that is adequate for national purposes is likely to be inadequate for the type of analyses we do. Therefore, we request that OMB retain the questions on utilities and housing as proposed by the Bureau of the Census.

Respectfully,

ALAN DAVIS,
Chief, Planning and Analysis Bureau, Energy Division.

STATE OF MONTANA, DEPARTMENT OF COMMERCE, LOCAL GOVERNMENT ASSISTANCE DIVISION,
Helena, MT, August 4, 1987.

Hon. JAMES C. MILLER III,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. MILLER: My office works with all Montana communities on community development, economic development, community planning, and infrastructure development matters. We are dismayed to learn of OMB's proposal to eliminate useful data from the 1990 U.S. Census. Elimination of this key data will have a substantial impact on the ability of Montana communities to redevelop and reindustrialize.

For example, the proposal to eliminate information on sewer and water hookups will make it more difficult to finance community water and sewer systems. Financiers and financial consultants use the information to put together financing proposals. Without improved water and sewer facilities Montana business and industry will not be able to expand.

You have proposed to eliminate transportation data such as "the number of cars owned", "method of transportation to work", and "time to work". This information is used to develop and improve community transportation systems. It is particularly helpful in designing bus systems, light rail systems, and individual business van pooling systems.

The proposal to only make census socioeconomic data available for political jurisdictions with a population of 2 million or more indicates a lack of sensitivity to the needs of rural Americans, in general, and all Montanans in particular. Since the entire population of the State of Montana is only about 800,000, your proposal will mean none of the data will be available for any of Montana's 479 communities.

The elimination of this important data will be false economy. To cut it out at the federal level will shift the responsibility to state governments, local governments, and the private sector. Project development costs will increase. Taxes and private business costs charged the public will increase. Moreover, states, localities and businesses can not collect the information as cost effectively as the federal government. The personpower available for implementing the federal census can not be duplicated by any other governmental or private entity.

In summary, I urge OMB to reexamine the proposal to eliminate the census data cutbacks. The average citizen will lose—not benefit—from the data cutbacks.

Sincerely,

ROBB MCCRACKEN,
Administrative Officer,
Community Technical
Assistance Program.

AMERICAN PLANNING ASSOCIATION,
Washington, DC, August 20, 1987

Re: OMB's Proposal to Eliminate Items from the 1990 Census.

Hon. PAUL S. SARBANES,
Chairman, Joint Economic Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN SARBANES: This letter is being offered on behalf of the American Planning Association.

The American Planning Association is a national organization of 21,000 members, including public and private planners and elected and appointed officials at all levels of government as well as educators, students and interested citizens. Our members belong to 45 chapters covering every state and Congressional district. Many of our members use Census data on a daily basis.

APA was formed in 1978 when the American Institute of Planners, founded in 1917, and the American Society of Planning Officials, founded in 1934, consolidated. The Associations primary objective is to advance the art and science of planning for the improved development of the nation and its communities, states and regions. Within APA is the American Institute of Certified Planners which focuses on professional development. Members of AICP are distinguished by having met experience requirements and by having passed an examination on planning principles and practices.

APA is strongly opposed to the elimination of key population and housing data from the U.S. Census Bureau's 1988 dress rehearsal. We believe the proposal by the Office of Management and Budget (OMB) is shortsighted and fails to recognize the importance of Decennial Census data in decisionmaking in both the public and private sectors. Our statement, which was prepared by David J. Robertson, Housing & Human Services Planner, Dept. of Human Services and Public Safety, Metropolitan Washington Council of Governments, will focus on the policy and decisionmaking impacts of OMB's proposal.

In seeking to justify their actions, OMB suggested the deleted data did not serve important purposes or were not needed uniformly across the nation. In reality, the deleted data are essential to measure progress and develop new alternatives in many important policy areas.

OMB's decision has drawn widespread criticism from elected officials, academic institutions, community organizations and private industry. The Decennial Census is not an isolated statistical exercise, it is an ongoing policymaking tool. Census data impacts policies and programs in such diverse areas as housing, education, energy, transportation, child care, health care, and employment.

APA is particularly concerned about the impact of the proposed elimination of questions pertaining to housing. Approximately two-thirds of the 30 questions considered by OMB for elimination are directly linked to housing. The loss of these data would jeopardize the ability of both the public and private sectors to meet the still unmet challenge of a "decent home and a suitable living environment" mandated by the Housing Act of 1949.

If the OMB proposal is implemented, decisionmakers at every level will lose their most valuable tool: information.

The following four points illustrate how decisionmaking in housing programs would be affected:

(1) The Section 8 Existing Housing Certificate program represents a major housing initiative that enables lower income households to obtain affordable and decent housing. A key element of this program is the periodic publication by the U.S. Department of Housing and Urban Development (HUD) of fair market rents for communities throughout the nation. The rental data proposed for elimination would hamper the ability of HUD and local housing agencies to update this information, upon which millions of dollars in housing assistance depend.

(2) The housing affordability crisis affects many communities throughout the nation, both large and small. Federal funding for housing and community development programs has been cut by more than 70 percent since 1981 prompting many state and local governments to respond with a variety of local housing initiatives. These new initiatives, however, are jeopardized by the loss of important population, housing condition and utilization data, which are used to develop programs and monitor performance. If communities are expected to target scarce local resources, they need the comprehensive data produced by the Decennial Census.

(3) Some of the information proposed for deletion would impact on the ability to administer current Federal programs, such as the Community Development Block Grant (CDBG) program. Data on overcrowding and the condition of the housing stock would be lost under the OMB proposal, which are important measures required by HUD for CDBG allocation.

(4) New Federal legislation creating programs to aid the homeless will require each jurisdiction to adopt a Comprehensive Homeless Assistance Plan. How can local governments adequately plan to meet the housing needs of our nation's homeless if we are denied accurate data on our housing stock?

The data that the OMB is proposing to eliminate is also used for a variety of public policy decisionmaking for programs other than housing and community development:

Local governments rely on data on the source of water, public sewers and plumbing facilities to plan for adequate water supplies and wastewater treatment facilities. Private utility companies also depend on utility, fuel and other housing data to make decisions on new plant construction and utility rates, involving investments of millions of dollars. This nation cannot afford to be unprepared in the event of another energy crisis, due to a lack of data.

State and local governments rely heavily on journey-to-work data for transportation planning. Key decisions on land development and traffic impact are made using this data which few, if any, local governments would be able to collect on their own. Multimillion dollar public highway and mass transit projects, along with private investment, hinge on the transportation data proposed for elimination.

Funds allocated under the Job Training Partnership Act are largely based on labor force data also proposed for elimination. The effectiveness of local programs to train and employ unemployed workers would be jeopardized under the OMB plan.

In offering this proposal, the OMB suggested that data may not be needed at a national level, or that data may be more appropriately collected by a smaller sample, or in a more specific geographic area. APA views this approach as unwise and inefficient. Although the solutions to our nation's and communities' problems may require different approaches, the basic information needed to make those evaluations is the same. Local communities, particularly rural areas, may not have adequate resources to collect and analyze locally collected data. It is simply not cost effective to require thousands of communities to collect individually the same data collected by the Decennial Census on a national level.

Not only is OMB's decision ill-founded, but their process in reaching this decision has been unfair. OMB has chaired the Federal Agency Council for the 1990 Census since 1984 and has been involved in the preparation and review of proposed questions since that date. During all these months of deliberation between OMB, the Bureau of the Census, Federal agencies and data users, OMB failed to express any concern about the application of the Paperwork Reduction Act. Only on July 24, 1987, just before the Congressional recess, and with only two months for public comment, did OMB indicate its intention to eliminate key housing and other demographic data, citing their responsibility under the Paperwork Reduction Act. Although time remaining before the 1990 Census is growing short, it is imperative that the views of local communities, data users, and other concerned with the Census be heard before an irreversible decision is made.

Rather than attempt to alter the 1988 dress rehearsal at this late date, OMB should rely on the judgment of Census officials and staff. The 1988 dress rehearsal is the product of some of the most noted demographic and statistical experts in the nation, and reflects the input of data users in both the public and private sectors. OMB should respect the professional expertise that developed the 1988 Census dress rehearsal.

APA does not view the Decennial Census as just another government program. The Census was one of the first acts of our newly formed republic in 1790 and has enjoyed the support of the American people for almost 200 years. The American people respect the Census and comply because they understand the value of information in a democratic society. Census data enable government, industry, and private citizens to better understand our past, view our present, and to plan for our future. The time that it takes for respondents to complete the Census questionnaire is a wise investment that will enable the nation to plan for our needs as we approach the 21st century.

Senator Sarbanes, the American Planning Association is most appreciative of your conscientious inquiry into this important subject and your Committee and its staff are to be commended for holding this hearing on such short notice prior to the Congressional recess.

We hope that Congress and the Joint Economic Committee will do all within their power to see that the proposal by OMB to eliminate so many necessary items from the 1990 Census is not implemented.

Thank you for the opportunity to express the views of the American Planning Association on this subject. We would be delighted to assist the Committee to see that the Census is restored to being a compilation of data that is truly useful for public and private decisionmaking.

Sincerely,

LINDA E. HOLLIS, AICP,
Chair, National/State Policy Coordinating Committee.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. William Mansel Long, a member of the staff of Senator HOWELL HEFLIN, to participate in a program in the Republic of China in Taiwan, sponsored by Soochow University, from August 14-24, 1987.

The committee has determined that participation by Mr. Long in the program in the Republic of China in Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

TRIBUTE TO DONALD BROWN

● Mr. HEFLIN. Mr. President, I am proud to rise, today, to offer my congratulations to Donald Brown, of Florence, AL, who has recently accepted a position as executive editor of the Tuscaloosa News. While I am sorry to see Don and his wife, Hannah, leave the Shoals area, where Don has served with the TimesDaily since 1981, first as assistant to the publisher, and as editor since 1983, I know they will be happy in Tuscaloosa. Yet, I also know that they will be leaving many friends behind.

Throughout his tenure with the TimesDaily, Don possessed a professionalism that distinguished him as a newspaperman. In the 6 years he spent with the newspaper, he served under six publishers who were each very pleased with his dedication and his work. During that time, he provided a consistency and a stability to the paper, but also to his community. He helped to keep the citizens of the Shoals area informed of the many issues which affected our community, State, and Nation. I have always believed that a democracy is only as strong as the knowledge and understanding of the people who comprise it. Because of Don's efforts, we in the Shoals area have had a paper which has helped to perform this valuable task. Don Brown helped to make the TimesDaily one of the best newspapers of its size in the entire country. He has helped to make it the people's paper, which reports the news that affects them, and which contains the information on which they rely from day to day.

Don and Hannah also devoted a great deal of time to efforts which have helped the Shoals area. I believe that the Shoals area is a much better place for their having spent 6 years of their lives living and working as a vital part of our community. And I know that the citizens of Tuscaloosa will, likewise, welcome them and be grateful for their efforts. I wish Don and Hannah continued success and happiness, and hope to see them when I visit the Tuscaloosa area.

Mr. President, I ask unanimous consent that the attached newspaper articles be printed in the CONGRESSIONAL RECORD. One is an editorial that Donald Brown wrote on his work in the Shoals, and the other is an article that appeared after the announcement that Don Brown was leaving the TimesDaily.

The articles are as follows:

[From the TimesDaily, July 12, 1987]

TIMESDAILY EDITOR ACCEPTS NEW POSITION

(By Donald Brown)

The promotion of Donald Brown, editor of the TimesDaily, to executive editor of The Tuscaloosa News was announced Saturday by Steven Ainsley, TimesDaily publisher. The position becomes effective July 17. Ainsley said Brown's successor will be named in the near future.

Brown, 50, has been editor of the TimesDaily since January 1983. He joined the newspaper in August 1981, and was assistant to the publisher until named editor by then-publisher R. Guy Hankins.

The Tuscaloosa News is owned by The New York Times Co., as are the TimesDaily and the Gadsden Times.

"Don is a strong editor, whose professional standards have served our newspaper and the Shoals area well," Ainsley said. "He has led the TimesDaily newsroom through major expansion programs, and under his leadership the newspaper has achieved a level of editorial excellence that is recognized statewide.

"Don's sincere regard for the Shoals has earned him the respect of our readers during the six years he has been with the TimesDaily. His even-handed approach to the events which have shaped our area during his tenture as editor, and his willingness to involve himself in community projects will be remembered long after his departure. All of us at the paper wish him the best of success in Tuscaloosa."

Charles Land, publisher of The Tuscaloosa News, said, "I have known Don Brown for many years, going back to his reporting days in Birmingham, and I am delighted to have a newspaper man of his caliber joining The News' management team.

"Don has done an excellent job as editor in Florence, where he has led the way to significant improvements in the newspaper there in these past few years. Don and his wife, Hannah, have been active in their community, too, and we look forward to having them as citizens of our community," Land said.

Brown said he would always appreciate the opportunity the TimesDaily, and The New York Times Co. afforded him in the Shoals. "I especially acknowledge the responsive readers of our newspaper and those who depend so heavily upon our local news coverage. Those kinds of challenges produce professional growth," he said.

"I salute the news staff, whose hard work and dedication have gained for the TimesDaily recognition as the best newspaper of its size in Alabama for the past three years," said Brown.

The TimesDaily won general excellence awards from state press associations in Louisiana, Florida and Georgia in 1984-85-86. Awards for 1987 will be announced next weekend at the Alabama Press Association's convention at Gulf Shores.

Brown began his newspaper career as a copy boy at The Birmingham News in 1953. He was a reporter there for eight years, leaving in 1965 to become assistant to the president for public relations at Birmingham-Southern College, his alma mater.

He was editor of Birmingham Magazine and public relations director at the Birmingham Area Chamber of Commerce, 1956-1977, then was communications director at the Birmingham-Jefferson Civic Center, 1977-81.

TO THE SHOALS, IT'S BEEN GOOD TO KNOW YOU

(By Donald Brown)

Loving a newspaper is much like loving one's children. You watch them develop and grow, guiding but trying not to hover. You want them to turn out strong and independent, but occasionally aren't proud of the decisions they make. Yet you never stop caring and when the time comes, as inevitably it will, you don't want to let them go.

I have known the Times-Daily for six years and loved her for almost that long. In 1981 her outspoken publisher, the late and fine Bailey Anderson, allowed me to join the staff and thus brought me home again to the work place I know best and enjoy most, a newsroom.

After Bailey's tragically early death to cancer, there followed a succession of publishers, each of whom left his mark on the sphere of this newspaper: Gary Greene, Guy Hankins, John Fitzwater and now Steve Ainsley.

It has been my privilege to work for the latter three as editor. And because of my move to the Tuscaloosa News, which takes effect Friday, add another publisher, Charles Land. As Ainsley noted in our newest employee newsletter, ". . . Don will have worked for six publishers in six years . . . no small feat."

Succinctly said, considering this position serves at the publisher's pleasure and that an editor's first and greatest mandate is to implement the boss' policies in news. I didn't have to agree but more than once was smacked with the reality that his view was all that counted. Each publisher has required certain loyalties.

Hannah and I leave the Shoals grateful for the good and true friends we cultivated, whose support was there when we needed it and who will always be warm and welcome parts of us. Surprisingly, we also found that not being boat people and not living on the water didn't keep us from adopting the river, or from being fulfilled by its serenity and majesty on so many early mornings.

We have delighted in telling our friends elsewhere how much there is to do here. And we will miss the live-wire Helen Keller and W.C. Handy festivals, the plays and musicals of our community theaters, the active art centers, the spectrum of university events and especially the tradition of energetic togetherness all these assets embody.

I leave educated to the importance of this newspaper to these many communities many of us have come to call the Shoals. The Times-Daily is a personal part of thousands of lives; and it is not overstating our role to say that gratitude or anger, success or failure are often measured by what we report and the stands we take. That's what so many of you have told me, more times than I can remember. Such responsibility goes with the territory of a locally-focused newspaper, yet is a burden that never lightens.

Decisions that sometimes have upset, disappointed and even infuriated some of you have come with the job, too. Never were they lightly made, and none were ever unmade because of pressure and reactions.

I have made mistakes. Anyone constantly required to make judgment calls will miss some. But mistakes made despite the best of intentions are still no excuse, and have value only if you can work through them, learn from them and don't repeat them.

None of that, however, figured into this decision; it turned mostly on the chance to take an opportunity we believe is right, and move to a place we hope to like as much as we have enjoyed living here.

I leave proud of the steps this area has taken to begin putting aside historic differences and individualism for the good of the whole. At times the newspaper has focused on the need for change, but it is you who have wanted it, you who made it happen.

As more of us accept the fact that the very outsiders we want to recuit to live and work here see us as one area—and do not divide us by county lines or by the river or by politics—our growth will occur as it should.

If I could leave a so-called last will and testament, as high school graduating classes used to do, I'd predict these future headlines for the Times-Daily: Bridge construction begins; New bridge dedicated; Colbert cities merge services; Employment at record high; Local expansions key economic growth; Music Hall of Fame opens; 157 four-laned; Cooperative business climate halted; Browns Ferry powers up.

News to report, stories to write, deadlines to meet—and the challenges go on.●

TRIBUTE TO GEORGIA STATE REPRESENTATIVE PEGGY CHILDS

Mr. FOWLER. Mr. President, I rise today to pay tribute to a fellow Georgian, State Representative Peggy Childs, who died of cancer on July 8, 1987.

Peggy Childs was a former teacher, who served our State in that most valuable capacity. She was first elected to the Georgia House of Representatives in 1974. She was re-elected six times from her home district in the city of Decatur. Representative Childs was a tireless worker and reached a position of influence on the Appropriation and Judiciary Committees, and was vice chairman of the Retirement Committee.

Even after learning she had cancer, this gallant lady returned to college, obtained her law degree and joined her husband in the practice of law. One of her last acts in the legislature was to pass a bill restricting the sale of cigarettes to young Georgians under the age of 18.

She showed her concern that others should have a good life, even when hers was almost used up. She was a great lady. All Georgia is proud of her, and she will be missed by all her many friends.

EXTENSIONS OF REMARKS

NO "GLASNOST" IN ABUSE OF PSYCHIATRY IN SOVIET UNION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. HOYER. Mr. Speaker, as Chairman of the Commission on Security and Cooperation in Europe, the agency mandated by law to monitor and encourage compliance with the Helsinki accords, I have on a number of occasions criticized the Soviet Union for its blatant violations of human rights and fundamental freedoms—its repression of religious dissents, constraints on emigration and freedom of movement, and the restrictions it places on numerous other rights and freedoms that we here in the United States take for granted. I have debated this issue with Soviet parliamentarians in Moscow, raised individual cases with Soviet diplomats in Vienna, and written and spoken on behalf of others here in Washington. And I suspect that I will have occasion to do so in the future.

Nevertheless, I think it would be remiss not to mention that under the "restructuring" plans of General-Secretary Gorbachev, a certain liberalization in the area of "dissidence" and human rights activity has taken place. Since the beginning of 1986, at least 200 political prisoners have been released ahead of schedule from labor camps and exile. Certain public demonstrations have taken place with little interference from the authorities. I recently received the first issue of Glasnost, an unofficial publication produced by a group of former political prisoners. At this moment, there have been no reprisals taken against these activists.

One area where there has been little "restructuring," however, has been in the area of psychiatric abuse. To the best of our knowledge, only about a dozen long-term victims of psychiatric abuse have been released from the psychiatric facilities. Helsinki Watch reported that as of this July there are still 113 known political prisoners being held in either the ordinary psychiatric hospitals of the Ministry of Health, or the special psychiatric hospitals run by the Interior Ministry, the national police force.

I was pleased, therefore, to note recently that even this issue of psychiatric abuse has now been raised in the Soviet media. The first major article to criticize the arbitrary placement of Soviet citizens under psychiatric care appeared in the June 11 issue of Izvestiya. While the authors did not attack the practice of incarcerating persons on clearly political grounds, they did criticize the ease with which persons may be committed to a psychiatric hospital or placed on an official "register" as mentally ill, without their knowledge. The authors point out that doctors frequently diagnose "mental illness" on the basis of an arbitrary socially determined definition of normal behavior, not on whether the person poses a potential danger to himself or others, as provided by Soviet law. In other words, people acting somewhat different from the mainstream are often labeled "mentally ill."

As one example of this type of psychiatric abuse, the article describes the forced hospitalization of a woman after she had a number of disputes with her neighbors in their communal apartment. In another case, doctors tried to break down the door of a woman's apartment one evening to have her committed involuntarily. She had complained too much to party authorities about the physicians who had operated on her.

Because involuntary confinement in psychiatric institutions is a frequent tool used by authorities to repress political prisoners, I am pleased to see the official Soviet press address this issue. But one article does not mean that the policy has changed.

As an example of how psychiatry has been and continues to be abused in the Soviet Union, I quote from a report issued by Amnesty International U.S. Group 177 of Highland Park, IL, in 1982, describing the plight of a Mrs. Vera Lipinskaya:

> Vera Lipinskaya is a 39-year-old mother of four children. Born in Byelorussia in 1941, she moved with her parents to the town of Lugov in the Dzhambul region of Kazakhstan. She completed her secondary education there. Her occupation is not known.
>
> In 1977, she sent letters of complaint to local Soviet authorities, the matter of complaint is not known. Almost immediately, on the 26th of June, she was arrested and charged under art. 70 (sic) of the R.S.F.S.R. Criminal Code for "disseminating fabrications known to be false which defame the Soviet State and social system." On July 6th she was subjected to a psychiatric examination by a state psychiatrist, persons and location unknown, and was declared to be suffering from "sluggish schizophrenia." She was never brought to court on the initial charges, instead on August 25th the Dzhambul regional court ordered her compulsory confinement for an indefinite period in a special psychiatric hospital. * * *

To the best of our knowledge, Mrs. Lipinskaya is still being held under involuntary psychiatric detention. At this moment, even her whereabouts are not certain.

Mr. Speaker, it was cases such as that of Mrs. Lipinskaya that caused the Western psychiatric community to protest psychiatric abuse in the Soviet Union. Rather than risk being expelled from the World Psychiatric Congress, the Soviet Union withdrew from the Congress in 1983. A delegation from the American Psychiatric Association raised the issue of Soviet psychiatric abuse last year at the Vienna followup meeting of the Helsinki accords. Soviet psychiatrist Dr. Anatoly Koryagin spent 6 years in the gulag for publicizing the degradation of his profession in his homeland. After a worldwide public outcry he was finally released and permitted to emigrate earlier this year.

Whether the Izvestiya article can be interpreted as a positive sign remains to be seen. But we do note that the Soviet Union reportedly has offered to permit a team of United States psychiatrists to investigate allegations of Soviet psychiatric abuse. A Soviet diplomat has stated that presently there are plans to establish a new medical commission to reevaluate all psychiatric institutions.

If this is indeed the case, and If the Soviet Government is serious about rehabilitating its reputation before the legitimate world psychiatric community, as Chairman of the Commission on Security and Coorperation in Europe, I urge new commission to begin it's work as soon as possible, and as a first step, free Vera Lipinskaya. A medical science meant to free the mind should not be used to imprison it.

GAG ORDERS: AN INFRINGEMENT UPON CONSTITUTIONAL RIGHTS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. CONYERS. Mr. Speaker, I rise today to express my deep concern about an important legal issue raised by the case of our distinguished colleague from Tennessee, HAROLD FORD, an issue which has deep implications for the civil liberties of all Americans. The right to free speech and the right to a fair trial have been thrown into conflict in this matter, without proper consideration being given to the need to balance the interests at stake.

The gag order imposed on Congressman FORD seriously interferes with his right to speak about his case to his constituents and supporters. It seriously hinders his ability to fight the pending charges, and impairs his efforts to raise funds to sustain a vigorous defense.

The sacred principle which is the cornerstone of our American criminal justice system is that a person accused of a crime is innocent until proven guilty. The circumstances surrounding the indictment of Congressman FORD, however, suggest that he is not being treated in that manner. The prosecutor pursued his investigation for 4½ years, and sought an indictment from a Federal grand jury in Knoxville, TN, after the grand jury in Memphis rejected his initial petition. Congressman FORD was inexplicably denied the opportunity to appear before the grand jury and present information which could have established his innocence. Leaks of selective bits of information about the case to the news media by "unnamed sources," then compelled FORD to respond publicly and explain his con-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

duct, and to also question the conduct and motives of the prosecutor.

Judge Jarvis then issued the gag order which he justified by arguing that—

> Because of the high visibility of this case and the nature of the public comments which have already been made, I am of the opinion that without a "no comment" order there is a substantial likelihood of prejudicial news which would make difficult the impanelling of an impartial jury and tend to prevent a fair trial.

I respect the need of a trial judge to take steps to ensure a fair trial. But, the imposition of a gag order to achieve that goal seems to me to be an extreme and highly questionable act. In the case of *Estes* v. *Texas,* 381 U.S. 532 (1965), the Supreme Court held that—

> The atmosphere essential for the preservation of a fair trial—the most fundamental of all freedoms—must be maintained at all costs.

I fervently share the Court's opinion, but in the case of our embattled colleague, I do not believe that Judge Jarvis seriously considered his options.

In *Nebraska Press Assn.* v. *Stuart,* 427 U.S. 562–70 (1976), the Supreme Court considered the appropriateness of a gag order imposed on the media during the course of a sensation murder trial. The Court, in striking down the gag order, made three very important findings that are relevant to the case of Congressman FORD. First, the Court said that since the framers of the Constitution did not—

> Assign priorities as between first amendment and sixth amendment rights, ranking one as superior to the other * * * it is not for us to rewrite the Constitution by undertaking what they declined to do.

Second, the Court held that—

> Pretrial publicity—even pervasive, adverse publicity—does not inevitably lead to an unfair trial.

And last, the Court stated that—

> The barriers to prior restraint remain high, and that if a judge is to step beyond them, he must first find that measures taken short of a gag order would not have effectively preserved the atmosphere essential for a fair trial.

The gag order issued by Judge Jarvis, upon close examination, clearly does not meet the requirements set forth by the Supreme Court in Nebraska. Other actions the Court could have ordered were a change of venue, or a postponement in order to let the publicity subside. Judge Jarvis, in his memorandum opinion supporting the modified order, arbitrarily dismisses all possible alternatives, offering no analysis whatsoever of why they would not work in this case.

HAROLD FORD, as an elected official, cannot adequately perform his duties with the dark cloud of suspicion hanging over his head. It is ridiculous that a U.S. Congressman is forbidden to speak with his constituents on a matter of such significance. The amicus brief filed by the Speaker and the Bipartisan Leadership Group, points out that—

> It is inconsistent with the requirements of a representative democracy for a court to interfere with, let alone prohibit, communication between a Member of Congress and the people he represents.

Any court order which threatens to interfere with such a vital function of a public official must be subjected to the most exacting review.

Because HAROLD FORD is a Member of this legislative body, and enjoys certain protections under the speech or debate clause, that does not mean that a gag order filed against a member of the general public deserves no less scrutiny. A gag order is an extraordinary legal tool which can infringe upon the enjoyment of two of our most important civil liberties. Its use should come only as a last resort, and only after other, less draconian, options have been explored.

The Supreme Court in Nebraska held that prior restraint was the—

> Most serious and least tolerable infringement on First Amendment rights.

Where a person's integrity or personal freedom is at stake at the result of proceedings against them in a court of law, they must not be prevented from speaking out in their defense.

RECOGNITION OF CLUB VALIANTS, INC.

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask my colleagues to join with me this day in recognizing the 25 years of service, bestowed upon the citizens of Philadelphia, PA, by Club Valiants, Inc.

The Valiants were formed in 1962 to ensure that black firefighters in the city of Philadelphia would attain and retain equal access to opportunities within the fire department.

Services which the Valiants currently perform include charity donations, club member counseling, fire prevention work within the black community, and aiding in the self-improvement of all club members.

On October 17, 1987, in Philadelphia, the Valiants will be celebrating with a 25th anniversary banquet at the Adams Mark Hotel, on City Line and Monument Avenues. The banquet will begin at 8 p.m.

On behalf of my constituents, I personally would like to thank Club Valiants, Inc., for their 25 years of service.

STATEMENT ON BEHALF OF CONSTITUENT CAROL HOROWITZ

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. RICHARDSON. Mr. Speaker, I would like to express my concern about the way a constituent of mine was treated recently by the Bureau of Health Care Delivery and Assistance.

My constituent, Carol Horowitz, an officer in the Commissioned Corps of the Public Health Service approached me in late 1986 to ask for my help and assistance in expediting a station transfer for Carol and her husband to New Mexico. Carol's motivation was not selfish but out of concern for her husband, Larry, who contracted cancer during her tour of duty here. Specifically, I requested an expedited transfer for the Horowitz family for humanitarian reasons: The Horowitz are from New Mexico and they felt friends and family would be a positive aspect in Larry's ongoing case management treatment at the New Mexico Cancer Research and Treatment Center; and for economic reasons: New Mexico's lower cost of living would help alleviate burdens the family was feeling because of Larry's inability to work.

The Secretary of HHS indicated that every possible consideration would be given to Larry's condition in any subsequent assignment for Carol in the PHS. In March of 1987, Carol again came to me for help since her request for transfer had not yet been effected. At that time, I brought a possible detail assignment for Carol in the primary care section of the Emergency Medical Services Bureau of New Mexico to the attention of the Bureau of Health Care Delivery Assistance and others. I also initiated a delegation letter to HRSA on Carol's behalf. The response I received was disheartening to say the least. The Bureau indicated that because of scarce resources and I would add, regardless of humanitarian concerns, they could not assign Carol to the project. The delegation received a similar letter with an addition: Ms. Horowitz had chosen to resign from the Public Health Service.

I have subsequently received information correcting the HRSA response. Carol requested inactivation for family health reasons. Inactivation, unlike resignation allows assignment by memorandum. I am familiar with Carol's outstanding work in the Public Health Service and am distressed by the Bureau's seeming disregard for her family's circumstances. I would hope that this disregard for the humanitarian needs of officers in the Public Health Service is not a common characteristic of the PHS. Furthermore I strongly recommend that every effort be made in the future to accomodate the very real human needs of our PHS officers.

EGYPT'S BOLD STEPS IN PRIVATE INVESTMENT

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. WILSON. Mr. Speaker, as I am sure all my colleagues in the House are aware, the House Appropriations Committee passed the fiscal year 1988 foreign aid appropriations bill. I would like to commend the committee's efforts and particularly the chairman of the Foreign Operations Subcommittee, Mr. OBEY, in drafting a well-balanced bill concerning such a controversial but vital issue.

In a time of budgetary constraints and debate on whether or not to reimpose some of the Gramm-Rudman-Hollings strictures, foreign aid is often a difficult expenditure to defend. Tangible benefits to the United States from such aid are hard to perceive and usually difficult to communicate to constituents. I have, nevertheless, consistently supported foreign aid as one of the most cost-effective methods to extend our own national security.

I would like to bring to the attention of my colleagues—especially those who harbor special doubts about the wisdom and utility of foreign aid—an article which appeared in Wednesday's Washington Times concerning Egypt's bold initiatives toward increased private investment.

Egypt is a close friend of the United States and unarguably an important strategic asset. It is also one of the largest recipients of U.S. foreign aid. Egypt has committed itself to serious and far-reaching economic reforms, foremost of which is a push for more private investment and private sector involvement. The Government of Egypt has realized that power of the free market economy is the best way for Egypt to break out of the downward economic spiral in which it has found itself in the past several years.

Most recently, the International Monetary Fund negotiated special relief for Egypt's balance-of-payments problems in recognition of Egypt's sound and dedicated commitment to economic reform. United States aid has been crucial to help Egypt implement this plan. Its effect has been to soften the pain of economic austerity imposed upon an already sorely pressed people. The result has enabled Egypt to press ahead with economic reform at the same time that it continues down the path of democracy, of which the parliamentary elections in April and the upcoming Presidential election in October are proof.

In sum, U.S. foreign aid is not a "giveaway" and is not wasted. With United States help, Egypt is strenthening itself both economically and politically, for the future security of its own people and United States interests in the area. I would like to commend the people of Egypt and particularly its President, Mr. Mubarak, for their efforts. After reading this article, I think my colleagues will agree that United States aid to Egypt is one of the most sound investments the United States has made.

[From the Washington Times, Aug. 5, 1987]

Mubarak Puts Emphasis on Private Investment

(By Martin Sieff)

Egypt President Hosni Mubarak is turning away from a generation of socialism to free enterprise to solve Egypt's economic ills.

Egypt's new Five-Year Plan for 1987-1992, launched at the beginning of July, has set aside $17 billion, or 50 percent of its goals, to be realized through private investment.

The plan almost doubles projected investments by the private sector to 45 percent from 23 percent in the last Five Year Plan.

"What we are saying is that we have a comprehensive program for reforming the Egyptian economy . . . to give it strength to grow," said Dr. Salah Hamid, governor of the Central Bank.

A major incentive, he said, was to remove import favors and other perquisites that now give public companies a competitive advantage.

Yussef Butros Ghali, Mr. Mubarak's chief economic adviser, compared the Egyptian package to President Reagan's "supply-side economy" concept of strengthening business to enable it to pump new money into the economy.

"If you have higher income, you have higher taxes, you have higher revenue," Mr. Ghali said. "One of the ways is to promote growth within the economy so as to generate more resources to be transformed to the [national] budget."

The International Monetary Fund seems convinced. It agreed in mid-May to provide special drawing rights worth about $325 million to alleviate Egypt's balance-of-payments deficit. Then the country's main creditors, led by the United States, rescheduled about $12 billion in debts falling due in the 18 months ending June 30, 1988.

"We're creating incentives for the people to produce more, export more, consume less and import less," Osama el-Baz, Mr. Mubarak's chief political adviser, has said. "We are determined to . . . give more incentives to Egyptians as well as foreign investors."

Mr. Mubarak and his advisers have been impressed by the successful record of multinationals in Egypt.

Union Carbide's plant there has the corporation's highest productivity in the world. It has surpassed the record of the Singapore plant and produces 6 million trucks and buses a year.

"It produces at a higher rate of production than Detroit and just below the rate of the Opel plant in Germany," one expert said.

General Motors is currently looking for its second project in Egypt, to produce a passenger car for the Egyptian domestic market. "It is a captive, very big market," one analyst said.

Proctor and Gamble "are now running three shifts a day [in their Egyptian plant] in Crest toothpaste production and are doing more business than they can supply," another expert said.

Mr. Mubarak is also aware that socialism has failed to solve the country's horrendous economic problems.

Since 1961, public-sector capital investment has swallowed up 98 billion Egyptian pounds—$45.2 billion at official rates of exchange but, in fact, worth much more. In the last two years, the country's strapped economy has caused de facto currency devaluations totaling 160 percent, including 61 percent in the current bailout package.

Even when President Anwar Sadat switched Egypt from the Soviet to the American diplomatic orbit in the mid-1970s, he retained the socialist bureaucratic controls over the economy established in the 1950s by President Gamal Abdel Nasser.

In 1971, Mr. Sadat laid down in the country's basic law: "The people shall control all means of production and will channel the surplus in accordance with a development plan laid down by the state."

In line with that, the government set up companies over the years for the manufacture of everything from catsup to jet fighters and from paint to refrigerators.

But Mr. Sadat failed to make any real impact on Egypt's economic problems, despite his initial success in attracting foreign investment. Now Mr. Mubarak has decided he can no longer afford to carry this socialist economic heritage.

Egypt today faces a foreign debt of $38.6 billion, an annual trade deficit of more than $8 billion and a global oil recession affecting Egypt's three main sources of foreign exchange.

In 1985-86—even before a sharp drop in income from Egyptians working abroad, oil exports and interest consumed more than half the hard currency the country took in.

With a population of more than 50 million and a soaring birthrate, Egypt faces a projected population of 100 million by 2010—still living on only 4 percent of the land. Half its population is now under the age of 20, and the capital, Cairo, has a population of 14 million, and still growing.

The new policy will not solve these problems without dislocations. Observers say that Egypt's official machinery for approving business investment still needs to be streamlined.

They also note the new policy will mean higher food prices. A creeping deregulation of food prices is already under way. But when Mr. Sadat tried to cut bread subsidies too quickly in 1977, his government was rocked by fierce riots.

If the free market policy causes hardship in the short-term, it will swell Egypt's powerful grass-roots Islamic fundamentalist movement that already looks to Ayatollah Ruhollah Khomeini's Islamic Republic in Iran for inspiration.

But if the problems of Egypt's socialist economy were left untackled, poverty would continue to grow amid a booming birthrate, and an eventual fundamentalist explosion would be inevitable. That is why Mr. Mubarak now has decided to grasp the nettle of economic reform.

SANTA ANA, CA, ONE OF THE 10 BEST PLACES TO LIVE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. BADHAM. Mr. Speaker, I am pleased to tell my colleagues today about an accomplishment of one of the communities I have the honor to represent. In this month's issue of Money magazine, Santa Ana, CA, is listed as one of the 10 best places to live in the United States.

Let me give you a sample of what the magazine said about Santa Ana:

> Development in Santa Ana's ethnically diverse downtown (44 percent Hispanic) is booming: Half a dozen major projects are under way, including Main-Place, a $400 million, 100-store mall, hotel and office complex; and MacArthur Place, a $600 million urban village of homes, hotels, offices and public areas. * * * This region (population 2,317,800) will have the third largest increase in employment, behind Los Angeles and Washington, DC, by the year 2010, according to the National Planning Association. * * * In addition, last year, 10 percent of California's entrepreneurs, mainly in high-tech and light manufacturing, opened businesses or announced plans to do so in Orange County.

Mr. Speaker, clearly southern California is a nice place to live because of the weather and the nearby beaches and mountains. But it takes more than geography to make Santa Ana a special place. There are people there who are committed to improving their neighborhoods and their city. The people of Santa Ana have a right to be proud of their city and their work. I salute those people today.

NATIONAL GERMAN-AMERICAN DAY

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, I rise today to draw my colleagues attention to a very important resolution that officially designates October 6, 1987, as "National German-American Day." House Joint Resolution 180—Senate Joint Resolution 108—passed the House of Representatives on Thursday, August 6, 1987, and is now on its way to the President to be signed into law.

I introduced this legislation on March 10, 1987, and have worked with the German-Americans in my district and across the country in an effort to obtain the necessary number of cosponsors in the House. During this time, I was both impressed and encouraged by the dedication of our German-Americans. Pride in their heritage and commitment to future success provides a contagious energy that serves as an inspiration to all.

German-Americans represent one of the largest ethnic communities in the United States, and this resolution recognizes the cultural contributions made by these outstanding people over the past three centuries. Since the first German immigrant arrived in this country, United States citizens of German ancestry have grown to an estimated 52 million.

I am honored to have been able to introduce this legislation that has received such overwhelming support—well over the number of cosponsors necessary—in both bodies of Congress. This is truly an important sign of recognition and appreciation from the U.S. Congress to German-Americans across the country.

CONGRATULATIONS TO THE CITY OF TOLEDO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1987

Ms. KAPTUR. Mr. Speaker, this year the city of Toledo proudly celebrates its sesquicentennial year. On January 7, 1837, Toledo was incorporated as a city within the State of Ohio.

Since that time Toledo has grown from a community of 2,000 to over 350,000 strong. The pioneering spirit which developed Toledo from an early settlement to an industrialized and urbanized center is still alive in this city. The focus of this "spirit" is now the revitalization of the community.

The early settlers would stand in awe of the growth, commitment, energy, and vitality evident in Toledo 150 years later. This progress and advancement has been made possible by a strong public and private partnership formed through the years.

I ask my colleagues in the House to join me in extending sincere congratulations to all the citizens of Toledo during their sesquicentennial celebration.

SENATE—*Wednesday, September 9, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable BROCK ADAMS, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths.—Proverbs 3: 5-6

Gracious Father in heaven, as we begin this final period of the 1st session of the 100th Congress, we express our gratitude for the blessing of the last 4 weeks—for time with family and friends—for safety in travel—for plans accomplished and work done—for rest and renewal. Help us to trust Thee for guidance in these final weeks. You know the future, Lord. We do not. You know better than we how critically dangerous these days are.

Sovereign Lord of history, grant that this 1st half of the 100th Congress will achieve significance commensurate with its bicentennial. Save it from being a preoccupation with an election more than a year away. Inspire and motivate the leadership of our land to make this bicentennial year not only a celebration of the past, but a mandate for the future. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 9, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BROCK ADAMS, a Senator from the State of Washington, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. ADAMS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER THAT NO MOTIONS OR RESOLUTIONS OVER, UNDER THE RULE COME OVER, AND WAIVING THE CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule come over and that the call of the calendar be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the first hour today be utilized in morning business, and that Senators may offer bills and resolutions and may make speeches on any subject of their choice for not to exceed 5 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

ORDER FOR EXECUTIVE SESSION AT 11 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that in the second hour, the time be equally divided between the distinguished Senator from Rhode Island [Mr. PELL] and the equally distinguished Senator from North Carolina [Mr. HELMS], and that the Senate go into executive session at the close of the first hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 o'clock today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the cloture vote is set for 2 o'clock.

SENATE AGENDA

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his prayer today. Speaking as one Senator, I got a little rest during the August break. I made several trips back to West Virginia and enjoyed going to those mountains, the land of my heart's desire where one may "hear the wind laugh and murmur and sing of a land where even the old are fair and even the wise are merry of tongue."

Mr. President, I also compliment the pastor of our little flock here when he speaks of going home at the end of the year's session after having accomplished something. I look forward to these next several weeks with optimism. I believe that we all realize that there is much work to be done and that we all want to go home with some sense of accomplishment at the end, feeling that we have earned our keep and that we have attended to the business of the Nation.

THE CONGRESS AND THE PRESIDENCY: A NEW PARTNERSHIP?

Mr. BYRD. Mr. President, Congress begins its fall session we see a full agenda. The nomination of Robert Bork, the budget deficit, the trade bill, the debt limit, Contra aid, and the potential of an arms control agreement are high on our agenda. These are not the only issues. Catastrophic health insurance, airline safety, welfare reform, campaign finance are also significant issues that demand attention.

The newspapers are full of forboding about this fall term of the Congress—stalemate, partisanship, filibuster, and conflict seem to be the words most often used to describe our work in the coming months. I am not so pessimistic.

It is clear that the Congress has a great deal of work to do. We will be here at our desks for more than just a few weeks.

Congress may be in session well into November and could be in session even through December.

I had a little discussion with the distinguished minority leader this morning and I think we both feel that if we work together and work hard enough, put in our days, Tuesdays through Fridays, and occasionally, unfortunately, perhaps, a few Saturdays, we will be able to get this work done. If we can have our Members stay in attendance so that we have a full complement of Senators on both sides at all times to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

answer the call of duty I think we will be able to work the people's will.

It is the normal pace of Congress recently in off-election years that it be in session into November, sometimes into December.

I am modestly optimistic that the Congress can attend to the work at hand if it has the cooperation of the White House and the minority. As we all know the politics of confrontation is good for headlines but makes for little real legislative progress. The Congress wants to have a positive run at the finish line. I think Members, on both sides of the aisle, want to go home with some sense of accomplishment—with a belief that they have earned their keep and moved the country forward.

Our agenda is as brief as it is strong—ensure America's security in the world, protect our citizens from the unexpected and the dangerous, build for America's future. It is a positive and practical agenda that can be accomplished if we do not let political passions get the best of us most of the time.

Clearly, Members on both sides of the aisle want their political party to have the advantage going into next year's election. But more often than not the sum total of partisanship is neither good for the country nor good for either political party.

Franklin D. Roosevelt said it most appropriately when he said that "the future lies with those wise leaders who realize that the great public is interested more in government than in politics."

The American people want solutions to their problems. They want to be sure that the airlines they fly are safe. They want to be sure that their parents do not lose all their savings because of an illness. They want to be sure that America is competing overseas, that we have a trade policy that works.

They want to believe that the Government will respond quickly and efficiently to the unexpected and the dangerous—whether it is a toxic spill or AIDS. This feeling of being protected and having some sense of security about their future and the future of their children should be the touchstone for our deliberations.

For the past 10 months American political life has been dominated by the Iran-Contra affair. It has not been a happy time for America.

Our Nation's foreign policy has been in turmoil for months, and American sailors in the Persian Gulf must now worry about being attacked by the nation we have just recently helped to arm.

Last, but not least, the Iran-Contra episode strained the already tenuous relationship between the Congress and the White House. Despite the fallout from the Iran-Contra affair, the President and the Congress must still find a way of living together, a way of developing a proper and positive relationship that fosters trust and confidence. Since the Democrats won back control of the Senate, the President's relationship with the Congress has gone through various stages of coolness, bluster, and bravado.

But now we have a new opportunity for progress. It is my hope that the White House will see this time as an opportunity to shift away from a political strategy of confrontation and veto. The President's willingness to support the new Central American peace initiative last August was a first sign that the President may be sincere in this effort.

But the skepticism that many Members of Congress have toward the administration will not dissipate overnight. They are wary, and rightly so, of the cosmetic bipartisanship that is not backed by tangible and concrete changes in the administration's basic attitude. What, then, will be the real tests of a new relationship between the Congress and the President?

One of the first tests will clearly be the issue of peace in Central America. The framework for an American consensus on Nicaragua and Central America has always been clear. Make a serious effort to use diplomatic means to end the conflict. Ensure that America's security interests are protected in the specific, that Soviet offensive weapons are not based in Nicaragua. Support regional economic development and human rights. Do not send American soldiers to fight and die in the jungles of Nicaragua.

For 6 years now, Congress has been debating the issue of what to do about Nicaragua. The Congress' on-again-off-again votes on aid to the Contras reflects the deep division and unease that the American people have about an administration policy, that has to date, only tried the military option.

There will be continued and growing bipartisan support for the new diplomatic option if it is a good faith effort. This effort must come from both sides—the administration, Mr. Ortega, and the other Sandinista leaders. The administration must continue to show flexibility and not revert to its old habit of putting on its ideological blinders. The current leaders of Nicaragua must also show a new flexibility—they, too, must pass a critical test of good faith if the peace initiative is not to be stillborn.

A second major test will clearly be the budget deficit. The budget deficit exists because of the President's continuing economic policy of borrow and debt. The President talks about the Democrats as taxers and spenders. But the Nation's current economic problems are a direct outgrowth of the President's policy of borrow and debt. The deficit is now over $150 billion for this year alone. Our Nation's debt has doubled to over $2 trillion during the present administration's tenure.

The budget proposed by the Democratic Congress is a start at ripping up our national credit card. Congress is now at work on strengthening the Gramm-Rudman legislation to ensure that deficit reduction is a priority of not just the Congress but also the administration. We need cooperation from the White House—not hollow demands that the Congress vote on a balanced budget amendment to the Constitution which would take years to ratify. That would be running away from the problem, while fooling the people in the meantime. Congress has proposed a budget. What we need is the political will of the President to support this plan. Getting the President's cooperation on the budget deficit is, for many Members of Congress, the critical test of whether or not the new attitude of cooperation in the White House is real or simply another new political facade.

A third test will be the President's willingness not to veto the trade bill that Congress will send him. Congress has worked hard to develop a trade bill that strikes a balance and provides a mechanism to get our trade deficit down. It is neither protectionist, nor for that matter, is it as open as the administration would like it.

Nevertheless, the trade bill now in conference is a consensus piece of legislation that fundamentally improves our ability to compete overseas. If the President decides to veto this legislation, it will not be a hopeful sign for the prospects of bipartisanship.

The ultimate issue is one of trust. If the administration is truly willing to work with the Congress, to listen to the good advice of the Congress, one significant sign of this new willingness will be to end the filibuster of the defense bill and to allow it to come up for a vote.

Filibusters have their purpose in the legislative strategy of every Senator and the leaders on both side of the aisle. I know how to keep one going as does the minority leader. But they have been used by tradition and practice for the exceptional rather than as a common part of the legislative process. Yet, we are seeing it used more and more as the rule rather than the exception. It is my hope that the minority will move away from the delay of filibusters and cooperate as it has in many instances and as it still can. And when the minority cooperates with the majority in pushing the schedule and program along, we make progress, and we can do that in the remaining weeks. I am optimistic that we will get that kind of cooperation from the minority because, as I say, we all know we have work to do, that we are going to be held responsible for getting the work done.

So, Mr. President, in the next 3 months Congress looks for credible steps by the administration to develop a real working relationship.

We are willing to put aside our "skepticism" to work with the administration, if the administration is willing to make an across-the-board good faith effort.

The agenda and the creativity of the Congress remain unabated—deficit reduction, catastrophic health insurance, arms control, welfare reform, air traffic safety, campaign finance reform, and a truly bipartisan foreign policy, all are items that the Congress seeks to address with the help and cooperation of the President.

Mr. President, I beg the pardon of my colleagues for taking so much time. I express the hope that they have all enjoyed some respite and have returned to their duties with new inspiration and determination to come to grips, take time by the forelock and deal with the Nation's problems. I commend the distinguished Republican leader. I have been reading about his travels. As Thoreau said, "I have traveled a great deal in Concord." I can say that I have traveled a great deal in West Virginia during the past several weeks. I am glad to see the Republican leader back, looking so well, and hale and hardy from his journeys. I have a feeling he is all sparked up and ready to grapple with the problems of the Senate and that we are going to be able to achieve a fine record of bipartisanship as we come to the end of the way.

I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the distinguished majority leader.

I would be very pleased to yield to my colleague from Wisconsin, who made a very profound statement during the recess. As I said in Wisconsin, Senator PROXMIRE is unbeatable. And as a Republican, I took a little bit of heart in the announcement. But I must say, he is a remarkable gentleman and an outstanding Senator.

SENATE AGENDA

Mr. DOLE. Mr. President, I also want to indicate to the majority leader that I do not disagree with anything that I heard him say this morning, except perhaps his comment about delay, because I do believe that we can have a pretty good year.

We can have a good record. I am going to try to encourage my colleagues that with respect to appropriations bills, we ought to bring them up and pass them. It does not take that long, if people are willing to let matters come to the floor.

I think there are really only two basic areas where we have a problem, and one is defense authorization. I am not certain that that can be resolved. But, if not, it is my understanding that the votes may be there to invoke cloture the next time we vote on it. I would hope it could be resolved.

The only other matter where I think we have had some fundamental difference of views between Democrats and Republicans, has been campaign finance reform. I find everybody is for campaign finance reform, but it is not always for "that" kind of campaign finance reform. I will be introducing a bill later today that I believe really is campaign finance reform.

I do not know of one Senator, on either side, who does not want to find some solution to what has become a real problem. Maybe it is too much to hope for, but perhaps that matter can be resolved.

As to the other issues listed by the majority leader, I would hope we could get a time agreement on catastrophic coverage. There were a number of objections raised before the recess, primarily because of one provision on prescription drugs. Many Members on this side felt that if they had the recess, they might be able to resolve some of those problems. I believe the distinguished chairman of the Finance Committee, Senator BENTSEN, will make a request to bring the bill up, and we will do our best to see if we can help on that.

Contra aid, I guess, depends on when the President makes the request.

Of course, we must deal with the debt ceiling, which I believe expires on September 23, and the whole Gramm-Rudman-Hollings problem that goes with it. That could take some time.

I indicate to the majority leader that, so far as I know, everyone on this side is willing to cooperate. As the majority leader knows, sometimes you just cannot make it happen. There may be a problem, there may be a legitimate problem, and sometimes cooperation is not possible. But in every case that we can, he has the assurance of the Republican leader that we will try to cooperate.

In any event, we will be making every effort to do that.

I would hope that later this morning, if there is no objection, we might introduce a resolution commending Alf Landon, who is celebrating his 100th birthday today, and whose daughter, Nancy, is a Member of this body.

I was in Topeka, KS, on Sunday when the President stopped there and sang Happy Birthday to Alf Landon. We hope to be able to get an agreement to take up that resolution within the next hour and have a voice vote.

Beyond that, I suggest to the majority leader that we are back, ready to go to work. I do not believe we will have any objection from this side.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for his reassuring remarks.

I will be happy to cooperate with respect to the resolution commending Alf Landon, the father of our distinguished junior Senator from Kansas.

I believe there is another resolution on the calendar which we want to dispose of today, the ethics resolution.

If we can dispose of the Melissa Wells nomination, we will also go to the judgeship nomination of Judge Sentelle.

So there should be several rollcall votes today.

I again thank the Republican leader.

GOOD ADVICE FROM A TOUGH, FORMER CIA CHIEF ON ARMS CONTROL

Mr. PROXMIRE. Mr. President, people who have headed this country's Central Intelligence Agency, the CIA, understand, as few others do, the limitations and the dangers of a naive reliance on arms control for the security of our country. So let's consider the arms control views of a real CIA expert.

William Colby was one of this country's most respected CIA Directors. He wasn't a political appointee. He wasn't a man who came to the CIA for a few years in the course of another career. William Colby devoted 25 years of his life to the CIA. He was a career intelligence expert. For 3 years, from 1973 through 1976, he headed the CIA. Recently, Common Cause magazine interviewed Mr. Colby. What this hard-nosed, tough-minded CIA Director had to say about the role of arms control in our national security should make Senators sit up and take notice.

First, Mr. Colby has a chilling understanding of the appalling dangers we live with in this nuclear world. He tells of monitoring SALT I. He inspected a missile site in North Dakota. He describes going down into the site. On one side of a large room is a young officer with a key to launch a huge nuclear missile. On the other side is another young officer with a similar key. They can't touch each other. They both must act in concert to send their missile on its way. Colby's reaction to this scene was to think of two other young officers who were probably sitting in a very similar room somewhere in the Soviet Union with an equally big missile, maybe bigger, pointed at Chicago. His reaction: "How dumb this is." Colby says, I know unilateral disarmament doesn't work. I know you can't do this through sweetness and light. So what do we do? Colby's reaction: SALT—and particularly the ABM Treaty—is exactly the way to do it. "You avoid a threat by mutual agreement." He said our ABM Treaty saved us $100 billion or more, which wouldn't have made us any safer.

Mr. President, the critics of arms control have one prime, unchanging argument against reliance on arms control. They say arms control won't work. Why? Because they say we can't trust the Soviet Union to comply with the agreement. These critics charge: "They'll violate every treaty any time violation is in their interest." So, how about it? There are few, if any, Americans who are better qualified than former CIA Director William Colby to speak to us on Russian compliance or violation of treaties. He had devoted 25 years of his life to serving our country in developing intelligence in precisely this kind of area. If anyone can give us a realistic assessment of the Soviet record—in fact, not in theory—on violation of arms control agreements by the Soviets, it is William Colby. So what does this premier intelligence expert tell us? Listen to Colby:

> The verification problem (of being able to verify that the Soviets are complying with arms agreements) has been used as the reason not to conclude a whole series of potential arms control agreements, and I think falsely * * * We do a darned good job * * * thanks to a huge improvement in intelligence.

Mr. President, here is the crux of the arms control problem. The one sure way to discredit the arms control process is to destroy the confidence that we can verify Soviet compliance with our treaties. Do that and you kill arms control. Only those who have a naive faith in unilateral disarmament will support a policy that means we limit our nuclear arms by complying with the treaties we sign while the Soviets pay no attention to any agreement and secretly build a superior nuclear arsenal. But when a man with William Colby's intelligence credentials—and there are none better—tells us that we know, not presume, know—I repeat, know—that the Soviets are complying with arms control agreements, we can understand why Mr. Colby tells us that arms control is exactly the way to go in this terribly dangerous nuclear world.

Listen to the depth of William Colby's conviction on arms control. He says:

> I spent a lot of years worrying about the security of my country against all sorts of things, from Nazis to Communist guerrillas in Vietnam to North Vietnamese forces in Laos, to nuclear weapons. They're all of a piece. You have to figure out the right answer to each one. It seems to me the nuclear thing is perhaps the easiest one to reach an agreement on. It's not easy, but it's the easiest.

Mr. Colby, of course, concedes that the Soviet Union has, indeed, violated the ABM Treaty by building their radar system in Siberia. But he contends that this is no immediate threat to our security, that they have offered to tear it down, that if they had built it on their seacoast, it would have complied with the treaty. Finally, he says that if we had had any kind of relationship with them, they would have asked us for permission to build it. If they had asked, we could have said no. Or we could have agreed to amend the treaty to permit it. Instead, we have an issue of a meaningless Soviet violation of the ABM Treaty. And they have a radar that is useless.

Mr. President, if a man of William Colby's stature as an intelligence expert—a man who has spent his career in distinguished service to our country as head of the CIA—can tell us that arms control is so emphatically the way to go in this nuclear world, what are we waiting for?

RESOLUTION COMMEMORATING THE 100TH BIRTHDAY OF THE HONORABLE ALF LANDON

Mr. DOLE. Mr. President, I have discussed this resolution with the distinguished majority leader. I ask unanimous consent that the Senate proceed to the consideration of the resolution with reference to Alf Landon, which I send to the desk, on behalf of myself, the distinguished majority leader and Senators BOSCHWITZ, COHEN, COCHRAN, DANFORTH, and PRESSLER.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 280) commemorating the 100th birthday of the Honorable Alf Landon.

S. RES. 280

Whereas Alf Landon, former governor of Kansas and 1936 Republican nominee for President, is celebrating his 100th birthday on September 9, 1987;

Whereas Alf Landon remains the voice of wisdom with a unique perspective of American political history as the grand old man of the GOP;

Whereas for over 50 years his strong character, integrity, prairie populism, pragmatism, and leadership have brought politicans, representatives of business, industry, and labor, as well as professors and students, to his home to seek advice;

Whereas his record as governor of fiscal accountability and balanced budgets continues to set a good example of executive leadership;

Whereas in 1936 he was a man ahead of his time, forcing Americans to realize the dangers of inflation and uncontrolled government spending;

Whereas he has dedicated much of his life to the development and education of young people;

Whereas his life remains an inspiring example of productivity and generosity as he continues to be one of our most respected citizens and former politicians;

Whereas he has earned himself a permanent niche in American history as a statesman, politician, businessman, counselor, sportsman, and friend; and

Whereas Alf Landon to this day is a living legend in the GOP at the age of 100: Now, therefore, be it

Resolved, that the Senate hereby commemorates on September 9, 1987, the 100th birthday of the Honorable Alf Landon and extends to him affectionate greetings and best wishes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, September 9, 1987, represents a remarkable milestone for a very outstanding American. In Topeka, KS, today a legend in American politics celebrates his 100th birthday—he is Alf Landon, a visionary statesman, a one-time Presidential candidate, a Governor, and a voice of common sense and great wisdom for many generations.

His lasting influence in American politics continues right here in this Chamber in the person of his very able daughter—equally remarkable in her own right—the distinguished Senator from Kansas, NANCY LANDON KASSEBAUM: My colleague, my fellow Kansan, and my good friend. NANCY is probably the most popular figure in Kansas politics next to her father. She is a very good legislator, very independent, and I am very proud to work with her in this body.

Today, she is delivering the Landon lecture at Kansas State University. This is a very prestigious lecture series in honor of her father, and she is the major speaker today in Manhattan, KS.

PRESIDENTIAL VISIT

This past weekend, President Reagan and First Lady Nancy fulfilled a promise they made to the Governor 3 years ago on a visit to Kansas. When Alf Landon hit the centennial mark, they wanted to be there to help cut the cake. At the time, Alf simply told the President: "You look to be in pretty good shape, I think maybe you can make it."

Mr. President, I was honored to join the President and the Landon family for this very memorable birthday party in Topeka on Sunday. Take it from one who knows, it isn't easy for any Kansas politician to follow in the huge footsteps of Alf Landon. But he was always there—and still is there—to lend his support, his counsel, and good wishes. He has been a personal inspiration to me and an example for all of us to follow. As President Reagan said so eloquently on Sunday:

> In 100 years, Alf Landon has chased many dreams and caught most of them. Along the way, he's found time to stand for the American values of liberty, democracy, and opportunity. And no one is more this living soul of Kansas, which to me means a quiet

strength and the simple decency of all America.

Governor Landon continues to exercise great political instincts. In fact, when I went in to say hello to him on Sunday, he wanted to know if I had a chance to meet everybody in the room. I said, "Governor, I not only met everybody in the room—I have been out on the grounds shaking hands with people." It was nice of him to look out for my political prospects in the middle of his festivities. He understands that if you are in politics, you have to be out there talking to the people. And he's always been right about that.

He was the Republican nominee for President in 1936, but he had the misfortune of running into an insurmountable obstacle—namely Franklin D. Roosevelt. He may only have carried two States, Maine and Vermont, but the historians now recognize that Alf Landon was a man who was way ahead of his times. He is remembered with affection by members of both political parties. I know that both Democrats and Republicans continue to seek his advice and stop by to visit him when they happen to be in Topeka. He is still very responsive and alert.

STRONG LEADERSHIP

Perhaps the Governor is best remembered for his strong leadership in tough economic times. This is why national party leaders were attached to him in 1936. During the Depression, while the Federal Government was engaged in some heavy spending, incurring enormous debt, Governor Landon introduced a bare-bones budget for his State and proceeded to balance it, setting a good example for the Federal Government. He began by implementing an across-the-board cut of 24 percent that extended to his own $5,000 a year salary and expenses of the Governor's mansion. When the legislature refused to cut the Govenor's salary, he simply mailed back a 25-percent refund from each of his paychecks.

Because of his popularity and strong leadership, Landon served two terms as Governor of Kansas, from 1933-37, and introduced more sweeping changes in his first term than the State had witnessed since the populists took over in 1890. By the end of his first term in 1934, Governor Landon had managed to reduce the State per capita cost of Government from the previous $71 5 years before to $51. This is the kind of fiscal leadership that we need today—a new dose of Alf Landon medicine. Even though the context may have changed, the issues that he fought so hard for back then are still with us today.

CONCLUDING REMARKS

Mr. President, I know my colleagues will join me in wishing Alf Landon a happy 100th birthday, and they can do so by joining me in the official Senate resolution I am now offering. I appreciate this action taken by the Senate, and ask unanimous consent that a number of articles commemorating Alf Landon, along with the remarks made by President Reagan last Sunday, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT AT THE HOME OF ALF LANDON

TOPEKA, KS

Governor LANDON. It's a great day in my life, and it's a great day in the life of all of us to have had the privilege that we have today of meeting the President of the United States and Mrs. Reagan. I give you now the President. (Applause.)

The PRESIDENT. Well, Governor Landon, Mrs. Landon, Governor Hayden, Senator Kassebaum, Senator Dole, Mayor Wright, ladies and gentlemen: I can't resist saying this—you don't know what a joy it is for a fellow like me to go to a birthday party for someone who can, in all honesty, call me "kid." (Laughter.)

Today we celebrate—I know it will actually be in just a few days—but we're celebrating Alf Landon's first century, half the life of our nation since the framing of the Constitution. As you know, it seems right to me that Alf Landon was born in the centennial year of the Constitution and is now part of its bicentennial year.

And after all, you ask what the America that our Constitution created is, what it means, and you'll get back many answers. For example, America means a dream and the freedom to chase that dream. America means government of, by, and for the people, in a land where the sacred soul of humanity is not only respected, but revered. America means justice under law. It means peace and decency. It means a bright Kansas sun rising over fields that hard-working, broad-shouldered farmers have planted with prayers and plowed with hope.

But the funny thing is that no matter what you say when you talk about America, you'll also be saying something about Alf Landon. In one hundred years, Alf Landon has chased many dreams and caught most of them. Along the way, he's found time to stand for the American values of liberty, democracy and opportunity. And no one is more the living soul of Kansas, which to me means quiet strength and the simple decency of all America, than Alf Landon.

Now, Governor, you preceded me by a bit as our Party's nominee for President and I had a little better luck. Well, I also had better years and an easier field. But no one ever did prouder as a candidate by his party or the nation than you. When it was out of fashion, you warned of the dangers of too much government and too much government spending.

Recently, I was reminded that on your 90th birthday you said that credit cards are the worst things that have happened to our country; they encourage people to spend money they don't have. Well, don't spend money you don't have. I just wish I could get you to come back to Washington and help me drum that message into the Congress. (Applause.)

But I guess the next best thing to having you in Washington is having a chip off the old block. (Applause.) I know you're proud, just as I'm grateful, that Nancy is in the Senate. She's doing a great job. So this—(applause)—so this is my birthday message. It is that all Americans are thankful for what you have meant to our country.

And now, before I wax so eloquent that no one can stop me, I'll break off here just saying, Alf, happy birthday and God bless you. (Applause.)

("Happy Birthday To You" is played.)

The PRESIDENT. I know the time has come to leave, but I just couldn't help but tell you a little experience. I have met the Governor on his—on a previous birthday sometime ago and I expressed the wish that I could meet him again on his 100th brithday. He looked me up and down; he said, "You seem to be in pretty good shape. I think maybe you can make it." (Laughter and applause.)

ALF LANDON—GOP'S GRAND OLD MAN NEARS 100

(By John C. Braden)

TOPEKA.—Alf Landon's getting a little cranky these days. It's as if, nearing his 100th birthday, he figures he's entitled.

"Now listen, that's not the way to put a question about the President of the United States," Landon growled at a reporter in an interview.

Landon should know. In the 50 years since his unsuccessful challenge to President Franklin Roosevelt's second term, Alfred M. Landon has been asked more about presidential politics and policies than most folks.

A spring chicken by comparison, 76-year-old President Ronald Reagan arranged to visit Landon at his vast west Topeka mansion today in recognition of the former Kansas governor's birthday, Sept. 9.

The visit is to substitute for Reagan's 1982 pledge to fly Landon to Washington in Air Force One on his 100th birthday. The frail party partriarch's health would not permit the trip.

Kansas lawmakers Saturday passed resolutions chronicling Landon's lifetime achievements and call him "a great citizen whom all Kansans, young and old, can admire."

When asked about the upcoming presidential visit, Landon said he was getting ready, but planned "nothing big."

"I'm going to do just what he says and what he asks and thank him for his visit," the 1938 GOP nominee said.

He snorted at the idea of giving advice to the president.

"I will have no particular advice for him or any other man on that day, nor woman either," he said.

The inclusion of women in high-level political circles has come to be accepted by Landon, since his daughter, Sen. Nancy Kassebaum, R-Kan., is well into her second term.

Kassebaum will stand in for her father on his birthday Wednesday, delivering a Landon Lecture at Kansas State University.

In the 76th speech on public issues in the lecture series, Kassebaum is to review her father's 1965 speech inaugurating the series, and its relation to events of the following 20 years. She also is to discuss domestic and international challenges in the next 20 years.

Although he is known for his candid opinion on nearly every political subject in the world, Landon is reluctant to express himself freely these days. With the loss of much of his eyesight and hearing in recent years, the once-voracious reader has been cut off from most world events.

There was frustration in his voice as he replied to a question about his concern for increasing military involvement in the Persian Gulf.

"I think there might be some concern about it, but, going on 100, I can't keep track of those things," he said. "I can't read at all."

Likewise, he shied away from prognostications about the presidential race, a traditional topic for discussion.

"With my hard hearing and bad eyesight, trying to keep track of what's going on in that highly important field—I just don't have the acquaintance with the different candidates to answer that," he said.

Instead, he asked the reporter his opinions on the subject. Landon has used that tactic to test the political waters in years of conversation and correspondence with friends in politics and journalism the world over.

And, he admitted with a grin and a chuckle, he's never had a shortage of opinions, once he's collected the facts.

He laughed again when asked one of those 100th birthday questions: "What is the proudest accomplishment of your lifetime?"

Then, he paused for a moment, turning serious and weighing his words carefully.

"Marrying Mrs. Landon," he replied.

An independent oil man for most of his life, Landon was a young Republican activist from Independence. He joined Theodore Roosevelt's Bull Moose split from the GOP in 1912 and again defected from the Republicans in 1924 to support the anti-Ku Klux Klan campaign of his friend, Emporia newspaper publisher William Allen White.

Landon's career reached its zenith in 1936, when the United States was in the depths of the Great Depression and Adolf Hitler was considered nothing more than a tin-pot dictator.

As the only Republican governor elected in 1934, Landon was known as the "Old Budget Balancer," who initiated the Kansas "cash-basis law" for state government, still in effect today. He seemed an ideal party standard bearer to fight Roosevelt's bid for a second term.

The Landon campaign condemned the Democratic administration's inability to deal with the Depression, warned against growing presidential power, and expounded fiscal principles still urged today.

Nevertheless, his drive ended in crushing defeat. Landon lost by almost 12 million votes in the Roosevelt landslide.

The Republican nominee never sought office again. Instead he returned to Topeka and built the mansion where he and his wife, Theo, still reside. For many years he concentrated on managing his oil operation and a chain of radio stations, while maintaining correspondence with political cronies, old and new, and speaking out occasionally when he thought circumstances warranted.

REAGANS' VISIT GIVES LANDON ANOTHER LANDMARK IN LONG LIFE

(AP Topeka correspondent Lew Furguson was the only newsman invited to be among guests inside the Landon home when President Reagan visited Sunday.)

(By Lew Ferguson)

TOPEKA.—It was, Alf Landon said, a day to remember in his memorable life.

It ranked with the day Republicans nominated him for president in the summer of 1934, and it ranked with the November day in 1978 when Kansas voters elected his daughter, Nancy Kassebaum to the U.S. Senate.

President Reagan came calling Sunday, paying tribute to one of America's most enduring political personalities, Alfred Mossman Landon, the man Democrat Franklin Roosevelt crushed in the 1936 presidential election.

"My God, what a day!" a moist-eyed Landon told two friends after the president had gone.

The old man was magnificent, considering the infirmities of age. He will be 100 years old Wednesday. His eyesight is such that he must squint to recognize people even after they identify themselves. His hearing is so faded—and he refuses to wear a hearing aid—that people must almost shout to be heard.

Hours before President and Nancy Reagan's arrival, he fretted about not being able to see and hear well enough to greet the president. He did fine.

"I know it's a historic event to a lot of people," he said. "I'm just glad I made it (to 100) so we could have a party like this for the people."

About 25 relatives, including his wife, Theo, three children, Kassebaum and another daughter, Peggy Mills of Topeka, and son, Jack Landon of Colorado Springs, and an equal number of invited guests were inside the Landon home. The relatives included 10 grandchildren and nine great-grandchildren.

The invited guests included U.S. Sen. Bob Dole, Gov. Mike Hayden, former U.S. Treasurer Georgia Neese Gray, former Kansas publishers Clyde Reed of Parsons and Whitley Austin of Salina, former state Supreme Court Justice Robert Kane and University of Kansas Vice Chancellor Del Brinkman. Accompanying Reagan were White House Chief of Staff Howard Baker and Frank Carlucci, national security affairs.

Landon greeted the guests from an easy chair in the living room until 45 minutes before the President's arrival.

Reta Dwight, the Landon's housekeeper, helped him change from a gray sweater into a new dark blue blazer.

As the University of Kansas band struck up outside, signaling the arrival of the president, Landon's eyes brightened.

The Reagans were ushered into the Landon's living room, where Sen. Kassebaum positioned them in front of the fireplace for a receiving line to meet the guests.

As the Reagans departed, Landon went back into the house to rest, not for long. Curiosity about what was going on outside got the better of him.

He was helped back to the porch, where he thanked members of the KU band for coming and playing. An impromptu group sang "happy birthday" to him.

Then, with a wave of his cane, he smiled broadly and said, "I thank you all. It's been a great day."

HAIL FROM THE CHIEF—REAGANS JOIN CELEBRATION WITH LANDON

(By Al Polczinski)

TOPEKA.—Dutch Reagan paid Alf Landon a visit Sunday, and what a grand affair it was.

"This is a great day in my life," said Alfred Mossman Landon to hundreds of guests, visiting news media and more than 200 members of the University of Kansas marching band, all gathered on his front lawn.

Everyone had come to wish Landon a happy 100th birthday, although he won't turn 100 until Wednesday.

President Reagan was accompanied by his wife, Nancy. Sunday's party was prompted by a remark Reagan made five years ago when he was in Kansas to deliver his second lecture in the series named for Landon at Kansas State University.

Reagan had said to Landon that he wished he could be with him on his 100th birthday. Reagan recalled that Landon looked him up and down and said: "You seem to be in pretty good shape. I think maybe you can make it."

Reagan, indeed, did look well as he got out of his limousine to be greeted by Sen. Nancy Kassebaum at the steps leading up to the long front porch of her parents' home.

He waved to the crowd and acknowledged the KU band playing "Hail to the Chief" before he was led through the front door, over which a red-white-and-blue banner read, "Happy 100th Governor Landon."

Skies had been cloudy all morning. An overnight shower had cleaned the air, and the sweet fragrance of cedar wafted across the spacious lawn. It started to sprinkle just as the presidential limousine arrived at the Landon home, but that lasted only moments.

The presidential party remained inside for 17 minutes, greeting Landon family members and guests and posing for pictures. The Reagans then had a brief private chat with Landon.

After that, Kassebaum led her mother, Theo Landon, out onto the porch. Landon followed, walking slowly with a cane and leaning on the president's arm.

"It's a great day in the life of all of us to have had the privilege we've had today of meeting the president of the United States and Mrs. Reagan," Landon said in what sounded like a well-rehearsed speech.

"I can't resist saying this," Reagan said as he began his response. "You don't know what a joy it is for a fellow like me, to go to a birthday party for someone who, in all honesty, can call me 'kid.'" Reagan was 76 in February.

"Today we celebrate Alf Landon's first century—half the life of our nation since the framing of our Constitution," Reagan said. "It seems right to me that Alf Landon was born in the centennial year of the Constitution and is now part of its bicentennial year."

The U.S. Constitution, Reagan said, created an America where Americans could dream and offered them the freedom to chase their dreams.

"America means justice under law. It means peace and decency. It means a bright Kansas sun rising over fields that hardworking broad-shouldered farmers have planted with prayers and plowed with hope.

"In 100 years, Alf chased many dreams and caught most of them. Along the way, he has found time to stand for the American values of liberty, democracy and opportunity, and no one is more the living soul of Kansas, which, to me, means quiet strength and simple decency of all America, than Alf Landon."

Reagan was more successful than Landon when he ran for president, but conceded that he had better luck, a better time and an easier field. In 1936, America was in the throes of the Great Depression, and Kansas was in the grip of the Dust Bowl.

"But no one ever did prouder as a candidate by his party or his nation than you," Reagan said to Landon. "When it was out of fashion, you warned of the danger of too much government and too much government spending."

"I just wish I could get you to come back to Washington and help me drum that message into the Congress, but I guess the next best thing to having you in Washington is having a chip off the old block," he said, glancing over at Kassebaum.

Reagan said his birthday wish to the former two-term Kansas governor was: "That all Americans are thankful for what you have meant to our country. And before I wax so eloquent that no one can stop me, I'll break off here and just say, happy birthday and God bless you."

Then Nancy Reagan brought out the cake with a figure 100 on it. After Landon blew out the candle and was seated, Kassebaum served a piece of cake to the president. Two of Landon's greatgrandchildren served Nancy Reagan, Landon and Theo Landon.

Kassebaum later said both men appeared to have a sweet tooth. The president's cake was quickly devoured and he cleaned his plate with his fork before handing it back.

A few minutes later, the Reagans said their goodbyes.

Kassebaum said that having the White House set up operations for a 45-minute visit "is quite extraordinary, but they did it very well."

During their brief chat in the house, Reagan and Landon talked about the president's two previous lectures at Kansas State University in 1967 and 1982. Kassebaum said. "Dad told him how well he looked for all the problems he had and thought he was doing a wonderful job of providing leadership that was important right now," she said.

Landon also wished that some Republicans would listen to Reagan more often, she said.

"The President and Mrs. Reagan agreed, and I hoped they didn't mean me," she said.

[From the Wichita Eagle-Beacon, Sept. 6, 1987]

THANKS, ALF LANDON, FOR MAKING KANSAS A NAME THAT'S RESPECTED

More than any other person, Alfred M. Landon represents Kansas. Go north, east, west or south and speak the name of Landon, and people will think of Kansas. Speak of Kansas and its role in U.S. history, and people will think of Landon. In a very real sense, Kansas is Alf Landon, and Alf Landon is Kansas.

On Mr. Landon's 100th birthday this week, then, the people of Kansas will be celebrating more than the long life of a great man. They will be celebrating the life of their state and of their own role in it.

One of Alf Landon's more notable speeches in his four years as governor was his Kansas Day address in January 1936. The only Republican governor to have been reelected anywhere in the country two years before, and the only Republican to have been elected governor west of the Mississippi two years before that, Alf Landon already was attracting national attention with what he had to say.

Noting the accomplishments of those Kansans who had gone before, and what today's Kansans might learn from them, Mr. Landon said, "From thousands of prairie firesides is handed down this homely warning: 'Change does not necessarily mean progress, A social philosophy is not always bad because it is old, nor good because it is merely new.' . . . As did the pioneers, we must always keep alive the inner fire of individual conscience. We must subordinate material rewards and enthrone the things of the spirit. We need emphasis on common honesty, character and devotion to principle."

If one were to write the definition of a Kansas man or woman, it surely would include those attributes.

They were attributes that caught the eye of Richard Lloyd Jones, the late publisher of the Tulsa Tribune, as early as 1934. Shortly after, he began talking about Alf Landon as presidential material. Mr. Jones liked not only the Kansas governor's pay-as-you-go philosophy but his dogged independence. Though a lifelong Republican, Mr. Landon wore no faction's collar. He had bolted from the party regulars in 1912 to join Teddy Roosevelt's Progressive Party. He found good company in the Bull Moose ranks in the crusading Kansas editors of the time: Victor Murdock, Henry J. Allen, William Allen White and Arthur Capper.

Mr. Jones persuaded well-known author Frederick Palmer to write the book, "This Man Landon," that appeared in the spring of 1936. It was pure puffery, but it accomplished its purpose. With its publication, the name of Alfred M. Landon was known coast to coast, and Franklin D. Roosevelt had a viable opponent for the presidency in the 1936 campaign.

Soon the Kansas cash-basis law and Alf Landon's other accomplishments in Topeka were the topics of dining-room conversations across America. In Kansas, Mr. Landon had been known for calling five special sessions of the Legislature, more than any other governor in the state's history. Now the nation knew, as well, that here was a man of action, not willing to wait for the normal channels of government to take care of pressing needs. (A call for a single special session by Gov. Mike Hayden more than 50 years later was to meet quite a different response.)

One of the five special sessions was for the purpose of impeachment hearings for the state treasurer, attorney general and state auditor in the Finney bond scandal of 1933. Here again, the Kansas governor showed his mettle: the protagonists in the scandal, Warren W. Finney and his son, Ronald, were friends of the governor. Despite that, he didn't hesitate a moment in doing what was necessary. He declared martial law in the Statehouse, vigorously sought the prosecution of all who were involved, and thundered against those who would "give a black eye to the state's credit."

As Robert Smith Bader wrote in his 1982 book, "The Great Kansas Bond Scandal," it was the "hard-nosed and thorough handling of the affair by Gov. Landon—even though it required him to prosecute some of his closest friends and political allies," that helped propel him into a second term and, ultimately, the 1936 presidential race.

Americans listened with particular interest when the man from Kansas, announcing his presidential bid in late January 1936, declared: "The policy of condemning everything the opposition party does has never produced better government . . . But I do condemn half-baked legislation, maladministration and the dangerous short-cuts or permanent change attempted in the name of emergency."

The nation received quite another measure of the man when William Allen White asked him if he thought he could withstand the pressures of the White House, and he replied, "Mr. White, I don't know," As Arthur M. Schlesinger Jr. reported in his 1960 book, "The Politics of Upheaval," the Emporia editor later noted, "I think he is frightened, which is a good attitude. The fear of the Lord is the beginning of wisdom.

The presidency was not to be for Alfred M. Landon, but the love and respect he earned from the American people was to be lasting consolation. Even in accepting defeat, he was true to his basic principles that politics should be ever secondary to the national interest. Appearing at a Gridiron Club dinner with President Roosevelt in December 1936, he said that "In all efforts to preserve peace in the world, there will be no party lines."

That has been the Landon standard since. A Republican president, Ronald Reagan, will be bringing the nation's greetings to Alf Landon at his home in Topeka today, looking ahead to his birthday on Wednesday. But if a Democratic president were in office, that person would be doing the same. On Alf Landon's day every year, there are no Democrats or Republicans, just Americans of every political persuasion who wish the beloved elder statesman "Happy Birthday"—and mean it, with all their hearts.

As we add our good wishes, we say "Thank you, Alf Landon," as well. Thank you for making "Kansas" a name to be proud of, and "Kansan" a label to cherish.

LANDON WAS VICTORIOUS EVEN IN DEFEAT

(By Chalmers M. Roberts)

Alfred Mossman Landon, who is 100 today, was the quintessential American political fall guy when he was the Republican candidate for president in 1936. He was flattened by Franklin D. Roosevelt's second-term steamroller, much as was George McGovern by Richard Nixon's and Walter Mondale by Ronald Reagan's.

Landon did worst of all: he carried only Maine and Vermont with eight electoral votes, exactly as Democratic national chairman Jim Farley had predicted. McGovern got 17 electoral votes, Mondale 13.

Now all this is history, but what makes Landon special for me, aside from my regard for his daughter, Sen. Nancy Landon Kassebaum, R-Kan., is the reportorial brushes I had with Landon 51 years ago. And perhaps there are some lessons, too, in the '36 outcome.

In 1936 the GOP had a dilemma: finding a nominee who could beat "that man." Landon was no GOP dinosaur; he had voted for Progressive Robert M. LaFollette in 1924 against Mr. GOP himself, Calvin Coolidge. For this and other party infractions, some considered him a "me-too Republican," a derisive label long to be hung on the party's liberal wing, because Landon conceded that the New Deal had done some useful things.

In Kansas, Landon had won the governorship against the Democratic tides of 1932 and 1934, and he represented the reform wing of his state party. Early on, the Kansas City Star's Roy Roberts started plugging Landon for president, emphasizing his strong opposition to * * * Gene Meyer, and his wife Agnes by now were disenchanted with FDR's "fiscal irresponsibility," and they found Landon an attractive alternative. The Post became a major backer in spreading the word in the East.

At age 48, Landon was nominated on the first ballot at the June convention in Cleveland. His running mate was Chicago Daily News publisher Frank Knox.

For a while it looked as if he truly might have a chance after the first post-conventions Gallup poll gave FDR only 51.8 percent to Landon's 48.2, with an electoral-vote majority for the Republican. The Post editorially foresaw "the closest election since 1916."

But scientific polling then was an infant industry, and GOP politicians of any ability knew different. And so they tried to frighten the voters as Election Day neared with the specter of Social Security.

In Toledo, I reported, they began passing out official-looking notices (and tucking them into pay envelopes of blue-collar workers) announcing in ominous words coming "pay deductions" because the new system would go into effect next Jan. 1. GOP national chairman J.D.M. Hamilton charged that the New Deal intended to put dog tags around the necks of the 25 million Americans soon to be covered.

As the campaign came to a climax, Landon swung through Toledo, where I had gotten a job as a reporter for the News-Bee (a paper that survived for only two more years). The candidate left his train for a motorcade, and thanks to a News-Bee photographer I have a record of the occasion: a photo of Landon in his convertible and of me, the skeptical kid reporter of 25, standing * * * the governor in Kansas, asking for an autograph. He proved that the FDR landslide had not deprived him of his sense of humor: "For Chalmers M. Roberts," he wrote, "his first presidential campaign and he got to Washington. With best wishes, Alf M. Landon."

After the election, it was back to Kansas for Alf Landon, and he's been there ever since, horseback riding well past his 90th birthday, a cheerful and unembittered Republican. The only thing he couldn't believe, his daughter told me a while back, was that Kansas would ever elect a woman to the Senate, least of all his own daughter.

The political lesson of 1934, however, really has more to do with FDR's second-term landslide than with Landon, the victim. FDR misinterpreted his huge "mandate" as a "go" for his plan to "pack" the Supreme Court, that body of "nine old men," who had been striking down his first-term social legislation as unconstitutional.

It was his worst political error, an exercise in the arrogance of power.

The whole second-term business sort of reminds me of Richard Nixon's Watergate cover-up after his big "mandate" and, once more, of Ronald Reagan's use of his "mandate" to do what he wanted to do, public opinion and the Constitution to one side, in what became the Iran-Contra affair.

ALF'S DAY

He lost, but he didn't quit.

That's Alf Landon, the Grand Old Man of the Grand Old Party. He will be 100 years young Sept. 9.

He remains so well-respected that presidents visit him, candidates seek him out, candidates-to-be seek his advice, and reporters seek him for a good story. The story is rich in both accomplishment and history.

He was governor of Kansas who was nominated to run for president by the Republicans in June 1936. He ran against Franklin Delano Roosevelt, on a platform opposing the Democrats' New Deal.

In the end, Landon carried only two states—Maine and Vermont—despite garnering 16.6 million popular votes. Roosevelt received 27.7 million. F.D.R.'s popularity was just too much for the governor.

But that was a long time ago and only tells a part of the story.

One wonders how many power brokers of today received and used advice heard from Landon's lips. Surely, at least one U.S. senator of today, Nancy Kassebaum, heard plenty of that paternal and political advice at her father's knee.

Since 1936, the former governor has pursued political and business interests in a quiet and gentlemanly way. But his birthday reminds us yearly why so many have made the trek to Kansas to visit him. He remains a national figure, a man once directly embroiled in the heart of national affairs, a man who served his party with great loyalty, great character and fearlessness, considering the opponent he once faced.

Throughout his life, Landon has attracted the nation's attention to the Wheat State. He continues to do so. President Reagan visits him Sunday in Topeka to celebrate 100 seasons of life.

There is no question who will be enlightened by the visit.

ORACLE

Alf Landon: the man who parlayed defeat at the polls into a new career as the nation's—now the world's—senior political.

The grand old man of the Grand Old Party leaned back in his chair, reflected briefly and said. "Under the present conditions of world affairs and American leadership, by and large," he's pretty well satisfied with things in the world at the moment.

That's not to say Alfred Mossman Landon isn't concerned about a great many events today, 57 days short of his centenary birthday—just as he was more than half a century ago when Franklin Delano Roosevelt and his New Deal Democrats rolled over Landon and the GOP at the polls.

For example, like most Americans, the frail former governor is worried about the continuing Iran-Iraq war, Arab terrorists and the whole seething Middle East cauldron.

"I'm concerned about any war, anywhere," he snapped. But he's hopeful about the accession to power of Mikhail Gorbachev in the Soviet Union, content with the Republican party's strong role in national affairs and with the internal state of the nation.

Indeed, one of Alf Landon's chief concerns these days may be his own internal struggle against the slow betrayals of his own body. He is locked in the iron grip of advancing age, despite his determined efforts to continue his life as he always has.

Although he says little about it, the onetime Kansas governor Republican standard-bearer and GOP elder statesman pointed out it's harder for him to keep up with passing events now because "I can't read. I can't hear."

Landon recently underwent laser cataract surgery, and his hearing has deteriorated to the point where it is sometimes difficult for him to carry on a conversation.

But if the flesh is weaker, the mind remains alert, the interests unaffected Ms. Rita Dwight, who has looked after Landon and his wife Theo since September 1983, recalled a visit by former Gov. William Avery just as Gorbachev emerged as head of the communist party.

Avery made some comment to Landon about Gorbachev's election as first secretary, and Landon promptly replied, "Let me tell you something: that man's not a communist!"

"I was walkin' out of the room when he said that," Ms. Dwight recalled. "I stood rooted to the floor!"

Landon went on to explain that while Gorbachev undoubtedly had been born and reared a communist and came to power traditionally through the party hierarchy, his attitudes were not traditional. "He said, 'The Russians have finally elected a leader who cares about the Russian people.' I'm just continually amazed at his insight into people," she concluded.

Said Avery, "I think I go to see him probably more than any other former politician. I enjoy visiting with him, and he is a remarkable person, no question about that. He has a remarkable memory for a person his age."

Much more than that, the long-time Kansan has become an acknowledged political oracle; a man whose advice has been sought by numerous professional politicians from both parties.

Certainly no comparable figure in American political history has achieved similar stature on the basis of so brief a public career.

Landon, after all, served just four years in public office. He was elected governor of Kansas in 1932 and re-elected in 1934. And in his only national race, against an incumbent FDR in '36, he took the worst political beating in the nation's history up to that time. He carried two states, Maine and Vermont, with eight electoral votes. Roosevelt carried the other 46 states and 523 electoral votes. Landon even lost in Kansas!

But unlike any other American politician, Landon established the bulk of his reputation out of office.

He began six weeks later, with post-election remarks at Washington's Gridiron Club, where he shared the rostrum with Roosevelt. Through the years thereafter, he continued to make his views known wherever and whenever he thought there was some worthwhile purpose to be served, in a slowly-formulating left-centrist Republican philosophy he called "moderation."

In that spirit, he praised Roosevelt's response to the Japanese bombing of the American gunboat Panay in China in 1937. He made it clear in 1938 that he would not accept a post in Roosevelt's planned "bipartisan" cabinet unless the President renounced all plans for a third term. Much later, he urged U.S. recognition of the People's Republic of China—long before President Richard Nixon did the same. He's still speaking out, now and then.

Asked how he feels about Gorbachev's recent arms reductions proposals, the 99-year-old Landon said he believes there's "a chance it is more constructive than destructive," and added he believes Gorbachev is "more likely to compromise to the point of discussions, anyhow" than his predecessors.

In any case, Landon summed up, it's always better to talk than to fight, regardless of whether anything much finally comes from the talk.

Landon admits "Foreign relations concerns me more than the economy—although it should be borne in mind that the economy has a definite influence on foreign relations," and said if asked today, he would advise the President to continue his present policies."

Down through the years, Landon has maintained a steady interest in foreign affairs. He even served as vice chairman of the 1938 Inter-American Conference in Lima, Peru, at the behest of the Roosevelt Administration.

But he harbors strong opinions in many other areas, as well. For example, asked this week if he would favor a direct popular vote for president and the abandonment of the 200-year-old electoral college system, as is sometimes urged in this age of easy mass communications, Landon declared firmly, "No!"

He was less forthright about his opinion on the GOP's chances of landing another Republican in the White House in January 1989, saying carefully "To answer that question accurately this far in advance, I would need more information than we have available." However, he added he thinks the Republican party "very definitely" has the inside track now, due to the disarray in Democrat circles.

And he was quick to dismiss the current "Irangate" flap and the ongoing Congressional investigation into the devious channels by which money was routed to the Nicaraguan "Contras." Those will be long over and forgotten before the election, said Landon. "I don't expect them to have any bearing." Nor was he concerned enough to watch Lt. Col. Oliver North's testimony.

That Landon should have some shrewd judgments about world leaders comes as no surprise to those who have known him down the years, for he has always been keenly interested in people and issues. Indeed, a favorite pastime has always been to pick the brains of those he meets, seeking their views on a wide range of topics.

Few men have known more people—more movers and shakers—in their lifetime than the Kansas banker, oilman, politician, farmer and broadcaster. Certainly few have had more leaders make the pilgrimage to their home to talk with them.

Landon's list of distinguished visitors in the last 15 years or so includes two sitting Republican presidents (Ronald Reagan and Richard Nixon), Vice President George Bush, Vice President Walter Mondale, former President Gerald Ford, former Secretary of State Edmund Muskie, Federal Reserve Chairman Paul Volcker, Chinese Ambassador Chai Zemin, U.S. Ambassador Shirley Temple Black, Virginia Republican Sen. John Warner and his then-wife, movie star Elizabeth Taylor (I'll call you Liz if you'll call me Alf," said Landon with a grin—and she did), former Montana Democratic Sen. Mike Mansfield and of course, Kansas Sen. Bob Dole and all of his predecessors.

Not to mention Landon's youngest child, Kansas junior Sen. Nancy Josephine Landon Kassebaum.

It may in fact have been the influence of her forceful father and his endless circle of friends that set the small feet of Nancy Landon Kassebaum upon the path of politics, though Landon himself certainly never intended that.

"It was always a broad-ranging discussion at the Landon dinner table, the senator recalled this week, "I enjoyed politics which was always interesting—and dad of course always like to hold center court.

She paused, reflecting, "I think that dad, regarding myself, had a very hard time in thinking that a woman necessarily should have or would want to have a career. I remember saying I would like to go to New York and get a job" after graduating from college, "and he said, 'Well, get the job first. Then he said, 'I don't know what kind of job you can get with a political science degree, anyway.' "

It took her a while, but she's found one—in Washington, where, as might be expected, she has established a reputation as a senator who makes up her own mind about the issues facing her.

Challenged about that, she laughed and agreed "some of that . . . has got to come down" from her father and grandfather.

Like Nancy, Alf Landon grew up hearing his father talk politics—and watching him set an independent example.

Born Sept. 9, 1887, in his maternal grandparents home in West Middlesex, Pa., Alfred M. Landon grew up in Marietta, Ohio, where the family moved in 1891. An average student otherwise, the young Alf had a keen interest in history. And he shared his father's interest in politics.

John Landon, an oil company executive, was a Republican county chairman in Ohio, and after the family moved to Independence in 1904, was active in Kansas party politics as well.

When he journeyed to West Virginia to hear Teddy Roosevelt speak in 1900, he took his 13-year-old son along. In 1904, they went to St. Louis to hear William Jennings Bryan at the Democratic national convention. And it was John Landon who involved his son in Progressive party politics in Kansas and in the nation, supporting Roosevelt's breakaway "Bull Moose" effort in 1912 and 1914. The 27-year-old Alf Landon even served as Montgomery County Progressive party chairman in 1914.

It was his first taste of defeat, but not his last.

Meanwhile, he was carving out a business career for himself.

Landon was graduated from the University of Kansas School of Law and admitted to the Kansas bar in 1908, but to the disappointment of his father and "Uncle" Jimmy Green, then dean of the law school, he took a job as a bookkeeper in an Independence bank instead of practicing law. He spent three years as a banker, eventually working with oil leases and learning the nuts and bolts of that business. He saved his money and began to invest in several oil-drilling ventures.

By 1911 he had accumulated a $2,000 stake, left the bank job and became a full-time oilman. A few months later, he made a lucky strike on the Osage Indian reservation in neighboring northeastern Oklahoma. The next few years were devoted to expanding his growing business.

Never a wheeler-dealer, his business methods were steady and conservative. At one time he planned on going into partnership with Harry F. Sinclair, an old fraternity brother, on some Indian land oil leases, but the two could not agree on the direction of their business. Both did well subsequently—but Sinclair did far better.

By 1918, Landon was back in Republican politics, backing a winning gubernatorial candidate. Soon he was a member of Gov. Henry J. Allen's informal "kitchen cabinet," and his commitment to public life never wavered thereafter.

A key lieutenant of Gov. Clyde M. Reed, Landon's fortunes rose with Reed in '28—and crashed with him in the '30 primary. Democrat Harry Woodring won a narrow victory that fall over Republican Frank Haucke because the GOP was afraid to demand a recount despite widespread reports of voting fraud.

A strong voter response to Dr. John R. "Goat Gland" Brinkley's write-in campaign had reduced both parties to panic. Even with admitted ballot irregularities, the flamboyant Milford medical quack came within 33,900 votes of victory!

Half-drafted as a compromise gubernatorial candidate in 1932, Landon was clearly the underdog. His party was divided—and the Democrats had an incumbent governor running for re-election. But again, the goateed goat doctor held the balance. Running a strong campaign as an independent candidate, Brinkley soon attracted most of the Democrats attention, and Landon scraped into office by fewer than 6,000 votes on the slogan, "The way to beat Brinkley is to vote for Landon."

Brinkley, though he finished last in the three-way race, again was fewer than 34,000 votes behind Landon in an election which saw 796,132 votes last.

Elected in the depths of the Depression, Landon immediately set about reducing the cost of government as much as possible. He cut taxes, rammed through a law (still in effect) requiring local governments to operate on a cash basis, and in response to the 1933 bank crisis got a banking bill drafted, passed and signed into law in two hours flat. He coped quickly, firmly and effectively with economic collapse, a state bond scandal involving some of his own friends, drought, dust storms, strikes by southeast Kansas miners—and still ended his four years with a balanced budget.

It was this performance that earned him a shot at the presidency, but there was no spoiler candidate in the national election as there had been in Kansas. The times, the caliber of the opposition and perhaps the ineptitude of his own campaign organization were against him.

He came back to Topeka, bought 170 acres of farm land west of the city and in 1937 built the big white Georgian home where he and his wife Theo (whom he married in 1930) have lived since. He sold off some of the land, repaired his neglected business ventures, did a little farming, got into broadcasting. At one point he owned five radio stations in Kansas and Colorado, and he was well past 90 when he stopped going to his WREN office every morning.

He began his regular morning horseback rides along the Kansas River (which he only abandoned a few years ago) and developed new routines. He rediscovered the pleasures of football, baseball and bridge and of long conversations in downtown cafes.

"He thoroughly loves KU football, and I grew up listening to the St. Louis Cardinals on the radio and listening to Harry Carey, because that was the only game you could get in Topeka," recalled Sen. Kassebaum.

"He was a great bridge player. He played for blood. My mother quit playing with him, because she said she was tired of being told what she'd done wrong. He and Oscar Stauffer. He used to like to pitch pennies, too."

Landon rarely talks today of those "Dirty Thirties" days when his father called him "about the busiest man you ever heard of," nor of his days of party leadership, for he is a man who lives in the present. And the future. Ask him about those active times, and he is apt to look at you and reply simply, "I've drilled a lot of dry holes." And chuckle.

"I think that where dad and I would certainly differ in our political background (is that) dad is of the old school of politics," said his daughter. "If you're not with him you're against him, and he remembers that."

She recalled Landon was a Taft supporter at the 1952 Republican convention, "and a lot of his old time political friends in Kansas and elsewhere were strong suporters of Eisenhower. (Landon) severed a lot of old friendships, and then he wasn't very active from that time until oh, I'd say in the middle 60s."

"There were some old-time friendships that dad just never could reconcile. I know it hurt mother. I couldn't really operate that way. I've seen what it did."

Certainly Landon is a veteran player of political hardball. And he still keeps score. Asked if he privately ranks the state's various governors (and the nation's presidents) he admitted he does—but he wouldn't reveal his rankings.

"I was invited by four Presidents to sleep in the White House—and I didn't accept any of 'em," he said. Like Caesar's wife, he implies, he was determined to avoid even a suggestion of association with a particular administration.

But Nancy offers another reason. "Dad's roots were always in Kansas, and I think that's his great strength," she said. "Dad never wanted to travel very much. If we went to Colorado for a vacation in the summer, that was enough for him." She paused, "I always heard him tell that he liked to be home in his own bed."

Oracles after all, don't move around. They make people come to them. And they are incredibly long-lived.

"He attributes that to fresh fruit and horseback riding," said the senator.

Whatever the reason, Ronald Reagan promised Landon a ride to Washington aboard Air Force One and a White House birthday party for his hundredth birthday. Landon replied he probably couldn't make the trip—but he'd like to be around, just to be able to turn down the President.

[From the Wichita Eagle-Beacon, Sept. 9, 1987]

THRIFT, TENACITY FUELED REMARKABLE CAREER

TOPEKA.—Alf Landon is 100. What's all the fuss about?

"Well, I don't know. There's nothing special that I know about it," said the man leaning back in an upholstered chair in his study. "Everybody else seems to be wanting to make something special out of it.

"I said to Theo, 'If they keep calling, I won't live to be 100.' "

The day, obviously, is not what is special. It is the man who is special.

Drubbed by Franklin Roosevelt in the 1936 presidential election, Landon easily could have sunk into obscurity after leaving the governor's office in Topeka. Instead, he built and maintained a mystique that commanded political leaders to seek and to respect his independent judgments of state, national and world affairs.

On this sunny August day, 19 days before he would be 100 years old, he waited for still another interview and photo session. The walnut-paneled study, its large fireplace empty and its shelves crammed with books, appeared to overwhelm the small figure in the chair.

His white shirt was open at the collar. A wooden cane lay against tan slacks hiding thin legs.

Recovering from cataract surgery in July, Landon complains of impaired vision. "I can't read. That's one of the worst things I've suffered."

His hearing, too, is failing. The inescapable aging process limits conversations with old friends, conversations that waste precious little time on small talk.

Still, he tries to keep current on world developments and the politics behind them. When Soviet Communist Party Chief Mikhail Gorbachev recently predicted that Republicans would nominate a George Bush-Bob Dole presidential ticket in 1988, that caught Landon's attention.

"I asked some questions immediately. I was puzzled. I said that either means that Russia is getting around to where they want to work with us, or he's trying to find the best way to upset us. It's one or the other."

A remarkable man, Alfred Mossman Landon. A "Prairie Progressive" whose commonsense approach to catastrophic troubles at home catapulted him onto the national stage 51 years ago. . . .

Hundreds of flares cast an eerie reddish glow over the crowd, giving it the appearance of a single mass wearing thousands of heads.

Batteries of klieg lights splashed a dazzling brightness on a three-story, white-brick mansion with its corner turret and multigabled roof.

Suddenly, air bombs exploded high above the city. Brilliant fireworks streaked and shattered the night sky. Sirens started blaring. Bells began ringing. Simultaneously, ear-splitting cheers broke from the crowd massed in the street.

Kansas Gov. Alf Landon was now the Republican nominee for president of the United States.

The June 12, 1936, edition of the Topeka Journal reported:

"Topeka went berserk last night, not in a mild and ladylike way, but in the unashamed, tumultuous and carefree manner of a city proud of its first citizen."

Landon had not gone to the Republican National Convention in Cleveland where, in the week preceding the convention, his nomination already was a foregone conclusion.

Instead, he waited for the news at home, surrounded by family and a few close friends. Shortly after the radio flashed the final tally—984 for Landon; 19 for Sen. William Borah, R-Idaho—Landon stood up and walked outside to face the sea of admirers.

State Highway Patrol Lt. Col. Wint Smith, later to become a Kansas congressman, opened the door where he had been standing guard all evening. Landon stepped out onto the porch, squinting into the lights and grinning broadly.

The governor waved to the crowd, but it was several minutes before he could be heard above the uproar.

"Nothing is more worthwhile than the regard of one's neighbors," he began. Again the crowd cheered.

"Nothing tugs more strongly at one's heartstrings than their good wishes. If, after three years as your governor, I did not enjoy your respect, goodwill, I should feel that I had failed, no matter whatever other honors might come to me.

"For the sentiment you manifest by your gathering here tonight, Mrs. Landon and I thank you from the bottom of our hearts. We shall always cherish the memory of this happy evening together."

Theo Landon, smartly dressed in a tailored white sharkskin suit and a pink blouse setting off her dark hair, stood by her husband's side, tears welling in her eyes. Behind her stood her mother, white-haired Josephine Cobb.

When the crowd and the newsmen wanted Theo Landon to speak, the emotion of the moment would let her do little more than say, "I wish you all . . ." before her voice failed. "I just cannot talk," she said, turning away.

Landon, too, was caught up in the emotion of the historic event. His voice broke as he read a telegram of congratulations sent by hometown friends in Independence.

This was the first time a Kansan had been chosen by one of the major political parties to be its presidential nominee.

Once before, in 1884, Gov. John P. St. John had been the nominee of the Prohibition Party.

Landon, 48, a one-time Bull Moose renegade from the Republican Party, won the first-ballot nomination despite former President Herbert Hoover's attempt at a comeback after his 1932 defeat and lesser bids by Chicago publisher Frank Knox, Borah and Michigan Sen. Arthur Vandenburg.

Topeka would be filled once more with a large outpouring of support for Landon before the hopes of Kansans would be smashed by President Roosevelt's landslide victory in November.

On July 23, the date the governor set for official notification of his nomination and his acceptance speech, the south steps of the Statehouse were dressed for the occasion.

Red, white and blue bunting hung everywhere about the speaker's platform.

A crowd had started gathering by noon. Fed by special trains and bus caravans from across the state, it grew to 60,000 by one estimate, or as Earl Todd, a hometown Landon booster, called it, "the largest crowd since Moses led the Israelities out of Egypt."

A two-hour parade through downtown Topeka preceded the ceremony on the Capitol steps. Two blocks away, a painting of Landon, 40-by-60 feet, covered five stories of the National Reserve Life Insurance building.

To a nation listening over radio networks, Landon said:

"I hope for the gift of simple and straightforward speech. I want every man and woman in this nation to understand my every word, for I speak of issues deeply concerning us all."

The nation was fighting its way out of a severe depression, led by a Democratic president who was building an ever-stronger centralized government in Washington to cope with it.

Landon believed the country was threatened by this drift of power toward the presidency.

"We must be freed from the incessant governmental intimidation and hostility. We must be freed from excessive expenditures and crippling taxation. We must be freed from the effects of an arbitrary and uncertain monetary policy," he said.

"And, through a vigorous enforcement of the anti-trust laws, we must be freed from private monopolistic control.

"Once these things are done, the energies of the American economic system will remedy the ravages of depression and restore full activity and full employment."

Many Americans, listening on their home radios, wondered how this plainspeaking Kansan had reached the point of challenging the most eloquent and most colorful president the nation had seen in many decades.

Two years earlier, Landon had been the only Republican governor re-elected in a nation captivated by Roosevelt, a Democratic Pied Piper who mesmerized national audiences with his fireside chats on radio.

Republicans, blamed for the depression that struck during the Hoover administration, wanted a leader whose background promised the skills to deal with the nation's troubled economy.

Landon, in two terms as governor, seemed to fit the bill. He had faced an economic crisis within one month of taking office in 1933. He acted swiftly and decisively.

When a nationwide run on banks by depositors to withdraw their savings reached Kansas City in February, Landon went to the House speaker's office. Republican and Democratic legislative leaders were called in.

Landon asked for emergency legislation to set a moratorium on bank withdrawals, limiting people to 5 percent of total deposits.

In one hour's time, the rules were suspended, and the bill was passed by unanimous consent and was on its way to the Senate.

The House vote moved Landon to call Senate leaders of both parties to his office, where he asked for the same swift action. The Senate responded, and Gov. Landon signed the bill into law that afternoon, two hours after he had talked to his House speaker.

Afterward, he recalled, "Now that shows how a legislature can act in an emergency, in a crisis, with the right kind of leadership."

During his first term, Landon had taken other steps to avert fiscal crises in the state.

In a move to cut state spending and conserve state revenue, he cut state appropriations by 25 percent across the board, including his salary and the budget of the governor's mansion. He promised a balanced budget, and he meant to have one.

Those actions, combined with several key pieces of legislation for which he pressed, won the nation's attention.

The state government already was under a mandate in the Kansas Constitution to spend no more than available revenue, but local governments had adopted a practice of issuing no-fund warrants at the drop of a hat to pay for unbudgeted items. These warrants were backed up by a space platform would dominate the world. I still believe this."

In 1975, he lauded President Ford's proposals to strengthen the nation's deteriorating railroad system. He approved of $2 billion in federal loans and the curtailing of federal regulations that restricted railroad consolidations.

Landon stood firmly behind railroads as the cheapest and most energy-efficient method of transporting goods and commodities. He just as firmly opposed a federal takeover of control or ownership of railroads.

The one-time Bull Mooser often locked horns with members of his own party over the strong business-orientation of the GOP. Writing to a friend in 1947, he said:

"I think the Republican Party is the only agency that can save America. And we are not going to do that job if we are dominated by big business as we were in the '20s."

He believes in free enterprise as a foundation of the American economic system but insists good labor relations are an integral part of that same foundation.

Although he supported the Taft-Hartley labor act, he opposed right-to-work legislation.

Landon explained that the Taft-Hartley act was regulatory; "It dealt with the officials of the union, just like the SEC did with management, with corporations,"

In 1958, when a right-to-work amendment was proposed for the Kansas constitution, he fought a losing battle against it.

America he said, "needs strong unions, not weak. Strong unions mean leadership with a sense of responsibility. Weak unions mean rabble-rousing leadership."

In tune with his belief that problems should be worked out, not fought over, Landon cited the importance of the news media's right to know the workings of government as part of its job to keep people informed.

"The right of the free inquiry is one of the essentials of free government," he said during his presidential campaign. "It is the very bedrock of democracy." He added:

"We must realize that academic freedom, political freedom, religious freedom and freedom of opportunity are all bound together. Infringement upon one will soon lead to infringement upon the others."

As one might expect of a man who adhered to the philosophy of Theodore Roosevelt, Landon is a stout believer in the principle of "speak softly but carry a big stick."

So, in recent years, as he urged constant efforts to further peaceful coexistence with the Soviet Union, he nevertheless urged the United States to keep its defenses up.

In 1980, believing that President Carter had neglected the nation's defenses far too long, Landon called for a "crash program of building military equipment essential for our preservation of life and liberty as a free people. Along with that must go a mandatory registration for the essential national services."

Critics can wonder how Landon, in one breath, can say "government was never intended to shape every detail of one's destiny," and, in the next, find no objection to persons being required to register their firearms.

Landon has never questioned anyone's right to argue with his position on the issues, only to come equipped to the argument with reason.

Instead of joining a law firm or hanging out his own shingle, Landon took a clerk's job in an Independence bank. It was there, shuffling through the paperwork of loans and oil leases, that he took a genuine interest in the budding Kansas industry. Groundwork had been laid during his college years when he spent summers working in the oil fields.

Victor Murdock, publisher of The Wichita Eagle, once tried to interest Landon into coming to Wichita and starting a law practice, but the young man would have none of it.

"I liked the outdoor life more, I think, than I did the concentration of being a lawyer," he commended years later.

The truth is he was hooked on the oil business. The romance, the mystery and the challenge of finding oil in undeveloped areas intrigued Landon.

While still at the bank, he began acquiring his first oil leases. By 1911, he had quit the bank and gone into the business on a full-time basis.

His start was slow and frustrating. It wasn't until his 15th attempt to bring in a producing well that he hit a sizable discovery on a 160-acre tract in what had been Oklahoma's Indian Territory. He was on his way.

This was a good time to be breaking into the oil business. Oil has been discovered in Pennsylvania in 1859, but it was not until after the 1890's, when the American automobile industry took hold, that exploration spread westward on a major scale.

Landon's father was in the first wave of people who washed over Kansas, Oklahoma and Texas in search of oil and natural gas.

This also was a bad time to be breaking into the oil game. Just about everyone in the business was at the mercy of Standard Oil and several major oil companies that were to form after a federal court broke up the monopoly enjoyed by the Rockefeller family.

The big companies, Landon said, made the independent producers drill or refused to run their oil. They built huge tank farms in southeast Kansas where they stored the oil. When the tanks were full, they would start cutting prices.

Independents would go broke and the majors would buy up their leases. Then, the cycle would start over again.

Landon was able to hold on to his leases and, as his stature in the oil business grew, so did his stature in state politics. Again, it was the influence of his father who guided him into politics.

John Landon had been a leader of the progressive wing of Montgomery County's Republican Party. As a Teddy Roosevelt delegate to the 1912 national GOP convention, he walked out with Roosevelt to form the Progressive Party when the convention nominated William Howard Taft.

The younger Landon became Progressive Party chairman in his home county. He aligned himself with Murdock, White, Arthur Capper and Henry J. Allen, all newspaper publishers who supported Roosevelt. They returned to the Republican fold in 1916 to support Charles Evans Hughes.

"We were the wild men those days," Landon said.

Allen won the Kansas governor's race in 1918, and Landon served for a time as his executive secretary and a member of his advisory group.

Ten years later, Landon managed the campaign of Parsons publisher Clyde M. Reed in the Republican governor's race. When Reed won, Landon was named state GOP chairman. The cantankerous Reed kept the Republican political pot boiling most of the time and kept Landon busy putting out brush fires within the party.

His frequent trips to Topeka had their reward, however. During this period, he met and married Theo Cobb, daughter of Sam Cobb, a prominent capital city banker. In January 1987, they marked their 57th wedding anniversary.

It was Landon's second marriage. In 1915, he had married Margaret Fleming of Oil City, Pa. She died three years later while vacationing in Colorado. A daughter of that marriage, Margaret Anne, now Peggy Mills of Topeka, was born in 1917.

Five days before Landon won the GOP nomination for governor in 1932, his wife presented him with their first child, Nancy Josephine. Forty-six years later, Nancy Jo would make her own political debut, this time as a successful candidate for the U.S. Senate.

A son, John Cobb, was born in 1933. He is an insurance man in Colorado Springs.

Throughout their married life, Theo Landon left political activity to her husband while she administered to the needs of their children and kept "things running smoothly" around the home.

An accomplished harpist and pianist, she abandoned a future in music to concentrate on being a full-time wife and mother.

When Gov. Reed lost his re-election bid in 1930, a good many Kansans thought Reed and Landon were washed up in state politics.

But the big oil companies, up to their old tricks, shoved Landon back into the spotlight and paved the way for him to become the party's nominee for governor in 1932.

With big discoveries of oil in Texas, Kansas prices dropped from a high of $2.31 a barrel to as low as 25 cents.

In December 1930, the Prairie Oil and Gas Co., a subsidiary of Standard Oil Co., announced it was going to cut independent producers from its pipeline.

Landon stood among the front ranks in the fight for continued pipeline service, knowing that the economy of southeast Kansas depended on keeping it in operation.

In a series of newspapers stories, Landon attacked the major oil companies until the president of Standard Oil of Indiana answered him in such a way that Landon could focus his fire on him.

"You can't call 10 or 12 fellows sons of bitches effectively; you can only call one," Landon explained years later.

When Standard sent a vice president to talk to Landon in the hope of conciliating the upstart, Landon told him, "I know you (alone) are not to blame but when a man's drowning, he doesn't stop to think who's to blame. He grabs the first tub that comes by he can hold on to.

"I'm going to pull your hair, throw all the dirt at you I can, kick you in the groin until you settle this."

Landon was as good as his promise. As chairman of an oilmen's committee, he got the governor's office and the Kansas congressional delegation involved and brought pressure on President Hoover to urge Standard Oil to settle the dispute. He also encouraged Kansans to boycott Standard and Shell gas stations. Eventually a compromise was worked out.

A representative of Standard Oil would tell him later that the boycott had reduced Standard's business in Kansas by 26 percent in the first 60 days.

"That shows the power of publicity when you know how to use it," the governor chortled.

His leadership of stripper well producers had not gone unnoticed by farmers who were on the verge of losing their farms and businessmen in fear of losing their livelihood.

When Landon's name was mentioned as a possible candidate for governor, he gave the idea no encouragement. "I just let it grow," he said.

Once the campaign was launched, Landon conducted a thorough grass-roots effort, visiting every county and stressing the need for unity if the party was to defeat Democratic Gov. Harry Woodring.

Besides his old friends from the Progressive Party days, Landon's campaign brought in other Kansans whose political careers benefits from the experience.

Frank Carlson, a Concordia farmer who later became a state legislator, congressman, governor and U.S. senator, served as his campaign manager. William Smith, attorney general during Reed's first term and later a state Supreme Court justice, was a key adviser.

Much of the 1932 campaign funds came out of Landon's own pocket.

"In 1932 . . . you didn't raise any money. Nobody had any money."

His primary victory came easily. He won by more than a 2-1 margin over Lacey Simpson, the favorite of the party's conservative wing.

For the general election, Landon had to contend not only with Woodring but also with John R. Brinkley, the notorious doctor from Milford whose surgical skill was sought by men around the world on the theory that a goal gland transplant would improve their sex life.

Brinkley had come in third in the 1930 governor's race. Some said it was only because he was too late to get his name on the ballot and was forced to conduct a write-in campaign.

Aided by a well-planned campaign over a radio station he owned, Brinkley attracted 183,178 votes in 1930, undoubtedly giving the victory to Democrat Woodring by taking votes away from Republican Frank Haucke. Woodring's victory margin was a mere 251 votes.

The 1932 campaign was close down to the wire. In the Griffin-McCoy interviews, Landon revealed one deceptive tactic that helped him win the election.

On Election Day, the Democrats, he said, had bought radio time to run fake election returns in an attempt to show that the battle was between Woodring and Brinkley. Landon always ran last in these returns. People who wanted desperately to beat Brinkley, the Democrats thought, would decide their best hope lay with Woodring.

Legitimate election returns began to show the Democratic strategy was taking hold.

To counter the move, John Hamilton of Topeka, a former Republican House speaker, bought radio time and read other false returns giving Landon the lead, hoping the same psychology would serve to defeat Woodring.

"He (Hamilton) stopped that slide. If that slide hadn't stopped, Woodring would have been elected," Landon said.

Landon won, but not by much. He topped Woodring, 278,581 to 272,944. Brinkley was close behind with 244,607.

For his help, Landon saw to it that Hamilton became GOP national committeeman for Kansas.

Inauguration brought with it the miseries of the times. Landon's office was jammed with job seekers every day for the first two months of his first term.

Although he could not promise all of them jobs, he never left the office until he had shaken hands and thanked each one for his help in the campaign. "It was a harrowing experience," he recalled.

During the Depression years, government leaders were called upon to take action in a multitude of areas and to do it quickly.

Landon is remembered for calling five special sessions of the Legislature, more than any other governor in the state's history.

On top of his other troubles, the Finney bond scandal broke early in August of his first year in office.

The scandal came to light when a federal bank examiner found irregularities in the state treasurer's office. Treasurer Tom Boyd had allowed Ronald Finney, son of prominent Emporia businessman Warren Finney, to take $150,000 worth of state school bonds, out of the treasurer's office.

Finney had duplicates made and used funds secured through them to buy properties all over Kansas. Another $300,000 in fake bonds were found in the treasurer's office as security for state funds deposited in three banks, two owned by the elder Finney and one by Ronald Finney's uncle. A total of $900,000 of the fraudulent bonds was found in circulation.

As soon as word reached his office, Landon called the state adjutant general but found he was with a National Guard unit at Fort Riley. Given the names of a lieutenant and a sergeant who had stayed at their civilian jobs in Topeka, Landon stationed them in the state Capitol, not even allowing them time to go home and put on their uniforms.

"Just strap a couple of guns on your belt," they were told.

The lieutenant guarded the door of the treasurer's office and the sergeant stood watch over the treasurer's vault. Everything that went in or out had to be strictly accounted for.

Landon appointed Hugo Wedell, later to become a state Supreme Court Justice, to be special prosecutor to assist the Shawnee County attorney with his investigation.

Of the five special sessions of the Legislature called by Landon, one was to have impeachment hearings for the state treasurer, state attorney general and state auditor.

The treasurer was convicted and served six years in prison. The attorney general and auditor were acquitted but were not reelected in 1934.

Ronald Finney served 11 years of a 31-year sentence. His father committed suicide rather than go to prison. His secretary also served a prison sentence.

Landon's actions saved his administration from embarrassment and from retribution from the voters at the next election.

He won a second term more easily even with Brinkley again in the race. This time, Landon virtually ignored the goat gland doctor and concentrated on the state's economic issues.

Because Landon was bringing Kansas through the ravages of the Depression and the Dust Bowl days and had won his battles with the big oil companies. Richard Lloyd Jones, publisher of the Tulsa Tribune, began making public comments touting Landon as a candidate for president.

Jones convinced Frederick Palmer to write a book about the governor, titled "This Man Landon."

Another biography, "Deeds, Not Deficits, the Story of Alfred M. Landon," was written by Richard B. Fowler of the Kansas City Star.

William Randolph Hearst dispatched one of his top writers, Adela Rogers St. John, to interview Landon for Good Housekeeping magazine. In her article, she called Landon, "a modern miracle man, no less."

Landon for President clubs soon began forming in Kansas and Missouri, but it was not until October when a small group of men met in Kansas City that an organized campaign started taking shape.

At this meeting were Oscar Stauffer, publisher of the Arkansas City Traveler; Fred Brinkerhoff, publisher of the Pittsburg Headlight; and Roy Roberts, managing editor, and Lacy Haynes of the Kansas City Star.

Brinkerhoff said Gov. Landon came to the meeting from a football game at Lawrence where KU had taken a beating. For more than an hour the conversation centered on the game before it turned to politics.

DAD'S SURPRISED AT HER, KASSEBAUM SAYS

To even a casual observer, Sen. Nancy Landon Kassebaum reflects here mother's social graces and the political acumen and interest in world affairs of her father, Alf Landon.

"Dad and I would agree on most foreign policies and, probably, on most political issues," the senator said in a recent interview.

"Where we would disagree is more on the mechanics of politics. I could never bear a grudge as Dad has done. He really played hardball politics. That's just not my disposition."

The grudge she mentioned involved differences with Frank Carlson and Harry Darby, both later U.S. senators, over getting Gen. Dwight Eisenhower to run for president. Landon favored Sen. Robert Taft.

"The reason Dad faulted Gen. Eisenhower was because he was not a politician. He really had not been a Republican," the senator explained.

Landon, who had attended the 1940, 1944 and 1948 conventions, lost a delegate battle to the Carlson-Darby faction in 1952.

"So I don't know how much of that was Dad believing Eisenhower was not going to be good for the Republican Party and how much of it was, at that time, sheer party rivalry. He lost, and he carried that grudge for a long, long time."

Landon demanded a respect for politics and public service, she said.

"Going back to my college days, I can remember when I would become cynical about this or that (in politics)," the senator said. "He would not want to hear one word of a cynical point of view.

"He felt one should respect those who were in—certainly, the office of the president, whether you agreed or not—and believed that people should get involved in public service. I do share that respect."

The senator also shares his belief that politics can be an honorable career. But change that to read "an honorable calling," she quickly added.

The two-term senator has waffled on questions about running for another term and isn't ready to think in terms of a political career.

Kassebaum said she doesn't receive a flood of letters from her father/constituent, as some might suspect. He has never questioned a stand she has taken, and rarely does he offer advice.

"Oh, the one thing he has said is not to get too far from my president," she said.

With a chuckle, Kassebaum added that she isn't quite sure if her father's restraint is based on his doubt that a woman can do the job of a senator or that she is doing all right without his coaching.

"While he says he's not surprised at my doing this, he, I'm sure, is very surprised."

It was her mother, not her father, who encouraged her to run for the U.S. Senate.

Two things, she said, have dominated her father's life—politics and the oil industry.

"Periodically, he would go through spells of believing he needed to set some guidelines as a father."

One of her favorite stories is about the night when she was either a junior or senior in high school and her date was fudging the deadline for bringing her home.

"As we drove up, Dad was standing right at the end of the porch. He loved to wear his old World War I Army coat when it was cold. If that wasn't an intimidating sight! That was the last time I ever went out with that young man.

"In a way, it wasn't typical, just one of Dad's phases when he thought he had to enforce the rules."

As a father, Landon was more removed from the daily routine of raising a family, she said.

"And I don't think he was terribly understanding of all the sensitivities of raising a family, either from mother's standpoint or from ours," Kassebaum said.

"I understood it and let it roll off me, but it was a lot harder for my brother.

"You could just get so annoyed. Of course, he had quite a temper. He never hesitated to say what he thought, and sometimes in a very excessive way. But he would do that, and then it would be gone. With the family, he always wondered why everybody else didn't forget and let it go."

Landon's saving grace, she said, was his keen sense of humor. He could use it to defuse a tense situation.

Equally impressive, she said, was his great love of Kansas, even though he spent the first 17 years of his life in Pennsylvania and Ohio.

"For Dad, Kansas was a kind of be-all and end-all. It was terribly important to him. He never understood why anybody would necessarily want to leave Kansas."

He soon earned a national reputation as a maverick within his party, a reputation he already enjoyed within the state, but he became more critical of Roosevelt's policies the longer the Democrat remained in the White House.

When Harry S. Truman succeeded Roosevelt, Landon often rankled Republicans by supporting Truman policies. He approved of Truman's initiatives in Korea but differed with him over the firing of Gen. Douglas MacArthur.

In 1948, he remained loyal to the Republican Party, supporting New York Gov. Thomas Dewey for the GOP nomination after the party's vain attempt to get Gen. Dwight Eisenhower to become a candidate. By the time Frank Carlson, then a U.S. senator, convinced Eisenhower to run in 1952, Landon's support had waned for placing a military man in the White House, It caused a falling-out with state GOP leaders, a grudge Landon carried for many years. He maintained only a lukewarm relationship with the Eisenhower administration.

Landon made it a habit to favor presidents and presidential candidates who had a global perspective, who made or recommended bold strokes in international politics. For this reason, he could support Democrats Roosevelt and Truman and Republicans Richard Nixon and Nelson Rockefeller while differing with them on domestic policies.

As early as 1948, he advocated China's admission to the United Nations. It is better, he reasoned, to talk out differences than to shoot out solutions.

Nixon's dramatic trip to Peking and his invitation to Japan's Emperor Hirohito to visit the United States won Landon's approval.

In 1972 as Landon was being hailed as a distinguished senior statesman and a great American at the GOP National Convention, he lauded Nixon and concluded, "One good term deserves another." This was an acclamation he would regret.

Landon was not one to deny the rough and tumble character of partisan politics, but for a president to dishonor himself in the base power plays of Watergate was repulsive to him.

The primary lesson of Watergate, he would say later, "is how presidential arrogance rises as power accumulates."

Displaying his independent credentials, he broke with his own party over its 1958 drive for a right-to-work amendment to the Kansas Constitution and again in the 1970s when the national party opposed the Panama Canal treaties.

A pet topic of his during the 1970s was the energy crisis. From a wealth of experience, he could criticize government policies toward the oil industry while lambasting Americans as gross wasters of energy.

Whenever major world events occurred or elections hovered close, newsmen from virtually around the world would seek out the elder statesman in Kansas for his candid comments.

Many a strategy session has been held in his home when state politics took a turn he opposed.

Above all, Landon has resisted labels. Consistency is not a hallmark honored by him unless it buttresses the integrity of a man's word or the concept that government should be a pay-as-you-go system, or that every man should do an honest day's work.

A LANDON HISTORY

1887—Born West Middlesex, Pa., on Sept. 9.

1904—Moved to Independence, Kan.; entered the University of Kansas.

1908—Graduated from KU law school; began working in bank.

1911—Left Independence bank to enter oil business.

1912—Active in Progressive (Bull Moose) Party.

1915—Married Margaret Fleming of Oil City, Pa.

1916—Returned to Republican Party.

1917—Daughter Margaret Anne born on April 8.

1918—Wife died; entered Army as first lieutenant.

1922—Served briefly as secretary to Gov. Henry J. Allen.

1928—Named GOP state chairman after managing Clyde Reed's campaign for governor.

1930—Married Theo Cobb of Topeka on Jan. 15.

1932—Daughter Nancy Josephine was born July 29; nominated and elected governor.

1933—Son John Cobb born on Dec. 28.

1934—Re-elected governor.

1936—Nominated by the GOP for president of the United States.

1937—Built Topeka home; pursued oil business.

1938—Appointed by President Franklin Roosevelt to U.S. delegation to Pan American Conference in Lima, Peru.

1947—Purchased radio stations in Liberal, Leavenworth and Denver.

1952—Purchased radio stations in Topeka and Dodge City after selling Denver and Leavenworth stations.

1966—Inaugurated Landon Lecture Series at Kansas State University.

1972—Honored at GOP National Convention as party's Distinguished Senior Statesman.

1976—Attended GOP National Convention in Kansas City to introduce Sen. Bob Dole as temporary chairman.

1978—Kansas Legislature designated Sept. 9 as Alf Landon Day.

1980—Introduced his daughter, Sen. Nancy Kassebaum, by videotape as temporary chairwoman of GOP National Committee in Detroit.

1983—Fell and broke his right hip; hospitalized for two months.

1987—Former Santa Fe Railway's Topeka headquarters renamed Alfred M. Landon State Office Building after its purchase by state; arena in new Expocentre in Topeka named Landon Arena.

1987—President Reagan visits Landon at his home three days before his 100th birthday.

[From the Kansas City Times, Sept. 9, 1987]

LANDON, 100 TODAY, IS PROUD OF LIFE, FULL OF HOPE

TOPEKA.—Alf Landon, who turns 100 today, said Tuesday that he has one message for Americans: This still is a great country full of opportunity for all.

Landon will spend his birthday more quietly than he spent Sunday, when President Reagan and first lady Nancy Reagan came to Topeka to pay tribute and help Landon blow out a single candle on a birthday cake shaped like an elephant, the GOP symbol.

However, Landon's actual birth date will not go unnoticed. He is expected to receive a call from Vice President George Bush, and an old political antagonist may drop by.

Hamilton Fish, once a New York congressman who opposed Landon's bid for the Republican nomination for president in 1936, was expected to visit Landon at his home in northwest Topeka. Fish will be 99 in December.

U.S. Sen. Nancy Landon Kassebaum, Landon's daughter, will deliver a Landon Lecture at Kansas State University in mid-morning, and a videotape of her speech will be brought to Topeka for Landon to watch in early afternoon.

Landon also may go to lunch with friends at a restaurant near his home.

The only public event planned on his birthday is a party with free ice cream, cake and punch in nearby Gage Park, sponsored by him and state Republican officials from noon to 2 p.m. Guests will sign a large birthday card to be delivered to the Landon home.

On Tuesday the former Kansas governor reflected on Sunday's events and answered a few questions.

"I just want people to know what a great country we have here, and that so much of it is still undeveloped," he said. "There is still great opportunity here for people."

Since losing the presidency 51 years ago this fall to Franklin D. Roosevelt, Landon said, he has devoted his life to speaking out to stimulate public debate on issues he thought needed attention.

"I'm proud of my activities," he said. "It meant no personal benefit to me, but I've tried to call attention to problems and sometimes offer possible solutions. Yes, I'm proud of the role I've filled."

Landon said he had high regard for the job Reagan has done as president.

But he said he expected an interesting race for the Republican presidential nomination in 1988.

"I think it's too early to pick a winner," he said. "But I predict it's going to be entertaining. I don't want to miss it."

[From the Kansas City Times, Sept. 9, 1987]

HAPPY BIRTHDAY, ALF

The longevity of Alfred Mossman Landon is remarkable. But what his fellow citizens should prize on Landon's 100th birthday anniversary is his enduring representation of what is best in the Republican Party and, beyond that, his gift to the two-party system.

His graceful acceptance of fate has been important to American politics. Landon tricked history. Long ago he turned the 1936 presidential defeat into a personal victory. He demonstrated to all who followed that a crushing loss in politics does not have to be a disaster in life. (There have been some big losers since then, a couple of Democrats, George McGovern and Walter Mondale, among them.)

It would have been possible for Landon to have lapsed into bitter denunciation of all things Rooseveltian 50 years ago. He filled the role of discerning opposition, but never sought to polarize opinion. Landon was influential in moving his party out of stagnant isolationism and into acceptance of an inevitable federal presence in the affairs of the country. He gave a special meaning in the party to the phrase "Kansas Republican." That might have been expected of an old Bull Mooser.

Kansans old enough will remember he was that kind of governor. He came to the Statehouse in Topeka at the bottom of the depression and in the midst of drought and dust storms. In those four years—even with time out for the presidential campaign—he left the example of a state that was progressive in law, education, governmental reform and human concern.

Mr. BYRD. Mr. President, I wish to join with the distinguished Republican leader in his words with respect to Alf Landon.

Alf Landon is a great American, a great Kansan, a great leader of his party.

I can remember that race back in 1936. I had just graduated from high school in 1934, and I was working as a produce salesman in the coal mining community of Stotesbury.

The psalmist says:

> The days of our years *are* threescore years and ten; and if by reason of strength *they be* fourscore years, yet *is* their strength labour and sorrow; for it is soon cut off, and we fly away.

Alf Landon has stretched his years far beyond the promise of the psalmist. The Lord has been good to Governor Landon. And the Lord promises that we can all stretch out our span, that it is within our own hands to extend our lives and to make them longer.

Although I do not know Mr. Landon personally, I have a feeling that he has read the scriptures and has acted accordingly. I think that has to be evidenced by the fact that he has reached that goal that not many men or women reach, that of living for a century. Is that not remarkable? One hundred years! Think of it.

So, Mr. President, we all know that he is proud of his illustrious daughter who is speaking today, as the Republican leader has said, in the State of Kansas—speaking in honor of her father. I know that she does so with great pride.

We are all very fond of NANCY KASSEBAUM. She is a magnificent legislator and on this day of her father's 100th birthday, I join with the Republican leader and our colleagues in paying our respects to her father and wishing him many, many more happy returns for the day and more happy birthdays.

Mr. STENNIS. Mr. President, I ask recognition for only 1 or 2 minutes in order to meet the situation here timewise of the leader.

But I am very glad indeed to be present today to hear the tone and the meaning of the tribute paid to these two splendid characters, NANCY LANDON KASSEBAUM and ALFRED LANDON, who have meant so much indeed to the welfare and strength and also the integrity of our great Nation.

I remember Governor Landon's race for the Presidency and I remember the high esteem and respect that the Governor had in the election throughout the Nation not just by States, by Party tickets, so called, but by force of his character, honor, and ability. I include him among the best.

In later years I had the great privilege, and still have the privilege to be here and serve with his daughter, Mrs. NANCY LANDON KASSEBAUM.

I mean every word of that tribute—Senator KASSEBAUM is a great asset to the Nation, and a tremendous asset to this body, to this Senate, and to the things she stands for and the work she does, including the character and honor and respect that she carries.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 280) was agreed to.

The preamble was agreed to.

The ACTING PRESIDENT pro tempore. The minority leader.

BICENTENNIAL MINUTE

SEPTEMBER 9 (OCCURRED SEPTEMBER 6, 1968)

SENATOR SMITH MISSES ROLLCALL VOTE

Mr. DOLE. Mr. President, 19 years ago this past weekend, on September 7, 1968, the New York Times ran a story under the headline "Mrs. Smith Misses a Vote." The fact that the "Mrs. Smith" was Senator Margaret Chase Smith, of Maine, and that the second line of the headline read, "First Time in 13 Years," makes this small, inside story one of historical interest. Senator Smith had indeed not missed a rollcall vote since 1955. During the intervening 13 years, she had cast 2,941 consecutive rollcall votes, a record at the time. I must say that my colleague from Wisconsin, Senator PROXMIRE, currently holds the record of 21 years.

Senator Smith missed the vote in 1968 because she was recuperating in a New York hospital from an operation for an arthritic condition, as the Senate voted on amendments to an appropriations bill. That, she conceded, was a good excuse. But the fact still rankled that on the way to a record in 1955, she had missed the earlier vote. On that occasion, assured that there would be no rollcall votes, she had gone to New York to accept an honorary degree from Columbia University. She returned that same afternoon, only to find she'd missed a vote by 30 minutes.

Margaret Chase Smith began her political career in 1937 as an aide to her husband, Congressman Clyde Smith. In 1940, upon his death in office, Mrs. Smith was elected to complete his term and won reelection to the House three times. When she was elected to the Senate in 1948, Mrs. Smith, a Republican, became the first woman ever elected to both Houses of Congress. Her 24 years of Senate service from 1949 to 1973 is a record among women Senators.

Throughout her political career, Senator Smith's major interest was military affairs. She was best known, however, as a consistent critic of bigotry and injustice. Her courageous 1950 "declaration of conscience" Senate floor speech, condemning McCarthyism, remains a classic today. Leaving the Senate in 1973, Senator Smith began her current career as educator and writer.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NUCLEAR WASTE

Mr. REID. Mr. President, I want to take a few minutes of the Senate's time today to continue my discussion of the nuclear waste problem.

"I Love New York," is the catchy slogan our great neighbor to the north uses to beckon tourists to visit the myriad of vacation spots they have to offer. A side benefit is to entice business to relocate in one of the many sections of the State. The slogan is an outward manifestation of the caring and sharing that New York exhibits toward visitors.

Throughout this century many have visited New York and availed themselves of this well-known hospitality. They have shared in the rich heritage of natural resources of which New Yorkers are so proud and have taken away fond memories while leaving the surroundings for others to enjoy.

One visitor, however, came to the beautiful woods and waterland area of Allegany County in western New York and, after breathing in the fresh scent of the pines and experiencing the cool waters of the lakes and friendliness of the local citizenry, decided to stay. This visitor became a resident of the town of West Valley, a rural community of some 350 people, an easy drive 35 miles south of Buffalo, the second largest city in New York. Now a resident, this interloper has taken steps to ensure that its progeny will be an integral part of the West Valley landscape for many generations.

This visitor, resident, interloper is nuclear waste.

At West Valley, NY, there is stored over 600,000 gallons of high-level radioactive waste, most of which is contained in an underground carbon steel tank enclosed in a concrete vault. A second tank contains 11,000 gallons of this highly toxic waste, 90 percent of which is liquid with the remainder being sludge. This waste, as well as over 2 million cubic feet of buried low-level radioactive waste, is what remains of the only commercial nuclear fuel reprocessing facility ever operated in the United States. Another legacy left to us by a failed nuclear technology.

During the early years of nuclear power, all things seemed possible. The rationale for commercial spent fuel reprocessing seemed especially so. In a nutshell, during the fission process in a nuclear reactor the manmade element plutonium is formed. As an alternative to storing or disposing of the spent fuel rods at the end of their usefulness, adherents of the day dreamed of extracting the plutonium and any unused uranium from the rods for reuse in new fuel rods. These planners hoped that such reprocessing would enable the domestic nuclear industry to save between 20 and 35 percent of the uranium used, thus stretching the supply.

On June 13, 1963, New York Governor Nelson Rockefeller officiated at the opening of the West Valley facility and, as he spoke, I am sure that the nuclear age he foresaw was very different from the one with which we now face. The then promising technology of commercial spent fuel reprocessing was to be run by a newly created private entity, Nuclear Fuel Services, Inc., a subsidiary of W.R. Grace Co.'s Davison Chemical Co. In 1966, the plant began receiving and reprocessing civilian spent fuel but since there wasn't enough to keep the plant operating, a Government bailout of sorts was worked out for the plant to reprocess wastes from the defense nuclear industry. Specifically, wastes were shipped across country from the Government-owned N-reactor in Hanford, WA.

Even with this influx of Government capital, plant operations soon proved to be a perennial money loser. In 1969, Davison Chemical sold nuclear fuel services to another familiar face, the Getty Oil Co. Ever increasing Government safety standards forced extensive and expensive changes. As the standards increased, so did the cost of operation until finally all reprocessing stopped in 1972. The burial of wastes, however, continued. One of the main reasons for the shutdown was the sloppiness of the operations. In fact, operations were stopped to decontaminate the plant since radioactivity had found its way into places that it wasn't supposed to be. In the meantime, the often rumored horror stories of plant mistakes resulting in airborne and water releases of radioactivity as well as worker exposures began to be substantiated.

One accident involving the low-level waste at the site spread radioactivity into Cattaraugus Creek which flows into Lake Erie, from which the city of Buffalo obtained its drinking water. Other accidents were more minor but nonetheless upsetting to those living near West Valley.

The shutdown of the plant, coupled with the ever mounting concern about the wastes, led Nuclear Fuel Services to wash its hands of the facility, leaving it to the Department of Energy to solve the problem. It wasn't until 1982 that the Department of Energy commissioned a division of Westinghouse, the West Valley Nuclear Services Co., to vitrify or turn into glass the high level liquid waste stored there and to conduct decommissioning and related activities. That process is still ongoing and will take many years to complete, again at a cost to the Government and the taxpayer of more than half a billion dollars.

Finally, Mr. President, I would like to point out that at an early meeting between Nuclear Fuel Services and the Atomic Energy Commission staff, the company extolled the virtues of the "extremely favorable geologic conditions" of the sparsely settled West Valley. Yet just a few years later when the plant was being shut down the company stated that the singlemost overpowering regulatory change that jeopardized the licensing of future operations was the drastic increase in the seismic criteria for the site. More improved and more extensive studies had indicated that larger, more intense earthquakes could be predicted that would imperil the integrity of the waste storage tanks. These assurances seem all too familiar to me as a Senator from a first-round high-level radioactive waste repository State.

Mr. President, the purpose of this discussion is to provide another example of how the problem of nuclear waste disposal again and again proves more intractible than either industry or Government specialists predict. Quite simply, we don't know the answers; and, in my mind, that makes it a mistake to rush into a decision on where and how permanently to store high-level nuclear waste. I intend to slow this blind, headlong rush toward another ill-conceived panacea for covering up one of our societal mistakes so that my fellow Senators will have enough time to give this vital issue the careful consideration that it deserves.

Thank you, Mr. President. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Hearing no objection, that is the order. The Senator from Rhode Island is recognized.

EXECUTIVE SESSION

Mr. PELL. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the nomination of Melissa Wells to be Ambassador to Mozambique under the time agreement previously entered into by the majority leader.

The PRESIDING OFFICER. Under the previous order, the remainder of the time until 12 noon will be in executive session. The time will be evenly divided between the Senator from Rhode Island [Mr. PELL] and the Senator from North Carolina [Mr. HELMS]. The clerk will report the nomination.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Melissa Foelsch Wells to be Ambassador to the People's Republic of Mozambique.

Mr. PELL. Mr. President, Mrs. Wells, the administration's nominee to be Ambassador to Mozambique, is a career Foreign Service officer who served as our Ambassador to Guinea-Bissau and Cape Verde. She was the U.S. representative for the U.N. Economic and Social Council, and since 1979 has been on loan to the U.N. Development Program. She was the UNDP's first permanent representative in Uganda and Director of Impact, a worldwide UNDP program.

The Foreign Relations Committee approval Mrs. Wells' nomination on March 31, many months ago now, by a 16-to-3 vote. On May 1, the Senate began consideration of her nomination. Unfortunately, some of my colleagues on the other side of the aisle who disagree with the administration's policy toward Mozambique have indicated they intend to hold up this nomination. I believe that the administration is on the right course vis-a-vis Mozambique and that we should proceed with consideration of this nomination.

Mrs. Wells is a fine candidate for the job. She has an outgoing personality and considerable experience in Africa and I am confident that Mrs. Wells will undertake the new responsibilities with enthusiasm and professionalism.

The post which Mrs. Wells is eager to fill—and the Department is eager to have her fill—has been vacant since mid-February. It is time to fill it.

I yield as much time as he might desire to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. I thank the distinguished chairman of the Foreign Relations Committee.

I am delighted to have this opportunity to speak on the Wells nomination. The effort to block this nomination makes this matter relevant to far more important matters than the nomination of Melissa Wells, who herself is highly qualified to be Ambassador to Mozambique. Other matters, especially terrorism and the United States stance on terrorism, have become involved in the consideration of this nomination.

I am greatly concerned that some Senators are seeking to block the confirmation of Melissa Wells, the administration's choice to be Ambassador to Mozambique. I think the actions of these Senators ill-serve our national interests.

Melissa Wells is highly qualified to be an excellent Ambassador to Mozambique. Her nomination was endorsed by the Senate Foreign Relations Committee by a 16-to-3 vote and she has the full support of the Reagan administration. To engage in further delaying tactics to oppose Mrs. Wells' confirmation, as some Members of this body are doing, jeopardizes not only United States relations with Mozambique but the future of United States relations with many other nations of southern Africa. Even worse, it jeopardizes the effort of this country to lead other nations against terrorism, one of the gravest threats of our time to our country and to people everywhere and indeed to civilization.

Some Senators would like to use this nomination to force the Reagan administration to recognize and deal with and even give aid to the terrorist Renamo resistance movement in Mozambique. I ask, How can we lead in seeking to stop terrorism if we are to back, as some Senators would have it, a terrorist organization?

Renamo is not a pro-Western indigenous political movement. It is a South African-supported guerrilla band that terrorizes the civilian population, kidnaps and kills foreigners, and attacks economic targets to destabilize the country. It has little popular support.

NBC News, the wire services, and the Washington Post all reported in mid-July on the massacre of nearly 400 people, primarily civilians in a Renamo raid. According to a number of reliable news reports including NBC cameras on location interviewing survivors, Renamo gunmen crept into the village in the dead of night and shot or hacked to death women and children in their beds in a hospital. Are these the kinds of people we want to help so badly that we will continue to prevent the appointment of Ambassador Wells? I would respond that we have an obligation to work for peace and stability in southern Africa, not promote terrorist movements.

Our ambassadorial post in Maputo has been vacant for nearly 6 months now. If the United States is to help anyone in Mozambique or to have any real influence in Mozambique or even know what is really going on there, we must approve this nomination without further delay.

Mr. President, we have in the Wells nomination yet another case of a small group of Senators setting themselves up as a self-appointed "anti-Communist truth squad"—I put that in quotes because it is not a genuine description of their activities—opposing the Reagan administration. Absurdly asserting that Ronald Reagan lacks anti-Communist credentials, they take hostage nominations to key Foreign Service posts forcing nominees to pay obeisance to their extreme views.

The United States has no business currying favor with a band of terrorists like Renamo. Are we to support every group of self-appointed executioners that springs up abroad, if only they call themselves freedom fighters and the people they are shooting believe in communism? Are we to cast our lot with the military adventures of racist South Africa? Wisdom—and U.S. national security interests—say no.

Finally, I want to say a word about the July massacre in Mozambique. A number of Western reporters and camera crews traveled to the area. At least one American missionary who survived the attack was interviewed on camera. Each of these reports made clear that the massacre was perpetrated by Renamo. Yet, in truly Orwellian fashion, we have Members of the U.S. Senate standing on the floor of this body suggesting that since the massacre occurred in a country ruled by Communists, Communists must have been responsible for it.

President Reagan has asked for the Senate's support for the nomination of Ambassador Wells to be U.S. emissary in Mozambique. There is no good reason to hold her nomination hostage any longer. There is no good reason to press the United States to support terrorist Renamo thugs who perpetrate random acts of violence. I strongly urge my Senate colleagues to reject the illogic of those who are holding up the Wells nomination, and to cast their votes for cloture and then in favor of her confirmation.

Mr. PELL. Mr. President, I should like to compliment the Senator from California on his thoughts and his words.

Speaking as a former Foreign Service officer—and I believe I am the only one in the Senate—I can vouch for the fact that Foreign Service officers find themselves inhibited, worried, and concerned that positions taken on behalf of one administration may be held against them when another administration follows, or that their nominations can be held hostage, as the Senator from California pointed out, for the implementation of a policy on a much broader scale than concerns them.

This worry and fear will produce a regiment of mice, not men, if we are not careful.

So far, Foreign Service officers are holding up pretty well. However, if this policy of holding up nominees as hostages, continues, it will in my view have a deleterious effect on the morale and the performance of our Foreign Service officers in the field.

Mr. CRANSTON. Mr. President, I thank the distinguished chairman of the committee for his remarks and for his compliment about my remarks.

I join in expressing his concern about yet another aspect of the blocking of this nomination—the threat it poses to professionals in our Foreign Service, the threat it poses to effective U.S. diplomacy. If nominees who are highly qualified are subjected to this sort of attack and have their nominations blocked for such extraneous and extreme reasons, the conduct of our foreign policy and our ability to have in its conduct the best possible people is gravely threatened.

I know that the distinguished chairman of our committee has a long record in support of bipartisan professionalism in the Foreign Service, and I compliment him for adding that very important point to this debate.

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator for Illinois [Mr. SIMON].

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. SIMON. I thank my colleague, the distinguished chairman of the committee, for yielding.

Mr. President, I hope we act on this matter. This is one of the signals that we send not only to our Nation but also to the rest of the world.

There is a very fundamental question at play here: Do we continue to play footsie with the Government of South Africa, or do we make clear to the Government of South Africa that we want change, that we want peaceful change? South Africa is headed here for unbelievable bloodshed or for peaceful change, and the pressure of the United States of America ought to be there for peaceful change. Melissa Wells happens to be caught in the conflict that is going on in this body over what the course of this Nation is. I do not think there is any resistance to her personal nomination.

Part of the question is, Do we work with the Government of Mozambique? The Government of Mozambique does not have a government that is exactly like I would like to have or you would like to have, but the Government of Mozambique is moving away from being dominated by the Soviet Union. That, it seems to me, is in our interest, in their interest, and in the interest of change in that region. For us to continue to do the wrong things on these symbols is unwise, imprudent, and hurts us in the long run.

One of the lessons of recent history and, really, of all history is that when violence occurs, it cannot be contained often within the boundaries of the immediate location of that violence. We have seen that recently in the Persian Gulf. Basically, the attitude of the United States of America, until not many weeks ago, was: "We don't like the Government of Iran. We don't like the Government of Iraq. Let them go ahead and fight." But you do not know what is going to happen. Thirty-seven American families who had sons on the U.S.S. *Stark* understand the tragedy and the folly of that policy.

Now, we are headed toward violence in South Africa. After spending part of a day with Bishop Tutu, one of the strong messages that he gave to me was there is only one country that can really provide the leadership for peaceful resolution of this problem, and that is the United States of America because of our economic power.

The question here to a very great extent is whether we are going to use that power to move in the right direction.

Temporarily, we are caught up in one nomination as a symbol. Let us resolve this. Let us resolve this symbol in the proper way, so that we do not send the wrong signals to the other nations of the world.

I think we are doing that frankly when we tie up Melissa Wells' nomination. I happen to believe we do that when we aid Savimbi in Angola, joining the Government of South Africa there.

We are sending mixed signals.

The Congress of the United States sent a strong positive signal when we overrode the President's veto on sanctions. Unfortunately, our Government sent precisely the opposite signal when we vetoed a United Nations resolution based on the same kind of sanctions calling on the rest of the world to move. We ought to move. We ought to stand up for the people of South Africa, and one of the places we are going to send that signal, however small it may be, is right now with what we do on the Melissa Wells' nomination.

I hope we do the sensible thing. I hope that we will invoke cloture and move ahead and approve the nomination of Melissa Wells. And then, as a body, people in both parties working together, and as a nation, let us send the strong signal to South Africa that we want peaceful change. Not that we have solved all our problems, but I have lived long enough, Mr. President, longer than you have, and as a Presiding Officer up there, I have seen huge changes in this country, changes for the better. I can remember when we had rigid segregation in much of this country, including parts of my State of Illinois. We are a better, richer Nation for having made the changes.

And South Africa will be a better, richer nation when she abandons apartheid and recognizes that peaceful change must come and all people in South Africa be given an opportunity.

I hope we move and I hope we move quickly, and I am pleased to join the distinguished chairman of the committee, the Senator from Rhode Island, in urging that we act and act favorably on this nomination.

I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the pending nomination of Mrs. Melissa Wells to be U.S. Ambassador to Mozambique stands as a sort of symbol of the State Department's repeated tendency to exclude non-Marxist or anti-Communist political forces for United States policy in southern Africa. I do hope that Senators will vote against the motion to invoke cloture on this nomination not as a vote against Mrs. Wells, but to send a message to the State Department regarding this dangerous and unwise policy.

From every objective account, the Mozambique National Resistance, known as Renamo, is a strong and effective indigenous organization committed to free enterprise and values of the Western World. This commitment has won the hearts and minds of the people of Mozambique with the result that Renamo is dominant in approximately 80 percent of the country of

Mozambique. In fact, Renamo has made such strides despite a malicious propaganda campaign by the Washington Post and similar media seeking to portray Renamo as perpetrators of massacres or other atrocities and branding them as "armed bandits."

These charges are false. They are demonstrably false. And yet the liberal media of this country persists in making such outrageous charges.

The most recent evidence of Renamo's pro-American character was illustrated in the statements of the American missionary nurse, Miss Kindra Bryan of Houston, TX. After evacuation from a military war zone, Miss Bryan traveled with Renamo troops for 3 months before reaching neighboring Malawi. This long journey—on foot and at night—was necessitated by the Communist Government of Mozambique's constant refusal to participate in a cease fire that would have permitted a Red Cross plane to fly in to pick her up. Additionally, Communist helicopter gunships attempted to bomb and strafe the areas where Miss Bryan and six other foreigners were believed to be. Miss Bryan noted that the Renamo troops who escorted her to safety—no thanks to Frelimo, or the Communist organization, the government—were "disciplined and well organized" and that they "appeared to have a good relationship with villagers, who in turn seemed to recognize them as the government."

The refusal of the Mozambique Communist government to agree to a cease fire so as to evacuate Miss Bryan by air is indicative of the Communist government's intrasigence. And yet the U.S. State Department will deal only with this Communist Government and will not even sit down and talk with Renamo.

Clearly if there is to be any peace in Mozambique, United States policy must treat Renamo as an equal party to negotiations. A proposal for negotiations between the government and Renamo was recently put forward by Mozambique's Catholic bishops. But the Communist government of Mozambique gave a scornful reply to the bishops' call for negotiations leading to reconciliation, castigating the bishops as "apostles of treason." This is the crowd that the State Department deals with exclusively.

Under these circumstances, the United States should not be sending as an Ambassador to Mozambique a person such as Mrs. Wells, who has adopted as her own the Communist line that the gallant Renamo soldiers are "bandits," a lady who does not carry instructions from the Secretary of State to deal with the most important group supporting freedom in Mozambique, and that is Renamo.

This refusal even to meet with Renamo is all the more inexplicable because of the State Department's ready willingness to meet with the Communist officials of nearby Angola who are trying to crush the anti-Communist forces of Jonas Savimbi. Moreover, State Department officials have met on over 59 separate occasions with officials of the African National Congress, an organization of avowed terrorists whose leadership is controlled by the South African Communist Party and which receives its major financial and military support from the Soviet Union. Why should not the freedom fighters of Renamo be accorded at least the same degree of recognition by the State Department as has been afforded to the Communist officials of Angola and Mozambique and to the African National Congress in South Africa?

And I would remind the distinguished occupant of the chair that the African National Congress, the ANC, is a crowd that advocates and perpetrates the heinous crime of necklacing—putting tires around the necks of people with whom they disagree, filling the tires with gasoline and setting a torch to it.

Until the State Department revises its policy to instruct its officers to meet with Renamo and sponsor negotiations with both sides, the presence of any U.S. Ambassador to Mozambique serves, it seems to me, very little constructive purpose.

Now let me make this clear. I have met with Secretary Shultz on a number of occasions about this matter. Each time I have assured the Secretary that I would assist in speeding the confirmation on the Wells' nomination if this one change in State Department policy toward Mozambique were to be implemented.

The Secretary was adamant. He said, frankly and pleasantly, that "I won't do it." But until it is, I think Senators should join in voting against cloture at this time on the nomination and thereby send a message to the State Department that it is the wish of this Senate, in dealing with matters of this sort in every part of the world, that we negotiate and deal with both sides and not just pick the Communist side for our support, recognition, and cooperation.

Mr. President, the State Department does not seem to be able to get any information about Renamo or MNR in these Portuguese initials. Yet scores of Western journalist have visited Renamo's people, traveled with them and talked with their leaders. A good example of such journalism was published on April 5, 1987, in the Sunday Star of Johannesburg. It should be understood that the Star supports the opposition politics in South Africa. It is not bias toward their policy. Yet these articles give a very graphic and compelling story. The headline tells that story—"MNR: The Slender Hope."

Mr. President, I ask unanimous consent that the articles in the Sun Star be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sunday Star Review, Apr. 5, 1987]

FULL STOMACHS IN NEW ETHIOPIA

(Sharon Behn)

Kilometres of flourishing corn and manioc farms sweeping across the central Zambezia province were an unexpected sight in this south-east African country that international aid organisations have described as a second Ethiopia.

"There is no one dying of hunger in our zones," declared Mr. Alfonso Dhlakama, commander-in-chief of the Mozambican National Resistance (MNR). A four-week visit to rebel-held territory across Zambezia province appeared to confirm his statement.

Oxfam, a Britain-based charity organisation, has said "the situation in Zambezia is terrible", and that millions face starvation in Zambezia and Tete provinces.

The MNR claims that situation exists only in government districts, where war-panicked thousands are stranded in major towns.

But the land here, Mozambique's largest and one of its most fertile provinces, is heavily cultivated.

In addition to the staple corn and manioc, local farms (machambas) cultivate peanuts, rice, beans and pumpkin. Banana, pawpaw, orange and grapefruit trees grow wild.

"As there is no threat of war here, people can plant and harvest in peace," said rebel commander Mr. Joaquim Alface.

"We also encourage them to cultivate their own machambas."

The MNR has fought the Marxist government of Maputo and its allied Zimbabwean and Tanzanian troops almost since the country gained its independence from Portugal in 1975, and has steadily gained control of vast swathes of rural areas.

When the guerrillas take a new area, they move the locals further behind their lines to better-controlled zones and hand them over to local village elders of "mambos"—part of the socio-agricultural system MNR has installed, similar to that of the colonial era, in which local communities come under the direct control of these mambos who, in turn, answer to MNR officials.

The mambos then relocate the people, providing them with plots of land to grow food. "This relocation is necessary to avoid overcrowding and hunger," explained Mr. Alface.

Representatives of the MNR's "agricultural department" work with the mambos to organise more efficient production and food surplus distribution to both rebels and needier communities.

The Macua family, sitting down to breakfast, or "matabicho" (Portuguese for literally "kill the bug"), said they either traded their surplus food for salt or voluntarily gave it to the rebels via their mambo.

In spite of their organisation, the rebels have distribution problems.

Lacking any form of transport except for an ageing fleet of motorcycles, their food has to be carried over long distances by bearers, usually in cumbersome sacks on their heads, a slow process at best.

Italian priest Father Onorino Venturini, who was evacuated by the rebels before an attack on his village and then walked from the coastal Pembane district to western Zambezia, agreed supply lines were weak.

"In one base, where we stayed one month, we went hungry," Father Venturini said.

Starvation may not be a threat in this particular area, but there is malnutrition. There is no milk, and little salt and oil.

"We desperately need vitamins, especially for the children," said one nurse, who said the problem was compounded by a general ignorance on proper diets.

The largest machambas belong to MNR and are located near their main military bases. These are cultivated by non-combatants and members of the communities chosen by the mambos of the surrounding villages.

"We have about 300 machambas of 1 ha or 2 ha apiece in Zambezia alone," said one commander during an escorted motorcycle ride through fields of well-tended manioc, corn and beans.

The insurgents say these farms supply not only rebels based in Zambezia, but also provide food for those in needier areas.

The MNR, apparently, pays these workers in captured Mozambican currency (meticais). But the rebels admit that, except for a few stores located on their side of the border with Malawi, there is nowhere to spend the money.

"It is the beginning of commerce and will be used when the war is over," said Mr. Alface.

Food is plentiful—at least in rebel bases—even if not greatly varied. Meals consist basically of plates of rice, cornmeal mush, or "nsima," chicken and occasionally beef, liver and vegetable stews.

Considerable quantities of food are also captured from the government forces.

"The food the aid organisations send to Mozambique doesn't go to the people, it goes straight to the armed forces, so we capture it from them. Such as this," said rebel General Calisto, helping himself from a large bowl of tinned sardines.

MNR insists starvation exists only in government areas, and blame much of the situation on what they say is a failed Marxist state-farm production programme. "The cooperative machambas never worked. They just created discontent," agreed Mr. Carvalho m'Bona (42), a former government administrator who joined the rebels last year.

"Also, when Frelimo soldiers came into a town, they would just take people's chickens, pigs and corn," said Mr. m'Bona.

His statements, and many other similar ones, seem to indicate government troops are facing a hunger crisis, more than likely due to MNR's military tactics of disrupting all major transport routes, effectively blocking any food distribution.

Mr. Orlando Basso, a Portuguese agricultural technician who worked with the government in eastern Tete province until he was captured by the rebels and released late last year, confirmed this.

"It was virtually impossible to work. Practically no supplies could get through," he said.

Rebel leader Mr. Dhlakama, who insists the MNR is not waging a war of starvation against the Mozambican people, has appealed to international aid organisations to talk to his rightist forces about the food crisis. "If (food) help is only destined for government areas, it will be understood as aid for the regime and not the Mozambican people," he said.

The Deserters Who Became 'Conquerors'

(Sharon Behn)

The story of General Calisto Meque (29) typifies that of the right-wing Mozambican National Resistance (MNR) insurgent leaders and their goals.

Formerly a primary school teacher from central Manica province, General Calisto fought with the now ruling communist Frelimo party in the war of independence. But in 1977, disillusioned, he deserted.

"I didn't like the communist system. I saw people suffering as they suffer now, and I didn't like it. So I deserted and joined Renamo," he explained sitting in his bamboo-hut command post, complete with glass windows, print curtains and an old Portuguese map of Mozambique on one wall.

At 23, General Calisto led a group of 480 guerillas to open up the rebel front in eastern Tete province. "It was difficult, but we managed. Militarily, it was a big success—we expelled large numbers of the enemy," he recalled. That was in 1981.

In 1982, he was sent to open up a new front here in Zambezia, one of the country's most densely populated and fertile provinces. "I had 580 men under my command. It was another military victory. We also had a lot of support from the people, and many government soldiers deserted to join us," he said.

It took the rebels four years to "conquer" this central-northern province that stretches from the Malawi border to the Indian Ocean, cutting the nation in half, he said, but acknowledged they had taken no major towns.

The MNR says about 25,000 rebels are operating in the 10 provinces of this mineral-rich nation, and they claim to have isolated government forces in district and provincial capitals.

Since the war began about 10 years ago, the Marxist Maputo Government has called in about 12,000 Zimbabwean and 5,000 Tanzanian troops to help keep principal transport routes open, and is relying increasingly on foreign aid to keep its economy afloat.

"Our military situation is presently favourable, in spite of the large number of foreign troops supporting Frelimo," said Renamo's 33-year-old commander-in-chief and president, Alfonso Dhiakama, a former seminary student.

"We control 85 percent of Mozambique's territory. The army is concentrated in the cities, cut off from surrounding districts. The few districts under Frelimos's control exist only because of Zimbabwe's air protection," the guerilla leader said.

Many observers believe what is sustaining the war is the Zimbabwean Air Force and its British-trained ground troops stationed mainly across the "Beira corridor"—a rail and road route that links landlocked Zimbabwe to the Indian Ocean.

"Frelimo's morale is at rock bottom. Zimbabwe keeps the war going, not Maputo," said one businessman who asked to remain unidentified.

MNR: The Slender Hope

(Sharon Behn)

Horror stories abound from behind government lines of a scrambled group of "armed bandits" who, hell-bent on a war of pointless destruction, are terrorizing, killing and maiming helpless civilians.

But outside Morumbala, an insurgent base in a local village, children are trekking to school, women are calmly preparing food, and a number of village elders ("mambos") are gathering for one of their regular meetings with members of the rebels' so-called administration department.

Every day by 4:30 in the morning, this base, located deep in the bush of central Zambezia province, comes alive with the shouts of guerilla units marching past to begin their daily 10-hour stretch of military training.

By the time General Calisto and his top commanders sit down in the bamboo and thatch mess-hall for a hefty breakfast of cornmeal mush and chicken stew at 8:30, military and administrative plans have been set and the base is in full swing.

The ordered life here belies accusations that the Mozambican National Resistance (MNR), damned as the bastard child of the former Rhodesian Intelligence Organisation and later sponsored by South Africa, has no local backing and little internal organisation.

Alfonso Dhlakama, at 33, the MNR's commander-in-chief and president, is emphatic about the insurgents' status. "Renamo (MNR) is neither a product of Rhodesia nor South Africa. This is a civil war, a popular revolt against a Marxist regime installed by force by (the ruling party) Frelimo," he said.

The guerrillas, mostly in their late teens to late 20s and said to number roughly 25,000, have fought a decade-long war against the Government in Maputo and its allied Zimbabwean and Tanzanian troops.

Militarily successful, the MNR now operates in all 10 provinces and claims to control some 85 percent of this mineral-rich and once-prosperous nation which gained its independence from Portugal in 1975.

If the insurgents are receiving any external support, it is not immediately visible. Four weeks of criss-crossing the province on foot, in gondola-like canoes and on motorcycle revealed soldiers uniformed only in ragged T-shirts and shorts, carrying captured Soviet-made Kalashnikovs.

Beat-up motorcycles, some still sporting their original Mozambican license plates, are the commanders' only means of fast transport and they ride these at breakneck speeds across labyrinthine bush paths and creaking bamboo bridges that link the rebel bases.

The acute shortage of spare parts turns every soldier, regardless of rank, into an ace mechanic, as handy with bayonet tips and forks in fixing their machines as they are with the rarely available spanners.

Local populations are not much better off, as the rebel leader acknowledged: "The only problem in our zones is the lack of clothes and medication." he said. Women wear only simple cloth wrap-arounds, while men make do with torn trousers or shorts and small children run around naked.

Basics like soap and salt are scarce. Medical supplies are pathetically low, reduced to a single wooden tray of anti-malaria and anti-diarrhoea pills and some antibiotic creams in village hut clinics. As one MNR-trained nurse simply put it: "We lack everything."

Numerous reports from the government side blame rebel brutality for the country's tragic violence-ridden impoverished situation. There is no doubt the war has placed the people between a rock and a hard place, but in spite of the hardships here, civilians said they preferred the MNR option.

"Under Frelimo, it was like living in a prison. We were forced to work in communal villages, and we were whipped when we didn't produce enough," 20-year-old Azevedo Jackson remembered bitterly, sitting in the shade of his mud and thatch home. Pointing to his crops and family, he went on: "Now with Renamo we have our own farms and we're free. I'm all for them, and I know they will win."

Father Onorino Venturini, an Italian priest who has lived in Mozambique for 37 years and is now in a rebel camp awaiting evacuation from the country, confirmed what soon became repeated stories of government repression and Zimbabwean troop ruthlessness in conversations with local men and women, government defectors and refugees.

"The people supported Frelimo when it won the war of independence. But then Frelimo slowly began to squeeze the country, controlling people's movements, taking away their freedom, and using forced labour on the communal farms," explained 64-year-old Venturini. "The people are suffering, oppressed. They want a change, and that's what they see in Renamo," he said.

The MNR has responded by reestablishing in its "liberated" zones a traditional system of authority and private property, using village leaders, known as "regulos" or "mambos" as their go-betweens with the local communities.

Walking in the broiling sun on his way to meet a local mambo, veteran commander Joaquim Alface head of the rebel's administration organisation for Zambezia, explained the point of the system. "Frelimo imposed a political regime alien to the Mozambican understanding of life. It is our objective to win over the people," he said.

The MNR has made considerable progress behind their lines. A controlled administrative programme has led to the beginnings of a normal social structure. Schools and churches are being built, teachers trained, food distributed, and there is even a little commerce going on.

Most ot this commerce is based on barter between communities, but small canteens have also been set up along the frontier with Malawi. "For security reasons, we don't allow our people to cross the border. But there are merchants on the other side who sell goods to our canteen-owners," Alface said.

Bases close to the border occasionally come up with surprise bottles of soft drink, have soap and toothpaste and even serve coffee with condensed milk. Batteries are always a hot item for those who own radios.

Winning the people over includes an intensive anti-communist "politisation programme" that begins with primary school-age children (school is compulsory from the ages of six to 14). In a bombed-out building that served as one village's school, some 30 barefoot chidren proudly called out their timestables then belted out a song with a chorus of: "Frelimo tried and failed. Renamo and the people will be victorious."

The bright future the MNR promises these threadbare children is a prosperous independent nation based on democracy and free enterprise. However, few of the guerrillas are educated beyond secondary-school level, many are politically naive, and few have the administrative skills that will be necessary to put this war-ravaged and economically crushed nation back on its feet.

They face the choice of a limited life at home or joining the rebels at age 14 to face combat at the age of 16.

Mr. HELMS. Now, Mr. President, I send to the desk what I believe to be from reading the rules a privileged amendment to the Journal and ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report it.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment to the Executive Journal.

At the end of the executive journal of the session of today add the following new section:

"SEC. —. It is the sense of the Senate that the humanitarian assistance proposed to be extended to Mozambique will be of marginal use, if any, unless and until all foreign troops are removed from Mozambique and the civil war in Mozambique has been peacefully ended; accordingly, it is further the sense of the Senate that the Secretary of State should forthwith seek a meeting with the political representatives of the opposing Mozambican armed forces and utilize the good offices of the United States to seek a negotiated settlement between the warring Mozambican factions.".

Mr. HELMS. Mr. President, I thank the clerk for reading the amendment. I wanted it read into the RECORD so that it would be clear.

All this amendment is saying is that wherever the United States is dealing with a situation of this kind, we should not just pick the Communist crowd to deal with. We should pick both sides so as to have a broad representation of the interests in the affected country.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The Senator is informed that the Executive Journal is now not before the body. An amendment to the Executive Journal would only be appropriate when the Journal is before the body.

So the amendment is out of order.

Mr. HELMS. Mr. President, I am bound to appeal the ruling of the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator has a right to appeal the order of the Chair.

Is there a sufficient second? There is not a sufficient second.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. Mr. President, again I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The majority leader is recognized.

Mr. BYRD. Did the Senator lose the floor when he asked for the yeas and nays?

The PRESIDING OFFICER. The Senator does lose the floor by asking for the yeas and nays.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 2 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. Mr. President, reserving the right to object, I wonder if I could make the unanimous-consent request to speak on this issue and insert it in the RECORD.

Mr. BYRD. Mr. President, I have no objection to the request of the distinguished Senator who wishes to insert matter into the RECORD.

Does he wish to do this in legislative session or executive session?

Mr. SYMMS. Mr. Leader, I was going to speak on Melissa Wells' nomination. Will there be any further time later, at 2 o'clock, for the issue?

Mr. BYRD. Well, there will be a vote on cloture at 2 o'clock. I would suggest the Senator proceed now for 5 minutes.

Mr. SYMMS. I thank the distinguished majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator may proceed now to speak on the nomination, that no motion or other matter be introduced prior to the recess of the Senate at 12 o'clock.

The PRESIDING OFFICER. Under the order now before the Senate, the Senator has 4 minutes and 22 seconds to speak.

Mr. SYMMS. I thank the distinguished majority leader and I compliment the distinguished Senator from North Carolina on the comments he has already made.

Mr. President, regrettably, I must oppose the nomination of Melissa Foelsch Wells to be U.S. Ambassador to Mozambique. I say regrettably because I do not hold any personal grudge against Mrs. Wells—and I never find it very comfortable to oppose a nomination made by the President of my own party. Thus, I urge President Reagan to withdraw the Wells nomination and return to the Senate the name of a person with a clear understanding of what is happening in Mozambique.

Mr. President, when discussing with the Senate Foreign Relations staff her understanding of Renamo, Mrs. Wells likened these freedom fighters to the Red Brigade in Italy, and thereby showed she lacked understanding of the Reagan doctrine. Moreover, when providing written answers to questions submitted to the ranking Republican member of the Foreign Relations Committee, Senator HELMS, she compounded the problem by stating the following:

* * * [T]he South-African supported insurgent movement Renamo is operating in a manner that can only have as its objective destabilization of the country. Judged by its action and not by its claims, the actions of Renamo are not those of a nationalist movement. It has not demonstrated a capacity to take, hold and govern territory. Renamo is politically fragmented, it has no political program and has not shown evidence of a structure, other than military, that could be

> called a permanent presence in the country * * *.

Notwithstanding Mrs. Wells denigrating characterization of Renamo, I firmly believe they are the ones whom the U.S. Government should be supporting in Mozambique, not the Marxist-Leninist Frelimo government. The United States should not be sending a U.S. Ambassador who believes and propounds the party line of Frelimo—a party whose strongman, Samora Machel, in 1977 stated:

> Our struggle is to destroy all vestiges of feudalism and colonialism, but fundamentally to crush capitalism, which is the most advanced form of exploitation of man by man.

How can the United States play any real part in achieving a democratic solution to the civil war in Mozambique through negotiations which include Renamo if our Ambassador looks upon those freedom fighters as bandits? How can the Reagan doctrine in Mozambique, in fact, all of southern Africa, be advanced by a U.S. representative who tries to deflect charges that Frelimo is a Marxist-Leninist regime by saying that, unlike classic Marxist-Leninism, there is no dictatorship of the proletariate? Moreover, how could the administration, specifically the State Department, have sent a nominee to the Senate who espouses the views put forth by Mrs. Wells?

I am utterly dismayed at the process by which ambassadors are chosen by the powers that be at the State Department. This certainly is not the first nomination received by the Senate that has provoked individual Republican Senators to 'request that the administration withdraw a nomination. Unfortunately, I doubt that this will be the last either. The Senate has fought constantly with the State Department in their selection of ambassadors. It is inconceivable to this Senator why President Reagan has approved the nomination of Melissa Wells who believes the United States should attempt to buy Mozambique away from the Soviet Union and, at the same time, turn our backs on the Renamo freedom fighters who, despite the prevailing view in our State Department, are winning the war in Mozambique.

The State Department argues Frelimo is leaning toward the West. I ask my colleagues, has the Frelimo government requested the withdrawal of all foreign troops from Mozambique soil? Have the Soviet, Cuban, and East German military advisers left Mozambique? The answer to both questions is no. This, Mr. President, is what Frelimo has done: They have reached an agreement with the Soviet Union for more military aid; they have seized virtually all private property and nationalized almost every enterprise in the country; and they have established a number of ministries to control the people and direct the economy. In fact, the Foreign Broadcast Information Service reports that on Mozambique's Hero's Day, Mozambique's President Jouquin Chissano, stated on public radio:

> Some may think that because we are having negotiations with Western institutions, that we are having doubts about the socialist option. That is not the case. We choose socialism and combined it with the scientific teachings of Marxism-Leninism.

Does this sound like any directional change on the part of Frelimo? In my opinion it does not.

The State Department blames most of Mozambique's problems on the anti-Communist resistance movement. But how can the State Department believe the virtues of freedom and democracy will flourish without removing the one-party system that currently exists in Mozambique. Moreover, how can we believe the Reagan doctrine can ever be implemented in southern Africa, when the administration sends the Senate a nominee to be Ambassador to Mozambique who has no knowledge of this doctrine and prefers the Frelimo regime?

Mr. President, the person worthy of this nomination should:

First, exibit the desire to demand the withdrawal of all foreign forces from Mozambique such as the Soviet Union, Cuba, East Germany, North Korea, Zimbabwe, Zambia, and Tanzania;

Second, stress the need to strengthen our contacts with Renamo. At this time, no high-level U.S. policymaker has ever met with a Renamo representative;

Third, push for national reconciliation and negotiations between Frelimo and Renamo; and

Fourth, consider recommending Reagan doctrine assistance to Renamo if the Chissano regime refuses to negotiate with Renamo.

Finally, I believe our foreign policy in southern Africa is in complete disarray as we impose economic sanctions against the anti-Communist government of South Africa, supply arms and support to the UNITA freedom fighters in Angola, and add credibility worldwide to the Communist-dominated ANC by having our Secretary of State meet with its leader. The Wells nomination would simply add to the inconsistency.

I urge the administration to withdraw her name to be Ambassador to the People's Republic of Mozambique.

Mr. President, I would ask a Washington Times editorial, " 'Calculated Deceit' in Mozambique" by Daniel Flynn be printed in the RECORD. It is an op-ed piece that was in the Washington Times. I ask unanimous consent that immediately following my remarks that be printed in the RECORD.

Also, a piece by Ndabanigi Sithole, dated Friday, July 24, 1987, be printed in the RECORD immediately following the Washington Times report.

I want to make just a few points about the calculated deceit in Mozambique.

I just start out by pointing out that:

> The title of Randall Robinson's op-ed column—"Dole and Helms Have It Backward on Mozambique" [Aug. 10]—is almost correct. But what are Bob Dole's and Jesse Helms' names doing there? The right title would read: "Reagan and Robinson Have It Backward on Mozambique (Again)."
>
> Robinson begins his assessment of the Mozambican National Resistance, or Renamo, by referring to the "massacre at Homoine." He gives graphic detail of the atrocities committed by hundreds of armed troops, quoting the Los Angeles Times as his source.
>
> Very interesting. Very interesting especially because no independent confirmation has backed up the Frelimo government's claims either that the incident took place on the scale it claims or that Renamo had anything to do with it. Even our own State Department publicly admitted last week that no confirmation has been received backing up any of the details of the Frelimo government claim.

I can go on with that. In fact, as late as this morning I had a conversation with the very distinguished freedom fighter Jack Wheeler, who informed me that people he talked to that were there in Africa at the time said that there was no evidence that Renamo had anything to do with it; in fact, that it was carried out by the forces of tyranny and oppression.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALCULATED DECEIT IN MOZAMBIQUE

The title of Randall Robinson's op-ed column—"Dole and Helms Have It Backward on Mozambique" [Aug. 10]—is almost correct. But what are Bob Dole's and Jesse Helms' names doing there? The right title would read: "Reagan and Robinson Have It Backward on Mozambique (Again)."

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Very interesting. Very interesting especially because no independent confirmation has backed up the Frelimo government's claims either that the incident took place on the scale it claims or that Renamo had anything to do with it. Even our own State Department publicly admitted last week that no confirmation has been received backing up any of the details of the Frelimo government claim.

There is more than ample reason to suspect the government claims. For six days the Frelimo regime would not allow foreign reporters to the site, although three top ministers of the government traveled there. When foreign journalists did reach Homoine, they were taken to see 40 (not 400) "graves," but no bodies.

Frelimo claims that "uniformed Renamo soldiers" ran through the streets of Homoine. This is absurd, as anyone who is familiar with the Mozambican National Resistance should immediately recognize: Renamo has no uniforms—members of the resistance are dressed in whatever rags they can find. This fact is amply supported by every film made showing Renamo's supporters.

It is remarkable that the American press, which prides itself on its insistence on independent verification of facts and distrust of official sources, should so casually accept a government account, especially one that is so obviously self-serving. Within a week of the Frelimo government's releasing its claims of what occurred at Homoine, President Joaquim Chissano was on his way to Moscow to plead for increased Soviet aid. Within another week of his return to Maputo, Chissano made the same request at a summit of the Front Line states. The incredible coincidence of dates is far too beneficial to Chissano to be taken at face value.

The most timely question of the nomination of Melissa Wells as ambassador to Mozambique, and the opposition to it presented by 28 senators (Republicans and Democrats), is misunderstood by Robinson. Wells has made her support of State Department policy toward Mozambique more than clear in Foreign Relations Committee hearings and in written responses to questions from Helms. She has stated categorically that she will not accept the role of mediator between the Mozambique resistance and the government in hope of negotiating an end to the devastating civil war.

It remains unclear to me, as it does to Helms, Dole et al., how it is that the Secretary of State is willing to meet with the leader of a known terrorist organization (the African National Congress), while the State Department refuses to meet with a popular democratic resistance in the interests of peace. This policy, which Wells fully endorses, is at the heart of bipartisan opposition to the appointment.

Robinson would do well to remember the Frelimo government's response to the findings of the international committee investigating the Machel air crash, a committee that included former astronaut Frank Borman. Chissano's government dismissed the conclusion that President Samora Machel's death was an accident and joined with the Soviet Union in denouncing the committee (including Borman) as an agent of South Africa.

It is time Robinson and others reexamined the value they place upon the claims of a government that has demonstrated its determination to disregard truth when it thinks calculated deceit to its advantage, as Frelimo has done.—Daniel Flynn.

PRESS RELEASE

(By Ndabanigi Sithole)

FRIDAY 24, JULY, 1987

The reported massacre of several hundreds of Mozambican villagers brings to mind the usual pattern of Marxist/Leninist atrocities, not only in Mozambique, but elsewhere where the Marxists are faced with stiff resistance.

According to the Washington Post 24/7/87; the massacre went on for 5 hours! Zimbabwe has between 15,000 and 20,000 troops in Mozambique; Ethiopia has 6,000, Tanzania 10,000, Zambia 2,000 and Mozambique's National Army is said to be 45,000 strong. There are about 800 Russian military advisers in that country; about 1,000 Cuban troops, and several hundreds of North Koreans, East Germans and Bulgarians. There are also hundreds of British troops.

Ostensibly, all these foreign troops are in Mozambique to protect Mozambicans, and yet 386 villagers were slaughtered in an action that lasted for 5 hours. Maputo is only 300 miles away from Homoine the scene of the human carnage.

Where were the Zimbabwean, Ethiopian, Tanzanian, Zambian, Mazambican, North Korean, Russian, Cuban, East German and Bulgarian troops when this carnage took place? What happened to the British Military Intelligence which has been made available to the Mozambican army?

Under the present circumstances Mozambique is overprotected. Either these foreign troops are in Mozambique for their own selfish interest, or they are grossly inefficient when it comes to protecting the people of Mozambique. If either of the two cases is true, then all foreign troops should leave Mozambique alone and let Frelimo and Renamo sort out their own problem since they belong to the same citizenry which the foreign meddlers don't.

The crux of the matter here is: Who committed this heartless massacre? It is suggested that Renamo did, but Renamo denies this. How can we believe this when all the parties involved in the present security of Mozambique are accomplished masters of massacres? Frelimo has massacred people in Mozambique by the thousands, Zimbabwe has done the same thing in Zimbabwe, Tanzania has done the same thing in Uganda and Zanzibar; the Soviet Union has done the same thing by the millions in the USSR; the British are well known for their historic massacres; in North Korea millions were massacred; Bulgaria the same; Cubans the same; and Ethiopia, a couple of millions in that country.

The real question is: Why are these foreign troops in Mozambique? Why don't they stay home? Zimbabwe is in Mozambique to see that Marxism/Leninism is firmly established in that country so as to strengthen Marxism/Leninism in Zimbabwe. Tanzania is in Mozambique to strengthen Marxism/Leninism in Tanzania; Ethiopia is in Mozambique to strengthen her communism in Ethiopia. The USSR is interested in Mozambique to spread its communist ideology; Bulgaria, North Korea, Cuba and the rest of them are in Mozambique to promote Marxism/Leninism. The only political organization which stands in the way of these foreign troops in Mozambique is Renamo, which has been targeted for destruction by even the British who are being used by communist forces to prevent the USA from helping Renamo which is fighting for freedom, democracy and free enterprise as against communist oppression, repression and denial of freedom.

When Prime Minister, Margaret Thatcher, appealed to the American people to drop Renamo she was doing this in the service of Marxism/Leninism as against African freedom, democracy and free enterprise.

The World should know that Zimbabwe has a North Korean trained Fifth Brigade and British-trained Sixth Brigade which are currently being used in Zimbabwe to exterminate anti-communists. According to our usually reliable sources in Mozambique as well as in Zambabwe one of these Brigades was used to massacre the defenceless Mozambicians of Homoine last Saturday, under the very noses of the foreign troops.

Signed,

NDABANIGI SITHOLE.

RESISTENCIA NACIONAL MOZAMBICANA

RENAMO

RENAMO'S PROVISIONAL ECONOMIC MANIFESTO FOR FREE MOZAMBIQUE

RENAMO's economic philosophy is the complete antithesis of the communist FRELIMO government. The FRELIMO regime is based on strict Marxist-Leninist ideology.

Alternatively, RENAMO believes state power is not ultimate. Government exists to protect the rights of individuals and serve in such functions as are necessary to the public good. Therefore we believe in limited powers of a Constitutional government based on democratic principles. Rule of law must be enshrined by a system of legal justice predicated on belief in God given human rights, freedoms and dignity.

Our political reference logically implies economic freedom based on personal property rights, individual initiative and a free market environment. Competition is essential for a healthy and viable economy.

Foreign investment is encouraged and necessary for the development of Mozambique's untapped wealth. Foreign profits and national development are compatible processes within the bounds of respect for national heritage. Both exploitation and expropriation are destructive to investors and government relations.

RENAMO takes a dim view of unprincipled interests who have chosen to profiteer on the last gasp offer of the dying FRELIMO regime which sells the blood and birthright of our people for a season of power.

Alternatively, RENAMO is anxious to develop economic ties with those like-minded investors who believe real growth results from a free market system rather than from exploitive profits of communist concessions.

RENAMO is already putting to the test its policy of economic freedom. Although our economy is relatively unsophisticated and rural at present. We believe freedom is a reliable foundational principle when applied to more complex economic models as well.

MOZAMBIQUE NATIONAL RESISTANCE PROGRAMME

The objective of the Mozambique National Resistance Movement is to democratize, liberalize and create the conditions for the overall progress of the Republic of Mozambique in accordance with the following principles:

1. Politics

a. The eradication of the system of communist dictatorship and the purge of the top governing cadres adhering to the system, without victimization. Only by forgiving and forgetting will it be possible to build a Mozambique belonging to all Mozambicans.

b. The establishment of a Government of National Unity of pacify the country, to introduce and stabilize a democratic order, and to build the foundation for social and economic redevelopment.

The unity of the Mozambique people is essential to be able to face the challenges of modern times.

c. The people have the right to choose and freely vote for the political, social and economic system of the country. Nothing will be imposed on the majority by an aggressive minority.

d. The traditions, customs and personality of the Mozambique people will always be respected by all sectors of authority. Progress will be made in step with history and never against it.

2. Economics

a. The public sector will first be defined and will then serve to optimize and organize the private sector, the generator of the economic prosperity of Mozambique.

The reconciliation of interests, synthesis of Government activity, is an essential condition for the economic recovery of the country.

b. Development plans will be orientated towards increasing national wealth, harmonizing the development of all regions and redistributing income.

We will fight against unnecessary, speculative or extravagant investment; measures favoring useful investment and full employment will be pursued.

c. Monopolies, oligopolies or the economic exploitation of one class or sector by another will not be permitted.

Steps will be taken to protect consumers and to safeguard their respective participation in the establishment of economic laws.

d. The money taken from the people shall be used correctly and for the benefit of the people.

Taxation is an instrument of economic justice.

e. The situation of confiscated or appropriated assets will be analyzed with regard to their eventual restitution. Nationalization will not take place without fair and opportune compensation.

3. Justice

a. All citizens shall be equal before the law and shall have the same rights and duties. No-one shall be tried without adequate defense, and no-one shall be arrested without an order or warrant from the appropriate authority.

b. Judges shall be professional, permanent and independent. The widest guarantees and safeguards shall be adopted so that judges may judge according to their conscience and according to the law.

c. Trials will be public and will be open to public opinion. Offenders will be defended by a lawyer of their own choice and no restrictions will be imposed on that right.

d. Political prisoners will be given their freedom and other prisoners will have their cases reexamined by impartial judges. The prosperity of Mozambique lies in human dignity and justice.

4. Health and education

a. Ill-health and illiteracy are Mozambique's worst enemies: it is the Government's duty to apply the fullest resources of the promotion of health and education. Every effort will be made to provide all regions with an adequate network of hospitals and schools.

b. International organizations and institutions, including religious ones, will be encouraged to continue or restart the work they have done in this field. The State will foster the search for new methods and programmes in health and education in a free, participatory and progressive society.

c. Maternity, infancy and old age will be especially protected. State services in the field of health will as far as possible be free.

d. Education will be obligatory and free up to the age of 12. The most able will be encouraged to continue their studies.

5. Public services

a. Devotion to public duty and welfare will be the prerequisite of state, local government and public company employees. Public activities will open to hierarchical and employee scrutiny and will be accountable to the majority of citizens.

b. The Armed Forces and the Police will not interfere in political activity. They will be the guarantors of democratic political activity and their dignity will derive from this.

c. The Armed Forces of Mozambique will be constituted mainly by the Mozambique National Resistance Forces and by the incorporation of the actual regular units existing in the country, except for those which during the 2nd War of Liberation behaved in an unpatriotic manner. The instruments of political power used by the present regime in the repression of fundamental citizens' rights will be dismantled.

d. Veterans, ex-combatants and victims of the Wars of Independence, Liberation and National Defence will be particularly well cared for and protected by the State. Independence, Freedom and National Defence are the permanent and unifying commitments of past, present and future generation of the Mozambique people.

6. International politics

a. Agreements established previously with foreign countries or international organizations will be fully respected providing they do not affect National Independence and the basic democratic freedoms of our citizens, and do not contradict the inviolable principles of this programme. Mozambique will not discriminate against any country because of its respective internal regime: international relations will be governed by mutual advantage and free determination. Mozambique will respect and defend the principles governing the United Nations Organization and the Organization of African Unity, and will respect the Universal Declaration of the Rights of Man. We will fight against all forms of colonialism, imperialism and neo-colonialism.

c. The country will cooperate actively with neighboring states, especially those which depend on our ports. International cooperation is the fundamental instrument of peace in the region.

7. Constitution

a. Approval of the Constitution will be carried out by means of the National Assembly and the Participation of the people in the form of a referendum. The people of Mozambique are the yardstick and the ultimate end of the law and Government.

b. National Independence, Citizens' Freedom, Commutative and Distributive Justice, Respect for History and Progress in the future will be the bases for the Constitution of the Republic of Mozambique. Sealed by the blood of our martyrs, the supreme ideals of the Constitution are national imperatives.

Mr. SYMMS. Mr. President, I think it is unfortunate that people are being given the wrong impression.

Mr. President, I am happy to yield to the distinguished Senator who has just returned from that part of the world, if he has anything to add.

Mr. HELMS. No, I have nothing to add. I am grateful to the Senator for his statement.

Mr. SYMMS. In fact, I have been informed that Mr. Norquist was in the town of Homoine and talked to the people who were there when this happened.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

The minority leader is recognized.

Mr. DOLE. Mr. President, if there is no objection from the majority leader, I would like permission to speak for not to exceed 5 or 6 minutes.

Mr. BYRD. Mr. President, whatever the minority leader wishes is fine with me.

The PRESIDING OFFICER. Without objection, the minority leader is recognized.

Mr. DOLE. Mr. President, I am not certain what the vote will be on cloture. I had indicated, I guess a week or so ago, that I would probably vote for cloture. But it has been confirmed to me in the last few days that there are other nominations that I would hope that we might deal with. So I am not going to vote for cloture, but I am going to vote for the Wells nomination. Let me say, as the Republican leader, I want to support the President's nominees. Melissa Wells is the President's nominee, and I intend to vote for that nomination.

I would hope that as we debate the Wells nomination—and this nomination has been delayed—that we could get some cooperation on all the other nominations, including six Defense Department nominations plus a very important and richly deserved promotion for General Abramson, his fourth star. They are being held up by the Armed Services Committee.

Mr. President, I will include in the RECORD at this point a list of these pending Defense Department personnel actions.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

DOD NOMINATIONS PENDING

Frank J. Gaffney—to be Asst. Sec. of Def. for International Security Policy (nom received 4/22/87).

June Gibbs Brown—to be inspector general (nom received 4/23/87).

Samuel K. Lessey—to be Director of Selective Service (nom received 5/29/87).

Kenneth P. Bergquist—to be Asst. Sec. of Def. for Low Intensity Conflict and Special Operations (nom received 6/9/87).

John J. Welch—to be Asst. Sec. of the Air Force for Research, Development and Logistics (nom received 7/2/87).

Kathleen A. Buck—to be general counsel of the DOD (nom received 7/9/87).

Mr. DOLE. Mr. President, some of these nominations have been around for a long time. Having been majority leader, I know the difficulty of getting nominations confirmed once they are on the floor; but these have not even reached the floor. Maybe it is because of the controversy over the defense authorization bill. I hope not. Maybe it is because of the Nunn-Levin amendment. I hope not.

In any case, I do not think we can run around holding hostage nominees because of other legislation unrelated to the jobs of the nominees.

I would hope that we could get back to basics, that we could take a look at all the nominees who may be held up in committee or on the Senate floor and reach some agreement.

Mr. President, I also want to say a word about Mozambique. I have read some of the stories, not particularly accurate stories, on that subject. I am troubled by the State Department's policy toward Mozambique. Our central goals in Mozambique ought to be, first, ending war, and second, reducing the Soviet influence. Right now, I see little concrete evidence that the strategy we are following is leading to any real progress in achieving either one of those goals.

The administration is right to be leery of embracing Renamo politically, in light of the legitimate questions raised about Renamo's goals, structure, and tactics. But, in my view, pretending that Renamo does not exist and giving Frelimo more and more aid will permit the Marxist regime to prosecute the war and continue its assaults on the rights of its own people.

We certainly ought to do what we can to help the people of Mozambique. I have specifically encouraged increased food aid to meet the current famine emergency. But we are never going to succeed in outbidding the Soviets for the friendship of Frelimo. That tactic has not worked anywhere else, and it is not going to work in Mozambique.

Mr. President, those are my real concerns. The Wells nomination has given me and other Senators an opportunity to make these points. That is part of what the entire advise and consent process is all about. I would commend the distinguished Senator from North Carolina who has led the effort to raise these very legitimate questions about the conduct of our policy toward Mozambique.

As on other issues, Senator Helms has kept our attention focused on the botton line: What is our policy, and does it make any sense in terms of American interests?

But, Mr. President, this nomination has been with us for a long time. In my view, we have had our fair hearings, we have made our points, we have asked for questions. Moreover, I recognize that while the Ambassador is a vitally important official, the fundamental policy decisions are taken here in Washington. The Ambassador basically implements those decisions. So it is here in Washington that we most continue to focus our efforts to shape policy.

I can attest to the fact that we have had a couple of visits with the Secretary of State. I have been in the presence of the Secretary of State and the Senator from North Carolina, when the Senator from North Carolina made one very legitimate request: To just have some contact with Renamo—they exist and they are there—perhaps some fairly high-level contact.

The President has listened to our concerns, through the Secretary of State, and I hope that the President will give serious consideration to what has been said, and will continue to consult with us on American policy in this vital region of the world.

But the fact is the President has stuck by his nomination. Ronald Reagan has made clear that he still wants Melissa Wells to be his representative in Mozambique. Unless there is serious doubt about a nominee's integrity or basic competence—and no such questions have been raised about Mrs. Wells—I just feel it is basically the President's call.

So I will keep working on these policy questions that are so important. But it is time, I think, that depending on what happens to the cloture vote—maybe cloture will not be invoked—if it is invoked I would hope we can proceed rather quickly to either a voice vote or a record vote on the nomination.

I would indicate again that I would hope that this effort would expand and take care of some other nominees that are being held in committees, being held hostage because somebody does not like what they may find in some bill floating around in the Senate Chamber.

So, in sum, I am going to vote with the distinguished Senator from North Carolina against cloture, for the reasons I stated, and I would urge my colleagues on this side to do the same. Perhaps my message would be, let us release some of these other Defense Department nominees who are good people, who have been waiting in some cases since April 2, April 22, May 29, June, July, two of them in July. So they have been around for a while. If cloture is invoked, though, I will then vote for the Wells nominations. And, finally, I would hope that the appeal of the Senator from North Carolina is sustained.

That concludes my statement.

The PRESIDING OFFICER. All time is expired.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2 p.m.

Thereupon, at 12:08 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. Graham].

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 2 p.m. having arrived, under the previous order the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Melissa Foelsch Wells, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique.

Senators Wyche Fowler, Jr., Tom Daschle, Dennis DeConcini, David Boren, Frank Lautenberg, Jeff Bingaman, Howard M. Metzenbaum, Timothy Wirth, Wendell Ford, Christopher Dodd, Spark Matsunaga, Jim Sasser, J.J. Exon, John F. Kerry, Kent Conrad, and Claiborne Pell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Melissa Foelsch Wells, of New York, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. Ford] and the Senator from Iowa [Mr. Harkin] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. Cochran], the Senator from New York [Mr. D'Amato], the Senator from Kansas [Mrs. Kassebaum], the Senator from Idaho [Mr. McClure], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from New Hampshire [Mr. Rudman], the Senator from Alaska [Mr. Stevens], and the Senator from Virginia [Mr. Warner] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 24, as follows:

[Rollcall Vote No. 234 Ex.]

YEAS—65

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Fowler
Glenn
Gore
Graham
Hatfield
Heinz
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mikulski

Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stafford
Stennis
Weicker
Wirth

NAYS—24

Armstrong
Bond
Dole
Garn
Gramm
Grassley
Hatch
Hecht
Heflin
Helms
Humphrey
Karnes
Kasten
McCain
McConnell
Pressler
Quayle
Roth
Simpson
Symms
Thurmond
Trible
Wallop
Wilson

NOT VOTING—11

Cochran
D'Amato
Ford
Harkin
Kassebaum
McClure
Murkowski
Nickles
Rudman
Stevens
Warner

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 24. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. May we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, the vote will occur immediately on the appeal of the ruling of the Chair by the distinguished Senator from North Carolina [Mr. HELMS]. Mr. HELMS would like to speak for 10 minutes on the appeal. I ask unanimous consent that there be 20 minutes equally divided on the appeal.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object—and of course, I am not going to object—the question is on the amendment. Is that correct?

Mr. BYRD. The question is on the appeal of the ruling of the Chair that the amendment is not in order.

Mr. HELMS. But the pending business would be, in fact, the amendment. Is that correct?

Mr. BYRD. The distinguished Senator moved to amend the Executive Journal, and the Chair ruled that that motion, which was in the form of an amendment, was not in order.

Mr. HELMS. Mr. President, may we have a brief quorum call, so that I may confer with the majority leader on one aspect?

Mr. BYRD. Certainly.

Before we have that quorum call, I ask the distinguished Republican leader and others if it is agreeable to vote at 4 o'clock today on Calendar Order No. 302, Senate Resolution 279, the resolution offered by Mr. KERRY and others, with, say, a 10-minute time limitation, equally divided.

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—SENATE RESOLUTION 279

Mr. BYRD. Mr. President, I ask unanimous consent that at the hour of 3:50 p.m. today, the Senate proceed to the consideration of Calendar Order No. 302; that debate be limited to 10 minutes, to be equally divided between the two leaders or their designees; that no amendments to the resolution be in order; that no motion to recommit, either with or without instructions, or to commit, be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, I do not know of any objection.

Mr. BOSCHWITZ. What was the time?

Mr. BYRD. I indicated that the Senate would proceed in legislative session, at 3:50 p.m. today; that there would be 10 minutes for debate on the resolution, to be equally divided between and controlled by the two leaders or their designees; that no motion to recommit, either with instructions or without instructions, or to commit, and no amendment would be in order to the resolution; and that the vote would occur immediately on the resolution at the conclusion of the period of time, that being 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for another 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe that there would be no time on any motion to reconsider that vote.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that the order which was entered based on the request I made concerning Calendar Order No. 302 be as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF MELISSA FOELSCH WELLS

Mr. HELMS. Mr. President, a parliamentary inquiry. Is there a unanimous-consent request before the Senate at this point?

The PRESIDING OFFICER. A request for 20 minutes of debate is pending.

Mr. HELMS. Relating only to the time limitation?

The PRESIDING OFFICER. Relating to the time limitation for debate on the appeal of the ruling of the Chair.

Mr. HELMS. Mr. President, if the distingusihed majority leader will accommodate me, I want to modify the proposed amendment, only in terms of the first two lines, to make it conform to precedent. If the distinguished majority leader will agree, I will have no objection to the unanimous-consent request he has made. In fact, I support it.

Mr. BYRD. Mr. President, is the Senate now—

Mr. HELMS. Mr. President, may we have order? I can hardly hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I beg the Senator's pardon?

Mr. HELMS. I can barely hear the Senator. I would ask for order.

Mr. BYRD. I thank the Senator and I thank the Chair.

Mr. President, is the Senate now proceeding under the 20-minute order?

The PRESIDING OFFICER. There is currently pending a request for unanimous consent for 20 minutes to be equally divided on the appeal of the ruling of the Chair.

Mr. BYRD. I ask unanimous consent that the distinguished Senator from North Carolina may proceed for not to exceed 2 minutes under a reservation of the right to object.

The PRESIDING OFFICER. Without objection, the Senator from North Carolina.

Mr. HELMS. Reserving the right to object—and I shall not object, assuming that the distinguished majority leader or any other Senator will not object—I simply want to modify the amendment on which the appeal lies to read:

> Ordered that the Journal of the Proceedings of the Senate be so corrected to record the fact that it is the sense of the Senate * * *

and so forth. Nothing else is changed in the amendment. I ask unanimous consent that I be permitted to send to the desk the proposed modification.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I probably will not object.

Mr. President, the distinguished Senator from North Carolina has ventured into the unknown plateau of unprecedented motions. I would like for the Senate to rule on this matter because I think it is of extreme importance to the Senate in the future. I, therefore, will ask the Chair: If the proposed modification of the distinguished Senator from North Carolina is agreed to—and that can only be done by unanimous consent at this point—then would the effect of voting to support or reject the appeal of the distingushed Senator from North Carolina be the same as it would have been otherwise without such modification?

The PRESIDING OFFICER. Reserving the right to answer that question with finality after having seen the specific wording of the modification, since the basis of the ruling of the Chair was that this matter was not before the Senate and therefore was not available for amendment, the conclusion would tentatively be that modifications to the amendment would be irrelevant in terms of the Chair's ruling.

Mr. BYRD. Would what?

The PRESIDING OFFICER. Would be irrelevant; would not alter the previous ruling of the Chair.

Mr. BYRD. Would be irrelevant.

The PRESIDING OFFICER. Irrelevant.

Mr. BYRD. I thank the Chair.

Then what I think I have heard the Chair say is that the basis for the Chair's earlier ruling that the distinguished Senator from North Carolina's motion was not in order would be retained; the same basis, the same ruling would obtain.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. If the modification is allowed.

The PRESIDING OFFICER. Correct. Again with the caveat that the Chair has not seen the wording that the Senator from North Carolina proposes to offer. But since the basis of the ruling was not on the specific language of the amendment but rather that the amendment was not timely, it would be the tentative conclusion of the Chair that, as modified, the amendment would still be out of order and therefore the ruling would be the same.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from North Carolina may proceed and that the Senator from Rhode Island may also proceed for not to exceed 3 minutes each while the Chair is examining the language of the modification.

I think it is important, from the standpoint of precedent, that the Senate know what it is doing and that the Senate be assured that what the Chair has said by way of an opinion in response to my parliamentary inquiry be indeed an opinion that is not tentative but a statement with certitude. I make that request.

The PRESIDING OFFICER. The request is for unanimous consent to allow 3 minutes to each side while the language of the amendment is being reviewed for purposes of a definitive answer to the parliamentary inquiry.

Mr. BYRD. Precisely. And that the other request, namely, that the Senator be able to modify the language, remain pending.

The PRESIDING OFFICER. Is there objection to the majority leader's request for unanimous consent?

Without objection, it is so ordered.

Three minutes per side while the language is being reviewed.

Who yields time?

The Senator from Rhode Island.

Mr. PELL. Mr. President, I will use my time to speak to the basic underlying amendment of the Senator from North Carolina.

In my mind, this amendment raises some pretty controversial issues about the very nature of the war in Mozambique, the role of the troops there from other countries such as Zimbabwe and Malawi, the causes of the famine, and the nature of the guerrilla movement called Renamo, which receives support from South Africa.

I do not believe we should accept such a far-reaching amendment without a full-scale debate on these issues.

This amendment implies that foreign troops are in Mozambique to prosecute the war on behalf of the Mozambican Government. In fact, those troops are not there for that reason. They are there to protect important transportation corridors, such as Beira, which have been subjected to repeated attacks by Renamo. These troops do not interfere with the delivery of the emergency food aid. In fact, the presence of these troops helps assure that the food aid, goes to the people who are the intended recipients.

The rehabilitation of these transportation corridors, which is being undertaken by the South African Coordination Conference [SADCC] with aid provided by Britain and many of our other allies, is critical to the efforts being made by SADCC to reduce the dependency of its member states on South Africa.

This amendment urges the Secretary of State to meet with Renamo representatives on the assumption that Renamo has significant political support in Mozambique.

The administration firmly believes that Renamo is not an indigenous political movement with substantial popular support or control of territory.

This is also the view held strongly by Prime Minister Thatcher and the British Foreign Office, the French Government, and our other allies in Europe.

To promote a high level meeting, as this amendment calls for, would be to recognize a group which is widely regarded as indulging in terrorist attacks against civilians while simultaneously undermining our efforts to encourage the Government of Mozambique to put further distance between itself and the Soviet Union.

All told, it would seem to me that it would be better if this amendment were defeated. The administration concurs in this view and I would hope that when the time comes my colleagues would uphold the Chair's ruling and defeat the amendment

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

I do not want the Senate to get bogged down into the notion that all that is before the Senate is a procedural matter. What we are talking about is a disastrous State Department policy—that is, of cozying up to Communist regimes and ignoring as best they can the anti-Communist resistance. Specifically, we are talking and have been talking about Mozambique, a Communist country which has been brutal in its practices; yet the State Department confers and collaborates and cooperates with this Communist regime and will not even sit down and talk with Renamo, the anti-Communist resistance that represents about 80 percent of the people of Mozambique. Now, if that makes any sense to any Senator, I want him or her to explain it to me.

Let me read the amendment that I am proposing to the Journal. I want the Senate to vote on it, because we are not really voting on a procedural matter. We are voting on a State Department policy of playing footsie with the Communists while ignoring our anti-Communist pro-Western friends called Renamo in Mozambique.

Now, the proposed modified amendment that I hope I shall be able to send to the desk shortly reads as follows:

> *Ordered*, That the Journal of the proceedings of the Senate be so corrected as to record the fact that it is the Sense of the Senate that the humanitarian assistance proposed to be extended to Mozambique will be of marginal use, if any, unless and until all foreign troops are removed from Mozambique.

What Senator can argue with that?

> and the civil war in Mozambique has been peacefully ended;

What Senator can argue with that?

> accordingly, it is further the Sense of the Senate that the Secretary of State should forthwith seek a meeting with the political representatives of the opposing Mozambican armed forces and utilize the good offices of the United States' to seek a negotiated settlement between the warring Mozambican factions.

Now let me tell Senators this: Repeatedly I have told Secretary of State Shultz that if he will simply agree to meet with the anti-Communist resistance in Mozambique when he has publicly stated over and over again he is meeting and will meet with the brutal

African National Congress—the State Department, including the Secretary, has met with the pro-Communist ANC 59 times—

Mrs. Wells stated during her confirmation hearings that:

> Meetings [by the State Department with various groups] do not confer legitimacy on or imply the U.S. government's approval of a particular organization's or individual's goals or strategy.

If that is so with regard to meetings with proponents of necklacing, such as the ANC, surely it should be so with regard to the anti-Communist resistance in Mozambique [Renamo] which seeks democratic elections in what is now a self-proclaimed, one-party, Marxist-Leninist country.

Until the State Department revises its policy to instruct its officers to meet with Renamo, and sponsor negotiations between both sides, the presence of a U.S. Ambassador to Mozambique serves very little constructive purpose.

The PRESIDING OFFICER. The Senator's time has expired under the agreement.

Mr. HELMS. I ask for 1 more minute, to be taken from my time.

The PRESIDING OFFICER. The Senator's request is for 1 additional minute. Is there any objection? Without objection, it is so ordered.

Mr. HELMS. I told the Secretary if he will accord the anti-Communist resistance in Mozambique the same courtesy that he extends to the pro-Communist African National Congress in South Africa, then the nomination of Mrs. Wells could have been approved on a voice vote not weeks but months ago. But the State Department was adamant: It is their way or no way. They won this afternoon, as I figured they would, on the cloture vote. I was hoping the Senate would send a message to the State Department to sit down with both sides. But the State Department will not do it in Mozambique. And I tell you, Mr. President, that the people of Mozambique will continue to suffer as a result of this unfortunate State Department policy.

The PRESIDING OFFICER. The Senator from North Carolina has yielded the floor.

The Senator from Rhode Island has 1 minute remaining of the 3 minutes available.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. The Senator from Rhode Island has yielded back his time.

Mr. BYRD. Mr. President, I ask the Chair that the Chair would again respond to my earlier parliamentary inquiry now that the Chair has had time to consider the language of the modification.

The PRESIDING OFFICER. The proposed modification does not affect the central question and, therefore, the amendment as proposed to be modified is out of order.

Mr. BYRD. Then, Mr. President, I have no objection to the modification.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Will the Senator send the modification to the desk?

The amendment, as modified, is as follows:

> *Ordered*, That the Journal of the proceedings of the Senate be so corrected as to record the fact that it is the Sense of the Senate that the humanitatian assistance proposed to be extended to Mozambique will be of marginal use, if any, unless and until all foreign troops are removed from Mozambique and the civil war in Mozambique has been peacefully ended; accordingly, it is further the Sense of the Senate that the Secretary of State should forthwith seek a meeting with the political representatives of the opposing Mozambique armed forces and utilize the good offices of the United States' to seek a negotiated settlement between the warring Mozambican factions.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. We now have as the pending business the unanimous-consent request for 20 minutes of debate under the conditions as have been outlined by the majority leader.

Is there objection to the request for unanimous consent?

Mr. HELMS. Reserving the right to object, do you wish to subtract the time already used, Mr. Leader?

Mr. BYRD. That will be fine.

Mr. HELMS. That will leave a total of ——

The PRESIDING OFFICER. Fourteen minutes.

Mr. HELMS. Seven minutes apiece then?

Mr. BYRD. Yes.

Mr. HELMS. Very well.

The PRESIDING OFFICER. With the time previously utilized counted against the 20 minutes, is there objection to the unanimous-consent request as made by the majority leader?

Without objection, it is so ordered.

Who yields time?

The Senator from North Carolina.

Mr. HELMS. Mr. President, first of all, I certainly want to thank the majority leader for his cooperation. As he knows, I could have withdrawn the amendment and resubmitted it subsequent to consideration of the Wells nomination or at any other time I get the floor. But I chose not to do that because I do not want to delay the Senate.

I really do not have a great deal more to say except, as Senator DOLE put it so eloquently on the floor this morning, this is matter of State Department policy. Senator DOLE recited his experience with the Secretary of State, with whom Senator DOLE and I met at least one or two occasions, trying to persuade the State Department to alter only slightly its unbending resistance, even to talk with the anti-Communist resistance in Mozambique.

I say again, while this is a procedural motion, it is the only way we could get to it other than my withdrawing the amendment and resubmitting it, which I could have easily done under the rules.

As I say, I do not want to hold up the business of the Senate.

The anti-Communist resistance in Mozambique is known as Renamo. As I said earlier this morning, it is a strong and effective indigenous organization committed to free enterprise and Western values. The New York Times and Washington Post fabricate and contrive stories, trying to make it appear otherwise.

Several weeks ago the case of a nurse, a missionary nurse from Houston, was introduced into the argument. The New York Times and Washington Post proclaimed that Renamo had kidnaped this nurse. The truth of the matter is exactly to the contrary.

Miss Kindra Bryan, of Houston, TX, probably is alive today because Renamo took 3 months to escort her out of the country into Malawi where she could reach safety and go home.

After evacuation from the military war zone, Miss Bryan traveled with the Renamo troops for at least 3 months on foot and at night. This was made necessary by the Communist Government of Mozambique, the crowd that the State Department cozies up to. The Communist Government of Mozambique refused to participate in a cease fire that would permit a Red Cross plane to land and pick up this nurse.

Those are the undisputed facts as yet unpublished by the Washington Post or the New York Times. So this is a policy that Senator DOLE and I and Senator SYMMS and a number of other Senators have unsuccessfully attempted to persuade the State Department to change.

The State Department refused to do it and that is the reason Mrs. Melissa Wells was so long in being confirmed by the Senate. She could have been confirmed back in June or April—March, even—if the State Department had not been so intransigent in its position that it would deal only in Mozambique with the Communists while describing the Renamo forces as personae non grata to the State Department.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island?

Mr. PELL. Mr. President, the Department of State, speaking for the administration, has taken quite a strong position against this amendment. Its reasons which seem pretty valid to me, are as follows.

First, the presence of foreign troops in Mozambique does not interfere with the delivery of the emergency food supplies to needy people in Mozambique. Requiring removal of these troops prior to providing humanitarian aid would simply increase and prolong the suffering of the Mozambican people. I think we should reiterate that the purpose of those troops is to keep the transportation corridors open and goods and people moving. That is the very reason why the neighboring states have some of their troops stationed there.

Second, it is the policy of the United States to use whatever influence is available to us to encourage an end to hostilities and a peaceful resolution of conflicts, including, obviously, the one in Mozambique.

However, Renamo's track record, which includes brutal attacks on civilians, such as the incident that occurred a few weeks ago when nearly 400 people were killed in Homoine, kidnapings, and walking away from previous ceasefire negotiations with the Government of Mozambique, raise serious questions about Renamo's willingness to pursue peaceful solutions in Mozambique.

I would like to point out that the administration has been in contact with Renamo—not at the level of the Secretary of State, but at the desk level. There have been conversations between the State Department and Renamo's purported representatives in the United States. In my mind, under the present circumstances, this is about as high as they should be.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator form Rhode Island has 4 minutes 46 seconds.

Mr. PELL. I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Rhode Island has reserved the balance of his time.

The Senator from North Carolina has 2 minutes 50 seconds remaining.

Mr. HELMS. Mr. President, I thank the Chair.

I very seldom disagree with the Parliamentarian, but in this instance I have told him in all friendliness I think he is wrong. He is sincere, but he is sincerely wrong.

I believe there is a clear precedent dated from January 22, 1861, in which the Senate considered an amendment to the Journal well after the beginning of the day, even though the Journal was not in any sense pending at that time. I am tempted to ask the Chair if he wants to reconsider its ruling that the Journal must be pending for a correction to be made.

On page 374 of the precedents of the U.S. Senate there is a clear description of what happened that day. I have been unable to find any precedent changing that clear precedent, and I hope the Senate today will not change it. The Senate needs to get out of the business of changing its rules by the device of incorrect parliamentary rulings. But I reiterate that we are not really voting on a procedural matter here; we are voting in fact on a State Department policy which I think would be unwise and dangerous.

I ask unanimous consent, Mr. President, that the precedent to which I have referred be printed in the RECORD.

I reserve the balance of my time.

There being no objection, the precedent was ordered to be printed in the RECORD, as follows:

4. CORRECTING

JANUARY 22, 1861.

36th Cong., 2d sess.; J., p. 132.

Mr. Benjamin submitted the following motion:

Ordered, That the Journal of the proceedings of the Senate be so corrected as to record the fact that the Senators from the States of Florida and Alabama, and the honorable Jefferson Davis, Senator of the Senate of Mississippi, made announcement that the said States of Florida, Alabama, and Mississippi had seceded from the Union, has resumed the powers delegated by the said several States to the United States of America, and that they, the said Senators, considered themselves by reason of said action of said States as being no longer entitled to retain their seats as Senators, and accordingly thereupon withdrew from the Senate.

The Senate proceeded to consider the said motion; and

On motion by Mr. Douglas, to amend the same by striking out all after the word "*Ordered*," and in lieu thereof inserting:

That Jefferson Davis, of Mississippi, Stephen R. Mallory and David L. Yulee, of Florida, C. C. Clay and Benjamin Fitzpatrick, of Alabama, having announced to the Senate their withdrawal from the same: Ordered, That their names be stricken from the list of Senators, and the Secretary directed no longer to call the same.

After debate,

On motion by Mr. Seward, that the motion of Mr. Benjamin, and the proposed amendment, lie on the table,

Mr. Benjamin raised a question of order, to wit: Whether it was in order to move to lay upon the table a motion to correct the Journal of the Senate of the preceding day; and

The Vice-President decided that the motion was in order; and

On the question to agree to the motion of Mr. Seward,

It was determined in the affirmative; yeas 32, nays 22. (*See* Cong. Globe, pp. 501-505.)

The PRESIDING OFFICER. The Senator from North Carolina has 1 minute 15 seconds. The majority leader?

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The gentleman has 4 minutes 43 seconds.

Mr. BYRD. I thank the Chair.

Mr. President, this matter is important from the standpoint of the precedent that the Senate will set. It is important for the future.

While few Senators may be on the floor at this time, I think it is important that the record state for those who may read it in the future what the situation is and what the Senate does in the action that the Senate takes on this appeal.

Mr. President, the 1861 precedent to which the distinguished Senator points is not a precedent on all fours.

In that instance, the Vice President was seeking for guidance, for one thing.

Second, there was no point of order made against the motion.

Third, the Chair did not, in and of itself, rule such a motion out of order as it has in this instance. In other words, there was no challenge to the motion in the 1861 instance.

Mr. President, there are four journals that are kept by the Senate: The executive journal, the legislative journal, the journal of confidential proceedings when the Senate is acting behind closed doors; and the journal of the proceedings of the Senate acting as a court of impeachment. The time for the amendment to the journal is at the beginning of a new legislative day in the case of the legislative journal, and I believe that the time for amending the executive journal should be at the beginning of a new calendar day in which the Senate goes into executive session to consider executive business.

That was not the case today. The Senate went into executive session after 1 hour of session, and the distinguished Senator from Rhode Island, by unanimous consent, put the Senate on the business of the nomination of Melissa Wells. So we had before the Senate at that time the nomination of Melissa Wells.

At the time the distinguished Senator from North Carolina moved to amend the executive journal, the Senate was on the nomination of Melissa Wells.

It stands to reason, and I think common sense would dictate, as well as experience and precedent and the rules would dictate, that you cannot have two matters before the Senate at once. You cannot have the executive journal before the Senate and have a nomination or treaty before the Senate at the same time. You cannot have a bill or resolution pending before the Senate and at the same time have the legislative journal, the reading thereof or an amendment thereto, before the Senate at the same time. You have one or you have the other. A matter must be pending before the Senate, else it is not subject to amendment. Only one matter may be pending at any given time. The moment the Senate went into executive session the journal was subject to amendment.

So once that opportunity passed, and other matters are taken up before the Senate—in this case, the Wells nomination—I maintain that the opportunity to amend the journal is lost because the journal is not before the Senate. Therefore, that any motion to amend the Journal would no longer be in order.

That is what the Chair's ruling is. The distinguished Senator from North Carolina has exercised his right to appeal that ruling by the Chair. I hope that the Senate will sustain the Chair because a result to the contrary would be to invite chaos in the proceedings of this body. It would mean that at any time during any day and without regard to any other matter that may be pending before the Senate at a particular time, a Senator, if he wishes to act in a dilatory fashion and delay the action of the Senate on the matter before the Senate, could simply move to amend the journal. I believe that all Senators can easily foresee that that would be chaotic. We have enough problems now.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. We have enough problems now in trying to get the business of the Senate done. Now if we invite any Senator on any occasion on any day while any other matter is before the Senate to stand and get recognition and move to amend the journal, we can foresee the chaos and disruption that would result.

I urge the Senate to vote against the appeal by the distinguished Senator from North Carolina and instead uphold the ruling of the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has 1 minute 15 seconds remaining.

Mr. HELMS. Mr. President, I say to my dear friend from West Virginia he has almost now persuaded me, but he must remember, and I know he does, that there is scarcely any higher privileged matter than such an amendment that I propose. A correction to the Journal is highly privileged and is virtually always in order, except perhaps after cloture in proceeding under rule XXII. He may not like the rule of the Senate in this regard, but the authority is there, and it is, as I read it, very clear.

Second, there has hardly been a lot of chaos since 1861 by the use of this device, if you want to call it that.

I say again, Mr. President, that this is not a matter of chaos. It is not a procedural matter. It is a matter of whether the Senate wants to say to the State Department, "Deal with both sides in these disputes in other countries that do not justify your support and cooperation to the Communist side."

That is the issue. The issue is not whether the Parliamentarian is right in his ruling. I do not think he was. One of these days, I am going to buy him a cup of coffee and have him sit down and have a little confessional with me about it.

Nothing could be clearer than this is a highly privileged matter in terms of parliamentary procedure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 10 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. May I first commend the distinguished Senator on making a motion today that has never been made before on all fours. I compliment him. It shows his resourcefulness.

I ask him, however, if he would kindly invite me to be present at the beginning of the coffee and the confessional when the distinguished Parliamentarian is asked to sit down with the distinguished Senator from North Carolina. I would like also to be enlightened further.

Mr. HELMS. Since we are talking about privileged matters I can think of no greater privilege than to invite the distinguished majority leader. We will invite him.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. All time has expired. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays having been previously ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. Ford], the Senator from Tennessee [Mr. Gore], the Senator from Iowa [Mr. Harkin], and the Senator from Illinois [Mr. Simon] are necessarily absent.

Mr. SIMPSON I announce that the Senator from Mississippi [Mr. Cochran], the Senator from New York [Mr. D'Amato], the Senator from Kansas [Mrs. Kassebaum], the Senator from Idaho [Mr. McClure], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from New Hampshire [Mr. Rudman], the Senator from Alaska [Mr. Stevens], and the Senator from Virginia [Mr. Warner] are necessarily absent.

The PRESIDING OFFICER (Mr. Dodd). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 28, as follows:

[Rollcall Vote No. 235 Ex.]

YEAS—59

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Evans
Exon
Fowler
Glenn
Graham
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Stafford
Stennis
Weicker
Wirth

NAYS—28

Armstrong
Bond
Boschwitz
Dole
Domenici
Durenberger
Garn
Gramm
Grassley
Hatch
Hecht
Heinz
Helms
Humphrey
Karnes
Kasten
McCain
McConnell
Pressler
Quayle
Roth
Simpson
Specter
Symms
Thurmond
Trible
Wallop
Wilson

NOT VOTING—13

Cochran
D'Amato
Ford
Gore
Harkin
Kassebaum
McClure
Murkowski
Nickles
Rudman
Simon
Stevens
Warner

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 28. The decision of the Chair stands as the judgment of the Senate.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is on the question regarding the nomination of Mrs. Wells to be the Ambassador to Mozambique.

Is there further debate?

Mr. PELL. I suggest that we move on to a vote.

Mr. HELMS. Pardon?

Mr. PELL. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the nomination. The clerk will call the roll.

Mr. BYRD. Mr. President, I am sure that Mr. Helms wanted to speak on the nomination. I would suggest that we not have the vote until the Senator has had the opportunity to speak, as well as other Senators.

I compliment the Chair, however. If no Senator seeks recognition, it is the Chair's responsibility to put the question.

Mr. HELMS. Mr. President, this matter is a fait accompli. As has been said many times during the debate today and on previous occasions, the nomination of Mrs. Wells could have been confirmed months ago had it not been for the intransigence of the U.S. State Department.

The PRESIDING OFFICER. Will the Senator suspend?

The Senate is not in order. The Senator from North Carolina deserves to be heard.

Mr. HELMS. I thank the Chair. I do not know whether I deserve to be heard, but I am entitled to be heard. But I thank the Chair.

The intransigence of the State Department has been an appalling spectacle in this matter. The fact of the matter is that Mrs. Wells, following the State Department policy, declared on more than one occasion that she would not meet under any circumstances with the anti-Communist resistance in Mozambique. There were some of us in the Senate who understood that she either parroted the State Department policy or she did not get the nomination. That is precisely the situation.

So I have no criticism of Mrs. Wells as a person. She is a delightful lady. I met with her for about 90 minutes in my office. I enjoyed it. I think she wants to do a good job. But she will be operating under the constraints of a State Department policy which says: "You may deal, you must deal, with Frelimo, which is the Communist element in Mozambique, but you may not even recognize the fact that Renamo exists," Renamo being the anti-Communist resistance in Mozambique.

I am just puzzled about this State Department policy as I am puzzled by so many State Department policies.

Now, Senator DOLE and I met with the Secretary of State trying to persuade him weeks ago at least to agree to sit down and talk and listen with Renamo. The Secretary was intransigent. He was pleasant, but he would not do it. And it is this kind of State Department policy to which I object and have objected and will continue to object so long as I am in the Senate.

So the cloture vote was of no surprise to me. And it will suit me just fine for there to be a vitiation of the rollcall on Mrs. Wells, but that would be up to the majority leader.

But let me say that the Senate's action today in rejecting even a sense-of-the-Senate resolution calling on the State Department to meet with the anti-Communists in Mozambique as well as the Communists, that action by the Senate has vast implications that are very disturbing to me.

It may very well begin the unraveling of support for Jonas Savimbi with grave consequences for democratic forces throughout the region. Now the reason for my concern, Mr. President, is that the situation in Mozambique is parallel in many ways to the situation in nearby Angola. In both cases, effective indigenous opposition movements have formed to overthrow the two Communist governments, one in Mozambique, one in Angola, that assumed control in both countries when both countries became independent.

So that is what had been at issue here today. That is what has been at issue every step of the way.

I did not have much notion that I would prevail in this matter, but I felt and I feel that it was a fight that needed to be waged. The linkage was also noted by Senator SIMON in his comments this morning, this linkage between Angola and Mozambique. The difference is that Senator SIMON apparently wants to change U.S. policy from supporting Savimbi, and he saw this vote as a step in that direction. I am very fond of Senator SIMON, but I disagree with him wholeheartedly on this matter.

I prefer that we change United States policy toward Mozambique. United States policy in both Angola and Mozambique should be directed at giving encouragement to democratic forces who are striving to establish a democratic government in those two Marxist countries and who desire to see the withdrawal of foreign troops that are propping up unpopular regimes.

Now, I had hoped that those who support UNITA's efforts in Angola would have opposed the cloture motion and would have voted to allow my proposed amendment to the Executive Journal to be considered on its merits. I wanted that to happen as a means of expressing dissatisfaction with the State Department's exclusion of Renamo, as I have said repreatedly, Renamo being an organization with similar ideas for democracy in southern Africa.

The primary difference is that Jonas Savimbi's UNITA movement in Angola was a political party at the time of independence while the Renamo forces in Mozambique are largely comprised of disaffected former members of the Front for the Liberation of Mozambique (FELIMO) which has ruled since independence.

In short, the members of Renamo today are people who supported Frelimo until they saw the disastrous consequences of a Communist government in Mozambique.

And it was then that they—an indigenous group of human beings in Mozambique who yearn to be free and who simply will not submit to being ruled by Communist tyrants—they moved out and are trying to take over their country.

Much is said of the fact that Renamo was originally assisted by the former Rhodesian Government and subsequently South Africa, prior to the Nkomati accord. This is largely irrelevant to the fact that today in 1987, Renamo is the primary anti-Communist force in the country.

So that is why I cannot understand the State Department's absolute refusal even to meet with representatives of Renamo. It is clear from various first-hand reports that Renamo operates freely and is the dominant force in 80 percent of the country. But yet our State Department says we are going to deal only with the Communists who represent only about 20 percent of the country. Only the major cities, to the extent they are major, in Mozambique are regarded as controlled by FRELIMO or, that is to say, the Communist government.

Now, the State Department's policy in southern Africa has placed heavy reliance on what it terms "weaning" the Governments of Angola and Mozambique away from their Communist moorings.

Fat chance; good luck, fellows. It is not going to happen. It never has happened; never will.

We heard the same noisy chatter about how we are going to get along so well with a fellow named Fidel Castro down in Cuba. And the very same State Department then said:

> Oh, well, Mr. Castro is just an agrarian reformer. We don't even really believe he is a Communist and we can get along with him and we can make a deal.

Some deal, Mr. President.

Or, to put it another way: Here we go again.

Let me get back to my friend and a friend of many Senators, Jonas Savimbi. Jonas has always been a pressure point to force the Angolan Government into a negotiated settlement. However, the Communist government in Angola, just like the Communist government in Mozambique, refuses to deal with Savimbi.

A similar situation exists, as I say, in Mozambique. The Government there refuses to engage in negotiations for reconciliation. Indeed, the Government will not even utter the word "Renamo." They label Renamo only as "armed bandits."

And, surprise, surprise, again that is exactly what Mrs. Wells said when she was interviewed about her nomination. That is exactly what George Shultz says. That is exactly the line fed out by the State Department. That is exactly the line circulated by the New York Times and the Washington Post and NBC and CBS and ABC. Small wonder that the American people are confused.

Despite pleas from Catholic bishops in Mozambique, the Government stubbornly refused even to discuss the possibility of negotiations with Renamo.

This "weaning" philosophy of the State Department, I might add, has not been successful. Both countries—Angola and Mozambique—remain firmly in the Soviet orbit, receiving large military supplies and voting the Soviet line in the United Nations. Only because of congressional pressure has support been provided to Savimbi's forces, and over the objections of the State Department.

I caution my colleagues that the failure to change the U.S. policy toward the anti-Communists of Renamo will only serve to embolden the State Department to accelerate its desire to "dump" U.S. support for Savimbi. I know that many of my colleagues share my conviction that Jonas Savimbi is a dynamic leader committed to democracy in Angola and that he is deserving of support.

There are those within the State Department who are already advocating that U.S. support for Savimbi must be terminated as a part of a regional "peace package." Assistant Secretary of State for African Affairs, Chester A. Crocker, has been to Angola twice this summer, and representatives from Angola have traveled here. What appears to be in the works, I am told, is a reversal of United States policy with only cosmetic changes in Angolan policy. United States insistence on the withdrawal of Cuban troops from Angola will be compromised in order to negotiate a peace package. The possibility of democracy emerging, however, has been submerged because of the desire to consummate negotiations.

Other similarities between the Unita and Renamo forces are that in addition to having to battle the Communist government, they also face significant foreign forces. In Angola, these are primarily Cuban troops. In Mozambique, a large number of Zimbabwean troops (15,000 to 20,000) are present, as well as some reportedly from Tanzania (3,000), Malawi (1,000), Zambia, Ethiopia. Additionally, approximately 850 Soviet military advisers are present in Mozambique. These forces help to prop up what otherwise would be a faltering Communist government.

Both Unita and Renamo have similar demands of their respective governments: The withdrawal of all foreign troops and the holding of free and fair elections. Neither country has had multiparty elections in the past decade.

Mr. President, surely these are objectives worthy of U.S. support. At a minimum, Mr. President, U.S. efforts should be directed toward negotiations between the warring factions in both countries and encouraging democracy in these beleaguered countries.

A number of colleagues have expressed to me their support for the point I have been making about Renamo while disagreeing with the procedural method I had suggested of opposing Mrs. Wells' nomination. They may be assured there will be other opportunities to express that sentiment in votes before this body. As appropriate legislation comes before the Senate, it will be my intention to get the Senate to express its will directly on having the State Department meet with Renamo representatives.

Mr. SYMMS. I hate to interrupt the Senator, but will the Senator yield for a question?

Mr. HELMS. I certainly will.

Mr. SYMMS. I want to compliment the Senator for his fine statement. I just had a meeting in my office this afternoon with Mr. Jack Wheeler, a renowned journalist, traveler, and freedom fighter, who just had a conversation with Mr. Grover Norquist, who was in Mozambique. Mr. Wheeler made the point that if our State Department would just be neutral in their policy toward Mozambique, that the house of cards of the Communist government of Frelimo would collapse.

But, there they go again. The State Department foreign policy is to try and suck and blow in the same breath and they cannot seem to decide that it is OK to be on the side of freedom. So they put themselves on the side of tyranny and oppression and communism in Mozambique. And, right across the border in Angola they say that they are backing Dr. Savimbi and the forces of freedom. It is so inconsistent and so tragic.

I think the Senator is quite right that we certainly should not have an ambassador to Mozambique that does not understand this. Not that Ambassador Wells is not consistent with the U.S. State Department policy, but that that policy is inconsistent with the so-called Reagan doctrine. One has to ask who is the biggest obstacle in Africa to the Reagan doctrine? Is it the Communist government of Mozambique or is it the U.S. State Department? And I think it is a close call. I would ask the Senator what his opinion would be.

Mr. HELMS. Well, let me say to the Senator that your friend is right on target. I have said on the Senate floor a number of times today, and I will reiterate it only for the purpose of emphasis, that Senator Dole and I met on at least a couple of occasions with Secretary Shultz and, in effect we said: Look, you could have the nomination of Mrs. Wells approved by the Senate tomorrow if you will just say that you will be evenhanded, or as your friend put it, neutral. Do not take sides with the Communists.

That is what we were saying for the Secretary. And the Secretary was very pleasant, but he said: No.

So, I have got news for the Secretary and the State Department, if they want to play those sort of games, fine. I am just disappointed in the Senate that it would not even deign to say to the State Department: Be evenhanded; be fair; or, as the Senator put it, be neutral.

I believe that without the support of the U.S. State Department that has this continual obsession—

Mr. SYMMS. Given this artificial—

Mr. HELMS. Excuse me just a minute—continual obsession that they could make a deal with the Communists.

I ask the Senator if he can recall one instance where a deal with the Communists has panned out to the benefit of the people of the United States?

Mr. SYMMS. None to this Senator's knowledge. The fact is, I know of no place that a Marxist dictatorship has given up power willingly. No place in history.

They believe that political power comes out of the barrel of a gun. That is their doctrine. They believe that and they are not about to give up power, and the State Department is still living in some kind of a dream world. To continue this policy, I think, is just pathologically irrational and I thank the good Senator.

Mr. HELMS. I agree with you.

I assured Senator Byrd, our majority leader, that I would not take long and I have taken longer than I intended, because this is a subject that gives me great apprehension.

The battle for the continent of Africa is on and the Soviet Union is winning it. One or two more disasters in Africa—

The PRESIDING OFFICER. If the Senator from North Carolina would withhold, the previous order, Calendar No. 302, is to be called up at 3:50.

Mr. BYRD. Mr. President, would the distinguished Senator yield?

Mr. HELMS. I will finish in 1 minute, if I may.

Mr. BYRD. Did the Senator want 1 minute?

Mr. HELMS. Whatever. I am virtually completed.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, while the disposition of the rollcall vote on the resolution would occur somewhere around 4:15 or 4:20, would the Senator allow the Senate to proceed then to vote on the nomination of Melissa Wells?

Mr. HELMS. I will give the Senator a better proposition than that. Whatever few remarks that I have I will just include them in the Record and I will conclude my oral comments at this point.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I ask unanimous consent that upon the disposition of Senate Resolution 279 under the order, the Senate proceed to vote on the nomination of Melissa Wells; that upon the disposition of the vote on the nomination of Melissa Wells the Senate proceed, in executive session, to the nomination of David Bryan Sentelle of North Carolina to be U.S. Circuit Court Judge for the

District of Columbia Circuit vice Antonin Scalia, elevated.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

Mr. **BYRD**. Mr. President, I thank the distinguished Senator from North Carolina for his patience and his courtesy that he has extended, not only to the majority leader but to all of us.

Mr. **HELMS**. I thank the Senator.

ETHICAL CONDUCT EXPECTED OF SENATE POLITICAL COMMITTEES

The **PRESIDING OFFICER**. Under the previous order, the Senate will now proceed, as in legislative session, to the consideration of Calendar 302, Senate Resolution 279, which the clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 279) expressing the sense of the Senate regarding ethical conduct expected of Senate political committees.

The **PRESIDING OFFICER**. Who yields time?

The Senator from Massachusetts [Mr. KERRY] addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Massachusetts.

Mr. **KERRY**. Mr. President, how much time do we have?

The **PRESIDING OFFICER**. Five minutes per side.

Mr. **KERRY**. I yield myself 4 minutes.

The **PRESIDING OFFICER**. The Senator has 4 minutes.

Mr. **KERRY**. Most of us who are running for office have come to recognize that in recent years that process seems to have been dominated by a negativism, and I think that, if there was one characterization that stood out in most people's minds at the end of the 1986 cycle, it was how negative that campaign process had become.

Obviously, we cannot control every aspect of it. We cannot, necessarily, control Senate challengers. But what we can do is espouse a standard of behavior, a standard of conduct that we, as U.S. Senators and as Members of this great institution, ought to be able to try to control for ourselves.

That, in and of itself, can go a long way to trying to set the standard by which those who aspire to be here should behave.

This resolution attempts to do that and it does it by merely asserting in the best way that we know how, by setting out a code of conduct, if you will, for those of us in the Senate to govern our actions through the course of the campaigns.

What it says is that it is the sense of the Senate that the Senate itself and its agent political committees must be diligent in adhering to a code of conduct of the highest standards, avoiding even the appearance of improper, unethical, or illegal activity; that candidates and their party committees should engage in positive and constructive campaigns, avoiding negative attacks calculated to impugn the character, the integrity, or the patriotism of the candidate.

Finally, that the Senate and the political committees and candidates of both parties must renew their commitment and dedication to winning not only the votes of the citizenry, but to winning their trust and their confidence.

We celebrate, in 8 days, the anniversary of the Constitution, the framing of the Constitution, of this country. It is obvious that nothing is more at the center of that process than people voting, than people being elected, and than people being willing to participate in the process.

Mr. President, it has been shown again and again that more and more Americans after a campaign look for a line that says: None of the above, or wish there were alternatives after the nature of some of our campaigns.

Too many of us have seen too many ideologues of either side attempt to pigeonhole and somehow assert that one ideology has cornered the market on patriotism or somehow represents what is God's true will on Earth or so on and so forth. We are all too familiar with the arguments.

It is our hope that this resolution will place this Congress, the 100th session, on record as espousing the highest standard of behavior as we enter the 1988 elections and that all of us will abide by the standards which we set for ourselves.

I know I speak for myself as chairman of the Democratic Campaign Committee, and I know my counterpart, the Republican chairman, joins me in this; we will do all we can to guarantee that our challengers that we help around the country and that we try to assist in campaigns will adhere to those same standards.

I reserve the remainder of time that I have.

The **PRESIDING OFFICER**. The time of the Senator from Massachusetts has expired. The Senator from Minnesota.

Mr. **BOSCHWITZ**. I rise in support of the resolution put forward jointly by my colleague from Massachusetts and myself.

On the surface, this resolution is simple enough. I doubt that any Senator will vote no. All of us want campaigns based on issues—not personalities. Campaigns stressing the positive—not dwelling on the negative. Campaigns emphasizing thoughtful debate between the candidates—and not 30 second commercials. Who among us would challenge these objectives?

Why then this resolution? What purpose is served? I believe this resolution, somewhat unintentionally perhaps, addresses a far more important issue—that is, a candidate's personal responsibility for his or her campaign.

Campaigning has become tough business—too tough—almost distasteful some say. Sure we criticize the overzealous researcher who draws far reaching—perhaps even unsupportable—conclusions from extensive research devoted to exposing our opponents' weaknesses. Here on the Senate floor we also criticize the slick political consultants who cast our opponents or us in an unfavorable light. We pass resolutions against them, criticize them, criticize committees, but don't criticize ourselves—and that's where the responsibility really belongs.

If the lofty goals stated in this resolution are ever to be achieved, it will only be because those of us in this Chamber, those of us supporting this resolution, also recognized and assume our own, personal responsibility for the conduct of our campaigns. In short, Mr. President, before criticizing others, the committees or others, we should examine our own actions.

This resolution needs—indeed demands—our active involvement. If one thinks about it, politics in this country is a bit of an anomaly. The election of our public officals is, without question, a most serious pursuit. Campaigns are intense, filled with tremendous pressures and closely scrutinized by the press and public. The stakes are very high. Yet, for the most part, we rely on young people to elect our public officials—bright, energetic, committed people who do not mind a 4-, 6-, or 9-month job without any projection of what is going to come after that job. That is not something that someone with a family is inclined to do. So we get these young people who in reality have a limited experience in life. Yet, of them we expect wisdom and judgment far beyond their years. In their youthful enthusiasm, who do they strive to satisfy? Us, the candidates. We alone must take the responsibility for setting the tone particularly with those young people involved who are guiding the campaign.

A campaign reflects the candidate waging it. Those high-priced media consultants produce tough ads only because we allow them to do it. And let us not suggest for a moment that only candidates employing negative advertising are the unsuccessful candidates. Very often they are the successful candidates. Have none of us in this Chamber signed direct mail letters employing caustic rhetoric? Have none of our campaigns aired negative campaign commercials? We, the candidates, buy their services. We, the candidates, allow the commercials to be aired.

So you see, Mr. President, I do support Senate Resolution 279, but I do so with a full recognition that the ultimate responsibility for campaigns rests not with the committees or consultants, or campaign staffers. That responsibility rests with us, the candidates. And it behooves each of us, Mr. President, Democrat or Republican, to recognize that we are the very audience at which this resolution is directed.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. BREAUX). The Senator has 1 minute remaining. The Senator from Massachusetts has 1 minute remaining.

Mr. LAUTENBERG. Mr. President, I rise in support of the resolution.

It says something quite simple, but very important. And, in light of the outrageous attack of Senator METZENBAUM, something that needs to be said.

The public deserves fair play in elections. Our political parties and their campaign committees play an important role. They shape the kind of elections we have. We can have elections marked by negativism and gutter attacks on a candidate's patriotism and character. Or we can have elections on the issues, on the record.

Our democracy depends on the people and their faith in the process. It depends on their participation. Negative campaigns, dirty campaigns turn the voters off. The American people do not want to witness mudslinging. The want to hear about the issues.

In my State, they want to hear about environmental protection, transportation policy, about education and building a strong nation. They deserve campaigns that speak to their concerns. They deserve campaigns in which candidates make their case on their qualifications, and their solutions to the Nation's problems.

That does not mean that when it comes election time, we will not play hard ball. Hard ball is just fine. That is politics. But, there is no place for spitters and beanballs . . . like the report about the Senator from Ohio—a friend and a colleague.

Mr. President, I do not want to dignify by repeating the scurrilous attacks and the underhanded tactics laid out in that report. But, it represented the worst in negative campaigning. It impugned the patriotism of a patriotic Senator. It laid out a plan of McCarthyistic attack, and then proposed a strategy to avoid it being seen as such. It dredged up details that were 30 and 40 years old.

Mr. President, my dear colleague from Ohio has taken some tough stands, some controversial stands in the Senate. That is fair game. I am sure he is ready to take his record to his people and rise or fall on it. But, no candidate should have to respond to the kind of character assassination in that report. And the voters should not be subjected to a campaign that is marked by such attacks, instead of positive campaigns on the issues and what a candidate can do about them.

It is that simple. The Senate is asked today to stand up for fair play. To reject the kind of attack that was made against our colleague. It is that simple.

I urge adoption of the resolution.

Mr. KERRY. Mr. President, I yield back the remainder of my time.

Mr. BOSCHWITZ. Mr. President, I yield back the remainder of my time.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VISIT TO THE SENATE BY MEMBERS OF THE DUTCH PARLIAMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent, after conferring with the majority leader, to take approximately 1 minute to introduce a group of Dutch Parliamentarians and fellow legislators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, today we are honored to have with us here in the Chamber nine distinguished guests of the Dutch Parliament. Our friends and colleagues from Holland are here as part of the Atlantic Exchange Program. Many of us know of the excellent efforts of the Atlantic Exchange. It is a very person-to-person approach that they use in their contacts. These are members of major parties of their country and they are here for a series of meetings. They are being provided with the opportunity to view our American system of government.

I am certain this has been a rather unique experience, just watching this little segment right here, with my friend Senator BOSCHWITZ and my friend Senator KERRY involved in an issue that will require a rollcall vote in a few minutes.

I would ask my colleagues as they come in to vote to come and greet our friends as they stand here in the Chamber. I will read their names. Watch out, this could be hazardous.

The Members of Parliament present today are: Frans Leijnse, Ms. Alie Doelman-Pel, Jaap De Hoop Scheffer, Tom Vreugdenhil, Maarten Engwirda, Henri Frans Dijkstal, Jacques Wallage, Albert Korthals, Wim Meijer.

And that comes from a young man from Wyoming whose middle name is Kooi, which is the unalloyed Dutch.

(Applause, Senators rising.)

Mr. SIMPSON. I thank the majority leader for his courtesy.

Mr. BYRD. Mr. President, I join with the distinguished Senator from Wyoming. I would suggest that during the rollcall vote which is going to begin now, Senators avail themselves of the opportunity to meet and welcome these visitors to the Chamber.

Mr. SIMPSON. I thank the Senator.

ETHICAL CONDUCT EXPECTED OF SENATE POLITICAL COMMITTEES

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. The question recurs on agreeing to Senate Resolution 279. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. FORD], the Senator from Iowa [Mr. HARKIN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Ms. KASSEBAUM], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Alaska [Mr. STEVENS], the Senator from Virginia [Mr. WARNER], and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—87

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Symms
Thurmond
Trible
Wallop
Weicker
Wilson
Wirth

NOT VOTING—13

Cochran
D'Amato
Ford
Harkin
Hatfield
Kassebaum
McClure
Murkowski
Nickles
Rudman
Simon
Stevens
Warner

So the resolution (S. Res. 279) was agreed to.

The preamble was agreed to. The resolution, with its preamble, is as follows:

S. RES. 279

Whereas the practice of selecting our government leaders by election is at the foundation of our democracy; and

Whereas our democratic tradition is strengthened by participation of the largest number of eligible voters; and

Whereas the Senate and its adjunct political committees have a responsibility to encourage voter participation by setting and adhering to the highest possible standard of conduct; and

Whereas such participation is discouraged by negative campaigns and attacks on candidates' character, integrity and patriotism; and

Whereas such attacks and negativism are unbefitting the values and the code of conduct of the Senate and its political committees; and

Whereas such attacks and negativism can only do injury to the democratic process, as well as to the men and women who have chosen to serve as candidates for office; *Now, therefore, be it resolved:*

It is the sense of the Senate—

(1) The Senate and its agent political committees must be diligent in adhering to a code of conduct of the highest standard, avoiding even the appearance of improper, unethical, or illegal activity;

(2) Candidates and their party committees should engage in positive and constructive campaigns, avoiding negative attacks calculated to impugn the character, integrity or patriotism of a candidate; and

(3) The Senate, and the political committees and candidates of both parties must renew their commitment and dedication to winning not only the votes of the citizenry, but the trust and confidence of that body as well.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF STATE

NOMINATION OF MELISSA WELLS AS AMBASSADOR TO MOZAMBIQUE

Mr. WALLOP. Mr. President, on March 18, the Foreign Relations Committee conducted a brief hearing on the nomination of Melissa Foelsch Wells, of New York to be Ambassador to the People's Republic of Mozambique.

Mr. President, the dominant theme of Wells' oral and written responses to questions from the committee reflect the party line of the ruling Mozambican regime, known as Frelimo, a Marxist, pro-Soviet regime. For example, in her answers about Renamo, Mozambique's pro-Western, Democratic anti-Communist insurgents, Wells maintains that:

They are terrorists who can only control territory by Red Brigade type tactics.

They have "not demonstrated a capacity to take, hold and govern territory."

These contentions are simply untrue. They represent the government line of a pro-Moscow regime. The Sunday Times of London, for instance, has reported from on the ground in Mozambique that the shoe is on the other foot. If it were not for the 20,000 foreign, and East bloc troops protecting the Frelimo regime, it could not remain in power. One Zimbabwean sergeant, who is a member of the contingent of foreign troops, was quoted as saying: "All behind us in Renamo, as far as we are concerned they have won this war. All that is left is for them to announce it. These Renamo are good. They control the countryside. The local people support them."

The Wall Street Journal, in a policy editorial on May 11, 1987, disputed Wells' view that Renamo members are bandits and "have no popular support." The mere fact that the Chissano regime must maintain 20,000 foreign troops on its territory makes one wonder how Wells can assert that Renamo "Has not demonstrated a capacity to take, hold, and govern territory."

Who are these 20,000 troops that Ms. Wells ignores in her view of the legitimacy of the Frelimo regime? They are all friends of the Soviet Union; 16,000 Zimbabwean troops, 2,000 Tanzanian troops, and 1,500 Soviet, East German, and Cuban advisers. No, the presence of these forces does not legitimize the Frelimo regime; they allow it to make war on the Mozambican people.

Renamo now controls, according to some reports, 80 percent of the countryside. The prestigious Jane's Defense Weekly ran a report stating that Renamo "is growing in strength—possibly because of the Mozambican Government's policy of imposing collectivization." Additionally, the report states that Frelimo's policy of "herding the rural populace in aldeas, communal villages, has alienated peasants and created opposition in areas which were previously compliant. The people appear to prefer to live in Renamo's liberated areas where they can grow crops as they wish."

Mr. President, Ms. Wells has defended the Frelimo regime by trying to maintain that Mozambique cannot be a Marxist-Leninist regime because " * * * classic Marxism-Leninism calls for dictatorship of the proletariat, the latter—for all practical purposes—being nonexistent in Mozambique." This is semantic wordplay Mr. President.

The proletariat, as the Marxists understand it, has existed in very few of the countries they have seized control in. Does Cuba have a proletariat? Does Nicaragua have a proletariat? It is interesting to note that what might be called the proletariat in those countries oppose the Marxist-Leninist regimes. Mr. President, even the Soviet Union in 1917 did not have the type of well-developed proletariat that Karl Marx envisioned would rise up against the so-called oppressive capitalist classes. Instead, the Bolsheviks executed a classic coup d'tat 6 months after the legitimate Russian revolution took place. This statement by Ms. Wells betrays either an astounding ignorance about the nature of Marxism-Leninism or a willingness to apologize for the pro-Marxist Frelimo regime in Maputo.

Further evidence of this willingness, Mr. President, is Ms. Wells' lauding of the "political liberalization" in Mozambique, saying it "is evident in the conduct of the 1986 elections, in which there were 20 percent more candidates than seats available, thus affording voters a measure of choice and a chance to express their views." Mr. President, the Communist Party of the Soviet Union regularly places many more than one candidate on the ballots for its elections. Would Ms. Wells maintain that the Soviet people are not participating in their Government? Of course not, because both the Soviet Union and Mozambique are one-party states. Ms. Wells has admitted this is true of Mozambique in Senate testimony. The liberalization she applauds is being administered by one state-controlled party, with one state-controlled press. The outcome, Mr. President, is predictably a state-controlled one as well.

Ms. Wells, Mr. President, is a parrot of the State Department line that we can wean away the Marxists-Leninists in Maputo from the Soviet Union, and that that strategy is preferable to helping the democratic resistance in Mozambique—a resistance that has support of the Mozambican people. What evidence is there to support this view? Does Mozambique support American initiatives in Africa? No. Do they support the objectives of American foreign policy elsewhere? No. Do they vote with the United States in the United Nations? No. They oppose us at every turn.

Mr. President, I cannot possibly vote in favor of this nomination, not because of any personal problem with Ms. Wells—I do not even know her personally—but because of the policy emphasis such a vote would represent. To do so would severely compromise any United States effort to achieve a democratic solution to the civil war in Mozambique through national reconciliation, and free, internationally monitored elections.

Mr. President, it is incumbent upon us to be sensitive to the aspirations of the Mozambican people. Their aspirations are clearly for freedom, and against the tyranny that is the Chissano regime. I urge my colleagues to send a message to the State Department that the U.S. Senate will not abandon the great principles of this Nation in its policy toward Mozambique just because a clique in that Department believes we must deal with the Communist regime in Mozambique.

Mr. President, the Renamo that Ms. Wells would abandon has only two demands: that all foreign troops are removed from their country, and that internationally monitored free elections are held, so that Mozambique will have a government of consent, not a totalitarian government of force. A vote in favor of this nomination would not ensure that these aspirations were abandoned, but it would be another step toward the total legitimization of a Communist Mozambique.

Mr. President, I call the attention of my colleagues to the letter from Senator HELMS eloquently exploring the reasons for his opposition to the nomination of Melissa Wells. These reasons are serious and merit our attention. Let me read it now—

DEAR COLLEAGUE: The nomination of Melissa Wells to be U.S. Ambassador to Mozambique stands as a symbol of the State Department's repeated tendency to exclude non-Marxist political forces from U.S. policy in southern Africa. I do hope you will vote against the motion to invoke cloture on this nomination in order to send a message to the State Department regarding this dangerous and unwise policy.

From every objective account, the Mozambique National Resistance, known as RENAMO, is a strong and effective indigenous organization committed to free enterprise and Western values. This commitment has won the hearts and minds of the people of Mozambique with the result that RENAMO is dominant in approximately 80 percent of the country. RENAMO has made such strides despite a malicious propanganda campaign by The Washington Post and similar media seeking to portray RENAMO as perpetrators of massacres or other atrocities and branding them as "armed bandits".

The most recent evidence of RENAMO's pro-American character has come in the statements of the American missionary nurse, Miss Kindra Bryan of Houston, Texas. After evacuation from a military war zone, Miss Bryan travelled with RENAMO troops for 3 months before reaching neighboring Malawi. This lengthy journey—on foot and at night—was necessitated by the communist government of Mozambique's refusal to participate in a cease fire that would permit a Red Cross plane to fly in to pick her up. Additionally, communist helicopter gunships attempted to bomb and strafe the areas where Miss Bryan and six other foreigners were believed to be. Miss Bryan noted that the RENAMO troops who escorted her to safety were "disciplined and well organized" and that they "appeared to have a good relationship with villagers, who in turn seemed to recognize them as the government".

The refusal of the Mozambique government to agree to a cease fire so as to evacuate Miss Bryan by air is indicative of the communist government's intransigence.

Clearly if there is to be any peace in Mozambique, U.S. policy must treat RENAMO as an equal party to negotiations. A proposal for negotiations between the government and RENAMO was recently put forward by Mozambique's Catholic bishops. But the communist government of Mozambique gave a scornful reply to the bishops' call for negotiations leading to reconciliation, castigating the bishops as "apostles of treason".

Under these circumstances, the U.S. should not be sending as an ambassador to Mozambique a person such as Mrs. Wells, who has adopted as her own the communist line that the gallant RENAMO soldiers are "bandits" and who does not carry instructions from the Secretary of State to deal with the most important group supporting freedom in Mozambique—i.e., RENAMO.

This refusal even to meet with RENAMO is all the more inexplicable because of the State Department's ready willingness to meet with the communist officials of nearby Angola who are trying to crush the anticommunist forces of Jonas Savimbi. Moreover, State Department officials have met on over 59 separate occasions with officials of the African National Congress, an organization of avowed terrorists whose leadership is controlled by the South African Communist Party and which receives its major financial and military support from the Soviet Union. Why should not the freedom fighters of RENAMO be accorded at least the same degree of recognition by the State Department as has been afforded to the communist officials of Angola and Mozambique and to the ANC?

Mrs. Wells stated during her confirmation hearings that "Meetings [by the State Department with various groups] do not confer legitimacy on or imply the U.S. government's approval of a particular organization's or individual's goals or strategy." If that is so with regard to meetings with proponents of necklacing, such as the ANC, surely it should be so with regard to the anti-communist resistance in Mozambique (RENAMO) which seeks democratic elections in what is now a self-proclaimed, one-party, Marxist-Leninist country.

Until the State Department revises its policy to instruct its officers to meet with RENAMO, and sponsor negotiations between both sides, the presence of a U.S. ambassador to Mozambique serves very little constructive purpose. I have assured Secretary Shultz on several occasions that I would assist in speeding a confirmation vote on the Wells nomination if this one change in State Department policy toward Mozambique is implemented. Until it is, I urge you to join me in voting against cloture on this nomination.

Sincerely,

JESSE HELMS.

Mr. KERRY. Mr. President, it has been almost a year now since President Reagan nominated Melissa Wells to be the new U.S. Ambassador to Mozambique. Her nomination has been favorably and overwhelmingly reported to the floor by the Senate Foreign Relations Committee. She has answered literally hundreds of written questions.

No one has questioned the integrity of Ms. Wells. She is of unimpeachable character.

No one has questioned the qualifications of Ms. Wells. She has had important and useful experiences in Africa, most recently as the resident representative for the United Nations Development Program in Uganda.

Those who oppose Ms. Wells' nomination do so simply because she supports the administration's policy in Mozambique. The administration's policy is to provide economic aid to the Government of Mozambique. The administration's policy is to attempt to stave off the famine conditions which are currently threatening hundreds of thousands of innocent people in Mozambique. The administration's policy is to oppose the guerrilla war being waged by RENAMO. It is, of course, the last of these that particularly irks a few of my colleagues. It is the President's policy of nonrecognition of RENAMO that has caused certain Senators to oppose the nomination of Ms. Wells.

If a Senator doesn't like the President's policy he should work to change it, but he should not make a public servant like Ms. Wells the scapegoat.

In this case a few of my colleagues are not only opposing the right person for the job, but they oppose the correct policy for the region. The policy has been to pry Mozambique from its earlier embrace of Marxist philosophy and Soviet alliance. According to Assistant Secretary of State Chester Crocker the policy seems to be working. Crocker has asserted that "by 1983 * * * the Government of Mozambique began to change drastically its economic policies, reduce its dependence on Moscow, reassert its independence and nonalignment, and reach out to the West."

Those who oppose the nomination of Ms. Wells, however, favor a U.S. alliance with RENAMO, but that is clearly contrary to our regional interests.

RENAMO is the insurgent movement formed by Rhodesian intelligence agents in 1976 and backed by South Africa since 1980. While many of the leaders who operate within Mozambique are black, the movement is bankrolled by former Portuguese colonialists and former Rhodesians. And it is no secret to anyone that RENAMO gets its marching orders from the South African Defense Forces.

RENAMO is largely responsible for the economic devastation and famine conditions that currently face Mozambique. Last fall RENAMO staged a series of raids on villages in the northern provinces forcing hundreds of thousands of people to flee their homes. The attacks, coming during the planting season, greatly diminished food production.

It is estimated that Mozambique has suffered some $14 billion in economic damage. There are currently half a million refugees and at least 100,000 people have already died. Between 4 and 5 million people, or over one-fourth of the population, now face hunger or destitution. According to a FAO report, Mozambique requires 600,000 tons of food this year to avoid famine conditions; this figure exceeds that of Ethiopia, a country with a chronic food deficit and three times as many people.

International relief efforts are underway, but RENAMO has continued its strategy of sabotage. Food convoys have become RENAMO targets. RENAMO has also bombed roads and bridges making it extremely difficult to get food and medical supplies to those who really need it.

Perhaps my colleagues who love RENAMO don't have all the facts. Perhaps they don't understand that support for RENAMO is tantamount to support for the Government of South Africa. Perhaps they haven't heard of the immoral war being perpetrated by RENAMO.

Melissa Wells knows the fact and she agrees with President Reagan. So do I.

I urge the Senate to act promptly and favorably on this nomination.

Mr. MOYNIHAN. Mr. President, I rise today in support of the nomination of Ambassador Melissa Wells to be Ambassador to the People's Republic of Mozambique. Ambassador Wells is eminently qualified for this appointment. A career Foreign Service officer, Ambassador Wells has excelled since she entered the Foreign Service in 1958. She is fluent in Portuguese, the official language of Mozambique. Ambassador Wells has had firsthand experience in Africa, representing the United States and the United Nations. She has served both as the U.S. Ambassador to Cape Verde and Guinea-Bissau from 1976 to 1977, and as the United Nations Development Program's permanent representative in Uganda from 1979 to 1982.

On March 31, 1987, the Senate Foreign Relations Committee approved Ambassador Wells' nomination by a vote of 16 to 3. As I stated on March 17, Ambassador Wells "has demonstrated her capacity to work in difficult environments, and her record indicates that she is well-qualified to deal with the issues facing a nation confronted with internal and external conflict."

In spite of her qualifications and the endorsement of the Senate Foreign Relations Committee, Ambassador Wells' confirmation has been delayed for months. On May 1, 1987, the Senate voted in favor of taking up the Wells nomination by a vote of 56 to 38. However, the Senate could not proceed to the vote because of the threat of a filibuster. One Senator submitted 247 questions for Ambassador Wells to answer in writing.

Ambassador Wells has become a target for opponents of the administration's policy toward Mozambique. The United States has had improved relations with the Government of Mozambique since 1983, when that avowedly Marxist-Leninist government began a deliberate turn to the West. Beginning in April 1983, the Mozambican Government, after an economic reevaluation, began to open up its state directed economy. In 1984, Mozambique joined the International Monetary Fund and the World Bank. That nation also introduced a relatively liberal foreign investment code. On May 6, 1987, President Chissano met with Prime Minister Thatcher. Following that meeting, the United Kingdom promised $25 million in economic assistance and military training assistance to the Mozambican Army.

This turn toward Western economic principles has been accompanied by a shift in Mozambique's foreign policy. Assistant Secretary of State for African Affairs Chester Crocker has noted that over the last 5 years, Mozambique has "evolved a more independent, nonaligned foreign policy course that has distanced it from Moscow." The change in policy is reflected in Mozambique's refusal to grant access rights to its territory to the Soviet military. Currently, there are more Western advisers on Mozambican territory than Soviet and Cuban advisers. In the United Nations, Mozambique no longer votes with the U.S.S.R. on questions of importance to Moscow such as Afghanistan and Kampuchea. Improved relations between the United States and Mozambique have dealt the Soviet Union a severe blow in southern Africa, according to Assistant Secretary Crocker.

Critics of the current policy believe that the United States should support Renamo, the guerrilla insurgency attempting to overthrow the current Government. These critics argue that the Reagan doctrine requires the United States to provide military support to Renamo insurgents because they are "anti-Communist freedom fighters." However, Renamo does not have indigenous origins. It was created by the white-ruled Rhodesian Government to oppose Zimbabwean guerrilla forces fighting for independence. Since the beginning of the South African patronage of Renamo in 1980, the opposition of the other neighboring states toward that insurgency has intensified.

Beyond its assertion of anti-Communist beliefs, Renamo has no clear political program. Its resistance strategy has centered on efforts to destroy Mozambique's economic infrastructure and to terrorize the rural population. Organizations active in the area, such as CARE and the International Red Cross, state that Renamo routinely strikes civilian targets and engages in human rights violations. On May 13, 1987, Renamo claimed responsibility for kidnapping seven foreigners, including an American citizen.

No country in the world has official contacts with Renamo. Even South Africa avoids direct association with Renamo, offering only covert support. If the United States were to recognize Renamo, we would alienate other African nations and align ourselves with the policy of South Africa.

As I stated in the New York Times on December 21, 1986, we must remain true to our principles in demonstrating our disagreement with unacceptable actions of leftist regimes in the Third World. I continued:

> We need a better policy than debasing our own conduct in the course of resisting theirs.

In Mozambique, we do not confront a regime whose actions require our resistance. We have no need to violate either our own principles or international norms. It is sadly ironic that others wish to debase American conduct at the very moment when cooperative approaches offer the promise of success.

The PRESIDING OFFICER. Under the previous order, the next order of business is the vote on the nomination of Melissa Wells to be Ambassador to the People's Republic of Mozambique, on which the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the nomination of David Bryan Sentelle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Melissa Foelsch Wells, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Illinois [Mr. SIMON], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Oregon [Mr. HATFIELD], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Alaska [Mr. STEVENS], and the

Senator from Virginia [Mr. WARNER], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 24, as follows:

[Rollcall Vote No. 237 Ex.]

YEAS—64

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Heinz
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Weicker
Wirth

NAYS—24

Armstrong
Bond
Garn
Gramm
Grassley
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Karnes
Kasten
McCain
McConnell
Pressler
Quayle
Roth
Shelby
Symms
Thurmond
Trible
Wallop
Wilson

NOT VOTING—12

Cochran
D'Amato
Harkin
Hatfield
Kassebaum
McClure
Murkowski
Nickles
Rudman
Simon
Stevens
Warner

So the nomination was confirmed.

Mr. BYRD. Mr. President, I ask that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will please be in order. The Senate will please be in order.

NOMINATION OF DAVID BRYAN SENTELLE

The PRESIDING OFFICER. Under the previous order, the pending business consideration of nomination of David Bryan Sentelle, to be U.S. circuit judge for the District of Columbia for which the yeas and nays have been ordered.

Mr. BYRD. Mr. President, the vote that is about to occur will be the last rollcall vote of the day.

Mr. HELMS. Mr. President? Would it be in order for me to have 2 minutes, inasmuch as this is a North Carolina judge?

The PRESIDING OFFICER. The Senator asks unanimous consent?

Mr. HELMS. That would be appreciated.

Mr. BYRD. Mr. President I do not believe there is a time limit on this.

The PRESIDING OFFICER. The Senator from West Virginia is correct. The Senator from North Carolina will be recognized.

The Senate will please be in order.

Mr. HELMS. Mr. President, earlier this year, President Reagan, with my enthusiastic endorsement, proposed to elevate Judge David Bryan Sentelle from his position as a Federal District Court Judge to the U.S. Circuit Court for the District of Columbia.

Mr. President, Judge Sentelle is a native of Canton, NC. He was graduated from Enka High School in Buncombe County, NC, in 1961. He earned his B.A. from the University of North Carolina in 1965, and his law degree from the same university, with honors, in 1968, where he served as an editor of the North Carolina Law Review.

Mr. President, let me briefly outline Judge Sentelle's qualifications for this seat. Judge Sentelle was rated "well qualified" by the American Bar Association both for the Federal district court bench and for the Federal circuit court seat to which he is now nominated.

Judge Sentelle has an exceptionally broad experience in the legal profession having served as an attorney in private practice, as an assistant U.S. attorney, as a State court judge and as a Federal judge. He also has experience as a Federal appellate court judge, having sat by designation with the Fourth Circuit Court of Appeals.

Judge Sentelle has unselfishly forgone what could be a very lucrative private practice in order to engage in a career of public service. In addition, while he was in private practice, he gave extensively of his time in the pro bono representation of people who were unable to afford the legal assistance that they needed.

Judge Sentelle has an extraordinary academic record, having been graduated with honors from both undergraduate school and law school at the University of North Carolina.

Finally, Judge Sentelle's reputation for intelligence, honesty, fairness, and dedication to equal justice for all, as evidenced in the extensive investigations undertaken by the FBI, has seldom if ever been matched by any nominee to the Federal bench.

President Reagan, in my opinion, could not have made a better choice for a nominee to this circuit court seat. My only regret is that the people of North Carolina are losing an outstanding judge and a fine gentleman. But their loss is the country's gain.

Mr. THURMOND. Mr. President, I rise today to voice my strong support for Judge David B. Sentelle, President Reagan's nominee to be a U.S. circuit judge for the District of Columbia Circuit. Judge Sentelle currently serves as a U.S. district judge for the Western District of North Carolina.

Judge Sentelle was born in Canton, NC. He received his bachelor of arts degree in 1965 from the University of North Carolina and in 1968 received his juris doctorate from the University of North Carolina School of Law.

After law school, Judge Sentelle practiced law for 2 years with the firm of Uzzell & Dumont. From 1970-74 he served as an assistant U.S. attorney for the Western District of North Carolina. In 1974, Judge Sentelle was elected to serve as a district judge, 26th judicial district in North Carolina. He held this position until 1977, at which time he returned to private practice, where he remained for 8 years.

Judge Sentelle was unanimously confirmed by the Senate on October 16, 1985, to be a U.S. district court judge and has served with distinction since that time. On February 2, 1987, President Reagan nominated him to be a U.S. circuit judge for the District of Columbia circuit.

The nomination hearing for Judge Sentelle was held on April 1, 1987, at which time he was questioned regarding his background and qualifications for the position to which he had been nominated. Additionally, he was questioned extensively regarding his membership in the Masons. I was satisfied with the responses given by Judge Sentelle and I felt that he answered all questions raised in an honest and forthright manner.

Judge Sentelle's nomination was placed on the Judiciary Committee's business agenda for April 8. However, the nomination was laid over at that time. There were those on the committee who had concerns regarding his membership in the Masons, and it was felt that additional information was required concerning the membership policy's of the Masons. I would like to say at this juncture that the matter of Judge Sentelle's membership in the Masons was never an issue, or even raised, during his confirmation hearing for the position on the Federal district court in 1985.

On April 29, Judge Sentelle's name was again placed on the committee's business agenda and after a lengthy discussion concerning his membership in the Masons, the committee unanimously voted to forward his name with favorable recommendation to the full Senate. It should be noted that just prior to considering Judge Sentelle's nomination the committee at the same meeting voted to favorably report out the nomination of Judge Ronald Lew, of California, to be a U.S. district judge for the Central District of California. Mr. President, Judge Lew is also a member of the Masons, but not one member of the Judiciary Committee raised any concern over his membership in the Masonic Order.

Mr. President, after Judge Sentelle's nomination was reported out of the committee a hold was placed on the nomination once it was filed on the floor of the Senate. Senator SIMON informed the committee that he was sending a letter to the ABA requesting their views on a judge's membership in the Masons and whether or not such membership was appropriate. On June 12, David R. Almond, chairman of the ABA's Standing Committee on Ethics and Professional Responsibility, responded to Senator SIMON as follows:

> I am writing in response to your letter of May 28, 1987, which was received June 4. You request the views of the American Bar Association on the interpretation of certain ethical standards applicable to judges, specifically those involving potential invidious discrimination. You indicate your request arises in the context of the Senate's consideration of Judge David B. Sentelle's nomination to the United States Court of Appeals for the District of Columbia Circuit.
>
> As you know, the American Bar Association has already appproved Judge Sentelle as "well qualified" for the Federal judiciary, first on August 5, 1985, in connection with his nomination to the United States District Court and most recently on February 3, 1987, in connection with his nomination to the United States Court of Appeals. Our committee is not in a position, nor would it wish, to comment further on his qualifications.

Mr. President, I believe Mr. Almond's letter fully reflects the ABA's feeling concerning Judge Sentelle's membership in the Masons.

Mr. President, I contacted Mr. C. Fred Kleinknecht, Sovereign Grand Commander, Supreme Council of Freemasonry, concerning membership requirements. I was informed that membership in the Masons is not restricted by race, color, or creed. I have also reviewed the statutes of the Supreme Council of Freemasonry, and there is no restriction to membershp based on race, color, or creed.

I received information from Mr. Tom Dockerty, of New Jersey, with respect to his knowledge of blacks within the Masons. Mr. Dockerty is a 33d degree Mason in the Mount Mouriah Lodge No. 28. He has served in all capacities within his own lodge, as well as, within the Grand Lodge of New Jersey. Presently he is the national director of hospital visitation, Masonic Service Association of the United States.

Mr. Dockerty informs me that in the State of Massachusetts there are two black men who are District Deputy Grand Masters for the Massachusetts grand lodge. They are:

First, Manuel R. Parker, deputy district grand master, Summerville district. Mr. Parker is from the Frank W. Thompson Lodge, Bedford, MA. The membership in that lodge is predominately white.

Second, Donald B. Scott, deputy district grand master, Greenfield district. Mr. Scott is from the Mechanics Lodge, Montague City, MA. The membership of that lodge is also predominately white.

Mr. Dockerty also points out, that within his own grand lodge in New Jersey, Joseph Adams, a black man, serves as the grand chaplain. Mr. President, it is obvious that the Masons do not discriminate on race, color, or creed.

Mr. President, to use an issue such as this to delay a nomination, when there is irrefutable information to the contrary, does not deserve a place in the nomination process.

Mr. President, I would like to point out that there are five members of the Judiciary Committee who are Masons, Senators GRASSLEY, SPECTER, SIMPSON, and myself, as well as the respected and able majority leader, Senator BYRD. There are also at least 13 other Members of the Senate who are Masons. I am sure that they are all proud to be part of such a fine organization. Additionally, there are 58 Members of the House of Representatives who are Masons, including Speaker of the House JIM WRIGHT, DON EDWARDS, CLAUDE PEPPER, DAN GLICKMAN, WILLIAM FORD, and TRENT LOTT to name but a few.

Mr. President, during the committee's consideration of Judge Sentelle's nomination now as well as in 1985, there was never any question raised as to his judicial temperament, fairness or impartiality as a judge or attorney. In fact, a review of his background and qualifications demonstrates an individual who possesses the highest professional standards. The Judiciary Committee twice favorably reported out the nomination and the ABA twice rated him "well qualified." There is no logical reason why this nomination should be delayed any further.

Judge Sentelle has proven himself a capable and skilled jurist. I am confident that he will have a most successful tenure as a U.S. circuit judge. I support this nomination without reservation and I urge my colleagues to vote in favor of Judge Sentelle to be a U.S. circuit judge for the District of Columbia Circuit.

The PRESIDING OFFICER. Is there further debate? If not the question is, Will the Senate advise and consent to the nomination of David Bryan Sentelle, of North Carolina, to be U.S. circuit judge for the District of Columbia Circuit? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from Maryland [Mr. SARBANES] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. SIMON], would vote yea.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Oregon [Mr. HATFIELD], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Alaska [Mr. STEVENS], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 238 Ex.]

YEAS—87

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Symms
Thurmond
Trible
Wallop
Weicker
Wilson
Wirth

NOT VOTING—13

Cochran
D'Amato
Harkin
Hatfield
Kassebaum
McClure
Murkowski
Nickles
Rudman
Sarbanes
Simon
Stevens
Warner

So the nomination was confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, if I may have 2 or 3 minutes, I wish to comment on one thing with regard to this nomination we have successfully completed.

The Judiciary Committee continues to do its work. Chairman BIDEN is very adroit in that. We are pressing forward with judgeships during our scheduled executive sessions.

During the meeting of April 29, there occurred a most extraordinary event, and I will submit the actual chronology in the RECORD that occurred in the review of Judge Sentelle, which was unlike anything I have ever seen in the committee. I am not talking about partisanship or anything of that nature. That is not part of this.

They were reviewing the qualifications of Judge David Sentelle to be U.S. circuit judge for the District of Columbia Circuit. That was submitted in February. During that April 29 meeting, objection was raised because Judge Sentelle was a member of the Masonic Lodge, which was one of the most extraordinary things I have ever seen raised in my time in the Senate.

There was a good deal of debate—if you can believe that—and the committee determined that the best course of action was to approve the nomination of Judge Sentelle, along with other judges, including Judge Lew, who was also a Mason. A hold was placed on the nomination after it was forwarded, so that further inquiry could be made into his membership in the Masonic Lodge.

I do not want to create controversy, but I think this totally unwarranted delay in the consideration of the nomination is truly one of the most absurd things I have witnessed as a Member of the Senate.

I have been a Mason since 1959. The two men who flank me as I speak are both Masons—our majority leader and the Senator from North Carolina.

Mr. THURMOND. Me, too.

Mr. SIMPSON. And Senator Strom Thurmond. I did not see our distinguished senior colleague here. Senator Thurmond is one of the senior Masons in this body.

There are 18 of us on both sides of the aisles, an extraordinary array of some of the most remarkable people in this body.

Sam Nunn, Jim McClure, Charles Grassley, Bob Dole, Bennett Johnston, John Stennis, Jim Exon, Jesse Helms, Quentin Burdick, John Glenn, Mark Hatfield, Fritz Hollings, Lloyd Bentsen, Robert Stafford, our majority leader, and myself; along with about 60 Members of the U.S. House of Representatives; along with a list of our Presidents: George Washington, James Buchanan, James Garfield, Warren Harding, Andrew Jackson, Andrew Johnson, William McKinley, James Monroe, James Polk, Teddy Roosevelt, Franklin Delano Roosevelt, William Howard Taft, Harry Truman, and Gerald Ford. Not exactly the kind of suspicious people you would think may not match the test to be on the Federal judiciary.

It was really appalling to me, and I will leave it at that. I will mention no personalities. The people involved in this are very lovely and committed people.

It is my pleasure to hold the 33d degree in Masonry, which is the highest that can be conferred. I believe Senator Byrd holds that distinction, also, and came through what is known as the Scottish Rite in Masonry. Eighteen Senators are Masons, as are Presidents. Forty-one members of the Federal judiciary are presently Masons, some appointed by President Kennedy, some by President Johnson, some by President Ford, some by President Carter.

I could go on at length on this richly absurd matter, Mr. President, but I shall not. I just say that Masonry in this country is the bedrock. There are many buildings in this remarkable city that have been laid with the cornerstone ceremonies of the Master Masons.

National requirements in Masonry are very simple: A belief in God, that a man be 21 years of age or older, without regard to race, religion, or national origin. That is it. The only secret part of it—I have often said it should not be secret—is that you are technically supposed to have a person invite you to be a member of the Masons.

I think now that is not quite a requirement to tell people what it is and how do you keep secret things like that, you know, love of fellow man and brotherhood, and that is all that is involved in Masonry.

Let us get on with our business and we have. It was interesting to me to see the unanimous vote as we go on with these Presidential appointments, and the chairman is working at that. But let us not hold matters from going forward ever again on some basis of membership in Freemasonry. That is a galling and ponderous and very unbecoming exercise. What next—Knights of Columbus, International Order of Odd Fellows, various orders and lodges throughout the United States. I hope we will not see that.

Let not Masonry be sullied in the judicial selection process anywhere again in this fine country and especially in this body.

I thank the majority leader very much and Senator Thurmond and Senator Helms.

Mr. BYRD. Mr. President, I thank the distinguished Senator. He has said what ought to have been said, I think, in this instance.

When I first heard that the objections to this man were that he is a Mason, I was determined that the Senate have a vote on it. I think that the Senate should take a stand and I am proud to be a Mason. I have been a Mason since 1958 or 1959 or some such and, as the distinguished Republican whip has stated, I am a 33-degree Mason and I am proud to see that the Senate has voted unanimously in support of Mr. Sentelle.

I think that should clear the record once and for all, and I hope that this ugly head of prejudice against Masons will not rear itself again.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BYRD. I yield the floor.

Mr. HELMS. Mr. President, I am especially gratified by the unanimous vote, and I am especially grateful to the majority leader for having been determined for a long time to get this vote on David Sentelle.

Judge Sentelle is a long-time friend of mine. He is from North Carolina. His qualifications have never been questioned by anybody insofar as I know.

I was aghast, as Senator Simpson has indicated he was, that question of Dave Sentelle's membership in the Masonic lodge even became a matter of discussion, let alone an issue and, as Senator Byrd has said so clearly, this ought to remove any doubt about it in the future.

But I want to say to the majority leader that I personally appreciate the way he has handled this and I am gratified by the vote today.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I have already made a statement on this subject for the record. I will not repeat it now. But I just want to say this: I was astounded that this question was raised in the Judiciary Committee. I guess about half of the members of the Judiciary Committee are members of the Masonic Order. I have been a member since 1925 and as was stated by the able assistant leader here, Senator Simpson, it simply means people who believe in God and love their fellow man. In short, that is about what it stands for.

I commend the majority leader, who is a 33d-degree Mason and Bob Dole, who is a 33d-degree Mason. I happen to be one.

I think the Masons have done a lot of good in the world. You have to be a Mason before you become a Shriner and the Shriners are maintaining hospitals throughout the Nation to treat little crippled children and to cure burns, a most worthy cause.

I just want to say that of our forefathers who established this Government, a lot of them were Masons. George Washington, who laid the cornerstone for the original Capitol, was a Mason. In 1803, he laid the cornerstone and did it with a Masonic apron.

So I hope the question about Masonry being raised to try to keep one from becoming a judge is now finally settled, that will be the end of it, and we will not hear any more on it.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. THURMOND. Yes.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session and there be a period for morning business and that Senators may speak therein up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, would it be possible before the Senator does that to let me request the regular order. I believe S. 2 is the pending business. I will offer an amendment and that is all I want.

Mr. BYRD. Well, I would rather not do that at this time. I will be glad to discuss it with the distinguished Senator.

Mr. HELMS. Let me step off the floor and see some constituents and then I will come back and we will discuss it.

Mr. BYRD. Very well.

Mr. HELMS. I thank the distinguished Senator.

Mr. BYRD. I ask unanimous consent the distinguished Senator may speak as if in morning business.

Was there objection to my request to go to legislative session and have morning business?

Mr. HELMS. For the moment just withhold it.

Mr. BYRD. Very well.

I ask unanimous consent that the distinguished Senator from South Carolina may speak as in legislaltive session and that he may speak up to 10 minutes.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

The Senator from South Carolina.

Mr. THURMOND. I wish to thank the able majority leader.

IRANIAN IMPORTS, SOVIET IMPORTS, AND THE TEXTILE BILL

Mr. THURMOND. Mr. President, in June, I came to the Senate floor and related disturbing news regarding Soviet imports of textile products into the United States. I urge the administration to take prompt, effective action to prohibit further shipments of these Soviet textiles. The administration failed to do so. In fact, as I stated on the Senate floor last month, the administration has taken unilateral action which allows the Soviets to ship more than 4 million square yards of cotton sheeting into this counrty over the next 12 months.

Although the Soviet shipments are extremely alarming, Iran has recently shipped some 600,000 square yards to textile fabric into the United States. I find such shipments totally astounding. It is inconceivable that the administration allows trade with a country where Americans are despised, publicly denounced, and even targeted for murder. In recent history, no country in the world has caused greater suffering throughout America than Iran. At the hands of its extremist leaders, our citizens have been held hostage, our Embassy violently overthrown, our flag burned, and our way of life reviled.

The importation of Iranian imports provides a clear, cogent example of the administration's ill-conceived approach toward textile imports. This country is spending millions of dollars to guard against the Iranian threat in the Persian Gulf. Yet, we accept Iranian textile imports which subsidize the very existence of its military forces being used against us. This makes no sense whatsoever. Textile imports from Iran should not be allowed into this country.

Before closing, I am compelled to briefly comment on recent textile import statistics released by the Department of Commerce. These statistics confirm that month after month, year after year, the situation only gets worse. Textile imports for 1986 reached recordbreaking levels. If the trend for the first 6 months of 1987 continues, textile import levels for this year will surpass the recordbreaking levels of 1986.

In summary, textile imports are flooding our domestic market. Worse yet, our two greatest adversaries, Iran and the Soviet Union, are allowed to benefit from and contribute to the recordbreaking levels of textile imports. Clearly, strong, effective restrictions must be imposed to prevent our two greatest adversaries and other foreign countries from continuing to flood our domestic market with their textile products. Currently, the lack of appropriate restrictions demonstrates the overwhelming need for legislaltion to prevent devastation of our textile industry. Unless the Textile and Apparel Trade Act of 1987 becomes law, not only is the domestic industry threatened, but possibly the very existence of our Nation. I urge my colleagues to consider this current crisis and to support passage of the textile bill when it is considered by the Senate.

Mr. President, I ask unanimous consent that copies of letters recently sent by me to the President and to Ambassador Clayton Yeutter be included in the RECORD following these remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 18, 1987.

Ambassador CLAYTON YEUTTER,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR YEUTTER: The South Carolina news media today brought to my attention one of the most outrageous developments that I have witnessed during my years of public service. In an outstanding investigative report, WYFF-TV in Greenville disclosed that textile shipments from Iran recently began entering this country through the port in Charleston, South Carolina, and through another port, possibly on the West Coast. Customs officials estimate that shipments of cotton sheeting and man-made fiber fabric now total some 600,000 square yards.

As you are aware, no trade agreements are now in place to restrict or prohibit textile imports from Iran. Unless this Administration imposes restraint, Customs officials will be forced to continue allowing entry for these and any future Iranian Imports.

This is simply appalling. Mr. Ambassador, when I wrote to you recently concerning the problem of Soviet textile imports, I emphasized that the American trade deficit is rising steadily, that textile and apparel import levels are at an all-time, record high, and that the domestic textile and apparel industry is in danger of extinction. I was amazed that under those circumstances, this administration would allow importation of textile products from the Soviet Union—but I had absolutely no idea that we would soon accept textiles from Iran.

No country in the world, as you know, has caused greater suffering throughout America than Iran. At the hands of that nation's extremist leaders, our citizens have been held hostage, our embassy overtaken, our oil shipments attacked, and our way of life reviled. It is inconceivable to me that we would accept textile goods from a nation in which Americans are despised, publicly denounced and often targeted for murder.

Mr. Ambassador, I urge you to investigate this matter and take whatever steps are necessary to stop the importation of Iranian textiles and of textiles from other countries which pose a threat to the U.S. The presence of these goods is a slap in the faces of honest, hardworking textile employees across this great land.

With kindest regards and best wishes,

Sincerely,

STROM THURMOND.

AUGUST 18, 1987.

The PRESIDENT
The White House
Washington, DC

DEAR MR. PRESIDENT: I was shocked to learn today that textile goods from Iran recently began entering this Country through the port in Charleston, South Carolina and through another port, reportedly on the West Coast. Customs officials indicate that to date, two shipments of cotton sheeting and man-made fiber fabric, one totaling an estimated 300,000 square yards, have entered this country from Iran.

Some time ago at a Leadership meeting at the White House, I called to your attention the fact that the United States has begun importing textiles from the Soviet Union. I was shocked at that development, and I am even more outraged to learn that our Nation is now importing textiles from Iran.

Mr. President, I urge you to investigate this matter and take action to impose restraint on these Iranian imports. By allowing the Soviets and the Iranians to send their textile products here, we are depriving American workers of their jobs and creating jobs for two of our strongest adversaries. It is an intolerable practice.

I would like to know when this Administration will stop accepting textile shipments from our avowed enemies.

With kindest regards and best wishes,

Respectfully,

STROM THURMOND.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed as if in legislative session to make a request.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. DOLE. Mr. President, as in legislative session, I ask unanimous consent that I may proceed for 5 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

CAMPAIGN FINANCE—LET'S HAVE REAL REFORM

Mr. DOLE. Mr. President, we are going to have another cloture vote tomorrow on campaign finance reform. I must say it is a matter of interest and should be a matter of interest to all of us, no question about it. As I have said many times, we ought to try to figure out a way to do it.

Some people have suggested that Republicans are obstructionists; that we are, in fact, antireform. I do not believe anybody who really studied the bill would say that. But some who read little articles in the paper and get little snippets here and there without all the information can reach that conclusion.

In fact, I have been traveling around the country for the past 30 days in about 30 different States and in many of those States someone would show up holding up a little sign: "Stop the filibuster, Senator Dole, on S. 2." And they were very nice people. We discussed S. 2. I said, "Which version do you want? The first version, the second version, or the third version? Which version should I discuss?" And we had some very good discussions.

I think most Americans feel the bottom line is maybe we ought to figure out some way to get a handle on what it costs to run a campaign.

I have indicated to the majority leader and the distinguished Senator from Oklahoma, Senator Boren, for the past several weeks that I was going to try to be putting together a campaign reform bill. I am going to introduce that bill in a moment or two. I think it does have reform. I think it is fair. It does not have unreasonable restrictions that will discourage political participation.

In fact, it is a bill which includes many of the fine suggestions which were a part of Senator Boren's campaign finance bill last year, a proposal which he has, unfortunately, abandoned.

In a letter sent to Senator Pressler, former Senator Barry Goldwater the principal cosponsor of last year's Boren-Goldwater bill—and a recognized proponent of campaign finance reform—makes clear his strong objections to Senator Boren's newest initiative, believing it would cause "havoc" with our election system.

KEY OBJECTIONS TO BYRD-BOREN

Before describing our own initiative, I would like to briefly highlight some of the key objections that have been raised in reference to S. 2 in its current form.

SPENDING LIMITS

The spending limits as proposed are too low and are simply the latest form of incumbent protection. They restrict the ability of both incumbents and challengers to take their message to the people. It would be especially damaging to challengers. Incumbents already have the exclusive economic benefits of franking privileges, free media exposure on a daily basis and a trained staff. As a result, challengers automatically start with a handicap.

Additionally, the method of establishing spending limits make little sense: as my colleagues well know, the costs of compaigning are based on far more than just the voting age population in a State. We know firsthand that the size of media markets and the resulting costs of advertising time, is a major factor in determining the bottom line in campaign spending.

There are also those of us who are seriously concerned about the potential costs of this so-called reform measure. Proponents of S. 2 have argued that the costs of the bill are slight. Yet a careful reading of the bill tells us otherwise. Among those hidden costs to be picked up by the taxpayers—are first, the postal subsidy, which could cost up to $68 million per election cycle; second, administrative costs for the Federal Election Commission, which could exceed $1 million annually; third, direct public financing. CBO conservatively estimates that about 20 percent of all candidates will opt not to comply with the limits triggering direct-Federal payouts of at least $20 million each election cycle; and finally; fourth, offsetting compensation for independent expenditures will also be costly given our experience. In 1986, independent expenditures on Senate races totaled nearly $5 million. Given that the House is also likely to be covered by the bill, these costs alone could go as high as $20 million each and every election cycle. That's a lot of money in my book.

In addition to the drain on the Treasury and the taxpayers, there are other serious problems with the bill, including the potential unconstitutionality of the public financing provisions.

MEANINGFUL REFORMS

Nevertheless, there are other ways in which we can make meaningful changes to the present campaign finance system. And I believe the compromise package we are introducing today, addresses many of those concerns.

For instance, the amendment includes limits on contributions for both individuals and political action committees that were featured in the Boren-Goldwater bill. This adjustment deals with everyone's concern about dependency on PAC contributions, and opens up the opportunity for individuals to become the traditional source of funding.

Key to the success of any significant campaign reform, is disclosure. Common cause calls the finance system we now operate under a "national scandal;" and the Washington Post says the system is "fundamentally corrupt." Well, Mr. President, if any part of our current system has a potential for meeting these definitions, it is the failure of the system to require for full reporting of political expenditures—and that includes the disclosure of "soft money" expenditures by corporations, labor unions, national political parties and political action committees for activities such as "get out the vote" or "voter registration."

I'm also willing in the future to consider limitations on these soft-money contributions and, in conjunction with such limitations, a further tightening of amounts PAC's can contribute to candidates.

Finally, the bill incorporates the work done by Senator Rudman, and others in establishing a bipartisan commission to analyze problems such as soft money contributions.

The bottom line, Mr. President, is that we should concentrate our efforts on abuses in the current system, correct those abuses, and eliminate the loopholes.

We should encourage individual involvement and commitment. We should expect that those seeking office will go to the public, not the public trough, for their support.

Mr. President, I would also include in the Record at this point a section-by-section analysis, 1-page analysis of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL CAMPAIGN REFORM ACT OF 1987

Senators DOLE, STEVENS, MCCONNELL, and PACKWOOD.

RESTRICTIONS ON PACS (BOREN-GOLDWATER)

Reduces the role of PACs by lowering the limit on PAC contributions to candidates to $3,000 from $5,000 per election, and raising the individual limit to $1,500 from $1,000.

Requires random audits of PACs by the FEC.

REFORMING "SOFT MONEY" CONTRIBUTIONS (STEVENS-MCCONNELL)

Requires corporations, PACs, labor organizations, and non-profit groups to report any attempt to influence a Federal election through "soft money" activities, including expenditures, services and overhead costs related to in-house communications, informational mailings and voter drives.

Nonprofit groups using mailings to influence an election, in the last 90 days before an election, would have to pay a fine equivalent to the first class rate, not the subsidized rate.

CONTROLLING INDEPENDENT EXPENDITURES (S. 2/STEVENS-MCCONNELL)

Requires:

That any independently financed political advertisement disclose the person or organization financing the ad, and that such disclosure be complete, conspicuous, and continuous.

Notice to all candidates of the content and placement of any independently financed public communication.

Reports to FEC and candidates of independent expenditures totaling more than $10,000, and for each additional $5,000.

Stricter definition of "independent expenditure," stopping consultation or coordination with a candidate or his agents.

STRENGTHENING DISCLOSURE OF PARTY FINANCES (STEVENS-MCCONNELL)

Requires full disclosure by national political party committees and candidater draft committees, of all receipts, independent expenditures and soft money activities.

ELIMINATION OF THE "MILLIONAIRE'S LOOPHOLE" (DOMENICI)

Provides for a level playing field in elections involving wealthy candidates, by raising the individual contribution limit to $10,000 from $1,500, if a candidate intends to spend or loan over $250,000 in personal funds on his campaign.

ANTI-BUNDLING PROVISION (S. 2)

Discourages bundling of contributions by counting the contribution against both bundler and original donor, unless the bundler expressly is retained or authorized by the candidate for fundraising, or is the national committee of a political party.

BIPARTISAN COMMISSION ON CAMPAIGN FINANCING (RUDMAN-ROTH)

Authorizes the creation of a Commission to analyze problems such as soft money and propose appropriate reform legislation.

This bill would apply to both Senate and House elections. The effective date of this bill is November 9, 1988.

Mr. DOLE. Let me indicate that this bill, as opposed to pending S. 2, does limit PAC contributions. It lowers the amount from $5,000 to $3,000. It raises the limit from individuals to $1,500 from $1,000.

As I said, there are a number of other provisions, and I would ask that be made part of the RECORD.

I have one other insertion. I would also ask be included in the RECORD at this point what we have been able to—we, I talk about the staff, who have spent a lot of time on S. 2, in keeping with what we indicated to the majority leader, Senator BOREN, and others tried to be objective with reference to S. 2 and our own legislation.

We did consult experts outside the Senate. Not my staff or Senator MCCONNELL's staff or Senator PACKWOOD's staff; but experts who write about campaign finance, who deal a lot with campaign financing.

We have put together a summary which we believe to be an objective analysis of S. 2 and raise some questions that I hope we can address.

I am not certain whether cloture would be obtained tomorrow, but even if it is, there certainly will be amendments and I have to believe that we need to address at least—I have a list of 10 areas that I think are a matter of some concern and I would hope that they will be—I know they will be reviewed carefully by the sponsors of S. 2 and others who have an interest in campaign reform.

I would ask that that document be made a part of the RECORD following the section-by-section analysis.

I send a bill to the desk sponsored by myself, cosponsored by Senators STEVENS, PACKWOOD, MCCONNELL, EVANS, DOMENICI, QUAYLE, PRESSLER, COHEN, GRASSLEY, KASTEN, and D'AMATO. I ask the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill follows:

S. 1672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

This Act may be cited as the "Congressional Campaign Reform Act of 1987".

TITLE I—FEDERAL ELECTION CAMPAIGN REFORM

CONTRIBUTION LIMITS

SEC. 101. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by—

(1) striking out "$1,000" and inserting in lieu thereof "$1,500" in paragraph (1)(A); and

(2) striking out "$5,000;" in paragraph (2)(A) and inserting in lieu thereof "$3,000;".

REQUIREMENT FOR REPORTING CERTAIN EXEMPT CONTRIBUTIONS AND EXPENDITURES

SEC. 102. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d)(1) When used in this subsection—

"(A) the term 'election' means—

"(i) in the case of a corporation or labor organization, an election (as defined in section 301(1)) with respect to which such corporation or labor organization is prohibited from making a contribution or expenditure under section 316; and

"(ii) in the case of a national committee of a political party, an election (as defined in section 301(1)) for any Federal office;

"(B) the term 'otherwise exempt activity' means any act of furnishing, arranging to be furnished, or otherwise making available any services, payment, or other benefit described in paragraph (A) or (B) of section 316(b)(2) (2 U.S.C. 441b(b)(2));

"(C) the term 'corporation' and 'labor organization' have the same meanings as in section 316 (2 U.S.C. 441b).

"(2)(A) At the times prescribed in paragraph (4), a corporation shall file a report with the Commission under this subsection if, during the period for which the report is filed, such corporation has engaged in any otherwise exempt activity in connection with an election.

"(B) At the times prescribed in paragraph (4), a labor organization shall file a report with the Commission under this subsection if, during the period for which the report is filed, such labor organization has engaged in any otherwise exempt activity in connection with an election.

"(C) At the times prescribed in paragraph (4), each national committee of a political party shall file a report with the Commission under this subsection containing a declaration of whether, during the period for which the report is filed, such committee has engaged in any otherwise exempt activity in connection with an election. For purposes of this subparagraph, the term 'otherwise exempt activity' refers to an activity described in paragraph (8)(B) or (9)(B) of section 301 (2 U.S.C. 431 (8)(B) or (9)(B)).

"(3) Each person required to file a report under this subsection shall include in such report—

"(A) a description of each exempt activity engaged in, in connection with an election, by such person during the period covered by the report; and

"(B) the amount of each payment and the cost and fair market value of each of the services and other benefits described in the report in accordance with clause (A).

"(4) The reports under this subsection shall be filed at each of the times prescribed in subsection (a)(4)(A) for reports of political committees other than authorized committees of a candidate.

"(5)(A) Any nonprofit corporation, receiving reduced postal rates because of its status as a nonprofit corporation, which uses the mails to engage in any activity described in paragraph (1)(B) during the period 90 days immediately prior to a general or special election shall be subject to a fine as provided in subparagraph (B).

"(B) The Commission, upon receiving a complaint under subparagraph (A), or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, by an affirmative vote of 4 of its members, may institute a civil action, including an order for a civil penalty which is an amount equal to the postage rate for first class mail for all of the mail relating to activities described in paragraph (1)(B) which is mailed during such 90-day period.

"(e)(1) Any independent expenditures (including those described in subsection (b)(6)(B)(iii)), by any person with regard to an election which may directly result in the election of a person to the office of United States Senator, which in the aggregate total more than $10,000 shall be reported by such person to the Commission within 24 hours after such independent expenditures are made. Thereafter, any independent expenditures by such person in the same election aggregating more than $5,000 shall be reported by such person to the Commission within 24 hours after such independent expenditures are made.

"(2) Such statements shall be filed with the Commission, Secretary of State for the State of the election involved and with the principal campaign committee of each candidate in the general election, and shall contain the information required by subsection (b)(6)(B)(iii) of this section and a statement filed under penalty of perjury by the person making the independent expenditures indicating whom the independent expenditures are actually intended to help elect or defeat. The Commission shall notify any candidate in the election involved about each such report within 24 hours after such report is made.

"(3) Notwithstanding the reporting requirements established in this paragraph, the Commission may make its own determination that a person has made independent expenditures with regard to an election which may directly result in the election of a person to the office of United States Senator that in the aggregate total more than $10,000, and thereafter that in the aggregate total more than $5,000.

"(4) The Commission shall notify each candidate in the election involved about each such determination within 24 hours after such determination is made.".

(b) Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end thereof the following new subsection:

"(c) Any activity exempt under paragraph (A) or (B) of subsection (b)(2) shall be subject to the reporting requirements of section 304(d).".

DISCLOSURE OF INDEPENDENT EXPENDITURES

SEC. 103. (a) Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any radio or television station, the broadcast communication shall include a statement—

"(i) in such television broadcast, that is clearly readable to the viewer and appears continuously during the entire length of such communication; or

"(ii) in such radio broadcast, that is clearly audible to the viewer and is aired at the beginning and ending of such broadcast,

setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.

"(4) The person making an independent expenditure described in paragraph (3) shall furnish, by certified mail, return receipt requested, the following information, to each candidate and to the Commission, not later than the date and time of the first public transmission (e.g. first aired, mailed, published, or displayed):

"(A) effective notice that the person plans to make an independent expenditure for the purpose of financing a communication which expressly advocates the election or defeat of a clearly identified candidate;

"(B) an exact copy of the intended communication, or a complete description of the contents of the intended communication, including the entirety of any texts to be used in conjunction with such communication, and a complete description of any photographs, films, or any other visual devices to be used in conjunction with such communication;

"(C) all approximate dates and times when such communication will be publicly transmitted; and

"(D) each specific location, media channel, and publication through which the communication will be publicly transmitted.".

INDEPENDENT EXPENDITURES

SEC. 104. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsection (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsection (a), (d), or (h) of section 315 in connection with the candidate's campaign; and

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

LIMITATION ON CANDIDATE EXPENDITURES FROM PERSONAL FUNDS

SEC. 105. Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i)(1)(A) Within 15 days after a candidate qualifies for the primary election ballot, under applicable State law, such candidate shall file with the Commission and each other candidate who has qualified for such ballot, a declaration stating whether or not such candidate intends to expend funds and incur personal loans for the primary and general election a total amount, in the aggregate of $250,000 or more from the following sources: (i) his personal funds, (ii) the funds of his immediate family, and (iii) personal loans incurred in connection with his campaign for such office.

"(B) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, sister, half-brother, or half-sister of the candidate, and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouse of any such person.

"(C) The statement required by this subsection shall be in such form, and contain such information, as the Commission may, by regulation, require.

"(2) Notwithstanding any other provision of law, in any election in which a candidate declares that he intends to expend or incur, in the aggregate, $250,000 or more by expending from personal funds and funds of his immediate family and incurring personal loans for his campaign, or does expend funds from and incur loans in a total in excess of such amount, or fails to file the declarations required by this subsection, the limitations on contributions in subsection (a) of this section, as they apply to all other individuals running for such office, shall be increased for such election as follows:

"(A) The limitations provided in subsection (a)(1)(A) shall be increased to $10,000, and

"(B) The limitations provided in subsection (a)(3) shall be increased to an amount equal to 150 percent of such limitation, but only to the extent that contributions above such limitation are made to candidates affected by the increased level provided in subparagraph (A).

"(3) If the limitations in this section are increased pursuant to paragraph (2) for a convention or a primary election candidate, except that such loan shall be repaid only to the extent of the actual amount of the loan. Notwithstanding any other provision of law, repayment of any such loan shall not include any interest on the principle amount of such loan.

"(6) Notwithstanding any other provision of law, no candidate may make expenditures from his personal funds or the personal funds of his immediate family, or incur personal loans in connection with his campaign for election to such office at any time after 60 days before the date of such election. The provisions of this paragraph shall apply to all candidates regardless of whether such candidate has reached the limits provided in this subsection.

"(7) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to assure compliance with the provisions of this subsection.".

SEMIANNUAL REPORTS BY PARTY POLITICAL COMMITTEES OF PAYMENTS UNDER SECTION 301(8)(B)(XV) AND COSTS UNDER SECTION 301(9)(B)(XI)

SEC. 106. Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by adding at the end thereof the following:

"(11) If the committee is a political committee of a political party, with respect to payments under section 301(8)(B)(xv) and costs under section 301(9)(B)(xi) the treasurer shall file—

"(A) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

"(B) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.".

SOFT MONEY REPORTING REQUIREMENTS FOR NATIONAL COMMITTEES OF POLITICAL PARTIES

SEC. 107. (a) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended—

(1) in subparagraph (J), by striking out "and" after the semicolon;

(2) in subparagraph (K), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(L) for a national committee of a political party, all funds received, from any source, for purposes other than to influence a Federal election;".

(b) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(1) in subparagraph (F), by inserting "and" after the semicolon;

(2) in subparagraph (G), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(H) for a national committee of a political party, person, or organization providing funds to the committee for purposes other than to influence a Federal election;".

(c) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) in subparagraph (H), by striking out "and" after the semicolon at the end thereof;

(2) in subparagraph (I), by inserting "and" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(J) for a national committee of a political party, all disbursements from funds received for a purpose other than to influence a Federal election;".

AMENDMENTS TO DEFINITION OF CONTRIBUTION

SEC. 108. (a) Section 301(8)(A)(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)(i)) is amended by inserting after "Federal office" the following: "or for the purpose of expressly advocating that a clearly identified individual become a candidate for Federal office".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking out "and" after the semicolon;

(2) in clause (xiv), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(xv) with respect to a political committee of a political party, any payment to such committee specifically designated to defray establishment, administration, and solicitation costs of such committee.".

(c)(1) Section 301(8)(B)(x) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(x)) is amended by striking out "by a State" and inserting in lieu thereof "by a national, State,".

(2) Section 301(8)(B)(xii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(xii)) is amended by—

(A) striking out "by a State" and inserting in lieu thereof "by a national, State,"; and

(B) striking out "for President and Vice President".

AMENDMENTS TO DEFINITION OF EXPENDITURE

SEC. 109. (a) Section 301(9)(A)(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)(i)) is amended by inserting after "Federal office" the following: "or for the purpose of expressly advocating that a clearly identified individual become a candidate for Federal office".

(b) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended—

(1) in clause (ix), by striking out "and" after the semicolon;

(2) in clause (x), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(xi) with respect to a political committee of a political party, any establishment, administration, or solicitation costs of such committee;".

(c)(1) Section 301(9)(B)(viii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(viii)) is amended by striking out "by a State" and inserting in lieu thereof "by a national, State,".

(2) Section 301(9)(B)(ix) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(ix)) is amended by—

(A) striking out "by a State" and inserting in lieu thereof "by a national, State,"; and

(B) striking out "for President and Vice President".

INTERMEDIARY OR CONDUIT

"SEC. 110. Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) by redesignating subsection (8) as subparagraph (8)(A);

(2) by adding at the end, the following new subparagraphs:

"(B) A gift, subscription, loan, advance or deposit of money or anything of value to a candidate shall be considered a contribution both by the original source of the contribution and by any intermediary or conduit if the intermediary or conduit (i) exercises any control or any direction over the making of the contribution; or (ii) solicits the contribution or arrange for the contribution to be made and directly or indirectly makes the candidate aware of such intermediary or conduit's role in soliciting or arranging the contribution for such candidate; or (iii) engages in any activities of the same kind which resulted in the intermediary or conduit reporting such activities to the Commission under subsection (A) prior to January 1, 1987.

"(C) For purposes of subsection (B), a contribution shall not be considered to be a contribution by an intermediary or conduit to the candidate if (i) the intermediary or conduit has been retained by the candidate's committee for the purpose of fundraising and is reimbursed for expenses incurred in soliciting contributions; (ii) in the case of an individual, the candidate has expressly authorized the intermediary or conduit to engage in fundraising, or the individual occupies a significant position within the candidate's campaign organization; or (iii) in the case of a political committee, the intermediary or conduit is an authorized committee of the candidate; or (iv) if the intermediary or conduit is a national committee of a political party.".

SEVERABILITY

SEC. 111. If any provision of this title or any amendment made by this title, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 112. This title and the amendments made by this title shall become effective on November 9, 1988 and shall apply to all contributions and expenditures made after such date.

TITLE II—BIPARTISAN COMMISSION ON CONGRESSIONAL CAMPAIGN FINANCING

SHORT TITLE

SEC. 201. This title may be cited as the "Bipartisan Commission and Congressional Campaign Financing Act".

DECLARATION OF POLICY

SEC. 202. It is the policy of the Congress to develop a means of campaign financing which—

(1) promotes the availability of qualified candidates for congressional office,

(2) permits candidates, irrespective of their personal financial resources, the opportunity to communicate effectively with the electorate,

(3) protects the integrity of the legislative process, and

(4) promotes participation of political parties, including State and local political parties, in the electoral process, and

(5) promotes, to the greatest extent possible, public confidence in both the electoral and legislative processes.

ESTABLISHMENT OF COMMISSION

SEC. 203. For the purposes of carrying out the policy set forth in section 202, there is hereby established a commission to be known as the Bipartisan Commission on Congressional Campaign Financing (hereafter in this title referred to as the "Commission").

IMPLEMENTATION OF POLICY BY COMMISSION

SEC. 204. (a) In carrying out the policy set forth in section 202, the Commission shall consider and study the Federal laws and regulations and public commentary relating to the financing of the elections of Members of Congress, the financial disclosure requirements made of candidates in such elections, and the effects of such laws and regulations and the practices which they permit or require. Such study and consideration shall give particular attention to the extent, if any, to which current and proposed campaign financing practices and financial disclosure requirements affect the availability of candidates for congressional elections, and to the extent, if any, to which such practices and requirements affect the integrity of the legislative process or undermine public confidence in our representative form of Government.

(b) Consistent with the goals set forth in section 202, the Commission shall consider the effects of aspects of congressional campaign financing and candidates' financial disclosure which shall include the following—

(1) increases or decreases in the amount of money which individuals, political parties or political action committees may contribute to a candidate for Congress;

(2) the elimination of the Federal income tax credit once available to an individual who contributed to a candidate for Congress and the possible reinstituting of such credit;

(3) making available free or subsidized broadcasting time to candidates for election to Congress;

(4) the constitutional right of individuals, particularly wealthy individuals, to contribute their own funds without limit to their own Congressional campaigns;

(5) the role of independent expenditures, as defined in section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)), which are made either by individuals or political action committees;

(6) financial and other assistance given by national banks, corporations, or labor organizations as defined in section 316 of the Federal Election Campaign Act of 1971, to candidates for Congressional office including, but not limited to, so-called "soft money" assistance or "otherwise exempt activity" as described in paragraph (8)(B) or (9)(B) of section 301 of such Act (2 U.S.C. 431 (8)(B) or (9)(B);

(7) existing or alternative financial disclosure requirements made of candidates for Congress under provisions of the Ethics in Government Act of 1979 or the Federal Election Campaign Act of 1971, including the relationship between such disclosure requirements and the availability of qualified candidates; and

(8) any other measure which the Commission deems appropriate.

(c) On the basis of its consideration and study, the Commission shall make findings and recommendations, including specific proposals for changes in Federal laws and regulations, to promote the policy set forth in section 202. The Commission is specifically directed to make every reasonable effort to achieve the broadest possible bipartisan consensus in arriving at such recommendations.

(d) In carrying out its consideration and study, the Commission shall avail itself of relevant information and data gathered by such public and private organizations and individuals as it deems appropriate. The Federal Election Commission, the Clerk of the House of Representatives, and the Secretary of the Senate shall cooperate with the Commission, to the extent allowed by law, in providing whatever statistical and other appropriate and relevant information the Commission requests.

MEMBERSHIP OF COMMISSION

SEC. 205. (a) The Commission shall be composed of ten members as follows:

(1) Two members shall be appointed by the Speaker of the House of Representatives, one of whom shall be a Member of the House of Representatives and one of whom shall not currently hold elective office.

(2) Two members shall be appointed by the Minority Leader of the House of Representatives, one of whom shall be a Member of the House of Representatives and one of whom shall not currently hold elective office.

(3) Two members shall be appointed by the Majority Leader of the Senate, one of whom shall be a Member of the Senate and one of whom shall not currently hold elective office.

(4) Two members shall be appointed by the Minority Leader of the Senate, one of whom shall be a Member of the Senate and one of whom shall not currently hold elective office.

(5) The Chairman of the Republican National Committee and the Chairman of the Democratic National Committee shall each appoint an, ex officio, voting member to the Commission.

(b)(1) Appointed members of the Commission shall, to the extent possible, be chosen from among persons with a broad knowledge and understanding of the major areas under the Commission's consideration and study, particularly the legislative process and the manner in which congressional campaigns are financed.

(2) Cochairmen shall be appointed from among the members of the Commission. One Cochairman shall be designated by the Senator who is the Majority Leader of the Senate on the date of enactment of this title, and one Cochairman shall be designated by the Speaker of the House of Representatives.

(3) Six members of the Commission shall constitute a quorum but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, or receiving evidence.

(4) A vacancy in the Commission shall not affect its powers, and shall be filled in the manner in which the original appointment was made.

(5) An individual who is appointed to the Commission in the status of a Member of Congress, and who thereafter ceases to have such status, shall nevertheless continue as a member of the Commission and shall (if he has returned to the private sector except for his membership on the Commission) be treated as an individual appointed from the private sector, for purposes of compensation under section 206.

COMPENSATION OF COMMISSION MEMBERS

SEC. 206. (a) The members of the Commission who are Members of Congress shall serve on the Commission without additional compensation. The members of the Commission who are not otherwise full-time employees of the Federal Government or of a political party shall each be paid at a rate equal to the daily rate of pay for level IV of the Executive Schedule for each day such member is engaged in the actual performance of his or her duties as a member of the Commission.

(b) All members and employees of the Commission shall be reimbursed for travel as authorized by section 5703 of title 5, of the United States Code, subsistence, and other necessary expenses incurred by them in the performance of their duties.

ADMINISTRATIVE PROVISIONS

SEC. 207. (a) Subject to such rules and regulations as may be adopted by the Commission, the Cochairmen, acting together, shall have the power to—

(1) appoint, terminate, and fix the compensation without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, or of any other provision of law, relating to the number, classification, and General Schedule rates—

(A) of such personnel as it deems advisable to assist in the performance of its duties, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(B) of an Executive Director for the Commission contingent upon confirmation by the Commission members at an annual rate of compensation not to exceed a rate equal to the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(b) Service of an individual as a member of the Commission, or of an advisory council or committee under section 8, or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings or matters involving the United States. Service as a member of the Commission, or of such advisory council or committee, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(c) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

ADVISORY COUNCILS AND COMMITTEES

SEC. 208. The Commission may establish, without regard to the Federal Advisory Committee Act, such advisory councils and advisory committees as it may deem appropriate to provide specialized assistance in the performance of the duties vested in the Commission by this title. Members of such advisory councils and committees, while attending meetings of such councils or committees or while otherwise serving at the request of the Commission away from their homes or regular places of business (unless otherwise eligible for travel and subsistence expenses under chapter 57 of title 5, United States Code), may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

POWERS OF THE COMMISSION

SEC. 209. (a)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpoenas may be issued to any person within the jurisdiction of the United States courts, authorized and issued under the signature of either of the Cochairmen, or any member duly designated by the Commission, and may be served by any person designated by such Cochairman or member. In the case of the failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the provisions of sections 102 through 104, inclusive, of the Revised Statutes (2 U.S.C. 192-194), shall apply to the Commission to the same extent as such provisions apply to Congress. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this title.

(b) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this title, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by either Cochairman.

(c) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this title, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the Cochairmen in writing.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress.

MEETINGS, PUBLIC INVOLVEMENT, REPORTS, EXPIRATION

SEC. 210. (a) The Commission shall first convene within 2 months after the date of enactment of this title, but no later than December 31, 1987, and shall meet from time to time thereafter, as the Cochairmen deem appropriate.

(b) Consistent with other provisions of this title, the Commission shall structure its operations and activities to assure the appropriate and meaningful involvement of the public in its deliberations. In doing so, the Commission shall consider the desirability of holding public hearings, particularly in location outside of the District of Columbia, or establishing or utilizing other mechanisms whereby members of the public can readily contribute suggestions for Commission consideration.

(c) The Commission shall from time to time submit to the Congress such reports as it may deem appropriate with respect to its activities under this title. No later than 12 months, following the date of enactment of this title the Commission shall submit to the Congress its final comprehensive report of its activities including all of its findings and recommendations.

(d) Ninety days after the submission to the Congress of its final report under subsection (c), the Commission shall cease to exist.

PREPARATION FOR THE COMMISSION

SEC. 211. Upon enactment of this title, the Director of the Congressional Research Service and the Chairman of the Federal Election Commission shall begin to prepare briefing papers for the Commission. Such briefing papers shall catalog and synthesize any recent public or private reports, analyses, and recommendations pertinent to the work of the Commission, and shall contain such other information relevant to the work of the Commission. The briefing papers shall be completed and transmitted to the Commission no later than 2 months after the date of enactment of this title.

DEFINITIONS

SEC. 212. For purposes of this title—

(1) the term "candidate" means an individual who seeks election to the Senate or the House of Representatives of the United States, and for purposes of this paragraph, an individual shall be deemed to seek election—

(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000;

(2) the term "election" means a general, special, primary or runoff election to the Senate or House of Representatives of the United States; and

(3) the definitions in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) shall apply to this title.

AUTHORIZATION

SEC. 213. There are hereby authorized to be appropriated $1,000,000 to carry out the purposes of this title.

COMMENTS ON S. 2

S. 2 is fundamentally unsound legislation for a myriad of reasons, both policy and political. The following summary discusses both these reasons and some of the arguments put forward by S. 2's proponents. The summary is divided into the following sections:

1. Why S. 2's Spending Limits Should Be Opposed;
2. Costs of S. 2;
3. PAC Limitations;
4. Unenforceability of S. 2;
5. Unconstitutionality of S. 2;
6. Republican Money Myth;
7. Differences between S. 2 and Presidential Election Funding;
8. Damage to Public Participation;
9. Proliferation of Undisclosed Expenditures; and
10. Why S. 2 Hurts The Political Process and Blocks Reform.

1. WHY S. 2'S SPENDING LIMITS SHOULD BE OPPOSED

S. 2's spending limits are too low. As leading academicians have written of the Presidential spending limits and public financing scheme: The limits "restrict . . . campaign organizations . . . in a way that unduly dictates their political strategies. What should remain political decisions have, in effect, become accounting decisions." (from Financing Presidential Campaigns: Recommendations of the Campaign Finance Study Group, at p. 6)

The limits are not high enough to enable a challenger to mount an effective campaign against an incumbent or to enable an incumbent to get his campaign message across fully.

While restricting the ability of both incumbents and challengers to put out their message, limits do hurt challengers the most. Limits are another form of incumbent protection and are especially harmful to challengers. In pure dollar terms, challengers must spend an average of $300,000 to gain name recognition equal to an incumbent's, and about twice that much to have a 50-50 chance of winning [Prof. Gary Jacobson]. Incumbents also have exclusive economic benefits of franking privilege, free media, trained staff; estimated value of least $200,000 per year. Since spending limits don't account for these disparities, challengers automatically start with a handicap of at least a half-million-dollars.

The spending limits are based on the taxpayer financing allotments of S. 2, as originally introduced. But there would have been no fundraising costs under the public financing plans, while there will be under the current S. 2.

Under the revised S. 2, candidates will have to spend money to raise money up to the state's limit. These fundraising costs are money off the top that cannot be used to make the candidate's views known.

The average Senate campaign spends between 25% and 33% on fundraising.

The spending limits of S. 2 do not make sense because the costs of campaigning vary from state to state based on factors other than the voting age population. Of greater importance, for example, is the cost and location of media markets.

Spending limits are unenforceable (see Point 4, below). According, this bill will not work but is so complicated it amounts to a Lawyers and Accountants Full Employment Act.

2. COSTS

Proponents of S. 2 argued during the floor debate: "Even the slight potential cost of this legislation is more than fully offset within it. The amendment ends preferential mailing rates for political parties."

This is false since it fails to include: (A) the S. 2 postal subsidy; (B) the administrative costs for the FEC to administer S. 2; (C) the cost of public financing for candidates whose opponents exceed the spending limits, and (D) the costs of subsidizing candidates who are the targets of independent expenditures.

(A) *Postal Subsidy.*—This S. 2 "subsidy" would cost $16.6 million per election cycle for Senate candidates and $52.7 million for House candidates, according to estimates from the U.S. Postal Service. The current postal subsidy for political parties that S. 2 would eliminate is about $10.6 million annually. That means this postal subsidy for politicians of nearly $70 million per election cycle would be paid for by taxpayers through a "stamp tax" similar to the one levied by the British King on American colonists in 1766. (see attached article).

(B) *Administrative Costs.*—FEC costs to administer S. 2 would increase dramatically due to the expanded workload of implementing and interpreting a new law. While precise costs are impossible to pin down, the FEC has estimated based on current figures that the annual additional costs of administering S. 2 would approch $1,006,500.

Inquiries from candidates and the public would increase. In FY '86, the FEC responded to over 110,000 inquiries, 15,000 of which required substantive research to provide a response. The averge response time for those 15,000 inquiries was 15 working days. (Source: FEC Responses to Questions from House Administration Committee for FY '88 budget request, at 5).

Increased number of Advisory Opinions to clarify the new law. In FY '86, FEC staff counsels worked on 84 advisory-opinion related projects at an average cost of $1,642, with each taking an average of 87 staff hours.

In FY '87, the two FEC divisions responsible for handling public inquiries cost $743,000. Both divisions would, obviously, have to be expanded to cover implementation of the new law. In addition, there would be increased audit costs to insure that the taxpayers' money was being spent properly by the candidates. Increased personnel costs and inflation of about 5% would also have to be added.

(C) *Direct Public Financing.*—The Congressional Budget Office conservatively estimates that about 20 percent of all candidates will opt not to comply with spending limits, triggering direct payouts from the Treasury to subsidized candidates of at least $20.5 million each election, assuming one major party and one third-party opponent in each election.

Since a subsidized candidate can obtain these Federal funds just by lodging a compliant with the FEC, and since the FEC won't have time to check out the complaints and instead will err on the side of honoring compliants, this fund is a Christmas tree for subsidized candidates. S. 2 contains no punitive sanctions for inaccurate or fraudulent complaints.

(D) *Independent Expenditures.*—Subsidized candidates are compensated dollar-for-dollar out of Federal tax coffers if any private citizen spends large sums to publicly criticize them or support any opponent. S. 2 does not specify what constitutes "support" or "opposition." In 1986, independent expenditures on Senate races totalled nearly $5 million. Since S. 2 probably will include the House, and since S. 2's contribution limits will force more money into this type of political activity, the drain on taxpayers is likely to hit $20 million each election cycle, conservatively.

3. POLITICAL ACTION COMMITTEES (PACS)

S. 2 fails to reduce the amount a PAC can contribute to a candidate for the Senate, but simply limits the amount a candidate may receive in aggregate from all political action committees. This fails to address the problem that Democrats suggest political action committees pose—the actual or apparent undue influence of a particular special interest.

S. 2 in no way reduces the perceived problem that a Member of Congress may be unduly influenced for a $5,000 fee. S. 2 would alllow an individual PAC to give the same amount as under current law—and thereby have the same amount of influence, under the Democrats' logic. Republican proposals which limit the size of a contribution from *a* special interest to *a* candidate is a more direct way to deal with actual or apparent undue influence by a PAC.

The Democrats have rejected this approach because they realize their candidates are more dependent upon large contributions from special interests than are Republican candidates. In the 1986 elections, Democrat Senate and House candidates received 55% of all contributions made by PACs, to 45% for Republican candidates. In addition, PAC contributions accounted for an average of 37% of the money raised by Democrat Senate and House candidates to 28% for Republican candidates. So far in 1987, Democrats are raising nearly twice as much PAC money as Republican Senate candidates and making special interest money the centerpiece of their fundraising efforts.

Furthermore, S. 2 has, to some degree, the opposite effect from that desired. A PAC is a collection of individuals with common goals and concerns who band together to better participate in our electoral process. More people now give through PACs than through direct contributions. In the 1984 election cycle, almost 5 million people are estimated to have gotten involved through PACs. We should encourage this involvement, which is fully reported and a matter of public record.

S. 2 would limit this public participation by only allowing some PACs to contribute to candidates. This would work to the advantage of large powerful political action committees based in Washington. Grassroots PACs without a Washington presence are the likely losers.

If candidates are limited in what they can accept, those PACs which have the information to move quickly will be the ones which get to contribute. This may not be S. 2's intent, but it is its result. For example, if a Senator knew he could raise only a limited amount from PACs, he would do things differently. He would not have to bother meeting with a number of PACs—and familiarizing himself with their issues and concerns. He could simply hold a single PAC event at which PACs could contribute to his campaign on a first come, first served basis, up to the legal limit.

4. UNENFORCEABILITY OF S. 2

Proponents of S. 2 assume the ability of the FEC to move speedily to certify breaches of the spending limits and independent expenditures and to provide the payment of taxpayers' dollars to the injured candidate. But the facts are that the FEC's performance record and "due process" considerations make the chances of such payments in a timely fashion nearly impossible.

The best current estimate from the FEC is that requests for taxpayer funds would take at least 40 days from date of receipt to process. This suggests there is no way to counter violations of S. 2 in the crucial last weeks of a campaign.

Other workloads at the FEC under the current law:

Advisory opinions take a minimum of 60 days.

Audit reviews, on a threshold basis take about 2 weeks to complete, with an additional week for certification. The Commission must approve an audit before the staff can commence it.

Informational responses usually take no more than one day, largely because they are not binding.

The provisions of S. 2 are no more enforceable than the state-by-state spending limits of the current presidential public funding act. These require a precision and timeliness not usually found in campaigns. The present enforcement process at the FEC takes years to complete, meaning it can have no effect on the outcome of an election and is no deterrent. The list of violations in recent presidential elections makes this obvious:

Year, name, and State:
1976:
Reagan, New Hampshire.
Udall, New Hampshire.
1980:
Carter, New Hampshire, Iowa, Maine.
Kennedy, New Hampshire, Iowa.
LaRouche, New Hampshire.
Reagan, New Hampshire.
1984:
Mondale, New Hampshire, Iowa, Maine.
Glenn, New Hampshire, Iowa.
Cranston, Iowa.

UNCONSTITUTIONALITY OF S. 2

The constitutional standards by which S. 2 must be measured were set out by the Supreme Court in *Buckley* v. *Valeo*, 424 U.S. 1 (1976).

In order to survive a First Amendment challenge, S. 2 must either advance constitutionally compelling government interests to justify the restriction in speech caused by spending limits or provide a voluntary restriction agreed to as a condition for public financing. The Court found that spending limits did not advance any compelling government interest, and were unconstitutional. The Court stated: "[T]he mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending and the resulting limitation on the scope of federal campaigns."

Accordingly, S. 2's authors have attempted to craft a bill that provides voluntary spending restrictions as a precondition for receiving public money. But S. 2 cannot pass constitutional challenge just by calling its spending limits "voluntary" since it is, in reality, an attempt by the government to impose indirectly a restriction on speech that it may not accomplish directly.

S. 2 is not truly voluntary since a candidate must declare by a prescribed time whether he will abide by the spending limits. Once declared, a participating candidate may not change his mind and spend above the limit without incurring sanctions, even though the candidate has not received any public benefit. Thus, the government is punishing an individual for exercising his constitutional right to free speech, without providing the mandated benefit.

A candidate who agrees to the spending limits has, at best, only a chance to receive public financing. If his opponent also agrees to the spending limits, there is no public financing. Thus, the first candidate has given up his right to free speech without being able to receive the constitutionally mandated reward. The only thing a candidate gains by giving up his right to free speech is the assurance that his opponent will not receive taxpayer money.

S. 2 mandates the government to repress speech by funding the opponents of a candidate who exercises his right to free speech.

If a candidate chooses not to participate by fully exercising his constitutional right to speak and not observe the spending limits, he is punished by the government because his opponent will receive taxpayer money to expound his contrary views. Thus, the government enters the political debate by subsidizing one candidate simply because the other candidate has opted to exercise without restriction his right to free speech. This exacts an unconstitutional penalty by making the size of the public subsidy to the candidate's opponent dependent upon the candidate's own First Amendment conduct.

6. REPUBLICAN MONEY MYTH

Senator Byrd said that the revised S. 2: "It was easy for Republicans to block the Democratic bill when it contained a large measure of public finance; they could stand on principle. Now the issue is much more clearly the limits. Hardlines still resist the bill, on grounds that the Republicans, who are better fundraisers, would be condemning themselves to permanent minority status."

This is false. In three of the last four elections, 80-86 Democratic candidates for Congress raised more money in total than Republican candidates.

In addition, Democrats rely on "fat cat contributors" much more than Republicans. Republican Senate candidates raised (in 1984, the latest statistics available) about 33% of their total money in contributions of less than $200 from individuals, while Democrats could manage to get only about 20% of their money from contributors of less than $200.

In 1986, Democrats took 25% more from PACs than did their GOP counterparts. In 1988, Democrats are relying even more on special interest money—the average incumbent Democrat has taken nearly $150,000 more from the "special interests" they decry than the average Republican Senator up for election. (see Point 3 chart and Wall Street Journal article).

Further, PACs that generally support Republicans rarely give over $1,000 to any candidate; pro-Democrat PACs, particularly the labor PACs, more commonly give $10,000 every election, the maximum legal amount.

In addition, Republicans on average get no more than 28% of their total funding from PACs, whereas Democrats average over 37%. Therefore, if any campaign finance reform is needed to curb the influence of "fat cats" in politics, it ought to get at the Democrats' unhealthy reliance on large, single-issue PACs and wealthy individuals. Instead, S. 2 is designed to lessen the importance of middle-America's small contributors, the grassroots-level citizens, since they generally favor Republicans, and insulate the power position of PACs and the rich, who generally give to Democrats.

7. DIFFERENCES BETWEEN S. 2 AND PRESIDENTIAL ELECTION FUNDING

S. 2 proponents argue that the "success" of the presidential election funding means congressional public financing and spending limits will be successful. This is fallacious.

As Section 4 points out, the assumption that presidential public funding and spending limits have been successful is arguable. Even if it were a success, it does not follow that a similar scheme will be successful for Senate campaigns.

Presidential and Senate races are fundamentally different. The visibility of presidential candidates is extremely high. The campaigns of the major presidential party candidates during the general election period result in virtually 100% name identification. Such a statistic is a dream for most challengers in a Senate, and especially a congressional, campaign.

Presidential campaigns receive extensive news coverage in the print and broadcast media daily. This is not true for Senate and House campaigns. Senate campaigns must achieve visibility through personal campaigning by the candidates and through paid advertising. Paid communications are a principal informational mechanism in congressional campaigns to a much greater degree than they are in presidential campaigns.

As Section 4 also points out, the quagmire of enforcement problems created by public violations and uneven enforcement has actually increased the public's cynicism about the election process. In fact, Presidential public financing has served to destroy direct public participation in campaigns, reducing the citizen's role to a passive watcher of TV advertisements. David Broader, a senior political analyst for the Washington Post, recently observed:

"There is a cost to [public financing]. Public financing in Presidential campaigns has meant a virtual shutdown of local headquarters financed by small contributions. Grassroots democracy has died."

8. DAMAGE TO PUBLIC PARTICIPATION

Spending limits, by definition, restrict a candidate's ability to communicate with the voters. By limiting the amount of money that can be spent by a candidate, S. 2 also limits the appeals to voters that they participate. This will further reduce voter turnout, which is already declining.

Virtually without exception in elections, the more money spent per voter, the higher the voter turnout. Campaigns spend more if the competition is high, if candidates are good. Then people get interested, generating more contributions. The increased spending pays for better voter education and political activism, bringing citizens back into the democratic system.

Senator Eugene McCarthy saw anti-democratic danger in spending limits, at a time when "half the people in this country eligible to vote don't even bother. Few Americans can even name their legislators, much less tell you where they stand."

That's why the John F. Kennedy School of Government at Harvard University has concluded that "most campaigns spend too little money, not too much." It first said this back in 1979, after campaign spending had increased 70 percent in two years. Recent increases have been far more modest, and the School still adheres to its recommendation.

The spending limits of the revised S. 2 will hurt public participation since campaigns will be forced to cut back turnout and voter registration programs.

With a limited amount of money available, campaigns will concentrate on habitual voters likely to support their candidate.

Campaigns will not have the resources to take a chance on programs designed to seek out non-habitual or unregistered voters.

In other words, only those who now regularly participate will be contacted by campaigns to vote. There is no guarantee other programs will be cost effective.

Similarly, campaigns will only solicit persons who are known contributors. With spending limits restricting the amount of money that can be used, campaigns will not take a chance on prospecting to find new donors.

Republicans now bring new people into the process by small-donor direct mail programs. Those will no longer be feasible because of their high cost.

Small donors in general will be squeezed out of the process. Campaigns will not use direct mail since it is expensive. Instead, fat cats will be used.

With a finite amount of money to be raised, campaigns will contact large, not small, donors as more cost effective.

9. PROLIFERATION OF UNDISCLOSED EXPENDITURES

Spending limits are premised on the fallacy that they will reduce the money spent on campaigns.

That is wrong. The same amount of money will be spent. It will just be spent on projects that won't count against the spending limits and won't be reportable. In other words, "soft money" will proliferate.

A top priority if spending limits are in effect will be to find ways to help candidates that aren't allocable against spending limits and are not reportable. Is that good?

If spending limits for candidates exist, the impact of independent expenditures will be much greater.

The amount spent on elections will not be reduced.

But if candidates are limited in what they can spend, independent expenditures become more important. The amount of money spent on independent expenditures will be a greater portion of the pie with more impact.

The system is better off if the money that is going to be spent on elections is channelled through candidates and the parties rather than through special interest groups.

As a leading study on the funding of presidential campaigns has noted:

"The limitations upon expenditures have become increasingly restrictive and have spawned a whole series of serious problems of definition, allocation and enforcement. On the other hand, the effort to control total spending in presidential races has not succeeded.

". . . the Act has not succeeded in arresting the upward spiral in campaign spending . . . [I]ncreases have come about, therefore, through conduits which are not under the control of the candidates, although in some instances this spending may be 'coordinated' with the campaign organization . . . Spending by labor unions and corporations for 'internal communications' is also outside the candidate's direct control. Moreover, we cannot be sure if these expenditures are increasing, since by and large they do not have to be reported to the FEC."

Financing Presidential Campaigns: Recommendations of Campaign Finance Study Group, Ed. by Christopher Arterton, Chm., at 15, 16.

10. S. 2 HURTS THE POLITICAL PROCESS AND BLOCKS TRUE REFORM

Spending limits damage the American political process as much as public financing.

Money allows candidates to present their views to the voters. That should not be restricted by either spending limits or public financing.

It is especially important that challenger candidates have enough money to become known to the public and get their message across. Spending limits make that difficult.

Spending Limits Are a Democrat Political Ploy.

Republicans can raise more money than Democrats (through small "grassroots" contributions).

The fact is that Democrats have very few "small" donors among the American public. They do have more "fat cat" donors and "special interest" or PAC contributors than Republicans.

Spending limits are the Democrats way of overcoming their inability to raise money from middle income Americans. Spending limits will eliminate from the American political system the role of small donors, thus helping the Democrats but hurting participation in the system.

S. 2 blocks true reform of the American political system.

S. 2 is an extremely clever ploy by the Democrats to block true reform of the system. The vote in the 99th Congress on the Boren-Goldwater bill demonstrates the mandate for reform.

But that bill would hurt the Democrats' current fundraising strategy based on their inability to raise money from middle income donors.

The result is S. 2, which substitutes public financing and spending limits for participation by small donors in the American political process. This is "reform" according to supporters of S. 2.

It's a Smoke Screen That Obscures the Real Corruption

[From the Washington Post]

Sens. Robert Byrd and David Boren, the new champions of reform in campaign financing, are absolutely right to be concerned about rising campaign costs, about a system that is weighted heavily against challengers and about the appearance of corruption in the political system. But they are absolutely wrong about the causes of these problems and the best solutions for them. Their opposition to political action committees is wrongheaded and futile, and their obsession with PACs draws attention away from some deeply troubling aspects of political money. Far more valuable remedies than theirs are available.

The current Byrd-Boren proposal seeks to cure the ills of campaign finance by curtailing PAC contributions and attempting to place a strict lid on spending in Senate races (by offering various inventives to candidates who accept spending limits). In this, the sponsors have failed to make the vital distinction between real corruption and pseudo corruption.

The pseudo corruption is PAC money. First, the power of PACs has been greatly exaggerated. Not only are the 4,211 PACs an extremely diverse lot that work at cross-purposes and check each other, but all PACs together provide only a third of all money raised by House candidates and just a fifth of the war chests of Senate contenders. Most of the solid academic studies of the relationship between congressional decision-making and PAC contributions have reached the same basic conclusion: PAC money usually has little influence on the legislative votes cast by congressmen. The members' party affiliations, ideological orientations and, most of all, the wishes of their constituencies are far more important in determining their votes than the PAC gifts they have received.

Moreover, a strong defense of the legitimacy of PAC and interest-group campaign activity can easily be made. Vigorously competing interests of great variety, after all, are one signifcant indicator of a thriving democracy. And if nothing else PACs are a useful vehicle for disclosure of the interest-group money which has always reached campaigns—and which always will find a political outlet in a free society.

A limitation on what candidates can accept from PACs won't do any good: PAC largess, which is not going to just disappear, will flow into less accountable channels such as independent expenditure. And suppression of PACs will only result in the money's being given in less discernible ways, as illustrated by Boren himself. He vituously refuses all PAC donations but accepts the very same kind of special-interest gift from individuals. According to a "Campaign Practices Reports" study, at least a quarter of the million-dollar war chest he raised in 1983 and 1984 came from executives and employees of the energy and banking industries—individuals whose interests were not always easy to identify in the Federal Election Committee records. This included women related to the executive contributors but listed only as "homemaker."

The reformers' "big PAC attack," an increasingly popular campaign sport, serves as a smoke screen that obscures the real corruption such as:

Honoraria of millions of dollars each year that go directly into the pockets of congressmen for their personal use. By contrast, campaign contributions are expended for a worthy public enterprise.

Free trips for congressmen that are often lengthy and lavish sojourns to resorts, which have sometimes included family members and are paid in full by the special interests.

A singularly seedy loophole in election law that permits the 221 current representatives who were in office on Jan. 8, 1980, to convert all remaining campaign funds to personal use after their retirement. These often-massive supplementary pensions are obtained under false pretenses for a reelection bid that never occurs.

Phony fund raising by many independent political groups and committees that rivals PTL's. This fraud, perpetrated mainly by direct mail, raises money by means of extravagant, never-fulfilled promises to contribute to certain causes and candidates dear to the hearts of naive donors on targeted lists.

A constructive agenda of campaign changes would highlight the real scandals, not PACs. Reformers should be spending their energies demanding the abolition of honoraria (perhaps in exchange for salary increases), severe limits on junketing when interests groups pick up the tab, repeal of the congressional "golden parachute" clause, mandatory disclosure of all direct-mail solicitations for groups that file with the FEC, and full disclosure in each solicitation of the proportion of the organization's funds spent on administrative costs (just as charities must do in many states.)

Additional reforms are needed to tackle the authentic deficiencies identified by Byrd and Boren. Campaign outlays are in fact staggeringly high, but a limitation on the total amount candidates can spend would reduce competition by hurting some challengers in key marginal races where the incumbent is threatened. (We often forget that a challenger must somehow compensate for the hundreds of thousands, possibly millions, of dollars the incumbent has already spent in previous elections and for taxpayer-funded constituency services.)

Instead of attempting to lower expenditures artificially, let's subtract from actual campaign costs. In most districts and states, costs can be slashed by one-third or more simply by reclaiming a few paltry advertising hours of the public's airwaves from broadcasters. The time can be apportioned in 30-second, 60-second and 5-minute slots to all major-party general election congressional candidates. In large media markets, where the crush of candidates would be too great, the parties should have the power to allocate available spots to their strongest challengers and most endangered incumbents. The broadcasters can certainly afford the lost revenue. As one television executive recently put it, "Having a license to operate a commercial TV station in this country is like receiving the government's permission to print money." And rather than wasting their outrage on PACs, reformers ought to be furious that broadcasters are lining their pockets selling our air time for the most important ritual of democracy.

Finally, we ought to be encouraging the strengthening of the political parties and the participation of more average citizens in the electoral process. One-hundred-percent tax credits for gifts up to $50 to parties and candidates are the best means. In this fashion, PACs are limited indirectly; that is, as party money and small individual gifts are proportionately expanded, PAC contributions will have even less influence than they do now. Tax credits for small gifts also produce money that will flow to starved challengers, not just well-heeled incumbents. Along with free broadcasting time, this could make our politics somewhat more competitive. And if politicians such as Byrd are really concerned about unfair incumbent advantages, they can bring under control the flagrant and expensive abuses of the free frank that currently exist. Most congressional newsletters are little more than taxpayer-subsidized reelection literature.

The reformers have done a great disservice by focusing narrowly on pseudo corruption and slap-dash remedies for both genuine and imagined ills. Not only have they diverted attention from real corruption and more useful ideas, they have also increased cynicism about politics by playing to the public's natural suspicion of any mix of money and politicians. Granted, many of my alternative proposals can be labeled political "untouchables," but so was tax reform. If the determination to cure the malady is as great as the reformers suggest, then it is not too late to engineer a set of changes that will create a more wholesome and productive electoral system, rather than another jerry-built rig of good intentions and unintended consequences.

[From the Baltimore Sun, Aug. 12, 1987,]

Return of the Stamp Act

(By Ted Stevens)

Washington.—Americans aren't going to like the idea of a stamp tax today any more than they did in 1766, when the colonists' resistance forced the British to repeal the Stamp Act. Yet a new version of the Senate bill, S. 2—the campaign finance reform bill, would impose what amounts to a stamp tax on all of us who buy stamps from the postal service. Its sole purpose would be to subsidize campaign mailings by candidates for federal office.

The proposal runs 180 degrees counter to the policy approved by Congress in the Postal Reorganization Act of 1970. That law created a separate postal service to operate the U.S. mails on a break-even basis, with no direct taxpayer support.

The new version of S. 2 would provide preferential mailing rates to a candidate who agrees to spending limitations. (It would also mandate preferential rates for television and radio time.) With out question, it would place a financial burden on the postal service. And obviously it would cost postal ratepayers an enormous amount.

The postal service estimates the cost, under current rates, for the Senate version could be at least $17 million annually. It could well be two or three times higher, even excluding the probable extension of the subsidy to the House.

Another factor of this new Boren/Byrd/Exon version is the possibility of significant abuse, with no remedies provided. It proposes, for example, that no more than 5 percent of the cost of a political campaign could be used for postage. But no enforcement mechanism is included in the proposal. How would a postal service employee receiving a campaign mailing determine whether or not a candidate reached that 5 percent limit? What might be inside the sealed envelope of a subsidized first-class mailing is another prospect for abuse.

Because the privacy of first class mail is guaranteed by statutes, the postal service would have no knowledge of the contents of a candidate's mailing. There would be nothing to stop a candidate from including campaign materials for others running for non-federal offices in the same state.

As ranking Republican and former chairman of the subcommittee now called Federal Services, Post Office and Civil Service, I've worked to provide a postal service that pays its own way. In the past several years, even with an enormous explosion in the amount of mail processed, the postal service has operated on a better than break-even basis. This new approach could have nothing but a negative effect on what has become a fiscally healthy corporation.

The passage of this measure would mean those who purchase stamps and send parcels would have substantial cost added to their mailing. It would subsidize federal congressional campaigns through the back door. If an individual wants to contribute part of his or her after-tax income to someone running for federal office, that's fine. But I'm opposed to the concept of contributing to political campaigns through a hidden subsidy.

The American public does not need a 20th century version of the Stamp Tax. Nor do taxpayers want their taxes or the federal deficit increased so that candidates running for federal office can finance campaigns.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT

Mr. BYRD. Mr. President, at the request of Senator GLENN, chairman of the Governmental Affairs Committee, I ask unanimous consent that a star print of report 100-150 to accompany S. 908 be ordered in order to make technical corrections which affect the substance of the committee report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. BYRD. Mr. President, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in re sealed cases. I send the resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 281) to direct the Senate legal counsel to appear as amicus curiae in re sealed cases.

The PRESIDING OFFICER. Is there objection to its immediate consideration?

Mr. BYRD. Mr. President, on March 6 and May 27, 1987, the Senate agreed to Senate Resolutions 160 and 222 to direct the Senate legal counsel to appear in two legal actions as amicus curiae in the name of the Senate to defend the constitutionality of the independent counsel law, 28 U.S.C. sections 591-598. Those actions were challenges brought by Lieutenant Colonel North and Michael Deaver against the independent counsels who were appointed to investigate them. The courts rejected those challenges without reaching the question of the constitutionality of the independent counsel law.

New challenges to the independent counsel law have now been initiated in cases arising out of the investigation of actions of a former official of the Department of Justice concerning the withholding of EPA documents from the Congress. On July 20, 1987, Chief Judge Aubrey Robinson of the U.S. District Court for the District of Columbia rejected the challenges and sustained the statute's constitutionality. His decision is now the subject of appeals to the U.S. Court of Appeals for the District of Columbia Circuit where they are scheduled to be heard on an expedited basis on September 16, 1987.

During the recess, Acting Attorney General Burns—Attorney General Meese has recused himself in this matter—notified the President of the Senate that the Department of Justice would join the appellants and ask the court of appeals to invalidate the independent counsel law. Consequently, for the first time the Department of Justice has appeared in court in the name of the United States as an amicus curiae to join the constitutional attack on the law, which had been initially signed into law by President Carter and then extended with President Reagan's approval. The Justice Department is contending that the provisions permitting the independent counsel to be appointed by the court, upon the Attorney General's application, and limiting the ability of the Attorney General to discharge an independent counsel without cause, contravene the constitutional separation of powers, the appointments clause, and article III.

These contentions were all thoroughly considered by the Congress when it first enacted the special prosecutor law in 1978 and when it reauthorized the statute in 1982. The Congress determined then that the law constitutionally provides for the even-handed application of the criminal laws of the United States by using the appointment authority granted by the Constitution to the courts to eliminate the serious conflict-of-interest problems that otherwise inevitably surround criminal allegations against high-ranking executive officials. The courts have thus far agreed with that view.

The following resolution will authorize the Senate legal counsel to present to the court of appeals, as a friend of the court, the reasons for sustaining the law's constitutionality.

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 281

Whereas, in *In re Sealed Cases,* Nos. 87-5261, 87-5264, and 87-5265, pending in the United States Court of Appeals for the District of Columbia Circuit, the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598, which provides for the appointment, duties, and removal of independent counsels, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *In re Sealed Cases* in support of the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent, as in legislative session, that the time under the rule tomorrow, the 1 hour, be equally divided between the two leaders or their designees, and that the first 20 minutes may be for morning business and Senators may speak therein for 5 minutes; that no motions or resolutions over, under the rule, come over, and that the call of the calendar be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF AUTOMATIC QUORUM CALL

Mr. BYRD. Mr. President, I ask unanimous consent that the automatic quorum call be waived on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. That would mean, then, that the vote on cloture would occur at circa 11 o'clock.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the Senate is in executive session. Upon return to legislative session, the call for regular order would bring back before the Senate S. 2. In any event, once the Senate is back in legislative session, would the clerk not then automatically state the title of S. 2?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, also for the record, is it not a fact that simply because the Senate tomorrow will be voting on cloture on S. 2, that technically S. 2 is not before the Senate during that 1 hour of debate on the motion to invoke cloture?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, the distinguished Senator from North Carolina wishes to offer an amendment to S. 2 which would be patently, on its face, not germane. But he certainly has the right to offer an amendment at such time as S. 2 is before the Senate. He is not restricted from offering a non-germane amendment. I do not anticipate that cloture will be invoked on tomorrow. If it is invoked, I will be happily surprised. I think that there will be some momentum developed and some gains tomorrow. But if cloture is invoked tomorrow or at some later date, the amendment by Mr. HELMS would clearly not be germane and would be ruled out of order.

Notwithstanding that fact, he has a right to offer the amendment at such time as S. 2 is before the Senate. I am not going to stand in the way of having S. 2 brought back before the Senate today.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I therefore ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SENATORIAL ELECTION CAMPAIGN ACT

The PRESIDING OFFICER. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 676

(Purpose: To authorize funds for military assistance to the Democratic Resistance in Nicaragua unless the President certifies to Congress that the Communist government in Nicaragua has met certain conditions)

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the distinguished majority leader for his typical courtesy and cooperation. It is a pleasure to work with him always.

Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

Mr. HELMS. In this case, I ask that the clerk read it all.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 676:

Add at the end of the bill the following new section:

"SEC. . The sum of $310 million dollars is authorized to be appropriated for military assistance to the Nicaraguan Democratic Resistance for the period ending March 31, 1989; provided, however, that the funds authorized to be appropriated by this section shall not be obligated or expended if the President, on or before September 30, 1987, shall have certified to Congress the following:

1. That there be no Soviet, Cuban or Communist bloc bases established in Nicaragua that pose a threat to the United States and the other democratic governments in the hemisphere.

2. That Nicaragua pose no military threat to its neighbor countries nor provide a staging ground for subversion or destabilization of duly elected governments in the hemisphere.

3. That the Nicaraguan government respect the basic human rights of its people including political rights guaranteed in the Nicaraguan constitution and pledges made to the OAS—free speech, free press, religious liberty and a regularly established system of free, orderly elections.".

Mr. HELMS. Mr. President, I thank the clerk, I thank the Chair, and I thank the majority leader.

JOHN DOSTER, FAA VETERAN: PILOTS ARE THE KEY

Mr. HELMS. Mr. President, coming as I do from what was in my boyhood a small rural community in North Carolina, I am always especially gratified when I note that one of our "hometown boys" has been honored in connection with a remarkable career.

John Henry Doster, chief of the Federal Aviation Administration's district office at Allentown-Bethlehem-Easton Airport, grew up in Monroe, NC, as I did. Back in the summer, John was honored by Business and Commercial Aviation magazine for his long service to aviation.

John Doster is now 71. Recently he completed his 46th year of service with FAA and its predecessor organization, the Civil Aeronautics Administration. He administered his first check ride in 1941 from Hoover Field—where the Pentagon is now situated—and as of June 15 had given 7,803 check rides, signed off on 1,726 type ratings in jet aircraft and conducted 1,932 proficiency check rides.

I ran across a column written by John Doster for the August issue of Aviation Digest in which he reminisced a bit to make a point about all of the "near misses" in the air that we hear about constantly these days.

The column is headed, "The Way It Was" and the subject title is interesting in its implications: "Pilots Are the Key." Mr. President, I ask unanimous consent that John Doster's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From Aviation Digest, August 1987]

PILOTS ARE THE KEY

(By John Doster, Allentown (PA) FSDO)

On instruments, at 8,000 feet and 400 miles west of Rio De Janeiro, my Brazilian co-pilot and I estimated that Bauru, our first fuel stop, was only a few minutes ahead. We were flying a C-45 Beechcraft to Corumba, on the Bolivian border, to pick up passengers for the U.S. Embassy at Rio.

With no warning, the radio beacons we were using for navigation went off the air. Carlos tried all of our available HF frequencies but was unable to contact anyone either in the air or on the ground. I worked the CW transmitter (the key was located overhead in the cockpit) but no one answered. The only phrase I could really transmit well was: "transmit back to me slowly." Changing English into Portuguese, then into Morse Code and back, was one of my strongest weak points. With no response from either CW or voice, we decided to descend as low as we dared and hoped to see a break in the clouds. Our chart indicated that we were over flat uninhabited terrain with an average elevation of 1,600 feet.

Suddenly we broke out of the overcast about 400 feet above the jungle and nearly collided with a red gull-wing Stinson!

Brazil, larger than the 48 United States, had about 750 airplanes in the whole nation. The odds for an airplane showing up at that precise moment and position were astronomical! This airplane was VRF below the overcast and heading on our reverse course. Since we estimated that we had overshot the airport, we turned and followed. Shortly thereafter, we both landed on the Bauru Airport. After landing, the Stinson pilot told us that he was returning from a mining camp and, although we had missed each other by no more than 150 feet, he had not seen us. This happened many years ago, but it is as vivid as if it had happened yesterday. I can still see a dirty patch on his right wing.

Almost 300 near midair collisions were reported in the United States during a 12-month period, ending in mid-1984. Slightly over 50 of these were critical, where collision avoidance was due purely to chance and not by an act of the pilot. Two hundred were potential, where an accident would probably have occurred had evasive action not been taken by one or both pilots involved. The remainder presented no hazard. These 300 were reported; many others go unreported.

For the trivia buff, the aircraft population of the United States is about one per each 17 square miles. All these airplanes are not in the air at one time, so we should have enough room to avoid each other.

An attempt is made to investigate all NMACs. Once we were asked to look at a black smudge just above the door on a small twin engine airplane. The pilot reported that he had felt a slight bump as he turned on final for landing at a busy airport. The smudge turned out to be a tire mark! That is as close as you can come and still live to tell about it.

A helicopter was on a cross-country flight and the pilot suddenly saw an aerobatic airplane, in an inverted position on top of a loop, 75 to 100 feet below him. The pilot of the inverted airplane never saw the other machine and continued his practice. I often wonder how many times our lack of vigilance allows a near miss to go unnoticed. In smooth air, have you ever felt a single bump and frantically looked for what might have just passed by?

The 1984 study indicated that the most significant combination of near misses shows one airplane to be IFR and the other VFR. One is on a flight plan; the other one is not. This might indicate that radar surveillance and transponders do not necessarily substitute for alert pilots. Keep your eyes searching the skies.

About 70 percent of these near collisions occur below 5,000 feet; the middle altitudes account for about 25 percent more and the rest occur about 12,500 feet. Most near midair collisions occur during good visibility conditions. Less than 15 percent occur when visibility is 5 miles or less. The vicinity surrounding controlled airports accounts for nearly one-half of these events.

Thus, it seems that pilots hold the key to eliminating the midair collision hazard by constant exercise of vigilance. See and avoid; it is up to you.

THE FARMERS RECOVERY TAX ACT

Mr. HEFLIN. Mr. President, I rise once again to bring S. 455, the Farmers Recovery Tax Act, to the attention of my colleagues.

When I was recently visiting farm communities back home in Alabama, two things kept coming out in conversations: the weather and the fact that the Tax Reform Act of 1986 removed so many of the tax advantages which farmers previously enjoyed.

As for the weather, this has been another tough year for Alabama farmers. During the spring, a late cold snap froze and damaged central Alabama's very valuable peach crop. This summer, our farmers are again suffering from a lack of rainfall. This summer's drought is not yet as bad as the last year's, but there has been significant crop damage.

Mr. President, I bring the weather in Alabama to the attention of my colleagues to get them to think about what has happened in their home State this year. Other States may have suffered from late freezes and drought like Alabama, or they may have suffered from other natural disasters. I know that instead of drought, Texas has suffered from devastating and tragic floods; instead of freezes, the Far West has suffered from hot, dry weather which has resulted in fires destroying hundreds of thousands of acres. Undoubtedly, other States have suffered other ills.

But after a moment's thought, everyone realizes that this year's weather is much like the weather in any other year. The floods and droughts have occurred in different places, but they still have occurred. Of course, no one expected the weather to suddenly turn perfect after January 1 of this year. No one predicted that the right amount of rain would fall in each area of the Nation and the temperature would be ideal everywhere this year. But, I tell you, Mr. President, you could not tell it by the Tax Reform Act of 1986. By the way Congress dropped provisions of the Tax Code which benefited farmers, it seemed as if everyone thought Mother Nature had signed a pact in which she guaranteed perfect cooperation, in which there would be no more floods or hailstorms or droughts or any other disaster.

But, of course, no such guarantees exist. The same disasters and hardships which farmers had to endure in 1986 still exist in 1987. The same reasons Congress originally gave special treatment to farmers still exist today. The only thing which has changed is that Congress has removed the tax provisions which helped farmers bear these burdens.

Mr. President, I think that a majority of the Senate understands this is not fair. That is why some of my colleagues and I were able to restore many provisions for farmers during floor debate on the Tax Reform Act. Unfortunately, most of these floor amendments were dropped during conference.

In an effort to restore some equity for American farmers, Senator MELCHER and I introduced the Farmers Recovery Tax Act of 1987. So far, 10 more colleagues have cosponsored this bill. This measure will restore income averaging, the investment tax credit, the accelerated cost recovery system and capital gains for farmers.

Income averaging was one of the provisions most often used by farmers. It is absolutely vital that we reinstate income averaging to allow farmers to even out the volatility in their income caused by weather, pests, disease, and other factors beyond their control.

When the new rates become fully effective in 1988, a farm family of five with income ranging from nothing in 1 year to $40,000 the next will pay 2½ times the tax as a family of five earning $20,000 each year. Our farm families deserve better treatment than this under our tax laws.

The Tax Reform Act of 1986 also repealed the investment tax credit for qualifying capital investments. Most farm machinery and equipment, some farm structures, and certain livestock qualified for the 10 percent credit. For example, under prior law, if a prior bought a tractor for $40,000 his after tax cost would have been $36,000. When the investment tax credit was repealed, the after tax cost rose to $40,000, or $4,000 more. With the stroke of pen, Congress raised the price of farm machinery by 10 percent.

All along main street of our farming communities, the farm depression of 1980-87 has caused hundreds and hundreds of farm equipment dealers and agricultural businesses to fold in the last several years. This, of course has devastated the economies of these communities. Thousands of jobs have been lost. Economic growth in the farm belt is dependent upon the purchases made by farmers. Without the added incentive of the investment tax credit, the rural economy cannot recover.

The Tax Reform Act of 1986 also repealed the accelerated cost recovery system. The Farmers Recovery Tax Act of 1987 will restore ACRS for qualified farm property. The depreciation schedules of farmers must now use are only hindering the recovery in the farm economy.

Finally, Mr. President, I propose to reinstate a capital gains differential for farmers, including individual timber growers. The maximum tax rate on capital gains will be 20 percent.

Capital gains deduction are certainly needed in the risky industries and businesses which involve the natural biological cycles and reproductive processes. Farmers that raise cattle, for instance, cannot expect immediate income from the purchase of brood cows. Income that results from the sale of such livestock is the product of several years of hard work.

Mr. President, I urge my colleagues to consider the natural hardships which farmers face in trying to feed America and most of the world three times a day and then consider the inequity and injury which the Tax Reform Act of 1986 inflicted upon them. After my colleagues have done this, I am certain they will cosponsor this bill.

A TRIBUTE TO COACH JAMES GLOVER

Mr. HEFLIN. Mr. President, I was filled with great sadness when I learned of the death of my good friend, James E. Glover, who served for 31 years as the football coach of Etowah High School. Throughout his life, Coach Glover dedicated his efforts not only to winning football games but, more importantly, to shaping lives and characters. He touched many lives in those 31 years he served as coach, and demonstrated that hard work, perseverance, and dedication, as well as faith in God, were the only ways in which to succeed in life—and in any endeavor. As a former Etowah Blue Devil, myself, I know the mark that Coach Glover made on our school, on Attalla, and on Alabama. His work, his dedication, and his devotion to those he coached will be long remembered.

James Glover was born in Moundville, AL, and he attended Hale County High School. He received a football scholarship to East Mississippi Junior College, where he also won the school's middleweight boxing championship, and then transferred to Delta State University where he started his last 2 years.

After college, Coach Glover knew where he would touch the most lives, and he immediately began coaching at Brookwood High School in Tuscaloosa, AL. He was able to coach for two seasons before World War II interrupted his coaching career, and he entered the Navy in 1942. After his discharge, he coached at Jefferson County High School until he took the job at Etowah.

Coach Glover was immediately successful at two things—winning, and molding boys into men. His record between 1947 and 1951 was an incredible 48 wins, and 2 losses. His teams lost the first game of 1948, and they lost the final game of 1951. Coach Glover also had unbeaten teams in 1954, 1956, 1958, and 1969. Throughout his career, his teams won a total of 213 games.

However, as impressive as it may be, concentrating on Coach Glover's football win-loss record would not describe the thousands of successes he really had. For his real triumphs throughout life were the thousands of young men he coached, and the many he influenced whom he did not coach.

Coach Glover was known as "Gentleman Jim," and his manners and demeanor rubbed off on everyone at Etowah High School. He challenged both his players, and many others who did not have the talent, or the capabilities to play, to demand more of themselves than they thought possible. With so many young people, he taught them how to push harder when they thought they could not push anymore. He taught young men how to dream, and then how to fight to realize that dream. Essentially, Coach Glover taught young men how to succeed, themselves.

James Glover was recognized throughout his life for his many successes. He was inducted into the Alabama Sports Hall of Fame. He is loved and remembered by the many players he had. He is loved and remembered as a devoted friend, and he is remembered as a loving father. Coach Glover will be missed, he will be remembered, and all should follow his example.

Mr. President, I ask unanimous consent that newspaper articles on Coach Glover's death be printed in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

COACH GLOVER WAS A MAN WHO CARED

(By Jimmy Smothers)

Everyone knows about Jim Glover the coach, the man who put the Etowah Blue Devils on the state map as a high school football powerhouse.

Gentleman Jim, they called him. And the name fit.

He was a gentleman, a man everyone liked, a man who could mix well in any crowd.

He was polite, well-mannered, intelligent.

And he knew how to coach, to get the best out of his players. He was a sort of Bear Bryant-type of coach in that respect. And he had the same kind of feelings for his players.

Once a boy played for Coach Glover, gave it his best, he was a Blue Devil for all time, he was a member of Coach Glover's family.

And just as the coach appealed to the good side of boys to bring out the best in them on the field, he maintained the same fatherly image with them.

He kept in touch, was ready and able to help if a need arose. He showed that he cared in oh so many ways.

Teenagers who won the national Christian School championship for him last year at Coosa Christian loved Coach Glover the same as today's grandfathers who won a state championship for him almost 40 years ago at Etowah.

He was the same "Coach" at age 70 as he was at age 30. He never knew the meaning of generation gap.

The respect he earned was much in evidence Monday night, and again today, as "his boys" flocked back to Attalla from near and far to pay their final respects.

It was a sort of Blue Devil Day a month early. All the old players—renewing friendships, telling stories.

How Coach would have enjoyed such a gathering.

He delighted in such fellowship and companionship; loved good food and retelling the old stories.

Fans remember Coach Glover for his great football teams, for being a winner, for earning such fame at his profession that he was elected to the Alabama Sports Hall of Fame.

But there was another side to this man. A side that meant as much to him in later years as did coaching in the former.

About six years ago, Coach Glover did an about face in his life—he became the one man in 3,000 who becomes a born-again Christian after age 60.

He became so alive in Christ that he wanted to share his conviction with "his family". So he made a list of all his former players he could remember, started looking up the ones he'd lost track of.

Coach Glover spent two days a week and much money visiting "his boys". He checked on how they were doing personally, financially and spiritually.

He had finally found something in life that meant more to him than football and he wanted to share it with his players.

One old Blue Devil tells about Coach coming to the hospital and praying for him before he had brain surgery.

Only a week ago Coach had his sons carry him to the car and drive him across town to check on how another former player was doing in church.

"I just wanted to be sure you were living right," Coach Glover told the old player from his make-shift bed in the backseat of the car.

That's the kind of man Coach Glover was. He was a man who cared.

Gentleman Jim, sure. Coach, of course.

But more than that, he became a modern day apostle. He taught boys how to be men in athletics; and more recently he showed men how to change their lives.

The last time I saw Coach Glover was in the hospital. I asked how soon before he would be going home.

"I may never leave this room," he said. "I have cancer, you know."

But Coach did go home. He went back to his beloved Attalla to die.

GLOVER'S 'BOYS' SAY GOODBYE

(By John Alred)

More than 300 people—many of them former players—said goodbye to "Coach" Tuesday afternoon at Whites Chapel Baptist Church.

"Coach" was James E. Glover, who for 31 years molded the boys of Etowah High School into men.

Coach Glover died Sunday after a two-month battle with cancer.

It was only fitting that two of "his boys" conducted the funeral service—Dr. Bryant Strain, pastor of Brookwood Baptist Church in Birmingham and Rev. Phillip Ellen, pastor of Whites Chapel.

"For most people, James E. Glover was simply known as Coach," Dr. Strain said. "But to his wife Virginia, he was husband, friend and lifetime companion. And to his sons Jerry, Neil and Jim, he was father, coach and role-model.

"We want to thank his family for letting us share Coach with us. And we thank God for the influence he had on all of us he touched."

Ellen compared Coach Glover to the apostle Paul, who the Bible teaches met Jesus on the road to Damascus and became one of the greatest preachers and writers of his time.

"A few years ago, Coach met Jesus and became a Christian," Ellen said. "And, like Paul, he began preaching to all he came in contact with.

"But Coach would often say, Religion was not enough, you must meet Jesus. And Coach met Jesus face-to-face.

"Like Paul, Coach was willing to accept Jesus and do what he felt he must."

Perhaps the most stirring moment of the services came when Glover's oldest son, Jerry, spoke about his father.

He talked about how his father had been determined to return home for his final days and that he had managed to do that.

"Pop, we know how much people love you. That was evident Monday night when more than 700 people came by to pay their final respects," Jerry said.

"I was like a lot of people after you got saved, Pop. I hated to see you coming because I knew what you were going to say. And I thought you were an embarrassment to the family.

"Pop, I hadn't been able to face you until the night I got saved. Until the night I found out you were going to die. I guess it was because I was always worried about myself and my problems.

"But I went back up to your room and it was about 3:30 in the morning. You were awake and you said, 'Jerry, I'd like to talk to you.'

"And I looked up into your eyes and said, 'Pop, I'm ready to talk to you'. That was the most joyous moment in my life. You later said it was one of the most joyous times in your life."

Jerry also said his father had once placed much emphasis on his accomplishments—his great coaching record, his induction into the Alabama Sports Hall of Fame and the many honors which went along with his career.

"There's no doubt Pop was a great coach and influenced a lot of young boys," Jerry said. "But his life wasn't in order. But something happened—something great. You found Jesus Christ."

Glover was a native of Moundville. He attended East Mississippi Junior College and later graduated from Delta State University in 1940.

He coached two years at Brookwood High School in Tuscaloosa before entering the Navy. After leaving the service, he coached two years at Jefferson County High before taking the Etowah job in 1947.

From 1947 until 1951, the Blue Devils went 48-2, losing only the first game in 1948 and the final game in 1951. He also had unbeaten teams in 1954, 1956, 1958 and 1969.

In addition, he coached the 1948 Etowah basketball team to the state championship.

During his career, he won 213 games, lost 110 and tied 16.

In addition, he coached Coosa Christian High School's football team the last two seasons. Last year's team finished with a 12-0 record and won the National Christian School championship.

Blue Devils Lose "Coach" Jim Glover,
1916-87

(By John Alred)

"What can I say? He was my coach, my teacher, my friend and I loved him."

Those words by Wyman Townsel summed up the feelings of most of the former players and assistant coaches of Jim Glover, who died Sunday afternoon after a two-month battle with cancer.

Townsel was a star halfback on Glover's Etowah High School teams from 1949 to 1951, and took over the head football coach's job at his alma mater earlier this year.

Glover was considered one of the most outstanding high school coaches in Alabama during a 31-year career at Etowah and a two-year stint at Coosa Christian School.

His career was capped when he was inducted into the Alabama Sports Hall of Fame in 1985.

Glover, 71, became head football coach at Etowah in 1947 and promptly led the Blue Devils to an unbeaten season. He then took the Etowah basketball team to the state championship in 1948.

But it was football which Glover was to make his niche.

His record between 1947 and 1951 was a phenomenal 48-2, losing the first game in 1948 and the final game in 1951.

And although there were no state playoffs, the 1950 Etowah team was declared state champion by several newspapers in Alabama.

Glover also had unbeaten teams in 1954, 1956, 1958 and 1969. During his Etowah career, he compiled 213 victories. He retired from Etowah in 1978.

During his career, he gained the nickname of "Gentleman Jim".

The last two years he coached at Coosa Christian School, which is operated by the church Glover attended, White's Chapel Baptist.

Last year's team went 12-0 and won the Christian School national championship.

Many of his former players went into the education field, including Wendell Hubbard. G.B. Beasley and M.L. Brackett.

Hubbard graduated in 1960 and then was an assistant coach under Glover from 1964-74.

"Coach Glover is certainly going to be missed," Hubbard said. "He's helped a lot of his players get through school and into college. I know, I'm one of them.

"Coach was certainly a unique person. I don't think many men could have quit coaching and then got back into it and win a national championship like he did last season.

"I was with Coach through the good times and bad times. He was like a daddy to me. As long as there is an Attalla and Etowah High, they'll always remember Coach Glover."

Beasley was a guard on the 1950 team and was an assistant under Glover from 1956 to 1960. He also coached against his former teacher when he was head coach at Albertville from 1962 to 1986.

"I was one of the fortunate few who saw Coach Glover from all angles, as a player, assistant coach and rival coach," Beasley said. "He was just a super individual.

"Coach had that rare ability to see the best in folk and make you do your best. He was my best friend and I'll never forget him."

Brackett was a star lineman for Glover in the early 1950's, who later went on to Auburn University and then played pro football. He was an assistant with Glover from 1961 to 1963.

"There's just no way you can replace a man like Coach Glover," Brackett said. "Everything I have been and everything I will be, I owe to Coach Glover.

"His persistence finally got me involved in football. If he hadn't kept after me when I was in P.E. class in the 9th grade, I wouldn't have played football."

Ben Pillitary didn't play for Glover, but was his assistant from 1953 to 1961. The two developed a lasting friendship.

"One of my best friends has passed on," Pillitary said. "He was probably the greatest high school coach in Alabama. He had a lot of influence on a lot of people, me included.

"Words just can't describe my feelings at the moment. Coach and I have been close a lot of years and he was always there when I needed advice."

Herbert Hicks was a quarterback on the Etowah teams during the 1950's.

"He was like a father to all of us former players," Hicks said. "He led a lot of boys down the right trail. He certainly deserved the nickname 'Gentleman Jim'. He was a great man and a man who people can look up to."

Hicks, Glover and Ed Taber, who was a guard on the 1953 team, were the main cogs in getting "Blue Devil Day" started several years ago. It is now an annual event where former athletes and friends of Etowah High gather for an evening of recalling past heroics.

"I saw Coach last week and he was really looking forward to this year's Blue Devil Day on Aug. 8," Hicks said. "He said he wanted to see all his boys one more time. He knew he was going but he never complained. He was a winner to the end. He was just a great man."

Taber said Glover's death was not only a loss to his former players but to Etowah County.

"I think he was another Bear Bryant," Taber said. "I feel playing for him was a great honor. I think this is a tragic loss, not only for his players, but for everyone."

Glover was a native of Moundville and attended Hale County High School. He received a football scholarship to East Mississippi Junior College and later played at Delta State, where he graduated in 1940.

He coached at Brookwood High School in Tuscaloosa County for two seasons before entering the Navy in 1942. After his discharge in 1945, he coached at Jefferson County High School until he took the job at Etowah.

Funeral services have been scheduled Tuesday at the White's Chapel Baptist Church gymnasium. Burial will be in Attalla's Oak Hill Cemetary.

The family will receive friends tonight from 6 to 9 at Collier-Butler Funeral Home.

REPORT ON REVISION OF CERTAIN BUDGET DEFERRALS—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 62

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on August 27, 1987, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on the Budget, and the Committee on Finance:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two revised deferrals of budget authority now totaling $706,709,883.

The deferrals affect programs in the Departments of Agriculture and Health and Human Services.

The details of these deferrals are contained in the attached report.

Ronald Reagan.

The White House, *August 27, 1987.*

PAY ADJUSTMENT FOR FEDERAL EMPLOYEES—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 63

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on August 31, 1987, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Under the Federal Pay Comparability Act of 1970, the President is required to make a decision each year on what, if any, pay adjustment should be provided for Federal employees under the General Schedule and the related statutory pay systems.

My pay advisors have reported to me that an increase in pay rates averaging 23.74 percent, to be effective in October 1987, would be required under existing procedures to raise Federal pay rates to comparability with private sector pay rates for the same levels of work. However, the law also empowers me to prepare and transmit to the Congress an alternative plan for the pay adjustment if I consider such an alternative plan appropriate because of "national emergency or economic conditions affecting the general welfare." Furthermore, section 15201(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, requires that, in adjusting rates of pay under the Comparability Act, I achieve savings of at least $1.264 billion in fiscal year 1988 compared to the "baseline" the Congress has used in its budget process. Section 15201(a) also requires that the effective date of pay adjustment be delayed until January 1988.

Accordingly, after reviewing the reports of my Pay Agent and the Advisory Committee on Federal Pay, after considering the adverse effect that a 23.74 percent increase in Federal pay rates might have on our national economy, and in order to implement the requirements of the Reconciliation Act, I have determined that economic conditions affecting the general welfare require the following alternative plan for this pay adjustment:

In accordance with section 5305(c)(1) of title 5, United States Code, the pay rates of the General Schedule and the related statutory pay schedules shall be increased by an overall percentage of 2 percent for each schedule, with such increase to become effective on the first day of the first applicable pay period beginning on or after January 1, 1988.

This alternative plan would produce savings that exceed the amounts required by the Congress in the Reconciliation Act for fiscal year 1988.

Accompanying this report and made a part hereof are the pay schedules that will result from this alternative plan, including, as required by section 5382(c) of title 5, United States Code, the rates of basic pay for the Senior Executive Service, in accordance with the formula established in Schedule 4 of Executive Order 12578.

RONALD REAGAN.

THE WHITE HOUSE, *August 28, 1987.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT—PM 64

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the provisions of Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c)) and Subtitle H of the Energy Security Act (42 U.S.C. 8286), I herewith transmit the tenth annual report on Federal Energy Conservation Programs undertaken during Fiscal Year 1986.

RONALD REAGAN.

THE WHITE HOUSE, *September 9, 1987.*

REPORT OF THE CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION—MESSAGE FROM THE PRESIDENT—PM 65

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

In accordance with the provisions of Public Law 98-375, Sec. 4(b), I am pleased to transmit to you the report of the Christopher Columbus Quincentenary Jubilee Commission.

This Commission was created by the Congress to plan, encourage, coordinate, and conduct the Nation's observance of the 500th anniversary of the voyage of Christopher Columbus to the New World in 1492. P.L. 98-375 instructed the Commission to report to the Congress its recommendations for a comprehensive national program of commemorating the Quincentenary.

As you will see from this report, the Commission has executed its charge in a spirit that takes full account of the heroic and visionary character of Christopher Columbus and of the mingling of peoples, sharing of civilizations, and development of new nations that took place in the New World as a consequence of his achievement. The report establishes five themes that collectively embrace the broad significance of the observance; it proposes three national initiatives to create enduring programs of commemoration; it identifies worthy projects to be carried out by the Nation's cultural, educational, and civic organizations; and it outlines a program of celebratory activities that will make participation in Quincentenary events possible for citizens and communities throughout the Nation.

The report provides the means of funding this comprehensive national program through proceeds from the sale of commemorative coins and through donated funds and services from private citizens and organizations.

RONALD REAGAN.

THE WHITE HOUSE, *September 9, 1987.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bills and joint resolutions:

On August 10, 1987:

S. 958. An act to dedicate the North Cascades National Park to Senator Henry M. Jackson.

S. 1198. An act to authorize a certificate of documentation for the vessel F/V *Creole*.

On August 11, 1987:

S.J. Res. 121. Joint resolution designating August 11, 1987, as "National Neighborhood Crime Watch Day."

On August 18, 1987:

S. 769. An act to provide grants to support excellence in minority health professions education.

S. 1371. An act to designate the Federal building located at 330 Independence Avenue, SW, Washington, District of Columbia, as the "Wilbur J. Cohen Federal Building."

S. 1577. An act to extend certain protections under title 11 of the United States Code, the Bankruptcy Code.

S. 1597. An act to amend the Farm Disaster Assistance Act of 1987 to extend the reporting date for the ethanol cost effectiveness study.

S.J. Res. 44, Joint resolution to designate November 1987, as "National Diabetes Month."

S.J. Res. 49. Joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day."

S.J. Res. 87. Joint resolution to designate November 17, 1987, as "National Community Education Day."

S.J. Res. 108. Joint resolution to designate October 6, 1987, as "German-American Day."

S.J. Res. 109. Joint resolution to designate the week beginning October 4, 1987, as "National School Yearbook Week."

S.J. Res. 157. Joint resolution to designate the month of October 1987, as "Lupus Awareness Month."

On August 20, 1987:

S. 1591. An act to temporarily restrict the ability to document foreign-built fish processing vessels under the laws of the United States.

S.J. Res. 175. Joint resolution to recognize the efforts of the United States Soccer Federation in bringing the World Cup to the United States in 1994.

On August 21, 1987:

S. 1550. An act to complete the Federal Triangle in the District of Columbia, to construct a public building to provide Federal office space and space for an international cultural and trade center, and for other purposes.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on August 7, 1987, during the adjournment of the Senate received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the following concurrent resolution:

H. Con. Res. 175. Concurrent resolution providing for an adjournment of the Congress until September 9, 1987.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2855. An act to settle Indian land claims in the town of Gay Head, Massachusetts, and for other purposes; and

H.R. 3190. An act to provide for a temporary increase in the public debt limit.

Under the authority of the Order of the Senate of February 3, 1987, the enrolled bills were signed on August 7, 1987, during the adjournment of the Senate by the Acting President pro tempore [Mr. WIRTH].

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on August 10, 1987, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill and joint resolutions:

H.R. 812. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the Malcolm Baldrige National Quality Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provisions of their goods and services;

H.J. Res. 216. Joint resolution to support a ceasefire in the Iran-Iraq war and a negotiated solution to the conflict; and

H.J. Res. 313. Joint resolution designating the month of August 1987 as "National Child Support Enforcement Month".

Under the authority of the order of the Senate of February 3, 1987, the enrolled bill and joint resolution were signed on August 10, 1987, during the adjournment of the Senate, by the Vice President.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on August 12, 1987, received a message from the House of Representatives announcing that the Speaker pro tempore [Mr. FOLEY] had signed the following enrolled bills and joint resolution:

S. 1550. An act to complete the Federal Triangle in the District of Columbia, to construct a public building to provide Federal office space and space for an international cultural and trade center, and for other purposes;

S. 1591. An act to temporarily restrict the ability to document foreign-built fish processing vessels under the laws of the United States;

S. 1597. An act to amend the Farm Disaster Assistance Act of 1987 to extend the reporting date for the ethanol cost effectiveness study;

H.R. 3085. An act to amend the Water Resources Development Act of 1986 relating to the level of flood protection provided by the flood control project for Lock Haven, Pennsylvania; and

H.J. Res. 335. Joint resolution designating the week of September 13 through September 19, 1987, as "National Reye's Syndrome Awareness Week".

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills and joint resolution were signed on August 12, 1987, during the adjournment of the Senate, by the President pro tempore [Mr. STENNIS].

MESSAGES FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3093. An act to expand and improve the optional acreage diversion program for the 1988 crops of wheat and feed grains.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3093. An act to expand and improve the optional acreage diversion program for the 1988 crops of wheat and feed grains; to the Committee on Agriculture, Nutrition, and Forestry.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills and joint resolutions:

On August 10, 1987:

S. 1371. An act to designate the Federal building located at 330 Independence Avenue, SW, Washington, District of Columbia, as the "Wilbur J. Cohen Federal Building";

S.J. Res. 44. Joint resolution to designate November 1987, as "National Diabetes Month";

S.J. Res. 49. Joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day";

S.J. Res. 87. Joint resolution to designate November 17, 1987, as "National Community Education Day";

S.J. Res. 108. Joint resolution to designate October 6, 1987, as "German-American Day";

S.J. Res. 109. Joint resolution to designate the week beginning October 4, 1987, as "National School Yearbook Week";

S.J. Res. 121. Joint resolution designating August 11, 1987, as "National Neighborhood Crime Watch Day";

S.J. Res. 157. Joint resolution to designate the month of October 1987, as "Lupus Awareness Month"; and

S.J. Res. 175. Joint resolution to designate the efforts of the United States Soccer Federation in bringing the World Cup to the United States in 1994.

On August 12, 1987:

S. 1550. An act to complete the Federal Triangle in the District of Columbia, to construct a public building to provide Federal office space and space for an international cultural and trade center;

S. 1591. An act to temporarily restrict the ability to document foreign-built fish processing vessels under the laws of the United States; and

S. 1597. An act to amend the Farm Disaster Assistance Act of 1987 to extend the reporting date for the ethanol cost effectiveness study.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1726. A communication from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to reduce the cost and improve the administration of the Food Stamp Program and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1727. A communication from the Acting Under Secretary of Agriculture (International Affairs and Commodity Programs) transmitting, pursuant to law, the third quarterly commodity and country allocation for food assistance under title II of Public Law 480; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1728. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated August 1, 1987; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-1729. A communication from the Acting Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a listing of contract award dates for the period September 1, 1987, to October 31, 1987; to the Committee on Armed Services.

EC-1730. A communication from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) transmitting a draft of proposed legislation to modernize the permanent faculty structure of the United States Air Force Academy; to the Committee on Armed Services.

EC-1731. A communication from the Deputy Assistant Secretary of the Air Force (Logistics) transmitting, pursuant to law, a report on the study on conversion of the military family housing maintenance function at Attus Air Force Base, Oklahoma, to performance by contract; to the Committee on Armed Services.

EC-1732. A communication from the Secretary of the Army transmitting, pursuant to law, the annual report of the United States Soldiers' and Airmen's Home for fiscal year 1985 and the Report of the Annual General Inspection of the Home for fiscal year 1986; to the Committee on Armed Services.

EC-1733. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Financial Audit-Federal Deposit Insurance Corporation's 1986 and 1985 Financial Statements"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1734. A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "The Effect of Airline Deregulation on the Level of Air Safety"; to the Committee on Commerce, Science, and Transportation.

EC-1735. A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, a report on alternative means of administering and enforcing the Fairness Doctrine; to the Committee on Commerce, Science, and Transportation.

EC-1736. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend Title V of the Motor Vehicle Information and Cost Savings Act, "Improving Automotive Efficiency" to repeal the corporate average fuel economy (CAFE) standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1737. A communication from the Acting Secretary of Commerce transmitting a draft of proposed legislation to amend Title 15, United States Code, to authorize Buying Power Maintenance accounts within the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC-1738. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on the State Energy Conservation Program for calendar year 1986; to the Committee on Energy and Natural Resources.

EC-1739. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on Federal Government Energy Management for fiscal year 1986; to the Committee on Energy and Natural Resources.

EC-1740. A communication from the Acting Assistant Secretary of the Interior transmitting a draft of proposed legislation to provide for the payment of interest on certain Federal and Indian lease revenues paid to the Secretary of the Interior, to eliminate certain unnecessary reporting requirements, to amend the Federal Oil and Gas Royalty Management Act of 1982, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1741. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1742. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities; to the Committee on Environment and Public Works.

EC-1743. A communication from the Secretary of Transportation and the Architect of the Capitol transmitting jointly, pursuant to law, a report on a study of alternatives for the construction of a building or buildings adjacent to Union Station; to the Committee on Environment and Public Works.

EC-1744. A communication from the Chairman of the United States International Trade Commission transmitting, pursuant to law, a report on the operation of the United States trade agreements program during 1986; to the Committee on Finance.

EC-1745. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the eleventh annual report on the Child Support Enforcement program; to the Committee on Finance.

EC-1746. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an interim report describing Medicare Health Maintenance Organizations (HMO) disenrollments; to the Committee on Finance.

EC-1747. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs) transmitting, pursuant to law, the semiannual reports for the period October 1986 to March 1987 listing voluntary contributions made by the United States Government to International Organizations; to the Committee on Foreign Relations.

EC-1748. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs) and the Acting Assistant Secretary of the Treasury (Legislative Affairs) transmitting jointly, pursuant to law, a report required by Title VII (Human Rights) of Public Law 95-118; to the Committee on Foreign Relations.

EC-1749. A communication from the Secretary of State, transmitting, pursuant to law, a report concerning the negotiations with the Government of Mexico on establishing a United States/Mexico Interparliamentary Commission on Narcotics and Psychotropic Drug Abuse and Control; to the Committee on Foreign Relations.

EC-1750. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs) transmitting, pursuant to law, travel advisories recently issued by the Department for Afghanistan, El Salvador, Haiti, and the Sudan; to the Committee on Foreign Relations.

EC-1751. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty-day period prior to August 12, 1987; to the Committee on Foreign Relations.

EC-1752. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 to authorize multiyear contracts in certain cases; to the Committee on Governmental Affairs.

EC-1753. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to abolish the Consumer Product Safety Commission and to transfer its functions to the Secretary of Health and Human Services; to the Committee on Governmental Affairs.

EC-1754. A communication from the Assistant Secretary of Health and Human Services (Health) transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1755. A communication from the Director of the Office of Management Analysis, Department of the Interior, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1756. A communication from the Chairperson of the Navy Resale and Services Support Office, Retirement Trust, Department of the Navy, transmitting, pursuant to law, the annual pension report for the 1985 plan year; to the Committee on Governmental Affairs.

EC-1757. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1758. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to establish greater productivity in Federal Government operations as a national goal of the United States; to the Committee on Governmental Affairs.

EC-1759. A communication from the Assistant Comptroller (Insurance), Headquarters Army and Air Force Exchange Service, transmitting, pursuant to law, reports on the retirement plans of the Service for the year ending December 31, 1986; to the Committee on Governmental Affairs.

EC-1760. A communication from the Assistant Attorney General (Office of Legislative and Intergovernmental Affairs) transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to provide that aliens who were killed while serving in the armed forces of the United States during military operations of the Vietnam conflict may be considered to have been citizens of the United States at the time of such aliens death; to the Committee on the Judiciary.

EC-1761. A communication from the Solicitor of the United States Commission on Civil Rights transmitting, pursuant to law, the annual Freedom of Information Act report of the Commission for calendar year 1986; to the Committee on the Judiciary.

EC-1762. A communication from the Secretary of the National Aviation Hall of Fame, Inc., transmitting, pursuant to law, the annual reports of the National Aviation Hall of Fame Inc., for calendar year 1986; to the Committee on the Judiciary.

EC-1763. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the Anti-Drug Abuse Act of 1986 to permit certain participants in the White House Conference for a Drug Free America to be allowed travel expenses, and for other purposes; to the Committee on the Judiciary.

EC-1764. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs) transmitting a draft of proposed legislation to amend the Immigration and Naturalization Act; to the Committee on the Judiciary.

EC-1765. A communication from the Secretary of Education transmitting, pursuant to law, notice of final funding priorities for the Rehabilitation Research and Training Centers, Rehabilitation Engineering Centers, and Research and Demonstration Projects Program for Fiscal Year 1987 under the National Institute on Disability and Rehabilitation Research; to the Committee on Labor and Human Resources.

EC-1766. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Office of Educational Research and Improvement Fellows Program; to the Committee on Labor and Human Resources.

EC-1767. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities—Experimental and Innovative Training; to the Committee on Labor and Human Resources.

EC-1768. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Early Education for Handicapped Children; to the Committee on Labor and Human Resources.

EC-1769. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Veterans Education Outreach Program; to the Committee on Labor and Human Resources.

EC-1770. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final annual funding priorities for the Handicapped Children's Early Education Program—Research Institutes; to the Committee on Labor and Human Resources.

EC-1771. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for National Institute on Disability and Rehabilitation Research—Amendments; to the Committee on Labor and Human Resources.

EC-1772. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Student Assistance General Provisions; to the Committee on Labor and Human Resources.

EC-1773. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final stipend levels for the Patricia Roberts Harris Fellowships Program; to the Committee on Labor and Human Resources.

EC-1774. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Bilingual Education: Academic Excellence Program; to the Committee on Labor and Human Resources.

EC-1775. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Income Contingent Loan Program; to the Committee on Labor and Human Resources.

EC-1776. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Cooperative Education Program and Supplemental Funds Program for Cooperative Education; to the Committee on Labor and Human Resources.

EC-1777. A communication from the Secretary of Education, transmitting, pursuant to law, a draft of proposed legislation to amend the Higher Education Act of 1965, to enhance the equity and effectiveness of Federal programs in support of higher education, to restore the role of the family in financing a student's postsecondary education, to expand and improve the Income Contingent Loan Program, to provide the broadest possible access to student assistance by eliminating restrictions on the availability of Supplemental Loans for Students and PLUS Loans, to focus student assistance on the neediest students, to reduce waste and abuse, and for other purposes; to the Committee on Labor and Human Resources.

EC-1778. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Jacob K. Javits Fellows Program; to the Committee on Labor and Human Resources.

EC-1779. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, corrections to previously submitted proposed regulations that govern the public financing program for Presidential primary and general election candidates; to the Committee on Rules and Administration.

EC-1780. A communication from the Deputy Administrator of General Services, transmitting, pursuant to law, a report on the implementation of Federal acquisition regulations; to the Committee on Small Business.

EC-1781. A communication from the Administrator of Veterans Affairs, transmitting, pursuant to law, the biennial report of the Advisory Committee on Former Prisoners of War and Agency comments on the report; to the Committee on Veterans' Affairs.

EC-1782. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Farm Credit Administration for calendar year 1986; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1783. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a request for a reapportionment of the appropriation for Radio Free Europe/Radio Liberty, Inc.; to the Committee on Appropriations.

EC-1784. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, selected acquisition reports for the quarter ended June 30, 1987; to the Committee on Armed Services.

EC-1785. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Long-Range Standoff Chemical Weapons; to the Committee on Armed Services.

EC-1786. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-1787. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1788. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the review of projects for the Delaware Coast, Cape Henlopen to Fenwick Island; to the Committee on Environment and Public Works.

EC-1789. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the nondisclosure of Safeguards Information by the Commission for the quarter ended June 30, 1987; to the Committee on Environment and Public Works.

EC-1790. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the appropriateness and the impact on States and Medicaid recipients of applying the standards and methodologies used in the cash assistance programs in determining Medicaid eligibility for individuals not receiving cash assistance; to the Committee on Finance.

EC-1791. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report with respect to supervision of home health services provided by Medicare participating home health agencies; to the Committee on Finance.

EC-1792. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on learning disabilities; to the Committee on Labor and Human Resources.

EC-1793. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—College Facilities Loan Program; to the Committee on Labor and Human Resources.

EC-1794. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Strengthening Historically Black Colleges and Universities Program; to the Committee on Labor and Human Resources.

EC-1795. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Strengthening Institutions Program; to the Committee on Labor and Human Resources.

EC-1796. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—National Diffusion Network; to the Committee on Labor and Human Resources.

EC-1797. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Vocational Rehabilitation Service Projects for American Indians with Handicaps; Rehabilitation Training; Rehabilitation Long-Term Training; to the Committee on Labor and Human Resources.

EC-1798. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—the State Supported Employment Services Program; to the Committee on Labor and Human Resources.

EC-1799. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October 1986 through May 1987; to the Committee on Small Business.

EC-1800. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental summary of the budget transmitted earlier this year to the Congress; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-1801. A communication from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to clarify and strengthen the authority for certain Department of the Interior law enforcement services, and officers in Indian country, and for other purposes; to the Select Committee on Indian Affairs.

EC-1802. A communication from the Comptroller General of the United States transmitting, pursuant to law, the financial audit of the Office of the Attending Physician for fiscal years 1985 and 1986; to the Committee on Appropriations.

EC-1803. A communication from the Principal Deputy Assistant Secretary of Defense transmitting, pursuant to law, a secret report on a supplemental contract award; to the Committee on Armed Services.

EC-1804. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on a decision to convert the commissary resale warehouse function at MacDill AFB, Florida to performance under contract; to the Committee on Armed Services.

EC-1805. A communication from the Deputy Assistant Secretary of the Air Force transmitting, pursuant to law, a report on a decision to convert the grounds maintenance function at Bergstrom AFB, Texas to performance under contract; to the Committee on Armed Services.

EC-1806. A communication from the Acting Deputy Assistant Secretary of the Air Force transmitting, pursuant to law, a report on a decision to convert the military family housing maintenance function at MacDill AFB, Florida to performance under contract; to the Committee on Armed Services.

EC-1807. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, the National Defense Stockpile Report for Oct. 1986-Mar. 1987; to the Committee on Armed Services.

EC-1808. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on activities under the Commercial Space Launch Act of 1984; to the Committee on Commerce, Science, and Transportation.

EC-1809. A communication from the Secretary of Transportation pursuant to law, transmitting a draft of proposed legislation to authorize civilian special agents of the Coast Guard to carry firearms and other appropriate weapons; to the Committee on Commerce, Science, and Transportation.

EC-1810. A communication from the Secretary of Energy transmitting, pursuant to law, the biennial National Energy Policy Plan; to the Committee on Energy and Natural Resources.

EC-1811. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on a refund of excess oil and gas royalty payments to 26 corporations; to the Committee on Energy and Natural Resources.

EC-1812. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on a refund of excess oil and gas royalty payments to 25 corporations; to the Committee on Energy and Natural Resources.

EC-1813. A communication from the Secretary of Energy transmitting, pursuant to law, the quarterly report on the Strategic Petroleum Reserve for April-June 1987; to the Committee on Energy and Natural Resources.

EC-1814. A communication from the U.S. Trade Representative transmitting, pursuant to law, a report on U.S. responses to unfair trade practices of foreign governments during Jan.-June 1987; to the Committee on Finance.

EC-1815. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on certain research issues related to Urban Clinics; to the Committee on Finance.

EC-1816. A communication from the Secretary of Transportation transmitting, pursuant to law, recommendations on the tax treatment of piggyback trailers; to the Committee on Finance.

EC-1817. A communication from the Acting Assistant Secretary of State transmitting, pursuant to law, the eighth 90-day report on the investigation into the death of Enrique Camarena; to the Committee on Foreign Relations.

EC-1818. A communication from the Acting Assistant Secretary of State transmitting, pursuant to law, a report on compliance of the Government of Haiti with U.S. conditions for military assistance; to the Committee on Foreign Relations.

EC-1819. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the U.S. within the 60 days previous to August 26, 1987; to the Committee on Foreign Relations.

EC-1820. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on 5 altered Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-1821. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a list of GAO reports released in July 1987; to the Committee on Governmental Affairs.

EC-1822. A communication from the D.C. Auditor transmitting, pursuant to law, a report entitled "Concerns Regarding the Washington Convention Center's Food Service Procurement and Contract Award Processes and Related Matters"; to the Committee on Governmental Affairs.

EC-1823. A communication from the Director of the Office of Personnel Management transmitting a draft of proposed legislation to improve and extend the Federal physicians comparability allowance act; to the Committee on Governmental Affairs.

EC-1824. A communication from the National Science Foundation transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1825. A communication from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a report on the number of waivers of grounds of inadmissibility granted to refugees during the first three quarters of FY 1987; to the Committee on the Judiciary.

EC-1826. A communication from the Acting Attorney General of the U.S. transmitting, pursuant to law, certification of the Federal judicial districts for Florida, Georgia, Puerto Rico, and the Virgin Islands to the Circuit Court of Appeals for the First Circuit for purposes of the Bankruptcy Judges, United States Trustees, and Family Farmer Act; to the Committee on the Judiciary.

EC-1827. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for programs for severely handicapped children; to the Committee on Labor and Human Resources.

EC-1828. A communication from the Executive Secretary of the Office of the Secretary of Defense transmitting, pursuant to law, the report on DOD procurement from small and other business firms, Oct. 1986-June 1987; to the Committee on Small Business.

EC-1829. A communication from the Assistant Secretary of Commerce transmitting, pursuant to law, a report on a decision to convert certain functions at the Long Beach Airport, Calif. to performance under contract; to the Committee on Commerce, Science, and Transportation.

EC-1830. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the requirement that physical therapists in independent practice maintain equipped offices to participate in Medicare; to the Committee on Finance.

EC-1831. A communication from ACTION transmitting, pursuant to law, final regulations for non-stipend volunteers; to the Committee on Labor and Human Resources.

EC-1832. A communication from the Acting Director of the Congressional Budget Office transmitting, pursuant to law, the sequestration report for FY 1988; to the Joint Committee on Deficit Reduction.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-294. A resolution adopted by the Nevada Department of Education favoring full funding for early childhood development programs; to the Committee on Appropriations.

POM-295. A resolution adopted by the American Association of State Highway and Transportation Officials requesting the Office of Management and Budget to release new FHWA Environmental Regulations without further delay; to the Committee on Environment and Public Works.

POM-296. A resolution adopted by the Senate of the State of Illinois; to the Committee on Environment and Public Works.

"SENATE RESOLUTION No. 397

"Whereas, The U.S. Nuclear Regulatory Commission (NRC) has proposed a fundamental change to its emergency evacuation planning regulations, which dangerously places cost consideration above safety needs; and

"Whereas, The proposed rule, entitled "Licensing of Nuclear Power Plants Where State and/or Local Governments Decline to Cooperate in Offsite Emergency Planning" (Federal Register, 52 FR 6980, March 6, 1987), would allow the NRC to license reactors when state and local governments have failed to approve, or refused to participate in, the development of emergency evacuation plans; and

"Whereas, Under the new rule, utilities would be allowed to develop and implement their own emergency plans, even though the plans may offer a lower level of public protection than would be obtained with state cooperation; and

"Whereas, The proposed rule would also remove the current requirement that offsite plans be fully exercised biannually in cases where state governments have decided not to cooperate with utilities; and

"Whereas, The proposed rule is aimed at the Seabrook and Shoreham reactors, which are being held up by state and local government officials who believe no effective emergency plans can be developed for the areas where the reactors are sited; and

"Whereas, The proposed NRC rule represents a complete reversal of NRC regulatory policy, and clearly undermines Congressional intent; and

"Whereas, While the State of Illinois relies on nuclear power plants to a large extent, we also recognize that primary safety considerations must always and absolutely be given precedence over financial concerns; therefore, be it

"Resolved, by the Senate of the eighty-fifth General Assembly of the State of Illinois, That we declare our vehement opposition to the proposed NRC rule allowing the licensing of nuclear reactors without state-approved emergency plans, and we respectfully urge the U.S. Nuclear Regulatory Commission to reject the proposed rule; and be it further

"Resolved, That we strongly urge the United States Congress and the Members of the Illinois Congressional Delegation to take action to prevent the adoption and implementation of the proposed NRC rule, which will sacrifice the potential health and safety of millions of people, and set a dangerous and intolerable regulatory precedent; and be it further

"Resolved, That the Secretary transmit a suitable copy of this preamble and resolution to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the members of the U.S. Nuclear Regulatory Commission, and to each member of the Illinois Congressional Delegation."

POM-297. A concurrent resolution adopted by the Legislature of the State of Ohio; to the Committee on Finance:

"CONCURRENT RESOLUTION NO. 4

"Be it Resolved by the General Assembly of the State of Ohio:

"Whereas, The members of the 117th General Assembly of Ohio urge the Congress of the United States to support and expedite measures to solve the dilemma experienced by retirees born between 1917 and 1921 due to inequities in the Social Security system; and

"Whereas, An estimated 6.2 million men and women are currently receiving significantly reduced benefits as a result of congressional amendments to the Social Security law of 1977; and

"Whereas, The plan for the five-year phase-in of the amendments has failed to provide equitable benefits for all recipients, and, in some cases, the retirees affected by this legislation receive up to one hundred twenty dollars less per month than those born in other years. In fact, persons born only a few months apart may receive very different benefits despite similar earnings records; therefore be it

"Resolved, That we, the members of the 117th Ohio General Assembly of Ohio, in adopting this Resolution, urge the Congress of the United States to design and implement measures to resolve this inequity and alleviate the unjust and unnecessary financial suffering experienced by many American retirees; and be it further

"Resolved, That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the Ohio Congressional Delegation, and the news media of Ohio."

POM-298. A resolution adopted by the Council of the Borough of Oceanport, New Jersey urging the adoption of policies and programs concerning nuclear weapons; to the Committee on Foreign Relations.

POM-299. A resolution adopted by the Senate of the State of Illinois to the Committee on Governmental Affairs.

"SENATE RESOLUTION NO. 489

"Whereas, Sidney Hillman was the founder of the Amalgamated Clothing Workers of America; and

"Whereas, He was a great labor statesman and advisor to President Franklin Delano Roosevelt; and

"Whereas, He was the primary force for social legislation such as social security and unemployment compensation; and

"Whereas, He dedicated much of his life to improving the workplace, and consequently, the lives of generations of Americans, through his contributions to the American labor movement; and

"Whereas, Sidney Hillman has not received the recognition he deserves for the advancements he initiated and inspired for the American work force; and

"Whereas, In the history of the Postal Service, only one stamp has honored a labor leader, that being Samuel Gompers; therefore, be it

"Resolved, by the Senate of the eighty-fifth General Assembly of the State of Illinois, That this Chamber encourage the United States Postal Service to issue a stamp honoring labor leader Sidney Hillman for his service to this nation and the labor movement; and be it further

"Resolved, That a suitable copy of this preamble and resolution be forwarded to the United States Postmaster General, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Illinois Congressional Delegation."

POM-300. A joint resolution adopted by the Legislature of the State of Connecticut; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 54

"Resolved by this Assembly:

"Whereas, The First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by a Constitutional majority of two-thirds thereof, has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following (Article) be proposed to the legislatures of the several states, as (an Amendment) to the Constitution of the United States, . . . which (Article), when ratified by three-fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"(An Article) in addition to, and Amendment of the Constitution of the United States of America proposed by Congress, and ratified by the legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"ARTICLE

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

"Be it resolved by the General Assembly of the State of Connecticut, That the said proposed Amendment to the Constitution of the United States be and the same is hereby ratified; and

"Be it further resolved, That certified copies of this resolution be forwarded by the Governor of the State of Connecticut to the President of the United States, the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States."

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 7, 1987, the following reports of committees were submitted on August 12, 1987, during the adjournment of the Senate:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1667. An original bill to authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes (Rept. No. 100-151).

Under the authority of the order of the Senate of August 7, 1987, the following reports of committees were submitted on September 1, 1987, during the adjournment of the Senate:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 1668. An original bill to redirect the program for the disposal of spent nuclear fuel and high-level radioactive waste under the Nuclear Waste Policy Act of 1982 to achieve budget savings, and for other purposes (Rept. No. 100-152).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1539. A bill to amend the Federal Railroad Safety Act of 1970, and for other purposes (Rept. No. 100-153).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence:

Special Report on Security at the United States Missions in Moscow and Other Areas of High Risk (Rept. No. 100-154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 1669. A bill to provide duty-free treatment to 2, 6-HNA; to the Committee on Finance.

By Mr. D'AMATO:

S. 1670. A bill to identify, commemorate, and preserve the legacy of historic publicly owned parks of Frederick Law Olmsted, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 1671. A bill to amend the Lanham Trademark Act regarding customs and grey market goods; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. STEVENS, Mr. PACKWOOD, Mr. MCCON-

NELL, Mr. EVANS, Mr. DOMENICI, Mr. QUAYLE, Mr. PRESSLER, Mr. COHEN, Mr. GRASSLEY, Mr. KASTEN, and Mr. D'AMATO):

S. 1672. A bill to amend the Federal Election Campaign Act of 1971 to further restrict direct contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through "soft money" and independent expenditures, and correct inequities resulting from personal financing of campaigns; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. BYRD, Mr. COHEN, Mr. COCHRAN, Mr. DANFORTH, Mr. PRESSLER, Mr. BOSCHWITZ, Mr. BENTSEN, Mr. SIMPSON, Mr. EVANS, Mr. GORE, Mr. GRASSLEY, Mr. HATFIELD, Mr. CRANSTON, Mr. WALLOP, Mr. WIRTH, Mr. HEINZ, Mr. STENNIS, Mr. THURMOND, Mr. KARNES, Mr. MCCAIN, Mr. NUNN, Mr. DURENBERGER, and Mr. WILSON):

S. Res. 280. Resolution to commemorate the 100th birthday of the Honorable Alf Landon; considered and agreed to.

By Mr. BYRD.

S. Res. 281. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in "In Re Sealed Cases"; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. CHAFEE):

S. Con. Res. 70. Concurrent resolution expressing the sense of the Congress that the United States Navy should expedite the implementation of an environmentally sound trash compacting or disposal procedure; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 1669. A bill to provide temporary duty-free treatment to 2,6-HNA; to the Committee on Finance.

TEMPORARY DUTY-FREE TREATMENT OF A CERTAIN RESIN COMPONENT

● Mr. SHELBY. Mr. President, I rise today to introduce legislation granting import duty relief for 6-hydroxy-2-naphthoic acid (2,6-HNA). The duty is equal to 1.7 cents per pound plus 17.9 percent ad valorum. As best as can be determined, the only commercial use for 2,6-HNA is as a component for vectra high component resins.

The duty on 2,6-HNA impacts significantly on the cost of the vectra resin products of which the component constitutes approximately one-half of the polymer. The added cost serves to place the vectra products at a competitive disadvantage to other resins of similar properties but which are made from duty-free components.

Because 2,6-HNA is used only in the manufacture of vectra resins and because such vectra products are still in the introductory phase of their marketing development, the volume requirement for 2,6-HNA is insufficient to motivate chemical manufacturers, generally, to enter into competition with present suppliers. Moreover, quality and technology considerations are a barrier to some manufacturers who might be interested in making 2,6-HNA. Despite efforts to locate a U.S. manufacturer of 2,6-HNA, none was found with the technical capability to meet the quality standards and the production capacity to satisfy current and future quantity requirements. Indeed, worldwide, only three manufacturers were identified with a demonstrated capability and apparent capacity to supply commercial quantities of 2,6-HNA. As of now, only Hoechst Celanese of West Germany supplies our vectra resin needs.

Vectra resins specifically have a very good resistance to chemicals and solvents. Marketing efforts are underway to establish vectra high performance resins in such product areas as: Electrical and electrical components, packaging, chemical processing equipment, transportation, aircraft and aerospace, military, industrial and consumer products. It is envisioned that the full development of the vectra resins business will provide a substantial number of jobs and economic benefit to many parts of the United States. It should even induce some U.S. manufacturers to acquire the technology and plants necessary to make 2,6-HNA. I urge my colleagues to join me in support of this legislation.●

By Mr. D'AMATO:

S. 1670. A bill to identify, commemorate, and preserve the legacy of historic publicly owned parks of Frederick Law Olmsted, and for other purposes; to the Committee on Energy and Natural Resources.

OLMSTED PUBLIC PARKS LANDSCAPES ACT

● Mr. D'AMATO. Mr. President, I rise to introduce legislation, the Olmsted Public Parks Act of 1987, in honor of Frederick Law Olmsted, Sr. His role in the development of landscape architecture in the United States deserves the level of recognition offered by my bill.

Frederick Law Olmsted, Sr., is considered by many to be the father of American landscape architecture. His artistic genius, knowledge of nature, and sense of human purpose produced natural-looking park landscapes which improved the quality of urban life in the 19th century. They continue to do so today. They are esthetically valued and visited by a great number and diversity of people. Central Park, New York (1858) and Prospect Park, Brooklyn (1865) are prime examples. However, they are only two of many of other examples dotting the United States.

Given Olmsted's preeminence in the field of landscape architecture, it is surprising that little scholarly research exists on his achievements. That is why I am introducing the Olmsted Public Parks Act of 1987. In the other body, Congressmen UDALL and DIOGUARDI also have introduced bills, H.R. 17 and H.R. 2931 respectively, to preserve Olmsted. Olmsted's achievements have left a tremendous legacy of publicly owned parks which, unfortunately, are threatened by age, over use, deteriorating infrastructure, and inadequate maintenance. No question, they must be properly cared for.

The bill I propose is identical to Congressman DIOGUARDI'S H.R. 2931 and is a response to H.R. 17 to which I and many other Members of Congress have considerable objection. H.R. 17 is problematic because its scope extends far beyond the work of Frederick Law Olmsted, Sr. It requires the inventorying and evaluation of landscapes designed not only by him, but also by his successor firms and seven other landscape architects. Indeed the works of Frederick Law Olmsted, Sr., would only be a minor focus of H.R. 17. In contrast my bill deals only with the works of the master, Frederick Law Olmsted, Sr., and only with those works for which he is best known, his public parks.

As such my bill encompasses 200-300 landscapes, a manageable number. At this point there has been no determination of the number of landscapes to be inventoried and evaluated under H.R. 17. A recent report estimates that the Olmsted firms participated in 5,500 projects and drew up plans for 3,500, the bulk of which were done after Frederick Law Olmsted, Sr.'s death. However, a 1982 National Park Service report states that from 1850 to its final dissolution in 1979 the Olmsted firm had 113,809 "index job cards." One of the other landscape architects included in H.R. 17 is cited as having designed 1800 landscapes. No figures, no matter how imprecise, are available for the other six landscape architects. One way or another, H.R. 17 would encompass many thousands, even tens of thousands, of landscapes—an order of magnitude so great as to be impractical and unworkable.

It would be naive to think that the terms of either H.R. 17 or my bill can be carried out at no expense. The cost of inventorying and evaluating landscapes is directly related to how many of them there are. A 10-year project of this scope will entail both administrative expenses on the part of the National Park Service and direct expense for inventorying and evaluating the landscapes. One conservative estimate is that it will cost a minimum of $10,000 to inventory and evaluate a single landscape. The cost of H.R. 17 could well approach or even exceed $100 million. My bill will still honor Frederick Law Olmsted, Sr., which is the main objective of both bills, but it would cost only a small fraction of that figure.

In addition, H.R. 17—which would affect thousands of private properties—provides no criteria for determining that a site to be included in the inventory under that bill is an "Olmsted landscape" or, if it ever was an "Olmsted landscape," that it still survives as such. It does not provide any notice to an effected property owner, or any opportunity for an owner to comment or object or any procedures to remove properties found to have been inventoried in error. The result is that if H.R. 17 becomes law hundreds, perhaps thousands, of private properties that are not authentic "Olmsted landscapes" may nevertheless be characterized under Federal law as Olmsted heritage landscapes. Experience shows that such labeling will be used to create political and public pressure to control or to prevent the legitimate use of private property that should never have been inventoried as Olmsted designed landscapes in the first place. Using Olmsted's name in that way is not only a disservice to the owners of such properties but also an abuse of the Olmsted legacy through legislation lacking any legitimate Federal interest.

My bill modifies H.R. 17, preserving its best features, and honors Frederick Law Olmsted, Sr., appropriately. The impressive work of the nine affiliated architects covered by H.R. 17 should not be lumped together with the achievements of Olmsted, Sr. My bill avoids the problems of H.R. 17 by limiting its scope to public parks designed by Olmsted himself.

Yes, Frederick Law Olmsted, Sr., was a master of his trade. Yes, his work must be preserved, and the Federal Government should provide technical assistance and counsel to identify and record the Olmsted legacy. But only those sites molded by the master himself should be preserved, and in an orderly, efficient manner taking all interests into consideration.

I urge my colleagues to join me in this effort.●

By Mr. HATCH:

S. 1671. A bill to amend the Lanham Trademark Act regarding customs and grey market goods; to the Committee on the Judiciary.

TRADEMARK PROTECTION ACT

Mr. HATCH. Mr. President, in 1946 Congress passed the Lanham Trademark Act. Nearly 5 years in the making, the act was passed to organize and to simplify our trademark laws. The Senate Report of May 14, 1946 explains the purpose of this act:

> The purpose of this bill is to place all matters relating to trademarks in one statute and to eliminate judicial obscurity, to simplify registration and to make it stronger and more liberal, to dispense with mere technical prohibitions and arbitrary provisions, [and] to make procedure simple. * * *

For over 40 years, the Lanham Act has been surprisingly resilient to changes in United States and world business practices.

The growth and interdependence of the world economy since WW II has resulted in part from the tremendous growth of international trade. While this growth has produced many benefits it has also produced some unfavorable side effects. One such side effect is growing infringement of the rights of American trademark owners.

In response to this growing problem, I rise to introduce an amendment which would eliminate the frustration and uncertainty common to this country's trademark owners. The amendment addresses itself primarily to "gray market products" and secondarily to counterfeit goods.

DEFINITION

In Copiat versus United States, the U.S. Court of Appeals for the District of Columbia described gray market goods:

> These are goods manufactured abroad bearing legitimate foreign trademarks that are identical to American trademarks. This situation typically arises when a foreign producer creates an American subsidiary that then registers the American trademark. Both the foreign producer and its American subsidiary often wish to be exclusively controlled by the American subsidiary. If, however, the price at which the American subsidiary sells the goods exceeds the price at which the goods are sold abroad, other importers have an obvious incentive to purchase the goods abroad (typically from a third-party who has legitimately purchased directly from the foreign producer) and resell them in the United States—perhaps without certain associated services or warranties—at a price below that charged by the American subsidiary. The same result can occur, however, if the American trademark owner is the parent and the goods are manufactured abroad by a foreign subsidiary. *Copiat* v. *United States*, 790 F.2d 903, 904 (D.C. Cir. 1986).

THE PROBLEM WITH GRAY MARKET GOODS

An understanding of the purpose of trademarks is necessary to comprehend the harmful effects of gray market infringement. Guy Blynn, Chairman and President of the United States Trademark Association [USTA], testifying before the Senate Judiciary Committee, The Subcommittee on Patents, Copyrights and Trademarks, stated that a trademark's purpose is, among other things, to:

> (a) foster competition by enabling particular business entities to identify their goods or services and to distinguish them from those sold by others; (b) facilitate distribution by indicating that particular products or services emanate from a reliable though often anonymous source; (c) aid consumers in the selection process by denoting a level of quality relating to particular goods or services; (d) symbolize the reputation and good will of the owner, thereby motivating consumers to purchase or avoid certain trademarked products or services; and (e) protect the public from confusion or deception by enabling purchasers to identify and obtain desired goods or services. (Statement before Senate Subcommittee on Patents, Copyrights, and Trademarks. February 17, 1987).

The problem with gray market goods is that they contravene two basic principles of trademark law. First, they confuse consumers. Second, they damage the trademark owner's reputation. Often, the genuine and the gray market good appear virtually identical. However, the gray market good is often inferior. For example, gray market goods are usually sold without any guaranty of service or quality. Needless to say, the resultant consumer confusion and frustration can cause irreparable damage to the good will of the trademark's owner.

Moreover, gray market goods unfairly compete with genuine goods. Gray market importers can sell their goods at lower prices than American producers because they ride upon the American producer's reputation which it has earned largely through costly marketing campaigns. Some estimate the cost of marketing at "up to 27 percent of the retail price of the product in question." (Collado Associates, "The Economic Impact of Diversion." PP. 30-33).

The problem goes farther than gray market importation. Gray market channels of distribution attract counterfeiters, who can easily disguise their product as gray market goods. For example, counterfeit gray market goods abound in the fragrance and pharmaceutical industries. According to the Coalition to Preserve the Integrity of American Trademarks [COPIAT], in the first half of 1985 alone, 12,000 bottles of "Chloe" and 65,000 bottles of "Opium" were confiscated. (COPIAT memorandum, May 29, 1985). In addition, testimony before the Senate Committee on Energy and Commerce, the Subcommittee on Oversight and Investigations, revealed that in 1985, approximately 2,000,000 counterfeit "Ovulen 21" birth control pills were manufactured in Panama and distributed in the United States. (Statement of Stephen F. Simms and David W. Nelson, July 10 1985.)

Counterfeit gray market goods are not unique to these industries. Wherever the gray market prospers, so too will the counterfeit market, all at the expense of American industry.

APPLICABLE LAW

Section 526 of the Tariff Act of 1930, section 42 of the Lanham Trademark Act of 1946, and section 133.21 of the Customs Regulations (19 CFR section 133.21) prohibit the importation of any merchandise bearing a trademark owned by a United States citizen, or a corporation or association organized within the United States without the trademark owner's consent. The notable exception to this import restriction is section 133.21(C)(1)-(2) of the Customs Regulations. Section 133.21(C)(1)-(2) allows foreign goods bearing an authorized domestic mark to be imported if both the foreign and the domestic mark are owned by the same person or business entity, or are subject to common ownership or control (19 CFR sec. 133(c)(1)-(2)).

Section 133.21(c)(1)-(2) the Customs Regulations obviously does not enforce the import restriction contained in section 526 of the Tariff Act and section 42 of the Lanham Act, since goods bearing trademarks owned by U.S. citizens can often be imported without the trademark owner's consent. Consequently, these Customs Regulations facilitate the importation of gray market goods into the United States. Therefore, I am proposing this amendment to the Lanham Trademark Act in order to enable trademark owners to require the Customs Service to enforce sections 526 and 42.

The most significant challenge thus far to section 133.21(c) of the Customs Regulations came in *COPIAT* v. *United States* (790 F.2d 903 (D.C. Cir. 1986). COPIAT, intervening on behalf of two of its members, Cartier, Inc. and Charles of the Ritz Group Ltd., claimed that the "importation of goods bearing trademarks identical to their own is barred by two statutory provisions," namely, section 526 of the Tariff Act and section 42 of the Lanham Act. After reviewing the legislative history of section 526, the U.S. Court of Appeals for the District of Columbia concluded: "From this review, we find that the Customs Service's interpretation of section 526 does not display the necessary "thoroughness, validity, and consistency' to merit judicial acceptance" (Id. at 916).

However, the COPIAT decision has not settled the question. Other courts have recently upheld section 133.21(c)(1)-(2) of the Customs Regulations. (See *Vivitar Corp.* v. *United States,* 761 F.2d 1552 (Fed. Cir. 1985); *Olympus Corp.* v. United States, 792 F.2d 315 (2d Cir. 1986); and *Lever Brothers Co.* v. *United States,* 652 F.Supp. 403 (D.D.C. 1987)).

In Olympus Corporation versus United States, the United States Court of Appeals for the Second Circuit upheld Section 133.21(c)(1)-(2). Although the Second Circuit found these regulations to be "unsound both as antitrust policy and as trademark law" (Id. at 319). The court ruled that "congressional acquiescence in the longstanding administrative interpretation of the statute legitimates that interpretation as an exercise of Customs' enforcement discretion" (Id. at 320).

PROPOSED AMENDMENT

In order to protect trademark owners against gray market and counterfeit goods, we must make it clear that we do not approve of section 133.21(c)(1)-(2) of the Customs Regulations. I strongly urge Congress to legislate its disapproval of these regulations by supporting the amendment which I propose today.

This amendment would alter the language of section 42 of the Lanham Trademark Act to require the Customs Service, upon request by a trademark owner, to prohibit the importation into the United States of a product bearing an authorized mark without the consent of the trademark's owner, as required by section 526 of the Tariff Act and section 42 of the Lanham Trademark Act.

By enacting this amendment, we will reduce unjust inroads upon trademark owners' rights, such as: First, disincentives to investments resulting from free riding gray market and counterfeit goods, second, consumer concerns based on unserviceable and inferior products, and third, litigation expenses incurred by trademark owners to protect their trademark against gray market and counterfeit goods.

This simple amendment to the Lanham Trademark Act is one important way we can help our beleaguered American industries to once again perform on the "cutting edge" of competition.

By Mr. DOLE (for himself, Mr. STEVENS, Mr. PACKWOOD, Mr. MCCONNELL, Mr. EVANS, Mr. DOMENICI, Mr. QUAYLE, Mr. PRESSLER, Mr. COHEN, Mr. GRASSLEY, Mr. KASTEN, and Mr. D'AMATO):

S. 1672. A bill to amend the Federal Election Campaign Act of 1971 to further restrict direct contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through "soft money" and independent expenditures, and correct inequities resulting from personal financing of campaigns; to the Committee on Rules and Administration.

(The statement of Mr. DOLE and the text of the legislation appear elsewhere in today's RECORD.)

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BYRD, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 10

At the request of Mr. CRANSTON, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 10, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 14

At the request of Mr. BIDEN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 14, a bill to amend the Energy Reorganization Act of 1974 to create an independent Nuclear Safety Board.

S. 314

At the request of Mr. PRESSLER, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 314, a bill to require certain telephones to be hearing aid compatible.

S. 598

At the request of Mr. MITCHELL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 598, a bill to amend title XIX of the Social Security Act to protect the welfare of spouses of institutionalized individuals under the Medicaid Program.

S. 879

At the request of Mr. BYRD, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 879, a bill to encourage the deployment of clean coal technologies so as to assure the development of additional electric generation and industrial energy capacity.

S. 998

At the request of Mr. DECONCINI, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act."

S. 1002

At the request of Mr. CRANSTON, the names of the Senator from Montana [Mr. MELCHER] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1002, a bill to amend title 38, United States Code, to provide disability and death benefits to veterans (and survivors of such veterans) exposed to ionizing radiation during the detonation of a nuclear device in connection with the United States nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan, and for other purposes.

S. 1108

At the request of Mr. MITCHELL, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1108, a bill to modify the conditions of participation for skilled nursing facilities and intermediate care facilities under titles XVIII and XIX of the Social Security Act, and for other purposes.

S. 1124

At the request of Mr. SIMON, the names of the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1124, a bill to amend title 18, United States Code, to require that telephone monitoring by employers be accompanied by a regular audible warning tone.

S. 1203

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1203, a bill to amend title 22, United States Code, to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization, and for other purposes.

S. 1207

At the request of Mr. DURENBERGER, the names of the Senator from Missouri [Mr. BOND] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1207, a bill to amend title XVIII of the Social Security Act to establish a program of grants, funded from the Federal Hospital Insurance Trust Fund, to assist small rural hospitals in modifying their service mixes to meet new community needs and in providing more appropriate and cost-effective health care services to medicare beneficiaries.

S. 1234

At the request of Mr. CHAFEE, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 1234, a bill to amend title 38, United States Code, to insure eligibility of certain individuals for beneficiary travel benefits when traveling to Veterans' Administration medical facilities.

S. 1273

At the request of Mr. BYRD, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1273, a bill to extend the Appalachian Regional Development Act of 1965 and to provide authorizations for the Appalachian Highway and Appalachian Area Development Programs.

S. 1346

At the request of Mr. MATSUNAGA, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1366

At the request of Mr. KENNEDY, the names of the Senator from Montana [Mr. BAUCUS], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 1366, a bill to revise and extend the programs of assistance under title X of the Public Health Service Act.

S. 1393

At the request of Mr. HEINZ, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1393, a bill to amend title 39, United States Code, to designate as nonmailable matter any private solicitation which is offered in terms expressing or implying that the offeror of the solicitation is, or is affiliated with, certain Federal agencies, unless such solicitation contains conspicuous notice that the Government is not making such solicitation, and for other purposes.

S. 1397

At the request of Mr. CRANSTON, the names of the Senator from Florida [Mr. GRAHAM], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1397, a bill to recognize the organization known as the Non Commissioned Officers Association of the United States of America.

S. 1401

At the request of Mr. DECONCINI, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1401, a bill to restore, on an interim basis, certain recently amended procedures for determining the maximum attorney's fees which may be charged for services performed before the Secretary of Health and Human Services under the Social Security Act and to require a report by the Secretary of Health and Human Services regarding possible improvements in such procedures.

S. 1424

At the request of Mr. SIMON, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1424, a bill to amend title 8, United States Code, to provide for adjustment of status of certain Polish nationals who arrived in the United States before July 21, 1984, and who have continuously resided in the United States since that date.

S. 1438

At the request of Mr. DURENBERGER, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1438, a bill to assist rural hospitals facing unfair Medicare payment policies.

S. 1464

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1464, a bill to amend title 38, United States Code, to provide eligibility to certain individuals for beneficiary travel payments in connection with travel to and from Veterans' Administration facilities.

S. 1490

At the request of Mr. SARBANES, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1490, a bill to designate certain employees of the Librarian of Congress as police, and for other purposes.

S. 1511

At the request of Mr. BYRD, his name was added as a cosponsor of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC Program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefits improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal.

S. 1516

At the request of Mr. LEAHY, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of S. 1516, a bill to amend the Federal Insecticide, Fungicide and Rodenticide Act, and for other purposes.

S. 1520

At the request of Mr. BAUCUS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Oklahoma [Mr. NICKLES], the Senator from North Dakota [Mr. BURDICK], the Senator from Missouri [Mr. BOND], the Senator from Kentucky [Mr. FORD], the Senator from Nebraska [Mr. EXON], the Senator from Montana [Mr. MELCHER], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1520, a bill to amend the Internal Revenue Code of 1986 to allow certain entities to elect not to make changes in their taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 1575

At the request of Mr. KENNEDY, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to establish a grant program to provide for counseling and testing services relating to acquired immune deficiency syndrome and to establish certain prohibitions for the purpose of protecting individuals with acquired immune deficiency syndrome or related conditions.

S. 1585

At the request of Mr. CHAFEE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1585, a bill to provide financial assistance to local educational agencies to improve the educational opportunities of the Nation's children and adults by integrating early childhood education and adult education for parents into a unified program to be referred to as "Even Start."

S. 1587

At the request of Mr. D'Amato, the names of the Senator from Tennessee [Mr. Gore], the Senator from California [Mr. Cranston], the Senator from Illinois [Mr. Simon], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 1587, a bill to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic games.

S. 1614

At the request of Mr. D'Amato, the name of the Senator from Florida [Mr. Chiles] was added as a cosponsor of S. 1614, a bill to restrict United States assistance for Panama.

S. 1646

At the request of Mr. Murkowski, the names of the Senator from Indiana [Mr. Lugar], and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of S. 1646, a bill to amend title 38, United States Code, to provide eligibility to certain individuals for beneficiary travel payments in connection with travel to and from Veterans' Administration facilities; to improve the review of quality assurance programs in the Veterans' Administration; and to extend the transition period for the Veterans' Readjustment Counseling Program.

SENATE JOINT RESOLUTION 53

At the request of Mr. Cranston, the names of the Senator from Oregon [Mr. Packwood] and the Senator from Washington [Mr. Evans] were added as cosponsors of Senate Joint Resolution 53, joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week."

SENATE JOINT RESOLUTION 106

At the request of Mr. Bingaman, the names of the Senator from West Virginia [Mr. Byrd], the Senator from New Jersey [Mr. Bradley], the Senator from Ohio [Mr. Metzenbaum], and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of Senate Joint Resolution 106, joint resolution to recognize the Disabled American Veterans Vietnam Veterans National Memorial as a memorial of national significance.

SENATE JOINT RESOLUTION 111

At the request of Mr. Heinz, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of Senate Joint Resolution 111, joint resolution to designate each of the months of November 1987, and November 1988, as "National Hospice Month."

SENATE JOINT RESOLUTION 136

At the request of Mr. Humphrey, the names of the Senator from Wyoming [Mr. Simpson], the Senator from Rhode Island [Mr. Chafee], the Senator from West Virginia [Mr. Rockefeller], the Senator from Iowa [Mr. Grassley], and the Senator from Idaho [Mr. McClure] were added as cosponsors of Senate Joint Resolution 136, joint resolution to designate the week of December 13, 1987, through December 19, 1987, as "National Drunk and Drugged Driving Awareness Week."

SENATE JOINT RESOLUTION 148

At the request of Mr. D'Amato, the names of the Senator from Alaska [Mr. Murkowski], the Senator from Louisiana [Mr. Breaux], the Senator from Mississippi [Mr. Stennis], and the Senator from Nebraska [Mr. Karnes] were added as cosponsors of Senate Joint Resolution 148, joint resolution designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. DeConcini, the names of the Senator from Alaska [Mr. Stevens] and the Senator from Texas [Mr. Bentsen] were added as cosponsors of Senate Joint Resolution 161, joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation.

SENATE JOINT RESOLUTION 171

At the request of Mr. Cranston, the name of the Senator from Washington [Mr. Evans] was added as a cosponsor of Senate Joint Resolution 171, joint resolution designating the week beginning November 8, 1987, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 173

At the request of Mr. Reid, the names of the Senator from Colorado [Mr. Armstrong], the Senator from Rhode Island [Mr. Chafee], the Senator from Washington [Mr. Evans], the Senator from Missouri [Mr. Danforth], the Senator from Alabama [Mr. Heflin], the Senator from Wyoming [Mr. Simpson], the Senator from California [Mr. Cranston], the Senator from Georgia [Mr. Fowler], the Senator from Georgia [Mr. Nunn], the Senator from Arizona [Mr. McCain], the Senator from West Virginia [Mr. Rockefeller], the Senator from Nebraska [Mr. Karnes], the Senator from Washington [Mr. Adams], the Senator from Massachusetts [Mr. Kerry], the Senator from Hawaii [Mr. Matsunaga], the Senator from South Carolina [Mr. Thurmond], and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of Senate Joint Resolution 173, joint resolution to commemorate the 200th anniversary of the signing of the U.S. Constitution.

SENATE JOINT RESOLUTION 180

At the request of Mr. Pressler, the names of the Senator from Alaska [Mr. Stevens], and the Senator from Alabama [Mr. Shelby] were added as cosponsors of Senate Joint Resolution 180, joint resolution designating the honeybee as the national insect.

SENATE CONCURRENT RESOLUTION 23

At the request of Mr. Cranston, the names of the Senator from Hawaii [Mr. Matsunaga], the Senator from Wisconsin [Mr. Kasten], the Senator from Florida [Mr. Chiles], and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of Senate Concurrent Resolution 23, concurrent resolution designating jazz as an American national treasure.

SENATE CONCURRENT RESOLUTION 63

At the request of Mr. Sanford, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of Senate Concurrent Resolution 63, concurrent resolution expressing the sense of the Congress regarding the formulation and implementation of a regional economic development and recovery program for Central America.

SENATE RESOLUTION 219

At the request of Mr. Daschle, the names of the Senator from Indiana [Mr. Lugar], the Senator from Alaska [Mr. Murkowski], and the Senator from Rhode Island [Mr. Pell] were added as cosponsors of Senate Resolution 219, resolution expressing the sense of the Senate with respect to the use of ethanol, methanol, and other oxygenated fuels as an accepted air pollution control strategy in nonattainment areas designed by the Environmental Protection Agency.

SENATE RESOLUTION 270

At the request of Mr. Lautenberg, the name of the Senator from Rhode Island [Mr. Chafee] was added as a cosponsor of Senate Resolution 270, resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

AMENDMENT NO. 591

At the request of Mr. Danforth, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of amendment No. 591 intended to be proposed to S. 328, a bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

SENATE CONCURRENT RESOLUTION 70—IMPLEMENTATION OF AN ENVIRONMENTALLY SOUND TRASH COMPACTOR ON NAVAL VESSELS

Mr. LAUTENBERG (for himself, Mr. Bradley, and Mr. Chafee) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. Con. Res. 70

Whereas Congress in entertaining ratification of Annex V to the International Convention for the Prevention of Pollution from Ships of 1973, modified by the Protocol of 1978 (hereafter referred to as "MARPOL 73/78") during the first session of the 100th Congress;

Whereas Annex V of MARPOL 73/78 prohibits the disposal into the sea of all plastics and sets strict standards on disposal of other garbage into the sea;

Whereas The United States Navy does not currently have the means to comply with such provisions of MARPOL 73/78;

Whereas The United States Navy is in the process of developing a ship-board garbage compactor which is not expected to be operational until the year 1991; and

Whereas ship-board garbage compacting will allow for the on-board storage of or reclamation by supply ships of compacted plastic and nonplastic garbage and therefore allow for an environmentally sound means of disposing of ship garbage in compliance with the requirement of Annex V to MARPOL 73/78: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States Navy should be aware of the possible near-term ratification of Annex V to the International Convention for the Prevention of Pollution from Ships of 1973, modified by the Protocol of 1978 and its impact on current Navy garbage disposal procedures;

(2) the United States Navy should expedite its implementation of an environmentally sound garbage compacting or disposal procedure; and

(3) the United States Navy should keep Congress informed as to the progress in the implementation of such a procedure.

● Mr. LAUTENBERG. Mr. President, today I am submitting a concurrent resolution to encourage the Navy to improve its plastic disposal practices. I am joined in this effort by the distinguished senior Senator from New Jersey, Senator Bradley and by my colleague on the Environment and Public Works Committee, Senator Chafee. In addition, Congressman Howard is introducing this resolution in the House. I commend the distinguished chairman of the House Public Works and Transportation Committee for his commitment to this issue.

The U.S. Navy contributes to the plastic pollution problem. The Navy acknowledges that wastes are typically thrown overboard on many of their vessels. With about 600 vessels in the fleet having an estimated population of 285,000 the Navy produces large amounts of waste, including plastic waste, at sea.

It has been estimated that 0.1 pound per man per day of plastic wastes is generated by naval vessels. This means that an aircraft carrier, which carries as many as 5,000 men, could generate as much as 500 pounds of plastic waste in a day. Much of this ends up in the ocean.

The Navy, however, is currently developing a ship-board compactor. This can help with the waste problem by allowing for on-board storage or reclamation of compacted plastic and other garbage. The compactor is not expected to be operational until 1991.

The concurrent resolution I am submitting today directs the Navy to expedite its development of an evironmentally sound garbage compacting or disposal process and to keep Congress informed about its efforts.

The concurrent resolution also directs the Navy to be aware of the possible near term ratification of annex V to the International Convention for the Prevention of Pollution from Ships. It is important the Navy strive to be in a position to comply with annex V.

Annex V would prohibit dumping plastics into the oceans throughout the world. I am hopeful that the Senate will soon act to ratify the agreement. To take effect, countries comprising half of the world's gross shipping tonnage, must ratify the agreement. Currently we're at about 42 percent.

Recently the Soviet Union ratified. They have about 6 percent of the world shipping tonnage. The United States has about 5 percent. This means our ratification would put the annex over the top. The Subcommittee on Environmental Protection has held several hearings on the plastics problem. We will hold a third next week. The Navy is expected to testify at that hearing.

It is imperative that we act. The very characteristic of plastics that makes them valuable, their durability, makes them a serious problem for our marine life, waterways, and coastal areas.

My State has seen plastic pollution first hand. Our coasts were scarred by pollution this summer. Beach closings were frequent. Miles of our coast were scarred with tampon applicators, condums, and other floatables.

The evidence continues to grow about marine animals entangled in plastic debris and marine animals that have swallowed and choked on plastic junk.

Birds, and even the great whales have become victims of plastics carelessly discarded into the ocean. In the northern Pacific Ocean as many as 250,000 birds and at least 30,000 northern fur seals reportedly die each year from plastic entanglement.

My State knows what this kind of pollution means to the economy and the environment. Our tourism industry depends on clean beaches. About $7 billion a year flows into New Jersey from coastal tourism activities.

Plastic pollution is a problem for tourism. For swimmers and recreational boaters. For our fisherman. And for our marine and wildlife which choke or strangle on plastics.

In addition to naval ships, we need to stop the flow of pollution from other sources, including passenger and commercial ships at sea.

What laws do we have to respond? The answer is today we have none. The Refuse Act of 1899, the Clean Water Act, and the Ocean Dumping Act aren't enforced or designed to tackle the problem here at home or internationally.

What we need is annex V and strong domestic legislation to put it into effect. Annex V would help stop plastic disposal from ships. And it would regulate garbage disposal.

It provides the foundation for stopping plastic pollution in U.S. waters and international waters as well.

The annex has to be implemented in ratifying countries through domestic legislation. And appropriate domestic laws would allow enforcement even against countries that have not ratified.

I introduced legislation of this nature earlier this year. The goal is to put annex V in place, with a structure to make it work effectively.

My bill, the Plastic Pollution Control Act of 1987, would do this. It also seeks compliance by public vessels, including the Navy, with prohibitions on plastics disposal.

Mr. President, the plastics problem is a serious one. It demands a comprehensive response. Congress must act to protect our coastal environments and economies from this threat.

This resolution, along with comprehensive legislation, will move us forward toward this goal.●

SENATE RESOLUTION 280—COMMEMORATING THE 100TH BIRTHDAY OF ALF LANDON

Mr. DOLE (for himself, Mr. Byrd, Mr. Cohen, Mr. Cochran, Mr. Danforth, Mr. Pressler, Mr. Boschwitz, Mr. Bentsen, Mr. Simpson, Mr. Evans, Mr. Gore, Mr. Grassley, Mr. Hatfield, Mr. Cranston, Mr. Wallop, Mr. Wirth, Mr. Heinz, Mr. Stennis, Mr. Thurmond, Mr. Karnes, Mr. McCain, Mr. Nunn, Mr. Durenberger, and Mr. Wilson) submitted the following resolution; which was considered and agreed to:

S. Res. 280

Whereas Alf Landon, former governor of Kansas and 1936 Republican nominee for President, is celebrating his 100th birthday on September 9, 1987;

Whereas Alf Landon remains the voice of wisdom with a unique perspective of American political history as the grand old man of the GOP;

Whereas for over 50 years his strong character, integrity, prairie populism, pragmatism, and leadership have brought politicians, representatives of business, industry, and labor, as well as professors and students, to his home to seek advice;

Whereas his record as governor of fiscal accountability and balanced budgets continues to set a good example of executive leadership;

Whereas in 1936 he was a man ahead of his time, forcing Americans to realize the dangers of inflation and uncontrolled government spending;

Whereas he has dedicated much of his life to the development and education of young people;

Whereas his life remains an inspiring example of productivity and generosity as he continues to be one of our most respected citizens and former politicians;

Whereas he has earned himself a permanent niche in American history as a statesman, politician, businessman, counselor, sportsman, and friend; and

Whereas Alf Landon to this day is a living legend in the GOP at the age of 100: Now, therefore, be it

Resolved, that the Senate hereby commemorates on September 9, 1987, the 100th birthday of the Honorable Alf Landon and extends to him affectionate greetings and best wishes.

SENATE RESOLUTION 281—DIRECTING THE APPEARANCE OF THE SENATE LEGAL COUNSEL AS AMICUS CURIAE IN A CERTAIN CASE

Mr. BYRD submitted the following resolution; which was considered and agree to:

S. RES. 281

Whereas, in In re Sealed Cases, Nos. 87-5261, 87-5264, and 87-5265, pending in the United States Court of Appeals for the District of Columbia Circuit, the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598, which provides for the appointment, duties, and removal of independent counsels, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, thereofore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in In re Sealed Cases in support of the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598.

AMENDMENTS SUBMITTED

SENATORIAL CAMPAIGN REFORM ACT

CHAFEE AMENDMENT NO. 675

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; as follows:

On page 53, line 9, beginning with "10" strike out through "10" on line 10, and insert in lieu thereof "100 per centum of the eligible candidates of each major party and 100".

HELMS AMENDMENT NO. 676

Mr. HELMS proposed an amendment to the bill S. 2, supra; as follows:

Add at the end of the bill the following new section:

"SEC. . The sum of $310 million dollars is authorized to be appropriated for military assistance to the Nicaraguan Democratic Resistance for the period ending March 31, 1989; provided, however, that the funds authorized to be appropriated by this section shall not be obligated or expended if the President, on or before September 30th, 1987, shall have certified to Congress the following:

1. That there be no Soviet, Cuban or Communist bloc bases established in Nicaragua that pose a threat to the United States and the other democratic governments in the hemisphere.

2. That Nicaragua pose no military threat to its neighbor countries nor provide a staging ground for subversion or destabilization of duly elected governments in the hemisphere.

3. That the Nicaraguan government respect the basic human rights of its people including political rights guaranteed in the Nicaraguan constitution and pledges made to the OAS—free speech, free press, religious liberty and a regularly established system of free, orderly elections.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Oversight of Government Management Subcommittee, Governmental Affairs Committee, will hold hearings on Oversight of Federal Procurement Decisions on Wedtech, on Wednesday and Thursday, September 9 and 10, 1987, at 9:30 a.m. on both days, in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a hearing during the session of the Senate on September 9, 1987, on Judge William S. Sessions, FBI Director.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, September 9, 1987, to conduct a hearing on "Educationally and Economically Disadvantaged Children."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, September 9, and on both days, to hold hearings on Oversight of Federal Procurement Decisions on Wedtech.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHICAGO HOSTS THE 40TH QUADRENNIAL CONVENTION OF THE POLISH NATIONAL ALLIANCE

● Mr. DIXON. Mr. President, I want to extend a warn welcome to the delegates, friends and guests of the Polish National Alliance 40th Quadrennial Convention. After 60 years, the national convention is returning home to the most Polish city outside of Poland, the headquarters of the Polish National Alliance.

This year represents the 150th birthday of the city of Chicago—the heart and soul of Polish America. The history of Chicago is rich and much is owed to the many contributions of Polish-Americans. Since the first election of mayor in 1837, Poles have been in the forefront of Chicago politics. The Polish National Alliance has been a long-standing member of the Chicago community and the frequent home of the organization throughout the last two centuries.

As early as 1875, there were 5,000 Poles scattered throughout the Midwest, however, there was a lack of unity on a national scale. On September 20, 1880, a concerned group of Poles gathered in the Palmer House Hotel and organized the Polish National Alliance. One hundred and seven years ago, the Polish National Alliance was born and the first "sejm" or convention was held.

Chicago's historic Palmer House has since hosted seven conventions and it is fitting that the 40th convention be convened at this same location.

The convention serves to set policy, budgets, and elect its officers, as well as providing a national forum for Poles to express their many concerns. The sessions, deliberations, and elections will occupy much of the delegates time, however, it will be sad if the delegates did not find time to enjoy the "I Will" city. Chicago offers a magnificent mile of shopping, outstanding dining, the best in museums and fascinating sights. I share the hope of the preconvention committee that everyone will have ample time to view the many attractions of Chicago.

I hope the 40th convention, once again, proves fruitful and constructive for all attending. I welcome you to Chicago, a city made rich by the contributions of Polish-Americans.●

JESSE COOKE

● Mr. DOLE. Mr. President, in 1938 Congress passed the Javits-Wagner-O'Day Act to provide employment opportunities for blind, multihandicapped blind and other severely handicapped individuals throughout the United States. This program still continues and provides many individuals who either cannot work competitively or who require a transitional work environment before moving into competitive employment an opportunity to test their skills and gain some measure of self-sufficiency.

Each year the National Industries for the Blind, a central nonprofit agency for workshops participating in the Javits-Wagner-O'Day Program, selects one outstanding blind worker as the Peter J. Salmon National Blind Worker of the Year.

This year I am happy to announce that Mr. Jesse Cooke, of Wichita, KS. has won the award. Mr. Cooke presently works at Wichita Industries and Services for the Blind, Inc., where he helps assemble over 45 varieties of pens and binds and boxes paper towels. Mr. Cooke became blind during his teenage years because of hydrocephalus. Jesse had to battle back from the results of the hydrocephalus and the subsequent surgeries. Because of his personal courage and the support of his loved ones and colleagues at the Wichita facility today he is a highly productive and motivated young man who is working his way into competitive employment.

Jesse is now married and very active in his local church where he and his wife, Diane, help when they can. They especially enjoy Saturdays and Sundays when they have a chance to babysit children whose parents are volunteers in other church activities.

While recognizing Jesse I cannot forget Linda Merrill, president of Wichita Industries and services for the Blind, Inc., and her staff and the other employees of the facility who worked hard to help Jesse become the young man he is today. Their continuous care and concern for Jesse and all the Jesses of the Wichita area have made a difference.●

COUNTDOWN 2001

● Mr. RIEGLE. Mr. President, today I rise to bring to the attention of my colleagues an organization which was founded by some natives of Michigan.

This organization, Countdown 2001, is based in Washington and was founded to help individuals and organizations meet the challenge of creating a better 21st century. With an eye toward an enlightened future, Countdown 2001 serves as an active clearinghouse for information and ideas, provides educational programs and materials which stimulate an interest in the 21st century, and assists in the development and implementation of programs for organizations which seek to positively shape the future.

As we enter the 21st century, we are faced with important questions about our future. How will we meet the challenge of an ever-increasing nuclear arms race? What is the most effective way in which to educate our youth for the "information age" of computers, robotics, and telecommunications? How will the world face the global environmental problems which affect us all?

These are just a few of the many issues that confront us. They require intelligent, thoughtful, and creative thinking. In order to meet these challenges, we must plan now for our transition into the next century.

On a nonpartisan basis, Countdown 2001 focuses on producing a framework of navigation toward the new century. An important element of Countdown 2001 is their community countdown councils which are located throughout the United States. The councils help lead communities by sponsoring activities that encourage citizens to take responsible action in such areas as the environment, education, and crime prevention. In looking toward the future, Countdown 2001 adheres to the words of Thomas Jefferson, "I like the dreams of the future better than the history of the past."

Constructing a framework for people and organizations at national and community levels to work cooperatively for the common goal of creating a better future is certainly necessary, and something in which each individual can take part. As a U.S. Senator, I must always keep an eye to the future. It is no simple task, and easy answers are few and far between.

I am pleased to join Countdown in encouraging foresight and creative thought from individuals and organizations as we near the 21st century. We must recognize our ability to create a future of promise for new generations, a future in which we can be proud to have played a part.●

MARION STACKHOUSE

● Mr. LUGAR. Mr. President, this past Saturday a very dear friend of mine—and of all Indiana farmers—died at age 64 of a heart attack. Marion Stackhouse had been the president of the Indiana Farm Bureau since 1976. His leadership, and true Hoosier demeanor will long be missed by each of us who knew him as a reliable friend, associate, and as a patriotic American.

Marion began his service with the Indiana Farm Bureau in 1950 as a field representative. He became a member of the commodity staff in 1960, and 2 years later was head of that division. Until the day of his death, Marion Stackhouse worked in the State and U.S. Capitols to better the life and business of Indiana farmers. He was a steady influence and had the trust of Indiana farmers.

Born in Kosciusko County, he ran a farm near Westfield in Hamilton County since 1951. Marion was always a man of service to God, his country, and his fellow man. His priorities were right and he could be counted upon as "Mr. Reliable."

At the end of March of this year, Marion was hospitalized because of his heart condition. Yet, just a few days later, he attended a birthday party for me. I was startled to see him at first, but I also realized it was typical of Marion Stackhouse. He would not allow his own frailties to stand in the way of his concern and caring for others.

Marion was a good neighbor and friend to each farmer and public servant in Indiana. He was comfortable with each, and had fair and honest treatment for all. Indiana farmers, and all Hoosiers, will miss his leadership and his demeanor as spokesman and advocate.●

LOCAL GOVERNMENT: THE LIFEBLOOD OF AMERICAN DEMOCRACY

● Mr. HARKIN. Mr. President, town and township government is the earliest form of government in these United States. The township system was the first form of local government adopted in America, having been brought by the first settlers from England. Initially established in Massachusetts around 1620, township government moved west as the country grew, and today this system of local government serves nearly 55 million people.

It is particularly appropriate therefore, in this 200th anniversary year of our Constitution, that we welcome representatives from the National Association of Towns and Townships—local officials from town, township and small community governments across America—as they hold their 11th Annual Town Meeting in Washington this week.

Too often we in Congress forget that small governments play a vital role in effectuating Federal policy at the local level; without these indispensable conduits to our citizens in small towns throughout rural America, much of the work we do here would be for nought. We can talk and plan and propose and legislate; but if there is no structure to fulfill the promise of our leadership we cannot be effective leaders. And the local governments of this country—most of which are under 3,000 people—are the communications link we have when it comes to implementing the policy we work so hard to create. These local officials, these partners of the Federal Government, are mostly volunteers who donate their time and expertise to help their friends and neighbors in their communities. I rise to acknowledge them today and to thank them for their dedication and hard work for their own communities, and by extension, for the entire Nation. We own them a debt of gratitude for their example of democracy in action, for their perserverance, and for their model of traditional American values which refuse to give up under even the most difficult of circumstances.

All of us have a small town somewhere in our hearts. I would urge my colleagues to remember that small town, and to support the local officials and citizens of these communities as they struggle to maintain their balance in this very difficult time for rural America.●

BRIAN WILLSON

● Mr. LEAHY. Mr. President, last year hundreds of thousands of Americans were deeply moved by the sacrifice of four American veterans who fasted for more than 40 days on the steps of the Capitol Building to protest United States support for the Contras in Nicaragua. One of those veterans, Brian Willson, formerly of Chelsea, VT, went on to establish the Veterans Peace Action Teams, which for the past 6 months have patrolled the war zones in Nicaragua.

Although there have been recent hopeful signs that peace may be within reach in Nicaragua, the war there continues to rage as furiously as ever. Every week we read reports of Contra attacks against agricultural cooperatives and health centers, and women and children being killed or maimed by land mines.

Brian Willson has seen firsthand the suffering that United States military aid to the Contras has caused in Nicaragua. Ever since his fast against Contra aid last year, he has dedicated his life to stopping the senseless killing that has claimed the lives of tens of thousands of innocent people in that impoverished country.

On September 1, just 2 weeks ago, Brian began another fast, this time to last 40 days, on the railroad tracks at the Concord, CA, Naval Weapons Station [CNWS]. In a letter addressed to Capt. Lonnie Cagle, Commander of CNWS, dated August 21, 1987, Brian wrote:

> I have walked and ridden 700 kilometers (430 miles) in the northern war zones of Nicaragua. I have talked with hundreds of Nicaraguan people: campesinos, government and church officials, military personnel and Contras. I have talked with several hundred victims of the Contra terrorists, most of them civilian casualties from anti-tank mines, ambushes, torture, grenade and amortar attacks. I also have talked with many widows and orphans. We are committing wholesale murder and maiming.

Mr. President, CNWS is one of the largest munitions depots on the west coast, and was a major supplier of munitions during the Vietnam war. I understand that trains regularly carry munitions from CNWS to ships transporting them to Central America, where they have been used by the Contras in Nicaragua. Opponents of U.S. foreign policy have regularly staged protests on those tracks since the Vietnam war, peacefully blocking the trains and submitting to arrest.

Brian wrote to Commander Cagle to let him know of his intention to fast and engage in civil disobedience on the railroad tracks, and to ask for a chance to meet personally with him to discuss the shipment of munitions to Central America. That letter, like several other similar letters to Commander Cagle in the months before the protest, was never answered. I ask that a copy of the August 21 letter be printed in the RECORD following my remarks.

On his first day on the tracks, Brian told a group of supporters who were present that he was prepared to sacrifice his life for peace in Central America. He kept his word. The train never stopped. It ran him over, severing one leg and injuring the other so badly it had to be amputated, and breaking his skull. Miraculously he survived, and is recovering today in a California hospital more determined than ever to continue his struggle against U.S. policy in Central America.

Mr. President, under no circumstances should this tragedy have happened. The Navy knew in advance of Brian's plan to sit on the tracks. Other protesters were all around and on the tracks as the train approached. The Navy said the train was only going 5 miles per hour and that the driver tried to stop, but anyone who saw the TV film of the incident could see it was going faster. Witnesses at the scene said it never slowed down. These questions, and many others, must be answered. Such a horrifying accident should never, ever happen again.

Congresswoman BOXER and Congressman DELLUMS have requested a congressional investigation of this tragedy. Other inquiries have begun, by the county sheriff's office and the Navy. I join hundreds of concerned Vermonters who wait for the results of these investigations, but who, regardless of the results, will never understand why this had to happen. If this was a case of trespass, then of course, arrest the individual for trespassing. You do not run him over with a train.

One of our most basic rights protected by the Constitution is the right to protest actions by the Government we disagree with. How can we say we support democracy in Nicaragua when we crush peoples' first amendment right to protest in our own country? All Americans should be outraged by the way Brian Willson's rights were so grossly violated in this case.

Several Vermont newspapers have published editorials about this incident. I ask that one of them, from the Barre, VT, Times Argus, be printed in the RECORD following my remarks.

I will have more to say about Brian Willson when all the facts about the incident are known. Today, suffice it to say that my heart goes out to him. His courage is a source of tremendous inspiration to those of us who share his goal to bring peace to Central America after so many years of bloodshed.

The material follows:

AUGUST 21, 1987.

Capt. LONNIE CAGLE,
Commander, Concord Naval Weapons Station (CNWS), Concord, CA.

DEAR COMMANDER CAGLE: This letter serves to introduce myself to you, announces an impending 40 day water only Fast as part of the Nuremberg Actions at CNWS, and requests a personal meeting with you.

Last year I was one of 4 U.S. military veterans on a 47 day water only Fast on the steps of the U.S. Capitol in Wash., D.C., protesting our war policies in Central America. In 1966-1970, I was in the U.S. Air Force serving as a security officer with intelligence functions in Vietnam in 1969. Since separation from the military I have worked in a number of capacities, including practice as an attorney and criminologist. I have also owned a dairy business and been director of a Vietnam Veterans Outreach Center for which I received a special commendation from Massachusetts Governor Michael Dukakis.

A couple of years ago I became very suspicious of the U.S. policy in Central America. I resigned as director of the Outreach Center and began a series of trips to see for myself. I have subsequently been to Nicaragua 4 times and to El Salvador and Honduras once each.

I have walked and ridden 700 kilometers (430 miles) in the northern war zones of Nicaragua. I have talked with hundreds of Nicaraguan people: campesinos, government and church officials, military personnel and contras. I have talked with several hundred victims of the contra terrorists, most of them civilian casualties from anti-tank mines, ambushes, torture, grenade and mortar attacks. I also have talked with many widows and orphans. In El Salvador I talked with survivors of U.S. directed bombing missions. We are committing wholesale murder and maiming.

CNWS is the largest munitions depot on the west coast, and was a major supplier of munitions during the Vietnam war. An April 1985 U.S. Dept. of Defense contract with the government of El Salvador has provided hard evidence of substantial shipments of munitions from CNWS to Central America. Additionally, in November 1986, I spent time with Eugene Hasenfus in Nicaragua discussing the flow of munitions into El Salvador, and their subsequent movement to bases in Honduras, some of which then travel to Nicaraguan-based contras from air drops on several flight patterns.

Enclosed find copies of the April 4 and May 29, 1987, reports of Veterans Peace Action Teams observing and working in Nicaragua. The war is demonic. So-called Low Intensity Conflict is terrorist warfare of the most barbaric form. Our intervention into sovereignty violates a number of domestic and international laws.

As part of a movement to uphold international and U.S. Constitutional law, and to stop the illegal and immoral U.S. war in Central America, I have been involved with many others in the Nuremberg Actions who have been present on a daily basis at CNWS since June 10, 1987. We plan a sustained presence that will include persons placing their bodies on the tracks and roadway, asking you and those moving the munitions to stop their movement. In so doing, we will be upholding the law under the Nuremberg Principles agreed to by the United States, and Article VI of our Constitution which holds our treaties to be Supreme Law.

Commencing September 1, 1987, I plan to Fast on water only on the tracks for a period of 40 consecutive days. I will use this time in sacrificial reflection to atone for our complicity in death policies, and to envision resistance actions in response. Others will be joining, including one of the other members of the 1986 Veterans Fast For Life, Duncan Murphy. I want you to know in advance of this plan. If not incarcerated, deceased or otherwise disabled, I am committed, as the spirit moves me, to be physically on the tracks for part of each of the 40 days. This will be made clear to the public and the media. Other people are expected to be present either on or just off the tracks and roadway as part of the Nuremberg Actions. We believe, and shall affirm, our participation in civil obedience, upholding domestic and international law with our bodies.

Because of the seriousness of these matters I ask that we have a personal meeting to discuss them. This action is not intended to harrass you or any military or civilian personnel. As part of our philosophy of nonviolence, we are committed to treat *every* person with human respect. We must, however, do everything reasonable in our power to make known the crimes of our country and to stop them from continuing. We ask that you suspend movement of munitions, exercising your responsibility to uphold international law and the U.S. Constitution which considers treaties as part of itself. Under Nuremberg, every citizen, including military personnel, is duty bound to uphold the law, even when ordered otherwise by superiors. I would like to discuss with you your views and response to our concerns.

Some of us have decided to put our bodies on the line to save lives of other people who are worth no less than us. Our killing and our complicity in it must stop! I hope that you will respond so that we can set up a mutually convenient time to meet.

Sincerely,

S. Brian Willson.

[From the Barre-Montpelier (VT) Times-Argus, Sept. 3, 1987]

Engines of War

Tuesday afternoon in San Rafael, Calif., a 47-year-old service veteran who had seen duty in Vietnam was run down by a Navy munitions train as he led some two dozen other protesters in a demonstration against U.S. policy in Central America. The three-car train severed one of Brian Willson's legs at the knee, and doctors amputated the other one during eight hours of surgery. He also suffered a skull fracture and a great loss of blood. As of this writing, his condition has stabilized and he is expected to live.

It was a classic meeting, Willson's encounter with the locomotive. He was up against two machines—the train engine and the engines of war—and by himself he could derail neither.

Somewhere, such a meeting of metal and flesh was bound to happen. For decades, people have laid down before cars, trucks, buses and other vehicles they believed to be transporting the material of war. They have blockaded entrances to the Pentagon and to missile sites in England and Europe. And many are the opponents who have said bitterly that they—the demonstrators—ought to be run over; they were asking for it, anyway.

Well, now it has happened. It happened because Brian Willson wasn't fooling around. He was prepared to bring the horror of violent death, the kind of death that occurs daily in Nicaragua because the U.S. violates international law and supports one side in a domestic conflict there, to American soil and American minds.

Being prepared to die, however, isn't the same as wishing for it. Those acquainted with Willson during his year in Chelsea, Vt. knew him as a friendly and gentle man, a baseball fan born on the Fourth of July, without obvious dark torments propelling him into his continuous, life-threatening actions.

"I don't want to die. I really enjoy life," the native of Ashville, N.Y. told a reporter here in August 1986. But, he added, "President Reagan's commitment (to a contra victory) is the next step of a total military takeover of Nicargaua. I feel it'll be over my dead body."

Willson's love of life wasn't confined to his own. He believed Nicaraguan peasants were no less scared than he, and if they were to be imperilled by U.S. policies he would be, too, especially if his actions might focus his countrymen's attention on the plight of Central Americans. So he and three other ex-servicemen fasted last year on the steps of the U.S. Capitol for seven weeks until they believed a movement had jelled behind them that was capable of halting the administration's belligerence. And he waded into the warfare in Nicaragua, hoping simply to interfere with the killing going on there.

Just two months ago, Marine Col. Oliver North became a modern American hero in about four hours of exposure on daytime TV, despite the fact that he stood for a bulldog commitment to the Nicaraguan contras with which 60 percent of his countrymen disagree. North admitted lying to everyone under the sun to erect a supply line for the contras, a cause to which he was as dedicated as Willson was to stopping them. But give North credit: He also articulated a vision of national purpose Americans have been longing for, and have found disappointingly absent in President Reagan.

Ironically, Willson articulated a similar vision. But his was centered on national and individual honor, not subterfuge, and a commitment to seeing this country be a force for good in the world, not just a force. Willson has lived his commitment and attempted to sway our national leaders by his example. North lived his, too, by lying to those national leaders and scolding them when his deceit was discovered.

Choose your hero.●

"THE AMERICAN DEATH SQUADS"

● Mr. HUMPHREY. Mr. President, the following article is the first in a series of articles by Mr. Nat Hentoff, examining the issue of euthanasia—also referred to as assisted suicide, mercy killing. Hentoff's discussion of euthanasia carefully exposes some of the linguistic and intellectual games played by euthanasia proponents. I urge my colleagues to read the article carefully, and consider the need for additional protections of the fundamental human rights of all handicapped and elderly persons.

I ask that the text of the article be inserted in the Congressional Record.

The article follows:

The American Death Squads

(If the physician presumes to take into consideration in his work whether a life has value or not, the consequences are boundless and the physician becomes the most dangerous man in the state.—Dr. Christoph Hufeland (1762–1836))

Leo Alexander, born in Austria, emigrated to the United States where he became a professor of psychiatric medicine in Boston. Surgeon General C. Everett Koop was a friend of Dr. Alexander and notes that Alexander "served as an expert at the Nuremberg trials of those physicians who had engineered the German euthanasia program and, eventually, the infamous medical experiments and genocide carried out by the Nazi regime."

Since his first language had been German, Dr. Alexander gained the confidence of the physician-defendants and thereby uncovered a large amount of new information concerning the origins of the Holocaust in the German medical community and court system.

In the July 14, 1949, issue of the New England Journal of Medicine, Leo Alexander wrote an article, "Medical Science Under Dictatorship," distilling his discoveries.

Alexander intended his essay as both an analysis of the beginnings of a unparalleled social malignancy and also as a warning to his adopted country. The killing of those who are no longer productive, no longer useful to their families or to the state, can happen here too, he said.

Dr. Alexander's warning has been ignored.

Writing of the Third Reich, he emphasized that "whatever proportions these crimes finally assumed, it became evident to all who investigated them that they had started from small beginnings."

"The beginnings at first were merely a subtle shift in emphasis in the basic attitude of the physicians. It started with the acceptance, basic in the euthanasia movement, that there is such a thing as life not worthy to be lived."

"This attitude in its early stages concerned itself merely with the severely and chronically sick. Gradually the sphere of those to be included in this category was enlarged to encompass the socially unproductive, the ideologically unwanted [and] the racially unwanted. . . ."

"But it is important to realize that the infinitely small wedged-in lever from which this entire trend of mind received its impetus was the attitude toward the non-rehabilitable sick." (Emphasis added.)

Not long before he died, Leo Alexander was greatly disturbed by an article he read in the April 12, 1984, New England Journal of Medicine, which had become the most influential medical publication in the country. Indeed, some of its pieces often break into the daily papers. This was one such article. When he'd finished the essay, Dr. Alexander shook his head, and said to a friend, "It is much like Germany in the '20s and '30s. The barriers against killing are coming down."

The article was by 10 physicians from such prestigious institutions as Harvard Medical School, Johns Hopkins University School of Medicine, and the University of Virginia Medical Center. The title was: "The Physician's Responsibility Toward Hopelessly Ill Patients." With courtly expressions of great sympathy, these healers advocated the withdrawal of artifically administered nutritional support, including fluids, from various kinds of patients, such as those seriously and irreversibly demented. They were to be starved to death.

The 10 doctors, part of the growing "death with dignity" brigade, added that it is also "morally justifiable"—when a patient is in a "persistent vegetative state"—to "withhold antibiotics and artificial nutrition (feeding tubes) and hydration, as well as other forms of life-sustaining treatment, allowing the patient to die."

The last five words are, of course, classic newspeak. In situations like this—George Orwell could have told the 10 doctors—the patient is being killed. As University of Michigan law professor Yale Kamisar has been saying for nearly 30 years, the much revered "right to die"—whenever that decision is being made for, rather than by, a patient—is actually the right to kill.

The 10 doctors did go on to say that persistently vegetative patients ought not to be starved to death without first finding out "the patient's prior wishes" and obtaining the agreement of the family. But a fundamental question, as we shall see, is whether in a civilized society, any human being, in whatever state, should be denied nutrition and fluids, no matter what anybody says. Second, what can really be determined from the patient's prior wishes, even if the patient has made out a "living will"?

Sitting at home, watching Johnny Carson and sipping blackberry brandy, a healthy person making out a "living will" may not have the slightest idea what his or her wishes would actually be when death is no longer a word that applies only to everybody else. More of that as we go on.

What depressed Leo Alexander about that article, and about many other developments in American medicine and in the courts in the last 15 years, was that the "small beginnings" of euthanasia in this country were now leading to more and more judicial killings.

A recent victim was Nancy Ellen Jobes in New Jersey. She died on August 7 after the Supreme Court of that state—which leads the nation's courts in sanctifying the right-to-kill—ordered that her feeding tube be removed.

In this series, we shall see how we got to this point, as well as where we are going unless state legislatures wake up. (The courts, with few exceptions, are like Lewis Carroll's Walrus, weeping over the fate of the oysters he is devouring on his walk along the beach.)

A preliminary view of what's ahead can be found in "Against the Emerging Stream: Should Fluids and Nurtitional Support Be Discontinued?" in the January 1985 Archives of Internal Medicine. The authors are Alan J. Weisbard, now the director of the New Jersey Bioethics Commission, and Dr. Mark Siegler, Professor of Medicine at the University of Chicago. They say something you will not see in a New York Times editorial. For that matter, the Times, in its news pages as well, practices advocacy journalism when it comes to euthanasia. The paper's theme song is Bach's "Come, Sweet Death."

"We have deep concerns," say Siegler and Weisbard, "about accepting the practice of withholding fluids from patients because it may bear the seeds of unacceptable social consequences. We have witnessed too much history to disregard how easily a society may disvalue the lives of the 'unproductive.' The 'angel of mercy' can become the fanatic, bringing the 'comfort' of death to some who do not clearly want it, then to others who 'would really be better off dead,' and finally, to classes of 'undesirable persons,' which might include the terminally ill, the permanently unconscious, the severely senile, the pleasantly senile, the retarded, the incurably or chronically ill, and perhaps, the aged."

And remember, most of these folks cost a lot to keep alive. Aren't there better ways to spend the money? Like by education, more middle-income housing, cleaner air? Put the choice to a vote, anywhere in the United States: money for good things for the majority of society as against money for those who would be "better off dead." Which side would win?

But we're not quite ready to put that sort of stuff on the ballot—yet.

Apart from how such a plebiscite would come out, the herd journalism of the press in covering the national slide toward euthanasia results in a general sigh of sympathetic relief among the citizenry when any of these "vegetables" dies.

I'll be going into some detail on the case of Nancy Ellen Jobes as this series goes on, but preliminarily, the brief news accounts of her forced departure from among us noted that she had been in a vegetative state since 1980. Pregnant, she had been involved in a car accident and during surgery to remove the dead fetus, a loss of oxygen and blood flow to the brain caused her to fall into a coma-like condition. Her family had been trying to get her feeding tube removed against the wishes—on ethical grounds—of the Lincoln Park Nursing Home, where Nancy Ellen Jobes had lived for nearly all the past seven years. At last, the New Jersey Supreme Court had approved the removal of the tube, and the United States Supreme Court refused to intervene.

Editorially, The New York Times hailed the decision of the New Jersey Supreme Court to let Nancy Ellen Jobes be killed. The court, said the Times, had released "Mrs. Jobes from tragic burdens of life on the threshold of death."

Well, now was Nancy Ellen Jobes in a persistent vegetative state? Was she "on the threshold of death?" During attempts by the Lincoln Park Nursing Home and others to prevent the state from killing her, two nationally renowned neurologists testified. One, Dr. Allen E. Ropper, professor of medicine at Harvard Medical School and director of the Neurosurgery-Neurology Intensive Care Unit at Massachusetts General Hospital, said he had examined Mrs. Jobes and that she had followed a number of his commands (like, on request, moving her foot and toes, her legs, and sticking out her tongue). She followed his fingers, and from other indices, he concluded that while she was severely brain-damaged, she was not in a persistent vegetative state.

A similar conclusion was made by Dr. Maurice Victor, professor of neurosurgery at Case Western Reserve University School of Medicine. He too had examined Nancy Ellen Jobes, and he too had concluded that while seriously brain-damaged, she fell outside the category of a persistent vegetative state.

"I gave her a number of verbal requests," Dr. Victor testified last year, "and it became apparent the patient could hear and understand what I was saying. . . . As I asked her to perform the tasks, I saw a look of intentness. She looked attentive . . . [to] what she was doing. I am convinced this patient has a reparatory of emotional expressions."

There was contrary testimony by such opposing experts as Dr. Fred Plum, professor and chairman of the Department of Neurology of New York Hospital-Cornell Medical Center. And another neurologist said: "She died a long time ago. . . . She should have a funeral."

While this was going on, I received a letter from a friend of mine who visited Nancy Ellen Jobes last year. This observer, a researcher, is uncommonly precise, as I've had reason to learn in my work through the years. This is what my friend wrote:

"I am more appalled than ever that anyone would consider starving Nancy Ellen Jobes to death. She is not comatose. She is severely disabled and very vulnerable.

"Nancy appeared alert and aware of people entering her room and showing things to her. She looked directly at me and then at others and then back to me as I spoke to her. She has a lovely smile. When I told her so and that it would be nice to see that smile again, she smiled more broadly."

Yes, there was conflicting testimony. Yet, as Dr. Norman G. Levinsky, Chairman of the Department of Medicine at Boston University's School of Medicine says, "given any reasonable doubt about the choice between life and death (with regard to) a specific patient, doctors should choose to fight for life." And Nancy Ellen Jobes could have lived for many years.

As we shall see, fewer doctors each year are fighting for certain patients' lives. Instead, they are helping the courts ease the removal of more barriers to killing. When Nancy Ellen Jobes died, the United Handicapped Federation—but not any medical association—protested her having been starved to death. "She was welcome in the disability rights community," these mourners said.

"It is now a capital offense," said an anti-euthanasia group, "to be young, brain-damaged"—and too tenacious to die.●

INFORMED CONSENT: GEORGIA

● Mr. HUMPHREY. Mr. President, today I would like to insert into the

CONGRESSIONAL RECORD a letter from a woman from the State of Georgia in support of my informed consent legislation, S. 272 and S. 273. Like many others, this woman feels she was subjected to a consipiracy of silence. Not only was she denied factual information about alternatives to abortion, but she was not told of the possible physical and emotional ramifications of abortion. I urge my colleagues to support S. 272 and 273 so that future women will not be subjected to the needless pain and suffering because of lack of information.

I ask that the letter from the State of Georgia be inserted in the Record.

The letter follows:

FEBRUARY 17, 1987.

DEAR SENATOR HUMPHREY: I am one of those women who had an abortion without really understanding the procedure and even worse, the consequences.

I was not a teen-ager. I was not unwed. I was a mother of two already but my doctor told me that because my last child had "needed" to be induced, It wouldn't be wise to go through another pregnancy. I trusted him and did as he said. he arranged for an abortion. I was very frustrated but I believed he was the authority.

Nine years have passed but I have not forgotten that day that I put my body in the hands of a man I believed to "know it all". There was no talk about what I'd feel after "it was all over" (that was the beginning of many nightmares to come). I later realized my "wonderful" doctor was on the staff of the clinic he sent me to. I thought he was meeting me there. He asked me after the abortion if I wanted to know the sex of the child. I said, "no". He said, it was just as well that I "made the decision" to have the abortion because he could see that the baby was malformed. ("There would have been problems", he said.) At the time I trusted that doctor so much that I just accepted what he said as logical.

It wasn't long, though, till I began wondering if I'd made the right decision. Would my health had been at stake? I don't think so; maybe a little uncomfortable. Was my baby really malformed? Perhaps it was perfectly formed. Could it have been a little girl? I had two boys and had dreamed of adding a girl to our family. For that matter, three boys would be even better than two! I wanted a second chance. But it was too late. Now my husband had gotten a vasectomy because we had been scared so by my doctor's remarks about affects a pregnancy could have on my well-being. But what I wanted more than anything was that baby I murdered. I wanted to roll back the clock and go on with that pregnancy and give that baby a chance!

Sir, our women should and need to be told every detail possible about the abortion procedure itself and the horrible possible nightmares after. There are so many feeling guilt, regret, anguish over the baby they chose not to have for whatever reason.

Senator Humphrey, I am so pleased to hear you want to make women considering abortion well informed. This is a direct answer to prayer for me. I wondered so often how it would he possible to warn other women about the consequences I've shared with you.

Thank you for our families in our great country.

Sincerely,

BOBBI OLIVE (MRS. TIMOTHY),
Georgia.●

NEW JERSEY CELEBRATES THE 100TH ANNIVERSARY OF THE UNION BAPTIST CHURCH

● Mr. LAUTENBERG. Mr. President, September 27 marks a very special day in my State. The Union Baptist Church celebrates its' 100th anniversary in Montclair, NJ.

On that special day there will be an afternoon worship service to commemorate this centennial event celebrated by the Rev. WILLIAM GRAY III, our colleague from the House of Representatives. I would note that before following his father at the Bright Hope Baptist Church in Philadelphia, Rev. Bill Gray was the minister of the Union Baptist Church in Montclair.

The Union Baptist Church has been an active and important part of the Montclair community since January 1887. They began with 30 members in the small Morris Hall and today they entreat in the Portland Place Church. Today, the church continues to thrive. The Reverend Temple Richie, Jr., now leads this congregation. With his leadership, the congregation has enhanced the structural facilities and promoted unified growth and maturity numerically, financially, and spiritually.

Not only has the church been a place of worship but has contributed to community involvement in housing, nutrition, and education. The church played a pivotal role in providing relocation housing as part of Montclair's first urban renewal project. The program was the moving force behind the Essex County nutrition project which provided hot lunches for approximately 1,000 senior citizens each week at various sites in the Essex County suburban area. The Student Aid Society has raised and contributed hundreds of dollars to needy students attempting to further their education. These efforts are only some of the contributions that the church has made to the community.

The centennial theme, "So teach us to number our days," encompasses this grand celebration. For the Union Baptist Church it presents to them a challenge to recall their past, to wrestle with the present and build for an even more glorious future.

I would like to congratulate and honor the Union Baptist Church on its' great centennial occasion and the many members whose hard work have gone into this joyous celebration. September 27 will be a memorable day for all those who worship at the Union Baptist Church.●

174TH TACTICAL FIGHTER WING—THE BOYS FROM SYRACUSE—40TH ANNIVERSARY

(By request of Mr. DOLE, the following statement was ordered to be printed in the Record:)

Mr. D'AMATO. Mr. President, the 174th Tactical Fighter Wing of the New York Air Force Reserve unit, stationed at Hanncock Field, is celebrating its 40th anniversary.

The 174th Tactical Fighter Wing, "The Boys From Syracuse," was the first Air Guard unit organized in New York State after World War II. Over the past 40 years the unit has amassed an impressive record of achievement in deployment readiness.

The first unit in New York to be assigned jet aircraft, the 174th twice has been called up for active duty. In 1961 the unit was stationed in France under "Operation Stair Step" during the Berlin crisis, providing support for elements of the 7th Army and 4th Allied Tactical Air Force of NATO. The Unit was again called to active duty in 1968 during the *Pueblo* crisis with North Korea.

Since 1981, the 174th has participated in various operations including "Coronet Sail" in Europe, "Coronet Cover" in Panama, and operation "Gold Rush 85" in Alaska. Today, the 174th flies the A-10 Thunderbolt II. If called up to active duty, it would provide tactical support for American and Allied forces.

Under the able leadership of Col. Michael S. Hall, wing commander, the 174th continues to display excellent operational readiness. It is an essential component of the Air National Guard, providing for the common defense of the Nation and State.

To the skilled and ready patriots of the 174th Tactical Fighter Wing, the Congress and the American people owe a great deal. We congratulate you for 40 years of dedicated service to our Nation.●

THE CHILDREN'S PEACE TREATY

● Mr. SIMON. Mr. President, the following was sent to me by Isidor Steinhart of Sherman Oaks, CA. It is taken from a weekly reader titled Scholastic News circulated in the Los Angeles public school system. Ms. Donna Schlosser, a third grade teacher at the 42d Street Elementary School in Los Angeles, called it to the attention of her daughter who read it aloud to her seventh grade class. The students were uniformly impressed and endorsed the document with their signatures.

The "Children's Peace Treaty" needs no introduction, and I ask that it be inserted in the RECORD.

The document follows:

CHILDREN'S PEACE TREATY

We the children of the world, declare peace on the future.

We want a planet free of war and weapons.

We want an end to disease, death and destruction.

Hatred and Hunger and Homelessness make no sense to us, we want them done away with.

Our earth gives food enough for all—we will share it.

Our skies give us rainbows everywhere—we will safeguard them.

Our waters give us life eternal—we will keep them clear.

We want to laugh together, play together, work together, learn from each other, explore and improve life for everyone.

We are for peace now and forever, for all. Grown-ups of the world join us. Grab hold of our smile and imagine.

Together Peace Is Possible.●

COL. LEONARD WILLIAM JOHNSON, JR.

● Mr. LUGAR. Mr. President, today I am sad to report that the United States has recently lost a valued citizen and patriot in a tragic airplane accident.

Col. Leonard William Johnson, Jr., of the U.S. Air Force Medical Corps, was killed on August 1 of this year when his private airplane was damaged while flying through a thunderstorm over Kokomo, IN.

Colonel Johnson's educational and military record was, to say the least, outstanding. At the age of 14, he graduated from Elkhart High School in Elkhart, IN, and by his 23d year, he had earned his medical degree from Howard University in Washington, DC. In 1958, he joined the U.S. Air Force and in 1971 he became the second youngest person to attain the rank of full colonel in the U.S. Air Force Medical Corps. He was awarded many decorations during his career, including the Legion of Merit and the Air Medal with three oakleaf clusters. He also held the Aeronautical Rating of Chief Flight Surgeon, the highest flying rating for a physician in the Air Force.

Also a distinguished physician, he received a Master's Degree in Public Health from Harvard University and, in 1968, he became the first black physician to be certified in the specialty of Aero Space Medicine through residency training.

Colonel Johnson is survived by his wife, Evelyn; daughter, Karen; son, Leonard III; his mother and father, and many other relatives and friends.

All too few men reach the level of distinction which Colonel Johnson did. He was a loving family man, exemplary physician, and decorated patriot. He should be a shining example to us all.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, the issue of Soviet emigration is a pressing one in the lives of many Americans. It is time for some initiative to be taken on behalf of the many Soviet refuseniks wishing to emigrate. These individuals' lives are being wasted as they are persecuted by the Soviet Government. They have done nothing to deserve such harsh treatment, yet their request for emigration is repeatedly denied.

The Soviet Government still refuses to allow Soviet Jews to study Hebrew or practice their religion. These few steps taken by Jewish refuseniks in order to obtain some sense of religious meaning in their lives are punished by arrest or imprisonment. The harassment of Hebrew teachers and incidents of religious persecution activities have increased sharply since 1985.

The only crime Naum Meiman, a Soviet refusenik for 10 years, has committed is wanting to practice his religion, speak in Hebrew and study his heritage. It is time for Naum Meiman and others like him to be granted their freedom. I strongly urge the Soviet Government to take action and allow these individuals permission to emigrate.●

SALUTING SENIOR CITIZENS IN OAKLAND COUNTY, MI

● Mr. RIEGLE. Mr. President, I rise today to mark the occasion of the Oakland County Senior Power Day on September 17, 1987. Senior Power Day is a time to recognize the important contribution of this country's senior citizens to our society.

Through long lifetimes of work in our factories, our homes, our shops and farms, our seniors have built the magnificent Nation we have today. Through their life journeys, they have given their best efforts to build their families and to build America. They have done a magnificent job.

They have struggled through two World Wars, the Great Depression, and other difficult times. They have known joy and heartache, and have given life and strength to those of us in succeeding generations. They have brought our Nation safely through.

Our senior citizens are our national treasure of wisdom, experience, and accomplishment. They are our model for what can be done.

I want to express my pride and gratitude for all they have done for us, to thank them and to give them my pledge to do all I can to see that our seniors live out their retirement years in dignity and with the financial security and living standard that they deserve.

That pledge begins with maintaining the fight for a strong, sound Social Security System. Social Security, including the annual cost-of-living adjustments, is the greatest social accomplishment of our Government and citizens in this century. Our seniors and retirees have worked and earned their Social Security income.

Over the 6 years, we have had many knock-down, drag-out fights in Washington to save Social Security. In the Senate, I have led those fights each time. Through the strength and leadership of seniors in this country, we have stopped those who would weaken and destroy Social Security.

When they tried to eliminate the minimum benefits of $144 a month—the only income for tens of thousands or our seniors—we stopped them. When they tried to cut by 40 percent the early retirement benefit for those with poor health or had lost their jobs, we stopped them. When they tried to eliminate the annual COLA adjustment—which only makes up the buying power that inflation has already taken away—we stopped them. They tried deep cuts in Medicare protection; we stopped many of them.

Some continue to target the seniors—to cut feeding programs, transportation programs, energy assistance, and senior housing. These cuts are wrong and I will not support them.

In another area, the Finance Committee has been working on a proposal to provide catastrophic health care protection through the Medicare Program. We will take that legislation up on the Senate floor this month. The plan will close serious gaps in Medicare, where a single serious illness can wipe out a person's lifetime savings. It is a serious national problem, and I have now held six large public hearings in Michigan to gather firsthand evidence of how huge health care costs are bankrupting individuals and families. Over 1,200 citizens attended the health hearing in Warren alone—and the testimony was stunning. I'm convinced we must broaden our health insurance coverage in the United States and we are moving to do so.

Nursing home care and home health care needs of the chronically ill are also growing national problems that we must find new ways to address. A broad fiscally sound insurance plan of some type should enable us to finance a plan that can provide family protection against these devastating expenses. I'm determined to press ahead until we find a workable answer.

A Nation that can spend $1½ trillion in 5 years on national defense can afford to meet the basic human needs of our senior citizens. We need fewer bombs and more senior housing, like the new 32-unit senior housing facility recently approved by the Department of Housing and Urban Development for Highland Township in the western part of Oakland County. We don't need poison gas—we need natural gas to stay warm in the winter. We don't need Government surplus food rotting in warehouses—we need to feed our hungry seniors and all the other hungry in our land.

I know thousands of seniors who have worked their hearts out over a long lifetime and who have given their all to their country. Many of them have had no private pensions; many have had expensive and disabling illnesses; many gave their most productive years on foreign battlefields while others were safe at home building a nest egg. Some say life is not fair. We know that. But a decent society does something about unfairness.

The senior citizens of Oakland County will gather on Senior Power Day to affirm these beliefs and values. They will gather to join hands and hearts and purpose to say with a single voice that senior citizens have an agenda for America that must be heard.

My advice to those seniors that will gather in Oakland County is to let the word go out that you are a citizen army on the march. Let those in the White House, in the Congress, in our State capitals, know that seniors want human justice for themselves and for every other American.

I also want to encourage our seniors to take up another mission. I believe the different generations in our society must help each other. I believe the young must help the seniors—and that the seniors must help the young. These are difficult days for our young people, just as they are for many seniors. Jobs are scarce, education is expensive, and young families find home ownership moving out of reach. Drugs, alcohol and violence are at epidemic levels. Our young people need our help too.

I ask our seniors to do what you can to help the younger people. Talk to them—hear their problems, offer them your counsel, and love. They need you as you need them.

Social Security is an example—it helps retired workers and young workers alike. The disability protections of Social Security are there for the young worker who is injured or is stricken and can't work. And the survivor benefit protections of Social Security are there for the young spouse and children in the tragic event of an early death of the breadwinner. Social Security is a compact between generations and if those who are younger now are graced by God to reach retirement age then the earned retirement benefits will be there to help them meet life's basic needs at that time.

We know one thing: If God favors us with long life, we will become senior citizens. In the deepest sense, we are each other—we only stand at different moments in life. If we are selfish, whatever our age, we not only hurt others, we hurt ourselves.

So let us link hands across the generations. It is our American creed that what we want for ourselves we also want for our fellow citizens. No man or woman is an island unto themselves. We share a common fate. And so we must give in the same measure that we seek.

Joan Kennedy in 1961 said these words:

> With a good conscience our only sure reward—and history the final judge of our deeds—let us go forth to lead the land we love. Asking His blessing—and His help—but knowing that here on earth, God's work must truly be our own.

God's work is our own. What Senior Power Day stands for—and what we must accomplish together—is part of God's work.

We seek economic justice for seniors and for the young trying to get started—for people of all ages. We seek a human nation that puts its people first—that says we care about each other.

So I would like to urge all those gathering in Oakland County to use this occasion to summon the strength and determination to see that this important work is done.●

MASSACRE IN MOZAMBIQUE

● Mr. LEVIN. Mr. President, over 480 innocent civilians were killed in an attack by anti-government rebels on the coastal town of Homoine in Mozambique's Inhambane province several weeks ago. The July 18th attack started in the town's 50-bed hospital, where those who lay sick and injured were slaughtered in their beds. Only one person of the hospital staff was alive at the end of the 10-hour attack which began at 5:45 a.m. Pregnant women and children were primary targets of this attack as well. Others were force-marched and killed as they walked. Still others were kidnapped by the rebels, to carry their weapons and set up protective villages around the rebel's camps. Evidence from witnesses of the attack points clearly to the work of Renamo National Resistance of Mozambique, the South African supported anti-government guerrillas originally founded by the Rhodesian intelligence agency to destablize Mozambique.

Much of the attack was witnessed by one of my own constituents, Mark van Koevering of Rockford, MI, who was and continues to serve as an agricultural worker with the Mennonite Central Committee in Homoine. The beginning of the attack was also witnessed by two other development workers. The gruesome details have been reported in the Washington Post and the New York Times.

Representatives of the Mennonite Central Committee in Washington, DC interviewed Mark van Koevering extensively just last week to determine on what evidence he based his assertion that this was a Renamo attack, aside from the fact that the local population is convinced that the attackers were indeed Renamo. Mr. Koevering revealed that the attackers were dressed in new uniforms and boots and were carrying new arms—not the case with Frelimo forces. They also spoke a northern dialect—the area from which Renamo generally operates.

Mr. President, our State Department has asserted that Renamo had begun to operate in the area of this attack just recently. The Government of Mozambique had heard earlier this year that three towns, including Homine, were to be attacked by Renamo forces. One of the other two towns was attacked in April with extensive structural damage. They now fear what may happen in the third town.

The Mozambican Government asserts that Renamo forces were parachuted new war materials in a May 8 drop by the South African defense forces in the sourthern part of the province in which Homoine is located.

Renamo's alliance with the South African destablization effort have cost Mozambique over $5 billion since 1980—more then the entire GNP of Mozambique in 1985.

Mr. President, no wonder Mozambique faces a famine, one potentially more serious than that of Ethiopia in 1983-84, as infrastructure is destroyed, fields are mined and farmers attacked to keep them from planting and harvesting, health clinics are destroyed and health personnel, development workers, and religious personnel as well as all attacked-murdered and kidnapped.

UNICEF, one of the most respected international agencies, attributes nearly half of the infant mortality rate of Mozambique—one of the highest in the world—to this destabilization effort.

Mr. President, I would like to make clear for the record my support for a continuing U.S. policy of refusing any effort to legitimize Renamo and my support for United States funding for the Southern African Development Coordination Conference, which includes funding for Mozambique.

I submit for the RECORD a statement from the Mennonite Central Committee and articles from the Washington Post and the New York Times.

The material follows:

MORE THAN 480 DIE IN ANTI-GOVERNMENT ATTACK ON MOZAMBICAN VILLAGE

AKRON, PA.—More than 480 people were killed in an attack by anti-government rebels on the coastal town of Homoine in Mozambique's Inhambane province last weekend. Homoine is about 300 miles northeast of Maputo, the capital of Mozambique.

Official reports from the scene of the July 18 killings indicate that the Homoine townspeople had been forced to march along a road and were killed as they walked, the *New York Times* reported July 22. People in the area surrounding the town were also killed.

The rebels started their attack at the town's 50-bed hospital. Only one person of the hospital staff was alive at the end of the 10-hour attack, which began at 5:45 a.m.

Mark van Koevering, Mennonite Central Committee (MCC) agriculture worker who had moved to the town only 10 days earlier, was in a hotel, just a block from the hospital during the attack. He was living in the hotel because construction of the house where he will live is not yet completed.

Van Koevering, who is from Rockford, Mich., and a member of the River Terrace Christian Reformed Church in East Lansing, Mich., was not harmed during the attack. "My only pain is the death of so many people," he told João Muthombene July 21. "Psalms 23—'The Lord is my shepherd . . .'—stayed in my mind during the attack." Muthombene is Van Koevering's supervisor and director of the projects department of the Christian Council of Mozambique (CCM).

When the attack ended, Van Koevering was among the first people to begin moving the injured to Maxixe, a town 24 kilometers (about 15 miles) east of Homoine, for treatment. The survivors also fled to Maxixe where security is now very tight, reports Muthombene.

Homoine is the administrative center of Chinjinguir, a 20,000-hectare (49,400-acre) area that was once a "major bread-basket for the southern half of the country and that could again provide substantial amounts of food," notes James Shenk, director of MCC East Coast, who worked in Mozambique from 1982 to 1986. "How sad that the rebels chose to attack this area now, at a time when about 4.5 million of Mozambique's 14 million people face starvation."

The area is "at the very heart of a government attempt to allow more free enterprise and to support private and family agriculture," he continues. "Mozambican churches, through the CCM, have provided 1,000 ox-drawn plows, seeds and thousands of agricultural tools to families there. Nongovernmental organizations, Western bilateral donors and the United Nations have been supporting agricultural work in the area as well."

Homoine is very small, he adds. The attack "must have eliminated at least half of the town's people."

Government officials in Maputo, the capital, blame the South African-backed Mozambique National Resistance, known as Renamo, for the attack. Renamo was organized in 1976 by white-ruled Rhodesia, now Zimbabwe, and has been waging a war of terror and destabilization in Mozambique ever since.

This 11-year war has forced many people who could grow food to leave their homes in the countryside, noted Dinis Sengulane, Anglican bishop from Mozambique, in a May 7 chapel service at MCC headquarters in Akron. This has exacerbated the food shortage caused by drought. The war has also destroyed more than 200 health care centers and rural hospitals in the country.

"The churches in Mozambique pray and work constantly for peace," Sengulane said. But calling for peace in the midst of war is difficult, he observed. It is too easy to be perceived, wrongly, as taking one side or another. "We praise God that the church and its leaders have not been divided by war."

While Mozambican churches are not divided by the war in their country, the U.S. government is. The Reagan administration's strategy has been to increase ties to Mozambique's government in order to lessen that country's dependence on Moscow. In March it pledged $75 million worth of food aid for the country.

A group of senators, though, are pressuring the administration to abandon its support for the Maputo government in favor of Renamo. They portray Renamo as an anti-communist insurgency with popular support. State Department officials say Renamo has little support and is kept alive by aid from South Africa.

[From the New York Times, July 22, 1987]

REPORT SAYS MOZAMBIQUE REBELS MASSACRED 380

MAPUTO, MOZAMBIQUE, July 21 (AP)—Anti-Government rebels massacred 380 people at a coastal town in Inhambane province last weekend, the official news agency, A.I.M., said today.

The agency said official reports from scene of the killings in Homoine, 300 miles northeast of the capital, said townspeople had been forced to march along a road and were killed as they walked.

The agency gave few other details and the report could not be independently verified. The State Department said today in Washington that it had no knowledge of the report and could not comment on it.

RENAMO IS BLAMED

Maputo said the South African-backed Mozambique National Resistance, known by its acronym, Renamo, was responsible for the massacre.

Conservative Republicans on Capitol Hill have been pressing the Reagan Administration to abandon its support of the Marxist Government in Maputo in favor of the anti-Communist insurgents linked to South Africa. But Secretary of State George P. Shultz said in late May that Mr. Reagan had no such intention.

The official Mozambique press agency asserted that the guerrillas had received guns, mortars and ammunition in a May 8 parachute drop by the South African Air Force near Lake Chitipe and that local peasants were forced to carry the weapons. A.I.M. attributed that account to a member of the armed forces general staff, whom it did not identify.

"The South African Defense Force used five parachutes made in the United States of America to deliver war material for the bandits in the southern province of Inhambane," the agency said.

A.I.M. staff members saw one of the parachutes today at army headquarters in Maputo and it was inscribed "U.S. HUDCO-63," according to the report.

South Africa says it stopped helping the rebels in 1984 when the two countries signed a nonaggression pact, but Mozambique says South Africa continues the aid covertly.

Mozambique radio's station in Inhambane province quoted the district administrator, Edurado Gimo, as saying the massacre began at 5:45 A.M. Saturday. The radio said many old people, women, children and patients at Homoine's district hospital were among the dead.

In Lisbon, the guerrillas said today that they had sabotaged the oil pipeline and a railroad bridge linking Mozambique's Indian Ocean port of Beira with landlocked Zimbabwe.

A statement signed by Paulo Oliveira, the rebel spokesman in Lisbon, said rebels blew up a section of the pipeline between Inchope and Gondola on Sunday, and destroyed a railroad bridge between Inchope and Lamego later that day.

Mozambique, a former Portuguese colony, became independent in 1975.

Underlying the disagreement in Washington over whom to support in Mozambique is the nature of Renamo. It was organized in 1976 by what was then white-ruled Rhodesia, and State Department officials contend that it has little popular support and is being kept alive by South Africa.

[From the Washington Post, July 24, 1987]

5-HOUR MOZAMBIQUE MASSACRE LEAVES A TABLEAU OF CARNAGE—GOVERNMENT SAYS REBEL ATTACK KILLED 386

(By William Claiborne)

INHAMBANE, MOZAMBIQUE, July 23.—They came before first light, silently entering the remote town from the southwest, armed with AK47 automatic assault rifles, bayonets and machetes.

Within five hours, they had disappeared into the bush, leaving behind a tableau of carnage unprecedented in the seven-year-old civil war that has paralyzed this troubled, once-idyllic country.

By the Mozambican government's account, 386 people—most of them civilians—died Saturday in and around the village of Homoine in coastal Mozambique at the hands of anticommunist rebels who have been battling to overthrow the Marxist government of Joachim Chissano. Seventy others were seriously wounded and many more suffered lesser injuries.

Stunned survivors of the massacre said that many of the victims were women and children slain in their beds in the village hospital.

Other villagers who fled to the hospital for refuge were gunned down or hacked to death by the approximately 400 guerrillas of the Mozambican National Resistance movement, survivors interviewed here said.

Mozambican officials said that more than 3,000 people fled the Homoine area, fearing the attackers would return. The officials said the guerrillas have been active in the area for some time.

The attack comes as conservative members of Congress have launched an effort to gain American support for the rebels, known by their Portuguese acronym, Renamo.

Renamo, through its office in Lisbon, has denied involvement in the massacre, suggesting that it could have been a Mozambican government action designed to look like a rebel attack.

Tiamu, who said he was sleeping in his grass but when uniformed gunmen kicked in the door and started shooting, said, "I have no idea why. I search for the reason and don't find it."

He said three women and a baby who were sleeping in the hut were killed.

Other survivors said that when the guerrillas entered the town at about 5:30 a.m., they first attacked the police station, but were driven back in a firefight. They then went to the hospital, where they battled with the local militia and began indiscriminantly killing the patients.

Officials in Maputo, the capital, said yesterday that most of the victims had been buried.

A semi-official newspaper, Noticias, published photographs today showing bodies of men, women and children lying in the streets of Homoine. "These pictures . . . tell of the terror and suffering that has plunged hundreds of Mozambican families into mourning," the paper said.

It said the photos were taken by an American agronomist, Mark Allen van Koevering, assigned to the area by the Mennonite Central Committee.

[A Mennonite spokeswoman in Akron, Pa., confirmed Thursday that van Koevering was in Mozambique working in the church's relief arm, The Associated Press reported.]

Machungo, without offering specific evidence, blamed the attack on South Africa, which long has been accused by black-ruled front-line states of supplying Renamo. The rebel force originally was formed as an intelligence unit by the former white-ruled government of Rhodesia, now Zimbabwe.

The South African government consistenly has denied aiding Renamo, despite recurring allegations to the contrary. Under the 1984 Nkomati Accord between South Africa and Mozambique, South Africa agreed not to interfere in Mozambique. Mozambique in turn agreed to expel African National Congress guerrillas seeking to infiltrate across the border into South Africa.

U.S. Assistant Secretary of State Chester A. Crocker yesterday said in a television interview broadcast in Britain that the South African Army took over support of Renamo from the Rhodesians.

The official Mozambican news agency, AIM, charged that rebels who had been infiltrating into the Homoine area had recently received five parachute drops of arms and supplies from South African planes. In response, the South African Foreign Ministry said today, "The South African government has repeatedly stated that it is not providing assistance of any kind" to Renamo.

The Mozambican government, citing continuing attacks by the rebels, did not permit foreign journalists to travel to Homoine today, saying the trip would require a military convoy for protection.●

PROGRAM

Mr. BYRD. Mr. President, I believe that the two leaders will have their time under the standing order tomorrow, and then there will be 20 minutes, I believe, under the order for morning business, with Senators to be permitted to speak up to 5 minutes each therein. And then I believe I secured the consent of the Senate that the remaining time out of the 1 hour be equally divided between the two leaders or their designees. Did I or did I not?

The PRESIDING OFFICER. The majority leader did indeed obtain it.

Mr. BYRD. I thank the Chair.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate I move, in accordance with the order previously entered, the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to, and the Senate, at 6:08 p.m., adjourned until Thursday, September 10, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1987:

DEPARTMENT OF COMMERCE

C. William Verity, Jr., of Ohio, to be Secretary of Commerce.

DEPARTMENT OF STATE

David H. Shinn, of Washington, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Bill K. Perrin, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Robert Maxwell Pringle, of Virginia, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

UNITED NATIONS

Doug Bereuter, U.S. Representative from the State of Nebraska, to be a Representative of the United States of America to the 42nd session of the General Assembly of the United Nations.

Pearl Bailey, of Arizona, to be a Representative of the United States of America to the 42nd session of the General Assembly of the United Nations.

EXECUTIVE OFFICE OF THE PRESIDENT

MARJORIE B. KAMPELMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ADVISORY BOARD FOR RADIO BROADCASTING TO CUBA FOR A TERM OF 1 YEAR, NEW POSITION.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

TOM C. KOROLOGOS, OF VIRGINIA, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1990, REAPPOINTMENT.

DEPARTMENT OF JUSTICE

WILLIAM S. SESSIONS, OF TEXAS, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE TERM OF 10 YEARS, VICE WILLIAM H. WEBSTER.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

DON W. WILSON, OF MICHIGAN, TO BE ARCHIVIST OF THE UNITED STATES, NEW POSITION.

U.S. POSTAL SERVICE

IRA D. HALL, JR., OF CONNECTICUT, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 1990, VICE PETER E. VOSS, RESIGNED.

DEPARTMENT OF DEFENSE

T. BURTON SMITH, JR., OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1993, VICE JAMES F.X. O'ROURKE, TERM EXPIRED.

IN THE ARMY

THE U.S. ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. RICHARD L. CHASTAIN, [redacted]
BRIG. GEN. PAUL G. COLLINS, [redacted]
BRIG. GEN. DON. O. DANIEL, [redacted]
BRIG. GEN. ARTHUR V. EPISCOPO, [redacted]
BRIG. GEN. CHESTER E. GORSKI, [redacted]
BRIG. GEN. GERALD T. SAJER, [redacted]
BRIG. GEN. IVAN F. SMITH, [redacted]

To be brigadier general

COL. BELA J. CHAIN, JR., [redacted]
COL. JOHN R. D'ARAUJO, [redacted]
COL. ROBERT C. WATLING, [redacted]
COL. EUGENE M. BASS, [redacted]
COL. EDWARD L. GILL, [redacted]
COL. DANIEL J. HERNANDEZ, [redacted]
COL. DAVID A. HEUER, [redacted]
COL. FRANCIS A. HUGHES, [redacted]
COL. WILLIAM D. JONES, [redacted]
COL. JOHN H. MCDONALD, [redacted]
COL. DANIEL J. O'NEILL, [redacted]
COL. CHARLES H. PERENICK, [redacted]
COL. REYNALDO SANCHEZ, [redacted]
COL. CLARENCE R. SECRIST, [redacted]
COL. JAMES R. WILLIAMS, [redacted]
COL. DANIEL L. BRENNAN, [redacted]
COL. JAMES G. MARTIN, [redacted]
COL. BILLY L. SMOUT, [redacted]
COL. NED L. TURNIPSEED, [redacted]
COL. ROBERT W. WILSON, [redacted]
COL. JAMES C. BOLL, [redacted]
COL. JOSE A. BUITRAGO, [redacted]
COL. JACK C. CLARK, [redacted]
COL. ECHOL E. COOK, [redacted]
COL. DONALD E. HOWARD, [redacted]
COL. PETER D. TOSI, JR., [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 6322:

LT. GEN. CLYDE D. DEAN, [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

LT. GEN. D'WAYNE GRAY, [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be Lieutenant General

LOUIS H. BUEHL III, [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

WILLIAM G. CARSON, JR., [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

ERNEST T. COOK, JR., [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

EDWIN J. GODFREY, [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

JOHN I. HUDSON, [redacted] U.S. MARINE CORPS.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO A DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

MILLER, CHARLES H., [redacted]
WATTERS, JOHN A., JR., [redacted]

To be lieutenant colonel

CARMICK, EDWARD S., [redacted]
STRATTON, RICHARD M., [redacted]

DENTAL CORPS

To be lieutenant colonel

KAAT, DANIEL L., [redacted]

To be major

AICHEL, WALTER A., [redacted]
BRADFORD, VICTOR P., [redacted]
CROOKS, WILLIAM E., [redacted]
DZIEJMA, ROBERT P., [redacted]
LEVERING, NICHOLAS J., [redacted]
MCHENRY, MICHAEL A., [redacted]
PINKERTON, KENNETH C., [redacted]
ROBINSON, PAUL M., [redacted]
SWARTZ, DAVID B., [redacted]

To be captain

CARTER, GARY A., [redacted]
CHRISTENSON, ALLEN J., [redacted]
HEIT, JAMES M., [redacted]

MEDICAL SERVICE CORPS

To be captain

FOWLER, ANGELA D., [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE ACTIVE DUTY LIST OF THE REGULAR AIR FORCE IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 1210 AND 1211, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

OLSON, HAROLD W., [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

DASTGIR, GHULAM, [redacted]
KOVACS, DAVID E., [redacted]
LILES, WAYNE C., [redacted]
TEHRANIAN, NASSER, [redacted]
WILLIAMS, RICHARD, A., [redacted]
YUNUS, MOHAMMED, [redacted]

THE FOLLOWING AIR FORCE OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MCTASNEY, RICHARD L., [redacted]

THE FOLLOWING AIR FORCE OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSOR, U.S. AIR FORCE ACADEMY, UNDER THE PROVISIONS OF SECTION 9333(B), TITLE 10, UNITED STATES CODE.

HEAD, JAMES H., [redacted]
MUEH, HANS J., [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISION OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL ANY OF THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED:

LINE OF THE AIR FORCE

To be lieutenant colonel

CAPRON, HELEN L., [redacted]

To be major

MADIGAN, MICHAEL T., [redacted]
MYERS, JAMES A., [redacted]

To be captain

GOES, RICHARD D., [redacted]
GRIZZARD, JAMES G., [redacted]
PINK, MICHAEL, M., [redacted]
SCHRAMM, ROBERT E., [redacted]
STUFF, JOHN R., [redacted]
TURNER, GARY J., [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH A DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE:

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

RITTER, ROBERT W., [redacted]

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED:

DENTAL CORPS

To be lieutenant colonel

DORST, RONALD V., [redacted]

MEDICAL CORPS

To be lieutenant colonel

BLAKELY, JAMES F., [redacted]
COFFMAN, AVON C., II, [redacted]
DAVIS, LEONARD, [redacted]
DEGROSS, JOSEPH M., [redacted]
EMHOFF, TIMOTHY A., [redacted]
GAUVIN, LLOYD D., [redacted]
JOHNSTON, ROSWELL M., [redacted]
MAHDAVIAN, JALAL, [redacted]
MONTROY, ROBERT E., [redacted]
NATALE, RICHARD, [redacted]
SMITH, DONALD R., [redacted]

THE FOLLOWING PERSON FOR RESERVE OF THE AIR FORCE APPOINTMENT IN GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE:

LINE

To be lieutenant colonel

LUCIANI, RALPH J., [redacted]

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 8366, TITLE 10, UNITED STATES CODE:

LINE

To be lieutenant colonel

COX, JAMES C., [redacted]
WILLIAMS, LAWRENCE R., [redacted]

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 8376, TITLE 10, UNITED STATES CODE:

MEDICAL CORPS

To be lieutenant colonel

ALEXANDER, JOHNNY B., [redacted]
BYERS, GLEN M., [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATES IN PARENTHESES).

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. LYLE E. ALLEN, [redacted] (15 MAY 87).
MAJ. WILLIAM F. ALLEY, JR., [redacted], (17 MAY 87).
MAJ. RICHARD P. AMES, [redacted] (6 JUN 87).
MAJ. JAMES F. BARNETTE, [redacted], (17 MAY 87).
MAJ. RONALD J. BATH, [redacted] (14 JUN 87).
MAJ. JAMES T. BRIDGES, [redacted], (15 JUL 87).
MAJ. DANNY J. COKER, [redacted] (1 JUN 87).
MAJ. RALPH L. DEWSNUP, [redacted], (16 MAY 87).
MAJ. ALOYSIUS P. DICKMAN, [redacted], (7 JUN 87).
MAJ. ROBERT J. DURKOP, [redacted], (6 MAY 87).
MAJ. DONALD E. EVERETT, [redacted] (7 JUN 87).
MAJ. HANSFORD B. FLOYD, [redacted] (17 JUN 87).
MAJ. ALBERT L. HILLMAN, JR., [redacted] (16 MAY 87).
MAJ. LARRY B. KAVOURAS, [redacted] (7 JUN 87).
MAJ. JOHN W. MARSHALL, JR., [redacted] (14 MAY 87).
MAJ. RAYMOND M. OELRICH, [redacted] (7 JUN 87).
MAJ. THEODORE PAIGE, JR., [redacted], (16 MAY 87).
MAJ. JAMES M. PERKINS, SR., [redacted] (7 JUN 87).
MAJ. RICHARD A. PLATT, [redacted] (12 JUN 87).
MAJ. MARION G. PRITCHARD, JR., [redacted] (2 MAY 87).
MAJ. LUTHER R. REED, [redacted] (13 JUN 87).
MAJ. JAMES E. RICHARDSON, [redacted], (21 MAY 87).
MAJ. WALTER T. SANTUCCI, [redacted], (26 MAY 87).
MAJ. KENNETH W. STILLWAGON, [redacted] (21 MAY 87).
MAJ. FRANCIS L. TEMPLON, [redacted] (17 JUN 87).

MEDICAL CORPS

MAJ. DAVID G. SCHALL, [redacted] (1 JUN 87).

IN THE ARMY

THE FOLLOWING OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS AT THE U.S. MILITARY ACADEMY IN ACCORDANCE WITH THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 4333:

ARMY

COL. DENNIS R. HUNT, [redacted]
COL. JAMES H. RAMSDEN, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CHANDLER, GERALD R.
FLASKAS, JOHN N.
GLAZE, MARK S.
ROWE, DOUGLAS K.
SERVICE, BRUCE E.

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BANNON, MAUREEN R.
BANNOW, STEVEN W.
COOPER, BILLY J.
DRONBERGER, HAL H., III
GETCHELL, ANTHONY B.
HARR, JAMES J.
HATCH, GERALD T.
HILLS, HOWARD L.
JAMES, JENNIFER R.
JOHNSON, PAUL C., JR.
MARTIN, JOHN S.
MCGREGOR, MICHAEL E.
MCPHERSON, JAMES E.
MOLINENGO, HENRY R., II
NORMAN, JAMES B.
PETRONIO, RONALD A.
PRICE, CLARK A.
RIGTERINK, DANIEL P.
RITTER, WAYNE L., JR.
ROLPH, JOHN W.
RUMMEL, MICHAEL P.
SCHAPLER, ROBERT H.
SLOWN, DAVID J.
SPENGLER, EARL G.
SWEENEY, WILLIAM G.

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT AS LIMITED DUTY OFFICERS IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 5589(A):

CRESS, CLIFFORD W.
JONES, LLOYD L.
MCARTHUR, ROBERT H.

IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESAERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

EBERSOLE, EDWARD C.
SNIDER, GEORGE L.
STANCY, STEVEN L.
WILLIAMS, ANTHONY B.

THE FOLLOWING-NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SKYERS, OWEN N.
DOUGLAS, BRADLEY J.

THE FOLLOWING-NAMED NAVY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COURTNEY, THOMAS E.
GALLAGHER, THOMAS M.
LANG, JAMES T.
NEWCOMB, MARK E.
SHEPPARD, JERRIE L.

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ADAMS, SCOTT F.
ANDERSON, DEAN C.
ANDERSON, TODD M.
ARMISTEAD, KEITH M.
AYRES, STEPHEN F.
BROOKS, DONALD C.
CHASE, CHRISTOPHER D.
DARIGO, JANE L.
FULTON, CRAIG A.
GAVIN, TIMOTHY P.
GEORGIS, THOMAS P.
GOPP, ALLEN J.
GUESS, KENNETH R.
HAMILTON, BRUCE H.
HEIN, ERIC L.
JACOBY, TIMOTHY L.
KESTER, KENT F.
KLIPPA, GEORGE V.
KOB, PAUL H.
KRAFSIG, BERNARD C.
KRISTIANSEN, KARL J.
LABRANCHE, RICHARD A.
LAKE, BRIAN D.
MCDONOUGH, PAUL H.
MCGIVERN, MARK J.
MCKENZIE, KENNETH A.
PENFIELD, DONALD K.
PERRY, RUSSELL E.
PIPER, ROBERT S.
SCHROEDER, GEORGE J.
SISSON, DAVID J.
SMITH, GORDON B.
STAUDT, DAVID J.
WRIGHT, VIRGIL S.
WRIGLEY, JONATHAN D.

RODNEY A. MARCOM, U.S. NAVY OFFICER, TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

BEYER, GREGORY L.
SISCO, KENNETH L.

THE FOLLOWING OFFICERS FOR PROMOTION AS A RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366 AND 8372, TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 30 SEPTEMBER 1987. ALL OTHER OFFICERS SHALL BE PROMOTED UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND TWENTY-ONE YEARS OF TOTAL SERVICE.

LINE OF THE AIR FORCE

To be lieutenant colonel

BOBBY J. ABERNATHY, [redacted]
NORMAN J. ABRAMSON, [redacted]
ROBERT E. ADDISON, III, [redacted]
MICHAEL A. AIMONE, [redacted]
WILLIAM E. ALBERTSON, [redacted]
ROBERT T. ALDINGER, [redacted]
CHARLES H. ALLEN, [redacted]
KEITH L. ALLEN, [redacted]
ROBERT P. ALLEN, JR., [redacted]
ROBERT O. AMAON, [redacted]
LARRY R. AMMONS, [redacted]
BILLY D. ANDERS, [redacted]
JAMES F. ANDERSON, [redacted]
NEAL T. ANDERSON, [redacted]
THOMAS E. ANDERSON, [redacted]
WARD F. ANDERSON, [redacted]
JAMES W. APPLE, JR., [redacted]
ANDREW R. ARMSTRONG, JR., [redacted]
DAVID R. ARRINGTON, [redacted]
DONALD G. ATKINSON, [redacted]
CHARLES L. ATTARDO, [redacted]
WALTER W. AUGUSTIN, [redacted]
RICHARD W. AUGUSTINE, [redacted]
CRAIG R. BAIRD, [redacted]
FRED L. BAKER, [redacted]
STEVEN L. BAKER, [redacted]
ROBERT B. BALDWIN, [redacted]

STEPHEN T. BALOGH, [redacted]
JOHN F. BANKS, [redacted]
LAWSON E. BARCLAY, [redacted]
MARSHALL W. BARDELMEIER, [redacted]
WILLIAM S. BARKSDALE, III, [redacted]
RICHARD U. BARKSTROM, [redacted]
PAUL J. BARLOW, [redacted]
VICTOR G. BARNES, [redacted]
RONALD D. BARRETT, [redacted]
DANIEL O. BARTHEL, [redacted]
MAX A. BARTHOLOMEW, [redacted]
LEONARD E. BASURTO, [redacted]
MICHAEL L. BATSELL, [redacted]
HARVEY G. BAUER, [redacted]
HOWARD L. BAYNE, III, [redacted]
BOBBY V. BEANBLOSSOM, [redacted]
GLORIA K. BEARD, [redacted]
ROBERT D. BEASLEY, [redacted]
KOICHI O. BECKWITH, [redacted]
JOSEPH P. BELLINO, [redacted]
JAMES O. BEMESDERFER, JR, [redacted]
JOSEPH W. BENDZINSKI, [redacted]
LAWRENCE F. BENJAMIN, [redacted]
GEORGE E. BENNETT, JR, [redacted]
PETER T. BENTLEY, [redacted]
ROBERT W. BERAUD, [redacted]
LEONARD A. BERGEN, [redacted]
EDWARD F. BERGERON, JR, [redacted]
FRANK P. BERNARD, [redacted]
FRANCIS A. BERTINI, [redacted]
JAMES K. BERWITH, [redacted]
RICHARD J. BEVINGTON, [redacted]
ALECK L. BIEHL, [redacted]
JOHN R. BIENVENUE, [redacted]
RANDALL G. BILLER, [redacted]
MAC M. BILLS, [redacted]
ROBERT M. BLACK, [redacted]
JAMES R. BLAIR, III, [redacted]
JOHN R. BLAIR, [redacted]
LARRY D. BLANCHARD, [redacted]
RONALD J. BLAND, [redacted]
THOMAS A. BLANK, [redacted]
FRANK M. BLAU, JR, [redacted]
MICHAEL J. BLOOM, [redacted]
ROMEO J. BLOUIN, [redacted]
WILSON E. BLOUNT, [redacted]
FREDERICK E. BOATWRIGHT, [redacted]
JAMES W. BOHLEN, [redacted]
GORDON J. BOSCH, [redacted]
ROGER H. BOSSE, [redacted]
ROBERT J. BOUCHER, [redacted]
WILLIAM R. BOWER, [redacted]
JERRELL BOWLES, [redacted]
DENNIS L. BOYLES, [redacted]
ROBERT F. BRANNEN, [redacted]
JAMES W. BRANNOCK, [redacted]
LEON K. BRIDGE, [redacted]
HOWARD P. BRISSON, [redacted]
GEORGE B. BROOKS, [redacted]
HARRY G. BROOKS, II, [redacted]
JORDAN A. BROOKS, JR, [redacted]
CHARLES B. BROWN, III, [redacted]
ERNEST M. BROWN, [redacted]
ROBERT A. BRUCE, [redacted]
JEROME V. BUGNI, [redacted]
RONALD W. BUHMANN, [redacted]
CLARENCE M. BURCH, [redacted]
STANLEY D. BURMAN, [redacted]
THOMAS C. BURMEISTER, [redacted]
GEORGE B. BURRUS, [redacted]
BENJAMIN T. BURSON, III, [redacted]
LEWIS C. BURWELL, III, [redacted]
ROBERT F. BUTLER, JR, [redacted]
ROBERT J. BUTLER, [redacted]
EVERT K. BYINGTON, [redacted]
HUBERT J. BYRD, JR, [redacted]
MICHAEL C. BYRNE, JR, [redacted]
DENNIS W. CALCATERRA, [redacted]
ROGER L. CAMP, [redacted]
WILHELMINA D. CAMP, [redacted]
DONALD R. CAMPBELL, [redacted]
JIMMY F. CAMPBELL, [redacted]
THOMAS H. CANTER, [redacted]
ANTHONY P. CAPOCCIA, [redacted]
JOHN T. CAPPS, [redacted]
GARY L. CARLIN, [redacted]
EMIL W. CARLSON, [redacted]
JOHN W. CARLSON, [redacted]
MELVIN W. CARR, JR, [redacted]
PEYTON T. CARR, IV, [redacted]
WILLIE W. CARR, [redacted]
RICHARD W. CARRICO, [redacted]
PAUL S. CARSON, [redacted]
ARVEL L. G. CASEY, [redacted]
GARY P. CASPER, [redacted]
GARY R. CASTLE, [redacted]
ROBERT CATANEO, [redacted]
ROBERT L. CATHERMAN, [redacted]
ROBERT L. CHAGARIS, [redacted]
BRIAN CHAMBERLIN, [redacted]
JOHN C. CHAMBERS, [redacted]
JOHN M. CHANCELLOR, [redacted]
LAWRENCE E. CHAPANAR, [redacted]
JAMES E. CHARLET, JR, [redacted]
FRED D. CHEEK, [redacted]
WILLIAM H. CHESTER, [redacted]
DUDLEY G. CHEWNING, [redacted]
PETE R. CHIERICOZZI, [redacted]
HERMAN S. O. CHING, [redacted]
JOHN L. CHRISTIAN, [redacted]
FRANCIS C. CHUBA, [redacted]
GERALD A. CHURCHILL, [redacted]
WILLIAM G. CIOFFI, JR, [redacted]
ALAN H. CLAIR, [redacted]
CARL C. CLARKE, [redacted]
CLYDE L. CLEM, III, [redacted]
RALPH S. CLEM, [redacted]
HARVEY S. CLEMENT, [redacted]
ROBERT R. CLEMONS, [redacted]
ROBERT P. CLERC, [redacted]
THOMAS G. CLINE, [redacted]
CHARLOTTE J. C. CLINGER, [redacted]
NOEL W. CLINGER, [redacted]
CHARLES A. CLOUGH, [redacted]
REGINALD P. COADY, [redacted]
ROBERT M. COCKEY, [redacted]
SHARON K. CODY, [redacted]
MICHAEL J. COFFEY, [redacted]
JAMES C. COLE, [redacted]
KENNETH L. COLE, [redacted]
JOHN J. COLEMAN, [redacted]
RONAL E. COLLIER, [redacted]
THELBERT J. COLLINS, [redacted]
WILLIAM D. COMPTON, [redacted]
DAVID H. COMSTOCK, [redacted]
JAMES A. CONING, [redacted]
JOHN J. CONNELLY, [redacted]
JOSEPH L. CONOUR, [redacted]
WAYNE F. CONROY, [redacted]
GEORGE B. CONWAY, [redacted]
RANDALL A. COOK, [redacted]
WILLIAM E. COOK, [redacted]
JAMES M. COONEY, [redacted]
MICHAEL J. COONEY, [redacted]
JAMES S. CORBIN, [redacted]
THOMAS J. CORDELL, [redacted]
ROBERT H. CORDELLA, JR, [redacted]
DENIS A. COTE, [redacted]
BRENDA K. COUCH, [redacted]
JOHN S. COULTHARD, [redacted]
DAVID B. COVEY, [redacted]
GARY P. COX, [redacted]
GEORGE A. COX, JR, [redacted]
JON A. COX, [redacted]
SHERWOOD C. COX, [redacted]
ROBERT E. CRAIG, [redacted]
HAROLD C. CRAWFORD, [redacted]
THOMAS K. CROASDALE, [redacted]
LARRY D. CROON, [redacted]
GEORGE T. CRUM, [redacted]
ROBERT L. CUDDEBACK, [redacted]
GREGORY M. CUNNINGHAM, [redacted]
JAMES M. CUNNINGHAM, JR, [redacted]
MELVIN H. CYWINSKI, [redacted]
HERMANN F. DAFFNER, [redacted]
CHARLES B. DAGG, [redacted]
ROBERT L. DAHMER, [redacted]
GERRY H. DAILEY, [redacted]
WALTER E. DALCH, III, [redacted]
DWIGHT L. W. DALEY, [redacted]
STEVEN J. DALPORTO, [redacted]
FRANK P. DAMBECK, [redacted]
CARL P. DANN, [redacted]
RALPH E. DANTINNE, [redacted]
GEORGE N. DARROUGH, [redacted]
CHARLES H. DARVIN, [redacted]
GARY E. DAVIS, [redacted]
JOHNNY S. DAVIS, [redacted]
LARRY R. DAVIS, [redacted]
PAUL R. DAVIS, [redacted]
EDWIN W. DAY, [redacted]
JAMES M. DEAVER, [redacted]
HARRY C. DECKER, [redacted]
PETER G. DECKER, [redacted]
CRAWFORD A. DEEMS, II, [redacted]
ROGER D. DELLINGER, [redacted]
KENNETH C. DEMAREST, [redacted]
JAMES C. DENMAN, JR, [redacted]
FRANKLIN R. DENYSE, [redacted]
HERBERT D. DEPP, [redacted]
ROBERT G. DERAAD, [redacted]
OSLY F. DERAMUS, [redacted]
RODNEY P. DEREGO, [redacted]
EARL J. DEROCHE, JR, [redacted]
ROSS C. DETWILER, [redacted]
RONALD J. DEUTCH, [redacted]
PHILLIP A. DIBB, [redacted]
JOHN L. DIESEM, [redacted]
RICHARD T. DIETRICH, [redacted]
SAMUEL DIGIROLAMO, [redacted]
THEO R. DILTZ, JR, [redacted]
HAROLD R. DOBBS, JR, [redacted]
JAMES O. DOCHTERMAN, [redacted]
ROGER S. DONG, [redacted]
KENYON E. DONOHEW, [redacted]
CHARLES R. DOUGHERTY, JR, [redacted]
THOMAS B. DOUGLAS, [redacted]
JAMES F. DOUGLASS, [redacted]
WALTER D. DOUTHITT, III, [redacted]
JERILYN DOYLE, [redacted]
WILLIAM C. DRAKE, [redacted]
SAMUEL W. DRESSLER, [redacted]
JOHN J. DROTOS, [redacted]
ROBERT J. DUCAT, [redacted]
DEREK L. DUKE, [redacted]
DAVID E. DUMMER, [redacted]
DAVID E. DUNGAN, [redacted]
ANDREW J. DUPONT, JR, [redacted]
DAVID DURICA, [redacted]
ROGER L. EBERHARDT, [redacted]
TERRY M. EDDLEMAN, [redacted]
RONALD E. EDINGER, [redacted]
WILLIAM S. EDWARDS, JR, [redacted]
DONALD B. ELEY, [redacted]
ISAAC E. ELIZONDO, [redacted]
ANTHONY V. ELLINGTON, [redacted]
RONALD G. ELLIOTT, [redacted]
JAMES E. ELLIS, [redacted]
LARRY B. ELY, [redacted]
RONALD W. EMBERTON, [redacted]
PASCHAL A. ENGLISH, JR, [redacted]
LARRY L. ENYART, [redacted]
NORMAN R. EPSTEIN, [redacted]
RICHARD F. ERICKSON, [redacted]
WALTER M. ERNST, JR, [redacted]
LARRY T. ESKEW, [redacted]
JOHN D. ETCHEMENDY, [redacted]
SCOTT A. ETNYRE, [redacted]
WILLIAM E. EVANS, [redacted]
JAMES J. FALLS, [redacted]
COLBERT D. FARLEY, [redacted]
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ROBERT T. FARRAR, [redacted]
MICHAEL G. FARRELL, [redacted]
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ROGER R. FISCHER, [redacted]
CARLTON L. FISHER, [redacted]
STEPHEN M. FISHER, [redacted]
STUART C. FITTS [redacted]
JOHN J. FITZPATRICK, JR, [redacted]
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WAYNE C. FOSTER, [redacted]
CHARLES R. FOX, [redacted]
JOHNNY R. FRANCIS, [redacted]
MARILYN E. FRANCIS, [redacted]
PAUL S. FRANK, JR, [redacted]
JAMES D. FRANKEN, [redacted]
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WARREN JUE, [redacted]
ELIAS M. KALLIS, [redacted]
KIMBERLIN J. M. KANE, II, [redacted]
JOHN M. KASCHAK, [redacted]
RICHARD S. KAWANA, [redacted]
ROBERT L. KAY, [redacted]
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ARTHUR I. KIMURA, [redacted]
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WALTER L. KIRACOFE, [redacted]
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GREGORY F. KLINE, [redacted]
JOHN R. KLINGENSMITH, [redacted]
JAMES A. KLUTE, [redacted]
WARREN R. H. KNAPP, [redacted]
FRANK KNIGHT, IV, [redacted]
ERNEST H. KNODEL, [redacted]
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FRED D. KOHLER, [redacted]
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THOMAS F. KOLLIN, [redacted]
MIKE KONYU, [redacted]
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CARL R. KOSTIVAL, [redacted]
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GARY L. LOCKS, [redacted]
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I. HUGH LYNN, [redacted]
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SCOTT V. MATTHEWS, [redacted]
DOUGLAS J. MAYES, [redacted]
CHARLES A. MAZZIOTTI, [redacted]
EDWARD B. MCCABE, JR, [redacted]
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NORMAN R. MEAD, [redacted]
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LOREN E. PRY, [redacted]
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KERMIT E. QUICK, JR, [redacted]
RICHARD J. QUIRAM, [redacted]
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PETER G. SAKLAS, [redacted]
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ANTHONY L. SCARPINATO, [redacted]
DANIEL SCATES, [redacted]
WILLIAM F. SCHAEFER, [redacted]
MICHAEL P. SCHER, [redacted]
FRANZ P. SCHEUERMANN, [redacted]
ROBERT E. SCHICK, JR, [redacted]
DAVID L. SCHILDMEYER, [redacted]
JOSEPH C. SCHREIBER, II, [redacted]
ALBERT F. SCHROEDER, [redacted]
JOSEPH L. SCHUFMAN, JR, [redacted]
GARY M. SCHWENDY, [redacted]
JOHN G. SEARS, [redacted]
JAMES C. SEGREST, [redacted]
JAMES F. SEIBERT, [redacted]
JEFFERY J. SETTERLUND, [redacted]
RONALD D. SEYMOUR, [redacted]
LARRY W. SHADOW, [redacted]
WILLIAM C. SHEARER, [redacted]
DAVID J. SHEETS, [redacted]
DAVID L. SHEETS, [redacted]
CATON A. SHERMER, [redacted]
ALLEN K. SHINSATO, [redacted]
JOSEPH D. SHRIBER, [redacted]
MORRIS R. SHULMISTER, [redacted]
JACK SIEGEL, JR, [redacted]
ROBERT B. SIEGFRIED, [redacted]
RONALD R. SIEGFRIED, [redacted]
THEODORE D. SIEPMANN, [redacted]
CLEATOUS J. SIMMONS, [redacted]
STEPHEN H. SIMON, [redacted]
DAVID F. SIMONS, [redacted]
FRANK B. SIMPSON, III, [redacted]
JAMES V. SIMPSON, [redacted]
PAUL S. SKABO, [redacted]
CHARLES F. SLAGLE, [redacted]
ROBERT A. SLIFF, [redacted]
PATRICIA I. SLOANE, [redacted]
DONALD W. SLOAT, [redacted]
THOMAS M. SLONE, [redacted]
EDMUND G. SLYMEN, [redacted]
WADIE SMALLEN, [redacted]
JEFFREY L. SMILEY, [redacted]
BARRY A. SMITH, [redacted]
CHARLES B. SMITH, [redacted]
CHARLES H. SMITH, [redacted]
CHARLES L. SMITH, [redacted]
DAVID B. SMITH, [redacted]
DWAIN A. SMITH, [redacted]
FREDERICK E. SMITH, [redacted]
JEFFREY M. SMITH, [redacted]
LESTER E. SMITH, [redacted]
LINDA L. SMITH, [redacted]
MARVIN H. SMITH, [redacted]
RICHARD A. SMITH, [redacted]
ROY C. SMITH, JR, [redacted]
WILLIAM J. SMITH, [redacted]
WARD D. SNEARLY, [redacted]
MALCOLM R. SNEDDON, [redacted]
LEON D. SOBIESKI, [redacted]
HAROLD E. SOCOLOFSKY, [redacted]
JAMES E. SOLMON, [redacted]
RICHARD E. SOULAM, [redacted]
LARRY E. SOUTHWICK, [redacted]
DONALD P. SPANN, [redacted]
JOHN R. SPENCER, [redacted]
RICHARD L. SPENCER, JR, [redacted]
DAVID L. SPILIS, [redacted]
LAWRENCE J. SPRENZ, [redacted]
MARGARET L. SPROUSE, [redacted]
ROBERT C. STACK, [redacted]
CHARLES A. STACKHOUSE, [redacted]
LEO M. STADTMILLER, JR, [redacted]
GEORGE C. STAGNO, [redacted]
RICHARD V. STAIR, [redacted]
DAVID G. STANDISH, [redacted]
BRUCE W. STAPLES, [redacted]
JAMES E. STARR, [redacted]
EDWARD S. STARZYK, [redacted]
CLAUDE J. STAYLOR, III, [redacted]
CHARLES B. STEARNS, [redacted]
DAVID J. STEGMAIER, [redacted]
OTIS E. STEPP, JR, [redacted]
JAMES E. STEWART, [redacted]
JOHN B. STEWART, JR, [redacted]
RONALD T. STICKNEY, [redacted]
HUGH D. STILES, JR, [redacted]
DONALD H. ST JOHN, [redacted]
MELL J. STOBER, [redacted]
FREDERICK E. STOVEL, [redacted]
MICHAEL W. STOVER, [redacted]
BARRY L. STRAUSS, [redacted]
STEPHEN P. STRAW, [redacted]
RICHARD H. STREETER, [redacted]
DAVID K. STUBBS, [redacted]
JERRY W. STUCKEY, [redacted]
JOHN C. SUNDHOLM, [redacted]
ROBERT L. SUTTON, JR, [redacted]
RICHARD V. SWARTWOOD, [redacted]
OREN L. SWENSON, [redacted]
RICHARD N. SWIFT, [redacted]
DAVID A. TAFT, [redacted]
WESLEY R. TAKAYAMA, [redacted]
WESLEY I. TANAKA, [redacted]
WARREN H. TANIGUCHI, [redacted]
NAPOLEON B. TANNER, III, [redacted]
JOHN R. TARTER, [redacted]
CHARLES C. TATE, JR, [redacted]
BRUCE D. TAYLOR, [redacted]
MICHAEL J. TAYLOR, [redacted]
ROBERT G. TAYLOR, [redacted]
ROBERT C. TEEL, [redacted]
DELBERT R. TERRILL, JR, [redacted]
JOHN S. THAELER, [redacted]
EDWARD K. THODE, JR, [redacted]
JAMES L. THOMAS, [redacted]
EVERETT L. THOMPSON, [redacted]
ROBERT W. THOMPSON, [redacted]
JOHN S. THORNBURG, [redacted]
FREDERICK M. THURMAN, [redacted]
WILLIAM P. TICE, [redacted]
JOHN J. TIGERT, [redacted]
JAMES E. TIMMONS, [redacted]
RONALD B. TIPTON, [redacted]
MICHAEL E. TODARO, [redacted]
JEFFREY E. TODD, [redacted]
MARVIN L. TOOMAN, [redacted]
JESUS E. TORRESMORALES, [redacted]
FREDERICK L. TOTTEN, [redacted]
DAVID J. TOWERS, [redacted]
RONALD L. TRACHTENBERG, [redacted]
JAMES F. TRACY, [redacted]
PETER R. TRAVALINE, [redacted]
CORNELIUS H. TRAWEEK, III, [redacted]
ALBERT L. TWELTRIDGE, III, [redacted]
JOHN S. TYLER, III, [redacted]
MICHAEL L. TYLER, [redacted]
JERALD D. UBER, JR, [redacted]
RAYMOND L. UMBARGER, [redacted]
JAMES E. UNDERWOOD, [redacted]
MICHAEL T. URSO, [redacted]
WILLIAM H. VALENTINE, JR, [redacted]
ROGER J. VALLIE, [redacted]
JERALD D. VANDALEN, [redacted]
MARK VANDERWEIT, [redacted]
GERALD W. VANDYK, [redacted]
JERRY R. VANLEAR, [redacted]
TIMOTHY G. VARIAN, [redacted]
CHAMP C. VAUGHAN, JR, [redacted]
DARREN L. VENTERS, [redacted]
JOHN E. VEST, III, [redacted]
WAYNE VILLARMIA, [redacted]
GORDON R. VIRGO, JR, [redacted]
CARL E. VOGT, [redacted]
HERMAN W. VOGT, JR, [redacted]
FREDRICK N. VOIGTMANN, [redacted]
ELLIOTT VONCULIN, [redacted]
JAMES A. VORNBERG, [redacted]
JOSEPH W. WAID, [redacted]
WILLIAM R. WAINNER, [redacted]
SHERRY L. WAINWRIGHT, [redacted]
ALLIE L. WALDRON, [redacted]
JAMES H. WALDROP, [redacted]
SCOTT P. WALES, [redacted]
CARL A. WALKER, [redacted]
JOHN A. WALKER, [redacted]
ROBERT W. WALKER, [redacted]
RICHARD L. WALL, [redacted]
DONALD W. WALLACE, [redacted]
GILBERT W. WALLACE, [redacted]
ROGER R. WALLIS, [redacted]
JOHN F. WARD, [redacted]
SAMUEL L. WARD, [redacted]
WAYNE E. WARDEN, [redacted]
STEVEN L. WASHINGTON, [redacted]
GORDON L. WATEROUS, [redacted]
ROBERT H. WEBER, [redacted]
JOHN R. WEIBEL, [redacted]
WILLIAM H. WEISS, [redacted]
RICHARD E. WEIZENEGGER, JR, [redacted]
LOUIS S. WELKER, [redacted]
ALLEN H. WELLE, JR, [redacted]
ROBERT D. WELSH, [redacted]
CARL S. WELTON, [redacted]
RICHARD C. WERNER, [redacted]
WALTER F. WERNER, JR, [redacted]
HUMPHREY R. WEST, [redacted]
MAC A. WESTON, [redacted]
DAVID A. WETZEL, [redacted]
MARTHA L. WETZEL, [redacted]
DANIEL C. WEYKER, [redacted]
THOMAS J. WHALEN, [redacted]
JOHN L. WHITE, [redacted]
KENNETH C. WICHMAN, [redacted]
LLOYD D. WIGGINS, [redacted]
JAMES R. WILBUR, [redacted]
JAMES B. WILEY, [redacted]
THOMAS J. WILFORD, [redacted]
JEROME F. WILKINS, [redacted]
BERNARD H. WILL, JR, [redacted]
CORNELIUS R. WILL, [redacted]
GARY W. WILLIAMS, [redacted]
MARION M. WILLIAMS, JR, [redacted]
PAUL D. WILLIAMS, II, [redacted]
JAMES T. WILLIAMSON, [redacted]
HERBERT P. WILLIS, [redacted]
JUDITH K. WILLIS, [redacted]
BOBBY G. WILSON, [redacted]
RICHARD E. WILSON, [redacted]
CHARLES A. WINKENWERDER, [redacted]
ROLLIN J. WINTRODE, [redacted]
LARRY E. WISEMAN, [redacted]
FREDERICK D. WOHLANDER, [redacted]
ROBERT C. WOLF, [redacted]
THOMAS H. WOLFF, [redacted]
HARVEY L. WONG, [redacted]
DOUGLAS R. WOOD, [redacted]
RICHARD H. WOODWARD, [redacted]
DWIGHT R. WOODY, [redacted]
JOHN T. WORKMAN, [redacted]
WARREN K. WRAY, [redacted]
DENNIS D. WRIGHT, [redacted]
KENNETH L. WRIGHT, [redacted]
KENNETH W. WUNDERLICH, [redacted]
BOYD C. YADEN, [redacted]
JOHN D. YONGUE, [redacted]
DANIEL S. YOSHIOKA, [redacted]
ROBERT A. YOUNG, [redacted]
RICHARD M. YOUNGBERG, [redacted]
RUDOLPH F. ZAHORCHAK, JR, [redacted]
PETER A. ZERDA, [redacted]
JAMES H. ZIEGLER, [redacted]
RICHARD C. ZIMA, [redacted]

LEON E. ZINK, xxx-xx-xxxx
PAUL F. ZISKA, xxx-xx-xxxx
LAWRENCE J. ZUCAL, xxx-xx-xxxx

CHAPLAIN CORPS

JAMES J. CUNEO, xxx-xx-xxxx
JOEL W. EMBRY, xxx-xx-xxxx
PETER ESTERKA, xxx-xx-xxxx
STEVENSON H. C. LEONG, xxx-xx-xxxx
MARTIN F. MCGUILL, xxx-xx-xxxx
KERRY G. POWELL, xxx-xx-xxxx
JOHN C. ROPP, JR, xxx-xx-xxxx
MICHAEL J. SAZY, xxx-xx-xxxx
JOHN L. THOMPSON, xxx-xx-xxxx
DAVID H. WEBB, xxx-xx-xxxx
GERARD J. WITSKEN, xxx-xx-xxxx

DENTAL CORPS

MICHAEL W. BERTZ, xxx-xx-xxxx
NEAL J. HANDLER, xxx-xx-xxxx
BARTON L. MCGHEE, JR, xxx-xx-xxxx
MAX H. MIDDENDORF, xxx-xx-xxxx
YAROMYR M. ORYSHKEVYCH, xxx-xx-xxxx
RICHARD A. PLEZIA, xxx-xx-xxxx
JOHN J. QUINCY, xxx-xx-xxxx
LLOYD R. VAKAY, xxx-xx-xxxx

JUDGE ADVOCATE

BYRON A. ADAMS, xxx-xx-xxxx
GARY A. BEAHM, xxx-xx-xxxx
DANIEL C. BLANEY, xxx-xx-xxxx
GARY L. BLEVINS, xxx-xx-xxxx
WILLIAM P. BOSWELL, xxx-xx-xxxx
ROCKNE J. BURAGLIO, xxx-xx-xxxx
RONALD L. CAFFERTY, xxx-xx-xxxx
JOSEPH T. CARPENTER, xxx-xx-xxxx
RICHARD G. CERVIZZI, xxx-xx-xxxx
JOHN I. CHOATE, xxx-xx-xxxx
GLEN W. CLARK, JR, xxx-xx-xxxx
ROBERT C. COGSWELL, JR, xxx-xx-xxxx
LUKE J. COUSSAN, xxx-xx-xxxx
RICHARD T. DAWSON, xxx-xx-xxxx
CARL J. DEBEVEC, xxx-xx-xxxx
ROBERT E. DIAZ, xxx-xx-xxxx
BRENDAN M. DIXON, xxx-xx-xxxx
MICHAEL C. FITZPATRICK, xxx-xx-xxxx
AUBREY GOLDBERG, xxx-xx-xxxx
FRANCIS M. GOLDSBERRY, II, xxx-xx-xxxx
KENNETH R. GORDON, xxx-xx-xxxx
JEFFREY O. HEEB, xxx-xx-xxxx
ROBERT S. HOFFMAN, xxx-xx-xxxx
DAVID O. HUOT, xxx-xx-xxxx
MICHAEL P. KING, xxx-xx-xxxx
FRANCIS T. LACEY, xxx-xx-xxxx
ROBERT O. LAMB, xxx-xx-xxxx
RALPH J. LEE, xxx-xx-xxxx
ROY H. LEONARD, JR, xxx-xx-xxxx
JOHN E. MACK, xxx-xx-xxxx
MARTIN F. MCALWEE, xxx-xx-xxxx
MICHAEL C. MCCARTHY, xxx-xx-xxxx
DAVID G. MCGUNEGLE, xxx-xx-xxxx
STEVEN P. MICHAEL, xxx-xx-xxxx
STEPHEN P. NEWSOME, xxx-xx-xxxx
JOHNNY L. NIETO, xxx-xx-xxxx
WILLIAM F. PARTRIDGE, JR, xxx-xx-xxxx
ROBERT W. PETERS, xxx-xx-xxxx
DONALD E. PETERSON, xxx-xx-xxxx
LAWRENCE C. PETROWSKI, xxx-xx-xxxx
KENNETH R. POWERS, xxx-xx-xxxx
JOSEPH M. QUINLAN, xxx-xx-xxxx
RICHARD H. SADOWSKI, xxx-xx-xxxx
HERBERT R. SCHULZE, xxx-xx-xxxx
NORMAN T. SHAWVER, xxx-xx-xxxx
LESLIE B. SHEA, xxx-xx-xxxx
MORRIS E. SHELKOFSKY, JR, xxx-xx-xxxx
JAY R. SIMMONS, xxx-xx-xxxx
SEARCY L. SIMPSON, JR, xxx-xx-xxxx
JOHN A. SMITH, xxx-xx-xxxx
KEVAN F. SMITH, xxx-xx-xxxx
LYNN W. SOUTHAM, xxx-xx-xxxx
JAMES D. STEVENS, xxx-xx-xxxx
JOSEPH J. URBAN, xxx-xx-xxxx
JOHN H. VANDERMOLEN, xxx-xx-xxxx
EDWARD A. WASCOE, xxx-xx-xxxx
SIDNEY L. WEISER, xxx-xx-xxxx
SIDNEY E. WURZBURG, xxx-xx-xxxx
WILLIAM G. YATES, xxx-xx-xxxx

MEDICAL CORPS

WARRICK L. BARRETT, xxx-xx-xxxx
NORMAN C. BOS, II, xxx-xx-xxxx
JOHN A. BURKINS, xxx-xx-xxxx
WILLIAM C. FURLOW, xxx-xx-xxxx
DONALD J. GORDILLO, xxx-xx-xxxx
RONALD A. GRIFFIN, xxx-xx-xxxx
STEVEN C. HARRIS, xxx-xx-xxxx
SAMUEL JACOBSON, xxx-xx-xxxx
CRISTOBAL JIMENEZGONZALEZ, xxx-xx-xxxx
CANNANORE R. V. KAMATH, xxx-xx-xxxx
IAN A. KELLMAN, xxx-xx-xxxx
IQBAL M. KHAN, xxx-xx-xxxx
JOSEPH R. KRAYNAK, xxx-xx-xxxx
JOHN J. MACELUCH, xxx-xx-xxxx
KUNDAN MANOCHA, xxx-xx-xxxx
RICHARD F. MCCONNELL, JR, xxx-xx-xxxx
VIRENDRA S. MEHTA, xxx-xx-xxxx
HENRY H. MIDDLETON, III, xxx-xx-xxxx
ROBERT M. MIHALO, xxx-xx-xxxx
BARRY D. MILLER, xxx-xx-xxxx
LLOYD R. MILLER, xxx-xx-xxxx
ROBERT C. NELSON, xxx-xx-xxxx
JOHN S. NEWTON, xxx-xx-xxxx
GERARD A. OCONNOR, xxx-xx-xxxx
JAMES C. PAPPAS, xxx-xx-xxxx
DOUGLAS M. RAMPONA, xxx-xx-xxxx
LAXMIKANT RATHI, xxx-xx-xxxx
AUGUSTO A. TORAYAGANTUS, xxx-xx-xxxx
SUBRAHMANYAM VADLAMANI, xxx-xx-xxxx
HUGO A. VELASCO, xxx-xx-xxxx
BONNIE M. WARMACK, xxx-xx-xxxx
HARVEY J. YORKER, xxx-xx-xxxx

NURSE CORPS

CAROL ANN BOMAR, xxx-xx-xxxx
NORMA T. BONDESON, xxx-xx-xxxx
MARILYN R. L. BOWEN, xxx-xx-xxxx
GENIE D. CAMACHO, xxx-xx-xxxx
MARY K. CAMPBELL, xxx-xx-xxxx
KAY L. CARTER, xxx-xx-xxxx
BRENDA S. DAVIDSON, xxx-xx-xxxx
DHARMA I. DELACRUZROSA, xxx-xx-xxxx
ANGELINE C. DELUCAS, xxx-xx-xxxx
JEAN Y. DIEBOLT, xxx-xx-xxxx
JUDITH A. DODDS, xxx-xx-xxxx
CAROLYN G. DONEGAN, xxx-xx-xxxx
MARTHA R. DOSTER, xxx-xx-xxxx
CARMEN R. FERGUSON, xxx-xx-xxxx
ANNE P. FLICKINGER, xxx-xx-xxxx
NANCY I. GALLOWAY, xxx-xx-xxxx
WANDA E. GOODALL, xxx-xx-xxxx
PATRICIA A. GRADY, xxx-xx-xxxx
CAROL J. HALPENNY, xxx-xx-xxxx
PATRICIA A. HARDMAN, xxx-xx-xxxx
RITA B. HARRIS, xxx-xx-xxxx
KAREN A. HOBSON, xxx-xx-xxxx
KAREN L. HOLMES, xxx-xx-xxxx
MARIAN B. KLEIN, xxx-xx-xxxx
ALBERT E. LAMONS, SR, xxx-xx-xxxx
KATHRYN L. LANGE, xxx-xx-xxxx
MICHELE T. LOTZ, xxx-xx-xxxx
MARY J. MADER, xxx-xx-xxxx
SHARON K. S. MAILEY, xxx-xx-xxxx
JANIE L. MCDONALD, xxx-xx-xxxx
LINDA L. MCDONALD, xxx-xx-xxxx
KATHLEEN A. MCHUGHMETZGER, xxx-xx-xxxx
THERESA R. MEALEY, xxx-xx-xxxx
JUDY A. MELVILLE, xxx-xx-xxxx
BETTY L. MIHAILOVIC, xxx-xx-xxxx
JUDY A. MOSBEY, xxx-xx-xxxx
PATRICIA R. MURTON, xxx-xx-xxxx
LINDA G. NEAL, xxx-xx-xxxx
BARBARA A. PARRETT, xxx-xx-xxxx
MARILYN M. PATTILLO, xxx-xx-xxxx
PATRICIA J. PEABODY, xxx-xx-xxxx
LEITHA K. PETERSON, xxx-xx-xxxx
MARY A. POWELL, xxx-xx-xxxx
VADA M. PREWITT, xxx-xx-xxxx
ELIZA P. RICKS, xxx-xx-xxxx
MARY C. ROHRET, xxx-xx-xxxx
ALLEN D. SAULSBERRY, xxx-xx-xxxx
JOAN D. SCHAEFER, xxx-xx-xxxx
PENELOPE B. SCHNEIDER, xxx-xx-xxxx
JOAN E. SEEBA, xxx-xx-xxxx
ANN E. SHUMAN, xxx-xx-xxxx
ALICE H. SPOON, xxx-xx-xxxx
CAROL J. STEGALL, xxx-xx-xxxx
DEBORAH L. TOMPKINS, xxx-xx-xxxx
MARY E. VARKONYI, xxx-xx-xxxx
CHERYL A. WALKER, xxx-xx-xxxx
MARILYN A. WELCH, xxx-xx-xxxx
CAROL A. WHITTEN, xxx-xx-xxxx
RUTH A. WONG, xxx-xx-xxxx
VALERIE YANTZ, xxx-xx-xxxx
SUSAN J. ZAJCHOWSKI, xxx-xx-xxxx

MEDICAL SERVICE CORPS

PAUL W. BLAU, xxx-xx-xxxx
RAYMOND J. BRACALIELLO, xxx-xx-xxxx
JOHN D. BROCKHOUSE, xxx-xx-xxxx
JACK B. CAMPBELL, xxx-xx-xxxx
HARRY E. DAMP, xxx-xx-xxxx
ALAN F. DOWLING, JR, xxx-xx-xxxx
DAVID C. EVANS, xxx-xx-xxxx
HOWARD F. HOLMES, xxx-xx-xxxx
DWAIN H. HUGHES, xxx-xx-xxxx
JOHN L. JONES, xxx-xx-xxxx
ROBERT P. MILICH, xxx-xx-xxxx
RONALD E. PETIT, xxx-xx-xxxx
LAMBERT W. RAKOWITZ, xxx-xx-xxxx
ROBERT W. SCHRADER, xxx-xx-xxxx
NELSON E. TOEBBE, xxx-xx-xxxx
EARL E. TROXEL, xxx-xx-xxxx
THOMAS L. UPTON, xxx-xx-xxxx
LARRY D. WISE, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

TERENCE C. BLACK, xxx-xx-xxxx
MARTIN BORDO, xxx-xx-xxxx
ELTON H. BROWN, III, xxx-xx-xxxx
JAMES W. COBB, JR, xxx-xx-xxxx
GREGORY L. CUSANNO, xxx-xx-xxxx
PRESTON B. ERVIN, xxx-xx-xxxx
MARYELLEN FOLEY, xxx-xx-xxxx
JOHN E. GAMBY, xxx-xx-xxxx
WILLIAM J. HILL, xxx-xx-xxxx
LARRY J. HOUSLEY, xxx-xx-xxxx
SUE A. KUHLMEIER, xxx-xx-xxxx
DAVID C. MONTAGUE, xxx-xx-xxxx
TERRY H. MUSGRAVE, xxx-xx-xxxx
JACK A. POTTER, xxx-xx-xxxx
THOMAS G. RUNDLE, xxx-xx-xxxx
JOHN T. SCHNARR, xxx-xx-xxxx
LARRY A. WILLIAMS, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

LINE OF THE AIR FORCE

RICHARD J. ACOSTA, xxx-xx-xxxx
TROY A. ADAIR, xxx-xx-xxxx
JAMES E. ADAMS, II, xxx-xx-xxxx
MICHAEL A. ADAMS, xxx-xx-xxxx
WILLIAM S. ADDISON, xxx-xx-xxxx
EDWARD A. ADKINS, xxx-xx-xxxx
MICHAEL S. AGIN, xxx-xx-xxxx
KENNETH D. ALBINO, xxx-xx-xxxx
CLIFFORD H. ALBRITTON, xxx-xx-xxxx
CYNTHIA K. ALLEN, xxx-xx-xxxx
PAUL C. ALLEN, xxx-xx-xxxx
TERESA K. ALLEN, xxx-xx-xxxx
DANIEL F. ALLISON, xxx-xx-xxxx
ALAN W. ALLRED, xxx-xx-xxxx
GLENN D. ALTCHEK, xxx-xx-xxxx
KRIS S. ALTICE, xxx-xx-xxxx
JAMES A. ALTIERI, JR, xxx-xx-xxxx
ERIC J. AMBERGE, xxx-xx-xxxx
DOUGLAS L. AMON, xxx-xx-xxxx
ROGER M. ANASON, xxx-xx-xxxx
MICHAEL D. ANDERSEN, xxx-xx-xxxx
WALTER E. ANDERSON, JR, xxx-xx-xxxx
JOHN T. ANDES, xxx-xx-xxxx
RAYMOND J. ANDRAKA, xxx-xx-xxxx
THOMAS C. ANDREWS, xxx-xx-xxxx
WILLIAM B. ANHOLT, xxx-xx-xxxx
RONALD W. APPELL, JR, xxx-xx-xxxx
JAMIE W. ARCHULETTA, xxx-xx-xxxx
JESUS E. ARENAS, xxx-xx-xxxx
STEVEN S. ARMAND, xxx-xx-xxxx
DAVID K. ARNETT, xxx-xx-xxxx
KAREN D. ARNETT, xxx-xx-xxxx
EDWARD M. ARNOLD, JR, xxx-xx-xxxx
MARTIN H. ARNOLD, xxx-xx-xxxx
DAVID A. ARRINGTON, xxx-xx-xxxx
RONALD A. ASK, xxx-xx-xxxx
MICHAEL A. AUCLAIRE, xxx-xx-xxxx
KEVIN W. AYER, xxx-xx-xxxx
JAMES AYERS, JR, xxx-xx-xxxx
JOHNNY D. AYO, xxx-xx-xxxx
BRUCE D. BABCOCK, xxx-xx-xxxx
TERRY A. BACH, xxx-xx-xxxx
DONALD R. BAILEY, xxx-xx-xxxx
RICHARD S. BAILEY, xxx-xx-xxxx
DEBORAH R. BAIN, xxx-xx-xxxx
KENDALL R. BAKER, xxx-xx-xxxx
JAYE M. BALDWIN, xxx-xx-xxxx
MARK R. BALZER, xxx-xx-xxxx
JOHN M. BANCROFT, xxx-xx-xxxx
CATHERINE A. BARANIK, xxx-xx-xxxx
GREGORY A. BARBER, xxx-xx-xxxx
DAVID R. BARNARD, xxx-xx-xxxx
SCOTT A. BARNER, xxx-xx-xxxx
PATRICK D. BARNES, xxx-xx-xxxx
STEPHEN L. BARRETT, xxx-xx-xxxx
SHELDON W. BARTHOLF, xxx-xx-xxxx
GERALD R. BARTON, xxx-xx-xxxx
MICHAEL A. BAUER, xxx-xx-xxxx
WILLIAM R. BECKMAN, xxx-xx-xxxx
THOMAS J. BELNOMI, xxx-xx-xxxx
CHRIS C. BELSON, xxx-xx-xxxx
ROGER A. BELTRAN, xxx-xx-xxxx
JOHN S. BENDER, JR, xxx-xx-xxxx
SIDNEY R. BENNETT, xxx-xx-xxxx
EDWARD L. BENSMAN, xxx-xx-xxxx
BRIAN A. BENSON, xxx-xx-xxxx
WAYNE C. BENSON, xxx-xx-xxxx
DENNIS L. BENTLEY, xxx-xx-xxxx
ROBERT W. BENWAY, xxx-xx-xxxx
MATTHEW H. BERENT, xxx-xx-xxxx
BRETT C. BERGER, xxx-xx-xxxx
WILLIAM F. BERRIER, JR, xxx-xx-xxxx
CHRISTOPHER F. BERTUCCI, xxx-xx-xxxx
JAMES M. BIEDA, xxx-xx-xxxx
WILLIAM WOODROW BIERBAUM, xxx-xx-xxxx
LARRY D. BIERLE, xxx-xx-xxxx
FRANCIS J. BISHOP, JR, xxx-xx-xxxx
MICHAEL L. BITZER, xxx-xx-xxxx
JOSEPH F. BLAKE, xxx-xx-xxxx
DAVID L. BLAND, xxx-xx-xxxx
ROBERT D. BLANK, xxx-xx-xxxx
DAVID J. BLOKLAND, xxx-xx-xxxx
JOHN W. BLUMENTRITT, xxx-xx-xxxx
JOHN C. BONNIN, xxx-xx-xxxx
DAVID B. BOOHER, xxx-xx-xxxx
MARK A. BOTTILA, xxx-xx-xxxx
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MELVIN K. BOWEN, xxx-xx-xxxx
DARWIN W. BOWER, xxx-xx-xxxx
JOSEPH H. BOWERS, xxx-xx-xxxx
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ALAN J. BOYKIN, xxx-xx-xxxx
BERNESTINE BRADLEY, xxx-xx-xxxx
KEVIN W. BRADLEY, xxx-xx-xxxx
EDWIN B. BRASHER, xxx-xx-xxxx
JAMES P. BRETT, xxx-xx-xxxx
MELVIN E. BRIDGEFORTH, xxx-xx-xxxx
CHRISS A. BRINKLEY, xxx-xx-xxxx
DAVID A. BROMWELL, xxx-xx-xxxx

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ROGER STANLEY GATES, [redacted]
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EDWARD T. GOLDSACK, [redacted]
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TIMOTHY H. GRAFF, [redacted]
CHARLES E. GRAHAM, JR, [redacted]
MARK R. GRANDSTAFF, [redacted]
JEFFREY W. GRANTHAM, [redacted]
CONSTANCE H. GRAVES, [redacted]
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JEFFREY C. GRUVER, [redacted]
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JAMES J. GUDAITIS, [redacted]
GREGORY C. GUEST, [redacted]
CHRISTOPHER A. GUINOTTE, [redacted]
STEPHEN W. GUZEK, [redacted]
THOMAS J. HAINS, [redacted]
CHRISTOPHER D. HALL, [redacted]
MARK HALL, [redacted]
RONALD J. HALL, [redacted]
NANCY L. HALLORAN, [redacted]
CLYDE E. HALSRUD, [redacted]
PAUL J. HAMACHER, [redacted]
JONES LYNNE T. HAMILTON, [redacted]
MAURICE S. HAMILTON, [redacted]
RICHARD E. HAMILTON, [redacted]
KEVIN P. HAMPSON, [redacted]
MICHAEL L. HANDLER, [redacted]
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CHARLES G. HARDY, [redacted]
MATTHEW J. HARLIN, [redacted]
KAREN L. HARNED, [redacted]
RODNEY A. HARP, [redacted]
PAUL R. HARPER, [redacted]
ALFRED W. HARRIS, JR, [redacted]
DOUGLAS A. HARRIS, [redacted]
LYLE T. HARRIS, [redacted]
MONICA O. HART, [redacted]
DAVID B. HARTMAN, [redacted]
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VERNON E. HASENSTEIN, JR, [redacted]
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ERIC S. HAUGLAND, [redacted]
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TONI Y. HAY, [redacted]
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WILLIAM HEGEDUSICH, [redacted]
DEAN A. HEGLUND, [redacted]
JOHN C. HEIDE, [redacted]
JOE D. HEINE, [redacted]
KEVIN DOUGLAS HENDERSHOT, [redacted]
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MARY A. HENRY, [redacted]
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MICHAEL L. MCCLELLAN, [redacted]
DAVID O. MCCOOL, [redacted]
JEFFREY H. MCCOY, [redacted]
STEPHEN M. MCCREADY, [redacted]
KEITH N. MCDONALD, [redacted]
DOUGLAS W. MCGUIRE, [redacted]
GEORGE R. MCHORSE, JR, [redacted]
JOHN W. MCKAY, [redacted]
GUY K. MCKEE, [redacted]
DAVID S. MCKENNA, [redacted]
MARK D. MCKINNON, [redacted]
STEVEN L. MCLEARY, [redacted]
DAVID W. MCLEMORE, [redacted]
TONY E. MCMILLAN, [redacted]
JOHN R. MCNAIR, [redacted]
CHARLES R. MEAGHER, JR, [redacted]
ANN M. MECHLER, [redacted]
MONICA A. MENCO, [redacted]
CHARLES A. MENZA, [redacted]
LAWRENCE MERCADANTE, [redacted]
MICHAEL J. MERCER, [redacted]
DONALD R. MERRITT, [redacted]
AMY L. MERTES, [redacted]
LARRY M. MESSINGER, JR, [redacted]
DONALD S. METSCHER, [redacted]
DAVID J. MEYER, [redacted]
MARK A. MEYER, [redacted]
DOUGLAS R. MILES, [redacted]
DAVID E. MILLER, [redacted]
JOHN M. MILLER, [redacted]
JON D. MILLER, [redacted]
THEODORE H. MILLER, [redacted]
BILLY R. MILLWEE, [redacted]
JAMES E. MINER, [redacted]
BARRY SHAUN MINES, [redacted]
MARK W. MINKLER, [redacted]
JANET M. MODL, [redacted]
PHILLIP E. MOLLE, [redacted]
KEVIN M. MONOSMITH, [redacted]
BROCK S. MOORE, [redacted]
EILEEN M. MOORE, [redacted]
TERRY F. MOORE, [redacted]
ANDREW M. M. MORAN, [redacted]
GERARD T. MORELLI, [redacted]
DONALD J. MORFITT, JR, [redacted]
BERNARD S. MORGAN, III, [redacted]
DENNIS R. MORGAN, [redacted]
EDWARD J. MORGAN, [redacted]
FERNANDO A. MORGAN, [redacted]
JAY P. MORGAN, [redacted]
KENNETH L. MORGAN, [redacted]
GLORIA A. MORKERT, [redacted]
JAMES R. MORRIS, JR, [redacted]
MICHAEL L. MORRISON, [redacted]
SCOTT K. MORRISON, [redacted]
DAVID W. MORROW, [redacted]
CHRISTOPHER E. MORTON, [redacted]
LENNY C. MOSHIER, [redacted]
PATRICK O. MOYLAN, [redacted]
JOHN G. MUELLER, JR, [redacted]
JUDSON C. MULLEN, [redacted]
CHARLES E. MULLIS, [redacted]
MICHAEL J. MUMAW, [redacted]
MYLES P. MURPHY, [redacted]
BYRON K. MURRAY, [redacted]
MICHAEL L. MURRY, [redacted]
LYNN A. NACHTIGAL, [redacted]
WILLIAM F. NADOLSKI, [redacted]
MARION R. NEAL, [redacted]
MARTIN P. NEE, [redacted]
MARTIN C. NEHRING, [redacted]
ERIC W. NELSON, [redacted]
MARK A. NELSON, [redacted]
LINDA K. NETSCH, [redacted]
THOMAS J. NEU, [redacted]
TIMOTHY R. NEWMAN, [redacted]
MELVIN R. NICHOLSON, [redacted]
THOMAS W. NINE, [redacted]
JOSEPH T. NISI, [redacted]
LAURA J. NOE, [redacted]
LAWRENCE G. NOLLER, [redacted]
CHARLES W. NORTON, [redacted]
JOHN E. NORTON, [redacted]
JAMES H. NYLUND, [redacted]
KEVIN M. OBERRY, [redacted]
JEROME K. OBRIEN, [redacted]
JOHN M. ODEY, [redacted]
WILLIAM D. OETTING, [redacted]
BRIAN C. OFFER, [redacted]
RONALD D. OLIENYK, [redacted]
HAL E. OLIMB, [redacted]
PAUL D. OLMSTEAD, [redacted]
TIMOTHY OLSON, [redacted]
THOMAS G. OREILLY, [redacted]
DANIEL R. ORR, [redacted]
DEAN F. OSGOOD, [redacted]
CHARLES T. OSUM, [redacted]
RONALD H. PACK, [redacted]
JOSEPH M. PANETTA, JR, [redacted]
JOHN R. PARKER, [redacted]
ROBERT E. PARKER, JR, [redacted]
STEVEN L. PARKER, [redacted]
JAMES E. PARSONS, [redacted]
ROBERT J. PARTHENAIS, [redacted]
JOCELYN M. PATTERSON, [redacted]
SANDRA L. PAUL, [redacted]
WALTER T. PAULK, [redacted]
DAVID R. PAYNE, [redacted]
STEVEN E. PEAK, [redacted]
NANCY PEARCE, [redacted]
RONALD L. PEARMAN, [redacted]
CAROL A. PEARSON, [redacted]
ROBERT D. PEIFER, [redacted]
REBECCA A. PELLERITO, [redacted]
JOHN L. PENNELL, JR, [redacted]
MARK A. PEOT, [redacted]
WILLIAM N. PERKINS, [redacted]
EDWARD P. PERNOTTO, [redacted]
JOHN R. PERRY, [redacted]
RICHARD M. PERRY, [redacted]
TODD A. PERRY, [redacted]
SCOTT K. PETERSEN, [redacted]
NANCY A. PETRITS, [redacted]
WILLIAM J. PETROZZI, [redacted]
ROBERT A. PFAU, [redacted]
HIEN D. PHAN, [redacted]
ROBERT K. PHENECIE, [redacted]
ROBERT A. PHILLIPS, II, [redacted]
ALLEN B. PIERSON, III, [redacted]
THOMAS R. PILLING, [redacted]
CHRISTIAN M. PLAGEMAN, [redacted]
JAMES B. PLANEAUX, [redacted]
TRAINIMAIR C. PLATTE, JR, [redacted]
JOHN R. PODANY, [redacted]
TIMOTHY A. PODESWA, [redacted]
KEVIN L. POLLOCK, [redacted]
DOUGLAS G. POMPILIO, [redacted]
GEORGE POMPILIO, [redacted]
TIMOTHY R. POTH, [redacted]
VINCENT J. POTTER, [redacted]
MICHAEL C. POTTS, [redacted]
MICHAEL A. POWELL, [redacted]
STEVEN M. PRICHARD, [redacted]
RICARDO D. PRIVETTE, [redacted]
MICHAEL PUNCH, [redacted]
SCOTT C. PURNELL, [redacted]
DANIEL G. PUTBRESE, [redacted]
ROBERT S. PUTNAM, [redacted]
CHARLES E. PYKE, [redacted]
JAY W. PYLES, [redacted]
STEVEN L. QUACKENBUSH, [redacted]
BRENDA J. QUATTLEBAUM, [redacted]
RAFAEL D. L. QUEZADA, [redacted]
JOHN M. QUINN, [redacted]
JAMES E. RAMSEY, [redacted]
RICHARD P. RAPER, [redacted]
VINCENT M. RASKA, [redacted]
JAMES E. RAY, [redacted]
WILLIAM C. REAVES, [redacted]
DAVID R. REDDY, [redacted]
ANN M. REED, [redacted]
PATRICK J. REED, [redacted]

TERESA SCHWEITZ REED, [redacted]
RANDALL J. REES, [redacted]
GERALDINE L. REESE, [redacted]
STEVEN B. REEVES, [redacted]
SHAWN I. REILLY, [redacted]
DAVID W. REIMER, [redacted]
GREGORY N. REMALEY, [redacted]
TODD M. RENNER, [redacted]
JEREMY J. RENTSCHLAR, [redacted]
DAVID M. REYNOLDS, [redacted]
RANDY B. REYNOLDS, [redacted]
DAVID A. RHOADES, [redacted]
ROBERT R. RICHARDS, [redacted]
LORETTA R. RICHESON, [redacted]
STEPHEN R. RICKERT, [redacted]
MARGARET J. RIDENOUR, [redacted]
JOHN M. RIELLEY, [redacted]
KELLY A. RINEHART, [redacted]
EDWARD J. RINKAVAGE, JR, [redacted]
MARK F. RITTER, [redacted]
JOHN E. ROBERTS, [redacted]
JOHN E. ROBERTS, [redacted]
THERESA M. ROBERTS, [redacted]
FRANK ROBERTSON, JR, [redacted]
RANDALL S. ROBERTSON, [redacted]
ALAN D. ROBINSON, [redacted]
DAVID L. ROBINSON, [redacted]
DAVID M. ROBINSON, [redacted]
ROBERT M. ROBY, [redacted]
JACINTO RODRIGUEZ, [redacted]
ROBERT RODRIGUEZ, [redacted]
GARY L. ROLF, [redacted]
ERIC E. ROMAN, [redacted]
ROBERT J. ROMANOVSKY, [redacted]
FREDERICK L. ROOK, [redacted]
DAVID G. ROSE, [redacted]
PATRICIA A. ROSE, [redacted]
ERIC P. ROSS, [redacted]
TERRY J. ROSS, [redacted]
BRENDA F. ROTH, [redacted]
GERALD N. ROTH, [redacted]
DAVID R. RUE, [redacted]
DAVID A. RUFFO, [redacted]
DAVID A. RUSSELL, [redacted]
MATTHEW T. RUSSELL, [redacted]
MICHAEL B. RUSSELL, [redacted]
DONALD L. RYAN, [redacted]
LADD E. RYAN, [redacted]
RONALD L. SAMIC, [redacted]
RICHARD J. SAMPSON, [redacted]
CHRISTOPHER C. SANDERS, [redacted]
GEORGE H. SARMIENTO, [redacted]
PHILIP S. SAUER, [redacted]
THOMAS G. SAVU, JR, [redacted]
WILLIAM D. SCHAAD, [redacted]
ERIC S. SCHELL, [redacted]
JAMES W. SCHENNING, [redacted]
GERALD A. SCHEUCHNER, [redacted]
RONNIE R. SCHILLING, III, [redacted]
FRIEDRICH C. SCHLICH, [redacted]
SHELDON M. SCHLICHT, [redacted]
DAVID N. SCHNEIDER, [redacted]
KEITH T. SCHOENHEIT, [redacted]
STEPHEN W. SCHONK, [redacted]
MICHAEL R. SCHORE, [redacted]
STUART T. SCHREURS, [redacted]
LOUIE G. SCHULTZ, [redacted]
BRUCE E. SCHWAB, [redacted]
FLOYD D. SCHWEPPE, [redacted]
THOMAS A. SCOLARICI, JR, [redacted]
JULIA H. SCOTT, [redacted]
WILLIAM L. SCOTT, [redacted]
JAMES F. SCULERATI, [redacted]
HOLLY K. SEIDL, [redacted]
MARK W. SEIFERT, [redacted]
REGGIE E. SELBY, [redacted]
KIM K. SHARP, [redacted]
BRIAN T. SHEEHAN, [redacted]
GEORGE R. SHEEHAN, [redacted]
STEPHEN P. SHELTON, [redacted]
PENNY B. SHEPARD, [redacted]
THOMAS T. SHIELDS, JR, [redacted]
DARREN K. SHRADER, [redacted]
STANLEY W. SHRADER, [redacted]
CHERYL A. SHUMATE, [redacted]
JOSEPH P. SIDOR, [redacted]
TRACY A. SIEBOLD, [redacted]
GORDON J. SIEGEL, [redacted]
DEAN SILVER, [redacted]
HENRY R. SIMMONS, [redacted]
JOHN N. SIMS, JR, [redacted]
MARK R. SISSON, [redacted]
JOSEPH P. SKACH, [redacted]
LOUIS W. SKALA, III, [redacted]
STANLEY E. SKAVDAL, [redacted]
MICHAEL P. SKEHAN, [redacted]
MARK E. SKINNER, [redacted]
STEPHEN W. SKINNER, [redacted]
GRANT A. SKONBERG, [redacted]
RONALD C. SKOW, [redacted]
BRIAN S. SMITH, [redacted]
GLEN A. SMITH, [redacted]
JEFFREY M. SMITH, [redacted]
JEFFRY J. SMITH, [redacted]
KIMBERLY A. SMITH, [redacted]
LEROY K. SMITH, [redacted]
LISA C. SMITH, [redacted]
NEALON F. SMITH, [redacted]
REGINALD O. SMITH, [redacted]
RONALD A. SMITH, [redacted]
RONALD C. SMITH, [redacted]
STEVEN R. SMITH, [redacted]
STEVEN W. SMITH, [redacted]
SUSAN C. SMITH, [redacted]
TERRENCE J. SMITH, [redacted]
VICKI C. SMITH, [redacted]
HOWARD E. SNARE, [redacted]
TROY D. SNOW, [redacted]
THOMAS J. SOBIESKI, [redacted]
CYRIL J. SOCHA, [redacted]
MARK E. SOUTER, [redacted]
RANDY T. SOUTHGATE, [redacted]
ELLEN M. SOUVA, [redacted]
GEORGE L. SOWELL, [redacted]
TIMOTHY E. SPAETH, [redacted]
JOHN M. SPAIN, [redacted]
JONATHAN W. SPARE, [redacted]
MARK B. SPITZER, [redacted]
S. DAVID SPOON, [redacted]
JOHN SPROUL, JR, [redacted]
RANDY H. SPROUSE, [redacted]
ROBERT G. STADICK, [redacted]
KEVIN D. STAFFORD, [redacted]
ANTHONY D. STANLEY, [redacted]
JOSEPH L. STANLEY, [redacted]
JOHN F. STAUFFENBERG, [redacted]
RONALD J. STAUFFER, [redacted]
DAVID P. STAVEN, [redacted]
DAVID B. STEIN, [redacted]
JEFFREY C. STEPHAN, [redacted]
JAMES A. STEVENS, II, [redacted]
JOHN L. STEVENS, [redacted]
BENJAMIN STEWART, [redacted]
DWAYNE A. STICH, [redacted]
KENNETH M. STICKEVERS, [redacted]
RANDALL T. STODDARD, [redacted]
CHARLES D. STONE, [redacted]
JOHN C. STORY, [redacted]
GREG C. STOTT, [redacted]
JAMES M. STOTT, [redacted]
MICHAEL S. STOUGH, [redacted]
DAVID A. STRAKA, [redacted]
CHARLES M. STRIBULA, [redacted]
MICHAEL STUART, [redacted]
RICKY O. STUART, [redacted]
HORACE L. SUMNER, [redacted]
JAMES P. SUNTER, [redacted]
AILENE M. SURLES, [redacted]
WILLIAM H. SURREY, [redacted]
JAMES P. SWEENEY, II, [redacted]
SCOTT M. SWEENEY, [redacted]
BRIAN E. SWIEDOM, [redacted]
JOSEPH A. SWILLUM, [redacted]
ROBERT W. SWISHER, [redacted]
JACK L. SWOVELAND, [redacted]
MILLARD P. SYKES, JR, [redacted]
MICHAEL L. SZATHMARY, [redacted]
THERESA L. TAFT, [redacted]
GRANT L. TAKAHASHI, [redacted]
MONIKA TANEDO, [redacted]
DAVID P. TARDIFF, [redacted]
GREGORY L. TARR, [redacted]
STEVEN J. TASSON, [redacted]
EVA L. TATE, [redacted]
ARNETTA E. TAYLOR, [redacted]
CARL J. TAYLOR, JR, [redacted]
JOHN E. TAYLOR, [redacted]
JOHNNIE D. TAYLOR, JR, [redacted]
GREGORY O. TEAL, [redacted]
ROY L. THEETGE, JR, [redacted]
JAMES M. THOMAS, [redacted]
MARK R. THOMAS, [redacted]
STEVEN J. THOMAS, [redacted]
CYRIL O. THOMPSON, [redacted]
DAVID P. THOMPSON, [redacted]
LARRY W. THOMPSON, [redacted]
JAMES A. TIDWELL, [redacted]
THOMAS L. TINSLEY, [redacted]
ROBERT H. TIPPETT, [redacted]
FRANK J. TIPTON, [redacted]
GREGORY W. TORBA, [redacted]
PEDRO G. TORRELIO, [redacted]
BARBARA J. TRABING, [redacted]
JOEL K. TRAMMELL, [redacted]
ROBERT J. TRAVER, [redacted]
MICHAEL A. TRESSLER, [redacted]
DAVID R. TRIGG, [redacted]
MATTHEW C. TRIMELONI, [redacted]
STEVEN E. TROXEL, [redacted]
LARRY N. TROYER, [redacted]
PAUL C. TRULOVE, [redacted]
JEFFREY R. TUCKER, [redacted]
MARK H. TUCKER, [redacted]
STEVEN M. TUCKER, [redacted]
WILLIAM L. TUCKER, JR, [redacted]
JOHN M. TULLOSS, [redacted]
RUDOLPH E. TURCO, [redacted]
CLAUDIA A. TWOHIG, [redacted]
JAMAN L. UNDERWOOD, [redacted]
KEVIN S. VAILLE, [redacted]
MARTIN J. VALASEK, [redacted]
RAYMOND L. VALLEY, [redacted]
LYNN S. VALLIMONT, [redacted]
JOHN J. VANDYKE, [redacted]
LINDSAY A. VANKEUREN, [redacted]
BRIAN VANKOUWENBERG, [redacted]
DORIS J. VARNADORE, [redacted]
MARK A. VERCELOTE, [redacted]
RAJIV S. VERMA, [redacted]
DAVID G. VERRETT, [redacted]
GENE M. VEY, [redacted]
CURTIS K. VIALL, [redacted]
VICTORIA C. VITUCCI, [redacted]
BRADLEY S. VOGT, [redacted]
HANS F. VONMILLA, [redacted]
THEODORE T. VROMAN, [redacted]
VICTOR F. WADE, [redacted]
MARK R. WAGNER, [redacted]
STEVEN M. WAGNER, [redacted]
BRANDON S. WAGONER, [redacted]
EDWARD F. WALDO, [redacted]
LEWIS P. WALDRON, JR, [redacted]
MICHELLE L. WALDROP, [redacted]
SANFORD WALKER, [redacted]
THOMAS B. WALKER, III, [redacted]
DAVIS M. WALLETTE, [redacted]
JOHN J. WALSH, [redacted]
WILLIAM F. WALSH, [redacted]
LAWRENCE J. WALTER, [redacted]
DOUGLAS D. WALTERS, [redacted]
BLANE L. WAMPLER, [redacted]
CHRISTOPHER W. WANK, [redacted]
RAYMOND C. WARD, [redacted]
PAUL J. WARDEN, [redacted]
GREGORY M. WATKINS, [redacted]
GLEN F. WATTMAN, [redacted]
DAVID O. WATTS, JR, [redacted]
MARY A. WAWRZYNIAK, [redacted]
JOHN W. WAYNE, IV, [redacted]
TERRIE D. WEAVER, [redacted]
LAURI A. WEBB, [redacted]
JOHN T. WEDLER, [redacted]
GREG M. WEIDEKAMP, [redacted]
ALAN C. WEISMANN, [redacted]
GARY L. WELCH, [redacted]
WILLIAM C. WETHOR, [redacted]
ERIC S. WETZEL, [redacted]
BARBARA J. WHEELER, [redacted]
THOMAS G. WHITE, [redacted]
TIMOTHY L. WHITMIRE, [redacted]
JEFFREY A. WHITTALL, [redacted]
DOUGLAS E. WICK, [redacted]
JEFFREY R. WICKERSHAM, [redacted]
TIMOTHY D. WIECK, [redacted]
RANDALL R. WIEMER, [redacted]
JONATHAN D. WIENER, [redacted]
KENNETH R. WILCOX, [redacted]
GARY W. WILDERMUTH, [redacted]
MARY K. WILHELM, [redacted]
MICHAEL A. WILKE, [redacted]
TRACY L. WILLCOXON, [redacted]
GLEN N. WILLIAMS, JR, [redacted]
JOJI WILLIAMS, [redacted]
THOMAS E. WILLIAMS, [redacted]
ROBERT A. WILLIAMSON, JR, [redacted]
DAN W. WILLIS, [redacted]
CHARLOTTE L. WILSON, [redacted]
JEFFREY C. WILSON, [redacted]
VINCENT MARK WINEGARDNER, [redacted]
DAVID A. WOLFF, [redacted]
WAYNE R. WOLFF, [redacted]
JEFFREY R. WOOD, [redacted]
ROBERT M. WOOD, JR, [redacted]
ROGER A. WOOD, [redacted]
SCOTT A. WOOLWINE, [redacted]
STEPHEN A. WORTENDYKE, [redacted]
FOREST B. WORTMAN, [redacted]
DENNIS P. WOXEN, [redacted]
CHRISTOPHER P. YANDOW, [redacted]
KEVIN E. YEATER, [redacted]
JEFFREY YEPEZ, [redacted]
JOHN M. YOCCA, [redacted]
BRIAN D. YOLITZ, [redacted]
NICHOLAS J. YONKER, [redacted]
RAYMOND E. YOST, [redacted]
JANET A. YOUNG, [redacted]
JOHN D. YOUNG, [redacted]
JOHN R. YOUNGS, [redacted]
JEFFREY W. ZAK, [redacted]
RAYMOND F. ZALENSKI, [redacted]
DEBRA J. ZATORSKI, [redacted]
MARK J. ZECHMAN, [redacted]
KEVIN E. ZEITZ, [redacted]
PATRICK J. ZELECHOSKI, [redacted]
MICHAEL V. ZERBY, [redacted]
CHARLIE W. ZETTEROWER, [redacted]
GERALD T. ZIEGLER, [redacted]
STEPHEN C. ZINK, [redacted]
BRIAN P. ZUROVETZ, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3383:

ARMY PROMOTION LIST

To be colonel

JOHN T. BARBER, [redacted]
JAMES L. BASEY, [redacted]
THOMAS DEAS, [redacted]
RONALD J. GIENEART, [redacted]
GUY H. HANCOCK, [redacted]
RENE C. JACQUES, [redacted]
L. WILLIAM KEHE, [redacted]
JAMES S. KIMURA, [redacted]
GALEN M. NARIMATSU, [redacted]
JOHN M. O'CONNELL, [redacted]
RODNEY D. RUDDOCK, [redacted]
BILLY C. WADE, [redacted]
KEN YOSHITANI, [redacted]

MEDICAL CORPS

To be colonel

DOMINICK J. ANDINO, [redacted]
PAUL D. CRARY, [redacted]
JACK A. DANTON, [redacted]
EDWARD C. MURPHY, [redacted]

MEDICAL SERVICE CORPS

To be colonel

MARTIN R. BRIAN, [redacted]
GEORGE SERRANO, [redacted]
WALTER E. SHAIN, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

MICHAEL R. ALLEN, [redacted]
ROMAN J. BAKKE, [redacted]
FRANKLIN BARTON, [redacted]
WILLIAM V. BLOUNT, [redacted]
JAMES R. BURNS, [redacted]
JOSEPH CAMPANO, [redacted]
EDWARD J. CANNING, JR, [redacted]
RICHARD S. COLT, [redacted]
THOMAS R. DUFFY, [redacted]
CLIFFORD L. DUNGEY, [redacted]
JOHN E. ERICKSON, [redacted]
PAUL F. FARINELLA, [redacted]
NEAL M. FRANKLIN, [redacted]
RULAND J. GILL, JR, [redacted]
RICHARD J. GREEN, [redacted]
DAN K. GUNNELS, [redacted]
FRED C. HANNUM, [redacted]
RONALD L. HURTT, [redacted]
WILLIAM J. JENKS, III, [redacted]
GEORGE A. KATZ, [redacted]
WILLIAM E. MANDERY, [redacted]
DENNIS E. MATTHEWS, [redacted]
MIKE METCALF, [redacted]
CARLOS D. PAIR, [redacted]
MYRON R. PERKINS, [redacted]
ARCHIE L. ROBERTS, [redacted]
CARL H. SANBORN, [redacted]
ROBERT M. SHIRILLA, [redacted]
ROBERT M. SLAUGHTER, [redacted]
TIMOTHY W. TOLER, [redacted]
WILLIAM C. TUCKER, JR, [redacted]
ROBERT M. TUTTLE, JR, [redacted]
JOHN E. WOHRLE, JR, [redacted]
RODGER O. WOLJUER, [redacted]

CHAPLAIN

To be lieutenant colonel

JOHN W. HOFFMAN, [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

MARIANNE L. DARDEN, [redacted]

MEDICAL CORPS

To be lieutenant colonel

ROBERT H. ROSWELL, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

ALBERT L. KEMP, JR, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

SUSAN K. ST JOHN, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

SANDY L. ROYSTER, [redacted]
JOHN J. WITMEYER, III, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3359:

DENTAL CORPS

To be lieutenant colonel

ERNEST F. KRUG, III, [redacted]

MEDICAL CORPS

To be lieutenant colonel

CARL D. BROWN, [redacted]
RICHARD A. REID, [redacted]

IN THE ARMY NATIONAL GUARD

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

To be colonel

ALFRED E. CHILDRES, [redacted]
JAMES R. DECKER, JR, [redacted]
RAY Z. DISSINGER, [redacted]
EDWARD J. EHRMANTRAUT, [redacted]
JAMES W. EMERSON, [redacted]
JOHN L. FASCIA, [redacted]
ALEX R. GARCIA, [redacted]
AUSTIN S. GRATON, [redacted]
FRED W. GUSTIN, [redacted]
JOHN F. HARKINS, [redacted]
HENRY E. HARPER, [redacted]
LAURIN R. HOOD, [redacted]
JAMES L. JONES, [redacted]
WILLIAM C. KANE, [redacted]
RONALD E. KILCREASE, [redacted]
KRIS E. LARSEN, [redacted]
JAMES L. LOCKE, [redacted]
JOHN S. MARTIN, [redacted]
WILLIAM MIRANDA-MARIN, [redacted]
JEROME H. MOONEY, III, [redacted]
MARION L. MURRAY, [redacted]
GLENN E. PECK, [redacted]
RONALD E. RITCHIE, [redacted]
RICHARD M. RUSCH, [redacted]
JERRY W. SIMPSON, [redacted]
TONY L. STANSBERRY, [redacted]
MARVIN D. SULLIVAN, [redacted]
NORMAN A. THOMAS, [redacted]
BOBBY G. WEBB, [redacted]
THOMAS R. WILLIAMS, JR, [redacted]

MEDICAL CORPS

To be colonel

JEROME H. LUKER, [redacted]

MEDICAL SERVICE CORPS

To be colonel

NOAH D. DANIEL, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

GERALD L. ANDERSON, [redacted]
ROBERT D. ANTUONO, [redacted]
CHARLES P. BALDWIN, [redacted]
DENNIS L. BLISS, [redacted]
THOMAS D. BURKHEAD, [redacted]
LOUIS A. CABRERA, [redacted]
RUSSELL F. FURSTNOW, [redacted]
MAX D. JOHNSON, [redacted]
CHARLES W. LINDSEY, [redacted]
DAVID N. LOVELESS, [redacted]
WILLIAM A. LUOMA, [redacted]
SALVATORE J. MAZZOTTA, [redacted]
ROBERT E. MCCULLOUGH, [redacted]
STEVEN L. MELANCON, [redacted]
JOSEPH B. MOSS, [redacted]
DAVID L. PETERSEN, [redacted]
BRIAN F. PHIPPS, [redacted]
BRUCE W. PIERATT, [redacted]
MARK V. RHETT, [redacted]
FRANK E. RICHARDSON, [redacted]
GEORGE A. ROGIC, JR, [redacted]
JOSEPH D. SALTZMAN, [redacted]
RAMON S. SANCHEZ, JR, [redacted]
DENNIS M. SAVAGE, [redacted]
STEPHEN R. SCHAEFFER, [redacted]
JAMES V. SCURLOCK, [redacted]
ROGER L. SHIELDS, [redacted]
PAT W. SIMPSON, [redacted]
THOMAS S. SMALL, [redacted]
JOHN STURNER, [redacted]
LARRY WARE, [redacted]
FRANK W. WHIPPLE, [redacted]
BRUCE R. WHITMAN, [redacted]
ROBERT E. WIDHALM, [redacted]
CLARENCE A. WRIGHT, [redacted]

CHAPLAIN

To be lieutenant colonel

KEITH R. KIKEL, [redacted]
MARK A. LINDER, [redacted]
GORDON A. WESTENSKOW, [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

CAROL A. BROWN, [redacted]
MAYO P. MORRIS, [redacted]
LINDA S. ROBERTS, [redacted]

MEDICAL CORPS

To be lieutenant colonel

SUBHI D. S. ALI, [redacted]
FREDRICK H. BRONSON, [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

STANLEY G. COLE, [redacted]
DONALD L. FINKENKELLER, [redacted]

VETERINARY CORPS

To be lieutenant colonel

ROBERT E. GOOD, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

JAMES R. BAKER, [redacted]
FERDINAND D. CLERVI, [redacted]
JOSEPH C. FOWLER, JR, [redacted]
CHARLES R. FULBRUGE, III, [redacted]
FITZHUGH L. GODWIN, JR, [redacted]
ADRIAN J. GRAVELLE, [redacted]
STEPHEN J. HARPER, [redacted]
JOHN T. HOLLOMAN, [redacted]
JOHN R. HOWELL, [redacted]
WALTER B. HUFFMAN, [redacted]
CRAIG C. JACOBSEN, [redacted]
WAYNE R. JOHNSTON, [redacted]
THOMAS M. KULLMAN, [redacted]
DANIEL B. LIMBAUGH, [redacted]
PATRICK J. MACKEY, [redacted]
VAHAN MOUSHEGIAN, JR, [redacted]
PAUL A. ROBBLEE, JR, [redacted]
RAYMOND C. RUPPERT, [redacted]
RICHARD D. RUSSELL, [redacted]
BRYAN H. SCHEMPF, [redacted]
GREGORY O. VARO, [redacted]
RIGGS L. WILKS, JR, [redacted]
ROBERT P. WILLIAMS, JR, [redacted]
DAVID C. ZUCKER, [redacted]

DENTAL CORPS

To be colonel

RONALD P. APPLEBY, [redacted]
DAVID A. BERNSTEIN, [redacted]
THOMAS D. BLANEY, [redacted]
ARLIE E. BURNHAM, JR, [redacted]
JACK D. EARLEY, [redacted]
ULRICH FOERSTER, [redacted]
WILLIAM F. FRECCIA, [redacted]
JOHN J. GARY, [redacted]
JOHN W. GUINN, III, [redacted]
GERALD W. HARVEY, [redacted]
JEFFREY O. HOLLINGER, [redacted]
JAMES C. HOOTS, [redacted]
ERIC S. KOPPELMAN, [redacted]
WILLIAM A. KRANTZ, [redacted]
MICHAEL F. LASCHER, [redacted]
CHARLES H. LILEY, [redacted]
JOHN D. RAJNIAK, [redacted]
TODD R. RIDDELL, [redacted]
JOHN A. ROLLOW, IV, [redacted]
CARLOS F. SALDANA, [redacted]
DONALD W. WELLS, [redacted]
GENE WITHROW, [redacted]

MEDICAL CORPS

To be colonel

ARTHUR O. ANDERSON, [redacted]
DAVID R. BACON, [redacted]
JAMES D. BALES, JR, [redacted]
LARRY E. BECKER, [redacted]
RALPH D. BERNIER, [redacted]
MARSHALL B. BISCHOFF, [redacted]
WILLIAM G. BISSELL, [redacted]
PETER W. BLUE, [redacted]
JOHN M. CARPER, [redacted]
ROGER F. CHAMUSCO, [redacted]
LUKE S. CHUNG, [redacted]
KENNETH L. FARMER, JR, [redacted]
GEOFFREY M. GRAEBER, [redacted]
RENATA B. GREENSPAN, [redacted]
ROBERT E. HALES, [redacted]
ERIC W. KRAUS, [redacted]
FREDERICK C. LOUGH, JR, [redacted]
CHARLES K. MCALLISTER, [redacted]
JAMES MCKOY, [redacted]
HAROLD F. MOESSNER, [redacted]
JOSE J. MONSIVAIS, [redacted]
MICHAEL R. MOON, [redacted]
DAN C. MOORE, [redacted]
WOO C. PAIK, [redacted]
JOHN POPE, JR., [redacted]
JERRY E. SIMS, [redacted]
ARTURO T. SISON, [redacted]
JORGE C. SRABSTEIN, [redacted]
HAROLD L. TIMBOE, [redacted]
JOHN P. TOMLINSON, III, [redacted]
WILLIAM O. WALCOTT, [redacted]
JOSEPH C. WOODS, [redacted]
ANTHONY P. ZAVADIL, III, [redacted]

MEDICAL SERVICE CORPS

To be colonel

KENNETH B. ASPINALL, [redacted]
DOUGLAS A. BARTON, [redacted]
WILLIAM H. BELL, JR., [redacted]
WILLIE H. BOYD, [redacted]
DOUGLAS A. BRAENDEL, [redacted]
WILLIAM W. BRAUN, [redacted]
SAMUEL A. BROWN, JR., [redacted]

RONALD P. CHILDS, [redacted]
CHARLES W. CHURCHILL, [redacted]
JOSEPH J. COSTANZO, JR., [redacted]
JAMES J. DAMATO, [redacted]
WILLIAM P. DEBREE, [redacted]
THOMAS M. DRISKILL, JR., [redacted]
JEROME V. FOUST, [redacted]
JESSE K. FULFER, [redacted]
ALFRED W. GILL, [redacted]
RICHARD V. GINN, [redacted]
GILBERT L. GOLDMAN, [redacted]
STERLING D. HAMMOND, [redacted]
FRANK R. HASH, JR., [redacted]
PATRICK S. HIU, [redacted]
FRANK B. HOLLAND, [redacted]
SCOTTIE T. HOOKER, [redacted]
RICHARD W. IHLENFELD, [redacted]
LARRY G. JOHNSON, [redacted]
PAUL F. KITTINGER, JR., [redacted]
BENJAMIN M. KNISELY, [redacted]
THADDEUS A. KRUPKA, [redacted]
ERNEST J. LENZ, JR., [redacted]
MICHAEL B. LESTER, [redacted]
JOSEPH F. LYONS, [redacted]
EARL R. MCKINSTRY, [redacted]
JAMES H. OSTRANDER, [redacted]
CURTIS A. PETERS, [redacted]
ROBERT O. PICK, [redacted]
JAMES W. ROBERTSON, JR., [redacted]
TERRAL L. RODMAN, [redacted]
JAMES A. SCHLIE, [redacted]
JEFFREY B. SCHULZ, [redacted]
DANIEL R. VOSS, [redacted]
JAMES T. WORTHAM, JR., [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

CLYDE H. BELL, JR., [redacted]
RUTH E. DEWTON, [redacted]
WILLIAM L. GOODWIN, JR., [redacted]

VETERINARY CORPS

To be colonel

PHILLIP C. DEBOK, [redacted]
LEO L. KONERMANN, JR., [redacted]
CARL T. KYZAR, [redacted]
GEORGE E. LEWIS, JR., [redacted]
CHARLES P. RAFLO, [redacted]

ARMY NURSE CORPS

To be colonel

BRUCE C. ALLANACH, [redacted]
DAVID R. ARROWSMITH, [redacted]
EUGENE G. BRILLANT, [redacted]
FREDRIC R. BROCKSCHMIDT, [redacted]
SHARON F. BYSTRAN, [redacted]
DIANE K. CORCORAN, [redacted]
HERBERT H. DINGBAUM, [redacted]
JENKINS C. GOLIGHTLY, [redacted]
KENNETH A. GORDON, [redacted]
BEVERLY A. GREENLEE, [redacted]
JAMES V. HESTON, [redacted]
MARGUERITE R. HUTCHESON, [redacted]
OLGA KALPAKGIAN, [redacted]
GLENN B. KNEPPER, [redacted]
JERRY D. LONG, [redacted]
JERILYN J. MALLORY, [redacted]
MARY M. MCCARTHY, [redacted]
FRANKLIN L. METCALF, [redacted]
RANDALL L. OLIVER, [redacted]
CAROLINE J. RAKIEWICZ, [redacted]
HELEN C. SCHOTZ, [redacted]
CHARLES R. THOMPSON, [redacted]

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE SEPTEMBER 9, 1987:

DEPARTMENT OF STATE

MELISSA FOELSCH WELLS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF MOZAMBIQUE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

DAVID BRYAN SENTELLE, OF NORTH CAROLINA, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

HOUSE OF REPRESENTATIVES—*Wednesday, September 9, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for those whose talents and industry have built our land and given us the abundance of so many things. Bless all those who are the builders of our Nation—those who build with bricks and stone, those who build with ideas and programs, those who build with healing and reconciliation, those who build with the tools of the spirit. Bless all those whose lives are dedicated to using their abilities in ways that glorify You and who each day are building the common good. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **BLAZ**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **BLAZ**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 280, nays 80, answered "present" 1, not voting 72, as follows:

[Roll No. 313]

YEAS—280

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Baker
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bilbray
Boehlert
Boggs
Bonior (MI)
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Chapman
Chappell
Clarke
Coats
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Craig
Crockett
Daniel
Darden
Davis (MI)
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hiler
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Leath (TX)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McCurdy
McDade
McEwen
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Obey
Olin
Owens (UT)
Oxley
Packard
Panetta
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Savage
Sawyer
Scheuer
Schuette
Schulze
Schumer
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stenholm
Stokes
Stratton
Synar
Tallon
Tauke
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—80

Armey
Badham
Ballenger
Bentley
Bliley
Brown (CO)
Buechner
Bunning
Burton
Chandler
Cheney
Clay
Coble
Coughlin
Courter
Crane
Dannemeyer
Davis (IL)
DeLay
Edwards (OK)
Emerson
Gallegly
Gallo
Gekas
Gregg
Hansen
Hastert
Henry
Herger
Hopkins
Hunter
Ireland
Jacobs
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Marlenee
Martin (IL)
McCandless
McGrath
McMillan (NC)
Miller (OH)
Molinari
Moorhead
Parris
Pashayan
Penny
Rhodes
Saiki
Saxton
Schaefer
Schroeder
Sensenbrenner
Sikorski
Skeen
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Swindall
Vucanovich
Walker
Weber
Weldon
Wolf
Young (AK)

ANSWERED "PRESENT"—1

Gibbons

NOT VOTING—72

Alexander
AuCoin
Barton
Bevill
Biaggi
Bilirakis
Boland
Boner (TN)
Bonker
Boulter
Bruce
Callahan
Carr
Clinger
Collins
Coyne
Daub
DeFazio
Dickinson
DioGuardi
Dixon
Downey
Fields
Frenzel
Garcia
Gephardt
Gingrich
Goodling
Holloway
Houghton
Inhofe
Jeffords
Jenkins
Kaptur
Kemp
Kolter
Konnyu
Kostmayer
Lancaster
Lehman (CA)
Leland
Livingston
Lloyd
MacKay
Mavroules
McCloskey
McCollum
Morrison (CT)
Nielson
Oberstar
Ortiz
Owens (NY)
Quillen
Ridge
Roberts
Robinson
Rodino
Roemer
Roukema
Russo
Schneider
Shumway
St Germain
Stark
Studds
Sweeney
Swift
Tauzin
Thomas (CA)
Towns
Traxler
Upton

☐ 1225

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. **UPTON**. Mr. Speaker, despite leaving my hometown of St. Joseph this morning at 5:30, I ran into heavy fog that delayed planes in South Bend, IN, and Dayton, OH; and I subsequently took a bus to Chicago.

I missed the vote on the Journal. Had I been present, I would have voted "no."

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On August 10, 1987:

H.R. 27. An act to regulate nonbank banks, impose a moratorium on certain securities and insurance activities by banks, recapitalize the Federal Savings and Loan Insurance Corporation, allow emergency interstate bank acquisitions, streamline credit union operations, regulate consumer checkholds, and for other purposes; and

H.R. 3190. An act to provide for a temporary increase in the public debt limit.

On August 13, 1987:

H.J. Res. 313. Joint resolution designating the month of August 1987 as "National Child Support Enforcement Month."

On August 18, 1987:

H.R. 318. An act to provide for the restoration of the Federal trust relationship and Federal services and assistance to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes;

H.R. 348. An act to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service;

H.R. 921. An act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units;

H.R. 1403. An act to designate the U.S. Post Office Building located in St. Charles, IL, as the "John E. Grotberg Post Office Building";

H.R. 1444. An act to amend titles XI, XVIII, and XIX of the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions relating to those programs;

H.R. 2309. An act to amend the Christopher Columbus Quincentenary Jubilee Act;

H.R. 2855. An act to settle Indian land claims in the town of Gay Head, MA, and for other purposes; and

H.J. Res. 216. Joint resolution to support a cease-fire in the Iran-Iraq war and a negotiated solution to the conflict.

On August 20, 1987:

H.R. 812. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the Malcolm Baldrige National Quality Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provision of their goods and services;

H.R. 2971. An act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services, and for other purposes;

H.R. 3085. An act to amend the Water Resources Development Act of 1986 relating to the level of flood protection provided by the flood control project for Lock Haven, PA; and

H.J. Res. 336. Joint resolution designating the week of September 13 through September 19, 1987, as "National Reye's Syndrome Awareness Week."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1451. An act to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991; to amend the Native Americans Programs Act of 1974 to authorize appropriations for such fiscal years; and for other purposes.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 155. Joint resolution to designate the period commencing on September 13, 1987, and ending on September 19, 1987, as "National Reye's Syndrome Week."

The message also announced that pursuant to Public Law 99-624, the Chair on behalf of the President pro tempore, appoints Mr. ARMSTRONG, Mrs. KASSEBAUM, and Mr. MCCAIN to the Eisenhower Centennial Commission.

The message also announced that pursuant to Public Law 93-29, as amended by Public Law 98-459, the Chair on behalf of the President pro tempore, appoints Newton Dodson of Mississippi, from private life, to the Federal Council on the Aging.

The message also announced that pursuant to Public Law 83-420 as amended by Public Law 99-371, the Chair on behalf of the Vice President appoints Mr. INOUYE to the Board of Trustees of Gallaudet University.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives.

WASHINGTON, DC,
September 1, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the certificate of election received from the Honorable Julia H. Tashjian, Secretary of State, State of Connecticut, and the Honorable William A. O'Neill, Governor of Connecticut, indicating that the Honorable Christopher Shays was elected to the office of Representative in Congress from the Fourth District of Connecticut in the Special Election held on August 18, 1987.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

STATE OF CONNECTICUT, OFFICE OF THE SECRETARY OF THE STATE

This is to certify that on the eighteenth day of August, nineteen hundred and eighty-seven Christopher Shays was duly chosen by the qualified electors in the several towns comprising the Fourth Congressional District of the State of Connecticut a Representative of this State in the Congress of the United States for said District for the unexpired portion of the term ending on the third day of January, nineteen hundred and eighty-nine.

Given under my hand and the seal of the State of Connecticut, at the City of Hartford, this twentieth day of August, in the year of our Lord nineteen hundred and eighty-seven.

WILLIAM A. O'NEILL,
Governor.
JULIA H. TASHJIAN,
Secretary of the State.

SWEARING IN OF THE HONORABLE CHRISTOPHER SHAYS

The SPEAKER. Will the Honorable CHRISTOPHER SHAYS, of Connecticut, kindly step forward and take the oath of office.

Mr. SHAYS appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman from Connecticut is a Member of the U.S. House of Representatives.

Mr. FOLEY. Mr. Speaker, personally I say for this side of the aisle how warmly we welcome and greet the newly elected Member from Connecticut. We offer him and his family congratulations. We look forward to common service with him in the remainder of this Congress.

HOUR OF MEETING ON TOMORROW

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, Thursday, September 10, 1987.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

OFFICIAL PHOTOGRAPH OF THE HOUSE OF REPRESENTATIVES

Mr. FOLEY. Mr. Speaker, I offer a resolution (H. Res. 255) providing for the official photograph of the U.S. House of Representatives, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 255

Resolved, That at a time designated by the Speaker, the United States Capitol Historical Society shall be permitted to take official pictures of the House while in actual session for inclusion in the new edition of "We the People" and "The Capitol". The pictures shall also be available for legitimate nonprofit news and education purposes.

The SPEAKER. The gentleman from Washington [Mr. FOLEY] is recognized for 1 hour.

Mr. FOLEY. Mr. Speaker, I do not think this resolution requires extended debate, but I am not sure every Member heard the reading of the resolution.

Mr. Speaker, this resolution simply authorizes the official photograph to be taken of the House of Representatives on September 16.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois, the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, I would underscore the importance of the Members' noting that date, on which we would certainly like to have a full complement of the House on the floor for that official picture; bearing in mind this is our 200th anniversary, I think this is a very historic picture, and that will be taken a week from today, if I am correct.

Mr. FOLEY. The gentleman is correct, and I certainly concur in his caution to all Members to bear in mind that this is the official photograph of the House of Representatives to be taken. We hope there will be a full attendance of the House.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

Pursuant to the provisions of House Resolution 255, the Chair desires to inform Members that the official picture of the House while in session will be taken immediately after the approval of the Journal when the House convenes on Wednesday, September 16, 1987.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC,
August 10, 1987.

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC

Dear Mr. Speaker: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 11:14 a.m. on Monday, August 10, 1987, the following message from the Secretary of the Senate: That the Senate passed without amendment H.R. 3085, H.J. Res. 313, H.J. Res. 335, H. Con. Res. 151, and H. Con. Res. 161.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill and joint resolutions on Monday, August 10, 1987:

H.R. 812. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the Malcolm Baldrige National Quality Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provision of their goods and service;

H.J. Res. 216. Joint resolution to support a cease-fire in the Iran-Iraq war and a negotiated solution to the conflict; and

H.J. Res. 313. Joint resolution designating the month of August 1987 as "National Child Support Enforcement Month."

And the Speaker pro tempore signed the following enrolled bills and joint resolution on Wednesday, August 12, 1987:

H.R. 3085. An act to amend the Water Resources Development Act of 1986 relating to the level of flood protection provided by the flood control project for Lock Haven, PA;

H.J. Res. 335. Joint resolution designating the week of September 13 through September 19, 1987, as "National Reye's Syndrome Awareness Week";

S. 1550. An act to complete the Federal Triangle in the District of Columbia, to construct a public building to provide Federal office space and space for an international cultural and trade center, and for other purposes;

S. 1591. An act to temporarily restrict the ability to document foreign-built fish processing vessels under the laws of the United States; and

S. 1597. An act to amend the Farm Disaster Assistance Act of 1987 to extend the reporting date for the ethanol cost-effectiveness study.

□ 1240

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 2:35 p.m. on Thursday, August 27, 1987 and said to contain a special message from the President in accordance with the Impoundment Control Act of 1974, including Section 1014 (2 U.S.C. 685(a)); and

(2) At 11:02 a.m. on Monday, August 31, 1987 and said to contain a message from the President under the Federal Pay Comparability Act of 1970.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

REVISED DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-102)

The SPEAKER pro tempore [Mr. Murtha] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, September 9, 1987.)

FEDERAL EMPLOYEES PAY ADJUSTMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-103)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, September 9, 1987.)

REPORT OF CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

(For message, see proceedings of the Senate of today, Wednesday, September 9, 1987.)

ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS DURING FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, September 9, 1987.)

WELCOME TO THE 100TH CONGRESS, CHRISTOPHER SHAYS

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is a pleasure for me to have the opportunity to welcome my colleague, CHRIS SHAYS, the new Representative from the Fourth District, to membership in the House of Representatives, and to welcome his lovely wife, Betsy, and his charming daughter, Jeremy, who are with us today. I have worked with him many, many years in the State legislature, he in the House and I in the Senate. He is a man of great compassion and concern who has provided distinguished service to the people of Connecticut over many years and will distinguish himself in this body as we seek to make the difficult decisions around deficit reduction that require compassion and commitment as well as fiscal discipline for the long-term interests of us all.

CHRISTOPHER SHAYS, Representative of the Fourth Congressional District in Connecticut, my congratulations.

WELCOME TO THE 100TH CONGRESS CHRISTOPHER SHAYS

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute.)

Mr. GEJDENSON. Mr. Speaker, this is my second opportunity to be a colleague of CHRISTOPHER SHAYS. We first were elected to the State house in Connecticut in 1974. In that year we cosponsored a half dozen or so pieces of legislation together.

I know in his efforts here he will reach out as his predecessor, Stewart McKinney, did beyond party lines in our small delegation to work for the people of Connecticut. I look forward as the dean of the delegation to working with him.

WELCOME TO THE 100TH CONGRESS CHRISTOPHER SHAYS

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. ROWLAND of Connecticut. Mr. Speaker, I, too, would like to add my congratulations to CHRIS and his family. His wife Betsy is here and his daughter Jeremy was on the floor a few moments ago. His parents, Bud and Peggy, are also with us.

One of the main reasons CHRIS had such a sound and strong victory in the Fourth Congressional District is because of the corps of young volunteers and people associated with the campaign.

CHRIS' hard work and dedication over the years in the State legislature where I was fortunate enough to serve with him for 4 years paid off. He will do an excellent job representing those constituents in the Fourth District. On election night, Stew McKinney's widow said, "Now it is time for you to fill your own shoes." Indeed, CHRIS will do a fantastic job filling his own shoes and filling the shoes of Stewart McKinney, and we in the Connecticut delegation are proud to have him aboard.

WELCOME TO THE 100TH CONGRESS CHRISTOPHER SHAYS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, it is my great pleasure to welcome CHRISTOPHER SHAYS to this august Chamber, to the House of Representatives. CHRISTOPHER SHAYS follows in a great tradition of Connecticut Representatives, Oliver Ellsworth, William Samual Johnson, and Roger Sherman, who began and worked and made such a difference in our Constitution.

I came the same way that CHRISTOPHER SHAYS has joined our body. I came in a special election and know that he will have some lonely moments.

But the good side is that each and every one of us knows who CHRISTOPHER SHAYS is. We salute him in his victory and we welcome him to be one of us.

Connecticut has had a proud tradition of really affecting what happens in this Chamber. We are a small State, but we are a State that works together.

Stew McKinney, CHRISTOPHER SHAYS' predecessor, taught us all how we could go across party lines and how we can be nonpartisan, and as a result we can get things done. CHRISTOPHER SHAYS looks to Stewart McKinney's memory to probably be almost as good a Representative as our Stewart McKinney was. We still miss him, but we are delighted and overjoyed to welcome CHRISTOPHER SHAYS to the Congress of the United States of America.

A BIPARTISAN SOLUTION IN CENTRAL AMERICA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the main issue worrying my constituents during the August break was not trade, was not Central America, was not the budget deficit, was not the Bork nomination. The main concern voiced over and over was whether the President and the Congress could stop their fighting, call a cease-fire and start working together for a change.

People asked when are you characters in Washington going to stop squabbling about who is to blame for this and that and start addressing the major problems facing the country. The American people are uneasy and confused and frustrated.

This summer our country watched, courtesy of the Iran-Contra hearings, and saw their Government look foolish with laws broken and high officials lying. Yet despite these disappointments in the Government, the people are tolerant of our excesses. Deep down they believe that if we work together we can at least make some headway in our problems.

Before adjourning, the Speaker started the spirit of cooperation with a dramatic initiative of peace in Central America. Now it is up to you, Mr. President, to show whether you are ready to engage in this bipartisanship on Central America and on the decisive issues that need our united attention.

DEMOCRACY IN THE PHILIPPINES

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, 4 years ago, Corazon Aquino left the United States a widow, mourning the death of her husband Nonoy Aquino. She returned to the Philippines to bury his democratic dream. Last September, this same woman spoke to the Congress as "Her Excellency," President of a free and democratic country.

In the shadow of her husband's death, President Aquino and her democratic government are once again in jeopardy. On August 28, 1987, mutinous troops loyal to ousted Defense Minister Juan Ponce Enrile attacked the Presidential palace and the government television and radio complex in an attempt to topple President Corazon Aquino's government, but soldiers repulsed the rebels—this time.

I acknowledge and applaud the immediate and firm hand President Aquino took in this latest attempted coup. But how long can the Philippine Government survive the nonstop turmoil that characterizes their daily life?

President Aquino and her family have turned to the United States for refuge during political upheavals and for guidance for political reforms. It is time for us to exhort President Aquino and her government to walk not in our footsteps, but by our side as a strong and steadfast democratic ally.

Today, I have introduced a resolution which praises President Aquino for her adherence to democratic principles and for her courageous acts in the face of unlawful violence against the government. But this resolution goes one step further. It supports the Government of the Philippines in its continued efforts to stop the threat to democracy advanced by the Communist and Moslem insurgents.

As President Aquino said to this august body last September, let us "build a new home for democracy, another haven for the oppressed, so it may stand as a shining testament of our two nations' commitment to freedom."

CONFERENCE OF THE INTERNATIONAL FEDERATION OF MULTIPLE SCLEROSIS SOCIETIES

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, this morning I had the real pleasure of addressing the conference of the International Federation of Multiple Sclerosis Societies designed to join all international research efforts to eradicate MS.

Multiple sclerosis is a chronic, often disabling disease of the central nervous system. As of yet, there is no cure. At the heighth of the polio epidemic in the United States earlier in this century there were 57,000 active polio cases. Today in America there are over five times that number of active MS cases and an equal number of undiagnosed MS cases.

I am pleased that Mr. Kingsley Murphy, Jr., a constituent of mine is a U.S. delegate to the conference.

The Multiple Sclerosis Societies worldwide represent the finest characteristics of the human race. From all forms of society and political systems, these individuals are peacefully working together to rid the world of MS.

Welcome. May the conference provide to be the underpinning of finding the cause and cure for a disease affecting 2 million people worldwide.

MR. SPEAKER, TALK TO THE PEOPLE OF CENTRAL AMERICA BEFORE YOU SPEAK

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from California [Mr. DORNAN] and I just arrived back from Managua, Nicaragua, and Honduras. I was very distressed to read upon our return that you said the Communist Sandinistas ought to be applauded because they appointed members of the NIC Peace Commission and are moving toward compliance with the peace accord.

Mr. Speaker, before we start applauding the Sandinistas I think it is important that you and your colleagues go down to Central America and talk to the people. Most of the people in Central America believe that the Sandinistas are buying time, that the Communists want the Contras to die on the vine. As a matter of fact approximately 70 percent of the people in Honduras, El Salvador, Guatemala, and Costa Rica want additional aid for the Contras according to a Gallop poll.

Mr. Speaker, you should go down to Central America and talk to President Azcona of Honduras who said to a Member of the other body that if the peace proposal does not work and if aid to the Contras is cut off and they die on the vine that approximately 50,000 troops, American troops, will be requested to be kept in Honduras to keep the peace down there, to protect those fledgling democracies from the Communist Sandinistas.

Mr. Speaker, go down there and talk to the wives and the mothers of the political prisoners, prisoners who are kept in those Communist prisons and are being tortured. These wives and mothers told us that they were not even able to get food because their rations have been cut off due to the fact their husbands and their sons are in those prisons.

Mr. Speaker, talk to the people of Central America before you make these statements. The Communists are not going to comply—they're just trying to buy time.

□ 1255

THE RISK ASSESSMENT BOARD

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, every year, according to Government estimates, as many as 100,000 workers die and as many as 400,000 are newly disabled due to diseases caused by workplace substances. And, every year, according to a 1984 Department of Labor study, these deaths and disabilities cost American taxpayers $5.4 billion in Social Security, Medicaid, and Medicare payments. H.R. 162, the High Risk Occupational Disease Notification and Prevention Act, is designed to save those lives and lower those costs.

The bill establishes a Risk Assessment Board to identify workers at high risk of developing occupationally related disease. The nine-member Board will be chaired by the Director of the National Institute for Occupational Safety and Health, and composed of eight people, four Government members—an occupational health physician, an epidemiologist, and toxicologist, and a biostatistician, plus four non-Government members—an occupational health physician, an epidemiologist, an occupational health nurse, and an industrial hygienist.

The National Academy of Sciences will recommend at least three appointees for each position, and the Secretary of Health and Human Services will decide who will sit on the Board.

The members of the Risk Assessment Board will identify workers at risk based on:

Statistically significant evidence from clinical, epidemiologic, or toxicologic studies.

The extent of the increased risk of illness or disease created by the occupational health hazard alone or in combination with other factors, including—but not limited to—diet and smoking.

The health consequences of notifying or failing to notify a population at risk; and

The extent to which risk has been reduced as a result of the enactment of substance-specific occupational health standards.

After the workers have been identified, NIOSH will notify them of their increased risk of developing an occupationally related disease. The notice will also encourage them to enter a medical monitoring program, which would permit detection of developing diseases at their earliest stages, when the cost of treatment is lowest and the chances for successful treatment are greatest.

At $25 million a year, H.R. 162 is a cost-effective program that identifies workers at high risk of disease, notifies those workers of the risks, and encourages medical monitoring. It's not a compensation bill, it's a program designed to save lives, and I urge my colleagues to support H.R. 162.

HAPPY 100TH BIRTHDAY TO ALF LANDON

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, it is not often that we have the opportunity to witness the 100th birthday of an American political leader who continues to figure prominently in the affairs of the Nation, and warmly in the hearts of his countrymen.

Alf Landon was the 26th Governor of Kansas from 1933 to 1937. He was the nominee of the Republican Party for the office of President of the United States in 1936. His daughter, NANCY LANDON KASSEBAUM, continues his living legacy as a Member of the U.S. Senate.

It was Gov. Alf Landon who introduced the "cash basis law" in Kansas which today keeps Kansas cities and counties on a sound financial footing.

And it is the Landon lecture series at Kansas State University in Manhattan which has served since 1966 as a forum for discussion of public policy by Presidents and Vice Presidents of the United States, Members of Congress, members of the Cabinet, the Supreme Court, the news media, and by world leaders from the Middle East to Central America.

Alf Landon has earned his place in Kansas and American history, and in the hearts of his countrymen, as an ordinary man who rose to prominence, striving for excellence, reaching great goals, suffering great disappointments, and all the while acting with great compassion and exercising great integrity, and using Kansas common sense.

Mr. Speaker, it is my great privilege as a Member of the 100th Congress to wish Alf Landon of Kansas a very happy 100th birthday.

SOVIETS SHOULD LIVE UP TO THE STANDARDS ANNOUNCED BY MR. GORBACHEV

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I had the privilege and the honor of being a member of the JIM WRIGHT congressional delegation that visited the Soviet Union in April of this year. In the course of a 2½-hour meeting the Wright Codel had with General Secretary Gorbachev, I asked him a question about the so-called security label. I asked him whether he had been quoted correctly on French television to the effect that if a person had a security label applied to them, it would be a nullity and irrelevant after 5, or at the most, 10 years because of rapid advances in science and technology. He said, "Yes, that is our position, that is the fact. You cannot have a security label that can last more than 5 or at the most 10 years when such a person is out of security work because their knowledge becomes history and obsolete.

Now, in this morning's New York Times, Mr. Speaker, there is a story on page A7 stating that the State Department is now negotiating with the Russians to establish some kind of order and process and maybe an end to the security risk label after 5 or 10 years.

Mr. Speaker, what the State Department should do is to press the Soviet Government to practice—in law and in fact what Mr. Gorbachev preached—unequivocally and unmistakably to the entire JIM WRIGHT congressional delegation.

This latest development is a minor example of the useful nature of congressional visits as a means of establishing an informal dialog between American officials and representatives of foreign governments.

Personal conversations and shirtsleeve meetings can often lead to major policy decisions.

In this case, the Wright Codel established that Mr. Gorbachev believes that 5 years, or at the most 10 years, is the limit for security risk matters.

It is now up to the State Department to follow through on this issue.

NICARAGUA IS A COMMUNIST HELLHOLE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I returned with Congressman DAN BURTON of Indiana from my 13th trip to Central America, 3 just in the last 50 days. And what I saw down there after not having been in Nicaragua for over a year was the most desperate situation I have seen anywhere in the world, including the Soviet Union—not talking about numbers now but prorated to the population—and including Hanoi itself which I visited twice as a Congressman. I was in Haiti a few weeks ago. Haiti is bad, it is the poorest country in the Western Hemisphere. Yet there is more joy and freedom and goods to buy in the shops in this terribly poor country than there is in Nicaragua. Nicaragua has a prison system where the head of the secret police, the Minister of Interior, Tomas Borge, finally admits to the highest figure ever, 8,800 prisoners. That is the highest prorated political hellhole, to the population, barely over 2 million people, in the whole world.

When I lined up as did the prior speaker, Mr. SCHEUER and Mrs. BOGGS of Louisiana and the Clerk of the House, Donnald K. Anderson and listened to the mothers, mothers of doctors and lawyers, mothers of just peasant sons who have been arrested all over their country, their wives, their sisters have been breaking down crying in front of you, I am telling you, Mr. Speaker, I still support the Wright-Reagan plan but I am counting the days, and they are painful, 21 to go tomorrow, and then I want to cut loose and support the democratic resistance because this is a Communist hellhole down there. No Member should vote unless he takes that 4-hour and 15-minute flight down to Managua, Nicaragua, the Communist hellhole of the world, not just the Western Hemisphere.

WE ARE PROTECTING THE PRESIDENT'S EGO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President's plan to block Soviet expansion in the gulf has backfired. Despite a huge military buildup and presence over 90 percent of gulf shipping remains unprotected. In fact, let us face it, the only real thing that we are protecting is the President's ego. And it has become the most expensive ego in world history and that is telling it the way it is. Instead of checking Soviet influence in the gulf he has enhanced it. Our policies and practices have made and escalated the Soviets into a position as peacemaker in the gulf. How misdirected and foolish could this policy be?

It is time for the President to admit he made a mistake and invoke the War Powers Act. Our troops are still in a very hostile territory. And remember this, if he does not, it will be no skin off of his nose but unfortunately our troops are subject to an awful lot of consequences.

Think about it.

BRAILOVSKY GIVEN PERMISSION TO EMIGRATE

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, I was pleased to learn earlier this week that several long-term Soviet refuseniks finally have been granted permission to leave the country, including Viktor Brailovsky. When I came to Congress in 1981, I adopted this refusenik. Since then, I have been closely following his progress and have consistently written to the Soviet leadership urging his release.

Over the past 15 years, Brailovsky's requests to emigrate to Israel were denied ostensibly because of charges that he had knowledge of state secrets. Like all Soviet refuseniks, he and his family have suffered incredibly because of their desire to leave the Soviet Union.

As the Soviets prepare for talks between Secretary Shultz and Soviet Foreign Minister Eduard Shevardnadze later this month in New York, I hope that more refuseniks, such as my other adoptee Vladimir Kislik, will be allowed to follow the Brailovskys to Israel. We must keep in mind that these recent releases are motivated by current arms control negotiations and, unfortunately, are not the result of some fundamental change in the Soviet view of human rights and their obligations as a signatory to the Helsinki accords.

WHY ARE WE ABANDONING ONSITE INSPECTION AS PART OF VERIFICATION?

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker and President Reagan, I have steadfastly supported your initiatives in the buildup of national defense, in foreign policy matters, in disarmament questions, but I am sorely taken aback by the prospect of losing the onsite inspection which we sought so carefully over the last generation as part and parcel of any agreement that we should reach with the Soviet Union on disarmament.

I am ready to support you, Mr. President, in any initiative at Geneva or elsewhere on disarmament but someone has to explain to me why we are abandoning onsite inspection as part of verification. As Georgi Arbatov who is the No. 2 man, or was, close to Gorbachev, in a "Nightline" broadcast in November 1985, in a question which I posed to him, was ready to accede that the Soviet Union was ready to discuss onsite inspection, in laboratories, at nuclear sites, wherever. And now when all of the world is poised for the disarmament agreement it is the United States who has receded from what we had deemed a necessity for onsite inspection as part of verification. I am not going to abandon you, Mr. President, in your efforts for disarmament agreements, but someone has to tell me why we are abandoning onsite inspection.

THE 100TH BIRTHDAY OF ALFRED LANDON

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I rise today to join Kansas and the Nation in wishing the senior political leader of the Grand Old Party a happy birthday. Today, Alf Landon, former Governor of Kansas and one-time Republican Presidential candidate, celebrates his 100th birthday.

Alfred M. Landon's influence on American politics has been a mixture of Kansas common sense and independent thinking.

Landon displayed these characteristics throughout his distinguished career; perhaps most notably in 1912 when he supported Teddy Roosevelt's "Bull Moose" effort, and again in 1952 when he backed Senator Taft over Kansas native son Dwight Eisenhower for the Republican Presidential nomination.

It was the same determination of spirit—the same strong independent streak, that made him one of the most sought after advisers of Presidents and politicians from both parties for well over half a century.

This is a remarkable tribute to a man who served just 4 years in public office. He was elected Governor of Kansas in 1932 and reelected in 1934. His next, and last, race was for President of the United States in 1936.

Happy 100th birthday to Alf Landon, a man who has played an important and influential role in shaping this Nation's political history.

QUALITY OF AIDS RESEARCH IN VETERANS' HOSPITALS

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I rise today to thank the Veterans' Affairs Subcommittee on Hospitals and Health Care and Chairman SONNY MONTGOMERY for calling for a hearing in San Francisco on AIDS treatment demands and Veterans' Administration's research efforts.

It was my pleasure to welcome Dr. ROY ROWLAND and Representative KEN GRAY of the subcommittee to San Francisco for these important hearings during the August recess.

I also appreciate Dr. ROWLAND and the committee's cooperation in visiting San Francisco General Hospital and other sites which are valuable resources in battling the AIDS crisis.

Because of Dr. ROWLAND's knowledge and training as a doctor, the hearing and the visit were, I believe, very productive.

The quality of AIDS research in the veterans hospitals and the interest of the subcommittee gives us hope in the fight against AIDS. Thank you Chairman MONTGOMERY, Dr. ROWLAND, and Representative GRAY.

□ 1310

NEGOTIATIONS ON NICARAGUAN PEACE PLAN THREATENED

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, we are faced with an unprecedented opportunity to change the course of history in Central America. On August 7 the Presidents of five Central American countries signed a historic peace agreement. While there are still unresolved problems, no one in the region has abandoned the negotiating process—no one, it seems, but the Reagan administration.

Despite its initial declaration of support, the administration has now actively attempted to undermine the Arias plan. Yesterday Mr. Reagan stated that the United States should continue providing assistance to "our friends in Central America." He meant, of course, the Contra terrorists. Despite assurances to Speaker WRIGHT that there will be no "talk about military aid until the peace process is complete," key Republicans have been suggesting that they do intend to seek a vote on Contra aid, perhaps disguised as a so-called escrow account. Such an approach betrays both the spirit of the Guatemala agreement and the President's assurances.

On August 25, President Arias of Costa Rica asked the administration to hold off requesting Contra aid, pleading that we should have a chance, and we deserve that chance. I say to President Reagan, "listen to that plea. Don't deny the Central American people this chance to stop the killing. Mr. President, give peace a chance."

CONGRATULATIONS TO ALF LANDON ON HIS 100TH BIRTHDAY

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, on behalf of my fellow Nebraskans and also personally, I join my colleagues in sending our warmest wishes to our good neighbor and friend, one who is well loved and highly respected across Nebraska, Alf Landon, as he celebrates his 100th birthday.

We remember when he rendered distinguished service to Kansas as the Governor of Kansas. We remember when he was a much appreciated, dedicated, and highly respected candidate for the office of President of the United States.

All Republicans everywhere are inspired by Mr. Landon's dedicated, unswerving, and long-lasting stewardship of the Grand Old Party.

What is more, he has given us a distinguished U.S. Senator, his daughter, my good friend, the gentlewoman from Kansas [Mrs. KASSEBAUM.] I assure Mr. Landon that his daughter upholds the justifiably famous Landon name and reputation in superb fashion.

So congratulations and best wishes are in order upon Mr. Landon's 100th birthday, September 9, 1987. I know I join thousands of others in offering these greetings to the Landon family and others joining him in celebrating a truly long, useful life.

A TRIBUTE TO MARY GOODYEAR AND MEMBERS OF THE INTERNATIONAL MULTIPLE SCLEROSIS CONFERENCE

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, as we reconvene today in Congress, several of the Members have mentioned that the International Multiple Sclerosis Conference is also in session in 1987 in Washington, DC.

Multiple sclerosis, Mr. Speaker, is a mystery kind of disease. We do not know what causes it, and we do not know what can cure it, but these people who are meeting here in session from all over the world have come from across all cultural and racial and economic lines to try to address the problems of multiple sclerosis.

One of the U.S. delegates among them is my friend and consituent, Mary Goodyear, who has served as a member of their board of directors for the U.S. Conference since 1971. If all of the members serve as effectively and as devotedly as Mary Goodyear does, I know that someday we will have the initials, "MS," mean "mystery solved."

Mr. Speaker, I salute the members who are here attending this conference.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON H.R. 2600, SECURITIES AND EXCHANGE COMMISSION ACT OF 1987

Mr. WHEAT. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until 6 p.m. this evening to file a privileged report providing for the consideration of the bill, H.R. 2600, the Securities and Exchange Commission Act of 1987.

The **SPEAKER** pro tempore (Mr. Murtha). Is there objection to the request of the gentleman from Missouri?

Mr. LATTA. Mr. Speaker, reserving the right to object, would the gentleman please explain his request?

Mr. WHEAT. Mr. Speaker, if the gentleman will yield, my understanding is that the Rules Committee is going into session this afternoon at approximately 1:30 to consider this particular bill, the Securities and Exchange Commissin Act of 1987, and that as soon thereafter as possible a report will be ready for filing on the floor. It has been cleared by the minority, and we wanted to make sure that we would have time to file it today, just in case the House adjourns before 6 p.m.

Mr. LATTA. So this has been cleared with the minority?

Mr. WHEAT. That is my understanding, Mr. Speaker.

Mr. LATTA. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATIONAL HEALTH SERVICE CORPS AMENDMENTS ACT OF 1987

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 253

Resolved, That at any time after the adoption of this resoluton the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1327) to amend the Public Health Service Act to establish a National Health Service Corps Loan Repayment Program and to otherwise revise and extend the program for the National Health Service Corps and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The **SPEAKER** pro tempore. The gentleman from Missouri [Mr. Wheat] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Ohio [Mr. Latta], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 253 is an open rule providing for the consideration of H.R. 1327, the National Health Service Corps Amendments Act of 1987. The resolution provides for 1 hour of general debate to be equally divided and controlled between the chairman and ranking minority member of the Committee on Energy and Commerce and makes in order the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, now printed in the bill. The substitute is to be considered by title rather than by section and each title shall be considered as read.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

H.R. 1327 authorizes $65 million for each of the fiscal years 1988 through 1990 for the continuation of National Health Service Corps programs. Included in the bill is authorization for a new loan payment program which would pay off loans of up to $20,000 for each year that a physician agrees to serve in a Health Manpower Shortage area; clarification regarding the Department of Health and Human Services authority to terminate the designation of a health manpower shortage area and continuation of the Secretary of HHS authority to delay the beginning of an obligated period for a NHSC scholarship recipient to allow for additional training.

Mr. Speaker, there is no controversy surrounding this resolution. I urge that we adopt the rule so that we may proceed to consideration of the legislation.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the National Health Service Corps has been successful in dealing with the problem of health manpower distribution. In fact, it has been so successful that the need for it has diminished as its goals have been met. The program has succeeded, and now needs to be scaled down and redirected.

Mr. Speaker, this bill includes reauthorization of the scholarship program for the next 3 fiscal years. The administration has consistently testified that the scholarship program is no longer necessary. At the moment the scholarship program is owed more than $17 million from recipients who have not repaid their obligation to the corps. We should be putting more emphasis on collecting these debts to the taxpayers, rather than taking more away from the taxpayers.

Mr. Speaker, the administration opposes enactment of H.R. 1327 unless it is amended to:

Create a single authorization for appropriations for all National Health Service Corps [NHSC] activities that would require priority funding for first, continued support for those individuals already participating in the NHSC Program; and second, service to medically underserved areas through State loan repayment programs that contain matching requirements;

Authorize the Secretary of Health and Human Services [HHS] to make matching grants to States to support State loan repayment programs. The administration supports the use of a Federal/State matching program for all NHSC loan repayment activities; and

Permit the Secretary of HHS to require NHSC assignees to serve in remote rural areas, where the most significant health manpower problems remain.

While it is true that there are pockets of urban areas where practitioners do not locate offices, the access problems of urban individuals are not as acute as those located in rural areas.

Mr. Speaker, the open rule before us today, will allow necessary amendments to be offered to this legislation. I support the rule so that the House may proceed to improve this legislation.

Mr. WHEAT. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 253 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 1327.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1327) to amend the Public Health Service Act to establish a National Health Service Corps Loan Repayment Program and to otherwise revise and extend the program for the National Health Service Corps, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1327 would extend the authorizations for the National Health Service Corps [NHSC] field program for 3 fiscal years, 1988-90. In addition, the bill would extend the authorizations for the NHSC Scholarship Program and create a loan repayment program. The loan repayment program would pay off the loans that a doctor takes out to go to medical school. In return, the doctor would serve in a health manpower shortage area.

The National Health Service Corps has always enjoyed bipartisan support in the Committee on Energy and Commerce and the Congress. It has an outstanding track record of placing doctors and other health professionals in medically underserved communities. This fiscal year there are approximately 3,000 NHSC providers serving in rural and urban sites all over the country.

The primary criticism of the NHSC is that our medical schools have trained many more doctors than are needed. The surplus of doctors, according to this argument, will force doctors to settle in the sparsely populated and inner city areas now served by the NHSC.

The facts are otherwise. We may well have a surplus, if one counts all doctors being trained, yet there are thousands of communities without a doctor or a sufficient number of doctors. The surplus has done nothing for the approximately 3 million people now served by the NHSC.

In addition, counting all doctors masks the shortages in certain medical specialities. For example, the most recent data from the Department of Health and Human Services indicate that approximately 4,250 primary care doctors are now needed in primary care health manpower shortage areas around the country. The NHSC provides approximately 1,900 of them. So even by the Department's conservative count, the "surplus" of doctors has left many communities without the pediatricians, internists, family physicians, obstetricians, and gynecologists that they need. We have over 3,000 NHSC providers, yet underserved areas still need an additional 2,350 primary care doctors.

The continuation of the NHSC is essential because the corps is the only Federal program which attempts to provide needed health care professionals to underserved areas. The NHSC is needed now and it will always be needed. The areas served by the NHSC are either so sparsely populated or have such a high incidence of poor people that the private practice of medicine is not economically viable.

The NHSC appears to be on sound footing because there are approximately 3,000 NHSC providers now serving in health manpower shortage areas. In fact, the program is in a desperate situation. Without H.R. 1327, the NHSC will decline to approximately 1,000 providers in 1990 and to 200 providers in 1993. The Congress should not turn its back on the millions of Americans living in areas that are not attractive to private doctors. H.R. 1327 will provide the necessary authority to maintain this essential program.

H.R. 1327 is a very modest proposal. The authorizations for the field program for fiscal year 1988 through fiscal year 1990 are basically a freeze of fiscal year 1987 appropriations. The bill also authorizes loan repayment, as well as scholarships, in order to get young doctors committed to serving in underserved areas.

I urge all Members to join me in supporting this important bill.

☐ 1325

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman from California described the bill as being a freeze at last year's level, is that correct?

Mr. WAXMAN. Current appropriations are $60 million for the field program.

Mr. WALKER. Now, as I understand it, the bill authorizes the scholarship program for "such sums as may be necessary."

How does that relate to a freeze?

Mr. WAXMAN. The current appropriations are $2.3 million and we would expect that the Committee on Appropriations would keep that at a freeze level.

Mr. WALKER. So, in other words, the Committee on Appropriations can freeze it; but this bill specifically is not a freeze?

Mr. WAXMAN. We do freeze the authorization for part of it and leave another part at such sums as may be necessary, leaving it to the Committee on Appropriations.

Mr. WALKER. The such sums as may be necessary is above a freeze level, obviously. Is this authorizing any sums?

Mr. WAXMAN. It leaves the decision to the Committee on Appropriations.

If I might further elaborate, we did not want to authorize a specific number of scholarships as has seen done in recent years. We decided to leave that number open for determination by the appropriations committees each year.

Mr. WALKER. Mr. Chairman, if the gentleman would yield further, as I understand it, the people who would be eligible to serve under this program would go into not only rural remote areas, but would also be placed into poverty pockets within major cities, is that correct?

Mr. WAXMAN. If they are determined to be underserved areas by the Department of Health and Human Services, that is correct.

Mr. WALKER. Is there a safeguard under this bill to assure that these people having gotten their loans repaid by the Federal Government for practicing that kind of medicine do not also open an office on Park Avenue, as well as in Harlem, and 40 hours a week practice medicine for Harlem, but also have a fairly rich uptown clientele?

Are there protections against that?

Mr. WAXMAN. Yes, they must practice their profession on a full-time basis in serving out their obligated period of service in the corps.

Mr. WALKER. Forty hours a week?

Mr. WAXMAN. This is their primary occupation, their full-time business practice.

Mr. WALKER. But it is at 40 hours a week. What do we mean by full time?

Mr. WAXMAN. It would depend on the site to which they are assigned as to what the requirements would be.

If they are in an Indian reservation, they would be there full time. If they are in a clinic, they have to report full time to that clinic.

Mr. WALKER. Could we have a situation where someone would put in 40 hours a week, which is considered a full-time job in most parts of the country, and then additionally decide that he was going to work another 40 hours a week in another office practicing the profession?

Is that possible under this bill?

Mr. WAXMAN. We do not know of any problem, but their private time is their private time.

If they are working full time in fulfillment of the obligation that they undertook, and they are meeting that obligation, what they do on their own time in their own business.

Mr. WALKER. Let me tell the gentleman where I think that there is a bit of a problem, and I appreciate the gentleman yielding.

As long as you are serving in a rural remote area, there probably is not a problem, because that is probably the singular doctor for that area, or the singular doctor for an Indian reservation.

When you start including urban areas in this, the fact is he could have a very diverse clientele depending upon how many hours a week we are requiring of him.

He could go across town and serve a totally different clientele, and the Federal Government would be picking up the tab for the education; and I am wondering whether or not we do not then end up discriminating against those people who go into the rural areas who have that as their singular full-time job, while others under this program could very easily end up being people picking up considerable money on the side.

Mr. WAXMAN. We have never heard of this being a problem.

We are talking about health care providers in urban areas which have been declared an underserved area, and in which they work full time in a clinic to provide care for people coming into that clinic.

If they are doing that, they are paying the Government back for the scholarship they received. If they can invest wisely or moonlight and make more money, I do not know what objection any of the Members would have as long as they are living up to their obligation.

Mr. WALKER. If somebody was putting in full time at the clinic, and under the provisions of this bill, they could open an uptown office and have a totally different clientele there and practice so long as they were putting in the full time in the clinic in the underserved area.

Is that what I understand the gentleman is saying?

Mr. WAXMAN. The key ingredient of the contract with the Government is that they get a scholarship, and in return, they must serve patients in an underserved area.

If they are doing that on a full-time basis, that is all we require of them.

I would like to retain the balance of my time. Members on our side would like me to yield to them.

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since the National Health Service Corps was established in 1970, it has provided access to health care for thousands of Americans living in health manpower shortage areas. Community health centers, migrant health centers and the Indian Health Service have relied heavily on corps health providers.

The legislation we are considering today reauthorizes the corps filed program for 3 years and establishes a new loan repayment program. Under the new program, if after having finished professional training a health professional agrees to work in a medically under-served area, the corps will provide for the payment of up to $20,000 per year for loans incurred for education. I strongly believe that this approach will be an improvement over the current scholarship program which requires health care students to commit to service in the corps very early in their schooling which has resulted in many scholarship recipients defaulting on their obligation to the corps. While it is understandable that students might change their career goals 8 years after having made a commitment, I don't think the scholarship program need be funded.

My only concern about the new loan repayment program is that it would be administered exclusively by the Federal Government. Companion legislation passed by the other body in July contains a loan repayment program which would be run by the States. This grant program would require that the States pay at least 25 percent of the costs of repaying loans and that the States take on most of the responsibility for developing placement policy for corps personnel. The administration strongly supports this concept and in fact, regards its absence as a key element to their opposition to H.R. 1327. At the appropriate time, an amendment adding this new program will be offered. If that amendment passes and if an amendment which specifically allows the Secretary of HHS to require corps assigness to serve in underserved areas, where the most significant manpower programs remain, I will support this legislation. If those changes are made, we will have legislation which will reflect the realities of manpower recruiting into the 1990's.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I thank the gemtleman for yielding me this time.

Mr. Chairman, today I rise in support of H.R. 1327, a bill to reauthorize the National Health Service Corps scholarship and field programs. I would like to commend my distinquished colleague Chairman WAXMAN for the fine work he has done on this bill. Continuation of this program, which provides health care to patients in health manpower shortage areas, is critical to the continued survival of community rural health centers, migrant, and migrant health centers as well as Indian health care facilities.

I would especially like to thank the gentleman for including a provision which encourages participants in the National Health Service Corps [NHSC] loan repayment program to serve in Indian health programs. This bill has received broad support, including that of Indian tribes and Indian organizations who have worked closely with Chairman WAXMAN to express their concerns for the future of Indian health care on Indian reservations.

Some have suggested that the availability of more trained physicians eliminates the need for the NHSC. However, there is no evidence that the supply of physicians will migrate to medically underserved communities, which are characterized by a poor economy, lack of industry, poor housing, and a high incidence of chronic illness. To me it is clear that many communities are still unable to recruit physicians even with lucrative offers. Many communities would be unable to pay their salaries even if recruiting efforts proved successful.

Some of these communities can be found in my district in Colorado. The provisions of H.R. 1327 provide important incentives for physicians to become involved in providing services in the more rural areas of the country. This bill also provides for better deployment of NHSC physicians through a revised priority system. Overall, H.R. 1327 will play a significant part in providing quality health care for rural communities throughout the Nation.

H.R. 1327 also addresses a problem the Indian Health Service [IHS] is experiencing on the Indian reservations. IHS is confronting a major clinical staffing shortage that could have a dramatic affect on the delivery of medical care services to thousands of American Indians. The Indian Health Service provides comprehensive health services to nearly 1 million native Americans in 32 States, including Alaska, through a system of 51 hospitals and about 130 full-service ambulatory centers. IHS is the largest direct delivery system in the U.S. Department of Health and Human Services. Unlike the national trend which indicates there is now a surplus of physicians in the United States, the Indian Health Service, is facing immediate and serious problems concerning clinical staffing manpower. Many of the Indian health facilities are geographically isolated and offer few incentives for voluntary staffing. According to a recent special Office of Technology Assessment [OTA] report the present concern about clinical manpower shortages in IHS is a consequence of changes in the NHSC scholarship program. Chairman WAXMAN has addressed these concerns by including a provision which provides incentives for participants to serve in Indian health programs. It also directs the NHSC to give priority to the needs of Indian health service and tribal health care programs when it assigns members of the corps.

Since 1956, IHS has had the legal and moral responsibility to ensure that adequate health care is made available to the Indian people. Unfortunately, that responsibility has not been met. Indian people are at the bottom of the pile in this Nation in terms of health conditions. I urge my colleagues to support this bill, particularily for the Indian section which provides priority to the needs of Indian health care.

□ 1335

Mr. WAXMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 1327, the National Health Service Corps Amendments Act of 1987. The reauthorization of this program for 3 more years at figures of $65 million each for fiscal years 1988 through 1990 will be guarantee quality health services for thousands of elderly, Hispanic, poor, and Indian constituents in my district. Many rural areas of our country are dependent on the NHSC for the delivery of health services, especially those areas that are designated "health manpower shortage areas" [HMSA's]. The program improvements these amendments make will insure that people living in areas without ready access to urban medical centers will still receive the quality medical care they deserve.

Currently, the National Health Service Corps has 2,831 assignees serving in the Federal corps, taking advantage of private practice options, or serving assignments in community or migrant health centers. These NHSC personnel are assigned across the country in underserved areas. In other words, the National Health Service Corps helps thousands of elderly who make up a large percentage of the rural population; it helps poor and Hispanic communities which frequently rely on community and migrant health centers for their health-care needs; and it helps thousands of Indians dependent on the Indian Health Service for health care. In fact, in the IHS alone, 45 percent of the physician workforce is composed of service-obligated NHSC physicians.

However, since 1981, very few scholarships have been awarded under the scholarship program. With the phaseout of the scholarship program, these numbers will be drastically reduced. In 1987, only 576 new NHSC personnel were assigned. This figure is expected to decrease to 150 in 1988. And in 1989, there will only be 10 new NHSC service obligated physicians if this program is not reauthorized. This is a startling statistic which, when translated, means that hundreds of thousands of people will be left without adequate health care services.

I would like to give you an example based on personal experience. Currently, only 38 NHSC physicians are serving in New Mexico. Three of these are serving the dental needs of rural residents in manpower shortage areas. With the decrease in new personnel, New Mexico is slated to get zero new personnel in 1989. The National Health Service Corps is absolutely vital to States like New Mexico that are largely rural. Perhaps a more telling statistic is the fact that over half of the counties in New Mexico have less than six people per square mile. Conditions like these make it nearly impossible to support a private paying medical practice.

Moreover, frontier and rural areas simply cannot offer the amenities and attractions that cities and urban areas offer. The administration's assumption that the NHSC program is no longer necessary because of the oversupply of physicians is simply incorrect. Without tangible incentives, it is highly unlikely that the oversupply of physicians will result in a diffusion of physicians to underserved areas. This is especially true given the added fact that the average debt incurred by a medical student is almost $27,000. It is simply unrealistic to expect recent medical school graduates to set up practices in areas providing limited income for the repayment of loans.

Thus, I am highly pleased that these amendments establish a new loan repayment program. Given that the scholarship program will be virtually nonexistent by the 1990's, a loan repayment program is absolutely essential. I would like to commend the chairman for his action in this area. As this program is written, the Federal Government would be financially obligated to pay up to $20,000 in Government and commercial loan repayments for each year of service at an NHSC site that a participant agrees to.

The establishment of a loan repayment program gets at the heart of the problem as I see it. First, by tailoring eligibility requirements to medical students who are either in their final year, in graduate training, or have finished graduate training in medicine, osteopathy, or dentistry, the repayment program avoids the delays of between 5 and 7 years that were experienced under the NHSC scholarship program. Second, and more importantly, it serves the important function of getting medical personnel to those underserved areas where their skills are critically needed.

A third point that I would like to bring out is the loan repayment program's incentives with regard to the Indian Health Service. The health status of American Indians lags far behind that of the U.S. population in general. American Indians are far more likely to die at a younger age from heart disease, diabetes, influenza, and other health problems. In the face of these health statistics, the IHS is facing a potential health staffing crisis. It is already operating at a 10 to 20 percent shortage of staff and with the phaseout of the NHSC scholarship program which has been the primary source of IHS physicians, it is feared that many basic medical services will be eliminated.

The loan repayment program, however, insures the continued viability of the IHS health care delivery system by giving an added incentive for medical students to serve with the IHS. Individuals agreeing to serve in health programs operated by Indian tribes or the IHS, will be eligible for loan repayments from the Federal Government for up to $25,000. This figure represents an added $5,000 in comparison to serving in other manpower shortage areas under the NHSC program.

I would like to mention two other major improvements made by the National Health Service Corps Amendments of 1987. The first is an annual requirement that the Secretary of Health and Human Services project the need for NHSC physicians for the subsequent 3 years. Based on this projection, the Secretary will be required to make recommendations on the numbers of individuals needed for the corps. The second important improvement is a prohibition against removing the "health manpower shortage areas" designation from a geographic area without providing adequate notice to all interested parties. Additionally, before removing the HMSA designation, the NHSC must allow interested parties the opportunity to present information and statistics which support the area's designation as a manpower shortage area.

Mr. Chairman, this is a very important bill, and those who say that because there is an overflow of doctors who are going to serve in these rural underserved areas are wrong. It is not going to happen. You are not going to attract the number of physicians unless there are two things, people and funds. Many of these areas lack housing. They lack other incentives. This is a bill that provides those incentives, expecially for those young doctors that are vitally needed in these critical rural areas.

The bill also brings new accountability.

Two years ago this committee passed legislation that changed the loan repayment to some of the rural health clinics in the country that were having trouble meeting their obligations. That legislation enables this bill now to work well, to work more efficiently.

I think it is critically important that we recognize that there are those people throughout the country, whether they are in the ghettos of the cities or Appalachia or the Mississippi Delta or the Indian reservations, this is their only opportunity for health care. You cannot say to them that they have got to become more self-reliant or use the private sector. This is their only shot and these National Health Care Service Health Corps physicians are the key to many, many communities.

Mr. Chairman, this is a good bill. It is a compassionate bill. It is a bipartisan piece of legislation. It is important that we get it enacted, that we seek continuity in this program, that we continue the scholarship programs, that we consider perhaps in the future expending this program on an international basis to train physicians and give them incentives, and then if they go overseas after having sufficed in some of the domestic areas, that we use this as a foreign policy tool and do the right thing.

So I commend the chairman of the Health and Environment Subcommittee. I commend the minority member, the gentleman from New York [Mr. LENT].

Mr. Chairman, this is good legislation. It should be passed overwhelmingly. I ask the Members of this body to support it.

Mr. WAXMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I rise today in strong support for the National Health Service Corps reauthorization. This Federal program has provided dramatic improvements in the delivery of primary health care services within health manpower shortage areas since the enactment of the program in 1972.

Currently more than 3,300 National Health Service Corps members are delivering primary health care services to over 2 million underserved people in 1,600 communities across our country. And yet, President Reagan has called for the scholarship program to be phased out beginning in 1988 along with a major cut in funding for the field program. The administration claims that the corps is no longer necessary since the total number of physicians in practice today is expected to rise. What the President and other critics of this program fail to realize is that while there may be a physician glut in major urban areas, many of the medically underserved communities are unable to attract needed primary care physicians. Without the National Health Service Corps, residents of these underserved areas would be left with only emergency services and in some rural areas, no medical services at all.

In my downstate Illinois district, the Community Health Improvement Center, which serves the people of the city of Decatur and Macon County, provides a shining example of the value of the National Health Service Corps. According to the director of the center, Barbara Dunn, 6,000 low-income individuals and Medicaid recipients received primary care medical services last year as a result of the National Health Service Corps Program. Without these physicians, the Community Health Center would not have been able to provide such services as prenatal care to a young mother to prevent a preterm birth, or the necessary care for a child to assume a healthy future. National Health Service Corps physicians, dentists, and health-care professionals have enabled underserved communities like Decatur, IL, to increase access to cost effective, primary care and have in the long run saved this country money.

Mr. Chairman, there is no cost savings to this Nation when premature babies die, when children suffer and our elderly are neglected.

This program is truly an ounce of prevention that this country cannot afford to do without.

Mr. Chairman, I rise in strong support of this measure and ask all my colleagues, even those who brand themselves the most fiscal conservatives of the bunch, to take a look at the real cost savings involved and make certain that children are born healthy, that they have a bright future, that they do not face medical care and problems throughout their lives because of the lack of physicians in needed areas.

Mr. Chairman, this is an important piece of legislation. I urge my colleagues to consider giving it their vote in reauthorizing this important program.

Mr. LENT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I had one more question I would like to direct to the gentleman from California, if I could.

With regard to the scholarship program, as I understand it, about 17 million dollars' worth of these scholarships have been defaulted on. Is that a correct figure?

Mr. WAXMAN. Mr. Chairman, if the gentleman will yield, I believe it is a correct figure.

Mr. WALKER. Is there anything in the bill that is going to do something about that problem?

Mr. WAXMAN. There are additional collection efforts that are being undertaken now by the Department and we provide for greater encouragement for those collection efforts.

□ 1350

Mr. WALKER. I could not find that in the bill. Where is that in the bill?

Mr. WAXMAN. Mr. Chairman, I will be offering an amendment as well when we go into the committee under the 5-minute rule which would give the defaulters an opportunity to come back into the program and which would still insist that the collections be maintained against those who in fact have defaulted.

Mr. WALKER. I understand the gentleman's amendment. Essentially what he is doing is offering an amnesty program for people who want to come back into the program, that we would then go after them on their default, and I understand what the gentleman is doing.

But in reading through the bill and reading through the report, I do not see the language the gentleman is referring to that encourages the Department to go after these folks that have defaulted. Could the gentleman refer me to where it is?

Mr. WAXMAN. If the gentleman will yield to me further, there will be another amendment that I understand the gentleman from Ohio [Mr. KASICH] will be offering to provide for contracting out to private collection agencies. We do not have other language in the bill.

Efforts are now being undertaken by the Department to collect on defaulted loans. We expect those loans, should they be defaulted on, to be collected, and we expect vigorous efforts to go out and pursue collection.

Our amendment will deal with those people who are in default and allow them to come back in and serve their time, because ultimately what we really want is to have this payback in service by those people who received a scholarship.

Mr. WALKER. The gentleman is now describing something which I think I could be supportive of. Would it not be logical if we had in the bill the language the gentleman has just suggested, language that encourages the Department to vigorously pursue those who have defaulted upon their loans, and if that language does not exist in the bill at the present time?

Mr. WAXMAN. I have no problem with that language. They are pursuing that as a policy. It is certainly the direction we expect from them. To spell it out again does not really add much to it one way or the other. But I have no objection to that.

Mr. WALKER. I would say to the gentleman the problem I have is I find no such language in the report that tells the Department to vigorously go after these people. I find no such language in the bill. It seems to me that if that is in fact what we are going to do that somewhere we ought to say it.

Mr. WAXMAN. If the Department is doing its job, and I believe they are, in trying to collect these loans, I do not think the Congress needs to come in and criticize them or say to them do the job you are already doing.

I would just point out to the gentleman that it is our information they are trying to collect these loans, and appropriately so.

Mr. WALKER. What percentage of people who have gotten these loans does $17 million represent? The amount of $17 million seems like a lot of money in a reasonably small program to this gentleman.

Mr. WAXMAN. There are about a thousand people now in default.

Mr. WALKER. Out of how many that have participated in the program?

Mr. WAXMAN. I do not have the figures for the gentleman. The program has been in effect since the early 1970's. I do not have the answer to the question, but we will be pleased to get it for the gentleman.

Mr. WALKER. But $17 million, would there be anybody that would know how many thousands, how many people that have participated in this program? Have 10,000 people participated in the program?

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, we do not happen to have those figures at our fingertips. But the program has been in effect since 1970, so I think we could safely say there have been at least 10,000 and probably more participants in the program since its inception.

As the gentleman from California has indicated, approximately 1,000 are in default.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield further?

Mr. WALKER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I do want to clarify that the NHSC attempts to collect more than the amount that was given in a scholarship. There is a triple payback requirement when scholarship recipients default on their obligation to serve in these underserved areas. So the Department is now going after more than what was paid out.

Mr. WALKER. More than what was actually given to them, but nevertheless we are talking about essentially about a thousand people which could represent a fairly substantial percentage of those who have participated in the program. All I am saying to the gentleman is I am not certain whether or not the Department has done its job as vigorously as it might have if in fact that is the reality of the situation, and all I am suggesting is that I would hope that the gentleman's amendment might be passed and that the gentleman from Ohio I understand has an amendment for private debt collectors to go after this. It seems to be meritorious. But in addition, it seems to me what we want to do is tell the Department they ought to be vigorously pursuing these people by all means available to them. And it seems to me we might even suggest to the Department that these people ought not be eligible for other Federal moneys until they have repaid the moneys that they have defaulted on. But maybe we cannot go that far. But some language would seem to me to be entirely appropriate.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I have been attempting to work with the majority staff and up to this point without success. But what we are going to do, or what I am going to do is offer an amendment that will require the use of collection agencies as provided under the law. It is going to mandate the use of collection agencies if a delinquent debt is overdue by 30 days. Then we will call for the use of collection agencies to go after this money.

Additionally, we will refer the delinquent debtors to credit bureaus, which is as effective a tool as just using the collection agencies.

So I think it makes all of the sense in the world, and I know the gentleman from New York [Mr. LENT] is familiar with this action that I was involved in in the Maritime Administration. This is just another effort to use the tools that are available.

I must point out to the gentleman from Pennsylvania that under the current law it has been discretionary. We want to make sure that they in fact use these collection agencies and that they refer to credit bureaus.

I have been given very scanty information because the people in charge of this program have not been definitive. There is over $100 million, which are my numbers at this point. We hope we can have them firm by the time the amendment comes up. But there are over $100 million in default by these people who got free money in exchange for practicing in our rural areas.

Mr. WALKER. Mr. Chairman, if the gentleman will allow me to reclaim my time, the committee report says $17 million.

Mr. KASICH. Those numbers are simply not accurate. We hope to have the firm numbers by the time the amendment comes up.

But I want to point out to the gentleman that the program is in such disarray that we cannot get firm numbers, and no one on this floor can give firm numbers. I think my numbers are going to be the most accurate.

Mr. WALKER. If the gentleman will allow me to reclaim my time a moment, we were told a moment ago only a thousand people are in default. The gentleman claims we have $100 million of default. That seems to me to be quite a bit of money per person.

Mr. KASICH. According to the NHSC, a preliminary total delinquent debt owed is about $115 million through the scholarship program. With the addition of the new loan repayment program there is a strong likelihood we will have an even additional delinquent debt. I do not think the new language is going to solve the problem. The way we are going to solve the problem is to make the deal with the doctor when he or she actually goes to the location to practice. But we did not have time to draft the kind of language we wanted to effect that provision.

But I think the gentleman from California [Mr. WAXMAN] will agree that it is going to be necessary to require the use of collection agencies and to refer these people who are delinquent debtors to credit bureaus. That is a one-two punch that we think is fair, and we have $115 million outstanding and we need to collect it. Probably some of these doctors are driving around in Mercedes.

Mr. WALKER. Is the majority prepared to accept the amendment of the gentleman from Ohio when he offers it to bring the credit agencies into this?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, we have seen a draft of the amendment. We have not seen the exact language, but from what we know we are prepared to accept it.

Mr. WALKER. It seems to me that that would go a long way toward satisfying some of my concerns as well, so I hope we might get that accepted. With that being accepted we may not need the other language I was proposing because it seems to me that does indicate we are going to go after the problem vigorously.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I just wanted to try to reconcile the $17 million in default versus the $100 million that is due and owing and obligated.

The statement the gentleman from Ohio read I believe indicated there was in the works over $100 million.

Mr. KASICH. If the gentleman will yield, of the $115 million is the number that we have been given that is delinquent debt owed through the scholarship program.

Mr. LENT. It might be $115 million worth of obligation that is out there, but not yet in default, $17 million of that $115 million might actually be delinquent and in default.

Mr. KASICH. If the gentleman will yield again, the gentleman from New York will check these numbers, but this is what the NHSC called a preliminary total of delinquent debt. We do not call anything delinquent until the money has been owed. It is not how much is in the works, but rather how much is owed.

But we are trying like crazy to get the people to give us the numbers, and as I said, I think the majority and minority staff would recognize nobody seems to know what the numbers are, which is kind of a description of the difficulty we are having in understanding the problems with the program.

But I will check the numbers again, and when I offer the amendment we hope to have some better numbers.

Mr. WALKER. I thank the gentleman for yielding the time.

Mr. WAXMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the reauthorization of the National Health Service Corps.

Mr. Chairman, today I would like to stand in support of a program that greatly benefits my constituents in El Paso, TX, and which is deserving of the action for which it is being considered, reauthorization for the next 3 years. This program, the National Health Services Corps, has brought physicians and medical services to those areas of the country that are medically underserved, bringing services to people lacking any accessibility to health care and other resources.

The National Health Service Corps was first established in 1972 to help make adequate health care available to underserved communities nationwide. The program has two components. The NHSC Scholarsip Program provides scholarships, including tuition and stipends, to medical, nursing, and dental and other health professional students. In return, these students are obligated to provide health services in a health manpower shortage area [HMSA] upon graduation.

The second component is called the NHSC Field Program. A student who has incurred a service payback obligation becomes a member of the program upon graduation. The field program is responsible for assigning members of HMSA's, paying their salaries, ensuring that members meet all conditions of their service, and working with the private, nonprofit entities to which members are assigned.

The National Health Service Corps is the only Federal program that assures that health care providers are available to serve in health manpower shortage areas. In fiscal year 1987, the NHSC will have approximately 3,000 doctors, dentists, and other health care professionals working in underserved communities, serving over 3.2 million people around the country that would otherwise not be able to secure these services.

Despite the program's success, this is a critical time for the NHSC. Because so few scholarships have been awarded in the last 7 years, no scholarship obligees will be available to replace those currently serving. As a result, during the next 3 years, the NHSC field program will begin phasing out hundreds of communities that are now receiving service. Under current projections, the total number of providers in the NHSC field program in fiscal year 1990 will decline to 956, two-thirds less than the current level. It will continue to decline until fiscal year 1993 when it will have only 230 providers placed in underserved communities.

I have listened to some of the program's opponents state that the NHSC has now served its purpose and should be phased out, that the Nation's medical schools are training an unprecedented number of new physicians. However, I know for a fact that this is not true of the communities in my congressional district, where many communities are characterized by a sluggish economy, little or no industry, inadequate housing, a significant medically indigent population, and a high incidence of chronic illness. Even with the dramatic increase in physicians, these areas unfortunately will never attract or retain a sufficient number of physicians. Any proposal to phase out the NHSC either now or slowly over the next 6 years, would leave thousands of communities and population groups without essential health-care providers.

It is for these reasons that I urge my colleagues to support the measure that comes before us today. The bill extends the authorizations of the National Health Service Corps scholarship and field programs for the next 3 fiscal years, and establishes a new loan repayment program. To assist Congress in determining NHSC funding needs, the measure requires the submission of an annual report on the number of health care providers that will be needed by the corps during each of the 3 subsequent fiscal years, and their distribution among scholarship recipients, participants in the Loan Repayment Program, and unobligated volunteers.

In addition, the bill establishes an NHSC loan repayment program under which students nearing graduation could sign up to serve in the corps' field program and, in return, the Federal Government would pay off governmental and commercial loans taken out to finance their education. Individuals participating in this program would be obligated to serve in designated health manpower shortage areas for a minimum of 2 years, and would be eligible for loan repayments of up to $20,000 for each year of service at NHSC sites.

In addition, the bill provides a special incentive to encourage participants in the new NHSC loan repayment program to serve in Indian health programs. Under the bill, an extra $5,000 in loans would be repaid for each year of service in the individual serves in a program operated by the Indian Health Service or Indian tribes.

Mr. Chairman, we have not seen and we are unlikely to see that the supply of medical professionals will trickle down to medically underserved areas in our country. Communities which are served by the NHSC are generally unable to recruit physicians even with attractive offers, and would in all likelihood be unable to pay their salaries even if recruiting efforts proved successful.

At this time there are at least five NHSC physicians serving my constituents in El Paso, TX, and others have served in that area in previous years. Some of these physicians have remained in this community after their NHSC obligation was met, indicating that the program is successful not only in providing medical personnel in the short term, but also in bringing medical professionals to areas which they would ordinarily not select but in which they sometimes choose to remain and serve.

In view of the program's successful track record and of its noble mission, I urge my colleagues to support this bill.

Mr. SIKORSKI. Mr. Chairman, I want to commend my friend and subcommittee chairman, Mr. WAXMAN, for moving ahead with the National Health Service Corps bill before us today. The National Health Service Corps provides doctors to certified, medically underserved areas. Many of these areas are America's Indian reservations.

Despite annual budget assaults by the Reagan administration, the National Health Service Corps has provided most of the doctors for the Indian Health Service in recent years. Without a strong health corps program, there would be no doctors to serve Native Americans in the places where they live. As Monte Hamrnitt, Health Services Director for the Minnesota Red Lake Chippewa Band, said in recent hearings before the Health Service and Environment Subcommittee, "a $12 million clinic is nothing more than bricks and mortar" without the doctors to make it work.

I know how vital this program is from the subcommittee's continuous work, and from personal visits with Indians in Minnesota at the Prairie Island, Red Lake, Leech Lake, Nett Lake, Grand Portage, and Fond du Lac reservations.

This loan repayment program we are adopting here will help attract qualified and committed doctors to the National Health Service Corps, and do so in a more efficient way than the current scholarships. By identifying interested students during the last year of their studies, the program attracts candidates who are sure of their goals, their social commitments, and their medical knowledge.

Indians in Minnesota, and the Nation, deserve better than the budget cuts they have gotten from this administration. As Monte Hammit stated in his testimony:

> Our mission, goals, and the progress that the Indian Health Service has made over the last 30 years will be totally destroyed if we don't have the physician services that can be provided by the reauthorization of the National Health Service Corps, or if privatization is allowed and the budget and staff continue to decline * * *. We understand the need to cut government spending, but please do not do this at the expense of the lives of our First Americans.

Improved health, education, and employment for Native Americans should be a top priority for this Congress. I will continue to work with my colleagues to make it happen.

Mr. DAVIS of Michigan. Mr. Chairman, I rise in strong support of the renewal of the National Health Service Corps—one of the most successful of all Federal health care programs. Its impact on my district has been particularly beneficial.

Twenty years ago there was a serious national shortage of health-care professionals. The corps was begun to encourage careers in medicine by offering Federal scholarships. In exchange for financial assistance, students agree to practice in a medically underserved area for 2 years. Much of my rural northern Michigan district qualifies as a health manpower shortage area.

Physician recruitment is the most critical health-care issue for many communities in northern Michigan. Currently there are 12 corps graduates practicing in my district. Of these 12 physicians, 11 will satisfy their obligations by 1989. Without reauthorization of this program it will be difficult, if not impossible, to replace them.

Increased numbers of medical school students and graduates should not be interpreted as an end to the physician shortage problem. Without financial incentives to practice in rural and poor areas, the disproportion of doctors in high-income areas will not only continue, but become worse. While more students may be pursuing careers in medicine, few are beating a path to northern Michigan. Although many corps doctors come to our area only to fulfill their scholarship commitments, many fall in love with northern Michigan and end up staying and becoming permanent members of the community.

Mr. Chairman, the problems of rural healthcare delivery are known. Rural communities simply cannot afford to lose this valuable physician recruitment tool.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise today to make a brief statement to offer my strong support for the reauthorization of the National Health Service Corps. Since 1984, when the authorization for the NHSC expired, appropriations have been made through continuing resolutions. Therefore, reauthorization of this vital program is long overdue.

In many parts of this country, especially in rural areas, access to quality health care is a major concern. Through Federal scholarships, stipends, and loan repayment, the National Health Service Corps brings qualified healthcare professionals to medically underserved areas. The corps' continued success will help maintain and improve the quality of health care in rural areas where the distance between health care facilities can be as much as 100 miles, which can be difficult—if not impossible—for many people to travel when they are ill.

This administration has proposed a deep cut and phase out of the National Health Service Corps. By voting to reauthorize this important program we will send a strong message that we care about the health of our constituents and are willing to take constructive action to ensure that quality and convenient health care is available to all.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 1327, the National Health Service Corp Amendments Act of 1987. I commend the gentleman from California [Mr. WAXMAN] for introducing this worthy bill and for his continued dedication to the health field.

The National Health Service Corps was created in 1972 in response to the severe national shortage of health-care workers in the 1960's and early 1970's. The corps provides medical, nursing, dental and other health professional students with scholarships to help them complete their training. In return for these scholarships, the students are obligated to serve in a health manpower shortage area for a length of time based on the years of assistance they receive. H.R. 1327 reauthorizes NHSC field programs at $65 million in each of fiscal years 1988–90, supporting approximately 3,030 field practitioners.

Many argue that the National Health Service Corps has outlived its usefulness and that medical schools are training an unprecedented number of new physicians. But, that this program is designed to help the poor and isolated areas of our country that are unable to attract or retain physicians. The NHSC currently provides health care to over 3.2 million people around the country, who might otherwise lack this medical attention.

Also, many of us are aware of the growing nursing shortage in many of our major and inner cities. In light of the AIDS virus, this situation could only get worse and spread to the other health professions. The National Health Service Corps could assist in alleviating this burden and also provide incentives for more people to enter the nursing and medical fields.

Mr. Chairman, H.R. 1327 provides thousands of communities and groups with essential health care. Accordingly, I urge my colleagues to join in support of H.R. 1327, the National Health Service Corps Amendments Act of 1987.

Mr. BOULTER. Mr. Chairman, I would like to extend my support to H.R. 1327, the National Health Service Corps Amendments of 1987. This bill, extending the National Health Service Corps field programs in each of 1988–90, will allow a vital program serving underserved medical areas in the United States to continue and guarantee that residents of these areas continue to receive primary medical services. As a Congressman with the privilege of serving 37 sparsely populated counties of the Panhandle and north Texas, I am particularly concerned about this bill's positive effect on the seriously underserved rural areas of Texas and the entire United States.

The rural community seems to have been largely forgotten in congressional legislation affecting health care in America. I believe that the newly formed Rural Health Care Coalition, of which I am a steering committee member, will make the voice of rural health care heard while promoting significant legislative measures to make Federal programs like the National Health Service Corps more responsive to the special concerns and needs of rural citizens. Most of these citizens live in areas which suffer serious shortages in health care manpower and have benefited greatly from the incentives provided by the scholarship program of the National Health Service Corps.

I believe that the authorization levels called for in this bill are responsible, maintaining current services with only a $3 million increase over present appropriation levels.

It is also my belief that the new loan repayment program established under H.R. 1327 will decrease the number of physicians who decide not to fulfill their obligations to serve in manpower shortage areas after receiving their NHSC scholarship and completing their residency requirements. I wholeheartedly support Congressman KASICH'S amendment adopted by the committee which directs the NHSC to contract with private collection agencies to collect these debts by physicians who have not fulfilled their obligations, and believe that this amendment will further lower the number of unfulfilled commitments.

Congressman LENT'S amendments insuring increased State involvement in the loan repayment program will, I believe, further local input in placing NHSC health care professionals in true areas of shortage.

Finally, I do feel that the National Health Services Corps has greatly benefited access to primary medical services in rural America and applaud the corps' reauthorization as stipulated under H.R 1327.

Mr. WAXMAN. Mr. Chairman, we have no further requests for time, and I yield back the balance of my time.

Mr. LENT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Health Service Corps Amendments Act of 1987".

TITLE I—NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND LOAN REPAYMENT PROGRAM

SEC. 101. ESTABLISHMENT OF LOAN REPAYMENT PROGRAM.

Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) is amended by redesignating sections 338B through 338G as sections 338C through 338H, respectively, and by inserting after section 338A the following new section:

"NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM

"SEC. 338B. (a) The Secretary shall establish a program to be known as the National Health Service Corps Loan Repayment Program (hereafter in this subpart referred to as the 'Loan Repayment Program') in order to assure an adequate supply of trained physicians, dentists, and nurses for the Corps and, if needed by the Corps, to assure an adequate supply of podiatrists, optometrists, pharmacists, clinical psychologists, graduates of schools of veterinary medicine, graduates of schools of public health, graduates of programs in health administration, graduates of programs for the training of physicians assistants, expanded function dental auxiliaries, and nurse practitioners (as defined in section 822), and other health professionals.

"(b) To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled (i) as a full-time student (I) in an accredited (as determined by the Secretary) educational institution in a State, and (II) in the final year of a course of study or program, offered by such institution and approved by the Secretary, leading to a degree in medicine, osteopathy, dentistry, or other health profession, or (ii) in a graduate training program in medicine, osteopathy, dentistry, or other health profession, or (B) have a degree in medicine, osteopathy, dentistry, or other health profession and have completed a graduate training program in medicine, osteopathy, dentistry, or other health profession;

"(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps;

"(3) submit an application to participate in the Loan Repayment Program; and

"(4) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (f)) to accept repayment of educational loans and to serve (in accordance with this subpart) for the applicable period of obligated service in a health manpower shortage area.

"(c) In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms—

"(1) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under section 338E in the case of the individual's breach of the contract; and

"(2) information respecting meeting a service obligation through private practice under an agreement under section 338D and such other information as may be necessary for the individual to understand the individual's prospective participation in the Loan Repayment Program and service in the Corps.

The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program. The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) In determining which applications under the Loan Repayment Program to approve (and which contracts to accept), the Secretary shall give priority to applications made by individuals whose training is in a health profession or specialty determined by the Secretary to be needed by the Corps.

"(e)(1) An individual becomes a participant in the Loan Repayment Program only upon the Secretary's approval of the individual's application submitted under subsection (b)(3) and the Secretary's acceptance of the contract submitted by the individual under subsection (b)(4).

"(2) The Secretary shall provide written notice to an individual promptly upon the Secretary's approving, under paragraph (1), of the individual's participation in the Loan Repayment Program.

"(f) The written contract (referred to in this subpart) between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (2), the Secretary agrees (i) to pay on behalf of the individual loans in accordance with subsection (g), and (ii) to accept (subject to the availability of appropriated funds for carrying out sections 331 through 335 and section 337) the individual into the Corps (or for equivalent service as otherwise provided in this subpart); and

"(B) subject to paragraph (2), the individual agrees—

"(i) to accept loan payments on behalf of the individual;

"(ii) to maintain enrollment in a course of study or training described in subsection (b)(1) until the individual completes the course of study or training;

"(iii) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

"(iv) to serve for a time period (hereafter in the subpart referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to in a health manpower shortage area (designated under section 3332) to which he is assigned by the Secretary as a member of the Corps;

"(2) a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual which is conditioned thereon, is contingent upon funds being appropriated for loan repayments under this subpart and to carry out the purposes of sections 331 through 335 and sections 337 and 338;

"(3) a statement of the damages to which the United States is entitled, under section 338E for the individual's breach of the contract; and

"(4) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this subpart.

"(g)(1) A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2)(A) Except as provided in subparagraph (B), for each year of obligated service that an individual contracts under subsection (f) to serve, the Secretary may pay up to $20,000 on behalf of the individual for loans described in paragraph (1).

"(B) For each year of obligated service that an individual contracts under subsection (f) to serve in the Indian Health Service, or to serve in a health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act, the Secretary may pay up to $25,000 on behalf of the individual for loans described in paragraph (1).

"(h) Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic training, shall not be counted against any employment ceiling affecting the Department.

"(i) The Secretary shall, not later than March 1 of each year, submit to the Congress a report providing—

"(1) the number of individuals receiving loan payments under the Loan Repayment Program;

"(2) the health profession for which each such individual is receiving training;

"(3) the educational institution at which each such individual is receiving training;

"(4) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

"(5) the amount of loan payments made in the year for which the report is submitted.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS WITH RESPECT TO SCHOLARSHIP PROGRAM AND LOAN REPAYMENT PROGRAM.

Section 338G of the Public Health Service Act (as redesignated in section 101 of this Act) is amended to read as follows:

"REPORT AND AUTHORIZATION

"SEC. 338G. (a) The Secretary shall report January 20 of each year to the Committee on Energy and Commerce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate the number of providers of health care who will be needed for the Corps during the 3 fiscal years beginning after the date the report is filed and the number—

"(1) of scholarships the Secretary proposes to provide under the Scholarship Program during such 3 fiscal years,

"(2) of individuals for whom the Secretary proposes to make loan repayments under the Loan Repayment Program during such 3 fiscal years, and

"(3) the number of individuals who have no obligation under section 338C and who the Secretary proposes to have as members of the Corps during such 3 fiscal years,

to provide such number of health care providers.

"(b) There are authorized to be appropriated such sums as may be necessary for scholarships and loan repayments under this subpart.".

SEC. 103. REQUIREMENT OF CONSIDERATION OF NEEDS OF INDIAN HEALTH SERVICE AND CERTAIN INDIAN TRIBES.

Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended by redesignating subsection (h) as subsection (i) and inserting after subsection (g) the following new subsection:

"(h) In assigning members of the Corps to health manpower shortage areas, the Secretary shall, to the extent practicable, give priority to meeting the needs of the Indian Health Service and the needs of health programs or facilities operated by tribes or tribal organizations under the Indian Self-Determination Act.".

SEC. 104. CERTAIN TECHNICAL AND CONFORMING AMENDMENTS RELATING TO LOAN REPAYMENT PROGRAM.

(a) SECTION 303.—Section 303(d)(4) of the Public Health Service Act (42 U.S.C. 242a(d)(4)) is amended—

(1) by striking "752 or 753" each place it appears and inserting "338C or 338D"; and

(2) by striking "subpart IV of part C of title VII" and inserting "subpart II of part D".

(b) SECTION 331.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) in subsection (b), by striking "and the Scholarship Program" and inserting ", Scholarship Program, and the Loan Repayment Program";

(2) in subsection (c), by striking "338C" and inserting "338D";

(3) in subsection (d)(2), by inserting after "Program" the following: "or Loan Repayment Program";

(4) in subsection (f), by striking "Scholarship Program" and inserting "Scholarship Program or the Loan Repayment Program"; and

(5) in subsection (i) (as redesignated in section 103 of this Act), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) The term 'Loan Repayment Program' means the National Health Service Corps Loan Repayment Progam established under section 338B.".

(c) SECTION 334.—Section 334(a)(3)(B) (42 U.S.C. 254g(a)(3)(B)) is amended—

(1) by inserting "or the Loan Repayment Program" after "Scholarship Program"; and

(2) by striking "service under the Program;" and inserting "service under the Scholarship Program or the Loan Repayment Program;".

(d) SECTION 336.—Section 336(a) (42 U.S.C. 254h-1) is amended by striking "scholarship program" and inserting "Scholarship Program or Loan Repayment Program".

(e) SECTION 338E.—Section 338E of the Public Health Service Act (as redesignated in section 101 of this Act) is amended—

(1) in subsection (a), by inserting "(1)" after "(a)", by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by adding after subsection (a) the following:

"(2) An individual who has entered into a written contract with the Secretary under section 338B and who—

"(A) in the case of an individual who is enrolled in the final year of a course of study, fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled (such level determined by the educational institution under regulations of the Secretary) or voluntarily terminates such enrollment or is dismissed from such educational institution before completion of such course of study, or

"(B) in the case of an individual who is enrolled in a graduate training program, fails to complete such training program,

in lieu of any service obligation arising under such contract shall be liable to the United States for the amount which has been paid on his behalf under the contract.";

(2) in subsection (b)(1), by striking "338E(d))" and inserting "338F(d))", by inserting "under section 338A" after "service obligation" the first place it appears, by striking "338B" each place it appears and inserting "338C", and by striking "338C" each place it appears and inserting "338D";

(3) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c)(1) If (for any reason not specified in subsection (a) or section 338F(d)) an individual breaches his written contract under section 338B by failing either to begin such individual's service obligation in accordance with section 338C or 338D or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with subsection (b)(1) except that the formula for determining such amount shall be—

$$A=2\phi(t-s/t)$$

"(2) Damages which the United States is entitled to recover under paragraph (1) shall be paid in accordance with subsection (b)(1).";

(4) in subsection (d) (as redesignated in paragraph (3)), by inserting "or the Loan Repayment Program" after "thereunder)" each place it appears; and

(5) in the section heading, by adding "OR LOAN REPAYMENT CONTRACT" after "CONTRACT".

SEC. 105. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1987.

TITLE II—REVISIONS AND EXTENSIONS OF GENERAL PROGRAM FOR THE NATIONAL HEALTH SERVICE CORPS

SEC. 201. DESIGNATION OF HEALTH MANPOWER SHORTAGE AREAS.

Section 332 (42 U.S.C. 254e) is amended—

(1) in subsection (a)(1), by adding at the end thereof the following: "The Secretary shall not remove an area from the areas determined to be health manpower shortage areas under clause (A) of the preceding sentence until the Secretary has afforded interested persons and groups in such area an opportunity to provide data and information in support of the designation as a health manpower shortage area of a population group described in clause (B) of such sentence or a facility described in clause (C) of such sentence, and has made a determination on the basis of the data and information submitted by such persons and groups and other data and information available to the Secretary."; and

(2) in subsection (b)(2)—

(A) by striking "and" after "services,";

(B) by striking the period and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(D) ability to pay for health services.".

SEC. 202. OBLIGATED SERVICE.

Section 338C of the Public Health Service Act (as redesignated in section 101 of this Act) is amended—

(1) in subsection (a), by striking "338C" and inserting "338D" and by inserting "or 338B" after "338A";

(2) in subsection (b)(1), by inserting "or 338B(f)(1)(B)(iv)" after "(iv)";

(3) in subsection (b)(5), by amending such subsection to read as follows:

"(5)(A) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the Secretary has entered into a contract under section 338A prior to October 1, 1985, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

"(ii) at the request of such an individual with whom the Secretary has entered into a contract under section 338A on or after October 1, 1985, the Secretary may defer such date in accordance with the provisions of clause (i).

"(B)(i) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be three years.

"(ii) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the number of years referred to in subparagraph (A)(i) shall be one year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subpart.

"(D) In the case of the Scholarship Program, with respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes his academic training leading to such degree.

"(E) In the case of the Loan Repayment Program, if an individual is required to provide obligated service under such Program, the date referred to in paragraphs (1) through (4)—

"(i) shall be the date determined under subparagraph (A) or (B) in the case of an individual who is enrolled in the final year of a course of study,

"(ii) shall in the case of an individual who is enrolled in a graduate training program in medicine, osteopathy, dentistry, or other health profession be the date the individual completes such training program, and

"(iii) shall in the case of an individual who has a degree in medicine, osteopathy, dentistry, or other health profession and who has completed graduate training be the date the individual enters into an agree-

ment with the Secretary under section 338B.";

(4) in subsection (c)(2), by striking "338C" and inserting "338D"; and

(5) in subsection (e), by inserting ", under the Loan Repayment Program," after "Program".

SEC. 203. PRIVATE PRACTICE.

Section 338D of the Public Health Service Act (as redesignated in section 101 of this Act) is amended—

(1) in subsection (a), by striking "338B(a)" and inserting "338C(a)";

(2) in subsection (a)(1), by inserting after "individual" the first place it appears the following: "who received a scholarship under the Scholarship Program and" and by inserting before the semicolon in such subsection the following: "or in the case of an individual for whom a loan payment was made under the Loan Repayment Program and who is performing obligated service as a member of the Corps in a health manpower shortage area on the date of his application for such a release, in the health manpower shortage area selected by the Secretary";

(3) in subsection (a)(2), by inserting before the period "selected by the Secretary";

(4) in subsection (b), by inserting at the end the following: "The Secretary shall take such action as may be appropriate to assure that the conditions of the written agreement prescribed by this subsection are adhered to.";

(5) in subsection (c), by inserting "or 338B" after "338A"; and

(6) in subsection (e), by striking paragraph (1) and by striking "(2)" before "Upon".

SEC. 204. SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE.

Section 338F of the Public Health Service Act (as redesignated in section 101 of this Act) is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of his profession in a health manpower shortage area (designated under section 332) for a period of not less than two years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than one year after the date on which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with the provisions of section 338D(b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out the purposes of this section.

Such a loan shall be used to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase or construction of any building.

"(b) The amount of a loan under subsection (a) to an individual shall not exceed $25,000 and the interest rate for any such loan shall not exceed an annual rate of 5 percent.";

(2) in subsection (c), by striking "grant or" in the first sentence; and

(3) in subsection (d)(1)—

(A) by striking "338D(b)" and inserting "338E(b) or 338E(c)"; and

(B) by striking "this section," and inserting "this section (as in effect prior to October 1, 1984),".

SEC. 205. AUTHORIZATIONS OF APPROPRIATIONS WITH RESPECT TO GENERAL OPERATIONS OF NATIONAL HEALTH SERVICE CORPS.

Section 338(a) (42 U.S.C. 254k(a)) is amended to read as follows:

"(a) To carry out this subpart, there are authorized to be appropriated $65,000,000 for each of the fiscal years 1988 through 1990.".

SEC. 206. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1987.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN: Page 14, insert after line 18 the following:

SEC. 106. SPECIAL REPAYMENT PROVISIONS.

(a) ELIGIBLE INDIVIDUALS.—

(1) An individual who—

(A)(i) breached a written contract entered into under section 338A of the Public Health Service Act by failing either to begin such individual's service obligation in accordance with section 338C of such Act or to complete such service obligation, or

(ii) otherwise breached such a contract, and

(B) as of September 1, 1987, is liable to the United States under section 338E(b),

shall be relieved of liability to the United States under such section if the individual provides notice to the Secretary in accordance with paragraph (2) of this subsection and provides service in accordance with a written contract with the Secretary which obligates the individual to provide service in accordance with subsection (b) or (c). The Secretary may exclude an individual from relief from liability under this section for reasons related to the individual's professional competence or conduct.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall notify in writing individuals who are described in subsection (a) of the opportunity provided by such subsection to be relieved of liability to the United States under section 338E(b) of the Public Health Service Act. Not later than 180 days after the date of the enactment of this Act, an individual who receives a notice from the Secretary may notify the Secretary that the individual intends to enter into a written contract with the Secretary to provide service in accordance with subsection (b) or (c). The Secretary may extend the 180-day period for an individual for good cause shown.

(b) SERVICE AT HEALTH MANPOWER SHORTAGE AREA PLACEMENT OPPORTUNITY LIST SITES.—An individual notified under subsection (a)(2) may enter into a written contract with the Secretary to serve, in accordance with subpart II of part D of title III of the Public Health Service Act, for the period of such individual's service obligation remaining under section 338C of the Public Health Service Act at a site—

(1)(A) which is on the Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act to begin in fiscal year 1988 and to which no individual who is not described in subsection (a)(1) has been assigned by a date determined by the Secretary, or

(B) which is on the Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act to begin in fiscal year 1989, and

(2) which has agreed to permit the individual to serve at such site.

(c) SERVICE AT SUPPLEMENTAL HEALTH MANPOWER SHORTAGE AREA PLACEMENT OPPORTUNITY LIST SITES.—An individual notified under subsection (a)(2) may enter into a written contract with the Secretary—

(1) to (A) serve in accordance with subpart II of part D of title III of the Public Health Service Act for the period of such individual's service obligation remaining under section 338C of the Public Health Service Act at a site which is on a supplemental Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act and which has agreed to permit the individual to serve at such site, and (B) pay, in accordance with guidelines established by the Secretary of Health and Human Services, to the United States the sum of the amounts paid under subpart II of part D of title III of the Public Health Service Act to or on behalf of the individual reduced by any amount paid, before entering into the contract, by such individual to the Secretary with respect to the individual's indebtedness under such part D, or

(2) to serve in accordance with subpart II of part D of title III of the Public Health Service Act at a site described in paragraph (1) for 150 percent of such individual's remaining service obligation under section 338C of the Public Health Service Act.

(d) CREATION OF SUPPLEMENTAL HEALTH MANPOWER SHORTAGE AREA PLACEMENT OPPORTUNITY LIST SITES.—In creating the supplemental Health Manpower Shortage Area Placement Opportunity List for purposes of subsection (c), the Secretary—

(1) shall include any site to which a National Health Service Corps members was previously assigned but which in fiscal year 1988 or 1989 will not have such member or a member of the National Health Service Corps to replace such member unless the Secretary of Health and Human Services determines that such site may reasonably be expected to recruit a health care professional from other than the Corps,

(2) shall include any migrant health center receiving funds under section 329 of the Public Health Service Act or community health center receiving funds under section 330 of the Public Health Service Act unless the Secretary of Health and Human Services determines that such center has been able to recruit health care professionals from other than the Corps to serve at the center and may reasonably be expected to recruit such health care professionals in the future,

(3) may include any other site selected by the Secretary, and

(4) shall designate the type of health care professional or medical specialist who is eligible to serve at the sites included on the list.

A site may be included on the supplemental list only if, at the time the list is created, the Secretary determines that the site meets the criteria prescribed by section 332 of the Public Health Service Act.

(e) ADDITIONAL ELIGIBLE INDIVIDUALS.—The Secretary of Health and Human Services may authorize an individual who is not described in subsection (a) and who is to begin to serve the individual's service obligation under section 338C of the Public Health Service Act in fiscal year 1988 or 1989 to serve such obligation in accordance with subsection (c) if the Secretary determines that—

(1) service by the individual in accordance with subsection (c) would be in the best interests of the National Health Services Corps, and

(2) allowing such service would alleviate a substantial hardship for such individual.

Mr. WAXMAN [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, this amendment would give individuals who have defaulted on their obligation one last chance to serve in the National Health Service Corps.

Mr. Chairman, the vast majority of students who have received scholarships from the National Health Service Corps have fulfilled their promises to serve in the corps after finishing their training. Unhappily, some have not met their obligations, and they now must repay three times the value of their scholarships, plus interest.

Mr. Chairman, among those who have defaulted are some good physicians who want another chance to serve in the corps. This amendment will offer them the opportunity, while protecting the interests of the many scholarship recipients who accepted their assignments willingly.

Under this amendment, defaulters will have a limited time to avoid the triple-payback penalty by exercising one of two options. They can go through the regular placement process next year, or this year if they accept assignments passed over by people who did not default. If they choose this option, their penalty will be forgiven when they complete their service in the corps.

If they choose the second option, they will select a site from among those on a special supplemental placement list. Since those sites are likely to be somewhat more desirable than the ones in the regular placement process, those exercising this option will also have to pay another penalty. They must either pay back the full value of their scholarships, or they must serve for 1½ times the number of years in their original obligation.

Mr. Chairman, this approach is fair and balanced. It will encourage physicians to meet their service obligations at a time of great need for the National Health Service Corps. I urge every Member to support this amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I am pleased to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding. We on the minority side have had an opportunity to review the gentleman's amendment. We find that it is a meritorious amendment and want to give it our support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. LENT

Mr. LENT. Mr. Chairman, I offer three amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. LENT: Page 9, line 11, strike out the close quotation marks and the period following and insert after that line the following:

"STATE PROGRAMS

"SEC. 338C. (a) The Secretary may make grants to States to support the establishment by States of State programs similar to the Loan Repayment Program under section 338B. Any State program supported with a grant under this subsection shall—

"(1) provide for the repayment of government and commercial loans for the tuition, educational expenses, and living expenses described in section 338B(g)(1);

"(2) establish minimum standards for the designation of areas in which individuals on whose behalf loan repayment is made under the State program will perform obligated service, or provide that such individuals will perform obligated service in health manpower shortage areas designated by the Secretary in the State under section 332; and

"(3) establish minimum standards for the determination of obligated service under the State Program.

"(b) No grant may be made under subsection (a) unless and application therefor is submitted to the Secretary, in such form, at such time, and containing such information as the Secretary may by regulation prescribe.

"(c) The Federal share of the costs of any State program supported under subsection (a) shall not exceed 75 percent.

"(d) To carry out this section, there are authorized to be appropriated $1,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

Page 2, beginning in line 13, strike out "338C through 338H" and insert in lieu thereof "338D through 338I".

Page 2, line 15, strike out "section" and insert in lieu thereof "sections".

Page 4, line 15, strike out "338E" and insert in lieu thereof "338F".

Page 7, line 15, strike out "338E" and insert in lieu thereof "338F".

Page 9, lines 15 and 19, strike out "338G" and insert in lieu thereof "338H".

Page 11, line 9, strike out "338C or 338D" and insert in lieu thereof "338D or 338E".

Page 11, line 18, strike out "338D" and insert in lieu thereof "338E".

Page 13, line 16, strike out "338F" and insert in lieu thereof "338G".

Page 13, line 19, strike out "338C" and insert in lieu thereof "338D".

Page 13, line 20, strike out "338D" and insert in lieu thereof "338E".

Page 14, insert after line 15 the following:

SEC. 105. REGULATIONS.

Not later than 180 days after the effective date of the amendments made by this title the Secretary of Health and Human Services shall issue regulations for the loan repayment programs established by the amendments.

Page 14, line 16, redesignate section 105 as section 106.

Page 21, insert after line 24 the following:

SEC. 206. PLACEMENT OF PHYSICIANS.

Section 333 (42 U.S.C. 254f) is amended by adding at the end the following:

"(j) In determining the priority for the placement of members of the Corps under this section in medically underserved areas, the Secretary shall consider—

"(1) whether the areas are served by at least one health professional and the effectiveness of non-Federal programs in recruiting health professionals for the areas,

"(2) the geographic isolation of the areas, and

"(3) the economic need of the populations of the areas and the association of the areas with a high infant mortality rate.".

Page 22, redesignate section 206 as section 207.

Mr. LENT (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LENT. Mr. Chairman, my first and second amendments would establish a new grant program to the States for the purpose of repaying educational loans for health professionals who agree to serve a minimum of 2 years in a medically underserved area of a State. To receive a grant, a State would have to fund 25 percent of the aggregate costs of repaying loans. State loan repayment would assure State involvement in physician placement, which would give States increased incentives to encourage assignees to remain in medically underserved areas after their period of obligated service was completed. States are likely to have closer contacts with local communities than the Federal Government, and consequently can work with localities to develop incentives for the retention of health professionals.

My third amendment assures that disadvantaged communities are assigned corps personnel as a first priority. My amendment requires that the Secretary of HHS, in determining priority for placement, shall consider: First, whether an area is served by no one or a sole community provider; and second, the degree of geographic isolation of an area, the degree of a population's economic need or its infant mortality rate and the effectiveness of non-Federal programs for recruiting health professionals for underserved areas. While I think the Secretary may already have this authority, my amendment explicitly confirms that fact.

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Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. LENT. I am happy to yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Chairman, we have had an opportunity to review these amendments, and I think they are sound amendments. They will expand our ability to get doctors into underserved areas, and we join the gentleman in supporting his amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. LENT].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASICH: Page 13, after line 20, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

(3) in subsection (b)(1)—

(A) by inserting "(A)" after "(1)";

(B) by striking the last sentence; and

(C) by adding at the end the following new subparagraph:

"(B)(i) Any amount of damages that the United States is entitled to recover under this subsection or under subsection (c) shall, within the one year period beginning on the date of the breach of the written contract (or such longer period beginning on such date as specified by the Secretary for good cause shown), be paid to the United States.

"(ii) If damages described in clause (i) are delinquent for three months, the Secretary shall, for the purpose of recovering such damages—

"(I) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

"(II) enter into contracts for the recovery of such damages if collection agencies described in subclause (I) are not available.

"(iii) Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each six months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31 shall apply to any such contract to the extent not inconsistent with this subsection.

"(iv) To the extent not otherwise prohibited by law, the Secretary shall disclose to all appropriate credit reporting agencies information relating to damages of more than $100 that are entitled to be recovered by the United States under this subsection and that are delinquent by more than 31 days.";

Mr. KASICH (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KASICH. What the amendment does is what we were talking about before. It is to require that collection agencies properly approved be used to go after the people with the delinquent debt. Second, that those people who are delinquent shall have their names and information forwarded to the prescribed credit bureaus which have been approved by the Secretary.

I have had an opportunity to check those numbers again and I think that our numbers are going to be correct. We have been told by the health people themselves that the delinquent debt owed is about $115 million. The $17 million in the committee report we have been told today is inaccurate. In fact, the total is about $115 million.

I think that if we become more aggressive in this overall area of using collection agencies as we have tried to do in a variety of other government agencies, military, DOD, and we tried to do this in the Maritime Administration, the Coast Guard Administration; all this combined, all this delinquent debt in all the agencies bureaus of the Federal Government total somewhere in the neighborhood of about $68 billion. The non-tax-delinquent debt has really skyrocketed. what we are trying to do is to force the Federal Government to use the tools that are available to it to finally start to do something to collect this delinquent debt. When you are up to a total of $68 billion, when we are running these tremendous deficits, it is just crazy not to do everything we can to try to collect this money. What we are going to do here is use these collection agencies.

I want to tell you about two examples that are just unbelievable. A couple in Los Angeles with an income of over $120,000 was asked to repay the Government $2,000 per month. The couple replied that they could only afford $370 per month which turned out to be less than what they paid their maid. The case is now pending before the Department of Justice.

A doctor in Florida with an income of over $200,000 refused to pay his obligation even after he was offered a position in Florida. He replied that he could not take the Florida position because it would not even make his car payment. That case is pending before the Justice Department.

A radiologist at Harvard University simply refuses to repay the Government. His case is pending before the Justice Department.

Now I think there is greater effort being made by everyone in these areas to try to improve things. And I think if we did a tough study of this we would find out that they were making greater efforts to collect.

I want to give them credit for doing that. What we want to make sure is that this is not an inconsistent effort, that in fact we mandate the Federal Government to use these tools and that we go the step further by making sure the credit bureaus across the country are aware of these physicians who have welshed on their agreement with the Federal Government and that we not let this go.

Now I know that the gentleman from New Mexico is a supporter of this program. I am a strong supporter of the program. But I think it is absolutely essential that we do not allow people to walk away from their obligation letting the U.S. taxpayers hold the debts up to $115 million.

Mr. RICHARDON. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I would be glad to yield to the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for this amendment. I think it is a good amendment. But it gives me a little concern as to some of the earlier characterizations. I do not believe the gentleman himself mentioned it but several physicians were characterized under this program as driving Mercedes and living high on the hog. I want to tell the gentleman there are many physicians who I think for good reason have not been able to pay back his debt. They stay in rural areas, they get attached. They do not have very high incomes. That is one point.

Mr. KASICH. If I may reclaim my time for a moment, remember this is not an action taken against people who went to rural areas. These are people who got the loans based on the supposition they were going to go to the rural areas and they never went.

Mr. RICHARDSON. Second, I think the figure the gentleman mentioned, where he got data of $115 million, I think the $17 million in the committee report that we have is based on the judgments that are made against physicians who have not paid. I think the $115 million may be a figure that includes interest. I just do not want it to appear misleading that there is this total debt, a totality of $115 million. The judgments, I think the committee report is correct, which have been made against individuals that have not paid, are $17 million. I am going to support the gentleman's amendment. I commend him for what he is doing. But there are some physicians out there who work hard, who are not rich, who try to repay their loans.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

(By unanimous consent, Mr. Kasich was allowed to proceed for 3 additional minutes.)

Mr. KASICH. Let me just say this to the gentleman from New Mexico. I think the program is a vital program. We are not talking about people who lived up to their obligations. We are talking about people who failed to live up to their obligations. We are talking about the couple who does not want to pay, where they pay their maid more than it costs to repay their loan; the doctor with his $200,000 income who welshed on his deal. That is what we are looking at here.

In terms of the $115 million, there is about $175 million I am told—and these figures do not come from my office, they come from the National Health Service Corporation—they say there is about $175 million out there in loans and the $115 million represents the amount owed after the 1-year grace period that these physicians have to pay the money back and they have not begun to pay this money back.

So they are flat out delinquent. Now if they want to make an effort to pay this back then I think that is what we really want to achieve. But at this point, I did not pull these numbers out of the sky. These came from that operation.

I want to make it clear that what we want to do is to take the few who are abusing the system and make sure we get on them.

I was with a physician last night and I told him what I planned to do. He said, "You had better go after them." He told me there is probably some of these doctors that are driving around in big cars. Now I am talking to my own physician and quoting him.

Now we do not want to be demagogic about this but we want to make it clear that if you are going to get this kind of money from the Federal Government, if the taxpayers are going to do it, you as a physician have an obligation to live up to that deal. It is not to cast dispersions on the program or the physicians who contribute so much every single day but on the ones who are the rotten apples in that barrel. Let us get them out of it and let us make them pay.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have just seen some of the language of this amendment for the first time. Whatever figures anyone uses about how much is in default is really unimportant. The major point is that we want this money collected.

Now the figures are very difficult to pin down because in order to go out and collect money you have to get a judgment. Some of the money that we have talked about is not yet in the form of a judgment. The amount of money extended to a person for a scholarship is one sum and that would be trebled if a default occurs on it. We talk about interest on top of that. So that accounts for the great disparity in the amount of dollars we are talking about.

The essential point is that we want to collect the dollars that are owed to the Federal Government. We, on this side of the aisle, will accept the amendment offered by the gentleman from Ohio. But I do want to point out that there are some details in this amendment that are troubling. For example, there is spelled out in this amendment a 1-year period before payment of the debt is required, while at the same time, the bill provides a 2-year period in which defaulters can come back into the program. I think the essential point is that I do want to work with the gentleman as we move into conference to put this amendment into a form that will fit the rest of the bill and that will accomplish his purpose. I think his purpose is a worthwhile one and on that basis I would support his amendment.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I would be happy to yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, we try to refer these cases to the Justice Department, not just these cases but there is a variety of them. You know that there is a backlog in the Justice Department of 89,000 cases? By the time we go to litigate not just these people, but across the Federal Government, the EPA, the polluters, the Coast Guard, the people who are stripmining, people who are in the Federal forests taking stuff off and not paying for it, people who bring stuff in and do not pay their customs duties. We are looking at an 89,000-case backlog. By the time we get some of these cases litigated, the people will not even be around. That is the tremendous difficulty we have in this overall delinquent debt problem.

I just want to point that out, because I think it is important that the membership of this body realize this problem and know there is some fertile ground there for collection.

I agree with the gentleman, we can cross some "t's" and dot some "i's" and make some changes here.

I appreciate the gentleman accepting the thrust of this amendment and would be more than happy to work in conference with the gentleman to achieve what we both are seeking.

Mr. WAXMAN. I thank the gentleman for his comments and his constructive proposal and I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Kasich].

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to the bill? If not the question is on committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Murtha] having assumed the chair, Mr. Smith of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1327) to amend the Public Health Service Act to establish a National Health Service Corps Loan Repayment Program and to otherwise revise and extend the program for the National Health Service Corps, pursuant to House Resolution 253, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 387, nays 9, not voting 38, as follows:

[Roll No. 314]

YEAS—387

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Badham
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior (MI)
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron

Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Konnyu
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—9

Barton
Cheney
Crane
DeLay
Fawell
Gregg
Meyers
Smith, Robert (NH)
Stump

NOT VOTING—38

AuCoin
Bentley
Biaggi
Boland
Boner (TN)
Bonker
Boulter
Bruce
Collins
Daub
DeFazio
Gephardt
Holloway
Houghton
Hunter
Inhofe
Jeffords
Jenkins
Kaptur
Kemp
Kolter
Kostmayer
Lehman (CA)
Livingston
Lloyd
Morrison (CT)
Pursell
Quillen
Roberts
Roemer
Schneider
Shumway
St Germain
Stark
Tauzin
Thomas (CA)
Towns
Traxler

☐ 1435

Mr. GREGG and Mr. SMITH of New Hampshire changed their votes from "yea" to "nay."

Mr. SMITH of Texas and Mr. KONNYU changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1158) to continue authorization of various health and science programs, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Health Service Amendments of 1987".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—HEALTH SERVICES RESEARCH, HEALTH CARE TECHNOLOGY, HEALTH STATISTICS, AND PREVENTIVE HEALTH PROGRAMS

NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND HEALTH CARE TECHNOLOGY

SEC. 101. Section 308(i)(1) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "For health service research, evaluation, and demonstration activities undertaken or supported under section 304 or 305, there are authorized to be appropriated $26,500,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990; and

(2) by striking out beginning with "$3,000,000" in the third sentence through "1987" and inserting in lieu thereof "$4,000,000 for each of the fiscal years 1988, 1989, and 1990".

NATIONAL CENTER FOR HEALTH STATISTICS

SEC. 102. (a) Section 308(i)(2) is amended to read as follows:

"(2) For health statistical and epidemiological activities undertaken or supported under section 304 or 306, there are authorized to be appropriated $55,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

(b)(1) Section 306(k) is amended—

(A) by striking out "fifteen" in paragraph (1) and inserting in lieu thereof "sixteen";

(B) by striking out "three" in the second sentence of paragraph (2)(A) and inserting in lieu thereof "four"; and

(C) by striking out paragraph (2)(B) and inserting in lieu thereof the following:

"(B)(i) In the case of membership terms on the Committee under this subsection (as in effect prior to January 1, 1988) which expire in calendar year 1988, the appointments to three such terms in such calendar year shall be for a period of four years and the appointments to two such terms in such calendar year shall be for a period of three years, as designated by the Secretary.

"(ii) In the case of membership terms on the Committee under this subsection (as in effect prior to January 1, 1988) which expire in calendar year 1989, one such term shall be extended for an additional consecutive one-year period, as designated by the Secretary.

"(iii) In the case of membership terms on the Committee under this subsection (as in effect prior to January 1, 1988) which expire in calendar year 1990, two of such terms shall each be extended for an additional consecutive one-year period, as designated by the Secretary.".

(2) The amendments made by this subsection shall take effect January 1, 1990.

(c) Section 304(d) is repealed.

(d) Section 306(l) is repealed.

(e)(1) Section 308(a) is amended—

(A) by striking out paragraph (1),

(B) by redesignating paragraph (2) as paragraph (1) and (in such paragraph)—

(i) by striking out "the National Center for Health Services Research and"; and

(ii) by striking out "December 1" and inserting in lieu thereof "March 15"; and

(C) by redesignating paragraph (3) as paragraph (2) and (in such paragraph) by striking out "or (2) of this subsection".

(2) The first sentence of section 404(a) of the Health Services and Centers Amendments of 1978 is amended—

(A) by striking out "December 1" each place it occurs and inserting in lieu thereof "March 15", and

(B) by striking out "1980" and inserting in lieu thereof "1990".

(3) The amendments made by paragraphs (1) and (2) apply to reports and profiles required to be submitted after November 1, 1987.

COUNCIL ON HEALTH CARE TECHNOLOGY

SEC. 103. (a) Section 308(i)(1) (as amended by section 101 of this Act) is further amended by striking out the fourth sentence and inserting in lieu thereof the following: "For grants under section 309 the Secretary shall obligate not less than $750,000 for each of the fiscal years 1988, 1989, and 1990. Grants under such section for each such fiscal year shall be subject to the provisions of section 309(a)(2)(B) applicable to such fiscal year.".

(b) Section 309(a)(2)(B) is amended by striking out "at least twice the amount of the grant applied for" and inserting in lieu thereof "(i) at least the amount of the grant applied for (in the case of a grant for fiscal year 1988 or 1989), or (ii) at least twice the amount of the grant applied for (in the case of a grant for fiscal year 1990)".

PROJECT GRANTS FOR PREVENTIVE HEALTH PROJECTS FOR IMMUNIZATIONS

SEC. 104. (a) Section 317(j)(1) is amended—

(1) by striking out "For" and inserting in lieu thereof the following: "(A) Except for grants for immunization programs the authorization of appropriations for which are established in subparagraph (B), for";

(2) by striking out "and" after "1986,";

(3) by striking out the period and inserting in lieu thereof a comma and "$94,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990."; and

(4) by adding at the end the following new subparagraphs:

"(B) For grants under subsection (a) for preventive health service programs for the provision of immunizations with vaccines approved for use, and recommended for routine use, after the date of the enactment of this subparagraph, there are authorized to be appropriated for such sums as may be necessary for each of the fiscal years 1988, 1989, and 1990.

"(C) Upon the implementation of subtitle 2 of title XXI, there are authorized to be appropriated for grants under subsection (a) for which appropriations are authorized in subparagraph (A) of this paragraph such sums as may be necessary for fiscal years 1988 through 1990 to make such grants.".

(b)(1) The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall acquire and maintain a supply of vaccines sufficient to provide vaccinations throughout a 6-month period.

(2) There are authorized to be appropriated to carry out paragraph (1) $5,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.

PROJECT GRANTS FOR PREVENTIVE HEALTH PROJECTS FOR TUBERCULOSIS; ADDITIONAL PROGRAMS

SEC. 105. (a) Section 317(j)(2) is amended to read as follows:

"(2) For grants under subsection (a) for preventive health service programs for tuberculosis, and for grants under section 317A, there are authorized to be appropriated $22,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990. Not more than 10 percent of the total amount appropriated under the preceding sentence for any fiscal year shall be available for grants under section 317A(b) for such fiscal year.".

(b) Part B of title III is amended by inserting after section 317 the following new section:

"ADDITIONAL PROGRAMS RELATING TO PREVENTIVE HEALTH SERVICES AND TUBERCULOSIS

"SEC. 317A. (a) The Secretary may make grants to States, political subdivisions of States, and other public and nonprofit private entities for—

"(1) research into the prevention and control of diseases which may be prevented through vaccination;

"(2) demonstration projects for the prevention and control of such diseases;

"(3) public information and education programs for the prevention and control of such diseases; and

"(4) education, training, and clinical skills improvement activities in the prevention and control of such diseases for health professionals (including allied health personnel).

"(b) The Secretary may make grants to States, political subdivisions of States, and other public and nonprofit private entities for—

"(1) research into the prevention and control of tuberculosis, especially research concerning strains of tuberculosis resistant to drugs and research concerning cases of tuberculosis that affect certain populations;

"(2) demonstration projects for the prevention and control of tuberculosis;

"(3) public information and education programs for prevention and control of tuberculosis; and

"(4) education, training, and clinical skills improvement activities in the prevention and control of tuberculosis for health professionals, including allied health personnel.

"(c) No grant may be made under this section unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information as the Secretary may by regulation prescribe.

"(d) Subsections (d), (e), and (f) of section 317 shall apply to grants under this section in the same manner as such subsections apply to grants under subsection (a) of section 317.".

PROJECTS AND PROGRAMS FOR THE PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES

SEC. 106. Section 318 is amended—

(1) by striking out paragraph (1) of subsection (e) and inserting in lieu thereof the following:

"(1)(A) For grants under subsections (b), (c), and (d), there are authorized to be appropriated $100,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.

"(B) For grants under subsection (b) for any fiscal year, the Secretary shall obligate not less than 10 percent of the total amount appropriated for such fiscal year under subparagraph (A).

"(C) Grants made under subsection (b), (c), or (d) shall be made under such terms and conditions as the Secretary finds necessary to carry out the purposes of such subsection, and payments under any such grants shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary."; and

(2) by adding at the end thereof the following new subsection:

"(h) Grants under subsections (b) and (c) shall include grants for the prevention and control of, and grants for research and other projects, programs, and activities relating to, chlamydia.".

TITLE II—NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM

ESTABLISHMENT OF LOAN REPAYMENT PROGRAM

SEC. 201. Subpart II of part D of title III is amended—

(1) by redesignating section 338G as section 338I;

(2) by redesignating sections 338B through 338F as sections 338C through 338G, respectively; and

(3) by inserting after section 338A the following new section:

"NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM

"SEC. 338B. (a) The Secretary shall establish a program to be known as the National Health Service Corps Loan Repayment Program (hereafter in this subpart referred to as the 'Loan Repayment Program') in order to assure an adequate supply of trained physicians, dentists, and nurses for the Corps and, if needed by the Corps, to assure an adequate supply of podiatrists, optometrists, pharmacists, clinical psychologists, graduates of schools of veterinary medicine, graduates of schools of public health, graduates of programs in health administration, graduates of programs for the training of physician assistants, expanded function dental auxiliaries, and nurse practitioners (as defined in section 822), and other health professionals.

"(b) To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled—

"(i) as a full-time student—

"(I) in an accredited (as determined by the Secretary) educational institution in a State; and

"(II) in the final year of a course of study or program, offered by such institution and approved by the Secretary, leading to a degree in medicine, osteopathy, dentistry, or other health profession; or

"(ii) in an accredited graduate training program in medicine, osteopathy, dentistry, or other health profession; or

"(B) have—

"(i) a degree in medicine, osteopathy, dentistry, or other health profession;

"(ii) completed an accredited graduate training program in medicine, osteopathy, dentistry, or other health profession in a State (except as provided in the last sentence of this subsection); and

"(iii) a license to practice medicine, osteopathy, dentistry, or other health profession in a State;

"(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps;

"(3) submit an application to participate in the Loan Repayment Program; and

"(4) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (f)) to accept repayment of educational loans and to serve (in accordance with this subpart) for the applicable period of obligated service in a health manpower shortage area.

The Secretary may waive the requirement of paragraph (1)(B)(ii) for good cause.

"(c) In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms—

"(1) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under section 338E in the case of the individual's breach of the contract; and

"(2) information respecting meeting a service obligation through private practice under an agreement under section 338D and such other information as may be necessary for the individual to understand the individual's prospective participation in the Loan Repayment Program and service in the Corps.

The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program. The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d)(1) In determining which applications under the Loan Repayment Program to approve (and which contracts to accept), the Secretary shall give priority to applications made by—

"(A) individuals whose training is in a health profession or specialty determined by the Secretary to be needed by the Corps;

"(B) individuals who are committed to service in medically underserved areas; and

"(C) individuals who are more immediately available for service.

"(2) In reviewing the applications of two or more individuals with equivalent qualifications for participation in the Loan Repayment Program, the Secretary shall give preference to the individual with the lowest amount of total outstanding loan obligations for principal, interest, and related expenses for which repayments may be made under subsection (g).

"(e)(1) An individual becomes a participant in the Loan Repayment Program only upon the Secretary's approval of the individual's application submitted under subsection (b)(3) and the Secretary's acceptance of the contract submitted by the individual under subsection (b)(4).

"(2) The Secretary shall provide written notice to an individual promptly upon—

"(A) the Secretary's approving, under paragraph (1), of the individual's participation in the Loan Repayment Program; or

"(B) the Secretary's disapproving an individual's participation in such Program.

"(f) The written contract (referred to in this subpart) between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (3), the Secretary agrees (i) to pay on behalf of the individual loans in accordance with subsection (g), and (ii) to accept (subject to the availability of appropriated funds for carrying out sections 331 through 335 and section 337) the individual into the Corps (or for equivalent service as otherwise provided in this subpart); and

"(B) subject to paragraph (3), the individual agrees—

"(i) to accept loan payments on behalf of the individual;

"(ii) in the case of an individual described in subsection (b)(1)(A), to maintain enrollment in a course of study or training described in such subsection until the individual completes the course of study or training;

"(iii) in the case of an individual described in subsection (b)(1)(A), while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

"(iv) to serve for a time period (hereafter in the subpart referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to, in a health manpower shortage area (designated under section 332) to which such individual is assigned by the Secretary as a member of the Corps or under section 338D;

"(2) a provision permitting the Secretary to extend for a 1-year period or such longer period, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (1)(B)(iv);

"(3) a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual which is conditioned thereon, is contingent upon funds being appropriated for loan repayments under this subpart and to carry out the purposes of sections 331 through 335 and sections 337 and 338;

"(4) a statement of the damages to which the United States is entitled, under section 338E for the individual's breach of the contract; and

"(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this subpart.

"(g)(1) A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) For each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay up to $20,000 on behalf of the individual for loans described in paragraph (1), except as provided in paragraph (3).

"(3) In any case in which payments on behalf of an individual under the Loan Repayment Program result in an increase in Federal, State, or local income tax liability for such individual, the Secretary may, on the request of such individual, make payments to such individual in a reasonable amount, as determined by the Secretary, to reimburse such individual for such increased tax liability. The total of the payments made on behalf of an individual under paragraph (1) and the payments made to an individual under this paragraph may exceed $20,000 for each year of obligated service the individual contracts to serve under subsection (f).

"(4) The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments if the establishment of such a schedule would result in reducing the costs to the United States under the Loan Repayment Program.

"(h) Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic or other training, shall not be counted against any employment ceiling affecting the Department.

"(i) The Secretary shall, not later than March 1 of each year, submit to the Congress a report specifying—

"(1) the number, and type of health profession training, of individuals receiving loan payments under the Loan Repayment Program;

"(2) the educational institution at which such individuals are receiving their training;

"(3) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

"(4) the amount of loan payments made in the year reported on.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 202. (a) Section 303(d)(4) is amended—

(1) by striking out "752 or 753" each place it appears and inserting in lieu thereof "338C or 338D"; and

(2) by striking out "subpart IV of part C of title VII" and inserting in lieu thereof "subpart II of part D".

(b) Section 331 is amended—

(1) in subsection (b), by striking out "and the Scholarship Program" and inserting in lieu thereof ", the Scholarship Program, and the Loan Repayment Program";

(2) in subsection (c), by striking out "338C" and inserting in lieu thereof "338D";

(3) in subsection (d)(2), by inserting after "Program" the following: "or the Loan Repayment Program";

(4) in subsection (f), by striking out "Scholarship Program" and inserting in lieu thereof "Scholarship Program or the Loan Repayment Program"; and

(5) in subsection (h), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) The term 'Loan Repayment Program' means the National Health Service Corps Loan Repayment Program established under section 338B.".

(c) Section 334(a)(3)(B) is amended by inserting "or the Loan Repayment Program" after "Program".

(d) Section 336(a) is amended by striking "scholarship program" and inserting "Scholarship Program or Loan Repayment Program".

(e) Section 338E (as redesignated by section 201 of this Act) is amended—

(1) in subsection (a), by inserting "(1)" after "(a)", by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by adding at the end thereof the following:

"(2) An individual who has entered into a written contract with the Secretary under section 338B and who—

"(A) in the case of an individual who is enrolled in the final year of a course of study, fails to maintain an acceptable level of academic standing in the educational institution in which such individual is enrolled (such level determined by the educational institution under regulations of the Secretary) or voluntarily terminates such enrollment or is dismissed from such educational institution before completion of such course of study; or

"(B) in the case of an individual who is enrolled in a graduate training program, fails to complete such training program and does not receive a waiver from the Secretary under the last sentence of section 338B(b),

in lieu of any service obligation arising under such contract shall be liable to the United States for the amount which has been paid on his behalf under the contract.";

(2) in subsection (b)(1)—

(A) by inserting "under section 338A" after "service obligation";

(B) by striking out "338C" each place it appears and inserting in lieu thereof "338D";

(C) by striking out "338B" each place it appears and inserting in lieu thereof "338C"; and

(D) by striking out "338E(d)" and inserting in lieu thereof "338F(d)"; and

(3) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c)(1) If (for any reason not specified in subsection (a) or section 338F(d)) an individual breaches the written contract of the individual under section 338B by failing either to begin such individual's service obligation in accordance with section 338C or 338D or to complete such service obligation, the United States shall be entitled to recover from the individual an amount equal to the sum of—

"(A) the total of the amounts prepaid by the United States on behalf of the individual;

"(B) the interest on the amounts described in subparagraph (A) which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum prevailing rate, as determined by the Treasurer of the United States; and

"(C) an amount equal to the unserved obligation penalty.

"(2) For purposes of paragraph (1)(C), the term 'unserved obligation penalty' means the amount equal to the product of number of months of obligated service which were not completed by an individual, multiplied by $500.

"(3) The Secretary, in the discretion of the Secretary, may reduce the amount which the United States would otherwise be entitled to recover from an individual under paragraph (1)(A) if the Secretary determines that such individual has performed a sufficient amount of obligated service to warrant such a reduction.

"(4) The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship, as determined by the Secretary.

"(5) Damages which the United States is entitled to recover shall be paid in accordance with the last sentence of subsection (b)(1).";

(4) in subsection (d) (as redesignated by clause (3) of this subsection), by inserting "or the Loan Repayment Program (or a contract thereunder)" after "thereunder)" each place it appears; and

(5) in the section heading, by adding "OR LOAN REPAYMENT CONTRACT" after "CONTRACT.".

(f) Part D of title III is amended—

(1) by redesignating subparts III and IV as subparts IV and V, respectively; and

(2) by inserting before section 338A the following:

"Subpart III—Scholarship Program and Loan Repayment Program".

AUTHORIZATION OF APPROPRIATIONS WITH RESPECT TO SCHOLARSHIP PROGRAM AND LOAN REPAYMENT PROGRAM

SEC. 203. Part D of title III is amended by striking out section 338G (as redesignated by section 201(2) of this Act) and inserting in lieu thereof the following:

"REPORT AND AUTHORIZATION OF APPROPRIATIONS

"SEC. 338G. (a) The Secretary shall report on January 20 of each year to the Committee on Labor and Human Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives the number of providers of health care who will be needed for the Corps during the 3 fiscal years beginning after the date the report is filed and the number—

"(1) of scholarships the Secretary proposes to provide under the Scholarship Program during such 3 fiscal years;

"(2) of individuals for whom the Secretary proposes to make loan repayments under the Loan Repayment Program during such 3 fiscal years; and

"(3) of individuals who have no obligation under section 338C and who the Secretary proposes to have as members of the Corps during such 3 fiscal years,

in order to provide such number of health care providers.

"(b) There are authorized to be appropriated such sums as may be necessary for scholarships and loan repayments under this subpart.

"STATE PROGRAMS

"SEC. 338H. (a) The Secretary may make grants to States to support the establishment by States of State programs similar to the Loan Repayment Program. Any State program supported with a grant under this section shall—

"(1) provide for the repayment of government and commercial loans for the tuition, educational expenses, and living expenses described in section 338B(g)(1); and

"(2) shall be conducted in conformance with the description of such program contained in the application required under subsection (b).

"(b) No grant may be made under this section for a State program unless an application therefor is submitted to the Secretary, in such form, at such time, and containing such information as the Secretary may prescribe. Each such application shall contain such standards for the designation of medically underserved areas under the State program and the determination of obligated service under the State program as may be acceptable to the Secretary.

"(c) The Federal share of the costs of any State program supported under this section shall not exceed 75 percent.

"(d) To carry out this section, there are authorized to be appropriated $1,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

TITLE III—FURTHER REVISIONS AND EXTENSIONS OF THE PROGRAM FOR THE NATIONAL HEALTH SERVICE CORPS

DESIGNATION OF HEALTH MANPOWER SHORTAGE AREAS

SEC. 301. Section 332 is amended—

(1) in subsection (a)(1), by adding at the end thereof the following: "The Secretary shall not remove an area from the areas determined to be health manpower shortage areas under clause (A) of the preceding sentence until the Secretary has afforded interested persons and groups in such area an opportunity to provide data and information in support of the designation as a health manpower shortage area or a population group described in clause (B) of such sentence or a facility described in clause (C) of such sentence, and has made a determination on the basis of the data and information submitted by such persons and groups and other data and information available to the Secretary."; and

(2) in subsection (b)(2)—

(A) by striking out "and" after "services," in subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(C) by adding at the end the following new subparagraph:

"(D) ability to pay for health services.".

OBLIGATED SERVICE

SEC. 302. Section 338C (as redesignated by section 201(2) of this Act) is amended—

(1) in subsection (a), by striking out "338C" and inserting in lieu thereof "338D" and by inserting "or 338B" after "338A";

(2) in subsection (b)(1), by inserting "or 338B(f)(1)(B)(iv)" after "(iv)";

(3) by striking out subsection (b)(5) and inserting in lieu thereof the following:

"(5)(A) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, clinical psychology, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the Secretary has entered into a contract under section 338A prior to October 1, 1985, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

"(ii) at the request of such an individual with whom the Secretary has entered into a contract under section 338A on or after October 1, 1985, the Secretary may defer such date in accordance with the provisions of clause (i).

"(B)(i) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be three years.

"(ii) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the number of years referred to in subparagraph (A)(i) shall be one year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subpart.

"(D) In the case of the Scholarship Program, with respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes his academic training leading to such degree.

"(E) In the case of the Loan Repayment Program, if an individual is required to provide obligated service under such Program, the date referred to in paragraphs (1) through (4)—

"(i) shall be the date determined under subparagraph (A), (B), or (D) in the case of an individual who is enrolled in the final year of a course of study;

"(ii) shall, in the case of an individual who is enrolled in an accredited graduate training program in medicine, osteopathy, dentistry, or other health profession, be the date the individual completes such training program; and

"(iii) shall, in the case of an individual who has a degree in medicine, osteopathy, dentistry, or other health profession and who has completed graduate training, be the date the individual enters into an agreement with the Secretary under section 338B.";

(4) in subsection (c)(2), by striking out "338C" and inserting in lieu thereof "338D"; and

(5) in subsection (e), by inserting ", under the Loan Repayment Program," after "Program".

PRIVATE PRACTICE

SEC. 303. Section 338D of the Public Health Service Act (as redesignated by section 201(2) of this Act) is amended—

(1) in subsection (a), by striking out "338B(a)" and inserting in lieu thereof "338C(a)";

(2) in subsection (a)(1), by inserting after "individual" the following: "who received a scholarship under the Scholarship Program and" and by inserting before the semicolon in such subsection the following: "or in the case of an individual for whom a loan payment was made under the Loan Repayment Program and who is performing obligated service as a member of the Corps in a health manpower shortage area on the date of his application for such a release, in the health manpower shortage area selected by the Secretary";

(3) in subsection (a)(2), by inserting before the period "selected by the Secretary";

(4) in subsection (b), by inserting at the end the following: "The Secretary shall take such action as may be appropriate to assure that the conditions of the written agreement prescribed by this subsection are adhered to.";

(5) in subsection (c), by inserting "or 338B" after "338A"; and

(6) in subsection (e), by striking out paragraph (1) and by striking "(2)" before "Upon".

SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE

SEC. 304. Section 338F (as redesignated by section 201(2) of this Act) is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of his profession in a health manpower shortage area (designated under section 332) for a period of not less than two years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than one year after the date on which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with the provisions of section 338D(b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out the purposes of this section.

Such a loan shall be used to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase or construction of any building.

"(b) The amount of a loan under subsection (a) to an individual shall not exceed $25,000.";

(2) in subsection (c), by striking "grant or" in the first sentence; and

(3) in subsection (d)(1)—

(A) by striking "338D(b)" and inserting "338E(b)"; and

(B) by striking "this section," and inserting "this section (as in effect prior to October 1, 1984),".

AUTHORIZATIONS OF APPROPRIATIONS WITH RESPECT TO GENERAL OPERATIONS OF NATIONAL HEALTH SERVICE CORPS

SEC. 305. Section 338(a) is amended to read as follows:

"(a) To carry out this subpart and section 338F, there are authorized to be appropriated $65,000,000 for fiscal year 1988, $65,000,000 for fiscal year 1989, and $65,000,000 for fiscal year 1990.".

DISCHARGE OF OBLIGATIONS IN BANKRUPTCY

SEC. 306. (a) Section 338E(d)(3) (as redesignated by sections 201(2) and 202(e)(3) of this Act) is amended by inserting before the period a comma and "and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable".

(b) The amendment made by subsection (a) applies to any bankruptcy proceeding in which discharge of an obligation under section 338E(d)(3) of the Public Health Service Act (as redesignated by sections 201(2) and 202(e)(3) of this Act) has not been granted before the date which is 31 days after the date of enactment of this Act.

ASSIGNMENT OF FAMILY PHYSICIANS

SEC. 307. Section 333 is amended by adding at the end thereof the following new subsection:

"(j) In the assignment by the National Health Service Corps under this section of physicians specializing in family medicine, the Secretary shall take account of the needs of urban areas, and shall place special attention on urban areas in which there are serious incidences of infant mortality, adolescent pregnancy, drug and alcohol abuse, sexually transmitted diseases, and other acute urban health care needs.".

EFFECTIVE DATE

SEC. 308. Except as provided in sections 102(b)(2), 102(e)(3), and 306(b), this Act and the amendments made by this Act shall take effect October 1, 1987.

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike all after the enacting clause of S. 1158 and insert in lieu thereof the text contained in H.R. 1327 as passed by the House, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Health Service Corps Amendments Act of 1987".

TITLE I—NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND LOAN REPAYMENT PROGRAM

SEC. 101. ESTABLISHMENT OF LOAN REPAYMENT PROGRAM.

Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) is amended by redesignating sections 338B through 338G as sections 338D through 338I, respectively, and by inserting after section 338A the following new sections:

"NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM

"SEC. 338B. (a) The Secretary shall establish a program to be known as the National Health Service Corps Loan Repayment Program (hereafter in this subpart referred to as the 'Loan Repayment Program') in order to assure an adequate supply of trained physicians, dentists, and nurses for the Corps and, if needed by the Corps, to assure an adequate supply of podiatrists, optometrists, pharmacists, clinical psychologists, graduates of schools of veterinary medicine, graduates of schools of public health, graduates of programs in health administration, graduates of programs for the training of physicians assistants, expanded function dental auxiliaries, and nurse practitioners (as defined in section 822), and other health professionals.

"(b) To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled (i) as a full-time student (I) in an accredited (as determined by the Secretary) educational institution in a State, and (II) in the final year of a course of study or program, offered by such institution and approved by the Secretary, leading to a degree in medicine, osteopathy, dentistry, or other health profession, or (ii) in a graduate training program in medicine, osteopathy, dentistry, or other health profession, or (B) have a degree in medicine, osteopathy, dentistry, or other health profession and have completed a graduate training program in medicine, osteopathy, dentistry, or other health profession;

"(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps;

"(3) submit an application to participate in the Loan Repayment Program; and

"(4) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (f)) to accept repayment of educational loans and to serve (in accordance with this subpart) for the applicable period of obligated service in a health manpower shortage area.

"(c) In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms—

"(1) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under section 338F in the case of the individual's breach of the contract; and

“(2) information respecting meeting a service obligation through private practice under an agreement under section 338D and such other information as may be necessary for the individual to understand the individual's prospective participation in the Loan Repayment Program and service in the Corps.

The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program. The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

“(d) In determining which applications under the Loan Repayment Program to approve (and which contracts to accept), the Secretary shall give priority to applications made by individuals whose training is in a health profession or specialty determined by the Secretary to be needed by the Corps.

“(e)(1) An individual becomes a participant in the Loan Repayment Program only upon the Secretary's approval of the individual's application submitted under subsection (b)(3) and the Secretary's acceptance of the contract submitted by the individual under subsection (b)(4).

“(2) The Secretary shall provide written notice to an individual promptly upon the Secretary's approving, under paragraph (1), of the individual's participation in the Loan Repayment Program.

“(f) The written contract (referred to in this subpart) between the Secretary and an individual shall contain—

“(1) an agreement that—

“(A) subject to paragraph (2), the Secretary agrees (i) to pay on behalf of the individual loans in accordance with subsection (g), and (ii) to accept (subject to the availability of appropriated funds for carrying out sections 331 through 335 and section 337) the individual into the Corps (or for equivalent service as otherwise provided in this subpart); and

“(B) subject to paragraph (2), the individual agrees—

“(i) to accept loan payments on behalf of the individual;

“(ii) to maintain enrollment in a course of study or training described in subsection (b)(1) until the individual completes the course of study or training;

“(iii) while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

“(iv) to serve for a time period (hereafter in the subpart referred to as the ‘period of obligated service’) equal to 2 years or such longer period as the individual may agree to in a health manpower shortage area (designated under section 3332) to which he is assigned by the Secretary as a member of the Corps;

“(2) a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual which is conditioned thereon, is contingent upon funds being appropriated for loan repayments under this subpart and to carry out the purposes of sections 331 through 335 and sections 337 and 338;

“(3) a statement of the damages to which the United States is entitled, under section 338F for the individual's breach of the contract; and

“(4) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this subpart.

“(g)(1) A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

“(A) tuition expenses;

“(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

“(C) reasonable living expenses as determined by the Secretary.

“(2)(A) Except as provided in subparagraph (B), for each year of obligated service that an individual contracts under subsection (f) to serve, the Secretary may pay up to $20,000 on behalf of the individual for loans described in paragraph (1).

“(B) For each year of obligated service that an individual contracts under subsection (f) to serve in the Indian Health Service, or to serve in a health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act, the Secretary may pay up to $25,000 on behalf of the individual for loans described in paragraph (1).

“(h) Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic training, shall not be counted against any employment ceiling affecting the Department.

“(i) The Secretary shall, not later than March 1 of each year, submit to the Congress a report providing—

“(1) the number of individuals receiving loan payments under the Loan Repayment Program;

“(2) the health profession for which each such individual is receiving training;

“(3) the educational institution at which each such individual is receiving training;

“(4) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

“(5) the amount of loan payments made in the year for which the report is submitted.

“STATE PROGRAMS

“SEC. 338C. (a) The Secretary may make grants to States to support the establishment by States of State programs similar to the Loan Repayment Program under section 338B. Any State program supported with a grant under this subsection shall—

“(1) provide for the repayment of government and commercial loans for the tuition, educational expenses, and living expenses described in section 338B(g)(1);

“(2) establish minimum standards for the designation of areas in which individuals on whose behalf loan repayment is made under the State program will perform obligated service, or provide that such individuals will perform obligated service in health manpower shortage areas designated by the Secretary in the State under section 332; and

“(3) establish minimum standards for the determination of obligated service under the State Program.

“(b) No grant may be made under subsection (a) unless an application therefor is submitted to the Secretary, in such form, at such time, and containing such information as the Secretary may by regulation prescribe.

“(c) The Federal share of the costs of any State program supported under subsection (a) shall not exceed 75 percent.

“(d) To carry out this section, there are authorized to be appropriated $1,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.”.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS WITH RESPECT TO SCHOLARSHIP PROGRAM AND LOAN REPAYMENT PROGRAM.

Section 338H of the Public Health Service Act (as redesignated in section 101 of this Act) is amended to read as follows:

“REPORT AND AUTHORIZATION

“SEC. 338H. (a) The Secretary shall report January 20 of each year to the Committee on Energy and Commerce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate the number of providers of health care who will be needed for the Corps during the 3 fiscal years beginning after the date the report is filed and the number—

“(1) of scholarships the Secretary proposes to provide under the Scholarship Program during such 3 fiscal years;

“(2) of individuals for whom the Secretary proposes to make loan repayments under the Loan Repayment Program during such 3 fiscal years; and

“(3) the number of individuals who have no obligation under section 338C and who the Secretary proposes to have as members of the Corps during such 3 fiscal years;

to provide such number of health care providers.

“(b) There are authorized to be appropriated such sums as may be necessary for scholarships and loan repayments under this subpart.”.

SEC. 103. REQUIREMENT OF CONSIDERATION OF NEEDS OF INDIAN HEALTH SERVICE AND CERTAIN INDIAN TRIBES.

Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended by redesignating subsection (h) as subsection (i) and inserting after subsection (g) the following new subsection:

“(h) In assigning members of the Corps to health manpower shortage areas, the Secretary shall, to the extent practicable, give priority to meeting the needs of the Indian Health Service and the needs of health programs or facilities operated by tribes or tribal organizations under the Indian Self-Determination Act.”.

SEC. 104. CERTAIN TECHNICAL AND CONFORMING AMENDMENTS RELATING TO LOAN REPAYMENT PROGRAM.

(a) SECTION 303.—Section 303(d)(4) of the Public Health Service Act (42 U.S.C. 242a(d)(4)) is amended—

(1) by striking “752 or 753” each place it appears and inserting “338D or 338E”; and

(2) by striking “subpart IV of part C of title VII” and inserting “subpart II of part D”.

(b) SECTION 331.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) in subsection (b), by striking “and the Scholarship Program” and inserting “, Scholarship Program, and the Loan Repayment Program”;

(2) in subsection (c), by striking "338C" and inserting "338E";

(3) in subsection (d)(2), by inserting after "Program" the following: "or Loan Repayment Program";

(4) in subsection (f), by striking "Scholarship Program" and inserting "Scholarship Program or the Loan Repayment Program"; and

(5) in subsection (i) (as redesignated in section 103 of this Act), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) The term 'Loan Repayment Program' means the National Health Service Corps Loan Repayment Program established under section 338B.".

(c) Section 334.—Section 334(a)(3)(B) (42 U.S.C. 254g(a)(3)(B)) is amended—

(1) by inserting "or the Loan Repayment Program" after "Scholarship Program"; and

(2) by striking "service under the Program;" and inserting "service under the Scholarship Program or the Loan Repayment Program;".

(d) Section 336.—Section 336(a) (42 U.S.C. 254h-1) is amended by striking "scholarship program" and inserting "Scholarship Program or Loan Repayment Program".

(e) Section 338E.—Section 338E of the Public Health Service Act (as redesignated in section 101 of this Act) is amended—

(1) in subsection (a), by inserting "(1)" after "(a)", by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by adding after subsection (a) the following:

"(2) An individual who has entered into a written contract with the Secretary under section 338B and who—

"(A) in the case of an individual who is enrolled in the final year of a course of study, fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled (such level determined by the educational institution under regulations of the Secretary) or voluntarily terminates such enrollment or is dismissed from such educational institution before completion of such course of study, or

"(B) in the case of an individual who is enrolled in a graduate training program, fails to complete such training program,

in lieu of any service obligation arising under such contract shall be liable to the United States for the amount which has been paid on his behalf under the contract.";

(2) in subsection (b)(1), by striking "338E(d))" and inserting "338G(d))", by inserting "under section 338A" after "service obligation" the first place it appears, by striking "338B" each place it appears and inserting "338D", and by striking "338D" each place it appears and inserting "338E";

(3) in subsection (b)(1)—

(A) by inserting "(A)" after "(1)";

(B) by striking the last sentence; and

(C) by adding at the end the following new subparagraph:

"(B)(i) Any amount of damages that the United States is entitled to recover under this subsection or under subsection (c) shall, within the one year period beginning on the date of the breach of the written contract (or such longer period beginning on such date as specified by the Secretary for good cause shown, be paid to the United States.

"(ii) If damages described in clause (i) are delinquent for three months, the Secretary shall, for the purpose of recovering such damages—

"(I) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

"(II) enter into contracts for the recovery of such damages if collection agencies described in subclause (I) are not available.

"(iii) Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each six months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31 shall apply to any such contract to the extent not inconsistent with this subsection.

"(iv) To the extent not otherwise prohibited by law, the Secretary shall disclose to all appropriate credit reporting agencies information relating to damages of more than $100 that are entitled to be recovered by the United States under this subsection and that are delinquent by more than 31 days.";

(4) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c)(1) If (for any reason not specified in subsection (a) or section 338F(d)) an individual breaches his written contract under section 338B by failing either to begin such individual's service obligation in accordance with section 338C or 338D or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with subsection (b)(1) except that the formula for determining such amount shall be—

$$A=2\phi(t-s/t)$$

"(2) Damages which the United States is entitled to recover under paragraph (1) shall be paid in accordance with subsection (b)(1).";

(5) in subsection (d) (as redesignated in paragraph (3)), by inserting "or the Loan Repayment Program" after "thereunder)" each place it appears; and

(6) in the section heading, by adding "OR LOAN REPAYMENT CONTRACT" after "CONTRACT".

SEC. 105. REGULATIONS.

Not later than 130 days after the effective date of the amendments made by this title the Secretary of Health and Human Services shall issue regulations for the loan repayment programs established by the amendments.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1987.

SEC. 107. SPECIAL REPAYMENT PROVISIONS.

(a) Eligible Individuals.—

(1) An individual who—

(A)(i) breached a written contract entered into under section 338A of the Public Health Service Act by failing either to begin such individual's service obligation in accordance with section 338C of such Act or to complete such service obligation; or

(ii) otherwise breached such a contract; and

(B) as of September 1, 1987, is liable to the United States under section 338E(b);

shall be relieved of liability to the United States under such section if the individual provides notice to the Secretary in accordance with paragraph (2) of this subsection and provides service in accordance with a written contract with the Secretary which obligates the individual to provide service in accordance with subsection (b) or (c). The Secretary may exclude an individual from relief from liability under this section for reasons related to the individual's professional competence or conduct.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall notify in writing individuals who are described in subsection (a) of the opportunity provided by such subsection to be relieved of liability to the United States under section 338E(b) of the Public Health Service Act. Not later than 180 days after the date of the enactment of this Act, an individual who receives a notice from the Secretary may notify the Secretary that the individual intends to enter into a written contract with the Secretary to provide service in accordance with subsection (b) or (c). The Secretary may extend the 180-day period for an individual for good cause shown.

(b) Service at Health Manpower Shortage Area Placement Opportunity List Sites.—An individual notified under subsection (a)(2) may enter into a written contract with the Secretary to serve, in accordance with subpart II of part D of title III of the Public Health Service Act, for the period of such individual's service obligation remaining under section 338C of the Public Health Service Act at a site—

(1)(A) which is on the Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act to begin in fiscal year 1988 and to which no individual who is not described in subsection (a)(1) has been assigned by a date determined by the Secretary; or

(B) which is on the Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act to begin in fiscal year 1989; and

(2) which has agreed to permit the individual to serve at such site.

(c) Service at Supplemental Health Manpower Shortage Area Placement Opportunity List Sites.—An individual notified under subsection (a)(2) may enter into a written contract with the Secretary—

(1) to (A) serve in accordance with subpart II of part D of title III of the Public Health Service Act for the period of such individual's service obligation remaining under section 338C of the Public Health Service Act at a site which is on a supplemental Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act and which has agreed to permit the individual to serve at such site, and (B) pay, in accordance with guidelines established by the Secretary of Health and Human Services, to the United States the sum of the amounts paid under subpart II of part D of title III of the Public Health Service Act to or on behalf of the individual reduced by any amount paid, before entering into the contract, by such individual to the Secretary with respect to the individual's indebtedness under such part D; or

(2) to serve in accordance with subpart II of part D of title III of the Public Health Service Act at a site described in paragraph (1) for 150 percent of such individual's remaining service obligation under section 338C of the Public Health Service Act.

(d) Creation of Supplemental Health Manpower Shortage Area Placement Opportunity List Sites.—In creating the supplemental Health Manpower Shortage Area Placement Opportunity List for purposes of subsection (c), the Secretary—

(1) shall include any site to which a National Health Service Corps member was previously assigned but which in fiscal year

1988 or 1989 will not have such member or a member of the National Health Service Corps to replace such member unless the Secretary of Health and Human Services determines that such site may reasonably be expected to recruit a health care professional from other than the Corps;

(2) shall include any migrant health center receiving funds under section 329 of the Public Health Service Act or community health center receiving funds under section 330 of the Public Health Service Act unless the Secretary of Health and Human Services determines that such center has been able to recruit health care professionals from other than the Corps to serve at the center and may reasonably be expected to recruit such health care professionals in the future;

(3) may include any other site selected by the Secretary; and

(4) shall designate the type of health care professional or medical specialist who is eligible to serve at the sites included on the list.

A site may be included on the supplemental list only if, at the time the list is created, the Secretary determines that the site meets the criteria prescribed by section 332 of the Public Health Service Act.

(e) ADDITIONAL ELIGIBLE INDIVIDUALS.—The Secretary of Health and Human Services may authorize an individual who is not described in subsection (a) and who is to begin to serve the individual's service obligation under section 338C of the Public Health Service Act in fiscal year 1988 or 1989 to serve such obligation in accordance with subsection (c) if the Secretary determines that—

(1) service by the individual in accordance with subsection (c) would be in the best interests of the National Health Service Corps; and

(2) allowing such service would alleviate a substantial hardship for such individual.

TITLE II—REVISIONS AND EXTENSIONS OF GENERAL PROGRAM FOR THE NATIONAL HEALTH SERVICE CORPS

SEC. 201. DESIGNATION OF HEALTH MANPOWER SHORTAGE AREAS.

Section 332 (42 U.S.C. 254e) is amended—

(1) in subsection (a)(1), by adding at the end thereof the following: "The Secretary shall not remove an area from the areas determined to be health manpower shortage areas under clause (A) of the preceding sentence until the Secretary has afforded interested persons and groups in such area an opportunity to provide data and information in support of the designation as a health manpower shortage area of a population group described in clause (B) of such sentence or a facility described in clause (C) of such sentence, and has made a determination on the basis of the data and information submitted by such persons and groups and other data and information available to the Secretary."; and

(2) in subsection (b)(2)—

(A) by striking "and" after "services,";

(B) by striking the period and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(D) ability to pay for health services.".

SEC. 202. OBLIGATED SERVICE.

Section 338C of the Public Health Service Act (as redesignated in section 101 of this Act) is amended—

(1) in subsection (a), by striking "338C" and inserting "338D" and by inserting "or 338B" after "338A";

(2) in subsection (b)(1), by inserting "or 338B(f)(1)(B)(iv)" after "(iv)";

(3) in subsection (b)(5), by amending such subsection to read as follows:

"(5)(A) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the Secretary has entered into a contract under section 338A prior to October 1, 1985, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

"(ii) at the request of such an individual with whom the Secretary has entered into a contract under section 338A on or after October 1, 1985, the Secretary may defer such date in accordance with the provisions of clause (i).

"(B)(i) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be three years.

"(ii) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the number of years referred to in subparagraph (A)(i) shall be one year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subpart.

"(D) In the case of the Scholarship Program, with respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes his academic training leading to such degree.

"(E) In the case of the Loan Repayment Program, if an individual is required to provide obligated service under such Program, the date referred to in paragraphs (1) through (4)—

"(i) shall be the date determined under subparagraph (A) or (B) in the case of an individual who is enrolled in the final year of a course of study,

"(ii) shall in the case of an individual who is enrolled in a graduate training program in medicine, osteopathy, dentistry, or other health profession be the date the individual completes such training program, and

"(iii) shall in the case of an individual who has a degree in medicine, osteopathy, dentistry, or other health profession and who has completed graduate training be the date the individual enters into an agreement with the Secretary under section 338B.";

(4) in subsection (c)(2), by striking "338C" and inserting "338D"; and

(5) in subsection (e), by inserting ", under the Loan Repayment Program," after "Program".

SEC. 203. PRIVATE PRACTICE.

Section 338D of the Public Health Service Act (as redesignated in section 101 of this Act) is amended—

(1) in subsection (a), by striking "338B(a)" and inserting "338C(a)";

(2) in subsection (a)(1), by inserting after "individual" the first place it appears the following: "who received a scholarship under the Scholarship Program and" and by inserting before the semicolon in such subsection the following: "or in the case of an individual for whom a loan payment was made under the Loan Repayment Program and who is performing obligated service as a member of the Corps in a health manpower shortage area on the date of his application for such a release, in the health manpower shortage area selected by the Secretary";

(3) in subsection (a)(2), by inserting before the period "selected by the Secretary";

(4) in subsection (b), by inserting at the end the following: "The Secretary shall take such action as may be appropriate to assure that the conditions of the written agreement prescribed by this subsection are adhered to.";

(5) in subsection (c), by inserting "or 338B" after "338A"; and

(6) in subsection (e), by striking paragraph (1) and by striking "(2)" before "Upon".

SEC. 204. SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE.

Section 338F of the Public Health Service Act (as redesignated in section 101 of this Act) is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of his profession in a health manpower shortage area (designated under section 332) for a period of not less than two years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than one year after the date on which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with the provisions of section 338D(b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out the purposes of this section.

Such a loan shall be used to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase or construction of any building.

"(b) The amount of a loan under subsection (a) to an individual shall not exceed $25,000 and the interest rate for any such loan shall not exceed an annual rate of 5 percent.";

(2) in subsection (c), by striking "grant or" in the first sentence; and

(3) in subsection (d)(1)—

(A) by striking "338D(b)" and inserting "338E(b) or 338E(c)"; and

(B) by striking "this section," and inserting "this section (as in effect prior to October 1, 1984),".

SEC. 205. AUTHORIZATIONS OF APPROPRIATIONS WITH RESPECT TO GENERAL OPERATIONS OF NATIONAL HEALTH SERVICE CORPS.

Section 338(a) (42 U.S.C. 254k(a)) is amended to read as follows:

"(a) To carry out this subpart, there are authorized to be appropriated $65,000,000 for each of the fiscal years 1988 through 1990.".

SEC. 206. PLACEMENT OF PHYSICIANS.

Section 333 (42 U.S.C. 254f) is amended by adding at the end the following:

"(j) In determining the priority for the placement of members of the Corps under this section in medically underserved areas, the Secretary shall consider—

"(1) whether the areas are served by at least one health professional and the effectiveness of non-Federal programs in recruiting health professionals for the areas;

"(2) the geographic isolation of the areas; and

"(3) the economic need of the populations of the areas and the association of the areas with a high infant mortality rate.".

SEC. 207. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1987.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to establish a National Health Service Corps Loan Repayment Program and to otherwise revise and extend the program for the National Health Service Corps."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1327) was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1327, PUBLIC HEALTH SERVICE AMENDMENTS OF 1987

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the enrolling clerk in the enrollment of the House amendment to the bill, S. 1158, may make such technical and conforming changes as may be required.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, I was unavoidably absent earlier today when the House voted on passage of H.R. 1327, the National Health Service Corps reauthorizations for fiscal year 1987. Had I been present I would have voted "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1154, TEXTILE AND APPAREL TRADE ACT OF 1987

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 100-297) on the resolution (H. Res. 256) providing for the consideration of the bill (H.R. 1154) to remedy injury to the U.S. textile and apparel industries caused by increased imports, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2600, SECURITIES AND EXCHANGE COMMISSION ACT AMENDMENTS OF 1987

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 100-298) on the resolution (H. Res. 257) providing for the consideration of the bill (H.R. 2600) to extend and amend the authorization of appropriation for the Securities and Exchange Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM CHAIRMAN OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore (Mr. SKELTON) laid before the House the following communication from the chairman of the Permanent Select Committee on Intelligence:

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
Washington, DC, June 11, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you that Independent Counsel Lawrence E. Walsh has requested interviews with the following present and former staff members of the Permanent Select Committee on Intelligence—Thomas K. Latimer, Michael J. O'Neil, Steven K. Berry, and Thomas R. Smeeton. The Independent Counsel is investigating potential criminal violations which allegedly involve misinforming the Permanent Select Committee on Intelligence during 1985 and 1986.

On the advice of Steven R. Ross, General Counsel to the Clerk, and in consultation with the Select Committee to Investigate Covert Arms Transactions with Iran, the Committee has determined, pursuant to Rules XLVIII and L of the House of Representatives and to the Rules of the Committee, that compliance with this request, under appropriate terms and conditions, is consistent with the precedents and privileges of the House.

Sincerely,

LOUIS STOKES,
Chairman.

COMMUNICATION FROM CHAIRMAN OF THE SELECT COMMITTEE TO INVESTIGATE COVERT ARMS TRANSACTIONS WITH IRAN

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Select Committee to Investigate Covert Arms Transactions With Iran:

SELECT COMMITTEE TO INVESTIGATE
COVERT ARMS TRANSACTIONS
WITH IRAN,
Washington, DC, June 12, 1987.

DEAR MR. SPEAKER: This is to notify you, consistent with House Resolution 12 and Rule L(50) of the Rules of the House of Representatives, that inquiries regarding documents of the Committee have been received from the Department of the Treasury.

With best wishes, I am,

Sincerely,

LEE H. HAMILTON.

COMMUNICATION FROM CHAIRMAN OF THE SELECT COMMITTEE TO INVESTIGATE COVERT ARMS TRANSACTIONS WITH IRAN

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Select Committee to Investigate Covert Arms Transactions with Iran:

SELECT COMMITTEE TO INVESTIGATE
COVERT ARMS TRANSACTIONS
WITH IRAN,
Washington, DC, June 12, 1987

DEAR MR. SPEAKER: This is to notify you, consistent with House Resolution 12 and Rule L(50) of the Rules of the House of Representatives, that inquiries regarding documents of the Committee have been received from the United States Attorney for the Southern District of New York.

With best wishes, I am,

Sincerely,

LEE H. HAMILTON.

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COMMUNICATION FROM CHAIRMAN OF THE SELECT COMMITTEE TO INVESTIGATE COVERT ARMS TRANSACTIONS WITH IRAN

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Select Committee to Investigate Covert Arms Transactions with Iran:

SELECT COMMITTEE TO INVESTIGATE
COVERT ARMS TRANSACTIONS
WITH IRAN
Washington, DC, June 12, 1987.

DEAR MR. SPEAKER: This is to notify you, consistent with House Resolution 12 and Rule L(50) of the Rules of the House of Representatives, that Independent Counsel Lawrence E. Walsh has requested to interview Representative Michael D. Barnes, Victor C. Johnson, Thomas K. Latimer, Michael J. O'Neil, Steven K. Berry, and Thomas R. Smeeton. The Independent Counsel has been investigating potential criminal violations which allegedly involve misinforming of the Permanent Select Committee on Intelligence and the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Affairs during 1985-86. In consultation with Steven R. Ross, General Counsel to the Clerk, we have determined that compliance with this request, under appropriate terms and conditions, is consistent with the precedents and privileges of the House.

With best wishes, I am,

Sincerely,

LEE H. HAMILTON,
Chairman.

COMMUNICATION FROM THE HONORABLE PAUL E. KANJORSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PAUL E. KANJORSKI:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that a member of my staff has been served with a grand jury subpoena issued by the United States District Court for the Middle District of Pennsylvania.

After consultation with the General Counsel to the Clerk, I will make the determinations required by the Rule.

Sincerely,

PAUL E. KANJORSKI,
Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1115

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of the bill, H.R. 1115, to amend the Consumer Products Safety Act and to establish uniform safety standards.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FOR SALE: AMERICA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, I would like to share with the House an article which appeared on the cover of the September 14 issue of Time magazine. The article, entitled "For Sale: America," describes how foreign investors are purchasing many of the United States largest businesses.

Foreign ownership in the United States rose to $1.33 trillion in 1986 which is a 25-percent increase from the previous year.

By way of example: Doubleday books has been purchased by the West Germans. The Dunes Hotel and Country Club was purchased by the Japanese. Chesebrough-Pond's, manufacturers of consumer products, was purchased by a Dutch-British combine.

At the same time foreign investors are buying up U.S. companies, many of these countries are telling us that they cannot help us protect oil tankers in the Persian Gulf—tankers which carry the majority of their oil for Japan and Western Europe.

When I see an article such as the Time cover story and the capital flowing from the very nations our troops in the gulf are protecting it is time we recognized that some of these nations—our allies—are not living up to their responsibilities and instead are relying on the United States.

U.S. operations in the Persian Gulf will cost $15 million to $20 million per month if current levels of activity are maintained. By the end of this month we will have already spent $70 million.

Mr. Speaker, I encourage my colleagues to read the article in Time and to think about its meaning. Hopefully we can work together in a bipartisan manner to resolve this problem.

FOR SALE: AMERICA—FROM MANHATTAN'S HIGH-RISES TO OREGON'S FORESTS, THE BIG BUYOUT IS ON

"Everything here is so cheap!"—A Japanese real estate agent visiting Manhattan

"The political issue of the 1990s is going to be the foreign invasion of the U.S."—Paul Krugman, M.I.T. economist

It was an unlikely stop for sightseers, but there they were: two carloads of serious-minded, dark-suited Japanese in a deserted parking lot in Chattanooga, Tenn. Each carrying a packed briefcase, the visitors gazed long and intently at the object of their interest: a rusted, run-down manufacturing plant as big as five football fields. The plant was obsolete and abandoned, but the Japanese were delighted by their discovery. Taking pains to conceal their satisfaction, they peered into the distance and busily scribbled in their notebooks. Later, after several trips back, they bought the forlorn plant. Today, after a $27 million investment, the refurbished factory has become a manufacturer of heavy earth-moving equipment for Japan's huge Komatus conglomerate.

Such scenes are taking place all over America today, as other foreign scouting parties comb the highways and byways on the lookout for profitable finds. The searchers are Japanese and British, Canadian and South Korean, West German and Swiss, and all of them have one thought in mind: Buy! Buy! Buy! They are in search not only of factories but also of skyscrapers, shopping malls, farms and forest land, ski resorts and vineyards, refineries and mineral deposits. They have already bought some of the biggest and best-known corporations in the U.S., and their appetite appears to be gargantuan.

Suddenly, the U.S. seems to have become a country for sale, a huge shopping mart in which foreigners are energetically filling up their carts. Result: foreign ownership in the U.S., including everything from real estate to securities, rose to a remarkable $1.33 trillion in 1986, up 25% from the previous year. By contrast, in a complete reversal of the situation only a decade ago, U.S. holdings abroad now total only $1.07 trillion. In addition to spurring fabulous hikes in real estate values and igniting corporate takeovers, the wave of foreign purchases has become an important force behind Wall Street's stratospheric bull market.

Never before have U.S. citizens witnessed so many familiar American landmarks and trademarks passing into foreign hands. Japanese investors last December bought the Exxon headquarters building in Manhattan's Rockefeller Center for $610 million, the highest price even paid for a Manhattan skyscraper. The British, who burned Washington in 1814, have now built or bought an estimated $1 billion in District of Columbia property, including part ownership of the famed Watergate complex. Esteemed U.S. corporate nameplates are also changing citizenship at a rapid clip. Doubleday books has gone to the West Germans, Brooks Brothers clothers to the Canadians, Smith & Wesson handguns to the British, Chesebrough-Pond's consumer products to a Dutch-British combine. General Electric television sets have been bought by the French, Carnation foods by the Swiss, General tires by the West Germans.

In fact, the question of what constitutes a truly American icon has become befuddling. A Sohio gasoline station? British Petroleum owns that company now. An Allis-Chalmers farm tractor? The West Germans manufacture those. Ball Park franks are owned by a British conglomerate; so is French's mustard. The take from Las Vegas' Dunes Hotel and Country Club, one of the best-known American gambling and entertainment centers, will soon go to its new Japanese owner. The latest hit recording by Country Singer Kenny Rogers is a foreign-owned product; his record label, RCA, is now West German property. And what about breakfast (or a diamond ring) at Tiffany, or drinks in the literarefied atmosphere of Manhattan's Algonquin hotel? Those vintage landmark buildings are now Japanese possessions.

The foreign buying spree has inevitably become controversial. How does foreign investment affect America's industrial strength and ability to compete? Just how much overseas investment is good for the country, and how much of America should foreigners be allowed to buy? What other kinds of control might follow? What will happen if nothing is done to stem the buying tide? Warns Lawrence Brainard, chief international economist for Manhattan's Bankers Trust: "By the end of this century, the U.S. may have the most modern manufacturing sector in the world, but it won't own it." Says Democratic Representative John Bryant of Texas: "America has been selling off its family jewels to pay for a night on the town, and we don't know enough about the proud new owners."

The proud new owners know a good thing when they see it, and the reasons for their rush to buy are abundantly clear. To start with, U.S. properties are going for unprecedentedly low prices because of the fall of the dollar. The U.S. currency has plunged some 40% in value during the past two years against such major foreign currencies as the Japanese yen, the West German mark and the British pound. The result is that while prices of real estate and commercial properties may seem high to most Americans, everything with a dollar-denominated price tag looks like a tremendous steal to holders of other, stronger currencies.

At the same time, American's industrial rivals are flush with cash, either their own savings or the billions of dollars that import-hungry U.S. consumers have been spending on Japanese video gear, South Korean appliances and West German autos. Those wealthy nations are eager to use this money to tap the $1.3 trillion U.S. marketplace, where immense diversity and opportunity act as both a model and a magnet for the rest of the world. In addition, foreigners are eager to gain access to the advanced fruits of American research and technology, as well as to enjoy the benefits of U.S. rates of corporate taxation, which are appreciably lower than elsewhere.

Buyers from overseas are especially attracted by American political stability, which is particularly alluring to those with long-term investment prospects in mind. And foreign investors continue to be impressed by the wide-open nature of the American economy and the freedom of its capital and equity markets. Says a Japanese banker in Tokyo: "We are amazed at the way Americans are willing to sell out their companies. In Japan, owners of companies hold on for life."

The foreign shopping bender signals a major transformation in America's global economic role. For nearly four decades following World War II, the U.S. did the buying, savoring its role as the globe's foremost exporter of capital. U.S. investment power was so great that in 1968 French Economics Journalist Jean-Jacques Servan-Schreiber predicted that American multinational companies like IBM and ITT threatened to turn Western Europe into an economic province. Concern about foreign cash flowing into the U.S. arose briefly in the 1970s, when a weak U.S. dollar and the emerging clout of OPEC prompted fear of an Arab buying spree. By and large, however, the cautious oil sheiks steered their petrodollars into bank accounts and securities portfolios rather than toward the bricks and mortar of U.S. real estate and corporations.

But after years of mammoth U.S. budget and foreign-trade deficits, the situation today is radically different. The buying of America has virtually turned into an industry of its own, with sharp-eyed advance crews scouring out the country's most attractively undervalued treasures, researchers typing up thick intelligence reports on U.S. acquisition targets, finance teams huddling with investment bankers in Tokyo, London and elsewhere, and blue-chip law firms constantly at work drafting reams of tender offers, prospectus and sale documents.

Foreign bargain hunters often pour enormous effort into their shopping. Michael Dornemann, a director of West Germany's Bertelsmann communications giant, flew to the U.S. more than 50 times over the past three years while deciding how his company should spend its $1 billion American shopping budget. Often taking the morning Concorde from Paris in order to put in a full day's work in the states. Dornemann visited more than 20 U.S. companies before choosing his recommended targets: Doubleday publishing and RCA records. The possibility of snagging both was considered so unlikely that he and his boss, Bertelsmann Head Mark Wössner, 48, had called it their "extreme case."

Nonetheless, they turned all their persuasive powers on Publisher Nelson Doubleday and GE Chairman John Welch, offering them hefty prices and even giving the GE boss a lecture on corporate strategy. (Says Wössner: "We told him that music was too far away from electric motors and rockets.") Then Wössner tried another tack. In separate meetings one day last September, he recalls, he gave each American executive the impression that the West Germans could afford to buy only one of the two companies. "Either you sell to us, or we'll go to the others," warned Wössner. By the end of that day, the Germans had won both prizes. Total price for the double-barreled victory: $805 million.

Foreign shopping fever reaches even into the country's remote vastnesses. When the brash British traider Sir James Goldsmith calculated that U.S. timberland was becoming a tempting prize, he launched a $500 million takeover bid at San Francisco's Crown Zellerbach paper company in order to grab the corporation's vast forests. As a result of the 1985 takeover, Coldsmith now owns 1.9 million acres of American forests in Washington state and Oregon.

Equally sharp-eyed Canadian mining companies have snapped up the rights to some 40% of the new gold-digging projects in Montana, Nevada and other Western states. In Northern California, foreign investors have picked up more than two dozen of the region's 300 wineries, among them the Almadén lable (now British) and the St. Clement Vineyard (Japanese.) In Alaska, Japanese investors control more than one-third of the state's $680 million seafood-packing industry. U.S. farmland might be a bigger target for raiders, except that more than two dozen states have imposed controls or bans on foreign ownership.

Despite the shopping spree, however, the value of U.S. property under foreign control is still only a tiny fraction of America's immense total. (The estimated value of all U.S. residential dwellings alone comes to some $6 trillion.) But foreign holdings have grown surprisingly large in many lucrative, and occasionally sensitive, spots. Foreign investors now own 46% of the commerical real estate in downtown Los Angeles, for example, according to a survey by the Coldwell Banker Real Estate Group. In downtown Houston, the foreign-owned tally is 39%; in Minneapolis 32%; and in Manhattan 21%.

With so much overseas demand for high-profile U.S. commerical property, competing foreign bidders practically bump into one another at airports. To increase their already considerable bargaining power, many would-be buyers go to striking lengths to conceal their ultimate intentions. The Japanese Komatsu executives who went shopping in Tennessee for a factory kept their state government hosts completely in the dark about what they actually wanted. After a tour of the 1940s-era structure that eventually housed their heavy-equipment concern, the Japanese pronounced it "very dull and scary, very gloomy," recalls John Gregory, a Tennessee official who escorted the group. When the Komatsu executives suddenly announced that they were buying the abandoned plant, says Gregory, "it kind of threw us for a loop."

Japanese businessmen are throwing the U.S. for a loop in a number of ways. Japan, the world's largest creditor country, where consumers save 17% of their earnings (vs. 4% in the U.S.), has the mightiest bankroll of all to engage in buying America. Bereft of enough investment opportunities at home to absorb their astonishing pile of savings, the Japanese are hungrily looking abroad for places to park the excess cash. Japan's direct investments in U.S. real estate and corporations reached $23.4 billion at the end of 1986, a jump of about 18% from the previous year. Predicts Amir Mahini, director of international business research for the McKinsey consulting firm: "In the next two or three years Japanese investments here will build up very rapidly. It's going to become a torrent."

In particular, the Japanese are taking America's skylines by storm. They have invested an estimated $7 billion ($5.5 billion last year alone) in office towers and other buildings. Oil-company headquarters are in a favorite: Hiro Real Estate last month paid $250 million for Mobil Oil's 42-story Manhattan headquarters tower. An older landmark, Fifth Avenue's Tiffany building, was sold last November to Doi-ichi American Real Estate for $94 million. Where landmarks are not available, seascapes will do: in Hawaii, Japanese investors own more than half of the twelve major hotels along Waikiki Beach.

American real estate agents love the trend: by some estimates, the Japanese have single-handedly boosted the selling prices of prime Manhattan real estate 10% to 15%, to roughly $500 per sq. ft. Those prices are still a bargain compared with costs in Tokyo, where office towers sell for an astronomical $20,000 or more per sq. ft.—on those rare occasions when anything comes up for sale. Says Shigeru Kobayashi, owner of Japan's multibillion-dollar Shuwa real esate empire. "Bond buyers are holding paper, but I have buildings and land. That's the future," Kobayashi's son Takashi, head of the family firm's U.S. subsidiary controls 26 U.S. buildings worth some $2 billion. Among them: the ARCO Plaza in Los Angeles (bought for $620 million last September) and the ABC network headquarters in Manhattan ($175 million in October). Says the senior Kobayashi: "America is where greatness is."

Japanese bargain shoppers increasingly covet neglected American gambling casinos. Last April, Ginji Yasuda, a Korean-born Japanese, reopened the 1,100-room Aladdin Hotel in Las Vegas after buying the ailing complex for $54 million and spending $30 million more to restore its glitzy décor. He plans to shuttle customers from Japan in a posh jet equipped with sleeping cabins. Says Yasuda; "You have a lot of dreams still available in this country that you don't have in Japan."

Tokyo Billionaire Masao Nangaku, 68, had an expensive fantasy last month, when he outbid five U.S. companies for Las Vegas' struggling Dunes Hotel. The winning price: $157.7 million. Nangaku plans to virtually double the size of the hotel, to 2,200 rooms. Nangaku says he has wanted to buy a casino in Las Vegas for years. Backed by a vast recreation empire (bowling alleys, golf courses, hotels), he apparently had little trouble lining up the financing for the Dunes purchase through his Tokyo bankers. Boasts an aide: "Our assets are worth far more than the price of a Las Vegas hotel."

One corporate arena in which Japan's huge bankroll is prompting intense jitters is the U.S. financial-services industry. Tokyo's largest banks and investment firms, which already eclipse American companies like Citicorp (assets: $196 billion) and Merrill Lynch ($53 billion), openly aim to grab a large share of the U.S. financial marketplace. They have established a major beachhead in California, where four of the top ten banks are now Japanese owned: California First Bank, Sanwa Bank, Bank of California and Sumitomo Bank of California. On Wall Street, Japan's Sumitomo Bank shelled out $500 million for a 12.5% share of profits in the Goldman, Sachs investment-banking firm, while Nippon Life Insurance paid $538 million for a 13% slice of Shearson Lehman.

The Japanese have largely shied away from takeovers of major U.S. industrial corporations, at least partly in fear of a public relations backlash. "We are worried about investment friction now. It may get serious," says Hiroki Sakamoto, a senior official of the Japan External Trade Organization. But last month Dainippon Ink & Chemicals won a long and bitter battle to take over New York's Reichhold Chemicals, a maker of specialty polymers. The price: $540 million.

The least inhibited foreign bidders for U.S. corporate control these days are often the British. They have committed more than $22 billion so far this year to U.S. takeovers, successful or pending, in contrast to some $14 billion for all of 1986. The British invasion "is going this year at a frightening pace," observes Philip Healey, publisher of Acquisitions Monthly, a British trade journal. "Buying an American company is very much a vogue thing."

Many British raiders have shown remarkable pluck, taking on American companies many times their size. WPP Group, an upstart London advertising firm, bid $566 million in June to acquire JWT Group, the parent of Madison Avenue's lordly J. Walter Thompson agency. Last month another relatively small London outfit, the Blue Arrow employment-services agency, successfully bid $1.3 billion to take over Milwaukee-based Manpower, the largest American temporary-labor placement firm.

Perhaps the most successful British buccaneer in America is the canny, soft-spoken Sir Gordon White, 64, chairman of Hanson Industries, the U.S. investing arm of London's Hanson Trust conglomerate. Hanson employs more than 35,000 workers in the eight U.S. firms it has acquired since 1973. Among the prizes: SCM, manufacturer of Smith-Corona typewriters, and Endicott Johnson, the shoe retailer. White's current target is Kidde, a maker of products ranging from Farberware kitchen utensils to Jacuzzi Whirlpool Baths. Hanson has made an offer for Kidde, and a successful deal would double the firm's U.S. employment roster. So far White has spent $2 billion on his acquisitions.

The Dutch come right behind the British in their direct investments in U.S. companies. The Dutch-British Unilever consumer-products combined spent $3.1 billion last February alone to acquire Connecticut-based Chesebrough-Pond's. The deal gave Unilever ownership of such American brand names as Ragú spaghetti sauce, Prince tennis rackets and Vaseline petroleum jelly, along with Q-Tips and Pond's cold cream. Last week the Dutch electronics giant Philips struck a deal to swallow its North American subsidiary for more than $600 million, a move that will give the European conglomerate all rights to several famous American brand names: Norelco, Magnavox and Philco.

Canada has the highest levels of foreign, chiefly U.S., ownership of domestic enterprises of any major industrial country. Now the Great White North is striking back. Canadian direct investment in the U.S. has jumped from $12.1 billion to $18.3 billion in the past six years, with much of the increase in real estate and retailing. Last fall Ottawa-based Tycoon Robert Campeau swooped down on New York City to make a $3.5 billion buyout raid on Allied Stores, a 690-store retail chain with holdings that include Brooks Brothers and five major U.S. shopping centers.

West Germany, awash in boodle from selling U.S. customers everything from beer to BMWs, has taken aim at heavier industry. The huge Hoechst chemical firm last March paid $2.8 billion to acquire Celanese, the U.S. fibers firm best known for its Fortrel polyester. For its part, France's Thomson electronics company forged a deal in July to buy GE's consumer-electronics arm in exchange for an estimated $800 million cash and title to the French company's medical-equipment division. That arrangement left Zenith as the last sizable American firm to manufacture TV sets in the U.S.

Even the remote Australians have got into the corporate-takeover act. Investor George Herscu, a real estate magnate, is constructing $1.2 billion worth of super malls to add to the $500 million string of shopping centers he has accumulated in Ohio, Florida, Colorado and South Carolina. Herscu also spent $100 million to buy Bonwit Teller, the fashion retailing chain, which he aims to double in size. In a widely publicized purchase this year, Natural Resources Magnate Robert Holmes à Court spent $1 billion to buy 9.5% of Texaco. Last month Australian Investor Alan Bond offered $500 million for the St. Joe Gold mineral corporation of Clayton, Mo.

For many parts of America, a megadose of foreign investment is a welcome tonic. In small towns or rusted industrial cities that have been unable to attract American capital, foreign money is virtually the only means to create new jobs. Nearly three years ago, local boosters in Winslow, Ariz. (pop. 8,900), induced a Korean company, Young An Headwear, to buy a long-dormant underwear-manufacturing plant on nearby Hopi Indian reservation land. The refurbished factory has since provided 80 new jobs and produces $2 million worth of sport caps annually. In Fontana, Calif., a joint venture of Brazil's Rio Doce Geologia & Mineraçâo mining company and Japan's Kawasaki Steel reopened a foundry that was shut down in 1983. It now produces 1 million tons of steel a year and employs 800 workers. Says Kenneth Gibson, director of the California commerce department: "You wouldn't have a steel industry in this state if it were not for foreign investments."

Where U.S. businesses are merely dying rather than dead, foreign buyers flush with cash and enthusiasm can sometimes cause a dramatic turnaround. Canada's Cineplex Odeon theater chain, for example, has bought and spruced up more than 300 mostly decrepit U.S. movie theaters, at a cost of roughly $475 million. The Toronto-based company revives business by boosting the quality of feature presentations and perking up the housekeeping, the acoustics and even the quality of the popcorn.

One of the most dramatic cases of a foreign-assisted turnaround involves the Great Atlantic & Pacific Tea Company, parent of A&P. The supermarket chain was ailing badly when West Germany's Tengelmann Group took over in 1980, after anteing up $100 million for control of Great Atlantic. A&P's foreign owners installed a new top manager and restored the company's reputation within three years, first by selling 600 unprofitable stores out of a total of 1,600, then by patiently plowing profits back into the remainder.

Even when U.S. managers are performing well, a foreign takeover can introduce new kinds of dynamism. In the case of last March's Hoechst-Celanese merger, for example, the West German company brought to the union an acknowledged excellence in pure research. The U.S. firm is expected to contribute American know-how in bringing new laboratory discoveries quickly to the marketplace. Moreover, the West German company expects the American addition to help loosen up the regimented corporate culture of its parent, where Hoechst engineers stiffly address one another as "Herr Doktor."

But along with opportunity, foreign owners have stirred plenty of fear. Some Americans react sharply to foreign overtures and invoke apocalyptic visions of the unwanted influence that outsiders may wield. Last May William Jovanovich, chairman of the Florida-based publishing firm of Harcourt Brace Jovanovich, made unabashed appeals to antiforeign sentiment while fending off British Press Lord Robert Maxwell's $1.7 billion takeover bid. Among other things, Jovanovich asserted that a foreigner would be unfit to publish books for American schoolchildren. That conveniently overlooked the dominant role of American publishers. Jovanovich's firm included, in Canada, where 59 percent of school textbooks are produced by foreign-owned companies.

The buyout binge has stirred bitter debate over fundamental issues. The biggest is jobs: Will the foreign investment wave bring more of them or wash them away? Some U.S. groups argue that overseas companies often come out second best to native ones in generating new employment. A 1986 study by the United Auto Workers contends that foreign auto-assembly plants in the U.S. eliminate three jobs for every one they create, since the facilities import so many of their components from abroad. The study implies that foreign-owned plants often fail to spread job opportunities beyond their factory gates.

Nor is foreign ownership always a guarantee of innovative management. Last month Robert Harp, founder of the California-based personal-computer maker Cordata Technologies, quit his chairmanship of the company after a quarrel with Daewoo, the South Korean industrial giant that spent $2.5 million in 1985 to buy 70 percent of Cordata's stock. The once profitable American firm lost $20 million last year, claims Harp. He blames that on the Korean parent's overpricing of Cordata products and on its slowness in making decisions.

Another frequently voiced concern is that foreign owners will monopolize a particular American industry, driving out U.S. capacity and somehow gaining the capability to extract exorbitant profits or disrupt the economy. One business that draws attention is cement. The biggest player in that industry, which is more than 50 percent foreign owned, is Switzerland's Holderbank, a financial concern that has bought two American cement companies (Dundee Cement and Ideal Basic Industries). Holderbank wants to combine the two with a Canadian company, St. Lawerence Cement, to form North America's largest firm.

The fact is that U.S. antitrust law, however leniently enforced under the probusiness Reagan Administration, can prevent any foreign monopoly abuse. Indeed, antimonopoly laws are liable to be used more readily against foreign companies than domestic ones. The U.S. already has laws that restrict foreign ownership in any industries that the Federal Government deems essential or sensitive. Among them: telecommunications, shipping, aviation and any form of defense production that requires a U.S. security clearance.

The Reagan Administration tried to draw a new line last March, when it stunned the Japanese electronics giant Fujitsu by blocking a reported bid of $225 million for money-losing Fairchild-Semiconductor, a maker of computer microchips. Washington cited national security concerns for the ban—even though Fairchild was already owned by a foreign firm, the French oilfield-services company Schlumberger. (Last week Fairchild finally found a U.S. purchaser when a neighbor in Silicon Valley, National Semiconductor, bought the company for a meager $122 million.) The noisy Fujitsu episode may have proved a costly one for the U.S., according to Federal Reserve Chairman Alan Greenspan. The U.S. central banker told the Wall Street Journal that the incident rattled foreign investors, who reacted by cutting back their holdings of U.S. dollars. That sent the value of the greenback plunging. For a brief time, domestic interest rates moved sharply upward in a bid to force the dollar's value up again.

Even without further moments of monetary turbulence, the U.S. Congress seems bound to look more closely at the foreign buyout wave as it continues to swell. Some Washington legislators argue that the U.S. should at least develop a more vigilant system to monitor foreign inroads. The trade bill that passed the House in April includes a provision that would require foreign investors to report to the Commerce Department any interests of 5 percent or more in U.S. Corporation or real estate. But many foreign investors oppose such scrutiny as trade harassment and a possible first step toward expropriation of their assets. Says a senior Administration official: "An investor might think that these requirements mean the U.S. Government will be coming after him." The Senate has passed a scrutineering provision in its version of the trade bill, but the White House is trying to scale back the dual proposals.

Indeed, most economists and politicians appear to come down against any major interference with the investment spree. Writing in the Washington *Post* last week, Economists Martin and Kathleen Feldstein (he is the former chairman of the President's Council of Economic Advisers) flatly stated, "The occasional rumblings about restricting foreign investment, such as the idea of requiring official registration, should be resisted by legislators and advisers to presidential candidates alike."

In the view of Hawaii Governor John Waihee, "It's not the origin of an investment dollar that makes it good or bad, but how it is invested." Takeovers that encourage U.S. competitiveness and efficiency and refurbish aging plants and equipment, in other words, are usually good, whoever spends the money. Likewise, the money that foreign companies invest in America is usually more important than the ultimate destination of any future profits. "To a worker in Chicago, does it make any difference whether the dividends go to New York or Tokyo? No." says Economist Edward Bernstein, a guest scholar at the Brookings Institution.

Economic experts in other countries, notably Canada and Britain, wryly point out that they have faced similar and even proportionately larger tides of foreign investment without losing control of their national destiny. Says Economist Alan Rugman of the C.D. Howe Institute, a leading Canadian think tank: "We in Canada have much more foreign ownership than the U.S. will ever have, and we're one of the wealthiest countries in the world as a result." Even so, Canada has suffered through prolonged bouts of unhappiness concerning foreign influence within its $379.3 billion economy and has occasionally lashed back at foreign investors, at substantial cost.

Amid the growing U.S. hubbub about acquisitive foreigners, a fact worth remembering is the importance of America's own trillion-dollar foreign holdings abroad. Any crimping of foreign investment in the U.S. would invite similar measures against American investors elsewhere—the equivalent, that is, of trade protectionism. Ironically enough, overseas worries about rising American protectionism toward imports is a prime reason for many foreign manufacturers' desire to buy physically into the U.S. market.

The U.S. economy has long based its prosperity in large part on the free flow of capital across international borders. In the mid-19th century. European investments helped finance the building of America's railroads, essential for opening up the West. Later, Europeans put their money into American ranching, farming and mining. After the turn of the century, foreigners helped buttress one of the most powerful companies of the era, U.S. Steel, by buying up fully 25% of its equity.

The current crush of foreign buyers offers more opportunities than threats—and, in any event, the $4.5 trillion U.S. economy's best insulation against invasion remains its sheer size. Says Theodore Moran, a professor of international business diplomacy at Georgetown University: "We are not going to have our economy taken over by foreigners unless it continues to decline for 50 or 60 years." That holds true even though a couple of Asian shoppers, South Korea and Taiwan, have barely begun to make strides in the U.S. buyout market. Yet as foreigners continue to rush in, new American properties are constantly being built to balance the outside purchases. In real estate alone, the U.S. annually constructs some $30 billion worth of shopping malls, $10 billion worth of factories and $6 billion worth of hotels.

A more important reaction to the foreign buyathon would be for Americans to adopt healthier economic habits. Those especially include a concentration on selling more exports and a curbing of the appetite for foreign goods, particularly luxury consumer items. Even there, the current bargain-basement sale of U.S. assets may eventually prove to be of some help. Quick to recognize the export advantages of the weak U.S. dollar, for example, the new management at Hoechst Celanese has already decided to move some chemical production from West German factories to American ones. At the same time, new managers like Sir Gordon White are giving their American troops a pep talk. Says he: "In the U.S., you haven't got the drive to export. It's often very difficult to convince managers in companies we've bought that they should flog their products in Britain. They say, 'Why go to all of that trouble when I can sell in the U.S.?' "

White would be only too happy to discover more American corporations that need to be taken over and set straight. Says he: "I do keep a close check on many U.S. companies. We could still launch another bid of more than $10 billion in the U.S." White's bankroll is seemingly inexhaustible—but then, so are the exciting economic opportunities of America itself. With all those tempting troves of undervalued wealth in view, it is small wonder that Sir Gordon and his many foreign imitators still want to buy, buy, buy.

COMMEMORATION OF THE ANNIVERSARY OF THE INVASION OF POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, 48 years ago, on September 1, 1939, the peaceful State of Poland was invaded by the forces of nazism from the west, and days later, on September 17, the forces of communism entered Poland from the east. Almost overnight, during this beginning of World War II, the country of Poland became a persecuted nation, deprived of half of its territory and millions of its people.

Fighting against overwhelming odds and the terror unleashed by Poland's hostile invaders, 830,000 soldiers and officers of the Polish Army fought heroically to maintain their freedom and national honor. Thousands of Polish infantry, Navy, and Air Force troops were forced to flee from the military might of their country's occupiers, but eventually were able to join with the allied forces, and took up arms once more, fighting for the cause of freedom and self-determination in Europe and in North Africa.

As this regular army slowly disintegrated, along with the country of Poland, a brave and undaunted underground movement developed, directed by the Polish government-in-exile, and the Polish Army together with civilian men, women, and children, fearlessly destroyed enemy planes, ammunition dumps, bridges, and other military installations. Refusing to betray their national honor by collaborating with the enemy, many were forced to survive for months in the forests and mountains, and 6 million Poles chose self-respect and death rather than capitulation. During these chaotic times, Poland lost close to one-fourth of her population, and the capital city of Warsaw was leveled to the ground.

Gradually the tide turned, however, and the Allied Forces prevailed. At the end of World War II, the Nazis were eliminated from Poland, but unfortunately, the Communist regime then occupied the country and began a systematic campaign to destroy the culture, religion, and national identity of the Polish people. Nevertheless, the Polish people's commitment to freedom has remained undiminished, and their struggle to achieve personal liberty and national integrity continues.

Those Poles who have emigrated to the United States have brought with them the same love of liberty which they cherished in their beloved native land, and they have contributed mightily to the social, economic, political, and cultural advancement of our Nation. While Polish immigrants have helped to make the United States one of the greatest countries in the world, their brothers and sisters still in Poland look to a strong America for moral support in their continuing struggle to achieve their just aspirations of national liberty.

Mr. Speaker, as we again observe this anniversary of the invasion of Poland, I am honored to join with Americans of Polish descent in the 11th Congressional District of Illinois which I am honored to represent, and Polish-Americans all over this Nation, in their hopes and prayers for the reentry of Poland into the community of free nations.

REPORT FROM CONSTITUTIONAL CONVENTION OF 1787

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, today is September 9, 1787, and I am reporting to you from the floor of the Constitutional Convention in Independence Hall, Philadelphia.

Today, September 9, is a Sunday, and therefore the delegates have declared a recess for purposes of observance of the Sabbath, but some of the delegates are still mingling around the main meeting room here in Philadelphia and they are all poised for the last part of the session as the mandate of the convention draws to a close.

Just yesterday the delegates appointed a Committee of Style. That is the most important evidence we have up to now that they are going to put the finishing touches on the document that could change the form of government of the United States.

This Committee of Style has been made up of some of the luminaries of the convention; Johnson of Connecticut; Alexander Hamilton of New York; King of Massachusetts; Gouverneur Morris of Pennsylvania; and James Madison of Virginia. These who have been leaders throughout the convention, having been formed into a Committee of Style, signifies to everybody that they are going to be putting the finishing touches on what now very optimistically appears to be the final work of this convention. They finally settled just yesterday or the day before in mixed ways on how long the term of the President of the United States should be. Many have held out for 7-year terms, but it was finally resolved that it should be a 4-year term without any restrictions as to reelection, that a President could be reelected as many times as he could command a majority of the electoral votes of the several States.

I predict, and some of the other delegates have said to me, that somewhere down the line in the next century they are going to change that rule to prevent some President from going on term after term and assuming the rule of a king; so for the time being, though, the 4-year term with interminable reelections possible is now part of the Committee of Style final work for this document.

The other thing that happened of great importance leading up to this optimistic feeling that we have that indeed we will have a new document is that a question of succession of who should take over when the President should die in office or be absented in some way, who should take over, and of course the Vice President has now been named under the provisions of this new document as the natural successor. That line of succession has been set forth.

So more and more it appears that the roots are taking hold for a final surge to a completed document, probably by the end of next week.

So even though today is Sunday, I see Alexander Hamilton wandering around the library and James Madison is taking furious notes, as he always does. He seems to be taking notes even when nobody is speaking and when nothing else is going on. He is still chronicling almost everything that is happening in this Convention. Some day the historians will look back on his presentations, his notes, his commentaries, as a way to construe what went on in the constitutional process, I am certain of that.

Alexander Hamilton who had bolted the Convention just a month ago now is the most fiercely adamant Nationalist Federalist that appears on the Convention floor, almost insisting with fiery ambition that this Nation has to be unified under a solid document, like the one that is being drafted now by the Committee of Style.

The weather is a little better. It was a furiously hot summer. It is now cooling off a little bit here in September and so have the temperatures of the delegates been simmering down a little bit. Now the cool collected George Washington is ready for the final gavel of the final week, it is predicted, of this Convention. He who was most pessimistic about the outcome of this Convention is now with great optimism saying that the work of this Convention is going to be recorded for all time. That means, if George Washington, the leader of the Revolution and the President of this Convention is optimistic, by all means all the others will remain optimistic for a good outcome.

Mr. Speaker, this is your reporter reporting to you 200 years ago today from the floor of the Convention in Independence Hall, Philadelphia.

TRIBUTE TO SANFORD A. MILLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WEISS] is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, Dr. Sanford A. Miller, regarded by many within and outside the Food and Drug Administration as one of the finest directors the Agency has ever had, has left the Agency to return to academia. Dr. Miller joined FDA 9 years ago at the invitation of Dr. Donald Kennedy, who was then Commissioner of Food and Drugs, to serve as Director of FDA's Bureau of Foods, which was later renamed the Center for Food Safety and Applied Nutrition. His outstanding leadership at the helm of the Center carried him through four different FDA Commissioners and two administrations. During his tenure, the responsibilities of the Center increased significantly.

Dr. Miller is highly respected both within the United States and abroad for his expertise in food science and food and cosmetic safety, and for his balanced approach to the regulation of food and cosmetic products. He is rare in combining technical knowledge and skills with the managerial and personal attributes needed to meet the ever changing and complex challenges facing the administration of national programs. He is, and always will be, respected for his thoughtful analysis of Agency policy, his steadfast commitment to the Center, his forthright advice, and his objective and candid opinions.

With responsibility for the management and programming of some 850 people in various headquarters laboratories and offices and the planning and programming of work involving nearly 1,000 people in FDA's field offices and laboratories, Dr. Miller has, during his tenure, developed a series of new initiatives designed to enhance fulfillment of the Center's mission.

In particular, he has shifted the research emphasis of the Center to programs concentrating on physiological mechanisms, thereby enabling more rational decisions on the potential hazards associated with substances in food. He has expanded the nutrition programs within the Center and redirected the food chemistry programs to consider the composition of food and not just the analytical chemistry of food contaminants. He has modernized and expanded the Center's microbiology programs to the point of fostering development of genetic probes and monoclonal antibodies capable of detecting foodborne disease. Under his leadership, mechanisms of infection are also being studied to permit the formulation of strategies that will prevent such disorders.

Dr. Miller came to FDA from the Massachusetts Institute of Technology where he was professor of nutritional biochemistry in the Department of Nutrition and Food Science. He was also a visiting lecturer in nutrition at Tufts University School of Dental Medicine.

He has served on many Government and professional society advisory committees, including the Federation for American Societies for Experimental Biology [FASEB] Expert Committee on GRAS substances.

Dr. Miller received a B.S. in chemistry from the City College of New York, and an M.S. and Ph.D. in physiology and biochemistry from Rutgers University.

Dr. Miller is the recipient of the Outstanding Teacher of the Year Award from MIT; the Conrad A. Elvehjem Award of the American Institute of Nutrition; the Public Health Service Superior Service Award; the Braverman Memorial Lecturer at the Technion-Israel Institute of Technology in Haifa, Israel; the Samuel W. Johnson Memorial Lecture—Connecticut Agricultural Experiment Station; and the Department of Health and Human Services Distinguished Service Award. This year he received the most prestigious agency award, the FDA Award of Merit.

He is author or coauthor of more than 200 original scientific publications.

Dr. Miller's distinguished record of public service and achievement is matched by his personal warmth, compassion, and integrity. He has made us proud to serve with him in government. We look forward to continuing to benefit from his wisdom and knowledge.

THE 50TH ANNIVERSARY OF SANTA CRUZ COUNTY'S HEALTH SERVICES AGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I would like to take this occasion to bring to the attention of my colleagues the 50th anniversary celebration of the Health Services Agency of Santa Cruz County, CA. The actual celebration was held on August 31, but this is my first opportunity to give the agency the recognition it is due here in the House of Representatives.

The County Health Services Agency was established in 1937 as the county health department, which consisted of one individual—Dr. John D. Fuller, who was the county's first full-time county health officer. Dr. Fuller drew up a plan for public health service for the county, which was growing rapidly even then. Later that same year, a sanitation inspector and a public health nurse were added to the staff in order to broaden the services available through the county hospital. The primary public health issues at that time included the spread of communicable diseases such as venereal diseases and the spread of communicable childhood diseases in the county's public schools. Environmental health concerns included dumping of garbage and sewage and shellfish poisoning along the beaches.

In just a few years, the staff grew to 11 public health and school nurses and sanitarians. Public health nurses staffed clinics, made home visits, and compiled detailed records in an effort to combat tuberculosis, venereal diseases, and other communicable illnesses. They also aided crippled children, promoted maternal and child hygiene, broadened the school health program, and enlarged the county's mental health program.

Significant accomplishments of the agency's sanitarians during this period included the setting of a higher standard for sanitary conditions for migrant workers, installation of septic tanks and sewers, and planning and development of local ordinances to help prevent typhoid and the consequences of unsanitary food handling.

In 1939, a new health officer, in recognition of all these achievements, was presented with an award of distinction by the Junior Chamber of Commerce.

Eventually, satellite public health offices were established at each end of Santa Cruz County, and the cities of Santa Cruz and Watsonville relinquished public health responsibilities to the county in order to consolidate all public health resources into one agency.

Today, in the 1980's, the county health agency has to focus on a new set of issues. These include the control of AIDS, the threat of toxic or hazardous waste, the problems posed by the deinstitutionalization of mental health clients during the 1970's and 1980's, efforts to control chronic diseases such as heart and lung diseases, diabetes, and cancer, preventing child abuse, curbing the effects of drug and alcohol abuse, control of pollution caused by smoking, education about the effects of smoking, and addressing the health problems of a growing senior population.

The problems become more complex, but the issue is the same: protecting the public health. I am sure my colleagues join me in congratulating the Santa Cruz Health Services Agency on its many accomplishments and encouraging its staff to continue the hard work that is necessary to carry out its goals.

A LEAD ROLE FOR THE NAVY ON PLASTIC POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. HOWARD] is recognized for 5 minutes.

Mr. HOWARD. Mr. Speaker, today I have introduced House Concurrent Resolution 183 which states that the U.S. Navy should expedite implementation of an environmentally sound trash compacting or disposal procedure. Also introducing this concurrent resolution in the Senate are my distinguished colleagues from New Jersey, Senators BILL BRADLEY and FRANK LAUTENBERG, who have already exhibited their commitment to this issue. I would like to call the attention of my House colleagues to this legislation due to its urgent and vital nature.

As with the development of other new technologies, the development and wide use of plastics has raised a number of new questions and challenges for our society. As you may be aware, plastic is most durable in nature and therefore does not degrade in our environment and persists for decades.

As evidenced recently by numerous and widespread media reports, the plastic waste problem has reached crisis proportions. The victims of such trash and debris are many, including dolphins, sea lions, sea gulls, mallards, and trout to name a few. There have been many accounts of sea turtles and other marine life washing up on our Nation's shores dead from ingestion of or asphyxiation by plastic waste. Of course this problem is not only limited to coastal or fishing communities. Its impact is certainly felt throughout the entire country.

With the introduction of this bill, I am calling on the U.S. Navy to take a bold step in responding to this new challenge and to lead maritime efforts of keeping all waste materials and especially plastic waste out of our marine environment. I have faith that the Navy will indeed step up its efforts in this field and soon implement such a procedure fleetwide.

Also, I would like to call on my fellow colleagues to review House Concurrent Resolution 183 and support this bill so as to expedite its progress in Congress. The bill is printed below for convenience.

H. CON. RES. 183

Concurrent resolution expressing the sense of the Congress that the United States Navy should expedite the implementation of an environmentally sound trash compacting or disposal procedure

Whereas Congress is entertaining ratification of Annex V to the International Convention for the Prevention of Pollution from Ships of 1973, modified by the Protocol of 1978 (hereafter referred to as "MARPOL 73/78") during the first session of the 100th Congress;

Whereas Annex V to MARPOL 73/78 prohibits the disposal into the sea of all plastics and sets strict standards on disposal of other garbage into the sea;

Whereas the United States Navy does not currently have the means to comply with such provisions of MARPOL 73/78;

Whereas the United States Navy is in the process of developing a ship-board garbage compactor which is not expected to be operational until the year 1991; and

Whereas ship-board garbage compacting will allow for the on-board storage of or reclamation by supply ships of compacted plastic and nonplastic garbage and therefore allow for an environmentally sound means of disposing of ship garbage in compliance with the requirements of Annex V to MARPOL 73/78: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States Navy should be aware of the possible near-term ratification of Annex V to the International Convention for the Prevention of Pollution from Ships of 1973, modified by the Protocol of 1978 and its impact on current Navy garbage disposal procedures;

(2) the United States Navy should expedite its implementation of an environmentally sound garbage compacting or disposal procedure; and

(3) the United States Navy should keep Congress informed as to the progress in the implementation of such a procedure.

□ 1500

TRIP TO CENTRAL AMERICA

The SPEAKER pro tempore (Mr. SKELTON). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. FRENZEL].

THE NEW TELEPHONE SYSTEM

Mr. FRENZEL. Mr. Speaker, I would like to comment briefly for the benefit of those Members who are enjoying the excitement of working with the new telephone systems which have been installed in the Capitol and generally in the Longworth Building—some idea of what is going to happen.

These new systems have been worked on for several years by a large number of people, the Architect, the House, the Senate, and we are doing our best to make the system work. It is different. Members will find that they must accommodate to it.

We believe in the long run we will be offering superior service at a reduced cost to the taxpayers.

For those Members and offices that are having difficulty may I suggest they call 6-4101, the House telephone office, for special assistance. If they feel their problem is not being taken care of, I would suggest that they call the House Administration Committee, minority or majority staff, depending on their identification, for special help.

We are anxious to root out particular problems where they exist. We think the new system is going to be superior in all ways and we want to work with the Members in making it work as best we can.

I thank the gentleman from Indiana for his courtesy.

Mr. BURTON of Indiana. Mr. Speaker, Mr. DORNAN of California and I just returned from a trip to Honduras and to Nicaragua to peruse the activities of the participants in the peace process down there to find out if it was really going to work, to find out the attitudes of the leaders of those countries, the attitudes of the people, the attitudes of the combatants, including the Contras, and to talk to those people who have been displaced by this terrible war down there, the people who are in the refugee camps in Honduras and elsewhere.

I would like to give a brief report to my colleagues because I think it is important for those that have not had the opportunity to go down to Central America to know what is going on. Everybody wants peace. Nobody wants war to go on, but at the same time we want to make sure the Communists do not establish a beachhead on the North American Continent that is going to undermine not only the fledgling democracies of El Salvador, Guatemala, Honduras, Costa Rica, and possibly Panama and ultimately the United States and our sister country Mexico. The gentleman from California [Mr. DORNAN] and I flew into Tegucigalpa and talked with President Azcona, who incidentally is an excellent ping-pong player. I challenged him to a game, because I knew he liked to play, and he beat me three straight games.

In fact, I only got 10 points, that was my highest total.

President Azcona is not one you want to mess with at the ping-pong table.

During our meeting, prior to our encounter, our athletic encounter, President Azcona briefed us on the peace process and told us what he thought the chances of success were. One of the things that sticks in my mind that the President said was that every single aspect of the peace process and the peace agreement signed in Guatemala has to be complied with. If any part of it is not lived up to, then the whole peace accord will collapse like a house of cards.

Specifically, Congressman DORNAN asked him about the people who are held in the prisons down in Nicaragua, the gulags, the people who are being tortured. We have been told by the Communist Sandinista government in the past that there are only 2,000 to 3,000 people in those prisons. Recently in a speech made by Defense Minister Tomas Borge, he said that there were 8,800 people in those prisons. Congressman DORNAN pointed out earlier today that that is a higher percentage of the population of that country compared to other countries than any country in the world, a higher percentage of the population of Nicaragua in prison than any country in the world.

They have admitted now that there are 8,800 people in those prisons.

We asked him what if they only let out part of the political prisoners, what if they keep people in there that they feel are a threat to their Communist government?

He said that if they do not let every political prisoner out, then the agreement will be null and void. He said that they have to live up to the commitments they made to the Organization of American States, that being free elections, freedom of the press, freedom of assembly, all the things that we hold dear in this country, and that they hold dear in Honduras.

We asked him about a statement that he had made to a Member of the other body, that being that if the peace accords fail and if additional aid is not given to the Contras, the freedom fighters in Nicaragua, and they collapse, that 50,000 American troops would probably have to be stationed in Honduras to protect that fledgling democracy as well as El Salvador, Guatemala, and Costa Rica.

He told us that that statement was correct, that he felt that unless there was a completed peace agreement that everybody lived up to, and if that eventuality did not take place, if the Contras were destroyed or became a thing of the past because of lack of funding that the United States would have to deploy troops as a peacekeeping force down there.

We then had a chance to go out to the countryside, to go to one of the Contra hospitals. We talked to people who had been fighting in Nicaragua against the Communist Sandinista government and asked them why they left their homes and decided to fight against the Sandinistas.

Many of these people we talked to were people who were blinded, who had lost one arm or one leg or who had been injured in other ways.

To a man or a woman, and there were a number of women in these hospitals, they told us it was because of the repression in their country, because they wanted freedom and democracy and they wanted the Communist Sandinistas to live up to the commitments they made when they took power in 1979.

We also talked to Enrico Bermudez, the commander of the Contra forces. He had some of his staff officers there. They were very articulate. They talked about human rights violations, and they talked about the disinformation campaign, and they talked about attacking some of the installations inside Nicaragua where they had been accused of killing innocent citizens.

One of the things he pointed out was very interesting to me. The communals that they have in Nicaragua where people collectively live, and they call them collectives where people live together, have been attacked on some occasions by the Contras. It appeared in the papers in this country that these communities were nothing but civilians but the fact of the matter is that they were supply depots for the Communist Sandinista army in the field and many of the people who lived in these communities were people who were working for the Communist Sandinistas, military people, and others who were dispensing this war material to the Sandinista army.

So it was a supply depot that they were attacking and not a civilian installation.

We went out to the refugee camps. Those refugee camps have approximately 50,000 Nicaraguans and Salvadorans who have fled the military upheaval in their countries, fled the war, and have come to these refugee camps to get away from it. The vast majority of these people are from Nicaragua. There are probably 40,000 certified refugees in Honduras from Nicaragua and they estimate as many as 200,000 who are not certified. That means they are just around the countryside.

When we went to these refugee camps and talked to them, to a man and to a woman, the refugees said the reason they left Nicaragua was because of the repression, because the government had confiscated their cows, their goats, their chickens, their farms for the state and they could not survive. They had been relocated, forced into relocation camps, some of them Indian refugees, and they simply could not tolerate it and they wanted freedom and democracy in their country.

Mr. Speaker, because of that they left. They fled Nicaragua trying to get to freedom and they have been living, some of them, in those refugee camps for as much as 7 to 8 years.

We questioned a number of these people about why they were in the refugee camps. One old man said he had two sons killed because they were accused of being Contras.

One young girl fled because when she was 16 years old they tried to force her into the militia and she did not want to go in.

Another young man of 17 said he fled because they were forcing him into the Communist militia which he did not want.

An old lady had a son, and he was an Anglican clergyman, all he did was preach the word of God to the people of his village, and he was murdered 3 years ago.

The U.N. Human Rights Commission that is controlling these refugee camps has been offering 100 lymperas to people who are in these camps if they would go back to Nicaragua. They are actually paying, offering to pay them 100 lymperas, about 50 American dollars to go back to Nicaragua and the people do not want to go back because they do not want to go back and live under Communist tyranny.

When we talked about the Contras to these people, Congressman DORNAN and I, when we talked about President Reagan, you should have heard them cheer. "Viva Reagan. Viva Contras."

They want their country to be free and they support what President Reagan has been trying to do here in the U.S. Congress and in the United States of America with the American people.

We were told by the leaders down there that the Nicaraguan actions so far have not shown requisite seriousness. I think Presient Azcona said that. He said that they have not shown requisite seriousness, as of yet.

Contrast that to what the Speaker of the House of Representatives here said just the other day when he said that we should be applauding the Communist Sandinistas because they have appointed members to the peacekeeping commission to police this proposal down there. Now Honduras is right on the border of Nicaragua and there have been Communist incursions into their country and they know what is going on.

President Azcona said that as yet the Communists have not shown requisite seriousness.

President Azcona is waiting for concrete action from the Sandinistas, as I said before. Those freedoms promised in 1979 to the Organization of American States must be complied with, otherwise the peace accord will not survive.

We then flew from Tegucigalpa, Honduras, to Managua, Nicaragua.

One thing I left out that I want to report to my colleagues, is that President Ortega, according to Congressman DORNAN who was briefed by the southern command, President Ortega and the Communist Sandinistas are getting $4 million a day in military and economic aid from the Soviet Union. The Soviet Union has increased by 30 percent the amount of military supplies they have sent into Nicaragua this year over last year. Last year they sent 22,000 tons of war materials into Nicaragua. The year before that they sent 16,000 tons of war materials into Nicaragua. This year for the first 6 months they have sent over 16,000 tons of war material into Nicaragua which would figure out to a total of 32,000 tons by the end of this year and they have not let up. That figures out to $4 million a day that the Communists in Moscow are sending to Nicaragua to undermine not only the people of Nicaragua but those other fledgling democracies down there.

Congressman DORNAN told me something that was very interesting on the trip and I am sure he will take a special order when he feels a little better. He is kind of under the weather because he ate something down there that did not agree with him.

He said that President Arias told him that if Costa Rica were attacked by the Sandinistas he was absolutely certain that the United States of America would send troops down there to defend Costa Rica.

That attitude seems to be prevalent throughout those fledgling democracies down there.

President Azcona said 50,000 U.S. troops would have to be stationed in his country if the peace process does not work, and if the Contras die on the vine.

President Arias of Costa Rica has said that he is sure we would send troops.

So it is important that we do not lose sight of the fact that those Presidents down there are very apprehensive about the goals and objectives of the Communists Sandinista government.

We talked to some of the Contras who are a part of the Contra directorate down there. Their position is that the Communists in Nicaragua are simply trying to buy time. They know that on September 30 of this year the Contras will no longer be getting funds from the United States to fight for their freedom. This peace accord has an effective date of November 7. If they can drag this thing on, say until the first of the year or maybe February or March, the Contras will be without humanitarian aid as well as military aid. If they die on the vine, the Communist Sandinistas will be able to have their way not only in Nicaragua but throughout Central America. That is why these people are very concerned. They believe the Communists are trying to buy time. They do not think they are going to give up the power they achieved through the barrel of a gun just because of this piece of paper, this peace agreement.

When we got into Nicaragua we were briefed by the members of our Embassy down there.

Mr. Speaker, I might add that they are living under very difficult and trying conditions and they are doing an outstanding job for the people of this country. I think the State Department ought to give all of them a raise and a pat on the back for a job that they are doing so very well.

□ 1515

And I do not say that very much about State Department officials, but it really was impressive how they worked down there.

When we got into Nicaragua we had a chance to meet with some very important and impressive people. We met with Cardinal Obando y Bravo who is a person who is very concerned about the plight of his country. He knows that the standard of living has gone downhill dramatically over the past 7 or 8 years. He told us about the plight of his people.

He is on the peace policing commission along with two members of the Communist Sandinista Government and an independent member of parliament down there, a man named Mauricio Diaz. I was very impressed with Obando y Bravo. He is a man who is I think going to stand up for his people no matter what happens and he is a real credit to himself and to the Catholic Church and we certainly need more people like him in this world.

Mauricio Diaz, we talked with him; it was very interesting to listen to what Mauricio Diaz had to say. He said that the pressure should be kept on the Sandinista Government.

Now, remember this man is on the peace-keeping commission appointed by Daniel Ortega himself. He said that the money should be appropriated for additional aid to the Contras and held in escrow to make sure that the Sandinistas live up to the commitments they made in Guatemala when they signed this peace accord.

He said at the very least it should be humanitarian aid but there should be money kept in escrow to make sure that the Contras will not die on the vine and that the Sandinistas, if they are trying to buy time, will not be successful.

In addition to talking to them I want to tell you some stories that really bothered me. We met with mothers of political prisoners. These women have sons and daughters in the prisons down there, Modelo, the Tipitapa and several other prisons in the country. It used to be that under Somoza they had prisons big enough to accommodate up to 1,000 people. Now they have them which accommodate up to 12,000 people. They have expanded their prison system to take care of the political prisoners, the people they have gathered up in the middle of the night and carried off and thrown into jail.

We talked to the mothers of these political prisoners, we talked to the wives of the political prisoners. And I want to tell you just a little bit about them and some of their stories.

Lorenza Morella—on April 7, 1987, she was taken prisoner. Her mother, just a poor person, she is having a difficult time just trying to eat because the Sandinistas have cut off her rations because she has a daughter in prison. Well, Lorenza Morella said there are two additional family members still held and the whole family is threatened. She said they came from Costa Rica, family members came from Costa Rica to get her out of the country. That is when they put them in prison because they came in to free her from this repression she was under. She is very concerned. She still lives in Managua and she is very concerned because one day they might show up dead, she said, and the Sandinistas will kill her and they will try to blame it on the Contras.

There is a lady who had a brother who is in Modelo prison of the Tipitapa. He has been in prison for 8 years. She says he was an ex-Somoza officer or soldier who had been drafted into the service and was arrested at age 18. They never proved him guilty of anything. He was just in the Somoza army, the national guard. He was 18. Collective guilt she called it. He is now 26.

He was a student at infantry school, he left Somoza's army in May 1979. Yet he was arrested on August 15, 1979. They said someone who was a former Somoza soldier along with him fingered him and they arrested him. The sister said that they left her—they let him see his family every 15 days if he works very hard in prison. There is no time limit on his sentence.

Rafael Antonio Blandon Perez, he was taken before the tribunal. They have three-member courts. None of these people are judges. They are just appointed by the Sandinista Government. He was taken before the tribunal where there were no witnesses. The court alone, or the tribunal alone made the charges and they made the decision.

Amnesty will not apply to him because he is not considered a political prisoner. She did not tell me what he was charged with.

Sylvia, she has a daughter, Isadora, and a son, Elias, she has two brothers and one sister in jail. They have been in there since August 20, 1984. They were accused of planning and forming a revolutionary cell 23 miles south of Managua. They have a small farm. They are in Tipitapa Prison. Their ages are 36, 32, and 36. They told us that after the Communists signed the treaty in Guatemala on the 7th of August this year, 12 days later they beat up these two brothers and this woman as well as several other prison inmates and they used cattle prods and whips and other instruments of brutality on them. They said that they were beaten up because they would not accept Communist teaching which is forced on them three times a week. The prisoners have to go to indoctrination courses in these prisons three times a week and if they do not they are subject to all kinds of beating and torture.

Isadora was sexually abused in prison by a guard even though she was pregnant. She was pregnant when this took place. The child was delivered and was given to a friend on the outside. She got to keep the child in the prison for about 3 to 6 months.

This young lady has a 30-year prison sentence.

Now Gladys, her husband has been in prison since March 12, 1987. He is a political prisoner because he helped people stay out of military service. He is an attorney down there and he represented them.

He was arrested by the Sandinistas and put in jail as a political prisoner. Her husband is a civilian and yet they tried and convicted him in secret. They sentenced him to 10 years in prison. Probably no early release will be possible because he will not cooperate with the Sandinistas. He will not go to the indoctrination classes either.

She shows up to see him every 45 days when she is supposed to see him and she is turned away. She has not seen him for over 3 months. She has eight children and is really struggling because the Sandinistas have cut off her food rations because her husband is in jail. The husband is 40 years old who has severe health problems, bronchitis and internal problems. They recently took away his Bible because he is an Evangelical, she said.

Violetta has a son in jail, aged 26. He studied medicine in Guatemala. His father was a doctor in Nicaragua and they had a small hospital. He came back when the father died to go to the funeral and to find out if the mother wanted him to run this small hospital which they had in this little village.

The Communists came in, beat him up and arrested him. They said he was a Contra. The reason they arrested him was because he was associating with Father Pena who was kicked out of the country and also accused of being a supporter of the Contra movement. This young man, this doctor whose only crime, alleged crime was that he was a Contra, he was only in a short time, he came back from Costa Rica after he got his medical degree; this man is in what they call a punishment cell and has been since August 19. He has been in there 3 to 4 weeks now. They have been keeping him in a cell, a metal cell 4 feet wide by 4 feet high. Four feet wide by 4 feet high, can you imagine being in that for 3 or 4 weeks, 5 weeks? That is the kind of torture we are talking about. They told me about other methods of torture they are using on prisoners down there. They put electric wires all along the walls of the very small prison cell and they make the person stand up. The cell is so small that they cannot lay down. And if they lean against the wall because they are tired they get severe electrical shocks. They talk about having people stand waist deep in excrement for days at a time. They talk about people being put in caskets and closing the lid and leaving them in there for days at a time. That is part of the reeducation process.

Rosa Maria Blanca, her husband is in jail. He was a Contra on May 1, 1986, they said. He was not really a Contra. He was president of the Conservative Party. He was not active in the military effort to overthrow the Communist Sandinistas. He was president of the Conservative Party and they threw him in jail. He has a 7-year-old and a 5-year-old child. His mother helps feed the children. The wife sees her husband once a month. He is in Zona Franca Prison. The husband has been beaten severely in El Chipote Prison and has been in jail since May 1, 1986, without a trial.

He has been in jail since May 1, 1986, without a trial.

There were eight more women that we did not have time to talk with because we were on a limited schedule. But the fact is there are hundreds and hundreds of women down there, mothers and wives whose husbands are being held in these prisons without being charged, without being tried and it is just unbelievable. I wish everybody in this body could go down and talk to these people. I think that ought to be a mandated part of any Codel going down there that they talk to the mothers and wives of political prisoners.

There is one other lady we talked to as we walked out, Yvette who is age 22. She has a sister 12 and a brother 25. The father, who is an agronomist was arrested because he worked in Somoza's agricultural department. All he did was work in Somoza's agricultural department. He is in Modelo Prison. They have him working out there on their work farms. They said he will not get amnesty because he is a common prisoner because he went through the tribunal. He sure sounds like a political prisoner to me.

We were told by people, Congressman DORNAN and I, that there are 11,000 prisoners in the prisons down there. The Communists admitted to only 2,000 to 3,000 in the past. Recently as I told you before, Commandante Borge admitted there are 8,800 people in those prisons. That is about 10 times as many as they had under Somoza, 10 times as many. They told us there were only 1,000 political prisoners, that Mr. Mauricio Diaz said that the actual count is more like 5,000 political prisoners, people being held there simply because they have a difference of opinion with the Communist Sandinista government; they do not believe in repression, in the totalitarianism of that government.

The torture, as I told you, is very severe in these prisons for people who do not cooperate. They said it is severe or worse than that which people have experienced in Cuba and if you want to know how bad that is read Armando Valladares' book, "Against All Hope."

Now, about the economy of that country. Cattle production in 1979 in Nicaragua was 120 million pounds exported per year. Today that has dropped about five-sixths. They sell only 20 million pounds now. The reason farmers do not like to produce cattle is because they cannot do it and make a profit. They cannot survive. They have to sell their cattle to the government for Cordovas and then the government in turn sells it on the world market and they keep the profit because the rate of exchange is fluctuating so dramatically every day. As a matter of fact, just to tell you how much of a problem they have economically down there, I bought a hammock which cost 380,000 cordovas. That is the same as $44.75 in America. The rate of exchange under the tyrant Somoza was 10 to 12 to one. Now it is 380,000 to 44.

The people down there are now eating their cattle instead of selling it. So the ability of this country to come back even if it became a free country today is going to be very, very difficult because they are not going to have a farm base or an economic base from which to rebound. They are eating their feed grains instead of feeding them to the cattle.

So their ability to come back is going to be very, very difficult.

We talked, as I said, to the people at our embassies, the Contras and others. One of the things that struck me as very interesting is that the Contras have had a very tremendous amount of success in the battlefield over the past 6 to 8 months. It is interesting to me that at the very time they are having success putting pressure on the Communist Sandinista Government the United States is prepared to pull the rug out from under them. As a matter of fact, Defense Minister Gen. Umberto Ortega said on July 15, 1987, talking about the Contras:

> We have a real living dynamic and present danger that daily threatens our existence—

Talking about the Sandinistas—

> not only as a revolution but also as an independent nation.
>
> For the rest of the year we must fortify with greater eagerness, greater capability, and greater efficiency these resources already at the disposal of the revolutionary state.

□ 1530

So they are feeling what the Contras have been doing to them. I would like to give a few examples.

The Contras attacked Zacataras on January 8, 1987; they killed 15 Communists, and they captured 90 rifles and 20,000 rounds of ammunition, plus 3 radios.

Mahogany, February 20, 1987: in a 2-day firefight they killed 25 Sandinistas and 4 state security and captured weapons and ammunition.

March 27, 1987, Ayapal, they overran a military engineering unit, killed 13, destroyed 14 vehicles, and captured 24 rifles and 36 rounds of ammunition.

April 8, 1987, they overran operational support bases.

I could go on and on and on. I do not want to get into too much of this because it might be classified and I do not want to violate any rules of the House.

But the fact of the matter is that the Contras have had a lot of success in the field. They shot down some HIND aircraft and some HIP aircraft, and the Sandinista Communists are feeling it. So why are my colleagues on the other side of the aisle so anxious to pull the rug out from under the Contras and cut out the aid, even though a firm peace agreement has yet to be achieved?

One of the things that really interested me, as I said before—and I do not want to be redundant—is that when we talked to one of the members of the four-member peace policing commission, he told us that we should keep the pressure on the Sandinistas. His name is Mauricio Diaz. He is a member of the PPSC party down there. He told us, as I said before, that there are 5,000 political prisoners, 2,500 ex-Somoza-ites, Somoza national guard prisoners in the prison, and 1,300 common prisoners, and that those 5,000 political prisoners should be released. He said he wants the alternate commissioner to go to the prisoners and check out these figures, and he said he was going to suggest that at the meeting yesterday.

He said he also wants to lift the state of emergency which would allow La Prensa, the newspaper down there that believes in freedom, and the radio stations to no longer be under the censorship decree that the Sandinistas have leveled on the people down there. He said that there was a rumor the commission was 3 to 1, but he was hoping to prove them wrong. I hope that is correct. I hope that Mauricio Diaz proves to be a real patriot down there and forces the Sandinistas to live up to the commitments they made to their people. He said he is convinced that the Sandinistas signed the agreement, not planning to comply, that the Communists were not planning to comply with the provisions of the agreement they signed, that being freedom of the press, freedom of religion, freedom of assembly, and amnesty for the political prisoners. But he said he wants pressure to be kept on the Sandinistas so they are forced to live up to those commitments.

The only way to do that, he said, is for the United States to appropriate additional money for Contra aid and, if necessary, keep it in escrow until after the agreement has been finalized or no longer is in existence. But he said the only way to keep the pressure on them is to have that money forthcoming so that the Contras are still a viable force.

There is one more thing that I think might be of interest to all my colleagues and to probably everybody who might be interested in what is going on in Central America. There was a civil rights advocate down there named Lino Hernandez. Lino Hernandez was at a gathering of union members who wanted labor unions to be recognized, and they had a meeting in a building in Managua, and Lino Hernandez was there as an observer. The people came outside when they heard the turbas divinas and the military was out there to at least express their opposition to the bully tactics that were taking place. So they walked outside, and Lino Hernandez was attacked. He was not a part of the meeting at all. He was there as an observer. He was attacked by the turbas divinas, or "divine mob." They started to beat on him, and a policeman stepped in and hit him in the mouth, and he started bleeding, and during the melee they carried him off and they put him in jail. His only crime was being there.

We went to see Lino Hernandez because he was on a hunger strike. He is one of the truly patriotic people down there. He is a human rights activist who is telling the truth about human rights violations on the part of the Communist Sandinista government.

When we went to see him, first of all, the gentleman with the foreign ministry with whom we met would not give us approval. He said he would check on it. So Congressman DORNAN and I and the rest of our group went over to the jail to see if we could see Lino Hernandez. When we went in, they said they would check with the foreign ministry and the leaders of the Sandinista government to see if it could be arranged. We sat in the office of the chief of police for probably 45 minutes to an hour waiting for a reply. Congressman DORNAN was with me, and he said, "Look over your left shoulder." I looked over my left shoulder, and there was a picture, about 2 feet by 4 feet, of Vladimir Lenin, the father of communism.

He said, "Look over your right shoulder." I looked over my right shoulder, and there was a picture of Karl Marx.

People tell me in this body that they are not Communists down there. I am telling the Members that they simply do not know what they are talking about. It is a Communist totalitarian state, and the repression is unbelievable. The quality of life, which was bad under Somoza, is much worse under the Communist Sandinistas.

We tried to see Daniel Ortega. Unfortunately, a member of the other body who was down there would not allow us to go with him to see him. I was very disappointed in that because another codel that was down there a couple of weeks ago, including the minority leader of the U.S. Senate, took in a Member of the other party with him to meet with Ortega. But my colleague in the other body, who is very liberal and who supports much of the goals of the Sandinista government, wanted to talk to Daniel Ortega alone. Congressman DORNAN said, "At least you should take somebody from the State Department in there so they can have a chance to talk to Ortega."

He said, "No, no, I don't want any of those guys in there either. I want to go in all by myself."

So we did not get in to see Ortega. We have some things we would like to say to him, and I think Congressman DORNAN does also.

The SPEAKER pro tempore (Mr. SKELTON). The gentleman is reminded that we cannot comment on the members of the United States Senate.

Mr. BURTON of Indiana. I thought it was perfectly legal, Mr. Speaker, to refer to the other body, but not specifically.

The SPEAKER pro tempore. The Chair would just caution against reference to individual Senators.

Mr. BURTON of Indiana. Mr. Speaker, I will try to be as careful as possible, but I think it is important for my colleagues to know what went on down there.

One other thing that we are told by many of our colleagues is that the people of Central America do not want the United States to support the freedom fighters, that they do not want the United States to support the Contras. That could not be further from the truth. There was a Gallup poll taken on the day the peace agreement was signed. On the day the peace agreement was signed, on August 7, there was a Gallup poll taken in Costa Rica, El Salvador, Honduras, and Guatemala. They would not let them take a public opinion poll in Nicaragua because the communists forbid that kind of activity. But these are the figures of the public opinion poll taken in Central America:

In Costa Rica 70 percent of the people want additional aid for the freedom fighters, the Contras. In Honduras, 81 percent of the people want additional aid for the freedom fighters. In El Salvador, 69 percent of the people want additional aid for the freedom fighters, and in Guatemala 68 percent of the people want additional aid for the freedom fighters.

Mr. Speaker, the people of this country have been given all kinds of facts and figures and information that confuse them, and because of that there has been a real bias against helping the freedom fighters down there. It was not until Ollie North appeared before the Iran-Contra hearings that the people of this country were awakened. When Ollie North appeared and told about the Communist menace down there, the public opinion polls in this country changed dramatically, and I think 45 to 50 percent of the people in America now believe we should be helping the freedom fighters and putting pressure on the Communists. Prior to that only about one-third of the people in this country felt we should be supporting them, and probably 40 percent opposed it.

So when the people of America are given the facts, they will support the freedom fighters because they know they are fighting not only for the freedom of the people in Central America but ultimately for the freedom of the United States as well. So the people of the United States need to be given the facts very clearly.

The people of Central America have received the facts. They have the Communists right on their border. They know the Communists have been supplying military aid to the Communist guerrillas in their countries. So what do they say? In Costa Rica they say, by 70 percent, that they want aid given to the freedom fighters. I ask my friends in the Congress to listen to this: 70 percent of the people in Costa Rica want aid for the freedom fighters, and it is 81 percent in Honduras, 69 percent in El Salvador, and 68 percent in Guatemala. They know the threat, even if many of us do not.

So we need to get this message across to our colleagues here in this body and to the people across this country. It is extremely important that they know that communism is a threat to all those fledgling democracies. It is a threat to the Panama Canal, through which goes about 65 percent of all our commerce in one way or another, it is a threat to the Caribbean, it is a threat to Mexico, and it is a threat ultimately to the United States of America as well. So we should take heed of what our colleagues, our fellow citizens in Central America, are saying, that there is a communist threat and we ought to be supporting the freedom fighters who are fighting not only for freedom in their country but for the freedom of those other fledgling democracies.

Mr. Speaker, I would ask my colleague, the gentleman from California [Mr. DORNAN], if he has something he wants to say.

I yield to may colleague, the gentleman from California, who is one of the finest Congressmen in the U.S. House of Representatives.

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman from Indiana.

I would say to the gentleman that his special order is special. He was a little more circumspect about touching the salads down there than I, so I am starting to fade. I know we will do a special order again after we see the President. I have just gotten off the phone with the office of the chief of staff.

Mr. BURTON of Indiana. Mr. Speaker, if I might interrupt for just a moment, I might tell my colleagues that the reason my colleague is starting to fade is, when we met to meet with Comrade Tanoco, he offered both of us a cup of coffee. My colleague took it, and he is now sick, and I did not. Otherwise we ate the same things on our trip.

Mr. DORNAN of California. Pretty much.

I just wanted to go over this with the gentleman more or less to cross some of his "t's" and recall some of the stunning things that hit me on my sixth trip down there. You think you learned it all in a good action-packed trip with good embassy people taking you around. But let us discuss the Sandinista People's Army. Their word for "army" starts with "e," and they reverse the letters, so the acronym in the Latin manner is EPS, the Army of the Sandinista People. So it is the EPS, the Army of the Sandinista People.

Now, suppose Ortega and the eight other commandantes, every one of them a Communist, were to somehow submit themselves to a fair election—and, of course, the army will count the votes—and somehow or other, as I put it down there, the holy spirit descends on the people and Ortega is upset. Who owns the army?

Mr. BURTON of Indiana. Well, as my colleague well knows, in the Communist constitution of the country of Nicaragua, the army is under the control of the Sandinista Party, so if the Sandinistas were to lose the election through some quirk of fate, they would still control the military.

Mr. DORNAN of California. Now, the 300,000 or 400,000 America people—no one knows how many listen to our special orders, but it is a good chunk of a quarter of a million—probably went—"what? run that by me again."

So a little comparison is in order. Suppose Richard Nixon personally, through the Republican Party, owned and ran the entire Pentagon and every military service in this country. Suppose, like Adolf Hitler's SA, his Brown Shirts who wore uniforms and beat people up publicly at the end of the 1930's, before he launched his war on the anniversary of this month in 1939 on the whole world, suppose there was a private army of the Republicans or the Democrats. We would not stand for that. We have our sergeant at arms for our conventions next year, and what they do is perform an administrative job where they arrange for security with the local people in Atlanta and in New Orleans, and then the Secret Service comes in and overlays that when the President or any of the other important office holders comes down there. So this idea of a political party having not only its own army but the only army, the whole army, is foreign to Americans, and any idea that there is going to be an election is crazy.

You remember when you were gracefully allowing President Azcona to handle you pretty well in ping-pong after our long, fascinating, and effective meeting with him, as President of Honduras, a few nights ago. You recall that I said, "President Azcona, you are out of office when?

He said, "The election is in November of 1988, and a new President will be sworn in in January of 1989."

"Now," I said, after a new President is inaugurated in our country—let's say it is Mr. BUSH, Mr. KEMP of this House, or Mr. GEPHARDT of this House, since a lot of Members over there support him—when that President starts, people have got to realize what is going to happen with the five signers of the Guatemala City Escopelas No. 2 accord."

Eight months after our next President—and we are hot and heavy into that race cycle now—8 months later Mr. Duarte is gone, a one-term, 5-year President. He retires to elder statehood to write and observe. The next month President Azcona is gone. He is a 4-year President. So even though he got elected a year after Duarte, they go out within 30 days of one another. One year later President Vinicio Cerezo is out; as young as he is, he is a senior statesman, a writer, observing his political system. And 4 months after that, the only one that is not in a fall cycle, but in the spring, in April of 1990, we see Mr. Arias, the pusher of this new peace plan. He departs then. So within a year and some months, 2 or 3 months, of the new President of the United States being inaugurated, our 41st President, all four members of the truly elected democratic governments there have gone, two with 4-year terms and two with 5-year terms.

What does the Communist dictator have? He has a 6-year term. He was elected 2 days before President Reagan's second term. He was elected on a Sunday back in the first week of 1984. His 6 years are up in November of 1990, the same election when we say goodbye to Cerezo, a few months before Arias. But he will get elected under this system for another 6 years unless there is an interior Communist politburo coup by Tomas Borge, the head of the secret police, if he wants to take it away from him. But Ortega took care of that. He has his younger brother, Humberto, running that Sandinista people's party army, the whole works from the antiaircraft guns to the HIND aircraft to what little navy they have off both coasts.

So Ortega is going to be there another 6 years starting in 1990. He can wait out all of these democratically elected people who are all one-termers, two for 4 years and two for 5 years.

☐ 1545

This is a desperate situation, when you study this and talk to our excellent people in the Embassy.

Your torture stories were probably the most moving experience I had there sitting with you. You took such excellent notes, because you had joined my Codel. I did the questioning, apologizing over and over that I felt so embarrassed to sound like an inquisitor and try to get to all of the young sisters and mothers; but that one mother, a middle-class lady, and her husband was a doctor. He died in the prime of life.

He had two sons in medical school, one in the States, one in Mexico, and the one in the States was just finishing his exams, so he did not come down. The other son came down from Guadalajara, Mexico, and was arrested within days, thrown in prison.

My colleagues on the other side who are liberal who espouse great interest in civil and human rights, and I do not take that away from them, because there are no trials. These are military tribunals of a political party, so he is thrown in.

The mother started to cry. I started to cry, because I said, "Your son, a doctor who is only an intern, arrested 2½ years ago is in a box 3½ feet by 2½ feet like some animal."

The SPCA ought to get involved in the Write Reagan plan. You do not treat animals in free societies the way they treat these prisoners.

It went on and on, and this is why three liberal Members on the other side of the aisle who also meet with these mothers, wives, sisters, and one Member said it could cost him his career, but he wanted now to vote for aid.

The majority whip's headcount is not all that solid.

We heard about another Member, and I will not use that Member's name, in this body. He said, "I want to go shopping. I don't want to meet with these people."

Mr. BURTON of Indiana. He wanted to go shopping instead of meeting with these mothers and wives of political prisoners really suffering.

Mr. DORNAN of California. Violetta Chamorro, the Codel stood her up twice. There was a meeting that was reset for the afternoon, and they stood her up; and at the same time they stood up Cardinal Obando y Bravo. This is a heroic priest, if there ever was one.

Here is a lady with 220 people, employees. She is down to 45. How is she paying for this payroll of 45 people?

Mr. BURTON of Indiana. I wish every person in the media, in the newspaper business, could go down and listen to her, because my colleague brings up a very interesting point.

She is paying what few employees she has left at La Prensa newspaper selling off the assets, trucks, cars, typewriters.

As was stated, one of the most distressful sights we saw was that empty pressroom down there, nobody working, just a completely dead room.

Mr. DORNAN of California. She knew that that would hit a couple of elected people hard.

We were leaving, going out the side door. She says, "Come here, I want you to see something."

Her daughter, Christiana, sat in the whole meeting with her. Her daughter is the Ambassador to Costa Rica, and her son, Carlos Fernando, the older son runs Barricada, the Communist newspaper.

The youngest son, Pedro Joaquin, named after his father, was brutally assassinated January 10 of 1978. She has a torn family.

She said, "Come here, Mr. DORNAN, get Mr. BURTON," and she opens the door, and there is the newsroom.

Even if people have never been in a newsroom, we have to pass muster at some of these liberal papers, and there is a beehive of activity if they are getting down to the wire to put that paper to press.

You walked in behind me, and you said, "Every Member of Congress should see this dark, empty, deserted newsroom with the blackboards, the last story a year ago June, all the desks empty, the empty typewriters in the adjoining room, tickertape machines, AP press, all shut down."

The assassination of a newspaper is what hit me, and this is why my friend Reed Irvine of Accuracy in Media keeps coming back to that June day when she shut down the last newspaper, and the Western press in the United States, the rest of South American and in Europe, the free press of the Western World, they never made any stink about this. There were hardly any editorials, no major editorials in the three major newspapers in this country, the New York Times, the L.A. Times, and the Washington Post in this city.

I would love Ben Bradlee, Sr., Jr., Katherine Graham to walk through that door, and I know that they love the business, no matter what their political biases may be. They would have their breath knocked out of them to see that. That was the most stunning vision.

I said to Violetta, "We are going to help you."

You said, "Bob, tell them we will try to help them. What are we going to do? We are not the majority in the House or Senate."

That is why we are having the Speaker of the House have a plan, the Arias plan.

I have met with Arias many times. I do not think he has the right to speak with any army, to come into a joint session of Congress here on the 22d. We spoke to our leaders about it, and it will be downgraded to a skull session, and I want nothing to do with Oscar Arias, whom I considered a friend up until 2 days ago.

That little daughter who followed us out, and I asked her one question too many about her father, and she broke down and started to cry. It is unbelievable down there. You can see the difference now from just a few months ago.

Mr. BURTON of Indiana. We are politicians, and we know we need to pay attention to the people of our districts and the country.

President Arias ought to listen to this Gallup poll taken on August 7, because he said he is not for Contra aid, and yet 70 percent of the people of his country are, because they know what the threat is.

One thing which you said about Violetta Chamorro, you asked her, "Will you publish a paper if they partially censor it?"

She said, "We will not publish one page unless there is no censorship."

Mr. DORNAN of California. She sounded like Churchill. She said, "Never, never, never, never, never."

I counted five "nevers," just like Winston. They will never go back to what they had in June of last year.

They want to go back 7½ years ago to when the Communists first started to censor them in 1980, and remember what our Embassy said?

Our Embassy people said, "Our biggest hangups were these prisoners. How will they release them?" Is she going to suffer all these stories like Armando Valladares, these stories of being naked in solitary confinement for years on end, bodies laid in cells 6 months covered with dry excrement, laying in half a telephone booth where you cannot even sit on the floor and slump down, all of that horror which you read in these Valladares-type books.

I was on a talk show, and they said, "Congressman, send more people down there. Send Codel's down there. We in the Embassy don't see how they can open La Prensa."

I said, "How so?" They will go through the motions. You talk to Mrs. Chamorro, and she is committed to a free paper; and although her staff has gone from 220 to 45, she can put out a four-page tabloid.

Victor Hugo Tinoco, the Deputy Prime Minister, he says, "We have a better free press than El Salvador." What a joke.

Cardinal Obando y Bravo is back on the radio.

Mr. BURTON of Indiana. Praying once a day.

Mr. DORNAN of California. He was not giving any political homilies. It was on a Christmas Day in 1985, 2 years ago. He gave a homily using one of Jesus' parables; and the parable of Jesus—I forget which one it was, the loaves and fish or something, throwing the chaff on the ground—they see political meaning in every parable and utterance of Jesus Christ.

That is why they shut down radio.

Mr. BURTON of Indiana. There are members of the Catholic Church and others that had been persecuted severely down there by the Sandinista army. What was the gentleman's name that came up to the pier before us where they cut off both his ears, slit his throat?

Mr. DORNAN of California. Baldizon.

Mr. BURTON of Indiana. One was Elvira and the other one was Paradisio, something like that.

Our time is running out. We will meet with the President.

Mr. DORNAN of California. We will meet with the President this week and meet with our own Republican committees, Republican study committee, the policy committee; and hopefully they will let us appear before a Republican conference committee.

We have got four Members going down there this Thursday night, 10 days later another group goes down; but all of these groups will get to meet with the President, according to my agreement with the President, according to Howard Baker and Frank Carlucci.

Mr. BURTON of Indiana. I appreciate what the gentleman has done to make sure that we get down to see these problems and to be able to present the facts to the people of the United States when we get back.

Mr. DORNAN of California. That is the headline, Ortega, Moscow trip.

Mr. BURTON of Indiana. The President of Nicaragua, on the date that the agreement is supposed to be finalized, is going to be in Moscow arm in arm with Gorbachev.

I hope all of my colleagues will take the opportunity to go to Central America to see what the Communist state is like down there in Nicaragua, and talk to the mothers and the wives and the sisters and the brothers of these political prisoners.

If they see for themselves, they will see how important freedom and democracy is, and they will be willing to support the Contras.

H.R. 162—THE BEST GAME PLAN FOR WORKER HEALTH AND SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, I know that many of my colleagues have been hearing from their constituents about the impact H.R. 162, the High Risk Occupational Disease Notification and Prevention Act of 1987, could have on business, industry, and manufacturing. I'd like to address those concerns, provide some background on the bill, and answer some of the questions raised by the bill.

I first introduced the bill in February 1985 and since then we've held 10 hearings on the high-risk bill. We've heard from scores of witnesses, including representatives from business, labor, and public health groups. The testimony has run the spectrum—from ardent support to violent opposition—and we've tried to consider all of the viewpoints we've heard.

Before I examine what other people have said about the bill, let me give you a short explanation of the bill, and some of the rationale behind it.

In a nutshell, H.R. 162 sets up a program to identify present and former workers who are at risk of disease, to notify them of that risk, and to encourage them to enter into medical monitoring and health counseling programs. It also encourages employers to reduce hazardous exposures by using safer manufacturing techniques or by removing hazardous substances and substituting safer ones.

The identification of at risk worker populations will be made by a nine-member risk assessment board chaired by the Director of NIOSH, and composed of eight scientists and medical professionals—four from Government and four non-Government members.

The National Academy of Sciences will recommend at least three appointees for each position, and the Secretary of Health and Human Services will decide who will sit on the board. The members of the risk assessment board will identify workers at risk based on:

Statistically significant evidence from clinical, epidemiologic, or toxicologic studies;

The extent of the increased risk of illness or disease created by the occupational health hazard alone or in combination with other factors, including (but not limited to) diet and smoking;

The health consequences of notifying or failing to notify a population at risk, and

The extent to which risk has been reduced as a result of the enactment of substance-specific occupational health standards.

After the workers have been identified, NIOSH will notify them of their increased risk of developing an occupationally related disease. The notice will also encourage them to enter a medical monitoring program, which would permit detection of developing diseases at their earliest stages, when the cost of treatment is lowest and the chances for successful treatment are greatest.

In addition to identifying and notifying workers of their increased risk of developing disease, the third and final goal of H.R. 162 is to encourage manufacturers to use safer manufacturing techniques or to remove hazardous substances and substitute safer ones.

While everyone who has testified at our hearings on H.R. 162 said that they want to help improve worker health and safety, some groups are still opposed to the bill.

In a recent letter, five administration officials claimed that H.R. 162 "unnecessarily duplicates current federal efforts regarding the evaluation and notification of workers of hazards in the workplace."

This simply is not true. Right now there is no Federal program to both individually notify present and former workers of their risk of disease and also to monitor their medical conditions.

These administration officials are confusing OSHA's hazard communication standard with the program in H.R. 162. The OSHA standard provides warning labels and notes for hazardous substances and attempts to improve worker training and knowledge of hazardous substances.

Risk notification, on the other hand, would individually notify employees that they have been exposed to a specific substance and that they are at a high risk of developing a specific disease.

It's the difference between a product label which says: "Benzidine is hazardous and should be handled with care," and a risk notification which says: "You have been exposed to benzidine and you should enroll in a medical monitoring program because you are at risk of developing bladder cancer."

Notification will alert both present and former employees to the possibility of developing the disease. Medical monitoring with permit detection of the disease in question at the earliest stages, when chances for successful treatment are best and costs are lowest. This kind of individual notification and followup monitoring is just not being done today, and that's why passage of H.R. 162 is so important.

The administration's letter also claims that the bill "could result in substantial litigation."

However, H.R. 162 is not a compensation bill. It doesn't change existing laws with regard to workers' rights to file claims. Quite frankly, the recent increase in lawsuits and compensation claims demonstrates that even without risk notification, workers are becoming more aware of their legal rights when exposed to workplace hazards which cause disease or illness.

The letter also implies that H.R. 162's notification program would have many legal and practical difficulties and use costly and uncertain new procedures.

Again, this is just not true. The National Institute for Occupational Safety and Health [NIOSH] has carried out several successful notification programs involving thousands of workers. In fact, NIOSH has asked for funding for further notification programs, but the funding has been denied three different times by the current administration.

If you look closely, you'll see that there is no real substance in the administration's attack on H.R. 162. It's all innuendo and supposition based on rumor and idle speculation—the administration officials are avoiding the facts.

The facts are:

(1) Every year as many as 100,000 workers die from occupational diseases and another 400,000 become disabled.

(2) Every year the Federal Government spends at least $5.4 billion on these victims of occupational diseases, through Social Security, SSI, Medicaid, and Medicare.

(3) The high risk bill proposes a program that would cost only $25 million per year, so if the bill reduced occupational disease by just a few percentage points, it would pay for itself.

(4) H.R. 162 is a very strong bill which has gained the support of health groups, environmental groups, and labor unions.

(5) H.R. 162 is supported by many of the businesses who will be most affected by the bill.

The administration's letter also claimed that passage of the high risk bill "could result in * * * enormous costs to employers."

In reality, the $25 million a year that the bill costs will be enough to notify 300,000 workers a year, according to the GAO report, and all of the notification will be done by the Federal Government.

Employers will only be responsible for testing current workers for diseases specifically associated with occupational exposures. Employers will not be responsible for testing former workers and workers who were exposed prior to their present employment.

All of the information obtained by the high risk program will be kept confidential, in accordance with the substantive and procedural provisions of the Privacy Act. Any docuents which mention the identity, diagnosis, prognosis, or treatment of an individual employee will be kept confidential and may be made available only for purposes prescribed in the bill. Disclosure outside of the program is permitted only with the consent of the individual employee or his or her personally designated representative.

Many business groups and corporations have recognized that the high risk bill's plan to prevent occupationally related disease is cost-effective and good business. In fact, the bill is strongly endorsed by some of the businesses and business groups that will be most affected by the bill's programs, including: The Chemical Manufacturer's Association, the American Electronics Association, Crum and Forster—the Nation's second largest writer of property and casualty insurance, General Electric, Merck and company—America's largest drug company and the seventh largest U.S. corporation, Occidental Chemical, IBM, and Union Carbide.

The main reason for this broad-based business support is the good working relationships I have developed with parties concerned with H.R. 162. We have sat down and talked with various business, labor, and health representatives, and we have acted upon some of their suggestions. As a matter of fact, when we go to the floor, we will be offering a series of amendments to address additional concerns.

We are going to allow companies which have exemplary health and safety programs to apply for exemption from notification; we will not require additional medical monitoring for the notified workers if it is already being done; we will allow medical removal from a job only if symptoms of the disease develop; and we will completely exempt companies with 10 or fewer employees from the medical removal procedure.

These proposed amendments have brought us the active support of the National Paint and Coatings Association, and we expect that even more businesses will endorse the bill before it reaches the floor of the House.

In addition to businesses, the American Cancer Society, the American Lung Association, the American Public Health Association, and other health, environmental, and labor groups strongly support H.R. 162.

All of the businesses and groups working for passage of the high risk program know that it is a cost-effective workable program which clearly fills an important gap in the occupational health and safety area, and the bill will complement the OSH Act of 1970 and OSHA's hazard communication standard.

The savings for American businesses by preventing or reducing production losses, trimming high health insurance premiums and other medical program costs, and the savings for American taxpayers by reducing Social Security and Medicare expenses more than justifies the $25 million costs of the program.

□ 1615

I want to emphasize a couple of points for my colleagues that this bill was not put together lightly. We had numerous hearings, 10 or 15 hearings last year and this year. We talked at length, at arm's length with many groups, asking for their advice, heeding their advice, and incorporating amendments in the bill, and making fundamental changes all hopefully for the end result of putting together a bill that is long overdue in this country.

Let me just give you a good example. Here we are talking about providing notification to somebody that is working with a dangerous material that may cause cancer or may cause bladder cancer or some other condition. If those that oppose this bill oppose it because they say this is going to cost a lot of money, that it is going to stimulate lawsuits, I do not think they should be considered to be on safe ground. I submit they are not.

I submit that it is somewhat self-serving on their part because if they were authentically interested they would say, look, those rights already have manifested themselves. If a person has contracted a disease through handling hazardous materials in my place of employment and I am the businessman and primary stockowner, I should say to get treatment, catch this disease early, and treat it before it becomes a major workman's compensation case where I have to pay for the next 15 or 20 years.

I will give you a good example and this is statistically accurate. Doctors have said that cervical cancer in women can be cured for $500 if treated in the first instance. If not, it can cost $40,000, $50,000, and $60,000. That is what we are talking about, that type of a distinction and differential. Catch a disease early, have the individual notified, let him see a doctor, and when the disease does occur you are going to catch it early enough to treat it and, hopefully, you are going to forestall if not negate a workman's compensation claim.

Could we do anything that is more humane for our workers?

Other countries have done it. Why should Canada, Sweden, West Germany, Norway, France, why should they have this type of legislation and we, in this country, not have this concept in place? It is not fair to our people.

I do not think we should expect our employees not to be considered in this respect. Some of the critics of the bill have said we are going to have lawsuits coming out of our ears.

Now we had a test notification case which was alluded to—meaning me—and we had a lot of suits.

We had two cases that NIOSH put together and notified one situation down South and one in my home State of Pennsylvania. The one down South did stimulate some cases, but a lot of those cases were dropped. Hundreds of millions of dollars was projected up into the billions of dollars and that did not materialize. The cases that did materialize after notification were cases that were existing there that the employee had contracted a disease and there would have been an ultimate suit eventually anyhow under any circumstances.

The case in Pennsylvania dealing with asbestos, there were no suits. Those notified were monitored, they saw a doctor, and please remember this bill that I am advocating and hopefully we will pass on the House floor within the next 30 to 60 days, this bill does not mandate that an employee do anything.

If he is notified and if he does not want to go to a doctor, he does not have to go to a doctor. He does not have to go.

I think our obligation as a society and as a Government is that we do notify him and have a responsible board of adjustment take a look at how our workplace is and see what is happening and if he is subjected to a disease the least we can expect from this Government and from our people and from our country is that he receive a notification. Then if he does not want to go to the doctor, he does not have to go.

I am sick and tired of all these diseases as indicated by the statistics, 400,000 every year, all starting from their occupational hazard. They develop a disease, it is imperceptible at times, it sneaks up, but remember if that is your loved one, your mother, your father, your relative, your inlaw or outlaw, it is up to your determination, if they are a relative of yours you are going to wish we had a program in effect which would say that you are working with something that is dangerous, go have an examination. Maybe when you go to the doctor the doctor may conclude that you do not have it, but come down once a year and check with us.

We will not have the case where we went down and worked on the kepone thing with the poor people down in the Southern States, not going into detail, but there they were handling this pesticide, a very dangerous material. That material got into their system. When we went down for a hearing that time their eyes were out of focus, they had tremors, and they had twitches. The St. James River today, 10 or 12 years later, is in such condition that you still cannot eat the fish out of the St. James River because that kepone was dumped into the river and the fish ate it and they carry it in their tissue now and there is still a prohibition on eating fish from the St. James River.

Mind you, those people that work there had no notice. They had no notice that that dangerous material was getting into their systems. They even brought that material home to their kids and family and before the mother and the family, whoever they had to the wash, the dust would flake off and land on the floor, and the dust would be there, and there is scientific proof for this, the kids were subject to and contracted the same type of disease. That happened many times.

We found them up there handling what we used to call quicksilver, the stuff in the thermometers, handling that up in New York. They were up there breaking old thermometers and taking out what we called the quicksilver and dumping it and making new thermometers with it.

They had some uneducated and uniformed people that came up from one of our possessions, Puerto Rico, most were Puerto Ricans, and they were breaking these thermometers and dumping the material and they were being paid minimum wage by some irresponsible employer, because he did not care. From there they went to the eating place and they had this stuff all over the place. They were sitting and eating, and it was on the walls and on the floor. It was deadly. That is where you got the old saying of mad hatters, if you remember, up in New York. They used to go put the brushes in their mouths and they ended up with a mental disease.

Mr. Speaker, the time has come where we I think have progressed sufficiently as a nation where I think we have a moral obligation and a governmental obligation to notify people who are working with a dangerous material and that is the whole basis, the fundamental basis, of this bill that I am talking about. Just notify the people. We are not going to create a lot of lawsuits because the lawsuit will materialize anyhow. The American worker is not ignorant any longer, thanks to a lot of young attorneys getting out of school, thanks to unions, thanks to some other nonprofit groups that are stimulating thinking among working people, the blue collar people in paricular and, wait a minute, white collar people are involved here too.

So they are stimulating this thinking. It is true that we will be getting these suits anyhow because people are not ignorant any more.

What we are trying to do with this legislation is to recognize that early determination is essential and early treatment is what must be done in order to forestall large workmen's compensation cases.

The American Cancer Society is not supporting this legislation because they like Joe Gaydos or they like the committee or that I am attractive to them. They support it because they know and they have said that they have no cure for cancer; the only cure for cancer today is the early detection and early treatment and that is the genesis of this bill.

This is why we put this bill together.

I want to conclude by saying that I am going to take the floor hopefully on every 1-minute speech that we have available and I am going to take a segment in 1-minutes before my colleagues and hopefully explain some segments of the bill. I will also answer any questions under any circumstances from the critics of this bill now and on the floor when we are arranging for passage hopefully.

I am going to take as many special orders as my time and my schedule permit to explain this bill in detail repeatedly, and hopefully to convince my colleagues that this deserves their serious attention and that it is a good bill and it does not do these horrible things that have been attributed to the bill.

This is just a fundamentally right and correct bill to do under the circumstances for people that work and hopefully to save this Government so much money, particularly since we have so many deficits and particularly since many illnesses cannot be cured, and cancer is one of them.

The only thing we can do is detect it early enough and hopefully give it the early cure and hopefully save money and hopefully save all this pain and suffering of the employees who do not happen to be a Member of Congress or is not a CEO of a big corporation and who never gets his name in the paper probably and never does anything that history will be talking about. Hopefully we will save that person, that employee, male or female, regardless of whether he is in California, Florida, New York, or my little town of Pittsburgh, PA.

We must take his welfare under consideration and protect him because when it comes time to defend the Nation he is the one we go to, he or she. When it comes time to pay taxes he or she is the one that pays most of the taxes. Do not let anybody ever tell anyone differently. Some people say the big corporations and big business in this country pay the majority of taxes. Well, just check it out and one can see who pays the majority of taxes. It is the working people that pay the taxes, the small, little incidental businesses that one does not hear of and people who never get their names in the paper. I want to emphasize that. These are people who never make a mark in society per se. They are the ones that give us our new generations and they are the ones that we call upon when we need them under dire circumstances in this country.

Most of all let me conclude by saying that H.R. 162 designed to reduce the tens of thousands of worker disabilities and deaths that occur each year, and I ask for your support for this important worker health bill.

I ask my colleagues to take time to study this bill with all of the implications and also to analyze all those critics' comments. If a critic has justification I would be the first one on the floor here to say that he is right or she is right and I will make an attempt as the chairman in having the primary responsibility, to get the committee to make the changes that will bring about appropriate changes and support amendments on the floor. We want to hear from our colleagues along those lines.

I ask for the support of my colleagues for this very important worker health bill.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Collins (at the request of Mr. Foley), for today and September 10, on account of an illness in the family.

Mrs. Lloyd (at the request of Mr. Foley), for today and September 10, on account of illness.

Mr. Thomas of California (at the request of Mr. Michel), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Burton of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. Bereuter, for 5 minutes, today.

Mr. Gekas, for 5 minutes, today.

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Lungren, for 5 minutes, on September 10.

Mrs. Bentley, for 60 minutes, on September 14.

Mrs. Bentley, for 60 minutes, on September 15.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Weiss, for 5 minutes, today.

Mr. Frank, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Howard, for 5 minutes, today.

Mr. Gaydos, for 60 minutes, today.

Mr. Gaydos, for 60 minutes, on September 10.

Mr. Frank, for 60 minutes, on September 10.

Ms. Pelosi, for 60 minutes, on September 15.

Ms. Pelosi, for 60 minutes, on September 16.

Mr. Fazio, for 60 minutes, on September 15.

Mr. Gonzalez, for 60 minutes, on September 10.

Mr. Gonzalez, for 60 minutes, on September 14.

Mr. Owens of New York, for 10 minutes, on September 10.

(The following Members (at the request of Mr. Gaydos) to revise and extend their remarks and include extraneous material:)

Mr. Bustamante, for 10 minutes, on September 15.

Mr. Jontz, for 60 minutes, on September 15.

Mr. Stratton, for 60 minutes, on September 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Waxman, and to include extraneous matter, notwithstanding that fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $3,315.

(The following Members (at the request of Mr. Burton of Indiana) and to include extraneous matter:)

Mr. Fish in two instances.

Mr. Schuette.

Mr. Oxley.

Mr. Dornan of California.

Mr. Gallo in two instances.

Mr. Lagomarsino in seven instances.

Mr. Ritter.

Mr. Fawell.

Mr. Davis of Illinois.

Mr. McEwen.

Mr. Michel.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Annunzio in 10 instances.

Mr. Gonzalez in 10 instances.

Mrs. Lloyd in five instances.

Mr. Hamilton in 10 instances.

Mr. Anderson in 10 instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in 10 instances.

Mr. de la Garza in 10 instances.

Mr. Lipinski in two instances.

Mr. Rostenkowski.

Mr. Feighan.

Mr. Montgomery in two instances.

Mr. Lancaster.

Mr. Hoyer in two instances.

Mr. Fascell.

Mr. Torres in two instances.

Mr. Florio in three instances.

Mr. Smith of Florida.

Mr. Edwards of California in three instances.

Mr. Bates.

Mr. Mrazek.

Mr. Leland.

Mr. Frank.

Mr. Traficant.

Mr. Lehman of Florida.

Mr. Howard.

Mr. Morrison of Connecticut.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 812. An act, to amend the Stevens-Wydler Technology Innovation Act of 1980 to establish the Malcolm Baldrige National Quality Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provisions of their goods and service;

H.J. Res. 216. Joint resolution to support a ceasefire in the Iran-Iraq war and a negotiated solution to the conflict; and

H.J. Res. 313. Joint resolution designating the month of August 1987 as "National Child Support Enforcement Month."

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore.

H.R. 3085. An act to amend the Water Resources Development Act of 1986 relating to the level of flood protection provided by the flood control project for Lock Haven, PA; and

H.J. Res. 335. Joint resolution designating the week of September 13 through September 19, 1987, as "National Reye's Syndrome Awareness Week."

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 1550. An act to complete the Federal Triangle in the District of Columbia, to construct a public building to provide Federal office space and space for an international cultural and trade center, and for other purposes;

S. 1591. An act to temporarily restrict the ability to document foreign-built fish processing vessels under the laws of the United States; and

S. 1597. An act to amend the Farm Disaster Assistance Act of 1987 to extend the reporting date for the ethanol cost effectiveness study.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On August 7, 1987:

H.R. 3190. An act to provide for a temporary increase in the public debt limit.

On August 10, 1987:

H.R. 812. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the Malcolm Baldrige National Quality Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provision of their goods and service;

H.R. 2309. An act to amend the Christopher Columbus Quincentenary Jubilee Act;

H.R. 2855. An act to settle land claims in the town of Gay Head, MA, and for other purposes;

H.R. 2971. An act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services, and for other purposes;

H.J. Res. 216. Joint resolution to support a ceasefire in the Iran-Iraq war and a negotiated solution to the conflict; and

H.J. Res. 313. Joint resolution designating the month of August 1987 as "National Child Support Enforcement Month."

On August 13, 1987:

H.R. 3085. An act to amend the Water Resources Development Act of 1986 relating to the level of flood protection provided by the flood control project for Lock Haven, PA and

H.J. Res. 335. Joint resolution designating the week of September 13 through September 19, 1987, as "National Reye's Syndrome Awareness Week."

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Thursday, September 10, 1987, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1942. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed altered records system submitted by the Department of the Army, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1943. A letter from the Director, the Office of Management and Budget, transmitting a supplemental summary of the fiscal year 1988 budget, pursuant to 31 U.S.C. 1106(a)(1) (H. Doc. No. 100-99); to the Committee on Appropriations and ordered to be printed.

1944. A letter from the Director, the Office of Management and Budget, transmitting cumulative report on rescissions and deferrals of budget authority, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-100); to the Committee on Appropriations and ordered to be printed.

1945. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a listing of supplemental contract award dates for the period September 1, 1987 to October 31, 1987, pursuant to 10 U.S.C. 2431 (b); to the Committee on Armed Services.

1946. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a copy of the selected acquisition reports [SAR's] for the quarter ending June 30, 1987, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

1947. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the selected acquisition report [SAR's] for the Air Force's Tacit Rainbow Program, which was omitted from the August 14, 1987 submission, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

1948. A letter from the Deputy Secretary of Defense, transmitting a report on long range standoff chemical weapons, pursuant to Public Law 99-661, section 152(e) (100 Stat. 3836); to the Committee on Armed Services.

1949. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting a copy of the supplemental contract award report for the period September 1, 1987 to October 31, 1987, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

1950. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to modernize the permanent faculty structure of the U.S. Air Force Academy; to the Committee on Armed Services.

1951. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the operations of the national defense stockpile during the October 1986-March 1987 period, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

1952. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the Attorney Generals report on the administration of the Equal Credit Opportunity Act for calendar year 1986, pursuant to 15 U.S.C. 1691f; to the Committee on Banking, Finance and Urban Affairs.

1953. A letter from the first Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(iii); to the Committee on Banking, Finance and Urban Affairs.

1954. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of the transcripts of hearings on D.C. Bill 7-59, the "Protection for Foreign Officials, Official Guests and Internationally Protected Persons Amendment Act of 1987," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1955. A letter from the Executive Director, D.C. Retirement Board, transmitting personal financial disclosure statements for several Board members for the calendar year 1986, pursuant to D.C. Code sections 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

1956. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled, "Concerns Regarding the Washington Convention Center's Food Service Procurement and Contract Award Processes and Related Matters," pursuant to D.C. Code section 47-117(d) Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

1957. A letter from ACTION, transmitting final regulations, entitled "Non-Stipended Volunteers," encompassing ACTION's Senior Companion and Foster Grandparent Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1958. A letter from the Director, Office of Dependents Schools, Department of Defense, transmitting the annual test report for school year 1986-87 for the overseas dependents' schools administered by the Department, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

1959. A letter from the Secretary of Education, transmitting a copy of final regulations—student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1960. A letter from the Secretary of Education, transmitting a notice of final stipend levels for the Patricia Roberts Harris Fellowships Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1961. A letter from the Secretary of Education, transmitting a copy of final regulations for National Institute on Disability and Rehabilitation Research—amendments, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1962. A letter from the Secretary of Education, transmitting a notice of final funding priorities for the rehabilitation research and training centers, rehabilitation engineering centers, and research and demonstration projects program for fiscal year 1987 under the National Institute on Disability and Rehabilitation Research, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1963. A letter from the Secretary of Education, transmitting a copy of final regulations for early education for handicapped children, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1964. A letter from the Secretary of Education, transmitting a copy of final regulations—Bilingual Education: Academic Excellence Program, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

1965. A letter from the Secretary of Education, transmitting a notice of final annual funding priorities—experimental and innovative training, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1966. A letter from the Secretary of Education, transmitting a notice of final annual funding priorities for the Handicapped Children's Early Education Program—research institutes, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

1967. A letter from the Secretary of Education, transmitting a copy of final regulations for the Veterans Education Outreach Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1968. A letter from the Secretary of Education, transmitting a copy of final regulations for the Office of Educational Research and Improvement Fellows Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1969. A letter from the Secretary of Education, transmitting a copy of final regulations for the Strengthening Institutions Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1970. A letter from the Secretary of Education, transmitting a copy of final regulations for the Strengthening Historically Black Colleges and Universities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1971. A letter from the Secretary of Education, transmitting a copy of final regulations—vocational rehabilitation service projects for American Indians with handicaps: rehabilitation training: rehabilitation long-term training, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1972. A letter from the Secretary of Education, transmitting a copy of final regulations—the State Supported Employment Services Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1973. A letter from the Secretary of Education, transmitting a copy of final regulations—College Facilities Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1974. A letter from the Secretary of Education, transmitting a copy of final regulations—national diffusion network, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1975. A letter from the Secretary of Education, transmitting final regulations for programs for severely handicapped children, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1976. A letter from the Secretary of Health and Human Services, transmitting the seventh annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

1977. A letter from the Director, Institute of Museum Services, transmitting notification of the museums that have successfully competed in the 1987 conservation project support [CP] grant cycle of the institute; to the Committee on Education and Labor.

1978. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the 4th annual report on affirmative employment programs for minorities and women, and the 10th annual report on affirmative action for hiring, placement, and advancement of individuals with handicaps in the Federal Government, for the fiscal year 1985; to the Committee on Education and Labor.

1979. A letter from the Secretary of Energy, transmitting a report on the national energy policy plan, pursuant to 42 U.S.C. 7321(b), (c); to the Committee on Energy and Commerce.

1980. A letter from the Secretary of Energy, transmitting the quarterly report of the strategic petroleum reserve covering the period January 1, 1987, through March 31, 1987, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

1981. A letter from the Secretary of Energy, transmitting the annual report on Federal Government energy management for fiscal year 1986, pursuant to 42 U.S.C. 8260; to the Committee on Energy and Commerce.

1982. A letter from the Secretary of Energy, transmitting the annual report on the State Energy Conservation Program for calendar year 1986, pursuant to 42 U.S.C. 6325; to the Committee on Energy and Commerce.

1983. A letter from the Secretary of Health and Human Services, transmitting a report on the appropriateness and impact of applying standards and methodologies utilized in cash assistance programs to those recipients of medical assistance who do not receive cash assistance; also recommendations for legislative changes as further required by section 2373(c) of the Deficit Reduction Act of 1984, pursuant to 42 U.S.C. 1396a note; to the Committee on Energy and Commerce.

1984. A letter from the Secretary of Health and Human Services, transmitting the 1986 report on the consolidated Federal programs under the maternal and child health services block grant which contains a discussion of the various activities and accomplishments of the projects funded under the authority of the CFP, pursuant to 42 U.S.C. 706(a)(2); to the Committee on Energy and Commerce.

1985. A letter from the Secretary of Health and Human Services, transmitting a report of the Erythematosus Coordinating Committee, pursuant to 42 U.S.C. 281 note; to the Committee on Energy and Commerce.

1986. A letter from the Secretary of Health and Human Services, transmitting a report on learning disabilities, pursuant to 42 U.S.C. 281 note; to the Committee on Energy and Commerce.

1987. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to abolish the Consumer Product Safety Commission and to transfer its functions to the Secretary of Health and Human Services; to the Committee on Energy and Commerce.

1988. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, the "Medicaid Risk-Based Health Care Act of 1987"; to the Committee on Energy and Commerce.

1989. A letter from the General Counsel, Securities and Exchange Commission, transmitting the Commission's report on the financial guarantee market: the use of the exemption in section 3(a)(2) of the Securities Act of 1933 for securities guaranteed by banks and the use of insurance policies to guarantee debt securities, pursuant to Public Law 99-571, section 105(c) (100 Stat. 3222); to the Committee on Energy and Commerce.

1990. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of a proposed license for the export of major defense equipment sold commercially under a contract to the Government of Korea (Transmittal No. MC-31-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1991. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, transmitting the semiannual reports for the period October 1986-March 1987 listing voluntary contributions made by the U.S. Government to international organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

1992. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14 million or more to the Government of Korea (Transmittal No. MC-25-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1993. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to issue a commercial export license for sale of certain major defense articles and defense services sold to Italy (Transmittal No. MC-30-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1994. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of a proposed manufacturing license agreement for the production of the 25mm M242 gun system in the Republic of Korea (Transmittal No. MC-29-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1995. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 8-87), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1996. A letter from the Acting Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a report on the compliance of the Government of Haiti with conditions for military assistance (Secretary's Certification, March 1987, Ex. Com. No. 1014), pursuant to Public Law 99-529, section 203(c) (100 Stat. 3013); to the Committee on Foreign Affairs.

1997. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of the report of political contributions by William Caldwell Harrop, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Zaire, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1998. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of the report of political contributions for William Henry Houston III, of Mississippi, for the rank of Ambassador as U.S. negotiator on textiles matters, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1999. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of the international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2000. A letter from the Acting Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting the eighth 90-day report on the Camarena investigation, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

2001. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2002. A letter from the Director, Office of Private Sector Initiatives, transmitting a report on the International Conference on Private Sector Initiatives held in Paris on November 24-26, 1986; to the Committee on Foreign Affairs.

2003. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released by GAO during the month of July 1987, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2004. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting the Department's notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2005. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2006. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2007. A letter from the Administrator, Health Care Financing Administration, transmitting the agency's notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2008. A letter from the Assistant Director for Administration, National Science Foundation, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2009. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to establish greater productivity in Federal Government operations as a national goal of the United States; to the Committee on Government Operations.

2010. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend the Federal Property, and Administrative Services Act of 1949 to authorize multiyear contracts in certain cases; to the Committee on Government Operations.

2011. A letter from the Solicitor, U.S. Commission on Civil Rights, transmitting the 1986 annual report of the U.S. Commission on Civil Rights, on its activities under the Freedom of Information Act pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2012. A letter from the Chairman, Federal Election Commission, transmitting copies of two changes intended by the Commission for inclusion in the explanation and justification accompanying the proposed regulations governing the public financing program for Presidential primary and general election candidates which were transmitted in May, 1987 (Ex. Com. No. 1472), pursuant to 26 U.S.C. 9009(c) and 9039(c); to the Committee on House Administration.

2013. A letter from the clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1987, through June 30, 1987, pursuant to 2 U.S.C. 104a (H. Doc. No. 100-101); to the Committee on House Administration and ordered to be printed.

2014. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting a list of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2015. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting a list of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2016. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2017. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2018. A letter from the Chief Deputy Clerk, U.S. Claims Court, transmitting the court's judgment for *The Sioux Tribe of Indians* v. *The United States*, No. 74, for a net amount of $40,245,807.02, pursuant to 25 U.S.C. 1402(a), 1404; to the Committee on Interior and Insular Affairs.

2019. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to provide for the payment of interest on certain Federal and Indian lease revenues paid to the Secretary of the Interior, to eliminate certain unnecessary reporting requirements, to amend the Federal Oil and Gas Royalty Management Act of 1982, and for other purposes; to the Committee on Interior and Insular Affairs.

2020. A letter from the Acting Attorney General, transmitting certification of judicial districts for the states of Florida and Georgia, the Commonwealth of Puerto Rico, and the Virgin Islands, to the Circuit Court of Appeals for the First Circuit, pursuant to 28 U.S.C. 58int.; to the Committee on the Judiciary.

2021. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting copies of grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

2022. A letter from the Assistant Attorney General, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to provide that aliens who were killed while serving in the Armed Forces of the United States during military operation of the Vietnam conflict may be considered to have been citizens of the United States at the time of such aliens' death; to the Committee on the Judiciary.

2023. A letter from the Assistant Attorney General, transmitting a draft of proposed legislation to amend chapters 37 and 123 of title 28 of the United States Code, and chapter 301 of title 18 of the United States Code; to the Committee on the Judiciary.

2024. A letter from the Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, Department of Justice, transmitting a draft of proposed legislation to amend title 18, United States Code, to permit Federal Prison Industries to borrow from the Secretary of the Treasury and for other purposes; to the Committee on the Judiciary.

2025. A letter from the President, National Safety Council, transmitting a report of the audit of the financial transactions of the council for the fiscal years ended June 30, 1987 and 1986, pursuant to 36 U.S.C. 1101(36), 1103; to the Committee on the Judiciary.

2026. A letter from the President, U.S. Capitol Historical Society, transmitting the annual report of the U.S. Capitol Historical Society for year the ending January 31, 1987, pursuant to 36 U.S.C. 1217; to the Committee on the Judiciary.

2027. A letter from the Chairman, Commission on Security and Cooperation in Europe, U.S. House of Representatives, transmitting a copy of "The Miroslav Medvid Incident—Report—Findings, Conclusions and Recommendations," pursuant to section 3(a)(2) of Senate Resolution 353; to the Committee on the Judiciary.

2028. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to improve and extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes; to the Committee on Post Office and Civil Service.

2029. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report on shoreline protection and beach erosion control projects for the Delaware coast, Cape Henlopen to Fenwick Island, pursuant to 33 U.S.C. 426 note; to the Committee on Public Works and Transportation.

2030. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report of the Corps of Engineers, and supplemental letter report on the Potomac River hydrilla study, together with pertinent views of surrounding jurisdictions, pursuant to Public Law 99-662, section 720 (100 Stat. 4162); to the Committee on Public Works and Transportation.

2031. A letter from the Acting Assistant Secretary (Civil works), Department of the Army, transmitting a report from the Chief of Engineers, on Dredged Material Containment, Long Island Sound, Connecticut and New York, together with other pertinent reports, pursuant to 33 U.S.C. 1344(r); to the Committee on Public Works and Transportation.

2032. A letter from the Chairman, National Research Council, transmitting the Council's report, "Designing Safer Roads: Practices for Resurfacing, Restoration, and Rehabilitation", a study of the safety cost-effectiveness of geometric design standards with recommendations of minimum standards for resurfacing, restoration, and rehabilitation [RRR] projects, pursuant to 23 U.S.C. 109 nt; to the Committee on Public Works and Transportation.

2033. A letter from the Secretary of Transportation, transmitting a report on the impact of the Airline Deregulation Act of 1978 on air safety during commercial aviation operations in 1986, pursuant to 49 U.S.C. app. 1307(b); to the Committee on Public Works and Transportation.

2034. A letter from the Assistant Secretary, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notification of the intention to award a contract for the performance of weather observation activities at the Long Beach Airport, Long Beach, CA, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); to the Committee on Science, Space and Technology.

2035. A letter from the Secretary of Transportation, transmitting the second annual report of activities under the Commercial Space Launch Act of 1984, pursuant to 49 U.S.C. app. 2621(a); to the Committee on Science, Space and Technology.

2036. A letter from the Executive Secretary, Department of Defense, transmitting the Department's report on procurement from small and other business firms for the period October 1986-June 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2037. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting the Department's report on procurement from small and other business firms for October 1986 through May 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2038. A letter from the Secretary of Defense, Administrator of General Services, and the Administrator of the National Aeronautics and Space Administration, transmitting a copy of proposed regulations defining the interest of the United States and of a contractor in technical or other data, pursuant to Public Law 98-577, section 301(d) (98 Stat. 3076); to the Committee on Small Business.

2039. A letter from the Administrator, Veterans' Administration, transmitting the biennial report submitted by the Advisory Committee on Former Prisoners of War containing recommendations for improvement of programs affecting former prisoners of war, pursuant to 38 U.S.C. 221(c); to the Committee on Veterans' Affairs.

2040. A letter from the Secretary of Health and Human Services, transmitting the eleventh annual report on the Child Support Enforcement Program, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

2041. A letter from the Secretary of Health and Human Services, transmitting an interim report describing Medical Health Maintenance Organization [HMO] disenrollments, pursuant to 42 U.S.C. 1395fmm nt.; to the Committee on Ways and Means.

2042. A letter from the Acting Secretary, Department of the Treasury, transmitting the Department's proposal to include the publication of the Statement of Liabilities and Other Financial Commitments of the U.S. Government in the winter issue of the Treasury Bulletin, and transmit it in early March, which 2-month delay would improve the quality of the data and reduce the cost of preparation, pursuant to 31 U.S.C. 331(b)(1)(a); to the Committee on Ways and Means.

2043. A letter from the Chairman, Council of Economic Advisers, transmitting opposing views on H.R. 1154, the Textile and Apparel Trade Act of 1987; to the Committee on Ways and Means.

2044. A letter from the Office of the U.S. Trade Representative, transmitting the semiannual report describing new petitions filed, developments in and the status of cases pending under section 301 of the Trade Act for the period of January through June, 1987, pursuant to 19 U.S.C. 2416, 2413; to the Committee on Ways and Means.

2405. A letter from the Chairman, U.S. International Trade Commission, transmitting the 38th report of the U.S. International Trade Commission on the operation of the trade agreements program during 1986, pursuant to 19 U.S.C. 2213(b); to the Committee on Ways and Means.

2046. A letter from the Acting Director, Congressional Budget Office; the Director, Office of Management and Budget, transmitting an initial joint sequestration report for fiscal year 1988 which estimates budget levels for 1988 following the specifications set forth in the act, pursuant to 2 U.S.C. 922; to the Temporary Joint Committee on Deficit Reduction.

2047. A letter from the Acting Under Secretary, International Affairs and Commodity Programs, Department of Agriculture, transmitting the third quarterly commodity and country allocation table showing current programming plans for food assistance under title II of Public Law 480 for fiscal year 1987, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

2048. A letter from the Commissioner, Federal Election Commission, transmitting the Commission's budget request for fiscal year 1989, pursuant to 2 U.S.C. 437(d)(1); jointly, to the Committees on Appropriations and House Administration.

2049. A letter from the Director, Office of Management and Budget, transmitting a determination that additional amounts are necessary to maintain the authorized level of operation of Radio Free Europe/Liberty, Inc., because of the lower value of the dollar in foreign currency exchange rates, pursuant to 22 U.S.C. 2877(a)(2), to the Committees on Appropriations and Foreign Affairs.

2050. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report of the nondisclosure of safeguards information for the quarter ending June 30, 1987, pursuant to 42 U.S.C. 2167(d); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2051. A letter from the Secretary of Health and Human Services, transmitting a copy of the report of the Task Force on Medical Liability and Malpractice which analyzes medical malpractice from three perspectives: health care, professional liability, and insurance; jointly, to the Committees on Energy and Commerce and the Judiciary.

2052. A letter from the General Accounting Office, Comptroller General, transmitting a report of the examination of the balance sheets of the Office of the Attending Physician Revolving Fund as of September 30, 1986 and 1985, including a report on internal accounting controls and compliance with laws and regulations, pursuant to Public Law 94-59, title III (89 Stat. 283); jointly, to the Committees on Government Operations and Appropriations.

2053. A letter from the Comptroller General, General Accounting Office, transmitting a report of the agency's adverse opinion on the financial statements of the Export-Import Bank for the years ended September 30, 1986 and 1985, and reports on the bank's system of internal accounting controls and on its compliance with applicable laws and regulations, pursuant to 31 U.S.C. 9106(a); 31 U.S.C. 3512(f); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2054. A letter from the Comptroller General of the United States, transmitting a report on the financial statements of the Federal Deposit Insurance Corporation for the years ended December 31, 1986 and 1985, and on the Corporation's system of internal accounting controls and on its compliance with laws and regulations (GAOAFMD-87-58; August 1987), pursuant to 31 U.S.C. 9105; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2055. A letter from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 1344 of title 31, United States Code, to authorize Government transportation between residence and place of employment for the Vice Chairman of the Joint Chiefs of Staff; jointly, to the

Committees on Government Operations and Armed Services.

2056. A letter from the Chairman, Commission on Congressional Mailing Standards, U.S. House of Representatives, transmitting a report on the use of franked mail in the location and recovery of missing children, pursuant to 39 U.S.C. nt.; jointly, to the Committees on House Administration and Post Office and Civil Service.

2057. A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and the Judiciary.

2058. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize civilian special agents of the Coast Guard to carry firearms and other appropriate weapons; jointly to the Committees on Merchant Marine and Fisheries and the Judiciary.

2059. A letter from the Architect of the Capitol and the Secretary of Transportation, transmitting a joint report on their study of alternatives for the construction of a building or buildings adjacent to Union Station, for the Administrative Office of the U.S. Courts, the Federal Judicial Center and other judicial functions, and for appropriate commercial and other activities, pursuant to Public Law 99-229(c) (99 Stat. 1749); jointly, to the Committees on Public Works and Transportation and the Judiciary.

2060. A letter from the Secretary of Health and Human Services, transmitting a report on physician-directed clinics in urban medically underserved areas, pursuant to Public Law 95-210, section 3(d) (91 Stat. 1489); jointly, to the Committees on Ways and Means and Energy and Commerce.

2061. A letter from the Secretary of Health and Human Services, transmitting a report on the medicare requirement that physical therapists in independent practice maintain equipped offices, pursuant to Public Law 99-272, section 9218(b) (100 Stat. 181); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on August 6, 1987, the following report filed on August 26, 1987]

Mr. FASCELL: Committee on Foreign Affairs. H.R. 3100. A bill to authorize international security and development assistance programs and Peace Corps programs for fiscal years 1988 and 1989, and for other purposes. (Rept. 100-294). Referred to the Committee of the Whole House on the State of the Union.

[Submitted September 9, 1987]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2600. A bill to extend and amend the authorization of appropriation for the Securities and Exchange Commission, and for other purposes; with an amendment (Rept. No. 100-296). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 256. A resolution providing for the consideration of H.R. 1154, a bill to remedy injury to the United States textile and apparel industries caused by increased imports. (Rept. No. 100-297). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 257. Resolution providing for the consideration of H.R. 2600, a bill to extend and amend the authorization of appropriation for the Securities and Exchange Commission, and for other purposes (Rept. 100-298). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House, on August 7, 1987, the following report was filed on August 28, 1987]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3030. A bill to provide credit assistance to farmers, to strengthen the Farm Credit System, and for other purposes; with amendments. Referred to the Committee on Banking, Finance and Urban Affairs and to the Committee on Energy and Commerce for a period ending not later than September 14, 1987, for consideration of such provisions of title III of the amendment as fall within the jurisdictions of those committees pursuant to clause 1(d) and 1(h) of rule X, respectively (Rept. 100-295, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself and Mr. EDWARDS of California):

H.R. 3240. A bill to amend chapter 96 of title 18, United States Code, relating to racketeering influenced and corrupt organizations, to create a new offense for fraudulent activity, and to restructure the civil claims procedures; to the Committee on the Judiciary.

By Mr. BATES:

H.R. 3241. A bill to promote nondiscrimination in State medical licensure and medical reciprocity standards, and to amend title XIX of the Social Security Act; to the Committee on Energy and Commerce.

By Mr. HERTEL:

H.R. 3242. A bill to amend the Federal Aviation Act of 1958 to increase the penalty for interferring with an aircraft accident investigation; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mr. KEMP:

H.R. 3243. A bill to authorize appropriations for assistance to the Nicaraguan democratic resistance; to the Committee on Foreign Affairs.

By Mr. LEWIS of Florida (for himself and Mr. SHAW):

H.R. 3244. A bill to direct the Secretary of the Army to develop and demonstrate methods for the management and control of aquatic plants in Lake Okeechobee, FL, and for other purposes; jointly, to the Committees on Public Works and Transportation and Science, Space and Technology.

By Mr. OWENS of Utah:

H.R. 3245. A bill to amend the Internal Revenue Code of 1986 to provide that the time for the payment of the manufacturers excise tax on bows, arrows, and accessories will be the same as the time for payment of the excise tax on sport fishing equipment; to the Committee on Ways and Means.

By Mr. SMITH of Florida:

H.R. 3246. A bill to amend the Clayton Act to improve the notification requirements applicable to foreign persons who acquire voting securities or assets of persons in the United States; to the Committee on the Judiciary.

By Mr. HOWARD:

H. Con. Res. 183. Concurrent resolution expressing the sense of the Congress that the U.S. Navy should expedite the implementation of an environmentally sound trash compacting or disposal procedure; to the Committee on Armed Services.

By Mr. BUECHNER:

H. Con. Res. 184. Concurrent resolution commending the Philippine Government, under President Corazon Aquino, for its adherence to democratic principles and for its courageous acts in the face of unlawful violence against the government; to the Committee on Foreign Affairs.

By Mr. GRANT:

H. Con. Res. 185. Concurrent resolution commending the Sheriffs and citizenry of the State of Florida, the people of the United States, and the Florida Sheriffs Youth Ranches, Inc., for the establishment in 1957 and maintenance of the Florida Sheriffs Boys Ranch for 30 years; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Res. 255. Resolution authorizing picture of the House while in session; considered and agreed to.

By Mr. DERRICK:

H. Res. 256. Resolution providing for the consideration of the bill (H.R. 1154) to remedy injury to the United States textile and apparel industries caused by increased imports; House Calendar 74. House Report 100-297.

By Mr. MOAKLEY:

H. Res. 257. Resolution providing for the consideration of the bill (H.R. 2600) to extend and amend the authorization of appropriation for the Securities and Exchange Commission, and for other purposes; House Calendar 75. House Report 100-298.

By Mr. EDWARDS of Oklahoma (for himself, Mr. DAVIS of Illinois, Mr. INHOFE, Mr. MACK, Mrs. MARTIN of Illinois, Mr. PENNY, Mr. RHODES, Mr. STUMP and Mr. WALKER):

H. Res. 258. Resolution to amend the Rules of the House of Representatives to require a rollcall vote on passage of any measure making appropriations, providing revenue, or increasing the statutory limit on the public debt; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

194. By the SPEAKER: Memorial of House of Delegates, Republic of Palau, relative to the Compact of Free Association, to the Committee on Interior and Insular Affairs.

195. Also, memorial of the General Assembly of the State of Connecticut, relative to salary increases for Members of the U.S.

Congress, to the Committee on the Judiciary.

196. Also, memorial of the General Assembly of the State of Wisconsin, relative to the effective date for congressional pay changes, to the Committee on the Judiciary.

197. Also, memorial of the general assembly of the State of New York, relative to the Superconducting Super Collider, to the Committee on Science, Space and Technology.

198. Also, memorial of House of Delegates, Republic of Palau, relative to the Compact of Free Association, jointly, to the Committees on Interior and Insular Affairs and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 3247. A bill for the relief of Lynette J. Parker; to the Committee on the Judiciary.

By Mr. COUGHLIN:

H.R. 3248. A bill for the relief of Spencer M. Hurtt, Junior and Annie Lawrie D. Hurtt; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 3249. A bill for the relief of Melissa Johnson and Barbara Johnson Lizzi; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Congressional Record of August 7, 1987]

H.R. 3100: Mr. Hamilton, Mr. Yatron, Mr. Solarz, Mr. Bonker, Mr. Mica, Mr. Lantos, Mr. Kostmayer, Mr. Smith of Florida, Mr. Berman, Mr. Levine of California, Mr. Feighan, Mr. Weiss, Mr. Ackerman, Mr. Atkins, Mr. Clarke, Mr. Owens of New York, and Mr. Smith of New Jersey.

[Submitted September 9, 1987]

H.R. 22: Mrs. Morella.

H.R. 38: Mr. McHugh and Mr. Evans.

H.R. 100: Mr. St Germain.

H.R. 103: Mr. Hunter and Mr. Bliley.

H.R. 111: Mrs. Vucanovich, Mr. Callahan, Mr. Swindall, and Mr. Armey.

H.R. 192: Mr. Donnelly.

H.R. 378: Mr. Bevill and Mr. Dorgan of North Dakota.

H.R. 562: Mr. Gray of Pennsylvania.

H.R. 603: Mr. Bliley and Mr. Scheuer.

H.R. 613: Mr. Henry, Mr. Robinson, and Mr. Porter.

H.R. 778: Mr. Conyers and Mr. Martinez.

H.R. 898: Mr. Roemer.

H.R. 911: Mr. Jontz, Mr. Campbell, Mr. Wolf, Mr. Gingrich, Mr. Anderson, Mr. Mfume, and Mr. Gunderson.

H.R. 933: Mr. Darden.

H.R. 1001: Ms. Pelosi.

H.R. 1016: Mrs. Bentley, Mr. Bevill, Mr. Chapman, Mr. DeFazio, Mr. Henry, Mr. Levin of Michigan, Mr. Moakley, Mr. Pursell, Mr. Shaw, and Ms. Slaughter of New York.

H.R. 1119: Mr. Carper.

H.R. 1171: Mr. St Germain.

H.R. 1213: Mr. Akaka.

H.R. 1242: Mr. Bereuter and Mr. Tauzin.

H.R. 1349: Mr. Daub, Mr. Weiss, and Mr. Donald E. Lukens.

H.R. 1395: Mr. Wortley, Mr. Foglietta, Mr. Fazio, Mr. Pepper, Mr. Lipinski, Mr. Crockett, and Mr. Ackerman.

H.R. 1396: Mr. Smith of New Hampshire, Mr. Shaw, Mr. Hyde, and Mr. Shumway.

H.R. 1413: Mrs. Martin of Illinois.

H.R. 1543: Mr. Bereuter.

H.R. 1544: Mr. Bereuter.

H.R. 1580: Mr. Kennedy and Ms. Pelosi.

H.R. 1742: Mrs. Morella.

H.R. 1808: Mr. Panetta and Mr. Vento.

H.R. 1832: Mr. Mollohan and Mr. Sisisky.

H.R. 1873: Mr. Blaz and Mr. Richardson.

H.R. 1874: Mr. Blaz and Mr. Richardson.

H.R. 1891: Mr. Traficant, Mr. Livingston, and Mr. Bereuter.

H.R. 1917: Mr. Flake, Mr. Schuette, and Mr. Lewis of Georgia.

H.R. 1924: Mrs. Saiki.

H.R. 1987: Mr. Vander Jagt, Mr. Bennett, Mr. Weiss, Mr. Bilbray, Mr. Evans, Mr. Duncan, and Mr. Blaz.

H.R. 2021: Mr. Foglietta.

H.R. 2113: Mr. Bruce, Mr. Campbell, Mr. Montgomery, and Mr. Grandy.

H.R. 2148: Mr. Espy, Mr. Gejdenson, and Mr. Nagle.

H.R. 2239: Mr. Lancaster.

H.R. 2248: Mr. Wilson, Mr. Towns, Mr. Grandy, Mr. Sabo, Mr. Matsui, Mr. Roybal, Mr. Ford of Tennessee, Mr. Biaggi, Mr. Akaka, Mrs. Bentley, Mr. Coelho, Mr. Wolf, Mr. Bereuter, Mr. Hopkins, Mr. Markey, Mr. Dwyer of New Jersey, Mr. Wortley, Mr. Mazzoli, Mr. Hyde, Mr. Lagomarsino, Mr. English, Mr. Scheuer, Mr. Horton, Mr. McGrath, Mr. Hubbard, Mr. Andrews, Mrs. Morella, Mr. Holloway, Mr. Lungren, Mr. Foglietta, Mr. Hawkins, Mr. Roe, Mr. Berman, Mr. Combest, Mr. Borski, Mr. Rahall, Mr. AuCoin, Mr. de Lugo, Mr. Murtha, Mr. Hunter, Mr. Goodling, Mr. Bartlett, Mr. Harris, Mr. Emerson, Mr. Martin of New York, Mr. Bevill, and Mr. Neal.

H.R. 2312: Mr. Foglietta.

H.R. 2376: Mr. Atkins, Mr. Andrews, Mr. Torricelli, Mr. Mrazek, and Mr. Levin of Michigan.

H.R. 2433: Mr. Smith of New Jersey.

H.R. 2489: Mr. Campbell and Mr. Barnard.

H.R. 2516: Ms. Pelosi.

H.R. 2517: Mr. Levine of California, Mr. Walgren, and Mr. Atkins.

H.R. 2521: Ms. Pelosi.

H.R. 2522: Mr. Owens of Utah and Mr. McHugh.

H.R. 2611: Mr. Horton, Mr. Gregg, Mr. Donald E. Lukens, Mr. Stokes, Mr. Slaughter of Virginia, Mr. Mfume, Mrs. Smith of Nebraska, Ms. Oakar, Mr. Grant, and Mrs. Morella.

H.R. 2641: Mr. Visclosky.

H.R. 2642: Mr. Atkins.

H.R. 2692: Mr. Oberstar, Mr. Atkins, Mr. Hyde, Mr. Dingell, Mr. Hochbrueckner, Mr. Towns, and Ms. Pelosi.

H.R. 2694: Mr. Vento.

H.R. 2701: Mr. Fields.

H.R. 2717: Mr. Mrazek, Mr. Lehman of Florida, Mrs. Boxer, Mr. Wise, Mr. Foglietta, Mr. Kleczka, and Mr. Atkins.

H.R. 2724: Mrs. Collins, Mr. Gray of Pennsylvania, Mr. Borski, Mr. Fish, Mr. Ridge, Mr. Brown of California, and Mr. Sawyer.

H.R. 2726: Mr. Watkins, Mr. Gallo, Mr. Hubbard, and Mr. Nichols.

H.R. 2750: Mr. Evans, Mr. Owens of Utah, Mr. Walgren, Mr. Hawkins, and Mr. Vento.

H.R. 2787: Mr. Levine of California, Mr. Walgren, and Mr. Atkins.

H.R. 2804: Mr. Leland, Mr. Wortley, Mr. Downey of New York, Mr. Udall, Mr. Fauntroy, Mr. Conyers, and Mrs. Bentley.

H.R. 2812: Ms. Pelosi, Mr. Martinez, Mr. Garcia, Mr. Solarz, Mr. Coelho, Mr. Spratt, Mr. Gray of Illinois, Mr. Gordon, Mr. Hughes, Mr. Atkins, Mr. Porter, and Mr. Nielson of Utah.

H.R. 2833: Mr. Mfume.

H.R. 2859: Mr. Mfume, Mr. Feighan, Mr. Foglietta, and Mr. Stokes.

H.R. 2879: Mr. Evans.

H.R. 2911: Mr. Towns, Mr. Rodino, and Mr. Schumer.

H.R. 2924: Mr. Rogers, Mr. Young of Alaska, Mr. Daub, and Mr. Nielson of Utah.

H.R. 2928: Mr. Davis of Illinois, Mr. Traficant, Mr. Frost, Mr. Lagomarsino, and Mr. Petri.

H.R. 2934: Mr. Biaggi, Mr. Oberstar, Mr. Dowdy of Mississippi, Mr. Owens of New York, and Mr. Wortley.

H.R. 2958: Mr. Fazio, Ms. Kaptur, Mr. Martinez, Mr. Watkins, Mr. Lancaster, Mr. Fauntroy, Mr. Sawyer, and Mr. Dwyer of New Jersey.

H.R. 2969: Mr. Evans, Mr. Roe, Mr. Atkins, and Ms. Kaptur.

H.R. 2989: Mr. Owens of New York.

H.R. 3017: Mr. Bonker, Mr. Kastenmeier, Mrs. Bentley, Mr. Miller of Washington, Mr. Schuette, Mr. Frank, Mr. Wilson, Mr. DeFazio, Mr. Donnelly, Mr. Hughes, Mr. St Germain, Ms. Pelosi, Mrs. Boxer, Mr. Manton, Mr. Martinez, Mr. Tauzin, Mr. Lipinski, Mr. Barnard, Mr. Wyden, Mr. Swift, Mr. Hatcher, Mr. Panetta, Mr. Owens of New York, Mr. Lancaster, Mr. Ravenel, Mr. Oberstar, and Mr. Derrick.

H.R. 3023: Mr. Evans, Mr. Owens of New York, and Mr. Towns.

H.R. 3044: Mr. Bevill, Mr. Gordon, Mr. Horton, Mr. Wilson, and Mr. Volkmer.

H.R. 3045: Mr. Bevill, Mr. Gordon, Mr. Horton, Mr. Wilson, and Mr. Volkmer.

H.R. 3057: Mr. Feighan, Mr. Penny, Mr. Owens of Utah, Mr. Mrazek, Mrs. Bentley, Mr. Matsui, and Mr. Fuster.

H.R. 3062: Mr. Garcia, Mr. Levine of California, Mrs. Boxer, Mr. Savage, and Mr. Owens of New York.

H.R. 3069: Mr. Clinger, Mr. Bereuter, and Mr. Rogers.

H.R. 3112: Mr. Owens of Utah, Mr. Vento, Mr. Espy, Mr. Fuster, Mr. Gejdenson, Mr. Panetta, Mr. Sabo, Mr. Feighan, and Mr. Lehman of Florida.

H.R. 3134: Mr. Fawell, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Berman, and Mr. Gilman.

H.J. Res. 16: Mr. Combest.

H.J. Res. 43: Mr. Kolter and Mr. Nelson of Florida.

H.J. Res. 50: Mr. Hyde, Mr. Fazio, Mr. LaFalce, Mr. Montgomery, Mr. Johnson of South Dakota, Mr. Dowdy of Mississippi, Mr. Espy, Mr. Boner of Tennessee, and Mr. Campbell.

H.J. Res. 141: Ms. Pelosi.

H.J. Res. 191: Mrs. Boxer, Mr. Thomas A. Luken, Mr. Owens of Utah, Mr. Ritter, and Mr. Yatron.

H.J. Res. 194: Mr. Valentine.

H.J. Res. 255: Mr. Aspin, Mr. Davis of Michigan, Mr. Foglietta, Mr. Hayes of Louisiana, Mr. Henry, Mr. Hubbard, Mr. Markey, Mrs. Martin of Illinois, Mr. Mfume, Ms. Pelosi, Mr. Pickett, Mr. Ravenel, Mr. Shumway, Mr. Spratt, Mr. Vento, and Mr. Yatron.

H.J. Res. 272: Mr. Traficant, Mr. McEwen, Mr. Atkins, Mr. Courter, Ms. Kaptur, Mr. Lent, Mr. Savage, Mr. Schumer, Mr. Smith of Texas, Mr. Gallo, and Mr. Gilman.

H.J. Res. 287: Mr. Foglietta, Mrs. Meyers of Kansas, Mr. Richardson, Mr. Lowry of Washington, Mr. St Germain, and Mr. Udall.

H.J. Res. 336: Mr. Frenzel, Mr. Kleczka, Mr. Barnard, Mr. Thomas A. Luken, Mr. Dowdy of Mississippi, Mr. Callahan, Mr. Rose, Mr. Durbin, Mr. Vento, Mr. DeLay, Mr. Derrick, Mr. Inhofe, Mr. Craig, Mr. Ortiz, Mr. Spence, Mr. Stallings, Mr. Pepper, Mr. Mollohan, Mr. Rowland of Georgia, Mr. Molinari, Mr. Hefner, Mr. Synar, Mr. Moakley, Mr. Clarke, Mr. Sharp, Mr. Frank, Mr. Ballenger, Mr. Roemer, and Mr. Chappell.

H.J. Res. 337: Mr. Blaz, Mr. Gregg, Mr. Howard, Mr. Morrison of Washington, Mr. Upton, Mr. Spence, Mr. Darden, Mr. Bryant, Mr. Kastenmeier, Mr. Stratton, and Mr. Smith of New Hampshire.

H.J. Res. 338: Mr. Andrews, Mr. Bennett, Mr. Boner of Tennessee, Mr. Brooks, Mr. Bustamante, Mr. Bruce, Mr. Cardin, Mr. Chapman, Mr. Coughlin, Mr. Durbin, Mr. Fauntroy, Mr. Fish, Mr. Frank, Mr. Gaydos, Mr. Hall of Ohio, Mr. Ireland, Mr. Kastenmeier, Mr. Leland, Mr. Livingston, Mr. Thomas A. Luken, Mr. Mollohan, Mr. Murtha, Mr. Petri, Mr. Rinaldo, Mr. Smith of New Jersey, Mr. Smith of New Hampshire, Mr. Synar, Mr. Wyden, Mr. Bartlett, Mr. Biaggi, Mr. Brennan, Mr. Burton of Indiana, Mr. Brown of Colorado, Mr. Callahan, Mr. Chandler, Mr. Coleman of Texas, Mr. Duncan, Mr. Dyson, Mr. Fawell, Mr. Florio, Mr. Fuster, Mr. Gekas, Mr. Hammerschmidt, Mr. Kanjorski, Mr. Lantos, Mr. Lightfoot, Mr. Lowry of Washington, Mr. Martinez, Mr. Moorhead, Ms. Pelosi, Mr. Porter, Mr. Russo, Mr. Smith of Florida, Mr. Staggers, and Mr. Udall.

H.J. Res. 355: Mr. Dymally, Mr. LaFalce, Mr. Ford of Tennessee, Mr. Hammerschmidt, Mr. Gonzalez, Mr. Wolf, Mr. Fauntroy, Mr. Dornan of California, Mr. Kennedy, Mr. Coleman of Missouri, and Mr. Boner of Tennessee.

H. Con. Res. 6: Mr. Holloway.

H. Con. Res. 52: Mr. Evans.

H. Con. Res. 60: Ms. Pelosi, Mr. Yates, Mr. Conyers, Mr. Denny Smith, Mr. Espy, Mr. Spratt, Mr. Owens of New York, Mr. Glickman, Mr. Owens of Utah, and Mr. Saxton.

H. Con. Res. 83: Mr. Grant, Mr. Morrison of Connecticut, Mr. Coble, Mr. Roemer, Mr. Ford of Tennessee, Mr. Gregg, Mr. Roth, Mr. Denny Smith, and Mr. Petri.

H. Con. Res. 97: Mr. Ballenger, Mr. Holloway, Mr. Kolbe, Mr. Skeen, Mr. Hoyer, and Mr. Leach of Iowa.

H. Con. Res. 119: Mr. Dornan of California, Mr. Badham, Mr. Henry, Mr. Davis of Illinois, Mr. Oxley, Mr. Lightfoot, Mr. Frenzel, Mr. Hansen, Mrs. Johnson of Connecticut, Mr. Goodling, Mr. Brown of Colorado, Mr. Upton, and Mr. Fields.

H. Con. Res. 126: Mr. Wortley, Mr. Towns, and Mr. Konnyu.

H. Con. Res. 143: Mr. Hoyer, Mr. Mineta, Mr. Owens of Utah, and Mr. Dellums.

H. Con. Res. 160: Mr. Bustamante, Mr. Donald E. Lukens, Mrs. Bentley, Mr. Solarz, and Mr. DeWine.

H. Res. 102: Ms. Pelosi.

H. Res. 189: Mr. Brown of California, Mr. Rangel, and Mr. Vento.

H. Res. 210: Mr. Blaz and Mr. Chandler.

H. Res. 224: Mr. Clay, Mr. Espy, Mr. Atkins, Mr. Biaggi, Mr. Towns, and Mr. Foglietta.

H. Res. 225: Mr. Bateman, Mr. Boner of Tennessee, Mr. Boulter, Mr. Brown of Colorado, Mr. Buechner, Mr. Combest, Mr. Fawell, Mr. Feighan, Mr. Hubbard, Mr. Johnson of South Dakota, Mr. Konnyu, Mr. Nichols, Mr. Roth, Mr. Skeen, and Mr. Walker.

H. Res. 229: Mrs. Bentley, Mr. Sundquist, and Mr. Blaz.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1115: Mr. Scheuer.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

62. By the SPEAKER: Petition of Village of Oakwood, OH, relative to a land-water conservation fund appropriation; to the Committee on Appropriations.

63. Also, petition of Nevada State Board of Education, Carson City, NV, relative to the full funding of early childhood programs; to the Committee on Education and Labor.

64. Also, petition of Dutchess County Legislature, Poughkeepsie, NY, relative to make English the official national language; to the Committee on Education and Labor.

65. Also, petition of National Association of Retired and Veteran Railway Employees, Inc., Spokane, WA, relative to the Burlington Northern Railway; to the Committee on Energy and Commerce.

66. Also, petition of Commissioners Office, County of Lake, Two Harbors, MN, relative to revenue sharing moneys; to the Committee on Government Operations.

67. Also, petition of Notch Babies of Broward County, Tamarac, FL, relative to the Social Security Notch Act; to the Committee on Ways and Means.

68. Also, petition of city of Cooper City, FL, relative to the Social Security Notch Act; to the Committee on Ways and Means.

69. Also, petition of Board of County Commissioners, Broward County, FL, relative to the Social Security Act; to the Committee on Ways and Means.

70. Also, petition of Borough of Oceanport, Oceanport, NJ, relative to nuclear weapons; jointly, to the Committees on Foreign Affairs and Armed Services.

EXTENSIONS OF REMARKS

ARE WE LOSING THE WAR AGAINST CANCER?

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. WAXMAN. Mr. Speaker, just over 15 years ago, the country declared a war on cancer. Today, cancer is still the major killing disease in the industrialized world. With over 900,000 new cases and 450,000 U.S. deaths last year, cancer has now reached epidemic proportions.

Last month, the Subcommittee on Health and the Environment received a very important statement from Dr. Samuel Epstein, professor of occupational and environmental medicine at the University of Illinois Medical Center. Dr. Epstein, one of our Nation's leading cancer researchers, provides answers to who's responsible for the rising cancer rates and what we need to do about it. The statement follows:

LOSING THE WAR AGAINST CANCER: WHO'S TO BLAME AND WHAT TO DO ABOUT IT—A POSITION PAPER ON THE POLITICS OF CANCER, 1987[1]

(By Samuel S. Epstein, M.D.)

THE FACTS

Increasing cancer rates

Cancer is now the only major killing disease in the industrialized world whose rates are sharply rising.[2] In contrast, there have been major reductions in deaths from cardiovascular disease, still the number one killer in the U.S., probably because of a recent decline in smoking and attention to diet and exercise.

With over 900,000 new cases and 450,000 U.S. deaths last year, cancer has now reached epidemic proportions with an incidence of one in three and a mortality of one in four. Analysis of overall cancer rates, standardized for age, sex and ethnicity, has demonstrated steady increases since the 1930s, with more recent sharp annual increases in incidence rates by some 2% and in morality rates by some 1%. Striking confirmation of these recent increases comes from estimates of the lifetime probability of getting cancer for people born a different times. For white males born in 1975 to 1985 for instance, the probability of developing cancer has risen from 30 to 36% and from 19 to 23% for dying from cancer. Such increases in overall cancer rates are also reflected in increasing rates for cancers of organs including lung, breast, colon, prostate, testis, urinary bladder, kidney, and skin, malignant melanoma and lymphatic/hematopoietic malignances, including non-Hodgkin's lymphoma;[3] lung cancer is responsible for about one-third of the overall recent increase in incidence rates. It should be stressed that some 75% of all cancer deaths occur in people over 55 years, and that recent increases are largely restricted to these ages.

Static cure rates

The overall cancer "cure rate", as measured by survival for over five years following diagnosis, is currently 50% for whites but only 38% for blacks. There is no evidence of substantial improvements in treatment over the last few decades, during which five year survival and age-adjusted mortality rates for the major cancer killers, lung, breast and colon, besides for most other organs, have remained essentially unchanged. The only improvements have been for cancer of the cervix, and for relatively rare cancers, such as testicular seminomas, Hodgkin's disease and childhood leukemias treated with radiation and/or chemotherapy. Apart from immediate toxicity, such treatment, while effective, can increase the subsequent risk of developing a second cancer by up to 100 times.

Increasing carcinogenic exposures

Cancer is an age-old and ubiquitous group of diseases. Its recognized causes and influences are multifactorial and include natural environmental carcinogens (such as aflatoxins and sunlight), lifestyle factors, genetic susceptibility, and more recently industrial chemicals. Apart from modern lifestyle factors, particularly smoking, increasing cancer rates reflect exposure to industrial chemicals and run-away modern technologies whose explosive growth has clearly outpaced the ability of society to control them. In addition to pervasive changes in patterns of living and diet, these poorly controlled technologies have induced profound and poorly reversible environmental degradation, and have resulted in progressive contamination of air, water, food and workplaces with toxic and carcinogenic chemicals, with resulting involuntary exposures.

With the dawn of the petrochemical era in the early 1940s, by when technologies including fractional distillation of petroleum, catalytic and thermal cracking and molecular splicing became commercially established, annual U.S. production of synthetic organic chemicals was about one billion pounds. By the 1950s, this had reached 30 billion pounds, and by the 1980s over 400 billion pounds annually. The overwhelming majority of these industrial chemicals has never been adequately, if at all, tested for chronic toxic, carcinogenic, mutagenic and teratogenic effects, let alone for ecological effects, and much of the limitedly available industrial data is at best suspect.

Occupational exposure to industrial carcinogens has clearly emerged as a major risk factor for cancer.[4] The National Institute for Occupational Safety and Health (NIOSH) estimates that some 10 million workers are now exposed to 11 high volume carcinogens. Five to 10-fold increases in cancer rates have been demonstrated in some occupations. Also persuasive are British data on cancer mortality by socio-economic class, largely defined by occupation, which show that the lowest class, particularly among males, has approximately twice the cancer mortality rate of the highest class.

Living near petrochemical and certain other industries in highly urbanized communities increases cancer risks, as evidenced by clustering of excess cancer rates; high levels of toxic and carcinogenic chemicals are deliberately discharged by a wide range of industries into the air of surrounding communities. Fall-out from such toxic air pollutants is also an important source of contamination of surface waters, particularly the Great Lakes. While there still are no regulatory requirements for reporting and monitoring these emissions, unpublished government estimates indicate that they are in excess of 3 billion pounds annually.[5]

Another example of run-away technologies is the hazardous waste crisis. From the disposal of under one million tons of hazardous wastes in 1940 to well over 300 million tons annually in the 1980s, in excess of one ton per person per year, the industries involved—fossil fuel, metal mining and processing, nuclear, and petrochemical—have littered the entire land mass of the U.S. with some 50,000 toxic waste landfills, 20,000 of which are recognized as potentially hazardous, 170,000 industrial impoundments (ponds, pits and lagoons), 7,000 underground injection wells, not to mention some 2.5 million underground gasoline tanks, many of which are leaking. Not surprisingly, an increasing number of rural and urban communities have found themselves located on or near hazardous waste sites, or downstream, down-gradient or down-wind. Particularly alarming is growing evidence of contamination of ground water from such sites, contamination which poses grave and poorly reversible hazards for centuries to come.

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[1] Based on keynote presentations at the National Safety and Health Conference of the International Association of Machinists, Washington, D.C., March 9, 1987, the Fifth National Pesticide Forum of the National Coalition Against the Misuse of Pesticides, Washington, D.C., March 21, 1987, and the Conference on Global Development and Environment Crisis, Friends of the Earth (Sahabat Alam), Penang, Malaysia, April 8, 1987. Copyright, 1987, Samuel S. Epstein

[2] Just by way of quantitative contrast, mortality from AIDS (another eminently preventable disease) although highly alarming if not catastrophic, is relatively low. About 33,000 cases, more than half already fatal, have been reported since 1981 when the disease was first detected; additionally, it is estimated that 2-3 times as many Americans suffer from advanced symptoms of the AIDS-related complex which often progresses to frank AIDS. Rapidly increasing numbers of cases, totalling some 270,000, are projected by 1991.

[3] It should, however, be noted that there have been substantial decreases in rates for stomach and cervix, and less so, for rectal cancer.

[4] In 1978, a blue ribbon governmental commission (under the auspices of then H.E.W. Secretary Califano) estimated on the basis of the only available exposure data, estimated that up to 38% of all cancers in coming decades would reflect past and continuing exposures to just six high volume occupational carcinogens. In spite of the recognized limitations of these estimates, both in the direction of overestimating exposure to certain of the named carcinogens, particularly asbestos, and failure to reflect a wide range of other possibly more significant exposures, their magnitude was surprisingly confirmed by industry consultants, Stallones and Downs of the University of Texas School of Public Health, in a confidential report commissioned by the American Industrial Health Council.

[5] The Environmental Protection Agency has diverted attention away from its failure to regulate such toxic emissions, although so authorized by Sec. 112 of the 1970 Clean Air Act, by attempting to shift responsibility to local and state agencies, and by a barrage of poorly supportable claims that indoor air pollution, from pollutants such as cigarette smoking, radon and pesticides, is a more important regulatory target than toxic air emissions. In spite of this near exclusionary emphasis on indoor air pollution, EPA still refuses to ban the continued use of carcinogenic pesticides, notably Chlordane and Aldrin used extensively for domestic termite treatment.

Environmental contamination with highly potent carcinogenic pesticides has reached alarming and pervasive proportions. Apart from high level exposure of workers in manufacturing, formulating and applicating industries, contamination of ground and surface waters has become commonplace. Residues of ethylene dibromide in excess of 1,000 ppb in raw grains, cereals and citrus fruits have been well known to industry and the Environmental Protection Agency (EPA) as long as ten years after its very high carcinogenicity was first demonstrated; not until 1984 however, did EPA develop a 30 ppb tolerance, which was rejected by the Commonwealth of Massachusetts and the States of New York and Florida, and replaced by much lower and less hazardous levels. While the exact numbers are uncertain, it is probable that tens of millions of homes nationwide are contaminated with varying levels of chlordane/heptachlor, pesticides still registered by EPA for termite treatment. It should be noted that, on the basis of extensive hearings some 14 years earlier, the Agency concluded that exposure to such pesticides posed an "imminent hazard" due to cancer besides other chronic toxic effects, leading to a subsequent ban on their agricultural uses.

Much cancer today reflects events and exposures in the 1950s and 60s. Production, uses and disposal of synthetic organic and other industrial carcinogens were then minuscule compared to current levels, which will determine future cancer rates for younger populations now exposed. There is every reason to anticipate that even high current cancer rates will be exceeded in coming decades.

While most concern has understandably focused on increasing cancer rates, these substantially underestimate the extent and scope of the public health effects of environmental pollutants. Only a small proportion of the tens of thousands of petrochemicals in commerce, well under 500, are carcinogenic. However, many of these, together with other non-carcinogenic petrochemicals, can induce other chronic toxic effects, including neurological, respiratory, reproductive, hepatic and probably immunological diseases, whose true causation is generally not suspected let alone investigated.

WHO'S TO BLAME

Industry

Twentieth century industry has aggressively pursued short-term economic goals, uncaring or unmindful of harm to workers, local communities and the enviroment. So far, industry has shifted responsibility for such costs and harm to society-at-large. Belated governmental efforts to control polluting industries have generally been neutralized by well organized and financed opposition. Excepting special purpose legislation for drugs, food additives and pesticides, there were no regulatory requirements for pre-testing industrial chemicals until the 1976 Toxic Substance Control Act, legislation which the industry had stalled for years, and which is now honored more in the breach than in the observance.

Apart from failure to pre-test most chemicals, key in industry's anti-regulatory strategy has been the generation of self-serving and misleading data on toxicology and epidemiology, besides on regulatory costs and cost-benefit analyses. The track record of such unreliable and often fraudulent data is so extensive and well documented as to justify the presumption that much industry data must be treated as suspect until proven otherwise.

Attempts by the Carter Administration to develop comprehensive, "generic" regulation of occupational carcinogens, later reversed by the Reagan Administration, were attacked by the Manufacturing Chemists Association, which created the American Industrial Health Council to organize opposition. Such reactions generally reflect reflex ideology and short-sighted preoccupation with perceived self-interest rather than with efficiency and economy. The virtual uniformity of industry opposition to regulation is in marked contrast to the heterogeneity of size and interests of the industries involved. Regulation has, in fact, generally resulted in substantial improvements in industrial efficiency and economy, particularly in large industries, by forcing development of technologies for recovery and recycling of valuable resources. A deplorable result of regulation, however, has been and continues to be export of the restricted product or process to the so-called lesser developed countries.[6]

Apart from well documented evidence on control and manipulation of health and environmental information, industry has used various strategies to con the public into complacency and divert attention from their own recklessness and responsibility for the cancer epidemic. Key among these is the "blame-the-victim" theory of cancer causation, developed by industry scientists and consultants and a group of conservative pro-industry academics, and tacitly supported by the "cancer establishment." This theory emphasizes faulty lifestyle, smoking, and fatty diet, sun bathing or genetic susceptibility, as the major cause of preventable cancer, while trivializing the role of involuntary exposures to occupational and environmental carcinogens. Another misleading diversion in the claim that there is no evidence or recently increasing cancer rates other than lung cancer, for which smoking is given the exclusive credit. While the role of lifestyle is obviously important and cannot be ignored, the scientific and exclusionary basis of this theory is as unsound as it is self-serving. Certainly, smoking is a major, but not the only, cause of lung cancer. Evidence such as the following clearly incriminates the additional role of exposure to occupational carcinogens and carcinogenic community air pollutants: some 20% of lung cancers occur in non-smokers; there have been major recent increases in lung cancer rates in non-smokers; an increasing percentage of lung cancer is of a histological type (adenocarcinoma) not usually associated with smoking; high lung cancer rates are found with certain occupational exposures independent of smoking; and excess lung cancer rates are found in communities where certain major industries are located. The chemical industry clearly uses tobacco as a smoke screen to divert attention from the role of carcinogenic chemicals in inducing lung cancer besides other cancers.

When it comes to diet, the much touted role of high fat consumption, while clearly linked to heart disease, is based on tenuous and contradictory evidence with regard to breast and colon cancers. The evidence certainly does not justify the wild claims by lifestyle theorists that some 30 to 40% of all cancers are due to faulty diet. For instance, a 1982 National Academy of Sciences report concluded that "— in the only human studies in which the total fiber consumption was quantified, no association was found between total fiber consumption and colon cancer." Similarly, a large scale 1987 study, based on the eating habits of nearly 90,000 nurses, concluded that "— there is no association between dietary fat and breast cancer."

Another illustration of grossly misleading strategies relates to the identification of chemical carcinogens. When a particular chemical or product is threatened with regulation on the basis of animal carcinogenicity tests, the industry invariably challenges the significance of these tests, while routinely using negative test results as proof of safety. At the same time industry insists on the need for long-term prospective epidemiological investigations to obtain definitive human evidence. To test this apparent reliance on direct human evidence, researchers at Mt. Sinai Hospital in New York compiled a list of some 100 chemicals accepted as carcinogenic on the basis of animal tests, but for which no epidemiological information is available, and sent this list to some 80 major chemical industries. Respondents were asked whether any of the listed carcinogens were in use and, if so, whether epidemiological studies had been conducted, whether they were being conducted, or whether it was intended to conduct them in the future, and if not, why not. The responses were revealing. The great majority of those industries using particular carcinogens replied that they had done no epidemiological studies, were not doing any, and didn't intend to do any for various reasons, including alleged difficulty, impracticality, expense, or because of their belief that these chemicals could not possibly be carcinogenic to humans. A perfect catch-22. Knock the animal tests and insist on human studies, but make sure that the human studies are never done.

Industry positions are vigorously advocated by trade associations, such as the Chemical Manufacturers Association, public relations firms, such as Hill and Knowlton, front organizations, such as the American Council on Science and Health (the contributions of whose director, Whelan, have been aptly characterized as "voodoo science"), and lay writers such as Efron (who charges that the American scientific community has been terrorized into submission by environmental "apocalyptics"). Disturbingly, another major source of support for anti-regulatory strategies is a stable of academic consultants who advance the industry position in arenas including the scientific literature, federal advisory committees, and regulatory and congressional hearings.[7]

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[6] Information on such exports is being systematized by Consumer Interpol, a program of the International Organization of Consumers Union (IOCU) based in Penang, Malaysia, which promotes protection for the consumer from dangerous products. The participants in this network are consumer, environmental, health and other citizen groups concerned about unrestricted trade in hazardous substances. Besides the global dissemination of such hazards, the multinational corporations involved are also responsible for the loss of U.S. jobs and their replacement by cheap "expandable" foreign labor.

Government

Presidents play a powerful role in setting national public health priorities, not unnaturally reflecting their own political agendas. Reagan, however, is unique in having run for office on an ideological anti-regulatory platform, and in having then systematically used his office to implement this ideology, often in contravention to the spirit and letter of the law. Reagan has thus neutralized legislative mandates on controls of toxic and carcinogenic exposure by frontal assaults on regulatory agencies.[8] Strategies employed include: staffing senior positions with unqualified, ideologically selected staff hostile to their agency mandates; budget cutting; insisting on formal cost-benefit analyses which focus on industry costs with little or biased consideration of costs of failure to regulate and which effectively stalls the regulatory process; illegal, behind closed doors meetings with industry; and making regulation dependent on the Office of Management and Budget with its subservience to the White House. An informative example is the White House decision to block the $1.3 million 1984 request by the National Institute for Occupational Safety and Health (NIOSH) to notify some 200,000 workers of risks from previously undisclosed exposure to workplace carcinogens, as identified in some 60 government studies, in order to enable medical follow-up and early diagnosis of cancer. The reason for this refusal of modest funding seems to have been a desire to shield corporations from possible legal claims.[9] Such a track record justifies the conclusions of a 1984 Congressional Study Group report that "efforts to protect public health and the environment from the dangers of toxic pollution have ground to a standstill under the Reagan Administration . . . [which was charged with being] a public health hazard."

The U.S. Congress has become sensitized to public health and environmental concerns, exemplified in a plethora of legislation in recent decades.[10] Such legislation has evolved fragmentarily, reflecting particular interests and priorities. New laws have focused on individual media, air, water, food or the workplace, or on individual classes of products or contaminants, such as pesticides or air pollutants, with little or no consideration of needs for more comprehensive and integrated approaches. Furthermore, legislative language traditionally has been ambigous, thus allowing maximal regulatory discretion to bureacracies which in some instances, have subsequently become closely associated with or even "captured" by the regulated industries. A noteworthy exception is the 1958 Delaney Amendment to the Federal Food Drug and Cosmetic Act, with its absolute prohibition against the deliberate introduction of any level of carcinogen into the food supply. Even so, the Reagan FDA is re-defining the Delaney Amendment to allow carcinogenic food additives at levels alleged to be devoid of significant risk.

Congress has also tended to abdicate decision-making to scientific authority (or perceived authority), rather than questioning its basis in the open political arena. Of particular importance was passage of the 1971 Cancer Act in response to orchestrated pressures from the "cancer establishment", the National Cancer Institute (NCI), American Cancer Society (ACS), and clinicians aggressively pushing chemotherapy as a primary cancer treatment. The cancer establishment misled Congress into the unfounded and simplistic view that the cure for cancer was just around the corner, *provided* that Congress made available massive funding for cancer treatment research. The Act did just this, while failing to emphasize needs for cancer prevention, and also gave the NCI virtual autonomy from the parent National Institutes of Health, while establishing a direct chain of command between the NCI and the White House. Some 16 years and billions of dollars later, Congress still has not yet appreciated that the poorly informed special interests of the cancer establishment have minimized the importance of and failed to adequately support critically needed cancer prevention efforts. Nor has Congress appreciated the long overdue need for oversight on the conduct and priorities of the NCI. Given the heterogeneity of congressional interests, the complexity of the problem involved, the heavy industry lobbying, the indifference of the general scientific community and the well orchestrated pressures of the cancer establishment, it is not surprising that Congress has still to recognize that we are losing the war against cancer.

Until recently, state governments have largely deferred to federal authority, exercising relatively minor roles in cancer prevention. Reagan's federal de-regulatory efforts have begun to reverse this relationship. Regulatory actions against carcinogens are now emerging at the state level, such as the banning of chlordane/heptachlor and aldrin/dieldrin for termite treatment by Massachusetts and New York, banning of daminozide (Alar) for apple ripening and tough restrictions on ethylene dibromide food tolerances by Massachusetts, and informative occupational labeling laws by various states, such as the "right-to-know" workplace legislation of New Jersey. Some such state initiatives have evoked federal preemption by restricted regulations, such as the 1983 Hazard Communication Standard of the Occupational Safety and Health Administration, is striking paradox to the Reagan ideology of the new federalism and getting big government off the backs of the people. In February 1987, a coalition of labor and citizen organizations asked the U.S. Court of Appeals to enforce its 18-month-old order directing OSHA to expand coverage of its communication standard from manufacturing to all workers. In an apparent about face turn, the Chemical Manufacturers Association is supporting the expansion in conformity with regulations developed for various states.

The cancer establishment

The cancer establishment still continues to mislead the public and Congress into believing that "we are winning the war against cancer", with "victory" possible only given more time and money. The NCI and ACS also insist that there have been major advances in treatment and cure of cancer, and that there has been no increase in cancer rates (with the exception of lung cancer which is exclusively attributed to smoking). Yet, the facts show just the contrary.

The cancer establishment periodically beats the drum to announce the latest "cancer cure" and dramatic "breakthrough". These announcements reflect optimism and wishful thinking, rather than reality. The extravagant and counterproductive claims for interferon as the magic cancer bullet of the late 70s have been followed by the unpublicized recognition of its limited role in cancer treatment.[11] The latest NCI "breakthrough" claims for interleukin-2 as a cancer cure are grossly inflated and rest on questionable data. These claims fail to reflect the devastating toxicity and lethality of this drug, and gloss over the high treatment costs, which can run into six figures. Equally questionable are claims by the NCI and ACS that overall cancer survival rates have improved dramatically over recent years. These claims, based on "rubber numbers" according to one prominent critic, ignore factors such as "lead-time bias", earlier diagnosis of cancer resulting in apparently prolonged survival even in the absence of any treatment, and the "overdiagnosis"of essentially benign tumors, particularly of the prostate, breast and thyroid, as malignant. Defensively revealing is the recent finger-pointing by the director of the NCI, DeVita, at community physicians for using inadequate doses of chemotherapy drugs as the "real" reason why cancer cure rates are no better than they are.

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[7] These consultants include: MacMahon, a Harvard epidemiologist who has cleared his contracted studies with industry before submitting them for publication; Demoupoulos, a pathologist at NYU Medical Center who claims that asbestos and vinyl chloride are weak carcinogens and that the high cancer mortality rates in New Jersey are due to poor treatment by foreign trained doctors in that state; Olson, a clinician at Pittsburgh University School of Medicine who has testified that benzene cannot be carcinogenic in humans because it does not induce tumors in animals; Hayes, ex-CDC and Vanderbilt University School of Medicine, a toxicologist repeatedly on record as rejecting the human significance of animal carcinogenicity data on organochlorine pesticides; and Harbison, a toxicologist from University of Arkansas Medical School, who in 1980 testified as a governmental witness that rodents are "good predictors of human cancer risk", and who, as an industry expert, testified just the opposite in 1985.

[8] Such successes of the Reagan Administration at the regulatory level are, however, in striking contrast to its failure to make any impression on the scientific underpinning of public health and environmental regulations. For instance, a 1985 report by the Office of Science and Technology Policy of the White House clearly affirmed such critical tenets as the value of animal carcinogenicity data in extrapolating to human risk, and the inability to set "safe levels or thresholds" for exposure to carcinogens.

[9] On February 26, 1987, hearings were held before the Labor and Human Resources Committee on a bill sponsored by Senator Metzenbaum to require the Department of Health & Human Services to notify past or present workers known to be at risk of cancer and other occupational diseases. To the annoyance of Republican Committee members, NIOSH officials supported the bill, which was opposed by Administration spokesmen who claimed that it would duplicate existing efforts and generate "too much litigation". The senior dissenting officials received a subsequent "dressing down" from the Administration. However, unexpected support for the bill on March 27, 1987 came from the 3000-member American Electronics Association, a trade group, and from I.B.M., the Digital Equipment Corporation and the General Electric Company.

[10] Congress, however, has yet to recognize the need to consider certain industry practices from the perspective of white collar crime. White collar crime legislation has heretofore been exclusively directed to economically motivated crimes with economic consequences, such as anti-trust violations. Efforts, such as the 1979 and 1984 bills by Cong. John Conyers (H.R. 4973 & 6350), to extend such legislation to economically motivated crimes with public health or environmental consequences, resulting from willful suppression or "non-disclosure" of risks from hazardous products and processes, have not yet may be measured in countless cancer deaths.

[11] Interferon is particularly effective, if not often curative, for two rare neoplasms—hairy cell leukaemia and juvenile larynegeal papillomatosis.

The NCI misrepresentations are well reflected in budgetary priorities which are largely and disproportionately directed to cancer treatment research, to the neglect of cancer prevention. Even the very modest funding on cancer prevention is largely directed to endorsing industry's "blame-the-victim" concept of cancer causation. Thus, the NCI exaggerates the role of tobacco for a wide range of cancers besides lung, and treats as fact the slim and contradictory evidence relating diet to colon, breast, and other cancers. Apparently still oblivious to mounting criticisms, the NCI continues to vigorously propagate these misrepresentations. A 1986 NCI document on cancer control objectives, the executive summary of which fails to even mention environmental and occupational exposures to carcinogens and focuses on diet and tobacco as the major causes of cancer, rashly promises that annual cancer mortality rates could be reduced by 50% by the year 2,000.

More disturbing than indifference to cancer prevention is evidence uncovered in September 1982 by Cong. Dave Obey that the NCI has pressured the International Agency for Research on Cancer (IARC), funded in part by the NCI, to downplay the carcinogenicity of benzene and also formaldehyde in IARC monographs which review and rank the carcinogenicity data on industrial and other chemicals. Such evidence is noteworthy since, contrary to the scientific literature and its own explicit guidelines, IARC has also downgraded the carcinogenicity of other carcinogenic industrial chemicals, such as the pesticides aldrin/dieldrin and chlordane/heptachlor, and the solvents trichloroethylene and perchloroethylene.[12]

Following nearly a decade of fruitless discussions with the ACS, at a February 7, 1987 press conference, a national coalition of major public interest and labor groups headed by the Center for Science in the Public Interest (and the author of his position paper), and supported by some 24 independent scientists, charged that the ACS "is doing virtually nothing to help reduce the public exposure to cancer causing chemicals.—Despite its promises to the public to do everything to 'wipe out cancer in your lifetime', the ACS fails to make its voice heard in Congress and the regulatory arena, where it could be a powerful influence to help reduce public exposure to carcinogens." More specific criticisms included the following:

ACS fails to support, and at times has been hostile to, critical legislation that seeks to reduce or eliminate exposure to environmental and occupational carcinogens. For example, ACS refuses to join a coalition of major organizations, including the March of Dimes, American Heart Association, and American Lung Association, to support the Clean Air Act. ACS has rejected requests from Congressional subcommittees, unions, and environmental organizations to support their efforts to ban or regulate a wide range of occupational and environmental carcinogens.—Giant corporations, which profit handsomely while they pollute the air, water and food with cancer causing chemicals, must be greatly comforted by the ACS's silence.

ACS's record on supporting efforts to ban carcinogens is dismal. Often ACS's statements are expressly or implicitly hostile to regulation.

ACS's approach to cancer prevention largely reflects a "blame the victim" philosophy, which emphasizes faulty lifestyles, rather than workplace or environmental carcinogens. For instance, ACS blames the higher incidence of cancer among blacks primarily on their diet and smoking habits, which diverts attention from the fact that blacks work in the dirtiest, most hazardous jobs, and live in the most polluted communities.

A few days after the press conference, ACS announced a "new set of policies", passing resolutions for improved regulation of such chemicals as asbestos and benzene, and for cleanup of toxic waste sites. However, there has been no evidence of any real change of heart in the ACS, since then.

The lifestyle academics

The lifestyle academics are a group of conservative scientists including Doll, Warden and Director of the Industry financed Green College, Oxford,[13] his protégé Peto, a statistician also from Oxford, and more recently Ames, a California geneticist. The puristic pretensions of the lifestylers for critical objectivity are only exceeded by their apparent indifference to or rejection of a steadily accumulating body of information on permeation of the environment and workplace with industrial carcinogens, and the impact of such involuntary exposures on human cancer. Consciously or subconsciously, these academics have become the mouthpiece for industry interests, urging regulatory inaction and public complacency. Among the more noteworthy contributions of these academics is a series of publications claiming that smoking and fatty diet each is responsible for 30–40% of all cancers, that sunlight, drugs and personal susceptibility account for another 10%, leaving only a few percent unaccounted for which, just for want of any other better reason, was then ascribed to occupation. According to the life-stylers, this then proves that occupation is an unimportant cause of cancer, which really does not warrant much regulatory concern. Apart from circularly referencing each other as authority for these wild guesses, the lifestylers have never attempted to develop any estimates of how many workers are exposed to defined levels of specific carcinogens. Without such estimates there is no way of attemption to determine just how much cancer is due to occupation.

The lifestyle theory was further advocated in a 1981 report dealing with causes of cancer in the USA by Doll and Peto where they denied evidence of increasing cancer rates other than for lung cancer, which was largely ascribed to tobacco without adequate consideration of the importance of carcinogenic community and occupational exposures.[14] To reach their misleading conclusions on static cancer rates, Doll and Peto excluded from analysis people over the age of 65 and blacks, those groups with the highest and increasing cancer mortality rates. Not content with such manipulation, they claimed that occupation was only responsible for some 4% of all cancers, without apparent consideration of a wide range of recent studies dealing with the carcinogenic effects of such exposures.[15] This wild 4% guess was matched by "guesstimates" that diet was determinant in some 35% of all cancers. To trivialize the significance of animal carcinogenicity data on industrial chemicals, Doll and Peto minimized the predictive value of these tests, while emphasizing epidemiological data as the basis of regulation.

Doll is prompt to side with industry in downplaying evidence on carcinogenicity of industrial chemicals. Illustratively, he recently lent enthusiastic support to the Australian Agent Orange Royal Commission in their dismissal of the experimental and epidemiological carcinogenicity data on the herbicides 2,4-D and 2,4,5-T.[16]

Ames is a geneticist who, in the 1970s, developed bacterial assays for mutagenicity which he advocated as short-term tests for carcinogens. He then published a series of articles warning of increasing cancer rates and of the essential need for tough regulation of industrial carcinogens, such as the fire retardant Tris and the fumigant ethylene dibromide. By the 1980s, however, Ames did an unexplained 180 degree switch, now claiming just the opposite, that overall cancer rates are not increasing, that industrial carcinogens are unimportant causes of cancer which do not need regulating, and that the real causes of cancer are natural dietary carcinogens, largely because mutagens can be found in a variety of foods.[17]

WHAT TO DO ABOUT IT

The cancer epidemic poses the nation with a grave and growing crisis of enormous cost to health, life and the economy. A 1979 book on the politics of cancer (by the author of this position paper) concluded with the following specific recommendations designed to reduce the toll of preventable cancer.

Cancer must be regarded as an essentially preventable disease.

The hidden political and economic factors which have blocked and continue to block attempts to prevent cancer must be recognized.

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[12] With the noted exceptions, the IARC monographs are unique and well systematized compendia of information on chronic toxicity, carcinogenicity and use data of a wide range of industrial and other chemicals.

[13] According to a founding fellow, Hermann, Green College was established in 1978 as a "special point of entry for industrial interests wishing to collaborate with university departments in research—."

[14] This study was sponsored by the Office of Technology Assessment, whose contract officer Gough was apparently unable to find any U.S. experts with knowledge of cancer in the U.S., and so selected British lifestyle advocates for the project. (Gough is also subsequently on record in a book on Agent Orange as dismissing evidence on hazards of dioxin, including rejection of its carcinogenicity based on extensive animal data. Gough recently left OTA for a position in a chemical industry consulting firm.) Apparently responsive to criticisms of a draft report, The Office of Technology Assessment decided against its publication, which instead was independently published.

[15] Even if only 4% of cancers in the general population are occupational in origin, this implies that occupation is responsible for some 20% of all cancers in exposed workers.

[16] The 2,4,5-T component of Agent Orange was contaminated with high concentrations of 2,3,7,8-tetrachlorodibenzodioxin which, according to the Carcinogen Assessment Group of EPA, is the most potent carcinogen it has ever evaluated, some 7-fold orders of magnitude greater than the potent carcinogen vinyl chloride.

[17] Ames fails to extend his logic by claiming that faeces are carcinogenic, although they are a rich source of bacterial mutagens! Moreover, assuming that Ames' exclusionary emphasis on dietary carcinogens has scientific validity, the critical issue is not what carcinogens are "natural" and what are industrial (asbestos is an example of a carcinogen belonging to both categories), but what exposures are preventable or at least reducible.

The ineffective past track record of government in cancer prevention must be recognized.

The critical roles in cancer prevention that public interest groups and informed labor leadership have exercised must be recognized and their further efforts fully encouraged and supported.

Congress must resolve the major inconsistencies in a wide range of legislation on environmental and occupational carcinogens.

Substantially higher federal priorities for the prevention of cancer must be developed.

Policies of the various federal agencies with responsibilities in cancer prevention must be effectively integrated and coordinated.

Top business management must recognize the essential similarities between their long-term interest and goals and those of society. Prevention of occupational cancer and cancer in the community-at-large is of primary importance to both.

The American Cancer Society must be influenced to balance its preoccupation with treatment with activist programs designed to prevent cancer.

The medical and scientific community must accept a higher degree of responsibility and involvement in the prevention of cancer by actions on both the professional and political levels.

Medical schools and schools of public health must be persuaded to massively reorient their educational and training programs from the diagnosis and treatment of disease and cancer to prevention.

Chemicals in consumer products and in the workplace must be clearly and simply identified and labeled.

Additional new approaches must be developed for obtaining and for retaining honest and scientifically reliable data on the carcinogenicity and toxicity of new chemicals, besides of untested or poorly tested chemicals already in commerce; such data must be made accessible to public scrutiny. Maximum legal penalties should be directed against all those responsible, directly and indirectly, for distortion or manipulation of toxicological and epidemiological data on the basis of which decisions on human safety and risk are based.

Apart from actions on a political level, we all have limited personal options. To some extent, it may be possible to reduce our own chances of developing cancer by making informed changes in lifestyle, use of consumer products, and work.

The major determinants of preventable cancer are political and economic, rather than scientific, and as such must be addressed in the open political arena. Cancer prevention must be made, at least, to rank with inflation on the next political ticket of your local and state representative, congressman, and President.

A decade later, these goals still stand as valid, but none have been achieved while cancer rates have steadily risen. To prevent similar conclusions a decade from now, the cancer prevention rhetoric must be translated into reality.

To compete with well financed propaganda of industry, tacitly supported by the cancer establishment and life style academics, an educational offensive must be mounted to inform the public and develop grass roots pressures for a cancer prevention campaign. The cutting edge for such campaigns can be provided by the major public interest organizations, including the Natural Resources Defense Council, Sierra Club, Environmental Defense Fund, Health Research Group of Public Citizens, Environmental Action, Consumer Federation of America, National Campaign Against Misuse of Pesticides, the National Campaign Against Toxic Hazards, Greenpeace, the Rachel Carson Council, and the Center for Science in the Public Interest.[18] Equally critical will be involvement of the Industrial Union Department, AFL/CIO, and key unions, such as the United Steel Workers of America, United Rubber Workers, Linoleum and Plastic Workers of America, International Association of Machinists, Oil Chemical and Atomic Workers, Amalgamated Clothing and Textile Workers, and the United Auto Workers.[19] Many of these organizations have well informed professional staff, and some have played major roles in whatever limited legislative and regulatory successes have been achieved over the last two decades.

Active support at the local level is being provided by activist citizen and labor groups that have formed in response to community or regional concerns such as hazardous waste dumps, contaminated drinking water or lawn care chemicals; the motto of such groups is "Think globally, act locally". Further support can be provided by a small network of independent and government scientists, whose thinning ranks, however, have been recently boosted by the welcome involvement of professional organizations such as the American Public Health Association and the American Lung Association.

A potential source of cancer prevention funding is the multi-million dollar budget of the American Cancer Society (ACS) raised by voluntary public contributions. An economic boycott of the ACS is now well overdue. Funding inappropriately used by the Society should be diverted to public interest organizations and labor, who are more likely to achieve the goal of winning the war against cancer. Other potential funding sources include certification to participate by designation in the United Way and Combined Federal Campaign.

Public interest and labor organizations should develop coalitions with initially limited objectives, focused around specific areas of cancer prevention of local concern. These could be subsequently expanded into wider rainbow coalitions with more comprehensive goals. The 100th Congress, revitalized by the defeat of the Reagan revolution and by a democratic renaissance, is now more likely to be receptive to such initiatives. This receptivity should be directed into increasing priorities for governmental concerns on cancer prevention, besides restoring the fragmented regulatory apparatus of government. It is also likely that key Congressmen could be galvanized into making cancer prevention one of their major political priorities, and that presidential candidates could be interested in the potential grass roots appeal of a cancer prevention ticket.

Equally important are initiatives at the state level, whose recent track record offers encouraging precedents. These include the banning of chlordane and heptachlor for termite treatment by Massachusetts in 1985 and New York in 1986, largely at the impetus of a citizen group, People Against Chlordane (PAC), passage of a $1.5 billion hazardous waste cleanup bond by New York, the Environmental Quality Bond Act of 1986, and passage of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, by California. Proposition 65, masterminded by the Sierra Club and Environmental Defense Fund and supported by a rainbow coalition of California public interest citizen and labor groups, is a sophisticated referendum which imposes tough financial penalties on industries knowingly discharging carcinogens into the drinking water supplies, and which mandates full public disclosure of such discharges by industry and state officials. A vocal opponent of Proposition 65 was Ames, who failed to impress the California public with his lifestyle advocacy and his trivializing the significance of carcinogens in drinking water. Potential opposition by the major petrochemical industry was anticipated and muted by the earmarking of some 50% of revenues from fines for the state superfund budget. However, Governor Duekmejian, responsive to special interest lobbying, has recently neutralized the scope of the new legislation by restricting its scope only to epidemiologically confirmed carcinogens. This restriction is now under legal challenge. Irrespective of the outcome of this challenge, Proposition 65 has excited national interest and is being used as a model for similar regional initiatives, such as the 1987 Safe Drinking Water Act of New York which is currently being drafted.

Among early Congressional priorities should be enactment of comprehensive white collar crime legislation. This would impose tough sanctions on individual executives, managers and professionals of industries found guilty of willful "non-disclosure" of information on hazards to workers, local communities and the nation. White collar crime legislation should also be extended to U.S. and multinational corporations which export carcinogenic products or processes which have been banned or regulated in the U.S. to "lesser developed countries", especially in the absence of full disclosure of hazards directed to ultimate users and consumers. Attention should also be directed to developing comprehensive new "cradle-to-the-grave" and material balance legislative approaches to the regulation of toxic and carcinogenic chemicals. Such legislation can be designed to complement regulation by the judicious application of marketplace pressures, in the form of financial incentives and disincentives designed to wean industry from unsafe practices, and to insure that responsible industry is not penalized and subject to unfair competition. At present, other than the prospect of toxic tort litigation, there are virtually no incentives for industry to develop safer new products and processes. Legislation is needed to develop federal R & D funding to promote such benign technologies and also to ensure that they are closely coordinated with environmental, energy and resource policies.

A critical legislative priority is amendment of the National Cancer Act to give the highest possible priority to cancer prevention, to redress the historical inbalance existing in the NCI between cancer prevention and research, diagnosis, treatment and the basic sciences, and also to insulate the NCI from direct Presidential influence. In addition to replacing NCI's director DeVita who, in spite of his contrary protestations, has been indifferent if not hostile to cancer prevention efforts and who has played a major role in perpetrating the myth that we are winning the war against cancer, senior NCI staff should be restructured and boosted by a critical mass of professionals competent in environmental and occupational cancer and committed to cancer prevention. The National Cancer Advisory Board should be reconstituted with a balanced mix of independent cancer prevention professionals, representatives of public interest and labor organizations and concerned citizens, and should be subject to close Congressional oversight. Such oversight should insure that the institutional resources are largely directed to cancer prevention, that grants and contracts reflect this priority and that NCI staff play a key role in providing the supporting scientific basis for legislative and regulatory cancer prevention efforts at the national and state levels.

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[18] Support for the EDF should be qualified pending clarification of its recent ultra-conservative and poorly informed positions on public health hazards from environment pollutants.

[19] Left wing liberal organizations and progressive labor, through effective research, writing, direct mail and public advertising, are now challenging the ability of conservative business to formulate the national agenda and shape the debate on basic social issues, such as worker rights, taxation and environmental concerns, and on foreign policy. Such organizations include the Center for National Policy, Citizens for Tax Justice, The Democracy Project headed by Mark Green, The Economic Policy Institute headed by Jeff Faux, and the Council for Economic Priorities.

Cancer is essentially a preventable disease. Given high national priority, this goal will be acheived.

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THE 50TH WEDDING ANNIVERSARY OF JOSEPH AND HELEN MEEGAN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LIPINSKI. Mr. Speaker, it is my pleasure to bring to the attention of this body an exemplary couple from my district, Joseph and Helen Meegan. On the occasion of their 50th wedding anniversary, they have a rich and fulfilling life of service and commitment to each other and to the community to look back upon.

Mr. Meegan has been an active member of the Chicago community since he cofounded the Back of the Yards Neighborhood Council, America's oldest community organization, in 1939. In the years since, he has organized and contributed to various recreation, housing, education, and community programs and helped to pioneer the National/State School Lunch and Milk Program when it began in 1943. He has received innumerable awards, commendations, and other recognition from the community for these contributions. Mrs. Meegan has been equally active; raising nine children and assisting with her 19 grandchildren; contributing her teaching and musical skills to schools, organizations, and individuals; and working with those who have special needs, the mentally retarded.

Their commitment to each other and their family is equally impressive and, especially in today's world, is deserving special recognition and honor. I am sure that my colleagues join me in congratulating Mr. Meegan and his "bride" of 50 years, Helen, on their many years of love and commitment.

VA HOSPITALS ADMIRED FOR HIGH-QUALITY, COMPASSIONATE CARE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. MONTGOMERY. Mr. Speaker, meticulous and compassionate care is the very minimum a patient should expect and require of a hospital and its staff. I am proud to say that our Veterans' Administration hospitals and their staffs—medical, administrative, and support—do not settle for minimum standards.

The VA delivers high-quality health care. This is well documented in the numerous awards and honors that have been bestowed upon the agency and its employees. However, I can think of no greater honor for the work carried on in a VA hospital than for that work to be recognized and appreciated by those who see it most clearly—the patients, their families and friends.

I am pleased to share with my colleagues two letters that were prompted by the high level of VA professionalism and caring witnessed and experienced by their authors.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 30, 1987.

Hon. THOMAS K. TURNAGE,
Administrator of Veterans' Affairs, Washington, DC.

DEAR MR. TURNAGE: I have been endowed by wonderful parents who taught me that, among the words in the English language, a "please" and a "thank you" are words that have a profound effect. And so, during my lifetime, I have always tried to use those expressions when they are appropriate. At this time, I have an appropriate occasion.

A very dear close, personal friend of mine, Carlton Beall, was buried last Friday, but before he lost the battle of life, he had available to him the very finest medical attention. He spent over four of the last weeks of his life in the Veterans Administration Medical Center in Washington, D.C., where, from what I could see, he received the finest of care.

In particular, I want to express my own personal appreciation and I am certain the Beall family concurs, for all that was done for him by Dr. Steven Singh. His dedication, his zeal, the depth of his feelings are such that I really would not know how to describe them. Here is a man, who even when he went on a vacation, or short leave of absence, came back when the situation deteriorated. Here is a man who showed such great personal feelings to the family each day, and was so helpful to them in their understanding of Mr. Beall's illness.

Truly I cannot express my own feelings adequately. Truly you have one of the most outstanding physicians in America on your staff at the Washington Hospital Center. He is the epitome of an unsung hero who is going beyond what might be expected, to help the less fortunate ill who come before him. Dr. Singh is uniquely deserving of any praise that I could give. I am certain the Veterans Administration will make certain that he knows of my expressions.

With kindest regards, I am

Sincerely,

WALTER P. KENNEDY.

STURGIS, MI,
August 1, 1987.

Hon. G.V. "SONNY" MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. MONTGOMERY: My husband, Louis F. McGue, died on June 7, 1987 at the Veterans' Medical Center in Battle Creek, Michigan. He was a patient there for approximately six weeks. I am writing to express my feelings and those of our three children about the care and treatment that he—and we—received.

My husband was comatose as the result of cardiac death (arrest) which occurred on March 21, 1987. During the interim he was a patient at Borgess Medical Center in Kalamazoo. When it became obvious that his condition was irreversible, there was a reluctance on my part to transfer him from the care of a cardiologist and neurologist in a teaching hospital to, what I assumed, was a large impersonal government institution, but there was no alternative.

It is important to all of us that you know that he received the finest of medical and personal care. My family and I were with him daily and were able to observe the activities of the staff in Building 82-2 of the Battle Creek facility. During the entire period, though under great emotional strain, we encountered only the utmost in patience and dedication on the part of every employee—from those who clean and maintain the ward up to the highest administrative level. Each and every person was courteous, caring and professionally responsible, not only to us but to everyone with whom they dealt. Crisis situations seemed only to enhance their composure.

Dr. InYoung Soh, my husband's physician, was available to us at all times to answer any and all questions and to explain treatment. He responded to our desires. We appreciate him.

Most of all, I must single out the administrative ability of Linnetta Neal, Head Nurse, under whose direction, Ward 82-2 functions so very well. I have never witnessed expert management combined with professional dedication in such a caring way. Each employee under the supervision of Ms. Neal performs to the maximum level with extraordinary compassion and understanding—often under the most trying circumstances. A "Thank you," or compliment evokes a reply that means, "That's my job,"—and they mean it.

One hears so much today about the slipshod attitudes of government employees, it is important that our governmental leaders are aware of the remarkable attitudes these people manage to bring to the care of the veterans in their charge.

We will be forever grateful for the philosophy which is obvious in the management of every aspect of Building 82-2 of the Battle Creek Veteran's Medical Center.

Very sincerely,

MARY LOU MCGUE.

COMMENDATION OF THE INTERNATIONAL FEDERATION OF MULTIPLE SCLEROSIS SOCIETIES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. HOYER. Mr. Speaker, the 1987 International Federation of Multiple Sclerosis Societies annual conference is being held September 8-12, in Washington, DC. The federation is a worldwide organization whose member societies in 31 countries are dedicated to eradication of multiple sclerosis, a disabling disease that affects 2 million people.

The keynote speaker at the conference will be one of our colleagues, the Honorable GERRY SIKORSKI.

A major feature of this year's conference will be the scientific symposium on Saturday, September 12. The symposium topics are genetics, virology, immunology, and precipitating factors. The symposium chairman is 1985's Charcot Award winner, Dr. Richard T. Johnson, of Johns Hopkins University in Baltimore, MD.

Research will also be highlighted on Thursday when Dr. Byron Waksman of the National Multiple Sclerosis Society, as well as Dr. Murray Goldstein and Dr. Dale McFarlin of the National Institutes of Health will give attendees an inside look at the current multiple sclerosis research being conducted in the United States and abroad.

With the leadership and support of the National Multiple Sclerosis Society of U.S.A., the International Federation of Multiple Sclerosis Societies was incorporated in 1966 as a not-for-profit, tax-exempt organization.

According to its bylaws, the purposes of the federation are:

To coordinate and further the work of national MS organizations throughout the world.

To stimulate and encourage scientific research relating to multiple sclerosis and related neurological diseases.

To aid persons who are in any way disabled as a result of multiple sclerosis and related diseases.

To provide counsel and active help in the further development of voluntary national MS organizations or in the formation of such organizations.

To influence the development of the role of the handicapped worldwide.

Since its founding 21 years ago, IFMSS membership has grown to 31 countries, 1 associate member, and 4 MS medical sections of the Eastern bloc who are affiliated with the federation's international medical advisory board. Medical organizations in both Hungary and Yugoslavia have expressed an interest in forming national MS societies and applying for full membership status in the federation in the near future.

The international medical advisory board includes 204 leading medical and scientific experts from more than 40 countries.

Prior to 1966, funds for MS research on an international scope totaled less than $4 million annually. According to the 1985 International Research Grants Compilation—a publication of the National Multiple Sclerosis Society of U.S.A., approximately $43 million was devoted that year to MS research worldwide.

As a voluntary organization, the federation is governed by a council of delegates from each IDMSS national MS society and members of the executive committee who estabish the policies and review the activities of the federation at their meeting held bienially.

I am sure all my colleagues will join me in welcoming the distinguished IDMSS delegates from all over the world.

HONORING ARMANDO MORENO, JR., 1987 CITIZEN OF THE YEAR, AMERICAN RED CROSS, L.A. CHAPTER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TORRES. Mr. Speaker, I am proud to inform my colleagues that my good friend, Armando Moreno, Jr., of La Mirada, CA, has been selected as the 1987 Citizen of the Year by the Los Angeles Chapter, Central East District, of the American Red Cross.

Armando Moreno, Jr., is vice president-director of urban affairs for Glendale Federal Savings & Loan Association. In his capacity at Glendale Federal, he has been instrumental in broadening the community's awareness of the role of financial institutions and the services provided to the community. Armando has been in the banking industry for more than 17 years starting out at Pacific Finance in East Los Angeles. An innovator, Armando developed a number of neighborhood bilingual programs designed to inform the community about financial institutions and personal finance management.

Active with the business and civic community, Armando has been a member and served on the board of directors for 18 public and private organizations that include, the Belvedere Rotary Club, East Los Angeles YMCA, Mayor's Fire Department Blue Ribbon Committee, Los Angeles County Private Industry Council, Los Angeles County Commission on Alcoholism, and the National Association of Latino Elected And Appointed Officials.

Mr. Moreno, chosen as the recipient of the Sixth Annual Citizen of the Year Award, will be recognized for his outstanding record of community service. On Thursday, September 10, 1987, members of the community will honor Armando Moreno, Jr., for his achievements at a dinner sponsored by the American Red Cross in the city of Commerce. I regret that I will not be able to join with Armando's family and friends to honor his many years of service to our community.

Mr. Speaker, I ask that my colleagues join me in saluting the contributions and achievements of a great American who I am proud to call my friend, Mr. Armando Moreno, Jr.

NATIONAL REYE'S SYNDROME AWARENESS WEEK

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. SCHUETTE. Mr. Speaker, in 1963, R.D.K. Reye, an Australian pathologist, first described the disease which today bears his name. Reye's syndrome is a rare, but often deadly disease which is most prevalent among children between the ages of 4 and 15. Estimates range as high as 25 percent for the number of victims who do not survive a bout with the syndrome. Because of the seriousness of this disease, I have introduced legislation to increase our public awareness of this killer disease.

Though we all have probably heard of this disease, its symptoms and effects are not widely known. For that reason, I have introduced a resolution to increase our recognition of Reye's syndrome. My bill, House Joint Resolution 335, would designate the week of September 13–19 of this year as "National Reye's Syndrome Awareness Week."

Although there is no conclusive evidence as to what causes children to develop the disease. Studies have shown that many of the diagnosed cases developed while recovering from a mild viral illness, such as chicken pox or influenza.

A first symptom of the disease is repeated vomiting. Over time, the disease could cause liver damage, resulting in the release of harmful substances into the blood. These substances, perhaps ammonia or fatty acids, eventually affect the central nervous system. While victims usually survive mild cases, the disease may progress to the extent that the victim may experience convulsions and alternate between stages of hyperactivity and sleepiness.

In advanced stages of the disease, victims can develop brain damage. Brain cells swell, building pressure on the skull. Drugs and, if necessary, surgery, can reduce the swelling if a dangerous level is reached. Victims can also fall into a deep coma and suffer irreversible brain damage and even death if treatment is not sought or successful.

The National Reye's Syndrome Foundation estimates that between 15 and 25 percent of Reye's victims die. Although the number of reported cases is relatively low, many believe these numbers are not representative of the actual number of people who contract the disease, as it is often not diagnosed as such and then, perhaps, not reported.

Mr. Speaker, the need to further study the causes and effects of this disease is unquestionable. Hundreds of children may die each year due to a lack of knowledge about the symptoms and possible ways to fight the disease in early stages. It is my most sincere hope that "National Reye's Syndrome Awareness Week" would promote further interest and knowledge of this tragic and life-threatening disease, and perhaps lead to preventive measures and a cure for the sake of all our children. I respectfully ask your support, and the support of our colleagues on this important resolution.

TRIBUTE TO PETER D. RUBINTON

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Peter D. Rubinton, the outgoing president of the Suffolk County, NY, Bar Association.

Under Mr. Rubinton's leadership, the Suffolk County Bar Association made significant gains in the area of legal service. In response to the recent changes in immigration law, the bar association established a new committee on immigration and nationality law. The bar association was also able to relocate to more spacious headquarters, enabling it to expand its activities and become fully computerized.

Peter Rubinton is no stranger to the area of community service. Besides being involved in the Suffolk County Bar Association and numerous other legal organizations, Mr. Rubinton is a former member of the board of directors of the Suffolk County Multiple Sclerosis Society. In addition, he is the past vice president of this local board of education, and is voluntary counsel to the Huntington Jewish Center.

Mr. Speaker, I commend Peter Rubinton today for this dedicated professionalism and for his commitment to serving his community.

THE FOSTER FAMILY—A FOUNDING FAMILY OF FOSTER CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LANTOS. Mr. Speaker, 200 years ago our Founding Fathers created a new Nation under a new Constitution. As we celebrate the Bicentennial of that great document, we also look to the history of the founding of our communities here on the Peninsula. Many individuals have contributed to the creation and development of those communities. We cannot recognize and honor each one, but we have selected a representative Founding Family in Foster City to whom we give special recognition today.

The family of T. Jack Foster is honored today for its special contribution in founding this unique and thriving community. T. Jack Foster, Sr., had a dream—to create a new city, a totally planned community, designed with schools, parks, playgrounds, and residential neighborhoods; aesthetically designed and affordable to young families on the Peninsula. The dream included an open community, free from discrimination, and one which could be self-supporting with balanced opportunities for both homes and jobs.

This dream became a reality in Foster City. In 1958, Mr. Foster and developer Richard Grant took an option to buy Brewer Island from the Leslie Salt Co. and Schilling Estate Co. Brewer Island was 2,600 acres, 4 square miles of marshland, drained and diked in 1900, and used for dairy farming by Frank Brewer. Local residents who waited for the slow, old, San Mateo drawbridge to open to traffic were accustomed to the sight of cows grazing ankle deep in mud and brackish water. The possibility of turning this tiny island into a planned community was unthinkable—that is, until T. Jack Foster, Sr., and his sons arrived on the scene.

Aesthetics and good design were of paramount importance to the Fosters, but the practical engineering problems of swamp drainage created a major obstacle. A solution was found that makes the present beauty of Foster City seem miraculous. Instead of draining the water and filling the land, Foster decided to use the water by creating islands and lagoons. Small boats on the lagoons are now a common sight, and on weekends the Central Lagoon is enjoyed by enthusiastic windsurfers.

The Fosters demanded architecturally distinctive houses and buildings, and limited construction to those planes which fit criteria for architectural integrity. Neighborhoods were designed and streets planned and named according to a master plan. One neighborhood draws its street names from famous ships, another from sea birds, another from boats and boat parts, still another from famous explorers. Thus, the integrity of the plan proceeded by lending meaning and stimulating learning for residents and their families

Even street "furniture" and utilities came under careful scrutiny before construction. There are no overhead electric power distribution lines. The electrical design used in Foster City was a model for major underground power distribution systems later constructed elsewhere. The boulevard streets have blue light-poles painted "Foster City blue." The residential streets have finned street lights that are unique to the city. The fire hydrants won a national design award. The bridges over the lagoons were designed to permit sailboats to pass under them.

The first residents moved into their new Foster City homes in March 1964 only 6 years after Brewer's Island was purchased for development. These modern pioneers purchased their five bedroom home for $23,500, a reasonable buy even in 1964.

T. Jack Foster, Sr., lived to see this community grow and flourish. He saw the results of his determination to not compromise on quality as his new town won award after award for excellence in planning. A man for our time, a man for the ages, T. Jack Foster Sr., knew childhood poverty and hardship; he knew first hand hardwork, effort, self discipline and sacrifices. He valued family, friends, and American society. He and his wife, Gladys, shared those values with his three sons—Jack Jr., Bob, and Dick—who worked with him on many business projects including the creation of Foster City.

Today, on behalf of the 11th Congressional District, I am delighted to give this award to the Founding Family of Foster City—the Fosters. Mrs. Gladys Foster, the wife of T. Jack Foster, Sr. and the mother of their three sons, will receive the award on behalf of the Foster Family.

ACCOMPLISHMENTS OF SPENCER HOLDEN CELEBRATED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TOWNS. Mr. Speaker, I wish to draw the attention of my colleagues to the remarkable accomplishments of Mr. Spencer Holden.

Since becoming actively involved in community work some 28 years ago, Spencer Holden has gained recognition as one of the most prolific, well liked, and respected persons in his community.

Spencer's continued dedication and concern for his community led him to acquire leadership and membership positions in many organizations he became involved with, such as: The Starrett City Tenants Association, serving in the capacity of first vice president; chairman of Starrett City Integration Committee; board of directors of Starrett City Coalition; member of AFRICARE; and member of the National Neighbors Organization.

In addition to his active involvement, Mr. Holden continued to extend his knowledge and abilities to the youth and senior citizens through the ONYX Corporation, a program which he founded. This program was designed to help expand the horizons of talented youth by establishing a yearly scholarship fund to aid in their pursuit of higher scholastic endeavors, and also to help advance the educational, recreational, and social well-being of senior citizens.

Spencer Holden, a graduate of Baruch College with a B.A, in political science, is currently employed as an electronic data processing representative for the New York City Bureau of Child Support.

His commitment to community work extends into the weekend, when he teaches Sunday School at the Brooklyn Truth Center.

Mr. Holden, who is married and has four children, is being honored at the first annual dinner dance of the women's and men's caucuses for Congressman EDOLPHUS "ED" TOWNS. The Women's and Men's Caucuses are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my congressional district, and to improve the quality of life for all.

May this award inspire and encourage him to continue the important work he has already begun. The wonderful example of dedication and perseverance which he has set has surely made him worthy of this honor and many more.

NEWBURGH FREE ACADEMY BICENTENNIAL CELEBRATION OF U.S. CONSTITUTION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. FISH. Mr. Speaker, I rise on this occasion to announce to this Chamber that on September 17, the date that marks the 200th anniversary of our Constitution, Newburgh Free Academy, Newburgh, NY, will join with schools across the country in celebration. The event will bring together 2,500 students, parents, teachers and local and State officials in a full day of activities designed to educate students while commemorating the Constitution.

I was very proud that Newburgh Free Academy was recently selected as one of 271 schools nationally to receive recognition for academic excellence by the Department of Education. The standards of academic superiority are joined by patriotic spirit in the upcoming celebration.

On the 17th, Newburgh Free Academy plans a full-day "Teach-in," informing students about specific amendments of the Constitution that affect young people. Among topics of discussion will be the rights of the accused, rights of the individual and freedom of the press.

To bring home the points made during the "Teach-in," speakers will conduct forum discussions at meeting rooms throughout the school. After participating in the panel symposiums and gaining an overview of all aspects of what speakers have to say about the Constitution, students will attend two in-depth workshops.

Some of the speakers participating are members of the press who will speak about freedom of the press, freedom of information, responsibilities of the press and the rights of the public to be informed. Representatives from area prisons will tell students about how the Constitution protects the rights of the accused, grants due process and generally guards our freedoms.

A picnic culminates the day's events. An All-American theme runs through the outing. Hotdogs and hamburgers will be served with a ragtime and Dixieland jazz band providing entertainment. The front of the school building will be decorated, draped with colorful red, white and blue banners.

Newburgh Free Academy plans to continue the celebration of the Constitution throughout the coming school year. Some examples include a theater group from Philadelphia that will arrive on September 18 to stage a production that will deal with the 19th amendment, which granted voting rights to women and the 15th amendment, which granted voting rights to blacks. Theater groups from New York City will visit the academy at various times of the year. A Saturday morning program will take interested students on tour of the many historic sites in Newburgh and the surrounding area including: Sleepy Hollow, Washington's headquarters and the Franklin D. Roosevelt Library. Students will be encouraged to compete in a writing contest, with winners spending a weekend in Philadelphia touring historic sites. Two children and two adults will have their expenses paid by local businesses sponsoring the competition.

During the last 200 years, our constitutional structure has endured and adapted to innumerable changes in the character of our Nation. The genius of the Constitution rests in its flexibility to meet the problems of different generations. Our Constitution remains a structure that will permit us to address the many challenges that lie ahead. Newburgh Free Academy has shown that it is prepared to help meet these challenges.

SANTA MARIA CHAMPIONS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise today to bring to the attention of my colleagues the recent accomplishment of the Nation's top 12-and-under girls fast pitch softball team. Last month, the Orcutt "Mini Express" from Santa Maria, CA, traveled to Shawnee KS, to participate in the American Softball Association National Championship.

Seven games later, the national championship was enroute back to California to reside in Santa Maria for the next year. Not only did the team have to defeat top teams from Texas, Colorado, Oklahoma and other States but the players had to contend with temperatures near the century mark, which is in contrast to the cool ocean climate of Santa Maria.

Congratulations should also go to the teams reaching the national finals this year, many traveling across country for the tournament. As "Mini Express" manager Pete Miranda noted upon return home, "It's nice to be home, but it's even better that we are home with the championship trophy."

AT&T'S TRANSITOR TECHNOLOGY: 40 YEARS OF PROGRESS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. GALLO. Mr. Speaker, in December 1947, three physicists at Bell Laboratories in Murray Hill, NJ, made a discovery that changed our lives forever. Nine years later, when these men were awarded the Nobel Prize in Physics for their discovery of the transistor effect, the practical applications of their work were already entering every American household.

The transistor is celebrating its 40th birthday this year and I would like to acknowledge the anniversary of this tiny marvel as both a beneficiary of all its wonders and as a proud New Jerseyan—a proud New Jerseyan because besides the Garden State, New Jersey might just as aptly be known as the Invention State.

Gov. Tom Kean recently proclaimed a 2-year celebration of New Jersey's invention history. Included in that history, along with many of Thomas Edison's designs, is the transitor. The transistor effect was first observed in 1947 at the Bell Laboratories location in Murray Hill, NJ. The transistor itself was invented by three physicists, John Bardeen, Walter Brattain, and William Shockley, who garnered a Nobel Prize in 1956 for their discoveries.

It was this New Jersey discovery that heraled a new era in electronics. Made from silicon crystals, transistors are semiconductors of electricity that are able to control electrical flow by adding small amounts of certain impurities to the crystals. They are able to detect, rectify, and even amplify currents. The most important ability of the transistor, however, is its switching ability. Transistors produce electromagnetic waves of ultra high frequency and are able to open and close circuits in billionths of a second.

The transistor's switching powers provided the technology for the computer revolution that has now become an integral part of our lives and made the drudgery of paper recordkeeping and filing obsolete, to the relief of office workers everywhere.

Because of the transistor's tiny size—thousands of transistors and diodes can be woven into a maze of circuitry smaller than a pencil eraser, low cost, and small consumption of power, the transistor has revolutionized electronics and invaded our world in ways we never considered.

Without transistors to replace the cumbersome and outdated vacuum tube, there would be no pocket calculators and computers and battery-operated radios and televisions would be much larger and more expensive.

Transistors are also the ghosts in such machines as heart beat regulators; certain cameras; electronic guitars and instruments; hearing aids; electronic watches; and radio, video, stereo systems. Transistors are also the cornerstones of space flight and modern aeronautics.

These miniscule powerhouses are also the driving force behind satellite communications. With the launch of Bell Laboratories Telstar 1 in 1962, TV and radio satellite transmission became possible so that live satellite broadcasts are now completely common.

These same satellites have also improved telephone communications so that underwater cables can be bypassed for overseas calls.

Besides all of its technological accomplishments, the transistor also provides us with a booming business that employs millions and produces billions of dollars.

Today, it would be hard to imagine what life would be like without this small, but extremely powerful, piece of technology.

It is no accident that this discovery was made in the State of New Jersey. Thomas Alva Edison's pioneering work with filaments in his New Jersey laboratory led to the invention of a light bulb that was long lasting and inexpensive to mass produce.

Life-saving medical discoveries, pioneering efforts in agriculture, and major advancements in science and engineering have been made in New Jersey with such frequency that our State has gained a worldwide reputation as a leader in the development of new, innovative products and services.

As the American Telephone & Telegraph Co. and the State of New Jersey prepare to celebrate the anniversary of this major milestone, I am proud to report that a new generation of AT&T scientists and engineers working in New Jersey are upholding the fine tradition of excellence and invention that produced the transistor 40 years ago.

PAKISTAN AND NUCLEAR WEAPONS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. EDWARDS of California. Mr. Speaker, over the August district work period, our colleagues HOWARD WOLPE and MEL LEVINE had published in the Christian Science Monitor an excellent article regarding Pakistan's development of nuclear arms and its implications for United States/Pakistani relations. For the benefit of my colleagues who may have missed this insightful essay, I would like to insert it in the CONGRESSIONAL RECORD.

As the writers point out, Pakistan has repeatedly violated agreements with the United States to refrain from the development of a nuclear weapon capability as a condition for continued generous United States financial assistance. Congress and the administration should insist that Pakistan live up to the promises it has made, and we should make absolutely clear that failure to do so will make it impossible for the United States to continue to provide aid to Pakistan.

I commend this article to the attention of my colleagues:

[From the Christian Science Monitor, Aug. 17, 1987]

PAKISTAN AND THE BOMB: A HISTORY OF DECEPTION

(By Howard Wolpe and Mel Levine)

For the past six years, United States policy toward Pakistan has attempted to maintain a delicate balance. The US sent Pakistan more than $3 billion in aid because of the strategic importance of that South Asian nation; at the same time our government insisted that Pakistan curb its drive toward a nuclear weapons capability. A veritable mountain of evidence has accumulated that Pakistan's nuclear program is not "peaceful." However, our government has refrained from taking a tough stand against Gen. Mohammed Zia ul-Haq's government. As each new piece of evidence has been revealed, the US has looked the other way.

Such a position is no longer tenable (if it ever was). Last month, a Pakistani national was arrested in Philadelphia on charges of attempting illegally to export materials whose only conceivable use is in Pakistan's nuclear weapons program. The Pakistani government's reaction was to deny any connection with the incident. But State Department testimony, as well as the documents forming the basis for the indictment in the case, indicate that the Pakistani government's denial is as groundless as others it has made over the last few years.

Just three years ago, a Pakistani was caught trying to smuggle parts for atomic weapons out of the US. Pakistan's denials of involvement were not supported by the evidence. Later that year, General Zia gave President Reagan his personal assurances that Pakistan would not enrich uranium above levels for peaceful use. Within a year, conclusive evidence emerged that Pakistan was—and porobably had been all along—doing just that.

And now we have the latest example of deceit by the Pakistani government. It is particularly galling that Pakistan would attempt to violate US laws even as Congress is drawing up a generous new aid package.

The sense of outrage in Congress was expressed in a resolution passed unanimously in both houses of Congress, which supports the President in his effort to get Pakistan to live up to its previous commitments and "urges the President to inform Pakistan that Pakistan's verifiable compliance with these past commitments is vital to any further US military assistance." To this end, we are encouraged by the administration's call for "concrete actions" on Pakistan's part to deal with the crisis.

The resolution also calls for vigorous US efforts to help bring about an agreement on restraint in the nuclear field by Pakistan and India. Pakistan's nuclear program cannot be viewed in isolation; it must be seen in the context of India's nuclear capability. However, one can acknowledge the truth of such a statement without conceding the inevitability of a nuclear arms race on the subcontinent. Indeed, for the US to throw up its hands at this unsettling prospect would represent a reversal of the policy, not only of this country, but also of the more than 130 other nations that are party to the Nuclear Nonproliferation Treaty of 1968.

But our patience with Pakistan's continuing deception has now put our global nonproliferation policy in danger.

Our millions of dollars were intended to support Pakistan in the face of Soviet aggression, not to subsidize its efforts to develop a nuclear weapons capability. In fact, one of the justifications for our massive aid package was that Pakistan would be made to feel secure enough to have no need for nuclear weapons.

We fully appreciate the critical assistance that our friends in Pakistan have provided to the mujahideen in Afghanistan. It should be noted, however, that Pakistan has its own interest in supporting the Afghan resistance. As Pakistan's ambassador to the US stated earlier this year, "It is a matter of historical record that Pakistan's opposition to the Soviet invasion of Afghanistan commenced with the invasion itself, and certainly before the first US aid package was initiated. Nothing will deflect us from adhering to these same principles." This statement reflects a very realistic Pakistani policy toward the situation in Afghanistan. No other nation has a bigger stake in opposing a Soviet regime in Afghanistan.

We want to keep the supply route open to the Afghan freedom fighters, and we want to see the strongest possible ties between the US and Pakistan. But supporting these goals does not require sacrificing another critical US interest—slowing the spread of nuclear weapons. Pakistan has violated our law and our trust. If Pakistan wants to avoid an interruption in the flow of US aid, it should be required to take concrete, verifiable steps to bring its nuclear program in line with its many previous assurances. At stake is not only our relationship with Pakistan, but our global nonproliferation policy.

THOMAS TOUSIGNANT, SUPERINTENDENT OF SCHOOLS IN WOODRIDGE, IL, RETIRES

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. FAWELL. Mr. Speaker, I believe we can all agree that, from the beginning of our national history, public school education has been one of the foundation stones of our culture and our country. It continues so today.

For this reason I have always extended a special measure of respect to those educators who have devoted virtually their entire adult lives to the essential task of educating our boys and girls, our young men and young women. Today I have the privilege of calling your attention to just such a person: Thomas Tousignant, Superintendent of Schools in Woodridge, IL, who is retiring after 29 years of distinguished service to his chosen field of education.

The course of Mr. Tousignant's career in education is marked with distinguished accomplishments:

Twenty-six years of service as an educator in Woodridge School District No. 68.

Twenty-five years as superintendent of schools in this same district, the longest serving superintendent in DuPage County.

Member of the executive board of the School Association for Special Education in DuPage County from 1969 to 1975, and chairman for two years.

Legislative representative for the DuPage Division of the Ilinois Association for School Administration from 1981 to 1985.

Chairman of the Southeast DuPage Regional Education Council in 1985.

President of the Southeast DuPage Elementary School Association in 1971.

On Friday, September 18, 1987 the employees and Board of Education of Woodridge School District No. 68 will host a retirement dinner for Mr. Tousignant at the Naperville Sheraton Hotel. I ask my colleagues to join me in congratulating him for his exemplary contribution to the education of our children.

AN IMPORTANT MILESTONE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. SCHEUER. Mr. Speaker, on Sunday, September 20, 1987, the Jewish Community Council of Pelham Parkway will celebrate an important milestone—its 10th anniversary Shalom Pelham Parkway Festival.

The council deserves praise and applause for doing such a fine job in coordinating this wonderful event. Not only does this festival offer great entertainment for all ages, it provides an invaluable forum for neighborhood organizations to inform residents of their achievements and to gather support for future projects.

The Jewish Community Council of Pelham Parkway, in conjunction with 41 member organizations which include many synagogues and Jewish social and cultural agencies in Pelham Parkway, represents the unified voice of the Pelham Parkway Jewish Community. Together they have been a major catalyst in stabilizing the Pelham Parkway area and making it a great place to live.

As the Congressman who represents Pelham Parkway, I am proud of the determination, perseverance, and community spirit of those citizens who serve on the council and work on a broad range of promotional and public relations efforts to help inform the public about the attractive options the Pelham Parkway Community offers families seeking a good place to live.

Many talented and creative people serve or have served on the Pelham Parkway Jewish Community Council one of these citizens is Rhoda Gogatz, who has been a catalyst for community improvement through her positions as past president of the council and festival coordinator since it's inception 10 years ago.

I have had the privilege and pleasure of having known Rhoda Gogatz for many years. She as always used her wise knowledge of the community and deep concern for humanity for the benefit of our needy constituents. Through patience and hard work, Ms. Gogatz and her colleagues on the council have overcome bureaucratic red tape time after time to rack up a long string of success stories that contributed greatly to the quality of life of our community, as well as continued success for the Shalom Pelham Parkway Festival.

Rhoda Gogatz has always brought her unfailing sense of humor and grace to every task and shouldered her burdens with a quiet courage.

I congratulate the Pelham Parkway Jewish Community Council on the 10th year of their Shalom Pelham Parkway Festival and I know I speak for all Bronx residents when I offer my support and admiration for the indispensable services they have provided over the years.

HONORING THE RETIREMENT OF MR. MARK A. GROBBEL

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. HERTEL. Mr. Speaker, I rise today to honor the retirement of a great public servant, Mr. Mark A. Grobbel, from his position as director of public safety in Center Line, MI.

Mr. Grobbel began his career with the Center Line Police Department 30 years ago as a patrolman. During this same time, he was also a member of the volunteer fire department. He later became uniform sergeant, and in 1969, was appointed commissioner of public safety. Seven years ago, upon the consolidation of the police and fire departments, Mark Grobbel was appointed to his present position, director of public safety.

Mark Grobbel's dedication and commitment come from a long tradition of public service in Center Line. He grew up there, his father was police chief there, and many members of his family served with the volunteer fire department. As Mr. Grobbel's career progressed, his superior performance was continually rewarded with several departmental commendations for police service. In addition, he continued to improve his skills by learning and attending numerous courses and seminars on law enforcement and public service.

Some of his activities include the organization of the first police union in the city, serving on the Macomb County Emergency Medical Services Executive Board, and the State Drunk Driving Task Force as the Governor's appointee from the Michigan chiefs of police. He is also a member of the International Association of Chiefs of Police, the Michigan Association of Chiefs of Police, and the Southeastern Michigan Police Chiefs Association. He has served as president of the Macomb County Police Chiefs Association and has served as member of the executive board of the Fraternal Order of Police of the Warren Lodge No. 124.

I would ask my colleagues to join me in honoring Mr. Mark A. Grobbel. His contributions to the community have been great, and we wish him the best on his retirement.

THE COLLEGE GRADUATION OF JASON PAUL MIHALKANIN AND EDWARD MICHOR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LIPINSKI. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues here Mr. Edward Michor and Mr. Jason Paul Mihalkanin, two outstanding young constituents of mine who recently graduated from the Rochester Institute of Technology.

Their achievement may sound typical in today's world, but it is a special type of achievement for them. The National Technical Institute for the Deaf, affiliated with the Rochester Institute, is the world's largest technological college for deaf students. Created by Congress and funded by the U.S. Department of Education, it represents the world's first efforts to educate large numbers of deaf students within a college campus atmosphere of hearing students. Together with 15,000 full and part time hearing students, more than 1,250 college-age deaf students from all 50 States and the District of Columbia, and U.S. territories, study and reside on the Rochester campus.

In addition to the academic programs of the Rochester Institute, students at the institute benefit from nearly 200 other technical and professional courses of study offered by the other eight colleges within the institute. This allowed Edward to graduate with an associate of arts degree in data processing and Jason to graduate with an advanced degree in manufacturing processes.

I am sure my colleagues will join me in saluting the effort and dedication exhibited by these two outstanding young men and send them best wishes for health and happiness as they begin their careers.

THE VA'S HOSPITAL COMPUTER SYSTEM

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. MONTGOMERY. Mr. Speaker, there continues to be a debate in Congress as to whether the Decentralized Hospital Computer Program [DHCP] operated by the Veterans' Administration in 169 of its 172 hospitals is effective and whether the system should be enhanced. I continue to believe that the system we now have in place is working well and is making a major contribution to the quality of care provided to our Nation's veterans.

VA employees from Maine to California have written to me in support of the decentralized hospital computer system. The following letter from Mr. W.G. Wright, Director of the VA medical center in Clarksburg, WV, illustrates how strongly VA employees advocate retention of the DHCP.

JUNE 1, 1987.

Hon. G.V. (SONNY) MONTGOMERY,
House of Representatives, Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MONTGOMERY: When the Veterans Administration decided to automate all of its facilities through the efforts of the DHCP, it was a major step forward in moving the agency forward. A step which was long overdue and much needed in order to make the VA more efficient and provide the quality of care that our veteran beneficiaries deserve.

The system selected provides the much needed tools as well as versatility. Although every VA Medical Center must follow the same basic guidelines and regulations, each one has needs and problems that are unique to its local area and environment. The systems used in the DHCP effort provide for local development, modifications, refinement, and implementation. This is not available under pre-packaged commercial systems.

We are at a crucial point in the advancement of automation in the Veterans Administration and need to move forward with equipment purchases and applications. A pause in implementation will only serve to stagnate the agency and cause us to fall behind rather than move ahead.

Changing systems would necessitate the retraining of all employees at a time when they have grasped the use of the DHCP system and the new methods of performing their jobs. Not only would this cause decline in morale and productivity, the cost assocaited with such training would appear to be a further burden to our budgetary resources. Converting data from one type of system to another would create even greater cost factors not to mention the confusion and turmoil.

The Veterans Administration made the decision as to the type of system to use, began implementation and has made great strides at a most reasonable cost. Allowing special interest groups to interfere with this process would only prove to be a great disservice to the Veterans Administration, the deserving veterans it serves and the American taxpayer. Should we stall progress now for this group, what is to prevent another group from creating the same situation in a year or two? This type of lobbying could continue forever, thereby bringing automation in the VA to a halt and hurting those who have already born the burden, the Veterans.

Sincerely,

W.G. WRIGHT,
Medical Center Director.

CARLTON GRANVILLE BEALL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. HOYER. Mr. Speaker, on Monday, July 17, my county lost one of its most distinguished citizens with the death of Carlton G. Beall.

Those of us who are Members of this House know more than most, that the backbone of public service in our country are the thousands of people who actually make government run. One of the most capable of these individuals in my own area over the past 40 years has been Carlton G. Beall.

Mr. Beall was a ninth generation member of one of Prince Georges County's most well-known and civically active families.

Following in his father's footsteps, Carlton Beall became a member of the Prince Georges Republican Central Committee in 1947. He was elected our county's sheriff in 1950, and with his typical integrity and thorough style, he set about cleaning up gambling and corruption.

Carlton Beall's ability did not go unnoticed, and in 1954, President Dwight Eisenhower, whom he had supported at the 1952 Republican Convention, appointed him to be chief U.S. marshall for the District of Columbia. Again, Mr. Beall brought professionalism to his office, clearing up a years-old 3,000 case backlog in a matter of months.

President Eisenhower continued to show his respect for Mr. Beall's ability by appointing him in 1958 to be Postmaster of Washington, DC. As we know, the population of this area increased over the next decade more than it ever had in history. Mr. Beall handled the resulting increased burden on the Postal Service with ability and aplomb. When, in 1971, the U.S. Postal Service was created, he became the manager of the Washington district. In 1976, he retired from the Postal Service.

Although two of his bids for elective office, for Prince Georges County executive and Maryland Governor, did not meet with success, Mr. Beall has always been a popular and respected figure in our county. It is no wonder, for he has embodied all that we expect from our most outstanding citizens who grace us with their public service.

Mr. Speaker, I ask you and our colleagues to join me in sending condolences to Mr. Beall's wife Jeanne Traband Beall, and to the rest of his family.

SALUTE TO RITA MORENO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TORRES. Mr. Speaker, I ask my colleagues to join with me today in saluting Rita Moreno who was honored on Thursday, August 6, 1987, by the National Puerto Rican Coalition with the first NRPC Life Achievement Award.

Born in Humacao, PR, Ms. Moreno moved to New York at the age of 5 and started dancing lessons the following year. At the age of 13 she made her Broadway debut. In the true tradition of Hollywood, a meeting with Louis B. Mayer was arranged by a talent scout and led to a signed contract with MGM when Rita Moreno was 17 years old.

Ms. Moreno made over 25 films early on in her career but was immediately typecast as a "Mexican spitfire" or Indian maiden. In spite of this stigma, she continued to aspire to greater roles. In fact, Mr. Speaker, Rita Moreno is the only female performer to have ever won the "grand slam," the four most prestigious show business awards in the industry: the Oscar, the Emmy, the Grammy, and the Tony. She has even won the Emmy twice. She has also picked up dozens of other entertainment awards, most notably "The Golden Apple," "Cue Magazine Award" and the 1968 "Joseph Jefferson Award." Rita Moreno, dramatic actress, accomplished singer, dancer, and comedienne, represents the vitality and achievements of today's Hispanic community and serves as a role model for tomorrow's leaders.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Ms. Rita Moreno for her achievements and contributions to the entertainment industry as well as to our country.

CAUCUS SALUTES ACCOMPLISHMENTS OF MARIA IRIZARRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TOWNS. Mr. Speaker, on Saturday, September 18, 1987, Maria Irizarry is being honored at the first annual dinner dance of the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS. The Women's and Men's Caucuses are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my congressional district, and to improve the quality of life for all.

I would like to take this opportunity to draw the attention of my colleagues to the accomplishments of this remarkable woman. Maria Irizarry's strong desire to remain active in her community in order to improve the quality of education and to help obtain better services for the many residents of her community, led to her recent election as a member of District 19's community school board.

Maria also serves as president of the Parent-Teacher's Association of P.S. 7. She is an active member of the Cypress Hills Development Corp.'s Education Committee, the Youth Committee of Community Board No. 5, the Area Policy Board, the Society of Puerto Rican Women, and the Women's Caucus for Congressman EDOLPHUS TOWNS.

She attended Kingsborough Community College in 1972 and is presently a legislative aide for Assemblyman Thomas Catapano.

Maria is married and has two children.

May this award inspire and encourage Maria to continue the important work she has already begun. The wonderful example of dedication and perseverance which she has set has surely made her worthy of this honor and many more.

TRIBUTE TO CHIEF JOHN FRONTADO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise to call the attention of the Members of the House to the career of chief of police John R. Frontado of the city of Carpinteria, CA.

Chief Frontado will retire on November 1, 1987, after 30 years of service in law enforcement, and after 20 years of service to the city of Carpinteria. In those years, Chief Frontado has distinguished himself on many occasions, serving ably and well as chief of police and on occasion as acting city manager. Chief Frontado joined the city force on June 27, 1967, as one of the first police officers hired by the city. He advanced to the rank of police sergeant in the following year, and was appointed as the city's second chief of police in 1971.

A native of Puerto Rico, Chief Frontado served in the U.S. Navy from 1951 to 1955, serving on three aircraft carriers. Moving to California from New York, he began his career in law enforcement in 1957 with the city of Hermosa Beach, CA, and served in that city until 1964 when he joined the Torrance, CA, Police Department, moving to Carpinteria in 1967.

The chief has received numerous special awards and commendations in his career, and I would like to add my own commendations and congratulations and those of the House on the occasion of his retirement. I am assured that he plans to stay in Carpinteria, and wish him and his wife, Christine, many happy years in pursuit of his other avocations—golf, fishing and camping.

VALLEY CENTRAL MIDDLE SCHOOL, BICENTENNIAL CELEBRATION OF U.S. CONSTITUTION, SEPTEMBER 16, 1987

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. FISH. Mr. Speaker, I rise on this occasion to announce to this Chamber that on September 16, 1987, the Valley Central Middle School, Montgomery, NY, will celebrate the 200th anniversary of the Constitution. The celebration will bring together approximately 1,000 sixth, seventh, and eighth graders, local and State elected officials, school board members, and parents.

I know that every representative feels their constituency is the best, but I believe the efforts of Valley Central Middle School are outstanding.

This assemblage will participate in the Hands Across America Pledge of Allegiance, joining with schools in celebration all across the country.

Speakers will stress the importance of the Constitution at the time of its creation and for us today. The students have donated items for a time capsule that will be buried containing newspapers, music, and other items chosen as a sampling of our culture. Each of the three grades will be releasing balloons at specific times during the celebration, and a fife-and-drum band will play a melody of patriotic selections including, "The Star Spangled Banner."

Activities mentioned to this point are only a partial indicator of the commemorative spirit at the Valley Central Middle School. Beginning this past spring, students participated in a poster and essay competition, with selected works being displayed in the school.

Every school day, 30-second constitutional announcements telling of events leading to the final signing of the Constitution have been broadcast into classrooms.

Student government officials and their student constituents produced amendments to the Constitution they felt were needed. The administration used official voting machines so that students could cast their ballots on the various proposals. One proposal was an amendment that would eliminate driving privileges to any motorists convicted of driving while intoxicated.

Observance of the Constitution will continue in the coming year. A staging of "1776," a theatrical discussion of our break with England, the Revolutionary War, and the formation of our own government is planned for the coming year.

I am proud to represent a group of constituents who are so patriotic and seriously appreciative of our Constitution. The Constitution is such an integral part of our daily lives and has shown such endurance that we can easily lose track of its importance. We take for granted and forget at times what life would be like without it.

As we pay tribute today to schools and groups celebrating the bicentennial of the Constitution, let us too reflect on the freedoms we are granted by the Constitution and the responsibilities these freedoms place on every citizen.

The key to the success of American Government—at the Federal, State, and local levels—is the interest and involvement of an informed citizenry.

During the 200 years, our constitutional structure has endured and adapted to innumerable changes in the character of our Nation. The genius of the Constitution rests in its flexibility to meet the problems of different generations.

Our population has increased sixtyfold, our land mass expanded from coast to coast, and our agricultural economy has been transformed by revolutions in industry and the advent of the computer. We have moved from the horse and buggy to a day and age where lunar exploration is history and planetary exploration is advancing quickly.

Through it all, our Constitution has maintained a balance between national and State interests; between executive, legislative, and judicial prerogatives; the powers of government; and the rights of individuals. Our Constitution enables people of different races, creeds and religions to live together, one man no better than his neighbor. Our Constitution is a structure that will permit us to address the many challenges that lie ahead. Valley Central Middle School has shown that they are ready to meet these challenges.

LICATO LEADS UNICO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. FLORIO. Mr. Speaker, in 1922, an American citizen of Italian descent decided to form an organization to combat discrimination against his fellow Italian-Americans. That organization was called UNICO in recognition of the ideals that the group espoused, that is, unity, neighborliness, integrity, charity, and opportunity.

Fifty-five years later, that organization still exists. With the recent appointment of Frank Licato of South Plainfield, NJ, as president of this nationwide organization, UNICO still exemplifies the best in the tradition of that organization.

Fifty-five years after being founded, UNICO is pursuing the goals of charity that originally made it an organization sponsoring the Italian-American heritage and the improvement of opportunities for this important part of all our communities.

Frank Licato and the members of UNICO have much to be proud of. In years past, they have provided educational opportunities for students and funds for medical research.

In the future, Mr. Licato and UNICO are committed to continuing the standards of excellence and achievement in the Italian-American community. They are determined to broaden the range of activities for the organization through scholarships and activities benefiting the entire community.

One of the many projects that UNICO has tackled has been that of finding a cure for Cooley's anemia. Afflicting primarily those of Italian, Greek, Jewish, and Spanish background and otherwise known as Mediterranean anemia, this disease used to cut the lives of affected children to only 6 years.

Although the disease continues to be a persistent problem, thanks to UNICO's financial contributions, major advances have been made along the way to improving the odds in the fight against Cooley's anemia.

I wish Frank Licato and all at UNICO well in continuing their good work in the wide range of interests that they have held since their founding.

Mr. Licato himself has been a part of UNICO for many years, participating at both the State and National levels. In addition, he has been an active part of the community in all respects, having been recognized on many occasions for his work in the Jaycees, with educational groups, and with insurance groups.

Frank Licato's commitment to the community is a valuable asset that will benefit the community of UNICO.

Our Nation has come a long way since discrimination led a neurosurgeon in Connecticut to found UNICO.

With Frank Licato, the organization will continue to ensure that opportunities for advancement will be available for all.

I am including an article from the Newark Star-Ledger naming Mr. Licato Jerseyan of the Week for his many contributions over the years and for his new post with UNICO:

[From the Sunday Star-Ledger, Aug. 23, 1987]

JERSEYAN RECOUNTS UNICO'S START, GOOD WORKS

(By Patricia C. Turner)

Frank Licato has never experienced the discrimination that in 1922 led a neurosurgeon to found UNICO, the service club for men of Italian-American heritage.

But 65 years later, Licato, the organization's national president, believes there remains a need for Italian-Americans to join together.

Licato, a South Plainfield resident and businessman, was president of the Plainfields' UNICO chapter in 1970. He entered the national UNICO scene in 1977 as executive secretary and has since served as expansion director and chairman of a major fund-raising project.

He assumed the top office earlier this month in a ceremony in San Francisco and will hold the post for a year.

Although a nationwide organization, UNICO is strongest in New Jersey and Connecticut, Licato said. There are as many as 7,000 members across the country, 35 of them in the Plainfield area chapter alone.

The organization's name stands for "unity, neighborliness, integrity, charity and opportunity."

Licato said there are 145 chapters in the United States, more than 60 of them in the Garden State, which has 11 districts. There are four districts each in Connecticut and Pennsylvania.

UNICO was founded in Waterbury, Conn., Licato said, by a highly respected neurosurgeon of Italian descent who was barred from joining one of the local men's service clubs because of his ethnic background.

UNICO chapters have always emphasized community service, Licato said, and now generally concentrate on local and national scholarships, mental health research and scientific investigations of the treatment of Cooley's anemia.

Cooley's anemia, Licato noted, is a disease that afflicts people of Jewish, Greek, Italian and Spanish background and is sometimes called Mediterranean anemia.

When Licato joined UNICO less than 20 years ago and became aware of Cooley's anemia, he said, the life expectancy for a child who became afflicted with the disease was about six years.

Because of medical knowledge gained through research, Licato said, the life expectancy of a victim of this deformation of red blood cells has been extended considerably. And if the disease is detected early enough, he said, a child can lead a normal life.

For that reason, Licato said, UNICO advocates a federal requirement that men and women seeking marriage licenses be tested to determine whether they are major or minor carriers of Cooley's anemia. An individual can possess and pass on the trait for the disease without ever showing symptoms of it, he noted.

Licato said UNICO also makes annual grants to university researchers undertaking various mental health projects and awards five national scholarships, four to undergraduates and a fifth for graduate level work.

The graduate scholarship is given in memory of World War 2 Marine hero Sgt. John Basilone of Raritan. The scholarships, Licato said, are available to students of any ethnic heritage.

Licato said he is particularly pleased that three of this year's college scholarships were awarded to students from New Jersey. Recipients are Louise Cottone of Maple Avenue, Elizabeth, who will study accounting and advertising; Christopher L. Castello of West Court, Scotch Plains, who plans to enter financial services, and Michael Roman of Melon Place, Elizabeth, who will pursue fine arts and literature.

Formerly of Maplewood, Licato has lived in South Plainfield for 27 years. In the borough, he has been active in the Jaycees organization, was the 1967 Outstanding Young Man of the Year, was president of the South Plainfield community pool organization for more than 20 years and served on the town planning board and board of education.

Professionally, he is Middlesex County representative to the board of the Independent Insurance Agents of New Jersey and teaches workshops for independent insurance agents.

He attended Rutgers and Seton Hall universities and served for eight years in the Naval Reserve. His wife Fran operates a travel agency in Watchung with their daughter, Wendy. A son, Frank, is a dentist; another son, Jeff, works with his father in the insurance business, and daughter Debbie is an administrator at Lehigh University.

Licato said UNICO brings together men of Italian descent, and men who have married women of Italian heritage, to "foster a good name for Italian-Americans.

THE UCCELLI FAMILY—A FOUNDING FAMILY OF SOUTH SAN FRANCISCO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LANTOS. Mr. Speaker, as we celebrate the bicentennial of the U.S. Constitution, the document which has guided our Government for 200 years, we recognize the amazing gift of wisdom given to posterity by the Founders of our Nation.

This is also a fitting time, to acknowledge the gift given to the peninsula by its founding families. Today, we are honoring a founding family of south San Francisco—the Uccelli family, which is representative of many of our early families on the peninsula.

Joseph Uccelli came to California from near Genoa, Italy in 1894. Within a few years he had purchased 12 acres of land in what is now south San Francisco. He farmed this land, raising violets as a main crop, providing lovely fresh flowers for the shops and venders in San Francisco and on the peninsula. Joseph saved money to send to his nephews in Italy to help them pay the cost of passage to America. The first nephew, Peter, came in 1907. A year later he sent money to Italy for his wife. A few years later, enough money was saved to help Peter's brother, Guiseppi and his wife come from Italy.

By 1913, three brothers had joined their Uncle Joseph in south San Francisco. Each worked for a year or two, and then purchased land of their own. They had a different view of farming from their Uncle Joseph, and gradually they switched from growing violets to growing vegetables such as zucchini, beans, potatoes, and other produce.

The Uccelli family gave many sons and daughters to California—many of whom are living in and near south San Francisco. Peter Uccelli had seven children. Three of his sons joining him in farming, and one, George, is still farming at Grand Avenue and Oak.

The Uccelli family brought a strong tradition of farming to south San Francisco. Life on the farm was hard, and opportunities for social events were rare, but they were memorable. The farmers celebrated each year at the end of the last fall crop planting of cabbage and cauliflower.

Joining with other farmers on the peninsula—from Daly City to San Jose—they participated in the annual "Gardener's Picnic" sponsored by the Colma Farmers Association. Peter's daughter, Alice Uccelli Marsili still recalls the excitement and fun of this June event held in the Big Trees Park in Santa Cruz. People would board the train at each stop from the 3d and Townsend Station in San Francisco on through Daly City, Colma, south San Francisco to Redwood City and then on to Santa Cruz. Baskets of food, prepared days in advance, would be carried aboard the train. The picnic lasted all day with singing, dancing, and games.

The Uccellis, like other farmers and many Americans of those days, were self-sufficient people. They butchered their own meat, made their own salami and proscuitti, and their own cheese. They also, of course, grew grapes and made their own wine, just as they had in Italy.

It is this tradition of self-reliance, of a people of many heritages working together, of a family determined to stay together and sink roots deep into new soil that marks the founding families of the peninsula.

I am proud today to honor the Uccelli family, and to give this certificate of recognition of Alice Uccelli Marsili for her father Peter, his brothers, and for her great Uncle Joseph Uccelli who made a place in America—in south San Francisco—for himself and his nephews.

MEDICARE REFORM: A GOOD PROGRAM, BUT A BAD TAX

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. GALLO. Mr. Speaker, as a long-time advocate of programs that protect our senior citizens from fear and uncertainty associated with severe or long-term illnesses, which can ruin the financial as well as the physical health of an individual and his or her family, I voted for H.R. 2470, the Medicare Catastrophic Protection Act of 1987.

I have grave reservations, however, about who will carry the burden of taxation to pay for this program.

The funding mechanism, which will tax senior citizens with incomes above $6,000 on a sliding scale, is nothing more than a self perpetuating hidden tax on the middle class.

H.R. 2470 places a mandatory tax on senior citizens, who will pay as much as $580 in new taxes next year on top of the $306 basic Medicare premium—triple the current costs.

Like other automatic taxing mechanisms, this new health tax will eat up the savings of the middle class. The $580 figure is also misleading because the cost per person by 1990 could be as high as $1,160. With that rate of increase, we could tax our middle-class senior citizens into poverty by the end of the century.

This plan places a double tax on civil service and other employees already covered under other health care plans.

Our senior citizens have been told loudly and clearly what they will get from this bill, but they have not been told what they will pay.

Members of my Home Health Care Task Force last year found that senior citizens have not been given the straight story about health care coverage for quite some time. I sponsored a bill to address that problem and, obviously, my bill is needed now more than ever.

My bill, H.R. 977, would create a nationwide public awareness campaign to help senior citizens at the grassroots level to plan for their future health care needs.

I believe that, if my program were in place and senior citizens from across the country were given the information they need to make a proper evaluation, they would be reacting with shock and displeasure against the taxing scheme in H.R. 2470.

The catastrophic health care bill is an important step in our efforts to meet the needs of senior citizens in a way that protects family values and individual dignity. It fills a critical gap in our Federal health care system and leaves the door open for creation of innovative private insurance programs to cover other needs, such as home health care.

Because this is a good program funded by a bad tax, I am urging my constituents to contact Senators BRADLEY and LAUTENBERG on this important question of funding. Hopefully the Senate will find a fairer funding mechanism for this important program.

END INS DOUBLE STANDARD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. EDWARDS of California. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial which appeared in the San Jose Mercury News on August 4, 1987, that illustrates the double standard the Salvadoran refugees will face if the Moakley-DeConcini bill fails to pass.

Our country provides asylum for many persecuted groups, including the Nicaraguan refugees. The decision to grant asylum to the Salvadoran refugees should be based on the dangers that they will face if they return to their country, and not on the administration's fears of embarrassing the Salvadoran Government.

I hope the Senate will act quickly to approve this important legislation.

The article follows:

END INS DOUBLE STANDARD

Last week, the House voted 237-181 to let an estimated 700,000 Salvadoran and Nicaraguan refugees remain in the United States for two to three years, pending a congressional report on human rights abuses and other problems faced by individuals repatriated to those war-torn countries.

The legislation, by Rep. Joseph Moakley, D-Mass., faces an uncertain fate in the Senate, where the Democratic majority is narrower than in the House. It also faces a potential veto by President Reagan, whose Central American policy it challenges.

Justice and humanitarian considerations argue for quick passage of this legislation which, in fact, does nothing more than require the State Department to do that which it has discretionary power to do now: permit individuals fleeing war or other social upheavals to remain here until things cool down at home.

In the recent past, this privilege, called extended voluntary departure, has been granted to Poles, Ethiopians, Afghans and Ugandans, among others. There's no evidence that it has been abused to open a floodgate of illegal immigration.

Extended voluntary departure should be available as well to the half million Salvadorans and 200,000 Nicaraguans already here.

The Reagan administration, in fact, has instructed the Immigration and Naturalization Service to give special consideration to Nicaraguans applying for political asylum, thus further embarrassing the Sandinista government it would be delighted to see overturned. (The INS has approved 80 percent of Nicaraguan asylum applications since September.)

In the same period, the INS has approved about 3.5 percent of Salvadoran applications for political asylum, on the presumption that the Salvadorans living here illegally are fleeing poverty, not political persecution. To admit otherwise would embarrass the Duarte government in El Salvador, which the administration supports.

The Moakley bill, and its companion measure in the Senate, by Dennis DiConcini, D-Ariz., would force the administration to abandon this callous and immoral double standard.

REMEMBERING AN OFFICER OF THE LAW

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. FLORIO. Mr. Speaker, on May 15, 1987, a routine call for assistance spelled the end of a promising life and career for one of the bright prospects with the Pennsauken Police Department in New Jersey. Responding to a call for help, Patrolman William F. Brey was killed in the course of performing his duty.

Officer Brey was a dedicated and courageous police officer who joined the Pennsauken Police Department right out of college. In the 10 years that he spent on the force, he displayed unfailing conscientiousness and bravery in serving the public with the concern and caring that became a hallmark of his professionalism.

If Officer Brey had not answered that fatal call from a citizen in Pennsauken, then he might still be alive today, still contributing in his generous way to the safe being of the people he knew so well in his town.

But Officer Brey did answer the call in the routine fashion that exemplified his tenure with the police department. If his life were endangered, he did not even think twice about the danger. Instead, he thought only of the help that he could offer to his neighbors and the citizens of Pennsauken.

What makes this tragedy so difficult to accept is not only that an officer of the law who had built his career on doing good deeds in the service of his fellow citizens lost his life but also that he left behind a family.

There is little solace that I can offer to his widow, Loretta, or the many friends, relatives, and colleagues that are left without him. I can only say that Officer Brey died doing what he wanted to do, that is protecting families and friends.

The noblest sacrifice is knowing the danger involved and deciding that the benefit to one's friends outweighs the personal risk. Altruism is rarely found so close to home. Officer Brey typified that selfless concern for those around him.

Many times, though, we hear of an officer somewhere in the Nation who has made that ultimate sacrifice, dying in the line of duty. That loss of life reminds us of the service that these men and women do day in and day out without the least bit of doubt.

When he answered the call without a second thought, Officer Brey paid the highest price for justice. For that selfless commitment to the community, I respectfully offer my condolences to his family and friends. Bill Brey's commitment lives on in the deeds he did.

ADDRESS OF LUKE BLANCHFORD, VALEDICTORIAN

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. MRAZEK. Mr. Speaker, this time of year is associated by all of us with the beginning of a new school year and with the excitement and promise that this annual event provides for students and educators.

For this reason, it may seem out of place to offer a commencement message when the new school year is only a few days old. Nevertheless, the following statement offers sound advice to today's generation of young learners. And, fittingly, the message comes from a peer, a young high school graduate who has looked around at his society and his contemporaries and, I believe, has mined some genuine gems of insight.

The author of this address is Luke Blanchford, valedictorian of the 1987 graduating class at John Glenn High School in Huntington, Long Island. He is the son of Jeff and June Blanchford of the community of Greenvale, and it was my pleasure to share the dais with Luke on graduation day, 1987.

Luke, I found, is an exemplary young man and a source of inspiration and hope to those of us who search today for the rising stars among a new generation of leaders in this country. His accomplishments in high school were legion: winner of the Rensselaer Medal for outstanding achievement in math and science; vice president of the National Honor Society chapter at John Glenn; Parent, and Student Association gold-medal winner in math and business and silver-medal winner in science; recipient of a Bausch and Lomb science award; creator of a special show on interstellar space travel for the Vanderbilt Museum Planetarium on Long Island; and a member of the school's baseball and cross-country squads.

Luke is an engaging and thoughtful young man who has taken a close look at the world around him and his peers. His message was directed toward the John Glenn High graduating class last spring, but its content also speaks directly to his fellow students across the country.

Mr. Speaker, I submit the following transcript of Luke Blanchford's valedictory speech for the edification of my colleagues, as well as for my colleagues' young constituents across the nation:

JOHN GLENN VALEDICTORY SPEECH

(By Luke Blanchford)

In a way, I'm glad that graduation is outside rather than inside because my classmates are facing toward me, and I have a gospel to share with you. So what better way to bore you than with you facing me. If you were turned around, you could close your eyes and lull yourselves to sleep. But you must pay attention . . . I have you now.

For this occasion, I would like to reflect on the fall of American funny man John Belushi. Most of us remember him well: His face was adorned with dark brown intelligent eyes and a sloppy cream of bristly black stubble. His body rotunded in kinky contrast to his comically menacing face. And of course, there was that smirk of sly playfulness, which might at any time erupt into silliness like "Toga Toga Toga".

That Belushi had great talent is questionable. That he had potential is undoubtable.

It was shocking to hear of his death; he died of cocaine overdose. To understand how such a model of individual ability fell so pathetically, let us consider the times in which he and we live.

John grew up in the '60's, an era when youth rebelled against the moral codes of their elders. It was the time of the Hippie movement. Teenagers diverged from established social values and declared their own Truth and values. "Do your own thing!" "Don't let anyone interfere with your life!" Such was their clarion call.

Youth's implied denial of outside help evolved through the '70's and '80's into that generation's rejection of moral responsibilities to those in need of help.

Watergate and Iranscam. A historically significant ship named the "Monkey Business". Wall street financiers finagling millions of dollars. Indeed, it seemed society has become a collection of aimless spirits, detached from and indifferent to others. It seems that only such an immoral society could have allowed Belushi's steady decline into cocaine.

We cannot condemn John for his use of drugs. We must condemn John's friends, who lifted not one finger to save him from self-destruction.

John Lorne, Belushi's buddy, confessed he hadn't done as much to help John. Said Lorne,

"Part of the problem of my generation was a morality that said you don't tell people how to live. That was garbage. It was just a way to avoid taking responsibility."

Belushi died from the moral neglect of his friends, or of society, because no one told him to stop drugs. Tragic figures like Belushi make us ponder the price of pure individualism, for gone is the ethic "Help Thy Neighbor".

Forget about what I just said. That's right, say "FOOEYY" to what I've just said.

We so cynically dismiss life as a cruel concoction of malevolent Fates. But should we dwell on the negative side of life? Should we be harping on the victims of individualistic society? What about the majority of successful American candidates who are alive and well? What about the 99 percent of electional candidates who serve the public faithfully? What about the many of us here at this graduation who are enjoying financial and emotional security? Perhaps then, our individualistic society is not the social failure we deem it to be.

America has emphasized freedom of individual choice since its foundations. Should we Americans, then, repudiate individualism to protect the occasional victim? I think not. But neither should we ignore the Belushis of the world.

To the Class of '87: As a society, America has evolved into a mere collection of individualists. We are the '90's. We must walk a tightrope between the individualism of the '80's and moral responsibility to those who need help.

For people to succeed, they need support of others. Give that support. Imagime if Belushi were alive today to realize his potential.

I'd like to leave with you the implications of this statement.

We claim that we are free to do anything we want, even to make fools of ourselves—but we can also be fooled—will someone help us then?

RECTIFY INEQUITIES IN THE DEFICIT REDUCTION ACT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. OWENS of Utah. Mr. Speaker, today I am introducing a bill which rectifies a genuine inequity created by the Deficit Reduction Act of 1984. This bill would simply provide for the equal treatment of all sporting goods manufacturers on whom a conservation excise tax obligation is placed by virtue of 26 U.S.C. 4161.

Since 1984, some of the taxpayers defined by this section have been permitted to pay and file quarterly, while the rest have been unjustifiably burdened with a monthly tax payment obligation. This bill would place all taxpayers subject to the provisions of this law on the same quarterly schedule for the filing and payment of their manufacturers excise tax and eliminate a genuine unfairness.

In 1974 the Wildlife Restoration Projects-Funds Act was passed to effectuate two substantive amendments to the manufactures excise tax imposed by section 4161. The list of sport fishing equipment subject to the tax was enlarged by two items, and a new subsection was added expanding the tax to bows and arrows and archery accessories.

Until 1984 both fishing equipment and archery equipment manufacturers were subject to the same regulations governing the timing for payment of the tax. Applicable Treasury regulations provided for returns to be filed quarterly. However, if the taxpayer was liable in any month for more than $100 in excise tax, the taxpayer was required to deposit the amount on or before the first day of the next month in an authorized depository. This requirement equated to a monthly payment obligation for virtually all manufacturers subject to the tax.

Section 4161 was amended again in connection with the Deficit Reduction Act of 1984. The list of sport fishing items covered was further enlarged, however this time, in exchange for expansion of the tax, fishing equipment manufacturers were exempted from the monthly payment requirement and permitted to pay their tax quarterly with the filing of their return.

The principal rationale cited by the Joint Committee on Taxation for the change, was the seasonal nature of sports fishing equipment sales, and concern that expansion of the tax might cause cash-flow difficulties for manufacturers who sell directly to retailers on extended credit terms.

Significantly, the conservation excise tax on archery equipment was also expanded in 1984 by a separate act (Expansion of Excise Tax on Certain Arrows, section 1017 of the act and section 4161(b) of the code). The expansion eliminated a prior exception for arrows fewer than 18 inches in overall length, the effect of which was to bring crossbow arrows within the scope of the tax. However, unlike the fishing tackle amendment, this bill made no change in the timing for the payment of the tax on archery equipment manufacturers.

As with fishing tackle, archery equipment sales are also seasonal. Manufacturers who sell directly to retailers frequently use credit terms which postpone payment until after the summer or fall season. The requirement for monthly payment of this excise tax imposes significant cash-flow difficulties on archery equipment manufacturers as well as significantly greater administrative costs than would be required to comply with a quarterly filing and payment schedule. Archery manufacturers, like sports fishing equipment manufacturers, had the scope of their excise tax expanded in 1984, but for unexplainable reasons were not made equal beneficiaries of the change in the timing for payment of this tax. This oversight occurred despite the fact that a significant percentage of the archery equipment subject to the tax is used exclusively, or has application for sport fishing, further supporting the argument for equal treatment.

This technical amendment will have a negligible effect on budget receipts. On the other hand it rectifies a glaring inequity in our tax laws. I want to underscore that it does not change, in any way, the amount or coverage of the subject tax and I am pleased to report the archery manufacturers with whom I have discussed this legislation strongly support this excise tax and the conservation purposes to which it is dedicated.

THE SAFETY FIRST CLUB OF MARYLAND

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. CARDIN. Mr. Speaker, the Safety First Club of Maryland is a citizen's nonprofit organization which has been championing traffic safety since 1956.

As part of its activities, the organization annually sponsors a fall forum at which experts and authorities in the field of traffic safety discuss various phases and topics dealing with traffic problems, goals and objectives.

This year's fall forum will be held on the evening of October 5, 1987, at the Quality Inn in Towson, MD, and will deal with the subject, "A Look at the Trucking Industry." Subjects discussed at past Fall Forums include drunk driving, boosting driver education in high schools, respecting bike's road rights, consumer protections and auto repairs, and many other aspects of traffic safety. Mr. Samuel Winik, president of the Safety First Club, will serve as the toastmaster of the dinner.

As part of the program for this year's fall forum, Leadership Laurel Awards for community service will be awarded to Baltimore Police Commissioner Edward J. Tilghman; Lt. Sidney R. Hyatt, commander of the staff inspection section of the Baltimore Police Inspectional Service Division; State Senator Paula Hollinger; Delegate Leon Albin; and Dr. Justinus Gould, a member of the Maryland Commission on the Revision of State Motor Vehicle Laws.

I urge my colleagues to encourage efforts like the Safety First Club in their own districts, and I commend all the members of the Safety First Club of Maryland for their work to promote traffic safety in our State.

COMPETITIVENESS AND EXPORT CONTROLS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. PORTER. Mr. Speaker, I call the attention of my colleagues to a letter published in the Wall Street Journal on August 10 under the headline "U.S. Technology is Overcontrolled." The writer is Frank E. Samuel, Jr., president of the Health Industry Manufacturers Association.

As we in Congress grapple with a declining trade deficit, and as a House-Senate conference committee considers the issue of export controls, this letter seems particularly relevant.

I urge all Members to carefully consider the points raised by Mr. Samuel.

The letter follows:

[From the Wall Street Journal, Aug. 10, 1987]

U.S. TECHNOLOGY IS OVERCONTROLLED

Richard Perle, the former enfant terrible of the Defense Department, has added little to the debate on technology transfers, attempting instead to prey on our fears and bowl us over with non sequiturs in order to kill a constructive trade initiative ("Making Sure Our Technology Stays Ours," editorial page, July 22). He is using the illegal sale of technology to the Soviet Union to make us afraid to rationalize and streamline our own export control system—a system that threatens U.S. trade and undermines our national strength.

The fact that the technology that has helped the Soviet Union modernize its submarines came from Japan and Norway underscores an important point: The U.S. no longer enjoys a monopoly on high technology. Strangling our own manufacturers in red tape did not prevent the unfortunate Kongsberg-Toshiba affair, nor will it avert such incidents in the future.

Mr. Perle is correct that in order to avert future Kongsberg-Toshiba cases, we must urge our allies in COCOM to strengthen their enforcement of export controls. But there is little relationship between their enforcement and the number of items on our export-control list. Our security can be served best by focusing on goods that are militarily critical and culling the control list of products of no military significance to our adversaries.

A classic example is medical technology. Medical products such as CAT scanners and medical lasers are subject to costly and time-consuming export-licensing requirements—even though there is no evidence that they have ever been diverted to military use. The export-control amendments passed by the House of Representatives would allow U.S. manufacturers of high-technology products, including medical products, to compete more effectively in the global market. U.S. high-technology firms need global markets to achieve economies of scale and generate enough R&D funding to develop new products. They also need to build world market share because foreign competitors are working aggressively in the U.S. market. Export controls on products that are not militarily significant make the trade battle tougher and worsen the declining trade balance in high-tech products, which has shifted from a $27 billion surplus in 1980 to a $1.3 billion deficit for the first half of 1986.

FRANK E. SAMUEL, Jr.,
President, Health Industry Manufacturers Association.

TRIBUTE TO ED NELSON

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise to take notice of an event which will take place later this year when my constituent, Edwin F. Nelson, marks his 35th year in the trucking business.

Ed Nelson has become a recognized leader in the transportation industry in California through personal attributes of hard work, perseverance, dedication and honesty, as well as a willingness to take a chance—especially on people. He learned these qualities from his mother, an ardent churchwoman in Pismo Beach, where he grew up, and from his father. His business and personal dealings reflect their early and continued influence.

"Eddie", as he is called by his long-time friends, married his high school sweetheart, Barbara Taylor, and their first child, Susan, was born while he was away serving his country as a chief petty officer in the Navy. After his discharge he bought a truck and trailer and began the life of the independent gypsy trucker going wherever the loads of produce took him. Sons Fred and Jim were born, and today, both sons and Susan's husband, Jon, are vice presidents of the company.

In 1952, together with his brother-in-law, Ed Taylor, he purchased a pioneer Arroyo Grande trucking business, Arroyo Grande Truck Co. The two Eds made a personal commitment to care for the transportation needs of the small farmers on the central coast, and it was these small farmers who became the base for the growth of the company. Small farmers, traditionally operating in an atmosphere of distrust, found that they could rely on the word of Ed Nelson and that his commitment to them was always honored. Ed's produce business expanded to LTL business with the acquisition of Mission Drayage and in 1963 Arroyo Grande Truck merged with Fitzgerald Trucking Service to become Certified Freight Lines.

Profitable years began with the 1970's changes in operations and have continued each year since. In 1978, Ed, whose philosophy is that if you don't move forward, you go backward because it is impossible to stand still, decided to expand by moving into the temperature-controlled business. Hershey Chocolate was the first national account, followed by a growing list of food companies whose means names read like a New York Stock Exchange listing. This new and successful business has dovetailed with the fresh fruit and vegetable business, resulting in a few empty miles, while at the same time allowing Ed to remain committed to the fresh fruit and vegetable growers of California.

The total operation of Certified Freight Lines continues under his supervision with his constant encouragement to do a better job. His health and vitality bely his 67 years. He never seems to tire and younger employees, part of his "family" which now includes several second-generation employees trail in his footsteps. He continues to maintain personal contact with his shippers. It is this industry involvement, as well as those personal attributes instilled by his mother and father, that have resulted in his earning the admiration and respect of his employees, his family, his customers, and his associates in the transportation industry, as he has worked by example and deed to meet the needs for a healthy and sound transportation industry in California.

Ed Nelson can and does carry out the motto of his company, "Walk With Pride."

CAUCUS HONORS ACCOMPLISHMENTS OF ATTORNEY CHARLES E. SIMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TOWNS. Mr. Speaker, I would like, at this time, to pay special recognition to Attorney Charles E. Simpson, who, during his 13 years in law, has proven his legal staying power time and again.

His extensive knowledge of the law began when he received a California State Scholarship and attended Pepperdine University in California. In 1974, he graduated magna cum laude with a bachelor of arts degree in history and social science.

In 1975, he worked at the American Law Institute as a research assistant and authored "Federal Bankruptcy Proceeding Involving One of the Parties to a Lease, Restatement of the Law, Second, Property."

His brilliance, wit, and ability to succeed in the legal profession qualified him to receive a Martin Luther King, Jr. Fellowship Scholarship. He entered Harvard Law School and graduated in 1977.

In spite of his hectic schedule, Charles finds time to become involved in a number of organizations. He is a member of the New York County Lawyers Association, Association of Commercial Finance Attorneys, and executive secretary of Kings County Democratic County Committee, just to name a few.

His credibility and reputation in the legal field has earned him great respect from all who know him. His legal experience varies from legal research and preparation to managing partner.

Charles, a partner of the law firm Simpson & Levitsky, is being honored at the First Annual Dinner Dance of the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS. The women's and men's caucuses are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my congressional district, and to improve the quality of life for all.

May this award serve to inspire and encourage him. The wonderful example of dedication and perserverance which he has set has surely made him worthy of this honor and many more.

A NATIONAL EMBARRASSMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. EDWARDS of California. Mr. Speaker, our distinguished colleague, Mr. FRANK of Massachusetts, is the author of H.R. 1119, which I am proud to support. This bill would repeal restrictions in the McCarran-Walter Act, dating from 1952, which are dreadful affronts to American citizens and potential visitors to this great land of democracy.

On September 2, 1987, the Washington Post published a first-rate article on this important issue by our colleague from Maryland, Mr. HOYER. I compliment our colleague from Maryland on his excellent article, and I commend it to the attention of all Members of the House of Representatives.

A NATIONAL EMBARRASSMENT—THE MCCARRAN-WALTER ACT IS WAITING FOR ABUSE

(By Steny H. Hoyer)

Perhaps the greatest tribute Congress could pay to the Constitution this bicentennial year is to cleanse our statute books of laws that mock our freedoms. One such law is the McCarran-Walter Act of 1952, a legal relic of McCarthyism that has somehow remained on the books despite its affront to free speech at home and the embarrassment it causes us abroad.

Enacted over President Truman's veto at a time when some thought that the only way to save freedom was to restrict it, the McCarran-Walter Act gives the government blanket authority to exclude or deport foreign visitors on the basis of their political beliefs, affiliations or what they might say once on our shores.

Among the excludables under this law are current and former communists as well as anyone whose admission authorities deem "prejudicial to the public interest." Although most visitors are allowed in and waivers are now issued for communists, all visa applicants must still answer questions about their political affiliations, and hundreds of visas are denied each year because of the broad administrative discretion allowed under the law. The denials usually come without explanation or recourse.

The honor roll of persona non grata includes famous authors, journalists and politicians who by any stretch of the imagination cannot be seen as threats to our nation. Two Latin American Nobel literary laureates have been excluded. So have a former NATO general, an Italian playwright, a Philippine priest, a Canadian naturalist author and the widow of the former president of Chile. Writers are hit particularly hard, ironically because their exercise of free speech makes them more visible targets of exclusion. And no one really knows how many potential visitors are intimidated by the whole process and simply decide not to apply.

Such a law seems surprising in this free land of ours. It is a basic premise of our system that the best defense against a bad idea is a good idea—not a censored idea. Making policy in a democracy requires an infusion of perspectives from all sources, whether we like what they have to say or not.

McCarran-Walter, however, puts government in the business of selecting which speakers and opinions are appropriate for an American audience. While we like to think of our society as a free market for ideas, the McCarran-Walter Act serves as ideological protectionism. It is censorship by any other name. As President Truman said in his veto message, "Seldom has a bill exhibited the distrust evidenced here for citizens and aliens alike." Defenders of the law argue that the federal government needs the authority to keep people out whose admission might cause serious harm to our foreign policy. They made a valid point. But the McCarran-Walter Act is a vague law that allows broad administrative latitude that can be manipulated and abused for the wrong reasons.

Consider the case of Italian Gen. Nino Pasti, a former NATO official and vice supreme Allied commander in Europe for nuclear affairs who was denied a visa in 1983. Pasti opposed the U.S. deployment of medium-range nuclear missiles in Europe, and the administration feared his influence on public opinion. Thus a foreign-policy consideration was used to abridge our right to receive information. One wonders if Pasti would be more welcome today with the administration in need of political support for a possible arms control accord.

It is a further irony that whatever questionable foreign policy gains we might make by excluding visitors under this law are undermined by the foreign policy losses because of it. McCarran-Walter is viewed as a violation of our Helsinki committees on travel, movement, human contacts and the free flow of information. Though a trifle compared with Soviet and East European Helsinki violations, it gives those nations a convenient way to defuse our criticism of their massive human rights abuses.

When we raise the problem of Soviet emigration restrictions, they divert the discussion to McCarran-Walter and say that it discriminates against communist nations. When we went to Ottawa in 1985 for the Human Rights Experts Meeting, we were forced to explain why Canadian author Farley Mowat had just been excluded from the United States. We faced the same unnecessary questions at last year's Human Contacts Meeting in Bern and at the ongoing Helsinki Review Meeting in Vienna. The McCarran-Walter Act has become a needless diplomatic distraction.

A bill now pending in the House, sponsored by Rep. Barney Frank, would repeal the ideological exclusion provisions of the McCarran-Walter Act by prohibiting the government from barring entry on the basis of ideology or affiliation. At the same time it would address national security concerns by toughening restrictions on terrorists and excluding anyone expected to commit a criminal act that could endanger our national security.

In this year of the Constitution, it is time to restore our visa laws to their proper foundation, the Bill of Rights.

HERE WE GO AGAIN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. McEWEN. Mr. Speaker, there's a theory which postulates that if you tell a story often enough, people will begin to believe it. Such is the case with the myth of low-paying jobs—or as some have come to call them "McJobs."

Ever since economists Barry Bluestone and Bennett Harrison produced the misleading and statistically incorrect report that most of the millions of new jobs created in our Nation are "low paying," critics of the American renewal have been quick to jump on the bandwagon.

In Monday's Washington Times, economist Warren Brookes once again attempts to set the record straight.

[From the Washington Times, Sept. 7, 1987]

THE MYTH THAT WON'T QUIT

In a recent debate, Democratic presidential candidate Rep. Richard Gephardt of Missouri said: "Fifty percent of the new jobs being created under Reagan are menial, dead-end jobs paying $7,400 or less per year. We're trading good manufacturing jobs for low-pay service jobs."

Proof that Mr. Gephardt is wrong comes from opponent Gov. Michael Dukakis' home state—Massachusetts. Over the last 30 months the state has lost nearly 75,000, manufacturing jobs, 11 percent of its entire industrial jobs base, five times as big a percentage loss as the national rate: the worst of any industrial state. Yet, since 1984, the state's per capita income has been rising nearly 40 percent faster than the national rate.

This completely debunks Mr. Gephardt's notion, actively promoted by organized labor, that moving toward a service-sector economy means "low-pay jobs." A recent Hudson Institute study for the Labor Department shows that most jobs now being created—and for the next decade—are high-skill. It said these are increasing twice as fast as low-skill jobs.

In fact, over the last 12 months (July-July) the Labor Department reports that 59 percent (1.66 million) of all new jobs (2.82 million) were "Managerial and professional," its highest category.

This is, of course, a complete refutation of the nonsense first advanced last December by Big Labor's economic propagandists, economists Barry Bluestone and Bennett Harrison (B/H). They contended that nearly 60 percent of all new jobs 1979-84 were "low pay."

Yet, as a Labor Department analysis of B/H's own unpublished data base later showed, since 1981, nearly 47 percent of all new jobs were "high pay." Only a tiny 7 percent were low pay. And the trend toward higher pay increases as you come forward in years.

In fact, the Labor Department analysis so devastated the original low-pay jobs thesis (which Mr. Gephardt is still quoting), that its authors had to come up with an entirely new data base for their book soon to be published by Basic Books. Apparently, Mr. Gephardt hasn't caught up with it yet. While they have reduced their claims on low-pay jobs from "six out of 10" to "two out of five", they also had to raise the low-pay top cutoff 60 percent.

This is reminiscent of the "creative" advertising salesman for a new national magazine who was asked by a tough N.Y. media buyer: "How many engineers with incomes over $30,000 do you reach?"

His instant salesman's reflex shot back the question: "How many do you need?"

This year, Big Labor "needed" a lot of low-pay jobs to make a case for driving up the minimum wage, plus passing a tough trade bill so as to reduce their competition.

Because the United States has been the job-creating wonder of the world, they had to show that most of those jobs weren't worth anything. Better, they argued, to give up some low-pay jobs (by job-killing measures) in return for "protecting the good ones."

To make their case, they turned, as they have so often in the past, to their own consultants Mr. Bluestone and Mr. Harrison (Mr. Bluestone used to work for the AFL-CIO) That's how we got that hugely hyped, very deceptive "low-pay jobs study" last December.

PERCENT OF NEW JOBS BY INCOME GROUPING

(Rescission through 3d year)

Constant Pay Levels	1975–78	1982–85
Using the CPI Deflator:		
Low Pay	18.7	8.3
Medium Pay	44.4	33.1
High Pay	36.9	58.6
Using the PCE Deflator:		
Low Pay	18.7	12.8
Medium Pay	39.9	32.8
High Pay	41.4	80.0

Source: Bluestone Harrison JEC Study Labor Department Analysis PCE data points supplied by B/H

But, when the Labor Department reconstructed the B/H data base, it discovered a fascinating thing: The "low/pay trend" was heaviest from 1977 to 1981. It was totally reserved from 1981 to 1985 and became, instead, a high-pay trend.

This confirms the careful research by the American Enterprise Institute's two labor specialists, Marvin Koster and Murray Ross, who concluded, "employment shifts among occupations have shown a drift toward occupations with *higher* weekly earnings."

Unfortunately, the deliberate disinformation of the B/H study has already obscured a more important policy issue: training a slower-growing work force for the rapid rise in skills-demand.

Instead, B/H are still busy trying to find a new data base to keep their thesis alive, upping their low-pay cutoff point from the old minimum-wage level of about $7,011 a year (in 1984 dollars) to $11,184 in 1986 dollars, and expanding the bracketed years to 1978–1985 in order to create a "trend illusion."

The speciousness of that illusion is illustrated by taking their original data and arranging it in two comparable recovery periods, from the trough of a recession to its third year, or 1975–1978, vs. 1982–1985. In both recoveries there was a trend toward higher-pay jobs, but that trend was infinitely stronger in the 1982–85 period, when six out of 10 new jobs were high-pay. And when you use the more accurate Personal Consumption Expenditure deflator to get constant incomes (instead of the Consumer Price Index deflator) it rises to eight out of 10. (See Table).

This exactly confirms the Massachusetts experience of rising incomes in an increasingly service-sector economy, as U.S. per capita disposable income has risen 25 percent faster since 1980 than in the 1974–1980 period. So, no matter how you jimmy the numbers, the low-pay jobs thesis is still a big lie.

ART OF PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. FUSTER. Mr. Speaker, I would like to make my colleagues aware of the great tradition and excellence of Puerto Rican painting during the 19th and 20th centuries.

As we celebrate Hispanic Heritage Week this month, I believe it is fitting to share this unique facet of our culture with my colleagues and, thus, I have invited all of you to enjoy the exhibit "Puerto Rican Painting: Between Past and Present" at the Museum of Modern Art of Latin America of the Organization of American States, an exhibit I helped to organize.

I trust the following excerpts from two articles, published by the New York Times on September 1, and the Washington Post on September 5, 1987, describing this outstanding collection, will entice you to see it.

[From the New York Times, Sept. 1, 1987]

ART FROM PUERTO RICO ON VIEW IN WASHINGTON

A rare, major retrospective of late 19th- and 20th-century Puerto Rican painting opens in Washington today at the Museum of Modern Art of Latin America, an institution of the Organization of American States.

They range from Francisco Oller (1833–1917), a European-trained painter who abandoned Impressionism for Social Realism—influencing future generations on the island—to such contemporary artists as Myrna Baez and Julio Rosado del Valle.

The focus is on the last four decades. And while the majority of the 62 paintings are figurative works with bold, Expressionist colors, the range of styles is considerable according to the show's cursior, Mari Carmen Ramierz.

She cited, for example, Ramon Frade's "Our Bread," a 1905 romanticized, realistic painting of a "jibaro" or peasant carrying a stack of plantains, and Lorenzo Homar's "Le-lo-lai" (1952–53), depicting three sad, emaciated children playing Christmas music in front of a wall that divides San Juan from their slum.

"At the Bar" (1967) by Ms. Baez communicates the alienation of its figures by compressing them in a composition that seems cut off, Ms. Ramirez said, and her "Tiffany lamp" (1977) shows the influence of Cubism.

Very little Puerto Rican art has been seen on the United States mainland. Some would say it is difficult to explain why, since artworks are judged individually, rather than by nationality. Others cite the deminance of figurative and realistic art in Puerto Rico when abstract styles predominated internationally.

Since the time of Oller, 'Puerto Rican art has reflected a quest for national identity, according to Ms. Ramirez. Painters, she said, have worked "in contrast or opposition to prevailing international trends and 'isms.'"

Even at the height of abstract painting on the international scene in the 1960's, when some Puerto Rican artists began for the first time to reflect that style, she said, realist and figurative painting predominated on the island.

In an extensive essay for the show's catalogue, Ms. Ramirez, who is the director of the University of Puerto Rico Museum in Rio Piedras, writes that few major painters emerged in Puerto Rico before the 1860's because basic conditions for the tradition were lacking. As a poverty-stricken colony of Spain, she says, Puerto Rico lacked museums, art-training centers, patronage and a market for art.

In the late 1940's and 50's, she writes, new social and economic programs helped the development of a pictorial movement focusing on the Puerto Rican landscape and its people, music, feasts and traditions . . .

Among other things, there evolved a tradition of graphics—low in cost, easy to reproduce and so, useful for educating large audiences.

The current decade, she says, shows a marked emphasis on Expressionist and Neo-Expressionist styles.

[From the Washington Post, Sept. 5, 1987]

PAINTERS AND PATRIOTS: PUERTO RICANS' MOVING VIEWS OF THEIR LAND

"Puerto Rican Painting: Between Past and Present," the survey exhibition currently on view at the Museum of Modern Art of Latin America, 201 18th St. NW, is a scholarly and thorough and strangely moving show. It is not its beauty one remembers, but something far more touching. The painters represented, 34 in all, were trained in many lands (Mexico, Madrid, Paris and Manhattan); they work in many styles and follow many masters (Courbet and Picasso, Dali and Hans Hofmann). Yet an old and fevered longing ties their works together. A deep communal yearning for a distinctly Puerto Rican national identity unifies their show . . .

The greatly gifted Francisco Oller (1833–1917), with whom the show begins, was in the 1860s a close friend of Pissarro's, and also of Cézanne's, and a member in good standing of the avant-garde in Paris. As soon as he returned, his modernity diminished. His still lifes, although lovely, make one think more of Couture, his first teacher, than of Cézanne, and his commissioned public portraits have a Latinate pomposity that recalls the French salons. His homeland, so one gathers here, did little for his style. But it provided him a subject. Oller began painting not Normandy but Ponce. "Bodégon," his early 1890s still life on display, depicts not pears or apples, but peppers and bananas.

The artist, Oller told his students, "must be of his country, of his people, if he wants to be authentic." Almost all the painters here have heeded his command.

A mix of foreign styles (often slightly retrograde) and Puerto Rican subjects recurs throughout this show. Of the 62 paintings on display, "El Pan Nuestro" ("Our Bread"), done in 1905 by the realist Ramon Frade (1875–1954), is perhaps the best known. It's a kind of national icon. A Puerto Rican peasant, a *jibaro*, straw-hatted and underfed, stands proudly as a monument on a verdant hillside. He holds not a loaf of bread or a sheaf of wheat, but a branch of green plantains.

That sort of Puerto Rican patriotism is frequently experienced here. Often it is blended with the surreality of dreams. In "The Wait" of 1933, work by Juan Rosado (1891–1962), one of the few painters represented who never left his homeland, the waiting woman on the balcony looks out at a cityscape as desolate as those painted by de Chirico. By the 1950s, many Puerto Rican painters were combining that odd dreaminess with bitter social comment. "Juvenile Delinquency" (1960) by Felix Rodriguez Baez, with its knife fight and its jukebox, owes something to the island's bonding to Manhattan, and something to the '50s painting of Ben Shahn * * * some new fury at old poverty, soon begins appearing in Puerto Rican art. Where houses poor but picturesque were once a favorite subject, these painters, in the '60s, begin showing slums as slums. The barefoot children in "Vita Cola" (1969), by Brooklyn-born Rafael Tufiño, aren't heroes, merely victims. Frade's noble peasant reappears in Carlos Irizarry's "Transculturation" of 1975, but here he is accompanied by a tortured and eviscerated martyr-ghost.

Ghosts of other sorts stalk the exhibition. Francisco Rodón's striking 1974 portrait of the writer Rosario Ferré shows her as a nun in a habit made of newsprint. In "Take-Over" (1985), Arnaldo Roche's strange self-portrait, a kind of dark-skinned imp-commander grows out of the artist's hair . . .

REPUBLICANS, DEMOCRATS, "FAMILY" AND "COMMUNITY"

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. MICHEL. Mr. Speaker, our political contests are often decided by which side is better able to articulate its perception of certain key words and phrases. In 1988, the words "community" and "family" will be written and spoken over and over again—but these major political and social ideas mean one thing to Republicans, another to Democrats. The party that is able to communicate its unique vision of these key terms—so full of emotional and conceptual power—will win in 1988. Karlyn Keene, managing editor of Public Opinion magazine has recently examined the role that such concepts will play in 1988. I recommend her findings to all of our colleagues.

At this point I wish to insert in the RECORD, "Presidential Hopefuls Focus on Family," by Karlyn Keene, in the Wall Street Journal, August 17, 1987.

PRESIDENTIAL HOPEFULS FOCUS ON FAMILY

(By Karlyn Keene)

In the 1980 campaign debates, President Carter spoke about his daughter, Amy, to highlight his concerns about nuclear war. Many observers thought that using his daughter to conjure up a potentially trigger-happy presidential opponent was a cynical ploy. It wasn't the first time a politician had used a child as a political prop, and it surely won't be the last.

But politicians most often talk about children to describe their aspirations for the country. Walter Mondale's charge that Reagan policies were "mortgaging our children's future to the deficit" was intended to score a political hit, but it was also a reminder of how central children are to hopes about the future.

THE NEW APPROACH

The candidates in campaign '88 are using children differently. Republicans and Democrats are talking about children as a policy issue, not as their progeny; substantively, rather than symbolically or sentimentally. Some examples of this approach follow:

Sen. Joseph Biden (D., Del.) has delivered a major policy statement. Save the Children. Among other proposals, Sen. Biden plans to put a day-care center in the White House complex. National service, a reborn political theme for the Democrats, plays a role here.

While Democrat Bruce Babbitt was governor of Arizona, he gave an entire State of the State address about children's issues. The ideas in that 1985 address are reflected in his speeches.

Sen. Robert Dole (R., Kan.) stresses his efforts to reverse administration cuts in children's health and nutrition programs.

Rep. Richard Gephardt (D., Mo.) says, "We have to have a national strategy on day care."

Tipper Gore, wife of candidate Albert Gore, has written "Raising PG Kids in an X-rated Society," which stresses parental involvement. Her 17-city book tour may raise the campaign profile of her husband, a Democratic senator from Tennessee.

Rep. Jack Kemp (R., N.Y.) has called for efforts to promote adoption, and for "fair treatment for those who forgo added income to provide maternal child care."

George Bush talks about helping a dyslexic child in a discussion of education's role in making America competitive.

Rep. Patricia Schroeder (D., Colo.) has said—according to columnist Ellen Goodman—that while all of the men in the race are talking about the family issue, she has shown leadership on it.

There are several reasons for the emergence of family as a political issue. The demographic explanation has two components. The first is generational politics—that is, the emergence of a significant generational voting bloc, the baby boomers. This year, a solid majority of the electorate will be under the age of 45. The baby-boom group is now in peak childbearing years. As Americans age, they develop more of a stake in society, particularly with the stabilizing influences of marriages, mortgages and kids. They are more likely to vote. The "me" generation is becoming the "we" generation.

For most of this group, both parents will be working, and concerns about their own children are central. Seventy-five percent of 22- to 40-year-olds told Gallup interviewers they would be less able than their parents to be home with young children.

Eight of this year's potential and announced candidates have children who are teen-agers. Five have younger children. At least three of the candidates have spouses who work at full-time jobs. These candidates' families represent the new norm, as the traditional family gives way to one where husband and wife work and someone else takes care of the children. Issues like parental leave can become the centerpiece of a campaign.

The other demographic component is heightened concern about the well-being of all children. Rep. Schroeder's words notwithstanding, the issue does not belong to any single politician. Concern and activism come from both left and right—responses to concerns about the welfare of children in poor or near-poor families, drug abuse, and teen pregnancies. Less apparent, but no less real, is parental indifference.

Sen. Biden describes the expectations of a young person growing up in a ghetto in Chicago or New York: "One out of 10 of your eighth-grade friends will be pregnant. Most of them will have abortions. . . . There will be more children selling and using drugs than there will be students at graduation. . . . It will be more likely that you will grow up to contract AIDS than grow up to attend a four-year college."

Sen. Joe Biden, meet the Rev. Jerry Falwell. The diagnosis is the same. Sen. Biden refers to "child[ren] adrift in a so-called Opportunity Society." Mr. Falwell might describe them as adrift in the "Great Society," where huge sums of money have been spent with mixed results. No matter what is to blame, there are discouraging demographic realities for some children. According to demographer Karl Zinsmeister, "Before they reach their 18th birthday, about one-third of the children born today will spend time below the poverty level."

Another reason the issue has emerged is weaknesses both parties have. "San Francisco Democrats" was a term used by Jeane Kirkpatrick to remind voters of some Democrats' flirtation with alternative life styles and the anything-goes mood of the late-1960s. Especially after the Gary Hart scandal, Democrats need to remind Americans that they, too, care about traditional family values, and children are a way to do this.

Republicans have a weakness, too. When Jeane Kirkpatrick was a Democrat, she wrote an essay about why she hadn't become a Republican. She cited "doubt that Republicans care enough about the whole, including those who are unable to look out for themselves." Reagan-era Republicans—and by extension GOP candidates—have been branded as too self-interested. Talking about children, particularly those who are poor, addresses a weakness they have, too.

A final reason for the emergence of family as a political issue is the need for candidates to define their vision. Children provide distinctive ways for both parties to do this. Families are our most precious communities—refuges against the outside world and the government.

Democrats are using the family analogy to talk about national community as a way of defining their vision. Sen. Biden talks about "A Call for a New Spirit of Community in America"; New York Gov. Mario Cuomo, about the nation as a family. They are using community to invoke a national purpose, to get us all pulling together again, with the federal government as the engine of that progress. National service is a way of making national community happen. Gary Hart had a literacy corps. Sen. Biden has a National Community Service Corps.

The Republican vision—articulated by some but not all the candidates today—is different. Ronald Reagan gave expression to it in his 1980 convention speech, where he talked about family, neighborhood and community—local community—as the engines that drive the country. Local communities will decide what's needed, and local groups will work to solve problems they know best. Republicans are betting that Americans will prefer "Mon and Pop" to Big Brother.

It is somewhat ironic that concern about children should become an issue at a time when fertility rates are low and the average family size is smaller than at any time in recent history. Single and divorced parents and many parents in intact families are often working, of course, and this is a partial explanation. Once upon a time, quantity time with children was quality time, but many families don't have (or make) much time together anymore. The average woman will soon spend more time caring for an elderly parent (18 years) than she will raising children (17 years).

BOOM IS DIVERSE

It is also surprising that family is emerging as an issue just as there seems to be general agreement on welfare concepts to help families when they need it, and then help them off the welfare rolls. Another explanation may be that the only way for Democrats to sell major new federal spending programs these days is to say they are for children.

Will children's issues help Democrats capitalize on generational themes? It's doubtful. Too much has been made of generational politics. The baby boom is extraordinary diverse, and a single appeal to it certainly won't work. An appeal to an identifiable part of the group—baby boomers with children—might. Will children's issues help Republicans broaden their support, based in part on the GOP's identification with traditional values? Possibly, but not if Democrats have learned the lessons of the Hart scandal. It may not be Republicans or Democrats who benefit from this discussion. It may be the children themselves.

SALUTE TO VENTURA COUNTY SENIOR OLYMPICS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LAGOMARSINO, Mr. Speaker I wish to bring to the attention of my colleagues, the third annual Senior Olympics of Ventura County. This third Olympics will kick off with a ceremony at the board of supervisors chambers at 9 a.m. on September 15, 1987.

A "perpetual light" will be turned on by Ventura County's beloved sheriff emeritus, Al Jalaty. This light will burn at the Ventura County Government Center throughout the Olympics.

Minimum age for participation is 50 and winners of some events may have the opportunity to qualify for participation in the National Senior Olympics.

The events will be scheduled in various cities in Ventura County and consist of badminton, ballroom dancing, billiards, bicycling, bowling, golf, horseshoes, lawn bowling, shuffleboard, slow pitch softball, swimming, table tennis, tennis, and walk-run.

The Ventura County Senior Olympics are hosted by the city of Ventura, Help of Ojai, city of Port Hueneme, city of Ojai, city of Oxnard, city of Santa Paula, and Pleasant Valley Parks and Recreation District.

Please join me in thanking these cities and organizations for making these Olympics possible for our senior citizens and in wishing all participants the best of luck in their events.

CLARENCE KNIGHT HONORED FOR HIS ACHIEVEMENTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TOWNS. Mr. Speaker, I am sure that my colleagues will want to join me in celebrating the achievements of Mr. Clarence Knight.

Clarence Knight was born in Bradenton, FL where he received his early elementary education and went on to graduate from Lincoln Memorial High School. Clarence continued his education at North Carolina A&T University in Greensboro, NC, where he received a bachelor of science in health education, followed by studies at City University of New York, earning a master of science degree. He was a graduate fellow in special education at Yeshiva University and is presently in the graduate administration at City University of New York. He is currently a supervising teacher in special education.

Clarence remains active in the National Alumni Association of North Carolina A&T State University, serving as Northeast regional director from 1979–83, and as first vice-president from 1983–87. He is president of CURE, Inc.; chairman of the North Carolina A&T Sports Hall of Fame Selection Committee; and president of the Men's Caucus of Congressman, EDOLPHUS TOWNS. In addition, he was recently recommended to the State Department of Health Committee on Genetics.

Mr. Knight is the recipient of the following awards: Top 100 Black Men of Brooklyn; Outstanding Service to the Community, Children Undergoing Restructuring Emotionally—CURE; Outstanding Administrator, Central Brooklyn Model Cities; and Outstanding Service to the Community, Emmanuel Day Care Kindergarten. He is past vice-president of St. James Towers, Inc., as well as past chairman of HIRE Medical Center.

Clarence Knight has been involved in programs for the education of black youngsters throughout his adult life.

He is married to Mary McNeill of Smithfield, NC. They are the parents of two lovely children, Renee and Jimmie.

Clarence is being honored on Saturday, September 18, 1987, at the first annual dinner dance of the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS. The Women's and Men's Caucuses are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my congressional district, and to improve the quality of life for all.

The wonderful example of dedication and perseverance which Clarence has set has surely made him worthy of this honor and many more. May this award inspire and encourage him to continue the important work he has already begun.

PERSONAL EXPLANATION

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. BRUCE. Mr. Speaker, on September 9, I was unable to cast two votes on the House floor due to inclement weather which prevented me from traveling to Washington from my district.

Had I been present I would have voted "yea" on the Journal vote.

In addition, had I been present I would have voted "yea" on final passage of H.R. 1327. H.R. 1327 is important and needed legislation authorizing the National Health Service Corps Scholarship and Field programs to help provide adequate health care to underserved communities. This program has gone without an authorization since 1984 and has been provided for in continuing appropriations measures since then. The time for reauthorization of this important program is long overdue.

Under the National Health Service Corps Scholarship Program, students of medicine, nursing, dentistry, and other health professions are eligible to receive Federal scholarships and stipend support. In return for this assistance, these individuals are obligated to serve for at least 2 years providing health care to patients in health manpower shortage areas.

Without the National Health Service Corps, thousands of communities and population groups would be without essential health care. Although there is an oversupply of trained physicians, the corps remains essential because there is an undersupply of physicians in rural and poor urban areas. It is clear that many such communities are still unable to recruit physicians and pay the salaries that would be necessary if those recrutiing efforts were to be successful. Mr. Speaker, the corps is as necessary to the urban poor as it is to the isolated rural patients, this program insures that both will have a greater chance at receiving adequate health care. I urge my colleagues to suport this legislation.

THE 19TH ANNIVERSARY OF THE INVASION OF CZECHOSLOVAKIA

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. ANNUNZIO. Mr. Speaker, August 21 marked the 19th anniversary of the 1968 invasion of Czechoslovakia by the Soviet Union.

On this day of Soviet shame, over 500,000 soldiers were sent by the communists to the peace-loving Czech nation in order to suppress all moves toward freedom, liberty, and self-determination. This outrageous and unprovoked act by the Soviet Union serves as a bitter and grotesque reminder to the world that the ideals of freedom and human dignity simply do not exist in the ideology of the barbaric Soviet authorities in the Kremlin.

Today, the communists continue relentlessly in their oppression of those who wish to reestablish an independent Czechoslovakia. In 1977, Charter 77, a heroic group of Czechoslovakian dissidents, was created to force the Communist leaders to account for their inhumane treatment of the Czechoslovakian people and to abide by the human rights principles as defined in the Helsinki final act. This year, the group marked its tenth year of existence as a voice in opposition to the oppression of the Soviet-controlled government.

I was glad to add my name as a cosponsor of House Concurrent Resolution 14, a bill to commend Charter 77 on the occasion of its 10th anniversary, and for its courageous contributions to achieving the objectives of the Helsinki final act. A copy of this resolution follows:

H. CON. RES. 14

Whereas on August 1, 1976, the Final Act of the Conference on Security and Cooperation in Europe was signed at Helsinki, Finland, by 33 European states, together with Canada and the United States;

Whereas the signatories of the Helsinki Final Act committed themselves under principle VII to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas principle VII specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights, and principle IX confirms the relevant and positive role organizations and persons can play in contributing toward the achievement of the aims of the Helsinki Final Act;

Whereas the Helsinki Final Act raised the expectations of the peoples of Czechoslovakia for greater observance of human rights by the Government of Czechoslovakia, and engendered the formation of Charter 77 in 1977 as a mechanism whereby private citizens could maintain a dialogue with that Government;

Whereas since 1977, when 257 people signed the Charter 77 manifesto, the number of signatories has risen to over 1,000;

Whereas in April 1978, Charter 77 signatories founded the working group VONS, the Committee for the Defense of the Unjustly Persecuted, which complements the work of Charter 77;

Whereas Charter 77 has informed many in the West of important developments in Czechoslovak society and the world, and it has willingly engaged in dialogue with other East European activists, as well as West European organizations and individuals;

Whereas individuals involved in Charter 77 and VONS activities have spoken out honestly and forthrightly in a society beset by routine human rights violations, and they have done so at the risk—and sometimes the certainty—of imprisonment, exile, harassment, and other punishment by the Government of Czechoslovakia;

Whereas the Government of Czechoslovakia persecutes not just the people actively involved in Charter 77's activities, but also family members, including children;

Whereas at present, seven signatories of the Charter 77 manifesto are serving prison terms or are in detention: Walter Kania, Frantisek Veis, Jiri Wolf, Lenka Mareckova, Stanislav Pitas, Herman Chromy, and Jan Dus; and

Whereas January 1987 marks the tenth anniversary of the establishment of Charter 77: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the Czechoslovak human rights organization Charter 77, on the occasion of the 10th anniversary of its establishment of the aims of the Helsinki Final Act;

(2) calls upon the Government of Czechoslovakia to cease its persecution of those involved in Charter 77 and other human rights activities; and

(3) commends the United States representatives to the Vienna Review meeting of the Conference on Security and Cooperation in Europe for raising with the representatives of the Government of Czechoslovakia the issue of the persecution of those involved in Charter 77 and other human rights activities, and encourages them to continue to raise this issue.

Mr. Speaker, in commemoration of this Soviet day of shame, I join with Americans of Czechoslovakian descent in the 11th Congressional District of Illinois which I am honored to represent, and Czechoslovakian-Americans all over this Nation, as they observe the 19th anniversary of the invasion of Czechoslovakia. May their hopes and prayers for a homeland free of Soviet domination be realized.

HUNGER AND MALNUTRITION IN THE UNITED STATES

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LELAND. Mr. Speaker, as chairman of the Select Committee on Hunger, I would like to bring to the attention of my colleagues the resolution adopted by the American Public Health Association [APHA], entitled "Hunger and Malnutrition in the United States."

APHA's resolution urges Congress and the administration to renew a national commitment to meet the basic nutritional needs for everyone in this country and to evaluate proposed policy changes and future legislation with an eye toward its impact on hunger. In addition, APHA calls for Congress to: First, pass legislation that will ensure that all who need the services of Federal food assistance programs are able to receive them; and second, set up a national nutritional surveillance system to provide data on the nutritional status of high-risk groups.

I commend the recommendations proposed by the APHA resolution. Further decreases in funding to Federal nutritional and health programs will have serious repercussions on the long-term health of vulnerable groups such as infants, the elderly and the homeless.

I wish to now share a copy of APHA's resolution:

8608: HUNGER AND MALNUTRITION IN THE UNITED STATES

The American Public Health Association,

Recognizing that hunger is a major and growing national concern in the United States,[1,2] and that hunger may lead to malnutrition; and

Knowing that prolonged malnutrition adversely affects health, growth, behavior, mental attitudes, ability to learn, and chances for survival,[3,4] and that infants, the elderly, and the homeless are particularly affected; and

Knowing that the federal food assistance programs are not being used by many individuals who need them and by communities to the extent they could be because of regulatory barriers to their use, lack of outreach concerning the importance and availability of these programs, and unrealistic funding limits;[5-7] and

Noting that the FY 1987 Presidential budget request makes major cuts in all of the federal food assistance programs as well as the Expanded Food and Nutrition Education Program and the Temporary Emergency Food Assistance Program and other federal programs that meet the monetary needs of low-income people; and

Recognizing that attempts to reduce the national deficit by cutting nutrition and health programs could have the effect of increasing hunger in the United States; and

Understanding that voluntary emergency food distribution operations such as soup kitchens and food pantries cannot keep up with the current need;[8] and

Acknowledging that emergency food distribution operations by their very nature are not the appropriate national solution to long-term hunger problems; and

Knowing that the United States does not currently have a nutrition surveillance system designed to provide, on a continuing and timely basis, data on the nutritional health of high-risk groups;[9] therefore

1. Urges that Congress and the Administration renew the national commitment to basic nutritional needs for all persons in the United States;

2. Urges that Congress and the Administration review all appropriate proposed legislation and regulatory and policy decisions for their potential impact on hunger in the United States;

3. Urges that Congress pass legislation which provides sufficient funding and removes barriers to program participation in order to ensure that all who need the services provided by the federal food assistance programs are able to receive them; and

4. Urges that Congress pass legislation that will create a comprehensive national nutrition surveillance system which can provide, on a timely basis, data on dietary intake and nutritional status of the US population and of high-risk groups.

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TRIBUTE TO DR. WILL HAYES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise to call the attention of members of the House to a most unusual man, who will be honored later this month on the occasion of his 50th anniversary as a teacher.

D. Will Hayes, currently teaching sixth-grade students at Vieja Valley Elementary School in Santa Barbara, has been an inspiration to generations of students from coast to coast and beyond. A graduate of New Jersey State College (Jersey City), Rutgers University, Duke University and holder of a doctorate from Columbia University, Dr. Hayes has enjoyed a career full enough for three people. His teaching posts have included school principal, graduate assistant, assistant professor and dean of men at schools and universities from coast to coast and creative writing teacher at Punahou School in Hawaii. He has traveled to 120 countries and all continents, including Antarctica.

It was my privilege to know Dr. Hayes in his capacity of Dean of Men at the University of California at Santa Barbara. Today, at an age when most people would long ago have considered retirement, he is teaching sixth-graders, perhaps the most difficult of all students. He says he does so because he is inspired by their questioning minds.

Not that Dr. Hayes has any difficulty stimulating students. His published material ranges from textbooks to children's books and beyond, including a study of school finance in Korea and a quarterback/receiver manual distributed throughout the United States. Perhaps the most unusual of his writings is The Balloon Digest, for the last 10 years the largest-selling work on hot air balloons. He is welcomed as a balloonist throughout the world.

Nor does Dr. Hayes waste his off hours. He has been President of the Somerset (NJ) Teachers Association, the Santa Barbara County Education Association, the Hope School and Vieja Valley Faculty, the Santa Barbara City/County Library Board of Trustees, the Santa Barbara Chapter of the American Association for the United Nations, the Rotary Club of Goleta, and member of numerous other organizations. He has also served as a "Lighter than Air" consultant to the Federal Aviation Administration, and a candidate for Congress. I don't know whether the last two are related.

Dr. Hayes has received honorary degrees and other commendations, but perhaps the most telling of his works is his series of books for children listing the "biggest" of everything, from pine trees to pigs to salmon. It is my honor and pleasure to salute him from the floor of the House of Representatives, and to ask all my colleagues in Congress to join me in commending Dr. Will Hayes; may his career in educating children inspire us all.

CAUCUS HONORS MARIO DIPINTO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TOWNS. Mr. Speaker, I'd like to take this opportunity to acknowledge the many compliments of Mr. DiPinto, who is being honored at the first annual dinner dance of the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS. The Women's and Men's Caucuses are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my congressional district, and to improve the quality of life for all.

The Mario DiPinto formula for success has never been altered; determination, integrity, and hard work drove him to become his own boss. The Cypress Hill Professional Center is a product of that discipline.

Mario acquired the ability and hands-on experience of the business world by working in his father's business at the early age of 13.

He was born in Brooklyn and, after graduating from high school, left for California where he attended Fresno State College, majoring in business administration. He then left for Virginia and there attended the College of William and Mary.

His interest in real estate prompted him to acquire his salesmanship license at the age of 19.

Upon returning to New York, his keen business sense steered him to the entertainment field and he began working as a dance concert promoter. During his time, he came into contact with a number of well-known entertainers. His close association with the popular salsa player, Tito Puente, prompted him to start a travel agency.

His life in East New York began when he purchased an income tax business on Pitkin Avenue in 1969 where he remained for 8 years. He then moved to Fulton Street to operate the Cypress Hills Professional Center which includes real estate and income tax practices.

Mario is a moving force in the rehabilitation and stabilizaton of homes in the East New York community, and is now celebrating his successful completion of 500 renovated homes.

He has also been actively involved in a number of community organizations and has served as: president of the Kiwanis Club of Highland Park, and secretary of the old Cypress Hills Community Organization. Currently he is a member of the board of directors of the Cypress Fulton Senior Center, real estate advisor of community organizations, and co-chairperson of "We Love Cypress Hills Day."

Mario is married and is the proud father of five children. He has set a wonderful example of dedication and perseverance which has surely made him worthy of this honor and many more. May this award inspire and encourage him to continue the important work he has already begun.

TIME IS RIGHT FOR IMPROVING RELATIONS WITH POLAND

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. ROSTENKOWSKI. Mr. Speaker, earlier this summer I had the dual honor of serving first as chairman of the official host delegation in welcoming our visitors from the Polish Parliament, the Sejm, who held a series of meetings in Washington and Chicago from June 1 through 5, and then as the personal representative of the President on the occasion of the return of the United States to the Poznan International Trade Fair, in Poland, 2 weeks later.

I have recently filed a report with the Speaker on my activities in pursuit of those two appointments, which I ask to be published in the CONGRESSIONAL RECORD at the conclusion of this statement.

In my report, I refer to a Congressional Research Service study, "Poland's Renewal and U.S. Options: A Policy Reconnaissance," prepared by Dr. John P. Hardt, Associate CRS Director for Research Coordination, and Jean F. Boone, Senior Research Assistant. Due to its length, the study will not be reproduced herewith; it is available to Members directly from the CRS.

As I state in my report, I am convinced that this is an important time of opportunity for Poland and for the United States. The affectionate bonds between the Polish people and the American people are still very strong, despite the turmoil of this decade. While major tests of each government's intentions still lie before us, I am optimistic that steady improvement in business, cultural, and political relations between the United States and Poland is possible.

I urge all my colleagues to read the report, and the CRS study, and join me in an effort to do what can be done to bring our two great peoples closer together:

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC, *September 1, 1987.*

Hon. JIM WRIGHT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: At the invitation of the Office of the Speaker, a delegation of Members of the Polish Parliament (the Sejm) paid an official interparliamentary visit to the United States Congress during the period June 1 through June 5 of this year. Pursuant to my appointment as Chairman of the host Congressional delegation, I had the privilege of representing you and the House of Representatives in arranging the details of the visit and participating in most of the various meetings.

Immediately thereafter, I was asked by the President to represent the United States at the opening of the Poznan International Trade Fair in Poland which took place during the week of June 14, 1987. This event marked the first U.S. participation in the Fair since the imposition of martial law in Poland, marking the end of a six-year hiatus. As as historical note, I am pleased to report that President Reagan is the fourth consecutive President I have had the honor of representing at Poznan, dating back to 1973.

For use in these various meetings, I requested an updated study on Poland from the Congressional Research Service. The update provided by CRS supplemented an earlier study, "Poland's Renewal and U.S. Options," which was requested by Lee Hamilton, Chairman of the Subcommittee on Europe and the Middle East, and released by Dante Fascell, Chairman of the Committee on Foreign Affairs, in March 1987 in connection with the visit to the United States of a Polish delegation led by the Polish leader Jozef Czyrek.

I hereby enclose my report of these meetings.

POLISH PARLIAMENT DELEGATION VISIT TO THE U.S.A., JUNE 1-5, 1987

The Polish delegation consisted of the President of the Sejm, five Members and other officers of the Sejm, and representatives of the Polish Ministry.

In the course of the visit, which the Poles point out was the first such official interparliamentary exchange since martial law, President Malinowski and the other Polish delegates held a wide variety of meetings, not only within the Congress but also with

Executive Branch agencies, and with a number of scholars.

Discussions took place with the Speaker of the House, during which President Malinowski proposed a future meeting among the parliamentary leaders of all the member states of the Conference on Security and Cooperation in Europe (CSCE), in Warsaw, on the 50th anniversary of the beginning of World War II (1939). President Malinowski also issued an invitation for the Speaker to organize a reciprocal visit to Poland by a Congressional delegation in the near future, written invitation to follow. The delegation was also received by the Majority and Minority Leaders of both the House and Senate.

The delegation met with members of the Committee on Ways and Means, the Committee on Foreign Affairs, the Committee on Agriculture, the Subcommittee on International Scientific Cooperation of the Committee on Science, Space and Technology and the Senate Committee on Foreign Relations. Interparliamentary exchanges at the committee level were proposed by the Polish delegation to consider in greater detail the prospects for cooperation in specific areas of mutual interest such as agriculture and science.

Within the Executive Branch, meetings were held at the Departments of State, Treasury, Commerce, Agriculture, and Health and Human Services, and at the Environmental Protection Agency. The delegation met as well with Vice President George Bush. A vigorous and provocative roundtable forum also took place at the Wilson Center for International Scholars which was sponsored by the East European Program and involved both specialists from academia and from government.

In all their discussions, the Polish parliamentarians expressed great interest in further improvement of U.S.-Polish relations; they recognized the need for more far-reaching economic reform but also described what they consider obstacles to improving economic performance.

In addition to the substantive aspects of the interparliamentary visit, there were several very cordial and gracious social events, including a reception arranged by the Polish Embassy which Members of Congress and members of the Diplomatic Corps, among others, attended. The delegates also laid wreaths at the Pulaski Monument on Pennsylvania Avenue, and the Tomb of the Unknown Soldier and Paderewski Gravesite in Arlington National Cemetery. The House was represented by a Member at each ceremony.

On June 5, following the meetings in Washington, I hosted the delegation on a trip to Chicago where they visited the Chicago Board of Trade, participated in a wreath-laying ceremony at the Kosciuszko Monument, and met with the Mayor, city officials, and business leaders. The delegates were mightily impressed by the City, of course, and by the formative role that Polish immigrants had played in its development.

ROSTENKOWSKI PRESIDENTIAL MISSION TO POLAND, JUNE 14-19, 1987

On June 14, as the Personal Representative of the President of the United States, I participated in the opening of the Poznan International Trade Fair. The U.S. exhibit, the first in six years, was cosponsored by the Department of Commerce and the U.S. Information Agency. Featuring information technologies, the USIA exhibit drew wide interest and heavy attendance; in addition, a broad range of U.S. companies participated in the exhibit, making it a success and an important indication of U.S. interest in commercial relations with Poland.

I noted that the U.S. exhibit took only half the space it has in past years, and I have urged U.S. officials to expand our involvement in the future. While in Poznan, I was greeted by Polish Premier Zbigniew Messner and met with Foreign Trade Minister Andrzej Wojcik and with U.S. businessmen who were meeting in Poznan under the auspices of the private sector U.S.-Poland Economic Council. I also hosted and spoke at a reception honoring "America Day" at the Fair, which was very well attended by businessmen and government officials from around the world.

From Poznan, I traveled to Warsaw where I held a series of meetings with top Polish officials, including a meeting with General Wojciech Jaruzelski, Chairman of the Council of State, Poland's highest office. Others with whom I held talks were Roman Malinowski, the president of the Sejm; Jozef Czyrek, Politburo member and head of the Sejm's Committee of Foreign Affairs; and Foreign Minister Marian Odon Orzechowski. In the course of these meetings, I sought to obtain the Polish government's current assessment of U.S.-Polish relations and the prospects for greater cooperation.

I met as well with Polish Primate Glemp, and with leading Catholic intellectuals, for the purpose of exploring the current religious, social, and political roles of the Catholic Church in Poland and the prospects for Church-coordinated projects supported by the United States. While in Warsaw, I laid wreaths of commemoration at the Tomb of the Unknown Soldier and at the grave of the murdered Solidarity priest Father Jerzy Popieluszko. Throughout my time in Poznan and Warsaw, I held frequent and searching reviews of the present situation and its possibilities with the United States Chief of Mission in Poland, John Davis, and his excellent staff.

Finally, I travelled to Krakow, where I met with local officials and visited the American Children's Hospital, a facility which was established with the support of U.S. funding through P.L. 480. Currently, U.S. funds are supporting an improvement in the rehabilitative wing of the hospital and a new out-patient facility which will be named for the late House Foreign Affairs Committee Chairman Clement Zablocki.

FINDINGS AND CONCLUSIONS

In the conversations I held in Poland, most officials suggested they were pleased with the improvement of U.S.-Polish relations, as reflected by the lifting of sanctions, but were concerned and uncertain about the future course of U.S. policy toward their country. These concerns were most clearly articulated by Jozef Czyrek, who had led a delegation of Polish officials to Washington in March of this year. Mr. Czyrek posed three sharp questions with regard to U.S. objectives:

If the United States places importance on economic reform in Poland, why does it hinder the progress of reform through its unchanging positions in the IMF, World Bank, and Paris Club?

If the United States is interested in national reconciliation in Poland, why does it portray the domestic situation of Poland as one of civil war and confrontation?

If the United States wants to counterpose Poland against the U.S.S.R., using it as an instrument in U.S.-Soviet relations, what purpose does this serve?

Since returning from Poland, I have explored these issues with U.S. officials and have sought to determine whether the United States has a long term policy for developing its relations with Poland. In my view, the questions raised by Mr. Czyrek can be addressed through the step-by-step approach whereby the U.S. demonstrates support for Polish progress toward shared goals of economic recovery, democratization, and independence.

From these discussions in Poland and those I have held with U.S. Government officials and a wide range of specialists on Polish-American relations, I am convinced that this is an important time of opportunity for Poland and for the United States. Positive developments in Poland have led to a step-by-step normalization in our bilateral relations that I have supported. This must be a reciprocal policy of reengagement. In order to gain the advantages of renewing relations with the West and the United States, and to obtain societal support, Polish leaders must implement the many constructive positions they have articulated. From the point of view of the United States, such changes in Polish foreign and domestic policy would be important as they would benefit the Polish people and broaden U.S. interests.

As noted in the paper provided to me by Dr. John P. Hardt and Jean F. Boone of the Congressional Research Service, there are several important net benefits to U.S. interests:

Our government and private banks would be more likely to have Polish debts serviced and repaid;

Polish society would have a greater role in Polish affairs;

The independence and sovereignty of the Polish State would be strengthened so that "Poland could be Poland."

While the paper enclosed represents the views of the authors from the Congressional Research Service, not necessarily mine or those of the U.S. Congress, it does provide a useful basis for policy dialogue. The authors' analysis suggests answers to a number of questions we might all ask; 1) Polish economic prospects are not necessarily hopeless; indeed, by implementation of their own reform blueprint some significant improvement is possible; 2) encouragement of Poland to adhere to the conditions minimally acceptable in the financial community will not constitute any burden on our taxpayers; 3) the acceptance of programs that might be initiated by the Poles under conditionality of the International Monetary Fund and World Bank would not likely mean the diversion of significant funds from other worthy recipients of assistance.

If this analysis is correct, we might be in a position to materially help the Polish people with little or no cost to ourselves. Conversely, by not using our available leverage, we may materially harm the Polish people with little or no savings to ourselves. There is serious scholarly support for the proposition that the United States could forsake the prospect of improved bilateral relations with Poland by waiting too long or demanding too much before we take our next step.

We are close to finishing the process of normalization of our diplomatic relations with Poland, with the exchange of ambassadors, an action which I strongly support. This would be the final step in the initial process of bringing our nations together again. Now is an especially propitious time to explore the next steps in substantive improvement that we might find in our mutual interest. Some modest U.S. programs that might benefit the Polish citizenry and serve interests we share have been advanced in provisions added to H.R. 3, the 1987 Trade Bill, during Senate debate. I largely support the generous purposes of these provisions and will work in the Conference Committee to bring them to enactment.

I want to thank you, Mr. Speaker, for the opportunity to serve as Chairman of the host delegation during the interparliamentary visit in the first week of June, and for your support and interest in my visit to Poland as the President's Personal Representative. There is much to know, and to do, with regard to improving our relations with Poland. I feel we have made an important and timely contribution toward that goal, and I look forward to working with you and other Members of Congress and the Administration in the continuation of the effort.

With best personal regards, I remain

Sincerely,

DAN ROSTENKOWSKI,
Member of Congress.

CONFRONTING THE COST OF OUR CRUDE OIL DEPENDENCE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. DURBIN. Mr. Speaker, during the August recess, an editorial appeared in the New York Times that made some sensible comments about our lack of a national energy policy in the face of dwindling crude oil reserves. Since many of my colleagues may not have seen this editorial, I would like to request that it be printed in the RECORD.

As the Times points out, the Reagan administration's argument that governments should not intervene in energy markets is not consistent with the administration's policy of risking lives and money to defend Persian Gulf oil shipments.

The sad truth is that the United States is heavily dependent on foreign crude oil, even if most of it is not currently coming from the Middle East, and we are likely to become more and more dependent in the future. The day will soon come when every extra barrel of oil consumed will add an estimated $200 to the world's oil bill.

In light of these facts, it is incomprehensible that the administration is not taking action to encourage the development of alternatives to crude oil such as using home-grown ethanol in our gasoline supply and taking steps to improve energy efficiency and encourage conservation.

The first step toward any solution is to recognize the problem. In the United States today the biggest energy problem is the refusal of the current administration to face the realities of our Nation's crude oil dependence. I recommend the New York Times editorial to my colleagues as a clear statement of this fundamental problem, and I hope that we can work together to address our Nation's energy needs—with or without the help of the administration.

[From The New York Times, Aug. 13, 1987]

THE REAL COST OF GAS: $5 A GALLON

Forget oil taxes, import fees and subsidies for alternate fuels, say Reagan energy experts: the market alone will produce the right amount of oil at the right price. That has always been a glib analysis. Now, in light of the Administration's willingness to risk lives and dollars in the defense of oil from the Persian Gulf, it seems absurd.

The real cost of oil should include the cost of the military forces protecting supplies. And even that number is dwarfed by the whole cost of depending on Persian Gulf oil. Once consumption approaches current production capacity, each extra barrel could add $200 to the world's oil bill.

As with other widely traded commodities, oil has a market price roughly reflecting the cost of producing it from declining "marginal" fields in America and Europe. But a stable supply of oil, unlike most commodities, is vital to the economy. Even a fear of supply disruptions can have dramatic effects. In 1973-74 and again in 1979, output reductions of just a few percent doubled oil prices and triggered a recession that cut world income by trillions.

Today, with oil temporarily in glut, losing the 10 to 15 percent of world oil that now flows through the Strait of Hormuz would probably not do as much damage. Producers outside the region could replace most of the barrels. Sales from government reserves could also help cushion the shock.

But modest dependence on Persian Gulf oil still carries a heavy price tag. The cost of the military commitment can't be easily measured, but surely amounts to several percent of the $300 billion defense budget. Just the present troubles in the gulf have driven up prices by about $3 a barrel. This adds about $500 million to America's monthly import bill.

Far more ominous is the growing potential for monopoly pricing as the world slowly slides back toward dependence on Persian Gulf oil. In particular, Saudi Arabia remains the only major source of oil. And as the gap steadily closes between consumption and production capacity available from non-Saudi fields, the fate of the world economy will rest in Saudi hands.

If supply and demand are left to the market, it will take only a decade for the Saudis to become the swing producer, able to control the world price by regulating the flow from their own wells. Then, every extra gallon demanded by consumers could increase producers' revenues by as much as $5.

Analysts bitterly debate the relative merits of gasoline taxes, oil taxes and import fees as a way to restrain consumption. There are equally rancorous arguments about how best to stimulate supply. But the perspective of $5 gasoline makes almost any alternative look attractive.

How can public attention be focused on devising such alternatives? The first task is to dislodge the simplistic free-marketeers who think the best energy policy is indifference.

CLAUDE PEPPER'S WALKING HISTORY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. FASCELL. Mr. Speaker, yesterday was the birthday of our good friend and distinguished colleague, CLAUDE PEPPER. It is with great pleasure that I join in wishing him a joyous birthday, and it is also with great admiration that I share with our colleagues an article about CLAUDE's forthcoming autobiography, "Eyewitness to a Century," which will be released in October. Rarely have individuals in this country had a Representative in Congress whose political career has spanned so long a time period and who is so well versed on the great events of our country's last century. Indeed, he was often a participant in these occasions. His knowledge of the United States' recent historical events are more than memorized facts, they are often distinct memories and recollections, such as are detailed in his autobiography. CLAUDE PEPPER is a unique and valuable resource to those of us who hope to chart our country's future by learning the lessons of our past, and it is with great pleasure that I submit the following article from the Miami Herald, written by Tom Fiedler.

WALKING HISTORY BOOK CLAUDE PEPPER WRITES A FASCINATING AUTOBIOGRAPHY

(By Tom Fiedler)

If the president will consent to it sometime soon, Claude Pepper hopes to sit down with Ronald Reagan in the Oval Office and talk to him about history.

Specifically, the Miami congressman, who will be 87 on Sept. 8, wants to ask Ronald Reagan to consider his administration's place in it.

Does he want to be recalled, Pepper will ask, as the president who brought glee to the hearts of America's rich? Or would he like to be recorded as the man who freed Americans of the financial worries that accompany sickness, injury and old age?

It is, of course, a loaded question, one Pepper hopes will embarrass Reagan into enlisting in Pepper's career-long crusade to help the less fortunate whatever the cost.

But also revealing about this is Pepper's keen awareness of the broad sweep of time and history's judgment of our places in it. Others might try to sway the president with arguments backed by the latest poll data, a skittish reflection of a fickle electorate.

Pepper is perhaps unique in being able to argue with the force of history. Claude Denson Pepper, after all, is history.

His career, which began with election to the Florida Legislature in 1928—the year after Babe Ruth hit 60 home runs and Charles Lindbergh flew the Atlantic—lies spreadeagled across viturally every major event, war and social movement to mark this century.

He grew up in the rural South closer in time to the Civil War than we are today to World War II. He is old enough to remember vividly the impact of Orville and Wilbur Wright's brief flight above the sands of Nags Head, and to have shaken the hands of astronauts returning from the moon.

Pepper has known every president since Franklin D. Roosevelt. He met John F. Kennedy when Kennedy was a boy living in London while his father was ambassador to the Court of St. James. He has labored under the New Deal and Fair Deal, the New Frontier, the Great Society and, today, the Reagan Revolution.

It is not hyperbole to say that Pepper is his Democratic Party's institutional memory. Some might say he is the country's.

There is no single incident that causes me to shift my gaze from the days' political events and let it fall on Pepper other than it seems he is lately much in the news.

The congressman is in the midst of one of those periodic revivals of fame that accrue to him every few years when admirers pause to recognize his on-going contributions to the national dialogue and marvel at his accomplishments.

Pepper can even claim some longevity in being touched by these cyclical bursts of recognition. Where most of us might be lucky to bask in it once in our lifetimes, Pepper first graced a cover of Time magazine in 1938, then more recently in 1983.

Within recent months, he has been trailed by camera crews recording his daily activities for a television documentary underscoring the point that advancing age doesn't mean advancing irrelevance.

Last week, he and another lion of Washington, journalist Liz Carpenter, were paid rare tribute by Miami's Tiger Bay Club, a group normally given to politico bashing, after sharing their recollections of Washington life over the past half century. It, too, was videotaped.

The final prod to this column came when I was given an early look at Pepper's forthcoming autobiography subtitled, "Eyewitness to a Century," to be published in October by Harcourt Brace Javanovich.

It reminded me that while Claude Pepper was here when I began my career, and may well be here when I end it, I should not take his presence for granted.

The book connects in several ways. Simply as history, Pepper's accounts of the political climate in Florida and the nation ranging from the 1920s to the present are fascinating.

So, too, are his chatty recollections of conversations with FDR, Harry Truman, Josef Stalin, Winston Churchill and Jack Kennedy, and his eyewitness reports on the rise of Naziism in Europe and McCarthyism in the United States.

Readers can see Florida change from the Deep South state it surely was when he moved here from Alabama to the urban metropolis and international gateway it is today. With that change, Pepper's political fortunes rose and fell and rose again, providing him with a perspective that is unparalleled.

He speaks in detail about the bitter 1950 campaign in which he lost his U.S. Senate seat to a young, ambitious and—Pepper remains convinced—ruthless George Smathers, now a Miami lawyer, whose tactics foreshadowed the negative mass media campaigns of recent years.

That was the campaign in which Time magazine reported (Smathers says inaccurately) that Smathers would tell rural audiences that Pepper had engaged for years in heterosexual relationships and had a sister who lived in sinful New York city where she was a practicing thespian.

Pepper also reveals some rarely disclosed tidbits, such as his flirtation with running for president in 1948 as part of a "dump Truman" ticket and his thoughts of moving to New York to seek office in the belief that Florida had become too conservative to allow him to succeed. Rather than change his philosophy, he would change his constituency.

Indeed, it is an unwillingness to change his philosophy that stands out through all of Pepper's career, a trait that is especially noteworthy in light of today's poll-driven politics. Over the course of six decades in public office, Pepper has remained steadfast in pursuit of a single ideal—harnessing the power of government to benefit the people.

Public tastes have ebbed and flowed during his career, sometimes running with him, sometimes against, but whenever Pepper campaigned, voters heard what he believed in his heart, whether they liked it or not.

"I entered public life because my early years in the destitute South convinced me that life for human beings should, and could, be much better than it was," Pepper writes.

"What worthier purpose could government serve than to make life a bit happier and a lot less arduous for its people?"

It was a view he espoused in 1928 and one he will espouse in 1988 despite the apparently current belief that government is a voracious, intrusive monster capable only of being on our backs and in our pocketbooks.

"I intend to continue to devote my full energies to helping to free people from fear of dictatorial oppression, from fear of illness and poverty, from fear of discrimination, from fear of ignorance, and from fear of opportunity foreclosed," he writes.

"To me, that is what liberalism means. Unabashedly, then, I am and shall remain a liberal."

Several weeks ago, I was given an assignment that may seem strange to all but those in the news business. An editor asked me to interview Pepper for the purpose of updating his obituary. The one on file, unlike Pepper, had grown yellow and brittle with age.

Despite the seemingly macabre nature of my request, Pepper readily agreed to spend time reflecting on his career. But why not mix the serious with the sublime, he suggested, and do some of the interviewing on a golf course?

As we went from the clubhouse to the first tee, Pepper wryly noted my assignment and declared that his intention is to live long enough to "shoot my age" on the gold course.

That day he carded a 109, about in line with his handicap. By his reckoning, that gives him at least another 22 years to work toward his goal.

But for the sake of the political process—if not for history yet to be written—I hope Claude Pepper's golf game deteriorates.

RETIREMENT OF POLICE CAPT. PAUL W. LYDICK

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LAGOMARSINO. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, the retirement of Capt. Paul Lydick from the Ventura Police Department.

Captain Lydick is a long-time Ventura County resident, growing up in Fillmore and graduating from Fillmore High School in 1956. He then enlisted in the Army and served in Germany with the 11th Airborne Division. Upon discharge in 1958 he returned to Ventura County and began his long career in law enforcement.

Santa Paula was the site of Lydick's first police employment and in 1960 he was hired by the Ventura Police Department. He was promoted to rank of sergeant in 1966, lieutenant in 1969 and captain in 1970.

During his career he has commanded every division and bureau within the police department and has worked on many notable projects and notorious crimes. He was instrumental in the planning and design of the current modern Police/Fire Administration Building.

Captain Lydick holds an associate of arts degree from Ventura College, bachelor of science in police administration from California State College at Los Angeles and master of public administration degree from the University of Southern California. In 1974 he graduated from the prestigious FBI National Academy in Quantico, VA. He also holds a California State teaching credential and commission of peace officer standards and training management certificate.

Lydick's community activities include past master of Masonic Lodge No. 633, member and past president of the Ventura Shrine Club, member of Al Malaikah Shrine Temple, member of the Peace Officer's Shrine Club, member of the Tri-County Legion of Honor Shrine Club, Associate Guardian of Bethel No. 204, International Order of Job's Daughters member and sergeant-at-arms of the Ojai West Rotary Club, board member of the Los Felis Dance Club, member of the FBI National Academy Associates, International Association of Chiefs of Police and California Peace Officers' Association.

Captain Lydick lives in Ojai with his wife Patty. Their children are Doug, Debbie Watson, and Suzi. They have three grandchildren, Jessica, Richelle, and Krista.

Upon Lydick's retirement from the police department he will remain very busy. He and his son Doug are partners in Lydick Western Construction Corp. of Ventura, a general engineering construction corporation. He also plans to build a weekend cabin on their Pine Mountain property—in his "spare time."

I ask my collegues to join me in wishing a happy "retirement" to Captain Lydick and his family.

FRANCES ABBRACCIAMENTO HONORED FOR ACCOMPLISHMENTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TOWNS. Mr. Speaker, I wish to draw the attention of my colleagues to the remarkable accomplishments of Frances Abbracciamento, whose involvement in the East New York community over the last 36 years has led to a number of positive changes in the educational, business, and political environment in the East New York community. Born and raised in East New York, Frances' contributions to improving the quality of education continue to stand out in the community.

Elected and reelected to district 19's community school board from 1970 to 1983, her dedication and commitment led her to serve as president of the school board for 8 years, vice president for 2 years, and treasurer for 3 years. She was an active member of the chancellor's advisory council for supervisory selection; member of the advisory boards of P.S. 346, I.S. 302, and P.S. 65; Representative of district 19's advisory board for exceptional children; cochairman of district 19's reading institute; and representative of district 19's Reach Out Drug Program.

She continued to channel her time and imagination in formulating new and workable programs for children. She founded the Annette P. Goldman scholarship fund where she served as chairperson, and cofounded the Roberto Clemente scholarship fund, serving as first vice president.

Her business experience coupled with her tremendous personality allowed her to be successful and respected in the business world. As proprietor of the former well-known Sal Abbracciamento Restaurant on Liberty Avenue, Frances was complimented by all who frequented the restaurant. She also owned and operated the Bay Terrace Restaurant on Breezy Point. Presently she is enjoying the success of her hard work by operating the elegant Abbracciamento-on-the-Pier Restaurant located on the Canarsie pier.

Her soaring energy continued in the political world. There she was elected female leader of the 40th assembly district for 8 years, and female leader of the 38th assembly district for 8 years. Her contributions to the district she represented are unforgettable.

Her intuition and the rare chemistry that she puts into her work generated her to initiate new ideas and ideals. She founded many organizations, such as the Council for a Better East New York, Sisters of Notre Dame Auxiliary, East New York Health Coalitions, and the Alpha School.

Ms. Abbracciamento is a widow, mother of four children and grandmother of nine.

Frances is being honored at the first annual dinner dance of the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS. The Women's and Men's Caucuses are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my congressional district, and to improve the quality of life for all.

May this award inspire and encourage Frances to continue the important work she has already begun. The wonderful example of dedication and perseverance which she has set has surely made her worthy of this honor and many more.

BLACKS FIND STRENGTH IN GROWING NETWORK

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LEHMAN of Florida. Mr. Speaker, Bill Wynn has been a leader in our community for a generation. I knew him first as an outstanding police officer and later as a creative and successful businessman.

As the following story relates, the Wynn tradition of community responsibility and enterprise is being passed to a new generation. As the following article from the Miami Herald relates, Bill's son, Dwayne Wynn, is among the founders of a business and social organization called Network, Inc. Network now has attracted hundreds of members and has done much to promote the growth and development of black businesses in south Florida. I commend this article to the attention of my colleagues.

Mr. Speaker, the work that Bill Wynn started is still being carried on in Dade County. All of our community is better for his efforts.

[From the Miami Herald, Aug. 27, 1987]

BLACKS FIND STRENGTH IN GROWING NETWORK

(By Angela Youngblood)

Five young black professionals met for lunch at the Dupont Plaza Hotel in February 1984 and decided Miami needed an organizational base for black professionals to meet each other, learn about jobs and discuss topics that affect the community.

They didn't know how right they were. Less than four years later, Network Inc. of South Florida is 700 members strong.

Network President Dwayne Wynn, one of the five founders, said the overwhelming response to the organization surprised him.

"People started telling other people and they started coming," said Wynn, who is in his late 20s and vice president of Afro-Carib, a family-owned import-export business in Liberty City.

"It's hard for blacks to meet in this community," said Linda Cooks, vice president of Network and a corporate banking officer at Southeast Bank.

After blacks leave work, they don't go to one central area; they go to all parts of Dade County. They needed a central place to meet, said Cooks, another founding member.

Deirdre Kyle, recruiting administrator for the law firm of Steel, Hector and Davis, came to Miami a year ago from Tallahassee and was invited to a Network luncheon.

"Network helped me settle in Miami. It was an easy access for me to make friends and business contacts," she said.

The group meets for lunch the 1st Tuesday of each month at the Marriott Hotel on Biscayne Bay. Speakers have included Miami Mayor Xavier Suarez, U.S. District Judge Alcee Hastings and Miami mayoral candidate Arthur Teele Jr. Tuesday, Opalocka Mayor Robert Ingram did the honors.

The luncheons persuaded Sharvell Becton, 32, to pay the yearly $25 membership fee.

"I was impressed with the caliber of speakers and the general fondness of people," said Becton, who works for the Greater Miami Chamber of Commerce's leadership of Miami program.

But there is more to Network than business lunches. There's also some after-hours socializing. The group sponsors After Five, a happy hour, at a different nightclub each month. Next up is the Ciga Lounge at the Grand Bay Hotel in Coconut Grove Sept. 6.

"After Five is to let the black professionals come together and meet each other in a more social setting," said Gregory W. Wright, communications editor for Network.

Member Clayton Hamilton put it a bit more simply: "We're a great place for singles to find a compatible mate."

Wright, 29, a part owner of the public relations firm Wright, Pearcey and Associates, publishes the group's monthly newsletter, a mini-booklet about events and people in the black community.

"It's very popular," he said.

The newsletter also carries news of similar black network organizations throughout the country. August's edition featured Tampa's group, First Friday.

"We're trying to reach other similar organizations and establish that communications link," said Wright.

Cooks said the organization has a job resource bank for out-of-town professionals wishing to move to the Miami area. Network recently helped one company hire five blacks.

"We think it's important for blacks to enter the economic mainstream," Cooks said.

Network also is putting together a national conference next June for all organizations throughout the country.

Cooks said she hopes to learn through the conference "how successful the other networks are."

Others networks include the Atlanta Exchange in Georgia, the D.C. Coalition of Black Professional Organizations in Washington, D.C., and the Coalition of Black Professional Organizations in New York.

"Our goal through the conference is to find out how we can better run the organization down here," said Cooks.

A TRIBUTE TO MRS. MANYA UNGAR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. RINALDO. Mr. Speaker, I wish to pay tribute today to Mrs. Manya Ungar, a constituent of mine from Scotch Plains, NJ, who was recently elected president of the 6 million member National Parent-Teacher Association. This is a great honor for New Jersey, but even more, it is a well-deserved and most appropriate distinction for Mrs. Ungar.

She exemplifies the qualities and virtues that are important to all Americans. The mother of two grown sons, she has been active in the PTA for nearly 20 years, and has held numerous association offices at the local, county, State, and national levels. Prior to her election to a 2-year term as president of the National PTA at the organization's June convention in Dallas, TX, she served as first vice president from 1985 to 1987 and as vice president of legislative activities from 1981 to 1985.

Mrs. Ungar first became involved with the PTA in her hometown of Scotch Plains where she served the local chapter in various capacities, including that of president. She later served as president of the Union County PTA, and in 1979 was elected president of the New Jersey State PTA, following 2 years of service as State vice president. Her outstanding performance in those positions brought her numerous commendations from PTA's throughout the country. The Scotch Plains-Fanwood Council of PTA's bestowed its "Outstanding Service Award" on her in 1973, and she was the recipient of honorary life memberships in the New Jersey State PTA and the National PTA in 1973 and 1977, respectively.

While the PTA has been the primary beneficiary of her services, Mrs. Ungar also has found time to devote to various other community-oriented organizations. She has been active in the League of Women Voters, American Field Service, New Jersey Commission for the Blind, Boy Scouts of America, the College Club of Fanwood-Scotch Plains, and the Summer Musical Theatre Workshop of Scotch Plains-Fanwood. She was selected to serve on the New Jersey Bar Association Ethics and Fee Arbitration Committee from 1978 to 1985, and in 1986 was appointed to the board of directors of the New Jersey Public Education Institute.

In recognition of her public service she received the New Jersey Jaycees "Outstanding Citizen" award in 1982 and the "New Jersey Women in Education Award" in 1985.

Mrs. Ungar has been a tireless and dedicated community leader whose devotion to improving the educational system has had a positive influence on all who have come in contact with her. I join her many friends in expressing admiration and gratitude for a job well done and wish her much success as she assumes the presidency of the National PTA.

IN HONOR OF THE LATE JESSE UNRUH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. MATSUI. Mr. Speaker, it is an honor to rise today in memory of one of the the greatest political giants in California history, and a man whose impact was recognized across the country. Jesse Unruh, the son of an illiterate Texas sharecopper, rose from poverty to become the most powerful speaker of the California State Assembly. He was the mentor of numerous influential leaders currently serving in State and national office. Unruh's mastery of legislative and administrative skills led to a total restructuring of the State legislature which he initiated. This effort, which has left a profound legacy, turned a part-time, highly fragmented decisionmaking body dominated by the Governor into a full-time, professional, coequal partner with the executive branch.

Jesse Unruh was the architect of the modern speakership in California. He used the tremendous power of speakership as a means to further a policy agenda which significantly benefited all Californians. Among them was the Unruh Civil Rights Act in 1959 which prohibited discrimination by businesses that offer accommodations or services to the public.

He was a major force in national politics beginning in the early 1960's with his role in John F. Kennedy's Presidential campaign. When the ripe opportunity for a U.S. Senate seat opened in 1968, Unruh declined in favor of running Robert F. Kennedy's California campaign. Upon reflection, Unruh said, "I felt the country needed Bobby Kennedy as President a lot more than I needed to be in the Senate."

In recent years, Jesse Unruh further demonstrated his talent for leadership by turning the job of California State Treasurer into a dynamic and powerful position. Unruh assembled billions of dollars in Wall Street clout by using the State's enormous public pension funds as a base. Institutional Investor magazine hailed him as the Nation's "most politically powerful public finance officer outside the U.S. Treasury."

Jesse Unruh was the greatest Governor California never had, to put it in his own words. As a friend and a great leader, Jesse Unruh has left an indelible mark on those he inspired and on the government he served. My deepest sympathy goes out to his wife Christine, his daughter, sons and grandson. Jesse Unruh will be sorely missed by us all.

RICHARD RECNY FETED AT CAUCUS DINNER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TOWNS. Mr. Speaker, I wish to draw the attention of my colleagues to the remarkable accomplishments of Richard Recny, who has been the executive director of the Local Development Corp. of East New York since 1980. His rare combination of tact and the ability to work with people in every level of society, enables him to perform his daily tasks; implementing effective programs, attracting businesses to the community, and creating jobs for residents with equal success.

"Rick" Recny was born in San Bernardino, CA, and attended college at the University of California, Berkeley, and Columbia University in New York City.

Mr. Recny's involvement in and concern about East New York began in 1979 when he worked as a volunteer in service to America [VISTA], serving with Grass Roots Housing for a Better East New York.

Rick Recny is married to Bettyann Kelly and has two children, Ian and Henrietta.

Rick is being honored at the first annual dinner dance of the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS. The Women's and Men's caucuses are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my Congressional District, and to improve the quality of life for all.

The wonderful example of dedication and perseverance which he has set has surely made him worthy of this honor and many more. May this award inspire and encourage him to continue the important work he has already begun.

CONGRATULATIONS TO LUPE AQUINO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues, the accomplishments of one of my constituents, Lupe Aquino of Santa Paula, CA.

On July 12, 1987, Lupe won the World Boxing Council super welter-weight title in Bordeaux, France, by out-boxing the titleholder, Duane Thomas.

Lupe has resided in my district for most of this 24 years and has been preparing for a boxing career by gaining experince in Golden Gloves and other competitions. During these years he has had the support and interest of the citizens of Santa Paula.

Lupe Aquino is the first Ventura County fighter ever to win a world title and in recognition of this accomplishemnt, the mayor of the city of Santa Paula, Al Escoto, has declared Sunday, July 26, 1987, to be Lupe Aquino Day in Santa Paula.

I ask my colleagues to join me in congratulating Lupe for his feat and in wishing him continued succession his boxing career. Here's hoping he brings many more world titles to Ventura County.

A TRIBUTE TO SISTER PAT KENOYER

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. WHEAT. Mr. Speaker, this coming Friday, September 11, a number of my constituents in my district will be gathering to pay tribute and bid farewell to a very, very special person, Sister Pat Kenoyer.

Sister Pat, a native of Kansas City, MO, has demonstrated throughout her life a sensitivity to the needs of others and a commitment to higher ideals that most of us can only hope to emulate. A Sister of Loretto, she has been a driving force behind the consciousness-raising efforts of the Kansas City Nuclear Weapons Freeze Coalition and has been the director of the local chapter of SANE for the past 3 years. Few, if any, people in my district have exhibited such a high level of energy in pursuing the goal of peace.

Many will recall Sister Pat's efforts in initiating and leading the "Heartland Peace March," in which she walked 10 miles a day for 20 days from Leavenworth, KS to Omaha, NE. Along the way, she was joined by farmers, merchants, community leaders, and others to focus attention on the cause of peace. It was typical of Sister Pat, sacrificing her time and energy to inspire others to become active in causes important to us all.

Sister Pat received her Ph.D. as a psychologist from Fordham University, and she has also earned a master's degree in English from St. Louis University. She is now leaving Kansas City for the country of Ghana to teach ministerial psychology to the people of that country. She hopes to spur interest in a number of Ghanains to come to the United States, study the subject further, and return to Ghana to share their knowledge with their people. I've no doubt she will succeed.

Sister Pat Kenoyer is a woman of many talents and virtues. She is a dancer, a lover of horses, a woman of unlimited kindness, and a great friend. I, like many others, will miss her dearly while she is gone. But I feel warmth in knowing that others will now be priviliged to share in the joy of friendship with Sister Pat. They, too, will cherish that friendship.

LAKE OKEECHOBEE MANAGEMENT MODEL BILL

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LEWIS of Florida. Mr. Speaker, today I, along with my Florida colleague, Congressman CLAY SHAW, am introducing legislation which directs the Secretary of the Army to develop a management model for the control of aquatic plants and other pollutants in Lake Okeechobee and the surrounding ecosystem.

The management of fresh water lakes and streams in the United States has too often been based on nonscientific information. This has lead to the control of lake pollution using a plan that ignores the impact on the entire ecosystem both in the short and long terms. In some cases, the solution has proven to be a worst ecological disaster than the original problem.

This legislation provides a solution to this problem. It calls for the development of a management model system that would analyze the advantages and disadvantages of proposed solutions for the cleanup of lakes and streams. For the first time, decisionmakers would know the short- and long-term impacts of their decisions to control aquatic plants and other pollutants.

The bill is a modified version of H.R. 1513, EPA-directed legislation which I introduced in March of this year. Specifically, it directs the Army Corps of Engineers to demonstrate the management model in the Lake Okeechobee ecosystem and indicates that the model is not intended to interfere with ongoing management or demonstration projects sponsored by the State of Florida.

In no way will this legislation obstruct or hinder efforts by the State of Florida to enhance the quality of the lake or the surrounding ecosystem. If the State deems a particular project worthy, and has the funding, necessary to proceed, I have no intention of objecting.

The purpose of this bill to ensure that lake management decisions involving the Federal Government be made on a sound scientific basis. This approach would enable the Federal Government to assess the entire impact of a proposed project.

I urge my colleagues in the House to join with Congressman SHAW and myself in cosponsoring this important and timely legislation.

ANALYSIS OF THE DEVELOPMENT OF MANAGEMENT AND CONTROL METHODS FOR AQUATIC PLANTS

Section 1(a).—The Secretary of the Army, working through the Corps of Engineers, is directed to develop methods for management and control of aquatic plants. The management model would be tested in the Lake Okeechobee, Florida, ecosystem and could be used throughout the United States in the control of aquatic plants. The model could be adapted for use as a management instrument for the control of other aquatic pollutants. This approach is directed toward the analysis of the short- and long-ranged impact of aquatic plant control decisions.

Section 1(b).—The program, to be coordinated with other Federal agencies, would identify existing scientific data bases, examine existing management models and conduct the research necessary to develop the management model.

Section 1(c).—The management model must be useable in Lake Okeechobee, Florida and other ecosystems throughout the United States.

Section 1(d).—The Corps of Engineers will enter into research contracts to provide information for the development of the management model.

Section 1(e).—Information developed by the management model shall be made available to any governmental agency requesting it.

Section 2(a).—The Corps of Engineers will demonstrate the management model.

Section 2(b).—The demonstration shall be in Lake Okeechobee.

Section 3.—The Corps will solicit peer review recommendations from scientists and from management personnel who would use the management model.

Section 4.—The project will be completed within 3 years.

Section 5.—The Corps of Engineers will develop a plan for conducting the project and will report to Congress on the progress of the project annually.

Section 6.—Any agency may use the information developed by the management model. The management model is not intended to interfere with any ongoing projects.

Section 7.—The cost of the program will be $2.5 million per year for each of the three years. This includes at least $500,000 per year for scientific research.

FOREIGN INVESTMENT OR OWNERSHIP IN THE UNITED STATES

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. OXLEY. Mr. Speaker, I think that many of us in this body may be seriously concerned about certain provisions of H.R. 3, the huge trade bill, which passed the House in April of this year. Of particular concern to me are the provisions relating to foreign investment or ownership in the United States.

Although the other body appears to have acted more responsibly in this area, it is important that those who share concern about these onerous provisions make that concern known to House and Senate conferees as they begin this month to attempt to resolve differences between the House and Senate versions of the omnibus trade bill. Contrary to what proponents of the House provisions would have us assume, foreign investment in the United States is not inherently or necessarily bad for the United States. In fact, foreign capital is very important to our economy. In my review, it is both dangerous and wrong to lash out against foreign investment without knowing all the facts.

With this in mind, I commend to my colleagues' attention the following enlightening op-ed piece on this subject by Martin and Kathleen Feldstein:

HEADLINE-GRABBING FOREIGN INVESTMENT

(By Martin and Kathleen Feldstein)

All summer the business pages have been replete with stories of foreign takeovers of American firms and of the growing share of foreign ownership in U.S. real estate. The rapid growth of Japanese investment in the United States has particularly captured headlines. While this growth is not a trivial matter, especially in political terms, there is no basis in fact for the fear that the Japanese are gaining control of American industry and real estate.

Not so long ago it was U.S. investment abroad that created unfounded concerns in Europe that the United States would soon dominate those economies. And within the last decade there was near panic that the OPEC countries were about to own everything in sight. The truth, of course, is that U.S. investments abroad have been boons to the host countries, and that it can be similarly healthy for the U.S. economy when foreign investors come here.

The enormous Japanese trade surplus has been the driving force for the growth of that country's foreign investment. Last year the Japanese invested some $100 billion abroad, and about two-thirds of that came to the United States. But the overwhelming bulk of Japanese investment has been passive investment in the form of stocks and bonds. There is no danger that Japanese investment in this country is enabling the Japanese to control American business.

The major part of foreign capital generally arrives in the form of fixed-income investments such as bonds and bank deposits. These amount to approximately three-fourths of the stocks of foreign investment in the United States. Portfolio investments in corporate stocks amount to an additional one-eighth of total foreign assets here. Far less important in value than these portfolio investments, but much more visible, are the direct investments in businesses and in real estate that have been dominating the news reports. These total only about one-sixth of foreign investment in the United States. (Investment is considered direct if it amounts to more than 10 percent of the ownership of a business or property; otherwise it is considered portfolio investment.)

Japanese direct investment in real estate—typically the biggest headline grabber—has certainly been growing rapidly as Japan's trade surplus has soared and as the yen has strengthened relative to the dollar. A Salomon Brothers report estimates that in 1986 the Japanese invested $4 billion in real estate—or nearly three times the total of all past Japanese real estate investments in the United States. As dramatic as that increase has been, the $4 billion is still minor compared with the total spending on new construction in this country of more than $300 billion.

Most Japanese real estate investment is concentrated on office buildings and hotels. Again, the $4 billion of Japanese investment is a small proportion of the total commercial construction of $140 billion. The figures on Japanese direct ownership of American businesses are similarly reassuring. The total value of all direct investment by Japanese businesses in the United States is extremely small—only about $23 billion at the end of 1986. And most of that does not involve any manufacturing, but refers to wholesale trading companies that operate in the United States as an extra arm of the Japanese export sector. The accumulated stock of Japanese manufacturing investments in this country only totaled $3 billion at the end of 1986.

Although foreign direct investment in America is growing rapidly, the United States still has a far larger stock of direct investments abroad than foreigners have here. Last year, U.S. earnings on direct investments in the rest of the world were four times as great as foreign countries' earnings on their direct investments here.

Far from representing an immediate danger of foreign control of the American economy, the capital inflow from abroad has helped to keep U.S. interest rates down and has thus permitted a higher overall level of investment in this country than would have been possible otherwise. Along with the benefits of imported technology and—particularly in the case of Japanese investment—of new management techniques, there have been improvements in employment as a result of the capital from abroad.

The recent growth of Japanese equity investments may even have had something to do with the extraordinary bull market of 1987. Despite record highs, U.S. price-earnings ratios remain in the 15-to-20 range, while in Japan the ratios have been in the 40-to-60 range. As long as American stocks look cheap to Japanese investors, there may be room for further records on stock prices here.

It is frustrating that some of our trading partners do not appreciate the positive long-range impact of open markets. But it would be just as counterproductive to restrict capital markets as to raise other trade barriers. The occasional rumblings about restricting foreign investment, such as the idea of requiring official registration, should be resisted by legislators and advisers to presidential candidates alike.

If there is no cause for alarm about Japanese investment in particular, what about the U.S. position in worldwide capital flows? While historically it has been no novelty for the United States to have a large capital inflow from abroad, in the first decades after World War II, America was the major exporter of capital and of technology. Only in the last decade did the pattern shift, and only in the last year has the United States officially become the world's largest debtor.

This official calculation is overly pessimistic because it values direct investments at their original cost rather than at today's market values. Since American direct investments have been made over the past several decades, while foreign direct investments are relatively new, the value of net U.S. assets abroad is substantially understated.

Again, there is an important distinction between passive ownership of stocks and bonds that implies no direct control and direct ownership of properties and businesses. While foreign purchases of U.S. bonds and stocks have made us a net borrower, the annual flow of U.S. direct investment abroad is approximately equal to the inflow from other countries. Of course, the value of the accumulated stock of U.S. investment abroad is much greater than the value of foreign investments here—and is in fact greatly underestimated. Official statistics carry these investments at book value, so the actual value of U.S. investments abroad is much, much greater than what appears in the official documents. A more illuminating figure is U.S. earnings on investments abroad, which are four times as great as foreign earnings on direct investments here.

(Martin Feldstein was chairman of the Council of Economic Advisers. Kathleen Feldstein is an economist.)

MARY CHERRY SALUTED AT DINNER DANCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TOWNS. Mr. Speaker, I wish to draw the attention of my colleagues to the remarkable accomplishments of Mary Cherry who is being honored at the first annual dinner dance of the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS. The Women's and Men's Caucuses are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my congressional district, and to improve the quality of life for all.

Mary Cherry was born in Summerton, SC. At a very early age her family moved to Brooklyn, NY, where she still resides. She completed her formal basic academic education at Girls High School in Brooklyn, NY. Intrigued with the concepts of hair care and beauty, Mary pursued a career in beauty culture. She graduated from La Roberts School of Beauty Culture and received a license in hair dressing and cosmetology. Thereafter, Mary combined her business skills with her desire to serve the community and opened "Cherry's Beauty Salon" in Jamaica, Long Island. At that time, she joined the Jamaica, Long Island, unit of the State Beauty Culturists Association. Mary also opened "Marcy's House of Beauty" in Brooklyn, NY, which she is presently operating.

Mary's strong concentrated religious beliefs and spiritual commitment to God are the foundation for her active membership in Berean Missionary Baptist Church for over 30 years. As a part of Berean's church family, her service, both past and present, speak for themselves. She is involved in various organizations such as the Boy Scout Parent Committee, Nurse's Unit, Choral Ensemble Choir, and the Women's Auxiliary. She is also a member of the Queen Esther Chapter 24 where she serves as associate matron.

Mary Cherry is a motivating, inspiring, intellectual, stern educator, who has her own philosophy about life: "Don't look at man; learn to see through, over, around, and beyond man. Learn the technique of having direct communication with God, and everything else will fall in its place".

Mary is a widow and the loving mother of three children: Livious, Jr., Valerie, and Teresa; and grandmother of seven: Karl, Kesha, Khadija, Dina, Marcus, Wendell, and La Duante.

The wonderful example of dedication and perseverance which Mary has set has surely made her worthy of this honor and many more. May this award inspire and encourage her to continue the important work she has already begun.

COMMUNITY THAT CARES

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. FEIGHAN. Mr. Speaker, Clevelanders give from the heart, and, according to CARE, nobody does it better.

During a recent CARE charity drive, area residents contributed almost $200,000. These donations and several others put Cleveland at the top: residents donate more per capita than any other community in the United States.

What's more, donations to CARE are multiplied by matching funds. Organizations, such as Food for Peace, collectively contribute $11 for every $1 from CARE. And the U.S. Agency for International Development matches contributions to CARE dollar for dollar. Thus, Clevelanders' donations will mean more than $2 million for the world's poor.

The recent CARE campaign owes much of its success to the Standard Oil Co. and to John Bustamante, the chairman and chief executive officer of the First Bank National Association. Standard Oil sponsored a kickoff reception that attracted more than 400 people and built a base of support for CARE.

Besides Mr. Bustamante and his son Tuan, many others deserve to be recognized for their fine work. Among them are Robert B. Horton, chairman and chief executive officer of Standard Oil of Ohio; Nancy Schuster, a Cleveland attorney; Cheryl Wills, president of a division of the United Way of Cleveland and Dallas Vipond, a former CARE country director now living in Cleveland. There are also some 45 volunteers, four CARE staffers and many others who helped bring distinction to Cleveland.

It makes me proud to be part of a community that CAREs.

STATE VETERANS CEMETERIES

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. LANCASTER. Mr. Speaker, I would like to call the attention of Congress to the very real need for veterans cemeteries in this Nation, and particularly in southeastern North Carolina.

Mr. Speaker, how must the families of men who have died after serving this Nation with honor and courage feel when they learn that there is no room for interment in a national cemetery.

The Veterans Cemetery Program is a joint Federal-State program of the Veterans' Administration to provide for burial close to home of veterans and their families. At the present time, national cemeteries are being regionalized. Without the construction of these veterans cemeteries in North Carolina, North Carolina veterans will soon have to be buried in Alabama, for the grave sites in North Carolina national cemeteries will soon all be filled.

I ask my colleagues to support legislation being introduced today by my colleague and fellow-southeastern North Carolinian the honorable CHARLIE ROSE and myself to create two veterans cemeteries, one in Onslow County, NC, the other in Cumberland County, NC. The land upon which the cemeteries would be located is surplus to the needs of Camp Lejeune Marine Base and Fort Bragg Army Base.

The project has full support of the communities, both military and civilian, and it is very fitting that the Marine Corps and the home of the 82d Airborne Division—two of our Nation's finest military organizations—should be contributing the land upon which we will honor American defenders.

The project also has the strong support of the North Carolina General Assembly which has passed legislation guaranteeing their participation in this project in a dollar for dollar matching basis.

THE 250TH ANNIVERSARY OF HOWERS/HAUERS IN AMERICA REUNION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. RITTER. Mr. Speaker, in the midst of our national celebration of the Bicentennial of the United States, it gives me great pleasure to call the attention of the House of Representatives to the "250th Anniversary of Howers/Hauers in America" Reunion, on September 20, 1987.

October 31, 1737 is the arrival date on American soil of (Jos) Hans Miehl Hauer Sr. and his two oldest sons. Around 1762, George Frederick, John Wendell and John Andreas' families and relatives migrated east to Hauersville, Northampton County, then in 1770, the sons moved to what is known as Howertown.

"Fide et Integritate", the motto quoted on their Shield's Mantle, represents the major strains of the long and fruitful contributions of the Hauer/Hower history in our Nation. Their steady faith has been evidenced in the Moselm Lutheran Church, the Zion Stone Church and St. John's Union Church as well as many other churches in other locations.

At present, William Jacob Fiedler Jr. is president of the Lehigh/Northampton 1987 Hower/Hauer Reunion as well as the first member of the executive board. Mary Louise (Fiedler) Schneck is secretary/treasurer and the Hower Historians include William Fiedler Jr., Sarah (Graver) Filchner and Chief Hower historian and author, Jane Hower Auker.

Mr. Speaker, the strength and resiliency of this great Nation owe much to this family and the foundation they have made on our shores and in the Lehigh Valley. The Hauer/Hower families have built with stone and have also built with their commitment to God, expressed by work, attention and care of neighbor, and remaining mindful of kin.

EDMUNDO ROMAN, ESQ. HONORED FOR ACCOMPLISHMENTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1987

Mr. TOWNS. Mr. Speaker, I wish to draw the attention of my colleagues to the accomplishments of Edmundo Roman, Esq. who is being honored at the first annual dinner dance of the women's and men's caucuses for Congressman EDOLPHUS "ED" TOWNS.

Edmundo Roman is a successful practicing attorney who was born in Santurce, Puerto Rico. He was raised in the South Bronx where he attended and graduated from St. Raymond's High School with honors. He graduated from Fordham University with a bachelor of arts and a bachelor of science in pre-med. In 1974, Edmundo returned to Puerto Rico where he attended the Catholic University Law School and obtained his juris doctorate.

He returned to New York City in 1979 and was admitted to the New York State Bar. He worked as a staff Attorney for the city council committee on State legislation.

In 1981, he worked on the initiation of the first massive registration campaign sponsored by the Office of the Commonwealth of Puerto Rico.

In 1982, he was elected district leader of the 54th assembly district, chairman of community board No. 4 and the first chairperson of the Woodhull Hospital Auxiliary. He was the founder and first president of the Sunset Park Lions Club.

Attorney Roman is an active member of the Bushwick Community where he has been instrumental in preserving housing in Bushwick and in obtaining a satellite clinic for community residents.

At the present time, Edmundo is engaged in private practice in Brooklyn and is a member of the Brooklyn Bar Association. He is also an active member of the men's caucus for Congressman EDOLPHUS TOWNS, and member of the Peoples' Democratic Club of the 54th Assembly District.

Edmundo is married to the former Elba Vasquez, who is currently the female district leader of the 54th assembly district.

The women's and men's caucuses are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my congressional district, and to improve the quality of life for all.

May this award inspire and encourage her to continue the important work she has already begun. The wonderful example of dedication and perserverance which she has set has surely made her worthy of this honor and many more.

AMPUTEE SOCCER LEAGUE IN EL SALVADOR

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. DORNAN of California. Mr. Speaker, I rise today to endorse a compassionate and creative approach to aiding the victims of indiscriminate land mines used by El Salvador's Communist guerrillas. Recently, I had the unique opportunity to meet and see first hand those responsible for implementing the United States Army Medical Humanitarian Mobile Training Team Program in El Salvador. The United States trainers who run the Med MTT are an invaluable resource which the Salvadoran Army relies on for field medical service, training, and rehabilitation of their wounded.

Mr. Speaker, for me one of the most unique aspects of the Med MTT's responsibilities has been their response to the long-term rehabilitation of victims of land mines. Responding to the need to physically mentally, and emotionally rehabilitate literally hundreds of Salvadoran Army amputees, Med MTT formed an amputee soccer team. Their first game was played on June 7, 1986, with United States Ambassador Edwin Corr and the Chief of Staff of the El Salvadoran Armed Forces, Gen. Adolfo Blandon, in attendance.

Today there are currently 13 teams organized. In September 1986, the Med MTT organized an amputee soccer championship for the entire El Salvadoran Armed Forces. From this competition an all star team was selected which is going to Seattle, WA, this month to participate in the 1987 World Amputee Soccer Tournament. Some of the credit for the organization of this event belongs to the Secretary of the Army, Mr. John O. Marsh and the National Guard Surgeon, Col. Claude R. White, as well as local groups in the Seattle area.

Mr. Speaker, I believe that it is important to show concrete examples of the constructive work that our United States trainers are doing in El Salvador. The trainers deserve the highest praise for efforts to bring peace and stability to a country which is racked by a Communist insurgency. I can imagine no better way of undermining the support for the FMLN guerrillas in El Salvador than winning the loyalty of the Salvadoran people. Our U.S. Army trainers are doing just that.

I would like to submit for the RECORD a series of fact sheets about the Med MTT to immediately follow these remarks.

[Med MTT Aug. 19, 1987]

FACT SHEET

Subject: U.S. Army Medical Humanitarian Mobile Training Team (Med MTT).

1. Purpose: To provide information on the role of the US Army Medical MTT in El Salvador.

2. Facts:

a. Subject team arrived in El Salvador in June 1983. Its mission was to establish a viable field medical service by training and equipping combat medics and other paramedical personnel (i.e. dental technicians and preventive medicine specialists). This was accomplished over a 24 month period; by the end of 1985, mortality rates were similar to those experienced by US Forces in Vietnam (less than 3% from a high of close to 20%) and combat medics were in the field.

b. In the past 24 months the MED MTT's mission has changed rapidly due to the large number of amputees being generated by land mine casualties. For 1986, 525 soldiers lost a limb(s) to mines. This is over twice the number from 1985. Prior to Oct 84 no statistics were kept by host country, but we estimate total military amputees now to be over 1,500. Of these only about 398 have been fitted with a permanent prosthetic device.

c. A program to fabricate prosthetic/orthotic devices is presently the Med MTT's biggest humanitarian mission along with the introduction of a rehabilitation program to assist the amputees. Case in point being the introduction of amputee soccer at the various cuarteles.

d. The prosthetic program not only fabricates artificial limbs but is training Salvadoran soldiers in the fabrication of these devices. The first 6 students graduated in September, 1986 after 18 months of training. Another 11 began training on 1 Sept. In the U.S. this program takes up to 6 years for full accreditation. Due to the large number of military amputees awaiting prosthetic devices and our lack of future Spanish speaking trainers, the MED MTT is establishing two contracts; one to fabricate offshore (in the US) prosthetic devices and the other to provide onsite Spanish speaking trainers. The first was signed in April, 1987 and will take effect in June 1987. The second is delayed because of lack of qualified Spanish speaking prosthetists/orthotists.

a. Preventive medicine. Emergency Room/Intensive care nursing hospital administration, medical logistics (FMS/MAP, this year $10 million approx). X Ray, Laboratory, Combat Medicine and a DOD physician exchange program (6 week TDY to ES) round out the current Med MTT.

Maj. Mouritsen/23-6597.

[Med MTT Aug. 19, 1987]

FACT SHEET

Subject: Long-Term Rehabilitation Available to the El Salvadoran Armed Forces.

1. Purpose: To provide information on long-term rehabilitation capabilities of the El Salvadoran Military Health Care System.

2. Facts:

a. Centro de Rehabilitation Professional de la Fuerza Armada (CERPROFA) was founded 6 June 1985, in response to the growing need for rehabilitation services for disabled soldiers.

(1) Director: Col. Efrain Tejada.

(2) Subdirector: Cpt. Victoria Guevara de Salinas.

b. The injured soldier, following recuperation from his acute injuries, undergoes a physical evaluation by the Dept. of Rehabilitation. Hospital Militar, prior to referral to CERPROFA.

c. Services available at Cerprofa:

(1) Social work: Determines the soldier's social/economic background, education level, and prior work history.

(2) Physiatry: Evaluates and refers the soldier, in area of Physical Medicine.

(3) Prosthetic/Orthotic Lab: Supported by the US Army Humanitarian Medical Mobile Training Team Members in the production and fitting of prosthetic and orthotic devices.

(4) Occupational Therapy: Evaluate dexterity, coordination and visual spatial deficits.

(5) Counseling: Phychological evaluation/counseling.

(6) Vocational training: Skill development, training and job placement.

(7) Life Style Training: Classes in daily skills; including reading, writing, mathematics, as well as budgeting, hygiene and other life skills.

d. The average age of the students is approximately 19-20 yrs. Average educational level is between 5th and 6th grade.

e. Vocational training is located at various job sites, both in the civilian community as well as within the Ministry of Defense. Placement is based on the student's interest and availability of positions.

f. Efforts are currently being made to find a qualified candidate to coordinate with the work sites and the job placement service at Cerprofa. Problems encountered have included poor work habits, tardiness, lack of responsibility, as well as problems related to physical or mental limitations of the student.

g. Long-term plans are to relocate Cerprofa to a larger site to accommodate additional services (i.e. Physical Therapy, Sheltered Work Shops and a Sports Facility.

h. A second center will open in San Miguel on or about 23 September 1987. This San Miguel will have the same capability as the shop in San Salvador, but will be under the professional supervision of the Military Hospital in San Miguel.

i. Cerprofa needs to establish a sheltered workshop on site to evaluate:

(1) Work skills/habits.

(2) Aptitude/attitude.

(3) Responsibility.

(4) Inter-personal skills.

j. The Cerprofa staff needs to order the proper equipment necessary for pre-vocational assessment of students.

k. Needs to expand its current work job training program by establishing further connections with private industry.

Maj. Mouritsen/23-6597.

[Med MTT August 19, 1987]

INFORMATION PAPER

SUBJECT: Formation of Amputee Soccer Teams, El Salvadoran Armed Forces.

1. Purpose: To provide information on the history of the formation of the ESAF Amputees Soccer Team Program.

2. Facts:

a. The idea to form an amputee soccer team in El Salvador came from an article in The San Francisco Chronical/Examiner which described this unique game. The idea was conceived by a group of active amputees in Seattle, Washington.

b. Communication was established between Mr. Bill Barry, coach of the Seattle team and the U.S. Army Medical MTT El Salvador. Armed with the rules and motivation amputee soccer teams were formed within the El Salvador Armed Forces.

c. The first game was played on June 7, 1986, at the 1a. Brigada soccer field. In attendance were U.S. Ambassador, Edwin E. Corr., the Chief of Staff of the El Salvadorian Armed Forces, Gen. Adolfo O. Blandon, as well as other distinguished guests.

d. There are now 13 teams organized. In September, 1986, an ESAF-Wide Championship, tournament was organized by the Medical MTT's Occupational Therapist, Cpt. Carmen Alverio and Jeffery Jones, Handicapped Sports Specialist from Detroit. The tournament included with the awards presentation on May 16, 1987.

e. The Med MTT will facilitate the participation of an all star team in Seattle, Washington in September, 1987 for the World Amputee Soccer Tournament. Assistance for this team will also come from the Secretary of the Army, the National Guard Surgeon, and local groups in the Seattle area.

Maj. Mouritsen/23-6597.

H.R. 2376

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. BATES. Mr. Speaker, I introduced legislation (H.R. 2376) recently which would remove the special and unwarranted exemption accorded to tobacco and tobacco products under the Consumer Product Safety Act.

Under the act, the Consumer Product Safety Commission is denied any authority to regulate the safety of tobacco and tobacco products. It has no jurisdiction to address the hazards of cigarette smoking to consumers.

This special treatment is ironic considering the serious health effects of tobacco. Tobacco products remain among the most unregulated products in our society despite the fact that tobacco is the number one preventable cause of death and disease in the United States. Smoking accounts for 17.2 percent of all deaths in America each year while alcohol abuse accounts for 4.9 percent and motor vehicle accidents account for 2.3 percent. Nicotine, in the words of the American-Medical Association, is "our most deadly addictive drug." It is highly toxic: A single drop of pure nicotine on the tongue can kill a person. Furthermore, tobacco accounts for 30 percent of cancer deaths and the CPSC is denied any authority to regulate consumers' exposure to tobacco. According to the Department of Health and Human Services, more than 300,000 Americans a year die prematurely from smoking-related diseases. There is no justification for allowing such a harmful product to escape the safety system we have established for other products.

Every serious study that has been done documents the dire health effects, on smokers and nonsmokers, of inhaling tobacco smoke. Medical authorities across the country repeatedly urge that we find ways to reduce exposure to smoking and to tobacco products. The Food and Drug Administration regulates virtually all other products which the American public consumes and/or takes into their system. It does not make sense that the FDA has no authority over tobacco.

This has become a vital economical issue as well since the health-related costs of cigarette smoking to the Nation totaled at least $53.7 billion in 1984. In addition, the annual average cost to the Nation for disease and lost productivity due to smoking has been estimated at $65 billion.

Mr. Speaker, this legislation does not require the CPSC take action in this area. It merely gives the agency the jurisdiction to do so. I will be exploring additional legislative initiatives to ensure that some action is taken by the CPSC. In addition, I will be looking at other methods to achieve the goal of reducing smoking and the harmful effects of exposure to tobacco. This legislation is a first step in my efforts to eliminate the hazards of exposure to tobacco.

If we deny our regulatory agencies the ability to investigate tobacco products, as they do all other products, we will never make progress in our efforts to reduce the health effects of tobacco exposure. It is time that we focus the attention of our safety agencies on smoking and tobacco, and initiate action at the Federal level to protect people.

BORK AND WATERGATE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. FRANK. Mr. Speaker, among the important issues that will be decided by the U.S. Supreme Court in the coming years are those which define the ability of Congress to put some limits on executive branch power. People in the current administration—and former members such as Pat Buchanan—have argued for a virtually untrammeled form of executive power in a wide variety of fields. I have previously discussed on the floor the very strong likelihood that if Judge Robert Bork became a member of the Supreme Court, he would be a consistent vote for in effect allowing the President to do whatever he wished in the foreign policy and military field, no matter what restrictions Congress sought to impose on the President's use of American manpower and money.

Another area where the President and his aides have asserted a sharp disagreement with the congressional effort to put some restrictions on executive power deals with the Office of the Independent Counsel, formally known as the special prosecutor. While we were in recess, the Justice Department confirmed that it is the position of the Reagan administration that the independent counsel law is unconstitutional and that there is no way that the President's untrammeled control over prosecution, even of his own closest aides, can be limited. This is an issue which will be resolved by the Supreme Court during the next term, and I again fear that this is an area where Robert Bork will be ready to cast his vote on the side of total executive power.

It seems to me quite relevant to note in this context that 14 years ago, when Richard Nixon wished to be free of the inconvenience of an independent prosecutorial presence, despite having promised the country that he would maintain one, Robert Bork was willing to fire Archibald Cox. At that time, the two top-ranking members of the Justice Department, Elliot Richardson and William Ruckelshaus refused to fire Cox. Robert Bork was willing to do so, in part because as he explained, he believed the President had absolute power to do so. This assertion in 1973 of the absolute right of the President to fire a prosecutor is precisely the issue that will be before the Supreme Court in the next term as we deal with the question of our right as a legislative body to continue the independent counsel law. And Judge Bork's behavior in 1973 and his opinion on this issue seems to me one more reason why it would be very damaging to our constitutional balance if he were to go on the Supreme Court.

Understandably, Judge Bork and his defenders are somewhat embarrassed about his role in firing Archibald Cox and to mitigate that embarrassment, they have put forward versions of the events of 1973 which do not seem to me to be accurate. Recently, Anthony Lewis wrote an excellent analysis of Judge Bork's role in the firing of Archibald Cox in the Sunday New York Times for August 23. Mr. Lewis' persuasive argument points out that Judge Bork's current view of the events does not square with what seems in fact to have happened.

The central point of Mr. Lewis' article is not the veracity of Mr. Bork on details, but rather that in 1973—and consistently thereafter—Robert Bork has insisted on the untrammeled right of the President to hire and fire prosecutors despite any effort by Congress to put limitations on that power. As Mr. Lewis concludes:

> Mr. Bork was not part of the Watergate cover-up—no one thinks that. But his view of Presidential power made him insensitive to the moral and constitutional challenge that Watergate represented. In a prospective Supreme Court justice that view is highly relevant.

Mr. Speaker, I include Tony Lewis' excellent article at this point in the RECORD:

BORK AND WATERGATE

BOSTON.—The nomination of Robert H. Bork to the Supreme Court raises questions that cannot be lightly decided—questions of importance and difficulty. Judge Bork is a man of high intellect and distinguished experience in law. But in his record, and in his outspoken views, there are matters that must concern the Senate and the public.

The first is a matter of history: his role in the Watergate affair. It is not history in a dusty sense. What he did then matters now, in fact and law.

Everyone remembers that Mr. Bork dismissed Archibald Cox as Watergate special prosecutor. It was Saturday, Oct. 20, 1973: the Saturday night massacre.

President Nixon wanted Mr. Cox out because he had subpoenaed White House tapes—the tapes that eventually sank Mr. Nixon. The Attorney General and his deputy would not carry out the President's order to fire the special prosecutor. Mr. Bork became Acting Attorney General and did.

Crucial questions followed immediately. Would the Office of Special Prosecutor continue? Would the subpoena for the tapes be pressed? Those questions aroused the country and brought a firestorm of public outrage down on the White House.

What was Mr. Bork's role on those questions? In 1982, at a hearing on his nomination to the U.S. Court of Appeals, he said he had dealt with them at once, the day after the massacre, at a meeting with Mr. Cox's deputy, Henry S. Ruth Jr., and others.

"I told them I wanted them to continue as before with their investigation and with their prosecutions," he said, "that they would have complete independence and that I would guard that independence, including their right to go to court to get the White House tapes or any other evidence they wanted."

The record does not support that statement.

On the next working day, Oct. 23, Mr. Bork issued an order retroactive to Oct. 21, the morning after the massacre. It said: This order abolishes the Office of Watergate Special Prosecution Force. The functions of that Office revert to the Criminal Division." It was the Criminal Division of the Justice Department whose bungled investigation of Watergate led to the call for a special prosecutor in the first place.

Henry Ruth's recollection, like the record, differs from Judge Bork's account. In a conversation last week, Mr. Ruth said the meeting mentioned by Judge Bork was very tense. Mr. Bork told him and a colleague to brief the head of the Criminal Division, Henry Petersen, who would make the decisions on whether to prosecute and so on.

"No," Mr. Ruth said, "Mr. Bork didn't guarantee our independence in the sense of a special prosecutor. As to whether we would run into barriers if we subpoenaed this or that tape, nobody knew the answer that evening. All that was done after the firestorm."

Public outrage forced Mr. Nixon to back down. On the afternoon of Oct. 23 his lawyers amazed the court by saying he would after all comply with the tapes subpoena. On Oct. 26 Mr. Nixon said he would accept a new special prosecutor. Only after that, on Nov. 2, did Mr. Bork issue a new order "establishing the Office of Watergate Special Prosecution Force."

The Reagan White House, perhaps drawing on Judge Bork's 1982 testimony, has credited him with saving the Watergate investigation. In a brief last month on the Bork nomination, it said:

"Immediately after carrying out the President's instruction to discharge Cox, Bork acted to safeguard the Watergate investigation and its independence. he promptly established a new Special Prosecutor's Office, giving it authority to pursue the investigation without interference. He expressly ensured the Special Prosecutor's office complete independence, as well as his right to subpoena the tapes."

That version of history contradicts not only the record but Mr. Bork's well-known views. He agreed to dismiss Mr. Cox because he thought a President had the power to remove a special prosecutor for subpoenaing his tapes. He could hardly, then, promise the Watergate force the right to subpoena tapes. Indeed he thought, as he later testified, that the idea of a special prosecutor independent of the President was unconstitutional.

In Mr. Bork's view, Presidential power was so great that it entitled him to ignore a formal Justice Department regulation providing that the Watergate prosecutor "will not be removed except for extraordinary improprieties." A respected Federal judge, Gerhard A. Gesell, held that the regulation had the force of law and that Mr. Bork's firing of Archibald Cox "was therefore illegal."

Mr. Bork was not part of the Watergate cover-up—no one thinks that. But his view of Presidential power made him insensitive to the moral and constitutional challenge that Watergate represented. In a prospective Supreme Court justice that view is highly relevant.

WILLIAM FRANC PERRY III, HONORED AT CAUCUS DINNER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TOWNS. Mr. Speaker, I wish to draw the attention of my colleagues to the remarkable accomplishments of William Franc Perry III, who is being honored at the first annual dinner dance of the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS, on Saturday, September 18, 1987.

Franc Perry III, a native Brooklynite, is a first-year associate with the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, where he specializes in medical malpractice defense litigation.

Franc, the son of Frank and Ophelia Perry, is a graduate of New England College, Henniker, NH, Arundel Sussex, England. He received his bachelor's degree in public relations/international studies in 1983. While a student at New England College, he was president of the class of 1983, a member of the board of trustees, and the recipient of the Parent's Award for Outstanding Contribution to the Life of the College.

Franc attended the National Law Center of the George Washington University in Washington, DC, where he was vice president of the Student Bar Association, student representative to the Faculty Senate, chairman of the commencement and orientation committees, and board member of the Black Law Students Association. He also authored two papers: "The United Nations: A Viable Concept in World Politics?" and "Draft Evasion, as Civil Disobedience Within the Constitution." He was also featured in Who's Who of American Law Students, 1984, 1985, and 1986. While in Washington, Franc was also a legislative correspondent for Congressman ED TOWNS.

Franc is a member of the National Bar Association, and the American Bar Association. He is also a member of the Potomac Polo Club and East Coast Horse World Foundation. He is cochairman of the New England College Metropolitan Alumni Association. In addition, he was recently recognized as a motivator by the Women's League of Science and Medicine for his accomplishments.

The Women's and Men's Caucuses for Congressman EDOLPHUS TOWNS are comprised of dedicated professional women and men whose main purpose is to keep me informed on major and vital issues affecting my congressional district, and to improve the quality of life for all.

Certainly, the wonderful example of dedication and perseverance which Franc has set has surely made him worthy of this honor and many more. May this award inspire and encourage him to continue the important work he has already begun.

A TRIBUTE TO THE AMERICAN BUSINESS WOMEN'S ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise to pay tribute to the American Business Women's Association's Mill Creek Chapter of Youngstown, OH, a very special organization in my 17th Congressional District. I am pleased to inform my fellow members of the U.S. House of Representatives that the Mill Creek Chapter will be celebrating their 25th anniversary on November 10, 1987. A day of celebration and festivity is being planned for this momentous event.

The Mill Creek Chapter has been working tirelessly these past 25 years promoting the business, cultural, and social advancement of women in the Mahoning Valley. Since their chartering in 1962, they have helped countless young women attain leadership positions throughout the country by providing them with scholarships to obtain an education. They have given an astounding total of $45,000 in scholarships, and it should be noted that their first scholarship recipient is now an outstanding attorney.

It is my deepest desire that the Mill Creek Chapter's next 25 years be twice as successful as its first 25. But now is the time to recognize this organization's amazing accomplishments thus far. Therefore, it is with thanks and special pleasure that I join the residents of the 17th Congressional District in saluting the Mill Creek Chapter of the American Business Women's Association on their 25th anniversary.

* * *

FATALITIES DOUBLE ON HIGH SPEED ROADS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. HOWARD. Mr. Speaker, New Mexico was the first State to raise the speed limit on rural interstates after Congress voted earlier this year to allow States to do so. There was great publicity about the unveiling of the new 65-miles-per-hour signs that were all ready for use the morning after the Surface Transportation and Uniform Relocation Assistance Act of 1987 was enacted.

Officials in New Mexico as well as other States are eager to raise the speed limit even though supporters of the 55-miles-per-hour speed limit warned that fatalities and serious injuries would increase. We warned that a few minutes lost travel time was a small price to pay for the saving of thousands of lives annually.

We now find that the fatality rate has doubled on those same roads in New Mexico on which the speed limit was raised so quickly. I believe it is tragic that we as public officials had the means to prevent many of these deaths and we did not do it. During a 4-month period on these roads last year there were 25 deaths. During the same period this year, there were 56 deaths.

Some people may offer explanations about contributing factors, such as driver inattention or drinking but speed is the overriding issue. If cars were travelling 10 miles per hour slower, there may have been no collision, even if the driver was drunk. If there was a collision, there may not have been a fatality at a lower speed.

There can be no doubt that there are more people dead as a result of accidents on higher speed roads in New Mexico than there would have been without the higher speed limit. I have submitted the Associated Press news report on the New Mexico fatalities for my colleagues as well as an editorial from the Asbury Park, New Jersey Press urging that we consider rolling the speed limit back to 55 miles per hour.

FATALITIES HAVE DOUBLED, SAY OFFICIALS

SANTA FE.—Traffic deaths on New Mexico's interstate highways have more than doubled since the speed limit was increased to 65 miles per hour, but state officials say there are no plans to rescind the law.

Figures released Monday by the state Public Safety Department showed that 56 people were killed on interstates in rural areas during the period from April 2 to August 15. That compares to 25 deaths during the same period in 1986.

"The figures are alarming," said Robert Kemble, secretary of the Public Safety Department.

The 65 mph limit applies to interstates in rural areas of New Mexico. Gov. Garrey Carruthers on April 2 signed the law increasing the allowable speed on interstates in rural areas of New Mexico. At the time, New Mexico became the first State to increase the speed limit on interstate highways in rural areas.

John Fenner, chief of the traffic safety bureau in the Highway and Transportation Department, attributed the increase in fatalities to the higher speed limit.

Kemble, however, wasn't so sure the higher speed limit was the primary factor. He noted that police reports on many of the fatalities listed driver inattention or alcohol as the primary reasons for accidents.

Kemble said the increase in fatalities "could be just statistical happenstance."

Officials said they also could not explain why many of the accidents occurred on two stretches of highways. They were Interstate 40 between Grants and the Arizona stateline and on Interstate 25 in the area from Belen south to Truth or Consequences.

Kemble said that despite the sharp increase in deaths, there was no move to return to a 55 mph limit in rural areas.

"We're looking at how to make sure that people obey the laws," he said.

The 65 mph is applicable on 945 miles of Interstates 10, 25 and 40 within New Mexico. The 55 mph limit still is in effect where the interstates pass through Albuquerque and Las Cruces.

[From the Asbury Park Press September 4, 1987]

MORE SPEED, MORE GRAVES—AT 65 MPH, HIGHWAY TOLL RISES IN NEW MEXICO

It may be too soon to make a call on raising the speed limit to 65 mph. But the first state to have done so, New Mexico, has buried twice as many people since the new law went into effect last April.

Figures released by the state Public Safety Department showed that 56 people were killed on interstate highways in rural areas from April 2 to Aug. 15, as against 25 deaths for the same period last year.

Does the higher speed limit account for the increased carnage on New Mexico's rural highways? John Fenner, chief of the traffic safety bureau in the Highway and Transportation Department, thinks so. But while Public Safety Department Secretary Robert Kemble finds the fatality figures "alarming," he is not prepared to lay the blame on higher speeds. He noted that police reports on many of the fatalities listed driver inattention or alcohol as the primary reasons for accidents. He said the increase in highway deaths "could just be statistical happenstance.

Perhaps. But then again, a 55-mph speed limit did bring the highway mortality rate down. Few deluded themselves that a majority of highway motorists were keeping to the speed limit. But everyone recognized that the 55-mph speed limit kept most traffic traveling at or under 65 mph; such controlled lawlessness was saving lives (and fuel).

Since a speed limit cannot be uniformly enforced, motorists on rural highways are likely to apply a heavier foot to the gas pedal. A higher speed limit is a virtual invitation to drive up to 75 mph, which is too fast and dangerous.

It may prove impossible to directly correlate higher speed limits to increase fatalities. But fewer people were sent to early graves during the 55-mph era. Even if that was a happy coincidence, it was one worth preserving. And perhaps it is one worth restoring.

IN HONOR OF NATIONAL POW/MIA RECOGNITION DAY AND SOUTH FLORIDA'S "VIETNAM VETERANS WELCOME HOME REUNION—THE HEALING WALL" CELEBRATION

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1987

Mr. SMITH of Florida. Mr. Speaker, I am here today to speak for those who are unable to speak for themselves. I rise to recognize the POW's and MIA's who have yet to return to their homeland.

On September 18, 1987, our Nation has an opportunity to focus on the POW/MIA state of affairs. Each State, city, or county will add a personal touch to this day, National POW/MIA Recognition Day, by remembering their own POW's and MIA's. Speaking for my district, National POW/MIA Recognition Day culminates with a weekend of homecoming events to welcome home our Vietnam veterans.

South Florida will combine National POW/MIA Recognition Day with festivities spotlighting the Vietnam veterans in their own "Vietnam Veterans Welcome Home Reunion—The Healing Wall" celebration on September 18, 19, and 20. Although National POW/MIA Recognition Day is a day of recognition for the POW's and MIA's of all wars, it is difficult not to think of the most recent conflict, Vietnam, and the lack of recognition these veterans have received since they returned home.

There is no doubt that the Vietnam Memorial Wall in Washington, DC, has been a daily reminder of the victims and veterans of the Vietnam conflict. The impact of the Washington Wall inspired Gary Turner and Tom McMullen to enlist the help of Jim Hancock and Pat Hubbard in designing a replica of the wall to display during special events, like the Vietnam veterans welcome home celebration. The Healing Wall a portable reproduction of the original Vietnam Wall, will be displayed in the amphitheater of C.B. Smith Park in Pembroke Pines, FL, during the welcome home celebration. The centerpiece for the weekend celebration, it is hoped that the Healing Wall will evoke the same emotions which are felt when viewing the wall in Washington.

Other welcome home events include a candlelight vigil on September 18 for all POW's and MIA's who remain in Southeast Asia and a reunion for Vietnam veterans and their families and friends on September 19 and 20. A weekend such as this will remain embedded in the minds of all who participate for years to come.

In honor of National POW/MIA Recognition Day, I urge my colleagues to join me in recognizing all the servicemen and servicewomen who remain under the thumb of the countries for whose freedom they were fighting. As pictures say a thousand words, so do the numbers of POW's and MIA's still unaccounted for in Southeast Asia and Korea. Korea retains 8,177 American POW/MIA's. Southeast Asia holds 2,415. Over 10,000 servicemen and servicewomen have not returned to the United States. It is unquestionable that these statistics support the rationale behind continuing efforts to repatriate these servicemen and servicewomen. Since Florida is seventh in the Nation in the number of POW's and MIA's still unaccounted for, my desire to meld these loose ends is underscored.

In recognizing the POW's and MIA's, it is appropriate to also consider the Vietnam veterans who were fortunate enough to return to U.S. soil. Additional statistics reveal that the State of Florida has accounted for 401,526 Vietnam-era veterans living within its borders. This number is deceiving when taking into consideration the more than 600,000 homeless and displaced Vietnam-era veterans in my State. With more than 1.2 million Vietnam-era veterans in the State of Florida, this weekend will indeed prove to be an emotional and enlightening experience.

I would like to welcome home our Vietnam veterans and urge continuing enthusiasm to keep the fire burning for all unaccounted POW's and MIA's. This weekend will be Florida's opportunity to saturate itself in the recognition and celebration of these missing American servicemen and servicewomen. I urge my colleagues to remember the POW's and MIA's on September 18 and to join Florida, in spirit, in celebrating the return of our Vietnam veterans during the "Vietnam Veterans Welcome Home Reunion—The Healing Wall" celebration on September 18, 19, and 20.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 10, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 11

9:30 a.m.

Labor and Human Resources

To hold hearings on S. 1575, to establish a grant program to provide for counseling and testing services relating to acquired immune deficiency syndrome (AIDS) and to establish certain prohibitions for the purpose of protecting individuals with AIDS or related conditions.

SD-430

10:00 a.m.

Government Affairs

To hold hearings on arms export policy.

SD-342

Judiciary

To hold hearings on pending nominations.

SD-226

Joint Economic

National Security Economics Subcommittee

To continue hearings to review Soviet Union economic reforms.

SD-562

SEPTEMBER 14

9:30 a.m.

Joint Economic

National Security Economics Subcommittee

To resume hearings in open and closed sessions to review Soviet Union economic reforms.

SD-628

2:00 p.m.

Armed Services

Closed briefing on the on-going Intermediate Nuclear Forces negotiations.

SR-222

SEPTEMBER 15

9:00 a.m.
Small Business
Government Contracting and Paperwork Reduction Subcommittee
To hold hearings to examine the impact of a series of amendments to the Small Business Act as contained in the Department of Defense Authorization Act for Fiscal Year 1987 (P.L. 99-661).
SR-428A

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
Business meeting, to markup proposed legislation authorizing funds for the Farm Credit System.
SR-332

Environment and Public Works
Business meeting, to markup proposed legislation to provide limited extensions in the Clean Air Act deadlines for areas that violate the health-protective national air quality standards.
SD-406

Judiciary
To hold hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.
SR-325

10:30 a.m.
Appropriations
Military Construction Subcommittee
Business meeting, to markup H.R. 2906, appropriating funds for fiscal year 1988 for military construction programs of the Department of Defense.
SD-124

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings on S. 1480, to promote the integration of universities and private industry in the National Laboratory System of the Department of Energy in order to improve the development of technology in areas of economic potential.
SD-366

SEPTEMBER 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on S. 849, Commercial Fishing Industry Vessel Safety and Compensation Act.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on Government handling of Soviet and Communist bloc defectors.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
Business meeting, to continue markup of proposed legislation authorizing funds for the Farm Credit System.
SR-332

Environment and Public Works
Business meeting, to markup proposed legislation to provide limited extensions in the Clean Air Act deadlines for areas that violate the health-protective national air quality standards.
SD-406

Judiciary
To continue hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.
SR-325

SEPTEMBER 17

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on off-airport user fees.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 559, S. 560, and S. 633, bills to study and control the disposal of plastic waste and to implement Annex V of the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978.
SD-406

Governmental Affairs
To hold oversight hearings on Presidential transition procedures.
SD-342

10:00 a.m.
Small Business
To hold hearings on S. 818, to provide permanent authorization for White House conferences on small business.
SR-428A

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume hearings on S. 1480, to promote the integration of universities and private industry in the National Laboratory System of the Department of Energy in order to improve the development of technology in areas of economic potential.
SD-366

SEPTEMBER 18

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on product liability.
SR-253

Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings to discuss the National Coal Council reserve data base report and the state of information relating to the quality and recoverability of U.S. coal reserves.
SD-366

SEPTEMBER 22

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Small Business
To hold oversight hearings on the Small Business Administration small business development center program.
SR-428A

SEPTEMBER 23

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To hold hearings on proposed legislation authorizing funds for Federal procurement policy programs.
SD-608

SEPTEMBER 24

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 25

9:30 a.m.
Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To resume hearings to examine the results of a General Accounting Office survey regarding the accounting procedures and processing of seized cash and properties by Federal agencies.
SD-342

SEPTEMBER 28

9:30 a.m.
Governmental Affairs
To hold oversight hearings to review inventory control and surpluses by Federal agencies.
SD-342

SEPTEMBER 29

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review coastal zone management consistency provisions.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on Federal procurement decisions concerning Wedtech Corporation.
SD-342

SEPTEMBER 30

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings on Federal procurement decisions concerning Wedtech Corporation.
SD-342

OCTOBER 6

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on pipeline safety.
SR-253

OCTOBER 7

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

OCTOBER 8

9:30 a.m.

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on government handling of Soviet and communist bloc defectors.
SD-342

HOUSE OF REPRESENTATIVES—*Thursday, September 10, 1987*

The House met at 11 a.m.

Rev. Hal Marchman, Central Baptist Church, Daytona Beach, FL, offered the following prayer:

We thank You, O God, for this day in which we can be still and know that You are God and Father of all mankind. We pause to give thanks for this great Nation and for those who guide and lead us. May each one of us make an effort today to close the gap between what we are and what You want us to be. May Your love be expressed in our actions and relationships. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. HAL MARCHMAN

(Mr. CHAPPELL asked and was given permission to address the House for 1 minute.)

Mr. CHAPPELL. Mr. Speaker, I am so pleased that we can have one of our finest citizens as the chaplain of the day for this august body. I am so pleased that he comes from the Fourth District, my district, and I want to say that he is one of the finest friends I have ever had and one of the finest Americans I know. It is so great to have him with us today.

SCHULZE AMENDMENT TO EXTEND MINIMUM DURATION OF TENDER OFFER FOR CONTROL OF CORPORATIONS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, today I had intended to offer an amendment to the Securities and Exchange Commission Authorization Act, addressing one aspect of some current takeover attempts. My amendment would have extended the minimum duration of any tender offer for control of a corporation to 60 calendar days. An amendment of this type would provide more adequate protection for workers, management, and shareholders, from those who utilize our securities laws to fill their own pockets regardless of the best interests of our Nation.

I will not offer this amendment, at the request of our distinguished ranking member from New York, Mr. LENT. However, let this be a signal to those who are searching for profits and venture capital in the assets of stable and well-managed corporations. It is my hope that the Committee on Energy and Commerce will move forward quickly with reforms of our securities laws to protect our Nation's interests.

CONGRESS RETURNS TO CLEAN FRESH BUILDINGS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I commend you, the Clerk of the House, the Superintendent of Buildings and the Architect's Office for cleaning up of the House buildings and the Capitol. The halls have been freshly painted, boxes have been moved out of the halls, and there is just a fresh look to our facilities.

Mr. Speaker, now it is up to Members and staff to keep this place looking nice.

THE TURKEY AT&T TELEPHONE SYSTEM

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, my staff asked me the other day if I were going turkey hunting and I responded, heavens, no, we have a turkey of our own right in our very own office. As a matter of fact, we have a whole flock of turkeys called the AT&T, American Turkey Troop, planned by no less than the committee in GSA.

If my colleagues have not noticed, they come mostly in this black color and emit various noises, mostly unintelligible. Once I heard the noise emanating from one "cheap cheap cheap cheap."

This fowl critter reacts in strange and stubborn ways. I tried the other day to send my receptionist a message, and I had to send a messenger.

I would suggest at some point next week we organize a turkey drive, and out of the goodness of our hearts each and every single office contribute to the well of the House one of these fowl critters. Can my colleagues imagine the smell that would emanate from a huge pile of these critters piled right here in the well?

Maybe that would send a message, because I know that we cannot do it on this fowl critter.

DANIEL ORTEGA'S TRIP TO MOSCOW

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I was amazed to read in the Washington Times this morning a report quoting the Speaker of the House saying he hoped Daniel Ortega's trip to Moscow "will have the effect of producing less dependence on Moscow and Havana." If that report of the Speaker's remarks is accurate, I would simply like to refer to all the previous trips Daniel Ortega has made to Moscow. They have always been to secure greater assistance and closer cooperation between Moscow and Managua. The first Sandinista diplomatic missions after gaining power were to Havana and Moscow. The Soviet Communist Party signed a treaty with the Sandinista party within 11 months of their taking over in Nicaragua. Even last week, the news of Soviet assistance in the form of increased fuel supplies demonstrates clearly the Sandinistas increased dependence on the Soviets. No one should be surprised that Daniel Ortega goes to Moscow. Swallows fly to Capistrano, buzzards fly to Hinckley, and Ortega flies to Moscow. Skeptical as I am about it, I hope Ortega will have complied with the Guatamala agreement he made to bring democracy to Nicaragua before he goes to Moscow.

ANNUAL MEETING OF THE INTERNATIONAL FEDERATION OF MULTIPLE SCLEROSIS SOCIETIES

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I would like to take just a moment to welcome the International Federation of Multiple Sclerosis Societies to Washington, DC. The federation, with 31 member nations, is conducting their annual conference from September 8 through 12 at the Sheraton Grand.

Multiple sclerosis is a degenerative neurological disease that affects nearly 2 million people worldwide. There is no known cause and no

☐ **This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.**

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

known cure, at this time. The disease primarily attacks young adults, aged 20 to 40, and appears to be triggered by a virus that causes multiple scarring of the brain tissue.

During this conference, the delegates will be reviewing ways to stimulate scientific research into MS, to collect and disseminate information on the disease and to aid persons who have been disabled.

I am pleased to inform the House, that a constituent of mine, Mr. George Boddinger, of Potomac, MD, is one of seven official delegates to the conference from the United States. Mr. Boddinger is a corporate consultant for the National Association of Securities Dealers. He is a director of the Harvard Business School Club of Washington and is active in a number of civic causes. I wish Mr. Boddinger and the MS Society the best of fortune in their efforts to conquer this form of human suffering.

REPORT ON PROGRESS OF CONSTITUTIONAL CONVENTION IN PHILADELPHIA

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, it is now September 10, 1787, and I am reporting to you from the floor of the Constitutional Convention in Independence Hall, Philadelphia.

Now the delegates are poised for the final week of action to complete the document that is supposed to serve as the new foundation for the new United States of America. Today they are deep in deliberations on the question of how to amend the new Constitution, if indeed amendments were ever to be offered.

The former one to which they agreed does not serve the best interests, it seems, of Gerry of Massachusetts, Alexander Hamilton of New York, and James Madison of Virginia. Those three have gotten together and have proposed, and the vote is now being taken, on the proposition that amendments to the Constitution should be able to be forthcoming from two-thirds vote of each House of the Congress or of the States themselves in proposing it with two-thirds number, and then that could be ratified by three-fourths of the States who would contemplate such an amendment.

I am ready to take the vote to my colleagues. The final vote is being cast, and it appears that the amendment has carried and, therefore, the amendment process for the Constitution is now embedded. Everybody is optimistic that within a week they will be signing this new Constitution of the United States. I am reporting to you 200 years ago today from Philadelphia at the Constitutional Convention.

SEPTEMBER 15—KONA COFFEE DAY

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, although Americans drink 380 million cups of coffee a day, Hawaii is the only State that produces native-grown coffee. Kona coffee, from the island of Hawaii, is recognized the world over for its rich flavor and distinctive aroma.

As a tribute to America's only native coffee, "Kona Coffee Day" will be observed on September 15 at the Members' dining room in the Capitol. On that day, all coffee served in the Members' dining room will be Kona coffee.

My colleagues, when you buy a cup of coffee on September 15, you will be sharing in a proud tradition. Kona coffee dates back to 1817 when King Kamehameha, the first ruler to unite the Hawaiian Islands, ordered the planting of coffee trees so that the royal family could enjoy their own special blend of coffee. As a result of his 1817 decree, Kona coffee now graces the slopes of the majestic Mauna Loa, an active volcano soaring 13,680 feet above the Pacific. For 170 years, Hawaii's rich soil, mild breezes, moderate temperatures, and gentle rains have given Kona coffee a flavor unlike any other coffee in the world.

During his 1866 tour of the Hawaiian Islands, the unique flavor of Kona coffee so impressed the usually acerbic Mark Twain that he gave it an unqualified endorsement. On September 15, you can celebrate "Kona Coffee Day" by enjoying the coffee that Twain judged to have a "richer flavor than any other."

UNITED STATES NEEDS CAPITAL PUNISHMENT LAW

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Donald Harvey signed an agreement with the Government Monday. Donald Harvey will plead guilty to killing some 20 people in hospitals in Kentucky and Cincinnati. The Government will grant him a life sentence.

Mr. Speaker, I think it is time we stopped plea bargaining and draft a legislative remedy to stop the homicides that are escalating in this country.

Everybody is talking about the sexy issue of terrorism, but my God, look at the limited number of people and the exposure we face by the tremendous amount of murder in our own country. It costs us $100,000 a year to keep Richard Speck in a maximum security cell.

I think it is time we start taking a look at the victims and not the rights of these killers, and Congress enact a strict capital punishment measure that will send a signal throughout the country that we are fed up with it.

□ 1115

DOES THIS BRING BACK MEMORIES OF BEIRUT?

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, during August I crisscrossed my Missouri district. And much of what I heard was not surprising. My constituents are concerned about trade, about agriculture, about education and about the deficit. But they have added another big concern to their lists—the Persian Gulf situation.

They want to know why we are there and what our policy is. I couldn't answer them because I don't know. The administration hasn't shared its policy with us.

It can't be because of the oil—we don't rely on oil from that region. It can't be because of our friends in the area—they basically have refused to help us.

Once again this administration is depending on its Rambo-like style of foreign policy to blunder through another ordeal. Does this bring back memories of Beirut?

Mr. Speaker, I join my Missouri constituents in asking the administration to explain what our policy is in the Persian Gulf, tell us what our goals are and how we are going to achieve them. That's not too much to ask.

HIGH RISK OCCUPATIONAL DISEASE NOTIFICATION AND PREVENTION ACT

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, every year, according to Government estimates, as many as 100,000 workers die and as many as 400,000 are newly disabled due to diseases caused by workplace substances. And, every year, according to a 1984 Department of Labor study, these deaths and disabilities cost American taxpayers $5.4 billion in Social Security, Medicaid, and Medicare payments. H.R. 162, the High Risk Occupational Disease Notification and Prevention Act, is designed to save those lives and lower those costs.

Among the many supporters of H.R. 162, the High Risk Occupational Disease Notification and Prevention Act, are some members of the business community who will be affected most by the bill.

When the National Paint and Coatings Association testified at 1 of our 10 hearings, we listened carefully to what they said. Initially, they were concerned with some scientific and administrative aspects of the program and also about its impact on liability. But, based on improvements we are making in the bill, they now fully endorse it.

Their support is very significant, because the 800 members of the association cover a broad spectrum of the industry. About 200 member companies provide raw materials for other members, and many of the firms have annual sales over $10 million. In terms of employment, about 350 of the members have between 20 and 100 workers, and a number of them have several hundred.

The Paint and Coatings Association knows that many of its members will be affected by the bill's high risk notification and medical monitoring programs, and they have told me that it's the right thing to do.

Since we started developing the bill, we have worked with many different organizations—health, environmental, labor, and business groups, and this cooperation has increased support for the bill and also strengthened and improved it.

At $25 million a year, H.R. 162 is a cost-effective program that identifies workers at high risk of disease, notifies those workers of the risks, and encourages medical monitoring. It's not a compensation bill, it's a program designed to save lives, and I urge all of my colleagues to support H.R. 162.

PROHIBITING DOD TRANSPORTATION CONTRACTS WITH WARSAW PACT COUNTRIES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I am introducing legislation designed to prohibit the U.S. Defense Department from acquiring transportation or other services from Warsaw Pact countries. The U.S. Government is spending some $300 billion on defense and some of this may go to Warsaw bloc countries for construction and transfer of our hardware defense materials.

It is true that the Warsaw Pact nations are in a position to produce and service defense hardware at a cheaper cost than Western, free world countries but the Western Allies cannot become dependent on Soviet-bloc countries for our defense needs nor in this way help their economy. We must be sensitive to the fact that the Warsaw Pact nations may become potential battlefields against preserving democracy.

It is only prudent that if we are to have a sound defense and a strong national security that we must encourage the production and transportation of defense materials from domestic manufacturers and shippers or from nations that make up the free world.

I urge my colleagues to join me in supporting legislation, which I am introducing today, that prohibits the Secretary of Defense from entering into contracts with Warsaw Pact nations in order to provide transportation services for defense. Enactment of this legislation is in the best interests of our national security and the Western, free world.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES

Ms. OAKAR. Mr. Speaker, I offer a privileged resolution (H. Res. 259) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 259

Resolved, That the following Members, be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on House Administration, Joe Kolter; and

Committee on District of Columbia, Bruce A. Morrison.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION ACT OF 1987

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 257 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 257

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2600) to extend and amend the authorization of appropriation for the Securities and Exchange Commission, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purpose of debate only I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 257 is an open rule providing for the consideration of the bill H.R. 2600, the Securities and Exchange Commission Authorization Act of 1987.

Mr. Speaker, the rule provides 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Energy and Commerce.

All points of order against the bill for failure to comply with clause 2(l)(6) of rule XI, that is the rule which requires that committee reports be available to Members for 3 days prior to the consideration of the bill on the floor, are waived. Although the Committee on Energy and Commerce reported the bill on July 24, 1987 the report was not actually filed until September 8, 1987. However, since printed copies of the report have not been available for the required 3 days a waiver of clause 2(l)(6) is necessary.

Mr. Speaker, the rule also provides that it shall be in order to consider the amendment in the nature of a substitute, recommended by the Committee on Energy and Commerce now printed in the bill as original text for the purpose of amendment under the 5-minute rule, and further provides that the committee substitute shall be considered for amendments by sections, and that each section shall be considered as having been read.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2600, authorizes $153.9 million for fiscal year 1988, and $169 million for fiscal year 1989, for the Securities and Exchange Commission activities. The Commission is responsible to enforce securities law and regulations for all public securities markets. In addition, the Commission collects fees for stock transactions, the filing of certain documents, and tender offers. These fees have enabled the Securities and Exchange Commission to contribute into the U.S. Treasury over the past few years and with a strong market they will continue their contribution.

Mr. Speaker, the bill also authorizes the funding of $20 million for fiscal year 1988 and $15 million for fiscal year 1989 for the Commission to shift from a paper-based system to an electronic system for filing information from corporations and other parties.

Mr. Speaker, we have all seen and heard the stories of corporate corruption and wrongdoing from the stock market to the security industry. What this bill will do is to strengthen the enforcement program of the Commission to continue to investigate and prosecute those who choose to circumvent the law for their own self-interest.

Mr. Speaker, I know of no controversy over the bill or the rule, both have bipartisan support, and I urge the passage of the rule and the bill.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in recent months the Securities and Exchange Commission has been increasingly in the public eye as it has moved more aggressively to enforce the laws against insider trading. They deserve commendation for this undertaking. In a free market system it is important that the Nation's major securities markets be beyond reproach.

Mr. Speaker, unlike most Federal agencies, the SEC brings in more money than it spends. In fiscal year 1986, the SEC collected fees amounting to 203 percent of its budget. We could use a few more self-supporting agencies in this Government.

Mr. Speaker, this bill provides a total authorization for the SEC of $153.9 million for fiscal year 1988 and $169 million for fiscal year 1989. These amounts include funds for the Commission's electronic data gathering, analysis, and retrieval system known as EDGAR. The EDGAR system, the implementation of which is subject to certain conditions stated in the bill, would allow companies to file data electronically.

Mr. Speaker, while this bill was reported from the Committee on Energy and Commerce by a voice vote, I should note the administration's opposition to the bill.

The administration objects that the bill would authorize appropriations 6.1 percent above the President's budget request and also that the bill would impose rigid and unnecessary management constraints on the SEC in connection with the development and operation of the EDGAR system.

Mr. Speaker, the rule before us today is an open rule. It includes a waiver of the 3-day layover requirement because the report on the bill was not filed until yesterday. However, I support the rule because it will allow the House to make any necessary improvements in the bill.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 257 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2600.

□ 1129

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2600) To extend and amend the authorization of appropriation for the Securities and Exchange Commission, and for other purposes, with Mr. MOAKLEY in the chair.

The Clerk read the title of the bill.

□ 1130

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 30 minutes and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume so that I may engage in a discussion of this very important piece of legislation.

Mr. Chairman, I am very pleased to bring to the floor H.R. 2600, the Securities and Exchange Commission Authorization Act of 1987. H.R. 2600 authorizes for the next 2 fiscal years all of the funds requested by the SEC in its budget authorization request for fiscal years 1988 and 1989. This bill authorizes $153,900,000 for fiscal year 1988 and $169,000,000 for fiscal year 1989.

H.R. 2600 is truly a bipartisan effort. It was approved by both the Subcommittee on Telecommunications and Finance and the Energy and Commerce Committee by voice vote without dissent. I express my thanks to the chairman of the full committee, Mr. DINGELL, the ranking minority member on the full committee, Mr. LENT, and the ranking minority member on the subcommittee, Mr. RINALDO, for their advice and assistance with regard to this bill.

In supporting the authorization of all of the funds requested by the Commission, I am aware of the budget constraints under which all of us operate. I am also mindful, however, that insider trading and other forms of market manipulation are reaching historic levels.

This is a critical time in the history of the Commission. During the past several years, revelations of market manipulation and insider trading regularly have lept from the front pages of our daily newspapers. There has been considerable concern that the Commission has not sought over the years the level of funding necessary to deal with such market abuses. In my judgment, this is no longer the case. This authorization bill gives the Commission the funds to enable its continuing investigations into these areas to proceed with vigor. When those who would subvert our securities laws understand that the Commission has the funding and other resources necessary to fight them and win, they will think twice before launching their illegal schemes.

In supporting H.R. 2600, it is reassuring to me that a significant portion of the Commission's budget will be devoted to enforcement efforts to help root out these and other securities law violations.

It is imperative that the Commission have sufficient resources to protect the investing public and preserve integrity in our capital markets. The Commission has a critical mission in our capital formation process, and we in Congress must hold it to extremely high standards. In providing the Commission with all of the funds it seeks, we expect it to use them wisely and resourcefully.

This measure also deals directly with the EDGAR [electronic data gathering, analysis, and retrieval] project, which is endorsed by the Commission. The EDGAR system, which has been in a pilot program over the past 2 years, is intended to facilitate the corporate filing process by automatically receiving, accepting, and reviewing annual reports and other SEC filings.

The Commission receives millions of pages of filings each year. Presently, issuers file approximately 65,000 disclosure documents each year, including 3,000 annual reports. The EDGAR system was created to help the Commission deal with these documents in an effective and efficient manner. EDGAR will automate the filing, processing, and dissemination of these filings. Such electronic analysis and dissemination will help foster more informed investor participation and more efficient securities markets.

This bill authorizes $20,000,000 for 1988 and $15,000,000 for 1989—the full amounts requested by the Commission—for the purpose of funding a contract for EDGAR. The bill provides further that the Commission will make certain progress and status reports to Congress relating to the EDGAR system.

The Commission will submit a report to the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Operations of the House of Representatives on the status of EDGAR development, implementation, and progress at 6-month intervals beginning December 31, 1987, and ending at the close of 1990. The Commission will also certify to Congress information relating to the total EDGAR contract costs to the Federal Government, a cost-benefit analysis, implementation schedule, system capabilities, and competence of the contractor and the SEC EDGAR management, and the results of the mandatory filing test group of registrants. In addition, printed or written filings made during the transition period are intended to be in the same form as is required for filings at the time of the enactment of this legislation.

This report and certification will guide the Commission's implementation of EDGAR, and will help to assure the Congress that as the EDGAR project proceeds, its capabilities and its costs are fully understood and its potential benefits are fully realized.

I would say in closing that H.R. 2600 represents a bipartisan effort designed to give the SEC the funds it needs to serve as an effective force for investors in our increasingly complex capital markets. It deserves broad support. I urge its passage by the House.

Mr. Chairman, I reserve the balance of my time.

Mr. RINALDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to express my support for H.R. 2600 as passed by the Committee on Energy and Commerce. This bill constitutes a successful effort of Democrats and Republicans to reach a consensus on reauthorizing the SEC which will allow it to carry on all of its essential programs for protecting investors and the public. This bill does several important things.

First, it authorizes the SEC at the funding level it requested for 2 years. I believe that the SEC must have the resources to help clean up Wall Street. We have seen widespread insider trading schemes and other abuses that have reached into some of America's most respected securities firms. The SEC must have the staff and other support it needs to enforce the law.

Second, it provides full funding for the EDGAR computerized filing system. That system will allow corporations, investment companies, and others to file periodic reports at the push of a button. EDGAR will cut costs for filers, speed information to investors, and provide significant benefits to the public.

This bill does contain provisions that would not have been my choice. I would have preferred a 3-year reauthorization rather than 2 years. I think a 3-year period would have sent a stronger message to the criminals that Congress means business in stopping financial fraud.

In addition, the amendment places extensive reporting and certification requirements on the SEC before it can receive funding for EDGAR. I think it is important for Congress to keep an eye on how EDGAR is proceeding and believe that the Commission should file periodic progress reports. Although I agree with many of the objectives of the reporting and certification requirements, I do not think that a statute is the best place to put these provisions. I am concerned that, despite good intentions on both sides, we will place some certification or reporting requirements in the law that could create unintended problems down the road.

Despite these reservations I believe that it is important for us to have bipartisan support to reauthorize the SEC. Members on both sides of the aisle and our staffs worked together to address all of our concerns and to draft practical legislation.

Mr. Chairman, I want to compliment the chairman of the subcommittee, the gentleman from Massachusetts [Mr. MARKEY], for the manner in which he consulted with and worked together with myself and other Members of the minority in putting this bill together. I am satisfied that the legislation will allow the SEC to do the job we want it to do. Therefore, I support the legislation, and I urge my colleagues to do the same. I compliment everyone on both sides of the aisle who worked to put this bill together.

Mr. Chairman, it is important to note that these additional resources constitute a congressional vote of confidence in the SEC. The Commission is doing an excellent job of prosecuting fraud, such as insider trading and the filing of false financial statements. The SEC is also modernizing and improving its disclosure and other regulations to improve investor protections while lowering costs. I commend the SEC and its staff for this fine work and urge the Commission to continue and expand these efforts with the larger budget we are authorizing today.

Mr. MARKEY. Mr. Chairman, again I yield myself such time as I may consume.

Mr. Chairman, I would like to point out that the gentleman from Oklahoma [Mr. ENGLISH] has provided us a very eloquent system on the EDGAR system. That, I believe, will help us to flesh out this record and make it quite clear that we have to have the technological resources at the Securities Exchange Commission which will make it possible for us to get a better handle on what has transpired in this exploding area of financial transactions in the 1980's.

Mr. Chairman, we have entered into a new technological era that has changed the fundamental nature of the way in which financial services in this country and in the world are in fact provided. As a result of that revolution, we, through this piece of legislation, are trying to get to the SEC the resources which it will need in order to get the job done and to monitor those activities in a way which it has not had the capacity to do before.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. MARKEY] for yielding time to me, and I would like to commend the gentleman from Massachusetts and the gentleman from New Jersey [Mr. RINALDO] for working out a very good bipartisan bill that deals not only with the necessity of continuing the authorization of SEC but deals with a couple of problems that have been confronted by us in recent years.

Because of budgetary problems perhaps, there has been a tendency, I think, both on the part of the administration to ask for too little and on the part of Congress to allocate too little funding for some of these agencies to carry out the basic functions of their work. The SEC, like a number of other regulatory commissions, was established in order to be able to provide oversight in an industry, and if we inadequately fund that oversight capacity, the kind of thing that we have seen occur in the securities markets is almost invited to occur by that lack of funding. What in fact we need to do and what in fact this bill does is to provide an adequacy of funding for the Securities Exchange Commission, and they have told us and assured the committee that their emphasis will be on enforcement.

A significant portion of these funds that are being authorized in this bill will be allocated to enforcement so that the SEC is going to be able to carry out the basic purposes for which it was established. In fact, this authorization actually reflects a making up for lost time, if you will. We have, by marching in place at a time when things were getting out of control, lost ground, and this authorization is going to permit the SEC to take those actions to be able to catch up and get back in control of the situation and be able to provide the kind of oversight that Congress originally intended the SEC provide over the securities industry in this country.

Again, Mr. Chairman, I commend both the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from New Jersey [Mr. RINALDO] for an excellent job of putting together a good bipartisan bill.

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Mr. RINALDO. Mr. Chairman, I yield 4 minutes to my good friend, the gentleman from New York [Mr. LENT], the ranking member of the full committee.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to speak today in support of this bipartisan compromise proposal to authorize the SEC for the next 2 fiscal years. This bill is a significant accomplishment, and I want to compliment Chairman MARKEY, Chairman DINGELL, and Mr. RINALDO on bringing it to the committee. Above all else, the legislation will provide the SEC with the funding it needs to pursue its vital enforcement efforts in depth, staff its other functions, and implement a new and dramatically expanded information system.

I believe the basic reporting and certification conditions imposed on funding for the EDGAR reporting system are not unreasonable. They do not in any way restrict the Commission's discretion in implementing EDGAR in the manner it finds most cost efficient and technologically sound. I think these purposes could have been achieved in committee report language, with a clean bill, but as long as the conditions imposed are not intended to, and do not place any substantive burdens on the SEC's implementation of EDGAR, and allow its other functions to go forward, I am willing to accept them in the legislation. I know all Members will be interested in keeping abreast of developments with the EDGAR system, and this bill ensures that we will have timely notice of any potential problems that occur.

Again, this bill carefully balances a number of competing concerns, and I hope the Members will approve it quickly so that the SEC can get early assurance that it will have the resources to continue doing the fine job we want it to do.

Mr. RINALDO. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. COATS].

Mr. COATS. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to commend to the Members on this bipartisan, compromise legislation which is before the House today.

I think a lot of good work has been done with this bill to reauthorize the Securities and Exchange Commission, and Members on both sides who have been involved ought to be commended for the many hours of efforts in putting this bill together.

The bill ought to be supported for a number of reasons, but let me just state one or two.

Probably the most critical component in our securities system is the confidence of the American people that the system not only is efficient and effective, but that it is fair and honest and aboveboard.

Wall Street has been robbed by some scandals in recent years, particularly in the last several months, which have shaken that confidence.

While it is imperative for Wall Street itself internally to provide the effective oversight and enforcement to make sure that its members abide by the rules and the laws, it is also imperative for the public to know that there is a vigorous, effective, efficient enforcement agency overseeing the operations of Wall Street and protecting the investor from fraud and crime and insider trading, and a number of other things that have unfortunately happened in recent months and years.

By providing for an effective, efficient SEC, we can help provide that confidence, provide that assurance that our system is aboveboard, and that the small investor has nothing to fear by investing hard-earned savings into equities, bonds, or other markets that are operated through our securities trading system.

The charge is made that perhaps we are giving the SEC too much money. Let me just state that at a time when the SEC caseload has increased by a tremendous amount, we are providing the SEC with what is probably just barely enough money to cope with that increase in both trading volume and the number of cases.

The SEC is one of the real profit centers of government. In the 1986 fiscal year it returned 203 percent of its budget to the Treasury with receipts taken in from fines, fees, and other revenues.

If every Federal agency did that, and I am not suggesting that every Federal agency could or should do that; but if every one did that, it is interesting to note that we would have a $2 trillion surplus facing us rather than the deficit, so let us not look at the SEC budget as something that is overgrown.

It returns far more money to the Treasury than we pay out to run the place.

This year alone, the SEC extracted $100 million in penalties and fines from one individual alone.

It is important, as I said, that we have an agency that is able to go out and hire the best talent available, pay competitive salaries to its enforcement people and its legal people.

We are talking about people here who need a considerable amount of education and training to be able to be involved in and be effective at resolving all of the intricacies of stock trading, and some of the fraud that goes on. So let us give this agency the working capital to do the job it has been assigned to do, and provide the American people the security that they have a fair, effective, and efficient system.

I urge my colleagues to support this legislation.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the chairman of the full committee.

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, outstanding work has been done on this legislation by the subcommittee. The gentleman from Massachusetts [Mr. MARKEY], the distinguished chairman of the subcommittee, has continued the excellent work and leadership in this area, and is indeed to be commended by the Members, as are the gentleman from New Jersey [Mr. RINALDO], the distinguished ranking minority member, and the gentleman from New York [Mr. LENT], my good friend and colleague.

This is a fine piece of legislation. It reflects careful and thorough work on the part, not only of the leaders of the subcommittee, but also on the part of the subcommittee.

It will take steps to assure that the SEC has the means, the skill and the willingness to follow forward in seeing that our investors are protected, and that the confidence in the public may remain intact in the marketplace at a time when rascality abounds.

I urge the Members to support the legislation, and I yield back the balance of my time.

Mr. ENGLISH. Mr. Chairman, I rise in support of H.R. 2600, the Securities and Exchange Commission Authorization Act of 1987. I want to comment in particular about the provisions of the bill that authorize the SEC to establish the EDGAR system.

EDGAR is a grand experiment that is being watched closely by many Federal agencies and by others with an interest in the future of Government information policy. EDGAR is the most ambitious attempt by a Federal agency to establish a large electronic data base. Whether EDGAR succeeds or not will affect how other agencies proceed with automation of information systems.

I have developed a special interest in EDGAR in my role as chairman of the Government Operations Committee's Subcommittee on Government Information, Justice, and Agriculture. In the 99th Congress, my subcommittee held several days of hearings on the general subject of electronic collection and dissemination of information by Federal agencies. The SEC was one of many agencies that testified about its electronic information plans. The subcommittee's hearings resulted in a report approved by the Committee on Government Operations entitled "Electronic Collection and Dissemination of Information by Federal Agencies: A Policy Overview" (H. Rept. 99-560).

The EDGAR authorization language in H.R. 2600 is consistent with the policy goals set out in that report. I want to thank Chairman MARKEY and Chairman DINGELL and the staffs of both committees for their interest, support, and cooperation. I am pleased that the work of my subcommittee was helpful.

I think that it is important that the authorization for EDGAR contains conditions, restrictions, and reporting requirements. The planning process for EDGAR over the last few years does not engender much confidence in the ability of the SEC to design and implement such a large computer system.

When former SEC Chairman John Shad testified before my subcommittee in 1985, he said that EDGAR wouldn't cost the Government a cent. He expected that a private contractor would spend $63 million to establish and operate EDGAR and would provide free service to the SEC. I said at the time that this was totally unrealistic.

Several months later, the SEC indicated that it might be necessary to pay the EDGAR contractor as much as half a million dollars annually. Still later, the SEC indicated that it would have to pay more of the costs in order to find a contractor to operate the system.

Now the SEC has finally recognized what was clear to others all along. EDGAR will not be free and it will not be cheap. The Government will have to pay its full share of the costs. As envisioned in H.R. 2600, the Government's contribution will be $46.5 million. This is a far cry from the cost-free system that the SEC originally promised. While it would be nice to get something for nothing, it is not very realistic.

H.R. 2600 imposes several reasonable conditions and reporting requirements for the EDGAR system. These are designed to ensure that the SEC will not continue to change the structure or the financing of EDGAR. We need to make certain that the Government's contribution is both reasonable and within budget. We now know that EDGAR will cost the Government more than $40 million in excess of the original estimate. We don't want to learn when it is too late that there will be another $40 million cost overrun.

The legislation also includes several operational requirements for EDGAR. The most important is a provision that allows information from the EDGAR system to be used, resold, or redisseminated without restriction and without payment of any additional fees or royalties. While this language primarily reflects current law regulating the sale of uncopyrighted Government information, it also helps to assure that no one will be able to establish a monopoly over securities information in electronic form. Those who obtain securities information directly from the EDGAR contractor or indirectly from other disseminators will be able to use and redisseminate the basic EDGAR data without restriction.

One consequence of unrestricted use and disclosure of EDGAR information is that the Commission's role in setting prices for wholesale services is likely to be of limited importance. If the market for information works according to theory, the market will not support a price for uncopyrighted information that is higher than the marginal cost of providing the information. If prices much higher than marginal cost are permitted, it is likely that a secondary wholesale market will be established to meet demand at a lower price. Since the information will be in the public domain, there is nothing to prevent a secondary market unless artificial barriers are created or tolerated by the SEC. The creation of any secondary wholesale market for EDGAR data will be evidence that the prices set by the SEC are too high. A complete analysis of the effect of access and use restrictions on the price of information can be found in report of the Committee on Government Operations Committee that I just mentioned.

Other language in the bill is also designed to assure a level playing field for all retail vendors of EDGAR information. This language provides that public information in the EDGAR system must be equally available on equal terms to all persons. I understand that this is intended to ensure that the EDGAR contractor has no financial or other advantage over others who will be competing to sell securities information in the retail marketplace.

I think that the Energy and Commerce Committee has done as good a job as it is possible to do in setting the legislative groundwork for EDGAR. But we have to recognize that some doubts about the viability of EDGAR remain. We cannot be sure that the SEC will be able to deliver the system that it has promised. There have been too many major changes in the structure of EDGAR over the past 2 years to allow anyone to feel comfortable with the SEC's current assurances.

We cannot be sure that EDGAR can be built and operated with the budget now envisioned. I think that there is a reasonable chance that EDGAR will cost far more than anyone now thinks. The company that wins the EDGAR contract will be taking a considerable financial risk. The risk is even bigger if the winning contractor expects the Congress to bail it out in a year or two.

We cannot be sure that EDGAR will work as planned. While the SEC has done a good job with the pilot for EDGAR, the full system will be so large that it may take a considerable period of time for the problems to be worked out. In order to avoid a disruption to the securities markets, the legislation provides for the continuation of paper filings until such time as EDGAR has been convincingly demonstrated to work. We have all lived through problems with new computer systems. We cannot take a chance with the Nation's securities markets until EDGAR has been demonstrated to be a success.

We cannot be sure that EDGAR will be effective in making securities information available to a broad audience. There is a chance that the SEC will approve a pricing structure for EDGAR information that will give its contractor a de facto monopoly over the data. If that happens, then EDGAR will have been a failure and it will be necessary for the Congress to reconsider the value and the structure of EDGAR.

Finally, one of my primary concerns about EDGAR and other similar Government information systems is that the economics of operating the systems will create a demand for restricting the information so that users can be charged higher prices. If, as I suspect, the SEC is not asking for enough money to fund the EDGAR system, then the SEC or its contractor may ask for authority to copyright or otherwise limit use of information in order to support higher prices. Any such restrictions on Government information would be contrary to the information policies of the United States for 200 years.

It is vital that routine Government information—like the information in the EDGAR system—remain uncopyrighted, readily available, and usable by the public without restriction. I will oppose any future attempts to restrict the availability or use of Government information that is now in the public domain.

EDGAR is not the first electronic information system to be the subject of legislation. In the last Congress, legislation was passed to regulate the creation of an electronic data base for patent and trademark information by the Patent and Trademark Office. In the future, I expect to see additional legislation authorizing, funding, and regulating large agency electronic information systems.

There is no question that electronic information systems offer an opportunity to increase the efficiency of agency information activities, make Government information more widely available, and permit agencies and others to make better use of the data. Yet the new technology is putting considerable pressure on the laws that were passed to regulate Government information policy when information only existed on paper or other hard copy formats.

There may soon be a need to revisit some of these laws in order to recognize the consequences of the new technology. For example, there may be a need to pass an Electronic Freedom of Information Act in order to make certain that the benefits of broad disclosure of Government information are not lost as Government information becomes electronic. We cannot allow the new information technology to undercut the basic principles of openness in Government that have served us so well in the last two decades. I feel confident that the bill we are considering today will preserve those principles for the EDGAR system.

Mr. RINALDO. Mr. Chairman, I have no further requests for time.

Mr. MARKEY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by sections as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities and Exchange Commission Authorization Act of 1987".

SEC. 2. AUTHORIZATION OF AND LIMITATIONS ON APPROPRIATIONS.

Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 35. (a) There are hereby authorized to be appropriated to carry out the functions, powers, and duties of the Commission (other than the functions, powers, and duties described in subsection (b)—

"(1) $133,900,000 for fiscal year 1988; and

"(2) $154,000,000 for fiscal year 1989.

"(b) In addition to the amounts authorized by subsection (a), there are authorized to be appropriated to the Commission for the purpose of funding a contract for the establishment and operation of the electronic data gathering, analysis, and retrieval ('EDGAR') system—

"(1) $20,000,000 for fiscal year 1988; and

"(2) subject to section 35A(a)(2) of this title, $15,000,000 for fiscal year 1989.".

SEC. 3. REQUIREMENTS FOR THE EDGAR SYSTEM.

The Securities Exchange Act of 1934 is amended by inserting after section 35 the following new section:

"REQUIREMENTS FOR THE EDGAR SYSTEM

"SEC. 35A. (a)(1) Of the funds appropriated to the Commission pursuant to section 35 of this title for fiscal year 1988 which are available for establishment or operation of the electronic data gathering, analysis, and retrieval ('EDGAR') system, the Commission shall reserve $15,000,000. None of the funds that are so reserved may be obligated or expended unless the Commission has made the certification required by subsection (c) of this section.

"(2) Notwithstanding section 35(b) of this title, no funds are authorized to be appropriated for fiscal year 1989, and no such funds may be obligated or expended, for the establishment or operation of the EDGAR system unless the Commission has—

"(A) filed each report required during fiscal year 1988 by subsection (b) of this section; and

"(B) made the certification required by subsection (c) of this section.

"(3) Amounts appropriated to the Commission for the EDGAR contract shall be the exclusive source of funds for the procurement and operation of the systems created under that contract by or on behalf of the Securities and Exchange Commission—

"(A) for the receipt of filings under Federal securities laws, and

"(B) for the automated acceptance and review of the filings and information derived from such filings.

"(b) The Commission shall submit a report to the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Operations of the House of Representatives on the status of EDGAR development, implementation, and progress at six-month intervals beginning December 31, 1987, and ending at the close of 1990 (unless otherwise extended by the Congress). Such report shall include the following:

"(1) The overall progress and status of the project, including achievement of significant milestones and current project schedule.

"(2) The results of Commission efforts to test new or revised technical solutions for key EDGAR functions. In particular, the following functions shall be addressed and the indicated information provided:

"(A) Automating receipt and acceptance processing, including—

"(i) development and testing progress and results;

"(ii) actual versus estimated development cost; and

"(iii) actual effect of this function on Commission staff needs to assist filers.

"(B) Data tagging (identifying financial data for analysis by EDGAR), including—

"(i) description of the approach selected, identifying the types of financial data to be tagged and the calculations to be performed;

"(ii) comments by the filer population on the approach selected;

"(iii) the results of testing this approach, including information on the number of filers taking part in the test and their representatives of the overall filer populations;

"(iv) actual versus estimated development cost; and

"(v) effect of implementing this function on EDGAR benefits.

"(C) Searching text for keywords, including—

"(i) the technical approach adopted for this function;

"(ii) development and testing progress and results;

"(iii) data storage requirements and search response times as compared to EDGAR pilot system experience;

"(iv) actual versus estimated development cost; and

"(v) effect of implementing this function on EDGAR benefits.

"(3) An update of cost information for the receipt, acceptance and review, and dissemination portions of the system including a comparison of actual costs with original estimated costs and revised estimates of total system cost and total funding needs for the contract.

"(4) The status of Commission efforts to obtain and maintain staff with the proper contractual, managerial, and technical expertise to oversee the EDGAR project.

"(5) The fees, revenues, costs, and profits obtained or incurred by the contractor as a result of the required dissemination of information from the system to the public under the EDGAR contract, except that the information required under this paragraph (A) need be obtained from the contractor no more frequently than once each year, and (B) may be submitted to the Congress as a separate confidential document.

"(6) Such other information or recommendations as the Commission considers appropriate.

"(c) On or before the date the Commission enters into the contract for the EDGAR system, the Commission shall submit to the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Operations of the House of Representatives a certification by the Commission—

"(1) of the total contract costs to the Federal Government of the EDGAR system for each of the 3 succeeding fiscal years;

"(2) that the Commission has analyzed the quantitative and qualitative benefits to be obtained by the establishment and operation of the system and has determined that such benefits justify the costs certified pursuant to paragraph (1);

"(3) that (A) the contract requires the contractor to establish a schedule for the implementation of the system; (B) the Commission has reviewed and approved that schedule; and (C) the contract contains adequate assurances of contractor compliance with that schedule;

"(4) of the capabilities which the system is intended to provide and of the competence of the contractor and of Commission personnel to implement those capabilities; and

"(5) that mandatory filings from a significant test group of registrants will be received and reviewed by the Commission for a period of at least six months before the adoption of any rule requiring mandatory filing by all registrants.

(d) The Commission, by rule or regulation—

"(1) shall provide that any information in the EDGAR system that is required to be disseminated by the contractor—

"(A) may be sold or disseminated by the contractor only pursuant to a uniform schedule of fees prescribed by the Commission;

"(B) may be obtained by a purchaser by direct interconnection with the EDGAR system;

"(C) shall be equally available on equal terms to all persons; and

"(D) may be used, resold, or redisseminated by any person who has lawfully obtained such information without restriction and without payment of additional fees or royalties; and

"(2) shall require that persons, or classes of persons, required to make filings with the Commission submit such filings in a form and manner suitable for entry into the EDGAR system and shall specify the date that such requirement is effective with respect to that person or class; except that the Commission may exempt persons or classes of persons, or filings or classes of filings, from such rules or regulations in order to prevent hardships or to avoid imposing unreasonable burdens or as otherwise may be necessary or appropriate; and

"(3) shall require all persons who make any filing with the Commission, in addition to complying with such other rules concerning the form and manner of filing as the Commission may prescribe, to submit such filings in written or printed form—

"(A) for a period of at least one year after the effective date specified for such person or class under paragraph (2); or

"(B) for a shorter period if the Commission determines that the EDGAR system (i) is reliable, (ii) provides a suitable alternative to such written and printed filings, and (iii) assures that the provision of information through the EDGAR system is as effective and efficient for filers, users, and disseminators as provision of such information in written or printed form.

"(e) For the purposes of carrying out its responsibilities under subsection (d)(3) of this section, the Commission shall consult with representatives of persons filing, disseminating, and using information contained in filings with the Commission.".

The CHAIRMAN. Are there any amendments to the committee amendment in the nature of a substitute?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore. [Mr. NATCHER] having assumed the chair, Mr. MOAKLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2600) to extend and amend the authorization of appropriation for the Securities and Exchange Commission, and for other purposes, pursuant to House Resolution 257, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2600, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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Mr. MARKEY. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1452) to amend the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to make certain technical, clarifying, and conforming amendments, to authorize appropriations to the Securities and Exchange Commission, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Securities Law Technical Amendments Act of 1987".

TITLE I—AMENDMENTS OF SECURITIES ACT OF 1933

SEC. 101. Section 2(5) of the Securities Act of 1933 (15 U.S.C. 77b(5)) is amended by striking out "Federal Trade Commission" and inserting in lieu thereof "Securities and Exchange Commission".

SEC. 102. Section 2(6) of the Securities Act of 1933 (15 U.S.C. 77b(6)) is amended by striking out "Canal Zone,".

SEC. 103. Section 3(a)(1) of the Securities Act of 1933 (15 U.S.C. 77c(a)(1)) is amended by striking all that appears therein and inserting in lieu thereof "(1) Reserved."

SEC. 104. Section 3(a)(5)(A) of the Securities Act of 1933 (15 U.S.C. 77c(a)(5)(A)) is amended by striking out ", except that the foregoing exemption shall not apply with respect to any such security where the issuer takes from the total amount paid or deposited by the purchaser, by way of any fee, cash value or other device whatsoever, either upon termination of the investment at maturity or before maturity, an aggregate amount in excess of 3 per centum of the face value of such security".

SEC. 105. Section 6(e) of the Securities Act of 1933 (15 U.S.C. 77f(e)) is repealed.

SEC. 106. Section 9(a) of the Securities Act of 1933 (15 U.S.C. 77i(a)) is amended—

(1) by striking out "Circuit Court of Appeals" and inserting in lieu thereof "court of appeals";

(2) by striking out "Court of Appeals of the District of Columbia, by filing in such court" and inserting in lieu thereof "United States Court of Appeals for the District of Columbia, by filing in such Court"; and

(3) by striking out "sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347)" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 107. Section 19(c) of the Securities Act of 1933 (15 U.S.C. 77s(c)) is amended by adding at the end thereof the following new paragraph:

"(6) Notwithstanding any other provision of law, neither the Commission nor any other person shall be required to establish any procedures not specifically required by the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, or by chapter 5 of title 5, United States Code, in connection with cooperation, coordination, or consultation with—

"(A) any association referred to in paragraph (1) or (3) or any conference or meeting referred to in paragraph (4), while such association, conference, or meeting is carrying out activities in furtherance of the provisions of this subsection; or

"(B) any forum, agency, or organization, or group referred to in section 503 of the Small Business Investment Incentive Act of 1980, while such forum, agency, organization, or group is carrying out activities in furtherance of the provisions of such section 503.

As used in this paragraph, the terms 'association', 'conference', 'meeting', 'forum', 'agency', 'organization', and 'group' include any committee, subgroup, or representative of such entities.".

SEC. 108. (a) Section 20(b) of the Securities Act of 1933 (15 U.S.C. 77t(b)) is amended by striking out the first sentence and inserting in lieu thereof the following: "Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this title, or of any rule or regulation prescribed under authority thereof, the Commission may, in its discretion, bring an action in any district court of the United States, or United States court of any Territory, to enjoin such acts or practices, and upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.".

(b) Section 20(c) of such Act (15 U.S.C. 77t(c)) is amended to read as follows:

"(c) Upon application of the Commission, the district courts of the United States and the United States courts of any Territory shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Commission made in pursuance thereof.".

SEC. 109. Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended—

(1) by striking out "United States, the" in the first sentence and inserting in lieu thereof "United States and";

(2) by striking out ", and the United States District Court for the District of Columbia"; and

(3) by striking out "sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347)" and inserting in lieu thereof "sections 1254, 1291, 1292, and 1294 of title 28, United States Code,".

TITLE II—AMENDMENTS OF SECURITIES EXCHANGE ACT OF 1934

SEC. 201. Section 3(a)(6)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)(C)) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency pursuant to the first section of Public Law 87-722 (12 U.S.C. 92a)".

SEC. 202. Section 3(a)16) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(16)) is amended by striking out "the Canal Zone,".

SEC. 203. Section 3(a)(22)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(22)(B)) is amended—

(1) by striking out "association or any" and inserting in lieu thereof "association, or any"; and

(2) by striking out "own behalf in" and inserting in lieu thereof "own behalf, in".

SEC. 204. Section 3(a)(34)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)(C)) is amended by striking out "state" each place it appears and inserting in lieu thereof "State".

SEC. 205. Section 3(a)(39)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(B)) is amended—

(1) by striking out "months, revoking" and inserting in lieu thereof "months, or revoking"; and

(2) by striking out "barring his" and inserting in lieu thereof "barring or suspending for a period not exceeding 12 months his".

SEC. 206. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) by inserting after paragraph (46) the following:

"(47) The term 'securities laws' means the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.), the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), the Investment Advisers Act of 1940 (15

U.S.C. 80b et seq.), and the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.)."; and

(2) by adding at the end thereof the following:

"(49) The term 'person associated with a transfer agent' and 'associated person of a transfer agent' mean any person (except an employee whose functions are solely clerical or ministerial) directly engaged in the management, direction, supervision, or performance of any of the transfer agent's activities with respect to transfer agent functions, and any person directly or indirectly controlling such activities or controlled by the transfer agent in connection with such activities.".

SEC. 207. Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, whenever any fee is required to be paid to the Commission pursuant to any provision of the securities laws or any other law, the Commission may provide by rule that such fee shall be paid in a manner other than in cash.".

SEC. 208. (a) The Securities Exchange Act of 1934 is amended by inserting after section 4 (15 U.S.C. 78d) the following new sections:

"DELEGATION OF FUNCTIONS BY COMMISSION

"SEC. 4A. (a) In addition to its existing authority, the Securities and Exchange Commission shall have the authority to delegate, by published order or rule, any of its functions to a division of the Commission, an individual Commissioner, an administrative law judge, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter. Nothing in this section shall be deemed to supersede the provisions of section 556(b) of title 5, or to authorize the delegation of the function of rulemaking as defined in subchapter II of chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of particular applicability, or of the making of any rule pursuant to section 19(c) of this title.

"(b) With respect to the delegation of any of its functions, as provided in subsection (a) of this section, the Commission shall retain a discretionary right to review the action of any such division of the Commission, individual Commissioner, administrative law judge, employee, or employee board, upon its own initiative or upon petition of a party to or intervenor in such action, within such time and in such manner as the Commission by rule shall prescribe. The vote of one member of the Commission shall be sufficient to bring any such action before the Commission for review. A person or party shall be entitled to review by the Commission if he or it is adversely affected by action at a delegated level which (1) denies any request for action pursuant to section 8(a) or section 8(c) of the Securities Act of 1933 or the first sentence of section 12(d) of this title; (2) suspends trading in a security pursuant to section 12(k) of this title; or (3) is pursuant to any provision of this title in a case of adjudication, as defined in section 551 of title 5, United States Code, not required by this title to be determined on the record after notice and opportunity for hearing (except to the extent there is involved a matter described in section 554(a)(1) through (6) of such title 5).

"(c) If the right to exercise such review is declined, or if no such review is sought within the time stated in the rules promulgated by the Commission, then the action of any such division of the Commission, individual Commissioner, administrative law judge, employee, or employee board, shall, for all purposes, including appeal or review thereof, be deemed the action of the Commission.

"TRANSFER OF FUNCTIONS WITH RESPECT TO ASSIGNMENT OF PERSONNEL TO CHAIRMAN

"SEC. 4B. In addition to the functions transferred by the provisions of Reorganization Plan Numbered 10 of 1950 (64 Stat. 1265), there are hereby transferred from the Commission to the Chairman of the Commission the functions of the Commission with respect to the assignment of Commission personnel, including Commissioners, to perform such functions as may have been delegated by the Commission to the Commission personnel, including Commissioners, pursuant to section 4A of this title.".

(b) The Act of August 20, 1962 (Public Law 87-592; 76 Stat. 394) is hereby repealed.

SEC. 209. The first sentence of section 6(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(c)(2)) is amended by striking out "protection shall" and inserting in lieu thereof "protection of investors shall".

SEC. 210. Section 6(c)(3)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(c)(3)(A)) is amended by striking out "association" and inserting in lieu thereof "associated".

SEC. 211. Section 6(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(c)(4)) is amended by striking out "may (A) limit" and inserting in lieu thereof "may limit (A)".

SEC. 212. Section 6(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(e)) is amended—

(1) by striking out "paragraph (4) of this section" in paragraph (1) and inserting in lieu thereof "paragraph (3) of this subsection";

(2) by striking out paragraph (3) thereof and by redesignating paragraph (4) as paragraph (3); and

(3) in paragraph (3)(E) (as so redesignated)—

(A) by striking out "fixes" and inserting in lieu thereof "fixing";

(B) by striking out "paragraph (4)(A)" and inserting in lieu thereof "subparagraph (A) of this paragraph"; and

(C) by striking out "paragraph (4)(B)" and inserting in lieu thereof "subparagraph (B) of this paragraph".

SEC. 213. Section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1) is amended—

(1) by striking out "transaction" in paragraph (2) of subsection (b) and inserting in lieu thereof "transactions"; and

(2) by striking out everything after the first sentence in paragraph (4) of subsection (c).

SEC. 214. Sections 11A(e) and 12(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1(e) and 78*l*(m)) are repealed.

SEC. 215. Section 13(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(c)) is amended by striking out "thereof of" and inserting in lieu thereof "thereof".

SEC. 216. Section 13(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(h)) is repealed.

SEC. 217. Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended—

(1) by striking out "fiduciary, or any" in clause (ii) of subparagraph (B) of paragraph (4) and inserting in lieu thereof "fiduciary, transfer agent, or";

(2) by striking out subparagraph (C) of paragraph (4) and inserting in lieu thereof the following:

"(C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, or entity or person required to be registered under the Commodity Exchange Act, or as an affiliated person or employee of any investment company, bank, insurance company, or entity or person required to be registered under the Commodity Exchange Act, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.";

(3) by striking out "or seeking to become associated," in the first sentence of paragraph (6) and inserting in lieu thereof "seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated"; and

(4) by striking out "17A(b)(4)(B)" in paragraph (10) and inserting in lieu thereof "17A(b)(4)(A)".

SEC. 218. Section 15B(b)(2)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)(2)(C)) is amended—

(1) by striking out "security" and inserting in lieu thereof "securities";

(2) by striking out "or the securities"; and

(3) by striking out "burden or competition" and inserting in lieu thereof "burden on competition".

SEC. 219. Section 15B(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c)(4)) is amended by striking out the first sentence and inserting in lieu thereof the following: "The Commission, by order, shall censure or place limitations on the activities or functions of any person associated, seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated with a municipal securities dealer, or suspend for a period not exceeding twelve months or bar any such person from being associated with a municipal securities dealer, if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person has committed any act or omission enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b) of this title, has been convicted by any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4).".

SEC. 220. Section 15B(c)(6)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c)(6)(A)) is amended by striking out "board" and inserting in lieu thereof "Board".

SEC. 221. Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended—

(1) by striking out subsection (c)(2) and inserting in lieu thereof the following:

"(2) The appropriate regulatory agency for a clearing agency, transfer agent, or municipal securities dealer for which the Commission is not the appropriate regulatory agency shall file with the Commission notice of the commencement of any proceeding and a copy of any order entered by such appropriate regulatory agency against any clearing agency, transfer agent, municipal securities dealer, or person associated with a transfer agent or municipal securities dealer, and the Commission shall file with such appropriate regulatory agency, if any, notice of the commencement of any proceeding and a copy of any order entered by the Commission against the clearing agency, transfer agent, or municipal securities dealer, or against any person associated with a transfer agent or municipal securities dealer for which the agency is the appropriate regulatory agency.";

(2) by adding at the end of subsection (f)(2) the following: "Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide the Commission and self-regulatory organizations designated by the Commission with access to all criminal history record information."; and

(3) by striking out "paragraphs (1) and (2)" in subsection (f)(3)(A) and inserting in lieu thereof "paragraph (1)".

SEC. 222. Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended—

(1) by inserting after "concerning such transfer agent" in subsection (c)(2) "and any persons associated with the transfer agent";

(2) by striking out "thirty" in subsection (c)(2) and inserting in lieu thereof "45";

(3) by redesignating subparagraphs (B) and (C) of subsection (c)(3) as subparagraphs (A) and (B), respectively, of new subsection (c)(4);

(4) by striking out subsection (c)(3)(A) and inserting in lieu thereof:

"(3) The appropriate regulatory agency for a transfer agent, by order, shall deny registration to, censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding 12 months, or revoke the registration of such transfer agent, if such appropriate regulatory agency finds, on the record after notice and opportunity for hearing, that such denial, censure, placing of limitations, suspension, or revocation is in the public interest and that such transfer agent, whether prior or subsequent to becoming such, or any person associated with such transfer agent, whether prior or subsequent to becoming so associated—

"(A) has committed or omitted any act enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b) of this title, has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within ten years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4); or

"(B) is subject to an order entered pursuant to subparagraph (C) of paragraph (4) of this subsection barring or suspending the right of such person to be associated with a transfer agent.";

(5) by inserting after subsection (c)(4)(B) (as redesignated) the following new subparagraph:

"(C) The appropriate regulatory agency for a transfer agent, by order, shall censure or place limitations on the activities or functions of any person associated, seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated with the transfer agent, or suspend for a period not exceeding twelve months or bar any such person from being associated with the transfer agent, if the appropriate regulatory agency finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person has committed or omitted any act enumerated in subparagraph (A), (D), or (E) or paragraph (4) of section 15(b) of this title, has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within ten years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4). It shall be unlawful for any person as to whom such an order suspending or barring him from being associated with a transfer agent is in effect willfully to become, or to be, associated with a transfer agent without the consent of the appropriate regulatory agency that entered the order and the appropriate regulatory agency for that transfer agent. It shall be unlawful for any transfer agent to permit such a person to become, or remain, a person associated with it without the consent of such appropriate regulatory agencies, if the transfer agent knew, or in the exercise of reasonable care should have known, of such order. The Commission may establish, by rule, procedures by which a transfer agent reasonably can determine whether a person associated or seeking to become associated with it is subject to any such order, and may require, by rule, that any transfer agent comply with such procedures.";

(6) by striking out "clearing agency or transfer agent" in subsection (d)(3)(B) and inserting in lieu thereof "clearing agency, transfer agent, or person associated with a transfer agent"; and

(7) by striking out "or transfer agent" in subsection (d)(4), and inserting in lieu thereof ", transfer agent, or person associated with a transfer agent,".

SEC. 223. Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended—

(1) by striking out "Wherever" in subsection (d) and inserting in lieu thereof "Whenever";

(2) by striking out ", the United States District Court for the District of Columbia," in subsection (e); and

(3) by striking out the second sentence of subsection (g).

SEC. 224. Section 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(a)) is amended—

(1) by inserting "or" before "any self-regulatory organization" in the last sentence of paragraph (1); and

(2) by inserting "shall" after "section 19(b) of this title," in paragraph (3).

SEC. 225. Section 23(b)(4)(F) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(b)(4)(F)) is amended by striking out "The" and inserting in lieu thereof "the".

SEC. 226. Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended—

(1) by striking out ", the United States District Court for the District of Columbia,"; and

(2) by striking out "sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347)" and inserting in lieu thereof "sections 1254, 1291, 1292, and 1294 of title 28, United States Code".

SEC. 227. Section 28(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(c)) is amended by striking out "self-regulatory organization or a member thereof" and inserting in lieu thereof "self-regulatory organization on a member thereof".

SEC. 228. Section 28(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(d)) is amended by striking out "change is beneficial" and inserting in lieu thereof "change in beneficial".

SEC. 229. Section 28(e)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(e)(1)) is amended by striking out "Amendments in 1975" and inserting in lieu thereof "Amendments of 1975".

SEC. 230. Section 211 of the Securities Exchange Act of 1934 (15 U.S.C. 78jj) is hereby repealed.

TITLE III—AMENDMENTS OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

SEC. 301. Section 8 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79h) is amended by striking out "otherwise, —" and inserting in lieu thereof "otherwise —".

SEC. 302. Section 18 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 78r) is amended—

(1) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(2) in subsections (e) and (f) (as so redesignated), by striking out ", the district court of the United States for the District of Columbia,".

SEC. 303. Section 24 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 78x) is amended by striking out "sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347)" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 304. Section 25 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79y) is amended—

(1) by striking out ", the district court of the United States for the District of Columbia,"; and

(2) by striking out "sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347), and section 7, as amended, of the Act entitled 'An Act to establish a court of appeals for the District of Columbia', approved February 9, 1893 (D.C. Code, title 18, sec. 26)" and inserting in lieu thereof "sections 1254, 1291, 1292, and 1294 of title 28, United States Code".

SEC. 305. Section 30 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-4) is amended by striking out the last sentence thereof.

TITLE IV—AMENDMENT OF TRUST INDENTURE ACT OF 1939

SEC. 401. Section 303(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ccc(4)) is amended by striking out "undertakng" and inserting in lieu thereof "undertaking".

SEC. 402. Section 303(12) of the Trust Indenture Act of 1939 (15 U.S.C. 77ccc(12)) is amended by inserting "(including a guarantor)" after "person" each place it appears.

TITLE V—AMENDMENTS OF INVESTMENT COMPANY ACT OF 1940

SEC. 501. Section 2(a)(19) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(19)) is amended by inserting "completed" before "fiscal years" each place it appears.

SEC. 502. Section 2(a)(39) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(39)) is amended by striking out "the Canal Zone,".

SEC. 503. Section 2(a)(48)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(48)(B)) is amended by striking out "sections 55(a)(1) through (3)" and inserting in lieu thereof "paragraphs (1) through (3) of section 55(a)".

SEC. 504. Section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(3)) is amended—

(1) by inserting "or" after "therefor;"; and

(2) by inserting a period after "guardian" and striking out all that follows through "principal to another or others.".

SEC. 505. Section 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(7)) is amended to read as follows:

"(7) Reserved.".

SEC. 506. Section 3(c)(11) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(11)) is amended—

(1) by striking out "Code of 1954" each place it appears and inserting in lieu thereof "Code of 1986";

(2) by striking out "or which holds only assets of governmental plans" and inserting in lieu thereof "; or any governmental plan"; and

(3) by striking out "trusts;" and inserting in lieu thereof "trusts or governmental plans, or both;".

SEC. 507. Section 5(a)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-5(a)(2)) is amended by striking out "Close-end" and inserting in lieu thereof "Closed-end".

SEC. 508. Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(a)) is amended—

(1) by striking out "the Canal Zone," in paragraph (1); and

(2) by striking out paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 509. Section 9 of the Investment Company Act of 1940 (15 U.S.C. 80a-9) is amended by striking out paragraphs (1) and (2) in subsection (a) and inserting in lieu thereof the following:

"(1) any person who within 10 years has been convicted of any felony or misdemeanor involving the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer, investment adviser, municipal securities dealer, government securities broker, government securities dealer, transfer agent, or entity or person required to be registered under the Commodity Exchange Act, or as an affiliated person, salesman, or employee of any investment company, bank, insurance company, or entity or person required to be registered under the Commodity Exchange Act;

"(2) any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an underwriter, broker, dealer, investment adviser, municipal securities dealer, government securities broker, government securities dealer, transfer agent, or entity or person required to be registered under the Commodity Exchange Act, or as an affiliated person, salesman, or employee of any investment company, bank, insurance company, or entity or person required to be registered under the Commodity Exchange Act, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security; or".

SEC. 510. Section 12 of the Investment Company Act of 1940 (15 U.S.C. 80a-12) is amended—

(1) by striking out "Treasury" in subsection (d)(1)(A)(iii) and inserting in lieu thereof "treasury";

(2) by striking out "it reasonably possible" in subsection (d)(1)(G) and inserting in lieu thereof "is reasonably possible"; and

(3) by striking out "only thereof" in subsection (f) and inserting in lieu thereof "thereof only".

SEC. 511. Section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a-15) is amended—

(1) by striking out "(40)" in subsection (d) and inserting in lieu thereof "(42)"; and

(2) by striking out the period at the end of subsection (B) of paragraph (3) of subsection (f) and inserting in lieu thereof a comma.

SEC. 512. Section 17 of the Investment Company Act of 1940 (15 U.S.C. 80a-17) is amended by striking out the second sentence of each of subsections (h) and (i).

SEC. 513. Section 18(e) of the Investment Company Act of 1940 (15 U.S.C. 80a-18(e)) is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 514. Section 20 of the Investment Company Act of 1940 (15 U.S.C. 80a-20) is amended—

(1) by striking out the second sentence of subsection (b);

(2) by striking out the first sentence of subsection (d); and

(3) by striking out "at any time after the effective date of this title" in subsection (d).

SEC. 515. Section 21(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-21(b)) is amended by striking out "to the extension or renewal of any such loan made prior to March 15, 1940, or".

SEC. 516. Section 22 of the Investment Company Act of 1940 (15 U.S.C. 80a-22) is amended—

(1) by striking out "subsection (b)(8)" in paragraph (1) of subsection (b) and inserting in lieu thereof "subsection (b)(6)";

(2) by striking out paragraph (2) of subsection (b) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(3) by striking out "section 15A(k)(2)" in subsection (b)(2) (as so redesignated) and inserting in lieu thereof "section 19(c)";

(4) by inserting in the first sentence of subsection (e) a comma after the word "redemption" where it first appears and where it appears for the third time; and

(5) by striking out the last sentence of subsection (e).

SEC. 517. Section 24(d) of the Investment Company Act of 1940 (15 U.S.C. 80a-24(d)) is amended by inserting a period immediately after "issuer" in the second sentence thereof and by striking out all that follows in such sentence.

SEC. 518. Section 26(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-26(b)) is amended by striking out "intend" and inserting in lieu thereof "intended".

SEC. 519. Section 26(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-26(c)) is amended by striking out "contract of agreement" and inserting in lieu thereof "contract or agreement".

SEC. 520. Section 28(a)(2)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-28(a)(2)(B)) is amended by striking out "subsection" and inserting in lieu thereof "paragraph".

SEC. 521. Section 28(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-28(d)(2)) is amended by inserting "of" immediately before "subsection (a)".

SEC. 522. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a-35) is amended—

(1) by striking out "loans" in paragraph (4) of subsection (b) and inserting in lieu thereof "loads";

(2) by redesignating subsection (d) as subsection (c); and

(3) in subsection (c) (as so redesignated), by striking out "through (c)" and inserting in lieu thereof "and (b)".

SEC. 523. Section 42 of the Investment Company Act of 1940 (15 U.S.C. 80a-41) is amended by redesignating subsection (e) as subsection (d).

SEC. 524. Section 53 of the Investment Company Act of 1940 (15 U.S.C. 80a-52) is amended by inserting a period in the first sentence thereof immediately after "1941" and by striking out everything that follows in such sentence.

SEC. 525. Section 54(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-53(a)) is amended by striking out "defined in sections" and inserting in lieu thereof "defined in section".

SEC. 526. Section 55(a)(1)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-54(a)(1)(B)) is amended by striking out "described in sections" and inserting in lieu thereof "described in section".

SEC. 527. Section 57(i) of the Investment Company Act of 1940 (15 U.S.C. 80a-56(i)) is amended by striking out "sections 17 (a) and (d)" each place it appears and inserting in lieu thereof "subsections (a) and (d) of section 17".

TITLE VI—AMENDMENTS OF INVESTMENT ADVISERS ACT OF 1940

SEC. 601. Section 202(a)(19) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(19)) is amended by striking out "the Canal Zone,".

SEC. 602. Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3) is amended—

(1) by inserting "transfer agent," after "fiduciary," in subsection (e)(2)(B);

(2) by inserting "transfer agent," after "government securities dealer," in subsection (e)(3);

(3) by striking out "or seeking to become associated" in the first sentence of subsection (f) and inserting in lieu thereof ", seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated"; and

(4) by striking out "subsection (d)" in subsection (g) and inserting in lieu thereof "subsection (c) or subsection (e)".

SEC. 603. Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-5) is amended to read as follows:

"INVESTMENT ADVISORY CONTRACTS

"SEC. 205. (a) No investment adviser, unless exempt from registration pursuant to section 203(b), shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—

"(1) provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

"(2) fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; or

"(3) fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

"(b) Paragraph (1) of subsection (a) shall not—

"(1) be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date;

"(2) apply to an investment advisory contract with—

"(A) an investment company registered under title I of this Act, or

"(B) any other person (except a trust, governmental plan, collective trust fund, or separate account referred to in section 3(c)(11) of title I of this Act), provided that the contract relates to the investment of assets in excess of $1 million,

if the contract provides for compensation based on the asset value of the company or fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify; or

"(3) apply with respect to any investment advisory contract between an investment adviser and a business development company, as defined in this title, if (A) the compensation provided for in such contract does not exceed 20 per centum of the realized capital gains upon the funds of the business development company over a specified period or as of definite dates, computed net of all realized capital losses and unrealized capital depreciation, and the condition of section 61(a)(3)(B)(iii) of title I of this Act is satisfied, and (B) the business development company does not have outstanding any option, warrant, or right issued pursuant to section 61(a)(3)(B) of title I of this Act and does not have a profit-sharing plan described in section 57(n) of title I of this Act.

"(c) For purposes of paragraph (2) of subsection (b), the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance, and an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise.

"(d) As used in paragraphs (2) and (3) of subsection (a), 'investment advisory contract' means any contract or agreement whereby a person agrees to act as investment adviser to or to manage any investment or trading account of another person other than an investment company registered under title I of this Act.".

Sec. 604. Section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9) is amended by redesignating subsection (e) as subsection (d).

Sec. 605. Section 211(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-11(b)) is amended by striking out "the Federal Register Act" and inserting in lieu thereof "chapter 15 of title 44, United States Code,".

Sec. 606. Section 213(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-13(a)) is amended by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

Sec. 607. Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-14) is amended by striking out "sections 128 and 240 of the Judicial Code, as amended, and section 7, as amended, of the Act entitled, 'An Act to establish a court of appeals for the District of Columbia', approved February 9, 1893", and inserting in lieu thereof "sections 1254, 1291, 1292, and 1294 of title 28, United States Code".

TITLE VII—AUTHORIZATION

Sec. 701. Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended—

(1) in the first sentence, by striking out "and" immediately after "1982,";

(2) by inserting immediately before the period at the end of the first sentence the following: ", $158,600,000 for the fiscal year ending September 30, 1988, and $172,200,000 for the fiscal year ending September 30, 1989"; and

(3) in the last sentence, by striking out "fiscal year 1983" and inserting in lieu thereof "fiscal year 1989".

MOTION OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Markey, moves to strike out all after the enacting clause of S. 1452 and to insert in lieu thereof the provisions of the bill H.R. 2600, as passed by the House, with the following additional amendment:

At the end of the House amendment add the following new section:

SEC. 4. TECHNICAL AMENDMENTS RELATING TO THE GOVERNMENT SECURITIES ACT OF 1986.

(a) Amendments to the Securities Exchange Act of 1934.—(1) Section 15C(a)(1)(B)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(a)(1)(B)(i)) is amended by striking out "When" and inserting "When such".

(2) Section 17(f)(1)(A) of such Act (15 U.S.C. 78q(f)(1)(A)) is amended by striking out "government securities," and inserting "securities issued pursuant to chapter 31 of title 31, United States Code,".

(b) Amendment to the Securities Investor Protection Act of 1970.—Section 16(12) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78111(12)) is amended by inserting before the period at the end thereof the following: "other than a government securities broker or government securities dealer registered under section 15C(a)(1)(A) of the 1934 Act".

Mr. MARKEY [during the reading]. Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. RINALDO. Reserving the right to object, Mr. Speaker, and I will not object, I ask that the gentleman from Massachusetts explain the underlying reasons behind the amendment and what the gentleman intends, why he requests that these amendments be enacted into law?

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding.

These are three technical amendments that are fully supported by the SEC. The amendments clarify: First, which Government securities brokers or Government securities dealers must file a notice with the Commission when they cease to do business; second, that if securities are lost or stolen they are only reported to the Secretary of the Treasury if they are Treasury Securities; and third, that Government securities brokers and government securities dealers who join a national securities exchange rather than the National Association of Securities Dealers do not thereby become members of SIPC, the Securities Investor Protection Corp.

These amendments therefore serve only to clarify technical aspects of the Securities Exchange Act of 1934 and the Securities Investor Protection Act of 1970.

Mr. RINALDO. Mr. Speaker, I want to thank the gentleman for the explanation. It is then my understanding that all he is doing is making three technical corrections which are in conformity with what the SEC wants and the changes are required to bring these laws into conformity with the Government Securities Act which we enacted last year.

Mr. Speaker, in my view these amendments are consistent with the purposes of that legislation, and, therefore, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The text of H.R. 2600, as amended, is as follows:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities and Exchange Commission Authorization Act of 1987".

SEC. 2. AUTHORIZATION OF AND LIMITATIONS ON APPROPRIATIONS.

Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 35. (a) There are hereby authorized to be appropriated to carry out the functions, powers, and duties of the Commission (other than the functions, powers, and duties described in subsection (b))—

"(1) $133,900,000 for fiscal year 1988; and

"(2) $154,000,000 for fiscal year 1989.

"(b) In addition to the amounts authorized by subsection (a), there are authorized to be appropriated to the Commission for the purpose of funding a contract for the establishment and operation of the electronic data gathering, analysis, and retrieval ('EDGAR') system—

"(1) $20,000,000 for fiscal year 1988; and

"(2) subject to section 35A(a)(2) of this title, $15,000,000 for fiscal year 1989.".

SEC. 3. REQUIREMENTS FOR THE EDGAR SYSTEM.

The Securities Exchange Act of 1934 is amended by inserting after section 35 the following new section:

"REQUIREMENTS FOR THE EDGAR SYSTEM

"SEC. 35A. (a)(1) Of the funds appropriated to the Commission pursuant to section 35 of this title for fiscal year 1988 which are available for establishment or operation of the electronic data gathering, analysis, and retrieval ('EDGAR') system, the Commission shall reserve $15,000,000. None of the funds that are so reserved may be obligated or expended unless the Commission has made the certification required by subsection (c) of this section.

"(2) Notwithstanding section 35(b) of this title, no funds are authorized to be appropriated for fiscal year 1989, and no such funds may be obligated or expended, for the establishment or operation of the EDGAR system unless the Commission has—

"(A) filed each report required during fiscal year 1988 by subsection (b) of this section; and

"(B) made the certification required by subsection (c) of this section.

"(3) Amounts appropriated to the Commission for the EDGAR contract shall be the exclusive source of funds for the procurement and operation of the systems created under that contract by or on behalf of the Securities and Exchange Commission—

"(A) for the receipt of filings under Federal securities laws, and

"(B) for the automated acceptance and review of the filings and information derived from such filings.

"(b) The Commission shall submit a report to the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Operations of the House of Representatives on the status of EDGAR development, implementation, and progress at six-month intervals beginning December 31, 1987, and ending at the close of 1990 (unless otherwise extended by the Congress). Such report shall include the following:

"(1) The overall progress and status of the project, including achievement of significant milestones and current project schedule.

"(2) The results of Commission efforts to test new or revised technical solutions for key EDGAR functions. In particular, the following functions shall be addressed and the indicated information provided:

"(A) Automating receipt and acceptance processing, including—

"(i) development and testing progress and results;

"(ii) actual versus estimated development cost; and

"(iii) actual effect of this function on Commission staff needs to assist filers.

"(B) Data tagging (identifying financial data for analysis by EDGAR), including—

"(i) description of the approach selected, identifying the types of financial data to be tagged and the calculations to be performed;

"(ii) comments by the filer population on the approach selected;

"(iii) the results of testing this approach, including information on the number of filers taking part in the test and their representativeness of the overall filer population;

"(iv) actual versus estimated development cost; and

"(v) effect of implementing this function on EDGAR benefits.

"(C) Searching text for keywords, including—

"(i) the technical approach adopted for this function;

"(ii) development and testing progress and results;

"(iii) data storage requirements and search response times as compared to EDGAR pilot system experience;

"(iv) actual versus estimated development cost; and

"(v) effect of implementing this function on EDGAR benefits.

"(3) An update of cost information for the receipt, acceptance and review, and dissemination portions of the system including a comparison of actual costs with original estimated costs and revised estimates of total system cost and total funding needs for the contract.

"(4) The status of Commission efforts to obtain and maintain staff with the proper contractual, managerial, and technical expertise to oversee the EDGAR project.

"(5) The fees, revenues, costs, and profits obtained or incurred by the contractor as a result of the required dissemination of information from the system to the public under the EDGAR contract, except that the information required under this paragraph (A) need be obtained from the contractor no more frequently than once each year, and (B) may be submitted to the Congress as a separate confidential document.

"(6) Such other information or recommendations as the Commission considers appropriate.

"(c) On or before the date the Commission enters into the contract for the EDGAR system, the Commission shall submit to the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Operations of the House of Representatives a certification by the Commission—

"(1) of the total contract costs to the Federal Government of the EDGAR system for each of the 3 succeeding fiscal years;

"(2) that the Commission has analyzed the quantitative and qualitative benefits to be obtained by the establishment and operation of the system and has determined that such benefits justify the costs certified pursuant to paragraph (1);

"(3) that (A) the contract requires the contractor to establish a schedule for the implementation of the system; (B) the Commission has reviewed and approved that schedule; and (C) the contract contains adequate assurances of contractor compliance with that schedule;

"(4) of the capabilities which the system is intended to provide and of the competence of the contractor and of Commission personnel to implement those capabilities; and

"(5) that mandatory filings from a significant test group of registrants will be received and reviewed by the Commission for a period of at least six months before the adoption of any rule requiring mandatory filing by all registrants.

"(d) The Commission, by rule or regulation—

"(1) shall provide that any information in the EDGAR system that is required to be disseminated by the contractor—

"(A) may be sold or disseminated by the contractor only pursuant to a uniform schedule of fees prescribed by the Commission;

"(B) may be obtained by a purchaser by direct interconnection with the EDGAR system;

"(C) shall be equally available on equal terms to all persons; and

"(D) may be used, resold, or redisseminated by any person who has lawfully obtained such information without restriction and without payment of additional fees or royalties; and

"(2) shall require that persons, or classes of persons, required to make filings with the Commission submit such filings in a form and manner suitable for entry into the EDGAR system and shall specify the date that such requirement is effective with respect to that person or class; except that the Commission may exempt persons or classes of persons, or filings or classes of filings, from such rules or regulations in order to prevent hardships or to avoid imposing unreasonable burdens or as otherwise may be necessary or appropriate; and

"(3) shall require all persons who make any filing with the Commission, in addition to complying with such other rules concerning the form and manner of filing as the Commission may prescribe, to submit such filings in written or printed form—

"(A) for a period of at least one year after the effective date specified for such person or class under paragraph (2); or

"(B) for a shorter period if the Commission determines that the EDGAR system (i) is reliable, (ii) provides a suitable alternative to such written and printed filings, and (iii) assures that the provision of information through the EDGAR system is as effective and efficient for filers, users, and disseminators as provision of such information in written or printed form.

"(e) For the purposes of carrying out its responsibilities under subsection (d)(3) of this section, the Commission shall consult with representatives of persons filing, disseminating, and using information contained in filings with the Commission.".

SEC. 4. TECHNICAL AMENDMENTS RELATING TO THE GOVERNMENT SECURITIES ACT OF 1986.

(a) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—(1) Section 15C(a)(1)(B)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(a)(1)(B)(i)) is amended by striking out "When" and inserting "When such".

(2) Section 17(f)(1)(A) of such Act (15 U.S.C. 78q(f)(1)(A)) is amended by striking out "government securities," and inserting "securities issued pursuant to chapter 31 of title 31, United States Code,".

(b) AMENDMENT TO THE SECURITIES INVESTOR PROTECTION ACT OF 1970.—Section 16(12) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll(12)) is amended by inserting before the period at the end thereof the following: "other than a government securities broker or government securities dealer registered under section 15C(a)(1)(A) of the 1934 Act".

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to extend and amend the authorization of appropriation for the Securities and Exchange Commission, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2600) was laid on the table.

MR. HONECKER, TEAR DOWN THE BERLIN WALL

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, I am introducing legislation today urging German Democratic Republic chief of state Erich Honecker to permanently repeal the order to East German border guards to "shoot to kill" anyone attempting to cross the Berlin Wall without authorization and to tear down the Berlin Wall.

As an executive committee member of the congressional human rights caucus, I am committed to working for freedom for people throughout the world. The Berlin Wall, erected in 1961, imprisons more than 17 million Germans behind an artificial barrier limiting access to the free world. It stands as a stark reminder that the East German Government routinely denies the human rights of its citizens.

Because of orders to East German border patrols to "shoot to kill," many East Germans have lost their lives attempting to reach freedom by scaling the wall. This barbaric policy cost three East Germans their lives in the past year alone.

These policies denying basic human rights are unacceptable to the American people. This legislation puts the U.S. Congress firmly on record in opposition to these policies by urging constructive action by the East German Government.

Mr. Speaker, the recent meetings between West German Chancellor Helmut Kohl and East German leader Erich Honecker have highlighted the importance of tearing down the Berlin Wall and repealing the "shoot to kill" order. I encourage my colleagues to join me in sponsoring this resolution.

H. CON. RES. 186

Concurrent resolution urging the German Democratic chief of state Erich Honecker to permanently repeal the order directing East German border guards to shoot to kill anyone who, without authorization, attempts to cross the Berlin Wall and to issue an order to tear down the Berlin Wall

Whereas the United States is committed to promoting freedom for people throughout the world and recognizes that respect for basic human rights is the cornerstone of freedom;

Whereas the Berlin Wall was erected in 1961, more than a quarter-century ago, and has since imprisoned more than 17,000,000 East Germans behind an artificial barrier that limits access to the free world;

Whereas the Berlin Wall continues to serve as a cruel barrier between people and remains a stark reminder that basic human rights are denied to East German citizens by the East German government;

Whereas the East German government has issued orders to border guards to shoot to kill anyone who, without authorization, attempts to cross the Berlin Wall;

Whereas East German guards have killed many East Germans in border incidents;

Whereas, in the year ending August 13, 1987, there were 63 attempted escapes from East Germany, 16 during which shots were fired, and 3 persons were possibly killed while attempting to escape;

Whereas these policies, which deny basic human rights and limit personal freedoms, are unacceptable to the people of the United States; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress urges the German Democratic chief of state Erich Honecker to permanently repeal the order directing East German border guards to shoot to kill anyone who, without authorization, attempts to cross the Berlin Wall and to issue an order to tear down the Berlin Wall.

TRIBUTE TO THE LATE AUSTIN G. SMITH, PROFESSIONAL STAFF MEMBER, HOUSE APPROPRIATIONS COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. CHAPPELL] is recognized for 5 minutes.

Mr. CHAPPELL. Mr. Speaker, it is with a sense of deep sorrow that I announce the passing of a valued staff member of the Defense Appropriations Subcommittee, Mr. Austin G. Smith, on July 31, 1987.

Austin was born on January 2, 1929, and was a native of Tennessee. He served with the U.S. Army in Japan during the Korean war and moved to the Washington, DC, area in the mid-1950's.

He joined the Committee on Appropriations in 1962 and served the committee with distinction for some 22 years until his retirement on March 31, 1984.

On the Subcommittee on Defense, Austin specialized in military personnel matters and more particularly in military medical programs. He worked hard for the committee and served the Defense Subcommittee ably and professionally for many years. Austin will be sorely missed.

Our prayers are with Austin, his wife Jean, and their children in this time of deep sadness.

TRIBUTE TO ESSEX, MD, ON SEPTEMBER 13, ITS SPECIAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, on Sunday next, September 13, Essex, one of the most prominent communities in my district will again observe its special day, "Essex Day."

I would like to recount some of the history from the paper prepared by Paul Michael Blitz, archivist of the Heritage Society of Essex and Middle River:

Essex, Maryland has a long and proud history. The first settlers of the area; like the rest of America were the Indians. Over 700 Susquehannoughs inhabited the area. The fierce and warlike Susquehannoughs often waged war with the Massawomekes or the Iroquois. Captain John Smith, Founder of the colony of Jamestown in Virginia, sailed up the Chesapeake Bay in 1608. He was exploring Back River and Middle River or as he called them "Smals Poynt" and "Willowbyes" when he first encountered the Susquehannoughs. He was very impressed when they prostrated themselves in adoration of the European settlers. Like the Roman Empire, the Susquehannoughs were defeated. No, not by a neighboring tribe; but by Smallpox. We have evidence that the Indians lived in this area because arrowheads were found at Cox's Point and Deep Creek which are on display at the Heritage Society Museum.

In 1634, the colony of Maryland was founded. By 1658, settlers started moving into the Back River Neck Peninsula. One of the early families who settled here were the Stansburys. The Stansbury Family was a prominent family who also lived in the Patapsco Neck area. Reverend Tobias Stansbury had a farm located in the Patapsco Neck. It was on this farm where General Robert Ross was killed during the Battle of North Point in the War of 1812. Another member of the Stansbury Family; Elijah Stansbury would later become Mayor of Baltimore.

In 1659, Cecil Calvert, Second Lord Baltimore, granted 420 acres of land along the Chesapeake Bay to a prominent Virginia planter named William Ball. Later, William Ball would become the Great-Great Grandfather of another prominent Virginia planter named George Washington. Today, the tract of land William Ball received is now Rocky Point Golf Course. The manor house named for Ball is "Ballestone" and is open to the public.

By the 1700's, most of what is now Essex was made up of land grants. In 1736, Thomas Hines received 261 acres of land called "Hines Purchase". This land grant would later become "Essex". The original "Hines Purchase" marker is still standing on the corner of Mace Avenue and Franklin Avenue.

Industry came to the area in 1744 when the Principio Co. opened an iron furnace at the head of Back River. Augustine Washington, and his sons Lawrence and George Washington had stock in the company. A mansion was built for the Washington Family to stay when they visited the iron furnace. Later, the name was changed to the "Locust Grove" ore mine. It was in operation from 1845-1885. During the Civil War, it made weapons and employed 100 people. The Locust Grove Iron Furnace built Zion Evangelical Lutheran Church for its workers to have a place to worship.

In the 1800's, Elijah Taylor bought farmland which he called "Paradise Farm". This was the first time the area was united under one name—Paradise. Around 1860, James C. Tutchton and his wife Sarah rented Paradise Farm from Jacob Taylor. Later, the Taylor Family decided to have "Paradise" resurveyed. In 1909, the Taylor Land Co. divided the farm into lots and created the town of Essex, Maryland; named after a county in England. The Taylor Land Co. also donated lots for St. John's Lutheran Church, Essex Methodist Church, the volunteer fire company and the portable schools. Essex was a growing community and was called "The Rising Suburb of the East". Josenhans Corner and Bauern schmidt Manor (which was recently saved by a campaign headed by Jack Cougle of the Essex-Middle River Chamber of Commerce and Paul M. Blitz Historian of the Heritage Society of Essex and Middle River is being restored to its original condition) were two of the early landmarks in Essex. The first house in Essex was the Schuster House located on the corner of Dorsey Avenue and Taylor Avenue. Some of the streets in Essex were named for the Taylor family. These include Taylor Avenue, Franklin Avenue, and Margaret Avenue.

In 1910, the oldest store in Essex was opened by Henry Guttenburger. His son, John (now in his eighties) still runs the store.

In 1915, the Vigilant Volunteer Fire Company was formed. Located at 518 Eastern Boulevard, it was the first firehouse in Essex. Up to that time, Essex had no fire protection. Upset by this, a group of concerned citizens formed the volunteer fire company. Because of the growth and development of Essex, bucket brigades were useless. After realizing this, the Vigilant Fire Company turned to horse drawn wagons. They, too, became obsolete. With the advent of the automobile, motorized fire pumps replaced horse drawn wagons. The Vigilant Fire Company purchased a 1914 Bessmer Motorized Chassis. It had the modern features of two pumps, fire hoses and a 40 foot ladder. A 35 gallon chemical tank was mounted behind the driver's seat.

By 1919 there were two paid fire houses in Baltimore County. One in Towsontown, the County Seat, and the other one was in Catonsville. In that same year, Essex had paid firemen stationed at the Vigilant Fire Company. The volunteer firemen soon became paid firemen and established a building and loan association which exists today. In 1920, a new firehouse was built next door to the Vigilant Building and Loan. This fire station is now the Heritage Society Museum.

Many people came to Essex to visit Hollywood Park. In addition to being an amusement park, Hollywood Park also offered picnic areas, swimming, fishing, and beer garden.

In 1929, Essex became well known when an Ohio businessman named Glenn L. Martin built an airplane plant in Middle River, Maryland. During World War II, 50,000 people worked at Martin's. The influx of people to the area came to get jobs at Martin's. This boost of population led the Glenn L. Martin Company to build company homes for its workers. Aero Acres and Victory Villa in Middle River, Maryland are two such communities.

After World War II, Essex experienced tremendous economic and social growth. As more and more people moved into the area, more businesses opened to meet their needs.

On August 3, 1957, tragedy struck Essex. A 10 alarm blaze gutted the entire 400 and 500 block of Eastern Boulevard. The fire caused more than 1 Million dollars worth of damage and took six hours before it was brought under control. Fire Officials said that the fire started in the Car-Mor Company warehouse in the basement of Arnold Department Store. No lives were lost in the fire.

The area was devastated by the fire. With the advent of shopping centers, businesses started moving out of the Essex business district to take advantage of shopping centers' store space and parking space. Essex experienced severe economic depression. This economic plight would continue into the 1960's and 1970's.

In 1968, the Heritage Society of Essex and Middle River was founded to protect and preserve the history of Essex and Middle River, Maryland. It is a non-profit organization staffed by volunteers. The old firehouse became a police station and later a courthouse. When the new fire station; police station; and courthouse were built, Baltimore County wanted to tear down the vacant building. Alex Bomgartner, The founder of the Heritage Society of Essex and Middle River and its members felt that the old building would be the ideal place to have a museum to display the artifacts that they collected. The Heritage Society of Essex and Middle River petitioned the County to save the building and use it as a museum. In 1975 after a three-year fight, Baltimore County agreed to save the building which is now The Heritage Society Museum. The Heritage Society of Essex and Middle River also engaged in a grassroots effort to save Ballestone Manor which the County also wanted to tear down to make way for Rocky Point Golf Course. The manor house was save and restored and opened to the public in 1977.

In 1972, Essex like most of Maryland, was hit by "Hurricane Agnes". Rising waters caused flooding in some areas and heavy winds knocked down trees, limbs, and power lines.

During the 1970's, a move was made for the "Revitalization" of Essex and the business district. It was an effort on the part of the Essex Development Corporation, Essex-Middle River Chamber of Commerce, elected officials, and the community to bring businesses and government offices to occupy the vacant buildings along Eastern Boulevard. The effort proved to be a great success.

By the 1980's, Essex was rejuvenated. Businesses relocated into the area. The Multi-Government Building and Eastside Occupational Building provide easy access to governmental agencies such as the Department of Motor Vehicles and Licenses and Permits.

In 1984, Essex celebrated its 75th Anniversary. To mark the occasion, Essex received a Presidential Citation from President Reagan. The following year, the Joint-Veterans Association erected a monument to honor those who died for their country in Korea and Vietnam. In 1988, The Heritage Society of Essex and Middle River will celebrate its 20th Anniversary. The future of Essex looks very optimistic and on Sunday Sept. 13, this community again will observe Essex Day.

Essex has survived fire, floods, hurricane, and economic depression. But Essex always rises up and becomes alive again. And with the help of the Essex Development Corporation; Essex-Middle River Chamber of Commerce; elected officials; and members of the community, Essex will again become "The Rising Suburb of the East". I salute this marvelous community.

AIRLINE SCHEDULES UNDER DEREGULATION IN A MESS

The SPEAKER pro tempore. Under a previous order of the House, the gentelman from Illinois [Mr. GRAY] is recognized for 5 minutes.

Mr. GRAY of Illinois. Mr. Speaker, during the August recess I had occasion to represent the House Committee on Veterans' Affairs in traveling to California to hold hearings, at the Veterans' Administration hospital in San Francisco on the subject of AIDS. During the time I first called the airport, Lambert Field in St. Louis, MO, consternation, false promises and delays were inherent in that entire trip all the way to California and back.

Before coming to the Congress, Mr. Speaker, I was a fixed-base operator. I think I know a little bit about flying. In fact, for 15 years while serving in this body I flew my own helicopter. I want to say without fear of contradiction that the airline schedules since deregulation is in a terrible mess. I think we must face reality that we are going to have to go back to regulation if we are to have safety in the skies and certainly if we are going to have any convenience for the American and foreign travelers.

On that trip that I mentioned a moment ago, Mr. Speaker, the flight was about an hour and a half late. When I arrived in California, it took at least 45 minutes to get my bags.

On the trip back—first let me say that the Committee on Veterans' Affairs had secured the ticket round trip. When I started back, the airline refused to accept the return trip without upgrading it for another $285. In fact, I am an auctioneer and when you call up on the phone to get a reservation, they start out with the very highest price and then the airline will say, "Well, if you can't afford that, then we will give you another price." You may get as many as seven or eight different price structures, all kinds of gimmicks that they will offer the traveling public to try to outdo the competition, completely disregarding their customers, the flying public.

So I think the time has come when we in the Congress must take action, not only to put on more air traffic controllers so the skies will be safer, but also to make absolutely certain that when an airline says they are going to depart at a certain time, they make every reasonable effort to leave at that particular time.

Concerning safety, I sat on the Public Works Committee 13 years ago and asked the then FAA Administrator what we were doing about collision avoidance devices.

Mr. Speaker, it is very strange, because the Administrator back then, General Kee, said, "We are just around the corner" from developing the collision avoidance systems.

I retired from this body, gone 10 years, came back to the same committee and last year I asked the FAA Administrator, Admiral Engen, "How are you coming on the collision avoidance devices?"

Mr. Speaker, you would think they rehearsed it; 13 years later he said exactly the same thing, "Just around the corner." Just around the corner, 13 years later.

We have the technology now to put in collision avoidance devices on our scheduled flights. We have TKASH-1, TKASH-2, and now TKASH-3, which is a very sophisticated instrument. I think now Mrs. Dole, the Secretary of Transportation, has finally said, "Well let's get busy and go ahead and demand that the airlines install collision avoidance devices." I thank her for that, but more needs to be done.

Last year alone, Mr. Speaker, we had more than 900 near misses in the air just over the continental limits of the United States, not counting all the near misses in foreign countries where American carriers fly. I am sure there were many others not reported.

So I stand here today warning that we must absolutely do something to put on more air traffic controllers, and improve airline service.

Back when the air traffic controllers' strike occurred in 1981, when President Reagan laid off all the controllers, we had 16,000-plus air traffic controllers. Today, Mr. Speaker, we have 25 percent more airplanes in the air and we have just a little over 14,000 air traffic controllers. So you can see the number of planes in the air has gone up and the number of air traffic controllers down. That does not spell good safety, and certainly I think all Members ought to join with Congressman NORMAN MINETA, chairman of our Subcommittee on Aviation and JIM HOWARD our full committee chairman joined by Congressman HAMMERSCHMIDT ranking minority member of the full committee, and Congressman GINGRICH, ranking subcommittee member and push our legislation that will provide a bill of rights for the flying public including the possibility of going back to regulation if things don't improve at our airports and in the skies.

Thank you Mr. Speaker, for giving me the opportunity to speak a few words in behalf of the weary traveler.

THE IMPORT OF THE NOMINATION OF JUDGE BORK TO THE SUPREME COURT

The SPEAKER pro tempore (Mr. NATCHER). Under a previous order of the House, the gentleman from California [Mr. DYMALLY] is recognized for 60 minutes.

Mr. DYMALLY. Mr. Speaker, there are few times in the history of a nation, that a public servant is allowed the opportunity to impact the course of history. What we do this day is to pursue the preservation of democracy. We join together to engage the attention of the Nation, and that of our colleagues in the U.S. Senate, in scrutinizing the record and import of the nomination of Robert H. Bork to the Supreme Court. We stand in the well of the people's House, representing diverse geographic regions and philosophical perspectives, yet committed to one truth. And that is where there are those who would trammel the democratic spirit or the individual will, we must rise in unrelenting opposition. Therefore I come before you, as chairman of the Congressional Black Caucus, and on behalf of the millions of people of conscience who we represent, to state that the future of our country is imperiled by the nomination of Robert Bork. And to his defenders we state affirmatively, that any attempt to represent his judicial record as short of ominously regressive is blatantly untrue.

There are those who suggest that our discussion of these matters is inappropriate. To argue that the selection of the judiciary is above politics, is a refusal to appreciate the reality of the society in which men and women of the bench must operate. This is not just another political appointment, but the selection of an individual who could well change the face of American civil liberties for years to come. We, as elected officials, have a responsibility to replace fiction with fact, to combat a partisan-driven public relations ploy which would have us believe that Robert H. Bork is a progressive activist who has been victimized by a partisan democratic left. To the contrary, the real victims are "We the people" and a Constitution which stands in jeopardy of a wave of judicial review of its very intents and purposes.

To be sure, Robert H. Bork is no champion for equality of opportunity or a friend of individual freedoms. We do not have to speculate about the record, there is a documented trail of actions as lawyer, teacher, Government official, and member of the court of appeals.

In recognition of the Bork legacy of opposition to voting rights, civil rights, open and fair housing, and affirmative action, I was joined by each of America's national organizations of black elected officials in announcing our collective and unequivocal opposition to his nomination. By name these organizations are the Congressional Black Caucus, the World Conference of Black Mayors, the National Black Caucus of Local Elected Officials, the Democratic National Committee Black Caucus, the National Black Caucus of State Legislators, the National Conference of Black Mayors, the National Association of Black County Officials, the National Bar Association and the Judicial Council of the National Bar Association, and the National Political Congress of Black Women. These are but a few of the more than 100 civil rights organizations which have joined in a coalition dedicated to the rejection of the Robert H. Bork nomination. Yet, this is not a slick organizational campaign. For every institutional response there has been a commensurate level of attention and awareness among the grassroots electorate. Indeed, if there was any question of whether this decision would escape this scrutiny of the people, recent weeks have disabused the decision makers of that potentiality. Members of both Houses have been met head-on by an informed and gravely concerned constituency.

Indeed, if there is a true purveyor of justice, it is the ballot box—and our colleagues in the Senate have heard a clear message during these recent weeks of recess. The people do not view this appointment as one in the best interest of America.

Again, to those who would remove this process from political discourse, I call to their attention a recent offering of the New York Times Editoral Board—August 7—which made the following commentary:

> Americans hold the Supreme Court in such reverence that they are sometimes persuaded, haplessly, to try taking politics out of politics. As President Reagan's nomination of Judge Robert Bork to the Court reverberates, it becomes clear that this is such a time. The white marble and black robes radiate a virtue which transcends partisanship. That's exactly as it should be: Federal judges receive lifetime appointments in order to be free of any partisan debt or duty. Their unencumbered freedom to decide cases is, however, distinctly different from how the Senate should decide which nominees to approve for the Court. As the history of Reagan nominations illustrates, that is a political question, properly and always. To claim that it is improper to examine a nominee's philosophical positions misses the point. The wholly proper test is to discover and weigh what those positions are.

That argument is clearly on point, and as the paper has suggested:

> Just as a President reflects his political values by whom he nominates, the Senate needs to reflect its political values by whom it approves.

Let us, therefore take these moments to share with our colleagues the perspective of the people's House as they stand on the eve of the exercise of their constitutionally mandated responsibility of advice and consent. And let us implore that they reject the nomination of Robert H. Bork.

Mr. CLAY. Mr. Speaker, President Reagan's nomination of U.S. Court of Appeals Judge Robert H. Bork, to fill the seat on the Supreme Court vacated by Justice Lewis Powell, is ominous and unsettling. Judge Bork's views are antithetical to equal justice under the law and I encourage my colleagues in the Senate to reject his nomination.

The question at issue does not pertain to Judge Bork's credentials. He is a brilliant legal scholar. But his ideology, his rigid rightist viewpoint and his published reactionary beliefs about justice mandate that the Senate deny him confirmation. The Senate is required to look beyond the basic legal credentials of a Supreme Court nominee. Many judges are legally qualified to serve, but those who are appointed to the Supreme Court must be especially capable of understanding and administering to the diverse interests and needs of our Nation. In my view, Judge Bork's record demonstrates that he is not prepared to serve our Nation's highest interests.

Judge Bork's reactionary record includes opposition to certain provisions of the 1964 Civil Rights Act—particularly in terms of public accommodations, his support of the death penalty, and his opposition to the Roe versus Wade abortion decision. The presence of Judge Bork on the highest court of the land could mean that State legislatures, instead of the courts, will make laws in violation of constitutional provisions, in matters such as affirmative action, freedom of choice for abortion, and search and seizure.

Judge Bork's ideological rigidity is a proper, legitimate question to be posed by the Senate. He is an arch conservative with views which oppose a free and equal society. If his confirmation is sustained by the Senate, it will be divisive and troubling for 240 million Americans; particularly, for blacks, women, and other minorities. The appointment of Judge Bork to the Supreme Court promises to trammel our Nation's progress toward equal justice under law.

Mrs. COLLINS. Mr. Speaker, next week, our distinguished colleagues on the Senate Judiciary Committee will begin consideration of the President's nomination of Judge Robert Bork to serve on the Supreme Court.

Over the past several years, the "scales of justice" have been tipped delicately on the Supreme Court with no one judicial viewpoint, liberal or conservative, dominating the other.

Clearly, however, if Judge Bork is confirmed, the scales will be tipped decidedly in favor of a rigid, conservative perspective. This is wrong!

Some people, particularly those in the Reagan administration, argue that ideology should not be a factor in deciding the merits of whether a person should serve on the Court. Instead, they suggest the focus should be on Judge Bork's reputation as a well-respected judicial scholar. The administration also has attempted to cast a new portrait of Judge Bork as a moderate judge.

In my view, these arguments are specious for several reasons. First, it ignores the Senate's "advise and consent" role in the nomination process. It is entirely legitimate for Senators to consider ideology and judicial perspective in evaluating the merits of a nominee. Second, the mere fact that someone is a judicial scholar is not sufficient to qualify them to serve on the Nation's highest court. Finally, it is outright deception to suggest Judge Bork is a moderate.

On the contrary, Judge Bork's writings and public statements reveal a man who is committed to protecting the interests of the Government and business against those of individual citizens.

A justice must have compassion for all people. Judge Bork's writings show no sensitivity toward any disadvantaged group. Twenty-five years ago, Bork opposed civil rights legislation requiring hotel and restaurant owners to serve blacks because it would trample "the freedom of the individual to choose with whom he will deal."

A justice must demonstrate an ability to listen to all points of view. Judge Bork's record on the appeals courts fails to demonstrate a balancing of competing viewpoints. According to Public Citizen, in seven split decisions involving a public interest group's challenge to a government regulation, Judge Bork favored the executive branch every time.

A justice must see the Constitution as a document which adapts to the changing circumstances of American society. Judge Bork's statements indicate he sees the Constitution as a rigid, static document which has not changed in 200 years. Over 20 years ago, for example, the Supreme Court held there was a constitutionally protected right of privacy. In law review articles and judicial opinions, however, Judge Bork has consistently challenged or tried to restrict this fundamental right.

As a woman and as a black, I am afraid he sees the Constitution of 1987 as the one of 1787. In that world, women had no legal standing. Worse, blacks were counted as only three-fifths of a human being.

If Judge Bork is seated, this myopic viewpoint could drastically shift the delicate balance which currently exists on the Court.

On a 5-to-4 vote this year, the Court upheld a temporary racial quota plan for Alabama State troopers. On a 5-to-4 vote this year, the Court affirmed the first amendment rights of a woman to make a disparaging remark about the President. And on a "soft" 6-to-3 vote, the Court approved an affirmative action program which recognized women had been the victims of past discrimination.

Next year, the Court will decide the validity of a woman's right to an abortion, the employment rights of gays, and a reverse discrimination case. If Judge Bork is confirmed, we already know the outcome of these cases.

It is a travesty of justice for any person to be seated on the Supreme Court who comes to the bench with such defined and preconcieved notions of justice. The next member of the Supreme Court must be a person of independence, impartiality, and integrity.

Judge Bork, however, does not meet these standards. Yesterday, a judicial colleague accused Bork of trying to substitute his minority viewpoint for the majority opinion in a case involving a House Republican challenge to the committee assignment process. As this judge said, this raises a serious question of Bork's "basic honesty."

For these reasons, I want to commend my colleagues in the Congressional Black Caucus for arranging this special order and I urge our colleagues in the other body to reject his nomination to the Supreme Court.

Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague, Mr. DYMALLY, for reserving this time to address the impending consideration of the nomination of Judge Robert H. Bork to serve as the next Associate Justice of the U.S. Supreme Court.

Mr. Speaker, I wish to firmly add my voice to the ever-growing ground swell of opposition to this nominee, who in my view does not represent the kind of Supreme Court nominee that will best serve the interests of our Nation in the years to come. Unfortunately, the nomination of Judge Bork stands as the next and perhaps crowning legacy of an administration more committed to pursuing a regressive conservative ideology, which threatens to turn back the clock on America's hard-fought social progress, than it is committed to justice or decency.

It is Judge Bork's own record that stands as the strongest testimony to his absence of qualifications. In developing his judicial philosophy, Judge Bork has adopted the philosophy of "original intent," expounded by Attorney General Edwin Meese. Under this theory, which has been denounced by most legal scholars, Bork argues, like Meese, that "the only way in which the Constitution can constrain judges is if the judges interpret the document's words according to the intentions of those who drafted, proposed, and ratified its provisions and various amendments * * * original intent is the only legitimate basis for constitutional decision." By the application of this questionable theory, Justice Bork seeks to turn back the clock of jurisprudence in such key areas as the death penalty, homosexual rights, the right to privacy, and abortion. In these areas, Bork seeks to ignore the body of legal precedent, in order to return constitutional law to a position consistent with his interpretation of constitutional intent.

In the area of the death penalty, Bork has suggested that "it is a little hard to understand how a penalty that the framers explicitly assumed to be available, can somehow become unavailable because of the very Constitution the framers wrote * * *."

In the area of homosexual rights, Judge Bork has noted, "We would find it impossible to conclude that a right to homosexual conduct is 'fundamental' or 'implicit in the concept of ordered liberty,' unless any and all private sexual behavior falls within those categories, a conclusion we are unwilling to draw."

In the area of abortion, Judge Bork has said, "I am convinced * * * that Roe versus Wade is an unconstitutional decision, a serious and wholly unjustifiable usurption of State legislative authority."

In Judge Bork's view—and in the view of the administration which seeks to appoint him—the Supreme Court has misbehaved, making law where they should not, and doing social justice instead of law. The administration, in seeking to appoint Judge Bork, hopes to straighten out the Court, bringing the Court around to its view of the role of the Court in the arena of constitutional law.

What Judge Bork—and the administration—fails to recognize is that the law, especially constitutional law, is made incrementally, on a case-by-case basis. While he might disagree with legal precedents, no judge in our system can ignore or avoid precedent. And this, in essence, is the problem with Judge Bork's approach to the Supreme Court. Because he disagrees with what they've done, he seeks to ignore years of legal precedent and turn back the clock of jurisprudence. This, to me, is unacceptable.

The case against Judge Bork is not limited to his flawed theory of constitutional law. As Solicitor General, on October 20, 1973, Judge Bork became the center of another legal controversy, this being the "Saturday Night Massacre" firing of Watergate special prosecutor Archibald Cox. In that instance, Bork accepted President Nixon's order to fire Watergate special prosecutor Archibald Cox, even though

Attorney General Elliot Richardson and his deputy William Ruckelshaus both refused to carry out such a patently improper order, one resigning, and the other being fired for their refusal. I, for one, would be uncomfortable with a Supreme Court Justice who behaved with such disrespect for the legal process in an instance such as this.

Finally, I am seriously troubled by Judge Bork's record on civil rights. During the debate on the great public accommodations provisions of the Civil Rights Act of 1964, Judge Bork took the position that the owners of lunch counters have the right to segregate, ignoring the basic human right of millions of black citizens to be free of discrimination. Judge Bork's opposition to the public accommodations provisions is not an isolated example, but part of a pattern of unyielding resistance to civil rights. He is also on record as opposing progressive Supreme Court decisions which have invalidated poll taxes, upheld the Voting Rights Act of 1965, and provided remedies for school desegregation.

Although I believe in the President's right to nominate a candidate of his choice to fill a vacancy on the Supreme Court, I also believe in the right of the Congress to review the credentials of such an individual, to determine if he or she provides the kind of balance to the Court that serves the best interests of the American people. I do not believe that Robert Bork will provide such a balance, and you may therefore be assured that I will lend my support to opposing his nomination.

For these reasons Mr. Speaker, America is best served with the defeat of this candidates nomination to the Supreme Court.

Mr. DELLUMS. Mr. Speaker, I rise today to urge my colleagues in the other body to reject the nomination of Robert Bork to the position of Associate Justice of the U.S. Supreme Court.

In my judgment, the Senate must concern itself not only with the personal qualifications of this appointee, but also with the impact of that appointment on the Supreme Court, on the entire judicial branch, and congressional and State legislation.

Based on his previous judicial decisions, public statements, and published books and articles, I am very concerned that Judge Bork's appointment would radically transform present constitutional law, especially in the areas of civil rights and individual liberties.

To cite just a few examples: He denounced a civil rights bill banning racial discrimination in restaurants and hotels, saying that the law interfered with the majority's right to "decide with whom [they] will deal." He opposed the 1964 Civil Rights Act as "an extraordinary incursion into individual freedom." He also argued that a Virginia poll tax, clearly enacted to keep large numbers of poor blacks off the voter rolls, was not discriminatory.

His attitudes toward individual rights is even more reactionary. He publicly referred to civil rights demonstrators as "a mob * * * disturbing and coercing other private individuals in the exercise of their freedom." For him the individual's right of privacy is virtually nonexistent: As I said years ago, concept of the Constitution. In his mind, the Bill of Rights only protects "political" speech; anything else is fair game for Court censorship or condemnation. He has also argued that gays and lesbians do not have the same constitutional rights as homosexuals.

In short, I consider Judge Bork a clear and present danger to the progress made in civil rights and individual freedom in this society during the past 40 years. His unstinting opposition to existing Supreme Court decisions promoting the principle of one man, one vote, open housing, the abolition of racially restrictive covenants, the banning of literacy tests and poll tax requirements for voting, and his repeated denunciations of affirmative action programs all render him constitutionally unacceptable as a candidate for the highest court in the land.

In this year of the bicentennial of our Constitution, the Senate has a special obligation to pass upon the fitness of those who will be sworn "to uphold and defend the Constitution." Based on his past performance and public pronouncements, Judge Bork does not meet those requirements.

Mr. SABO. Mr. Speaker, although I am always reluctant to advise the Senate on how it should perform its duties, there is an issue about which I cannot remain silent. Many actions that Congress takes this fall will be important. But when historians look back, what I fear may stand out most is that Judge Robert H. Bork was confirmed by the Senate, ushering in a new era for the Supreme Court.

Under this scenario, we could see the start of a period in our history in which the Court reverses much of the progress we have made in the past three decades. Should the Senate confirm Judge Bork, I fear the Court may roll back many of the important advances for which we have fought for so long.

But this frightful vision of the future does not have to come to pass. The Senate can exercise its prerogative and reject Judge Bork's nomination.

We have fought and won important battles to protect basic individual rights and liberties, to enhance our democratic processes, and to expand economic opportunities so all American's can share in the American dream. Now is not the time to retreat from these victories. The American people do not want us to turn back the clock and revisit these issues. Instead we must move forward.

While we have been surprised in the past at the change in philosophy that has occurred in some justices once they joined the Court, we cannot gamble that this will happen with Judge Bork. It is clear—from his writings, lectures, and opinions covering 20 years—he has a unique view of the Court's role in our evolving democracy. He has a radical view of the Constitution itself.

Judge Bork disagrees with numerous landmark court decisions. What is most troublesome, however, is his nearly contemptuous disregard for precedents set by past Court decisions and his almost casual willingness to vote to overturn them. It is an almost arrogant lack of respect for the wisdom of past Courts and outcomes that the vast majority of Americans accept as the established law of the land.

The Constitution did not cease to live and grow once it was signed 200 years ago. It continues to grow and improve. Our history has been important and deserves respect.

It is especially ironic that as we celebrate the bicentennial of the U.S. Constitution, President Reagan has nominated a man who wants to tear that remarkable document to shreds. It is sad that he has chosen a man who could embark on a major assault against the Constitution.

I am sure that Judge Bork is a smart man. But intelligence is not the only criterion that should be used to evaluate whether he should serve on the highest court in the land. His philosophy and ideology are extremely important. Just as the President would not nominate a man whose views were opposite of his own, the Senate should not approve a man whose philosophy is so radically different from the mainstream of American thought.

The Court was never intended to be a tool by which the President alone could promote his ideology. It is not a subdivision of the executive branch of Government. Instead, it is a vital independent third branch of our Government. That is why the Senate has the authority to review and pass judgment on a President's recommendation.

The Senate in the case of Judge Bork has a grave responsibility to use its veto power over the President's nomination. I urge the Members of the other body to reject President Reagan's nomination of Judge Bork. In doing so, you will have the support and heartfelt thanks of many of us in this body, the American people, and future generations who want to move forward in the pursuit of justice, liberty, and democracy.

Ms. PELOSI. Mr. Speaker, the Senate is facing one of its most important pieces of business—the process of confirming or rejecting the nomination of Judge Bork to the Supreme Court.

The public debate on this nomination has focused on the powers of the Senate, as well as on the nominee's background and suitability. The Senate does not need to justify or to defend its powers. The framers of the Constitution gave the Senate the powers of advice and consent in the appointments to the judiciary in order to ensure the independence and sanctity of this third branch. Confirming appointments to the Supreme Court requires different consideration than confirming appointments to the executive branch. Cabinet members, serving at the pleasure of the President, are advisers who leave office with the President at the end of term. Supreme Court Justices, however, are supposed to function independently and they are appointed for life. Serious candidates for the Supreme Court, then, should neither be political extremists nor tied to a particular ideology. We look to the Supreme Court for judicial decisionmaking, not for an ideological agenda.

Many legitimate questions have been raised about Judge Bork's judicial philosophy. His record dramatically demonstrates a commitment to the reversal of the advances in individual liberties fought for and won in the Supreme Court over the past three decades.

Our Nation is based on a foundation of the primacy of individual rights. Designed to place basic freedoms beyond majority control, the Constitution guarantees the citizens of the United States those freedoms. The ninth amendment provides that fundamental rights not specifically listed in the Constitution are still retained by our citizens. The right to privacy has been guaranteed through an entire line of Supreme Court decisions. Both conservative and liberal Justices of the Supreme Court have included the right to privacy in our guaranteed rights. Judge Bork disagrees. He has said that the right to privacy is not covered by the Constitution and that the Supreme Court's previous decisions upholding this right are wrong.

Bork believes that our freedoms should be more narrowly defined. In matters of sex, procreation and family, he would have the Court step aside. If for example, the Constitution does not specifically address birth control, Bork feels that access to them cannot and should not be protected by the Supreme Court. I believe that Judge Bork's philosophy not only violates our constitutionally mandated rights and freedoms, but also presents a highly dangerous threat to the American way of life. Sexual, reproductive, and familial choices should be a matter of individual choice.

Great strides on civil rights have been made in this country over the past three decades. While the road to equality for all, regardless of race, ethnicity, sex or sexual preference, still has some distance to go, we can feel pride in the progress made so far. Judge Bork, however, has played no role in pursuing civil rights and equality. He opposed what became the 1964 Civil Rights Act, which guaranteed that public accomodations be open to all races. He is on record as opposing most of the landmark decisions protecting civil rights and individual liberties rendered by the Supreme Court for 40 years. In fact, his theory of legal interpretation—judicial restraint—would not even have permitted the landmark civil rights cases to be heard.

Judge Bork's clear alignment with right wing ideologues makes him a political extremist and a danger to the independence of the Supreme Court. As our colleagues in the Senate undertake the confirmation process, I urge them to proceed carefully and thoughtfully.

The Senate has the powers and the obligation to reach a decision on the nomination of Judge Bork. Approximately 25 percent of those individuals nominated for the Supreme Court have not been confirmed by the Senate. The public interest will only be served if the Senate makes full and vigorous use of its powers. I strongly urge my colleagues in the Senate to exercise their constitutionally mandated powers and reject Judge Bork's nomination.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE 5 ADDITIONAL DAYS TO PRINT REPORT ON H.R. 2881, NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME ACT

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be given 5 additional legislative days in which to print its report on the bill, H.R. 2881, in the RECORD, including minority, dissenting, and supplemental views.

This request is being made on behalf of the minority to allow time for minority views to be prepared.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of today, this week, and prospects for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. First of all let me express my appreciation to the gentleman from Illinois [Mr. GRAY] for his useful and informative remarks in the well of the House.

I would advise the distinguished Republican leader that we have completed the business for today and for this week. The House will not be in session tomorrow and it will be my intention to ask unanimous consent when the House adjourns today to adjourn to meet at noon on Monday next.

On Monday we intend a pro forma session.

On Tuesday, September 15, the House will meet at noon and consider two bills under the suspension rule, House Resolution 192, concerning the denial of freedom of religion and other human rights in Soviet-occupied Lithuania; and House Resolution 243, expressing the sense of the House on the occasion of the 25th anniversary of the independence of Jamaica.

On Wednesday and the balance of the week, September 16, 17, and 18, the House will meet at 10 a.m. and consider H.R. 1154, the Textile and Apparel Trade Act of 1987, with a closed rule, with 3 hours of debate; H.R. 3030, Agriculture Credit Act of 1987, subject to a rule; and H.R. 442, Civil Liberties Act, subject to a rule.

Conference reports may be brought up at any time and any further program will be announced later.

Mr. Speaker, I might say that on Tuesday, September 15, we intend to postpone recorded votes until after the debate on all suspensions, but at the present time with only two suspensions being scheduled Members should be advised that there will probably be early votes ordered on Tuesday, and we are assuming that there will be votes on Tuesday.

We do not intend to schedule a Friday session next week but if I may respond to the Republican leader's inquiry, the following week, which would be the week of September 21, we intend to have a schedule which will be announced next week for Monday, Tuesday, and Wednesday; that is, votes will be held on Monday, Tuesday, and Wednesday.

Of course, when the House adjourns on Wednesday, we will adjourn for the Jewish high holidays, so we will not be meeting on Thursday or Friday, September 24 and 25.

Mr. MICHEL. The gentleman may or may not be aware that today the gentleman from Mississippi [Mr. LOTT] and I addressed a letter to the Speaker pointing up the closing of dates upon us here with the fiscal year ending September 30, and while we passed nine appropriation bills and the other body has not passed any yet, I do not see any of the remaining appropriation bills scheduled, for example, for next week or that following week.

I am just wondering, coming into the deadline, the debt ceiling needing to be extended, are we headed for another temporary extension?

Mr. FOLEY. Mr. Speaker, it is my hope, personally, that the conference committee on the extension of the debt ceiling will be able to reach agreement on the issues that are presently before it, and I cannot predict that, no one can, as to the precise time but, personally, I think with goodwill and strong effort that the conference committee should be ready to report well before September 23, which is the current deadline for the extension of the debt ceiling. As far as the appropriation bills are concerned, while I cannot announce the schedule for the week after next today, I anticipate the possibility of an appropriation bill being scheduled for the week after next. It is probably unlikely that before the first of October the Senate would be able to take up and act on all appropriation bills passed by the House and conclude a conference with the House.

None of them has been adopted by the Senate at this time even though, as the gentleman pointed out, we have passed nine and reported from the committee at least two others.

So we are well on our way to completing the work of appropriations which is our responsibility in the initial instance, but the Senate, for reasons that I will not digress on, has been unable to take up the appropriation bills and act on them.

The probability is that we would need to meet the October 1 deadline with some omnibus appropriation or continuing resolution in order to permit the continued function of the Government. That is not our desire, it is not our wish, it was not our hope, but while we have undertaken assiduously to meet our responsibilities on this side of the Capitol, unfortunately we have not been able to bring together conference committees because the other body has not acted on any of the other appropriation bills.

Mr. MICHEL. Does the gentleman have any intelligence on when they would begin over there on the other side to even report appropriation bills let alone consider them on the floor of the Senate?

Mr. FOLEY. I think there will be an effort to do that but, as the gentleman knows and even under our expanded rules, we probably should not digress too much about the problems of the other body, but there have been problems in bringing bills to the floor. The schedule has been complicated there and I cannot predict exactly what will happen.

I do think there will be obviously an effort to proceed on the appropriation bills, but we are faced with the end of the fiscal year on midnight, September 30, despite our efforts and our success in meeting our responsibilities in this regard. It is difficult to presume the Senate would be able to conclude all of the appropriation bills and be able to conclude all of the conferences and conference bills and send them to the President in what is now 20 days before the end of the fiscal year. It stretches a bit even a confident prediction.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I would be happy to yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

I just want to find out, if I could, if we could get a little more elaboration on the schedule for next week.

As the gentleman well knows, we will have the celebration of the Constitution here in this town on Wednesday, and I think the schedule has been done to accommodate that particular celebration on Wednesday. I think the gentleman is also aware, however, that there is to be a major celebration, national celebration, in Philadelphia the next day. I think there was some hope that Congress would be able to participate as an optional kind of thing in Philadelphia that day.

It appears to me from the schedule that that has not been taken into account at all. I wonder if the gentleman could at least maybe inform the Members how many votes might be expected, what bills will be up specifically on Thursday that Members might have to look at if they would decide to go the national celebration that is to be held in Philadelphia?

Mr. FOLEY. Mr. Speaker, I would be glad to respond to the gentleman's question if the distinguished minority leader would yield to me.

Mr. MICHEL. Mr. Speaker, I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, we are currently scheduling the bill H.R. 442, the Civil Liberties Act, for Thursday. There has been inquiry about why the House did not simply abandon legislative work on Thursday in view of the fact that there are some celebrations in various parts of the country. I think the answer to that is that first of all we did participate, as the gentleman knows, the House and the Senate did participate very extensively in celebration in Philadelphia already. We are having recognition of this important anniversary on Wednesday, the 16th, and the House made a judgment not to have a 1-day national holiday on Constitution Day, so it seems that we should go forward with the work of the House on that day.

In the event that there is any change in the schedule, and I am not predicting any, but in the event there should be any change in the schedule we will try to announce that promptly. At the present time we are scheduling H.R. 442 for Thursday. The number of votes on that bill would be, again purely speculative, but I guess we would have to assume there would be rollcall votes and amendments are in order, or will be in order, I am sure, subject to the rule.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I certainly understand what the distinguished majority leader, the gentleman from Washington, is telling us, and the House did make a determination not to spend several hundred million dollars in order to have a holiday that day. I think there is somewhat of a difference between what Congress schedules in terms of that celebration and an overall national holiday, since the Congress in times past has shut down for things like Boston Celtics basketball games and a number of other things. It seems to me that we could maybe accommodate something which is of fairly monumental significance in the history of this country for Members of Congress. If the House determines that that is not appropriate, Members I guess will have to understand.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I would have to disagree with my distinguished friend. We have emphasized in fact the importance of this historic year and in addition to participating at Philadelphia already in moving ceremonies, the House and the Senate were to consider legislation which was before the House for a one-time, 1-day national holiday to give further emphasis and celebration to the historic occasion. I am not quarreling with the decision. The House has spoken on that, but the House decision was not to have such a holiday and consequently for Americans who might want to celebrate this day, they are not going to be celebrating it on a holiday.

I think it was our assumption that what was the situation for the rest of the country might be appropriately the situation for the House, namely, that it was a day which would be a working day although obviously in our consideration on Wednesday the previous day and our past celebrations in Philadelphia and in all of our actions on the 17th we would reflect on the historic importance of this day and there was no difference between us on that issue. It is in fact a day which we thought deserved a 1-day national holiday.

In any event I understand the gentleman's concern that there are local celebrations that Members might want to attend. At the present time, in answer to his question, we have an important bill on the floor. If there should be any change in that, and I am not predicting it, but if there should be any change in that we would immediately notify our friends on the minority side and so the Members could be advised.

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Mr. MICHEL. Mr. Speaker, I yield to the gentleman from Pennsylvania who also has I think some concern about that coming from the immediate area where this matter is focused.

Mr. COUGHLIN. Mr. Speaker, I wish to add my voice to the voice of my colleague from Pennsylvania. The 17th is indeed the anniversary of the signing of the Constitution of the United States, that day that we have been building up to for the entire year. It seems peculiar that we do very little on Monday and Tuesday and put all of the work of the week into the 2 days that are the most important in terms of the celebration of the bicentennial of our Constitution. I would hope that some consideration might be given by the leadership and by the distinguished majority leader to some variation of that on that Thursday which is indeed an important day, not just in Philadelphia but around the Nation where celebrations are being held, in schools, in towns, in villages, in communities all around our country in commemoration of the bicentennial of the Constitution.

Mr. FOLEY. Mr. Speaker, I respond to the gentleman from Pennsylvania, if the gentleman from Illinois will yield further, that we are sensitive to the concerns and interests not only of the gentleman from Pennsylvania, which is the historic State where these great events transpired, but also the Members from other parts of the country where there are local celebrations. While I cannot announce any change in the program because the program is as I announced, if there is any change—and all such announcements carry the admonition that further changes may be announced later—if there is any change we will assiduously pursue prompt notification of the Members for their information and reaction.

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. NATCHER). Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 14, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT BY THE MAJORITY LEADER

Mr. FOLEY. Mr. Speaker, may I conclude by again reminding Members that on Wednesday, the 16th of September, that is Wednesday next, there will be an official photograph taken of the House of Representatives.

I believe it is the first order of business of the day. All Members are encouraged to be present in the Chamber so that that photograph may reflect the totality of the House of Representatives.

A BIPARTISAN INSPECTION OF SOVIET RADAR FACILITIES

The SPEAKER pro tempore. Under a previsous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, as a freshman Member of this Congress, this historic 100th Congress, I have attempted to specialize in those areas where I feel that I have background or expertise that will allow me to contribute significantly to the conduct of the business of this body. As such, one of the areas I have attempted to focus on is the relations between this country and the Soviet Union.

One of my undergrad degrees, Mr. Speaker, is in Soviet-American relations, Soviet studies.

In addition, I have been involved extensively over the last 5 years in Soviet-American exchange programs. I have had discussions, formal discussions and debated with young Soviet leaders on three occasions, twice in this country and once when I traveled extensively throughout the Soviet Union in December 1985.

In addition, in working with the American Council of Young Political Leaders, Washington-based group which fosters improved relations between this country and other nations of the world, I have attempted to assist in every sense in every possible opportunity in improving relations between our countries and I have hosted Soviet delegations on numerous occasions in my first 8 months as a freshman legislator in this body.

In all the discussions and the studies and the work that I have done in Soviet-American relations I have consistently also been concerned with treaties that we enter into as nations and the adherence to those treaties by both nations.

As on the discussions of the Defense authorization bill this past spring and the discussion which focused around the strict versus broad interpretation of the ABM Treaty, I thought it appropriate to offer an amendment to the Defense authorization bill that would point up what I felt and what many felt was to be an obvious violation of the ABM Treaty, the installation of the Krasnoyarsk radar facility in Siberia.

So, Mr. Speaker, I brought that amendment to the House floor. I led the discussion on the floor of the House, brought in the statements by many notable officials of both political parties and all political ideologies throughout this country. I even quoted a notable Soviet general who acknowledged that Krasnoyarsk was in fact a violation of the ABM Treaty, as well as many of my colleagues in this body who have publicly gone on this record as stating that Krasnoyarsk was in fact a violation of the ABM.

Mr. Speaker, when that amendment came up for a vote on the floor of the House it passed the House of Representatives by a vote of 418 to 0.

Not one Representative of this body disagreed with me that Krasnoyarsk was in fact a violation of ABM.

The reason I mention all of this, Mr. Speaker, is that I was somewhat dismayed to read and to hear on the national press and in the media over this last weekend and yesterday and today that a partisan delegation of this body made a special trip to Krasnoyarsk, a partisan delegation of this body including three Members of this body, two staff members of two Members of this body as well as a reporter from one of our national newspapers along with the National Resources Defense Council, made a special trip to Krasnoyarsk.

Now I applaud anyone who is attempting to get any more information about Soviet violations and about whether or not Krasnoyarsk was in fact a violation. I would have felt better if it had in fact been a bipartisan delegation that made the trip to Krasnoyarsk that could come back and report to us so we can take appropriate action.

I look forward to meeting with the Members of this body who went to Krasnoyarsk. I look forward to hearing their firsthand account of what they saw. But, Mr. Speaker, I also think that we need to look beyond Krasnoyarsk, make comparisons with our Soviet installations and therefore, Mr. Speaker, what I have done today and which I am announcing here is that I have sent a letter that is being personally delivered to the Soviet Embassy with copies to the Politburo members of the Soviet Union, asking that I be permitted to travel to Krasnoyarsk with a bipartisan delegation of Members of this body as well as to see the Krasnoyarsk facility and to also visit the Pechora facility so we can make an adequate comparison of these two facilities to see whether or not Krasnoyarsk is a violation of the ABM.

My letter will be delivered today. I would hope that the Soviet Union would want to have a bipartisan look at Krasnoyarsk and I would hope that the purpose of the Soviet Union allowing five Members of one party in this country or three Members and two staff persons of two other Members to visit Krasnoyarsk was not simply a political ploy in light of the upcoming visit of Foreign Minister Eduard Shevardnadze to this country in anticipation of his talks so that that could be acknowledged that we had lawmakers visit that facility and have downplayed the importance of Krasnoyarsk in relation to the ABM Treaty. And I would hope that the Soviet Union, in receiving my letter, would look at that letter in the spirit of what I think to be and I hope to be their openness in wanting to have this body to have a full assessment of Krasnoyarsk and its long-term implications of our relations and more importantly of the ABM Treaty and its adherence itself.

So I anxiously await the Soviet response and I would hope, as I said here today, that the invitation to those Members of one political party in this country is not done in the spirit of partisanship but is done and was done in the spirit of allowing us to assess Krasnoyarsk in light of other Soviet installations and allowing us to fully assess the implications that Krasnoyarsk and Pechora have on the ABM Treaty itself.

Mr. Speaker, I yield back the remainder of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COATS) to revise and extend their remarks and include extraneous material:)

Mr. BOULTER, for 60 minutes, on September 29 and 30.

Mr. HORTON, for 60 minutes, on September 29.

Mrs. BENTLEY, for 5 minutes, on September 10.

Mr. ARMEY, for 60 minutes, on September 15.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 60 minutes, on September 15.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GRAY of Illinois, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, today.

(The following Member (at the request of Mr. DYMALLY) to revise and extend his remarks and include extraneous material:)

Mr. KLECZKA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COATS) and to include extraneous matter:)

Mr. GOODLING.

Mr. LAGOMARSINO.

Mr. GRADISON.

Mr. CRANE.

Mr. RITTER.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. ROSTENKOWSKI.

Mrs. BOXER.

Mr. FAZIO.

Mr. BERMAN in two instances.

Mr. PRICE of Illinois.

Ms. SLAUGHTER of New York.

Mr. CLARKE.

Mr. RODINO in two instances.

Mr. LANTOS.

Mr. MONTGOMERY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 548. An act to amend title 11, United States Code, the Bankruptcy Code, regarding benefits of certain retired employees, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT

Mr. DYMALLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Monday, September 14, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2062. A letter from the Deputy Assistant Secretary (Logistics), Department of the Air Force, transmitting the Department's study with respect to converting the military family housing maintenance function at Laughlin Air Force Base, TX, and that performance under contract is the most cost-effective method of accomplishment, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); to the Committee on Appropriations.

2063. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer to Japan for defense articles estimated to cost $50 million or more, pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

2064. A letter from the Executive Director, D.C. Retirement Board, transmitting the Board's fiscal year 1986 annual report, pursuant to D.C. Code sections 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

2065. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the Public Service Commission and the Office of the People's Counsel Miscellaneous Taxicab Accounts," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2066. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend various health authorities, and for other purposes; to the Committee on Energy and Commerce.

2067. A letter from the Secretary of Health and Human Services, transmitting a discussion of amendments with regard to H.R. 1327; to the Committee on Energy and Commerce.

2068. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer to Japan for defense articles and services estimated to cost $80 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2069. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed letter(s) of offer to Korea for defense articles and services estimated to cost $77 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2070. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting the determination that it is in the national interest to grant assistance to Niger even though it is in default on loans made under the FAA, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

2071. A letter from the Executive Secretary, Federal Deposit Insurance Corporation, transmitting the agency's notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2072. A letter from the National President, Women's Army Corps Veterans' Association, transmitting the financial statement of Women's Army Corps Veterans' Association for fiscal year July 1, 1986 through June 30, 1987, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

2073. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the transfer of property under the Panama Canal Treaty of 1977, pursuant to 22 U.S.C. 3784(b); to the Committee on Merchant Marine and Fisheries.

2074. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 8 of the Eastern Pacific Tuna Licensing Act of 1984; to the Committee on Merchant Marine and Fisheries.

2075. A letter from the Director, Office of Personnel Management, transmitting the first annual report evaluating the performance management and recognition system covering the first two cycles of pay increases and awards under the PMRS Program, pursuant to 5 U.S.C. 5408; to the Committee on Post Office and Civil Service.

2076. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed use of R&D funds for the design and construction of a spacecraft solid rocket motor [SRM] high energy x-ray facility at Kennedy Space Center, FL, pursuant to Public Law 99-170, section 103 (99 Stat. 1014); to the Committee on Science, Space, and Technology.

2077. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide for improved representation of Federal departments and agencies on the Secretary of Labor's Committee on Veterans' Employment, and for other purposes; to the Committee on Veterans' Affairs.

2078. A letter from the Acting Administrator, Agency for International Development, transmitting a report on the origin, contents, destination and disposition of humanitarian goods and supplies transported by the Department of Defense pursuant to Public Law 98-525, section 1540(e) (98 Stat. 2638); Public Law 99-145, section 306(a) (99 Stat. 617); Public Law 99-661, section 331(b) (100 Stat. 3857); jointly, to the Committees on Armed Services and Foreign Affairs.

2079. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to protect the confidentiality of data made available to the Bureau of Labor Statistics and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUI (for himself, Mr. Duncan, and Mr. Coelho):

H.R. 3250. A bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules for determining contributions in aid of construction; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. Annunzio):

H.R. 3251. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the U.S. Congress; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MILLER of Ohio:

H.R. 3252. A bill to create a national education savings trust; to prescribe the powers and duties of the trust and of its board of trustees; to provide for advance tuition payment plan agreements; to establish an advance tuition payment fund and to provide for its administration, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. PANETTA:

H.R. 3253. A bill to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself and Mr. Broomfield):

H. Con. Res. 186. Concurrent resolution urging the German Democratic chief of state Erich Honecker to permanently repeal the order directing East German border guards to shoot to kill anyone who without authorization, attempts to cross the Berlin Wall and to issue an order to tear down the Berlin Wall; to the Committee on Foreign Affairs.

By Ms. OAKAR:

H. Res. 259. Resolution designating membership on certain standing committees of the House; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII,

199. The SPEAKER presented a memorial of the Legislature of the State of Illinois, relative to the Equity in Employment Security Financing Act; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 124: Mrs. Bentley.

H.R. 192: Mr. Wolpe.

H.R. 622: Mr. Neal, Mr. Barnard, Mr. Owens of Utah, and Mr. Gunderson.

H.R. 792: Mr. Hefley and Mr. McEwen.

H.R. 916: Mr. Frost.

H.R. 1028: Mr. Gradison.

H.R. 1601: Mr. Gunderson.

H.R. 1707: Mr. DeWine, Mr. Blaz, Ms. Pelosi, Mr. Hastert, Mr. Lantos, Mr. Hubbard, Mr. Bennett, Mr. Coelho, Mr. Akaka, Mr. Roemer, Mr. Coats, Mr. Stangeland, Mr. Udall, Mr. Hutto, Mr. Thomas of Georgia, Mr. Markey, Mr. Kolter, Mr. Nichols, and Mr. Pepper.

H.R. 1721: Mr. Schuette.

H.R. 2153: Mr. Foglietta.

H.R. 2228: Mr. Weber, Mr. Lightfoot, Mr. Penny, and Mr. Duncan.

H.R. 2248: Mr. Fields, Mr. Schaefer, Mr. Rinaldo, Mr. Weber, Mr. Hefley, and Mr. Hughes.

H.R. 2323: Mr. Slattery and Mr. Duncan.

H.R. 2497: Mr. Moody.

H.R. 2498: Mr. Moody.

H.R. 2532: Mr. Sikorski, and Mr. Towns.

H.R. 2603: Mr. Boulter, Mr. Craig, and Mr. Thomas of California.

H.R. 2607: Mr. Levin of Michigan and Mr. Foglietta.

H.R. 2640: Mr. Rogers, Mr. Akaka, Mr. Price of North Carolina, Mr. Rinaldo, Mr. Wolf, Mr. McEwen, Mr. Mollohan, Mr. Atkins, Mr. Coelho, Mr. Vento, Mr. Carr, Mr. St Germain, Mr. Torricelli, Mr. Bilbray, Mr. Davis of Michigan, Mr. Ray, Mr. Synar, and Miss Schneider.

H.R. 2690: Mr. Owens of Utah, Mr. Duncan, and Mr. Evans.

H.R. 2697: Mr. Jacobs, Mr. Nichols, and Mr. Bereuter.

H.R. 2759: Mrs. Bentley.

H.R. 2793: Mr. Chandler, Mr. Flippo, Mr. Andrews, Mr. Akaka, Mr. Barnard, Mr. Campbell, Mr. Daub, Mr. Frank, Mr. Lagomarsino, Mr. Neal, Mr. Nowak, and Mr. Richardson.

H.R. 2844: Mrs. Byron and Mrs. Bentley.

H.R. 2887: Mr. Kolbe, Mr. Duncan, and Mr. Foglietta.

H.R. 2929: Mr. Tauke and Mr. Jacobs.

H.R. 3021: Mr. Sensenbrenner, Mr. Durbin, Mr. Burton of Indiana, and Mr. Nelson of Florida.

H.R. 3057: Mr. DeFazio.

H.R. 3071: Mr. Stark.

H.R. 3083: Mr. Wortley, Mr. Gray of Illinois, and Mr. Davis of Illinois.

H.R. 3143: Mr. Atkins, Mr. Markey, Mr. Biaggi, and Mr. Kanjorski.

H.R. 3161: Mr. Evans.

H.R. 3180: Mr. Dwyer of New Jersey, Mr. Howard, and Mr. Dornan of California.

H.R. 3228: Mr. Montgomery, Mr. Rangel, and Mr. Downey of New York.

H.J. Res. 112: Mr. Udall, Mr. Dicks, Mr. Johnson of South Dakota, Mr. Studds, Mr. Conyers, Miss Schneider, Mr. Smith of New Jersey, and Mr. Levine of California.

H.J. Res. 227: Mr. Andrews, Mr. Mack, Mr. Martinez, Mr. Espy, Mr. Dymally, Mr. Bryant, Mr. Stokes, Mr. Atkins, Mr. Levin of Michigan, Mr. Wortley, Mr. Borski, Mr. Lehman of California, Mr. Callahan, and Mr. Fields.

H.J. Res. 308: Mr. Towns, Mr. Hefner, Mr. Kasich, Mr. Shumway, Mr. Kolter, Mr. Conyers, Mr. Levine of California, Mr. Morrison of Connecticut, Mr. Martinez, Mr. Roberts, Mr. Garcia, Mrs. Bentley, Mr. Jenkins, Mr. Boner of Tennessee, Mr. Fawell, Mr. Anderson, Mr. Applegate, Mr. Hansen, Mr. Flippo, Mr. Hunter, Mr. Lantos, Mr. Latta, Mr. Leach of Iowa, Mr. Livingston, Mr. McDade, Mr. Martin of New York, Mr. Matsui, Mr. Miller of Ohio, Mr. Sunia, Mr. Torricelli, Mr. Young of Alaska, Mr. Neal, Mr. Gallo, Mr. Lewis of California, Mr. Bustamante, Mr. Jones of North Carolina, Ms. Oakar, Mr. Fauntroy, Mr. Blaz, Mr. Dymally, Mr. Daniel, Mr. Brown of Colorado, Mr. Coats, Mr. Tallon, Mr. Brown of California, Mr. Kostmayer, Mr. Howard, Mr. Gray of Illinois, Mr. Fields, and Mr. Volkmer.

H.J. Res. 326: Mr. Young of Florida, Mr. Dingell, Mr. Vander Jagt, and Mr. Yatron.

H.J. Res. 328: Mr. Hoyer, Mr. Rahall, Mr. McCloskey, and Mr. Eckart.

H.J. Res. 353: Mr. Martinez, Mr. Thomas of Georgia, Mr. Parris, Mr. Boner of Tennessee, Mr. Hubbard, Mr. Yatron, Mr. Martin of New York, Mr. Kolbe, Mr. Duncan, Mr. Cardin, and Mr. McMillen of Maryland.

H.J. Res. 355: Mr. Howard, Mr. Lujan, Mr. Wilson, Mr. McGrath, Mr. Smith of New Hampshire, Mrs. Bentley, Mr. Dreier of California, Mr. Tauke, Mr. Green, Mr. Courter, Mr. Petri, Mr. Mineta, Ms. Oakar, Mr. McDade, Mrs. Byron, Mr. Florio, Mrs. Saiki, Mr. Thomas A. Luken, Mr. Rangel, Mr. Bliley, Mr. Miller of Washington, Mr. Crane, Mr. Lott, Mr. DioGuardi, Mr. Skeen, Mr. Coughlin, Mr. Roe, Mr. Smith of Florida, Mr. Wortley, and Mr. DeFazio.

H.J. Res. 356: Mr. Carper, Mr. Fauntroy, Mr. Tallon, Mr. Callahan, Mr. Bustamante, Mr. Lewis of California, Mr. Hansen, Mr. Lehman of Florida, Mr. Dowdy of Mississippi, Mr. Boucher, Mr. Sabo, Mr. Lipinski, Mr. Frank, Mr. Parris, Mr. Torricelli, Mr. Kostmayer, Mr. Volkmer, and Mr. Russo.

H. Res. 185: Mr. Cardin, Mr. Carper, Mr. Thomas of Georgia, Mr. Gingrich, Mrs. Morella, Mr. DeLay, Mrs. Bentley, Mr. Callahan, Mr. Mazzoli, Mr. Leach of Iowa, Mr. Ritter, Mr. Howard, Mr. Mfume, Mr. Bevill, Mrs. Boxer, Mr. Hoyer, Mr. Valentine, Mr. Stark, Mr. Vento, Mr. McCloskey, Mr. Coelho, Mr. Solomon, Mr. Robinson, Mr. Anderson, Mr. Kolbe, and Mr. Stallings.

SENATE—*Thursday, September 10, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable FRANK R. LAUTENBERG, a Senator from the State of New Jersey.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

But the wisdom that is from above is first pure, then gentle, peaceable, and easy to be entreated, full of mercy, and good fruits without partiality and without hypocrisy and the fruit of righteousness is sown in peace of them that make peace.—James 3:17-18.

Mighty God, all wisdom, all power and inexhaustible grace, manifest Yourself in this place, in the hearts of the Senators and all who labor here. Our leader has set the stage, outlined the agenda, and suggested the spirit by which we are to face these final weeks. Grant to the Senators the will, the wisdom, and the way to fulfill this ambitious program. May adjournment find us profoundly satisfied with achievement—with no regrets—and our Nation strong and just, prosperous and in peace.

Father in heaven, as Pope John Paul II begins his brief tour of the United States we pray for Your blessing upon his life and ministry. Protect him throughout his journey and annoint him by Your spirit with the voice of truth and justice and righteousness, that repentance, healing and renewal may come to our land and its people. In His name Who is the way, and the truth, and life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 10, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable FRANK R. LAUTENBERG, a Senator from the State of New Jersey, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. LAUTENBERG thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A ROCK AND A HARD PLACE: FEDERAL RESERVE CHAIRMAN GREENSPAN'S FIRST MOVE

Mr. BYRD. Mr. President, over the past week, the administration has been quick to turn its spotlight on the domestic economy. It has taken pride in the continuation of the current recovery, spotted though it is; and let us keep in mind that many places in the country have had no recovery, have not experienced any recovery, very little of that, and there are a good many areas in my State that fall into that category.

It has taken pride in the historically high but stable unemployment rate; and let us keep in mind here, also, as we talk about the rise in employment and the creation of new jobs, that the new jobs that are being created are service jobs. They pay less. The jobs that are being created are not the jobs that are higher paying, the jobs in the smokestack industries, the jobs in the strong manufacturing and industrial base of this country, but they are service jobs. We are happy for those. We are glad to see an increase in services. But let us keep in mind, as we talk about increases in the number of jobs, what kind of jobs we are talking about. Let us keep in mind, also, that a good many or our people are employed part time.

But not all the signs are positive. The trade deficit continues to add to our external debt. Hundreds of thousands of dislocated workers are still reeling from the loss of decent-paying jobs. Agriculture is in a depression. The oil-producing States are not much better off. And the financial industry is still struggling with the burden of nonperforming real estate, energy, agricultural, and Third World loans.

What troubles me most about this mix of economic rainy days and sunny afternoons are the underlying trends of persistent trade deficits, the buildup of foreign debt, and the growing dependence on overseas capital.

These trends were very much in play when Alan Greenspan, the new Chairman of the Board of Governors of the Federal Reserve System, raised the discount rate. As a result of the Fed action, major commercial banks raised the rate they charge to their prime corporate customers. Mortgage rates were quick to follow, with VA loans going up and FHA loans going up. Anyone who is borrowing can expect to pay more. A college education is being priced out of the range of too many of our young people. And the American dream of homeownership is slipping out of the grasp of young couples around the country.

Mr. Greenspan certainly knew the costs of his action. But he felt compelled to act, in part to strengthen his credentials as an inflation fighter. He will be meeting shortly with European bankers, and the rise in the discount rate was a kind of calling card for the club. But he was also reacting to financial markets that were nervous about the fall of the dollar that could translate into more rapid inflation. The markets were also concerned that a falling dollar would keep foreign investment overseas.

The problem that I see is less with Mr. Greenspan's specific action than that he was in a situation were he felt forced to act. The combination of huge trade deficits, falling domestic savings, and large budget deficits left the country so dependent on foreign investment that Mr. Greenspan felt forced to raise interest rates or see an increase in inflation.

From the beginning, the risk of higher interest rates has been inherent in the administration's economic policies. We were reminded last Friday of the long-term cost of shortsighted policies—policies that can narrow the ladder of opportunity and downsize the American dream.

In the coming days, I shall be taking a look at what the Reagan economic policies may mean for the future of that dream and explore some of the fundamental changes which the people of our Nation will experience as a result of the Reagan era.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Mr. President, I reserve the remainder of my time.

BICENTENNIAL MINUTE

SEPTEMBER 10, 1935: SENATOR HUEY LONG DIES

Mr. DOLE. Mr. President, 52 years ago today, on September 10, 1935, Louisiana Senator Huey Long died in Baton Rouge, the victim of an assassin's bullet 2 days earlier. The Senator's shocking demise cut short one of the most dramatic political careers of the 20th century, just as it was reaching its apex.

Born in Louisiana in 1893, Huey Long worked as a traveling salesman to earn money for law school. The canvassing experience he gained on Louisiana's back roads later proved politically advantageous. The young attorney began his career by attacking the enemy he would grapple with so flamboyantly all his life—the concentration of wealth.

In 1918, Long, a Democrat, was elected "public service commissioner" and enhanced his reputation as a foe of corporate interests. From a power base anchored in the rural poor, he was elected Governor in 1928. As Governor, he sponsored "The people's" reforms—free textbooks for schoolchildren and the repeal of the poll tax—all the while, creating a powerful political machine.

Huey Long entered the U.S. Senate in 1932. An expert at courting the press, he quickly gained a national following by his advocacy of the "share-our-wealth" plan, which promised every American family a $5,000 "homestead allowance," and a guranteed annual income of at least $2,000. By 1935, the "Kingfish," as he was called, had become a vitriolic critic of the "New Deal," and he was considered a possible third-party candidate for the 1936 Presidential election.

Senator Long's widow, Rose McConnell Long, briefly succeeded him. And, in 1948, Senator Long's son, Russell Long, with whom many of us had the privilege of serving, was elected to the Senate and served for 38 distinguished years. The Long family is the only one that can claim the distinction of having father, mother, and son serve in the Senate.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 20 minutes, with Senators permitted to speak therein for 5 minutes each.

Mr. PROXMIRE. Mr. President, will the majority leader yield me an additional 3 minutes?

Mr. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Five minutes and thirteen seconds.

Mr. BYRD. I thank the Chair. I yield it all to the distinguished Senator.

Mr. PROXMIRE. I thank my good friend, the majority leader.

WHAT'S RIGHT ABOUT THE CONGRESS?

Mr. PROXMIRE. Mr. President, the Congress of the United States always—and I mean always—takes a bum rap. It's time someone said at least one small word for the Congress. I intend to do just that in this speech. So, here's a small word.

Why is it always open season on the Congress? Some 60 years ago, Will Rogers wisecracked that the United States has only one native criminal class—the Congress. Millions of Americans chuckled and nodded agreement.

This summer, Congress held a series of historic hearings on very serious foreign policy and military blunders by the executive branch. The hearings dramatically exposed a Niagara Falls of lies, deceptions, and fraudulent misuse of congressionally appropriated money. The administration had for many months told the Congress, the American people and, indeed, the world that it vehemently opposed selling arms to Iran. It had also made a cardinal point of telling the world never to pay ransom for hostages. And what did the Iran-Contra congressional hearings reveal? They revealed that at the very time the administration was loudly telling other nations not to sell arms to the Iranians, it was selling arms to the Iranians. The congressional hearings also disclosed why the administration was selling arms to Iran. It was selling arms to Iran in express violation of its own loudly announced policy not to sell arms to Iran, or to ransom hostages. It was doing both. Here was a historic example of hypocrisy so gross it would have been funny if it were not so tragic.

And what was the public reaction? The administration suffered a minor drop in popularity. The prime agent advancing the administration's deception—and hypocrisy—Lt. Col. Oliver North, became a national hero. And Congress—the agency that brought the administration to account, that fought the good fight for a responsible democracy got little or no credit by administration critics and a torrent of criticism from administration supporters.

Why is this? Why does the Congress of the United States even when it is doing what it does best take it on the chin? It's ridiculous. A big majority of Americans like their Congressman. In fact, the last congressional elections presented the most sweeping triumph for incumbent Congressmen in history. It was phenomenal. More than 97 percent of the Congressmen running for reelection were returned to office in 1986.

Opinion polls show that the public has more confidence in Congress than in the President on foreign policy. For instance, the New York Times/CBS News poll twice recently asked this question: "Who do you trust more to make the right decision on foreign policy—Ronald Reagan or Congress?" In November 1986, as the first big Iran-Contra story broke 61 percent answered Congress—27 percent the President. Just this last July 8 months later right after the testimony of Colonel North and a surge of support for the President on Nicaragua, 60 percent answered Congress, only 25 percent President Reagan. There is so little support for the President's foreign policy that this response does not represent much real evidence of popular confidence in the Congress.

But walk into any general store or bar or airport, or union hall in the country and just listen. Whenever the conversation gets around to politics and the National Government the President has his detractors but he also has his staunch in fact, his fervent defenders. But no one and I mean nobody ever defends the Congress. In more than 30 years in this branch of the Congress, and in literally tens of thousands of conversations back in my State with people of every political persuasion I have yet to hear one kind word, one whisper of praise, one word of sympathy for the Congress as a whole. In fact, the only sympathetic voice for the Congress this Senator ever hears is from that remarkable man, our Senate chaplain, Richard Halverson when he prays for us before each session.

Now let me tell you why I think this is so. The people of this country think the Congress is the pits because we in the Congress tell them we are the pits. I have listened to many Members of this body who have made a career out of attacking the Congress. Every time they make a speech on the floor, in committee, to constituents, the Congress is the one sure, predictable object of their scorn, their ridicule, their derision. To listen to Members of the Congress we are individually a choir of angels. Collectively we are the devil incarnate. So, of course, the American people rate the Congress consistently low. After all, who's the local expert on the Congress? Answer: The local Congressman. If he says Congress is no good, who is to dispute him? And that's not all. All of us know that individuals who have a low sense of self-esteem and who constantly prate about how weak and dumb and mean they are, quickly earn a reputation of being weak and dumb and mean.

So my colleagues let us try whenever possible, to stand up for this institution. When the Congress deserves a pat on the back, as it does for the Iran-Contra hearing and for its willingness to stand up against a popular President and for its election of competent, responsible, intelligent congressional leadership, let us give it a pat on the back—not just for individual Members of Congress but for the whole body.

Mr. BYRD. Mr. President, will the Senator yield at a point?

Mr. PROXMIRE. That is it. I am finished.

Mr. BYRD. Mr. President, I want to comment on what the Senator has stated and I will try to do so briefly. I laud him for what he is saying.

I am sorry he is going to be leaving the Senate. I want to make a statement on that later today. There are other Senators who will want to speak in morning business, but I will take this moment to call attention to the fact that on last evening—I have been following this quite a long time—last evening I asked to be brought up to date on the number of votes that Senator PROXMIRE has cast since he has been in the Senate, and he has cast a total of 11,572 votes during his tenure in the Senate, which began on August 28, 1957, over 30 years ago.

He has cast 9,700 consecutive votes.

Now, a little later today I will elaborate on this just a bit. But it appears from the research that I have done on this matter that no other Senator ever has cast as many votes in the Senate as has Senator PROXMIRE.

According to my research, Senator STENNIS is second among those of us who are now serving. He is second to Senator PROXMIRE for all time, and I am third.

Mr. PROXMIRE. I say among the Senators who now serve in this body, the Senator who has cast practically as many votes as I have is Senator ROBERT BYRD of West Virginia; is that right?

Mr. BYRD. Yes, that is correct. But the Senator from Wisconsin has the alltime record not only for the most votes cast. Beyond that and aside from that, he also has the alltime record for the greatest number of consecutive votes cast, having not missed a roll call vote in 9,700. No other Senator can even come close to touching that record. I am not sure that we will ever see another who has been able to do that.

I will have more to say about Senator PROXMIRE a little later.

Let me just comment now on what he was talking about—the fact that everybody takes a lick at Congress. Franklin Roosevelt said, "If we were to eliminate the Congress, we would automatically cease to be a republic." Think about that.

What the Senator was saying reminded me of one of Plutarch's Lives, Gaius Marcius Coriolanus. Shakespeare wrote a tragedy in drama titled Coriolanus. Coriolanus was a Roman general in the early part of the fifth century and on this particular occasion to which I refer, Plutarch mentions, and so does Shakespeare, that the Roman Senate was in fear of the general populace, which was so critical of the Senate's actions, that the Senators were forced to remove themselves from the place.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. DASCHLE). The Senate will be in order. Senators will cease audible conversation.

Mr. BYRD. So upon this occasion Menenius Agrippa went out to speak to the populace. They were there with staves and sticks and stones and they were very threatening of the Senate.

Menenius Agrippa said, "Let me tell you a tale. I want to tell you an old tale about the belly. All of the other members of the human body were critical of the belly. They were saying that the belly was idle and useless and was not working as were the other members of the body for the general good of the body and that the belly took all of the food into its storehouse and did not do the work of the arm, it did not do the work of the eye, it did not do the work of the ear, it did not do the work of the feet. They were very critical of the belly, and the belly listened and then said, and I paraphrase:

"Yes, I will have to agree, I am the storehouse. I am the shop. And all of the food the various members bring into the body comes to me. But I must also remind you that it is through my work, that this food is reassembled, sent out to the shop of the heart, and the base of the brain, and out to the small, insignificant veins and the large arteries, and the nerves. And while all of the members do not see what each individual member is receiving back from me, I can make you an audit to show that it all goes back to the body members through the work that I do. And the various members end up getting the flour while I am left with the bran."

Agrippa then said to his hostile audience: "I want to remind you that the belly was like the Roman Senate." He said, "It is through the work of the Roman Senate that you receive all the public benefits that you get. You are critical of the members of the Roman Senate. And yet there is not a public benefit that you receive that does not come through this Senate."

Well, it seems to me that what Menenius Agrippa was saying in support of the Roman Senate fits very well with what the distinguished Senator from Wisconsin has said about the Congress. It has always been a target from the very beginning of its life, of its history. It is a moving target. It is a faceless target. Everybody likes to attack it—the columnists, the editorialists, the cartoonists. It is just something everybody can jump on. And, the unfortunate thing about it is that too many of Members of Congress like to play to the galleries and get a laugh out of the galleries by excoriating the very institution of which we all are a part. And there is not a Senator here who would not have given his right arm or his left arm, depending on whether he is right handed or left handed, to come to this Senate or the House. They would get down and eat dirt to be elected. They would willingly run their heads into that wall just to get to the Senate—almost anything to become a Member of Congress.

Once they become a Senator or a Member of the House—and I have been in both Houses—all too many are quick to pick up the little jokes and poke fun at the institution.

Well, I have never poked fun at the institution. I might poke fun at myself. Each of us is subject to criticism, the Senate as a whole is subject to some criticism, but we should not criticize the institution and we ought to stand up for the institution. "He that makes himself an ass must not take it ill if men ride him," said Thomas Fuller.

And it is the same way with the Congress. If Members want to foul their own nest then they cannot blame the general public for thinking little of the institution of which we are a part.

And I go back to what Franklin Roosevelt said—"If we were to eliminate the Congress, we would automatically cease to be a republic."

I know that the distinguished Senator, when he teaches in his classes in the future, he is going to be one person out there who will be teaching those young people that Congress is one of the three equal coordinate branches under the Constitution and it is your Congress. If you are going to find fault with it, get out there and run for Office. Clean it up from the inside if you see something wrong with it.

After all, it is not the institution, it is the people who are in it. And we are just like the people on the outside. We come from all walks of life—teachers, preachers, business people, coal miners, butchers, welders, lawyers, whatever.

Somebody ought to stand up for the Congress of the United States. Like Menenius Agrippa, look at whatever legislation you want—veterans legislation, Social Security, Medicare, health care, education funding, whatever legislation it is—highway funding, safety laws—it comes from this place here. And while we all may find at times that we are not happy with the work of the Senate or the work of the House, we have to remember that without this institution we would cease to be a republic.

One good thing about this republic is that anybody can criticize the President, the executive branch, the judiciary, we can criticize the nominees of the President, we can vote them down, we can criticize the Congress. But let us not yield to the temptation of lessening the public faith in the institution itself.

I commend the distinguished Senator. I am going to have more to say at some point today, as I said, about his services here and how he will be missed.

Mr. President, I wish to apologize to the other distinguished Senator from Wisconsin, who has been patiently waiting to speak. So I take my seat.

The **PRESIDING OFFICER.** The Senator from Wisconsin.

RETIREMENT OF BILL PROXMIRE

Mr. KASTEN. Mr. President, it is very appropriate that I have the opportunity to speak after the distinguished majority leader because I rise today to give voice to the gratitude of the people of the State of Wisconsin for the long and distinguished career of our senior Senator, William Proxmire. I am confident that I speak for all in this Chamber when I express the esteem of the U.S. Senate for Bill both as a colleague and as a true friend.

A British journalist of the 19th century defined statesmanship in words that could just as easily stand as a description of Bill Proxmire. A statesman, said Walter Bagehot, is "a man of common opinions and uncommon abilities."

The bond that Bill Proxmire shares with the people of Wisconsin, the bond the people reasserted more and more strongly every 6 years, was made possible because Bill embodied the basic beliefs of his constituents.

For the last three decades there has been no place in Wisconsin too distant, no area too sparsely populated to enjoy the personal attention of Bill Proxmire. His intimate, one-on-one style of politics made him beloved at every early morning plant gate in the State. He feels at home when he is with the people of Wisconsin, and we feel at home with him.

The people of Wisconsin love Bill Proxmire because he is one of us. But Bill's almost legendary support among the people of our State did not arise solely or even chiefly from the affection of the people of our State. It arose from the perseverance and intellect of the man himself.

Bill Proxmire was not awarded the respect and trust of the people of Wisconsin on a silver platter. He earned our admiration by dint of hard political labor, bouncing back from not one, not two, but three painful electoral defeats back in the 1950's. Bill Proxmire kept on going because he believed in the people of Wisconsin.

Since his first election to the Senate in 1957, the people of Wisconsin have kept reelecting Bill Proxmire because they believe in him.

Bill's a Democrat, but Republicans and Independents have joined Democrats in respecting him and voting for him. That's because Bill harks back to the old bipartisan tradition that the public good should always come before party interest. As I can tell you based on my own experience, Bill Proxmire will not slam the door on you just because you do not put a little letter "D" after your name.

For 30 years Bill Proxmire has been true to his principles and true to the State that elected him. He was a fiscal conservative long before the political consensus started paying even lip service to the ideal of fiscal responsibility and balanced budgets. Our alarm over today's out-of-control budget deficits is just belated recognition that Bill Proxmire was right all along about the spending monster.

Bill was ahead of us all on the issue of excessive Federal spending. But being ahead of the conventional wisdom on issues is Bill Proxmire's accustomed place in the political arena. For Bill more than for most politicians, ideas matter. And he's never been one to sit on the bench and wait for others to come around to his position before he takes a stand.

It takes a man of uncommon dedication to principle to take the Senate floor every single day for 19 years and to argue for an idea he believes in. And that's just what Bill Proxmire did, until the Senate finally caught up with his thinking and approved the Genocide Treaty.

When Bill knows he's right, he won't back down—no matter how powerful his opponents may be. Starting with Senate Majority Leader Lyndon B. Johnson back in 1957, Bill Proxmire has tangled with a Who's Who of political heavyweights—including committee chairmen and even Presidents.

For 30 years Bill Proxmire has been a Senator of almost legendary independence. But every bit as important to Bill as his own opinions on issues is his commitment to serving the people of Wisconsin. And having served for 6 years as Bill's colleague from Wisconsin, I can tell you that no two senatorial staffs have worked together more closely than have mine and Bill Proxmire's. That's the tone Bill Proxmire likes to set. And it's an example all of us would do well to follow.

Bill's three decades in the Senate are a living monument to the principle that "he serves his party best who serves the country best." After this Congress Bill Proxmire will retire from the Senate. We'll miss him. But we owe it to ourselves and to our country to continue in his spirit.

Thank you.

Mr. PROXMIRE. Mr. President, would the Senator yield? Just permit me to take 30 seconds?

Mr. KASTEN. I would be pleased to yield.

Mr. PROXMIRE. Bob, that was a most gracious, generous, and undeserved tribute. I deeply appreciate it. I will never forget it. It was something that I will always treasure. Thank you very, very much

Mr. KASTEN. Thank you. I am proud to have had the opportunity to stand on the Senate floor and say those words.

The **PRESIDING OFFICER.** The Senator from Nevada.

CAMPAIGN REFORM

Mr. REID. Mr. President, we have just returned from a break which has given each of us time for reflection, and an opportunity to take our constituents' political pulse. I had the pleasure of traveling throughout Nevada, from her stunning wilderness lakes, to the sturdy citizenry of mining towns, to the bright lights of her cities.

At every stop, various themes repeated themselves. Nevadans are concerned about nuclear waste, they care about the education of their children, and about adequate facilities for senior citizens. The questions and the comments varied, but the underlying thoughts were the same, as they must have been for each of my colleagues.

One of those universal themes, however, was of particular importance to this body. When, I was repeatedly asked, are you going to do something about the cost of elections? When are you going to reform a system which permits increasingly more expensive and lengthy campaigns? Why don't you do something?

My friends, I cannot believe I was the only one to hear those concerns. Nor can I believe that I was the only one to be able to give my constituents an answer which satisfied their questions. That answer was S. 2.

S. 2 is the answer, and it is a good one. As the bill now stands, it eliminates to a very large extent the public financing aspects which many of us found so troubling. The bill achieves, in the final instance, what many of us feared was the impossible dream; it establishes constitutionally viable spending limits without sinking deeply into the Federal trough.

We have had an opportunity to go home and hear the voice of the people. We have had an opportunity to reflect on the problems inherent in longer and longer, and bigger and bigger campaigns. We have had an opportunity to ponder the value of compromise. Now is the time to act.

I was delighted to hear that the honorable junior Senator from Kansas has decided that the compromises reached in the effort to bring this bill to the floor are at last enough. The good Senator has reserved the right to oppose portions of the bill. She has reserved the right to speak against it if further change is not obtained.

But, I think it highly significant that my colleague from the other side of the aisle has found enough movement by the bill's sponsors to support bringing the matter to the floor for a vote. We will be voting on that issue today. Shall this body permit forward movement on legislation which resolves an issue of vital importance to the American people? Given the compromises reached, and the outstretched hand offered, will not my colleagues from the other party permit this bill to reach the floor for a vote? Let it come out, and if certain portions of the vehicle seem ineffective or inappropriate, then argue for amendment on a case-by-case basis.

We have shown a willingness to compromise, and have gone more than half way. I urge the Members of this body to allow S. 2 to reach the floor, and to permit the Congress to vote on this issue which I know is as important to their constituents, as much as it is vital to the people of Nevada.

Thank you.

The PRESIDING OFFICER. The Senator from Utah.

THE NOMINATION OF ROBERT H. BORK

Mr. HATCH. Judge Robert Heron Bork's résumé—excellent trial lawyer, renowned law professor, Solicitor General, and Federal appellate judge—speaks for itself. In fact, President Reagan's best strategy for confirmation is Judge Bork himself. Particularly in his areas of academic expertise, constitutional and antitrust law, Judge Bork is unrivaled.

Accordingly, the longer he testifies before the Judiciary Committee, the more persuasive and reasoned his philosophy of judicial restraint will sound. If you are looking for a secret weapon in the upcoming confirmation struggle, it is Judge Robert Bork.

Judge Bork's superb qualifications, however, highlight a tragic irony of this proceeding. Despite his demonstrated capabilities—never reversed by the Supreme Court in 423 appellate cases—he has still been subjected to an unprecedented ideological inquisition. The real tragedy is not any smirching of Judge Bork's reputation because he is likely to surprise his detractors. Nor is the real tragedy any delay in the Supreme Court's docket. The real tragedy is the potential implication of this inquisition on the independence and integrity of the Federal judiciary.

Federal judges are not politicians and ought not to be judged like politicians. If we do so, we strip the judicial office of all that makes it distinct amongst the separated powers.

Unfortunately the vicious attacks on Judge Bork's record have already fallen into a familiar pattern. Questions are raised in politically inflammatory terms. The nominee is accused of favoring literacy tests or poll taxes, or racial covenants. In fact, the record shows that the judge has taken no position on the social or political merits of these questions, but only raised legal questions about the source of constitutional authority in those areas. In each case, the judge is supported by numerous Justices, judges, and scholars. This is what I mean about injecting politics into judicial matters. We have come to expect this type of distortion in political campaigns, but can you imagine what might happen if judges had to worry about the political implications of their decisions?

The greatest irony is that some fine legal scholars, who should appreciate the distinction between legal and political issues, are assisting the onslaught against Judge Bork.

And that bothers me a lot. It causes me a great deal of concern. Because if we politicize this Court, I think we are going to see a lot of problems in this country well into the future.

In particular, I would like to comment about the errors and omissions in the response prepared to the White House analysis of Judge Bork's record, which Senator BIDEN has issued.

In a recent trip to Utah, constituents stopped me and asked what I thought was the most important branch of the Government: the executive, legislative, or judicial branch. There is no clean-cut answer, of course. I mean, which is the most important leg of the three-legged stool? One weak leg, and you have an unbalanced stool. This is why the nomination of a U.S. Supreme Court Justice is so important. I am concerned about politicizing this process.

In particular, I do not question Senator BIDEN for the scholarship in the article or in the matters that he published. But I do question the people who pass themselves off as fair and objective law school professors who are anything but fair and objective.

So, Mr. President, at this time I ask unanimous consent that I may put into the RECORD at this point my analysis of the so-called Biden report on Judge Bork's record.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

ERRORS AND OMISSIONS IN THE "RESPONSE PREPARED TO WHITE HOUSE ANALYSIS OF JUDGE BORK'S RECORD"

The Response Prepared to White House Analysis of Judge Bork's Record commissioned by Senate Judiciary Committee Chairman Joseph Biden (hereafter the "Biden Report") contains numerous errors, mischaracterizations, and omissions. More than seventy of the most significant errors are described in this report.

SECTION I—THE BIDEN REPORT'S SUMMARY

1. The *Biden Report* states that "members of the D.C. Circuit charged Judge Bork with attempting to 'wipe away selected Supreme Court opinions in the name of judicial restraint' and with 'conducting a general spring cleaning of constitutional law.'" The charges are taken from a *dissenting opinion, Dronenburg v. Zech,* 746 F.2d 1579, denying rehearing of 741 F.2d 1388 (D.C. Cir. 1984). A majority of the D.C. Circuit evidently did not feel that Judge Bork's opinion did anything of the sort, since it let the opinion stand. Carter appointee Judge Ruth Bader Ginsburg wrote separately in order to explain specifically why she felt there was nothing improper about Judge Bork's opinion, and stated that the dissenters' use of the term "bends 'judicial restraint' out of shape." 746 F.2d at 1581 n. 1.

2. The *Biden Report* fails to include any of the subsequent history of the case in which those charges were made, which demonstrates that they were baseless:

A year and a half later, in *Bowers v. Hardwick,* 106 S. Ct. 284 (1986), the Supreme Court reached the same conclusion that Judge Bork arrived at in the opinon the dissenters were criticizing, ruling 5-4 that the Constitution does not protect private homosexual conduct. It specifically noted, as a reason for construing its prior privacy decisions narrowly, that "[t]he Court is most vulnerable and comes nearest to illegitimacy when it deals with judge-made law having little or no cognizable roots in the language or design of the Constitution."

Finally, Justice Powell specifically stated in a concurrence in that case that "there is no fundamental right, i.e., no substantive right under the Due Process Clause, to engage in" private homosexual conduct. 106 S. Ct. at 2847.

3. The *Biden Report* fails to indicate that the opinion of Judge Bork to which the judges were referring refused to find a constitutional right to engage in private homosexual conduct, a right whose existence the Supreme Court also had not recognized at the time.

4. The *Biden Report's* claim that "Judge Bork has repeatedly rejected *[Griswold v. Connecticut,]* the decision upholding the right of married couples to use contraceptives" is misleading. Judge Bork has never ruled on a case involving married couples' use of contraceptives. Nor has he stated or indicated anywhere that if he had to decide such a case as a lower court judge, he would do anything other than follow the relevant Supreme Court case. Nor has he stated that he would overrule that case as a Supreme Court Justice.

5. Judge Bork has merely criticized the Supreme Court case's *reasoning* and declined to extend that reasoning to new areas such as homosexual rights. That is a very common approach for judges to take toward precedents with which they disagree. See, e.g., *Shearson American Express v. McMahon,* 107 S. Ct. 2332 (1987). It is a lawyer's profession to recognize the difference be-

tween disagreeing with a case's reasoning and declining to extend that reasoning, on the one hand, and disregarding or overruling it, on the other. But the *Biden Report's* use of the verb "reject" in instances such as this, where all Judge Bork has done is either criticize or at most refuse to extend a precedent, could lead a reader to believe that in all those instances Judge Bork would also disregard or overrule the precedent. Thus, the report's selection of a verb that confuses the two questions is hard to understand. See also *Biden Report* 3 ("Judge Bork has repeatedly and consistently rejected the right to be free from governmental interference with one's private life"); *Biden Report* 4 ("Judge Bork has rejected many of the Supreme Court's leading antitrust decisions"); *Biden Report* 4 ("in the area of church-state relations, Judge Bork has rejected several Supreme Court decisions").

6. The *Biden Report's* characterization of Judge Bork as some kind of antitrust radical is unfounded. *Biden Report* 3-4. As noted in a letter signed by 15 past chairmen of the American Bar Association's Antitrust Section, Judge Bork's seminal work, *The Antitrust Paradox*, has been relied on in opinions written or joined by all nine of the current Supreme Court Justices.

7. The *Biden Report's* statement that "Judge Bork's writings show that he would protect only speech that is tied to the political process, and that he would not protect artistic and literary expression such as Shakespeare's plays, Rubens' paintings, and Barishnikov's ballet" is flatly incorrect. As Judge Bork stated in his Worldnet interview:

"there is a spectrum . . . I think political speech—speech about public affairs and public officials—is the core of the Amendment, but protection is going to spread out from there, as I say, into moral speech and scientific speech, into fiction and so forth."

8. The *Biden Report's* reference to "Judge Bork's willingness to overturn numerous landmark Supreme Court decisions," *Biden Report* 5, is utterly without basis. Judge Bork has never stated that he would overturn any Supreme Court cases—as the *Report* tacitly recognizes earlier ("Judge Bork . . . has never said that the Supreme Court should not overturn its prior decisions establishing and extending the right to privacy," *id.* at 3).

9. The *Biden Report's* claim that "Judge Bork's extensive record shows that he has opposed virtually every major civil rights advance on which he has taken a position, including such issues as the public accommodations [sic] bill, open housing, restrictive covenants, literacy tests, poll taxes, and affirmative action" is utterly unfounded. The facts show that it was Judge Bork, who briefed and argued and won, among others, *Runyon v. McCrary,* 427 U.S. 160 (1976), a case significantly extending the civil rights laws' coverage of private conduct, and *Lau v. Nichols,* 414 U.S. 563 (1974), a case establishing the illegality of conduct with no discriminatory intent but only discriminatory effects. The individual who won many major civil rights advances can hardly be considered opposed to ". . . virtually every major civil rights advance on which he has taken a position."

10. The *Biden Report* fails to indicate that in every instance the *Biden Report* cites as evidence for its claim except for the 1963 Public Accommodations bill (with respect to which, as the *Report* recognizes, Judge Bork later changed his mind) Judge Bork in no way disagreed with the policy ends sought to be accomplished by the proponents of the civil rights measures. Moreover, there is nothing in Judge Bork's life that in any way suggests any form of bigotry.

11. Instead, what Judge Bork has done is criticize the reasoning of several decisions. The *Biden Report's* analysis of these criticisms is misleading because it fails to indicate that they are part of a broad scholarly consensus on those cases. With respect to *Shelley v. Kraemer,* 334 U.S. 1 (1948), the racial covenants case, and *Reitman v. Mulkie,* 387 U.S. 369 (1967), the open housing case, for example, Professor Tribe stated in *American Constitutional Law* that "[t]o contemporary commenators, *Shelley* and *Reitman* appear as highly controversial decisions" and that "the critical consensus has it [that] . . . the Court's finding of state action [is not] supported by any reasoning which would suggest that 'state action' is a meaningful requirement rather than an empty formality." See also *id.* at 1157 n. 37 ("The standard critique of *Shelley* is definitively stated in Wechsler, 'Toward Neutral Principles of Constitutional Law,' 73 Harv. L. Rev. 1, 29-31 (1959). The *Reitman* opinion has been criticized even by defenders of its result.")

SECTION II—ESTABLISHING THE CONTEXT

12. The single major distortion in this section is that the effect of a Bork appointment would be to permit "a determined President . . . [to] bend [the Court] to political ends that he can not achieve through the legislative process."

The *Biden Report* cites no instance of how Judge Bork's appointment would have that effect.

Even if its apocalyptic claims regarding Judge Bork's willingness to reverse prior constitutional cases were true, as they are not, the authors of the *Report* know full well that the only effect would be to *permit* the political process to decide questions that the courts have placed beyond its reach. For example, even if *Roe v. Wade* or *Griswold v. Connecticut* were reversed, the effect would *not* be that abortion or access to contraceptives would suddenly become illegal. Rather, Congress or the states would have to pass laws to that effect.

13. Thus even accepting its premises, the *Biden Report's* claim that a Bork appointment would permit the President to accomplish his social agenda through the Supreme Court is extremely misleading. All it could possibly do is allow the President and the Congress to fight out these issues in the political arena.

SECTION III—JUDGE BORK'S RECORD OF JUDICIAL RESTRAINT

14. The *Biden Report* claims that Judge Bork's perfect record of nonreversal by the Supreme Court is "uninformative." (*Biden Report* at p. 14) Thus, it misleadingly—dismisses five years and hundreds of opinions and votes that are incontestably the best evidence of Judge Bork's measure as a Justice. As Lloyd Cutler has said, Bork's opinion in *Ollman v. Evans* alone "tells us far more about how Bork would perform as a justice than his professorial writings ten to twenty-five years ago."

15. The *Biden Report's* rationale for its remarkable exclusionary rule—that "[a]s an intermediate court judge, the nominee has been constitutionally and institutionally bound to respect and apply Supreme Court precedent"—fails to acknowledge the challenge and difficulty of an appellate judgeship. Without doubt *all* lower court judges are "constitutionally and institutionally bound" to apply the Supreme Court's precedents; the real question is whether they are willing and able to fulfill that obligation. Many of Judge Bork's colleagues on the U.S. Courts of Appeals have been repeatedly reversed by the Supreme Court for ignoring or misreading binding precedent; *e.g.,* the five occasions on which the Supreme Court overruled D.C. Circuit majority opinions and adopted Judge Bork's dissents.

16. Contrary to the *Biden Report's* conclusion, Judge Bork's impeccable record of nonreversal shows his respect for *stare decisis* and his skill at conscientiously applying existing Supreme Court caselaw to facts. This faithful application of law and precedent over his entire tenure as a judge augurs well for his service on the Supreme Court and renders the *Biden Report's* account of his record misleading.

17. The *Biden Report* (p. 15) does not fully report the Supreme Court's decision in *Meritor Savings Bank v. Vinson,* 106 S. Ct. 2399 (1986). The *Report's* claim that the *Vinson* Court unanimously rejected the reasoning of Judge Bork's dissent leaves out the most telling facts. As even the *Report* concedes, "[t]he Court did agree with Judge Bork on the evidentiary issue." Examination of the opinions makes clear that the Court agreed with the substance of Judge Bork's reasoning on liability, as well. It is the *Biden Report,* not the White House position, which supplies a "factually inaccurate and misleading description" of *Vinson.*

18. The *Biden Report* (at p. 16) mischaracterizes Judge Bork's position in *Planned Parenthood Federation v. Heckler,* 712 F.2d 650 (D.C. Cir. 1983), in which he agreed with the majority in rejecting the claim of statutory authority advanced by the Reagan Administration, which premised its family-notification requirements on a 1981 amendment to Title X. Judge Bork's disagreement with the majority belies the *Biden Report's* claim that his opinion was "anything but deferential and non-activist": he would have followed the Supreme Court's well-settled rule in *SEC v. Chenery* by remanding to the agency for articulation of alternative bases for its holding. It is difficult to understand how Judge Bork's proposal to remand to the agency for further consideration is less "deferential" to its administrative expertise than the majority's final and conclusive ruling, which left no further scope for agency consideration. It is misleading to suggest that Judge Bork's deference to the agency was somehow "activist."

19. The *Biden Report* apparently attempts to diminish the significance of Judge Bork's perfect record of nonreversal by the Supreme Court by emphasizing that the Supreme Court has until recently never granted review for one of Judge Bork's majority opinions (*Biden Report* at p. 17). The report apparently implies that one therefore cannot assume anything about the quality of his opinions—which is akin to saying that you can't judge whether someone is law-abiding because he has never been arrested and tried. If Judge Bork were writing activist opinions that departed from the law, the losing litigants would appeal. The fact that fewer than one in ten of the losing litigants in his cases sought Supreme Court review is a sign of the strength of his opinions, not an indication that they can be discounted. The same inference should be drawn from the fact that until this term the Supreme Court never chose to grant review of any of his opinions: the Court's writ of certiorari (literally, to make more certain) is principally used to rectify what the Justices perceive as

important errors in lower court opinions. Their failure to grant review for his opinions is a significant compliment, not a slight.

20. The *Biden Report* employs a double standard on this point, because it argues later that many of Judge Bork's opinions have been important and radical departures from binding precedent. *If Judge Bork's record were really the parade of horribles that the report claims, it would be inconceivable that the Supreme Court would not grant certiorari and reverse him.*

21. The *Biden Report's* disingenuousness is particularly apparent because it glosses over without mention the fact that none of the more than 300 majority opinions joined but not authored by Judge Bork over his five years on the bench has ever been reversed—a remarkable and highly unusual testimonial to his legal judgment. Similarly, the *Biden Report* ignores the fact that although Judge Bork rarely dissents (he has been in the majority of his court 94% of the time) his dissents carry great weight with the Supreme Court, which has repeatedly adopted his rationales over the holdings of the majority.

22. The *Biden Report* further attempts to exclude the most probative evidence of Judge Bork's suitability by distorting his own statements about his cases. The report cites Judge Bork's statement that the ideological divisions on his court make no difference in 9/10's of all his cases, then goes on to give the following grossly inaccurate summary of his remarks: "According to Judge Bork, therefore, 90% of his cases on the D.C. Circuit are non-ideological and, consequently, non-controversial." (*Biden Report* at p. 17). Aside from putting words in the Judge's mouth, the authors' assumption that only ideologically charged cases are difficult, controversial, or worthy of the public's or the Supreme Court's attention says a great deal about their own distorted view of the law—a view that enables them to assert, and apparently to believe, that Judge Bork's "circuit court record says nothing about his suitability for the Supreme Court. . . ." (*Id.*)

23. In fact, Judge Bork's statements about the irrelevance of ideology to his work on the court show his own professionalism, and they echo the professionalism of his colleagues on the bench across the political spectrum—an attitude towards the law strikingly at odds with that shown in the *Biden Report.* Judge Bork's colleague Judge Harry Edwards, a Democratic appointee, has written that "efforts to tag judges as 'liberal' or 'conservative' are fundamentally misguided," citing as evidence of this the remarkable degree of agreement on decisions between himself and Judge Bork. And Chief Judge Patricia Wald, another Democratic appointee, wrote a blistering critique of lawyers who "simplistically characterize" judges as "liberal" or "conservative," warning lawyers "not [to] try to handicap old myths about nonexistent fueds or rumors about philosophic differences between us." It is a warning the authors of the *Biden Report* should reread.

24. The *Biden Report* short-changes the similarity between the judicial philosophies of retiring Justice Lewis Powell and Judge Bork. It incorrectly claims that no similarity can be discerned in the fact that Justice Powell and Judge Bork voted substantially the same way in nine of the ten cases that went before the Supreme Court, because "a careful analysis . . . shows that Judge Bork and Justice Powell both wrote opinions in only two [of the cases]." (*Biden Report* at p. 18). This so-called "careful analysis does not explain why we should disregard the fact that the two jurists joined in substantially the same conclusions—whether they actually wrote or not—in nine of ten cases.

25. Neither President Reagan nor Judge Bork has ever claimed that Justice Powell's jurisprudence is identical to that of Judge Bork. It is the opponents of Judge Bork who argue that Lewis Powell's successor should be required to replicate his jurisprudence—a jurisprudence that, in many areas, these same opponents have scathingly criticized in the past. Judge Bork's proponents have merely pointed out that he is a fairminded proponent of judicial restraint—a judicial conservative, not a political one. Lloyd Cutler, President Carter's Counsel, has written that while all judges pay lip service to judicial restraint, "few rigorously observe it. Justices Oliver Wendell Holmes, Louis D. Brandeis, Felix Frankfurter, Potter Stewart, and Lewis F. Powell, Jr., were among those few, and Judge Bork's articles and opinions confirm that he would be another." The President himself has merely stated that "[i]t's hard for a fairminded person to escape the conclusion that if you want someone with Justice Powell's detachment and statesmanship, you can't do better than Judge Bork"—a demonstrably true statement.

26. The *Biden Report* fails to take account of the evidence which indicates that even beyond the question of general judicial temperament and craftsmanship, however, there are broad convergences between the jurisprudence of these two judges. Justice Powell, for example, has been a leading architect of the reinvigoration of the doctrines of standing and justiciability for which Judge Bork has been so roundly criticized. And Justice Powell cast the decisive vote in *Hardwick v. Bowers,* which reached the same result that Judge Bork propounded in *Dronenburg v. Zech,* 741 F.2d 1388 (D.C. Cir. 1984)—that the Constitution and Supreme Court precedent did not vouchsafe a right to practice homosexual sodomy. (*See also,* Nos. 1-3 above).

27. In criminal jurisprudence Justice Powell, like Judge Bork, has been a leading exponent of the truthseeking function of criminal trials. For example Justice Powell has repeatedly, over more than a decade, rejected the arguments that capital punishment is *per se* unconstitutional. Similarly, Judge Bork has repeatedly refuted these same arguments in print. Just last term, Justice Powell cast the decisive vote in the *McClesky* case, a 5-4 decision that rebuffed an equal protection challenge which would have effectively ended capital punishment.

28. The *Biden Report* fails to acknowledge another interesting parallel between Justice Powell and Judge Bork: Justice Powell, like Judge Bork, was vituperated by leftist feminist and civil rights organizations and spokesmen during his confirmation hearings for the Supreme Court.

Congressman Conyers on behalf of the Black Caucus testified that Powell was "inconsistent with the kind of jurist [who] . . . is desperately needed for the Court in the 1970's and 1980's." (Senate Hearings on the Confirmation of Louis Powell, 1971).

Henry L. Marsh III, testifying on behalf of the Old Dominion Bar Association of Virginia, stated that Powell's confirmation in the face of his "record of continued hostility to the law, his continual war on the Constitution, would . . . demonstrate to us that this Senate is not concerned with the rights of black citizens in this country." (*Id.*)

Wilma Scott Heide, the President of the National Organization of Women, testified that Powell's confirmation would mean that "justice for women would be ignored or further delayed which means justice denied." (*Id.*)

Catherine G. Rohraback, President of the National Lawyers' Guild, testified that nominees Powell and Rehnquist "would be incapable of dealing fairly and impartially with issues arising out . . . the struggle of blacks, other third world people, women and other oppressed groups for social, political and economic equality." She stated that Powell had defended "unconstitutional" wiretapping, and that "[i]n his political views, Mr. Powell does not 'bend' or 'twist' the Constitution, to use the President's language. Rather, he totally ignores it." (*Id.*)

Paul O'Dwyer, a prominent New York liberal attorney, testified that Justice Powell and his fellow nominee William H. Rehnquist had been "eloquent spokesmen for wiretapping and other insidious governmental techniques designed to stifle dissent and to challenge personal liberties guaranteed by the Constitution and the Bill of Rights. . . ." He told the Judiciary Committee that in national security cases "Mr. Powell claim[s] that the President is above the law, the Constitution, and the fourth amendment. . . ." On the Supreme Court, O'Dwyer said, Powell "would be but [the] echo" of the executive branch. (*Id.*)

The charges brought by these groups against distinguished judicial appointees are as false with respect to Judge Bork as they were with respect to Justice Powell.

29. The *Biden Report* distorts Judge Bork's opinion in *Dronenburg v. Zech,* 741 F.2d 1388 (D.C. Cir. 1984). In *Dronenburg* Judge Bork reviewed Supreme Court precedents on the right to privacy and concluded that they did not encompass a constitutionally-protected right to practice homosexual sodomy. Although the Supreme Court later reached precisely the same conclusion in *Hardwick v. Bowers*—a decision in which Justice Powell concurred—the report misleadingly claims that "Judge Bork's theory of lower court constitutional jurisprudence in *Dronenburg* . . . has never been expressed or endorsed by the Supreme Court." (*Biden Report* at p. 18). The *Biden Report* goes on to cite from the dissent in *Dronenburg* to prove that Judge Bork's opinion was judicially 'unrestrained'—a peculiar way to prove the point, since both a clear majority of Judge Bork's own court and the Supreme Court shared his 'activist' and 'unrestrained' view of this area of the law. It is interesting that Professor Archibald Cox's new book *The Court and the Constitution* took *Dronenburg* as a paradigmatic case and noted that while the author "would give the Court a somewhat larger and more creative role," Judge Bork's opinion in the case "stated the conservative judge's reasons clearly and persuasively."

30. The *Biden Report* inaccurately implies that the criticisms contained in the majority opinion in *United States v. Meyer,* No. 85-6169 (D.C. Cir. July 31, 1987) are in some way directed at Judge Bork personally, rather than at the jurisprudence of the almost one-half of the D.C. Circuit that jointly issued a dissent to the majority's reversal of course. Though the report asserts that Judge Bork is the "head of the faction" seeking rehearing en banc of the cases, there is not a scrap of evidence in the opinions—either majority or dissent—to suggest that this is the case or that the majority was specifically stigmatizing Judge Bork's

jurisprudence (*Biden Report* at p. 19). The report's attempt to depict a broadside fired at virtually half the D.C. Circuit as a personal critique of Judge Bork's jurisprudence is unsupported by any evidence.

31. The *Biden Report's* characterization of Judge Bork's view of the privacy cases as "indicative of [his] willingness to discard the text, history and tradition of the Constitution in order to achieve the results he desires" is Orwellian (*Biden Report* at pp. 20-26). It suggests that Judge Bork personally "desires" outlawing contraceptives [*Griswold*], mandatory sterilization of criminals [*Skinner*] and workers [*American Cyanamid*], denial of divorced parents' visitation rights to children [*Franz*], outlawing of the teaching of foreign languages [*Meyer*] or of parochial schools [*Pierce*]. The *Biden Report* does not produce one shred of evidence that this is the case. These suggestions overlook the distinction between politics and the law. No one would suggest, for example, that Justice Frankfurter dissented in *Screws v. United States* because he "desired" racist murders.

32. The *Biden Report* assertions about Judge Bork's personal policy views are also contradicted by the many instances on which Judge Bork has, on legal grounds, opposed laws that further policies of which he affirmatively approves, such as a balanced budget amendment. Thus, Judge Bork's legal views of cases tell us exactly nothing about his policy preferences, indicating that he is willing to set them aside in deciding legal issues. As the revered civil libertarian Justice Hugo Black wrote in dissenting from *Griswold*, "I like my privacy as well as the next one, but I am nevertheless compelled to admit that a government has the right to invade it unless prohibited by some specific constitutional provision. . . ."

33. The *Biden Report* quotes Judge Bork's legal criticisms of *Roe v. Wade* but attempts to dismiss as irrelevant the fact that they were expressed in testimony opposing the "Human Life Bill"—conservative legislation to strip the courts of jurisdiction to hear abortion cases (*Biden Report* at p. 20). It is unclear why an alleged result-oriented activist—as they claim Judge Bork is—would have so many scruples about the legislature trampling on the Constitution and so few about the courts doing so. This fact rebuts the *Biden Report's* charge that Judge Bork's only concern is "to achieve the results he desires." (*Id.*)

34. The *Biden Report* could cause confusion about the holding of *Oil, Chemical and Atomic Workers International* v. *American Cynamid Co.*, 741 F.2d 444 (D.C. Cir. 1984) by juxtaposing it with *Skinner* v. *Oklahoma*, 316 U.S. 535 (1942), a constitutional law case (*Id.* at 21). In fact, *American Cynamid* was a straight statutory construction issue which had nothing to do with constitutional law, much less the right to privacy or *Skinner*.

35. the *Biden Report's* presentation of Judge Bork's legal views on *Meyer* v. *Nebraska* and *Pierce* v. *Society of Sisters* obscures the fact that his views are thoroughly representative of scholarly opinion (*Biden Report* at pp. 22-23). The opinions in these cases were written by conservative Justice McReynolds, of whom one authority on the Court has written that "[p]olitically and jurisprudentially . . . [he] came to embrace a philosophy of reaction to progress second to none, and in his personal demeanor on the bench was a disgrace to the Court [because of his anti-Semitism and racism] . . . . Certainly, [he] deservedly earned the all but unanimous condemnation of the Court experts, who have rated him at the top of their brief list of failures." (Abraham, *Justices and Presidents* 176, 177-78 (2d ed. 1985)). The *Report* also fails to indicate that *Meyers* was dissented from by Oliver Wendell Holmes.

36. The *Biden Report* inaccurately states that Judge Bork "ignores the famous dissent of Justice Brandeis" in *Olmstead* v. *United States*, 277 U.S. 438 (1928), in which Justice Brandeis discussed the protections of privacy afforded by the Fourth and Fifth Amendments as being "intended to secure conditions favorable to the pursuit of happiness," including "the right to be left alone—the most comprehensive of rights and the right most valued by civilized man." (*Biden Report* at p. 25). In fact, Judge Bork's jurisprudence is firmly based on the insight of Brandeis' *Olmstead* dissent, which sought to apply the guarantees of the Fourth Amendment to wiretapping—a technology nonexistent at the time of the Constitution's adoption. Judge Bork incorporated this expansive view of original intent into his most famous opinion, *Ollman* v. *Evans:*

"It is the task of the judge in this generation to discern how the framers' values, defined in the context of the world they knew, apply to the world we know. The world changes in which unchanging values find their application. "The fourth amendment was framed by men who did not foresee electronic surveillance. But that does not make it wrong for judges to apply the central value of that amendment to electronic invasions of personal privacy." (750 F.2d at 995).

37. More generally, Judge Bork recognizes that the Constitution contains a right to privacy—not the generalized, judge-made, open-ended "right" scathingly criticized by Justice Black and others, but the specific guarantees of the Fourth Amendment, fairly read to accommodate the changes wrought by two centuries. It is the authors of the *Biden Report*, not Judge Bork, who have failed to take Justice Brandeis' teaching in *Olmstead* properly into account.

38. The *Biden Report* is again misleading in its claim that Judge Bork's views are "fundamentally at odds with those of Justice Harlan." (*Biden Report* at p. 25). Judge Bork has repeatedly expressed his admiration for the views of Justice John Marshall Harlan, whose scholarly and conservative outlook on the law has led many eminent lawyers and scholars to class Judge Bork with him jurisprudentially. Justice Harlan's views of the Due Process Clause of the Fourteenth Amendment, which were based on the "ordered liberty" test propounded in *Palko* v. *Connecticut*, were not the basis for the Court's decisions in *Griswold* and *Roe*. It is thus out of context for the authors of the report to criticize Judge Bork for his respectful disagreement with this aspect of Justice Harlan's jurisprudence, given the wide areas of agreement stated by these two jurists.

39. The *Biden Report* misrepresents the mainstream view of the 9th Amendment in criticizing Judge Bork's refusal to use that Amendment to create new law (*Biden Report* at p. 26). Characteristically, the authors present their own extremist ideology as if it were governing precedent. They neglect to mention that the Supreme Court has *never* upheld a claim under the 9th Amendment. As with *Dronenburg* and antitrust law, the *Report* pillories Judge Bork for taking positions which are in the mainstream of American jurisprudence and which have been authoritatively stated by the Supreme Court.

40. The *Biden Report* distorts Judge Bork's view of the Bill of Rights, maintaining that he seeks "the 'narrowed' definition of individual rights that the framers feared." (*Id.* at p. 27). This is nonsense. Judge Bork's record as Solicitor General and as an appellate court judge establishes his devotion to the Bill of Rights. And he is no exponent of "narrow" interpretations: as he told the Judiciary Committee in 1982 prior to his unanimous confirmation to the Court of Appeals, judicial imperialism is a better term than activism for courts that have "gone too far and lost [their] roots in the Constitution," because *"a court should be active in defending those rights which the Constitution spells out."* ("Confirmation of Federal Judges," *Hearings Before the Judiciary Committee*, 1982, at 14) (Emphasis supplied.)

41. The *Biden Report* distorts Judge Bork's views of standing. Contrary to its claims that Bork has taken a "very narrow," "crabbed," "novel and unprecedented" view of standing, Judge Bork's views of standing are thoroughly in the mainstream. It is the *Report* that is advocating "novel" legal views. Justice Powell has taken the lead in reinvigorating the doctrines governing access to the courts in his opinions in *U.S. v. Richardson, Warth v. Selden* and *Simon v. Eastern Kentucky Welfare Rights Organization.* His views—repeatedly attacked by liberal commentators—are indistinguishable from Judge Bork's.

42. The *Biden Report* misrepresents Judge Bork's opinion in *Vander Jagt v. O'Neill*, 699 F.2d 1166 (D.C. Cir. 1983). In *Vander Jagt*, the supposedly political and reactionary Judge Bork voted to reject a suit by House Republicans against the Democratic leadership—a fact that sheds light on the *Report's* claims about his "activism." Unmentioned by the *Report* is the fact that the Supreme Court in *Allen v. Wright* quoted approvingly and at length from Bork's "novel" opinion in *Vander Jagt* to reach its conclusion. Clearly it is Judge Bork who is in the mainstream on access cases, and the authors of the report who are outside it.

43. The same is true of the *Biden Report's* distortions of Bork's antitrust record. As was stated in a letter from 15 past chairmen of the ABA's Antitrust Section, "Judge Bork's writings in this area have been among the most influential scholarship ever produced . . . [N]o one has helped promote [the mainstream view of antitrust] more than Judge Bork." The chairmen's letter points out that Judge Bork's leading work on antitrust, the *Antitrust Paradox*, has been referred to in 75 decisions of the Supreme Court and the courts of appeals in the ten years since its publication, and has been cited in opinions written or joined by all nine present Justices of the Supreme Court.

44. The *Biden Report* misrepresents Judge Bork's decision in *Rothery Storage & Van Co. v. Atlas Van Lines, Inc.*, 792 F.2d 210 (D.C. Cir. 1986). Far from "promot[ing] his extreme views . . . [and] [s]ingle-handedly repudiating numerous Supreme Court cases to the contrary," as the *Report* claims, Judge Bork conscientiously parsed conflicting Supreme Court precedent to follow the latest expression of the Court's views. Whatever else the *Report* could have called Bork's efforts in *Rothery*, they were not "single-handed": his opinion was joined *in toto* by Carter appointee Ruth Bader Ginsburg, while fellow Carter appointee Judge Wald "concur[red] in the result and much of the reasoning of the panel's opinion."

SECTION IV—SPECIFIC QUESTIONS

Civil rights

45. The *Biden Report* claims that Judge Bork's dismay over the possibility that a male-only draft might be challenged under the Equal Protection Clause indicates that he is skeptical as to whether *women* are protected under that provision. (*Biden Report* at 49). To the extent this obviously off the cuff statement indicates much of anything, it indicates instead that he is skeptical whether *men* are protected under that clause, since the likely plaintiff in such a suit would not be a woman seeking to be drafted, but a man objecting to being drafted.

See also Nos. 9-12 above.

Freedom of the press

46. The *Biden Report* misreads Judge Bork's record on the First Amendment. The *Biden Report* claims that "Judge Bork has cast doubt on leading Supreme Court decisions limiting governmental prior restraints on speech." It relies for that purpose on an ambiguous statement in an unpublished speech Judge Bork gave at the University of Michigan. It omits any discussion of Judge Bork's only case on point, *Lebron v. Washington Metropolitan Area Transit Authority,* 749 F.2d 893 (D.C. Cir. 1984). In that case, Judge Bork ruled that a D.C. regulation barring deceptive advertisements was invalid on the ground that it constituted a prior restraint, rather than limiting himself to the ground preferred by Judge Starr that the advertisement at issue was not deceptive. Especially given that the narrower ground was clearly available, Judge Bork's conscious decision to rely on the broader one as well is a much clearer indication of his commitment to the bar on prior restraints than the Michigan speech is an indication of any reservations about it. The *Biden Report*'s failure even to mention the case in this context practically inverts Judge Bork's record in this area.

47. The *Biden Report*'s claim that "Judge Bork has sharply criticized key Supreme Court decisions limiting the power of government to punish publication," coupled with the evidence it cites for that claim, almost speaks for itself. The "sharp critici[sm]" to which it refers is from the same Michigan speech, and consists of the statement that "one may doubt that press freedom" required the release of the name of a rape victim or information from a secret inquiry into judicial misconduct.

48. The same can be said of the *Biden Report*'s attempt to contrast Judge Bork's position regarding reporter's claims to a First Amendment right to refuse to disclose confidential sources with Justice Powell's view on the matter. Actually, Justice Powell wrote an opinion noting that it was a hard question, to be decided case by case, but that generally there is no such right in the absence of harassment by state authorities. Judge Bork wrote an article stating that it was a close question that could be decided either way.

49. The *Biden Report's* claim in the text of the full report that Judge Bork would restrict First Amendment protection to "speech that relates to the political process" is simply misleading (as opposed to the claim in the executive summary that he would not protect literary and artistic speech, which is incorrect). As Judge Bork's *Worldnet* interview made clear, in his view the First Amendment provides some protection for "moral and . . . scientific speech" and "fiction and so forth," although probably not pornography. While the interview indicates that he would not extend as much protection to speech that is not expressly political as to speech that is, it says nothing about how much protection he would extend to the former. Since Judge Bork's *Ollman* opinion would provide more protection for political speech than present law, there is ample room for him to protect speech that is not expressly political less than political speech and still protect it at least as much as the Supreme Court. While Judge Bork also indicates that "pornography and things approaching it" probably are not protected, there is no basis whatsoever for the *Report's* conclusion that he would include among such things a Rubens painting or an Alvin Ailey Troupe Performance, or that his views on pornography are any different from the Supreme Court's.

Bork on the establishment clause

50. In its discussion of Judge Bork's views on the Establishment Clause, the *Biden Report* misconstrues his views on the clause generally and about particular cases. The *Report* states that Judge Bork *"has endorsed* the view that the framers intended the Establishment Clause to do no more than ensure that one religious sect should not be favored over another" (*Biden Report* at p. 57). (Emphasis supplied.) In fact, Judge Bork has never "endorsed" a particular view of the Establishment Clause—at most he has observed that:

"The establishment clause *might have been read* merely to preclude the recognition of an official church, or to prevent discriminatory aid to one or a few religions . . . Instead [it has] been interpreted to give [it] far greater breadth and severity." ("Religion and the Law," *University of Chicago,* Nov. 13, 1984, at 1-2).

51. The *Biden Report* is misleading in describing Judge Bork's views on the leading prayer in school case, *Engel v. Vitale,* 370 U.S. 421 (1962). The report does not give sufficient weight to Judge Bork's statement to the *Washington Post* that he has not taken a position on the constitutionality of school prayer. Instead, the report concludes, based on a letter sent to Judge Bork discussing a speech he made at the N.Y.U. Law School, that Judge Bork has "rejected" this case (*Biden Report* at p. 57. See also Appendix B, *Biden Report*).

52. The *Biden Report* excludes substantial evidence that supports Judge Bork's claim that he has not addressed the issue:

No text of Judge Bork's address at N.Y.U. is available. The written notes from which he spoke make no mention of *Engel.* The relevant portion states:

"I want to draw your attention to two other features of non-I[nterpretivist] judicial review—the *nationalization* of a single set of moral values and what I call the *gentrification* of the Constitution.

Roe v. Wade is the classic case of each.

The dramatic expansion of const[itutional] rights under E[qual] P[rotection] clause, substantive version of D[ue] P[rocess] Cl[ause], 1st Amendment—nationalizes moral and social values although there is no national consensus."

No other person present at the event recalls Judge Bork criticizing the *Engel* case.

Judge Bork made no mention of how he would vote on the school prayer cases in the two other significant occasions on which Judge Bork discussed his view of religion and the law: (1) an address at the University of Chicago on November 13, 1984 and (2) an address at the Brookings Institution Seminar for Religious Leaders on September 12, 1985 (*See* Washington Post, letter to the editor from Rabbi Joshua Haberman, August 6, 1987).

53. In alleging that Judge Bork criticized *Engel v. Vitale* in the 1982 N.Y.U. Law School speech, the *Biden Report* relies entirely upon the recollection of one attendee, Dean Norman Redlich. The report cites a letter sent by Dean Redlich to Judge Bork shortly after the address. However, the text of the Redlich letter does not substantiate the *Biden Report* claim that "Dean Redlich took issue with Judge Bork's assertion that the Court had strayed from 'interpreting' the Constitution in *Engel* and that the decision was therefore, in Bork's terms, 'non-interpretivist.'" (*Biden Report* at 57). Rather, the letter included the following passage:

"I do not understand why you lumped together the issues of school prayer, busing, and abortion, although I recognize that at one point in your remarks you said you were concentrating on *Roe v. Wade.* The present attack on the courts derives from all three issues and you failed to distinguish among them. I agree that *Roe v. Wade* can be attacked as non-interpretavist [sic]. *Engel v. Vitale,* however, was an interpretation of the establishment clause. The attacks on that decision were no less strident because it was interpretivist. The result, not the method, sparked the criticism." (Dean Redlich Letter at p. 1).

It appears more likely, however, that Judge Bork focused on *Roe v. Wade* as his example as a non-interpretivist decision, and discussed school prayer only as an issue which, as a factual matter, had sparked political opposition to the courts. This political opposition created a climate in which jurisdiction-stripping legislation, which Judge Bork opposed, was being seriously considered. This observation is one which Judge Bork has made in other speeches as well. This reconstruction of his spoken remarks is supported by Dean Redlich's letter, which described Judge Bork's reference to *Engel* in the context of "the present attack on the courts" since Judge Bork had never before criticized the decision in *Engel.*

54. The *Biden Report* misconstrues Judge Bork's criticism of the three part test set forth in *Lemon v. Kurtzman,* 403 U.S. 602 (1971). In his speech at the University of Chicago Judge Bork stated that his criticism of *Lemon* is that the three part test "is not useful in enforcing the values underlying the establishment clause." (*University of Chicago* speech at pp. 4-5) He points out that the Supreme Court itself has not always applied the test (*Id.* at 6-7). Contrary to the premise stated in the *Biden Report,* Judge Bork's remarks about *Lemon* are not a criticism of the viewpoint that the government should be entirely neutral towards religion. Rather, they are a comment that the test is flawed in its ability to promote another value—strict separation of religion from all government action, a value the court precedents do not support.

55. The *Biden Report* is at best incomplete and at worst misleading in its omission of the fact that Judge Bork's criticism of the *Lemon* test is well within the mainstream of American legal scholarship. Judge Bork himself states that his thoughts are not original, but can be found in Dean Jesse Choper's writings (*University of Chicago* speech at p. 5). In addition, Senator Daniel Patrick Moynihan and others have criticized the Supreme Court's jurisprudence on the Establishment Clause by citing numerous contradictory and inexplicable results:

A state may lend to parochial school children geography textbooks that contain maps of the United States, but the state may not lend maps of the United States for use in geography class.

A state may lend textbooks on American colonial history, but it may not lend a film on George Washington, or a film projector to show it in history class.

A state may lend classroom workbooks, but may not lend workbooks in which the parochial school children write, thus rendering them non-reusable.

A state may pay for bus transportation to religious schools, but may not pay for bus transportation from the parochial school to the public zoo or Natural History Museum for a field trip.

A state may pay for diagnostic services conducted in the parochial school, but therapeutic services must be given in a different building.

Speech and hearing "services" conducted by the state inside the sectarian school are forbidden, but the state may conduct speech and hearing diagnostic testing inside the sectarian school.

Exceptional parochial school students may receive counselling, but it must take place outside the parochial school, such as in a trailer parked down the street.

A state may give cash to a parochial school to pay for the administration of state-written tests and state-ordered reporting services, but it may not provide funds for teacher-prepared tests on secular subjects.

Religious instruction may not be given in public school, but the public school may release students during the day for religious classes elsewhere, and may enforce attendance at those classes with its truancy laws.

56. The *Biden Report* accurately reports that Judge Bork has criticized *Aguilar v. Felton*, 473 U.S. 402 (1985). But the report's description of the case fails to indicate that the decision has been roundly criticized both by other members of the Supreme Court and the legal academic community. In *Aguilar* the Court struck down public funding for non-religious programs which supplied state-employed special education teachers for deprived children who attended parochial schools. In *Aguilar* there was a valid secular motive of providing remedial help to underprivileged children, and there was no hidden subsidy of religion (since the program was optional and not otherwise offered by the schools). Indeed, the sole reason the Court found the program violated the establishment clause was *that the system of monitoring that New York City had adopted in order to ensure that the program was not unconstitutionally religious in content constituted excessive entanglement of church and state.* It is small wonder that Judge Bork cited *Aguilar* as illustrative of why he believes "present doctrine is so unsatisfactory." As he noted in his Brookings speech, "it has been suggested that the program struck down in *Aguilar* might become constitutionally permissible if the teachers were placed in trailers *outside* the schoolhouse, with the children coming to them rather than the other way around. Odd as it may seem, precedent supports the idea that the crucial issue is whether the publicly-funded teachers physically entered the private building." This echoes a point made by Justice O'Connor's dissent: "Impoverished children who attend parochial schools may also continue to benefit from Title I Programs offered off the premises of their schools—possibily in portable classrooms just over the edge of school property." *Aguilar*, 105 S. Ct. at 3248 (O'Connor, J., dissenting.)

SECTION V—BORK'S ROLE IN WATERGATE AND "NADER V. BORK"

57. The *Biden Report* contains serious errors and omissions in its discussion of Judge Bork's role in firing the first Watergate Special Prosecutor, Archibald Cox. By focusing exclusively on the court case, *Nader v. Bork*, 366 F. Supp. 104 (D.D.C. 1973), the report ignores Judge Bork's substantial role in securing the appointment of a second special prosecutor and in ensuring that the Watergate prosecution would continue after Professor Cox was fired.

58. The *Biden Report's* discussion of *Nader v. Bork* is seriously misleading because it conceals the fact that the decision by Judge Gesell was later vacated upon the order of the D.C. Circuit Court of Appeals (*See* Unpublished Order, U.S. Court of Appeals for the D.C. Circuit, August 20, 1975, amended October 22, 1975). Thus, the *Biden Report* fails to indicate that the decision is of no legal precedence whatsoever. The Court of Appeals held that the case was moot.

59. The *Biden Report* fails to indicate that the significant reason that Judge Gesell dismissed the cause of action by Ralph Nader was because he was not an injured party (366 F. Supp. 104). The person who could claim he was injured, Archibald Cox, refused to join the suit. He stated at his press conference that precipitated the firing that "Of course there are ways of firing me." Later Professor Cox testified to Congress that he believed the President, through the Attorney General had the authority to discharge him (*See* "Senate Hearings on the Special Prosecutor," October 31, 1973, at p. 102).

60. The *Biden Report* implies that the Watergate Special Prosecutor was established pursuant to a special act of Congress (*Biden Report* at p. 61). Rather, the office was created by Attorney General Eliott Richardson pursuant to his general statutory authority to create positions in the Justice Department (*See* 28 U.S.C. § 508-510). In fact, these statutes specifically allow the Attorney General to transfer functions among different officials at the Department of Justice. While Attorney General Richardson had promised the Senate that he would create an independent prosecutor during his confirmation process, this action could not create special statutory authorization for the position.

61. The *Biden Report* implies that the opinion in *Bork v. Nader* is significant because it declared the discharge of Professor Cox to be illegal. The opinion itself recognizes that the relevent Supreme Court case (*Humphrey's Executor*) relied heavily upon the fact that in that case Congress had expressly legislated to restrict the President's ability to remove a government official. As discussed above, there is no such Congressional Act with respect to the Watergate Special Prosecutor.

62. The *Biden Report* mischaracterizes the issues of "whether the firing [of Professor Cox] itself was lawful" as the "threshold question" in the *Nader* case. Since the independence granted to the Watergate Special Prosecutor was derived solely from the Attorney General's regulations, the White House paper correctly analyses the question of whether these regulations were validly rescinded as the threshold question and determines that they were.

63. The *Biden Report* fails to inform the reader that Judge Bork's position that the delay in rescinding the Attorney General's regulations (from Saturday night when Professor Cox was fired until Tuesday, the next working day) was widely supported. Professor Cox himself referred to the delay as a "technical defect." (*See* "Senate Hearings on the Special Prosecutor," October 31, 1973, at p. 102).

64. The *Biden Report* misstates the grounds upon which Judge Gesell found the rescission of the Attorney General's regulations arbitrary and unreasonable. Judge Gesell's opinion relied upon the fact that a new special prosecutor was appointed three weeks later under substantially identical regulations to conclude that the rescission of the initial regulations was an arbitrary and unreasonable act, done solely to replace Professor Cox, which could not be done under the terms of the regulations (386 F. Supp. at 109). Although the *Biden Report* quotes this passage, the report then manufactures from whole cloth the rationale that the firing was arbitrary and unreasonable because of the circumstances leading up to the discharge (*i.e.*, that Professor Cox had decided to defy President Nixon and go to court for the White House tapes). The *Biden Report* uses this novel argument to bootstrap its conclusion that the firing would have been illegal even if the rescission of the regulation had been completed before the discharge.

SECTION VI—STARE DECISIS

65. The *Biden Report's* discussion of Judge Bork's views on *Stare Decisis*, *i.e.*, the adherence to prior precedent, in constitutional law is fundamentally flawed by a complete lack of understanding of the theories Judge Bork has articulated on precedent. Repeatedly the *Biden Report* equates criticism by Judge Bork of a prior decision with the conclusion that he would overrule the decision once on the Supreme Court. (This conceptual error is not only logically fatal to the authors' arguments about *Stare Decisis*, but also permeates the discussion of cases in Appendix B).

66. The *Biden Report* fails to recognize Judge Bork's complete views on *Stare Decisis*. First, the *Biden Report* omits Judge Bork's statement to the Senate Judiciary Committee during his confirmation hearings for the D.C. Court of Appeals in 1982, when he was asked by Senator Baucus, "While I have you here . . . do you have any general guiding principles as to when a Supreme Court judge should adhere to the principle [of Stare Decisis] in looking at, revisiting Supreme Court cases?" Bork responded:

"Well, yes. I think it is a parallel to what [Professor] Thayer said about the function of a judge when he is reviewing a legislative act for constitutionality. He said he really ought to be absolutely clear that it is unconstitutional before he strikes down the legislative act, if not absolutely clear, awfully clear.

I think the value of precedent and of certainty and of continuity in the law is so high that I think a judge ought not to overturn a prior decision unless he thinks it is absolutely clear that that prior decision was wrong and perhaps pernicious." ("Confirmation of Federal Judges," *Hearings Before the Judiciary Committee*, 1982, at 14)

67. The *Biden Report* fails to take into account that Judge Bork has articulated a two part method of determining when a given precedent should be overtuned. The *Biden*

Report merely recites (in an incomplete quote on p. 70) the second and ultimate determination that Judge Bork has repeatedly stated must be made before a prior constitutional decision is overturned:

"There are some constitutional decisions around which so many other institutions and people have built that they have become part of the structure of the nation. They ought not be overturned, *even if thought wrong*" ("A Talk with Judge Robert H. Bork," *District Lawyer* 29 at 32. *See also* "Bork on Judicial Restraint," *Manhattan Report* 14 at 15) (Emphasis added.)

The remainder of the *Biden Report* ignores this second test in its analysis of cases that Bork might some day overturn.

68. The *Biden Report* does not cite to a single instance where Judge Bork has stated that any prior Supreme Court decision should be overturned in support of its allegation that "The Record Strongly Suggests That Judge Bork, If Confirmed, Would Vote To Overturn A Substantial Number of Supreme Court Decisions." (Biden Report, p. 68). Instead, the report relies upon circumstantial conclusions drawn from flawed legal reasoning.

69. The *Biden Report* is misleading when it states that "On several occasions, Judge Bork has expressed a clear willingness to overturn precedent." The *Report* then quotes out of context to say that "an originalist judge would have no problem whatever in overruling a non-orginalist precedent" (Remarks, First Annual Lawyers Convention of the Federalist Society, cited at p. 66 of the *Biden Report*). What the *Biden Report* fails to indicate is that this remark was part of Judge Bork's explanation that a judge must *first* determine that the precedent was wrong. As part of the same remarks Judge Bork then goes on to explain that in some instances a judge should not overturn clearly incorrect precedent, because it is too damaging to social and economical institutional arrangements that have grown up as a result of the decision.

70. The *Biden Report* fails to note that Judge Bork was booed at the Federalist Society conference for stating that he would not overturn the commerce clause precedents. (*Washington Post*). This indicates that Bork is well within the mainstream of legal thought since some members of the legal profession believe his position on *stare decisis* is *too deferential* to prior decisions.

71. The *Biden Report* also creates a misleading impression that Bork is not in the mainstream of legal thought when he states that courts can overturn constitutional precedent more easily than common law or statutory precedent (*Biden Report* at p. 67). This position has long been commonly accepted by most constitutional scholars. It was first stated by Justice Brandeis:

"*Stare Decisis* is usually the wise policy . . . This is true even where the error is a matter of serious concern, provided correction can be had by legislation. But in cases involving the Federal Constitution, where correction through legislative action practically impossible, this Court has often overruled its earlier decisions." *Burnet v. Coronado Oil & Gas Co.*, 285 U.S. 393, 405-408 (1932).

This error is all the more surprising since one of the reviewers of the *Biden Report*, Professor Laurence Tribe, has noted this rationale:

"For most of us, the proper role of precedent in constitutional adjudication will be found at the end of a middle road. The nation needs and deserves to have a steady hand at the Constitution's wheel, but the Supreme Court occassionally must overrule its earlier cases because legislative correction of a *constitutional* decision is all but impossible." (Tribe, L., *God Save This Honorable Court* at p. 102 (1985)) (Emphasis in the original.)

72. The *Biden Report* attacks Judge Bork because he may consider overturning *Roe v. Wade* and the right of privacy cases. This attack is inconsistent with even liberal judicial philosophy, again as expressed by Laurence Tribe, one of the reviewers of the report:

"On the other hand, those candidates [for the Supreme Court] who would, for example, refuse even to consider modifying, say, *Roe v. Wade*, . . . simply *because* they are established precedents, are equally unsuited for a seat on the Supreme Court, and should be voted down by any Senator who views constitutional principles as subject to reexamination when circumstances so require." (*Id.*) (Emphasis in the original.)

73. By quoting out of context from Judge Bork's interview with Philip Lacovara in the *District Lawyer*, the *Biden Report* creates the false impression that Judge Bork's views on all constitutional issues will not change when he is on the bench. The *Biden Report* highlights Judge Bork's general answer (that "[M]y views have remained about what they were. . . . So when you become a judge, I don't think your viewpoint is likely to change greatly," *Biden Report* at p. 65) without indicating that the answer was made to a very specific and limited question:

"Q. Before you ascended to the bench, and indeed in lectures and writings even since that time, you have been among the people who have challenged the role of what you and they have called the "imperial judiciary." Has your view of the possible usurpation of political functions by courts changed since you ascended to the bench? Either become stronger or perhaps more diffuse?" *District Lawyer Interview* at p. 31)

74. The *Biden Report* incorrectly uses a statement by Judge Bork in the *District Lawyer Interview* regarding a candidate's published record as evidence that the *White House* is disingenuous in suggesting that there is a distinction between a candidate's judicial opinions and his writings as an academic. (*Biden Report* at p. 65) Judge Bork was not involved in selecting the criteria used by the White House or the Justice Department in selecting him as the nominee, and his prior description of the process sheds no light on what distinctions were made by the Executive Branch.

75. Additionally, the *Biden Report* quotes Judge Bork out of context to imply that a nominee's academic writings are on an equal footing with his prior judicial decisions. Judge Bork was responding to a question that implied that appellate court judges are under stress because they know that their decisions are reviewed by the Department of Justice in selecting Supreme Court nominees. He responded that he had not observed anything which would corroborate such a concern. In the passage cited in the *Biden Report* Judge Bork merely stated that there should not be any concern about reviewing *opinions*. In fact, Judge Bork believes that it is very difficult to determine how a future Supreme Court Justice will vote, "predictions of what new judges will do being so perilous." ("Judicial Review and Democracy," *Society*, Nov/Dec. 1986, at p. 6) (The authors of the *Biden Report* must certainly have been aware of this fact, since they quote from the same paragraph in the *Society* article. *See*, No. 76 below).

76. The *Biden Report's* discussion of Judge Bork's views on the appointment power fails to substantiate the report's claim that they indicate "That He Would Overturn Many Landmark Supreme Court Decisions." (*Biden Report* at p. 66) The report misquotes from Judge Bork's review of a biography of Felix Frankfurter. The quote is part of a discussion of Frankfurter's rejection in the 1920's of proposals to eliminate judicial supremacy. The unedited quote reveals this:

"Perhaps Frankfurter was right about the inadvisability of formal mechanisms for checking the Court, though; since none have been tried, that is hard to say. But his hopes for legal education after fifty years certainly seem misplaced. Today, in fact, it is probably true that most professors of constitutional law teach and write from an activist perspective. What the solution should be is no more clear now than it was in 1921. If it is not to be a new constitutional mechanism, the *answer [to 'judicial excesses'] can only lie in the selection of judges, which means that the solution will be intermittent depending upon the President's ability to choose well and his opportunities to choose at all.*" ("'Inside' Felix Frankfurter," *The Public Interest*, Fall Book Supplement, 1981, at 110). (Emphasis to show the edited quote in the *Biden Report* at p. 66)

A full and careful reading of the passage makes it clear that Judge Bork was not discussing overruling prior cases at all. Rather, he was discussing the appointment power as the only way of affecting the Court's style of judicial reasoning and rejecting (in the immediately preceding paragraphs) such proposals as the use of the Exceptions Clause to strip the Supreme Court of jurisdiction over controversial constitutional issues.

77. The insertion of the phrase "to 'judicial excesses'," which the *Biden Report* claims to be quoting from the previous page indicates that the report attempted to use the quote from the Frankfurter book review to distort Judge Bork's position. The phrase is taken from a theoretical discussion of constitutionally provided checks on the Supreme Court's power:

Amending the Constitution is not a general solution to *judicial expansionism;* there are too many serious judicial excesses to make amendment a feasible tool of correction." (*Id.* at p. 109) (Emphasis to show the edited quote in the *Biden Report* at p. 66)

Indeed, Judge Bork then goes on to say: "The only safeguard we have at the moment is the self-discipline and capacity for self-denial of our judges." (*Id.*)

78. The other quotes cited in the *Biden Report* also conceal that Judge Bork's comments about the appointment of judges are all in the context of theoretical discussions of what checks there are in the Constitution of judicial power. An examination of the full context of the quote from Judge Bork's testimony before the Senate reveals this fact. After a series of questions about Judge Bork's opposition to proposals to strip the Supreme Court of jurisdiction to hear a Federal constitutonal question, Senator Baucus continued to question him:

"Senator BAUCUS. Could you tell me your view of whether the constitutional amendment process as outlined in Article V of the Constitution is sufficient to enable the country and the Congress to respond to what it regards as improper Supreme Court decisions?

Mr. BORK. I think there is a real dilemma, Senator. I think in a variety of areas the

Court over a period of years has reached results that were not intended by the framers of the Constitution or by the framers of various amendments. I think to that degree the Court has stepped into areas that do not belong to it. It is that form of judicial activism or judicial imperialism that the chairman asked me about.

I do not think there is an adequate way of checking the Court provided in the Constitution, and I think the reason for that is that the framers never anticipated judicial review could become the enormous power that it has become. There was no court at the time that had any power resembling that.

The only cure for a Court which oversteps its bound that I know of is the appointment power, and in addition to that the power of debate, political rebuke, and I hope one day a better understanding by the profession and by the judges of what the limits of judicial power are." ("Confirmation of Federal Judges," *Hearings Before the Judiciary Committee,* 1982, at 7.) (Emphasis to show the edited quote in the *Biden Report* at p. 66)

79. Similarly, the *Biden Report* quotes out of context from Judge Bork's writings on structural restraints in the Constitution on judicial power:

"Moreover, jurisdiction removal does not vindicate democratic governance, for it merely shifts ultimate power to different groups of judges. *Democratic responses to judicial excesses probably must come through the replacement of judges who die or retire with new judges of different views.* but this is a slow and uncertain process, the accidents of mortality being what they are and prediction of what new judges will do being so perilous. ("Judicial Review and Democracy," *Society,* Nov/Dec. 1986, at p. 6) (Emphasis to show the edited quote in the *Biden Report* at p. 66)

80. The *Biden Report* misquotes Judge Bork's discussion of the evolution of constitutional law in this century to imply that he would overturn a substantial number of Supreme Court decisions reached over the last thirty years. Compare the *Biden Report* excerpt:

"'[T]he Court . . . began in the mid-1950's to make . . . decisions for which it offered little or no constitutional argument-. . . . Much of the new judicial power claimed cannot be derived from the text, structure, or history of the Constitution.'" (*Biden Report* at p. 68 quoting from "Judicial Review and Democracy," *Encycolopedia of the American Constitution,* Vol. 2, at 1062 (1986).) (Emphasis added in the *Biden Report.*)

With a full review of the comment in its proper context, which reveals that Judge Bork was not discussing *stare decisis* at all:

"Nevertheless, if *the Court* stopped defending economic liberties without constitutional justification in the mid-1930's, it *began in the mid-1950's to make* other *decisions for which it offered little or no constitutional argument.* It had been generally assumed that constitutional questions were to be answered on ground of historical intent, but the Court began to make decisions that could hardly be, and were not, justified on that basis. Existing constitutional protections were expanded and new ones created. Sizable minorities on the Court indicated a willingness to go still further. The widespread perception that the judiciary was recreating the Constitution brought the tension between democracy and judicial review once more to a state of intellectual and political crisis. *Much of the new judicial power claimed cannot be derived from the text, structure, or history of the Constitution.* Perhaps because of the increasing obviousness of this fact, legal scholars began to erect new theories of the judicial role. These constructs, which appear to be acepted by a majority of those who write about constitutional theory, go by the general name of the noninterpretivism. . . ." ("Judicial Review and Democracy," *Encyclopedia of the American Constitution,* Vol. 2, at 1062 (1986).)

Mr. HATCH. Mr. President, I think that those who read the response to his record submitted by Senator BIDEN, who will take the time to read my analysis of the errors and omissions in that response, will be appalled at the professors who have participated in the vilification of Judge Bork in, I think, one of the most reprehensible ways I have found since I have been here.

It bothers me a lot, because it is my understanding that my friend and someone for whom I have a lot of regard, Robert Tribe, has rubberstamped that report. It is his scholarly effort out of the past, and I hope it is not a presage to the scholars we have in the future. I think he should read these a little more carefully than he did in this particular instance.

Mr. President, I yield the floor.

THE DISARMAMENT DELUSION—PAST AND PRESENT

Mr. HELMS. Mr. President, less than 2 weeks ago in a letter published by the New York Times, former Secretary of State Dean Rusk admitted that the dismantling of U.S. Jupiter missiles in Turkey, following the United States-Soviet October missile crisis of 1962, was a quid pro quo for the withdrawal of Soviet missiles from Cuba. In the words of former Secretary Rusk:

> It was clear to me that President Kennedy would not let the Jupiters in Turkey become an obstacle to the removal of missile sites in Cuba.

There is no longer any doubt, as historians have discovered over the past decade, that a definite linkage existed between the removal of the Soviet missiles from Cuba and the removal of the Jupiters from Turkey.

It is important to note, Mr. President, that the Turkish Government desired that the 15 Jupiter missiles remain on Turkish soil. Like the present West German Government, the Turkish leaders only allowed the withdrawal of those missiles under strong American pressure. Then, as now, there was no NATO decision made to have the missiles removed. In fact, symbolically and practically, the removal of the Jupiter missiles in 1962, as with the impending withdrawal of the Pershing 1A missiles, represented a NATO defeat or at least a serious undermining of the political and military NATO deterrent.

The real truth of the matter is, to rework the famous statement of Secretary Rusk, that we stood eyeball to eyeball with the Soviets, and then we put on a blindfold. We did send a signal to the Soviets, but that signal was not the one generally associated with the October missile crisis. The signal was, in effect, an admission that enough pressure on the United States from the Soviet side will result in the United States comprising, withdrawing, and giving in. The message to our allies then, as now, was loud and clear. It is not accidental, Mr. President, that after the alleged Cuban missile Crisis, the Soviet Union attained parity with the United States in the nuclear arms arena.

The Kennedy administration had gained a media triumph as a result of the Cuban missile crisis, although the United States had actually engaged in a private trade—a trade that seriously weakened the nature of the United States deterrent. Subjected to a public humiliation by the American Government, the Kremlin leaders resolved never to let that situation reoccur. In the decade following the Cuban missile crisis, United States nuclear superiority was lost. The Soviets pulled even or surpassed, American nuclear capabilities, and thus set the stage for the next delusive arms control agreement—the ABM Treaty of 1972.

It is still difficult for me to understand what the Nixon administration was trying to accomplish with SALT I. President Nixon confided to a New York Times columnist in 1974 that "[t]he Soviets now have three times the missile strength [ICBM] of ourselves. * * *" Within a very short time, "they will pass us in submarines carrying nuclear missiles." He further conceded that a major Soviet goal in securing the SALT I Agreement was "to limit our ABM defensive systems because they knew our technology was better." And the United States, according to Nixon, needed to limit the Soviet offensive weapons, the ones that really count, "because they were moving faster than we were." This tied in with the Kissinger philosophy of when push comes to shove, the United States is likely to be pushed around, so that we should compromise and accommodate instead of standing firm and resolute.

Secretary Kissinger believed America to be in decline on the global scene and negotiated accordingly. We did slide backward because of such beliefs and the consequent actions associated with them.

I have already pointed out in great detail, Mr. President, the expanding number of Soviet violations of the SALT I and other arms control treaties. As I have stated numerous times on this floor, there is a repeated pattern of Soviet arms control violations.

The failure to have onsite inspection in the 1972 ABM Treaty constituted a serious deficiency in that agreement. The ABM Treaty attempted to bind our hands with respect to existing defensive weapons, while allowing the Soviets to increase their offensive nuclear capability. Now that we have threatened to catch up under the Reagan administration, and managed to have a credible theater nuclear deterrent, the Soviets have undertaken to delude us once again into believing that an unverified intermediate missile arms limitation treaty is in the best interests of the United States. Mr. President, it definitely is not.

Not only have the Soviets been engaged in a series of ongoing violations of several arms control agreements, but also they have never shared even minimal information with us about their nuclear weapons. Now we have again as in the past, I am sad to say, backed away from our previous insistence upon onsite inspection of the Soviet SS-20 missile production facilities. The inventor of the neutron bomb, Sam Cohen, recently observed in the Washington Times that "the entire history of nuclear arms control has been one of the Soviets refusing to allow realistic onsite inspection and the United States refusing to get realistic on this all-important issue." He goes on to say, and this is of the greatest significance, that "the Soviets have set us up to believe we can verify" without any onsite inspection. This is a naive delusion of the worst kind.

Gen. Bernard Rogers, the retiring Commander of NATO, has severely criticized recently enunciated U.S. arms control goals in Europe. Achievement of these goals will make the Soviets stronger in their military posture in Europe than they have been in a generation. Or as David Ignatius of the Washington Post has put it. "[w]ith the Pershings and cruise missiles gone, Europe will go back to the old leaky and unreliable American umbrella." The end result of that fallacious policy has to be a resurgence of neutralism in Western Europe and a severe erosion of the NATO Alliance. With the intermediate nuclear force weapons the lessons of history are foredoomed to repeat their failures. We have not paid attention to the historical record. We have allowed ourselves to be deluded by the siren song of negotiation with those who only negotiate agreements beneficial to themselves and detrimental to us. I cannot believe that we will continue to be so confused as to fail to distinguish what our security demands. The projected INF Treaty is a dangerous illusion of a peace that does not exist and a world which does not conform with the reality of international life. We must become more realistic in our arms control dealings with the Soviets, for the alternative is unthinkable, and, I hope, unimaginable.

NED DAY

Mr. REID. Mr. President, they had a memorial service for Ned Day last Tuesday. Las Vegas turned out to say goodbye to a man who had become a part of their lives; a part they hadn't thought of losing.

Ned Day was 42. He had been writing in Nevada since his early thirties. In the little more than a decade that he worked for the Las Vegas media, he touched innumerable lives. Mine was one of them.

When I met Ned he worked for the Valley Times, a struggling Las Vegas paper which was read by Nevada's powerbrokers first thing every morning. It was then that Ned established his reputation for getting the story; for getting it right, getting it first, and getting it no matter what the obstacles.

Ned was a reporter; I was in public life. If both sides are honest, that is never a simple relationship. Ours certainly wasn't easy, but it was strongly based on mutual respect.

The more I knew Ned Day the more convinced I became that he called the shots the way he saw them, without fear of anyone, and with an unshakable commitment to whatever he believed to be right. He offered advice, he offered criticism, he offered praise; always in public, and always without malice.

Many of us, I think, find it difficult to comprehend a person who is so dedicated to institutional concepts that his positions cross all party lines, and his arrows strike targets in all directions and of every stripe. In Ned's case, I think I came to understand something about him. He was utterly and totally attached to the concept of the first amendment, and of the journalist as the eyes, ears, and especially the voice of the people.

It was that attachment that made Ned work so hard. He never wrote a story he hadn't double checked. He never took a shot if he hadn't given its target an opportunity to respond in advance. He never backed away when the rights of the little guy or of the people at large were involved. And Ned Day was always big enough to admit in print on the rare occasions when he was wrong or had made a mistake.

Ned was also a man with a delightful sense of humor, a man who could poke fund at pomposity with almost childlike glee, and who never took anybody, including himself, too seriously.

There will be other journalists writing other columns in Nevada. We have a tradition of fine investigative reporting and wonderful satirists going back over a hundred years. Stories will be broken, and typed on battered typewriters by hard-bitten, hard-working, men and women struggling under a deadline.

For a while though, I think for a long while, on Wednesdays, Fridays, and Sundays, when we pick up the newspaper in the morning, there are a lot of Nevadans who will turn to the last inside page of the B section to see what Ned had to say. And we'll miss him, we'll miss him a great deal, when he isn't there.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

Mr. CHILES. Mr. President, I ask unanimous consent to continue in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHILES are located under Resolutions Submitted in today's RECORD.)

SENATORIAL ELECTION CAMPAIGN ACT

The PRESIDING OFFICER. The time for morning business having expired, the clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Byrd-Boren Amendment No. 305, in the nature of a substitute.

(2) Helms Amendment No. 676, to authorize funds for military assistance to the Democratic Resistance in Nicaragua unless the President certifies to Congress that the Communist government in Nicaragua has met certain conditions.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, as acting Republican leader, I yield myself 5 minutes.

The PRESIDING OFFICER. Under the previous order, the time between now and 11 o'clock shall be equally controlled by the majority and minority leaders or their designees.

The Senator may proceed.

AMENDMENT NO. 677 TO AMENDMENT NO. 676

(Purpose: To affirm that the Monroe Doctrine is and should remain the basis for the policy of the United States in Central America)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. SYMMS) proposes an amendment numbered 677.

Add at the end of the Helms Amendment the following new section:

"Sec. . It is the sense of the Senate that the policy of the United States toward Central America should be based on the principles of the Monroe Doctrine, to wit: "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power * * * we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power in any other light than as the manifestation of an unfriendly disposition towards the United States.".

Mr. SYMMS. Mr. President, the amendment I just sent to the desk is intended to reassure the American people that the U.S. Senate stands solidly behind the principles of the Monroe Doctrine—principles which have guided United States foreign policy in Central America consistently for a century and a half.

These principles are well known to the American public. The Monroe Doctrine states that the nations of Central America are:

> Henceforth not to be considered as subjects for future colonization by any European Power * * * we could not view any interposition for the purpose of oppressing them, or controlling, in any manner, their destiny, by any European Power in any other light than as the manifestation of an unfriendly disposition towards the United States.

Nicaragua is clearly controlled by Cuba and the Russians. In fact, Daniel Ortega himself admitted this to me and the Republican delegation when we visited Nicaragua just days ago.

Ortega said he wanted to talk directly with the United States and leave the Nicaraguan freedom fighters out of all negotiations. Orgeta then said he wanted to talk with the freedom fighters' "bosses."

At that point, my good friend and colleague from Arizona, Senator McCAIN said "maybe we should talk with your bosses in Moscow and Havana." Ortega, in his regular foaming at the mouth fashion said, "Go ahead. Phone Castro and Gorbachev." He went on ad nauseum about how we could talk to his bosses in Cuba and Moscow.

In fact, on the very day the Central American freedom fighter sellout plan is to take effect, Ortega will be in Moscow participating in celebrations of the Communist revolution. Ortega will be in Moscow because he knows on which side his bread is buttered. Without Soviet support, he could not remain in power. He needs the Soviet's totalitarian political technology—with all its East German security experts, Cuban military advisers, and East bloc propaganda experts.

It is clear that Nicaragua is a Soviet colony in Central America. It is a direct confrontation with the Monroe Doctrine and its time-honored principles. Mr. President, it is about time the United States honored the Monroe Doctrine. Mr. President, we must stand with the American public and keep the Communists out of Central America and reaffirm the Monroe Doctrine.

Mr. President, the American public is worried about communism in Central America and they should be. First there were Communists in Cuba, then Nicaragua, then Grenada—although Reagan rolled back that threat and there is now an elected government in Grenada. Now there are armed Communist guerrillas in El Salvador, Honduras, and Guatemala. Nicaragua and Cuba are now training Communist guerrillas for Mexico and Costa Rica. Costa Rica does not even have any armed forces, only a police force.

Costa Rica does not even have armed forces, Mr. President, only a police force. So the American people have a right to be concerned. If we are not willing to support the freedom fighters in Nicaragua, Mr. President, we will be forced as responsible leaders for freedom and peace in the Western Hemisphere to use American troops, young United States citizens. There are troops in the field now fighting for our freedom—young Nicaraguan youths that are from the age of 15, 22, 23, 24, very young soldiers in the field fighting this battle for our freedom as well as their freedom.

But, Mr. President, I think that the American people have a right to be protected from this insidious cancer that sends refugees and illegal immigrants fleeing to our border. Our undefended border with Mexico is 1,937 miles long. Even Lenin said, "When communism is forced on any country, people will vote with their feet." Today thousands of illegal aliens are crossing the border every day. As I have said over and over on this floor, we in this country are passing laws to keep people out at the same time the Soviets and other dictatorships are shooting people when they try to leave, yet somehow it seems to be a debatable issue and we have a difficult time winning public support even though it's an issue of who is on the side of freedom, who is on the side of peace.

As Senator McCAIN said to Mr. Ortega, "When we talk about peace, we are not talking about the kind of peace that is enjoyed in Cuba and Vietnam and Czechoslovakia and other places behind the Iron Curtain. There is no real peace from an American's point of view in the gulag. Peace and freedom are inseparable."

Mr. President, Colonel North was right when he said if we allow communism to subvert the democratic countries in Central America, we will have to build a Berlin Wall along our border to keep people out of our country.

Will the Senate go on record leaving Central America wide open to Soviet military and political subversion and colonization by voting against the Monroe Doctrine? I think not, Mr. President. I think we should affirm the Monroe Doctrine with a vote on this amendment. I stand with the American people in wanting to keep our southern border secure from Soviet military aggression. The American people have a right to know where the Senate stands, and that is why I offer this amendment.

Mr. President, I ask unanimous consent that an article entitled "Sandinistas Use 'Peace' Lull To Supply Rebels, Duarte Says," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SANDINISTAS USE "PEACE" LULL TO SUPPLY REBELS, DUARTE SAYS

(By John McCaslin)

SAN JOSE, COSTA RICA.—The Marxist Sandinista regime in Nicaragua has "dramatically increased" shipments of military hardware to Communist guerrillas fighting inside El Salvador in the month since the new Central American peace proposal was initialed, Salvadoran President Jose Napoleon Duarte has told a U.S. congressional delegation.

The Sandinistas currently are "loading up the FMLN guerrillas with military equipment," Mr. Duarte told Rep. Jack Kemp and other members of the American delegation in a two-hour meeting Tuesday evening.

A senior U.S. official stationed in San Salvador confirmed yesterday that "our monitoring of [Sandinista] troops who supply the guerrillas shows patterns indicating that resupply efforts are taking place."

Another U.S. official, who spoke on condition that he not be identified, said yesterday he was informed by Mr. Duarte this week "that the FMLN is on the phone with Managua daily."

The official said FMLN representatives met with Costa Rican President Oscar Arias Sanchez yesterday about peace negotiations "and told him they had to check on minor details with Managua."

Mr. Kemp, New York Republican, and a large contingent of conservative leaders from around the United States flew back to Washington late last night convinced that the "future of the Western Hemisphere" rests with Congress and their up-or-down vote on aid to the Nicaraguan resistance.

Mr. Kemp met here yesterday with Mr. Arias, author of a regional peace plan signed last month by leaders of the five Central American nations.

"The future of the Western Hemisphere—the future of our own country—will be decided by Congress within the next couple of weeks," said Mr. Kemp, who said he told Mr. Arias that his Central American peace plan is "flawed."

> Mr. Kemp, who is seeking the Republican nomination for president in 1988; Rep. Beau Boulter, Texas Republican; and the group of about 60 conservative leaders where in Central America on a two-day, fact-finding mission.
>
> "When President Reagan signed the Wright plan, the Contras must have wondered if anyone else [who supported their cause] was left up there" in Washington, Mr. Kemp said. The so-called Reagan-Wright peace plan is an initiative offered by the president and House Speaker Jim Wright, but not accepted by the Central American leaders.
>
> "We gave a much needed shot in the arm to the Contras that their cause was not forgotten," Mr. Kemp said in an interview here yesterday. "We want to force the White House to deal with the issue and we want an up-or-down vote by Congress."
>
> Mr. Kemp, Mr. Boulter and Sen. Jesse Helms, North Carolina Republican, will introduce legislation calling for $310 million in military aid to the resistance over the next 18 months.
>
> At a meeting Tuesday in Tegucigalpa between Mr. Kemp and Honduran President Jose Azcona, Mr. Azcona "made it very clear that the working hypothesis of the Guatemala peace plan is continued assistance to the freedom fighters," Mr. Kemp said.
>
> "After November 7, (Mr. Azcona) said if there is a genuine cease-fire, genuine amnesty and a genuine beginning of political democratic reforms, then there would be no need for continued assistance, but up until that time there should be," he said.
>
> Congressman Boulter said the message Mr. Azcona portrayed was to "be sure to get a vote" in Congress for military aid.
>
> Mr. Kemp said his meeting here yesterday with Mr. Arias was "very candid. He clearly is the most critical (leader) against Contra aid, which puts him at odds with us."

Mr. SYMMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. SYMMS. Mr. President, I reserve the remaining time for the minority leader.

Mr. BYRD. Mr. President, the Senate will vote at 11 o'clock under the order on the motion to invoke cloture. Amendments have been offered to the bill which are not germane. Should cloture be invoked, those amendments would fall. May I ask the Chair if I am correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. So these are nongermane amendments, without discussing the merits or demerits of them, which is beside the point because obviously the Senate is not going to vote on them. Instead, we are going to keep our eyes on the ball, and the ball here is campaign finance reform. The ball is not the Monroe Doctrine. The ball is not Contra aid. There are times when those matters may be before the Senate for discussion, possibly action—certainly Contra aid at some point probably—but this is not the time. Senators may speak on anything they wish when they get the floor, and the offering of the amendments certainly is within the rules and certainly within the rights of Senators. But let us not be distracted by such amendments. The ball is campaign finance reform. The distinguished Republican leader has sent to the desk a bill that deals with "campaign finance reform," and he at some point could offer that as an amendment and that would be more to the point. But even there the distinguished Republican leader's proposal puts no limitation on campaign spending.

There can be no campaign finance reform unless there is a limitation on campaign spending. That is what it is all about.

The Republican conference took a position several weeks ago, as a matter of fact, that it would be opposed to any measure that put a limitation on campaign spending. Of course, the strawman for a long time was public financing. But the Republican conference finally came right out in the open, laid it right on top of the table, that it would be against anything which involved public financing, and anything that involved a limitation on campaign spending. Mr. BOREN and other Senators and I have proposed changes in our original measure that have practically eliminated all aspects of public financing. So what we are really down to now is the nitty-gritty of limitations on PAC contributions, and limitations on campaign spending.

Now, the other amendments that are offered, even though, as I say, Senators are within the rules to offer them—Senators, of course, have their consciences and hearts dead set on the subject matter of the amendments they have offered. They would spill their blood; they would wade any river, climb any mountain to achieve the goals of their amendment, but they know as well that those amendments have nothing whatsoever to do with campaign finance reform. What we see here in fact is a continuation of the effort that has gone on for so long; namely, prevent action on campaign finance reform. The Senate has had five cloture votes on this matter, and we have failed five times. Robert Bruce tried seven times and he finally succeeded. So, we are trying again today. This will be the sixth effort at cloture. But all of this other is just camouflage; it is shadowboxing; it is make-believe. All of these amendments about the Monroe Doctrine, Contra aid, and so on, meritorious as they may be within their own right, certainly have no place on campaign finance reform. So, what we are seeing, as I said, is just a continuation of the filibuster.

Now, Mr. President, we are about to vote within a minute. Not many Senators are on the floor. I ask unanimous consent that the Senate may proceed for—I am sure that the prime sponsor of this measure, who is on the floor, would wish to speak. How much time would he like?

Mr. BOREN. Five minutes, if that would be possible.

Mr. BYRD. Five minutes. All right. And I would like 5 minutes. I would include in my request that the Republican side have 10 minutes, also.

Mr. President, I yield the floor, and I ask that the time be under the control of the two leaders—that 20 minutes be equally divided.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

Mr. BYRD. I yield 5 minutes to the prime sponsor of the measure—Mr. BOREN.

Mr. BOREN. I thank the distinguished majority leader for yielding to me, and I thank him for his unswerving support in his commitment to the cause of true campaign finance reform.

Mr. President, in just a few days, we will be celebrating the bicentennial of the Constitution of the United States. We are charged with a special responsibility to protect that Constitution and to protect that constitutional process. At the heart of the constitutional process, the building block upon which the legitimacy of our political system rests, is the consent of the governed. It is the election process itself. It is that process by which the people select their elected representatives. That is the question; that is what is really at stake as we cast this vote on cloture on campaign finance reform in just a few minutes. It is the integrity of the election process itself.

When we began to debate this issue, there were those who criticized our original proposal because they said it was a proposal for public financing of campaigns. They indicated that that was the basis of their objection to what we were trying to do. Mr. President, this proposal has been modified from the original one. We have taken out virtually all the public financing of campaigns, leaving the backup funds from the checkoff system solely as an enforcement mechanism to be used only if one of the candidates voluntarily breaches the spending limits which are agreed to when that person becomes a candidate.

What we are really dealing with, the fundamental question we must ask, is whether or not we want to have competition in our political system based not upon issues, not upon qualifications and character of the candidates, and not upon the experience of the candidates, but based upon which candidate can raise the most money with which to finance a political campaign.

In the last decade, the cost of campaigns for the U.S. Senate has risen by almost 500 percent. There is no end in sight. As the cost has skyrocketed, fewer and fewer of those dollars proportionally have come from the people back home at the grassroots, the people who are supposed to be represented here through our political process. More and more of the money has had to come from special groups as costs have gone up at an astronomical rate, groups which rate and make campaign contributions to Members of the U.S. Senate not based upon their total record of service but upon a narrow range of votes that affect their special interest, usually in an economic way.

Mr. President, what we are seeing is the erosion of the democratic process itself. As I have said many times, there are many young people in this country who hope to have an opportunity to render public service in the future. They are people who would like to enter the political process because they want to serve their country. They want to contribute ideas. They want to contribute concepts. They want to contribute plans to meet the challenges which face this country. They are discouraged and turned away from the political process when they understand that they will not only have to run on their merits, that they will not only have to run for office based upon their hopes and plans for this country, that they will not only have to run for office on the basis of how they stand in their own communities, their reputation with the people who know them best, but also, they will have to run for office largely on the basis of their ability to raise money, particularly to raise money from groups that have no contact with their home States at all and that are making campaign contributions based upon economic self-interest.

Mr. President, we have an obligation, as we approach the bicentennial of the Constitution, to preserve the spirit of this document, to preserve its vitality, to preserve the trust that the people have in our own Government, to preserve that sense that is in the public that they are the ones that control their own Government through the election process.

The smoke has been cleared away. The real issue now is clear. The division of opinion on the Senate floor is between those who want to see competition in politics based upon a competition of ideas and qualifications versus those who still want the opportunity, by spending enormous amounts of money, to buy elections—to buy elections by packaging the product in such a way that they can influence the voters not on the basis of the issues but on the basis of who has the most access, who has the most television time, who has the most radio time, who has the most inches of advertising, who has the most mail; in essence, who has the most money.

Mr. President, we must not allow the highest positions of public trust in this land to be placed on the auction block for sale to the highest bidder.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, what we are seeing is a money chase. The aristocracy of the money bag is the governing standard of politics, and we are seeing the institution of the Congress undermined. We are seeing the constitutional system of representative government undereaten by the growing distrust of the American public toward the institution. So there is a lot at stake here.

What we are trying to do is save the institution from the obloquy and the calumny of opprobrious criticism, and we all ought to be interested in doing something about it to save this institution.

It is getting worse. Senators are being taken away from their work here and away from their families in order that they may go out in the country, from the Atlantic to the Pacific, from the Canadian border to the Gulf of Mexico, to raise money—not from their constituents, but from party supporters throughout the country.

What was the average last year? About $3 million per Senate seat. And it is expected to be more next year. It is getting worse and worse and worse.

So, Mr. President, it comes down to the raw question: How much do you want to pay for Senate seat? It is just the plain. How much does it take to buy a Senate seat?

Mr. President, we all ought to be interested in maintaining the integrity of the institution and the constitutional process and the electoral process. What we are seeing is a prostitution of the electorial process: Who can raise the most money.

Mr. SYMMS. Mr. President, will the distinguished majority leader yield for a question?

Mr. BYRD. In a moment.

Who can raise the most money. We are victims of the system. I am having to raise money. There are Senators who, as soon as they get here, have to start raising money to pay off the debts of the last campaign; and then, when those are paid off, to raise the money for the next election which is 6 years away or 5 years away or 3 years away, or whatever.

And we are already closing down this Senate one day out of the five, Monday, Tuesday, Wednesday, Thursday, Friday. We are not coming in on Mondays. Why? Because Senators are not here. They have to be out raising money. And they have to do this on both sides of the aisle.

Who sees that more than I do as the majority leader, the Senator who has to schedule the program, who has to check the attendance, who has to see if the Senators are here? And with only 54 votes on the majority side and 3 running for President, if you have one out attending a funeral or out at the hospital we no longer have a majority. I know that Senators have to raise money for campaigns. I am a victim of the system, just as others are. I have to raise money. We are trying to change this system, but it is still the system, like it or not. It is in place and we have to play by the rules of the game that governs us now.

I cannot ignore my race for reelection next year. I want to continue in public service. I want to continue to serve the people of West Virginia. After 29 years, I am in a position to continue to serve the people of West Virginia and the people of this country. So I have to raise money, too, and it is demeaning. It takes the time of Senators. It takes us away from our families and our work, and we ought to put a stop to it and this is the opportunity to do that.

Mr. President, I ask unanimous consent that I may have an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, let me try to recite a poem that I think is appropriate here and I will ask my friend from Illinois and my friend from Oklahoma if this poem is not appropriate as they listen to it. I may have problems with remembering it. But I want them to tell me if it is appropriate when it is over.

'Twas a dangerous cliff, as they freely confessed,
Though to walk near its crest was so pleasant;
But over its terrible edge there had slipped
A duke and full many a peasant.
So the people said something would have to be done,
But their projects did not at all tally;
Some said, "Put a fence around the edge of the cliff,"
Some, "An ambulance down in the valley."
But the cry for the ambulance carried the day,
For it spread through the neighboring city;
A fence may be useful or not, it is true,
But each heart became brimful of pity
For those who slipped over that dangerous cliff;
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.
"For the cliff is all right, if you're careful," they said,
"And, if folks even slip and are dropping,
It isn't the slipping that hurts them so much,
As the shock down below when they're stopping."
So day after day, as these mishaps occurred,
Quick forth would these rescuers sally
To pick up the victims who fell off the cliff,
With their ambulance down in the valley.
Then an old sage remarked: "It's a marvel to me
That people give far more attention
To repairing results than to stopping the cause,
When they'd much better aim at prevention.

Let us stop at its source all this mischief," cried he,
"Come, neighbors and friends, let us rally;
If the cliff we will fence we might almost dispense
With the ambulance down in the valley."
"Oh, he's a fanatic," the others rejoined,
"Dispense with the ambulance? Never!
He'd dispense with all charities, too, if he could;
No! No! We'll support them forever.
Aren't we picking up folks just as fast as they fall?
And shall this man dictate to us? Shall he?
Why should people of sense stop to put up a fence,
While the ambulance works down in the valley?"
But a sensible few, who are practical too,
Will not bear with such nonsense much longer;
They believe that prevention is better than cure,
And their party will soon be the stronger.
Encourage them then, with your purse, voice, and pen,
And while other philanthropists dally,
They will scorn all pretense and put up a stout fence
On the cliff that hangs over the valley.

[Applause.]

Mr. BOREN. Excellent.

Mr. BYRD. I am not finished yet.

Mr. BOREN. Oh, all right.

Mr. BYRD [continuing].

Better guide well the young than reclaim them when old,
For the voice of true wisdom is calling,
"To rescue the fallen is good, but 'tis best
To Prevent other people from falling."
Better close up the source of temptation and crime
Than deliver from dungeon or galley;
Better put a strong fence round the top of the cliff
Than an ambulance down in the valley."

What we are talking about is putting up that fence around the edge of the cliff. We are all at the edge of the precipice, Members of the Senate, those who seek public office, because the ambulance is down there and it is even running in the wrong direction. It is not running in the direction of healing and repairing and making whole. It is running in the direction of destruction and tearing down, and so I adjure my colleagues to please think about what is at stake.

Let us put a fence around the edge of the cliff. That fence is a limitation on campaign spending. There can be no campaign finance reform without it.

Mr. HOLLINGS. Mr. President, the majority leader and I agree that campaign spending is completely out of control. Everyone has heard the parade of statistics—$10,000 a day in fundraising, $3 million to run for the Senate, and nearly half a billion dollars total spent on congressional campaigns in the last election cycle—and they are appalling.

The majority leader and the Senator from Oklahoma, Senator BOREN, have worked hard, persevered, and done an excellent job of presenting the excesses of our current campaign financing law. The debate on S. 2, the Boren-Byrd bill, has been a good vehicle to force debate on a complex problem, but this debate has reenforced my belief that no mere legislative remedy is sufficient to extricate us from the mess we are in.

As the majority leader well knows, I have proposed a constitutional amendment, Senate Joint Resolution 21, that would allow Congress to limit spending in campaigns for Federal office. The only way to really get at the problem—too much money—is to amend the Constitution to get around the wrong headed decision of the Supreme Court in Buckley versus Valeo. The Congress recognized this when it passed the Campaign Finance Amendments of 1974 placing absolute limits on expenditures based on population, and it is time for us to get back to that approach. At this time, Senate Joint Resolution 21 has 16 bipartisan cosponsors including the majority leader, the majority whip, Senator CRANSTON, Senator HEFLIN, and Senator STEVENS, the ranking member of the Rules Committee.

The good debate we have had this year has come in the context of a bill, S. 2, and as the majority leader knows as well as anyone, a bill and a constitutional amendment are two distinct legislative animals which require different methods of approval in order to become effective.

Mr. BYRD. The Senator from South Carolina is correct. A bill requires a simple majority of both Houses of Congress, and the signature of the President, while a constitutional amendment is a joint resolution which requires a two-thirds vote of each House and ratification by the States.

Mr. HOLLINGS. Because of the incompatability of these two legislative vehicles, I have been unable to be a full participant in the debate, and I believe it is important that the Senate have an opportunity to examine the merits of the approach taken by Senate Joint Resolution 21. After discussions with the majority leader, he has agreed that the Senate should have such an opportunity, and that he will have a vote on Senate Joint Resolution 21 on the floor of the Senate soon after we return in January.

Mr. BYRD. The Senator from South Carolina has accurately recounted our discussion. I cannot guarantee a vote on Senate Joint Resolution 21, but I can assure the able Senator that I will make every good faith effort to call up the Senator's resolution and get a vote on it. I hope we will not encounter a filibuster on it as we have on S. 2, which I expect to revisit also early next year if not before. I still hope to achieve cloture today in S. 2 or on another cloture motion next week. As a cosponsor of his constitutional amendment, I think it is a sound approach and one that should get full consideration by the Senate, and I hope, approval. My concern is that the ratification process can be a long one and I believe it is imperative that we move forward with S. 2 now, and then set the wheels of constitutional change in motion.

Mr. HOLLINGS. I thank the majority leader for his help and support and I look forward to working with him to getting Senate Joint Resolution 21 out of the Congress and to the States where I expect strong support and a quick ratification process.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, how much time is allotted to this side?

The PRESIDING OFFICER. Ten minutes remain.

Mr. McCONNELL. I thank the Chair.

Mr. SYMMS. Mr. President, will the Senator yield me 2 minutes?

Mr. McCONNELL. I yield 2 minutes to the distinguished Senator from Idaho?

Mr. SYMMS. Mr. President, I thank the distinguished leader.

Mr. BYRD. Mr. President, the other side is really entitled to more than 10 minutes. We had I think 15 minutes. I ask unanimous consent that the other side may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. I thank the majority leader and thank my good friend from Kentucky who has been very diligent and stalwart on the floor on this issue for the Republican side.

Mr. President, I listened with great interest to the majority leader's analysis, but as he talks about these seats being for sale, I look up at my good friend of the other party and former colleague from the House, who is now the distinguished occupant of the chair, and what the distinguished majority leader is saying simply does not wash in terms of what was spent, for example, in the State of Georgia.

I do not know the numbers but I suspect that our former colleague from Georgia had many more dollars in his campaign than the distinguished occupant of the chair. I do not know that.

I see the distinguished occupant of the chair nodding his head that is true; in other words, that he had less money in his campaign than the former Senator whom he defeated. The fact is, I think, if one will look at the record of 1986 elections, in generality the Republican candidates had more money than the Democratic candidates. But most of the Democratic candidates were successful. In cases where there was a lot of money spent per voter, we had a higher voter turnout.

Do we want a high voter turnout in a free society or do we not? I think most of us will say we do want a higher turnout.

In my State we had one of the highest voter turnouts of anyplace in the United States. It was a very expensive race. Both candidates were very well financed. I do not think that either one of them were for sale. They just had good supporters who believed what they believed in supporting on both sides of the issue and it was a healthy, high-spirited, highly visible campaign in my State with a lot of public participation. In a free society the democratic process is not a spectator support.

The American people have the opportunity to participate in these races if they wish to do so and the amount of money that is spent on political races when you consider the amount of power that rests in the U.S. Senate may be very small compared with what is spent on advertising daily on television. So I think it is a matter of how one looks at it.

I want to say one other thing: The power of the people rests in their votes, their franchise. If we reduce the ability of candidates to tell their story by using modern technology, modern printing, modern television, and modern radio to reach the people, then we will increase the power of the news media. If that is the goal of the authors of this bill, then they have presented a bill which certainly will achieve their goal. Political power is a zero sum game and if you reduce the ability of candidates to advertise their beliefs, you will increase the power of those people who write the editorials, place the news articles in the papers, and write the headlines.

That is why all the newspapers write editorials supporting this bill. They have an institutional conflict of interest in favor of limiting spending on campaign advertising because it gives them more power as the editorial writers of the news journals because they can decide who the U.S. Senators are going to be. We can end up with a one-party South, for example, we will just have Democrats from the South; we will not have a Republican Party.

Is that what our goal is, not to have a two-party system? I think that is not healthy and not good for the country.

I would urge my colleagues to vote down the cloture motion.

Also, Mr. President, the amendments now pending, the Helms amendment as amended by the Symms amendment, are very pertinent. I would like to see the Senate vote on those two issues and I would like to see it vote on them yet today. They are very, very pertinent to what is going on in the country.

I do not believe that the issue of S. 2 per se is the burning issue out around America. It is a burning issue for a very, very few people who seek more political power. Some of the big newspapers would like to select and have more influence on who they select to be U.S. Senators.

It certainly might be an advantage, as I said earlier on this floor, for the Democratic Party to limit spending and have the incumbency. It certainly is going to be a favorable thing for incumbents to limit how much money can be spent because a Senator will be able to make more news than a challenger.

Our system may not be perfect, but I look around the rest of the world and recognize that we have a constitutional system. If we had a parliamentary system in this country like Great Britain, for example, where you call an election in 6 weeks, that would limit spending. There would not be time to spend so much money.

But in the 1986 campaign, my opponent was a sitting Governor who knew I would be up for election in November 1986. He started running the day he was reelected Governor in 1982 and ran for the U.S. Senate for 4 years. He used all of the power that goes with the Governor's office to run for the Senate. It is a free country. I did not complain about it, but it is a fact. The Senate Chamber is full of former Governors, people who were able to make news in their States and keep themselves in the public eye and then run for the U.S. Senate.

There is nothing wrong with having former Governors in the Senate.

But the fact of the matter is that Governors can generate millions of dollars worth of free publicity and free advertising for themselves. They have the State airplane, they have the State police, they have State transportation, they can have press conferences in every town in the State and be close to those locations. So they have a great advantage in running for office. Now we are going to limit what the opposition can spend.

Mr. President, we have a Constitution. If people think there is too much money spent on Senate races we could repeal the amendment to the Constitution and let the legislatures appoint the Senators. I do not think that would get many votes in this Chamber, but that is one thing that could be done. Let the legislatures appoint the Senators, then you will not have big expensive U.S. Senate races. The money will be spent electing local legislators to see who they would want to appoint to the Senate. Maybe that would be more healthy for the country.

But let us not throw the baby out with the bath water. We have a great system. We should not be infringing on the freedom of speech and the opportunity for people to tell their stories. We should not transfer great political power from the U.S. Senate to give more power to a news media that already has a disproportionate amount of power in the decisionmaking process in this country. I think it would be unhealthy for the country. So I hope my colleagues will continue to vote down this cloture motion.

I yield the floor.

The **PRESIDING OFFICER.** Senator McConnell is recognized and has 6½ minutes remaining.

Mr. **McCONNELL.** I thank the Chair.

I want to thank my friend from Idaho for his outstanding contribution to this debate. He is, of course, correct when he says that the candidate who spends the most does not always win. The Senator from Kentucky was outspent by some one-half million dollars in 1984, and managed to defeat an entrenched, well-funded, incumbent opponent. Six out of the seven successful challengers to the Senate in 1986 were outspent almost 150 percent by their opponents. So it is flatly untrue to say that these offices are simply "for sale to the highest bidder." Candidates spend money to communicate their ideas; if their ideas aren't popular, then big spending will only hasten their defeat.

Mr. President, what issues have been before this country in the last 4 months? In this body, we have wasted nearly 20 days on S. 2. We all know that the real issues concerning our Nation are languishing. We have not passed a single appropriations bill yet. We have budget matters to resolve. We have a Supreme Court Justice to confirm. I might add as well that we have a lawsuit crisis that America demands an answer to. And yet we are still hashing out S. 2: A bill that few understand and many don't want.

What is this bill all about? Mr. President, this is a bill to limit the freedom of expression and popular participation in government. It cuts out the voice of middle America by building a wall of limits around Washington. Yet it pays lip service to the public's legitimate concern about special interest money in campaigns: Political action committees and under-the-table "soft money."

I think it is clear that the overwhelming majority of people on this side of the aisle, and a few reasonable Members on the other side, are not going along with such an antidemocratic, and antigrassroots proposal, under the guise of "campaign finance reform." Mr. President, S. 2 is not campaign finance reform. It is classic special interest legislation, except the special interest here is ourselves: Insulating our incumbencies from attack, lessening our fundraising burden by dumping it on the backs of the American taxpayer.

Clearly, it is time for the obstructionists on the other side of the aisle to abandon their antinegotiation, procloture stance, and begin to consider our overtures to reach a meaningful, bipartisan reform bill that shows how we are all serious about campaign finance reform. Let there be no mistake: A vote for cloture is a vote against campaign reform, because S. 2 has nothing to do with the public's real reform concerns; further, it is an unpassable bill: It will either stagnate here or be vetoed by the President. A vote against cloture is a vote for negotiation, for open amendments, for devising a bill that will pass unscathed. A vote against cloture is a vote for reforms that the public is truly concerned about; it is a vote for measures which we can all support.

We are willing to support statutory elimination of the millionaires' loophole. We are willing to support curbs on PAC contributions. If there is any interest in this issue at all, it is over the dominance of PAC contributions in campaign finance. We can deal with that. We can do something to reduce the cost of television advertisements. All of these proposals add up to real campaign finance reform.

I think that it should be clear to the other side of the aisle by this point that we cannot support a measure that is out to destroy the Republican Party by taking away the support it has earned from mainstream America, from the grassroots level; or a measure which tries to bolster the money base of the Democratic Party, which is largely labor unions, PAC's, and wealthy individuals. Make no mistake about it, Mr. President, that is what this debate is all about. True campaign finance reform comes about when you sit down on a bipartisan basis, and address issues upon which we can all agree. But S. 2, in the first version, second version, and third version, is designed to enhance the advantage of the Democratic Party and to slash the advantage of the Republican Party. Now that is not campaign finance reform, Mr. President. S. 2 is both pro-Democrat and antidemocratic, and we cannot accept it, as Republicans or as believers in a democratic republic.

When the majority wants to sit down and write a bipartisan proposal, we are ready, as we were back in May and June and on any of the 20 days that we have spent on this issue.

The distinguished majority leader is, of course, without peer as a poet in this body. Around his poem he weaved a complaint about the time involved in raising early money and how it interfered with the business of the Senate. There are indeed plenty of hurdles bogging down the Senate. I sympathize with the majority leader, having to clear those various hurdles in order to get the Senate's business done.

But, in the opinion of the Senator from Kentucky, campaign fundraising is not disrupting the business of the Senate. Consider if you will the class of 1990, which would be early fundraisers at this point, since those who are up in 1988 should be raising money now. If you look at the funds raised by the class of 1990 through the end of last year, the most recent figures we have available, 17 of 33 people who would be up in 1990 have raised less than $100,000; 24 have raised less than $200,000, and only 9 have raised more than $200,000, in the first 2 years of their terms. This includes, by the way, leftover funds from previous election campaigns. Clearly, there is not the extent of early fundraising which the distinguished majority leader has expressed concern about. Campaign spending is not at a level that necessitates constant fundraising activity; and, in fact, we don't fundraise that obsessively in this body.

Obviously, those who are facing a contest in 1988 are spending a lot of time preparing their campaign war chests. There is no question about that, and it is not wrong for them to do so. After all, we do not own these seats. Occasionally we have aggressive challengers who force us to be more active, more aggressive, and more in touch with our main fundraising source: The voters. If the distinguished majority leader is having to raise money for his contest next year, it must be because he faces a strong challenger. That is not bad for the people of West Virginia; let them participate in their government. Let them have an opportunity to see both sides expressed. Let them contribute freely to whomever they believe in. That is the rough-and-tumble of American politics, and we shouldn't put a suffocating lid on it.

In the so-called good old days that S. 2's supporters hark back to, we had a simpler life; we went down to the courthouse steps and people came to hear us make a speech. Well, some of us still do that. We do not have huge crowds any more, however, because everybody is watching television on their free time. What has driven up the cost of campaigns and the amount of money raised is, of course, the importance of using the most effective means of communication in the modern age, and that is television. That is not bad; in fact, there have been some tremendous benefits for our democratic system. It is better that voters form their own opinions on the basis of television-communicated information, rather than rely on some ward boss or union boss or company official who tells you how to vote. Voters are now able to make an independent judgment, and that results in better representation. Certainly, the television-based campaign costs us all a lot more. But in democratic elections, as in everything else, you get what you pay for. S. 2 would simply make the taxpayers pay the costs of democracy; but like any other government program, the government subsidy on democracy would pale in comparison to what free individuals give now, totally voluntarily.

So, Mr. President, in summary, we should close debate on S. 2. It is a shallow, destructive bill. It would cost taxpayers, even in its third revised form, up to $150 million every cycle, in Senate and House elections combined. It creates an entitlement program for politicians, when we have doubled the national debt in the last 6 years. It was one thing to give handouts to Presidential hopefuls; but to start soaking up taxpayers' hard-earned money ourselves is a most selfish and cynical act. Instead, we ought to sit down and write a truly bipartisan measure that could pass this body 90 to 5.

So, Mr. President, I hope that the cloture will not be invoked. I see that the distinguished Republican leader is on the floor and I yield to him.

Mr. DOLE. Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty seconds.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas, the Republican leader is recognized.

Mr. DOLE. Let me indicate, Mr. President, I think this matter is serious. I see the distinguished Senator from Oklahoma is on the floor. The Senator from Kentucky has been leader on this side of the aisle.

I introduced a bill last evening which I hope Members and staff will look at. We tried to have an objective critique of S. 2, the present version of S. 2; and also introduced a bill which in many respects is similar to the Boren-Goldwater bill of last year.

As I think the distinguished Senator from Kentucky just said, we would like to have a bill that would pass here 95 to 0, or whatever. I do not think cloture will be invoked today. Maybe it will be invoked the next time. Maybe not.

But this is just one issue where we just have fundamental differences. However, I do not think they are so wide that we cannot find some common ground. I just say that I am willing to assist.

As I have gone around the country, people show up with little signs that say "Stop the filibuster on S. 2." And I say, "Which one? S. 2-1 or S. 2-2 or S. 2-3?"

Well, they have not gotten that information yet from Common Cause.

But, in any event, we need to have some campaign reform. We have been talking about bipartisan support, now, maybe for a year. Maybe nobody believes it, but I am still optimistic. I think, whenever the distinguished Senator from Oklahoma is prepared to, maybe we can get two or three together on this side and maybe two or three together on that side. We are ready.

CLOTURE MOTION

The PRESIDING OFFICER. The time for debate under the unanimous-consent agreement having expired, pursuant to rule XXII of the Standing Rules of the Senate, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute, as modified, to S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multi-candidate political committees, and for other purposes.

Senators David Boren, John F. Kerry, Brock Adams, Jeff Bingaman, J. James Exon, John C. Stennis, Harry Reid, Alan Cranston, Barbara Mikulski, Terry Sanford, Robert C. Byrd, Dennis DeConcini, Wyche Fowler, Jr., Wendell Ford, John Melcher, Bob Graham, and Daniel K. Inouye.

WAIVER OF AUTOMATIC QUORUM CALL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute as modified for S. 2, a bill to amend the Federal Election Campaign Act of 1971, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore] and the Senator from West Virginia [Mr. Rockefeller] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. Gore] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. Murkowski], the Senator from New Hampshire [Mr. Rudman], and the Senator from Virginia [Mr. Warner] are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia [Mr. Warner] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 42, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—53

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Sanford
Sarbanes
Sasser
Simon
Stafford
Stennis
Wirth

NAYS—42

Armstrong
Bond
Boschwitz
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Nickles
Packwood
Pressler
Quayle
Roth
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Weicker
Wilson

NOT VOTING—5

Gore
Murkowski
Rockefeller
Rudman
Warner

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mrs. KASSEBAUM. Mr. President, I want to briefly explain why I have decided to support cloture today on S. 2 to revise our campaign finance laws.

As many Senators know, I have long supported legislation to reduce the amount of money that political action committees can contribute to candidates for Congress. In fact, I have always limited PAC contributions to my own campaigns to the same level allowed for individuals. I also have supported an overall spending limit on congressional campaigns so that our elections are not unduly influenced by excessive spending.

In seeking to put these goals into law, it is essential that we be mindful that changing one part of the political equation can have profound, and sometimes unintended, effects on other parts of the equation. For example, PAC's, the subject of our present concern, were created in the last reform effort in order to address abuses taking place at that time.

Given this problem with unintended effects, I had serious reservations about the original version of S. 2. In particular, I was concerned that direct public financing of congressional campaigns would not only create a wholly new Federal spending program but could work to erect a new barrier between candidates and voters.

In effect, public financing would mean that candidates would not have to depend on individual contributions to support their campaigns, they could simply draw funding from the Federal Government. To me, this would be yet another step backward from true grassroots political campaigns.

In an effort to address this concern, Senators Boren and Byrd have modified S. 2 to allow public financing only after one of the candidates for a congressional office has exceeded the voluntary spending limit. While this change does not entirely eliminate my concern about the issue of public financing, I believe it represents a good-faith effort to address the concern that I and others have expressed and is a step forward.

At this point, I cannot support S. 2 in its current form because of its public financing provisions. I also have a broader concern that S. 2 could have serious unintended side effects by increasing the influence of PAC's and other groups.

By setting voluntary limits on congressional candidates and limiting direct PAC contributions, S. 2 may encourage PAC's to engage in even more independent expenditures, either for or against specific candidates, with even greater impact. Senate bill 2 attempts to address this problem, but I am not convinced it does so in an effective way. In fact, I am not sure there is an effective way to address the problem of independent expenditures and that should trouble all of us.

Despite my reservations about specific parts of S. 2, I believe it is essential for the Senate to address this issue. I therefore support cloture so that we can begin debating specific provisions of the bill. I will support efforts to make several changes, and I hope a bipartisan compromise can be reached in that process.

CLOTURE MOTION

Mr. BYRD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 2, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

Senators Brock Adams, John Glenn, David Boren, Jim Sasser, Tom Daschle, John F. Kerry, Wyche Fowler, Jr., Christopher Dodd, Wendell Ford, Terry Sanford, Edward M. Kennedy, Robert C. Byrd, Dennis

DeConcini, Bob Graham, John Melcher, Claiborne Pell, and John C. Stennis.

Mr. BYRD. Mr. President, may I have the attention of Senators?

The PRESIDING OFFICER (Mr. Wirth). Senators will please take their seats, and the Senate will be in order.

Mr. BYRD. Mr. President, the vote on cloture today shows a net gain of two over the past high watermark. There were 53. Mr. Gore is absent, and that is a vote for cloture, so this would mean that we would have 54 votes. With Senator Rockefeller, it would have been 55 votes. We are getting closer. There will be another cloture vote on Tuesday of next week, a cloture motion already having been entered.

Mr. President, the pending amendments—one dealing with Contra aid, the other dealing with the Monroe Doctrine—are perhaps meritorious within their own right. I do not seek to denigrate the amendments or the authors of the amendments. But it is eminently clear that they have nothing to do with campaign finance reform. They are all right in their place, and there will come a day when the Senate, in all likelihood, will be discussing, again, Contra aid.

Up to this point, may I say, the debate, throughout these several weeks since the Senate has been on S. 2, has been to the point and has been good. There has been good debate on both sides of the aisle, from those who oppose S. 2 as well as those who support S. 2.

Now, however, we see an effort to continue to prolong the filibuster by bringing up amendments that are obviously nongermane, so nongermane that they will fall in the event cloture is invoked. Now that we are getting to that stage of events, I think we might as well change the subject still further and shift the debate to the Department of Defense authorization bill.

I shall make a motion to proceed to the consideration of the Defense authorization bill, and that would be debatable. Senators will have an opportunity to debate that motion. I will offer a cloture motion on the motion, so that next Tuesday, on the completion of the cloture vote on S. 2, if cloture is not invoked on S. 2 next Tuesday, then immediately thereafter, a vote will occur on the motion to invoke cloture on the motion to proceed to the Defense Department authorization bill.

If, on the other hand, cloture is invoked next Tuesday on S. 2, then S. 2 will be the business of the Senate, to the exclusion of all other business, until action by the Senate is completed on S. 2; and nongermane amendments then pending, such as the Contra aid amendment and the Monroe Doctrine amendment, would fall.

So the stage is now set for another vote on a motion to invoke cloture on S. 2, and I hope that the Senate will invoke cloture on S. 2 next Tuesday. But in the event that it does not, the Senate will have a fourth opportunity—and, by the way, that will be the seventh opportunity on S. 2. I will have tried seven times to invoke cloture on S. 2, and there never has been an effort that has gone that far, certainly not beyond that. It may have been that on one previous situation and on another matter I may have tried for cloture seven times, but I am not absolutely sure. In any event, we will certainly try again on Tuesday next.

S. 2 will go back on the calendar in case cloture is not invoked next Tuesday, but it will be there for a revisit. It can be revisited next year or later this year. I suggest to all Senators that they not feel or believe or be deluded in their thinking to the view that it is all over, that there will be no more efforts made on S. 2 in the remainder of this Congress, because there, indeed, will be more.

There may be those who earlier felt that Senator Boren and others and I would not try as long and as persistently as we have tried; but we have done our best, and we hope that next Tuesday will culminate in a favorable conclusion to our efforts. But they need not think that by rejecting cloture next Tuesday, if it is indeed rejected, that it will be the end of S. 2 in this Congress.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Members wishing to converse will please retire to the Cloakroom.

Mr. BYRD. Mr. President, I assure the Senator from Oklahoma, Mr. Boren, who has been the prime mover, the mainstay, the stalwart, the cornerstone in the effort to move S. 2, that S. 2 will be revisited on another day.

Mr. President, I give the Senator that assurance, because it may come to pass that the stone that the builders have rejected will yet become the head of the corner. We will try again next Tuesday.

Then we are going to try on the Defense authorization bill for the fourth time. We have had three cloture votes on the motion to take up the defense authorization bill. We have had three cloture votes, and we got to within one vote of cloture. I hope that on next Tuesday we will be able to get that additional vote on cloture.

I urge all Senators to be present next Tuesday, because there is going to be at least one very important cloture vote, a cloture vote on S. 2. If that vote should carry and cloture should be invoked, then, as I have said, S. 2 will be the business before the Senate, to the exclusion of all other business, until action is completed thereon, in which event there would be only that one cloture vote that day.

Otherwise, there will be an immediate second cloture vote on Tuesday—that being on the vote to take up the Defense bill.

Mr. BOREN. Mr. President, will the Senator yield?

Mr. BYRD. In a moment.

If cloture is invoked on the motion to take up the Defense authorization bill, I do not know how long Senators would then persist before voting on that motion to take up the bill, but they may be constrained not to delay action further and to go on the bill. Those who have amendments to it, let them offer those amendments.

Before I yield, I will offer the cloture motion on the motion to proceed to take up the Defense Department authorization bill, after which I will yield to the distinguished Senator from Oklahoma who has asked me to yield.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, I move to proceed to the consideration of Calendar Order No. 120, S. 1174, the bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense and for other purposes, and I offer a cloture motion on the motion.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1174, a bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Senators Robert C. Byrd, Kent Conrad, Harry Reid, J. Bennett Johnston, Barbara A. Mikulski, Terry Sanford, Alan J. Dixon, Max Baucus, Pat Leahy, Lloyd Bentsen, Quentin Burdick, John Melcher, John D. Rockefeller, Jeff Bingaman, Carl Levin, and J.J. Exon.

SENATE AGENDA

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I will just say one word. I do not know that I disagree with the distinguished majority leader. As I said prior to the cloture vote, I have been told by the distinguished Senator from Oklahoma that he will take a look at some of the material we put in the RECORD last evening. I would guess, unless I have not calculated correctly, that there probably could be cloture invoked on the motion to proceed to the Defense authorization bill.

As far as I know, these are the only two issues where we have had this kind of loggerhead. If we have another cloture vote on S. 2, it will be the seventh cloture vote, which I understand will be a record or at least a record back to 1919. And it would be the fourth cloture vote on Defense authorization.

Mr. BYRD. The fourth.

Mr. DOLE. I am not certain what could happen between now and next Tuesday. But I would say to the majority leader that I will make an effort to see what we can get done in that time.

I think what happens on these two measures might well determine how long we are going to be around this year. I would hope all my colleagues on both sides will be focusing on that. I think there is some indication that, if in fact there is going to be an effort to do certain things and then adjourn, it might have some bearings on how these two particular matters are treated.

There is no linkage. But as I understand, it is not the desire of the majority leader to stay here all year, although he is prepared to do it. On S. 2 we have a fundamental difference. There are just some provisions of that bill that we do not believe are in the interest of the two-party system. We have had excellent debate on this side, the distinguished Senator from Kentucky, Senator MCCONNELL, and the distinguished Senator from Oregon, Senator PACKWOOD, and Senator STEVENS and others have spoken eloquently. I have told the ranking member on Armed Services that the motion to proceed is pending on the DOD authorization bill, and he is now on his way to the floor.

Mr. BYRD. Mr. President, will the distinguished minority leader yield with the indulgence of the distinguished Senator from Oklahoma?

Mr. DOLE. I yield.

Mr. BYRD. I wonder if it would be possible for the Senate to be making headway toward wrapping up our work at the end of the year at an earlier date than might otherwise be the case if we could get up today and tomorrow some important legislation that it is my intention to make every effort to get before the Senate and have it acted on before the Senate goes out sine die? One of such bills is the catastrophic illness legislation.

I have sought to get this bill up before and the distinguished minority leader has tried to assist me, but there has been an objection or objections on his side of the aisle heretofore before the recess and it was indicated at that time that following the recess Senators on that side who had objection to proceeding to the bill at that time might well have been able to resolve their problems with the legislation and would be willing to let the Senate go to that bill.

So I am asking the distinguished Republican leader if I may go to that bill at this time now that the recess is over, and I will ask unanimous consent after a moment to take up S. 1127, a bill to provide for Medicare catastrophic illness coverage. If we take that bill up today we could make headway on it today and tomorrow, and we would have our cloture votes next Tuesday, which have already been discussed.

Would the distinguished Republican leader be in a position to get clearance on his side of the aisle that we might take up that bill today?

Mr. DOLE. Let me indicate to the majority leader that this matter was discussed this morning at a White House meeting with myself, Senator Baker, the chief of staff, Congressman MICHEL, the Republican leader in the House, and others. Senator Baker indicated he would be willing to convene a meeting of Republican members of the Finance Committee in an effort to see if we could resolve one or two issues. I have indicated to the chairman of the Finance Committee, and I think the ranking member, Senator PACKWOOD has as well, that we are prepared to bring it up. There were a number of people who objected to bringing it up before the recess. I would indicate to the majority leader, if he would give us time, we will make a try between, say, now and 2 o'clock or 2:30 to see if we could bring it up without any meeting at the White House. If that is not possible, then he could make his request. Would that be satisfactory?

Mr. BYRD. Yes. That is very agreeable with me.

Mr. President, I appreciate the willingness of the Republican leader to do whatever he can to advance the bill along.

I hope that Senators who have been objecting on the other side will not object. And while I welcome the good offices of our distinguished former Republican leader of the Senate, Mr. Baker, and we would like to see his assistance in the matter, I hope we will not hold up the action of the Senate waiting on the White House. There has been ample time during the last month for the White House to have done these things to which the Republican leader refers. I will make the request this afternoon in accordance with the suggestion of the Republican leader that I wait and then we can debate during the remainder of the afternoon the Department of Defense authorization bill or the motion to proceed thereto or we can go with the catastrophic illness bill.

Mr. President, the distinguished Republican leader has indicated that the following measure is cleared on his side of the aisle. It is cleared on our side of the aisle.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ATMOSPHERIC AND SATELLITE PROGRAM AUTHORIZATION ACT OF 1987

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 304, S. 1667, with the understanding that there will be no amendments thereto.

The PRESIDING OFFICER. The clerk will report the measure.

The assistant legislative clerk read as follows:

A bill (S. 1667) to authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise today to discuss and support passage of S. 1667, a bill to authorize the atmospheric and satellite programs of the National Oceanic and Atmospheric Administration. This legislation reauthorizes the funding and activities of the National Weather Service, and National Environmental Satellite, Data, and Information Service and the Office of Oceanic and Atmospheric Research for fiscal years 1988 and 1989. S. 1667 is one in a series of bills which together provide a comprehensive authorization for NOAA.

NOAA's atmospheric activities center in large part around the responsibility to provide routine and severe weather forecasting services and to monitor and predict climatic trends. To understand the critical importance of these programs, we must fall back on the ages-old pastime of discussing the weather.

In recent years, NOAA weather-related activities have raised the quality of that discussion considerably. A glance at weather statistics indicates that money authorized and appropriated in this area has been money well spent. In the area of severe storm warnings, the agency's effort to improve forecasting and increase public hazard awareness has saved hundreds of lives. For example, in the United States from 1970 until 1979, tornadoes killed an average of 100 people each year. By contrast, since 1980 annual fatalities have been reduced to less than a third of that number, although the incidence of tornadoes has remained about the same. This drop can be attributed to more accurate warnings provided further in advance by the Weather Service, as well as to increased public awareness and confidence in those forecasts.

Similar dramatic reductions have been achieved for losses due to hurricanes. In the 1950's and 1960's, hurricanes claimed 60 to 70 American lives each year. Such tragic losses have been halved in recent years through improvements in forecasting and warning systems. Two years ago, in 1985, meteorologists recorded the largest number of hurricane strikes along our coasts in at least 20 years. Yet, despite over $4 billion in property damage, deaths were held to 28. Hurricane Elena alone forced evacuation of more than 1.7 million people from the coasts of the eastern gulf and destroyed billions of dollars of property; however, loss of life was prevented. If we are to expect this commendable record to continue, NOAA's efforts to protect human well-being and minimize weather-related losses must be recognized and adequately supported. S. 1667 provides such support.

Additional forecasting improvements are expected from the ongoing Weather Service modernization program for which authorizations are continued in this legislation. S. 1667 provides fundings for NOAA's part in the acquisition of new and long overdue weather radars to replace the existing, antiquated radar system. I understand that implementation of this advanced technology should increase tornado warning times from the present average of 1 to 2 minutes advance warning to 20 to 30 minutes, as well as reducing the number of false alarms. S. 1667 also provides for acquisition of new, integrated, continuous weather observation and processing systems which will go hand in hand with radar improvements in increasing the accuracy and dependability of local weather forecasts.

Over the years, the National Weather Service has been a leader in developing modern weather forecasting services. I am sure that many of my colleagues share my concern over recent newspaper reports stating that U.S. weather forecasters are lagging behind European competitors in some types of weather prediction. The comprehensive, and yet fiscally responsibile, funding levels provided in S. 1667 should take a large stride toward enabling the United States to regain that traditional leadership and improve national competitiveness in weather forecasting.

This legislation also focuses increased attention on understanding and predicting climatic changes which occur over longer periods of years, decades, and even centuries. One example of this focus is the TOGA program, a 10-year international study of the interannual variability of the tropical oceans and global atmosphere. The primary goal of TOGA is to improve our ability to predict short-term climate changes associated with the ocean warming of El Nino events. From 1982 to 1983, such a warming triggered climatic changes which included droughts in Africa and Australia and severe storms in South America. Resulting economic losses were estimated conservatively at $5 billion in the United States and more than $20 billion worldwide. Although the TOGA program has been underway for less than 3 years, it has already made some progress toward understanding and predicting El Nino. Researchers and policymakers hope that the ability to predict such events could permit planning to minimize economic losses and more than offset program costs. Support for this and similar programs represents a sound and responsible Federal investment.

Other NOAA research programs are making important contributions to development of comprehensive policies which respond to such long-term problems as global warming and stratospheric ozone depletion. At this time, NOAA researchers are participating in an expedition to uncover the secrets of the Antarctic ozone hole. In addition, long-term monitoring programs provide information on changes in atmospheric carbon dioxide, ozone, and other trace gases. This information will be vital to understanding and evaluating possible climatic changes from global warming.

S. 1667 also authorizes funding and activities required for NOAA's satellite observing system. These activities include spacecraft procurement, launch and ground station operations for polar-orbiting and geostationary environmental satellites and land remote-sensing satellites. Funding for environmental data and information services is also provided. This data management is critical for ensuring that the Federal Government does not become merely an "attic" for unusable and unreachable environmental information.

S. 1667 authorizes appropriations of $848.2 million for fiscal year 1988 and $1 billion for fiscal year 1989 to fund NOAA's atmosphere and satellite programs. In addition, it achieves an effective balance among NOAA's responsibilities with respect to weather and climate. Short-term forecasting needs are balanced against the need to establish a sound scientific basis for policy decisions responding to long-term climatic changes.

An old adage points out that everybody talks about the weather but nobody does anything about it. Today I offer my colleagues the opportunity to "do something" about the weather—I urge you to join me in supporting S. 1667.

Mr. PRESSLER. Mr. President, I rise in support of S. 1667, which authorizes the satellite and atmosphere programs of the National Oceanic and Atmospheric Administration [NOAA] for fiscal years 1988 and 1989.

Mr. President, before I comment on the substance of this bill, I would like to express my appreciation for the considerable time and effort that Senator HOLLINGS, the chairman of the Commerce, Science, and Transportation Committee, and Senator KERRY, who is also on the Commerce Committee, have devoted to the development of this bill. I commend both of them for their diligence and insight in crafting a bill that is responsive not only to the critical requirements of NOAA's satellite and atmosphere programs, but also to the pressures of our Federal budget deficits.

S. 1667 authorizes $848.2 million for fiscal year 1988 and $1.016 billion for fiscal year 1989 for the National Weather Service [NWS], atmospheric research activities, and the National Environmental Satellite, Data, and Information Service [NESDIS]. It is worth noting, also, that, with the exception of the two accounts that support the procurement of NWS systems and the procurement of weather satellites, the fiscal year 1989 authorization is based on a 4-percent inflationary increase over the fiscal year 1988 level.

Of particular significance in the NWS authorization is the provision of $86 million in fiscal year 1988 and $130.8 million in fiscal year 1989 for the continued development, acquisition, and implementation of three major NWS public warning and forecast systems. These three systems—the next generation radar [Nexrad], which is a joint program with the Federal Aviation Administration [FAA] and the Air Force; the automated surface observing system [ASOS], which is jointly sponsored with the FAA; and the advanced weather interactive processing system [AWIPS]—are crucial to the modernization of the NWS and to the timely weather and flood prediction and warning services throughout the country.

As for the atmospheric research authorization, this bill provides $84.6 million for fiscal year 1988 and $88 million for fiscal year 1989, most notably for research related to the development of improved weather forecasting technique. One element of this research that holds great promise is the program for regional observing and forecasting services [PROFS], which is expected to improve short-range forecasting by utilizing computer-assisted data display and synthesis techniques. Another important element of this atmospheric research authorization supports activities related to improving our understanding of environmental systems and phenomena, such as the greenhouse warming effect and stratospheric ozone depletion.

Finally, Mr. President, this bill authorizes $338.9 million for fiscal year 1988 and $440.5 million for fiscal year 1989 for NESDIS activities related to NOAA satellite oberving systems and data management. These activities include, among other things, spacecraft procurement, launch, and associated ground systems changes for the polar orbiting and geostationary environmental satellites and land remote sensing satellites.

This NESDIS authorization is significant in that it provides $30.7 million in fiscal year 1988 for the continued operation of Landsats 4 and 5. Originally, the administration failed to include funding for the continued operation of Landsats 4 and 5 in its fiscal year 1988 budget submission because the two satellites were expected to expire by March of this year. Yet, both satellites have surpassed their respective design lives and should continue to operate into and through fiscal year 1988. For this reason, this bill authorizes new funds for the continued operation of this critical satellite land remote-sensing system.

Mr. President, this NESDIS authorization also provides funding for the establishment and operation of the National Land Remote Sensing Data Archive, which is a key element in the Land Remote-Sensing Commercialization Act of 1984. The fiscal year 1988 authorization of $8 million for this data archive is comprised of $4 million from the $30.7 million authorization for Landsat operations and another $4 million earmarked specifically for the establishment of the data archive. In addition to the authorization of $8 million in fiscal year 1988, this bill provides $14.6 million for the data archive in fiscal year 1989. The authorization of the data archive reflects the importance of a formal archiving capability to the long-term preservation of land remote-sensing data, along with the recognition that NOAA is the appropriate agency to fund this effort.

Mr. President, NOAA's satellite and atmosphere programs provide a unique service to our Nation. Not only do they support important research related to our atmosphere and to weather forecasting techniques, but it also performs the critical service of collecting weather and other environmental data from a host of sources and disseminating this data in the form of timely and accurate weather predictions. This is an operational service that we often take for granted. Yet, the importance of these functions cannot be overstated. Therefore, I urge my colleagues to support this legislation which will enable NOAA to build on its excellent record of research and operational service.

The **PRESIDING OFFICER.** Is there further debate on the measure? If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act of 1987".

TITLE I—NATIONAL WEATHER SERVICE

OPERATIONS AND RESEARCH

SEC. 101. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service under law, $311,568,000 for fiscal year 1988 and $324,031,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to National Weather Service operations and research specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving such duties. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

SYSTEMS ACQUISITION

SEC. 102. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast systems duties under law, $86,000,000 for fiscal year 1988 and $130,800,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to public warning and forecast systems specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving such duties. Such duties include the development, acquisition, and implementation of major public warning and forecast systems.

(b) In procuring information processing and telecommunications services of the National Oceanic and Atmospheric Administration for the Advanced Weather Interactive Processing System, the Secretary of Commerce may provide, in the contract or contracts for such services, for the payment for contingent liability of the Federal Government which may accrue in the event that the Government decides to terminate the contract before the expiration of the contract period. Such contract or contracts for such services shall limit the payments which the Federal Government is allowed to make under such contract or contracts to amounts provided in advance in appropriation Acts.

TITLE II—ATMOSPHERIC RESEARCH

CLIMATE AND AIR QUALITY RESEARCH

SEC. 201. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties under law, $40,246,000 for fiscal year 1988 and $41,856,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to climate and air quality research specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture," approved October 1, 1890 (15 U.S.C. 311 et seq.), the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes," approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving such duties. Such duties include interannual and seasonal climate research, long-term climate and air quality research, and national climate program.

(b) Of the sums authorized under subsection (a) of this section, $2,104,000 for fiscal year 1988 and $2,188,000 for fiscal year 1989 of this section are authorized to be appropriated for activities under the National Climate Program Act (15 U.S.C. 2901 et seq.).

ATMOSPHERIC PROGRAMS

SEC. 202. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties under law, $44,404,000 for fiscal year 1988 and $46,180,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric research specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and by any other law involving such duties. Such duties include research for developing improved prediction capabilities for atmospheric processes, as well as solar-terrestrial services and research.

TITLE III—NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE

SATELLITE OBSERVING SYSTEMS

SEC. 301. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties under law, $338,900,000 for fiscal year 1988 and $440,500,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to satellite observing systems specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and by any other law involving such duties. Such duties include spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary environmental satellites and land remote-sensing satellites, as well as the operation of such satellites.

(b) The authorization provided for under subsection (a) of this section shall be in addition to moneys authorized under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) for the purpose of carrying out such duties relating to satellite observing systems.

ENVIRONMENTAL DATA MANAGEMENT

SEC. 302. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $27,047,000 for fiscal year 1988 and $32,717,000 for fiscal year 1989. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other involving such duties. Such duties include climate data services, ocean data services, geophysical data services and environmental assessment and information services.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the distinguished Republican leader has to proceed as he indicated. I will not make a request to go to the catastrophic measure today prior to 2:30 p.m. In the meantime, I would suggest that Senators may debate the pending motion or may speak on any matter of their choice.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there may be a period for morning business not to extend beyond 1 o'clock today and that Senators may speak therein each for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, we will return to the subject matter of catastrophic illness at 2:30 today or very shortly thereafter.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATORIAL ELECTION CAMPAIGN ACT

AMENDMENT NO. 676, AS MODIFIED

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to modify my pending amendment to S. 2.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Mr. President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Add at the end of the bill the following new section:

"SEC.   . The Sum of $270 million dollars is authorized to be appropriated for military assistance to the Nicaraguan Democratic Resistance for the period ending March 31, 1989; provided, however, that the funds authorized to be appropriated by this section shall not be obligated or expended if the President, on or before September 30th, 1987, shall have certified to Congress the following:

1. That there be no Soviet, Cuban or Communist bloc bases established in Nicaragua that pose a threat to the United States and other democratic governments in the hemisphere.

2. That Nicaragua pose no military threat to its neighbor countries nor provide a staging ground for subversion or destabilization of duly elected governments in the hemisphere.

3. That the Nicaraguan government respect the basic human rights of its people including political rights guaranteed in the Nicaraguan constitution and pledges made to the OAS—free speech, free press, religious liberty and a regularly established system of free, orderly elections.".

Mr. HELMS. Mr. President, while I have the floor, I would indicate that a number of Senators have voluntarily come forward to cosponsor my amendment. Listing them alphabetically, they are: The distinguished Senator from Colorado [Mr. ARMSTRONG], the distinguished Senator from Utah [Mr. HATCH], the distinguished Senator from Nevada [Mr. HECHT], the distinguished Senator from Alabama [Mr. HEFLIN], the distinguished junior Senator from Alabama [Mr. SHELBY], the distinguished Senator from Idaho [Mr. SYMMS], and the distinguished Senator from South Carolina [Mr. THURMOND].

Mr. President, I ask unanimous consent that they be listed as cosponsors to the amendment, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. REID assumed the chair.)

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROFITS BEFORE PUBLIC INTEREST: THE BROADCASTERS' RECORD

Mr. WIRTH. Mr. President, just before the August recess, my friend and colleague, Senator LAUTENBERG from New Jersey, and I introduced the Children's Television Education Act of 1987. This bill is similar to legislation which I introduced for a number of years in the House of Representatives and was introduced by Senator LAUTENBERG on the Senate side.

The effect of this legislation is to urge and require broadcasters to fulfill their public interest responsibilities. As Senators know, when a broadcaster receives a license from the Federal Government, the FCC grants that license, allows that broadcaster to use the scarce spectrum, and precludes anybody else from using that. In effect, that is a monopoly grant from the FCC and a very valuable grant of monopoly power from the Government to the private user of the spectrum.

The broadcaster does not pay the taxpayer or pay the public or pay the Government for the use of that. That is a free grant. The broadcaster, however, is required, under the Communications Act of 1934, to exercise that broadcaster's public interest responsibility; and in return for the grant of that license, that monopoly power, the general public is to receive programming in the public interest.

Over the years, it has been assumed that that public interest programming would include public affairs programming, would include the fair presentation of issues; and since 1960, the FCC until recently, had required that that would also include programming for children, that there would be a focus and an effort by broadcasters to fulfill their public interest responsibility in part by programming for the young people of the country.

Unfortunately, since 1980, in the deregulatory mania which has swept the FCC, almost all the public interest responsibilities which broadcasters had heretofore assumed have been dropped by the FCC, including that for children's television, and we now find almost no programming on commercial television for the young people of this country.

This is at a time when it is remarkable that we are concerned about the general literacy of young people, we are concerned about the impact of television on young people, and we are aware that the young people in this country are spending more time in front of a television set than in the classroom by the time they graduate from high school; when we realize that another major influence in terms of education of the young has been added to the traditional influences of family, church, and school.

Despite that, we have, through the current FCC, diluted the responsibilities that broadcasters have.

The impact of Senator LAUTENBERG's legislation, which he and I put together, is to once again return to that requirement by broadcasters to broadcast within the public interest for the young people of the United States.

Fortunately, there are a few examples of the networks assuming some responsibility in this area. One of the most recent examples has been the Afterschool Specials put together by the ABC television network. One of the most important of these is the ABC Afterschool Special recently done, called "Just a Regular Kid: An AIDS Story." Unfortunately, that is an example of where the commercial interests of broadcasting once again overwhelmed the public interest. It was a recent example of dropping of that program by channel 9 in Denver.

I wish to share with my colleagues a statement by the most distinguished television critic of the Rocky Mount News, Mr. Dusty Saunders. He says:

DOLLARS DICTATE BUMPING OF TEEN SPECIAL ON CHANNEL 9

(By Dusty Saunders)

ABC Afterschool Special, television's most honored series for children and teen-agers, begins another season this afternoon with an exceptional program, Just a Regular Kid: An AIDS Story.

That's the good news.

The bad news: KUSA-Channel 9, the local ABC affiliate, won't air the show because it's in the same time period (3-4 p.m.) as the station's popular Oprah Winfrey Show.

Afterschool Specials has been one of the few worthy network contributions to this badly neglected area of programming since the series began in 1972. And this particular hour, previewed last month, keeps the standard flying proudly. The drama concerns a teen-ager, afflicted with AIDS as the result of a contaminated blood transfusion, and the impact the disease has on family, friends, school and community.

Yes, we've had an overload of AIDS discussions recently from every angle. But this hour opens a dialogue on a situation that health experts suggest could increase dramatically in future years. And the story is presented in terms youngsters can understand, while not condescending to adult viewers.

Several area teachers, alerted to the special by ABC literature, have voiced unhappiness with Channel 9's decision.

For example, Barb Urban, a teacher at Kunsmiller Middle School in Denver, had planned to use a videotape of the show as a class project later in the semester.

"I think it's a major disservice that Channel 9 is not airing the program," she said.

Why won't Channel 9 bump Winfrey's show for a day and air this important special? As usual, it's a matter of dollars. Channel 9, which just this week moved Winfrey from a 9 a.m. start to 3 p.m., believes the series must establish a regular audience viewing pattern.

Or as president and general manager Ken Tonning said: "We recently made a major move in our daytime programming schedule. We have to weigh the values of disrupting that afternoon schedule. It was a tough call, but we're going with Winfrey."

And ABC will not allow Channel 9 to air the show in another time period—a policy regarding the series that the network instituted several years ago.

Tonning said there's a possibility Channel 9 will air future Afterschool Specials in the Winfrey time period once Winfrey is established. Seven or eight more specials are scheduled. I'll make a point to remind him on a regular basis of that possibility.

This situation provides viewers with a crash course in television economics. Channel 9, which paid a bundle for the rights to the Winfrey show, needs the local commercial spots to pay the bills and make a profit. Like most commercial stations, Channel 9 is afraid to pre-empt such a series early in the season, feeling that the move could diminish the audience and hurt the revenue picture in the long run.

That's why it's called commercial television. And that's also why educators and critics get on a soap box when commercial broadcasters try to point with pride to their record of promoting and airing decent television for youngsters.

For the most part, that record is dismal.

Unfortunately, this is an example of where that record is dismal, and unfortunately we do not have an FCC that has any sense of balance of the responsibilities of broadcasters and the requirements that we, the public, ought to lay on those broadcasters for the grant of that very valuable commodity, the use of the spectrum.

On a related issue, Mr. President, I am happy to report that there are examples of very enlightened broadcasting. Recently, a very fine article appeared in the Boulder Courier on KGNU public radio, in Boulder, CO. I ask unanimous consent that that fine article, describing the activities and the enlightened approach taken by that broadcaster be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boulder (CO) Courier, Sept. 3, 1987]

KGNU GROWS UP IN THE 80'S

(By Mike O'Keeffe)

KGNU, Boulder County's public radio station, has grown up.

Now in its ninth year, the station has survived financial woes and a substantial lack of resources to emerge as one of Colorado's most exciting media outlets.

KGNU's diverse music programming and challenging public affairs programs are touching bases few media outlets dare to tread—the music is eclectic and definitely non-commercial, while the public affairs programming introduces Boulder listeners to issues few media outlets seem interested in until long after the rest of the pack catches up.

The station, at 88.5 on the FM dial, has emerged as a local medium-to-be-reckoned-with because it doesn't follow the same rules as everybody else. While Boulder's newspapers and other radio stations portray the city as the home of the White, rich, beautiful, athletic, and/or famous, KGNU shows the less glamorous—but more interesting—side.

The reason for that, said station manager Marty Durlin, is also the station's purpose: to give the public access to the media. "The station is programmed and supported by the community. It's reflective of the community."

That philosophy extends to both music and public affairs programming. Music director Paul Metters says he "lets DJs decide" what they want to play. "Being a community station," said Metters, "you have to serve as many parts of the community as you can."

"KGNU is an alternative. It fills in the holes other media is not touching," said Durlin. "And we don't cover things in the same way."

The station's diversity is both an asset and a liability, station personnel admit. Metters said the huge range of music the station plays can be confusing—if listeners are looking to play it safe. "If someone listens to KGNU a lot, it means they have an open mind. Not everybody will listen to KGNU, but when our programming is done intelligently, we can really show you something."

Perhaps that point is best exemplified by KGNU's gavel-to-gavel (or as public affairs director David Barsamian calls it, cadaver-to-cadaver) coverage of the Iran-Contra hearings. While most of the local media covered much of the hearings as news briefs relegated to a back page, or ignored interesting, important testimony entirely, KGNU—via the Pacifica radio network—broadcast the hearings from beginning to end.

The hearings revealed the inner workings of the "shadow government" which undertook a U.S. foreign policy independent of Congress and the public and "demonstrated the competency of elected and appointed officials," Barsamian said. While most of Colorado's media was absorbed by "Ollie-mania," only KGNU listeners heard one senator ask "Where's Brunei?"

For Barsamian, KGNU is at its best when it's "radio active," by offering a wide range of views and programs not found elsewhere that demand attention and action from listeners. That might mean call-in programs—radio is the only medium that can effectively receive public response sharply and instantly—or it might mean programming that challenges and stretches existing beliefs and ideas.

Many existing programs already do challenge convention; Barsamian and Durlin hope to sharpen existing programming and add new shows. "I'd like us to be more cutting edge and more progressive," Durlin said.

And so KGNU plans to go where few tread: upcoming programs will focus on Colorado's hazardous waste problems and the impact of mental illness on families and friends. At its best, the station tackles broad local issues thoroughly, and national issues intelligently.

The station lacks a cohesive local news gathering team, however, perhaps its greatest public affairs weakness. Durlin, who was the station's public affairs director before being promoted to the top job earlier this summer, organized a local news staff, but its efforts were pre-empted by the Iran-Contra hearings.

Barsamian vows to breathe new life into the news staff, which is limited by a lack of time ("it takes one hour to produce five minutes of programming") and equipment. Durlin, too, hopes to develop local news features that transcend the "rip and read" style favored by most radio stations. Barsamian is asking his producers to develop more investigative pieces, rather than depend on local newspapers for copy. "I'd like people to see us as a resource, and have people call us as news develops. We're not on the news map yet."

Future plans also call for the station to develop stronger cultural programming, both live and taped. "I'd like to see more poetry, drama, and humor," explained Durlin. "The pitfalls of community radio are a deadly seriousness, self-indulgence and disorganization. There's a real balance you need to maintain."

And, ultimately, many would like to see the station's signal boosted so it can reach Denver and its suburbs. Such a boost could reach hundreds of thousands of new listeners, and ultimately new members, giving the station a big boost in terms of dollars and community support.

A change like that would change the nature of the station, said Durlin, but for those who like KGNU the way it is, there's no need to fret. An increased signal—if approved by the KGNU board of directors, the FCC and other interested parties—lies down "a long, long road."

RECESS UNTIL 1:45 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:45 p.m. today.

There being no objection, the Senate recessed at 1:09 p.m. until 1:45 p.m.; whereupon, the Senate reassembled when called to order by Mr. REID.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, it was my intention to recess the Senate until about 2:30 p.m. today so as to give the distinguished Republican leader the time he has suggested he might need in order to possibly clear the catastrophic illness legislation for action today. I see the distinguished Senator from Rhode Island is present.

Mr. CHAFEE. Mr. President, I wonder if the distinguished majority leader might consent to going back to morning business. I have a statement and some legislation to introduce. I will be glad to then recess to whatever time the leader would choose.

Mr. BYRD. Very well. I will be happy to accommodate the distinguished Senator.

ORDER FOR MORNING BUSINESS AND RECESS UNTIL 2:30 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business for not to exceed 15 minutes, that Senators may speak during that period, and that the Senate then stand in recess until the hour of 2:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

(The remarks of Mr. CHAFEE appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. The time has arrived for a recess.

The Senate will stand in recess until the hour of 2:30 p.m.

The Senate, at 2:13 p.m., recessed until 2:30 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

RECESS UNTIL 3:01 P.M.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I am hoping that an agreement can be reached in respect to a resolution dealing with the Philippines. We may be able to get a rollcall vote on that today. For the moment, I think it is best that the Senate stand in recess for a while. Senator DOLE is involved in a meeting at the moment, as am I, and other Senators are as well.

Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate at 2:31 p.m., recessed until 3:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. Dixon].

ORDER OF PROCEDURE

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The majority leader is advised that the pending business is his motion to proceed to the consideration of the Department of Defense authorization bill.

Mr. BYRD. I thank the Chair.

Is it not the responsibility of the Chair, if no Senator seeks recognition, for the Chair to put the question before the Senate?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. Mr. President, I am not going to encourage that situation at the moment. But I must say that there is an important motion before the Senate, a motion to proceeed to take up the defense authorization bill. Debate on that matter has consumed the time of the Senate to some extent in days heretofore. I would hope that at this early hour of the afternoon, there would be Senators who would be discussing the motion to proceed; because, while I am not going to intentionally walk off the floor when I see no other Senator on it, thus providing the opportunity for the Chair to fulfill its responsibility to put the question, there come times when I cannot be on the floor, and if other Senators are not on the floor at that time, then the Chair has the responsibility to put that question.

We have seen that situation happen once during my 29 years in the Senate. Most of us try to accord the courtesy to other Senators not to take advantage of the situation and other Senators rely on us to protect them. They have always been able to count on me and I intend for them to continue to be able to count on me, but I may not be on the floor.

I would just urge Senators if they are interested in discussing this motion to come to the floor.

Mr. President, I am hoping that during the afternoon the Senate can vote on a resolution which is being developed by the distinguished Republican leader and myself and other Senators, the resolution dealing with the Philippine situation. I am hoping that we can get consent to take that up and vote on it this afternoon. It may have some meaningful impact on the situation in the Philippines.

I also am awaiting the distinguished Republican leader's finding as to what the developments are in connection with the request which I intend to make during the afternoon to proceed to the consideration of the catastrophic illness legislation.

So at this point I will suggest the absence of a quorum unless another Senator wishes to speak, and I would urge Senators to come to the floor and discuss the pending motion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFENSE AUTHORIZATION BILL

Mr. THURMOND. Mr. President, I want to refresh people's memories concerning this defense authorization bill.

Eight of nine Republican members of the Senate Armed Services Committed voted against favorably reporting the fiscal year 1988-89 defense authorization bill. We took this unprecedented action with profound regret because of the importance we attach to this bill for the national security of the United States and for the men and women who dedicate their lives to the Nation's defense, and because we view the budgetary recommendations contained in the bill to represent a proper balance—albeit at lower overall budget levels than we would prefer—between our national security objectives and the need to balance the Federal budget. This bill is a remarkable achievement and the chairman and members of the committee are to be commended.

I remember the important part the present occupant of the Chair played in that bill and it was significant what he did.

The **PRESIDING OFFICER.** (Mr. DIXON). I thank the Senator from South Carolina.

Mr. **THURMOND.** Our opposition is based entirely on a single provision in the bill—known as the Levin-Nunn amendment—that restricts funding for development and testing related to the strategic defense initiative. In our judgment, this provision represents a unilateral constraint on the United States and grants a substantial concession to the Soviets at a crucial juncture in the arms control negotiations in Geneva. Furthermore, by providing a one-House veto over Presidential interpretation of a treaty, the Levin-Nunn amendment would permit an unacceptable intrusion by either House of Congress into the President's exclusive jurisdiction to conduct our Nation's foreign affairs. The Constitution and Supreme Court decisions have defined the balance of authority between the executive and legislative branches; this amendment is a clear transgression by Congress.

Furthermore, the Levin-Nunn amendment potentially would limit the President's ability to respond to Soviet violations of the ABM Treaty in a manner firmly established by international law. In the face of Soviet violations, the President may abrogate the treaty or make a proportionate response. But if either course of action involved other than fixed, land based systems, the Levin-Nunn amendment would require the President to obtain the approval of not one, but both Houses of Congress. In other words, either the House or Senate could unilaterally block the President's actions.

The President has requested a study to assess the implications of restructuring the Strategic Defense Initiative Program as permitted by the so-called broad interpretation of the ABM Treaty. That study will ultimately be sent to the Congress. While we will not prejudge the results of this study, nor anticipate the President's decision, it is clear that under the restrictive interpretation of the ABM Treaty, to which we are bound by Levin-Nunn, we are denied the ability to test realistically and efficiently the more mature strategic defense technologies. Under the restrictive interpretation, we may only conduct limited SDI experiments incapable of fully demonstrating a specific technology or ABM system capability. Without adequate development and testing, it is more difficult, more time-consuming, and more expensive to ascertain the technical feasibility of critical strategic defense systems. These are penalties difficult to justify in a time of severe budgetary constraints.

The Strategic Defense Initiative Program has brought the Soviets back to the negotiating table. All agree to this. We believe the Levin-Nunn amendment, because it imposes a unilateral restriction on the United States, undermines a considerable amount of the leverage needed by our negotiators to achieve agreements that are in our national security interest. We are joined in this view by the President of the United States, who views this amendment with such seriousness that he has stated his intention to veto any bill containing this provision. We are prepared to join the President and to vote to sustain such a veto.

In summary, this amendment raises legal issues about the proper interpretation of the ABM treaty, the relationship of Senate ratification to the obligations actually incurred by both parties to the treaty, and the wisdom, if not the constitutionality, of granting the House of Representatives the ability to bind unilaterally the United States to certain obligations with respect to the Soviet Union. However, each of these issues must pale in comparison to the central question, namely: What is in the best interests of our national security?

When viewed in this light, we conclude it is not in the best interests of our national security to require by statute that the President follow the more restrictive of two plausible interpretations of the ABM treaty, when the Soviet Union is seeking an even more restrictive interpretation at the negotiating table. We conclude it is not in the best interests of our national security to seek to bind the United States to an interpretation under the ABM treaty to which the Soviet Union is not bound. We conclude it is not in the best interests of our national security to grant statutorily to the House of Representatives the unilateral ability to compel the United States to follow for the next 2 years a particular foreign policy regarding our relations with the Soviet Union. Such matters are constitutionally reserved to the President, and shared only with the Senate by virtue of treaty ratification procedures. In short, at a time when the United States and the Soviet Union are engaged in negotiations involving the very matter addressed by the amendment, the Levin-Nunn amendment jeopardizes the prospects for reaching the best possible outcome for our long-term national security.

There are many reasons to be concerned about the Levin-Nunn provision. Let me summarize them briefly:

First, this provision represents a unilateral constraint on the United States and grants a substantial concession to the Soviets at a crucial juncture in the arms control negotiations in Geneva. This restriction would limit the flexibility of our negotiators and would impose on them a new starting point that would be more than welcomed by the Soviets.

Second, The Levin-Nunn amendment would permit an unacceptable intrusion by the Congress into the President's exclusive jurisdiction to conduct our Nation's foreign affairs. The Constitution and Supreme Court have defined the balance of authority between the executive and legislative branches; this amendment is a clear transgression by the Congress.

Third, under the restrictive interpretation imposed by Levin-Nunn, we may only conduct limited SDI experiments which are incapable of fully demonstrating a specific technology or ABM system capability. This means that we cannot realistically and efficiently test more mature strategic defense technologies which the President finds necessary to determine their technical feasibilities as a strategic defense system. The direct results will be substantial program delays and significantly higher costs for ultimately attaining effective strategic defenses.

Fourth, the Levin-Nunn amendment would impose on the United States a restrictive interpretation of the ABM Treaty to which only the United States—and not the Soviet Union—would be bound. Our negotiators attempted to restrict both the United States and the Soviet Union to the narrow interpretation of the treaty when it was negotiated more than 15 years ago. But the record reveals that the Soviet Union refused to accept this restriction. The Levin-Nunn would bind only the United States to the restrictive interpretation, and would have no effect on the Soviet Union's obligations under the treaty.

Fifth, the Levin-Nunn amendment is in part based on concern for the proper role of the Senate in giving advice and consent on the ratification of treaties. This is certainly an appropriate concern, but the approach taken by Levin-Nunn would yield to the House of Representatives an effective veto over any Presidential decisions to conduct development or testing beyond the restrictive treaty interpretations. The amendment requires a two-House vote of approval before the President may proceed to such development or testing. Therefore, if the House alone should decide not to approve such a decision, they would prevail under the Levin-Nunn amendment. For those Members who are concerned about the Senate role in this process, let me put it another way: If 100 Senators were to agree that the President should be able to conduct certain tests, but the House of Representatives refused to give their approval, then the will of the Senate would be overruled. A simple majority of the House could overrule not only the President's decision, but also a unanimous decision by the Senate. I trust this is a result that the authors of the amendment never intended.

Mr. President, these are some of the principal reasons why we are opposed to the Levin-Nunn amendment. I have raised them only briefly here as I am aware that several of my colleagues wish to pursue them in much greater detail.

In conclusion, Mr. President, I would again like to thank Senator NUNN for his leadership and his fairness in guiding the work of the Armed Services Committee. I commend him again for an excellent bill which, save for one provision, I would be enthusiastically supporting today.

Mr. President, I just want to say that I think we have one of the best defense bills we have passed in a number of years. We worked hard on this bill. The Democrats worked hard on it. The Republicans worked hard on it. We feel it is an outstanding bill and should go forward, if this Levin-Nunn amendment could just be taken off this bill and put on some other bill and voted on separately and not hold up this entire defense bill.

This bill makes provision for the support and maintenance of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, all of our defense forces. Why should we hold it up for just one little provision which is so controversial, so controversial, that we cannot go along with it? Why not just put it on a separate bill, vote on it separately, but not withhold any longer action on this vital defense authorization bill?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I would like to ask the majority leader what the status of the defense bill is now. I know the majority leader has tried very hard for about 3 months to be able to bring the bill up. Of course, it is my fervent hope that the majority leader will be successful in bringing this bill up; it is one of the most important bills we consider each year. Therefore, I ask the majority leader where we are on that bill now? What is its status?

Mr. BYRD. Mr. President, if the distinguished Senator will yield, I will respond to his question.

Mr. NUNN. I yield.

Mr. BYRD. At the moment, the motion is pending to proceed to the consideration of the Defense Department authorization bill. That motion can be voted on right now from a parliamentary standpoint. It does not have to wait until tomorrow. It does not have to wait until next Tuesday. It could be voted on this afternoon. But we have tried, and we have tried, and we have tried to get a vote on the motion to proceed to the consideration of this bill so that the problems that are in it can be resolved, so that Senators may offer amendments to it. But on three occasions the motion to invoke cloture has been voted down. It has not received the necessary 60 votes

So a cloture motion is now pending on the motion to proceed to take up the Defense Department authorization bill. That cloture vote will occur next Tuesday. I urge all Senators on both sides of the aisle who have the slightest interest whatsoever in this bill, which is of importance to every State in this Union and to every Senator in this body, but any Senator who has even the slightest interest in this bill should be here next Tuesday if he wants to see the bill taken up and does not want to see this filibuster continued on merely taking the bill up. I urge all Senators to make arrangements now, if they are out of town, to get in touch with their staffs and tell them to get them a reservation on an airline and get them back here, so that neither fog, storm, snow, nor wind will keep them from being here next Tuesday to vote on this cloture motion.

We were up to 59 votes on one occasion on taking up this bill. I hope we will not reach 59 votes on this occasion and have a Senator absent whose vote would have been with us, because if that happens, the spotlight is going to be on him. Moreover, I am urging our Republican friends to give us just enough votes. They can be sparing if they wish, but just enough to make it.

Mr. NUNN. We are not trying to buy a landslide. We just want 60 votes.

Mr. BYRD. We will be satisfied with 60 votes. That will enable us to take up the bill. But let me say once more that we do not have to wait until Tuesday to vote on the motion to proceed. We can do it this afternoon.

Mr. NUNN. Would the majority leader object to the Senator from Georgia making a motion right now to proceed? I do not see any of our colleagues on the floor, and we would not want to take them by surprise. I see some interested people working around the edges here who might put out a quick distress call, so I will not do that. Procedurally, that would be in order.

Mr. BYRD. It would be in order for the Senator to ask consent that the Senate proceed to vote on this motion at say, 4 o'clock today. If no objection were to be interposed, the Senate would vote at 4 o'clock today. I know that the Senator is not going to make that request, and I know that our Republican friends would want to be on the floor when such a request is made. I try to protect my Republican friends as well as my Democratic friends in a situation like this.

I do hope that we will have a rollcall vote today or a rollcall vote tomorrow. It could be set for tomorrow and we could get on the bill, and Senators who have amendments could call them up.

I thank the distinguished Senator for his inquiry. Have I answered his question?

Mr. NUNN. The Senator from West Virginia has made it very plain, and I thank him for giving this matter the attention that those of us on the Armed Services Committee and all our colleagues believe it deserves.

Mr. BYRD. I think I should fill in one little gap that I left when I said that the cloture vote would occur next Tuesday.

A cloture vote will occur on the motion to proceed to take up the Defense Department authorization bill unless it has been taken up in the meantime.

I should say, also, that there is a cloture motion that will be voted on next Tuesday that is ahead of the cloture motion on the Department of Defense authorization bill. The first cloture motion on next Tuesday that will be voted on will be the cloture motion on the campaign financing reform bill. If that cloture motion garners 60 votes—it picked up 2 today—then the campaign financing reform bill would be the business before the Senate, to the exclusion of all other business, until finally disposed of, after which the vote would occur on the cloture motion on taking up the Defense authorization bill.

How sweet it would be, though, if we could proceed just this afternoon to take up the Defense Department authorization bill and dispose of some amendments, perhaps, today and tomorrow.

Mr. NUNN. I ask the majority leader one question on scheduling:

I know that the Judiciary Committee begins hearings on the President's nomination for the Supreme Court of the United States, which is an important matter. We all recognize the importance of that matter. I will be looking at those hearings very carefully. I have made no decision on Mr. Bork's nomination. I will make no decision until after the committee has gone into it in great detail.

However, so far as the priority of Senate scheduling is concerned, the Senator from Georgia feels very strongly—having reported the Defense Department authorization bill to the Senate on May 8, having tried to bring it up on May 13, and having watched it be filibustered while we have been cooling our heels for the last 3 months trying to get the bill up—I hope the Senate will take care of and dispose of this bill, dealing with the security of our Nation, before we schedule the debate on the Bork nomination.

I know there are other matters that have to intervene from time to time, but I know that that matter is going to take several weeks of debate, or at least a large portion of time; and I would feel that we had misplaced priorities if we took up the Bork nomination before we took up and disposed of this vital bill that relates to all our military forces and the security of the world.

So I did want to let the majority leader know my own sense of priorities on that.

Mr. BYRD. I stated before the recess that upon the Senate's return following the recess, there would be a great number of important measures to be acted upon. I stated at that time that the best approach would be to clear the decks as much as possible of legislation such as the appropriations bills—I think I mentioned the defense authorization bill, campaign financing reform, extension of the debt limit, Gramm-Rudman, reconciliation, catastrophic illness, and some other measures—get the stage clear of those measures.

Then, while those measures are in conference—because the House does have a part to play with respect to such legislation—we could be getting that work done, and then take up the Bork nomination, in connection with which the House has no role to play. So that the House would not be kept around waiting while the Senate is fulfilling its constitutional role in the confirmation of the nomination.

I stated again this week that I felt that that was the way we ought to proceed. It appears to me to be the logical, commonsense way to proceed.

I indicated that if the minority would help us to move these other matters—such as appropriations bills, 13 of them, and defense authorization, catastrophic illness, airline safety—it should not take long on these, if we could have the cooperation of all Senators on both sides, we could dispose of these, and then take up the Bork nomination.

I was not stating a threat. In my judgment, the Senate ought to act on the Bork nomination this year. I am very much opposed to any idea of bottling up the nomination in the Judiciary Committee, of which I am a member, or of not acting in due course on the floor.

I stated before the recess and again yesterday that we ought to first clear the decks of these other matters. I will have to be in touch with developments every day and week to week as we move along, of course.

So I am not making a mark in the sand or in the water and saying here is the mark, and we will not take up the Bork nomination until we reach this point, or that we will wait until we reach that mark. I am simply saying that the President has more than once said that he wants the Bork nomination acted upon with all due haste, the President and his minority in the Senate can help the Democratic leadership to get to the Bork nomination sooner than otherwise would be the case. But if we are going to drag around and delay and have to try for cloture on every bill to get it up—catastrophic illness, appropriations bills, and the Department of Defense authorization bill, et cetera—I cannot even get the prompt payment bill up. I tried that before the recess. I tried catastrophic illness a number of times before the recess.

The excuse then was that there were some Senators on the other side who had problems with it and that after the recess those Senators would be, in all likelihood, ready to let us take up catastrophic illness. Here we are now after the recess.

I talked about it earlier today. I do not know whether we will be able to take it up today or not, or tomorrow.

Now, we are just standing here and spinning our wheels, and the Senator and I are having a conversation we could just as well carry on in my office, but here we are talking about the pathetic situation that the Senate finds itself in when we have ample business to do; yet, because under the rules of the Senate any one Senator can hold up the works here, we are at the mercy of one or two Senators who do not want to even proceed on catastrophic illness, which is so important to the elderly people in this country.

No wonder our friends in the House are able to say, "We have passed nine appropriations bills and the Senate has not passed one." That is understandable that they say that, but the Senate operates under very different rules and by custom those appropriations bills originate in the House—not by the Constitution but by custom. So we have waited. I have talked to the Republican leader and the Republican leader is eager, as I am, to press forward with the appropriations bills as soon as they are reported from the full committee, which will begin reporting them next week.

I have gone at great length to answer the Senator, probably not specifically on the point he has raised, but I have said enough to indicate that the Bork nomination is important to this Senator, and I am absolutely determined to get it up this fall. But there are other matters that are just as pressing that could have been done already, but we have not had the cooperation of the minority—the Department of Defense authorization is one of them. If we get cooperation to help us move these other things along, then when the Bork nomination comes along, it will not have to wait too long to be taken up in the Senate.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I agree with the priorities of the Senator from West Virginia. I thank the leader.

Mr. President, as this filibuster on the motion to proceed to consideration of the fiscal year 1988-89 Defense authorization bill continues, and I hope it will not continue much longer, there have been suggestions by some people that we really do not need to pass a Defense authorization bill this year because we can deal with these issues on the Defense appropriations bill.

First, let me say that there is not a single debate we have here on the Defense authorization bill that is not going to be on the Defense appropriations bill. So all we would be doing, if we do not pass this bill, is putting all this debate over, including the ABM debate, to another bill, and it means we are going to be bogged down in October, November, and December until we deal with these issues.

The Senate at some point is going to have to vote on these issues. That is well understood by everyone here. The question is, Why delay? Why not bring up this bill?

So to the argument that we do not need a Defense authorization bill this year, I want to take a few minutes to set the record straight on this point and outline why that is not a wise course for our national defense.

The requirement for Congress to enact annual authorizations of Defense programs dates back to the legislation passed in 1959 which required annual congressional authorization of appropriations for the procurement of aircraft, missiles and naval vessels. This requirement for annual authorization of national defense appropriations has been amended and expanded since 1959, so that now virtually the entire Defense budget requires annual authorization. This requirement has been codified in section 114 of title 10 of the United States Code. As a result, Congress has enacted a Defense authorization bill every year since 1961.

I want to briefly review the requirement in the United States Code for the annual authorization of Defense appropriations.

In terms of the law, section 114(a) of title 10 says that:

> No funds may be appropriated for any fiscal year to or for the use of any armed force or obligated or expended for procurement . . . research, development, test or evaluation . . . military construction . . . the operation and maintenance of any armed force or of the activities and agencies of the Department of Defense . . . unless funds therefor have been specifically authorized by law.

This section of title 10 clearly requires authorization of defense appropriations separate and distinct from the annual defense appropriations act.

The same requirement for annual authorization exists for Defense manpower strengths.

Section 114(b) of title 10 states that:

> No funds may be appropriated for any fiscal year for the pay and allowances of members of any reserve component of the armed forces unless the personnel strength of the Selected Reserve of that reserve component for that fiscal year has been authorized by law.

Section 114(c) of title 10 states that:

> No funds may be appropriated for any fiscal year to or for the use of the active duty personnel of any component of the Department of Defense unless the end strength for active duty personnel of that component for that fiscal year has been authorized by law.

Mr. President, a similar requirement exists in law for the annual authorization of civilian personnel and student training loads prior to the appropriation of funds for these purposes. These personnel authorizations are contained in this authorization bill, not in the annual defense appropriations bill.

The requirement for authorization of military construction projects before appropriation is further set forth in section 2802. This section stipulates that "The Secretary of Defense and the Secretaries of the military departments may carry out such military construction projects as are authorized by law." Mr. President, this section means that in the absence of this authorization act, not one dime can be spent on a single new military construction project anywhere in the United States or overseas in fiscal years 1988 or 1989. As a matter of fact there are approximately $70 million of projects in fiscal year 1987 for which funds were appropriated but not authorized. Our committee's fiscal year 1988-89 Defense authorization bill provides the necessary authorization for these projects to begin; without this authorization the $70 million already appropriated for these projects cannot be spent.

Mr. President, there are also a number of very important legislative provisions in this authorization bill in addition to the authorization for appropriations which were requested by the Defense Department. Some of these are provisions which will improve the flexibility of Defense Department officials to manage Defense programs.

Interestingly enough, I received a letter from the Secretary of the Air Force and Chief of Staff of the Air Force this week which goes through each of the major Air Force concerns with the overall defense bill this year, both the Senate bill and the House bill. Over and over again, the Secretary of the Air Force and the Chief of Staff of the Air Force, say that they want the Senate authorization bill provision on this subject and that subject.

Secretary Weinberger has written an overall summary of his position and the position of the Department of Defense on the House bill and the Senate bill. Repeatedly that summary shows that the Department of Defense itself favors the provisions of the Senate bill, and I hope we will begin to get some cooperation from those in the Department of Defense in getting this bill up and voted on and in conference.

There are other important provisions in this bill that we ought to talk about briefly this afternoon as people consider how they are going to vote on Tuesday on the cloture motion or before then perhaps in terms of the motion to proceed.

One of the most important budgetary reforms sought by the Defense Department this year is a biennial budget. This has been a very high priority of mine for some time and also been a high priority of Secretary Weinberger in the past. This bill makes the first serious attempt to move toward a 2-year budget for the Department of Defense. In fact, the Senate Armed Services Committee is the only committee in Congress right now with a very, very strong commitment to enact a 2-year budget. Without this authorization bill, there is virtually no hope of getting a 2-year budget out of the Congress this year.

Milestone authorizations are another important reform contained in this authorization bill for the first time. Everyone who has followed this procurement cycle realizes this is very important. Under this concept, the committee authorized funding for five major defense programs for 5 years. Milestone authorizations were a key recommendation of the Packard Commission last year and will represent another significant missed opportunity for greater efficiency in the Department of Defense unless this authorization bill is passed and becomes law.

There are other provisions in this bill which are essential to recruiting and retaining high quality personnel in the military services. Without the specific authorization for the 4-percent pay raise for military personnel in this bill, the military pay raise will in all likelihood be less than that.

This bill recognizes that there are some retention problems in certain arduous duty skills involving long family separations in some of the military services. For this reason the committee bill increases the current authorization for special pay for aviation career officers, for submarine duty incentive and for career sea pay, particularly applicable in the situation we find ourselves in in the Persian Gulf now having taken on a new load with many of our naval personnel having much longer tours in that area of the world.

The legislative authorities to pay enlistment and reenlistment bonuses in the Reserve components and reenlistment bonuses in the Active components expire at the end of this fiscal year. The committee bill extends these authorities for an additional 2 years.

For the first time the committee bill authorizes a cap on out-of-pocket medical expenses for dependents of active duty military personnel under the CHAMPUS Program very important to the dependents of our military personnel throughout the country.

All of these important benefits for our men and women in uniform will be lost if Congress fails to pass the fiscal year 1988-89 Defense authorization bill.

Finally, Mr. President, there is a major amendment which the committee intended to offer as a committee amendment during the floor debate. This amendment, which is the result of a recent request from the Department of Defense, will make some important changes in the implementation of the joint duty officer specialty enacted last year in the Goldwater-Nichols Department of Defense Reorganization Act. These changes are very high on the priority list of Admiral Crowe and other senior military and civilian officials in the Defense Department. If these changes are not included as part of this Defense authorization bill, it is most unlikely that they will be enacted into law this year.

Some of my colleagues will ask: Can't these important provisions simply be put in the Defense appropriations bill or a continuing resolution?

Some can, Mr. President, if we are willing to break our own rules about including legislation in an appropriations bill.

But some of these provisions—some of the ones that are most important to the Defense Department and the most far-reaching—cannot practically be put on an appropriations bill or continuing resolution. They can't, Mr. President, for the simple reason that these are extremely complicated provisions on which the Armed Services Committee alone works on day in and day out. No other committee has the day-to-day working experience in this area. If these provisions are legislated through an appropriations act, the Senate and the House will go into conference on an appropriation act with conferees that really have been dealing with other matters and who have not been dealing with these matters.

I want to repeat that there are no provisions in this authorization bill that cannot come up on the floor in some form or another. This means that those who are filibustering this bill are simply postponing the day of reckoning on important provisions.

I know that there are people who feel strongly on the ABM provision in the Senate armed services bill. But by filibustering this bill they are not doing anything except postponing the day of reckoning, making it more likely that it will come at the last minute on a continuing resolution, making it more likely that there will be no time to work out anything that could represent an overall compromise in the best interest of our country, and making it very likely that the SDI funding level, which is already very much of a controversy—there were a lot of close votes on that last year—will be the overall victim of this dispute.

Frankly, of all of the provisions of the fiscal year 1988-89 Defense authorization bill reported by the Armed Services Committee, the provisions that would be most appropriate for inclusion in the Defense appropriations bill or a continuing resolution is section 233, which restricts the obligation and expenditure of funds for development or testing of antiballistic missile systems or components which are sea-based, air-based, space-based, or mobile land-based. For this reason, Mr. President, this provision is going to have to be dealt with at some time or the other.

It seems to me that, for once, the Senate ought to go ahead and recognize that we are going to deal with it; we are going to vote on it. It may be taken out of this bill by a vote of the Senate. The Senate may decide to amend it. But the Senate is going to deal with it. It is not going to be taken out by a filibuster. That is just not going to happen. I may make the same speech in December, but it is not going to happen. This provision will be taken out only by the U.S. Senate on a vote. And if that happens, then I will not agree with it, but I will abide by it. I will take the bill to conference and deal with it in good faith.

So we are going to deal with this issue. It is just a question of how miserable the Senate is going to be made and how ridiculous we are going to look before we ever deal with it. I would hope my colleagues would take that into account.

Mr. President, again, I want to thank the majority leader. Congress has passed an annual Defense authorization bill every year for the last 26 years. I hope that this year will be no different from the other 26.

But, I repeat to my colleagues, the only way this amendment that they disagree with—and I am sure they disagree with it in good faith—the only way it is going to come out of this bill is when the Senate votes it out. Period. If the Senate votes it out, it will come out immediately. There will not be any filibuster from this side. But if the Senate does not vote it out, it is relevant, it is germane.

We spent more time on that amendment than any other amendment or any other five amendments in the Defense Committee markup. Everyone had due notice the amendment was coming up. Everyone had advance copy. We even postponed for 4 days to let people get prepared. We heard every argument. We had numerous hours of debate. It is relevant. It is germane. We can debate the merits of it later at whatever length our colleagues choose. But it will stay in this bill unless the Senate votes it out.

Mr. President, I again thank the majority leader for making this bill an important priority. I put all of our colleagues on notice, as he has already done, that this vote on Tuesday will be very important. The last cloture vote, we had 59 votes. It appears that we are going to have to have a cloture vote of 60 votes to be able to bring the bill up. All Senators have their rights reserved. Once the bill is brought up, we will have a full debate on all of these provisions.

But I urge our colleagues to be here on Tuesday and to vote, because I would certainly hope that if we fail to get 60 votes, it will not be because a Senator is absent who would have otherwise voted for cloture.

I thank the majority leader, and I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD. Mr. President, I thank the distinguished Senator. I hope that if there are other Senators who wish to speak on this subject they will come to the floor today.

Again, I say that Senators should be aware of the fact that if this Senator should be off the floor and unable to protect them, and other Senators happen to be off the floor or may be engaged in conversation, not paying attention to what is going on, it is the responsibility of the Chair to put the question. I know Senators recognize that it is not the responsibility of the Chair to put in a quorum. The Chair does not engage in debate from his vantage point. But it is the responsibility of the Chair to put the question, and that could happen if no Senator seeks recognition.

I saw it happen once in this Senate and it was to the consternation of some Senators.

Mr. NUNN. The question would be on the motion to proceed?

Mr. BYRD. The question would be on the motion to proceed. "Those in favor, aye. Those opposed, no. The ayes have it."

Mr. NUNN. I am delighted that that is a possibility.

VISIT TO THE SENATE BY MEMBERS OF THE BRITISH PARLIAMENT AND THE BRITISH-AMERICAN PARLIAMENTARY GROUP

Mr. BYRD. Mr. President, I call attention to the presence in the Chamber today of two distinguished guests: Mr. Peter Robinson and Mr. Martin Smyth. They are both members of the British Parliament and the British-American Parliamentary Group.

I apologize for the sparse attendance at the moment, but I would have the guests know that the Senators, who are busy in committees and in meetings of one kind or another, will note the RECORD and will note with great satisfaction that our two illustrious guests came to see us and that they were recognized by the Senate. I want to express the hope that our two guests will have the occasion and the opportunity to come to see us again.

[Applause.]

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes so that those of us who are on the floor may greet our guests.

Mr. WALLOP. Mr. President, I wonder if the majority leader would permit other comments. I would be happy to do that for 2 minutes and then stand in recess or I would be happy to wait.

Mr. BYRD. Does the Senator wish to comment on the subject matter before the Senate, or does he wish to comment with respect to our guests?

Mr. WALLOP. I simply wish to welcome our friends from the British Parliament.

Mr. BYRD. Mr. President, I yield the floor for that purpose. I withdraw my request for the moment.

Mr. WALLOP. Mr. President, I thank the majority leader.

I extend the greeting of welcome to those visiting members of the British Parliament from those on our side of the aisle. It is one of the rare privileges that this Senate offers to visiting members of legislative bodies who visit. You have a privilege that many Americans do not have, and yet it is one which I think makes a significant difference to the relationship, particularly to a country with such incredibly longstanding friendship as that which you represent, Her Majesty's Government of Great Britain.

I thank the majority leader.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. President, I ask unanimous consent that the Senate stand in recess for 4 minutes.

There being no objection, the Senate, at 4:29 p.m., recessed until 4:33 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BREAUX].

The PRESIDING OFFICER. The Senator from Wyoming.

DEPARTMENT OF DEFENSE AUTHORIZATIONS

Mr. WALLOP. Mr. President, I listened with interest, as I always do, to the Senator from Georgia explaining his level of frustration with the parliamentary circumstances which obstruct the normal progress of the Defense authorization bill. I would agree with him, and most of the colleagues on this side of the aisle would agree with him, that there are many, many important and fine features of that bill. Even within his own committee, there was general agreement on the most significant features of that bill.

It is the first time in memory, though, I think, that the Armed Services Committee divided along basically wholly partisan lines. It is unfortunate because, while this bill does contain the many fine provisions of which the Senator from Georgia spoke and the law does, indeed, require the authorization bill to be passed, neither the law nor our rules contemplate the infringement on the jurisdiction of the Foreign Relations Committee, nor do they contemplate an unconstitutional action of interpretation of treaties by the legislative branch.

I would have to say, Mr. President, that it is totally startling to me that we would view this from such a unilateral perspective.

We have just had the privilege of greeting visiting parliamentarians from Great Britain. Let us assume for a moment that there was a treaty agreement between Great Britain and the United States calling for, say, the delivery of 100,000 barrels of oil at a certain price, from one country to the other; and that this treaty required that it go along so long as certain territory within one of our countries was producing. Assuming that was the case.

Mr. President, I would ask any Member of the Senate if he would feel that our country should be bound by a new interpretation of such a treaty, were it to take place as a result of a debate on the floor of the Parliament? The answer is clearly no. Treaties are treaties and they are understandings between the executive branches of government and they are not changed, once entered into, by parliamentary understandings or debate. They may be broken, but they are not changed.

Assume for a minute that the shoe was on the other foot. Assume it was, for instance, our obligation to deliver this oil at this certain price to the British people. Would they for a minute accept a debate on the floor of the Senate that changed the price or the volume that was not done without the agreement between the heads of state? The answer is clearly no.

Nor, I think, even more specifically, would the Senator from Georgia, or any member of the Democratic Party, or any Member of this Senate, or anyone in the United States accept a new treaty interpretation that was developed by a debate in the Soviet Presidium. It is absurd on its face to require us to take such an action.

The Senate can force action but it cannot force interpretations. It is an unconstitutional act that the Senator from Georgia, the Senator from Michigan, seek to force upon this Senate.

We have in the Senate an almost unique parliamentry role in the world in treatymaking, that is the ratification of treaties. And at that time, we can level understandings. At that time, we can reject a treaty out of hand.

But once the treaty is entered into, that is the obligation of the executive branch. It is a country-to-country arrangement; it is not a Parliament-to-Parliament arrangement. And there is, to the amazement of those of us who have listened to this argument being waged over there, a certain amazing concept that is advanced on one side and ignored on the other. The reasons that that side wishes to advance for us obtaining the interpretation of their desire is that the custom and habit of the standing consultative commission—the treaty-resolving, dispute-resolving mechanism under the treaty—says that this is the way it has been interpreted.

But that is the area and the arena in which those disputes are resolved. Not on the floor of the United States Senate. Not in the Politburo. Not in the Presidium. Not in the Supreme Soviet. It is done in the standing consultative committee and it cannot be argued at the same time. This has been the interpretation of that consultative committee and that then we are the ones to interpret it. Either it is the standing consultative committee or it is the Senate of the United States, as those who would advance this argument would say.

All the benefits of which the Senator from Georgia spoke are held hostage, not by a refusal to go ahead and to adopt an unconstitutional act; they are held hostage by the adamant intrusion on logic and the Constitution by the two authors of the ABM Treaty amendment.

I would just point out one other thing, Mr. President. About the time the Senate is going to be voting on this cloture motion next Tuesday, Secretary of State Shultz and Foreign Minister Shevardnadze will be sitting down to try to hammer out a few of the last arrangements on the INF Treaty.

It is ironic, and to this Senator a little inconsiderate, that what the President of the United States has been able to do, which was thought impossible to do, was to separate the issue of intermediate nuclear forces from everything else. These were to be separate parcels of negotiations. And that which the Soviets have failed to do, the Senator from Georgia and the Senator from Michigan wish to impose upon us at the very time that the Secretary of State is meeting with Foreign Minister Shevardnadze.

Well, it is the choice of the majority to make those findings, but it is a sad choice. It is a choice which makes it virtually impossible for the Government of the United States to negotiate with both feet on the ground and both hands on the desk. It is removed from them. It is removed by an adamant instruction on history and everything else by a Democratic majority of the United States. They are forcing upon the President of the United States and the Secretary of State, his representative, an interpretation which the Soviet Union did not force and did not seek to have.

Well, it is unfortunate, but that is the way it is. The American people should understand that without the Jackson weight, that is what this country sees as the Democratic Party asking the Senate of the United States to accomplish.

I do not know whether it will happen or not, but clearly, Shevardnadze will know whether it happens, and when it does, those achievements, so close at hand, may yet be unraveled a bit or weakened a little further by the fact that this country cannot speak with one voice because the Congress, in the body of the Senate, decides that it thinks its role is not only to ratify treaties but to subsequently interpret them and enforce them at its whim. By the changing majorities and changing population of those who sit in these chairs, on its face treaties cannot be interpreted by political whim over the course of time. Were that to be the case, we would soon find that no nation in the world would enter into a treaty with the United States because that whim which can loosen it can also tighten it. That whim which can tighten it at this moment in time can also loosen it.

The dispute resolving mechanisms that are set up when treaties are signed become irrelevant and the word of the United States becomes inconsequential. It cannot be held because it cannot be given because it will be debated in the course of time again and again and again. They will find new interpretations in time of old understandings. And politics, not the relationships between States as embodied in treaties, will become the means by which the relations between our country and others in the world will be able to be taken. Who will be able to rely upon us?

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I listened with interest to my friend and colleague from my neighboring State of Wyoming, and I have listened to other debate on the floor of the U.S. Senate as a senior member of the Armed Services Committee, which worked very hard, which held long days of hearings on the whole massive national defense and national security interests of the United States of America.

What strikes me most, Mr. President, is the fact that here we are engaged in a debate that would be very proper indeed after the Defense authorization bill is brought up on the floor of the U.S. Senate.

I would simply remind my colleagues that because the way we are doing business or not doing business these days in the U.S. Senate, we are going through another sham, another coverup, of the inefficiencies, of the failure of the most deliberative body in the world becoming deliberative to the extent that we do not accomplish what we are supposed to accomplish by set goals, set dates.

It has been well pointed out, I think, that we are less than 30 days away from the beginning of the new fiscal year on October 1 and we have not passed any of the appropriations bills that are going to continue the funding for national security and everything else, which is the responsibility of this and the other body on the other side of the Capitol, and, of course, with the cooperation, the understanding, and with the signature of the President of the United States on the bills that we do pass.

What I am getting to, Mr. President, is that here again today we are debating an issue that should be debated after the measure, in this case the Defense authorization bill, is on the floor of the U.S. Senate. But that is not what we are doing, Mr. President.

We are wasting time in going through meaningless, time-consuming discussions on whether or not we can even bring up the defense authorization bill as passed properly out of the Armed Services Committee.

That is the tragedy. It is not just this bill.

I suspect that when the filibuster process was started and when it first came into the thought processes of providing the minority the right not to be run over by the majority, it was not envisioned for other than the most high, pressing issues that might face the country.

I have listened with interest to my friend from Wyoming and his discussion about this as unconstitutional. Well, if it is unconstitutional, that would have to be decided, as I understand our procedures, by the Supreme Court. If we do something here that is unconstitutional, there are plenty of lawyers and plenty of people who will take that to the U.S. Supreme Court and therein would lie the decision as to whether or not it is unconstitutional.

But we cannot even get to the point, Mr. President, because the minority, through filibustering techniques, are stopping even the allowance of consideration of the Defense authorization bill, and the one prime problem that they have has been generally referred to as the Nunn-Levin amendment.

It so happens that the Nunn-Levin amendment was very thoroughly discussed in the Strategic Subcommittee that this Senator chairs. It came out of that subcommittee, and we decided, since it was controversial, to take it up in the full committee, which we did. We had a long debate there. Some of the arguments that have been made very eloquently by my friend from Wyoming and others were discussed at that time.

Our decision was that this was a controversial issue, that we should take it to the floor of the U.S. Senate and let the decision be made there as to whether or not the Nunn-Levin amendment should be maintained as part of the Defense authorization bill.

It would have been even more proper, Mr. President, for those on that side of the aisle who are flouting the movement and procedures of the U.S. Senate to filibuster this when the Nunn-Levin amendment came up on the floor of the U.S. Senate as a part of the Defense authorization bill. But we cannot even get to that point, when even they, those on that side of the aisle, are filibustering the calling up of the Defense authorization bill which, in the opinion of this Senator, on its face really does not make any parliamentary sense.

I also think that those on that side of the aisle who are even filibustering the introduction of the Defense authorization bill are having less faith in the good common sense of the Senate, regardless of our party affiliation. They are not giving due credit to the Members of this body. We all make mistakes. We have made mistakes before in this Congress and previous Congresses have made mistakes. Future Congresses will make mistakes. But that is the procedure. If in debate the majority of the Members of the Senate are convinced that this is unconstitutional, I think there is better than a 50-50 chance it would be defeated, but we cannot even get to the debate. That is the tragedy of the situation.

The other tragedy, Mr. President, of course, is that the general work of the body has been bogged down. We cannot get anything done these days because the minority are filibustering everything, even going to the extent of filibustering bringing up the important matter of the Defense authorization bill because they cannot have their way.

I would simply say that other things are being handled in a similar manner. The 100th Congress I think will go down in history as the Congress of the filibuster. Things are stopped in their tracks, procedures are stopped in their tracks.

We had a cloture vote earlier today on the important matter of the Campaign Finance Reform Act. I happen to support that. I did not in the original instance, but after some changes and amendments that I felt very strongly about, which basically all but eliminated the likelihood of taxpayer-financed campaigns, I thought it was a step in the right direction.

But once again, I do not object to my colleagues on that side of the aisle taking advantage of everything that they can when they feel very strongly about something. But I say again to my friends on that side of the aisle that blocking the introduction of the Defense authorization bill is making a mockery of the legitimate orderly procedures of the Senate.

I would like to comment a little bit about this terrible thing that some people are doing by trying to overthrow the treaty provisions of the United States. I remind all that the Senate is required to confirm treaties. I think a keen argument can be made, as Senator NUNN and Senator LEVIN have on occasion previously when we have gone through the charade of debating the issue before the bill is before the Senate—Senator NUNN and Senator LEVIN have made a key point that it is not Senator LEVIN and Senator NUNN and those who strongly support their amendment who are changing the treaty. Indeed, it is a change of the treaty as provided for when the Senate worked its constitutional will and duty. There is now a move by this administration, after some legal study—which has been questioned by other legal authority—to change a significant part of the treaty with regard to SDI testing.

And now, Mr. President, we get down to the crux of the argument. There are those of us on the Armed Services Committee and the strategic subcommittee that I chair who have been strong supporters of the strategic defense initiative, or Star Wars, since its inception. We felt it was necessary for us to do testing. We felt it was necessary to do research in laboratories primarily on the technical means that I think we need to provide in this particular phase of our national security. It was not envisioned in the original SDI proposition that we would be doing some of the testing that we are now being pushed into by the administration, helped and assisted by the filibuster that is now ongoing. So I think it is others, I say in all due respect, who are attempting to make changes in a ratified treaty by the Senate of the United States and not the present Members who are trying to attach to the Defense authorization bill the so-called Nunn-Levin amendment. I simply say that while I have supported the Nunn-Levin amendment, I do not feel as strongly about it as does Senator NUNN and Senator LEVIN. I think most people realize that Senator NUNN is a highly respected, moderate Senator, who is not known to go off on tangents, and I assure you that he is not going off on a tangent in this instance.

Those who want to make the case that has been articulately made by the Senator from Wyoming here on the floor of the Senate today can be assured that this Senator and others will listen very closely to the debate if they would allow us to bring up this measure. If we think it is unconstitutional, then we may decide that the Nunn-Levin amendment should not be part of the Defense authorization bill. I think that an argument can be made on that. Maybe you will win. But I think you are not winning by the continued ridiculous filibuster techniques that provide the Defense bill cannot even come up on the floor for debate and move ahead.

I appeal to my friends on that side of the aisle to come out of this malaise that we are now in where the minority, with 46 Members, know if they vote essentially as a block and with only 54 Members of the majority they have the magic numbers and they can tie up the Senate to work their will on not just important matters but all matters that come before the Senate. We are very weary of it. I congratulate the majority leader and the other Democratic leadership. I think they have shown extreme restraint and understanding, but I assure you in conversations with them their usual understanding is being extremely tested.

Now we get into the matter of tit for tat. There is the matter of the nomination of Judge Bork to be a member of the Supreme Court. I do not think logrolling should be used. I happen to feel, as I am sure my colleague from Wyoming does, that the nomination to the Supreme Court is very important. It is a key appointee to the third equal branch of government under our system since we rely on the executive and the judicial and the legislative branches, and we should not be logrolling on that. But I can already see some signs of some saying, "Well, if we are going to be held up on everything that the majority wants to do, we have no recourse but to have some temporary delays," if you will, "in the bringing up of the Supreme Court Justice confirmation."

I hope that does not come to pass, and I am not for it, but I am trying to explain the dilemma in which the leadership of the Senate finds itself today and why the continued filibuster techniques that are used over and over and over again are getting very old, very old, very old, tying up the Senate when we should be working our way through the maze of work we have to do supposedly before the new fiscal year, October 1. And we all know that is impossible. I think we have a responsibility to move matters ahead more swiftly than we have.

Therefore, Mr. President, I plead once again with our friends on the other side of the aisle to let us bring up the Defense authorization bill. Then let us have a debate on the Nunn-Levin amendment, as we should have. There are some good arguments for and there are some good arguments against. Then let the majority of the U.S. Senate, after full debate and certainly some measures of understanding on constitutional issues which are tremendously important—let us then move ahead.

I assure my friends on the other side of the aisle that if the Nunn-Levin amendment does become law and if it is unconstitutional, as they claim—and it may well be, and it may well be that I will decide when that comes to a vote, if we ever get the bill up—there may be some of us who would go along with them and it would not be a factor. But even if we are wrong, even if it does prevail, they have recourse, as has been pointed out, through challenge in the courts; and if it is unconstitutional, I believe we can count on the Supreme Court of the United States to so declare.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nebraska has yielded the floor.

Mr. WALLOP. Mr. President, let me observe a couple of things to my friend from Nebraska.

One is that such a question might not be submitted to a full complement of the Supreme Court because of threatened actions. But, more important, the question revolves around whether the Armed Services Committee ought to infringe upon the territory of the Foreign Relations Committee, at best.

The Senator says we have the right to appeal to the court. Indeed, we do. But, in the meantime, while we are indulging this frivolity of theirs, we are bound by it until such time as the court has decided.

I point out to the Senator from Nebraska that the President of the United States is not the only person in the world affected by this, but also the negotiators of the United States, faced with the negotiators of the Soviet Union.

I observe once again, with more amazement, that in the face of Soviet violations of the ABM Treaty and in the face of Soviet activities which are in violation, if you view the narrow interpretation of the Treaty, the action of the majority in the Armed Services Committee is not to confront the Soviet Union but to further restrain the ability of the United States to respond. It is a sad day, but it is not the first time we have seen that.

Mr. President, I think we could get on with the business of the Department of Defense authorization if that is what we were doing. But in addition to the Department of Defense authorization, we are indulging ourselves in an administrative matter which is rightly the province of the executive branch and surely the province of the Foreign Relations Committee.

Mr. EXON. Mr. President, I thank my friend from Wyoming for his comments.

I just want to correct any possible impression that might be left that the members of the Armed Services Committee, Democrats and Republicans alike, are not concerned about possible violations of the ABM Treaty by the Soviet Union. We are fully cognizant of that. I know that that has been a matter of considerable fervor on the part of my colleague from Wyoming, especially with many years of experience on the Intelligence Committee, and I respect his points of view.

However, I hope we can understand that we are all trying to do everything we can during these critical times in carrying on negotiations with the Soviet Union. I simply remind my friend from Wyoming that a few months ago, when things were not going so well with the Soviet Union on any type of understanding that would be verifiable and provable and everyone was saying it is obvious that President Reagan is going to leave office without accomplishing anything with regard to a beginning of an understanding with the Soviet Union, let alone a treaty, it was this Senator who said: "I don't think so. I think we have a chance to get something done." But that does not mean we have to play hardball all the time, each and every day with the Soviet Union.

I think the Senator from Wyoming does not know about this, but I was rather shocked in the Commerce Committee today when we were considering the President's nominee to be Secretary of Commerce. We had testimony from one of the witnesses in strong opposition to President Reagan's nominee to be Secretary of Commerce. I will not mention any names, but I will simply say that this individual is not a member of my political party. I think that if I would mention his name, he would be instantly recognized as a member of the political affiliation of my friend from Wyoming.

I was shocked, I say to my colleague from Wyoming, by testimony today from this individual that has gone so far overboard on our relations with the Soviet Union that he violently criticized President Reagan's nominee to be Secretary of Commerce, to the extent that he said—and I quote almost verbatim—in his written testimony and in his verbal testimony to the Commerce Committee during the confirmation hearing this morning, that if the President's nominee is confirmed, Mr. Gorbachev, for the first time, will have a seat on the Cabinet.

I simply say that, at best, that is an irresponsible overstatement; that I am confident that President Reagan would not appoint anyone as Secretary of Commerce if he thought that individual was seated at the table representing Mr. Gorbachev in any way, shape, or form.

I only cite this, Mr. President, because I think it shows the mania that flows loose sometimes from other responsible people with regard to the Soviet Union. We do not have to love the Soviets. We certainly do not want to trust them. We certainly must recognize that they are a potential enemy. At the same time, I hope we are going to be wise enough to recognize that they are the only other superpower in the world today, and I do not believe that Soviet bashing is the way to reach some kind of meaningful understanding with them.

Therefore, I simply hope and pray that we can move ahead with some kind of understanding. I congratulate the Reagan administration for the job they are doing, for the negotiations that are going on in Geneva today. For the first time, there seems to be a breakthrough, that the Soviets are considering something they would never consider before, and that is onsite inspection. I simply say that this is not the opportune time for Soviet bashing, and I think we should move ahead at least with consideration of the defense authorization bill; and let the Senate—and, if necessary, the courts—work its will.

I yield the floor.

Mr. LEVIN. Mr. President, I just heard the remarks of my friend from Nebraska, and I totally concur with his point that the argument which is being made today about the language of the so-called Levin-Nunn amendment is really an argument which should be made during the debate on the bill.

The problem is that we cannot get to the bill. The opponents of the language will not let us debate this matter. They will not permit us to proceed to this bill unless language which the Armed Services Committee added to this bill is deleted. I believe and hope that the Senate will not accept that kind of declaration on the part of some Senators.

So the short answer to the arguments we have heard today about this language is: Let us quit the filibuster and let us debate the meaning of this language and the validity of the so-called Levin-Nunn language during the debate on the bill itself.

There is a longer answer, and that is that the language itself does not prejudge which is the correct interpretation of the treaty. It does not say that the narrow interpretation is correct or that the broad interpretation is correct. What it says is, "We are appropriating $4.5 billion in funds to you under the SDI research program."

But we are also attaching some conditions, as the Congress traditionally does, and the condition we are attaching here is this: Before you decide to move, if you do, to a new, broad interpretation of the ABM Treaty, we want you to come back to Congress. We have fenced weapons systems before. This is not novel. We put a fence on the MX basing mode, some of us citing, as the reason for that fence, the SALT II Treaty.

It is not uncommon for the Congress to put limitations on the expenditure of money. It was what we are here for. In this 200th year of the Constitution, we should be celebrating the Congress' power over the purse. We are not here to write blank checks to this or any other administration and to tell you here is the $4½ billion, spend it as you will on anything you want in the SDI Program.

We are here to put some constraints on the expenditure of money. The administration wants the purse and the purse strings.

The problem that the opponents of this language have, really, is not with the language. It is with the Constitution. It is the Constitution which gives the Congress the power over the purse and the right to put limitations on the expenditure of money, and this limitation does not prejudge which is the correct interpretation of the treaty. It does not say the narrow interpretation is the correct one. It says you have lived under the narrow interpretation. We have lived under the narrow interpretation. This is a government of laws. We are bound by treaties. Before we move to a new interpretation of a treaty, we, the Congress, the appropriators, the authorizers, want you to come back to us and tell us why you are moving to a broad interpretation, how it can be justified, and gain our concurrence.

This is a partnership here. This Government is a partnership and in the appropriation and authorization of funds we have a role.

So, while the opponents of this language can talk about treaty interpretation and that we should not be unilaterally interpreting a treaty or we should not be allowing the House to have a role in the interpretation of the treaty, they are missing the point of the language, and they should read it again because the language has to do with the expenditure of funds and the limitation on those expenditures and the role of the Congress in complying with the laws and the treaties which bind us.

But again, the place to debate this, the meaning of this language, its validity, and whether or not it is not only in compliance with our Constitution, but indeed was foreseen by the Founding Fathers as the role of the Congress in implementing the Constitution, the debate on that should take place during the debate on the bill, not during the motion to proceed.

This is not any more an amendment. This is language in a bill. A committee of this Senate has voted to interpret this language in this bill. That is the bill that should be debated on this floor and if there is an effort made to delete that language which is in the bill, so be it. That is what we are here for. And then let the Senate do its will.

But that is very different from what the opponents of this language are now engaged in which is an effort to stop us from debating this bill, to prevent us from deciding whether or not this language indeed carries out the constitutional obligations and responsibilities of the Congress in putting limits on expenditure of funds or whether or not it is an unconstitutional intrusion upon Executive prerogatives.

We think we will carry the day when that debate comes. We believe this is highly constitutional, very much precedented, and we have done this on a number of occasions with weapons systems putting limits upon the expenditure of funds for those systems, building fences around the expenditure of funds to make sure when the money is spent it is in compliance with law and our understanding of what the law of the land is.

But let that debate occur in the right place and the right time. Let us get to that. Win or lose, we then will accept the will of the Senate. But we should not be thwarted in having the will of the Senate expressed by a vote on an amendment to delete on this authorization bill.

So I very much support the efforts of Senators BYRD and NUNN in trying to get this bill to the floor. It is important for the security of this Nation that we have the priorities that are set forth in this bill debated and adopted by the Congress. We should get on with that and debate the Levin-Nunn language during that time.

I also again want to concur in the remarks of the Senator from Nebraska who put his finger right on the point which is when it is appropriate and under what circumstances to debate language that is in a bill. Should that debate take place during the motion to proceed or should it take place during the debate on the bill itself? He is right on the money and I concur in his remarks.

The **PRESIDING OFFICER**. The Senator from Illinois.

Mr. **DIXON**. Mr. President, I am happy to join in this discussion concerning the motion by the majority leader to move to consideration of the Department of Defense authorization bill and would like to remind my colleagues who may be watching the proceedings in their separate offices that we reported this bill to the Senate 3 months ago.

The markup of this particular DOD authorization bill in the Armed Services Committee, with the exception of this particular so-called Levin-Nunn amendment, was probably the most harmonious markup of a DOD authorization bill by an Armed Services Committee of the U.S. Senate in many years.

I have not been a member of the committee for a long time. I see a colleague of mine, who is a very dear friend, of the opposite political persuasion, the distinguished Senator from Indiana, who serves on the committee with me.

I want to say that I have served now during the course of service of three chairmen—the distinguished Senator from Texas, Senator John Tower; the distinguished Senator from Arizona, Senator Barry Goldwater; and now under the leadership of the distinguished senior Senator from Georgia, Senator SAM NUNN. All have been good chairmen. All have been highly motivated in the interest of the finest national defense system this country could afford. But I thought the service this year by the members of the committee was distinctly cooperative throughout the proceedings with the exception of the adoption of this amendment. Why do I dwell on that?

This piece of legislation, which perhaps a majority of this Senate would say ought to have the highest priority of anything we do here—the national defense of the United States of America—with the exception of one amendment, is probably the finest product, given the fiscal constraints, that the Armed Services Committee has produced in years.

I want to say that I was in the chair, Mr. President, from the hours of 3 to 4 when the Senator from South Carolina spoke. The Senator from South Carolina was President pro tempore when I served in the minority prior to the 1986 election. The Senator from South Carolina has been a member of the Armed Services Committee for years. The Senator from South Carolina, in his remarks opposing the motion of the distinguished majority leader, conceded that this was one of the finest bills that was a work product of the Armed Services Committee in years.

Now, I have the honor, Mr. President, of being chairman of the Subcommittee on Readiness, Sustainability and Support. That subcommittee authorizes 37 percent of the funding in this DOD authorization bill. That bill authorizes approximately $302 billion, if my memory serves me well.

My subcommittee hearings were extensive and covered a great many weeks of hard work. At the conclusion of it, the Senator from South Carolina, Senator THURMOND, the Senator from Texas, Senator GRAMM, the Senator from Arizona, Senator MCCAIN, the Senator from Idaho, Senator SYMMS, and others expressed to me their personal appreciation and satisfaction for the fact that every member of the minority had been fully heard. Their views had been fully considered and they had every opportunity to place in our subcommittee's work product what that individual minority party Senator wanted in the bill, at least within reasonable limitations that fiscal constraints would permit. And we had a fairly extensive bogey, as I recall $2.5 billion or so, that we had to remove in the jurisdiction of my subcommittee from this DOD authorization bill.

Now why do I say all of this? Well, Mr. President, I say it for this reason. We do not come here in perfect harmony on the things that we do. When I was in the minority, a great many things happened that I took substantial issue with. But this Senator lived with those things, Mr. President, because I was in the minority. And, as a matter of fact, I am in the majority now, and some things that we do I do not agree with, however, I live with them.

We have here a bill where every member of the Armed Services Committee worked on the product and was satisfied with the final product. There is no question about that. There is no member on the minority side, Mr. President, that would argue with the fundamental thesis of what this Senator is saying now. We have a good product.

We have a difference of opinion about one thing, the so-called Levin-Nunn amendment. Honorable people can differ about these things, but there was a vote, and the majority opinion was that we put this amendment in the bill.

Now, if my colleagues on the other side, whose friendship I cherish, have a different point of view, if they can prevail on this floor and take it out by amendment, so be it. Let me say here if they take out the Levin-Nunn amendment, this Senator will still speak for and vote for this DOD authorization bill.

There are certain things in this bill I want to take out. There is an authorization for aircraft carriers in the bill that this Senator is opposed to. There is authorization in this bill for homeporting that this Senator is opposed to. I was chairman of a major subcommittee and got rolled on that question, Mr. President, but I lived with it.

So, if my colleagues can take it out on the floor, let them. And let me say this beyond that, Mr. President: if my colleagues on the other side are correct in their representation, and I assume them to be correct, that the President of the United States takes such exception to this one amendment that he would veto the entire DOD authorization bill over it—and I doubt that he will—but if he would, then let him. We will try to override, and if we fail, we fail. And then we would have to revisit, I suppose, this whole question. But that is the democratic process. What is not the democratic process, Mr. President, is what is happening here!

When I go home and have townhall meetings, people ask me about the fact that we have not yet passed a Department of Defense authorization bill. I do not mean it is the only topic on the streets or that it is a major matter of discussion back home. But many people are aware of the fact that we have not done our job in this regard. The House has passed their bill; however, no conference is taking place because we have not passed a DOD authorization bill, notwithstanding the fact that we are near the end of the fiscal year. Many people know that.

This filibuster is contrary to the fundamental democratic process. I do not come here to say I have never filibustered, because I have. I do not come here free of guilt. But we are in gridlock on every significant public issue before the people of America today.

Our majority leader is asking for cloture votes next Tuesday on fundamental election reform and on the DOD authorization bill. Why do we not get to it? On every major issue this year we have had a veto and arguments and overrides, except on the banking bill where the conference committee had finally finished its work and the President finally sent word we should come back and try again. We finally did achieve accommodation on a major piece of legislation. The President knows that is how the system works—and the banking bill became law.

I think that we ought to take up this bill. I think it is of the highest priority.

I do not know that I necessarily agree with my friend from Georgia, the chairman of our committee. I think he is a great chairman and great leader. I am not so sure we ought to hold up consideration of Judge Bork and eveything else until such time as we get to this bill. But I certainly think that this is of the highest priority and we ought to get on with it.

Now, It seems to me that everybody has kind of gone along with senatorial courtesy for a long time here, Mr. President. I know my friend the majority leader is on the floor and he has the power to make these decisions, and no one else has. But I think at some time soon we ought to just stay here until we get finished with this piece of business. I think the DOD authorization bill ought to be taken up. I think we ought to continue to vote on cloture and continue to talk, and get the cots and stay here until we have a bill. I think it would be the worst possible result this year, Mr. President, for us to not get a DOD authorization bill. I think that failure to get this bill would be something that would invite great difficulties in the future.

Let me say to my friends on the other side—and I know there is only one of them here, but I hope others are hearing what I am saying in their separate offices and will think about it—more often, people who do not much like the present DOD authorization bill and want it reduced further are pleased with the delaying actions you are taking.

I remind my friends on the other side that this whole question of the strategic defense initiative, which I support, has a considerable amount of opposition in the country. When you talk about the interpretation of the ABM Treaty, there are many people in the country who do not want any money in this bill at all for the strategic defense initiative. I remind my friends on the other side that we put $4.5 billion in this bill for the strategic defense initiative. That is much more than the House has, probably more than will survive the amendatory process here.

I think we ought to do one of two things, Mr. President. I hope that my friends and colleagues on both sides consider this.

Some have said we should take out the Levin-Nunn amendment altogether and just take up the bill. I say let us take it out along with the money for SDI. We should argue the Levin-Nunn amendment and the money for the strategic defense initiative separately, if that is what everybody wants to do, they belong together; they are part of the same family. If we want to do that, let us do that.

If we cannot do that, Mr. President, then let us stay on this bill until we pass it. Let us force everybody here to understand that ultimately we have to come to grips with this immense problem and pass a DOD authorization bill and take it to conference. That, I think, is a fundamental duty of every Member of the U.S. Senate. I think it is expected of us and I think it is tremendously important that we get on with the business of the Senate.

I just want to say, Mr. President, that basically this is a good bill. There are going to be amendments argued about a number of different things in this bill. Some things could be modified here on the floor. Obviously the Levin-Nunn amendment is something that needs to be discussed. It will be discussed in a heated way. It may be discussed for days. That is all right. If they want to discuss it for weeks, that is all right. Let us let the democratic process work.

But in the end, Mr. President, we must have a bill. Three months have passed. We must have a bill.

I think it would be the gravest type of misconduct by the Senate to ultimately come to the end of this session without having passed a DOD authorization bill. Frankly, I am here to say in conclusion that the chairman of this committee is not going to shrink from his position. There is not any way, Mr. President, may I say, that he will voluntarily take out of this bill the Levin-Nunn amendment. The chances of that are zero and none, and you can spell it n-o-n-e or N-u-n-n—but no chance!

So we get to this bill one way or another. I say to my good friend, the majority leader, one of the finest recitations of poetry that this humble Senator has heard in his entire life was the excellent recitation by the majority leader today. I thank him for it and I say to the majority leader, who has entertained us in so many ways in so many times, why do you not get out the cots? Why do we not just stay here day and night in this pleasant company, the 100 of us, together, until we take up the fundamental piece of legislation most important to the national security of the United States of America, and through our efforts the world at large, and pass the DOD authorization bill?

Mr. Majority Leader, I yield the floor because I see you standing and it may be my delight, sir, to hear you recite once again.

Mr. BYRD. The distinguished Senator asked me: Why don't we get out the cots?

I read in one of the national periodicals today—I will put my glasses on and see who is on the floor—yes. I read in one of the national periodicals today where a Senator said that, if BYRD were to have all-night sessions and get out the cots, BYRD might not be majority leader much longer. [Laughter.]

Mr. DIXON. I want the majority leader to know I did not suggest it for that reason.

Mr. BYRD. May I say the cots are around and I would not be surprised that before this session is over on the DOD bill or some other matter, if the minority persists in delaying action, Senators will have an opportunity to sleep on those cots. Or at least to lie on them. I do not know how much sleep they are going to get.

I have been on both sides of filibusters in my time. In the same magazine or national periodical I read where I had spoken at one time for 14 hours and 13 minutes, so I am an accredited, blue-ribbon, pedigreed stock, filibusterer myself. There come times when the filibuster is useful and should be used; and then there come times when it is abused.

I have seen the filibuster abused in this Senate before in years past.

At one time there was no cloture rule. I say at one time—for most of the period of this Senate's history there was no cloture rule. At the very beginning, there was even the motion available for the previous question. That motion is available in the other body but it is not available in this body now. It has not been for decades and decades. Almost two centuries.

But the abuse of the cloture rule has led to some changes during my tenure as majority whip and as majority leader.

As a result of such abuse of the filibuster, the abuse of the so-called unlimited debate feature of this institution, the cloture rule came into play and it has since been tightened.

We reduced it, the Senator may remember, from 100 hours to 30 hours. But that rule can stand some more tightening. It ought to be tightened up more. It is full of loopholes as it is.

If Senators persist in utilizing the filibuster, as a means just to delay and make it difficult for the majority of the Senate to work its will, I think the majority of the Senate at some point will tighten up that rule.

It will not be good for the Senate to become a mere second House of Representatives. I use the word "mere" only in the sense that, in the House, Members of the House cannot stand on their feet and talk as long as their feet will hold them up, as we can now do in the Senate. The House has far different rules. The House has a Rules Committee which, under House rules, may report out a rule providing that there be no amendments on a bill; or that there be only one amendment on the bill, that amendment to be offered by the chairman of the committee; or that there be only two amendments on a bill, one to be offered by the chairman and one by the minority leader so that the minority has a chance to offer one amendment, and that is it, period. That Rules Committee in the House can mold that rule to fit whatever situation the House leadership there has to deal with.

The Senate has a Rules Committee, but the Senate does not operate under those rules. That Rules Committee cannot issue such a rule in the Senate. So, in the Senate, any Senator can stand on his feet as I did for 14 hours and 13 minutes. I could have gone longer at that time. I will be turning 70 in November and that was in 1964, 23 years ago. I could go 14 hours and 13 minutes now—probably. Because on that occasion, I began around 6 o'clock in the evening. I had already had a long day. I began around 6 or 7 o'clock and went through the night. Can the Senator imagine the kind of record I would have set had I started that morning? Had I started early in the day at 10 o'clock and gone until 10 o'clock the next day? That would have been 24 hours. But to start at 6 o'clock in the evening and speak for 14 hours is not a small feat.

I was speaking with a British Parliamentarian today who is the recordholder in the British Parliament. He had spoken 7 hours, which was a record filibuster.

Our good friend from South Carolina, to whom my friend was addressing his remarks a moment ago, has the record in the Senate. But the time will come, I believe, when the Senate will tighten up the rules so that the weapon of the filibuster will not be as threatening a weapon as it is now. The abuse of the rules will lead to change, and sometimes the pendulum swings too far.

While I am on my feet, and the distinguished Senator from Texas [Mr. BENTSEN] is on the floor, may I say to him that I have been, as he knows, attempting, and I think I have put the request five times—and I said earlier today I would put it again, though I will wait until the Republican leader is on the floor to put the request—to ask unanimous consent that the Senate proceed to the consideration of the catastrophic illness bill, S. 1127. The author of the bill is Mr. BENTSEN. It is a bill to provide for Medicare catastrophic illness coverage, and for other purposes.

This bill was reported by Mr. BENTSEN to the Senate from the Committee on Finance, of which he is the able chairman, on July 27, 1987. It will soon be 2 months.

Before the August break, I sought consent to bring up the catastrophic illness bill five times, and the distinguished Republican leader on behalf of other Senators on this side had to object to proceeding to the bill. The Republican leader did not object on his own behalf, but he had been requested by other Senators to do so for them. I respect his responsibility to do that on behalf of other Senators.

Actually, other Senators ought to come to the floor and object themselves. But that is one of the pleasant duties of being a leader in this body, Republican or Democratic leader; you have the great honor of coming to the floor and objecting to a measure on behalf of your colleagues. It is one of the things that impels us to seek the leadership, even though we may have to sit here for hours before having the opportunity to object. It is a great honor to be elected leader. I do not say that facetiously. But that is one of the duties of the Republican leader. He is expected to object on the part of other Senators on his side, if they say object.

I earlier said today I wanted to get the bill up. The distinguished Republican leader said that he had gotten the number on his side down from 14 or 15 objectors to about 2 or 3.

The distinguished Senator from Texas is here. He is the chairman of the Finance Committee. I can ask him, is he ready to proceed to that bill in case there are no objections from the minority at this time?

Mr. BENTSEN. Mr. Leader, we certainly are prepared to proceed with that bill.

I listened to the statement of my distinguished friend from Illinois, I listened to his frustration, and I listened to your comments. We really do have to make some changes in the U.S. Senate rules because of the kind of abuse we are being subjected to, the kinds of delays that we are experiencing.

One of those is putting a hold on a bill and leaving it and leaving it and leaving it.

Mr. Leader, this bill was brought up with 100 percent support and vote in that committee. What more do we have to do? The vote was 20 to 0.

The President's State of the Union Address called for a catastrophic illness bill. We have delivered. We have an excellent piece of legislation, something that says to the elderly of this country, those who qualify for catastrophic illness benefits, "You are not going to have yourself wiped out financially. You are not going to have all your family trying to support you and lose their financial means in the process. We are going to give you some peace of mind. We are going to take the law of averages and reduce it to the individual and give you that kind of protection."

That is what we have done. This piece of legislation does not make it compulsory that you have to take it. It is voluntary. It is optional. How can they object to that?

Mr. Leader, I really think this is an abuse of the system when we withhold that.

I know that the distinguished Republican leader, as you have stated, the minority leader, wants to bring it up, but he is reporting for some of his members who are still objecting to it.

Mr. BYRD. Why are they objecting?

Mr. BENTSEN. I frankly cannot understand when you get a unanimous bill out of that committee, when you have all the Republicans and all the Democrats for it, and then when you say to the person on the coverage "It is optional. You do not have to take it unless you think it is the best deal you can find."

Mr. BYRD. Is it not ridiculous that we have to have 60 votes to invoke cloture on a motion just to take up the bill?

Mr. BENTSEN. It makes no sense. I really think that is an abuse of the position.

They have had a whole month to rest, to think about it, to have their staffs work on it. If they are not ready now, when are they going to be ready? We are going to be here Thanksgiving.

Mr. BYRD. The White House used to pretty much lay out the agenda here in the Senate.

Mr. BENTSEN. I do not know about the White House.

Mr. BYRD. The Democrats are in control now. The White House cannot lay out the agenda today. But the White House can, working through the minority, slow down the work of the Senate.

Mr. BENTSEN. There is no question about that.

Mr. BYRD. I do not know that the White House is doing it, but if the White House says to certain Senators in the minority, "We do not want that bill taken up," those Senators can at least delay it for awhile.

By the way, on the matter of holds, this majority leader does not recognize holds indefinitely.

Mr. BENTSEN. Good.

Mr. BYRD. This majority leader will recognize a hold only for a reasonable length of time.

Mr. BENTSEN. That is understood.

Mr. BYRD. Some Senators put holds on measures only to alert the floor staffs that they, those Senators, want to be notified before a bill is called up. They may have an amendment that they wish to call up. They want to be notified.

Mr. BENTSEN. I agree with that.

Mr. BYRD. But this Senator will only recognize a hold for so long. I do not know how it works on the other side of the aisle. I do not recognize holds on the other side of the aisle. But Senators do, under the rules, have the right to object to a unanimous-consent request to take up measures. They have a right to stand on their feet and offer amendments. They have the right to talk, talk, talk, talk. They have a right to delay, by standing on their feet and talking.

But as to holds, I do not recognize those as being legitimate reasons to delay indefinitely, ad infinitum, the action on a bill.

Mr. BENTSEN. Mr. Leader, I would like to say that I was standing here thinking about your question about reasons for objecting. One of the stories I hear is that they might be objecting because of some amendment that might be offered on the floor of the Senate.

Mr. BYRD. Do you mean on our side?

Mr. BENTSEN. No, I am talking about some Members on the other side of the aisle. If you start objecting because of something that might be offered, I do not know how you can ever bring up a piece of legislation, how you can ever justify bringing it up, if you are going to be subject to that kind of opposition. When you have the President himself asking, in a joint session of the Congress, saying that he thinks this is a priority for him, when you have Democrats on the House side and on the Senate side, the chairmen of the appropriate committees, sponsoring that kind of legislation, working hard for it, and then getting the kind of support that we have had, 100 percent support, and it is optional whether or not you want to take it, and some can still object to us bringing it up, I cannot understand the rationale or the logic in that. I think it is most frustrating, and I can tell you the problem with that. You watch Thanksgiving come around and we may go right on through that and go up to Christmas Eve. Then we will have people talking about how we just could not get the work done in the Senate. That is the cause of it. That is the reason for it.

Mr. Leader, yes, in response to the question, we certainly are ready to go, ready to move. We have a good piece of legislation, and this body ought to have an opportunity to consider it, pass it, put it into law, and say to those who are eligible for Medicare, "We are going to give you some peace of mind when it comes to your financial resources that might be involved in a catastrophic illness."

Mr. BYRD. Mr. President, I thank the distinguished Senator. I hope we can get this bill up. Tomorrow would be a good day to act on catastrophic illness while we are waiting on the motion to proceed on the Department of Defense authorization bill, and waiting on the cloture motion to mature on campaign financing reform. I appreciate not only his willingness but his readiness and his eagerness to proceed on the catastrophic illness bill. We have seen a thwarting of the will of the majority to invoke cloture on the campaign financing reform bill. The time will come when the people of the country are going to get tired of this money chase in respect to election campaigns and they are going to become more and more aware of what is going on. Once they do, the Senate will enact campaign financing reform. There can be no campaign financing reform without a limitation on campaign spending.

I say that to say this. The time is also going to come when the people of this country will demand some reform in the Senate rules. I have always been against majority cloture, and as long as I am a Member of the Senate I will be against majority cloture, because there has to be a place where there can be extended debate, where Members can stand up in the face of sudden passions and emotions that may sweep over a country and be able to think carefully about a piece of legislation and talk about it and put the country on notice as to what is involved. That place under our system is the Senate.

The time will come when Senators themselves are going to rise up in frustration and change the rules and to some extent they may erode the present right of Senators to speak at length. There are times when it becomes necessary to delay action on a measure, and that is the danger. When we abuse the rules, we put in jeopardy the right of a Senator at some future time, when his State may demand it or the Nation may require it, to stand up and utilize the rules to delay.

Mr. BENTSEN. Mr. President, the majority leader was commenting earlier on campaign reform. I suppose—in fact, I am confident—that as of today I have probably collected more money for my campaign reelection than any other U.S. Senator. I represent the third largest State. On a per capita basis, it is something less than what others have collected. I understand that. But I look at what the last Senate race in my State cost the participants—around $20 million for two of them. I look at the last Governor's race in my State, numbers comparable to that. Other States have been in excess of that—California, for example. Those numbers are outrageous. That is why I support the campaign reform bill. I would be delighted to see some reduced limits on what can be spent and what we have to raise.

Mr. BYRD. It would take a burden off the Senator.

Mr. BENTSEN. Change this.

Mr. BYRD. At the moment, he is a victim of the system.

Mr. BENTSEN. Change the system.

Mr. BYRD. At the moment, the Senator cannot ignore his reelection.

Mr. BENTSEN. I cannot do that.

Mr. BYRD. He is here.

Mr. BENTSEN. You bet.

Mr. BYRD. But we have the system to live with until it is changed. We are attempting to change it. Until we change it, the Senator cannot ignore his reelection. He wants to continue in public service.

Mr. BENTSEN. I see what they have spent in the past and I can see what an opponent could spend against me, the amount of money they could raise in just the last race. So I have that concern and that problem, to try to raise those funds. But I would just be delighted to have limits put on far below what they are today and not take that much of my time having to do that. I think it would be a vast improvement in the system if we could. I am delighted to be a sponsor of the legislation and I will try to help the majority leader in the passage of it.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the pending business before the Senate is to move to the consideration of the Defense authorization bill, and a cloture motion has been entered on that motion. That motion is debatable.

As soon as the Republican leader reaches the floor, I should like to make the request which I said I would make anent catastrophic illness, and then I would like to put the Senate out if no Senator wishes to speak. I am ready to go. I have been here all day, all afternoon, sitting, waiting patiently. I sometimes feel a little lonely out here.

I also have been hopeful that it would be possible to take up the Philippine resolution which the distinguished Republican leader and I have been working on, together with other Senators. I have indicated to Senators that there might be a rollcall vote on that resolution today. I should announce to Senators that there will not be any rollcall vote on that resolution today.

There is no problem on this side. This side is ready, willing, and eager to proceed to the consideration of the resolution to express support for President Corazon Aquino and the Government of the Philippines. We are ready to do that and will be happy to do it now. We are ready to give unanimous consent to the immediate consideration of the resolution, but there is a problem, I understand, on the other side. On tomorrow, I will discuss with the distinguished Republican leader the possibility of taking up that resolution, of which he, himself, is a prime cosponsor, and see if we can proceed on tomorrow to vote on that resolution.

I now understand that the distinguished Republican leader will not be returning to the floor, that he has no further business today and wishes to make no further statement. Therefore, I am prepared to go out.

The distinguished Senator from Indiana [Mr. QUAYLE] is the acting Republican leader, and he is present.

Let me inquire of the staff if there is any business we can dispose of today.

I ask the distinguished acting Republican leader, Mr. QUAYLE, if Calendar Orders numbered 298 and 303 on the calendar of business have been cleared on the other side of the aisle.

Mr. QUAYLE. I state to the distinguished majority leader that, according to the information I have, there is no problem with Order No. 298. There is a problem with No. 303.

Mr. BYRD. I thank the able Senator.

AVIATION INSURANCE PROGRAM EXTENSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 298.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1628) to extend the Aviation Insurance program for 5 years.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FORD. Mr. President, S. 1628 is very simple. It is designed to extend the current Aviation Insurance Program, which expires on September 30, 1987, through fiscal year 1992, or for an additional 5 years.

Commercial insurance for airline operations is often not available for flights to certain parts of the world where there are security risks. The most evident situation of this is when nations are at war. In addition, when the Civil Air Reserve Fleet is activated and U.S. commercial carriers conduct military operations, seldom are those airlines afforded commercial insurance coverage. The result is that the airlines cannot or will not make those flights.

There are numerous situations, however, when it is in our national interest to have such air service continued. Foreign policy and national security considerations often require that air service to those foreign points be continued—under almost any circumstance.

Under current law, the Secretary of Transportation, with the approval of the President, may provide insurance for aircraft engaged in foreign air commerce whenever the Secretary determines that such insurance cannot be obtained on reasonable terms from a commercial carrier. This Government-provided insurance, which is made available for a term, not to exceed 60 days, can only be provided for those flights determined by the President to be needed to carry out U.S. foreign policy.

The Aviation Insurance Program offers two types of policies, premium and nonpremium. With respect to the premium policy, insurance is issued by the Federal Aviation Administration and a premium is paid by the airline for the coverage. The nonpremium policy is issued to airlines operating under contract to a Government agency, and although no premium is required to be paid by the airline, the contracting Government agency is bound to indemnify DOT for any claims which are paid.

The premiums collected are deposited into a revolving fund, which is available to liquidate any claims made by airlines operating under the program. As of June 1, 1987, the balance of this fund was $37.7 million.

The Aviation Insurance Program was established by Congress in 1951. Although infrequently used, it has been reauthorized several times, including the current authorization which was approved in 1982. The last time the Aviation Insurance Program was utilized was during the Vietnam war.

S. 1628 was unanimously approved by the Commerce Committee in late July. This 5-year extension is supported by the Department of Transportation and the airline industry.

Mr. President, the Aviation Insurance Program serves a valuable purpose by ensuring the means under which air service—that otherwise would be impossible—is provided. I believe that is as it should be continued, and I urge my colleagues to support passage of this bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1542) is amended by striking "1987" and inserting in lieu thereof "1992".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. QUAYLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE CONCURRENT RESOLUTION 9 PLACED ON THE CALENDAR

Mr. BYRD. Mr. President, I believe this has been cleared with the other side. I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of Senate Concurrent Resolution 9, a concurrent resolution submitted by Mr. DOLE for himself, Mr. THURMOND, Mr. WARNER, and Mr. WILSON, and that the concurrent resolution be placed on the calendar.

Mr. QUAYLE. There is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be made a cosponsor of the concurrent resolution, the concurrent resolution being for the purpose of providing for the display of the National League of Families POW-MIA flag in the Capitol Rotunda.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The Committee on Rules and Administration was discharged from further consideration of the following concurrent resolution; which was placed on the calendar:

S. Con. Res. 9. A concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol Rotunda.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself, Mr. WEICKER, Mr. MITCHELL, Mr. ARMSTRONG, Mr. BRADLEY, Mr. DASCHLE, Mr. HARKIN, Mr. NUNN, Mr. EVANS, Mr. BINGAMAN, Mr. INOUYE, Mr. LEAHY, Mr. STAFFORD, Mr. PELL, Mr. DODD, Mr. WIRTH, Mr. BIDEN, and Mr. CONRAD):

S. 1673. A bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes; to the Committee on Finance.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 1674. A bill to amend title 5, United States Code, with respect to the maximum rate of basic pay payable to civilian faculty members at the U.S. Naval Academy; to the Committee on Governmental Affairs.

By Mr. McCLURE:

S. 1675. A bill to provide for the establishment of the Hagerman Fossil Beds National Monument in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 1676. A bill to amend the Comprehensive Crime Control Act of 1984 to provide for an orderly transition into sentencing with guidelines and for other purposes; to the Committee on the Judiciary.

By Mr. CHILES:

S.J. Res. 187. A joint resolution complying with the requirements of section 274(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Temporary Joint Committee on Deficit Reduction.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself and Mr. WEICKER, Mr. MITCHELL, Mr. ARMSTRONG, Mr. BRADLEY, Mr. DASCHLE, Mr. HARKIN, Mr. NUNN, Mr. EVANS, Mr. BINGAMAN, Mr. INOUYE, Mr. LEAHY, Mr. STAFFORD, Mr. PELL, Mr. DODD, Mr. WIRTH, Mr. BIDEN, and Mr. CONRAD):

S. 1673. A bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes; referred to the Committee on Finance.

MEDICAID HOME AND COMMUNITY QUALITY SERVICES ACT

Mr. CHAFEE. Mr. President, today I am introducing the Medicaid Home and Community Quality Services Act of 1987, a bill which will revolutionize the services and support provided to those who are mentally or physically disabled. I am joined in this effort by Senators WEICKER, MITCHELL, ARMSTRONG, BRADLEY, DASCHLE, HARKIN, NUNN, EVANS, BINGAMAN, INOUYE, LEAHY, STAFFORD, PELL, WIRTH, DODD, BIDEN, and CONRAD.

Now, Mr. President, I will admit that the title of this bill is truly a mouthful. The Medicaid Home and Community Quality Services Act of 1987. And the bill, is—here it is—73 pages long.

But what I would like to stress, Mr. President, is that each page of this long and indeed complicated proposal strikes a blow for freedom, independence and individuality.

Stated simply, this proposal will revolutionize the Medicaid Program by changing it from a program that demands dependency to one that seeks to encourage personal growth and is tailored to the needs of each individual with a disability.

Why is this bill so important?

As we all know, we have no well-thought-out national system of services for those needing long-term care. The closest we come is a program called Medicaid.

Medicaid is the only Federal program which provides States with moneys for long-term care services for the elderly and the disabled. Currently, those funds, namely, the Medicaid funds, flow primarily toward large facilities—institutions or nursing homes.

This is the crux of the problem with Medicaid, and the reason behind my commitment to restructure it. The Medicaid Program began as a medical assistance program for low-income individuals. Note the word medical assistance. Medicaid. That is what it is all about. Over time, the Medicaid Program has slowly been changing to also pay for long-term care services that are not associated with medical necessities, such as long-term care services for the elderly and the disabled.

Today, more than one-half of Medicaid funds are used for this purpose, namely, the long-term care services for the elderly and the disabled. But the long-term care services the program will pay for are still rooted in the Medicaid model. Even the Medicaid home and community-based waiver. Currently States can receive a waiver to use Medicaid moneys for other than institutionalization, but that in itself is also tailored to the concept of medical assistance.

During the years, as our understanding of the needs and the capabilities of those with disabilities has progressed, it has become clear that the traditionally oriented medical services for long-term care are inadequate and inappropriate.

The problem for those with disabilities is not medical services for them. It is a whole series of other services. So the goal of my proposal and my cosponsors is to address the full spectrum of needs of those with disabilities in order to help them achieve their fullest potential.

What do I mean by "fullest potential?" Simply that each person regardless of the severity of his or her disability—it could be mental, it could be a physical disability—should have the opportunity to pursue education, recreation, vocation, to the best of his or her ability. And Federal programs, namely, Medicaid, should assist in these endeavors rather than hindering them.

Here is the situation now. Let us say you are mentally disabled, a severely retarded child. The only thing that Medicaid will pay for to help the family is the institutionalization of the young person. If that severely mentally retarded youngster goes into an institution, then Medicaid will step in and help pay for the support. But if the parents choose to keep that child in the loving atmosphere of the home with his or her brothers and sisters, Medicaid will not pay anything.

Now, yes, there is an exception. The State can get a waiver, but that is the exception and every State does not go through the process of getting a waiver.

Now, something is wrong. That is not the way we wanted the system to work. Many families choose to keep that child at home, feeling that they do not want them stuffed away in an institution somewhere; they want to keep the child at home. The premise of this legislation, the Medicaid Home and Community Quality Services Act, is that there ought to be a wide range of services and support for those with disabilities in a variety of residential settings. The best setting for that youngster might be in the home or it might be in a group home, namely eight or nine, seven or eight of those with disabilities in an apartment somewhere with proper supervision 24 hours a day, or it might be in a small institution, or it might be in a large institution. But the option should be available. They are not available now, at least the Federal Government will not help through Medicaid or through any form of payment. The services that we are seeking should be designed for each individual's needs rather than requiring the individual to fit in with the existing system, and if he or she does not fit, tough luck.

Now, my bill will freeze the funds flowing toward large institutions at current levels. In other words, if an institution in the State of Rhode Island is receiving *x* dollars now, our major institution for the mentally retarded, that is all they get. They will not get any more. It will be indexed, but it will not go up. So there is a tendency to keep a level on the funding for institutions and to encourage out-placement if that is the best for the patient.

Now, there is no limitation on Federal funds used for community-based services, which I have discussed earlier. Community-based service could be a group home, could be the child or the individual staying with his family and some respite care coming in through home services provided in this legislation.

Now, this bill, the Medicaid Home and Community Quality Services Act, provides the mechanism to allow those with disabilities to live in the community with the security and support they need along with the opportunity to grow and develop as individuals.

We have discovered clearly that the smaller the setting the more the individual flourishes, reaches his or her potential. In a big institution somebody else does the cooking, somebody else does the cleaning, somebody else makes the beds. In the smaller setting the individual can try to do the cooking or help with it, learn how to vacuum the rugs, learn how to keep the place up, stretch themselves, and that in the long run is far better and gives pride to the individual.

It allows individuals who currently are living in the community, at home or in some other arrangement, to remain, thereby giving them and their families the support and the services they need.

Now, this proposal challenges the idea that long-term care services must be medically oriented. The thrust, as you notice, is not toward the medical side.

Now, each individual with cerebral palsy or Down's syndrome or spina bifida or any number of disabilities has medical needs which must be met. That is recognized. But just as important is the quality of life of the individual and the recognition of his or her potential for growth or productivity. It is time for State and Federal governments to help rather than to hinder those with disabilities in their attempts to achieve independence and productivity. My bill will make that possible.

The Medicaid Home and Community Quality Services Act is the product of 5 years of widespread public discussion. We first started this in 1982. We introduced the legislation in 1983 and again in the 99th Congress, which started in 1985. We have had three Finance Committee hearings on this. We have had countless seminars and forums. I myself have spoken across the country in connection with this legislation. This bill can and should pass the Congress this year, and I am committing my fullest efforts to seeing that that is achieved.

Mr. President, I ask unanimous consent that a summary of the bill and the bill itself be printed in the Record.

There being no objection, the bill and a summary were ordered to be printed in the Record, as follows:

S. 1673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Home and Community Quality Services Act of 1987".

SEC. 2. DEFINITIONS.

Section 1905 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(r) INDIVIDUAL WITH A SEVERE DISABILITY.—

"(1) The term 'individual with a severe disability' means an individual who is under a disability within the meaning of section 1614(a)(3) of this Act, the onset of which occurred before the individual attained the age that applies with respect to a fiscal year (as determined under paragraph (2)).

"(2) For purposes of paragraph (1), the age that applies with respect to a fiscal year is the lesser of—

"(A) 22 plus the number of fiscal years after fiscal year 1986 and before the beginning of such fiscal year; and

"(B) 50.

"(s) COMMUNITY AND FAMILY SUPPORT SERVICES.—The term 'community and family support services' means supportive services made available to an individual with a severe disability (or to such individual's natural, adoptive, or foster family or spouse) to enable such individual to begin, resume, or continue living in a family home, foster family home, or community living facility. Such supportive services shall include both in-home and out-of-home services (as needed) from among those enumerated in section 1921(a)(2).

"(t) FAMILY HOME.—The term 'family home' means a residence maintained by an individual (whether or not disabled) or a couple, or by a natural or adoptive family, in which one or more individuals with a severe disability are living who receive medical assistance which includes payment for some services enumerated in section 1921(a)(2).

"(u) FOSTER FAMILY HOME.—The term 'foster family home' means a residence maintained by an individual or couple—

"(1) in which not more than three individuals with a severe disability are living, are provided surrogate family services, and receive medical assistance which includes payment for one or more services enumerated in section 1921(a)(2); and

"(2) that is under contract with an agency licensed or designated to place individuals with a severe disability in such residence.

"(v) COMMUNITY LIVING FACILITY.—

"(1) The term 'community living facility' means a single household, other than a family home or foster family home, composed of related or unrelated persons, which—

"(A) provides living arrangements and one or more of the services enumerated in section 1921(a)(2) to one or more individuals with a severe disability;

"(B) has a number of beds (exclusive of beds occupied by staff members) not in excess of the product obtained by multiplying by three the greater of—

"(i) the number of individuals in an average family household in the area in which such facility is located (as determined in accordance with data from the 1980 decennial census), or

"(ii) the number of individuals in an average family household in such area (as determined in accordance with any decennial census conducted after the 1980 decennial census);

"(C) is located in a neighborhood which—

"(i) is representative of residential neighborhoods in such area, and

"(ii) is populated primarily by individuals other than individuals with a severe disability;

"(D) meets such standards of safety and sanitation, and other standards relating to services provided by the facility, as are promulgated by the State;

"(E) meets the requirements of section 1861(j)(14) of this Act with respect to the personal funds of individuals residing in such facility; and

"(F) is staffed by individuals who (i) are trained or retrained in accordance with the provisions of the State implementation strategy (submitted to the Secretary under section 1921(c)(1)) by the State in which such facility is located, and (ii) in providing such living arrangements and services to individuals with a severe disability, cooperate with other providers and with appropriate case managers in implementing a written habilitation plan for each such individual.

"(2) A facility that—

"(A) is in operation on September 30, 1987;

"(B) does not increase its number of beds after such date (exclusive of beds occupied by staff members); and

"(C)(i) does not contain more than fifteen beds (exclusive of beds occupied by staff members), or

"(ii) consists of a cluster of two or three facilities in proximity to one another, each of which has no more than eight beds and which otherwise meets the requirements of paragraph (1);

shall be treated as a community living facility.

"(w) WRITTEN HABILITATION PLAN.—The term 'written habilitation plan' means a plan for medical assistance and other services for an individual with a severe disability which—

"(1) is developed by an interdisciplinary team consisting of—

"(A) such individual, persons requested to participate by the individual, and, when appropriate, the spouse, parent, guardian, other family member, or advocate of such individual, and

"(B) individuals who are representative of professional and other disciplines which are relevant to the habilitation of such individual, and have been involved in providing services to the individual or are likely to be involved in providing services to the individual (including the individuals responsible for providing case management services and case coordination services to the individual);

"(2) is based upon a comprehensive assessment of the strengths of the individual and the services and support necessary to—

"(A) enable such individual to attain or retain, to the greatest extent possible, capabilities for independence or self-care,

"(B) promote and increase interaction between disabled and nondisabled individuals within the community, and

"(C) in the case of any such individual who has attained the age of 18 and who is not engaged in supported employment (or other employment in an integrated employment environment), assess the services and support needed by the individual to engage in such forms of paid employment;

"(3) specifies—

"(A) the individuals responsible for providing services under the plan and the frequency and duration with respect to which such services are provided,

"(B) the particular objectives to be achieved with respect to an individual described in behavioral terms that provide measurable indices of performance,

"(C) the dates by which the particular objectives are to be achieved,

"(D) the services and program strategies for achieving the specific objectives, and

"(E) the priority with which the specific objectives are to be achieved; and

"(4) is reevaluated by such team at least once each year.

"(x) Case Management Services.—The term 'case management services' means, with respect to any individual with a severe disability, services rendered to such individual by a designated qualified individual who—

"(1) has a continuing relationship with such individual but who is neither associated with nor employed by (nor has any other conflict of interest with respect to) the community living facility, foster family home, family home, or any other provider of ongoing direct services to such individual;

"(2) coordinates and monitors the development and implementation of the written habilitation plan for such individual;

"(3) provides such individual (or such individual's spouse, parent, guardian, other family member, or advocate, as appropriate) with information about, and referral to, appropriate social, educational, vocational, medical, advocacy, or other services which are among or in addition to those for which payment may be made under this title;

"(4) provides assistance and serves as an advocate in procuring such services as necessary;

"(5) periodically reviews the changing needs of such individual and the appropriateness of the medical assistance and other services provided to such individual;

"(6) cooperates with personnel in school, employment related, habilitation, or treatment settings who have specific responsibilities for developing or implementing any individual education plan, plan of vocational services, plan of habilitation, or plan of treatment designed for such individual, so that all such plans are coordinated and complementary; and

"(7) is available to such individual or such individual's family for consultation or crisis intervention when required.

"(y) Individual and Family Support Services.—The term 'individual and family support services' means—

"(1) those services provided to an individual with a severe disability which the individual's interdisciplinary team (described in subsection (w)(1)) determines are appropriate for carrying out those activities of daily living which the individual cannot perform for himself, including nonmedical personal assistance, attendant services, assistance in ambulating or transferring, limited domestic services, and assistance with assistive devices and communicative devices and aids; and

"(2) services provided to the family of an individual with a severe disability which the individual's interdisciplinary team determines are appropriate for assisting the family in providing services described in paragraph (1) to the individual, including respite care.

"(z) Specialized Vocational Services.—

"(1) The term 'specialized vocational services' means services designed to enhance the independence, productivity, and integration of an individual with a severe disability, including—

"(A) prevocational services for such an individual whose earning capacity (as determined on the basis of a current vocational assessment or other objective measure of work performance) is less than 50 percent of the minimum wage established under section 14(c) of the Fair Labor Standards Act of 1938; and

"(B) supported employment services for such an individual for whom competitive employment—

"(i) has not traditionally occurred, or

"(ii) has been interrupted or intermittent as a result of such disability (and for whom ongoing support services are needed to perform such employment).

"(2) For purposes of paragraph (1)—

"(A) the term 'prevocational services' means services that are designed to assist an individual in acquiring and maintaining basic work and work-related skills necessary to acquire and retain work in an integrated work setting, which services shall include—

"(i) training the individual to follow directions, adapt to work routines, and carry out assigned duties in an effective and efficient manner,

"(ii) helping the individual to acquire appropriate attitudes and work habits, including instruction in socially-appropriate behaviors on and off the job site,

"(iii) assisting the individual to adjust to the productive and social demands of the work place,

"(iv) familiarizing the individual with job production and performance requirements,

"(v) providing transportation between the individual's place of residence and the workplace when other forms of transportation are unavailable or inaccessible,

"(vi) providing mobility training, including the utilization of public and para-transit systems,

"(vii) training the individual in the use of assistive devices and aids, and

"(viii) instructing individuals in appropriate use of job-related facilities (e.g., break areas, lunch rooms, cafeterias and rest rooms); and

"(B) the term 'supported employment services' means services designed to assist an individual in procuring and maintaining integrated, paid employment, which services shall include—

"(i) individualized assessment,

"(ii) individualized and group counseling,

"(iii) individualized job development and placement services that produce an appropriate job match for the individual and such individual's employer,

"(iv) on-the-job training in work and work-related skills required to perform the job,

"(v) ongoing supervision and monitoring of the individual's performance on the job,

"(vi) ongoing support services necessary to assure job retention,

"(vii) training in related skills essential to obtaining and retaining employment, such as the effective use of community resources and transportation,

"(viii) transportation between the individual's place of residence and the work place when other forms of transportation are unavailable or inaccessible, and

"(ix) adaptive equipment necessary to obtain and retain employment.

"(aa) Habilitation Services.—

"(1) Subject to paragraph (2), the term 'habilitation services' means those services (including specialized vocational services and educationally-related services) provided to an individual with a severe disability which the individual's interdisciplinary team (described in subsection (w)(1)) determines are appropriate in assisting the individual to acquire, retain, regain, or improve the self-help, socialization, decisionmaking, and adaptive skills necessary to achieve independence, productivity, and integration and to live successfully in home and community based settings.

"(2) The term 'habilitation services' does not include—

"(A) special education services (as defined in section 602(16) of the Education of the Handicapped Act) which otherwise are available to the individual through a local educational agency; and

"(B) vocational rehabilitation services which otherwise are provided to the individual through a program funded under section 110 or 633 of the Rehabilitation Act of 1973.

"(bb) Case Coordination Services.—The term 'case coordination services' means, with respect to any individual with a severe disability, services rendered to such individual by a designated qualified individual who—

"(1) is employed by an agency directly responsible for providing habilitation services to such individual; and

"(2) in cooperation with the individual responsible for providing case management services, is responsible for coordinating the agency's responsibilities for implementing such individual's written habilitation plan.

"(cc) Educationally-Related Services.—The term 'educationally-related services' means, with respect to an individual with a severe disability who is eligible to receive services under parts B and H of the Education of the Handicapped Act, services covered as medical assistance under the State plan and required by such individual in order to receive a free appropriate public education (as defined in section 602(18) of such Act) or appropriate early intervention services (as defined in section 672(2) of such Act), including those services appropriate in assisting the individual to acquire, retain, regain, or improve the self-help, socialization, decisionmaking, and adaptive skills necessary to achieve independence, productivity and integration.

"(dd) Assistive Technology.—The term 'assistive technology' means the systematic application of technology, engineering methodologies, or scientific principles to meet the needs and address the barriers confronted by an individual with a severe disability (including physical, sensory, and cognitive functional limitations in such areas as employment, recreation, independent living and other home and community living arrangements).0

"(ee) Independence, Productivity, and Integration.—The terms 'independence', 'productivity', and 'integration' when used in reference to the provision of community and family support services under this title have the same meaning with respect to individuals with a severe disability as the meaning given to such terms with respect to persons with developmental disabilities in section 102 of Developmental Disabilities Assistance and Bill of Rights Act.".

SEC. 3. COMMUNITY AND FAMILY SUPPORT SERVICES FOR CERTAIN INDIVIDUALS WITH A SEVERE DISABILITY.

(a) State Plan Requirement.—Section 1902(a) of the Social Security Act is amended—

(1) by striking "and" at the end of paragraph (46);

(2) by striking the period at the end of paragraph (47) added by section 9407(a) of the Omnibus Budget Reconciliation Act of 1986 and inserting a semicolon and transferring and inserting such paragraph after paragraph (46);

(3) by striking the period at the end of the paragraph (47) added by section 11005(b) of the Anti-Drug Abuse Act of 1986 and inserting "; and", by redesignating such paragraph as paragraph (48), and by transferring and inserting such paragraph after paragraph (47); and

(4) by inserting after paragraph (48) the following new paragraph:

"(49) effective not later than the first day of the second fiscal year beginning after the date of enactment of the Medicaid Home and Community Quality Services Act of 1987, provide that with respect to any individual with a severe disability who is entitled to medical assistance under such plan and who resides in a family home, foster family home, or community living facility, such assistance shall include an array of community and family support services which the State determines are appropriate, when combined with other medical assistance available under the plan and with other available resources, to assist in providing for the health, safety, and effective habilitation or rehabilitation of such individual, including at a minimum case management services, individual and family support services, specialized vocational services, and protective intervention.".

(b) Inclusion as Medical Assistance.—Section 1905(a)(13) of such Act is amended by inserting before the semicolon at the end thereof the following: ", including community and family support services for individuals with a severe disability".

(c) Services for Individuals With a Severe Disability.—Title XIX of such Act is amended—

(1) by redesignating section 1921 as section 1922; and

(2) by inserting after section 1920 the following new section:

"MEDICAL ASSISTANCE, HABILITATION, AND REHABILITATION FOR INDIVIDUALS WITH A SEVERE DISABILITY

"Sec. 1921. (a) Community and Family Support Services.—

"(1) For purposes of section 1903, amounts expended by a State under its State plan for community and family support services may be included as medical assistance if such services are provided—

"(A) to an individual with a severe disability residing in a family home, foster family home, or community living facility, and

"(B) in accordance with the individual's written habilitation plan.

"(2) The following types of services may be included as community and family support services:

"(A) Case management services (as defined in section 1905(x)).

"(B) Individual and family support services (as defined in section 1905(y)).

"(C) Specialized vocational services (as defined in section 1905(z)).

"(D) Protective intervention.

"(E) Habilitation services (as defined in section 1905(aa)).

"(F) Case coordination services (as defined in section 1905(bb)).

"(G) Educationally-related services (as defined in section 1905(cc)).

"(H) Periodic interdisciplinary diagnostic and assessment services.

"(I) Personal assistance and attendant care.

"(J) Domestic assistance necessitated by the individual's disability.

"(K) Services to enable the individual to improve or maintain functional capacities (including physical therapy, occupational therapy, speech and language pathology and audiology, respiratory therapy, and non-aversive behavior intervention therapy).

"(L) Prostheses, orthoses, supplies, appliances, adaptive equipment, communicative aids, and other functional assistive technologies and devices (including sensory aids) and rehabilitative technology services to evaluate, design, assemble, repair, and maintain such equipment, aids, assistive devices, and systems and to train the individual, family, and provider agency staff in their use.

"(M) Preventive and therapeutic dental services.

"(N) Design and necessary and reasonable adaptation or modification of equipment and vehicles, and of housing or other space, to be used by an individual with a severe disability.

"(O) Comprehensive outpatient rehabilitation facility services.

"(P) Purchase and maintenance of guide dogs and similar trained animals.

"(Q) Services (other than board, lodging, and basic foster care) provided to any individual with a severe disability by members of a family or household in which such individual is living.

"(R) Support services to families and caregivers, including specialized training and respite care in or out of the home or usual residence.

"(S) Special transportation services.

"(T) Homemaker and home health services.

"(U) Chore services.

"(V) Crisis intervention.

"(W) Personal guidance, supervision, counseling, representation, and advocacy.

"(X) Appropriate preventive services to decrease the needs of individuals with a severe disability for future services.

"(Y) Any other services identified by the State and approved by the Secretary as conforming with the purposes of this section.

"(3) The following services may not be included as community and family support services:

"(A) Room and board, other than room and board provided for less than six consecutive weeks and less than twelve weeks in a year as an integral but subordinate part of a service described in paragraph (2). However, auxiliary payments may be made as medical assistance to cover extraordinary costs of food or housing attributable to the disabling condition of a particular individual or individuals.

"(B) Any service for which payment is made under section 403 or 422 of this Act.

"(C) Cash payments as a service.

"(D) Aversive behavior intervention, management, or therapies.

"(E) Any service to any individual to the extent that the provider of the service or the individual receiving the service is eligible to receive payment under title XVIII with respect to the provision of the service.

"(F) Any educational service which the State makes generally available to its residents without cost and without regard to their income except for educationally-related services (as defined in section 1905(cc)).

"(G) Any service to any individual with a severe disability living in any hospital, skilled nursing facility, or intermediate care facility (including any such hospital or facility for mental diseases).

"(4) Amounts expended by the State or by a provider of services to administer the provision of community and family support services pursuant to this section shali be treated as administrative costs of the State plan.

"(b) Services Are In Addition to Other Medical Assistance.—Community and family support services provided pursuant to this section shall be in addition to any other medical assistance for which an individual with a severe disability is otherwise eligible under the State plan.

"(c) State Requirements.—In order to receive payment under section 1903 with respect to community and family support services provided under the State plan to any eligible individual with a severe disability, such plan shall provide that the State—

"(1) submit to the Secretary a State implementation strategy (as described in subsection (d)) that is annually reviewed and updated (as appropriate);

"(2) ensure that community living facilities are not unduly concentrated in any residential area (except as provided in section 1905(v)(2));

"(3) report to the Secretary on the implementation of the State's implementation strategy (submitted to the Secretary under paragraph (1)) in such form and with such frequency as the Secretary may prescribe and comply with the requests of the Secretary to correct or verify such report;

"(4) cooperate with the Secretary in carrying out the Secretary's responsibility (under section 11(d) of the Medicaid Home and Community Quality Services Act of 1987) to assess the State's compliance with its State implementation strategy (submitted to the Secretary under paragraph (1)), including making available to the Secretary such records as the Secretary may reasonably require to assess such compliance;

"(5) promulgate standards governing each element of community and family support services covered under its plan, monitor on an annual basis all providers of such services to assure that such providers comply with applicable standards, and take necessary steps to assure that such standards are promptly and effectively enforced;

"(6) meet the maintenance of effort requirement described in subsection (e);

"(7) safeguard the rights of all individuals with a severe disability who are participating in services for which payment is made under this title;

"(8) ensure that individuals with a severe disability are granted equal access to available community and family support services without regard to their place of residence or the nature or degree of their disability;

"(9) ensure that any individual with a severe disability for whom a public agency (or an agency under contract with a public agency) arranges a residential placement is placed in a foster family home or community living facility that is located as close to the home of the natural, adoptive, or foster family of the individual as is consistent with the best interests of the individual; and

"(10) ensure that in the case of any individual with a severe disability who has attained the age of 18 for whom a public agency (or an agency under contract with a public agency) arranges specialized vocational services for which payment is made under this title, priority will be given to providing such services in an integrated work environment.

"(d) State Implementation Strategy.—The State implementation strategy submitted to the Secretary under subsection (c)(1) shall—

"(1)(A) describe—

"(i) the extent and scope of community and family support services provided to individuals with a severe disability which are financed (in whole or in part) under—

"(I) the State's plan under this title,

"(II) other Federal or Federally-assisted State programs or social entitlement programs, and

"(III) non-Federal sources, and

"(ii) the extent and scope of services provided to individuals with a severe disability who are residing in a facility that is an acute care hospital, a skilled nursing facility, an intermediate care facility (including a facility that is certified in accordance with section 1905(d)), a board and care facility, or other public or private facility having 16 or more beds and in which a significant number of recipients of supplemental security income benefits reside or are likely to reside, which are so financed;

"(B) set forth specific objectives and a projected schedule for expanding and improving community and family support services for individuals with a severe disability over the succeeding five-year period, which objectives shall outline the expansion in the number of individuals served and community and family support services provided and identify the extent to which such services will be financed under the State's plan under this title and from other funding sources;

"(C) in the case of any individual with a severe disability who is residing in a facility described in subparagraph (A)(ii), provide that—

"(i) the service needs of such individual and the types of services the individual would require if transferred to a family home, foster family home, or community living facility, are identified not later than 18 months after the date on which community and family support services are first covered under the State plan (and annually thereafter), and

"(ii) such individual and, as appropriate, such individual's spouse, parent, guardian, appropriate family member, or advocate, are afforded an opportunity to participate in the process under clause (i);

"(D) in the case of any individual with a severe disability who is residing in a skilled nursing facility or an intermediate care facility (other than a facility that is certified in accordance with section 1905(d)) and who is determined (in accordance with subparagraph (C)) to be in need of alternative residential placement, provide that (subject to subparagraph (F)) such individual is transfered from such facility not later than 40 months after the date on which the process described in subparagraph (C) is completed with respect to such individual;

"(E) set forth specific objectives and a projected schedule, over the succeeding five-year period, for transferring individuals with a severe disability (who are residing in a facility described in subparagraph (A)(ii) and are not transferred pursuant to subparagraph (D)) to more appropriate residential settings where they will be eligible to receive community and family support services;

"(F) provide that in transferring any individual with a severe disability from a facility described in subparagraph (A)(ii)—

"(i) such individual is transferred only to a facility or program that is capable of providing an appropriate array of community and family support services (or in the case of an individual transferred to a facility certified in accordance with section 1905(d), active treatment) consistent with such individual's written habilitation plan,

"(ii) priority is given to transferring such individual to a family home, foster family home, or community living facility (including a facility certified in accordance with section 1905(d) that either meets the size and locational requirements for a community living facility under section 1905(v)(1) or is treated as such a facility under section 1905(v)(2)),

"(iii) to the extent the services required by the individual are unavailable in the community in which such individual would otherwise reside, such individual is transferred to a facility certified under section 1905(d) that serves 16 or more individuals with a severe disability, and

"(iv) in the case of an individual transferred pursuant to subparagraph (D), during any period of time during which the individual is awaiting transfer the individual is furnished active treatment consistent with such individual's written habilitation plan; and

"(G) provide that prior to transfer of any individual with a severe disability from a skilled nursing facility, an intermediate care facility, or a board and care facility to a family home, foster family home, or community living facility deemed to be capable of meeting the individual's needs—

"(i) a community services transfer plan is developed through a process which—

"(I) identifies the specific community and family support services, as well as other services, that such individual will require and will have available when such individual is transferred to a family home, foster family home, or community living facility,

"(II) involves the interdisciplinary team (or other professional group) responsible for the written habilitation plan with respect to such individual while residing in the facility from which transfer is to be made, and the professional responsible for providing case management services and other appropriate professional personnel who are likely to be involved in providing services to the individual in the community, and

"(III) provides to the individual and, as appropriate, to such individual's spouse, parent, guardian, appropriate family member, or advocate, an opportunity to participate in developing such plan;

"(ii)(I) such individual and such individual's spouse, parent, guardian, appropriate family member, or advocate, are notified in writing at least 60 days before the date of any proposed transfer,

"(II) procedures are established for granting to such individual (or, as appropriate, to such indiiividual's spouse, parent, guardian, appropriate family member, or advocate) an opportunity for an appeal regarding the transfer plan developed under clause (i) with respect to the individual, and for a fair hearing before an impartial hearing officer designated by the State, on the grounds that the types of health related services, habilitation, rehabilitation, housing, or other services specified in the community services transfer plan developed with respect to such individual are inappropriate or inadequate, or a particular type of health related service, habilitation, rehabilitation, housing, or other service specified in such plan is not yet available in the area in which such individual will reside, and

"(III) if such individual initiates an appeal under subclause (II), the individual remains in the facility from which such individual is to be transferred pending the outcome of the appeal (unless protective intervention is determined to be necessary with respect to the individual);

"(2) provide that, not later than 18 months after the date on which community and family support services are first covered under the State plan, the State has in place a preadmission screening program (using criteria specified by the Secretary) to prevent the inappropriate placement of individuals with a severe disability in skilled nursing facilities and intermediate care facilities (other than facilities certified under section 1905(d));

"(3) set forth—

"(A)(i) the component parts of a comprehensive, integrated quality assurance system that affords individuals with a severe disability expanded opportunities for independence, productivity, and integration and which includes standards to govern the quality of each element of community and family support services covered under the State plan, as well as each class of residential facilities or living arrangements (except for a family home) in which a significant number of individuals with a severe disability reside, which standards assure that such services—

"(I) are based on timely assessments of the individual's needs and are organized systematically to assure optimal individual development, independent functioning, productivity, and community integration,

"(II) are furnished in accordance with the provisions of the individual's written habilitation plan and reflect the strengths of the individual and the services necessary to assist the individual to achieve more independent functioning with respect to health and physical development, receptive and expressive communication, cognitive learning, mobility, self-direction, socialization, leisure time, and vocational activities,

"(III) are provided in a manner that maximizes opportunities for and fosters the development of relationships between the individual and other members of the community (including individuals who are not disabled),

"(IV) are provided in the home or at school, a job site, or other community setting where existing and newly acquired skills can be put to practical use,

"(V) are designed to ensure that (if the individual resides in a community living facility) services, other than residentially-related services, are provided in settings other than the facility in which the individual resides (unless medically contra-indicated), and

"(VI) are designed to assist the individual to acquire the functional life skills necessary to enhance the capacity of the individual to achieve independent living, to integrate into the community, to increase productivity, and to socially interact with individuals who are not disabled;

"(ii) the methods and procedures to be used in instituting and maintaining the quality assurance system described in subparagraph (A), and

"(iii) the methods and procedures for—

"(I) providing the same opportunity for public input with respect to the standards developed under such system as exists under the State plan amendment process,

"(II) requiring review of such standards by the State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act and the protection and advocacy system established under section 142 of such Act, and

"(III) responding to any comments made by such Council, such protection and advocacy system, and the public with respect to such standards;

"(B)(i) a program for licensing and certifying all facilities and programs that provide community and family support services covered under the State plan, which program, at the option of the State, may include a requirement that a class or classes of facilities or programs are accredited by a national accrediting body that is designated by the Secretary, and

"(ii) a requirement that all physical structures (other than a family home) in which individuals with a severe disability reside, or in which community and family support services are provided, meet applicable State or local fire, safety, health, and sanitation codes, and have interior and exterior features that are comparable to other residential structures in the surrounding neighborhood;

"(C) a system for conducting an annual independent, third-party evaluation of a cross-section of community and family support services provided under the State plan, which system shall include (at a minimum)—

"(i) an analysis and validation of client-based data,

"(ii) periodic visits to a statistically valid sample of agencies or individuals providing such services,

"(iii) an assessment (conducted with respect to a statistically valid sample of individuals with a severe disability and, where available, through the use of valid and reliable instruments) to determine the extent to which the services contribute to reduced dependency, enhanced opportunities to make choices, the acquisition of positive social behaviors, improved social integration and participation in community life, increased productivity, consumer satisfaction, the physical comfort of the individual and the attractiveness and appropriateness (in view of the individual's age) of such individual's living environment, and the achievement of the written goals and objectives set forth in the individual's written habilitation plan, and

"(iv) a summary of findings and recommendations with respect to needed changes in State laws and the administrative policies and practices of responsible State and local agencies (and any other provider of such services);

"(D) an annual assessment of consumer satisfaction with community and family support services provided under the State plan;

"(E) a program of periodic assessments of the adequacy of the physical and social environment of residential settings serving individuals with a severe disability conducted by a review body composed of parents, guardians, relatives, or neighbors of such individuals, except that—

"(i) the parents, guardians, and relatives of such individuals shall comprise a majority of the body,

"(ii) no member of the body shall be affiliated with the facility or home being reviewed or with any agency responsible for providing funds with respect to such facility or home, and

"(iii) no member of the body shall take part in an assessment with respect to any individual with a severe disability if such member is a parent, guardian, or relative of such individual;

"(F) a systematic methodology for assuring prompt correction of any deficiency identified with respect to the provision of community and family support services under the State plan, which methodology shall include—

"(i) a procedure under which the affected entity may appeal a determination that there is such a deficiency,

"(ii) a requirement that any such entity with respect to which a deficiency is identified submit a plan of correction to the appropriate State agency which sets forth a schedule for promptly eliminating the deficiency, and

"(iii) a program for providing training and technical assistance to assist such entity in eliminating a deficiency; and

"(G) a hierarchy of penalities with respect to any such entity that fails to comply with any standard promulgated pursuant to subparagraph (A) (including a penalty for terminating such entity's participation in the program under this title);

"(4)(A) in the case of individuals with a severe disability who are living in residential facilities which are not family homes, foster family homes, community living facilities, provide that—

"(i) admissions to such residential facilities are restricted through the use of community and family support services, and

"(ii) the service needs of any such individual are identified in accordance with paragraph (1)(C);

"(B) provide that alternate provisions are made for (and priority given to the development of) appropriate care (including basic maintenance if needed) and services for any individual with a severe disability eligible for medical assistance who has been living in a facility or institution which has been receiving payments for care, treatment, or maintenance of such individual under this title and which ceases to receive such payments, or ceases to provide such care and services to such individual, other than at the request of the individual or such individual's representative; and

"(C) set forth procedures for ensuring continuity of funding and the provision of services to an individual with a severe disability when an entity providing services to such individual for which payment is made under this title voluntarily discontinues operations or is terminated in accordance with paragraph (3)(G);

"(5)(A) provide that, as part of a plan to afford the public an adequate opportunity to comment on the State's implementation strategy (submitted to the Secretary under subsection (c)(1)) prior to when such strategy is submitted to the Secretary (or prior to each annual revision)—

"(i) copies of such strategy are distributed to individuals, agencies, and organizations in the State that are interested in the welfare of individuals with a severe disability,

"(ii) such individuals, agencies, and organizations are afforded not less than 45 days to comment on the strategy,

"(iii) public hearings are conducted on the contents of the strategy (and the date of any such hearing is published in general circulation newspapers across the State not less than 10 days prior to the hearing),

"(iv) the comments of the State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act and the protection and advocacy system established under section 142 of such Act are solicited, and

"(v) a summary of the comments received from the general public, such Council, and such protection and advocacy system, is prepared, indicating any revisions made as a result of such comments (or explaining why such revisions were not made);

"(B) set forth the methods and procedures to be used to ensure that, with respect to every organization or agency responsible for providing services to individuals with a severe disability for which any payment is made under this title—

"(i) each member of the staff of such organization or agency is fully qualified to perform any assigned duty and has received or will receive adequate and continuing training or retraining in the provision of services to such individuals sufficient to allow such member to remain informed of the latest developments in serving such individuals and to assist the organization or agency in correcting any deficiencies in the provision of community and family support services under this section,

"(ii) such agency or organization maintains written personnel policies, and

"(iii) such agency or organization has access to needed technical assistance services;

"(C) set forth the methods and procedures to ensure that any entity responsible for providing protective intervention services to an individual with a severe disability or to an individual who is (or except for such individual's income and resources would be) eligible to receive such services under this section—

"(i) has daily, 24-hour access to every organization or agency responsible for providing services to such an individual for which any payment is made under this title,

"(ii) is independent of each such organization or agency, and

"(iii) has the legal capacity to intervene on behalf of such an individual when necessary to protect such individual's rights;

"(D) set forth the methods by which training and needed technical assistance services are made available to natural, adoptive, and foster parents of individuals with a severe disability who are eligible for medical assistance;

"(E) set forth the methods by which protective intervention services are made available, as necessary, to any individual with a severe disability who is, or would except for such individual's income or resources be, eligible to receive services under this title;

"(F) set forth the steps by which the State ensures that each individual with a severe disability receiving community and family support services under the State plan has access to case management services which are provided—

"(i) by an entity that is organizationally independent of (and free of any conflict of interest with respect to) any entity furnishing ongoing direct services to individuals with a severe disability,

"(ii) with sufficient frequency and intensity to ensure that the objectives in an individual's written habilitation plan are achieved within the period of time specified in such plan, and

"(iii) by a trained individual with a caseload capability to visit each individual under such individual's responsibility not less than once a month;

"(G) provide that the State has in effect a management information system capable of collecting, storing, and retrieving data with respect to individuals with a severe disability who receive (or who are eligible to receive) community and family support services under this section, which system shall—

"(i) be based on information derived from an individual's written habilitation plan or from any other needs-assessment data source,

"(ii) provide client-based data with respect to the nature and extent of service needs, the type and duration of services provided, the cost and outcome of such services, and any gaps in available services, and

"(iii) use (where available) valid and reliable instruments for collecting such data;

"(H) set forth procedures for—

"(i) granting an opportunity for a timely appeal and a speedy hearing before an impartial hearing officer—

"(I) to any individual who believes himself to be inappropriately served or who is denied an appropriate service, or who is being scheduled for transfer (other than under the provisions of paragraph (1) of this subsection and other than on such individual's own initiative) from one living arrangement (including such individual's own home) to another, or

"(II) as appropriate, to the individual's spouse, parent, guardian, appropriate family member, or advocate acting on such individual's behalf,

"(ii) giving written notice to affected parties at least 60 days before such proposed transfer except in an emergency, and

"(iii) advising individuals with severe disabilities, their families, and their advocates of available alternative arrangements and services, of the right to choose among available licensed or certified providers of services, and of the right to a fair hearing under section 1902(a)(3);

"(J) describe the methods to be used in administering community and family support services under the State plan, including—

"(i) the specific roles and responsibilities of—

"(I) specified State and local governmental agencies in establishing policies governing the provision of such services and in providing such services (either directly or under arrangements with other public or private entities),

"(II) the agency responsible for providing protection and advocacy in accordance with subsection (j), and

"(III) the community organizations and agencies responsible for providing such services, and

"(ii) the steps to be taken in recruiting and selecting such provider organizations and agencies;

"(K) set forth criteria to govern the use of psychotropic and anti-convulsant medications and behavior management techniques, as well as monitoring methods to be used to ensure compliance with such criteria;

"(L) set forth the methods by which the number and types of integrated work settings and the range of supportive services available to individuals with a severe disability who have attained the age of 18 are developed and expanded; and

"(M) set forth the methods to assure that the provision of specialized vocational services and educationally-related services under this title to individuals with a severe disability is coordinated (by use, where necessary, of interagency agreements) with the activities of responsible State and local vocational rehabilitation and educational agencies (and other agencies as appropriate); and

"(6) set forth methods and procedures to assure—

"(A) fair and equitable provisions (as determined by the Secretary in consultation with the Secretary of Labor) to protect the interests of public employees who will be affected by the transfer of individuals with a severe disability from public institutions, including public medical institutions, to community or family living facilities under the implementation strategy, and that maximum efforts will be made to provide for the employment of such employees, including arrangements designed to preserve employee rights and benefits and arrangements to provide (where necessary) for the training or retraining of such employees, and

"(B) application of fair employment standards and equitable compensation to workers in private programs and facilities offering care and services for which payments are made under this title.

"(e) State Maintenance of Effort.—

"(1) A State meets the maintenance of effort requirement of this subsection for any quarter in a fiscal year in which community and family support services are provided if for such quarter the total amount of the funds expended by the State (and political subdivisions thereof) from non-Federal funds for these services for eligible individuals with a severe disability is at least equal to the base amount, increased by the inflation factor that applies with respect to the fiscal year in which such services are provided.

"(2) For purposes of paragraph (1)—

"(A) the term 'base amount' means the average quarterly amount of the funds expended (during the four-quarter period ending September 30, 1987) by the State (and political subdivisions thereof) from non-Federal funds under the plan for services that are community and family support services; and

"(B) the inflation factor that applies with respect to the fiscal year in which such services are provided is the amount (expressed as a percentage) by which the Consumer Price Index for the third quarter of the fiscal year preceding such fiscal year exceeds the Consumer Price Index for the third quarter of the second fiscal year preceding such fiscal year.

"(f) Review by Comptroller General.—The Comptroller General of the United States shall, from time to time, review State plans approved by the Secretary pursuant to section 1902 in order to ensure the compliance of such plans with the provisions of this section and the Medicaid Home and Community Quality Services Act of 1987.

"(g) Waiver of Statewide Requirement and Requirement of Comparability.—For any one three-year period, a State may provide any new service under this section without regard to the statewide requirement of section 1902(a)(1) or the requirement of section 1902(a)(10)(B).

"(h) Waiver of Freedom of Choice Requirement.—A State may provide case management services under this section without regard to the requirement of section 1902(a)(23) to the extent that the State determines that waiving such requirement is necessary to the effective and efficient provision of such services.

"(i) State Administration.—The Governor of each State may assign the responsibility for performing specified management functions regarding services provided to individuals with a severe disability under this section to State agencies other than the agency administering the plan under this title.".

(d) Intermediate Care Facility Services in an Institution for the Mentally Retarded.—Section 1905(d) of the Social Security Act is amended—

(1) by striking out "a public" and inserting in lieu thereof "an";

(2) by striking out "and" at the end of paragraph (2); and

(3) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the individual needs of each newly admitted individual are ascertained by an interdisciplinary team within 30 days, and an individual written habilitation plan is developed for the individual, including an assessment of such indiividual's needs for community and family support services; and

"(4) the institution, if not operated by the State, has a written agreement with an appropriate State agency to cooperate in carrying out the State implementation strategy required to be submitted to the Secretary under section 1921(c)(1).".

(e) Conforming Amendments.—Section 1903(a)(2) of the Social Security Act is amended—

(1) by inserting after "professional medical personnel" the following: "or personnel skilled in the delivery of community and family support services needed by individuals with a severe disability"; and

(2) by inserting after "other public agency" the following "or any agency under contract to the State to provide services under section 1921".

SEC. 4. LIMITATION ON PAYMENTS FOR SERVICES PROVIDED IN LARGE FACILITIES.

Section 1903 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(w) Limitation on Payments for Services Provided in Large Facilities.—

"(1)(A) Except as provided in paragraph (2), effective for any fiscal year beginning after the date of the enactment of the Medicaid Home and Community Quality Services Act of 1987, the aggregate amount payable under this title to any State for any quarter beginning in such fiscal year for skilled nursing facility services and intermediate care facility services furnished to any individual described in subparagraph (C) in facilities having more than 15 beds shall not exceed 25 percent of the maximum expenditure amount determined with respect to the State under subparagraph (B) for such fiscal year.

"(B)(i) For purposes of subparagraph (A), the term 'maximum expenditure amount' means, with respect to a State for a fiscal year, an amount equal to the aggregate amount payable under this title to the State for the services described in subparagraph (A) for the fiscal year ending after the date of the enactment of the Medicaid Home and Community Quality Services Act of 1987, increased by the percentage (if any) by which CPI percentage increase for the fiscal year exceeds 6.0 percent (and by any amounts expended for the fiscal year for which payment would otherwise be made under this title that are attributable to the cost of implementing a plan of correction which includes a reduction plan approved under section 1919).

"(ii) For purposes of clause (i), the 'CPI percentage increase' for a fiscal year is the amount (expressed as a percentage) by which the Consumer Price Index for the third quarter of the fiscal year preceding such fiscal year exceeds the Consumer Price Index for the third quarter of the second fiscal year preceding such fiscal year.

"(C) An individual described in this subparagraph is an individual who—

"(i) is under the age of 65, and

"(ii) who is under a disability within the meaning of section 1614(a)(3) of this Act, the onset of which occurred before the individual attained the age of 22.

"(D) For purposes of applying this subsection, aggregate amounts paid under this title shall be determined without adjustments for amounts recovered from third parties considered as overpayments.

"(2) The limitation on payments in paragraph (1) shall not apply to any of the following payments for skilled nursing facility services or intermediate care facility services provided in a facility which unconditionally meets all requirements applicable to such type of facility (including appropriateness of admissions):

"(A) Payments for such services for individuals in a facility which meets the size and location requirements for a community living facility.

"(B) Payments for such services for individuals in a facility which is in operation on September 30, 1987, does not increase its number of beds after such date, and has no more than 15 beds (exclusive of beds occupied by staff members).

"(C) Payments for such services for individuals in a facility treated as a community living facility under section 1905(v)(2).

SEC. 5. PROTECTION OF RIGHTS OF INDIVIDUALS WITH A SEVERE DISABILITY.

Section 1921 of the Social Security Act (as added by section 3(c) of this Act) is amended by adding at the end thereof the following new subsection:

"(j) Protection of Rights.—

"(1) Subject to paragraph (3), in order to receive any payments for community and family support services provided under this section, the State must have in effect a system to protect and advocate those rights of individuals with a severe disability who are eligible for medical assistance which relate to the provision of such assistance.

"(2) Such system must be implemented by an agency which—

"(A) is independent of any agency which provides services to individuals with a severe disability under the State plan;

"(B) has the authority to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of individuals with a severe disability who are eligible for medical assistance; and

"(C) has the authority to obtain access to records of individuals with a severe disability who are eligible for medical assistance in order to carry out such agency's duties under this subsection.

"(3)(A) In the case of a State that has in effect a system for providing protection and advocacy under part C of the Development Disabilities Assistance and Bill of Rights Act, such State shall take appropriate steps to ensure that such existing system is used to perform the protection and advocacy functions required by this section.

"(B) The State must provide assurances to the Secretary that the amounts paid to the State under this title that are attributable to the use of the system in effect under part C of such Act shall be used only for the purposes of providing protection and advocacy relating to the provision of medical assistance to individuals with a severe disability.

"(4) For purposes of section 1903(a)(1), amounts expended by the State under this subsection shall be treated as amounts expended as medical assistance under the State plan.".

SEC. 6. PRIVATE ENFORCEMENT.

Section 1921 of the Social Security Act (as added by section 3(c) of this Act and amended by section 5 of this Act) is further amended by adding at the end thereof the following new subsection:

"(k) Private Enforcement.—

"(1)(A) Except as provided in paragraph (3), any person injured or adversely affected or aggrieved by a violation of this section, or of the Medicaid Home and Community Quality Services Act of 1987, by a State agency administering the State plan may bring an action to enjoin such violation.

"(B) An action brought under this paragraph shall be brought in the appropriate district court of the United States within the State in which such State plan is in operation.

"(C) The party bringing such action may elect, by so stating in the complaint filed at the commencement of such action, to recover reasonable attorney's fees and costs from the defendant in the event that such party prevails.

"(2) Not less than 15 days before commencing an action under this subsection, an interested party shall give notice by registered mail to the Secretary, the Attorney General of the United States, and the State agency administering the State plan alleged to be in violation of this section or of the Medicaid Home and Community Quality Services Act of 1987. Such notice shall state the nature of the alleged violation and the court in which such action will be brought.

"(3) The approval of the State plan under section 1902(b) shall not be a bar to the bringing of an action under this subsection, nor shall it constitute a defense to any such action.".

SEC. 7. RATES OF PAYMENT FOR SERVICES.

Section 1902(a)(13) of the Social Security Act is amended by striking out "and" at the end of subparagraph (D), by adding "and" at the end of subparagraph (E), and by adding at the end thereof the following new subparagraph:

"(F) for payment for community and family support services for individuals with a severe disability, described in section 1921 and provided under the plan, through the use of rates (determined in accordance with methods and standards developed by the State) which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to assure the provision of care and service in conformity with applicable State and Federal laws and regulations, and applicable quality and safety standards, and to assure that individuals with a severe disability eligible for medical assistance have reasonable access (taking into account geographic location and reasonable travel time for family and friends) to community and family support services of adequate quality;".

SEC. 8. MEDICAID ELIGIBILITY OF CERTAIN INDIVIDUALS WITH A SEVERE DISABILITY.

(a) Optional Eligibility.—Section 1902 of the Social Security Act is amended by redesignating the subsection (l) added by section 3(b) of the Employment Opportunities for Disabled Americans Act as subsection (o) and by inserting after such subsection the following new subsection:

"(p) Eligibility of Certain Individuals with a Severe Disability.—

"(1) At the option of the State, any individual who has not attained the age of 19 and who—

"(A) qualifies as a disabled individual under section 1614(a),

"(B) as determined by the State, is an individual who requires (or whose family requires) community and family support services, and

"(C) if the individual were in a medical institution, would be an individual with respect to whom supplemental security benefits (or a State supplementary payment) could be paid under title XVI;

shall be deemed, for purposes of this title only, to be an individual with respect to whom a supplemental security income payment, or State supplementary payment, respectively, is being paid under title XVI.

"(2) A State electing the option under paragraph (1) shall set forth in its State plan and its State implementation strategy (submitted to the Secretary under section 1921(c)(1)) the criteria which the State will use in identifying eligible individuals or reasonable classifications of such individuals, and the extent of the services for which payment may be authorized under this subsection.".

(b) Exemption From Family Income Limitation.—Section 1903(f)(4) of such Act is amended—

(1) by adding "or" at the end of subparagraph (C); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) who meets the requirements of section 1902(p),".

(c) Uniform Income Standard, and Expanded Eligibility.—Section 1902(a)(10)(A)(ii) of such Act is amended—

(1) by inserting before the comma at the end of subclause (V) the following new matter: ": *Provided That* if the State establishes such a separate income standard for individuals who are in any medical institution, the State must establish the same separate income standard for all individuals with a severe disability,";

(2) by striking out "or" at the end of subclause (IX);

(3) by striking out the semicolon at the end of subclause (X) and inserting in lieu thereof ", or"; and

(4) by adding at the end thereof the following:

"(XI) who are disabled children or disabled spouses who, except for resources deemed to them, would be eligible for supplementary security income benefits under title XVI;".

(d) Eligibility of Disabled Child.—Section 1634(c)(1) of such Act is amended by striking out "the effective date of this subsection" and inserting in lieu thereof "January 1, 1957".

SEC. 9. REMOVAL OF CERTAIN LIMITATIONS ON REDUCTION AND CORRECTION PLANS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED.

Section 1919 of the Social Security Act is amended—

(1) in subsection (d)—

(A) by striking "(d)(1)" and inserting in lieu thereof "(d)", and

(B) by striking paragraph (2); and

(2) by striking subsection (f).

SEC. 10. SPECIAL ELIGIBILITY EXCEPTION FOR INDIVIDUALS WITH A SEVERE DISABILITY.

Section 1902(f) of the Social Security Act is amended:

(1) by inserting "(1)" after the subsection designation;

(2) by inserting "paragraph (2)," before "subsection (e)"; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), an individual with a severe disability receiving benefits under title XVI or deemed to receive such benefits under this title shall be entitled to receive medical assistance as long as such individual remains severely disabled and continues to receive benefits under title XVI or is deemed to receive benefits under this title.".

SEC. 11. RESPONSIBILITIES OF THE SECRETARY.

(a) Establishment of a Bureau of Developmental Disabilities Services.—

(1) The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish, within the Health Care Financing Administration, a Bureau of Developmental Disabilities Services (referred to in this subsection as the 'Bureau'). The Bureau shall be the principal office in the Department of Health and Human Services for administering and carrying out programs under title XIX of the Social Security Act relating to the furnishing of quality services to individuals with a severe disability in order to promote their independence, productivity, and integration into the community, and to provide coordinated leadership, guidance, and support to assist States in developing such services.

(2) The Bureau shall be headed by a Director who shall be appointed by the Secretary in consultation with the Administrator of the Health Care Financing Administration. The position of Director shall be placed in Level IV of the Executive Schedule in section 5318 of title 5, United States Code and shall be designated a career reserved position in the Senior Executive Service. The Director shall have training and experience in the furnishing of services to individuals with developmental disabilities.

(3) The additional staffing of the Bureau shall be in sufficient numbers to meet program needs, and at levels which shall attract and maintain the most qualified personnel. Such personnel shall include individuals who have training and experience in the provision of services to individuals with developmental disabilities.

(4) The Bureau shall be established and staffed not later than 6 months after the date of enactment of this Act.

(5) The Bureau shall be responsible for—

(A) preparing all necessary regulations and other administrative policies governing the provision of services under sections 1921 (as added by this Act), 1905(d), and 1915(c) of the Social Security Act as such services relate to individuals with a severe disability;

(B) coordinating the activities of responsible regional office personnel related to the provision of services to individuals with a severe disability under titles XVIII and XIX of the Social Security Act;

(C) conducting periodic studies to determine the consistency, reliability, and validity of surveys of intermediate care facilities certified or requesting certification under section 1905(d) conducted under section 1902(a)(33)(B) of such Act (and, based on such studies, developing policies and procedures governing such surveys);

(D) preparing and issuing policies governing the conduct of utilization reviews under section 1902(a)(30)(A) of the Social Security Act, onsite inspections of care under section 1902(a)(31)(B) of such Act, and the preparation of professional review reports under section 1902(a)(31)(C) of such Act (as such reports pertain to care provided in facilities certified or requesting certification under section 1905(d) of such Act);

(E) advising the Administrator of the Health Care Financing Administration on all aspects of policies that may impact upon individuals with a severe disability and recommending (in consultation with such Administrator) policy initiatives and modifications necessary to improve services provided under titles XVIII and XIX of the Social Security Act in order to promote the independence, productivity, and integration of such individuals (as such terms are defined under section 1905(dd) of the Social Security Act);

(F) developing policies and procedures governing the conduct of periodic assessments of the status of individuals with a severe disability who are receiving services under any title of the Social Security Act;

(G) reviewing State compliance with the provisions of, and amendments made, by this Act in such periodic and random fashion as the Bureau deems necessary, making recommendations to the Secretary based on such reviews; and

(H) performing such other functions relating to the provision of services to individuals with a severe disability as the Secretary may assign (including any function related to a responsibility of the Secretary under subsection (b), (c), (d), or (e) of this section).

(b) TRAINING OF SURVEY PERSONNEL.—The Secretary shall—

(1) with respect to Federal and State personnel who perform surveys under sections 1902(a)(33)(B) and 1910(c)(1) of the Social Security Act of facilities that are certified under section 1905(d) of such Act—

(A) not later than 18 months after the date of enactment of this Act, develop a standardized curriculum for training such personnel which places particular emphasis on valid and reliable methods for assessing the provision of active treatment provided to residents of such facilities in accordance with standards prescribed by the Secretary;

(B) in accordance with the curriculum developed under subparagraph (A), design and initiate a comprehensive training program for such personnel which provides—

(i) initial training not later than 30 months after the date of enactment of this Act in the case of personnel assigned to survey such facilities on or before the date of enactment of this Act,

(ii) initial training not later than six months after the date on which personnel are assigned to survey such facilities in the case of personnel assigned to survey such facilities after the date of enactment of this Act, and

(iii) continuing education to such personnel at least every 36 months; and

(C) develop standards regarding the qualifications of such personnel, including a standard requiring that at least one member of any survey team be a qualified developmental disabilities professional (as defined by the Secretary);

(2) on the basis of a randomly selected sample of Federal and State surveys conducted, periodically conduct studies of the reliability of survey findings to determine the compliance of facilities certified under section 1905(d) of the Social Security Act with the standards prescribed by the Secretary under paragraph (1) of such section;

(3) make such changes in Federal regulations, administrative policies or procedures (or initiate such specialized training programs) as are—

(A) consistent with the findings of studies conducted under paragraph (2), and

(B) necessary to improve the reliability and consistency of survey findings and certification decisions with respect to facilities certified under section 1905(d); and

(4) with respect to Federal and State personnel who perform surveys regarding State compliance with the provisions of, and amendments made, by this Act, design and initiate a comprehensive training program for such personnel that provides for an amount of training at least equal to that described in paragraph (1)(B).

(c) DEVELOPMENT, TESTING, AND DISSEMINATION OF INSTRUMENTS AND STANDARDS.—

(1) Subject to paragraph (2), the Secretary shall support the development, field testing, and dissemination of—

(A) reliable and valid instruments to assess service outcomes in the provision of care and services under this Act, including outcomes in such areas as community integration, individual and family satisfaction, and the impact of environmental factors; and

(B) competency-based personnel standards with respect to every agency or organization involved in providing services to individuals with a severe disability for which any payment is made as a result of the amendments made by this Act.

(2) Nothing in paragraph (1) shall be construed to allow the Secretary to require that a State use a specific outcome indicator or personnel standard selected by the Secretary.

(d) ASSESSMENT OF STATE COMPLIANCE WITH STATE IMPLEMENTATION STRATEGY.—

(1) Beginning with the first fiscal year beginning after the date of enactment of this Act, the Secretary, after consultation with the Secretary of Education and study of any recommendations made by the Bureau of Developmental Disabilities under subsection (a)(5)(G), shall conduct an annual assessment of each State's—

(A) compliance with the provisions of section 1921(c) of the Social Security Act (as added by section 3(c) of this Act); and

(B) progress in carrying out its implementation strategy (required to be submitted under section 1921(c)(1) of such Act), including the steps taken to—

(i) expand the quantity and improve the quality of community and family support services;

(ii) develop essential support services necessary to maintain a responsive network of community and family support services (including the provision of training, technical assistance, and crisis intervention services); and

(iii) promulgate standards governing community and family support services and monitor compliance and take necessary steps to enforce such standards.

(2) The Secretary shall conduct annual assessments of the adequacy of the quality assurance components established by States under such implementation strategy. Such assessments shall include a review of community and family support services provided pursuant to such strategy and visits to community living facilities and entities providing such services.

(3) Nothing in this subsection shall be construed to require the approval of the Secretary of any State implementation strategy submitted under section 1921(c)(1) of the Social Security Act, if such strategy meets the requirements of section 1921(d) of such Act (as added by section 3(c) of this Act).

(e) REPORT.—Not later than January 15, 1992, and biennially thereafter, the Secretary shall submit a report to Congress that is based on the assessments, studies, and other activities conducted under subsections (b), (c), and (d) (and such other information as the Secretary may gather). Such report shall contain an analysis of the findings of such assessments, studies, and activities, a description of all relevant fiscal, programmatic, and demographic data, and recommendations regarding the need for any changes in Federal law.

(f) REGULATIONS.—

(1) Prior to the first fiscal year beginning after the date of enactment of this Act, the Secretary shall issue final regulations with respect to all amendments to the Social Security Act made by this Act, including regulations which govern the preparation, public review, distribution, and annual revision of the State implementation strategy (required to be submitted to the Secretary under section 1921(c)(1) of the Social Security Act, as added by section 3(c) of this Act).

(2) Nothing in this subsection shall be construed to authorize the Secretary to promulgate standards governing the provision of community and family support services.

(3) Nothing in this subsection shall be construed to prohibit payments under section 1903 of the Social Security Act prior to the issuance of regulations under this subsection to States which comply with the re-

quirements of the amendments made to the Social Security Act by this Act.

SEC. 12. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply with respect to fiscal years beginning after the date of enactment of this Act.

SUMMARY OF MEDICAID HOME AND COMMUNITY QUALITY SERVICES ACT OF 1987

ELIGIBILITY

Any individual who meets the state's means test; became disabled prior to age 22 and meets the federal SSI test of disability. The bill includes a provision to phase in, on an annual basis, individuals who become disabled after the age of 22.

SERVICES

The list of home and community based services outlined in the Community and Family Living Amendments of 1986 remains basically the same with some clarifications. These services will be eligible for full federal matching funds.

The legislation provides that the following services are mandatory—in other words, the states must provide them in order to receive Medicaid reimbursement:

Protective intervention services;

Case management;

Individual and family support services (such as respite care and attendent care); and

Specialized vocational services (designed to help disabled individuals learn job skills).

LIMITATIONS

The amount of federal dollars the state spends on intermediate care facilities for the mentally retarded (ICF/MR) will be frozen at the level of spending in the fiscal year preceding the enactment of the bill. In future years, states will receive increases in this amount only when inflation (as determined by the CPI) exceeds six percent in a given year.

ICF/MR and other residential facilities with less than fifteen individuals will be grandfathered—this means that the limitation will not apply to them. In addition, "cluster homes"—facilities which consist of three or fewer small homes with eight or less individuals per home which are located next to each other—are also grandfathered.

There will be no limitation on federal funds used for the community based services outlined in the legislation.

QUALITY AND MONITORING

The bill contains a detailed section on quality and monitoring provisions designed to ensure that the services provided in all residential settings are of high quality and are appropriate.

The bill also requires the Secretary of HHS to establish a Bureau of Developmental Disabilities Services which is designed to be the central office in HHS for administering and carrying out programs relating to individuals with disabilities.

PLANNING

Within two years of enactment, states will be required to amend their state Medicaid plan to comply with the provisions outlined in the legislation. The proposed plan must be available for public comment and must be reviewed by the state's Developmental Disabilities Council.

SECTION-BY-SECTION SUMMARY OF MEDICAID HOME AND COMMUNITY QUALITY SERVICES ACT OF 1987

Note: All dates referred to in this summary assume that the bill will be passed and signed into law between Nov. 1, 1987 and Dec. 31, 1987.

Section 1. Title.

Section 2. Definitions:

Individual with a severe disability: Any individual who meets the state's means test; became disabled prior to age 22 and meets the federal SSI test of disability. The bill includes a provision to phase in, on an annual basis, individuals who become disabled after the age of 22.

Community and Family Support Services: Services made available to an individual with a severe disability (or his or her family) to enable the individual to begin, resume or continue living in a family home, foster family home, or community living facility such services are outlined in the section allowing Medicaid to pay for them.

Family Home: A residence maintained by an individual, couple or a natural or adoptive family in which one or more individuals with a severe disability are living who receive community and family support services.

Foster Family Home: A residence maintained by an individual or couple in which not more than three individuals with a severe disability live and receive community and family support services and that is under contract with an agency licensed to place individuals with a severe disability in such residence.

Community Living Facility: A single household (not a family home or foster family home) composed of related or unrelated persons which:

(a) provides living arrangements and one or more community and family support services; has a number of beds not greater than three times the average family size in the area in which the facility is located; is located in a neighborhood which is representative of residential neighborhoods in such area and which is populated primarily by individuals other than individuals with a severe disability; meets such standards of safety and other standards relating to services provided by the facilities are developed by the state; is staffed by individuals who are trained and retrained according to later requirements in the act and who cooperate with appropriate case managers and other providers in implementing a written habilitation plan for each individual.

(b) A facility that is in operation on Sept. 30, 1987; does not increase its number of beds after such date; and which either does not contain more than 15 beds or consists of a cluster of two or three facilities in proximity to one another, each of which has no more than eight beds and which meets all of the other requirements outlined above, shall be deemed to be a community living facility.

Written Habilitation Plan: A plan for medical assistance and other services for an individual with a severe disability which:

(1) Is developed by an interdisciplinary team consisting of individuals requested to participate by the individual and the spouse, parent, guardian, other family member or advocate of such individual—where appropriate; individuals who are representative of professional and other disciplines which are relevant to the habilitation of such individual and have been or are likely to be involved in providing services to the individual;

(2) Is based on a comprehensive assessment of the strengths of the individual and the services and support necessary to enable such individual to attain or retain to the greatest extent possible capabilities for independence and to assess the services and support needed by the individual to engage in supported employment or other paid employment in an integrated employment environment;

(3) Specifies the individuals responsible for providing service under the plan and the frequency and duration with respect to which such services are provided; the objectives to be achieved with respect to an individual; the dates by which such objectives are to be achieved; program strategies for obtaining such objectives and the priority with which each objective is to be achieved;

(4) Is reevaluated by such team at least once a year.

Case Management Services: Defined page 8 of bill.

Individual and Family Support Services: Defined page 10 of bill.

Specialized Vocational Services: Defined page 10 of bill.

Habilitation Services: Defined page 14 of bill.

Case Coordination Services: Defined page 15 of bill.

Educationally Related Services: Defined page 15 of bill.

Independence, Productivity and Integration: Defined page 16 of bill.

Section 3. Community and Family Support Services for Certain Individuals with a Severe Disability:

This section requires each state to amend its state Medicaid plan by October 1, 1989. If a state does not amend its plan (in accordance with the requirements of all of the provisions in this Act), the state will lose all of its Medicaid funding. In addition, it requires the state to provide an array of community and family support services to eligible individuals—at a minimum the array must include: Protective intervention services; case management; individual and family support services; and specialized vocational services. These services are defined in Section Two.

PAYMENT FOR SERVICES

The section amends the Medicaid statute to treat community and family support services as medical assistance—thereby allowing federal matching funds to be provided to the states for such services.

The list of reimbursable services is: case management, individual and family support services, specialized vocational services, protective intervention, habilitation services, case coordination, educationally related services, occupational therapy, physical therapy, speech therapy, nonaversive behavior intervention therapy, diagnostic and assessment services, personal assistance and attendant care, homemaker and chore services, respite care, crisis intervention, specialized training for families and care givers, special transportation, personal guidance, supervision and representation, preventive services and such other services proposed by the state and approved by the Secretary.

Payment for this list of services will be made only to an individual with a severe disability who is living in a family home, foster family home or community living facility and in accordance with the individual's written habilitation plan.

The following services may not be included as community and family support services: Room and board (except in certain special situations), cash payments as a service, aversive behavior intervention, management or therapies; services provided in a skilled nursing home or intermediate care facility; and any services (such as education, hospital, vocational rehabilitation etc.) which the individual would normally receive under another title.

STATE REQUIREMENTS

A. In order to receive Medicaid funds for community and family support services, the state must make a series of assurances to the Secretary regarding the provision of such services in the state. These assurances include: reports to and cooperation with the Secretary; development of standards for individual and family support services which comport with principles outlined in the bill; development of a state implementation strategy for community services; maintenance of effort for state expenditures; safeguarding of rights of eligible individuals; equality of access to services regardless of the severity of disability or place of residence; residential services near the individual's family home; and planning for specialized vocational services in integrated environments. The Secretary must review these assurances to ensure that they are in compliance with the requirements of the Act.

B. The implementation strategy referred to above is a five-year plan (updated annually) which the state is required to develop with public participation and comment. The bill outlines the issues that must be addressed in the implementation strategy in great detail. They include the following: strategy for expanding community services and identifying the dollars required; methods for administering community services for those living at home or in other non-institutional settings; methods to protect employees affected by movement of disabled individuals from institutions; appropriate placement of individuals currently living in nursing homes; education, training and retraining of all staff; methods to track individual and system development/progress; due process safeguards for parents and individuals; standards governing the operation and provision of community and family support services; monitoring and quality review. The Secretary has authority to review the implementation strategy; however, only to the extent of determining whether the elements of the strategy meet the requirements of the Act.

WAIVER OF STATEWIDENESS

States are allowed to provide any new community and family support service for up to three years without meeting the Medicaid requirements for statewideness and comparability. After the three year period if the state wishes to continue to provide the services it must do so on a statewide basis and the service must be comparable in all parts of the state. This provision also applies to the mandatory services—in effect, it means that states will three years after their state plan is amended to provide the four mandatory services on a statewide basis.

Section 4. Limitations on Payments for Services Provided in Large Facilities:

Beginning on October 1, 1988 the amount payable to any state under the Medicaid program for skilled nursing facility services and intermediate care facility services furnished to any individual who is under the age of 65 and who is under a disability within the meaning of SSI and the age of onset of such disability occurred before the individual reached the age of 22 in facilities having more than 15 beds shall not exceed the amount the state received for such services in such facilities between October 1, 1987 and October 1, 1988.

States will receive an increase in such funds only in a fiscal year in which the rate of inflation (as determined by the CPI) exceeds 6 percent—the increase will be equal to the difference between 6 percent and the inflation rate at that time.

The limitation will not apply to ICF/MR facilities which meet the size and location requirements for a community living facility; grandfathered facilities; and payments for services for an individual in a facility treated as a community living facility.

Section 5. Protection of Rights of Individuals with A Severe Disability:

The state is required to have a system in effect which is designed to protect and advocate those rights of individuals with severe disability who are eligible for medical assistance which relate to the provision of such assistance.

The services provided by this system for individuals with a severe disability will be eligible for matching funds through the Medicaid program.

Section 6. Private Enforcement:

This section gives private individuals the legal right to bring an action based on this Act.

Section 7. Rates of Payment:

Allows the states to set rates of payments for services outlined under the Act.

Section 8. Eligibility of Certain Individuals with a Severe Disability:

This section deals with some of the common problems associated with the issue of deeming of partental income to individuals with severe disabilities.

Requires the states to treat parental income for individuals living in institutions in the same way as individuals living in community living arrangements.

Allows states, at their option, to deem children under the age of 19 who are living at home, to be eligible regardless of parental income.

Section 11. Responsibilities of the Secretary

ESTABLISHMENT OF A BUREAU OF DEVELOPMENTAL DISABILITIES

The Secretary is required to establish (within HCFA) a Bureau of Developmental Disabilities. The section deals with how such a Bureau should be set up and what its responsibilities should be. The intent of the provision is to create a central organization within HCFA to deal with services provided to individuals with developmental disabilities under the Medicaid program and to ensure that there is input from experts in this area into Secretarial decisions regarding Medicaid funding for these individuals.

TRAINING OF SURVEY PERSONNEL

The Secretary is required to set up education, training and retraining requirements for those who conduct look-behinds and survey state services for individuals with developmental disabilities.

ASSESSMENT OF STATE COMPLIANCE WITH STATE IMPLEMENTATION STRATEGY

The Secretary is requried to make annual assessments of each state's compliance with its state plan amendment.

REGULATIONS

The Secretary is required to issue final regulations by October 1, 1988.

Section 12. Effective Date: October 1, 1988.

Mr. CHAFEE. Mr. President, I conclude by reading a letter directed to me by the Consortium For Citizens With Developmental Disabilities.

SEPTEMBER 10, 1987.

Hon. JOHN CHAFEE,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR CHAFEE: On behalf of the undersigned members of the Consortium for Citizens with Developmental Disabilities (CCDD), we wish to express our wholehearted support for your efforts to enact Medicaid long term care reform legislation for persons with developmental disabilities. In particular, we applaud your forthcoming introduction of the "Medicaid Home and Community Quality Services Act".

You have succeeded in bringing forth a bill which represents a consensus effort to address the many concerns regarding Medicaid-funded services for people with developmental disabilities which have surfaced furing the previous discussions of the Community and Family Living Amendments.

That was the prior bill. We have changed the name.

The bill would achieve a long-overdue refocusing of Medicaid long term care services by reducing the "institutional bias".

And clearly there has been a bias—

of current law and by allowing states to provide quality Medicaid reimburseable services to persons living with their families, in their own homes, or in community-based family-scale environments. Many of the undersigned organizations believe the bill is the most significant legislative effort on behalf of persons with developmental disabilities since P.L. 94-142, the Education for All Handicapped Children Act (which gave children the right to a free, appropriate public education).

I must say that is a very significant statement, to say that this bill is the most significant legislative effort since that monumental achievement 94-142.

We look forward to working with you to enact the bill during the 100th Congress.

Sincerely,

Robert Gettings, National Association of State Mental Retardation Program Directors; Martha Ford, Association for Retarded Citizens; Allan Bergman, United Cerebral Palsy Associations, Inc.

This is a list of the groups that make up the Consortium For Citizens With Developmental Disabilities: American Academy of Pediatrics, American Association of University Affiliated Programs, American Association of Mental Deficiency, Association for Retarded Citizens of the United States, Center for Law and Social Policy, Council for Exceptional Children, Epilepsy Foundation of America, Mental Health Law Project, National Association of Developmental Disabilities Councils, National Association of Protection and Advocacy Systems, National Association of Rehabilitation Facilities, National Association of State Mental Health Program Directors, National Association of State Mental Retardation Program Directors, National Down's Syndrome Congress, National Easter Seal Society, National Head Injury Foundation, National Mental Health Association, National Therapeutic Recreation Society, the Association for Persons with Severe Handicaps, United Cerebral Palsy Organizations, Inc.

Mr. RIEGLE. Mr. President, I want to add a comment to the comments that have been made by the Senator from Rhode Island.

Clearly, there are gaps in our Medicare and Medicaid coverage with regard to home health care, which are enormous problems facing this country.

In the last few months, I have been conducting Budget Committee hearings in the State of Michigan. We have now had six public hearings on the issue of health insurance coverage, particularly for catastrophic health costs. What we have found in those meetings across the State of Michigan is, first of all, tremendous public interest in this subject. We have found a scale of the problem that has gone beyond anything that is generally perceived today in terms of the enormous difficulty facing senior citizens, on the one hand, as well as families and individuals of all ages with respect to catastrophic illnesses that strike, that go beyond the scope any kind of protections provided by private or public insurance presently available.

The proposal we have been dealing within the Senate Finance Committee to extend Medicare coverage is an important step to deal with acute illnesses that tend to require hospitalization.

President Reagan and Secretary Bowen have come forward with their proposal, and I think they deserve commendation.

Mr. President, while the proposal we are developing in Congress now is a response to the President's expansion of Medicare, and we have reported that measure out of the Finance Committee, we still have a long way to go before that particular extension of coverage becomes law.

Beyond that, what I have found in the hearings in Michigan indicates to me that there is an enormous unmet need of the kind the Senator from Rhode Island has spoken about today. That affects the area of what is called long term care such as home health care and nursing home care.

Many people today, particularly those moving into the senior citizen group, are of the belief that the Medicare Program will help them if there is a chronic illness that requires extended home health care or nursing home care. The fact is that the Medicare Program basically provides very little help for those kinds of needs, and over a period of time provides no help at all. So if a husband or a wife requires bed rest and could stay at home, there is no coverage today that takes up those costs.

What happens is that individuals are exhausting themselves financially and physically, absent any other help.

What we have found in the hearings in the State of Michigan is that often lawyers are counseling senior citizens in situations where one member of the marriage is chronically ill and the other still has his or her health, that perhaps they should divorce in order for the one person to be able to retain the house they live in. The alternative would be to exhaust their assets, go on welfare and qualfiy for Medicaid to get assistance to pay for the bills which are incurred for the member of that marriage who is chronically ill, essentially impoverishing the healthy spouse.

That is how extreme this problem has become and how insulting and demeaning it is to individuals to find themselves in this situation, with chronic health burdens of the kind they cannot finance.

The figures on the cost of putting somebody in a nursing home today average $22,000 a year. It is higher in some places, and in some places it is virtually impossible to get into an adequate nursing home close to where a person's home might be. At a cost of $22,000 a year, it does not take long before savings are exhausted. There are more humane and more thoughtful ways to provide this such as through a broad national insurance system. I am open, and I think we should keep open, as to how that new system is financed. If we were to have in place a broad national insurance system, perhaps public in part and private in part, we could have a situation where each person, for a modest amount of money, could be protected against these extreme health costs, whether they hit senior citizens or hit families of younger ages.

I just had a health hearing in Marquette, MI, where a young woman came in whose husband was injured in an automobile accident about a year and a half ago. He suffered a traumatic brain injury. Their bills, over roughly a year and a half, have been $800,000. Bills of these kinds, which are occurring in more situations, in families of all ages, go so far beyond the capacity of the average family unit or extended family unit to cope with them that we need an intelligent insurance system to provide protection, so that when those huge expenses strike, we do not see lives destroyed, with people's lives broken apart because of circumstances beyond their control. We should have a way to meet those expenses so that when people have those expenses, coverage is there. That is the way an intelligent nation should work. That is why we have a National Government, to think about how to band together and solve certain problems.

In the city of Warren, we had over 1,200 people come out at 10 o'clock in the morning on a week day—every seat in the Ukrainian Cultural Center was filled—because of the enormous interest and size of this problem.

In Marquette, we had over 350 people show up on a weekday to talk about this problem, to ask about some kind of national response to deal with it.

If people can be given the care they need in their own home setting or even if they have to go into a nursing home, those are far less expensive ways to cope with those problems than requiring that a person go into a hospital, where often the cost can be several hundred dollars a day, often several thousand dollars. If the Government does not do something to provide care appropriate to the scale of a particular medical problem, we will end up spending far more than is necessary. The time has come to deal with this.

Though none of them is in the Chamber at this time, I urge the Presidential candidates of both parties to take up the issue of national health care for senior citizens and families of all ages and bring that issue forward. That is what national campaigns are about—to address national issues that require unified action.

In the case of extraordinary health costs, whether for somebody in the hospital or requiring nursing home care or home care, the costs are beyond the means of all but a handful of American people. The problem is that most of this is being borne essentially by what we think of as the middle class. Those individuals with great wealth can afford the help they need, and it is fortunate for them that they can. Those who exhaust all their resources to qualify for welfare and medical aid receive assistance. It is the people in the middle, the middle class of this country—working people, by and large—who are at risk today, who are essentially unprotected from costs of this sort. Those illnesses can strike at any time, can strike any individual in any family at any time.

I have seen hundreds of cases in Michigan of people in their twenties, thirties, forties, and fifties who have been stricken in their family or individually by illnesses of this kind that created enormous expenses for the family involved, just as I have seen literally hundreds of cases of senior citizens who have been stricken with illnesses—either acute illness like heart attack or stroke, or a long-term disabling illness, like any of the dementia-type problems, Alzheimer's and things of that kind—and we are finding increasingly that these people are being absolutely devastated.

I will just make one additional comment. The airplane that crashed recently in Detroit, the terrible airplane accident that happened where we lost so many people, was a profound tragedy. It was the second-worst plane crash in aviation history in our country. In the rescue squad that arrived on the scene literally seconds after the plane crashed—and the whole site of the crash was a flash—was a group of workers who rushed in at great risk to their own safety. They looked to see if they could find survivors in the plane crash, and, miracle of miracles, they found the little girl everybody has read and heard about, who is in the hospital now recovering from her injury, the only survivor of that flight. The only reason she survived is because other Americans, who did not know she was there, put themselves at risk to go in that situation to see if someone was there. She lives today for that reason.

That is what we are about as a country. We are prepared to help each other, prepared to go to the scene of an accident, if you will, and help the other person, whether we know them or not, have connections with them or not.

We need to think that very same way with respect to catastrophic health illness. We have to go into these situations where these accidents happen, accidents of chance, accidents of fate, accidents of bad health, sometimes actual physical accidents of a car wreck or motorcycle wreck, or whatever it is, where people are put in a situation where lives are being absolutely torn apart. We ought to have in place some kind of sensible insurance system that responds to health needs and costs in these cases and help these people put their lives back together.

That is what we are doing with this little 4-year old girl today in the university hospital in Michigan and what we have to be prepared to do for citizens across our land who are being hit in other kind of circumstances and ways that are almost as devastating and certainly in financial and physical terms are as devastating as those that she has faced.

I hope we will respond. I think the time to begin this debate is now and, as I say, I hope it will become a centerpiece of the Presidential campaign in 1988.

I yield the floor.

Mr. LEAHY. Mr. President, I am very pleased to be an original cosponsor of this legislation which will improve and reform the system of care of those with severe mental and physical impairments.

This bill will help families to stay together and gives States the opportunity to provide community and in-home care, in addition to already established institutional care.

Earlier versions of this legislation created concerns among some parents groups, caregivers and others that residents might be inappropriately forced from current care situations, and that operating institutions would lose needed financial support.

Senator CHAFEE listened to these concerns. Additional hearings were held resulting in an amended bill that now protects those who require care in an institutional facility while making it possible for people to remain at home or live in more appropriate settings.

Under this bill States can now provide an array of community family support services, rather than just institutional care. This will be an enormous help toward keeping families together, giving people a greater opportunity to become independent, and keeping disabled persons in the community.

The bill also includes strong quality and monitoring requirements designed to ensure high quality services.

I want to express my appreciation and admiration to Senator CHAFEE for his perseverance in developing this enlightened legislation. I am proud to associate myself with the Medicaid Home and Community Quality Services Act and look forward to its swift passage.

Mr. ARMSTRONG. Mr. President, I am pleased to join with the Senator from Rhode Island [Mr. CHAFEE] in cosponsoring the Medicaid Home and Community Quality Services Act of 1987.

In the years ahead, this bill may be viewed as a historic proposal in the evolution of policy for the developmentally disabled. For over a decade, care for the developmentally disabled has gradually shifted from institutions to community-based settings. This legislation recognizes the inevitability of that trend and seeks to encourage it. It reduces the present bias in Medicaid funding for institutional care and, for the first time, mandates Medicaid coverage of at least four community services for retarded citizens.

Community care has helped retarded citizens achieve their greatest human potential through the development of friendships and community contacts. Indeed, community living is not just a kind of care but the very goal of policies to assist retarded citizens.

Community living is, of course, something most of us take for granted. We find it easy to make friends, develop relationships through schools and churches, and live in a comfortable family setting. For retarded citizens, all of this can be a great challenge, made more difficult when there is little alternative to separation in institutions. Institutions certainly try to provide good care, but institutions can mean a lonely and dependent existence. This legislation will establish a better choice.

Mr. President, I am proud to note that the State of Colorado has been a pioneer in the effort to provide community care for retarded citizens. Over the last 10 years, the percentage of individuals in institutions in Colorado has declined significantly. Colorado has also made extensive use of limited Federal funds for community care through the existing Medicaid waiver option. This legislation will expand horizons even further, in Colorado and elsewhere.

Mr. President, I do not routinely sponsor proposals to expand Federal programs. But this is a cause far more worthy than dozens of other Federal programs I would gladly do away with. Those who will benefit are among the most deserving of our citizens: retarded individuals with minimal resources. The legislation is intended to help them become successful and independent members of their communities, and less dependent on institutions and government aid.

Finally, Mr. President, let me acknowledge the outstanding efforts of Senator CHAFEE in crafting this proposal. He has worked on it for several years and stands as one of the great champions of the developmentally disabled in the Senate. I am pleased to join with him in this effort.

Mr. HARKIN. Mr. President, I am pleased to be an original cosponsor of the Home and Community Quality Services Act of 1987. The bill has two major purposes. First, the bill amends the Medicaid legislation to eliminate the current bias in the program. That bias leads to the funding of services for persons with severe handicaps in large institutions. This bill ensures that States will also make services available to persons with severe handicaps in community-based programs. Second, the bill ensures that services provided in all institutional and community-based settings are of high quality and appropriate.

This bill is a bipartisan effort. It reflects months of discussion. It was developed with the help of the disability community, including parents, disability organizations, and professional groups.

This bill updates the Medicaid legislation to reflect current congressional policy governing the provision of services to persons with severe disabilities. Last year, the Congress unanimously passed three landmark pieces of legislation affecting persons with handicaps: The Education of the Handicapped Act Amendments of 1986, Public Law 99-457; the Rehabilitation Act Amendments of 1986, Public Law 99-506, and the Handicapped Children's Protection Act, Public Law 99-372. This year the Senate unanimously passed a bill which I sponsored, the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (S. 1417).

These four pieces of legislation were developed in the Senate by the Subcommittee on the Handicapped, which I now chair and which was chaired during the 99th Congress by Senator

WEICKER. In each case, the same principles guided congressional action.

First. Persons with severe disabilities have competencies, capabilities, and personal needs and preferences in addition to limitations. These strengths and preferences, not only an individual's functional limitations, should guide decisions affecting such persons.

Second. The provision of early intervention services to infants and toddlers with handicaps can minimize their potential for developmental delay, reduce costs to society, and reduce the likelihood of institutionalization.

Third. The family and members of the community can play a central role in enhancing the lives of persons with severe handicaps.

Fourth. Persons with severe handicaps must be provided the opportunity, to the maximum extent feasible, to make decisions for themselves and to live in typical homes and communities where they can exercise their full rights and responsibilities as citizens.

Fifth. Many persons with severe handicaps can be engaged in competitive work in integrated work settings if provided with ongoing support services.

Sixth. Persons with severe handicaps are entitled to services that are of high quality and appropriate to addressing their unique needs and to procedural due process.

In sum, these principles maximize the likelihood that persons with severe handicaps will lead independent, productive lives in integrated settings. The Home and Community Quality Services Act of 1987 subscribes to these principles and embodies provisions that help assure that these principles are carried out. And it does so in carefully measured ways.

Sections 3, 5, and 6 of the bill ensure that clients receive the services to which they are entitled and that their rights are not abridged. It does this by requiring the States to provide protective intervention services, case management, and protection and advocacy services and by creating a private right of action.

Consistent with the principle of enhancing the employment opportunities of persons with severe disabilities, sections 2 and 3 entitle a person with a disability to an individualized habilitation plan. The plan is designed to provide services to enhance the person's independence and, where appropriate, supported employment in integrated work settings. The bill also requires States to provide specialized vocational services.

To maximize the opportunities for persons with disabilities to exert control and power over their own lives, this bill assures that the person's individualized habilitation plan will include the participation of the person and of people chosen by the person, to be part of the team that develops the plan.

To increase the integration of people with disabilities into society, this bill emphasizes the delivery of services, the residential placement, and the employment opportunities of people with disabilities in integrated settings.

To assure that services are delivered at the highest possible level of quality, this bill contains quality assurance provisions and a proper Federal-State partnership in developing, implementing, and overseeing the implementation of quality-assurance provisions. As the sponsor of S. 1417, which stresses quality assurances, and as one who has asked the General Accounting Office to investigate how the Medicaid look-behind process is working in region 7 of the Health Care Financing Administration, Department of Health and Human Services, I am particularly pleased that there are quality-assurance provisions in this bill.

I am keenly aware that the families of individuals with disabilities, no less than disabled people themselves, require support. Accordingly, I am delighted that this bill provides for an individualized habilitation plan that includes services for families and that it also requires that States furnish family support services.

There is merit to certain aspects of existing service-delivery programs. We should not precipitously dismantle all of the service delivery systems that the Federal Government and the States have created over the years. That is why I am able to support this bill, for it provides for a staged implementation of its provisions, a freeze instead of a phaseout of Federal funding of large ICF-MR facilities, a grandfathering of small and clustered facilities, and provisions for the retraining of the dedicated staff who work in the facilities whose Federal funding will be frozen or whose size is not sufficiently family-like.

Surely this bill will engender much informed and spirited debate. But the very fact that it is consistent with current congressional policy affecting persons with severe disabilities, has received the endorsement of a large number of leading advocacy, consumer, and professional organizations, and represents a highly sensitive response to the concerns raised by some people during the last 4 years as Senator CHAFEE's Community and Family Living Act Amendments were debated, gives me great hope that this bill will pass during this session of this Congress.

I am wholly satisfied with the principles of this bill and with the care it gives to the rights and needs of people with disabilities and their families, to the moderate approach it takes to Federal-State relationships, to the deference it pays to the wholesome aspects of existing service-delivery programs, and to the opportunities it offers, at long last, for people with disabilities and their families to live more independent, productive, and integrated lives.

This bill opens doors that never should have been shut. Together with the provisions of S. 1417, the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, and Public Law 99-457, Public Law 99-506, and Public Law 99-372, this bill says to those citizens who have disabilities and to their families that we value them and that we will treat them as we ourselves would want to be treated if we were in their shoes.

Mr. MITCHELL. Mr. President, I am pleased to join with my colleague from Rhode Island, Senator CHAFEE, in cosponsoring the Medicaid Home and Community Quality Services Act of 1987. I commend Senator CHAFEE for his diligent work on this legislation and for his commitment to improve the quality for the developmentally disabled in our country.

This bill will assist States in providing expanded home and community-based facilities for the developmentally disabled, a concept which has been enthusiastically supported in my home State of Maine for a number of years.

Last year, the Subcommittee on Health held a hearing to examine Medicaid financing of services for developmentally disabled persons. At the hearing, witnesses expressed their concerns about the Medicaid Program's lack of flexibility in funding which would allow States to expand home and community-based living situations for the developmentally disabled.

Medicaid is the primary Federal program providing States with funding for long-term care for the disabled. Under current law, most of these funds are channeled to large institutions, only a limited amount is available for small home and community-based facilities.

As understanding of the capabilities and needs of the developmentally disabled have changed in recent years, it has become apparent that traditional long-term care services provided in large institutions are no longer appropriate for the majority of disabled persons.

The Medicaid Home and Community Quality Services Act of 1987 is intended to restructure the Medicaid Program to better meet the needs of the developmentally disabled, while promoting greater independence and productivity for these citizens.

The bill freezes the amount of Medicaid funding States are allocated for large intermediate care facilities for the mentally retarded at the level of spending in the fiscal year preceding enactment. In future years, States will receive increases in this amount only when inflation exceeds 6 percent per year.

Eligibility for funding will be determined by a State's means test and will include persons who became disabled before age 22. The bill also includes an important provision to phase in, on an annual basis, individuals who become disabled after age 22. This will begin to address the critical need for long-term care for young adults who become disabled with spinal cord and head injuries.

The bill mandates a number of services States must provide in order to receive Medicaid reimbursement. These services include protective intervention, case management, individual and family support services and specialized vocational services.

I am particularly pleased that the bill includes quality and monitoring provisions designed to ensure that services provided in all facilities serving the disabled are appropriate and of high quality. The attention to the quality of care provided should be our highest priority when examining the programs which serve the most frail members of our society.

Many States, including Maine and Rhode Island, have developed a system of home and community-based care for the developmentally disabled which has proven to be highly successful and widely supported by the disabled and their families. Passage of this legislation will support those efforts and encourage other States to develop similar models.

This legislation has been carefully developed over a long period of time, taking into account the needs and concerns of the developmentally disabled and their families. It is an important step toward reforming the Medicaid Program to better meet the needs of this population and to encourage their independence and productivity.

I urge my colleagues to join me in supporting this important reform.

Mr. WEICKER. Mr. President, I rise today with my colleague from Rhode Island, Senator CHAFEE, to introduce the Medicaid Home and Community Quality Services Act of 1987. This legislation will restructure the current system of funding Medicaid services for people with severe disabilities in order to increase their independence, productivity, and integration into the community. Further, it will replace the current fragmented leadership on disability issues within the Federal Medicaid bureaucracy with a centralized unit that will oversee Medicaid disability policy and ensure the delivery of high-quality services.

As lawmakers, it is our responsibility to enact legislation consistent with the constitutional principle of providing for the general welfare. We have adapted this principle to changing perceptions of disabled individuals. We have made mistakes, we have learned from them, and we have moved on to new responses, with disabled Americans themselves now in the leadership of this movement.

Only during the last 20 years or so have we truly begun to break down the barriers that placed opportunity for disabled individuals in a class below opportunity for all Americans.

Disabilities are not selective about the families they touch. We are all potential candidates. But how we support individuals with disabilities is not just an issue for families. It is an economic and a humanitarian issue that touches the essence of what we stand for as a nation.

Today, we can be proud that many laws, such as the Education of the Handicapped Act, the Rehabilitation Act, and the Developmental Disabilities Act, reflect the current state of our knowledge about the abilities of people with disabilities. These individuals have shown us that almost anything is possible, with the right support.

Yet despite over $3 billion commitment to carrying out these visionary laws, we are still spending nearly the same amount of Federal funds to support an antiquated system of services for the disabled through Medicaid. Indeed, the Medicaid Program is the largest financial aid program for people with disabilities, with most of the funding going to the "Intermediate Care Facility for the Mentally Retarded" [ICF/MR] Program. In 1986 the amount expended by the Federal Government and the States for this program was estimated at over $5 billion, and still rising. For the most part, the money is used to fund large, public institutions, which at best offer limited opportunities and custodial care, and at worst promote segregation from families and society, encourage dependence, and allow the abuse and neglect of those very individuals for whom the system was created.

When Congress created the ICF/MR Program to fund services for disabled people 16 years ago, it assumed that Federal Medicaid dollars would be directly linked with quality services. At the same time, however, the program was structured in a biased manner, with funding going primarily to State institutions and few dollars directed toward keeping people with disabilities in their homes and communities. This system has turned out to be very costly.

Average costs vary between States, but one estimate for 1985 says more than $32,000 was spent per year per person. Recent statistics from my own State of Connecticut indicate an annual cost of approximately $73,000 per person per year. Yet we know that these institution-bound funds do not necessarily buy quality services. In fact, the results of hearings on conditions in institutions, conducted last session by the Subcommittee on the Handicapped, indicated just the opposite. These hearings, and the investigation which preceded them, found that the programs funded with Medicaid dollars often provide inadequate services and protections to people confined within institutional walls. While Medicaid enforcement efforts have been stepped up since that time, and some improvements made, serious deficiencies continue to exist in many federally supported institutions. And it is shameful that today, such conditions as were unveiled during those hearings continue, and are financed with Federal funds.

This situation is particularly disturbing given our recognition that people with disabilities need not be bound to a barren life of inactivity and segregation. Indeed we now know that very often these same individuals confined to institutions could be living in the community, where they could have meaningful work and experience the day-to-day joys and sorrows of life among family and friends. But the existing Medicaid system of financing services to people with disabilities inhibits and frustrates the development of needed community supports.

Yet the need for such community-based assistance is greater than ever. Twelve years ago, Congress enacted Public Law 94-142, which marked the beginning of the end of an era of segregation and discrimination against children with disabilities in our public schools. Most of these students have been raised in the mainstream of life. They want to stay there, and their families want them there. But, as I was reminded at one of our Handicapped Subcommittee hearings, too often these students find themselves at the end of their schooling "all dressed up with no place to go." We cannot truly realize the promise of integration which is at the heart of Public Law 94-142, until no disabled person is forced to abandon their bright hopes for the future because there are no alternatives.

People with severe disabilities in our country deserve full access to quality services that are least restrictive in terms of their personal freedom and most effective in terms of providing personal opportunity. And I believe that the changes in the current system of Medicaid funding for people with disabilities which we propose today are critical in assuring this will happen.

Specifically, the bill requires that every State participating in the institutional aspect of the Medicaid Program also develop an array of quality community services and supports. It will allow for choice among the various available services, and choice among a variety of living situations. Most of us take the choices we have in our lives for granted. But for many people with disabilities and their families, there have been no choices—even when that choice could result in less cost to the Federal Government.

And what of the institutions? The bill we introduce today has not forgotten them. It contains numerous provisions to increase the quality of their services by strengthening the leadership, guidance and support at the Federal level, and through increased training of those whose job is to review the quality of services they provide. But the bill sends a clear message that the future for people with disabilities is not segregation from the mainstream of life.

Because it is outside the locked doors of the institution that the land of opportunity lies. With the passage of this bill, those doors—and others—will open. It will require the dedicated efforts of everyone: families, service providers, politicians, and disabled individuals themselves. But that opportunity will not be denied.

Finally, I would like to extend my special thanks to Senator CHAFEE for his leadership in developing this legislation. He has been a tireless advocate for the development of family and community services for people with disabilities. I look forward to working with him, and other members of the Finance Committee, as work on this legislation proceeds.

Mr. DODD. Mr. President, today I am joining Senators CHAFEE, WEICKER, and others in introducing the Medicaid Home and Community Quality Services Act of 1987.

This bill is the product of a great deal of hard work, particularly by Senators CHAFEE and WEICKER, on a very important subject—providing funds to permit retarded persons to live in community and home settings. Enactment of this bill would expand the opportunities for retarded people, whether they are living in institutions or at home. It is particularly important for mildly and moderately retarded people who today are not eligible for Medicaid funds. It will increase the quality of their lives and that of their parents.

I share the bill's premise that there are inadequate Federal funds for community programs. The Medicaid waiver program has helped in this regard, but it is still not a permanent program and it does not contain adequate quality assurance mechanisms. This bill will remedy both of these problems. At the same time, I think it is important that we avoid throwing the baby out with the bath water. The bill recognizes that institutions will remain a residential option for the retarded and we must assure that they provide quality programs. Institutions for the mentally retarded do provide quality care for many of our retarded citizens, thanks in substantial part to the Federal standards that have been imposed as part of the bargain for getting medicaid dollars. At the same time, as Senator WEICKER's investigations revealed, abuses still take place in some institutions. Therefore, I hope that the bill will be amended to improve quality assurance at the institutions as well so that retarded people will receive quality services, regardless of their place of residence.

I am also somewhat troubled by the bill's provisions that would cap Medicaid dollars for institutions at their level in 1988, except to the extent that the cost of living exceeds 6 percent thereafter. The result would be that funding for institutions would be reduced to about half of today's value within 15 years. That level will make it hard to continue to assure quality care for residents of institutions.

While it would be nice to think that we can serve the needs of many times the number of people being served today for the same dollars, that is simply not a realistic hope. If we are going to expand the Medicaid Program to meet the needs of the entire population of retarded persons, it is going to take more money. We must recognize that reality and confront it head on. Therefore, rather than trying to reallocate existing dollars, I think we need to devise creative ways to increase the size of the pie. Inasmuch as the States presently are receiving billions of dollars in Medicaid funds, one notion might well be to condition the receipt of additional Medicaid funds on States increasing their matching contributions.

Furthermore, as chairman of the Subcommittee on Children, Family, Drugs, and Alcoholism, I would like to see the bill improved to assure greater participation by the families in the decisions about their children's future. The bill appears to leave their inclusion or exclusion up to the professionals who are part of the decisionmaking panels. Parents should be involved as a matter of course, just as they are in the development of individualized education programs under the Education for the Handicapped Act.

In sum, Mr. President, I am pleased that an effort is being made to address the needs of the retarded that are not presently being addressed and I look forward to working with the principal sponsors of the bill to devise a final product that increases the options for quality care for the retarded.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 1674. A bill to amend title 5, United States Code, with respect to the maximum rate of basic pay payable to civilian faculty members at the United States Naval Academy; to the Committee on Government Affairs.

MAXIMUM PAY LEVEL OF CIVILIAN FACULTY AT THE NAVAL ACADEMY

● Mr. SARBANES. Mr. President in 1845, the U.S. Naval Academy was established at Fort Severn at Annapolis, MD, to prepare midshipmen to be professional officers in the Navy. Over the years the needs of the U.S. Navy have changed, and the Academy has evolved as an institution of higher education graduating midshipmen with training, expertise, and the technical competence to operate the most sophisticated and advanced weapons systems, computers and seafaring vessels in the world. As the Academy sought to keep pace it recruited an outstanding civilian faculty with expertise in computer science, engineering, nuclear physics, the natural sciences, and the humanities.

Today, Mr. President I am introducing legislation to increase the salary of civilian faculty of the U.S. Naval Academy. I am introducing this legislation because the Academy runs the risk of losing some of its finest instructors to other institutions of higher education. For the past 3 years the U.S. Naval Academy has experienced difficulty recruiting and retaining experienced, dedicated civilian faculty due to salary. I am quite concerned that the inability to recruit competent, dedicated teachers for the U.S. Naval Academy could threaten the quality of its highly respected academic programs and undermine its ability to fulfill its mission to provide the U.S. Navy and Marine Corps with educated officers.

This bill, the companion of a bill introduced in the House by Congressman TOM MCMILLEN who represents the Annapolis area and is also a member of the U.S. Naval Academy Board of Visitors, would remove the pay cap and give the Secretary of the Navy the authority to increase civilian faculty salaries to a level which would be comparable to the faculty of other prestigious institutions of higher education and I ask my colleagues to join me in supporting this legislation.●

By Mr. McCLURE:

S. 1675. A bill to provide for establishment of the Hagerman Fossil Beds National Monument in the State of Idaho, and for other purposes; referred to the Committee on Energy and Natural Resources.

ESTABLISHMENT OF THE HAGERMAN FOSSIL BEDS NATIONAL MONUMENT

● Mr. McCLURE. Mr President, today I am introducing a bill to establish the Hagerman Fossil Beds National Monument, thereby protecting and preserving for all Americans one of the largest deposits and best known recordings of the Pliocene period in the world.

Discovered by a local farmer, Mr. Elmer Cook, and two companions in 1919 or 1920, this nearly 3½ million year old deposit is today known by scientists throughout the world and is truly a "priceless paleontological treasure." There are currently some 310 registered fossil sites containing remnants of ground sloths, zebra-like horses, saber tooth cats, mastadons, camels, and numerous smaller land and aquatic fauna species.

Scientists from the Smithsonian Institution came to the Hagerman Beds as early as 1931, and today a great many fossils unearthed at Hagerman can be viewed daily at the Smithsonian's National Museum of Natural History.

The legislation I am introducing today is similar to legislation I introduced some 12 years ago during the first session of the 94th Congress. I conducted a hearing in Hagerman, ID, on that legislation on December 13, 1976, but, for a variety of reasons, never pursued the legislation beyond that point. In the meantime, the Bureau of Land Management has managed the primary portion of the fossil bed area—some 4,394 acres, including a 492-acre portion of State of Idaho land—as a national natural area. Principally, such management has provided for preservation of the area—for which the BLM should be commended—but has not provided general access for regulated visitation by the public such as would be provided for through the establishment of a national monument.

This new legislation calls for the continued preservation of the same 4,394 acres, but would further specifically provide for the display and interpretation of the scientific specimens uncovered at the site as well as for continuing paleontological research by private scientists.

While requiring the lands be managed as a national monument, the legislation also specifically authorizes the continued right to operate, maintain, modify, and uprate certain electrical generation and transmission and irrigation pumping facilities currently located within and adjacent to the proposed boundaries. In short, this legislation contemplates little, if any, disruption of current business or ongoing services or activities of the close-by communities.

Costs of this legislation would be kept to a bare minimum because it contemplates no appropriations for acquisition of private property. The lands already managed by the BLM would be transferred to the management of the National Park Service, and the 492-acre State of Idaho parcel would be acquired by the Department through exchange of other Federal lands.

Mr. President, we seldom have the opportunity to provide for the protection of such priceless pieces of our heritage at such little cost. I personally cannot think of a more important or a more appropriate addition to our National Park System, and I hope my colleagues will assist in securing its early consideration.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Hagerman Valley fossil sites, to provide a center for continuing paleontological research, and to provide for the display and interpretation of the scientific specimens uncovered at such sites, there is hereby established the Hagerman Fossil Beds National Monument.

(1) The Hagerman Fossil Beds National Monument shall comprise of lands generally depicted on the map entitled "——", number "——" and dated —— which shall be kept on file and available for public inspections in the office of the Director, National Park Service, Department of the Interior: *Provided, however,* That such area shall not exceed 4,394 acres.

Sec. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands or interests in lands only by donation, purchase with donated funds, exchange or bequest.

(b) Notwithstanding any other provision of law, any Federal property located within the boundaries of the Monument shall be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act.

(c) Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by exchange.

(d) In exercising the authority to acquire property by exchange, the Secretary may acquire title to any non-Federal property, or interest therein, located within the monument; and notwithstanding any other provision of law, he may convey in exchange therefore any federally owned property within the State of Idaho which he classifies as suitable for exchange and which is under his administrative jurisdiction. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary, as the circumstances require.

Sec. 3. Upon the establishment of the Hagerman Fossil Beds National Monument and thereafter, the Secretary shall administer property acquired pursuant to this Act in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

Sec. 4. Subject to valid existing rights, Congress expressly reserves to the United States such water rights as may be required to carry out the primary purposes of the monument created by this Act with respect to all lands withdrawn from the public domain by this Act. Such rights shall be perfected by the United States pursuant to the procedural requirements of the laws of the State of Idaho. The priority of such rights shall be as of the date of enactment of this Act. The United States may acquire such additional water rights as it deems necessary to carry out its responsibilities under this Act. Such water rights shall be acquired pursuant ot the substantive and procedural requirements of the laws of the State of Idaho. Nothing in this Act shall be construed to reserve any implied water right to the United States. The transfer of lands to the administrative jurisdiction of the Secretary pursuant to section 2 shall not affect any reserved water right which the United States may have acquired for the primary purposes for which such lands were originally withdrawn to the extent such rights are consistent with the purposes for which such lands are to be administered pursuant to this Act.

Sec. 5. All electrical generating and transmission and irrigation pumping and transmission facilities in existence within and adjacent to the boundaries of the Hagerman Fossil Beds National Monument, together with the right to operate, maintain, repair, uprate and modify such facilities, are hereby authorized. The provisions of the Federal Power Act, as amended, (41 Stat. 1063) shall continue to apply to any project as defined in such Act, including all facilities and improvements required or used in connection with the operation and maintenance of said project in existence within the Hagerman Fossil Beds National Monument on the date of enactment of this Act.

Sec. 6. Notwithstanding any other provision of law or regulation pursuant to any law, in order to provide a center for continuing paleontological research, the Secretary shall incorporate in the general management plan provisions for the orderly and regulated use of and research in the monument by qualified scientists, scientific groups, and students under the jurisdiction of such qualified individuals and groups.

Sec. 7. There are hereby authorized to be appropriated not to exceed $5,000,000 to carry out the purposes of this Act.●

By Mr. DeCONCINI:

S. 1676. A bill to amend the Comprehensive Crime Control Act of 1984 to provide for an orderly transition into sentencing with guidelines, and for other purposes; to the Committee on the Judiciary.

SENTENCING GUIDELINES TRANSITION ACT

● Mr. DeCONCINI. Mr. President, I am pleased to introduce the Sentencing Guidelines Transition Act of 1987. This bill, while adopting the guidelines proposed by the U.S. Sentencing Commission on April 13, 1987, would delay their effective date until November 1, 1988. The guidelines would become law on November 1, 1987, but the new system would not go into effect for another 12 months—November of 1988.

The Commission, an independent agency in the judicial branch established by the Comprehensive Crime Control Act of 1984, is responsible for promulgation of sentencing guidelines and policy statements pursuant to section 994(a) of title 28, United States Code. The law as it is now written, requires the Commission to send its initial guidelines to Congress by April 13, 1987, and they take effect automatically on November 1, 1987. As per the 1984 act, the guidelines promulgated by the Commission are intended to further the basic purposes of criminal punishment; deterring crime, incapacitating the offender, providing just punishment, and rehabilitating the offender.

In enacting the sentencing law Congress had three underlying objectives. First Congress intended to enhance the ability of the criminal justice system to reduce crime through an effective, fair sentencing system. To paraphrase, Congress sought honesty in sentencing. Next, Congress sought to narrow the wide disparity in sentences imposed in different Federal courts for like offenses and establish a sense of uniformity in sentencing. Finally, Congress sought proportionality in imposing different sentences for criminal conduct of different severity. A reading of the guidelines indicates that the Commission has taken major steps toward achieving these goals.

Nevertheless, I am proposing this legislation because of the reservations expressed by many interested parties that a November 1, 1987, effective date would not provide an adequate period for training and the addition of new personnel. In particular I have considered the comments of Judge Richard H. Bilby, chief judge, U.S. District Court, District of Arizona, and the Judicial Conference of the United States, the policymaking body of the judicial branch. Additional concern has been expressed about the uncertainty of the impact of the guidelines on correctional resources and other costs of the guidelines. I am also concerned that the final guidelines have not been tested under practical conditions.

The guidelines represent a major departure from current sentencing practice which has been in place since the beginning of the Republic. Although I believe the guidelines are workable and take significant strides toward achieving the goals mandated by the Sentencing Reform Act of 1984, delaying their implementation will allow further refinement prior to implementation.

Some members of the Commission have indicated that a delay is desirable. These members assert that a delay in implementation of the guidelines would allow the Commission to continue to improve upon the guidelines prior to implementation under the process provided in the guidelines.

Other groups have also called for a delay. For instance, the American Bar Association believes a 2-year delay is needed. While some who have counseled delay undoubtedly are not sympathetic to guidelines at all, others are strong advocates of guidelines. Marion Frankel, a former Federal judge who wrote one of the early books calling for guidelines and John Kramer, the head of the Pennsylvania Guideline Commission, have urged that implementation of the guidelines be delayed. Furthermore, on July 16 of this year, the executive committee of the judicial conference endorsed a 12-month extension as embodied in this bill.

I agree with those commentators who suggest that delay is appropriate and I agree that 12 months is an appropriate period. A 12-month delay would allow for a smooth transition into the complex new system. It would allow everyone involved in this implementation of the new system to implement it more effectively and would allow time for additional resources to be put in place. A delay also would allow time for education and training in the guidelines of all those involved in the criminal justice system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD together with accompanying materials.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

S. 1676

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sentencing Guidelines Transition Act of 1987".

SECTION 2. TRANSITION.

Section 235(a)(1)(B)(ii) of the Comprehensive Crime Control Act of 1984, Public Law 98–473, as amended, is further amended—

(1) in subclause (III) by striking "the day after";

(2) in subclause (II) and (III) by striking "and" at the end thereof; and

(3) by redesignating subclause (IV) as subclause (V) and inserting in lieu thereof the following new subclause (IV):

"(IV) twelve months after the date described in subclause (III); and

SECTION 3. TECHNICAL AND CONFORMING AMENDMENT TO THE COMPREHENSIVE CRIME CONTROL ACT OF 1984.

Section 235(a)(1) of the Comprehensive Crime Control Act of 1984, Public Law 98-473, as amended, is further amended by striking "36 months after the date of enactment" and inserting "48 months after the date of enactment and shall apply only to offenses committed after the effective date of this chapter" in lieu thereof.

SECTION 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act.●

By Mr. CHILES:

S.J. Res. 187. Joint resolution complying with the requirements of section 274(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985; pursuant to section 274(f)(1) of Public Law 99-177, referred to the Temporary Joint Committee on Deficit Reduction.

SEQUESTER RESOLUTION FOR FISCAL YEAR 1988

Mr. CHILES. Mr. President, today I am introducing a sequester resolution for fiscal 1988.

The law says the joint resolution must be introduced, and so that's what I'm doing. It's my sincere hope that this joint resolution will never come before the Senate for a vote. If it does, it will mean we've been unable to do our job in a responsible way. It will mean, with the health of the American economy at stake, we couldn't find a way to sort our differences, and cut the deficit in a way in which the effort is evenly shared.

We're in a tricky and very dangerous position. If this resolution isn't approved by the Temporary Joint Committee on Deficit Reduction by Monday, the committee will be discharged. Five days of session after that, we'll have to vote up or down on the sequester on the floor of both Houses of Congress.

If that's what happens we'll be right up against some crucial dates. Under the act, the time for the vote on this joint resolution would probably come on September 22. The debt limit runs out on September 23. And we're due to act on reconciliation on September 29.

So we're in a position here where we're playing roulette with the calendar. And we're also on the edge of an economic thunderstorm. To show how serious the situation really is, let's look at what a sequester this year would mean.

It would mean a 13-percent cut in defense from the Gradison baseline which would bring the budget authority down to $255 billion for national security.

On the domestic side, sequester would mean a 19-percent cut, or about $23 billion.

That's it in a nutshell. That's how sequester would operate to get us down to the $108 billion target which most agree was an unrealistic goal to begin with.

Now, the fact is, a month ago the conferees we're only a matter of hours from working out a fix of the Gramm-Rudman-Hollings Program. We were very close to restoring the discipline with an automatic trigger mechanism. We were close to revising the annual deficit targets, and agreeing to cut $36 billion from the deficit.

It didn't happen a month ago, but I've returned from the summer recess optimistic that we can get the job done. As a spur to those efforts, this sequester resolution is right here. It's a lot like working toward salvation once you've looked down the throat of perdition.

This joint resolution is the bottom of the barrel. I don't think we have to ever reach that point. The way to avoid it, is to move to revise the Gramm-Rudman-Hollings law, and restore the automatic budget discipline. We should revise the deficit targets, and pledge ourselves to $36 billion in deficit reduction.

Now some might ask this: Don't the changes proposed to Gramm-Rudman-Hollings include an automatic sequester? They do. Then it might be asked what's the difference between that plan and the dilemma in front of us?

The differences should be clear. If we submit to the current version of sequester, it will mean we didn't have the will power to make needed changes in our framework for deficit reduction. It will mean we're willing to risk default on our debts as we face the expiration of the debt limit. In short, it will mean a kind of surrender.

If, on the other hand, we make the changes in Gramm-Rudman-Hollings and adopt revised targets and genuine deficit reduction, we will reaffirm that we are willing to discipline ourselves without springing some kind of tremendous punishment on the economy.

So let me repeat something today that I've said time and time again all year long. We need to cooperate. The House and the Senate, Republicans and Democrats, and the President of the United States have to work toward a responsible solution. We have the chance now to put this sequester threat behind us by making sensible cuts in the deficit. We still have time to choose.

Sequester is now a shadow over the economy. We can chase it away. But the only way we can is with joint, bipartisan leadership and cooperation. I hope and trust we can get the job done.

Mr. President, I ask unanimous consent that the text of the sequester resolution appear at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 187

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTENTS OF JOINT OMB-CBO REPORT.

The contents of the joint report of the Directors of the Office of Management and Budget and the Director of the Congressional Budget Office for fiscal year 1988 under section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, transmitted to the Congress on August 20, 1987, pursuant to section 274(f)(1) of such Act, and set forth at 52 Fed. Reg. 31531-600 (1987), shall be deemed to be set forth in this joint resolution and shall serve as the sole basis for the order required to be issued by the President for such fiscal year under section 252(a) of such Act.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. MOYNIHAN, the names of the Senator from Nevada [Mr. REID] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 27, a bill to establish the American Conservation Corps, and for other purposes.

S. 79

At the request of Mr. METZENBAUM, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 79, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

S. 567

At the request of Mr. DECONCINI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 567, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 616

At the request of Mr. DODD, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 616, a bill to amend the Truth in Lending Act to provide for more detailed and uniform disclosure by credit card issuers with respect to information on interest rates and other fees which may be incurred by consumers through the use of any credit card, and for other purposes.

S. 699

At the request of Mr. STEVENS, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 699, a bill to designate September 17, 1987, the bicentennial of the signing of the Constitution of the United States, as "Constitution Day," and to make such day a legal public holiday.

S. 708

At the request of Mr. PROXMIRE, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 708, a bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest.

S. 824

At the request of Mr. SPECTER, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 824, a bill to establish clearly a Federal right of action by aliens and United States citizens against persons engaging in torture, or extrajudicial killing, and for other purposes.

S. 840

At the request of Mr. THURMOND, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nevada [Mr. REID], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 1052

At the request of Mr. SPECTER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1052, a bill to establish a National Center for the United States Constitution within the Independence National Historical Park in Philadelphia, Pennsylvania.

S. 1325

At the request of Mr. CHAFEE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1325, a bill to require the Secretaries of Agriculture and Health and Human Services to enforce certain food labeling requirements for packaged foods sold by certain restaurants.

S. 1361

At the request of Mr. DECONCINI, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1361, a bill to amend the Controlled Substances Act to suppress the diversion and trafficking of precursor chemicals and essential chemicals utilized in the illicit manufacture of controlled substances.

S. 1490

At the request of Mr. SARBANES, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1490, a bill to designate certain employees of the Librarian of Congress as police, and for other purposes.

S. 1513

At the request of Mr. HEINZ, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1513, a bill to provide for the inclusion of the Washington Square area within Independence National Park, and for other purposes.

S. 1529

At the request of Mr. GLENN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1529, a bill to improve financial management in the Federal Government.

S. 1554

At the request of Mr. FOWLER, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. INOUYE], the Senator from North Dakota [Mr. CONRAD], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1554, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy conservation, and for other purposes.

S. 1578

At the request of Mr. STEVENS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1578, a bill to amend chapter 83 of title 5, United States Code, to provide civil service retirement credit for service performed under the Railroad Retirement Act, and for other purposes.

S. 1663

At the request of Mr. Dodd, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 1663, a bill to reauthorize the Child Abuse Prevention and Treatment Act and other related Acts dealing with adoption opportunities and family violence.

SENATE JOINT RESOLUTION 11

At the request of Mr. Thurmond, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of Senate Joint Resolution 11, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 41

At the request of Mr. Glenn, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution to designate the period commencing on November 22, 1987, and ending on November 29, 1987, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 48

At the request of Mr. Karnes, his name was added as a cosponsor of Senate Joint Resolution 48, a joint resolution designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Week."

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the names of the Senator from North Dakota [Mr. Burdick], and the Senator from Missouri [Mr. Danforth] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 111

At the request of Mr. Karnes, his name was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987 and November 1988 as "National Hospice Month."

At the request of Mr. Heinz, the name of the Senator from New Mexico [Mr. Domenici] was added as a cosponsor of Senate Joint Resolution 111, supra.

SENATE JOINT RESOLUTION 177

At the request of Mr. Thurmond, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of Senate Joint Resolution 177, a joint resolution to authorize and request the President to designate the month of December 1987, as "Made in the U.S.A. Month."

SENATE JOINT RESOLUTION 181

At the request of Mr. Wilson, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. Dole, the names of the Senator from Texas [Mr. Bentsen], the Senator from Mississippi [Mr. Cochran], the Senator from Maine [Mr. Cohen], the Senator from Arizona [Mr. DeConcini], and the Senator from Michigan [Mr. Levin] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol Rotunda.

At the request of Mr. Helms, his name was added as a cosponsor of Senate Concurrent Resolution 9, supra.

At the request of Mr. Byrd, his name was added as a cosponsor of Senate Concurrent Resolution 9, supra.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. Grassley, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of Congress that volunteer work should be taken into account by employers in the consideration of applicants for employment and that provision should be made for a listing and description of volunteer work on employment application forms.

SENATE RESOLUTION 280

At the request of Mr. Dole, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of Senate Resolution 280, a resolution to commemorate the 100th birthday of the Honorable Alf Landon.

AMENDMENT NO. 676

At the request of Mr. Helms, the names of the Senator from Colorado [Mr. Armstrong], the Senator from Utah [Mr. Hatch], the Senator from Nevada [Mr. Hecht], the Senator from Alabama [Mr. Heflin], the Senator from Alabama [Mr. Shelby], the Senator from Idaho [Mr. Symms], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of amendment No. 676 proposed to S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

AMENDMENTS SUBMITTED

SENATORIAL CAMPAIGN REFORM ACT

SYMMS AMENDMENT NO. 677

Mr. SYMMS proposed an amendment to amendment No. 676 proposed by Mr. Helms to the bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; as follows:

> Add at the end of the Helms amendment the following new section:
>
> "Sec. . It is the sense of the Senate that the policy of the United States toward Central America should be based on the principles of the Monroe Doctrine, to wit: "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power * * * we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power in any other light than as the manifestation of an unfriendly disposition towards the United States.".

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on the Federal Government's handling of Soviet and Communist-bloc defectors.

These hearings will take place on Wednesday, September 16, 1987, at 9:30 a.m., and Thursday, October 8, 1987, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill or John Sopko of the subcommittee staff at 224-3721.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled to receive testimony on S. 1294, to promote the development of technologies which will enable fuel cells to use alternative fuel sources; S. 1295, to develop a national policy for the utilization of fuel cell technology; and S. 1296, to establish a hydrogen research and development program. The hearing is scheduled on September 23, 1987, at 2 p.m., in room SD-366 in the Dirksen Senate Office Building in Washington, DC.

Those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC 20510.

For further information, please contact Cheryl Moss at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 10, 1987, to hold hearings on the nomination of C. William Verity, Jr., of Ohio to be Secretary of the Department of Commerce.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, September 9, and Thursday, September 10, 1987, on both days, to hold hearings on oversight of Federal Procurement Decisions on Wedtech.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 10, 1987, to receive testimony from Secretary of State George Shultz on the Central America peace plan.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 10, 1987, to receive testimony concerning S. 801, the Coal Distribution and Utilization Act of 1987.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services' be authorized to meet during the session of the Senate on Thursday, September 10, 1987, at 2 p.m. in executive session to receive a briefing on the ongoing INF negotiations.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 10, 1987, at 2 p.m. to hold hearings on S. 1600, legislation establishing an independent Federal Aviation Administration.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be authorized to meet during the session of the Senate on September 10, 1987, to hold a hearing on benefits for AIDS victims.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BYRD. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Thursday, September 10, 1987, to hold a hearing on "age discrimination in employment."

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RELEASE OF IOSIF BEGUN

● **Mr. DE CONCINI.** Mr. President, my initial reaction to the news this week that Iosif Begun and several other prominent refuseniks were finally granted permission to leave the Soviet Union was one of great joy. I was reminded of how I felt when former Prisoner of Conscience Anatoly (Natan) Shcharansky walked across a Berlin bridge to freedom in February 1986. I was reminded of how I felt when former Prisoner of Conscience Yuri Orlov arrived in the United States in October 1986. And I was reminded of how I felt when Nobel Peace Prize winner, Andrei Sakharov, was allowed to return to Moscow in December 1986 after several years of exile in the city of Gorky.

Yes, we rejoice that Iosif Begun and several other well-known human rights activists are soon to be free. But for every Iosif Begun there are thousands more whose names and cases have gone unnoticed. For every Iosif Begun there are thousands of Soviet citizens who continue to be followed, watched, searched, arrested, beaten, sent to psychiatric hospitals, or banished to hard labor camps in Siberia.

Are the Soviets genuinely trying to live up to their human rights commitments that they pledged to uphold in Helsinki over 12 years ago? Or is this yet another publicity campaign to improve Gorbachev's image in the wake of a crucial arms control agreement?

I have traveled to the Soviet Union on three occasions. I have spoken to Brezhnev, Andropov and Gorbachev. I have met numerous Soviet citizens whose only "crime" is applying for a visa.

A decade ago, Viktor Brailovsky, Vladimir Prestin, Lev Ovsischer and Arkady Mai personally revealed to me for the first time the life of a Soviet refusenik. In 1985 I met Iosif Begun's wife, Inna, and I also spent several hours with the Lev Elbert family in Kiev. Yes, I am pleased that their cases have been resolved and their suffering will soon end. Yet my colleagues and I know thousands still wait for glasnost, and freedom.

As cochairman of the Helsinki Commission, it is my responsibility to monitor violations of human rights and to ensure that these rights are protected. To date, the Soviets have not lived up to their commitments. To date, their positive actions, though welcomed, have been piecemeal.

Purely and simply, we must continue to hold the Soviets accountable to the promises they have made. We must continue to be persistent in striving to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords. We must continue to let them know that fundamental freedoms are a basic human right. A right that cannot be toyed with.

In the words of social reformer Jacob Riis:

> When nothing seems to help, I go and look at a stonecutter, hammering away at his rock perhaps a hundred times without a crack showing in it. Yet at the hundred and first blow it will split in two, and I know it was not that blow that did it but all that had gone before.

Jacob Riis was talking about persistence. He was talking about the kind of work all of us must do to ensure basic human freedom.

Today, I am happy that the door to freedom has opened for a few more Soviet citizens. But we must continue to work toward the day when that door will remain permanently open.●

AMERICA'S COMPETITIVE TRADE POSITION

● **Mr. DODD.** Mr. President, this year's trade debate in Congress has taught us much about what we can and must do to improve America's competitive position in the international marketplace. In my view, the most important task before us is to bolster our own domestic foundations; to improve America's system of education and training for current and future workers to ensure we have the human resources necessary to excel into the 21st century. This is not a goal which can be achieved by Government alone. Real and long-term solutions will require effective partnerships between Government and the education and business communities which utilize the unique resources and perspectives that each sector has to offer.

The business community, in particular, has much to contribute and much to gain in this effort to develop the basic skills necessary to succeed in the new international economy. Business knows best the new skills that are and will be required and has a direct financial stake in the future productivity of the American workforce. In short, education and training programs are no longer some sort of corporate philanthropy done for public relations purposes; this is an effort that the business community cannot afford not to undertake.

In recognition of the new imperatives facing both government and corporate America, the Congress has undertaken several initiatives to foster public-private cooperation for today and the future. For example, the omnibus trade legislation includes a measure to establish Education Partnerships for Dropout Prevention. These local partnerships would utilize the unique resources and opportunities in the business community to raise student achievement levels and reduce dropout rates. In addition, a successful amendment to the Adult Education Act would establish worksite literacy programs involving local education agencies, local corporations, and labor unions. The Senate trade bill includes another proposal to establish Centers for International business Education at several major universities around the Nation. The centers would help provide current and future business executives with the cross-cultural skills needed to succeed in the global marketplace.

The Parental and Temporary Medical Leave Act addresses another important arena in which public-private cooperation must improve. This legislation would establish a national system of limited parental and medical leave in order to alleviate the ongoing conflicts between the demands of the workplace and a worker's family responsibilities. In a new era of more single-parent and dual career families, we cannot expect our workers to choose between their jobs and their families and still hope for a happy and productive workforce.

Mr. President, I would like to place in the RECORD today two articles which reflect the evolution of a new line of thinking in the business community on these very issues. The first, an article in the September 6 issue of the New York Times, describes a report released Tuesday entitled "Children in Need: Investment Strategies for the Educationally Disadvantaged." The report was commissioned by the Committee for Economic Development, New York based public policy interest group composed primarily of top corporate executives. These business people argue forcefully that increased business and government resources must be focused on early intervention to meet the health and education needs of disadvantaged children. In the absence of such intervention, our children cannot hope to gain the skills necessary to meet private sector demands in the future, and we will be faced with an expanding and permanent "economic underclass." The report argues:

> This Nation cannot continue to compete and prosper in the global arena when more than one-fifth of our children live in poverty and a third grow up in ignorance. The Nation can ill afford such an egregious waste of human resources. Allowing this to continue will not only impoverish these children, it will impoverish our nation—culturally, politically and economically.

An editorial which appeared in last Friday's Wall Street Journal also reflects this evolutionary thinking on part of the corporate community. The editorial describes private industry's efforts to help provide educational services both to current workers and to at-risk school age youth. The editorial cites one study which shows that businesses may have to spend as much as $25 billion a year on remedial education in the future.

The main points in both these articles are the same: An educated workforce is critical to our economic competitiveness and the business community is beginning to recognize its own special interests in this regard. I applaud this new line of thought in the corporate sector and look forward to a new era of private-public partnerships based on the mutual imperatives we face as we move into the 21st century.

Mr. President, I ask that the two newspaper articles be inserted in the RECORD.

The articles follow:

[From the New York Times, Sept. 6, 1987]

EXECUTIVES URGE A RISE IN AID FOR POOR CHILDREN

(By Edward B. Fiske)

Declaring that 30 percent of the students in public schools face "a major risk of educational failure and lifelong dependency," a group of corporate leaders has called for increased public investment in the health and educational needs of young children.

In an 87-page report to be released Tuesday, the New York-based Committee for Economic Development urges increased investment in prenatal care for pregnant teenagers, instruction in parenthood, better child care programs and quality preschool programs for disadvantaged 3- and 4-year olds.

The report, entitled "Children in Need: Investment Strategies for the Educationally Disadvantaged," warns that the United States is creating "a permanent underclass of young people" who cannot hold jobs because they lack fundamental literacy skills and work habits.

It further warns that poverty and ignorance could cause shortages of qualified workers in coming years and threaten America's competitive stance in a global economy.

The proposals would raise a number of political and economic questions over how much the Government should do to take care of the poor, but they appear in keeping with liberal positions that society must act or face dire consequences in the future. Although it puts no price on its proposals, the report argues that, over the long run, they would pay for themselves.

The study cites research from the House Select Committee on Children, Youth and Families showing that $1 invested in quality preschool education would return nearly five times that much because of lower costs of special education, public assistance and crime.

"American business has learned forcefully in the last 10 years that it is a lot more effective to design quality in from the beginning than to correct things later," said Owen B. Butler, the retired chairman of the Procter & Gamble Company, who played a key role in writing the report. "If we spend this money now, in the long run we will reduce our tax burden."

The report urges the business community to become a "driving force" in seeking higher public financing for early intervention programs but also argues that the Federal Government "needs to reaffirm its longstanding commitment to ensuring the disadvantaged access to quality education."

"Children in Need" is the latest in a series of major reports over the last four and a half years on the quality of American education. It is the first to focus on the politically divisive topic of how to educate disadvantaged students and the first to stress a connection between formal education and the health and general developmental needs of preschool children.

TOP CORPORATE EXECUTIVES

Donna E. Shalala, president of Hunter College, who helped draft the document, called the report significant because it constituted "the most forceful statement yet from the business community about the Federal responsibility for educating disadvantaged children."

The 45-year old Committee for Economic Development is a public policy research group whose 225 trustees are mostly top corporate executives. Its chairman is Edmund B. Fitzgerald, chairman and chief executive officer of Northern Telecom Limited.

Two years ago the nonprofit committee published an influential study; "Investing in Our Children," that called for higher standards in public schools and urged the business community to become more involved in bringing them about.

In the latest report the businessmen said it made "no economic sense" to allow an "educational underclass" to persist.

"By 1990," they declared, "the impact of new technologies is expected to drive total private-sector demand for employment to 156.6 million jobs, nearly twice that in 1978. If these estimates are only close to the mark, there will be a shortage of over 23 million Americans willing and able to work. Our industries will be unable to grow and compete because an expanding educational underclass will be unable to meet the demands of such jobs."

They continued: "This nation cannot continue to compete and prosper in the global arena when more than one-fifth of our children live in poverty and a third grow up in ignorance. The nation can ill afford such an egregious waste of human resources. Allowing this to continue will not only impoverish these children, it will impoverish our nation—culturally, politically and economically."

SUSTAINED INTERVENTION

The report, which costs $300,000 to produce, said that the most promising approach to solving the problem is "early and sustained intervention in the lives of disadvantaged children, both in school and out." Among the steps it proposes are these:

Prenatal and postnatal care for pregnant teen-agers and other "high-risk" mothers as well a follow-up health care for their infants.

Parenthood education programs for both mothers and fathers, including guidance on nutrition.

Quality child-care arrangements for poor working parents that stress social development and school readiness.

Quality preschool programs for all disadvantaged 3- and 4-year olds.

The committee's report reinforces a growing interest across the country in early childhood education. New York City, for example, has a new program called Project Giant Step that offers educational, health and other services to 4-year olds from low-income families. The number of students served will increase from 2,620 last year to 8,620 in the coming year.

Last year 22 states spent $328 million, or twice the amount of the previous year, on programs for preschool children. Missouri and Minnesota now require local school districts to offer programs on parenthood skills for low-income families.

RESTRUCTURING OF SCHOOLS

Much of the interest has been stirred by reports showing that early childhood intervention programs can have significant long-term effects. Some of the research has focused on the Perry Preschool Project in Ypsilanti, Mich., which helped cut later dropout rates and welfare dependency in half.

"There is not a lot of long-term data on the effects of such programs, but there is enough to say that it is a good idea to go ahead and do more," said Mr. Butler.

In addition to preschool programs, the report urged a restructuring of public education with smaller schools, smaller classes and shared authority between teachers, parents and others:

The research and policy panel of the Committee for Economic Development regularly issues reports on national issues such as trade policy, fiscal policy and economic competitiveness. Its chairman is William F. May, the former chairman of the American Can Company and currently chairman and chief executive officer of the Statue of Liberty-Ellis Island Foundation.

The education report was drafted by a subcommittee led by Mr. Butler. Other members included William S. Woodside, chairman of the executive committee of the Primerica Corporation; John L. Clendenin, chairman of the BellSouth Corporation, James J. Renier, the president of Honeywill Inc. and Donald M. Stewart, president of the College Board.

The report can be obtained from the Committee for Economic Development, 477 Madison Ave., New York. N.Y. 10022. The price, including postage, is $11.55

[From The Wall Street Journal, Sept. 4, 1987]

Alternative Education

American schools continue to get bad marks. Standardized test scores have stopped plummeting, but remain at a low level despite a rising awareness that an educated work force is important to the international competitiveness of U.S. industry.

Efforts at school reform have focused on introducing more competition and consumer choice. Not much has come of the Reagan administration's early hopes for voucher systems. But private firms have resorted more and more to their own remedial training, providing an ad hoc answer to the failures of the public school monopoly.

When New York Telephone Co. launched its first large-scale recruiting efforts in years this spring, it found some 84% of its New York city applicants failing entry-level exams in English and problem-solving. Bureau of Labor Statistics numbers suggest that such inadequacies will create more serious problems. Of the 21 million additional jobs the U.S. economy is expected to generate between now and the year 2000, a high percentage will demand verbal, mathematical and reasoning skills.

Corporate solutions are proceeding apace. Some 1,700 of Polaroid's employees—approximately one-third of the firm's hourly workers—are studying in a program that teaches them kindergarten through 12th-grade skills. The number of such students has tripled since 1985, and the company stresses the program's necessity. "We don't do this to be nice guys," a spokeswoman says.

Since 1977, Adolph Coors's "Golden Door" program has trained 112 chronically unemployable citizens, such as former drug addicts, to work at the firm.

GE recently has shifted its emphasis in philanthropy from teacher training to students. In June it announced a million-dollar program to improve pre-college standards in Lowndes County, Ala., where it has a new plastics plant requiring a high-tech work force. Time Inc. and CBS Magazines recently revoked their support for a high-school writing program because of their unhappiness with the way school officials were running it. When New York area banks offered 250 jobs to city high-school graduates, the public system was able to come up with only 100 acceptable candidates.

IBM says its support for education isn't specifically designed to provide the company with recruits. But it is spending about $18 million, or one-fifth of its educational budget this year, on training centers in inner-cities that give young people starter skills from telephone etiquette to math. It now has 71 such centers, up from eight in 1982. It sees this rise as "an identification of the problem."

Many firms haven't yet made the conceptual jump from general philanthropy in education to applied teaching for their own employees. They see their programs as mainly corporate citizenship endeavors. Prudential trained 400 underachievers and made 150 of them job offers in a remedial training program that was part of the settlement of an employment-practices dispute with the Labor Department. But Prudential, as with some other firms, says it really doesn't want to "get into the education business."

Regardless of how they describe their spending, though, corporations are already party to a private education contract. A Conference Board report shows that since 1978, more corporate dollars have gone to education than to any other category of beneficiary. About 70% to 75% of that money still goes to college-level institutions.

David T. Kearns, CEO at Xerox, has been a leading spokesman for industry concerns. Xerox isn't spending much on remedial education now. And Mr. Kearns estimates that remedial education currently accounts for only about 1% of all corporate education philanthropy. But he points to an American Society for Training and Development study that predicts industry may have to spend as much as $25 billion a year on remedial education in the future.

Efficiency here depends in large part on how soon states, the U.S. government, parents and companies recognize to what extent market forces are already at work in the delivery of education. One way or another, the market will come into play in education as it does elsewhere, producing alternatives if the public sector doesn't improve its performance.●

INFORMED CONSENT: HAWAII

● Mr. HUMPHREY. Mr. President, today I would like to insert into the Congressional Record a letter from a woman from the State of Hawaii in support of my informed consent legislation, S. 272 and S. 273. This letter demonstrates the need for informed consent before abortion takes place. The emotional, physical, and psychological effects of abortion can be devastating.

No person should be forced to make a decision about a medical procedure without the benefit of full disclosure. This holds especially true for women facing abortion. Yet, according to the hundreds of letters received by my office, this is the case. Women facing abortions are often denied relevant, medical information about the risks involved with and the alternatives to, abortion.

No matter where you stand on the abortion issue, you must agree that informed consent, which is standard medical procedure, must be applied to termination of pregnancy as well. I urge my colleagues to support S. 272 and S. 273.

The letter follows:

August 4, 1987.

Dear Senator Humphrey: Women must be informed of the mental and physical sufferings often encountered following an abortion. I can speak on this from personal experience.

In April of 1973, at the age of seventeen, I had an abortion in my eighteenth week of pregnancy. I was told it was a simple procedure and that there was just a mass of tissue in my womb. That is the only information I was given. The day after the saline procedure was done, I watched in horror as my dead baby was brought into this world, and quickly whisked away by a nurse. Even today I continue to see my child, dangling lifelessly, I still mourn for my child and wonder what my child would be like today.

As instantly as my baby was taken from me, I was filled with depression and guilt from this horrible act of abortion. The depression led to withdrawal from people and relationship. It led to alcohol and drug abuse. Anything to drown out the pain and suffering I was experiencing. This continued for about five years until I slowly began coming out of it and trusting people again. It wasn't until four years ago however that I was completely set free from those years of guilt and self-condemnation. Only the Lord could accomplish that.

Physically I have had a few difficulties. I had complications in either the labor or delivery of my two oldest children and last summer had a difficult pregnancy which led to a miscarriage. My monthly cycles have never been normal for long periods of time.

I know I am not alone in these experiences. I know of many women who have suffered physically and/or mentally from the abortions. They too, were never told of these complications. The parents of young girls are not being told of what could happen to their daughters.

So Senator Humphrey, I am in strong support of this bill, and your efforts. I thank God that there are men and women in our Senate who are not afraid to voice their opinion and fight for their beliefs, regardless of strong public disfavor.

In His Service,
Suzanne Cullen,
Hawaii.●

A TRIBUTE TO BAYARD RUSTIN

● Mr. DODD. Mr. President, one of the greatest civil rights activities of our time, Bayard Rustin, passed away on August 24.

Bayard Rustin is perhaps best remembered for his commitment to nonviolent protest and for his work as chief organizer of the 1963 march on Washington at which 200,000 people heard Martin Luther King, Jr., give his "I have a dream * * *" speech.

However, Bayard had been devoted to the struggle for peace in the world and equality for blacks since 1941. His crusades began when he helped found the Congress of Racial Equality [CORE] and joined A. Philip Randolph, the head of the Sleeping Car Porters Union, to organize a march on Washington to demand better jobs for blacks in the defense industry during World War II. Franklin D. Roosevelt reacted to Bayard's efforts before the march took place, issuing an executive order banning racial discrimination in all industries with defense contracts and establishing a Federal Committee on Fair Employment Practice.

Further efforts by Bayard, as director of the Randolph Committee against discrimination in the Armed Forces in 1949, resulted in an Executive order from President Truman eliminating discrimination in the U.S. Armed Forces.

In 1955, Bayard helped Martin Luther King organize the Southern Christian Leadership Conference. For 7 years as King's special assistant, Bayard coordinated the Montgomery, AL, bus boycott and organized several nonviolent demonstrations.

Ultimately, two or Bayard's greatest accomplishments included his work behind the scenes coordinating the invitation and arrival of over 200,000 people to the civil rights march on Washington on August 28, 1963, and his organization of the largest civil rights protest to date in 1964—the New York City school boycott—protesting racial imbalance within the school system.

Since 1964, Bayard served as the director, then president, of the A. Philip Randolph Institute. His tenure was devoted to the development of programs to improve the economic and social condition of all Americans, eliminate racial conflict, and promote peaceful solutions to societal inequality.

Bayard can also be remembered for his commitment to such international causes as, independence for India, human rights in South Africa and nuclear disarmament. Bayard was not a man of parochial interests.

Often thought of as a controversial figure—for his political views, for opposing quotas in employment and education, for being a conscientious objector during World War II, and for his commitment to nonviolent protest—Bayard should be remembered as a catalyst for the process of seeking jobs and freedom for blacks and the adoption of the 1964 Civil Rights Act.

Bayard should be remembered and lauded for his stubborn, unwavering, determination to improve the rights of blacks through nonviolent protest. We mourn the loss of a man who devoted his life to the struggle to end racial discrimination in our country and oppression throughout the world.●

ANNIVERSARY OF INVASION OF CZECHOSLOVAKIA

● Mr. SIMON. Mr. President, August 21 marked the 19th anniversary of the Soviet invasion of Czechoslovakia. On that tragic day in 1968, the Warsaw Pact marched across the Czech frontiers and snuffed out the promise held by the reformers of the "Prague Spring."

A few months back Charter 77, the Czechoslovak human rights movement, wrote Mikhail Gorbachev about the disastrous consequences of the invasion. Charter 77 wrote:

> The outcome of the intervention was catastrophic: Tens of thousands of creative people were eliminated from public life. Fundamental political, civil and cultural freedoms were suppressed and human rights were radically curtailed. The economy is stagnant. Corruption has spread alongside nepotism, lawlessness, self-seeking, and the growth of privileges for certain groups. The 1968 intervention also had unfortunate international repercussions, serving to increase distrust among states.

We must do what we can in the United States to make sure that the struggle for freedom continues. I commend the wisdom and courage of Charter 77. I ask that Americans not forget the tragic summer of 1968 and the Czechoslovak people's desire for freedom.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, as you know I have long been involved in the Naum Meiman case. I would like to insert the attached article in the Record as it is an excellent description of Maum's plight. I ask that the article be printed in the Record.

12-Year Wait Bitter for Soviet Jew—Dissident Naum Meiman, 76, Hopes, but Not Too Hard

(By Gary Lee)

Moscow, Sept. 9.—Since a Soviet official called Monday to tell Josef Begun he could leave for the West, his activist friend and would-be emigre Naum Meiman has stayed closed to the telephone in his apartment here. In the past two days, there have been 18 calls, all from friends, but none from the visa office.

Meiman denies that he is waiting for word from Soviet authorities granting him permission to leave. At 76, after 12 years of rejection of his applications to emigrate, he feels he has passed the phase of anxious expectation. "If a man is always caught in a time of hope and waiting, it destroys him," he said, leaning back in his rocking chair.

And yet, when the telephone rang, he jumped up anxiously.

It was another friend.

In a year when the emigration of Soviet Jews has increased sharply, including many who have battled for up to 15 years to leave for the West or for Israel, Meiman is among the oldest of the Soviets still waiting for approval to live aboard.

His case symbolizes the plight of those who have not been selected, the so-called refuseniks whose applications are rejected amid official Soviet promises that emigration will increase under Soviet leader Mikhail Gorbachev's reforms.

Of all the hardships endured by Soviet dissidents who fight to leave the country, including the loss of jobs and sometimes imprisonment, Meiman's 12-year vigil seems punctuated by the most bitter experiences.

During his long wait, some of his closest friends and family members, including his only child, have departed. This year brought the harshest blow—the death of his wife Inna in Washington, D.C., only three weeks after she won a long battle to emigrate.

Most of Meiman's friends were swept out of the country in one or another of the emigration waves that have ebbed and flowed over the past two decades; emigration has diminished greatly in recent years from a peak of more than 50,000 in 1979.

A founding member of the Helsinki Watch, the unofficial group of Soviet activities who monitor their government's human rights record, Meiman was close to other members including Natan Shcharansky and Yuri Olov. Both men were taken from prison last year and flown to the West.

"We were all in the house and the struggle together," Meiman said. "When they left, part of me left."

With the imminent departure of friends like Begun, who received permission on Monday to emigrate after 16 years of waiting, Meiman's group of friends nearly will have vanished. "The circle has gotten smaller," he said in an interview. "I am practically alone in it now."

By far the most excruciating experience in his 12 years of waiting, however, was the period between 1983 and last winter when his wife, dying slowly of cancer, fought a long battle to go abroad for medical treatment. "I cannot explain what she went through for the last two years," he said. "It gave me deep physical pain just to be with her. A human being is not supposed to bear those kinds of things."

When a plea by former senator Gary Hart to Gorbachev finally brought results last December, it was too late. Inna Meiman left for treatment in the United States last Jan. 19 and died of medical complications in Washington three weeks later.

In discussing the case, the neutral tone of voice Meiman adopts when discussing Soviet authorities gradually gives way to deep feelings of bitterness. "This country killed my wife by delaying her departure for so long," he said. "I counted the days and the pain. The experience has made living here intolerable."

As a refusenik left out of the latest group of 15 who gained approval to leave, Meiman is hardly alone. By western estimates, the cases of those consistently denied emigration visas runs into the hundreds, and perhaps thousands.

U.S. officials have appealed to Soviet authorities for leniency in many of the cases, including Vladimir Slepak, a Moscow Jew refused an exit visa for 16 years who celebrated Passover with Secretary of State George P. Shultz here last April.

Like Meiman, many refuseniks have had their applications rejected on the grounds that they possess state secrets. Meiman, a mathematician by training, worked on the Soviet Union's fledgling atomic bomb project in the 1950s.

Although his work in this sensitive area ended in 1955, and Gorbachev has said that the statute of limitations on state secrets should be less than 10 years, Soviet officials still base their rejection of Meiman's application for emigration on the contention that he knows classified information.

In the past year, the emigration of Soviet Jews to the West has risen to over 4,000, more than four times the 1986 figure.

During a long conversation in the sitting room of his apartment, Meiman was quick to dismiss questions about the effect of the new trend on his own chances to emigrate.

"They seem to pick and choose who can go more or less by chance," he said. "And at my age you can't count on being the one to be picked. I used to live next to the telephone but a person can't live in that way."

After returning from answering the telephone call from a friend and falling into a long silence, Meiman added an afterthought: "The human being is very complicated," he said. "Maybe something really has happened in my unconscious."●

MINORITY ENTERPRISE DEVELOPMENT WEEK

● **Mr. D'AMATO.** Mr. President, it pleases me to join in the celebration and commemorate this year's Minority Enterprise Development Week [MED Week] which will take place the week of October 5.

This annual event is held in the spirit of opportunity for all Americans. America is unique in the flexibility of its free market economy and that every individual can contribute to the Nation's economic well-being.

We must continue to provide the widest possible economic opportunity for all Americans. This remains possible by our continued support of minority businesses. These businesses play an important role in generating new jobs, skills, and technological developments necessary to strengthen the Nation's economy and successfully compete with products made abroad. To remain the leader in the international marketplace, I stress the essentiality of our support and recognition of minority businesses.●

ORDERS FOR TOMORROW

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Seante completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTIONS AND RESOLUTIONS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow motions and resolutions over under the rule not come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar be waived on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that following the two leaders on tomorrow, there be a period for the transaction of morning business not to extend beyond 20 minutes and that Senators may speak therein for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, earlier I stated that on tomorrow the motion to proceed to the consideration of the defense authorization bill would still be before the Senate. I have already asked for an adjournment of the Senate, so I will not seek to change that order. That means that the motion to proceed would die with the adjournment, but I will renew it tomorrow.

ORDER FOR ADJOURNMENT FROM CLOSE OF BUSINESS TOMORROW UNTIL 10 A.M., TUESDAY, SEPTEMBER 15, 1987

Mr. BYRD. Mr. President, so that Senators may know that votes are going to be occurring earlier than at 2 o'clock on Tuesdays from here on out, because we really have a lot of business to transact, I ask unanimous consent that when the Senate completes its business on tomorrow it stand in adjournment until the hour of 10 o'clock a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER WAIVING AUTOMATIC QUORUM CALL ON TUESDAY

Mr. BYRD. This means, Mr. President, that on Tuesday next, after the first hour has run its course under rule XXII, the automatic quorum will take place and when a quorum is established, the Chair will have the clerk read the motion to invoke cloture on the campaign financing reform bill, and when the clerk has read that motion, then the rollcall vote will begin on the motion to invoke cloture.

That would occur under the rule at around 11:30 or thereabouts, 11:20, and it may be that I would ask that the automatic quorum be waived, but I will not do that today.

Yes, I will.

I ask unanimous consent that the automatic quorum be waived on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE ON TUESDAY, SEPTEMBER 15, 1987

Mr. BYRD. Then Senators will know precisely that the vote is to begin at 11 o'clock on Tuesday next and that is a very important vote. If cloture is invoked on that bill, then the campaign financing reform bill will be the business before the Senate to the exclusion of all other business until disposed of. If cloture is not invoked, then upon the completion of that rollcall the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the consideration of the DOD authorization bill.

So there is the likelihood—let us put it this way—I prefer to say the possibility, because I am still hopeful there will be cloture invoked on the campaign financing reform bill on Tuesday, so there is a possibility, and Senators may ponder over that word check and make their own judgments, there is a possibility, I will say, others may say a likelihood, that after that cloture vote there will be a second cloture vote that being on the DOD procedural motion.

So both of those rollcall votes, if two of them occur, as I said, will probably occur before the Democratic and Republican conferences that day, because there is no point in waiting until 2 o'clock and then start having cloture votes and if one of those cloture motions carries getting started on the matter at 3 o'clock in the afternoon or 3:30 or 4 o'clock in the afternoon the day has pretty well shot itself.

So the cloture votes will occur earlier on next Tuesday than they have been occurring in the past. Senators have been given ample notice now, ample notice, well in advance. They can make their airline reservations early.

Does the distinguished acting leader have anything else he would wish to bring before the Senate today?

Mr. QUAYLE. Not at this time, I say to the majority leader.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 10 o'clock tomorrow morning.

The motion was agreed to, and the Senate, at 6:09 p.m., adjourned until Friday, September 11, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1987:

DEPARTMENT OF STATE

DEANE ROESCH HINTON, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

RICHARD C. HOWLAND, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

THE JUDICIARY

MALCOLM J. HOWARD, OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA VICE A NEW POSITION CREATED BY PUBLIC LAW 98-353, APPROVED JULY 10, 1984.

EXECUTIVE OFFICE OF THE PRESIDENT

ALAN F. HOLMER, OF VIRGINIA, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE M. ALAN WOODS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. JAMES A. LYONS, [redacted]/1110, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 610:

To be admiral

VICE ADM. DAVID E. JEREMIAH, [redacted]/1110, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5141, TO BE CHIEF OF NAVAL PERSONNEL, AND TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 610:

To be vice admiral

REAR ADM. LEON A. EDNEY, [redacted]/1310, U.S. NAVY.

EXTENSIONS OF REMARKS

COMPREHENSIVE LEGISLATION DEALING WITH THE AIDS CRISIS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. PANETTA. Mr. Speaker, this country now faces a crisis that will have its ultimate impact only years from now. This crisis is acquired immunodeficiency syndrome, or AIDS, and it will profoundly challenge and test our responsibility and resourcefulness as a nation. AIDS poses a challenge that must be answered swiftly and forcefully, yet thoughtfully and with foresight, so that the decisions we make can answer this problem for now and for the future. Today, I am taking a step in trying to deal with this crisis for the present and future by introducing a comprehensive package of AIDS legislation.

Few diseases in modern history have created the kind of intense concern that AIDS has inspired. Up to July of this year 37,869 cases of AIDS have been reported to the Centers for Disease Control, and more than 21,000 people have died from the disease. These are the figures that we must confront now. But we must also look at what we will be dealing with 5 or 10 years from now. According to the CDC, by 1991 270,000 cases of AIDS will be diagnosed in the United States, and currently over 1.5 million Americans have the HIV virus that can cause AIDS. Of these, it is estimated that 20 to 50 percent will eventually get AIDS, so that up to 750,000 of these people will at this point die of AIDS. We must act on the present conditions and predictions, and plan, prepare for—and try to change—the future. I believe that this bill works toward these goals by establishing programs for research into preventing and curing AIDS, educating the public as a means of prevention, and care for those who are already stricken with the disease now as well as future victims.

This bill approaches the crisis by providing for increased education for health care workers and the public, expands and intensifies our research efforts, provides for health care for the victims of this desease, and allocates a majority of the funds to local governments and community based organization, where the problem is most effectively attacked.

The National Academy of Science, along with many other knowledgable organizations and individuals, has stated that education is currently the best weapon available against AIDS. In this area, the bill provides programs to educate high-risk groups, health care personnel who deal with AIDS patients, high-risk groups, and the general public. The highest-risk groups now include gay and bisexual men, and intravenous drug users and their spouses and sexual partners. By increasing our efforts in this area, including with new high-risk groups as they develop, we can hopefully avoid a full-blown AIDS plague, which is still a threat. The education program for health care personnel includes risk reduction, educational training, and information. Although most people assume that health care professionals are aware of what is happening with AIDS, this is often not the case. Many of our health care workers are afraid of working on AIDS patients because they are uneducated on the subject. We must make sure our health care workers are well informed, and therefore feel secure in dealing with AIDS patients, if we are to be able to combat this crisis now and in the future.

The bill also provides for an expansion and intensification of our current research efforts. This includes a declaration of a public health emergency, and fellowships and grants for increased research efforts. It will also establish a National Program on AIDS to establish new research efforts and perform the important function of coordinating all research. Our research efforts are of course the key to eventually preventing and eradicating this dread disease, and if we do not increase our efforts here, we may have a bleak future. These efforts are going well now, but we must continue to increase and intensify them. An ongoing National AIDS Advisory Board is also created to help coordinate these research efforts, as well as other parts of the battle against AIDS.

Mr. Speaker, as you well know, the AIDS crisis is already placing new burdens on our Nation's health care system, especially in areas of high incidence of the disease, and this burden is likely to rise almost astronomically as the number of those with AIDS and AIDS-related diseases increases. By 1991, it is projected that AIDS patients will occupy 16,000 hospital beds, over 1 percent of the total nationwide, and much higher in areas with high concentrations of AIDS cases. Also by 1991, the total costs, including medical care and lost productivity due to disability and premature death, will exceed $66 billion per year, more than double the current Medicaid budget. This will pose major challenges for our health care system, and we must find ways to meet this challenge in cost-effective and humane ways. This legislation attempts to do this through a number of provisions.

First, by declaring the AIDS crisis to be a national public health emergency, the bill makes funds available for a number of special activities and expedites carrying out of research and prevention efforts. It does so by authorizing the hiring of up to 690 additional personnel at the CDC, National Institutes of Health, and the FDA, reducing the time period of review and award of Federal research and prevention grants and contracts, and expedites high-priority AIDS-related requests for personnel and facilities. It also authorizes a 90-day emergency program to educate health and safety workers, as well as authorization of an additional appropriation of $50 million for purchases of drugs shown to prolong and improve the quality of life of AIDS patients. AZT, the only drug currently approved for treatment of AIDS by the FDA, costs approximately $10,000 per year, and other drugs that are developed may also be expensive. AZT is now unaffordable to those without health insurance covering it or without Medicaid, and Medicaid often does not fully cover its costs. This provision would supplement $30 million recently approved by the Senate for this purpose.

In the area of health care treatment, the bill establishes networks for this purpose through public and non-profit private groups, which many feel are the most effective way to deliver health services. These networks are supposed to provide a number of services for AIDS patients, including long-term care and hospice services, mental health, counseling, and psychosocial support services, and case management services to coordinate care and treatment. A separate part of this effort consists of demonstration projects for innovative, health service delivery models. These include home health services, adult day care, and services provided by consortia of community physicians. Such forms of community-based care have been shown to be cost effective and humane compared to more traditional forms.

Along these lines, there is also a need to expand services already provided in ways that will specifically deal with the AIDS crisis. Two of the above areas in which I have long had a strong interest and which seem to be appropriate ways of caring for AIDS patients are hospice and home care. I would like to propose changes in both of these areas that will specifically accommodate the needs of AIDS patients, their communities, and the health care system.

Hospice is, as you know, intended to provide care for terminally ill people. As AIDS is, tragically, now considered terminal once it is diagnosed, hospice would appear to be well-suited for caring for AIDS patients in the last part of their lives. As you may know, many AIDS patients courageously and admirably fight their conditions all the way to the end, and therefore do not presently find hospice well-suited to their needs. However, among AIDS cases, the large and rapidly-growing group of intravenous drug abusers and their spouses and partners, often have unstable living situations or are homeless, and therefore cannot be adequately cared for at home. Certain changes in the hospice Medicaid program that would help adapt it to this group, as well as to AIDS patients in general.

My first measure would mandate States to provide hospice coverage under the Medicaid program. This is currently an option for the States, as well as being one of several options under the section 2176 waiver program, but only 4 States now officially have Medicaid hospice coverage. While this number should gradually increase, there is a need, because

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the AIDS crisis, to make certain hospice care is available to Medicaid beneficiaries with AIDS in those States that do not currently have a program.

The other hospice measures would establish three separate demonstration programs:

Increasing the payment rate to hospices for AIDS patients to reflect the many additional costs hospices incur in caring for AIDS cases, as well as allow hospices to pursue somewhat more aggressive treatment than is normally provided; this would make AIDS patients feel less like they are "giving up" by using hospice services.

Allowing all those officially diagnosed with AIDS to be treated as terminally-ill persons. This would enable them to have access to Medicaid hospice services sooner than they now can, as they must currently be certified as having 6 months to live at most. In practice, this often turns into even less time.

Waiving the restriction on reimbursement for inpatient services to 20 percent of total days of care for AIDS patients would address the need of many, especially among IV drug abusers, to spend more of their time in such settings. Currently, many hospices provide AIDS patients with more than 20 percent of inpatient days, and are just not compensated for this care.

There are also three home care demonstration programs, two under Medicaid and one under the Public Health Service. In many ways, home care is the most preferred setting of AIDS patients and their families, and the AIDS crisis could therefore lead to a great need for expansion of such services. Home care is widely considered cost-effective and humane, the latter because it enables sick persons to stay in their homes and communities with their loved ones.

The two Medicaid demonstration projects would expand home care services to include intravenous drug therapy, and allow home care to be furnished on an intermittent basis as it now is under Medicare. The former would enable AIDS patients to receive a form of treatment that has been found beneficial and which must be administered by trained personnel. The latter would guarantee that a minimum number of days of home care is provided to AIDS patients under Medicaid. The demonstration projects under the Public Health Service would train home health aides and homemakers in dealing with AIDS patients. While professional health care workers are getting a fair amount of training, nonprofessional workers are lacking in this area, and need such training for their own sake and that of their patients. Major criteria in selecting all hospice and home care demonstration projects will a high incidence of AIDS and a demonstrated need for the service.

Mr. Speaker, as I have stated, AIDS will unfortunately still take many lives, cause much suffering for its victims and those they know, and be with us for some time to come. There are many ways in which we must deal with this crisis, including preventing AIDS' spread, trying to find a vaccine and cure for the disease, and caring for those who are stricken now and in the future. This will require a large-scale, many-faceted effort involving the creative use of considerable human, financial and other resources, and the participation of a wide range of public and private groups. As you know, I am by no means an advocate of "free-spending" or simply throwing money at a problem. However, the more resources we devote to the AIDS crisis now and the better we use them, the sooner we will find solutions to the many parts of this crisis, and the less chance there will be of its truly getting out of control. We need to devote our energies now so that in the future, we will be adequately prepared. I urge the support of my colleagues for this series of important measures to combat and defeat AIDS.

A TRIBUTE TO SANDY AND MILTON GORDON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to two people who have been dear friends for many years—Sandy and Milton Gordon. On Sunday, September 13, these outstanding individuals will be honored by the American Jewish Committee as the recipients of the prestigious 1987 Jewish Heritage Award.

In their professions, their family life and their commitment to public service, the Gordons have worked tirelessly. Individually and as a couple, their accomplishments are extremely impressive and inspiring to all who are fortunate enough to have made their acquaintance.

Sandy Gordon has invested much of her life in her work to provide educational opportunities for both children and adults. Her contributions to the advancement of those with learning disabilities is particularly admirable. Sandy's vision to create a better world for these individuals has led to the formation of the Independence Center, a residential apartment living program for young adults with learning disabilities; and to her work as the founding president of the Tikvah Program at Camp Ramah, a program for learning disabled children.

Sandy's interest in education also led to her service as a member of the State Commission on Child Development and as a member of the school boards of the Akiba Academy and the Herzl schools. She is presently associated with CHILD—Clearing House and Information for Learning Disabilities. In addition, for the past 10 years, Sandy has been the president of the Los Angeles Convention Center and Exhibition Authority Commission.

After serving in the Army during World War II, Milton began his extremely successful career in real estate. He has served the State of California as real estate commissioner, as chairman of the board of investment and as secretary of business and commerce. He currently chairs the Senate Committee on Cost Control in State government, and serves on the Real Estate Management Committee of Los Angeles.

In addition, Milton has been very active in the Jewish community of Los Angeles. He is the chairman of the executive committee of the University of Judaism and a member of the boards of the American Jewish Committee, the Jewish Federation Council, and the Jewish Theological Seminary of America.

Milton and I have been friends since my college days. I have frequently turned to him for his wisdom and counsel and consider him to be a valued advisor and mentor.

It is an honor and privilege to pay tribute to Sandy and Milton Gordon here today. I ask you to join me in recognition of this outstanding couple who, over the last 25 years, have given unstintingly of their energy, time and resources to the service of their friends, their family, and their community. I am grateful to know them and extremely pleased to join the American Jewish Committee in saluting them.

CELEBRATING THE REBIRTH OF NEWARK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. RODINO. Mr. Speaker, in July of 1967, the Nation was shaken by the riots that erupted in Newark, NJ. It was an unbelievable nightmare for all the citizens of Newark, myself included, to witness the loss of innocent lives and to see their city engulfed in flames. When the smoke settled after 5 days of violence, 26 people were dead, businesses were closed and the image of Newark appeared permanently scarred.

But I am happy to report that two decades later, Newark is like a phoenix that has risen from the ashes. A strong spirit of boosterism pervades the city where the recovery from this devasting event, if not complete, is clearly underway. I am proud to have helped in securing Federal funding for the many projects, from senior citizen housing to office buildings, that provided the impetus for private initiative and for this rebuilding.

Today, the citizens of Newark have just cause for their new confidence. The political life of Newark reflects the multiracial character of the city. There are improved relations between the community and the police. The economy is on the rebound with 1,500 new jobs created last year by new small- and medium-sized firms. The downtown area is experiencing its greatest growth and construction projects are visible throughout the city. Newark provides a home to five major institutions of higher learning, including the recently funded Center for Molecular Medicine and Immunology at the New Jersey College of Medicine and Dentistry, and is a leading education center. The Federal and State sponsored renovation of Penn Station under-scores Newark's continued importance as a transportation hub.

Recently, Money magazine listed Newark as one of the top 100 places to live in the United States. All of this clearly reflects that the city is in the midst of a renewal which has created a new image for Newark that is both positive and optimistic.

To celebrate this renaissance, the Newark Church Consultation will sponsor a citywide church service on September 13 to commemorate the 20th anniversary of the Newark riots with "remembrance, repentance, and recommitment." The guest preacher at the service, to be held in Newark's Sacred Heart Cathedral, will be the Reverend Samuel Proctor of the Abyssinian Baptist Church in Harlem. Also participating will be a choir composed of members from Newark churches.

The Newark Church Consultation is a newly formed ecumenical and interracial organization. It includes representatives from 16 denominations and is composed of concerned pastors who are dedicated to participating in the renaissance of Newark. The group is headed by the Reverend James Scott, the pastor of the Bethany Baptist Church on West Market Street in Newark. Reverend Scott provided the spark for this special service and the establishment of the group when he, along with Rev. David Burgess and Msgr. John Maloney, invited every clergyman in Newark to discuss the riots. In the words of Reverend Scott, the Newark Church Consultation was formed because the clergy of Newark "believes in the city and feels that the churches should join big business, government and a variety of community and civil rights groups in planning for the redevelopment of the city."

The Newark Church Consultation is an outstanding example of the fact that the foundation for the future of Newark remains its people. I applaud their efforts to continue the progress that characterizes Newark 20 years after the riots. We must never forget this tragic event nor lose sight of its underlying causes. But we can all join with the Newark Church Consultation in recommitting our efforts to the ideals embodied in the rebirth of Newark.

CHENANGO COUNTY COURTHOUSE CELEBRATES 150TH ANNIVERSARY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. BOEHLERT. Mr. Speaker, I would like to take this time to share with my colleagues the pride my constituents and I feel in celebrating the 150th birthday of the Chenango County, NY, Courthouse on September 19, 1987.

The Chenango County Courthouse was erected in 1837 as a symbol of economic opportunity in growing central New York. It was built in a Greek revival style to symbolize the strength and perseverance of the local citizens. With its temple-like appearance and its locale, the courthouse became the place for important meetings and celebrations.

As the years went by, however, the high costs of renovation prompted a movement to tear the building down. Luckily, strong protests by the community, local organizations, and schoolchildren put a stop to any thoughts of replacing the county's symbol.

In 1976 Chenango County began the restoration of the courthouse, an effort which lasted until 1980. During this time, the crown of the courthouse, a statue of Lady Justice, was lowered. Her body had not withstood the harsh elements. Over the years, a hole in her head had been repaired with paper and tar and one of her arms was replaced with a modified furniture leg. As a part of the 150th anniversary celebration, a restored Lady Justice will be unveiled for the first time in a new glass display.

This celebration is especially important to the people of Chenango County because it falls at the same time that we celebrate the 200th anniversary of our U.S. Constitution. Plans are under way to make this a historic and patriotic celebration, with a parade and speeches by many distinguished local leaders.

Pride in our Constitution and our laws has played an important role in America's development, and the 150-year history of Chenango County Courthouse is a testament to the sense of justice that motivates Americans and promoted the spread of courthouses in communities across the Nation.

Mr. Speaker, I am honored to commemorate the distinguished history of the Chenango County Courthouse before my colleagues in the House of Representatives.

DAVE HOWELLS: A COP'S COP

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. RITTER. Mr. Speaker, Allentown Police Chief David M. Howells, Sr., said that when he retired it would not be prompted by turbulent activities within the department but by a desire to make a career change. Dave Howells, who began as a patrolman in 1958, and served as chief of police for the past 3 years, announced last month that he is taking leave of public service to accept a position with Mack Trucks.

I emphasized on July 24, 1986, in my speech in the CONGRESSIONAL RECORD, and I do again at this time, that it has been my good fortune to have the personal pleasure to know and work with Chief Howells. Dave was honored in August 1985 as the Nation's number one police officer by the Veterans of Foreign Wars. The veterans presented the Lehigh Valley law officer with the J. Edgar Hoover Award at their 86th annual convention in recognition of Chief Howell's 27-year law enforcement career in Allentown.

Dave, a distinguished member of the National Rifle Association [NRA], was pictured in March 1986 issue of Life magazine in connection with a campaign sponsored by the NRA to educate the American public about the NRA, its membership and programs. He emphasized "the NRA helps provide some of the finest police training in the country: they've always supported this Nation's law enforcement community."

In that promotion Chief Howells also spoke out on the two-part Firearms Owners Protection Act which was before the Congress. He succinctly stated in his own style, "The Firearms Owners Protection Act is fairer to those who obey the law. And tougher on those who don't." I was pleased to support those bills, now Public Laws 99-308 and 99-360. Both measures passed the House and Senate by large margins and were signed into law by President Reagan.

Mr. Speaker, it was not just these high honors that prompted my remarks in behalf of Dave Howells but the fact that in Dave, I have a deeply religious friend, who practices his religion in his daily relationships with others and in the community and has used his courage, strength, wisdom, and kindness in his professional activities. As a recent editorial states, "He embodied the philosophy of not asking a subordinate to go anywhere or do anything that he, the chief, would not take upon himself. In the street vernacular, "Davey Howells is a cop's cop."

Dave came up through the ranks as patrolman, marine platoon sergeant, detective sergeant, lieutenant, captain, director of training of the police academy, and then chief of police. On behalf of all the citizens of the Lehigh Valley, I wish Dave the very best in his new job as director of Security at Mack Trucks. We're all very glad he's staying with us in the Lehigh Valley.

Mr. Speaker, I was delighted to have the opportunity to extroll his virtues last year and now again am pleased to call to the attention of my colleagues the editorial from the August 16, 1987, issue of the Allentown Morning Call:

DAVE HOWELLS: A COP'S COP

Defining the persona of David M. Howells Sr. is a difficult task; somewhat like trying to paint a moving train. Describing what this big, strapping man has meant to the city of Allentown is a challenge of large proportions. But with the announcement Friday that he is taking leave of public service for a job with Mack Trucks, it is both timely and fitting to attempt to make an accounting of the accomplishments and attributes of Allentown's chief of police.

Davey Howells first strolled the streets of Allentown as a patrolman in 1958. He was a good cop, and he loved being a cop. He worked his way up in the ranks, earning respect as he climbed. And when he was named chief of police little more than three years ago, Davey Howells still held a thread that led back to those days as a beat patrolman. He remembered his roots. In his tenure as head of the 160-member department, he demonstrated openly and repeatedly that he was first a police officer, second an administrator. He embodied the philosophy of not asking a subordinate to go anywhere or do anything that he, the chief, would not take upon himself. In the street vernacular, Davey Howells is a cop's cop.

He kept a high profile, whether on the street or in City Hall. He was a populist chief of police—a fact stunningly demonstrated when he announced his "retirement" in July of 1986. Letters expressing support for Chief Howells poured in to The Morning Call and to City Hall. Frankly, there were serious questions among some circles as to whether that "retirement" was a serious venture or merely a gesture to solidify Chief Howells' position in certain political wranglings. Whatever, he changed his mind . . . much to the satisfaction of his legion of supporters both within and without the police force.

Davey Howells has relished the battles, both with perpetrators of crimes and with some in City Hall. He's a scrapper, one who avoides a fight when possible but who wades in with enthusiasm when the challenge is thrown. He is vocal, opinionated, stubborn . . . but fair. Policemen are sparing with their respect. Davey Howells has earned the respect of his charges.

The police department is not—and should not be—a reflection of the personality of just one man. It is a team. But this particular team just won't be the same without Big Davey in charge. The Bulldog's gain is the city's loss.

THE HAUNTING FUTURE OF AMERICA'S MORAL WASTELAND

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. DANNEMEYER. Mr. Speaker, accountability is intrinisic to America. It is the cornerstone of the philosophy of freedom. The failure to hold one's self accountable for all of our individual thoughts and actions is the highest form of immaturity and the chief stimulus in destabilizing communal order. It is duplicitous for any individual to promote the cause of self-determination and individualism and, simultaneously, claim exemption from the consequences of one's actions.

Mr. Speaker, a most glaring example of this duplicity was recently provided at a Subcommittee on Health and Environment hearing on August 6 and 7, 1987. The topic was controlling AIDS. Specifically, the subcommittee was discussing laws, standards and accountability when the immoral minority attempted to claim irreclaimable ground. For the record:

Mr. DANNEMEYER. One of the suggestions made is that we need a standard in our society, in terms of accountability, for the conduct of those who have the virus * * * who knowingly engage in activities that result in the transfer of bodily fluids * * * that that person commits a crime. Do you support that concept?

Mr. LEVI (a homosexual rights activist). No, I don't * * * with all due respect, I think it is naive to think you can stop the behavior that might transmit this virus * * * you should be focusing * * * attention on prevention measures and the education programs and the counseling programs that will get the overwhelming majority of people to change behavior [sic] * * *. That is how we stop this epidemic, not with phony laws.

Similarly, responding to the same question on an ABC News "Nightline" special on AIDS, homosexual playwright Harvey Fierstein vehemently objecting to such a law on the grounds that it would sit on the books unobserved stated, "That's how you make your living, you pass laws that nobody uses!" Unfortunately for all of us, Mr. Fierstein's analysis is partially correct. A more correct statement would be that laws are passed which some citizens refuse to observe.

Mr. Levi, Mr. Fierstein, et al. may choose to call some laws "phony," Mr. Speaker, but I see laws as recognizing that none of us are angels. If we are angels, then we don't need laws. Because none of us are, we do. They're called standards, some evidently set a little higher than others would have them set.

Mr. Speaker, a verse was sent to my office the other day which I would like to share with my colleagues. Unfortunately, it was sent anonymously so I can't give credit where it is due. But, I believe it captures the amoral culture we seem to be giving birth to in this country.

There once was a nation of people
Who pleasured themselves quite alot
The children were "Oh such a bother"
When adult supervision they sought

"Please don't bother us children
Take a condom, go outside and play
On you we will not force our morals
If you think it's o.k.—it's o.k.

They chose not to set good examples
Good leadership they did not provide
Wanting not to endanger their lifestyles
Pushed the needs of the children aside

The children reached out to the people
"Please care if we live or we die"
But the people were too busy defending
The joys of the humanist lie

It is said that this nation of people
Took social disease in their stride
The label of "Prude" was commonly feared
And from it the people did hide

"What happened to that powerful nation?"
"Is it true they called nothing a sin?"
"That's right—and it says here by choice
They wasted away from within"

Mr. Speaker, in conclusion, I commend the following article to your attention:

[From Human Life Review, summer 1987]

WHAT IS THE MORAL CRISIS OF OUR TIME?

(By Will Herberg)[1]

Every age has its own challenge to morality, and the character of this challenge may well come to serve as a significant indication of the spirit of the times. What is the character of the challenge to morality that our age offers? Everyone seems to agree that we find ourselves in a moral crisis of an aggravated kind. But what is the nature of this crisis? What shall we make of it? What is its meaning and portent? And how deep is it, how far does it go? These are some of the questions I should like to raise and discuss.

The moral crisis of our time cannot, it seems to me, be identified merely with the widespread violation of accepted moral standards, for which our time is held to be notorious. There has never been any lack of that at any time; and comparisons often prove quite misleading. No—the moral crisis of our time goes deeper, and is much more difficult of define and account for. Briefly, I should say that the moral crisis of our time consists primarily not in the widespread violation of accepted moral standards—again I ask, when has any age been free of that?—but in the repudiation of those very moral standards themselves. And this, indeed, is our time's challenge to morality; not so much the all-too-frequent breakdown of a moral code, but the fact that today there seems to be no moral code to break down.

Sexual "irregularity" among young people has always been common enough, though it was only in recent years that a combination of sociological factors has extended it as a possibility to young women of the middle classes. There is, no doubt, a marked increase in premartial sexual activity to be found among the younger generation on the college campuses; but however disturbing this may be, it is not the real moral problem involved. The real moral problem, the real challenge to morality, is provided not by the girl who goes along, but by the girl who shrugs her shoulders and says: "Well, so what? What's so bad about sleeping around? It's natural, and it's lots of fun, too."

Cheating may or may not be more widespread on the college campuses of this country today; it is certainly not new. The student who cheats and knows that he is doing wrong is a moral problem, of course; but much more profound is the challenge to morality flung out by the student who cheats and says: "What's so bad about cheating? It gets you ahead, doesn't it?"

Fraud or near-fraud in the mass media of communication is something we have learned to expect and protect ourselves against. But what can we do with the attitude that shrugged off the deceptions practiced with official connivance over TV some years ago by a young professor of honoured name, with an indifferent, "Well, so what if it was all fixed in advance? It was a good show, wasn't it?"

I could multiply illustrations to the same effect from every sphere of contemporary life; but the point, I think, has been made. It is my belief that the really serious threat to morality in our time consists not in the multiplying violations of an accepted moral code, but in the fact that the very notion of morality or moral code seems to be itself losing its meaning for increasing numbers of men and women in our society. It is here that we find a breakdown of morality in a radical sense, in a sense almost without precedent in our western history. To violate moral standards while at the same time acknowlwedging their authority is one thing; to lose all sense of the moral claim, to repudiate all moral authority and every moral standard as such, is something far more serious. It is this loss of the moral sense, I would suggest to you, that constitutes the real challenge to morality in our time.

It is difficult to discover the sources of this kind of moral anarchy that is coming to pervade our culture; it is difficult even to distinguish between cause and effect. But one thing we may notice: in every one of the typical cases I have mentioned, there appears to be not merely a repudiation of morality as such, but a repudiation of morality in favor of a way of life governed by a self-indulgent quest for pleasure and fun. Everything is justified by the 'kicks" you get out of it. "Have fun" has become our parting injunction, replacing the long-obsolete "God be with you," In fact, if our time has retained from times past some sense of binding obligation in the conduct of life, it is just this obligation to "have fun." If we have a morality at all, it is a "fun-morality": to "have a good time" is, with many of our modern-minded people, as stern an obligation as serving God was to an old-time Calvinist. Not to be interested in having a "good time" condemns you as a neurotic with a "puritan conscience"—and what could be worse in the eyes of the moderns? Don't think that this pursuit of "fun," of a "good time," is an easy matter. It often demands a single-minded pursuit of status, adjustment, and sociability so strenuous as to shame many an ascetic saint. Children are shown no mercy; whatever their gifts or predilections, they are dragooned very early into the "have fun" and "be a good fellow" competition of the elders. In fact, teenagers have become the favorite vehicles of status display for their parents: they are lavishly provided with money and other facilities for having a "good time," and they are earnestly enjoined not to falter in this pursuit. It has become not uncommon for parents to supply their minor children with hard liquor and contraceptive devices when they go out to parties and other "fun" gatherings. In this kind of euphoric culture—where "feeling good" and "being sociable" are the pressing requirements—morality and moral codes in the older sense are obviously irrelevant.

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[1] Will Herberg (1909-1977) was a well-known author whose *Protestant, Catholic, Jew* is still generally considered a seminal book on religion and culture in America. This essay was first published in 1968 by the *Intercollegiate Review*, which reprinted it in the Fall, 1986 issue. It is reprinted here with permission (©1986 by the Intercollegiate Studies Institute, Bryn Mawr, Pa.).

Our emerging euphoric culture is closely connected with the affluence of our "affluent society." Until very recently, our country, and the rest of the Western world very largely, operated as dynamic production-minded societies drive on by need and scarcity. An ethic of duty, character, hard work, and achievement dominated the culture—that celebrated "Protestant ethic" that is in such bad repute today. Within the past generation, however, a profound change has been taking place in this country and in the more Americanized parts of Western Europe: the older "inner-directed" culture (to use David Riesman's terminology) is being rapidly replaced by a new "other-directed" culture under an economy of plenty, preoccupied with consumption, leisure, and enjoyment. Our current "fun"-morality is obviously an expression of this emerging "other-directed" culture. Affluence brings with it moral problems more perplexing than those that poverty breeds.

The "fun"-morality of our time is also closely connected with the new stress on sociability and adjustment so characteristic of our society, for nothing can so spoil "having a good time" as a taste for solitude and a dislike of being adjusted. But the sociability and adjustment so prized by our euphoric society are of a very curious kind. It is a "non-involved sociability," and an adjustment that swallows up both the so-called conformist and the so-called non-conformist—the junior executive in his "gray flannel suit" and the beatnik in his leather jacket. It is with this kind of "non-involved" sociability that we are particularly concerned at this point.

I am sure you all remember those horrifying stories coming from New York and other big cities, of women being attacked, raped, and sometimes throttled to death, while dozens of people looked on, none of them sufficiently "involved" to phone the police from the security of their apartments. These were all respectable middle-class folk, friendly and sociable, all sharing the "liberal" outlook for which New York is so celebrated. One of the cases reported in the press is particularly interesting. A young woman was being attacked at the foot of the stairs in the hallway of a building in the Bronx. A number of men came out at the first landing to see what was going on. They saw, and they returned to their own business—which was, believe it or not, passing resolutions on world peace and racial justice! You see, they were the executive committee of one of the best known "liberal" organizations in the city. They were all deeply interested in the welfare of their fellow-men—in the abstract, at a distance, by way of passing a resolution or making a speech. The more humanitarianism in the abstract, apparently, the less humanity in the concrete. . . . This kind of "non-involved sociability" is as much part of our euphoric mass culture as the "fun" we are always enjoined to be having. The euphoric way of life requires sociability, but it views with embarrassment and distaste any kind of serious personal involvement; that would spoil everything.

But the moral crisis of our time has even deeper roots than these comparatively recent developments I have been describing. The moral crisis of our time, let me remind you, consists not so much in the violation of standards generally accepted as in the attrition, to the point of irrelevance, of these very standards themselves. Violation of moral standards there has always been aplenty in every age, but until modern times the standards themselves were not questioned; or, more accurately, it was never questioned that there were such standards: this was taken for granted by the very ones who violated them, who, therefore, even in their violation, paid tribute to their authority. In the modern world, for the first time, at least on a mass scale, the very possibility of such standards has been thrown into question, and with it all essential distinctions between right and wrong. Today's culture comes very close to becoming a non-moral, normless culture.

What has been happening? Something that runs deep in our history and gives our culture its characteristically "modernistic" tone. It is the transformation of the very concept of truth, upon which the whole spiritual structure of a society may be said to depend. Until the dawn of modernity, truth was conceived of as something anchored in objective and transcendental reality, and the whole of man's intellectual and moral life was built upon this foundation. In very early times, truth had been seen as embodied in ancestral tradition and ancestral wisdom, the "wisdom of the fathers." But when this was challenged, as it was by the sophists during the breakdown of the older Greek culture, it was reestablished on an even firmer foundation by the philosophers. Such, I imagine, was the essential task that Plato set for himself, and with Plato, all of the subsequent Greek philosophy of whatever school. The philosophers sought to ground the truth, in its objectivity and transcendence, on the rational nature of things. The Hebrew prophets sought the truth in the revealed word of God. But despite the difference between the two approaches, basic and irreconcilable as they are at some points, Greek philosopher and Hebrew prophet were at one at least on this, that the truth by which man lived was something ultimately independent of him, beyond and above him, expressing itself in norms and standards to which he must conform if he was to live a truly human life.

It was precisely this conviction about truth that was first challenged with the emergence of modernity. It was challenged on one level by the rise of relativism. What sense did it make to speak of truth in the old way when truth was so relative, so obviously man-made and culture-made, varying (as Pascal had put it) with the degree of latitude, or (in the later vocabulary) with the psychological conditioning and cultural pattern? This kind of relativism was full of contradictions, to be sure, and flew in the face of the best evidence, but it appealed to the modern mind, which was rapidly losing all sense of transcendence. Relativism, of a kind more radical and persuasive than the Greeks had ever dreamed of, soon came to dominate the advanced thought of the West, and increasingly also the convictions and the feelings of the common man. In this kind of cultural climate the dissolution of moral standards, in the sense in which Greek philosophy and Hebraic religion had understood them, was only a matter of time.

But if relativism began the process, it was the triumph of technology that carried it to its disastrous completion. We are not yet in a position to grasp fully what the accelerated and unfettered expansion of technology has done to human life in the past three hundred years. But we can at least begin to assess its major impact upon the consciousness of the West, and that is the *exaltation of power over truth as the object of man's intellectual and moral quest.* From the earliest times, the object of the knowledge-seeking enterprise had been *truth*—the truth of reason for the philosopher, the truth of revelation for the man of biblical faith—but truth as something to apprehend *intellectually* and live by *morally.* Now, however, some time in the sixteenth or seventeenth century, perhaps, a new conviction arose, constituting a radical subversion of the older view. The whole tradition of the West—that "knowledge is *truth*"—was overturned, and replaced by the new, militantly proclaimed creed, "Knowledge is *power!*"—first, power of man over nature; then power of man over man. This shift from truth to power marks the full scope of the revolution effected by the technological spirit at the very dawn of modernity.

The evacuation of moral standards soon came to aggravate the effects of technology. Nearly a hundred years ago, Jacob Burckhardt, the great historian who so well discerned the ominous outlines of the twentieth century, pointed out with great penetration: "When men lose their sense of established standards, they inevitably fall victim to the urge for pleasure or power." This "urge for pleasure or power" defines as nothing else can the pseudo-ethic of our time.

The technological spirit exalting power, and the ideological relativism that destroys the authority of all moral norms, have cooperated to undermine the older foundations of morality, in fact, the very meaning of morality itself. Human problems are increasingly seen as technological problems, to be dealt with by adjustment and manipulation; the test is always how it satisfies desires or enlarges power, not conformity to a truth beyond man's control. In fact, the belief seems to have emerged that there is nothing beyond man's desires, nothing beyond man's power. His "values" are his to make or unmake, the only criterion being satisfaction and power. Pleasure and power have taken over, and the bitch-goddess Success, which William James so scornfully denounced, has come into her own. This is the moral crisis of our time in all its amplitude.

Some twenty years ago, in a happier day, Bertrand Russell raised a question that we are still far from being able to answer:

"There are certain old conceptions [he said] which represent man's belief in the limits of human power; of these, the two chief are God and truth. . . . Such conceptions tend to melt away; even if not specifically negated, they lose importance and are retained only superfically. . . . What then?"

Traditionally, through centuries and millennia, the limits upon pleasure and power had been set by the "higher law," a law beyond all human manipulation and control. And this "higher law" was understood to emanate from that which was ultimate in the universe, God for the Hebrews, Reason for the Greeks. The entire spiritual structure of the Western world was built upon these convictions. With these convictions so rapidly losing their appeal to the modern mind, nothing has been left but the indulgence of pleasure, the anarchy of power, and the chaos of "self-created values." The moral crisis of our time is, at bottom, a metaphysical and religious crisis.

It is hardly surprising, though it is painfully ironical, that man's success in his frantic search for pleasure and power has brought with it the gravest threat to his humanity. Without grounding his being in something beyond, man cannot preserve his humanness. At the very moment when Algernon Charles Swinburne, echoing the new modernity, was singing "Glory to Man in the Highest, the Maker and Master of All," forces were coming to a head that were to drive Western man, through unimaginable disasters, to a point where his very survival would come into question. But even more than physical survival, it is the survival of man in his humanness that is becoming problematic.

I wish I had a more cheerful report to present to you. I wish I could offer a word of reassurance, and tell you that the moral crisis of our time is merely a surface phenomenon, an interim thing, transitional between the old and the new. I wish I could report that I have discovered, as some observers claim to have done, the fundamentals of a "new" morality already emerging out of the shattered ruins of the old. I wish I could announce these things; but I can't, since I am simply not able to see things that way. The contextualism and situationalism so eagerly espoused by exponents of the "new morality" have their point, of course, but allow them to be carried away by their own logic, and you end up in either moral platitudes or moral anarchy. They do not offer a way out.

Situationalism, especially seems to offer a strong appeal to the philosophical and theological champions of the "new morality," and therefore deserves closer attention. Its fundamental insight, shared by the contextualists in a weaker form, is that one must make his moral decisions not in the abstract, or in obedience to some eternal code of law forced upon him from the outside. I must respond *here and now*, not then and there; in *this* my situation, not in terms of some other—and if my response is to be genuine and authentic, it must be made with true inwardness, as *my* response, not in imitation of someone else's. The one "rule" of situational ethics would appear to be: "Respond from *within* your situation, and respond authentically, with the wholeness of being." After all, has not Saint Augustine counseled us: 'Love [God], and do what you will?"

But while this situationalist principle, rooted in a profound existential insight, is, in itself, quite valid, it is hardly enough to rescue the man who acts on it from moral chaos and ethical arbitrariness. For there is not the slightest hint in the situationalist principle as to content, positive or negative. The worst abominations of a Hitler or a Stalin may meet the demand of authenticity as well as the finest act of heroism or charity. Sartre himself tells the story of the young man in Paris under the Nazi occupation who came to consult him about a dilemma in which he found himself. The young man, it appears, did not know what to do—to join the Nazis in collaboration, and thus gain a secure position for himself and his family; or to go into the underground Resistance, and thus bring himself and his family into the direst peril. And what did Sartre, who was himself at the time in the Resistance, say to him? By his own account, Sartre told the young man that the important thing was not which of the two ways he chose; the important thing was that he choose his way with inwardness and authenticity. A philosophy that can say this, but cannot and will not say anything more, may be able to create something new, but not a new *morality*!

Or take another case. The barbarous vandals, many of them teenagers, who invaded the magnificent Spanish Stairs in Rome some time ago, and gleefully fouled up the world-famous work of art in a nihilistic protest against beauty and culture, may well have been acting out of their inner authenticity as much as the anonymous builders who, four centuries ago, created that magnificent structure. In fact, that's exactly what they claimed. Yet is there anyone bold enough to maintain that the two courses—creating and defiling—are morally on the same level if only one acts in either case with true inwardness?

No, authenticity may be a primary quality of moral response, but it cannot be all there is to it. Unless *some* principle, some standard, *transcending* the particular context or situation, is somehow operative *in* the context or situation, nothing but moral chaos and capriciousness can result. No human ethic is possible that is not itself grounded in a higher law and a higher reality beyond human manipulation or control. In the depths of our tradition, we find this higher reality to be, for the Hebrews, God, for the Greeks, Reason; and the higher law derived therefrom, the divine or the natural law. But, as Russell notes, in our time these foundation-conceptions "tend to melt away," and we are left with no grounding or anchorage. A contextual or situational ethic will not save us; rather, in accentuated form, it points to that which we are to be saved *from*.

For it is the humanity of man that is at stake. The humanity of man—our wisdom and our suffering ought to have taught us—is ultimately grounded in that which is *above* and *beyond* man, or the pride and power of man. To realize this profund truth is to realize the full depth and measure of the moral crisis of our time. How to revalidate the moral life in a culture in which the very idea of a moral law binding on man because it is grounded in what is beyond man, has been eroded almost to nullity: this, rather than any particular problem of personal or social morality, no matter how acute or how urgent, seems to me to be the moral dilemma of our time and culture—a dilemma in which we are caught, and from which we, as yet, see no way of escape. Real standards come in and through tradition. "Only he who has the tradition has the standards," the old Greek poet Theognis was wont to say. We have lost, we are losing, the tradition—the tradition of the higher law and the higher reality—and are therefore also losing our standards. Is it ever possible simply to regain what has once been lost? We do not know. That is our problem, our plight, and our task.

AN EXPERIMENT IN FREEDOM

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. KONNYU. Mr. Speaker, a nationwide high school essay contest recently awarded a constituent of mine, Siegrid Voelkel of Cupertino, CA, a $250 scholarship to the college or university of her choice as runner-up for her fine efforts in the "Land of Freedom" essay contest. The rules for the contest sponsored by Friends of Free China specified only that the contestant write a 1,000 to 1,500 word essay on the topic "How Freedom Affects Progress" and relate it in some fashion to the Republic of China on Taiwan.

Friends of Free China is a national bipartisan, nonpolitical, tax-exempt organization dedicated to the preservation of freedom and understanding between the people of the United States and the people of Free China.

Mr. Speaker, in order to share with my colleagues the outstanding essay which my constituent prepared, I will insert it into the Congressional Record:

AN EXPERIMENT IN FREEDOM

Over the past 35 years, the Republic of China on Taiwan and Communist China have provided a unique living "experiment" on the effectiveness of different systems in promoting economic growth and social progress. The governments of these two countries have pursued widely divergent policies—with very different results. Mainland China has been an enthusiastic proponent of Communism and centralized economic affairs, while Taiwan has adopted a decentralized private-enterprise system.

These two Chinese states are the most notable examples of how freedom affects progress. By every economic measure, Taiwan has greatly surpassed Communist China. The Gross National Product of Taiwan has increased over $40 billion in one decade, making Taiwan a world-class industrial power. In contrast, the People's Republic of China, with 55 times the population of Taiwan, has only five times as much economic output.[1]

Freedom makes the difference! The economic and social freedoms that the people of Taiwan are allowed provide motivation. And with this motivation comes progress.

The United States is Taiwan's number one trading partner. Over eighteen billion dollars worth of products were exported to the US in 1985, up four million dollars from the previous year.[2] Per capita income on Taiwan is over 3,000 US dollars a year. That sum is almost ten times the income on Mainland China![3] And while Americans must come to terms with double-digit unemployment figures, the citizens of Taiwan are living comfortably with an unemployment rate that is just over two percent.[4] As amazing as they may seem, these statistics are true.

But economic development is not an end in itself. It must be translated into social freedoms which will guarantee the people a healthy and orderly life. Special emphasis has to be placed on the social aspects of life, which are so important according to Chinese tradition. On Taiwan there have been many remarkable resutls along these lines.

Literacy and higher levels of education are more and more required for the development and maintenance of technology as well as for the revitalization of culture. The Constitution of the Republic of China guarantees all citizens the right to receive an education. Education in Taiwan stresses cultural traditions, technical knowledge, and the ability to contribute to the community. Nine years of compulsory education are free. Is it any wonder then that 90 percent of the people of Taiwan are literate, while only 60 percent of the people of Communist China are?[5]

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[1] Dr. Yung-Hwan Jo, *Taiwan's Future?* (Arizona, Union Research Institute, 1980), p. 2.

[2] "Keep Markets, Cut Margins," *The Economist*, June 28–July 4, 1986, p. 66.

[3] Daniel Southerland, "Taiwan's Middle Class Pushes for Moderate Change," *San Jose Mercury News*, January 2, 1987, Sec. C, p. 7.

[4] *Republic of China in Figures*, Government Information Office, (Taiwan, 1985), I, p. 10.

An equal opportunity to receive an education is one basic freedom that citizens of America and Taiwan may sometimes overlook. Another basic right, religious freedom, may not always seem important. But religious freedom, guaranteed by the Republic of China's Constitution, is barely tolerated in Communist China. During the Cultural Revolution thousands of clergymen on the mainland paid for their beliefs with their lives.

Churches of all faiths are apparent on Taiwan, though, and are obviously an active part of the lives of the people. Taiwan has thus become a bastion of religious freedom in Asia.

Freedom of the press is also an inalienable right in a free society. Taiwan has no censorship either before or after publication. The media there uphold the principles of social responsibility and public enlightenment, which are the prerequisites of progress.

What better example do we have of how freedom affects progress than by comparing Free China with Communist China? In only three decades the people of the Republic of China have increased their standard of living almost to the level that we Americans have toiled so hard for the past 200 years. Mainland China, however, appears to have barely emerged into the 20th century.

The difference between these two Chinese states is Freedom. Freedom fosters Progress. And isn't progress what Taiwan does best?

Freedom has made Taiwan a beacon of hope to the oppressed people of Communist China. The Republic of China on Taiwan was meant to be an endless experiment in freedom—with no limits to its hopes and no restrictions to its future accomplishments.

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OPPRESSION OF SOVIET JEWS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. LAGOMARSINO. Mr. Speaker, I am honored to be a part of the 1987 Congressional Call to Conscience, an effort to raise public attention for the continued oppression of Soviet Jews. As you may know, the Congressional Call to Conscience began in 1976 as a means for Members of Congress to speak out on behalf of Soviet Jews seeking freedom of religion and the right to emigrate.

The Government of the Soviet Union, the same government that has proclaimed a policy of "glasnost" suppresses religion, encourages anti-semitism, and ignores its obligations under the Helsinki Human Rights Treaty to allow for freedom of emigration. The Soviet Government has targeted innocent Jews by withholding emigration visas thereby forcing Jews who want to leave to remain prisoner in a country that despises them. Should any of these Jews protest their treatment or question the Soviet authorities, they face the serious consequences of unemployment, restrictions on their already guarded lives, imprisonment or banishment to a "psychiatric" hospital or hard-labor gulag.

Because of the deplorable living conditions and discrimination, over 350,000 Soviet Jews have begun the application process to leave. Twenty thousand are listed as "refuseniks"—those who have made application to be rejoined with their families abroad and have been refused. One of those "refusenik" cases I would like to bring to the attention of my colleagues is the plight of Vladimir and Maria Slepak. The Slepak's case may be familiar to you because their son, Alexander, held a 17-day hunger strike here in Washington to protest the lifetime refusal given to his parents. Vladimir Slepak has been targeted by the Soviets because he is one of the founders of the Soviet Jewry emigration movement and, largely, because of his efforts, over 260,000 Jews have been permitted to leave the Soviet Union.

Since he began his humanitarian activism in the 1960's, his home has been repeatedly raided and searched. Many of his belongings have been confiscated, his telephone disconnected and electronic "bugs" installed in his walls. He has been the subject of public condemnation through the Soviet Government controlled media. Moscow television has listed him in their "Traders of Souls" television show and have labeled him as a "soldier of Zionism inside the Soviet Union" and as part of an anti-Soviet conspiracy. In 1977, Izvestia maliciously accused him and other Jews of espionage and treason. Vladimir has been interrogated and imprisoned twice on unknown, obviously false, charges. In June 1978, Vladimir and his wife Maria were arrested for displaying a banner from their window saying, "Let Us Go To Our Son In Israel." Vladimir was sentenced to 5 years of internal exile in Siberia for the bogus charge of "malicious hooliganism." Maria voluntarily shared this intolerable fate with her husband after her three-year sentence was suspended. Siberia is no vacation land—the land is barren and the climate very harsh. Despite his ill health, Vladimir worked at odd jobs, often in sub-zero weather. In 1982, Vladimir was allowed to return to Moscow. But, knowing of the Soviet authorities' ability to ship their citizens off to the gulag on a whim, I am concerned about just how long the Slepaks can remain in the relative safety of Moscow.

If the Soviets are serious about the rhetoric they often produce regarding the need to uphold human rights, then they will back their words with actions—positive actions like allowing the Slepaks to rejoin their family abroad. I urge my colleagues to remember the Slepaks and other subjugated Soviet Jews when considering other matters pertaining to our relations with the U.S.S.R., like arms control. Trust the Soviets? Ask the Soviet Jews. I also urge my colleagues who have not yet done so to join in the Congressional Call to Conscience and help the Soviet Jews. As Elie Wiesel said, "What hurts the victim most is not the cruelty of the oppressor, but the silence of the bystander." Please do not be a silent bystander.

RULE ON H.R. 2310, THE AIRPORT AND AIRWAY IMPROVEMENT AMENDMENTS OF 1987

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. ROSTENKOWSKI. Mr. Speaker, I wish to serve notice to my colleagues that, pursuant to the rules of the Democratic caucus, I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of an amendment to H.R. 2310, the Airport and Airway Improvement Amendments of 1987. It is the committee's intention to offer this amendment, which is necessary to continue the funding for this authorizing legislation, as a separate revenue title to H.R. 2310.

CISPES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. CRANE. Mr. Speaker, I rise to address an issue that will not be probed by an "independent counsel" or a special congressional committee. This scandal has been lying under the rug far too long. Now, it is time to clean the pile of dirt that has been collecting under our noses while emanating from the left corners of the House floor.

This is the saga of private fund raising for a bunch of Marxist guerrillas in Nicaragua, who stole a revolution—the Sandinistas. A perfect example of this is the U.S. Committee in Solidarity with the People of El Salvador [CISPES]. Right now, they are mailing out ballots calling for the U.S. Government to "end all aid to the Contras."

This is just one of several leftist organizations that have been embarked on an effort to fund Communist Central America. Given these indications, perhaps it is time for an investigation of the private support by advocacy groups in this country for a Marxist Sandinista dictatorship.

I urge my colleagues to read the following articles, which sheds much-needed light on the details of this disturbing matter.

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[5] *Ibid.*, p. 9.

[From the Capital Research Center Magazine, August 1987]

ORGANIZATION TRENDS: WHAT ABOUT THE LEFT'S PRIVATE FOREIGN POLICY IN CENTRAL AMERICA?

Efforts by people outside of government to aid the anti-Communist resistance in Nicaragua have provoked much righteous indignation but little fairness. Sen. Howard Metzenbaum (D-OH) has urged an Internal Revenue Service investigation of eight nonprofit groups listed in the Tower Board report; and Rep. Lee Hamilton (D-IN), chairman of the House Committee investigating the Iran-Contra affair, has warned that "use of private parties to carry out the high purposes of government makes us the subject of puzzlement and ridicule."

Yet these denunciations have a one-sided ring. As Norman Podhoretz noted in the Washington Post, "private American citizens raising money and lobbying for the communists in Central America do so with impunity, while private American citizens raising money and lobbying for the anticommunist democrats there are treated as criminals."

A perfect example is the U.S. Committee in Solidarity with the People of El Salvador (CISPES), which is mailing out ballots for a "National Referendum to End the War in Central America." The ballot calls for the U.S. government to "End all aid to the Contras"; "End all military and war-related assistance to the governments of El Salvador and Guatemala"; "Remove all U.S. bases, troops, and National Guardsmen from Honduras and end military aid to that country"; and "Promote peaceful solutions by supporting the Contadora process, establishing cooperative relations with the government of Nicaragua, and promoting negotiations within El Salvador and Guatemala."

The CISPES referendum is also sponsored by the Coalition for a New Foreign and Military Policy, Network in Solidarity with the People of Guatemala, Office of the Americas, Religious Task Force on Central America, and SANE.

The accompanying letter, signed by CISPES National Coordinator Angela Sanbrano, urges the sympathetic to "support CISPES and its National Referendum with a generous financial contribution." Sanbrano estimates CISPES will need to raise $130,000 over the next two months to support referendum organizers, mailings, radio advertising, and presentation of the ballots to Congress and the media. CISPES, a 501(c)(4) tax-exempt organization, says it is soliciting contributions "in the name of democracy."

In fact, CISPES was founded in 1980 specifically to organize support for the Marxist FMLN guerrillas of El Salvador and to mobilize opposition to U.S. aid to the Salvadoran government. CISPES works through a claimed "450 affiliate groups across the country" and plays an active role in the sanctuary movement, which illegally brings in politically motivated Salvadoran and Guatemalan aliens to foster opposition to U.S. policy in Central America (see Studies in Organization Trends #1, Second Front: Advancing Latin American Revolution in Washington, and #2, Smuggling Revolution: The Sanctuary Movement in America).

In a document captured by the Salvadoran government in late 1980 and made available by the U.S. Department of State in 1981, Farid Handal, an FMLN guerrilla leader and brother of Shafik Handal, head of the Communist Party of El Salvador, described his travels to the United States to bring about the creation of CISPES.

Arriving in the U.S. in February 1980 to meet with left-wing activists from union, church, and other groups and members of the Communist Party, U.S.A., Handal proceeded to Washington, where he made useful contacts at an Institute for Policy Studies seminar and in meetings with Rep. RON DELLUMS (D-CA) and sessions with two Communist Party members. Armed with DELLUMS' invitation to come back to Washington at a later date to address the Black Caucus, Handal took off to organize chapters in cities like Chicago, San Francisco, and Los Angeles.

In New York a second time, Handal met with officials of the Cuban United Nations delegation and with Sandy Pollack, Communist Party leader and U.S. Peace Council Solidarity Coordinator. Pollack suggested "there should be a national conference under the auspices of the U.S. Peace Council, the National Council of Churches, Amnesty International, the Washington Office on Latin America, and various unions in the U.S. for the purpose of establishing a support mechanism for the solidarity committees in those states where it does not already exist." This led to conferences in Los Angeles and Washington with more than 100 "solidarity" groups in October 1980 which launched CISPES nationwide.

Handal returned to Washington, where he met with DELLUMS and the Black Caucus. "Monday morning the offices of Congressman Dellums were turned into our offices," Handal reported. "Everything was done there . . . . The meeting with the Black Caucus took place in the liver of the monster itself, nothing less than in the meeting room of the House Foreign Affairs Committee."

Congressional support for groups like CISPES also includes Rep. PATRICIA SCHROEDER (D-CO), who has served as a fundraiser and advisory board member for the Nicaragua Network, an organization claiming close ties to CISPES; and, according to Rep. BILL MCCOLLUM (R-FL), SCHROEDER, Rep. JOHN CONYERS, JR. (D-MI), and Rep. MERVIN DYMALLY (D-CA) have signed letters or otherwise helped raise funds for both CISPES and new El Salvador-Today.

Ties to CISPES are also a part of the biography of Benjamin Linder, the American killed April 28 in a firefight in Nicaragua, according to the Washington Times, while armed with a Soviet AK-47 rifle and uniformed in Sandinista garb. Linder was a founding member of CISPES on his campus at the University of Washington in Seattle.

PRIVATE FUNDING

CISPES has enjoyed some support from the foundation world, receiving grants in 1984 from National Community Funds ($8,500), Liberty Hill Foundation ($4,560), North Star Fund ($2,500), Bread and Roses Community Fund ($500), and Vanguard Public Foundation ($250). The Boehm Foundation contributed $1,000 in 1983, and National Community Funds donated another $14,600 in 1985.

Support for CISPES is only part of a distinct pattern of American private support to far-left forces in the United States and Central America. National Community Funds, which donated $23,100 to CISPES over a two-year period, provided at least $538,783 to support Central America-related radical political activity in 1985 alone. NCF is a project of the Funding Exchange, referred to in one grantmaking manual as "a national umbrella organization established to facilitate communication among regional community funds, provide development assistance for the funds, start new funds in other parts of the country, and operate the [NCF] project [see *Organization Trends,* August 1986.]"

NCF's 1985 annual report proclaims that "In the area of Central America work, our funding continues to grow, making NCF the major funding source in the country for this important work. We believe that our most pressing task is to keep groups like . . . CISPES . . . alive and kicking." At a later point, the report states that "NCF does not measure the success of its grantees in this arena by votes in Congress." Instead, "We look . . . to the proliferation of solidarity groups, to the growing church sanctuary movement, to the professional groups raising money for Nicaragua. . . ."

One professional group aiding the regime in Nicaragua is the Quixote Center, a 501(c)(3) Catholic relief agency based in Mt. Rainier, Maryland. According to the *Christian Science Monitor,* Quixote's Sister Maureen Fiedler says the Center's national "Quest for Peace" campaign has channeled almost $40 million of supplies and labor to Nicaragua since July 1986 and hopes to collect another $60 million by fall to match the $100 million Congress is sending to the rebels. The Quixote Center has been shipping supplies to Nicaragua since late 1983 and now acts as a clearinghouse for tracking donations sent to Nicaragua by more than 500 private groups across the country.

Perhaps the most egregious example of "mainline" foundation support for such activity is the Ford Foundation. In addition to more than $1.3 million in direct grants to the Sandinista regime since 1984 through Nicaragua's Ministry of Foreign Cooperation and other agencies (most often the International Reconstruction Fund of Nicaragua and the Central American Institute of Business Administration in Managua), Ford has provided hundreds of thousands of dollars for centers and churches harboring alien sanctuary activists in actual defiance of U.S. law and continues to fund groups like the Washington Office on Latin America, the Youth Project, and the Institute for Policy Studies.

The Council for Inter-American Security has asked Attorney General Edwin Meese to look into the tax-exempt status of groups like CISPES who aid the Central American Communists, presenting him with a 138-page draft study by J. Michael Waller entitled "Financing Terrorism in El Salvador." CIS President L. Francis Bouchey says "twenty times as much money" has been raised for these causes than was raised in behalf of anti-Communist forces by the National Endowment for the Preservation of Liberty.

Given these indications, perhaps it is time for a thorough investigation not just of private support for the anti-Communist resistance in Nicaragua, but also of the significant amounts of private support rendered by individuals, advocacy groups, and foundations in this country for the Sandinista dictatorship and guerrilla movements like El Salvador's FMLN. Even the most rudimentary considerations of fairness and balance would seem to require no less.

A TRIBUTE TO THOMAS J. MONTGOMERY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community, Mr. Thomas J. Montgomery. Tom was recently elected as president of the board of directors of the Northeast Valley Health Corporation, a system of health care facilities providing medical care for the poor in California's San Fernando Valley.

In 1965, Tom participated in a project that surveyed the availability of medical resources for consumers in the San Fernando Valley. The findings of the study led to the creation of the Northeast Valley Health Corp. which now serves over 9,000 persons in the area. In his new position as the 1987 president of the board of directors, Tom is at the helm of an organization that faces many challenges as it expands and diversifies its coverage for those in need of medical care.

In addition to his role as a leading local and national advocate of health care for the poor, Tom is the chairman of the 39th Assembly District (Los Angeles County) Democratic Central Committee and he is a decorated World War II veteran. He represented consumer interests in the National Association of Community Health Centers as the first president of the organization's consumer branch and is at the forefront of the Health Center Movement.

It is my distinct honor and pleasure to thank Thomas J. Montgomery and the Northeast Valley Health Corp. for their dedicated service to the community. Their work demonstrates a commitment to the improvement of the quality of life for the people of the San Fernando Valley.

NINTH ANNUAL NEW JERSEY ETHNIC FESTIVAL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. RODINO. Mr. Speaker, this weekend, the Ninth Annual New Jersey Ethnic Festival will be held at Liberty State Park in Jersey City, NJ. This notable celebration, sponsored by the New Jersey Ethnic Advisory Council, will bring together representatives from New Jersey's many rich and diversified cultures. In recognition of the Bicentennial of the Constitution, the theme of this year's program is "We The People-Together." The 1987 festival will pay special tribute to the German community for its role in the development of our State and Nation.

The activities will begin on Saturday with an opening celebration that features a "Parade of Nations." A very important event is a naturalization ceremony where 200 new citizens will be sworn in. Other activities include music and dance performances by 20 different groups and the display of crafts and foods from many ethnic organizations.

I applaud the efforts of the organizers and participants of the Ninth Annual New Jersey Ethnic Festival. These events will highlight the cultural contributions that many ethnic groups have made to our State. There are over 100 different ethnic groups in New Jersey, making it one of the most ethnically diverse States in the country.

The celebration will also serve as a reminder of the important historical role New Jersey has played as a gateway for millions of immigrants seeking a new life in America. The melting pot is the backbone of American greatness and we are all enriched by the diversity of cultures and ideas that characterizes our society. I want to express my best wishes for the success of the Ninth Annual New Jersey Ethnic Festival.

HONORING JOHN R. JONES FOR OUTSTANDING VOLUNTEER WORK

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. BOEHLERT. Mr. Speaker, I take this occasion to rise in honor of John R. Jones, a constituent from Utica, NY, who has performed outstanding voluntary work for the people of Utica and New York.

Mr. Jones has volunteered his time and has given of himself for 30 years, despite many physical problems which have plagued him. He has won wide acclaim from many in New York, especially for his contributions to Spring House, a program in Utica of cerebral palsy and handicapped persons. He certainly exemplifies the American spirit of volunteering, and is an active and important member of the community.

I thank Mr. Jones for his spirit and leadership—and for helping us realize just how important volunteers are to this country.

THE CUBAN MISSILE CRISIS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. RITTER. Mr. Speaker, I offer the following excellent article to my colleagues in hopes that the mistakes made with Cuba will not be repeated with Nicaragua. We must never abandon the cause of peace and freedom in Nicaragua as we did in Cuba. The human suffering and impact on U.S. national security would be too great.

KENNEDY'S CAVE-IN LEFT A SORRY LEGACY: THE CUBAN MISSILE CRISIS WAS A TRIUMPH—FOR THE SOVIETS

(By George Will)

WASHINGTON.—Clio, the muse of history, is in bed with a splitting headache, prostrated by the task of trying to correct the still multiplying misunderstandings of the Cuban missile crisis. Most Americans believe 'twas a famous victory won by a resolute president prepared to take the world to the brink of nuclear war. Actually, there was not much of a brink, and no triumph worth celebrating.

In last Sunday's New York Times magazine, J. Anthony Lukas reported on a reunion of former Kennedy administration participants in the crisis. The meeting was last April at a Florida resort with the wonderfully inapt name of Hawk's Cay.

Because the crisis began when the Soviet Union began putting missiles in Cuba and ended when the missiles were removed, it was considered an unambiguous triumph achieved by a president more hawkish than some dovish advisers. (The terms "hawks" and "doves" were popularized by this crisis.)

Now much is being made of a letter from former Secretary of State Dean Rusk, a letter read at the April reunion. The letter is said to show that Kennedy was a dove.

In the crisis, Robert Kennedy notified Soviet Ambassador Dobrynin that U.S. missiles in Turkey would be withdrawn within months of withdrawal of Soviet missiles from Cuba, but it was imperative (obviously for domestic American political reasons) that the linkage of the withdrawals not be announced. Rusk's letter reveals that if the Soviet Union had insisted on public linkage, Kennedy would have complied.

That historical morsel is only redundant evidence of what should by now be patent: Kennedy succeeded because his military advantage was huge and his goal was tiny.

The Soviet Union was not going to war at a time when U.S. advantages were three to one in long-range bombers, six to one in long-range missiles and 16 to one in warheads. The Kremlin must have been astonished—and elated—when Kennedy, in spite of advantages that would have enabled him to insist on severance of Soviet military connections with Cuba, sought only removal of the missiles. He thereby licensed all other Soviet uses of Cuba.

The stunning revelation in Lukas' report is not Rusk's letter; it is something said at the reunion by Ted Sorensen, the aide closest to Kennedy.

On Aug. 31, 1962, five weeks before the administration discovered the missiles, New York's Republican Sen. Kenneth Keating, trusting information received from intelligence and refugee sources, said offensive missiles were going into Cuba. Republicans were making an election issue out of Soviet shipments to Cuba. In September, Kennedy warned the Soviets, with interesting preciseness, not to put in Cuba "offensive ground-to-ground missiles." Now, Sorensen says that the president drew a line where he soon—in October—wished he had not drawn it:

"I believe the president drew the line precisely where he thought the Soviets were not and would not be. That is to say, if we had known the Soviets were putting 40 missiles in Cuba, we might under this hypothesis have drawn the line at 100, and said with great fanfare that we would absolutely not tolerate the presence of more than 100 missiles. . . ."

Sorensen is a member of the McGovernite wing of the virtually one-wing Democratic Party. But he also is an assiduous keeper of the Camelot flame. Thus it is fascinating that he says, in praise of Kennedy, that Kennedy wanted to practice appeasement but calculated incorrectly.

This is amusing in light of Arthur Schlesinger Jr.'s rhapsodizing about Kennedy's handling of the crisis that Kennedy, according to Sorensen, wanted to define away: "He coolly and exactly measured. . . . He moved with mathematical precision. . . . This combination of toughness and restraint, of will, nerve and wisdom, so brilliantly controlled, so matchlessly calibrated. . . ."

Even assuming Sorensen is wrong, Schlesinger's romanticizing is not right. In 1978, MIG-23s (nuclear-delivery vehicles far more menacing than the 1962 missiles) were introduced into Cuba. Kennedy's noninvasion pledge, given as part of the crisis-ending deal, guaranteed the survival of this hemisphere's first communist regime and makes attempts to remove or reform the second seem disproportionate.

The Reagan administration, which began by talking about dealing with Nicaragua by "going to the source"—Cuba—is reduced to clawing for piddling sums for the Contras, a recipe for another protracted failure. Today, most "peace plans" for Central America postulate the moral equivalence of U.S. and Soviet involvements in the region, another legacy of the missile-crisis "triumph" that killed the Monroe Doctrine.

A few more such triumphs and we shall be undone. The romanticizing of the missile crisis makes such triumphs more likely.

AMERICA DESERVES AN OPEN DEBATE ON THE SUBJECT OF DIVIDED LOYALTIES

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. DANNEMEYER. Mr. Speaker, in this glorious country of ours we can feel fortunate that there are no laws against what any of us think. In fact, there are very few laws determining how we express what we think. It's no different for Members of Congress. We're pretty much free to express our opinions as we choose. Besides the restrictions of protocol, which deal with how we say things, the only other real restriction placed on Members by our constitution pertains to the public trust afforded each of us in what we promote.

The American public has entrusted us to keep their best interests and the Constitution at heart. Domestically, there is a plurality of opinion due to regional diversity. But on the foreign front, Members' opinions have historically run singular. From the first Congress, citizens of this Republic have entrusted each Member of Congress to protect our shores from foreign aggressors. And with the advent of Marxist-Leninist doctrine, the public trust has also sanctioned America's struggle against communism throughout the world as wisdom dictates.

So how are we to react, Mr. Speaker, when some of our colleagues break with this traditionally sanctioned trust and use their office to gain American's affections for Marxist-Leninist political movements in foreign countries? I pose this question with all due respect to you, Mr. Speaker, and our colleagues. As a body, we must ask ourselves, when do we cross the line? When does a Member of Congress violate the public trust by implicitly or explicitly—but all the while consciously—using their office to endorse or encourage the philosophy or political activism of Marxist-Leninism abroad?

Mr. Speaker, during the highly publicized Contra hearings many Members defended their anti-Contra opinions saying that it is not un-American to vote against the support of the freedom fighters in Nicaragua. This issue, it seems to me, is a subject on which loyal opponents may justifiably differ. However, it also seems to me, that where a loyal opposition may be justified in opposing assistance to the Nicaraguan freedom fighters, this same opposition is not justified in their opined support of, say, Communist insurgents in El Salvador.

Mr. Speaker, I commend the following articles to all of us, in attempting to help Members answer these difficult questions—questions which will become ever more prominent in the days ahead, and answers to which the public will surely demand and which they deserve.

[From the American Spectator, August 1987]

DEMOCRAT FOREIGN POLICY SCANDALS

(By Daivd Brock)

Forget, for a moment, that riveting Iran-contra inquisition. Another earthshaking Washington foreign policy scandal is poised to blow. Like Iran-contra, this is a tale of secret fundraising for a ragtag bunch of Central American guerrillas; of nefarious foreign governments manipulating naive American officials; of an effort to misinform Congress; of possible abuse of the U.S. tax code and obstruction of justice; and of ideological fervor run amok.

But unlike Iran-contra, this is a scandal that will not be probed by an "independent counsel" or a special congressional committee. Nor, for that matter, by anyone so empowered. For this scandal is not a scandal at all in the eyes of the would-be prosecutors in Congress and the media. For them, a conspiracy by members of Congress to aid the Communist cause in Central America should either be applauded or simply swept under the rug.

Five years ago, this radical underworld was rather marginal, even in Democratic councils. But today its members have assumed key policymaking dealing with Central America. In a report on the influence of the far-left Institiute for Policy Studies on members of Congress, the Heritage Foundation said, "It can be argued that this group is hardly representative of the ideological mainstream of the House of Representatives; but it must also be conceded that many of these men and women have been among the most vocal and visible members of the House in recent years. They have formed a left-liberal grouping that has managed to achieve a degree of influence in certain specific areas and which has been especially active in the national defense-national security area." At the head of this new class: Rep. George Crockett, who was installed by the Democrats to head the Western Hemisphere subcommittees of the House Foreign Affairs committees after last November's election.

Crockett, who has a long history of associating with the U.S. Communist Party, edged out the senior subcommittee member, Rep. Dan Mica, to become Dodd's counterpart in the House. (Mica failed the Democrats' litmus test: he supports contra aid.) Crockett has been a sponsor of the Civil Rights Congress and an officer of the National Lawyers Guild, both widely thought to be Communist front groups. In the 1960s, Crockett was identified in media reports as a registered agent for the government of Cuba (government records were not kept on foreign agents at the time, so this can't be verified). While in Congress he has advocated lifting economic sanctions against Cuba. What is more serious, as chairman of a House panel, Crockett and his staff now have increased access to classified U.S. documents.

In May, the public got its first taste of how the House Western Hemisphere subcommittee will operate under Crockett. Crockett invited David Linder, the father of Benjamin Linder, an American working for the Sandinistas who was killed in a Nicaraguan combat zone in April, to testify; Linder charged that the U.S. government had killed his son. Crockett, over the objections of his colleagues, allowed highly tendentious "medical data" from the Sandinista government about the circumstances of Linder's death to be introduced. No note was made of the fact that the Sandinistas have given conflicting accounts of how Linder died, nor that Linder had crossed the line dividing civilians and combatants by toting an assault rifle and traveling with Sandinista militiamen. Crockett staffers attempted to have J. Michael Waller of the conservative Council on Inter-American Security struck from the witness list, but Republican objections staved off the move.

A cable from the U.S. Embassy in San Salvador dated December 1986 identified Crockett and a dozen other congressmen as sponsors of Medical Aid for El Salvador, which collects funds for "social projects" in Salvadoran zones "liberated" by the Farabundo Marti National Liberation Front (FMLN), the principal Cuban-supported umbrella group for Marxist guerrillas in El Salvador. This influx of cash frees up FMLN funds for more weapons to be used in their campaign of terror. In August 1985, Medical Aid for El Salvador sent a team to San Salvador to perform surgery on Nidia Diaz, a leader of the FMLN faction that had killed four U.S. Marine Embassy guards the previous June.

Also named as sponsors of the group were Reps. John Conyers, George Brown, Ronald Dellums, Julian Dixon, Mervyn Dymally, Thomas Foglietta, Robert Garcia, Mickey Leland, Parren Mitchell, Pete Stark, and Bruce Vento. Both Dymally and Garcia serve on the House Foreign Affairs Committee. Foglietta and Dellums are on Armed Services, Dixon is on Foreign Operations, and Conyers serves on Government Operations, all influential and sensitive posts. In a section explaining the "interlocking relationship of various front groups," the U.S. cable says that the activities of Medical Aid for El Salvador are coordinated by the Committee in Solidarity with the People of El Salvador, a "KGB active measure." The cable also noted that a fundraising request for another "FMLN support activity," the U.S. group New El Salvador Today, was signed by Conyers. Conyers, Dellums, and Dymally hosted a Washington reception for the group in July 1986.

Rep. Patricia Schroeder, a ranking Democrat on the House Armed Services Committee, has been a fund-raiser and advisory board member of the Nicaraguan Network, a U.S.-based Sandinista "solidarity committee" with close ties to Cuba's intelligence service. The network has sent hundreds of American volunteers to work and possibly fight for the Sandinista government. According to a report in the Washington Times, Schroeder's network activities were coordinated by a paid aide in her Denver office, Sister Agnes Ann Schum, the Rocky Mountain regional director of the Nicaraguan Network and a national board member. (Schum was removed from Schroeder's payroll in December after the arrangement was reported in the local press.) One Network letter signed by Schroeder said, "If you can afford a gift of $200 or more and want a tax deduction, please join me as a sponsor of the Nicaraguan Network . . ." But according to IRS records, the Nicaraguan Network has never been granted tax-exempt status. Lately, Schroeder has been talking about running for President.

The Nicaraguan Network and Medical Aid for El Salvador are but two of dozens of private groups raising money for the Sandinistas or the Communist guerrillas in El Salvador. In April, thirty-five organizations that claim to have raised over $30 million for the Sandinista regime convened a National Mobilization day in Washington and San Francisco. Their current goal is to raise another $100 million to offset U.S. aid to the contras. The Mobilization was formed in the late 1970s with the help of the Soviet World Peace Council. At the demonstration, a large contingent of Communist Party members marched openly under CPUSA banners. Others carried the banners of the Pledge of Resistance, Witness for Peace, and various inter-religious groups involved in the sanctuary movement to harbor illegal immigrants from Central America.

Before the Mobilization day convened, John T. Joyce of the Bricklayers and Allied Craftsmen union warned his members that "anyone who knows or remembers the popular fronts put together by the Communists in the 1930s will know precisely how the April mobilization works and what it is all about." Apparently several members of Congress could use a refresher course in history. The roster of speakers at the event included Democratic congressmen David Bonior, John Conyers, and Ted Weiss, D.C. Delegate Walter Fauntroy and Lynn Cutler, vice chairman of the Democratic National Committee. A written endorsement came from Sen. Claiborne Pell, the new chairman of the Senate Foreign Relations Committee.

In 1985, Rep. Charles Hayes led a workshop at a U.S. Peace Council Conference, an affiliate of the Soviet World Peace Council. Telegrams of support for the conference came from Reps. Major Owens, Barbara Kennelly, and Bruce Morrison. Other House members, like Sam Gejdenson of Foreign Affairs, Peter Kostmayer, and Bonior, regularly lend their names to reports from groups like the Washington Office on Latin America and the Council for Hemispheric Affairs concerning alleged "human rights" violations by the government of El Salvador and the contras. These groups regularly overlook the widespread abuses of the Communist regimes in Nicaragua and Cuba.

The Democrats' scandal even has its own cover-ups. In 1982, an ethics complaint was lodged against Representative Dellums for allowing Grenada's government—under Marxist Maurice Bishop—to review a draft of Dellums's Armed Services subcommittee report on the Point Salines airfield in Grenada. Dellums had been assigned to determine the airfield's purpose, military or commercial. He omitted evidence that the Soviets and the Cubans had supported the project financially. After Bishop's review, Dellums issued a report concluding that "nothing being done in Grenada constitutes a threat to the U.S. or her allies." The ethics committee never investigated the matter.

In 1981, Romesh Chandra, then the chairman of the World Peace Council, was hosted on Capitol Hill by a group of Democratic congressmen. In 1982, Rep. Edward Boland, then the chairman of the House Intelligence Committee and the author of the much-vaunted anti-contra Boland Amendment, released a report on Soviet active measures in the U.S. While the Boland report mentioned the Chandra visit, no note was made of his dealings with members of Congress. Allan C. Brownfeld and J. Michael Waller report in the book The Revolution Lobby that "Boland's staff allowed some of the evidence to be doctored to prevent the public from knowing of the collaboration of some Democratic congressmen and the Soviet World Peace Council."

The Iran-contra scandal, and the other side of the coin, the Democrats' scandal detailed here, are of course part of a struggle since at least the Vietnam war between the executive and legislative branches over primacy in foreign policy making. The legislative branch, even before the presidency was wounded by the current round of show trials, was winning the battle. The number of globetrotting, self-appointed congressional "ambassadors" has been on the rise in recent years, and the net effect of their missions is almost always detrimental to U.S. interests.

Look, for example, at some of the personnal diplomacy undertaken so far this year. On a trip to the Philippines in January, Rep. Stephen Solarz, head of the House subcommittee on Asia and Pacific Affairs, took it upon himself to become the first American official to meet with the leaders of the Communist New People's Army, a gang whose murderous modus operandi closely parallels that of Pol Pot. Solarz says the meeting was meant to be "off the record," but soon after it broke up, the NPA, delighted that Solarz had conferred legitimacy on their movement, spread the word. In April, House Speaker Jim Wright led a congressional delegation to the Soviet Union, only to be confronted with a suggestion by General Secretary Gorbachev that the United States create separate living areas for blacks to solve its racial problem. While the other delegation members protested, Wright maintained that Gorbachev had been "misinterpreted." Wright did not want anything to stand in the way of what he called the "new attitude" of the Soviet leadership, or of an arms control pact. Even though the Constitution explicitly denies the House any role in the formation of treaties, upon his return Wright successfully tacked on to an appropriations bill a requirement that Reagan comply with the unratified SALT II treaty. Perhaps the ultimate congressional power grab was in May, when Sen. Jim Sasser dispatched himself to tour the Persian Gulf after an Iraqi plane shot up an American frigate. Sasser was making public statements even as the U.S. government's fact-finding team was arriving on the scene.

These free-lance forays raise serious ethical and legal questions. When Wright and nine of his Democratic colleagues (including Boland, Solarz, and Lee Hamilton) penned the infamous "Dear Comandante" letter to Daniel Ortega in 1984 applauding his steps to "open up the political process," an enraged Rep. Newt Gingrich called for a congressional inquiry. "This letter clearly violates the constitutional separation of powers. It's at best unwise, at worst illegal."

During the Iran-contra hearings, Lee Hamilton, who chairs the House Intelligence Committee, observed that the "privatization of foreign policy is a prescription for confusion and failure. The use of private parties to carry out the high purpose of government makes us the subject of puzzlement and ridicule." Hamilton has asked some tough, and justifiable, questions of the Administration in these past weeks. But these same questions ought to be aimed at the Democrats and their pro-Communist Central America network. Why must contra supporters like Ellen Garwood be cross-examined by Congress when the fundraisers for the Sandinistas or the Salvadoran guerrillas go unidentified and unquestioned? If an effort by U.S. officials to keep the contras going constitutes a "conspiracy," why not find out if the congressmen who aid the groups sending Americans to Nicaragua to work for the Sandinistas are conspiring to break any laws? What is the legal status of the Nicaraguan Network or Medical Aid for El Salvador or U.S. Out of Central America, all of which send money and supplies to the Sandinistas or the FMLN? Have they violated the Foreign Agents Registration Act? Finally, why is it legal (even though the Constitution says otherwise) for individual members of Congress to conduct their own foreign policies but illegal for the President to conduct his?

None of these questions is likely to be answered, or even posed, for several reasons. The first is that the Administration has not presented a coherent case in defense of its policies. The "law" which the Administration's prosecutors say was broken was unconstitutional when passed; the Boland Amendment trespasses on the President's constitutional prerogatives to act in foreign policy. The only charge of which the Administration is guilty is that it by-passed unconstitutional congressional restrictions in an effort to prevent the consolidation of another Soviet-backed Communist government in our hemisphere.

The second reason is that inquisitions are reserved exclusively for use against the executive. Congress does not investigate itself nor allow anyone else to investigate it.

The final reason is that all of these scandals boil down to subjective questions of politics and morality, not to objective ones of legality. And those who have the power to define what makes for a hot Washington scandal have never been on the side of the small-d democrats. (Compare, say, the number of news columns devoted to the CIA's "illicit" activities in Central America to reports of activities of the KGB.)

This summer's inquisition, playing as scripted, will surely brand Ollie North & Co., the anti-Communists, as scoundrels or worse. And the subterranean activities of the apologists for Communism will surely continue with impunity, until they ultimately triumph.

[From the Washington Times, Aug. 11, 1987]

THE SPIRIT OF OLD JOE MCCARTHY

(By David Horowitz and Peter Collier)

(David Horowitz and Peter Collier, former editors of Ramparts magazine and leaders of the 1960s anti-war movement, are directors of the National Forum Foundation's Second Thoughts project.)

When the new Congress organized in January, George Crockett, three-term Democrat from Michigan, became the new chairman of the House Subcommittee on Western Hemisphere Affairs. It was an appointment that should have been controversial because of Mr. Crockett's long association with pro-communist causes. Ironically, however, Mr. Crockett was shielded from scrutiny by the ghost of his old enemy, Joseph McCarthy.

A coalition of conservative groups held a news conference to express alarm at the position of authority given the 77-year-old legislator.

In part they were bothered by his position on the politics of the Western Hemisphere.

Mr. Crockett doesn't disguise his belief that the Sandinistas are architects of a brave new world in Managua, and he has consistently sponsored groups of U.S. radicals sending money to Marxist guerrillas in El Salvador and elsewhere in the region.

In addition to pointing out these facts, the conservatives noted that there is a consistency between Mr. Crockett's present views and his attitudes toward other foreign-policy issues over the last 40 years.

In 1947, when President Harry S. Truman was establishing a plan to contain Soviet expansionism, Mr. Crockett, then a young attorney, joined other "progressives" in defending the "peoples' democracies" the U.S.S.R. had imposed on the captive nations of Eastern Europe. He attacked U.S. "imperialism" during the Vietnam War. He defended Fidel Castro's Cuba throughout the 1960s.

These commitments may have gone unnoticed, but some of Mr. Crockett's more recent positions have not. In 1983, when the Soviets shot down Korean Airlines Flight 007 and the House voted 416-0 to condemn this act of murder, Mr. Crockett abstained. In 1985, when U.S. Army Maj. Arthur Nicholson was shot down in East Germany and denied medical attention for 45 minutes while he bled to death, Mr. Crockett defended the Soviet Union during the debate about this tragedy on the House floor.

In their press conference, the conservatives itemized some of the other particulars of Mr. Crockett's record in addition to the foreign-policy positions noted above. In 1947, for instance, Mr. Crockett and his law partner were run out of the CIO by Walter Reuther, who accused them and their communist clients in the union hierarchy of having betrayed their membership. And in 1949, Mr. Crockett served as counsel for 11 of the top leaders of the Communist Party, including present CP boss Gus Hall, who had been indicted under the Smith Act.

But when the spokesman for the conservative groups finished, the questions from the assembled members of the press had nothing to do with the record he had just summarized. Rather they challenged his right to raise the issues at all. A reporter from Newsweek spoke for his colleagues when he said, "Isn't this McCarthyism?" The mention of this single word, McCarthyism, meant the discussion was over.

It was a symptomatic episode that suggests the degree to which the issues of divided loyalties and political subversion, once central concerns of this country's politics, have become taboo. Although the phenomena have not disappeared, using terms like "communist" and "fellow traveler" are considered bad form these days. Some people may be friendly to communist totalitarianism; but to raise this issue is to commit an even worse offense. It is to be guilty of a McCarthyism.

As it is used today, this term has become disembodied from its historical precedent. Those who most readily call someone a "McCathyite" do not refer to the reality of the 1950s, when civil liberties were under assult. "McCarthyism" has become an aggressive term used to stifle discussion and establish left-wing orthodoxy.

A "McCarthyite" is no longer narrowly defined as someone engaged in character assassination and reckless disregard for due process. It is usually someone who is an anti-communist. Someone called a McCarthyite today is far less likely to be abusing someone's civil liberties than questioning whether or not that person has communist sympathies.

Those who constantly accuse anti-communists of "McCarthyism" do not seek to preserve liberal values but to undermine them. Those who try to stigmatize someone as a "McCarthyite" today are very likely trying to prevent him from scrutinizing "solidarities" between Americans with questionable commitments and the dedicated enemies of our democracy. A charge of "McCarthyism" is thus a way of invoking cloture on what should be an important debate; a way of ruling a critical subject off limits.

In the 1950s, Joseph McCarthy's name was synonymous with attacks on communist sympathizers. In the 1980s, his name is invoked to keep these sympathies from being discussed. Back then he was the worst enemy of pro-communists. Today he is their friend and protector.

BUILDING THE ROAD TO PEACE: THE MODEL PEACE EDUCATION PROGRAM

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. SOLARZ. Mr. Speaker, as another school year begins, educators throughout the country are hard at work preparing the curricula and lessons that will be taught to our young people. I would like to take a moment to pay tribute to an outstanding group of people in my district who have put together an important, dynamic, and remarkably successful educational initiative—the Model Peace Education Program.

The Model Peace Education Program was developed in the spring of 1985 by the staff of the special projects division of Brooklyn's Community School District 15 in cooperation with the New York City Board of Education, Division of Curriculum and Instruction. School district 15 is located in the heart of my Congressional district and serves nearly 20,000 children from the neighborhoods of Red Hook, Carroll Gardens, Park Slope, and Kensington. Among the district's strengths is its harmonious ethnic diversity—it boasts large numbers of Hispanic, black, and white children. A majority of the students are from economically disadvantaged families, so it is only fitting that these young people are being exposed to one of the richest educational opportunities I have ever come across.

I would like to make particular mention of four individuals who have spearheaded school district 15's outstanding achievements: Phil Scala, the school board president; Jerrold Glassman and William Casey, the past and the present superintendents; and Arthur Foresta, the director of special projects.

Mr. Speaker, our children's lives are steeped in conflict. From family arguments to schoolyard squabbles to neighborhood crime, the average child is directly involved in a host of conflict-filled situations each day. In addition, the quantity and explicitness of the violence which is fed to our young people in movies and on television is steadily increasing. Through the sophistication of today's news media, children can witness a murder in New York City or a military battle in the Middle East at almost the moment it occurs. While it is certainly unrealistic and possibly unwise to censor a child's exposure to the electronic media, it is imperative that we provide our children with strategies to cope with the conflict in their lives. The Model Peace Education Program fulfills this objective in two meaningful ways. First, it teaches children the importance of finding alternatives to violent means of resolving conflicts. Second, it takes children beyond the personal level to an awareness of the role they can play in building a more peaceful world.

Last year, the peace education curriculum was taught by 35 teachers to hundreds of students in six of district 15's schools. Three more schools have been added to this year's program. Each teacher takes part in a 14-session training course which acquaints them with the curriculum. This training procedure is followed up with at least 12 classroom visits by expert consultants. The specifics of the curriculum are varied according to the age of the children. A first grade class may construct a peace collage consisting of pictures cut from magazines which are interpreted by the children to represent peace. Sixth grade students are trained to be conflict mediators and take turns monitoring the playground to mediate disputes between their peers.

In addition to classroom activities, the students involved in the Model Peace Education Program have participated in a number of exciting events. In October of 1985, 500 Brooklyn children participated in the Children's Parade for Peace, commemorating the 40th anniversary of the United Nations. One month later, many students attended the Children for Peace Concert, where actor Peter Boyle presented district 15 with the Cathedral Peace Education Award. One participating school—P.S. 230—has developed a sister-school relationship with a school for refugee children in the Philippines, and there are plans in the works for certain classes to participate in an exchange of videos with children in India.

I am also pleased to note that several articles in the press have given favorable coverage to the Model Peace Education Program. Stories about the program have appeared in the Christian Science Monitor, Newsday, and a number of Brooklyn publications.

Finally, Mr. Speaker, I would like to share with my colleagues a description of my own personal involvement with the peace education initiative. Last May, I had the pleasure of hosting a visit to Washington by 25 students from P.S. 15 who were participating in the program. During lunch, I joined the children in a wide-ranging discussion of many of the issues that were on their minds, from Brooklyn street crime to military spending to the prospects of nuclear war. The students also conducted an impressive demonstration of some of the conflict resolution techniques they were learning in the classroom. The children met with two of our colleagues, Rep. FLOYD FLAKE [D-NY] and Rep. HOWARD WOLPE [D-MI], as well as an official from the Embassy of the Philippines. This busy and exciting day concluded with tours of the Capitol and the Smithsonian Air and Space Museum.

As so often happens when I meet a group of young people, the students became teachers and I became their student. From these motivated and dynamic children, I learned that our younger generation has a passionate interest in resolving the conflicts that surround them, on the personal, societal, and global levels. The children of P.S. 15 taught me once again that Congress has no more vital mission than to enrich the lives and protect the future of our children. The teachers, parents, and administrators who have created and nurtured the Model Peace Education Program, along with the students themselves, have taken their own giant step forward in accomplishing these goals. I am proud to give the program my complete and unequivocal support, and I strongly urge my colleagues to support similar programs in their own districts.

EMERGENCY ASSISTANCE FOR LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. HAMILTON. Mr. Speaker, on August 14, 1987 the Committee on Foreign Affairs received notification of the furnishing of up to $8.5 million from the emergency refugee and migration assistance fund for unexpected and urgent needs in Lebanon and Africa.

Under Presidential Determination No. 87-19, up to $4.25 million of this amount would be for contributions to the U.N. Relief and Works Agency for Palestinian Refugees and to the International Committee of the Red Cross to meet urgent needs of Palestinian refugees and other civilians affected by the continuing conflict in Lebanon. The provisions of these funds fulfills a commitment made to several Members of Congress this last spring at the time of an emergency U.N. appeal following severe fighting in and around the refugee camps in Beirut.

The Presidential determination and its justification follow:

U.S. DEPARTMENT OF STATE,
Washington, DC, August 14, 1987.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This is to inform you that the President has authorized the furnishing of up to $8.5 million in assistance from the Emergency Refugee and Migration Assistance Fund for unexpected urgent refugee and migration needs in Lebanon and in Africa. These relief efforts were not anticipated when the Department prepared its FY 1987 budget request.

A copy of the Presidential Determination and justification statement is attached. Should your staff require further information, please contact my office.

With best wishes,
Sincerely,

J. EDWARD FOX,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

Enclosures.

[Presidential Determination No. 87-19]

THE WHITE HOUSE,
Washington, August 5, 1987.

MEMORANDUM FOR THE SECRETARY OF STATE

Subject: Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended.

I hereby determine, pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(1)) ("the Act"), that it is important to the national interest that there shall be made available from the United States Emergency Refugee and Migration Assistance Fund up to $4.25 million for contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the International Committee of the Red Cross (ICRC) to meet the unexpected urgent needs for assistance to Palestinian refugees and other civilians affected by the conflict in Lebanon. I further determine also pursuant to Section 2(c)(1) of the Act that it is important to the national interest that there shall be made available from the Emergency Refugee and Migration Assistance Fund up to $4.25 million for contributions to the United Nations High Commissioner for Refugees and to the ICRC to meet unexpected urgent needs of refugees and persons affected by strife in Africa.

The Secretary of State is requested to inform the appropriate committees of the Congress of this Determination and to arrange for the prompt publication of this Determination in the *Federal Register.*

RONALD REAGAN.

JUSTIFICATION FOR PRESIDENTIAL DETERMINATION AUTHORIZING THE USE OF UP TO $8.5 MILLION OF FUNDS FROM THE UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

Under section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended ("the Act"), the President may authorize the furnishing of assistance from the United States Emergency Refugee and Migration Assistance Fund to meet "unexpected urgent refugee and migration needs" whenever he determines that it is "important to the national interest" to do so.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has urgently appealed for additional contributions of $20 million to meet emergency relief operations for Palestinian refugees in Lebanon. Up to $3 million is needed from the U.S. Government to address these urgent needs and thus to support a peaceful solution to the strife in the region.

These funds are needed on an unanticipated emergency basis to meet life-sustaining needs of refugees that are normally not provided by UNRWA in Lebanon. UNRWA's major function, in normal times, is to provide education to refugee students. As a result of the unexpected camp wars, extended sieges of the camps and displacement of so many refugees, there has been tremendous destruction of facilities and deprivation for the refugee community. Therefore, UNRWA, as the United Nations agency mandated to help Palestinian refugees, has been forced to issue the special appeal to raise funds to meet these unanticipated emergency needs. Among others, these needs include the rebuilding of schools, hospitals, homes, and roads and the distribution of food rations.

The International Committee of the Red Cross (ICRC) has also urgently appealed for $6.5 million for activities related to the strife in Lebanon, particularly aiding affected Lebanese civilians, as well as assisting the wounded, evacuating those in immediate danger, and visiting detainees. Up to $1.25 million is needed from the U.S. Government to address these urgent needs.

In Africa, continuing strife and unanticipated, though welcome, refugee repatriation also have created unforeseen funding requirements. As a result, $7.6 million for emergency aid in Mozambique has been added to the 1987 ICRC program for Africa, bringing its total Africa program to $80.0 million. In Mazambique and Angola alone, unabated conflict over the last year has doubled the total numbers of displaced victims to some two million. Other situations where ICRC is engaged in life-saving relief, such as northern Uganda and Ethiopia, also are worsening because of fighting and drought respectively. In order to address the increased needs, it is important to contribute an additional $3 million to the ICRC.

The United Nations High Commissioner for Refugees (UNHCR) has made unanticipated special appeals for emergency aid to growing numbers of Mozambican refugees in Malawi (over 230,000 compared to 1,000 a year ago) and for urgent support of the unexpected voluntary repatriation of some 26,000 Ethiopian refugees from Djibouti, Somalia, and Sudan. The return movements are occurring in the context of a growing threat to first asylum in the Horn of Africa where countries are feeling the acute strain of large refugee populations. Up to $1.25 million is required to address these new needs. This emergency assistance will provide humanitarian relief, will help protect first asylum, and will advance our foreign policy objectives by contributing to stability in these key areas.

Funds to address these activities are not available within the current appropriations for Migration and Refugee Assistance. Nor is a supplemental appropriation feasible at this time. The Emergency Fund is the only alternative available to provide funding within the short time period needed. Therefore, it is important to the national interest that there shall be made available from the United States Emergency Refugee and Migration Assistance Fund up to $8.5 million for emergency assistance in order to meet these unexpected urgent migration and refugee needs.

DHCP EQUALS GOOD PATIENT CARE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. MONTGOMERY. Mr. Speaker, the Veterans' Administration's decentralized hospital computer system (DHCP) has improved the quality of care provided in the VA's hospitals. The DHCP frees physicians, pharmacists and nurses from administrative tasks so more emphasis may be placed on direct patient care.

The following letter received from the chief of the pharmacy service at the VA medical center in Miles City, MT, Stephanie Davis, illustrates the advantages of the DHCP.

117 South Jordan,
Miles City, MT,
May 21, 1987.

Hon. G.V. Montgomery,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

Dear Mr. Chairman: The VA Medical Center in Miles City, Montana has utilized the Decentralized Hospital Computer Program since 1985. The current program should be maintained for the following reasons:

1. Time, effort and resources have been spent implementing the current program. Definite advantages would have to exist before implementing a new program could be considered profitable. In addition to the expenditure of more resources, stress placed on personnel is costly.

2. With current and unpredicted budget constraints, administration is ever more reliant upon accurate cost and productivity information. With our DHCP that information is readily available, allowing for more expedient decision making. If this source of information is lost, the gathering of information would occur manually, resulting in slower, less accurate data. The outcome would be loss of productivity and resources due to slower decision making.

3. When administrative tasks are streamlined with computer programming more emphasis can be placed on patient care. Patient profiles are more accessible to the multidisciplinary team. Histories are readily available, providing information such as patient compliance with medications. Physicians obtain printed profiles that act as a prescription, if signed, eliminating the expenditure of costly time writing renewals. Patients are provided with refill documents that serve as a medication record in their keeping. If the DHCP were lost or altered these devices which keep patients and health personnel informed would be lost. The quality of patient care would suffer.

Great strides have been made in computerization. We have invested in the program and are now reaping the benefits. It would be a counterproductive managerial decision, therefore, to change our direction at this time.

Sincerely,

Stephanie Davis, R.Ph.
Chief, Pharmacy Service.

OUR CROWDED SKIES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. FRANK. Mr. Speaker, it has become increasingly clear that action is needed by various Government agencies to alleviate the unfortunate conditions which confront airline passengers. Recently, the Massachusetts Port Authority under the leadership of Executive Director David Davis made a series of proposals to deal with these problems as they impact on Logan Airport in Boston. The Boston Herald responded to these proposals with a very thoughtful editorial outlining a sensible program which ought to be adopted by Congress, the FAA, and those who control airports in congested areas. The proposals put forward by the Boston Herald represent a thoughtful balancing of the various interests involved and would do a great deal to improve safety, which must be our primary goal, and also diminish inconvenience to passengers.

I commend the editorial staff of the Boston Herald for their advocacy of sensible and moderate government action in this area and I ask that the editorial from the August 30 Boston Herald be reprinted here.

Our Crowded Skies

Two things about the proposals Massport has made to reduce the traffic—and with it the possibility of disaster—in the crowded skies over eastern Massachusetts:

First, while they surely will be unpopular with those adversely affected by them, they will also cut the number of aircraft—and lessen the chance of some tragedy—at or approaching Logan Airport.

Second, they'll do the job in this area faster only if Massport and the Federal Aviation Administration work together in implementing them. Cooperation in putting the remedies to a fair test will serve that purpose; a dispute over turf between the two can only delay and impair the search for a solution.

Briefly, these were the four major steps Massport chief David W. Davis outlined to improve air safety, service and scheduling at Logan:

Raise the minimum fees charged general-aviation and commuter traffic using Logan, and institute a higher "peak-hour pricing" policy for all aircraft during periods of heavier traffic. The intended effect would be to shift marginal carriers, commuter and private planes to smaller, less-crowded fields in this area;

Urge and assist the FAA to make available to regional airports the money for improvements that will enable them to attract and safely, profitably accommodate this diverted traffic;

Give airline users better service by drafting and distributing a "Passenger Bill of Rights," how and where they can get help or information regarding carriers' policies on cancellations, overbookings, lost luggage, and

Lobby Congress and the federal Department of Transportation to increase the number and training of air-traffic controllers; require that all aircraft carry so-called "crash-prevention" transponders, which will enable controllers to automatically track their location and altitude; and make better use of surplus or underused military airfields for civilian purposes.

It's important that Sen. John Kerry, Rep. Joe Kennedy and Secretary of Transportation Fred Salvucci are partners, so to speak, with Massport's program. Their aid and commitment are needed to get off the ground—because only then will our crowded skies begin to clear and become safer.

A TRIBUTE TO THE CHRISTIAN EMERGENCY RELIEF TEAM

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. DANNEMEYER. Mr. Speaker, I have traveled to every country in Central America, except Nicaragua. And I have witnessed refugees of the Communist fallout in most of these countries, but never had I met with a group of refugees, such as the Miskito Indian Tribe, whom the Sandinistas have promulgated extinction orders for the entire population. During my recent trip to Central America I experienced Nicaragua firsthand and also rejoiced in the valiant spirits of the Miskito people.

On July 24 our group of four arrived at Puerta Lempira, in the southeastern part of Honduras about 15 miles from the northeastern Nicaraguan border. We assembled a raft and motored across a lagoon to the Prumnitara refugee camp.

The camp contained approximately 300 refugees, an equal mixture of men, women, and children. They had built huts up on stilts to protect themselves from flooding, although a rain strong enough to flood would almost certainly penetrate the makeshift structures. There are only outdoor privies and food and water are supplied by the United Nations.

All in all, their existence is minimal. The Honduran Government won't allow refugees to compete for jobs with their own citizens, and understandably so. In fact, the area in Honduras where this camp is located is largely undesirable and has basically been discarded by the government.

Of whatever they lack, religion cannot be listed among them. Every night at 7 o'clock the Miskitos hold a church service. The service usually lasts about an hour and a half and consists of singing and preaching by a selected member of this group. It was humbling to see the spirit of hope in the faces and demeanor of this people nothwithstanding the duration of their foreign stay and the prospects for their return to their homeland.

We left behind most of our food and supplies before we departed. My host for this trip was David Courson of the Christian Emergency Relief Team. CERT teams have visited this particular refugee camp on 16 previous occasions since 1980. They bring doctors and dentists into these camps and donate medical and other humanitarian aid for the benefit of the residents. Dave Courson is one of the finest human beings I've had the pleasure to meet with, a man who I saw give the very suit he was wearing to a minister who needed it more then he did. This is religion in action.

Mr. Speaker, in tribute to this manifest religion—voluntarily giving to the poor and oppressed—I commend the following article for your consideration:

Bullets and Bandages

(By Laura M. Gilbert)

Mild-mannered, rather thin, with glasses perched precisely so on his nose, David Courson bears little resemblance to the cinematic conception of a hero. And unlike his large-screen, machine-gun toting counterparts, Courson packs medical supplies and Bibles rather than a pistol. But with Rambo-like determination, he plans to make a difference in the lives of refugees in a shattered Central American nation.

As often as possible, Courson and several volunteers fly, boat and hike into the tropical jungles of the Honduran-Nicaraguan border, to render medical and spiritual aid. Each venture is unique. Last year, for example, he took nine volunteer medical workers, including five paramedics, to a Honduran refugee village to teach paramedic skills to U.S.-backed rebels, called contras. An equally daring venture was undertaken five months later when he and six others—including a doctor, dentist, paramedic and film crew—visited an unidentified village within Nicaragua to document Communist activity.

In a word, Courson wants to minister. And to him and his group, the Christian Emergency Relief Team, this means providing physical and spiritual support to a hungering Third World nation. Each group he ushers down to this war-ravaged border region is made up of volunteers from all over the United States. Based in Carlsbad, Calif., and a branch of the National Christian Fellowship, CERT has also been successful in gaining access to Central American countries with governmental approval—something many other organizations have failed at.

Formed in 1974 to aid hurricane victims, the group has since been bringing food and medical supplies to devastated regions of Central America and other Third World nations. Christian Emergency Relief Team volunteers, as the name implies, usually have some type of medical background, although that is not mandatory, and all are Christians.

The two-day filming excursion to document Communist activity in Nicaragua was the first time the team entered Nicaragua without permission. But Courson, a former Marine who fought in the 1968 Tet offensive in Vietnam and an emphatic anti-Communist, said several more "unofficial" visits are scheduled.

CERT excursions range from the clandestine two-day visits to officially sanctioned two-week missions. While in the makeshift refugee camps, the teams give what aid they can and "just spend time fellowshipping with the people," Courson said. Each volunteer CERT team consists of at least one doctor, dentist and paramedic, who provide "jungle medicine." Specifically, they provide aid for war-related injuries, management of tropical infections and instruction in preventative medicine. Infections and illnesses inherent to the Atlantic Coast of Honduras and Nicaragua include parasites, pneumonia and TB. Malaria is endemic to the area and almost all the children have intestinal worms. As a result, the volunteers' medical routine often consists of managing disease, splinting and bone setting.

The conditions in the remote villages are grim. Water and food supplies are unreliable, medical facilities are makeshift, malaria-carrying mosquitos are thick and the war-inflicted wounds of the villagers are grave. "It's less than primitive," Dr. Ronald Strahan told a local newspaper reporter upon his return from one of the trips. "It's less than square one. There's no stable water supply or food supply."

Volunteers face other challenges as well. Besides traveling through the jungle by foot and dredging the alligator-infested swamps by dugout canoe, the teams carry thousands of pounds of medical and other relief equipment. Volunteers who made the covert excursion last April, for example, carried 2,400 pounds of supplies into villages 40 miles from the Honduran border—all for a two-day stay! The team traveled with the customary armed guards.

Courson points out, however, that relief teams are careful not to enter combat zones, "We travel only under the supervision of the people who live there and who know where the danger is," he said. "Not one (CERT) member has died, broken a bone or been seriously ill since we began sending teams out.

"Statistically, you are safer going with a CERT team than driving down the freeway. The most dangerous part is probably the airplane ride home," he added.

Apparently, CERT volunteers find the experience more rewarding than frightening, with the benefits outweighing the hardships. "There is no greater joy than helping one's fellow man, as most paramedics already know," said Gary Becks, an EMT and former battalion fire commander in San Bernardino, Calif. Becks, also a Vietnam vet, recently quit his job to work full time with CERT.

Much to Courson's surprise, the organization has no lack of volunteers. Inquiries are received from eager applicants—many of them EMTs and paramedics—from all over the country. "Many people in health professions would like to help Third World countries," said Kris Courson, David's wife and co-worker. "And we try to accommodate them by going for 10 days at a time. That way people who normally cannot take a lot of time off from work can go."

Mere interest, however, does not ensure a place on the CERT team. Applicants are put through a fairly extensive screening process to weed out, what Courson refers to as, the would-be Rambos. "Because we receive so many applications, we have to screen for would-be Rambos, adventure-seeking 'Club Medders' or soldier-of-fortune types. Neither do we want starry-eyed people who want to save the world or correct the faults of the missionaries.

"What we do look for are adults who are realistic, who recognize the limitations of short-term emergency relief and who realize we can't stop wars."

The target of CERT's efforts is the Miskito Indian rebel force, known as Kisan (Moskito for United Indigenous Peoples of Eastern Nicaragua). The Miskito force, which is thought to be one of the smallest constituents of the contra forces, fights in the vast wilderness of Mosquitia, on the Atlantic Coast of Nicaragua. Initially, they were forced to flee across the Nicaraguan border into Honduras after Sandinistan troops burned their villages and imprisoned their leaders in 1982, Courson said.

It was 20 of these Miskitos who were selected to be trained in paramedicine by CERT last October in an undisclosed Honduran village. Five paramedics spent 10, 12-hour days teaching the contras basic paramedic skills. Once trained, the new "paramedics" were ready to provide medical services to civilians and the military at refugee camps. As a graduation present, they received backpacks full of donated medical supplies.

"These people are college-educated and sharp," said Kris Courson. "They would rather learn to help their own than receive aid from outsiders."

Not surprisingly, a CERT volunteer's day is long, beginning before the sun rises. At 4 a.m., volunteers join villagers for a prayer meeting in the church—the focal point of the community. Following prayer, the church is converted into a makeshift hospital by hanging curtains as partitions and sectioning off the opensided structure into clinical work stations. At each station, some medical function is performed. For example, at one station, a tooth will be numbed; then at the next station, it is pulled. Because CERT volunteers staff each station, medical backgrounds come in very handy.

Although Courson has been on more than 15 missions, the April excursion, the first to be cloaked in secrecy, was one of the more memorable. He and six men quietly ventured into a devastated village deep within the war zone on the northeast coast of Nicaragua, to film what Courson refers to as "Communist atrocities." The film, tentatively scheduled for release this summer, will be used to educate the public and to coax funds from a skeptical U.S. Congress, he said.

The unidentified village was ravaged by Sandinista attacks in 1983, forcing the Indian villagers to flee into nearby mountains, where many later died of disease and malnutrition. Approximately 300 refugees have since returned to the area, now controlled by contra forces, to rebuild. Courson said these villagers are only a few of the estimated 40,000 to 60,000 Nicaraguans who have fled their homeland in recent years.

Getting into the village proved difficult for the seven-man relief team. The first attempt was aborted after the Honduran army discovered the three journalists among CERT volunteers and ordered the entire team out of the area. They tried again the following day.

Their second attempt, although successful, proved rather challenging. The team and three contra guides had endured close to a five-hour ride on a 36-foot Panga loaded with medicine, clothing and food, when the boat became submerged on a sandbar less than 150 yards from the opening to the Caribbean Sea. "The overloaded boat was in a vulnerable position—exposed to possible gunfire—and unable to beat a hasty retreat in the thigh-deep water," recalled volunteer and CERT Vice-President Cal Hubbard. The tension mounted when one of the contra boatmen remarked, almost casually, that they had been ordered not to bring weapons and asked Courson and his men to pull out theirs. Of course, the CERT volunteers didn't have any weapons—each assuming the other was armed.

Fortunately for all involved, friendly villagers showed up and helped them negotiate the winding lagoon channels to the village, or what was left of it. "Everything in the village had been destroyed (in an 1983 attack)," Hubbard explained. "The church was burned to the ground. Houses were leveled. The cows and pigs were killed."

Depsite these hardships, the villagers were surprisingly healthy, he said. The five-hour clinic, staffed by physician N.O. "Andy" Anderson of Michigan and dentist Dean Rust of Pennsylvania, was shorter than usual as the fear of being discovered by the Sandinistan troops hung heavily in the air. But the doctors and their aides managed to treat more than 170 patients for worms, parasites, malaria, gum disease, severe dental abcesses, fungus, whooping cough, severe malnutrition, skin infections and anemia. Communication was hardly a problem as many of the villagers spoke fluent English, a legacy of earlier missionary work.

The two doctors' skills, however, were sorely tested by the lack of medical equipment. "It's like working in the trenches," Dr. Rust told Hubbard. "(But) it is very gratifying, very satisfying to know you are helping somebody who really needs it."

He gave an example of a 4-year-old village child who was suffering from seven severely infected teeth that were draining through the gums. After sedating the child with Vistaril®, all the teeth were pulled—a surgical procedure conducted in hospitals in the United States.

Anderson, the physician, worked under similarly primitive conditions. "Lacking X-rays, lab reports and equipment, he was forced to draw on years of experience to diagnose and treat the various problems," Hubbard said. The medics saw all types of illnesses and injuries, often the result of torture-inflicted wounds—slashed ears and throats, and nails embedded in fingers. One of the villagers told Hubbard that her husband, who had refused to allow his trucking business to be confiscated by the government, was "wet down with water and tied to a metal mattress spring. Soldiers then repeatedly jolted his body with electricity." Fortunately, he survived.

Clearly, the emotional scars of the Nicaraguan refugees run just as deeply or, in some cases, more deeply than their physical ones. Thus, the spiritual outreach the CERT volunteers offer is often more important than medical assistance, Hubbard asserted. So far, more than 7,000 refugees have received assistance from the volunteers.

The need for volunteers is increasing, Hubbard said, as the number of refugees pouring into the makeshift border camps increases. And the key to helping these people is preventative medicine, added Courson. At the moment, CERT can only manage the infections and war wounds.

"Teaching preventative medicine is both rewarding and frustrating," he continued. "We are dealing with college-educated, intelligent people who come from middle-class lives and backgrounds. But, they have been driven from their middle-class homes and forced to start over with nothing. On top of that, many are plagued with severe infections."

Unrestrained pigs and a lack of latrines are the source of most infections, he said. As a result, relief volunteers spend a large amount of their time trying to instill the importance of personal hygiene and sanitation—especially the use of latrines. They also encourage the villagers to fence in their pigs and to build pathways for drainage between their houses and the church. "To instill the importance of such things, we tell [the villagers] that we will not come back until they build latrines and keep the kids away from the pigs," Courson said.

Before every CERT excursion to Central America, via a major international airport, volunteers fill suitcases with donated medical supplies—for example, penicillin, ampicillin and tetracycline for severe infections, as well as chloroquine for malaria and phenobarbital for severe cases of whooping cough—and Bibles.

Although the teams are limited in what they can collect and carry, the villagers are grateful for any donations. "The equipment on hand in the villages is so limited that everything they do has to be improvised," Gary Becks said. "On one excursion, our boatman informed us that he used a bayonet to dig his tooth out when the CERT dentist wasn't around."

Although CERT has received Reagan's personal praise and his photographic image smiles benevolently from Courson's office shelf, the relief team receives no financial or logistical aid from the American government. Therefore, CERT volunteers must pay their own way and supply their own food at a cost of $1,200.

The positive aspect of paying one's own way, according to Becks, is that the volunteer creates a support group in an attempt to raise money and get time off from work. "Many families and fellow church members become involved once they donate money toward the person's trip," he said. "I've seen firefighters supporting other firefighters and paramedics by trading C-shifts or taking shifts.

"If you are looking for a C-shift opportunity, this is a marvelous opportunity to get out and do some stuff and see some stuff."

Courson added, "I can just about promise anyone who comes on a trip will find it will change their life; but, I can absolutely promise it will change someone's (in the village's) life. It may be a medical thing . . . a simple first-aid technique mentioned in passing. The paramedic may not even realize they heard."

The refugees' relationship with the contra rebels seems affable. The refugees seem to gain comfort from the visiting contras' presence in their makeshift villages, Hubbard said. But both groups are concerned about the increase in numbers of Cuban and Soviet advisors, troops, weapons and equipment being imported into Nicaragua.

The contras have received outside aid as well, from both private groups and U.S. government agencies. "With computerized radios, hand-held anti-aircraft missiles and other modern equipment," contends the Los Angeles Times in a June editorial, "[the contras] may be the best-equipped guerrilla army in history."

And so the battle lines are well-drawn, and imminent victory for either side appears dubious. But as long as the U.S.-backed contras and the Soviet-backed Sandinistas wage war in the jungles of Central America, CERT will quietly continue to minister to the medical and spiritual needs of the Nicaraguan refugees.

VILLAGE OF TEQUESTA'S CONSTITUTION PARK DEDICATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. LEWIS of Florida. Mr. Speaker, as we approach the 200th anniversary of our Nation's Constitution, which we celebrate 1 week from today, our thoughts inevitably return to that marvelous document and its creators.

This year our Constitution marks its bicentennial as a pillar of stability and a beacon of hope to the world. Our Constitution endures because its principles are as valid today as when they were written in Philadelphia two centuries ago.

Americans everywhere—representing a diverse but unified Nation of people—will unite next week to honor the U.S. Constitution, which has been aptly described as "the most wonderful work ever struck at a given time by the brain and purpose of man."

One group of Americans whom I would like to recognize today are the citizens of Tequesta, FL, a town I have the distinct pleasure of representing in the U.S. Congress. The people of Tequesta, as part of the celebration honoring the bicentennial of the Constitution, will dedicate Constitution Park on September 17. In the open spaces of this beautiful park, named Constitution Park, its visitors will be reminded of the many rights and freedoms only Americans enjoy because of their Constitution.

It gives me great pleasure to recognize here on the floor of Congress the village of Tequesta and its new Constitution Park. I commend village leaders and other residents for their patriotic spirit and for making the National Celebration of Citizenship a hometown affair. At this point I would like to include in the CONGRESSIONAL RECORD the Tequesta Village Council's Proclamation declaring September 17, 1987, as "Constitution Park Dedication Day."

VILLAGE OF TEQUESTA PROCLAMATION OF CONSTITUTION PARK DEDICATION DAY, SEPTEMBER 17, 1987

Celebrating the United States Constitution Bicentennial

Whereas, the Constitution of the United States of America was signed at 4:00 P.M., September 17th, in the year of our Lord 1787; and

Whereas, this momentous event is to be officially commemorated at the dedication of Constitution Park in Tequesta, Florida 200 years later at 4:00 P.M., September 17th, 1987; and

Whereas, this occasion affords the opportunity for all citizens to recall the high ideals and devotion to liberty of those who framed our Constitution; and

Whereas, Tequesta citizens are inspired to rededicate their efforts to preserve the Constitution as the instrument which forged our freedom: Now, therefore, be it

Resolved, That this Proclamation be permanently posted in Tequesta Village Hall as a reminder of our hallowed heritage—the Constitution of the United States.

By authority of the Village Council of Tequesta, we hereby proclaim September 17, 1987 as Dedication Day for Constitution Park, with the Official Seal of Tequesta affixed hereto.

RETIREMENT OF KEN HILL

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mrs. BOXER. Mr. Speaker, I wish to bring to the attention of my colleagues the contributions of Mr. Ken Hill to the labor movement over the past 28 years. I have known Ken for many years, and have a deep and profound respect for his accomplishments during a long and illustrious career.

Ken went to work for the Teamsters as an organizer for the Western Warehouse Produce Council in 1959 and later was assigned to the local 853 Montgomery Ward organizing campaign. In 1960 he was elected as a trustee to local 853 and served as business agent-organizer. He went on to become vice president and served in that capacity on the National Montgomery Ward Council.

In 1969 he took the position as personnel director and claims manager at the Teamsters security fund.

In 1972 Ken was hired as a business agent for Teamsters Local 655 and went on to become president in 1975 and ascended to the position of secretary-treasury in 1978. During this time he served on the Teamsters-ILWU Northern California Warehouse Negotiating Committee and handled all the major negotiations for local 655.

In 1984 Teamsters Local 655 was merged into Local 78 and Ken became the chief executive officer. In 1985 he was appointed a member of the automotive policy division of the western conference of Teamsters, and also served as the chairman of the Teamsters and Employers Trust Welfare Fund.

He is a man of ability and humor, and is richly deserving of the great respect he engenders among his peers. I rise today to honor Ken as he enters a well-deserved retirement, and thank him for all he has done. He will be honored for his work at a dinner September 25, 1987, and he deserve all the praise he will receive from his friends and colleagues.

THE NICKERSON FAMILY CELEBRATES 350 YEARS IN AMERICA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. LANTOS. Mr. Speaker, two centuries ago, the British statesman Edmund Burke said, "People will not look forward to posterity who never look backward to their ancestors." At this time when Americans are honoring the 200th anniversary of the signing of our Constitution, it is most important—and most appropriate—that we as a nation also honor those women and men who laid the foundation of our Nation.

Mr. Speaker, I would like to call to the attention of this Congress one important effort to honor those individuals who laid the foundation of our Nation and our democracy. This week in Chatham, MA, the Nickerson Family Association will honor the 350th year of the arrival in America of their ancestor William Nickerson.

William Nickerson was born about 1604 in Norwich, England, and was a weaver by trade. He, like many other religious nonconformists of that day, were persecuted by English religious leaders for their religious beliefs. On April 15, 1637, William Nickerson, his wife Anne Busby, and their four children sailed from Yarmouth, England, to Massachusetts.

For the first few years, he was resident in Boston, Salem, and Watertown. In 1641 he moved his family to Cape Cod where he acquired a farm in Yarmouth. Later he purchased a large tract of land including all of the area that later became the town of Chatham.

In 1641, William Nickerson's minister complained that he was "a Scoffer and jeerer of religion," which probably had to do with his decision to move into unsettled territory contrary to the wishes of the religious leaders of the colony. It clearly reflects his independence and strong will. This complaint, however, apparently did not affect his standing as a citizen, because he continued to hold responsible civil offices in the community.

William and Anne Nickerson had nine children, and they married and remained in the area around Chatham. While many of the Nickerson descendants remained on Cape Cod, many others spread out to other parts of New England, to Nova Scotia, and many other of what became the United States. Today, thousands of Americans are descended from William and Anne Nickerson.

One of these is my dear friend Mary Griffin, a supervisor of San Mateo County, CA, and one who has carried on the Nickerson family tradition of public service and independent, democratic action. She, with many of her Nickerson cousins, will be celebrating the 350th anniversary of the arrival of their common ancestors in Ameirca.

Mr. Speaker, the Nickerson family should be commended for honoring William and Anne Nickerson for the democratic values they exemplify. The Nickerson family are indeed people who can look forward to a distinguished posterity because they have looked backward to their ancestors.

THE SACRAMENTO SYMPHONY 75 YEARS OF EXCELLENCE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. FAZIO. Mr. Speaker, with great pride and admiration, I rise today to honor the Sacramento Symphony on the eve of its 75th anniversary. The esteemed symphony opens its 75th season at the Community Center Theater with Mason Williams as featured guest on September 11, 1987 and a gala dinner and opening night concert on the following evening.

The creation of the symphony began in October, 1910 when a small group of musical enthusiasts gathered in the Sacramento High School Auditorium to plan music programs for interested community members. On June 30, 1911 54 musicians gathered on the stage of the Theater Diepenbrock under direction of the town's first conductor, Harry Olson. This initial gathering lead to the formation of the Sacramento Symphony and Oratorio Society in 1912.

After a silent period due to World War I and financial problems, the symphony was again reorganized in 1924 under the direction of Franz Dicks. Tickets then were only fifty cents. The symphony reorganized as a nonbudgeted organization in 1929, but could do little more than rehearse during the Great Depression. With the creation of radio concerts, the symphony was given a boost and it incorporated with the Sacramento Symphony Foundation in 1934.

Over the following years, the symphony was conducted by Fritz Berens, Willem Van den Berg, and the great Alfred Hertz. As the symphony began to mature, it began to attract soloists such as a 14-year-old Isaac Stern, basso Paul Robeson, and the blind pianist Alec Templeton. The symphony continued to flourish and, in 1959, the first professional manager was hired, followed by the first Ford Foundation grant of $500,000 in 1966. In 1968 it performed its first "Nutcracker" with the Sacramento Ballet and performed the first concert in the Community Center Theater in 1974.

The symphony has indeed come a long way, from a group of amateur musicians to a fully professional organization. Some musicians can remember when many of the players in the fledgling symphony did not have their own instruments and players were given $1 for rehearsals. In the early days of FM radio, the symphony rehearsals, including all the pauses and directing, were broadcast live on KFBK–FM.

But as the city of Sacramento grew and prospered, so grew the Sacramento Symphony along with it. The symphony now boasts 87 full members, with a full choir group of 40 and a chorus of approximately 120. The repertoire has expanded and matured from works such as "Zampa" by Herold and an "Egyptian Ballet Suite" by Luigini, to Beethoven's symphonies and concertos, Brahms, Bach, Mozart, and Tchaikovsky.

This year, during its 75th season, the Sacramento Symphony, with the conducting of Carter Nice, will be able to show the music world just how good it is. The excellent program for this season includes works from Mozart to Mancini, appealing to classical and pops lovers as well. Featured artists include Henry Mancini and the Fifth Dimension in the pops series, and pianist John Browning and cellist Gary Hoffman in the classical series. One of the highlights this season will be a performance with the Sacramento Ballet featuring Rudolph Nureyev and a ballet company from Paris.

Mr. Speaker, the Sacramento Symphony has been giving the gift of joy and music to Sacramento for 75 years. It is truly a pleasure to join the people of the Sacramento area in saluting the Sacramento Symphony as it begins its 75th season.

THE POPULATION THREAT TO THE NATURAL ENVIRONMENT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. VENTO. Mr. Speaker, emerging now as a top-priority issue among sportsmen and other natural resources conservationists is the matter of human population growth on a global basis. Leaders of the 10 largest environmental organizations in the country identified population growth as a key issue in their 1985 book, "An Environmental Agenda for the Future." In fact, our global population has exceeded the 5 billion mark in 1987.

Our colleague Mr. MACKAY recently introduced a bill, H.R. 2212, the Global Resources, Environment, and Population Act of 1987, to provide a statement of national population policy that these environmental leaders advocate.

The impact of population growth on wildlife and other environmental resources were brought to the attention of Minnesotans recently through an interesting article on the subject in the Sunday, July 5, edition of the Minneapolis Star and Tribune. Based on a speech to the Outdoor Writers Association of America by the executive director of Population-Environment Balance, Inc., Dr. M. Rupert Cutler, the article outlines both the problem and a range of practical political responses.

Clearly, Dr. Cutler raises some provocative thoughts in his recent statement to this outdoor writers group. I commend this analysis to my colleagues' attention:

POPULATION REMAINS THE BIGGEST THREAT TO WILDLIFE'S FUTURE

(By Bob Schranck)

KALISPELL, MONT.—The message was simple. The greatest threat to wildlife is too many people.

Calling for "a sound national population policy," M. Rupert Cutler, executive director of the Population-Environment Balance, told members of the Outdoor Writers Association of America that there is a greater awareness that population is the ultimate wildlife threat.

"Stabilization of our population size is essential to the preservation of the quality of life in this country," he said, adding that he expected "a groundswell of public opinion favoring limits to growth to surface, first in local elections. Harried citizens in hundreds of U.S. communities already are debating how large they want their home towns to become."

His organization, originally called the Environmental Fund, was founded in 1973 in response to the Commission on Population Growth and the American Future, chaired by John D. Rockefeller III. The name was changed in 1986, Cutler said, "but the goal remains the same because most of the commission's recommendations have yet to be adopted."

Population-growth advocates like the University of Maryland's Julian Simon and the American Enterprise Institute's Ben Wattenberg, who wrote "Birth Dearth," make his job difficult, Cutler said.

Cutler, former assistant Secretary of Agriculture in charge of the U.S. Forest Service, said he anticipated more support of conservationists' point of view as the public saw the consequences of human congestion.

He cited longer commuting times, higher real estate and insurance premium costs, more time spent waiting in lines, higher taxes, more governmental regulation and a more impersonal, less responsive government.

Cutler quoted Garett Hardin of the Population-Environment Balance board, who said, "we ought to be willing voluntarily to trade off some of our lesser freedoms, such as the freedom to have large numbers of children, to help protect and perpetuate our 'greater freedoms,' which include the right to a high-quality environment and minimum governmental regulation."

A lack of warblers near Washington, D.C. this spring may be related to extensive loss of wintering habitat in Latin America and the Caribbean, "where expanded food-production efforts accompanying the human population explosion has led to widespread chemical pesticide use and vast deforestation and wetlands destruction," Cutler said.

"According to the World Wildlife Fund, we're losing tropical forests equal to the size of New York state every year, and the result may be that between 500,000 and 1 million species may become extinct by the end of this century. The forests are being converted to feed in exploding human population."

He said failed population policies worldwide contributed to uncontrolled migration of people in search of jobs, as world population grew by 83 million last year to about 5 billion. "I have seen the future in east Africa in the form of vast numbers of school children along the roads. With a population growing at the rate of 3.9 percent annually, Kenya will have to find jobs and food for twice as many people as it has today in just 18 years.

"The magnificent and unique wildlife resource of east Africa—the magnet which attracts hard-currency income through tourism—seems doomed in the face of the region's skyrocketing demand for cultivated grain in domestic livestock for human food."

Cutler said the same thing could happen in the United States because national wildlife refuges and state wildlife management areas are regarded by many "merely as nonessential amenity areas—reserves of useful commodities that will become available for extraction when market conditions change, when the price is right."

"They're not waiting to attack the protection we thought had been given in the unique Arctic National Wildlife Refuge in Alaska," he said, "even though the estimated volume of oil there represents an almost imperceptible impact on the U.S. energy situation according to the World-watch Institute."

Cutler cautioned that there could be overuse of productive habitats "by those who love them best—hunters, fishermen, hikers, backpackers and campers." Deterioration could result if user numbers are not controlled.

"Then there are those human activities outside wildlife management areas such as acid rain and the buildup of greenhouse gases, which can change and harm wildlife habitat," Cutler said. "Wildlife is as vulnerable as we are—some species even more so—to the pollution which accompanies human population growth."

Cutler's suggested policies:

No incentives to have large families, including unlimited income tax personal exemptions for dependents.

No government subsidies for construction of new roads, airports, hospitals, sewer and water lines and other infrastructure outside already urbanized areas. No subsidies which would encourage urban sprawl onto farm and forest land, wetlands and flood plains.

Universal, effective public school sex education and population education from the earliest grades.

Real control of international borders to limit immigrants.

"It's a list of very difficult political objectives," Cutler said. "But what is the alternative? Can we keep Spaceship Earth from colliding with overpopulation and ecological collapse and steer it toward a sustainable future?

"Or, as Aldo Leopold put it, can we turn toward a future in which men are in harmony with the land?"

CELEBRATING THE CONSTITUTION'S BICENTENNIAL, SEPTEMBER 17, 1987, NORWALK, CA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. TORRES. Mr. Speaker, the city of Norwalk, in the 34th Congressional District, has been designated by the California Bicentennial Commission as an "Official Bicentennial Community." This designation allows the residents of the city to take part in programs that will officially recognize the 200th anniversary of the U.S. Constitution.

The Norwalk City Council has appointed a five-member bicentennial committee of Norwalk residents that are developing plans and programs that will be highlighted throughout the community the next 3 years. Members of this committee include Donald R. Carter, Alfredo C. Alvarado, Margaret Scantlebury, Dona J. O'Donnell, and Lisa Marie Vernola. Patricia Andrews, Norwalk director of personnel, is currently serving as staff liaison.

The committee has adopted a 3-year plan to allow every citizen in Norwalk to better understand and appreciate the Constitution and the benefits that we as Americans derive from it. The beginning of this multiyear celebration will take place in Norwalk during a two-part ceremony, on September 17, 1987, at 1 p.m. [pst], when the exact moment that the framers of the Constitution signed the document in Philadelphia will be marked with ringing bells, sirens, and a massive balloon release by schoolchildren at Patriots Concourse in Norwalk City Hall. Concurrently, the President of the United States will lead the Nation in this celebration that will be held in Philadelphia, at exactly the same time. The second part of Norwalk's program will be held that evening and will feature a reading of the Constitution, an appearance by the Norwalk All-City Band, and an employee-resident "signing of the Constitution ceremony." The committee will conclude the celebration with the dedication of conference room No. 7 in Norwalk City Hall and designate it as the "U.S. Constitution Room."

Mr. Speaker, I ask that my colleagues join me in congratulating the members of the bicentennial committee of Norwalk, CA, for the outstanding work they have done in preparing for the celebration of our Constitution's bicentennial. I am confident that the residents of the community will support the activities sponsored by the committee and the city of Norwalk.

ARBITRARY TAX

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. MATSUI. Mr. Speaker, today, JOHN DUNCAN and I are introducing a bill which would restore prior law and remove a burdensome tax cost on utility customers, governmental agencies, farmers, home buyers and renters, developers, and others in your district. The Tax Reform Act of 1986 repeals a provision of the Internal Revenue Code which had allowed a utility company to exclude from its gross income, for Federal income tax purposes, the amount of money or value of property which a utility customer or another party had contributed to the company. Such contributions in aid of construction [CIAC] allow a utility company to provide—or continue to provide—electric, gas, water, or sewage disposal services to its customers. The 1986 tax legislation now causes such contributions to be taxable.

The current tax on CIAC impacts not only the average customer but also governmental agencies, including the Federal Government. CIAC includes contributions—in cash or property in kind—made to utilities to defray construction costs as distinguished from operating costs.

The current tax is not a tax on utilities. Public service commissions, which regulate the utility companies, require them to collect the cost of the income tax attributable to the CIAC: First, ratably from customers generally, or second, from the payor of the CIAC. For example, if a farmer in your district needs a special utility line extension to service his farm, he generally must pay the utility for the cost of constructing it. The cost of the tax on the CIAC is either charged to the farmer or to all customers of the utility company, depending on the rules of the public service commission. Similarly, the cost of the tax is imposed on the payor of the CIAC or all customers where a hospital needs an emergency backup powerline; a State or local government needs a separate waterline for a school or municipal building; or the Federal Government needs an extra gasline to a military or similar facility.

In addition, the tax on CIAC may impact on the price of new homes. Where the cost of the tax on CIAC is paid by the homebuilder, the cost of a new home could increase by as much as $2,000. This increase is also felt by renters who indirectly pay the cost of the tax through rent increases. In short, any user of services of a utility or others that cause a special need for equipment could be affected by the tax on CIAC.

As under prior law, a payor of CIAC—for example, a governmental mass transit agency or owner of a building which needs a special electric, gas, water, or sewage line—would not be charged the cost of the tax in addition to the price paid for construction of a new line. Also, in cases where States require all the utility's customers to pay the cost of the tax on CIAC, this bill would preclude such an increase in customers' costs.

This bill would not be a windfall to the utilities. Although the tax on CIAC is considered to be imposed on utilities, the utilities are simply conduits. The payor of the CIAC or customers generally bear the ultimate costs.

It is simply not good public policy to impose this arbitrary tax. Moreover, this tax on CIAC indirectly results in taxing State and local governments, as well as the Federal Government, which is totally inconsistent with the goals of sound public policy. I urge immediate consideration of this legislation.

IMPLICATIONS OF AN INF AGREEMENT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. GRADISON. Mr. Speaker, negotiations with the Soviet Union on the question of intermediate-range nuclear forces [INF] in Europe have reached a critical phase. Although obstacles remain, American and Soviet negotiators in Geneva appear to be within reach of an agreement to eliminate the superpowers' INF systems from Europe.

If an accord, based on the "zero-zero" option, is reached, it would be an important milestone in the history of arms control. This prospective INF agreement would be unique in that it would cause actual reductions in the level of nuclear armament, rather than manage its escalation.

However, the prospect of an agreement is not without serious political and strategic ramifications for the Atlantic alliance. On September 4, 1987, the Cincinnati Enquirer published an essay I wrote on the implications of an INF agreement. I would like to take this opportunity to share it with my colleagues:

THE RISKY PATH TO ARMS CONTROL

(By Bill Gradison)

In recent months, particularly since the October, 1986, summit meeting between President Reagan and Soviet General Secretary Gorbachev in Reykjavik, substantial progress has been made toward an agreement to remove the superpowers' intermediate-range nuclear forces (INF) from Europe. While obstacles remain, American and Soviet negotiators appear to be within reach of a breakthrough that could remove the remaining impediments to an agreement.

Public-opinion polls in the United States and Western Europe indicate strong support for the concept of eliminating these weapons from Europe. The prospect of an INF accord, however, has raised serious questions among some analysts concerned with the stability of the East-West balance in Europe. The members of NATO, particularly major European powers such as France, Great Britain and West Germany, have officially supported the American position in Geneva, but with varying degrees of enthusiasm.

AN ALTERED PICTURE

The at-times-troubled and uncertain response of the allies to developments in the negotiations reflects anxiety and uncertainty about the implications of an INF agreement for the future of the Atlantic alliance. An INF agreement may ultimately alter significantly the nature of the U.S. defense presence in Western Europe. Although the United States maintains that an INF agreement with Moscow would enhance European security, many Europeans, already uneasy about the long-term American commitment to Europe, are less certain about the long-term political and military implications.

The current debate has its roots in decisions made by NATO nearly 10 years ago. Intermediate-range nuclear forces, including American bombers and missiles, have played a role in the European balance throughout the post-war period. Yet, by the mid-1970s, a serious gap in the deterrent capability of the alliance existed. American F-111 bombers, based in Great Britain, were the sole remnant of the alliance's intermediate-range deterrent.

In 1977, the Soviet Union began to deploy an upgraded replacement, the SS-20, for the intermediate-range missile systems it already had targeted on Western Europe. The SS-20, with three independently targetable warheads, combined greater accuracy and increased range with mobility. In the context of an already comparatively weak allied intermediate-range deterrent, the deployment of the SS-20 presented the West with a significant military challenge.

ROLE OF FLEXIBILITY

For over two decades, NATO has relied on a policy of "flexible response" to deter the Soviet Union from initiating an attack on any members of the alliance. Flexible response developed out of a recognition in the early 1960s that an American threat to retaliate massively against Soviet aggression, utilizing American-based missiles and bombers, would not be credible as the Soviet Union developed a large intercontinental nuclear capability of its own. For deterrence to hold, the allies had to demonstrate the ability to respond effectively to Soviet aggression, if required, at levels below that of massive retaliation.

The Soviet Union and its Eastern European satellites possessed, and continue to possess, conventional superiority in the European theater. Soviet improvements of the INF systems in the 1970s threatened the military balance at the nuclear level. To restore the balance and ensure that flexible response remain credible, NATO had to respond by upgrading its own INF systems.

In December, 1979, NATO decided to counter the Soviet SS-20 with the deployment of 108 Pershing 2 missiles and 464 ground-launched cruise missiles (GLCMs). Deployment was scheduled to begin in 1983 in five European countries, Great Britain, Belgium, the Netherlands, Italy and West Germany, and was accomplished in spite of significant political opposition in those countries.

The NATO decision on INF in 1979, however, had "two tracks." While the alliance decided the maintenance of European security required the deployment of weapons systems comparable to the SS-20, the allies also agreed to seek their eventual elimination through negotiations with the Soviets. In keeping with the allied position, when negotiations on INF began in November, 1981, the initial proposal of the United States was for the dismantlement of all U.S. and Soviet INF systems, the so-called "zero-zero option."

Since 1981, both sides have put forth numerous proposals and challenged the other's commitment to real progress. To the surprise of many, at the Reykjavik summit, the Soviet Union dropped its longstanding position that the independent nuclear forces of France and Britain be included in the INF negotiations. Then, in February, 1987, Moscow dropped its previous insistence that an agreement limiting the Strategic Defense Initiative (SDI) be concluded prior to one over INF.

Within the last few weeks, the Soviet Union made a series of additional crucial concessions. Although far from agreement on the details, both sides were already prepared, in principle, to agree to a reduction in INF systems that would leave the United States and the U.S.S.R. with 100 warheads each. On July 22, Moscow made an even more significant concession in accepting a longstanding American offer to eliminate globally all land-based, intermediate-range missiles.

An agreement based on a global zero-zero option would certainly be easier to verify than one in which both sides were left with 100 warheads each. American officials have already indicated that agreement on the verification provisions of an accord such as this would be easier to reach.

In spite of this progress, critical differences between the American and Soviet positions remain. Nevertheless, an agreement to reduce the level of nuclear armament, rather than manage its escalation, is apparently within view. The alliance is close to realizing the outcome envisioned in the 1979 two-track decision on INF. However, an INF accord will not be agreed to in a vacuum. An agreement, based on the double-zero option, carries with it a number of serious military and political challenges for the West.

Gen. Bernard Rogers, recently retired supreme allied commander in Europe, has been one of the harshest critics of the prospective INF agreement. During General Rogers' eight-year tenure at the helm of allied forces in Europe, the alliance has made significant progress in upgrading, modernizing and integrating its conventional defense capability.

Even with these improvements, and even given NATO's technological edge, the Warsaw Pact continues to enjoy substantial numerical superiority. In addition, the phenomenal growth in recent years of the Soviet Atlantic fleet poses a formidable threat to the ability of the United States and Canada to reinforce allied positions in Europe.

Generals Rogers argues that, given the conventional imbalance of military power, the zero-zero option will ultimately mean the decouping of Europe from the American nuclear deterrent, forcing the West to revert back to a non-credible policy of massive retaliation to deter aggression and keep the peace. In Rogers' view, this places NATO in a decidedly worse position than in 1979 before the alliance undertook the decision to deploy the Pershing 2s and GLCMs in Europe.

Others, notably former President Nixon, Secretary of State Kissinger and Sen. Sam Nunn of Georgia, have also expressed concern about the implications of an INF accord. They add that an INF agreement will only contribute to stability in Europe if an agreement can be won to reduce the level of conventional forces in Europe.

Negotiations on conventional forces have been under way for over a decade, but an agreement is nowhere in sight. To ensure deterrence holds, NATO will have to improve the quality of its conventional deterrent. A further emphasis on improving conventional forces, beyond that already planned, means that every member of NATO, including the United States, will have to spend more on defense, over and above projected spending to maintain the present force structure.

Estimates about the required increase for NATO's total defense spending vary. Reasonable estimates range from $10 billion to $40 billion, or approximately 4.5% real growth in NATO defense spending.

ANOTHER POSSIBLE STRAIN

Where that funding will come from is a potential source of conflict that could lead to additional strains within NATO. The United States certainly is not in a position to shoulder the financial burden alone, nor should we be expected to do so. The allies recognize that improvements in the conventional defense of NATO must be equitably borne on both sides of the Atlantic.

While the members of NATO are committed to increasing their commitment to the common defense, progress has always been spotty and uneven. That is a fact of life for a nearly 40-year-old alliance of 16 democratic societies. Yet we must recognize that an INF accord will have a price. To maintain the same level of commitment to the defense of the West, the United States and its allies will have to spend more and use its resources more wisely. It would be dangerous to enter into any agreement without attempting to determine how NATO will more equitably share the burden.

Arguments about burden-sharing, however, are indicative of more than a debate over who is spending how much. Policy differences between the United States and is allies have arisen more frequently in recent years. Terrorism, the situation in Central America, and how to respond to the latest developments in the Persian Gulf are but three of the latest issues which have divided Western opinion with varying degrees of severity.

ALLIED CONSULTATIONS

After nearly four decades, the emergence of divergent views between the United States and its allies on a number of issues affecting international security are to be expected. European concern, however, that the United States did not adequately consult its allies prior to the Reykjavik summit on issues deeply affecting European security is an indication that the differences among the allies may be greater than is generally conceded.

A prospective agreement on INF forces in Europe is not an end in itself. The dismantling of intermediate-range nuclear forces, on both sides, will require adjustments in Western defense in order to maintain a credible deterrent capable of maintaining peace. Those adjustments will have political consequences. In order for an agreement to be in our interest, the public, on both sides of the Atlantic, must be aware of the implications and be prepared to ensure that the consensus among the allies on the nature of the threat to the West, and how best to deal with it, be maintained. If that consensus breaks down, what victory there might be for the cause of arms control could be a Pyrrhic one.

RECOGNIZING ELDON LESLIE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. GORDON. Mr. Speaker, I would like to pay tribute to Mr. Eldon Leslie who is being honored this month for 20 years of service to his community as the executive director of the Putnam County Chamber of Commerce.

As the owner of two businesses himself, Eldon Leslie understands the problems and concerns of business-people. Since 1967, Eldon Leslie has used that understanding to assist others, dedicating himself to promoting the economy of the Upper Cumberland region without regard to personal gain.

Eldon Leslie has represented Tennessee on missions promoting trade with other countries. He also has served the United States as a Presidentially appointed observer of the Panama Canal Treaties and a member of the Citizens Advisory Committee on the SALT II Treaties.

He has succeeded in bringing new business to Putnam County and to the city of Cookeville. He also has helped neighboring counties in their development efforts. Eldon Leslie has always done what he could for business-people and their customers.

In order to honor Eldon Leslie, a scholarship program has been established in his name at his alma mater, Tennessee Technological University, located in Cookeville. The scholarship program will be ongoing and funds will be used to assist students from the Upper Cumberland area of Tennessee who enroll at Tennessee Tech.

I am proud to join the many people in the Upper Cumberland region and throughout Tennessee in honoring the accomplishments of this fine gentleman.

A LEADER AND A GUIDING LIGHT; A TRIBUTE TO DR. PEDRO C. SANCHEZ

HON. BEN BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. BLAZ. Mr. Speaker, during the August congressional recess, the people of Guam lost a very special leader and I lost a very dear friend. I feel a sense of deep sadness and profound loss at the passing of my boyhood friend, Dr. Pedro Sanchez on August 17 at Queens Medical Center in Honolulu. He was 62 and is survived by his beloved wife, Florida, and their seven children.

Known affectionately to the people of Guam as "Doc," Pete Sanchez was an exemplary man—a true rock of the community as an educator, administrator, historian, publisher, and political leader.

He was a man of intellect, learning, wisdom, distinction and achievement , but Doc was admired and loved, most of all, for his moral courage and human compassion.

He was one of a kind. He was gifted in every conceivable way, especially in his relationships with people. He was at ease with the rich as well as the poor, and treated everyone with respect and dignity.

Above all, he was a deeply spiritual man with superior moral integrity and courage. He was a guiding light of Citizens for a Decent Community, a community effort to rid Guam of pornography and other threats to the morals of our younger generation. He was a moving force in our effort to establish a new political relationship with the U.S. Government.

His value to our community was best evidenced by his election to the 19th Guam Legislature and selection as chairman of the Guam Legislature's Committee on Federal, Foreign and Legal Affairs as well as vice chairman of the Commission of Self-Determination.

He was a pioneer in public education in our territory and former president of the University of Guam. Doc also served his country with great distinction in educational administration, serving as commissioner of education for the Virgin Islands, director of education for American Samoa and in the Federal Department of Education. He also served as Deputy Director of the Peace Corps in the Philippines.

Though our territory has lost a man of many accomplishments, his spirit and example will never be forgotten. The legacy of his leadership and his positive influence on the young and old in the territory and the nation endures.

SSC NOT AT ODDS WITH UNIVERSITY RESEARCH

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. FAWELL. Mr. Speaker, one of the most prominent misconceptions surrounding the Superconducting Super Collider is that small science, such as university research, will suffer for the sake of large-scale projects like the SSC. This argument underestimates the administration's commitment to other sciences and the importance of universities to high energy physics research.

Both the administration and the high energy physics community have made clear that the SSC must not be at the expense of other sciences. It is rarely noted that, prior to the President's approval of the SSC, the administration had proposed doubling the budget for the National Science Foundation over the next 5 years. The administration has also approved construction of a replacement space shuttle ($2.1 billion) and space station ($20 billion when transportation is included). The SSC promises no fewer benefits for our Nation's scientific and technological enterprises than the space program, though one rarely hears criticisms that the space program is robbing other sciences of funds.

Contrary to popular belief, the SSC—like the NSF—will primarily benefit "small science" and university research. The SSC, like the existing accelerator facility at Fermilab, will be operated by a consortium of 70 universities. Typical research teams that will use the SSC will include one professor, an assistant professor, and a handful of graduate students and postdocs. Hardly big science. Experimental data will be openly available to all. Rather than rob universities of research funds, the SSC will improve the research and educational capabilities of our Nation's universities by providing them ready access to a state-of-the-art research facility.

It is also fiction to state that high energy physics is too remote or esoteric for practical benefit. One need look no further than the present graduating class of doctorate students. Only half of today's Ph.D.'s in high energy physics remain in the field. The rest fan out into industry, medical research, health, and a variety of other fields, taking with the scientific and technical skills they learned from physics. In addition, the scientific expertise at facilities such as the Fermilab often yields practical results. In a recent example Fermilab played a principal role in the design of the Nation's first hospital-based accelerator, which will be used for the treatment of cancerous tumors.

Just as important is the fact that the scientific knowledge gained from high energy physics impacts so many other diverse areas. The astrophysics and cosmology communities, for example, are counted among the strongest supporters of the SSC. The history of practical physics has also clearly shown that there are practical benefits to this research. Over one-third of the products and industries that constitute our Nation's GNP rely on knowledge of the atom. Clearly, then, there is nothing remote about the fundamental study of nature, a quest that mankind has been pursuing in various ways for thousands of years.

History has also shown that the construction of newer and more powerful accelerators has not come at the expense of other sciences. The same criticisms against the SSC were raised when the Fermi National Accelerator Laboratory and other accelerator facilities were constructed in the 1960's and 1970's. Yet high energy physics did not "gobble up" other sciences. Instead, just the reverse happened. The percentage of Federal basic research funds for high energy physics declined from 11 percent in the 1960's to only 7 percent today. Clearly the Nation found a way to fund physics and other sciences as well.

Legislation is currently pending in Congress to authorize funds for the SSC in fiscal year 1988. At last count H.R. 3228, introduced by Congressmen Bob Roe (D-NJ) and Manuel Lujan (R-NM), has over 230 cosponsors—well over half of the House of Representatives. Skeptics will claim that cosponsors were motivated only by their interests in the SSC competition. However, I believe that their support reflects a growing awareness on the part of Congress that the future health of our Nation's industries and economy requires greater investment in civilian research and development. Basic research—long-term and often unpredictable—is a unique responsibility of the Federal Government and offers untold benefits for the future. The SSC will benefit our Nation's universities and research capabilities and deserves our full support.

TRIBUTE TO ASHCOMBE FARM AND GREENHOUSES

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. GOODLING. Mr. Speaker, today I would like to recognize the silver anniversary of a unique and wonderful enterprise in Mechanicsburg, PA. For 25 years Ashcombe Farm and Greenhouses has been growing in size and reputation, building quite a following amongst inhabitants in my district.

Glenn M. and Mary Ellen Gross modestly began marketing homegrown farm products at a tiny country roadside stand in 1962, and have since seen Cumberland County's most unusual farming operation expand to 90 acres, 40 greenhouses and matching marketing and other facilities at 906 Grantham Road.

A program of pick your own small fruits—blueberries, strawberries, red raspberries, and black raspberries—gives Ashcombe's customers a unique experience to which has recently been added pick your own flowers.

One of its newest departments, Ashcombe's Country Creations, is wholesaling dried floral designs up and down the east coast, with concentration in Baltimore and Washington. More than 30 flowers are grown for dried flower processing for this unusual market. Dried flower arrangements provide the improbable mix of the sophisticated and the rustic, bringing a "quaint beauty and lasting quality." The new marketing venture has also created a number of new jobs for the local economy.

Over the years Ashcombe's has built a relationship with the prestigious 2-year Professional Gardeners Program at Longwood Gardens in Kennett Square, PA. The traditional two-way flow of staffers and program graduates is a measure of Ashcombe's recognized place in horticulture.

Ashcombe's, where Governors have shopped and whose flowers have added beauty to the White House, marked its 25th anniversary in August.

IN HONOR OF THE HONORABLE AND MRS. BERNARD NEWMAN

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. GREEN. Mr. Speaker, I rise today to offer special recognition to the Honorable and Mrs. Bernard Newman and to their many contributions to New York and the Nation.

A lifelong resident of New York, Judge Newman is proud of his humble beginnings. He is the son of the revered Isidor and Sarah Newman, who were noted on the Lower East Side for their leadership in orthodox Jewry, and for their many good works. Judge Newman is married to his college and law school classmate, Kathryn Bereano.

An honor graduate of the college and law school of New York University and an associate editor of the Law Review, Bernard Newman is a lawyer's lawyer and a judge's judge. He has proved an outstanding asset to our Federal and the New York State judicial system, holding the unique distinction of appointments to the bench by a mayor, a Governor, and a President.

Bernard Newman's contributions to academic, political, and community affairs are sundry and include: Chairman of the New York County Republican Committee; president and governor of the N.Y.U. Law Review Alumni Association; and director of the Anti-Defamation League and two synagogues.

Finally, Judge Newman is a gentleman of profound wisdom, integrity, and generosity, and a man of great compassion. He is an awardee of numerous alumni, professional and civic honors, including the Judge Edward Weinfeld Award and the International Trade Service Medal.

Kate Newman, also an honor graduate of the N.Y.U. college and law school and editor of the Law Review, was her husband's law partner until he was appointed to the Federal bench in 1968. Kathryn maintains an active law practice in the areas of corporate, real estate, trust and estate matters, and serves by appointment as an administrative law judge.

Kate's parents, Dr. and Mrs. Philip L. Bereano, were prominent Zionists in Israel's pre-independence days; her uncle, Abraham Goldberg, was world renowned as an author and lecturer.

Mrs. Newman's professional and civic service include: Judicial appointments as special guardian and guardian ad litem; New York

Women's Bar Association; Mayor Lindsay's committee to "Save the Old Metropolitan Opera House"; member of Local School Board No. 4, Manhattan; Special Assistant Attorney General for Elections; and N.Y.U. Law Review Alumni Association Board of Governors.

The Newmans are annual donors of a scholarship at N.Y.U. and a Silver Bowl Award for the runner-up finalist team in the National Moot Court Competition. They are extremely proud of their two daughters, Helene and Phyllis, and their five grandsons.

I request my colleagues to join with me in extending best wishes to the Newmans on the special occasion of their birthdays and wish them continued health and happiness in their life together.

COMMENDATION TO THE PILOT CLUB OF BAYTOWN, TX

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. FIELDS. Mr. Speaker, earlier this year a women's service organization in my congressional district, the Pilot Club of Baytown, undertook a new project for which they have received recognition.

In June 1986, the club's education leader, Lois Snead, saw a television show about a Latchkey Children Self Care Training Program. She contacted Jeri Neeley, a volunteer Texas crime prevention specialist from Pasadena, TX, for assistance in starting the program in Baytown. The Pilot Club of Baytown approved the idea as a joint safety-education project.

Subsequently, the Service League of Baytown joined the Pilot Club in the joint effort. The Latchkey Children Self Care Training Program then was presented to Dr. Bill Kennedy, superintendent of the Goose Creek Consolidated Independent School District, who enthusiastically approved the program and volunteered the support of the school district.

The Latchkey Children Self Care Training Program is a model program of the Texas Crime Prevention Association for students from kindergarten through fifth grade. Children are trained in four areas: door safety, telephone safety, fire safety, and personal safety.

Pilot Club member and elementary school principal Sandra Northcutt was responsible for recruiting school district teachers, including a bilingual teacher, for the 1-day training session to be held on January 31, 1987. The Texas Crime Prevention Association assisted by providing manuals for planning purposes. Sandra Northcutt's enthusiasm for and dedication to the project attracted 28 teachers who shared her spirit.

General Telephone Co. was responsible for the presentation on telephone safety. Under the direction of the company's local general manager, the children were taught how to use various types of pay telephones and how to deal with unwanted telephone calls in the home.

The Baytown Fire Department presented information on fire safety. Included was information about exit drills in the home and demonstrations of the "stop, drop and roll" technique to avoid fire, and the "get low and go" technique to avoid smoke.

A Baytown Police Department instructor assisted Jeri Neeley in instruction for the parents as well.

The Goose Creek School District reproduced the materials, distributed the registration forms, encouraged their teachers to participate, and provided the training site.

The Pilot Club members scheduled the classes, obtained the teachers, prepared the teaching materials and planned a teacher training session. The local newspaper and radio station provided advance publicity. Posters were distributed throughout the community and flyers were sent home with the schoolchildren.

The mayor of Baytown even issued a proclamation recognizing the value of the Latchkey Children Self Care Training Program.

More than 350 children attended the four-class session. Approximately 350 parents attended the parents' training sessions. The program evaluations were overwhelmingly positive. The consensus was: do it again and soon.

The parents felt that the program filled a great need in the Baytown community. One of the greatest strengths of the program was that both parents and children received the training so that parents may reinforce what their children were taught.

The Latchkey Children Self Care Training Program project initiated by the Pilot Club of Baytown is a fine example of community organizations working together for a common cause. The club's efforts were duly recognized during the 66th annual Pilot International Convention held July 25–28, 1987, where the Baytown club received a first place safety certificate award. The project was recognized further by the Allstate Foundation/Allstate Insurance Companies which presented to the club a check for $500. Club president Dorothy Nell Ammons and president-elect Maryon Babin represented the club during the award presentation.

Mr. Speaker, now I want to offer my commendation to the Pilot Club of Baytown for their meritorious community service. Thank you, Pilot Club of Baytown.

H.R. 2497

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. BRUCE. Mr. Speaker, I would like to bring to the attention of my colleagues testimony I presented yesterday to the Committee on Ways and Means. This is vital legislation for our Nations' energy industry as well as my congressional district and I appreciate the opportunity to present my remarks in the RECORD.

Thank you, Mr. Chairman, for the opportunity to appear before you and the members of the House Ways and Means Committee. The focus of today's hearing, H.R. 2497, is of great consequence to my district and to the Midwest. Therefore, I am especially pleased to be able to offer my comments on this legislation. My concerns are with the fairness of the approach taken in this legislation and with promoting the process by which the House can expect to ultimately act on air pollution control legislation.

Mr. Chairman, as you may know, the Energy and Commerce Committee members began informal discussion of revisions to the Clean Air Act before the August recess. I believe that forum offers the best chance of reaching an agreement on the unresolved scientific, environmental and regional issues which currently stymie emissions control legislation. To single out one region, or one or two pollutants for control, undermines the coalition building necessary for the effort to reach a compromise which is acceptable to all the participants in the debate on air borne pollutants.

This year, discussion of changes to the Clean Air Act take on special importance. On January 1, 1988 over seventy cities are expected to be out of compliance with the ozone standards set by the Act—the EPA has threatened many of these cities with sanctions for failure to comply. In addition, the debate over acid rain is not yet resolved and there are new initiatives on air toxics and ozone-depleting chlorofluorocarbons.

The goals of H.R. 2497 are laudable, sulfur dioxide and nitrogen oxide are two pollutants that contribute to several environmental problems. We must, and will, find a practical way to reduce emissions of these pollutants. The legislation before us would tax two types of emissions that are present nationwide and therefore the bill aims to reduce these emissions. However, I must note that there is nothing in this bill that guarantees any reductions in any pollutants—or even any precursors of pollutants. In fact, H.R. 2497 can only hope to succeed by delivering repeated body blows to regions like the one I represent. And eventually such measures would be the knockout punch to our rural economy which is already reeling from years and years of persistent economic recession. As H.R. 2497 now stands, other areas would not contribute an equitable share to reducing what is clearly a national pollution problem. One region should not bear the brunt of the cost of cleaning up what is a national problem.

The specific costs of H.R. 2497 to my region are estimated by a National Coal Asoication study which revealed that the annual emissions tax which would be owed by utilities serving my district to be as follows: Illinois power—$7 million; Central Illinois Public Service—$17 million; and Central Illinois Light Company—$13 million. Illinois Power estimates that the cost of investing in the pollution control equipment, the increased operation and maintenance costs, and emissions taxes would require an increase to the ratepayers of approximately 20 percent. These additional costs, in some cases will come on top of rates which already reflect the costs of recently constructed scrubbers on high-sulfur coal burning plants.

I understand that the staff of the Joint Tax Committee has raised several points of concern regarding the HR 2497. Since the bill would raise utility rates we could expect an increase in domestic manufacturing costs. In addition, the bill requires costly monitoring of emissions in order to calculate the emissions tax owed. Finally, the bill would discourage the use of high sulfur coal. This final point is of great concern to my region. The mining economy is already on the ropes have lost tens of thousands of jobs in the last few years. It will be difficult for my region to support legislation that offers little or no protection to our coal mining industry unless all the Clean Air Act issues are on the table.

The Office of Technology Assessment has estimated that this approach would bring sulfur dioxide emission reductions in the range of 6 million to 10 million tons. However, it is quite possible that many utilities would find it more economic to pay the tax than pay the cost of cleanup. If this is indeed the case then my region would face a big jump in utility rates without any attendant benefits to the environment through sulfur dioxide emissions.

Of greater certainty is the liklihood that many utilities will have no choice but to pay the tax on nitrogen oxide at many facilities. While there are technical and operational problems associated with reducing sulfur dioxide emissions, reducing nitrogen oxide emissions is even more difficult. Utilities in my area could go ahead with "low NO_x burners" at some of the plants in my district. The cost of Illinois Power for building "low NO_x burners" at four plants by 1991 would be about $10 million. All of which will, in one way or another, be passed on to the individual ratepayer.

However, utilities which operate cyclone boilers would face an even greater problem in reducing nitrogen oxide to escape the emissions tax. Cyclone boilers cannot be retrofitted with low NO_x burners to reduce NO_x emissions. Selective Catalytic Reduction (SCR) is the only technology which has the potential to reduce nitrogen oxide emissions from cyclone boilers. Unfortunately, SCR has only been demonstrated on boilers rated below 250 Megawatts which burn either low sulfur coal or oil. The cyclone boiler retrofit problem will affect utilities in my district and around the country where there are currently 68 cyclone burners in operation. These utilities will have no choice but to pay the nitrogen oxide tax until the utility is retired. So, in at least these instances, the result of this bill would be only to increase taxes in my area and there would be no reduction in nitrogen oxide.

With this legislation, I understand that the gentleman from New Hampshire has gone to considerable effort to address some of the usual—and well founded—objections to regulatory approaches to controlling sulfur dioxide and nitrogen oxide. I am not sure that it is possible to fine tune H.S. 2497 to a point where it would be acceptable to my region and recognizable by the author. However, I strongly urge to this Committee the importance of continuing the effort to reduce all air borne pollutants as a part of comprehensive revisions to the Clean Air Act rather than by a piecemeal approach.

By singling out two pollutants, nitrogen oxide and sulfur dioxide, this legislation ignores the major role played by hydrocarbons in the damage often associated with acid rain, as well as the formation of ozone. While nitrogen oxide plays a role in ozone formation and forest damage, hydrocarbons are a key ingredient. The Congressional Research Service, in discussing alternative emissions control strategies, states that, "unless the NO_x provisions were strong or hydrocarbons included in the program, crops or forests would probably benefit little." Given the likelihood that utilities would, in many cases, find it more economic to pay the nitrogen oxide tax rather than reduce emissions, and given the absence of hydrocarbon controls in H.R. 2497, I am concerned that we would see little progress in crop and forest damage with this approach.

The advantage of pursuing a comprehensive revision of the Clean Air Act would be new measures to combat nitrogen oxide and sulfur dioxide as well as hydrocarbons. In addition, the Clean Air Act is the proper forum to discuss the question of air toxics and Chlorofluorocarbons (CFCs). Our best chance at making progress with each of these pollutants with emissions control legislation is when all of them are on the table at once. That is when regions, industries, and lawmakers can strike a bargain. When a region or industry is singled out, compromise is difficult or impossible.

Mr. Chairman, I represent a part of Illinois which is still looking for the economic recovery we've heard so much about. Of the eighteen counties which I represent almost all of them have double digit unemployment. This is not news in my district. We've had this level of unemployment dating back to the start of the recession in 1980. The average unemployment rate in my district is about 15%—at times it has been as high as 20%—this has been the case for seven years.

In addition, the population in my district is relatively old. In some of our counties up to 20% of my constituents are over 60—in one country the figure is 27%.

My region has already suffered the collapse of the farm economy. We have seen plant closings in shoes, textiles and heavy industry. Many of our products and crops are aimed abroad—with each trade deficit figure worse than the one before it my district faces shrinking markets for its goods.

My district in downstate Illinois is an energy producing region with significant oil and gas production in addition to eight coal mines. The low tide in the energy industry hurts us, too.

We already face some of the highest utility rates in the country. And our many ratepayers are old and on fixed income, or unemployed.

To further increase these rates with legislation such as H.R. 2497 would hit my constituents hard and further damage our declining industries. To increase these rates without asssurance of significant pollution control is absolutely unacceptable to us.

These concerns are really about fairness and the process of emissions control legislation, and until these concerns are address I am reluctant to bring my constituents another round of bad news on the economic front. Thank you Mr. Chairman.

HONORING OUR CONSTITUTION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. MOORHEAD. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives a significant number of events, which will occur within the 22nd Congressional District of California during Constitution Week, September 17 to 23, as part of the national celebration of the signing of the Constitution of the United States.

These celebrations will honor our Constitution, which the Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish for the United States of America. A sign of its uniqueness and greatness is that the Constitution has endured to this day as one of the most significant documents ever created by mankind. Our Constitution has served as a model charter for freedom-loving peoples around the Earth, who share our sentiments for responsible government and guaranteed liberty.

Constitution Week is also meant to call our attention to this great document because it is important that all citizens fully understand the provisions and principles which have guided our country for 200 years and will continue to lead us into our third century. The bicentennial celebration of the signing of the Constitution provides the opportunity for all Americans to learn about and recall the achievements of our Founding Fathers, and to reflect on the rights and privileges and responsibilities of citizenship.

Throughout the 22nd Congressional District of California a number of celebrations will take place to honor the signing of our Constitution and to give thanks for the freedom and liberty it has given to each of us.

Mr. Speaker, it is a privilege for me to congratulate those persons who have given of their time and energies to make Constitution Week, and all it represents, a memorable event.

LORETTA P. CHMURA HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. KANJORSKI. Mr. Speaker, I rise to bring to the attention of my colleagues an exceptional citizen from my hometown of Nanticoke, PA, who will be honored in a ceremony this Sunday. I am proud to join my friends and neighbors in honoring Mrs. Loretta P. Chmura for her outstanding contributions to our community.

A native of Newport Township, Loretta has devoted her entire life to serving the people of the Wyoming Valley in a wide variety of capacities. As the director of recreation and volunteers at St. Stanislaus Medical Care Center for the past 13 years, Loretta has gone far beyond the expected duties of her job. She founded the "80's Club," which has raised over $90,000 for the center, and has organized many of the club's dinners and bazaars. Loretta currently serves as second vice president and publicity chairman.

For the past 20 years Loretta Chmura has been a leader in the drive for charities by the United Way of Wyoming Valley. She has served as solicitor, general chairperson of all metropolitan divisions, and south metropolitan division chairperson. The American Red Cross, the General Pulaski Committee of Luzerne County, and the American Legion Auxiliary have all benefited from Loretta's leadership abilities and endless energy.

It is a cliche that when you want something done, you call on the busiest person you know. Loretta Chmura has been answering that call for more than 20 years now, and I am glad that we have this opportunity to thank her for her devotion to making our community in northeastern Pennsylvania a better place to live. Mr. Speaker, I am proud to stand before the House of Representatives today to honor one of Wyoming Valley's finest citizens, Mrs. Loretta Chmura.

TRIBUTE TO JACKIE JOYNER-KERSEE

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. PRICE of Illinois. Mr. Speaker, at this time, I would like to pay tribute to Jackie Joyner-Kersee of East St. Louis, IL.

She is truly a superwoman and a super athlete.

Recently, Ms. Joyner-Kersee won the heptathlon and long jump at the World Track and Field Championships.

Jackie Joyner-Kersee first won the heptathlon by a staggering 564 points. She rang up the highest first day total (4,256 points) in history, with a 12.91-second clocking in the 100 hurdles, a 6 feet 2¾ inch high jump, a 52 feet 6 inch shotput, and a time 22.59 in the 200. A tremendous accomplishment for a tremendous athlete.

Her years of difficult training and perseverance have richly paid off. Her phenomenal athletic achievements are truly inspirational.

Jackie Joyner-Kersee, I salute your spirit and dedication. I salute your skill and determination. I salute you.

A TRIBUTE TO BRIAN WILLSON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Ms. PELOSI. Mr. Speaker, let me bring to your attention today the story of Brian Willson and his struggle for peace. Brian Willson is one of those extraordinary individuals who gives us hope and courage as we seek an harmonious world.

On September 1, Brian suffered the loss of his legs under the impact of a munitions train while participating in a peaceful demonstration at Concord Naval Weapons Station in California. I ask you now, how could a man who risked his life in Vietnam, who survived a 40-day fast for life, and who marched for peace across Nicaragua, come so close to losing his life in a peaceful demonstration in his own country?

In order to foster democracy around the world we must first set an example at home. A peaceful demonstration in support of any issue in a democracy is a right of our people. No one working for peace should ever face this kind of violence.

Brian's commitment to fairness, justice, and good will unifies us all. The tragic irony of a nonviolent demonstration ending in a near loss of human life, tells us that our mission, Brian's mission, is not over.

I have joined with Representative MILLER, Representative DELLUMS, and Representative BOXER from the bay area in calling for an investigation by the House Armed Services Committee.

I pray for Brian's recovery and for peace in the world.

HONORING EUGENE F. FLAHERTY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. CONTE. Mr. Speaker, each of the small communities in the First Congressional District of Massachusetts has its own identity and is populated with people who shape it, nurture it, and prepare it for the future. Key to maintaining that identity are partnerships between the towns, their businesses, their governments, and the people. Quite often, the mantle of responsibility falls upon certain individuals who care enough about their town to serve as facilitators, spokesmen, and leaders on efforts that improve the quality of life for all.

Easthampton, a small manufacturing town in the Connecticut River Valley, has been fortunate for many years to have been the passionate cause of Eugene F. Flaherty. A retired businessman, Gene Flaherty has served as the president of the town's Chamber of Commerce, as chairman of the Board of Public Works, and in numerous other civic and town organizations.

On July 26, Gene's many friends and admirers gathered to dedicate the Eugene Flaherty Municipal Parking Lot. The dedication of the lot was the culmination of many years of work by Gene, local and State officials, and my office to secure community development block grant and other funds necessary to complete the project. The new $400,000 parking facility is expected spur business development and expansion in the industrial section of Easthampton and provide relief for the many workers who earn their livings in the town's manufacturing sector.

Eugene Flaherty has been an inspirational leader in his hometown—a successful businessman, a tireless advocate, and a warm, caring example of civic responsibility. I salute him and his lovely wife Reggie on their many achievements, and I appreciate this opportunity to inform my colleagues of his success.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT: A GOLDEN ANNIVERSARY

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. BROWN of Colorado. Mr. Speaker, the golden anniversary of the Northern Colorado Water Conservancy District today is a cause for celebration. It represents 50 years of human effort and technological advancement in water development and management. It also is a day to celebrate the vision of Colorado's earliest settlers in improving our environment and providing water for future generations.

The second half of the 19th century brought many to Colorado in search of gold and a better way of life. While the yellow metal brought fortune to only a few, farming and livestock provided a livelihood to many. Communities such as Greeley, Fort Collins and Loveland rose from the dry prairie, and irrigation became a necessity. In Colorado's arid climate, it became apparent that water, not gold, would be the State's most precious resource. Meeting this challenge, Colorado's pioneers developed the water storage and irrigation methods that permitted our State to prosper and grow.

When the Northern Colorado Water Conservancy District was formed in 1937, the cornerstone of water development and conservation had been laid. Its task, however, was to provide for the future. With increased agricultural production and rapid economic development along the Front Range, more water was essential.

Colorado's leaders in the 1930's—people such as Colorado House Speaker Moses E. Smith of Ault, Greeley Tribune Editor Charles Hansen, Colorado A&M President Charles Lory and State Senator Alva B. Adams of Pueblo—worked together to assure northern Colorado of a stable water supply. Their efforts culminated in the Colorado-Big Thompson project, which was completed in 1956.

Today the Colorado-Big Thompson adds an average 240,000 acre-feet of water to the South Platte River Basin. The recently completed Windy Gap project adds another 50,000 acre-feet annually.

The Northern Colorado Water Conservancy District not only has lead the way to developing new water resources, it has been at the forefront in conserving our water resources. Recently, working closely with environmental groups, the district played a key role in making the Cache La Poudre Colorado's first federally designated wild and scenic river. The compromise that was reached between the water and environmental communities advanced the interests of both groups and was in the best interest of the people of northern Colorado and the Nation. All Coloradans should be proud of this achievement, which should serve as a model for resolving other difficult environmental issues. The key was working for a common cause—protecting our heritage and preparing for the future.

As we celebrate the past, we must continue to look to what lies ahead. The successful management of our water resources will require a spirit of cooperation among all of us in Colorado.

My hope is that this anniversary will remind us of the foresight of our past and inspire us with a similar vision for our future. Working together we can continue to maintain Colorado's natural beauty and ensure having the water to sustain future generations.

CONGRATULATIONS TO ROBYN, KEVIN, AND THE TWINS

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. CLARKE. Mr. Speaker, there is no greater blessing that God can bestow on a married couple than the birth of a daughter or son. Of course, awaiting the first child is always nerve-wracking and tense, experiencing such a marvelous wonder for the initial time. Imagine though the feeling for the couple that has twins! The joy and excitement of such a moment is hard to describe. Mrs. Clarke and I know this feeling since we were fortunate to have twin boys.

Late last year, Kevin and Robyn O'Connor had the good fortune to be parents for the first time and second time, as well. They became the proud parents of two beautiful boys, Ryan Patrick and Kyle Thomas. Even more interesting is that the two boys were born on different days: Ryan at 11:58 p.m. November 9, 1986, and Kyle at 12:02 a.m. November 10, 1986. It turns out, however, that the delivery was too much for the new father—he collapsed and had to be attended too by the team of specialists helping deliver his newborn sons.

I have had the pleasure of knowing Kevin and Robyn since first coming to Congress in 1983. Kevin currently works on the staff of the Architect of the Capitol, and Robyn is a former employee with the Senate Sergeant at Arms' Office. Since meeting them almost 5 years ago, we have developed a warm friendship. We were even fortunate enough to attend their wedding in November 1985.

Mr. Speaker, as Robyn and Kevin bring up this new family there will undoubtedly be many challenges. But I have great confidence in both of them as people and as new parents. We wish to extend to them and their 10-month-old sons a happy and fulfilling life together and we look forward to continuing our close relationship with them.

NATIONAL POW/MIA RECOGNITION DAY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Ms. SLAUGHTER of New York. Mr. Speaker, Public Law 100-102 designates September 18, 1987, as National POW/MIA Recognition Day. I am proud to have cosponsored this legislation and urge all Americans to take time on that day to remember and honor those who have been prisoners of war or who are listed as missing in action.

Prisoners of war have endured unique hardships and sacrifices while serving our Nation. I am honored as a U.S. Representative to have a part in expressing gratitude for this extraordinary service. We recognize our debt, not only to those who actually suffered internment, but also to their families. The stress of separation and anxiety over the well-being of their loved ones exact a very real and terrible emotional price from both prisoners and their families.

On this day of recognition, we must also remember the special tragedy of the families of those listed as missing in action. The anguish of years of uncertainty takes an enormous toll on families, friends, and relatives. Their heroism and sacrifice must be acknowledged.

While, as in all wars, a complete accounting of those listed as missing is not possible, I join concerned Americans across the country in reaffirming our Nation's commitment to obtaining the fullest possible accounting of those missing in Southeast Asia. Despite the excruciatingly slow progress in completing this accounting, the recent agreements between the United States and Vietnam and Laos do give hope of renewed progress.

Our Nation and each of us as citizens owe a debt to all those men and women who have served to defend our freedom and who have been captured as prisoners of war or have been listed as missing in action. I urge all Americans to join me in recognizing and remembering this service on September 18—National POW/MIA Recognition Day.

THE 40TH ANNIVERSARY OF WJDA

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1987

Mr. DONNELLY. Mr. Speaker, I would like to share with my colleagues news of the anniversary of a valued friend and service to our community. WJDA, the South Shore radio station based in Quincy, MA, celebrates its 40th anniversary on September 13. Over the last 40 years, since its foundation by the late James D. Asher, the station has provided a unique service; unique in that it combines commercial popularity with a level of public dedication that is no longer often found in the world of broadcasting.

WJDA is a small-scale radio station by today's standards. Its broadcast strength is only that of 1,000 watts, its broadcasting day only 12 hours long. Yet the station consistently remains one of the top 20 in Boston. This success, unusual for a suburban radio station, is built on a mix of programming where quality is the keystone. The station has won several United Press International and Press Association awards for its public affairs documentaries and sports coverage. It has been the recipient of almost two dozen awards and commendations from community and civic bodies, such as the American Legion, the American Red Cross and Rotary International, to name but a few, for its contribution to local affairs. A major part of this service is the care the station takes to broadcast as many of the public service announcements it receives as is possible during its broadcast day.

Typical of the kind of radio station that it is and the people that make up the WJDA team, several of whom such as Herb Fontaine, Joe Kenny, and Win Bettinson, have over 30 years' experience on the radio, was its response to the blizzard of 1978. Despite the difficulties of travel in the storm, the staff turned up to ensure the station went on air on schedule. Their service broke down later that day when the abnormal tide reached the insulator of the radio station's antenna in Germantown. However, before they knew that the tide had dropped, risking the apparatus of the radio station, they went back on the air, giving the South Shore comprehensive emergency coverage. The station operated an open telephone line so that public officials could get straight on the air with vital information. It stayed on the air after its allotted time, dropping advertising to remain within FCC rules.

WJDA embodies the best in old-style radio, with its balance of programming, while it remains a viable commercial entity. It is with pleasure that I salute WJDA on its 40th anniversary, and wish it many pleasurable and useful years of broadcasting.

SENATE—*Friday, September 11, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable Timothy E. Wirth, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Bless the Lord O my soul; and all that is within me, bless His holy name.—Psalm 103:1.

Holy God, we come to You in gratitude for the visit of Pope John Paul II. We thank You that his presence among us reminds us all of the values indispensable to the greatness of America: truth, justice, righteousness, honesty, freedom, our oneness as human beings, human equality, servanthood, and above all love. Love as preached by Moses and the prophets. Love as preached by Jesus Christ and the Apostles. Love that is unconditional—universal—and unending. Forgive us, Gracious Father in heaven, for our failure to conform to these values fundamental to social order and grant us the grace, people and leaders, to take them seriously. Cleanse us of our sin. Renew us in the truth and infuse us with Your love. In His name Who was love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stennis).

The legislative clerk read the following letter:

U.S. Senate
President pro tempore,
Washington, DC, September 11, 1987.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Timothy E. Wirth, a Senator from the State of Colorado, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered.

THE JULY TRADE DEFICIT

Mr. BYRD. Mr. President, today we have received troubling news on the trade front. The Commerce Department's figures, released earlier this morning, put the July trade deficit at $16.5 billion—a new record. The June deficit of $15.7 billion was the second highest on record. The July figure is $800 million higher. Not only were imports higher, Mr. President, but exports actually slipped lower.

After more than 2 years of a declining dollar and 6 years of administration assurances that we have turned the corner, the trade deficit is a bigger problem than ever. We are in the sad situation of going from bad to worse.

Mr. President, the trade deficit for the first half of the year has already passed the $80 billion mark. If we continue at the July pace, the 1987 trade deficit will exceed the 1986 record for red ink. We will be setting the record, Mr. President, but the rest of the world will be going home with the gold.

The costs of our dismal trade performance, Mr. President, are all around us. Hundreds of thousands of workers have been thrown out of well paying industrial jobs. You can see the loss in West Virginia where we lead the Nation in dislocated workers. Many large, basic industries are still staggering from the impact of an overvalued dollar and the month-by-month impact of the trade deficit. Only last month, we were told that Newell, which purchased Anchor Hocking in Clarksburg, WV, was going to pull out lock, stock, and barrel, causing more than 1,000 West Virginians to lose their jobs.

Virtually every dollar of the trade deficit now adds to a growing mountain of external debt. By the end of the year, Mr. President, we will have become a debtor nation to the tune of $400 billion. And that "ain't" chicken feed.

Just as troubling as the size of the trade deficit, Mr. President, is the composition of the trade deficit. The basic industries that have borne the brunt of the administration's failed trade policies have been major sources of employment. They have also been an important component of the world's most diversified industrial base and a major market for America's high-technology industries that all too often find themselves shut out of foreign markets. Even the traditionally strong exporters have seen their position seriously eroded. By 1986, the surplus in agricultural trade had virtually disappeared. And the high-technology sector experienced its first trade deficit since the Commerce Department began to track its performance.

Both Houses of Congress have been active in seeking a solution to the trade problem. In part, our efforts to reduce the budget deficit are driven by the fact that the shifts in fiscal policy here and abroad have played a major role in undermining our competitive position. The Senate and House have now passed different versions of trade and competitiveness legislation. They have in common a commitment to boost America's exports, tighten the application of our trade laws and improve the long-term competitiveness of the American economy.

The trade deficit, Mr. President, is a storm that has been building for a long time. Since March of 1985, more than 2 years ago, the country has not had a monthly trade deficit of less than $10 billion. Fifteen years ago the trade deficit for the entire year did not reach $10 billion. Month by month, year by year, we are piling up problems for the future.

Yet, despite the years of bad trade news, the White House is still talking about a veto of the trade bill. We are working in the Congress. What we need, Mr. President, is effective cooperation from the administration.

Mr. President, I ask that I may reserve the balance of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPLANATION OF PETE DOMENICI ABSENCE

Mr. DOLE. Mr. President, the senior Senator from New Mexico [Mr. Domenici] is not present in the Senate today. The Senator is spending the day meeting with New Mexico business leaders discussing economic development and jobs at the New Mexico Business Conference at New Mexico State University in Las Cruces.

As you may know, the condition of the economy in New Mexico is not as good as we all would like it to be. It is

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● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

hoped that some new initiatives to enhance the New Mexico job market will be the result of the New Mexico State University Business Conference.

Senator **Domenici** advised me that he was attending this conference prior to the August recess. At that time the majority leader was of the opinion that the Senate would not be in session today. However, as it often happens, the schedule changes. Prior to leaving for New Mexico, Senator **Domenici** asked me to explain to his colleagues and constituents why he is necessarily absent today.

BICENTENNIAL MINUTE

SEPTEMBER 11, 1789: SENATE RECEIVES AND CONFIRMS FIRST CABINET NOMINATION

Mr. DOLE. Mr. President, 198 years ago today, on September 11, 1789, President George Washington sent his first Cabinet nomination to the Senate, appointing Alexander Hamilton Secretary of the Treasury. Later that day, the Senate quickly confirmed his nomination.

The congressional statute creating the Treasury Department contained greater detail than those establishing the other two Cabinet-level agencies: The Departments of State and War. Treasury was the largest of three agencies and, during the early years of the new Government's existence, it grew at a faster rate than the other two. Congress singled it out for special attention by requiring the Treasury Secretary specifically to "digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit." He was also directed to "make report, and give information to either branch of the legislature, in person or in writing * * * respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office."

Six days after the Senate agreed to Hamilton's nomination, the House abolished its Committee on Ways and Means. This action suggested that the House intended the Secretary to take the initiative in shaping financial policy. The combination of Hamilton's leadership and the Treasury Department's vital function in raising revenue made that agency preeminent.

Alexander Hamilton had actively campaigned for the position well in advance of his appointment. While many friends urged him to avoid the Treasury—with the Nation's finances in a "deep, dark, and dreary chaos"—and run for the Senate, or seek nomination as Chief Justice of the U.S. Supreme Court, Hamilton correctly believed that he was one of the few men available who possessed the training and experience to accomplish this difficult task.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business not to exceed 20 minutes; Senators to speak therein for 5 minutes each. The Chair recognizes the Senator from Illinois.

RICHARD GODWIN MAY LEAVE DOD

Mr. DIXON. Mr. President, I rise this morning as a member of the Armed Services Committee, to express my profound concern and my genuine alarm at the obvious disregard for the directions of the DOD reorganization bill and the Packard Commission report by the Department of Defense. I must say I regret specifically, the actions of the Secretary of Defense, Mr. Weinberger, and the Deputy Secretary of Defense, Mr. Taft.

Mr. President, I hold in my hand a copy of the Defense News published September 7, only a few days ago; the headline article is entitled "Godwin May Leave Over Pentagon Power Struggle."

Mr. President, I shall ask consent that a reproduction of that article be printed in the **Record**.

I am not going to read the whole article, but the essence of this article is that a very fine man, Richard Godwin, who we confirmed as the Under Secretary of Defense for Acquisition, is seriously considering resigning his post. I believe I can say to the Senate, on the basis of my conversations with Secretary Godwin, with the chairman of the Armed Services Committee, Senator **Nunn**, and others, that this will become a reality; and that Secretary Godwin is leaving the Department of Defense because the Secretary of Defense and the Deputy Secretary of Defense are undermining the law we passed in the last session of the Congress. That law requires that all acquisitions by the Department of Defense and the military services should be under one acquisitions czar. We debated this on the floor at length, Mr. President; that, there shall be one responsible person in the Pentagon for all procurement and acquisition.

Mr. President, I wonder whether everybody understands the importance and the breadth and the scope of this particular subject matter. One hundred eighty-five billion dollars, Mr. President, one hundred eighty-five billion dollars of the taxpayers' money is spent every year on acquisition. Everybody knows, and, Mr. President, Mr. **Wirth**, you are a member of the committee—I see my distinguished friend from Alabama on the floor, a member of the committee—everyone knows the services are competing against one another to buy different weapon systems. Everybody knows that there is duplication. Everybody knows there is waste. Everybody knows there is mismanagement. Everybody knows there is fraud.

During the debate on the DOD reorganization question last year, with those two great Senators, Barry Goldwater and **Sam Nunn**, working together to bring about an important new DOD reorganization bill, the central question was how we answered this problem. I am proud to say it was a Senator from Illinois whose amendment was adopted setting up an Under Secretary of Defense for Acquisition.

That bill passed and the law is clear that the DOD reorganization directions should be followed by the Pentagon. Mr. Godwin was selected to do the job. I regret to say that by regulations, by subterfuge, by a variety of things, the Department of Defense is not giving the authority to Mr. Godwin to do the job. His resignation is imminent, Mr. President.

I have asked that the matter be brought up in hearings before the Armed Services Committee. I understand the chairman, Senator **Nunn**, is willing to do that. I understand Senator **Jeff Bingaman** of New Mexico, the chairman of the jurisdictional subcommittee, is willing to do that; and we will have a hearing.

Mr. President, I would further suggest that what we want to do is make it very clear to the Pentagon that we expect them to cooperate with the Congress and to follow the Packard Commission report.

Every one of them when they appeared before us, including the Deputy Secretary of Defense, said, "we want to follow the Packard Commission report."

We have passed a law that follows the Packard Commission report, Mr. President, and I suggest that the Department of Defense should follow the law that we passed last session and that the Under Secretary of Defense for Acquisitions should have absolute power over all the service Chiefs, service Secretaries, and everyone else in connection with the acquisition and procurement policies of this Government.

I simply conclude, Mr. President, by expressing my personal shock that the Department of Defense has been able, in a short time, to absolutely ignore everything that we have done in the Congress, everything that the Packard Commission did, and everything that the public has called for in the reformation of policy insofar as acquisition and procurement in the Department of Defense is concerned.

I yield whatever time is remaining back, Mr. President, and thank you for the additional time.

There being no objection, the article was ordered to be printed in the **Record**, as follows:

[From Defense News, Sept. 7, 1987]

GODWIN MAY LEAVE OVER PENTAGON POWER STRUGGLE

(By Judith Kohn Brown)

WASHINGTON.—Pentagon procurement czar Richard Godwin has lost his bitter battle for control of the Defense Department's weapons-buying bureaucracy, leading many high-ranking officials to say Godwin soon will leave his post.

For months, Godwin has been struggling with William Taft, deputy secretary of defense, to secure his position as the sole Pentagon procurement authority. The turf fight also has involved the leaders of the three services, who want to retain control of their own weapons programs. Godwin's post as undersecretary of defense for acquisition was created in last year's moves to reorganize the Pentagon. The idea for a procurement czar was formulated by the presidentially appointed Packard Commission.

Godwin's struggle for authority came to a head last Tuesday, when Taft signed off on several new directives that effectively stripped Godwin of ultimate control over the acquisition process. Pentagon sources agree that Taft must have had a green light from Defense Secretary Caspar Weinberger to issue the new directives, which provide Taft with a channel for overturning Godwin's decisions through the budgeting process.

Meanwhile, Pentagon spokesman William Caldwell says Weinberger "is confident that he has given Mr. Godwin his full support. He and Deputy Secretary Taft, like Mr. Godwin, have worked toward successful implementation of the Packard Commission's recommendations and toward progress in improving the defense acquisition process," Caldwell says.

The directives were revised versions of the new DoD acquisition regulations 5000.1 and 5000.2, drafted by Godwin last March, which formed the charter for his office. A third regulation, 5000.49, established the membership of the Defense Acquisition Board (DAB), the Pentagon's leading weapons review panel, chaired by Godwin.

Godwin's draft of the directives, expanding the authority of the DAB, came in for heavy criticism from service officials for broadening Godwin's oversight over DoD acquisition while undermining that of the service acquisition officials and the service secretaries.

The key revision in the new 5000.1 is a clause that enables weapons acquisition programs to be changed through the planning, programming and budgeting system process, without approval from Godwin's office.

The new system "totally cuts Godwin out" of the budget process, a DoD source laments, by enabling the services to take programs that have not been approved by the DAB, and have them modified through the Defense Resources Board. This board works out the Pentagon's budget recommendations and is chaired by Taft.

Godwin's version of the directive would have made many changes in weapons program budgets subject to the DAB's "assessment and consideration of the impact of these changes on the overall acquisition strategy and the approved program base line." The program base line is a formal agreement made by all parties concerned with a program's development, specifying the system's cost, production schedule and technical performance.

While service opposition to Godwin's original drafts was especially strong, resistance came from other circles as well, sources say. Godwin's plan for the DAB eliminated several officials from the panel who had participated in the Joint Requirements and Management Board, the DAB's predecessor. Foremost among these were David Chu, director of program analysis and evaluation; John Krings, director of operational test and evaluation; and policy undersecretary Fred Ikle. Even under Taft's version of the directive, only Chu is a DAB member, although all are represented on the Defense Resources Board.

Ultimately, however, the dispute boiled down to a battle for authority between Godwin and Taft. In a July 30 memo, Marine Maj. Gen. Louis Buehl, Taft's senior military deputy, told Chu to amend the draft regulations in a way that would keep Godwin's hands off the budgeting process.

"[Taft] specifically does not want to have 5000.1 contain references or provisions which deal with the relationship between resources allocation under the [planning, programming and budgeting system] and defense acquisition procedures," Buehl says in the memo. Buehl further instructed Chu to coordinate the new revision with other recipients of the memo, who did not include Godwin.

Defense Department sources say Godwin told Weinberger he would resign if Taft's draft of the regulations was accepted. While some in the Pentagon say Godwin's warning never took the form of an ultimatum, they also say he is clearly on his way out. One source said Godwin might not return to work after the Labor Day weekend.

When Godwin does leave, sources say, he is likely to turn quickly to Capitol Hill, seeking a sympathetic forum from which to air all his grievances about the intrigues in DoD that have been working against his taking the kind of control envisioned when his office was established. Congress has been concerned, ever since Godwin assumed his post, that he would not have enough authority. "It's not going to be a pleasant departure," one DoD source predicts.

Godwin told the House Armed Services Committee in hearings last spring that he felt it might be "helpful" if Congress moved to boost his authority. Committee chairman Les Aspin, D-Wis., and ranking Republican William Dickinson, R-Ala., urged Weinberger to take measures that would establish Godwin as the clear authority over acquisition, threatening new legislation if Weinberger did not act. Congressional sources say Godwin's resignation would quickly become "an explosive issue up here."

Among the possibilities that the House panel had in mind, sources say, was the upgrading of Godwin's rank to make him equal to Taft. Committee members long have been arguing that they had never intended the acquisition secretary to be Taft's subordinate.

Godwin may withhold his resignation until he investigates his chances for legislative help from Congress. Godwin's aides have been sounding out congressional staff members, sources say. But until the legislators return to work Tuesday, no definite moves are planned. Godwin did not respond to a request for an interview about his plans.

Some sources say Godwin has several options before him and still is uncertain which tack to take. He can quit and hope to present his grievances at a House Armed Services Committee hearing or during confirmation proceedings for a proposed replacement.

Pentagon insiders say several replacements for Godwin are being considered, including Harold Brownman, currently head of Lockheed Electronics Co. in Plainfield, N.J., and Robert Costello, assistant secretary of defense for production and logistics.

Costello, a former General Motors executive with considerable experience in defense-related research and development, currently is on an official visit to China and could not be reached for comment.

Brownman, as assistant secretary of the Army under the Ford administration, currently serves on the Defense Intelligence Agency Scientific Advisory Committee.

Brownman tells *Defense News* that he knows nothing of any intention by Godwin to leave his post. Brownman says he has been considered for the position as Godwin's deputy, but the last he had heard Godwin was looking within the Pentagon to fill that position.

"My name gets bandied about from time to time," he says, but adds that it hasn't reached the point at which he even knows if he wants the job.

Godwin's resignation would be a big embarrassment for Weinberger, who recommended Godwin, a fellow former executive of giant construction firm Bechtel Inc., for the position. With the end of the Reagan administration fast approaching, some observers predict that few people of stature would be willing to take Godwin's place.

Another possibility is that Godwin will try to use what clout he has in his current position to effect changes through pressures or legislation. And some say Godwin might wait to see how the directives operate in practice.

"I don't think resigning is the only option he has," a DoD source says. "I guess the way to look at it is how [the new regulations] are implemented. Is it going to be implemented where his counsel is not sought on these programs?"

While the last option—the wait and see approach—seems unlikely to most Pentagon officials in light of Godwin's reported threats to resign, Godwin earned a reputation in some circles as lacking the forceful personality for an open battle. During disputes with various service leaders over weapons programs, Godwin became known as the "undersecretary for acquiesence."

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

SHOULD CONGRESS REPEAL GLASS-STEAGALL?

Mr. **PROXMIRE.** Mr. President, the time has come for the Senate Banking Committee to consider the repeal of the Glass-Steagall Act. This Senator frankly has not decided whether or not it is in the national interest to take this step. Up to this point I have resisted an outright repeal. I may continue to do so. But it is time for the Senate Banking Committee to make a thorough investigation of the wisdom of repealing Glass-Steagall. There is a strong case for its outright repeal; if it is repealed it would be necessary to provide safeguards to protect the safety and soundness of our commercial banks and to prevent conflicts of interest.

Why has the time come for action on Glass-Steagall? Here is why: It is a fact of life that changes in financial technology have revolutionized the credit markets. Computerized data systems have paved the way for more and more borrowers to bypass banks. Unless we permit banks to take advantage of onrushing technology, they will gradually become obsolete. Commercial loans have for many years constituted the backbone of commercial banks. But now commercial loans have been increasingly converted into commercial paper, as hundreds of separate loans are combined together into a security. The security is then sold in the financial market as an interest-bearing investment. Has this increased the risk for the lender who now buys commercial paper? No, indeed. On the contrary, this process provides a diversified security. It is safer than individual loans. If 1 or 2 or 5 or 10 of the hundreds of loans in the securities issue do not perform, the remaining performing loans compensate. This diversification greatly reduces the risk of commercial lending.

Similarly with mortgage loans. For most small banks and particularly for savings and loans, mortgages have consituted the heart of their business. But savings and loans and banks are losing more and more of their mortgage loans to the mortgage-backed securities market. Again computer technology has made this transformation of mortgage lending a reality. Are mortgage backed securities too risky to be underwritten by banks and S&L's? No way. In fact, mortgage-backed securities are safer than mortgages. Why? For the same reason that commercial paper is safer than individual commercial loans. The very number of mortgages required in mortgage-backed securities provides effective safety through diversification.

Because of the long professional experience that banks have enjoyed in making commercial loans and mortgage loans they are particularly well qualified to evaluate the soundness of mortgage-backed securities and commercial paper. So why shouldn't we eliminate the restrictions imposed by Glass-Steagall against banks underwriting both mortgage-backed securities and commercial paper?

Glass-Steagall has also barred banks from underwriting revenue bonds. This is ironic because Glass-Steagall specifically permits banks to underwrite general obligation bonds. Why not revenue bonds? Answer: At the time Glass-Steagall was enacted there were virtually no revenue bonds. Now they constitute big, in fact, very big business. But are they safe? Indeed they are. In fact, revenue bonds because they are supported by a measurable, predictable source of revenue are by definition safer than general obligation bonds. And why should banks not be allowed to sell mutual funds? Again mutual funds are by their nature diversified. They pose little risk or conflict of interest.

In every one of these areas and others, banks could provide vigorous and healthy competition. They could challenge the intense concentration that characterizes much security underwriting. They could bring down the underwriting cost, bringing direct benefit to both borrowers and investors.

Why couldn't the objective of bank competition in these areas be achieved by simply amending the Glass-Steagall Act? Doesn't Glass-Steagall prevent risky underwriting by banks of long-term corporate debt and equity? And aren't these the very areas that contributed to the financial panic in 1929 and helped bring on the Great Depression of the thirties? This is precisely what hearings should help the Banking Committee determine. This Senator has serious reservations about banks underwriting these much riskier securities, especially in view of the enormous volatility of the stock and long-term bond market and the fact that all banks now enjoy substantial Federal deposit insurance coverage. And the Nation's biggest banks have enjoyed the assurance of a Federal Government bail out if imprudence makes them insolvent. On the other hand, U.S. banks have underwritten corporate debt and equity securities outside the United States without ill effects.

Can we prudently permit banks to enter securities markets without reservation? Those who would repeal Glass-Steagall root and branch and permit this entry propose the following safeguards:

First. All securities activities must be conducted in separately capitalized subsidiaries;

Second. The bank cannot extend any credit to its securities affiliate;

Third. Banks with securities would have their minimum capital raised;

Fourth. Mergers between large banks and large securities firms would be prohibited in order to prevent concentration and ensure greater competition;

Fifth. Securities affiliates would be prohibited from selling securities to the bank, its trust department, or other affiliates of the bank.

Would these safeguards effectively prevent serious abuse? This Senator is not sure. This is precisely what the hearings conducted by the Banking Committee will be aimed at deciding.

Mr. SHELBY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

(The remarks of Mr. SHELBY appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.

Mr. HOLLINGS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

THE REAGAN-WRIGHT PEACE PLAN FOR NICARAGUA

Mr. HOLLINGS. Mr. President, often in this land we get disillusioned with respect to Government policies, mostly, of course, our fiscal policy. We cannot bring order to our economic chaos. We buy the votes of today with the fruits of the next generation. You have heard me speak on that particular score many times.

President Reagan is the worst offender of all. What he did to fiscal policy at the beginning of his term he is doing to our foreign policy at the end of his term—in Nicaragua and elsewhere—in arms control and the Persian Gulf.

Mr. President, I am firmly convinced that this game of democratizing Nicaragua while we allow the Contras to go wanting will play right into the hands of Danny Ortega.

An article in the Washington Post by Charles Krauthammer this morning sets that out very, very clearly. I think it is well worth studying because from what I learned during an August trip almost around the world where I listened and talked, it concisely summarizes our predicament in Nicaragua.

I hope the Congress will objectively look at Mr. Krauthammer's article and more particularly, I hope our Democrats will keep their mouths closed and minds open and stop trying to play Secretary of State in Peace. O. Henry said every man cries peace, but there is none.

Peace and freedom will not be found by testing the political polls. We shoud go back to what George Washington said in his Farewell Address: The way to preserve peace is to prepare for war.

We have done that in Nicaragua by supporting the Contras, though in a skimpy fashion. We were about to get some results when the Central American leaders came forward with their particular peace initiative, the Arias plan. Arias does not even have an army and has never prepared for peace. That is the situation in Costa Rica.

Read the article by Krauthammer and you will begin to understand what will develop between now and November 9, and thereafter.

When President Reagan announced with great fanfare the Reagan-Wright peace plan for Nicaragua, I told him that on the contrary, it was not a plan for peace—but one that signaled the end of the Contras and the end of the hope for freedom in that country.

The leaders of the other Central American nations quickly recognized what was happening, that the President's action—along with the timidity and shortsightedness of the Congress—would result in abandoning the one hope to stave off the Marxist domination of the region. Thus, in order to save their own hide—and to prolong their future demise—they rushed to glory with the Arias plan calling for an end to resistance to a Communist takeover while leaving the Soviet/Cuban bloc a free reign for business as usual. The tracks of this debacle lead straight from the Congress to the Reagan White House.

Mr. President, I ask unanimous consent that Mr. Krauthammer's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 11, 1987]

The Coming Nicaragua Debacle—The Script Has Already Been Written

(By Charles Krauthammer)

On Aug. 7 in Guatemala City, Daniel Ortega signed a peace treaty in which he pledged, among other things, pluralism and democracy in Nicaragua. Eight days later in Managua, Ortega's police broke up a human rights demonstration held to test that pledge. The nation was protected from pluralism by cattle prods, batons and attack dogs. And just to be sure, Lino Hernandez, leader of Nicaragua's Permanent Human Rights Commission, and Alberto Saborio, head of the Nicaraguan Bar Association, were thrown in jail.

The Permanent Human Rights Commission was established in Somoza's day, at which time Hernandez defended Sandinistas and other government opponents. Inconveniently for the Sandinistas, Hernandez carried on his work after the new dictators took over. He has been representing the wives and families of Nicaragua's 6,000 to 8,000 political prisoners.

To arrest such a man is a significant signal that whatever they sign in Guatemala City and whatever they say on "Nightline," the Sandinistas rule in Managua. The signal did not transmit well here. The story made page 15 of The Washington Post and page 4 of The New York Times.

On the whole, the arrest served the Sandinistas well. It raised no protest from Sandinista sympathizers in the United States. It intimidated the local opposition. It gave the Sandinistas the occasion for performing that communist ritual of making a gift of human beings: on Sept. 8, Ortega turned Hernandez and Saborio over to a visiting American Senator (Tom Harkin), who declared his "deep appreciation " to his hosts for their generosity.

Best of all, breaking up the opposition demonstration lowered the standard of what constitutes good democratic behavior on the part of the Sandinistas. If they merely refrain from breaking up the next political rally in Managua that will be hailed as a significant sign of moderation.

Hailed by whom? Not just by anticontra Democrats, but, amazingly, by the Reagan administration, now utterly adrift on Nicaragua policy. "Are they going to continue breaking up demonstrations with clubs and cattle prods, or are they going to allow freedom of assembly? Will La Prensa be allowed to resume publishing? Will political prisoners be released?" That litmus test of Sandinista behavior came from a White House official.

Well, say that the White House gets satisfactory answers (no, yes, yes, yes) to these questions. The administration is setting itself up for a policy disaster by letting contra aid hinge on such Sandinista gestures. If the Sandinistas do open a newspaper, if they do allow a Catholic radio station to return to the air, if they do release some political prisoners—so what? That in no way proves that they are prepared to carry through with the promises to democratize that they signed in Guatemala. It doesn't even prove that they are prepared to retain this narrow and temporary restoration of rights beyond the day when the contras finally wither away from lack of support. It proves only that Ortega is tactically attuned enough to know that, in the weeks before the U.S. Congress decides contra aid, it pays to play nice.

After all, the conflict in Nicaragua is not about rights. It is about power. It is not about whether a political rally or a nongovernment newspaper will be permitted. It is about whether a Leninist regime will monopolize power and dispense these rights. Because so long as it dispenses the rights, they will not be safe (and neither will Nicaragua's neighbors). The Sandinistas promised similar rights to the Organization of American States in 1979, and granted just enough of them—a moderately free press and a formally open political system—for just long enough to keep American aid flowing, to strip their democratic allies of all power and to consolidate their own. Then they systematically abolished these rights.

If Ortega is smart—and he is—he will allow La Prensa to reopen. He will allow a few opposition parties to hold rallies. He will offer a freed prisoner or two as a party favor to a passing political pilgrim from the United States. With support from congressional liberals, he will then demand in return for these eminently revocable moves (but not for any concessions having to do with political power) that the United States reciprocate by cutting off the contras. Democrats will oblige. And the administration has so maneuvered itself that it too may have to say yes, no longer knowing how to explain why the United States must say no.

President Reagan now says that his goal is "genuine democracy" in Nicaragua, but it may be too late. The depth of the administration debacle will be apparent when Ortega is confirmed in power for good and the Democrats, having finally won the Nicaragua debate, escape the consequences of their victory. Ten years from now, when Oscar Arias takes his vanity and his Nobel Peace Prize into Miami exile, Americans will ask who lost Central America. The answer will be that the Democrats thought up the idea, but they never could have swung it without Ronald Reagan.

Mr. HOLLINGS. Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given an additional 5 minutes.

Mr. BYRD. What was the request of the Senator?

Mr. HATCH. In addition to the normal 5 minutes I would take, I ask that I be permitted to take an additional 5 minutes.

Mr. BYRD. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. Hatch appear in today's Record under Statements on Introduced Bills and Joint Resolutions.)

REMARKS OF PROF. JOHN FEI ON TRADE WITH ASIA

Mr. DASCHLE. Mr. President, I recently had the opportunity to review remarks delivered by Prof. John Fei to a trade workshop on trade with Asia. The Yale University professor delivered remarks to the workshop which sought to enlighten the participants on the economic relationship between the United States and Taiwan.

Because of the importance of this issue to the 100th Congress, I would recommend to my colleagues that they review the text of Professor Fei's remarks on this very important issue.

I ask unanimous consent that the text of these remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Sino-American Economic Relation From an Evolutionary Perspective of Taiwan's Economic Institutions

(By John Fei)

I am very happy to be here today to talk about a currently popular issue heatedly debated recently in both the U.S. Congress and newspapers in Taipei. The issue is the export surplus and the accumulation of foreign exchange reserves in Taiwan that has persisted for almost five years since 1983. Through official and unofficial channels, the U.S. made the demands that countries like Taiwan and Korea should open their markets for U.S. products and capital investment and that Taiwan's export surplus should be curbed by appreciating the Taiwan currency beyond the twenty percent achieved over the last twenty months. Popular reaction in Taipei to the U.S. demand that curbs her "international competitiveness" is understandably belligerent and angry.

The emotional reaction in Taipei at the present time is due partly to the fact that, to Taiwan, a sustained export surplus of this magnitude and duration is an entirely new experience occuring during the process of the evolution of her economic institutions. The current Sino-American tension should be examined calmly with a historical detachment. From an evolutionary perspective the U.S. demands are really friendly, if somewhat forcefully persuasive, for Taiwan to make these reforms that will not only benefit the U.S. and Taiwan in the long run, but are indeed unavoidable with or without U.S. pressures.

I. LIBERALIZATION AND DEMOCRATIZATION OF TAIWAN'S POLITICAL ECONOMIC INSTITUTIONS

From a long historical perspective for the contemporary less developed countries in the world, the forty or so years after World War II has been a period of transitional growth from the prewar agrarian colonialism toward a modern technological society.

Of the more than one hundred less developed countries in the world, the geographic region surrounding mainland China, including Taiwan, South Korea, Hong Kong and Singapore, has been most successful. Their successes are all the more amazing in view of the fact that this is a natural resource deficient region and hence, with a high degree of trade dependence, their achievements cannot be divorced from their success in penetrating the market of the U.S. and other industrially advanced countries. The four dragons of East Asia are the first group of the contemporary less developed countries that will join the camp of the industrially advanced countries of which the U.S. is the undisputed leader. If there is a Sino-American conflict to speak of, it is certainly the direct by-product of a story that a highly satisfactory and gratifying to all of those who believe in markets and freedom. As the level of per capita income and industrial structure of Taiwan gradually catch up with that of the industrially advanced countries, so do her economic institutions as guided by her political economic cultural ideas in an evolutionary process.

Under the influence of the idea of anti-colonialism in the early post-war years, many less developed countries began the transition process with the adoption of a mixed economy. While accepting the skeleton of the markets, these countries at the same time tolerated pervasive measures of government interference. External economic policies were calculated with a xenophobic and autarkic orientation as domestic commodity and capital markets were closed to the foreigners through the erection of high protective tariff walls and barriers to international investment. Taiwan was no exception to a highly politicized mixed market system, labeled as a "planned free" economy. The angry voices of protest from Taipei at the present time really reflect political cultural values of the early anti-colonial vintage. When through trade negotiations, U.S. cigarettes landed in Taiwan last year, the emotional reaction in Taipei society was to label it as the second Opium War when China was, once again, humiliated and lost her dignity.

With a politicized mixed economy to begin with, the cardinal principle that provided the guiding force for the evolution of the economic institutions in Taiwan over the course of the last forty years has been liberalization. Market interference by an authoritative government gradually diminishes in scope and, with the withdrawal of the political force from the economic arena, liberalization implies market perfection and market integration with that of the Western World. Liberalization with an external outlook has been an ongoing process originating long before the current rounds of Sino-American trade negotiations. If this much is understood, it is easy to see that the U.S. pressure only serves the constructive purpose of accelerating the pace of liberalization. The demand of the U.S. is basically for Taiwan to depoliticize her economic institutions.

A feature of the post-war polity of Taiwan is the inheritance of a political culture of the long agrarian past, labeled by Western political scientists as "Chinese paternalism." The paternalistic polity is quite complimentary to requirements of government control in the mixed economy. If the market is to be interfered with, it was interfered with at least effectively in the case of Taiwan by an authoritarian government with a long tradition of "oriental despotism".

Newspaper headlines from Taipei in recent months indicate that many of the government controls that have existed for nearly forty years in Taiwan will be abandoned. In the coming months, we expect that the newspaper ban and martial laws will be eliminated because a polity based on a system of competing parties is beginning to function. The year 1987 may well be a turning point in Taiwan for the democratization of her political institutions as well as the liberalization of her economic institutions. It is important to realize that the U.S. demand for changes in Taiwan occurs in a critical historical juncture.

II. EVOLUTIONARY NECESSITY OF LIBERALIZATION AND DEMOCRATIZATION

In the rounds of Sino-American trade negotiations, the opening of Taiwan markets for U.S. products and capital centered around the item by item bargaining for tariff concessions along product lines. However, from an evolutionary perspective, we should be concerned mainly with changes in ideas that can erode the resistance of vested interest groups that, in the case of Taiwan, stand for a set of antiquated principles of income distribution justice.

Concerning tariff reductions, the new idea is a commitment to decrease tariffs according to a time schedule. While the concept was unthinkable barely two years ago, there is now a solid social consensus that tariff reduction will proceed by a time schedule wave after wave. The automatic expiration date for protection is an important new idea in Taiwan as it represents a commitment to the rules of the game of the industrially advanced society that protection should only be temporary to ease the pain of labor reallocation and to allow time for the entrepreneurs to make readjustments for competition. In Taiwan, the perpetual protection of infant industries is quickly going out and forever gone with the wind.

While, nominally, the angry voices of protest that we hear at the present time from Taiwan are directed at U.S. pressures, the real enemy of the vested interest groups is the new principle of income distribution justice. With the democratization of her polity, the all important issue of income distribution justice takes on a new political meaning. Under paternalism, when the "sharing of affluence" and "united we stand" were attached with a high cultural value, it was unpopular to think of interest differentiation and to uphold the democratic principle of income distribution justice under which the conflicting interests of the pluralistic society must be recognized, solicitated, articulated, and compromised. In demanding that the tariff wall be lowered, the U.S. pressure amounted to a claim that the Taiwanese society renounce a policy that over the last thirty years, for example, has consistently exploited the domestic buyers of passenger cars, forcing them to pay one hundred percent import duties to augment the profits of the domestic car makers. While such income transfer policies were routinely practiced under paternalism, they become unfair in a pluralistic society when the consumers form a new interest group on the political stage. The angry voices of protest that we hear at the present time echo, at least partly, those of the vested interest groups fostered under the paternalistic polity which is now in the process of being evolved.

The emergence of ideas in the evolutionary process that has contributed to the cause of the liberalization at the present time is traceable primarily to three types of causation factors. First of all, there is the maturity of nationalism. We know that the market closure in the early post war years was an emotional overreaction to colonialism due to fears of everything foreign. It is only natural that protectionism dissipates as a cultural value when a country gains self confidence in international competition. Taiwan opened her market because there was no more fear. Since twenty years of experience of export drive has shown that Taiwan shoemakers can win in the U.S. market, it is reasonable to assume that the Taiwan entrepreneurs can demonstrate the same competitive capacity in the domestic market. Hence, the market opens when nationalism is matured with self confidence in competition.

The so called "industrial policies" as practiced in the past in Taiwan began with an attempt on the part of the government bureaucrats to classify all industries by aphorisms such as sun rising, sun setting, down streaming, up streaming, locomotive, and sharply pioneering, to measure their relative strategic importance. No U.S. bureaucrat would, of course, even imagine that they have the capacity to rank all industries by aphorisms. The second factor associated with the birth of liberalism is that as the industrial structure gets more complex when the number of investable items multiplies, the society loses confidence in the bureaucratic ability to select money making investment projects. The old fashioned industrial policies must then be abandoned because the society becomes increasingly efficiency conscious and resents wastefulness. Finally, these "industrial policies" were implemented by an arsenal of policy instruments such as import duties, restrictions on foreign investment, preferential tax treatment and tax holidays, and preferential interest rates and terms of finance, by government controlled banks that always favored the so called strategic industries. It is common sense that to the extent that the entrepreneurial families of the strategic industries are benefitted, other social groups are victimized and hurt. Just as an import duty will favor the domestic car makers at the expense of the car buyers, all industrial policies that carry an income transfer implication that are covert and implicit under a paternalistic polity will have to be overt and explicit under a constitutional democracy.

While it took open debates in the U.S. Congress to help Chrysler when in trouble, a nod of heads of the political parents was all that was required in Taipei. The so called industrial policies of the past obeyed the cardinal principles of implicit taxation and political patronage where political representation or societal consent were redundant, unnecessary, and even unpopular. The third factor contributing to the birth of liberalization is directly associated with the discontinuation of the "industrial policies" that are incompatible with the newly emerging constitutional democracy where the economic impact of government policies must be meticulously articulated in respect to burden and sacrifice versus profit and benefits. Import duties on cars and other durable consumer goods will have to fall in Taiwan in the near future because of the fading away of paternalism and the formation of new interest groups by consumers that have the distinct possibility of rebelling and protesting. This will have to be recognized by the government for the first time in the life cycle of her polity.

Thus, when viewed from an evolutionary perspective, the birth of liberalization in

Taiwan is traced to a commitment to international competition associated with self confidence and mature nationalism. The industrial policies must be discontinued not only because they are impractical in a complex industrial society, but also because it is the only course of reform compatible with a constitutional democracy where the different interests of a pluralistic society must be articulated and compromised. In this light, the U.S. demand for Taiwan to open her markets is quite accidental and can only serve to hasten the pace of the withdrawal of the political force from the market place for the case of liberalization. The U.S. pressures are obviously a temporary phenomenon. We can be assured that when the U.S. pressure disappears in the future, Taiwan will not, once again, close her markets or revert to the polity of paternalism. In all probability, the U.S. pressures at the present time will be forgotten and will only be remembered with reverence by the economic historians in the future.

III. TRADE SURPLUS AND EVOLUTION OF FOREIGN EXCHANGE SYSTEM

At the present time, popular resistance in Taipei toward currency appreciation is much more stiffer than that reserved for the U.S. demand for market opening. This is due primarily to the fact that with currency appreciation the profit margins of the producers for exported products are diminished instantaneously. The desires of the vested interest groups are so short sighted that the thought that the U.S. pressure amounts to a demand for long run liberalization of Taiwan's economic institutions becomes an esoteric irrelevance. Nevertheless, as was the case of tariff reduction, the demand for currency appreciation is really a demand for the withdrawal of the political force for the highly politicized international monetary system that has existed in Taiwan for more than forty years. Under the so called centralized foreign exchange system, the government monopolized the holdings of all foreign exchange reserves and all the foreign exchange earnings of the exporters had to be surrendered to the central bank at the official exchange rate. In the U.S., private holdings of foreign currency, like passports, are a basic citizen's right. In Taiwan it has always been an illegal black marketing activity. Under the centralized foreign exchange system, the wealthy Taiwanese not only cannot acquire stocks and bonds, real estate, and bank deposits in foreign lands, but are effectively deprived of the political right to make monetary donations to Yale University, democratic or republican parties, the Presbyterian church, or, in fact, any cause they believe in without government sanction. The centralized foreign exchange reserve system is a highly political one as Taiwan's monetary market is effectively isolated from the financial market in the outside world.

The political foreign exchange system is supplemented by another, even vaster, power monopolized by the government, namely, the sovereign power of credit expansion or money creation. The more than fifty billion dollar foreign exchange reserve at the present time was acquired by the Taiwan central bank through compulsory purchasing and money printing and, for this reason, always carries the potential threat of price inflation that the government is keenly aware of. Under the arrangement of the centralized system, the central bank can always step into the foreign exchange market to buy and stockpile U.S. dollars for national security purposes and thereby artificially raise the price of U.S. dollars as well as the price of U.S. products in terms of Taiwan currency. In this manner, international competitive positions of Taiwan producers can be artificially enhanced and manufactured as the profits of the entrepreneur can be augmented by political force. Through this, an export surplus can be and was politically created. After twenty years of a highly successful export drive since 1962, the economic culture of Taiwan shifted unnoticeably from "everything for exports" to "everything for export surplus" without realizing the world of difference between the two from the viewpoint of the fulfillment of her international economic obligations. Moreover, there is an insufficient understanding that the persistence of export surplus over the last five years has been traceable directly to the political intervention of the foreign exchange system that artificially manufactured Taiwan's international competitive positions. The very fact that the foreign exchange reserve has been stockpiling constitutes concrete evidence. During this period, under the pressure of public opinion, the central bank has, believe it or not, devalued her currency even when the export surplus was evidently increasing. Had the central bank not stepped into the market to stockpile foreign exchange five years ago, the Taiwan currency would have appreciated slowly to curb the export surplus. If the central bank had not arbitrarily manufactured the competitive position by political force five years ago, it would not have had to appreciate her currency so drastically over the last twenty months to restore her natural and depoliticized comparative advantage under U.S. pressures.

Thus we see that the demand by the U.S. is for Taiwan to depoliticize her international monetary system and to accept a monetary culture of central bank autonomy so she can become a fullfledged member in the communities of industrially advanced countries. A truly autonomous central bank such as the Federal Reserve Bank is expected to have power to resist political pressures through whatever sources. In particular, the central bank should treat the foreign exchange reserve only as an international medium of exchange to facilitate trade. The foreign exchange rate should be determined by the force of supply and demand to bring about a trade equilibrium uncontaminated by the political force exerted when the foreign reserve is stockpiled to store external purchasing power.

I want to conclude my talk optimistically by pointing out, once again, that the year 1987 appears to be a turning point for Taiwan. It is a time in which her traditional paternalistic policy is becoming democratized and her highly controlled economic institutions are becoming liberalized. As a sheer evolutionary necessity, Taiwan's markets open up as tariff walls crumble, investment barriers lower, and gold becomes freely imported. At the time of the preparation of my talk last week, newspaper headlines from Taipei indicated that the government will discontinue the centralized foreign exchange system by allowing Taiwan citizens to hold U.S. dollars freely. It is a form of liberalization with far reaching economic and political consequences for it signifies a further integration of Taiwan's economic system with the outside world and holds promises for something far more than the solution of the problem of export surplus. These reforms of liberalization would not have taken place so quickly without the presence of U.S. pressures.

When the present liberalization movement in Taiwan is viewed from an evolutionary perspective, what the U.S. can do is to contribute to the building of an atmosphere conducive to the hastening of the transitional phase with socio-political stability. The U.S. should give her time and, to borrow an expression from the late President Roosevelt, "speak to her softly while carrying a big stick." Try to be sympathetic to the unusually large foreign exchange reserve stock and remember that when denied formal political recognition, Taiwan must pay cash for the military hardwares that she acquires from her allies. Try to see that in spite of their deeds and behaviors in the opposite direction, the official reaction toward the U.S pressures of liberalization at the present time must be one of protest and resistance. In order to preserve socio-political stability, the Taiwan government must not give the impression that it is weak and desert the vested interest groups through making too many concessions. It takes time for new liberalized ideas to take root and erode the resistance of the interest groups. The big stick or retaliation can play a more constructive role if it is pronounced frequently but used rarely. It takes a delicate art of persuasion by appealing to Taiwan's sense of duties rather than giving the impression that she is being humiliated into submission. It really is not very difficult to exercise such an art because the relationship between China and the U.S. has always been one characterized by the warmth of friendship.

THE ELIGIBILITY OF DISABLED ATHLETES FOR THE 1988 SEOUL OLYMPIC GAMES

Mr. WILSON. Mr. President, in less than 1 year, athletes from around the world will compete in the 1988 Seoul Olympic Games. For these participants, the Olympics is an opportunity to shine in the global spotlight. Days, months, and years of hard work and devotion will culminate into a series of carefully calculated athletic competitions, separating the champions from the rest of the pack.

Of great importance and historical significance is that the Seoul Olympic Committee has sought to broaden the scope of the 1988 games to include three competitions for disabled athletes—two wheelchair races and a javelin event. I wish to applaud the committee for taking this long overdue action. Being bound to a wheelchair does not preclude an individual from becoming a champion. Indeed, it is often the courage of the sort needed to overcome a disability which makes victory possible.

What I find troubling, however, Mr. President, is that the Olympic Committee has restricted eligibility to the three events for the disabled to those athletes bound to a wheelchair. The committee did not take into consideration those athletes who are not in a wheelchair but who have overcome their disability with the help of a prosthesis. I think that a letter from one of my constituents, Mr. Robert J.

Salini of Berkeley, CA, to the Seoul Olympic Committee best illustrates this problem. I would ask unanimous consent that Mr. Salini's letter be printed in the RECORD in its entirety at the conclusion of my remarks.

Mr. Salini states in his letter:

> When people mention the disabled, they often envision a wheelchair. But there are many disabled people who, through their diligence and courage, have chosen a prosthesis rather than a chair. An amputee athlete has to gather the strength to overcome phantom pains and skin tears to our stumps to be able to compete. I only wish that we, like our brother athletes in wheelchairs who will participate in the races, will have an opportunity in the olympics to showcase our talents.

This is my hope as well, Mr. President. Changing the eligibility requirements for the javelin event would allow athletes like Mr. Salini to compete in the 1988 Olympic games. More importantly, it would strengthen the message to all of us that a loss of a limb does not preclude an individual from becoming a world champion.

For these reasons, I would ask my colleagues in both Houses to join me in urging the Seoul Olympic Committee to provide all disabled athletes the opportunity to compete in Seoul next year. Thank you.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BERKELEY, CA,
March 4, 1987.

SEOUL OLYMPIC COMMITTEE,
Seoul, Korea.

TO THE MEMBERS OF THE OLYMPIC COMMITTEE: I am an amputee who is missing my leg due to an accident. Recently I have discovered that the 1988 Summer Olympics will feature three events for the disabled: two wheelchair races, and the Javelin. When you are considering the guidelines for the Javelin, please do not limit the athletes to the use of a wheelchair. A lot of disabled people, through the use of a prosthesis, are accomplished althletes, but we would be left out of a chance to participate under current rules.

When people mention the disabled, they often envision a wheelchair. But there are many disabled people who, through their diligence and courage, have chosen to live their lives with the use of a prosthesis rather than a chair. An amputee athlete has to gather the strength to overcome phantom pains and skin tears to our stumps to be able to compete. I only wish that we, like our brother athletes in wheelchairs who will participate in the races, will have an opportunity in the Olympics to showcase our talents. Changing the rules of the Javelin event would accomplish this.

It is in your power to provide us amputee athletes with a stage to show the world that although we may have lost a limb or two, we still can function as well or even better than most people. This I feel will go a long way toward destroying the myths and misconceptions people have about us.

Most of all, I make my plea for all the children around the world who have lost limbs, who need the role models to demonstrate the courage it takes to leave the wheelchair behind. Many people restrict themselves to chairs who need not be in them. With just a little incentive, they too can stand up for themselves. Seeing us compete at the Olympics could do that for them. Ted Kennedy, Jr. is an excellent role model; you can give the world others.

Please let the children and adults of the world see us at our best!

Thank you for any consideration in the above matter,

Sincerely,

ROBERT J. SALINI.

THE SIOUX NATION ACT

Mr. PRESSLER. Mr. President, I have spoken several times on this floor to express my opinion on S. 705, the Sioux Nation Act, which was introduced by my distinguished colleague from New Jersey, Senator BRADLEY. I am opposed to this legislation.

The Sioux Nation Act is a bill to return over 1 million acres of land, located in the western half of South Dakota, to the Sioux Nation. In addition to this land, which includes the entire Black Hills National Forest among other national park lands and monuments, the Sioux are awarded a yearly maintenance allowance from the Federal Government, all unclaimed mineral rights, the first right of refusal to purchase land from private landowners within the reestablished area, among many other provisions.

As I read the accounts of this legislation in the national media, I often find myself distressed. Only one side of the story is being told. Volumes of mail pour into my office from South Dakotans, asking me to defeat this bill. But their observations and opinions are never aired in the media.

I believe the Sioux Nation Act is a bill of goods being sold to the Nation in these media reports. It is not a solution that will right a wrong that is over 100 years old. The question of the Sioux ownership of the land was settled by the Supreme Court's decision in *U.S.* v *Sioux Nation of Indians,* 448 U.S. 371 (1980). In this case, the Court upheld the previous decision of the U.S. Court of Claims, which awarded the Sioux a monetary judgment for the land in question.

I am very proud to say that while serving in the House of Representatives, I supported legislation to waive res judicata and allow the Sioux to have their case heard again. In fact, my record speaks very clearly to my commitment to assist the Sioux with improvements in their educational opportunities, accessibility to quality health care, and economic development on the reservations. I have enjoyed working closely with the tribes since first being elected to Congress in 1975. With this in mind, I feel I must make it known that S. 705, the Sioux Nation Act, is not a positive step for the Sioux Indians. This bill is heightening racial tensions in my State, and falsely raising the hopes of some who believe ownership of the Black Hills will be given to the Sioux.

While I was in South Dakota during the August recess, many people approached me to express their opposition to S. 705. So I decided to initiate action to let people outside of my State know why there is strong opposition to this legislation. On Monday, August 31, 1987, I challenged Senator BRADLEY to a debate on the merits of the Sioux Nation Act, S. 705, on national public radio, the "Larry King Show," or some other national media forum.

Senator BRADLEY has not yet accepted this debate, but I hope he will. The far-reaching implications of this legislation should be thoroughly examined in a fair setting. It's time the American people heard, as Paul Harvey is famous for saying, "the rest of the story."

MISLEADING FOOD LABELING

Mr. PRESSLER. Mr. President, misleading food labeling continues to be a serious problem and I urge our colleagues to join me in support of S. 1109, a bill to require accurate labeling of food products containing palm, palm kernel, and coconut oils.

In recent years, the American public has become more health and diet conscious. In the quest for better physical fitness and longevity, we are exercising more and eating foods that we consider to be beneficial to our health. We are aware of the dangers of heart disease and, to a degree, the means to prevent it. Americans are working to modify their diets in order to improve and maintain good coronary conditioning. This includes lowering cholesterol levels in the blood. The American Heart Association and medical experts recommend reducing dietary intake of cholesterol and saturated fats. Unfortunately, many consumers are misled by food labels on vegetable oils stating that they contain no cholesterol. Such labels lead consumers to believe that the products are healthier, on the premise that all vegetable oils are low in saturated fats. This simply is not true.

The truth is that vegetable oils contain different levels of saturated fats. Some domestically produced oils, such as safflower, sunflower, corn, peanut, and soybean, have very low levels of saturated fat. However, most imported tropical oils contain much higher levels of saturated fats.

U.S.-produced safflower, sunflower, corn, peanut, and soybean oils contain between 8 and 9 percent saturated fats. These rates are remarkably low when compared to the fat content of tropical oils.

Coconut oil is composed of 92 percent saturated fat; palm kernel oil contains 86 percent saturated fat; palm oil has 51 percent saturated fatty acid. The saturated fat content of tropical oils even exceeds lard or animal fat.

The problem here is that these highly fat-saturated oils are labeled as "vegetable oils"—as are the corn, soybean, and other domestic oils which contain vastly lower levels of saturated fats. No mention is made of the saturated fats content on the labels of these products.

Another aspect of this issue also must be addressed. Why use oils that are extremely high is saturated fats and possibly endanger your long-term health? Additionally, why use such fatty oils from foreign countries when American farmers are producing record surplus of more healthful commodities.

The importation of tropical oils has increased greatly in the past few years, and in some cases has doubled. Concurrently, since 1984, consumption of domestic oils has either decreased or risen only minimally. Coming from the agricultural State of South Dakota, I believe the unnecessary purchasing of imported commodities instead of domestic is incredible. We should be doing more to encourage the use of domestic U.S. agricultural products, especially when they obviously are so much healthier than the foreign product.

Mr. President, more precise labeling of food products made with tropical oils should be mandated through Federal legislation. It is unfair to continue misleading consumers. It is unfair to both American farmers and U.S. taxpayers to continue encouraging the purchase of tropical oils from foreign nations through inadequate food labeling standards.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

SENATE SCHEDULE

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The distinguished majority leader.

Mr. BYRD. Mr. President, I had hoped that we might be able to have some votes today on the Philippine resolution, and I had hoped that we might also get going on catastrophic illness. But the situation that has developed is that we are being straitjacketed by objections to taking up meaningful legislation. Six times we have tried to get the Senate to act, and stop filibustering on campaign financing reform. Three times we have tried to invoke cloture on the Department of Defense authorization bill. On that bill we have only had 5 of our friends in the minority who have supported the cloture vote to take up the national defense bill; 5 Senators. We reached a point of 59 votes on that cloture effort with 54 Democrats, or 100 percent, who voted for cloture.

With only 54 Democrats and the requirement for cloture being 60, we cannot get 60 votes to take up the Defense bill unless we have 6 votes from the other side of the aisle. I am thankful for the 5 Republicans who voted for cloture. That is not enough. We have gotten only 59 votes for cloture.

Mr. President, I have tried five times to get up the catastrophic illness legislation and five times we have heard objections from the other side. The distinguished Republican leader has made a sincere, good faith effort to wipe out those objections on his side of the aisle. Yesterday, I was going to make another request but I, at the behest of the distinguished Republican leader, did not make the request so as to give him time to inquire as to whether the objections could be eliminated on his side of the aisle. I said I would not make the request while he was not on the floor. So, consequently, I did not get to make the request because the distinguished Republican leader was not on the floor again later that day.

So there we are. We see a pattern of obstruction. The minority will not let us take up the Defense Department bill, they will not let us take up catastrophic illness, and they will not let us get action on campaign financing reform.

Mr. President, the Senate is in a pathetic situation when it has to have 60 votes to take up a matter. I predict that the Senate at some point in time is going to change that situation so that it will no longer require 60 votes to take up a bill.

Mr. President, I am in a position at this moment to move to take up the Defense Department authorization bill, morning business having been closed, and such motion would be a nondebatable motion. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. I should alert Senators that I am also in a position at this point to move to take up the catastrophic illness legislation and that would be a nondebatable motion. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. Very well. I will alert all Senators that I am going to move to take up one or the other of those bills before I yield the floor. The Senate is going to have an opportunity to quit stalling; and it is going to have an opportunity within the next hour or so to vote on taking up one or the other of these measures—either of which I choose, the defense bill or catastrophic illness legislation. If I choose the defense bill, we no longer need cloture on Tuesday because the Senate will be forced to vote today.

My patience is almost indefatigable, but there comes a time when I can no longer be patient just because I would like to be. There comes a time when I have a higher responsibility to do whatever I can do to get this Senate to act.

Here we are now on Friday. It is not yet 11 o'clock. Senators can get a vote. We can go to either the Defense Department bill or we can go to the catastrophic illness bill. Neither motion is debatable under the present parliamentary situation. I do not need unanimous consent, and I don't need cloture to shut off debate because no debate is in order.

I think it is about time that the people of this country understand what the problem is in the Senate. The Republican minority insists on dragging its feet and on objecting to taking up vital legislation. We have had this long stall on the Department of Defense bill now, and we have been unable to even take up the defense bill. What do the American people expect of their majority and minority in the Senate?

If this is the kind of record that the administration wishes to run on in next year's election, a record of stall, obstruction, delay, filibuster, veto threats, and vote "No," then that is for the administration to judge. But the American people are also going to judge. I think the American people should know who is holding up the works.

The Republican minority in the Senate has held up the works on taking up the Department of Defense bill, the Republican minority in the Senate has held up action on the campaign financing reform bill, and the Republican minority in the Senate has prevented action on taking up catastrophic illness.

All one has to do is read the RECORD to see that, to see the number of times that I as leader have tried to get up the catastrophic bill. What is wrong with it? The objection before the recess: was wait until after the recess. The distinguished minority leader tried time and time again. He and I have had our private conversations. I know he is acting in good faith. I know where the problems are.

I try to be patient. So, I said: "OK, let's try to get it worked out. I hope we can go to it after the recess." Well, we could not go to it even yesterday. The minority have had time to work it out, but they still object to unanimous consent.

The distinguished Republican leader said yesterday—and he is on the floor—that Howard Baker was going to try to get certain Republican Senators together to try to work out a prescription drug problem in connection with the catastrophic illness legislation.

Why do we not get it up and let us work it out on the Senate floor? I welcome the assistance of our good friend and esteemed former colleague and leader, Mr. Baker. But the Senate should work out its own problems.

I am not very amenable to the idea of waiting on the White House to work out these problems that we Senators have a responsibility to work out ourselves. The White House has its own responsibilities, and it can tend to them, but the Senate's work should not wait on the White House.

The same can be said for DOD. Is this what we have been waiting on with respect to DOD? Is it the White House that is standing in the way? Does it not want the Senators of its own party in the body to accede to even taking up the defense bill? Is the Senate minority waiting on Mr. Baker or waiting on the White House? I have a feeling—I do not have proof, but I have a feeling—that that is the situation, that the White House is behind at least some of the stall on both catastrophic illness and the defense bill.

So, Mr. President, I make a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. BYRD. Mr. President, for the record, if I move to take up either the Defense Department authorization bill or the catastrophic illness legislation at this point, could there be any debate on such motion?

The ACTING PRESIDENT pro tempore. The motion would not be debatable.

Mr. BYRD. Mr. President, I make a further parliamentary inquiry. That being the case, upon the expiration of the first 2 hours today, the morning hour—the parliamentary term—upon the close of the morning hour today, would such motion to proceed still be nondebatable?

The ACTING PRESIDENT pro tempore. The motion would be nondebatable.

Mr. BYRD. Mr. President, I will be happy to yield to the distinguished Republican leader before I make a motion to go to one or the other of the two bills today. I yield with the understanding that my rights to the floor will be fully protected by the Chair.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The minority leader is recognized.

Mr. DOLE. Mr. President, let me indicate to the majority leader, as I indicated yesterday, that we have a couple of areas where we have a real difference.

I think we are near resolution on the DOD authorization bill, so that we might be able to avoid a lot of parliamentary problems, get consent to get on that bill, and I assume stay on it. Certainly, we want to stay on it.

It is a matter that I discussed not only with the majority leader but also with the White House. I, on the theory that they can help us in this matter. I think the distinguished Senator from Georgia [Mr. NUNN] and the majority leader may have made an indication that they could be helpful.

We are going to move legislation. Sometimes the White House has to get involved, and they are involved. I had a meeting this morning with Mr. Carlucci and Mr. Weinberger. I just talked to the White House the liaison, Mr. Ball.

The majority leader can proceed any way he wishes. But I really believe that there might be a better resolution, if I had a bit of time to see if we can get some agreement to proceed to the defense authorization bill.

We have one practical problem. The ranking Republican member, Senator WARNER, will not return until 2 p.m.

We have been discussing this with other members of the Armed Services Committee—Senator QUAYLE, Senator SYMMS. We also are trying to reach Senator HELMS because of the one amendment our side of the aisle cannot tolerate or live with.

With reference to catastrophic illness, I think that on this side, it is down to 1 or 2 objections from 10 yesterday. There are fundamental reasons why we object. It is not that we do not want to bring up the bill. We are trying to resolve at least one or two areas of disagreement in that bill, and we think it would be easier to do it before bringing up the bill.

I had a meeting yesterday with Senator BENTSEN, the chairman of the Finance Committee. I know Senator BENTSEN personally called two members on this side.

I think we also may have an agreement to take up the prompt payment bill. We could agree to take up the prompt payment bill on Tuesday. I think we have an agreement to speed up the process on that piece of legislation.

In addition, we are prepared to move to the drug testing bill; bilingual education; national telecommunications; information administration; the lobbying bill; Coast Guard authorization; FCC authorization, and noncommissioned officers.

I ask that the list be included in the RECORD. These seven bills have been cleared on this side and we are prepared to take them up today or at any time.

So it is not that we are not in agreement that we should be doing something. I guess the disagreement is, what should we be doing?

I hope we can move to the defense authorization bill. I would be happy to discuss that bill—at least three matters in it—privately with the majority leader, if he can do so without losing any rights.

Mr. BYRD. The distinguished minority leader is proposing that we go to the defense authorization bill now?

Mr. President, I ask unanimous consent that the Chair indulge my rights to continue retaining the floor while nothing happens other than a conversation between the distingushed Republican leader and myself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have had a discussion with the distinguished Republican leader, and I must say that I am intrigued and somewhat taken aback by the sudden desire to work things out and to cooperate. I say that, realizing the position that the minority leader is in. I have been minority leader so I well understand his position.

I think sometimes the minority leader is a victim of situations over which he has no control.

Now we have an indication that there might also be an agreement on the prompt payment bill. Do we have the agreement worked out and what is that agreement?

Mr. DOLE. We can get that now.

Mr. BYRD. Mr. President, the euphoria of being in a position to vote immediately on a motion to take up either the defense bill or catastrophic illness virtually overwhelms me. One thing I will not do while I am recovering is, of course, yield the floor.

Mr. President, some may wonder why I am being so slow in making up my mind as to which bill I will decide to move to. It is a bit exhilarating to be in a position to see the other side of the aisle squirm, after having put up with interminable delays for so long in getting up important legislation. There is also a practical parliamentary reason as to why I do not wish to move on either bill for yet a little while. But there is another reason: The distinguished Republican leader has asked that he have an opportunity to make a contact with the White House.

I honor and respect the Republican leader. He is a good leader and the White House should be thankful that they have BOB DOLE leading for them, but it is pretty obvious that he has to listen to the White House once in a while, and I understand that. If I were in his position I would listen too. I might not listen too long.

In any event, I have decided that I shall shortly make a motion to proceed to the Defense Department bill. There will be a rollcall vote on that motion. I suggest that the Cloakrooms get the word out to Senators that there will be a rollcall vote soon on the motion to take up the defense bill.

And, of course, if we should lose on that motion, there will be a cloture vote on next Tuesday. If my nondebatable motion carries, the cloture vote on Tuesday will be automatically vitiated. But we will see who wishes to obstruct on this Friday, September 11, to taking up the defense bill.

But, Mr. President, this may be a moment which I will not experience again for a long time and I hope that all who listen and look will understand my reticence in giving up this moment too easily.

I have not recently seen such a willingness to cooperate from the other side. They are willing now to give me a time agreement on prompt payment, which will be nice. But that is not one of the bills I am under great pressure to bring up. It is an important bill and I am a supporter of that bill. But the legislation that has to go first is the Department of Defense and catastrophic illness, because we have a convergence of streams of legislation that are coming to a flood point soon. There are 13 appropriation bills, 9 of which have been sent over by the House of Representatives and the first of which will be reported by the full Committee on Appropriations in the Senate next Tuesday. So those appropriation bills will start coming to the floor. And then we are going to be faced, by September 23, with the expiration of the debt limit.

The pressure is great upon the Senate and the House to work out their differences on the Gramm-Rudman fix. There is also the reconciliation bill which has to be done. With all of these absolutely necessary measures coming to a head, and coming to a head soon, it means that if we are ever going to take action on the Department of Defense authorization bill, we have got to do it soon.

I tried cloture three times. And I must say to the distinguished Senator from Georgia—I hope I am not misstating the case—I would perhaps have tried only twice. I think he saw the obstreperousness of the opposition, and decided that he was not going to give in to striking out an amendment by himself and Mr. LEVIN just to get the bill up. If the Senate does it, that is a different matter. But I thought well, we will try for cloture again. So, we tried a third time and failed.

I have talked with the distinguished Senator a number of times since and he has been in conversation with Senators and he has not been able to see any light at the end of the tunnel. He has not been able to detect a willingness by the Senate minority party to give consent to take up the defense bill.

So we are up to the point where we are going to have a fourth cloture vote next Tuesday to take up the bill, but we are in a much preferable position today—and I must say, this is an experience that I will probably write about in my memoirs, if I ever get around to it—an experience of being able to call up a measure without unanimous consent, being able to make a nondebatable motion and have the Senate vote immediately, and especially on the defense authorization bill—a bill that is so important to this country—or I can move to go to the catastrophic illness bill, which is also important to the country.

I know that there are Senators here who are impatient to get on with the vote, but I dare say that I will be pardoned, at some point in time, for having relished the circumstance that I find myself in right at the moment.

I say all that facetiously, really. I do not want this vote to occur right at the moment for parliamentary reasons, which I do not have to explain here and now but would be glad to if anybody wants to know. I also want to give the distinguished Republican leader the opportunity to make his call to the White House.

Really, what I am glad to see is the White House squirm. That is what I am glad to see. I am glad to turn the screw and just tighten it up on the White House at the moment, because there lies the problem, I have a feeling, in great measure. It has been the cause of delay, undoubtedly, because there have been Senators other than the five noble and courageous Republicans who voted for cloture, who would like to have voted for cloture because they believed that the defense bill ought to be brought up. And so I am constrained to believe—I have no direct evidence of it—but I am constrained to believe that the White House was exerting pressure on some of our friends in the minority not to vote for cloture on the Department of Defense bill.

The Senate will very soon have to vote on taking up the bill this afternoon, and we will see what the White House can do in the meantime. It may be able to keep some of the minority Senators from voting to take up the defense bill. I do not know. But it is going to have to face up to reality today.

Mr. President, I ask unanimous consent that the Senate stand in recess so that I might recover from the sudden happy circumstances that have overwhelmed me, with the understanding that I not lose my right to the floor and that, upon the reconvening of the Senate following the recess, I be recognized. I ask that the Senate stand in recess for—well, I guess 10 more minutes would give us all a chance to get our breaths.

RECESS FOR 10 MINUTES

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, the Senate will stand in recess. Upon resumption the majority leader will have the floor.

There being no objection, the Senate, at 11:26 p.m. recessed until 11:36 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. WIRTH].

RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for an additional 10 minutes under precisely the same conditions as heretofore were entered in connection with the just finished recess.

There being no objection, the Senate, at 11:37 a.m., recessed until 11:49 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. WIRTH].

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BYRD. I thank the Chair.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I intend to move to proceed to the defense authorization bill within the next 10 minutes. Frankly speaking, there are good reasons why I am waiting. One of those reasons, which I have not explained, is that in the parliamentary situation in which we now find ourselves if the announcement of the vote on the motion to proceed were to occur before the hour of 12:20 p.m. today, a call for the regular order then could bring back the unfinished business, S. 2.

Now, we are going to have a cloture vote on S. 2 next Tuesday. But I want in the meantime for the Senate to be on the Defense Department authorization bill. I do not want to wait until next Tuesday for a cloture vote on the Defense bill which could again fail. It could fail by virture of the absence from the Senate of a single Senator who has heretofore been voting with the majority to take up the defense bill. I do not want to risk waiting on that cloture vote. Therefore, I will not take the chance that the announcement of the outcome of this vote by the Chair will occur before 12:20 today. That is the main reason why I am waiting. I am waiting until such time to make a motion that the announcement of the vote will not occur before 12:20. I can make that motion at any minute now, and the announcement of the results will not occur until after 12:20.

I have also been waiting on the distinguished Republican leader because I feel he is entitled to some time to discuss this matter with the White House.

Mr. President, if the Senate votes to proceed to take up the Department of Defense authorization bill, I hope that some amendments can be disposed of this afternoon. There are Senators here who will be prepared to call up amendments.

While we are waiting, may I alert all Senators to the situation as we look down the road.

The Senate has completed its last scheduled break for the year. Columbus Day is on October 12, but that is on a Monday, and I have indicated to Senators that we will not be coming in on Mondays through September and October anyway, so that Senators may raise money for campaigns without missing votes. It is unfortunate that that is the system we have. We all have to live with it until we can change it. Democrats are trying to change it by passing the campaign financing reform bill. Our Republican friends—most of them—do not want to change it. But as long as we have the system, we cannot ignore our own reelections while we are waiting to change it, so we have to face up to reality. I have faced up to reality, and I have, therefore, announced that we will not have any Senate sessions on Mondays, barring an emergency. October 12 is Columbus Day, but it falls on a Monday.

The only other day that I can see at the moment would be November 11, Veterans Day, formerly Armistice Day, and the Senate would be out on that day. That is on a Wednesday.

In recognition of the Jewish religious day of Rosh Hashonah, which begins at sundown on September 23, a Wednesday, and ends at sundown on September 24, a Thursday, the Senate will be in on the 24th, but there will be no rollcall votes prior to sundown on that date, sundown being circa 6 o'clock p.m. There likely will be rollcall votes, however, after 6 p.m. on Thursday, September 24.

Yom Kippur begins at sundown on Friday, October 2, so that poses no problem. There will be votes that day, the religious observance beginning not until sundown, or 6 o'clock, that evening.

Mr. President, I yield to the distinguished Republican leader without losing my rights to the floor, for not to exceed 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized, without objection.

Mr. DOLE. I thank the majority leader.

Mr. President, I want the RECORD to reflect that there is going to be a vote in any event. We are trying to locate one of our colleagues, the distinguished Senator from Wyoming [Mr. WALLOP], who is not available at this moment. But I have checked with a number of my colleagues—Senator QUAYLE, Senator HELMS, and, through staff, Senator WILSON. I have indicated to the majority leader that I will support the motion to proceed.

As I understand the parliamentary situation, if the motion to proceed passes, then we are on the defense authorization bill. We stay on it until we will complete it, unless there is an agreement to go to something else. It would displace campaign financing, S. 2, unless cloture was invoked on S. 2 on Tuesday.

I suggest to the distinguished majority leader that there are still going to be a number of contentious issues on the defense authorization bill, and one way to determine how contentious is to have the bill up.

I want the RECORD to show that the White House has been very helpful in this instance. They have made a couple of phone calls. I called last night, suggesting that we ought to get on with something. They had a meeting this morning with the Secretary of Defense, and Mr. Carlucci, the President's adviser. It has been discussed with all of them, down the line, at the White House. That may come as some shock to the distinguished majority leader. But I want him to know, that the White House has been very helpful, as they have been many times in the past.

I think we soon will be on the defense authorization bill. Another reason the majority leader was delaying the vote a bit was to make it possible for the distinguished Senator from Virginia [Mr. WARNER], who is the ranking Republican on the Armed Services Committee, to be here for that vote. His plane lands this afternoon. If the plane is on time, he should just about be on his way to the Capitol.

So I thank the majority leader. I want the RECORD to clearly reflect that we have made every effort to locate Senator WALLOP, and we are still making that effort. But I do not think we are going to be able to find him.

Mr. BYRD. Mr. President, I thank the Republican leader. I was aware of the leader's efforts to get in touch with Senator WALLOP, and he has been unable to do that.

I was aware of his concern also to get in touch with Senator WARNER, Senator WARNER being the ranking member of the Armed Services Committee. If he can be here at all, I certainly want to give him every opportunity to vote. I was told earlier by Senator DOLE that Senator WARNER would not be scheduled to land until 12 noon. That vote can be stretched out for a reasonable length of time, and I would be happy to do that to accommodate Senator WARNER.

Mr. President, S. 2 will be displaced, and I have already indicated why I have elected to displace it: Because, otherwise, even if the Senate voted today to take up the defense authorization bill, if that vote to take up were to be announced before the hour of 12:20, a call for the regular order thereafter would bring S. 2 back before the Senate and displace the defense bill.

We have had six shots on S. 2. We have one more good opportunity next Tuesday to invoke cloture. I hope that we will invoke cloture on S. 2 next Tuesday. If we do, that will only temporarily displace the defense authorization bill. If we do not get cloture on S. 2 next Tuesday, that measure will be revisited at some point in time during this Congress—if not this year, certainly next.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, I move that the Senate proceed to the consideration of the Defense Department authorization bill, which is Calendar Order No. 120, S. 1174, and I ask for the yeas and nays on the motion to proceed.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. BINGAMAN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] and the Senator from Minnesota [Mr. DURENBERGER] would each vote "yea."

On this vote, the Senator from Wyoming [Mr. WALLOP] is paired with the Senator from South Carolina [Mr. THURMOND].

If present and voting, the Senator from Wyoming would vote "nay" and the Senator from South Carolina would vote "yea."

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 4, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—79

Adams
Baucus
Bentsen
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stennis
Stevens
Symms
Trible
Warner
Weicker
Wirth

NAYS—4

Gramm
Helms
Humphrey
Specter

NOT VOTING—17

Armstrong
Biden
Bingaman
Bond
Boschwitz
Domenici
Durenberger
Gore
Hatfield
Hollings
McCain
McClure
Murkowski
Simon
Thurmond
Wallop
Wilson

So the motion to proceed was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. NUNN. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

The bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

A RESOLUTION TO EXPRESS SUPPORT FOR PRESIDENT CORAZON AQUINO AND THE GOVERNMENT OF THE PHILIPPINES.

Mr. BYRD. Madam President, the distinguished Republican leader is on the floor. Before we proceed on the defense authorization bill, would it be possible to get up the Philippine resolution, of which the distinguished Republican leader and I are the chief sponsors? Is it possible to get that up and get a vote on it while Senators are here?

We have been discussing this, now, for 2 or 3 days and I am prepared to ask unanimous consent, so if there is a Senator who objects to this, we will know who it is.

This resolution expresses support for President Corazon Aquino and the Government of the Philippines. I am going to ask unanimous consent that the Senate proceed to the immediate consideration of this measure. Our staffs have been working on it for some days now and there were times when I was told that we were in agreement to take it up, but something broke down.

This carries the cosponsorship of—in addition to Mr. BYRD and Mr. DOLE—Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. CRANSTON, and Mr. MELCHER. Other Senators are welcome to add their names.

I ask unanimous consent that Senators may do so.

The PRESIDING OFFICER (Mr. FOWLER). Is there objection?

Mr. DOLE. That is only to the cosponsorship; you have not made the request?

Mr. BYRD. No, I have not made the request yet. That was only cosponsorship.

The PRESIDING OFFICER. Is there objection to the authority to add additional cosponsors? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, if the Senate is going to express support for President Aquino, and I think it should, it loses its impact if the Senate continues to wait, so I am going to ask unanimous consent that the Senate proceed to the immediate consideration of this resolution.

Mr. DOLE's staff and my staff have worked many hours on this resolution. We are ready to proceed.

I do not make that request at the moment, until after the distinguished Republican leader has been able to respond and I yield the floor for that purpose.

The PRESIDING OFFICER. The Republican leader [Mr. DOLE] is recognized.

Mr. DOLE. Mr. President, I share the view expressed by the majority leader and I would hope that we could pass this resolution today. I understand there are still one or two problems or one or two Members on this side that I need to consult with. I am wondering if the majority leader might make the request at a later time.

I know there has been a lot of staff work done. I think we have been working with staffs of different Members and the Members themselves. I am not certain the distinguished Senator from North Carolina has had a chance to see the latest version and he is the ranking Republican on the Foreign Relations Committee; and obviously is very interested in this resolution.

So, if we could withhold making that request, otherwise I would be constrained to object even though I am cosponsor of the resolution.

Mr. BYRD. All right. I think the Senate has to begin to show down one way or another on these matters. I owe the courtesy to the Republican leader to wait and I owe the courtesy to the distinguished ranking member of the Foreign Relations Committee, Mr. HELMS, so I will not present the request just now. But we cannot wait too long because if we are going to have a rollcall vote on this resolution today, Senators need to know earlier rather than later.

Mr. President, I will not make the request for at least a half hour.

Mr. HELMS. Will the distinguished majority leader yield?

Mr. BYRD. Yes.

Mr. HELMS. Mr. President, in the first place, the resolution may have been modified since I saw the last version. There are some statements in there which cannot be confirmed.

Second, I do not know that it would be harmful to have a brief hearing on this. As far as I am concerned, I have enjoyed President Aquino's company on occasion, but I think we ought to have, I say to the leader, at least a half day or an hour or two of hearing and bring in witnesses who do not agree with this, who were anti-Marcos.

I hope Senator PELL will be willing to call such a hearing. Monday would suit me, or Tuesday, or whatever. Let us hear from these people. Then I will be delighted to add my name as cosponsor, just so that the information therein is accurate.

But right now, unless it has been changed, there are some inaccurate statements in the resolution and I would have to do what I could do to prevent it being considered today.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Carolina, for whom I have a great deal of respect and toward whom I entertain a genuine feeling of fondness. I say that in sincerity.

But I am not a supporter of Marcos; I am a supporter of President Aquino and the present Government of the Philippines. It is a new democracy which is having its problems and we need to support it. I will proceed to ask unanimous consent after the distinguished Senator from North Carolina has had an opportunity to look at the resolution, to look at the language, and if there is some language to which he objects, perhaps we can resolve that problem. But I am not willing to let this matter continue to be delayed while the urgency exists.

Mr. President, I think the adoption of this resolution would certainly have a good impact on democracy in the Philippines, and the longer we wait, the less impact it will have.

Mr. President, for now I will not ask unanimous consent, but it is my intention to ask unanimous consent for the immediate consideration of the resolution later. If Senators wish to delay that, they can do so. They can either object or, if it is brought up, they can talk on it, in which case I might have to enter a cloture motion on it.

Mr. HELMS. Will the distinguished majority leader yield once again?

Mr. BYRD. I yield.

Mr. HELMS. Can he tell me when a copy will be made available?

Mr. BYRD. Yes, Mr. President. I will provide the distinguished Senator with a copy.

Mr. President, I ask unanimous consent that, without it is being offered, the clerk read the resolution. I make this request without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? Without objection, it is so ordered.

The clerk will read the resolution.

The assistant legislative clerk read as follows:

RESOLUTION TO EXPRESS SUPPORT FOR PRESIDENT CORAZON AQUINO AND THE GOVERNMENT OF THE PHILIPPINES

Whereas on August 28, 1987, mutinous troops attacked the presidential palace in Manila in an effort to overthrow the Government of the Philippines;

Whereas scores of Filipinos have been killed and over one hundred wounded in the political violence;

Whereas the Filipino armed forces have rallied overwhelmingly in support of the President against the mutineers and have crushed the rebellion;

Whereas the insurrection is the fifth such effort to overthrow the Aquino government since the inauguration of President Aquino on February 25, 1987;

Whereas under the leadership of President Aquino, the people of the Philippines have adopted a new Constitution, conducted open elections, and revived the democratic institutions of their nation;

Whereas the Government of the Philippines has made impressive strides in reversing the economic decline of the nation;

Whereas President Aquino enjoys the overwhelming allegiance and support of the Filipino people;

Whereas the international community has expressed renewed support for the leadership of President Aquino;

Whereas the Aquino government confronts a growing insurgency threatening political, economic, and social stability and the security of the Philippines;

Whereas the United States Administration has issued a statement of strong support for the Aquino government and democracy in the Philippines and condemned all efforts to destabilize the Government of the Philippines; and

Whereas the Aquino government enjoys the confidence and support of the United States Congress as has been expressed in previous resolutions: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of the Philippines and the loyal members of the Philippine military for their commitment to democracy and for their courage and success in crushing the rebellion;

(2) renews its full support for the sustained efforts of President Corazon Aquino to pursue the development of democratic institutions in the Philippines and stability in the society of the Philippines;

(3) recognizes the overriding importance of defeating the communist-led insurgents by strengthening the capability and improving the morale and living conditions of the armed forces of the Philippines and supports continued timely and vigorous military assistance to the Government of the Philippines to assist in that effort;

(4) recognizes that economic recovery is crucial to the attainment of a stable democracy in the Philippines and supports continued economic assistance aimed at building a strong and vibant economy;

(5) calls attention to all persons or groups seeking the violent overthrow of the Government of the Philippines to current United States law which requires suspension of military or other assistance if a duly elected Head of Government is deposed by military coup or decree; and

(6) urges the Secretary of State to direct the United States Ambassador to the Philippines to make every effort to communicate the contents of this resolution to all Filipino citizens and to all sectors of Philippine society.

Mr. BYRD. Mr. President, my staff will see that a copy of this resolution is provided to Senator HELMS and any other Senator who wishes it. I will yield the floor at this time and I will not now pursue the request for the immediate consideration of the resolution. I will return to it within a relatively short time, however.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued with the consideration of the bill.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. BYRD. Mr. President, will the distinguished Senator from Georgia yield to me for a moment?

Mr. NUNN. Mr. President, I yield to the majority leader.

Mr. BYRD. Mr. President, I have had a good many Senators ask if there are going to be rollcall votes this afternoon. This is a serious bill, as we all know. This is a serious effort to get on with the bill. The bill is now before the Senate. There have been various Senators, including myself, who have urged that the Senate proceed to its consideration. Now that it is before us, I hope that Senators will now address the bill seriously and offer amendments, and that we can make some progress on the bill this afternoon.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the majority leader for all of his assistance, diligence, and dedication in getting this important bill before the Senate. I can assure him that we are going to make as much progress as possible today. We have opening statements that are to be made on this bill. Our subcommittee chairmen will be outlining their own areas of jurisdiction. The ranking members of the subcommittees will be doing likewise.

Mr. President, no one is more pleased than I am to have the bill before us. I hope we can make good progress on it today and next week. I thank the majority leader for his effort in getting this bill before us, which has taken a long, hard, and dedicated effort. But here we are and I hope we can make progress.

Mr. BYRD. Mr. President, I thank the Senator for his comments and his support in getting the bill before the Senate.

Mr. NUNN. Mr. President, I also want to thank the Senator from Virginia for his cooperation during this difficult period. We have not agreed on some of the issues, but we have maintained a very close coordination and working relationship, which is so important for the committee that we both serve on and are dedicated to in support of our national security.

Mr. President, I also welcome my colleague from Virginia back to the Senate. I know he has had a long and rather strenuous journey. We welcome him back.

Mr. President, I say to the distinguished Senator from Virginia, we have not had a chance to communicate very much, but my plan is to begin with opening statements and hopefully get some amendments up this afternoon.

Mr. WARNER. Mr. President, I express appreciation for the remarks of the distinguished chairman of the committee, my good friend and colleague. It is definite by this vote that the decision was made in collaboration with the President's staff that we should proceed on the bill. The Senator from Georgia knows that throughout this debate I have been of an open mind on this issue. So much for that.

We are going to proceed with our opening statements, and I should like to advise that I have scheduled, of course, to remain here throughout the afternoon and if any Senator desires to speak ahead of me, he or she may do so. I will be happy to accommodate our colleagues in terms of their schedules in the afternoon.

We will, however, in the course of the opening statement focus at length on the strategic issues, and I say to my good friend, the chairman, and to others that as we proceed on this bill, and in particular with the debate on the Levin-Nunn amendment, let us bear in mind that we do not want to move the negotiations on arms control from Geneva to the floor of the Senate. I hope all will proceed with great caution as we deliberate on these issues at this particularly sensitive time when our Secretary of State and the Foreign Minister of the Soviet Union will be meeting here in a few days; progress in this area seems to be moving forward in a hopeful manner.

Mr. NUNN. I certainly share the sentiments of my colleague from Virginia in that regard. As he knows, we spent literally weeks last year trying to work out arms control provisions that were in the House bill and Senate bill in a way that was conducive to the interests of our national security. I know the Senator from Virginia joins me in making it plain to our partners in negotiation and sometimes adversaries in world affairs, the Soviet Union, that this is a Government that has more than one branch and that we are not a monarchy, nor are we a dictatorship; that the Senate of the United States not only has to advise and consent on the making of treaties but we also, according to the words of the famous Virginian by the name of James Madison, are makers of treaties; the treaties of this country become law of the land under the Constitution—the law of the land—and we are makers of the treaties. Our role is not simply one of consultation. The role of the Senate is to help the executive branch by advice and consent. James Madison in the Federalist Papers said that the Senate and the President make treaties. He did not say the President makes treaties. He said the Senate and the President make treaties. The administration negotiates those treaties.

So the word should go out that we are not trying to negotiate treaties on the floor of the Senate, but word should also go out that this country is not a monarchy; that this country has more than one branch of Government; and that we all have to respect that separation of powers. While the administration negotiates treaties, the President of the United States does not change treaties that are the law of the land any more than the President of the United States changes other laws that are on the books without the approval of the Congress. So I think that message will be clear as we go forward in this debate, and I look forward to the debate. I think it will be very interesting and hopefully enlightening. A lot of details are involved and perhaps we can learn more from each other as we go through this dialog.

Mr. WARNER. Mr. President, I appreciate the sentiments of my distinguished friend and colleague, and I would add one other adjective to the debate. It is likely to be lively.

Mr. NUNN. The Senator says that after flying all the way across the ocean and when he rests he is really going to be charged, I can tell.

Mr. President, I am pleased to bring before the Senate S. 1174, the defense authorization bill for fiscal years 1988 and 1989. This bill provides the authorization required in the law for almost all of the major functions under the jurisdiction of our committee, including the activities of the Department of Defense, Department of Energy nuclear weapons programs, and the military construction program.

The Armed Services Committee started our work this year before the President submitted his budget to the Congress. We worked long and hard. We reported this bill out on May 8. We had our first attempt to invoke cloture on this bill on May 13. We have had several attempts since then. And, of course, we have had an awful lot of behind-the-scenes effort to get this bill up. So I am pleased and delighted probably more than anyone in this body to have the bill before us today.

In early January the committee began an extensive series of hearings on U.S. national security strategy with distinguished military and civilian witnesses in and out of Government. Military strategy is the essential beginning point for any decisions on what is needed for national security. These hearings form the baseline and the framework which the committee used to evaluate the policies and the programs in the President's defense budget request for fiscal years 1988 and 1989.

From the strategy hearings, we transitioned to our detailed review of the fiscal years 1988 and 1989 defense budget with macrobudget overview hearings with witnesses from the Congressional Budget Office, General Accounting Office, and Defense Department. These hearings put the defense budget in the broader context of the entire Federal budget and addressed the critical issue of the implications for current and ongoing defense programs of strategic defense spending levels over the next 5 years.

We then conducted a review of the contents of the President's defense budget for fiscal years 1988 and 1989 with detailed budget briefings for the staff on the programs in the budget request. These staff briefings were followed by full committee and subcommittee hearings which focused primarily on major issues and policy questions in the President's budget request rather than the details of the various budget line items. As part of our revised subcommittee structure, we focused primarily on broad defense missions and military outputs rather than on individual line item inputs.

Our actual markup of the bill began the week following the Easter recess and lasted 2½ weeks. During this period the subcommittee or the full committee met at least once a day and usually twice a day.

The result of this process, Mr. President, is the bill before the Senate which represents a strengthening of our national security within a realistic fiscal posture.

For the first time in its history the committee is recommending a 2-year authorization bill for most of the programs under our jurisdiction. In response to an amendment which I sponsored in the fiscal year 1986 Defense Authorization Act, the President submitted a 2-year budget for national defense programs for fiscal years 1988 and 1989.

The committee made a major effort to implement the 2-year budget to the maximum extent possible. Unfortunately, the administration's overall budget for fiscal year 1989 failed to meet the Gramm-Rudman-Hollings deficit reduction target for fiscal year 1989. This made it impossible for the committee to establish an overall spending level for national defense in that second year, that is, fiscal year 1989.

The Department of Defense did a good job in preparing a 2-year budget, and Secretary Weinberger, Deputy Secretary Taft, and others should be commended for addressing in a serious way fiscal years 1988 and 1989 in a single budget. I cannot say the same thing for the President's overall fiscal plan for those 2 years. And when the overall plan has no relationship to the Gramm-Rudman targets, it means that the defense component of that cannot be addressed as seriously as would have otherwise occurred. So we were not able to come to a complete and total picture for the 2-year authorization because if we had, the defense portion would have been the only portion of the budget that would have been addressed and the other portions of the budget were not in sync with the targets that the President himself had endorsed. We did the best we could and we have made a good start.

The overall budget for fiscal year 1989 will be subjected to significant alteration next year when the administration complies with the Gramm-Rudman-Hollings requirement to submit a budget that meets the fiscal year 1989 deficit reduction targets, that is, assuming we have a Gramm-Rudman-Hollings target next year. And I will leave that to others who are working on it at this time. In spite of these difficulties, the committee bill authorizes approximately 73 percent of the defense authorization request for fiscal year 1989. So this is a real milestone. We have never had a 2-year authorization bill before, and this I think is real progress that we hope we can continue and improve in the years ahead.

The committee focused its work on the second year of the budget request on stable, noncontroversial programs and activities. Those programs and activities not authorized for fiscal year 1989 were not excluded with prejudice. These programs will be considered next year in what we hope will be a very abbreviated fiscal year 1989 defense authorization bill.

Mr. President, I am extremely pleased with the results of our first attempt at biennial budgeting. We have shown a 2-year budget can work. Biennial budgeting will improve congressional oversight of defense programs and achieve long-term savings and better management of national security programs as the Defense Department and the defense industry stabilizes its planning and procurement processes. It will also permit the Congress to focus more on broad oversight issues and not so much on individual program details.

RELATION OF COMMITTEE BILL TO THE BUDGET RESOLUTION

The total amount authorized for defense appropriations in the committee bill for fiscal year 1988 is $224.5 billion. When the personnel levels authorized by the committee, as well as the remaining elements of the national defense function, are included, the committee bill results in a total of $302.9 billion in budget authority for the national defense function in fiscal year 1988.

The committee began the process of marking up this bill in late April before the Senate acted on the budget resolution. In the absence of clear direction from the Senate, the committee marked up two separate funding levels for fiscal year 1988—real growth of zero, meaning last year's level plus the rate of inflation; and 3 percent real growth, meaning last year's level plus inflation plus 3 percent.

We did that because we had no guidance at that time from the Senate as to how we should proceed because the Senate had not passed the budget resolution.

S. 1174 as reported by the committee represents an overall level of real growth for national defense in fiscal year 1988 between 0 and 1 percent.

Since the committee reported this bill to the Senate back on May 8, the Congress has adopted a budget resolution for fiscal year 1988 with two levels for national defense.

At the so-called high-tier for national defense, the budget resolution would require reductions of $16 billion in budget authority and $8 billion in outlays from the President's fiscal year 1988 budget request. For the first time in the last several years, this is a realistic first-year outlay rate of 50 percent for the budget authority reductions we will have to make.

This bill includes reductions of approximately $9 billion in budget authority and $4.4 billion in outlays from the fiscal year 1988 budget request. Obviously, we will have to make further reductions in conference with the House in order to meet the high-tier level of the budget resolution.

Although I personally am dreading having to make a number of these reductions because they are going to hurt, I am confident that the committee will be able to meet the budget authority in outlay targets in the high tier of budget resolutions in the final conference agreement. We are still going to be in doubt, however, about whether the high tier or the low tier is going to apply. I will not go into detail now because all our colleagues realize that there is still considerable doubt about whether we are going to have any agreement between the administration and the Congress on the budget levels, and on the whole question of whether there will be revenue increases.

I think most of our colleagues on both sides understand that the defense number depends on whether there is going to be any revenue raised and that depends, of course, on whether the White House becomes a part of the overall budget deliberations.

The low-tier for national defense in the budget resolution presents a very different problem. If the President does not sign the reconciliation legislation, then the levels of national defense budget authority and outlays in the resolution would be reduced by $7 and $6 billion respectively.

These additional reductions would require total reductions of $23 billion in budget authority and $14 billion in outlays from the fiscal year 1988 budget request for national defense. This translates into a first year outlay rate of over 60 percent. Mr. President, it is just not possible to get $14 billion in outlay savings from $23 billion in budget authority cuts without cutting very deeply into the fast-spending personnel and readiness accounts. No one wants to do this. The only alternatives are to use budget gimmicks like the House provision putting a moratorium on defense contract payments for the last 12 days of the fiscal year, or cutting significantly more than the $23 billion in budget authority that the budget resolution requires at the low-tier.

We will be in a very unfortunate situation if we have to live with the low-tier of the budget resolution for national defense in fiscal year 1988.

This is not a decision for the Congress alone. It is also a decision, the President of the United States is going to have to weigh, the Secretary of Defense is going to have to weigh, and also other departments, including the State Department, which has a big stake in the national security budget of our Nation.

The reductions necessary to meet the low-tier targets—particularly the outlay target—will put fiscal year 1988 defense spending below what a large majority of us think is necessary to sustain our national defense efforts.

COMMITTEE APPROACH TO MARKUP

At the beginning of our markup process, the committee sought to follow a set of general principles to guide its work on the defense authorization bill. The primary consideration was the need to strike a balance among the four pillars of a sound defense: readiness, sustainability, modernization, and force structure. In trying to balance these competing demands, the committee took into account the administration's heavy investment in strategic nuclear modernization during the last 6 years and the prospects for relatively flat defense spending in the near future. The committee had many discussions about the priorities and affordability of programs within realistic budget constraints.

The results that emerged from these considerations generally protected readiness—the ability to flight today or in the near term—and sustainability and that means the ability once the fight starts to begin and to continue the fight and sustain it as long as necessary. But also we emphasize the modernization of conventional forces.

In budgetary terms, this approach minimized funding reductions to readiness and sustainability programs; allowed higher, more efficient production rates for existing conventional weapons systems; and increased the investment in high technology research. At the same time, the substantial funding requested for further research and procurement of strategic weapon systems was reduced. In fact, over 40 percent of the committee's reductions to the request were in the strategic forces area.

The committee also tried to address the so-called bow wave problem in the defense budget in which the military services start more programs than they can afford to buy at efficient production rates.

That is one of the worst problems we have in the defense budget now. I have been talking about it for several years. We have started far too many programs to be able to adequately fund all of them at efficient production rates. We read a whole lot about coffee pots, screwdrivers, and those kinds of things as waste—and those are all important and we ought to make sure that does not happen, the Department of Defense should make sure it does not happen. It is inexcusable. But that is not where the big dollars are. It is not where the big waste is. The big waste is too many programs, too few units being produced each year, and monumental inefficiency in production lines. Unless we begin doing something about that problem, and unless the Department of Defense takes a lead in that, then the problem is going to get worse and worse and worse.

The services have initiated many large new start programs that have enormous outyear costs. GAO has estimated this "bow wave" to be in excess of $500 billion. The Air Force alone has committed to six to eight major new programs that will cost from $200 to $250 billion. The Comptroller General summed up this situation in testimony before the committee when he stated:

> Historically, too many weapon systems have been started or proposed for the limited funding available, and often the cost estimates for the systems have been overly optimistic. This combination—too many programs and optimistic cost-estimating—has produced the much discussed "bow wave" phenomena where future funding requirements out-strip funding availability.

That summarizes the dilemma we have in defense now. In the next several years we are going to see that more and more people are going to realize more and more what has happened.

The committee considered the initiation of several major new starts in this context. It delayed the development of the LHX helicopter, for example, but chose not to slow the Air Force's advanced tactical fighter. Rather than slow the Navy's advanced tactical aircraft, the committee decided to terminate the A-6 medium attack aircraft. These are only the first steps in the difficult process of trying to come to grips with this serious problem. Both the Pentagon and the Congress need to do much more in this area.

IMPROVING CONGRESSIONAL OVERSIGHT OF DEFENSE PROGRAMS

Last year during our committee's work on the Department of Defense reorganization legislation, Senator Goldwater and I spoke of the need to substantially reorder and improve the way Congress carries out its oversight responsibilities for national defense programs. We pointed out that, in our opinion, Congress spends too much time in redundant review of the details of national defense programs, focuses too much on accounting and budgeting considerations, and spends too little time on major policy issues.

Senator WARNER and I have worked closely together this year, and our staffs have to try to change that historical pattern. We do not stand here before our colleagues saying we have made all the changes that are necessary. We do not intend to do that, and I believe my colleague and friend from Virginia would agree with this. We made progress.

The committee took its self-criticism to heart this year. The bill before the Senate reflects the committee's continued efforts to reduce congressional micromanagement of defense activities. As I indicated, the committee began the year with a lengthy series of strategy hearings that served to place the budget request into a comprehensive policy context. Then, the six subcommittees reviewed the request along the broad mission and resource areas around which they are organized.

In its markup of the bill, the committee made far fewer detailed changes to individual line items than in the past and, instead, focused its attention on broad policy issues. In fact, the committee changed fewer than 200 of the thousands of line items in the procurement and research and development [R&D] request. This is a substantial reduction from previous years. Where reductions were necessary just to meet budget targets, they were usually achieved in the form of undistributed reductions to large accounts in order to give the Defense Department managers the greatest flexibility in implementing the reductions. This broad approach is reflected in the dramatically shorter length of the report accompanying the committee's bill. It is almost 300 pages shorter than last year's report. The bill itself is over 100 pages shorter. This is even more remarkable in that our report covers 2 years which, if past practice were in vogue, would have covered approximately 1,000 pages instead of the 200.

Finally, the committee adopted a number of proposals to increase the flexibility of Defense Department managers to execute their programs and to reduce the volume of reports submitted to the Congress. For example, in a significant change from historical practice, the committee approved funding for 5 years for five milestone authorization programs. Instead of having to rely on annual authorizations for their funding, these programs were authorized for their entire research and development and up to 5 years of their procurement. These milestone authorization programs are the mobile subscriber equipment [MSE], the Army Tactical Missile System [ATACMS], the Trident II missile, the T-45 trainer aircraft, and the medium launch vehicle.

Mr. President, the committee's actions are described in detail in Senate Report 100-57 which accompanies S. 1174. I want to take a few moments to highlight the committee's actions in major functional areas of the committee's jurisdiction.

RESTRICTION ON TESTING SPACE BASED ABM SYSTEMS

The committee bill includes a provision prohibiting the expenditure of funds in fiscal year 1988 or 1989 for the development or testing of space-based or otherwise mobile ABM systems or components unless a joint resolution is enacted removing this restriction. The amendment provides expedited procedures—similar to those followed in 1985 with regard to the MX—that will ensure that a proposal by the President to conduct such development and testing would come to an early vote in both Houses. This is the provision that has generated the "veto threats" and the votes against this bill by a majority of the Republican members of the committee.

The administration has requested no funds in fiscal year 1988 or fiscal year 1989 to restructure the strategic defense initiative to include development and testing in accordance with the so-called broader interpretation of the ABM Treaty that it announced in 1985. In fact, on April 1, 1987, General Abrahamson, Director of the SDI organization, and Under Secretary of Defense Godwin testified to the committee that all SDI research projects and all planned major experiments for these 2 years have been designed to be fully compliant with the traditional interpretation of the treaty.

The administration is currently considering whether to restructure the SDI to take advantage of the broader interpretation, but it has reached no decision. However, the administration insists that it reserves the right—acting independently of Congress—to make this switch. The committee provision does not prejudge the wisdom and desirability of any future administration decision to develop and test space-based ABM systems or components. It does, however, preserve Congress and this committee's prerogatives with regard to any such proposal by reserving the right to approve the proposed expenditures involved in such a fundamental change in policy, as well as the legal basis for reinterpreting the ABM Treaty to permit such activities.

STRATEGIC FORCES AND NUCLEAR DETERRENCE

The budget request for strategic programs totaled $52.4 billion in fiscal year 1988, a considerable increase over last year. It reflected a growth rate that exceeds every other defense mission area by a significant margin. The committee scrutinized the request very carefully in light of severe current budget constraints, the progress that has been made in improving U.S. strategic capabilities over the last several years, and the substantial unmet needs outside the strategic forces area.

The committee made reductions of $3.2 billion from the request for strategic research and development; $500 million from the procurement request; $226 million from the Department of Energy's national security programs; and $20 million from the request for the Federal Emergency Management Agency. In spite of these reductions, funding for strategic programs would still grow by about 1 percent, in real terms, over last year's level.

The committee approved a combined Defense Department-Energy Department strategic defense initiative funding level of $4.5 billion. This level represents real growth of 22.5 percent over the fiscal year 1987 appropriation level, but it is substantially below the request, which projected real growth of 55 percent over last year's appropriation. Of the total, $4.1 billion is for the Defense Department and $380 million is recommended for authorization to the Department of Energy.

In the area of ICBM modernization, the committee authorized sufficient funding to procure the requested 21 Peacekeeper missiles, $1.2 billion; continue development of the small ICBM, $700 million; and continue research on the proposed rail-garrison basing concept for the Peacekeeper missile, $400 million. The committee's deliberations focused on the implications for survivability of the rail-garrison basing mode for Peacekeeper and on the cost implications of the hard mobile launcher basing mode for the small ICBM.

The committee authorized full funding for the advanced technology bomber [ATB] and made marginal reductions in advanced cruise missile procurement. With respect to the B-1B bomber, the committee moved to impose tighter oversight controls on corrective measures for the defensive avionics system and denied funding for the four proposed new capabilities for the bomber.

The committee continued several programs related to antisatellite [Asat] research and development. Although the committee reduced the F-15 miniature homing vehicle [MHV] by $71.6 million for budgetary reasons, it authorized funding for continued development and testing in this program and provided full funding for the proposed ground-based laser project. The committee denied authorization for F-15 MHV advance procurement and for the proposed enhanced altitude capability.

The committee authorized $5 million for Bigeye bomb procurement by the Air Force and the Navy out of the $25 million requested to complete low-rate initial production. This action in no way signifies reduced support for this important deterrent program, but rather reflects the committee's understanding that the test program will be delayed in order to correct deficiencies in two bomb components. These funds would not be obligated in fiscal year 1988 in any event. In addition, the committee initiated a technology program that would contribute to our ability to monitor compliance with a chemical weapons convention.

The committee took several important initiatives in the area of Department of Energy national security programs. First, the committee believes the time has come to deal decisively with the problem of assured nuclear materials supply. Accordingly, the committee placed the troubled N-reactor at the Hanford Reservation in Washington in a standby status indefinitely and used the funds made available by this action to initiate development of a new production reactor. Second, the committee approved full funding for critical environmental, health, and safety activities. Third, the committee restored funding for the Inertial Confinement Fusion Program to last year's level.

I want to commend Senator Exon and Senator Thurmond for their strong and capable leadership of the Subcommittee on Strategic Forces and Nuclear Deterrence over the last 5 months.

CONVENTIONAL FORCES AND ALLIANCE DEFENSE

With the limited flexibility allowed by budgetary constraints, the committee tried to emphasize the modernization of our conventional forces. The committee increased the requested production rates for several major conventional weapon systems to more efficient levels, preserved funding for important munitions, and directed more money to essential modifications to Navy aircraft.

The committee recommended substantial increases in the requested production rates for the following weapon systems: AH-64 attack helicopters, 23 above the request of 67; UH-60 utility helicopters, 11 above the request of 61; M-1 tanks, 120 above the request of 600; multiple launch rocket systems, 20 launchers above the request of 24; EA-6B jammer aircraft, 6 above the request of 6; and AIM-7 air-to-air Navy missiles, 600 above the request of none. Combined with the committee's direction to the Defense Department that it program sufficient resources to attain specified goals by the end of the 5-year Defense plan, the increases to Army programs should reduce the gap between the termination of these existing programs and the fielding of followon systems.

Among other major procurement decisions, the committee discontinued the further development and procurement of the Navy's increasingly vulnerable A-6F medium attack bomber; instead, it directed the Navy to proceed immediately with development of its advanced tactical aircraft [ATA]. In addition, the committee added funds to install new wings on the E-2 radar plane, preserve the multiyear rewinging contract for the A-6 attack bomber, and accelerate replacement of the EA-3B signals intelligence aircraft.

The committee recommended important changes to two large research and development projects now underway in the Defense Department. First, it reduced the Army's LHX helicopter program by $97.2 million to reflect a more austere prototype approach. Second, the committee restored $141 million to the NATO Cooperative Research and Development Program, for a total of $200 million, in order to sustain the momentum of this promising initiative. The committee authorized all the funds requested for the development of the Air Force's advanced tactical fighter [ATF].

Senator Levin and Senator Quayle, the chairman and ranking member of the Subcommittee on Conventional Forces and Alliance Defense, deserve a great deal of credit for their hard work in this area.

PROJECTION FORCES AND REGIONAL DEFENSE

The committee recommended authorization of $24.5 billion for projection forces and regional Defense Programs, a reduction of $1.1 billion from the request. In formulating its recommendations, the committee emphasized programs that would correct deficiencies in three critical mission areas: Antisubmarine warfare [ASW], strategic mobility, and special operations.

For programs other than fleet ballistic missile submarines, the committee recommended $8.8 billion in the Navy shipbuilding and conversion account for the construction of 12 ships, the conversion of 4 others, and long-lead funding for a nuclear-powered aircraft carrier. The committee also recommended long-lead funding for a second carrier in fiscal year 1989.

For strategic airlift, the committee recommended authorization of $617.9 million for the procurement of the first two C-17 airlift aircraft and $66.3 million in advance procurement for 4 C-17's in fiscal year 1989.

In the area of Special Operations Forces [SOF], the committee recommended authorization of $980.7 million for the procurement and modification of SOF airlift. This represents an increase of $171.2 million above the request. In addition, $15.3 million would be available to the Commander in Chief of the U.S. Special Operations Command to begin procurement of state of the art secure communications for SOF units.

I want to commend Senator Kennedy and Senator Cohen, the chairman and ranking member of the Projection Forces Subcommittee, for their leadership in this important area.

DEFENSE INDUSTRY AND TECHNOLOGY

The committee recognized a long-term decline in the funding share that the Defense Department has allocated to the science and technology base. In addition, the Department's efforts to modernize the defense industrial base have been inadequate. As a result, the committee believes that the United States has suffered a serious erosion in its ability to develop and produce high-quality, cost-efficient defense systems. For these reasons, the committee recommended three major initiatives that increased funding for technology programs by $500 million.

Because the United States depends upon technologically superior systems to offset the numerical superiority of its adversaries, the committee recommended adding $200 million to the President's request for technology base and industrial base programs. Of this $200 million, $150 million was authorized for a defense manufacturing initiative to improve manufacturing technologies in the industrial base and $50 million was authorized for the university research initiative.

The defense manufacturing initiative provides $50 million to the Defense Advanced Research Projects Agency [DARPA] for manufacturing technology reseach and $50 million to a defensewide account to bolster the Department's manufacturing technology program. Because of the committee's concern about the loss of technological and manufacturing leadership by the U.S. semiconductor industry, the remaining $50 million was added to the budget request for semiconductor manufacturing technology. This addition results in a total authorization of $100 million for this critical area.

Finally, the committee continues to believe that the defense research effort is out of balance, with too much emphasis on the strategic defense initiative and too little on innovative "leap-frog" technologies that could dramatically improve our conventional capabilities. The committee noted again this year that the budget request for research and development on technology for conventional warfare continues to suffer. As a consequence, the committee recommended an authorization of $300 million to continue programs, and activities initiated in fiscal year 1987 under the balanced technology initiative [BTI], and included a provision directing that $200 million be obligated from other research and development accounts for other new and innovative R&D programs under the BTI.

In the acquisition policy area, the committee expressed serious concern that the Defense Department's intent to consolidate the responsibilities of the Director of Operational Test and Evaluation with those of the Director of Development Test and Evaluation could adversely affect the independence and effectiveness of operational testing. As a result, the committee included a provision in the bill that prohibits a consolidation of developmental and operational test functions within the Office of the Secretary of Defense.

I want to commend Senator BINGAMAN and Senator GRAMM for their leadership of our new Subcommittee on Defense Industry and Technology.

READINESS, SUSTAINABILITY AND SUPPORT

The area of readiness, sustainability and support within the defense budget includes the operation and maintenance accounts; spare parts and ammunition procurement; defense stock funds; and military construction and family housing. The budget request included a total of $107.7 billion for these activities in fiscal year 1988.

The committee made a conscious effort to minimize the reductions to the budget request in this area. In approaching the task of identifying savings, the committee paid close attention to the priorities of the unified Commanders in Chief and tried to avoid reductions that would have an immediate impact on readiness and sustainability. The committee also made the reductions that were necessary as broad and generic as possible in order to give Defense Department managers the flexibility to implement them with the least harmful impact on military operations.

The committee recommended reductions in these accounts that totaled $2.7 billion, of which $1.7 billion was in the operation and maintenance accounts; $100 million was in the defense stock funds; $100 million was in the ammunition procurement accounts; and $800 million was in the military construction accounts. The committee increased the requested amount for Army equipment maintenance by $100 million because this critical readiness area was significantly underfunded in the budget request.

Frankly, there are some problems left in the area of readiness and sustainability that the committee wanted to address but couldn't. Funding for spare parts and munitions were cut back before the fiscal year 1988 budget came to Congress. The committee was not to alter the fact that real property and depot maintenance backlogs will increase in the military services in fiscal year 1988. We know where these problems are. We just didn't have enough money to address them and still meet our overall zero real growth budget target.

Although the committee was not able to increase the funding for some of the readiness and sustainability programs which we felt were underfunded, the committee bill does a good job of meeting our budget target without further cuts in important readiness and sustainability programs. Senator DIXON and Senator HUMPHREY, the chairman and ranking member of the Subcommittee on Readiness, Sustainability and Support, deserve a great deal of credit for this.

MANPOWER AND PERSONNEL

The committee's actions on manpower and personnel were guided by the general philosophy that it should sustain the very real gains that have been made in the manpower readiness of our active forces. In addition, the committee provided the necessary tools and guidance to the Department of Defense to begin correcting some serious manpower and training problems in the reserve forces.

In the area of manpower strength authorizations, the committee approved the active force end strength requests for fiscal years 1988 and 1989, a growth of 12,000 personnel over the 2-year period. For the Selected Reserve, the committee approved an increase of 22,800 personnel over the 2-year period, including 3,325 full-time support personnel. These Reserve increases are 40 and 35 percent of the levels requested, respectively. The committee believed that the Reserve Forces need to correct individual skill qualification problems, reported as the second most critical factor limiting readiness in the Reserve Forces, before adding much more to their manpower inventory.

In the pay and benefits area, the committee approved a pay raise of 4 percent on January 1, 1988 for all military personnel; approved enhancements to certain targeted entitlements to help the military services attract and retain needed personnel; and extended a number of expiring authorities to continue to provide assistance to manning the Reserve Forces and the nuclear officer community in the Navy.

In the area of military health care, the committee approved certain monetary incentives to recruit and retain critical medical specialities in the Reserve Forces; provided authority to assist the Department of Defense in its CHAMPUS reform initiative; and provided a catastrophic cap of $1,000 per family under CHAMPUS for dependents of active duty members.

I want to congratulate Senator GLENN and Senator WILSON for their customary excellent work as chairman and ranking member of the Manpower and Personnel Subcommittee.

In closing, Mr. President, I want to thank the ranking member of the committee, Senator WARNER, for all of his assistance and cooperation this year. We have had our differences over this bill, but these differences have not affected the spirit of bipartisanship with which we approach our work. I pledge to my colleague that that will continue during the deliberations on this bill and in conference, as we bring the bill back. It has been a pleasure to serve with Senator WARNER on the Armed Services Committee. He is one of our most knowledgeable, dedicated, and energetic members and a man of tremendous integrity. I am delighted and proud that he is the ranking member, and I look forward to close cooperation with him on many issues we will face this session and during this debate.

I regret the situation in which he and I and others find ourselves which put us in a squeeze on the overall budget level. We are going to have a tough job in conference. There may be people on the floor who want to question or challenge the bill on the basis of it not meeting the budget targets. I want to make it clear to our colleagues that this bill does not meet the budget targets. The bill came out long before the budget targets were available. But I do say that we will have to meet those targets in conference. We will be meeting a House bill in conference that is much lower, and we will have to work hard to meet those targets and do so without minimizing the damage to our national security.

I thank my colleague from Virginia. I thank all the subcommittee chairmen and the ranking members. They have done superb jobs in working in their areas. I know that we will hear from them about the details of that work this afternoon.

Mr. President, S. 1174 represents the culmination of a great deal of hard work by the members and staff of our committee. It is a good bill which will strengthen the Nation's defense posture. I urge my colleagues to support this bill.

Mr. BYRD. Mr. President, I thank Mr. NUNN and I thank the ranking member, Mr. WARNER.

I indicated that I would be back in a half hour to ask unanimous consent to proceed to consideration of the Philippines resolution. A copy of that resolution has been provided to the Senator from Virginia, and I am now prepared to make the request. There are Senators who want to vote on that resolution, and they are here or they are around.

I understand that some work is being done on the resolution. I wonder if we could get consent to proceed within, say, 15 minutes. I do not want to keep the Senator from proceeding. Would the distinguished Senator from Virginia allow me to have the floor again within 15 minutes?

Mr. WARNER. Mr. President, we will certainly accede to the majority leader's request. I intend to make a very brief opening statement. I know there are others prepared to make opening statements.

That matter has a certain urgency, and I will agree to the majority leader's request.

Mr. BYRD. Mr. President, I will yield the floor with the understanding that if the distinguished Senator from Virginia concludes his speech and yields the floor, I be recognized to make my request; and that if he has not concluded his speech, if I could have an understanding with him that at the time I am ready to proceed with the unanimous-consent request, he will yield to me for that purpose, without his losing his right to the floor once that matter has been disposed of. My request would be for an immediate vote, with no amendments to the resolution.

I understand that the matter is being worked on now and that Senator HELMS is going over it.

Could I have that understanding with the distinguished Senator?

Mr. WARNER. Mr. President, this Senator is willing to accede. I see the distinguished Republican leader on the floor. There is a pending unanimous-consent request, and perhaps the Republican leader wishes to speak to it.

The PRESIDING OFFICER. The Chair understands that the distinguished majority leader has not made a formal request for unanimous consent concerning his resolution.

Mr. BYRD. Mr. President, my request is that upon the Senator from Virginia's yielding the floor, I be recognized. That is a request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. The informal gentleman's understanding that I was seeking to reach with the distinguished Senator from Virginia was to the effect that, should I be ready, say in the next 5 minutes, to make the request to take up the resolution, the distinguished Senator would yield to me for that purpose. I am not asking this as a unanimous-consent request. I am just seeking an understanding with the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. WARNER. The Senator has the understanding from this Senator.

Mr. BYRD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Without objection, that is the understanding.

Mr. BYRD. Mr. President, I thank the Chair, and I yield.

Mr. WARNER. Mr. President, it is my intention now to proceed with a brief opening statement.

I first wish to congratulate the distinguished chairman of the Armed Services Committee and express appreciation for his thoughtful remarks on my behalf.

Mr. President, also on the floor is the distinguished former chairman of the Armed Services Committee. It has been my privilege to either serve under or work with the distinguished Senator from Mississippi and his successors, Mr. Tower and Mr. Goldwater as well as Mr. NUNN.

I am privileged to say that I think the current chairman of the Senate Armed Services Committee, Mr. NUNN, of Georgia, carries on with the finest traditions that have been established through these many years by those entrusted with the chair of this important Senate committee.

The Senator from Georgia proceeded in every respect in an open, fair, and equitable manner. He not only worked with me as the ranking minority member, but he worked with all the members of the committee on both sides of the aisle in putting together a bill in a form in which I think the Senate can take pride. It is one with which I am confident the Senate will work its will, but work its will in a manner reflecting the equitable distribution of the scarce funds so much needed by the armed services of our Nation.

Mr. President, I will not take time now, in view of the majority leader's request, to address the Nunn-Levin amendment. At an appropriate time, perhaps later today, but certainly during the course of this debate, I will have extensive remarks on that subject.

At this time I would just like to state that this bill strongly supports the ICBM modernization program, recognizing that the final outcome of not only the Nunn-Levin amendment but other issues in this bill bearing on strategic matters will eventually be decided with the House of Representatives. I am hopeful that Members of the Senate on both sides of the aisle will stand tall and strong as we try to resolve what appears at this time to be serious differences with the House.

This bill contains strong support for the continued development of the miniature homing vehicle ASAT program, recognizing the essential contribution of the ASAT program both to deter actions by the Soviets that might impede, damage or destroy our important space assets, and to deny Soviet space-based capabilities that could threaten our terrestrial forces in time of a conflict, one that we hope will never occur.

It also contains funding for the strategic defense initiative and permits the continuation of a robust program, a strong program, although at a funding level that will indeed significantly slow down certain major areas of research and development, areas that were planned to support a possible decision in the early 1990's to develop and deploy a strategic defense system.

It contains strong support for the continued modernization of our strategic forces and their command, control and communications, including the Trident submarine and Trident II missile, and the advanced technology bomber.

It contains strong support for our space launch recovery efforts, and for both chemical weapons defensive measures and the modernization of chemical offensive capabilities through safe, and I stress "safe," binary munitions.

Mr. President, this bill also includes an important initiative with respect to the Department of Energy's weapons program. The committee has recommended that the N-reactor at Richland, WA, be put in a standby status, and that the Department use some of the savings to initiate work on a new production reactor on a very urgent basis. The committee's action deals with a mounting budgetary crisis precipitated by the need to modernize the decades-old production complex and to take remedial actions with respect to environmental issues. More importantly, the committee's action addresses the national security imperative to assure a source of critical nuclear materials for the long term. The committee deliberated at length in arriving at this recommendation. We made it recognizing that shutting down the N-reactor increases the risks in the short term that we will be unable to meet the critical material needs of our weapon's stockpile. There are, however, no easy choices open to us if we are to deal decisively with preserving the infrastructure on which our deterrence strategy depends.

Mr. President, the distinguished chairman of the committee dealt at length with the modernization programs of the Army, Navy, Air Force, and the Marine Corps. I shall not elaborate except to say that key to the naval modernization program are the provisions in this bill which initiate an aircraft replacement, and I stress the word "replacement" construction program.

Two of our carriers are rapidly approaching the end of their usefulness to our national defense. They will be approximately 50 years old at the time new replacements enter service, if the Congress goes forward, as I predict it will, to fund the replacement program.

Mr. President, we have learned lessons in the Persian Gulf, tough lessons, that clearly indicate the aircraft carrier is the backbone of our forward deployed naval forces. Our units in the Persian Gulf today are operating under a measure of safety provided by the aircraft of a carrier stationed near that particular strategy point in the world, the Strait of Hormuz. I think it very unlikely that we would have taken the risk of having our naval units transit that strategic waterway had it not been for the presence of a carrier.

And we all recognize the stress put on the crew of a carrier during a long deployment. Moreover, it takes three carriers in the fleet for every one that is forward deployed—one on station, one in transit, and one at home for either upkeep or training. It is the carrier aircraft that provide a critical element of air defense necessary for safe operations on the surface of the oceans. We must provide timely and cost effective replacement carriers.

I hope and expect that the Senate will look favorably on the carrier replacement program and that the Congress will appropriate the necessary funds.

Mr. President, the time we agreed on at the majority leader's request has expired. I do not see the leadership present. Unless another Senator seeks recognition under the pending order, I would suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak on another matter for 5 minutes.

The PRESIDING OFFICER. Without objection.

Mr. WARNER. Mr. President, reserving the right to object, and I do not intend to object. I am sure the Senator recognizes that there is unanimous consent pending which would enable the majority leader to take the floor at the conclusion of my remarks. Therefore, would it be the understanding of the Senator that, as he proceeds, his request is subject to that unanimous-consent request by the leadership?

Mr. PRESSLER. I will yield the floor instantly to the minority leader or to anyone else who wishes to go back to this subject.

WORLD FAMINE

Mr. PRESSLER. Mr. President, for this period of time when the minority leader is coming to the floor, I would like to speak on a subject that is of great importance, and that is that several nations will face famines this winter. Indeed, the food shortage worldwide will be higher this winter than it has been in many years. To my surprise—and I learned this in a recent briefing from officials from food and agricultural organizations—there will be famines in at least five major countries this winter.

Once again this year, hundreds of millions of people will suffer from food shortages and starvation.

Several nations will experience food shortages arising from unwise economic policies, flooding, drought, bad management, and other factors. For example, a monsoon failure in Asia has resulted in drought conditions in much of India, Sri Lanka, and Thailand. India's production of wheat is predicted to be substantially reduced. India had become an exporter of wheat and has substantial grain reserves. Unfortunately, its grain reserves are not expected to be enough to meet the needs of its 800 million people. Thailand and Sri Lanka are also expected to experience food shortages. It is unclear at this time how much food aid may be needed by those countries, but some assistance will be required to avoid widespread starvation.

Many areas of Africa continue to experience food shortages. Ethiopia is once again experiencing a crop failure and its food-aid needs are expected to exceed earlier estimates. Drought conditions in Africa are causing problems throughout the Sahel region.

Another area experiencing weather problems is Indonesia. Indonesia usually imports food for its people, but recent poor weather conditions will greatly increase import needs.

Crop failures throughout the world this year and every other year emphasize the need for more effective international food aid programs. Early this year, I introduced a resolution calling for the negotiation of an international agricultural agreement to take cropland out of production for a period of at least 10 years. The primary goal of this proposal is to bring global commodity supplies in line with demand, reduce the need for agricultural subsidy programs, and reduce soil erosion. Another part of my resolution which has not received enough attention is the proposal to establish an international food reserve which would be used to meet the needs of people who experience crop disasters. Perhaps each participating nation would agree to contribute an equal percentage of its production to an international food reserve. The food would then be distributed to needy people throughout the world by an international organization. This approach could eliminate some of the political problems of current food-aid programs.

History demonstrates that there always will be areas of the world that fail to produce enough food to sustain healthy human life. Establishing a permanent international agreement to provide assistance when these inevitable disasters strike could help to more effectively supply food to needy people. I urge our colleagues, the administration and other nations to give careful consideration to including a food-aid provision in any international agricultural treaty which may be negotiated in the years ahead.

In the immediate upcoming winter, we must legislate broadened Food-For-Peace legislation. This morning I discussed this with our distinguished minority leader, Senator DOLE. I shall work with the leadership on both sides of the aisle on specific legislation to improve food aid programs for the starving people of the world.

PURCHASE RATHER THAN RENT BUILDINGS ABROAD

Mr. PRESSLER. Mr. President, my staff and I have undertaken a study of the costs of renting some of our buildings abroad as opposed to purchasing them. I have found that, under our current budgetary rules, it is easier to rent than to purchase some of these buildings, but the American taxpayer is getting a bad deal out of this arrangement.

We are, generally speaking, better off buying homes for our Ambassadors and Embassies in capital cities than renting them.

For example, the current cost of renting the home of the U.S. Ambassador to the Vatican is $64,500 per annum. That home is under a 2-year lease arrangement and the lease renewal is coming up soon. The new annual lease cost may be $70,000. This is a substantial expense, and every effort should be made to enter into a longer lease with an option to buy that property. Such an arrangement would save a great deal of money. I am pleased to note that the State Department has agreed with Ambassador Frank Shakespeare's recommendation on this point. If consummated, it would permit substantial savings to the American taxpayer.

I know that newspapers like to report that we have bought a large house in Rome or someplace in Africa or elsewhere for our Ambassador to live in. If we rent it, it does not make headlines. But it is costing us more in the long run and we are not getting the benefit of any appreciation in property value.

I am not saying that purchasing is preferable to leasing in every instance. But we should have the freedom to take advantage of purchasing opportunities whenever that is possible and it makes good economic sense to do so. Under current statutory provisions, the maximum capital expenditure the State Department may make on foreign buildings without line item approval by Congress is $250,000. Yet, in some cases, the opportunity to purchase a building that costs far more than that limit may come once in a lifetime. I do not advocate pouring billions into a foreign buildings buying spree, but support giving our administrators the flexibility to make timely purchases of property when this would result in substantial long-term savings to the American people.

Mr. President, this is a widespread problem, and the result is that more tax dollars than necessary are being spent to house the offices and living quarters of the principal officers of our overseas missions. I have tried to examine this situation objectively, and my conclusion is that Congress is primarily to blame for the problem and should consider remedial action.

The State Department currently manages 2,322 U.S. Government-owned properties and 6,817 U.S. Government-leased properties throughout the world. These include everything from office buildings and residences to warehouses and vacant lots. The Department's analyses demonstrate that it is preferable to purchase residential property outright to protect against escalating rental fees. The purchase of such property also facilitates the installation of U.S.-approved security, health, and safety systems.

I shall speak to the leaders of the Budget Committee and the Appropriations Committee to determine whether we could have a different accounting method to allocate the cost of purchasing some of these buildings over a 10-year period. If we are better off buying some of these buildings, from the taxpayers' points of view, than renting them, then we should remove the statutory obstacles to purchasing them. Under our current budgetary system and the Gramm-Rudman-Hollings law, it may look cheaper for a specific budget year if we rent, even though in the long run it is not cheaper. I will be interested to see if we can craft an amendment that would overcome this problem and save taxpayer dollars.

Another aspect of this problem is the number of nations which prohibit the United States from buying property to house the principal officers of our overseas missions. Currently, out of the 256 U.S. diplomatic posts overseas, we are prohibited by foreign laws from buying such property in 68 of them. In several of these cases, the foreign government or property owner is charging us outrageously high rental fees. I am pleased to note that the Department of State is insisting on a policy of reciprocal treatment for countries that treat us in that way. If we are not permitted to buy property in those countries, they should not be permitted to buy property here.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I seek the floor again at this time. I am prepared to put a unanimous consent request on the Philippine resolution. I understand Senator HELMS is going over the resolution with staff people, including my own. The distinguished Senator from Indiana, I believe, wishes to proceed and I do not want to delay the Senator.

Would the Senator be willing to allow me to have the floor any time during his speech that I may be ready to present the request, with the understanding that he not lose his right to the floor after the disposition of the resolution? And I would include a request that the Senate proceed without amendment to the resolution and also that there be a very brief time limit of from zero to 10 minutes, at most, so that Senators who are here could vote on this resolution at this reasonably early hour on Friday afternoon.

Mr. QUAYLE. Will the Senator yield for a question?

Mr. BYRD. Yes.

Mr. QUAYLE. I intend to make about a 10- to 12-minute speech concerning the INF Treaty. Whenever the majority leader seeks recognition, I would be glad to yield. I might just say, if he does and I am within a couple of minutes, I wonder if he might indulge me a minute or two to finish up and conclude and therefore my speech would not be interrupted.

Mr. BYRD. Absolutely.

Mr. President, I ask unanimous consent that my rights be protected to the floor. I yield the floor for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, I would like to ask the Chair's indulgence and ask if he would notify the Senator from Indiana when I have approximately 2 minutes remaining of the 15 minutes that I have been allocated.

The PRESIDING OFFICER. The Chair would be pleased to do that.

Mr. QUAYLE. I thank the Chair.

(The remarks of Mr. QUAYLE are printed in today's RECORD under Resolutions Submitted.)

SENATE RESOLUTION (S. RES. 282)—TO EXPRESS SUPPORT FOR PRESIDENT CORAZON AQUINO AND THE GOVERNMENT OF THE PHILIPPINES

Mr. BYRD. Mr. President, I am informed that the distinguished Senator from North Carolina has suggested some modifications in the resolution and those are agreeable to me. I am prepared to ask unanimous consent—and I want the distinguished Republican leader to know—that the Senate go to this resolution, that no amendments be in order, that no motion to commit be in order, that there be either no time limit on it or a very short one, and that the Senate then proceed to vote.

Staff will alert the distinguished Republican leader that I am ready to make this request.

CHALLENGE IN THE PHILIPPINES

Mr. President, I might say that this resolution is intended to renew our support of President Aquino. This administration has expressed its support. I think the Senate should go on record as supporting President Aquino of the Philippines in her efforts to pursue the development of democracy under the pressure of Communist rebels and political challenge.

It is not surprising that the course of Mrs. Aquino's governance has met with bumps, some very severe, some setbacks, and disappointments. It is hardly surprising, given the background of many years of neglect and corruption, of wanton profligacy, and the erosion of the democratic traditions that have been a deep stream in Philippine history.

It is also not particularly surprising that Mrs. Aquino may not have governed in a completely perfect way, that she may be open to criticism in various areas. Nevertheless, I know of no politician or leader who is perfect and who does not make his or her share of mistakes. The important thing is that she has faithfully pursued the development of democratic institutions, reinstating parliamentary democracy in that nation, and continuing to attempt to end the Communist rebellion in that nation, either through diplomacy, force, or some combination thereof. In these quests, she has won the support of the Senate. We have heretofore indicated that. I hope that the Senate will renew that support today.

I would note, Mr. President, that it was just last year, through a timely resolution, Senate Resolution 345 on February 19, 1986, authored by the distinguished Senator from Massachusetts, Mr. KENNEDY, the Senate expressed its disappointment with the rigged elections of the Marcos government, and the Senate's belief that Mrs. Aquino had, indeed, legitimately won those elections. That resolution had an electrifying effect in the Philippines, and an impact in assisting Mrs. Aquino gain the rightful fruits of her victory. Now, when the going has gotten a little rough, and there may be some room for criticism, I think it is important to speak again, that we Senators speak with our votes and our voices for her steady efforts to bring about the continuation of democracy and to bring lasting stability to the Philippines.

Mr. President, I note the presence on the floor of Mr. HELMS. I wonder if he has anything he wishes to say at this moment. I thank him for his efforts to bring about the resolution of the language that gave him some problems. I want to express that appreciation publicly.

Mr. HELMS. Mr. President, I thank the distinguished majority leader.

A number of modifications have been included in the last of several drafts. I appreciate the cooperation of the staff and, certainly I appreciate the patience of the distinguished majority leader.

I had only one suggestion that was not agreed to. In the spirit of compromise in which this place operates, I agreed to eliminate one of the suggestions that I had made. That would be under paragraph 6, urging the Government to redouble its efforts to address the problem of corruption within the Government, including the presence of Communists within the Government.

The language with respect to Communists was agreed to be stricken even though I was reluctant to do it because there is great concern in the Philippines and among Philippine citizens in the United States about those charges. In yesterday's Washington Post, a story began on the front page headed "Philippine Cabinet Offers to Resign." There are some significant paragraphs toward the end of the story reading:

> Last week, Cardinal Jaime Sin, the powerful archbishop of Manila and an ally of Aquino, repeated his accusation that corruption in the government was still widespread under the Aquino administration.

I quickly add that the distinguished majority leader is exactly right, I have never known a political figure who was perfect, and I do not suggest that we should require that of Mrs. Aquino. The Washington Post story of yesterday continues:

> One of the 28 Cabinet-level aides most likely to be replaced is Executive Secretary Joker Arroyo, whom many here have described as a political albatross for Aquino. The military views Arroyo as a communist sympathizer because of his past role in defending communists when he was a human rights lawyer. Business leaders and some of Arroyo's colleagues in the Cabinet have criticized him as a poor administrator.

Then there is one final paragraph.

> Some officials have sharply criticized Salvador Laurel, who is vice president and foreign secretary, for fanning discontent in the military by taking a controversial survey of military camps. As part of his survey, Laurel asked soldiers: "Should the president remove the communists in government?" Laurel was out of town today but submitted his resignation as foreign secretary by telephone, officials said. He did not resign as vice president, which is an elective office.

I am pleased, Mr. President, that the resolution, as modified, at least urges Mrs. Aquino's government "to address the problems of corruption within the government." This is a legitimate concern that deserves greater attention.

But as modified, Mr. President, I say to my friend from West Virginia—and he is a very dear friend—that the resolution is satisfactory to me. I thank him for his patience with me and the modification thereof.

Mr. BYRD. Mr. President, I thank the Senator for his patience and for his efforts. I certainly subscribe to the idea that Communists within the Government of the Philippines if there are any, ought not be included. But it seems to me that a continued strong expression of support by the Senate for Mrs. Aquino and her efforts to bring stability to the Philippines will do probably more than anything else to eliminate that problem to which the distinguished Senator has alluded.

Finally, may I say as to the repeated accusations that corruption in the Government is still widespread under the Aquino administration, I am afraid we all live in a glass house, and I am not sure that we are in any position to throw stones because every day we read in the newspapers about the accusations of corruption in the government of the District of Columbia. I thank the distinguished Senator.

I ask unanimous consent if the Senate will allow that the entire newspaper story to which the Senator has referred be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PHILIPPINE CABINET OFFERS TO RESIGN

(By Keith B. Richburg)

MANILA, Sept. 9—In the wake of an aborted coup that has underscored serious rifts in the government, President Corazon Aquino's entire Cabinet submitted resignations today to give Aquino "a free hand" to reshape her embattled administration, her spokesman said.

The government has become embroiled in an intense round of bickering and recrimination, and a high-level shake-up has appeared imminent since the Aug. 28 coup attempt.

Still, the mass resignation of the Cabinet caught many observers, and even some Cabinet members, by surprise.

"When I sat down, there was a blank piece of paper in front of me," said Defense Secretary Rafael Ileto. "My neighbor [Finance Secretary Jaime Ongpin] told me we were going to tender our resignations," he said.

"It was sort of spontaneous combustion," said spokesman Teodoro Benigno, who also resigned. "Nobody motivated it, not a single group. Almost all of us thought of this idea almost at the same time."

Aquino has not officially accepted any of the resignations, although most analysts said at least some of her Cabinet aides were likely to go. Aquino has been known to delay decisions about firing her aides, many of whom are longtime family friends, even when they have developed relations for being incompetent or antagonistic toward key constituencies, such as the military.

Benigno said the president will make her decisions known soon.

If Aquino makes major changes, as expected, it will mark her third Cabinet reshuffle since coming to power in February 1986 and the second time she has had the changes forced upon her by a mass Cabinet resignation.

Following a coup attempt last November, Aquino fired then-defense minister Juan Ponce Enrile and accepted the resignations of three other ministers who had been criticized by military officials as being corrupt or too far to the political left. But Aquino kept the Cabinet largely intact, and one of the fired ministers, Aquilino Pimentel, who had been in charge of local government, was given a new job as a minister without portfolio.

Many Cabinet members resigned in the spring to run for seats in the new Congress. Aquino said at the time that she expected that change to be the last, since many of the longtime politicians were replaced by experienced technocrats and business leaders.

The perception spread in recent weeks, though, that the government lacked direction and spent most of its time lurching from crisis to crisis.

On Aug. 2, a powerful Cabinet member, Local Governments Secretary Jaime Ferrer, was assassinated. Less than three weeks later, leftist-inspired general strikes against higher fuel-oil prices crippled transportation and slowed factory output in Manila and several provinces. Then, 12 days ago, a clique of young reformist military officers launched a bloody coup attempt that claimed 53 lives and, according to analysts, came close to toppling the government.

Last week, Cardinal Jaime Sin, the powerful archbishop of Manila and an ally of Aquino, repeated his accusation that corruption in the government was still widespread under the Aquino administration.

One of the 28 Cabinet-level aides most likely to be replaced is Executive Secretary Joker Arroyo, whom many here have described as a political albatross for Aquino. The military views Arroyo as a communist sympathizer because of his past role in defending communists when he was a human rights lawyer. Business leaders and some of Arroyo's colleagues in the Cabinet have criticized him as a poor administrator.

Another candidate for replacement is special counsel Teodoro Locsin, the president's speech writer.

Locsin has been criticized for his conduct during the coup attempt, when he went to the military's temporary headquarters and appeared to be trying to direct operations to quash the coup. At one point, Locsin ordered the bombing of a rebel-held television station, but the order was never carried out.

Arroyo and Locsin appeared before Congress yesterday. Arroyo held the rostrum for more than four hours, lashing out at his critics.

Some officials have sharply criticized Salvador Laurel, who is vice president and foreign secretary, for fanning discontent in the military by taking a controversial survey of military camps. As part of his survey, Laurel asked soldiers: "Should the president remove the communists in government?" Laurel was out of town today but submitted his resignation as foreign secretary by telephone, officials said. He did not resign as vice president, which is an elective office.

Other aides of Aquino who have come under pressure in recent weeks are Finance Minister Ongpin and Central Bank governor Jose Fernandez Jr., who have been criticized by congressional leaders for signing a debt restructuring arrangement with the country's foreign creditors that many find onerous. Aquino, in her state-of-the-nation message in July criticized that restructuring package as not giving the Philippines repayment terms as favorable as those of Mexico and Argentina

After every coup attempt, Aquino has come under pressure to replace the armed forces chief of staff, Gen. Fidel V. Ramos, who has become the target of criticism from some quarters in the military.

Ramos, who says he serves at the pleasure of the president, did not offer his resignation. Military analysts said Aquino was unlikely to replace him, because to do so now would appear to be heeding the rebel troops' demands. Ramos had demonstrated his loyalty to civilian rule by crushing at least five coup attempts and defusing several others. In addition, analysts said, there is no acknowledged front-runner who could replace Ramos and successfully balance the various factions within the military.

Mr. BYRD. Now, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of this resolution and that there be no amendment in order, no motion to commit be in order, and that time for debate be limited to 1 minute for Senator PELL——

Mr. HELMS. We will take 1 minute, but I probably will not use it.

Mr. BYRD. One minute under the control of Mr. HELMS, and that other Senators may submit their statements in the RECORD; that upon disposition of the resolution, the Senate return to the consideration of the now pending business, the Defense Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, it is a relatively early hour on Friday afternoon and there will be this rollcall vote if no more this afternoon. There may be others. Mr. President, I send the resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 282) to express support for President Aquino and the Government of the Philippines.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, it gives me great pleasure to join with the distinguished leadership in the sponsorship of this resolution. The Philippines have always had a special place in the hearts of the American people, and it is no less so today as the nation struggles to implement hard-won democratic reforms for the Filipino people.

We all are aware of the history of the lengthy struggle for democracy in the Philippines. After having fought side-by-side with American soldiers in World War II, the Filipino people attained independence in 1946. Their postwar leadership paid a great tribute to this Nation when they patterned much of their Government, including the Constitution, on that of the United States. In the intervening years the nation faced many challenges—the Communist-led Huk rebellion, the subservience of the democratic process under the Marcos regime, the associated resurgence of Marxist-led violence, and most recently, an unfortunate series of coup attempts against the democratically elected government of Corazon Aquino.

The people of the Philippines have responded magnificently to this series of challenges to their democratic aspirations, and I am confident they will continue to do so in the months and years ahead. As in the past, however, the actions or lack thereof on the part of the Government and people of the United States can and will make a tremendous difference in the fate of democracy on those islands. The resolution before us today is a reaffirmation of our commitment to the Filipino people, to the government of President Aquino, and to democracy in that part of the world. It is a signal that the United States stands ready, in the face of challenges from whatever source, to support the democratic institutions and processes now taking root across this Southeast Asian archipelago of 56 million people.

In supporting this resolution I declare my respect and admiration for the courage and fairness exhibited by Mrs. Aquino and the government in responding to this latest attempt to overthrow democracy in the Philippines. She has responded magnificently and I want the record to show that, in its hour of need, the legally-elected Government of the Philippines and the Filipino people can, as in the past, count on the support and assistance of the United States of America.

ORIGINAL COSPONSOR OF RESOLUTION

Mr. DOLE. Mr. President, I am pleased to join the distinguished majority leader and the other original cosponsors in introducing this resolution.

It represents a clear expression of bipartisan support for the Aquino government in the Philippines, at a critical time when it has just weathered the challenge of a bloody coup attempt. It is in our interest, as much as President Aquino's, that we express this support, clearly, and right now.

ISSUES TO BE ADDRESSED

The Aquino government is not a perfect government. And it hasn't done a perfect job, in my view, in addressing all of the enormous challenges the Philippines faces. But there are no perfect governments anywhere in the world.

And there are important issues in the Philippines, and between the United States and the Philippines, which I believe must be addressed more vigorously and effectively. I've talked about them before on the floor of the Senate: Doing a much better job in containing and eliminating the insurgency; avoiding positions which compromise vital American security interests, or raise questions about the future of the military bases which serve both countries' interests; getting a better handle on the economy; and some others.

I have a feeling that President Aquino, herself, would ascribe to this sentiment: that more needs to be done, and done better, on these matters.

AQUINO GOVERNMENT BEST HOPE

Nonetheless, the fact of the matter is, the Aquino government has been elected by the people of the Philippines in a fair election. Unquestionably, the Aquino government represents the best chance for the continued consolidation of democracy in that country; the best chance for a stable and prosperous future for the people of the Philippines. And, from our own standpoint, it represents the best hope for preserving and advancing the security interests that our country shares with the Philippines.

The United States, and the U.S. Congress, have supported the Aquino administration from the beginning. It is important that—at this time, even more than before—that we make it clear we will continue to support that government. It is a message that President Aquino deserves to hear; the people of the Philippines need to hear; and the people of the region will welcome.

ENDORSE HELMS' CALL FOR HEARINGS

Let me today say one final word: I do think the idea of hearings on the Philippines—advanced by the distinguished Senator from North Carolina, the ranking member of the Foreign Relations Committee, Senator HELMS—I believe that is an excellent idea.

Stability and democracy in the Philippines, as I and many others have noted many times, is vital to American security interests. We have to play careful attention to developments in the Philippines; and we have to make sure our policy is based on the best, most comprehensive and most current information.

So I hope the distinguished majority leader; the chairman of the committee, Senator PELL; and the other members of the committee will join Senator HELMS and me in endorsing this idea of hearings on the Philippines; and that such hearings can be scheduled very soon.

Mr. KENNEDY. Mr. President, I urge my colleagues to join with the Senate leadership to give quick and resounding approval to this resolution expressing our support for President Corazon Aquino of the Philippines. Today we must tell the people of the Philippines that the American people stand with them—for democracy and for the rule of law.

On August 28, mutinous troops from within the Philippine military attacked the presidential palace in an effort to kill Mrs. Aquino and her family and to overthrow the government. This was the fifth such effort to overthrow Mrs. Aquino's government since Mrs. Aquino was inaugurated in February 1987, but this attempt came close. For a moment, Philippine democracy was in peril. For a moment, it appeared as if the historic achievement of "Filipino people power" might—by violence and force of arms—be snuffed out by the lawless ambitions of a few disloyal officers.

But the overwhelming majority of the Filipino military rallied to the cause of Philippine democracy and came to the defense of Mrs. Aquino's government.

The rebellion was finally crushed, but scores of citizens were killed and hundreds more were wounded. Philippine democracy survived yet another assault, and the rule of law still governs in the Philippines. But it is time for the American people to speak out again—with one voice and with one message: We are with you, President Aquino, in your struggle to keep your country free. We are with you as you work to build a strong democracy and a just society. We are with you in your effort to return the Philippines to civil peace and economic prosperity.

And with this resolution, let us also send a message to those few who, for whatever reason, seek to destroy the fragile flower of the new Philippine democracy: Do not betray your people, your nation or your history; do not defile the memory of thousands of your countrymen and women who so courageously gave their lives that the Philippine people might one day be free. Lay down your arms, examine your hearts, and join the stuggle to build a strong and just and democratic Philippine nation.

Who among us will ever forget those special moments in Manila, moments that now live forever in Philippine history. After years of tyranny and torture, after years of incompetence and corruption, after the final insult of a rigged election and fraudulent vote count, the people of the Philippines finally rose up and—without violence and without bloodshed—demanded that the Philippine Government be returned to the Philippine people.

And who among us will ever forget that special moment last year at a joint session of the U.S. Congress when Mrs. Aquino came to us and—in her quiet strength and incomparable eloquence—told us of the final triumph of her people over injustice and oppression.

Now we are called again to tell Cory Aquino of our continuing commitment to her cause and to the cause of Philippine freedom.

We share too much history, too many common causes, too many aspirations for us to remain silent. Let us join together today with this resolution—and let us pledge ourselves to join again—tomorrow or the day after, or whenever the flame of Philippine liberty is dim or in danger—to make clear that the American people—with our voices and with our votes and with our material assistance—will be with the people of the Philippines in their long and noble struggle finally and for all time to be free.

Mr. MELCHER. Mr. President, there are areas of U.S. interest, both in trade and strategic national defense that need special attention from the United States, and such an area is the Philippines.

Both in trade and strategic defense, the Philippines are very vital to the United States. We have had some renewed trade opportunities, as evidenced by a recent sale of 450,000 tons of U.S. wheat through the Export Enhancement Program. This wheat was sold to the Philippine Farm Millers Association. And that sale of wheat was needed, very much, by the United States. In another 4 months we need to sell a like amount: 450,000 tons of United States wheat to the Philippines.

But, to do that, to have that opportunity for sales of United States wheat 4 months from now, we have to have the Philippine Government in a stable condition.

Only a few days ago that government of President Aquino was threatened by a military coup. I believe that military coup was reflected both in the state of the economy in the Philippines and in the Communist insurgency out there.

Right now, the stability of the government of President Aquino in the Philippines is at stake. The United States can best assist and demonstrate our interest by coming to the aid of the Philippine economy right now. After all, President Aquino has been President of the Philippines for less than 2 years, and during that time there has been very slight economic growth in the Philippines.

There is the uncertainty of land reform. There is the uncertainty of the sugar production in the Philippines and what can be exported to the United States of that sugar production.

There has been uncertainty in the coconut industry in the Philippines, and what can be exported generally to the other countries and particularly to the United States.

There is uncertainty in the manufactured exports for the Philippines. Of course, there is uncertainty in the capital investment that can be attracted to the Philippines from outside their country.

But all this adds up to an economic uncertainty in the Philippines; and to further cloud that Philippine uncertainty is a very severe, aggravated Communist insurgency throughout the Philippines.

I believe it is the proper role of the United States at this time to come to the aid of the Aquino government and that we can and should bolster and help the Filipino economy by economic and military assistance now. But first of all, for the Filipino economic revival, I believe the United States should allow a bigger Filipino sugar quota. We have reserved a sugar quota. That sugar, that we import into the United States, we by and large reserved that for developing countries. However, Australia and Canada still enjoy United States sugar quotas.

I believe some of the quotas for most of those countries should be awarded to the Philippines as a developing country, particularly at this particular time when they need economic help. It would help their economy, and it would permit a start in land reform, which is so vitally needed in the Philippines and which is a central piece of the Aquino government, to implement that, to bring that about for the Philippine people.

Likewise, I believe the United States can and should bolster the coconut imports from the Philippines for the very same reason, to help the Philippine economy and to help land reform there.

On economic assistance and military assistance, the United States need only look at the strategic advantage we have in the rental of Clark Air Force Base and the Subic Naval Base. The United States Armed Forces, our United States Joint Chiefs of Staff, have always declared that these bases are vital to United States interests in Southeast Asia, and, indeed, that if we needed any convincing of the vitalness of these bases in Southeast Asia, at Clark and Subic in the Philippines, we need only review the recent efforts, the recent activities, of the Russian navy as they steam through Southeast Asia.

Mr. President, in terms of the rentals paid by the United States for these two Philippine bases, I believe we ought to put our money where our mouth is. They are of strategic importance to the United States. They are of greatest importance to us in Southeast Asia. They are our only two bases in Southeast Asia of great significance.

In other countries, such as Spain, Greece, or Turkey, the cash rentals that are paid per year for bases in those countries are much larger than in the Philippines. We have been on the cheap side with the Philippines in paying cash rentals for bases we have there, yet they are our most important bases overseas.

Some Philippines, reflecting their attitude of sovereignty, say, "Get rid of these U.S. bases. Get them out of the Philippines."

But that is a minority view among the Filipino people. The majority view there among the people is reflected in the attitude of General Ramos, the chief of the military in the Philippines, a graduate of West Point, long acquainted with our people, our military people, here in the United States. The attitude is that those bases are mutually good for both the Philippines and the United States.

Mr. President, we have no reason not to help the Philippines in this very urgent time for them. I suggest that we follow both the economic side of this and the military side of this, which will dictate to us that we do indeed put our money where our mouth is and be of greater and better assistance to the Philippines.

Mr. President, I yield the floor.

Mr. ADAMS. Mr. President, I strongly support this resolution and I commend Senator BYRD, Senator DOLE, and Senator HELMS for developing this language.

When "people power" brought Mrs. Aquino to power last year, the response in this country was one of pride and relief. We saw her triumph as a victory for democracy. But we forgot a lesson we all have learned over the years—there are no final victories in the struggle to achieve or maintain a democratic state. And it is indeed a struggle: A struggle for the United States which finds itself, from time to time, facing threats to our constitutional system; and certainly a struggle for a nation like the Philippines which is emerging from decades of autocratic rule.

The situation in the Philippines is complex. There is a Communist revolutionary force threatening the government on the left; there is a reactionary insurrection among some elements of the military; and there is the specter of the past lurking out of power but not of sight. Added to these direct and physical threats is the economic crisis facing the Philippines. Their unemployment rate is staggering, their opportunities for building an industrial base are limited.

In light of the recent coup attempt, there will no doubt be those who urge that we focus on the immediate military threat facing the government. And certainly that is a matter of concern, and some additional assistance in that area is needed. But the most realistic response to the threat to the government involves a resolution of the economic problems facing the Philippines. And our actions should place special emphasis on that issue. The plain truth, Mr. President, is that there is not enough aid in the pipeline now—and there doesn't appear to be much of a pipeline for the years to come.

I support this resolution as a statement of our desire and determination to support the Aquino government. But I also am ready to support more concrete and specific forms of support in the areas I have described.

Mr. HELMS. Mr. President, to the delight of other Senators, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. ADAMS], the Senator from Delaware [Mr. BIDEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Louisiana [Mr. BREAUX], the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. SANFORD] and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. ADAMS], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Massachusetts [Mr. KERRY] would each vote "yea".

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTONG], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], the Senator from California [Mr. WILSON], and the Senator from Utah [Mr. HATCH], are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. THURMOND], and the Senator from Utah [Mr. HATCH], would each vote "yea."

The PRESIDING OFFICER (Mr. DODD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 0, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—73

Baucus
Bentsen
Boren
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
Dixon
Dodd
Dole
Evans
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hecht
Heflin
Heinz
Helms
Humphrey
Inouye
Karnes
Kassebaum
Kasten
Kennedy
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Trible
Warner
Weicker
Wirth

NAYS—0

NOTVOTING—27

Adams
Armstrong
Biden
Bingaman
Bond
Boschwitz
Breaux
Cochran
DeConcini
Domenici
Durenberger
Exon
Ford
Gore
Hatch
Hatfield
Hollings
Johnston
Kerry
McCain
McClure
Murkowski
Sanford
Simon
Thurmond
Wallop
Wilson

So the resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 282), with its preamble, is as follows:

S. RES. 282

Whereas on August 28, 1987, mutinous troops attacked the presidential palace in Manila in an effort to overthrow the Government of the Philippines;

Whereas scores of Filipinos have been killed and over one hundred wounded in the political violence;

Whereas the Filipino armed forces have rallied in support of the President against the mutineers and have crushed the rebellion;

Whereas the insurrection is the fifth such effort to overthrow the Aquino government since the inauguration of President Aquino on February 25, 1987;

Whereas under the leadership of President Aquino, the people of the Philippines have adopted a new Constitution, conducted open elections, and undertaken an effort to revive the democratic institutions of their nation;

Whereas the Government of the Philippines has made impressive strides in reversing the economic decline of the nation;

Whereas President Aquino currently enjoys the allegiance and support of the Filipino people;

Whereas the international community has expressed renewed support for the leadership of President Aquino;

Whereas the Aquino government confronts a growing Communist insurgency threatening political, economic, and social freedoms and the security of the Philippines;

Whereas the United States Administration has issued a statement of strong support for the Aquino government and democracy in the Philippines and condemned all efforts to destabilize the Government of the Philippines; and

Whereas the Aquino government enjoys the confidence and support of the United States Congress as has been expressed in previous resolutions: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of the Philippines and the loyal members of the Philippine military for their commitment to democracy and for their courage and success in crushing the rebellion;

(2) renews its full support for the sustained efforts of President Corazon Aquino to pursue the development of democratic institutions in the Philippines and stability in the society of the Philippines;

(3) recognizes the overriding importance of defeating the communist insurgency by strengthening the capability and improving the morale and living conditions of the armed forces of the Philippines and supports continued timely and vigorous military assistance to the Government of the Philippines to assist in that effort;

(4) recognizes that economic recovery based on free enterprise principles is crucial to the attainment of a stable democracy in the Philippines and supports continued economic assistance aimed at building a strong and vibrant economy;

(5) calls attention to all persons or groups seeking the violent overthrow of the Government of the Philippines to current United States law which requires suspension of fiscal year 1987 military or other assistance if a duly elected Head of Government is deposed by military coup or decree;

(6) urges the government to redouble its efforts to address the problems of corruption within the government; and

(7) urges the Secretary of State to direct the United States Ambassador to the Philippines to make every effort to communicate the contents of this resolution to all Filipino citizens and to all sectors of Philippine society.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The PRESIDING OFFICER. The Senate will resume the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, I shall not detain this body for more than just a very few minutes. I am not going to let this occasion of bringing up this bill pass without a word of comment thereon. I think we agree that this is one of the most important pieces of legislation that we have year after year after year.

I have been here, Mr. President, when there was no requirement for authorization of any kind with reference to military weaponry and other items within our military program. Now, though, if we go back to the practice of not having a careful, complete analysis, and recommendations by competent people, some Members of this body and some staff members, if we go back and abandon the safeguards that we have here in the authorization requirement, we are deliberately and willfully leading ourselves into trouble of the very gravest kind, in my humble opinion, which we cannot possibly tolerate. I mean by that that there must be a real analysis of the needs, the uses of the weaponry, the manpower, and all of those things that go to make up the tremendous, around the world military program that we have.

It is just idle talk to talk about balancing the budget and so forth unless we are going to put forward these precautions and double cautions and intelligent consideration of these matters that we are called on to pass on. It is very difficult work at best.

I commend very highly the chairman, Senator NUNN, and the ranking minority member of the committee, and all committee members, including the assistance that comes from the committee staff work.

Mr. KENNEDY. Mr. President, I rise in support of S. 1174, the Defense authorization bill for fiscal year 1988 and 1989. As chairman of the Projection Forces and Regional Defense Subcommittte, I shall take a few moments to describe the scope of my subcommittee's concerns, some of the issues we engaged, and why I believe this bill deserves the support of my colleagues.

The Subcommittee on Projection Forces and Regional Defense is responsible for oversight of the military missions of defense of southwest Asia and defense of other regions where the United States does not have substantial forces deployed in peacetime, primarily Latin America and Africa. The subcommittee also reviews policies and programs for the missions of sea control and maritime force projection in all world regions, areas including NATO and East Asia.

The subcommittee is responsible for those budget elements of research and development and procurement related to these missions, including shipbuilding and conversion (excluding strategic forces), naval aviation (excluding carrier-based aircraft), Marine Corps (excluding the tactical aviation), airlift and sealift, and Special Operations Forces. Its oversight jurisdiction includes about 8.7 percent of the Defense budget or about $25.7 billion of which $20.2 billion is procurement authority and $5.3 billion is research and development. Navy programs represent more than 83 percent of the subcommittee's accounts, with the single largest account being shipbuilding and conversions which is 38 percent of the total.

With respect to biennial budgeting, the committee sought to identify only stable, noncontroversial programs for authorization in fiscal year 1989. We avoided programs with major acquisition milestones; avoided new starts; included multiyear procurement programs to the maximum extent; and ensured consistency with our recommendations for fiscal year 1988. The total authorization recommended for fiscal year 1989 was about $5 billion or 17 percent of the request. I had hoped that a larger percentage of fiscal year 1989 programs would be recommended for authorization. Unfortunately, a majority of the committee felt that the uncertainty about future levels of defense spending required preservation of considerable flexibility next year, especially in the Navy's shipbuilding and conversion account.

The subcommittee determined from hearings that it should give highest priority to correcting deficiencies in three mission areas: Antisubmarine warfare, strategic mobility, and special operations. Recent improvements in Soviet capabilities have diminished the margin of United States antisubmarine warfare superiority. By selective investment of funds available from prior year savings and funds not able to be committee as originally planned, I am pleased to report the committee has been able to give special emphasis to a range of programs to help preserve superior U.S. Navy capabilities for antisubmarine warfare.

Near-term antisubmarine capabilities have been enhanced by nearly doubling the funds requested for procurement of sonobuoys. Inventory levels of sonobuoys have been declining, yet, strangely, the administration's request for these critical items has also declined—by over 40 percent from the fiscal year 1987 request. The committee also sought near-term improvements by recommending the authorization of a 35-percent increase in funds for procurement of Update 111 modification kits for P-3 aircraft, which is consistent with past committee practice. Additionally, the committee recommends increased procurement of SQQ-89 antisubmarine warfare combat systems by 50 percent.

To improve antisubmarine warfare capabilities in the midterm the committee recommends authorization of the procurement of two SWATH T-AGOS ocean surveillance ships. In the fiscal year 1987 budget submission, the Navy characterized these ships as "crucial" and showed a procurement profile which included three ships in fiscal year 1988. With the fiscal year 1988 budget submission, the 1988 ships were deleted to allow a 1-year gap between lead ship production and follow-on ships. We determined from the Navy that by managing the start of the contract, the 1-year gap policy could be preserved, and the Navy could take advantage of favorably priced options. In short, contracts for ships authorized for fiscal year 1988 could be executed without any violation of policy or practice. Accordingly, we have recommended that two ships be restored to a program which is, indeed, absolutely crucial to our antisubmarine ocean surveillance capability.

Also, addressing mid-term ASW capability enhancement, the committee recommended a 50-percent increase in the procurement authorization for SH-60B Seahawk Lamps MK 111 helicopters.

Looking to the far term antisubmarine warfare enhancements, the committee recommended authorization of the requested funds for development of the SSN-21 submarine and its various systems. Responding positively to a very promising initiative on the part of the Navy, the committee strongly recommended that funds be authorized to develop a new maritime patrol aircraft from commercially derived candidates in competition with one another. A major increase in capability and cost effectiveness is believed to be possible through this strategy in the mid to far timeframe.

Underlying all future improvements in antisubmarine warfare is our fundamental understanding of the oceans and near-ocean atmosphere. Accordingly, sustained funding of ocean measurements and modeling capabilities is essential. The committee recommended authorization of funds to support certain oceanographic work which will be of direct benefit in improving future antisubmarine warfare capabilities.

Elsewhere in its area of concern the committee recommended a 23-percent increase in procurement of standard [SM-2] surface to air missiles which raises the production rate and achieves a more economical buy. In mine warfare, an often neglected area, but one which the committee recognizes as a critical warfighting, if not war-controlling capability, increases were recommended to examine warhead improvement for the Captor mine, examination of an advanced deep water mine and development of the minehunting sonar to be installed in both classes of our new mine countermeasures ships.

The Navy shipbuilding program was modified due to the inability to execute the requested MCM ships and the LSD-41 (Cargo variant). Five CG-47 class AEGIS cruisers were recommended for authorization vice the requested three to take advantage of very favorable pricing of a larger buy. This completes the CG-47 program. The new DDG-51 AEGIS destroyer program provided offsets for the additional CG-47 cruisers. It is believed an additional year to resolve design problems in the lead DDG-51 authorized in fiscal year 1985 can be useful to the overall success of the program.

Inadequate strategic mobility is a major deficiency in carrying out U.S. military strategy. At present, the United States has substantially more combat capability than it can deploy in a timely manner during periods of crisis or war. The committee continues to believe that the C-17 airlift aircraft is critical to offsetting airlift shortfalls and recommends the authorization of funds to further that end. Although substantial progress has been made in recent years in improving sealift capabilities, the committee is concerned about limited fast sealift and recommends a fast sealift initiative be authorized to assist in resolving that problem, as well as funds to continue the procurement of sealift support equipment.

The committee is giving increased emphasis to Special Operations Forces [SOF]. Progress on improving special operations capabilities has been mixed. The committee found the program to increase SOF airlift to be sound and fully justified. Despite this positive note, bureaucratic resistance to the congressionally mandated reorganization of SOF forces remains a serious concern. In particular, the committee views the failure to nominate in a timely manner the Commander in Chief of the U.S. Special Operations Command and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as a major shortcoming in DOD's performance. Last, the committee believes that the decision to locate the headquarters of the U.S. Special Operations Command at MacDill Air Force Base, FL requires further study.

A key programmatic issue in the Defense authorization request for fiscal years 1988 and 1989 was the proposal for early replacement of two aging, increasingly ineffective aircraft carriers. The committee, by a vote of 11 to 9, authorized $644 million for the funding of long lead items for the first of two Nimitz-class, nuclear-powered aircraft carriers in fiscal year 1988 and $797 million for advance procurement for both replacement carriers in fiscal year 1989. The narrow vote on this issue reveals the continuing concerns of many Members regarding the procurement plan within the overall context of the affordability of the Navy's shipbuilding plan and the Navy aircraft procurement plan. If the affordability issue is not resolved in both of these accounts, we will not have modern airplanes for the carriers we are building, and we will experience a severe surface combatant shortfall. Both of these issues will be examined in detail over the next year.

The carrier replacement proposal was devised by the administration at the last moment and without the benefit of the rigorous review procedures within the Department of Defense.

The Navy proposed to fund two new carriers, one each in 1990 and 1993 with long lead procurement starting in fiscal year 1988. Previously, the Navy had planned to buy new carriers in 1994 and 1996 with long lead procurement beginning in 1992.

This "midnight" change to the Defense budget request meant that the $7-billion funding bubble needed to pay for the carriers had to be moved 4 years forward in the program. Since the Navy budget for these years has not been increased, $7 billion in spending for other programs has been postponed to the mid and late 1990's.

In other words, the Navy has robbed Peter to pay Paul. Two AEGIS destroyers were deferred to pay for the carriers; $600 million was shaved from the refit program for older carriers; readiness and sustainability lost $2.4 billion to the carriers. The aircraft that fly off the carriers lost $450 million.

These last minute rearrangements troubled Admiral Crowe, the Chairman of the Joint Chiefs of Staff. Although he now supports the President's budget, he expressed his concerns about the carriers in a memorandum to Deputy Secretary of Defense William Taft in which he stated:

> The simple fact is that in a fiscal year climate more austere than currently planned the carrier priority may not be as high as it is today. For example, when painful choices have to be made, I would give first priority to sustainability, modern munitions, ASW, and the SSN program.

I agree with Admiral Crowe's priorities. By what rationale, did Secretary Weinberger overrule his principal military adviser? The answer we are given is that there was a compelling business opportunity—an opportunity so great as to justify completely a wholesale rearrangement of priorities. We were told that by procuring these carriers hard on the heels of those currently under construction—not allowing a gap to occur—we could save $3 billion—practically the total cost of one carrier. If it were true that one could get modern Nimitz-class nuclear-powered aircraft carriers at bargain basement 2 for 1 sale prices, all of us would seize the opportunity.

But, when we pressed for details on the $3-billion savings, it was quickly deflated to $700 million.

So where are we left? The need to remove aging, costly, and ineffective carriers from service is real, but it was just as real under the previous strategy which proposed funding replacements in 1994 and 1996. The claimed savings of $3 billion are a gross exaggeration and do not justify the proposal.

We ought to be paying more attention to our higher priorities of antisubmarine warfare, strategic mobility, and special operations. With the exception of the carrier program, the Subcommittee on Projection Forces and Regional Defense presents a balanced program which enhances our national defense. With this exception I urge my colleagues to support this program.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BYRD. Will the Senator yield?

Mr. MELCHER. Yes.

Mr. BYRD. Mr. President, I am told by the distinguished chairman of the committee, Mr. NUNN, that Mr. GLENN is going to call up an amendment shortly, that there is some controversy concerning the amendment, and that we are not likely to have a vote on the amendment today. I wanted to announce to Senators that fact, based on the advice by the distinguished chairman. I am constrained to say therefore, as far as I know, there will be no more rollcall votes this afternoon unless some Senator who is on the floor knows differently.

Mr. WARNER. Mr. President, I know of no Senator who knows differently on this side.

Mr. QUAYLE addressed the Chair.

Mr. WARNER. I see the distinguished Republican leader on the floor and maybe he can respond in connection with there being any more votes this afternoon.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BYRD. Will the Senator yield?

Mr. MELCHER. I am delighted to yield.

Mr. QUAYLE. Will the distinguished majority leader inform us as to what is the nature of the Glenn amendment that is going to be brought up?

Mr. BYRD. Senator GLENN would have to respond to that.

Mr. GLENN. It is the SDI amendment. It is the one we had last year. It has been modified some this year and I think it is more acceptable now. It passed last year by 64 to 31, I believe, and it is the same amendment. I presume there would be a requirement for a rollcall from the other side on that.

Mr. QUAYLE. Unfortunately, I am aware of that. Thank you very much.

Mr. GLENN. We will lay it down, and I presume it would be the pending business on Tuesday.

Mr. BYRD. Mr. President, I thank all Senators. Does the distinguished Republican leader have any other matter in mind that he wishes to take up today? I was just saying that as far as I am concerned, I know of no other rollcall votes. I am constrained to say there will be no other rollcall votes today. In view of the fact Mr. GLENN is going to call up an amendment that has some controversy on it, I told Mr. NUNN—and there will be a rollcall vote on it at some point, but Senator GLENN is not ready to have that vote today so I am saying there will not be any more rollcall votes unless another Senator wishes to correct me.

Mr. NUNN. Will the majority leader yield? Will the Senator——

Mr. MELCHER. I will be glad to yield.

Mr. NUNN. Briefly, may I inquire of the majority leader as to the schedule for Tuesday next? Will we be on this bill in the morning or will it be after lunch?

Mr. BYRD. Mr. President, first, let me thank all Senators for their indulgence, patience, and cooperation today. We have had a good day.

Mr. President, on next Tuesday the Senate will come in at 10 o'clock. There will be a vote on cloture, on the motion to invoke cloture on the campaign financing reform bill. It will be the seventh cloture vote. I could be surprised, but I doubt that it will succeed. We had 55 votes, however, for cloture, and I would hope that over the weekend we could pick up an additional five votes. I have seen such things occur.

In the event cloture should be invoked, then S. 2 would be before the Senate to the exclusion of all other business until disposed of, at which time the Senate would then go back to the DOD authorization bill.

In the event that the cloture motion does not prevail, then the Senate will immediately resume consideration of the then unfinished business, which will be the Department of Defense authorization bill.

I am going to ask the distinguished Republican leader to start our conferences—he is here—if we can begin our conferences, from now on, at 12:30 on Tuesday rather than 12. Senators do not get there anyhow. They are busy in committees and so on. We can continue business on the floor until 12:30 and then recess until 2 o'clock.

This would mean we would have some time that morning to continue debate on the Senator's amendment, if he lays it down now, or on other amendments to the bill.

Mr. NUNN. In light of that, if the majority leader will yield further and the Senator from Montana will yield further, can we get the Glenn amendment or begin debate this afternoon and then right after the cloture vote return to this bill and have a debate on the Glenn amendment? I do not know how long that debate will take but perhaps we could vote on it shortly after lunch or maybe before then on Tuesday and that would get us started. I will certainly tell other Senators that we would like to have amendments on Tuesday afternoon, and it would be my hope, every one in advance. As the floor manager in concert with my colleague from Virginia, we have discussed this. If we are on this bill, say Wednesday, Thursday, and Friday of next week we could begin early in the morning and begin voting before noon and get controversial and important amendments out early in the morning so we can have good, full, and productive days. We may have to have some evening sessions but if we have them I hope it is not because we do not get started until 2 and 3 o'clock in the afternoon in voting. So I would ask all our colleagues and staff people who are in communication with their Senators that may have left town this afternoon if they could determine getting started early for instance on Wednesday morning next, Thursday morning next, and let us have a full day and get as many things done as we possibly can. I would like to do that, otherwise we will be in on this bill late at night over and over and over again. That does not make it very pleasant.

The question is whether the Senate itself wants to go ahead and begin early in the morning. The Glenn amendment will get us started Tuesday.

Mr. BYRD. Mr. President, if the distinguished Senator will allow me——

Mr. MELCHER. Certainly.

Mr. BYRD. So that Senators may adjust their schedules accordingly, I shall ask unanimous consent that the Senate stand in recess on Tuesday between the hour of 1 p.m. and 2 p.m. That gives a full hour for conference. If Senators want to get there a little early, they can come 10 or 15 minutes before that. The meal will be there. But I think we are taking too much time, the Senate is taking 2 hours as we get down to the last few weeks of the session.

TUESDAY RECESS FOR 1 HOUR

Mr. BYRD. I ask unanimous consent that the Senate stand in recess on Tuesday, to accommodate both party conferences, between the hours of 1 p.m. and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This will allow us more time for work in the morning.

HOUR OF CONVENING WEDNESDAY, THURSDAY, AND FRIDAY

Mr. BYRD. I ask unanimous consent that when the Senate convenes next week on Wednesday morning, Thursday morning, and Friday morning, it convene at the hour, daily, of 8:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 678

(Purpose: To prohibit the awarding of contracts for research and development in connection with the Strategic Defense Initiative program to foreign countries and foreign firms)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. EXON, Mr. BINGAMAN, Mr. BUMPERS, and Mr. MITCHELL, proposes an amendment numbered 678.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION AGAINST CERTAIN CONTRACTS

(a) IN GENERAL.—Funds appropriated to or for the use of the Department of Defense for any fiscal year pursuant to an authorization contained in this or any other Act may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) TEMPORARY SUSPENSION OF PROHIBITION UPON CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development, testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract was entered into before the date of the enactment of this Act;

(2) the contract is to be performed within the United States; or

(3) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(d) In this section:

(1) The term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

(2) The term "United States firm" means a business entity other than a foreign firm.

Mr. GLENN. Mr. President, before we discuss the details of my particular amendment, I would like to give just a little bit of background as to why I feel strongly about this amendment.

I would challenge the people within the hearing of my voice to state what two things led the United States of America into being the kind of a Nation it is today in comparison with other nations around this world. I do not know what your answer might be, but I know what my answer would be. I would say that it is not just our natural resources. Many places around the world have had resources but they do not develop them as the United States did. But what we had, I think, were two things in this Nation—No. 1 was education. Education came to be not just for the rich kids or the advantaged young people in the country. But education came to be for every person in the United States of America, and out of that came an educated citizenry beyond anything known in the history of the world.

Second, we plowed more of our gross national product back into basic, fundamental research than any nation in the history of this world. We learned the new things first. That was the hallmark of our American existence: education and basic, fundamental research. We learned those new things first and with that educated citizenry we put it to work. We created new jobs and businesses and industries. We made those breakthroughs before anyone else, and the rest of the world followed in our wake. They bought their research from us, by and large

That trend continues pretty much to this day, except that we see a disturbing factor now: We see other nations that have observed the United States of America and they have seen what happened to this goose that laid the golden egg. They have seen what caused our prosperity and they have seen that it was education. They have seen that research played a major role as well. They are emphasizing education and basic research, and beginning for the first time, in some selected fields, to outcompete the United States in research.

What has our response been? Well, in the first year of this administration, an attempt was made to cut out about 29 percent of our basic research. A lot of us were very concerned here in the Congress and as a result, a smaller percentage, perhaps 16 to 18 percent, was actually cut.

I think that was a mistake, but at least we were able to avert making the massive cuts in basic research that were planned.

That brings us to what this amendment is all about. In 1983, President Reagan proposed star wars, the strategic defense initiative, one of the greatest research programs in the history of man. I think it dwarfs the Manhattan Project of World War II.

I agree with the research aspects of SDI, but I have serious misgivings with the deployment of SDI. But I do favor basic research—in power transmission, the use of lasers, the use of tremendous energy sources, and computer technology beyond anything we have right now.

All of these important areas of research, Mr. President, have civilian uses of one kind or another. We cannot even envision yet what many of these things may be. But we know they are tremendous, particularly in those areas that are the major focus of research in SDI: laser-powered transmission, neutron particle beams and power transmission, and computer technology. Those are only three areas in which we require major breakthroughs if we are to have a viable SDI program.

The President proposed the SDI program in 1983. As for our allies' support, what response did we get? Well, we got for the most part a "Thanks, but no thanks. We do not want to participate. We want no part of this."

That is the way things went for the first couple of years of the program.

Eventually, the President came up with a new approach. Here we have the greatest research effort ever put forward by mankind and the President said, "If you will support us, if you will support our position on 501, we will let you have some of the research money."

Well, now, that was an offer that some countries could not refuse. It was a little difficult for them to say, "We oppose SDI but we want the research money." So they said, "OK, we support it, rather reluctantly, and only if we get some of the research money."

We have governments in West Germany, for instance, that said, "OK, we are now going to support SDI on the basis that it is going to help build up our laboratories and our infrastructure, and there will undoubtedly be large commercial benefits to us if we do this because there will be a lot of spinoffs from this very basic research."

Now, the German people bought this and Helmut Kohl was able to sell it on that basis, and to show exactly what they thought of this project and where it belonged they put it under the jurisdiction of their economics ministry. It is not even administered in the defense ministry. They see it as building their economic infrastructure. And so they support star wars on the basis of getting research money to help them build up their scientific community, and to make them more capable of outcompeting the United States of America over the long term. And we have the SDI research program being supported around the world on that basis—it is going to benefit their economies, and so they are willing to get in on the act.

Now, this is taking place at a time when we are beginning to be outcompeted in selected fields.

Mr. President, that is what this amendment is all about. This amendment says that there will be restrictions on the award of SDI-related research contracts overseas. It says in effect that for the long term, we will not give them the trade rope to hang the United States in some ways.

We are concerned with trade legislation now. We are putting up trade restrictions, because we are so concerned with what is happening in world trade, and yet here we are in effect giving them the advantage of U.S.-paid-for state-of-the-art research which will have spinoffs and enable their scientific communities to outcompete the United States.

These are countries that are not putting any significant amount of their own money into SDI research. We have no other nation that has volunteered to step forward and put basic money into SDI and support what this country is doing. That, to me, is grossly unfair at a time when we see the United States of America begin to be outcompeted in research.

So that is what this amendment is all about. It deals with the restriction of awards of SDI-related research contracts overseas, but I think does it in a very fair way.

This legislation requires that funds appropriated for research in the strategic defense initiative program during any fiscal year be in the United States unless the Secretary of Defense certifies to the Congress in writing at any time during such fiscal year that the work to be performed under the contract "cannot be competently performed by a U.S. firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm."

Now, there are several things that this amendment does not do. It does not affect contracts awarded before enactment. It would not undo, in other words, anything already done and contracted for. Nor does it affect those contracts to be performed within the United States. This has been done to allay the fears of foreign-owned firms located in the United States that employ American citizens. That is a valid concern and we address that.

Furthermore, the amendment does not affect contracts awarded exclusively for research, development, testing, or evaluation in connection with the ATBM, antitactical ballistic missile program. That was a program of special concern to our allies and to a number of Senators on the floor last year. We addressed that concern as well.

This amendment is similar to legislation I introduced last year on the floor of the Senate during consideration of the fiscal year 1987 DOD authorization bill. The motion to table my amendment last year was defeated overwhelmingly by a vote of 64 to 33. In other words, by a 2-to-1 margin, the Senate approved my amendment last year, and I think the amendment this year with the changes we have made in it should be even more acceptable. The House, I would add, has already passed this amendment, exactly the way I submitted it here.

Mr. President, as I have said, I very firmly believe two things—research and education—have served to make America what it is today. I still believe that American workers, scientists, and engineers can still outinvent, outproduce, outwork, and outcompete any nation on the face of this Earth, given a fair chance.

Research has played a crucial role in building up America's economic and security infrastructure that has made us preeminent in the world. The enormous SDI research program currently plays a significant role in our national research efforts.

As the SDI program has accelerated, I have become concerned that the administration has sought to purchase support for SDI from our allies by offering them research contracts funded by the American taxpayer.

If any of these nations wished to step forward and say they would assume a percentage of the total cost of SDI, then it would be legitimate to say, "Do the research in those nations; they are supporting this program; they should have a research role in this basic breakthrough-type research."

But they are not willing to do that. They say, "We will accept your research dollars because it builds up our economy and our ability to outcompete you in the future, but we are not going to put any money directly into it. We just want to benefit from the research and all of the civilian spinoffs that will come from that kind of research."

So I firmly believe the administration's obvious but unstated policy of buying support for SDI from our reluctant allies does not supersede our need to keep defense dollars for SDI research in the United States whenever possible and to support our own undernourished research base.

Mr. President, I very fully understand the importance of cooperation with our allies. The distinguished floor manager of this defense authorization bill, Senator NUNN, has been the leader in supporting our sharing of these burdens with our allies. I have supported all of those efforts, and will continue to do so. We helped to establish the defense MOU's to achieve standardization and interoperability of weapons systems in our alliance.

However, I believe that SDI represents a special case. The Reagan administration has declared SDI to be its top national security priority. The SDI program involves revolutionary, state-of-the-art technology which is sure to have significant spinoffs both for conventional military applications and for civilian uses. We should use SDI research for building up our own infrastructure and not that of our economic competitors.

The SDI MOU's signed between our Government and Great Britain, Italy, West Germany, and Israel—without the advice and consent of the Congress—merely establish a framework for allied competition for SDI contracts.

Passage of my amendment will not alter the SDI MOU's. Under my amendment, our allies may still compete for and win SDI contracts. My amendment permits greater congressional scrutiny for the award of these contracts.

Many of our allies were ambivalent if not hostile toward the SDI program when it was announced, but their opposition was diminished somewhat by the Reagan administration's invitation to participate in the program. The Federal Republic of Germany's Kohl government, for instance, in order to overcome resistance to participating in the SDI program, emphasized the enormous commercial benefits to be derived from SDI research. Indeed, the fact that the Federal Republic of Germany's Economics Ministry is managing West Germany's participation in SDI—as opposed to the Defense Ministry—reflects the nature of their country's interest in the program.

I am convinced that we in Congress must play a definitive role in setting national security priorities; certainly we should be willing to exercise our constitutionally mandated prerogative by determining how our increasingly limited national resources for defense are to be spent on SDI research.

I urge my colleagues to vote in favor of this amendment.

Mr. President, let me propose a few questions and answers on my amendment.

How does this year's amendment differ from last year's amendment? The answer is that, last year's amendment prohibited DOD expenditure of SDI funds overseas unless the Secretary of Defense certified to the Congress in writing that the contract could not be "reasonably performed by a U.S. firm." This year's amendment mandates that the Secretary of Defense must certify to the Congress in writing at any time during such fiscal year that the work to be performed under the contract "cannot be competently performed by a U.S. firm at a price equal to or less than the price at which the RDT&E would be performed by a foreign firm." That is a major difference.

Last year's amendment also included exceptions for the ATBM program and existing contracts. This year's amendment includes those two exceptions plus an additional exception for foreign contracts to be performed within the United States.

Why should we prohibit the award of SDI contracts overseas when some of our allies have clear superiority in certain areas such as software and optics?

Under my amendment, if there is such expertise overseas, SDI contracts may be awarded abroad. That is fine. Let us take advantage of that. All the Secretary of Defense has to do is make a certification to Congress that that is the case.

We take advantage of their unique expertise. A third question: Does the Glenn amendment undercut our SDI-MOU's with our allies? The SDI-MOU's signed between our Government and Great Britain, Italy, West Germany, and Israel—without the advice and consent of the Congress—merely establish a framework for allied competition for SDI contracts. Passage of my amendment will not alter the SDI-MOU's. Under my amendment, our allies may still compete for and win SDI contracts. My amendment permits greater congressional scrutiny for the award of these contracts.

How will your amendment alter existing law?

DOD asserts that it currently applies the Bayh amendment to all defense contracts, including SDI, which provides that no DOD research and development contracts may be awarded to foreign firms if a U.S. entity is "equally competent to carry out the work and willing to do so at a lower cost."

My amendment alters the Bayh amendment, but only as it applies to SDI research by stating that a contract may be awarded overseas only if it "cannot be competently performed by a U.S. firm at a price equal to or less than the price at which the RDT&E would be performed by a foreign firm."

Your amendment states that the Secretary of Defense must certify to the Congress that no U.S. firm is "competent" to do the job. What does competent mean?

DOD asserts that it currently applies the Bayh amendment to SDI contracts which requires DOD to make a determination that no U.S. firm is "equally competent." What does "equally competent" mean? If, as DOD asserts, it applies the Bayh amendment, it already applies a dual hurdle for foreign competitors to submit both technical and cost proposals for an SDI research solicitation.

DOD writes the specifications for SDI research contracts and the contracting officer must now make a determination that a U.S. firm is not equally competent—in addition to cost considerations—as metaphysical a determination to make as determining what is "competent."

If, as the allies and DOD assert, SDI contracts are going overseas for research where they have a clear advantage over the United States, their DOD-scrutinized cost proposal will undoubtedly be lower than any U.S. firm and the award will go overseas.

You had helped establish defense MOU's to achieve standardization and interoperability of weapons systems in our alliance. In placing restrictions on foreign SDI contracts, you are contradicting your earlier stand or encouraging greater allied cooperation in the defense sector. Why?

I believe that SDI represents a special case. The Reagan administration itself has declared SDI to be its top national security priority. The SDI program involves revolutionary, state-of-the-art technology which is sure to have significant spin-offs both for conventional military applications and for civilian uses. We should use SDI research for building up our own infrastructure and not that of our economic competitors.

Mr. President, I would also call to the attention of my colleagues an interview in the August 31 edition of the Defense News, with the Chief Executive of British Aerospace, Sir Raymond Lygo. One of the questions he was asked:

> Q. You say open markets, Mr. Younger says open markets, and then the U.S. House of Representative passes a measure saying Strategic Defense Initiative (SDI) research money should not be given to any foreign government or foreign business and the American Senate will take it up soon. What are your thoughts?

And here is what the chief executive of British Aerospace replied:

> I must say I have a great deal of sympathy with Congress in this matter. I have always made my own views very clear. Unless the Europeans themselves are prepared to put money into SDI, I really didn't understand why the American taxpayer was supposed to put money into European industry. It didn't seem to me to be a particularly fair arrangement.
>
> You see, the difficulty is that when you are dealing with Europe. . . you aren't really dealing with an organization, you're dealing with an arrangement of nations. And it is very difficult to get Europe to act as one unit unless you get everyone agreeing. Now that is almost impossible. . . And I think the French reaction by the introduction of Eureka made it particularly difficult for the European governments to get their act together in this respect.
>
> Also, I don't think they were prepared for it. I think [SDI is] the right thing to do politically and strategically. But having said that, you really have to prepare the alliance for things of this kind. I don't think they were very well prepared to receive that message.

So even the head of British Aerospace, looking at this issue in the European context, understood why it was not fair that we be supporting their basic research industry at the expense of our own industry.

All one has to do is go to towns like Youngstown, OH, and Warren, IN, and other places where manufacturing has lagged or caused tremendous unemployment. Unemployment on our shores in the past has been taken care of by new developments, new businesses, and new trends in research.

Mr. President, we will have more to say next Tuesday when we get back on this. As the distinguished majority leader has said, we will have no further votes today. I do not know whether there is further debate today, but I will be glad to respond to questions.

Mr. WARNER. Mr. President, the distinguished Senator from Ohio has most eloquently presented the content of his amendment. Last year, I was in opposition. I will avail myself over the weekend of the opportunity to study this with care.

The distinguished Senator from Ohio knows of my concern. If I may speak for our distinguished chairman, we have in the past year made great progress in the United States in encouraging the sharing of technology, the mutual R&D projects and the like. Therefore, at this particular time I will not endeavor to speak to the amendment that is now pending, and I am not knowledgeable whether others on our side want to speak to it at this time.

AMENDMENT NO. 679

Mr. WARNER. Mr. President, I send to the desk an amendment in the second degree, on behalf of myself and the distinguished Republican leader and other Senators.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. DOLE, Mr. HELMS, Mr. QUAYLE, Mr. SYMMS, Mr. LUGAR, and Mr. GRAMM, proposes an amendment numbered 679 to the Glenn amendment numbered 678:

At the end of the amendment add the following:

The United States and the Soviet Union may be on the verge of reaching agreement on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

and since,

The September discussions between our Secretary of State and the Soviet Foreign Minister represent the culmination of years of detailed and complex negotiations between our countries that reflect delicate compromises on both sides;

and since,

Chief U.S. negotiator Max Kampelman has announced that he has been instructed by the President to place special emphasis on START talks, now that an INF accord may be close at hand;

Therefore, the Senate declares that:

The Congress of the United States fully supports the President in his negotiations with the Soviet Union.

The Congress recognizes fully the constitutional role of the President as the sole voice of the United States in matters during the delicate course of treaty negotiations; and the Congress must not intrude in this process by acting to constrain a President's flexibility in reaching agreement with foreign nations.

At this critical point, the Congress must not take actions equivalent to unilateral concessions to the Soviet Union on arms controls, and specifically on issues that the Soviets cannot themselves achieve at the negotiating table.

The Congress must not act to further the interests of the Soviet Union by unilaterally adopting Soviet negotiating positions that have been rejected by the United States government.

The Congress should not seek to establish, in U.S. domestic law, positions on matters such as ASAT, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons, at the very moment that such sensitive arms control subjects are being negotiated by Secretary Shultz and Foreign Minister Shevardnadze and by the negotiators in Geneva. Such action would inevitably disadvantage and undermine the United States Government in such negotiations.

Mr. WARNER. Mr. President, in the absence of the distinguished chairman, I will not go into detail with respect to this amendment in the second degree.

I said this morning, and very clearly, that it was my hope—and, indeed, I think this amendment reflects the hope of many—that we do not move the negotiating table from Geneva to the floor of the Senate in the weeks to come while we are debating this important piece of deliberation on behalf of the armed services.

Mr. President, this amendment would put the Senate on record as fully supporting the President in his negotiations with the Soviets and as objecting to congressional actions that would have the effect of constraining the President's flexibility in negotiations or would grant the Soviets a unilateral concession.

Mr. President, during the past 4 months, the Senate has been debating a provision that I, and others of my colleagues, believe would have the effect of undermining the President at this critical juncture in the arms control process.

The so-called Levin-Nunn amendment would place restrictions on the expenditures of funds for development and testing related to the strategic defense initiative [SDI]. It would require a joint resolution of the House and Senate before the President could proceed with any development or testing of SDI systems which could not be conducted under the very restrictive "narrow" interpretation of the ABM Treaty. In other words, if either the House or the Senate should decide not to permit the President to proceed with such developments or testing, then either the House or Senate would have sufficient authority alone to block the President's decision. There are many reasons to be concerned about such a provision. Let me summarize them briefly:

First, this provision represents a unilateral constraint on the United States and grants a substantial concession to the Soviets at a crucial juncture in the arms control negotiations in Geneva. This restriction would limit the flexibility of our negotiators and would impose on them a new starting point that would be welcomed by the Soviets.

Second, the Levin-Nunn amendment would permit an unacceptable intrusion by either House of Congress into the President's exclusive jurisdiction to conduct our Nation's foreign affairs. The Constitution and Supreme Court have defined the balance of authority between the executive and legislative branches; this amendment is a clear transgression by the Congress.

Third, under the restrictive interpretation imposed by Levin-Nunn, we may only conduct limited SDI experiments which are incapable of fully demonstrating a specific technology or ABM system capability. This means that we cannot realistically and efficiently test the more mature strategic defense technologies necessary to determine their technical feasibility as a strategic defense system. The direct results will be substantial program delays and significantly higher costs for ultimately attaining effective strategic defense.

Fourth, the Levin-Nunn amendment would impose on the United States a restrictive interpretation of the ABM treaty to which only the United States—and not the Soviet Union—would be bound. Our negotiators attempted to restrict both the United States and the Soviet Union to the narrow interpretation of the treaty when it was negotiated more than 15 years ago. But the record reveals that the Soviet Union refused to accept this restriction. The Levin-Nunn amendment would bind only the United States to the restrictive interpretation, and would have no effect on the Soviet Union's obligations under the treaty.

Fifth, the Levin-Nunn amendment is in part based on concern for the proper role of the Senate in giving advice and consent on the ratification of treaties. This is certainly an appropriate concern, but the approach taken by Levin-Nunn would hand to the House of Representatives an effective veto over any Presidential decisions to conduct development or testing beyond the restrictive treaty interpretations. The amendment requires a two-House vote of approval before the President may proceed to such development or testing. Therefore, if the House alone should decide not to approve such a decision, they would prevail under the Levin-Nunn amendment. For those Members who are concerned about the Senate role in this process, let me put this another way: If 100 Senators were to agree that the President should be able to conduct certain advanced tests, but the House of Representatives refused to give their approval, then the will of the Senate would be frustrated. A simple majority of the House could overrule not only the President's decision, but also a unanimous decision by the Senate. I suspect this is a result that the authors of the amendment never intended.

Mr. President, I know of one other amendment that a Senator wishes to lay down, but of course that is subject to the pending matter of the Senator from Ohio and the amendment in the second degree.

What would be the disposition of the manager of the bill with respect to laying aside the amendment of the

Senator from Ohio in order to have another amendment laid down? This would give Senators notice of work we propose to do during the course of Tuesday and on into Wednesday.

I think the request has been made to determine the nature of the amendment. If we can put in a short quorum call, perhaps we can establish the content of the amendment, and the manager can make a decision.

Mr. DIXON. Mr. President, I thank my colleague, the distinguished ranking member, for his comments.

In the absence of the chairman of the committee, it had been our intention, and had been the understanding I had, that after Senator GLENN had offered his amendment, we would have some other remarks by chairmen of subcommittees and then probably would conclude for today and go over until next Tuesday for further consideration of amendments.

Without any criticism of what my colleague from Virginia has done, I say that this amendment was not expected on this side. Earlier discussions today, I say to my colleague from Virginia, with the distinguished junior Senator from Indiana and others, in the absence of the Senator from Virginia, had centered on the fact that we might discuss the way in which we would proceed next Tuesday and what amendments we might undertake. There had been some discussion of the whole question of matters related to the Levin-Nunn amendment and some thought about how we might frame this whole thing.

It is perfectly understood, may I say, by this side that we expect that there will be an extended discussion next week on this whole subject matter.

I think, in view of the lateness of the hour today and the fact that no one expects any further rollcalls, I would like to give my report as chairman of the Subcommittee on Readiness, Sustainability and Support which I was prepared to do and then we had hoped, unless other members of subcommittees wanted to do the same thing, we might go over until Tuesday and begin early in the morning on Tuesday.

Mr. WARNER. Mr. President, I see on the floor the distinguished ranking member of the Foreign Relations Committee.

I yield the floor at this time.

The PRESIDING OFFICER (Mr. REID). The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Could I inquire of my good friend from Illinois, Is he saying that no further amendments can be offered today?

Mr. DIXON. I am saying to my good friend from North Carolina that we already have an amendment under consideration, that of the Senator from Ohio.

Mr. HELMS. I understand.

Mr. DIXON. That has been further complicated now by the offering of an amendment in the second degree by my friend, the ranking member on the Republican side on the Armed Services Committee, the distinguished Senator from Virginia.

Our plate is now full. I am not authorized to set those aside to proceed to another amendment.

I would be delighted to accommodate my friend and colleague in connection with his laying down his amendment at this point in time. But I would not be able to accommodate him by setting aside further consideration of these amendments to go to the question of his amendment.

I would ask him to indulge me to be able to make my statement as a chairman of a major subcommittee of the Armed Services Committee on what I consider to be my responsibilities in connection with an opening statement on the bill.

Mr. HELMS. My point was not to take up any time at all except to offer the amendment to be considered in rotation whenever that appropriate time occurred. I would not make any remarks about it.

Mr. DIXON. The Senator, of course, has a right at any time to lay down his amendment.

Mr. HELMS. No, I do not as long as the amendment is pending.

Mr. DIXON. He can file the amendment, I mean, at this point in time.

Mr. HELMS. I know that. But we hear exhortations on this floor all the time, "If Senators have amendments, please come and call them up." I thought that the procedure would be to have as many amendments to work on on Tuesday as possible. Certainly I understand on Friday afternoon with two-thirds of the Senators out of town already, that there will be no consideration of the amendment. But I was hopeful that maybe the pending amendment and the Glenn amendment and the second-degree amendment offered by Senator WARNER for Senator DOLE and others, could be laid aside so that I could get mine in line. If he has no authority to do that—

Mr. DIXON. I must say, regrettably, to my colleague, as much as I would like to accommodate him, I have no authority to do that. My understanding was we were to proceed first thing Tuesday to a full discussion and then a vote on the Glenn amendment. That has been somewhat complicated by what my friend, the Senator from Virginia, has done. But I feel I have no authority to accommodate the Senator from North Carolina further.

Mr. HELMS. Pardon me. I did not mean to be rude. Did the Senator finish?

Mr. DIXON. Yes.

Mr. HELMS. Would the able Senator be willing to consult with the majority leader and see what his wishes are with respect to having the amendment?

Mr. DIXON. Would my colleague, if I may interrupt him, indulge me, letting staff folks talk to the majority leader and reach the chairman if I can while I go ahead and make my statement in the brief period of time? When my statement is finished, I will be glad to correspond with the Senator from North Carolina.

Mr. HELMS. I believe we resolved that. The distinguished majority leader entered the Chamber.

I may direct my question, Mr. President, to the distinguished majority leader. Is it the wish or not the wish of the majority leader to set aside amendments so as to have as many amendments submitted so that we could have a process develop for Tuesday?

Mr. BYRD. I would not want to set aside the amendments at this point unless—I do not see Senator NUNN, the manager of the bill, on the floor.

Mr. DIXON. He is absent.

Mr. BYRD. Very well.

I will be glad to see if I can get in touch with Senator NUNN, who is over in his office at the moment, to see if he has any objection. I would not want to agree at this point to set aside the amendment and take up other amendments. So if the distinguished Senator would allow me, would he either withdraw the request or allow me some time; otherwise, I would have to object until we are back on the bill to do so.

Mr. HELMS. I can understand that. I just wanted to apply what I know the majority leader's position is going to be sooner or later on this bill as with all other measures that he will be exhorting Senators to come to the floor and offer amendments. I just wanted to accommodate him in advance in that regard. I do not care whether it is considered today.

Mr. BYRD. I am confident the distinguished Senator from North Carolina will be prepared to call up an amendment at any time there is no amendment pending or whether it is pending or not he will be prepared to call up an amendment.

Mr. HELMS. Very well. I shall go back to my office then. If the majority leader changes his mind, will he let me know?

Mr. BYRD. I surely will.

Mr. HELMS. I thank the majority leader.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to propose a unanimous-consent request to technically change the sponsors of this amendment in the second degree. Mr. President, I ask unanimous consent that the sponsors read: DOLE, WARNER, HELMS, QUAYLE, SYMMS, LUGAR, and GRAMM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, as I understand the distinguished subcommittee chairman would like to give his statement.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. I thank the distinguished Senator from Virginia for his kindness.

At this time, Mr. President, as chairman of the Subcommittee on Readiness, Sustainability and Support of the Armed Services Committee, I would like to take a few moments to highlight for my colleagues the major features of S. 1174 under the jurisdiction of the subcommittee which I chair.

The Subcommittee on Readiness, Sustainability and Support has a broad charter from the full committee to oversee two key measures of our military capability—the ability to go to war today and the ability to sustain deployed forces as required during conflict. The subcommittee is responsible for reviewing those elements of the annual defense authorization request which are associated with the operations and maintenance of our military forces and with those items of procurement particularly related to readiness and sustainability, such as conventional ammunition and spare parts. The subcommittee also oversees the operation of the revolving and management funds and reviews the budget request for military construction and family housing.

In its review of the fiscal year 1988-89 defense authorization request, the subcommittee received testimony from designated representatives of five of the Unified Commanders in Chief; from the senior logistics commanders in the military services and the Defense Logistics Agency; and from the senior officials of the Office of the Secretary of Defense responsible for setting priorities within the annual defense budget request. The committee's actions in the areas of readiness, sustainability and support were shaped by the testimony drawn from these hearings.

First, the committee attempted to minimize the reductions to the budget request in the areas of readiness, sustainability and support.

Second, the reductions that were necessary to meet the budget targets were made as broadly and generically as possible in order to give Defense Department managers the greatest flexibility to minimize the impact of the reductions of readiness and sustainability programs.

Third, in making adjustments to the military construction request, the committee attempted to preserve projects which promised near-term readiness enhancements and those supporting new systems and quality of life, particularly at austere locations. Whenever possible, the committee also attempted to respect the Unified Commanders' priorities and the balance within each service's request.

Finally, certain readiness and sustainability programs—spare parts funding and conventional ammunition procurement—were not reduced at all, or were reduced only to reflect "fact-of-life" changes.

For fiscal year 1988 the committee bill includes reductions of approximately $2.7 billion in the programs under the jurisdiction of the Readiness, Sustainability and Support Subcommittee. These reductions were not easy to achieve. There are some problems left in the budget and programs in the area of readiness and sustainability that need to be addressed. We know where these problems are, and I will mention them in my statement, but we just did not have enough money to address all of them.

The operations and maintenance accounts are the largest area under the subcommittee's jurisdiction—$86.7 billion in fiscal year 1988 and $91.5 billion in fiscal year 1989. $1.7 billion of the subcommittee's $2.7 billion in reductions came from the operation and maintenance accounts. We found $300 million in financing savings that should not have any impact at all on DOD operations. The remaining reductions came from cutting back the amount of growth in areas where we thought the budget was excessive—Defense claims; command, control and communications; CHAMPUS—and from arbitrarily reducing some of the softer support areas to the current year's level—base operating support; travel and transportation of persons. We also reluctantly reduced the level of investment in modernization of our Defense Department industrial facilities from the requested 5 percent of projected industrial fund revenues in fiscal year 1988 to 3 percent.

The committee was able to add $100 million to the Army's request for depot maintenance in fiscal year 1988. This is one important readiness area that was severely underfunded in the administration's budget request. The Army's backlog of depot maintenance will still grow in fiscal year 1988, but it will not be as large as it would have been under the administration's budget.

The committee was not able to alter the fact that the backlog of real property maintenance will increase in all four active services in fiscal year 1988 and in fiscal year 1989. However, we were able to provide the full budget request for training and operating tempos in all of the services, with the exception of a minor adjustment to the Air Force flying hour program which we felt was justified on the basis of technical problems.

In the area of revolving and management funds, the committee recommended a 10 percent, or $120 million, reduction to the budget request for augmentation of existing stock fund inventories and buildup of war reserve stocks.

The committee bill authorizes the full budget request in the area of spare parts and ammunition, with the exception of some adjustments in the Army's ammunition request for programs which cannot be executed. Frankly, the committee would have liked to add money to the budget request in this area because our hearings demonstrated that this was another critical area of the budget where cuts were made before the budget came to Congress. Wartime sustainability for Air Force tactical fighter aircraft, for example, will decline 20 percent from current levels over the next 4 years because of spare parts funding cutbacks. Unfortunately, we could not find money to add to this area, but we felt it was important to protect these accounts from further cuts.

In the area of military construction the committee made adjustments yielding savings of $824 million from the fiscal year 1988 budget request of $10.1 billion. While this may seem to be a modest reduction—about 8 percent—it needs to be viewed in the context of virtually no real growth in this area during the past 3 years. The truth is that our facilities are aging badly—providing inefficient places for our troops to live and work and generating excessive maintenance requirements. Because of the services' and Congress' lack of emphasis on this area, we are neither maintaining or replacing DOD's physical plant at prudent rates.

Having said that, the committee did make reductions to the DOD military construction budget request in virtually all areas. In doing so, we tried to retain projects with near term readiness payoffs and rapid amortization, as well as quality of life improvements, particularly at austere locations. We also tried to make generic cuts where possible, and to respect the priorities of the military services and the unified commanders in chief.

The committee bill also authorizes over 90 percent of the programs under the jurisdiction of the Readiness, Sustainability and Support Subcommittee for fiscal year 1989. The bill authorizes the entire operation and maintenance title at $86.7 billion, a reduction of $3.4 billion below the requested amount. This level will provide full inflation, or 0 real growth, for these accounts in fiscal year 1989.

The committee recommends authorization of the full $10.3 billion requested in the budget for fiscal year 1989 for spare parts and ammunition procurement. We also recommend authorization of the $1.1 billion requested for the Defense revolving and management funds.

For military construction, the committee bill authorizes $5 billion of the $10.6 billion requested in fiscal year 1989. All "level of effort" accounts, such as planning and design, were addressed, as well as $600 million in specific projects which were either multiple year, phased programs, or supported new systems which the committee has or is authorizing. Major initiatives like the beddown of the Army's light infantry divisions and the Navy's strategic homeports were addressed in the fiscal year 1989 authorization.

The committee bill also includes a number of provisions to increase the flexibility of Defense Department managers to execute their programs and reduce the volume of reports submitted to Congress. One important committee initiative in this area will change the focus of cost variations reporting from the value of individual military construction projects to the total amount made available by Congress for construction on a military installation.

Mr. President, this bill authorizes funds for all of the important readiness and sustainability programs for the military services for fiscal year 1988 and 1989: flying hours, steaming days, training exercises, modern ammunition, and maintenance and supply activities. The bill authorizes military construction projects in all 50 States and overseas. Without this authorization bill, not a single new military construction project in the United States or overseas can be started in fiscal year 1988 or 1989. Enactment of this authorization bill into law is essential for our national defense. Those who vote against this bill send a signal to our friends and adversaries alike that we are not willing to provide our men and women in uniform with the tools they need to protect our country. I urge my colleagues to support this bill.

In closing, Mr. President, I want to thank my friend and colleague Senator Humphrey for his cooperation and assistance as the ranking minority member on the Subcommittee on Readiness, Sustainability and Support. I don't think there has been a single difference of opinion between us this year on any major issue before the subcommittee. I look forward to working with him on the Armed Services Committee throughout the remainder of this Congress.

Mr. President, in conclusion, I want to express my profound appreciation to the chairman of the committee, Senator Nunn, to the ranking member, Senator Warner, and every Member on both sides for the very excellent cooperation I received in that subcommittee as chairman of the subcommittee and for their support in the committee.

I thank the Chair and I yield the floor.

Mr. LEVIN. Mr. President, did the ranking member want to have the floor?

Mr. WARNER. Mr. President, I just wished to express my appreciation to the distinguished Senator from Illinois for his statement and for his hard work on this bill. I look forward to working with him as we begin to consider the bill.

Mr. President, if the Senator will forbear for a moment, I ask unanimous consent that Senator Stevens be added as an original cosponsor to the pending Dole-Warner amendment in the second degree.

The PRESIDING OFFICER. Without objection, that is the order.

(Mr. DASCHLE assumed the chair.)

Mr. LEVIN. Mr. President, when Senator Nunn determined the organization of the Armed Services Committee, he said that he wanted to have a focus for conventional defense. He established the Conventional Forces and Alliance Defense Subcommittee, and gave it responsibility for reviewing our major conventional defense commitments. This includes most of the conventional weapon systems used by our land and tactical air forces.

The subcommittee's jurisdiction includes all land combat systems in the Army, tactical aircraft in the Army, Navy, and Air Force, missile systems launched from those combat aircraft, as well as related other procurement.

The subcommittee has some joint jurisdiction with some other subcommittees, and this subcommittee which I chair has oversight of $8.3 billion in R&D in fiscal year 1988 and $9 billion in fiscal year 1989.

The subcommittee held detailed hearings this year and learned of deficiencies which bring into question the ability of our forces to meet our conventional defense requirements. The full committee has incorporated recommendations of the Conventional Forces Subcommittee in the bill that we have before us to address these key deficiencies to the maximum extent possible in a constrained budget.

I will go into each of these areas in some detail, but I did want to summarize them briefly at the outset.

We found that the bulk of the Army's modernization program was being prematurely terminated. To correct that, the committee has kept in production the five most important combat systems, and has retained efficient production rates for all of them.

We found that the Navy had proposed serious stretchouts in Navy aviation. We terminated the most inefficient production lines and increased funding on several crucial programs to get more efficient production rates.

We found that the Navy's aircraft modification account was seriously underfunded, with many critical modification programs funded inefficiently or not at all. To correct that situation, we have made a major effort to restore funding to those modification programs.

We found that munitions stockage levels continue to be a problem. Not a single missile was cut from the budget request in our subcommittee's jurisdiction, and we even added funds for a needed air-to-air missile despite the requirement to cut $1.3 billion from our accounts.

We found production stretchouts in almost all of the accounts. We were able to increase production rates on six major programs, restoring all of them to relatively efficient production rates. But we were unable to do more than that because of budget cuts in the conventional forces area.

A long-term solution to these deficiencies will depend on a fundamental reassessment of our resource plans. I believe the committee is reporting an excellent bill that gets to the heart of a lot of the deficiencies and problems we have in the conventional forces area. Frankly, I opposed any cuts in the conventional area so long as there were funding increases for strategic programs. Nuclear weapons have received disproportionate favor during the past 6 years at the expense of conventional force modernization. This year's CD request continued that imbalance in spades. I feel that we should correct that imbalance, and I will offer amendments later which I believe will go a way toward doing so.

Let me now review in more detail the findings of the Conventional Forces Subcommittee.

One of the most important conclusions from our hearings this year is that the Army modernization program was being prematurely terminated far short of requirements. Mr. President, I ask unanimous consent to have printed at this point in the Record a table, developed from data provided by the Army, which shows the percentage of requirements met for the major combat systems.

There being no objection, the table was ordered to be printed in the Record, as follows:

STATUS OF ARMY MODERNIZATION PROGRAM

	Last year procured	Percent modernized	Follow-on scheduled
AH–64 helicopter	1988	49	1995
UH–60 helicopter	1991	36	1996
MLRS rocket launcher	1993	49	(1)
M1 tank	1992	71	1996
M2 fighting vehicle	1991	60	1996

[1] No follow on.

These five systems are the key systems constituting the Army modernization program. Under the plans submitted by the administration, all are scheduled for termination within a few years, well short of satisfying the longstanding requirements. More alarmingly, follow-on systems to replace these current front-line weapons are not scheduled to enter service for many years. In some instances a 7 year gap separates termination of one system with the fielding of its follow-on.

While this situation is a serious deficiency in its own right, the problem has been highlighted by the prospect of removing short- and medium-range nuclear missiles from Europe. Nuclear weapons in Europe have masked some underlying conventional disparities. If less reliance is placed on nuclear weapons in Europe, as I hope will be the case, the United States and the NATO allies should strengthen conventional defenses. Yet, conventional defense is weakened if the Army's modernization is cut short with wide gaps between the production of current systems and follow-on systems.

The bill we are recommending to the Senate takes an important step in correcting that deficiency. We have provided sufficient funds to keep the AH-64 aircraft in production, to increase the production rate on the UH-60 helicopter, the M-1 tank and the Multiple Launch Rocket System in order to keep them approximately at last year's level. Further, we included language in the committee report directing the Department of Defense to keep those major systems in production until they satisfy a subtantially larger portion of requirements.

In order to keep some of these key programs in production, the committee recommended substantial reductions in the Army's LHX helicopter program. The committee concluded that it made little sense to start a large new program designed to produce a new helicopter that was not significantly better than helicopters the Army was planning to terminate.

But slowing down the LHX will not provide sufficient resources in the future. The Department will have to follow through to insure that the Army receives adequate funding in the future to keep these key modernization programs on track.

The second major deficiency in the budget that was submitted this year concerns Navy aviation. While the Navy decided to accelerate the procurement of aircraft carriers, it chose to stretchout the procurement of combat aircraft. This is ironic, indeed remarkable, since it is the combat aircraft, not the aircraft carriers, that go to war.

Mr. President, I ask unanimous consent that a table showing aircraft stretchouts in the Navy be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NAVY AIRCRAFT PROCUREMENT (1988–91)

	1987 plan	1988 plan	Reduction	
			Number	Percent
F–14 fighter	90	73	–17	–19
F–18 fighter/bomber	590	300	–290	–49
AV–8B bomber	168	94	–74	–44
A–6 medium bomber	78	78		
EA–6B electronic jammer	48	33	–15	–31
CH–53E helicopter	40	32	–8	–20
V–22 tiltrotor aircraft	108	57	–51	–47
AH–1T attack helicopter	0	34	+34	
SH–60 sub-hunting helo	96	96	0	
P–3 sub-hunting patrol	36	29	–7	–19
E–2C early warning aircraft	24	24		
Total	1,278	850	–428	–33

Mr. LEVIN. A third of all the combat aircraft in last year's 5-year defense plan were removed from the budget at the same time that the size of the fleet is expanding. These specific stretchouts will result in an older aircraft fleet. The average retirement age last year was 23 years. Now the average retirement age will be 26 years. This trend is a mistake. The Congressional Budget Office testified that the Navy would require $26 billion to return to the desired fleet age in last year's plan. Such an enormous bill is not likely to ever be paid. And in the face of future likely funding constraints, the trend toward aging Navy aircraft will accelerate, with adverse long-term consequences for the combat capabilities of Navy aviation.

One of the key decisions made by the committee concerns modernization of the Navy's medium attack fleet. The Navy has two programs underway to do that. The first is a program to update the existing A-6 medium attack bomber with new electronics and new engines. The second is the development of a new generation attack aircraft, the Advanced Tactical Aircraft, or ATA.

The committee decided to terminate further work on the A-6. The A-6 is an older design aircraft. It has been a workhorse for the Navy. But it was designed in the 1950's and it presents a very large image to enemy radar and is a subsonic aircraft. As a result it is very vulnerable to enemy antiaircraft missiles and gun fire. The committee decided that in the face of limited budget resources, it is much better to invest in the new generation ATA aircraft, rather than to spend some $6.5 billion on newer models of inherently vulnerable A-6 aircraft. Consequently, the committee directed the Navy to terminate the A-6 Program and to proceed immediately with development of the ATA.

This provided sufficient resources for the committee to increase production of the EA-6B electronic jammer aircraft. The Navy requested only 6 in fiscal year 1988, which is half of the quantity provided in 1987. We brought the production rate back up to 12 aircraft, which is a tremendous improvement in efficiency in producing those aircraft.

The decision to terminate the A-6 also provided sufficient resources to restore funding for many important modification programs in Navy aviation. For example, the most important aircraft in the fleet—the E-2 early warning radar aircraft—has developed wing cracks so severe that a fourth of the fleet is grounded. Incredibly, there was not one penny in the budget request to deal with that problem. With the savings from the A-6 termination, we were able to fund the start of a retrofit program.

We were also able to correct another major modification program—the A-6 Rewinging Program. The existing A-6 aircraft are under contract to have new wings installed on them. A third of the fleet is grounded or on restricted status because of wing cracks. The budget as submitted underfunded this program so severely that the current contract would have been broken. Savings from the A-6 termination generated sufficient resources to fund that important modification program at the maximum rate.

While I am proud of the committee for the actions it took on Navy aviation, I am concerned over the future for the Navy. This budget contains the commitment to new carriers, but does not have sufficient funds to buy an adequate number of aircraft for the Navy. The commitment we make to a 600-ship Navy, and to 15 carrier battlegroups, is a hollow commitment if we do not buy sufficient aircraft to make that fleet a combat force. We were not able to solve that more fundamental problem in the bill we report today.

PRODUCTION STRETCHOUTS

The third major deficiency we discovered in the Conventional Forces Subcommittee is one of production inefficiency and production stretchouts for many weapon systems. Again, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing all the major combat systems that are being stretched out below the level provided last year.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PRODUCTION STRETCHOUTS BELOW FISCAL YEAR 1987 LEVEL

	Fiscal year 1987 level	Request
EH–60 helicopter	18	5
AH–64 helicopter	101	67
UH–60 helicopter	82	61
M2 fighting vehicle	662	616
Field artillery vehicle	141	65
M–1 tank	800	600

PRODUCTION STRETCHOUTS BELOW FISCAL YEAR 1987 LEVEL—Continued

	Fiscal year 1987 level	Request
EA-6B jammer aircraft	12	6
AV-8B bomber/fighter	42	32
F-14 fighter	15	12
SH-60B sub-hunting helicopter	17	6
E-2C early warning aircraft	10	6
HARM antiradiation missile	1,078	766

Mr. **LEVIN**. The Conventional Forces Subcommittee and the Defense Industry and Technology Subcommittee held joint hearings on this critical problem. The committee learned of the following serious trends in recent years.

During the past 5 years, weapons have been produced at just 50 percent of efficient production capacity.

A fourth of the major acquisition programs during the past 5 years were manufactured at a rate below the minimum economic rate for those systems.

Half of the largest 20 weapon systems were stretched out compared to last year's plan.

The key cause of the production rate problem is that the defense budgeting system permits more programs to be included in the budget than there are funds available to procure those programs. The Comptroller General summarized the problem when he testified that:

> Historically, too many weapon systems have been started or proposed for the limited funding available, and often the cost estimates for the systems have been overly optimistic. This combination—too many programs and optimistic cost-estimating—has produced the much discussed "bow wave" phenomena where future funding requirements out-strip funding availability.

The committee attempted to come to grips with this problem by slowing down some of the major new starts. As I indicated, this bill slows down the LHX helicopter program in the Army. We recognize the need to develop a replacement helicopter, but this is not the right time to begin when it involves terminating existing frontline production helicopters. We discussed slowing down the Navy's advanced tactical aircraft, but the committee felt it was more important to terminate production of the obsolete A-6 rather than delay development of the ATA.

We also proposed delaying the Air Force's Advanced Tactical Fighter. As I mentioned to my colleagues many times, I was not opposed to the ATF fighter. I think it is a good program and a good design. The problem is that it is a $75 billion program that has to fit in a flat budget. We asked the Air Force how it would determine priorities in the face of static budgets and they declined. This is unfortunate because they are just ignoring reality. Frankly, I would give high priority to the ATF compared to other major programs in the Air Force accounts. We will have to resolve that issue at some near future date.

Before I conclude, Mr. President, I do want to note my appreciation for the contribution of Senator QUAYLE, the ranking minority member on the Conventional Forces and Alliance Defense Subcommittee. The bill is much improved because of this diligent efforts.

He is a good friend as well as fine colleague. He is cooperative, not only on the subcommittee but in so many endeavors that many of us in the Senate have had the pleasure of working with him on.

Also, in conclusion, may I just state a word of my pleasure in working with Senator NUNN, who is one of the most extraordinarily talented people I have ever met. He has applied those talents to produce a bill which is a very, very good bill under very difficult circumstances. He works with a good friend, a dear colleague, Senator WARNER, who is the ranking Republican. The two of them have been able, with just one exception, the language which has been the subject of so much debate, to lead this committee to really quite an extraordinary conclusion, and a bill which I believe in general meets the requirements of the Nation in terms of our national security, at the same time being done in a very, very difficult budget environment for defense.

I want to congratulate and thank both Senators NUNN and WARNER not only for working together so well but for being such good friends with each other and the rest of us, and for working with us so well, those of us who have the privilege of being the chairman and ranking members of the subcommittees.

Mr. President, I yield the floor and thank the Chair.

The **PRESIDING OFFICER**. The Senator from Virginia.

Mr. **WARNER**. Mr. President, I thank my distinguished colleague and friend from Michigan. Indeed, we came to the U.S. Senate together. It has been awhile back. We do not want to recall right now how many years that has been. In those years we have served on the Armed Services Committee and have served under distinguished chairmen and now we are privileged to serve under Chairman NUNN.

I thank the Senator for his fine remarks. He has been a real and powerful friend on that committee, although I do not always agree with him. He is a real tower of strength in his own right.

Mr. **LEVIN**. I thank my friend. We do have one disagreement which I know we will have a good, healthy debate over in the weeks ahead. There has been a lot of cooperation between the members of this committee over the years and I also really think that will prevail, whatever the outcome of that debate is.

I know we both feel strongly about our staff contributions which they have made on our subcommittees. John Hamre is the principal one on this particular subcommittee. All of our staffs have worked so hard. I am really glad that we have gotten this bill to the floor; they have worked hard on it. I know they know we can reach a conclusion that ultimately is consistent with the security needs of this country.

Mr. **WARNER**. Mr. President, I again thank my distinguished colleague.

Just to close out on a note of joy, did I understand there is but one issue which separates us and that would be the Levin-Nunn amendment? I am very pleased to hear that you are now on board with the aircraft carriers and pulling with us for that program.

Mr. **LEVIN**. I think that is one part of my remarks when you must have been talking with someone else when I was commenting.

Mr. **WARNER**. I understood you to say there was only one issue that separates us.

Mr. **LEVIN**. Only one principal issue.

Mr. **WARNER**. You relegate that to a secondary issue?

Mr. **LEVIN**. Yes; the one that has been subjected to filibuster, I think, is the one and the other would have to be relegated to secondary. The Senator should know that we should not have more aircraft carriers when we are cutting down the aircraft number. That must be a priority also. That will also be a subject of debate. But compared to the subject that has been the principal matter involved in the filibuster, I would have to relegate that and a number of other issues, including the balance between conventional and nuclear weapons, which you know I feel strongly about, which I will be offering an amendment on, I would relegate those to a different tier.

Mr. **WARNER**. Mr. President, I would ask my distinguished friend as we proceed to address the issue of carriers, whether he could make a trip with me and look at where the USS *Midway* is today, look at a ship that is 50 years old, and then ask himself would he want to serve on that ship. Would he want one of his sons to serve on that ship?

Bear that in mind as we proceed over this weekend. Contemplate this secondary issue.

Mr. **LEVIN**. We will indeed contemplate that issue. It always troubles us, the age of our fleet, but the age of our planes is even more troubling. We are approaching a so-called 600-ship Navy but we also have to worry about what flies off those ships.

Mr. **WARNER**. Mr. President, at this time I see no other Senator desiring to be recognized. With the distinguished Senator from Michigan here, I wonder if we might appoint ourselves as Senate leadership for a few moments.

Mr. President, could I inquire as to whether there is an order with respect to the Senate and, if so, perhaps the Chair will address the Senate with respect to that order?

The PRESIDING OFFICER. The Chair is not aware of any particular order pending.

Mr. WARNER. I thank the Chair. I was misinformed. I was told there was an order left with the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, while the majority leader is on the floor, let me indicate that as far as I know there is nobody who wants to speak further on the defense authorization bill this afternoon. My understanding is that it would be the desire of Senator NUNN to then return to the pending amendment on this bill when we next take it up.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Michigan for his analysis of the situation at this point. It is 4:30 on a Friday afternoon. I think we have had a good day's work. It has been a good day. We are on the bill and several opening speeches have been made.

They would have to have been made at some point. And there is an amendment pending or maybe, I believe, an amendment to an amendment already. So I thank the Senator.

MORNING BUSINESS

Mr. BYRD. Mr. President, I will therefore ask unanimous consent, so that Senators will know that we will not be on the bill any longer today, that there now be a period for morning business not to extend beyond an hour, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Again, I thank the distinguished Senator, Mr. LEVIN.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:53 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, with amendments, in which it requests the concurrence of the Senate:

S. 1158. An act to extend the authorization of appropriations for programs and activities under title III of the Public Health Service Act, to establish a National Health Service Corps Loan Repayment Program, to otherwise revise and extend the program for the National Health Service Corps, and for other purposes; and

S. 1452. An act to amend the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Truet Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisors Act of 1940 to make certain technical, clarifying, and conforming amendments, to authorize appropriations to the Securities and Exchange Commission, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration:

Special Report on Allocation of Budget Totals by the Committee on Rules and Administration (Rept. No. 100-155).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 1677. A bill to prohibit the Department of Defense from purchasing any product manufactured or assembled by Toshiba America, Inc., or Toshiba Corp. for the purpose of resale of such product in a military exchange store; to the Committee on Armed Services.

By Mr. HATCH:

S. 1678. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Finance.

S. 1679. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE:

S. 1680. A bill for the relief of Barbara Temple-Thurston; to the Committee on the Judiciary.

By Mr. HELMS (for himself, Mr. ARMSTRONG, Mr. HATCH, Mr. HECHT, Mr. HEFLIN, Mr. SHELBY, Mr. SYMMS, Mr. THURMOND, and Mr. WILSON):

S. 1681. A bill to authorize funds for military assistance to the Democratic Resistance in Nicaragua unless the President certifies to Congress that the Communist government in Nicaragua has met certain conditions; to the Committee on Foreign Relations.

By Mr. CONRAD (for himself and Ms. MIKULSKI):

S. 1682. A bill to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. McCLURE:

S. 1683. A bill to amend the Farm Credit Act of 1971 to assist Farm Credit System borrowers, to establish an agricultural secondary market, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. DOLE, Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. CRANSTON, Mr. MELCHER, Mr. BRADLEY, Mr. MURKOWSKI, Mr. BIDEN, and Mr. METZENBAUM):

S. Res. 282. Resolution to express support for President Corazon Aquino and the Government of the Philippines; considered and agreed to.

By Mr. QUAYLE (for himself and Mr. SHELBY):

S. Res. 283. A Resolution regarding the INF enhancement; to the Committee on Foreign Relations.

By Mr. BYRD (for himself, Mr. DODD, Mr. SANFORD, and Mr. SASSER):

S. Con. Res. 71. Concurrent resolution expressing support for the Central American Peace Agreement, signed August 7, 1987, and congratulating the Presidents of Central America on the successful outcome of their recent summit meeting in Guatemala City; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 1677. A bill to prohibit the Department of Defense from purchasing any product manufactured or assembled by Toshiba America, Inc., or Toshiba Corp. for the purpose of resale of such product in a military exchange store; to the Committee on Armed Services.

SALE OF TOSHIBA PRODUCTS IN MILITARY EXCHANGE STORES

Mr. SHELBY. Mr. President, today I introduced legislation that would prohibit the Department of Defense from purchasing any product manufactured or assembled by Toshiba America, Inc., or Toshiba Corp. for the purpose of resale of such product in a military exchange store.

This measure is identical to H.R. 2948, sponsored by Congressman DAN

DANIELS, which was approved unanimously by the House Armed Services Committee and which passed the House on July 27 by a voice vote.

The Senate has already passed an amendment to the trade bill, which I originated, that would ban sales in the United States of all Toshiba products and those of the Norwegian firm, Kongsberg for 2 to 5 years. It would also apply sanctions to future breaches of Cocom regulations.

The legislation I introduced today, as well as measures already offered in both Houses of Congress, stem from Toshiba and Kongsberg illegally selling sensitive submarine propeller technology to the Soviet Union.

Resulting from this illegal transfer, Soviet submarines can now lurk the world's oceans virtually undetected. Just a year ago, however, the U.S. Navy could easily detect Soviet submarines by picking up the sound waves of their propellers. Thus, last year the Navy realized that the Soviets had made a huge leap forward in technology—a leap forward that they were not capable of making on their own, without Toshiba as their technological stepping stone.

Our national security was severely breached by these acts. The cost to repair this treachery will be substantial. Soviet submarines are now much more difficult to detect. Consequently, it will require billions of dollars to create new tracking technology to regain our lost edge in antisubmarine warfare.

These funds needed to regain our valued military advantage will come out of Department of Defense budgets at the expense, of course, of other programs. As a response to this gross injustice I believe the United States must ban the sales of Toshiba products at military exchange stores. The Department of Defense could easily purchase similar products from other companies without having to pay a higher price.

Toshiba set us back in our detection of Soviet submarines. Public apologies are not enough. We must send a message to all who wantonly violate export controls laws. The message—the United States will not tolerate these infractions and violators will pay the price.

As a member of the Senate Armed Services Committee I will work for quick passage of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no product manufactured or assembled by Toshiba America, Incorporated, or Toshiba Corporation (or any of its affiliates or subsidiaries) may be purchased by the Department of Defense for the purpose of resale of such product in a military exchange store or in any other morale, welfare, recreation, or resale activity operated by the Department of Defense (either directly or by concessionaire).

By Mr. HATCH:

S. 1678. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Finance.

CHILD CARE SERVICES IMPROVEMENT ACT

Mr. HATCH. Mr. President, I would like to introduce to you today a young woman whose situation is one of the major reasons why I am today introducing the Child Care Services Improvement Act.

She lives in Utah, but she could be a resident of West Virginia or be a resident of New York or North Dakota or any State in the Union.

Out of respect for her privacy, I will call her Robin Brown. She's a factory worker, and she is a mother. A single mother. A single mother of four young daughters.

She loves her children. She lives for them. Her daughters are the most important thing in her life.

According to a county agency caseworker, Robin recently was reported to the Child Protective Services, an agency of Utah State Social Services, for—of all things—child neglect. Three times, in fact, in a 60-day period.

You see, Robin like so many single mothers in this Nation of ours, receives no child support. She has to work overtime whenever possible to supplement her income. As a result, her 10-year-old daughter, Aimee, has to care for her sisters, who are just 8, 7, and 4, respectively.

When asked by investigators why she had left her daughters unsupervised after school, Robin simply said, "It was a choice between a babysitter or food."

Robin chose food.

And I think it's safe to say that all 100 Members of this distinguished body would have answered the same.

A hard worker, a concerned mother, a conscientious taxpayer, Robin felt demoralized to be the subject of an investigation for child neglect.

Robin fervently wants her daughters to grow up not only with the self-respect and dignity that come from economic independence but also with an understanding that it takes hard work and perseverance to achieve this objective.

Robin is not an isolated case. She is just one of millions of women who maintain families by themselves in this country. Like Robin, these mothers are forced daily to make untenable choices regarding their children's welfare.

The recent testimony of Miami Police Detective Marva Preston before the Subcommittee on Children, Youth, and Families, described the tragic, outcome of one such decision that occurred when a Florida mother faced a similar choice. Her two unsupervised children died after they had climbed into a clothes dryer.

We in Government are faced with a choice of our own: Do we force women to choose between staying at home, dependent on public assistance, or working without child care? Or, do we constructively address our Nation's child care issue and encourage honest work and economic self-sufficiency?

Mr. President, I will admit that I believe it is far preferable for parents to care for their own children; but I have been persuaded by the facts that our policy choice must be to enable citizens to work without fear for the safety and well-being of their children.

Let's review a few facts. Between 1950 and 1981, the labor force participation of mothers more than tripled. Between 1970 and 1981, women with children accounted for 40 percent of the increase of women in the labor force. Currently, over 9 million children under age 6, and over 24 million between ages 6 and 17 have working parents.

We must remember first that two-thirds of the women who work do so out of economic necessity. They are single, widowed, divorced, separated, or have husbands whose incomes are less than $15,000 a year. Second, inflation and interest rates skyrocketed during the 1970's, making a second income the only way for some families to get ahead or to stay even. Many wives work to finance the purchase of a home, a child's education, or a more secure retirement. Third, many women have invested a lot in their own training and education and want to pursue careers in addition to homemaking. In addition, there are over 6 million families with children maintained by single parents. The only alternative to child care for many of these families is welfare—and that is no alternative at all.

I hope we understand that child care is not just a problem for the poor. It is not an isolated issue for some economic groups or unique to some parts of the United States. It is a persistent, difficult, and emotional issue for working mothers and fathers throughout our country.

Existing Federal child care programs have been like buckshot—scattered all over in hope that the target gets hit. The measure I am introducing today, the Child Care Services Improvement Act, represents a comprehensive approach to dealing with the several interconnected aspects of child care.

Our current programs also presume to know best the type of child care people want; these programs impose specific solutions on States, local governments, and families. Witnesses at a hearing I held in the Labor and Human Resources Committee last year agreed that while greater leadership by the Federal Government is needed to address this issue more effectively, there is no consensus regarding what types of child care are preferred. The Child Care Services Improvement Act provides incentives for both innovation and flexibility. Specific mandates are avoided.

Title I of the bill establishes a $250 million block grant administered by the States which will provide seed money for communities, local organizations, small businesses, and educational institutions, among others, to develop a variety of child care programs. States may grant funds for such activities as scholarships for low-income families, after-school programs, temporary care for sick children, or the renovation of public buildings to accommodate neighborhood or community child care centers, to name just a few. Title I also sets out the bill's only major requirement—that recipients of funds under the act must meet State licensing or accreditation standards.

Title II tackles the tremendous liability burden faced by all child care providers, large or small, profit or nonprofit. The difficulty in finding affordable, or even available, liability insurance is a major factor discouraging potential providers from entering the child care field. Many providers find that their premiums have risen at the same time coverage has dropped. Family-based and some nonprofit child care providers have difficulty obtaining liability insurance at any price, while other nonprofit organizations are discouraged from sponsoring child care programs due to the liability risks involved.

The Child Care Services Improvement Act authorizes $100 million to assist the States in establishing liability insurance pools of which any licensed or accredited child care provider may be a member. The bill also makes certain reforms in tort law as it relates to child care providers in order to help increase the availability of adequate and affordable child care.

Title III provides $25 million for a revolving loan fund, administered by each State, to be used by child care providers to make those capital improvements which are necessary to become a licensed or accredited family-based child care facility. Family-based providers may borrow up to $1,500 from the revolving loan fund to make necessary renovations. It is of the utmost importance that child care centers are able to ensure the health and safety of the children entrusted to them. This bill recognizes that becoming licensed or accredited is likely to involve a significant expenditure for some family-based providers.

Title IV addresses another area of the law which discourages potential child care providers from entering the child care profession—or from entering it legally: taxes and IRS red tape. This bill recognizes the value of different types of child carte settings. Each has different strengths and advantages which are better suited to the needs and preferences of individual families.

Family-based child care generally involves a mother, grandmother or couple who care for neighborhood children along with their own children in their homes for a fee. In-home child care involves a child care provider who comes to the home of a family to care for the children. Some in-home providers live with the family but most come only for the hours of the day when the parents are working. In-home and family-based care may be critical for parents with infants or for parents who need child care after school. Most group child care centers will not take infants under 18 months of age, and after school programs are often unavailable for school-age children.

Currently, the tax treatment of in-home and family-based child care is extremely burdensome. A family-based child care provider is considered to be a self-employed individual, which means that the provider must file gross income estimates and pay income taxes and Social Security taxes on a quarterly basis, and pay both the employer and the employee share of the SECA taxes. An in-home child care provider is viewed by the tax code as an employee of the parent, as though the parents owned a business with many employees, which triggers all of the usual IRS, FICA, unemployment insurance, and workers' compensation reporting and withholding.

Given the paperwork nightmare facing in-home or family-based child care providers, a considerable number work underground, paying no income tax at all, and many are discouraged from entering the profession, despite the critical need for child care. Equally important, this filing burden discourages providers from becoming licensed in accordance with state or local standards. Persons who have not complied with all of the required quarterly and annual filings cannot become licensed and reviewed for quality and safety without fear of exposing their tax liability. The Child Care Services Improvement Act would remove this disincentive to provide services by streamlining the tax treatment of these child care providers.

Additionally, the bill provides tax incentives to encourage corporations to establish or participate in quality child care programs. Currently, there are 2,500 corporations employing 100 or more workers that have established some form of child care benefit, such as vouchers systems, referral services, onsite child care programs, or parent education seminars. Much can be done to forward the participation of the private sector in the provision of child care. The Child Care Services Improvement Act establishes a tax credit for companies that establish onsite child care programs, and it includes child care assistance as an option in cafeteria benefit plans.

Mr. President, I am convinced that the trend toward two-working parents and single parent families will continue. We may disagree among ourselves about the societal value of these changes in workforce demographics, but the question of whether these changes are good or bad is not the issue. It is time to face reality. Our failure to do so jeopardizes the growth and development of the next generation of Americans—of Aimee Brown and her sisters.

It is time for Congress to act on constructive, fiscally responsible legislation to address the triple problems of child care availability, access, and quality. I urge my colleagues on both sides of the aisle to join me as a cosponsor of the Child Care Services Improvement Act. It is a positive step we can take for the Robin Browns of every State.

Mr. President, I ask unanimous consent that the text of the legislation be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Services Improvement Act of 1987".

SEC. 2. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of child care for working families;

(2) increase the access of low income families to child care;

(3) ensure the health and safety of children entrusted to child care providers; and

(4) provide incentives for private sector participation in child care services.

SEC. 3. FINDINGS.

Congress finds that—

(1) 63 percent of all women with children under the age of 14 are in the labor force and 52 percent of such women have children under the age of 6;

(2) of all of the women in the labor force, two-thirds became employed due to economic need because they are the head of a household or because they have a spouse that earns less the $15,000 per year;

(3) compliance with established quality standards is critical to ensuring the health and safety of children in family-based and group child care settings;

(4) compliance with accreditation or licensing standards by providers requires a substantial capital investment that both discourages individuals from entering into the

child care profession and increases the cost of child care for families;

(5) the shortage of day care slots for the children of low-income families jeopardizes the safety of such unsupervised children;

(6) there is a shortage of trained child care workers and of training programs where individuals can obtain the training necessary to become such a worker;

(7) difficulties in obtaining affordable liability insurance and in complying with cumbersome tax and filing requirements discourage potential child care providers from entering the profession; and

(8) the accumulated effects of the unavailability, unaffordability, and uncertain quality of child care in the United States will have a negative impact on the growth and development of children.

TITLE I—CHILD CARE BLOCK GRANT

SEC. 101. CHILD CARE BLOCK GRANT.

Title XIX of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—CHILD CARE SERVICES BLOCK GRANT

"SEC. 1931. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of allotments to States to carry out the activities described in section 1934, there are authorized to be appropriated $250,000,000 for each of the fiscal years 1988, 1989, and 1990.

"SEC. 1932. ALLOTMENTS

"(a) FORMULA.—

"(1) IN GENERAL.—The Secretary shall make allotments to each State for each fiscal year, from amounts appropriated under section 1931 for such fiscal year, on the basis of a formula prescribed by the Secretary that is based equally—

"(A) on the population of each State; and

"(B) on the population of each State weighted by the relative per capita income of the State.

"(2) DEFINITION.—For purposes of this subsection, the term 'relative per capita income' means—

"(A) the quotient of the per capita income of the United States and the per capita income of the State; or

"(B) in the case of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Commonwealth of Puerto Rico, or the Virgin Islands, the quotient shall be considered to be 1.

"(b) ADDITIONAL ALLOTMENT.—

"(1) SOURCE OF ALLOTMENT.—A State shall receive an additional allotment if funds appropriated and available for allotment for a fiscal year are not allotted to States under subsection (a) because—

"(A) at least one State has not submitted an application or description of activities in accordance with section 1935 for such fiscal year;

"(B) at least one State has notified the Secretary that the State does not intend to use the full amount of the allotment; or

"(C) at least one States' allotment is offset or repaid under section 1917(b)(3) (as such section applies to this part pursuant to section 1935(e)).

"(2) METHOD OF ALLOTMENT.—The excess amounts available for allotment under paragraph (1) shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year.

"SEC. 1933. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make payments from amounts appropriated for each fiscal year, as provided by section 6503(a) of title 31, United States Code, to each State from the State allotment under section 1932.

"(b) CARRYOVER.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of that year shall remain available, for the next fiscal year, to the State for the purposes for which the payment to the State was made.

"SEC. 1934. STATE USE OF ALLOTMENTS.

"(a) PROJECT GRANTS.—Amounts paid to a State under section 1933 shall be used by the State to make grants to eligible entities for projects described in subsection (c) that meet at least one of the purposes of the Child Care Services Improvement Act of 1987.

"(b) ELIGIBLE ENTITIES.—For purposes of this part, the term 'eligible entity' means—

"(1) a unit of a local government, including a school district;

"(2) a nonprofit organization, including organizations described in section 206(a) of the Child Care Services Improvement Act of 1987;

"(3) a professional or employee association;

"(4) a consortium of small businesses;

"(5) an institution of higher education;

"(6) a hospital or health care facility;

"(7) a family care provider; or

"(8) an entity that the State considers able and appropriate to carry out a project under this part.

"(c) PROJECTS.—

"(1) PURPOSE.—A State may make grants to an eligible entity—

"(A) for voucher programs or scholarships that enable low income families to obtain adequate child care;

"(B) for the establishment and operation of community or neighborhood child care centers, including the renovation of public buildings for such purposes;

"(C) for the establishment and operation of after school child care programs;

"(D) to provide grants or loans to fund the start up costs of employer sponsored child care programs;

"(E) for the establishment and operation of training programs for child care providers;

"(F) for the temporary care of children who are sick and unable to attend child care programs in which such children are enrolled; or

"(G) for any project consistent with the purposes of the Child Care Services Improvement Act of 1987.

"(2) LIMITATIONS.—A State may not use amounts paid to the State under section 1933 to—

"(A) provide inpatient health care services or other unrelated services, except temporary sick child care as authorized under paragraph (1)(F);

"(B) make cash payments to intended recipients of services (other than pursuant to the voucher system authorized by paragraph (1)(A));

"(C) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment (except as provided in paragraph (1)(B)); and

"(D) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(3) WAIVER OF LIMITATIONS.—The Secretary may waive the limitations contained in paragraph (2) on the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(d) TECHNICAL ASSISTANCE.—The Secretary, on request by a State, shall provide technical assistance to the State in planning and operating activities to be carried out under this part.

"(e) STATE ADMINISTRATION.—

"(1) LIMITATION ON EXPENDITURES.—No more than 10 percent of the total amount paid to a State under section 1933 for a fiscal year shall be used for administering the funds made available under such section. The State shall pay from non-Federal sources the remaining costs of administering such funds.

"(2) STATE RESPONSIBILITIES.—From the funds reserved by the State under paragraph (1) for the administration of the amounts awarded to the State under section 1933, the State shall—

"(A) provide technical assistance to eligible entities participating in projects under this section;

"(B) conduct investigations of child abuse in projects funded under this section; and

"(C) coordinate projects funded under the Child Care Services Improvement Act of 1987 with referral programs conducted pursuant to the State Dependent Care Development Grants Act.

"(f) CERTIFICATION.—To receive funds under this part, a State shall—

"(1) certify that the State will coordinate the provision of child care services with funds provided under the Child Care Services Improvement Act of 1987 with other child care services available in the State;

"(2) certify that the State agrees that Federal funds made available under section 1933 for any fiscal year will be used to supplement and increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs and activities for which funds are provided under such section and will in no event supplant such State, local, and other non-Federal funds;

"(3) certify that the Governor of the State will establish an advisory council that meets the requirements of section 1936; and

"(4) certify that the State will adopt standards of accreditation or licensing for family-based and group child care providers, and methods of inspection and certification based on such standards.

"(g) REPORT BY STATE.—

"(1) IN GENERAL.—Before March 31 of each fiscal year, the Governor of a State receiving funds under section 1933 shall prepare and submit to the Secretary, in such form as the Secretary shall prescribe, a report describing the States' use of the funds received under section 1933 for the preceding fiscal year.

"(2) REQUIREMENTS OF REPORT.—The report submitted under paragraph (1) shall—

"(A) include information on the programs, activities, and services supported or provided with the funds received by the State under section 1933; and

"(B) be made public in the State in a manner that will facilitate comment by persons desiring to do so.

"SEC. 1935. APPLICATIONS FOR GRANTS BY ENTITIES.

"(a) APPLICATION.—In order to receive a grant from a State under section 1934, an eligible entity shall submit an application to the State that—

"(1) describes the project that the entity is seeking the grant for; and

"(2) contains assurances that project will meet the requirements of subsection (b).

"(b) Requirements.—An application submitted under subsection (a) shall—

"(1) provide assurances that the submitting entity will use the funds provided under the grant in accordance with the purpose and requirements of this part;

"(2) provide assurances that each family participating in a child care program assisted under this part will be assessed fees in an amount that is proportional to the annual income of the family;

"(3) specify provisions for parental involvement in the project; and

"(4) provide assurances that the project will meet the quality standards established by the State for accreditation or licensing.

"(c) Funding Requirement.—An eligible entity receiving a grant under this part shall be required to fund at least 10 percent, but no more than 50 percent, of the project cost with non-Federal funds. The non-Federal funding may be in cash or in-kind based on fair market value.

"(d) Priority.—In making awards under this part, a State shall give priority to projects that will continue to carry out the purposes of the Child Care Services Improvement Act of 1987 without having to use Federal funds.

"SEC. 1936. CHILD CARE ADVISORY COUNCIL.

"(a) Establishment.—The Governor of each State shall establish an advisory council on child care that shall consist of representatives of—

"(1) community-based organizations;

"(2) local governments;

"(3) social services agencies;

"(4) religious organizations;

"(5) educational institutions;

"(6) business organizations;

"(7) parents; and

"(8) child care providers.

"(b) Duties of Council.—The advisory council created under subsection (a) shall—

"(1) advise the Governor on the use of funds available to the State under this part;

"(2) develop separate standards for accreditation or licensing of family-based child care providers and group child care providers participating in programs assisted under this part that shall include minimum competencies for child care workers and supervisors; and

"(3) recommend methods of inspection and certification to administer the accreditation or licensing standards established under paragraph (2).

"SEC. 1937. APPLICABLE PROVISIONS OF PART B.

"Except where inconsistent with this part, sections 1914(b), 1917(b)(1) through (5), 1918, 1919, and 1920 shall apply to this part in the same manner as such sections apply to part B of this title.

"SEC. 1938. DEFINITION.

"For purposes of this part, each State shall determine the age that children shall become eligible to participate in programs established or benefited under the Child Care Services Improvement Act of 1987.".

SEC. 102. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 6 months after the date of enactment of this Act.

TITLE II—CHILD CARE LIABILITY

PART A—CHILD CARE LIABILITY REFORM

SEC. 201. DEFINITIONS.

For purposes of this title—

(1) the term "child care provider" includes family-based, on-site, and group child care providers licensed or accredited pursuant to State or local law or standards, in which care is provided children by an individual child care provider;

(2) the term "family based child care" means child care located in or on the site of the principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986) of a person who is self-employed as a child care provider, and the children cared for in such facility shall include children who are not the children of such provider;

(3) the term "group child care center" means a child care provider which is a private profit or nonprofit corporation, not located in the principal residence, and includes on-site child care;

(4) the term "in-home child care" means child care which is provided in a principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986) of a person and to which an outside individual child care provider comes, either for specified hours of the day or on a live-in basis, to provide care for the children of such residence;

(5) the term "on-site child care center" means a child care facility—

(A) operated by an employer for the care of children, at least 30 percent of whom are dependents of employees of such employer, and

(B) located on or near the business premises of such employer;

(6) the term "person" means an individual, corporation, company, association, firm, partnership, society, or any other entity;

(7) the term "Secretary" means the Secretary of Health and Human Services; and

(8) the term "State" means any State of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other possession or territory of the United States.

SEC. 202. APPLICABILITY.

(a) In General.—Except as provided in subsection (b), (c), or (d), the provisions of this part shall apply to any civil action, in any State or Federal court, against any child care provider, as defined in this title, licensed or accredited pursuant to State or local law or standards, and to in-home child care if the individual providing such child care is licensed or accredited pursuant to State or local law or standards, based on any cause of action, including negligence and professional malpractice, in which damages are sought for physical injury or for physical or mental pain or suffering or for property damage.

(b) Exception for Intentional Torts.—This part shall not apply to any civil action for an intentional tort.

(c) Preemption.—The provisions of this part shall preempt and supersede Federal or State law only to the extent such law is inconsistent with this part. Any issue arising under the provisions of this part that is not governed by the provisions of this part shall be governed by applicable State or Federal law.

(d) Defenses Not Affected.—Nothing in this part shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of chapter 97 of title 28, United States Code, known as the Foreign Sovereign Immunities Act of 1976;

(4) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

SEC. 203. JOINT AND SEVERAL LIABILITY.

(a) In General.—Except as provided in subsection (b) of this section, joint and several liability may not be applied to any action subject to this title. A person found liable for damages in any such action may be found liable, if at all, only for those damages directly attributable to the person's pro-rata share of fault or responsibility for the injury, and may not be found liable for damages attributable to the pro-rata share of fault or responsibility of any other person (without regard to whether such person is a party to the action) for the injury, including any person bringing the action.

(b) Concerted Action.—

(1) Exception from application.—This section shall not apply as between persons acting in concert where the concerted action proximately caused the injury for which one or more persons are found liable for damages.

(2) Concerted action defined.—As used in this section, "concerted action" or "acting in concert" means the conscious acting together in a common scheme or plan of two or more persons resulting in a tortious act.

SEC. 204. COLLATERAL SOURCE OF COMPENSATION.

(a) Reduction of Award.—Any award of damages to a person in a civil action to which the provisions of this part apply shall be reduced by the court by an amount of any past or future payment or benefit covered by this section which the person has received or for which the person is eligible on account of the same personal injury or death for which such damages are awarded.

(b) Payment or Benefits Defined.—As used in this section, "payment or benefit covered by this section" means—

(1) any payment or benefit by or paid for in whole or in part by any agency or instrumentality of the United States, a State, or a local government, or

(2) any payment or benefit by a health insurance program funded in whole or in part by an employer;

but does not include any such payment or benefit that is (or by law is required to be) the subject of a reasonably founded claim of subrogation, reimbursement, or lien.

SEC. 205. STATUTE OF LIMITATIONS.

A civil action against a child care facility or child care provider, which is brought pursuant to the provisions of this title, shall be forever barred unless such action is commenced within 2 years after the date the cause of action first accrues.

SEC. 206. LIABILITY FOR NONPROFIT ORGANIZATIONS.

(a) Liability of Separate Corporation.—Any—

(1) nonprofit organization described in subsection (c) or (d) of section 501 of the Internal Revenue Code of 1986 which is exempt from taxes pursuant to such Code;

(2) corporation which is controlled by or closely identified with a religious organization, which (A) qualifies as an exempt organization pursuant to section 501(c) of the Internal Revenue Code of 1986 and (B) op-

erates exclusively for the purpose of providing child care services; or

(3) day or residential school which provides education, as determined under State law,

which provides child care shall not be liable for any such child care provider or facility if such provider or facility is a separate corporation or organization.

(b) Application Not Affected.—The provisions of subsection (a) shall not be construed to affect the application of the provisions of this part to any such child care provider or facility.

(c) Expedited Incorporation.—The Congress recognizes that the entities described in subsection (a) are making a significant contribution to society and in recognition of the benefits they provide, the Congress encourages the States to establish an expedited and simplified procedure whereby any such entity will be able to inexpensively and quickly seperately incorporate as a child care provider.

PART B—CHILD CARE LIABILITY INSURANCE POOL

SEC. 210. PURPOSE.

It is the purpose of this part to—

(1) increase the availability of child care by alleviating the serious difficulty faced by child care providers in obtaining affordable liability insurance; and

(2) provide States with a sufficient capital base for liability insurance purposes that may be increased or maintained through mechanisms developed by the State.

SEC. 211. FORMATION OF GROUP.

(a) Establishment of Pool.—Any State may permit, or provide for the establishment of a child care liability insurance pool, as defined in this title, whose members are child care providers who are licensed or accredited pursuant to State or local law or standards.

(b) Child Care Liability Insurance Pool Defined.—For purposes of this section, "child care liability insurance pool" means any corporation or other limited liability association—

(1) whose primary activity is to assume and spread all, or any portion of the liability exposure of its members;

(2) which is organized primarily to conduct the activity described in paragraph (1);

(3) which is chartered or licensed as a liability insurance company under the laws of a State and authorized to engage in the business of insurance under the laws of such State;

(4) which does not exclude any person from membership in the pool solely to provide a competitive advantage, for members of such a pool, over such a person;

(5) which—

(A) has as its owners only persons who comprise the membership of the liability insurance pool and who are provided insurance by such pool; or

(B) has as its sole owner an organization which has as—

(i) its members only persons who comprise the membership of the liability insurance pool; and

(ii) its owners only persons who comprise the membership of the liability insurance pool and who are provided insurance by such pool;

(6) whose activities are limited to the provision of—

(A) liability insurance for assuming and spreading all or any portion of the similar or related liability exposure of its members; and

(B) reinsurance with respect to the similar or related liability exposure of any risk retention group, as such term is defined in the Product Liability Risk Retention Act of 1981 (15 U.S.C. 3901), or any member of such other group, which is engaged in businesses or activities so that such group, or member, meets the requirement described in this subsection for membership in the liability insurance pool which provides such reinsurance; and

(7) the name of which includes the phrase "Child Care Liability Insurance Pool".

SEC. 212. AUTHORIZATION.

(a) Authorization of Appropriations.—To carry out the provisions of this title, there are authorized to be appropriated $100,000,000 for fiscal year 1988.

(b) Amounts To Remain Available.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1988, 1989, and 1990 without limitation.

SEC. 213. ALLOTMENT.

(a) Reservation for Territories.—From the sums appropriated to carry out the provisions of this part in any fiscal year, the Secretary shall reserve 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(b) Administrative Costs.—Of the amount appropriated pursuant to section 212, an amount not to exceed 3 percent shall be reserved and available to the Secretary to provide for the administrative costs of carrying out the provisions of this part.

(c) Allotment Formula.—

(1) Method of allotment.—From the sums appropriated under section 212 minus the amounts reserved pursuant to subsections (a) and (b), the Secretary shall allot such remainder to each State not covered by subsection (a) the remainder based on the number of children who have not attained the age of 12 in the State to the number of children who have not attained the age of 12 in all States.

(2) Data for determination.—The Secretary shall obtain the most recent data and information necessary to determine the allocation amounts provided for in paragraph (1), from the appropriate departments and agencies.

(d) State Administrative Costs.—Of the amount allotted to a State pursuant to section 212, an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

SEC. 214. STATE APPLICATIONS.

(a) Applications.—To qualify for assistance under this part, a State shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require, including a State plan which meets the requirements of subsection (b) of this section.

(b) State Plans.—

(1) Lead agency.—The plan shall identify the lead agency which has been designated and that is to be responsible for the administration of funds provided under this part.

(2) Participants in pool.—The plan shall provide that all participants in the child care liability insurance pool are child care providers who are licensed or accredited pursuant to State or local law or standards.

(3) Use of funds.—The plan shall provide that the State shall use at least the amount allotted to the State in any fiscal year to establish or maintain a liability insurance pool for child care providers.

(4) Continuation of pool.—The plan shall set forth provisions which specify how any such liability insurance pool will continue to be financed after fiscal year 1990, such as through contributions by the State or by members of such pool.

SEC. 215. FEDERAL ENFORCEMENT.

(a) Review of Plans.—The Secretary of Health and Human Services shall review and approve State plans submitted in accordance with this part and shall monitor State compliance with the provisions of this part.

(b) Finding of Noncompliance.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds—

(1) that there has been a failure to comply substantially with any provision or any requirements set forth in the State plan of that State, or

(2) that there is a failure to comply substantially with any applicable provision of this part,

the Secretary shall notify such State of the findings and that no further payments may be made to such State under this part until the Secretary is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

SEC. 216. PAYMENTS.

(a) Entitlement.—Each State having a plan approved by the Secretary under this part shall be entitled to payments under this section for each fiscal year in an amount not to exceed its allotment under section 212 to be expended by the State under the plan for the fiscal year for which the grant is to be made.

(b) Method of Payments.—The Secretary may make payments to a State in installments, and in advance or, subject to the requirement of section 214, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(c) State Spending of Payments.—Payments to a State from the allotment under section 212 for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

TITLE III—REVOLVING LOAN FUND

SEC. 301. PURPOSE.

It is the purpose of this part to—

(1) increase the availability of family-based child care by enabling family-based child care providers to meet accreditation or licensing standards; and

(2) provide States with a sufficient capital base to make loans that may be increased or maintained through mechanisms developed by the State

SEC. 302. AUTHORIZATION.

(a) Authorization of Appropriations.—To carry out the provisions of this title, there are authorized to be appropriated $25,000,000 for fiscal year 1988.

(b) Amounts To Remain Available.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1988, 1989, and 1990 without limitation.

SEC. 303. ALLOTMENT.

(a) Reservation to Territories.—From the sums appropriated to carry out the provisions of this title in any fiscal year, the Secretary shall reserve 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana

Islands, to be allotted in accordance with their respective needs.

(b) Administrative Costs.—Of the amount appropriated pursuant to section 301, an amount not to exceed 3 percent shall be reserved and available to the Secretary to provide for the administrative costs of carrying out the provisions of this title.

(c) Allotment Formula.—

(1) Method of allotment.—From the sums appropriated under section 301 minus the amounts reserved pursuant to subsections (a) and (b), the Secretary shall allot such remainder to each State not covered by subsection (a) the remainder based on the number of children who have not attained the age of 12 in the State to the number of children who have not attained the age of 12 in all States.

(2) Data for determination.—The Secretary shall obtain the most recent data and information necessary to determine the allocation amounts provided for in paragraph (1), from the appropriate departments and agencies.

(d) State Administrative Costs.—Of the amount allotted to a State pursuant to section 302, an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

SEC. 304. STATE APPLICATIONS.

(a) Submission of Application.—

(1) Form of application.—The Governor of a State desiring to obtain funds pursuant to this section shall submit an application to the Secretary, at such time, in such manner, and providing such information as the Secretary may require, including a plan which meets the requirements of paragraph (2).

(2) Qualifying for loan.—The State shall submit a plan which sets forth procedures and requirements whereby any person desiring to make capital improvements to the principal residence of such person (within the meaning of section 1034 of the Internal Revenue Code of 1986) in order to become a licensed or accredited family-based child care facility, pursuant to State or local law or standards, may obtain a loan from the State revolving loan fund (hereinafter called the "fund"). Such fund shall be administered by the State and shall provide loans to qualified applicants, pursuant to the terms and conditions established by such State, in an amount, determined by such State, which is not in excess of $1,500.

(b) State Plan.—

(1) Establishment of fund.—The State shall provide in its plan, that such State has established a revolving loan fund, and has provided procedures whereby—

(A) moneys are transferred to such fund to provide capital for making loans;

(B) interest and principal payments on loans and any other moneys, property, or assets derived from any action concerning such fund are deposited into such fund;

(C) all loans, expenses, and payments pursuant to the operation of this title are paid from such fund;

(D) loans made from such fund are made to qualified applicants for capital improvements to be made so that such applicant may obtain a State or local accreditation or a license for a family-based child care facility; and

(E) the plan shall set forth provisions which specify how any such revolving loan fund will continue to be financed after fiscal year 1990, such as through contributions by the State or by some other entity.

(2) Qualifications.—Such plan shall also set forth procedures and guidelines to carry out the purposes of this title, including provisions which will assure that only applicants who obtain a license or accreditation for a child care facility in accordance with the provisions of State or local law or standards, benefit from loans made available pursuant to the provisions of this title.

TITLE IV—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 401. SHORT TITLE.

This title may be cited as the "Child Care Facility Tax Incentive Act of 1987".

SEC. 402. CREDIT FOR EMPLOYERS PROVIDING QUALIFIED CHILD CARE FACILITIES.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 43. QUALIFIED EMPLOYER-PROVIDED CHILD CARE FACILITY CREDIT.

"(a) In General.—For purposes of section 38, the qualified child care facility credit determined under this section for any taxable year is an amount equal to 25 percent of the qualified child care expenses for such taxable year.

"(b) Limitation.—The amount of the credit determined under subsection (a) for any taxable year shall not exceed $________.

"(c) Definitions.—For purposes of this section—

"(1) Qualified child care expenses.—The term 'qualified child care expenses' means any amount paid or incurred by an employer during the taxable year to acquire, construct, maintain, or operate a qualified child care facility.

"(2) Qualified child care facility.—

"(A) In general.—The term 'qualified child care facility' means a facility—

"(i) operated by an employer for the care of enrollees, at least 30 percent of whom are dependents of employees of such employer,

"(ii) located on or near the business premises of such employer, and

"(iii) which is accredited or licensed to operate as a child care facility under applicable State and local laws and regulations.

"(B) Multiple employers.—In the case of a facility operated by more than 1 employer, such facility shall be treated as a qualified child care facility of each employer with respect to which the requirements of subparagraph (A) are met separately.

"(d) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(e) Special Rules.—For purposes of this section—

"(1) Allocation in case of multiple employers.—In the case of employers to which subsection (c)(2)(B) applies, the amount of credit allocable to each such employer shall be its proportionate share of the qualified child care expenses giving rise to the credit.

"(2) Pass-thru in the case of estates and trusts.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) Allocation in the case of partnerships.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.".

(b) Conforming Amendments.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (4),

(B) by striking out the period at the end of paragraph (5), and inserting in lieu thereof a comma and "plus", and

(C) by adding at the end thereof the following new paragraph:

"(6) the qualified child care facility credit determined under section 43."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 43. Qualified employer-provided child care facility credit.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. 403. CERTAIN EARNINGS FROM THE PROVISION OF CHILD CARE SERVICES EXCLUDED FROM SELF-EMPLOYMENT TAXES, ESTIMATED TAXES, AND WITHHOLDING.

(a) Self-Employment Taxes.—Section 1402 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end thereof the following new subsection:

"(k) Special Rules for Income From Family-Based and In-Home Child Care Services.—For purposes of this chapter—

"(1) In general.—Except as provided in this subsection—

"(A) any earned income (within the meaning of section 911(d)(2)) from the providing of qualified family-based or in-home child care services shall be treated as gross income derived by an individual from a trade or business carried on by such individual; and

"(B) except in the case where an individual elects not to have this subparagraph apply, no tax shall be imposed under section 1401 on net earnings from self-employment attributable to services described in subparagraph (A).

"(2) Special rate; collection of tax.—If an individual elects not to have paragraph (1)(B) apply—

"(A) the rate of tax under subsection (a) or (b) shall be equal to one-half of the rate determined without regard to this paragraph, and

"(B) such tax shall be collected annually.

"(3) Qualified family-based or in-home child care services.—For purposes of this subsection—

"(A) In general.—The term 'qualified family-based or in-home child care services' means child care services provided to a child at a family-based or in-home child care facility.

"(B) Family-based child care facility.—The term 'family-based child care facility' means a facility—

"(i) which is located in (or on the site of) the principal residence of the taxpayer (within the meaning of section 1034),

"(ii) which is owned and operated by a self-employed individual (within the meaning of section 401(c)(1)), and

"(iii) which is accredited or licensed as a child care facility under applicable State and local laws and regulations.

"(C) In-home child care facility.—The term 'in-home child care facility' means the principal residence (within the meaning of section 1034) of the child to whom child care services are being provided.".

(2) Amendment to Social Security Act.—Section 209 of the Social Security Act is amended by striking out "or" at the end of

subsection (r), by striking out the period at the end of subsection (s) and inserting in lieu thereof ", or", and by adding after subsection (s) the following new subsection:

"(t) Any payment to an individual for qualified family-based or in-home child care services (within the meaning of section 1402(k)(3) of the Internal Revenue Code of 1986), unless the individual elects to treat such payment as subject to tax under section 1401 of such Code.".

(b) WAGE WITHHOLDING NOT REQUIRED.—Section 3401(a) of such Code (defining wages) is amended by striking out "or" at the end of paragraph (19), by striking out the period at the end of paragraph (20) and inserting in lieu thereof ", or", and by adding after paragraph (20) the following new paragraph:

"(21) for qualified family-based or in-home child care services (within the meaning of section 1402(k)(3)).".

(c) EXEMPTION FROM ESTIMATED TAX.—Section 6654(e) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(4) UNDERPAYMENT ATTRIBUTABLE TO INCOME FROM DAY CARE SERVICES.—No addition to tax shall be imposed under subsection (a) with respect to any underpayment attributable to earned income (within the meaning of section 911(d)(2)) from the providing of qualified family-based or in-home child care services (within the meaning of section 1401(k)(3)).".

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (c) shall apply to taxable years beginning after December 31, 1987.

(2) The amendments made by subsection (b) shall apply to remuneration paid after December 31, 1987.

SEC. 404. CAFETERIA PLANS REQUIRED TO PROVIDE CHILD CARE OPTION.

(a) IN GENERAL.—Paragraph (1) of section 125(c) of the Internal Revenue Code of 1986 (defining cafeteria plan) is amended by adding at the end thereof the following new sentence:

"A plan shall not be treated as a cafeteria plan unless it provides an option to choose benefits under a dependent care assistance program (within the meaning of section 129(d)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 1987.

SEC. 405. ADDITIONAL PERSONAL EXEMPTION FOR MOTHER REMAINING HOME WITH NEWBORN CHILD.

(a) IN GENERAL.—Section 151(c) of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end thereof the following new paragraph:

"(6) ADDITIONAL EXEMPTION FOR NEWBORN CHILDREN WHERE MOTHER DOES NOT WORK.—

"(A) IN GENERAL.—An exemption of the exemption amount for each dependent (as defined in section 152) who is a child of the taxpayer who attains the age of 6 months during the taxable year, but only if the mother of the child has no earned income (within the meaning of section 911(d)(2)) during the period between the child's birth and the child attaining age 6 months.

"(B) INCOME LIMITATION.—Subparagraph (A) shall not apply to any taxpayer if the adjusted gross income of the taxpayer for the taxable year exceeds 150 percent of the poverty level (adjusted for family size) for the calendar year in which the taxable year begins.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. 406. INDIVIDUAL RETIREMENT ACCOUNTS FOR HOMEMAKERS.

(a) REPEAL OF LIMITATION ON AMOUNT WHICH MAY BE CONTRIBUTED.—Paragraph (2) of section 219(c) of the Internal Revenue Code of 1986 (relating to special rules for certain married individuals) is amended by striking out "$2,250" in subparagraph (A)(i) thereof and inserting in lieu thereof "$4,000".

(b) DEDUCTION MAY BE ALLOWABLE EVEN IF SPOUSE IS ACTIVE PARTICIPANT.—Paragraph (1) of section 219(c) of such Code is amended by inserting "(without regard to subsection (g))" after "subsection (a)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

By Mr. CONRAD (for himself and Ms. MIKULSKI):

S. 1682. An act to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site to the Committee on Energy and Natural Resources.

AUTHORIZATION FOR INCREASE IN APPROPRIATIONS FOR THE SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE

● Mr. CONRAD. Mr. President, I am introducing legislation today to ensure the continued maintenance of the Sewall-Belmont House National Historic Site, in Washington, District of Columbia. My colleague from Maryland, Ms. MIKULSKI, joins me in this effort.

Although the building is officially designated as part of the National Park Service monument system, funding for upkeep and maintenance of the building will run out at the end of this fiscal year. The authorization contained in the 1974 Act (Public Law 93-486) which designated the House as a National Historic Site, provided $500,000 for restoration and maintenance. Now that this limit has been reached, I am proposing to raise the $500,000 cap to $1,500,000 to assure that the National Park Service has authority to continue to maintain this building. A similar measure has been introduced in the House by Representative LINDY BOGGS.

The Sewall-Belmont House, which was designated a national monument by the National Park Service in 1972, has a unique place in our country's history. It has served since 1929 as the headquarters of the National Woman's Party, founded by Alice Paul, a leading advocate and activist in the Women's Rights Movement. Ms. Paul's enthusiasm and efforts were instrumental in securing passage in 1919 of the constitutional amendment granting women the right to vote, as well as ratification of the amendment in 1920. From this building, Alice Paul subsequently coordinated the push for another constitutional amendment to insure complete equality for women, a campaign which continues today.

The House is a living tribute to Ms. Paul's activities to eliminate discrimination against women. It contains furniture, books, and art objects which represent the contributions and efforts which women have made in the development of this Nation, and is open for public tours.

The House is also historically significant as the residence of Albert Gallatin, Secretary of the Treasury under Presidents Jefferson and Madison, and is believed to be the site of the only active resistance to the British Army's attack on the Capitol in 1814 after the Battle of Bladensburg. The property is part of land granted to the Second Lord Baltimore by King Charles. The tract was divided several times, and much of the land was ceded to the United States as a site for the new Capitol.

This wonderful historic building is an important part of our national heritage which deserves to be maintained for future generations to visit and enjoy. We urge our colleagues to join us in working for swift passage of this legislation, so that the National Park Service has the authorization to continue funding the maintenance costs of the Sewall-Belmont House.

I ask unanimous consent that the full text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

(a) INCREASE IN THE AUTHORIZATION OF APPROPRIATIONS.—Section 204 of Public Law 93-486 (88 Stat. 1463) relating to the Sewall-Belmont House National Historic Site is amended by striking "$500,000" and inserting "$1,500,000".

(b) TECHNICAL AMENDMENTS.—Title II of Public Law 93-486 (88 Stat. 1463) is amended—

(1) in section 202 by striking "101 of this Act" and inserting "201 of this title"; and

(2) in section 204 by striking "Act" and inserting "title".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1987.●

By Mr. McCLURE:

S. 1683. A bill to amend the Farm Credit Act of 1971 to assist Farm Credit System borrowers, to establish an agricultural secondary market, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM CREDIT ACT AMENDMENTS

● Mr. McCLURE. Mr. President, it is time that Congress takes action to deal with what has become a very critical issue to American farmers and ranchers. The issue is one which we in Congress have visited twice in as many years—how to deal with the enormous losses which are crippling the largest agricultural lender in the United States—the Farm Credit System.

The farm problems facing this country are affecting all entities which provide financing to rural America. Rural banks, insurance companies, Federal land banks, production credit associations, and the Farmers Home Administration have all found themselves with an increasing number of problem loans, nonaccrual loans, and loan losses.

Declining profitability in agriculture is the basic problem facing farmers and ranchers. With the decline in net farm income starting in the early 1980's, farmland values have declined every year since their peak in 1982. In my district, the 12th farm credit district located in Spokane, WA, land values have declined over one-third from their 1982 peak. I believe that we are near, but not yet at the bottom of the land value decline. The drop in value will not stop until agricultural earnings either pay for the land or other factors, such as purchase by investors or long-term debt restructuring by lending institutions, provides a price floor.

Farm bankruptcies, loan delinquencies, and foreclosures have increased annually thus increasing the stress on agricultural lenders. Because the Farm Credit System is the Nation's largest agricultural lender and by statute must lend only to agriculture, its fortunes have followed the farmer downhill. Production credit associations and Federal land banks are in more serious trouble because they do not have consumer lending and nonagricultural commercial business to offset their agricultural portfolio.

System banks fortunes mirror the distress in our farming areas today. For instance, in the 12th District, bankruptcies of Federal land bank borrowers increased districtwide from 66 in 1982 to 385 in 1986. Federal land bank delinquencies increased from 1,766, or 4.2 percent of total loans in 1982 to 3,759, or 11.1 percent of total loans in 1986. Loans called for foreclosure increased from 141 to 454 during the same time period.

Another measure of declining repayment capacity is the increase in adversely classified loans. Spokane's Federal land bank adversely classified loans increased over 350 percent from December 31, 1983, to December 31, 1986.

Not all of the problem is confined to the Federal land banks. Production credit associations have had their problems also. The Spokane Federal intermediate credit bank received $135 million in financial assistance in 1985 through the sale of nonperforming loans to the Farm Credit Capital Corporation. This assistance was in the form of a loan participation and nearly $90 million has been repaid to the contributing banks.

Even with this assistance, the Spokane Federal intermediate credit bank continues to show signs of financial stress. Decline in loan volume and the total number of loans continues unchecked. The 12th District also shows a serious decline in loan quality. Since 1982, short-term PCA loan volume declined from a high of $1.8 billion loaned to 18,000 farmers, down to the current level of $500 million loaned to 7,000 borrowers.

The 12th District is not operating in a vacuum. System-wide losses are similar in all but perhaps two or three districts. The System's problems are the same as the 12th District's: large amounts of nonearning assets, excessive administrative expenses, outstanding high priced debt, and an inability to deal well with its problems.

These problems have caused Congress to deal with the Farm Credit Act on two previous occasions but legislative changes have not yet provided a solution. That is why I am today introducing this bill which adds to other efforts to deal with the Farm Credit System's problems. My bill is similar in some instances and different in some areas from bills introduced thus far. I have crafted it to deal mainly in four areas, two of which have not been dealt with thus far in legislation introduced.

The first area of concern to me is providing a guarantee of borrower stock. This is especially critical to keep those borrowers who currently are in the System from leaving. Many loans have been paid off and borrowers leave the System for other lenders because they are unsure of the ability of the system banks to pay off their stock at par. My bill would guarantee that stock would be paid at par through the issuance of notes, issued at Treasury rates, for the par value of the stock. A farmer wishing to redeem his stock would go to his local association and would be given his stock at par value if the local association had the funds available. If not the association would issue a note to the farmer which would be paid by the FCA. This legislation would provide for payment at par for stock of an association that was frozen, impaired, or retired at less than par value after January 1, 1983. These notes would be redeemed by the FCA if the issuing association was unable financially to do so.

Second, this legislation would provide for an interest rate write-down directly to the farmer. The secretary of Agriculture is directed to issue generic certificates redeemable for commodities owned by the Government to offset any loss incurred by the institution which is a result of a reduction in interest rates charged to a borrower. Certificates would be issued to offset the costs of interest rate write-downs of not less than 8 percent for not longer than 5 years. The total amount of certificates could not exceed $2 billion. I believe that this is critically necessary—to provide direct interest rate relief to those farmers who are most in need. This legislation is designed to direct the attention of the System toward restructuring of loans and away from liquidation and foreclosure. This is one way of providing assets to the System using assets which the Federal Government already owns. As of August 1, 1987, the Federal Government had over $6 billion in commodities which it is storing at taxpayer expense. I believe that these should be used in a constructive way. Using it to help farmers obtain interest rate relief is one constructive way.

The third point of my bill deals with waivers of territory for borrowers whose loan applications are turned down by an association. If a borrower's application for a loan is denied by the local association, that borrower should be able to reapply to the next nearest association. I believe that in certain instances this will help keep borrowers in the System, by allowing them to apply to another association which may be financially stronger thus allowing them to take a little more risk. This will also be similar to the change in Farmers Home Administration regulations Congress passed earlier allowing FMHA borrowers to go to different county offices if they had a personality conflict in their local office.

The final section of my bill is very similar to previously introduced bills. It creates a secondary market for agriculture loans. I believe that farmers will benefit in the long run from having competition in the long-term agriculture loan market. Part of the current problems could have been avoided if another source of long-term agriculture mortgage credit had been available to farmers in the 1970's and 1980's. The secondary market, if functioning will provide competition for the System and moderate the concentration of risk in any one institution.

A secondary market for agricultural mortgages will give lenders needed liquidity to continue to provide long-term agricultural credit at competitive rates to qualified borrowers. To date, farm mortgages have not been pooled and packaged into securities to any substantial degree and as a result no major secondary market has developed for buying and selling farm mortgages. With the assistance of Federal initiatives, the secondary market concept has worked well for other long-term mortgage investments such as residential mortgages. I believe that it will also work well in agricultural mortgages, providing needed liquidity to agricultural banks and others. I believe that it is time for agriculture to have a secondary market, thus I have included authorization for a secondary market in this legislation.

I am encouraged by the actions Congress is now taking on this problem of aid to the Farm Credit System. I hope that next week as the subcommittee begins markup on a bill, they will take these issues into consideration and incorporate them into the bill which, I hope, will move steadily through Congress.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BOREN, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 38

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 38, a bill to increase the authorization of appropriations for the Magnet School Program for fiscal year 1987 to meet the growing needs of existing Magnet School Programs, and for the establishment of new Magnet School Programs.

S. 58

At the request of Mr. DANFORTH, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 270

At the request of Mr. HUMPHREY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 270, a bill to provide a transition period for the full implementation of the nonrecurring adoption expenses reimbursement program.

S. 604

At the request of Mr. PRYOR, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 627

At the request of Mr. PELL, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 627, a bill to authorize grants to states to enable States and local educational agencies to meet priority educational needs in the areas of school dropouts, programs to combat illiteracy, programs for the gifted and talented, for basic skills instruction for secondary school students, and for school library resources, and for other purposes.

S. 724

At the request of Mr. FORD, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of S. 724, a bill to amend the Federal Aviation Act of 1958 to advance the scheduled termination date of the Essential Air Service Program, and for other purposes.

S. 756

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. PELL], the Senator from Kentucky [Mr. FORD], the Senator from Nevada [Mr. REID], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 756, a bill to ensure the amounts paid for home improvements to mitigate indoor air contaminants such as radon gas qualify for the tax deduction for medical care expenses.

S. 808

At the request of Mr. MCCLURE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 808, a bill to clarify the application of the Clayton Act with respect to rates, charges, or premiums filed by a title insurance company with State insurance departments or agencies.

S. 830

At the request of Mr. STAFFORD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 830, a bill to clarify the treatment of certain education loans in bankruptcy proceedings.

S. 934

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 934, a bill to authorize payments to States to assist in improving the quality of child-care services.

S. 970

At the request of Mr. HARKIN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 970, a bill to authorize a research program for the modification of plants focusing on the development and production of new marketable industrial and commercial products, and for other purposes.

S. 1006

At the request of Mr. HECHT, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1006, a bill entitled the "Geothermal Steam Act Amendments of 1987."

S. 1109

At the request of Mr. HARKIN, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1109, a bill to amend the Federal Food, Drug, and Cosmetic Act to require certain labeling of foods which contain tropical fats.

S. 1181

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1181, a bill to amend the Federal Salary Act of 1967 and title 5 of the United States Code to provide that the authority to determine levels of pay for administrative law judges be transferred to the Commissions on Executive, Legislative, and Judicial Salaries.

S. 1225

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1225, a bill to amend the Immigration and Nationality Act to permit the installment payment of fees required for the legalization of aliens.

S. 1325

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1325, a bill to require the Secretaries of Agriculture and Health and Human Services to enforce certain food labeling requirements for packaged foods sold by certain restaurants.

S. 1397

At the request of Mr. CRANSTON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1397, a bill to recognize the Officers of Association of the United States of America.

S. 1461

At the request of Mr. HECHT, the name of the Senator from Nevada [Mr. REID], was added as a cosponsor of S. 1461, a bill to convey certain lands to the YMCA of Las Vegas, NV.

S. 1469

At the request of Mr. BOSCHWITZ, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Utah [Mr. HATCH], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1469, a bill to amend title VII of the Social Security Act to restrict the use of "Social Security" or "Social Security Administration" on goods not connected with such Administration.

S. 1485

At the request of Mr. FORD, the name of the Senator from Illinois [Mr. SIMON], was added as a cosponsor of S. 1485, a bill to amend the Federal Aviation Act of 1958 to provide various protections for passengers traveling by aircraft, and for other purposes.

S. 1501

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. METZENBAUM], was added as a cosponsor of S. 1501, a bill to amend title 38, United States Code, to eliminate the requirement that the Administrator of Veterans' Affairs carry out a transition under which community-based vet centers would be moved to Veterans' Administration medical facilities and to provide standards and procedures governing any closures or moves of vet centers, and for other purposes.

S. 1511

At the request of Mr. MOYNIHAN, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. HARKIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. NUNN], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefits improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organization renewal.

S. 1572

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1572, a bill to create a National Education Savings Trust; to prescribe the powers and duties of the trust and of its board of trustees; to provide for advance tuition payment plan agreements; to establish an advance tuition payment fund and to provide for its administration, and for other purposes.

S. 1575

At the request of Mr. KENNEDY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to establish a grant program to provide for counseling and testing services relating to acquired immune deficiency syndrome and to establish certain prohibitions for the purpose of protecting individuals with acquired immune deficiency syndrome or related conditions.

S. 1587

At the request of Mr. D'AMATO, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 1587, a bill to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic games.

S. 1620

At the request of Mr. PELL, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1620, a bill to reauthorize and revise the act of September 30, 1950 (Public Law 874, 81st Congress) relating to Federal impact aid, and for other purposes.

SENATE JOINT RESOLUTION 38

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a consponsor of Senate Joint Resolution 38, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE JOINT RESOLUTION 111

At the request of Mr. HEINZ, the names of the Senator from Kentucky [Mr. FORD], the Senator from Idaho [Mr. SYMMS], the Senator from Michigan [Mr. RIEGLE], and the Senator from New Hampshire [Mr. HUMPHREY] were added as consponsors of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987, and November 1988, as "National Hospice Month."

SENATE JOINT RESOLUTION 148

At the request of Mr. D'AMATO, the names of the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. ADAMS], the Senator from Kansas [Mr. DOLE], the Senator from Michigan [Mr. LEVIN], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alabama [Mr. SHELBY], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Missouri [Mr. BOND], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 148, a joint resolution designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 170

At the request of Mr. ROTH, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Texas [Mr. BENTSEN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 170, a joint resolution designating the month of September 1988 as "National Ceramic Arts Month."

SENATE CONCURRENT RESOLUTION 23

At the request of Mr. CRANSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Concurrent Resolution 23, a concurrent resolution designating jazz as an American national treasure.

SENATE RESOLUTION 246

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Resolution 246, a resolution to honor Irving Berlin for the pleasure he has given to the American people through almost a century of his music.

SENATE CONCURRENT RESOLUTION 71—EXPRESSING SUPPORT FOR THE CENTRAL AMERICAN PEACE INITIATIVE

Mr. BYRD (for himself, Mr. DODD, Mr. SANFORD, and Mr. SASSER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

SENATE CONCURRENT RESOLUTION 71

Whereas the Presidents of Costa Rica, El Salvador, Guatemala, and Honduras met in San Jose, Costa Rica on February 15, 1987, to consider a political framework for peace in Central America, as proposed by President Arias of Costa Rica;

Whereas the presidents of the Central America democracies described the Arias proposal as "a viable, timely and constructive document for achieving peace in Central America through political negotiation;"

Whereas the Government of Costa Rica was asked to convey the Arias proposal to the Government of Nicaragua and to invite the President of Nicaragua to participate in a regional summit conference for the purpose of finalizing negotiations on the Arias initiative;

Whereas on March 12, 1987 the United States Senate considered S. Con. Res. 24, "supporting the initiatives of the Central American heads of state . . . in formulating a regional proposal for bringing an end to the armed conflict in Central America," and subsequently approved this resolution by vote of 97 to 1;

Whereas on July 28, 1987 the House of Representatives debated H. Con. Res. 146, "supporting the initiative of President Oscar Arias Sanchez of Costa Rica to end armed conflict in the Central America and encouraging . . . a negotiated settlement of the conflict in Central America," and thereafter adopted this resolution by unanimous vote;

Whereas the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua met August 6-7 in Guatemala City and signed an agreement based on the Arias proposal, setting forth specific procedures for the establishment of a "firm and lasting peace in Central America;" and now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) that

The United States Congress hereby—

Congratulates the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua on their successful summit conference of August 6-7, 1987, held in Guatemala City;

Recognizes the signing of the August 7 peace accord as an historic development and an important opportunity for the Presidents of Central America to work together to restore peace and stability to their region;

Urges the parties to the peace accord to implement all of its provisions in good faith; and

Pledges its firm support and full cooperation with respect to such good faith implementation of the August 7, 1987, Central America peace agreement.

SENATE RESOLUTION 282—EXPRESSING SUPPORT FOR PRESIDENT CORAZON AQUINO AND THE GOVERNMENT OF THE PHILIPPINES

Mr. BYRD (for himself, Mr. DOLE, Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. CRANSTON, Mr. MELCHER, Mr. BRADLEY, Mr. MURKOWSKI, Mr. BIDEN, and Mr. METZENBAUM) submitted the following resolution; which was considered and agreed to:

S. RES. 282

Whereas on August 28, 1987, mutinous troops attacked the presidential palace in Manila in an effort to overthrow the Government of the Philippines;

Whereas scores of Filipinos have been killed and over one hundred wounded in the political violence;

Whereas the Filipino armed forces have rallied in support of the President against the mutineers and have crushed the rebellion;

Whereas the insurrection is the fifth such effort to overthrow the Aquino government since the inauguration of President Aquino on February 25, 1987;

Whereas under the leadership of President Aquino, the people of the Philippines have adopted a new Constitution, conducted open elections and undertaken an effort to review the democratic institutions of their nation;

Whereas the Government of the Philippines has made impressive strides in reversing the economic decline of the nation;

Whereas President Aquino currently enjoys the allegiance and support of the Filipino people;

Whereas the international community has expressed renewed support for the leadership of President Aquino;

Whereas the Aquino government confronts a growing Communist insurgency threatening political, economic, and social freedoms and the security of the Philippines;

Whereas the United States Administration has issued a statement of strong support for the Aquino government and democracy in the Philippines and condemned all efforts to destabilize the Government of the Philippines; and

Whereas the Aquino government enjoys the confidence and support of the United States Congress as has been expressed in previous resolutions: Now, therefore, be it

Resolved that the Senate—

(1) congratulates the people of the Philippines and the loyal members of the Philippine military for their commitment to democracy and for their courage and success in crushing the rebellion;

(2) renews its full support for the sustained efforts of President Corazon Aquino to pursue the development of democratic institutions in the Philippines and stability in the society of the Philippines;

(3) recognizes the overriding importance of defeating the communist insurgency by strengthening the capability and improving the morale and living conditions of the armed forces of the Philippines and supports continued timely and vigorous military assistance to the Government of the Philippines to assist in that effort;

(4) recognizes that economic recovery based on free enterprise principles is crucial to the attainment of a stable democracy in the Philippines and supports continued economic assistance aimed at building a strong and vibrant economy;

(5) calls attention to all persons or groups seeking the violent overthrow of the Government of the Philippines to current United States law which requires suspension of fiscal year 1987 military or other assistance if a duly elected Head of Government is deposed by military coup or decree; and

(6) urges the government to redouble its efforts to address the problems of corruption within the government;

(7) urges the Secretary of State to direct the United States Ambassador to the Philippines to make every effort to communicate the contents of this resolution to all Filipino citizens and to all sectors of Philippine society.

SENATE RESOLUTION 283—RELATING TO THE PROPOSED INF AGREEMENT

Mr. QUAYLE (for himself and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 283

Whereas the proposed INF agreement plans to eliminate all nuclear missiles between the ranges of 300 and 3500 miles may or may not be sufficiently verifiable to eliminate uncertainties about Soviet compliance due to the difficulty of detecting the location of mobile launchers and the production and storage of missile spares;

And whereas, NATO targets currently threatened by Soviet INF will continue to be threatened by the Soviet strategic arsenal even if INF are eliminated;

And whereas, the consequences of Soviet cheating on an INF agreement, while itself deplorable and unacceptable, would be less dire for Western security than comparable violations of strategic nuclear weapon accords;

And whereas the proposed INF agreement, is not intended to foreclose non-nuclear deployment options to help NATO counter the increasing conventional threat from the Soviet Union; will not address the conventional imbalance which must be dealt with in the future; will not eliminate the existing shorter range ballistic missile threat (e.g. SS-21, Scud) to critical NATO assets within 300 miles of the border between NATO and the Warsaw Pact;

Be it resolved that the United States Senate believes that the INF treaty in its final form, should state explicitly that the INF verification provisions do not set an automatic precedent for other arms control treaties. The verification provisions of each future treaty must stand on its own merits; and should not prohibit non-nuclear responses such as land-based, mobile conventional cruise missiles, including those with ranges greater than 300 miles, and should not infringe upon present or future non-nuclear arms reduction discussions;

Furthermore be it resolved that the successful conclusion of an INF treaty will not lessen importance of accelerating current efforts to address the Warsaw Pact air threat (including tactical ballistic missiles) to NATO; and implementing existing NATO modernization requirements deemed necessary.

Mr. QUAYLE. Mr. President, I rise to address the INF Treaty on which ongoing negotiations are rapidly coming to a conclusion. We have next Tuesday, on September 15, Secretary Shultz and Foreign Minister Shevardnadze meeting to discuss the final details on the agreements eliminating the intermediate range nuclear weapons. This agreement would result for the first time in the atomic age in an actual reduction in nuclear weapons. This is certainly a laudable objective.

Another laudable objective, Mr. President, is that the reductions will be, as far as warheads are concerned, more for the Soviet Union rather than for the United States, which goes back to an argument that we have had for a period of time that you do not have to have equal reductions to have parity; sometimes you have unequal reductions to get parity. That is a laudable objective in the INF, when and if it is signed.

It shows also we must have patience when we deal with the Soviet Union. We simply cannot say we will have an arms control agreement overnight. We have gone through walkouts and things of that sort. We must have patience, the political will to make a commitment; not only in this country but in other countries. We must have the political will to do what we say we will do, as we did in taking the dual-track approach. Then, in 1978 and 1979, when the SS-20's deployment became apparent as a security threat to Western Europe, we said either the Soviet Union takes out those missiles that have been deployed or we are going to deploy our own.

We called their bluff. They called our bluff. But the political will in 1983 was to deploy Pershing II's and ground-launched cruise missiles and the political will showed the Soviet Union that we, in fact, could deliver through the democratic processes what we said we would deliver. That is not always the case. But it does show if in fact you are going to follow through on what you say you are going to and do not vacillate back and forth that you can achieve meaningful results.

But, as much as we may admire these results, there is a higher objective: safeguarding the security of the United States and detering war and for this we need to reflect on what the agreement will not address. In fact, this proposed agreement is not going to have any effect on two of our greatest military problems, the conventional imbalance in Europe and the relentless growth in Soviet strategic nuclear forces. This is the context in which we have to assess the potential INF agreement.

And that is why the details of this INF agreement are so important.

Some might ask, what are the real reasons why Senator SHELBY and I are introducing today a resolution addressing these details. Is it even appropriate to voice reservations about a treaty we haven't seen yet? Is this just a way for some of us, who have been skeptical of arms control in the past, to set up exceptions for this particular treaty that we don't intend to apply to others?

Let me respond directly to these concerns.

If you want to affect the details of this treaty and you want to have an articulation of the views, I believe that now is the time to begin that debate, to talk about it, to look at what has been on the table, what our negotiators are telling us have some input.

I think that, first, I am concerned about a decision that, in fact, would in any way limit some of our military options that we might want to have in the future. At the very core of any of these limitations, one of the discussions that will be going on that I am very concerned about is the resolution and the final disposition of what we are going to do on the long-range, ground-based conventional nonnuclear cruise missile. I do not believe that we, in fact, ought to prejudge what we are going to do on the ground-based nonnuclear conventional cruise missile. Quite frankly, I believe that in the future there will be some military requirements for conventional nonnuclear cruise missiles.

I realize, and I have been battling this for a long time, there is a lot of reluctance among the military services to get on with the cruise missiles.

One of the reasons there is reluctance to get on with the cruise missiles is because, guess what, Mr. President, there is not a man or a woman that flies them. They fly by themselves. You can fly them from the ground. Therefore they do not have a pilot, so to say, that can go in and do the job and come back and get the congratulations, et cetera, et cetera. It is not a platform that a man or woman is going to be on. Therefore, there is this systemic reluctance to move in this area as aggressively as I think we should. Therefore, I would hope that we do not see any kind of relinquishment of a future option that we might want to deploy a conventional nonnuclear cruise missile beyond 500 kilometers, or 300 miles.

But those arguing to foreclose this option perhaps don't know about this possible requirement. General Galvin, the theater commander with the most to gain or lose from the decision, knows full well the possible military benefits of nonnuclear, conventional cruise missiles.

We are going to eliminate nuclear weapons systems and categories. That is all to the good and the objective certainly promotes stability.

But if we are going to do that, then the next step, I presume, we will be looking at conventional imbalance. Many have talked about looking at a conventional arms control process. Well, ground-launched conventional cruise missiles certainly fall within that area of conventional arms control and what we are going to do on the nonnuclear side.

So, in that context it does not make logical sense to me that when we are talking about the elimination of nuclear weapons we are also going to, at the same time, give up some nonnuclear options that we may want to have.

I dare say if in fact we move forward that there will be a requirement that will be forthcoming concerning the ground-launched cruise missile.

Our long-standing position in Geneva has been that a treaty to limit nuclear weapons should not limit nonnuclear weapons. But there are some who are now arguing that we should abandon that position, that instead we ought to adopt a definition of cruise missiles that would prohibit deployment of any ground-launched system over 300 miles in range that could conceivably be characterized as a cruise missile.

That means we would agree forever not to deploy any conventional ground-launched cruise missile of that range; any remotely-piloted vehicle (even ones for early warning that could provide vital confidence-building information) or any nonnuclear technology that might evolve out of SDI or other advanced research.

We have to ask ourselves what we would gain from giving all this up. Do the Soviets have a competitive advantage in advanced technology that we want them to abandon through arms control? Is there a status quo in Europe that we want to maintain?

Obviously the answer is no. We are the ones with the competitive advantage is nonnuclear delivery technology, in stealth, precision-guided long-range systems. We are the ones who stand to gain from any shift in the balance of forces which will lighten the Soviet shadow over Europe. We need such systems in Europe more than the Soviets do. Many key military targets for NATO lay beyond the 300 mile range allowed under the INF treaty. On the other hand, many of the targets the Soviets would want to hit in Western Europe lie within this same 300 miles range limit. And the Soviets have plenty of systems to cover those targets. Furthermore, whereas NATO needs new precise, long-range stand-off missiles to penetrate Warsaw Pact air defenses merely to prevent attack, the Soviets do not.

Do we really want to give up without any thought our most potent nonnuclear deep strike options, like those discussed at length in the recent OTA report on NATO's follow-on forces attack concept?

I know General Galvin, our Commander in Chief in Europe, is not ready to give up these options. In fact, he told me that although the requirement for a conventional, ground-launched cruise missile does not now exist, that it may be forthcoming.

My second major concern about this cruise missile decision is the precedent it will set for the START talks. Ambassador Kampleman's recent announcement that the President wants a START agreement before he leaves office is no bluff.

Some may think we can afford to prohibit long-range, ground-launched nonnuclear cruise missiles because we can always resort to sea-launched capability or air-launched capability.

In other words, do not worry about the ground-launch response because we will take care of it by air or by sea.

But let me tell you, agreeing to range limits on conventional GLCM's in INF would set a disastrous precedent for the fate of these systems in START. It would make it very difficult to resist demands to ban non-nuclear ALCMs and SLCMs beyond 600 kilometers. That was the range limit defining ALCMs in the SALT II, and already is the range limit suggested by the Soviets for SLCMs in START.

If we agree to range limits over conventional GLCM's in INF, what is to prevent such limits from being imposed against ALCM's and SLCM's in START? No one has a good answer to this question.

Still, some argue that conventional ground-launched cruise missiles must be banned make the INF treaty verifiable. This brings me to my third major concern.

We will have serious problems verifying this treaty regardless of the decision made on cruise missiles. We do not yet know whether the verification procedures negotiated will be sufficient or not to adequately verify this treaty. But we do know some uncertainties will remain simply because it is impossible to be sure of the number of mobile missile launchers and reloads which now exist in the Soviet arsenal.

We also know that the Soviets have plenty of extra strategic systems that they can retarget to make up for the loss of INF systems. They have the new SS-25 which has the same mobile configuration as the SS-20 and in fact, uses the same facilities. They have the older SS-19, which performed this same function before the 1977 deployment of the SS-20. And they have the brand new SS-24 mobile missiles, each with 10 warheads which will add many megatons to the already huge strategic arsenal.

So the Soviets do not have much to gain from cheating on INF, because they really have not lost anything.

What concerns me are the precedents that might be set for START. The level of compliance uncertainty which may not concern us in INF, because of the strategic environment, will be totally unacceptable in a START agreement. We simply cannot accept the risk associated with potential covert Soviet deployments of mobile missiles like the SS-24 and SS-25. That is why this resolution states clearly that INF verification provisions cannot be considered as a precedent for any other agreement. The United States must make that clear to the Soviets and to the American people.

Third, I am concerned that the euphoria of an INF treaty might cause us to forget that there will continue to be a Soviet tactical ballistic missile threat to Europe even under this treaty. The Soviets will still have SS-21 and Scud missiles in Europe with nuclear and nonnuclear warheads. And we know they have a Scud upgrade on the way.

This is why this resolution emphasizes the need to continue efforts to improve NATO's air defenses against these and other systems.

Finally, we must recognize that NATO has had nuclear modernization requirements quite apart from INF, that should not be affected by this treaty. General Rogers and his successor General Galvin have made it clear that they still need a follow-on to the Lance battlefield missile, a new air-to-surface missile, and improvements to the survivability of dual-capable aircraft. These requirements are all the more important now.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

GLENN (AND OTHERS) AMENDMENT NO. 678

Mr. GLENN (for himself, Mr. Exon, Mr. Bingaman, Mr. Bumpers, and Mr. Mitchell) proposed an amendment to the bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. —. PROHIBITION AGAINST CERTAIN CONTRACTS

(a) In General.—Funds appropriated to or for the use of the Department of Defense for any fiscal year pursuant to an authorization contained in this or any other Act may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) Temporary Suspension Of Prohibition Upon Certification Of The Secretary of Defense.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development, testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) Exceptions For Certain Contracts.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract was entered into before the date of the enactment of this Act;

(2) the contract is to be performed within the United States; or

(3) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(d) In this section:

(1) The term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

(2) The term "United States firm" means a business entity other than a foreign firm.

DOLE (AND OTHERS) AMENDMENT NO. 679

Mr. WARNER (for Mr. Dole, for himself, Mr. Warner, Mr. Helms, Mr. Quayle, Mr. Symms, Mr. Lugar, Mr. Gramm, and Mr. Stevens) proposed an amendment to amendment No. 678 proposed by Mr. Glenn (and others) to the bill S. 1174, supra; as follows:

At the end of the amendment add the following:

The United States and the Soviet Union may be on the verge of reaching agreement on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

and since,

The September discussions between our Secretary of State and the Soviet Foreign Minister represent the culmination of years of detailed and complex negotiations between our countries that reflect delicate compromises on both sides;

and since,

Chief U.S. negotiator Max Kampelman has announced that he has been instructed by the President to place special emphasis on START talks, now that an INF accord may be close at hand;

Therefore, the Senate declares that:

The Congress of the United States fully supports the President in his negotiations with the Soviet Union.

The Congress recognizes fully the constitutional role of the President as the sole voice of the United States in matters during the delicate course of treaty negotiations; and the Congress must not intrude in this process by acting to constrain a President's flexibility in reaching agreement with foreign nations.

At this critical point, the Congress must not take actions equivalent to unilateral concessions to the Soviet Union on arms controls, and specifically on issues that the Soivets cannot themselves achieve at the negotiating table.

The Congress must not act to further the interests of the Soviet Union by unilaterally adopting Soviet negotiating positions that have been rejected by the United States Government.

The Congress should not seek to establish, in U.S. domestic law, positions on matters such as ASAT, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons, at the very moment that such sensitive arms control subjects are being negotiated by Secretary Shultz and Foreign Minister Shevardnadze and by the negotiators in Geneva. Such action would inevitably disadvantage and undermine the United States Government in such negotiations.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate that a closed hearing has been scheduled to receive testimony on the status of the Department of Energy's efforts to address issues concerning the defense materials production reactors located in the United States.

The hearing is scheduled on October 1, 1987, at 2 p.m., in Washington, DC. For further information please contact Mary Louise Wagner at 202-224-7569.

Those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to hold hearings on the nomination of William L. Dwyer, to be U.S. district judge for the Western District of Washington; James A. Parker, to be U.S. district judge for the District of New Mexico; William L. Standish, to be U.S. district judge for the Western District of Pennsylvania; and Ernest C. Torres, to be U.S. district judge for the District of Rhode Island,

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, September 11, 1987, to conduct a hearing on "AIDS."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Government Affairs, be authorized to meet during the session of the Senate on Friday, September 11, to hold hearings on proposed legislation relating to arms export policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FOURTEENTH ANNIVERSARY OF PINOCHET'S COUP

● Mr. KENNEDY. Mr. President, today, we gather to mark yet again a dark anniversary in the history of Chile—this September 11 marks the 14th anniversary of Gen. Augusto Pinochet's brutal seizure of power. For 14 years, the people of Chile have withstood the brutal policies of General Pinochet, for 14 years the people of Chile have yearned for a return to their long tradition of democracy, for 14 years they have lived without their most basic human and civic rights.

There are also personal tragedies which bring home the costs of this tyrannical rule. Over the summer, we passed the year anniversary of the murder-by-fire of Rodrigo Rojas, the young resident of Washington, DC, who had returned to Chile to acquaint himself with his roots. Yet, all the members of the military held in connection with that murder have been released—including the prime suspect who not only was released on a paltry $25 bail but was also promoted from a lieutenant to a captain.

In addition, September 21 will mark the 11th anniversary of the car bombing in the streets of Washington of Orlando Letelier and Ronni Moffitt—a murder ordered by the Chilean Government. Over the last year, new evidence has surfaced regarding the involvement of members of the Chilean security in the murders and implicating General Pinochet himself in the subsequent coverup of the murders. In light of this new evidence, our Government again asked the Chilean Government to turn over to us those implicated in the murders. Pinochet again turned us down. For over a decade, the Chilean authorities have protected these thugs, refusing to try them in Chile, and refusing to let them be tried in the United States.

Let us today renew our commitment to never give up until justice is done regarding these egregious acts of terrorism.

The overall human rights situation in Chile remains grim. Raids on shanty towns continue, opposition press is still threatened by the authorities, torture continues and human rights groups continue to be harassed. The Chile Commission for Human Rights reported 133 incidents of attacks against human rights workers alone in 1986. A lawyer working for the Catholic human rights organization, the Vicariate, was recently arrested for publishing an article critical of the human rights situation in Chile. A judge investigating charges of torture received numerous death threats and saw his cases turned over to military jurisdiction where little action is expected.

Last month, the Catholic Bishops' Conference once again condemned the human rights situation in Chile. The conference included numerous reports of physical and psychological torture by the Chilean authorities during interrogation of prisoners. The bishops urge the Government to cease such activities and to investigate any such allegations of torture.

Despite the growing anti-Americanism in Chile, this administration continues to prop up Pinochet with billions of dollars in loans and with votes in the international institutions in support of the dictatorship in Santiago. Since coming to power, the administration has supported well over $2 billion in loans to Pinochet, has provided an estimated $40 million a year in trade benefits to Chilean imports, has guaranteed over $290 million in United States investments and loans to Chile and has allowed over $250 million a year in imports of Chilean copper—the proceeds of which go right into Pinochet's treasury. It is time we used the full weight of our voice, vote and economic strength to put the United States unequivocally on the side of democracy in Chile.

Last spring, I introduced along with Senator HARKIN, a bill which would ensure that the U.S. support for Pinochet would cease. Several of the provisions of that bill have been included in legislation currently pending in the Congress. I intend to work hard to ensure those and all the provisions of the Democracy in Chile Act of 1987 become a law.

The next year is a critical one in Chile. If the military junta proposes the next leader in Chile—widely predicted to be Pinochet himself—the people in Chile will need our full support in rejecting such a crony system. They will need to know we are behind them in their demand for free and fair elections in Chile.

The actions of the United States will be critical over the next months—if Pinochet believes we are behind him, he will no doubt remain in power; if he believes we are on the side of the people, democracy will stand a chance in Chile.

Let us over the next year work to ensure that the United States speaks with one, consistent voice in support of justice and democracy in Chile. Let us hope that when we gather together again next year, we can say proudly that the United States has done all in its power to support a Chile well on the way to a new and healthy democracy.●

SAUDI ARABIA ARMS SALE OPPOSITION

● Mr. WILSON. Mr. President, during the August recess, I was notified that the Reagan administration may send to the Congress a new arms package for Saudi Arabia this fall. Time and again, the Saudis have proved their unreliability as diplomatic and military partners of the United States and have yet to end their official State of war with Israel. Even in the midst of the war between Iran and Iraq, Riyadh has not adequately cooperated with America in its effort to insure freedom of navigation throughout the Persian Gulf. I therefore believe that congressional approval of another arms sale for Saudi Arabia would be both unjustified and unproductive. After learning of the administration's proposal, I wrote a letter to the President outlining my concerns. I ask, Mr. President, that this letter, dated August 20, 1987, be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, August 20, 1987.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern over the Administration's apparent decision to provide Saudi Arabia with a one billion dollar arms package this Fall. Such a sale, reported to include Maverick antitank missiles and F15 fighter planes, would dangerously escalate the middle Eastern arms race without enhancing American diplomatic or military interests.

Saudi Arabia claims that the new hardware is required to counter the military threat from Iran. This reasoning overlooks the fact that Riyadh has consistently refused to assist Kuwait and Iraq in deterring Iranian attacks on their oil tankers because such an action would provoke the government in Teheran. The Saudis adopt this cautious approach even though their existing Air Force of over 160 jets, including 56 F15s, is significantly larger than the Iranian fleet.

In fact, Saudi Arabia has yet to expand its military power for any reason other than to confront Israel. Its recent bids for Western European attack submarines and 72 British Tornado fighter-bombers would provide the Saudi government the means to disrupt the Red Sea shipping lanes necessary for the survival of Israel's import-dependent economy. In addition, the Tornado planes would make Israel more vulnerable to either an air or ground attack from combined Arab forces.

Finally, past sales have failed to significantly change Saudi conduct that has undermined rather than prompted Middle East peace. It is difficult to believe that a new arms sale would bring a halt to the Saudis' liberal funding of the PLO, a terrorist organization. I respectfully submit that such a change should precede rather than follow any new arms sale.

Saudi Arabia, Mr. President, has demonstrated little capability or willingness to support your two major policy goals in the Middle East: freedom of navigation in the Persian Gulf and the security of Israel. I do not see, therefore, how another major arms sale will promote America's diplomatic or military influence in the region.

Sincerely,

PETE WILSON.●

SENATOR BRADLEY'S REMARKS AT CHAUTAUQUA

● Mr. ROCKEFELLER. Mr. President, the Soviet Union, under the leadership of Mikhail Gorbachev, is experiencing one of the most dramatic political periods in its 70-year history. At home, Soviet citizens are beginning to enjoy greater openness in political, economic, and cultural affairs. Abroad, the Soviet Union is attempting to project a new and vibrant image as a nation committed to peace. Just last week, this new style was manifest in the unprecedented invitation to an American congressional delegation to visit the controversial Soviet radar complex at Krasnoyarsk.

How far these changes in the Soviet Union will go, and how long they will last, remain to be seen. It would be naive to expect a sudden and dramatic transformation of Soviet society; Mr. Gorbachev may seek to loosen the grip of a totalitarian system only enough to breathe life into a stagnant economy. Nor should we forget that earlier efforts at reform in the Soviet Union, such as those initiated by Nikita Khrushchev, proved to be short-lived.

But even as we avoid unrealistic optimism, we should not minimize what is happening in the Soviet Union. Mr. Gorbachev's domestic reforms and changes in the conduct of Soviet foreign policy represent both unique challenges and new opportunities in United States-Soviet relations. We cannot ignore the possibility that changed circumstances in the Soviet Union present the chance for a significant improvement in superpower relations.

Two weeks ago, Senator BILL BRADLEY reflected on these issues in an extremely thoughtful address at the third Chautauqua Conference on United States-Soviet relations. In that speech, he holds out the hope that the United States and the Soviet Union may at this historical juncture be able to establish a saner and more stable relationship. He reminds us of the things we share in common with the Russian people. But at the same time, Senator BRADLEY speaks frankly and eloquently of the fundamental differences in values that separate our societies. His speech blends realism and idealism in a way that is characteristic of Senator BRADLEY; it deserves to be widely read.

I commend BILL BRADLEY's Chautauqua address to all of my colleagues, and ask that the full text of the speech, as well as a New York Times editorial of August 29, 1987, appear in the CONGRESSIONAL RECORD following my remarks.

The material follows:

SENATOR BILL BRADLEY'S ADDRESS TO THE THIRD GENERAL CHAUTAUQUA CONFERENCE ON U.S.-SOVIET RELATIONS, AUGUST 27, 1987

Today, in Chautauqua, this uniquely American community, I'd like to share with the Soviet delegates and all of you my sense of what Americans want from our relationship with the Soviet Union and what I think may be possible.

Like you, I have watched what is happening in the Soviet Union. Like you, I have many questions on the future of U.S.-Soviet relations. I have doubts and concerns, but above all, I have hope. Today, I want to talk about my hopes.

This week Americans and Soviets meet at a threshold of history: at one of those moments when a door long closed may be opening to show us the path to new places, new vistas of hope, and progress for the human race. Dostoyevsky told us that of creation, only man has no formula to tell him how to act, or even what to be. So how we walk through that door—or whether we let it close before us—is our choice, the human choice. And it's not arrogance but reality which tells us that of all those who will determine the course of coming events, our two nations will play the greatest roles: seeming to fulfill de Tocqueville's prophecy that America and Russia were "by some secret design of Providence [each] one day to hold in its hands the destinies of half the world."

Those in both our countries who see the seeds of a new cold war inherent in our relationship believe the world is too small for two superpowers. I reject the destiny that dooms us to be perpetual enemies. We can create a different future.

Maintaining peace is fundamental. Ever since our scientists solved the nuclear puzzle, Soviet and American arsenals have hung heavy over the future of the world. This knowledge has given our relationship its single categorical imperative—we must never meet in war.

Yet this strong and simple conviction doesn't answer all questions. Avoiding war is not securing peace. Struggle, tension, and conflict between our nations persist. But General Secretary Gorbachev has urged us "not to evade urgent problems." So let's candidly examine what we have in common as well as what divides us—let's begin this process as the first step toward lasting peace.

One thing we share is our love of the land. For both Soviets and Americans, the land is the wellspring of our greatness. It has steeled our people. Its beauty inspires our songs. Its cruelty is a source of our sorrows.

Early Americans were energized by the vastness of their territory and emboldened to start anew on the frontier. They extended America's boundaries, tamed her wilderness, and cultivated her abundance. They revered the land as the source of their strength and the root of their values. They derived from their experience of the land a sense of independence, tempered by a respect for life, liberty, and the pursuit of happiness. These inalienable rights remain at the core of the American character, defining our aspirations for democracy.

Unlike our brief American experience, Russian history goes back a thousand years. A history of triumph and tragedy. Often on an heroic scale. And it is a history always against the huge canvas that is the Russian and Soviet land: a majestic, silent procession of forests and lakes; the vast sweep of the steppes; the strong currents of mighty rivers; the still, somber sands of the arid zones; and the great Siberian wilderness of *taiga* and tundra.

Our peoples have been challenged and restrained by the land. We have trusted its generosity; and too often taken its replenishment for granted. Now from Chernobyl to Love Canal we see its vulnerability to abuse and we recognize that its potential for giving us rebirth may be slipping away.

Two years ago, I visited the deepest lake in the world, Lake Baikal, in Siberia. I drove there in the afternoon after an exhausting flight from Moscow. When I arrived, the lake was obscured by dense mist. I could see nothing. My disappointment was as heavy as the fog. Early next evening, after a long visit with your great writer, Valentin Rasputin, I went back. The sky was clear and luminous. The lake stretched before us . . . deep, still, pure. In Nature's mysterious quietness, I could hear the heartbeat of time. I could sense the life-giving force that flows through all people, Soviet and American, who know the land. I'll never forget it.

But, land is not all that we have in common. We share cultural ties: poetry and music, basketball and hockey, and most of all a love for literature—from Chekhov to Bellow. Back in 1966, as a student traveler, I can remember leaving the Soviet Union by car into Hungary and being detained four hours until the Soviet border guard had his fill of perusing my copy of Steinbeck's *Of Mice and Men.*

We also share historical ties: we both endured the traumatic experience of revolution and the satisfaction of nation building. And, unusual among world powers, we have never declared war on each other. To the contrary, we were even allies in a war which we won, in large part, because of the heroic struggle of the Soviet people against the invasion of Hitler's armies.

And, finally, we share a yearning for freedom.

Above all else, Americans cherish liberty. We fought a war to claim it from a colonial power. We value not just the freedom of the nation, but the liberty of each individual man and woman. And in America, as de Toqueville said, "The spirit of religion and the spirit of liberty are in fundamental agreement." The idea of banning any kind of religious worship is alien to us. For Americans, freedom is the essence of man. It cannot be bargained away or yielded for any price.

More than this, we have always believed that individual freedom is a universal aspiration. We borrowed our doctrines from England and Greece and ancient Israel; we were helped in our Revolution by Poles and Germans and French. We have often tried to help others to find freedom in their turn.

These sentiments cannot be strange to the people of the Soviet Union. How many times, at the limits of human endurance, did the Russian people themselves, peasants and poets, cossacks and party members, somehow rise and save their country from the invader? How many times did a Pugachev with his 80 men rise against serfdom or a Pestel, with a few hundred, challenge all the might and cruelty of the czar? Or, in our day, has not the most brilliant example of the inextinguishable thirst for human liberty come from the innermost heart of the Soviet Union—come in the Akhmatovas and Pasternaks, and all those nameless ones who have in their matchless courage braved the winds of Kolyma, circulating handwritten manuscripts in defiance of the censor just as their ancestors evaded the censorship of Czar Nicholas The Flogger.

Yet despite these bonds—of land, wartime alliance, culture and a common yearning for freedom—our countries remain far apart. Our institutions and standards of conduct differ profoundly.

For example, Americans are mystified by Soviet denial of many basic freedoms of expression. We don't understand why Rostropovitch couldn't conduct an orchestra or play his cello in his motherland. Why pianist Vladimir Feltsman has to emigrate to perform. Why Baryshnikov felt he had to leave in order for his artistry to grow. Why exile was the price the writer Vassily Aksyonov paid to publish his novels. We are grateful to have these artists among us. But why is the Soviet Union so inhospitable to such talent?

America, as perhaps the world's most open society, is also bewildered and threatened by Soviet preoccupation with secrets. There is no profit for American leaders in dwelling excessively on the sins of the Soviet past, but even General Secretary Gorbachev has said the Soviet people must "know everything and consciously make judgments about everything." Put simply, the Soviet Union itself must come to terms with its history. If the Soviet Union wishes to be trusted by others, it must first show that it believes its own people can be trusted with the truth. More than this, Americans know that we could never deal with our racial problems without squarely acknowledging that slavery was our greatest crime. So the Soviet people will not be free until, as Andrei Sakharov said 20 years ago, the whole nation can examine the historical records and understand for themselves why terrible abuses of power have occurred.

Finally, we Americans are also deeply suspicious of a nation that keeps families divided, that denies loved ones the right even to visit. This may seem minor compared to regional conflicts and nuclear weapons. But to many Americans, permitting Soviet-Western families to unite is a basic requirement for membership in the international community.

Secrecy, repression, and insensitivity do not produce greater understanding between the U.S. and the Soviet Union.

So how do we improve relations in the face of all the things that divide us?

First we have to see each other clearly.

American views of the Soviet Union swing between wishful thinking and hostile pessimism. We tend to think that the tensions between us result only from superficial misperceptions. Or, we believe that the Soviet state is our implacable adversary—the incarnation of evil.

These caricatures lead to errors in judgment. The one lulls us into a false sense of security which, after events such as Czechoslovakia or Afghanistan, degenerates into an angry sense of betrayal. The other obscures the significant opportunities that appear from time to time to settle grievances, reduce tensions, and advance mutual interests.

Soviet misperceptions of the United States are at least as great and as dangerous. Soviets discredit our concern for human rights and individual liberties; and see our foreign policy as the captive of rapacious capitalists; they attribute our defense policies to the "military-industrial-complex;" they underestimate the extent to which speech is truly free in a democratic society; and they ignore throughout our history the pride with which we have enfranchised ever larger segments of the American people.

These assessments are sterile, even unreal. If Soviet authorities indulge such illusions, they'll be vulnerable to surprise, disappointment, miscalculation, and bad policies.

And lurking behind our views of the Soviet Union and their views of the U.S. is the ultimate fear. The ultimate fear that the other side will start a war that leads to the use of nuclear weapons. If rationality prevails, it will never happen. To make rationality prevail is a major challenge.

To see each other more clearly also means to admit that neither of us is so devious or so naive as the other thinks. And we each have something to learn from the other as well as past mistakes to overcome. But improving understanding, accepting differences, and identifying mutual interests will not happen overnight. Conflict stems from clashes of interest. Minimizing confrontations and the danger of war means resolving conflicts of interest. We should proceed soberly but confidently one step at a time, promising only what we can deliver.

And there is no better time to begin than now. Before Mikhail Gorbachev became General Secretary, all but the most optimistic Americans would have given low odds to significantly improved relations. We saw a nation, then in the grip of a rigid ideology, sinking under the weight of economic stagnation and official corruption, while engaged in a massive military buildup. It was as if the Soviet generals had been given a blank check to indulge their ambitions and to indenture the economic future of the Soviet Union.

But in 1985, we began to feel the winds of change. General Secretary Gorbachev began to call for "revolutionary change" and "historic restructuring" of the Soviet system. Many Soviet participants at this conference are leading figures in that reform effort. In February of this year, the General Secretary said: "Our international policy is determined more than ever before by our domestic policy, by our interest in concentrating on creative work for the perfection of our country. For that very reason we need a more stable peace, predictability, and a constructive direction of international relations."

Because of the General Secretary's words and his actions, Americans have begun to question their old views. Were we wrong? Is Soviet change possible after all? Are such radical new possibilities practical? Should we rethink our policies toward the Soviet Union?

We know our influence over the internal affairs of the Soviet Union is limited. But at the same time, we are all citizens of the same human community, and we Americans believe that stable peace and increasing freedom go hand in hand. So we would share with the Soviet delegates in the candid spirit of Chautauqua the views and the questions on American minds as we watch what is happening in the Soviet Union.

First, some of General Secretary Gorbachev's proposed reforms promise a more productive society. But they also threaten the Soviet status quo and political establishment. Americans recognize that the Soviets face a strategic choice: either cling to the established ways, with military power and internal repression as the major sources of authority. Or seek through a more open expression a broader mandate to govern and permit the system to evolve. Americans doubt that there is any middle way.

We Americans also wonder how fully the General Secretary and his supporters have foreseen the difficulty of transforming the Soviet state. We watch how far or fast they will proceed and if the Soviet people are with them.

We ask:

Will the Party and State bureaucracy, about which General Secretary Gorbachev has often complained, share more power with the Soviet people?

Will workers have a bigger voice and trade unions a stronger role, even as "restructuring" creates hardships for some workers who lose their jobs?

Will Soviet citizens make their own choices about what to read, see, hear, buy, and sell?

Will Soviet authorities accept differences in politics, culture, and religion?

Will freedom to travel no longer be confined to the privileged few?

Will Soviet history, including the record of Stalin's purges, Ukrainian famine, and collectivization, be taught by people concerned with discovering the truth?

Will fewer resources go to a military buildup at home and abroad?

Will the General Secretary's call for "Democratization" bring greater autonomy to minority nationalities who have lived under Russian dominance for decades?

Will the Soviet leadership let the people of Eastern Europe restructure their own systems and their relations with the outside world?

Will Soviet youth be permitted to repudiate the war in Afghanistan with the same decisive vehemence that young Americans rejected Vietnam?

Will all this happen or will only some of it? Or will none of it? How broad a swathe does General Secretary Gorbachev want to cut through Soviet history?

Some Americans say real reform cannot happen in the Soviet Union: that reform will be stalled by the system's inertia or be subverted or even overthrown by the opponents of change. Other Americans worry that if reform succeeds, the Soviet Union will emerge as a stronger and more dangerous adversary, able to make new demands on the West.

"The reformer," said Machiavelli, "has enemies in all those who profit by the older order, and only lukewarm defenders in all those who would profit by the new order." Even so, most Americans are rooting for the reformers. Most Americans believe that a stable peace requires a more open Soviet society.

And now, as the door long closed may be opening, we Americans must be flexible enough to allow for our own rethinking in order to seize new opportunities for a lasting peace. We know the importance of dialogue and negotiations—to dispel the specter of nuclear catastrophe, to avoid the horror of any war, and to resolve conflicts of interest. If reform continues in the Soviet Union I believe we can cut U.S. and Soviet conventional forces in Central Europe and indeed nuclear weapons, by more than anyone has been prepared even to talk about up to now. It is within our power to create a different future, for as Solzhenitsyn said, "history is us . . ."

Meetings like this one in Chautauqua, that bring together politics, religion, and art, are important. We need powerful voices that express direct human feelings in ways that politicians hear. We need an American/Soviet competition that celebrates and preserves humanity, not endangers it; one that enables us to solve our nations' domestic problems instead of threatening the world with destruction. We need prophets and dreamers, as well as generals and bureaucrats. In the words of Valentin Rasputin . . ., we need "to establish a different plan—one measured not just in cubic meters, but in souls."

[From the New York Times, Aug. 29, 1987]

Whose Realism About the Russians?

This was a week in which a fall summit meeting looked likelier by the day, and it rang with speeches about U.S.-Soviet relations. Addressing Russians and Americans gathered in Chautauqua, Governor Cuomo of New York, President Reagan and Senator Bill Bradley of New Jersey gave the topic very different turns. Yet their speeches all made one compelling point.

As Mikhail Gorbachev starts to restructure the Soviet Union, the relationship between the superpowers could undergo a restructuring of its own. The U.S. response is only now being developed, but the subject has seized America's imagination.

Governor Cuomo's speech was marked by lofty sentiment welcoming change. "This is the time to begin to recognize an end to the cold war that for 40 years has chilled peace in the name of self-protection," he told the conferees, with little recognition of why it has so long endured. He spoke of embarking on "a new realism" and of scorning old stereotypes but skipped lightly over the depth of the divisions. It was little more than a host's welcoming speech.

President Reagan, his words beamed from Los Angeles, also welcomed the prospect of change. Yet he gave a very different idea of what change requires. If the Russians would tear down the Berlin Wall, withdraw their troops from Afghanistan, rescind the Brezhnev doctrine and open up their military budgeting and planning process, then true change could come about.

This was the speech of a President in the throes of a policy debate. It followed hard upon America's easing of its demands for verification in the impending intermediate-range missile agreement, giving the impression that the President was playing to critics on his right.

Senator Bradley, constrained neither by protocol nor negotiating politics, gave the fullest and most thoughtful exposition of U.S.-Soviet relations. He reached out to the peoples of both nations, urging them to ponder what they share: love of the land, literature, a history of revolution and nation-building. He tried to explain what Americans find incomprehensible about the Soviet Union: its secrecy, its aversion to freedom of speech and religion.

To proceed together, said the Senator, the two peoples must achieve a much clearer understanding of each other than their fears and misperceptions have permitted. Soberly and slowly, the two peoples thus might indeed change history.

After dreary decades, it is a time for hope. But not for illusions: neither those implied by Governor Cuomo, that the differences are really not so great, nor President Reagan's presumption that the Russians will make themselves over in our image if properly instructed. The time is for dreams, yes, but practical ones. For that, Senator Bradley wrote the text of the week.●

INFORMED CONSENT: KANSAS

● Mr. HUMPHREY. Mr. President, today I would like to insert into the Record a letter from a concerned woman who supports my informed consent legislation, S. 272 and S. 273. Today's letter comes from the State of Kansas.

I ask that this letter from a woman in Kansas be inserted into the Record.

The letter follows:

March 9, 1987.

Dear Senator Humphrey: I'm not proud of the fact that I have had three abortions in my lifetime.

In 1976, I was 16 years old and a medical doctor exterminated my child without my parents being contacted. In 1978, I sacrificed another child because of its untimeliness and in 1980 I stood bawling and sobbing in an abortion clinic. I did not want to do it, but I was young and dumb. My alternatives were not even remotely explained. They put me in a room until I stopped crying and then ended the life of my child.

Senator, if I had been counseled at all on the nature and consequences of both abortion and the alternatives, my arms would not ache to hold my babies today. I accept my responsibility in this. I would suggest that, as with any other surgery, a physician should be required to explain what my exact state is, (i.e. what 4 month pregnant mean, what does the child have in terms of development. etc.) and what I am doing and choosing when I say I want an abortion, as well as when I choose an alternative. Sir, please help the plight of uninformed women like myself. Our acts are irreparable and we bear the scars forever. Obviously, the abortionist is a businessman and I can see no reason why they should oppose making sure a patient knows what she is doing unless it's because of the possible reduced income.

Thank you and God bless you in your job.

Christie M. Sutton,
Kansas. ●

B'NAI B'RITH WOMEN OF CLEVELAND

● Mr. METZENBAUM. Mr. President, I rise today to bring to the attention of my colleagues an important milestone in the history of an outstanding organization. On Monday, September 14, the B'nai B'rith Women of Cleveland will mark 90 years of compassionate community service in northeastern Ohio. It is with great pleasure and much pride that I salute this impressive group of women.

The devoted members of B'nai B'rith Women contribute their time and considerable talents toward a broad array of services benefiting thousands of Clevelanders. They serve their community in hospitals, old age homes, children's centers, and other facilities, answering the changing needs of today's women. Further, the B'nai B'rith Women sponsor school programs and seminars with the Anti-Defamation League. They also meet monthly at the Cancer Society to provide for home care cancer patients, and at Case Western Reserve University, BBW members prepare meals at the Hillel Center for both students and faculty.

I could continue to list all the wonderful things the B'nai B'rith Women do, but I think you all understand their importance by now. They selflessly devote their time and energy to serving the people of Cleveland by providing help where help is needed. All of Cleveland benefits from their activities, and we can all learn a lesson in compassion from these fine women. This is a fine community organization, and I am glad to be able to commemorate their 90th anniversary on the Senate floor.●

● Mr. WIRTH. Mr. President, recently several prominent Soviet refuseniks received word that they have been granted permission to emigrate. While we are gratified and encouraged with this news, we cannot forget the plight of one courageous man who has struggled for 12 years to emigrate from the Soviet Union.

Dr. Naum Meiman, a mathematical physicist, has valiantly attempted time and again to rejoin his daughter, Olga, in Colorado. Yet he remains in the Soviet Union, fighting poor health and grieving over the death of his wife, Inna—whose delayed emigration denied her the opportunity to have her cancer properly treated. Dr. Meiman, at the age of 76, has seen many friends emigrate and now, more than ever, deserves the same opportunity.

His emigration requests have been repeatedly refused by the Soviet Government on the grounds that he possesses "state secrets"—yet it has been 30 years since he performed any classified calculations. Chairman Mikhail Gorbachev has said himself that the state secret prohibition against emigration is invalid for those who have not worked in the government for more than 10 years. Why, then, is this man, who desires nothing but to join his daughter, prohibited from doing so?

Dr. Meiman's plight compelled every Member of the Senate to join my distinguished colleague Mr. Simon and me in sending a letter to Mikhail Gorbachev, imploring his government to allow him to emigrate. Mr. President, I ask to have the text of that letter printed in the Record. All eyes are now on the Soviet Union, waiting to see that it honor the legal obligations of the Helsinki Accord and to join the family of nations dedicated to the primacy of human rights.

The material follows:

U.S. SENATE,
Washington, DC, August 6, 1987.

MIKHAIL S. GORBACHEV,
Chairman, CPSU, The Kremlin,
Moscow, RSFSR, U.S.S.R.

DEAR MR. CHAIRMAN: We implore your government to permit Dr. Naum Meiman to emigrate from the Soviet Union.

Dr. Meiman has struggled valiantly for 13 years to re-join his daughter, Olga, in Colorado. He has struggled against stiff bureaucratic resistance. He has struggled in spite of frail health and deep sorrow, over his beloved wife's death in exile. It is well past time to let Naum Meiman go.

For Naum is a man of peace. He poses no threat whatsoever to Soviet society, although your government repeatedly claims that Dr. Meiman's background as a mathematical physicist has made him privy to important state secrets.

Yet it has been 30 years since he performed any classified calculations and these were of a purely academic nature. His work has been openly published in Soviet journals for years. A signed letter from the director of the Soviet Institute of Theoretical and Experimental Physics confirms that Dr. Meiman's work is not classified. You yourself have noted the specious nature of the "state secrets" prohibition against emigration for those who have not served the government for more than 10 years.

Mr. Chairman, the Soviet Union has announced to the world that its new emigration policy will be streamlined and fair-minded. Moreover, that new policy calls for the "speedy reunification of divided immediate families." Your government can demonstrate the sincerity of these new provisions by immediately examining Naum Meiman's case and determining his eligibility for an exit visa.

We thank you for your expeditious attention to this matter.

(Signed unanimously by the U.S. Senate.)

12-YEAR WAIT BITTER FOR SOVIET JEW—DISSIDENT NAUM MEIMAN, 76, HOPES, BUT NOT TOO HARD

(By Gary Lee)

MOSCOW, September 9.—Since a Soviet official called Monday to tell Josef Begun he could leave for the West, his activist friend and would-be emigre Naum Meiman has stayed close to the telephone in his apartment here. In the past two days, there have been 18 calls, all from friends, but none from the visa office.

Meiman denies that he is waiting for word from Soviet authorities granting him permission to leave. At 76, after 12 years of rejection of his applications to emigrate, he feels he has passed the phase of anxious expectation. "If a man is always caught in a time of hope and waiting, it destroys him," he said, leaning back in his rocking chair.

And yet, when the telephone rang, he jumped up anxiously.

It was another friend.

In a year when the emigration of Soviet Jews has increased sharply, including many who have battled for up to 15 years to leave for the West or for Israel, Meiman is among the oldest of the Soviets still waiting for approval to live abroad.

His case symbolizes the plight of those who have not been selected, the so-called refuseniks whose applications are rejected amid official Soviet promises that emigration will increase under Soviet leader Mikhail Gorbachev's reforms.

Of all the hardships endured by Soviet dissidents who fight to leave the country, including the loss of jobs and sometimes imprisonment, Meiman's 12-year vigil seems punctuated by the most bitter experiences.

During his long wait, some of his closest friends and family members, including his only child, have departed. This year brought the harshest blow—the death of his wife Inna in Washington, D.C., only three weeks after she won a long battle to emigrate.

Most of Meiman's friends were swept out of the country in one or another of the emigration waves that have ebbed and flowed over the past two decades; emigration has diminished greatly in recent years from a peak of more than 50,000 in 1979.

A founding member of the Helsinki Watch, the unofficial group of Soviet activists who monitor their government's human rights record, Meiman was close to other members including Natan Shcharansky and Yuri Orlov. Both men were taken from prison last year and flown to the West.

"We were all in the house and the struggle together," Meiman said. "When they left, part of me left."

With the imminent departure of friends like Begun, who received permission on Monday to emigrate after 16 years of waiting, Meiman's group of friends nearly will have vanished. "The circle has gotten smaller," he said in an interview. "I am practically alone in it now."

By far the most excruciating experience in his 12 years of waiting, however, was the period between 1983 and last winter when his wife, dying slowly of cancer, fought a long battle to go abroad for medical treatment. "I cannot explain what she went through for the last two years," he said. "It gave me deep physical pain just to be with her. A human being is not supposed to bear those kinds of things."

When a plea by former senator Gary Hart to Gorbachev finally brought results last December, it was too late. Inna Meiman left for treatment in the United States last Jan. 19 and died of medical complications in Washington three weeks later.

In discussing the case, the neutral tone of voice Meiman adopts when discussing Soviet authorities gradually gives way to deep feelings of bitterness. "This country killed my wife by delaying her departure for so long," he said. "I counted the days and the pain. The experience has made living here intolerable."

As a refusenik left out of the latest group of 15 who gained approval to leave, Meiman is hardly alone. By western estimates, the cases of those consistently denied emigration visas runs into the hundreds, and perhaps thousands.

U.S. officials have appealed to Soviet authorities for leniency in many of the cases, including Vladimir Slepak, A Moscow Jew refused an exit visa for 16 years who celebrated Passover with the Secretary of State George P. Shultz here last April.

Like Meiman, many refuseniks have had their applications rejected on the grounds that they possess state secrets. Meiman, a mathematician by training, worked on the Soviet Union's fledgling atomic bomb project in the 1950s.

Although his work in this sensitive area ended in 1955, and Gorbachev has said that the statute of limitations on state secrets should be less than 10 years, Soviet officials still base their rejection of Meiman's application for emigration on the contention that he knows classified information.

In the past year, the emigration of Soviet Jews to the West has risen to over 4,000, more than four times the 1986 figure.

During a long conversation in the sitting room of his apartment, Meiman was quick to dismiss questions about the effect of the new trend on his own chances of emigrate.

"They seem to pick and choose who can go more or less by chance," he said. "And at my age you can't count on being the one to be picked. I used to live next to the telephone but a person can't live in that way."

After returning from answering the telephone call from a friend and falling into a long silence, Meiman added an afterthought: "The human being is very complicated," he said. "Maybe something really has happened in my unconscious."●

COST ESTIMATE—S. 1668

● Mr. JOHNSTON. Mr. President, the Congressional Budget Office estimate of the costs of S. 1668, as reported to the Senate on September 1 (S. Rpt. 100-152, Calendar No. 305), was not available at the time the report was filed. The cost estimate for S. 1668 was subsequently received by the Committee on Energy and Natural Resources on September 9.

I ask that the text of the CBO estimate be printed in the RECORD for the advice of the Senate.

The cost estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 1987.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1668, the Nuclear Waste Policy Act Amendments Act of 1987.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 9, 1987.

1. Bill Number: S. 1668.

2. Bill Title: Nuclear Waste Policy Act Amendments Act of 1987

3. Bill status: As reported by the Senate Committee on Energy and Natural Resources, August 7, 1987.

4. Bill purpose: This bill amends the Nuclear Waste Policy Act of 1982 and redirects the nuclear waste program by making major changes in the site characterization process for the permanent geologic repository, by authorizing a monitored retrievable storage (MRS) facility to prepare and package spent fuel before shipment to a permanent repository, by authorizing benefit payments to affected states and Indian tribes, and by delaying work on a second repository. It also requires the Department of Energy (DOE) to conduct studies of nuclear waste issues and makes various other changes in the act.

This bill directs DOE to select one preferred repository site from among the three candidate sites (Hanford, Washington; Yucca Mountain, Nevada; and Deaf Smith

County, Texas) by January 1, 1989. DOE would proceed with site characterization activities at this preferred site and take all actions required under the act to assure that the repository is constructed and operational at the earliest practicable date. If at any time DOE determines that the preferred site is unsuitable for technical reasons, it must select another preferred site from among the original three candidate sites within six months.

The bill authorizes one MRS facility and directs DOE to survey and evaluate three potential MRS sites in at least two states by January 1, 1989 and to select one of these sites for MRS construction by October 1, 1989. The governing state or Indian tribe of the selected MRS location has the right to disapprove the site selection as described in Section 10136 of the act. On or before January 1, 1989, however, DOE may select a suitable site for MRS construction that is located in a state or Indian reservation where the governing body has requested that the site be considered for an MRS faculty. The bill also extends the provisions in the act concerning grants and assistance to states and Indian tribes with locations being considered for a repository to include MRS locations as well.

The bill directs DOE to offer to enter into a benefits agreement with the governing bodies of the preferred site for the repository and the site selected for MRS construction. The benefits agreement would provide for payments from the nuclear waste fund to the affected governing body. Prior to receipt of spent fuel at the MRS or repository, the affected governing bodies would receive annual payments of $20 million and $50 million, respectively. Upon first receipt of spent fuel, and annually thereafter until the facilities close, the governing bodies at the MRS site and the repository site would receive $50 million and $100 million, respectively. In addition, the benefits agreement would provide that the state or Indian tribe waive its rights under the act to disapprove DOE's recommendation of its site for facility construction.

DOE could not conduct site-specific work on a second repository if this bill were enacted, and the bill requires a report on the need for a second repository after January 1, 2007 and before January 1, 2010.

Finally, the bill requires DOE to report on various issues, including: the need for more than one MRS, alternative waste disposal methods, and nuclear fuel reprocessing. The bill would also give states bordering the state selected for a repository the same rights and opportunities to participate in site selection, review and approval as the selected state, if the bordering state lies contiguous to a river, waterway or aquifer whose flow passes adjacent to or underneath the site, and continues downstream or down gradient to such bordering state.

5. Estimated cost to the Federal Government: The changes in program requirements, coupled with the specific authorizations for fiscal years 1988-1990, would result in less spending than the currently authorized program, assuming appropriation of the authorized amounts. The estimated budget impact relative to the CBO baseline projections is shown in the following table.

[By fiscal years, in millions of dollars]

	1988	1989	1990	1991	1992
Estimated authorization level	−139	−248	−247	−234	−200
Estimated outlays	−70	−145	−230	−251	−226

If benefits agreements with governing bodies are not reached, and if appropriations are correspondingly reduced below the authorized levels, savings would be $70 million more each year, beginning in 1989.

The savings from this bill fall within budget function 270.

Basis of estimate: The bill authorizes appropriations of $567 million for 1988, $545 million for 1989, and $484 million in 1990 to conduct all activities under the Nuclear Waste Policy Act. Based on information from DOE, CBO estimates that $410 million in 1991 and $425 million in 1992 would be required to conduct activities required under the act as amended by this bill.

The current authorization does not include specific authorization levels. For the purpose of this estimate, it is represented by the CBO baseline, which reflects the requirements of the Nuclear Waste Policy Act of 1982 (including characterization of the three candidate sites, and continued study of the need for an MRS facility). Baseline budget authority is $706 million, $793 million, $731 million, $644 million, and $625 million for fiscal years 1988 through 1992, respectively. Budget authority savings from enactment of this bill are estimated to be the difference between the baseline and the newly authorized amounts (as specified for 1988-1990 and as estimated for 1991 and 1992).

CBO cannot predict whether or not states or Indian tribes would choose to enter into benefits agreements with DOE for the repository or the MRS sites. States and Indian tribes would relinquish their veto power over site selection by entering into such agreements. The estimate in the table above assumes appropriation and expenditure of the full amounts authorized, including amounts for benefits payments.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Kim Cawley.

10. Estimate approved by: C.G. Nuckols, (for James L. Blum, Assistant Director for Budget Analysis.)●

BILINGUAL EDUCATION

● **Mr. QUAYLE.** Mr. President, during the August recess, several articles appeared in the Washington Post and New York Times about bilingual education and activities in California related to a growing concern for greater flexibility in the bilingual education programs in that State.

For the last two Congresses, I have introduced legislation to permit greater flexibility in the Federal bilingual education programs at the local school district level, to permit schools to use the most effective method of teaching English to non-English-speaking children.

As a result of these bills, the Committee on Labor and Human Resources has reported out compromise legislation, S. 1238, to increase the amount of flexibility allowed in the Federal Bilingual Program to permit greater use of programs such as immersion.

Because the debate about the method of teaching English is at the heart of this issue, I felt my colleagues would be interested in these articles. The first article from the Post discusses the recent decision by the Governor of California to veto the current state bilingual education program, thereby permitting greater use of immersion and less use of transitional bilingual education [TBE]—a method of teaching that starts children in their native language and then moves them into English. The second article reports on the decision of the Los Angeles teachers' union to increase reliance upon immersion as opposed to TBE. Both articles indicate the amount of public support for the immersion methods as opposed to the stricter requirements of the TBE program and show the public's interest in getting non-English-speaking children to learn English as rapidly as possible.

The third article is an editorial from the New York Times which speaks in support of increased flexibility and increased reliance upon immersion as an effective way to teach children English.

Because the Senate will be considering the Labor reported bill as part of the omnibus elementary and secondary education reauthorization package later this fall or early next year, I wanted my colleagues to be familiar with some of the trends at the State and local level regarding the teaching of bilingual education. California has one of the largest bilingual education programs in the Nation, and therefore, it is instructive to learn what trends are occurring there and how the public views the current programs.

Mr. President, I ask that these three referenced articles be printed in the RECORD.

The articles follow:

[From the Washington Post, Aug. 2, 1987]

CALIFORNIA VETO A BLOW TO BILINGUAL EDUCATION—GOV. DEUKMEJIAN BLOCKS EXTENSION OF LAW

(By Jay Mathews)

LOS ANGELES—Bilingual education, created to ease the assimilation of millions of immigrant children into American society, has suffered a major setback in its largest educational stronghold. Gov. George Deukmejian last week vetoed an extension of the state bilingual law, and educators say his action reflects growing public and professional discontent with the program.

The veto leaves the Los Angeles Unified School District with significantly less authority to teach in a foreign language in thousands of classes that do not already have qualified bilingual teachers, a state attorney and the district's bilingual program administrator said.

Since Los Angeles has more pupils in bilingual programs than any other U.S. school district, the change is expected to have a substantial impact on the national debate on the value of bilingual education and on congressional efforts to modify the use of U.S. funds in such programs.

Officials of U.S. ENGLISH, a citizens group favoring more classroom instruction in English, hailed the California development as a logical step following the overwhelming victory of a 1986 ballot measure making English the official state language.

Until now, nearly half of the more than 159,000 school children with limited English here relied on bilingual teachers' aides and teachers who take after-school foreign language classes. But Allan Keown, a state Education Department attorney, said the veto means Los Angeles has lost explicit authority to force teachers to learn a second language.

Before it expired July 1, the bilingual education law required a bilingual teacher in any class in which 10 or more children did not speak English. There are 6,000 such classes, and 3,300 have bilingual teachers. Ramiro Garcia, the assistant superintendent in charge of bilingual education here, said those teachers would continue to teach immigrant children in their native language.

Garcia said that rather than allow Spanish-speaking teachers' aides to teach the remaining 2,700 classes, he would encourage teachers to conduct their classes in English and allow the aides to help the non-English-speaking students.

School board president Rita Walters said the board will consider several ways to compensate for the veto and did not rule out rules requiring some teachers to learn Spanish or change jobs. But critics of the bilingual program within the 21,000-member United Teachers-Los Angeles (UTLA) union have forced a referendum next week asking the district to move toward English-immersion classes for all immigrants and cut back more on instruction in Spanish.

Keown, who is helping to prepare new bilingual guidelines in the wake of the governor's veto, said districts may assume that "there will be more discretion and flexibility" in bilingual programs, although federal court decisions and local-federal agreements will still require special efforts to help young immigrants adjust.

School administrators here have required many reluctant teachers who spoke only English to join the bilingual program. To avoid being transferred, the teachers promised to learn a foreign language within seven years and in the meantime rely heavily on a bilingual aide. Usually, UTLA President Wayne Johnson said, the language is Spanish, since most parents from Asia, the other major immigrant group here, want their children in all-English classes.

"I had to turn my class almost entirely over to my aide, and I never knew if she was giving proper instruction or not," said Sally Peterson, a third-grade teacher at Glenwood Elementary School. When Peterson's principal announced in March that the bilingual program would force job changes for 24 teachers at her school, she joined with several others to form the Learning English Advocates Drive and put the group's plan for English immersion on the UTLA ballot.

The bilingual program, the group charged in the union newspaper, "contradicts professional ethics" by "not allowing the child to achieve the goal of English fluency."

The UTLA Chicano Education Committee quickly responded by preparing a referendum endorsing bilingual education. It noted several studies, including a March report by the U.S. General Accounting Office, that said initial bilingual education appeared to improve students' English in the long run. Votes on both measures are due Friday.

Jim Franco, chairman of the Chicano Education Committee, said he too is disturbed by the amount of control given to bilingual aides under the current system and blamed the district for not offering teachers better incentives to learn Spanish. A fully certified bilingual teacher here earns an extra $1,000 a semester. Without proficient Spanish-language instruction in mathematics, science and other subjects, Franco said, Latin American children "will fall further behind."

Deukmejian, a Republican, vetoed a bilingual-law extension last year and again July 24 despite compromise features that would have relaxed requirements that teachers learn Spanish and required parental approval for enrollment in a bilingual class. He noted that the state still will provide money for the 525,000 students thought to need bilingual education but that "it is better to allow each school district to fashion its own" program.

U.S. Education Secretary William J. Bennett and several Republicans in Congress have called for similar flexibility in using immersion programs, which emphasize English instruction with some help in another language when a student needs it.

The House has passed a reauthorization of a federal program for bilingual seed money that leaves traditional bilingual funding at the same level but grants 75 percent of any new money to other approaches. A proposal by Sen. Dan Quayle (R-Ind.) would increase the funds for English immersion and other methods from 4 percent to 25 percent.

[From the Washington Post, Aug. 13, 1987]

TEACHERS' UNION IN LOS ANGELES VOTES FOR CHANGES IN BILINGUAL INSTRUCTION

(By Jay Mathews)

LOS ANGELES, Aug. 12.—In a blow to the national bilingual-education movement, unionized teachers here have voted overwhelmingly to ask for a return to predominantly English instruction.

Los Angeles has the nation's largest program for teaching immigrant schoolchildren in their native languages, and National Education Association spokesman Howard Carroll called it "the centerpiece of the whole country. What happens there will affect the whole country."

The vote by nearly 7,000 members of United Teachers-Los Angeles marked the first time the bilingual-education issue had been submitted to a large teacher's group, federal education officials said.

Results tabulated Tuesday night in a UTLA referendum forced by opponents of bilingual instruction showed 5,346 or 78 percent, in favor of moving toward predominantly English instruction, often called "immersion." About 22 percent, 1,499 members, opposed the move.

A separate ballot measure asking support for the current system, which encourages instruction in Spanish or other foreign languages for recent immigrants, was defeated 58 percent to 42 percent.

The vote only sets the union's bargaining position and is unlikely to have an immediate impact on the Los Angeles school board's support for its bilingual program. But educators and union officials said it will have a significant impact in other districts still debating how to teach immigrants.

"It is critically, critically important," said Stanley Diamond, chairman of U.S. ENGLISH California, the group that led the successful campaign last year to make English the official state language.

The UTLA vote comes after California Gov. George Deukmejian (R) vetoed a bill to expand the scope of bilingual education. His veto allows local school districts to decide how to educate an estimated 525,000 California children with limited or no English skills.

An estimated 1.2 million to 1.7 million American children are unable to understand English well, and until now the bilingual approach has been a widely accepted way of helping them. But a few researchers, parents and teachers have begun to argue that the program only delays adjustment to American society. They say all-English instruction, with some foreign language assistance by teachers' aides, would be better.

I'm ecstatic," said Sally Peterson, a third-grade teacher at Glenwood Elementary School here and president of the teachers group that won the UTLA vote.

"People were saying that we spoke for just a small number of teachers in the [San Fernando] Valley," a predominantly Anglo part of the school district.

Mark Meza-Overstreet, an elementary school teacher active in the UTLA's Chicano Education Committee, said he was "quite disheartened that the teachers didn't take into account the needs of these children." Bilingual teachers argue that their immigrant students will fall behind in science, mathematics and other subjects if they are not taught in their native language while adjusting to English.

Meza-Overstreet's organization, and its many supporters on the school board, have noted many studies, including a March report by the U.S. General Accounting Office, that say bilingual education appears to improve students' English in the long run.

Los Angeles has 159,000 pupils who have been identified as needing help with English—more than any other district in the country. But it has been able to recruit only 3,300 of the 6,000 bilingual teachers it needs.

This has forced administrators to require some teachers to learn Spanish in their spare time or risk transfer to another school. This "waiver" system has become unpopular with the UTLA.

UTLA President Wayne Johnson and school board member Julie Korenstein, a former teacher, said they believed that opposition to the waiver system, rather than to bilingual education, explained the vote.

Jackie Goldberg, a teacher on the school board, noted that a minority of the union's 21,000 members and the district's 30,000 teachers mailed in their referendum ballots.

More than half of Los Angeles schoolchildren, but only about 10 percent of their teachers, are Latino. More than 60 percent of teachers are Anglo and slightly less than 20 percent are black. Goldberg said she thought the vote reflected a widespread American discomfort with the ideal of bilingualism. "If this was Europe," she said, "we'd get a different result."

Peterson, head of the victorious Learning English Advocates Drive (LEAD), which proposed the referendum, disagreed. She said teachers voted against the bilingual program because they saw too many children failing to master English. She said her group will lobby the school board to move to immersion and will seek similar votes by teachers on the bilingual issue at the state and national levels.

The UTLA is one of the nation's few teachers unions to be affiliated with both the National Education Association and the American Federation of Teachers.

An NEA spokeman indicated that the UTLA vote contradicts a 1987 NEA convention resolution supporting bilingual education whenever resources are available. An AFT spokeswoman said that union supports bilingual education in general, but only if union members in the local area agree.

The resolution approved by the UTLA said that "cross-cultural understanding" can be achieved "with an immersion program in English" that includes intensive instruction in English as a second language and a teaching system that is full of visual aides and begins with simple words and phrases. "Bilingual [teachers'] aides," the resolution said, "would offer native language assistance."

Teachers complained that under the current system, aides often taught classes while the English-speaking teacher stood by, not entirely sure what was being said.

Linda Chavez, a former Reagan administration official who is to become president of U.S. ENGLISH's national organization, emphasized that her group does not oppose bilingual education but wants whatever system will best move immigrants into the English-speaking world.

[From the New York Times, Aug. 29, 1987]

SAYING NO TO BILINGUAL EDUCATION

Members of the teachers' union in Los Angeles voted recently to seek abolition of so-called transitional bilingual education in the city's schools. The vote delighted supporters of California's strong English-first movement. Opponents, particularly Hispanic teachers, were distressed at what seemed like xenophobia on the part of the majority of teachers. In fact, the vote reflects a potentially healthy step forward in this complex debate.

The Los Angeles schools have more than 150,000 non-English-speaking students. Most speak Spanish but the district also serves youngsters who speak 77 other languages. A California law that expired in June required Los Angeles to use transitional bilingual education: teaching children all subjects in their native tongue while they learn English. After they become proficient in English, the children take the English-taught curriculum.

New York City's schools, with about 86,000 children of limited English proficiency, also use the transitional bilingual approach—also to comply with state law, and a court decree. Such laws and court orders reflect a laudable concern that immigrant children not be humiliated in class, and that they have access to education. But over the years, teachers rightly complain, legal prescriptions for the transitional approach have grown too rigid.

The Federal bilingual education law reserves all but 4 percent of the Government money for programs that employ transitional bilingual education. Secretary of Education William Bennett has tried, so far without success, to have the 4 percent cap lifted so school systems can experiment, as the Federal law originally intended. The Los Angeles teachers, for example, favor the immersion method—children are exposed only to English and learn it, sometimes painfully, out of necessity.

Each method has advantages and drawbacks. Transitional bilingual education may be less emotionally wrenching and allows a child to advance in other subjects while learning English. Los Angeles officials say it takes three years, on average, for a child to be integrated into the regular English curriculum. But more than one distressed parent elsewhere has complained, too late, that his or her child was carried along in "transitional" bilingual classes for years instead of being integrated into the English-speaking mainstream.

Immersion can be emotionally difficult, but it works for the Army and at dozens of private language institutes. Whether it can work in a public school setting is unclear. And it requires full-time concentration on language until the child is competent to start studying other subjects in English.

The Los Angeles teachers' vote has no legal force; it simply sets out a union's bargaining position. But Sally Peterson, the third grade teacher who led the referendum drive, hopes the vote "will give a signal to the public that many educators have serious reservations about the transititional method." The expiration of the California law mandating it, she said, offers an opportunity for fruitful experimentation. That sounds less like xenophobia and more like common sense.●

THE DEMOCRATIC PROCESS IN SOUTH KOREA

● **Mr. ROCKEFELLER.** Mr. President, while the U.S. Congress was in recess during the month of August, representatives of the Government and opposition parties in South Korea were hard at work drafting revisions to their Constitution. On September 1, agreement was reached by an eight-member bipartisan commission on the basic elements of constitutional reform necessary to provide for direct, democratic elections of South Korea's next President. Today in Seoul, the National Assembly will convene in special session to consider these amendments to the South Korean Constitution. Assuming all goes well, the revised constitution will be the subject of a public referendum by the end of October and direct presidential elections will be held no later than December 20 of this year.

The month of August also witnessed the snowballing of labor strikes in South Korea. Since July 1, over 3,200 labor disputes have erupted throughout the Republic of Korea as disgruntled workers began for the first time to feel that they could express their grievances openly. And to the great credit of the Government as well as management and labor, the vast majority of these disputes have been resolved peaceably and without direct Government intervention.

Meanwhile, political leaders in South Korea have begun the process of election campaigning. Earlier this week, opposition leader Kim Dae Jung returned to his home province of Cholla and was welcomed by hundreds of thousands of supporters—without a single act of violence or disruption. Another Kim, former Prime Minister Kim Jong Pil, is becoming active as a potential contender for the presidency. And the Government party candidate, Roh Tae Woo, will visit the United States next week.

Mr. President, all of these events point to the incredible progress which has been made by the South Korean people over the last 2 months in transforming the dream of democracy into reality. The spirit of compromise and reconciliation demonstrated by the Government and opposition parties in drafting constitutional amendments—and in their handling of widespread labor disputes—has been truly remarkable. While labor strikes were sweeping the country on an unprecedented scale, Roh Tae Woo and Kim Young Sam pressed forward with the constitutional revision negotiations in good faith. They have proved wrong those cynics who claimed that Korea was not yet capable of the degree of compromise necessary to make the transition from an authoritarian society to a pluralistic political system.

Since President Chun Doo Hwan announced on July 1 his commitment to direct presidential elections, press freedoms, political amnesty and other reform measures, tremendous strides have been made towards putting South Korea on the road to democratic government. But the need to sustain the spirit of moderation and compromise is as great as ever.

There have been ominous press reports of threatening remarks made by South Korean senior military officers concerning the candidacy of Kim Dae Jung. And there have been allegations of left-wing activists fomenting violence among labor groups. Extremes of the right and of the left tend to feed off each other—and if left unchecked, may pose a threat to the peaceful transfer of power through free elections by the end of this year.

The U.S. Government has made clear its desire to see the military refrain from intervention in the political process. Nor can the United States sanction the use of violence by a small minority at the very moment when South Korea is moving responsibly towards the creation of a democratic system in which legitimate grievances may be openly debated and resolved. This, presumably, will be the messsage that Assistant Secretary of State Gaston Sigur will take with him to Seoul later this month.

But above all, we must make unambiguously clear that the United States strongly supports the process of democratization in South Korea, rather than any particular outcome in the forthcoming election. A growing sense of Korean national pride, and increasing anti-American sentiment in some quarters, makes it critically important that the United States not interfere—

or be perceived as interfering—in the choice of South Korea's future political leadership.

Many contentious issues remain to be resolved by South Koreans over the next several months, including the question of political prisoners and the elections to the National Assembly. I am sure all of my colleagues share my hope that the commitment to democratic reform which has enabled the Government and opposition to agree on constitutional reform will guide them successfully through the challenges ahead. The United States has many interests in the Republic of Korea, but none is more important at this juncture than the successful transition to democracy.●

SALUTE TO ARLYN GUNDERMAN

● Mr. DURENBERGER. Mr. President, on September 23, Arlyn Gunderman will be honored by his fellow educators in Minnesota on his election as president-elect of the National Association of Elementary School Principals. He is principal of Mounds View's Pike Lake Elementary School.

Over the past three decades Arly Gunderman has served children and their parents as a teacher and administrator. And, as principal of Pike Lake School, he has earned a national reputation as one of the country's outstanding educators.

Perhaps the best indication of his leadership ability came in 1986, when Pike Lake School was honored as a National Elementary School of Excellence in Washington, DC. Arly represented his school in receiving this coveted award from Education Secretary William Bennett.

As an educational leader, Arly has a number of achievements to his credit. They include service on the National Association of Elementary School Principals [NAESP] board of directors and as NAESP's Zone VI director since 1985. He was a member of the Education Commission of the States' Study Panel on Compensating Meritorious Teachers and served as a U.S. State Department Educational Consultant to the European Council of International Schools in 1986.

Arly was president of the Minnesota Elementary School Principals Association from 1981 to 1983, and has served on or chaired a number of educational administration boards and task forces over the past 10 years. In addition to his responsibilities in the Mounds View School System, he has been an adjunct professor of educational leadership and curriculum at the College of St. Thomas in St. Paul since 1984. He is also a frequent speaker and guest lecturer on leadership, communication, motivation, and school marketing.

Arly Gunderman numerous contributions to education and to his community have not gone unrecognized by his colleagues. He received the NAESP's National Distinguished Principal Award in 1984, the National School of Excellence Award in 1986, and the Executive Educator 100 Award in 1987.

He also was recognized by the Minnesota Elementary School Principals Association in 1984 with its Distinguished Service Award; and by the Minnesota Educational Media Organization with its Outstanding Administrator Award in 1981.

Arly has never been satisfied to limit his contributions to his chosen profession. He has served as a member of the New Brighton City Council and was chairperson of the New Brighton Park Department for over 20 years. He has also been active in PTA, local and church youth athletic leagues, his church council, the board of directors of both the Rotary and YMCA, and as an officer in the Jaycees and Lions.

Arly Gunderman is representtive of what has been a strong tradition of educational leadership in Minnesota. In fact, Minnesota has earned considerably more than its fair share of national educational leadershp positions over the years.

That's why is especially fitting that a number of current and former national educational leaders from Minnesota will be helping to salute Arly at his recognition even September 23 at the College of St. Thomas in St. Paul.

Among those national educational leaders from Minnesota who will also be recognized at that event will be Robert St. Clair, current president of the National Association of Secondary School Principals; Dawn McDowell, current president of the National School Public Relations Association; Lloyd Nielsen, past president of the American Association of School Administrators; Marlene Pinten, past president of the American School Counselors Association; Tom Fish, past president of the National Community Educational Association; James Klassen, past president of the National Community Education Association; Jean Hanson, past president of the American Vocational Association; and James Griesgraber, current president of the Department of Elementary Education of the National Catholic Education Association.

Mr. President, Minnesotans have a long-standing commitment to education, a commitment which has produced one of the best educational systems in the country. With the leadership of Arly Gunderman, and his colleagues who are also being honored on September 23 at the College of St. Thomas, that record is one which is sure to continue well into the future.●

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I have inquired, and there is no other business that will be transacted today. No Senators are seeking recognition to speak. I will therefore utilize the opportunity to deliver another in my series of speeches on the subject of the United States Senate.

Mr. President, I believe this is the 96th speech in the series which I began on March 21, 1980. Through this period of more than 7 years, I have been speaking on the subject which is of great interest to me, and today's speech will be about Isaac Bassett's Senate.

THE UNITED STATES SENATE

THE SENATE OF ISAAC BASSETT, 1831–1895

Mr. BYRD. Mr. President, from time to time over the past two centuries, a few dedicated individuals have taken great pains to create and save records that they recognized would someday illuminate public understanding of the Senate's history. Throughout my series of addresses on the history of the Senate, I have benefited from their labors and have paid tribute to their foresight. Today, I shall speak of a man who is without equal as a participant and chronicler of the Senate's daily life in the nineteenth century. Of this man, Senator Rufus Choate once proclaimed, "He keeps the door to hell and no one can pass him." Lauded as "the father of the Senate" by Marshall Matthew Carpenter and deemed "as much a fixture in the hall as the vice president's desk or the marble clock," this individual left for posterity a rich first-person account of his sixty-four-year Senate career. Much of what we know of the Senate's inner workings between the years 1831 and 1895 comes to us, thanks to the subject of my remarks today—Captain Isaac Bassett.

Isaac Bassett served the Senate as page, messenger, and assistant doorkeeper. During his six-and-a-half decades of Senate employment, beginning when he was just twelve, and extending until his death, Bassett observed every major act of American history as it was played out in the forum of the Senate chamber. He was a witness to many of the historic moments that I have discussed in earlier speeches such as the censure of Andrew Jackson, events of the turbulent 1850's, the Civil War, and the Gilded Age. During the 1880's and 1890's, Bassett recorded his observations in a series of diaries that he planned to publish at the conclusion of his career. Although he never accomplished this aim, his diaries stand as a testament, both to his stature as a loyal Senate employee and to his notable abilities as an observer of Senate history.

Isaac Bassett downplayed his personal political views and rarely discussed specific legislation in the documents that he left behind. Rather, his writings offer perspective on the private lives of noteworthy public men. He expounded on the leading personalities of his day in an often humorous, but always deeply respectful manner. We are particularly grateful to Bassett's granddaughter, Mrs. Elizabeth Crosby of Carlisle, Pennsylvania, for her careful custody of this unique record. Today, copies of the Bassett papers are housed in the Office of the Senate Curator. Thanks to that office's dedicated efforts, there is now a useful index to the collection's ten linear feet of material.

As retrospective accounts, Bassett's writings are inevitably less detailed and more contradictory than they would have been had he kept a continuing journal throughout his career. One must remember that his accounts of the 1830's, for example, were composed at least fifty years after the fact. Bassett worked on his diaries only sporadically. He repeated the same anecdotes often, sometimes with new endings. Likewise, Bassett's admitted lack of formal education is apparent in his journals. For the purpose of greater intelligibility, Mr. President, I have taken the liberty of modernizing Bassett's spelling, capitalization, and punctuation.

Isaac Bassett's unflagging devotion to the Senate had its roots in his earliest years. Born in Washington, DC in 1819, he was the first of Simeon Bassett's nine children. His father, a Senate Doorkeeper since 1807, frequently allowed young Isaac to accompany him to the Senate. Here, the lad became a great favorite of eminent statesmen such as Daniel Webster. In 1829, when Bassett was ten, Webster arranged for the Senate to hire Grafton Hanson as its first page. Hanson was the grandson of the Senate's second sergeant at arms, Mountjoy Bayly. When Bassett reached the age of twelve, Webster decided he would make an excellent page. In response to complaints from economy-minded senators who saw no need to spend the additional $1.50 per day for a second page, Webster successfully argued that each side of the chamber should have its own page. Bassett was appointed in 1831.

So we can say that Senator PROXMIRE indeed has a forerunner, or forerunners, in the Senate who were very economy-minded. For Bassett, the Senate of the Twenty-second Congress, when he first became a Senate employee, was the standard by which he judged all subsequent legislative sessions. And it was to its noteworthy triumvirate of statesmen—Webster, John C. Calhoun, and Henry Clay—that he compared all future senators; a very high standard indeed.

Many years later former page Grafton Hanson, in a letter to Bassett, foundly recalled their first days together in the Old Senate Chamber. Wrote Hanson of the early-to-mid 1830's:

> What visions of giants come up to my remembrance. First, from the Vice President's chair comes up the tall, wiry form and brilliant, restless eyes of Calhoun. Next, the neat and well dressed figure of the astute Van Buren. From his seat on the floor arises the full and burly form of Benton, surrounded with books, papers and manuscripts, preparing himself for a three-day speech. Nearby appears the gifted and honey-tongued Preston, the cool and sarcastic Forsyth, the magnificent Troup, the impetuous and eloquent Hayne, the witty and good-tempered Holmes, the logical Wright, the benign face of Frelinghuysen, the thoughtful brow of honest John Davis, the polished and intellectual Rives, . . . the calm Southard, . . . the benevolent Kent, the thoughtful, pale Clayton, the smiling, bright face of Wilkins, the ponderous Buchanan, . . . the wily Marcy and, towering higher, comes the tall, thin, flexible form of Henry Clay, the eloquent, the intrepid.

Then, Hanson described his most deeply etched youthful impression. He said: "But rising higher yet comes up one, a man indeed, and yet how like a god, greatest among the great, strides among the Grecian Kings. Behold that majestic form, that high, expansive brow. Venture to look into those black, deep-set eyes and know that is the immortal—Webster!"

Recalling those years, Isaac Bassett wrote ". . . never before nor since has the Senate been more celebrated than at that time Webster, Calhoun, Clay, Thomas Hart Benton, and Silas Wright were members." Furthermore, said Bassett, ". . . when I had charge of the Senate door, men, and I must say women, have put twenty dollar gold pieces in my hand and insisted on me receiving it. It was on the days that Mr. Clay, Calhoun, and Webster were to speak."

The work meted out to the first Senate pages was demanding. Young Bassett began his day early by placing letter paper and three quill pens on each senator's desk. He ran errands, delivered mail to senators residing on Capitol Hill, filed all the bills and documents left on their desks at the end of the day, and often returned home with a blistered tongue, having used sealing wafers, and having folded as many as six thousand speeches until midnight. For night sessions, one candle and brass candlestick were placed on each desk. Isaac's father lit the two lamps on the vice president's and secretary's desks.

Bassett's many duties precluded attending school. In later years he wrote, "My experience is that if I had my time to go over again I never would enter the Senate as a page, messenger, or an officer. I have spent my whole life in its service and the consequence is that I have had a very limited formal education." This lack of schooling, which he considered "a source of embarrassment and regret," remained Bassett's only significant complaint throughout his Senate years.

One of Bassett's earliest memories of the Senate was of Daniel Webster's masterful reply to a speech of Senator Robert Hayne on the western land question, which occurred before his appointment as a page. A half-century later Bassett clearly recalled that day in January 1830. As he put it: "on the morning of that speech Mr. Webster took me on his knee. . . . He said to me pleasantly, 'Isaac, I am going to make a speech today, and when I get through I want you to come and tell me how you liked it.' "

Never again did Isaac Bassett witness such a spectacle. In his words, "As early as 9 o'clock, crowds poured to the Capitol. At 12:00, the Senate chamber, galleries, floor, and lobbies were suffocatingly filled, the very stairways were dark with people." Women spectators vied for the best view as they squeezed their chairs in between the desks on the floor of the old Senate chamber. Each hall and passageway where Webster's voice could be heard was filled. The House stood deserted as its members crowded into the lobby behind the vice president's chair. Bassett's account of Representative Dixon Lewis of Alabama captures the frenzy of the moment. Bassett reported that Lewis, a man "distinguished for his enormous size . . . was seated behind the painted glass frame that separated the lobby from the floor of the chamber, and, unable to see Mr. Webster, he deliberately pulled out his knife"—almost every man carried a pocketknife in those days—"and removed the obstructing part of the glass," clearing a space as large as a man's hand.

Bassett related that as Webster began to speak, ". . . although his most zealous opponents appeared to be unconcerned and uninterested at first, one especially . . . trying hard to read his newspaper upside down, . . . it was not long before friend and foe alike were carried away with the power of his eloquent oratory. . . . In one corner of the gallery I noted several men wiping the tears from their eyes when Mr. Webster was speaking of his own state; I thought they must be from Massachusetts."

One can presume that in this debate, as in others, Webster did not stride into the Senate chamber but, as Bassett vividly described his manner, "sauntered in as if personally unnoticed. He was so conscious of his power and had all of his mental resources so well in hand that he never was agitated or embarrassed; his garments in the

Senate chamber were unsurpassed. Before delivering a speech, he often appeared absent minded. Rising to his feet he seemed to recover perfect self possession which was aided by thrusting the right hand within the folds of his vest, while his left hung gracefully by his side. His dark complexion grew warm with inward fire."

Bassett's initially pleasant relationship with Webster soon deteriorated. He later claimed that his own hair first began to turn gray on the day that Webster sent him to summon a carriage and the boy could not find one. Giving the young Isaac one of his "blackest looks," Webster directed him to get a carriage and not to return until he had done so even if he had to go all the way to Georgetown. Bassett fails to inform us as to whether he fulfilled the senator's request. The fact remains, however, that Webster never coddled the child again. Bassett remained a loyal employee, however, often praising Webster's "benevolent and kind heart."

Bassett later claimed that the senator placed him in charge of his store of wine in his private office, tucked away of the Senate chamber's galleries. Although when Bassett occasionally broke a bottle, Webster heatedly admonished him to "be more careful. It is too precious to spill," he nonetheless, allowed him to sample the wines of his choice. Half a century later, Bassett remained reticent on the issue, stating ". . . just how often I availed myself of that grand privilege would hardly be politic for me to confess."

Despite the erratic course of their relationship, Bassett did not hesitate to state that "there was in this nation a more profound respect for Daniel Webster than for any other man . . . As a defender of the Constitution, he was unrivaled." Bassett also quoted Representative Josiah Quincy, who said of Webster, "the Almighty did not make more than one such in a century." Bassett witnessed nearly all of Webster's speeches from 1830 on and helped to support the aged statesman as he delivered his final speech at the laying of the cornerstone of the addition to the Capitol on July 4, 1851.

Isaac Bassett presented a more positive overall portrayal of another member of the 1831 Senate—Kentucky's Henry Clay. Although deeming him "the worst-mannered senator that I ever had to wait on," he also asserted, "I have heard all the great orators in the Senate for sixty years. I never heard the equal of Henry Clay." Many shared Bassett's admiration for Clay's oratorical prowess. Bassett quoted the seriously ill House member, John Randolph, just a few weeks before his death in 1833. As Clay rose to speak in the Senate chamber, Randolph urged, "Help me up . . . I have come to hear that voice."

Henry Clay's February 5, 1850, speech on behalf of what became known as the Compromise of 1850, filled the Senate chamber. Bassett stated that "noise arises from persons who are collected outside in the anteroom who, not being able to get in themselves, seem to be resolved that nobody else shall hear." Bassett explained, "As an orator, Henry Clay stood preeminent. There was a charm about his delivery which no other man could imitate. He seemed to be an offhand speaker, but he never spoke without careful preparation on important occasions."

If a page was unavailable to do his bidding while he was speaking, Clay would often leave his seat and walk to the front of the chamber. There he would indulge in some snuff from the vice president's table without interrupting his discourse.

Bassett related, "I once asked Mr. Clay why he didn't bring his own snuff box. 'Boy!' he said, 'dont you see that I'd take more if it were by me and I take too much as it is.'" Clay was also fond of the game of whist and was noted for his ability to play cards all night long and still deliver brilliant speeches in the chamber the next day.

Isaac Bassett presented an inspiring first-hand account of Clay, the "Great Compromiser," in the Kentucky senator's final days of Senate service. "While the Compromise was under discussion . . . Clay was never absent from the Senate. At times he was so feeble that he had to be assisted to his seat. When he arrived at the Capitol in his carriage he asked a friend to let him lean on his arm as he found himself quite weak. When he rose to address the Senate he was so weak as to be hardly able to stand. On the second day, he was so exhausted that several of the senators asked him to . . . move for adjournment, but he persisted in speaking until he closed."

Bassett had only limited contact with John C. Calhoun, the third member of the esteemed Senate triumvirate. As Bassett put it, "the master of logic in the Senate" was "very distant" meaning Calhoun, the master of logic. "I kept out of his way as much as possible. He wanted but very little attention while he was in the Senate chamber. He very seldom called me. I was on the . . . opposite side of the chamber and the other page had to attend to him." On one occasion, the other page was absent and Bassett was unaware of it. Calhoun angrily scolded him, "Sir, why don't you come to me when I call you? I will have you to know that there are no two sides to this chamber." According to Bassett, who heard all of Calhoun's Senate speeches, he assumed a "stern attitude" when speaking, standing "in the aisle by the side of his desk. . . . When he was excited he would get up from his seat and walk much of the time in the lobby to the rear of the presiding officer's chair" and make short, nervous gestures with his right hand.

Bassett was careful to separate his private reservations about Calhoun from his assessment of his abilities as a statesman. Senator Calhoun, he wrote, "had fine logical faculties. In power of analysis and generalization he was not surpassed by any of his brother senators. He never indulged in personality unless it became necessary in repelling assaults. He was respectful and courteous to senators . . . He was of the first rank as a parliamentary speaker."

March 16, 1837, proved to be one of the most memorable days of Bassett's years as a page. On that date, Thomas Hart Benton succeeded in his efforts to have Clay's resolution of 1834, censuring Andrew Jackson, expunged from the Senate Journal. Bassett wrote, "As the Secretary of the Senate began to perform the expunging process, instantly a storm of hisses and groans arose from the left wing of the circular gallery, over the head of Senator Benton." The presiding officer, Senator William King of Alabama, ordered that the galleries be cleared, but Benton opposed that order and it was revoked. Bassett continued, "I witnessed the expunging resolution when the Journal was brought into the Senate chamber and black lines were drawn across it. Never will I forget the expression of Senator Benton—it seemed to be his happiest moment. He rejoiced in seeing that day. . . . Mr. Benton carried away the pen as a trophy."

Near the end of Bassett's service as a page, Senator John Davis of Massachusetts imparted some prophetic advice to the young man: "Isaac, don't you leave the service of the Senate. Stay here as long as you can." Bassett later asserted that these words ". . . made a deep impression on my little mind. . . . When he left the Senate he reminded me of his words and told me that I would stay here as long as I lived."

Bassett did continue his service and became a Senate messenger in 1838, a position that he held until 1861. His reminiscences of the pre-war tumult of the 1850's are especially dramatic. Bassett was standing near Senator Henry Foote of Mississippi, in front of the Secretary's table, when Foote advanced menacingly upon his enemy, Senator Benton, in 1850 during the heated Compromise debates. In his journals, Bassett remarked upon the personal habits of each man. Foote, he wrote, was "considered quite an orator but there was in him want of judgment, want of fixed principles and of purpose. A great ladies man," it was Foote who traditionally made the motion to admit women spectators to the floor. Benton, in Bassett's recollection, spoke with a harsh voice, delivered long, set speeches accompanied by ungraceful gesticulation, and habitually piled many documents and books on his desk.

Bassett detailed the chain of events leading to the violent encounter between Benton and Foote. "On several occasions Senator Foote had indulged in remarks personal to Senator Benton. Benton complained of these personalities in severe and violent language addressed to the Senate, reiterated the personalities on Foote, spoke of the failure of the Senate to protect its members from such insults, and declared his determination, if the Senate did not protect him, to redress the wrong himself, cost what it might." The next day, Benton brought a newspaper account of the altercation into the Senate chamber, condemned the account as inaccurate and cowardly, and charged that Foote had revised the report.

Bassett then recounted the rapid course of events. "Benton rose from his seat, threw his chair violently from him made for Mr. Foote. He was stopped by Senator Dodge and several other senators. He then jumped on top of one of the desks and laid open his breast and said, 'let him fire. Stand out of the way and let the assassin fire.' " Foote had drawn his pistol as soon as Benton had begun to lunge toward him. Senator Dickinson of New York asked Foote for the pistol and secured it in his desk. Foote later rationalized his actions as a means of self defense. Bassett quoted him as exclaiming, "So help me God to shoot without an attack was not my intention."

Six years later, Bassett witnessed another incident of violence between two members of Congress in the Senate chamber, one which I have previously discussed in some detail. As Senator Charles Sumner of Massachusetts sat at his desk addressing envelopes in May 1856, three days after delivering a fiery anti-slavery speech, Representative Preston Book of South Carolina came down the center aisle and proclaimed, "I have come over from the House to chastise you for the remarks that you made. I have read your speech; it is libel on South Carolina and against my relation, Senator Butler." As he said this, he struck Sumner hard on the head three times with a cane. Sumner rose, but fell to the floor bleeding. Bassett, Senator, Lewis Cass, and Arthur Gorman, who was a page at that time but later became a Senator, helped him up and led him to the Senate reception room. Bassett procured towels and a basin of water in order to wash Sumner's head. After the Senator was taken home, Bassett retrieved a piece of the inch-thick cane as a souvenir and Senator Stephen Douglas of Illinois kept the weapon's head.

As the 1850's drew to a close and the Senate moved from its old chamber into its present quarters, Bassett took on greater responsibilities. Senators, impressed by his ability to live by his motto, "I always made it a rule never to be in a Senator's way," elected Bassett assistant doorkeeper on July 6, 1861—a position that he was to hold for over thirty years. Bassett's good friend Senator John Breckinridge later queried, "Why did you not tell me that you were a candidate for that place? I would have voted for you above everybody else in the world." Bassett claimed that the appointment had come as a total surprise to him, and he did not learn of it until Senators Benjamin Wade and Daniel Clark informed him that they had nominated him for the post.

Bassett's writings on the war years provide fascinating glimpses of the Senate under siege. He stated in one of his countless vignettes, "I think the most sensational incident I ever saw in the Senate was at the outbreak of the Civil War. Mr. Robert Toombs of Georgia flung his arms wildly about him, cried out at the top of his voice, 'Good-bye Senators, good-bye. I go, never to return' and strode out of the hall. And," reported Bassett, "he didn't come back either, though he could if he had wanted to."

Military concerns permeated the atmosphere of the Senate as Bassett began his tenure as doorkeeper. The Capitol became a barracks as Bassett looked on. The dashing troops of the New York Zouaves did their cooking in the coal vaults beneath the Capitol terraces, and their colonel used the vice president's room as his headquarters. After the Sixth Massachusetts Volunteer Regiment was mobbed at Baltimore, on its way to Washington, it was ordered to be quartered at the Capitol. Bassett recalled, "When the soldiers occupied the Capitol, I saw them bring arms full of bacon and hams and throw them down on the floor of the Marble Room. I cautioned them not to grease the marble walls . . . ."

One day, Bassett recalled that, as he entered the Senate chamber, "I heard a noise as if someone was splitting wood. I looked over on the Democrats' side of the chamber and beheld there was a crowd of soldiers with their bayonets cutting one of the desks to pieces. I hollered at the top of my voice, 'What are you doing?' Several answered, 'We are cutting that damn traitor's, Jefferson Davis, a senator from Mississippi, desk to pieces . . .' "

This is the desk right here where I am standing:

"I replied, 'That is not Jefferson Davis' desk. It belongs to the government of the United States. You were sent here to protect government property and not to destroy it.' " The vandalism ceased, but several of the soldiers claimed pieces of Davis' desk as souvenirs.

This desk, for those who read this speech, hopefully, in the years to come, is here where I am presently standing. And here, where I am placing my hand, is the scar of the action of the soldier who was using his bayonet in the incident to which Bassett refers.

Our eminent Senator, the chairman of the Appropriations Committee, and President pro tempore of the Senate, JOHN C. STENNIS, is the occupant of this desk, Jefferson Davis' desk, today.

On a personal basis, Bassett greatly respected Davis and wrote that he "always knew what he was speaking about. His manner was easy and there was a precision in his phraseology which gave a vigor and force to his speeches." Bassett later had the Davis desk mended and kept its location in the chamber a carefully guarded secret. Today, as I have indicated, the location of that desk is no longer a secret.

At the end of the Civil War, Bassett settled into his duties as assistant doorkeeper, and it is largely from this period, the pinnacle of his career, that Bassett drew the material for the bulk of his diary entries. Of his assigned responsibilities, Bassett wrote, "The most unpleasant duty which I have to perform is giving senators seats. It has always been the custom in the Senate when a senator wishes to change his seat to one that he thinks much better than the one he occupies, to speak to the assistant doorkeeper. He puts it down in a book and when that seat becomes vacant, he is entitled to it . . . . In the House they draw every new Congress (the Senate, being a more dignified body, doesn't do that)."

The battle for the best seating arrangements elicited a broad range of responses from senators. Some were rude and harshly accused Bassett of favoritism; others were mild and accommodating. Bassett wrote, "I will not tell all that has been said to me, in regard to seats . . . . They, senators have called me at my house before sunrise in the morning and late at night to speak for a seat." Bassett assigned seats on a first-come, first-served basis. At the opening of each new Congress, he had all seats assigned and all in readiness. According to Bassett, the main aim in choosing a seat was to be able to catch the presiding officer's eye easily; for this maneuver, the second row was preferred.

Bassett's dilemmas were not limited to the assignment of seats. He also had to care for the Senators' desks. He put private marks on the seats and desks of all prominent Senators, both to be able to identify them for historical purposes and to preserve them from souvenir seekers. He maintained a running list of which Senator had occupied which desk and locked that information in a safe in his office. Regrettably, Bassett's list has not survived. Consequently, about the only source of information about desk assignments comes from those Senators who, over the past century or so, have inscribed their names in the individual desk drawers.

Bassett's job was made yet more difficult since he had not only to protect the chamber from tourists in search of mementos, but also from Senators, themselves, determined to obtain a bit of history. In 1861, Senator Milton Latham of California took his Senate chair, formerly occupied by Jefferson Davis, home with him, and sought to buy Davis' desk from Bassett, who refused the offer. Senator Horace Tabor of Colorado desperately wanted to learn the lineage of his desk, but Bassett adamantly refused to reveal it. Bassett wrote, ". . . He said, 'Never mind, I will leave my mark.' " He had on a pair of gold sleeve buttons with a diamond in the center. With these he made two indentations in two corners of the desk and no doubt thought he had outwitted me, but after the Senate adjourned, the desk was taken out for repairs . . . as they are every recess of the Senate and the tops of all the desks are scraped, rubbed down, and repolished."

Another of Bassett's duties was to turn back the Senate's clock. The tradition of turning back the hands of time perhaps began at 11:20 a.m. on March 4, 1845, when Willie Mangum of North Carolina was president pro tempore. With only forty minutes remaining in the life of the Twenty-eighth Congress, a final appropriations bill had not yet reached the Senate from the House. Someone suggested that Mangum turn back the clock and he queried of Bassett, who was a messenger at the time, "Bassett, do you think you could turn back the hands of that clock about ten minutes without attracting too much attention?" Bassett replied, "Yes, sir, I think I can." "Well, then, go and do it as quickly as you can," said the senator."

As the years went on, many an appropriations bill was saved and many an extra session avoided by Bassett's actions. By the 1890's, however, the spectacle of the blushing elderly man wielding a long pole with a hook on the end and changing the time had evolved into what one newspaper termed "a standing Senate joke." Bassett often complained that the senators of "the old days' went along with the endeavor good-naturedly and did not doubt his right to change the clock's hands. Only once did a senator question the ritual's constitutionality. Bassett wrote, ". . . I have nothing to say about whether it was constitutional or not, but never in my life while in the service of the Senate have I disobeyed an order from the vice president." As late as March 4, 1887, Bassett's diaries reveal that he still lived in the fervent hope that each time he turned back the hands of the clock would be his last. Although his manipulation of the clock was Bassett's most famous duty, he detested it.

Bassett found other facets of his work, such as night sessions, less trying. He rather enjoyed "sitting up with the boys." In the early days of his Senate service, on the last night of a session, the floor would be filled with women spectators as "hundreds of sperm candles and small fixed lamps" illuminated the chamber. Rooms adjacent to the Senate chamber were used in order to serve both food and drink. In his later years, Bassett stated wistfully, "Somehow, liquor did not affect the statesmen then as it does now."

Messengers and pages heartily enjoyed the all-night sessions, eating cheese and crackers in the cloakrooms and even dining with the senators in their committee rooms. Bassett recalled one especially memorable event that occurred as the senators labored over an appropriations bill around midnight one evening in 1862. Only about ten senators remained in the chamber. Suddenly Senators James Nesmith of Oregon and Henry Rice of Minnesota war-whooped with canes in their hands, then paraded six to eight times around the chamber, "dancing, whooping, and making a great noise with their canes on the floor and continued dancing and yelling for at least a half an hour, during which time the senators were highly amused." Bassett noted in his diary, ". . . what have I not seen in this, the most dignified body in the world."

And so one might wonder how Bassett could state in his later years that, "Somehow, liquor did not affect the statesmen then as it does now."

Bassett concluded that "an all-night session is never a very creditable affair. Senators grow careless; boots are drawn off. Senators lie down on the settees." The passage of the Silver Bill during an all-night session led him to remark "as long as I have been in the service of the Senate I never saw so many senators under the influence of liquor at one time as I did that night session. I sat in my seat and wondered whether this could be the Senate of the United States."

Senate executive sessions, held behind closed doors, evolved into particularly colorful events. Bassett defended the Senate's prerogative to hold such secret sessions, noting, "There are certain things in public affairs which cannot be entrusted to the public." As assistant doorkeeper, Bassett had taken the special oath necessary for him to be allowed to attend these sessions. The only executive gathering from which he was ever excluded was called to deal with an outbreak of press leaks from the closed sessions. Bassett wrote extensively but guardedly about these sessions and clearly considered himself to be an intimate part of them.

He stated, "I would like to tell what I have seen in executive session but I cannot. There is no harm in stating how things look. The senators become careless; they have no audience to look down upon them; they do exactly what pleases them most. The senators are easier than when under the eye of the people. Those who wish to smoke, smoke. If it is in the warm season, those who wish to take off their coats and shoes and lay down on the sofas and go to sleep do so . . . Senators are at their ease. It is a release from outdoors pressure. They can light their cigars, put their feet in any position they please, lie down, or sit up, and do as they please. It is a great relief to senators and officers. We get rid of all pages, employees, and outsiders."

A series of anecdotes from Bassett's career as the Senate's assistant doorkeeper illustrates the diverse capacities in which he served the institution. He maintained a unique relationship with Senator William Brownlow of Tennessee, "the fighting parson." Bassett recalled, "What I did for him while he was senator never was done before in that body. Whenever the roll was called he would beckon for me to come to his seat. His seat was at the corner of the first row of desks very near where I sat on the left of the vice president. I would put my ear down to his mouth and he would say 'aye' or 'no.' He could not speak above a whisper; I would go up to the secretary's desk and say 'aye' or 'no' for him and the secretary would put it down just as I said . . . . Sometimes he did not know how to vote and told me to vote as I thought was right. I did so a number of times."

Bassett also performed special tasks for Senator Orville Browning of Illinois. After a three-hour speech, he asked Bassett to refill his tumbler of gin. Bassett remembered, "I did so, but seeing that it began to tell on him, I got the tumbler and put very little gin in it and filled it with water. One of the senators that sat close to him said, '. . . Bassett must have put a little gin in that, for I notice that you got quite lively before you closed.' "

In his later years, Isaac Bassett received many accolades. In 1876, he was presented with a portait of himself as a gift from his co-workers. In his fiftieth year as a Senate employee, he was given a gold-lined snuff box of beaten silver from Tiffany's. Selected by Senator Thomas F. Bayard, it was inscribed "Each member of the United States Senate has joined in presenting this testimonial to Isaac Bassett, on the completion of the fiftieth year of his services as an officer of that body, in recognition of his personal worth and official fidelity. December 5, 1881."

Senator Henry Anthony of Rhode Island once remarked to Bassett that he was "a perfect statue" while sitting in his seat and that no matter when he entered the chamber, Bassett was there. Bassett was indeed a fixture in the Senate during his six decades of service. As he grew older, he worried that money and political "wire-pulling" played too large a role in the election of senators.

Bassett would really have been astonished if he were here today and could have listened throughout these past several months of debate on the campaign finance reform bill. I have no doubt as to where he would have stood or what his advice would have been to Senator Brownlow, the fighting parson, who could only speak by whisper. Had he himself been a Senator in our day, Bassett undoubtedly would have voted for cloture on the campaign finance reform bill.

He also bewailed the worsening "noise and confusion" of the Senate chamber, and he "came to the conclusion that as a whole . . . pages were very naughty boys."

He would have been pleasantly surprised could he have looked into the Senate of the 1980's, and to have seen the young ladies who have served and are serving in the Senate as pages. They are not naughty; neither are the boys.

He missed the brilliant oratory and dignified, courtly manners of the old Senate with its members attired in formal, swallow-tailed coats, and he mourned for what he called "the good old days when congressmen had a code of honor and considered a case of pistols a necessary part of their outfit."

Yet, Isaac Bassett consistently defended what he deemed "the most august body in the world" and asserted his "loyalty and reverence" for the institution and his "desire to shield it from calumny and defend its dignity." He pledged that ". . . there are a great many things . . . that I will never say anything about." He had confidence in the general character of senators, writing "Some of the best men I have ever known were in the Senate . . . and the worst ones—well, the senators are human, of course, and they average about so so." In a similar vein, he wrote, "I have been asked time without number in the later days what was the cause of my being retained through all administrations. The only reason that I can give is that I tried to mind my own business and let other peoples' alone."

It is particularly fitting to close, Mr. President, with Bassett's most comprehensive statement on the evolution of the Senate as he saw it on a personal level during his sixty-four years of service. He wrote: "We hear a great deal said about the degeneracy of the Senate in these days. I remember the Senate when it numbered among its members Daniel Webster, John C. Calhoun, Thomas H. Benton, Henry Clay, Lewis Cass, and Silas Wright. I believe that their equals in all respects never, never appeared upon the floor of the Senate—yet, I am inclined to think that as a whole there has been a gradual improvement. There are senators today fully equal to any who have ever held seats in that body, if we except of the illustrious names above mentioned."

Incidentally, Mr. President, the habit of snuff-taking in the Senate Chamber is as old as the Senate. During the first half of the 19th century, most Members carried their own boxes of finely ground tobacco and some even kept two boxes on their person, one containing a mixture for personal use and another, usually a milder type, which was offered to friends. Washington's leading Presidential hostess, Dolley Madison, is reported to have carried as many as three snuff boxes at White House receptions.

In the early years of the Senate, a large snuff urn was kept on the desk of the Vice President and Senators regularly availed themselves of what has been described as "the choicest and most fragrant 'Macaboy' and 'Old Scotch' " brands.

During the tenure of Millard Fillmore as President and Presiding Officer of the Senate, the snuff box was removed from the Vice President's desk. According to Isaac Bassett, about whom I have been speaking for the last several minutes, who was employed by the Senate from 1831 until late in the 19th century, Vice President Fillmore was not pleased by the parade of senatorial snuff-takers that constantly passed his desk. In his diary, Bassett quotes a highly agitated Fillmore who demanded, ". . . take this snuff box away from the table. I cannot understand what is going on in the Senate on account of the conversation of Senators who come here to get a pinch of snuff." At the suggestion of Fillmore, Bassett placed two small lacquer boxes at the front of the Old Senate Chamber on either side of the center aisle. Today these same boxes are affixed to a ledge on the north wall of the Senate Chamber—actually, on the north wall on both sides of the Vice President's desk—near the doors leading to the Senate lobby. While the custom of taking snuff in the Chamber has disappeared, the boxes continue to be filled by the staff of the Sergeant-at-Arms.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Graham). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, how much time remains in the period for morning business?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that the period be extended for not to exceed an additional 20 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR PROXMIRE ANNOUNCES HIS RETIREMENT

Mr. BYRD. Mr. President, on August 27, while the Senate was in recess, our esteemed colleague, the senior Senator from Wisconsin, announced his intention to retire from the Senate at the end of this term.

Senator Proxmire will be missed. He is the Chamber's third highest ranking Member and chairman of the Senate Banking, Housing, and Urban Affairs Committee. As I have said before, the tenacity and dedication that Senator Proxmire has applied to the causes in which he believes have made him somewhat of an institution within this institution.

He will leave behind him a rich legacy of legislative accomplishments including the Competitive Banking Equality Act, the Truth-In-Lending Act, and foreign bribery law. The publication, "American Banker", has correctly noted that Senator Proxmire has been "a central figure in banking legislation for two decades."

Senator Proxmire will also leave behind a rich legacy of traditions—traditions that are legendary, or at least border on being legendary.

His unparalleled voting record of 21 years, and still counting, without missing a rollcall vote surpasses any superlative that I could attach to it. I will simply point out that before he leaves us, Senator Proxmire's record of consecutive rollcall votes could pass an incredible—and undoubtedly will pass an incredible—10,000.

"Voting is the single most important function of a Senator," he has said. As usual, he practices what he preaches.

On January 11, 1967, Senator Proxmire announced that he would speak every day that the Senate was in session urging this Chamber to ratify the Genocide Treaty. Nineteen years and 3,000 speeches later, on February 19, 1986, his quest became a reality, and morning business has never been the same since.

As I have said before, Senator PROXMIRE's "Golden Fleece Awards" have become as much a part of the Senate as quorum calls. This frugal opponent of wasteful Government spending used these occasions to point out how taxpayers' money was being used to discover such things as: How best to break an egg, why prisoners want to escape from jail, and whether drunken fish are more aggressive than sober fish.

Every 6 years, I was glad to see that the people of Wisconsin were as appreciative of their outstanding Senator as we in this Chamber were. Five times they reelected him, giving him what will be a total of 31 years in the U.S. Senate. They sent him back to us with as much as 71 and 72 percent of their votes.

Now, he plans to leave us. He has said that his retirement will not have much of an effect on the financial services industry of the Nation because "one man doesn't make that much difference." Time will prove or disprove this. But I have disagreed with Mr. PROXMIRE before, and this time I point out that one man can make a difference, as Senator PROXMIRE has made. His retirement will make a difference not only in the financial services industry but also in the U.S. Senate, in his beloved State of Wisconsin, and the United States.

But I will take this opportunity to say thank you. I thank Senator PROXMIRE for being an outstanding Senator and colleague, a fine gentleman and a good friend.

I have enjoyed and profited from our work together and I hope the next 16 months will be as enjoyable and as profitable.

SUPPORT FOR THE CENTRAL AMERICAN PEACE AGREEMENT

Mr. President, I hold in my hand a Senate concurrent resolution which I will submit with the cosponsorship of Senators DODD and SANFORD. It is a resolution expressing support for the Central American Peace Agreement signed on August 7, 1987, and congratulating the Presidents of Central America on the successful outcome of their recent summit meeting in Guatemala City.

SUPPORT FOR THE CENTRAL AMERICAN PEACE AGREEMENT

Mr. BYRD. Mr. President, I now send to the desk the concurrent resolution which I had earlier stated that I would introduce today on behalf of myself, Mr. DODD, Mr. SANFORD, and Mr. SASSER.

I send it to the desk for appropriate referral and ask that it be printed in the RECORD.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution is as follows:

S. CON. RES. 71

Whereas the Presidents of Costa Rica, El Salvador, Guatemala, and Honduras met in San Jose, Costa Rica, on February 15, 1987, to consider a political framework for peace in Central America, as proposed by President Arias of Costa Rica;

Whereas the Presidents of the Central America democracies described the Arias proposal as "a viable, timely and constructive document for achieving peace in Central America through political negotiation;"

Whereas the Government of Costa Rica was asked to convey the Arias proposal to the Government of Nicaragua and to invite the President of Nicaragua to participate in a regional summit conference for the purpose of finalizing negotiations on the Arias initiative;

Whereas on March 12, 1987, the United States Senate considered S. Con. Res. 24, "supporting the initiative of the Central American heads of state * * * in formulating a regional proposal for bringing an end to the armed conflict in Central America," and subsequently approved this resolution by vote of 97 to 1;

Whereas on July 28, 1987, the House of Representatives debated H. Con. Res. 146, "supporting the initiative of President Oscar Arias Sanchez of Costa Rica to end armed conflict in Central America and encouraging * * * a negotiated settlement of the conflict in Central America," and thereafter adopted this resolution by unanimous vote;

Whereas the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua met August 6-7 in Guatemala City and signed an agreement based on the Arias proposal, setting forth specific procedures for the establishment of a "firm and lasting peace in Central America;" and

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States Congress hereby—

Congratulates the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua on their successful summit conference of August 6-7, 1987, held in Guatemala City;

Recognizes the signing of the August 7 peace accord as an historic development and an important opportunity for the Presidents of Central America to work together to restore peace and stability to their region;

Urges the parties to the peace accord to implement all of its provisions in good faith; and

Pledges its firm support and full cooperation with respect to such good faith implementation of the August 7, 1987, Central America peace agreement.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am delighted to join as a cosponsor along with the majority leader and my two colleagues, Senator SANFORD and Senator SASSER, who coincidentally are also members of the recently appointed observer group, two members of the observer group, which includes myself, appointed by the majority leader to monitor the ongoing peace initiative in Central America.

This resolution, as the majority leader has indicated I believe earlier, is designed to express our support for this effort.

Very briefly, Mr. President, I would like to address some thoughts regarding Central America as a backdrop, if you will, to this resolution.

As so often happens in debate on very major issues, there is a tendency to overlook the obvious. Central America, I happen to believe, is a case in point.

If you will, let us look at the record and let us ask ourselves how many hours we have spent debating the issue of military aid versus economic assistance to El Salvador. The question of F-5's versus A-4's to Honduras? The matter of lethal versus nonlethal military equipment for Guatemala? The point regarding balance-of-payments-support versus development assistance to Costa Rica? The controversy surrounding humanitarian aid versus military hardware for the Contras in Nicaragua?

How many hours have we spent debating the merits of police training in El Salvador? Or military maneuvers in Honduras? Or helicopter spare parts for Guatemala? Or secret airfields in northern Costa Rica? Or the opening and closing, the reopening and reclosing, of La Prensa in Nicaragua?

Now add to all of this the debate on military advisers in El Salvador; the debate on regional training centers and military construction in Honduras; the debate on search-and-destroy operations in the Indian highlands of Guatemala; the debate on guerrilla warfare manuals for the President's freedom fighters; the debate on the CIA's mining of Nicaragua's harbor; the debate on aid to the "southern front" in Costa Rica.

As we remember those debates, let us also remember the debate on the political structure of the Contra fighters; on whether they are guided by civilian or military chieftains; or whether Alfonso Robelo is more of a democrat than Adolfo Calero; on whether Arturo Cruz is in or out, or whether he is back in or he is back out.

In remembering those debates, let us not overlook the debates on the Sandinistas themselves—the Marxist-Leninist, Communist, Stalinist, totalitarian regime that overthrew the corrupt, brutal, capitalist, Yankee-loving, as they are referred to Somoza dictatorship.

Yes, there has been a lot of debate relating to Central America. Last but not least there has been the debate surrounding the illegal sale of American weapons to the Government of Iran and the diversion of funds from those sales to the Contras. And of this we can be sure, we have not heard the end of the debate. We have not heard the end of the colonel and the admiral. We have not heard the end of General Secord, Mr. Hakim, or Mr. Ghorbanifar. And as the debate goes on, we are sure to be reminded of Fawn Hall, Rob Owen, Spitz Channell, and their coterie of "patriotic" ideologues who commandeered the ship of state while the captain was fast asleep in the wheelhouse.

As the debates of the past find their way into the history books and as the debates of the present rage on, the main issue—the real issue in Central America—always seems to get lost in the verbal scuffling and scrapping. The issue, Mr. President, the central issue in Central America, is peace. In the case of Central America the need is both urgent and intense.

Look at it this way. The question of whether Ollie North "told the whole truth and nothing but the truth" does not matter a whit to the labor organizer, the schoolteacher, or the policeman who has been gunned down on the streets of San Salvador. What Poindexter did or did not tell the President of the United States has little meaning or significance for the hundreds of thousands of Central American refugees scattered from San Jose, Costa Rica, to San Jose, CA. Or consider the controversy about Ed Meese's role in the Iran-Contra scandal. To the health care workers or farm co-op members in northern Nicaragua who have been maimed or machine-gunned by the Contras, that controversy does not mean a great deal.

To all of these people—to the 27 million human beings who call Central America their home—there is only one issue. That issue is peace.

And peace means life. It means living. And working. And building. And caring. That is what peace means. That is what it means here. And that is what it means in Central America.

Just like us, Central Americans want to live a decent life. They want to work. They want to build. And they want to care—care for their children, care for their relatives, care for their neighbors. They want peace.

This is what brought the Presidents of Central American States to the National Palace in Guatemala City on August 7. This is why they accepted "the historic challenge of forging a peaceful destiny for Central America." This is why they agreed to make "dialog prevail over violence and reason over rancor." This is why they adopted a specific "Procedure for Establishing a Firm and Lasting Peace in Central America." This is why they set up their timetables of 90, 120, and 150 days. And this is why they required solemn pledges concerning amnesty laws, cease-fire arrangements, democratization procedures, cessation of aid to paramilitary forces and the nonuse of territory to attack other nations.

The Presidents of Central America have done their part. Much is left to be done, but they have taken a giant step forward. They have made an historical commitment for this region. And they have signed on the dotted line.

Now it is our turn. After all the debate, after all the discussion we can do no less. This is why I have proudly added my name to the resolution introduced today by the distinguished majority leader. This resolution is designed to put the Congress on record in support of the Central American Peace Accord. Simply stated, it pledges our support and cooperation in the implementation and enforcement of that agreement.

Mr. President, some 50 years ago at a speaking engagement in upstate New York, President Franklin Roosevelt spoke at length about the Good Neighbor Policy. In the course of his remarks he observed, "Peace, like charity, begins at home."

And so it does, Mr. President. In the case of Central America today, now is the time for us to prove it. Now is the time for us to heed the plea for peace in Central America.

Mr. President, I am honored and delighted that this resolution has been introduced. My hope would be, depending upon the schedule, of course, that this resolution might be considered before the arrival of President Arias, who is coming to this country on the 20th or 21st of this month. It would certainly be fitting and proper for this body to recognize the great courage, the great tenacity that President Arias and his other colleagues in Central America have shown with their signing of an agreement on August 7 and their determination to fully implement that agreement over the coming weeks and months.

So, Mr. President, I urge my colleagues, when the opportunity arrives, to support this resolution and by doing so to indicate our strong support and our allegiance with these leaders in Central America who seek to bring peace and stability to their land.

I thank you, Mr. President, and I yield the floor.

ORDERS FOR TUESDAY, SEPTEMBER 15, 1987

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar be waived on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the motions and resolutions over under the rule not come over on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next there be a period for the transaction of morning business not to exceed 20 minutes; following the recognition of the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that Senators may speak for not to exceed 5 minutes each during that period for morning business on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CAMPAIGN REFORM

Mr. BYRD. Mr. President, I ask unanimous consent that the remaining time following the conclusion of morning business on Tuesday next and the beginning of the vote on the motion to invoke cloture, the automatic quorum call having been waived, be equally divided and controlled between and by the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, on Tuesday next the Senate will convene at 10 o'clock and under the rule the motion to invoke cloture will be voted on following an hour of debate and the establishment of a quorum. The vote on the motion to invoke cloture to which I refer is on the campaign financing reform bill. That will constitute the seventh effort to invoke cloture on that bill.

On yesterday, the Senate reached its high water mark over the period of 6 votes on cloture on that bill and 55 Senators have indicated that they want the Senate to stop filibustering and get on with action on the bill.

Whether or not cloture will be invoked on Tuesday next remains to be seen. At this point I have my doubts it will be, but I can assure the Senate that, the Lord willing, the matter will be revisited at a later date during this Congress.

I wish to thank all Senators who have voted with the majority of Senators in supporting cloture on the measure. I thank Senator KASSEBAUM on the Republican side and Senator HOLLINGS on the Democratic side for joining in casting their votes for cloture on yesterday. We made a net gain of two votes over the previous cloture votes. I hope that we will be able to show further gains on next Tuesday. If the cloture vote fails, then the Senate will resume consideration of the Department of Defense authorization bill. There are amendments pending and rollcall votes will undoubtedly occur during the day.

I should state that in speaking of the vote on cloture next Tuesday, I spoke with reference to the requirements of Senate rule XXII. I have just been reminded by one of our diligent floor staff persons that the mandatory live quorum on Tuesday next has been waived by unanimous consent, and I thank the fine staff person for reminding me.

There will be rollcall votes then on the Department of Defense authorization bill during the afternoon.

On next Wednesday the Senate will meet early at 8:30 in the morning, will meet on Thursday at 8:30, and on Friday at 8:30 in the morning. There will be long daily sessions as we address our attention to the Defense Department authorization bill. Senators should be prepared therefore for rollcall votes daily Tuesday, Wednesday, Thursday, and Friday of next week, and there could be some long sessions. It is a difficult bill. There are many controversial issues involved, and there is no doubt but that some time will be required to dispose of those issues.

But someone yesterday inquired of me as to whether or not the cots are still around and available in the event of a late-night session or an all-night session, and I indicated at that time that they are available. I will therefore urge Senators to be prepared for such long sessions. I would not be surprised at some point to see those cots used in the event there are efforts to drag out the proceedings on the Defense authorization bill or on other important and vital measures.

ADJOURNMENT UNTIL SEPTEMBER 15, 1987 AT 10 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered, that the Senate stand adjourned until the hour of 10 o'clock on Tuesday morning next.

The motion was agreed to, and the Senate, at 5:58 p.m. in accordance with the previous order, adjourned until Tuesday, September 15, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1987:

DEPARTMENT OF STATE

MILTON FRANK, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

UNITED NATIONS

GEORGE W. CROCKETT, JR., U.S. REPRESENTATIVE FROM THE STATE OF MICHIGAN, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND. SESSION OF THE GENERAL ASSEMBLY OF THE UNITED STATES.

THE JUDICIARY

PAUL V. NIEMEYER, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND VICE FRANK A. KAUFMAN, RETIRED.

FRANKLIN S. VAN ANTWERPEN, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE ALFRED L. LUONGO, DECEASED.

DEPARTMENT OF JUSTICE

JOHN A. MCKAY, OF ALASKA, TO BE U.S. MARSHAL FOR THE DISTRICT OF ALASKA FOR THE TERM OF 4 YEARS VICE WILLIAM H. OPEL, RESIGNED.

ALFONSO SOLIS, OF NEW MEXICO, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF 4 YEARS VICE RUDOLPH G. MILLER, RESIGNED.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. DUDLEY L. CARLSON, [redacted]/1110, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5021, TO BE CHIEF OF NAVAL RESEARCH FOR A TERM OF 3 YEARS:

Chief of naval research

REAR ADM. JOHN R. WILSON, JR., [redacted]/1230, U.S. NAVY.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

JAMES G. GRIZZARD, [redacted]
CONRAD P. MARCOTTE, [redacted]
JAMES A. MYERS, [redacted]
JOSEPH P. NASTASI, [redacted]
MICHAEL M. PINK, [redacted]
ROBERT E. SCHRAMM, [redacted]
JAMES D. SHOWLER, [redacted]

To be lieutenant colonel

JOSEPH P. BISOGNANO, JR., [redacted]
RUSSELL C. CALHOUN, [redacted]
HELEN L. CAPRON, [redacted]
LEE R. CUNNINGHAM, [redacted]
JAMES A. FOSTER, [redacted]
FRANK R. GROSETH, [redacted]
MICHAEL W. HORNER, [redacted]
MICHAEL B. LANGEY, [redacted]
ANTHONY O. PATINO, [redacted]

HOUSE OF REPRESENTATIVES—*Monday, September 14, 1987*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. BEVILL].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 11, 1987.

I hereby designate the Honorable TOM BEVILL to act as Speaker pro tempore on Monday, September 14, 1987.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Reverend Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, MD, offered the following prayer:

The Lord is just in all His ways and holy in all His works, the Lord is near to all who call upon Him, to all who call upon Him in truth.—Psalm 145: 18.

Father, open our inner eyes that we might see ourselves as we are and grant us the mercy to find contentment.

Spirit of the living God, open our minds to the justice that acknowledges thankfulness in all that we are.

Lamb of God, open our hearts to the fatherly love that comes to us from our Creator.

Father, in thankfulness we accept these gifts, through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

LUDICROUS LAWS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, I have a matter of great importance to discuss with my colleagues in the House.

In the August 25 edition of the Hartford Courant there was an article published called "Ludicrous Laws on the Books."

They stated that if you are in Raton, NM, it is against the law for a woman to ride horseback down the street while wearing a kimono.

Mr. Speaker, I can probably report that this is not the case in Raton, NM. No such law is on the books.

The reason I mention this to my colleagues is that there are ads throughout several newspapers and magazines around the country by the American Bar Association talking about other ludicrous laws. For instance, for my colleagues in Connecticut, if you have got a pet bear, do not take him for a walk on a highway in Connecticut. You could be fined $50.

If your mustache makes people laugh, do not wear it to church in Alabama, or you could be arrested.

Also, in California it is against the law to set a mousetrap without obtaining a hunting license.

Mr. Speaker, I am mentioning these ludicrous laws, because I have researched the law supposedly in one of the towns in my district, a fine little town of Raton, NM. If you want to go to Raton, NM, and you want to ride a horse, and you want to wear a kimono, it is OK.

The articles referred to follow:

[From the Hartford Courant, Aug. 25, 1987]

LUDICROUS LAWS: PAPER WRONG ON LAW

Raton has gotten a bum rap in Connecticut.

The Hartford Courant reported last month under a headline "Ludicrous Laws" that Raton has on its books a law that prohibits a woman to ride horseback down the street while wearing a kimono.

Not stated in the Courant is the fact that the law was not in the Raton codified laws of 1927, nor is it in the present code adopted in 1981.

"Most of the laws not found in the Code are repealed by section 10," said City Clerk Eva Mae Sproule.

It reads, "All ordinances or parts of ordinances of the City in conflict herewith are, to the extent of such conflict, hereby repealed."

Also, persons contacted in the Courant office in Connecticut didn't know the source of the report.

So, women in Raton, feel free to put on your kimonos, untie your horses and take to the streets without fear of arrest.

[An Advertisement from the New York Times Magazine, Sept. 13, 1987]

LUDICROUS LAWS

If your moustache makes people laugh, don't wear it to church in Alabama, or you could be arrested.

If you've got a pet bear, don't take him for a walk on a highway in Connecticut. You could be fined $50.00.

Believe it or not, it's against the law in California to set a mousetrap without obtaining a hunting license.

THE OUTDATED LAWS THAT REGULATE BANKING AREN'T SO FUNNY

It wasn't very long ago that America was the undisputed world leader in almost everything. Then, we started losing our clout. Textiles, cars, steel, and electronics began moving abroad, costing American jobs.

Hardly anybody has noticed that the same thing is happening with banking.

If you look at the names of today's top ten world banks, only one still has a U.S. address. The Japanese now dominate that list.

For years, the world's leading financial centers were located in America. Because of archaic federal banking laws—some predating World War II—Tokyo, London and other overseas centers are now taking over. Already, foreign banks are making one-fifth of the loans of all U.S. businesses.

The point is, America's banks are not asking to be protected from foreign competition. They are not asking Congress to save them from the fight. They are asking for a fighting chance. Unless America's banks are permitted to fully compete and meet their customers' needs, a lot more American jobs will be squarely on the line.

[An Advertisement from Roll Call Newspaper]

LUDICROUS LAWS

Put a smile on your face when you pass through Pocatello, Idaho. Because it's against the law to frown or look gloomy.

In Ratan, New Mexico, it's against the law for a woman to ride horseback down the street while wearing a kimono.

Believe it or not, it's against the law for any team to beat the Arizona Wildcats on their home ground in Tucson, Arizona.

IT CAN'T HAPPEN HERE

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, a Lebanese man has covered his war-scarred walls with the country's devalued banknotes after figuring that it would cost four times as much to do the job with wallpaper. According to Beirut newspaper As-Safir, Suheil Karouni, from the southern port of Tyre, covered his walls, damaged by Israeli artillery fire, with 1- and 5-pound notes for the equivalent of $18 compared with $76 for wallpaper. Thirty-five Lebanese pounds were equivalent to $1 in 1975; recently the Lebanese currency hit an all-time low of 300 pounds to the dollar. The newspaper report added that Mr. Karouni intends to use the notes if the currency should ever recover its former value.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

If the experience with our paper dollar is any guide, Mr. Karouni will be spared the trouble of having to scrape his walls. The United States currency lost 60 percent of its value in terms of the Japanese yen between 1975 and 1980. But when it showed some signs of recovery between 1980 and 1985, a vicious agitation against the so-called strong dollar prompted the U.S. Treasury to beat down the value of the greenback to an all-time low of 139 yen to the dollar.

Mr. Speaker, some say it can't happen here. But if the paper dollar is to avoid the ignominy of becoming wallpaper material, the Congress should discharge its constitutional duty and stabilize its value in terms of gold.

COMMUNICATION FROM THE HONORABLE WILLIAM F. CLINGER, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable WILLIAM F. CLINGER, JR.:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 11, 1987.

Hon. JAMES C. WRIGHT, Jr.,
Speaker of the House, Room H-204, The Capitol.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have been served with a subpoena issued by the Court of Common Pleas of Armstrong County, Pennsylvania. After consultation with the General Counsel to the Clerk, I will notify you of my determination as required by the House Rule.

Sincerely,
WILLIAM F. CLINGER, JR.,
Member of Congress.

COMMUNICATION FROM THE HONORABLE PAUL E. KANJORSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PAUL E. KANJORSKI:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 7, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of the receipt of a grand jury subpoena by a member of my district office staff issued by the United States District Court for the Middle District of Pennsylvania.

After consultation with the General Counsel to the Clerk, pursuant to Rule L(50) of the Rules of the House of Representatives, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
PAUL E. KANJORSKI,
Member of Congress.

A CELEBRATION OF CITIZENSHIP

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker on February 21, 1787, the Congress of the Confederation endorsed the plan adopted at the Annapolis Convention for a new meeting of delegates from all the States of the Republic. Seventy-four men were appointed by State legislatures and Governors to attend the May 25 Convention in Philadelphia. Out of those 74, 55 attended, 19 declined to attend, 14 left before the Convention closed, 39 signed the final draft and 3 refused to sign the final form. What these gentlemen did was lay down the framework for an unprecedented form of government. As we approach the bicentennial of this historic document, we are filled with a sense of national pride that our Constitution is the world's oldest governing document.

Americans everywhere have the opportunity to participate with their families, communities and schools in the commemoration of the Constitution. I urge all of my colleagues to join with the youth of the Nation on September 16, at 1 p.m. on the west front steps of the Capitol for "A Celebration of Citizenship," a patriotic salute to our historic document.

RESIGNATION OF ELIZABETH DOLE AS SECRETARY OF TRANSPORTATION

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, the Secretary of Transportation, Elizabeth Dole, has today announced her intention to resign effective October 1.

This will certainly be a loss to the administration and to the Nation. By the same token, it will be a great plus for Senator DOLE.

Elizabeth Dole has the longest tenure as the Secretary of Transportation in the history of the Department. She became known as the "Secretary of Safety."

□ 1210

Her campaign against drunk driving and to increase the drinking age has reduced the carnage on our highways; the high mounted stoplights you see on the back of today's autombiles is a testamonial to her efforts. She presided over the privatization of Conrail and Washington and Dulles Airports, as they should have been.

She saw a massive increase in Coast Guard interdiction off the Florida coast.

She did more in the Department of Transportation; in fact, with less money.

We will all miss Secretary Dole. We will miss her efforts as the Secretary of Transportation. We will miss her charm and her ability; but we know that we have not heard the last of this very brilliant woman.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BARTLETT) to revise and extend his remarks and include extraneous material:)

Mr. ARMEY, for 60 minutes, on September 22.

(The following Members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RICHARDSON, for 30 minutes, on September 15.

Mr. OWENS of New York, for 10 minutes, on September 15 and 16.

Mr. STOKES, for 60 minutes, on September 16.

Mr. GAYDOS, for 60 minutes, on September 15.

Mr. GONZALEZ, for 60 minutes, on September 17 and 18.

Mr. FRANK, for 60 minutes, on October 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MARTINEZ.

Mr. GUARINI.

Mr. MINETA.

Mr. SMITH of Florida.

Mr. YATRON in two instances.

Mr. GRAY of Pennsylvania.

Mr. COELHO.

Mr. MURTHA.

Mr. RAY.

Mr. MILLER of California.

Mr. FLORIO in three instances.

(The following Members (at the request of Mr. BARTLETT) and to include extraneous matter:)

Mr. MICHEL.

Mr. BEREUTER.

Mrs. Morella.
Mr. Saxton.

ADJOURNMENT

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 15, 1987, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2080. A letter from the Comptroller General, the General Accounting Office, transmitting a report on the status of budget authority withheld pursuant to the 57 deferrals reported by the President this fiscal year, pursuant to 2 U.S.C. 685 (H. Doc. No. 100-105); to the Committee on Appropriations and ordered to be printed.

2081. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), Department of the Navy, transmitting notification that a cost comparison study of the base operating support functions at the Naval Air Station (NAS) Fallon, NV, has revealed that performance by contract will result in a savings of the total Government cost over 5-year period, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); to the Committee on Armed Services.

2082. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of travel advisories recently issued for Panama, Tanzania, Turkey, Vietnam, and Zimbabwe which have security implications for Americans traveling or residing in those countries, pursuant to 22 U.S.C. 2656e; to the Committee on Foreign Affairs.

2083. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting text of ILO Convention No. 162 and Recommendation No. 172 concerning safety in the use of asbestos as adopted by the International Labor Conference at its 72d session, at Geneva, June 24, 1986, pursuant to article 19 of the Constitution of the International Labor Organization; to the Committee on Foreign Affairs.

2084. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2893. A bill to reauthorize the Fishermen's Protective Act; with an amemdment (Rept. 100-299). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1171. A bill to establish the National Oceans Policy Commission, and for other purposes; with an amemdment (Rept. 100-300, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committees on Banking, Finance and Urban Affairs and Energy and Commerce discharged. H.R. 3030 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BENTLEY:

H.R. 3254. A bill to amend the Defense Production Act of 1950, as amended, to prohibit the Department of Defense from acquiring transportation services from countries which are signatories to the Warsaw Pact; jointly, to the Committees on Banking, Finance and Urban Affairs and Armed Services.

By Mrs. MORELLA (for herself and Mr. Wolf):

H.R. 3255. A bill to amend title 5, United States Code, to make permanent the provisions of law relating to physicians comparability allowances; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. Leach of Iowa, Mr. Dymally, Mr. Atkins, Mr. Sunia, Mr. Torricelli, Mr. Ackerman, Mr. Blaz, Mr. Lagomarsino, and Mr. Gilman):

H. Res. 260. Resolution reaffirming United States support for the democratic Aquino government and condemning the recent coup attempt in the Philippines; to the Committee on Foreign Affairs.

By Mr. MARTINEZ (for himself, Mr. Coelho, Mr. Fuster, Mr. Bustamante, Mr. Richardson, Mr. de Lugo, Mr. Coleman of Texas, Ms. Pelosi, Mr. Edwards of California, Mr. Bates, Mr. Stark, Mr. Jontz, Mr. Lagomarsino, Mr. Leland, Mr. Dymally, Mr. Owens of New York, and Mr. Smith of Florida):

H. Res. 261. Resolution expressing the sense of the House of Representatives regarding Hispanics in the labor market; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII,

200. The SPEAKER presented a memorial of the Legislature of the State of California, relative to strategic supplies of tungsten; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DeWINE:

H.R. 3256. A bill for the relief of Norman Raymond Lee; to the Committee on Interior and Insular Affairs.

By Mr. DYSON (by request):

H.R. 3257. A bill providing for a 10-year extension of the patent for the automatic variable pitch marine propeller; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Valentine.

H.R. 20: Mr. Rowland of Connecticut and Ms. Pelosi.

H.R. 21: Mr. Rowland of Connecticut and Ms. Pelosi.

H.R. 303: Mr. Dowdy of Mississippi, Mr. Glickman, and Mr. Quillen.

H.R. 810: Mr. Rinaldo and Mr. Blaz.

H.R. 919: Mr. DeWine.

H.R. 925: Ms. Pelosi, Mr. Beilenson, and Mr. Gray of Illinois.

H.R. 1171: Mr. Wortley.

H.R. 1201: Mr. Evans.

H.R. 1303: Mr. Downey of New York.

H.R. 1352: Mr. Panetta.

H.R. 1543: Mr. Roe.

H.R. 1544: Mr. Roe.

H.R. 1638: Mr. Fuster, Mr. Fauntroy, Mr. Yatron, Mr. Howard, and Mr. Kastenmeier.

H.R. 1708: Mr. Bilbray, Mr. Stark, Mr. Jeffords, Mr. Weiss, Mr. Gregg, Mr. Mineta, Mr. Rangel, Mr. Towns, Mr. Boland, Mr. Gejdenson, Mr. Levine of California, Mrs. Schroeder, Mr. Dellums, Ms. Snowe, Mr. Wortley, Mr. Dornan of California, Ms. Pelosi, Mr. Fish, and Mr. Lipinski.

H.R. 1733: Mr. Smith of Florida.

H.R. 1782: Mr. Durbin, Mr. McMillen of Maryland, Mr. Coughlin, Mr. Hall of Texas, Mr. Akaka, Ms. Pelosi, Mr. Denny Smith, Mrs. Morella, Mr. Bateman, Mr. Synar, Mr. Sharp, Mr. Dowdy of Mississippi, Mr. Roberts, Mr. Valentine, Mr. McDade, Mr. Mack, Mr. Harris, Mr. Leach of Iowa, Mr. Hastert, Mr. Pickett, Mr. Skeen, Mr. DioGuardi, Mr. Lujan, Mr. Mica, Mr. Regula, and Ms. Snowe.

H.R. 1879: Mrs. Collins.

H.R. 1975: Mr. Clarke.

H.R. 2151: Ms. Snowe, Mrs. Morella, Mr. Weiss, Mr. Dellums, Mr. Vento, Mrs. Kennelly, Mr. Jontz, Mr. Mineta, Mr. Jacobs, Mr. Sabo, and Mr. Solarz.

H.R. 2248: Mr. Hastert, Ms. Oakar, Mr. Grant, Mr. Ford of Michigan, Mr. Owens of Utah, Mr. Whitten, Mr. Boehlert, Mr. McCurdy, Mr. Boner of Tennessee, and Mr. Richardson.

H.R. 2363: Mr. Daniel, Mr. Daub, Mr. Shaw, Mr. Hiler, Mr. Young of Florida, Mr. Armey, Mr. Boulter, Mr. Blaz, and Mr. Fish.

H.R. 2383: Mr. Lightfoot.

H.R. 2433: Mr. Donnelly.

H.R. 2482: Mr. Torricelli, Mr. Oberstar, and Mr. Vento.

H.R. 2583: Ms. Pelosi.

H.R. 2626: Mr. MILLER of California, Mr. FROST, Mr. RODINO, Mr. FOGLIETTA, and Mr. ATKINS.

H.R. 2769: Mr. ENGLISH and Mr. BOULTER.

H.R. 2833: Mr. HOWARD and Mr. LAGOMARSINO.

H.R. 2858: Mr. KOLBE, Mr. HOCHBRUECKNER, Mr. HAYES of Illinois, Mr. PRICE of Illinois, Mr. EVANS, Mr. OXLEY, Mr. VISCLOSKY, Mr. TRAFICANT, Mr. HAMMERSCHMIDT, Mr. RICHARDSON, Mr. BOUCHER, and Mr. LOTT.

H.R. 2960: Mr. NELSON of Florida, Mr. SCHUETTE, Mr. BADHAM, Mrs. MARTIN of Illinois, Mr. VALENTINE, Mr. BARTLETT, Mr. TAUKE, and Mr. HOLLOWAY.

H.R. 3023: Mrs. COLLINS.

H.R. 3075: Mr. DELAY, Mrs. BENTLEY, Mr. REGULA, Mr. MARLENEE, and Mr. EMERSON.

H.R. 3134: Mr. KANJORSKI and Mr. LANTOS.

H.R. 3158: Mr. FRANK and Mr. GOODLING.

H.R. 3159: Mr. STALLINGS.

H.R. 3161: Mr. ROWLAND of Georgia and Mr. KANJORSKI.

H.R. 3199: Mr. FAWELL, Mr. SCHULZE, Mr. MYERS of Indiana, Mr. HOUGHTON, Mr. BALLENGER, Mr. COUGHLIN, and Mr. DELAY.

H.R. 3201: Mr. DELAY.

H.J. Res. 43: Mr. BERMAN, Mr. BLILEY, Mr. BORSKI, Mr. BURTON of Indiana, Mr. CARPER, Mr. DYSON, Mr. FRENZEL, Mr. GALLO, Mr. GILMAN, Mr. GUNDERSON, Mr. HAYES of Illinois, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. MACK, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. NICHOLS, Mr. ROSE, and Mr. SAVAGE.

H.J. Res. 92: Mr. HALL of Ohio, Mr. TAUKE, Mrs. LLOYD, Mr. HOWARD, Mr. DINGELL, and Mr. BLAZ.

H.J. Res. 193: Mr. ANTHONY, Mr. BEVILL, Mrs. BOXER, Mr. CARR, Mr. COLEMAN of Missouri, Mr. COYNE, Mr. FOGLIETTA, Mr. GEPHARDT, Mr. HYDE, Mr. THOMAS of Georgia, Mr. TRAXLER, Mr. UPTON, Mr. LOWRY of Washington, Mr. MCGRATH, and Mr. HAYES of Louisiana.

H.J. Res. 224: Mr. CHAPPELL, Mr. FROST, Mr. DREIER of California, Mr. ERDREICH, Mr. JONES of North Carolina, Mr. DAVIS of Illinois, Mr. SWINDALL, Mr. CARDIN, Mr. THOMAS of Georgia, Mr. BILIRAKIS, Mr. FASCELL, Mr. BURTON of Indiana, Mr. CONTE, Mr. NICHOLS, Mr. ROWLAND of Georgia, Mr. LUJAN, Mr. FUSTER, Mr. HEFNER, Mr. SABO, Mr. CALLAHAN, Mr. DANNEMEYER, Mr. KOLBE, Mr. DENNY SMITH, Mr. PARRIS, Mr. STAGGERS, Mr. MCMILLEN of Maryland, Mr. EVANS, Mr. BALLENGER, Mr. FLORIO, Mr. YATES, Mr. GRANT, Mr. DICKS, Mr. LANCASTER, Ms. PELOSI, Mr. RICHARDSON, Mr. FRENZEL, Mr. SAWYER, Mr. BRUCE, Mr. STARK, Mr. SCHAEFER, Mr. MCEWEN, Mr. WEBER, Mr. WEISS, Mr. BARTLETT, Mr. ENGLISH, Mr. MICHEL, Mr. SPRATT, Mr. LENT, Mr. SIKORSKI, Mr. BOEHLERT, Mr. DICKINSON, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. CLINGER, Mr. RINALDO, Mr. ANDREWS, Mr. DONALD E. LUKENS, Mr. FRANK, Mr. MOORHEAD, Mr. MAVROULES, Mr. DINGELL, Mr. DIOGUARDI, Mr. MCHUGH, Mr. NOWAK, Mr. IRELAND, Mr. MACK, Mr. GINGRICH, Mr. CRANE, Mr. LIGHTFOOT, Mr. MAZZOLI, Mr. ROBERT F. SMITH, Mr. BLILEY, Mr. MILLER of Washington, Mr. CHENEY, Mrs. MORELLA, and Mr. YOUNG of Florida.

H.J. Res. 255: Mr. ANNUNZIO, Mr. MCEWEN, and Mr. MORRISON of Washington.

H.J. Res. 311: Mr. FLAKE, Mr. MACKAY, Mr. HAYES of Illinois, Mr. DORGAN of North Dakota, Mr. DWYER of New Jersey, Mr. BENNETT, Mr. COELHO, Mr. BATES, Mr. ROE, Mr. HYDE, and Mr. DE LUGO.

H.J. Res. 329: Mr. MARTINEZ, Mr. LANCASTER, Mr. PORTER, Mr. TAUZIN, Mr. MCMILLEN of Maryland, and Mr. EVANS.

H.J. Res. 331: Mr. CALLAHAN, Mr. DE LA GARZA, Mr. DICKINSON, Mr. DURBIN, Mr. FLIPPO, Mr. HEFNER, Mr. LAFALCE, Mr. LEVIN of Michigan, Mr. ROSE, Mr. ST GERMAIN, Mr. SPENCE, Mr. STALLINGS, Mr. SYNAR, Mr. THOMAS of Georgia, Mr. SHAW, Mr. MCMILLEN of Maryland, Mr. ROBERTS, Mr. DENNY SMITH, and Mr. ROBINSON.

H.J. Res. 332: Mr. BILIRAKIS, Mr. CROCKETT, Mr. FISH, Mr. FORD of Michigan, Mr. LEVIN of Michigan, Mr. MARTINEZ, Mr. MAZZOLI, Mrs. MEYERS of Kansas, Mr. PICKLE, Mr. PURSELL, Mr. SHUMWAY, Mr. STAGGERS, Mr. SWINDALL, Mr. THOMAS of Georgia, Mr. WALGREN, Mr. WEISS, and Mr. WORTLEY.

H.J. Res. 340: Mr. DYSON, Mr. CARDIN, Mr. HALL of Ohio, Mr. BLILEY, Mr. BUSTAMANTE, Mr. DORGAN of North Dakota, Mr. HORTON, Mr. FOGLIETTA, Mr. DE LUGO, Mr. SMITH of Florida, Mr. ROE, Mr. DONNELLY, Mrs. BOXER, Mr. VALENTINE, Mr. FAZIO, Mr. MATSUI, Mr. COELHO, Mr. CHAPMAN, Mr. BIAGGI, Mr. BRYANT, Mr. HEFNER, Mr. FIELDS, Mr. CONYERS, Mr. LEHMAN of Florida, Mr. MCDADE, Mr. GORDON, Mr. BONER of Tennessee, Mr. HYDE, Mr. PASHAYAN, Mr. ST GERMAIN, Mr. LAGOMARSINO, Mrs. BENTLEY, Mr. MOAKLEY, Mr. EVANS, Mr. NEAL, Mrs. MORELLA, Mr. LANTOS, Mr. DWYER of New Jersey, Mr. CLAY, Mr. LIPINSKI, Mr. CROCKETT, Mr. GALLO, Mr. STOKES, Mr. FAWELL, Mr. KOSTMAYER, Mr. HOWARD, Mr. MORRISON of Connecticut, Mr. BEVILL, Mr. WOLF, Mr. MCMILLEN of Maryland, Mr. KENNEDY, Mr. LELAND, Mr. FLORIO, Mrs. MEYERS of Kansas, Mr. LUNGREN, Mr. BADHAM, Mr. TORRICELLI, and Mr. TORRES.

H.J. Res. 349: Mr. DORGAN of North Dakota, Mr. RICHARDSON, Mr. SCHUMER, Mr. MFUME, Mr. COURTER, Mr. MARKEY, Ms. PELOSI, Mr. RAHALL, Mr. WOLF, Mr. GUNDERSON, Mrs. BYRON, Mr. HENRY, Mr. BUSTAMANTE, Mr. FRANK, Mr. DUNCAN, Mr. HOWARD, Mr. MRAZEK, Mr. BERMAN, Mr. PETRI, Mr. GREEN, Mr. HOPKINS, Mr. CONTE, Mr. SMITH of Florida, Mr. WALKER, Mr. MONTGOMERY, Mr. MACKAY, Mr. WEBER, Mr. GRAY of Pennsylvania, Mr. WELDON, Mr. WISE, Mr. FAWELL, Mr. KILDEE, Mr. BEILENSON, Mr. HILER, Mr. FORD of Michigan, Mr. JEFFORDS, Mr. UDALL, Mr. PORTER, Mr. CONYERS, and Mr. LEVINE of California.

H. Con Res. 168: Mr. STUDDS, Mr. HOWARD, Mr. KASTENMEIER, Mr. DE LUGO, Mrs. BOGGS, Mr. FOGLIETTA, Mr. NOWAK, Mr. DORGAN of North Dakota, Mr. ANNUNZIO, Mrs. LLOYD, Mr. CLARKE, Mr. PORTER, Mr. BEILENSON, Mr. DELLUMS, Mr. FRANK, Mr. BUSTAMANTE, Mrs. BOXER, Mr. NEAL, Mr. WOLPE, Mr. MRAZEK, Mr. FRENZEL, Mr. BROWN of California, Mr. HENRY, Mr. SMITH of Florida, Ms. SLAUGHTER of New York, Mr. ACKERMAN, Mr. DWYER of New Jersey, Mr. BOEHLERT, Mr. MOODY, Mr. HOCHBRUECKNER, Mr. SCHEUER, Mr. EVANS, Mr. FAWELL, Mr. LEHMAN of Florida, Mr. GARCIA, Mr. APPLEGATE, Mr. FAUNTROY, Mr. MARTINEZ, Mr. BERMAN, Mr. ATKINS, Mr. KOLTER, Mr. OWENS of Utah, and Mr. HAYES of Illinois.

EXTENSIONS OF REMARKS

DO AMERICANS OPPOSE AID TO THE CONTRAS? THE ANSWER IS WE JUST DON'T KNOW

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. MICHEL. Mr. Speaker, we are coming to the end of our long and bitter debate about helping the forces of the democratic resistance in Nicaragua. One way or the other, the fate of the Contras and of their country will be decided within a month or so.

During this debate, over a period of years, we have been told by opponents of such aid that the American people, expressing their views in opinion polls, are against aid to the Contras. But in the September/October issue of the distinguished magazine Public Opinion, Everett C. Ladd, senior editor of that magazine, analyzes all of the polls on this subject and comes to the conclusion that polls "show an ambivalent American public" on the issue. His analysis is the only scholarly investigation of the polls concerned with Contra aid. There is not a single shred of polling evidence to demonstrate that the majority of Americans, fully aware of the situation in Nicaragua, is against Contra aid.

The piece is, in my view, one of historic significance. Whatever the merits of aid to the Contras might be, no longer can anyone seriously proclaim that the polls conclusively demonstrate that the American public is against the administration's position.

At this point I wish to insert in the RECORD, "Where the Public Stands On Nicaragua," by Everett Carll Ladd, in Public Opinion magazine, September/October 1987.

WHERE THE PUBLIC STANDS ON NICARAGUA

(By Everett Carll Ladd)

"It's interesting that the national polling data over the course of the last three years have shown that—in the latest Harris poll in June—[by] 74 to 22 [percent] people in this country oppose aid to the Contras. . . . And I can tell you myself, Colonel North, from campaigning in New Hampshire, a fairly conservative state . . . [that] the people in this country just don't think [Contra aid is] a very good idea. And that is why this Congress has been fickle and vacillating. Now, you may suggest that some of us voted [for Contra aid] anyway, even though it's against what our constituents believe. But, I want to point out to you, Colonel North, that the Constitution starts with the words, 'We the people'. There is no way you can carry out a consistent policy if 'We the people' disagree with it, because the Congress represents the people." [1]—Senator Warren Rudman

Legislators sometimes feel compelled to take stands opposed to what majorities of their constituents favor, following the rule Edmund Burke so elegantly stated in his November 3, 1774 speech to the electors of Bristol: "Your representative owes you, not his industry only, but his judgment; and he betrays you, instead of serving you, if he sacrifices it to your opinion." Nonetheless, in a democracy the public's wishes should weigh heavily with their elected representatives. Senator Rudman is doubtless right that in the United States today "there is no way you can carry out a consistent policy if 'We the people' disgree with it. . . ."

But what do Americans really want out of U.S. policy in Central America generally and Nicaragua in particular? Have they in fact decisively opposed a policy of aid to the Contras? Since Oliver North's dramatic testimony before the Iran-Contra committee, all polls have shown increases in the proportion of the public endorsing Contra aid in questions that ask about it directly. I will discuss these data below. My objective, though, is to sift through the mountain of survey data on the subject that has accumulated over the last several years, in order to clarify the underlying structure of public thinking. For whatever shifts of opinion have occurred, the structure is fundamentally unchanged.

AMERICANS HAVE NOT BEEN OPPOSED TO CONTRA AID

Had Senator Rudman the opportunity to review the entire body of survey information, he probably would not have reached the conclusion that he did—that North's acceptance "into people's homes as almost a folk hero" was surprising since "the very things [aid to the Contras] he is espousing" were opposed by nearly three-fourths of Americans.[2] Contrary to what seems to be an increasingly popular myth, Americans do not warm to figures with whom they have deep policy disagreements. It would indeed be astounding, then, for them to have responded so positively to North had they been solidly opposed to the cause of Contra assistance that he pleaded so passionately. In fact, there is no irony or contradiction: the public's views cannot accurately be summarized as "opposed to Contra aid."

It is not accurate either, of course, to describe the American public as enthusiastically committed to Contra aid. While it is always comforting politically to have the people unreservedly on one's side, and sometimes tempting to claim such support when one knows better, neither opponents nor proponents of Contra aid can plausibly claim that mandate. If members of the public found themselves required periodically to debate a particular Contra aid proposal and then vote on it, more of them would be pushed into choosing sides—but they aren't and they haven't.

RESIST COMMUNISM

The poll data brought together on pages 21-23 make evident just how inaccurate it is to claim that Americans oppose assisting the Contras and want their elected representatives to so vote. Many aspects of public opinion push in the opposite direction. For one, developments in Nicaragua—as in any country where Communist expansion or consolidation is at issue—bring into play public attitudes toward Communism and the Soviet Union—which remain very negative. Communism is seen as a bad form of government—for nearly half of those with an opinion, the very worst kind—and the Soviet Union as a system that grossly denies human freedom. The United States must be ready to do what is necessary, including using troops, to prevent Communism's advance. In September 1986 a highly popular Ronald Reagan was seen by a third of Americans as "not tough enough" in dealing with the Soviet Union.

Judgments framed with regard to Communism internationally are hardly muted when applied to Central America. Americans see the region as vital to U.S. interests. They think that success by movements or governments aligned with the Soviet Union would lead to still further Communist expansion in the region and should be resisted. They believe that the United States should take strong action to prevent the consolidation of a pro-Soviet government in Nicaragua. Indeed, in Spring 1986, by a margin of two-to-one, they endorsed "aid to the rebels in Nicaragua in order to prevent Communist influence from spreading to other countries in Central America."

THREAT POSED BY COMMUNISM IN NICARAGUA/CENTRAL AMERICA AND U.S. RESPONSE

1. Will Nicaragua provide Soviet bases? (CBS News/*New York Times*):
   Yes 59%.
   No 16%.
2. Sandinistas likely to provide Soviet outpost unless United States resists (Louis Harris and Associates):
   Agree 60%.
   Disagree 29%.
3. United States should aid rebels to stop Communist influence from spreading (*Time*/Yankelovich Clancy Shulman):
   Agree 58%.
   Disagree 29%.
4. Pro-Soviet success in Central America would lead to further Communist advance in region (CBS News/*New York Times*):
   Yes 72%.
   No 11%.
   Depends (vol.) 5%.
5. United States force needed to prevent Communism from expanding in Central America (ABC News/*Washington Post*):
   Agree 48%.
   Disagree 42%.
6. Greatest threat in Central America: United States getting into war or Communist gains? (CBS News/*New York Times*):
   War 36%.
   Communists 46%.
   Both (vol.) 5%.
   Neither (vol.) 3%.

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[1] From the hearings of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, July 13, 1987, as published in *Taking the Stand: The Testimony of Lieutenant Colonel Oliver L. North* (New York: Pocket Books, 1987), p. 650.

[2] Rudman made these comments to reporters following the fourth day of North's testimony before the Iran-Contra committees. See Associated Press, "Casey Favored Secret Fund," *Portland Press Herald*, July 11, 1987, p. 1, 5.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

7. Should United States eliminate Communism from Latin America, or no security threat? (CBS News/*New York Times*):

Eliminate Communism 50%.

No threat 30%.

RELUCTANCE ON FOREIGN AID

These data surely do not support the view that congressmen who back the Contras are defying *vox populi* or earning chapters in *Profiles in Courage*. It is true, however, that the public has not warmed to the idea of military aid to the Contras. Partly this reluctance reflects the partisan debate that has been raging, where negative assessments of the Contras by many congressional Democrats are as common as positive assessments by the Reagan administration and congressional Republicans. Not surprisingly, on the specific question of military aid, the public has been organized to some degree on partisan lines. In the context of demographic correlates of aid support or opposition (on the whole these are exceedingly weak), political scientist Howard Reiter reports that "partisanship is a more important correlate of opinion on aid than any of the demographic variables." [3]

In large part, though, the persisting public reservations on military assistance to the Contras, attested to by the data on page 24, reflect an unease about foreign assistance programs generally. In the spring of 1980, for example, Louis Harris and Associates conducted a survey in which they asked respondents to evaluate spending on a list of twenty programs. Cuts in foreign economic (82 percent wanted it cut) and military aid (77 percent) "won" hands down, "beating" even welfare spending (69 percent wanted to cut it), subsidies to business (69 percent), and food stamps (65 percent). Since 1973, the National Opinion Research Center's (NORC) General Social Survey has asked cross-sections of the public whether they think we are spending too much, too little, or about the right amount on foreign aid. The proportion saying "too much" has never been lower than 66 percent and has averaged just over 70 percent. It was 70 percent in 1973 and 71 percent in 1987. In this context, the level of backing for Contra aid shown on page 24 is neither surprising nor particularly low.

These data appear to show conclusively that opposition to aid is general and recurring. Yet after reviewing virtually the entire body of relevant poll data, however, I conclude that it simply is not accurate to say that, overall, Americans are against foreign aid. Of course they are not going to demand it as they do social security benefits—but their assessments include many that support foreign assistance.[4]

Why don't the up-or-down spending questions show the bottom line? Often, pollsters ask one question and respondents answer another one: "Should spending for foreign aid be cut?" seems straightforward and unambiguous. It *is* for people who have a well-formed conception of foreign aid and who have given thought to the matter—but these conditions don't apply for many in the general public. Available data make it reasonable to conclude that the foreign aid spending questions come through to much of the public something like: "Do you think the United States is doing too much or too little in world affairs?" Looking at the experience since World War II, most Americans clearly feel that we have done our share and, in a sense, should seek to reduce our burden, not increase it. The response, *the U.S. is spending too much on foreign aid*, probably reflects this judgment far more than the assessment literally conveyed.

PERSISTING TENSIONS

If we look beyond the issue of foreign aid, we see that virtually every time in the last fifty years the public has been asked whether they want to see the United States become engaged in some foreign military conflict, they have said no. This is true of World War II, Korea, Vietnam, and now Central America. This is hardly surprising, since becoming involved in a military conflict is not some intrinsic good. Americans are reluctant to see their country involved, but they are also reluctant to see it stand aside. Polls show a public that believes there are times when the costs of non-involvement are very great.

Poll questions are much like the blind man before the elephant: the questions reach out and "touch" something that can not be seen. We so readily assume that the part being touched in a given instance is the whole—and pay the price in confusion. Touching only upon their reluctance to have their country further engaged, Senator Richard Lugar, himself a Contra aid supporter, last February described the American people as opposed to Contra aid and wishing that Central American problems "would go away without the expenditure of a single penny or (having) a single American involved." [5] How would he explain the public's responses shown in table 1, especially the two-thirds support for Contra aid "to prevent Communist influence from spreading to other countries in Central America"? My view is that this question, unlike the more commonly asked ones on Contra aid, offers a rationale for assistance. "Gain without pain" has not been the bottom line of American opinion on foreign and defense issues for the last forty years—because of the depth and persistence of the public's concern over national security, given the Soviet challenge.

Public opinion today is pretty much what it has been, which means that it is characterized by crosscurrents and tensions. A large majority are at once reluctant to see the United States become deeply engaged in aiding in Contras—and opposed to our sitting back while a Soviet-serving regime is consolidated in Nicaragua.

PROBLEMS FOR POLLING

In his review of public opinion data on U.S. policy toward Nicaragua, Howard Reiter notes that "different pollsters asked questions in different ways, and question wording can affect the responses given by the public." Still, he concludes that issues of question wording need not loom very large in research on the subject: "We can spend a great deal of time worrying about which question gets at the issue best, so as a rule of thumb we will avoid such speculation and wherever possible use *reasonably framed questions* that have been asked again and again with the same wording. This will enable us to spot trends and infer the effects of certain events." [6]

Unfortunately, a proper methodology cannot stop with securing "reasonably framed questions." No matter how "fair" the question, it is likely to "feel" only one part of the elephant when the public is ambivalent. And no matter how many times the blind man touches the elephant's trunk and describes it precisely, he still will not have learned what an elephant is like. Consider these two questions:

"Ronald Reagan says the United States should help the people in Nicaragua who are trying to overthrow the pro-Soviet government there. Other people say that even if our country does not like the government in Nicaragua, we should not help overthrow it. Do you think we should help the people trying to overthrow the government in Nicaragua, or should we not help them? [7]

"Ronald Reagan says the United States should help the people of Nicaragua who are trying to prevent the Communist government there from firmly establishing its power. Other people say that even if our country does not like the government in Nicaragua, it should not help those who are fighting against it. Do you think we should help the people trying to prevent the establishment of the Communist government in Nicaragua, or should we not help them?"

The first question, from the CBS News/New York Times poll, is technically sound and fair. This hardly means, though, that it reveals "what the public really thinks." The second question is also technically sound and fair—but almost certainly it would yield a different response. Americans favor measures to prevent a pro-Soviet regime from gaining permanent, Castro-like dominion in Managua, but they are reluctant to endorse the overthrow of the Nicaraguan government. As in other instances where alternate wordings yield sharply different results—for example, asking about spending to "help the poor and needy," compared to spending on "welfare"—the different answers reveal a complex set of colliding values and assessments. The elephant really is a trunk and a leg—and a whole lot more.

PUBLIC INATTENTION

The cross-pulling of public attitudes on Contra aid presents a challenge to survey research on the subject. This challenge is heightened by an inattentiveness among much of the population to even highly salient details bearing on U.S. policy. Recent data show a change, but in April 1984, 73 percent of those asked in national polls whether the U.S. government supports the Nicaraguan government or those fighting against it, responded that they really did not know enough to say.[8] As late as April 1986, 43 percent of those surveyed said the Reagan administration "has been supporting the government of Nicaragua," while another 25 percent said they were not sure who the administration supported. Only 32 percent answered that the administration was not behind the Nicaraguan government.[9]

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[3] Howard L. Reiter, "U.S. Public Opinion of the Nicaragua War and the Implications for Political Strategy," paper prepared for delivery at the annual meeting of the American Political Science Association, Chicago, September 5, 1987.

[4] Everett C. Ladd, *American Opinion on Issues of Foreign Assistance*, report written for the World Bank, 1985. The report is available through the Roper Center for Public Opinion Research, P.O. Box 440, Storrs, CT 06268.

[5] Quoted in John Felton, "New Standoff Shaping Up Over Contra Aid," *National Journal*, February 7, 1987, p. 237.

[6] Reiter, "U.S. Public Opinion on the Nicaragua War. . .," p. 3. Emphasis added.

[7] When CBS News and the New York Times asked this question in a May 29-June 2, 1985 survey, 32 percent said we should help in the attempted overthrow, 53 percent said we should not help, while 15 percent had no option.

[8] Survey by CBS News and the New York Times, April 23-26, 1984. "Which side does the U.S. government support in Nicaragua—the current government, the people fighting against the government, or have you been following this closely enough to say?" Current government: 8 percent; people fighting the government, 19 percent; haven't been following, 63 percent; no opinion, 11 percent.

This low level of attention makes it hard to frame questions that make us reasonably confident the public's answers mean what they appear to mean. That the Reagan administration has been at once supporting the government in El Salvador and those fighting against the government in Nicaragua has obviously presented polling problems that would be funny were they not in fact quite serious.

In some instances we simply don't know what many respondents intended to say. In September 1983, 60 percent of those polled nationally told Harris interviewers that they were against "the U.S. arming and supporting the rebels in Nicaragua who are trying to overthrow the Sandinista government in that country"; only 24 percent said they favored such U.S. support. But another survey, by NBC News, taken at exactly the same time, found 45 percent believing that the Reagan administration was supporting the Nicaraguan government, only 19 percent that it was not supporting that government, while 36 percent said they didn't know who Reagan was backing.[10] The point isn't that the heads of "We the People" are full of Jell-O and that their views on the issue should be ignored. The public brings to the controversy some basic values and expectations that are firm enough. But surely findings relating to public opinion on the specifics of Central American policy should be handled with care.

WHAT IS THE POLITICAL BOTTOM LINE?

Data presented in the Opinion Roundup section of this issue show that professed public support for Contra aid has risen, according to all available surveys, from the months preceding Oliver North's televised testimony to just after it. This turnaround, undoubtedly in response to the appeal of a man who began his testimony very much in the doghouse, is really quite extraordinary. The thrust of this article, though, is that the whole elephant of public opinion on what the United States should do in Central America is highly unlikely to have been much changed. It is too big and solid for that.

Polls show an ambivalent American public—one wanting disparate and even contradictory things. And that is as far as the opinion polls can take us. Public opinion is not neatly in favor of, or opposed to, aiding the Contras.

If the negotiations that have begun promote the end Americans unambiguously favor—curbing advances by pro-Soviet forces in Central America and extending democracy without armed conflict—the political controversy that has fed off public ambivalence on matters relating to Contra aid will be defused. But if negotiations don't lead to this result, the controversy will certainly continue. Politicians wanting to know what the political bottom line is—whether a vote for Contra aid, or one against it, is the more costly in the coin of public opinion—won't get a clear answer from the polls. There is simply no way that the cross-pulls described here are going to receive an emphatic "yea or nay" resolution in the context of an opinion survey.

This doesn't mean that there isn't a resolution—only that it comes through elections as voters feed their amorphous conclusions from the Central America debate into larger judgments about candidates and the parties. Ultimately, someone wins and someone loses; if it is impossible to say how much the Central America debate counts amidst all the other electoral stimuli, there can be little doubt that it does add to voters' impressions of the parties that are composites of many related stands.

Politicians form judgments of how issues ultimately cut at the ballot box. Since the evidence for their conclusions is typically very soft, sharp disagreements are the rule. An observer can't know who is right, but he can get some sense of things by examining the composition of the contending camps and what they are saying.

Perhaps the most interesting thing about the argument over the electoral impact of the contending partisans' stands on foreign and defense issues is that it is going on almost entirely within one political party—the Democratic party. Republicans like Rudman, Lugar, and House Minority Leader Robert Michel periodically complain that the people aren't sending the signals needed to sustain a firm policy of Contra assistance, but no wing of the party worries that the GOP will suffer electorally from its clear identification with Contra support. More generally, few Republicans think that their Reagan-years approach on defense and national security issues is a net political liability. Among the Democrats, though, a heated debate has gone on since the Vietnam war years and Lyndon Johnson's presidency.

The case for the Democrats' "worried minority" factions was presented recently by former Carter policy advisor Stuart Eizenstat in a New York Times op-ed piece. Liberal or left-of-center parties have been having a hard time recently in a number of major industrial democracies—notably the United States, Britain, and West Germany—Eizenstat argued, in large part "because they were perceived as weak on national security issues. . . While no Democratic presidential hopeful has come close to taking such [comparable to the German Social Democrats or British Labour] a radical stance. . .a decade after Vietnam the party is at risk of being perceived as today's neo-isolationist party—a reversal of role from its internationalist attitude, which dates from the days of Woodrow Wilson."[11]

The core of this argument is simple: (1) A broad change in elite opinion, rooted in principle, has occurred almost simultaneously in a number of liberal or left democratic parties, which (2) has left them straining against their respective countries' nationalisms, because they appear weak on national security issues, which (3) has made them vulnerable electorally. All the elements of this interpretation are hotly contested, of course, and their validity simply cannot be proved or disproved in the normal sense of those terms.

Yet, however hard Eizenstat's argument is to grapple with, it cannot be avoided if the political bottom line on Contra aid is to be assessed. If it is basically wrong, the Democrats are unlikely to have a problem electorally accruing from the Nicaragua controversy. If it is largely right, however, they may well have a Nicaragua problem. The contending claims raised by Contra aid leave many Americans in a state of splendid ambivalence. But if a large swing group in the public has formed a view, however vague, of Democrats as squishy on national security issues, that assessment could draw further nourishment from the party's approach on Central America.

CAMDEN COUNTY CLEARS GROUND AND GARBAGE WITH RECYCLING PLANT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. FLORIO. Mr. Speaker, every day hundreds of thousands of tons of solid waste across the Nation are sent to landfills and incinerators. The tons and tons of refuse that go begging for disposal in the limited number of landfills across the country are now themselves being refused admission to those disposal sites.

To meet the demand for space, several municipalities and jurisdictions are trying to make up for the lack of space for landfills by resorting to innovative methods of disposal.

One of the more successful, innovative programs has been recycling.

Since 1985, Camden County has had in force a law requiring the towns in the country to collect recyclable materials for processing at recycling facilities. The types of materials covered by the recycling programs range from newspaper to aluminum and other metals to used automotive oil.

By recycling these used products, the landfills can reserve much more space for products that could not otherwise be recycled by the county's facilities.

One community in the county, Haddonfield, has reduced its waste output by 45 percent.

The importance of those recycling facilities is borne out by the garbage crisis currently facing the United States. In under 2 years, New Jersey will have used up all the available space for landfills and garbage disposal. And the list of States and communities facing the exact same pressure for disposal sites is growing. Within 10 years, most of the States will not have any space.

One "solution" whose time has not come is that of sending our garbage out to sea. The recent episode of the Mobro garbage barge as it sailed the high seas in search of a place to dump its cargo to be refused a berth at every port of call demonstrates that there is limited space.

Dumping our garbage in the ocean is no solution at all. The shores of New Jersey are witness to what can go wrong when city wastes wash back on the sands of the shore. For much of the season, garbage periodically washed ashore, closing the beaches to summer tourists and the vital tourism that they bring and more importantly, posing a potential threat to the health of the visitors and residents there.

Recycling has been touted as an interim response to the growing garbage problem.

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[9] Survey by NBC News and the Wall Street Journal, April 28-29, 1986. "In thinking about Central America, would you say that the Reagan administration has been supporting the government of Nicaragua, or not?"

[10] The Harris survey was done September 9-14, 1983; that by NBC News September 19-20, 1983.

[11] Stuart Eizenstat, "Will the Democrats Go British Labor's Route?" The New York Times, June 18, 1987, p. A31.

But recycling is not the final remedy to the waste disposal problem. Recycling is only a bandage for the growing garbage problem.

As the country seeks new methods to dispose of its garbage, I urge my colleagues to plan for the future now. Although recycling is only a part of the solution, it is only for the interim. The landfill space in the country is limited and cannot be expanded forever to meet the needs of the growing economy and increasing consumption.

Many municipalities are turning to incinerators as the method of choice for garbage disposal. However, as more incinerators appear across the country, those same municipalities and we in Congress will have to deal seriously with one of the major side effects of incineration, that is the toxic emissions and toxic ash often generated during the process of incineration.

I have introduced legislation, H.R. 2516 and H.R. 2787, addressing the issue of incineration. These bills, requiring the Environmental Protection Agency to set standards for emissions from incinerators and for the treatment as ash generated by incineration, go a long way toward preventing what could become a major health problem.

In the process of incineration, numerous known carcinogens and other toxic chemicals, including lead and PCB's are produced as a byproduct. Whether those byproducts wind up in the ash that must then be disposed of in a suitable landfill facility or they wind up in the air that we breathe, standards are necesssary to keep the air clean and the ground free of toxic chemicals.

As we focus on a well thought out, national response to the growing waste disposal problem, I am including an article from the magazine Waste Age, describing the recycling program that Camden County has had in effect for several years. As the article points out, recycling can be a successful interim measure, but the wastes that we create cannot always be disposed of through recycling.

The article follows:

[From Waste Age Magazine, July 1987]

CAMDEN COUNTY SETS THE RECYCLING PACE: THIS NEW JERSEY COMMUNITY HAS ACHIEVED A HIGH PROFILE FOR ITS EFFORTS—THERE'S GOOD REASON FOR THAT

(By Joe Salimando)

Because of its efforts in the past three years, Camden County, N.J., has become a recycling leader in the waste industry. Camden mandates recycling; and with 17 yard-waste-composting sites, its program is convenient and produces marketable materials.

Camden's recyclers are widely regarded as *the* experts. But developments move so fast in Camden that even John Purves, Camden's solid waste chief since 1983, says he's still learning.

LESSONS LEARNED: NOT IN PAST TENSE YET!

One recent lesson, he says, came from looking over incoming materials at the county's materials recovery facility (MRF, or "murph").

"I have always been a strong advocate of bottle bills, to increase recycling volumes and participation rates," says Purves, a lawyer and a former New Jersey Department of Environmental Protection official.

"But after seeing what we are getting at the materials processing facilty, I have changed 180 degrees. If you look over the containers we are getting in here, you see dog food cans, maynonnaise jars, shampoo bottles, and more. If you sort through this stuff, you'll see peanut butter jars—jars that are washed out by the homeowner!

"Our experience, then, leads me to believe you get a lot more recycled without a bottle bill, provided you do something along the lines of what Camden County has done."

PLANNED LANDFILL CLOSING IS STIMULUS

Camden got into mandatory recycling in 1984 when officials in nearby Gloucester County prematurely decided to close the Kinsley Landfill.

As explained in a January, 1985, Waste Age story, Deptford Township citizens became angry because the landfill received the bulk of its waste from Philadelphia.

When the landfill proposed expanding its site, which could have accommodated all its users for as much as 10 years, Deptford citizens pressured Gloucester County's freeholders to prevent it.

"The Kinsley decision pushed us to move faster in a direction in which the county was already going," says Purves. "In 1983, when I got here, 12 of the 37 municipalities in the county were recycling something, mostly newsprint. We already were the best recycling county in the state."

AN OVERALL PLAN

Knowing that there was no certainty to Kinsley's continued operation, Camden County fashioned a new solid waste management plan. To understand the plan, you must first know that there is an independent authority serving communities near the Town of Pennsauken. The authority has its own landfill and will soon open the doors of its own refuse-to-energy plant.

The county's 480,000 residents, of which the city of Camden holds only 85,000, generate an estimated 450,000 tons/year of refuse. In the future, Pennsauken's 500-tpd refuse-to-energy plant (being built by Ogden Martin Systems) and the county's 1,050-tpd burn facility (with Foster Wheeler as vendor) will handle the bulk of disposal.

Camden County's plans allow for the possible addition of a fourth 350-tpd line and boiler, which was included in the design should the county's waste generation grow. With or without the addition, the plant is scheduled to open in late 1989.

In the interim, there's a lot of refuse to be handled. While the nine Pennsauken area municipalities use their landfills, other cities and towns must truck their refuse to transfer stations. The county-wide average tip fee is $43/ton.

Recycling helps reduce costs for these municipalities in the short run (reducing the volume transferred and trucked) and in the long (it cuts the needed size of the refuse incineration plants).

In addition, Purves points out that recycling helps reduce the amount of refuse-to-energy plant ash that needs to be managed. "The materials we are recycling—the bottles, the cans—are prime producers of ash and residue. They just don't burn well. So if our efforts recycle 20,000 tons per year of this material, we avoid generating perhaps 20,000 tons of ash."

WHAT THE COUNTY DID

Camden County's freeholders passed a law mandating recycling in early 1985. Each municipality had to have a collection program in place by March 1 of that year. In addition, disposal of whole trees, branches, leaves, and tree stumps (grouped as "vegetative waste") was restricted.

Initially, used newspaper, aluminum cans, and scrap metal were the minimum each city and town had to collect. Used oil was included, too. In early 1986, all cans (aluminum, bimetal, and tin) and all glass containers were added to the list. Curbside collection was not mandatory, however, a municipality with buy-back/drop-off centers could meet the requirements.

"Most of our towns do curbside collection, and most pick up recyclables the same day as trash," says Purves. "The vegetative waste rules may not seem as important as those covering aluminum cans and newsprint, but consider in one of our towns, Haddonfield, 20% of the annual waste is leaves and tree branches and the like.

"Haddonfield has actually reduced its waste volume by 45% through recycling and leaf collection. Not every town can do this, of course." Purves says 23 of the 37 municipalities own a leaf machine; the vegetative waste is taken to 16 smaller, locally run composting sites and one large site owned and operated by a private company (but designated as a countywide facility for towns unable to implement their own sites).

As described by Purves, the spread of recycling in Camden's municipalities was rapid. "I live in the county, and I've seen it. As a curbside program begins, you may have only one or two people on a block of maybe 16 families set out their recyclables. Over a period of time, thanks to publicity, you reach a critical mass: when you get eight or nine homeowners to put stuff on the curb, suddenly, it becomes embarrassing to *not* recycle.

"So you move quickly from eight or nine to all 16 putting out recyclables."

Camden's law did not deal with commercial recycling. "One reason is that the commercial sector, the generators and the private hauling companies that serve them, has always recycled," says Purves. "We are fortunate in that there are good markets here for recyclables, so perhaps that's why the commercial waste hauling companies have always done it.

"Why tinker with something that's been working for, maybe, decades?"

WHERE THE RECYCLABLES GO

Each municipality's recycling trucks dump at the county's 6,000-square-foot MRF, located on the site of a scrap metal yard owned by Giordano Scrap Metal. The MRF also serves communities in Burlington and Gloucester Counties.

THe MRF itself is the second such unit designed by Resource Recovery Systems (Groton, Conn.,); the first serves municipalities in the Groton area. A Giordano-RRS joint venture, called Giordano Resource Recovery, operates the plant and markets materials on a five-year contract which began when the plant opened in the spring of 1986.

From 50 to 60 tpd of bottles and cans are processed by the facility; as many as 35 trucks (which drop off newspaper at other locations) arrive and tip daily. RRS says the plant's single-shift capacity is about 80 tpd.

"We will turn a profit this year," says Purves. Profits are split 50/50 between the county and the cities and towns, who are paid based on what percentage of plant volume they brought in.

RRS has been working on developing such a facility since the mid-Seventies, says Peter Karter, company president. As a result, much of the plant's work is done by machines designed by RRS. People (11 are employed at the plant) play an important role in sorting recyclables. Carter says this is especially true for enhanced glass recovery by color; the human eye still can outperform optical sorting technology, he notes.

THE PLANT'S PROCESS

Bottles and cans are fed together onto an incline conveyor belt. A picker at the in-feed point pulls any stray materials out of the stream which the plant does not process—including plastic bottles, aluminum pie plates, and even pots and pans!

At the top of the conveyor, an automatic air blower removes lighter-weight aluminum cans. Magnets hold steel and bimetal cans on the belt.

Glass items are color-sorted by the pickers into clear, brown, or green hoppers. The glass is shattered, with non-glass items (the caps and labels, primarily) removed in RRS-designed processing machinery.

To get contaminants out of the cans, they are tumbled and rolled in a variety of RRS-designed machinery, some of which is roughly 50% effective in removing labels from the metal containers. After being thoroughly tumbled, cleaned, and processed, the metal cans are run on a coveyor by a group of pickers, who sort out and remove all bimetal beverage cans.

Tin-plate food cans are swept from the conveyor into a Cutler shredder, which cuts them into 1.5-inch by 1.5-in pieces. The plant may soon add briquetting machines to process bimetal cans.

Aluminum cans are also run by a picker, who removes non-aluminum items; the air blower also blows paper, plastics, and other items into this flow. Cans are then run by a magnet to pick off steel and bimetal items. From here, it's a short way to the can flattener/blower, which feeds crushed cans into a trailer.

COLLECTION AND MARKETING ADVANTAGES

After going through the RRS-designed processes, end products are clear glass, green glass, brown glass, aluminum, bimetal cans, and tin. The facility's show-place nature can be seen in that Vulcan Metals has donated the Cutler shredder and in that the aluminum can flattener/blower was contributed by Reynolds Aluminum.

"The thing we liked about Peter Karter's process," says Purves, "is that it is so market-oriented. You don't have to separate the clear glass from the mixed, but then again, you get a higher price if you do.

"With what is done at the MRF, we get higher prices for all of our recyclables. We were getting $700/ton for aluminum, for instance, when the going price was about $20 or $40 less. The reason is the high quality of the end products.

"Another advantage having a plant that can process mixed recyclables is that it is easier for municipalities to participate. They don't have to mandate source-separation of everything; people can tie their newspapers in bundles and put all of their cans, bottles, and pie plates in one container. Obviously collection is also simpler this way."

CAN THIS SUCCESS BE REPLICATED?

Purves is somewhat hesitant to recommend Camden's approach as a cookie-cutter for communities elsewhere. For one thing, the plant was subsidized by a $200,000 state grant. The use of an existing scrap facility was another advantage.

The bottom line: the county spent little more than $400,000 of its own money ($650,000 all told) to bring on-line a facility that ordinarily might have cost as much as $1 million. This certainly helps in return-on-investment analyses.

State grants to municipalities for annual recycling tonnages are another incentive New Jersey offers that most other states do not. These "rebates" can be quite significant to small municipalities, stimulating them to do more than the minimum in complying with the county (and now state) mandatory recycling law.

Purves cites two other advantages: Camden is the home of or close to a number of markets for its recyclables; and because the county's program is well-developed, it is tied into its markets in a way that Johnny-Come-Lately recycling counties and towns are probably not going to be able to duplicate.

WHAT CAN BE LEARNED FROM CAMDEN

On the other hand, Purves says there are other lessons to be learned. One is to "make it so easy for a citizen to recycle that he or she has no excuse not to." This is easier to accomplish with the blend-it-all-together approach that the county's municipalities can use thanks to the MRF's capabilities.

Another lesson is that even with the great effort put forth in Camden, overwhelming percentages of waste are still going to landfills. If the plant's full capacity of 20,000 tons per year of bottles and cans are pulled from the waste stream with about twice the tonnage of newspaper, Camden County will have recycled just over 100,000 of its 400,000 tons per year. Even granting that every county community is as successful in picking up leaves as in Haddonfield, the recycling level still is stuck below 30%.

"Recycling is just one component of our plan," says Purves. "It's very important, but if you analyze it, we're putting in place 1,550 tons—maybe even 1,900 tons—of daily incineration capacity here."

FUTURE MARKETING PROBLEMS

Development of markets for recyclables, by cities and towns and by individual states, is a must, Purves says.

Despite Camden's high-quality output and early presence in recycling markets, the county has already seen prices weaken because of additional recycling in its state: "If we had not done that early market development work, we never could have developed a comprehensive county-wide program. There would not have been a place to put the stuff, and we could not have made the profit-sharing plan as attractive to the municipalities," Purves says.

"If every town in New Jersey comes in behind us, there could be a permanent glut".

If that happens, Camden County can look in the mirror for a good part of the blame. One cannot help but note that New Jersey's recently enacted mandatory recycling law (see June, 1987 Waste Age, page 59) is similar to Camden's and mandates a collection system not unlike that existing in the county, down to the law's ban on landfilling of vegetative waste.

State legislators and DEP officials were quoted in the Jersey print media saying that writers of the law looked to Camden's blueprint before putting pen to paper.

THE 40TH ANNIVERSARY OF RESPIRATORY CARE PROFESSION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. MURTHA. Mr. Speaker, it is my pleasure to recognize the efforts of the Respiratory Care Practitioners who are noting a 40th anniversary of the profession, and to note the efforts of the Student Respiratory Care Society at the University of Pittsburgh at Johnstown who are planning a very active week of education from October 4 to 10.

Respiratory therapists work to provide vital care and education to millions of Americans. These individuals are in the front lines of the battle against cardiopulmonary disorders through diagnosis, treatment, and rehabilitation.

There has been a continuing increase in chronic respiratory conditions, and we are still fighting the medical battle against diseases such as emphysema, asthma, sinusitis, pneumoconiosis, pleurisy, allergies, and other health care complications. Health education and rehabilitation can be a key element in reducing individual and national health care costs that total some $100 billion—including lost productivity—in heart disease and stroke and $50 billion in respiratory diseases.

We have made tremendous health progress. At the turn of the century major causes of death included tuberculosis, influenza, and pneumonia. As late as 1870 an English study concluded that the death rate from surgery was higher in the hospital than in the home. We obviously have a great deal more to do, however, and to implement much of what we have learned about the cause and treatment of disease. The educational effort surrounding Respiratory Care Week marks a key part of our continuing medical effort and I extend my best wishes for the activities of the UPJ Respiratory Care Society.

THE ADMINISTRATION IS IN THE OZONE AGAIN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. STARK. Mr. Speaker, the Reagan administration is once again attempting to deflate the international negotiations to protect the Earth's atmosphere. The latest effort comes from the Environmental Protection Agency wanting to increase the number of nations needed to ratify the pending treaty.

But what is startling is the EPA testimony in a Ways and Means hearing on acid rain last Wednesday morning. John Campbell, Acting Assistant Administrator for EPA, publicly acknowledged that extensive crop damage occurs in the United States because of a breakdown of atmospheric ozone, not acid rain.

We have, Mr. Speaker, an EPA official outlining the scope of the problem caused by CFC's while in Canada another EPA official is working against a solution. What kind of policy pollution is this?

Scientific evidence continues to mount on the devastating effects chlorofluorocarbons or CFC's have on the Earth's ozone layer. In fact, the evidence is so strong, 31 nations are meeting in hopes of coming to an agreement to limit, indeed reduce, the production of the chemicals.

It is time for the Reagan administration to treat the ozone problem with the seriousness it deserves. CFC's have the potential to do devastating damage to the Earth. Blatantly silly solutions such as the wearing of hats and sunglasses, previously offered by Interior Secretary Donald Hodel, are purposeless. But now we have something far worse occurring. EPA has recognized the ozone problem but is impeding a solution.

I have introduced legislation to phase in an excise tax which would price CFC's out of existence. Administration foot-dragging on CFC's emphasizes the need for a dependable, long-range answer that encourages alternatives. My bill, H.R. 2854, provides that answer.

TRIBUTE TO MARTY DEJAGER

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. COELHO. Mr. Speaker, I am pleased to call to the attention of my colleagues in the House the story about one of my constituents, Mr. Marty DeJager, an enterprising farm operator from Merced, CA. Seven years ago Mr. DeJager was critically paralyzed from a tractor accident which sidelined him from performing his services. With the support and guidance of his family and friends, Mr. DeJager motivated himself to not only working again, but breaking records for production of corn silage. Truly he has learned to master his disability and lead a successful life.

Mr. Speaker, I commend Marty DeJager and his family for showing how one can surpass the obstacles presented to us and find happiness and fulfillment and I would like to share his story with you as follows:

TRACTOR ACCIDENT DIDN'T SIDELINE DEJAGER—NEVER SAY DIE

[By Dan Campbell]

EL NIDO.—A tractor accident in 1980 robbed Marty DeJager of the ability to walk, but not of the ability to run a 1,700-acre farm.

Although, wheelchair-bound, DeJager has refused to be sidelined by his injury.

In the last six years he's put 215,000 miles on the specially modified van he uses to make rounds of the farm, where he grows feed crops for the two dairies his brothers operate near El Nido. The van has an electric lift which enables him to board and exit the vehicle unassisted.

As farm manager, DeJager supervises crop planting, irrigation, harvesting, commodity hauling and equipment maintenance. He also does office work, including payroll, bills and related bookkeeping.

That would be challenge enough for most farmers with two good legs. But DeJager soon will be taking on even more responsibility when the farm expands by an additional 1,600 acres this fall.

Dejager credits the love and support he received from his family during his convalescence for giving him the will to fight back following the accident. Family members say he simply refused to give up.

"Marty's a remarkable man. There's no quit in him," said Charlie Cooper, DeJager farm foreman.

The accident occurred about 5:30 in the morning seven years ago when DeJager was working alone, scooping silage out of a storage pit. As he dug silage out, it created an overhang.

There was no roll bar over the drivers' seat to deflect the blow when the overhang broke lose and 30 tons of silage came crashing down on his head. The force broke his neck.

DeJager said he remembers drifting in and out of consciousness for the 90 minutes or so before help arrived. Silage was piled up all around him, and he couldn't move his foot to ease up on the throttle.

He was afraid the heat from the tractor would ignite the silage.

When the farm crew arrived at 7 a.m., one worker noticed exhaust from the tractor shooting straight up from the silage pit and went to investigate.

Paramedics rushed him to a hospital in Merced, where he was placed in traction and flown by helicopter to Santa Clara.

DeJager (pronounced DeYager) spent the next 5½ months there in a special hospital for people with spinal injuries.

"I didn't really know what to think at first. They tell you this and that, but you just have to sort it all out for yourself," DeJager said.

"My wife and family stuck by me the whole time, which made dealing with it a lot easier. Some of the other patients there were virtually deserted by their families—those were the ones that seemed to lose their will."

Knowing he would have some sort of job on the farm waiting for him when he returned home also took some of the pressure off, DeJager said.

His wife Carolyn was with him each day from 9 a.m. to 9 p.m., reading and talking with him or learning the physical therapy he would require at home.

"There were a lot of exercises I had to help him with," Carolyn said.

"It was a trying time for all of us, but we helped each other out," she said.

"The first six months after I returned home was pretty tough—there was so much I couldn't do for myself," DeJager said.

But he gradually learned to cope with the handicap, and with the acquisition of his special van found he could still play an active part in running the farm.

"It still can be frustrating sometimes when I go out to check on something and find water flooding or a cow stuck and no one around to help. At those times you still wonder if you're a burden. But then you do something else and the feeling passes," he said.

The towering, 16-foot-high corn plants and other thriving feed crops which he raises are ample evidence that even in a wheelchair, DeJager still can farm with the best of them.

"It's really not that hard," DeJager said when asked about the plaques on his wall awarded in recognition of crop production records he has set.

One award salutes has production of 45.6 tons of corn silage per acre, nearly double the county average. He averages 31.1 tons of corn per acre, about a third better than the county average.

"The secret is in how you work the land and a lot of good, smelly manure water from the dairy," he said.

DeJager's upbringing dictates a lifestyle which leaves no time for self-pity.

"My dad taught us to keep our nose to the grindstone and to watch every dollar. Even now if he's walking around and finds hay laying about he'll tell us to pick it up and use it."

To help track every dollar, each of the four DeJager dairies and the farming operation are run as separate businesses. That helps pinpoint which areas are holding their end up and which aren't, DeJager said.

DeJager said his father, Ed DeJager, still is "commander and chief" of the growing dairy empire they are building in Merced and Madera counties. They are milking nearly 5,000 cows on four dairies.

Marty and his brother, Mike, are partners with their father in DeJager North Dairy on Ivy Avenue east of El Nido. Mike supervises the 1,600-Holstein dairy, while Marty looks after the crops.

Another brother, Art, runs the 900-cow Vista Verde Dairy on nearby Bliss Road, while brother Rocky runs a 1,500-cow dairy they recently purchased south of Madera.

Their father still lives in Southern California, where the family has a 1,500-cow dairy near Corona.

DeJager's grandfather was a dairyman from Holland who moved to California and pursued dairy farming in an area which became one of the most heavily concentrated dairy regions in the world.

But urban sprawl in Southern California is forcing many farmers off their land, so in 1978 they purchased land for a heifer raising operation in Merced County.

"Dad also looked at land around Oakdale, which was too hilly, and around Visalia, but land there was much more expensive," he said.

They have gradually been expanding the operation here ever since.

The DeJagers are still bullish on the dairy business.

The recent decision to buy an existing dairy in Madera County came as a result of creameries asking for more milk. DeJager said. The need was created by drops in production caused by the dairy buyout program.

"I think the dairy business is going to get tighter and tighter. But those who manage the most efficiently will succeed," he said. "The ones who watch at the little odds and ends will stay ahead."

OVERUSE OF GROUND WATER THREATENS SUPPLY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. MILLER of California. Mr. Speaker, this past spring I introduced H.R. 2320, the Reclamation States Ground Water Protection and Management Act.

A key purpose of this bill is to encourage the 17 Western States, which are current recipients of water project money from the Bureau of Reclamation, to develop ground water protection and management plans. Few

States in the Nation have comprehensive plans in place; yet most States need such plans.

In States such as California, the long term availability of reliable good quality supplies of ground water is essential for the continued livelihood of the State. This is true elsewhere, too. Unfortunately, we too often treat ground water as though it is an inexhaustible resource—allowing it to become polluted or depleting it at rates faster than it can replenish itself. And, all the while we are using—and abusing—ground water at astonishing rates, we are experiencing greater and greater demands for water—from our rapidly growing population, agriculture, increasing tourism, and the like.

If properly managed and conserved, there should be sufficient water in the West to meet our needs and provide for our future growth. If we don't manage and protect our water supplies, I think we can look forward to some major crises ahead. And, the solutions we will have to apply when those crises hit are likely to be far more painful, more dislocating, than anything we do now to plan for our future water needs.

A recent article in Forbes described the problems addressed by H.R. 2320. Palm Springs, a desert community, has taken water consumption to new heights. It is already pumping more ground water than can be replenished, and looking at expensive solutions to meeting its even greater future water demands. Yet, all the while, it is permitting unnecessary and enormously consumptive water uses.

Palm Springs is but one fairly conspicuous example of wasteful water practices. It is my hope that with growing awareness of the limited nature of ground water supplies—and with the incentive that H.R. 2320 provides—States will develop comprehensive ground water plans that will ensure that ground water is protected and managed to serve future generations as well as the present.

A copy of the recent Forbes article follows:

[From Forbes Magazine, Aug. 10, 1987]

DRINK AND BE MERRY

(By Ellen Paris)

Marriott's newest desert resort is the 891-room Desert Springs Resort & Spa near Palm Springs, Calif. Here the big attraction is 23 acres of sparkling lakes, one part of which flows into the eight-story atrium lobby. Take a small boat and you glide along the lake to dinner at the Mikado, the resort's Japanese restaurant.

Some 250 thirsty miles to the east squats the Phoenician (scheduled to open in September 1988), a $250 million, 650-room luxury resort on the Phoenix-Scottsdale border. Here, too, there's a large golf course lake.

This lavish use of water irks many people in the arid and water-short Southwest. There have been water warnings in the West for years, but development has proceeded almost unchecked. In communities like Tucson, Los Angeles and San Diego, people build and ignore the word that their wells are running dry.

"Palm Springs is a desert. It should be landscaped like one, not like downtown Seattle," says Robert Bertrand, chairman of the Palm Springs Water Task Force. Last year the underground basin (called an aquifer) that is Palm Springs' main source of water lost more than 27,000 acre-feet of water (one acre-foot is about 325,900 gallons). That is, the town pumped out about 8.8 billion gallons more than got put back.

Did anyone do anything? Not that you'd notice. In May Indian Wells, 15 dusty miles east of Palm Springs, gave its blessing to plans to build an $800 million resort filled with, you guessed it, an 80-acre lake. No problem, says the Coachella Valley Water District (one of two agencies that supply the area's water). Man-made lakes don't really use much water since they constantly recirculate the water that sits in them. This is a questionable statement in an area where evaporation rates hit an estimated ½ to 1 inch per day during the summer, when temperatures can reach almost 120 degrees, and where the area's nearly 60 golf courses guzzle the wet stuff like desert wanderers. Says Evans Slater, another Palm Springs Task Force member, "We tell people we need more water, and they build more lakes."

Arizona's annual renewable water supply of 2.8 million acre-feet is well below the state's consumption rate of 5.3 million acre-feet. The extra 2.5 million acre-feet come from the aquifer. A concerned legislature passed something called the Arizona Groundwater Management Act in 1980. By 2025, the act dictated, the amount of water withdrawn from the ground could not exceed the rate of replenishment: If 20 gallons were taken out, 20 gallons had to be put back.

But 2025 is a long way off. The state's water-thirsty builders are counting on the Central Arizona Project to bail them out of the law's tough replacement requirements. The project, now about 70% completed, is planned as a 335-mile-long network of open canals, siphons, pumping plants and tunnels, which will deliver 1.5 million acre-feet of water a year from the Colorado River by 1992. But that will not be enough to satisfy population growth unless some water-saving measures also are established. By the year 2000 Phoenix's population is expected to grow from 988,100 to 1.4 million. Water demand is expected to increase some 44%.

And once Arizona begins guzzling its full allotted share from the Colorado River, Palm Springs and its neighbors will be even worse off. Currently California is allowed to siphon more than its share (the shares are parceled out by an interstate agreement) from the Colorado because Arizona and other western states have not finished building their new diversion systems. When Arizona and the other states are finished, California will have to cut back its take by around 1 million acre-feet per year. How will it make up the difference? Good question.

Consider Palm Springs' problem. At existing rates of consumption, the vast aquifer feeding this community has enough water to begin the next century. Longer term the outlook is grim. California is in the first year of a drought, and the state's Metropolitan Water District, a wholesaler (which sells water to 27 southern California water districts, including Palm Springs, through an exchange agreement), stopped piping water to the Springs in April.

"Palm Springs is doing okay now, but it will need to obtain additional water by the year 2000 because demand will keep exceeding the supply," says Carlos Madrid of the California Department of Water Resources. The turn of the century, remember, is a quick 13 years away.

"The situation will be stable until 2000 because of the Central Arizona Project and the conservation methods imposed by the Arizona Groundwater Management Act," says Charles White of Phoeniz' Water & Wastewater Development. "But these things won't cure the problem. We will still need to be looking for other sources of water," he adds. Late last year the city spent $36 million for 14,000 acres of agricultural land for its water rights alone. Phoenix is also considering cloud-seeding.

Back to Palm Springs and the recently completed 21-acre Oasis Water Resort, a collection of water slides, swimming pools, fountains, even a pool that creates waves for surfing. Oasis Water Park is smack next door to the Desert Water Agency.

RESOLUTION ON HISPANIC EMPLOYMENT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. MARTINEZ. Mr. Speaker, today I and 16 cosponsors are introducing a house resolution on Hispanic employment. This resolution reaffirms Congress' commitment to ensure Hispanics and other groups and races an equal opportunity to participate in this country.

Hispanic Americans have made a valuable contribution to the growth and progress of this country. In fact, by the year 2000 it is estimated that Hispanics will be the largest minority group in the United States. This growth of Hispanic workers requires that we assess what employment opportunities they will have in future years.

Today, many Hispanics do not have the education needed to join mainstream society. A disproportionate number of Hispanic adults and youth are unemployed while many of those that are employed are occupationally segregated in the lowest paying jobs. Hispanic men earn only 71 cents and Hispanic women only 54 cents to every dollar earned by white males. Much of this has been attributed to the fact that more than 50 percent of all Hispanic adults in the United States are functionally illiterate and as a group lag behind all other groups in the number of years of school completed. This problem reaffirms the need for educational assistance and the opportunity for equal employment for all Americans.

I urge my colleagues to join me in cosponsoring this resolution bringing attention to this problem. For the benefit of my colleagues, I ask that the context of the resolution be included in the RECORD.

The text of the resolution follows:

H. RES. 261

Whereas the Hispanic community is a growing and thriving community that makes an enormous financial, cultural, political, and employment contribution to our Nation;

Whereas by the year 2000, Hispanics will be the largest minority group in the United States;

Whereas 11 percent of Hispanic adults and 25 percent of Hispanic youths are unemployed;

Whereas Hispanics are occupationally segregated in the lowest-paying jobs;

Whereas participation in the labor force is lower and the unemployment rate is higher for Hispanics than for non-Hispanics;

Whereas more than 50 percent of all Hispanic adults are functionally illiterate;

Whereas Hispanics as a group lag behind all other groups in the number of years of school completed;

Whereas 22 percent of Hispanic women workers have completed 8 years or less of school;

Whereas Hispanic men earn only 71 cents for every dollar earned by white males and Hispanic women earn only 54 cents;

Whereas 72 percent of Hispanic female-headed households live in poverty; and

Whereas there has been a rapid growth in the number of Hispanics living in the United States, and many of the newer arrivals do not have the education needed for success in the labor market success: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) it is not acceptable for one group to be at a greater disadvantage than others as they pursue the goals common to all families, which are to be educated and economically secure;

(2) Hispanic educational and employment opportunities should be improved through the combined efforts of public and private sector programs and assistance, targeted at helping Hispanics become proficient in the English language so they may participate in our mainstream economy; and

(3) Federal, State and local governments must make affirmative efforts towards hiring, recruiting, training, promoting, and rewarding more Hispanic workers.

NATO HAS NOTHING TO FEAR BUT TALKING ITSELF

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. MINETA. Mr. Speaker, Robert A. Levine, a former Deputy Director of the Congressional Budget Office, has written an invaluable article on the North Atlantic Treaty Organization. Mr. Levine, who has done research on national security and domestic policy as a RAND Corp. consultant, had this article published by the Los Angeles Times on August 2, 1987. It is my pleasure to bring this considered and insightful analysis to the attention of my colleagues.

[From the Los Angeles Times, Aug. 2, 1987]

NATO Has Nothing to Fear but Talking Itself

(By Robert A. Levine)

SANTA MONICA.—NATO—the North Atlantic Treaty Organization—is not crumbling under the weight of divergent interests among member nations, economic problems, wily Soviet manipulations or any other objective pressures. But half-informed alarmist talk, resonating back and forth across the Atlantic, may yet crack it.

The alliance could talk itself into impotence, as some Americans exaggerate the fears of some Europeans who have overestimated the policy-making relevance of some other Americans, and as recent arms-control steps, whether good or bad, take on more symbolic than military importance.

At the beginning of a recent stay in Europe devoted to the examination of such NATO issues, I arrived with the belief that while the Alliance was, as always, changing, it remained fundamentally sound. The basic structure and the American commitment—both our contribution to the conventional shield and our umbrella of nuclear deterrence—seemed, from the U.S. side of the ocean, firmly in place.

My first 10 days in France, however, were traumatic. Most authoritative French experts in and out of government, believed that the United States was well on its way to abandoning the European security structure. Leaving Western Europe to face the hordes of the Warsaw Pact on its own. In part, as one European put it, "Some of the French are now catching up to De Gaulle's rhetoric of 25 years ago"; in part, the upsets stemming from the flimsy American proposals and procedures at Reykjavik the previous November were still churning French stomachs.

All this has been exacerbated by an article from the publisher of the influential weekly L'Express, with the exotic name of Sir Jimmy Goldsmith (his father was an Englishman). Goldsmith had listened to the views of a small right-wing Washington/New York clique that thinks U.S. contributions to a rich and insufficiently anti-Soviet Europe are interfering with our worldwide anti-communist mission. He put these views together with some other Washington jottings and came up with an alarmist analysis of where the United States was going—out of the alliance. Europe had to prepare its own defenses on its own.

The American exit had not been visible to me at home but if representative Europeans believed we were leaving, then the Alliance could crumble as their nations acted on these beliefs. Fortunately for my own balance, after the 10th day I began to travel to other parts of Europe and discovered that the French were not particularly representative of NATO. Officials and analysts in Britain and in the smaller member nations were much more relaxed: Of course the alliance is changing, but it has been for 35 years; the European members will and should do more for themselves, but not because America is walking out. German views spread all across the range—from French tension to British ease—but no Germans took very seriously French words, unbacked by actions, to tie the two nations' military forces together.

The trouble is that some influential American writers and ex-officials have been hearing only the French and those Germans who share their fears. Fearing in turn that these partial European views would erode the alliance from the European side, these Americans have been sending their alarms back across the Atlantic for Europeans to take as new evidence of American defection. And the echoes go back and forth.

All of this had been made much worse by the memory of President Reagan's radical Reykjavik proposals, arrived at minus consultation with our allies. Almost all Europeans considered that performance as one more piece of evidence of erratic U.S. decision-making—not unlike President Jimmy Carter's indecision on the neutron bomb or Reagan's sudden Strategic Defense Initiative proposal, his Libyan raid, his Iran-Contra confusions.

Then came the double-zero agreement on INF (Intermediate-range Nuclear Forces). One zero did away with long-range intermediate forces—missiles having a range of more than 600 miles—the other with short-range INF missiles between 300 and 600 miles. Double-zero, forced on reluctant conservative European governments, seemed to the European alarmists and their American counterparts on the other end of the echo chamber to confirm the worst—the U.S. nuclear umbrella was being folded up.

In fact, a good case can be made that double-zero does little to change the military balance in Europe. Britons of all political views found it easy to accept; German Foreign Minister Hans-Dietrich Genscher, a liberal in German terms, endorsed it quickly; French Socialist President Francois Mitterrand, in contrast to conservative Premiere Jacques Chirac, was unruffled. As one Frenchman, more relaxed than most of his countrymen, assessed the more controversial half, the zeroing out of the shorter-range nuclear force: "Can we really object to an agreement where the Soviets destroy hundreds of missiles and we give up nothing?"

In any case, for better or worse, zero-zero seems on the verge of acceptance. The next fear of the French and those who take a similar position is that the two zeros are the first steps down the "slippery slope" to complete denuclearization of Europe, leaving the West at the mercy of overwhelming Eastern conventional military power. Looked at now, from the standpoint of U.S. political reality, zero-zero, far from starting an accelerating downward slide, is likely to be temporarily terminal so far as arms control is concerned. Once Reagan has his arms agreement, his Washington summit to sign it—and his place in history—we will be in the election year of 1988. While arms-control negotiations will continue, nothing is likely to be agreed; 1989 will be the year for the new Administration to figure out where it stands, and by 1990, negotiations may get serious again.

Those two years should be used not to panic about a breaking up of the alliance, but for members to figure out, publicly and privately, what they really want next. In the United States, the portents look good. Most candidates from both parties have good enough political judgment (and good enough advisers) to make it likely that the next resident of the White House will reverse the erratic international image of U.S. decision-making. Congress, whatever else it has done, has reiterated its commitment to NATO. The House of Representatives has recently endorsed a resolution to maintain current troop levels. Sen. Sam Nunn (D-Ga.), the acknowledged leader of the Senate majority in this field, has made clear a continued belief in NATO notwithstanding his attempts to push the Europeans toward greater contributions.

What might change this picture of imminent short-run stability providing time to build a stronger long-run posture? Three things. The first is economics: Trade warfare between America and Western Europe or a general collapse—among developed as well as less-developed economies—could lead us into unpredictable chaos. This too can be avoided, but that's another subject.

The second is the Soviets: If NATO remains sober, Gorbachev probably cannot manipulate the alliance into self-destruction, but, paradoxically, evidence of Gorbachev "sincerity" going beyond manipulation is something we are not well-prepared for. On the other hand, should the Soviets again turn patently hostile toward the West—as is certainly possible, with or without Gorbachev—we are used to handling it.

The third possiblity is the most insidious. Since we are still a long way from re-creat-

ing East-West relations on the model of those between the U.S. and Canada, or even between France and Germany, the alliance is what has preserved the peace in Europe for an unprecedented four decades. It must remain cohesive. That is why the mutual exaggeration of transatlantic fears, the third challenge, is so dangerous.

FLORIO HONORS SAM PLUMERI, JR.

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding individual from Mercer County, NJ, Sam Plumeri, Jr.

I have had the pleasure of knowing Sam Plumeri, Jr., for many years, and in that time he has always impressed me as a man of honor and distinction. Long active in civic and political causes, and from a family well known for its civic involvement, Sam is particularly proud of his work with the Trenton Lions Club.

The Trenton Lions Club, the oldest active Lions club in the State of New Jersey, has participated in many civic, charitable and youth projects to assist the Trenton, NJ, community. By all accounts, Sam Plumeri, Jr., has become a leading participant in that organization in a very brief period of time.

A member since 1985, Sam served as the fundraising committee chairman of the Trenton club for the past 2 years, and currently holds the honored position of first vice president. In addition, Sam has been the recipient of numerous achievement and appreciation awards for his exemplary service.

Mr. Speaker, it is easy to see why I am proud to consider Sam Plumeri, Jr., a good friend. On Sunday, September 20, I will be pleased to join with Sam's many friends and Lions club colleagues in honoring him for his dedication and service to the community. I am certain that my colleagues in the House would join me in congratulating Sam on this well-deserved tribute.

THE 50TH ANNIVERSARY OF THE WESTMORELAND-FAYETTE COUNCIL, BOY SCOUTS OF AMERICA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. MURTHA. Mr. Speaker, I am very pleased to recognize the open house being held on Sunday, September 27, to recognize the 50th anniversary of the Westmoreland-Fayette Council of the Boy Scouts of America.

I rose to the rank of Eagle Scout myself, and my entire family has been involved in Scouting activities. At a time when America is focusing on the American family and how to keep it strong, it is important to note that the Boy Scouts of America have been successfully working on that mission in our communities for many years.

It is always interesting to me how many Members of Congress have been part of the Scouting community. I think it is yet another indication of the important foundation that Scouting activities can lay for future leadership and community participation.

While we sometimes read and hear of concerns about the future of America or the preparation of America's future leaders, I will have little concern as long as Scouting remains a strong factor in American life. That marks another reason why I am so pleased to recognize the 50th anniversary of the Westmoreland-Fayette Council of the Boy Scouts, and to wish its leaders and members continued success.

RESPONSE TO CRITICS OF MEDICARE CATASTROPHIC BILL

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. STARK. Mr. Speaker, Medicare is one of the true great success stories. Today, nearly all older Americans have access to health care because of Medicare coverage. Yet, too many of the elderly still live in fear of financial bankruptcy if they have a serious illness requiring hospitalization and therefore buy health insurance to supplement their Medicare coverage.

The House of Representatives recently passed the Medicare Catastrophic Protection Act of 1987 to eliminate this fear and reduce if not end the need for Medicare supplemental insurance coverage.

Most would agree that our bill which covers all hospital costs after a first day hospital deductible and limits out-of-pocket costs for physician and prescription drug expenses, is a long overdue addition to the Medicare Program.

The controversy arises over how to finance these extremely important improvements to Medicare. President Reagan and others have suggested that the financing of the House bill unfairly falls on middle-income elderly and those who cannot afford the additional supplemental premium.

This simply is not true.

The President would have you believe that elderly persons with real incomes of as little as $6,000 would pay a supplemental premium and those with incomes of as low as $14,000 would pay the maximum supplemental premium.

He's wrong. In fact, the House bill in 1988 will require only those single elderly and disabled taxpayers with total income of $25,000 or couples with total incomes of more than $40,000 to pay the maximum supplemental premium. These figures come from the nonpartisan Joint Committee on Taxation, with responsibility for estimating revenue measures for the House and Senate.

In short, only those elderly with substantial income who can afford to pay an additional premium will pay the maximum supplemental premium of $580 in 1988. These people represent 16 percent of Medicare beneficiaries.

The President and others have confused adjusted gross income with total income. Total income includes Social Security benefits which are not included in the calculation of adjusted gross income until an individual has other income exceeding $25,000 or $32,000 for a couple. Also real income includes other nontaxable income which is not included in the calculation of adjusted gross income.

For example in 1988, a single Medicare enrollee with $12,684 of total income may have only $3,359 of adjusted gross income. This individual would pay no supplemental premium. Another individual Medicare enrollee with $18,077 in total income may have $7,992 of adjusted gross income and pay a supplemental premium of $130.

For a couple where both are Medicare enrollees a total income of $18,293 and adjusted gross income of $5,618 would result in no assessment of a supplemental premium. Even a Medicare couple with $25,843 in total income and $10,477 in adjusted gross income would pay no supplemental premium. On the other hand, a Medicare couple with total income of $39,167 and adjusted gross income of $22,541 would pay a combined supplemental premium of $730. Only Medicare couples with more than $40,000 in total income and adjusted gross incomes of over $28,000 would pay the maximum supplemental premium of $580.

In total, 40 percent of the elderly and disabled will pay a supplemental premium. The other 60 percent of the elderly and disabled will be exempted from paying a supplemental premium because they have relatively low incomes.

President Reagan and other critics have also failed to point out that any additional supplemental premium payment could easily be reduced or eliminated by the saving gained by dropping unnecessary MediGap coverage.

On average the 40 percent of senior citizens who will pay a supplemental premium are currently also spending on average $45 a month or $550 a year on MediGap insurance. Because the value of the House's catastrophic benefits are estimated by the Congressional Budget Office [CBO] to be worth $276 in 1989 or $23 a month, the elderly should be able to reduce the cost of their MediGap coveage by at least $276 in 1989 and $408 in 1992. These are very conservative estimates, so that some Medicare enrollees will be able to gain even greater reductions in their MediGap premiums while others could seriously consider entirely dropping their MediGap insurance.

Some of those who criticize the progressive financing contained in the House bill, would prefer a flat premium increase paid equally by all Medicare beneficiaries. The House rejected this method of financing because 3.6 million—12 percent—Medicare enrollees have incomes below the poverty level and almost 50 percent of enrollees have incomes below $10,000. In short, a flat premium would have shifted the cost of the catastrophic benefits onto the backs of those least able to afford an additional premium.

The House bill, instead, provides real protection for the elderly with incomes below the Federal poverty level by requiring State Medicaid programs to pay all Medicare premiums, deductibles, and cost sharing requirements. On the other hand, President Reagan's catastrophic proposal would have required those below the poverty level who are not Medicaid eligible to pay $380 a year out-of-pocket just for premiums. Put another way, they would have had to pay almost 10 percent of their income for premiums and another $2,000 for Medicare cost sharing in 1988.

Another approach to reduce additional Medicare premiums would simply be to cut back on the benefits contained in the House bill. This would reduce the cost of the legislation and thereby reduce the premiums required to finance the additional benefits.

We should strongly reject this option because Medicare enrollees will still be faced with these additional costs out of their own pockets and they will come when enrollees are the sickest and most in need of financial assistance.

President Reagan has also asserted that the House bill will threaten the solvency of the Medicare hospital insurance [HI] trust fund and will in the year 2005 create a $20 billion shortfall. In truth, the House bill is financed in a sound manner and does not jeopardize the solvency of the HI trust fund. In fact, instead of depleting the HI trust fund, the Congressional Budget Office [CBO] estimates that the House bill will actually improve the solvency of the trust fund by $9.5 billion. This has been accomplished by making the home health benefit a part B benefit instead of a part A benefit. As a result, only a very small portion of the reimbursement for home health will be paid out of the part A hospital insurance trust fund.

Further, the catastrophic program as a whole is designed so that Medicare beneficiaries finance 100 percent of the benefits. In other words, it is not financed by 1 cent of revenues from the Federal Treasury. The Congressional Budget Office [CBO] has determined that not only is the legislation budget neutral but that it actually produces a surplus in each of the years 1988 through 1992.

Further, there is every reason to believe that Congress will ensure that the benefits continue to be financed in a budget-neutral manner beyond 1992 and that cost-containment measures will be approved to limit the cost of the benefits.

So, in summary, the House bill fulfills a dream older Americans have had for 22 years of being financially protected from catastrophic hospital and physician expenses. The House bill is budget neutral, improves the solvency of the Medicare trust fund and asks only those best able to pay finance the majority of the costs so that all older and disabled Americans will be freed from the fear of financial ruin brought on by an acute medical care problem.

TRIBUTE TO WILLIAM CODY ANDERSON

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise today to salute William Cody Anderson, a long-time friend and pillar in the journalistic and civic communities of Philadelphia.

As general manager of WDAS Radio for the past 8 years, he has made the station serve the downtrodden, the helpless, and the indigent by focusing on their needs. Through the sponsorship of numerous teams and other athletic events, he also has fostered neighborhood and civic pride.

On Friday, September 18, the friends of William Cody Anderson will honor him for his commitment to his fellow man and his tireless efforts to improve the quality of life in the City of Brotherly Love.

Anderson was born in 1942 in Denison, TX, but he grew up in Chicago, where he attended Carver High School. His superior basketball skills won him an athletic scholarship at Central State University, where he received a bachelor's degree in 1965.

After graduation, he returned to Chicago, where he taught math, English, and physical education in the public school system. In 1968, he moved to Philadelphia, where he spent the next 2 years working as a math instructor at the Opportunities Industrialization Centers of America.

From OIC, it was on to WDAS in 1970, where he climbed from the position of salesman to sales manager to operations manager. In 1979, he was named general manager.

During Anderson's tenure as GM, WDAS radiothons have raised money for a host of needy causes ranging from local residents displaced by fire, to education and treatment programs for AIDS, to flood victims in Jamaica. The station's community day picnics have drawn thousands of people.

When he's not busy raising money for needy causes and running a top-rated radio station, Anderson finds time to serve on the advisory board of the Urban League, the Police Advisory Board for Minority Hiring, and the advisory board of the OIC.

Anderson has received numerous honors, including awards from the American Red Cross, National Conference of Christians and Jews, Freedom's Theater, Black Alliance of Social Workers, March of Dimes, Lupus Foundation, United Negro College Fund, Veterans' Administration, and Crisis Intervention Network.

I know my colleagues will join me in saluting this great American for his generous contributions to the Philadelphia community and beyond.

GET DRUGS OUT OF SOUTH FLORIDA

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. SMITH of Florida. Mr. Speaker, today I would like to shine a light on an event in my district which aims to rid south Florida of substance abuse.

Broward County, FL, is getting directly involved in efforts to stamp out drug abuse in south Florida. The Broward Community College Substance Abuse Committee and local drug rehabilitation centers have joined hands to shade south Florida from the blinding light of substance abuse. On September 29, 1987, the Substance Abuse Committee will hold a campaign aptly and bluntly titled, "Get Drugs Out of Broward County." As you can see, there are no euphemisms or subtlety to the name of this effort. The problems of drugs are serious and should be dealt with in this steadfast manner.

"Get Drugs Out of Broward County" will target one of the numerous substances abused by youth and adults, drugs. By bringing attention to drugs specifically, our youth will understand that all substances are dangerous to their health, life, and future. I am proud of these efforts being made in Broward County. I am hoping that continued education and information dissemination will induce a snowball effect resulting in more and more attention and success rates to programs such as these.

As chairman of the U.S. House Foreign Affairs Task Force on International Narcotics Control, I am all to familiar with the drug problems confronting not only south Florida, but the rest of our Nation. This committee spearheads efforts to stop the infiltration of drugs into this country. Having firsthand experience in the harsh realities of drug profusion and abuse, I herald the efforts of south Florida. There is no question that the four letter word our society should work hardest to eradicate from our children's vocabulary is "drug."

I would like to commend the following people for their hard work and relentless hope to create a drug-free atmosphere in south Florida where our youth can grow and develop. "Get Drugs Out of Broward County" is a result of efforts by:

Sean Cononie, founder and president of the Substance Abuse Committee, fundraising director to the Juvenile Diversionary Program.

Liz Atchison, faculty advisor of the Substance Abuse Committee.

Irene Green MSW., C.A.P., public prevention specialist, the Starting Place.

Dr. Elias Goldstein, A.A.A., Broward Emergency Chiropractic Clinic, Broward County sponsor for the "Get Drugs Off of School Campus" contest.

Carrie Rose, promoter of "Get Drugs Off of School Campus."

Vinsant Falzone, Pembroke Pines Police Department.

Mike Weaver M.S., chief therapist of the Share Program of Memorial Hospital.

Ben Gurien and Sheri Coffman of the U.S. Coast Guard, Fort Lauderdale Station and all the members of the Substance Abuse Committee.

South Florida will not give up efforts to stop drug proliferation where the victims are children. I urge my colleagues to support programs like "Get Drugs Out of Broward County" in their districts so we can reinforce the dangers of substance abuse to children all around our Nation.

A VOICE FOR REGULATORY BALANCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. DINGELL. Mr. Speaker, I wish to draw my colleagues' attention to a thoughtful article in the Wall Street Journal by Vermont Royster, the paper's editor emeritus. Mr. Royster convincingly argues that regulation of economic activities continues to be a necessary and vital function of government. The question is not whether to regulate—but what kind of regulation best promotes the public interest.

Mr. Royster is also correct in noting that regulators must themselves be regulated, and that Congress must carefully oversee agencies to ensure that they do not become "sovereign unto themselves."

It is regrettable, however, that Mr. Royster's message of balance and moderation will be lost upon the extremists who currently head Federal regulatory agencies. This is especially true of the current Chairman of the Federal Communications Commission whose recent decision to cease enforcement of the Fairness Doctrine indicates that he has misconstrued his discretion to craft balanced regulations as a license to repeal all regulation.

I urge all my colleagues to vote to retain this vital public protection when Congress again considers legislation to modify the Fairness Doctrine.

[From the Wall Street Journal, Sept. 9, 1987]

"REGULATION" ISN'T A DIRTY WORD

(By Vermont Royster)

Every time I leave my house I seem to fall into a web of regulation. If I drive, the township tells me how fast I'm allowed to go, ranging from 25 to 35 miles per hour. If I leave town, the state steps in. On most roads the permissible speed is 55, while it now ranges up to 65 mph on what are called rural interstates. And I'd better watch out for cars with flashing lights watching out that I don't break the regulations.

If I go afoot I don't escape. At the intersections there are those signs reading "walk" or "don't walk." Car drivers at the same corner are regulated by red, yellow and green lights, sometimes with little arrows pointing left or right. I once got pinched for violating the regulations although a kindly cop excused me on account of my advanced age.

I suppose I should object to all this since the cry of our time is for "deregulation." Deregulate everything. The airlines. The banks. Stockbrokers. The drug companies.

The theory behind this is that the marketplace will do the regulating. Banks or airlines that don't behave themselves will find their customers going elsewhere. If the customers don't pay attention, caveat emptor.

Much of this cry for deregulation is justified. Much regulation is unnecessary, some actually harmful. The Food and Drug Administration is notorious for its over-caution in protecting us from possibly harmful drugs even at the cost of depriving us of new drugs for many aliments; sometimes it lets a few people have them but prohibits them to the rest of us.

The classic example of too rigid regulation is the Interstate Commerce Commission. In the long ago days of my youth I once took a train from Raleigh, N.C. to Morehead City on the coast. On departure I was the only passenger. On arrival I was the only passenger. Along the way one or two people got on for short trips between towns. The trip took 12 hours. It was gruesome for me and for the railroad. Although the bus, as I learned later, did the trip faster and in more comfort, the railroad had to keep the train running for years because the small towns along the way demanded it and the ICC complied.

If I hesitate to join the hue for deregulation, even when much of the regulation is misguided, it's because I shudder at the thought of a wholly deregulated society. I prefer knowing my pharmacist has to be licensed and that somebody checks on him; so also with the butcher so that I have some assurance his scale registers a true measure.

As a matter of fact, regulation to protect consumers is almost as old as civilization itself. Tourists to the ruins of Pompeii see an early version of the bureau of weights and measures, a place where the townsfolk could go to be sure they weren't cheated by the local tradesmen. Unfortunately a little larceny is too common in the human species.

So regulation in some form or other is one of the prices we pay for our complex civilization. And the more complicated society becomes, the more need for some watching over its many parts. We shouldn't forget that a great deal of the regulation we encounter today in business or in our personal lives arose from a recognized need in the past.

Take the drug companies. It wasn't so very long ago that the countryside was flooded with snake-oil salesmen hawking cures for every ailment and bamboozling credulous folk with worthless nostrums. The Food and Drug Administration Act in 1906 was the outgrowth of a real need, as was the Meat Inspection Act the same year.

Or take banks. Once anybody could start one and run it as the owner pleased. The result was a good bit of carelessness, some clear fraud and several unnecessary banking crises. My own bank today is run by sterling people, but I still feel more comfortable because its activities are subject to periodic inspections, even though I agree that these days banks may be hampered by an excess of regulations and restrictions. Better too much than too little.

I would be happier today with a little more regulation of the airlines and the air lanes. The deregulation that let more lines into the business and let the marketplace set fares has been a boon to travelers. We have cheaper fares and more choice of carriers. But the result has also been more crowding of the air lanes and, quite possibly, some cutting of the corners on maintenance and pilot training.

Anyway, when I take off for some distant place I would feel more comfortable with more restrictions on who can fly where and when, with more reassurance on equipment upkeep and more confidence that the pilots up front are well trained and kept up to snuff.

As society (our way of life) gets more complicated there will be newer areas calling for some kind of regulation. The whole area of genes research and genetic manipulation, for example. Or the development of surrogate motherhood. Or the growing use of organ transplants, such as the transplant of adrenal glands as a possible treatment for Parkinson's patients. In The Wall Street Journal last month there was a thought-provoking article by Emanuel Thorne calling for some regulation of this trade in human tissue, especially the use of fetal tissue, which already has been transplanted in West Germany.

The nub of the question, of course, will be, as it is now, what kind of regulation? Once government begins to regulate anything there must be some sort of agency to do it, and that inevitably means a bureaucracy that, like the ICC of old, gets stultified. That in turn means regulating the regulators lest they become sovereign unto themselves. The logical place for overseeing this is in Congress, which creates the regulating agency to begin with. But Congress is itself a bureaucracy of 535 members with different constituencies and different ideas.

The last recourse is us, we the people, who must collectively decide not only what should be regulated, but how. If, as I think, the drug industry is being handicapped by too rigid rules on the discovery and use of new drugs for disease, the remedy lies with Congress—and Congress responds to what it discerns as the public sentiment. But in this, as in other examples, we must take care not to throw out the baby with the bath water.

In short, regulating the regulators is a political question and therefore not likely to be settled beyond cavil, and certainly not forever. But however we deal with the questions, now and in the future, we should never make the mistake of thinking that "regulation" is a dirty word.

POSTAL SERVICE IMPLEMENTS SOLOMON AMENDMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. SOLOMON. Mr. Speaker, I rise today to recognize and commend Postmaster General Preston Tisch for the recent action to condition employment with the Postal Service to the selective service registration requirement.

On August 13, 1987, the U.S. Postal Service issued a Bulletin prohibiting employment with the Postal Service to individuals who have failed to register with the Selective Service System. Over 3 million people apply for employment with the Postal Service each year.

I have always believed that, to be fair to the over 14 million young men who have registered with Selective Service, these laws should be widely applied. Previous Solomon amendments conditioned Federal higher education assistance, assistance under the Department of Labor's $5 billion job training program, and employment with the Federal Government, to the Selective Service registration requirement.

Additionally, since enactment of the original Solomon amendment by Congress, 14 States have approved Solomon amendments conditioning State higher education assistance to Selective Service registration.

The new Solomon requirement will add no new paperwork or costs to the Postal Service employment procedure. Under the new requirement young men would simply have to certify they have registered by checking a box on the employment application. Proof of registration would not be required, and the amendment leaves open the possibility of registering—right then and there—at the post office.

The message this Solomon amendment conveys is the same—if you expect the benefits of our society, you must meet the minimum requirements of citizenship. It is not too much to ask that the U.S. Postal Service encourage compliance with the program of peacetime registration.

Mr. Speaker, peacetime registration contributes up to 2 months to our national readiness posture in the event America must mobilize. Linking Postal Service employment to the registration requirement is a practical and inexpensive way to ensure effectiveness and fairness in the program of peacetime registration.

SOUTH JERSEY FAST PITCH SOFTBALL HALL OF FAME INDUCTS 1987 MEMBERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. FLORIO. Mr. Speaker, I ask you to join with me in offering congratulations and best wishes to the men who will be inducted into the 1987 South Jersey Fast Pitch Softball Hall of Fame. It is a great honor to them, to their families and to all of south Jersey.

It gives me great pleasure to look at this list of fine men and offer them my best wishes. Al Sacchetti, Paul NcNair, William Bauer, Albert Kingsmore, Henry Singleton, Jr. (posthumously), James Penney (posthumously), Nick Haday, James Mitchell, Frank Maressa, Roy Crazy Horse, and Joseph Brennan all put forth their best efforts and have earned this distinguished reward.

As Americans, we have always taken great pride in the virtues of sportsmanship and the strive for excellence. It matters not if it is in the professional arena or on the little league field. We take pride in our athletes as they display their talents as well as their dedication.

The South Jersey Fast Pitch Softball Hall of Fame welcomes these men and I ask you to join with me in extending best wishes to those living and to the families and friends of those who, unfortunately, are not with us to enjoy this honor.

LA GRANGE, GA, CELEBRATION OF THE CONSTITUTION

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. RAY. Mr. Speaker, I would like to make a few remarks about the celebration of the 200th anniversary of the U.S. Constitution. This document has made possible our history of freedom and liberty. No doubt we are better off as a people with our system of government than any other country in the world. We have a true democracy where every citizen enjoys the same rights and freedoms. This miracle of democracy is due to the framework of government as established by our forefathers.

In 1787, 55 delegates from the newly formed 12 States gathered in Philadelphia to make changes in the articles of confederation. They faced a bleak situation as they gathered, and many were pessimistic concerning the future of their Nation. Their fledgling democracy was confronted by troubles on all sides. A popular uprising had barely been put down, and the Founding Fathers were fearful that mob rule could strangle the democracy.

Among the delegates were Benjamin Franklin, James Madison, Alexander Hamilton, and George Washington. They accomplished a remarkable task and created an enduring framework for government.

The Constitution they created is a living document and the supreme law of our land. For us, it has survived a War Between the States, economic ups and downs, social upheavals, two World Wars, and many other calamities. Its premise of shared power and group conscience has been the basis of our success as a people and a nation.

Mr. Speaker, it is fitting that our citizens should celebrate the bicentennial of the Constitution with parades and speeches for it is the Constitution which gives us the right to these expressions. One such celebration will occur in La Grange, GA, on September 16 and 17. This town's observance of the bicentennial of the Constitution will include a parade, luncheon, and a symbolic resigning of the Constitution.

La Grange, GA, is an excellent example of American ideals and hard work. In addition to energetic leaders and a strong work ethic, the city has a strong commitment to the free enterprise system and to education which has enabled it to experience tremendous economic growth over the past several years. It is cities such as La Grange which show us that the American dream can become a reality.

Mr. Speaker, I want to commend the citizens of Lagrange for the hard work they have done in putting together what promises to be an enjoyable and meaningful celebration of the Constitution.

PHYSICIANS COMPARABILITY ALLOWANCES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mrs. MORELLA. Mr. Speaker, today I am introducing a bill which will make permanent the provisions of law relating to physicians comparability allowances. I am honored that the gentleman from Virginia, Mr. WOLF, is the original cosponsor.

The problem of recruiting and retaining highly qualified physicians in the Government is nearing a crisis situation.

The severe shortage, high turnover rate, and the duration of vacancies have impeded crucial research activity. The negative impact on nuclear medicine, pediatric intensive care, drug therapies, neurological disorders, stroke, cancer, and AIDS research jeopardizes the health of our country.

This bill removes the sunset provision contained in title 5 of the United States Code at section 5948 and makes it possible for an agency head to recruit and retain highly qualified Government physicians by entering into a specific agreement with the physician by offering monetary incentives as already set forth in the Code.

Mr. Speaker, the bill is very simple but succinct and will have a positive effect on the health and health research fields which are crucial to the well-being of this Nation.

NEWPORT: ONE MAN'S DREAM

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. GUARINI. Mr. Speaker, I would like to share with my colleagues in the House of Representatives, two very inspiring lectures by a dynamic man who is a visionary in his field and has broad credit to his profession and to his industry. Samuel J. LeFrak is considered the "master builder," having created Lefrak City, the largest privately financed housing project in the United States; Battery Park City, abandoned docks and piers that were developed into one of the gems of New York; and Newport, the city of tomorrow and by far one of the largest planned communities in the world. I am proud to have the honor and privilege of representing the district in which Newport lies and I am also pleased to have a highly valued friendship with Sam LeFrak.

My admiration for his accomplishments is shared by the People's Republic of China, which extended an invitation to him to present his views on mass housing and modern construction technology in helping them solve their crisis; the King of Sweden, who Knighted him and admitted him into the Royal Order of the North Star; the President of Finland, who awarded him the Order of the Lion; Pope John, who bestowed upon him the Knights of Malta's Cross of Merit and Honor; and New York Law School, the London College of Applied Science, Colgate University, the University of Rome, all of which presented him doctoral degrees. Dr. LeFrak recently returned to two distinguished institutions where he had previously pursued postgraduate studies, Harvard and Columbia University, to share his plan for saving America's cities. His lectures were presented in the following text:

TURNING THE TIDE OF URBAN BLIGHT AND DECAY

I am happy to be here today to have this opportunity to talk to you.

More than 200 years ago here in Boston, the Tea Party ignited a revolution which affected America's political, social and economic life.

This inspired confrontation between ideals and realities also should ignite a spark in you to help stimulate your solving today's serious problems of urban life.

Here in the cradle of liberty, the torch of change should be carried by all of you. It is in that spirit that I want to lecture to you today.

An epidemic of urban blight and decay has infected all of America. Affordable housing has virtually disappeared. Yet, in a way, the revitalization of your Urban Renewal Program, including Boston Harbor, may be the answer to many of our urban problems. What you started here is being copied in Baltimore, Norfolk, New York, and elsewhere.

More than 50 years ago President Franklin Delano Roosevelt said: ⅓ of America was ill-fed; ⅓ of America was ill-clothed, and ⅓ of America was ill-housed. In 1987, a time of abundance, millions of Americans are still ill-fed, ill-clothed, and ill-housed.

How come? Because no one really is addressing the problem seriously; because the whole issue has turned into a political football. Like the weather, everyone talks about the homeless. No one is doing anything about it.

The responsibility, therefore, of helping America achieve its needs and goals rests with young men and women like yourselves.

And I'll be quite frank with you students. You're attending one of the world's most prestigious universities. It has graduated Presidents, world leaders, corporate dynamos, and financial wizards. Unfortunately, the goal of many students at Harvard is to achieve wealth, position, and power. Real estate, building, land development certainly is a way of achieving wealth and status. Just look at the Forbes 400.

But America does not need glitz and ritz in housing today, or more Wall Street scams. What the nation needs today is better planning with more affordable and moderate priced housing. I like to call it an Urban Marshall Plan.

If you recall, the Marshall Plan immediately followed the Second World War. Look at the economies of Japan and Germany today. America mounted a full frontal economic, political, industrial, and administrative attack on the devastation that was in Europe. Covered by rubble and chaos, Europe was reclaimed, refurbished, reconstructed, and built up again.

Today I am building a new city: Newport, opposite the World Trade Center in New York. We purchased 600 acres of deteriorated piers, decayed freight yards, and abandoned waterfront property in New Jersey. We are implementing our own Urban Marshall Plan. And I will show you how we are making order . . . out of chaos.

We are building the city of tomorrow on the New Jersey Hudson River Waterfront, 2,000 feet from Manhattan. It will contain up to 15,000 moderate, affordable, and luxury apartments with magnificent views; fifty percent of the land is devoted to parks, esplanades, plazas, town squares, and cul-de-sacs, each making its own statement. We also will have 3 museums, 18 theaters, a World Oceanographic Center operated by Jacques Cousteau, 3 hotels, and a 1,000 boat marina and yacht club. The spectacular six mile esplanade along the shoreline will be open to the public. Newport also will have 40 restaurants throughout the community, plus a Mediterranean fishing village like Portofino with outdoor cafes.

There will be a physical fitness center with a training director, nutritionist, and dietician. Facilities will include swimming pool, whirlpool, sauna, nautilus and special equipment for the handicapped.

The site also will have bike paths, jogging tracks, walkways, tennis courts, and gardens. From their windows residents will share in one of the most spectacular panoramas on earth: the New York Harbor and Manhattan skyline.

Newport also will contain 10 million square feet of office and commercial space. A 1.2 million square feet of major mail retail space, including four department stores, 300,000 square feet of boutique and festival shopping.

Newport will have the best transportation facilities. We have a rapid transit PATH subway station on our property, along with the Holland Tunnel, ferries to New York, water taxis, a heliport and seaplane landing base. The finest arterial highway system in America will connect New York, New Jersey, Pennsylvania, and Connecticut. In fact, you can drive to Chicago without stopping for a red light.

The communications system in the Newport office buildings will have built-in computers, state-of-the-art electronic systems, permitting tenants to plug into teleport communication links, satellites, fiber optics, lasers, and microwave communication.

Newport will become the sixth borough of New York located on the Left Bank of the Hudson. The community will be the great prototype experimental city of the 21st Century.

At the turn of the Century this property contained piers and a thriving waterfront. It was the railhead for the Erie, Lackawanna, New York Central, Penn Central, and New Jersey Central Railroads. During World Wars I and II, cannons, tanks, and heavy equipment, forged in the mills and foundries of Pennsylvania, Indiana, Ohio, Michigan, and Illinois were shipped to these teeming piers, and then sent to Le Havre and Cherbourg on Liberty Ships to fight the Kaiser and Hitler.

With victory came peace, and with peace came progress and prosperity. Rail freight dwindled because of air freight, precontainerization, and overland freight. The railroads went bankrupt. Ten years ago we aquired this property, which was in bankruptcy, from the U.S. Trustee.

Newport will become one of the largest planned communities being built in the United States, and one of the largest in the world: at a total development cost of 10 billion dollars. We will be creating 160,000,000 square feet of buildings. That's approximately forty World Trade Center buildings. And we are proud of it.

That's Newport—the humanistic, dramatic, planned futuristic city of tomorrow. A treasure that was lying beneath rubble and bankrupt railroad yards. This is the alchemy of life. Not a get-rich-quick scheme.

My laboratory is the city. From Lefrak City to Battery Park City to Newport, I have learned, developed, evolved, and refined my technique. I have translated that knowledge into design, and design into a way of life. How well that way of life fulfills human need, respects human scale, and enriches human experience is the only true measure of success.

Your success should not be measured in wealth, power, or status . . . but should be measured against the contributions you will have made toward creating a better life for your country and its citizens.

Newport: From Dream to Reality, a Case Study of a New City

Ladies and Gentlemen: The Dow Jones index is today at an all time high. The value of our dollar is at an all time low. We have the highest trade deficit our nation has ever faced. This all leads to worldwide financial confusion, and a particularly critical evolution today in real estate.

That is why it is a great pleasure for me to be here this evening to discuss "New Foundations in Real Estate Investment—Discovering Hidden Treasure."

At the present time the real estate and economic forecast is thoroughly confusing. In fact, what I say is, "Whoever is not confused today is not thinking clearly."

In fact, the real estate industry is accommodating itself in a sophisticated, though painful way to the Tax Reform Act of 1986. But the basic concept is simple. Real Estate projects must be profitable because the tax system will no longer support losers. Paper losses arising from depreciation have been greatly reduced and investors' ability to profit from the remaining losses have been sharply restricted under the Tax Reform Act.

The last decade brought change for many industries—not just real estate: oil, airlines, and financial services, to name a few. One of the agents of change was tax reform. Gone are the days when tax shelters turned even the shakiest structures into bonanzas, and investments in California potted plants or the semen of a bull were like money in Fort Knox . . . which only adds to the confusion that exists whenever fundamental change sweeps an industry. Real estate is no exception. Many who play the game will lose, and some will lose a great amount. But the professionals will always find ways to pluck gold from the rubble.

Let me first review the good news . . . and later the bad. The good news today is that there is an abundance of mortgage money and cash for investments. The bad news is that there is a scarcity of quality real estate investments.

If you travel our country from coast to coast, you will see the best and the worst times. Boom City now prevails in the northeastern corridor: from Boston to Washington. In the Sun Belt and California, different pictures emerge. Over-building and high vacancy rates dominate the scene. Thus, New York, Boston, and Philadelphia—the strong markets—are enjoying the best of times. While Houston, Los Angeles, Phoenix, and San Francisco are having the worst of times.

I remember speaking to audiences in the 60s and 70s about the real estate crisis when the industry really did hit bottom . . . when co-ops in the Hotel Pierre were being given away for practically nothing, as long as you agreed to pay the maintenance. Real Estate Investment Trusts were going "belly up" throughout the nation. And New York State Urban Development Corporation defaulted on its "immoral bonds." Today there is a completely different picture.

Until the early 70s commercial real estate, home construction, hotels, shopping centers and apartment construction were a solid business. Owners held buildings for many years. Homes and buildings were bought and sold based on need and conservative cash-flow figures . . . not on get-rich-quick schemes.

Then, during the late 70s and early 80s, a windfall of cash arrived. Many sources of money were available: pension funds, insurance companies, overseas investors . . . and banks, acting as investors, as well as lenders. Syndicators and speculators packaged properties into zero coupon bonds, limited partnerships, and investment trusts. Too many of these products spawned their own version of new math: rate-of-return based on anticipated, dubious appraisals; unreal inflation estimates; and unlikely occupancy rate projections . . . fantasy figures, based on real estate markets of an entirely different past. Even rent rolls were greatly overestimated at a time when sharp rental concessions were becoming the rule rather than the exception. Discounting became routine. Few major cities escaped the plaque of double-digit vacancy rates on commercial properties.

These are the statistics as reported in January 1987 in Forbes Magazine: In 1981, the vacancy factor in Dallas was 4.8 percent. Today, it is 21.6 percent. Denver in 1981 was .1 percent. Today 29.7 percent. In Houston it was 1.9 percent. Today 20 percent. Miami was 3.6 percent. Today, 22.9 percent. San Francisco was .3 percent. Today it is 18.1 percent.

Nevertheless, smart developers will survive the shake out, and many will prosper. Why? Because their buildings are top quality in the best locations.

With the new tax laws, the need to find those right properties and locations becomes even more critical. It's like treasure hunting.

Remember, there is no free lunch in real estate. You read about the one success and never hear about the ten failures.

In my experience I've learned that treasures are not found in empty Fifth Avenue store windows. You must look in new and unexpected places. That's why the old real estate cliche about location, location, location becomes even more significant in the formula for success in the 90s.

One of the keys to success, therefore, in this new real estate era is to probe everywhere in the hidden recesses of the new tax laws. Tax reform has forced increased selectivity to the real estate business.

A perfect example is the Exxon Corporation, which recycled its oil properties in Texas to real estate development. It sold the Exxon Rockefeller Center building to the Japanese at year-end 1986 for more than 600 million dollars to take advantage of the old tax law. I predict J.C. Penney and Mobil also will sell their buildings to foreign investors. Other companies will do likewise.

Analyze the name "real estate." It is called real because you can see it. You can feel it. And it is real property. Think about it. In the past, speculators, exploiters, green mailers, and syndicators were paying today's dollars on anticipation—on tomorrow's possible dollars. They were in another business known as "Deal Estate" not Real Estate. They were selling the sizzle and not the steak. In 1987, you will have to buy what I call "cash on cash." Extra returns from depreciation and interest will be just added benefits. That's Real Estate! That is where the beef is.

Tax reform will bring changes to the industry—but not destroy it. Those who are financially sound and professionally fit will survive—and in my opinion—prosper.

Don't consider yourself an expert simply because you bought a home in Greenwich or Brookville 25 years ago for $50,000 and now it's worth a million dollars. That doesn't qualify you as a real estate professional.

The Lefrak Organization has built more apartments in the United States than anyone else. And we have built two cities: Lefrak City in Queens and planned and implemented Battery Park City on Hudson River landfill . . . on landfill we created out of abandoned docks and piers that we recycled and developed into one of the gems of New York City. Battery Park City is a classic example of recycling deteriorated waterfront into an organized community.

A good example of real estate investment for the future is . . . Newport . . . which is located on the Left Bank of the Hudson River, opposite Battery Park City and the World Trade Center, consisting of 6 miles of shoreline and waterfront—only 2,000 feet from the West Side of Manhattan.

This land became available only after five railroads went bankrupt: the New York Central, the Penn, the Erie, the Lackawanna, and the Jersey Central. What was left was abandoned freight yards—with a PATH subway station and the Holland Tunnel—all at the front door of New York City. Vacant land. Crying to be developed. Crying to be recycled and revitalized. Crying to become part of New York City. This was the beginning of Newport, a $10-billion development. It represented rebuilding and recycling an area which had been nothing more than rusting railroad yards, dilapidated warehouses, and rotting piers from the past century.

We are now revitalizing this land and bringing it from abandoned commercial use to residential, retail office, recreational and cultural use. We are restoring the waterfront for marina and ferry service to Manhattan; adding heliports and a seaplane anchorage. And we're building affordable shelter . . . apartments, condos, and homes for people . . . the American Dream. That's what is needed today in urban areas, because families and individuals are returning to cities in greater and greater numbers.

It seems that the promise of the suburbs has turned sour because of increased taxes, crime, narcotics, rising land costs, over-burdened transportation and delivery services, pollution, and deteriorating school systems. We believe that suburbia has reached a point of equilibrium as to benefits and costs relative to typical urban centers. The pendulum is swinging back to city living.

The need, therefore, for moderate and affordable housing in urban areas is critical because of the shortage of land. That's why old warehouses, railroad yards, and industrial sites that can be recycled and brought up to current use can provide people with shopping, recreational, and cultural amenities, and housing they can afford.

Boston and Baltimore are among the best examples of this type of recycling. More recently the city of New York is finally restoring its waterfront with major developments such as the Hudson River Center. South Ferry Plaza, Ferry Point Park, Hunters Point on the East River in Queens, and Harbor Pointe on Staten Island. However, these developments will take many years to build because of politics. you may never see them in your lifetime; but they make good propaganda for the present political administration. Our Newport is being developed by free enterprise . . . the private sector . . . not by the political public sector.

Newport will be the new prototype experimental city of the 21st century. We are not talking about a Disney EPCOT of paper mache, but real brick and mortar. Not the next millennium, but today!

In almost a hundred years that the Lefrak Organization has been in the building and development business, no project has generated more excitement for us than Newport.

This ambitious development on the Hudson river waterfront recently was referred to by the New York Times as "Baghdad-on-the-Hudson." We started with deterioration and rot. But now we are transforming chaos into order as we provide for people's needs. We're giving them what they want at a price they can afford to pay.

When completed, Newport will have approximately 15,000 apartments consisting of hi-rise towers, mid-rise, and low-rise townhouses. They will be either rental or condominiums.

We have commenced building 10 million square feet of prime and back office space. Three hotels with 1,800 rooms, including a convention and conference center. A 1.2 million square foot, 3-level enclosed shopping mall containing four department stores and parking for more than 20,000 cars, approximately 300,000 square feet of convenience, festival and boutique shopping; and a large number of restaurants on the waterfront, in the Mall, and throughout the entire city. We are building a 7-day, 24-hour community.

At the river's edge, a marina, with approximately 1,000 dockominiums, a private clubhouse, parks, and six miles of public esplanade presently are under construction, together with a World Oceanographic Center and Marine Biology Museum administered by the Jacques Cousteau Society. Newport . . . a completely planned city . . . will generate approximately 100,000 jobs. People will live there, work there, shop there, and enjoy a myriad of cultural and recreational activities.

Total facilities for total living at an affordable price: only 2,000 feet from Manhattan. That's what Newport is all about. Newport will become the sixth borough of New York on the Left Bank of the Hudson. In five minutes, you're in the World Trade Center on the PATH Subway. In ten minutes, you will be at Penn Station or the new Convention Center. And the most dynamic and exciting thing about Newport is your extraordinary view of the Manhattan skyline . . . one of the world's great panoramic sights.

Give the people what they want at a price they can afford to pay and you will do business all day and all night.

Newport is a perfect example of what developers of the 21st century must include in their planning for future renters, buyers, planning boards, and environmentalists. Most importantly, Newport is the best example of what will make a development a success. Development is no longer simply paving streets and building steel frames. It is searching for ways to create new environments out of the past. It is finding treasures—hidden away, left fallow, waiting to be discovered by the real urban archaeologist.

Imagination, vision, action rooted in knowledge and experience: these are the keys to unlock the door to Hidden Treasure. They also are the ingredients to meet the future challenges of the real estate industry.

For Treasures are all around us: abandoned warehouses, forgotten urban centers, railroad air rights, rusty old piers, or collapsed buildings. Our cities and harbors must be recycled, rehabilitated, rebuilt, remolded, and reshaped to maintain all their natural beauty. That's where your Treasures lie. But make sure you know how to get these treasures out once you've found them!

Thank you.

A TRIBUTE TO THE MOST WORSHIPFUL PRINCE HALL GRAND LODGE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. SAXTON. Mr. Speaker, it is with great pride and pleasure that I rise today to pay tribute to the Most Worshipful Prince Hall Grand Lodge of the State of New Jersey which will be celebrating Prince Hall Day on September 13, 1987.

Prince Hall Day is an historical occasion which marks the birth of the Masons founder, Prince Hall. On March 6, 1775, Hall and 14 other free negroes were made Master Masons in Boston. However, as Masons, their participation was limited to the observation of St. John's Day and the burial of their dead.

After 19 long years of privately celebrating their limited Mason rights, Hall petitioned the Grand Lodge in England for a charter. In September 1784, the African Lodge 469 was granted a charter which was delivered to Boston by John Hancock's brother-in-law, Capt. James Scott.

This momentous event will commence with a parade assembling in the vicinity of John F. Kennedy Way and Levitt Parkway to Willingboro High School, the location of the main ceremony.

The master of ceremony will be the newly elected Most Worshipful Grand Master, Arthur J. Crawford, who has been a Mason for 30 years. The Honorable Mayor Paul Krane will deliver a proclamation to mark this special occasion.

This year's Prince Hall Day will also honor two distinguished Burlington County citizens; the Honorable Marie White Bell, Esquire, a municipal county judge, and the honorable Eugene W. Stafford, county freeholder and major of Mount Holly.

Again I am pleased to pay tribute to the Most Worshipful Prince Hall Grand Lodge of the State of New Jersey. This is an organization which for more than 200 years has endeavored to be in the forefront of those fighting for civil rights, equal justice, and human dignity of all mankind.

NATIONAL SICKLE CELL MONTH

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1987

Mr. BROWN of California. Mr. Speaker, during National Sickle Cell Month, I find it a more than appropriate occasion to recognize the Sickle Cell Organization of the Inland Counties. This fine group of dedicated professionals and volunteers has been serving the Riverside and San Bernardino areas since 1971. Originally founded as an outreach program by the North Rubidoux Women's Club, this organization has grown into an extensive nonprofit network dispersing vital services within my district.

Sickle cell anemia is a serious genetic blood disorder that affects many Black Americans, as well as Italians, Greeks, Turks, Puerto Ricans, and others of Mediterranean ancestry. The primary purpose of the sickle cell organization is to enhance the quality of life of those with sickle cell conditions. Operating under State funds, contributions, and membership fees, the sickle cell organization provides free services to the community. These services include educational programs and professional counseling for those diagnosed with sickle cell anemia, or the sickle cell trait. Another important service offered is free blood screening to identify the trait. Once diagnosed, individuals with the disease can obtain information from the organization about available resources and community programs which may be of help to them.

Acting as a resource center for the communities in Riverside and San Bernardino sickle cell organization plays a major role in providing health care in my district. Because of its continuing efforts to eliminate misconceptions surrounding sickle cell disease, to identify sickle cell anemia and trait in the target groups, and to provide up-to-date information to increase general awareness, I invite my fellow members to join me in honoring the Sickle Cell Organization of the Inland Counties.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 15, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 16

8:00 a.m.

Select on Intelligence

Closed meeting on intelligence matters.

SH-219

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider the nomination of C. William Verity, Jr., of Ohio, to be Secretary of Commerce.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings on government handling of Soviet and communist bloc defectors.

SD-342

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Credit Subcommittee

Business meeting, to continue markup of proposed legislation authorizing funds for the Farm Credit System.

SR-332

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study on S. 849, Commercial Fishing Industry Vessel Safety and Compensation Act.

SR-253

Environment and Public Works

Business meeting, to mark up proposed legislation to provide limited extensions in the Clean Air Act deadlines for areas that violate the health-protective national air quality standards.

SD-406

Judiciary

To continue hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

SR-325

10:30 a.m.

Foreign Relations

To hold hearings on the nominations of Leonard Rochwarger, of New York, to be Ambassador to Fiji, and to serve concurrently as Ambassador to the Kingdom of Tonga, Ambassador to Tuvalu, and Ambassador to the Republic of Kiribati, and Peter R. Sommer, of the District of Columbia, to be Ambassador to the Republic of Malta.

SD-419

2:00 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

Business meeting, to mark up H.R. 2907, appropriating funds for fiscal year 1988 for the Department of the Treasury, and the U.S. Postal Service.

SD-116

Foreign Relations

To hold hearings on the nomination of James H. Michel, of Virginia, to be Ambassador to the Republic of Guatemala.

SD-419

SEPTEMBER 17

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on off-airport user fees.

SR-253

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on S. 559, S. 560, and S. 633, bills to study and control the disposal of plastic waste and to implement Annex V of the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978.

SD-406

Governmental Affairs

To hold oversight hearings on Presidential transition procedures.

SD-342

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

Business meeting, to mark up H.R. 2712, appropriating funds for fiscal year 1988 for the Department of the Interior and related agencies.

SD-116

Foreign Relations

To hold hearings on the current status of U.S./China relations.

SD-419

Judiciary

To continue hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

SR-325

Small Business

To hold hearings on S. 818, to provide permanent authorization for White House conferences on small business.

SR-428A

2:00 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To resume hearings on S. 1480, to promote the integration of universities and private industry in the National Laboratory system of the Department of Energy in order to improve the development of technology in areas of economic potential.

SD-366

SEPTEMBER 18

10:00 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on product liability.

SR-253

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings to discuss the National Coal Council reserve data base report and the state of information relating to the quality and recoverability of U.S. coal reserves.

SD-366

Judiciary

To continue hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

SR-325

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 303, Jacob K. Javits Gifted and Talented Children and Youth Education Act, and S. 1348, Office of Comprehensive School Health Education Act.

SD-430

10:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

Business meeting, to mark up H.R. 3058, appropriating funds for fiscal year 1988 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SEPTEMBER 21

10:00 a.m.

Judiciary

To resume hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

SR-325

SEPTEMBER 22

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

10: 00 a.m.

Small Business

To hold oversight hearings on the Small Business Administration small business development center program.

SR-428A

11:00 a.m.

Environment and Public Works

Business meeting, to mark up proposed legislation to provide limited extensions in the Clean Air Act deadlines for areas that violate the health-protective national air quality standards.

SD-406

SEPTEMBER 23

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to mark up proposed legislation to provide limited extensions in the Clean Air Act deadlines for areas that violate the health-protective national air quality standards.

SD-406

Governmental Affairs

Federal Spending, Budget, and Accounting Subcommittee

To hold hearings on proposed legislation authorizing funds for Federal procurement policy programs.

SD-608

2:00 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To hold hearings on S. 1294, to promote the development of technologies which will enable fuel cells to use alternative fuel sources, S. 1295, to develop a national policy for the utilization of fuel cell technology, and S. 1296, to establish a hydrogen research and development program.

SD-366

SEPTEMBER 25

9:30 a.m.

Governmental Affairs

Federal Spending, Budget, and Accounting Subcommittee

To resume hearings to examine the results of a General Accounting Office survey regarding the accounting procedures and processing of seized cash and properties by Federal agencies.

SD-342

SEPTEMBER 28

9:30 a.m.

Governmental Affairs

To hold oversight hearings to review inventory control and surpluses by Federal agencies.

SEPTEMBER 29

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study to review coastal zone management consistency provisions.

SR-253

Governmental Affairs

Oversight of Government Management Subcommittee

To resume oversight hearings on Federal procurement decisions concerning Wedtech Corporation.

SD-342

SEPTEMBER 30

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To continue oversight hearings on Federal procurement decisons concerning Wedtech Corporation.

SD-342

OCTOBER 1

2:00 p.m.

Energy and Natural Resources

To hold closed hearings on the status of the Department of Energy's efforts to address issues concerning the defense materials production reactors located in the United States.

S-407, Capitol

OCTOBER 6

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on pipeline safety.

SR-253

OCTOBER 7

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

OCTOBER 8

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings on government handling of Soviet and communist bloc defectors.

SD-342

POSTPONEMENTS

SEPTEMBER 15

10:30 a.m.

Appropriations

Military Construction Subcommittee

Business meeting, to mark up H.R. 2906, appropriating funds for fiscal year 1988 for military construction programs of the Department of Defense.

SD-124

SEPTEMBER 17

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

SEPTEMBER 24

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

HOUSE OF REPRESENTATIVES—*Tuesday, September 15, 1987*

The House met at 12 noon.

Rev. Edwin L. Ehlers, D.D., pastor, Lutheran Church of the Redeemer, McLean, VA, offered the following prayer:

Loving God, You have brought us to a new day, and we give You thanks. You have called us to serve You in our daily tasks and our varied ministries, and we praise You.

We come here today, O God, out of differing backgrounds and experiences, out of different needs and struggles.

In the midst of our varieties of backgrounds and resources and talents, make us aware of our calling to serve You and all people. Guide us in the actions which we must take, keep our integrity intact in all of our words and decisions, strengthen us in our resolve to be good stewards of these gifts which You have given to us.

We desire, O God, that You would hear our prayers on behalf of others. We know some of their needs. We are personally involved with some of them. We sense the needs of this world in which we live, the world of which You have made us stewards.

We pray this day for the leaders of nations around the world, for Pope John Paul in his journeys in this land these days, for the President of the United States. Prosper the labors of those who take counsel for the nations of the world, that mutual understanding and common endeavor may be increased among all peoples.

Into Your hands, we commend all for whom we pray, O Lord, trusting always in Your love and care. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1628. An act to extend the Aviation Insurance Program for 5 years; and

S. 1667. An act to authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes.

DISPENSING WITH CALL OF PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

WELCOME FOR REVEREND EHLERS

(Mr. PENNY asked and was given permission to address the House for 1 minute.)

Mr. PENNY. Mr. Speaker, it is with special pleasure that I welcome Pastor Ed Ehlers, our guest chaplain.

Pastor Ehlers is a close personal friend of my family. When we first came to Washington, DC, and were in search of a congregation, he made us feel right at home in a city that was new to us.

We thank him for the message that he brought to us today and for leading the Members here in Congress in prayer.

FARM CREDIT SYSTEM LEGISLATION

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, we are now at one of the more important crossroads in the history of American agriculture. No other industry has witnessed the wild fluctuation that the agricultural sector of the economy has experienced over the past decade—from an era of unbounded optimism in the late seventies, to a period of disastrous depression in recent years.

Today, cautious optimism prevails, but uncertainties remain that are directly related to agricultural credit policy as will be discussed when H.R. 3030, the farm credit assistance bill, is brought to the floor.

Farmland values have fallen to levels nearly within reach of thousands of eager, well-qualified Americans—young people itching to get a start in farming, or small farmers hoping to expand to make room for another generation of farmers in their families. These are people willing to invest in the future success of agriculture.

Thousands more hang on the very edge of financial disaster and are anxiously awaiting the outcome of the farm credit debate.

This year, we have the rare opportunity to influence the quality of life in our rural communities and landownership patterns for generations to come. The question is: Will the Farm Credit System and its private competitors continue to provide necessary credit on reasonable terms to those in our rural communities who need it and deserve it most?

I urge my colleagues to favorably consider H.R. 3030.

HIGH RISK OCCUPATIONAL DISEASE NOTIFICATION AND PREVENTION ACT

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, every year, according to Government estimates, as many as 100,000 workers die and as many as 400,000 are newly disabled due to diseases caused by workplace substances. And, every year, according to a 1984 Department of Labor study, these deaths and disabilities cost American taxpayers $5.4 billion in Social Security, Medicaid, and Medicare payments. H.R. 162, the High Risk Occupational Disease Notification and Prevention Act, is designed to save those lives and lower those costs.

All of the information obtained by the high-risk program is confidential, in accordance with the substantive and procedural provisions of the Privacy Act of 1974. Any documents which mention the identity, diagnosis, prognosis, or treatment of an individual employee will be kept confidential and may be made available only for purposes prescribed in the bill.

The language contained in H.R. 162 increases protection of the high-risk program records beyond those protections currently offered to similar records. Disclosure outside of the program is permitted only with the consent of the individual employee or his or her personally designated representative. To protect the privacy of workers and employers, the bill deliberately establishes a more rigorous test in order to keep to an absolute minimum those disclosures made in connection with the bill's operation.

At $25 million a year, H.R. 162 is a cost-effective program that identifies workers at high risk of disease, noti-

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

fies those workers of the risks, and encourages medical monitoring. It is not a compensation bill, it's a program designed to save lives, and I urge my colleagues to support H.R. 162.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, SEPTEMBER 16, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare a recess on Wednesday, September 16, 1987, subject to the call of the Chair, to allow Members to attend the ceremony "Celebration of Citizenship" on the west terrace of the Capitol in honor of the bicentennial of the U.S. Constitution.

The recess will begin at approximately 12:45, and the House will resume its business at approximately 2:15.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

APPALLING THREATS AGAINST PRESIDENT ARIAS OF COSTA RICA

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, President Arias of Costa Rica is one of this hemisphere's greatest representatives of real democracy. Nowhere in Central America is democracy more firmly rooted than in Costa Rica, and no one has fought harder than President Arias for democracy in Nicaragua.

Yet this courageous leader was subjected this past weekend to the most abusive of threats from U.S. conservatives visiting his country. Referring to his speech before us in this Chamber next week, American conservatives threatened him with an end to support for foreign aid for Costa Rica if he speaks his mind—if he tells us the truth—regarding United States support for the Contras when he appears before us.

Mr. Speaker, I don't know how these individuals can call themselves supporters of democracy in Latin America when they are clearly so afraid of it at home.

These appalling threats against the freedom of speech of democracy's strongest and boldest ally in Central America do a profound disservice to the cause of democracy in this hemisphere. I hope that President Arias will ignore them. This Nation, and especially this Chamber, of all places, should be free of restraints on open debate.

ARIAS THREATENED WITH CUTOFF OF FINANCIAL AID

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute.)

Mr. BONIOR of Michigan. Mr. Speaker, I was disturbed to learn from recent press reports that a Member of this body threatened the President of Costa Rica with a cutoff of financial assistance if he continues to speak his mind on the issue of Contra aid.

This action by our colleague shows a complete disregard for the courageous role President Arias has played as architect of the Central American peace plan.

It demonstrates contempt for the sovereignty of Costa Rica and it is this kind of action which will torpedo the prospects for peace in Central America.

Instead of criticizing the peace plan, we should embrace it. Instead of threatening President Arias, we should embolden him to continue his tireless efforts on behalf of peace in Central America.

IRS HARASSMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Reagan tax judge said I received bribes in 1980, even though there is no such crime as a civil bribe and even though a jury unanimously acquitted me of any criminal wrongdoing, including tax evasion.

In 1983, I defended myself against the Government. I am not an attorney. I am not a lawyer, and I won.

I embarrassed the IRS and they targeted me.

I led the 99th Congress in opposing President Reagan in his policy because I felt it was necessary for this country and he, just like President Nixon, sent the IRS after me.

I am sick and tired, and I have had enough. I am saying on the floor of the Congress today that if they scare my daughter or my family again, I am going over to the IRS office myself and punch their lights out.

Thomas Jefferson once warned this body, he said:

> Beware of the appointment of Federal judges, because they can take the Constitution and mold it like clay in their hands.

Mr. Speaker, his fears have come true and today the Senate starts on Judge Bork. I say he would not just mold the Constitution like clay, he would shred it.

I do not know what they are going to do with Judge Bork, but they had better get off my back. I am going to stand and fight the IRS. I think Americans should not have to fear a Gestapo agency and the Congress should straighten it out.

TWO HUNDREDTH ANNIVERSARY OF CONSTITUTION AND PRESIDENTIAL VOTE

(Mr. de LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. de LUGO. Mr. Speaker, when we mark the 200th anniversary of our Constitution, we're not celebrating a document that has become static or lifeless.

The Constitution is not just a brilliant political plan for the conditions of 1787. The framers had the wisdom to provide for the ongoing political development of this country. Under the Constitution, for example, the United States has advanced by extending voting rights and political rights to more and more citizens.

But that process is not yet complete. In this great Nation, we still have citizens who are denied the right to vote for their President. Our citizens in the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and other offshore areas remain disenfranchised.

They are called to go defend our country with arms, but they cannot go to the polling booth to select their President. In light of our constitutional principles, it is just not right.

More than 115 of my colleagues have joined me in cosponsoring House Joint Resolution 217, calling for a constitutional amendment to extend the Presidential vote to our citizens in the territories.

I'm calling on my other colleagues, especially on this 200th anniversary, to join us in extending this precious voting right to our citizens in the Pacific and the Caribbean.

TEXTILE AND APPAREL IMPORTS FROM IRAN AND SOUTH AFRICA

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker, last week I received a letter from the U.S. Trade Representative telling me of the administration's opposition to H.R. 1154, the Textile and Apparel Trade Act of 1987. It says that "the administration has already done an enormous amount in recent months to assist U.S. textile and apparel industries."

Well, as proof of their assistance, I would like to relay the following information. Thus far in 1987, we have imported over 600,000 square yards of fabric from Iran, compared to the 215,000 square yards we imported all of last year.

From December 1986, to the end of June 1987 over 10.6 million square yards of textile and apparel exports from South Africa, worth $6.6 million, have been admitted for consumption into the United States.

The Commerce Department estimates that 10 million square yards is roughly equivalent to 10,000 jobs. By this calculation, 10,000 American workers can now look forward to the agony of unemployment, thanks to South African textile imports. But they will not be alone, they will join the nearly 700,000 lost American job opportunities attributable to textile and apparel imports since 1981.

Unless we move to limit import growth and to protect American industry, the administration may offer even more such assistance. Assistance which American textile workers cannot afford to receive. When H.R. 1154 comes to the House floor for action, I strongly urge my colleagues to give it their full support.

PROPOSED ACCORD ON CERTAIN NUCLEAR WEAPONS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the Reagan administration is poised to conclude a treaty to eliminate short- and medium-range nuclear missiles. Foreign Minister Shevardnadze's visit to Washington is the latest sign that remaining differences may soon be resolved, leading to a summit meeting this fall.

The proposed accord offers us the opportunity to eliminate two entire classes of weapons from the superpower arsenals. We must not squander this opportunity, which is in the best interests of both nations and the entire world.

The Reagan administration is to be commended for bringing the treaty this far, and we must all unite to ensure that it is favorably concluded and ratified. But we must also remember that a treaty on short- and intermediate-range weapons is not enough. The American breakout from the SALT II Treaty and the efforts of the Reagan administration to unilaterally reinterpret the ABM Treaty raise the specter of a consuming all-out competition in strategic arms and space weapons.

We must not trade short- and medium-range weapons for a reckless new arms race in other weapons. Instead, we must use the momentum of the coming arms agreement to resolve our differences on strategic and space weapons, which continue to threaten the world with nuclear annihilation.

THE APARTHEID PROFITS DISINCENTIVE ACT

(Mr. LELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LELAND. Mr. Speaker, during the August recess I was appalled by the inhuman working conditions in South Africa which caused 340,000 black mine workers to hold a 3-week nationwide strike.

The mining industry is the pillar of the South African economy and rests on cheap labor and apartheid's migrant-labor system.

When we passed the Anti-Apartheid Act in the last Congress, we struck a blow against apartheid. Today, however, I am deeply troubled about what appears to be a critical loophole in the act. It appears that South African businesses are reacting to the political and economic instability in their country by investing in more stable business environments such as the United States.

According to the Africa Fund, the largest foreign investor in the United States in 1981 was the South African Anglo American Corp., the biggest of the six mining companies struck by the black miners in August.

Very recently, I have become aware that there is a disturbing link between Anglo American and Newmont Mining Corp., a U.S. company which is the largest producer of gold in this country. It appears that Anglo American exercises de facto control over Newmont through a complex web of interlocking directorships and cross minority interests which span the globe.

The purpose of the Anti-Apartheid Act was to create economic disincentives for the continuation of the apartheid system. This purpose is thwarted if companies such as Anglo American can invest profits in capital markets in the United States. Therefore, I intend to introduce legislation which would prohibit the South African mining interests, which benefit from the apartheid system, from investing in United States corporations. I am calling for congressional hearings to determine the extent to which South African mining interests invest in United States companies and the extent to which profits generated in the United States are being invested in South African companies which benefit from the apartheid system.

By prohibiting South African mining interests from investing in United States companies we can strike yet another blow at the very root of the apartheid system. Mr. Speaker, I urge my colleagues to join in the spirit of my initiative.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALEXANDER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, of postponed, will be taken after debate has been concluded on both motions to suspend the rules.

FREEDOM OF RELIGION IN LITHUANIA

Mr. FEIGHAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 192) concerning the denial of freedom of religion and other human rights in Soviet-occupied Lithuania.

The Clerk read as follows:

H. RES. 192

Whereas 1987 marks the 600th anniversary of the Christianization of Lithuania, when the Lithuanian nation embraced Roman Catholicism;

Whereas freedom of religion is a fundamental human right which is explicitly guaranteed by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas the Soviet Union has violated the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe by engaging in the ongoing denial of religious liberty and other human rights in Soviet-occupied Lithuania and elsewhere;

Whereas Lithuanian children are legally prohibited from attending church without their parents and from participating in church activities, parents are actively discouraged from teaching their faith to their children, priests are forbidden to give religious instruction to children, and children who are religious believers are discriminated against by teachers and school officials;

Whereas adult lay believers in Lithuania are victimized by job discrimination, denied access to religious literature, and are subject to various forms of harassment such as house searches, interrogations, and arbitrary arrest;

Whereas religious orders are legally prohibited in Lithuania, admission to the one seminary is strictly regulated, and administration of that seminary is subject to government interference;

Whereas priests in Lithuania who conscientiously perform their pastoral duties are subject to persecution, and those who protest Soviet mistreatment of religious believers and petition the state for redress of their grievances, such as Father Alfonsas Svarinskas and Father Sigitas Tamkevicius, founders of the Catholic Committee for the Defense of Believers' Rights, are subject to imprisonment;

Whereas Soviet authorities have seized numerous churches against the religious community's will and converted them to other uses;

Whereas Soviet authorities restrict the production and importation of religious literature and materials to small quantities, and subject the publishers of religious literature and underground human rights publications such as the "Chronicle of the Catholic Church in Lithuania" to arrest and imprisonment; and

Whereas the Soviet Union has consistently blocked efforts by Pope John Paul II to visit Lithuania and has taken other steps to limit Lithuania's celebration of the 600th anniversary of its Christianization: Now, therefore, be it

Resolved, That the House of Representatives deplores the Soviet denial of religious liberty and other human rights in Lithuania and elsewhere, and on the occasion of the 600th anniversary of Christianity in Lithuania—

(1) sends its greetings to the Lithuanian people as they mark this solemn occasion in the life of their nation;

(2) voices its support for those Lithuanians who are persecuted for attempting to exercise freedom of religion;

(3) urges the President, the Secretary of State, and the United States delegation to the Vienna CSCE Review Meeting to continue to speak out forcefully against violations of religious liberty everywhere and specifically in Lithuania during this anniversary year, and to solicit the support of our allies in this effort; and

(4) calls upon the Soviet Union to abide by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe, including the provisions on religious liberty.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio [Mr. FEIGHAN] will be recognized for 20 minutes and the gentleman from New York [Mr. SOLOMON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was very pleased to introduce House Resolution 192 with the distinguished gentleman from the State of Washington [Mr. MILLER]. I'd like to take this opportunity to pay tribute to my very good friend for his leadership and for his dedication to helping the oppressed peoples living today in Lithuania.

I also would like to thank and commend the chairman of the House Foreign Affairs Committee, Mr. FASCELL, for bringing this resolution to the floor as expeditiously as he has. I want to thank the chairman of the Human Rights Subcommittee, Mr. YATRON, and the chairman of the Subcommittee on Europe and the Middle East, Mr. HAMILTON, for their outstanding leadership and assistance with this legislation as well.

This resolution, House Resolution 192, calls upon the Soviet Union to observe the religious and human rights of the people of Lithuania.

This legislation sends our greetings to the Lithuanian people as they celebrate the 600th anniversary of Christianity in Lithuania, and it voices our support for those Lithuanians who today are persecuted for exercising the basic right to practice religion.

And finally, Mr. Speaker, this legislation urges the Administration to continue to speak out forcefully against violations of religious liberty—not only in Lithuania—but throughout the Soviet Union.

I would like to describe, for the record, the types of persecution and discrimination that are taking place in Soviet-occupied Lithuanian today.

As a Roman Catholic, I am perhaps most distressed by Soviet actions aimed against Catholic Lithuanian children. For example, it is against the law for Lithuanian children under the age of 18 to attend church without their parents. Lithuanian children may not act as "altar boys" during Mass. Lithuanian children may not participate in church choirs. Religious children are routinely denied entrance to institutions of higher learning.

Priests are not allowed to teach the Catholic faith to children. Nor are they allowed to organize social activities such as Christmas parties for children. Priests are not allowed to perform any religious activities outside church property such as funeral processions to cemeteries. And they are fined for alleged petty offenses such as for "disturbing the peace" by ringing church bells on Sundays.

Clergy who actively pursue religious or human rights are arrested and imprisoned. For example, one priest was sentenced to 6 years in a labor camp and 4 years exile. The charge? Organizing a Christmas party for parish youth.

The Government tries to control the church hierarchy as well. For example, one Catholic Lithuanian bishop has been in exile in a remote northern town since 1961—for 26 years—for refusing to prohibit priests from teaching religion to children and for refusing to allow the Government to interfere with the selection of seminary students.

Only one seminary is permitted now in Lithuania. Entrance to the seminary is so strictly controlled that more priests die each year than are ordained. The Soviet Government—not the Catholic Church—makes the final decision about who is admitted to the seminary. The Government tries to blackmail seminarians to inform on fellow clergy. And the Government controls the appointment of faculty to the seminary.

Lithuanian churches have been seized and converted to other uses, such as an art museum and a museum of atheism.

In spite of all this, Catholicism in Lithuania is thriving. The vast majority of Lithuanians are Roman Catholics.

Despite the house searches, the interrogations, and the arrests, a mass-based movement of Catholic Lithuanians is working hard for religious rights.

It is important that we support these people—especially at this time when they are celebrating the 600th anniversary of Christianity in Lithuania.

It is also especially appropriate that we are considering this legislation during this particular week when the Soviet Foreign Minister is in town for meetings.

I'd like to add that the administration has no objections to this resolution, and in fact, finds this to be an especially appropriate time to bring attention to continuing repression in Lithuania.

I hope that House Resolution 192 will have the full support of the House as well.

□ 1225

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of this resolution and commend the gentleman from Washington [Mr. MILLER] for sponsoring it.

This resolution contains numerous examples of how the brave and suffering people of Lithuania have had their God-given right to freedom of worship taken away. The comprehensive denial of freedom of religion in Lithuania is all the more poignant because of two reasons.

First, as the resolution makes note, 1987 marks the 600th anniversary of the introduction of Christianity into Lithuania. And second, the Lithuanian people have had their rights taken away by an alien and enemy occupation force. Lithuania, and its sister Baltic Republic, have since 1940 been occupied illegally by the Soviet Union.

Let us not forget that in 1920 the freed and sovereign State of Lithuania signed a peace treaty with the Soviet Union in which the Soviets—quote—relinquished for all time all claims to sovereignty over Lithuania or any other Baltic Nation. Acting in collusion with the invading Nazi forces in 1940, the Soviet Union overthrew the free Government of Lithuania and began occupying the country by force. So much for treaty commitments. And so much for the freedom of the Lithuanian people.

I cite this history, Mr. Speaker, because the Soviet Union has made just as great a mockery of the Helsinki accords that they signed in 1975, as they have of the Lithuania peace treaty that was signed in 1920. They haven't observed either one. And the people of Lithuania can no more enjoy the basic human rights defined by the Helsinki accords, than do the people in the Soviet Union.

The tragic reality of the brutal Soviet occupation of Lithuania is something we must never cease to protest. I am pleased to be a cosponsor of this resolution, and I urge its unanimous adoption.

Again, Mr. Speaker, I commend the gentleman from Washington [Mr. MILLER] for bringing this resolution to the attention of this body and to all of the world, including those who are oppressed by communism behind the Iron Curtain today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican member of the full Committee on Foreign Affairs.

Mr. BROOMFIELD. Mr. Speaker, first I want to commend the gentleman from New York, [Mr. SOLOMON], for his very important statement on this resolution. I also want to commend the gentleman from Ohio, [Mr. FEIGHAN], as well as the gentleman from Washington, [Mr. MILLER], for being the principal sponsors. I understand there are nearly 50 Members of Congress who have cosponsored this legislation which deplores the Soviet denial of religious liberty and other basic freedoms in Lithuania. In the spirit of glasnost I call upon the Soviet leader to respond to this legislative initiative. Now is the time, Mr. Gorbachev, to grant religious and other freedoms to the Lithuanian people.

This year marks the 600th anniversary of the adoption of Christianity by the Lithuanian people. We all know the Lithuanians cherish their faith. Even though Soviet officials persecute those people for practicing their religion, the brave Lithuanian people refuse to abandon their faith. They want no part of the atheism of that police state. Sharing the fate of all too many countries, that once independent land became a victim of the expanding Soviet Empire. The Lithuanians have paid a high price. Those freedom-loving people are routinely denied the basic liberties that all of us take for granted.

Although a signatory to many of the international agreements concerning human rights, Kremlin officials continue to play the same old game. Behind their slick public relations offensive, the sad reality of the Soviet Union is unchanged. In that closed society many innocent human beings continue to be harassed, mistreated and imprisoned.

Is the persecution of the Lithuanian people, Mr. Gorbachev, your response to the human rights agreements which your government has signed? Are the ongoing violations of the religious rights of those people in keeping with the spirit of glasnost? Is there a better time than now, Mr. Gorbachev, to fulfill the promises of this "new openness" in your country?

Finally, Mr. Speaker, I strongly support this resolution's efforts to deplore the tragic Soviet denial of religious and other basic liberties in Lithuania. I urge my colleagues to join me in supporting this timely resolution.

Mr. FEIGHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON], who I point out is a very valuable and vocal member of the Helsinki Commission.

Mr. RICHARDSON. Mr. Speaker, first I would like to commend the gentleman from Ohio [Mr. FEIGHAN] and the gentleman from Washington [Mr. MILLER] for their outstanding leadership on this legislation and in the Foreign Affairs Committee.

I recently had the opportunity to travel with our colleague from Maryland, the Honorable STENY HOYER, on a Helsinki Commission trip to Bulgaria and Romania where we witnessed firsthand the persecution of religion by Communist regimes.

In the case of Romania, it was the Adventists, it was the Christians, it was the Roman Catholics. There was terrific repression, and there the people spoke out and said any time the United States passes resolutions of support or sends letters or expresses solidarity it gives renewed hope.

The same case in Bulgaria where there was persecution of many religions, where there was destruction of mosques, where there were many manifestations of violations of religious rights.

What we are doing today is taking a stand on behalf of human and religious rights in Lithuania.

It is critically important that we observe the 600th anniversary of Christianity in Soviet-occupied Lithuania. Through 123 years of Russian czars and over 45 years under Communist rule, where the official religion is atheism, the Catholics of Lithuania remain deeply rooted to their religion.

However, the long history of Lithuanian Christianity has not survived unscathed. At best, Christianity continues to be driven underground. At worst, the mere existence of Christianity in Lithuania is in jeopardy. I would like to take this opportunity to alert my colleagues to the types of discrimination and persecution that exist in Lithuania today.

The Soviets are attempting to undermine the future of Christianity in Lithuania by restricting the younger generations from religious participation. Children are not allowed to attend church unless they are accompanied by an adult. No one under 18 is allowed to sing in the choir. The teaching of the cathechism to children is considered a crime. All but one of the four seminaries have been closed. Thus, very few students, heavily screened by authorities, are admitted to study for the priesthood. It is clear that Soviets are trying to starve Christianity out of Lithuania.

In honor of the 600th anniversary of the Christianization of Lithuania, let us demonstrate our solidarity with the faithful in Lithuania. I am calling on my colleagues to unite in support of House Resolution 192, concerning the denial of freedom of religion and other human rights in Soviet-occupied Lithuania.

Mr. Speaker, once again I wish to commend the authors and the eloquent statement by the gentleman from New York [Mr. SOLOMON]. These resolutions matter. Taking strong affirmative votes rings messages throughout the world that the U.S. Congress stands behind those who are oppressed and behind the Iron Curtain. There are many.

So once again I commend my colleagues and I urge a unanimous vote on this resolution.

Mr. SOLOMON. Mr. Speaker, I commend the gentleman from New Mexico [Mr. RICHARDSON] for an outstanding statement.

Mr. Speaker, I yield such time as he might consume to the gentleman from Washington [Mr. MILLER], the sponsor of this resolution and a very valuable member of the Foreign Affairs Committee.

Mr. MILLER of Washington, Mr. Speaker, I want to start out by thanking my distinguished colleague from Ohio, Mr. FEIGHAN, who has joined with me in cosponsoring this resolution. He has also joined with me in helping to bring together many Members of Congress to work on this important issue.

I want to thank our many colleagues who have cosponsored this legislation and have taken their time to get involved in this important issue of human rights, an issue that is also of great concern to Soviet-American relations.

I want to thank my colleague, the gentleman from New York [Mr. SOLOMON], my colleague on the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], the chairman; the gentleman from Michigan [Mr. BROOMFIELD], the ranking member; members of the subcommittee, such as the gentleman from Pennsylvania [Mr. YATRON] and the gentleman from Indiana [Mr. HAMILTON] for their help in bringing this resolution to the floor.

This resolution commemorates the 600th anniversary of Lithuania's Christianization, 600 years ago. The people of Lithuania today, unfortunately, are denied one of their most basic human rights, religious liberty.

So, 1987 marks another year of religious persecution and restriction on the Lithuanian people. In a year when the people of Lithuania should be openly and joyously celebrating the anniversary of Lithuania's Christianization, they are instead faced with religious repression and obstacles to practicing their faith created and sanctioned by the Government.

It is hard for us in the United States, in the Western World, to imagine what goes on in Lithuania, to imagine a situation where, as my colleague from Ohio, Mr. FEIGHAN, pointed out, children under 18 cannot go to church alone; to imagine a situation where priests who want to study openly for the priesthood and practice as priests can be sent to jail. Some have been sent to psychiatric hospitals far from Lithuania. It is hard to imagine a situation where one can be arrested for organizing a Christmas celebration.

The government in Lithuania routinely attempts to deny people even going to church for funerals. This was the case with the Pinkauskas family when their 7-year-old daughter died. Officials threatened not to allow friends of their daughter at attend the funeral if it was done in the church and threatened the parents that they would lower their children's grades if they attended the funeral.

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There is also the case of Inga Zvingevich, a fourth grade student who was interrogated to the point of tears by her teachers regarding how many times she had been to church. A principal of Krakes Middle School stated during a parents' meeting that in the future children who attended church would have their conduct mark lowered regardless of whether their scholastic marks were perfect.

The leader of the Roman Catholic Church, Pope John Paul II, has been denied permission to visit Lithuania during the 600th anniversary celebration. Only a handful of Lithuanian clergy have been allowed to travel to Rome to participate in the papal celebration of Lithuanian Christianity on June 28. The Lithuanian clergy were completely denied permission to participate in the Rome celebrations. With few exceptions no Westerners were allowed to visit Lithuania on or around June 28.

In Vilnius, the capital of Lithuania and the site for the main celebration, the scope of celebration was severely restricted.

The government has imposed severe limitations on the production and importation of prayer books and other religious literature.

The religious press is completely banned. A Lithuanian who participates in religious activities takes the risk of being harassed at his job, compelled to work against his will on Sundays and religious holidays, denied employment opportunities and even faces the risk of being fired from his job. That person can be expelled from the Communist Party, lose his parental rights, be harassed by the KGB. We in Congress must condemn these actions which deny the Lithuanian people their most basic human rights, religious liberty.

We must not forget those in Lithuania who are denied their basic human rights. The miracle, the miracle is that the people of Lithuania continue to adhere to their religion and struggle for their freedom despite the obstacles that we have been talking about.

In 1983, 123,000 Lithuanians signed their names on a petition for three jailed priests, 123,000 citizens had the courage to do that.

I have told you how religious literature and religious press was banned, but a religious underground press continues to prosper despite waves of interrogations, house searches, arrests. Seventy-two issues of the Chronicle of the Catholic Church in Lithuania have appeared over the last 15 years. In fact, we had a reception and celebration of that 15th anniversary just a couple of months ago here in the Capitol.

Under extreme duress and danger, Lithuanians have not given up their fight for religious freedom. The Soviet Union, which is the religious persector of the Lithuanian people, has violated the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe which the government signed, all of those documents call for religious liberty, religious freedom, freedom of worship. The United States cannot ignore this when dealing with the Soviet Union. Today is especially appropriate for us to consider this resolution, a day when both the leader of the Roman Catholic Church and the Foreign Minister of the Soviet Union are in our country. This resolution is a small but important step in recognizing the Lithuanian peoples' rights to religious liberty and expressing our solidarity, the solidarity of the American people, with their continued efforts to exercise this basic right. There are, basically, two messages in this resolution. One is the message to the Lithuanian people and the message is "we have not forgotten you." The other is a message to the Soviet Union and that message is, "In the spirit of glasnost, let the people of Lithuanian practice their religion."

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Washington. I yield, I am happy to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman from Washington for yielding.

Mr. Speaker, I want to commend the gentleman from Washington for bringing this matter to the floor.

Mr. Speaker, our subcommittee, the Subcommittee on Europe and the Middle East, considered this resolution last month. We felt that it was highly appropriate to call the attention of the world to the continuing denial of religious freedom in Soviet-occupied Lithuania. Freedom of religion is not only a natural right but it is guaranteed by a variety of international agreements which the Soviet Union, as an occupying power in Lithuania, is bound to observe, and palpably does not observe.

It is appropriate for the gentleman from Washington [Mr. MILLER] to call this problem to our attention, and I hope my colleagues will support this resolution.

Of the over 3½ million people living in Lithuania, 85 percent consider themselves to be Catholic. The Lithuanians have had a longstanding conflict with the Soviets since September 28, 1939, when the secret protocol to the Soviet-German Frontier Treaty assigned the greater part of Lithuania to the Soviet sphere of influence.

This has been just a perpetuation of a struggle that has been going on since 1795, when the combined Lithuanian-Polish Government collapsed and Lithuania came under the rule of the czar. The Lithuanians' resilience was noted then when the people continued to educate their children and maintain their cultural heritage even as the czar prohibited the printing of books and closed all schools in Lithuania. The tradition of suppressing the religious, social, and political rights of the Lithuanians was passed down from czarist Russia to the Soviet Union. But the Soviet Government, like the czars, has encountered determined opposition from a people intent on expressing their pride and national identity.

In June, Lithuanian Catholics marked the 600th anniversary of the introduction of their religion in Lithuania. The Soviet Government acknowledged this event by banning all travel to Lithuania in June—again denying the full expression of religious liberties by excluding Catholics around the world from physically participating in this well-deserved celebration.

In the current era of glasnost, allowing such a celebration would have served as a symbol of the Soviet's intention to meet the expectations raised by their proclamation of a greater openness. While it is true that the Soviets allowed an open protest against imposed Soviet rule in the three Baltic republics last month, there is nevertheless a strong Soviet resistance to allow their residents to enjoy genuine liberty.

An underground publication, the Chronicle of the Catholic Church in Lithuania, demonstrates this when it recently published letters from imprisoned priests, reported that students were barred from crucial final exams because they are churchgoers, and about a pastor who was killed last year in what appeared to be a contrived motor accident.

Like many in the United States, I welcome changes in the Soviet Union that would convince me that progress in promoting human rights is being made. Regrettably, however, the limited increase in tolerance for self-expression in the Soviet Union has not resulted in a substantive amelioration of the situation in the Baltic republics. Thus, Mr. Speaker, I encourage my colleagues to join me in supporting House Resolution 192 which acknowledges the courageous efforts of the Lithuanian people to realize greater religious and civil liberties.

Mr. MILLER of Washington. I thank the gentleman from New York for his leadership in this area and his well-chosen words.

Mr. Speaker, I yield back the balance of my time.

Mr. FEIGHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank the gentleman for yielding and I commend my colleague from Ohio and my colleague from Washington for their initiative in introducing this resolution.

I have a special fondness for the message included in this resolution because I may be the only Lithuanian-American serving in the United States House of Representatives.

Mr. Speaker, my mother was born in Lithuania and emigrated to this country at the age of 4.

Several years ago it was my honor and privilege to visit Lithuania to see firsthand my own roots and to see some of the things which have been described on the floor today in terms of religious oppression.

The oddity is that the more the Soviet Union attempts to repress religious belief in Lithuania, the stronger that belief is. The Soviet Union in fact has its hands full with Lithuania because that country has continued to be a source of great unrest, a source of great upheaval in terms of religious belief and I am certain, and witnessed it myself, that they would like to see this situation come to an end very quickly. In fact, they are perpetuating it. The more they oppress religion, the more they close seminaries, the tougher they are on the Catholic clergy, the stronger the faith is felt. I can recall going to a Catholic Mass in Vilnius, an early mass, about 6:30 in the morning and about that time of year it was still very dark outside. As I went up for communion at the end of the mass, I looked to my right to find a room full of men and women with small children who brought them out at 6:30 on Sunday morning in the dark to stand off on the side in a church and practice their religion so that they did not fear recrimination, but so that they kept the belief alive.

As you walk the streets of Vilnius to see particularly elderly men and women who have nothing to lose anymore, they are no longer working, carrying rosaries in their hands and prayer books, it suggests to me that the Soviet Union has a serious problem so long as they continue on this particular effort to eradicate religion in Lithuania.

Some of the things that they have done are nothing short of outrageous. They have disallowed the basic publication of Catholic materials unless it has the state imprimatur. They have, as has been noted earlier, suppressed seminary education and even more insidiously they have infiltrated the faculties of these seminaries so that some of the people who pretend to be believing Catholic priests are in fact part of the government operation.

I think what we are doing today is important because it does send a message. As my colleague from New Mexico [Mr. RICHARDSON] said earlier, this information does trickle through. The people who are maintaining their beliefs in Lithuania will know about what we are doing today. And even those people who put their lives on the line and their futures on the line in that country look to us for encouragement. In the country of Lithuania today if you are to be married you have to go through a civil ceremony. I attended one of them in what looked like a regular town hall.

It was very nice, it was very pretty, they had a state-provided organist, and they had flowers, people came through, couple after couple, to be married.

They were very proud to show this to me. The Communist government wanted to make sure that I saw that the people wanted to go through the civil ceremony.

But we followed one couple out of that town hall across town to a Catholic church where they then had their wedding solemnized again, running the risk of basically incurring the wrath of the leaders in Soviet Lithuania.

But the dream is still alive there and it has been for centuries. This effort today is a small token but an important one which shows our recognition of a struggle that continues even today.

We can only hope that General Secretary Gorbachev, as he institutes reforms within the Soviet Union, will look to the most basic reform, to give the people of Lithuania and all the republics of the Soviet Union and all the Baltic nations the basic human rights which we venerate so much in this country.

Mr. Speaker, I thank my colleagues and I fully support their effort to pass House Resolution 192.

Mr. WELDON. Mr. Speaker, I rise today after the consideration of House Resolution 192. This legislation is a significant show of support by this body for religious freedom, not only in Soviet-occupied Lithuania, but throughout the world. By approving this legislation, Congress sent a clear message to all nations that the people of the United States are not willing to accept the suppression of religious freedoms. Today, the U.S. Government displayed a commitment to the preservation of those religious freedoms as well as to all basic human rights.

This House resolution was passed in honor of the 600th anniversary of Christianity in Lithuania. This legislation also expresses the sense that the Soviet Union has denied free religious expression in the Soviet Union and in occupied Lithuania. Further, this legislation makes it clear that this Congress and this Nation believe the Soviets should honor their commitment to the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

As many of you are well aware, Lev and Inna Elbert, Soviet refuseniks, were recently granted exit visas to leave the Soviet Union. I applaud the good works of my constituents from the Beth-Israel Temple in Media, PA, for their successful efforts on the Elbert family's behalf. I also wish to congratulate my colleagues whose efforts were instrumental in obtaining this victory for the Elberts.

Mr. Speaker, it is my sincere pleasure to share with this body a Delaware County Daily Times article which illustrates how concerned constituents can make a difference:

"REFUSENIKS" GET LIFT FROM DELCO

(By Helen Passaro)

MEDIA.—Through the combined efforts of the borough's Beth-Israel congregation and Congressman Curt Weldon, a "refusenik" family has obtained permission to leave the USSR after a 15-year struggle.

From the time their son, Carmi was a year old, Lev and Chana Elbert had attempted to get exit visas to leave the Soviet Ukraine and rejoin their family in Israel.

Yesterday, Congregation Beth-Israel celebrated at the sudden news that the Elberts will be departing Moscow for Israel within a month.

Weldon (R-7), who was instrumental in gaining the Elberts' release, was invited to come to the synogogue on Gayley Street yesterday morning, when the congregation planned to congratulate the family by telephone.

The Elberts, it turned out, had already left for Moscow.

Members of Beth Israel Synagogue first learned of the Elberts' distress 12 years ago, and began sending them letters of encouragement.

Last March, the Elberts went on a hunger strike, hoping to inform the world of their plight. Carmi joined his parents in their water-only diet 20 days later. On the 36th day of his fast, Lev Elbert lost consciousness, was in a coma five days and nearly died. Chana, a physician, also collapsed.

Beth Israel Congregation sent Rabbi Brian Wal to the USSR to help them, but his negotiating attempts failed.

Then the rabbi turned to Weldon, who had majored in Soviet studies at college, speaks Russian and had made friends with some Soviet leaders as a result of two trips to the USSR. Two years ago, Weldon helped bring a group of 14 Soviet leaders to Delaware County.

Weldon made telephone calls, wrote letters and convinced 113 congressmen to sign a petition and sent it to Mikhail Gorbachev general secretary of the Kremlin's central committee.

The strategy worked.

Yesterday was the first day of religion school at Beth Israel Synagogue in Media and 65 children, their new teacher, Irene Afek, and two dozen parents were waiting to sing "Hevenu Shalom Aleichem" ("We bring you greetings of peace") to the Elberts over the telephone.

"We need to maintain an ongoing dialogue to respond in other cases like the Elberts," Weldon told them yesterday. "In my last trip I met with 11 families in Leningrad and Moscow and their stories were unbelievable. It is hard to believe there are families persecuted and torn apart and fathers sent to work camps just because they want to be reunited with their loved ones."

Mr. YATRON. Mr. Speaker, I strongly support House Resolution 192, and I want to commend Congressman MILLER for his leadership on the issue of human rights in Soviet-occupied Lithuania. In serving on the Human Rights Subcommittee, Congressman MILLER has made a valuable contribution to promoting respect for fundamental freedoms and liberties worldwide.

Mr. Speaker, despite the new policy of glasnost undertaken by the Soviet Union, religious persecution, cultural oppression, and the denial of other basic rights continue in Lithuania. Soviet authorities continue to violate their international obligations under Helsinki, the Universal Declaration of Human Rights and other covenants by harassing and incarcerating religious believers, tightly controlling the dissemination of religious literature, and severely limiting churches and clergy.

House Resolution 192 calls attention to these abuses and reminds the world that 1987 marks the 600th anniversary of Lithuania's embrace of Christianity.

Thus, this measure is warranted by the circumstances and is most timely. By extending greetings to the Lithuanian people, voicing support for those suffering religious persecution, urging our Government to continue to speak out against oppression in Lithuania, calling on the Soviet Union to abide by its international human rights obligations, House Resolution 192 sends an important message to Soviet authorities, the Lithuanian people and the world. Our Nation takes these principles seriously, as well as pledges to obey them, and we will continue to press for compliance.

As chairman of the House Subcommittee on Human Rights and International Organizations, I have been closely following developments in the Soviet Union and working to promote the expansion of human rights in that country. While I certainly applaud the recent increase in visa approvals, the permission of certain important refuseniks to emigrate, and other humanitarian gestures, Soviet officials still have a long way to go before they are in full compliance with their international obligations in this regard.

Therefore, House Resolution 192, will serve to remind the Soviets that the Lithuanian people expect and deserve nothing less than full recognition of their basic rights on this most solemn yet joyous occasion of 600 years of Christianity in that land. Our country has an obligation to continue to press and encourage the Soviets to join the fraternity of freedom and liberty.

I strongly urge my House colleagues to support House Resolution 192.

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 192 concerning the denial of freedom of religion and other human rights in Soviet-occupied Lithuania. I would like to commend our distinguished colleagues, Mr. FEIGHAN and Mr. MILLER, for their leadership on this important issue.

It is particularly appropriate that we discuss the denial of religious liberty in Lithuania today as Secretary of State Shultz begins talks with Soviet Foreign Minister Shevardnadze on a wide range of bilateral issues. The passage of this resolution will demonstrate to the Soviet leadership the Congress' continued concern about Soviet human rights violations and will strengthen the hand of Secretary Shultz as he pursues these important issues with his Soviet counterpart.

Mr. Speaker, this resolution calls upon the Soviet Union to abide by the commitments it undertook to respect freedom of religion in numerous international agreements including the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Final Act of the Conference on Security and Cooperation in Europe. To this end, the resolution urges the President, the Secretary of State and the United States delegation to the Vienna CSCE review meeting to continue to speak out forcefully against violations of religious liberty everywhere and specifically in Lithuania which this year celebrates the 600th anniversary of Christianity.

I urge adoption of this measure.

Mr. SHAW. Mr. Speaker, I would like to speak in favor of House Resolution 192 today because although Lithuania is very far away from my district in Florida, the denial of all types of human rights, religious and otherwise, in Lithuania has caused tragic results for one of my constituents, Dr. Galina Vileshina. Her husband, Pyatras Pakenas, resides in Vilnius, Lithuania. These two make up one of the smaller number of "divided spouse" cases in the United States—cases where one spouse resides in the United States while the other spouse is prevented from joining the spouse by Soviet officials.

This is truly a heartbreaking case. Dr. Vileshina, a practicing neurologist, left the Soviet Union in 1980 and was promised that her husband would follow within 6 months. That was 7 long years ago.

Her husband has applied to leave 17 times in the past 7 years and has received 17 denials. No reason has ever been given for these refusals. Mr. Pakenas, once a successful lawyer, lost his job, and is now employed as a packer in a meatpacking company. More tragic is the fact that Mr. Pakenas recently suffered a heart attack. His health is very precarious and he is in urgent need of bypass surgery, surgery which is not available where he resides.

Understandably, Dr. Vileshina, who has kept up a constant daily crusade for his release, is now near despair with additional worries over his health.

Over the past 2 years since Dr. Vileshina moved to my district, I have attempted to assist her in her crusade. Dozens of letters on the couple's behalf have been sent to both Soviet and United States officials. United States efforts on behalf of the two have been gratifying but to no avail. I have never received even a simple reply to the letters and telegrams I have sent to the Soviet Embassy here or to Secretary Gorbachev and other Soviet officials. I even recently broadcast over the Voice of America with Dr. Vileshina to bring even more attention to this case.

Mr. Speaker, it is my hope that the passage of House Resolution 192 will send a signal to the Soviets that denying basic human rights doesn't benefit anyone. This case illustrates that. It is my hope that sanity and justice will prevail and that these two wonderful people can be reunited.

Mr. PORTER. Mr. Speaker, I rise to express strong support for House Resolution 192 which deplores the Soviet denial of religious liberty and other human rights in Lithuania and elsewhere. I commend my colleagues Mr. MILLER and Mr. FEIGHAN for introducing this resolution and for their tremendous leadership as cochairman of the Lithuanian Catholic Religious Liberty Group.

This year marks the 600th anniversary of Christianity in Lithuania. Unfortunately, the citizens of Lithuania are unable to experience the freedom of religion espoused in such international documents as the Helsinki Final Act and the U.N. Declaration of Human Rights. Religious Lithuanians face harassment, discrimination, and persecution at the hands of the Soviet Government. Lithuanian children are not allowed to attend church without their parents until reaching the age of 18. Lithuanian priests are forbidden to teach the Catholic faith to children. Clergy who actively support human rights and religious liberty are often arrested and imprisoned.

Mr. Speaker, despite attempts to annihilate religion in Lithuania, Christianity endures. Approximately 80 percent of the Lithuanians still consider themselves Catholics. One million Lithuanians attend mass regularly. Lithuanian culture will not be stamped out by the Soviet regime.

As co-Chair of the Congressional Human Rights Caucus, I encourage my colleagues to vote in favor of House Resolution 192. Passage of this resolution will express our country's strong support for the people of Lithuania who will continue their struggle to achieve basic human rights.

Mr. STRATTON. Mr. Speaker, I am pleased to rise today in support of House Resolution 192, regarding the continued denial of freedom of religion and other human rights in Soviet-occupied Lithuania.

Let me take this opportunity to reaffirm my strong support for the Lithuanian people in their struggle to regain their liberty and self-determination. The Soviets continue to deny the Lithuanians the basic human rights and freedoms, particularly freedom of religion, through their familiar tactics of aggression, oppression, and coercion.

Yet through all the years of Soviet rule the Lithuanian people have demonstrated remarkable resolve in retaining their heritage and their desire for freedom.

On this 600th anniversary of Christianity in Lithuania, I want to pledge my strong support to Lithuanians who are persecuted for attempting to exercise freedom of religion. I also urge the President and other administration officials to press the Soviets on these grave abuses of religious freedom and other human rights in Lithuania and to urge the Soviet Union to abide by the Universal Declaration on Human Rights.

Mr. LIPINSKI. Mr. Speaker, as cochairman of the Democratic Council on Ethnic-Americans, I rise today in strong support of House Resolution 192, legislation which puts the House of Representatives on record in deploring the Soviet denial of religious liberty and other human rights in Lithuania and elsewhere.

The yearning for justice and liberty has been given renewed vigor in recent months. Over 10,000 Lithuanians, Latvians, and Estonians held rallies in their capitals on August 23, the largest anti-Soviet demonstration in the Baltic States since the takeover in 1940, denouncing the Molotov-Ribbentrop Pact—that cynical document which has deprived them of their freedom for so many years.

This year marks the 600th anniversary of Christianity in Lithuania. But it is a sad state of affairs, Mr. Speaker, that this once-proud Christian nation is no longer able to practice its deep-seated faith with any real freedom. Children cannot attend church services unless they are accompanied by their parents, Lithuanian priests are forbidden to teach the tenets Catholicism to children, human rights activists are routinely harassed or imprisoned.

According to an information bulletin recently put out by the Lithuanian National Foundation, Moscow actually scolded the Lithuanian Communist Party for "serious shortcomings in atheistic * * * patriotic and international education." As the bulletin correctly points out, any increased activity in "atheistic activity" will be bad news for Lithuania's already heavily oppressed Catholics.

Let us never forget that Lithuania and the other Baltic States were once sovereign nations, beholden to no power but that of their respective peoples. Only by remembering and adhering to this undisputed fact can we harbor any hope for their future independence and freedom.

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today in support of House Resolution 192, a resolution calling for the restoration of religious freedom and other basic human rights to the people of Lithuania. Since the birth of their nation in the 13th century, the Lithuanian people have struggled to preserve their independence and their culture.

After more than 500 years of freedom Lithuania was occupied by her Russian neighbors in 1795. Lithuania remained under Russian control until World War I, when they were occupied briefly by Germany. In 1918 the void left by the defeat of Germany and the collapse of czarist Russia provided Lithuania and the other Baltic States with an opportunity to regain their freedom. On February 16, 1918, the Council of Lithuania declared the nation's independence in the capital city of Vilnius.

For the next 22 years the people of Lithuania enjoyed their freedom and the chance to revive their cultural and religious heritage. A member of the League of Nations, Lithuania was recognized by the rest of the world as a sovereign and independent republic.

The secret 1939 pacts between the Soviet Union and Nazi Germany gave control of the Baltic States to the Soviet Union and signaled the end of independence for Lithuania. In 1940 the Soviet Union demanded the formation of a Soviet-controlled government in Lithuania, and held a one-party election. One month later the Soviet Union annexed its tiny, herioc neighbor. Occupied by Germany for most of World War II, Lithuania was reoccupied by the Soviet Union at the war's end.

The people of Lithuania have a long, rich cultural and religious heritage. Under Soviet occupation untold thousands of Lithuanians have been killed, imprisoned or deported for fighting to preserve their culture and their political independence. Hundreds of thousands of Lithuanians have been forced to flee their native land. Soviet oppression has cost Lithuanians their religious freedom. The Catholic Church, which is by far the dominant religion of the Lithuanian people, has been the target of particularly harsh treatment.

The United States has never recognized the unlawful occupation of Lithuania and her neighbors, and continues to maintain diplomatic relations with the representatives of the independent Republic of Lithuania. By adopting this resolution we reaffirm our support for the people of Lithuania and all the other peoples of the world who struggle against oppression, and who strive to obtain those basic freedoms we hold so dear.

Mr. Speaker, I commend my colleague from Washington for introducing this legislation, and I urge my colleagues to join me in supporting House Resolution 192.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Resolution 192, which marks the 600th anniversary of Christianity in Lithuania and deplores the Soviet denial of religious freedom and other liberties in Lithuania and its Soviet-occupied Baltic neighbors.

Since overrunning these nations 47 years ago, the Soviet Union has unsuccessfully attempted to eliminate the traditions, language, religion, and cultural heritage of the Estonian, Latvian, and Lithuanian people. Our Nation recognizes the indomitable spirit of these Baltic people and shares the hope that some day they will realize their dream to live in a land which respects the basic human rights, freedoms, and liberties that have been denied them for almost half a century.

The Soviets have been especially harsh on the people of Lithuania and their Baltic neighbors who wish to freely worship the God of their choice. Those who observe their religious heritage face discrimination and harassment at the hands of Soviet authorities. They are subject to searches of their homes, strenuous interrogation sessions, job discrimination, and arbitrary arrest. The Soviet harassment extends to children, who are prohibitied by Soviet law from receiving religious instruction until they are 18.

Priests and the clergy are specific targets of Soviet actions. They have been severely persecuted, and many times imprisoned, for speaking out against Soviet actions that impede religious freedom. The Soviets have also undertaken a campaign to discourage the Baltic people from entering the priesthood or becoming clergymen, an action that has sharply limited the number of educated religious leaders in the Baltic countries.

Despite harsh Soviet rule and the denial of many basic rights, the Baltic people maintain their quest for freedom, and it is that quest that we offer our support today with the passage of this resolution. House Joint Resolution 192 voices the support of Congress for Lithuanians who are persecuted for attempting to exercise the freedom of religion. It also calls upon Soviet officials to honor a number of treaties to which they are signatories. These treaties, which indicate a commitment by signing nations to respect fundamental human rights, such as religious freedom, include the Universal Declaration on Human Rights, the International Covenents on Human Rights, and the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

The spirit of the Baltic people is unwavering and their desire for freedom remains as strong as ever. Despite Soviet efforts to quell public demonstrations, thousands of Baltic people in Latvia, Lithuania, and Estonia last month took to the streets to protest the continued Soviet occupation of their homelands and deny their human rights. The protests marked the 48th anniversary of the Stalin-Hitler nonaggression pact which permitted the takeover of these Baltic nations.

The resolution we consider today and the Baltic demonstrations last month which commemorated the annexation of these freedom loving people are stark reminders of the differences that exist between life under democracy in our Nation and communism in the Soviet Union. They are reminders of how quickly valued freedoms can be taken away and how long and difficult the battle is to regain them.

Mr. Speaker, I strongly support the passage of this legislation so that we can send another message to the Baltic people that our Nation will never abandon them and that we will continue to stand firm in our support of their quest for human rights and religious freedom.

Mr. HOYER. Mr. Speaker, as Chairman of the Helsinki Commission, I have seen how congressional resolutions can make a difference by calling attention to human rights violations. That is why I commend my colleagues JOHN MILLER and ED FEIGHAN for their resolution—House Resolution 192—calling for human rights and religious freedom in Lithuania. It could not have come too soon.

This year marks the 600th anniversary of Christianity in Lithuania, the only predominantly Roman Catholic republic in the Soviet Union. Freedom of religion stands as a fundamental human right guaranteed by the universal declaration on human rights, the international covenant on human rights, and the final act of the Conference on Security and Cooperation in Europe.

Yet this 600th anniversary finds the Lithuanian Catholic Church suffering repeated denials of religious liberty. For Lithuanian Catholics, their anniversary celebration is bittersweet.

A recent article in the Los Angeles Times reveals, through statistics, what the church in Lithuania has endured since the Soviet invasion and occupation. In 1940, there were

1,451 priests; at present, there are 800, with an average age of 65. In 1940, there were 1,202 Catholic parishes; at present, there are 630, almost a 50-percent decline. The 103 monasteries and convents in existence prior to the Soviet invasions are now all closed.

Among the more onerous Soviet violations of Lithuanian religious freedoms is the imprisonment of two prominent human rights activists, Viktoras Petkus and Sigitas Tamkevicius.

Father Tamkevicius was sentenced on December 2, 1983 to 6 years in prison and 4 in internal exile for allegedly conducting anti-Soviet activities. In 1978 he helped found the Catholic Committee for the Defense of Believers' Rights. Since his incarceration, at least 132,000 Lithuanian citizens have petitoned for the priest's release. Yet the pleas continue to fall on deaf ears—and an innocent man languishes in prison because he exercised his basic human rights of free speech and religion. As an added insult, the Lithuanian Minister of Justice even threatened to arrest the petitioners and three other priests from Tamkevicius' committee.

Mr. Petkus, a member of the Lithuanian Helsinki Monitoring Group, was sentenced in 1977 to 3 years in prison, 7 in strict regime camps, and 5 more in internal exile. Since the Soviet annexation of Lithuania in 1940, Mr. Petkus has spent 24 years in Soviet detention for being a human rights and Catholic activist. Petkus has been refused meetings with close relatives and his letters home have often been confiscated. Seven years ago, while serving his sentence, he began work on a literary encyclopedia of world writers. After painstakingly compiling 45,000 entries in 34 volumes of 100 pages, Petkus' manuscript was abruptly seized by camp officials.

These are not isolated instances of human rights abuses in Lithuania. In the last 6 years, several prominent Lithuanian priests died under mysterious circumstances. Today, interrogation and police intimidation are all too common. Authorities even harass school children for having attended religious services.

Mr. Speaker, there are few things to celebrate in the Soviet treatment of Lithuanian Catholics. "Glasnost" has offered some encouraging gestures, such as the reopening of several churches. But there are other gestures not so positive. I remind you that Pope John Paul II's request to visit Lithuania for the 600th anniversary was denied, and despite the Soviet Union's Helsinki committment to facilitate contacts among religious faiths, several other Catholics outside the U.S.S.R. were refused entry into Lithuania to take part in the anniversary proceedings.

Mr. Speaker, in view of the repeated Soviet pattern of releasing prisoners of conscience whose cases are brought to the attention of the world, I urge united action by this government and its allies in pressing for the immidate release of Viktoras Petkus and Father Tamkevicius. I assure you that as Chairman of the Helsinki Commission, I will continue to raise these issues in Washington and at the CSCE conference in Vienna.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FEIGHAN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. HUCKABY). The question is on the motion offered by the gentleman from Ohio [Mr. FEIGHAN] that the House suspend the rules and agree to the resolution, H. Res. 192.

The question was taken.

Mr. MILLER of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1255

REAFFIRMATION OF SUPPORT FOR AQUINO GOVERNMENT

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 260) reaffirming United States support for the democratic Aquino government and condemning the recent coup attempt in the Philippines.

The Clerk read as follows:

H. RES. 260

Whereas the "People Power" revolution of February 1986 restored democratic government to the Philippines;

Whereas under the leadership of President Aquino, the people of the Philippines have adopted a new constitution, conducted elections for a new Congress which have been widely hailed as the most honest elections in the history of the Philippine Republic, and revived the democratic institutions of their country, including a genuinely free press and an independent judiciary;

Whereas the Philippines has made impressive strides in reversing the negative growth of the Philippine economy in the last two years of the Marcos regime and has achieved 5.5 percent real growth in the first quarter of 1987;

Whereas the Government of the Philippines has initiated a bold economic reform program, including the dismantlement of monopolies, the removal of protectionist barriers, the channeling of economic resources to the countryside, and a proposed agrarian reform program;

Whereas President Aquino clearly continues to enjoy the overwhelming support of the Filipino people;

Whereas in spite of the efforts of President Aquino and the Philippine Government, the Philippines continue to confront daunting economic, political, and military problems;

Whereas these problems can be addressed much more effectively by a democratic government which has the active support and involvement of the Filipino people;

Whereas on August 28, 1987, mutinous troops attacked the Presidential palace in Manila and other government installations in an effort to overthrow the Government of the Philippines;

Whereas scores of Filipinos have been killed, and over one hundred Filipinos were wounded in the political violence, including the son of President Aquino who narrowly survived an assassination attempt directed at him;

Whereas the top officers in the Armed Forces of the Philippines rallied loyal troops in support of President Aquino and successfully quashed the rebellion;

Whereas if the coup had succeeded, it would have completely polarized the country, could have led to a civil war, and would have clearly enhanced the prospects for a communist victory;

Whereas the preservation of democracy is the single most important United States interest in the Philippines;

Whereas President Reagan has issued a statement of strong support for the Aquino government and for democracy in the Philippines and condemned all efforts to destabilize the Government of the Philippines;

Whereas the Aquino government enjoys the confidence and support of the United States Congress, as has been expressed in previous resolutions;

Whereas the international community has also expressed renewed support for the leadership of President Aquino; and

Whereas United States law would require an immediate termination of United States military and economic assistance if the democratically elected Government of the Philippines were overthrown in a coup: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the efforts of a minority faction in the Armed Forces of the Philippines to overthrow President Aquino and constitutional democracy in the Philippines by means of a military coup;

(2) regrets the tragic loss of life resulting from the coup attempt;

(3) pays tribute to those members of the Armed Forces of the Philippines who adhered to the principle of civilian supremacy and demonstrated their commitment to democracy by defeating the rebellion;

(4) reaffirms its support for the democratic government of President Aquino and expresses full confidence in the new democratic institutions in the Philippines;

(5) recognizes the overriding importance of defeating the Communist led insurgents, and supports the efforts of President Aquino to implement an effective counterinsurgency strategy, including increased support for strengthening the capability and improving the morale and living conditions of the Armed Forces of the Philippines as one component of such a strategy;

(6) calls upon those Filipinos who are dissatisfied with the policies of their government to work to change those policies through the peaceful democratic means now available to them, rather than by seeking to overturn the democratic system itself; and

(7) urges the Secretary of State to direct the United States Ambassador to the Philippines to make every effort to communicate the contents of this resolution to all the citizens of the Philippines but particularly to the members of the Philippine military.

The SPEAKER pro tempore (Mr. HUCKABY). Is a second demanded?

Mr. LEACH of Iowa. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes and the gentleman from Iowa [Mr. LEACH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 3 weeks ago dissident, disloyal elements within the new Armed Forces of the Philippines attempted to overthrow the democratically elected government of Corazon Aquino.

Fortunately, loyal elements within the Philippine military who were prepared to respect the principle of civilian supremacy were able to crush the rebellion and to uphold constitutional government in that country.

The resolution we have before us today strongly condemns this extraconstitutional effort to seize power in the Philippines, and strongly reaffirms American support for the democratically elected government of Corazon Aquino.

I think it is important for all of us in the Congress, and for the American people, to understand that if this latest coup attempt in the Philippines had succeeded, it would have been a virtually unmitigated disaster, both for the Philippines and for important American interests in Asia.

A successful coup would have completely polarized the Philippines. It quite conceivably could have led to a bitter and bloody civil war, and it certainly would have played right into the hands of the Communists, whose prospects for an eventual triumph in the Philippines would have been considerably enhanced.

Whatever the grievances of disaffected elements within the Philippine military may be, this was not the means by which they should have gone about trying to redress and resolve them.

Now that the Philippines is a democracy, there are ample opportunities for those who are dissatisfied with the policies of the Government to work for change through peaceful means rather than through violent ones.

We have heard a lot of talk in the last few weeks ever since the coup about criticisms of the Government of the Philippines. No government is perfect. Every government can do better. But I want to say this afternoon on the floor of the House that I think that the President of the Philippines, Corazon Aquino, and her government have received a bum rap from their critics.

Over the course of the last year and a half, enormous progress has been made in the Philippines from a political and economic point of view. A firm institutional foundation has been established for democracy.

A new constitution was adopted with the overwhelming support of the Filipino people. A new parliament was elected, and several of the Members of this body were privileged to go to Manila as part of a congressional delegation to participate in the ceremonies inaugurating the new Philippine Parliament.

A free press has been established, the freest probably in all of Asia. An independent judiciary has been created as well.

For the first time in almost two decades the people of the Philippines have a government freely and fairly elected in elections that have been widely held as the most honest ever since the establishment of independence in that country almost 40 years ago.

From an economic point of view, whereas in the last 2 years of the misrule of the Marcos regime the GNP in the country had declined by 15 percent in real terms, in the first half of this year there has been 5½ percent real growth in the economy.

Shortly after assuming power, Mrs. Aquino busted up the monopolies in sugar and coconuts which had been established by Mr. Marcos to siphon off the wealth of the country into the pockets of his cronies. Many of the restrictions on trade have been removed. The government is in the process of privatizing publicly owned corporations, and hundreds of millions of dollars have been channeled by the Government into the countryside where the great bulk of the Filipino live, for roads, schools, hospitals, and other worthwhile projects.

To be sure, there are enormous problems which remain in the Philippines. They have a $28 billion foreign debt. Two-thirds of the population continues to live below the poverty level. The Communist insurgency has not gone away. Corruption remains pervasive in the lower ranks of the Government.

But I submit that the Messiah himself, if he or she had come to power in the Philippines a year and a half ago, would not have been able to have solved all of these problems overnight.

It is not a question of whether the glass is half full or half empty. It is two-thirds full. Under the circumstances, I think Corazon Aquino has done an extraordinary job, and deserves commendations, not criticisms, for her efforts to regenerate the economy of the Philippines and restore democracy.

She was criticized by some for having attempted to reach out to the Communist insurgents, and to resolve the conflict in her country through peaceful means at the negotiating table. That effort failed.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Florida [Mr. FASCELL], the distinguished chairman of the full committee, promised me that I could get 5 minutes of this debate; and I wanted to verify that with the gentleman from New York.

Mr. SOLARZ. I may say to the gentleman from New York [Mr. STRATTON], the distinguished dean of the New York delegation, it was not necessary for the gentleman to go to the chairman of the full committee if the gentleman would have asked this gentleman.

Mr. STRATTON. The gentleman was not in Washington. The gentleman was up in New York, and it was impossible to find the gentleman.

Mr. SOLARZ. I will be more than happy to make sure that the gentleman has as much time as the gentleman would like.

The point that I was trying to make was that Mrs. Aquino had every right to try to resolve the problems at the negotiating table rather than on the battlefield. She was supported in that endeavor by our own administration and by the Congress. While the effort was ultimately unsuccessful, I believe that by making the effort, she acquired the moral high ground.

Fortunately, there are in the Philippine military a number of officers and men who recognize their obligations to uphold the principle of civilian supremacy, who have remained loyal to the duly constituted government. They have concerns, they have problems, and they want more say.

They think more progress needs to be made in combating the insurgency. There are other suggestions they have put forward. I think that the Government will move on those concerns. I hope we respond to the needs of the Philippine Government by putting our money where our mouth is, and by giving them the additional resources they are going to need to combat this insurgency.

I want to say in conclusion, Mr. Speaker, that this resolution, which was adopted unanimously by the Subcommittee on Asian and Pacific Affairs, is designed primarily to send the clear and unmistakable message to the people of the Philippines, and to the Philippine military, that the relationship between our two countries depends first and foremost on the survival of democracy in the Philippines.

Under American law, a successful coup in the Philippines would require the termination of all American assistance to that country. I think it is essential for those in the Philippine military who harbor continuing notions of overthrowing the duly constituted Government of that country, to know that if they do so, they will not be able to count on the support or the backing or the assistance of the United States.

The preservation of democracy in the Philippines is our single most important and overriding interest in that country. If, by adopting this resolution today, we can discourage any further attempts at seizing power through extraconstitutional means in the Philippines, I think we will have performed a profound service not only to the people of the Philippines and to our country, but to the cause of democracy around the world.

□ 1305

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman.

I would simply respond to the distinguished floor manager of this bill that this is an approach that is supported by both parties.

With that, Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the full committee, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I want to compliment the gentleman from New York [Mr. SOLARZ] for his eloquent statement. I understand that recently in the Philippines the President over there referred to the gentleman as the Lafayette of the Philippines. Anyway, I want to join the gentleman in his strong statement in support of this resolution.

I am very happy to endorse this resolution to reaffirm United States support for the government of President Aquino in the Philippines and obviously to condemn the recent coup attempt in that country.

There is no greater importance, in my judgment, Mr. Speaker, in U.S. foreign policy in promoting and preserving democracy abroad. The government of President Aquino was elected overwhelmingly by the Philippine people in February 1986 and has proceeded quickly to restore the system of democracy in that country. Last year, through a plebiscite, a Constitution was adopted which continued the Aquino administration in power and provided for the recreation of a bicameral Congress. The Congress was duly elected this year and has assumed its proper role in Philippine Government, including through oversight of the actions of the Aquino administration.

The recent coup was a sad and misguided attempt to address certain problems and seize power through extra-constitutional means. Thanks to the speedy reaction of the Aquino administration and senior military officials, the situation was brought under control. Unfortunately, there were numerous casualties especially of innocent civilians. At this time, some of the coup leaders remain at large and there are still said to be mutinous forces in parts of the country.

This coup attempt is both a disease and a symptom. The disease is the tendency to resort to unlawful means, including military action, to achieve political objectives. But the coup was also a symptom in that it reflects underlying grievances. These include the poor conditions in the military, a sometimes unclear strategy to confront the Communist New Peoples Army [NPA] insurgency, and residual social and economic problems.

There are indications that the insurgents, who were set back politically by the democratic revolution which brought the Aquino government into power, are regrouping. The NPA has also increased its efforts in urban areas by creating an infrastructure for terrorist action including asassinations by the notorious "sparrows."

Make no mistake. The Communist insurgency remains the real long-term threat to United States interests in the Philippines. But to prevent future conditions favorable to growth of the insurgency the U.S. Government must provide strong support to the democratic center through political and economic means.

If the recent coup had been successful there could have been a dangerous polarization in Philippine politics that would favor the Communists. The Aquino administration and the Congress, which were duly elected by the Filipino people and retain their support, are not only the legitimate government of the country but remain the only basis for political consensus.

Democracy must be made to work in the Philippines. Through this resolution, the House of Representatives can not only reaffirm its support to the democratic Government of the Philippines but express its rejection of military or other extraconstitutional means of changing the policies of the Government.

Mr. LEACH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, first of all, let me extend my commendation to both the chairman of the subcommittee, my good friend, the gentleman from New York [Mr. SOLARZ], and my good friend, the gentleman from Iowa [Mr. LEACH] for bringing this measure before us.

I would at this point, however, like to sound perhaps a word of caution. I support the resolution, but I do not see anything in the resolution that talks about being cautious or the word caution.

I think we are all aware of the messages, both explicit and implicit, that are being sent by this resolution. We know what those messages are and we are all in sympathy with them, but I would caution against sending too many messages.

I am concerned that our Government avoid the mistake of painting itself into a corner. We are going to have to settle in for a long haul in the Philippines. We know the complexities and all the problems and the problems in that country are not going to be resolved this year. They are not going to be resolved next year, or even within the next 10 years, and our Government is going to need some flexibility to deal with any and all eventualities that may occur in the Philippines during the coming years.

We all know of the unrest, both in the civilian population and in the military population, and we want to do everything we can to help, but we certainly do not want to interfere.

It is going to be a struggle and I think we all recognize that.

This present resolution is timely and it does send the necessary signals, but let us not overdo it. Let us let the people and the Government of the Philippines solve their own problems in a democratic way.

I thank the chairman for yielding me the time.

Mr. LEACH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 260 reiterating American support for democracy in the Philippines and condemning the recent coup attempt. I commend my colleague from New York [Mr. SOLARZ] and the gentleman from Iowa [Mr. LEACH] for introducing and bringing to the floor this timely measure, which I have cosponsored.

The attempt by rebellious elements of the Philippine military to overthrow their duly elected government on August 28, 1987, is extremely distressing. That coup is a reminder to all those who enjoy the blessings of liberty, and who rejoiced in the triumph of people power in the Philippines, that there are always some who refuse to heed the voice of the people. We must support President Aquino in her struggle against the enemies of democracy.

President Aquino and her top officers successfully rallied loyal troops to defeat this rebellion. The Philippine Government has moved both to punish those responsible for the coup and to satisfy any legitimate grievances of the Armed Forces. The Aquino government also continues its efforts to implement an effective counterinsurgency strategy. There is no room for coups or insurgencies in a democracy.

In these difficult times let us not forget the great strides forward that have been made. Under the leadership of President Aquino, the people of the Philippines have adopted a new constitution, not unlike our own Constitution. They have conducted elections for a new Congress which have been hailed as the most honest elections in the history of the Philippine Republic. Furthermore progress has been made in improving economic conditions and in developing a much-needed agrarian reform program. These are accomplishments which should bring great pride to the people of the Philippines.

Let us join with the President in offering our absolute and unqualified support for the Aquino government. Democracy can and must survive in the Philippines. Accordingly, I wholeheartedly endorse this measure and urge my colleagues to fully support it.

Mr. LEACH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of House Resolution 260, the resolution that reaffirms United States support for the democratic Aquino government and condemns the recent coup attempt in the Philippines. This timely resolution, offered by my colleague, STEVE SOLARZ, the "Lafayette of the Philippines" as Mrs. Aquino calls him, and which I have cosponsored passed with strong unanimous support in the Asian and Pacific Subcommittee. I had the privilege of being a member of the Solarz delegation to the convening of the new Philippine Congress. We met with Mrs. Aquino; was impressed with her dedication and commitment and with the progress that has been made. Huge problems remain.

As Congress has been carefully monitoring the successful development of freedom and democracy in the Philippines for some time, I do not believe that I need to explain, as my colleague did, that had the attempted coup led by Col. Gregorio Honasan succeeded, it would have destroyed everything the Filipino people have struggled hard to build following the popular ousting of Ferdinand Marcos. Despite this attempted mutiny, I am still very impressed by the remarkable achievements of democracy in the Philippines—all within less than 2 years.

President Reagan, a solid friend of both the Philippines and democracy, promptly and categorically condemned the action of the mutineers and reaffirmed our total support for constitutional Government in the Philippines. I urge my colleagues to pass this resolution as soon as possible to show that Congress, too, is 100 percent behind the democratically elected Aquino government and will not stand for any unconstitutional means of seizing power in the Philippines. Our unwaivering commitment to democracy in the Philippines will serve as a further deterrent against future insurrections of this nature.

I hope that the progress that has occurred over the past 2 years in the Philippines will continue. I do not believe it is wise to ignore the mutiny—reforms and increased attention are needed for the Armed Forces of the Philippines and they are needed now. A stronger, healthier Filipino armed forces will better defend the constitutional government and fight the Communist guerrillas. This will strengthen stability and improve the security surrounding our strategic bases of Subic Bay and Clark. A strong, constitutional government in the Philippines is best for our national interests as well as those of the Filipino people. I know that we intend to do what we can to help the Philippines overcome the damage caused by this misguided and reprehensible mutiny and move forward. The success of democracy in the Philippines is, clearly, a victory for democracy everywhere.

Mr. LEACH of Iowa. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I want to associate myself with the comments of the distinguished Congressman from California, Mr. LAGOMARSINO.

I want to also pay my respects to the chief sponsor of the resolution, the chairman of the subcommittee, the gentleman from New York [Mr. SOLARZ].

I had the privilege also of attending the opening of the Filipino Congress. As has been mentioned before, not on the President of the Philippines, but several other officials, as I recall, referred to the distinguished gentleman from New York as the Lafayette of the Philippine resolution. I think that was a heartfelt tribute and appreciation on their part for the work that the Congressman from New York has done over the last several years trying to help nourish democracy in the Philippines and to help get across to the people in the Philippines that he and Members of the American Congress are concerned about democracy.

So I think the resolution is well drafted. It is certainly called for. It comes at an appropriate time. I express my strong support for it.

Mr. SOLARZ. Mr. Speaker, I yield 5 minutes to my very good friend, the distinguished dean of the New York delegation, the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Speaker, I thank the gentleman for his courtesy.

Mr. Speaker, I think one of the problems that is being overlooked—and there are many problems as the gentleman from New York [Mr. SOLARZ] has indicated, economic and others, but I think the events of the last few weeks have demonstrated that the real most urgent problem comes from the military. I think we have to recognize that the reason for the action that was taken in that projected coup was an indication that the military of the Philippines was concerned. One of the main reasons that the United States decided to get rid of Mr. Marcos was that he was unable to deal with the Communist conspiracy from the New People's Army to the south. They wanted to try to deal with that problem, but apparently in the Philippine military today there are a number of adventurers, but very few who have become effective military leaders.

I was especially concerned to read in the news accounts that General Ramos, the most respected officer in the Philippine Army and one who has saved President Aquino three or four times under other situations, is now being attacked within the army.

It seems to me that what we need and what America ought to provide at this grave juncture is some kind of assistance and help, not just in terms of money, but in terms of military capability and capable military knowledge and practical experience.

You may not recall that it was General MacArthur once he had been retired from the U.S. Army who became a field marshal of the Philippine Army. And it was General MacArthur who was in a position to build up a very effective military in the Philippines, as was so well demonstrated not only on Bataan, but also when the American Army came back again to recapture the Philippines.

Mr. Speaker, I think we have in our own American Army a number of outstanding retired military experts, Gen. Bernie Rogers, for example, who was recently removed as the Commander in Chief of NATO. Also we have Gen. "Shy" Meyer, an outstanding general as the Chief of Staff, he is still a very young man, and well situated to military leadership and to the respect of these young Philippine soldiers.

☐ 1320

There is also General Vessey, who has recently been assigned another mission in Vietnam, but I think General Vessey might also be someone who could carry out that responsibility, as he has done in the case of Korean troops.

Mr. Speaker, it seems to me that of the people in the military of the Aquino administration, as I have said, are more adventurers than individuals who are capable of inspiring the kind of followership which is necessary in this kind of situation, so I would suggest we take a close look at this kind of military assistance, that the United States could provide and hope that perhaps convince these individuals we might persuade these retired officers to give them the experience they need that would move on the New People's Army—the Communist threat and get that conspiracy out of the way and then perhaps more can be done in terms of strengthening not only the military and the fight against the New People's Army, but also some of the other problems that have been mentioned in this debate. The economy, the corruption and so on.

But we need most of all inspired military leadership that will bring back enthusiasm to the Philippine military.

It was a military man, Lafayette, who motivated our Revolution—and we need another person who can do that job for this very capable country but one that has not had specific leadership.

Mr. LEACH of Iowa. Mr. Speaker, this resolution emerged from a process of consultation among very many parties, and I would like to note in particular the constructive contribution of the gentleman from Missouri [Mr. BUECHNER] who introduced a precursor resolution (H. Con. Res. 184) last week. This committee welcomes and respects Mr. BUECHNER's contribution to this isssue and I yield 2 minutes to the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Speaker, I thank the gentleman for yielding. As the gentleman knows, last week I introduced House Concurrent Resolution 184, a similar resolution which also reaffirmed the support of the United States for the Government of the Philippines. Specifically, that resolution states the Congress:

Condemns the individuals who led or participated in the attempted overthrow of the Philippine Government;

Commends the Aquino government for its observance of democratic principles and its attempts to bring about economic reforms;

Commends the loyal military troops for their exemplary bravery and support of the Government;

Supports the continued efforts of the Aquino government to stop the counterinsurgency by the Communist and Moslem insurgents; and among others,

Supports the Government of the Philippines in any corrective means it deems necessary to address the material condition of the Philippine military.

I am grateful to the gentleman from Iowa [Mr. LEACH], the ranking Member on the Foreign Affairs Subcommittee on Asian and Pacific Affairs, as well as Messrs. UDALL, BUSTAMANTE, and RITTER, who joined me in that endeavor.

The resolution before us today also condemns the participants who engaged in an attempted overthrow of the Aquino government. It similarly expresses U.S. support for the government of President Aquino and I am pleased to join in that effort.

Although I am not a member of the House Foreign Affairs Committee, this is an extremely important issue which I believe transcends committee jurisdiction. Like so many other Members, I believe that it is vital to vocalize our strong support for President Aquino and her government. The Philippine Government is in a very delicate position. After coming into office, it faced the monumental problem of turning back the Communist insurgency and creating solutions for the economic morass it inherited.

Having endured five coup attempts, President Aquino survived the latest attempt through the admirable efforts of members of the military still loyal to her. Once again, the strong support of General Ramos was vital to sustaining this fragile democracy.

I rise today not only to commend President Aquino and that beacon of liberty and democracy in the Pacific, but also to condemn the dastardly acts of Col. Gregorio Honasan and his band of mutineers.

And it appears certain that Honasan will attempt to strike again. Appearing on CBS' "60 Minutes" last Sunday, Honasan advised Diane Sawyer that his group will be back. Perhaps it may not be in the form of a bloody coup attempt, but those supporting Philippine democracy must be on guard that another rebellion may yet be in store.

Regardless of whether we use my resolution or the one offered today by the gentleman from New York, let us join together and show our deep support for the Philippine people, President Aquino, and especially those troops loyal to their Government. We must encourage that government in its efforts to prevent further coup attempts, but we also must continue United States support for the efforts of this nurturing government to improve the lives of the Philippine people.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution has emerged from a process of consultation among various interested parties and reflects, I would like to note in particular, the very constructive contribution of our colleague on the minority side, the gentleman from Missouri [Mr. BUECHNER], who introduced a precursor resolution, H. Con. Res. 184, last week. The committee welcomes and respects Mr. BUECHNER's contributions.

Mr. Speaker, there is no greater interest of the United States in its ties with the people of the Philippines than the survival of democracy. As democratic freedoms and institutions have flourished this past year, so have Philippine-American ties.

Few democracies in the world are beset with graver problems. President Aquino inherited from former President Marcos a plundered economy and growing Communist insurgency. Yet, in spite of such difficulties, there has been striking progress. A new Constitution has been approved overwhelmingly in a national plebiscite, a new Congress elected and inaugurated, an independent judiciary established, and a free press restored. Governmental legislating has, in effect, been reinsured in this important island republic. With regard to the economy, a positive 5.1 percent rate of real growth in GNP the first quarter of this year represents a dramatic reversal from the decline in GNP under Marcos and economic reform has redirected the Philippine economy toward free enterprise and privatization.

Against this backdrop, the recent coup effort led by certain elements in the Philippine Armed Forces can only be seen as a tragic betrayal of democracy and their responsibilities to the Philippine people. The economic as well as social complications of an overthrow by undemocratic means of the Aquino government can only be described as potentially catastrophic. On behalf of Americans of all philosophies and all walks of life President Reagan 2 weeks ago issued a powerful expression of support for President Aquino and the democratic principles she represents.

The resolution before us today seeks to make clear that Congress and the administration stand together in condemning efforts to depose the democratic government of the Philippines by force of arms. It pays special tribute to those loyal members of the Philippine Armed Forces who defended democracy and expresses support for the efforts of President Aquino to implement an effective strategy in dealing with the Communist insurgency.

I urge my colleagues to lend their unanimous support to House Resolution 260 as a vote of confidence in the Filipino people to prevail in the task of rebuilding democracy and a free enterprise economy against enemies from the right and left.

Mr. SOLARZ. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. ATKINS], one of the most dedicated and distinguished Members of the House, and also one of the most able and articulate.

Mr. ATKINS. Mr. Speaker, this week, as we celebrate the 200th birthday of our Constitution, it is important to recognize that among the great monuments to this document are the countries it has inspired around the world to attempt their experiments in democracy. They exchange the dark night of repression for the clear daylight of freedom. We have the opportunity to celebrate our own legacy by encouraging similar legacies around the world, and to renew our commitment to the basic principals of human rights embodied in this document.

The people of the Philippines are embarked on their own journey to democracy, but it is a road that has been marked by difficulty thus far.

Effort and courage, purpose and direction, have marked the beginnings of democracy in the Philippines, but continued overthrow attempts and guerrilla warfare threaten the continued success of the Aquino government.

President Aquino's extraordinary success to date should not blind us to the dangers still faced by her government. A number of coup attempts have failed, with the last and most serious one less than a month ago, but clearly the foes of democracy in the Philippines have not given up.

A small group of people must not be allowed to play fast and loose with the destinies of a free people, and a free nation. Today we send a clear message—with no equivocation and no hesitation—that this Government stands firmly behind the people and leaders of the Philippine Government, freely chosen and freely elected.

Today, our nations—one new and one old—are bound together by historic ties, by mutual interests, but most of all by a mutual commitment to individual freedoms and democracy.

Let there be no question of the sincerity of our concern about the future of the Aquino government, and our desires to help in the fulfillment of the hopes of that Government. Let there be no question that we condemn all attempts at militarily thwarting the will of the people of the Philippines, and that we will not tolerate the few seeking to impose their will on the many.

Mr. SOLARZ. Mr. Speaker, I yield 1 minute to my very good friend, to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, much has been said about Mrs. Aquino and the achievement of democracy in the Philippines, and appropriately so, but we cannot permit this dialog to conclude without the mention of the Congressman from New York, STEPHEN SOLARZ. No one in this Congress has given more to the achievement of democracy in the Philippines than STEPHEN SOLARZ. He has been a steadfast supporter of the strength of the institution that happens to be led by Mrs. Aquino, the leader turned out to be Mrs. Aquino, but I suspect if the leader were John Smith he would have been there pushing for democracy.

Mr. Speaker, I was substituting for Mr. SOLARZ in Asia when the coup took place. I think I was in Korea, and the first thought that flashed across my mind was, I said to myself, I hope STEVE is somewhere in the Pacific, in Asia, so he can go by and give some strength to Mrs. Aquino.

He was not there, but my Senator, ALAN CRANSTON, was there to fill his shoes, although I am sure he could not have done as good a job as STEPHEN.

Mr. HOYER. Mr. Speaker, once again President Corazon Aquino of the Philippines has demonstrated her formidable skills and considerable talents as a democratic leader of her people. In suppressing a recent coup attempt by a disaffected faction of the armed forces, President Aquino has kept the Philippines within the ranks of civilian-governed, democratic countries.

All Americans, particularly now as we begin the commemoration of the bicentennial of the Constitution of the United States, should reflect upon the courage, the leadership, and the vision of this truly remarkable woman. Her continuing efforts to bring true democracy and freedom to her island nation are certainly praiseworthy. However, we have come to expect no less from a woman who faced down the monopoly of military muscle possessed by Ferdinand Marcos and swept to power behind a wave of popular support.

In the 200 years since the signing of our Constitution in Philadelphia, the United States has made considerable improvements upon what was and remains one of man's most remarkable and enduring political documents. Among the most important virtues of our form of government is the insistence upon civilian control of the Armed Forces. Unequivocally, it is the President of the United States, an individual elected by the people, who is the Commander in Chief of the Armed Forces. In the Philippines, as in so many other countries throughout the world, there is little or no tradition of a civilian-governed, democratic society. Thus, the committed efforts of President Aquino to retain control over the armed forces and to preserve a democratic form of government are most commendable.

Two hundred years from now, I hope that the people of the Philippines will be celebrating the bicentennial of their own democratic constitution and form of government. If they are, a significant part of the credit will have to be given to Corazon Aquino, a brave and farsighted woman, who has remained loyal to the principles of democracy and devoted to her people.

Mr. FASCELL. Mr. Speaker, I rise in strong support of House Resolution 260, a timely resolution condemning the recent coup attempt in the Philippines and reaffirming United States support for the democratic government there headed by President Cory Aquino. I commend the Honorable STEPHEN SOLARZ, chairman of the Subcommittee on Asian and Pacific Affairs, and the Honorable JIM LEACH, ranking minority member of that subcommittee for their leadership, both in moving this resolution and in their support for Mrs. Aquino's government.

After the strength and determination shown in recent months in the Philippines in conducting congressional elections, adopting a new Constitution, restoring democratic institutions, and beginning the process of rebuilding the economy, the coup attempt on August 28 offered the potential for great tragedy. We cannot condemn too strongly this effort by a minority faction to overthrow the newly strengthened democracy in the Phillippines.

In passing this resolution, we in the House of Representatives offer our strong support to President Aquino and to the loyal members of the armed forces and others in the Government who have reaffirmed their commitment to democracy. We have shown this support in the past by providing substantial foreign assistance to the Aquino government. When the House considers the foreign aid authorization measure in the near future, we will once again have the opportunity to show concrete support for our friend and ally, the Philippines. I urge my colleagues to support the resolution before us today, and I hope that they will show similar support for the foreign aid bill when it comes before the House.

Mr. MILLER of California. Mr. Speaker, I am very pleased that the House today passed a resolution affirming our strong support for President Aquino and condemning the recent military rebellion against her government.

The resolution sends a strong message. It will help remove all doubt among power-seeking military extremists that the American people will stand behind any government other than President Aquino's. The resolution will also help rally her effort to meet the great challenges facing the country.

In this time of crisis, President Aquino is unwavering in her commitment to restoring democracy, respect for human rights, and social justice in the Philippines. She has strengthened democratic institutions after years of corrupt rule and growing military involvement in government. She maintains the strong support of the Filipino people.

With President Aquino's efforts, the Philippine economy now shows signs of recovery, despite the many years of economic ruin. Unfortunately, extremists in the military and Communist insurgents refuse to accept democratic rule and exploit every opportunity to undermine progress.

I am confident that, with our support, the Philippine people will defeat the antidemocratic forces and continue on the road to economic development and peace.

Mr. JEFFORDS. Mr. Speaker, many of us have been troubled by developments in the Philippines, particularly the recent coup attempt against President Aquino by renegade members of the military. I wish to add my voice to those of my colleagues in support of the Aquino government and democracy in the Philippines.

In February 1986, as President Aquino assumed the Presidency, she was faced with a devastated economy, a deeply divided nation, a Communist insurgency and a resentful military establishment. For the past 1½ years, Mrs. Aquino has struggled to bring about reform in these areas, and in some cases, her efforts have met with success. However, one of the most intransigent problems has been that of the Communist insurgency—how to bring the rebels back into the political process without alienating conservative elements in the armed forces. Solutions to this dilemma have proved most elusive.

The United States is limited in what it can do to help Philippine democracy through this difficult time. However, I am pleased that this body is going on record supporting the process of democracy and urging all factions of Philippine society to be constructive in their participation in this process.

I will continue to monitor developments in the Philippines with keen interest and deep concern.

Mr. LEACH of Iowa. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to conclude this debate, I want to thank my friends on both sides of the aisle for their kind comments about my own role in dealing with the problems in the Philippines. I am particularly pleased that this resolution and American policy toward the Philippines enjoys broadly based bipartisan support. I think President Reagan issued a magnificent statement when the coup was taking place which deserves the support and appreciation of all Members.

In the final analysis, the fate and future of Philippine democracy will depend primarily on the Philippine people and the Philippine Government themselves. I think it is important for them to know that the Congress of the United States and the people of this country strongly support the cause of democracy in the Philippines and will oppose any efforts to overthrow the duly constituted constitutional government of that country.

Mr. Speaker, I strongly urge the adoption of this resolution.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and agree to the resolution, H. Res. 260.

The question was taken.

Mr. SOLARZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Res. 192, by the yeas and nays; and

H. Res. 260, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

□ 1335

FREEDOM OF RELIGION IN LITHUANIA

The SPEAKER pro tempore (Mr. HUCKABY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 192.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. FEIGHAN] that the House suspend the rules and agree to the resolution, H. Res. 192, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 400, nays 0, not voting 34, as follows:

[Roll No. 315]

YEAS—400

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior (MI)
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Cheney
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—34

Biaggi
Boner (TN)
Bonker
Brown (CA)
Chappell
Clarke
Clay
Collins
Crockett
Daniel
DeLay
Dornan (CA)
Foley
Hawkins
Ireland
Kemp
Kolter
Lantos

Latta
Leland
Lloyd
Lukens, Donald
Lungren
Martin (NY)

Martinez
Molinari
Roemer
Schroeder
Slattery
Spence

Stark
Tauzin
Taylor
Towns

□ 1350

Mr. NEAL changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REAFFIRMATION OF SUPPORT FOR AQUINO GOVERNMENT

The SPEAKER pro tempore (Mr. HUCKABY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 260.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and agree to the resolution, H. Res. 260, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—years 399, nays 0, not voting 35, as follows:

[Roll No. 316]

YEAS—399

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior (MI)
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning

Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey

Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant

Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Mack
Madigan
Manton
Markey
Marlenee
Martin (IL)
Matsui
Mavroules
Mazzoli
McCandless

McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki

Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—35

Biaggi
Boner (TN)
Bonker
Brown (CA)
Chappell
Clay
Lloyd
Lukens, Donald
Lungren
MacKay
Martin (NY)
Martinez

Collins
Crockett
Daniel
Dornan (CA)
Foley
Hawkins
Molinari
Roemer
Schroeder
Slattery
Spence
Stark

Hunter
Kemp
Kolter
Lantos
Latta
Leland
Stokes
Tauzin
Taylor
Towns
Udall

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1405

CONSIDERATION OF H.R. 3030, AGRICULTURAL CREDIT ACT OF 1987

(Mr. PEPPER asked and was given permission to address the House for 1 minute.)

Mr. PEPPER. Mr. Speaker, I rise to advise Members of the action the Rules Committee is expected to take with respect to a rule providing for the consideration of H.R. 3030, the Agricultural Credit Act of 1987. It has become a real possibility that the rule the committee grants will in some way impose restrictions on the amendment process for the consideration of this important legislation. When we first scheduled action, no specific request for a rule had been received but we anticipated that an open rule would be requested. Now it appears that the bill's proponents may ask that the rule limit amendments to certain specified ones to be identified in the rule.

The Rules Committee is scheduled to meet at 2 p.m. today to consider H.R. 3030. Any Members who may have amendments to offer to the bill are encouraged to appear at the committee's meeting and testify in support of the right to offer their amendments. Because we did not give notice that a closed rule may be granted before this date, it is my expectation that the committee will recess after it concludes the taking of testimony and will not grant a rule today. The committee will reconvene on tomorrow at 10:30 a.m. to take any further testimony that Members may wish to offer. Since the floor schedule for the week anticipates the possible consideration of H.R. 3030 on Wednesday, we expect that Members will have prepared any amendments they wish to offer, and so we feel that this schedule should not prove to be burdensome.

To reiterate, any Member who wishes to offer an amendment is encouraged to appear before the Rules Committee this afternoon or tomorrow and to present the amendment for the committee's consideration.

I make this announcement because the understanding has sort of gotten around that the proponents of the bill were going to ask for an open rule. Now then, the leadership, as we understand it, and the proponents of the bill are contemplating asking the Committee on Rules for a limitation on the number of amendments.

I felt it fair to the Members of the House to give the advice to the effect that I have just given, that if the Members are unable to come up before the committee this afternoon, we will have a hearing tomorrow morning and give the Members an opportunity to appear at that time.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

For purposes of interrogation, did the gentleman say that the rule has already been constructed, and now the committee is going to go back to reconstruct it?

Mr. PEPPER. No, there was just a general impression, we understood that the chairman of the committee was going to ask for an open rule; and we thought if that were the general impression on the floor, that Members would not appear and ask to offer specific amendments.

Now then, we understand the leadership has said only 1 day can be given for the consideration of this bill. That would require probably, although no action has yet been taken, the limitation of the number of amendments that may be offered.

That is the reason I wanted to be sure that Members had an opportunity to appear and ask for leave to offer amendments, if the Members desire to do so.

Mr. GEKAS. Mr. Speaker, if the gentleman would yield further, is the gentleman saying that the meeting scheduled for this afternoon is the first meeting that the committee is having?

Mr. PEPPER. That is right. There will be no decision today. It will be open again tomorrow.

Mr. GEKAS. I thank the gentleman for that information.

NATIONAL TOURISM WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 255) designating the third week in May 1988 as "National Tourism Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. HUCKABY). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but would like the body to know the minority has no objections to the legislation now being considered.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Florida [Mr. NELSON], the chief sponsor of House Joint Resolution 255, designating the third week in May 1988 as "National Tourism Week."

Mr. NELSON of Florida. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, recently I introduced National Tourism Week legislation for 1988 in my capacity as the new chairman of the Congressional Travel and Tourism Caucus. Our bipartisan caucus has sponsored "National Tourism Week" since it was first celebrated in 1984 and we've spearheaded its passage through the Congress every year.

"National Tourism Week" has become one of our Nation's most popular commemorative weeks. Thousands of Americans in every State and territory participate in exciting events and tourism conferences. Governors in many States issue proclamations recognizing the importance of tourism in their States. Media attention, both television and print, has been tremendous and increases every year focusing more attention on tourism.

Beyond the celebrating, however, I believe it is very important for us to continue to officially recognize just how much tourism contributes to America. Tourism is not just travel and recreation away from home. Tourism means jobs in every congressional district. Tourism means tax revenue for our Federal, State, and local treasuries. Foreign visitor spending helps our international balance of payments.

Mr. Speaker, let us salute the local travel agent, hotel and motel manager, restaurant worker, airline employee, tour operator, and millions of other Americans who promote tourism in our great country. They help America every day.

I would like to thank my colleagues who joined me as cosponsors of this legislation, House Joint Resolution 255. "National Tourism Week '88" will be our fifth annual observance and is now an American tradition every third week in May.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I yield to the gentleman from South Carolina [Mr. TALLON].

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Mr. TALLON. Mr. Speaker, I rise in support of House Joint Resolution 255, proclaiming May 15-21 as "National Tourism Week."

National Tourism Week will focus attention on our Nation's third largest service industry and second largest employer, as well as emphasize the importance that travel plays in the lifestyle of all Americans.

Tourism is vital to the economy of our Nation, and to the individual States. It's big business in all 50 States, ranking as the first, second or third largest employer in 41 States.

The tourism industry has rapidly expanded during the past decade. We think of its economic impact in wages and salaries, Federal, State, and local tax revenues. But, each tourism dollar is like a pebble thrown in a pond, it creates ripples which reach every part of the community—every dollar spent is respent several times.

Other benefits of tourism include diversification of the economic base, visibility for the community, and cultural benefits.

Mr. Speaker, it should be noted that tourism is an important contributor to the economic prosperity of the United States as the largest business export in the service industries. Last year, about 22 million visitors accounted for almost $16 billion of U.S. export earnings. The U.S. international travel deficit was $8.6 billion, down 11 percent from 1985.

The United States has the opportunity to improve its competitive position in international trade in tourism and reduce the travel deficit even more this year, with the fall in the value of the dollar and more aggressive international marketing promotions.

"National Tourism Week" will serve as a reminder of all the positive benefits that the tourism provides. I urge its passage.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from South Carolina [Mr. TALLON] for his comments on this appropriate resolution.

I withdraw my reservation of objection.

The SPEAKER pro tempore [Mr. TRAXLER]. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 255

Whereas tourism is vital to the United States, contributing to overall economic prosperity, employment, and the international balance of payments;

Whereas tourism creates employment opportunities which provide wages and salaries for individuals and tax revenues for Federal, State, and local governments;

Whereas the travel and tourism sector of the economy constitutes a large industry in the United States;

Whereas tourism promotes personal growth and education and the appreciation of intercultural differences among all people;

Whereas tourism enhances international understanding and goodwill; and

Whereas as people throughout the world become aware of the outstanding cultural and recreational resources available across the United States, travel and tourism will become an increasingly important aspect of the daily lives of the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on the third Sunday in May 1988 is designated as "National Tourism Week". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SAFETY BELT USE DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 338) designating October 15, 1987, as "National Safety Belt Use Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but would like the House to know that the minority has no objection to the legislation now being considered.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Michigan [Mr. DINGELL] who is the chief sponsor of House Joint Resolution 338, designating October 15, 1987, as "National Safety Belt Use Day."

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman for her courtesy in yielding. I assure her that in yielding to me, she faces no peril today. I want to express again my affection and good wishes for her, as I did at an earlier time when she was gracious enough to yield.

I want to thank the distinguished chairman of the subcommittee and the chairman of the full committee and the distinguished gentlewoman from Maryland for their kindness in bringing this legislation forward. It is an excellent piece of legislation.

Mr. Speaker, I rise today to urge all of my colleagues to support House Resolution 338, to designate October 15, 1987, as "National Safety Belt Use Day." I wish to thank the chairman of the House Post Office and Civil Service Committee, the Honorable WILLIAM FORD, with whom I have the honor of representing a portion of southeastern Michigan, for his assistance with this resolution and for his continuing concern for the protection of automobile passengers. In addition, I thank Mr. FORD and MERVYN DYMALLY, chairman of the Subcommittee on Census and Population, for bringing this resolution to the floor in such an expeditious fashion. I look forward to expeditious Senate consideration of this measure. I also wish to thank those of my colleagues who cosponsored the resolution particularly my good friend and colleague, BUD SHUSTER, for demonstrating overwhelming support for the resolution. Since its introduction on July 21, 1987, over 250 Members have cosponsored the resolution.

Increased seat belt use is a national priority. This is why a wide range of industry, education, medical, consumer, and safety organizations have endorsed the resolution. I thank the following organizations for supporting House Resolution 338:

American Academy of Orthopaedic Surgeons.

American Association for Automotive Medicine.

American Association of Critical-Care Nurses.

American Automobile Association.

American Coalition for Traffic Safety.

American College of Surgeons.

American Medical Association.

American Society of Abdominal Surgeons.

Automobile Importers of America, Inc.

Colorado Seat Belt Network.

Commonwealth of Virginia, Department of State Police.

Emergency Nurses Association.

Highway Users Federation for Safety and Mobility.

International Association of Chiefs of Police.

Michigan Head Injury Alliance.

Mississippi Department of Public Safety.

Motor Vehicle Manufacturers Association.

National Association of Governors' Highway Safety Representatives.

Society of Critical Care Medicine.

State Farm Mutual Automobile Insurance Co.

Students Against Drunk Driving.

Texas Department of Public Safety.

University Association for Emergency Medicine.

The automobile is an integral part of our everyday lives. Statistics substantiate the growing concern among Americans for increased automobile safety. All Americans should be well aware of the startling statistic that they have an 86-percent chance of being injured in an automobile accident. All the more reason to "buckle up."

As an effective prevention against automobile-related injury and death, increased safety belt and child safety seat use are causes we all need to pursue and encourage. In 1985, 91 percent of the occupants killed in auto accidents were not wearing their safety belts. Unrestrained occupants were 40 percent more likely to be injured in an accident and twice as likely to require hospitalization as restrained occupants.

Indeed, some progress is being made on making the American people aware of the effectiveness of safety belt use. Thirty-one States have approved safety belt laws, and numerous others are considering similar legislation. In Michigan alone, the fatality rate has declined 8.3 percent since 1985. The same Congress that recently authorized States to increase the maximum speed limit to more dangerous and life-threatening levels, I believe, has a concomitant responsibility to help save lives and prevent injuries by promoting greater use of lifesaving safety belts. Approving this resolution will reinforce the importance of buckling up among our constituents. Your support today will encourage greater compliance by those in States with existing seat belt laws and will support voluntary usage in States without requirements.

Hopefully through our efforts in Congress and those of organizations around the country we can continue to spread the word and save the lives of thousands of motorists who buckle up. I thank you for your support of House Resolution 338.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I simply would like to say that I concur with the gentleman from Michigan on this resolution. I was pleased when I was in the Maryland Legislature to have voted to require the use of seat belts.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 338

Whereas safety belts and child safety seats have proven to be effective in reducing highway fatalities and injuries;

Whereas the legislatures of 29 States and the District of Columbia have recognized the benefits of safety belt use and enacted safety belt use laws;

Whereas child safety seat laws are in effect in all of the States;

Whereas as a result of these laws and other activities, millions of Americans are regularly wearing safety belts and using child safety seats;

Whereas the universal use of these safety systems would prevent thousands of fatalities and injuries each year;

Whereas the use of safety belts and child safety seats should be encouraged even as passive restraint systems are phased into the vehicle fleet;

Whereas numerous public interest and safety organizations are working to encourage more extensive use of safety belts and child safety seats; and

Whereas the law enforcement community has played an essential role in encouraging the more widespread use of safety belts and child safety seats: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 15, 1987, is designated as "National Safety Belt Use Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to wear safety belts and have their children use child safety seats, and encouraging public safety and law enforcement agencies to promote greater usage of these essential safety devices.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENIGN ESSENTIAL BLEPHAROSPASM AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 224) designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Awareness Week." and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but would like the House to know that the minority has no objection to the legislation now being considered.

Mr. Speaker, as a cosponsor of House Joint Resolution 224 as amended, I am pleased to rise in support of this resolution to designate October 18, 1987, as "Benign Essential Blepharospasm Awareness Week."

We know very little about this eye disease but scientists throughout our Nation are interested in research to determine what causes the involuntary and uncontrollable spastic contraction of the muscles surrounding the eyes. Support groups are seeking to raise private and public money for research purposes to find the cause and cure for this disease.

There are estimated to be over 25,000 Americans who have blepharospasm. This malady often causes progressive, functional blindness. Generally, sufferers of this disease have normal vision until the eye muscles start to convulse and there is forcible closing of the eyelids—the nerves that control the eyelid receive faulty signals; at this time the individual has no vision. This is an unpredictable sudden phenomenon and affects the everyday living pattern of the person.

Mr. Speaker, House Joint Resolution 224 will help to increase public awareness of this malady. I commend my colleague, the gentleman from Utah, for sponsoring this thoughtful resolution.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I rise today in support of the passage of House Joint Resolution 224. This bill will designate the week of October 18 through October 24, 1987, as "Benign Essential Blepharospasm Awareness Week."

The gradual loss of one's eyesight can be a frightening and devastating experience, and more than an estimated 25,000 to 30,000 Americans may lose their eyesight to "benign essential blepharospasm," commonly known as BEB. BEB is an involuntary spasmodic closure of the eyelids. The spasms in the eye muscles render a person legally blind if the disease is not treated. The cause and the cure of this disease must be found.

BEB can be treated through neurological and surgical approaches, but both have resulted in only limited success and frequent reoccurrences. We must aid in the research and provide support for those who suffer from this debilitating disease.

This week the Benign Essential Blepharospasm Research Foundation, Inc., is holding its fifth International Convention of Blepharospasm Conference in Salt Lake City, UT. The BEB Research Foundation was established and chartered in July 1981, and many months thereafter were spent on enlarging the board and appointing a medical advisory board. The foundation now sponsors programs and activities to create an awareness of blepharospasm in the medical community as well as the general public.

Mr. Speaker, on behalf of a constituent in my district, Jaynann Payne, who suffers from this disease, and for whom I introduced this legislation, I urge my colleagues to join me in support of the passage of House Joint Resolution 224.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 224

Whereas benign essential blepharospasm is a little known eye-related disease, causing involuntary and usually uncontrollable spastic contraction of muscles around the eyes;

Whereas approximately 25,000 to 30,000 Americans are afflicted with blepharospasm, which is progressive and ultimately causes functional blindness;

Whereas the Benign Essential Blepharospasm Research Foundation, Incorporated, was begun with the purpose of finding the cause and a successful cure for benign essential blepharospasm;

Whereas this important foundation sponsors programs and activities to create an awareness of blepharospasm in the medical community as well as in the general public, organizes support groups throughout the country to encourage communication among persons with the disease, and it seeks to raise money through public and private contributions to be used for research;

Whereas research scientists from around the country are extremely interested in research on this little known malady and are submitting grant applications to the National Institutes of Health to study benign essential blepharospasm; and

Whereas increased public awareness of the disease and its victims will be a tremendous benefit to the victims of this disease and will lead to increased medical research and awareness, as well as available information and advice for those afflicted with benign essential blepharospasm: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 14, 1987, through September 20, 1987, is hereby designated as "Benign Essential Blepharospasm Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY: Page 2, in lines 3 and 4, strike "September 14, 1987, through September 20, 1987," and insert in lieu thereof "October 18, 1987, through October 24, 1987,".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DYMALLY].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. DYMALLY: Amend the title so as to read: "Joint resolution designating the week of October 18, 1987, through October 24, 1987, as 'Benign Essential Blepharospasm Awareness Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL FAMILY WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 34) to authorize the President to issue a proclamation designating the week beginning on November 22, 1987, and November 20, 1988, as "National Family Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I do not object, but would like the House to know that the minority has no objection to the legislation now being considered.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. DYMALLY], who is the chairman of the subcommittee from which this legislation has emanated.

Mr. DYMALLY. Mr. Speaker, I thank the gentlewoman from Maryland for yielding to me.

Mr. Speaker, just a brief comment. Sunday I had the distinct pleasure of attending a Black Family Reunion Day at the Mall on Constitution Avenue, sponsored by the National Council of Negro Women. It was the last in a series of meetings held across the country, as I recall in Atlanta, Detroit, and Los Angeles, to celebrate the reunion of the family.

I was very impressed with the work of the national council which has been sponsoring these meetings to bring the family unit together. It is so very important to the fabric of American society that we keep the family unit together. This theme is going out across the country and I am very pleased that I had this opportunity to participate.

Mr. MYERS of Indiana. Mr. Speaker, today I urge my colleague to approve House Joint Resolution 34, which would authorize the President to designate the week beginning November 22, 1987, and November 20, 1988, as "National Family Week." This resolution encourages the States and local communities to observe the week with appropriate ceremonies and activities.

The family has always been the cornerstone of American society. Our families nurture, preserve, and pass on to each succeeding generation the values we share and cherish, values that are the foundation for our freedom.

The purpose of National Family Week is simple: It sets aside a specific time during the year to pay homage to the one institution which has given so much meaning to human life and provides a stable structure to our society. National Family Week recognizes the importance of the family as the foundation of American life and the fundamental role the family has played in securing those values upon which our Nation was founded.

As we celebrate the 200th anniversary of the U.S. Constitution, it is essential that the contributions made by the family are not taken for granted and that each of us remembers that the strength of our families is vital to the strength of our Nation.

National Family Week is appropriately observed during the week including Thanksgiving, a time when American families are reunited for the purpose of giving thanks for the blessings which have come to them. The idea of a family week observance came from a former constituent, Mr. Sam Wiley, who then taught school in my congressional district and now is assistant principal at Whiteland High School in Whiteland, IN.

President Reagan once observed:

> National Family Week affords all Americans the opportunity to frankly face and assess the quality of family life in our Nation and to reflect on what each of us can do as a father, daughter, mother, son, or grandparent—as a member of a family—to strengthen this divine institution. Better yet, let us undertake this reflection as families and as a family of free people. As Chesterton said, "The Family is the test of freedom." Let us make this another test that America refuses to fail.

National Family Week gives us a chance to highlight the special contributions and needs of the family and to acknowledge the new challenges that American families now face. I hope all my colleagues will join me in support of this resolution.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 34

Whereas the family is the basic strength of any free and orderly society;

Whereas it is appropriate to honor the family as a unit essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week beginning on November 22, 1987, and November 20, 1988, as "National Family Week".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POLISH AMERICAN HERITAGE MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 135) to designate October 1987 as "Polish American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I do not object, but would like the House to know that the minority has no objection to the legislation now being considered.

Mr. BORSKI. Mr. Speaker, I rise to urge my colleagues to join me in supporting House Joint Resolution 266, which designates the month of October as "Polish American Heritage Month." The resolution will be considered today.

America has a long history as the land of opportunity for immigrants from all nations. The basic American values of individual freedom, justice, and equality have drawn people from around the world seeking to escape the oppression of their homelands.

"Polish American Heritage Month" will focus on the unique contributions that both native Poles and Polish Americans have made to American history. From the very beginning of our struggle for liberty, Poles fought beside Americans. Thaddeus Kosciuszko and Kasimirez Pulaski helped the Revolutionary Army win the War of Independence. Today, the Polish struggle for freedom and solidarity is an inspiration to all Americans.

Throughout nearly three centuries of immigration, Poles and Polish Americans have been leading businessmen, government officials, athletes, artists, and religious leaders. They continue to be leaders in all walks of American life.

In this year of the bicentennial of our Constitution, let us recognize the commitment Poles have demonstrated in the fight for freedom. The Polish Constitution completed in 1791 was modeled after our own Constitution and links the Polish struggle for democracy to our own fight for independence and equality.

"Polish American Heritage Month" is a time to remember the rich heritage and values which both Poles and Americans share. During October, schoolchildren around the country will study the important role immigrant Poles have played in the history of America. Without the flood of the people who journeyed across the Atlantic from dozens of nations, America would not have the diverse and varied cultural heritage which makes our Nation unique.

I urge my colleagues to join me in support of this important resolution.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 135

Whereas, since the 1st immigration of Polish settlers to Jamestown in the 17th century, Poles and Americans of Polish descent have distinguished by contributing to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other sons of Poland came to our shores to fight in the American Revolutionary War and to give their lives and fortunes for the creation of the United States;

Whereas the Polish Constitution of May 3, 1791, was modeled directly on the Constitution of the United States, is recognized as the 2d written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Americans of Polish descent and Americans sympathetic to the struggle of the Polish nation to regain its freedom remain committed to a free and independent Polish nation;

Whereas Poles and Americans of Polish descent take great pride in and honor the greatest son of Poland, His Holiness Pope John Paul II;

Whereas Poles and Americans of Polish descent take great pride in and honor Nobel Peace Price laureate Lech Walesa, the founder of the Solidarity Labor Federation;

Whereas the Solidarity Labor Federation was founded in August 1980 and is continuing its struggle against oppression by the Government of Poland; and

Whereas the Polish American Congress is observing its 43d anniverary this year and is celebrating October 1987 as Polish American Heritage Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1987 is designated "Polish American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL COSMETOLOGY MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 331) designating October 1987 as "National Cosmetology Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I do not object, but would like the House to know that the minority has no objection to the legislation now being considered.

Mr. CLAY. Mr. Speaker, I rise in support of House Joint Resolution 331 which I spondored to designate October 1987 as "National Cosmetology Month" across America. Support for this resolution has been enthusiastic and bipartisan. I appreciate the support of so many of my colleagues who cosponsored this resolution.

The annual observance, sponsored by the National Cosmetology Association which was established in 1921, is marked by a variety of charitable activities and media events across this Nation. These events are conducted by the 50,000 National Cosmetology Association members through more than 700 local affiliates. The proceeds from "National Cosmetology Month" activities are donated to local charities in these communities.

The theme of "National Cosmetology Month"—"Ask Us, America. We'll Groom You for Success"—encourages the people of the United States to understand the important link between an attractive personal appearance and a positive self-image.

The resolution seeks to recognize one of this Nation's most vital professional groups and its annual undertaking on behalf of charities in communities across the United States.

I urge my colleagues to join with me in voting for House Joint Resolution 331.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the genetleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 331

Whereas the members of the National Cosmetology Association (NCA), the largest and most prestigious association of professional cosmetologists in the world today, was established in 1921 to further the highest standards of professional cosmetology care;

Whereas the members of the NCA have, through their training and creative talents, enhanced and maintained the appearance of the people of our Nation;

Whereas the month of October is annually observed as National Cosmetology Month by the more than 50,000 members of the NCA;

Whereas the theme of National Cosmetology Month, "Ask us, America—We'll groom you for success", encourages the people of the United States to understand the important link between an attractive personal appearance and a positive self-image; and

Whereas the proceeds from National Cosmetology Month activities sponsored by the more than 700 NCA local affiliates in communities across the Nation are donated to local charities in those communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1987 is designated as "National Cosmetology Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 22) to designate the period commencing September 21, 1987, and ending on September 27, 1987, as "National Historically Black Colleges Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I do not object, but would like the House to know that the minority has no objection to the legislation now being considered.

Mrs. MORELLA. Further reserving the right to object Mr. Speaker, I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I rise in support of Senate Joint Resolution 22 and its companion bill, House Joint Resolution 193, which designate the period of September 21 through 27, 1987, as "National Historically Black Colleges Week."

Our Nation has witnessed the growth of these institutions from land-grant colleges to producers of some of America's finest scholars and leaders. There is no question that for years to come, the contributions of these schools as well as their pupils to the development of our country will be remembered as some of the finest moments of our history.

Perhaps more pleasing to note is the recognition by the education community that black colleges do offer a quality education. The relative integration of the enrollments in these institutions is a living testimony of the universal nature of education where learning transcends prejudicies and discrimination.

Despite their remarkable progress and ability to survive the test of time, it is also important to keep their progress in perspective. Historically black colleges have been struggling to remain afloat due to the rising costs of education and diminishing supply of students. We in Congress have had much to do with the ability of these schools to continue in the tradition we now recognize.

It is my hope that with the commemorations we offer through these resolutions, we are also furthering our pledge to assist these colleges in their efforts to remain prominent participants in our educational system.

Mr. Speaker, I am proud to have joined the sponsors of the Senate and House resolutions in urging recognition of a shining part of our history.

I commend the authors of these measures and urge my colleagues to join us in adopting the Senate Joint Resolution 22.

Mr. SPENCE. Mr. Speaker, due to a temporary confinement in the hospital, I was unable to record my votes on September 15, 1987, on House Resolution 192, concerning the denial of freedom of religion and other human rights in Soviet-occupied Lithuania, and House Resolution 260, reaffirming U.S. support for the democratic Aquino government and condemning the recent coup attempt in the Philippines. Had I been able to be present, I would have voted yea on both of these bills.

In addition, it is very reassuring to me personally to know of the strong congressional support for Senate Joint Resolution 22 designating September 21-27, 1987, as "National Historically Black Colleges Week." I had introduced the House version of this bill, House Joint Resolution 193, and am grateful for the swift action and consideration that this measure received.

As a national advertisement for our historically black colleges says, "a mind is a terrible thing to waste." Our country is only as strong as our ability to educate our citizenry. We can never eradicate poverty and attain social justice until the tentacles of education reach every American. While passage of the resolution is only a small step, I do feel that it will have a significant impact on achieving both equality and quality in education.

I want to thank every one of my colleagues who stood up for me and, more importantly, for this bill. This country's black colleges rightly deserve the recognition they have received for the vital role they have played in helping to make America great.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 22

Whereas there are 101 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing September 21, 1987, and ending on September 27, 1987, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1430

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolutions just adopted.

The **SPEAKER** pro tempore (Mr. TRAXLER). Is there objection to the request of the gentleman from California?

There was no objection.

VACATING OF SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent to vacate my 10-minute special order, and speak for 5 minutes.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NOMINATION OF JUDGE ROBERT BORK TO THE SUPREME COURT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, today historic hearings on the consideration of the confirmation of Robert Bork have begun in the Senate. I do not wish to repeat the numerous arguments and discussions that are raging in the public sector about this nomination. I do wish to summarize my concerns without repeating too greatly a portion of that discussion.

Mr. Speaker, there are numerous legitimate objections and concerns. However, more important than these concerns is the fact that Robert Bork objects to the basic mission of the U.S. Supreme Court. Robert Bork is an agent of the opposition. Robert Bork is a Trojan horse whose presence on the Supreme Court will result in a controversial process of undermining and sabotaging the mission of the Supreme Court. I consider these distorted and misleading arguments go to the heart of the role of the Senate in the confirmation process of the nominee of the President. They have stated it is improper to consider ideology and philosophy, but since Bork's ideology and philosophy is the reason for his being nominated to the high Court, it must also be the reason to turn down his nomination. It is a legitimate reason for the Senate to turn down his nomination. There is historical precedence for rejecting Supreme Court nominees on ideology grounds.

Even the gentleman from South Carolina, STROM THURMOND, ranking Republican on the Judiciary Committee, rejected the nomination of Justice Abe Fortas to be Chief Justice of the Supreme Court in 1968 on the grounds that he was too liberal. Senator THURMOND claimed that Fortas would continue the Court's trend toward being "an activist yet nondemocratic institution."

Some people have argued that Bork is being opposed because he is a conservative, yet this same Senate that is considering Bork's nomination at present has already confirmed Justice Scalia, who was definitely a conservative, confirmed without much opposition, and has confirmed the FBI Director, who was considered a conservative.

I do not think the issue is conservative or liberal. The issue is, Why is Robert Bork a Trojan horse?

On numerous specific issues the American people need to be reminded again and again of what Bork's position is.

On privacy, Bork opposed the 1965 Court decision that overturned the Connecticut law outlawing artificial birth control. He did this on the grounds that sexual privacy is not explicitly mentioned in the Constitution, therefore legislatures are free to restrict it.

Mr. Speaker, that takes us back to the Dark Ages.

On criminal law, he opposed the exclusionary rule, preventing courts from considering illegally obtained evidence.

On race, he disagrees with the 1948 Court decision which said that States cannot enforce private racially restricted real estate covenants because the decision was not based on neutral principles of law.

On free speech, Bork says only a spectrum of moral, scientific, and literacy speech is protected under the Constitution, but he will not specify what this spectrum is.

Regardless of these positions, I think there is one important consideration that has not been stressed enough in the public debate about Robert Bork, and that is that Robert Bork basically does not believe in the mission of the Supreme Court. He does not believe that one of the Court's primary functions is to protect the rights of the minority, the rights of individuals.

Robert Bork is a Trojan horse who should not be allowed within the walls of the Supreme Court.

The Greeks used subterfuge and deception to gain entrance for the Trojan horse and similar methods are, I assure you, being used to get the nomination of Robert Bork confirmed.

I assure you that once inside the walls, once he is seated on the Supreme Court, Robert Bork will be the agent, the stimulant, for a massive erosion of the protections of the rights of minorities and the rights of individuals.

Robert Bork has made it quite clear that he believes that legislatures and the majority who elect legislatures should be preeminent. The rights of individuals and the rights of minorities should bow to the power of the majority.

Mr. Speaker, everybody finds himself at one time or another in a minority. It is very important for everybody to consider the nature of Robert Bork's positions and arguments and philosophy with respect to the rights of individuals and the rights of minorities, or lack of rights, as Robert Bork puts it.

Opposition to Robert Bork becomes the duty of every American who loves liberty. Whether liberal or conservative, protections of our invaluable rights must be preserved. We must all work to guarantee that Robert Bork is not confirmed and Robert Bork does not become a judge of the Supreme Court of the United States.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1049

Mr. NIELSON of Utah. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 1049.

The SPEAKER pro tempore (Mr. FRANK). Is there objection to the request of the gentleman from Utah?

There was no objection.

VACATING OF SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. BUSTAMANTE. Mr. Speaker, I ask unanimous consent to vacate my 10-minute special order for today and to address the House for 5 minutes during the special orders.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOUGHTON] is recognized for 5 minutes.

Mr. HOUGHTON. Mr. Speaker, unfortunately I was ill last Wednesday, September 9, when the House considered the 3-year extension of the National Health Service Corps. This is the program which helps pay for the education of health professionals agreeing to practice in medically underserved areas.

If I had been there, I would have supported the bill enthusiastically. The program it extends has benefited the 34th District greatly by providing seven physicians and dentists to serve there. That number exceeds per capita the program's health care professionals assigned to many States across the country. I want their efforts to continue, and I hope the House and Senate will soon reach a compromise on extending this important program.

REPORT FROM PHILADELPHIA, SEPTEMBER 15, 1787

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, it is now September 15, 1787, and I am reporting to you from the floor of the Constitutional Convention in Independence Hall, Philadelphia. Benjamin Franklin has just come into the hall being carried by four convicts from the prison which is just down the street. The elderly gentleman is unable to negotiate the steps to the second floor of this building and because of his gout has enlisted this work crew from the prison to assist him.

The gentleman is now discussing the future of the document which is being debated with James Madison who, as always, is taking furious notes up front, who himself has told me on several occasions that he is going to record every single note, every single passage of conversation, anything that happens on this floor for future posterity, because he is sure that 200 years from now he feels that historians will be looking back at his notes to determine what really took place at this Constitutional Convention.

Surprising things have happened. The final document, as amended, is in front of the members and a vote is going to be taken very shortly. This is surprising in view of the fact that only last week George Washington was very pessimistic about whether there ever would be a final outcome to this Constitutional Convention.

What has dampened the spirit up until now has been the fact that Edmund Randolph, who first presented the body of the resolution to form the basic Constitution which now has been drafted, that gentleman has indicated he will fight the Constitution with all his might and will vote against it and when he returns to Virginia, if it is passed, will fight against ratification, he, Randolph, who was the prime mover of the provisions that now are taking form in this draft Constitution. That is a surprising development, but to counterbalance that another surprising thing has taken place. Alexander Hamilton of New York, who opposed the Constitution and the Convention in the early months and actually bolted the Convention and left and sulked and went home, is back in Philadelphia today, served on the final committee to draft the Constitution, and is his old firebrand self in support of the final document.

Another thing that has happened is Elbridge Gerry, of Massachusetts, is against this document because it does not contain a bill of rights. Others are explaining to him, support it now, we will add a bill of rights, we assure you, immediately after the new Government is formed, because we all believe that a bill of rights ought to be appended to this Constitution. But the air of pessimism that did prevail over the last few weeks has now dissipated to a great degree.

George Washington is wielding the gavel with his steel glance and his iron hand and we are certain that the vote is going to come out favorably. The vote is now being taken. The rollcall of States is being called, and I am simply talking with you now pending the final vote.

Let me see, Massachusetts, Virginia, South Carolina, Georgia, Pennsylvania, ladies and gentlemen, I can report to you that the final draft of the Constitution of the United States has been approved by the Convention in Philadelphia. The only thing that remains is the final engrossment of the document for presentation to the delegates for final signature.

George Washington has now adjourned the session until September 17, giving the printers and the handwriting experts time to proceed with the presentation of the final document for signatures to this Convention.

It has been a tumultuous several months in Philadelphia but with the promise of a final day of celebration and signature 2 days from now everyone is about the business of preparing to go home to explain to the folks back home why they should participate in ratifying the Constitution of the United States.

□ 1445

The SPEAKER pro tempore (Mr. OWENS of New York). Under a previous order of the House, the gentleman from Oregon [Mr. AUCOIN] is recognized for 5 minutes.

[Mr. AUCOIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ALLOWING HUD TO UNDERTAKE A SECTION 235 REFINANCING EFFORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, I am today introducing legislation which would save the Federal Government a potential $728 million in unnecessary outlays.

The savings would come by requiring the Department of Housing and Urban Development to initiate a simple transaction familiar to millions of homeowners—mortgage refinancing.

When home mortgage interest rates dropped last year, thousands of budget-conscious homeowners wisely refinanced. The short-term refinancing investment produced long-term savings as savvy homeowners reduced burdensome interest expense.

HUD should take a cue from these homeowners in the administration of the Section 235 Mortgage Assistance Program. Authorized by the National Housing Act of 1968 to promote low- and moderate-income homeownership, section 235 subsidizes qualified homebuyer interest rates through an assistance payment contract between HUD and the mortgagee. HUD provides the homebuyer the lesser of the difference between 20 percent of the mortgagors adjusted income and the total monthly mortgage payment or the amount necessary to bring the monthly payment down to a specified, favorable interest rate.

When interest rates rose sharply earlier in this decade, the subsidized interest level for mortgages insured at rates from 11 and 17.5 percent varied between 4 and 8 percent. This meant a very deep subsidy for thousands of section 235 mortgages.

While such a deep subsidy was necessary in a period of very high interest rates, there is no economic reason why HUD should continue to subsidize such high-interest mortgages when refinancing at 10 percent is an option. Nonetheless, HUD continues to pay interest costs of 11 percent and above for an estimated 46,943 mortgages.

What does this mean in terms of unnecessary Federal outlays? Consider the following example: The section 235 subsidy on a 17.5-percent, $55,000 mortgage can be as high as $435 a month. Had that mortgage been refinanced last year at 9 percent, HUD's maximum subsidy would have dropped from $435 to $70. While mortgage interest rates are now slightly higher, the opportunity for substantial savings, without adverse affect on individual homeowners, remains.

To reduce unnecessary outlays, HUD must act. Section 235 homeowners themselves now have little incentive to refinance loans since the high interest rates lock in the Federal Government, not the homeowner. HUD, however, has a direct incentive—the reduction of Federal outlays in a period of budget constraint. The HUD inspector general, which recommends that high-interest section 235 mortgages be refinanced, estimates a potential $728 million savings if refinancing occurs when interest rates are 10 percent. Delay in refinancing can cost the Government millions. Had HUD refinanced section 235 mortgage last year, when interest rates were closer to 9 percent, outlays could have been reduced by as much as $844 million.

The legislation I introduce today makes the necessary change in the law to allow HUD to undertake a section 235 refinancing effort. As recommended by the inspector general, the legislation authorizes HUD to pay reasonable mortgage or loan origination fees, discount points, and other expenses required to refinance. In addition, the Department is allowed to offer financial incentives, payable in a lump sum or through a reduction in the monthly payment of the homeowner, which do not exceed 1 percent of the principal amount financed. To capitalize on a generally favorable mortgage interest rate environment, the Secretary is directed to undertake the refinancings within 1 year after enactment of the legislation.

At this point, I would like to include in the Record background material on the potential outlay reduction in the section 235 program.

REFINANCING SECTION 235 MORTGAGES TO 10 PERCENT INTEREST: PROJECTED SAVINGS IN MILLIONS OF DOLLARS

[Net of refinancing costs]

Interest rate	Estimated number of units receiving subsidy	Absolute savings
12 to 12.75 percent	5,301	$43.2
13 to 13.75 percent	13,888	193.1
14 to 14.75 percent	5,366	110.0
15 to 15.75 percent	10,044	274.1
16 to 16.75 percent	2,374	80.8
17 to 17.75 percent	671	27.5
Total	37,644	728.7

Source: HUD Office of Inspector General.

DIABETES PREVENTION ACT of 1987

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Bustamante] is recognized for 5 minutes.

Mr. **BUSTAMANTE.** Mr. Speaker, I would like to draw my colleagues' attention to a disturbing medical problem that is within our power to combat, if we are willing to make the effort. In the past 50 years medical science has progressed at an amazing speed, our present capacity to diagnose, treat, and control illnesses far surpasses any past abilities. Since World War II such monumental advances as the discovery of penicillin and the Salk vaccine, the virtual eradication of small pox and the widespread use of antibiotics have increased the scope of modern care astronomically.

Although tremendous strides have been made in improving American's health and longevity, statistics show that minorities have missed out on many of these gains. A persistent disparity in key health indicators continues to exist among certain subgroups of the population. Today, minorities in the United States continue to experience a greater incidence of many diseases including gallbladder cancer, Tay-Sachs disease and sickle-cell anemia, than do Americans in general.

Most disturbing among these is the persistence of severe complications resulting from illnesses we now have the capability to treat. A striking example is the abnormal prevalence of diabetes in Mexican-Americans. Today, over 10 million Americans are believed to have diabetes. For almost all this affliction is easily restrained through careful dietary and medical practices. For those 4.5 million who are not aware of their illness, though, diabetes can be a life threatening time bomb. Today, diabetes is the No. 1 cause of blindness in the United States and more than doubles ones chances of dying from cardiovascular diseases.

While diabetes affects 5 to 6 percent of the American population it is estimated that the figure for Mexican Americans is closer to 11 or 12 percent. Add to this the fact that members of this subgroup are disproportionately represented among those suffering from diabetes yet unaware of their affliction and likely to develop chronic complications as a result and one can see that a "double jeopardy" exists for Americans of Mexican descent.

The statistics are even more disturbing for lower-income Mexican Americans who have a 1 in 7 chance of being diabetic. Surveys in the city of San Antonio have shown that approximately half of the affected individuals are unaware that they have the disease. This means that as much as 7 to 8 percent of the low income Mexican American population is affected by diabetes, but is unaware of it. These are all people who are being denied basic life-saving treatment because of a simple lack of awareness and proper treatment.

One of our responsibilities as a leading industrialized country is to ensure that all our citizens are provided with the basic care necessary to sustain healthy lives. Based on the information above, it would be unforgiveable not to take action on behalf of those individuals who have been excluded from the benefits of our Nation's medical achievements.

I have introduced legislation in this Chamber that is designed to remedy this problem. The Diabetes Prevention Act of 1987 will establish a permanent national diabetes control program to identify strategies for reducing the morbidity, mortality, and excess cost of diabetes with particular attention to be given to those subpopulations at special risk of contracting the disease. Through this bill, grants will be extended to States and local health authorities to implement such research and increase public awareness through mass media efforts. The Federal Government will also provide block grants to community based programs to be directed toward preventive measures within those groups at high risk.

Considering the extent of our ability to treat and control diabetes, it would be a crime to allow this disease to continue taking its toll upon large segments of the population solely because of a lack of effort. A simple program to identify and inform those at risk of precautionary measures they can take will go a long way toward preventing this outcome. Hopefully will ensure that all Americans receive the basic assistance they need to protect themselves from the unnecessary consequences of diabetes.

SPECIAL ORDER VACATED

Mr. FRANK. Mr. Speaker, I ask unanimous consent that my special order speech for 60 minutes for today be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

A TRIBUTE TO THE LATE FIREFIGHTER, DUSTY ALWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Mr. Speaker, during the recess a very tragic incident occurred in Massachusetts which took from us one of the most important and thoughtful participants in the public policy process.

Dusty Alward was a fire captain who was the president of the firefighters union in Massachusetts. I knew him, as did many of those who served with me here in the House, when we were in the Massachusetts Legislature. We continued our association with him as Members of the Congress.

The terrible accident of which he was a victim of someone else's carelessness greatly saddened virtually everybody in Massachusetts and a lot of people outside the State who care about the quality of the public debate.

Dusty Alward taught people that passionate informed advocacy was not at all inconsistent with complete respect for the people with whom you disagreed.

He was for a long time as long as I can remember in my involvement in Massachusetts one of the most articulate spokespeople, not simply for the firefighters he represented so well, and he spoke very well on their behalf, but also for a decently funded public sector.

Dusty Alward exemplified the firefighters. His forthrightness, his courage, his willingness to take risks, these are almost a metaphor for the dangerous and essential profession which he represented as a union leader. Firefighters risk their lives under adverse conditions on a regular basis more than just about anybody else in this society and I think society does not sufficiently appreciate that effort.

Dusty Alward made it his life's work to see that we did appreciate that effort, partly because he represented these men and women and had an obligation to see that they were treated fairly, but also because he wanted to protect society, because he understood that a firefighting force that is well funded, well trained, and well equipped, was not just simply a benefit to the firefighters, it was a first line of defense for our communities.

In the densely populated urban areas that I represent, where the housing stock is often old, the danger of fire is one of the most serious ones we face and all of us were indebted to Dusty Alward for the seriousness with which he undertook the role of a protector of the public.

But we also knew him as a dedicated advocate of humane and sensible public policy, not simply for the firefighters, but for all society.

He understood that a booming free market economy was important, but that it was not on its own terms sufficient, that we have as a civilized society needs that have to be dealt with by a well funded public sector and he fought for the rights of firefighters and for other public employees to be treated with a dignity that is not always accorded to them.

Mr. Speaker, like a long line of other people, I was proud to be able to call Dusty Alward my friend and I very much lament his passing.

ORDER OF BUSINESS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the time currently accorded to Congresswoman PELOSI be switched with the time which has been taken by Mr. CARDIN.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TRIBUTE TO HON. THOMAS D'ALESANDRO, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. CARDIN] is recognized for 60 minutes.

Mr. CARDIN. I thank the Speaker. Mr. Speaker, during our August recess, Baltimore—and, indeed, the rest of the country—mourned the passing of former Third District Congressman, Thomas D'Alesandro, Jr. Tommy, as he was called by everyone from Presidents to his favorite barber, was a man of the people and an individual of many talents. Today, we rise to not just note his death, but to celebrate his life and his many contributions.

Tommy D'Alesandro was not only a former Congressman but he served as a State delegate, city councilman, and three-term mayor of Baltimore. He was born in 1903 in a small house in the Little Italy section of Baltimore. He was 1 of 13 children of an immigrant laborer. As a testament to his love and devotion to that neighborhood, Tommy never lived more than a half-dozen blocks from where he was born. It was the loyalty of his neighbors in both Little Italy and East Baltimore upon which Tommy was able to build his long career in politics and public service.

Growing up in Baltimore, Tommy went to St. Leo's School—as he put it—for "8 years, minus 2 months." It seems young Tommy and every other boy in his class were expelled just before their graduation. But, St. Leo's felt he'd paid his dues, giving him an honorary diploma when he became a Congressman.

Tommy's first job was with the Union Box Factory earning $6.60 a week making ammunition boxes for England and France during World War I. He left that job to work in the powdered mustard department of McCormick & Co. His first white-collar job came at the age of 13 when he went to work for the Harry T. Poor Insurance Co. as an office boy. Even at that young age, Tommy knew the importance of striking a deal—the insurance agency wanted to start him at $6 a week, but he held out for $7 a week and became an agent of the firm at 21. He left only after opening his own office.

Even before turning 21, Tommy was involved in politics—handing out literature and working to get out the vote in Little Italy. A popular young man, Tommy was also involved in community activities ranging from local drama club productions to parish dances.

Tommy's first elective office as a State delegate came at the age of 22 and followed a suggestion from a former State delegate to the Maryland General Assembly. While Tommy was often referred to as the "bachelor delegate * * * dark-haired * * * and attractive" it was not long before he met, courted, and married his devoted wife Nancy, who was his partner throughout his many years in public service and private life.

Tommy's next stop was the U.S. Congress where he rode in as a New Deal Democrat under the direction of President Roosevelt. And, while he was a staunch supporter of the President's New Deal legislation, Tommy let be known that he was unhappy that none of the jobs that had been created had been given to Maryland's Third Congressional District.

The story goes that Tommy wrote a letter to President Roosevelt expressing his displeasure. Roosevelt apparently felt there was merit to Tommy's complaint and invited him to the White House to discuss the matter. Well, it seems the President chose to send the invitation to Tommy by way of a page—but when Tommy received the invitation, he felt that a few of his colleagues in the House had been behind the letter. Tommy told the page to tell the President that "If he wants to see me, he can come to Little Italy in Baltimore, to the precinct of the third Ward and I'll be glad to speak to him."

Somehow, Tommy found out that the letter was legitimate, sent his apologies to the President and ended up speaking with the President the very next day. After reminding the President that congressional terms are short and requests for jobs long, the President promised Tommy there would be jobs coming his way. And, indeed, Tommy got 12 jobs in the Baltimore IRS office for people in his district.

Tommy went on to serve five terms in Congress before leaving to run for city council and then mayor of Baltimore. Baltimore's now famous revitalization had its roots during the D'Alesandro years. Tommy was a progressive mayor, prudent and canny. During his 12 years as major, he built schools and libraries, upgraded the city's water system, rebuilt Memorial Stadium and helped in bringing professional baseball back to Baltimore following a 52-year absence. Tommy was also responsible for the development of Friendship Airport—now know as Baltimore-Washington International Airport.

Politics is the art of getting things done and Tommy D'Alesandro represented the best in the profession. While Little Italy forever remained Tommy's home, politics was his life.

Tommy once said, "I love politics—it can be played on the level. I try to play it that way." Indeed he did and we are grateful for that. I will miss his company, his advice, and his wisdom. Luckily, he has left a legacy for generations to come.

Mr. Speaker, I know that you will recall a few months ago on the floor of this House a very proud father, a former Member of this House, a former representative from the Third Congressional District of Baltimore City, the district which I have the honor to represent, watched his daughter take the oath of office to this distinguished body.

There is one more chapter in the illustrious D'Alesandro family record of public service to our community.

Mr. Speaker, at this time I yield to the dean of the Maryland delegation for her comments.

Mrs. BYRON. I thank the gentleman for yielding.

Let me take a little time to read a passage from a memorial address given on the floor of the House, and I quote:

> His personality, his sincerity, his generosity endeared him to all who knew him and especially to those who had the pleasure and privilege of serving with him. And he well deserved the respect, devotion, and love which they freely gave. He leaves a host of friends in the House and thousands of devoted admirers in the State. He had qualities of mind and heart which made him an especially valuable Member of the Congress and a public servant.

Those words, spoken some 46 years ago on Thursday, May 8, 1941, are the words of Congressman Thomas D'Alesandro. They were spoken in honor of my father-in-law, Congressman William Byron, both of whom came to this body together in 1938. Those words today that he used are just as appropriate to be used in mourning his passing.

That Baltimore constituents elected Tommy to be their State delegate, their Congressman, to be their city councilman and then, what is most important, to be their mayor is certainly evidence of the affection and the trust that they placed in him. It was with such pride and such pleasure that he experienced on June 3 the election of his daughter, not from Maryland, from California, NANCY PELOSI to this body. Then on June 9 how many of us remember standing here on this floor and looked at the expression on his face as he watched her sworn in to this 100th Congress. What else can we ask for than a legend of family involvement.

Mr. CARDIN. I thank the gentlewoman from Maryland [Mrs. BYRON] for her comments.

Mr. Speaker, I yield to my colleague from Baltimore City—Baltimore City has only two Congressmen. I have the honor to share the representation of Baltimore City with him—KWEISI MFUME.

Mr. MFUME. I thank the gentleman for yielding.

Mr. Speaker, I rise today with my distinguished colleagues from Maryland and across the Nation in saluting a man who, during his long and productive life, exemplified the highest ideals of honesty and service to his fellow man. Thomas J. D'Alesandro, former Congressman, Baltimore mayor, and Maryland State legislator, passed away on August 23. Tommy, as he was affectionately called, left a lasting impression on all he met during his life and has provided an enduring example of how good, old fashioned, up-front political savvy can get results for the people we are elected to serve.

While he may not have seen himself as a political patriarch, Tommy D'Alesandro affected Baltimore area politics probably more than any other individual during his lifetime, and he had an especially strong impact on me and my decision to pursue politics as a career. I viewed him both as a mentor and a friend.

Looking at how the son of an immigrant laborer, who through the sheer force of his quick mind, dedication to serve, and tenacity, rose to become one of the most popular mayors in Baltimore history, as well as a Congressman and State legislator who won 22 consecutive elections, was a great motivation to a working class black kid who came up the hard way, and also had a burning desire to serve his community.

Tommy D'Alesandro was the kind of politician who was proud of his working class roots, and who never forgot that his highest duty was to make life better for the average citizen. In an era where power lunches and cruises on corporate yachts too often determine the conduct of politicians, we would all do well to learn from the life of a straight shooter like Tommy D'Alesandro. People were always at the top of his legislative agenda.

While in Congress from 1938 to 1947 as chairman of the House District Committee, he advocated home rule for the District of Columbia, with representation in both the House and Senate. He also advocated the building of a subway to curb downtown traffic and the construction of a high-speed road from Baltimore to Washington.

Tommy D'Alesandro was truly a man of the people. He will be sorely missed, but his deeds and spirit will live on. We are also fortunate to be working side by side today with his daughter, the distinguished Congresswoman from California, NANCY PELOSI. I am sure she will continue in the great D'Alesandro tradition of patriotic service to the Nation.

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Mr. CARDIN. Mr. Speaker, I want to thank my colleague from Baltimore City for those remarks. I know that he will agree with me that as far as the strength of Baltimore, the strength of its neighborhoods, and the strength of its ethnic background are concerned, Tommy D'Alesandro did more than any other person I know to build the strength of the neighborhoods of Baltimore and the ethnic pride and the pride that we have in Baltimore today.

Mr. Speaker, I yield to my colleague, the gentlewoman from Maryland, Mrs. CONNIE MORELLA.

Mrs. MORELLA. Mr. Speaker, I want to commend my colleague from Baltimore City, Mr. BEN CARDIN, for putting together this special order. It is indeed appropriate, and I am honored to take part in it.

Mr. Speaker, it has been written that

> The best way to define a man's character would be to seek out the particular mental and moral attitude in which, when it came upon him, he felt himself most deeply and intensely active and alive. At such moments there is a voice inside which speaks and says: "This is the real me!

In a sense, the real Thomas D'Alesandro, Jr. was Baltimore, feeling most deeply and intensely active and alive for his beloved hometown.

We know of his long and distinguished record of public services: elected to the Maryland House of Delegates at age 22; city councilman' five-term Congressman; and three-term mayor of Baltimore. As mayor from 1947 to 1959, Tommy presided over the beginnings of the renewal of Baltimore.

He was a catalyst for the Charles Center project; he built schools; Baltimore became major league again, with Memorial Stadium and the Orioles, and Friendship Airport—now BWI—monuments to his tenure in office.

But it is not buildings or airports or streets, but people who make a city. Tommy also watched over the beginnings of the rebirth of the black community in Baltimore in the civil rights movement; with the desegregation of city schools, and the ending of discrimination in movie houses and hotels.

After his days of elected office ended, he continued his service as his party's proverbial elder statesman, offering advice and counsel to those who sought it. He also saw the D'Alesandro heritage continued in politics: his son, Thomas III, served as mayor of Baltimore from 1967 to 1971; his daughter is now our distinguished colleague from California, Congresswoman NANCY PELOSI. We are pleased that he was present at her swearing in ceremony—to witness her official membership in the 100th Congress.

Even with this impressive career, he never forgot who he was, or where he was from. From precinct workers to Presidents, he was always Tommy. There was that voice inside saying "This is the real me!" wherever he went, defining him and his efforts. Tommy D'Alesandro will truly be missed, for what he was and what he did for Baltimore—for Maryland—and for our country."

Tommy, "te salutamus"; we salute you and we thank you. You will "live on in love."

Mr. CARDIN. Mr. Speaker, I thank the gentlewoman from Maryland for her comments.

Mr. Speaker, I yield to the gentlewoman from Baltimore, MD, Mrs. HELEN BENTLEY.

Mrs. BENTLEY. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, first of all, I would like to express my appreciation to my distinguished colleague from Maryland, Mr. BEN CARDIN for taking this time so that the many of us who knew Mayor D'Alesandro, Jr., can participate in this tribute to the man who has been properly described as the greatest politician Baltimore—and even Maryland—has had in this century.

It is most unusual in this body we have participating in such a tribute—the daughter of that former Member because that daughter also is a Member today.

And NANCY, I know I speak for the Members on my side of the aisle when I say we are sorry that your family has suffered this loss, but you told it so well in your eulogy to your father, a family man, but one who had lived his whole life in the city, not an outdoors type so that he didn't like it when he visited his sons in a summer camp and saw them sleeping on the ground. They came home with him while he grumbled all the way that he had worked all his life so his kids would never have to do that.

You also said, NANCY, that your father believed in the two-party system—the Democrats to run the Government and the Republicans to watch from the outside.

I know how ardent your father was about his party and, therefore, I considered it very special that he liked this Republican and would sometimes even say the word when he saw me.

I first met Tommy D'Alesandro, Jr., when he was a Congressman commuting by train between Washington and Baltimore, and then one day in 1947 he stepped down to become mayor, to have his hand-picked successor Ed Garmatz take his seat as Congressman from the Third District, that seat now being held by our distinguished colleague, Mr. BEN CARDIN.

It was while Tommy D'Alesandro, Jr.—who became affectionately known as Mayor D'Alesandro for the rest of his life—was mayor that I got to know him the best—because I was a young reporter covering the waterfront, the port of Baltimore, and he was a mayor who wanted to see improvements to that port. That's where we hit it off.

As has been decribed here earlier, he was a doer. During his 12 years as mayor, many major improvements were made, including our great airport and the return of the Orioles, although this year I do not think he would be very happy about the Orioles, and then laying the foundation for the building of the inner harbor.

It was very helpful to have the opportunity to pick his brains, along with those of Ed Garmatz and George Fallon and Sam Friedel, three Democrat congressional chairmen from Baltimore, all of whom were interested in the betterment of Baltimore and Maryland. I appreciate the fact that I had the opportunity to learn at their feet.

It was a special era in Baltimore, and how proud Tommy was when his older son followed in his steps to become mayor. For the first time a father and son had accomplished that in Maryland. His son, Tom, a stalwart person, found it difficult to bid a final goodbye to this father. We all felt for him as he eulogized this great American, one who never forgot about his Italian ties but one who always pushed for America first.

In his later years I frequently had the pleasure of running into Mayor Tommy and his wife Nancy dining at Haussner's Restaurant, a landmark in Baltimore, where they were loved and loved in return. The last time I had the privilege of talking at length with Tom, Jr., was in May at a dinner sponsored by the Order of the Sons of Italy. Even though he was then confined to a wheelchair, he attended along with his lovely mother and his devoted wife Nancy, and as always he was given a very warm reception, a standing ovation by the audience. And, of course, we were all so delighted that he was able to be here to witness your swearing in.

I would like to express my personal sympathy to the entire D'Alesandro and Pelosi families and say to Nancy, Sr., you have been a most devoted wife and mother. I am sorry that you have lost your lifetime companion, but you have a beautiful family of children and grandchildren, and I know they will help you through these trying times. And NANCY, my love to you.

Mr. CARDIN. Mr. Speaker, I want to thank the gentlewoman from Maryland for those comments. The gentlewoman from Maryland has devoted her career to making Baltimore a stronger city and a stronger region.

Today we are proud of what we see in Baltimore. We are proud of the physical beauty, the beauty of the people, and the strength of our community, and we are proud that many people want to visit Baltimore today to see the great sights. I think that you will agree with me that the seeds that were sowed for Baltimore today, the city that we love today and that Americans want to visit more and more, came as a result of the vision of Tommy D'Alesandro, Jr.

Mr. Speaker, I yield to my colleague from the Eastern Shore, the gentleman from Maryland, Mr. ROY DYSON.

Mr. DYSON. Mr. Speaker, I thank the gentleman in the well for yielding to me.

Mr. Speaker, I rise today to praise a Maryland political legend whose initiatives during his tenure as Baltimore's mayor contributed greatly to that city's revitalization and who is justifiably credited with paving the way for Baltimore's current renaissance. I speak, of course, of the late Tommy D'Alesandro, Jr.

I remember well the last time that we in the Congress had an opportunity to see Mayor D'Alesandro. It was here on the floor of the House as we witnessed the swearing in of his daughter and our new colleague, NANCY PELOSI.

In Tommy D'Alesandro's case, political excellence spawned political excellence. Along with seeing his daughter sworn into the 100th Congress, he saw his son, Thomas D'Alesandro III, serve as city council president and mayor of Baltimore.

We in Maryland all owe a great debt of gratitude to the political giant whose career in government spanned 45 years. Tommy D'Alesandro was a committed and concerned representative of the common person. Indeed, he was a stalwart of ethnic groups and worked tirelessly to improve their quality of life in a time when urban revitalization was only in its incipient stages. For example, his school construction projects provided new facilities for many of the city's blacks who had been relegated to second-class buildings.

In his time, he built an unparalleled number of new schools, roads and highways, hospitals and health centers. During his tenure, the Baltimore Orioles returned to the major leagues and a new airport was built to serve an ever growing city. Mr. Speaker, it is unlikely that anyone did more to put the city of Baltimore on its current course of excellence than Tommy D'Alesandro.

It is not difficult to see how his distinguished career inspired his family to seek public office. A delegate to each Democratic National Convention from 1944 to 1968, Tommy D'Alesandro also served in the U.S. House of Representatives from January 1939 until May 1947. His unchallenged popularity was evidenced by 22 consecutive election victories.

I would also like to take a moment to thank the gentleman from Maryland's Third Congressional District for taking this special order, for bringing our delegation together, and for giving us this one opportunity to pay recognition to the peerless Tommy D'Alesandro.

Mr. Speaker, the State of Maryland has been an extraordinary beneficiary of Tommy D'Alesandro's leadership. Accordingly, I am proud to join my colleagues in saluting Tommy D'Alesandro, Jr., who will forever remain a source of great pride to all who reside in the great State of Maryland.

Mr. CARDIN. Mr. Speaker, I want to thank the gentleman from Maryland [Mr. DYSON] for those comments.

One of the members of our delegation who has worked with Tommy D'Alesandro for many, many years in State politics, the Maryland Legislature when the gentleman was the presiding officer, we used to consider this person another member of the Baltimore delegation, and relied upon him for a great deal of help for our city.

It is an honor to recognize at this time and yield to the gentleman from Maryland [Mr. HOYER], my colleague.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from the Third Congressional District once represented so ably by Thomas D'Alesandro was the speaker of our house; and if any rival the respect with which Mayor D'Alesandro was held, it is Speaker Ben CARDIN; and I am pleased that the gentleman took out this special order.

Were we to have 10 hours, Mr. Speaker, we could not tell fully the story of Mayor Thomas D'Alesandro. We could not tell the story of his contribution to out State and its citizens collectively. We could not tell the story of his devotion and care to individuals in his beloved city, and indeed to individuals around our State.

Mr. Speaker, if we took an additional 10 hours, we could not do justice to the love that he displayed for his family and for his beloved city.

Those members who had the privilege of attending Mayor D'Alesandro's funeral heard two of his children speak, as the gentlewoman from Maryland [Mrs. BENTLEY] has said.

They spoke beautifully and eloquently, but it was not so much the eloquence of their words that was impressive, but it was the depth of their feelings for a father who loved them deeply, whom they loved deeply and whom they also respected.

As the father of three, I think perhaps no one knows you better than your children, or perhaps passes harsher judgments on you than your children.

Tommy D'Alesandro went to his grave a proud man, because he knew that his wife, his children, his grandchildren, his community, his State and indeed his Nation recognized the contribution that he had made.

Mr. Speaker, let me quote a newspaper that knew him well when they said, and I quote, "He was the most colorful and accomplished figure of his time."

They spoke in the context of the State of Maryland, Mr. Speaker, it is true; but to be Mayor Thomas D'Alesandro, and to have the final judgment made on your career and contributions of one of the State's major newspapers, and indeed one of the major newspapers of this country, for them to say that he was the most colorful and accomplished figure of his time is to reflect the talent and dedication he brought to public service.

The gentleman from Maryland, BEN CARDIN, my friend, was kind to observe that I had worked closely with Mayor D'Alesandro. Indeed I have known the D'Alesandro family for over a quarter of a century.

NANCY and I really started in politics together working in the office of the U.S. Senator from our State; and as I came to know NANCY, I came to know her brother, Tommy, her father, her mother, and others in her family.

It is a mark of a sincere human being that they reach out to young people, that they listen to young people.

Too many of us in the hustle and bustle of the day ignore young people.

I was some 22 years of age when I first met the mayor. He knew that I was interested in politics, active in the Young Democrats; and of course, he knew of my friendship and relationship to NANCY.

I do not delude myself that that was not at least part of the reason for paying some attention, but he was as kind and as open and as supportive and as educational as he could possibly be.

I see the gentleman from Maryland [Mr. CARDIN] shaking his head, because all of us who grew up in Maryland knew that there was a solitary figure at the top of politics in our State, and it was the mayor.

His son was the mayor, but the mayor will always be the father, and he will be missed by all of us, but not in sadness, Mr. Speaker, not in sadness, because the contribution that he has made is chronicled in the history of Maryland and the Nation.

Mr. Speaker, I was proud to be his friend. I was proud to be a supporter and admirer; and like all of the members of the Maryland delegation, I welled with pride and indeed with some sadness and tears on June 9, 1987.

The people of California have known his daughter, NANCY D'ALESANDRO PELOSI, as a leader in our State, and the people of San Francisco honored this country and this House by sending NANCY to serve with the Members and to serve them.

I do not believe, Mr. Speaker, anybody could have been unmoved by the sight of a former Member of Congress of the United States sitting here right down in the front and seeing a young woman he loved deeply, and in whom he had immeasurable pride, sworn in as a Member of the Congress of the United States.

I frankly do not know and wish I had found out before I rose to speak whether that has happened before, a father seeing his daughter sworn in to the House of Representatives.

The D'Alesandro legacy lives on in this House. The D'Alesandro legacy lives on in a broader context of all of those with whom he came in contact, whom he encouraged, whom he lifted up and whom he helped.

I was one of those, Mr. Speaker, I lament his passing but am thankful for his having touched us all.

"He was the most colorful and accomplished figure of his time * * *."

Those words recently appeared in the pages of the Baltimore Sun on the death of Tommy D'Alesandro. There is no doubt that in the city of Baltimore and the State of Maryland, there has been no more beloved figure over the past six decades than Tommy D'Alesandro. In fact, at one point in his career, he had won 22 consecutive elections.

Elected to the Maryland House of Delegates in 1927, at the age of 22, Tommy D'Alesandro went on to serve as a member of the Baltimore City Council. In 1938, he was elected to the first of his five terms in this House.

During his tenure here, he was an important member of the New Deal coalition. And the tenure of Congressman D'Alesandro was of particular importance to people in this area because of his chairmanship of the House District Committee. Here he showed his foresight by advocating congressional voting representation for District residents. He also worked for a high-speed road between Washington and Baltimore, and a Washington subway.

Tommy D'Alesandro left the House when he was elected mayor of Baltimore. He will be most remembered for his 12 years of service in that office from 1947 to 1959. Much of the groundwork for the renaissance of Baltimore was laid by Mayor D'Alesandro. During his tenure, schools and libraries too numerous to mention were built. Memorial Stadium was built and the St. Louis Browns made it their home, becoming the Baltimore Orioles.

Mayor D'Alesandro was repsonsible for upgrading of city services ranging from the water system, the traffic and roads system, and garbage collection. Urban renewal and construction of the Charles Center began during his years in office. And, he proposed rehabilitating the wharf area into a national park. Again, we recognize his foresight, for today that area is the gleaming Harbor Place, a national recognized example of urban renewal.

We recognize all of these tangible accomplishments. Without them, Baltimore would not have become the dynamic city that it is today.

Equally important in the D'Alesandro legacy is the spirit of love of politics that he brought to his life in public service. That love, admiration, and support was returned by his constituents in Little Italy, where he was born and lived his entire life.

And he passed on his avocation to two of his children, former Baltimore Mayor Tommy D'Alesandro III, and our own colleague, Congresswoman NANCY PELOSI.

To them, and to Nancy D'Alesandro and the rest of their family we extend our condolences and our appreciation for a long life, well lived in service of mankind and God.

Mr. CARDIN. Mr. Speaker, I want to thank the gentleman from Maryland [Mr. HOYER], the gentleman from Prince Georges County, for the gentleman's comments.

I know that the gentleman will appreciate when I was going through the decision whether I should run for this congressional district, I went to visit with the mayor and sat in his living room and listened as he went through what issues should be raised.

I can tell the Members, and I am sure the Members know, there was no person who was more knowledgeable about Maryland politics and about helping young people and helping us be actively involved, as the gentleman from Maryland [Mr. MFUME], my friend from Baltimore City, mentioned.

He was an inspiration to us to get involved in public service and to run for public office, and indeed he will be sorely missed; but we are all very grateful for the number of years that the Lord gave us with him.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. Mr. Speaker, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

It was my information you could not run for the third congressional seat without getting the imprimatur of the mayor.

Mr. CARDIN. You could run; you could not get elected.

At this time I yield to the gentleman from Maryland [Mr. MCMILLEN].

Mr. McMILLEN of Maryland. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in honor of one of Maryland's finest politicans and the father of a valued colleague, the former mayor of Baltimore and Congressman from Maryland, the Honorable Thomas J. D'Alesandro, or Tommy to the many who loved and admired him throughout his distinguished career.

To those of us who serve in Congress, the record of Tommy D'Alesandro serves as an inspiration. Twenty-two consecutive times he was victorious in primary and general elections. After his elected career, he served with distinction in appointed positions as a member of the Federal Renegotiation Board under Presidents Kennedy and Johnson, and then as a member of the Maryland Parole Board. Both Maryland and the United States benefited greatly from Tommy D'Alesandro's career as an elected official, a political appointee, and a party elder.

Mr. Speaker, Tommy D'Alesandro used to say that "I love politics. It can be played on the level. I try to play it that way." Despite the power and prestige he attained in public service, Tommy D'Alesandro never left his roots in the Little Italy section of Baltimore. Until he died, he lived in the same house that he moved into after he was married in 1928, almost 60 years ago. His home is now a historic landmark, a fitting tribute and gift to the people of Maryland, as was his career of public service that spanned seven decades.

To the gentlewoman from California [Ms. PELOSI], my colleague, I offer my very best. We will miss him a great deal.

For those who have been in and out of Baltimore for the last several years, you could not help but go to an event and see the mayor there. We will miss him, but I am sure the gentlewoman will carry on in his fine tradition.

Mr. CARDIN. Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI], the distinguished Representative from San Francisco, in the gentlewoman's own right, and the daughter of Thomas D'Alesandro, Jr.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on behalf of my family, I wish to thank the gentleman for the special order this afternoon, and also thank the gentleman for the gentleman's friendship and the friendship of the Cardin family, which is a distinguished family in Maryland politics.

The gentleman from Maryland is the product of a great Maryland tradition as well. I thank the gentleman very much for what the gentleman is doing today, and to all of the Members of the Maryland delegation, I thank the Members for the kind words today, for the Members' attendance at my father's funeral, for the condolences and messages of sympathy that I have received from our colleagues in the House. I am very grateful.

My father served with some of the Members of the House here, a few. More he served with some fathers of Members of the House, including the gentleman from Michigan [Mr. DINGELL], who was here earlier and left a special order.

My brother, Thomas D'Alesandro III, followed in my father's footsteps as mayor of Baltimore. It is fitting that we should have special orders today, which is election day for the mayor of Baltimore.

At my father's funeral, Governor Schaefer, who was very close to my father, referred to him as the "mayor's mayor."

The priest who eulogized him said, "Baltimore has lost its man of the century," and the press said, "Baltimore, the Monumental City, has buried one of its monuments."

Nothing was more beautiful than my brothers remarks, the little mayor.

On that day I thought what he said captured for our family what my father stood for, and I would like to read his eulogy into the RECORD. It is not very long.

In the Bible, the Book of Ecclesiastes says "Let us now praise famous men," and then it lists the accomplishments of all the heroes of old. Tommy D'Alesandro's death brought forth a stream of praise for him from Baltimore and the people he loved. The recollections, stories, anecdotes about my father's public life have made us cry and laugh, remember and cherish this extraordinary, yet ordinary man.

We remember and praise men like Tommy because they have left their legacy in the permanent streets and skyline of the city as well as in the memories of people. For these two reasons, "his glory will not fade."

In the few days since my father's death, I have seen thousands of people pay their respects to him. When they look upon him, I know they are seeing something which I've struggled to put into words. My father's face, even in death, is like a window through which so many thousands see again their parent's lives and labors. His face is no "death mask" but a symbol shedding its own light. Having passed through death to God, he becomes transparent, a witness to the joys, efforts, hard work, and genuine courage of a whole generation. In the newspapers and on television, Tommy's face seems like an icon of his Italian community, someone who came with little visible means, and then by sheer strength, virtue, decency, and dreams built a better life for himself and his neighbors.

And, these same people, when they speak to us, his family, cannot put into words what Tommy brings back to them. It is more than nostalgia. It is their own ordinary lives magnified in my father, that they see and cannot express. His picture evokes the glory of the ordinary man and woman. It is a glory whose full strength can only be seen when circumstances permit. The election to public office, five terms in the House of Representatives, three terms as mayor of a great city, suffice. In Tommy, what was really in the headlines were the hundreds of thousands of hardworking people, beating the odds against them, proud of their heritage, firm in their beliefs. His face and what it represents are inextricably linked together. If the times come again when politicans could be recalled as "Saints" (as in the middle ages) Tommy's chances, I think, are very good. One significant public miracle exists in the proud renaissance of the city he loved.

The Gospel of Matthew says that we will all be judged by how we treat others. Feeding the hungry, giving drink to those that thirst, welcoming, clothing and visiting the poor, the sick, and the stranger—these are the commandments for the last day. For Tommy, politics was his way to keep these commands. Politics, in truth, made him more conscious of their necessity.

Tommy D'Alesandro brought us together in life, by force of his personality. He brings us all together again. He was a simple homespun man and his wisdom, even with the passage of his generation, still holds in politics, business, the arts and everyday in life.

No eulogy to my father can be made without mentioning his wife, my mother, his closest ally and advisor and his best friend, Nancy—I am named for my mother—who for just short of 59 years provided the care, concern, dedication and love for Tommy. Her's was a manifestation of the commitment of the marriage vows, to love, honor and obey, in sickness and in health, in good times and bad and I know I speak for my father in saying that Nancy was always there.

□ 1530

That is an expression in Maryland politics.

Working together, they made everyone who worked in their campaigns feel as if they belonged to two families, their own families and the D'Alesandro family.

So again I say, it is very appropriate that this should take place, this special order, on election day in Baltimore for mayor; but I cannot help remembering, as you all recalled 3 months ago when my father was here, and again I want to thank you all for the courtesy the House of Representative extended to him, not one, but two standing ovations, how appropriate it was that this man whose life was a commitment to people would be so honored by the people of this House. He served Maryland and he was proud of that, and so we were so grateful when Congressman MFUME, Congressman HOYER, and Congresswoman BENTLEY were at his funeral and Congressman CARDIN was represented by his father, and the other Members sent their best wishes to my family, and I appreciate all their comments today.

So I thank you and all the other Members of the House for your messages again, your messages of condolence.

This is a commitment, it is a consolation to us, all of your expressions of good will, but it is also a consolation that in the commitment to people which he obviously shared with us, his love for the city of Baltimore, the vitality of that city, and in the laughter of his grandchildren, Tommy D'Alesandro lives.

Mr. CARDIN. NANCY, I say to you, we thank you and we thank your brother and your brothers and sisters and your mother for sharing your father with us, because I know that you all sacrificed in the time that he gave to public service.

You are right. Today is election day in Baltimore and the mayor will be elected. I say to that mayor, follow in Tommy D'Alesandro's footsteps, share his vision, have his compassion, and the people of Baltimore will be better off.

Mr. DINGELL. Mr. Speaker, I rise today to participate in the special order to honor a very special former colleague, Tommy D'Alesandro, who recently passed away at the age of 84.

Tommy D'Alesandro, the father of our colleague, Congresswoman NANCY PELOSI, served in this body beginning in 1938 and for four successive terms thereafter. Tommy D'Alesandro was known by Presidents, colleagues, and friends alike as "Tommy." He was admired by those who knew him as shrewd, witty, and politically savvy. Tommy was a good friend and esteemed colleague of my father who served with him in the House of Representatives during that time. My father greatly respected this institution and the great individuals who served here. He would tell me stories of Tommy's wit, wisdom, and accomplishments.

Like my father, Tommy was a consummate New Deal Democrat. He understood the value of establishing lasting and solid relationships both inside the Congress and in his home town of Baltimore. Politics, both national and local, was his love and his domain. His experience in politics spanned successive terms as a member of the House of Delegates, a U.S. Congressman, city councilman, and mayor of Baltimore.

Mr. Speaker, we need more men like Tommy whose dedication to serving the interests and needs of his constituents was the cornerstone of his philosophy. He was a man who spoke his mind freely, and a man of his word and became an institution in his own right through his tough minded integrity and his unending tenacity to get the job done.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in paying tribute to the Honorable Thomas J. D'Alesandro, Jr., whose death on August 23, after a long and distinguished career of public service, is a tremendous loss to the people of Baltimore and the people of this Nation.

Tommy D'Alesandro dedicated his life to public service, and he worked tirelessly on behalf of his constituents, his city, and his State. As the son of Italian immigrants, he was only 24 years old when he was first elected to the Maryland General Assembly. He served in Congress from 1938 to 1947, and was chairman of the House District of Columbia Committee.

Elected as mayor of Baltimore in 1947, he served for 12 years, and developed an outstanding record of achievement, including laying the groundwork for the building of Baltimore's Inner Harbor. He also was a member of the Federal Renegotiation Board from 1961 to 1969, and served as a member of the Maryland State Board of Parole from 1971 to 1981.

The political legacy of Tommy D'Alesandro was continued by his eldest son Thomas J. D'Alesandro III, who was mayor of Baltimore from 1967 to 1971, and most recently his daughter, and our colleague, NANCY PELOSI, who was elected to the House of Representatives in a special election last spring from the Fifth Congressional District of California.

Tommy D'Alesandro was a dedicated and devoted American, and a public servant of outstanding ability, deep compassion, and courage, who ably represented the people of the city of Baltimore, and the people of this Nation.

Mrs. Annunzio and I extend our deepest sympathy to the members of his family who survive him.

GENERAL LEAVE

Mr. MFUME. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

A TRIBUTE TO THE LATE JESSE UNRUH, TREASURER OF THE STATE OF CALIFORNIA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 60 minutes.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FAZIO. Mr. Speaker, all of us were saddened during the summer recess by the untimely passing of Jesse Marvin Unruh, a dear friend and colleague of many of us. Jesse Unruh was 64 years old, had been serving as treasurer of the State of California, when he unfortunately passed away of cancer at his home in Los Angeles on

Tuesday, August 4. A number of his friends and colleagues here today wish to take a few minutes to celebrate his life through the words and comments in the Record of a number of people who had the privilege of serving with him or working for him during his many years in California politics.

Jesse was born on the 30th of September, 1922, to a family of sharecroppers in Newton, KS. At the age of 10 he moved to Swenson, TX. At the age of 18 he hitchhiked to California to enlist in the Navy.

He was a poor boy by his own admission, a son of German immigrants, who spoke German in the home until well into his teens.

For his contribution to the war effort, he served as a machinist's aid in the Aleutian Islands. At the conclusion of World War II, like a whole generation of new Californians who had come to that State to participate in the war in the Pacific Theater, he took advantage of the G.I. bill and enrolled as an undergraduate at the University of Southern California.

His political interests and talents became readily apparent. As a student senator, he lead the movement to overthrow the existing student government, ending the long-lasting powerhold of the Greek fraternities over the campus' political system.

Jesse was essential in organizing a democratic guild on the campus and later served as its president.

In 1954, beating a long-time incumbent, he was elected to the California Assembly with the help of many of his fellow younger veterans. His success in the legislature came rapidly and he eventually came to chair the Labor Committee, the Finance and Insurance Committee, and the Ways and Means Committee.

In 1960, his colleagues elected him speaker of the assembly, a position he held for the next 7½ years, the longest tenure in the history of the California Legislature.

Jesse, while acquiring a great deal of power and influence, never lost touch with his roots, with the poor people of the Nation, and certainly of California. He offered many significant legislative landmarks, including legislation known as the Unruh Civil Rights Act and the Unruh Credit Act.

In addition, he turned the office of the speaker into the most highly recognized State legislative post in the country. He transformed the legislature into a powerful modern policymaking body which came to serve as a model for legislatures around the country. His transformation earned Jesse the appropriate title of "Mr. Legislator."

I am sure that many of our colleagues from around the country who served in State legislatures during that tenure well remember the increasing pride in public service that occurred and the number of people who were motivated to serve in and make over legislative bodies, making them more competitive with the executive branch, enhancing the professionalism of the staff, giving the members the opportunity to have a greater impact on public policymaking.

Although Jesse lost the race for Governor to Ronald Reagan in 1970, his impressive political strength cut Reagan's winning margin from over 1 million votes in 1966 to only half a million on 1970. No one ever came as close to beating Ronald Reagan by any manner of measure in any of the races that President Reagan competed in.

Jesse was elected in 1974 to his first of four consecutive terms as treasurer of the State of California. His achievements as treasurer were equal at least I believe as remarkable as his achievements as speaker.

Jesse organized the movement to resist the payment of green mail which undermined the value of investments of major public pension funds. He established the Institutional Investors, which has had an important impact in terms of mergers and takeovers within the State of California.

Furthermore, as he did in the speaker's office, Jesse transformed the office of treasurer into a powerful and visible office both throughout California and the Nation. The treasurer's office began to command the attention and respect of Wall Street, that kind of attention normally regarded to other financial institutions.

His personal life was very important to him. He was married for 27 years to Virginia June Lemon. They had five children: Bruce, Bradley, Robert, Randall, and Linda.

Jesse was remarried less than a year before his death to Christine Edwards Unruh.

I think he should be remembered for many things, but one that is fundamental I believe is his contribution to public service through the attraction of many younger men and women to serve not only in the elective positions, but to other public policy positions throughout the State of California, using young men and women from the Coro Foundation, from the Eagleton Institute, creating a fellowship in the State assembly to help attract and train young people who prior to his tenure probably would have sought employment in other fields of activity, Jesse Unruh brought many thousands of people to public careers in California and perhaps one of his greatest legacies will be the continuing contribution of people who came during the 1960's and 1970's to careers in public service.

Jesse was a man to be respected, one who set excellent examples for all of us to follow. Although he will be sadly missed, his achievements and accomplishments will undoubtedly survive him. He has touched many of our lives and I along with many others will greatly miss him.

In addition, I wish to express my most sincere regards and deepest sympathies to his family.

Mr. Speaker, at this time I yield to my colleague from San Bernardino, CA, who served with Jess Unruh and was one of his friends and foes, the gentleman from California, Mr. Jerry Lewis.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague, the gentleman from Sacramento, for yielding me this time.

I was reminded, as the gentleman made his remarks, that I arrived in the California Legislature as a new member in January 1969. Jesse Unruh, then the past speaker in the assembly, laying the foundation for that race that the gentleman mentioned against then Governor Reagan for the governorship of California. As I worked with Jesse and got to know him, I could not help but remember how impressed I had become with his history in public affairs. He was a keystone among those who recognized that for a legislative body to truly impact the direction of people's lives, you need lots of support. It was Jesse Unruh who realized the value of staff around members of the legislature and that recognition made a difference in not just the State assembly and our State senate and the government of California, but I think across the land.

Jesse Unruh truly revolutionized public affairs as we know it.

They called him Big Daddy Jesse Unruh. I remember him most, not for the Big Daddy, but because he was a guy who cared about politics, loved to discuss it, loved the strategy. He loved western music and I used to enjoy once in a while an ice cream soda with Jesse Unruh, singing a little western music, I not so well as he.

He is a friend to be long remembered. He has made a difference. I appreciate the gentleman taking this time to express this support and affection.

Mr. FAZIO. Mr. Speaker, I appreciate the comments of my colleagues.

Mr. Speaker, I yield to a senior member of our delegation, a man who served as Lieutenant Governor of California and hails from the same south-central part of Los Angeles, in fact, ajoining political turf to that of Jesse Unruh, the gentleman from California, Mr. Glenn Anderson, of Long Beach.

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Mr. ANDERSON. Mr. Speaker, it is difficult to attempt to describe in a few short paragraphs the impact that a person with the intense personal characteristics of Jesse Unruh can make on society in general and his adopted State in particular. The late, greatly respected, California State Treasurer, and former speaker of the State assembly, was my friend for many years. He succeeded to a seat in the State assembly that encompassed areas that I had represented when I served in that body. So, we had much in common. Our frequent meetings on the legislative and campaign trails were always cordial and affable. No one who ever met Jesss Unruh was ever unaware of his passion and zest for politics. For him, and for many of us, politics remains an honorable and dedicated profession.

One did not always agree with Jesse, but one always knew where he stood and how he felt. He had a great love for his assembly district and for his adopted State, and his enthusiasm was unbounded in victory or defeat. It is a great comfort to me and to many others to realize that the voters of California had overwhelmingly elected and reelected him to the office of State treasurer and retained him there until his untimely passage. His record there was a brilliant one and he was one of those most instrumental in bringing California a fiscal reputation "par excellence."

Many eulogists have already said all that needs to be said about the life and achievements of Jesse Unruh. I would simply like to say that the eulogists are right when they say that in California, "politics just won't be the same without Jesse Unruh." I mourn him as a person, as a legislative genius, and as a friend. My wife, Lee, joins me in offering our sincere condolences to his family.

Mr. FAZIO. Mr. Speaker, I yield to the gentleman from Los Angeles, MEL LEVINE, my good friend.

Mr. LEVINE of California. Mr. Speaker, I thank and compliment the gentleman for calling this special order in memory of Jesse Unruh. I, as opposed to some of my more senior colleagues, did not know Jesse Unruh all that well. Frankly, over the years that I was in political life in California, Jesse was much more of a legend to me than he was somebody that I had extensive personal dealings with. I did have a couple experiences with Jesse that are experiences that both in the context of when and how they occurred, are experiences that were memorable to me.

I will never forget that when I was 19 years old and a student at Berkeley, the day after I was privileged to be elected president of the Associated Students at Berkeley, I was asked to join the outgoing student body president to go up to Sacramento to meet with some of the legislative leaders with regard to issues affecting the University of California.

One of the most memorable meetings that I have ever had was the meeting that I, as a 19-year-old student from Berkeley, along with my 20-year-old senior colleague, had with Jesse Unruh in his office as speaker of the assembly.

This was the time, as our colleagues have noted, that he was referred to as "Big Daddy"—a giant of a man, a bear of a man, who commanded everything within his presence. Yet he took the time to meet with a couple who had come to Sacramento because we were concerned about issues affecting the University of California.

In between calls from the White House, where he was speaking to somebody on the staff of John F. Kennedy, and we did not think he was speaking to the President himself, but who knows? The speaker of the assembly with one arm would be signaling what he wanted to communicate to the White House and with the other arm would be signaling what needed to occur in a legislative context. Between these telephone calls and these obvious displays of both enormous power and enormous competence, he would take the time to talk to the two of us about issues extraordinarily important to the University of California and its students.

The area in which we all owe Jesse Unruh the greatest debt of thanks, particularly those of us who were privileged to serve as California State legislators is the manner in which Jesse Unruh unquestionably professionalized the California State Legislature. The stories are legion. I know a number of my colleagues have already referred to them and I will not go into detail about them, but the fact that Jesse Unruh was able to take a legislative body, turn it into a full-time legislature, which for all of the derogatory remarks that go with the notion of full-time legislatures, was extraordinarily important to the issue of good government and legislative competence. He had a special ability to hire competent independent staff, ensure that bills would be analyzed independently and objectively, and ensure that the people in the State legislature had the ability to make decisions that were independent of the special interests in the State of California. Jesse Unruh had the wisdom, the foresight, the competence, and the tenacity to accomplish these objectives while making the California Legislature a model for others and making it independent in a way that it never was before.

Subsequent to that time we all know what he did for the office of treasurer in the State of California. He elevated its importance and its significance, and again ensured the independence of that office. For all of us who cared so deeply about California, its institutions, we have lost a man who was clearly in the vanguard of professionalizing and improving all of those institutions perhaps in a way that no other Californian has done.

Mr. Speaker, I am honored to be able to join with my colleagues and again compliment the gentleman from Sacramento in calling for this time and adding my voice to those of my colleagues on both sides of the aisle mourning the loss and passing of an extraordinary leader from the State of California.

Mr. FAZIO. Mr. Speaker, I thank the gentleman for his commentary and reminiscences, and I am sure it is appreciated by the Unruh family and his many friends.

Mr. Speaker, I yield to the gentleman from California [Mr. LEHMAN], one of his good younger friends who served also in the State legislature and knew Jesse Unruh best as treasurer, an individual who has already made some comments on the floor on Jesse's passing, and a very good friend of his.

Mr. LEHMAN of California. Mr. Speaker, I thank my colleague, Mr. FAZIO, for his generous remarks in yielding me this time.

I knew Jesse not just as a political ally but also as a personal friend. I can honestly say that he got me started on a path to politics as a career in the 1960's. In 1968 I was a student at Fresno City College in Fresno where I was student body president, and there was a Presidential campaign that year and there was a heated Democratic primary in California. Robert Kennedy was running against Eugene McCarthy. Most of the students on the campuses in California were backing Senator McCarthy. I had decided to back Senator Kennedy and many of my friends decided to do the same thing. I was 19 years old at the time.

We did not know how to go about showing our support, but we read in the paper that a guy named Jesse Unruh in Sacramento was running Senator Kennedy's campaign so we called his office and got invited to Sacramento. That is when I first met Jesse and became acquainted with him.

He asked me to take part in that campaign and gave me the responsibility at the age of 19 of being cochairman of the campaign in Fresno County, and later Jesse asked me to be a delegate to that tumultuous convention in Chicago, which I accepted.

I guess we young Democrats at that time did not have many role models in California. We had a President who was running a war in Vietnam that we opposed. We had a Republican Governor, Ronald Reagan, who defeated Pat Brown. Jesse was really the only person we had to look up to. He was not the mediagenic person, but he had great principle and he had great power. I think the first thing I ever learned about political power, and its use, was from Jesse Unruh. I remember a reporter telling me that Jesse had power, and I asked, what do you mean. The reporter said, if you need a busload of people on the corner of 19th and West Streets in Los Angeles for precinct work and you need it in 2 hours, Jesse will see that it gets there.

I stayed in touch with Jesse after that and helped him in his campaign for Governor in 1970 and later when I ran for office he returned the favors in our relationship and supported me in my first run for the assembly and numerous times after that. He was a great counselor to me over my years in the legislature. I remember a few times, that I would put in a bill that was in some infinitesimal way impinging on the powers and prerogatives of the treasurer's office, and I would get that phone call from him with that booming voice and he would come back real gentle remembering the bond that we had from the years in the 1960's, and we would work it all out.

I do not think that anyone can really express what Robert Kennedy's assassination did to Jesse Unruh. He was very close to the Kennedy family, had really run Jack Kennedy's campaign in California in 1960, and was probably the single most important person in getting Robert Kennedy to run for President in 1968. He was a leader of that campaign in California, and was with Senator Kennedy when Senator Kennedy died that night in Los Angeles.

I think it forever left a deep wound and a scar on him which he carried around and I think certainly changed the nature of life and ultimately where he went politically.

Jesse Unruh revolutionized the State legislature in California, as my colleague from Los Angeles, Mr. LEVINE, mentioned. He made it a first-class institution. That had an effect not only of changing the situation in California but I think that gave great dignity and respect to other State legislatures across this Nation who followed on California's lead in its model created.

I think he upgraded the whole system of State legislatures in this country, made them more professional, made them less dependent on special interests, and made them the power centers that they are.

As Willi Brown, our current speaker of the assembly, stated in the memorial service we had in Sacramento a couple of weeks ago, he created the speakership as an institution in California. I thought that was the greatest tribute he could have paid on that occasion, to have the 81st desk seated on the floor of the house in memory of Jesse with his name on it, never to be occupied by anyone, but just as a reminder of the person who made this institution what it is today and of what people can do when they set their minds to it.

Jesse Unruh did the same thing with the office of treasurer, making it the institution that it is in California, with the subsequent effect across the country of making State treasurers important people and making the investment policies of the State on much sounder footing, and again opening up the process so people understood where their money was going.

Jesse was a poor child in his youth. He was born in Kansas, the son of a sharecropper. He worked in the fields of west Texas picking cotton where he learned to love country music, which was another thing I shared with him later on as we would often sing a few songs together late at night.

Jesse Unruh came to California with only $5 in his pocket. He went to the University of Southern California, and formed Young Democrats, he met people we know today, such as Frank Mankewicz, and formed the nucleus of what became the Democratic organization in Los Angeles.

The one statement I could say that is most true about Jesse is that through everything he did in life, amassing great power, doing great things, being in the headlines, being at the center of activity nationally and statewide, is that he always remembered down inside who he was, that was, the son of a poor Kansas sharecropper who had to work his way through life and he never forgot those kinds of people and he never forgot who he was and where he came from in that process.

His loss is a great personal one for me and for Patti as well, and I want to extend my personal condolences on the floor as I have in person already to his wife Chris, and his children. He is going to be remembered as long as there are RICK LEHMANS and VIC FAZIOS and MEL LEVINES and MERV DYMALLYS, and I could go on with the people he greatly influenced. We loved him very much and we are going to miss him.

Mr. FAZIO. Mr. Speaker, I thank the gentleman for his eloquent remarks. For all of us Jesse Unruh is sort of at the center of that tumultuous year of 1968 with the assassination of Martin Luther King and then Robert Kennedy seemingly the time clock being stopped for all of us in political terms.

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Yet everyone, including most importantly Jesse Unruh, went on from that traumatic experience and had an almost new career in the executive branch of Government.

I am sure all of us appreciate very much the personal recollections of the gentleman and his time.

Mr. Speaker, there is another individual here who was part and parcel of the Unruh organization. That was an impressive entity. This is a gentleman who served with him in the State assembly, went on to the State senate and then to Lieutenant Governor of California before coming to Congress, the Honorable MERVYN DYMALLY of Los Angeles.

Mr. DYMALLY. I thank the gentleman for yielding, my friend, VIC FAZIO for putting together this memorial observation of our friend Jesse Unruh.

During the memorial service in Los Angeles I remarked that the night of his death I was thinking about him. Once every 6 months or so I would write him a little note or call him and chat with him. The last time I called him he gave me a long lecture in loyalty. Speaker Brown had a candidate, I had a candidate who was an old friend of Jesse and I said, "Jesse, you know, you have been with us through thick and thin." He said, "Look, every time a measure comes up in the assembly and I call the speaker and he responds to me;" "MERV, you know what loyalty is all about." And I said, "Yes." And I stopped the conversation there.

But Jesse was looked upon by some people as very tough, a big daddy of politics. But really he was a very gentle, mild man. Those of us who knew him personally knew that he had a heart of gold.

Lou Cannon wrote a book "Unruh and Reagan." I wrote Lou and I said,

> Lou, you missed one most important element about Unruh. The people whom he represented and the people from whom he came. He was a poor rural boy who grew up in Texas, who ended up representing poor urban blacks. That combination changed his whole political philosophy. He knew what discrimination was, racially, he knew what poverty was. He was put in his seat as a senator to represent people who had been discriminated against and people who were poor. Those constituents

I said to Lou Cannon,

> Gave Jesse Unruh the strength he needed to do some of the things he did.

If he was in a marginal district, people would be raising constantly questions about his politics. But I am a product of Jesse Unruh. There are two men in California who have influenced my political career. Influenced? Who made me. One, of course, is my mentor, GUS HAWKINS, chairman of the Committee on Education and Labor and the other one is Jesse Unruh.

Steve Smith, who was Jesse Unruh's left or right hand man came to me one day at a club meeting and said, "Why are you opposed to Unruh?" I said, "Isn't that the fashionable thing to do around here?" He said, "Do you know him?" I said, "No." He said, "Would you like to meet him?" That was during the 1960 campaign.

From that meeting grew a friendship. I got a long lecture about Poli-Sci

101 from Jesse Unruh. I ended up in the Kennedy campaign.

When I ran it was Jesse Unruh who was there even though he did not think that I could win. But out of loyalty and out of the fact that he thought I was bold and brave and dashing, he supported me.

He used to refer to me affectionately as the best street politician he knew. I was never offended by the description. I was always flattered by it.

But we kept a very close working relationship. Often times we would disagree. In fact, I was a Humphrey supporter in 1968. I do not need to tell you that we did not talk to each other in Chicago because he was supporting Kennedy and he had this lingering sorrow that he took with him to Chicago.

But he was a most pragmatic person, loyal as the day is long.

I proved my friendship with Jesse when he ran for mayor. It was not easy. He never forgot that in the face of tremendous criticism from my constituents and friends I stood up there and I said, "When I needed Jesse Unruh he was there."

I recall after I won the nomination in 1962, I mean I was without a job for about 6 months, my house was in foreclosure. I went to Jesse and I said if I had not won this campaign I did not know what I was going to do. He said to me,

> You never have to worry again, because if you just watch your manners and be careful about your politics, all of these problems would be gone.

Over the years he has been a very dear friend, a very generous man.

He has helped the growth of black politics in Los Angeles. HAWKINS and Unruh in the sixties really gave strength and gave rise to black politics.

Some of them are on the bench today. Bill Green in the senate, Leon Ralph in the assembly, just to name a few whom he supported when they ran for public office.

More than that he was willing to help, he was generous with newcomers on the scene. A great deal of credit has to be given to him for the stability of the political system in the black community. He is going to be missed. I really did not expect his passing; I was thinking about writing him and hopefully when I went home I would go to chat with him, as I usually do.

But he made his mark in California politics, there is no question about it. He will be long remembered there. There will be no replacement.

To Virginia, his wife, whom I knew when I first went to Los Angeles, to his children and his recent widow, I extend my very deep, deep and heartfelt sympathy from my wife, Alice, my son, Mark and Lynn whom he loved. I really, really am going to miss Jesse Unruh.

To my friend, "VIC" I want to thank you for putting this together in order to pay tribute to this great human being.

Mr. FAZIO. I thank my colleague for his comments and very much appreciate it.

I now yield to another good friend of Jesse Unruh, the Honorable JULIAN DIXON of Los Angeles.

Mr. DIXON. I thank the gentleman from California for yielding.

I am sure that I cannot add anything to the life of Jesse Unruh, for many of the Members here knew him better than I did. But he did impact my life both in a political way and in a substantive way. More importantly, he impacted California in a political way. He added to our legislative process to the point that California has been recognized as probably the most progressive and aggressive State legislative body, in a procedural manner.

But he will probably be best remembered for his substantive approach and his sensitivity for minorities. He has been a person who has always been in the vanguard of creativity as it related to legislation. When he took over the office of treasurer of the State of California I think he brought innovative ideas for investments and he organized this country as it related to investments and even had a social impact in that process.

He was truly a gentleman. We will miss him.

Mr. DIXON. Mr. Speaker, it is with deep sadness that I join my colleagues in the House to mourn the passing of one of California's political giants, Jesse Marvin Unruh. Recognized as a man of great influence and many accomplishments, Jesse Unruh left his mark on California government.

Raised in economic deprivation, Mr. Unruh was an American success story, a self-made man who in his capacity as assembly speaker and State treasurer worked to improve the quality of life for the average Californian. Elected to the California State Assembly in 1954, he quickly gained respect within the legislature for his political expertise. In 1961, he was elected California Assembly speaker, a position he held until 1968. Under his tenure, major pieces of legislation were enacted, including the Unruh Civil Rights Act prohibiting racial discrimination in businesses servicing the general public, and the Collier-Unruh Act authorizing property tax diversions to build rapid transit systems. Other significant bills led to the prohibition of employer discrimination on the basis of age, the increase of State funding for education and recreation, and the creation of the California Commission on the Arts.

In 1970, Mr. Unruh left the Assembly to pursue an ultimately unsuccessful bid for Governor. In 1974, he was elected to the position of State treasurer, a then obscure office which, before his death, he elevated into an immensely powerful post with influence over billions of dollars of State investments. Under his direction, the office turned a profit for the State, through the aggressive investment of billions of dollars of idle State funds.

It is without a doubt that the energetic efforts of Jesse Unruh have benefited many, and will continue to assist countless others in the future. The recent passing of the State treasurer is a great loss to the Government, and to the people of California.

Mr. FAZIO. I thank my colleague for his comments and I yield to the gentleman from Monterey, LEON PANETTA.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Speaker, I want to join with our colleagues from California in paying tribute to Jesse Unruh.

Jessu Unruh is one of those rare individuals who we can truly say was a giant in California history, along with people like Hiram Johnson and Earl Warren, Pat Brown, Tom Kuchel, someone who I was able to work with; these are people who I think go down in history in the State of California as people committed to a progressive platform and committed to making government work for the people.

That is essentially what Jesse Unruh did. He got into the legislature, he made it a model for the country, he made it something that other States looked toward on how to make the legislative branch an effective operation on behalf of the people. When he became treasurer and in his other activities he was always committed to getting things done for people.

For that reason we are going to miss him, because in a sense I think his death marks the end of an era in California politics. But hopefully we can draw from that experience and remember what he was about and the principles for which he stood and in so doing perhaps continue his memory. That probably is what Jesse would have wanted most of all, that we take those principles and continue to work with them, continue to make sure that the purpose of government is to serve the interests of the people.

Mr. Speaker, I thank the gentleman for arranging for this special order.

Mr. Speaker, I want to join my colleagues from California in paying tribute to one of our State's great political figures of recent decades—Jesse Unruh. His recent death was a blow not only to those of us who had the privilege of knowing him but also to the entire State of California, which benefited enormously from his long career of public service.

Jesse Unruh was a man who got things done for the people of California. As speaker of the assembly and as State treasurer, he had the vital skill of knocking down political and bureaucratic roadblocks to accomplish the goals he sought on behalf of the public good, whether it was creating key social programs at the State level or improving management of the State's funds to improve the State's financial condition.

Because of his numerous accomplishments and his unique personality, Jesse Unruh was a gigantic figure on the California political landscape. His death is, in a sense, the end of an era in California politics. He will be greatly missed, and I know my colleagues here in Congress join me and the rest of the California delegation in mourning his passing.

Mr. FAZIO. I thank the gentleman for his comments.

Mr. Speaker, I think it is fair to say that almost half of the members of the California delegation at one time or another served in Sacramento. I know many of them will have remarks submitted for the Record.

At this point I know Congressmen Don Edwards, Norm Mineta, Ron Dellums, and Ed Roybal will all have remarks which will appear in the Record and I am sure many others will take leave to submit their remarks over the next several days.

Mr. ROYBAL. Mr. Speaker, I join my colleagues today in honoring the memory of a great California State politician, Mr. Jesse M. Unruh. Jesse served the State of California first as a State assemblyman, elected in 1954 and made speaker of the assembly in 1961, and then as State treasurer serving four consecutive terms since 1974.

As State treasurer, Jesse developed the office into a powerful presence in California State politics. He was a strong leader and a man who won the respect of all those he worked with. I know that my colleagues from California and those from around the Nation who also knew him, will miss Jesse and remember him as a man who exemplified political strength and personal ingenuity.

I extend to his family my deepest sympathy in their time of sorrow.

Mr. DELLUMS. Mr. Speaker, last month we were all saddened to learn of the passing of Jesse Unruh, one of the legends in California's political history.

As speaker of the California State Assembly, Jess elevated the office to one of considerable importance, rivaled only by that of the Governor. Many complained that he was a "boss" in the old "Eastern style" of politics. Most of the complainants, more often than not, disagreed with Jesse's strong commitments to racial and economic justice.

Many of us will remember his unyielding advocacy of the legislation that led to the passage of the Unruh Civil Rights Act in 1959. Many of us remember his unyielding strength in the face of then Gov. Ronald Reagan's determination to reduce and eliminate vital social programs.

Always a man committed to public service, Jesse felt compelled to challenge the Reagan policies by running against him for Governor in 1970. I am confident that his closest political advisers counseled him against this political course; they surely counseled him of his certain reelection to the assembly and to his leadership position and the guarantees that accompanied those that he would maintain his personal political power. Instead, this giant of a man chose to risk all for the chance to do more for the many.

His dedication to public service then led him to seek and achieve the office of treasurer of the State of California in 1974. In this position he achieved national stature as a skilled financier, administrator, and protector of those who rely upon the State for its sound investments.

His untimely death has closed a colorful chapter in California politics, and has removed from the scene a man of great compassion, humanity, and political vision. He will be missed—greatly.

Mr. MINETA. Mr. Speaker, I would like to ask you and my distinguished colleagues in the House of Representatives to join me in tribute to the memory of Jesse Unruh. The fabled "Big Daddy" of California politics, Jesse Unruh served four terms as State treasurer and was the distinguished speaker of the California State Assembly longer than anyone else in California history.

Jesse was a powerful speaker who used his able talents to promote sorely needed legislation such as the Unruh Civil Rights Act. This legislation, quite likely his most enduring memorial, bans racial, religious, and sexual discrimination by California businesses, and represents his undying commitment to the rights of the individual.

Jesse Unruh was born in 1922 the son of German Mennonite parents who were forced to become sharecroppers in Texas after their Kansas farm failed. The top male student in his high school graduating class, Unruh went on to college for a short time before deciding to try his luck in California. This initial foray was interrupted by World War II, during which he served in the U.S. Navy in Texas and in the Aleutian Islands. After the war he enrolled at the University of Southern California where Jesse Unruh, the politician, made his first appearance.

In 1954 Jesse won an assembly seat in Los Angeles. At age 33 he became the youngest Democrat in the California State Assembly. Unruh quickly rose to prominence in the assembly, first becoming chairman of the Finance and Insurance Committee in 1957 and then in 1958 by rising to the chairmanship of the powerful Ways and Means Committee. He ultimately became speaker of the assembly in 1961, a position he held until 1969. In 1974 he was elected State treasurer, a post which he held until his untimely death in July of this year.

Mr. Speaker, when a State loses an influential and dedicated public servant such as Jesse Unruh, a large void is created that is not easily filled. The disappearance of Jesse Unruh from the political scene in California will have a significant effect on the State for a long time to come, just as his presence in the political arena influenced California politics for decades. His drive, his concern, his wit and his unparalleled ability to get things done will be sorely missed by all who worked with him.

Mr. SPEAKER, I rise and ask you and the other Members of this distinguished body to join me in saluting the memory of Jesse Unruh and extending to his wife and family our heartfelt sympathies.

Mr. EDWARDS of California. Mr. Speaker, I'm pleased to join my colleagues in paying tribute to one of the true giants of California politics, Jesse Unruh. While it is rare to hold a special order for one who never served as a Member of this body, it is a sign of Jesse's far reaching impact on the political scene that so many of our colleagues asked that we arrange for this time.

As a member of the California Legislature, as the speaker of the assembly, as the State treasurer, and as a key player in national politics, Jesse compiled an unparalleled record of achievement.

Listen to the San Jose Mercury News in its tribute to Jesse:

> He was "in an age of packaged, pampered and polished politicians, bracingly raw and real. His visage was jowly and brooding; his language, tart and colorful; his intellect, keen and innovative; his appetite for power insatiable and unconcealed."

In all the tributes to Jesse, his enthusiasm for the consolidation and exercise of political power is always mentioned. As the Los Angeles Times expressed it—

> Jesse M. Unruh's name seldom appeared in print far from the word powerful; it suited well his politics, his physique and his personality.

Make no doubt about it—Jesse was not afraid of power; in fact he avidly sought it. He loved it!

As speaker of the California Assembly, he made that post second only to that of the Governor in the power it commanded. And to what ends did Jesse exercise that power? Always, it was to be the voice of the powerless in our society.

Perhaps his most significant and enduring accomplishment is the Unruh Civil Rights Act, which bans discrimination on the basis of race, color, or creed in business activities. He spearheaded the successful efforts to enact legislation to ban age discrimination, to expand funding for education and recreation, to advance consumer protection, election reform, public transit—the list goes on and on.

As treasurer, Jesse built a coalition of other public finance managers that with its $200 billion in assets was able to secure the best deals on public investments on Wall Street. No less than the Chairman of the Securities and Exchange Commission termed this as "the most important development in investor representation since the creation of the SEC half a century ago."

Who benefited from this use of power? Again, it was the less powerful—small investors and taxpayers.

It's hard to imagine California politics without Jesse Unruh. We will miss him in countless ways. But, although he is no longer with us, his legacy will live on in his remarkable record of legislative achievement, in his imprint on the very institution of the California Legislature, and in the efforts of so many of our State's finest public officials—a number of whom I am privileged to call my colleagues—for whom he was a mentor.

Mr. BATES. Mr. Speaker, I was deeply saddened when I learned of Jesse Unruh's passing away. Jesse, born in Newton, KS, to a sharecropper family, served in World War II, earned a master's degree from the University of Southern California, and was elected to the California State Assembly in 1954. He served as speaker from 1962 to 1969. From 1974 to the present, he was the State of California's treasurer.

Jesse served California well during his tenure in public service. His many legacies included his efforts to speak out on behalf of the poor and the powerless in California. I will always remember Jesse for his leadership in enacting the Unruh Civil Rights Act of 1959, which predated the national civil rights laws by 5 years.

Jesse will be sorely missed by his family, his colleagues, and by the people of the State of California.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1610

WORKER NOTIFICATION: IT'S BEEN DONE AND IT WORKS

The SPEAKER pro tempore. (Mr. OWENS of New York). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, when the American Cancer Society endorsed the passage of H.R. 162, the High Risk Occupational Disease Notification and Prevention Act of 1987, it suggested that this Nation was losing the war on cancer because we had not yet found a cure for the disease.

Instead, the Cancer Society said that prevention of cancer, especially occupationally related cancers, was the best means of achieving the goal.

A lot of people agree that we are losing the war against cancer, even after we have spent billions and billions of dollars seeking cures.

One of those people is Dr. Samuel S. Epstein. In 1978, almost 10 years ago, Dr. Epstein wrote his now famous "The Politics of Cancer." In the chapter on occupational hazards, Dr. Epstein cited example after example of known carcinogenic substances that were directly related to death and disability among American workers.

Earlier this year, in an address at the National Safety and Health Conference of the International Association of Machinists, Dr. Epstein updated his 1978 book.

Unfortunately, his conclusion hasn't changed—this Nation is still allowing too many American workers to die or become disabled due to illnesses related to exposures to toxic chemicals and other substances in the workplace.

According to Dr. Epstein, cancer is now the only major killing disease in the industrialized world whose rates are sharply rising.

Dr. Epstein notes that last year there were more than 900,000 new cases of cancer and some 450,000 deaths in the United States. Based on projections that occupational cancers reflect between 4 and 38 percent of all cancers, no fewer than 40,000 new cases of cancer each year are occupationally induced and no fewer than 18,000 cancer deaths stem from the workplace.

There will be some people who will point to these numbers as being rather small, noting that more people die in automobile accidents each year or that cigarettes probably kill more people.

But that is not the issue. And, if it is your father or mother, or a brother or sister, or a grandparent who has been retired for several years, you care. You know what the loss to you and your family is.

While it is tragic that these American workers are dying or, even worse, being confined to wheelchairs because they can no longer function, the real tragedy is that these diseases may have been prevented—if only the persons who were exposed to the hazard knew about it and were able to take some precaution.

That is what H.R. 162 is all about. This bill is not aimed at telling workers that they are handling a hazardous substance. The hazard communication standard—basically a labeling and training program—does that.

H.R. 162 tells workers that they have already been exposed to the substance. The precautionary aspect of the hazard communication system isn't going to help the exposed worker—it's too little, too late.

H.R. 162 is necessary because it deals with those workers who are at risk, not because they might be exposed, but just the opposite; they have been exposed to any one of a number of substances that are already known to cause cancer and respiratory and cardiovascular diseases that result in death or disability.

H.R. 162 goes the next step. It advises—it does not require or mandate—that the exposed employee, the person who is at high risk of the disease, enter into a program of medical monitoring and health counseling.

We know that medical monitoring will not prevent the disease. But, we do know that through medical monitoring we have an opportunity to detect certain diseases early enough so as to intervene medically, both to save lives and to preserve the quality of those lives.

And again if it's your husband or wife, or your mother or father, or your sister or brother, or your child, wouldn't you want them to have that opportunity?

Dr. Epstein says:

> Occupational exposure to industrial carcinogens has clearly emerged as a major risk factor for cancer. The National Institute for Occupational Safety and Health [NIOSH] estimates that some 10 million workers are now exposed to 11 high volume carcinogens. Five to ten fold increases in cancer rates have been demonstrated in some occupations.

Those increases are reflected in data submitted in 1978 by a blue-ribbon Government commission that on the basis of available exposure data—in 1978—up to 38 percent of all cancers in coming decades would reflect past and continuing exposures to just six high volume occupational carcinogens. And that data was confirmed in a confidential report to the American Industrial Health Council by two members of the University of Texas School of Public Health.

And that brings us back to H.R. 162. The thrust of this bill is first, to identify those populations for workers who are at high risk under the definitions and procedures provided for in the legislation.

Epidemiologists and industrial hygienists have developed accurate and reproducible methods for identifying and assessing health risks for groups of workers. A lot of information is already in hand because of the work done by NIOSH.

Second, the bill calls for those workers at risk to be notified of their risks and given an opportunity to enter into the medical monitoring and health counseling programs I spoke of earlier.

There are those who claim that we need more study on the topic of notification: The benefits to be gained from notification, the procedures for actually notifying workers, and so forth.

These people say that we don't have enough information about the notification procedures as we should have.

I have a single word of response: bunk.

I don't know where these people have been, but I can only assume that for their own purposes they have closed their eyes and ears to the evidence that exists.

Within the past decade, a number of notification programs have been developed as pilot programs. In some cases, NIOSH has been the agency of record. In some cases, labor organizations have been the developers of the programs with NIOSH assistance. And, in some cases, labor and industry have cooperated with assistance from NIOSH and State local public health organizations and university schools of public health.

In 1981, a notification project in Augusta, GA, identified 1,385 individuals who were at high risk of bladder cancer because of workplace exposure to the chemical, betanaphthylamine—better and more easily known as BNA—during the period 1949 to 1972.

NIOSH sent letters individually notifying workers of their risk status and encouraging them to obtain medical advice and to learn the warning signs of bladder cancer. NIOSH also established a medical screening program in collaboration with the local health department, community groups, and a local medical college.

The project was able to locate and notify 849 of 1,100 surviving workers, including more than 200 who had moved and had to be tracked through a variety of means.

Of those notified, 88 percent participated in the bladder cancer screening and education program. There were 15 confirmed cases of bladder cancer—5 through the screening program—and 22 instances where screening results placed workers in a special risk category for future monitoring.

In a second pilot notification program begun in early 1980, the National Cancer Institute funded a notification program by the Pattern Makers League of North America and the Worker's Institute for Safety and Health after three independent studies indicated that pattern makers in the automobile and agricultural equipment industries had a double risk of mortality from colon and rectal cancers.

The project initially involved 12,000 present and former workers in 700 different workplaces in 27 States and 3 Canadian Provinces. Because of the downturn in the auto industry during 1980 and early 1981, the program was deferred until 1981. By that time, only about 5,000 of the original 12,000 subjects were considered eligible for the program.

Some 4,500 members of the Pattern Makers League participated in the program through which tests for colon and rectal cancer were provided through the employer in some cases, and through union-organized clinics in others. Clinic programs were paid for through employer-union insurance funds as a contract negotiated item.

A third notification program involved asbestos workers in a Port Alleghany, PA, Plant who were identified as being at high risk of lung cancer from their exposures.

The Port Alleghany project was initiated by NIOSH in 1980 and was operated by the Worker's Institute and the Mount Sinai School of Medicine in New York. It identified some 1,200 workers who had been exposed to asbestos between 1964 and 1972.

The project actually notified 854 of the 1,086 surviving workers, including 257 who had moved away from the area. Of those notified, 594—70 percent—participated in the medical screening program.

With a latency period of at least 20 years, the earliest cases of lung cancer are just beginning to be detected through the screening program.

In addition to the three successful pilot programs, the Federal Government is in a position to expand its own notification program significantly. NIOSH has the names and locations of some 250 workplaces around the country where as many as 250,000 current and former workers face increased risk of diseases such as cancer, respiratory failure, cardiovascular collapse, and reproductive failure because of exposures to a variety of toxic substances. The specific data was obtained by NIOSH from 66 mortality studies conducted over a period of years ending in 1982.

In an expansion of that work, NIOSH identified three categories of workers who might be eligible for notification, even though that was not an aim of the studies. The three categories are:

Group A—86 worksites, 110,005 workers—studies in which participants could gain direct medical/health benefits from notification;

Group B—136 worksites, 137,967 workers—studies in which participants are potentially at high risk and should be notified, but there are no effective medical intervention methods;

Group C—27 worksites, 6,508 workers—studies in which individual participant notification would stimulate improvements in working conditions.

Since 1982, NIOSH has conducted 24 additional mortality studies, most of which would fall into 1 of the 3 categories.

In 1983, NIOSH drafted a proposal for a pilot worker notification project aimed at notifying about 25,000 workers of their individual risks of certain diseases. The targets of this proposed notification program were: 8,000 workers at 4 sites in the beryllium industry who were found to have excess rates of lung cancer, heart disease, and respiratory disease; 10,000 chemical workers at 6 locations whose exposure to bis-chloromethyl ether placed them at excess risk of lung cancer; 2,300 workers at 4 locations who were exposed to benzidine and betanaphthaylamine; 321 oil shale workers who showed a statistically significant risk of keratosis; 5,000 uranium miners and millers at 300 sites who were at increased risk of lung cancer and other diseases.

But NIOSH didn't do the notification programs. They wanted to, but the requests for funds were turned down.

In 1984, NIOSH submitted a budget request for $1.3 million to be included in the 1985 budget request to do the notifications. The request was stripped from the budget from the Centers for Disease Control, a part of the Department of Health and Human Services.

NIOSH made another request for funds in the 1986 fiscal year budget, but that, too, was rejected as not having a high enough priority.

A third request was submitted for the 1987 fiscal year budget. It, too, was rejected.

Notification and medical monitoring is feasible. Despite the words of opponents of the bill, it can be done within the $25 million annual authorizations. Even NIOSH says the funding is adequate to operate the program successfully.

NIOSH should know. It's not the agency's fault that it hasn't notified those workers it has already identified.

The questions for those who oppose this bill are as follows:

How many more families will be torn apart because one of the earners is either deceased or, even worse, so crippled by occupational disease that they can't work?

How many more children will suffer because of the loss of a parent?

According to a 1984 study by the Department of Labor, Federal spending for victims of all occupational diseases totaled $5.4 billion—$2.2 billion for Social Security disability income, $800 million for supplemental security income, $1.3 billion for Medicaid, and $1.1 billion for Medicare.

Yet, even as staggering as these amounts are, they must be considered crude and partial. These figures do not include medical and wage-loss costs for workers whose occupational illnesses have not yet resulted in death.

These figures do not include tax losses to State and Federal governments, State workers' compensation and unemployment insurance costs, and employer payments for sick leave, insurance premiums, and recruitment and training costs for replacement workers.

And, as I have already mentioned, the pain and suffering faced by every family that has lost a father or mother, a brother or sister, or a husband or wife to an occupational disease that might have been prevented.

And the prevention of these deaths and disablements that evolve from exposures to toxic substances is the third part of the program embodied by H.R. 162.

Despite the arguments to the contrary, H.R. 162 is not a compensation bill. It does not extend any new rights to workers. It does not add any new requirements for them to meet. It is neutral.

It does not permit the use of the notification, the notification process, or the fact that a worker has been advised to enter into a medical monitoring program as a basis for a claim or as evidence in any such claim.

We are trying to prevent diseases that can be prevented. We are trying to eliminate the suffering by people who have lost a family member unnecessarily or every day see a family member who is confined to a wheelchair or a bed, just waiting for the inevitable.

H.R. 162 is a cost-effective program. It is a workable program whose feasibility has been proven.

But, most important, it is a compassionate program—whose time is long overdue.

□ 1640

VIETNAM WAR MIA'S, POW'S DESERVE HONOR, RECOGNITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, for many Americans the war in Vietnam remains a painfully powerful memory more than a decade after the end of United States involvement there. Those still suffering are the mothers and the fathers, the brothers and sisters, and wives and children of the servicemen still missing in action throughout Southeast Asia.

Approximately 2,400 United States servicemen remain unaccounted for in that region, most of them in Vietnam. There are 119 on that list from Pennsylvania. Only three States have more MIA's than Pennsylvania.

Sadly, American efforts over the past 14 years to fully, and finally, resolve this issue have been frequently hampered by the Vietnamese Government. The Communist leaders of Vietnam have sought to wring political and economic concessions from the United States in exchange for simple humanitarian cooperation.

Three successive United States Presidents have rejected attempts by Vietnam to trade information on MIA's for economic aid and have insisted on a full accounting of those United States servicemen listed as missing in action. This policy should be continued.

After a yearlong lull in negotiations and cooperation with Vietnam, recent events suggest a new breakthrough may be made on the MIA issue. The latest Presidential envoy, retired U.S. Army Gen. John W. Vessey, Jr., a former Chairman of the Joint Chiefs of Staff, succeeded in extracting a promise from Vietnamese leaders to accelerate their efforts toward providing a full, final accounting for servicemen listed as missing in action in that country. This promise came without any official quid pro quo on the part of the U.S. Government.

I am pleased to have been able to join my colleagues in Congress in honoring both those missing in action and their families and friends by approving a special day of recognition. As we prepare to salute the MIA's on September 18, the recently completed mission of General Vessey is yet another reminder of the valor and courage of those left behind. I especially want to pay tribute to the families and friends of those still unaccounted for in Vietnam, Cambodia, and Laos—as well as those families of servicemen missing in action from World War II and the Korean war—for their resoluteness of spirit and their sacrifices in their quest for a final resolution of this painful ordeal.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. FOLEY), for today, on account of illness.

Mrs. COLLINS (at the request of Mr. FOLEY), for today and the balance of the week, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. HOUGHTON, for 5 minutes, today.

Mr. LIVINGSTON, for 5 minutes, on September 16.

Mr. GEKAS, for 5 minutes, today.

Mr. KEMP, for 60 minutes, on September 16.

(The following Members (at the request of Mr. BUSTAMANTE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. MCMILLEN of Maryland, for 5 minutes, today.

Mr. CARDIN, for 60 minutes, today.

Mr. JONTZ, for 60 minutes, today.

Mr. CONYERS, for 60 minutes, on September 17.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

(The following Member (at the request of Mr. GAYDOS) to revise and extend his remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mrs. MORELLA.

Mr. BEREUTER.

Ms. SNOWE.

Mr. LEWIS of California.

Mr. DORNAN of California in two instances.

Mr. LAGOMARSINO in four instances.

Mr. SOLOMON in two instances.

Mr. GRANDY.

Mr. LOTT.

Mr. COURTER in two instances.

Mr. SUNDQUIST in two instances.

Mr. MCEWEN in two instances.

(The following Members (at the request of Mr. BUSTAMANTE) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. YATRON, in two instances.

Mr. COLEMAN of Texas.

Mr. MFUME.

Mr. RANGEL.

Mr. MCMILLEN of Maryland.

Mr. TRAFICANT in two instances.

Mr. MILLER of California in three instances.

Mr. ROE.

Mr. DONNELLY.

Mr. GRAY of Pennsylvania.

Mr. DOWNEY of New York.

Mr. BORSKI.

Mr. FLORIO in two instances.

Mr. MONTGOMERY.

Mr. BERMAN.

Mr. STARK in two instances.

Mr. NICHOLS.

Mr. JENKINS.

Mr. GRANT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1628. An act to extend the Aviation Insurance Program for 5 years; to the Committee on Public Works and Transportation.

S. 1667. An act to authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science, Space, and Technology.

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 16, 1987, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2085. A letter from the Assistant Attorney General (Civil Rights Division), transmitting the Interagency Coordinating Council's 1987 annual report on its activities, pursuant to 29 U.S.C. 794c; to the Committee on Education and Labor.

2086. A letter from the Assistant Secretary of State (International Narcotics Matters), transmitting the Department's midyear update on the annual international narcotics control strategy report, pursuant to 22 U.S.C. 2291(e)(6), Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

2087. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions by Deane R. Hinton, of Illinois, and Richard C. Howland, of Maryland, Ambassador-designates and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2088. A letter from the Assistant Secretary of State for legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions for David H. Shinn, of Washington, Ambassador-designate and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2089. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions for Robert

Maxwell Pringle, of Virginia, Ambassador-designate and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2090. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions for Bill K. Perrin, of Texas, Ambassador-designate and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2091. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting copies of reports of political contributions for Milton Frank, of California, Ambassador-designate and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2092. A letter from the Chairman of the Board, U.S. Institute of Peace, transmitting the institute's first biennial report, pursuant to 22 U.S.C. 4611; to the Committee on Foreign Affairs.

2093. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released by GAO in August 1987 along with a cumulative list of the preceding 12 months, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2094. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's proposed new records system on drug screening, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2095. A letter from the Attorney General, Department of Justice, transmitting the second annual report on the activities of the Department concerning enforcement of the Controlled substance Registrant Protection Act of 1984, pursuant to Public Law 98-305, section 4; to the Committee on the Judiciary.

2096. A letter from the Comptroller General, General Accounting Office, transmitting a report and recommendation to the Congress concerning the claim of Mr. Samuel R. Newman to be relieved of liability for repayment in travel expenses that were erroneously paid to him by the Federal Aviation Administration, pursuant to 31 U.S.C. 3702(d); to the Committee on Judiciary.

2097. A letter from the Secretary of Health and Human Services, transmitting the Department's report, "Paying Physicians—Choices for Medicare," pursuant to 42 U.S.C. 1395 ww note; to the Committee on Ways and Means.

2098. A letter from the Secretary of Health and Human Services, transmitting the Department's final report on air to families with dependent children [AFDC] homemaker/home health aide demonstration, pursuant to 42 U.S.C. 632a; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1720. A bill to replace the existing AFDC program with a new Family Support Program which emphasizes work, child support, and need-based family support supplements, to amend title IV of the Social Security Act to encourage and assist needy children and parents under the new program to obtain the education, training, and employment needed to avoid long-term welfare dependence, and to make other necessary improvements to assure that the new program will be more effective in achieving its objectives, with an amendment (Rept. 100-159, pt 3). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GLICKMAN (for himself, Mr. Conyers, Mr. Fauntroy, Mr. Petri, Mr. Dornan of California, Mr. Edwards of California, Mr. Smith of Florida, Mr. Kleczka, Mr. Wortley, Mr. Davis of Illinois, Mr. Kildee, Mr. Lehman of Florida, Mr. Mrazek, Mr. Fawell, Mr. Berman, Mr. Hyde, Mr. Cardin, Mr. Bryant, Ms. Kaptur, and Mrs. Kennelly):

H.R. 3258. A bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for obstruction of persons in the free exercise of religious beliefs; to the Committee on the Judiciary.

By Mr. BUSTAMANTE:

H.R. 3259. A bill to amend the Public Health Service Act with respect to programs relating to the prevention of diabetes and related complications; to the Committee on Energy and Commerce.

By Mr. DAUB (for himself, Mr. Dorgan of North Dakota, and Mr. Grandy):

H.R. 3260. A bill to amend the Internal Revenue Code of 1986 with respect to date of inclusion into gross income when a commodity credit loan is paid with a commodity certificate; to the Committee on Ways and Means.

By Mr. DAVIS of Michigan (by request):

H.R. 3261. A bill to implement the provisions of annex V to the International Convention for the Prevention of Pollution from Ships; to the Committee on Merchant Marine and Fisheries.

By Mr. DORNAN of California:

H.R. 3262. A bill to make ineligible for Federal financial assistance any educational institution that performs abortions not necessary to prevent the death of women; provides, directly or indirectly, counseling or referral services regarding the availability of abortion as a means to terminate pregnancy; or advocates the use of abortion as a means to terminate pregnancy; to the Committee on Education and Labor.

H.R. 3263. A bill to make ineligible for Federal financial assistance any educational institution that performs abortions not necessary to prevent the death of women; provides directly or indirectly, counseling or referral services regarding the availability of abortion as a means to terminate pregnancy; or advocates the use of abortion as a means to terminate pregnancy; to the Committee on Education and Labor.

H.R. 3264. A bill to amend title 18, United States Code, to prohibit certain conduct relating to surrogate motherhood; to the Committee on the Judiciary.

By Mr. FORD of Tennessee:

H.R. 3265. A bill to amend the Urban Mass Transportation Act of 1964 relating to treatment of visually and mentally handicapped individuals; to the Committee on Public Works and Transportation.

By Mr. GRANDY (for himself, Mr. Durbin, Mr. Daub, Mr. Roberts, Mr. Tauke, Mr. Marlenee, Mr. Lightfoot, and Mr. Madigan):

H.R. 3266. A bill to amend the Internal Revenue Code of 1986 to defer the tax consequences of the repayment of a Commodity Credit Corporation loan with a generic commodity certificate; to the Committee on Ways and Means.

By Mr. HERTEL:

H.R. 3267. A bill to amend title 10, United States Code, to establish a Defense Acquisition Corps for purposes of improving the efficiency of the defense acquisition process, and to require the Secretary of Defense to establish by regulation a Defense Acquisition University; to the Committee on Armed Services.

By Mr. LOWERY of California:

H.R. 3268. A bill to amend the Controlled Substances Act to regulate transactions involving ephedrine and certain other substances; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. RAHALL:

H.R. 3269. A bill to authorize the Cadmus Foundation, Inc., to establish a monument on Federal Land in the District of Columbia commemorating the ancient Greek teacher Cadmus; to the Committee on House Administration.

By Mr. ROSE:

H.R. 3270. A bill to amend the Railroad Retirement Act of 1974 to provide for the restoration of an annuity portion for those with 10 years or more of railroad service before January 1, 1975; to the Committee on Energy and Commerce.

H.R. 3271. A bill to suspend for a 3-year period the duty on thiothiamine hydrochloride; to the Committee on Ways and Means.

By Mr. ROSE (for himself and Mr. Lancaster):

H.R. 3272. A bill to authorize the Secretary of the Army to convey certain real property; to the Committee on Armed Services.

By Mr. SOLARZ:

H.R. 3273. A bill to amend title XIX of the Social Security Act to prohibit States, as a condition of Medicaid funding, from discriminating among licensed physicians in its medical reciprocity standards on the basis of the location of the medical school from which they graduated; to the Committee on Energy and Commerce.

By Mr. McEWEN (for himself, Mr. Applegate, Mr. Latta, Mr. Hall of Ohio, Mr. Wylie, Mr. DeWine, Mr. Donald E. Lukens, Mr. Stokes, Ms. Oakar, Mr. Miller of Ohio, Mr. Oxley, Mr. Kasich, Mr. Regula, Mr. Feighan, Mr. Traficant, Mr. Sawyer, and Mr. Thomas A. Luken):

H. Con. Res. 187. Concurrent resolution recognizing the distinguished service of the Ohio National Guard and commending the members of the Ohio National Guard on the occasion of the bicentennial of its establishment; to the Committee on Post Office and Civil Service.

By Mr. WILSON:

H. Con. Res. 188. Concurrent resolution commending the Tactile Capital project and its goal of making many historic buildings and monuments in the District of Columbia and Virginia more accessible to blind and visually impaired tourists; to the Committee on Post Office and Civil Service.

By Mr. DORNAN of California:

H. Res. 262. Resolution expressing the sense of the House of Representatives concerning the right to life of handicapped infants; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS:

H.R. 3274. A bill for the relief of Woodrow Charles Herman; to the Committee on the Judiciary.

By Ms. PELOSI:

H.R. 3275. A bill for the relief of Cheng Hsiang-Lin; to the Committee on the Judiciary.

H.R. 3276. A bill for the relief of Chen-Chuan Jen; to the Committee on the Judiciary.

H.R. 3277. A bill for the relief of Joaquin Morales; to the Committee on the Judiciary.

H.R. 3278. A bill for the relief of Sau To Yue; to the Committee on the Judiciary.

H.R. 3279. A bill for the relief of Emily Gayanes Gaufo, Joselyn G. Gaufo, and Favio G. Gaufo, Junior; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Penny, Mr. Jacobs, Mr. Price of North Carolina, Mr. Frank, Ms. Slaughter of New York, and Mr. Yates.

H.R. 228: Mr. Yates.

H.R. 378: Mr. Bonior of Michigan.

H.R. 379: Mr. Ballenger.

H.R. 474: Mr. Lagomarsino.

H.R. 586: Mr. Gunderson.

H.R. 778: Mr. Gray of Pennsylvania.

H.R. 993: Mr. Solarz, Mr. Flake, Mr. Ackerman, and Mr. Biaggi.

H.R. 1002: Ms. Pelosi.

H.R. 1049: Mrs. Martin of Illinois.

H.R. 1087: Mr. Campbell and Mr. Marlenee.

H.R. 1179: Mr. Petri.

H.R. 1313: Mr. McEwen, Mrs. Bentley, Mr. Upton, Mr. Borski, Mr. Brennan, Mr. Moorhead, Mr. Burton of Indiana, Mr. Dyson, Mr. English, Mr. Brown of California, Mr. Combest, Mr. Robert F. Smith, and Mr. Boehlert.

H.R. 1395: Ms. Oakar.

H.R. 1516: Mr. Barnard.

H.R. 1517: Mrs. Roukema, Mr. Kolbe, Mr. Markey, and Mr. Bereuter.

H.R. 1543: Mr. Hughes.

H.R. 1544: Mr. Hughes.

H.R. 1635: Mr. Rodino, and Mr. Kastenmeier.

H.R. 1707: Mr. Whitten, Mr. Smith of Florida, Mr. Ford of Michigan, Mr. Downey of New York, Mr. Buechner, Mr. Jenkins, and Mr. Stratton.

H.R. 1766: Mr. Oxley.

H.R. 1770: Ms. Pelosi and Mr. Duncan.

H.R. 1782: Mr. Oxley and Mr. Hayes of Louisiana.

H.R. 1786: Mr. Leath of Texas, Mr. Roemer, Mr. Stallings, Mr. Yatron, and Mrs. Morella.

H.R. 1794: Mr. Glickman and Mr. Gejdenson.

H.R. 1857: Mr. Foglietta and Mr. Evans.

H.R. 1971: Mrs. Saiki and Mr. Sikorski.

H.R. 2045: Mr. Ballenger, Mr. Leach of Iowa, Mr. Synar, Mr. McDade, and Mr. Erdreich.

H.R. 2114: Mr. Upton, Ms. Kaptur, and Mr. Donald E. Lukens.

H.R. 2181: Mr. Dornan of California.

H.R. 2213: Mrs. Schroeder, Mr. Espy, Mr. Berman, Mr. Young of Alaska, Mr. Mfume, Mr. Mineta, Mr. Rose, Mr. Clinger, Mrs. Morella, Mr. Boner of Tennessee, Mr. Brown of California, Mr. Mazzoli, Mr. Smith of Florida, and Mr. Bonior of Michigan.

H.R. 2246: Mr. Florio, Mr. Horton, Mr. Scheuer, Mr. Visclosky, Mr. Brown of California, Mr. Kolter, and Mr. Fazio.

H.R. 2248: Mr. Brown of California, Mr. Kolter, Mr. Fuster, Mr. Marlenee, Mr. Smith of New Jersey, Mr. Tallon, and Mr. Pepper.

H.R. 2253: Mrs. Roukema, Mr. Vento, Mr. Hochbrueckner, and Mr. Walgren.

H.R. 2270: Mr. Weiss.

H.R. 2452: Mr. Atkins and Ms. Pelosi.

H.R. 2481: Mr. Kolter.

H.R. 2586: Mr. Feighan, Mr. Perkins, Mr. Stratton, Mr. Owens of Utah, Mr. Andrews, Mr. Montgomery, Mr. Broomfield, Mr. Durbin, Mr. DeWine, Mr. Staggers, Mr. Parris, Mr. Hall of Texas, Mr. Coyne, Mr. McDade, Mr. Rhodes, Mr. McCollum, Mr. Barnard, Mr. Conyers, Mrs. Byron, Mr. Badham, Mr. Dowdy of Mississippi, Mr. Espy, Mr. Gingrich, Mr. Harris, Mr. Jones of Tennessee, Mr. Spence, Mr. Moakley, Mrs. Boxer, Mr. Rose, Mr. Jacobs, Mr. Roemer, Mr. Dellums, Mr. Hoyer, Mr. Levin of Michigan, Mr. Stump, Ms. Oakar, Mr. Ravenel, Mr. Denny Smith, Mr. Foley, Mr. Bereuter, Mr. Lowry of Washington, Mr. Brennan, and Mr. Stallings.

H.R. 2587: Mr. Mack.

H.R. 2833: Mr. Gallo.

H.R. 2837: Mr. Kleczka.

H.R. 2861: Mrs. Martin of Illinois.

H.R. 2888: Mr. Bustamante and Mr. Barnard.

H.R. 2920: Mr. Gunderson.

H.R. 2963: Mr. Barnard.

H.R. 2967: Mr. Howard, Mr. Gregg, and Mr. Fish.

H.R. 2969: Mr. Eckart, Mr. Moody, and Mr. Crockett.

H.R. 2972: Mr. Bates, Mr. McMillen of Maryland, Mr. Bryant, Mr. Smith of Florida, Mr. Ford of Tennessee, and Mr. Crockett.

H.R. 2999: Mr. Howard and Mr. Dixon.

H.R. 3003: Mr. Ackerman.

H.R. 3044: Mr. Ravenel, Mr. Tallon, Mr. Durbin, Mr. Perkins, Mr. Stangeland, Mr. Nielson of Utah, Mr. Kastenmeier, and Mr. Penny.

H.R. 3045: Mr. Tallon, Mr. Durbin, Mr. Perkins, Mr. Stangeland, Mr. Nielson of Utah, Mr. Kastenmeier, Mr. Tauke, and Mr. Penny.

H.R. 3069: Mr. Dowdy of Mississippi.

H.R. 3130: Mr. Staggers, Mr. Mrazek, Mr. Fuster, Mr. Traficant, Mr. Towns, Mr. Markey, Mr. Synar, Mr. Boucher, Mr. Rodino, Mr. Smith of Florida, Mr. Roe, Mrs. Boggs, Mr. Matsui, Mr. Biaggi, Mr. Leland, Mr. Lehman of Florida, Mrs. Boxer, Ms. Oakar, Mr. Brown of California, Mr. Kildee, Mr. Price of Illinois, Mr. Frank, Mr. LaFalce, Mr. Foglietta, Mr. Rahall, Mr. Howard, Mr. Gilman, Mr. Borski, Mr. Ackerman, Mr. Oberstar, Mr. Florio, Mr. Crockett, Ms. Kaptur, Mr. Richardson, Mr. Johnson of South Dakota, Mr. Kanjorski, Mr. Evans, Mr. Edwards of California, Mr. Bevill, Mr. Levine of California, and Mr. Tallon.

HR. 3157: Mr. Thomas of Georgia and Mr. Holloway.

H.R. 3158: Mrs. Bentley.

H.R. 3182: Mr. Leath of Texas, Mr. de Lugo, Mr. Lagomarsino, Mr. Boland, Mr. Bates, and Mrs. Johnson of Connecticut.

H.R. 3200: Mr. Pursell.

H.R. 3204: Mr. Roemer, Mr. Stangeland, Mr. Madigan, and Mr. Holloway.

H.R. 3228: Mr. Coleman of Missouri.

H.J. Res. 34: Mr. Ritter.

H.J. Res. 55: Mr. Guarini, Mr. Robert F. Smith, Mr. Craig, Mr. Porter, Mr. Stallings, Mr. Foley, Mr. Mazzoli, and Mr. Schaefer.

H.J. Res. 148: Mr. Natcher.

H.J. Res. 152: Mr. Sikorski, Mr. Ackerman, Mr. Mfume, Mr. Neal, Mr. Clinger, Mr. Studds, Mr. Weldon, Mr. Owens of New York, Mr. Moakley, Mr. Gilman, Mr. Lowry of Washington, Ms. Kaptur, Mr. Gunderson, Mr. Dorgan of North Dakota, Mr. Akaka, Mr. Berman, Mr. Fish, and Mr. Kennedy.

H.J. Res. 171: Mr. Goodling and Mr. Hutto.

H.J. Res. 192: Mr. Davis of Illinois, Mr. Harris, Mr. Kanjorski, and Mr. Bartlett.

H.J. Res. 193: Mr. Gilman, Mr. Lancaster, and Mr. Young of Alaska.

H.J. Res. 206: Mr. Bartlett, Mr. Evans, Mr. Blaz, Mr. Thomas A. Luken, Mr. Sabo, and Mr. Derrick.

H.J. Res. 255: Mr. Bonior of Michigan, Mr. Harris, Mr. Mack, and Mr. Marlenee.

H.J. Res. 288: Mr. Clay, Mrs. Boxer, Mr. Smith of Florida, Mr. Horton, Mr. Kanjorski, Mr. Torricelli, Mr. Savage, Mr. Owens of Utah, Mr. Fish, Mr. McCloskey, Mr. Scheuer, Mr. McEwen, Mr. Bryant, Mr. Hatcher, Mr. Matsui, Mr. Neal, and Ms. Oakar.

H.J. Res. 331: Mrs. Patterson and Mr. Jones of Tennessee.

H.J. Res. 336: Mr. Roberts, Mr. Lott, Mr. Mack, Mr. Kolbe, Mr. Bonior of Michigan, Mr. Grant, Mr. Whitten, Mr. Kastenmeier, Mr. Chapman, and Mr. Hunter.

H.J. Res. 338: Mr. Anderson, Mr. Bunning, Mr. Courter, Mr. Dicks, Mr. Fields, Mr. Gejdenson, Mr. Gonzalez, Mr. Jones of North Carolina, Mr. Kasich, Mr. Lott, Mr. MacKay, Mr. Nelson of Florida, Mr. Nielson of Utah, Mr. Panetta, Mr. Schaefer, Mr. Schumer, Mr. Studds, Mr. Stump, Mr. Whitten, Mr. Badham, Mr. Brown of California, Mr. Coyne, Mr. Gregg, Mr. Jones of Tennessee, Mr. Madigan, Mr. Stratton, Mr. Volkmer, and Mr. Rhodes.

H.J. Res. 339: Mr. Hughes, Mr. Kostmayer, Mr. Bevill, Mr. de Lugo, Mr. Conyers, Mr. Smith of Florida, Mr. Towns, Mrs. Boxer, Mr. Fauntroy, Mr. Lancaster, Mr. Lagomarsino, Mr. Solarz, Mr. Fazio, Mr. Horton, Ms. Oakar, Mr. Kolter, Mr. Wolf, Mr. Feighan, Mr. Thomas of Georgia, Mr. Young of Alaska, Mr. Studds, Mr. Moakley, Mr. Levin of Michigan, Mr. Frank, Mr. Wortley, Mr. Fuster, Mr. Cardin, Mr. Mrazek, Mr. Livingston, Mr. Johnson of South Dakota, Mr. Fawell, Mr. Crockett, Mr. Skeen, Mr. McMillen of Maryland, and Mr. Hamilton.

H.J. Res. 355: Mr. Nowak, Mrs. Meyers of Kansas, Mr. Kanjorski, Mr. Fazio, Mr. Nielson of Utah, Mr. Bevill, Mr. Spence, Mr. Bereuter, Mr. Hamilton, Mr. Levine of California, Mr. Leach of Iowa, Mr. Broomfield, Mr. Grandy, Mr. Lagomarsino, Mr. Stratton, Mr. Atkins, Mrs. Martin of Illinois, Mr. Ritter, Mr. AuCoin, Mr. McHugh, Mr. English, Mr. Weiss, Mr. Hyde, Mr.

Roth, Mr. Bateman, Mr. Rodino, Mr. Guarini, Mr. Livingston, Ms. Snowe, Mr. Weber, Mr. Bennett, Mr. Shuster, Mr. Gallo, Mr. Lewis of Florida, Mr. Clinger, Mr. Smith of New Jersey, Mr. Boehlert, Mrs. Johnson of Connecticut, Mr. Chandler, Mr. Wolpe, Mr. de la Garza, Mr. Houghton, Mr. Moorhead, Mr. Lewis of California, Mr. Callahan, Mr. Oxley, Mrs. Smith of Nebraska, Mr. Vander Jagt, Mr. Scheuer, Mr. Waxman, Mr. Nelson of Florida, Mr. Miller of California, Mr. Gray of Pennsylvania, Mr. Foglietta, Mr. Slaughter of Virginia, Mr. Emerson, and Mr. Levin of Michigan.

H.J. Res. 356: Mr. Hoyer, Mr. Gallo, Mr. Ireland, Mr. Pashayan, Mr. Scheuer, Mr. Spence, Mr. Stump, Mr. Roberts, Mr. Walgren, Mr. Young of Alaska, Mrs. Lloyd, Mr. Morrison of Connecticut, Mr. Moorhead, Ms. Oakar, Mr. Thomas of Georgia, Mrs. Vucanovich, Mr. Mack, Mr. Kastenmeier, Mr. Dymally, Mr. Skelton, Mr. Stokes, and Mr. Hunter.

H. Con. Res. 119: Mrs. Meyers of Kansas.

H. Con. Res. 157: Mr. Andrews, Mrs. Byron, Mr. Campbell, Mr. Dicks, Mr. Dymally, Mr. Early, Mr. Ford of Tennessee, Mr. Grant, Mr. Hayes of Illinois, Mr. Hefley, Mrs. Johnson of Connecticut, Mr. Johnson of South Dakota, Mr. Lancaster, Mr. Lehman of Florida, Mr. MacKay, Mr. McEwen, Mrs. Morella, Mr. Nichols, Mr. Obey, Ms. Pelosi, Mr. Rinaldo, Mr. Roemer, Mr. Rowland of Connecticut, Ms. Slaughter of New York, Mr. Smith of New Jersey, Mr. Spratt, Mr. Traxler, Mr. Valentine, and Mr. Wolpe.

H. Con. Res. 158: Mr. Lowry of Washington, Mr. Towns, Mr. Vento, Mr. Weiss, Mr. Berman, and Mr. Martinez.

H. Res. 168: Mr. Herger and Mr. Fish.

H. RES. 260: Mr. Buechner.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1049: Mr. Nielson of Utah.

PETITIONS, ETC.

Under clause 1 of rule XXII,

71. The SPEAKER presented a petition of AFL-CIO Executive Council, Washington, DC, relative to positions adopted at the Council's recent meeting; which was referred to the Committee on Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3030

By Mr. BROWN of Colorado:

—At the end of SEC. 109 insert the following:

(h) Amendment to Rules Relating to Minimum Security for Loans Made or Participated in by Federal Land Banks.—

(1) In general.—Section 1.9 (12 U.S.C. 2017) is amended—

(A) by striking out "85 percentum" and all that follows through "other governmental agencies" and inserting in lieu thereof "85 percent of the agricultural value of the real estate security, or 70 percent of the appraised value of the real estate security, whichever is greater"; and

(B) by striking out "The value of security shall be determined by appraisal" and inserting in lieu thereof "The agricultural value of security shall be the value of the security for any agricultural or aquatic purpose, including basic processing and marketing directly related to agricultural or aquatic operations, as determined under standards prescribed by the bank and approved by the Farm Credit Administration. The appraised value of security shall be determined".

(2) Effective date.—The amendment made by paragraph (1) shall apply to loans applied for and made after the date of the enactment of this Act.

Redesignate all succeeding subsections accordingly.

SENATE—*Tuesday, September 15, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The **PRESIDING OFFICER.** Our prayer today will be offered by Rabbi Leslie Yale Gutterman, of Temple Beth-El, Providence, RI. He is sponsored by Senator CLAIBORNE PELL and Senator JOHN H. CHAFEE.

Rabbi Leslie Yale Gutterman offered the following prayer:

Let us pray:

G-d of the free, hope of the brave: In this historic valley of decision, we invoke Your blessing upon these Senators that their deliberations may lead our Nation from strength to greater and more certain strength. We thank You, Lord our G-d, for the goodly heritage of our democracy, our Constitution. May we always be worthy. Let us never disappoint ourselves by neglecting or abusing it.

We are all created in Your image. We are equal in our inalienable rights to life, liberty and the pursuit of happiness. May the world never have reason to believe that our actions do not equal our faith. May we always put service above self, ideals above interests, and moral responsibility above partisanship.

Help our Nation achieve peace and justice abroad and to preserve them at home. Commit us to strengthen our blessed land as we rededicate ourselves to You, to whom we give victory and majesty and dominion forever—Great G-d our King.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. **SANFORD** thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The **ACTING PRESIDENT** pro tempore. The Chair recognizes the distinguished majority leader.

THE JOURNAL

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **BYRD.** Mr. President, I yield from the leader's time such time as he may require to the distinguished Senator from Rhode Island.

The **ACTING PRESIDENT** pro tempore. The Senator from Rhode Island is recognized.

PRAYER OF THE VISITING CHAPLAIN

Mr. **PELL.** Mr. President, we are greatly honored this morning by the presence of Rabbi Leslie Yale Gutterman, the senior rabbi at Temple Beth-El in Providence.

Rabbi Gutterman, who has been at Temple Beth-El since 1970, is a man of considerable wit and wisdom. He is a lecturer at Providence College and is very active in community affairs.

A popular speaker at public events, Rabbi Gutterman is widely noted for his perceptive humor. He is, of course, first and foremost a leading figure in Rhode Island's religious community.

Rabbi Gutterman is former president of the Jewish Family Service, which he now serves as honorary president; former president of the Rhode Island Board of Rabbis, and former chairman of the Rhode Island Community on the Humanities.

He also is among the 150 Providence residents selected to organize the celebration of Providence's 150th birthday. He currently also serves on the board of Miriam Hospital in Providence.

I am delighted that Rabbi Gutterman is here with us today in the Senate. I am honored to welcome him and express our appreciation to him for joining us and to say how personally glad I am because I consider him a dear friend.

The **ACTING PRESIDENT** pro tempore. The majority leader.

Mr. **BYRD.** Mr. President, I yield such time as he may require from the time under my control to Senator CHAFEE.

The **ACTING PRESIDENT** pro tempore. The Senator from Rhode Island.

Mr. **CHAFEE.** Mr. President, I join with my colleague and friend Senator PELL in welcoming Rabbi Gutterman this morning. As has been mentioned, he is really a leader in our State in all community activities. Of course, amongst religious leaders, he is one of our top ones and helps in inestimable ways.

I would like to make a comment about the personal characteristics of Rabbi Gutterman. In his prayer, he mentioned service above self. I think the life of Les Gutterman emphasizes that, service above self. I just think we are blessed in our State to have such a leader in our community, a leader in his religion and a leader in the community as a whole. We welcome Rabbi Gutterman as he honors us by his presence.

THE ART OF DIPLOMACY

Mr. **BYRD.** Mr. President, talks begin today between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze on the full range of issues on the table between our two nations—arms control matters, bilateral relations, and regional questions, such as Afghanistan—as well as on human rights questions. The focus of the discussions is, as everyone knows, on the remaining issues which need to be resolved to conclude a treaty on intermediate nuclear forces, primarily in the European theater.

I remain cautiously optimistic about the prospects for a successful conclusion to an INF Treaty.

My position, and that of the Senate, will depend on the details of the treaty and on our collective judgment as to whether any treaty serves the national interest, and the interests of our allies and friends in Europe and Asia.

Let us not forget the important role the U.S. Senate has in the making of treaties. It requires a two-thirds vote in the Senate, of course, to approve the ratification of any treaty.

There will have to be a very thorough examination of its provisions, particularly on the question of verification, but also on the questions of its impact on the security and strength of the NATO alliance and on our relations with Japan, China, and the other nations of Asia.

I believe that the advice and counsel of members of the Senate Arms Control Observer Group will be of great value to the Senate if and when deliberations begin on an INF Treaty. That group was created by the distinguished minority leader and myself

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

some 2½ years ago, and it has diligently followed the details of the negotiations and has had very full cooperation by the executive branch.

If an INF Treaty if concluded, it will be the culmination of an effort spanning the last two administrations, an effort by both of our parties to meet a Soviet challenge to Western Europe by virtue of its deployment of SS-20 intermediate range missiles. This is an important lesson for us—we can more easily reach agreements which serve our national interest if there is clear and sustained bipartisan support for them.

Mr. President, the Secretary of State is engaged today and for the next couple of days in an exercise of diplomacy. It is the reaching of accommodations with an adversary nation through the exploration of common ground which is in our mutual interests. If it succeeds, I applaud it. But I must observe that such diplomatic successes have been few and far between under the present administration. There are many points of friction and conflict around the world, and between nations with which we are friendly. These continue to go on unresolved without any apparent effort by the United States to act as a creative broker, and a good friend to those nations. This is certainly the case in the Middle East where vigorous American efforts to bring the Arab-Israeli peace process back on track are needed. We have squandered our capital as a good faith broker in the Persian Gulf region for reasons now known all too well to the Nation as a result of the Iran-Contra investigation. We have not apparently attempted to ease tensions between India and Pakistan, which one presumes would ease the pressures in the Pakistani political system to move into dangerous waters on the question of nuclear weapons. We should certainly be making a vigorous attempt to ease the tensions, and begin a dialog between Greece and Turkey on the burning issues of the Aegean. Greece and Turkey are not only friends of the United States, but they are our partners in the NATO alliance.

The lack of vigorous, creative, and assertive diplomacy by the United States is disappointing and puzzling. It is highlighted again in Central America, where the nations of that region are making serious efforts, under the enlightened initiatives by President Arias of Costa Rica and with the support of President Cerezo of Guatemala, to bring peace to that region. Yet it is unclear whether the current administration is ready to make a very strong, good-faith attempt to help bring that peace process to fruition. I sometimes wonder whether the administration, wedded as it has been to the rhetoric of bluster, bravado, and confrontation with regard to the Sandinista regime, is afraid that the peace process in that region will succeed.

Where is American diplomacy when our Central American friends need it? Instead of focusing, immediately and once again, on military aid to the Contras, the administration should be challenging the Sandinista regime to live up to its commitments under the Arias plan, and should be engaging the Sandinista government directly, in bilateral discussions, regarding Soviet and Cuban military influence and hardware in Nicaragua, as a parallel track to the Arias plan talks. Instead, there is a lot of shuffling around, and no apparent commitment to lend American influence and diplomatic skill to achieve real and lasting accommodations in the region which would be in our national interest.

The Soviet Union has been engaging in a diplomatic challenge to the United States, in a range of theaters, such as the Persian Gulf and Western Europe, and the Middle East, and on the question of Cyprus. It even has had its puppet regime in Kabul, Afghanistan, active around the world, attempting to gain support for its legitimacy. The Kabul regime has almost no case going for it. It is illegitimate, and it is a tool of the Soviets. The Soviets are getting away with the impression that they have all but wrapped up their involvement in Afghanistan.

Mr. President, when that treaty on the INF comes before the Senate, there may be some efforts to add some understanding or whatever with respect to Afghanistan. We might be thinking in those terms.

The reality is far different—no tangible evidence yet exists that they are leaving Afghanistan. Instead, they are building up their infrastructure of war there, and they continue to maintain a force of some 115,000 troops. This deplorable situation should continually be brought to the world's attention by the United States.

Mr. President, during the remaining months of this administration, I hope that the art of diplomacy would be reinvigorated around the world, in those regions which continue to look to us for our good offices, and good judgment and our influence in the economic and political spheres. At least the initiation of such efforts could bear fruit in the next administration, just as I hope that the efforts to meet the Soviet challenge in Western Europe and the 1970's has now the promise of a successful conclusion to an INF Treaty during the present administration.

RESERVATION OF REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved for his use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

BICENTENNIAL MINUTE

SEPTEMBER 15, 1787: ELBRIDGE GERRY OPPOSES THE SENATE

Mr. DOLE. Mr. President, 200 years ago today, on September 15, 1787, delegates from 9 of the 12 States represented at the Federal Convention in Philadelphia, unanimously agreed to approve the newly drafted Constitution. Although outnumbered in the Massachusetts delegation, Elbridge Gerry, a signer of the Declaration of Independence and the Articles of Confederation, refused to sign the Constitution. In particular, he objected to the document's specific provisions for a Senate in which Members would serve 6-year terms and be eligible for reelection. During the subsequent ratification campaign, Gerry wrote:

> A Senate chosen for 6 years will, in most instances, be an appointment for life, as the influence of such a body over the minds of the people will be coequal to the extensive powers with which they are vested, and they will not only forget, but be forgotten by their constituents. A branch of the supreme Legislature thus set beyond all responsibility is totally repugnant to every principle of a free government.

Elbridge Gerry, described as a "man of sense, but a grumbletonian," also objected to the unlimited power of Congress over its Members' own salaries. He feared the role of the Vice President as the Senate's presiding officer would destroy the Senate's independence. He was particularly bothered by "the general power of the Legislature to make what laws they may please to call necessary and proper" and Congress' ability "to raise armies and money without limit." The Massachusetts delegate concluded that the best thing the Convention could do would be "to provide for a second general convention."

Despite his misgivings, Gerry reported to the Massachusetts Legislature that in many respects the Constitution had great merit, and, it could be made improved with the addition of a few amendments, including a Bill of Rights. Such was the spirit among the Constitution's framers, that even its opponents were willing to see it given a chance—200 years ago today.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to exceed 20 minutes with Senators permitted to speak therein for 5 minutes each.

The Senator from Wisconsin.

HOW WEINBERGER IS WRONG WHEN HE IS RIGHT

Mr. PROXMIRE. Mr. President, why should we persist in compliance with the ABM Treaty and go to the mat with the U.S.S.R. over any suspected violation by the Soviets of the treaty? No one has put the case more clearly than Secretary of Defense Caspar Weinberger when he said in a speech last January:

> I cannot envision any circumstance more threatening and dangerous for the free world than one in which our population and military forces remain vulnerable to Soviet nuclear missiles while their population and military assets are immune to our retaliatory forces.

There is the case for the ABM Treaty and for meticulous compliance on both sides. But Weinberger should ask himself, couldn't a Soviet Defense Secretary make precisely the same statement Weinberger made, but in reverse? Wouldn't the Soviets consider that the most threatening and dangerous development for them is one in which their population remained vulnerable to United States nuclear missiles while the United States population and military assets were immune to the Soviet's retaliatory forces? And isn't this just what a U.S. SDI—if it worked—would do? Think about that for a long moment. Isn't this exactly what a United States decision to proceed forthwith with repudiation of the ABM Treaty and deployment of SDI would surely signify to the Soviet Union? After all, what would SDI do if it worked except to destroy the credibility of the Soviet deterrent? This Senator is convinced SDI cannot achieve that, unless the Soviets freeze or reduce their nuclear offensive arsenal.

If we develop an SDI that can prevent half, that is 50 percent, of the Soviet arsenal from striking United States targets in a preemptive strike, what will Russia do? The answer is simple. The Soviets can simply double their arsenal of nuclear warheads to 20,000. Result: The same number of Soviet warheads would strike American targets as would be the case under present circumstances with no SDI facing the present 10,000 Soviet strategic warheads. If SDI would prevent 90 percent of Soviet warheads from reaching American targets, why couldn't the Soviets simply increase their warheads tenfold? Again the result would be the same. SDI is 90 percent effective. But 10,000 Soviet nuclear warheads strike their targets. Has anyone challenged the virtual certainty that it would be far cheaper for the Soviets to multiply their number of offensive nuclear warheads than for us to build and deploy an SDI system? No one has. Why not? Because it would cost the Soviets a small fraction of the United States cost of SDI to greatly expand the number of their nuclear warheads.

So is it not clear that for precisely the reason put so forcefully by Secretary Weinberger with respect to our reaction to a Soviet SDI, the Soviets will react to any United States renunciation of the ABM Treaty with a massive offensive buildup? A huge increase in the Soviet ICBM arsenal is, of course, only the most obvious element of such a buildup. The Soviets could also be expected to develop and deploy an offensive arsenal that would strike with thousands of decoys and with huge quantities of chaff to divert and deceive SDI. Even more certain is the strong likelihood that the Soviets would swiftly move away from their present nuclear weapon deployment. That deployment is heavily concentrated in land based, stationary launchers. This is the only mode that an SDI system as presently conceived and advanced by the Defense Department would or, indeed, could defend against. Kinetic kill vehicles or battle stations orbiting hundreds of miles above the Earth could keep the present slow-burn launchers in their sites. SDI might have very considerable success in striking these stationary launchers during the highly vulnerable slow-burn launch of 6 to 8 minutes. The heat, the light, and especially the relatively long, slow-burn before the missiles develop their velocity make an ideal target for the SDI we have conceived. But don't the Soviets fully understand this? And isn't it certain that the recent Soviet buildup of their nuclear-weapon-carrying submarine and bomber fleet represents a response to this threat? Of course, it is. And what defense does SDI represent against invisible submarines moving swiftly and quietly anywhere off our 2,500 miles of coastline, equipped with tree-top level-flying cruise missiles. If anyone claims that SDI provides a significant defense against this kind of mobility and invisibility, this Senator has not heard it. Similarly, Soviet bombers traveling in the vast air envelope of the Earth at the speed of sound and also carrying cruise missiles represent another challenge that neither kinetic kill vehicles or any other SDI weapons on the horizon could be expected to meet.

Needless to say, the United States' nuclear arsenal as presently deployed—mostly in mobile undersea or air mode—also represents a deterrent that no Soviet antimissile defense can challenge. This is why the Weinberger statement of last January indicating that our military assets are vulnerable to a preemptive Soviet nuclear attack is wrong. The Secretary of Defense knows it. So do the Soviets.

What some in the administration advocate in proposing a repudiation of the ABM Treaty is simply a long shot trillion-dollar effort to destroy the credibility of the Soviet Union's nuclear deterrent. It is bound to fail. It is worse. It will trigger a wholly wasteful arms race that will increase the threat of nuclear war. Far from repudiating the ABM Treaty, we should build on it. And we should enforce it. The Soviet construction of the radar installation at Krasnoyarsk is, indeed, a violation of the treaty. But to date that violation has no military significance. We should go to the Standing Consultative Commission and press for Soviet compliance including elimination of that radar. Both superpowers can only gain by continuing the ABM Treaty and complying with it fully. We face a tragic loss if we repudiate it.

DR. C. EVERETT KOOP—INDEPENDENT AND COURAGEOUS SURGEON GENERAL

Mr. PROXMIRE. Mr. President, last week, Surgeon General C. Everett Koop denounced his colleagues in the medical profession who refused to treat AIDS patients as being guilty of "unprofessional conduct."

This clear and strong statement is just the most recent example of the independence and courage Dr. Koop has consistently shown in handling the highly emotional issues surrounding the AIDS crisis.

The Surgeon General is well aware of the threats posed by working with virulent disease agents. During his 46 years as a practicing physician and surgeon, Dr. Koop accidentally gave himself hepatitis B when he stuck an infected needle through his hand. Therefore, he knows and acknowledges the hazards involved but believes that with proper precaution the risk of infection from AIDS and other dangerous disease agents can be kept low. But most important of all, he firmly believes that health workers are morally and professionally bound to serve all afflicted people including AIDS patients.

On virtually every difficult AIDS related issue, Dr. Koop has showed himself to be an individual with unbounded amounts of integrity, sincerity, and courage. His stands have dismayed ideologues on both the left and right.

Dr. Koop has consistently argued for a more candid sex education which would emphasize "safe sex" as well as the need for more self-restraint in sexual relations.

In spite of great pressure, he has consistently stated his reservations concerning the efficacy of widespread mandatory AIDS testing and its implications for civil liberties and human dignity.

I salute this remarkable man for his honesty and dedication to relieving human suffering and preserving human life.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. BOYCOTT OF U.N. CONFERENCE ON DISARMAMENT AND DEVELOPMENT

Mr. HATFIELD. Mr. President, in a shocking but little noticed display of myopia, the administration chose to boycott the recently concluded United Nation Conference on Disarmament and Development because, in the words of Ambassador Herbert Okun, "United States participation in this Conference would contribute unnecessarily to the erroneous linkage of these two subjects."

If only President Dwight Eisenhower were here to respond. Speaking to the American Society of Newspaper Editors in 1953, he suggested the very linkage this administration now denies: "Every gun that is made, every warship that is launched, every rocket that is fired signifies, in the final sense, a theft from those who hunger and are not fed, who are cold and are not clothed. This world is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. * * * This is not a way of life in any sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron."

Of course, it was not just the "erroneous linkage" inherent in the Conference which concerned the administration. As Ambassador explained: "at a time when the United States is urging the United Nations to reduce expenditures, we were also concerned at the figure of $1.2 million which the U.N. Secretariat estimated was involved in holding the Conference."

Mr. President, in a world in which nations spend almost a trillion dollars a year on weapons of mass destruction, I find that comment appalling.

The Conference, which was attended by more than 100 nations, ended last week. There is nothing we can do about the administration's decision, but I think my colleagues ought to know about it. I ask unanimous consent that a letter written to me by Ambassador Herbert S. Okun detailing the administration's position be inserted in the RECORD, along with an editorial which recently appeared in the New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPUTY REPRESENTATIVE OF THE
UNITED STATES OF AMERICA TO
THE UNITED NATIONS,
March 2, 1987.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you for your letter of February 17 concerning the UN Conference on the Relationship between Disarmament and Development which will be held in New York from August 24 to September 11. Ambassador Walters, who is now out of the country, has asked me to reply to your letter.

The question of U.S. participation in the Conference was considered at senior levels of the Department of State, the Arms Control and Disarmament Agency, and the National Security Council. In April, 1986, the Administration decided on both policy and financial grounds not to participate in the Conference.

U.S. reservations about the Conference rest on two primary concerns. First, the international community should consider the questions of disarmament and development as two distinct issues. Secondly, the proposal for an international conference on disarmament and development mistakenly presumes that there is an inherent relationship between these two areas. Supporters of the Conference erroneously assert that development requires disarmament, regardless of the implications for international security. Consequently they advocate a transfer of resources among nations at the expense of a necessary prior examination of the impact of national policies upon development.

After extensive consideration of this issue, the Administration concluded that U.S. participation in this conference would contribute unnecessarily to the erroneous linkage of these two subjects.

U.S. non-participation in the meeting stems from our belief that the two matters are not appropriately considered in terms of their inter-relationship. It should not be seen as the sign of a decrease in our support for arms control and disarmament or for international economic development. We believe disarmament should be pursued to the extent it leads to greater security and stability through balanced, verifiable agreements.

Development, too, has its own logic, which depends as much on the policies of developing countries as on the policies of developed ones. The assumptions of this Conference, however, are that there is a link between disarmament and development: that disarmament should be pursued not for its own merits, but for its possible contribution to development; and that the basic engine of development is resource transfers from the developed to the developing world. The U.S. Government decided that participation in the Conference would have lent credibility to those arguments and that the best way of showing our rejection was to absent ourselves.

At a time when the U.S. is urging the United Nations to reduce expenditures, we were also concerned at the figure of $1.2 million which the UN Secretariat estimated was involved in holding the Conference.

I appreciate your interest in this important issue. If you have additional comments, I know that Ambassador Walters would be happy to hear from you.

Sincerely,
HERBERT S. OKUN,
Ambassador,
Acting Permanent Representative.

[From the New York Times, Sept. 3, 1987]

BOYCOTTING GUNS AND BUTTER

By staying away from the current U.N. conference on disarmament and development the United States escapes some simplistic oratory, silly Soviet propaganda and requests to commit funds it can't commit. It also throws away a chance to learn and to lead on critical issues, and moves further down the regrettable path of thwarting rather than encouraging international cooperation.

The State Department's explanation for boycotting the conference, now under way in New York, is: "we believe disarmament and development are not issues that should be considered interrelated." That's not far-fetched. People gathered to talk over these two topics are unlikely to switch easily from spending for guns to spending for butter.

Yet the conference grows out of broader thinking. It's the brainchild not of some radical kook but of France's President, François Mitterrand. The world's resources are limited and arms eat up a towering proportion, nearly $1 trillion a year. The arms industry is the leading money maker in many industrialized countries. Little wonder that human imagination seeks new ways to beat swords into plowshares.

The Soviet Union, with its new public relations skill, came to the conference brimming with ideas on how development might progress if less were squandered on arms. Yet it is the world's foremost arms merchant, having overtaken the U.S. It spends a greater percentage of its resources on arms than any other major power. Its spending on development assistance is dismally small.

Developing countries are coming to see that their future depends on finding their own economic answers. The West has much to gain by encouraging this pragmatism, and by helping governments see their security more in the health, education and opportunities open to their people than in the size of their armed forces. All of America's NATO allies are at the conference valiantly making these points. The U.S. sits out the opportunity.

This boycott is part of a larger trend, which has found the U.S. in the Reagan years resisting international cooperation—in the Law of the Sea treaty, World Court jurisdiction in the Nicaragua conflict, and in withholding funds for family planning. Washington sent such a low-level delegate to a recent U.N. conference on trade and development that he aptly described himself as a "traveling insult."

The insult is to the American people. Encouraging worldwide community and cooperation is very much in the American interest. That does not require saintly acceptance of bombast at international conferences. The U.S. would have had a strong case against some of the glib oratory at this one. Would that it were there to make it.

MSGR. FRANCIS J. LALLY

Mr. KENNEDY. Mr. President, many of us were saddened to learn of the death earlier this month of Msgr. Francis J. Lally, of Boston.

Father Lally's remarkable life involved a rich tapestry of religious education, public service, civic participation, and spiritual dedication. For more than 20 years, he shared his warm wit and thoughtful perspective as editor of the award-winning Catholic diocesan newspaper, the Pilot. A dedicated public servant, he chaired the Boston Redevelopment Authority for a decade and was active in a wide range of local, State, and national organizations. In private life, no one had a better or more compassionate friend than Frank Lally.

A priest with extraordinary gifts, Father Lally's wisdom and dedication reached far beyond his commitment to his church. He showed great sensitivity and understanding in his writings, his teaching, and his quiet and unassuming example. His exceptional devotion to enriching people's lives brought him widespread respect and affection, and he will be missed by the many people whose lives and hearts he touched with his eloquent faith and determined work. For me and my family, to whom he was a comforting friend and inspiration for many years, his loss is a deep and very personal one.

I ask unanimous consent that the following articles from the Boston Globe and the Boston Herald, which describe the distinguished contributions and career of Monsignor Lally, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Sept. 6, 1987]

MSGR. FRANCIS J. LALLY

His death leaves a void in the life of this city and of the church he served and loved. Until stricken several weeks ago with cancer, Msgr. Francis J. Lally had for decades been an energetic, constructive and unfailingly urbane participant in the religious, civil and cultural life of Boston.

From the Kennedys and the Cabots to Hispanic immigrants in the South End, where he closed his career as rector of the Cathedral of the Holy Cross, he knew everyone, and countless persons knew him as a warm friend and a wise counselor. He loved music and plays, often attending opening nights at the Huntington Theater. In good weather, he was a familiar figure, tall, silver-haired, his eyes twinkling with curiosity behind his rimmed spectacles, as he strode from the Cathedral to lunch at his club or a favorite midtown restaurant.

A monsignor for 37 years, he preferred the simpler title of Father Lally. He became best known to the public during the 1960's, when he served for nearly 10 years as chairman of the Boston Redevelopment Authority and helped guide such major projects as the creation of Government Center.

A man of realism and practical vision, he could work effectively with politicians and businessmen. At the same time, he never lost sight of the fact that he was a priest and that he was running the BRA because he wanted to bring nearer to reality the dream of a human community that housed and sustained its weakest members. His dream was about people, not about bricks and concrete.

Within the Catholic Church, Father Lally was a man of influence during the quarter-century that Cardinal Richard Cushing led the Boston archdiocese. He wrote many of the cardinal's speeches, advised him during times of crisis, sat with him during illnesses, and was a sounding board for ideas and emotions. Father Lally's acute intelligence and verbal felicity helped focus Cardinal Cushing's broad humanity and titanic enthusiasms.

It can truly be said of both men that they grew in goodness as they grew in power. They shared a fundamental sense of decency and an openness to experience and truth. They significantly helped the work of Dr. John Rock, the Catholic physician who developed the birth control pill, and Rev. John Courtney Murray, the Jesuit theologian whose progressive views on church and state relations were adopted by Vatican Council II.

No newspaper could say farewell to Frank Lally without a word of admiration for his brilliant accomplishments during the 20 years that he edited and wrote for The Pilot, the archdiocesan weekly. A sensitive editor and a pungent writer, he brought to every controversy a saving sense of charity. Much loved, much admired, much needed. Father Lally leaves a lonesome place against the sky.

[From the Boston Globe, Sept. 4, 1987]

MSGR. LALLY, 69, DIES; LED BRA, EDITED PILOT

(By Edgar J. Driscoll, Jr.)

Rev. Msgr. Francis J. Lally, rector of the Cathedral of the Holy Cross and one of the best known and most highly respected religious and civic leaders in the city, died last night in Deaconess Hospital. He was 69.

Msgr. Lally died at approximately 7:30 p.m. of undisclosed causes after being hospitalized the past three weeks, said Rev. William Roche of the Cathedral of the Holy Cross.

The distinguished clergyman was a prominent architect of the city's urban renewal and former chairman of the Boston Redevelopment Authority; a longtime editor of The Pilot, the oldest Catholic diocesan newspaper in the United States; and, more recently, secretary of the Department of Social Development and World Peace of the US Catholic Conference in Washington.

Msgr. Lally, who preferred the title of Fr. Lally, was editor of The Pilot from 1952 to 1972. He was the widely admired writer of sparkling, courageous and liberal editorials. Under his leadership The Pilot was a consistent winner in Catholic Press Association competition.

He left to go to Washington to become secretary of the US Catholic Conference, the service and program agency of the National Conference of Catholic Bishops. When he returned to Boston as rector of the cathedral in 1984, he promptly set about, as he put it, "bringing new life to one of our venerable monuments and one of our city's notable treasures."

For years Msgr. Lally was one of the late Cardinal Richard Cushing's closest advisers in civil and religious affairs. Indeed, some considered him a kind of alter ego of the cardinal, to whom he was as devoted as a son would be and of whom he spoke with the same almost filial affection.

He was also known for his vigorous activities in brotherhood movements to bring about better relationships among people of all faiths and races. In him, the black and Hispanic communities had an energetic and deeply committed champion. On the subject of race, he was no theoretician; he was an actionist. He was the first chaplain of the Catholic Interracial Council of Boston, a member of the board of directors of the Urban League, vice chairman of Action for Boston Community Development, and a member of the Religion and Race Commission.

Able and friendly, relaxed and witty, and with a keen mind, the popular monsignor was often called a Man for All Seasons. When he resigned in 1970 as chairman of the Redevelopment Authority after almost 10 years at the helm and another three as a member, a Boston Globe editorial called him:

"A man who never spares himself in the discharge of the hard civic responsibilities he has shouldered and who never loses sight, either, of the purposes to which he committed his life when he was ordained a priest—to befriend men of all faiths, to heal troubled spirits, to show the way, to administer the sacraments. The wonder is that this unhurried priest has either the time or the energy to satisfy the demands that are made of his many talents. The load he carries puts most men to shame."

The editorial went on to say "There is no facet of Boston life that has not absorbed Msgr. Lally's interest. But it is the philosophy, the love of people, which he brought to his thankless BRA chairmanship that makes him a standout even more than do such accomplishments as the Government Center renewal, the many changes in the predominantly black section of Roxbury's Washington Park and the emerging South End and waterfront renewal.

"His rule in every case has been to ignore special interest and selfish considerations and to insist that what must always be served is the greatest number. The bricks and the mortar are not his main concern. People are his concern, people and their needs."

For years Msgr. Lally's pastoral duties were carried out at St. Catherine's Church, Charlestown, where he made a practice of hearing confessions each Saturday and offering Mass on Sundays. Before leaving for Washington, he was pastor of Sacred Heart Church in Roslindale for a year.

He was born in Swampscott and was a graduate of Swampscott High School, Boston College in 1940 and of St. John's Seminary in 1944. Ordained to the priesthood Aug. 10, 1944, he also held a licentiate in social science from Laval University, Quebec, awarded in 1948. He was elevated to the rank of monsignor at the age of 34, the youngest man so honored in the Boston Archdiocese.

He held honorary degrees from Stonehill College. Marquette University, Manhattan College, Boston College, Northeastern University and Rivier College. In 1952 he was named a chevalier in the French Legion of Honor.

A fellow and former vice president of the American Academy of Arts and Sciences, he had served on the boards of trustees of St. Elizabeth's Hospital, the Education Development Center, the French Library, the Opera Company of Boston, the Charles Playhouse and the Institute for Politics and Planning; on the Board of Consultors of the Archdiocesan of Boston and the advisory boards of the National Conference of Christians and Jews and of Assumption College; and on the boards of directors of the Boston Council for International Visitors, the Boston Center for Adult Education, the Cambridge Center for Social Studies, the Civic Education Foundation of Tufts University, the Fund for the Republic, the International Friendship League and the New England Lyric Theater.

He also had been spirited director of the League of Catholic Women and was a member of the Boston Committee on Foreign Relations and the United States Committee for UNICEF.

Msgr. Lally was the author of "The Catholic Church in Changing America," the story of Catholics and their church in this country from the first explorers and immigrants to their first president of the United States. He also wrote numerous articles for various publications including The Boston Globe.

Of Msgr. Lally the U.S. Catholic Magazine once wrote: "He is what he always was—priest of God, friend of people, apostle of the printed word. But he is something else again. He is a witness in the modern world.

"Without meaning to embarrass him, in many, many ways he embodies what Schema 13—the Church in the Modern World—is all about.

"He seems precisely the type person that the schema draft had in mind when it prodded the social nature of Christians and urged them to 'take part in community programs and activities,' lending their cooperation also to the renewal of the agencies for cultural, social and civic activity."

He leaves a brother, John of Swampscott; two sisters, Dr. Catherine T. Lally and Margaret Wilson, both of Swampscott; two nephews, Richard and Robert Wilson; and a niece, Catherine Wilson.

A vespers service will be held at 5 p.m. Sunday in the Cathedral of the Holy Cross, where Msgr. Lally will lie in state until 9 p.m.

A funeral Mass will be said by Cardinal Bernard Law at 11 a.m. Tuesday, Sept. 8, in the Cathedral of the Holy Cross. Burial will be in Swampscott Cemetery.

(Contributing reporter Doreen E. Indica assisted in preparing this story.)

[From the Boston Herald, Sept. 4, 1987]

Popular Hub Cleric, Francis Lally, Dies

Monsignor Francis J. Lally, a strong force in Boston's religious and civic affairs, died last night at the Deaconess Hospital after undergoing a recent operation for liver cancer. He was 69.

A personal friend of Cardinal Bernard F. Law, Lally was admitted to the hospital Aug. 22. His condition worsened earlier this week when doctors described him as "grave and critical."

Lally, the former editor of the Archdiocese newspaper, The Pilot, was rector of the South End's Cathedral of the Holy Cross for the past three years, a charge Law saw as one that would turn the Cathedral into "a model neighborhood of worship."

"My job is to restore the Cathedral to its place as the centerpiece of the Archdiocese," Lally said shortly after his appointment in 1984.

And change it he did.

Through his efforts, attendance at the Cathedral increased dramatically, drawing from the South End's Spanish community as well as its growing numbers of young professionals.

He also worked hard to revitalize the South End church by presiding over plans for the cathedral's liturgical and architectural restoration.

"He was a gentleman, who in many ways, in Chaucer's terms, was the town parson," said Fr. Peter Conley, a spokesman for the Archdiocese.

"He was well known, highly respected and quietly effective in the world of religion, culture and the redevelopment of the city of Boston," said Conley, who knew Lally.

A native of Swampscott, Lally served as secretary of the Department of Social Development and World Peace of the U.S. Catholic Conference in Washington before returning to Boston in 1957 to become one of the original members of the Boston Redevelopment Authority.

He served on the BRA for nearly 13 years, 10 of them as chairman.

One of the best-known priests in Boston, Lally was appointed pastor of Sacred Heart Church in Roslindale in 1971 after serving as assistant at St. Paul's parish in Wellesley.

A graduate of Boston College, he completed his clerical studies at St. John's Seminary, Brighton before being ordained on Aug. 10, 1944 at Holy Name Church, West Roxbury.

When Law became Bishop of Boston in 1984, he picked Lally as his first pastoral appointment, assigning him to the Cathedral.

He was spiritual director of the League of Catholic Women and served on a number of public and private boards including several charities.

[From the Boston Globe, Sept. 9, 1987]

Friends Gather To Pay Last Respects to Msgr. Lally at Holy Cross Mass

(By Paul Hirshson)

Family members, friends, fellow clergy and parishioners filed solemnly into Holy Cross Cathedral yesterday to attend a funeral Mass for Msgr. Francis J. Lally, rector of the cathedral, who died Thursday, Sept. 3.

Msgr. Lally, 69, was best known for his editorship of The Pilot, the archdiocesan newspaper, for 24 years. In addition, he had served as chairman of the Boston Redevelopment Authority and on several other civic boards and committees.

Cardinal Bernard Law said the Mass, attended by about 1,300 clergy and lay persons. Among those attending were Sen. Edward M. Kennedy, former Gov. John A. Volpe, former Boston Mayor John F. Collins and dozens of other state and local dignitaries.

The Mass was said with full pageantry, with dozens of robed clergy taking part, and a full choir and a brass ensemble augmenting the organ music. The concelebrants included Auxiliary Bishops Daniel A. Hart, John J. Mulcahy, Lawrence J. Riley and Robert J. Banks.

Cardinal Law brought up the rear of the procession into the cathedral, wearing his bishop's miter and carrying his gold shepherd's crook.

Other clergy in attendance included David Johnson, Episcopal bishop of Massachusetts: Rev. Thomas Kennedy, rector of St. Paul's Cathedral, Episcopal; Dr. James Nash, executive director of the Massachusetts Council of Churches; Rev. Carl Scovel, of King's Chapel, and Irving B. Levine, representing the American Jewish Committee.

Msgr. Daniel Hoye, executive secretary of the National Council of Catholic Bishops in Washington, gave the homily for his old friend, Msgr. Hoye and Msgr. Lally served together on the US Catholic Conference, the social action arm of the Council.

Msgr. Hoye remembered Msgr. Lally for his broad knowledge of temporal and religious figures and issues and for his friendly demeanor.

"He had style," Msgr. Hoye said. "Frank Lally's style was to be happy, and his goal was to infect others with his happiness.

"He was your friend; he was mine."

During the Mass, the Gospel (Mark 25:31-46) was read in English, German and Spanish to reflect Msgr. Lally's many interests and the parishes he served. Rev. Corbett Walsh, SJ, of Immaculate Conception parish in Boston, read in German, Rev. Lawrence Borges, pastor of St. Stephen's in Framingham, read the gospel in Spanish.

Cardinal Law conducted the graveside services at Swampscott Cemetery, near the Lally family home.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be closed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the time between now and the vote on cloture be equally divided and controlled by the two leaders.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak on any other subject during this time, if they wish.

I also ask unanimous consent that they may introduce bills and resolutions as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield such time from the time under my control as he may desire. How much would he like to have? How much time do I have under my order?

The ACTING PRESIDENT pro tempore. The Senator has 20 minutes.

Mr. BYRD. How much time would the distinguished Senator like to have?

Mr. DIXON. I would like to have 10 minutes.

Mr. BYRD. Mr. President, I yield 10 minutes to my friend.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank the majority leader for his usual kind cooperation.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. DIXON. Mr. President, I am pleased this morning to rise and express my support for S. 2, the election reform legislation that has been before the U.S. Senate now for many months, and upon which my colleagues will again cast a cloture vote this morning.

Mr. President, there has been an evolutionary process in connection with

S. 2. A good deal of the objections that we earlier heard from colleagues on the other side I do not think would be applicable to the present form of S. 2. I first want to address the public financing question on S. 2, because the initial opposition to this bill centered on the public financing question. I can understand how there might be some reluctance on the part of some of my colleagues to support public financing of elections. I think what needs to be noted, though, is what everybody in the Senate already knows; unless you retain some sort of fundamental public financing at least as a triggering device, you cannot answer the Supreme Court's objections to limitations on campaign spending.

I believe I can safely say that there is a substantial majority in the Senate in favor of some kind of "reasonable" limitation on campaign expenditures. Last year I introduced a campaign expenditure bill which included limitations and modified public financing. I had occasion to look at expenditures in a number of campaigns around the country. At that time I believe there was a Congressman who had raised more than $21 a vote to be elected to the House of Representatives. I hope that shocks the conscience of every person in the House and Senate. I hope that everyone realizes there ought to be reasonable campaign limitations on expenditures.

I want to make these two small points. First, conceding that some might have a reasonable objection to public financing, the question is: Have the sponsors of this bill and in particular Senator BOREN of Oklahoma, and the distinguished majority leader fairly answered that objection?

Second, if they have answered that question: Is the present bill reasonable on campaign expenditure limitations? Those are the two questions.

Let me address public financing. I believe everybody here should understand that this is no longer a public financing bill. This legislation speaks about campaign limitation expenditures, but states that there will be no public financing if both of the candidates accept the limitations.

For example, Mr. President, if you run as a Republican, and the senior Senator from Illinois is running as a Democrat, and we both accept the campaign expenditures limitations of S. 2, no public expenditures come into play. The only way that public financing will come into play is if one candidate chooses not to be bound by these campaign expenditure limitations. Such a declaration will bring certain provisions of this legislation into play. First, a candidate would have to print on all literature a disclaimer that reads: "This candidate has not agreed to abide by voluntary spending limits." I get the benefit of the lowest unit broadcast rate for radio and television, and I get the benefit of a reduced first-class mail rate. Those are the things that apply in connection with your unwillingness to abide by the campaign limitation provisions of the law. And thereafter at certain points in the proceeding after you have reached certain spending goals, and I quote:

> At the point a nonparticipating candidate exceeds the general election spending limit, the participating candidate is entitled to a grant equal to 67 percent of the general election limit, and is allowed to raise and spend above the limit.

Second:

> At the point a nonparticipating candidate spends 133 percent of the limit, the participating candidate is entitled to an additional grant equal to 33 percent of the general election limit.

Of course, if both candidates comply with the limitations, public financing does not take place. I say to my friends who have said they oppose the idea of public financing, there does not need to be any under this bill, if we comply. That leaves the second question. Is the limitation a reasonable one?

Mr. President, I believe every Member thinks in terms of their own personal experiences in their own State. I have run for the Senate twice in primaries and twice in general elections, both times with opposition. Therefore, I relate to my own personal experiences when I look at this bill. That is natural. The President would do that in examining his North Carolina experience.

I see my friend, the distinguished Senator from Florida, Senator GRAHAM, is here. He would probably relate to that by looking at his experience in Florida.

What does the law say about Illinois, the specificity of my State, Mr. President? Here is what it says: "The spending limit for Illinois in the primary is $1,815,000. The spending limit in the general election is $2,709,000." That is a grand total of $4,524,000.

The question is whether this amount is reasonable. Allow me to tell you my experience. I ask all Members to judge on the basis of my experience or their own particular experience. In 1980, when I first sought this seat, I ran in the primary against a distinguished Illinoisan by the name of Alex Seith. He was not an unknown. In 1978, he had been our nominee against the distinguished senior Senator from Illinois, Senator Charles Percy. At one time with a week or 10 days left in that campaign he was 12 points ahead in that race. He lost in the close race in 1978. He was a formidable opponent. He had been the candidate for the U.S. Senate, he had been our supported candidate in the fall, he had been 12 points ahead until the last week in the campaign, and narrowly lost. Alex Seith was my opponent in 1980.

Mr. President, let the record show that this Senator from Illinois spent substantially less than $1,815,000 in a primary to defeat a candidate who had almost won only 2 years prior.

In the fall of that year as the secretary of state, a statewide office in Illinois, in the year that President Reagan carried my State against the incumbent President Jimmy Carter, I ran against the Lieutenant Governor of Illinois. He had likewise run statewide a couple of times and spent less than the limit of $2,709,000. In the same election, when President Reagan beat the incumbent President Jimmy Carter by well over 300,000 votes, I won.

I assert, Mr. President, on the basis of my own personal experience, this particular legislation is fair and reasonable. I see my warm friend from Kentucky, who has led the fight against this bill.

I make two points: One, this is not public financing if you comply. It is only the most limited type of public financing imaginable to comply with the Supreme Court. Two, it is reasonable in its scope and reasonable in its limitation.

I want to make this final point, because I see the Senator from Kentucky here: The New York Times this morning has an editorial entitled "The Filibuster and the Smell," in which they candidly say that campaign financing in this country is raising a stink.

We all know this. But I am here to say now that somebody is going to get in trouble, and there is going to be a major scandal in this country if we do not do something about this problem.

My good friend, the minority leader, for whom I have infinite respect, Senator DOLE of Kansas, has indicated that there may be cases where more money is required in some States, such as Illinois or Ohio or Wisconsin or New York; in other words, the deep Southern States, where a Republican candidate, quite frankly, faces massive registration differences—800,000 registered Democrats, 60,000 registered Republicans. I want to say, quite candidly, that he may have a point. However I believe this Senator and others would accommodate the different points of view on how to make a level playing field in such cases. If that is necessary I would vote to change those objectives, so that we have a fair bill.

I see my friend from Florida here. I do not know his experience in his State, which is similar in size to mine, perhaps a little larger. But in some of the smaller States in which the numbers are not high enough, I am in favor of raising those numbers a little to protect those States.

In conclusion, I think it is an outrage for the other side to withhold the votes necessary to get cloture so that we can get to this bill, because there are many here, like this Senator, who are willing to work to get a fine bill that works. I implore my colleagues to do the right thing that will bring about good, solid legislation to do the job and will put limitations on campaign financing in the future.

Mr. President, I ask unanimous consent to have the editorial from the New York Times printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 15, 1987]

THE FILIBUSTER AND THE SMELL

The Senate today gets its seventh chance to correct two offenses against decent governance. The first is the filibuster, once a dubious but rare tactic that has recently been turned into routine obstructionism. The second is the smelly system of Congressional campaign finance, in which members count on fat contributions from PAC's, the political action committees of hundreds of industries and special interests.

The two issues will intersect this morning when the Senate votes to cut off a Republican filibuster that has run since June 3 against a campaign finance reform bill. A majority of senators, perhaps 55, favor reform but to stop debate requiries 60 votes. If today's effort is to succeed, it will require the votes of senators like Alfonse D'Amato of New York who claim to support some such reform. If the vote fails, voters will know whom to blame.

The filibuster was once the way senators made a last-ditch stand against bills of monumental importance—like the civil rights laws of the 1960's. Until opponents could find 67 votes to close off debate, the obstructers would paralyze the Senate with talk. In 1975 the rules were changed; now only 60 votes are needed. Meanwhile, the Senate has devised the two-track filibuster, which permits some action and avoids total paralysis.

The once-rare filibuster has now become routine. Congressional Quarterly counts 15 votes to cut off debate in just this session. The filibuster, says Senator Dan Quayle, Republican of Indiana, has become trivialized. What once could be defended as a rare protection for an embattled minority has become a regular partisan expedient. Republicans who growl at the thought of a Democratic filibuster against Robert Bork's Supreme Court nomination support this filibuster with barely a blush.

There's plenty to blush about. Running for office costs amazing amounts. Television may be blamed unfairly; a recent study for the National Association of Broadcasters shows that TV and radio time account for only a third of Senate campaign costs, much less than some authorities had guessed. Still, total campaign spending keeps shooting up, also reflecting the costs of other techniques like direct mail and polling. The reform bill, sponsored by the Senate majority leader, Robert Byrd, and David Boren, Democrat of Oklahoma, would restrain spending, in part by limiting PAC contributions.

Their original bill would have created a public finance system similar to that in Presidential elections. The bill has since been moderated to meet Republican concerns. Public financing would become a kind of fail-safe. It would be provided only to candidates who accept spending limits but whose opponents refuse.

Passing this bill would start to disperse the noxious cloud over the Capitol, a cloud redolent of money. The manager of one large corporate PAC is willing, anonymously, to explain how:

"Think of a Congressman who raises an issue of great importance about, say, international trade. Then a week later he announces he's having a fundraising breakfast. It's an easy bet that we, and every other affected PAC, will participate. I'm not saying he's corrupt. I am saying you have to have access; you have to have a hearing. The PAC contribution buys that. There's no question that if he can vote for you, he will."

There is no question of that, which is why a vote against the filibuster today is a vote against the cloud. The Byrd-Boren bill, even as diluted, would deserve the title of Political Clean Air Act of 1987.

Mr. McCONNELL. Mr. President, I listened with interest to the comments of the Senator from Illinois with respect to S. 2. If I heard my friend from Illinois correctly, he said that the third version of S. 2, or Boren-Byrd III, was essentially cost-free to the public. Our analysis indicates the complete opposite: That the bill as it was brought to the Senate floor would cost an estimated $30 million of the taxpayers' money; and if applied to the Senate and the House together, which would certainly be the case, Boren-Byrd III would cost up to $150 million. So, clearly, this bill is not free of taxpayer financing. Now, it is just a mix of direct taxpayer financing and rate-subsidized mail benefits: The American workers' money going to finance our campaigns, so that we can take it easy here in Washington.

Second, with reference to the amount of money spent in elections, we have had considerable discussion on the floor about that subject. The Senator from Illinois spoke about previous races in Illinois, and he was very fortunate in 1986. He did not have a very tough opponent, and did not have to spend much money. But in his election there was only a 37-percent voter turnout; a little less than two-thirds of those entitled to exercise their democratic prerogative chose not to bother.

The Senator from Kentucky has carefully examined campaign spending and voter turnout data, and discovered a direct correlation between the amount of money spent in an election—that is, in competitive races, since that is where more money is spent—and voter turnout.

In the 1986 Senate election in South Dakota, the race that is frequently cited for having "outrageous sums" spent in a small State, there was the highest voter turnout in the country. It was a spirited contest between good candidates, in which a good deal of money and effort were put forth on both sides. As a result, the people of South Dakota took a great deal of interest in that race; they contributed, they got involved, they learned the issues, they got to know the candidates, and they voted in unprecedented numbers. With spending limits, that kind of democratic competition and grassroots involvement would be crushed.

In the race of the Senator from Illinois, where there arguably was less interest and less money spent, and 37 percent of the voters turned out—21 percentage points less than the turnout in South Dakota.

From this analysis it is clear that more money is spent when people at home contribute more, and they give more when they care. What makes people care more about their democracy? When they have competitive, challenging, inspiring candidates to choose from. In races when this happens, it is a great thing for our system of government, for public involvement; and the so-called spending limits of S. 2 would put a ceiling on the political enthusiasm and activity that these unique races generate. That is not reform, Mr. President, that is a crime against the democratic spirit.

It seems to me, after 4½ months on this issue, that today we will put S. 2 to bed for this calendar year. It has been an interesting debate, an opportunity to educate all of us and the public about a most vital issue.

Some of the things that have been said on the other side, however, do not add up. One of the greatest misrepresentations on the other side is that this extended debate—or filibuster, if you will—is keeping us from writing a bill. It is not preventing this body from writing a campaign finance reform bill. We have been willing on this side to sit down at any point over the last 4½ months to write a truly bipartisan bill. This debate has been designed, however, to stop us from writing a bill on the floor of the Senate, even though Members from either side are free to offer amendments to S. 2 at any time, as the distinguished Senator from North Carolina did the other day. In fact, we could write a bipartisan campaign financing bill tomorrow and have it passed by 90 to 10, probably, once people are willing to sit down, as we usually work these matters out in this body, off the floor of the Senate, and get down to serious campaign financing reform of a bipartisan nature. Until there is willingness on the other side to do that, we are not going to get any closer to achieving real campaign finance reform. We have indicated our opposition to S. 2; now, the other side must be willing to meet us in a spirit of real compromise, to achieve the reform they say they want so much.

So, as we wind down to the end of this debate for this year, I would like to extend my gratitude to a number of people, on this side at least, who have worked very hard on this matter, making outstanding contributions in terms of research and debate and legislation, and other aspects of this highly complex issue.

First, I wish to thank the distinguished Senator from Oregon [Mr. PACKWOOD], one of the most eloquent speakers in this body, who has done an excellent job—particularly in the early stages of this debate—in outlining powerful objections to the Boren-Byrd approach to campaign finance reform.

In addition, the distinguished minority leader, Senator DOLE, has worked very hard this summer to work out a real bipartisan compromise, which we still hope will be possible next year.

The Senator from Alaska [Mr. STEVENS] has been a leader in campaign finance reform for many years in the Senate, and has made an invaluable contribution to our effort, through his editorials, legislative proposals, and wise counsel.

I also extend thanks to those other Senators who added immensely to the debate through this insightful and often inspiring remarks, particularly Senators GRAMM, DOMENICI, BOSCHWITZ, SYMMS, COCHRAN, and MCCAIN.

Of course, none of it could be done without the staff people, who have proved invaluable in this debate. I list, first, my own legislative assistant, Steven Law, who has sat at my right throughout this often grueling debate, and did a brilliant job of analysis and research as we worked through this process during the last 4½ months. If he was not an expert in campaign financing when we began, he is today, and I thank him for his invaluable assistance.

Others who were involved in our effort all along the way were Mark Braden, general counsel of the Republican National Committee; Ben Ginsburg, counsel of the Republican Senatorial Committee; Sheila Burke, of Senator DOLE's staff; John Colvin and Penny Schiller, of Senator PACKWOOD's staff; Bill Canfield, of Senator STEVENS' staff and the Rules Committee staff; David Gottlieb, of Senator BOSCHWITZ' staff; and Frank Polk, of Senator ROTH's staff.

All played an invaluable part in putting together our combined effort on this most important issue. I offer you my sincerest thanks, and hope we can join together once again, when the other side decides to come to the table and work out a reasonable, bipartisan campaign finance reform bill.

Now, what is the future of campaign finance reform, Mr. President, as we reach the final day of this calendar year for this subject?

First of all, I sense on both sides some frustration from those who have worked hard on the issue over the months. We have spent nearly 20 days on what I would describe as a no-win proposition, a bill that is clearly tilted against one of our two major parties, and against the democratic tradition of grassroots fundraising and political activity.

Some would say that we have passed over other important business of great public concern, to have seven unnecessary cloture votes, which I understand from the distinguished majority leader is a record for the Senate. And thus far, we have not been able to work out an effective bipartisan campaign finance bill.

Yet there are a number of problems in the current system that I think we can address in a bipartisan way.

I actually have great hope for the future, now that we can begin to work on a joint bill without the pressure of cloture votes and floor amendments constantly weighing down on us. We should have done this months ago, and I believe it is possible to start the process anew, at the beginning, and create a meaningful reform bill which we all can agree upon.

What are the things that we can agree upon? There are quite a few matters. I think we can agree on a reasonable limit on PAC's and special interest money in campaigns. We can agree on the disclosure and monitoring of soft money contributions, something S. 2 does not deal with in any significant way.

We can agree on closing the millionaires' loophole. We all know that Buckley versus Valeo created a loophole through which many wealthy candidates have marched into office. They have been allowed to spend unlimited amounts of their own money on their own behalf, whereas anyone else must painstakingly build up campaign funds through $1,000 maximum contributions.

That problem can be solved, but it will take a constitutional amendment to do so. Some have said, however, this is just too trivial a matter to warrant a constitutional amendment.

Mr. President, I do not think it is a trivial matter that someone who has amassed great wealth in this country can spend everything they have on behalf of their own campaign. It distorts the system and tilts the playing field toward the wealthy and the so-called aristocracy of the moneybag. This is the kind of inequity worthy of a constitutional amendment, and I have introduced such an amendment, Senate Joint Resolution 166, which would cure that inequity.

Some have said, however, that you cannot ratify a constitutional amendment very quickly. I would predict, Mr. President, that this kind of constitutional amendment, which says that the Congress has the same authority to limit what one puts into his own race as it has to limit what one puts into others' races, would go speeding through the Congress and the State legislatures, and soon become part of our Constitution.

For those who want to extend this constitutional amendment to do something about so-called independent expenditures, I have included a limit on that abuse as well, in Senate Joint Resolution 166. Once again, I invite my colleagues to review this resolution and to cosponsor this needed reform measure.

Finally, on things that we ought to be able to agree on, there is no question that the cost of television has driven up the cost of campaigns. I believe we can agree on requiring a meaningful discount on media advertising. I have suggested, in legislation that I advocated earlier this year, that we require broadcasters to sell us advertising time at the lowest unit rate for the previous year, during the 30-day period immediately preceding primary and general elections.

There has been a tendency on the part of broadcasters to raise the lowest unit rate charge toward the end of campaigns. That of course, hits the campaigns and candidates very hard. It is not unreasonable to suggest that they sell us that time at a reasonable price.

What do all these proposals add up to, Mr. President? They add up to meaningful reform of our election laws; meaningful reform that would pass this body by a tremendous margin.

This would be a comprehensive reform bill, a bill that cut back PAC's that closed the millionaire loophole, that reduced the cost of television for compaigns. It would be meaningful campaign finance reform, without taking taxpayers' money and without limiting expression, for that is exactly what a spending limit is. It is like saying to a candidate: you can only get this much support and no more, only this much and no more. The reform I propose today would not fleece the taxpayers or rob them of their political rights. Mr. President, and could pass the U.S. Senate, on a bipartisan basis, by a vast margin to become law.

As the months unfold, and we look to the beginning of 1988, these discussions will continue off the floor, in an atmosphere that could foster a truly bipartisan campaign finance reform bill.

I want to repeat how I appreciate the contributions made by many people on this side of the aisle, both Senators and staff, toward this debate. We will continue to work together in the coming months to fashion a bipartisan campaign finance reform bill that has a real chance of passing the U.S. Senate.

Mr. President, how much time do we have remaining on this side?

The ACTING PRESIDENT pro tempore. Seven minutes and sixteen seconds.

Mr. McCONNELL. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BOREN. Mr. President, I yield myself 3 minutes.

Mr. President, we have an opportunity in just a few minutes to take a step toward meaningful reform of the campaign finance process.

Others on the other side, including my distinguished friend from Kentucky, have just found fault with various parts of the proposal before us, Senate bill 2.

If we invoke cloture at 11 o'clock this morning, the amendments of the Senator from Kentucky and others will be in order.

All we are asking is that the Senate be allowed to proceed by the invoking of cloture on this bill to consideration of meaningful campaign finance reform before this year's work of Congress is completed. We would have a full airing of the entire matter. Agreements could be reached. Amendments could be offered. Undoubtedly some changes in the pending legislation would be made. But we should have a chance, Mr. President. We should have a chance before this year ends to proceed to take up this fundamentally important matter, important to the functioning of this institution, important to our constitutional system of government in the bicentennial year of the Constitution.

Mr. President, I am pleased to announce this morning that two additional Senators have joined as cosponsors of Senate bill 2, and I ask unanimous consent that Senator DODD of Connecticut and Senator BREAUX of Louisiana be added as cosponsors of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOREN. Senator GLENN has previously been added as a cosponsor and that means, Mr. President, a clear majority of the Members of the U.S. Senate, 52 Senators are now cosponsors of Senate bill 2.

Mr. President, in the name of fairness, I believe with this kind of expression of support, with 52 Members of this body, a clear majority, favoring meaningful reform, that we should have an opportunity to proceed to take up this matter.

How long are we going to wait, Mr. President, before we act?

In the brief time that I have been a Member of the U.S. Senate, less than a decade, the average cost of running for the U.S. Senate has gone from $600,000 for a winning campaign to $3 million for the average successful candidate.

How long are we going to wait, Mr. President? Are we going to wait until it costs $6 million before we act or $9 million or $15 million? It is not slowing down. It continues to increase. Can those who want to thwart the will of the majority of the Senate to take up this issue honestly look at themselves and say that it is good for this country or good for the U.S. Senate and good for the constitutional process that the average Member of the U.S. Senate must raise $10,000 every single week of a 6-year term, every single week for 6 years, in order to raise sufficient funds to run for reelection?

Can they honestly say that that is good for the constitutional process; that the time spent raising that money is well spent, as opposed to its being spent on grappling with the serious problems facing this country and that the constituents of those sent to the Senate sent them here to deal with challenges that they wanted them to face? Can they honestly say that it is healthy for the system that competition for the highest offices of this land——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BOREN. I yield myself 1 additional minute.

That that is based primarily upon which candidate can raise the most money instead of upon the qualifications, ideas and ideals of those candidates? Can they honestly say that it is good for this country that more and more of the vast sums of money needed for campaigns are not coming from people at the grassroots, not coming even from people who have any connection with the home State or district of the Member of Congress, but coming from interest groups with their own special economic interests who rate Members not on their overall performance but on how they vote on those particular economic interests? Can it be said that that is good for the political system of this country?

We are killing the election process itself, the heart and soul of the democratic process in this constitutional form of government. How long are we going to wait to face this clear and present danger to the integrity of our constitutional system before we act?

How much longer are we going to be derelict in our duty as guardians of the constitutional process to do something about it? Mr. President, how many scandals will have to occur? How much public confidence will have to be eroded? How many young people will be discouraged from entering public service? How many good public servants will be discouraged from staying in public service before we act to stop this unhealthy, monstrous, skyrocketing of the costs of campaigns in this country?

All we say to those on the other side who have suggestions for improving this legislation is: Give us a chance. The majority of the Members of the Senate have now sponsored this bill. Give us a chance to bring it up. Offer your amendments. Let them be voted up or voted down. If you have improvements to make, if you convince the majority of the Members of the Senate that they are improvements, they will be made. Give us a chance to deal with this important problem before the year is out.

Mr. President, I hope we will have a chance to do it this year. But let it be clear: if we do not, this issue will not go away. This bill is headed for ultimate victory, whether it is today, whether it is next January, next February, or after that. This bill is headed for ultimate victory, because it is right, because it deals with a serious problem that is recognized by the American people as a problem that cries out for a solution.

The effort will not stop until the problem is corrected. And it must not stop, because we have an obligation to the system of government to make sure that the effort is ultimately successful.

The ACTING PRESIDENT pro tempore. The time under the control of the majority leader has expired.

Mr. BYRD. Mr. President, I would like to say a few words on the subject. I ask unanimous consent that I may have 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I would be happy to extend the time on the other side, too, if Mr. MCCONNELL would desire.

Mr. McCONNELL. Mr. President, I say to the distinguished majority leader, I was just going to take a couple of more minutes and after that I probably would yield back my time. I have 7 minutes left.

The ACTING PRESIDENT pro tempore. Yes.

Mr. McCONNELL. I probably will have yielded back the 5 minutes you are going to take, anyway.

Excuse me a minute. I am advised that I probably better reserve the entire 7 minutes. I certainly have no objection to the Senator going ahead.

Mr. BYRD. I thank the distinguished Senator.

I ask unanimous consent that both sides have an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, today I want to offer an international perspective on election financing. I believe it would be useful for my colleagues, who may not be aware, to know how some other governments, such as those in Israel, West Germany, Canada, and Great Britain, deal with their elections and election financing. With the assistance of the Congressional Research Service of the Library of Congress, I have prepared some material on this subject, which I believe should be a part of the RECORD, and I ask unanimous consent, therefore, that the material be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

[See exhibit 1.]

Mr. BYRD. Mr. President, I understand that another Senator has already asked to have printed in the RECORD today the excellent editorial that appears today in the New York Times, the editorial being titled "The Filibuster and the Smell."

Mr. President, on that score, I want to compliment and thank the New York Times, the Washington Post, and the scores of other newspapers throughout this country, including many newspapers in West Virginia, that have strongly supported in such a fine way this effort by Mr. BOREN and other Senators and myself to clean up our campaign financing system. We maintain that this system is destroying faith in this institution and destroying the faith of the American people in our representative democracy.

Mr. President, I do not think that it would be amiss to predict that unless the Senate comes to grips with this political AIDS virus, it is going to destroy the confidence in this institution and it will ultimately result in a scandal of tremendous proportions that will further shake the faith of the American people in the electoral system as well as in the institution. The day will come when some of the Senators who have steadfastly opposed cloture on this measure are going to regret their votes. The American people are going to hold them responsible.

This is a virus. It is a money chase. I have referred to it as the aristocracy of the money bag. It is dragging down this institution and is going to ultimately damage seriously the faith of the American people in our constitutional system of representative democracy, because they will not view ours as truly a representative democracy. They are not going to view themselves as being represented by us. They are going to view us, those of us who have to go out and engage in this money chase and leave our work here and leave our families to raise money for our reelection campaigns, they are going to perceive us as being beholden to the special interest groups that contribute to our campaigns.

Now we are all victims of the system. I have said this a number of times. I am a victim of it. There are others here who are victims of the system. We are trying to clean it up. The only way we can clean it up is to do so from the inside. We will have tried seven times as of today to do that.

I have no illusion as to the outcome of cloture today. I have a feeling that unless there is a great conversion, on the other side of the aisle where those who have been voting against cloture will come to the mourners' bench and admit their political sins, if I may put it that way, in voting against cloture, we will not get cloture today.

We will have some absentees, I know. But we will come back. General Douglas McArthur said: "We will return." Mr. President, we, too, will return. We will not be back this year; that is obvious, because we have too many other things to try to do. But we will return, next year. We will revisit this subject. It will still be on the calendar.

I hope that, in the meantime, the outside groups that have been so supportive of the effort to get action on campaign financing reform will continue their active work out in the country, and continue to call to the attention of the great public out there the importance of this issue. I hope that they will continue to contact our friends, most of whom are on the Republican side, here, of the Senate, who have consistently voted against coming to grips with this disease which is rapidly spreading and developing deeper into the body politic which I have referred to as the acquired immunodeficiency syndrome; the political AIDS virus.

I am sorry to have to use that term but as time goes on we are going to find that it is an apt term to use in this political situation.

So we will return and I hope that our editors and columnists throughout the country who have been so supportive of this effort will continue therein because this is not the omega of the effort.

Mr. President, I thank all Senators who have supported the effort to invoke cloture, and I particularly thank those Republican Senators, few in number at the moment, who have shown the courage to stand up and vote for cloture in the face of the almost solid opposition of the leadership on the other side. I do not cast any animadversion with respect to the leadership, but the Republican leadership is opposed, as we saw. The Republican conference, in full view, laid its cards right on top of the table recently in saying it would be opposed to anything that would put a limit on campaign spending.

There can be no campaign financing reform if there is not a limit on campaign spending. That is a hardcore opposition when the Republican conference takes that view. But the question remains, and again I compliment and thank those noble and courageous souls who have been willing to stand up in the face of that conference position, and still vote for cloture.

Obviously, the bill can be changed and approved and amended. Those who are voting for cloture probably will want to amend the bill and improve it if cloture can be invoked.

But, in any event, Mr. President, nobody is kidding anybody when they maintain that we can have campaign finance reform and still continue with any system which requires Senators to go out and leave their work and raise money, money, money in the millions for reelection. Give me more and more and more of your money.

How much are you willing to pay for a Senate seat? How much money can you raise? How much can you raise for a Senate seat? How much money is it going to require to win a Senate seat?

Those of us who are victims of the system, who want to change it, cannot ignore our own reelection efforts in the meantime so we have to raise the money. I hope that our friends will continue, our supporters on the outside and on the inside, will continue their support because we will revisit this matter early next year.

I will guarantee that. I yield the floor.

EXHIBIT 1

ELECTION FINANCE: AN INTERNATIONAL PERSPECTIVE

"No man is an island, entire of itself." So said the poet, John Donne. Neither is any nation, or political system, complete and self-contained in these last decades of the 20th century. The advent of radio and television, jet travel, and more recently, the instantaneous transmission of vast amounts of automated data, have made us inhabitants of a new world, an interdependent world, once characterized by media philosopher Marshall MacLuhan as "the global village."

No American corporation engaged in business, manufacturing, or finance today would dream of operating in a vacuum, or choose deliberately to ignore world-wide developments in science, technology, communications and marketing. To do so would not only be self-defeating and economically dangerous; it would deprive a business enterprise of access to the vast body of creative thought, experience, and innovation taking place beyond our borders. We need only look at the example of Japan: much of that nation's economic success is directly attributable to their practice of examining, adapting, and adopting practices and policies that have proved successful in other countries.

In much the same way, it is in our interest, as elected representatives of the American people, to be aware of, and receptive to political trends and developments in other democratic nations. As Americans, we take just pride in the success and durability of our democratic institutions of self government, particularly our great Constitution, whose bicentennial anniversary we celebrate this year. It has been a document, and ours a system, which other nations around the world have studied and emulated. But, by the same token, we would be guilty of extreme naivete if we were to think that our structure and practice of public affairs is complete and self-sustained, or if we thought that the experiences of other democratic societies had nothing to offer for our own experience.

Our own actions as an institution confirm this truth. Many of us have, over the years, developed fruitful relationships with the freely elected lawmakers of other democratic nations. Many of us in this chamber today have experienced the invigorating exchange of ideas that accompanies such events as meetings of the Interparliamentary Union. We know our sister democracies have much to offer us in the way of innovative political ideas and different approaches to the attainment of similar goals.

I think it may be beneficial for us to pause, examine, and reflect on the practices of other democratic societies in an area that has vexed this body as greatly, during the course of recent months, as did any of the constitutional questions which confronted the long-suffering delegates to the Philadelphia Convention of 1787. I refer specifically to the question on which so much of the Senate's precious time has been spent during the course of the 100th Congress: how we, as an institution, are to govern ourselves in the matter of campaign funding. It is not my purpose today to go over ground that has been covered, eloquently, and at length, by supporters and opponents of the bill before the Senate (S. 2). We are by now familiar with the facts, figures, and practices of financing congressional election campaigns in the 1980s. I intend, rather, to review briefly the experiences of several other democratic societies in addressing questions similar to those we have faced here in the United States.

Perhaps the most fitting place to begin is with our trans-Atlantic cousins, the British, whose political institutions and processes so strongly influenced the decisions of our founding fathers, and whose own legislature proudly bears the title "Mother of Parliaments". Let us be quick to notice that not everything in the British political experience is applicable to our own circumstances. The United Kingdom has a population about one-fourth the size of America's, and covers only a tiny fraction of the area of the United States. Its political system is largely unitary, rather than federal, and its political parties are generally regarded as much stronger and more cohesive than our own. Nonetheless, there is much to admire in the conduct of British elections. Those of us who have worked over the years to reduce the evergrowing length of Presidential election campaigns look with wonderment, and sometimes envy, at a system that can conduct a national election in 28 days, rather than 28 months. Moreover, the British people, for whatever reason, turn out in substantially higher percentages to cast their votes in national contests for parliament: a mean of 77 percent of the voting age population has gone to the polls in post-war elections. This compares favorably with the mean turnout of 59 percent for the United States for Presidential elections over the same period, and dwarfs our own embarrassing 36 percent participation in the 1986 congressional elections.

The difference in election costs between our two countries is equally striking. British Information Services, a department of the British Embassy, estimates that the 1983 general election in Britain cost $10,300,000, at current exchange rates, as compared to an estimated $211,000,000 for our own 1986 Senate elections alone.

In Great Britain, total expenditures are regulated per constituency, or per district. The government does provide assistance in the election process, which takes the form of indirect aid. Get-out-the-vote activities, which are consuming an increasing share of party expenditures in the United States, are unnecessary in the United Kingdom, where all costs associated with registration are absorbed by local governments. Moreover, candidates of all three parties are provided with free use of public facilities, such as schools and meeting halls.

Perhaps most important, paid political television and radio spots, which constitute the largest single category in American election expenditures, are prohibited under the British system. Instead, broadcasting authorities, in a non-statutory agreement with the political parties, provide free radio time, and television time at a nominal expense, on a nationwide basis.

In addition, unlike in our congressional campaign financing system, Britain sets a ceiling for election expenditures by individual candidates for parliamentary districts (which comprise a population of about 90,000), providing a base figure, plus a given amount for each registered voter. In the national election of 1983, the average expenditure for urban constituencies was less than $8,000, that of rural districts, slightly less.

Another of our NATO allies, the Federal Republic of Germany, has demonstrated an impressive record of stable and democratic government since its foundation in 1949. Rising from the rubble of World War II, against the background of a long tradition of authoritarian rule, West Germany has provided a remarkable example of democratization.

The Federal Republic, since 1967, has operated with a mixed system of public and private financing of elections. The recognized political parties, that is those which attained more than five percent of the votes cast in the most recent election, qualify for an annual subsidy direct from government revenues to meet their election and administrative expenses.

Funds are allocated to the parties by the Federal Accounting Office, with the total amount determined by the number of popular votes received in the last federal election. In addition, German law empowers the component States of the Federal Republic to reimburse the parties directly for expenses incurred in State election campaigns. Contributions to political parties by private citizens are also encouraged under German law.

The State of Israel has established a comprehensive program of assistance for its multi-party democracy, as well as subsidizing other activities designed to encourage public participation in the elections process. And their system has clearly been successful: in nine national elections held between 1948 and 1981, Israelis turned out at a mean rate of 81.4 percent of eligible voters.

Direct grants are provided to the parties represented in the Knesset, or Parliament, as compensation for election expenses. Funds are allocated on the basis of the number of seats held in the Knesset by each party. Israel also places limits on the expenditure of funds raised by the parties from private contributions to not more than one-third the amount received by each party in its official allocation. All political expenses by the parties are subject to inspection by the Israeli State Comptroller, and, in fact, each party receives only 70 percent of its campaign allocation prior to an election. The remaining 30 percent is allotted only after the Comptroller's office has inspected party financial records and judged them to be complete and accurate.

While Israeli television and radio provide free time for party political broadcasts during election campaigns, additional program time is devoted for non-partisan voter education broadcasting; government funds are also provided for non-partisan newspaper and magazine advertisements publicizing the elections, and encouraging all citizens to vote. Finally, the Israeli Government provides free transportation to and from the polls for voters whose designated polling places are outside their communities.

Our neighbor, Canada, also has some useful examples for her neighbors to the south of how a democratic society can deal with the problems of campaign finance. Her institutions of government resemble ours in many ways—we both have federal systems and bicameral legislatures. Our two nations also share long traditions of democratic self-government, and what are, basically, two-party systems. Moreover, while Canada's population is only a tenth that of the United States, she is also a large, continent-spanning nation, sharing the same costs and logistical problems associated with conducting political campaigns in such extensive geographical areas.

In 1969, the Canadian Parliament passed the Canada Election Act, which provided public campaign subsidies on the Federal level for the first time in Canadian history. The Canadian system differs from the general European practice in that allotments are made directly to candidates for the Federal House of Commons, rather than to political party organizations. The amount received by each candidate is based on the population and area of his district or riding, as they are called. Special allowances are granted to candidates running from Canada's huge and sparsely populated prairie and arctic constituencies.

The payment takes the form of a reimbursement made after the election, and is paid to candidates only after their campaign expenditures have been reviewed by Federal auditors. In recent elections, campaign subsidies have amounted to about one-third of the cost of an average House of Commons election campaign.

In addition, Canadian law also limits the total amount which can be spent in election campaigns. For individual constituencies, which typically include about 50,000 voters, candidates were originally authorized to spend up to one dollar, Canadian, for each of the first 15,000 voters residing in the district, 50 cents for each of the next 10,000, and 25 cents each for the remaining votes. These figures, which were originally set in 1969, have since been adjusted to account for inflation.

The political parties' national expenditures are also limited under the Canada Elections Act: the parties are authorized to spend an amount not greater than 30 cents for each registered voter in constituencies in which the party has designated an official candidate for the House of Commons. National party spending limits have also been adjusted from this original limit to allow for inflation.

Canada has also retained private funding as part of its election finance system, by permitting contributions from corporations and private individuals to both individual candidates for office, and the national political parties.

Britain, West Germany, Israel, Canada: four countries with different approaches to campaign finance. Some of the alternatives include public financing to the parties or the candidates, providing free television and radio time, and subsidizing the costs of voter education and registration.

Each of these democratic nations I have so briefly surveyed has had at least a decade of successful experience under its current arrangement. In no single case has their political system been debased, or altered beyond recognition. Political power in each has changed hands peacefully within the past decade, demonstrating that incumbent parties and legislators are not automatically benefited by a system of public finance of elections or parties or of limitations on campaign expenditures. Moreover, in each of these nations, the rate of voter participation has been, and continues to be, well above our own.

My purpose in making these remarks has been to suggest that systems of election spending limitation and public election finance have worked well and fairly in other democratic nations over the past two decades. We would do well to take a page from their book, and craft a system of election finance for this body that will make us proud as Senators, one that will be fair and honest, will restore dignity to, and confidence in, the election process, and will stimulate our fellow citizens to fuller participation in the fundamental right of democratic government: the popular election of our chosen representatives.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky controls 12 minutes, 8 seconds.

Mr. McCONNELL. Mr. President, I do not believe I will use the 12 minutes. I am checking now to see if the distinguished Republican leader would like to add to the RECORD at the end of the debate.

I listened with interest, as I have over the months, to the distinguished majority leader. It has been interesting to observe how we differ on the same set of facts. I look at the same system the majority leader looks at, and yet I see something quite different. For example, I see a system in which not everyone is forced to raise a lot of money. As a matter of fact, many Members of this body choose not to raise much money: Senator PROXMIRE, for example, has made a principle out of not raising much money, and he has been able to succeed quite well.

There is a Congressman from my home State of Kentucky, Congressman NATCHER, who spent about $1.95 last year on his campaign. It did not seem to diminish his electoral prospects.

The early fundraising that the majority leader decries has really not happened. Just look at the facts: if we consider the class of 1990, which presumably would be the ones involved in early fundraising.

Mr. SANFORD. Mr. President, I wonder if the distinguished Senator from Kentucky would yield for two short questions.

The PRESIDING OFFICER. Would the Senator from Kentucky yield to the Senator from North Carolina?

Mr. McCONNELL. No, I would like to finish my statement. We are anxious to have the vote; Senators are standing around waiting.

The PRESIDING OFFICER. The Senator from Kentucky does not yield for a question.

Mr. McCONNELL. Out of 33 candidates from the class of 1990, 17 have raised less than $100,000. Twenty-four have raised less than $200,000. Only nine have raised in excess of that, and much of that money comes from leftover funds of previous races. The political AIDS virus that the distinguished majority leader refers to is simply not occurring. There are some problems out there, but I do not think you cure them by passing a bill that limits expression and raids the Treasury. This is what S. 2 would do in all of its versions, Mr. President.

The majority leader said that the supporters of S. 2 will return. Let me say confidently that the opponents of S. 2 will return as well. I hope that we can avoid another stalemate on the floor by agreeing to sit down and write a bipartisan campaign finance reform bill; a bill that does something about PAC's and special interest soft money—for if there is any scandal out there waiting to happen, Mr. President, it is in the area of PAC contributions and special interest soft money.

Just looking at a newspaper article here, from the Wall Street Journal, I read that Democrats outstrip Republicans in PAC funds by two to one. Two to one. Mr. President, I certainly hope that this grim statistic is not the real reason why the other side has refused to come to the bargaining table and talk about real campaign finance reform. Because if that is the case, then we already have the scandal in this Chamber, and it will be very difficult to root it out.

I ask unanimous consent that the articles to which I have referred may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Monday, Aug. 10, 1987]

51 SENATORS LIST $1 MILLION IN AID

(By Richard L. Berke)

WASHINGTON, Aug. 9—More than half the current United States senators have received at least $1 million each from political action committees in their Congressional careers.

The senators' financial reports show that six of them reached the $1 million mark in the first half of this year, bringing to 51 those who have collected at least that much from the committees.

Although Congressional campaigns are financed mostly by direct, individual contributions, opponents of political action committees say the groups exert undue influence on elected officials. Proponents say the committees, which can give $5,000 to a candidate and accept $1,000 from an individual in both the primary and general election, reflect the many legitimate interests of those who contribute to them.

Some members of Congress take PAC money but would curb the PAC's. A Senate bill that would further restrict contributions from PAC's has been stalled by a Republican filibuster. Several bills have been introduced in the House but are not as far along.

In some cases, the financial reports show PAC money collected over nearly 15 years. But the committees have played a much greater role in recent years. By the end of 1984, 17 senators had received more than $1 million; two years later 46 had received more than $1 million.

In all, the sitting senators have received $109 million from PAC's since 1972, when the Federal Election Commission began tracking the contributions. That figure is based on contributions to the members' campaigns for seats in the Senate, earlier campaigns for the House and on other political committees the senators may control.

This year alone, senators raised $10 million from the committees. Even so, contributions by the committees play only a supporting role in financing Congressional campaigns. They raised 25 percent of the money spent by and for candidates elected to the Senate last year and 41 percent for candidates elected to the House, according to the Congressional Research Service of the Library of Congress.

Bob Dole, the Republican leader who was first elected to the Senate in 1968, led his colleagues by collecting a total of $3.3 million from political action committees since he entered Congress. In his re-election campaign last year, Mr. Dole raised $2.6 million, of which $1 million, about 40 percent, came from the committees.

"We're not apologizing for PAC money," said Walt Riker, spokesman for the Kansas Senator. Mr. Dole favors some curbs on PAC's, Mr. Riker said, so long as "across the board" restrictions are placed on other financing sources, such as labor groups. While Mr. Dole's Senate campaign received $1 million from PAC's last year, his 1980 campaign received $422,531 and his 1974 campaign only $82,555.

"I find it embarrassing," said Senator Phil Gramm, Republican of Texas, when told he had received a total of $2.4 million from PAC's, ranking him third among his colleagues. "I should be No. 1 because of the work I do in promoting work and jobs and opportunities for our people. I am proud of the broad-based private support."

Fifteen of the 51 Senators are in their first Senate terms. Senator Thomas A. Daschle, a South Dakota Democrat elected last year, has raised $1.9 million from PAC's since he entered the House in 1978. More than $1 million of that was given for his election last year.

Senators David L. Boren of Oklahoma, a principal sponsor of legislation that would restrict PAC's, and William Proxmire of Wisconsin, both Democrats, are the only two Senators who have never accepted PAC money while in Congress.

Financial reports filed over the last week with the Federal Election Commission show that overall fund-raising for the senators' 1988 re-election campaigns has begun in earnest. The 33 incumbents who face election next year got more than $20 million in total contributions in the first half of 1987. Those senators' reports show they have more than $27 million that is unspent.

Of those incumbents, Lloyd Bentsen, Democrat of Texas, chairman of the Senate Finance Committee, collected the most money this year and has the most on hand. He has raised $3.8 million this year, nearly 30 percent from PAC's.

Senators Donald W. Riegle Jr., of Michigan, Frank R. Lautenberg of New Jersey and Senator Jim Sasser of Tennessee, all Democrats, were the next most successful fund-raisers this year, each accepting slightly more than $1 million.

Other senators who are facing election in 1988 and already have more than $1 million on hand are Howard M. Metzenbaum, Democrat of Ohio, $2.2 million; Pete Wilson, Republican of California, $2.1 million, Paul S. Trible, Republican of Virginia, $1.4 million; Daniel Patrick Moynihan, Democrat of New York, $1.3 million; John C. Danforth, Republican of Missouri, $1.2 million, and John Heinz, Republican of Pennsylvania, $1.1 million.

The finance report of Senator Daniel J. Evans, Republican of Washington, was most noticeable. While most Senators up for reelection in 1988 raised hundreds of thousands of dollars this year, he collected only $26,330 and has $125,597 in the bank.

Senator David Karnes, Republican of Nebraska, appointed in March to fill the term of the late Senator Edward Zorinsky, a Democrat, has already collected $152,955, $48,600 of it from PAC's. Senator Alfonse M. D'Amato, the New York Republican who won relection in 1986, got $555,777 this year, and has $446,034 available to spend.

SENATE PAC'S IN THE MILLIONS

Political action committee receipts of sitting senators who received a million dollars or more from 1972 through June 1987

Bob Dole (R-Kan.)	$3,366,305
Alan Cranston (D-Calif.)	2,606,585
Phil Gramm (R-Tex.)	2,499,984
Lloyd Bentsen (D-Tex.)	2,434,597
Steve Symms (R-Idaho)	2,261,761
Pete Wilson (R-Calif.)	2,037,808
Charles Grassley (R-Iowa)	2,019,748
Thomas Daschle (D-S.D.)	1,949,843
Tim Wirth (D-Colo.)	1,833,942
Arlen Specter (R-Pa.)	1,790,384
David Durenberger (R-Minn.)	1,774,048
Paul Simon (D-Ill.)	1,671,664
Ernest Hollings (D-S.C.)	1,606,431
Dan Quayle (R-Ind.)	1,604,622
Alfonse M. D'Amato (R-N.Y.)	1,595,150
John Breaux (D-La.)	1,581,610
Alan Dixon (D-Ill.)	1,575,864
Orrin G. Hatch (R-Utah)	1,575,608
John Glenn (D-Ohio)	1,558,367
Richard Shelby (D-Ala.)	1,545,682
Bob Packwood (R-Ore.)	1,540,751
Robert Kasten (R-Wisc.)	1,536,870
Jim Sasser (D-Tenn.)	1,528,868
Robert Byrd (D-W. Va.)	1,507,710
Donald Riegle (D-Mich.)	1,484,271
Christopher Bond (R-Mo.)	1,430,233
Harry Reid (D-Nev.)	1,421,511
Rudy Boschwitz (R-Minn.)	1,405,597
Jesse Helms (R-N.C.)	1,385,885
Tom Harkin (D-Iowa)	1,359,036
Wyche Fowler (D-Ga.)	1,300,235
Edward M. Kennedy (D-Mass.)	1,284,538
Thad Cochran (R-Miss.)	1,278,560
Paul Trible (R-Va.)	1,235,734
Don Nickles (R-Okla.)	1,221,847
Bill Bradley (D-N.J.)	1,214,675
Daniel Patrick Moynihan (D-N.Y.)	1,211,503
Patrick Leahy (D-Vt.)	1,189,389
Wendell Ford (D-Ky.)	1,180,574
William Armstrong (R-Colo.)	1,172,070
Pete Domenici (R-N.M.)	1,116,536
Richard Lugar (R-Ind.)	1,093,335
Max Baucus (D-Mont.)	1,080,825
Howell Heflin (D-Ala.)	1,076,436
Albert Gore (D-Tenn.)	1,075,803
John Melcher (D-Mont.)	1,070,239
Ted Stevens (R-Alaska)	1,068,003
Christopher Dodd (D-Conn.)	1,061,501
Barbara Mikulski (D-Md.)	1,051,560
John Warner (R-Va.)	1,035,530
John McCain (R-Ariz.)	1,007,766

*Figures as of Dec. 31, 1986.

Source: Federal Election Commission.

[From the New York Times, Feb. 23, 1987]

RAISING 1990 FUNDS AND SOME HACKLES

(By Richard L. Berke)

WASHINGTON, Feb. 22.—In politics, money buys access. But Stanley K. Sheinbaum, a leading Democratic fund-raiser, has grown so frustrated by the demands of money-hungry politicians that last week he did not even want such access.

He told Senator Tom Harkin, who sought an appointment with him in Los Angeles, that he would see him only under one condition.

"I saw Harkin privately on the proviso that money not be discussed," he said.

The Iowa Democrat, who is up for re-election in 1990, consented, and Mr. Sheinbaum reports that the two had a fine conversation. Money was never mentioned.

Even so, money is increasingly discussed among disgruntled fund-raisers, directors of political action committees, lobbyists and individual contributors.

They are troubled not so much by how much Republican and Democratic candidates, particularly incumbent senators, have come to expect in donations, but by the nagging solicitation letters and phone calls from senators who do not face re-election for several years.

In the words of Ann F. Lewis, national director of Americans for Democratic Action, a liberal policy group, fund-raising has become "a perennial preoccupation" for senators who no longer wait until the end of their six-year terms to seek funds.

And some donors are fed up.

"There's a real anger developing," said Mr. Sheinbaum. "Prior to right now, a senator with a race for four years hence would have been casual about it. But now they're getting fierce. They're obsessed. It's distracting them from their jobs. It's wearing them out."

Mr. Sheinbaum, who is an investor and a University of California Regent, said he considered Mr. Harkin a good friend but just did not have patience with him and two other senators seeking re-election in 1990 who were looking for funds on the West Coast last week. He said that he was still recovering from the dozen fund-raising events he held for 1986 contenders and that his view was more toward 1988's elections than 1990's.

Mr. Harkin collected $53,000 last year, four years before he goes before the voters again, and he is not alone in raising money early. In all, the 33 senators who face re-election campaigns in 1990 took in more than $5.2 million last year, including more than $350,000 from political action committees. Only eight had debts to pay off from previous campaigns, and some still had left-over cash from their successful campaigns in 1984.

THEY'RE GETTING BUGGED

Representative Bill Frenzel, a Minnesota Republican who is a leading advocate of changes in Federal election law, said political action committees were also feeling the squeeze. "I think the PAC community feels kind of put upon to do what they consider to be excessive amounts of fund-raising, particularly for incumbents who aren't going to have very tough elections and often in years in which no election occur," Mr. Frenzel said. "And I think they're getting bugged by it."

One PAC director said he was so fed up by constant solicitations that he sent an anonymous letter to other contributors suggesting that the situation was so bad it could trigger a "donor revolt." He did not sign his name because he said he feared being cut off from the politicians his committee supports.

By soliciting funds earlier, the senators are not, in most cases, seeking larger contributions per individual donor. No matter when they collect funds, they remain bound by the Federal election law, which limits an individual's contributions to a candidate to $1,000 for the primary and another $1,000 for the general election. The comparable limit for PAC's is $5,000.

DISCOURAGING CHALLENGERS

But money in the bank early helps candidates discourage potential challengers and gives them time to develop a broader pool of contributors. The money also earns interest.

Donors say they generally do not like being hounded for cash for campaigns more than two years away. One reason is that donors with limited resources are finding themselves contributing to campaigns years in the future, with current candidates receiving less.

That was a problem last year, when some Senate campaign aides complained that those seeking contributions, for 1988 and 1990, were competing with their candidates, who had a more urgent need for the money.

Donors also say they often do not have such faith in the future performance of candidates to feel comfortable making such advance contributions. But, to assure continued access and influence in Washington, they find they have no alternative.

Senator Mitch McConnell, a Kentucky Republican who raised $317,300 last year for his 1990 campaign, defended the practice, saying raising money early "is just the intelligent thing to do" now that successful Senate races cost several million dollars to wage.

"The process is not demeaning, or offensive or overly time-consuming," he said. "The limits on contributions require us to deal with a lot of folks. Of course, always in politics you want to scare off other candidates early."

The alternative, Mr. McConnell said, is to wait until the eve of an election to raise funds and "be completely snowed by it."

Rather than holding huge pre-election fund-raising extravaganzas, many senators routinely hold annual events through which they incrementally build their campaign coffers.

Senator Bill Bradley, a New Jersey Democrat, raised $1.1 million last year, the most of any candidate up for re-election in 1990. Some was collected from such events as his annual theater party, annual women's lunch and annual fund-raising dinner.

Those who do contribute early express mixed feelings about how they benefit. Former Representative Alvin J. Baldus, a Wisconsin Democrat who now supervises the political action committee of Cenex, a farm cooperative, said elected officials appreciated early contributions and gave "a lot of Brownie points" to the contributors.

But Jack Owen, who is on the board of the American Hospital Association's PAC, said, "The value of giving money early doesn't help us because the candidate forgets that we gave."

Some donors have little sympathy for those who do object. They say donors would not contribute if it were not to their advantage.

THE WAY OUR SYSTEM WORKS

"It's kind of a shame, but that's the way our system works," said Darrell Brown, a thoroughbred breeder who gave $2,000 last year for Mr. McConnell's 1990 campaign. "To be in politics you have to plan ahead and raise your money."

And William J. Grant, manager of the political committee of Consolidated Freightways Inc. in Palo Alto, Calif., said, "It's part of the game."

Mr. Sheinbaum, for one, disagrees. He vows never to raise funds before a candidate's two-year election cycle.

"I won't do it," he said, "How do I know he won't turn fascist on me? How do I know he won't be dead?"

PLANNING AHEAD

[Campaign funds raised in 1986 by Senators whose terms expire in 1991. Figures are as of Jan. 1, 1987, except where noted]

	Total raised in 1986	Portion from PAC's	Cash on hand
William Armstrong, R-Colo.[1]	$8,093	$0	$102,551
Max Baucus, D-Mont.	28,788	17,859	2,870
Joseph Biden, D-Del.	614,160	7,950	421,624
David Boren, D-Okla.	21,408	0	51
Rudy Boschwitz, R-Minn.	323,040	5,530	167,665
Bill Bradley, D-N.J.	1,132,200	91,192	659,251
Thad Cochran, R-Miss.	17,729	6,450	174,683
William Cohen, R-Me.	8,955	1,250	144,557
Pete Domenici, R-N.M.	17,729	5,550	51,215
James Exon, D-Neb.	5,832	0	40,803
Albert Gore, D-Tenn.	23,678	7,865	69,611
Phil Gramm, R-Tex.	804,170	42,221	281,462
Tom Harkin, D-Iowa	53,103	31,450	44,872
Mark Hatfield, R-Ore.	36,486	0	176,410
Howell Heflin, D-Ala.	35,485	0	467,585
Jesse Helms, R-N.C.[1]	414,643	2,000	652
Gordon Humphrey, R-N.H.	40,395	10,500	12,021
J. Bennett Johnston, D-La.	187,800	2,950	1,602,420
Nancy Kassebaum, R-Kan.	12,898	1,750	175,010
John Kerry, D-Mass.	471,195	1,325	0
Carl Levin, D-Mich.	56,352	2,305	64,501
James McClure, R-Ind.	40,123	1,600	257,843
Mitch McConnell, R-Ky.	317,300	17,050	564,502
Sam Nunn, D-Ga.	38,975	0	570,743
Claiborne Pell, D-R.I.	33,681	0	373,330
Larry Pressler, R-S.D.	49,317	11,500	230,291
David Pryor, D-Ark.	20,580	0	65,285
Jay Rockefeller, D-W.Va.	7,729	2,000	6,459
Paul Simon, D-Ill.	241,762	34,225	15,543
Alan Simpson, R-Wyo.	87,068	3,000	154,246
Ted Stevens, R-Alaska[1]	36,145	29,000	66,007
Strom Thurmond, R-S.C.	14,745	8,095	50,130
John Warner, R-Va.	9,163	1,750	21,672

[1] Funds raised as of June 30, 1986.

Source: Reports filed with Federal Election Commission.

Mr. McCONNELL. Clearly, the majority party is not particularly interested in doing anything about PAC contributions because they do better with PAC's. The point I want to make though, is we shouldn't write a bill that is to the partisan advantage of one party or the other. Let us write a bipartisan bill. Let us do something meaningful about PAC's and special interest soft money. Let us do something about the millionaires' loophole and independent expenditures and the cost of campaigns. We can write a campaign finance reform bill off the floor of the Senate and have it ready by the first of next year. If we can cooperate, we will have a legitimate reform to present to the public.

Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The time for debate under the unanimous-consent agreement having expired, pursuant to rule XXII of the Standing Rules of the Senate, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 2, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

Senators Brock Adams, John Glenn, David Boren, Jim Sasser, Tom Daschle, John F. Kerry, Wyche Fowler, Jr., Christopher Dodd, Wendell Ford, Terry Sanford, Edward M. Kennedy, Robert C. Byrd, Dennis DeConcini, Bob Graham, John Melcher, Claiborne Pell, and John C. Stennis.

WAIVER OF AUTOMATIC QUORUM CALL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute as modified for S. 2, a bill to amend the Federal Election Campaign Act of 1971, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. RUDMAN (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Nebraska [Mr. EXON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Nebraska [Mr. EXON], and the Senator from Tennessee [Mr. GORE] are necessarily absent.

I also announce that the Senator from North Dakota [Mr. CONRAD] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—51

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Cranston
Daschle
DeConcini
Dixon
Dodd
Ford
Fowler
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Stafford
Stennis
Wirth

NAYS—44

Armstrong
Bond
Boschwitz
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Rudman, against

NOT VOTING—4

Chiles
Conrad
Exon
Gore

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, the cloture motion that was entered on the Department of Defense authorization bill automatically is vitiated, is it not, by virtue of the fact that the Senate has taken up that bill?

The PRESIDING OFFICER. It is vitiated.

Mr. BYRD. I thank the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

The bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Glenn Amendment No. 678, to prohibit the awarding of contracts for research and development in connection with the Strategic Defense Initiative program to foreign countries and foreign firms.

(2) Warner-Dole Amendment No. 679 (to Amendment No. 678), of a perfecting nature, to declare that the Congress of the United States fully supports the President in his negotiations with the Soviet Union.

ABSENCE OF SENATOR LAUTENBERG FROM THE SENATE

Mr. BYRD. Mr. President, the distinguished Senator from New Jersey [Mr. Lautenberg] has received news of the death of his mother, and he will have to be absent from the Senate for a few days. I therefore have been asked by Mr. Lautenberg to ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that Mr. Lautenberg be permitted to absent himself from the work of the Senate over the next 3 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. DOLE. Mr. President, today, with a seventh cloture vote, we again revisit so-called campaign finance reform.

The debate on this issue, which has gone on sporadically since November of 1985, has had the benefit of airing the views of many on all sides of the matter. It is not that we disagree on the need for some reform, it is the nature of the solutions that divide us.

As I noted last week prior to the sixth cloture vote, people have suggested that the Republicans are simply opposed to any change in the status quo; and given the coverage of our efforts by the press, I am not surprised they hold that view.

But that simply is not the case, as evidenced by our introduction of a measure last week which mirrored much of the work done last year by Senators Boren and Goldwater.

While the Boren/Goldwater bill was much heralded upon its introduction, it is interesting to note that our efforts received little or no attention by the media, a somewhat disturbing fact. It is almost as if our suggestions, important enough when first proposed, were no longer relevant. But even more disturbing is the change in tone in the current debate.

In a November 1985 editorial, the Washington Post suggested the following: reforms should not unduly restrict the amount of money that candidates, including challengers to incumbents, can raise. The Post further suggested that reforms should not impinge on freedom of political expression, and that the arguments that PAC's are a vehicle for voters self-expression cannot be casually dismissed. Finally it suggested, wisely in my view, that we should proceed carefully with reform.

An August 11, 1986, article in the New York Times suggested that the provisions of the Boren/Goldwater bill were both reasonable and clear and should thus be supported by all sides.

But given the lack of reaction to our proposal, and the seemingly broad media support for the new Boren/Byrd measure, these opinions seem to have radically changed.

GIVE POWER BACK TO THE VOTER

The great strength of the earlier Boren/Goldwater measure was its emphasis on the need to get the individual involved in the political process and place some limits on PAC's.

We have disagreed over the imposition of an aggregate cap on PAC contributions largely because we are concerned that such a limit might prove a hindrance to the less affluent and less well-organized interest groups, who may not be able to raise and target their campaign money. Of course, as a result, the political leverage of the better organized, the groups Senator Boren is most concerned about, might become even more pronounced. The measure could also, we believe, work as an incumbent protection measure by denying an important potential source of funds to challengers.

Finally, our third major objection to the PAC limit is that any effort to curb PAC's could serve as an incentive for more PAC's to engage in independent expenditures.

But beyond this one key problem, there is much agreement over the value of increased disclosure, particularly with respect to soft-money, and increased participation of individuals.

INDIVIDUAL NOT TAXPAYER PARTICIPATION

While most of the agruments made last year by Senator Boren and in the press focused on the problems with PAC's, there was corresponding emphasis on the individual voter. But somehow in the last year the emphasis has slipped away from the individual to the taxpayer.

Suddenly the solution to our problems, instead of increasing individual contributions, is the introduction of taxpayer financing, and limits on the overall amounts spent on campaigns.

In none of his statements that I have reviewed from last year, nor in the old editorials that I have obtained, is there any mention of the value of public financing. In fact, in an interview with the New York Times in September of 1986, Senator Boren states that he has very mixed feelings about public financing. And that, Mr. President, is at the heart of our disagreement today.

The bottom line is that we should concentrate our efforts on the real problems, be it lack of involvement of the individual, over-involvement on the part of PAC's, or lack of disclosure with respect to soft-money. Boren/Goldwater was good enough for many last year. I believe the Dole, Stevens, McConnell, Packwood bill is worthy of our consideration now.

On another subject, Mr. President, let me indicate that——

Mr. BYRD. Mr. President, if the distinguished Senator will yield, I ask that the time taken by my comments and his response, if he wishes to respond, not come out of his time.

The PRESIDING OFFICER. Without objection, it is so ordered. However, the Senator's 5 minutes have expired.

Mr. BYRD. Mr. President, I ask unanimous consent that the Republican leader may proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I welcome the opportunity to work with the Republican leader as we look toward next year when we will indeed revisit this subject in the effort to try to develop and pass meaningful campaign reform.

The distinguished majority leader has introduced legislation and he has stated today that there ought to be a limitation on PAC spending, and I believe I heard him say that the bill which Mr. Boren and other Senators and I have introduced does not limit PAC spending.

Mr. President, may I ask the distinguished Republican leader two questions: does his legislation limit campaign spending? Second, does his legislation limit the overall total of PAC contributions? I am not talking about just limiting what a simple PAC may give, which is $5,000 as of now, but does his legislation propose a ceiling on the total that PAC's may contribute to any candidate?

Would he answer those two questions?

Mr. DOLE. Let me first address the PAC. There is no aggregate cap in the PAC.

Mr. BYRD. That is the flaw, looking at it from our standpoint.

Mr. DOLE. I think that is now without some hope, that we might come together.

What we have done is instead of a $5,000 contribution, limit that to $3,000. We have not included a cap for a couple reasons. First, we think limits are not in the interest of many candidates in many parts of the country; and, second, only well-organized PAC's, the ones that had an ongoing PAC organization, as many of the companies do, would have the chance to contribute. Someone starting up a PAC or someone who took more time to get his PAC's, maybe smaller groups are disadvantaged because, by the time they got ready to make a contribution to, say, Senator Dole or some one else, the candidate would have already reached that limit.

I think there is some reason in that argument.

To answer the first question, there is no overall limit on spending. We try to achieve that by limiting how much individual PAC's can give. We do raise the individual contribution $1,000 or $1,500, and we do call for disclosure of so-called soft money, and there are other provisions, so I do not think there is really any basic disagreement.

My view is, I would guess on 80 percent of the issues, there is no problem. We just have to find a way to come together on the other 20 percent.

Mr. BYRD. Mr. President, I thank the distinguished minority leader.

I close my remarks by saying the Boren-Byrd, et al., approach is to have a limitation on the aggregate contributions that PAC's may give. The distinguished Republican leader proposes a limitation on PAC's. He proposes, I believe, lowering the limitation on the amount that any particular PAC can give, which now is $5,000 for a primary and $5,000 for the general.

But the distinguished Republican leader does not put a ceiling on the aggregate that PAC's may give. In other words, a candidate, under the distinguished Republican leader's proposal, could have his entire election costs financed by PAC's because there is no ceiling on the aggregate. That is one flaw. The Boren-Byrd bill does put a ceiling on the aggregate.

Second, the distinguished Republican leader in his proposal does not have any limitation on campaign expenditures. Mr. President, that is part of what this whole debate is about. Unless there be a limitation on campaign expenditures, then any legislation we would pass to the contrary, unless it has a limitation on campaign spending, is not genuine campaign finance reform.

So, these are two major differences in our approach, I would say, to begin with. But I will look forward to working with the Republican leader and so will Mr. Boren and other Senators as we take a look at next year, and hopefully we can find legislation on which we can get a majority of the Senate to come together.

I thank the distinguished Republican leader.

He wishes to speak on another subject, so I should sit down.

THE RESIGNATION OF SECRETARY DOLE

Mr. DOLE. Mr. President, I would just say very quickly that I have noted with interest that the Secretary of Transportation has resigned effective October 1.

I just wanted to indicate to my colleagues that I think she has done an outstanding job. Of course, there is no bias or prejudice on my part. But I will be making a fuller statement for the Record. I would just say to the Secretary of Transportation that you have done an outstanding job. It is a very difficult job that she has had for these 4½, almost 5, years. And I certainly wish her the best in whatever she may do hereafter.

Mr. BYRD. Mr. President, I join with the distinguished Republican leader in complimenting our very distinguished Secretary of Transportation.

I have said on previous occasions, and I reiterate it today, that as far as this Senator is concerned Elizabeth Dole has been and is my all-time favorite Secretary of any Department in my lifetime.

Now this raises a question which I think also could give some of us on this side considerable hope, and that is whether the distinguished Republican leader will help us to now extend unemployment compensation benefits—that did not go over so well.

Mr. DOLE. Pretty good. I liked that.

Mr. BYRD. Would he help me to explain that?

Mr. DOLE. No. That is OK.

Mr. BYRD. Because the Republican leader without the income of his lovely wife is probably going to need some financial help, and I know that he is against public financing of campaigns, even though it will not be very long until, I daresay, as I look back upon the events of last weekend, that Mr. Dole will be one of those announced Republican candidates for the Presidency and so, therefore, even though he may be against public financing of senatorial campaigns I have a feeling he probably will not back up to the window when he seeks the check for public financing of Presidential campaigns.

But more than that he is going to need some Government assistance, and I think this would be a good time, Mr. President, for us to introduce legislation and to ask unanimous consent to proceed with it immediately to extend the unemployment compensation benefits so as to help our good friend, the minority leader, to sustain himself.

Aside from those facetious remarks, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I close by again commending Elizabeth Dole for the excellent performance that she has given. The President will lose a good Department Secretary, while the distinguished Republican leader will not only gain a strong continuing supporter, but Mrs. Dole will be able to be at her husband's side in the effort which I assume he will announce before too long, and I think it is quite proper and I commend her.

Mr. DOLE. Thank you, Bob.

Mr. BYRD. Yes, indeed.

ORDER OF PROCEDURE

Mr. BYRD. The Senate is on the Defense Department authorization bill, is it not?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator has yielded the floor.

The Senator from Ohio.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 680

(Purpose: To prohibit the awarding of contracts for research and development in connection with the Strategic Defense Initiative program to foreign countries and foreign firms.)

Mr. GLENN. Mr. President, I withdraw my Amendment No. 678 and send an amendment to the desk.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

The clerk will report the amendment which has been offered.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. Glenn] for himself, Mr. Exon, Mr. Bingaman, Mr. Bumpers, and Mr. Mitchell, proposes an amendment numbered 680.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION AGAINST CERTAIN CONTRACTS

(a) In General.—Funds appropriated to or for the use of the Department of Defense for any fiscal year pursuant to an authorization contained in this or any other Act may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) Temporary Suspension of Prohibition Upon Certification of the Secretary of Defense.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development, testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract was entered into before the date of the enactment of this Act;

(2) the contract is to be performed within the United States; or

(3) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(d) In this section:

(1) The term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

(2) The term "United States firm" means a business entity other than a foreign firm.

Mr. **GLENN**. Mr. President, I yield the floor.

AMENDMENT NO. 681

Mr. **BYRD**. Mr. President, on behalf of Mr. NUNN and myself, I send an amendment to the desk.

The **PRESIDING OFFICER**. The clerk will read the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. NUNN, proposes an amendment numbered 681 to amendment No. 680.

In the amendment by Mr. Glenn strike the word "firm" in the last line of subsection (d), and insert in lieu thereof the following: "firm.

(e) Since the United States and the Soviet Union are currently engaged in negotiations to conclude a Treaty on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

Since the current discussions are a culmination of years of detailed and complex negotiations, pursuing an American policy objective consistently advocated over the past two Administrations regarding nuclear arms control in the European theater, and which reflect delicate compromises on both sides;

Since the Senate recognizes fully, as provided in clause 2, Section 2, Article II of the Constitution, that the President has the "power, by and with the advice and consent of the Senate, to make treaties."

Since the Senate also recognizes the special responsibility conferred on it by the founding fathers to give its advice and consent to the President prior to the ratification of a treaty, that it is accountable to the people of the United States and has a duty to ensure that no treaty is concluded which will be detrimental to the welfare and security of the United States.

Since in recognition of this responsibility, the Senate established a special continuing oversight body, the Arms Control Observer Group which has functioned over the last 2½ years to provide advice and counsel, when appropriate, on a continuing basis during the course of the negotiations;

Since the Senate and the President both have a constitutional role in making treaties and since the Congress has a constitutional role in regulating expenditures, including expenditures on weapons systems that may be the subject of treaty negotiations;

Since the Senate will reserve judgment on approval of any arms control Treaty until it has conducted a thorough examination of the provisions of such treaty, has assured itself that they are effectively verifiable, and that they serve to enhance the strength and security of the United States and its allies and friends;

Therefore the Senate hereby—

(1) Declares that the Senate of the United States fully supports the efforts of the President to negotiate stabilizing, equitable and verifiable arms reduction treaties with the Soviet Union;

(2) Endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union;

(3) Urges the President to take care that no provisions are agreed to which would be harmful to the security of the United States or its allies and friends.

(Mr. **BREAUX** assumed the chair.)

SUPPORT FOR ARMS CONTROL

Mr. **BYRD**. Mr. President, today we are continuing our consideration of the defense authorization bill. The Senate has struggled throughout the summer to bring up this bill.

First, we had that far less than enjoyable morning some several weeks ago—as a matter of fact, I suppose it must have been 3 months ago—when I attempted to make a nondebatable motion during the morning hour and our dear friends on the other side of the aisle, exercising their rights under the rules, ran the clock out on me. So I was unable to make that nondebatable motion. We had a series of contentious motions and a contentious debate with respect to that effort.

Then we had three cloture votes on a debatable motion to proceed and our high-water mark was 59 votes.

Now, there was to have been a cloture motion today but, on last Friday, I was able to get myself into a position where I could make a nondebatable motion and our Republican friends could not do anything about it. They could not run the clock out. I did not have to have unanimous consent, did not have to have cloture. It was a nondebatable motion and I had the floor and that was it. I could go either to the defense bill or to the catastrophic illness bill. So the result was that the Senate voted on that nondebatable motion and the Department of Defense measure was made the pending business and it is now the business of the Senate.

Incidentally, had we voted on cloture to take up the defense bill today and all Republicans who had heretofore voted against the motion to invoke cloture, had they voted against the motion to invoke cloture today, we would have again failed. Counting the absentees on all sides, the vote today would have been 56 to 40, with 4 absent.

So the high-water mark today would have been 56 votes and would not have matched the last high-water mark which we achieved on May 20, that being 59 votes.

Now, Mr. President, we will have a full debate on the subject matter, on the bill itself, and there will be some debate in connection with any treaty which may be presented to the Senate at any time in the future. It is important that the Senate address these issues—the role of the Senate in advising and consenting to the making of a treaty.

The Constitution says that the President, with the advice and consent of the Senate, will make treaties.

So the Senate has a role in advising and consenting to any international treaty. It is a critical constitutional function of the Senate that has never been more apparent than in the past few months. And the Senate's role in ratification will be an essential element of any future arms control treaty.

Because of the importance which the Senate attaches to these issues, a bipartisan arms control observer group has been established in the Senate. That group has been active now for over 2½ years. Its creation had the strong support of both leaders. It is a bipartisan group and it has been highly complimented by Secretary Shultz and other high-ranking officials in the administration. It has followed the arms control process in Geneva closely. It has provided valuable insights to the Senate on the negotiations process, and will have a role to play, along with the standing committees of the Senate, in the Senate's performance of its duty under the Constitution to advise and consent in treaty ratification.

Today the Soviet Foreign Minister, Mr. Shevardnadze, and administration officials are beginning 3 days of discussions concerning the arms control talks in Geneva, with special attention to the talks on limiting intermediate range nuclear forces, the INF missiles. Yesterday, the United States presented its latest proposals on this subject in Geneva. According to statements by administration officials in news reports, it may be possible to reach an agreement on INF in the near future. If and when such an agreement is reached, it will be subjected to careful and rigorous examination in the Senate. And Mr. Shevardnadze, as well as Mr. Reagan and Mr. Gorbachev and others on both sides of the ocean, our NATO allies, as well as the Soviets and ourselves, should understand that this agreement, if it is reached, is going to be subjected to careful and rigorous examination in the Senate. This body is not a rubberstamp. Thorough exploration of all issues associated with the treaty will be conducted.

I think it is appropriate for me to mention at this time that when the SALT II Treaty was about to be taken up in the Senate, I went to see President Brezhnev, the leader of the Soviet Union in 1979.

I visited him on Independence Day, July 4, 1979, and I met with him for approximately 1 hour and 45 minutes. In that meeting, there was only Mr. Brezhnev, one aide, and an interpreter, on one side of the table, and myself, as majority leader of the Senate, at that time, one aide, and one interpreter on my side of the table.

My message to President Brezhnev was—and the next day I gave the same message to Mr. Gromyko at that time—namely, that the Senate is not a rubberstamp to any President. At that time, at the White House was a President of my own party. I made it clear that the threats and intimidating statements coming out of the Soviet Union at that time as to the dire consequences of rejection of the SALT II Treaty would not be anything but counterproductive as far as the Senate was concerned. The Senate was not a rubberstamp to any President and under our Constitution two-thirds of the Senate would be required to approve the ratification of any treaty.

I made it clear that, unless the Soviet Union and the high officials there, through their news media, stopped making statements that were apparently intended to intimidate the Senate, there would be no treaty because, there would be no Senate ratification of approval. That was the message I gave to Mr. Brezhnev and I gave the same message to Mr. Gromyko.

I was told by both Mr. Brezhnev and Mr. Gromyko that those inflammatory statements would cease. Mr. Gromyko said, "Henceforth, Mr. Leader, may I say to you if I feel the compulsion to make a strong, inflammatory statement, and I am about ready to dictate that statement, I will say to my secretary, 'You are sick. Go home for the rest of the day.' Henceforth, if I am prepared to write a statement that is critical of the U.S. Senate, as I reach my right hand forward I will take my left hand and draw it back."

So the message got across. Other events, of course, scuttled action on the treaty.

When the Soviets invaded Afghanistan later in that year, that was the end of the treaty. I called the President from my home and asked to see him. I told him we could not get the votes for that treaty in light of the invasion of Afghanistan by the Soviet Union, particularly following on the heels of what had happened to American hostages in Tehran, and therefore it was my recommendation that we just forget about the treaty. He concurred and stated that he would like to make that clear in public. So that was the way it happened that the treaty was never called up by me.

Mr. Shevardnadze may well be reminded, and so may our own administration officials, that this Senate is not going to be a rubber stamp to any President on any treaty. We will fulfill our role under the Constitution.

It is most appropriate for the Senate to begin its discussion of the DOD bill by considering arms control. Mr. Shevardnadze should see for himself the process of democracy in the U.S. Senate and understand that the opinion of this body on important arms control issues does matter.

The amendment which we are now considering today is designed to express the support of the Senate for vigorous and careful negotiations of arms control agreements. It is clear that the amendment offered by our friends on the other side of the aisle is based on the assertion that actions taken by the Congress during the normal course of considering the important issues of our budget for national defense could somehow be construed as inappropriate and detrimental, and "unilateral concessions."

Moreover, the amendment offered by the other side appears to contend that the Senate should never express its will on any policy position currently under negotiation between the United States and the Soviet Union, and that we should be very quiet now right now while these negotiations are being discussed between our two leaders, between Mr. Shevardnaze and Mr. Shultz, the President and Mr. Gorbachev, through their representatives; while those discussions are going on, the Senate should roll over and play dead, say nothing, just be quiet and be good.

But the Senate has a role under the Constitution and it does not just begin when treaties are sent to the Senate. The Constitution does not say that the President shall make treaties by himself. It says by and with the advice and consent of the Senate—advice. When does the Senate give advice? After the event? By and with the advice and consent of the Senate the President shall make treaties.

So it is a partnership of both the Senate and the President in the making of treaties.

This attempted constitutional emasculation, and I am referring to the amendment in the second degree offered by our friends on the other side of the aisle, this attempted emasculation of the Senate and its proper role must be rejected out of hand. That amendment has now been removed and there is now the Byrd-Nunn amendment in its place. I might add that the point of view that was expressed in the amendment in the second degree which has been offered by our friends on the other side is certainly not applied by the other side to issues affecting Central America.

The amendment which I have offered today, with the cosponsorship of Mr. NUNN, is designed to reaffirm the Senate's well-established role in the treaty-making process, and its role in authorizing and appropriating national expenditures. It also expresses the strong support of the Senate—the strong support of the Senate—for the arms control negotiations process, and urges the President to conclude a treaty which is effectively verifiable and in the interests of the United States and its allies. This amendment is a positive statement which I am confident Senators on both sides of the aisle can support and I urge its adoption.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate will recess at 1 o'clock today until 2 o'clock p.m. to accommodate the conferences of the two parties. There remain 40 minutes, therefore, for Senators who may wish to speak on the pending amendment. It is agreeable with me if we could reach a time agreement as to when a vote might be had on that amendment. So I urge Senators, if they wish to speak on the amendment, to come to the floor and do so.

In the meantime, I hope that we can perhaps, through our staffs, and through ourselves, explore the prospects of having a vote on the amendment in the second degree up or down shortly, or on a tabling motion if a Senator tries to table it. But we, hopefully, can get on with action sooner rather than later. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

Mr. BYRD. Mr. President, I withdraw my suggestion.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the majority leader, and I thank the Chair. I have no remarks to make, but I do have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. I would ask the Chair if the pending amendment is germane. I understand there is no germaneness rule until cloture is voted. I am talking about post cloture.

The PRESIDING OFFICER. The Chair will state to the Senator from

North Carolina that the Chair has not adequately looked at the amendment in terms of germaneness. The Chair assumes by the question that the cloture question would be presented to the Chair, at which time the Chair would make a determination on the germaneness of the amendment.

Mr. HELMS. I understand the Chair's reluctance to rule considering the fact that it is the majority leader's amendment, but let me ask——

Mr. BYRD. Mr. President, will the distinguished Senator yield? Mr. President, I hope—will the Senator yield?

Mr. HELMS. Sure.

Mr. BYRD. Mr. President, I do not want the record to stand like that because the implication of what the distinguished Senator from North Carolina is saying, and he is my friend, is that the Parliamentarian, who advises the Chair, is going to rule as the majority leader would have him rule.

Mr. President, that is not accurate. This Parliamentarian is not going to do that. We have had some pretty lively discussions, the Parliamentarian and I, about certain matters and he is under no compunctions to take a stand for what he thinks is right. I expect him to be strong in his independence of this majority leader or any other. It is not fair for the record to stand like that.

Now, I will say this, that the Chair is not obligated to follow the Parliamentarian's advice. The Chair might do otherwise. But I do not think the present occupant of the Chair is going to do that.

If the amendment is not germane and cloture is invoked, the Byrd amendment will fall. I have no problem with that. Let the amendment fall. But if this amendment falls, certainly the amendment by Mr. WARNER which was earlier in place and which has now been displaced would not have been germane by any stretch of the imagination. I would be happy to have a vote on this amendment today while we have no rule of germaneness. We do not have to worry about cloture right now. Let us go ahead and have a vote on the amendment.

I thank the Senator for yielding.

Mr. HELMS. Let me say to the Senator from West Virginia, if this had been introduced as a bill for referral, there is no question about where the bill would have gone. It would have gone to the Committee on Foreign Relations. The Committee on Armed Services has no jurisdiction over this. That is the only point I am making. I did not imply, nor should anybody infer, anything about the Parliamentarian, but facts are facts and reality is reality about the operation of the Senate. In that regard, I agree that the Chair, which is occupied by the Vice President when he is present, need not follow the advice of the Parliamentarian. I suggest the absence of a quorum.

Mr. BYRD. Mr. President, before the distinguished Senator suggests the absence of a quorum, may I ask the Senator a question without his losing his right to the floor.

Mr. President, would the Senator, my friend, respond to this question. He has indicated that the amendment which I have offered on behalf of Mr. NUNN and myself would go to the Foreign Relations Committee rather than the Armed Services Committee, of which Mr. NUNN is the chairman. May I ask the question of the distinguished acting Republican leader, Mr. HELMS, as to where the amendment would have gone which was introduced earlier by Senators DOLE, WARNER, QUAYLE, SYMMS, LUGAR, Mr. HELMS, and Mr. GRAMM. Where would that amendment have gone, in his opinion?

Mr. HELMS. I will have to take a look at it. I do not have it before me. Does the Senator have a copy of it?

I do not think there is any question about this amendment going to Foreign Relations, and I made the point at the outset of my remarks that there is no germaneness rule, as he well knows, precloture. I just simply raised the question about the germaneness of the amendment of the Senator from West Virginia, and I would raise the same question about this amendment. But I think we have each made our point. The Senator's amendment does not belong on this bill and the Senator can argue that the other amendment does not belong on it, too, and I expect that is what the argument is all about. But I appreciate the point about the advisory role of the Parliamentarian. Now, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will please call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the distinguished Senator from Florida wishes to introduce a bill.

I should say before the two conferences meet that this Senate has reached the stage at which we are all going to have to work very, very hard to complete the work of the Senate before Christmas, certainly before Thanksgiving. We have this DOD authorization bill now before the Senate. There are 13 appropriations bills, 9 of which have been sent over by the House, and the 10th will be coming over from the House before long. The Senate Appropriations Committee will be meeting today to report appropriations bills, so shortly there will be appropriations bills on the calendar.

In addition to these matters, the Senate and the House both have to deal with the extension of the debt limit. The debt limit expires on a week from tomorrow, September 23. The reconciliation measure is coming down the pike. The catastrophic illness legislation is of great importance to this country, and of great importance to the elderly people of this country. The taking up of that measure has been filibustered by the minority of the Senate. The Bork nomination is going to be reported from the Judiciary Committee at some point in time. I assume it will be reported from the committee. I can assure the Senate that that nomination will not be killed by the Judiciary. Let me put it that way. The Senate may kill it and the Senate may not. But that nomination will not be killed by the Judiciary Committee regardless of how many members in the Judiciary Committee may vote against the nomination.

I want the Senate to have its say. I think that will meet with the general approval of Senators from both sides of that committee. I think already we should do what we can to avoid that matter becoming overly partisan. But in any event, we are going to have to have a vote of some kind on the Bork nomination, or in relation to the Bork nomination, at least, in the Senate. There may be several votes. And the Senate should not be unduly delayed in getting around to action one way or the other in regard to the Bork nomination. But before that, the Senate has to come to grips with the DOD authorization bill and other legislation as well.

I think it is becoming more clear from day to day that those downtown, the President being No. 1, who are constantly pressing for the Bork nomination to be confirmed—and I do not blame the President for pressing for that confirmation, and it is a matter that is extremely important to the country. But they just might as well understand that there are other important matters here that first have to be disposed of. And the sooner the administration and the minority in the Senate cooperate with the Democratic leadership in this Senate to get legislation up and to dispose of it—I am not saying it has to be done by unanimous consent, but dispose of it—after reasonable debate, the sooner the Senate will be able to deal with the Bork nomination.

It is absolutely imperative that the Senate dispose of the authorization bill. The Defense Department authorization bill is extremely important to the country. This is a defense bill. And it needs to be dealt with before we deal with the appropriations. There are a great number of controversial issues involved in this bill. We are going to have to deal with them, and the sooner we deal with them the better.

Mr. President, I hope we will not run into a filibuster on the bill itself. I am not charging that we are running into a filibuster yet. But I want to say these words before the two conferences take place today so that both leaders will know and the Senators who are listening will know the kind of clock and calendar that we have to contend with.

Mr. President, I should say that this leadership will not tolerate, lying down, a filibuster on this DOD bill, or an overly prolonged extended debate, if one wants to use a more euphemistic term. I may not be able to invoke cloture, but I will say this: The cots will be brought out if necessary in order to get on with action on this bill. And Senators might as well understand—and nobody dislikes hearing this any more than I dislike saying it. Saturday sessions are not out. Saturday sessions are not out. And night sessions are not out. It is my intention to move this bill along one way or another. And Senators should count on late sessions in the evenings. They can even count on round-the-clock sessions if necessary. They can also count on Saturday sessions if necessary. I have made commitments that there will be no Monday sessions through September and October. I want to keep those commitments but after all, the Nation's business comes before my comfort and comes before my commitments. Even if it becomes absolutely necessary to break the commitment with respect to the Monday sessions, I will just have to live with having broken my commitment. I do not intend, if I can at all avoid it, to break my commitments as to Monday sessions. I do not intend that at all. But if I find that that makes the difference in breaking a filibuster, then I will break my commitment on the Monday business because I have always left a little condition, that condition being that unless there is an emergency there will be no Monday sessions. I intend to keep that. But there can be an emergency that would develop.

As to Saturday sessions, I am saying for the record now so that I will not be charged with having sprung something on anybody that Saturday sessions are not out, as we look down the road, to deal with this bill and the bills that come after it because it is my full intention to deal with this bill, to deal with appropriations bills, to deal with catastrophic illness, to deal with airline legislation, and to deal with the budgetary and fiscal matters that confront us—debt extension, et cetera, et cetera—and to deal with the Bork nomination before this Senate adjourns sine die.

I say what I have said not as a threat. I say it regretfully, but hopefully. I think all Senators are entitled to be reminded of the kind of calendar we face and the shortness of time that we have left, and my conscience is clear.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois, Senator Dixon.

Mr. DIXON. Mr. President, we now have before us, after 3 months of contentiousness, an important piece of legislation, that Congress is called upon every year to consider, the Department of Defense authorization bill. I think everybody here knows that after the lengthy period involved in discussing the issues in this bill and the consideration of all the amendments that will be offered to this bill, assuming the passage of the bill, which I do ultimately foresee, it then becomes the responsibility of the Armed Services Committees in the respective Houses to iron out their difficulties in a conference between the two Houses, I want to say, Mr. President, that there are substantial differences between the authorization bill that has emerged from the markup in the Senate, and the House Department of Defense authorization bill. There are substantial differences in acquisition priorities in the two bills. There are substantial differences in the authorized amounts in the two bills and so on—a number of very, very important and unique questions.

There is substantial difference between the two Houses that will require an inordinately long, complex, and difficult conference between the two Houses before the differences can be resolved and a bill can ultimately be sent to the President.

Why do I say that? I say that because the majority leader was exactly right in what he said moments ago, when he said it was time to bring out the cots. Nobody likes to discuss that. It is not a pleasant thing to contemplate. But I ask that those who doubt my position look at the Congressional Record of last week, when, in a colloquy with the majority leader, I suggested that it was time to bring out the cots.

In a meeting this morning with the majority leader, the distinguished chairman of the Armed Services Committee, the senior Senator from Georgia, and I, as one of the managers of this bill, indicated to the majority leader that we were ready for the bitter medicine.

I would like to suggest that I think by colleagues on this side accept the fact that it is time for the bitter medicine. It is time to pass this bill, no matter how long it takes, because it is the single most important fundamental issue before the Senate at this time. It is something we must resolve, if we are ultimately going to resolve the differences in a conference between the two Houses that will lead to legislation that can go to the President's desk.

I have every understanding of the different attitudes by different Members of the two sides concerning this legislation. We spent a long and very arduous markup period on this legislation. Members on both sides agreed that this was one of the finest work products in years of the Armed Services Committee.

There is one issue that deeply divides us. I understand that. It is regrettable that we are divided in that way. But I think we have to deal with it on the floor here. There has to be the necessary debate on the issue, and then the ultimate votes to resolve those conflicts. But I think it is clear that we have to continue on this bill until we complete it.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. DIXON. I am delighted to yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, let me suggest a way we can pass the DOD bill in 2 or 3 days, and that is for both sides to back off from this business of trying to handle the treaty business on the DOD bill. Both sides are wrong with their amendments, as I tried to emphasize a while ago. But it is this fact of life that is delaying the Senate.

I suggest that if we leave the treaty business to the relevant committee, which is the Foreign Relations Committee, of which I happen to be the ranking member, then this DOD bill will pass in 2 or 3 days. But there will be a lot of problems as long as there is an insistence from either side that arms control be a part of the Department of Defense, because that is not properly a part of this legislation.

So far as costs are concerned, fine. I do not think it is bitter medicine, as the Senator put it. All of us came to the Senate with the understanding that there would be some hard work from time to time, and I have never complained about it. As to Saturday sessions, that suits me fine. Most of the people who pay our salaries work on Saturdays. That part does not worry me.

I think it is needlessly delaying the process of the Senate to put nongermane or to attempt to put nongermane material in this bill. I would feel equally strong if the Foreign Relations Committee tried to preempt the province of the Armed Services Committee.

That is what is wrong. It is this business of trying to have irrelevant legislation on this particular bill. I say that if both sides back off, the bill can pass in 2 or 3 days.

I thank the Senator for yielding to me.

Mr. DIXON. I thank the Senator from North Carolina for the expression of his point of view. I understand his concerns and his reservations about what was done in the Armed Services Committee.

I might say, though, that there is a profound feeling among some on this side—particularly the sponsors of that amendment, the Senator from Michigan [Mr. LEVIN] and the chairman of the committee, the Senator from Georgia [Mr. NUNN]—that the amendment which was adopted in the committee after very careful discussion, is an entirely appropriate amendment. It is appropriate because the DOD authorization bill deals with the authorization of funding for the strategic defense initiative. In this case, it is the amount of $4.5 billion allocated for the strategic defense initiative work this year.

There is a very strong feeling by many in the Senate, not only on this side but also some on the other side, that it is appropriate to suggest that when there is contemplation of testing that is beyond the interpretation generally supported in the Senate and in Congress, the administration should consult with Congress before undertaking that sort of thing.

These are matters that need to be debated. I am sure that at the appropriate time, some from that side—I do not know whether it will be the distinguished senior Senator from North Carolina or whether it will be others—will offer an amendment to remove the so-called Levin-Nunn amendment. The debate will be lengthy and very informative, but, there is nothing the matter with that. A debate is appropriate in connection with this legislation.

I think that the point that the majority leader has made, that certainly this Senator from Illinois supports, is that it is time to get on with the business of disposing of the Department of Defense authorization bill on this side, so that we can go into a conference with the House, and ultimately resolve the differences between the two Houses.

We may have to consider the question of discussing the Levin-Nunn amendment and the authorization of funding for the strategic defense initiative together as a separate entity from the body of the DOD authorization bill that is presently before us.

I do not know that is still a viable alternative that our side will offer, may I say to my distinguished friend from North Carolina, but it is certainly a matter that the distinguished chairman of the committee, myself and others have discussed in private and publicly, and on other occasions, on the floor of the Senate. So there are different ways to address this.

I think the point that some of us want to make here, and I doubt that my friend from North Carolina has great difficulty with that, is that ultimately we have to move forward with the business of the Senate, and in particular with this business. There are some of us, as an example, who are not committed on the question of Judge Bork. I happen to be uncommitted. I think there are about 20 people in the Senate who have not yet indicated what they ultimately will do. Frankly, I will not know what I will do until the hearings are over with on the question of Judge Bork.

I very much dislike tying one issue into the other, and I even said I did not warm to the idea suggested by the distinguished chairman of this committee, that we ought not to go to that until we finish the business before us.

I strongly feel this business has been before us for a very long time. We did a lot of work in committee, and, I think in all fairness to everyone on that committee, they will all say that we devoted substantial time to this bill. We spent a lot of time on the floor on this bill. I think it is time to get rid of the bill.

I do not say that has to be disposed of today. I do not say it has to be disposed of this week; but, I think we ought to stay on this bill until we dispose of the DOD authorization bill.

Mr. HELMS. If the Senator will yield further, and I thank him for doing so, it is not quite fair to imply, and I know the Senator is not doing this, that only one side wishes to proceed with the schedule and specifically this bill. I do.

On the other hand, and the Senator probably understands my feeling, there appears to be the suggestion that we will proceed on somebody else's terms regardless of the rules of the Senate or the precedents, and I hope that there will not be any trampling of the rules or the precedents of the Senate as we wade through this thicket.

We all know a little bit about the rules. I do not know as much as most other Senators. I know a little bit. I can think up ways to do things and have.

But I think we ought to fundamentally look at the question of germaneness when there is this kind of issue and find a way to deal independently with such a thorny issue as the Levin-Nunn amendment.

As long as that persists, and I am not speaking for anyone but myself, I see some rough days ahead. I think we ought to go ahead and complete the Senate's business on this bill and all others and then go home and live a while under the laws that we passed. That would be just punishment for us.

Mr. DIXON. Will my friend accommodate me by letting me respond to that?

Mr. HELMS. Yes.

Mr. DIXON. I hope my friend knows I served on his committee for 6 years and we had a good relationship.

Mr. HELMS. We sure did.

Mr. DIXON. I have the finest personal regard, not only for the Senator from North Carolina as an individual but for his views, even when we differ. This Senator would never suggest anything that would trample on the rights on any individual Senator or disregard the rules of this body. I do not suggest that at all.

Mr. HELMS. I know that.

Mr. DIXON. I want the Senator to understand that, while we have an honorable difference of opinion about a certain section of this bill, we both are committed to the passage of this kind of legislation, the authorization for the Department of Defense and the support of the national security interest of the United States of America against all her enemies in the world. There is no quarrel about that between these two Senators.

All I am trying to suggest to the Senator is that enough time has passed; we have to get down to the business of passing this bill. Basically my side supports the Levin-Nunn amendment; Senator HELMS' side does not. That is not in any way to criticize any Member as to her or his opinion about that particular amendment. I say it has been a long time and we should dispose of the bill. A long time has past.

Probably more time was spent on this bill by the Armed Services Committee, with all due respect, than any other committee this year, with the exception perhaps of the Finance Committee on trade legislation.

It is a massive piece of legislation. Many hours have been spent on it.

We have spent 3 months here on the question; and, I do not accuse that side of a filibuster although there has been excessive discussion for a long time. Here we are, it is the middle of September and the fiscal year ends at the end of this month. We have not done the debt limit finally. We have not done reconciliation. There is a very contentious issue about the final question of whether we are going to have some additional revenue, I understand that. We have not dealt with catastrophic health insurance. There are a great many other issues we have not dealt with. There is the question of Judge Bork, which will take a long time.

Here we are still on this bill.

It is just, I think, as my good friend felt when he was in the majority; and certainly, when he was in the majority he wanted to move the business of his committee. Those of us on this committee want to move this business. It is important business.

Incidentally, I think I have heard the Senator who is my friend across the aisle from me, some time suggest, that the most important single question was the defense of this Nation against her enemies, I mean above all other questions, regardless of what the philosophical differences might be.

There is an issue before the Congress from time to time which is a paramount and high-powered issue. Here is a paramount and high-powered issue. It is time to move it.

There is going to be argument on this amendment. There is going to be a vote. Maybe those of you who differ with the Levin-Nunn amendment have the votes. I really do not know that. I do not suspect you have them; but I do not know that.

But the point is that sometimes we can have a long debate, and we can resolve that.

Let us say you do lose. Then you always have the President of the United States as the final arbiter of this question when the final bill from the conference goes to the President, and that is another opportunity for your point of view to be heard.

Beyond that, I am open, and I think the chairman clearly is open to further discussions about how we might handle this.

I think the only thing we are saying is, this is not my amendment, so I am not the principal advocate of it. But, I think what the chairman has said is this: We don't want to separate out the question of the authorized funding for the strategic defense initiative and all those questions which are directly pertinent to the question of testing laser particle beams, whatever it might be, in space out of this bill. We do not want to say there is no relationship between the two when we see that there is. That is all that this Senator is saying.

Finally, all this Senator is saying—in conclusion is that I think it is the resolution of our side, and I think shared privately by most of Senator HELMS' side that we ought to dispose of this bill.

Mr. HELMS. Mr. President, I ask unanimous consent to proceed for just 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the Senator alluded to his and my service together on the Agriculture Committee. I remember we spent 13 months producing a farm bill. I kept track of the time or had the timekeeper do so, and I spent about 42 hours-plus waiting for a quorum. Senators would not show up. So one thing Senators have to learn around this place is patience. And I hope that Senators do not need to learn that the traditions and the precedents and the rules of the Senate must continue to prevail lest we have a form of anarchy here.

But I say again that we could pass the DOD authorization bill in 2 or 3 days if we could set aside this issue and let it be considered properly in the committee of jurisdiction.

I thank the Senator.

Mr. DIXON. I thank my friend from North Carolina. It would appear, Mr. President, that it is appropriate now to conclude the morning session by virtue of the fact that the conferences between the two parties will take place from now until 2 o'clock.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, the Senate will stand in recess until 2 p.m.

Thereupon, the Senate at 1:01 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

The PRESIDING OFFICER. The Chair in his capacity as a Senator from Connecticut will note the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I find myself a bit troubled by what I acknowledge to be a minor matter, and I desire to engage the Chair in a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will proceed.

Mr. HELMS. Mr. President, I allude to the fact that on the daily Calendar of Business, the pending business is identified as S. 1174, Order No. 120. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair. The Parliamentarian may wish to follow me.

On Friday, as I recall the sequence of events, the distinguished majority leader made some statements regarding the unfinished business, and I ask the Chair if on page 1103 of Senate procedure it does not state that a matter "would remain the unfinished business until disposed of, or until the Senate should displace it by taking up another matter on motion made after the morning hour."

Is that what is stated? Is that what the rule says?

The PRESIDING OFFICER. The rule does not say that. The rule says the Senate will proceed.

Mr. HELMS. That the Senate will proceed.

The PRESIDING OFFICER. The motion to proceed was not a privileged matter agreed to outside of the morning hour.

Mr. HELMS. Will the Chair specify for me where the language refers to agreed to?

I do not think the words "agreed to" are there. That is the point I am making.

The PRESIDING OFFICER. That has been a uniform interpretation of the Chair through several Parliamentarians.

Mr. HELMS. I am sorry?

The PRESIDING OFFICER. That has been a uniform interpretation of the Chair through several Parliamentarians.

Mr. HELMS. I do not believe that is correct. Maybe I can approach it this way: may I ask the Chair to turn to page 1103 and read what it says, particularly in the third paragraph under unfinished business. It begins "Any business when taken up on motion after the morning hour," if that will be helpful to the Chair. Will the Chair indulge the Senator from North Carolina by reading the entire paragraph?

The PRESIDING OFFICER. It reads:

> Any business when taken up on motion after the Morning Hour, or by motion or unanimous consent after the Morning Hour when there is no unfinished business, or when taken up by unanimous consent or on motion during the Morning Hour when there is no unfinished business would become the unfinished business of the Senate if still before the Senate at the end of that day when the Senate adjourns, and would remain the unfinished business.

Mr. HELMS. If the Chair will allow me, the phrase that the Chair is about to read is the meat of the coconut.

The PRESIDING OFFICER. To continue: "until disposed of, or until the Senate should displace it by taking up another matter on motion made after the morning hour."

Mr. HELMS. Precisely.

Let me ask the Chair, what is the unfinished business?

The PRESIDING OFFICER. There is no unfinished business at this time.

Mr. HELMS. I ask the Chair what the Calendar of Business says is the unfinished business from Friday. I will be glad to send my copy to the desk.

The PRESIDING OFFICER. The Calendar of Business states that S. 1174 is the pending business before the Senate.

Mr. HELMS. So unlike the Calendar of Friday there is today on the calendar no unfinished business?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. When was S. 2 displaced as the unfinished business?

The PRESIDING OFFICER. S. 2 was displaced with a motion to take up S. 1174, which was agreed to.

Mr. HELMS. When was that motion made?

The PRESIDING OFFICER. The motion was made during the morning hour.

Mr. HELMS. And in the paragraph the distinguished occupant of the Chair just read, it concludes by saying "or until the Senate should displace it by taking up another matter on motion made after the morning hour."

I have no further parliamentary inquiry. I think I made my point. I thank the Chair.

I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the distinguished Senator withhold his suggestion for a moment?

Mr. HELMS. Certainly. I would be delighted.

Mr. BYRD. I believe the Chair wants to respond.

The PRESIDING OFFICER. That is correct. The motion was agreed to after the morning hour.

Mr. HELMS. I understand that.

The PRESIDING OFFICER. It has been the uniform interpretation of the past three Parliamentarians that a motion agreed to after the morning hour, regardless of when made, would displace the unfinished business.

Mr. HELMS. Would the Chair care to identify the three previous Parliamentarians?

The PRESIDING OFFICER. That is not a proper parliamentary inquiry.

Mr. HELMS. I do not know why it is not proper. The Chair himself raised the question. But I will let that go.

What is the precedent for varying from this very clear procedure?

The PRESIDING OFFICER. The synopsis in the book, to the extent that it does not cite precedent, is not in itself a precedent.

Mr. HELMS. I find myself in an interesting position. The Chair has just stated that the past three Parliamentarians took the position that the Chair took on Friday and yet the Chair will not identify those three Parliamentarians, nor will the Chair allude to any precedent for the action which purports to have been taken on Friday. Is that the predicament in which I find myself?

The PRESIDING OFFICER. The Chair has stated that the request to name the three former Parliamentarians is not a proper parliamentary inquiry.

Mr. HELMS. Let me ask this: Does the Chair refer to the immediately prior Parliamentarian plus his two predecessors?

The PRESIDING OFFICER. I think the Chair stated three previous Parliamentarians have held that view and that is the rationale or the reason for the precedent.

Mr. HELMS. Well, it is not clear to me whether the Chair is alluding to the three Parliamentarians immediately preceding the present Parliamentarian. Is that what the Chair is saying?

The PRESIDING OFFICER. The Chair was not saying that. I would state once again that the request to name the three Parliamentarians is not a proper parliamentary inquiry.

Mr. HELMS. I thank the Chair for his nonanswer. Let me just allude to one, the immediately prior Parliamentarian. Does the Chair say that he took the position that the present Parliamentarian, but not I might say the Senate, took Friday?

The PRESIDING OFFICER. The Chair did not say that.

Mr. HELMS. What did the Chair say?

The PRESIDING OFFICER. The Chair stated that the inquiry as to the previous Parliamentarians was not a proper parliamentary inquiry.

Mr. HELMS. It is not a proper parliamentary inquiry to ask the Chair to respond to a question that the Chair himself raised when he referred to the three previous Parliamentarians. All I am asking is, is the Chair referring to the immediately prior Parliamentarian and the two preceding him?

The PRESIDING OFFICER. The Senator from North Carolina asked the Chair a parliamentary inquiry. The Chair responded to that parliamentary inquiry and really as evidence to support that decision cited the fact that there had been previous Parliamentarians who held that view. It was merely cited as evidence, or as background for the decision reached by the Chair.

Mr. HELMS. So? I am not making a point of order on this issue nor has one been made now or before on any of this matter. But I do not want to be flippant, I do not understand why the Chair will not answer one simple question when he himself raised it.

The PRESIDING OFFICER. The Chair merely cited it as evidence of the decision reached by the Chair.

Mr. HELMS. Yes, I have made no point of order on these matters now or before, but he made a statement which seemed to me to be very specific as to positions taken by previous Parliamentarians, and now the Chair is reluctant to define much less identify even one of the previous Parliamentarians so called with reference to the purported decision. All I am asking is, did he include the immediately previous Parliamentarian in those three that he mentioned?

The PRESIDING OFFICER. The Chair would state to the Senator from North Carolina that the inquiry as to who were the previous Parliamentarians is not a proper parliamentary inquiry. However, the Chair would respond to the Senator from North Carolina by saying that in fact the previous Parliamentarian did hold such a position.

Mr. HELMS. I think the Chair is in error, but I will not debate the Chair, of course. That would absolutely be improper. I thank the Chair for his courtesy. I suggest the absence of a quorum.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, for the record, let me say that the motion to proceed to take up the DOD bill on last Friday was made at a time and under a set of circumstances during the morning hour which made that motion nondebatable. So the motion was entered before the expiration of the first 2 hours on Friday. After the running of the 2 hours, if the vote had not been completed, the motion would still have been nondebatable, because once it is made and is nondebatable, it is nondebatable from then on, no matter when the Senate finally gets around to voting.

Now, the vote itself was not announced until after the 2 hours had run.

Mr. HELMS. Right.

Mr. BYRD. Which means that the 2 hours had run their course when the nondebatable motion was approved by the Senate, and the then unfinished business was at that moment and by that action displaced and went back to the calendar.

Now, when the Senate went out of session on Friday, I believe it went out in morning business. Otherwise, if it had gone out while the then-pending business and the still-pending business has been before the Senate, by virtue of the adjournment, that pending business as of that time would have become the unfinished business and would have been so stated on the calendar today.

In view of the fact that the Senate went out in morning business, that pending business remained the pending business and is still the pending business. But a call for the regular order at this time will not bring back the then—when I say "then," I mean the business that was the unfinished business during the morning hour. A call for regular order now will not bring that back because that business has been displaced and has been put back on the calendar. So we still have the DOD bill as the pending business at the moment. But there is no way to displace it except by unanimous consent or a successful motion to take up some other matter.

That would take care of the pending business for now. That would displace it. But this pending business is before the Senate unlike the pending business often before the Senate. It was not brought up by unanimous consent. It was brought up by motion, approved by the Senate. So it is the pending business as of now, and when the Senate adjourns today, it will be the unfinished business then on tomorrow.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BYRD. I thank the Senator for his courtesy.

Mr. HELMS. I thank the Senator. The distinguished majority leader has made my point. He said that the motion was made before the end of the morning period, and that is what I had the Chair state in reading from the procedures of the Senate.

Now, the situation Friday was that the distinguished majority leader made his motion at a time when it would be nondebatable. But then we went out of the morning hour; the motion, however, was made before the conclusion of the morning hour.

Now, the procedures, as the distinguished Chair read at my request, say "until the Senate should displace it by taking up another matter on motion made after"—after—"the morning hour."

Now it is no big thing. A lot of people on my side are delighted with this, too, because it was displaced. And I have made no call for the regular order, nor has anyone, nor have I made a point of order.

Mr. BYRD. A lot of people on the Senator's side were not delighted to take up the DOD bill.

Mr. HELMS. Well, whatever. But I felt obliged to call this to the Senate's attention because the motion was not made after the morning hour and this situation is not in conformity with the procedures of the Senate because the procedures clearly stipulate that the unfinished business would remain the unfinished business—I am reading—until disposed of or until the Senate should displace it by taking up another matter on motion made after the morning hour.

I thank the Chair. I thank the Senate majority leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, a further explanation for the record: Had the Chair announced the vote on the motion to proceed even though the motion to proceed was nondebatable—there is no doubt about it, it was nondebatable—had the Chair announced the outcome of that vote before the end of the 2 hours, then the Senate would have been on the Department of Defense authorization bill. But at the conclusion of the morning hour, which consists of 2 hours, the first 2 hours in a new legislative day, at the end of that 2 hours, then the then unfinished business would have automatically come back before the Senate. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So that the important thing at that time was, first, getting a motion, a nondebatable motion, entered; second, not have it ripened, the Senate vote on it, and the Chair announce the vote until the 2 hours had expired because otherwise the entering of the nondebatable motion and the Senate's adoption of that motion would have meant nothing because the Senate would have been on it just the remaining time between the time of its adoption of the motion and the running of the 2 hours until the then unfinished business, the campaign financing reform bill, would have automatically come back before the Senate. But the fact that the vote occurred on the motion after the 2 hours had run had the same effect as a motion if it could have been made not debatable, or even if it were debatable and the Senate voted on it, it would have had the same effect by virtue of the motion having been made after the end of the 2 hours and the announcement of the Chair having come after the 2 hours had run had the same effect as a motion made and adopted following the expiration of the morning hour. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So that the language that the distinguished Senator from North Carolina has read into the RECORD, while accurate in itself, does not constitute an argument that—I do not know what the purpose of the distinguished Senator was—the pending business before the Senate is not legitimate pending business before the Senate, nor does it constitute an argument that somehow or other the unfinished business as of last Friday for some reason or other has been inappropriately displaced and ought to be back before the Senate today for some reason.

I finished my statement. I yield to the distinguished Senator, if he wishes to respond.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I do not believe I have said anything contrary to what the distinguished majority leader has said with respect to the effect, that is where we are now at this moment. If I did, I want to strike it from the record.

Mr. BYRD. I did not say the Senator said that.

Mr. HELMS. OK. The point is that I had an amendment pending to S. 2. The distinguished Senator from Idaho had an amendment in the second degree to my amendment. We were foreclosed by this action and this ruling from even having a chance to have our amendment considered.

I do not know how anybody can say what the effect would have been—where we would be now—if the motion had been a debatable one made after the morning hour. One can only speculate about that. But at least this Senator and the Senator from Idaho would not have been absolutely foreclosed as to the consideration of our amendments. But it is fait accompli. I would ask the distinguished majority leader if he intended on Friday to change the meaning of the Senate procedure with regard to a motion made before the end of the morning hour or after.

Mr. BYRD. Oh, no. What I did does not change the meaning of anything. The rules are the precedents. What I did is perfectly legitimate, is recognized by the precedents and by the rules. And the record should stand on that point.

Insofar as the amendments which are pending to the then unfinished business, the campaign finance reform bill, which has now been displaced and put back on the calendar quite appropriately by the operations of rules, the Senator's amendments are still on there. Is that accurate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The Senator's amendments are still on that bill. At such time as hopefully I will be able to return to that bill in the early part of next year, and if I am able to get it back up before the Senate, those amendments will be pending at that time. So nothing has happened to the status of those amendments to the bill once it is brought back.

The Senator did not ask that. That was not part of his question.

But as to the question that he asked, have I responded appropriately or does he wish to ask further?

Mr. HELMS. I just expressed the hope. Do I still have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I thank the Chair.

I will just say to my friend, and he knows I am his friend, and I hope he will always be mine, that both he and I are attentive to the possibility of precedents. I do not know of any precedent that supports the ruling of the Chair. I will take the Senator's word for that. I would like to see what the precedents are because I have looked diligently for them and have found none. If the Senator says they are there, then I am sure they are there. I do not doubt it for 1 minute. But I would like for either/or the Senator and the Parliamentarian to supply me with such precedents as may support the ruling made on Friday.

And I say again, Mr. Leader—and I say this with all sincerity—that I am prompted only by a concern for inadvertently changing the rules or setting a precedent that might deprive you or me or some other Senator of a right later on. What we have now is a fait accompli. I have no quarrel with that. I say that in all fairness.

Mr. BYRD. Yes. I understand that. I do not doubt it.

Mr. HELMS. But if he will supply me with the precedent, that will be most helpful. That will be another chapter in my learning experience around here. Because I must say that it seems to me that the logic behind not displacing the unfinished business by privileged actions is sound.

Mr. BYRD. I know the Senator well knows that whether there is a precedent or not, there comes a time when the Senate reaches a set of circumstances that are not on all fours with any previous situation that can be researched and therefore the Senate has to make a decision, and a precedent is indeed set. That is how these precedents, all of which we highly regard and have great respect for and revere, are all set, because there was a time when a precedent had to be set.

So the book of precedents that we have now constitutes the long litany of precedents that have been set at one time or another by the Senate. Those precedents may be set by a ruling of the Chair which is not challenged, or they may be set by the decision of the Senate itself. So at sometime or other those precedents were set. It was the first occasion, a case of first exposure by the Senate or by the then-sitting Parliamentarian, of that situation. So if this falls into that category, it is perfectly in accord with the history, tradition, custom, and procedures of the Senate. To say that there was a precedent on all fours, I am not absolutely sure there was. But the Parliamentarian can research that and provide the answer. But that is the very thing, as I said about the distinguished Senator from North Carolina the other day, when he sought to refer to an 1861 action by the Senate, which I said was not on all fours with the set of circumstances we were dealing with on that particular day last week. So those times come and go, and I am glad to have this discussion.

I commend the distinguished Senator from North Carolina for his reverence for the rules and precedents of this institution. He is not a neophyte. He is not a Johnny-come-lately on rules and precedents.

One of the things that has amused me over the years is how fast Senators become suddenly schooled in the rules and precedents of the Senate when a matter arises, having cracked the book on procedure for the last year or 2 years or 10 years.

That is not to be said about the Senator from North Carolina. There are few Senators here who are very adept at the rules. We all have a lot to learn. I do. I have to go to the Parliamentarian. I do not have the computer sitting in front of me. I did not write the book. He has precedents on that computer that I have never read.

He is able. His most immediate predecessor is now on the floor, sitting beside the distinguished Senator from North Carolina. They all have gone back to the CONGRESSIONAL RECORD to see what the raw data were in connection with the precedents that were set. I have not been able to do that. I am not the Parliamentarian. I cannot spend my full time on the matter. Therefore, I have to go to the Parliamentarian, just as everyone else does.

I want to compliment our Parliamentarian. Alan Frumin is an excellent Parliamentarian. He is independent. He has a high degree of intellectual honesty and integrity and independence that I admire, and I hope he always attains it.

His immediate assistant, the young lady—I was saying to someone last week: "That lady has become an excellent Parliamentarian. She has not been here a long, long time, but I have complete confidence in her." I have to go to them.

I commend the Senator from North Carolina, and I respect him for his zealous regard for the precedents of this institution. I do not study those precedents as much as I used to, but I studied them a good deal. I think the fact that I know a little something about them was pretty evident on last Friday when I was able to get my friends on the minority side over the barrel and see them squirm a little bit. They might make me squirm one day, the same way.

When the late Dick Russell was here, he told me: "For every rule there's another rule. For every motion, there's a countermotion." That was pretty good advice to me.

I asked him about the Rules of the Senate and he said: "Well, Robert, those are just the Rules of the Senate." This book on Senate procedure is probably more important on many occasions than the printed Rules of the Senate.

It is like the old common law that grew up over the years and decades and centuries, and it formed a body of law that gave us the doctrine of stare decisis. That is what I am sure the Judiciary Committee of the Senate will want to query Judge Robert Bork about, on what his judicial philosophy is with respect to the doctrine of stare decisis. In other words, stand by the decision that has already been made. Just as that body of law was built up, the Senate precedents have been.

It is somewhat amusing at times—and I am sure the Senator from North Carolina will share this recollection with me—this amusement as to how fast Senators come out of the woodwork when there is a fight that arises over a rule, how fast they come out of the woodwork, and how many experts on the rules there are who have suddenly sprung up overnight, like the prophet's gourd; and, just like the prophet's gourd, they go back in the woodwork for the next 6 or 8 months.

Mr. HELMS. If the Senator will yield, this Senator does not pretend to be an expert. I marvel at the distinguished majority leader. I am not conceding that a decision has been made, but if anybody in the Senate knows the rules and the precedents, it is he.

Mr. BYRD. I do not know the rules and the precedents.

Mr. HELMS. You put on a good show, then, because you could have fooled me.

Mr. BYRD. I have to call on the Parliamentarians just as does any other Senator. But a good lawyer knows where to go to find the law, what the law is. A good lawyer knows where to find it.

Mr. HELMS. That is why I had the Chair read the passage from Senate procedure. That is right.

Mr. BYRD. And I know where to go to find the rules and precedents of the Senate.

Mr. HELMS. I think we have taken up enough time on this. I thank the majority leader for his indulgence and patience, and I thank the Chair.

I yield the floor.

Mr. NUNN. Mr. President, we have before us now, I understand, thanks to the majority leader and the Senator from Ohio, an amendment to the Glenn amendment which I believe expresses rather well what I feared was expressed rather poorly in the amendment that had been pending to the Glenn amendment preceding the noon hour. This amendment is one I had coauthored with Senator BYRD, and I hope the Senate can vote on it in the next hour or so. I am not trying to rush the debate, but I think it is important that we move on.

This amendment is to the Glenn amendment, and I hope we can get to the Glenn amendment this afternoon and debate it and vote on it. I hope we can finish both these amendments this evening and use the afternoon to take up other amendments. I hope that Senators and staff who are following the floor debate will be in the stage of preparing their amendments so that we can take them up today.

Let me explain the pending amendment. Maybe I should ask the Chair: What is the pending business before the Senate at this time?

The PRESIDING OFFICER. The pending business before the Senate is S. 1174.

Mr. NUNN. What amendment is pending before the Senate?

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from West Virginia to the amendment offered by the Senator from Ohio.

Mr. NUNN. Mr. President, that amendment of the Senator from West Virginia states:

(e) Since the United States and the Soviet Union are currently engaged in negotiations to conclude a Treaty on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

Since the current discussions are a culmination of years of detailed and complex ne-

> gotiations, pursuing an American policy objective consistently advocated over the past two Administrations regarding nuclear arms control in the European theater, and which reflect delicate compromises on both sides;
>
> Since the Senate recognizes fully, as provided in clause 2, Section 2, Article II of the Constitution, that the President has the "power, by and with the advice and consent of the Senate, to make treaties."

It goes on to say—and I to come back during the course of this debate again and again to the role of the Senate; the Constitution is very clear on that:

> Since the Senate also recognizes the special responsibility conferred on it by the Founding Fathers to give its advice and consent to the President prior to the ratification of a treaty, that it is accountable to the people of the United States and has a duty to ensure that no treaty is concluded which will be detrimental to the welfare and security of the United States.
>
> Since in recognition of this responsibility, the Senate established a special continuing oversight body, the Arms Control Observer Group which has functioned over the last 2½ years to provide advice and counsel, when appropriate, on a continuing basis during the course of the negotiations;
>
> Since the Senate and the President both have a constitutional role in making treaties and since the Congress has a constitutional role in regulating expenditures, including expenditures on weapons systems that may be the subject of treaty negotiations;
>
> Since the Senate will reserve judgment on approval of any arms control treaty until it has conducted a thorough examination of the provisions of such treaty, has assured itself that they are effectively verifiable, and that they serve to enhance the strength and security of the United States and its allies and friends;
>
> Therefore the Senate hereby—
>
> (1) Declares that the Senate of the United States fully supports the efforts of the President to negotiate stabilizing, equitable and verifiable arms reduction treaties with the Soviet Union;
>
> (2) Endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union;
>
> (3) Urges the President to take care that no provisions are agreed to which would be harmful to the security of the United States or its allies and friends.

Mr. President, I think it is important for the Senate to understand, because I hope we can come to a vote on this in the next few minutes, the difference between this resolution and the resolution that was sponsored and introduced last Friday by Senators DOLE, WARNER, QUAYLE, SYMMS, LUGAR, and HELMS. In putting together this substitute resolution, we acknowledged the points in the Dole-Warner amendment that we felt were valid and tried to incorporate as much of the Dole-Warner resolution as possible and also strengthen it, in my view, in terms of presenting the entire picture.

One of the key provisions in that resolution which was before us and may come before us again in some other form before this debate is concluded states and I quote the following:

> The Congress recognizes fully the constitutional role of the President as the sole voice of the United States in matters during the delicate course of treaty negotiations; and the Congress must not intrude in this process by acting to constrain a President's flexibility in reaching agreement with foreign nations.

Mr. President, the President of the United States is not the sole voice of the United States in matters concerning the delicate course of treaty negotiation. Every time the Congress acts on any expenditure relating to national security, we have some effect on the President's flexibility in dealing with foreign nations. Every time we cut one penny out of the defense budget, we have some effect. So I could not have supported the Dole-Warner resolution.

We have gone through, Mr. President, a 4-month filibuster on this bill by members of the minority, and it is interesting to me as one who has tried to get the bill up over and over again, to review the reason they were filibustering. They said that there is a provision in this bill that should have gone on the State Department bill. Yet that provision is both germane and relevant to the armed services bill. They said it should have gone to the Foreign Relations Committee and that we should wait for the State Department legislation.

It was also somewhat of a paradox for me to see that the first amendment that our friends wanted to vote on was a foreign policy amendment after we finally got the bill up.

The Dole-Warner resolution is basically foreign policy. I do not object to it on this bill, but after saying for months that we should not have anything on this bill that relates to foreign policy, and filibustering primarily on that ground, they now introduce an amendment which would certainly be more appropriate, more germane, and more relevant to a foreign relations bill.

We now have before us, though, another amendment—I hope that our colleagues will support that amendment—instead of the Dole-Warner amendment. I found some things I agreed with in the Dole-Warner amendment but I saw others that I would very much be opposed to. Really, if you read it and took it literally, it would repeal the constitutional provision for the Senate to give advice and consent to the President of the United States in treaty matters. If you took it literally and the Senate really abided by the Dole-Warner amendment—and we may vote on it before we conclude this debate or something similar—the Dole-Warner amendment said that we should not have any arms control discussion or legislation at all on the DOD bill, It did not want any arms control discussion on any other bill, including the State Department bill. It really did not want any arms control discussions in the Senate of the United States, period.

I do not go along with that. I am not going to vote for all the amendments that come up. I am going to oppose some of them. Some of them I will support. But I will certainly say any Senator has the right to propose an amendment on the floor of the Senate that gives his view in the form of a legislative proposal as to what this Nation should do in terms of where we are going with our foreign policy, defense, and arms control.

It is also interesting to me that the Dole-Warner amendment would not have been germane to the DOD bill if we had been under cloture.

So it was a foreign policy amendment that was not germane to the DOD bill, which was basically the first amendment offered. I am a little bit puzzled by that.

I particularly take exception to the Dole-Warner resolution, which reinterprets, as I view it, the Constitution of the United States, that advocates that the President is the "sole voice" in the national security area. I cannot find anything in the Constitution—I have read it recently; I have read some of the Federalist Papers recently—and I cannot find a single phrase in the Constitution that says anything about "sole voice." I do not find it mentioned one time.

I do not find anything in the Constitution that in any way indicates directly or indirectly that the President of the United States is the only voice. He is an important voice and probably the most important voice in our Nation under our structure in foreign policy matters, but he is not the sole voice.

We all know that the Founding Fathers founded this Nation on the premise that we would not have a monarchy. If there was anything loud and clear in the U.S. Constitution, it is that they did not want another king. They did not want King George III. They did not want King Ronald XVI. They did not want any king. We are not going to have a king, at least not with the vote of this Senator.

I suppose that if you look at the Dole-Warner amendment and read it carefully and take it literally, you would conclude that in the foreign policy field the Senate of the United States could perhaps be seen but not heard. We might appear at receptions and gatherings and maybe occasionally a few of us at State Department dinners or White House dinners, but we were not to be heard. There was nothing supposed to be said by the Senate of the United States if you took the Dole-Warner amendment literally.

I would describe the Dole-Warner amendment, using the language we heard this summer in the Iran-Contra hearings, as the "potted plant" amendment. Under that amendment, the Senate of the United States would become the potted plant. We would basically be seen but not heard. We would be an ornament. The Senate would be an ornament in the national security arena, adorning but having no influence.

I have grave difficulties with that. Mr. Sullivan made it clear when he was representing Col. Oliver North before the Iran-Contra Committee that as a lawyer he was not going to be viewed as a potted plant.

President Reagan later said even though his term was expiring and he would not run again he was not going to be a Presidential potted plant.

And we will decide in this Senate before this bill is over whether the Senate of the United States wants to declare itself a potted plant or whether we want to exercise responsibly, carefully, prudently with a great deal of oversight the role that the Founding Fathers envisioned for the U.S. Senate, and that is to advise and consent in the area of treaties and to raise appropriations and provide for the national security.

As this debate proceeds, and I hope we will be able to conclude it in the next hour or so, on this particular part, I think it is important for our colleagues to understand the difference between the Byrd-Nunn amendment and the Dole-Warner amendment.

The Dole-Warner amendment, first of all, declares that the Congress "fully supports the President in his negotiations with the Soviet Union." I think that is accurate as far as it goes. It just does not go very far, and it really does not prescribe the proper role that the Senate of the United States plays and that the Congress plays. This is where the Byrd-Nunn amendment differs from the Dole-Warner amendment.

(Mr. DIXON assumed the chair).

Mr. NUNN. Byrd-Nunn declares that the Senate "fully supports the efforts of the President to negotiate stabilizing, equitable, and verifiable arms reduction treaties with the Soviet Union."

The difference that is important, even though I suppose, no one could really say they disagree with the sentiment of it. I support the President of the United States when he negotiates with a leader of the Soviet Union or the Foreign Minister of the Soviet Union. I support Secretary Shultz in his meetings with Foreign Minister Shevardnadze taking place this week. All of us want those to be successful.

But we do not want to pay any price. We do not support them no matter what they come up with. We do not support an agreement that is not stabilizing. I will not and I do not believe a majority of our colleagues will. I will not support anything the President suggests to Mr. Shevardnadze unless I know what it is and I hope he will suggest nothing that I will not fully endorse. I do not anticipate he will.

But he did at Reykjavik. He proposed some things at Reykjavik that I would not support. Not only would I not support them, but I came out in several days, as soon as I found out about them, and said I hope they would withdraw them. Because the President basically said that we would agree to abolishing all nuclear weapons if the Soviet Union would agree to abolishment of all nuclear weapons and never talked about what was going to be left, never talked about tank armies in Europe, never talked about the fact that NATO for 30 years has depended on nuclear weapons to make up for, a very unfortunate conventional imbalance.

So I am not going to support a resolution that says we support the President no matter what. I do not think our colleagues would support Dole-Warner under that condition.

Maybe I am misinterpreting it, but I think a lot of people on both sides of the aisle, Republicans and Democrats, had serious misgivings about some of the tentative proposals made at Reykjavik.

In the Byrd-Nunn resolution, we support the President in his negotiations with the Soviet Union and in his effort to negotiate an agreement, a stabilizing agreement, that would make war less likely—an equitable and verifiable arms reduction treaty. That is what we support. We do not support anything that might come out of the executive branch.

There are several other differences here between the Byrd-Nunn amendment and the Dole-Warner amendment. Dole-Warner states that Congress recognizes the role of the President as the sole voice of the United States in treaty negotiations. Byrd-Nunn differs from that. We recognize that the Senate and the President of the United States both have a constitutional role in making treaties. Both of us do.

The book "Miracle at Philadelphia" goes through considerable detail about the debate that transpired in Philadelphia 200 years ago by our Founding Fathers. That convention framed this great Constitution, which has been the hallmark of the free world, the beacon of freedom for 2 centuries to all the people of the world. They debated a long time about whether the President would have any right to negotiate treaties. There were a number of them who felt that the President should not have any role in treaties since treaties were the law of the land and the President was not a lawmaker—he was an executive to carry out the laws and faithfully execute the laws. They felt that treaties ought to be made strictly by the people who were elected.

If you want to get a little reference to how that was resolved, read James Madison; read what he says in the Federalist Papers. I wish the Senator from Virginia were here because I know he is a great Virginian and I know he follows the career and words of the great Virginians. James Madison said over and over again that the President and the Senate make the treaties together. The Senate of the United States does not simply ratify treaties. We are considered a part of the making of the treaties. Those people who felt the President should not have any role in making treaties eventually lost their point of view. The President is given a role, a very important role, under the U.S. Constitution. He is primarily responsible for negotiating treaties, but with the advice and the consent of the Senate.

What does "advice" mean? It does not mean that once a treaty is completed and sent up to the Senate, the Senate then tells the President, "Mr. President, we think we should have done this." It means more than that. We have had a history of Senators participating actually in negotiation. I do not advocate that. I think we are much better served to have the executive branch carrying out the negotiations. But I think the observers appointed by Senator BYRD and Senator DOLE have had a very important role to play. Senator STEVENS has done a tremendous job. When the Republicans were in the majority, he was the leader of the arms control delegation. Senator PELL is following that pattern.

The Senate of the United States has had an official group of designated Members participating in advising the administration in the making of treaties.

Let us remember the Founding Fathers' views. For us to have a resolution before us in our year of celebrating the Constitution declaring that the President of the United States is the sole voice in treaty negotiations reflects a total misreading of the Constitution of this country.

There are other differences between the Dole-Warner amendment, which was pending, and Byrd-Nunn, which is now pending. I think everyone should understand this is probably going to be voted on either directly or indirectly.

Dole-Warner declares that the Congress "must not take actions equivalent to unilateral concessions to the Soviet Union." How could anyone disagree with that? I agree with that.

But I think it is much more accurate to say, as we do in the Byrd-Nunn amendment, that neither the Congress nor the President should take actions which are unilaterial concessions to the Soviet Union.

If you look back at the history of arms control negotiations, most of what anyone might term unilateral concessions—and that is a very debatable point—have not come from the legislative branch, they have come from the executive branch.

I think it is a lot easier to express this in the affirmative because, in any arms control negotiation, every side has to make some concessions at some point. What we really are saying in the Byrd-Nunn amendment in a more affirmative sense than in Dole-Warner—is that we believe in mutuality and reciprocity in arms control. We believe if we are going to make certain concessions, the Soviets ought to make certain concessions. We believe that agreements ought to be equitable. We believe they ought to be stabilizing. We believe they ought to be verifiable. That is what we mean by not making unilateral concessions.

But if you look at the unilateral concessions, the executive branch, under a more extreme interpretation, which I would not agree with, has made unilateral concessions on verification, just in the last few weeks. We had a position on verification. We decided we wanted to change that position on verification, on INF. How do you verify an intermediate nuclear force agreement? You could say the administration's position on verification was a unilateral concession because the Soviets did not do anything in return that I know of, although, from time to time, they made what some might call unilateral concessions themselves; not many, but some.

When we are talking about concessions and negotiations, it is important to state clearly, in a more positive way rather than negative, that what we believe in is reciprocity and mutuality. We believe the concessions we do make should be ones that are in our own best interests, considering what we get in exchange. That is what we are really talking about.

So I think that the Byrd-Nunn amendment is much more expressive of our views intended in that regard.

In terms of other differences, the Byrd-Nunn amendment goes beyond what the Dole-Warner amendment sets forth. The Byrd-Nunn amendment urges the President to take care that no provisions are agreed to which would be harmful to the security interests of the United States or its allies and friends. We also state that the Senate will ensure that any arms control treaty submitted to it enhances the strength and security of the United States and its allies and friends.

I note the Senator from California is on the floor. He was in the committee yesterday afternoon when we had the testimony of the arms control advisers on the INF, START, and space agreements that are being negotiated.

One of the things that the Senator from California mentioned in that hearing, and several of us mentioned, was that we wanted to make very sure that the INF Treaty takes into consideration the security of our allies, the NATO alliance. I think we all agree with that.

So I think when we are expressing the general view of the Senate on treaties, it is most appropriate that we have a reference to our allies because they are also part of our national security.

The Dole-Warner amendment declares that the Congress "should not seek to establish in U.S. domestic law positions on matters such as ASATS, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons."

Congress should not say anything about antisatellite systems, which are enormously important to our security? Congress should not say anything about chemical weapons? I am one who supported chemical weapons over and over again on the floor of the Senate. I know the Chair has. But I do not think we would say to our colleagues who are on the other side of that, "Do not ever bring up another amendment that has anything to do with funding on chemical weapons because the President of the United States is the sole voice of it. He takes care of chemical weapons. He takes care of ASATS. He decides all the issues on testing. Just send them the money downtown and they will take care of it.

That is what it says here.

Congress "should not seek to establish in U.S. domestic law positions on matters such as ASATS, nuclear testing, SALT II compliance, ABM Treaty interpretation," even though we are makers of treaties. Dole-Warner says, "Do not say anything about it, folks. You just ratify it, and we will tell you over time what it means. If what it means is different from what the Nixon administration said it means, do not worry about it. We went back and looked in these carloads of negotiating records, all those little notes that negotiators wrote to each other, about a barrel full, and we found out what it really means. Leave it to us. Send us the money. Send us the money. But do not bother us with telling us what it means. Finance the weapons systems, but do not give us any advice about how we spend the money."

On the most conservative side of the aisle, the most conservative side of the Democratic side or Republican, either one, I cannot imagine any Senator voting for this.

By the time this debate is over, I am going to have a full record of actions that have been taken by our colleagues on the Republican side of the aisle over and over again. They have been the most assertive of the constitutional prerogative of the U.S. Senate. There is no party that has given more advice and—I would not use the word consent here. There is no party that has given more advice to the Presidents of the United States over the last 20 years than our Republican colleagues. President Carter got more advice from the Senate of the United States than probably any President in history. I joined in some of that. I felt he needed advising from time to time. I also think that President Reagan needs a little advice from time to time. I do not agree with everything that is going to be proposed, but I defend the right of any Senator to set forth their advice in the form of legislation and let the Senate vote on it.

I had frankly hoped that we could have this bill completed long before Foreign Minister Shevardnadze got to town. It was not my choice to have debate on the defense bill during the week when important discussions going on between Foreign Minister Shevardnadze and Secretary Shultz. But we may be fortunate in a way. The schedule was dictated by those who filibustered the bill for 3 months. For some reason, I guess they wanted to debate the arms provision while the Soviet Foreign Minister was in town. I have a little uneasy feeling about it, but maybe we can demonstrate to Foreign Minister Shevardnadze what glasnost means in this country. Maybe we can explain the role of the U.S. Senate while he is in town. Maybe it will be clearer when this debate is over that the Senate of the United States is not a potted plant. I hope so, because our Senators here are going to get to vote. They are going to get to vote on whether they want to declare the advise and consent role of the Senate is an outmoded concept in this year, the 200th anniversary of our Constitution. If you believe that the Senate is here just to adorn and make the whole process look pretty, but not to be heard from, then we are simply potted plants.

I hope we will not do that, but we are going to find out this week.

Mr. President, the Dole-Warner amendment states that Congress "should not seek to establish in U.S. domestic law positions on matters such as ASATS, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons."

You know, there is one thing I really wonder about. Maybe some of the staff who helped draw up this amendment can explain it. Why in the world did they not mention INF, the intermediate nuclear forces? That is the negotiation that is nearly completed.

Why was INF not mentioned, I say to our capable and effective staff members who are on the back bench but who have a front bench seat in terms of influencing the body? Where is INF in here? Does that mean that, even as potted plants, we can bring up any INF amendment and advise the President on INF?

I will tell you why INF is not in here. Because one of the cosponsors wants to give the President some advice on INF. The Senator from Indiana, one of the most valuable members of our committee, has a barrel full of advice for the President of the United States on intermediate nuclear forces, and he has introduced an amendment which is going to give the President more than just advice. He is going to tell him what he can and cannot do. I do not know whether I am going to be for that amendment or not. I have to think about it. I have to hear it debated. I have enormous respect for the Senator from Indiana. When they were drawing up this potted plant amendment, I believe the Senator from Indiana went over and told one of the subcommittee people, "Look, we do not want to be a potted plant on that subject. I have an amendment. I want to do more than just be seen on INF. I want to be heard."

Maybe I am wrong, but we will find out. Maybe the next time the amendment is drafted in another form we will see INF in here and we will see that the Senate is also a potted plant on INF and we are not supposed to say anything about it. "Sh, sh, sh, do not talk about INF."

But right now, we are given the full go-ahead on the INF. We can march right off and give all sorts of advice. The Senator from Indiana is going to do that.

The Dole-Warner amendment does not mention verification. I know that is certainly not something we have any disagreement on, but Byrd-Nunn does make it clear that we support the President's efforts to negotiate "verifiable arms reduction treaties."

We state that the Senate will reserve its judgment on approval of any arms control treaty until it has assured itself that they are "effectively verifiable."

Mr. President, wrapping up the comparison of these two amendments, the Dole-Warner amendment makes no reference to the constitutional role of the Senate in providing advice and consent to a treaty. The Byrd-Nunn amendment quotes the constitutional duties of the Senate to provide its advice and consent to a treaty. It also recognized "the special responsibility conferred on the Senate by the Founding Fathers." It states that the Senate is "accountable to the people of the United States and has the duty to ensure that no treaty is concluded that will be detrimental to the welfare and security of the United States."

Mr. President, this is a pretty good comparison, I think, of where we differ. I really believe that we can get a unanimous vote on this Byrd-Nunn amendment because I really think that the Dole-Warner sponsors have made some inadvertent oversights here and a few misstatements. I think they probably have not reexamined the Constitution lately and they just slipped up and did not put anything in here about the Senate role.

The Senator from North Carolina was on the floor a while ago. I certainly do not believe, based on past records, that we have ever had a Senator in the history of this body who has given more advice to the President of the United States on foreign policy than the Senator from North Carolina. Some of that advice is good. Some of it I agree with. Some of it I do not agree with. I have always said he had a right to give it. But the Senator from North Carolina has sponsored this amendment and he says the President is the sole voice on foreign policy.

The Senator from North Carolina is certainly bipartisan in his advice. He gives advice to every President, not just a Democratic President. He has probably given President Reagan more advice than any four or five people in the Congress. Again, some of it has been good, some of it I would not agree with, but he has every right to do that and will continue to do that.

I cannot believe the Senator from North Carolina has read this amendment. I cannot believe the Senator from North Carolina says the President of the United States is the sole voice on foreign policy. How about the appointment of Ambassadors? Does the Senate have anything to say about that? How about the Panama Canal Treaties? We are going to have a little recitation of history before this debate is over. There were an awful lot of things said in the Panama Canal debate when we had a Democrat in the White House that I want to see if our colleagues agree with while we have a Republican in the White House.

I want to also talk a good bit about what happened back when President Carter abrogated the defense treaty with Taiwan. We had a lot of advice being given to President Carter back then. The Senate of the United States was not a potted plant when it came to the Panama Canal Treaties. The Senate of the United States was not a potted plant when it came to the Taiwan Treaty abrogation.

Oh, we had a lot of advice. In fact, one of my best friends and I think one of the great Members I have served with, Senator Goldwater, former chairman of the Armed Services Committee, felt very strongly about the Taiwan Treaty. There is one thing about Barry Goldwater. He was consistent; whether it was Democratic or Republican, he went by his own principles, and I admired that. I think a lot of people in this country still do. Barry Goldwater decided that he did not believe the President of the United States could abrogate a treaty without coming back to the Senate, and he went to the Supreme Court of the United States on that point back in the late 1970's under the Carter administration. The Supreme Court decided that case on the ground of no standing because the Senate and the House had not acted legislatively. They did not decide on the merits.

But before this debate is over, I want to read some of those quotes from the petition Senator Goldwater filed with the Supreme Court, because a good many of my colleagues on the Republican side of the aisle were on that petition, they were part of it, they were coplaintiffs in that case, and some of those same Senators have cosponsored this resolution that we had before us a few minutes ago, saying the President of the United States is the sole voice on foreign policy, arms control, and all of those sensitive matters.

There are some real contradictions between what was said in that petition back in the Taiwan Treaty abrogation days and what is being said now. Mr. President, I think we need some degree of consistency. All of us move in the legislative process. There is no one who is absolutely consistent. I am sure I have contradicted myself in the course of 14 years. But you try to keep the contradictions within manageable terms. You try to keep them narrow. You try to keep them at the margin. You try not to have something that just jumps out and is absolutely, totally opposite of what you said 3 or 4 years ago when there was another President in the White House on another matter. There are some things that are immutable in this country and the Constitution of the United States is one of them.

I think it is important to note, as we begin this debate—and some of it is going to get on the ABM provision itself, the President of the United States said, I believe it was yesterday—I heard it on CBS Morning News—in support of that nominee President Reagan quoted with approval Judge Bork's views: "Laws should govern our country, and if you want them changed you should convince elected legislatures to change them, not unelected judges."

That was on a different matter but we have the same kind of situation with the ABM debate. We have a treaty that was ratified. We have testimony from the Nixon administration explaining what that treaty meant. President Ford's administration agreed with that. President Carter's administration agreed with that. And until 1985, President Reagan's administration agreed with that. The strategic defense program started under an interpretation of the ABM Treaty that was given the Senate by the Nixon administration in 1971 and 1972. And the appropriations that have been made under that program have been pursuant to that traditional interpretation. But lo and behold, in 1985, we had an unelected official who decided that the law could be changed.

A treaty is the law of the land. If you believe in our constitutional system of Government, that is what the Constitution says. When we ratified this treaty, it became the law of the land.

Now the question is, what does that law mean? It means what the Senate of the United States was told it meant back in 1971 and 1972. If not, what is the ratification process all about? What is the role of the Senate in advise and consent? So the Senate of the United States is not only going to decide in the next few days whether we are potted plants; we are also going to decide whether laws of the land can be changed by the President without coming back to the Congress. If that is what we decide, then we are basically reversing 200 years of history. We are reversing the intent of the Founding Fathers, and we are beginning a monarchy because a monarchy can make those decisions without coming back to Congress. That is what this country is all about. We founded a country where we wanted the elected representatives of the people to have something to say.

That does not mean we are always right. The Senate has made a lot of decisions with which I do not agree. I voted for things I would not now vote for if I had them before me. But we have the right to make decisions based on our form of government.

The President of the United States has an enormously important role. He is our principal spokesman in foreign policy. He is our principal negotiator of treaties. But he is not the only voice in foreign policy. He is not the only maker of treaties. We have a partnership in this country. There is a separation of powers. We have our duties. The President has his duties. The country can only work if we work together. But we cannot work together when one branch of the Government says to the other, "We're taking your power." We cannot be effective as Senators and as a body when we have respected voices of opinion saying the opposite of what they have stood against for years and years, that the President of the United States is the sole voice in arms control, the sole voice in foreign policy.

We have had negotiations going on now on arms control since, I suppose, way back in the 1960's. We are going to have negotiations on arms control going on at least for the next 20 years, probably the next 30 years, and I hope we can make progress. I am one of those who is skeptical but always hopeful we can make progress, hoping we can do something about the dangers facing this country. This morning I was a guest at the White House. I commend President Reagan, General Secretary Gorbachev, Secretary Shultz, and Foreign Minister Shevardnadze because they arrived at a very important agreement which was signed this morning on risk reduction, trying to begin to work together as superpowers to mitigate the risk of war by accident or war by miscalculation, war by misperception, they have begun a communication process that will last all of my lifetime. If we achieve the most successful arms control agreement anyone can imagine we will reduce nuclear weapons by 6,000. If we get an INF Treaty that stabilizes, is verifiable, and reduces the missiles in Europe, we are still going to have thousands of nuclear weapons. We are going to have thousands of tanks. We are going to have a danger of war for a long time, and God forbid that we have one. But we certainly have a mutual interest with the Soviet Union in doing everything we can to make sure that we do not have one by accident or miscalculation.

So we are going to have treaties, we are going to have agreements, and we are going to have continuation of discussion in arms control for a long time. If we take the position in this body that as long as there are arms control negotiations going on the Senate of the United States is out of the picture, we are basically changing the fundamental role of this body.

We are going to hopefully enter into a period where we have conventional arms control, doing something about tanks, artillery tubes, and divisions. That is where the big money is. That is where 80 percent of the money is. It is not in strategic nuclear weapons as expensive as they are. The big money is in conventional. If we are going to really save money, we will have to do something in the conventional arena. Those negotiations may go on for 10 or 20 years. Are we saying here with the Dole-Warner resolution that as long as we have conventional arms control we are not going to talk about tanks, we are not going to talk about artillery tubes, we are not going to talk about ships, and we are not going to talk about planes? If that is the case, the Senate of the United States is forfeiting its role under the Constitution. And we are helping create a monarchy in this land intentionally or unintentionally. I do not believe that is what our colleagues really want.

So I hope we can have a unanimous vote on the Byrd-Nunn resolution. I hope we can move on to other matters. But I believe that this is very important beginning point in this debate. We will have a lot more worries before the week is over.

Mr. President, I yield the floor.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

Mr. President, I sat here listening patiently and with characteristic interest and respect for my good friend from Georgia. But I think very candidly that as many times as I have admired him this is not his finest hour. I would have to say that I think there is a fundamental flaw, a fundamentally flawed premise upon which his entire argument this afternoon rests. No one is for a moment contesting that the Senate of the United States does not have a role in the treaty process. The Constitution is quite clear as to what that role is. It is ratification. But what is totally beyond me is how anyone can possibly confuse the legitimate role of the Senate to participate in advising the President privately, in advising even negotiators privately as do members of the arms control observer team, and with participation in that ratification process with the actual negotiation of treaties. That is the fundamental point.

And I would have to say with all due respect that what is before us now in the form of the Byrd-Nunn amendment is innocuous. It is nothing that anyone should vote against unless they are simply outrated by the weakness of the statement. There is nothing in there that will kindle passionate disagreement, but it is not a substitute for facing the facts, the confrontation of this specific point, this central issue as to whether it is Congress that will insert itself in the negotiation process that is posed by the Dole-Warner amendment.

I will simply say to my friend and to all of my colleagues that this amendment may very well pass. It probably should pass by a voice vote and not take the time of a rollcall. But it will be no substitute for the Dole-Warner amendment. That I promise. If a dozen Dole-Warner amendments are tabled, then more and more will be offered because the Senate of the United States must face this issue and not be confused for one moment with what the proper role of the United States Senate is. Let us just compare these two proposals, that before us now, the so-called Byrd-Nunn amendment with the Dole-Warner amendment.

There is much in the Byrd-Nunn amendment that is word for word lifted from the Dole-Warner amendment. Obviously, there can be no quarrel with that. And the statements that are contained in it are all right as far as they go. The point is they do not go far enough because they do not confront the issue as to the proper limits on the insertion, the intrusion, to use the word of the Dole amendment, into the negotiation process by the Senate. And that is something that the Constitution does not provide for.

If we are interested in history, Mr. President, I would suggest that we should examine history for any precedent where the Senate has inserted itself in the negotiation process as opposed to its traditional role of being an active participant in ratification, and indeed where it is called for adding reservations to a treaty during that ratification process; qualifying a treaty. That is a proper role; one specified by the Constitution and by history.

There is no precedent. There is no constitutional authority for anyone but the President of the United States to be the negotiator—not just the chief negotiator, Mr. President, but the sole negotiator. What that means is that it is the President, and not the Congress and not the Senate that appoints negotiators to represent the United States in Geneva and sit across the bargaining table from the Soviets. That is not our function. Yes, we have an arms control observer group. They are to serve as a liaison between the President's designees, those to whom he has delegated the function of negotiation and the Senate, so that if, hopefully, a wise arms control agreement can be fashioned we will be that much ahead in our consideration of it at the time we are asked to ratify it—not negotiate it.

Comparing these two amendments, I find nothing in the Byrd-Nunn amendment that addresses that central point. It states instead that there is a shared responsibility. We all know that. What is not shared is the role of negotiator. That is the exclusive role, responsibility, and prerogative of the President of the United States.

The Byrd-Nunn amendment drops reference to Congress not intruding into the President's negotiation role. And my friend from Georgia seems to take deep umbrage at the suggestion that by involving ourselves in public debate, and certainly by enacting provisions of the Defense authorization bill that undercut the position of those negotiators, he seems to think that anyone that finds that unwise and calls it intrusion into the negotiation process is somehow relegating the Senate to the role of potted plant.

Nothing could be further from the truth. Mr. President, is it not obvious to anyone, student of government or passive observer, that we cannot have 535 Presidents of the United States? We cannot have 535 negotiators. Not every Member of Congress can be Secretary of State; cannot even if he thinks himself admirably equipped to do so be the one that actually negotiates the treaty. That role is specified exclusively by the Constitution as the role of the President.

It is an intrusion and nothing less, Mr. President, when the Congress, be it the House of Representatives or the Senate or both, seeks to actually engage in the kind of domestic legal changes that cannot be construed as anything but an undercutting of the stated position of the United States at those bargaining tables in Geneva or elsewhere. What else can it be? If we enact such provisions, provided they are duly enacted and do not otherwise violate the Constitution, they are entitled to the respect accorded by law. They are the law. And that domestic law which will be adhered to in the courts of the land, even though not adhered to as a matter of international agreement, can impose upon the United States unilaterally a duty not shared by those with whom we have negotiated a treaty.

That is precisely the situation that we must avoid if we are not to put ourselves at a hopeless disadvantage with the other superpower in the world. Like it or not, the Soviet Union is one and the United States is the other, and these negotiations are of immense importance to the entire world.

We cannot afford the kind of kibitzing that is being suggested as a proper role for the Senate. Frankly, what is being proposed goes far beyond the role of the Congress of the United States. It is, in fact, setting up the Senate and the Congress of the United States as a substitute for the negotiators in Geneva by indicating to those across the bargaining table from them, those representing the Soviet Union, what the parameters of the debate will be in Geneva.

Do not take my word for it. The chairman indicated in his comments that we were privileged to be addressed yesterday afternoon by those representing the United States at the bargaining tables, those who are the chiefs of our official negotiating mission there.

I do not know whether he recalls it, but the record states—and this is not classified—that I asked what would be the effect were the Congress of the United States to enact as law the so-called Levin-Nunn amendment. And that is what this whole debate is really all about. Indeed, if we want to get on to a discussion of ships, planes, and tanks, the chairman knows that all we need do is drop the Levin-Nunn amendment, and we can be on the rest of it in no time flat. The rest of it is a pretty good bill. Indeed, it would have unanimous consent to go to the floor without the Levin-Nunn amendment. But rather than get into the merits of that, let me simply describe it for the audience, who may not understand what is at stake.

The Levin-Nunn amendment seeks to usurp the authority of the President of the United States, assigned him by the Constitution, and says that there will be no further funding for the Strategic Defense Initiative Program unless the President agrees to accept the so-called narrow interpretation of the Antiballistic Missile Treaty; or, to put it in simpler terms, unless the President agrees not to engage in development or testing of the antiballistic missile defense.

Mr. NUNN. Mr. President, if the Senator will yield for a question on that, where is that provision? That one has escaped me.

Mr. WILSON. I say to the Senator that that is clearly the effect of a one-House vote that is possible under the Levin-Nunn amendment.

Mr. NUNN. If the Senator says a one-House veto is affirmative legislation, having passed both Houses, that is the law of the land. You could call anything a White House veto, because unless the House and the Senate pass this bill, it is a one-House veto. It is not a one-House veto under the Supreme Court decision. That is a different matter. I am mystified as to how the Senator from California could be talking about a one-House veto. You are talking about the legislative process.

Mr. WILSON. I will explain to my colleague.

What I am talking about is a very great departure from the tradition and history of the United States under our Constitution, in which only the Senate of the United States is given the role of ratification of treaties. Here, in effect, by the legislation that you have proposed, we would give to the House of Representatives, which has no such authority under the Constitution, the ability to take from the hands of the President and his negotiators that negotiating authority and to set a ceiling, a limit, on what they can do at the bargaining table. That is the effect of the amendments; I think it is quite clear to everyone.

Mr. NUNN. If the Senator will yield, does the Senator believe that the Constitution of the United States states that a treaty is the law of the land?

Mr. WILSON. Have you finished your statement?

Mr. NUNN. I just asked a question. Does the Senator agree that the Constitution of the United States provides that a treaty, when it is ratified, becomes the law of the land?

Mr. WILSON. Of course, it does, but the point——

Mr. NUNN. How do you repeal a law?

Mr. WILSON. Just a moment, since you have asked the question.

The point is that although the law that we are here debating does not become a law until it has passed both

Houses and is signed by the President, what it does is that when the Congress of the United States, either House, enacts a provision that is totally at odds with the expressed position of the negotiators at Geneva, it undercuts their ability to negotiate there.

Mr. NUNN. If the Senator will yield for a question, is the Senator familiar with the amendment that Senator QUAYLE submitted last Friday, which would prohibit the United States——

Mr. WILSON. The answer to the Senator's question is no, I am not.

Mr. NUNN. Because the Senator from Indiana submitted, the same day the Dole-Warner amendment was submitted, last Friday, an amendment that would put the Senate on record in reversing a recent decision by President Reagan to accept a Soviet proposal in INF that would prohibit the United States from deploying land-based missiles of a range of 300 to 3,000 miles.

Would the Senator put the Quayle amendment in the same category as he places the ABM amendment?

Mr. WILSON. I am unfamiliar with the amendment, so I cannot do that.

I say that any amendment that seeks to enact constraints upon the United States by law at a time when U.S. negotiators are negotiating a treaty obviously undermines the negotiating position of the negotiators.

Mr. NUNN. Would the Senator say the same about the Panama Canal treaties?

Mr. WILSON. I am glad the Senator brought that up, because the Senator's keen interest in history should have taken him to remember that the comments that were made and the advice and consent so freely given on that occasion occurred at the appropriate time, which was during the ratification.

Mr. NUNN. The Senator is not correct. The Senator from South Carolina had a petition that went around the Senate that had over 35 signatures, stating to the President of the United States that any Panama Canal treaty submitted would not be ratified by the Senate during the time that treaty was being negotiated.

Mr. WILSON. However unwise the treaty may have been, I have to say that I think that was improper, because it was in fact not the appropriate time and place to do that.

Mr. NUNN. I hope the Senator will look at the Quayle amendment because that says to the President of the United States: "Do not agree with anything relating to ground-based cruise missiles." The President has already done that. So the Senator from California would have to put the Quayle amendment in the same category as the ABM amendment.

Mr. WILSON. That remains to be seen.

Right now, we have three amendments before us. We have your amendment—or, more accurately, the Byrd-Nunn amendment, which is a palliative designed to avoid a vote on the Dole-Warner amendment; the Dole-Warner amendment that confronts the intrusions of Congress in the negotiation process and the Levin-Nunn amendment by which the President of the United States, through his negotiators in Geneva, is necessarily undermined by the kind of conduct on the part of Congress that narrows the range of negotiations. That is plain and simple.

Mr. NUNN. Will the Senator from California explain why the intermediate nuclear force agreement or negotiation is not set forth in the Dole-Warner amendment?

Mr. WILSON. I can tell you one reason. I do not think the Dole-Warner amendment, which I did not draft, was intended necessarily to deal with that agreement. It is intended to deal with all the other misfortunes that the House of Representatives would visit upon us in their bill, having to do with the prohibition of the use of funds for ABM systems or components, space-based or land-based, and the imposition of SALT II numerical limits. Those are not the business of the House of Representatives, nor do I think the Levin-Nunn amendment is either well advised nor, in my judgment, really a constitutional provision.

Mr. NUNN. So the Senator would like us to send $4.5 billion downtown and say to the President, "Mr. President, you can spend this any way you want to on SDI."

Mr. WILSON. No. That is a strawman argument, because, as the Senator knows, that is not what happens.

Mr. NUNN. That is what would happen.

Mr. WILSON. With all respect, I have yielded to a question, but I will not yield to the creation of strawmen that have no bearing on the real issue.

The real issue here, I say to the Senator, is whether or not the Senate of the United States is going to substitute its judgment for that of the negotiators, whether Senators are going to perform the role of the negotiators, and that is a role that is not properly ours.

Mr. NUNN. I thank the Senator for yielding, and I will not interrupt again at this point, but I hope the Senator will listen very carefully as I recite the role of the Senate of the United States over the last 25 years, particularly the role of those on his side of the aisle who have cosponsored this amendment, because they have been very assertive about foreign policy. They have given a tremendous quantity of advice to this President, the President who preceded him, and other Presidents during negotiations. Advice has been forthcoming over and over and over again. So we will have those historical examples pretty vividly before us during the course of the debate.

Mr. GRAMM. Mr. President, will the Senator from California yield briefly?

Mr. WILSON. I will in one moment.

I simply say advise and consent is one thing; negotiation is quite a different thing. I would also say that ratification and negotiation are quite different things.

It is perfectly proper for the Senate of the United States to advise the President as well as to advise one another with regard to what they perceive to be flaws in a negotiated treaty or one that is in the process of negotiation. It is not appropriate for them to undermine by enactment of domestic law provisions that are in direct conflict with the very substance of the negotiation.

Mr. GRAMM. Mr. President, will the distinguished Senator yield?

Mr. WILSON. I will yield for the purpose of a question.

Mr. GRAMM. I will say the distinguished Senator from Georgia, the chairman of the Armed Services Committee, can give us lots of examples of tomfoolery that has taken place in this great body and examples of poor policy.

The real issue here is not whether people have made mistakes in the past, not whether there is a precedent for poor policy, but whether we want to add to that precedent, and that is where I am in great agreement with the distinguished Senator from California.

I have no doubt that there are those who have served in this body in the past and some in the present who have tried to inject the Senate into foreign policy matters at a very delicate time where the national interest was not promoted. I do not doubt that there is a long list of such actions.

The question is at the very time that we seem to be on the verge of a breakthrough in negotiating with the Soviets should we add another to this long list of precedents?

I think we should not and, therefore, I strongly agree with the distinguished Senator from California that we can debate the issue of the Nunn-Levin amendment from a lot of different perspectives but as I see it the bottom line gets down to one basic thing. At this point in our negotiations with the Soviets where there is no debate about the fact that the thing that brought the Soviets to the bargaining table is the fact that they fear our tremendous technological superiority and our ability to apply that to build our defense which would lessen the effective force of their offensive weapons at a very time that that is the driving force behind our whole promise, and whether there is precedent or not precedent, I am loath for us at this time to come in and enact into law negotiating positions of the Soviet negotiators in Geneva. I do not think we ought to be giving the Russians through actions in Congress what they are negotiating for in Geneva. I think that is a fundamental point and really what is at issue.

The PRESIDING OFFICER. The Senator from California had the floor. After the Senator yields the floor, the Chair will recognize whoever will want to be heard.

The Senator from California has the floor.

Mr. WILSON. Thank you, Mr. President.

Mr. President, when the Senator from Georgia asked if I would yield for a question I was about to make the point that yesterday when we had before us in the Senate Armed Services Committee our distinguished negotiators, I asked the question what would be the impact of the enactment by the Congress of the Levin-Nunn amendment, and the very distinguished Ambassador Paul Nitze said it would be most unhelpful, most unhelpful.

Mr. NUNN. Mr. President, will the Senator yield briefly?

The PRESIDING OFFICER. Will the Senator from California yield to the Senator from Georgia for a question?

Mr. WILSON. For a question.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I will ask the question while the Senator from Texas is on the floor. I hope he does not leave now for just a moment.

Mr. GRAMM. I will not leave.

Mr. NUNN. Does the Senator from California remember June 19, 1985, where there was a Helms-Symms amendment which basically was to provide that no funds appropriated by the Fiscal Year 1985 Supplemental Appropriations Act may be obligated or expended to deactivate or remove from operational service any Minuteman ICBM or any Poseidon missile or missile submarine for any purpose, including specifically that of complying with any provisions of the unratified SALT II Treaty.

At that time there was a motion to table. The Senator from California and the Senator from Texas voted against the motion to table. The motion to table passed 79 to 17.

It is interesting because the President of the United States had decided that he wanted to observe SALT II. He felt that the continued observation of SALT was necessary even in the face of the Soviet violations. He did not want the negotiating climate to be upset in Geneva. That was one of the reasons he was doing that. Senator DOLE said in opposing this amendment, quoting him:

> * * * I think it possible that this amendment—while undoubtedly not so intentioned—could also undermine the President's standing, as leader of our Nation and as our spokesman on international security matters. The President has spoken on this issue, and he has spoken wisely; to now move to reverse the President's decision, in my view, would be a mistake.

Do the Senator from Texas and the Senator from California remember voting to undermine President Reagan's position on that important matter which was then pending in Geneva?

The PRESIDING OFFICER. The question was asked of the Senator from California. The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

I would be happy to respond to such a sophistry. It clearly did not undermine the President, since he was subsequently persuaded it was correct and in fact changed his position.

I think if memory serves the Senator from Georgia will recall that the President had given fair warning, in fact the phrase "extra mile" was used repeatedly.

As far as voting against the motion to table I frequently do that simply to afford the other side an opportunity to debate as I have been liberal in entertaining questions this afternoon from my friend from Georgia.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. WILSON. For a quick question.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Texas?

Mr. WILSON. For a question.

The PRESIDING OFFICER. Is he yielding for a question from the Senator from Texas, or the floor?

Mr. WILSON. I am most definitely yielding only for a question.

The PRESIDING OFFICER. The Senator from Texas is recognized to ask a question of the Senator from California.

Mr. GRAMM. Is the distinguished Senator from California aware of the fact that the distinguished Senator from Georgia is commingling two entirely different issues? What is being debated here is not the fact that the distinguished Senator from Georgia is doing something the President opposes. If we did not do anything in the Senate that the President opposed this would be an awfully dull place and there would be little in the way of checks and balances.

What is at issue here is undercutting the position of our negotiating on a treaty that is being negotiated.

Mr. WILSON. Yes.

Mr. GRAMM. I remind our colleagues, and I am asking if the distinguished Senator from California is aware that we were voting directions relating to a treaty that has been negotiated, but it had never been ratified, it was not the law of the land, and as a result we were stating a position that, as the distinguished Senator from California notes, is a position that was subsequently accepted by the President.

So he in fact was to some extent affected by the wisdom of our position. I do not see any comparability.

The PRESIDING OFFICER (Mr. HARKIN). What is the answer of the Senator from California to the question of the Senator from Texas?

Mr. WILSON. Mr. President, the question is a good one. My response to it is that I am very much aware, and I have been trying to share my awareness with others who do not share it. The point really is not only that that treaty was not ratified by the Senate of the United States, and indeed the Senator from Georgia participated in preventing its ratification and wisely so.

The point really is that this amendment that is before us does not confront the proper role of the Senate. It ducks that question. It is a palliative that seeks to offer those who wish to avoid the vote on the Dole-Warner amendment the opportunity to do so. But it will not do so. Let this pass by a voice vote; it is nothing.

But then, at some point, we must come back and face the issue. We must vote on the Dole-Warner amendment and confront the proper limits upon the role of the U.S. Senate in the treaty-making process. It is not a role of negotiation. It is a role of advice; it is a role of consent, one of ratification.

Now, a point made implicity by my colleague from Texas which I thought was clear, perhaps explicit, and that is timing is everything. When in fact a negotiation is in progress on a prospective treaty, to then at that moment undercut the position of your negotiators is obviously to be a house divided. And that is precisely to what the Dole-Warner amendment speaks when it says that we must not, the Congress must not actively further the interests of the Soviet Union by unilaterally adopting negotiating positions that have been rejected by the United States Government. And that, of course, is the fault of the Levin-Nunn amendment.

So in the example asked about by the Senator from Georgia, that having to do with the SALT II Treaty, the SALT II Treaty not only was not ratified by the Senate but it was not being then negotiated by the Senate at the time that we offered that advice to the President of the United States. It was history.

This is quite different. At this very moment we are locked in negotiations with the Soviet Union and, indeed, whatever the prospects are for an INF agreement, far more important would be reaching a good agreement, a wise and workable agreement, on strategic weapons, weapons of a great range, an intercontinental range, not just those stationed in Europe.

And the Soviets—and this is not any breach of classified information because you can read about it in the newspapers and in the journals—the Soviet Union has explicitly linked any progress on those negotiations to our backing away from our own position on the Strategic Defense Initiative.

Now, we are not going to do that, Mr. President. But the Levin-Nunn amendment would bring us perilously close to a position that would encourage that. Because after having asked Ambassador Nitze yesterday afternoon what the enactment of the Levin-Nunn amendment would mean and after he had replied it would be most unhelpful, I asked Ambassador Cooper. Ambassador Cooper said, "It would inevitably have the effect of narrowing the range of our negotiations so that they would span a spectrum from a restrictive interpretation to an outrageously restrictive interpretation." Now, what he is telling us is to butt out. He was being polite.

And it is quite clear that this kind of an enactment would necessarily send the clearest possible signal. Instead of the Congress of the United States being perceived as fully in support of the President in negotiations for a workable arms control agreement of any kind, Congress would be perceived, quite accurately, as undercutting him. That is what this is all about. That is what the Levin-Nunn amendment is all about. And I think that it would be absolutely a dereliction of duty on our part either to enact that provision or to pretend that somehow the passage of this political palliative, this Byrd-Nunn amendment, is in some way an adequate substitution for facing squarely what is our duty and what the limits of our duty are.

That is why I promise that as many times as it may take we will get a vote of some kind on this amendment. And I hope it will be up or down. If we have a dozen motions to table the Dole-Warner amendment or its equivalent, then it will simply mean that those who are voting to table are unwilling to face the issue, unwilling to state what the proper role of the Senate is.

They are stating instead that they quite agree that they fully sanction the position that the Senate of the United States is not restricted to ratification, to reservation, but that we are, by God, able to intrude into the negotiation process itself. Now if that happens, Mr. President, we the people of the United States, are in deep trouble. There are limits to the wisdom of this body. We need not be potted plants to fulfill our constitutional responsibility.

Indeed, that same thought must have occurred just last year, Mr. President, at the very time that we were almost at this moment in conference on the fiscal year 1987 defense authorization bill and the House of Representatives sought to enact similar arms control provisions that would have similarly emasculated the United States position. And, indeed, to his great credit, the chairman, who was then the ranking member, participated in a negotiation with the House conferees and got them to drop that foolishness rather than being perceived as being in the position of undermining the President of the United States on the eve of a negotiation in Reykjavik.

Now what I do not understand is how his memory has grown clouded, why he does not see it just as clearly now as he did then when we performed that valuable service.

I cannot answer that. I can only tell you this: what we have before us would not warrant the discussion and debate that it has had this afternoon were it not for the fact that it is being presented as an avoidance of our duty to precisely define the role of the U.S. Senate in the treaty-making process. That is what Dole-Warner does. That is what Byrd-Nunn avoids doing. Now that is no service.

And for those who will repeatedly seek to table a Dole-Warner amendment or some equivalent, let the American people understand what is going on. Just as they probably need some explanation for the sleight of hand that occurred this morning, the little parliamentary legerdemain which subsequently took the Dole-Warner amendment down and substituted for it this palliative. That was no service.

Let me just conclude, Mr. President, by stating that the reason that this deserves the kind of attention that it has had this afternoon is not because there is anything wrong with the Byrd-Nunn amendment, save that it is weak, in that it does not go far enough, it does not confront precisely the issue that is indeed placed before us by the Levin-Nunn amendment which has been the cause of the delay in consideration of the rest of the defense authorization bill.

The record of this body is replete with assurances from virtually every member of the minority on the committee that we were long since prepared to vote on the bill if that offending provision, that usurping provision that seeks to take the authority of the President of the United States and give it to the Senate, if that were removed. But, that is apparently a persistent desire of the majority.

And I cannot think that if their President were on the eve of an important negotiation that they would not experience the same solicitude, that they would not be concerned, as in fact we should all be without regard to party, without regard to partisan gamesmanship, in seeing to it that we present a united front when we are dealing with as determined and clever and flexible an adversary as the Soviet Union who are very, very skilled negotiators and who daily read and digest the American news.

When this body undertakes not its duty but to usurp the President of the United States, it will not escape our adversaries, and they are in fact our adversaries.

May God let the day come when in fact we are all able to live in peace and trust. But that day has not yet come. Recent history is unhappily too instructive that that day has not yet come.

So I will say advice and consent is not negotiation. Ratification, even reservation, is not negotiation. Only the President of the United States is permitted by the Constitution to conduct negotiations. So let us not talk about shared foreign policy and blur the distinction that is so clearly made by the Constitution itself. That is what this amendment would do.

Let us pass the thing, get rid of it, and then let us be honest and come back and have an up or down vote on the Dole-Warner amendment, because this is no substitute for it.

I thank the Chair.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

MR. QUAYLE. Mr. President, before I begin, let me at the outset state once again for the record my deep respect and affection for our chairman of the Senate Armed Services Committee. He knows that without my having to say it. We agree on far more things than we disagree on. Although some people my dispute that after we go round and round today and tomorrow and for probably several weeks, but it is true, we do.

Mr. WILSON. Will the Senator yield for a question?

Mr. QUAYLE. I yield.

Mr. WILSON. Is the Senator aware that I share that affection that he shares for the distinguished chairman?

Mr. QUAYLE, I am sure the record notes that.

Mr. WILSON. I would seek to give assurance so there is no doubt, that however misguided his judgment of this issue, I have great affection for him.

MR. QUAYLE. He is really a good guy, we are trying to say, most of the time, with just a few aberrations we all have. We all make mistakes. Even the Senator from California has probably made a few mistakes in his life. Maybe the Presiding Officer——

Mr. NUNN. If the Senator will yield briefly, the Senator from Indiana is a valuable and effective member of our committee. The Senator from California is also very effective. Both are my colleagues and my friends and they do a superb job on the Armed Services Committee.

The Senator from Indiana was not here earlier, but I spent considerable time in the last 30 minutes making clear to this body that neither the Senator from Indiana nor the Senator from California have been potted plants in this body. They have been very assertive in foreign policy. The Senator from California has given the President a lot of advice and he has voted for legislation that, according to the minority leader, Senator DOLE, would have given the President too much advice and impaired his standing in international affairs. I spent a good deal of time describing the Senator from Indiana's amendment on INF which he offered last week.

Mr. QUAYLE. You ought to support that.

Mr. NUNN. There are attractive features to it. But the Senator from California was not aware of that amendment. He gave several reasons why amendments like that should not be introduced during this crucial negotiation period. I hope the Senator from Indiana will explain to the Senator from California the nature of his INF amendment and how it does have an impact on the negotiations. The Senator from Indiana is an assertive power and not a potted plant in this body.

Mr. QUAYLE. I want the last part of that statement to be amplified, that we will continue to be assertive. That was the third or fourth point I was going to make in my remarks, but since the Senator made his statement, let me state it briefly.

There is one substantive, significant difference between the resolution I introduced and the Levin-Nunn amendment. That is, mine is a sense-of-the-Senate resolution. It is not binding. It is expressing, hopefully, the will and sentiment of the Senate on where the negotiators ought to go. Quite frankly, if the Levin-Nunn amendment were a sense-of-the-Senate, if it simply said "Here is what I think the interpretation of the ABM Treaty ought to be," and it was debated as a sense of the Senate, we would have a debate and I would disagree with the distinguished chairman, we would vote on it and have a feeling of what the Senate is. I have no problem with doing this from time to time, and I will continue to voice my feelings both publicly and privately to this administration or any other successor administration. But there is a critical difference between a sense-of-the-Senate resolution such as my INF resolution and the binding legislation of Levin-Nunn.

We have waited for months for this debate. We have had a filibuster. As a matter of fact, as the majority leader said today, the filibuster could have continued because even the high water mark today would only have had 57 votes, but the distinguished minority leader decided it was time to get on with the Department of Defense bill, conferred with the White House and others, and they said, "OK, let us go ahead and begin the debate."

I am not sure where we will go in this whole debate, because of what we have before us, 99 percent deals with the substance of the Senate Armed Services Committee procurement of weapons, pay, operation, and maintenance, what a normal defense authorization bill deals with. But, it is the 1 percent that deals with arms control that has now received 99 percent of the attention.

What we have on the floor today, unfortunately, is an arms control bill, and that is what we are going to be debating, or the arms control resolutions. We are going to be debating what the interpretation of the ABM Treaty ought to be. We are going to be debating SALT limits, ASAT and nuclear weapons testing bans, chemical weapons freezes, all sorts of things.

We may never get off the arms control debate. It is going to go on and it is going to be lengthy. A lot of people will want to speak.

But after 3 or 4 months of delay, we are now confronted with the very first issue that is before us, which is a sense-of-the-Senate amendment by the majority leader and the chairman of the Senate Armed Services Committee.

It goes on and says:

> Therefore, the Senate hereby establishes: 1, it declares that the Senate of the United States fully supports the efforts of the President to negotiate stabilizing, equitable, and verifiable arms reduction treaties with the Soviet Union.

I do not believe anybody, in fact, would disagree with that.

Then it says:

> Endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union.

I happen to agree with that second statement, that we should be cautious that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union.

I think that goes to the heart of the debate, I might tell my friend from Georgia. I suppose from time to time we all make miscalculations on sensitive feelings on certain issues. I know I have had a number of people on this side and that side come and say, "It is really not that big of an issue, is it?" I say, "Well, maybe it is for just a few of us."

But I would like to say, as I have said in committee and I will say it again, that these issues which we perceive to be unilateral concessions, whether they may be in disagreement, there are very intense, strong, deep convictions, not concerning personalities but concerning the basic policy and the principle of what the Constitution is, the role of the Senate, the role of Senators and Congressmen, the role of the House and the Senate in our legislative process.

There are some very deeply held feelings—and they are deeply held feelings I know on the other side—on policy, on principle, on the Constitution. There is deep concern about how we interpret our constitutional role. But this issue really divides us.

I was listening, somewhat haphazardly I must confess, because I had a meeting in my office I could not reschedule, to our chairman go through the discussion of the role of the Senate and the role of the Congress on how it is to deal with the executive branch. I am not sure I caught all of it but the gist of it was that, well, the President is not what he called the sole voice; he is more of a collective voice.

Certainly the President is the one who is going to represent us at the negotiating table, he and his designees. We do have observers. We do have people who go abroad and make statements and participate off the record and behind the scenes as to where we are in fact going. Certainly we speak with many voices. Sometimes I imagine our allies around the world, particularly as we have elections every 2 years and a Presidental election every 4 years, sometimes wonder which voice is in our pluralistic society that is really going to be the voice of the future. We have those debates on the floor from time to time on whose voice is the voice of the future.

But in listening to that discussion, a couple things come to mind, and I think they are worth noting, as to how I at least as one Senator from Indiana interpret what our constitutional responsibilities are and how, in effect, we work in the ratification process and the adoption of treaties and, furthermore, in the interpretation of the treaties.

I concede to the executive branch of Government and the President of the United States that he in fact is the Chief Executive Officer of this country, that he is the primary negotiator for arms control treaties or any other treaties, that he and his representatives will sit down at the table and hammer out a treaty. Furthermore—and this goes to the point of the Levin-Nunn proposal—I basically believe it is wrong, I think there are some serious constitutional questions that would be raised by the Congress' imposing unilaterally, by statute, certain things that are presently being negotiated. I am not talking about a sense of the Senate. I am not talking about going out and expressing oneself. I am not talking about holding hearings. I am talking about binding legislation.

Now, you have to go back—and we are going to go back and dig into the Federalist Papers, into the Philadelphia Constitutional Convention in this bicentennial year and try to find some instruction on what in fact we should be doing today. You will find that our earliest precedents and debates upon the role of the President of the United States make it clear that he is the Commander in Chief, but that the Congress of the United States is the one that declares war and that appropriates money. What else does past practice make clear?

Well, the confirmation of Ambassador Jay to Great Britain during the first government formed under our Constitution involved a lot of discussion. As a matter of fact, many in the Senate at that particular time wanted to impose certain specific instructions to Ambassador Jay before he was confirmed by the Senate on what President George Washington would do in the negotiations of the treaty with Great Britain. That was brought up. It was discharged. It was defeated. It came down to, no, before a treaty is negotiated we are not as the Senate going to establish nor should we—and this is the first constitutional government—bind our President with instructions to Ambassador Jay. That is the first precedent, and a very important precedent, I might add, that the Senate in the first constitutional government of the United States of America said no, we are not going to do that. That goes to the Levin-Nunn amendment as far as sending specific instructions on the interpretation of a treaty.

Let me give you another example that happened in the first administration of Washington, the Paris Treaty. It was debated and it was argued in the Cabinet, Hamilton and Jefferson picking and choosing sides, on what the Paris Treaty said as far as whether we would in fact have to go into conflict on the side of France. The President of the United States at that time, George Washington, said, "I as the Commander in Chief have the sole power to interpret what that Paris Treaty says, and I interpret it that we can be neutral and therefore do not have to go into conflict on the side of France."

In the very first administration, two important things that we are discussing on the floor of the Senate today are instructive. One, sending binding, specific statutory requirements on how a treaty should or should not be negotiated.

Mr. NUNN. Will the Senator yield at that point?

Mr. QUAYLE. Just a moment. And, two, who has the power to interpret—to interpret—a treaty that has already been put forward? In both of those, the Levin-Nunn amendment is binding—before a treaty on space starts when we are potentially looking at the ABM Treaty—with specific messages as to how the President shall not interpret it and how Congress is going to intepret it. Both of those precedents were discussed and acted on in the first constitutional government of the United States of America.

I yield to the Senator for a question.

Mr. NUNN. Will the Senator yield for a brief observation? We are getting right down to the fundamental interpretation of what this does and if the Senator really believes that is what this amendment does, then I understand his opposition because I would not be in favor of that either. I would not be in favor of that if that is what the Levin-Nunn amendment does.

It does not do that. The Levin-Nunn amendment only provides that if the President of the United States tries to go to the broad interpretation, departing from the traditional interpretation for purposes of testing under the SDI program, he first has to get permission of the House and Senate. It does not say one word about what the President's negotiating position should be in Geneva. It does not say anything about binding the President in arms control negotiations. It does not preclude the President from taking any position he wants. He could take the position that he has the right to abrogate the treaty himself without coming back to the Senate. The Senator from Virginia said President Carter did not have that right under the Panama Canal Treaty, and I am going to quote that later. But he can take that position. The President could take any position he wanted to under the Levin-Nunn amendment. The only thing the Levin-Nunn amendment is intended to do is to say, "Mr. President, if you are going to change the testing program on SDI, from what your representatives testified to, if you are going to depart from the traditional interpretation, you first, sir, have to come back and get the Senate and the House to agree." That is all it does.

I keep reading newspaper articles which say that I am trying to force the administration to change their interpretation. I am not trying to force them. I would like them to change their interpretation because I think they are wrong. But this legislation does not force them to do anything. It simply, like we have done hundreds of other times, says you cannot do certain things with certain weapons systems until you get further approval of the House and Senate. We did that with the MX. We have a lot of provisions in this bill and other bills that say you cannot do certain things with this money.

That is what the Congress of the United States is all about. We appropriate the money. So the Senator is totally misinterpreting the amendment, because it does not do what the Senator said. If the Senators position was correct, I would be opposed to the amendment. I am not in favor of passing an amendment on the floor of the Senate at this point interpreting the ABM Treaty. I am saying that this is the traditional interpretation. This amendment reflects what the general in charge of SDI said they were going to adhere to. I would ask the question of the Senator, how can the Senator conclude——

Mr. QUAYLE. I was waiting for the question.

Mr. NUNN. How can the Senator conclude that this Levin-Nunn amendment binds the President of the United States in negotiations with the Soviet Union? The President of the United States can say to the Soviet Union, "We are in favor of the broad interpretations. I am going back and convince the House and the Senate that the broad interpretation is correct." We even give him an expedited procedure in this amendment.

The Senator from Virginia said when we first started this debate in May that the interpretation of the Senator from Indiana was not correct. He did not say it in those words but he said we did not try to interpret the treaty. We basically said, Mr. President, if you are going to change and test in a different way than your representatives describe, you have got to come back and get permission. That is all we are trying to do. So if the Senator want to draft an amendment that does that, if he agrees with that purpose, then we already have that in our amendment and this problem is settled.

Mr. QUAYLE. Mr. President, let me try to answer that very short direct question on how the Senator from Indiana can construe that. I think the chairman of the Senate Armed Services Committee and I are in total agreement that we are getting down to, and my discussion is going right to, the basic differences that the two of us have on this proposal. And the two issues are, one, binding statutory legislation, binding statutory legislation dealing with treaties, dealing with advanced negotiations of treaties, and, two, who has the power to interpret these treaties. And I cited the Jay Treaty, and I cited the Paris Treaty. And I went through the whole precedent of the first constitutional government of this country because in the

Federalist Papers you can dig and dig and come to different conclusions. So, therefore, since it was not clearly spelled out as perhaps it should have, you have got to look at precedent. You have to look at what took place. Believe me, the President, many in the Senate, and many in the Cabinet were the same ones who were at Philadelphia. So their precedents are far more instructive than perhaps something that would take place 209 years later as far as defining what the intent of the framers of this Constitution had in mind.

Let us not talk, and I am not trying to misinterpret the Senator's amendment that is before us. It is certainly not my desire at all, I do not mean to, and I do not think that I am. But let us be honest about this debate. What precipitated the Levin-Nunn amendment? What precipitated the Levin-Nunn amendment is the interpretation of the ABM Treaty. Let us not kid ourselves. I feel certain that the chairman of the Senate Armed Services Committee would agree with me. That is what precipitated this amendment.

When the administration announced—as a matter of fact, it was when former National Security Adviser Bob McFarlane on a national newscast talked about Agreed-Statement D of the ABM Treaty. All of a sudden—and I cannot recall the specifics but I know the chairman was interviewed afterward—what was meant by Agreed-Statement D was the issue. And all of a sudden we all got interested in what Agreed-Statement D meant in the ABM Treaty.

It started on one of the Sunday network talk shows when Bob McFarlane in answer to one of the questions said of course we could go to testing and development of space-based defenses because of Agreed-Statement D in the ABM Treaty. That is what set this roller coaster off on who is right on the interpretation. And that is the genesis, that is the background of why we are now in a box in the U.S. Senate.

In fact, some of us are adamantly opposed to having the U.S. Senate—and I might add, having the House of Representatives where I came from and the President in the chair came from—inserting themselves into treaty matters with binding legislative language on what the interpretation of an ABM Treaty. I go back to the discussion in the Washington administration that the interpretation, and I think the court cases will bear this out, and we can have this debate, that the interpretation of treaties rests with the executive branch.

Certainly, the Congress of the United States has the power of the purse. And if the President of the United States says, "I am going to test the kinetic vehicle in space, and I want to do that and I am doing it," and the Congress can say, "Yes, you can go ahead and do it, but we are going to deny you funds to do that," Congress can do that. The Congress can deny the President the funds to do that. The Congress can deny the President funds for MX. The Congress can deny the President funds for B-1. We can deny funds for SDI.

Mr. NUNN. Will the Senator yield?

Mr. QUAYLE. For how long?

Mr. NUNN. Just for a brief question.

Mr. QUAYLE. If it is a fairly brief question.

Mr. NUNN. That is really the only principle that we are trying to establish here. We may reach an agreement right here on the floor, because the Senator just conceded exactly the point. All we are saying in this amendment is if you are going to change the testing programs you presented to the Armed Services Committee and do something different, you have to come back and get permission. That is all we are trying to do.

Mr. QUAYLE. The chairman of the Senate Armed Services Committee knows full well that the administration said even though they say the legally correct interpretation is the one that is legal, which is the broad interpretation, they have said for the time being that they are going to stay with the restrictive interpretation. Quite frankly, I think that decision to stay with that restrictive interpretation has done quite a bit of damage to the SDI Program because that is the underlying debate—we will get to that later—the SDI Program. My own personal judgment is they should have moved to the legally correct interpretation. But they have not.

They also said, and they told the chairman of the Senate Armed Services Committee and others, "When we do, we will in fact give you advance notice." They have, in fact, asked for specific notice on this. They are going to go out and do it. Then the Congress should do it through a supplemental bill. You can do it through separate legislation. You can do it whenever you want to. They have said they will give advance notice in the spirit of consultation and communication. They said, "We will tell you, Congress, because you are interested in it, because we believe in working with the Congress, and because we are not going to sit there and run off on a one-way street, that we are simply going to have to sit down and talk. We will tell you when we move to the legally correct interpretation," which I have been advocating privately and publicly. They should have done it a long time ago. They will tell us.

If you do not like that, you are the chairman, then get a bill out of the committee. Run a bill through here. It may get filibustered. But you have a lot of votes. That is the process. It may get vetoed. You can override the veto. That is the process. This is the fundamental thing.

Mr. NUNN. Would the Senator yield for a brief observation? The problem is we are giving the money here. We give $4.5 billion and they want to just come back and give us advanced notice of how they plan to spend the money. The statute on intelligence oversight requires the President to give the Congress timely notice of certain intelligence operations. We spent 3 months in the Contra hearings establishing that timely notice can be as much as a year or 18 months. It can be anything the lawyers downtown say it is. Advanced notice is not exactly comforting.

What we want is advanced consultation and participation by the makers of the treaty, who are both the President and the Senate. That is all.

Mr. QUAYLE. The President, his advisers and I suppose maybe we can resolve this right here on the floor as far as advanced consultation which they have said they would in fact give. They have no problem with giving advanced consultation before they go to the legally correct interpretation.

Mr. NUNN. One minute, one day, one hour?

Mr. QUAYLE. I think the Senator knows full well that when you give notice that you are going to go forward with the testing program, that there are literally weeks and months and perhaps even sometimes years of work that has to be done, and the Senator has full knowledge and has enough information, not only on his personal staff but within the Department of Defense, to know full well when the program is going to go beyond the restrictive interpretation.

Mr. NUNN. So you have a complete understanding, if we had drawn the amendment in that way, we could not carry this out. The only thing we are trying to say is, "here is $4.5 billion for SDI, Mr. President." You laid out a testing program. That testing program showed that you were going to stay within the traditional interpretation of the treaty. We want you to come back to us if you depart from what you have testified to. We do that over and over and over again in legislation. We have legislation in this bill, section 121; relating to the lightweight tactical fire support system. That does not permit them to go forward unless they get approval of the House and the Senate again. We have section 123 that relates to the T46 aircraft. It has the same effect.

Mr. QUAYLE. What treaties is the Senator referencing?

Mr. NUNN. I am not referencing treaties.

Mr. QUAYLE. That is the point. That is the point, Mr. President.

Mr. NUNN. Why did the Senator not get up a substitute?

Mr. QUAYLE. That is the fundamental point here.

Sure, we do this and we sit there and deny funds. I said you can deny funds for MX or SDI. Congress has the power of the purse. But what the Senator's amendment is doing is basically saying: "Mr. President, you don't have the authority, and we're not going to give it to you, to interpret what the ABM Treaty says and act on it, unless you come back and have the Senate agree to that interpretation and the House of Representatives agree to that interpretation." Both Houses have to agree to that.

I think that as Senators, before we rush pell-mell in this direction—notwithstanding how you feel about the ABM Treaty, whether you are for the restrictive interpretation and the legally correct interpretation, or a restrictive treaty forever—before we begin inviting the House of Representatives to participate in the interpretation of treaties, we ought to think, we ought to stop and think about it, because that is precisely what we are doing. This goes to the gut issue of the Levin-Nunn amendment.

According to Levin-Nunn amendment, the only way the President can act on his interpretation is to come back and get agreement by majority vote of the House and the Senate.

Mr. WARNER. Mr. President, if the Senator will yield for an observation, it is not the House participating. It is a simple majority of those in attendance having the power to overrule the judgment of the Senate of the United States.

Mr. QUAYLE. The Senator is correct. They could overrule the judgment of the Senate.

I do not even go so far as to say that the Senate has the constitutional responsibility. I can stand up and cite the Court cases. I will cite my precedents, and you cite your precedents. Show me where the Senate unilaterally interprets the treaties after they render advice and consent and approve them. There is no such precedent. The Supreme Court decisions are absolutely to the opposite, saying that the President interprets the treaties.

I have said all along that the power of the purse is right here.

As a matter of fact, a more straightforward amendment would be to offer an amendment and say let us have only $1 or $2 billion, rather than the $3.4 or $3.7 billion, whatever is in the authorization bill. Just cut it back, because what we are going to do by this amendment, in a de facto way, is basically to only allow basic research in the laboratory. That is what this goes to. The debate is ultimately about the fate of SDI. We must ask if supporters of this amendment are for or against the SDI. If it passes, we can certainly know what the net result is going to be so far as SDI is concerned—the crippling of SDI.

Mr. President, we are going to have a long debate on this issue. We are going to be debating this for quite some time, the arms control issues.

I just want to talk for a moment about the two resolutions that have been discussed—the so-called Byrd-Nunn and the Dole-Warner resolutions.

What is meant by the Dole-Warner resolution is that Congress should basically not take binding actions and bind the President to positions that the Soviet Union is advocating at the bargaining table—in other words, that the U.S. Congress should not impose by statute what the Soviets are demanding at the bargaining table. In other words, the President needs flexibility. Some of those positions he may agree to, he may compromise with, but the Congress of the United States should not unilaterally impose those restrictions.

That is why the Byrd-Nunn resolution is a bit curious here, because the second item of the "therefore" clause of the Byrd-Nunn resolution says that it endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President shall take actions which are unilateral concessions to the Soviet Union.

I happen to agree with that and believe that an interpretation of what we are doing and what we said we were going to do by the Dole-Warner amendment is not to unilaterally adopt those positions.

Some of us believe, although we will get an argument, that the Levin-Nunn amendment is an interpretation of the ABM Treaty that is presently being advanced by the Soviet Union. That is a position that is being advanced by the Soviet Union. If we want to debate and argue a sense of the Senate, fine. Maybe a majority want to do it. We can have a debate. But what we are doing here is taking that position and putting it in statute.

So I think that some of the amendments that are going to be argued over after the Byrd-Nunn amendment might be somewhat, on the face of it, contradictory.

The Dole-Warner resolution was basically geared toward giving the President as much flexibility as possible.

It is a bit ironic that on this September 15, Shevardnadze is beginning his 3-day visit with the President, the Secretary of State, and others; that we are having this debate; that you have a Senate that is divided; that we in fact do not have and are not speaking with one total voice in this. The President will speak unequivocally on this issue. Congress will be split.

I just want to conclude on this discussion by saying that as we look at this, not only to filibustering, but also going to great lengths to not let this ever become law—in fact, my personal preference is not to let it go out of the Senate because of the precedent that will be established in the Senate if we start adopting binding, statutory treaty interpretation amendments.

Good God, who knows what else would come, if all of a sudden we say this one is going to pass? We would have SALT, probably some binding thing on ASAT. Who knows? We would get a host of amendments.

So it would be my desire not to let this go through as is. We will have a lot of votes, but we have a lot of ability under the rules to talk. Some of the talk may be illuminating; some of it may be rather dull from time to time. I guess that is the essence of unlimited debate in the Senate. I hope we will not be too dull. But from time to time we may have to indulge the Chair, our colleagues, and those who are watching us, in a great recipe of dullness, reading certain things.

Go back and read some of the Supreme Court decisions on interpretations. Go back and read the treaty. I guarantee that at some time I am going to read the relevant parts of the ABM Treaty and we will get into that debate.

Read that treaty. I am not asking a lot. Just read the treaty. I want you to read what is called agreed-statement D. It will not take too long. It is not a long treaty. You do not have to read the whole thing, just read article II, article V, and agreed-statement D, and maybe article III. If you read those, you have it. You will almost be an instant expert.

Then come over and tell me what that treaty says and how you can get out of that treaty that somehow testing and development and other physical principles—in other words, future technology that we did not know about in 1972—is prohibited. You are going to be scratching your head, doing a dance, trying to figure out why that treaty says that. You will probably say, "Someone told us that is what that meant. In the past, people have said that is what it meant."

As I said, read it. Just read it. I am not going to read it now. I have it in front of me, but I intend to read it. We will get to those parts of that treaty and have a discussion of that at sometime as well.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, will the Senator just indulge me a moment to compliment my distinguished colleague from Indiana on one of the finer statements that I have been privileged to hear since I have been in the U.S. Senate?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I think the debate in the course of this day on the amendment in question has been a very enlightening one.

I would join my friend and colleague from Virginia, the distinguished ranking member of the Armed Services Committee, in saying that the remarks of our friend from Indiana, as usual, are very enlightening, very helpful, in connection with this debate.

I would like very briefly to return to the central question here, Mr. President, so that those who may be observing in their offices what we are saying preparatory to the ultimate question when we vote on the Byrd-Nunn second-degree amendment to the Glenn amendment would remember that all of this relates to the original Levin-Nunn amendment discussed at great length and ultimately adopted in a close vote in the Armed Services Committee. And so notwithstanding all the very important things that have been said here, I would like to return in a kind of simplistic way to the central question just so every Member of the Senate can fix on that once again, Mr. President:

This administration requested no funds in 1988 or fiscal 1989 to restructure the Strategic Defense Initiative to conform to the broader interpretation of the ABM Treaty, that is, to conduct development and testing of space-based ABM systems and components using exotic technologies.

As a matter of fact, during the committee's hearings on this bill, General Abrahamson testified that all SDI research projects and all planned major experiments for the 2 years, have been designed to be fully compliant with the traditional interpretation of the treaty.

As a matter of fact, Mr. President, in response to a question from the distinguished senior Senator from Alaska, Senator STEVENS, in a March 19, 1987, in a defense appropriations subcommittee hearing as to whether he could, and this is a direct quotation, "assure the Congress that the fiscal year 1987-88 money will be spent in accordance with the President's current decision of the narrow interpretation," General Abrahamson replied, "That is the way the budgets were put together and is the way our plan is presently laid out. The answer is, yes, sir."

Now that is the direct testimony of the distinguished general in charge of the SDI program in answer to a question of the Senator from Alaska, the former distinguished majority whip of this body on the subject matter about how the funds would be expended in the next couple of years.

Now, notwithstanding the very fine debate, and I again agree with my distinguished colleague from Virginia, this has been a very enlightening, almost an ennobling debate in many ways, I would like to call attention of the Senate and those who may be paying attention to this bill. This is the bill, Mr. President, S. 1174, the Department of Defense authorization bill under debate.

The issue may, I say to my colleagues, involves page 23 of the bill, section 233, and it is entitled "Limitation on Development or Testing of Space-Based and Other Mobile Antiballistic Missile Systems," and then, Mr. President, in lines 10 through 14 on page 23 here is what we say:

> Funds appropriated or otherwise made available to the Department of Defense during fiscal years 1988 and 1989 may not be obligated or expended to develop or test anti-ballistic missile systems or components which are sea-based, air-based, space-based, or mobile land-based.

That is the issue here. After that there is some more language that goes for another brief few lines advising how the President can correct that by submitting to the Congress on an expedited basis authorization to change the fencing.

So the truth is, Mr. President, what this issue comes down to is, pure and simple, the right of the Congress to control the purse. This is our right. We have the right. Congress could say, Mr. President, that we will appropriate no money for SDI. This Senator does not want to do that. We have in fact authorized in this bill $4.5 billion, substantially more than the House. I imagine in the course of the debate when we ever get to it, Mr. President, the sum will be less than the $4.5 billion that is in this bill, and it will be somewhat more than the House's number, and I expect in the conference we will have a compromise and get some number everybody can live with, somewhere in the high three's, I suspect.

But the point here is our power of the pause and when you depart from all this marvelous rhetoric, some of it as enlightening as any I have heard here, and I have been here all day. When we finish all of the rhetoric we come back to the simple question as to whether under the DOD authorization bill we have the power to say how this money will be spent and I say that we do. I say that General Abrahamson has said to us how it will be spent and we are saying we authorize that the money be spent in that way and in no other way.

That is not a very sophisticated thing, involving very esoteric interpretations of the treaty or anything of that sort.

In fact, my friend from Virginia 3 months ago corrected this Senator, rightfully, corrected this Senator. When I got up here and started to make the speech about the narrow and broad interpretation, he said that is not the question here. He is absolutely right. It is not the question here at all. The question here is the right of the U.S. Senate or the Congress, as the case may be, the legislative branch, to control the purse and determine how the money is going to be spent. We have that right. We have said that in this bill. We have said that on the basis of what the administration promised us. We gave them, in response to their request, not as much as they asked—we gave them $4.5 billion in this bill in the Armed Services Committee. But we responded and said in that response we place limitations upon it. We have that right, Mr. President. We have that right. We have exercised the power of the purse. We have fenced as we have fenced so many times and as we will do so many times in the future, Mr. President. You, as a Member of the House before you come to the Senate, know that. And I say that that is a right that we will continue to exercise.

When we are in the minority and they are back in the majority, they will exercise it. We hope that never happens, of course. But the point is that the majority will always exercise those powers on issues in disagreement with the Chief Executive. And I find no problem with that at all. I say that is the central issue here. When we have that power, we are going to retain that power and we are going to exercise that power many times in the future as we have many times in the past.

So Mr. President, I would simply, at the request of my distinguished colleague, the distinguished senior Senator from Georgia, the chairman of the Armed Services Committee, ask for the yeas and nays on the amendment that is pending before the body at this time.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I see the distinguished Senator from South Carolina about to rise. I was just going to take a few minutes, but if you have an inquiry——

The PRESIDING OFFICER. The Senator from Illinois still has the floor.

Mr. DIXON. I have no desire to cut off debate, Mr. President. I was simply asking for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Illinois yield the floor?

Mr. DIXON. Yes; I do yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will just take but a few minutes and then I would be very pleased to hear from our distinguished colleague from South Carolina, who indeed has spent a great deal of time on this issue.

I would just like to pose a question to my distinguished colleague from Illinois. He was reciting the incident in which he and I were engaed in a colloquy and he very thoughtfully acknowledged that my position was well taken.

I will pose this question: As I read the Levin-Nunn amendment, the drafters, either intentionally or unintentionally, appear to have failed to recognize the unique role of the U.S. Senate in matters relating to treaties and have reposed in the House of Representatives indeed a simple majority of the House present and voting, the authority, Mr. President, to overrule the judgment of all 100 Senators on this issue, the assumption being that we would engage—and I am certain all 100 would come forth and express their views on this provision.

Yes; a simple majority of the House could come forward and by that inaction, perhaps through some sort of their rather unique procedures in the Rules Committee, prevent the President of the United States from taking certain action.

I see my distinguished colleague from Illinois is nodding his head. Do you likewise read the amendment?

Mr. DIXON. I apologize to my colleague. I was talking to others.

Mr. WARNER. Would you kindly use the microphone, because there are many listening.

Mr. DIXON. I said I apologize to my colleague. I was talking to my colleagues here about another matter. I am always interested in what my colleague says. I did not mean to imply that I agreed.

Mr. WARNER. Let me restate the question. Do you read the amendment as reflecting the intention, either intentionally or unintentionally, of the drafters of the amendment of giving to the House of Representatives the power of a simple majority being present and voting of overruling the judgment of the Senate?

Mr. DIXON. Well, it is certainly necessary for both Houses to pass a resolution that would authorize expenditures for testing in that regard. And that would be, or course, necessary in any law that we pass, that, both bodies would affirmatively pass such a law or adopt such a resolution.

Mr. WARNER. So the answer is yes?

Mr. DIXON. My answer would be what my answer was.

Mr. WARNER. Mr. President, his answer is very clear.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, a moment ago I heard the distinguished Senator from Indiana, DAN QUAYLE, make one of the most eloquent statements I have heard in a long time. He was speaking from knowledge and commitment on the subject of the ABM Treaty's integrity—a commitment that this Senator shares. I admire his statement.

I have been hoping that the Senator from Georgia and the Senator from Michigan would join us in debate today. And, remember, consult me before we get any kind of unanimous-consent agreement. I am not engaging in delaying tactics. But it is important that we debate and rebut the raft of shibboleths and misconceptions without misplaced concern about stepping on each other's toes or violating senatorial courtesy. We must be under no illusions as to the purposes and objectives of Senator NUNN and Senator LEVIN. They took the floor for 3 days to regale the Senate with their purportedly scholarly presentation on the ABM Treaty.

I heard earlier today in an exchange with Senator NUNN that he wanted to make sure how SDI funds were being expended. Defense Daily printed it for him. Here's a copy of the SDI 1988-89 budget. Mr. President, I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STRATEGIC DEFENSE INITIATIVE, 1988–89 BUDGET

[In millions of dollars]

Program	1986	1987	1988	1989
SURVEILLANCE, ACQUISITION, TRACKING AND KILL ASSESSMENT				
Radar discrimination and data	21.0	12.7	22.6	34.7
Optical discrimination and data	117.7	90.6	87.9	80.1
Imaging radar technology	30.5	26.2	32.0	38.1
Laser radar technology	75.4	96.4	148.3	177.6
IR sensor technology	82.2	78.7	93.7	98.8
Boost surveillance and tracking	81.1	130.1	256.1	344.7
Space surveillance and tracking	49.0	47.6	191.8	242.2
Airborne optical surveillance	134.9	99.5	104.0	140.7
Terminal imaging radar	31.8	26.3	117.0	136.4
Interactive discrimination	7.6	4.5	32.2	61.7
Signal processing technology	94.7	105.9	134.6	145.1
SATKA integration and support	95.0	149.6	248.0	311.2
Countermeasures	.7	.8	0	0
Innovative science and technology	25.4	42.1	24.5	48.4
Shuttle recovery (memo)	0	13.6	0	0
Total SATKA	847.0	911.0	1,492.7	1,859.5
DIRECTED ENERGY WEAPONS				
Technology base development	435.5	339.7	340.5	408.6
ATP technology	51.9	39.8	39.8	51.5
Chemical laser devices	108.6	79.9	80.0	58.0
Excimer lasers	39.1	12.4	12.4	30.0
FEL technology	41.5	23.4	42.0	48.5
Other	93.1	27.0	32.3	28.0
Particle beam technology	34.8	38.5	57.8	46.0
Skylite	46.5	43.0	45.0	20.0
X-ray laser	20.0	8.0	30.0	25.0
Reserve	0	67.8	1.3	101.6
Tech. integration experiment (TIE)	329.4	402.1	587.9	646.1
ATP TIE's	185.9	137.6	147.0	198.5
FEL TIE	84.8	158.0	158.0	201.5
SBL TIE	.5	2.0	0	42.0
Integrated space experiment	58.2	104.5	142.2	204.0
TIE acceleration	0	0	139.2	.1
Reserve	0	0	1.5	0
Concept formulation and technical	18.7	26.8	32.3	28.0
Support programs	19.7	62.4	115.0	128.2
Innovative science and technology	0	12.7	28.0	35.0
Total directed energy weapons	803.4	843.6	1,103.7	1,245.8
KINETIC ENERGY WEAPONS				
SBKKV systems	134.4	126.8	303.5	357.4
SBKKV experiments	117.2	107.0	250.7	305.7
SBKKV technology	17.1	19.8	52.8	51.7
Exo KKV systems	61.6	107.6	220.6	307.6
Exo KKV experiments	53.7	102.8	186.1	259.4
Exo KKV technology	7.9	4.8	34.5	48.2
Endo KKV systems	76.7	111.3	237.6	238.8
Endo KKV experiments	45.6	100.7	198.7	179.9
Endo KKV technology	31.1	10.6	38.9	58.9
Mini projectiles	56.0	74.5	102.9	134.7
EML technology	32.4	16.1	14.4	32.2
Low endo	18.7	53.2	76.4	82.6
Laser guided HV projectiles	4.9	2.0	6.9	11.9
Advances endo projectiles	0	3.2	5.3	7.9
Test and evaluation	185.9	252.1	109.3	46.9
STM	174.0	176.4	63.1	0
Range instruments support	0	18.0	10.6	6.0
Spec. Instruments/support	0	4.1	2.2	3.6
Targets	9.8	14.8	21.7	21.7
HWIL and simulation	2.1	10.6	9.6	15.6
Special data collection	0	28.1	2.1	0
Allied/theater defense	69.9	44.3	72.9	79.2
Theater missile defense	69.5	39.2	66.3	68.4
Innovative science and technology	11.4	13.0	28.0	35.0
Total kinetic energy weapons	595.8	729.6	1,074.7	1,199.7
SYSTEMS ANALYSIS AND BATTLE MANAGEMENT				
SDI strategic architecture	63.5	58.4	91.0	78.0
System concept analysis	21.6	28.0	41.0	32.0
Architecture analysis	18.3	8.9	15.9	12.4
Architecture evaluation	7.3	6.0	10.1	7.9
Mission analysis	0	8.7	12.6	13.9
Threat analysis	16.4	1.0	1.3	1.6
Program planning	0	4.7	9.0	9.1
Technology requirements	0	0	.3	.4
SDII	0	1.1	.8	.6
SDI systems engineering	12.1	20.2	39.0	53.6
Industrial base	0	0	1.3	1.3
Affordability and cost	8.6	6.5	9.2	6.5
Logistics	3.2	8.3	14.1	11.4
Systems integration	.2	5.0	13.9	33.8
Systems requirements	0	0	.2	.2
SDII	0	.4	.3	.4
Theater architecture	1.7	39.8	38.4	37.9
Architecture	1.7	39.1	38.1	37.6
SDII	0	.7	.3	.3
BM/C^3 technology	70.9	88.5	121.8	134.1
BM/C^3 technology	70.9	86.7	120.8	133.0
SDII	0	1.8	1.0	1.1
BM/C^3 experimental systems	23.4	80.7	172.9	203.5
BM/C^3 experimental systems	23.4	79.2	171.5	201.9
SDII	0	1.6	1.4	1.6
National test bed	12.0	60.6	119.2	228.4
National test bed	12.0	59.4	118.2	226.5
SDII	0	1.2	1.0	1.9
Countermeasures	5.1	5.0	0	0
Innovative science and technology	13.4	18.1	28.0	35.0
Civil applications	0	2.0	2.0	2.0
Medical free electron laser	9.2	13.5	15.0	15.0
Total SA/BM	212.3	386.9	627.3	787.5
SURVIVABILITY, LETHALITY, AND KEY TECHNOLOGIES				
Systems survivability	59.4	60.0	94.2	98.3
Studies and analysis	8.5	8.7	14.4	14.9
Special studies	3.6	3.6	7.0	7.5
Advanced development	46.1	46.3	72.0	75.1
Program management	1.2	1.4	.9	.8
Lethality and target hardening	78.3	78.0	102.5	98.4
Thermal lasers	20.6	21.3	12.1	9.4
Impulse lasers	16.9	12.3	30.9	29.6
Particle beams	5.3	12.0	17.7	15.5
Kinetic energy	19.4	16.5	24.3	21.2
High power microwave	13.1	2.7	0	0
Lethality validation	0	0	1.7	6.0
Rep. pulse power	2.0	10.4	14.5	15.3
Program management	1.1	2.8	1.3	1.3
Power and power conditioning	50.0	85.7	158.0	186.9
Tech development	41.4	79.5	144.5	125.4
Studies and analysis	5.2	3.8	3.0	5.0
Flight demonstration	0	.4	9.0	55.0
Program management	3.3	2.0	1.5	1.5
Space transportation and support	20.7	36.4	433.8	606.2
Transportation analysis	9.8	5.5	6.0	4.0
Transportation assessment	0	.7	2.2	9.6
Transportation technology	0	19.5	281.7	327.7
NASP	9.0	10.0	0	0
HLLV	0	0	140.0	260.0
Program management	1.9	.7	4.0	4.9
Materials and structures	0	14.2	22.5	40.5
Advanced development	0	13.1	20.6	38.3
Space structures	0	.3	.4	.4
Requirements analysis	0	.5	1.3	1.4
Program management	0	.3	.2	.3
Countermeasures	8.7	26.7	42.8	78.4
Innovative science and technology	0	18.2	28.0	35.0
HELSTF	0	18.8	18.5	18.5
Total SLKT	217.1	338.0	900.4	1,162.2
Headquarters management	13.1	19.9	22.0	27.3
Total RTD&E resources	267.1	3,229.0	5,220	6,282.0

STRATEGIC DEFENSE INITIATIVE, 1988–89 BUDGET—Continued

[In millions of dollars]

Program	1986	1987	1988	1989
Military construction	3.0	10.0	125.0	18.0
Total Department of Defense	2,678.1	2,239.0	5,345.8	6,300.0
DOE SDI Program	285.0	514.0	569.0	390.0
Total SDI Program DOD/DOE	2,963.1	3,753.0	5,914.8	6,690.0

Mr. HOLLINGS. There it is in great detail and specificity. The Armed Services Committee has attached more restraints and limitations on the SDI program than the Lilliputians put on Gulliver. So the intent of Senators NUNN and LEVIN here is not to spell out limitations on SDI. That would be redundant. No, the real intent is to change the ABM Treaty. They say the funds do not really need to be expended for 2 years. And when they are ready to spend them, they can come back to us, and we will be reasonable. That is malarkey.

The Senator from Illinois is the best practical politician we have in the U.S. Senate. Senator DIXON knows exactly what's going on here. They are saying, "For SDI we give you 4.2 billion bucks. All we ask is you not expend it, by the way, until you come back and see us." We will get credit with the defense crowd—the chairman of the Defense Authorization Committee is being pro-SDI—and get credit with the anti-SDI crowd for killing the Strategic Defense Initiative.

I remember back in the days when I was Governor, a contest was held by an insurance company. They had just organized Capital Life and they wanted a new corporate slogan. The winning slogan was "Capital Life will surely pay if the small print on the back don't take it away."

Today, Senators NUNN and LEVIN offer us the same kind of insurance policy. They advocate an SDI budget of $4.2 billion and they strike a macho pose, saying, "Look how much money we put in for SDI." Then they turn their face and say, "Look here, you can't spend that money and the reason you can't spend it is because we have changed the treaty."

As the Senator from Indiana has pointed out, that is exactly what they have done. They have unilaterally altered the treaty. I will develop this point at length, but I put Senators NUNN and LEVIN on notice here and now, that their attempt to alter the treaty will not be permitted to go unchallenged by this Senator. I go right back to the distinguished Senator from Georgia's presentation on March 11, on page 5302 of the RECORD. Therein the Senator from Georgia talks about the alleged traditional intepretation.

> Article II defines the term "ABM system" generically as a system which has the function of countering strategic ballistic missiles. The definition then lists, as an illustration, the components "currently" in use at the time of the agreement. Because the clause listing the components is only illustrative, it does not limit the term "ABM systems" to those containing such components. It also means that the term implicitly covers future systems. Consequently, future ABM systems that might use different components (i.e., exotics) are within the definition.

Now, if you want to read a prime example of bafflegab, that passage is surely it. Therein lies the crux of the Nunn-Levin position and it must be exposed and debunked. Because what they claim, Mr. President, is that "current" means "future" and "future" means "current." They claim that what is precise is imprecise, and that what is explicit is implicit, and around and around they go.

Let me cite at this point the Ambassador who drafted the ABM Treaty, Ambassador Gerard Smith. Ambassador Smith wrote a book entitled "Doubletalk" in 1980.

As the chief negotiator and drafter of this particular treaty writing of the ABM Treaty, he said and I quote:

"It is a comprehensive, precisely-drafted contract."

There is nothing said about implicit. Listen to the kinds of words that the opponents of SDI put in here to try to change the treaty. They talk about generic systems but the treaty doesn't speak of generic systems. The systems are clearly defined in article II. There is nothing there implicitly covering future systems when the words with precision and specificity spell out that they relate to current systems, that is those systems existing in 1972.

I will show you exactly what I am talking about and I refer to article II of the treaty.

Article II, "For the purpose of this treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flights from trajectory currently consisting of interceptor missiles," and radars, and paraphrase.

Then article II, paragraph 2 reads, "The ABM system components listed in paragraph 1 of this article includes those which are, (a) operational; (b) under construction; (c) undergoing testing; (d) undergoing overhaul, repair or conversion; and (e) mothballed."

All of these conditions refer to those that were current in 1972, that is, presently mothballed, presently operational, presently under construction. There is no language referring to "future under construction," "future mothballed" and "future operational." You do not get the future systems tied to article II at all. Senators NUNN and LEVIN try to do that and confuse everything with article V.

Read on in the treaty, in article VI, and you can see the word future. There you have the word spelled, f-u-t-u-r-e, in article VI. So they knew how to spell future when the treaty was negotiated.

Article V says that each party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, space-based or mobile land-based. Note it says ABM systems, that is the systems defined in article II, which relate to present systems.

What did General Allison, a member of the negotiating team, say about future systems. Mr. President, I happened to go with the majority leader, Senator Mansfield, to Helsinki and there we saw General Allison, Harold Brown, Paul Nitze, and Ambassador Smith among our negotiators.

General Allison said on June 21, 1972, regarding future ABM systems, and I use his exact quote:

> (a) Constraints in the treaty apply to deployment only. Research and development are not constrained.
>
> (b) The U.S. delegation, under instructions, sought a clear-cut ban on deployment of future ABM systems, but the Soviets would not agree. Hence, they finally agreed and initialed interpretive statement * * *

and he quotes agreed statement D, and still quoting,

> "* * * The upshot is that, to be accurate, we must avoid the connotation of an absolute ban in discussing future ABM systems. We should say that there is an obligation not to deploy such systems without taking certain specified and agreed steps, i.e., in the event such systems are created in the future"—

And by emphasis I get back to that phrase quoting from General Allison.

> In the event such systems are created in the future, specific limitations on them would be subject to discussion and agreement.

But not the ban sought by the amendment of Nunn-Levin in the defense authorization bill, not that particular ban. No, General Allison was categorical on that score.

If you think that is a casual comment by one of the particular negotiators, I will go to statements of another negotiator, Mr. Garthoff, and in a memorandum dated December 20, 1971. Mr. President, Senators have been misled in the biggest charade and fraud pulled on this body successfully. That members of the press have already departed, they do not want to hear an opposing view. Their minds are made up without evidence. I have sent articles to the Washington Post and they refuse to print them. Nor will they report opposing points of view. But they have to listen when debate occurs here in the Senate.

Let me continue with Garthoff's statements of December 1971.

I say to the Senator from Indiana, the opponents of SDI use Rhinelander and Garthoff as their disciples and to rewrite history. Here is what Garthoff actually said:

> Grinevsky stated that the second problem was the absence of a connective between the

> subparagraph defining ABM systems and the three subparagraphs following which define components. His delegation strongly believed that there should be some connective such as namely or consisting of. Garthoff stated that the American side did not consider that a connective of this kind was either necessary or desirable. If, however, there were to be one, it should be precise.

Does the Senator see how he stated that? He said it should be precise. It took a year to fashion the agreement and it is only a few pages long. He said it should be precise, not be implicit, not like a Senator coming along 15 or 17 years later arguing that it is implicit and generic, and all that. No, they labored hard over each and every word.

Mr. QUAYLE. Will the Senator yield for a question?

Mr. HOLLINGS. Yes.

Mr. QUAYLE. As usual, the Senator has put his finger on a vital point, as he always does. This treaty is very precise.

Mr. HOLLINGS. Exactly.

Mr. QUAYLE. Do you know what we ought to do, read the treaty. If Senators do not want to read the whole thing, at least read article II, and read article V. As the Senator points out, in article II they are very precise, using the words currently consisting of, which means technology currently consisting of in 1972.

Mr. HOLLINGS. Exactly.

Mr. QUAYLE. The Senator is absolutely right when he says that it was the United States who wanted to ban future systems but the Soviets would not go along with it. Gerard Smith was precise and he was accurate and it is right in the treaty. I just make that observation. I go to the very point. It is precise.

Mr. HOLLINGS. I have never seen a bigger strawman than about the negotiating record, the ratification record, and the subsequent practice record. Look at the document itself. That is the contract. Let the treaty speak for itself. Let the treaty speak. In a court of law, Madam President, I can tell you here and now that under the parole evidence rule, you could not cite any of this unless there was an ambiguity, and in the case of the ABM Treaty there is no ambiguity.

Now, someone might talk of an ambiguity but it would only be about whether deployment of future systems can occur unless there is agreement. But there is no ambiguity whatsoever about testing and developing. I made a living practicing law and interpreting contracts for clients. I can tell you now, we better not get into drawing up a straw man of the negotiation record and the like. All of those records, incidentally, backup and reinforce my position. I do not resent them. I am happy to talk about the ratification record, the subsequent practice and the negotiation record. I do not mind that a bit.

But let me complete the Garthoff statement. I quote: "Therefore, he suggested we might consider use of the phrase 'currently consisting of' as a connective. This was clearly a new thought to Grinevsky and Kishilov. And they appeared uncertain of the reaction of their side. Garthoff noted that the Soviet side as well as the Americans recognized that there could be future systems." Madam President, this is back in December 1971. And the memo continues, "And while the question of constraints on future systems would be settled elsewhere than in article II, the correct way of indicating a valid connection between components and systems in article II would be to include the word 'currently,'" which they did. Get that again. Here is Garthoff back there saying, "And while the question of constraints on future systems would be settled elsewhere than in article II," but the Senator from Georgia says, "Oh, no, it is implicit in article II, future systems is implicit." He said that on March 11 with his unique interpretation of the Treaty.

Senator NUNN's definition lists "currently" as an illustration of the components currently in use at the time of the agreement because the clause listing the components is only "illustrative." Where do they get that "only illustrative nonsense? Who thought that one up? It does not limit the term "ABM systems" to those containing such components. The drafter of that particular article representing the American side, quoting the Soviet side said, look, future systems will be covered elsewhere in the treaty and only those currently in use, mothballed, being developed, stored, or otherwise, will be in the description of ABM systems under article II.

So the SDI opponents have absolutely misrepresented this ABM Treaty, and it is they who are amending the treaty with this language in the defense bill.

Now, let us get to the Senators. The Senator from Georgia quotes eight in the so-called ratification process. By the way, we have 100 Senators. He does not quote the other 92. One swallow does not make a spring. He quotes Senator Buckley. I never knew Senator Buckley voted for or against the ABM Treaty. I never heard him and it wouldn't have made a difference. I never paid any attention to him. He did not pay any attention to me. So what? What kind of record is that about what the treaty itself contains? Comments of Senators don't prescribe or change the meaning of a treaty. Few of us were on the floor. We intermittently came to the floor much like we have today. I was not bothered about testing and developing in the future because we were assured of it. We did not debate it. We never talked about a broad interpretation. We never talked about a narrow interpretation. Barry Goldwater asked negotiator Smith, and I quote, "Under this agreement are we and the Soviets precluded from the development of the laser as an ABM?"

Mr. Smith said, "No, sir."

I have to put that in your head again because you all are misrepresenting it otherwise.

I am getting you the record as of that time. Senator Barry Goldwater asked negotiator Smith, and I quote, "Under this agreement, are we and the Soviets precluded from the development of the laser as an ABM?" Mr. Smith said, "No, sir." Senator NUNN quotes Gen. Bruce Palmer, and I believe it is a very misleading quote of him. Senator NUNN pulls one sentence out of his testimony and says it supports the narrow interpretation. Let me quote General Palmer: In testimony before the Senate Armed Services Committee on July 19, 1972 he stated, "My understanding is, in the defensive area, R&D on such systems is basically prohibited." But realizing he made a mistake he later stated, and I refer to that testimony, I say to the Senator from Virginia, and I quote General Palmer to rebut the misleading quotes in other presentations in the Senate: "I would like to correct my statement. I was referring to the deployment of such systems. There is no limit on R&D in the futuristic systems."

That is General Palmer. But they have put in this defense authorization bill a limit on futuristic systems, their testing and developing and they are saying, "Oh, that is just to maintain our position so we won't be potted plants and so we can look out for the Senate." I am trying to maintain the position of the Senate and not have it changed and joined in by spurious amendments of a majority vote of both Houses. It is the Nunn-Levin amendment that amends the treaty that I voted for. I realize that I am in a minority, but at least the record has to be made so we will not engage in these shenanigans much further. I hope the President will veto this bill and not waffle around saying he is going to use the narrow intepretation and use the broad interpretation. There is no narrow and there is no broad. There is one legal interpretation.

The treaty is there. That is the weakness we have in this situation, I say to the Senator from Indiana, because we have the administration acting indecisively like they do not know. You have Judge Sofaer and the Senator from Georgia said he changed his mind. I have not followed that intramural scrimmage. I am not here for Judge Sofaer. I am not here for President Reagan. I am for the integrity of the ABM Treaty which speaks for itself.

And back to the number of Senators, three of the eight Senators referred to by Senator NUNN referred to testing in the future. Four of those Senators referred to ABM systems as described in article II. Read that testimony. We have time. We have the file. We will go over it. And, yes, Senator Buckley said that, but so what? He tied his comments to article V and not Agreed Statement D. Certainly, if he wanted to amend the treaty, he could have amended it. If he wanted to put in a reservation or an understanding the distinguished Senator from New York [Mr. Buckley] could have. He did not put in either.

Defense Secretary Harold Brown, in his 5-year summary report, which is required under the treaty to be given to the administration, said that you could do it. I am going to get that particular reference, as soon as I put my hands on it, because we will have to get that letter.

In the 5-year periodic review of the treaty, Secretary of Defense Harold Brown said, "The Soviet Union did not believe the treaty precluded the development and testing of future ABM systems." That is what he said in September 1977.

Yes, I will yield.

Mr. NUNN. Will the Senator yield? I think we can stipulate right here on the floor that the ABM Treaty does not prohibit the testing and development of futuristic ABM systems.

Mr. HOLLINGS. Why do you then try to amend the treaty in your defense authorization bill?

Mr. NUNN. Because the Senator from South Carolina, as Judge Sofaer did to begin with in this deliberations—and he has clarified a lot of that since then—fails to distinguish between ground-based and mobile-space-air testing. Everyone agrees—and that was an American position in the talks all along—that we were going to protect our ability to test exotics as long as they were ground-based exotics, not mobile, not space, not air. This record is so confusing because people do not distinguish between the two. There is no doubt that exotics can be tested, but it is only a certain kind of exotics, and that is mobile, air, and space, that cannot.

The Senator from South Carolina continually goes through this as if there is no difference, and that is the fundamental difference in the whole thing.

Mr. HOLLINGS. The Senator from Georgia got to the fundamental difference. If he will point out the word exotic in this treaty, I will jump off the Capitol dome. Where is it?

Mr. NUNN. I will call it whatever you want to call it; laser for example.

Mr. HOLLINGS. What is the future and what is the present? All right. Let us do that. Article II talks about present and current. As I have gone over it, that was precise language, and suggested as current at that particular time, and then my words of specificity in the five particular categories—those that are operational, under construction, undergoing testing, undergoing overhaul, or mothballed. We are not talking about exotic land-based and exotic air-based and sea-based, and all that.

If the Senator wants to get to the future, turn to Agreed Statement D. As Garthoff said, and as the treaty requires:

> "... in fulfillment of the obligation not to deploy—and they are talking about deploying in this Agreed Statement D—ABM systems and their components except as provided in article III of the treaty."

The parties agree that in the event ABM systems based on other physical principles—there it is. That is where future systems are discussed—including the components capable of substituting for the ABM interceptor missiles, ABM launchers, ABM radars, are created in the future.

Therein, Senator, show me your exotics about distinguishing between land-based, air-based, and sea-based. That is not the debate. the debate is whether they are current at the time of the treaty or whether they are in the future.

Now we are operating in 1987 in the future. That is the confusion that the Senator planted in the minds of the Senators when he made his presentation.

Mr. NUNN. Will the Senator yield for another brief observation?

Mr. HOLLINGS. Yes.

Mr. NUNN. If the Senator will read Agreed Statement D very carefully, he can see it refers to article III. Article III authorizes the deployment of certain fixed land-based systems.

Mr. HOLLINGS. Article III refers to deployment and relevant criteria and conditions and to those systems described and defined in article II.

Mr. NUNN. That is right.

Mr. HOLLINGS. That is right.

Mr. NUNN. Exotic fixed land-based systems can indeed be tested and developed. Agreed Statement D keeps them from being deployed.

Mr. HOLLINGS. The treaty does not use the words fixed, land-based systems. The Senator talks about testing and deploying. The language on page 23, line 10, of the defense bill says funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended to develop or test. We are not talking about deployment.

Mr. NUNN. Go ahead and read the rest of it.

Mr. HOLLINGS. That is right. Antiballistic missile systems or components, which are sea-based, air-based, space-based, and mobile land-based.

Mr. NUNN. Exactly. The Senator just made the point. Fixed land-based ABM's are not covered in section 233 nor are they covered in the Senator's distinction. But the Senator has to distinguish between fixed land-based systems and the mobile, sea-based, air-based, and space-based systems. If he does not, the whole context of the treaty comes apart. That is where the Senator is off base. That where Judge Sofaer was off base the first time when he went through the ratification record. When he came back, though, he changed a lot of that. Now he is relying not on the Senate ratification record, which the Senator from South Carolina is relying on, but rather on the negotiating record.

The Senator from South Carolina really stands alone in terms, as far as I know, of legal analysis, believing the Senate of the United States was not given the traditional interpretation. I do not know whether the Senator is relying on Judge Sofaer. I was pointing out Judge Sofaer's opinion.

Mr. HOLLINGS. As the Senator was. He has given me the responsibility of Judge Sofaer.

Mr. NUNN. I am not.

Mr. HOLLINGS. Wait a minute. The Senator is saying that I misled. I have not misled, and I have not gotten that land-based, sea-based, and air-based. We are talking about the treaty, and I am not referring to any Record as the Senator from Georgia did. I am referring to the treaty.

The treaty distinguishes those currently, and those in the future based on other physical principles. That is my point. The Senator from Georgia is the one interjecting about air, sea, and so on and attempting to manufacture that kind of situation of exotics. The Senator's whole discussion focused on exotics, and that immediately translates in senatorial minds to mean laser beams, particle beams, and everything else which we are testing.

Mr. NUNN. We can use any term the Senator desires, "other physical principles," or "exotics," or "futures." All of those have been used. We can use any term the Senator desires. I do not see that that is a debatable point. What term does the Senator want to use for future systems?

Mr. HOLLINGS. I want to use just this treaty.

Mr. NUNN. That is fine.

Mr. HOLLINGS. That is not what I want to use. That is what I have to use.

The Senator from Georgia does not choose to cite the treaty itself. Instead, the Senator has tried to dance around the fire in every instance, with complete disregard to the history of this treaty, its ratification, and what both sides have adhered to. And the Senator is the one amending the treaty. The Senator from Georgia is trying to do it in such a way that he can simultaneously be credited for being in favor of SDI and against SDI. And within 2 years as the Senator indicated because we cannot do too much testing before then we will have cut ourselves off, with this particular amendment. And in 2 years, when SDI technology is really advanced—we will hear its opponents say "we had that big debate 2 years ago. Let us not go through that again."

Unless we develop and test, we will never be able to assess whether it is wise or not to continue our course with a strategic defense initiative. Accordingly, to block developing and testing would be a disaster for the security of this Nation.

Mr. NUNN. I understand the Senator has some doubts about my position. I think he established that with our colleagues. The main point I wanted to interject here is that the Senator does not distinguish between fixed land-based exotics and those that are mobile, sea, and space air-based. The Senator has missed the heart of the ABM Treaty, and the rest of the Senator's analysis falls flat on its face.

Mr. HOLLINGS. We do indeed make that distinction. But it does not fall flat on its face because the Senator from Georgia moves on to his next plateau of confusion where he talks of that which were fixed land based or which were not fixed at the time of the treaty. He talks of mobile land based, air based, sea based, space based, in article V and incorrectly ties ABM systems or components based on other physical principles to mean only land based. That's outlandish. That is where the Senator fails to follow. He is trying to stop, and trying to raise the technicality with all this analysis of exotics. When does he see as it is written here, where does the distinguished Senator see, and please explain it to me, where something is implicit? How can article II implicitly cover future systems? That is what he stated. Why doesn't it say future systems. Why doesn't Agreed Statement D say land based. There's not one bit of discussion in the negotiating record that says ABM systems or components based on other physical principles relates solely to land based. It wasn't discussed. As a matter of fact, I will show later that the negotiations concisely pointed out that future systems meant all types and basing modes of systems.

I wish the Senator would explain to the Senate how it does. How does that implicitly cover future systems? Well, the Senator from Georgia does not answer.

Mr. NUNN. I know the Senator would like to put the answer on a bumper sticker but that is not possible. I would be glad to give him a detailed answer right now if he wants to yield for that purpose.

Mr. HOLLINGS. I yield for that, certainly.

Mr. NUNN. Article II reads:

> For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of . . . [ABM missiles, launchers and radars]." The negotiating record reveals that on December 20, 1971, the U.S. side proposed a word change, adding the connective phrase "currently consisting of" after noting explicitly that both sides recognized that there were going to be "future systems"

That is, as I mentioned, exotics or futures or whatever you want to call it

> . . . and therefore the connective phrase used in the article had to take account of this fact. Moreover, the negotiating record reveals that when Grinevsky, the senior Soviet negotiator tasked with reaching agreement on this provision, accepted the U.S. proposal the next day, he confided in his American counterparts that the U.S. proposal had been accepted by the Soviet side over the strong opposition of some members within his delegation.

That was the Soviet military.

> In his May 11, 1987 report, Sofaer insists that even though he now concedes that exotics are covered under Article III, and

That goes back to the same definition under Article II, but, quoting from Sofaer's report, he says:

> This fact does not establish, however, that Article II(1) defined ABM systems, as used in the Treaty text, to include all OPP devices.

So Judge Sofaer would agree with the Senator on that point, although he has now conceded that article III bans the deployment of exotics, which does not follow unless they are covered under article II.

Mr. HOLLINGS. No. How is Judge Sofaer agreeing with me at all? The Senator from Georgia did pretty good until he raised the canard of Judge Sofaer.

Mr. NUNN. Just a minute. If I can finish——

Mr. HOLLINGS. Where is the future systems, and article II, without mentioning Judge Sofaer's analysis. Where does the Senator from Georgia find it?

Mr. NUNN. I am going to complete my answer, if the Senator will give me a chance.

This assertion, which is the same assertion the Senator from South Carolina made, flies not only in the face of logic but it is also inconsistent with yet another significant concession in Judge Sofaer's report, that the language of article II is functional.

> In his May 11, 1987 report, Sofaer states:
>
> The Parties intended ultimately to regulate all ABM devices that could perform the ABM function, as reflected in the functional language of Article II(1).
>
> In short, Sofaer is now conceding that Article II was expressly drafted by the two sides to reflect their recognition that there were going to be exotic ABM systems and that Article II was therefore made "functional" in scope. This concession forces Sofaer to try to reconcile his admission that the Soviets intended Article II to be "functional" in scope with his insistence that they did not intend Article II to limit "any ABM system other than the ones currently consisting of ABM missiles, launchers, and radars."

There is about a 10-page section in my report dealing with this. I could read every bit of it if the Senator wants to hear it. It is long, but the summary can be stated this way. The phrase "currently consisting of" was added to cover exotic ABM's—and certainly this is substantiated by everything I have read in the negotiating record, and also what Senator Jackson brought out in the Committee on Armed Services in specific detail. That Senator Jackson was presented with the traditional interpretation is conceded by Judge Sofaer, by Richard Perle, and a lot of other people who disagree on the meaning of the negotiating record, including this Senator.

Mr. HOLLINGS. That is absolutely wrong. I have listed the instances where everybody said that. I quoted Gerald Smith, who said no. I quoted Paul Nitze, who said no. I quoted General Allison, a negotiator, who said no. I quoted Secretary Brown, who at the time was assigned as a negotiator, in August of 1971, who said no. The negotiators speak with one voice. Senator NUNN's response is to resort to this canard about Judge Sofaer.

Again, permit me to quote what Garthoff said on December 20, 1971, and I am going to quote him directly:

> Grinevsky stated that the second problem was the absence of a connective between the sub-paragraph defining ABM systems, and the three sub-paragraphs following which defined components. His delegation strongly believed that there should be some connective such as 'namely' or 'consisting of'. Garthoff stated that the American side did not consider that a connective of this kind was either necessary or desirable. If, however, there were to be one, it should be precise. Therefore, he suggested, we might consider use of the phrase 'currently consisting of' as a connective. This was clearly a new thought to Grinevsky and Kishilov and they appeared uncertain of the reaction of their side. Garthoff noted that the Soviet side, as well as the American, recognized that their (sic) could be future systems * * *.

I call this to the Senator's attention:

> * * * and while the question of constraints on future systems would be settled elsewhere than in article II * * *.

I repeat this:

> * * * and while the question of constraints on future systems would be settled elsewhere than in Article II, the correct way of indicating a valid connection between components and systems in Article II would be to include the word "currently."

There it is. That is what the Americans agreed to and that is what the Soviets agreed to. That is not the shibboleth about what is sea based, land based, and air based. It is what was present at the time of the treaty and what is future, and that is exactly what the Levin-Nunn amendment tries to inhibit. There it is.

The Senator said his analysis is not complicated. I read every page, every word of his statement back in March. I had others read it, and I still say, "It just doesn't make sense."

I have the highest respect for the distinguished Senator from Georgia, and I know he is dedicated and knowledgeable on defense matters, but I was here when the treaty was debated, and I have not found anybody who voted for it in 1972—with the possible exception of James Buckley—who believed that it banned research and testing of future systems. And James Buckley simply misinterpreted the treaty because he tied his version of the ban to article V that deals with the ABM systems in article II and not the systems based on other physical principles in Agreed Statement D.

I can tell you here and now that during the ratified debate on the floor, Majority Leader Mansfield could not get anybody to talk. The whole debate was completed between shortly before noon and 6 or 7 o'clock p.m., and most of that time consumed by quorum calls. Senator Mansfield complained that we were twiddling our thumbs. There was simply no real debate or controversy.

I have quoted General Palmer. I will quote others as well.

Senator Barry Goldwater asked precisely the question we are all interested in. He asked at that time: "Look, can we use a laser beam?" He was interested in what we would be able to do in the future. Everybody knows that Goldwater was a particularly astute authority with respect to defense and on communications. Goldwater asked Ambassador Smith, the chief negotiator, "Under this agreement, are we and the Soviets precluded from development of the laser as an ABM?"

Mr. Smith said: "No, sir."

That is the answer. Senator NUNN is representing to the Senate and everybody that we were misled and, by cracky, what we are going to do now is that we are not going to mislead anymore, and we are going to get negotiations, and if you do not quit your filibustering, I am going to ask for the whole negotiations record on your new treaty.

If you get an intermediate nuclear force arms control agreement, I can tell the President right now he will have to give us the negotiation record, because we are entitled to it. It is no threat. We are supposed to look at that. We are supposed to ask the questions. We did that in the Armed Services Committee. We did that in the Foreign Relations Committee. We talked with our colleagues in those committees and we went into it.

I can tell you here and now that the treaty speaks for itself, and this is what the Soviets have adhered to—the correct broad interpretation, plus their violations at Krasnoyarsk and otherwise.

In essence, they thought that way; everybody thought that way, and to say now that the Senate is misled and we in the Senate cannot trust the Executive is the manufacture of a charade to kill SDI. That is what happens. If you go along with this particular amendment, everyone should know that that ends SDI, because we are trying to play catchup ball with the Soviets. They have spent years and billions of dollars, and they believe SDI can work.

You have the bitter-enders who want mutually assured destruction—MAD—rather than mutually assured defense and come bobbing and weaving in. They will not see that we live in a different world.

The American people want to defend themselves against missiles and not this lawyer talk and changing treaties after they have been ratified, which this Senator and other Senators voted for, on a spurious record, where article II includes future systems. It has generic terms we hear. It is not generic; it is specific. It includes the future. Absolutely not. Article II refers to the current systems.

I have much more to get into. The Senator says he is only putting restrictions on. He sure knows how to put restrictions on.

I have already included in the RECORD the SDI budget for 1988-89.

Earlier today, the distinguished Senator from Louisiana said they would not tell us what was in it. Well, I put it in the RECORD for him and it has been available. There are literally dozens of categories and spending levels listed.

General Abrahamson has been absolutely candid with the U.S. Senate. He has not played any games with us, and that is why he has the confidence of both sides of the aisle.

Madam President, I am not one of those who wants to deploy now, before we have completed a prudent course of R&D. We simply do not know whether deployment is feasible. It is going to be some 5 to 7 years or more, even with the full court press of research and testing and developing, before we can make an informed decision with regard to deployment. Likewise, it is irresponsible to scare everybody to death and say, "If you vote for this, you're going to spend $2 trillion by 1990."

I tell you, Madam President, that we have spent $2 trillion for strategic offensive weaponry over the past two decades. Look at your defense budget commitments. I work on the Defense Appropriations Subcommittee and the Budget Committee, and if you include the B-1, the Stealth, the cruise missile, the D-5 and the MX and all the rest, you are committed as a Senator, like it or not, to expending $2 trillion over the next 15 to 20 years on strategic offensive weapons.

What we are trying here is to develop strategic defense weaponry that is far more economical than offensive systems. We are talking in the range of $4.2 billion and $3.2 billion for SDI in 1988 between the House and Senate bills. There is a $1 billion difference. But that is a significant $1 billion difference. And with that particular difference we can take the momentum we have got and continue research and test so the DOD can make a presentation and say, "We are sorry, it looked promising, but it doesn't work. We think it can work, but no use to get all these scientists in to say, 'It can't work, it can't work.'"

A lot of them said we could not get to the Moon, I say to the Senator, but this Congress had faith in John F. Kennedy, and we got to that Moon and that is the kind of confidence we need now in our research and technology in this land.

I see the distinguished majority leader wants me to yield.

Mr. BYRD. Madam President, will the Senator yield without losing his right to the floor and without showing in the RECORD interruption of his statement?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I hope that the debate will continue on this matter and we might be able to reach a vote on this amendment at some point this evening or on something. There is an event going on down on the Mall and some Senators or all Senators certainly have been invited.

I think I should state that there will not be any rollcall votes between now and 7:15 this evening.

Mr. WARNER. Madam President, will the distinguished majority leader yield?

Mr. BYRD. The Senator has the floor.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. HOLLINGS. I wanted to ask the courtesy of the distinguished majority leader because I have a hard time finding people to debate. I am the Rodney Dangerfield of SDI. I get no respect. In any event, I would like to be present any time they make a unanimous-consent agreement. I am not in a filibuster. I voted for cloture so we could bring up this bill, and that is my intent to follow right along. But I need a little bit of time to catch up with the magnificent work that the Senator from Georgia has done. I keep writing articles, and he gets his printed and they throw mine away.

But when you make those agreements I will be trying to keep an attendance at the debt limit conference, the trade conference, and the budget conference—I am on all three. I would request that you please let me know so I can come to the floor before the majority leader makes any unanimous-consent agreement on any time limitation relative to these amendments because I will have amendments to strike out Nunn-Levin and several others. I accept that we may not prevail, but maybe we will educate this body about the dangerous course Senator NUNN is embarked on.

Mr. BYRD. Does the Senator wish me to respond?

The PRESIDING OFFICER. The Senator from Virginia will withhold.

Mr. HOLLINGS. Please, and then I will yield the floor to Senator WARNER so the majority leader can respond.

Mr. WARNER. Madam President, my purpose in seeking recognition is to address the majority leader.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Virginia?

Mr. HOLLINGS. I think I can yield the floor and then cut the confusion out.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, as a courtesy to the majority leader I wish to advise that there are Senators on this side who wish to speak extensively on the pending amendment and it will be my judgment that a vote could not be reached today on this amendment as presently before the Senate.

Mr. NUNN. Could I inquire of the Senator from Virginia, could we set aside this amendment and come back to it and take up other amendments because we have 48 or 50 amendments pending. A lot of them have nothing whatsoever to do with arms control. I would be glad to try to work with the Senator from Virginia and the leadership to avoid arms control amendments until we can get rid of all the other amendments and then make sure the Senator from South Carolina and others involved in this will have plenty of time to debate this matter and any other arms control matters as they come up.

Is there any way we can proceed on that line and use this week to take up other amendments and get this business going?

Mr. WARNER. Madam President, it would be my judgment that option is not available at this time. The intensity and the interest on this side of the aisle and the issues raised by the pending amendment are such that we wish to continue to address that matter.

Mr. NUNN. So what we've got is unfortunately a continuation of the filibuster; is that right?

Mr. WARNER. Madam President, I simply stated the facts as I know them. The distinguished chairman and Senator from Georgia can draw his own conclusion.

Mr. NUNN. I thank the Senator from Virginia.

Mr. WARNER. Madam President, I yield the floor.

Mr. BYRD. Madam President, may I assure the distinguished Senator from South Carolina in response to his statement that before any agreement is entered into with respect to time on an amendment, especially any amendment in which he is interested——

Mr. HOLLINGS. This one, yes.

Mr. BYRD. We will give him the assurance that he will be contacted wherever he is and in whatever committee—and he is tied up in a number of committees.

Mr. HOLLINGS. It is only SDI, the one right now. I have other amendments and what have you, but I am particularly interested in this ABM Treaty and I want to see it.

Mr. BYRD. All right. Madam President, I assure the Senator that any agreement that may be entered into with respect to that subject area will not be entered into until the Senator from South Carolina is apprised of the type of request that is about to be made at that time and so he will have an opportunity to object or come to the floor and help shape the agreement.

Mr. HOLLINGS. I thank the leader.

Mr. BYRD. Madam President, it disturbs me to hear the truth spoken as we have heard it. We are told the truth shall make us free, but the truth in this instance is not going to make anybody free.

The distinguished Senator from Virginia has laid it on the line. As I understood him, he indicated that objections would be made to setting the pending amendment aside and that in the meantime we would not be able to reach a vote on the amendment and that in the meantime there was going to be considerable discussion of it. A good many Members on the other side of the aisle wanted to discuss it.

Have I misstated what I thought the Senator was indicating?

Mr. WARNER. Madam President, indeed the amendment crafted by the distinguished majority leader and the chairman of Armed Services Committee has language in it which is absolutely vital to the security interest today, tomorrow, and in the future of this Nation, and on this side of the aisle we view—we do not say we disagree—but we view the contents of this amendment to be of such magnitude and importance it will require extensive debate.

I am not here with my good friend from West Virginia trying to hint, but I am just stating the facts. There is extensive debate desired on this side of the aisle because of the importance of the issues raised in this amendment. I am giving the majority leader my judgment that even if we were to continue throughout the day that debate could not be concluded on this day, nor in my judgment on tomorrow.

Mr. BYRD. Do I understand the Senator to say that there will be objection to setting this amendment aside and taking up other amendments such as the distinguished chairman of the Armed Services Committee has referred to?

Mr. WARNER. Madam President, I would advise the majority leader that, yes, if a parliamentary move were to be made to set the pending amendment aside there would be objections to the unanimous consent, of course, on this side, again the reason being the importance of this amendment in the present and future security interests of this Nation.

Mr. BYRD. Madam President, I will not at this moment seek to inquire of the distinguished Senator from Virginia—for whom I have the greatest and genuine respect—as to what it is about this amendment that is so dangerous to the security of the Nation, but I do inquire of him as to when he thinks we may get to a vote on the amendment. Is it because of the discussions that are going to be going on between Mr. Shevardnadze and Secretary Schultz and the President, or are we waiting until that distinguished visitor comes to the country, is received with all due courtesies and leaves the country; is that what we are worried about?

Mr. WARNER. Madam President, the distinguished chairman and I were privileged today to join with the President, the Secretary of State, and indeed Mr. Shevardnadze. And while we are cognizant of the importance of that visit to this country and there could well be some relationship, and indeed there is, with the content of this amendment and other issues that could arise in connection with the consideration of this bill, I would not want to tie specifically the debate on this bill to that visit. There is a relationship, but I would not say there is direct linkage.

Mr. BYRD. Well, Madam President, does the able Senator wish to move to table the amendment?

Mr. WARNER. Madam President, it is not the intention of this Senator at this time to move to table the amendment. Again, I reiterate the importance of the contents of this amendment. It is of such a magnitude that there are many on this side of the aisle that wish to continue to address the issues.

Mr. BYRD. Madam President, I think we have had the gauntlet thrown down. And I do not mean in saying that that the distinguished Senator from Virginia has any intention of issuing a challenge here. When we hear the words "the gauntlet has been thrown down," it sounds like somebody is challenging somebody else. That is not the case. I do not mean it in that light.

But I think we have been made clearly to understand that we are not going to vote on this amendment today. And I assume the Senator is talking about the amendment in the second degree.

Mr. WARNER. Madam President, the majority leader is correct. If I may say, I have not thrown down the gauntlet, I say respectfully to my leader. I simply advised you of the facts as I see them.

Mr. BYRD. Then we are made to understand that we will not vote on this amendment today or tomorrow and that there is indeed some relationship between the visit of Mr. Shevardnadze and the culmination of action by the Senate on this amendment in the second degree—at least some degree of relationship. We are also told that there will be an objection to setting it aside to permit the Senate to move on to other amendments while our distinguished visitor is in the greatest city on Earth, the seat of the Federal Government of the United States.

We are left to believe that this Senate, that its action, its work, is going to be delayed for some unknown reason, but having something to do with the visit of this eminent Soviet representative of the Soviet Government.

I am rather unused to having the Senate adapt its schedule to the presence or the absence of any distinguished visitor from abroad, except for a few minutes. If we were going over to have a joint session to hear the late Winston Churchill, were he still alive, that would be a different matter, and we would suspend the activities of the Senate until we could hear that visitor.

But this is the first time in my 29 years that I have been put in this kind of position.

Mr. WARNER. Madam President, will the distinguished majority leader yield?

Mr. BYRD. Yes.

Mr. WARNER. I hope you have not misinterpreted anything I have said. I said there was no linkage in my judgment and nobody on this side of the aisle has indicated to me that there is a linkage. But I cannot sit here and tell you positively that in the minds of some Senators at some point, at this course of this debate, that they might not link this visit or the statements made in connection with this visit with the pending matter.

I must say I take some umbrage of my good friend's use of the word that this is a delay. I said out of respect for the content of the amendment, the magnitude of the importance is such that it dictates a continuation of the consideration of the issues, not the delay.

(Mr. ROCKEFELLER assumed the Chair.)

Mr. BYRD. Mr. President, if my good friend takes umbrage at something I have said, may I get down on my knees, figuratively speaking, and ask him to forgive me and say to him as the Pope said, "Thou wert my guide, philosopher, and friend."

I hope the able Senator will not take umbrage in anything I have said.

Mr. WARNER. Mr. President, I simply say to my good friend, I am your neighbor. We have a common border between our two States. And I accept your very gracious remarks.

Mr. BYRD. Mr. President, I will sleep, if I get any sleep at all tonight, I will now sleep more easily.

Mr. President, I think it has been made very clear that we are not going to vote on this amendment today, and that we are not going to set it aside by unanimous consent, and that there is a good bit yet to be said on the other side of the aisle with respect to this amendment.

Therefore, let us get out the cots. Let us let Senators who wish to speak on this amendment speak on it. I do not intend to any longer subordinate the work of the people and the work of this Senate to the comfort of the few Senators who may want to filibuster in a very easy fashion—filibuster by going out at 6 o'clock or 7 p.m., coming in tomorrow and start in a very casual way a new day of filibustering. Whatever can be said, let us have it out, get it off our chests tonight. Let the American people see who is holding up the defense bill. Let them understand fully that this is a filibuster. A rose by any other name smells just as sweet, and a filibuster by any other name is still a filibuster.

So, Mr. President, I suggest to the distinguished Senator from Virginia that he ask his colleagues to come to the floor when they are ready, when one Senator speaks and finishes for another one to be there, and somebody on this side will accommodate Senators and be here to listen. But also, I say to the Chair, that if no Senator seeks recognition, the Chair has a duty to put the question on the pending amendment.

I am sorry that this is a filibuster, but that is exactly what it is. I thank the Senator from Virginia for stating it as he has. I do not cast any reflections on him. He is not acting only on his own behalf, he obviously knows what the leadership on that side of the aisle has decided to do.

So we broke the filibuster on taking up the Department of Defense authorization bill and now we have a filibuster going on the bill itself. That is plain. That is pure and simple. We might as well face up to it. The American people might as well know it. So we will be in tonight.

I would ask the distinguished chairman to not let any vote occur until after, I would say, 7:15. If there is a change in the disposition to have a vote or set this amendment aside, that is fine. But if there is going to be any vote, any vote to ask that the Sergeant at Arms or request the Sergeant at Arms to seek the attendance of absent Senators, I would hope that would not occur before the hour of 7:15 today, so that all Senators who have to go down to this event may go and they may know that they will be safe in not missing a vote in the meantime.

Mr. NUNN. I thank the majority leader. Who has the floor, Mr. President?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. NUNN. I would be prepared to stay as late as necessary to try to conclude this debate and hear from every Senator who wants to be heard on the debate.

I think that we have got to take care of this bill. I am told by staff that we now have 80-some-odd amendments pending and we are having a filibuster on an amendment which, strangely enough, everybody who has spoken on it said they agree with it. That is what is so strange. The filibuster is taking place on an amendment which everyone agrees with.

So there has got to be some kind of reason here that we have not heard and do not understand at this point. Because the Senator from California spoke, said he wanted a vote on the Warner-Dole amendment but said he had no objection to this amendment. I have not heard anyone who objected to the Byrd amendment.

So I would just say to the majority leader, it would be my view as floor manager that we stay as long as the majority leader believes we should stay in session and start as early as possible tomorrow. I would not like to get in a situation where we, for instance, stay over here until 2, 3, 4 o'clock in the morning and then come in at 1 or 2 in the afternoon. I think it is much better to get up and be here early in the morning and stay as late as necessary.

So I am prepared to go around the clock if that is what the majority leader wants to do.

Mr. BYRD. If I have the floor, Mr. President, this is a filibuster; that is what we have going on right here. I know one when I see one and the Senator does, too.

I have read that the filibuster is being trivialized. I also have read that the majority leader would not get the cots out because he might lose his leadership position.

Mr. President, the distinguished chairman has said that he would be willing to stay as late this evening as the majority leader would recommend and come in as early tomorrow. I am not suggesting we go out at all this evening. I am suggesting that we stay right here and hear those Senators who have something to say about this amendment.

The distinguished Senator from Virginia says this will be, I believe, a lengthy debate or that there are others on the Senator's side who wish to talk on the amendment, and that we cannot set it aside.

So I say, right up here is the television camera. Let the American people see that this is a full-fledged filibuster. On what? On the defense bill. And a filibuster of sorts has been going on for months on this bill—on the motion to take up. Now we have it on the bill itself.

Mr. NUNN. Would the majority leader yield just for a brief observation?

Mr. BYRD. Yes.

Mr. NUNN. I have made it clear in the last couple of days to officials in the State Department and Defense Department and my colleague from Virginia that if there is any sensitivity about debating arms control amendments or any of these amendments during the Shevardnadze visit I would, as floor manager, cooperate in every way if we got consent from the other side of the aisle to defer the amendments, and we probably have 70 amendments that do not relate to anything to do with arms control; take those up and utilize the time. I have issued that invitation and I have not heard anything back that indicates anyone from the State Department or Defense Department or anyone on the other side of the aisle wants to delay anything concerning arms control amendments.

So, when the Senator from Virginia indicated that maybe some people are concerned about that, I think it ought to be abundantly clear, at least it is to me, that there is a reason that I do not detect for the other side of the aisle to want to debate those amendments while the Foreign Secretary of the Soviet Union is in town.

We have had 3 months of delay. We finally get it up last Friday. I make an offer to the administration not to debate any of these matters this week while Shevardnadze is in town if they think it is sensitive. I tell my colleague that and yet here we are with a filibuster going on on an amendment which everyone agrees to. It seems to me if you put all that together, there is a strong case that there are reasons that I do not detect that there is a desire on that side of the aisle, perhaps on the part of the administration—I do not know—to have this kind of holdup and tie up the Senate while the Foreign Minister of the Soviet Union is in town. I do not know why because it does not seem to me that is good for our country. Yet it is part of our freedom that we are going to demonstrate that the Senate is, and the institution here, while we have this distinguished foreign visitor.

But it is not my choice and I think everyone should understand.

Mr. WARNER. May I join in this colloquy?

The PRESIDING OFFICER. Does the Senator from Virginia wish to ask a question of the majority leader?

Mr. WARNER. I would simply like to—yes. I will put it in the form of a question.

I am somewhat taken aback by the sudden characterization of this debate in the Senate as being a filibuster. I defer to your extensive experience; far greater than mine. But it seems in a sense that you almost, by the nature of that accusation, denigrate the very amendment itself. Thus far, according to my count, only four Members on this side have spoken: the distinguished majority leader, the distinguished chairman, the Senator from Illinois, the Senator from South Carolina.

On this side, the Senator from California, the Senator from Indiana, I spoke to it myself. The Senator from Texas. Eight, nine Senators on an issue of this magnitude of importance.

Let us give the rest of our colleagues the opportunity to come forth and state their views and not so quickly go to a judgment that this is a filibuster.

I am not about to be presumptuous enough to suggest to the leader, when he wants to roll out the cots—I have been here many a night. I am prepared to stay this one. But I would not, as yet, in my humble judgment, characterize this debate—which has been a very excellent debate, particularly the statement by the distinguished Senator from Indiana, statements by the distinguished chairman, the statements by the distinguished majority leader—I do not think that it has been a dilatory period for the Senate.

Mr. BYRD. Mr. President, "A word fitly spoken is like apples of gold in pictures of silver."

The gentle Senator just said a moment ago that there are a good many other Senators on his side who wish to speak. I do not want to do anything that could deprive them of an opportunity to speak on this amendment. But the distinguished Senator also said we will not be allowed to set this amendment aside by unanimous consent.

The reason I am saying it is a filibuster is that the Senator couples the statement that other Senators wish to speak on this amendment with the rather flat statement that we will not be able to set it aside to take up other amendments so that we can get on with action on other parts of the bill that are not so offensive to Senators on the other side of the aisle.

That is what troubles me. We should take up other amendments, get on with the actions, have some votes, make some progress in carrying out the people's business and come back tomorrow. Each time we set the pending amendment aside by unanimous consent it is set aside only temporarily, and upon the disposition of the amendment that takes its place the pending amendment as of now will automatically come back before the Senate and we can then hear the Senators on the other side who wish to elucidate on what they have been cogitating.

So, Mr. President, as long as the Senator says that we will not be able to set this amendment aside, I can only believe in my poor little heart of hearts that this is, indeed, a filibuster. The American people need to know it.

Why cannot we set aside this amendment? Why cannot we set it aside?

The Senators who want to enlarge our understanding concerning their objections to this amendment may do so. But let us get on in the meantime. If there is some arcane reason why we cannot hear them tonight, let us get on with other amendments.

I am going to keep on here until I miss the event that I was talking about, so I am going to beg my leave, leave the floor and depend upon the distinguished Senator from Georgia and other Senators to keep this debate going or try to get, in the meantime, this amendment set aside to take up other amendments. I will be back.

Mr. WARNER. Mr. President, I will be here.

Mr. BYRD. The Senator will be here.

Mr. WARNER. And we still will not set this amendment aside, I say this most respectfully, because of the importance of the amendment.

Mr. BYRD. Oh. Because of the importance of the amendment. Then, Mr. President, I have no recourse but to have the Senators listen to what Senators have to say about this important amendment. He pays me a great tribute, the Senator from Georgia and me, by the way. It is our amendment.

Can the Senator from Georgia, for a moment, consider the tribute that is being paid to us as authors of the amendment? It is so important that we cannot set it aside and Senators have a great deal to say on it, but we cannot vote on it. It is a bit overwhelming.

I must go.

Would the Senator take care of the situation while I go?

Mr. NUNN. I will be glad to.

I say that I do not see any line of Senators wanting to speak on this important amendment. Maybe the line is outside the door?

Mr. WARNER. Mr. President, the majority leader said there was an important function on the Mall. The

Senators are present. I mean I just learned of this and it is the first time I learned of that statement that you made an offer to the administration not to bring up arms control this week. That is the first time I heard it.

Mr. NUNN. No, I thought I mentioned that to you.

Mr. WARNER. No, I carefully listened.

Mr. NUNN. I thought I mentioned it.

Mr. WARNER. So there is a certain value to keeping this colloquy going because I am learning things, Mr. President.

Mr. NUNN. I think it is obvious that the Senator from Virginia wants to debate arms control this week and wants to debate it while the Foreign Minister is in town. There are probably good reasons for that. I do not know what the reasons are. We have about 70 other amendments that have nothing to do with arms control that we can go to, or we can debate arms control while the Foreign Minister is in town. The Senator from Virginia obviously wants to debate foreign relations and arms control during this period. That is his choice.

I do believe that our colleagues ought to understand that as floor manager I want to stay in until we move this bill. If it takes around the clock, as the majority leader says, I think we will do that, not just tonight, but all nights and weekends, whatever it takes. We have waited a long time. The military men and women in this country depend on this bill. Their pay raise depends on it, their military supplies, the Army, Navy, Air Force, and Marine Corps. It is really something that should not be delayed. It is very important for our national security. I know the Senator from Virginia agrees with that. I hope at some point we will get some cooperation from the other side of the aisle and move this legislation.

Mr. WARNER. Mr. President, I assure my distinguished friend and chairman of the committee that we are prepared to go toe to toe for whatever periods you wish. Again, I repeat, so far as I know, there is no linkage at all between the interest on this side in the pending amendment and the visit to the United States by Foreign Minister Shevardnadze.

Mr. NUNN. Would the Senator care to reflect on our conversation earlier today? It was a very private conversation, but I thought it was in the form of an offer to delay amendments on arms control until this trip was over and go ahead and move on other amendments.

Mr. WARNER. Mr. President, I made it clear to the majority leader and the distinguished chairman from this side of the aisle that it was the desire on this side of the aisle to debate the pending business.

Mr. NUNN. I thank the Senator.

Mr. WARNER. I would be happy to discuss with the chairman at the appropriate time the conversation we had today. I have always tried to be as straightforward as I know how to be in all of our conversations.

Mr. President, I yield the floor. I see our distinguished colleague from Nebraska seeking recognition.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, while my good friend from Virginia is on the floor, I wanted to explain to the Chair that this Senator, like other Senators, has been engaged in his office meeting with constituents and taking care of other important matters, awaiting resolution to the stalemate we have at hand. I came on the floor 15 or 20 minutes ago after hearing some of the discussion and debate. Let me see if I can clarify for myself and possibly some of the other Senators who may have not been listening to this discussion as intently as the Senator from Georgia, the majority leader, and my colleague, Senator DIXON, from Illinois.

As I understand it, we had a great deal of difficulty bringing up the Defense Department authorization bill. It was filibustered by those on the other side of the aisle so we could not bring it up. We finally broke the filibuster the other day after four, five, or six attempts, I forget the number. Now it seems since we have brought it up they are right back to the position they were in before only they are filibustering after the measure has been brought up on the floor of the U.S. Senate.

I have been listening to the offer by both the majority leader and the distinguished chairman of the Armed Services Committee, on which I am proud to serve, that they do not want to have any discussion whatsoever with regard to any part of any controversial amendment that might be offered either by Senator BYRD or Senator NUNN and/or Senator LEVIN. They do want that brought up this week. Neither do they want to move off of the present amendment which has been offered by both Senator NUNN and Senator BYRD. I guess the question that I am trying to ask the Senator from Virginia is, is it the disposition of the Republican minority that you are simply going to tie up the U.S. Senate since you are filibustering? We should lay it on the line. You are delaying the most important bill that I think we have to deal with involving the national security interest of the United States, the so-called defense authorization bill. You will not allow this amendment to be set aside, which would seem to be a reasonable approach, because, in the words of the Senator from Virginia, the people on that side of the aisle feel so strongly about this that you will not let it come up. Nor will those on that side of the aisle allow this amendment to be set aside temporarily to take up other amendments that obviously would not be as controversial as the one before us.

Does that mean that it is the intention of the Senator from Virginia and those on that side of the aisle to tie up the U.S. Senate all week so we cannot do any thing other than to go through the laborious process of day and night sessions, sleeping on cots out there in the lobby when we could be working on something constructive?

I know the Senator from Virginia very well. We are good friends. We have worked together on very, very many things, generally, I guess, more in agreement than in disagreement. For the life of me, Mr. President, I do not understand what possibly can be accomplished with all the work that we have to do to waste another week here in the middle of September by not proceeding with constructive action. I would like to appeal to my friend from Virginia for a little reason, a little understanding. It does not sound like the JOHN WARNER, the distinguished Senator from Virginia, that I know, to be as unresponsive to the request by the majority leader and the chairman of the Armed Services Committee by simply saying what can we do to move forward? Or is it your desire to so highlight this dispute on this particular amendment that that is a most important thing in your mind and those of your colleagues on that side of the aisle at this time? Where are we and where are we going to go?

Mr. WARNER. Mr. President, I do not know anyone who has suggested that we will drag our feet for a week. I do not know the extent to which our distinguished colleague from Nebraska has followed the debate today. But I, for one, state clearly that it has been a good debate. I have learned some things. As closely as I have followed these issues for years, I freely acknowledge having benefited from the debate today by some eight Senators. I do not consider it a waste of time. I know others on this side are anxious to participate in the debate. Perhaps they thought that normally when a bill is first brought up, such as this one, on a Tuesday, given the activities outside of the Senate this evening, stated in some fashion by the distinguished majority leader, they are not present, but that we would pick up in an orderly fashion on tomorrow morning after a reasonable session here tonight. I am not here to suggest how the body should be run. That is up to the leadership. I simply refute the characterizations that the debate today have been dilatory, that we are trying to drag our feet. That is not the case.

I put the question to my distinguished colleague, have you followed the debate today? Have you had the opportunity?

Mr. EXON. I have followed the debate in my office to some extent. I think we have debated this matter very thoroughly. It is very clear in the debate today the situation we find ourselves in right now. I suggest to my friend from Virginia, why do we not get cracking? What is the possible objection of the Senator from Virginia and those on that side of the aisle, if, as I think you have indicated indirectly in your comments—and I wish we could be a little more direct on the floor of the U.S. Senate—what is it that the Senator from Virginia and the minority want?

They would like to adjourn tonight, I take it, then come in in the morning, and I am not in position to make those decisions. That is up to the majority leader. I have listened to the debate very clearly, and in my mind I am not sure I understand what it is the Senator wants. I take it that what he wants is to adjourn tonight, start anew in the morning and at that time might agree to set aside the amendment offered by the majority leader and the chairman of the Armed Services Committee. Is that right?

Mr. WARNER. Mr. President, I have stated very clearly what the desire of this Senator is; namely, that we continue the debate in a constructive way on the pending matter. I do not suggest, infer in any way how the leadership wants to run the Senate—stop, start; that is their prerogative.

Mr. EXON. May I ask my friend from Virginia, who is it who wishes to debate the matter that he says is so vitally important he feels it should be debated further tonight? Does the Senator from Indiana wish to make a speech on this subject?

Mr. QUAYLE. Will the Senator yield?

Mr. EXON. I yield for an answer to my question.

Mr. QUAYLE. We will be debating more. I talked a little bit this afternoon, some probably think too long.

Mr. EXON. No one would suggest that, I say to the Senator.

Mr. QUAYLE. Some might think that. But I say to my distinguished friend from Nebraska that we have put this thing off now for 3 or 4 months and we are going to talk about arms control. We will have to wait and see. In my judgment, we will talk about arms control this week, probably all of next week. This has basically, unfortunately, turned into, even though I said a small part of it is delegated to arms control, an arms control bill, so we are going to talk about arms control. Whether it is this amendment or other amendments, I do not know. It is going to be a long, lengthy, deliberate debate on arms control. That is that this authorization bill is, an arms control bill, so we will talk about arms control. This is just the beginning.

Mr. EXON. I thank my friend from Indiana and for his answer to my question. Is the Senator from Indiana one of those that the Senator from Virginia referred to as anxiously wanting to debate the pending matter?

Mr. QUAYLE. As the Senator knows, I have debated it. I am prepared, if pushed. I presume that it may be debated even further. I just got wound up this afternoon. Maybe the Senator missed it. It was a lot of fun. Myself, Senator NUNN—we got Senator HOLLINGS involved a little bit—we had a good, thorough discussion, but there are a lot of other people I know who will want to discuss arms control as such. I do not know if they are prepared to do it now, but I suppose you can force them to come over at some time. We could have quorum calls or whatever it may be. But there is just no desire to vote on this tonight, nor is there any real desire to enter into any type of unanimous-consent agreement to set it aside to take up other amendments. The amendments are arms control amendments and that is on what the discussion is going to focus.

Mr. EXON. I thank my friend from Indiana for his response. I would say, Mr. President, that Senator NUNN is on the floor at the present time. My colleague from Indiana, who just spoke, is on the floor at the present time. The Senator from Nebraska is here. None of us evidently are so wrapped up in this issue that we want to make further comments. The Senator from Wyoming has come on the floor. Maybe he, indeed, is one of those many Senators who have been anxiously awaiting their opportunity to address the Senate on this matter. So not wishing to hold up any further the legitimate and I suggest maybe nonsense deliberations of the Senate, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, as the acting majority leader, I ask unanimous consent, so I can talk on the subject of the bill, that the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator is recognized.

Mr. EXON. I yield to the Senator from Colorado.

Mr. WARNER. Mr. President, parliamentary inquiry. The Senator from Nebraska has the floor. Am I correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. And the Senator from Nebraska is yielding for what purpose?

Mr. EXON. I am yielding to the Senator from Colorado for the purpose, and for which he wishes to make a request of the Chair, a unanimous-consent request, so he can get a staff member on the floor of the U.S. Senate.

The PRESIDING OFFICER. During consideration of the bill.

Mr. WARNER. Mr. President, I did not get the Chair's response to the Senator from Nebraska.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nebraska.

Mr. EXON. Does the Senator from Nebraska have the floor?

I apologize to my colleague from Colorado. There are often unusual things happening on the floor of the U.S. Senate these days, and never before have I seen objection to a request for a staff member to come on the floor of the U.S. Senate during consideration of a bill.

I would ask the Chair at this time, maintaining my right to the floor, if all of the other staff members on the floor at the present time are properly cleared by the Chair.

The PRESIDING OFFICER. The Chair would have fundamentally no knowledge as to how to answer that question.

Mr. EXON. Would the Chair ask the Sergeant at Arms to please appear on the floor of the U.S. Senate and to check and see whether or not the staff members currently on the floor are on the floor by proper authority granted by the Presiding Officer?

The PRESIDING OFFICER. The Chair will endeavor to do exactly that.

Mr. EXON. I thank the Chair.

Mr. WIRTH. If the Senator will yield, during that process, for a brief—and I am sorry it is so troublesome—unanimous-consent request, I have a defense fellow, Michael Landrum, who has been working for them, and unless I do it by unanimous consent, he cannot be on the floor during any part of the deliberation on the defense authorization bill. Why he might want to be here during these deliberations, I do not know; but I am sure there will be others that will be of significance to Mr. Landrum. I ask unanimous consent that he be able to be on the floor during the consideration of the legislation before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WIRTH. I thank the distinguished acting majority leader for his willingness to yield, and I thank the distinguished Senator from Virginia.

Mr. EXON. I thank the Senator from Colorado.

Mr. President, I rescind the request I made of the Chair a few moments ago with regard to the Sergeant at Arms coming down to inspect the credentials of the other staff members on the floor, and I ask that that be set aside.

The PRESIDING OFFICER. It will be set aside.

Mr. EXON. Mr. President, I rise in support of S. 1174, the Department of Defense authorization bill for fiscal years 1988 and 1989. My enthusiasm derives from the bill's efforts to meet real defense shortfalls and seriously consider future defense needs. Rather than trying to fund all defense programs, it places greater emphasis on sustainability, readiness, and our technology base. It targets the most important defense needs; those that are particularly weak or offer potential military advantage and leverage. It acknowledges that the defense budget will grow only slightly, if at all, by identifying priorities, planning for the phased introduction of major new programs, and restoring weapons productions to more economic rates. Additionally, for the first time, we prepared a 2-year authorization bill. This will streamline budget decisionmaking and provide greater economic stability.

This is a much needed and noteworthy accomplishment. Senators NUNN and WARNER, the chairman and ranking minority member of the committee, largely deserve the credit for this. Their leadership and hard work led the way for the committee. It has been a pleasure and honor working closely with them and their staffs these past months. I would also like to express my appreciation for the hard work, cooperation, and dedication of Senator STROM THURMOND as we worked together on the Subcommittee on Strategic Forces and Nuclear Deterrence. Our subcommittee held 19 hearings to consider many of the most controversial programs and policy decisions in this bill.

During the subcommittee markup, I offered a funding package on the most controversial strategic programs. The subcommittee and full committee eventually approved this plan. It represents a general consensus among the committee members as the best approach to these complex and controversial programs.

It was decided to allow research to continue on both the Rail Garrison MX Program and the small ICBM, commonly known as the Midgetman. Funding for research on both missiles was reduced but will continue. I would like to see a final resolution to the ICBM Program, and I am very concerned about the $50 billion price tag associated with the Midgetman. In fact, at this time, I would rate the need for the Midgetman as one of our lowest strategic priorities. However, I recognize that we are not yet at a point at which we can make a final decision on ICBM modernization. The funding for the ICBM's in this bill preserves our future options.

A funding growth of 23 percent was authorized for the strategic defense initiative. While this was a reduction from the President's requested 55 percent growth, the $4.5 billion authorized will allow for a vigorous SDI Program. This figure is $1 billion higher than last year's amount.

The committee also provided a role for the Congress in any future interpretation of the ABM Treaty. The bill does not require the President to adhere to the traditional or restrictive interpretation. But if he decides to move to the "broad" interpretation, the Congress would play a role in the decision. I think this is reasonable. The Senate has the constitutional responsibility for approving the ratification of treaties. In my opinion, that means the Senate should be an active participant in any decisions affecting the subsequent interpretation of treaties.

Also included in the bill was an amendment I offered on the control of overseas training of the National Guard. In a recent decision, the U.S. District Court in Minnesota rejected the appeal of that State's Governor that the current law dealing with this matter is unconstitutional. The court decided the Congress has the right to control overseas training of the Guard. My amendment clears ambiguity in the standing law. Under my amendment, if a Governor objected to the overseas training of his or her National Guard for whatever reason, the President could, on a case-by-case basis and for national security reasons, override that objection. This clears up the ambiguity of wording in current law, restores the role of Governors with regard to decisions affecting the Guard, leaves the final determination for national security reasons in the hands of the President and allows for a clear way of resolving disagreements between Governors and the President. I believe that my approach is a reasonable, middle-of-the-road solution to this complex and controversial issue.

While I have some concerns on specific parts of this bill, I can support it overall. It is the product of long and thoughtful work, fair debate, and genuine concern for the future security of our Nation.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, it really is sad to see the majority party trying to force upon the Government of the United States, the executive branch, and its negotiators that position which the Soviets have failed to achieve. I do not know why the majority party does that. It is, nevertheless, the absolute truth that what Senator NUNN and Senator LEVIN are doing in their amendment is, in fact, that which the Soviet negotiators have failed to accomplish through negotiation.

It is hard to imagine why any body politic within this country would seek to do that and yet that is what we are witnessing.

It is also hard to imagine why any body politic within this country would overthrow the entire history of treaty obligations, understandings, and procedures that have been enforced in this country since its inception until these past few months.

Make no mistake about it: The Senate has one job in treaty making and only one job, and that job is to ratify treaties or fail to ratify them, or at the time of the debate, attach such understandings and reservations to them as it will, and which if they do not offend the other negotiating party, the other country, they become part and parcel of the understanding of the treaty.

Treaties are agreements between states and not agreements between parliaments, and no amount of blathering on the part of the Democratic majority here will change that issue unless, if they succeed, we will find no other country in the world willing to make a treaty or enter into a treaty with this country.

It is possible, Mr. President, that before this whole debate is over, before this bill goes to whatever fate it may have, I will seek to see what the majority wishes to do on this issue by proposing an amendment. This amendment will state that in arms control treaties with the Soviet Union—past, pending, and future—the Senate shall be the sole arbiter of the interpretation of those agreements. Moreover, the interpretation of the Senate shall be binding upon both parties, the United States and the Soviet Union, and that, since it was arrived at Senate debate, that future debates from future Senates can impose their will, at will, upon the interpretation of treaties.

If I do not miss my guess, the Senate will find such an amendment offensive but that is precisely what in this one instance the majority seeks to do.

Many Senators have said on both sides of the aisle that there are pieces of this legislation which are urgent and important, and so they are, and so they should be acted upon. But sometimes and in some places there comes a time when this country must have somebody, willing to stand up for first principles, the traditional means of handling relations between states, and in this case how treaties ought to be made.

Let me get to this so-called Byrd resolution. Let me say from the beginning that it is yet again one of the unfortunate characteristics of this body, the U.S. Senate, which so blatantly boasts of its ability to be the world's greatest deliberative body, that we seek above all to make high-sounding statements that are "full of sound and fury, signifying nothing." That characterizes the resolution of the majority leader offered as a substitute to the Dole-Warner resolution, which had at least some semblance of reason attached to it.

If this resolution is an improvement over the Dole-Warner language, and everything that is before us is open for improvement, it would find no objection from this Senator. But this resolution reads as if it is water; all the vinegar has been taken out.

I note with interest that before beginning to say that we do not want to do anything and we are willing to postpone debate until Shevardnadze has left town, does anyone here suppose Shevardnadze and the Soviet Embassy and people guiding their foreign policy are not aware of what is the business in front of the Senate? Does anyone here suggest that for a minute they do not know absolutely and precisely what it is that the Senate is about to do as soon as the Foreign Secretary leaves town?

(Mr. REID assumed the chair.)

Mr. WALLOP. The fact that this resolution is in front of us and the fact that the Nunn-Levin amendment is part of the DOD bill is part and parcel of the very thing which achieves for the Soviet Union that which they have not been able to achieve for themselves at the negotiating table.

I note that the so-called Byrd resolution no longer contains the original statement of the Dole-Warner resolution that the Congress must "not make unilateral concessions to the Soviet Union on arms control that which the Soviets themselves cannot achieve at the bargaining table."

I wonder what is wrong with that statement? Is there some kind of feeling that perhaps if that were the resolution before the Senate, we would be called upon to question what it was that we were about?

How can it be that the majority party objects to a statement saying that the Congress must not make unilateral concessions to the Soviet Union on arms control that the Soviets themselves have been unable to achieve at the bargaining table?

Would anyone, I suppose, propose that we, the Senate, ought to make such concessions, or that in an act of carelessness if we made such a concession, we ought to be excused from it? I mean, we really ought to go back and make the statement that the Congress must not make unilateral concessions to the Soviet Union.

Would anybody object if that language were put back into the resolution?

Let me note also the absence of the following passage from the original resolution, and I quote, "The Congress must not act to further the interests of the Soviet Union by unilaterally adopting Soviet negotiating positions that have been rejected by the U.S. Government."

It is curious that this was dropped. Why would we drop that? Why would the majority party insist that this Senate in a resolution not mention the fact that we would not further the interests of the Soviet Union by unilateral adoption of Soviet negotiating positions that have been rejected by the U.S. Government? Why would we do that?

Perhaps, Mr. President, perhaps it is because the House armed services bill in fact contains provisions that do exactly and precisely that. Already passed are provisions in the House armed services authorization that do precisely that.

Maybe it is because certain Senators intend to introduce amendments coming up that would enshrine Soviet negotiating objectives on such issues as SALT II, or ASAT, or nuclear testing, or chemical weapons. Or is it indeed perhaps because the Nunn-Levin amendment is such a provision.

At any rate, Mr. President, its absence from the resolution before us makes rather hollow the language at the end of the Byrd resolution that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union.

Why have we replaced something meaningful and specific with something meaningless and vague? Perhaps to make ourselves feel good and perhaps to make it possible for everybody under the Sun to vote for something which, once again, signifies nothing. Something that shows the American people that indeed the Senate is full of people with care and concern and that we all of one mind. And we are all of one mind. We want to survive in peace, but not be weak to threaten the peace. So perhaps at one moment in time we ought to put that language back into the resolution.

Now, then, we talk about all the benefits that have been mentioned by a variety of people of both sides of the aisle that are contained in the armed services budget authorization. And I agree with that. They are there and they are important. But fundamentally they are less important to this country than the proper and appropriate and responsible behavior of the Senate of the United States with this in mind: that this country's survival and not the politics' survival is the purpose for which we meet here.

If there is an overriding special interest which guides this place, Mr. President, it is not the oil companies and it is not labor unions or a host of other things. It is reelection. And one of the ways to reelection is to keep, if possible, the American people from understanding what is at issue. We are seeking to bring this fundamental issue before the American people.

What is at issue is national survival. Here what is at issue is some other nation, including the Soviet Union's willingness, once again, to negotiate with us. But if the Senate seeks to assert itself as the sole arbiter of the interpretation of treaties, it is not conceivable that nations will negotiate with us.

So, what the benefits in the armed services budget authorization are held hostage to is not a filibuster on the part of the minority party. They are held hostage to an adamant intrusion on logic by the two authors of an ABM interpretation amendment. And make no mistake about it, while Shultz and Shevardnadze are meeting, Shevardnadze knows that this Senate as a body seeks to work his will while his nation has not been able to achieve it at the negotiating table.

So if it is a filibuster, so be it. I do not think it is. I think it is a debate. But if it is, it is for the very important reason that some of us stand behind the President of the United States and his negotiators. Some of us hope to see some kind of a diminution of the level of terror. Some of us would like to see the majority party take as strong a stand against the Soviet Union's violations as they do against the interpretations of treaties of this Government.

Why is it, I wonder, that when this country sees major violations of arms control agreements by the Soviet Union that the action of the Congress first is to constrain the actions of our own country? We have seen it in ASAT, we see it in SALT II, we are now seeing it in ABM interpretations. But time and time and time again the Soviet Union violates and we are forced to prove our sincerity by further restriction on our ability to act in the defense of the people our oath swears us to defend.

So, while the rules and the law requires us to act on the authorization for armed services—and it is a good rule, it is a good law, but neither our rules nor the law contemplates the Senate's infringement on the jurisdiction of the Foreign Relations Committee nor the unconstitutional approach to our seeking to assert our will in the interpretation of treaties.

It is ironic in the extreme that those who seek to force this interpretation say that it comes about in part at least by findings and judgments of the standing consultative committee.

Mr. President, is that not the body that was designed to resolve disputes of interpretation between the Soviet Union and the United States? Some of us think it has done an utterly miserable job. Some of us think that a committee of two never comes to a conclusion. But there are those who seek to force this interpretation upon us who quote that body. And yet they are unwilling to have that body function. They seek to assert their independent view over and above what kind of a dispute may be raised within the Standing Consultative Commission between the two countries.

I do not know how much more foolish you can get. Either it has some relevance to the process of interpretation of treaties and can be quoted or leave their quotes out of it. In either instance, I do not think that the actions of the Standing Consultative Committee of and by themselves sustain the arguments of those who would seek to impose upon us their interpretation of the ABM Treaty.

I think that it is unconstitutional.

Let me just toss out an idea to the Senate to see what might take place. Suppose, for an example, we take one of the many treaties with Canada. Let us suppose, for example, we had a binding treaty, at least we thought it was when we entered into it, that Canada could not fish in certain waters of the United States if we would not fish in certain of theirs. And suppose for some reason that the body politic of this country came to the conclusion that we ought to have more fishing rights in Canadian waters and they took a look at the treaty and they decided, the Senate on its own decided, that we would have more access to Canadian waters and, by the way, the Canadians were probably fishing too much in ours and we would reduce theirs.

Now does anyone here for a minute think that the Canadian Government would stand by the interpretation of the Senate of a treaty or agreement like that and force the Senate's conclusions upon itself?

Let us turn it around and let us suppose that the Canadian Government, taking a look at this very same treaty, felt that in the reading of the Parliament they had more access to waters than they traditionally were using and they came down and started fishing in them because the Parliament said that their interpretation of the treaty says they could.

Now, who in this Senate would feel bound by an interpretation arrived at by a debate on the floor of the Parliament? While we are at it, who in this Senate would feel bound by a debate in the Supreme Soviet on a new interpretation of the ABM Treaty?

Now, Mr. President, these are relations between the executive branches of government, not the parliaments of government.

To seek to bind all these things together is to do precisely what the Soviet Union has failed to do.

Now we have a treaty already in negotiation and we see the Soviet Government day-by-day reneging on postures that they had already allowed us to believe were genuine; for example, they are calling now for the destruction of warheads when, make no mistake about it, Mr. President, they have never had the slightest intention of destroying any of their warheads.

Somewhere along the line there may be a treaty that actually comes in front of this Senate. Somewhere along that line we may pay a little more attention to it than did the Senate in consideration of the ABM Treaty. Maybe that is even too much to hope for.

But whatever happens, should it be that it is ratified, should it be that it satisfies this Senate that it can be enforced as well as verified, it will not be possible for the Senate to change what the Senate that ratifies it thinks it means by a debate in 1995. It would not be possible. And it is not possible now.

These are relations between governments, to be conducted by and between Secretaries of State and Foreign Ministers, not between the deliberation debating bodies.

It is something of a compliment, I guess, to the Soviet Union to think that there is a debate about anything or that it even could happen, but make no mistake about it, were they to indulge in one of the processes they label government over there and they sought a new interpretation of that treaty, we in the Senate would not be bound by that. We would take offense at it. The most unfortunate part of it is that what we seek to do here is to do the Soviet Union's bidding. We seek to enforce not their interpretation but their stated desire upon ourselves.

We see them strangely in violation of several dimensions of the ABM Treaty. What is the response of the majority? Restrict the United States.

It is absurd when you hear it, but that is what the response is: to restrict us in the face of their violations. And it begs the question of whether America is safer or more at risk. That has sadly not been part of the debate.

It has not been part of the debate that nowhere in the armed services of the United States is there a mission to defend this country. No branch of the Government, no branch of the armed services has the mission to defend us from Soviet missiles. In fact, no branch of it has the mission to defend us in wartime from Soviet bombers either.

The North American Aerospace Defense Command has a peacetime mission. Its mission is to maintain the peacetime sovereignty of U.S. air space.

While the Soviet Union violates the terms and provisions of SALT II with two new, three new missiles, and while they go to missiles that are rail mobile and road mobile that cannot be located by our intelligence, cannot be targeted for retaliation by our fixed or sea-based or air-based retaliatory forces, we seek an interpretation that keeps us from ever going to the point where we might be able to defend the American people.

They do not want to get us involved in the business of defending the American people, even in ways which we know how, even in the face of egregious violations of the ABM Treaty; even in the face of the failure of Soviet negotiators to achieve this at the bargaining table where we are on the threshold of having, we are told, some kind of an INF agreement. Even in this moment in time when the Soviet Foreign Minister is engaged in talks with the Secretary of State—even in those moments we seek further to constrain the actions of our country by agreeing to the principles of the Soviet Government and the Soviet negotiators.

On its face, Mr. President, it is absurd. But more importantly is what is at issue: Not the rules that say the authorization has to be passed; not the rules which say that this is appropriately the business of the Foreign Relations Committee; not any of those rules. What is at issue is the survival of our Nation and the morality of seeking to defend the people from nuclear terror.

Some of us have thought for a long time that it is the morality alone, yet alone the military value, which ought to guide the decisions of this country. Many people have decried the advance in weaponry, the weaponry of death and destruction. Here, all of a sudden, is the weaponry of safety, the weaponry of defense.

Many people have thought that that was the more defensible thing in democracies and probably more defensible strategically because, in a missile-for-missile building contest with the Soviet Union, we lose. They already have hot production lines and we have just politics.

Politics indulges the Senate and the Congress in great debates about the future weaponry of this country. Politics saw us drop the MX at a moment in time when it could achieve major, real safety, for the promise of Midgetman. And when Midgetman comes off the drawing boards and into the decisionmaking processes, politics will have some other kind of "man," Maximan or McDonaldsman or some other kind of "man," some new weapon system to replace it, because we want to hold ourselves hostage to the promises of tomorrow for fearing to offend the Government of the Soviet Union.

Well, in time of great struggle, Mr. President, we ought to worry less about offending the Soviet Union than defending, according to our oath, the people of the United States.

We see people seeking to force us out of that concept. I hope they do not succeed. Should they succeed, I hope it is vetoed, and I know that veto—just given the debate and the votes we have had to date—that veto will be sustained. It means a lot to the survival of this country that it should be.

The saddest part of it is that we do not have the two parties at least thinking in terms of survival on the same wave length.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there further debate? The majority leader has the floor.

Mr. BYRD. Mr. President, I will suggest the absence of a quorum. It will be a live quorum. I think that Senators ought to understand what we have here is a filibuster and we all ought to govern ourselves accordingly and, therefore, I would suggest that both cloakrooms put the word out that there will be a rollcall vote on requesting the Sergeant at Arms to seek the attendance of absent Senators.

Mr. WARNER. Mr. President, would the distinguished majority leader withhold for a few moments?

Mr. BYRD. Yes.

Mr. WARNER. I wish to advise the majority leader and other Senators that I know of two additional speakers and the likelihood of several more during the course of the evening. I just pass that on by way of information.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I suggest the absence of a quorum.

CALL OF THE ROLL

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the role, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 20]

Byrd
Nunn
Quayle
Reid
Wallop
Warner

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. LEVIN), the Senator from Alabama (Mr. SHELBY), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. LAUTENBERG) is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Utah (Mr. GARN), the Senator from Texas (Mr. GRAMM), the Senator from Nebraska (Mr. KARNES), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Oklahoma (Mr. NICKLES), the Senator from South Dakota (Mr. PRESSLER), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote:

So the result was announced—yeas 67, nays 14, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—67

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Cochran
Cohen
Conrad
Danforth
Daschle
Dixon
Dodd
Dole
Domenici
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kennedy
Kerry
Leahy
Lugar
Matsunaga
McCain
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Thurmond
Trible
Warner
Wirth

NAYS—14

Armstrong
Bond
Boschwitz
D'Amato
Kasten
McConnell
Murkowski
Packwood
Quayle
Specter
Stevens
Symms
Wallop
Wilson

NOT VOTING—19

Chafee
Chiles
Cranston
DeConcini
Durenberger
Evans
Garn
Gore
Gramm
Karnes
Kassebaum
Lautenberg
Levin
Nickles
Pressler
Shelby
Stafford
Stennis
Weicker

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. BYRD. Mr. President, the Senate is engaged in a filibuster.

Earlier this evening, the distinguished ranking manager of the bill stated that consent would not be given to temporarily setting aside the pending Byrd-Nunn amendment, which is the amendment in the second degree to the amendment by Mr. GLENN in the first degree. So we know that we cannot get unanimous consent to set that amendment aside and go to other amendments.

The distinguished manager of the bill, Mr. NUNN, indicated that he would be willing, as the manager on this side, to set this amendment aside, the one that is pending, and not take up any arms control amendments but go instead to non-arms-control amendments—Mr. NUNN indicated that there were a good many of them to be disposed of—so that the Senate could work its will on those amendments, and the arms control amendments would be called up and disposed of at a later date.

There was some indication that a stall on this amendment is related in some way perhaps to the visit of Mr. Shevardnadze. The indication also was that several Members on the other side of the aisle wish to discuss the pending amendment at length. Discussing the pending amendment is one thing. Senators have a right to discuss the pending amendment. I would not call that a filibuster, if they discussed it this evening and tomorrow. But when that is coupled with the fact that we will not be allowed to set aside the pending amendment to take up other amendments which are non-arms-control amendments, then it goes beyond a mere discussion of the pending amendment.

We have seen a filibuster on the motion to take up the Department of Defense authorization bill. We all remember that contentious morning—

weeks and weeks ago—when I sought to get a nondebatable motion in during the morning hour, so that we could take up the DOD bill. Those on the other side of the aisle who wished to filibuster the motion ran out the clock, and we were unable to achieve our goal of getting a nondebatable motion to proceed. Consequently, I moved to proceed at another time when the motion was debatable.

We sought to get cloture on that motion to proceed, and three times we failed to get cloture on the motion to even take up the Defense bill.

So, having tried for the third time, having only gotten 59 votes and lacking 1 vote, with 54 Democrats voting for cloture on taking up the DOD bill, only getting 5 votes from the other side, we still lacked 1 vote, the necessary 60th vote.

So, last Friday I was able to reach a point under the circumstances where a motion that would not be debatable to take up the bill could be made to that bill or any other bill. It could have been catastrophic illness or any other bill. We took up the Defense Department bill. Had we not taken it up on Friday—get this.

Mr. President, may I have the attention of Senators?

The **PRESIDING OFFICER**. The Senate will be in order. Senators will cease audible conversation.

Mr. **BYRD**. Mr. President, had we not gotten the Defense Department bill up last Friday, we would not have gotten it up today on the cloture vote; because had the same Senators who voted against cloture heretofore and the same Senators who voted for cloture heretofore voted today on a cloture motion precisely as they voted before, the vote would have been 57 votes to take up, not 59, because of absentees.

The bill is now up, but it is clear that had we not gotten it up on Friday, we would still have an ongoing filibuster on taking the bill up.

I have every respect for the distinguished Senator from Virginia, the ranking member of the committee. He has done a good job—he and our chairman of the committee—in bringing this bill to the floor.

This is a good bill. There are some parts of it, some provisions, that some Senators do not agree with. But why do we not get on with the bill and let Senators offer amendments? If they want to knock out the provisions they do not like, they can do it, if they have a majority of the votes.

But here is the position that we are in now. We cannot set aside the pending amendment. We cannot go to the non-arms-control amendments, and we are told that other Senators on the other side of the aisle wish to speak at length on the pending amendment.

Mr. President, this is a filibuster, pure and simple, and we might as well face up to it now.

We have been accustomed to two kinds of filibusters in the Senate. The easy kind where we come in at a reasonable hour, say 9 o'clock, and stay in to 6 o'clock or 7 p.m. and go home, come back the next day and renew the same old pedestrian filibuster. Some Senators get up and speak on matters other than the subject matter before the Senate and we dilly-dally and maybe put in a cloture motion and go home and come back the next day and do the same thing.

But this will be a different kind of filibuster. We are just going to have at it, and if Senators on the other side who are opposed to this bill—not all of them are opposed to it—but if Senators on the other side are opposed to this bill, or are opposed to something in it will not let us get to the amendment on it and will not let the Senate work its will on at least the non-arms-control amendments, if they have a point to make let them make it the old fashioned way. Let them earn it.

Senators should be on notice to be here all night. There may be rollcall votes. These old fashioned filibusters are not easy. They are hard on everybody. But our Republican friends have made it difficult for the Democratic majority to get certain legislation up now for months. This has been going on for months.

We have ended two filibusters since we have been back from the recess—one on Melissa Wells to be Ambassador to Mozambique, and the other on taking up the DOD bill.

Now we have a new one. This is the Republican record on which that party will have to run in next year's election. It is pure and simple—delay, obstruct, veto, threaten to veto, vote "no," and filibuster. That is it, as we see it.

So there is no point in our making it easy on the filibusterers by going home now.

We will all suffer together. We will just be here all night, and I do not say that as a threat. I am just facing up to reality.

I have tried to be patient. I try to make it as easy on all of my colleagues as I can, but the majority leader has a responsibility at some point in time to try to move legislation and the minority has the responsibility along that line as well.

But it looks like it is up to the majority alone. We cannot get up catastrophic illness. We cannot act on the defense bill. We could not act on campaign financing reform. And so here we are. We are facing appropriation bills coming down the pike. There are 13 of them. Nine of them are already over from the House. A 10th is to come over soon. The Appropriations Committee reported out its first bill I believe today, and that bill will be on the calendar soon. And we have the extension of the debt limit which we have to do something about by midnight Wednesday of next week, a week from tomorrow. We have reconciliation. We have this Department of Defense authorization bill that ought to move before we take up an appropriation for the Department of Defense.

I do not care who is in town, whether it is Shevardnadze or whether it is Gorbachev. The Senate has its own job to do, and we ought to run on our schedule and we should not be delayed just because a distinguished visitor may be in town or whatever the reason is. We have to do our work, and we are going to have a hard time. If the Republicans want to make us have all-night sessions, if they want to filibuster, we will do it the old-fashioned way and let everybody see what a filibuster really is.

I have been on both sides of filibusters. I have been a filibusterer myself, but I have long since decided that the majority of the Senate ought to be allowed to work its will at some point.

We hear all this outcry about the Bork nomination. The Judiciary Committee of which I am a member got started on the Bork nomination today, and those hearings are going forward. I, myself, want to see the Bork nomination taken up in the Senate at some point. I am committed to that.

I will say here and now that the Bork nomination will not be killed in the Judiciary Committee. It will not die there. It does not make any difference how many Senators there vote it down. It will not die there. What the Senate will do to it when it gets here, I do not know. Whether cloture can be invoked on a filibuster I cannot say, but the Senate is going to have a vote of some kind pertaining to the Bork nomination, in relation to the Bork nomination. There will be a vote in this Senate.

Mr. **NUNN**. Mr. President, will the majority leader yield?

Mr. **BYRD**. Yes, in a moment.

It is going to be before the year is out. But if the Republicans are not going to let us vote, if they are going to persist filibustering the defense bill—and they have been filibustering the defense bill for months—every day that they persist in prolonging final action on this bill is a day later that Mr. Bork will have to wait before his nomination gets up on this Senate floor.

We are merely pushing that nomination on back and back and back.

So I plead with the White House and our friends on the minority side of the aisle, to cooperate with the majority. We only have 54 votes. We cannot invoke cloture with Democrat votes alone. But I plead with them to answer to the call to get on with the public business. Whatever there is that they do not like about this defense bill, let them offer amendments. Or are they afraid to offer amendments? Are they afraid to have votes? What is it they are afraid of? What is it they are waiting on? Who is calling the signals? Is it the White House? We ought to have an answer.

Yes, I yield to the distinguished Senator from Georgia.

Mr. NUNN. I thank the majority leader.

I would just like to inquire of the majority leader, because I completely agree with his description of the situation. We have been trying to get this bill up for 4 months. For 4 months we have been trying to get the bill up. This is the national security of our Nation. It involves the military pay of every man and woman in uniform. It involves all the ships, all the planes, all the ammunition, everything about the protection of our Nation, and we have had a 4-month filibuster by those on the other side of the aisle.

First, I would like to agree with the majority leader and thank him for his dedication and diligence in getting this bill up.

The second point I would like to inquire about committees meeting tomorrow and what the rule of the Senate is because I share his view on the Bork nomination. I have made no decision on the Bork nomination. I am going to listen to all the testimony. I will not be in on the committee but I will listen to it as best I can. I will judge it on its merits. Nothing that my colleagues do on this bill will affect my judgment on the Bork nomination on its merits.

But I do very much, and I have said this, object to moving the Bork nomination in front of this defense bill, and I will not agree as one Senator, one vote, to put the Bork nomination in front of the national security of our Nation.

The Supreme Court is important, but the national security of our Nation is more important than a Supreme Court Justice. They can get by a lot better with eight Justices over there on the Supreme Court than they can with no defense bill as far as I am concerned; and "they" being the American people and the security of our Nation.

So I ask the majority leader about the hearing schedule tomorrow because as one Senator I assume complete responsibility for this. I have not asked anyone else to assist in this. It is not part of any Democratic plan.

It is the Senator from Georgia who is very frustrated with the responsibility as chairman of a committee that has a bill that was brought out in good faith. Every amendment was debated a long, long time. The one that is the subject of this filibuster was given more consideration than any other amendment or any five amendments that we had in our committee, and the minority was given every courtesy in dealing with this in committee.

So I would suggest to the majority leader that, as a Senator from Georgia, I will object to any committee meeting tomorrow morning beyond the required time, the time allocated under the Senate rules after we come in. So I think that while we are serving notice to Senators about an all-night session tonight, as far as I am concerned as the manager, it is up to the majority leader, I can go tomorrow night all night, I will go Thursday night all night, I will go Friday night all night, and I hope we are in Saturday. If we have to stay the weekend, then that is the way it will be. I think we are going to get the mattresses now and we might as well keep them here.

I will object to any consideration of any committee or any committee meeting after the allocated time required by the Senate rules tomorrow morning. I will do that from now on until our friends on the other side of the aisle understand that the Nation's security is very important. I believe, as Judge Bork has been reported to believe, I believe in judicial restraint. If that is the only allegation against Judge Bork, he will be in pretty good shape as far as I am concerned.

But I also believe in senatorial restraint. And we have not seen much senatorial restraint in the 4 months we tried to get this bill up.

I also believe in the Nation's security. I believe our young men and women who are serving in the Persian Gulf, who are serving in Korea, who are serving in Europe deserve a little consideration. They at least deserve this body getting the bill up that provides the means for them to help defend this country and have a legitimate debate. Let the votes fall where they may.

Mr. Leader, I would then ask—it is a rather long question, I know—but I would ask the majority leader what are the rules and where are we regarding committee meetings tomorrow morning?

Mr. BYRD. Certain committees, such as the Appropriations Committee, have standing consent to meet. But the Judiciary Committee will be able to meet from 8:30 until 10:30 tomorrow morning because the order has already been entered that if the Senate goes out it will convene again at 8:30 tomorrow morning, and it will convene again at 8:30 the following morning, and it will convene again at 8:30 the following morning. So if the Senate is in all night—and I fully intend to have the Senate in all night. This is a filibuster and I am going to deal with it as a filibuster and we will all learn what the old-fashioned filibuster is. I have heard the filibuster has been somewhat trivialized and the majority leader may have to give up his job if he has the cots brought out. But I will at least get to sleep on the cots.

But, in answer to the Senator's question, if the Senate is in all night, at 8:30 tomorrow morning, the convening time that has already been set by order, the Senate will be deemed to have convened. And, under the rule, any committee may meet for 2 hours after the Senate convenes, so the Judiciary Committee will meet for 2 hours. After 10:30 it will require unanimous consent to continue its meeting. The same thing will be true the next day.

May I say further, that this is not the only night we will be in all night. I am saying here and now we are going to stay in all night tonight, all night tomorrow night, all night Thursday night, and all night Friday night, and we will be in Saturday if we do not break this filibuster and get some understanding that we can get on with this bill. And it will not just be an understanding. We have got to see some tangible evidence.

I have had my fill of being jerked around by the minority, letting us just have a little bit of rope, you see, just a little bit. We have got to beg for that. We cannot get consent to take up certain vital matters.

Mr. NUNN. Mr. Leader, I have been here 14 years in this body, and it takes quite a bit to frustrate the Senator from Georgia. I think I have had about as much patience as anyone around this body. I believe that I have voted, as the record will display, on the issues regardless of party and regardless of who is in the White House as much as most anyone in this body.

But I want my colleagues to know that when I object to committee meetings, it is going to continue as long as this filibuster continues. Because I really do feel that we have been abused in this process, "we" being those who have tried to get this bill up. I believe that 4 months is long enough.

I would ask the majority leader, I know we have an 8:30 rule this week, but if this filibuster lasts next week, I would serve notice that I would at least ask the majority leader to make sure that we do not have any committee meetings because, until we get this bill taken care of, as far as I am concerned, the other agendas in this town can also get a portion of the frustration that those of us who have tried to get this bill up have had for the last 4 months.

I will object. I have not consulted with anyone. I want everyone to understand that. This is not any kind of position that anyone is responsible for except the Senator from Georgia. I will take whatever responsibility is in order.

But I would like for our friends on the Judiciary Committee to recognize that they will meet for only 2 hours for the rest of this week. And as long as this filibuster continues, I will be here when the unanimous-consent request is made, and I will object.

Mr. BYRD. Mr. President, on the Bork nomination, neither will my decision on the merits of the nomination itself be affected by this filibuster. I am going to give Mr. Bork a fair hearing in my own mind and I want to reach a fair judgment with respect to Mr. Bork. He is not responsible for what is going on in the Senate right now.

But if the President wants some cooperation on getting the Bork nomination up, let us have some cooperation from the White House on getting the minority to help the leadership here in the Senate to get up some of the bills that have to be taken care of, and time is running out and the calendar is running out.

So, Mr. President, I wonder if we could get consent to vote on this amendment within an hour or 2 hours or whatever.

Mr. DOLE. Mr. President, would the majority leader yield?

Mr. BYRD. Yes, I am glad to yield.

Mr. DOLE. Mr. President, I thank the majority leader for yielding. I must say I have not been on the floor all afternoon.

Having been in the spot the majority leader is in, I think I can smell a filibuster. I am not certain there is one here yet. I think I learned a little about the frustrations of trying to get something done.

The truth of the matter is we had an amendment pending which we could have voted on and there would not have been any filibuster. But that amendment, the underlying amendment was withdrawn and took the Dole-Warner amendment with it. Had we voted on that, I would guess we would be substantially along with other amendments. So we would have been able to vote on that today, which was pending at 2 o'clock, in fact, earlier. The majority leader did precisely what he had a right to do and the distinguished Senator from Ohio. We had not asked for the yeas and nays and the amendment was withdrawn and another Glenn amendment was offered with a second-degree amendment by the distinguished majority leader. That is precisely why we are discussing the amendment now.

I must say I do not think we have a filibuster going. The bill came up on Friday. We were not in session yesterday. This is only Tuesday. I know for a few months ahead of that time there was a lot of frustration.

Mr. NUNN. The bill came up on May 13. We have had 4 months of this.

Mr. DOLE. The bill came up Friday.

Mr. NUNN. We tried to get the bill up.

Mr. DOLE. Right. I do not quarrel with that. I think what we might do, I have not had a chance to discuss this with Members on this side. I do not want to stay here all night if I can avoid it.

Mr. NUNN. We said earlier this afternoon—I know the minority leader was not on the floor—that we would be glad to vote on this amendment, the Byrd-Nunn amendment, which no one really has raised any objection to and go right on to other amendments. I would be glad to get to the Dole-Warner amendment.

Mr. DOLE. Would you give us a vote on that?

Mr. NUNN. Absolutely. I would give you a vote on both of them tonight; glad to vote on them.

Mr. DOLE. We were just discussing that quietly. It might be good, if it is all right with the majority leader, not for a very long time, if we could have a chance to discuss this on our side. That might be a good trade. You would get your vote and we would get our vote.

Mr. DIXON. Vote on all three; the Glenn amendment, too. We voted on that before.

Mr. DOLE. Does the majority leader have any objection if I had about 15 or 20 minutes in my office with the members of the Armed Services Committee on this side?

Mr. BYRD. None at all.

Mr. DOLE. Either a quorum call or just a brief recess?

Mr. BYRD. Mr. President, unless a Senator seeks recognition, wishes to speak, I will be happy to put in a quorum call.

Does the Senator from Wyoming wish to speak? I will delay.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do not want to just come in here and throw some incendiary material out into these smooth waters. But I just have to say something. I have been here 9 years and I know the frustration of the leadership.

It is interesting to me, this continual tossing up to the Republicans on this side of the aisle—that somehow we are the ones destroying and obstructing everything the majority leader is trying to do; or that the fine Senator from Georgia is trying to do. That just will not wash in any kind of form.

I am not involved in a filibuster. I have not heard anybody over here talk about a filibuster. I have heard them talk about two things. I heard them talk about a Senate campaign finance bill which, if passed in its present form, would assure that there would not be a Republican majority in this body for another 40 years. It is a stupid reason to filibuster a bill, I know, over there, but we think it is kind of valid for us to do that.

If somebody gets together with us and says: What is it we are trying to do? Originally, it was trying to get rid of PACs; remember? So half of our membership said let us get rid of PACs. And then they said: "Wait a minute; that is kind of an impossible idea. Where did you get that?"

So, here we are; we are ready to do a lot of things there, but we are not ready to take our lumps and let "soft money" go on the bypath and "in-kind" contributions go on the bypath, and that is why we have stiffed that bill. There are a couple or three Democrats who have helped us stiff that bill and it is probably worth stiffing. I hope we can continue to do that.

OK, that is number one. The other one is the Department of Defense authorization bill. The strange reason there, it does not have to do with anything else—we are not objecting to the Department of Defense bill. We are objecting to the Levin-Nunn amendment. Period.

You give us a vote on the Department of Defense bill alone and we will not have to listen any more to how the ships will not steam or that Republicans are not going to do their part for the military or that nobody will be in uniform next month. That is guff. Give us an up and down vote on the Department of Defense authorization and we will pass it 100 to nothing in here. What in the world is this? Goofy.

But that Levin-Nunn amendment, with the technical aspects of it that have been pored over by Senator NUNN and we all admire him—there is not a person I admire more in this place. It has never been more frustrating for him in all the years he has been here. This is the most frustrating one for me too.

Nunn-Levin is an amendment that is going to mess us up, while we are making real progress in seven-league boots on arms control.

Why do we want to throw that amendment in here now while we are making more progress than we have ever made in the history of any President at any time? That is what we are talking about.

Two things. Now that is it. If we had really wanted to do a lot of nasty things that I keep listening to all the time in here, we would have done something with the highway bill, because we knew we were going to get that rammed down our gullet. We would have done something with the clean air bill, because we knew we were going to get that rammed down our gullet. We would have done something with regard to the appliance standards bill, which was a sure loser. And guess what was presented to us when we came back, you know, into this new session? Those three babies were right on the top of the stack. With a lot of glee, they were on the top of the stack, because they were three losers for us. I would not have sustained the President's veto on clean water and I told him that and we knew where we were going to lose with the highway bill and we took our lumps. We never pulled any kind of tricks on those three bills at all, and we knew we were going to lose all three of them. I hope people remember that.

So this is one Senator, and I am a pretty reasonable chap and slow to ire. But, by gad, I am not a boob. And I do not have to sit here, day after day after day, and listen to how the Republicans are destroying the U.S. Senate and we cannot do our will.

The first crack out of the box when I was assistant majority leader was a filibuster by my dear friends DAVE BOREN and JIM EXON, men I was elected with, who I came into this place with, and I cannot admire them more. That was pretty tough, to sit and talk about farm credit for 10 days when we were trying to move something else.

Does anybody remember that? I remember it. It was the most vexing thing I had ever seen.

I just wanted to explain, at least from this Senator's opinion, as to why these hideous souls on this side of the aisle just happen to want to talk about two things and why we have done what we have done on DOD. You give us DOD without Levin-Nunn, we will pass it like a dose of salts through this place.

And one other thing. There have been some very steady nuances in the last few days procedurally that we have not brought to the attention of the body which must be embarrassing and will be, eventually, if this is the way it is going to go.

If we are going to have this game of the dueling parliamentarians, which I have described before—if you think you have got problems now, wait until later. I think that has got to be an embarrassment to this fine gentleman in the Chair, this Parliamentarian. I think he is in a very, exceedingly uncomfortable position.

And then we have our own parliamentarian, the former Parliamentarian Emeritus, who is in an exceedingly tough position.

So is that the way it is going to be? Is that the way it is going to be on into the night? I am in rather trim health. I will be here all night every night. That matters not a whit to me.

But these are called, I guess, threats. I do not know what else you call them. I do not know how Judge Bork got into the game, but I do not think that is very becoming.

You know, we had better deal with Judge Bork, but if we are going to hold up Bork to show who ate the cabbage, who is being the obstructionist on that?

Mr. NUNN. I will answer the Senator's question: I am.

Mr. SIMPSON. Well, fine.

Mr. NUNN. I am going to continue to be, because we have more than one agenda here. We have been waiting 4 months, I say to my friend. Four months.

You said you waited 10 days and you said that was the most frustrating experience you ever had. We have been waiting 4 months to get this bill up, and the first day we get it up, we have a filibuster on an amendment which everybody agrees to. So I think we have to consider that everyone here can play this game. I have never played it before. But I am going to have to if I am going to get a defense bill. That is apparent.

Mr. SIMPSON. Mr. President, I have never played it before either, but I know I can get good at it and I want you to know that I can just hone up my skills in this area and I can get awfully good at that.

What we settled when I talked about my 10-day excursion sometime ago, was settled through accommodations of the Members. I do not know what happened to the relationship of Senator SAM NUNN of Georgia and Senator JOHN WARNER of Virginia, but it used to be pretty remarkable. I do not know where it went. But I am saddened to see it go. That is what I want to say.

If we had an executive session around this place we could sit down and talk about the phantoms of the Chamber which match the Phantom of the Opera in that other format. Because if we started to say the same things in private that we say in public around here, we could get something done.

But I will tell you this, I know what a threat is when I see it. And I know what we can do, parliamentarywise. Let us then really do it the "old-fashioned way." It is called that every time we get a good amendment that you know is going to pass, let us vote on it. That is called the old-fashioned way. It is called losing a vote.

When we talk about the old-fashioned way, I like that way. It is when SAM NUNN used to put up an amendment, we would say that baby is going to pass. And then we did not lose sleep or go to a parliamentarian and say: How do we trick this so that we do not get to a vote on this because it is going to pass?

I do not play that kind of music. I never have. I do not intend to.

So it is the same old business. You might let us vote, even when you lose every now and then. It would not harm you too much. We will be right here to do the same. But every time we come up with an amendment that is going to pass this place we then watch this subtle song and dance; subtle shunting; subtle little ways where we are left holding the bag, that is not the way to gain the assistance of, certainly, this Senator. I am not one that has any reputation for playing that game but I know—I am not going to sit here and listen to threats. It is not becoming. It is almost like, if you do not do it our way we are going to take our marbles and go home. And that is not very becoming either.

What we object to is the heavy-handed tactics and not one attempt at reconciliation or accommodation. Nothing but nothing.

We say, you know, could you change a paragraph there? Could you separate this? Could you divide the question?

[Indicating.]

No. And that is what you are going to get out of this side of the aisle as long as you do that. I hate that. I think it is disgusting but I am sure going to get good at it.

The PRESIDING OFFICER. The Senator from West Virginia, the majority leader.

Mr. BYRD. Mr. President, the distinguished Senator from Wyoming has made a statement about threats. We have just heard one, my friend. He talks about playing games.

I am not interested in playing games. I am interested in getting on with the work of the Senate.

He talks about dueling parliamentarians. I am not aware of any dueling parliamentarians. The only Parliamentarian is that one at the desk. I do have to go and ask the Parliamentarian a question. But I do not go to this Parliamentarian and ask, "How can we trick that? How can we top that trick?"

I have topped some tricks around here and never even said hello to the Parliamentarian. I do not have to have the Parliamentarian. I have a lot to learn, but I do not live or die on the presence of a Parliamentarian. There are no dueling parliamentarians here.

I have not been making threats, but I am telling you that I am up to my neck, up to my chin, with this stall that is going on, and we all have seen it. The Senator from Wyoming can hone up all he wishes to. I have a great deal of respect and genuine fondness for the Senator from Wyoming, but when he talks about what was said about the "old-fashioned way," he was talking about me. I was the Senator who used the term the "old-fashioned way."

We are having a filibuster. That is what is happening. That is what we have.

I am not interested in playing games. I have as much interest in getting on with business as anybody else does, or I would be found not doing my duty. I hope I have demonstrated my concern and willingness to work things out time and time again in the Senate over a period of more than 20 years' time on this floor, if not as majority leader, then as minority leader; if not as minority leader, then as majority whip; if not as majority whip, then as secretary of the Democratic Conference.

Talk about patience and having patience strained. I am a living example of having had all kinds of pressures, all kinds of lectures and all kinds of finger pointings and all that, but I still try to maintain a good humor. I am patient with my friends here because I know when this battle is over there will be other battles and maybe those who fought against us in this instance will be with us the next time.

I do not like to get personal. I want to avoid that.

We talk about the other side, the Republican Party filibustering. I am stating what I think is a fact. When I said the distinguished Republican ranking member said thus and so I have stated the fact the best I could repeat his words. I am not saying it with any animus toward that Senator. I do not have any animus against any Senator on the Republican side because of the filibuster. I say that to my friend from Wyoming. The Senator has been here 9 years and he knows there are two political parties in the Senate. While he continues to speak about how the Democrats held something up, I do not recall that the Democrats ever laid down what appears to me as a party strategy to filibuster bill after bill after bill. We cannot do business that way.

Never do I impugn the good intentions, the good faith of any particular Senator here, and I am not going to begin tonight.

But as to dueling parliamentarians, I have never heard of such a thing. As far as I am concerned, we have one Parliamentarian and he has two assistants, and they are all on the Senate payroll as Parliamentarian and Assistant Parliamentarians, and they serve all of us.

As to the former Parliamentarian, I supported the resolution which designated him as Parliamentarian Emeritus. I have no animus toward the former Parliamentarian. But I have not the slightest knowledge of dueling parliamentarians.

If I have not been here long enough to learn some rules and precedents myself without calling on the Parliamentarian, I had better walk out now and go to my wife. She needs me.

I am not fully dependent on the Senate Parliamentarian; nor have I anything to do with the former Parliamentarian.

Once in a while I may duel and I go to the only Parliamentarian here if I have any questions, but forget about "dueling parliamentarians." There are none.

Mr. WARNER. Mr. President, is the distinguished majority leader agreeable to suggest the absence of a quorum and perhaps some of us can meet with the minority leader and discuss the pros and cons of the statements made by the majority leader?

Mr. BYRD. Yes, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that a vote occur immediately, up and down, on the pending Byrd-Nunn amendment in the second degree to the Glenn amendment. I ask unanimous consent that upon the disposition of the pending Byrd-Nunn amendment to the Glenn amendment, a vote occur on the amendment that was offered by Mr. WARNER, Mr. DOLE, Mr. HELMS, and other Senators to the Glenn amendment which was displaced by the Byrd-Nunn amendment, and that that be an up and down vote.

I ask unanimous consent that it then be in order for Mr. WARNER to make a motion to strike the Nunn-Levin language from the bill, and that meanwhile the pending Glenn amendment in the first degree be set aside temporarily and remain set aside until such time as the motion to strike the Nunn-Levin amendment has been disposed of; provided further that no amendment be in order to the amendment by Mr. WARNER et al.

Mr. President, before the Chair puts the request, the Senate upon disposing of the two second-degree amendments would go out, and would come in tomorrow morning at 8:30 under the order that is already entered. At 9 o'clock, it would be my intention to suggest the absence of a quorum after having some morning business, and that would be a live quorum.

I think we have reached the stage now on the calendar that we have to get on the business early every day, and the best way to do that is to have a live quorum so that Senators will get here, and we can proceed with debate.

I have said we would have the live quorum beginning at 9 a.m. so it would not disrupt the meetings of committees, the Judiciary Committee being one of those committees that would be meeting. It will meet at 10. That is my understanding in discussing the matter with Senator BIDEN.

So we would have rollcall votes daily, if possible. We will be meeting early as I have already indicated and the Senate will be meeting late. We have to get out of the mode into which we have fallen during these several months this year, namely, that we go home early in the evenings and on Fridays we have 2 or 3 hours of sessions and a lot of Senators skip out, and we are stymied then.

So we should have a full day Friday. The managers of the bill, Senator DOLE, and I have met. As I read them, they feel that we should have a full day Friday, and that we should not at this point say that there will not be a session Saturday. We want to say that there may be a session Saturday because we are into a situation which is kind of between us and the Lord, namely, we only have October, November, and December left in the year. This is the 15th day of September, so we are at the halfway mark in September.

I guess that is about all I need to say.

Mr. DOLE. Mr. President, I wonder, too, if we might provide there be no amendments in order to the language to be stricken. Otherwise somebody could amend that.

Mr. BYRD. Mr. President, the request would include the proviso that there be no amendment, period. That means no amendment to the underlying language that is to be stricken.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Ohio.

Mr. GLENN. Mr. President, I wonder. I am agreeing to bring my amendment down, as I understand. I have not heard the whole agreement. But I understood a few moments ago on the telephone that I would be pulling mine aside. Could there be an agreement on that, that there be no amendment in order on my amendment when we finally do bring it up?

Mr. QUAYLE. I had hoped we might be able to talk the Senator from Ohio out of that.

Mr. GLENN. I thought the Senator might be asking that.

Mr. DOLE. Mr. President, if the Senator will yield; I guess the majority leader has the floor.

Mr. BYRD. I yield.

Mr. DOLE. We discussed that. It is not I think that some are flatly opposed to amendments. Some thought there might be some modifications that could be agreed upon or maybe not agreed upon. So they did not want to make that agreement.

Mr. GLENN. OK. I do not want this whole thing to come down. But I thought I would try because I would like to get a straight vote on that if we possibly could.

Mr. BYRD. Mr. President, I add to the request the proviso that a call for regular order not bring back the Glenn amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

The text of the agreement follows:

Ordered, That during the consideration of S. 1174, a bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, the Glenn amendment No. 680 be set aside until the disposition of a Warner motion to strike the Nunn-Levin language from the bill; Provided, that no amendment be in order pending the disposition of the Warner amendment; Provided further, that no call for the regular order would bring back the Glenn amendment.

Mr. BYRD. Mr. President, I thank all Senators.

Have the yeas and nays been ordered on both?

Mr. NUNN. Mr. President, I ask for the yeas and nays on the Byrd-Nunn amendment and on the Warner-Dole amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered on the pending second degree amendment.

VOTE ON BYRD-NUNN AMENDMENT NO. 681

The PRESIDING OFFICER. The question is on agreeing to the Byrd-Nunn amendment in the second degree, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. TRIBLE], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—92

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Karnes
Kasten
Kennedy
Kerry
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—1

Helms

NOT VOTING—7

Durenberger
Gore
Kassebaum
Lautenberg
Stafford
Trible
Weicker

So the amendment (No. 681) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON DOLE-WARNER AMENDMENT NUMBER 679

The PRESIDING OFFICER. Under the previous order, the question recurs on the amendment of the Senator from Virginia.

Mr. GRAMM. Mr. President, I ask that the Dole-Warner amendment be read.

The assistant legislative clerk read as follows:

At the end of the amendment add the following:

The United States and the Soviet Union may be on the verge of reaching agreement on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security; and since,

The September discussions between our Secretary of State and the Soviet Foreign Minister represent the culmination of years of detailed and complex negotiations between our countries that reflect delicate compromises on both sides; and since,

Chief U.S. negotiator Max Kampelman has announced that he has been instructed by the President to place special emphasis on START talks, now that an INF accord may be close at hand;

Therefore, the Senate declares that:

The Congress of the United States fully supports the President in his negotiations with the Soviet Union.

The Congress recognizes fully the constitutional role of the President as the sole voice of the United States in matters during the delicate course of treaty negotiations; and the Congress must not intrude in this process by acting to constrain a President's flexibility in reaching agreement with foreign nations.

At this critical point, the Congress must not take actions equivalent to unilateral concessions to the Soviet Union on arms controls, and specifically on issues that the Soviets cannot themselves achieve at the negotiating table.

The Congress must not act to further the interests of the Soviet Union by unilaterally adopting Soviet negotiating positions that have been rejected by the United States government.

The Congress should not seek to establish, in U.S. domestic, law, positions on matters such as ASAT, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons, at the very moment that such sensitive arms control subjects are being negotiated by Secretary Shultz and Foreign Minister Shevardnadze and by the negotiators in Geneva. Such action would inevitably disadvantage and undermine the United States Government in such negotiations.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 45 seconds to make an announcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this will be the last rollcall vote today unless there is a tight, very close vote here and there is a motion to reconsider which might necessitate a second vote.

On tomorrow, the Senate will come in at 8:30. There will be a live quorum beginning at 9 o'clock. The Senate will meet at 9:30 a.m. or earlier daily for the rest of the week and daily there will be a live quorum at 9 o'clock in order to get the Senate moving and get Senators in here for debate. There could very well be a Saturday session and there will be long sessions daily, coming in early staying in late. Hopefully we can make progress in the bill in that fashion. I thank all Senators and I yield the floor.

The PRESIDING OFFICER. The Chair informs the body that the yeas and nays have not been ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 679. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in the family.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. TRIBLE], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent

The PRESIDING OFFICER. (Mr. WIRTH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 59, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—35

Armstrong
Bond
Boschwitz
Cochran
D'Amato
Dole
Domenici
Evans
Garn
Gramm
Grassley
Hatch
Hecht
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Simpson
Stevens
Symms
Thurmond
Wallop
Warner
Wilson

NAYS—59

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Heflin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stennis
Wirth

NOT VOTING—6

Durenberger
Gore
Lautenberg
Stafford
Trible
Weicker

So, the amendment (No. 679) was rejected.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HEFLIN. I move to lay it on the table.

The motion to lay on the table was agreed to.

PEACE IN CENTRAL AMERICA

Mr. LEAHY. Mr. President, with the possible exceptions of trading arms to the Ayatollah for American hostages, and maybe the disastrous sending of U.S. Marines to Beirut, no issue better exemplifies this administration's capacity for self-delusion than its policy toward Central America.

Six weeks ago, on the eve of the Guatemala meeting of all five Central American leaders where a promising peace initiative was signed, Secretary of State Shultz said, and I quote:

> The Central Americans asked us to let them try to solve their own problems. We have a great deal of confidence in them. We don't want to push a Yankee solution at the situation.

That came of something of a surprise to those of us who have been paying attention to events in Central America for the past 6 years. If this administration is so eager to let the Central Americans solve their own problems, why have we been funding a proxy war to overthrow the Government of Nicaragua—a policy Central American leaders working for peace say has only made their task more difficult?

Be that as it may, last week Secretary Shultz told the Foreign Relations Committee:

> The Guatemala agreement commits the five Central American signatories—including Nicaragua—to democratization. This is to include complete freedom of the press, full political pluralism and the lifting of all states of emergency. The governments of the region commit themselves to undertake all the necessary steps for achieving an effective ceasefire.
>
> The signatories commit themselves to denying the use of their national territories for logistical or military aid to forces destablizing other governments. All assistance to irregular forces shall cease.

Secretary Shultz went on to ask "Can the United States make the Guatemala agreement work?"

His answer was that "it is certainly in our interest to try. We are and must give it our fullest and strongest support." He urged all members of Congress to "call for full implementation of the Guatemala agreement."

He then calmly announced that the administration will ask for an additional $270 million for the Contras so they can continue their 5-year hopeless war against the Sandinistas.

Apparently, the Secretary of State is not bothered by the total contradiction between his words of support for the Guatemala peace initiative, and his declaration that the administration plans to ask for yet another $270 million for rockets, bullets, and bombs to kill more Nicaraguan peasants.

For the fragile negotiations in Central America, this announcement could not have come at a worse time. It came on the heels of a plea from Costa Rican President Arias that the administration not ask for Contra aid until the peace process he initiated has had a chance to succeed. It was timed a few days before President Arias was to come to Washington to meet President Reagan to discuss the peace plan, and just before the Central American foreign ministers where scheduled to meet again to continue the peace negotiations.

Maybe this was just another case of the administration's ideological blinders preventing it from thinking through clearly the implications of its actions. Or, perhaps it was not just another blunder such as those we have come to expect, and was actually timed to achieve exactly what the hardliners in the White House, the Pentagon, and in the halls of Congress really want—to torpedo the Guatemala process before it can achieve results which would make further aid to the Contras unnecessary or at least politically unattainable.

Perhaps we have a clue to the truth in some further statements over the weekend. On Saturday, a mere 2 days after Secretary Shultz called on Congress to support the Guatemala initiative, in his weekly radio address President Reagan said he cannot support the Guatemala plan because it differs from the plan he and Speaker Wright proposed last month.

The same administration that 6 weeks ago piously insisted that it wanted the Central Americans to solve their own problems, is today acting as if the Guatemala meeting never even happened. Since the Central American leaders unanimously rejected the Reagan-Wright plan and proposed their own, it looks like the administration has decided that letting the Central Americans chose their own fate is not such a "neat" idea.

Sometimes I wonder if the White House thinks we're deaf or suffering from memory loss up here—that we won't remember this week what they told us last week.

We do remember.

We remember administration "assurances" about its dedication to a negotiated settlement given just before each Contra aid vote in the past. We remember the promises about reforms in the contra political and military organizations, elimination of the Somocistas, and an end to their appalling human rights abuses.

We remember the bland statements that the Contra war is not intended to overthrow the Government of Nicaragua, with which we maintain diplomatic relations, but to "pressure" the Sandinistas into negotiation.

We remember the absurd declaration that there is no need for the United States to talk to the Nicaraguan Government about the war because it "is a civil war between the Sandinistas and the Democratic Resistance"—as if we in Congress could not remember that it was the administration which created, trained, armed, funded, and advised the Contras from the beginning.

I am convinced that the administration's announcement to seek a huge increase in funds for the Contras is a calculated attempt to calm its constituency on the right who fear the Contras will be abandoned, without actually saying what is only too obvious—the President desperately wants the Arias peace initiative to fail. Because it does not want to weaken its already poor chances of getting more money for the Contras, the administration dare not blatantly torpedo the talks in Central America. This would allow the President to say to some waverers in Congress that we need more pressure from the Contras before the Sandinistas will negotiate seriously.

Secretary Shultz carefully refused to say when the administration will formally request more Contra aid. To do so before November 7, the date the peace plan is scheduled to take effect, would in all probability destroy the current negotiations. It would smother the only real chance the Central

Americans have to deal with their own problems on their own terms.

I join Chairman PELL and other members of the Foreign Relations Committee who urged Secretary Shultz not to make the request before that date.

As long as the administration continues to stubbornly insist that peace in Central America can only be achieved by continued U.S. support for the Contra insurgency, it sends exactly the wrong message to the Central American leaders and the people of that region.

A month ago in Guatemala, the leaders of Central America took an extraordinary step toward peace. That agreement presents the United States and its southern neighbors with both an opportunity and a challenge—to chart a new course in Central America.

Deliberately or through mismanagement, the administration is preparing to miss this opportunity—even though the Contra policy has been a disaster for the United States. By any objective, standard support for the Contras has achieved the opposite of what was intended.

It has strengthened—not weakened—the grip of the hard-line Marxists among the Sandinistas.

It has opened the door for increased—not reduced—Soviet and Cuban influence in Central America, by leaving the Sandinistas no alternative but to turn to the Soviet bloc.

It has intensified—not lessened—tensions in a dangerously unstable region, and provided the worse possible atmosphere for the shaky democracies struggling to take root there.

It has divided—not unified—the American people, and prevented the establishment of a broadly based consensus that could provide the foundation for an enduring policy toward that region.

It has caused unspeakable suffering in Nicaragua, where thousands have died in the Contra insurgency.

And, in stimulating the Iran/Contra diversion it led to the most serious assault on our democratic system of checks and balances and accountability in recent history.

The President has never said what his goals are in Nicaragua. In one breath he says we need the Contras to pressure the Sandinistas to restore democracy, and in the next he says the Sandinistas will never agree to democracy. At one moment he denies the goal is to overthrow the Sandinistas, and at another he says the Sandinistas are a beachhead of communism on the American mainland which must not be tolerated. He now insists that anything less than complete American-style democracy in place by midnight on November 7 justifies new funds for the Contras.

That is a recipe for disaster.

What other Central American country, with the possible exception of Costa Rica, has achieved geniune democracy? Not one, including Mexico, a country with 25 times the population of Nicaragua, a one-party political system, a largely state-owned economy, and a thousand-mile border with the United States. As Senator HELMS pointed out last week, Mexico wouldn't know democracy if it fell out the sky. If there is an unstable, shaky regime to our South where we have fundamental interests at stake and where we should be devoting intense attention, it is Mexico. Yet that does not seem to be of much concern to the ideologues in the basement of the White House. They would rather be obsessed with a tiny, impoverished country of 3 million peasants who have suffered centuries of oppression and injustice, several decades of that under a brutal dictatorship propped up by the United States.

The President wants the Guatemalan Peace Plan to fail because it would not automatically oust the Sandinistas from power.

I reject the administration's premise that our security and the security of Central America cannot be protected short of supporting a war to reverse the 1979 revolution in Nicaragua and restore the corrupt oligarchy to power. As long as that remains the central premise of United States policy toward Nicaragua, we are inviting failure.

The people of Nicaragua are fundamentally Western. Most of them don't know where the Soviet Union is, nor do they care. They are not interested in Marxism or even capitalism. They have known only repression and degrading poverty. As Secretary Shultz said last week, they want freedom and prosperity. Now that the dictatorship is gone, they should be left to work out their own system of government by themselves.

That is not to say the United States has no legitimate security interests in Central America. Every Member of Congress knows that it does. So do the Sandinistas. We cannot permit the Soviet Union or any hostile nation to establish a military presence there from which to threaten the security of this hemisphere. Preventing that possibility should be the cornerstone of our policy toward Nicaragua.

If we can negotiate a verifiable INF treaty with the Soviet Union, we and Nicaragua can negotiate a verifiable agreement that the Soviets and Cubans will not establish a military threat in Nicaragua. The Sandinistas have offered to sign such an agreement for the past 4 years.

Our other principal security concern is that Nicaragua not support guerrilla insurgencies to destabilize its neighbors. There will be no peace if the other Central American leaders are not satisfied that Nicaragua will accept this limitation. The Guatemala Peace Plan says that an end to aid to insurgencies is "indispensable" to peace, and we should support the Central Americans in formulating a comprehensive, verifiable agreement on this point. With our superb national technical means of verification, as they are called in arms control, we could help the Central Americans verify Sandinista compliance with the ban on aid to the Salvadoran insurgents.

If the United States and Nicaragua can resolve these concerns, we should be able to begin to improve relations on a wide range of issues. That is in the interest of both countries. Without our help, Nicaragua will never get its economy back on track. Its economic isolation and siege conditions leave it little choice but to seek assistance from the Communist bloc. The time for rhetorical denunciations has passed. We cannot dictate the outcome of events in Nicaragua, but if the Sandinistas are prepared to recognize our security concerns, we can influence events in that country in positive ways.

We can do that by treating Nicaragua the same as we do other small countries we don't agree with. Not by trying to overthrow their government, but by offering its people opportunities to travel and study in the United States and learn about our democratic system, and by offering the kind of help that they so desperately need.

By improving trade and supporting private enterprise.

By sending doctors, teachers, engineers, veterinarians, and other professionals to improve the standard of living of the hundreds of thousands of Nicaraguans who live in poverty.

By keeping a dialog going, recognizing that like every other country in Central and South America and no matter what we do, Nicaragua's political system will never be just like ours.

Nor can we expect to erase overnight a half century of resentment for our support of Somoza and the Contras. Secretary Shultz himself has said that successful diplomacy requires time and patience. Patient diplomacy ultimately reversed decades of hostility and mistrust between the United States and China. Today, this administration is following that course with Mozambique, a Marxist government which nevertheless has indicated a willingness to get along with the West.

We are at a historic crossroad. We can continue a senseless war and shatter the first glimmer of hope for peace in Central America. Or we can stop the hypocrisy and start talking and acting like we truly want peace. I am convinced that only then the freedom and prosperity Secretary Shultz speaks of will finally come to Nicaragua.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on September 14, 1987, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on September 14, 1987, are printed in today's RECORD at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1833. A communication from the General Counsel of the Securities and Exchange Commission transmitting, pursuant to law, a Report of the U.S. Securities and Exchange Commission on the Financial Guarantee Market: The Use of the Exemption in Section 3(a)(2) of the Securities Act of 1933 for Securities Guaranteed by Banks and the Use of Insurance Policies to Guarantee Debt Securities; to the Committee on Banking, Housing, and Urban Affairs.

EC-1834. A communication from the Assistant Attorney General, transmitting, pursuant to law, the Attorney General's 1986 Annual Report to Congress on the administration of the Equal Credit Opportunity Act for calendar year 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-1835. A communication from the Comptroller General, transmitting, pursuant to law, a Financial Audit on the Export-Import Bank's 1986 and 1985 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC-1836. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report for the design and construction of a Spacecraft Solid Rocket Motor (SRM) High Energy X-Ray Facility at Kennedy Space Center, Florida; to the Committee on Commerce, Science, and Transportation.

EC-1837. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the U.S. Consumer Product Safety Commission 1989 Budget Request; to the Committee on Commerce, Science, and Transportation.

EC-1838. A communication from the Deputy Associate Director for Royalty Management, U.S. Department of Interior, transmitting, pursuant to law, a report on proposed refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1839. A communication from the Deputy Director for Royalty Management, Department of Interior, transmitting, pursuant to law, a report on proposed refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1840. A communication from the Administrator of General Services, transmitting, pursuant to law, information copies of lease prospectuses; to the Committee on Environment and Public Works.

EC-1841. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, notification of a two-month delay of the Statement of Liabilities and Other Financial Commitments of the U.S. Government; to the Committee on Finance.

EC-1842. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Third report of the Maternal and Child Health Services Block Grant Act for the Fiscal Year 1986; to the Committee on Finance.

EC-1843. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on travel advisories issued by the Department of State for certain countries, which have security implications for Americans traveling or residing in those countries; to the Committee on Foreign Relations.

EC-1844. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, notification of a proposed Computer Matching Program Between the Department of Defense and the Department of Education; to the Committee on Governmental Affairs.

EC-1845. A communication from the Assistant Attorney General (Office of Legislative and Intergovernmental Affairs), transmitting for the information of the Senate, U.S. Department of Justice objections to S. 1293; to the Committee on Governmental Affairs.

EC-1846. A communication from the Executive Secretary of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report on the establishment of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1847. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the Public Service Commission and the Office of the People's Counsel Miscellaneous Taxicab Accounts"; to the Committee on Governmental Affairs.

EC-1848. A communication from the National President of the Women's Army Corps Association, transmitting, pursuant to law, a report on the Financial Statement of the Women's Army Corps Veterans Association for the fiscal year July 1, 1986 through June 30, 1987; to the Committee on the Judiciary.

EC-1849. A communication from the Chief Immigration Judge, U.S. Department of Justice, transmitting, pursuant to law, a report of certain grants of Suspension of Deportation; to the Committee on the Judiciary.

EC-1850. A communication from the President of the National Safety Council, transmitting, pursuant to law, a report of the audit of the financial transactions of the National Safety Council for the fiscal years ended June 30, 1987 and 1986; to the Committee on the Judiciary.

EC-1851. Not assigned.

EC-1852. A communication from the Secretary of Health and Human Services, transmitting pursuant to law, a report on the implementation of the Age Discrimination Act of 1975 during the fiscal year 1986; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title and with a preamble:

S.J. Res. 26. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes (Rept. No. 100-156).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

H.R. 1567. A bill to provide for the use and distribution of funds awarded to the Cow Creek Band of Umpaqua Tribe of Indians in U.S. Claims Court docket numbered 53-81L and for other purposes (Rept. No. 100-157).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

William S. Sessions, of Texas, to be Director of the Federal Bureau of Investigation for the term of ten years (Exec. Rept. No. 100-6).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. CHILES):

S. 1684. A bill to settle Seminole Indian land claims within the State of Florida, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. HEINZ:

S. 1685. A bill to temporarily suspend the duty on N-methyl aniline and m-chloro aniline; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. DOLE, and Mr. KARNES):

S. 1686. A bill to amend the Internal Revenue Code of 1986 to defer the tax consequences of the repayment of a Commodity Credit Corporation loan with a generic commodity certificate; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. ADAMS, Mr. CHILES, Mr. COCHRAN, Mr. EVANS, Mr. GRAHAM, Mr. HEFLIN, Mr. INOUYE, Mr. JOHNSTON, Mr. KERRY, Mr. LEVIN, Ms. MIKULSKI, Mr. NUNN, Mr. SANFORD, Mr. STENNIS, Mr. TRIBLE, and Mr. WARNER):

S.J. Res. 188. A joint resolution designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEFLIN:

S. Con. Res. 72. A concurrent resolution authorizing a bust or statue of James Madison to be placed in the Capitol; to the Committee on Rules and Administration.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. CHILES):

S. 1684. A bill to settle Seminole Indian land claims within the State of Florida, and for other purposes; to the Select Committee on Indian Affairs.

SEMINOLE INDIAN LAND CLAIMS SETTLEMENT ACT

Mr. GRAHAM. Mr. President, my colleague, Senator CHILES, and I are pleased to introduce today a bill which settles a longstanding dispute involving the Seminole Tribe, the State of Florida, and the Federal Government.

The Seminole Indian Land Claims Settlement Act of 1987 will compensate the Seminoles for land taken by the Federal Government.

It will resolve a Seminole grievance over a critical water flowage easement controlled by the South Florida Water Management District. It will secure the continued use of that easement which is essential for the provision and regulation of the water supply for the residents of South Florida coastal cities, including Miami and Fort Lauderdale, and of large agricultural areas.

By monetary compensation and by the transferral of some lands to the United States to be held in trust for the tribe, an 11-year legal dispute over water rights and land claims will be put to rest, that action will remove the cloud over many land titles in Florida, and the attendant hardship to present landowners.

Under the act, a 9,600-acre tract of land which is now in the East Big Cypress Reservation, will be added to an existing Seminole reservation and held as a Federal reservation for the Seminole Tribe, those lands will be subject to Florida civil and criminal law, specifically, Florida laws on alcoholic beverages, gambling and cigarette sales.

Seminole land and water rights in Florida have been disputed since before the 1939 Presidential Executive order which attempted to resolve the claims the Seminoles had nearly 150 years ago.

Both Senator CHILES, who is an enthusiatic cosponsor of this legislation, and I are relieved to have at last reached an accommodation agreeable to all parties.

I urge my distinguished colleagues to support and vote for the Seminole Indian Land Claims Settlement Act so that we may expeditiously resolve these complicated issues without further delay.

Mr. President, I ask unanimous consent to submit a section-by-section analysis of this bill for printing in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE SEMINOLE INDIAN LAND CLAIMS SETTLEMENT ACT OF 1987

In general, the bill follows the form of the Florida Indian Land Claims Settlement Act, approved by Congress in 1982, which settled Miccosukee land claims in Florida.

Sec. 1 names the Act the "Seminole Indian Land Claims Settlement Act of 1987."

Sec. 2 defines various terms for the purposes of this legislation. Specifically *Subsections (a)* through *(d)* provide identifying definitions for the Seminole Tribe, State of Florida and South Florida Water Management District—the three parties to the Settlement Agreement—and for the Secretary of the Interior. *Subsection (e)* defines the phrase "lands or natural resources" allinclusively, specifying interests or rights in minerals, timber, water, hunting and fishing. *Subsection (f)* defines "Settlement Agreement" as the negotiated agreement between the parties. It establishes the parties' intent to settle a pending lawsuit and extinguish other pending or potential claims of the Tribe to lands or natural resources in Florida. It notes that the agreement provides for the State and District to buy certain real property interests from the Tribe. *Subsection (g)* defines "settlement funds" as those the State and District will pay to the Tribe for these interests under the agreement. *Subsection (h)* defines "Compact" as the Water Compact incorporated into the Settlement Agreement. The Compact defines precisely Seminole water rights and how they may be used within the Water District.

Sec. 3 recites findings and declarations by Congress which explain the need for the legislation and the congressional purpose in enacting it. Specifically, the legislation will settle the 1978 lawsuit entitled *Seminole Tribe of Indians of Florida v. State of Florida, et al,* involving a Seminole claim to certain lands within Florida. The pending suit challenged the District's right to a flowage easement, granted by the State in 1951 over lands reserved to the Tribe under State law, without the consent of the Tribe or the United States and without compensation to the Tribe. The District uses the easement for a water flowage and storage area, part of a federally-authorized flood control project in central or southern Florida. This area is essential for the provision and regulation of the water supply of residents of south Florida coastal cities, including Miami, Hollywood and Ft. Lauderdale, and of large agricultural areas.

The Tribe also has unresolved claims to other Florida areas, based on an 1839 Presidential Executive Order, and on tribal aboriginal possession rights never extinguished. The Tribe has asserted—but not filed suit on—these additional claims. The pending lawsuit and unresolved claims could cloud many land titles in Florida, even to land not involved in the present lawsuit, resulting in economic hardship for present landowners.

Congress in 1976 appropriated $16 million to pay a judgment won by the Seminole Nation for compensation for land taken *by the United States.* The Settlement Agreement, which all parties have signed, resolves any remaining unfiled Seminole land claims *against the State and District,* and settles the pending lawsuit. It provides for both money payments and conveyance of land in trust for the Tribe to the United States, and requires implementing legislation by both Congress and the Florida legislature. Congress shares the desire of the parties to settle the lawsuit and other Seminole land claims without imposing new cost burdens on the United States.

The water rights claimed by the Tribe are disputed, and amicable settlement is desirable. The Tribe and District have reached agreement—detailed in the Compact—which when Congress approves it, will substitute precisely defined water rights for the Tribe's undefined and disputed water rights claims.

Sec. 4 requires the Secretary to make findings that the State and District have paid the settlement funds to the Tribe, and waived certain claims against the Tribe (required by Section 5c of the Settlement Agreement), and that the State has enacted the required implementing legislation. It prevents Section 5 from taking effect until 180 days after enactment, or after the Secretary has made the required findings, whichever occurs last. *Subsection 5(a)* requires the Secretary—*after* making the required findings—to publish them in the Federal Register with the Settlement Agreement. On this publication, the Tribe's commitments become effective. The land and resource transfers made by the Tribe are deemed constitutional and in conformity with applicable federal law, including the so-called Indian Non-Intercourse Act. Congress specifically approves the Indian land and resource transfers in the Settlement Agreement, including the Compact and related exhibits.

Under *Subsection (b), Paragraph (1),* all Seminole tribal aboriginal title claims in Florida are extinguished, unless specified as an excepted interest in Paragraph 4a of the Settlement Agreement. All prior land or resource transfers by the Tribe to the State or federal government pursuant to statute or treaty are validated. Under *Paragraph (2),* any Seminole tribal land and resource claims arising *after* the transfers validated by Paragraph 1 which depend on retention of interest in rights to the land or resources transferred are extinguished. Specifically extinguished are damage claims for trespass or use and occupancy. *Paragraph (3)* leaves *unaffected* any individual Indian claims not derived from or through the Seminole (or some other) Indian tribe. *Paragraph (4)* sets out the exclusive procedure under which an individual Indian or non-Seminole tribe, claiming a loss of property by extinguishment of a claim or validation of a transfer under Section 5, may seek relief. The claimant must, within 180 days of the Secretary's publication of findings, bring suit against the State and the United States in the U.S. District Court for the Southern District of Florida. The only remedy afforded in any such action is a proportionate share of the $16 million Seminole Judgment Fund previously appropriated by the Congress.

Subsection 6(a) authorizes and directs the Secretary to take immediately into trust—regardless of clouds on title—approximately 15 sections of land in the northwest corner of Broward County, Florida, presently part of the East Big Cypress (State) Reservation. The land will be held as a federal reservation for the use and benefit of the Seminole Tribe, subject to the criminal and civil jurisdiction of the State (assumed under Florida Statutes Section 285.16, which permits the civil and criminal laws of Florida to obtain on all Indian reservations within the State to the same extent as elsewhere throughout the State).

Subsection 6(b) requires the Secretary within two years of enactment to conduct a cadastral survey of all Seminole reservations in Florida—including the 15 sections described in subsection 6(a)—and publish correct legal descriptions in the Federal Register within 180 days after completing the survey.

Subsection 6(c) authorizes and directs the Secretary—if the parties subsequently agree that additional lands exchanged with, or acquired by, the Tribe under Paragraph 6 of the *settlement agreement* should be held in federal trust as a reservation for the Tribe—to accept such lands under the agreed terms and conditions subject to the same assumption of jurisdiction by the State as the lands in Subsection 6(a), unless the State eventually retrocedes jurisdiction to the Tribe. Specifically, Florida laws on alcoholic beverages, gambling, and sale of cigarettes will be enforceable within the transferred lands. Tribal sovereignty over the lands, except for these three specified areas, will be the same as for other Indian reservations.

The legislation leaves unchanged applicable federal restrictions on alienation, encumbrance and taxation of Indian trust property; leaves unaffected any federal hunting, fishing or trapping rights, privileges or immunities the Tribe or its members now enjoy; and grants no new civil jurisdiction to the State over Indian property. The transfer conveys no new water rights to the Tribe, except as defined in the Compact.

Sec. 7 provides that the Water Compact shall have the force and effect of federal law.

Subsection 8(a) bars any action to contest the constitutionality of this legislation, unless filed within 180 days of enactment in the U.S. District Court for the Southern District of Florida. *Subsection (b)* provides the same Federal court with exclusive jurisdiction over any controversy arising under the Settlement Agreement, Compact, or private agreement between the Tribe and any third party, notwithstanding any immunity from suit enjoyed by any of the parties, but the Court has no jurisdiction to award money damages against any of the parties to the settlement agreement. Expedited court proceedings are mandatory within sound judicial discretion.

Sec. 9 provides that if part or all of the Settlement Agreement is ever invalidated, affecting any of the commitments made by the State or District, the Compact shall no longer be of any force and effect, and the Tribe and its members will be released of its commitments as if never enacted, and the approvals of transfers and extinguishment of claims and aboriginal title will be void retroactively.

Sec. 10 provides that the Act becomes effective upon enactment.

● Mr. CHILES. Mr. President, I am pleased to join with my colleague from Florida [Mr. GRAHAM] in introducing the Seminole Indian Land Claims Settlement Act of 1987.

The bill we introduce today is not only vitally important to the Seminole Tribe of Florida, but also to many Floridians whose water and property rights are beneficially affected by the settlement this legislation approves. One unique aspect of the water rights compact, part of the settlement, is that it is the first large-scale water rights settlement anywhere between tribal and State authorities before litigation was filed. As such, it offers an alternative for solving future water rights disputes.

This settlement apparently benefits all parties involved; that is, the Indian tribe, the State of Florida, and the South Florida Water Management District. Agricultural and urban customers of the South Florida Water Management District, including residents of Miami, Hollywood, and Fort Lauderdale, also stand to benefit from approval of the settlement. The settlement also enjoys the enthusiastic support of conservationists and environmentalists throughout Florida who are concerned about the restoration of the Everglades.

According to dictates of law, the settlement must be approved by many entities, including the U.S. Congress and finally the Federal court. The package has already been approved by Governor Martinez of Florida, the Cabinet (which functions independently under Florida law), both Houses of the Florida legislature, the Seminole Tribe, and the South Florida Water Management District.

I particularly want to mention the instrumental role played by my friend and colleague, BOB GRAHAM, who, as Florida's Governor, helped create an atmosphere conducive to successful completion of negotiations. I pay tribute to Senator GRAHAM's continuing leadership in bringing this legislation to the Senate for approval.

Similar legislation is being introduced in the House of Representatives.

As chairman of the Committee on the Budget, I am very pleased to report that this settlement will impose no new costs on the United States. But if the litigation continues because Congress does not approve this legislation promptly, the United States would be obligated, under its responsibility to protect the trust resources of the Seminole Tribe, to support financially the tribe's suit. This could be expensive.

This settlement arises out of a 1975 dispute between the Seminole Indians and the Trustees of the Internal Improvement Trust Fund [TIITF], an entity primarily responsible for developing State lands. However, under Florida law, the TIITF is also charged with preserving the Seminole Tribe's use and benefit of the East Big Cypress Reservation lands, "forever". (The Department of Interior holds three Seminole reservations, Brighton, West Big Cypress, and Hollywood, in trust for the Seminoles.) The conflicting duties assigned the TIITF came to a head when the trustees conveyed a water flowage easement over Seminole lands in the East Big Cypress Reservation to the South Florida Water Management District. The trustees conveyed the easement without compensating the Seminole Tribe nor obtaining Seminole approval.

The Water Management District uses the easement for water flowage and storage, as part of a flood control project in Central and Southern Florida. The easement has become essential to the district in providing water and regulating water supplies to South Florida coastal cities and agricultural areas.

The District subsequently flooded the lands within the easement, including those within the East Big Cypress Reservation, denying the Seminoles any use of the lands.

The Seminole Tribe sued the State and the Water Management District in 1978, and the case continued through years of litigation. In early 1985, negotiations for a settlement began, culminating in this agreement.

I would like to summarize the primary components of the agreement. First, the lawsuit and claims it presents against the State of Florida and the South Florida Water Management District would be settled. Of course, the settlement is subject to Federal court approval following congressional action.

Second, the Seminole Tribe will convey some 14,470 acres within the water conservation area to the State of Florida, thereby surrendering its rights to this property.

Third, the Tribe will sell to the State, at a mutually agreed upon price representing its present fair market value, the part of the East Big Cypress State Reservation which is in Palm Beach County, FL, and not subject to the flowage easement. The State wants this land for the Rosenberger Tract Everglades restoration program, and agrees as part of the settlement to maintain this land in its natural state in perpetuity.

Fourth, the tribe will waive its asserted but never filed claim to a 5 million acre reservation set-up by Presidential Executive order in 1839, and to any other claims to Florida land resulting from unextinguished aboriginal title—with one specified exception.

Without the settlement, the unresolved claims and pending lawsuit could cloud many Florida land titles, including land not involved in the present suit, thereby causing economic hardship for present landowners.

Fifth, the Tribe would receive approximately $7 million from the State of Florida and another $500,000 from the Water Management District, the latter in the form of in-kind technical services for waste development on the West Big Cypress and/or Brighton Reservation, to help the tribe develop an agricultural base.

Sixth, the remaining approximately 16 sections of the East Big Cypress State Reservation, including three sections now subject to the disputed water flowage easement, but not necessary to the flood control project, would be transferred by the State into Federal trust for the continued benefit of the Seminole Tribe. The district would release any rights it may have obtained under the disputed flowage easement to these three sections. This land transfer is subject to the restrictions that bingo operations and tax exempt cigarette sales may not be conducted on them. State liquor laws would also continue to apply on these lands.

Seventh, an integral part of the settlement is a separate water rights compact, which probably completely avoids otherwise inevitable, imminent, large scale litigation involving the nature of Seminole tribal water rights and their relationship to Florida water law.

Mr. President, this litigation alone would probably have cost the United States millions of dollars, and have delayed any coordinated water use, conservation or quality improvement plans for the area, which has frequent critical water shortages. And, it would have tied up the restoration of the Everglades.

Upon congressional approval, the compact will have the force of Federal law. Under it, the tribe will regulate its own water use through a newly created Tribal Water Office. The tribe will not need permits nor be subject to district processes, but it must follow the essential aspects of Florida's ground water management plans, and, of course, Federal environmental laws, which would apply in any case. The Tribal Water Office must seek advance approval for its water development and use plans, and must use processes equivalent to those of the district's for plan approval and for dispute resolution.

Attached to the compact is a criteria manual detailing the required processes along with technical provisions. The parties may amend the manual any time by agreement, but any compact amendment requires the consent of both Congress and the Florida Legislature.

Under the compact, the tribe will get an immediate preference for development of its ground water, and, in the future, the highest priority permissible under Florida law. The Seminole water rights defined in the compact will be perpetual, not subject to renewal by State authorities.

The district guarantees the tribe 15 percent of the available surface water in the Brighton area and a comparable percentage on the Big Cypress Reservation. And the tribe gives up its claim to any other water rights except those defined in the compact. The compact requires the district to conduct an investigation of recent tribal water shortages in the Brighton area by year's end and produce a proposal to cure those shortages a month later.

Congress is required to approve this settlement because of the provisions involving purchase of tribal lands by the State, and those which entail extinguishing various land claims.

I urge my colleagues to put this legislation on the fast track. If it is not approved by the end of this session, it may begin to unravel, costing the tribe, the people of Florida, and taxpayers of the United States.●

By Mr. GRASSLEY (for himself, Mr. DOLE, and Mr. KARNES):

S. 1686. A bill to amend the Internal Revenue Code of 1986 to defer the tax consequences of the repayment of a Commodity Credit Corporation loan with a generic commodity certificate; to the Committee on Finance.

TAX TREATMENT OF PIK TREATMENT

Mr. GRASSLEY. Mr. President, joining with my colleagues Senator DOLE and Senator KARNES, I would like to introduce a bill today amending the Internal Revenue Code to eliminate an inequity thrust upon American farmers.

In March of this year, the Internal Revenue Service published revenue ruling 87-17 regarding the tax treatment of generic commodity certificates. The regulation stated that upon reduction of a CCC loan with commodity, or, as more commonly called, PIK certificates, the producer is required "to redeem and sell to the CCC a quantity of the commodity pledged as collateral for the CCC loan."

The redemption of CCC loans with PIK certificates, a procedure called PIK and roll, is a standard practice in agriculture. The purpose of the PIK and roll procedure is to enable farmers to utilize the advantage of the Government farm programs and to also free up available on-farm storage. The program benefits farmers, grain merchandisers, and the CCC by allowing held grain stocks to move toward terminal markets.

The IRS ruling, however, could virtually eliminate the use of the PIK and roll as farmers learn of the devastating consequences involved.

The most severe of the consequences concerns farmers who have redeemed a commodity loan and also utilized the PIK and roll procedure within the same year. Consider an example. A farmer places his grain under Government loan in 1985 and receives payment. According to the law, he can defer treating this as taxable income until the end of the 9-month loan period—for purposes of our example—the next year. If a farmer utilizes this option and then uses the PIK and roll procedure on the 1986 crop, the harmful tax consequences of 87-17 are triggered. By deferring payment until 1986, the farmer has made a sale within 1986. In addition, according to 87-17, the redemption of the CCC loan is another sale the farmer must record for 1986. Although the farmer has only received one payment for the crop, the IRS has recorded the transaction as two sales instead of one. The bottom line is that although the farmer's actual income stays the same, his IRS income is reported as being doubled, and as a result his tax bill skyrockets.

If people utilizing the PIK and roll procedure had been notified by the ASCS that the redemption of their CCC loan would be treated as a sale for tax purposes, it is possible alternate plans could have been made. Until recent publicity, however, State and county ASCS personnel had not clarified to farmers the true nature of the loan redemption.

This should be a simple matter to correct. It is evident that when a farmer is repaying a Government commodity loan, the procedure does not involve a sale of the grain which had been under loan. I urge my colleagues to join me in amending the Internal Revenue Code so people utilizing the PIK and roll procedure will not be subject to this unfair double taxation.

Mr. DOLE. Mr. President, today Senators GRASSLEY, KARNES, and I are introducing legislation to prevent unfair tax treatment for farmers who use the so-called PIK and roll procedure.

BACKGROUND

Last spring, after most farmers had completed their tax returns, the IRS issued a ruling on the tax treatment of commodity certificates. The ruling, based on USDA regulations, effectively results in treating PIK and roll transactions as a sale of grain to the Commodity Credit Corporation [CCC] and repurchase of that grain from the CCC. This means that farmers who redeem their loans could find the redemption of the loan treated as a sale for tax purposes.

If the IRS ruling considers PIK and roll as a sale of grain to the Government rather than a redemption or paying off of the loan, then farmers could face a tax liability at the time the farmer uses PIK and roll, rather than at the time a farmer actually markets the grain, which in many cases is the following calendar year.

Many ASCS offices had not been apprised of this interpretation of PIK and roll tax treatment. We need to ensure that farmers do not face a surprise tax as a result of using PIK and roll. PIK and roll has been a valuable marketing tool, allowing grain to flow through market channels and opening storage space in many Midwestern States. We need to be sure we do not cause any unintended disruptions, especially when we are preparing for this fall's harvest.

CONCLUSION

Mr. President, the farmer who redeems his loan using PIK and roll is simply trying to pay off his loan and acquire the grain which he had pledged as collateral for the loan. The legislation we are introducing would give him an option as to when he would face a tax liability—either the earlier of when the commodity securing the loan is sold or when the loan would normally have matured.

By Mr. SARBANES (for himself, Mr. ADAMS, Mr. CHILES, Mr. COCHRAN, Mr. EVANS, Mr. GRAHAM, Mr. HEFLIN, Mr. INOUYE, Mr. JOHNSTON, Mr. KERRY, Mr. LEVIN, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NUNN, Mr. SANFORD, Mr. STENNIS, Mr. TRIBLE, and Mr. WARNER):

S.J. Res. 188. Joint resolution designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week"; to the Committee on the Judiciary.

NATIONAL WATERMEN'S RECOGNITION WEEK

● Mr. SARBANES. Mr. President, today I am introducing a joint resolution which would designate the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week."

The American watermen, a group consisting of commercial fishermen, crabbers, oystermen, lobstermen, and all other persons who earn a living on the waters, contribute significantly to the Nation's economy and our traditions through their expertise and skill.

In 1986, the United States ranked fifth among world producers of fishery products, with a product value of $5.2 billion. Furthermore, in 1986, the consumption of edible fish and shellfish meat in the United States reached a high of 14.7 pounds per capita, the national supply of edible fishery products reached a record high of 9.6 billion pounds, and the total export value of domestic fishery products increased 25 percent from 1985 to $1.4 billion.

In Maryland, the watermen and women have from colonial times contributed to the economic foundation of the State. The harvesting of fish, crabs, oysters, and clams, each in its season of abundance in the pristine waters of early America became both a way of life and an important industry which has grown in importance ever since. Through backbreaking work in often dangerous waters under all weather conditions, America's watermen and women have built the multibillion-dollar fisheries which bring high quality protein to America and the world.

Today, the waters are no longer pristine. Often the watermen are the first to notice changes in water quality, for it means lighter nets and empty bushel baskets. In Maryland, the entire striped bass fishery had been closed in the hope of reversing the dramatic decline in numbers of this important commercial species. The watermen who depended on the striped bass were called upon to give up their livelihood and find another.

Under the leadership of Larry Simns, president of the Maryland Watermen's Association, those who make their livings on the water continue to meet the demand for high quality seafood. The Chesapeake Bay is resilient and is responding to efforts directed at improving water quality. It will require a sustained and comprehensive cleanup program to restore the full vitality and abundance of the Chesapeake Bay.

"National Watermen's Recognition Week" will symbolize the maintenance and husbandry of the natural resources on which watermen depend for their future well-being. The resolution will urge and empower the President to issue a proclamation requesting that the people of the United States observe that week with suitable ceremonies and festivities.●

● Ms. MIKULSKI. Mr. President, I am very pleased to join my colleague, the senior Senator from Maryland, Senator SARBANES, in introducing a resolution to honor our Nation's commercial watermen. Designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week" will bring to the attention of all the work done by the many American men and women who earn a living on oceans, bays, and rivers.

The resolution highlights the importance of watermen to our Nation's economy. Due to their efforts, the United States ranks fifth among all the world producers of fishery products. Seafood and fishery products were valued at $5.2 billion in 1986.

Fish consumption has reached a record high in the United States. In 1986, per capita consumption was 14.7 pounds of fish and shellfish.

Watermen play an especially important role in Maryland since the Chesapeake Bay cuts across our State. The Chesapeake Bay is the largest estuary in North America, bordered by some 8,000 miles of shoreline. Generations of Chesapeake Bay watermen have reaped rich harvests of finfish, oysters, clams, and crabs.

Mr. President, we in Maryland are proud of our bay and our watermen. The bay and the watermen are part of our history and our heritage. We have the bluest crabs, the finest oysters, and the best watermen to be found anywhere. That is the legacy we want to pass on to our children and our grandchildren.

Watermen work long hours in difficult and hazardous conditions. Many learned to be crabbers, clammers, shrimpers, oyster and lobstermen from their fathers, who learned from their fathers. I hope that the watermen of today will teach their sons and daughters the ways of the commercial fishermen.

This resolution not only acknowledges and pays tribute to these fine American workers but also reminds the American people of the importance of saving our waterways threatened by pollution. We need to secure to future generations of watermen and the industries they support a livelihood and a way of life.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BYRD, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 9

At the request of Mr. CRANSTON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 9, a bill to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors; to provide additional eligibility for certain educational or rehabilitation assistance to veterans and other eligible individuals with drug or alcohol abuse disabilities; to increase the maximum amount of a home loan which is guaranteed by the Veterans' Administration; to improve housing, automobile, and burial assistance programs for service-disabled veterans; and to extend and establish certain exemptions from sequestration for certain veterans' benefits; and for other purposes.

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 129

At the request of Mr. DOMENICI, his name was added as a cosponsor of S. 129, a bill to authorize and amend the Indian Health Care Improvement Act, and for other purposes.

S. 303

At the request of Mr. BRADLEY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 303, a bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes.

S. 889

At the request of Mr. KARNES, his name was added as a cosponsor of S. 889, a bill to amend the Communications Act of 1934 to provide for fair marketing practices for certain encrypted satellite communications.

S. 998

At the request of Mr. DECONCINI, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act."

S. 1260

At the request of Mr. BUMPERS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1260, a bill entitled the "Federal Land Exchange Facilitation Act of 1987."

S. 1346

At the request of Mr. MATSUNAGA, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from New York [Mr. MOYNIHAN] were added as cosponors of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1370

At the request of Mr. BUMPERS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1370, a bill to provide special rules for health insurance costs of self-employed individuals.

S. 1397

At the request of Mr. CRANSTON, the names of the Senator from Tennessee [Mr. GORE] the Senator from Kentucky [Mr. FORD], and the Senator from Montana [Mr. BAUCUS] were added to cosponsors of S. 1397, a bill to recognize the organization known as the Non Commissioned Officers Association of the United States of America.

S. 1437

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 1437, a bill to make certain members of foreign diplomatic missions and consular posts in the United States subject to the criminal jurisdiction of the United States with respect to crimes of violence.

S. 1490

At the request of Mr. SARBANES, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1490, a bill to designate certain employees of the Librarian of Congress as police, and for other purposes.

S. 1554

At the request of Mr. FOWLER, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1554, a bill to provide Federal assistance and leadership to a program of research, development and demonstration of renewable energy and energy conservation, and for other purposes.

S. 1561

At the request of Mr. BOND, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 1561, a bill to provide for a research program for the development and implementation of new technologies in food safety and animal health, and for other purposes.

S. 1562

At the request of Mr. STEVENS, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1562, a bill to implement the provisions of annex V to the International Convention for the Prevention of Pollution from Ships.

S. 1575

At the request of Mr. KENNEDY, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to establish a grant program to provide for counseling and testing services relating to acquired immune deficiency syndrome and to establish certain prohibitions for the purpose of protecting individuals with acquired immune deficiency syndrome or releated conditions.

S. 1578

At the request of Mr. STEVENS, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1578, a bill to amend chapter 83 of title 5, United States Code, to provide civil service retirement credit for service performed under the Railroad Retirement Act, and for other purposes.

S. 1673

At the request of Mr. CHAFEE, the names of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. PELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 76

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Joint Resolution 76, a joint resolution to designate the week of October 4, 1987, through October 10, 1987, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 111

At the request of Mr. HEINZ, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987, and November 1988, as "National Hospice Month."

SENATE JOINT RESOLUTION 134

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Joint Resolution 134, a joint resolution to designate the week commencing on the third Sunday in May 1988, as "National Tourism Week."

SENATE JOINT RESOLUTION 147

At the request of Mr. LEVIN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Nebraska [Mr. EXON], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Wisconsin [Mr. KASTEN], the Senator from Alabama [Mr. SHELBY], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of Senate Joint Resolution 147, a joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 148

At the request of Mr. D'AMATO, the names of the Senator from Texas [Mr. GRAMM], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Delaware [Mr. BIDEN], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 148, a joint resolution designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 168

At the request of Mr. MELCHER, the names of the Senator from Wyoming [Mr. SIMPSON], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 168, a joint resolution designating the week beginning October 25, 1987, as "National Adult Immunization Awareness Week."

SENATE JOINT RESOLUTION 172

At the request of Mr. BRADLEY, the names of the Senator from Nebraska [Mr. EXON], the Senator from Missouri [Mr. DANFORTH], the Senator from Georgia [Mr. NUNN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 172, a joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Association Week."

SENATE JOINT RESOLUTION 174

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 174, a joint resolution designating the week beginning November 15, 1987, as "African American Education Week."

SENATE CONCURRENT RESOLUTION 23

At the request of Mr. CRANSTON, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Concurrent Resolution 23, a concurrent resolution designating jazz as a American national treasure.

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. STEVENS, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution to encourage State and local governments and local educational agencies to provide quality daily physical education programs for all children from kindergarten through grade 12.

SENATE RESOLUTION 219

At the request of Mr. DASCHLE, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Resolution 219, a resolution expressing the sense of the Senate with respect to the use of ethanol, methanol, and other oxygenated fuels as an accepted air pollution control strategy in nonattainment areas designed by the Environmental Protection Agency.

SENATE CONCURRENT RESOLUTION 72—AUTHORIZING A BUST OR STATUE OF JAMES MADISON TO BE PLACED IN THE CAPITOL

Mr. HEFLIN submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 72

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Library is authorized and directed to procure a bust or statue of James Madison and to cause such sculpture to be placed in a suitable location in the Capitol as determined by the Joint Committee on the Library.

SEC. 2. Expenses incurred by the Joint Committee on the Library in carrying out this concurrent resolution, which shall not exceed $25,000, shall be paid out of the contingent fund of the Senate on vouchers approved by the chairman of the joint committee.

Mr. HEFLIN. Mr. President, I rise today to submit a concurrent resolution which would commission and erect a statue or bust of James Madison in the U.S. Capitol.

On September 17, we will celebrate the signing of our Nation's Constitution—a miracle that happened in Philadelphia 200 years ago. Many powerful statesmen of the day objected to changing the Articles of Confederation, a form of government that for 6 years had loosely united the Thirteen Colonies. But fortunately, in the end, several brilliant young theorists emerged—including James Madison, who without question is the Father of the Constitution—to bridge the divisions and create a new form of government.

In giving thought to the Constitution and Madison's role in its creation, I have walked the halls and corridors of the U.S. Capitol in search of a statue, bust, or portrait of James Madison but discovered there were none.

I, then, turned to the Senate Curator's office which confirmed my findings. According to the Curator's Office, the only remnants of this great man's service to our country, a portrait and medallion, were burned in an 1851 fire of the U.S. Capitol. In light of the upcoming celebration of our Nation's Constitution, I would deem it an appropriate time to erect a statue or bust of James Madison in the Capitol.

James Madison has made an extraordinary impact on this Nation's history. During his distinguished career, he served in both the Virginia and national legislatures, supervised the construction of the United States Constitution and the Bill of Rights, coauthored the famous Federalist Papers, served as Secretary of State to President Thomas Jefferson, and completed two terms as President of the United States. His lifelong friend and colleague, Thomas Jefferson, once called Madison "the greatest man in the world."

As we all take time to reflect on the bicentennial of the Constitution, we should remember those Founding Fathers, who created a document that has wisely guided us for 200 years through the crises of wars, social unrest, and economic depression and the productive, stable years of peace and economic prosperity.

Mr. President, I would like to share with my colleagues the life history of James Madison, one of our greatest Founding Fathers.

A scion to the planter aristocracy, James Madison was born the eldest of 10 children in 1751 at Port Conway, King George County, VA. In his youth, Madison received his early education from his mother, private tutors, and at a private school. An avid scholar and diligent student, Madison received his BA degree from the College of New Jersey (Princeton University) in 1771. There, Madison became intrigued by British philosophers, including John Locke. In Locke's writings, then about 100 years old, Madison found confirmation of many of his beliefs: Property holding as means to ensure liberty, insistence on religious tolerance, and the right of men to rebel against an oppressive government. Madison stayed an additional year to study Hebrew and ethics, which many believe an indication that he considered the ministry as a career.

However, Madison abandoned a career in the ministry and returned to his lifelong home, Montpelier, where he contemplated his future. Embracing the patriot cause, Madison became interested in the political struggle of the day and immersed himself for the next several years in State and local politics, serving on the Orange County Committee of Safety, as a delegate to the Virginia Constitutional Convention, in the Virginia House of Delegates, and on the Council of State.

From 1780 to 1783 Madison served in the Continental Congress and again from 1786–88. He later took a prominent role in bringing about the series of conventions which led to the Annapolis Convention of 1786 and was also instrumental in the convening of the Constitutional Convention in 1787.

It was perhaps at the Constitutional Convention that James Madison was most influential in his political career. During that long, hot summer in Philadelphia in 1787, James Madison, who was no doubt a preeminent figure at the Constitutional Convention, and the other 55 delegates struggled to create a more perfect Union.

The framers of the Constitution engaged in the arduous task to create a union that embraced the thought of the 18th century "Age of Enlightenment"—that the government comes from below, not from above; that power comes from the consent of the governed, of the people; that men are born equal before the law and have certain inalienable rights; and that it is insightful and practical to distribute and balance the powers between local and national governments.

Since 1781, the Articles of Confederation had governed the Thirteen Colonies. This form of government left the colonies weak and inefficient; therefore, a change in governmental structure was essential.

Determined to achieve a revision in the government and prevent the establishment of a monarchy or breakup of the Confederation into "three more practicable and energetic Governments," Madison busily prepared himself for the convention.

His years of study of the history of ancient and modern forms of government prepared him for the difficult task that lay before him and his colleagues. Madison's eventual suggestions, drawn up by the Virginia delegates and submitted to the Convention in its early days, were embodied in what is known as the Virginia or Randolph Plan. Madison was not the actual author of this plan, but the influence of his ideas are evident.

Early on, Madison emerged as the leader of the group advocating a strong central government. One delegate wrote of Madison: "Every person seems to acknowledge his greatness. He blends together the profound politician with the Scholar. In the management of every great question he evidently took the lead in the Convention, and tho' he cannot be called an Orator, he is a most agreeable, eloquent and convincing Speaker * * * (of) The affairs of the United States, he perhaps, has the most correct knowledge of any Man in the Union."

Though many of his proposals were rejected, his effect on the Convention's work was so astronomical that he was described as the "master-builder of the Constitution." Madison was quite practical in his approach to forming the Constitution: He sought solutions based on past experience rather than on untried theory. One of his greatest contributions to American history is the daily journal that he kept describing the Convention's work. To this day, it is the best single record of the event. The result of these deliberative writings, the "Journal of the Federal Convention," was published in 1840.

One of the most clearly written explanations of the Constitution can be found among the notes from Madison's diary:

> It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature. If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed: and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

Madison also played a key role in the adoption of the Constitution by the Continental Congress and was instrumental in overcoming powerful opponents such as Patrick Henry, George Mason, and Richard Henry Lee. In 1787 and 1778 Madison collaborated with Alexander Hamilton and John Jay in a series of essays later published in a book as "The Federalist Papers," which brought the discussions of the Constitutional Convention before the public and resulted in one of the most important contributions to American political theory.

In 1789 Madison was elected to the House of Representatives where in the ensuing years he played a key role in passing certain revenue legislation, establishing the executive branch, and framing the Bill of Rights. During the second session, Madison became critical of Hamilton's financial policies and soon became a leader of the opposition—the Jeffersonians or the Democratic-Republican Party.

Over the course of his congressional term, Madison remained at odds with Hamilton and even criticized President Washington for his subservient relationship with Great Britain. However, until the end of his term, he maintained a cordial relationship with Washington, who spoke of Madison as a possible successor.

In 1794, Madison entered one of the happiest periods of his life, marrying Dolly Payne Todd of Philadelphia. After 2 more years in Congress, he retired from public office, and he and Dolly moved to Montpelier where Madison expected to engage in the study of agricultural science and enjoy the pleasures of rural Virginia lifestyle.

However during this period of semiretirement, the Nation called upon his legislative skills once again. Madison authored the Virginia resolutions in response to congressional approval of the Alien and Sedition Acts which discriminated against aliens and even those who were critical of the Federalist administration then in full control of the Federal Government.

In the Virginia resolutions, Madison argued that both acts were unconstitutional and that the States had the right to judge the constitutionality of such acts "in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States * * *"

With the defeat of the Federalists in the election of 1800 and the inauguration of Jefferson as President, Madison was once again thrust in politics full time. His long-time association with Jefferson both personally and professionally naturally afforded Madison the opportunity to serve as the new President's chief advisor and Secretary of State. Although he lacked experience in diplomacy, he cultivated good relationships with foreign diplomats in Washington primarily because of his intellect, good humor, and knowledge of man and human nature.

Since both the President and Vice-President were widowers, Madison's wife, Dolly, assumed the duties of hostess, giving lavish parties at the White House that charmed Washington society for many years.

During his stint as Secretary of State, Madison encountered the hostilities of a faction within the Republican Party which would later cause bitter defeats during his own Presidency.

Secretary Madison also faced serious foreign policy problems, most notably the country's relation to the war between Great Britain and Napoleonic France. Madison believed that the prospects for peace with both countries were good in part because of each country's dependence upon the service of the United States. The Peace of Amiens put a brief stop to the European war, and during this relief, the United States purchased the Louisiana Territory from France in 1803.

The European war resumed in 1803, and American commerce and seamen were once again subjected to losses and aggression by both countries. American seamen—many of whom were deserters of British ships, naturalized American citizens still considered British subjects by the Crown, or native Americans—were captured and forced to serve in the Royal Navy. Britain and France invoked several orders which continued to disrupt American trade and commercial shipping. As Secretary of State, Madison responded by drafting several legal arguments against the Governments of Britain and France—which eventually failed—and finally, in 1807 in conjunction with President Jefferson, Madison formulated the Embargo Act of 1807, closing American ports and forbidding American ships to go to sea.

In 1809, Jefferson chose Madison as his successor. Madison faced little opposition, but James Monroe, indignant by what he regarded as the administration's failure to recognize his diplomatic service to the United States, was supported by a minority of Virginians for President. Monroe's support was weak, and Madison took office in 1809.

Like his three predecessors, Madison contended with European wars. When he took office, the United States had no trade relationship with either Britian or France, but did engage in unlimited trade with the rest of the world. Diplomacy failed to prevent the further seizure of U.S. ships, goods, and men on the seas; and even worse, the country was in the throes of an economic depression. Madison continued to negotiate and invoke economic sanctions, but to no avail. Britain's continued interference with American ships created strong congressional support for war. A group of young Democratic-Republican Congressmen from the South and West, who were known as favoring territorial expansion as much as nationalism, endorsed naval action to penalize the British, the conquest of Canada, and military measures to stop the British encroachment of the Indians in the West. Finally, after recognizing that the national interest was in peril, President Madison in 1812 asked the Congress to declare war on Great Britain.

The United States could not have been more unprepared for war, and President Madison encountered much adversity during the next 2 years. The Federalists of the Northeast alienated themselves from the war effort, paralyzing the Nation's energies, and incompetent military leaders weakened the Nation's Armed Forces. Poor troop strength and supply and transportation problems further contributed to the United States' failure, specifically in its conquest of Canada.

The United States was just as weak at sea. The American Navy found itself unable to take on the Royal Navy which blockaded the east coast.

In the next 2 years, the British captured Washington, burned the White House and Capitol, and forced President Madison and his family to flee to the woods in Virginia. In 1814, the war finally stalemated and the Treaty of Ghent was signed, restoring prewar conditions.

During the final 3 years of his administration, Madison focused on domestic issues. Congress, concurring three of Madison's proposals, strengthened land and naval forces to avoid the repetition of raids previously made on the Capital City and generally to protect the country and its economic interests. He approved a new Bank of the United States and signed the Tariff Act of 1816 which protected American "infant industries" from British competition.

Madison retired from the Presidency in 1817, leaving the office to James Monroe. This brought to an end his political career, but Madison remained active in public affairs, serving as cochairman of the Virginia Constitutional Convention of 1829-30 and as rector of the University of Virginia after 1826. He also acted as a foreign policy advisor to President Monroe.

Aside from these public service activities, Madison led a very quiet life at Montpelier, entertaining guests in the traditional Virginia style. Social occasions at Montpelier were just as eventful as those held at the White House during Madison's Presidency. Since the beginning of their marriage, James had entrusted the daily regulation of the household to Dolly. One visitor noted in 1828 that Madison's friends, who came to visit experienced warm hospitality and described his conversation as "a stream of history * * * so rich in sentiments and facts, so enlivened by anecdotes and epigramatic remarks, so frank and confidential as to opinions on men and measures, that it had an interest and charm, which the conversation of few men now living, could have * * *. His little blue eyes sparkled like stars from under his bushy grey eyebrows and amidst the deep wrinkles of his poor thin face."

In the years prior to his death in 1836, Madison arranged and prepared his notes from the Constitution for publication. In a note found amongst his papers following his death, Madison left advice for his Nation; The Nation whose government he worked so tirelessly to create and serve: "The advice nearest to my heart and deepest in my conviction is, that the Union of the states be cherished and perpetuated. Let the open enemy of it be regarded as a Pandora with her box opened, and the disguised one as the serpent creeping with his deadly wiles into paradise."

Mr. President, as we look back on the outstanding career of this great statesman, the absence of a statue of James Madison is a disservice to this distinguished statesman's memory. Despite the historical impact, Madison still is not as familiar to the American people as George Washington or his friend and colleague, Thomas Jefferson. He remains the least popular and the least understood of all the Founding Fathers of America. President John F. Kennedy once said that Madison was the most underrated of all the Presidents.

We have long had a Washington Monument, a Jefferson Memorial, and a Lincoln Memorial in our Nation's Capital, and it was only in 1980 that the annex to the Library of Congress was built commemorating James Madison. I have attended the annual Jefferson-Jackson day dinner in my home State of Alabama and have always thought it an omission not to have Madison's name linked to those Democrats.

Madison was a meek, fragile, quiet man not known for his oratory skills, and he often refused to be identified with one, simple idea. This no doubt contributes to his lack of notoriety in American history. Other statesmen, unlike Madison, have gone down in history as folk heroes and are usually associated with one specific event or idea: George Washington, the Father of our Country; Thomas Jefferson, the author of the Declaration of Independence; or Abraham Lincoln, great emancipator and savior of the Union.

We cannot continue to perpetuate this critical failure to recognize and appreciate Madison's major contributions to our Nation. He served his country with dedication and commitment even through years of war and economic hardships demonstrating courage, wisdom, and tenacity. His political beliefs and theories have cast him as one of the greatest political scientists our country has even known, and it is those theories—still relevant to modern America—that have made and will continue to make a lasting impression on America.

As the historian Irving Brant wrote:

> The verdict of James Madison depends in part upon the future of the American people—upon their continued devotion to liberty, self-government, and personal honor. But, granted this fidelity, I have no doubt of the final verdict. Madison the diplomatist, Madison the President, will be found to measure up to the father of the Constitution. Washington, Jefferson, Jackson, Lincoln, Roosevelt. Move over a little, gentlemen.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

GLENN (AND OTHERS) AMENDMENT NO. 680

Mr. GLENN (for himself, Mr. Exon, Mr. Bingaman, Mr. Bumpers, and Mr. Mitchell) proposed an amendment to the bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION AGAINST CERTAIN CONTRACTS

(a) General.—Funds appropriated to or for the use of the Department of Defense for any fiscal year pursuant to an authorization contained in this or any other Act may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) Temporary Suspension of Prohibition Upon Certification of the Secretary of Defense.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development, testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) Exceptions for Certain Contracts.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract was entered into before the date of the enactment of this Act;

(2) the contract is to be performed within the United States; or

(3) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(d) In this section:

(1) The term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one of more foreign nationals.

(2) The term "United States firm" means a business entity other than a foreign firm.

BYRD (AND NUNN) AMENDMENT NO. 680

Mr. BYRD (for himself and Mr. NUNN) proposed an amendment to amendment No. 680 proposed by Mr. Glenn (and others) to the bill S. 1174, supra; as follows:

In the amendment by Mr. GLENN strike the word "firm" in the last line of subsection (d), and insert in lieu thereof the following: "firm.

"(e) Since the United States and the Soviet Union are currently engaged in negotiations to conclude a Treaty on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

"Since the current discussions are a culmination of years of detailed and complex negotiations, pursuing an American policy objective consistently advocated over the past two Administrations regarding nuclear arms control in the European theater, and which reflect delicate compromises on both sides;

"Since the Senate recognizes fully, as provided in clause 2, Section 2, Article II of the Constitution, that the President has the "power, by and with the advice and consent of the Senate, to make treaties."

"Since the Senate also recognizes the special responsibility conferred on it by the founding fathers to give its advice and consent to the President prior to the ratification of a treaty, that it is accountable to the people of the United States and has a duty to ensure that no treaty is concluded which will be detrimental to the welfare and security of the United States.

"Since in recognition of this responsibility, the Senate established a special continuing oversight body, the Arms Control Observer Group which has functioned over the last 2½ years to provide advice and counsel, when appropriate, on a continuing basis during the course of the negotiations;

"Since the Senate and the President both have a constitutional role in making treaties and since the Congress has a constitutional role in regulating expenditures, including expenditures on weapons systems that may be the subject of treaty negotiations;

"Since the Senate will reserve judgment on approval of any arms control Treaty until it has conducted a thorough examination of the provisions of the treaty, has assured itself that they are effectively verifiable, and that they serve to enhance the strength and security of the United States and its allies and friends;

"Therefore the Senate hereby—

"(1) Declares that the Senate of the United States fully supports the efforts of the President to negotiate stabilizing, equitable and verifiable arms reduction treaties whith the Soviet Union;

"(2) Endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union;

"(3) Urges the President to take care that no provisions are agreed to which would be harmful to the security of the United States or its allies and friends."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place September 29, 1987, 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on measures currently pending before the subcommittee—

H.R. 2121, a bill to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia;

H.R. 1983, a bill authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, FL and for other purposes; and

S. 858, a bill to establish the title of States in certain abandoned shipwrecks, and for other purposes.

Those wishing information about testifying at the hearing or submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Tom Williams at 224-7145 or Beth Norcross at 224-7933.

SUBCOMMITTEE ON GOVERNMENT CONTRACTING AND PAPERWORK REDUCTION

Mr. BUMPERS. Mr. President, I would like to announce that the hearing scheduled for Tuesday, September 15, 1987, by the Subcommittee on Government Contracting and Paperwork Reduction, has been rescheduled for Monday, September 21, 1987. The purpose of the hearing is to receive testimony concerning the expected impact of a series of amendments to the Small Business Act contained in Public Law 99-661, the fiscal year 1987 Department of Defense Authorization Act. The hearing will commence at 9:30 a.m. and will be held in room 428A of the Russell Senate Office Building. For further information, please call William B. Montalto, procurement policy counsel for the committee at 224-5175, or Christine Lundregan of Senator DIXON's staff at 224-5334.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to meet during the session of the Senate on September 15, 1987, to hold an executive meeting on the nomination of Judge Sessions to be FBI Director.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold a hearing during the session of the Senate on September 15, 1987, on the nomination of Robert H. Bork to be Associate Supreme Court Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Energy and Natural Resources Subcommittee on Research and Development be authorized to meet during the session of the Senate on Tuesday, September 15, 1987, to receive testimony concerning S. 1480, the Department of Energy National Laboratory Cooperative Research Initiatives Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FLORIDA SHERIFFS' YOUTH RANCHES

● Mr. GRAHAM. Mr. President, the Florida Sheriffs' Youth Ranches are 30 years old this year. The Youth Ranches were conceived to prevent juvenile delinquency and to provide residential programs, summer camping, and a statewide family counseling service.

Over the years, Boys' Ranches and Youth Villas have helped more than 3,500 troubled and homeless boys and girls to dream of and work toward healthy, productive lives. During their association with the law enforcement officers who sponsor the program, these young people learn to cooperate with, trust and respect law officers. Many of the Boys' Ranch residents have gone on to become outstanding citizens of Florida.

I am pleased to have this opportunity to salute the Florida Sheriffs for their initiative and enduring commitment to the Boys' Ranch project. It is an extraordinarily successful example of an entirely voluntary effort contributing immeasurably to a better society.●

CERTIFIED PROFESSIONAL SECRETARIES

● Mr. STAFFORD. Mr. President, I would like to call to the attention of my colleagues the new 1987 CPS who received their certification by successfully completing the certified professional secretaries' examination administered under the sponsorship of the Institute for Certifying Secretaries, a department of Professional Secretaries International.

The District of Columbia chapter of PSI has been actively engaged in providing classes to prepare candidates for this exam. Certificates will be presented to the newly certified CPS at a D.C. chapter dinner meeting this evening, Tuesday, September 15, 1987. The attendees will be fortunate to have as guest speaker, Shirley Englund, editor of the Secretary magazine, published monthly by PSI.

I commend the following secretaries who have been certified by the institute: First, my special congratulations to Maureen Hill, CPS, a valued member of my personal staff for the last 12 years, on having attained her CPS rating. I also extend congratulations to Gladys Elaine Atkinson, CPS, Howard University College of Allied Health Sciences; Janice Dupper, CPS, General Conference of Seventh-day Adventists; and Bunny Gwiazda, CPS, Dewey, Ballantine, Bushby, Palmer & Wood.

The CPS examination was instituted in 1951. To attain the CPS rating, a secretary must meet certain education and work experience requirements and pass the 2-day, six-part examination on behavioral science in business, business law, economics and management, accounting, office administration and communication, and office technology.

In bringing the CPS rating to the attention of my colleagues today, perhaps my remarks will help to open the door through which we here in the Congress, as well as members of management throughout the business world, will come to recognize the merits of the certified professional secretary.

I hope you will join me in congratulating the new CPS recipients.●

CRACK ABUSE

● Mr. DECONCINI. Mr. President, I would like to insert into the RECORD an article written by Dr. Mark S. Gold, titled "Crack Abuse: Its Implications and Outcomes." The article, given to me by my daughter, a doctor herself, appeared in the July edition of Resident & Staff Physican. Dr. Gold is director of research, Fair Oaks Hospital, Summit, NJ, and Delray Beach, FL. This excellent article outlines the critical mental and physical health problems that can result from the use of crack, a form of cocaine, that has become popular among young people in the United States during the past 2 years. I ask that the text of the article appear in the RECORD.

The article follows:

CRACK ABUSE: ITS IMPLICATIONS AND OUTCOMES

Crack, the most deadly form of cocaine, has exploded onto the American drug scene adding a new dimension to the problems of diagnosing and treating cocaine addiction. After explaining what makes crack more addicting than cocaine powder, the author discusses the physiological effects of smoking crack and the importance of treatment through prevention.)

Over the past few decades, illicit drug use, especially cocaine abuse, has climbed steadily. The number of people hospitalized for full-blown addictions has outstripped the number of available beds, and the number of the "walking-impaired" entering outpatient treatment has spiraled upward. From data collected by our 800-COCAINE national helpline, we know that over 25 million Americans have tried cocaine and that perhaps five to six million of these are regular users. We have given help and referral information to over 1.75 million callers since May 1983. In this period, we have published reports of death, disability, accidents, addiction, and a wide variety of medical, psychiatric, and social repercussions stemming from this epidemic. We also have reported on the neurochemical basis of cocaine addiction (the so-called dopamine depletion hypothesis), which, as a result, has led to newly proposed detoxification treatments.

Until this past year, however, cocaine abuse was never the economic and social issue that it is now. In 1987, crack, the most deadly form of the drug, seemingly has exploded onto the American drug scene. This low-priced form of freebase cocaine, sold in tiny "rocks" for $10 to $20, has swept into both urban and rural drug marketplaces. It has brought with it new and frightening dimensions to the ongoing cocaine epidemic that we've been fighting in our clinics and treatment centers.

Before crack, most adults believed that while the cocaine epidemic was important to them, it could not affect their children. Crack has sent the average age of the user spiraling downward rapidly and has caused addiction to cocaine to develop as rapidly as that previously associated with intravenous cocaine use. Worse, crack has increased the severity of medical effects that previously were seen only in long-term intranasal users.

Unique among drugs, it is instantly compelling and captivating, only to be followed by addiction. Crack's relative purity and its route of administration increase its potency to many times that of cocaine hydrochloride, its popular powdered form. For the first time, people who have never before been affected by drug abuse have seen their families jeopardized, their careers damaged, and their loved ones virtually devoured by this drug.

One result has been an overwhelming amount of publicity and media coverage. Crack has been a front-page story in virtually every newspaper and magazine and, spurred by the publicity surrounding the death of college basketball player Len Bias, has become a true source of national concern. Is this concern justified? What are the implications for the general practitioner? This is what doctors must know about identifying and treating the crack user.

WHAT IS CRACK?

Crack is cocaine that is sold in the form of small, creamy-colored chunks resembling rock salt. Crack is different from cocaine hydrochloride in only three ways:

It is smoked, rather than sniffed. This leads to a reaction (a high) in less than ten seconds, rather than one to two minutes. The crack high lasts from 5 to 15 minutes.

Because it is smoked, the effect is far more powerful than that created by powder. The drug is absorbed rapidly from the lungs to the heart and then to the brain, rather than passing incompletely and slowly through the nose on the long route to the brain.

Crack seems to be less expensive because it is sold in small quantities at a low price. A vial sometimes will contain three to four small rocks and costs from $10 to $20.

No one is quite sure how or why crack developed. Cocaine smoking has been prevalent in the drug culture for several years, but the extraction process was both dangerous and time-consuming. Shortly after comedian Richard Pryor's well-publicized, ether-related freebase explosion, freebase users discovered that the cocaine base could be extracted by a safe process using simple baking powder. Once this process spread (probably by word of mouth), crack was born. The name, by the way, derives from the crackling sound the rocks make as they burn in the user's water pipe.

WHY DO PEOPLE USE CRACK?

Crack users take the drug for many of the same reasons that intranasal cocaine users take cocaine. The widespread use of cocaine is a result of the intense, but fleeting, feelings of competency that it temporarily affords the user. This so-called "rush" is what the user seeks from repeated use. Along with the physiological response, the drug itself is associated with power and wealth and is still widely believed to be nonaddicting.

A decade ago, cocaine was an expensive drug, used ony by the wealthy, glamour set. This fact provided the status necessary to market the drug to other groups. Today, the drug in all its forms, has increased in supply and purity while the price has fallen dramatically. Cocaine in powdered form is available in virtually every city, town, and rural area in America.

The widespread distribution of cocaine geographically has changed the demographics of the user. Even though its use is still glamorized, recent surveys conducted by 800-COCAINE reveal an increased percentage of lower-income and younger users. This is directly attributable to crack. Cocaine use among teenagers doubled from 1975 to 1983, and today 17% of high school seniors say they have used cocaine. Invariably, they say using the drug is "cool," "glamorous," and "safe."

The roots of crack extend back to the mountains of Peru and Bolivia, but it also is found in Central America. Cocaine is the only alkaloid extract from the coca plant (Erythroxylon coca) that has any value. Chemically, cocaine is a tropane related in chemical structure to the psychoactive drugs atropine and scopolamine. The behavioral effects often mimic those of amphetamines, causing it to be misclassified as a sympathetic amine.

Drug smugglers bring the cocaine into this country in a pure form, which is then mixed with adulterants (known as "cuts") such as glucose, inositol, or mannitol. Since cocaine is sold by weight, this increases the bulk, literally stretching the profits. Frequently, cocaine is adulterated with dangerous ingredients, such as lidocaine, procaine, amphetamine, phencyclidine (PCP), phenylpropanolamine (PPA), ephedrine, heroin, or quinine, which increase the risk of medical complications for the user. There is virtually no cocaine sold on the streets of this country that is uncut. As a result, a profitable business has grown up around the paraphernalia that is used to help coke abusers determine the purity of their purchase.

One of the myths that has grown up around crack is that, unlike cocaine powder, it is pure cocaine. This is not true. If the cocaine used to make crack contains impurities, these will remain in the freed base (the crack), often in a more intense state. This is another reason for the increased danger to crack users who think they finally are getting a "pure" drug. The effect of the cuts combined with the powerful freed cocaine base can threaten heart rhythm, blood pressure, and important central nervous system (CNS) functions.

Other crack myths contribute to its use. The price of crack, which is seemingly less expensive than cocaine hydrochloride, has been the major factor contributing to first time use of the drug. Crack, however, is actually more expensive than cocaine powder in several respects. Even though it is sold in inexpensive quantities, a $10 rock of crack usually weighs about 100 mg, which translates to around $100 per gram. Cocaine powder usually costs between $60 and $100 per gram. However, because the drug encourages its own taking, use patterns are extreme. Crack users generally binge on the drug for days at a time, stopping only when their entire bankroll is gone or they are too exhausted to continue.

Crack also is not a "fun" drug. Cocaine's initial spread was spurred by reports that it was a "great party drug," which gave rise to its glamour image. Crack's rush is so intense that most users report to us that they only want to use it when alone. This has given rise to "crack houses," 1980s versions of opium dens.

WHAT HAPPENS WHEN CRACK IS SMOKED?

Crack is smoked in a water pipe, and the effect is felt even faster than if the drug were injected. When the crack smoke enters the body, it is absorbed through the highly vascularized lung surface. The effect is ten times greater than that achieved by absorption through the nasal mucous membranes.

When crack is smoked, the user experiences an intense rush, which lasts for a few minutes and is followed by a state of lesser excitement. Within 5 to 15 minutes, however, the feeling is gone, replaced by an irritable, restless, and depressed state. Although cocaine powder users often can glide through this period, the downside is so intense for crack users that they almost immediately will try to repeat the experience. Both infrequent and long-term users will turn to other substances, such as marijuana, alcohol, or even heroin, to extend the high period or to cushion the resulting crash.

Crack use rapidly becomes a cycle of chasing the high through continued repeated use despite the obvious adverse consequences. The euphoric well-being that the user feels results from a general CNS sympathetic discharge that is similar to the well-known "flight or fight" response. The user is alert, full of self-confidence, and seemingly immune to external reality. However, the CNS activity is short-lived. The cocaine remains in the blood, increasing in toxicity as more is used. The increased intoxication leads to decreased sleep, anorexia, increased sex drives, and hyperactivity. Among the other common side effects of increased crack use are aggressiveness, feelings of grandeur, poor social judgment, and malnutrition.

Physiologic signs of cocaine intoxication include increased cardiovascular arousal, profuse perspiration, dilated pupils, and elevated body temperatures. This often is accompanied by lethargy, insomnia, irritability, depression, fatigue, impotence, and reduced memory or concentration abilities.

The patterns of use among cocaine abusers can lead swiftly to crack intake, since the tolerance and drive for more and more just to feel normal are rapid. In general, the cocaine user begins with sniffing, which may lead to smoking or even injecting the drug to recreate the high. The increasing dose combined with the more powerful form increases the risk of neurological seizures. Crack smoking has been linked to heart palpitations, angina, arrhythmia, and heart attack. Other risks are route-related and include nasal-tissue destruction, sinus and lung damage, AIDS, and hepatitis.

Until recently, cocaine overdose was thought to be rare. This is not the case and, in fact, is far more common than believed. The increased potency of crack has created an even greater risk of sudden cardiovascular or respiratory collapse. It is now clear, however, that cocaine overdose can result from any form of use. In fact, as illustrated by several recent notable public cases, cocaine overdose need not even follow long-term use but may result at any time. Furthermore, crack use is at the root of many other deaths not directly related to the drug, such as suicide, automobile- and work-related accidents, domestic arguments, and violence. Pregnant mothers and nursing mothers can do great damage to their fetus or newborn infants through cocaine use, since the drug seems to pass through the placenta and/or breast milk.

Although the dangers of crack use are obvious, many still believe it is not addicting. Yet, even at low doses, cocaine causes dependence. Furthermore, cocaine's cravings lead to compulsive and repeated use despite obvious and ongoing adverse effects. Further evidence of cocaine's power in all its forms comes from 800-COCAINE data that clearly show that victims will sacrifice their friends, families, jobs, and health before giving up the drug. Classic studies have shown that laboratory monkeys will self-administer the drug before food or sex and until death. No other drug has this effect on animals or humans.

The actual mechanism of addiction to cocaine in any form appears to occur through dopaminergic transmission within the reward or pleasure centers of the brain. Continued use of cocaine causes unusual activation of the dopamine (DA) systems and blocks reuptake. This traps the DA in the synapse, where it is metabolized rather than reused. An efficient dopamine system will replenish itself, but one disturbed by cocaine introduction quickly becomes and remains severely depleted. The result is that normal, basic instinctive drives, such as hunger, thirst, sexual drives, and other everyday needs, cannot be met without cocaine. The brain is literally dopamine-deficient, and a short period of cocaine abstinence results in a very real withdrawal state. The ultimate effect is exactly the opposite of that produced by the cocaine itself. Instead of euphoria, there is depression, irritability, sleep and appetite changes, sexual dysfunction, and, worst of all, a craving for more.

The crack addict uses cocaine not to feel good, since without it, he finds it almost impossible to live. Use stimulates use. Further use only helps the user to not feel bad. The cycle begins very quickly with crack abusers, usually after the first few uses. That first experience may be so powerful, and the downside so depressing, that only more can reverse the depression.

Being addicted to crack is like riding a bike downhill without any brakes. You pick up speed, careen out of control, and then ultimately crash. The process is slower among cocaine powder users, but for crack users, the process of addiction can develop so quickly that it's like riding an ever-rapidly spinning merry-go-round. Soon, you'll be hurled off no matter how hard you hang on.

Patients who do experience withdrawal because they cannot obtain more of the drug, often present with such symptoms as decreased energy, excessive sleeping, irritability, depression, nausea, vomiting, and decreased motor or mental abilities.

HOW CAN A CRACK USER BE HELPED?

Helping someone with a cocaine or crack addition, which is developed so much more rapidly, is a difficult task for several reasons:

Drug abusers rarely seek help early on. Crack use is a special problem because the "early on" period is often so brief. Our data show that the majority of users visited an emergency room or physician at least once for symptomatic relief of cocaine-caused complications without revealing the cause of their problem. A physician attuned to the outward complications of abuse could make an early diagnosis, which would lead to immediate treatment. Early detection of cocaine abuse allows for treatment of an individual who still has his family and job support systems intact. This makes treatment potentially more successful. Another method of early detection is through urine testing of certain individuals, even if they do not present outward evidence of drug use.

Crack and cocaine addicts tend to deny their addictions or rationalize their need for the drug as long as possible. They will do anything to hide their addiction, but it must be remembered that this is a normal part of the addiction. It is up to the physician to identify those groups of people who are most at risk and link the symptoms to potential addictions. These symptoms include attempted suicides, headaches, seizures, panic attacks, wide mood swings, sexual impotence of unknown etiology, major personality changes, unusual job problems, marital stress, and unexplained financial problems. Often, it is important to look at symptoms such as these in the context of other events, such as a car accident, nasal damage requiring surgery, or repeated requests for tranquilizers or sleeping pills. Too often, the diagnosis of cocaine addiction is made after the fact or after the victim has died. Frequently, complaints like arrhythmias, hypertension, angina, or nosebleeds with no apparent etiology are drug-related but are overlooked as evidence of cocaine use.

Diagnosis in younger patients is more difficult. Too frequently, diagnosis is made by the police or school teachers after a major disaster in the life of the patient. Today, with crack use increasing among the young, early intervention is even more critical. Often, the less clinical symptoms are the most telling. Changes in friends, extracurricular activities, grades, dress, mood, and other subtle behavior alterations are the best indicators that some drug use is ongoing. In addition, since young people rarely use only a single drug, it is important to act immediately on anecdotal information, such as an overheard conversation or the discovery of drug-related paraphernalia in a child's room or among his belongings. Physicians who suspect that their young patients are involved with drugs should not hesitate to order a urine or blood test for evidence of drug use. In fact, parents should be encouraged to ask their children to take drug tests at an early age, so that the tests become a deterrent when regularly administered as they grow up.

CAN THE CRACK USER BE SAVED?

Cocaine is much like a parasite that first inhabits its host and then kills it. Frequently, crack users describe themselves as nothing more than a vessel for the drug. Stopping this parasite without killing the host is not easy, but it can be done successfully. The sooner a patient is in treatment, the more effective the treatment is. The greater the patient's family support system and motivation, the greater the chance for success.

Treatment is indicated in any person using drugs who cannot stop without physiologic, psychological, or social problems. Although most individuals can be treated on an outpatient basis, hospitalization is indicated in cases of chronic crack or freebase use, intravenous use, severe psychosocial impairment, medical complications, severe polydrug abuse, or an inability to stop through outpatient use.

The goal of all treatment is total abstinence from all mood-altering chemicals, including crack, marijuana, alcohol, and prescription drugs. Total abstinence can be achieved only through an outpatient program that includes regular urine testing. The most successful outpatient programs involve both individual and group therapies over a specified period of time. These sessions involve discussions about drug urges, addictive thinking, and methods of avoiding relapses. The group sessions provide positive role models, a ready-made support network, and a forum for discussing critical problems.

Some success has been achieved with pharmacologic approaches to treatment during the early stages when the cravings and urges are at their most intense and often lead to continued use. Recent trials using bromocriptine (Parlodel®), adopamine agonist, have indicated that this drug can be of use in eliminating urges and cravings during the immediate postdrug abstinence period.

CONCLUSION

In general, drug abuse, especially with a rapidly addicting drug such as crack, is best treated through prevention. We know that young adults and especially teenagers are at greatest risk for crack abuse. We spend millions of dollars educating the people who smoke cigarettes about the dangers of smoking. We continually educate the public about the importance of diet in preventing cardiovascular disease and offer programs to help reduce the risks. However, in comparison, we do little for drug users before they reach the crisis stage. We must begin helping the potential drug users by identifying them and educating them about the true dangers of drugs like crack.

Physicians who understand the effects of crack can play a role in their own communities. They should participate in community organizations and school programs to prevent and reduce drug abuse. Community groups are always receptive to physicians who wish to help prevent drug abuse.●

THE 250TH ANNIVERSARY OF THE BIRTH OF CHARLES CARROLL OF CARROLLTON

● Mr. SARBANES. Mr. President, as all Americans celebrate this week the signing of the U.S. Constitution 200 years ago on September 17, 1787, we in Maryland will mark an additional milestone in our State and Nation's history. A week long series of events beginning today will commemorate the birth 250 years ago on September 19 of a very important Marylander and national figure, Charles Carroll III of Carrollton.

The people of Maryland are very fortunate to call as our own many great Americans who participated in the independence of the country and in the founding of the Republic. Among them, Charles Carroll of Carrollton was an extraordinary leader and dedicated patriot as well as a remarkably successful planter and businessman. One of four Marylanders to sign the Declaration of Independence, this Charles Carroll—one must distinguish as there were several—was the only Roman Catholic signer, the last of the 56 signers to survive, and the longest lived. Charles Carroll holds a distinguished place in the history of the body in which I stand, having served as one of Maryland's two U.S. Senators in the First Congress. His selection by Maryland as one of two Maryland citizens to be memorialized in Statuary Hall is eloquent testimony to his eminence and his stature in Maryland history.

Born of Irish descent September 19, 1737, in Annapolis into one of the wealthiest families in colonial America, Charles Carroll III began living during a time—1718-74—when Roman Catholics were penalized financially and did not enjoy the rights to vote, hold public office, practice law, worship publicly, or be educated in their religion. A number of Maryland's Catholic families became Protestants but the Carrolls would never desert Catholicism. Hence, Charles left Maryland at the age of 10 to begin a rigorous 16-year education abroad including 11 years in France where under the Jesuits he studied humanities, philosophy, and Roman law, and 5 years in London where he studied the common law.

Charles Carroll III became a scholar of some of the world's greatest thinkers—Hume, Locke, Voltaire, and particularly Baron Charles Montesquieu, the father of the separation of powers principle which is so firmly embedded in our Constitution. Above all, Carroll, a devout Catholic steadfast in his own religious beliefs, was a strong believer in religious freedom.

Having completed his education, Charles returned home in 1765 to his father's house in Annapolis, settling into the life of a wealthy planter at the age of 28. Although Charles III never lived at "Carrollton," a 10,000-acre land tract in Frederick County, his father gave him rental income from the property and Charles added the words "of Carrollton" to his name to distinguish himself from his father and other relatives. Three years after his return to Maryland, Carroll married his cousin Mary Darnall and together had seven children of whom only three lived to adulthood.

Carroll's political career of 27 years did not begin until 1773 as his religion barred him from public life. His strong loyalties to family and to religion and his vigorous scholarship based upon a classical education were qualities which he used brilliantly in support of the American Revolution.

Although already prominent and influential, Carroll won public acclaim and established himself as a popular leader as the result of his successful 6-month debate in the Maryland Gazette regarding the pay of Lord Baltimore's government appointees. Carroll's role in public affairs became increasingly important as the dispute between Great Britain and the Colonies worsened in 1774. As one of the wealthiest men in America, he risked his fortune as well as his life when he joined the Revolutionaries.

In the years 1774-76, Carroll was appointed to the Annapolis Committee of Correspondence, acted as unofficial observer at the First Continental Congress, was elected as delegate to the Maryland Convention of 1776, and became a member of the Maryland Committee of Correspondence and the Council of Safety. Early in 1776 Charles and his cousin John Carroll, a Jesuit priest who later became the first Catholic bishop in the United States and Baltimore's first archbishop, traveled to Canada with Benjamin Franklin and Samuel Chase on a congressionally appointed committee which sought but failed to obtain a union of Canada with the Colonies. Following his return, Carroll used his growing influence to help persuade the Maryland Convention to instruct its delegates to Congress to vote in favor of independence from Great Britain.

Elected a delegate to the Continental Congress on July 4, 1776, Carroll journeyed to Philadelphia and took his seat on July 18. He joined his colleagues in signing the Declaration of Independence on August 2, an action of such immense danger that the names of the signers where kept secret for an entire year. His signature on this instrument as a Roman Catholic can be viewed as a victory for religious liberty and freedom of conscience.

From this time on, Carroll took a prominent part in the assembly of his State and the Continental Congress. He helped to prepare the first draft of the Maryland Declaration of Rights and Constitution in the fall of 1776 and was a member of the Maryland Senate from the beginning of State government in 1777 until 1800. He served as president of that body during the last year of the American Revolution 1783-84 and as councilman and alderman of Annapolis that same year.

Although selected as a delegate to the Constitutional Convention in 1787, he declined the appointment because of pressing issues in Maryland. A Federalist, he supported a strong Federal constitution and Central Government. Although he did not win his bid the following year for a seat in Maryland's ratifying convention, he worked privately for the adoption of the Constitution, a document he believed capable of "curbing the excesses of an uncontrolled democracy" and of producing "respectability abroad and stability at home."

In 1789 Carroll and John Henry, Jr., became Maryland's first U.S. Senators, a role Carroll served in from March 4, 1789, to November 30, 1792. In 1792 the Maryland assembly passed a law making it illegal to serve simultaneously in the State and Federal Government. Carroll demonstrated his affection for his native State when he chose to remain in the Maryland Senate:

> Despite years on the national stage, Charles Carroll of Carrollton remained first, last, and always a Marylander. . . . The Senate was an essential element in Carroll's philosophy of government for he saw it as a counterweight to the popularly elected House of Delegates and to the democratic aspirations that the Revolution encouraged among the common folk. Carroll, it should be emphasized, was not a democrat, but he did manage to guide an enormously difficult revolution to a successful conclusion. (Remarks prepared for the senate of the State of Maryland on March 11, 1987, by Prof. Ronald Hoffman, editor, the Charles Carroll of Carrollton Papers.)

By 1801 Carroll retired from politics to concentrate on his business affairs which included agricultural pursuits and investing. An astute businessman, Carroll held shares in the Susquehanna and Potomac Canal Cos., the Georgetown Bridge Co., and the Baltimore Water Co. He purchased securities that helped build the Baltimore & Ohio Railroad, was on its first board of directors, and helped lay the cornerstone in 1828. With the almost simultaneous deaths of John Adams and Thomas Jefferson on July 4, 1826, Charles Carroll of Carrollton became the only surviving signer of the Declaration of Independence and one of the Nation's most revered citizens. On November 14, 1832, at the age of 95, he died at the home of his daughter Mary Carroll Caton at 800 East Lombard Street in Baltimore, where he had lived since 1821. This house is a museum open to the public today. After a splendid ceremonial funeral attended by foreign, State, and local dignitaries, Charles was buried in the chapel of his family's ancestral plantation, Doughoregan Manor, near Ellicott City in Howard County, MD.

Mr. President, I would like to take this opportunity to show my appreciation to the Charles Carroll of Carrollton 250th Anniversary Committee which has worked so hard to focus our attention on this occasion. The able leadership of committee chairman, Dr. Robert Worden; vice chairman, Dr. Ronald Hoffman; and secretary treasurer, Mr. Leslie M. Adams has garnered my support and participation for this observance as well as that of the following individuals: Hon. William Donald Schaefer, Governor of Maryland; Hon. BARBARA A. MIKULSKI, U.S. Senator; Hon. TOM MCMILLEN, U.S. Congressman, Maryland's Fourth District; Hon. Thomas V. "Mike" Miller, president, Senate of Maryland; Hon. Gerald W. Winegrad, State senator, Anne Arundel County; Hon. John C. Astle, State delegate, Annapolis; Hon. O. James Lightizer, county executive, Anne Arundel County; Hon. Maureen Lamb, county council member, Annapolis; Hon. Dennis Callahan, mayor of Annapolis; and Hon. John R. Hammond, alderman, ward 1, Annapolis. I would like to acknowledge here the efforts of Dr. Hoffman and his associate, Sally Mason, toward making public available Carroll's rich literary treasure, the Charles Carroll of Carrollton Papers.

I also wish to express my thanks to Dr. R. Cresap Davis and the Maryland Humanities Council that he chairs for awarding the 250th Anniversary Committee outright and matching funds for the project entitled, "Archaeology and the Political Meaning of Charles Carroll of Carrollton." This includes a comprehensive archeological survey and excavation at the Charles Carroll House in Annapolis, work that is currently being conducted by Archaeology in Annapolis, a group sponsored by the University of Maryland School of Urban Archaeology. The school has been excavating at several sites in the capital city during the past 6 years in cooperation with Historic Annapolis, Inc. The house is situated on the largest archeologically intact 18th century property in Annapolis' historic district.

The Charles Carroll House, a stately 35-room Georgian mansion dating back to the 1720's located off the Duke of Gloucester Street, was Charles Carroll III's birthplace and primary home until 1821. The property was owned by the Carroll family from 1701 until 1852 when it was conveyed to the Congregation of the Most Holy Redeemer, an order of Roman Catholic priests and brothers better known as the Redemptorists who still own the property. The house is historically significant not only because of the important role it played in the lives of the Catholic Carrolls of Annapolis and in Charles Carroll's political and social life, its is also the site of the first Roman Catholic chapel in Annapolis and Anne Arundel County. My gratitude extends to the Maryland General Assembly and the Maryland Historical Trust who have been responsible for recently restoring the mansion's exterior; St. Mary's Parish and Anne Arundel County deserve thanks for their contribution to the ongoing fundraising effort for interior restoration.

Mr. President, I want to close simply by saying that it is heartwarming and inspiring to see once again the dedication of so many Maryland citizens too numerous to list here, whether in the private, public, or nonprofit sector, to the preservation of a part of Maryland's heritage. Due to the efforts and commitment to history by so many individuals we are able centuries later to pause, reflect, and learn of how our Nation was born and has survived.●

POW/MIA "RUN FOR FREEDOM"

● Mr. LAUTENBERG. Mr. President, September 19 marks a special day in my State. The Elizabeth Police and Fire Departments are sponsoring a "Run for Freedom" in honor of Douglas L. O'Niell, of Bayonne, NJ.

Mr. O'Niell has been missing in action since April 3, 1972. The Elizabeth Police and Fire Departments have made a personal commitment each year to hold this event to honor a different POW/MIA until not only the 63 men from New Jersey are accounted for, but all 2,413 American service personnel still listed as POW/MIA's.

Mr. President, the Senate shows the concerns of the Elizabeth Fire and Police Departments and of all Americans concerned about our POW/MIA's. On July 28, I joined my colleagues in unanimously adopting a resolution in support of Gen. John Vessey's trip to Vietnam to resolve the fate of Americans missing in Southeast Asia. It is our strongest hope that negotiations by General Vessey will lead to some progress in this most difficult area. The families and friends of the missing have waited too long.

On Saturday, the police and firemen of Elizabeth will sponsor a 2K and 5K race at the Warinanco Park Stadium in Elizabeth. I would like to take this opportunity to commend the police and fire departments for undertaking this endeavor. We are a nation committed to finding those who were dedicated in defending our country.

I would like to encourage and congratulate everyone participating in the run. The runners are supporting an excellent cause of which we are all concerned. September 19 will be a day to remember those who are missing and a renewal of our dedication in finding these fine men.●

FANNIE MAE'S REMICS

● Mr. CRANSTON. Mr. President, on August 17 Fannie Mae issued $500 million of REMICs—a multiple class mortgage security created by the Tax Reform Act of 1986. Fannie Mae's authority to issue REMICs was extensively considered both in Congress and by HUD and this is the first REMIC Fannie Mae issued under specific authorization granted by HUD last April.

As the author of Recovery Act for Mortgage-Backed Obligations, precursor of the REMICs legislation, I have long believed that this kind of multiple class mortgage-backed security can provide benefits to lenders, investors, and, most importantly, home buyers.

It is interesting to note that the Fannie Mae REMICs was sold out almost immediately. The first tranche to sell out was a piece designed primarily for thrift institutions. This response is further proof of the value of REMICs as an investment for thrift institutions. In addition, REMICs provide all mortgage lenders with an efficient instrument for selling mortgages. Finally, REMIC efficiencies accrue ultimately to the home buyer reducing the cost of mortgage financing.

Fannie Mae's REMICs included several innovative twists and the response has been overwhelmingly favorable. This is the kind of leadership that the secondary market agencies have brought to mortgage finance in the past. I am pleased to see this kind of creativity brought to the mortgage market by REMICs and the positive response from the market to the new activity. This will only help REMICs to serve the purpose for which it was created.●

HISPANIC HERITAGE WEEK

● Mr. RIEGLE. Mr. President, on September 16, Mexico will commemorate the 177th anniversary of its independence. That date will also mark the beginning of National Hispanic Heritage Week.

Throughout the country, Hispanic Americans will celebrate this anniversary of Mexico's independence and will honor the special contributions which members of their community have made to the growth and development of the United States. The large community of Hispanic Americans residing in my own State of Michigan deserves special mention. As the fastest-growing minority group in our country today, we must pay special attention to the challenges facing Hispanic Americans.

A recent editorial in the Washington Post, notes the growth of the Hispanic population in the United States and points out some of the problems they face. In 1970, 9.4 million Americans were Hispanic. Today 18.8 million—or 1 in every 12 Americans—considers himself Hispanic. To quote the editorial:

> Overall, Hispanics in the United States have relatively low education levels; only a bare majority have 4 years of high school. But their incomes have increased, and their poverty level has decreased since the 1981–82 recession despite the arrival of hundreds of thousands of newcomers. Unemployment among Hispanics is not vastly higher (9.5 percent in March 1987) than among non-Hispanics (7 percent): families are larger and only a bit less likely to be headed by a married couple. Family incomes of Hispanics have risen in pace with those of other Americans but are still about one-third lower; about one-quarter of Hispanics live below the poverty line.

It is clear that Hispanic Americans can have a real impact in shaping this country's destiny. As the Washington Post editorial goes on to point out:

> One way of looking at these numbers is to say that * * * [Hispanic Americans] are moving up rapidly, especially when you consider that many started off living elsewhere, in circumstances you will not find statistically replicated anywhere in the United States. Hispanics are moving up the many ladders of success in America.

As a nation we must continue our efforts to address the many problems which threaten to prevent Hispanic Americans from participating fully in our society. We must work to ensure that linguistic and cultural barriers do not block movement toward greater prosperity, and that Hispanic Americans are afforded equal opportunities in the areas of employment, housing, and education.

As we take time this week to celebrate the achievement of Mexican independence and to acknowledge the important contributions of Hispanic Americans, let us also reaffirm our commitment to ensuring that equality of justice and opportunity are enjoyed by all Americans.●

SMALL TOWNS

● Mr. SIMON. Mr. President, a former colleague in the House of Representatives, Bob Krueger, writes a column that appears in several Texas newspapers.

Recently he had a column on small communities that is important for us to consider if we are serious about preserving small town life in America.

I am also inserting in the Record a column I wrote on the same subject.

I ask that Bob Krueger's column and my column be inserted in the Record, and I urge my colleagues to read these columns.

[From the Dallas Morning News, July 3, 1987]

MUTUAL TRUST STILL THRIVES IN SMALL TOWNS

(By Bob Krueger)

A few weeks ago, CBS television gave an hourlong retrospect of correspondent Charles Kuralt's *On the Road* programs. A paean to small-town America, it celebrated the simple values and pleasures to be enjoyed in places where the word "community" still has its root meaning, and where the flash of electronic media is balanced by the gentle rhythms of life near the soil and near one's neighbors.

I reflected on that program yesterday as I parked in front of Naegelin's Bakery, located for the past century by the main plaza in my hometown of New Braunfels. Its sign, "100 Years of Service," conveys a simple truth that reminded me of a daily routine in my boyhood. At noon, my sister and I walked from school to my father's business, from where the three of us drove home for lunch. On the way, dad always stopped across from the bakery, bolted from the car and strode across the street. If Mrs. Naegelin saw him coming, she would meet him at the door to hand him a fresh loaf of bread, with occasionally a few cookies for the children, before we proceeded home for our noon meal.

In those days, she and Mr. Naegelin lived over the bakery, and rose at 3 a.m. to begin their day. Their only son assisted in the baking and delivery, but, being a small family endeavor, the Naegelins could bake only enough for their regular customers. Thus, if you were a stranger to the town, or to Mrs. Naegelin, and entered the store, chances were you'd be quizzed extensively by this sharp-minded, sharp-tongued woman in her 70s before she decided whether or not to sell you a loaf of German pumpernickel or French white. "Well, who told you to come here to buy bread, then?" I've heard her ask. After all, she had to keep enough on hand for the customers who had relied on her for years.

They trusted her, and she trusted them—in many ways. Once a year, before Christmas, she gave dad a bill for the entire year's purchases. She claimed she liked to do that because she used the money to buy her Christmas gifts. But I suspect she really did it to save time for my father, a businessman in a hurry. She was more thoughtful than she let people know.

With thoughts of Kuralt and Naegelin in my head, I drove home to find a message from Mr. Kraft, the repairman, on my recorder. I had called him two days earlier when a window air conditioner went out—because we had always called Mr. Kraft with such problems. Now in semi-retirement, he had nonetheless come the same day to remove and check it. The message now was that it could be repaired; I wouldn't have to buy a new one. Our family had trusted Mr. Kraft for 30 years: If he said it could be fixed, he'd fix it; if he said it needed replacement, it did.

With Mr. Kraft, as with the Schuberts who are putting new wallpaper in our bedroom, there is no need to ask the price in advance. Harvey Schubert and his son are repapering the same room that his father had papered for my parents when they lived here. The Schuberts and Mr. Kraft would no more overcharge us today than Mrs. Naegelin would have overcharged my father on the yearly bread account. And I would no more need to oversee their work than to watch the Naegelins bake bread. They respect their craft and their customers; their pride is in their work, their community and their relationship to it.

And it's the same with Mrs. Ott. One of my wife's happiest phone calls this year was when Mrs. Ott called to say that she could add Kathleen to the group of people for whom she ironed. The rules were simple: "If I'm not here, just come in the kitchen. Leave the clothes to be ironed, and pick up your clothes from last week. You'll find them hanging in the back room." The ironing, of course, is faultless.

It all seems so simple on the surface. Just come in the kitchen if I'm not there; just pay the bakery bill once a year; just leave it to Mr. Kraft or Mr. Schubert to do the repairs right. What makes it different from so many of our day-to-day business dealings is that bond of simple trust exists—often it has existed over generations.

My work sends me to Washington, Dallas, Houston and San Antonio regularly. I would not want to see America without the vigor and energy of their business, legal, political and academic lives. One senses that important things are happening there, and that, being involved, one's life there can make a difference for many people.

But I would equally be reluctant to see America lose what the Naegelins, Schuberts, Otts and Krafts offer in New Braunfels: not just their craftmanship and pride in their work, but more importantly, that their craftsmanship is conveyed in an atmosphere of mutual trust. One is not just "doing business," but is exchanging values.

The reason, of course, that one can trust them to charge fairly, and to perform excellently, without either written contracts or advance price agreements, is because one intuitively knows, and has found by long experience, that they would never cheat because they value some things more than money. Their pride is as much in their work as in what they are paid for it, and is more in who they are and how they live with their neighbors than in their dollars.

One can't put a definite monetary value on what it means to live in a community with people like that, because their lives remind us that living well in a real "community" has non-monetary values. Charles Kuralt was right when he said that our small towns are just as important as our major cities to the greatness of America, and to creating an environment that makes life well worth living.

The Shrinking of Small Town America

(By U.S. Senator Paul Simon of Illinois)

Travel across Illinois and the rest of the Midwest and one painful sight you will see over and over is the shrinking of small towns. A few are thriving, many more are barely surviving, and many are gradually dying.

It is not good news for America.

I speak with prejudice because most of my life has been spent in small-town America. My address is Route 1, Makanda, Illinois—population 400.

Small towns are not paradise. You will find in them the same prejudices and fears and shortsightedness that exist in larger communities, and because they are small towns, sometimes those warts are more visible.

But in these small towns you will usually find more concern for one another. The economic segregation of urban and suburban America has not hit these small towns. The son and daughter of the wealthiest person in the community go to school with the son and daughter of the school custodian and the son and daughter of the person who is unemployed. We learn from each other.

When these small towns shrink, where do people go? They head for the big cities, hoping for opportunity, often ill-equipped to cope with the sudden new environment of the urban area, compounding the problems of urban America.

What can be done?

First, the problems of rural communities cannot be separated from the problems of American agriculture. So long as we continue policies that do not encourage better prices through greater use of our agricultural producing capacities, farm families and the small towns they surround will not prosper.

Second, we need federal policies that encourage the development of a small and varied industrial base in rural communities so that young people who grow up there will have more of a chance for working and staying in those communities.

Are both of these goals idle illusions that have no chance to become reality?

Not at all.

Let me give you just one example of what can be done for each of these goals.

Sen. Tom Daschle of South Dakota has joined me in introducing a bill that calls for a gradual increase of ethanol in our gasoline. Right now 7 percent of the gasoline sold in the nation has 10 percent ethanol. Just that 7 percent has raised the price of corn about 11 cents a bushel. Our proposal would require that by 1992, 50 percent of the gasoline sold in the nation would be 10 percent ethanol.

One estimate shows that would raise the price of corn about $1 a bushel—still leaving it lower than a few years ago but a substantial improvement over the present price—and it would make us less dependent on Middle Eastern oil, save the federal treasury billions of dollars, and make our air cleaner.

That one step would be a substantial help to this nation's farms and small communities.

To encourage small companies that manufacture products in these smaller communities, we could—and should—take steps to stimulate more export sales. Today a handful of corporations do about 60 percent of our nation's export sales. A major reason is that smaller corporations, particularly those in rural communities, have a difficult time getting bank credit for export expansion.

If the federal government were to provide a partially guaranteed loan for companies that expand exports, we would create more American jobs, particularly jobs in the smaller communities where exports seem like a distant dream because of the credit hurdles.

That is one example of what can be done for each goal. Many other examples could be given. If we have leadership that is concerned and creative we can do much, much better.

Small town America is not thriving.

But the present shrinking of small town America can be reversed.

And the nation will be much better off when it happens.●

BELLARMINE OKTOBERFEST DRIES UP

● Mr. ADAMS. Mr. President, I want to take this opportunity to call to the attention of my colleagues a principled stance taken by the administrators at Bellarmine Preparatory School in Tacoma, WA.

For a number of years, Bellarmine has staged an Oktoberfest event to help raise funds for the school year. Last year, beer gardens at the event accounted for over one-half of the proceeds.

Despite the fact that beer sales raised over $30,000 for the school last year, Bellarmine administrators have banned alcohol at this year's Oktoberfest. School leaders concluded that they were sending students a mixed message when they taught them about the dangers of drug and alcohol abuse during the week and sold alcohol over the weekend to raise money.

I applaud the decision made by Bellarmine Prep. All too often, we parents tell our children to "do as I say, not as I do." I hope that people throughout the country will hear the message sent by the faculty and parents at Bellarmine Prep. They are doing more than teaching their students that principles are more important than profits; they are acting in ways which demonstrate that motives matter more than money.

I ask that several articles about this decision be made a part of the Record.

The articles follow:

[From the News Tribune, July 14, 1987]

Bellarmine Oktoberfest Dries Up

(By Kim Severson)

The Rev. Daniel Weber calls Bellarmine Preparatory School's annual Oktoberfest one of the best parties around. The three-day event also has remained a steady and lucrative source of income for the parochial high school.

But come this fall, the event will be less of a fund-raiser, and some might consider it less of a party.

The 1987 Oktoberfest will be dry.

Nary a drop of alcohol will be available at the annual fall bash because school administrators think plying patrons with beer sends the wrong message to students and parents battling drug and alcohol abuse.

The decision to ban alcohol was a tough one, administrators said. Last year, just more than half of the $70,000 made during Oktoberfest came from the sale of alcohol and admission to the event's two beer gardens.

"When I started this (10 years ago), the time was right for a beer garden. Believe me, this has been one of the best parties you've been to in your life," said Weber, who as school president found himself in the middle of the beer-garden dilemma.

"In our own efforts to ask kids to say no, adults had to say no in a dramatic way," said Weber. "I guess we're starting to realize we've got an excess in this society and it's time to say that this excess has gone too far."

Over the past few years, parents and students both told the Bellarmine administration that the beer gardens were causing problems. There were a few minor fights, and stories surfaced about students who had to go into the gardens to retrieve drunken adults.

Concerns over the beer gardens have arisen every year of Jack Peterson's six-year tenure with the school. As vice president for development, Peterson is in charge of efforts that last year amounted to $1.27 million raised or donated.

"I had the most to lose with this decision," he said. "But what it boils down to is we spend a lot of time teaching (students) about drug and alcohol abuse. The beer gardens were sending them a mixed message."

The beer-garden ban comes with a big price tag. In the 10 years the sales have occurred, about a quarter of a million dollars has been raised on alcohol and alcohol-related sales. The school uses the money to help subsidize about $1,000 in annual tuition per student. Next year, more than 900 students will pay $2,890 to attend the school.

With the exception of a handful of people, most seem to be glad the event is changing, said Carol Colleran, the mother of six children, all of whom have or will graduate from Bellarmine.

"As far as raising money, it was a good idea, but it got to be a problem," she said.

Colleran believes the Oktoberfest may not make a lot of money this year, but eventually will be restored to its former level.

Peterson believes offering other activities including dances and other entertainment can help make up the money lost with the beer-garden ban. The increasing popularity of the school's rummage sale held during Oktoberfest also may make a difference, he said.

[From the Progress, July 16, 1987]

BELLARMINE PREP BANS SALE OF ALCOHOL AT ANNUAL FUND-RAISING OKTOBERFEST

TACOMA—Does no beer in the garden mean no fest in October? Tacoma's Bellarmine Preparatory School hopes not.

Despite the fact that the sale of alcoholic beverages at the school's annual Oktoberfest has raised a quarter of a million dollars over the past decade, the school has decided to stop selling alcohol at the event.

"It was an educational decision," said Jesuit Father Daniel Weber, school president. He said the policy was made to support Bellarmine's alcohol and drug abuse programs.

Without fund-raising events such as Oktoberfest, annual tuition would be about $1,000 more than its current $2,890, Father Weber said.

"Because we are committed to keeping people of average and medium income here," he said, "we have made this commitment to raise money on the side."

Father Weber hopes that other Oktoberfest attractions, such as the international food booths, dances and all-family events such as volksmarch will make up the difference.

The 11th annual Oktoberfest will be held Oct. 2-4.

He said the proposed addition of cultural events, such as an arts show, will more properly reflect the school's academic achievements.

"My original idea of an Oktoberfest was to have family fun and to pull people together," Father Weber explained. Along with the fun, money was raised for the school and for church groups which sponsored booths or events.

Last year 51 percent of the $70,000 gross income of the feast was related to alcohol sales and admission to the beer gardens. During the 10 years of Oktoberfest, $267,880 of the $535,760 gross was alcohol-related.

The decision to ban alcohol was not an easy one, Father Weber said. The church has no ban on alcohol use, so long as it is in moderation, he said. Alcohol is sometimes brought onto school grounds when school facilities are used for wedding receptions and is sometimes served at post-game gatherings and at Booster Club meetings. Those practices are unaffected by the Oktoberfest alcohol ban, he said.

There have been a few alcohol-related incidents at the fest, in part because its popularity led to overcrowding inside and out of the beer gardens.

A fight in the gardens last year caused Father Weber "to assess what we were sponsoring," he said. "I began to reflect: What are we trying to do at this school? We realize that the Oktoberfest was in a certain sense giving permission for something we were trying to curtail in other areas."

At the same time, some parents were expressing misgivings about the excesses involving alcohol at Oktoberfest.

Father Weber met with a parents' committee to consider the impact of the alcohol presence on the educational values of the school.

The problem of drug and alcohol abuse among Bellarmine students is "like any other school," Father Weber said. He felt, however, that Bellarmine had a better handle on it than some other schools because of three programs: "Impact," which is teacher-oriented to intercept abuse; "Natural Helpers," which trains students to help their peers; and a follow-up program to help students return to the mainstream after abuse treatment.

"What we had here was a situation where we're asking kids not to drink at all, because they're not of age, and they're not grown up," Weber said. Then the students see adults getting out of hand while drinking at a school-sponsored event.

"Kids are basically scandalized by us drinking," Father Weber said. "I think they're wrong in their assessment. I don't buy the Puritan ethic that you can't drink. I never have . . . but we want people to do it in moderation."

Paul Sherry, a senior who was president of the Bellarmine chapter of Students Against Drunk Driving, wrote Father Weber an open letter in the school newspaper questioning school-sanctioned alcohol use.

Sherry said: "Bellarmine has a problem with too many students drinking too often. You have made an admirable stand against Bellarmine students drinking. For that I commend you." However, he said that in action, "the school's example is still very poor and hypocritical."

Adult drinking at school events shows a "lack of responsibility . . . regarding their moral obligation to be positive models and to use discretion when exercising their right to drink," Sherry said. "Most teen-agers see this lack of discretion as an excellent excuse to ignore the advice or demands from adults."

After the school's decision was announced in a spring newsletter, Sherry said its shows "that trying to stop the abuse of alcohol is more important than the (school's) economic situation. It is too bad that we depended on that so much for money."

Acceptance of the new policy was not immediate, nor was it unanimous, Father Weber said.

Some students are openly skeptical that Oktoberfest will survive without the beer, and at least one athletic fan told Father Weber he would not help put on the event if beer was banned.

"Some kids said, 'Oh, you can't do that, Father.' You see they were looking forward to coming back here as adults when they could get inside that beer hall and have some fun," Father Weber said.

"It is a fun place. That's why I liked it," he said. "I had a heck of a good time down there."

Dan Wombacher, president of the Booster Club, said he believes the school administration was wrong to ban the alcohol sale at Oktoberfest.

"Sure, there were problems," he said. "Instead of trying to cure the problems, they just threw the whole thing out."

"If people want to come to this thing, they will come," Father Weber believes. "But they won't come here to drink booze, because it won't be here."

"It was a hard decision for me to make because I liked the fun," he added. "But I've never regretted it."●

COERCIVE POPULATION CONTROL IN CHINA

● Mr. HUMPHREY. Mr. President, the Senate Appropriations Committee recently heard compelling testimony from Mr. Steven W. Mosher of the Asian studies center at the Claremont Institute. His testimony centered around the current state of China's population control program which, according to Mr. Mosher and a number of other sources, still employs coercive methods such as mandatory sterilization and forced abortion.

Thankfully, the committee voted to continue the U.S. funding boycott of China's population control program; nevertheless, I believe that Mr. Mosher's testimony is worthy of a much wider audience, and therefore I ask that it be entered into the RECORD.

The testimony follows:

STATEMENT OF CHINA'S POPULATION CONTROL PROGRAM

(By Steven W. Mosher)

China's basic population control policy, what it calls its "technical policy of birth control," was promulgated in 1983 and is still in effect today. It is contained in a directive of the Central Committee of the Chinese Communist Party, whose pronouncements have the force of law in China. Its principal content is: "Those women who have already given birth to one child must be fitted with IUDs, couples who already have two children must undergo sterilization of either the husband or the wife, and women pregnant outside of the plan must adopt remedial measures [i.e., abortion] as soon as possible." (NANFANG RIBAU, May 15, 1983, p. 3)

This directive, the operant passages of which have appeared repeatedly in the Chinese press, makes a bow in the direction of "voluntarism," by which is meant that the formal consent of the person involved must be obtained prior to any operation. But the directive is written in the imperative, and is in fact a prescription for mandatory IUD insertion, for mandatory sterilization and, when the policy on childbirth is violated, for mandatory abortion.

What is called "the policy on childbirth" is in reality two policies, one for officials and workers, and one for peasants. Like the policy on birth control, the policy on childbirth for officials and workers, who comprise perhaps 20 percent of the population, has remained unchanged for the past five years. It reads: "All state cadres, workers and employees, and urban residents, except for special cases which must be approved, may have only one child per couple." (NANFANG RIBAU, May 15, 1983, p. 3; for a recent restatement of the same policy by Henan party leader Yang Xizong see Foreign Broadcast Information Service (FBIS), CHI-87-133, July 13, 1987, p. P4) In the cities, second children are simply not allowed, and tremendous pressures (about which more below) are brought on pregnant women to submit to "remedial measures."

The rural policy on childbirth has, from the beginning, been less strict than this. Instead of being strictly enforced, the one-child policy is merely to be "vigorously advocated." In practice, however, the "vigorous advocacy" of undereducated, overzealous rural officials often resulted in forced abortions and sterilizations.

To combat growing rural discontent a major exception to the policy of promoting one child in the countryside was made in 1984. Couples facing "real difficulties," it was announced, could apply for permission to have a second child. The "real difficulties" in question were never spelled out clearly in documents, perhaps because the Central Committee recoiled at putting a clearly sexist policy in writing, but were widely understood to be those caused by the birth of a girl, namely, that she could neither carry on the family name nor support her peasant parents in their old age. (See, for example, FBIS-CHI-87-133, July 13, 1987, p. P4)

It was stressed that that exemptions to the one-child rule were not to be made indiscriminately to all rural couples with first-born girls. The quotas on births handed down to each province were to be respected, and second-child exemptions were to be contingent upon a wait of four to seven years after the first child. The "technical policy on birth control" was also not to be violated, so that the prior agreement of the couple, usually the women, to accept sterilization following the birth of their second child was required. Women who met these conditions would, at the appropriate time, be allowed to have their IUDs removed. (Personal Communication)

This policy put local officials in the difficult position of having to grant second-child exemptions to some but denying others. Although perfectly ready to impose uniform rules concerning the spacing of births and the timing of sterilization, some refused to interpret a deliberately ambiguous Central Committee policy in the expected manner. Rather, they chose to consider that all of the one-child couples in their communities had "real difficulties" and licensed them to conceive and bear a second child. As a result the 1986 birth rate is the highest in four years, although at 1.4 percent it remains extremely low by the standards of the Third World. Recent remarks by government officials indicate that the number of exemptions to the one-child policy allowed in the countryside will be reduced. (FBIS-CHI-87-135, July 15, 1987, p. T1; FBIS-CHI-87-133, July 13, 1987, p. P4) This will necessarily mean an increase in the level of coercion as peasants attempt to bear second children without permission.

Overall, the key to understanding the degree of coercion in China is not the "policy on childbirth," but in the technical policy on population control." Both urban and rural women with one child are required to have IUDs inserted, the removal of which is a crime. (FBIS-CHI-87-133, July 13, 1987, p. Q1) Both urban and rural women who bring a second child to term continue to be sterilized, sometimes involuntarily. Both urban and rural women pregnant with second children for which they have not been given exemptions are pressured to get abortions, and sometimes force is used. Even if the one-child policy were abandoned tomorrow in favor of a "two-child," policy, the program would remain painfully coercive as IUDs insertions, sterilizations, and abortions continued.

Unapproved births do occur, mainly by a means called "childbirth on the run." Women who are pregnant with "illegal" children go to live with relatives in distant villages or towns. Away from their native place, they are often able to escape detection by the local authorities. Only after they have actually given birth do they dare return home. This is because abortions are performed in China up to the very time of parturition. As the child descends headfirst in the birth canal, it is given an injection of formaldehyde or alcohol into the fontanel, or soft spot, causing instantaneous death.

Couples who succeed in bringing such "illegal" children into the world are subject to heavy fines. Typically, a family will have to pay a fine equivalent to a year's income, and face monthly penalties as well, for having a second child without permission. Such fines are intended to deter, not merely dissuade, young couples from having children outside the plan.

In Guangdong, women who refuse the operations they are ordered to undergo are arrested and taken in police vans directly to clinics. These vans have become popularly known as "pig basket" vans, after the large wicker baskets in which pigs are taken to the slaughterhouse.

To bring together these disparate parts of China's population control program into a coherent whole and illustrate how the program actually functions, I have chosen one of the numerous interviews I conducted while in China in later May of this year. The case of the Wangs, a young couple living in Zhuhai, China, follows:

Like most women in rural China, Chen Suxiang wasn't content with the one child she was allowed under the state's birth quota system. With her husband, a truck driver, on the road much of the time, and her only child, a boy, set to enter primary school the following year, she wanted another baby.

Sitting in the living room of his modest house in Zhuhai, a Special Economic Zone in Guangdong Province designated for foreign investment, her husband recalled that he at first tried to dissuade her, pointing out the pressures they would be subjected to—fines, meetings, and even heavier penalties. "As a permanent employee in a state factory, there are no exceptions allowed to the one-child quota," Chen said. "I told her I could be fired from my job, but she wouldn't listen."

Chen's wife found a midwife who, for a fee of $20, was willing to perform an illegal procedure: remove the steel IUD that had been inserted following the birth of her first child. After several months, in September 1986, she became pregnant.

By staying home most of the time, Suxiang was able to hide her pregnancy from the population control workers for several months. Her growing reclusiveness eventually made them suspicious, however, and they finally ordered her to go in for a pelvic examination.

Chen explained what that meant. "If they discovered that my wife was pregnant, they would order her to have an abortion." By this time, fully supportive of his wife's plan, he decided that she would go to live with a cousin in a neighboring county until she gave birth. Called "childbirth on the run," her response was a common last resort of couples under government pressure. Though his wife was safely out of reach, Chen was not, and was taken aback at the onslaught that followed. His superiors at the factory missed no opportunity to pressure him to end his wife's pregnancy. Each day the vice director of his factory sought him out and lectured him. Each evening he would be visited by a birth control delegation. And each week at political meetings he was singled out as a bad example to the rest of the workers, and even his friends felt obligated to criticize him in public. The message was always the same: "For the sake of the nation, the community, the factory, and the Four Modernizations, he and his wife must give in."

Chen, an angular-faced man with a shock of unruly black hair, refused to buckle under this pressure. She has left me, he protested, because I would not allow her to keep the child. I do not know her whereabouts. He was not believed, and the pressure continued.

The factory director, seeing that Chen could not be budged, resolved to find his absent wife by other means. He ordered the factory's dozen purchasing agents and sales representatives to make inquiries, promising a bonus to the one who located Chen's wife. It was one of their number who, discovering that Chen frequently detoured to the neighboring county on his runs, began making inquiries there. Chen's wife was found and brought back in February, seven months pregnant.

Afraid that she would escape again if she were allowed to go home, the factory director ordered the runaway confined to a factory dormitory, under the supervision of birth control workers, who missed no opportunity to badger her to accept an abortion. Separated from her husband, so distraught that she was unable to eat and sleep, she was no match for the "thought work committee" that was assigned to reeducate her into accepting an abortion. Going into the ninth month of pregnancy, she bowed to the pressure.

She was immediately taken to the local medical clinic and given an injection of an abortifacient drug. Her child was born dead 48 hours later. "They didn't even tell me she was in the clinic until they had already given her the shot," Chen said. She was four weeks from term.

Despite the stringent controls, however, there are still couples who manage to bring a second child to term, like Wang Guohan and his wife, both of whom worked in a state-run retail store. The Wang's story begins like the Chen's. Like Mrs. Chen, Wang's wife paid a midwife to illegally remove her IUD and conceived a child. Again like Mrs. Chen, when she was discovered by the authorities she decided upon "childbirth on the run."

Here the similarity ends, however. Unlike Chen's wife, Mrs. Wang shuttled between the homes of several relatives, making it impossible for her unit to find her. A midwife helped with the birth, so she was able to avoid the fate that her "illegal" child would have met in the hospital. She returned home with a strong, healthy boy in her arms, and was of course allowed to keep him. Her "little treasure" did not come free of charge, however.

The party committee of the department store fined the Wang's 3,000 renminbi, or $500, an amount equivalent to two years income. His monthly income was also slashed from $30 a month to $9, as his bonus, cost-of-living allowance, expense allowance, and overtime were cut off. They had family members in Hong Kong willing to help with the bills, Mr. Wang said, otherwise they would starve.

There is a final note to their story. Mrs. Wang, having borne a second child, was ordered to report to the hospital for sterilization. She refused. Several times she was warned. Still she refused. One day a police van pulled up in front of her house. She was taken against her will in this "pig basket" van to the hospital and given a tubal ligation. She was still in the hospital recovering from this unwanted operation on the day I interviewed her husband.

Peking is continuing a population control program which, despite its advertised "voluntarism," relies heavily on coercive abortion and coercive sterlization and the threat of same. The United Nations Fund for Population Activities, for its part, continues to support this program in word and deed.

For example, the UNFPA representative in Peking recently praised China's program. "China is actively working to set up a model of how social and economic factors can be harnessed in a harmonious way," he was quoted as saying. "The government has shown its full commitment to a family planning program that has been internationally acknowledged as one of the most successful efforts in the world today." (Peking, New China News Agency, July 11, 1987, FBIS-CHI-87-133, July 13, 1987, p. A1) Such comments call into serious doubt whether the UNFPA is capable of distinguishing between legitimate family planning, as defined by its charter, and coercive population control.

It is not consonant with America's commitment to human rights to support, directly or indirectly, a Chinese program that violates the right of couples to decide for themselves the number and spacing of their children.

To resume AID funding to the UNFPA at a time when that organization has not shown the slightest intention to distance itself from the coercive abortion and sterilization practices of what is one of its largest grant recipients would be a mistake. It would send the message to the world that America care little about violations of human rights in population control programs.●

INFORMED CONSENT: KENTUCKY

● Mr. HUMPHREY. Mr. President, informed consent is the name for a general principle of law that a physician has a duty to disclose to his patient all of the facts needed to make an intelligent decision as to whether consent should be given or withheld. According to Black's Law Dictionary, this includes giving the patient information about the risks as well as alternatives to the proposed procedure.

The purpose of informed consent is clear: to give a patient the ability to reasonably balance the probable risks against the probable benefits of a procedure.

I urge my distinguished colleagues to support my informed consent bills S. 272 and S. 273.

I ask that a letter from the State of Kentucky be inserted in the RECORD.

The letter follows:

JUNE 3, 1987.

DEAR SENATOR HUMPHREY, I am writing in support of "The Informed Consent Bill" which you are presenting on behalf of those of us who had abortions without being adequately informed.

My abortion was 8½ years ago. I was alone and frightened. I had nowhere else to turn for help. I trusted the clinic staff to help me, after all they are supposed to be trained medical personnel—aren't they? But they did not help. The abortion procedure was not explained to me in terms that I could understand. I was not informed what harmful effects the abortion could have on my body. I was not informed about the possible emotional problems that could result. I was not offered any other alternative except abortion. And I was too scared to say no. Abortion is the choice of a frightened woman who is reaching out for help, why is there no one to help her? Abortion is irreversible—it can't be undone.

No one prepared me for the sudden personality change that took place. I hated myself and everyone else. My relationship with my baby's father ended within 3 months of the abortion. Full of bitterness and resentment, depression was my constant companion. I cried a lot and slept little, although I spent a great deal of time in bed. I suffered intense migraine headaches. I could not cope with everyday living. I lost interest in men and sex, and gained over 60 lbs. Nobody would ever hurt me that bad again.

If I had really known what was going to happen in my life as a result of my abortion, I doubt that I could have gone through with it. I lost my only child. And I have to live with that knowledge the rest of my life.

Thank you for caring. God bless you.

Sincerely,

CARLA J. SMITH,
Kentucky.●

PARENT-TEACHER ASSOCIATIONS

● Mr. McCONNELL. Mr. President, today I want to commend the important activities of parent-teacher associations throughout our great country. In particular, I want to recognize the Kentucky Congress of Parents and Teachers, Inc., for their membership drive that is currently taking place and will run throughout October. Since school has just started, it seems timely to discuss the significant role the PTA plays in the education of our children and to encourage membership in the PTA. The PTA is a cooperative venture between parents and teachers. It gives parents and teachers a chance to share information and expertise on children. Membership in the PTA is open to anyone, you don't even have to have children to be a member.

It is interesting to note that there are over 6 million members of the PTA across the United States and that the PTA has been in existence since 1897. This organization has been working toward better conditions for America's youth by securing child labor laws; supporting compulsory public education; developing health and nutrition programs; promoting education for handicapped children and children with special needs; establishing a juvenile justice system; raising minimum drinking ages in the States; and enacting State seat belt safety laws. In brief, they have been an advocate for children in a variety of ways. The PTA is one of the leaders in the preservation and enhancement of public education.

I have had the honor of being asked to serve as the honorary cochairman of the membership drive for the Kentucky Congress of Parents and Teachers, Inc. I am looking forward to working with the president, Mrs. Jane Boyer and Mrs. Karen Jones, membership chairman, on increasing their membership. Last year the Kentucky Congress won the Region 3 Traveling Silver Bowl Award for a 13-percent increase in membership, and a national award for having 47 percent of their local units recruiting 25 or more additional members over their previous year's total. In the spirit of competition, Georgia has challenged Kentucky to a membership race with the winner receiving the coveted silver bowl. I plan to help the PTA in Kentucky achieve their membership goal and keep the silver bowl in the Bluegrass State. I hope that all Senators will work along with me to promote the PTA and encourage people to become involved in their local parent-teacher association.●

INDIAN HEALTH CARE AMENDMENTS OF 1987

● Mr. DOMENICI. Mr. President, during the 98th Congress, and again in the 99th Congress, I cosponsored legislation to improve the delivery of Indian health services.

The 98th Congress passed our bill. But after the Congress adjourned, the President vetoed our bill. The Senate did not pass a second version of this bill during the 99th Congress.

Despite this inaction, the need to improve the Indian Health Service remains. I am pleased to cosponsor the Indian Health Care Amendments of 1987, S. 129. This bill is essentially the same as the one we tried to pass before the 99th Congress adjourned. It is responsive to the administration's concerns, and it makes important improvements in the Indian Health Service.

The major objectives of S. 129 are:

First. To raise the health status of American Indians and Alaska Natives to the highest possible level by eliminating existing IHS backlogs and augmenting the ability of IHS to meet vital service needs, such as preventive health, clinical care, dental care, mental health, emergency medical services, alcohol and drug treatment, and home health care;

Second. Establish an "Indian Catastrophic Health Emergency Fund" to meet the extraordinary medical costs for victims of disasters or catastrophic illnesses;

Third. Improve the IHS health facilities construction program by requiring tribal consultation concerning size, location, type, and other characteristics of any newly planned facility;

Fourth. Reauthorize the Indian Health Professions Scholarship Program;

Fifth. Implement a 10-year plan to provide safe water supply, sanitary sewers, and solid waste disposal facilities to existing Indian homes and communities;

Sixth. Establish the Community Health Representative [CHR] Program and urban Indian health programs as permanent components of the Indian health system. The CHR Program provides for the training of Indians as health paraprofessionals, and employs such paraprofessionals in the provision of health care to Indians;

Seventh. Authorize comprehensive health promotion/disease prevention and diabetes control programs; and

Eighth. Expand the types of service facilities that may receive reimbursement from Medicare for providing health services to eligible Indian people.

The bill authorizes these activities for fiscal years 1988 through 1991, at annual authorizations of $39,750,000; $38,576,300; $39,003,800; and $41,966,500, respectively.

Mr. President, I believe that these and the other changes provided by this legislation are essential to improve the health care status of Indian people. I am proud to be a cosponsor of S. 129, and I urge my colleagues to support this important improvement to the health care system that is now in place for American Indians and Alaska Natives.●

THE GREATEST THREAT TO PEACE AND FREEDOM

● Mr. SYMMS. Mr. President, Notwithstanding the detente-at-any-cost mentality of the U.S. State Department, communism is still the greatest threat to peace and freedom in the world.

And while we are in the midst of negotiating with the Communists for reductions in nuclear weapons in Western Europe and for a so-called peace plan in Central America, we would do well to remember just what we are dealing with.

Mr. President, communism is more than a political system, more than an economic system. It is a system of belief that has been imposed on millions of people since Karl Marx and Frederick Engels formalized the doctrine more than a century ago.

That system is build upon the idea that the state should have absolute power over the individual, and the mechanism by which it is spread throughout the world is brute force—exactly what is happening in Afghanistan, Angola, Mozambique, Nicaragua and elsewhere.

What follows is the misery that exists in the Soviet Union and its satellites today.

I have here an article written by Doug Wilson, a columnist in Moscow, ID, and published in the Lewiston (Idaho) Morning Tribune earlier this month. It describes the type of life that naturally follows the imposition of communism and asks some important questions about U.S support for movements resisting communism today.

I ask that it be printed in the RECORD, and I encourage my colleagues and all others to read it, consider its implications, and take a stand for freedom.

The article follows:

WHERE WILL THE LIBERALS DRAW THE DEFENSE LINE?

(By Doug Wilson)

What happens when a nation falls to communism? What does it mean for the people of that nation, and what does it mean in the rest of the world?

Communism purports to stand for social justice, and promises to establish a state where capitalism will no longer be able to take advantage of the poor.

For the sake of this discussion, never mind the fact that free market capitalism has raised more people out of poverty than any other economic system in history. The purpose here is not to examine communism's claims about freedom, but rather the immense gap between what communism promises to deliver and what actually shows up on the doorstep.

Because of economic incompetence, an immediate result of communism is an explosion of poverty. For example, more cars are owned by blacks in South Africa than are owned by whites in the Soviet Union. And the Marxists want to liberate the blacks in South Africa from economic oppression? It is sort of like Typhoid Mary trying to get into med school.

Another result of communist control is that the affected nation turns into one great big concentration camp. Walls go up, barbed wire goes up and the guards are posted and it is certainly not to keep all the envious foreigners out.

Still another result is the systematic imprisonment and/or slaughter of political dissenters. This bloodshed is done on a scale that makes Attila the Hun look like a Quaker. It is hard to keep your eyes on the Marxist vision for a peaceful future when the bodies keep piling up. They obstruct the view.

All of the above indicate that a country overrun by the communist horror is indeed miserable. But what does this have to do with the rest of the world? How does it concern us?

For some reason the fanatical followers of the communist ayatollahs seem unable to learn from history. No sooner is one disastrous revolution in place than their eyes turn to the next unhappy victim.

And for some stranger reason, the liberals among us are baffled by the whole thing. The closer the communist threat gets to our southern border, the more we hear liberals calling for negotiations, balance, justice, international understanding and peace in our time. The typical liberal sentence addressing the communist problem in Central America looks like a string of wet sponges.

If the communist revolution came as far north as San Antonio, no doubt some liberal congressman would rise to the occasion and solemnly warn us about the lessons of Vietnam.

So my questions for the liberals in the Democratic Party are these:

At what latitude do you believe American troops should be deployed to deal with the communist threat? Is this latitude south or north of the Rio Grande?

Your arguments for tolerating the communists in Nicaragua are similar to your arguments for tolerating communism in Cuba. Will you use these same arguments when the fighting breaks out in Costa Rica? Honduras? Mexico?

Do you believe that communist expansion should ever be resisted with military force? If so, under what circumstances? Please give specifics. If not, why not?

The answers to these questions should not be difficult. The fact that liberals struggle with them indicates that they are in the grip of an ideology which cannot recognize any threat to the left. They resolutely turn away, and they are going to be blindsided.

The conclusion? The Contras in Nicaragua need our help. Those who refuse the help are, at best, naive. At worst, they are fellow-travelers with the communists.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, once again, I turn to an issue that affects us all and appeals to our ideals of freedom. I bring to your attention the plight of Naum Meiman and the thousands of refuseniks like him who remain in the Soviet Union against their will.

The persecution thousands of people suffer as a result of their desire to speak out and be heard is a reminder to us all. Their relentless pursuit of a better life is an inspiration for us all. We, who live in freedom, able to practice our respective faiths, able to live under a government that was based upon a doctrine of tolerance, can only begin to imagine a life of daily persecution and repression.

It is our duty to remain vigilant on behalf of the hundreds of thousands of Jews and people of other religions that remain in the Soviet Union. We must also continue to fight for the freedom of those hundreds of thousands of people, whether they have spoken out and been refused or have chosen to remain silent to preserve their few remaining privileges. Our silence in the face of such obvious injustices is intolerable. When we stop speaking out for those who cannot and when we feel unable to fight for what we know is right, we are defeated.

In this spirit and on behalf of Naum Meiman, I strongly urge us all to do whatever is in our power to help the Soviet refuseniks who are in such desperate need. Perhaps our collective efforts can accomplish what our individual efforts have not yet been able to achieve.●

ORDERS FOR WEDNESDAY

ADJOURNMENT UNTIL 8:30 A.M.

Mr. **BYRD.** Mr. President, the motion was entered earlier that when the Senate convenes on tomorrow, it would convene at 8:30 a.m., I believe.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the order to 8:30 a.m. tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. **BYRD.** Mr. President, I ask unanimous consent that on tomorrow the call of the calendar be waived and all motions and resolutions over under the rule not come over.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MORNING BUSINESS

Mr. **BYRD.** Mr. President, I ask unanimous consent that after the two leaders are recognized under the standing order, there then be a period for the transaction of morning business not to extend beyond the hour of 9 a.m., that Senators may speak therein for not to exceed 3 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

UNFINISHED BUSINESS

Mr. **BYRD.** Mr. President, at the hour of 9 a.m., I ask unanimous consent that the Chair lay before the Senate the then unfinished business.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

BICENTENNIAL CELEBRATION

Mr. BYRD. Mr. President, tomorrow on the west front of the Capitol, there will be a celebration of the Bicentennial of the Constitution which will be attended by the President, Cabinet, members of the Supreme Court, and the Congress. At 12:40 p.m., the Senate will have a short quorum call and at 12:45 p.m., the Senate will depart as a body for the west front.

Now, Mr. President, I think I had better strike that about a short quorum call because there is no way that I can guarantee that a quorum call can be called off in 5 minutes; it can be objected to.

So I would suggest that Senators come to the Senate at 12:40 p.m., that they be ready to leave the Senate no later than 12:45 p.m. to depart as a body for the west front. Senate wives will be welcomed to join the Senate delegation. Those wives wishing to accompany the Senate delegation should be in the Senate Reception Room at 12:30 p.m. The main portion of that program will occur between 1 p.m. and 2 p.m. And I plan to reconvene the Senate at 2:15 p.m. tomorrow.

PROGRAM

Mr. BYRD. Mr. President, this will mean then that the Senate will come in at 8:30 tomorrow morning. The two leaders will speak as usual under the standing order. There will be a period for the transaction of morning business during which Senators may introduce bills and resolutions and, under the order, may speak for not to exceed 3 minutes each. That period will end at 9 a.m., at which time the Chair will lay before the Senate the unfinished business, the DOD authorization bill. At that time, as I have indicated to all Senators, I will suggest the absence of a quorum. That will be a live quorum, and there will be a rollcall vote on instructing the Sergeant at Arms to request the attendance of absent Senators.

Following the establishment of a quorum, the Senate then will proceed to debate the amendment by Mr. WARNER and others to strike the Nunn-Levin language in the bill and no amendment to the underlying language will be in order. There is no time agreement on the motion to strike. That motion or amendment will be subject to a tabling motion. There is no agreement that waives any Senator's right to table the amendment.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BYRD. Mr. President, I thank the Chair. I thank all Senators and officers of the Senate for their patience and indulgence. I thank all Senators, and if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 8:30 tomorrow morning.

The motion was agreed to; and, at 11:19 p.m., the Senate adjourned until tomorrow, Wednesday, September 16, 1987, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate September 14, 1987, under authority of the order of the Senate of February 3, 1987:

DEPARTMENT OF STATE

RICHARD NOYES VIETS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

THE JUDICIARY

DEAN WHIPPLE, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI VICE ROSS T. ROBERTS, DECEASED.

ALFRED M. WOLIN, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY VICE ROBERT E. COWEN, ELEVATED.

Executive nominations received by the Senate September 15, 1987:

UNITED NATIONS

VERNON A. WALTERS, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PATRICIA MARY BYRNE, OF OHIO, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HUGH MONTGOMERY, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

LESTER B. KORN, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

ARTHUR L. BURNETT, SR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR A TERM OF 15 YEARS, VICE LUKE C. MOORE, RETIRED.

OFFICE OF PERSONNEL MANAGEMENT

FRANK Q. NEBEKER, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF 5 YEARS VICE DAVID H. MARTIN, RESIGNED.

FEDERAL EMERGENCY MANAGEMENT AGENCY

GRANT C. PETERSON, OF WASHINGTON, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE SAMUEL W. SPECK, JR., RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

ERNEST C. CHEATHAM, JR., [redacted] U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

JOHN PHILLIPS, [redacted] U.S. MARINE CORPS.

EXTENSIONS OF REMARKS

LET'S SET THE RECORD STRAIGHT WITH REGARD TO THE CALIFORNIA DESERT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. LEWIS of California. Mr. Speaker, I rise today to bring to the attention of all Members a document which was prepared by the Bureau of Land Management in response to accusations made in a Sierra Club and Wilderness Society briefing book. This briefing book was distributed during the Senate's July hearings to review S. 7, the California Desert Protection Act. Unfortunately, it contained a great deal of misinformation that could mislead the public and the Congress on the current management of the California Desert. Since legislation to designate wilderness in the California Desert will someday reach the floor of the House of Representatives, I believe it is appropriate that Members are given the full and complete story, so that initial judgments can be based on fact and reason, not parody and rhetoric.

Mr. Speaker, because the entire BLM response is extremely lengthy, I will submit for the RECORD a synopsis of 11 highlights included in the complete document. Those who are interested in reviewing the entire document are encouraged to contact myself or my staff.

Allegation: Only wilderness designations can provide lasting protection for the region's diverse ecosystems. (BLM Wilderness, p. 32)

BLM Response: The statement is false. BLM has been protecting sensitive areas through various means for many years, even before the Federal Land Policy and Management Act and the Desert Plan. Furthermore, BLM has recommended wilderness designation for 44 areas in the California Desert Conservation Area (CDCA)—approximately 1.9 million acres—as well as nine areas totaling 104,000 acres outside the CDCA, but within the S. 7 boundaries. Other areas have been designated by BLM as Areas of Critical Environmental Concern (ACECs), or given other special designations. Sensitive and significant values as recognized in the Desert Plan were placed in the limited use class. These special designations total approximately 8 million acres in all. In addition, BLM has acted to protect and preserve the region's ecological integrity and its native flora and fauna by: designating routes of travel and limiting or closing others; regulating mining and other mineral activities through required plans of operations, performance bonds, reclamation, and special stipulations to protect resource values; preparing environmental studies on projects; patrolling and taking law enforcement action when necessary (on the average 1,000 citations per year issued).

Allegation: The briefing book states that a common "myth" is that proposed wilderness areas contain many miles of roads used by thousands who will lose access. It then states as a "fact" that the proposed wilderness areas are "roadless" as required by Federal law. There may be some primitive trails.

BLM Response: Actually, the myth is true. The confusion lies in the definition of what constitutes a road and how important roads are for access to desert areas. For wilderness inventory purposes, the term "roadless" is officially defined as "the absence of roads which have been improved and maintained by mechanical means to insure regular and continuous use." Although the areas proposed for wilderness designation in S. 7 contain no improved or mechanically maintained roads, they do contain many "ways" which are maintained solely by the passage of vehicles. These ways (which are the "miles and miles of roads" referred to in the briefing book) currently provide essential access for recreational and other users of these areas—access that is permitted under BLM's Interim Management Policy but would not be permitted under wilderness designation. Such access is especially important in desert areas where severe environmental conditions often make nonvehicular means of access impractical and even dangerous.

Allegation: Activities in the desert have been abusive. OHV (off-highway vehicle) use has stripped more than a million acres in the desert. (Desert Protection Act, p. 7)

BLM Response: This allegation lacks any supporting scientific data whatsoever. In fact, a respected study done by Dr. Peter Rowlands and Dr. John Adams in 1980 for the Desert Plan documented only 60,000 acres heavily impacted by OHV use. Dr. Rowlands, a botanist now with the Death Valley National Park and Dr. Adams, a soil scientist, intensively studied aerial photos and estimated that at most, one-half percent of the 12 million acres in the CDCA had been impacted by OHVs. They added that this was a "worst case" analysis and that the figure was probably even lower.

The total designated "open" area acreage is slightly more than 500,000 acres of the 12.1 million acres of public lands in the desert. A relatively small percentage of many of the open areas are actually used. While some resource impacts do occur in these areas, the environmental assessment and planning process ensures these areas have properly been set aside for this type of purpose.

Finally, the Bureau has nearly completed its route designation process. This accomplishment is another milestone of a 20-year effort by BLM to limit proliferation of routes and enhance the agency's ability to reduce resource damage.

Allegation: S. 7 is permanent protection; plan has left the areas vulnerable to damage. (Desert Plan Not Enough, p. 44)

BLM Response: While the proposed legislation would shift management responsibilities for portions of the California Desert from BLM to National Park Service, there would be no significant change in the protection provided for the sensitive and unique resource values recognized. The California Desert Plan identified these areas as having special characteristics ranging from sensitive resources to unique assemblages of many resource values. As a result of these special characteristics, the areas are managed under the Class C (controlled) and Class L (limited) multiple use classes and the guidelines for the specific elements established in the plan. The Class C areas are "preliminarily recommended" as suitable for wilderness designation by Congress and are currently managed under the BLM's Interim Management Policy Guidelines for wilderness to ensure protection of the sensitive resource values. The Class L areas are managed to provide for low intensity, carefully controlled multiple use of resources, while ensuring that sensitive, natural, scenic, ecological, and cultural resource values are not significantly diminished.

Furthermore, by providing "permanent park protection" for these areas, other special resource values that support widlife, livestock grazing, mining, and recreation opportunities would be lost. No further protection of the sensitive resource values would be provided by the proposed park designations, while opportunities presented by other special resources would be diminished or eliminated. The California Desert Plan provides guidelines for the BLM to manage and protect all special resources within the California Desert.

Allegation: Original plan was heavily biased toward consumptive interests. (Desert Plan Not Enough, p. 43)

BLM Response: The plan certainly cannot be considered biased toward resource consumptive interests. More than half the land base (65.8%) was designated in 1980 as "to be recommended for wilderness" or as limited use to protect sensitive, scenic, natural, ecological, and cultural values. These two land classes focus management attention to protect sensitive resource values. After six years of planning amendments, fully 66.1% of the land base is within these two limiting/protective land use classes. This led to a court suit from consumptive interests shortly after the Plan was completed. The fact that the plan was endorsed by both Republican and Democratic Administrations further indicates that the decisions reflect a balanced public interest.

Allegation: Plan has been weakened further by amendments. (Desert Plan Not Enough, p. 43)

BLM Response: The amount of protection for sensitive values has actually gone up during the annual amendment process. In addition several new ACECs have been established along with a major change to establish the Coachella Valley Fringe-toed Lizard Preserve. The amendment process has actually strengthened the plan by resolving, on a site specific basis, conflicts among resource users and better defining resources and boundaries for permissible use within the framework of Federal Land Policy Management Act. All amendments which are considered have received full public review and advice through the California Desert Advisory Council. This has created a public trust and understanding

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that consequently has enhanced enforcement efforts.

One final observation on amendments. It is critical to keep in mind the advice of Dr. Harvey Perloff, dean of the School of Architecture and Urban Planning, UCLA, and a member of the original California Desert Advisory Board: "a plan must be flexible, it must be capable of accepting change. Inflexible plans become obsolete in a relatively short time and usually wind up on the shelf."

Allegation: Secretary of the Interior is not protecting wilderness as required by law; many new and expanded land uses being allowed, causing damage. (Implementation Flawed, p. 47)

BLM Response: The Wilderness Interim Management Policy (IMP) permits actions which do not impair wilderness values, provided that any impacts are reclaimed to the point of being substantially unnoticeable by the time the Secretary transmits his recommendations to the President. BLM has authorized 555 actions since 1980 in the California Desert. All these actions received full environmental analysis before being approved. To ensure that the public is kept informed of any prospective actions, the Secretary has directed BLM to notify interested parties prior to authorizing any IMP action, and when practicable, provide 30 days for public comment. BLM also maintains a rigorous IMP monitoring and surveillance program, which includes inspecting each WSA at least monthly and more frequently during high use seasons, and maintaining detailed logs of IMP monitoring/surveillance. BLM has 22 uniformed Desert Rangers on the ground, as well as other BLM resource specialists and other staff who assist in WSA monitoring/surveillance.

When authorized activities occur (68 have been reported since 1980—most are minor), BLM acts promptly to halt the unauthorized action and repair any damage. Given the fact that pressures on the desert are increasing, and that we are responsible for 5.6 million acres of WSA lands distributed over an area one-quarter the size of California, the low number of IMP violations is evidence of BLM's sound management and the public's respect for these areas.

Allegation: S. 7 will not significantly impact minerals industry. Boundaries minimize conflicts. (Mining and Minerals, p. 41)

BLM Response: This is a totally misleading statement. Although S. 7 boundaries exclude numerous existing mines, little or no consideration is given to future mineral development potential of the desert. The bill fails to provide for future expansion of existing mines, as ore bodies are depleted, and fails to consider future changes in market and other economic conditions which can change a mineral resource into a mineral reserve virtually overnight.

Numerous mineral resource deposits have been identified within the boundaries of S. 7 by the U.S. Geological Survey, the U.S. Bureau of Mines, BLM and in recent studies by the State of California. Exploration interest is on an increase today in the CDCA, as indicated by submission of over 1,200 mining plans to BLM since 1980. Many of the mineral deposits of potential economic significance are in WSAs, but because of the nonimpairment restrictions imposed by BLM's Wilderness IMP, many major exploration and development plans have been rejected since 1980.

Allegation: S.7 would not lock up mineral resources. All valid rights are legally protected and current operators with economic deposits will have continued rights to access and production (Desert Protection Act, p. 8)

BLM Response: S.7 will lock up substantial mineral resources. The California Desert is one of the most highly mineralized regions of the world, including 24 minerals considered to be strategic to this country and 3 rated as critical. Known mineral values exceed $300 billion. What may be even more important are those deposits that are unknown or remain undeveloped today because of economic or technological reasons. With changing technology in the exploration for mineral resources and ways in which minerals are used, it is impossible to anticipate what mineral may be of particular value in the future. It is predictable, however, that the California Desert's mineral deposits, discovered or still undiscovered, will contribute to this changing technology. As an example, roughly 65% of the Desert is covered by alluvium and as a consequence potentially conceals about two-thirds of the mineral deposits that are likely to occur in the desert. Because of this, we can anticipate that many new discoveries are likely in the Desert area with the application of new exploration tools and more intensive surveys.

S.7 would close more than 8 million acres to new discoveries. The assertion that S.7 will protect valid existing rights of mining claimants is misleading because those rights must be perfected on the date of passage of the bill. What this means is that a mining claimant who may have located a mineral deposit, but who has not had a chance to "prove up" on it, cannot meet the "valid existing right" test because he/she has not proven that a "valuable mine" is a reality. The mere existence of a mining claim does not constitute a "valid existing right"—so for all practical purposes, S.7 will erase any hope for new discoveries on mining claims. A very important factor is that all claims under S.7 must be subject to the valid existing right test—a project that could cost the taxpayer some $400,000,000. There are about 43,000 claims under S.7 and BLM calculates that the cost to challenge one claim is about $10,000. The mining claimant may, and sometimes does, appeal his/her case all the way to the Supreme Court. Of course, any appeals by the claimant will increase this estimated cost to challenge a claim. Finally, S.7 also includes provisions to purchase valid or patented claims within the new National Parks, which could amount to tens of millions of dollars of additional costs to the Federal Treasury.

Allegation: The briefing book states that a common "myth" is that S.7 will stop all mining in the Desert. It states that the "fact" is that the boundaries were drawn to exclude all currently producing mines. All valid existing rights would be legally protected.

BLM Response: S.7 will have a substantial impact on mineral production in the Desert, a minerally rich area with 65 mineral commodities known to exist. Even expansion of existing mines could be significantly reduced under S.7. Cheaper fuel prices and better financing allowed Gold Fields to discover and develop a major (150,000 oz. gold/year; Mesquite Project) mine for disseminated (microscopic) gold on land thought to be worthless for a hundred years. It is the potential for new discoveries, expansion of existing mines, and development of known reserves not currently economical to develop that is at stake with S.7.

This statement is confirmed by the late Dr. Vincent McKelvey, former Director of the U.S. Geological Survey. He said, "Appraising mineral resources is an emerging science. A final, once and for all "inventory" of any mineral resource is nonsense. Mineral reserves and resources are dynamic quantities and must constantly be appraised. As known deposits are exhausted, unknown deposits are discovered, new extractive technologies and new uses are developed and new knowledge indicates new areas and new environments are favorable for mineral exploration."

For example, Imperial Valley, which includes seven known geothermal resource areas, is second only to the Geysers geothermal area in Northern California in geothermal energy potential in the United States. Also of critical importance is the Coso Known Geothermal Resource Area near China Lake. It is assumed to be the third most significant geothermal field in the western United States. There is high potential for additional geothermal resources in other parts of the Desert.

The discovery of a new type of superconductor materials (made from rare earths) capable of transmitting electric current without the resistance that ordinarily wastes energy in the form of heat has opened the door to a host of futuristic applications. The Desert produces 97% of this country's rare earths from Mountain Pass. There is excellent potential for rare earths to occur in other parts of the Desert.

Allegation: The briefing book states that a common "myth" is that S.7 will be bad for wildlife and will deprive hunters. It states that the "fact" is that availability of suitable habitat unmolested by vehicles and humans are most important factor to wildlife; bighorn sheep in particular need large areas of wilderness to survive; most wildlife programs can continue in park and wilderness units; hunting will be allowed on wilderness lands and most hunters welcome additional protection; parks will be closed to hunting.

BLM Response: Bighorn sheep require large areas of suitable habitat relatively free from disturbance. They do not require wilderness. Since 1980, desert bighorn populations have increased from 3,000 to 4,200 (40%) without wilderness designation. The primary reasons for this are the removal of 20,000 burros and the construction of 45 water developments. Opportunities to continue water development would be reduced in wilderness areas and eliminated in new park units. Maintenance would be reduced or eliminated on 21 of these existing water developments and no new waters would be developed in the parks.

Included in the proposed park additions which would be closed to hunting, is one of two bighorn sheep herds for which hunting was authorized in 1987 for the first time in over 100 years. This is one of the healthiest, most productive herds in the state and is used as the main source of animals to reestablish historic herds in other areas. A single bighorn permit was auctioned for $70,000 in 1987. This money will be used to further enhance bighorn populations. Elimination of limited hunting and capture operations on this herd would reduce the potential for increasing bighorn populations throughout the desert.

The eastern Mojave also provides some of the best deer and upland game hunting available for a large area. Park establishment would close this area to hunting while wilderness designation in other areas would severely limit hunter access to hunting areas.

GLOUCESTER COUNTY VETERANS CELEBRATE 50TH ANNIVERSARY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. FLORIO. Mr. Speaker, on October 17, 1987, the Townsend C. Young Post 3620 of the Veterans of Foreign Wars in Gloucester City, NJ, will celebrate its 50th anniversary. On that day, they will mark the many years of service that they have offered to their Nation in its time of need.

But on that day as well, they will mark over 50 years of continuous, uninterrupted service to the Nation. With the contributions that these servicemen have given in war, they have enabled the Nation to enjoy many years of peace, prosperity, and freedom.

For 50 years, these men and women have continuously worked for the cause of veterans and have sought after the improvement of the welfare and opportunities available to veterans and their families.

Often, it is important to take the time to recognize the contributions of the men and women who have given their time and their lives in the service of their fellow citizens. Over the years, these men and women have been honored with memorials.

Most recently, I was pleased to have played a part in helping establish the Korean War Veterans Memorial. With the appointment of the Advisory Board and the continued support of the Federal Government, private individuals, and corporations, the Korean War Veterans Memorial is coming closer to completion.

Sometimes, that gratitude is a simple "Thank you."

On the occasion of the Townsend Young Post's 50th anniversary, the families and friends of those veterans will gather together to remember the time that they spent together heeding the call to defend the Nation.

I would like to take this opportunity to express myself in the simplest way possible by saying, "Thank you."

The freedoms that are enjoyed by all in the United States are kept alive by the sacrifices that these veterans and the many other veterans in the towns and posts across from coast to coast made.

For the many years of peace that these veterans have given to our Nation, I wish them another 50 years of peace.

IMPORTANCE OF THE U.S. ROLE IN THE PERSIAN GULF

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following editorial from the respected weekly news magazine, U.S. News and World Report, to the attention of my colleagues. Since the attack on the U.S.S. *Stark*, some have criticized the U.S. presence in this very strategic region—a presence, incidentally, that began on a permanent basis following World War II. I agree with the magazine's editor, while there may have been mistakes in the way we strengthened our presence in this region, there are many solid reasons for us to stay and continue to show our strength and commitment. As I have frequently said in this Chamber, the risks of our presence in the Persian Gulf are high, but the costs of retreat are substantially greater. I urge my colleagues to take a few minutes to review this insightful commentary.

PREVAILING IN THE GULF

(By David R. Gergen, Editor)

It's difficult to believe, but America's military presence in the Persian Gulf may yet turn out to be a dramatic success.

Certainly, it is about time that events there broke in our favor. So far, there have been plenty of surprises, but most of them have been nasty. The Reagan administration's initial attempts to open a door to Iran through clandestine arms sales backfired both in this country and in the Middle East. As the sales came to light, Kuwait—an Iranian foe—scurried to the Soviet Union asking for protection of its oil tankers. Scared by the prospects of the Soviets coming in, the United States hurriedly agreed to reflag Kuwaiti ships and escort them through Gulf waters.

Since then, published accounts have shown that when President Reagan decided to help the Kuwaitis, his advisers assured him that there would be little danger to U.S. troops and that no buildup of U.S. ships would be needed. Literally out of the blue, the Iraqis then struck the U.S.S. *Stark*, taking the lives of 37 American seamen and forcing the administration to send in an armada of some 40 ships. So much for good forward planning.

By providing escorts and insisting upon freedom of navigation in the Persian Gulf, the U.S. obviously thought it was also helping Iraq, which partly depends on Kuwait for money. Again, a surprise: Keeping the Gulf open turned out to help Iran more than Iraq, since the Iranians vitally need to get their own tankers safely through the hazardous waters (the Iraqis can ship oil overland through pipelines). Thus, Iraq—over American objections and possibly to suck the United States deeper into conflict—launched a major attack on Iranian shipping late in August. What followed last week were the heaviest attacks on Gulf shipping in seven years.

Meanwhile, the Soviets have been unexpectedly skillful in their own diplomacy in the region. A recent visit by Soviet Deputy Foreign Minister Yuli Vorontsov won two prizes for Moscow: Agreements to build an oil pipeline and a railroad from the Soviet-Iranian border to the Gulf.

How can there be hope for the U.S. to gain anything from this witches' brew? The answer is clear: If the United States perserves, it could still emerge as the predominant and most respected power in this strategically important region.

The chief threat to stability in the Gulf today is Iranian expansionism driven by a fanatical leader. Iraq is ready to end the long, bloody conflict with Iran; it is the Ayatollah who has refused. Moreover, Iranian militants are casting a dark shadow across the small coastal states to Saudi Arabia, an indispensable friend of the United States.

By projecting its military presence into the Gulf, the United States is the first major power to try to contain Iranian madness. And since the U.S. reflagging began, Iran has shown extreme reluctance to hit American targets, suggesting—as John Keegan has written—that Iran could soon be exposed as a paper tiger. If so, that would bring as much relief to the region as the puncturing of Muammar Qadhafi's balloon last year.

By sticking it out, the United States can also prove to Arab nations that it has more staying power than it showed in Lebanon, still a symbol of ignominious retreat. Convincing moderate Arab states that the United States is at long last reliable would also help to minimize Soviet influence there. A firm U.S. hand could even yield benefits in NATO by showing that, for once, the allies can act in concert outside the European theater. It is highly encouraging that three European nations have now signaled they will help to bolster Western military forces in the Gulf.

Whatever mistakes were made getting into the Gulf, there are thus paramount reasons for the U.S. to stay in now. To be sure, the commitment of U.S. ships must be accompanied by stepped-up diplomatic efforts to end the Iran-Iraq War. The United Nations may provide one avenue to peace; putting more pressure on nations like China to cut off arms to Iran could be another. But the greatest vulnerability could be a lack of resolve here at home. The U.S. now faces a major test of its will; if it can only hold steady through the nasty surprises and bloodshed that probably still lie ahead, it could greatly advance the cause of peace.

PEACETIME REGISTRATION IS INDISPENSABLE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. SOLOMON. Mr. Speaker, peacetime registration is a straightforward and vital contribution to the maintenance of our Nation's defense. A successful Soviet/United States nuclear arms control agreement will increase the need for the United States to possess the capability to quickly mobilize and to augment conventional forces in Europe and elsewhere. Peacetime registration gives America this capability. The Selective Service peacetime registration and mobilization programs contribute up to 2 months to our national readiness posture in the event America must mobilize for war or national emergency.

Today, I wish to insert into the RECORD a recent article from the New York Times (August 25), by the current Director of Selective Service, Jerry Jennings. I recently met with Jerry Jennings, who was previously the Executive Director of the Office of Science and Technology Policy at the White House, and more importantly is an ex-Marine, and was impressed with the outstanding job he and the Selective Service team are doing to ensure our Nation's defense readiness.

[From the New York Times, Aug. 25, 1987]

DRAFT REGISTRATION IS INDISPENSABLE

(By Jerry D. Jennings)

Since the end of the Vietnam War, Congress and two administrations have agreed that the demands of common sense and national security argue in favor of continued draft registration. Nevertheless, critics of the Selective Service System have little trouble gaining an audience for their argument that registration represents an intolerable abridgement of freedom. Invariably, their overdrawn critiques miss the essential role of the draft in our free society.

While the past must serve as our guide, we must also study the lessons of modern conventional warfare being learned in other parts of the world.

We know that another national emergency may well be one whose character and dimensions are dramatically different from those we imagine now.

We know that with the attrition of men and materiel in modern warfare—and the relatively small size of America's armed forces—quickly increasing the size of our standing Army and other service branches could mean the difference between meeting a national crisis or suffering a national disaster—between our survival as a nation or our extinction.

While it is easy to overlook, meeting a national emergency may involve an even more complicated problem than the large-scale job of training and transporting military forces.

Our military establishment, after all, has a proved history of expanding exponentially and efficiently its capacity to train and transport. However, the task of keeping track of the manpower pool from which those troops would come, and making them available in case of emergency, could be a bureaucratic nightmare if the nation allowed itself to be unprepared.

Indeed, history shows that perhaps America's most burdensome and difficult part of responding to a national emergency has been identifying, locating and calling up those first young men eligible for the draft. But this is not true today.

A fair and equitable system is in existence, thanks to the Selective Service System and modern technology. A vital part of our mission at Selective Service is to insure that 100,000 young men are available and ready for processing into the armed services within the first 30 days after a draft is reinstated.

It is perhaps this vital contribution to national security that our military leadership, the Congress and many Administrations have found so very necessary.

For critics, Selective Service is primarily a symbol of Government grown too intrusive.

Keeping the balance between too much and too little government has occupied a good part of the political debate in recent years, and it is not necessary to review that debate here. However, even while a few critics may see in the Selective Service System a symbol of intrusive government, a vast majority of Americans see something else: a symbol of national consensus and resolve. And our adversaries see it, too.

Over 96 percent compliance with any program, public or private, is a startling statistic, yet that is the percentage of 18- to 25-year-old men who are currently registered with Selective Service.

Our research indicates that the nation's youth are cognizant of the law, that young men want to fulfill their responsibilities. No matter what feelings they may have about the possibility of being called to serve in a crisis, they recognize the concept of the common good and, further, the common sense of the idea of draft registration.

They understand that while Government receives its power from the consent of the governed, the very principle of consent of the governed must be protected from foreign enemies.

It is more than curious that in my work with Selective Service I have found little objection to this idea, even among the most active conscientious-objector groups. Recently, when I met with a representative group, I assured it that Selective Service wants to meet the letter and spirit of the law with regard to conscientious-objector status, and that I personally have deep respect for those who sincerely hold such beliefs.

But while conscientious objectors might refuse to take lives, they do not disagree that, however individualistic our personal morality or mentality, as members of the same society we owe each other something. We need institutions to protect and embody this relationship of mutual debt, on partnership and community, and than the only way to preserve our individual rights is to sometimes stand together as a group.

Critics of Selective Service, especially libertarians, give such insights a much lower priority than the rest of us on the scale of political order.

Their primary interest lies in arguing an intricate but narrow set of political beliefs that sees not just little good from government but almost no good from government. The rest of us however, must live in the real world, and we must make provision to protect our nation from the traumas that are the hallmark of the century.

That is why Selective Service registration is obviously worth keeping. Perhaps it could mean the difference between victory or defeat. But most of all, today Selective Service is symbol of America's resolve to be ready—the very symbol that might help discourage foreign aggressor and prevent what all of us fear most the sight of the young men we know having to put aside family and job as some of us have done, to march to the sounds of war and to an uncertain future.

A CONGRESSIONAL SALUTE TO THE UNITED CEREBRAL PALSY AND MAL WEAVER BARTRAM

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the United Cerebral Palsy of Pottsville as they celebrate their 35th anniversary this October. To commemorate this important milestone, the organization will host a gala dinner and banquet on Friday, October 16, paying tribute to all those who have made the organization strong through their myriad contributions, with special recognition being paid to Mrs. Mal Weaver Bartram. Mrs. Bartram, who has served as executive director, will be retiring from the organization and will be honored for her distinguished service.

The United Cerebral Palsy of Pottsville has a rich history, starting as a small consumer provider and advocacy agency, housed in a single room with several volunteers and a one-person staff. Since 1952 the organization has grown substantially and is now a major force behind both the provision of services to the developmentally disabled citizens and the inception and development of new and innovative programs. They are also staunch advocates and defenders of the rights of the disabled. Today the dedicated efforts of the organization are certainly well-known in the county and throughout the State and Nation. They provide an invaluable service to those afflicted with cerebral palsy, their compassionate care and commitment deserving of the highest commendation and praise.

One of the people who has played a leading role in ensuring for the success and prominence of the United Cerebral Palsy of Pottsville is Mrs. Mal Weaver Bartram. She has been an integral part of the organization serving almost since its beginnings. Mrs. Bartram has had a record of achievement that is unparalleled in the field of human services. She exemplifies the very best in a public servant, having shown a selfless and seemingly boundless devotion to helping others. She has never been afraid to take action and during her tenure has proven herself to be an outstanding and effective leader. Her presence will be sorely missed though her efforts long remembered and revered. She has well-paved the way for future success and I have every confidence the organization will continue to flourish.

In closing, Mr. Speaker, I know that my colleagues will join me in congratulating both the United Cerebral Palsy organization and Mal Bartram for their 35 years of community service. To Mrs. Bartram, I further offer my sincere thanks for a job well done and wish her continued success and good fortune in the years to come.

HEROIN IS NOT THE ANSWER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. RANGEL. Mr. Speaker, in 1984, by a vote of 355 to 55, the House of Representatives firmly rejected legislation to make heroin available to treat intractable pain in terminally ill cancer patients. A number of recent editorials and news columns, however, have once again called upon Congress to enact such a measure.

I was a strong opponent of that legislation then and remain strongly opposed to it today. I oppose this legislation for a number of sound reasons. First, there is simply no scientific evidence that heroin offers any advantages over currently approved medications in relieving cancer pain. Absent such evidence, the risks of making this popular street drug available are not worth taking.

In addition, the overwhelming majority of health and medical professionals oppose the therapeutic use of heroin. They understand that the real problem is not the lack of heroin but the need for more training and education of health care professionals in the proper use of existing pain relievers and new techniques for managing pain. Heroin is not the answer to chronic cancer pain, and to suggest otherwise only holds out false hope to cancer victims and their families.

Just recently, I received a letter from the American Society of Hospital Pharmacists [ASHP] on this issue. The ASHP represents the pharmacists who would be expected to stock heroin if this legislation were to become law. They have carefully reexamined this proposal and have reaffirmed their strong opposition to it. Their reasons for opposing this legislation are most instructive, and I ask that a copy of the ASHP's letter be included in the RECORD at this point for the information of other Members and the public.

The material follows:

AMERICAN SOCIETY OF
HOSPITAL PHARMACISTS,
Bethesda, MD, September 8, 1987.

Re the Compassionate Pain Relief Act (H.R. 1470, S. 143)

DEAR REPRESENTATIVE: During the past several Congresses, the American Society of Hospital Pharmacists (ASHP) has been a leading opponent of legislation intended to authorize the use of diacetylmorphine (heroin) in the treatment of terminal cancer patients. Recent newspaper columns advocating support for current legislation (H.R. 1470 and S. 143) has sparked renewed interest in this subject, however, and many of your colleagues have requested information on ASHP's position.

In fairness to patients who suffer from interminable pain, ASHP has reexamined the issues associated with this important subject but determined again that the enactment of legislation authorizing the use of heroin would offer no appreciable benefits to pain management therapy and ASHP has reaffirmed its strong opposition to H.R. 1470 and S. 143. The principal reasons for our continued opposition include:

1. the continued absence of any evidence indicating any advantages associated with the use of heroin;

2. the rapidly growing acceptance by health care professionals of what is truly needed in effective pain management—the necessary training and education in the appropriate use of those alternatives already available.

3. the decreasing use in Britain and apparent rejection in Canada of heroin as an alternative for pain management.

4. the unwillingness of most patients to even participate in a federally sponsored study of heroin at Sloan-Kettering Hospital, indicating the unlikely acceptance of the drug even if approved for use; and,

advantages claimed by proponents of its legalization, we believe strongly that any Congressional action on the proposed bills before the results of the study are available would be premature. Furthermore, the reported reluctance of patients even to participate in the study suggests that the potential use of heroin as an alternative would be questionable even if the study does reveal some marginal benefit.

Technological advances are providing patients with more effective and convenient methods of pain management.

Proven alternatives to pain management are not only available in liquid form but, for patients who need prompt relief, patient controlled analgesia systems are being used increasingly as a means of infusing intravenous analgesics on patient demand, but within physician prescribed dosages and time intervals. In this way patients are able to obtain immediate relief through self administration by merely pushing a button. The frequency of administration is controlled by an adjustable lockout mechanism that prevents the patient from receiving any more of the drug for a period of time pre-determined by the physician. This technology allows patients to overcome one of the more important problems associated with pain management—i.e., ensuring that a patient receives the right dose at the right time.

For these reasons, ASHP reaffirms its strong opposition to any legislative effort to make heroin available in the treatment of patients suffering from intractable pain due to cancer. The evidence in support of its use is non-existent and warrants no federal support. Instead, ASHP urges Congress to support the more productive and promising efforts of those health professionals who understand that the key to effective pain management is found in the appropriate use of pain management therapy. If further information on this subject is needed, please contact ASHP's Legislative and Regulatory Director, Gerald F. Hogan, at 657-3000.

Sincerely,

JOSEPH A. ODDIS, SC.D,
Executive Vice President.

A TRIBUTE TO CARMEN AMADIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mr. Carmen J. Amadio, Jr., a very special resident of my 17th Congressional District. I am pleased to inform my fellow Members of the U.S. House of Representatives that Mr. Amadio has been awarded the Eastern Silver Cup in the 1987 Shoe Service magazine Silver Cup Contest. I am proud to say that Mr. Amadio also won the Silver Cup Contest's 1986 Eastern Blue Ribbon.

It was an extremely wonderful experience for Mr. Amadio to be honored by his peers for his outstanding, high-quality workmanship. For this contest, he worked diligently at repairing a man's shoe with an invisible resole and new heel, and worked tirelessly and with great care at repairing a woman's shoe with an invisible resole and new heel. When the judges compared the repaired shoes with their unrepaired mates, the were astounded at the great skill of Mr. Amadio's work. Once they recovered from their amazement at seeing that the repaired shoes had been restored to their original, factory condition, the judges realized they have no choice but to given the award to Mr. Amadio.

Mr. Amadio received his prize at the 40th National Shoe Service Convention and Exposition in Oak Brooks, IL. All of Mr. Amadio's neighbors in Youngstown, OH, are very proud of his honors, and it is with deep humility that I also salute him. Thus, it is pride and special thanks that I join the residents of the 17th Congressional District in paying tribute to the great accomplishments and admirable character of Mr. Carmen J. Amadio, Jr.

WOMEN AT WORK

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. MILLER of California. Mr. Speaker, the Bureau of Labor Statistics has issued findings which suggest that the revolution in labor force participation by women with children is continuing at a rapid pace. BLS reported for 1987 the highest proportion ever of mothers with infants under age 1 in the labor force—52 percent—an increase of 21 percent since 1982, and 63 percent since 1977. The rate for married mothers is now almost 53 percent.

In 1984, the Select Committee on Children, Youth, and Families reported that 1990 would be the first decade to begin with a majority of married mothers with children under 6 in the labor force. But 3 years ahead of schedule, the rate we predicted—55 percent—has already been surpassed at almost 57 percent.

More mothers are returning to work sooner after giving birth than ever before. More mothers are working to keep family income steady, and even so, we know that average family income declined during the 1970's. And given the increased demand for labor, the Nation is relying more heavily on women as an integral part of the work force. But our policies have yet to recognize these facts.

I suggest we get in touch with reality and focus the remaining months of this Congressional session on supporting the Family and Medical Leave Act, and new child care and family policy that makes a difference. We are well beyond the point of having to document the need. The time for action is now.

A SALUTE TO LESLIE SHOUP—FIRST PLACE WINNER IN THE NATHAN BURKAN MEMORIAL COMPETITION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. STOKES. Mr. Speaker, it is a pleasure to salute Ms. Leslie Shoup, a resident of my congressional district. Ms. Shoup was recently awarded the first prize for a paper submitted in the Nathan Burkan Memorial Competition held at the Franklin Thomas Backus School of Law of Case Western Reserve Univesity.

The competition which is sponsored by the American Society of Composers, Authors and Publishers, is designed to enhance interest in the impartial study and analysis of copyright and related laws. The work submitted by Ms. Shoup, "Forging a New Attack Against Criminal Copyright Offenders Via Civil RICO", is an excellent analysis of the copyright issue and I am pleased to share her paper with my colleagues.

FORGING A NEW ATTACK AGAINST CRIMINAL COPYRIGHT OFFENDERS VIA CIVIL RICO

I. INTRODUCTION

If not caught, there is much clandestine profit to be made by the crafty copyright infringer. Although the risks involved in such Machiavelian activities are high, many engage in infringement activities anyway, tempted by the fat returns. Despite the staggering financial harm which is imposed by these offenders, their private victims lack the substantial weaponry against them which has been provided to the victims of several other offenses by the civil provisions of the Racketeer Influenced and Corrupt Organization Act (RICO).

Amidst the numerous criticisms of the expansive use of civil RICO, and the proposed amendments to restrict its use, this note advances the presently unpopular proposition that the civil RICO remedy should be further expanded to encompass copyright infringement. It will be shown that such a proposition need not be inconsistent with the prevailing attitude. As civil RICO was intended to provide a "major new tool in extirpating the baneful influence of organized crime in our economic life," one must question why, in light of the extent to which organized crime is involved in the profitable business of copyright infringement, the statute is almost wholly inapplicable to the victims of such activity.

This note will discuss the effects of criminal copyright infringement, the relatively new criminal statutes pertaining to the offense, and the case law which has addressed it. Next it will briefly explore the history of civil RICO and the proposed amendments which are intended to limit its application. While this author whole-heartedly supports the amendments which will serve to weed out "garden variety" frauds as target offenses for civil RICO, the note will conclude that the enumeration of predicate offenses contained in section 1961 of the Act should be expanded to include offenses which will encourage private victims of organized criminal copyright infringement activity to force these pirates to walk the plank.

II. CRIMINAL COPYRIGHT OFFENDERS: PRIVATE AND PUBLIC HARM, CONGRESS AND THE COURTS

A. New Age Pirates: Leaving Pillage and Plunder in their Wake

Who are these dastardly swashbucklers, and how are they exploiting today's artists, business community and general public? In this context, "piracy" means any "unauthorized duplication of original commercial products", pirates being those who devise and implement schemes to profit from such conduct. In recent years, the business of piracy has grown at a phenomenal rate. It is estimated that pirates enjoy profits in excess of one billion dollars a year from the sale of unauthorized copies of audio and audiovisual products. In 1980, the Attorney General's office declared unauthorized reproduction of copyrighted materials to be the third most distressing problem posed by all white collar crimes.

An important factor contributing to the rapid growth in pirating activities is the advances which have been made in audio and visual recording technology. The audio cassettes developed in the 1960's, and VCRs of the 1970's have greatly enhanced the ease and quality with which commercially recorded products may be reproduced. New methods of distribution have also served to advance this trend, especially within the motion picture industry. Video cassettes distributed for the purpose of sale or rental for private use have provided new opportunities to pirates which were not available when the distribution of initial releases was accomplished through licensing them to theaters for public viewing.

The harm imposed by piracy impacts on every level of the market. Of course, record and motion picture companies suffer the greatest estimable financial loss. It is estimated that recording companies lose in excess of $600 million annually due to the diversion of profits by pirates. Motion picture companies lose a comparable amount. The artists and performers, on whose talent the entire industry is based, feel the impact, perhaps more intimately, due to the loss of royalties and other income. One may argue that this loss of income acts as a disincentive to the artists and performers, depriving the general public of substantial creative productivity. It is wise to recognize, however, that the loss to society of culturally significant creative input is also effected through more indirect channels. Because record companies derive great profits from the sale of hit records, they are able to invest a portion of that income in new artist development, and also in less profitable areas, such as classical or experimental music. By diverting a significant amount of profits which are generated by hit records from record companies, pirates are rendering the companies less able to make such investments thus depriving the public of access to new artists and alternate forms of expression.

The related offense of counterfeiting has additional detrimental effects on the market. Counterfeiting deceives consumers, leading them to believe that they are purchasing legitimate commercial products. Often, consumers buy counterfeit products from equally unknowing retailers, only to discover that they quality of the recording is far below that of the legitimate product. The innocent retailer suffers losses as many of these purchases are returned. Artists and production companies are injured because the purchaser may blame them for the poor quality of the product which may adversely affect future marketability. Overall, the loss to society, both culturally and economically, imposed by the extensive unauthorized reproduction of commercial products, is immeasurable.

B. Congressional Response: Stronger Criminal Sanctions

Section 506 of the 1976 Copyright Act defines criminal infringement as willful infringement "for the purposes of commercial advantage or private financial gain." This broad definition encompasses all forms of copyright infringement, not only commercially recorded audio or audiovisual products. Sanctions for violation of section 506 include a fine of up to $10,000 or imprisonment for up to one year. Stronger sanctions, however, are imposed for violations involving commercially recorded audio or audiovisual products. These sanctions proved to be little impediment to those realizing millions in profits from the operation of sophisticated pirating schemes.

Distressed by the situation, the Motion Picture Association of America, Inc. and the Recording Industry Association of America, Inc. urged Congress to provide harsher sanctions against those who were wreaking havoc in their respective businesses. The Associations pointed out that because first offenses received only misdemeanor status, prosecutors rarely prosecuted offenders, and of those who were prosecuted and convicted most received only suspended sentences.

In response, Congress enacted The Piracy and Counterfeiting Amendments Act of 1982 (hereinafter "PCAA") in hopes of deterring the growth of pirating operations. By imposing heavier sanctions, Congress sought to show that it was serious about directly confronting the problem by developing "a deterrent that pirates . . . cannot ignore. . . ." In addition, Title 18 of the United States Code had long been the primary focus of federal prosecutors. By including the new piracy provisions in Title 18, Congress intended to encourage more vigorous prosecution of these crimes.

Section 2318 of the PCAA deals with the offense of pirating and articulated no new offenses. The provision refers to the Copyright Act of 1976 in order to define the offenses which will result in it's proscribed penalites.

Section 2319 of the PCAA defines and proscribes penalties for the offense of counterfeiting. Reflecting Congressional recognition that counterfeiting defrauds not only recording companies and artists, but the general public as well, the penalties for counterfeiting are greater than those for piracy, and without the quantity requirements necessary for piracy charges.

C. Judicial Treatment of Pirates and Counterfeiters

Prior to the enactment of the PCAA, actions for piracy were brought primarily under the criminal provision of the National Copyright Act, though in some cases the government also alleged violation of National Stolen Property Act (NSPA). The way in which the government used the NSPA against those involved in piracy schemes is well illustrated in *United States v. Sam Goody Inc.* In *Goody,* the defendant was one of the oldest and largest record store chains in the country. During a country wide FBI investigation of piracy, Goody was found to have bought and sold over one million dollars' worth of counterfeit recordings. This led to Goody's indictment for twelve counts of copyright infringement, three counts for violation of the NSPA and one count for a RICO violation. The focus of the argument by the defendant was that the NSPA was not applicable to the shipment of counterfeit recordings and that if anything, he had violated 18 U.S.C. section 2318 (as it existed prior to the 1982 amendments contained in the PCAA), which imposed much lighter sanctions than it does since the PCAA was enacted. While the NSPA provided for a maximum fine of $10,000, it allowed for imprisonment of up to ten years, as opposed to one year under the present section 2318. The defendant supported its argument by first alleging that the misdemeanor status of Section 2318 reflected Congressional recognition that the offense essentially amounted to mere "unfair competition" and was therefore not within the scope of the NSPA. The defendant further argued that because Congress enacted section 2318 instead of amending the NSPA to include counterfeiting, Congress clearly intended counterfeiting to constitute an offense wholly distinguishable from the NSPA. To support this argument, Goody contended that recorded music could not be construed as being "goods, wares, or merchandise," which is a material element of the NSPA. The defendant also relied on the federal judicial tradition of construing criminal statutes narrowly.

Despite these arguments, the court affirmed the convictions under the NSPA. First, the court found that the offense committed by Goody satisfied the elements of the NSPA as well as those of section 2318 and the copyright act provisions. To arrive at this conclusion, the court addressed: (1)

whether the aggregation of sounds taken in violation of the copyright laws, as distinct from the tangible recording tape itself on which the sounds are contained can be said to constitute "goods, wares, [or] merchandise"; and (2) if the answer to the first question is affirmative, whether the unauthorized duplication in violation of the copyright laws constitutes a "stealing", "converting" or "taking by fraud".

In response to the first inquiry, the court adopted a "subject of commerce" test. In response to its inquiry of whether such recordings could be properly considered a subject of commerce, the court determined that counterfeit tapes fit the designation of "goods, wares and merchandise" and therefore satisfied that element of the NSPA. As to the second inquiry, the court applied a "broad common-sense" interpretation of "stolen, converted or taken by fraud" rather than a narrower more "technical" interpretation. Through this analysis, the court arrived at the conclusion that the unauthorized duplication of an audio or audiovisual recording was included within the scope of the NSPA.

Of the courts which addressed this issue, both before and after the enactment of the PCAA, all have concluded that the interstate transportation of unauthorized copies of audio and audiovisual recordings fell within the scope of the NSPA. It may be argued that such unanimity indicates a belief by the federal courts and federal prosecutors that the sanctions imposed by the PCAA were not severe enough to have a meaningful impact on the flourishing business of privacy and counterfeiting.

In 1985, the Supreme Court addressed this issue in *Dowling v. United States. Dowling* had been convicted on several counts of criminal copyright infringements based on his involvement with an extensive interstate "bootlegging" operation. The Supreme Court granted certiorari solely to determine the issue whether trafficking in bootleg and pirated audio and audiovisual materials were within the scope of the NSPA.

The Court first considered the nature of "goods, wares or merchandise" within the meaning of the NSPA. Applying a "common sense" interpretation, the Court determined that in order to come within the application of the statute, the "goods, wares and merchandise" which were transported logically must be the same as those "stolen, converted or taken by fraud." The Court reasoned that this "contemplated a physical identity between the items unlawfully obtained and those eventually transported."

The Court then compared the property interest protected by a copyright with that of the possessory interest of the owner of a physical item. The Court found that within the complex of interests protected by copyright, the copyright owner is not granted absolute exclusive control over the use of the copyrighted material as is granted with the ownership of a physical item. Based on this, the Court found that while a strained interpretation of the copyright statutes in relation to the NSPA may result in a "fitting of language (albeit 'awkward')", it went on to interpret the NSPA narrowly.

In its analysis of whether the NSPA applied to criminal copyright infringement, the Court began with the question of "whether the history and purpose of [the NSPA] evince a plain congressional intention to reach interstate shipments of goods infringing copyrights." After giving a brief legislative history, the Court found that if Congress desired to impose stricter penalties for criminal copyright infringement, it had the authority to do so under the express language of the United States Constitution. It found no explanation for Congress choosing the "circuitous route" via the NSPA to penalize infringement. The Court supported this reasoning by examining congressional action which pertained specifically to copyright infringement. In its analysis of the first criminal copyright provision passed in 1909 through the current PCAA, the Court found that Congress gave careful consideration to the sanctions it would impose for the offense. The Court's final supporting argument was based on the tradition of construing criminal statutes narrowly.

Contrary to the near unanimity of the federal circuits, the Court held that the scope of the NSPA did not encompass copyright infringement. Indeed, the logic and depth of the opinion exposed the many logical gaps of the lower courts in reaching the opposite conclusion. In addition, to interpret the NSPA in such a way as to encompass copyright infringement would intrude upon the power of Congress to proscribe penalties for offenses; as well as impose penalties upon the offender without clear statutory notice of the penalties. A final consideration is that no criminal copyright statute mentions the interstate transportation of infringing materials and subjects intrastate transportation to the same penalties to which interstate transported materials are subject. If the NSPA, which requires interstate transportation, were interpreted to include copyright infringement, a distinction between the penalties prescribed for intra- and interstate transportation of infringing materials would be created.

By concluding that the NSPA does not encompass criminal copyright infringement, there is virtually no means by which a private victim of criminal copyright infringement is provided with the substantial incentive under civil RICO to aid the government in its fight against organized crime.

III. RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS: A BRIEF LOOK AT CIVIL ENFORCEMENT

A. High Hopes for a New Weapon Against Organized Crime

RICO was enacted as Title IX of the Organized Crime Control Act of October 15, 1970. One purpose underlying RICO was the need to bolster the weapons against organized crime by providing new evidence gathering techniques, sanctions and remedies.

RICO's civil provision, modeled after section four of the Clayton Act was viewed as one of RICO's most powerful weapons against the harm inflicted by organized crime. In addition, private treble damages were made available to afford victims of organized criminal activity a legal remedy, while increasing the effectiveness of RICO's prohibitions.

B. RICO: The Elements

The application of RICO has been the subject of numerous articles and a vast amount of case law because of its complexity. Section 1962 contains RICO's operative provisions and prescribes the way predicate offenses must be committed in order to constitute a RICO offense. Section 1962 also prohibits the investment of money obtained from the commission of predicate offenses into any enterprise affecting interstate commerce.

A plaintiff, to allege that he was the victim of a RICO offense, must allege that he was injured in his property or business through a "pattern of racketeering activity" which had been conducted through investment, control or employment through an enterprise which had been engaged in or affected interstate commerce. The proper allegation of these elements was the subject of many conflicts within the federal court system.

The requirement of a "pattern of racketeering activities" is defined by the statute as the commission of two acts, within ten years, included in the list of the predicate offenses. A conflict developed because some courts required that the acts be connected to each other by a common scheme, and not merely two or more disconnected, independent acts: according to the plain meaning of the word "pattern." The majority of courts, however, interpreted the elements of Section 1962 according to the plain meaning of the language used, finding that any two offenses within ten years constituted a "pattern of racketeering activity." In 1985, the Supreme Court put an end to this dispute, adopting the view that any two predicate offenses committed within the statutory time frame constitutes a "pattern of racketeering activity."

Another conflict arose concerning whether the statute's term "enterprise" pertained only to legitimate enterprises or also encompassed strictly criminal enterprises. This dispute was settled in *United States v. Turkette,* which concerned an enterprise formed for the purpose of narcotics trafficking. The Court found that the definition of "enterprise" as used in the statute encompassed both "legitimate" and "illegitimate" enterprises, recognizing that its very broad language imposed no restrictions on or distinctions between the types of enterprises to which RICO applied. The Court stated that to adopt any other interpretation would exclude whole areas of criminal activity from the scope of RICO; thus weakening its effectiveness in eradicating organized crime.

Whether section 1962 required that a special kind of injury be alleged was also a source of dispute. Prior to 1985, a majority of the courts required that some kind of racketeering type injury be alleged rather than an injury caused directly by a predicate act. What was meant by an injury resulting from something other than the predicate offenses was not quite clear.

C. Sedima: The Last Word on Civil RICO? Sedima S.P.R.L. v. Imrex Co., Inc.

Many of the problems faced by the federal courts were settled by the much criticized recent Supreme Court decision in *Sedima S.P.R.L. v. Imrex Co., Inc.* By holding that (1). a criminal conviction is not a prerequisite to bringing a private RICO action under section 1964(c), and (2). a plaintiff need not establish a "racketeering type" injury distinct from an injury resulting directly from a predicate act, the Supreme Court opened the door to a wide range of actions which, arguably, were not anticipated by RICO's drafters. As a result of the *Sedima* decision, the only restriction on bringing a private RICO action remaining is that a plaintiff first must establish a "pattern" of racketeering activity.

In its rationale for holding that a prior criminal conviction need not be alleged, the Court focused primarily on what the effects of an opposite holding would be. First, it cited the problems which would arise due to the differing burdens on proof required between a civil and criminal action. Next, it found that requiring a prior criminal conviction would "create peculiar incentives for plea bargaining" whereby a defendant might plead guilty to only non-predicate offenses to avoid the threat of a civil suit. The Court also recognized that a plaintiff would be forced to wait until the possibility of reversal on appeal no longer existed. Such a requirement would result in obstacles related to state claims and time limitations. Finally, it noted that such a requirement would conflict with the Congressional purpose of section 1964(c) to bolster the effectiveness of the RICO statute by "fill[ing] prosecutorial gaps."

The Court further expanded the application of section 1964(c) by holding that a plaintiff could bring a private RICO action based on an injury which resulted directly from the predicate acts. To support this holding, the court cited the problems which would arise from requiring that something as vague and undefined as a "racketeering type" injury be alleged. Further, the Court pointed out that nothing in the statutory language or legislative history indicated that Congress even recognized the existence of such an injury.

In response to the argument that the Court's broad reading of RICO would provide the opportunity for widespread abuse of civil RICO, the Court stated that the reading urged by the defendant would render section 1964(c) meaningless. Any foreseeable abuse would arise from the broad scope of the predicate offenses, particularly from the inclusion of mail, wire and securities fraud. The Court felt that it was Congress' responsibility to remedy the generous predicate offenses.

D. Congress Responds to the Clamoring for Change

Sedima has been widely criticized for extending the reach of civil RICO to acts which the drafters had never intended to be included. Critics have attacked *Sedima* because it allows plaintiffs in ordinary commercial breach actions to include a RICO claim in the complaint, intimidating defendants with the treble damages provision. By tacking on RICO claims, plaintiffs may gain access to the federal court system for claims which are normally reserved to state courts. Also, it is argued that a civil RICO claim stigmatizes legitimate business people because racketeering, which is commonly associated with the criminal underworld, must be alleged, causing irreparable harm to the reputations of the putative defendants. Finally, *Sedima*'s critics have expressed the well-founded fear that tort and contract claims, which should properly be heard in state courts, will be bootstrapped into federal courts as civil RICO claims are added to the complaints.

The underlying defect, however, does not lie within the *Sedima* decision, which was loyal to the letter and spirit of civil RICO. The *Sedima* Court merely refused to impose judicial restraints not indicated by the statute. The problem is with the statute itself; which allows a mail, wire or securities fraud predicate offense to form the basis of a RICO claim as readily as murder, arson or drug trafficking.

In response, Congress has proposed amendments to RICO. One of the proposed amendments would require a prior criminal conviction of a RICO offense as a condition for recovery under civil RICO.

Another proposed amendment would leave section 1964(c) unchanged and instead focus on sections 1961 and 1962. To alleviate the stigma attached to a racketeering charge, the amendment would strike all "racketeering" references and substitute "predicate criminal" activity. The name of the Act would also be changed from "Racketeer Influenced and Corrupt Organizations" to "Criminal Enterprises and Corruption of Enterprises."

The definitional portion of section 1961 will clarify the meanings of both "enterprise" and "pattern of criminal activity." The "pattern" requirement would be stricter, requiring that the acts be separate in time and place and that they occurred within five, not ten years. According to the definition of the term "pattern", two or more acts in violation of the second paragraph of section 2314 (relating to transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting), section 1341 (mail fraud) or section 1342 (wire fraud) will not satisfy the pattern requirement. The definition would further require that the predicate acts be "interrelated by a common scheme, plan, or motive, and are not isolated events."

The amended section 1962 would also add a new section prohibiting "any person knowingly to organize, own, control, finance, or otherwise participate in a supervisory capacity in a criminal syndicate." The amendment, however, would strike the present section 1962(c) by which mere employment or association with an enterprise engaged in racketeering activity constitutes a violation.

Of the two proposed amendments, the latter is more responsive to the underlying defect of the present RICO statute, while preserving the potential effectiveness of civil RICO as a weapon against organized crime. The proposed amendment to require a former criminal conviction would seriously undermine this effectiveness for the reasons stated in the *Sedima* opinion. It is imperative that Congress act to restrain the abuse of civil RICO, yet it need not do so in a way which would cripple RICO's ability to eradicate organized crime.

IV. TAKING THE WIND OUT OF THE PIRATES' SAILS VIA RICO: PROPOSED AMENDMENTS TO EXPAND RICO

In light of Congress' recognition of organized crime's extensive involvement in the profitable business of audio and audiovisual piracy and counterfeiting, it is curious that the statute expressly enacted to combat organized crime provides weak means by which counterfeiting and piracy victims may fight these black market profiteers. Looking forward to the probable elimination of mail and wire fraud as predicate acts by themselves (which is necessary to prevent further abuse of civil RICO), such victims would be required to show that the illegal pirating or counterfeiting operation was financed by funds obtained and tracing the pirated or counterfeit products to its source, and subsequently proving that such were the products of a "pattern" of criminal activity, imposes a heavy burden on the victims. Requiring the victim to further prove from what acts the funds used to finance the operation were obtained would impose a burden impossibly high, consequently discouraging even the most vehement victim.

The proposed amendment to define holding a supervisory position in a criminal syndication as a violation would theoretically provide another means by which victims could fight back. However, besides the obvious difficulty of proving the existence of such a syndication, history has shown that those in supervisory positions of criminal syndicates have become quite adroit at protecting themselves.

Before *Dowling*, it was possible to avoid the problem of fitting pirating and counterfeiting into one of the enumerated offenses by characterizing unauthorized reproductions as stolen property, thus using the NSPA as the predicate act forming the basis for a RICO claim. The *Dowling* Court exposed the illogical reasoning behind the decisions which had allowed such a claim, and wisely left it for Congress to decide the issue.

To include sections 2318-19 of the Piracy and Counterfeiting Act in the list of predicate offenses would provide the private victims of criminally operated piracy and counterfeiting schemes with greater incentive to diligently seek out and attack offenders. Not only would the victims benefit from the proposed amendments, but society as a whole would benefit. With the elimination of large scale pirating and counterfeiting operations, recording and motion picture companies will be able to invest undepleted profits from "hit" records and video recordings into less profitable but equally culturally rich forms of entertainment. Small-time operators would not fall within the reach of RICO if the stricter definition of the word "pattern" is adopted, and retailers unknowingly dealing in the sale of counterfeit products would be protected as the proposed definition includes the world "knowingly."

Although propositions urging the further expansion of RICO are hardly fashionable at present, this proposition is not inconsistent with the proposed amendment to restrict RICO's application in order to restrain its abuse. Using RICO to attack "garden variety" business fraud is inappropriate, yet its letter and spirit almost cry for its application to the widespread pirating and counterfeiting operations for which organized crime has become notorious.

THE 200TH ANNIVERSARY OF SLATE LICK, PA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. KOLTER. Mr. Speaker, the community of Slate Lick in Armstrong County, PA, in my Fourth Congressional District, is celebrating 200 years of prosperity.

Located between Kittanning and Freeport on the Allegheny Valley Expressway, Slate Lick began its history with a Post Office, several shops, a hotel, a Classical Institute and an Academy. The town received its unusual name from the fact that deer would gather to lick salt from outcroppings of slate in the area.

Slate Lick educational facilities have produced future lawyers, judges, doctors, ministers, missionaries, and a college president. Some local residents still hold "sheepskin patent deeds" bearing the signature of Benjamin Franklin.

Today, Slate Lick is home to a metal-crafting factory, a glass-bending works, two printing firms, a Bible school, grocery store, and other businesses. But Slate Lick is an agricultural community. In earlier times, smaller farms prevailed there. Now, a few farmers till most of the land.

Although Slate Lick was not incorporated, the Presbyterian Church there goes back to

1797 and the United Presbyterian Church dates to 1811.

In 1887, hundreds gathered in Slate Lick at Brown's Grove to celebrate the village's centennial. This year, a committee was organized in April to plan the 200th anniversary and reunion. This was held August 29 and 30, also at Brown's Grove.

It is with great pride that I take part in this celebration and, before the U.S. House of Representatives, note the history and progress of this American community. I ask my colleagues to join me in congratulating all of the citizens of Slate Lick at this bicentennial, and to join me in wishing the town continued success.

A TRIBUTE TO THE U.S. AIR FORCE ON ITS 40TH ANNIVERSARY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. McEWEN. Mr. Speaker, few of man's dreams have changed a nation as significantly as our quest to fly. During this century, Americans have witnessed the remarkable flight of the *Kittyhawk* and the historic landing of man on the Moon. And our dreams hold even more for us in the future.

This year, America celebrates another milestone in our aviation history—the 40th anniversary of the U.S. Air Force on September 18. Wright-Patterson Air Force Base, OH, has been selected as the official site to commemorate this noteworthy event. It is indeed fitting that this "Festival of Flight" is taking place adjacent to Dayton, OH, "The Birthplace of Aviation."

However, this 40th anniversary represents more than the passing of time. It symbolizes the commitment and dedication of the men and women of the Air Force who have accepted the challenge of their service, and in turn, they have challenged the Air Force to continue to dream and reach beyond the heavens and the stars.

Mr. Speaker, this anniversary is also a celebration of freedom, and it serves as a poignant reminder of the heartfelt gratitude we owe to the servicemen and women who have helped keep America free. The nobleness of this cause and the significant and individual contribution of these men and women have enabled the United States and its allies to reap the democratic fruits of their labor.

So as we pause and reflect on the importance and significance of this special occasion, I say to the families of the U.S. Air Force, please accept my personal and most sincere appreciation on behalf of a grateful nation.

ESSAY WINNER CAPTURES CONSTITUTION'S SPIRIT

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. SUNDQUIST. Mr. Speaker, a young constituent of mine, Anne McGrew of Memphis, was recently selected as Tennessee's first-place winner in the National Bicentennial Writing Competition. I found her essay on our constitutional separation of powers to be timely and interesting, and I request that it be printed in its entirety in the CONGRESSIONAL RECORD.

THE CONSTITUTION: HOW DOES THE SEPARATION OF POWERS MAKE IT WORK?

(By Anne McGrew)

From the black southern sharecropper only three generations from slavery to the poverty stricken Cuban refugee, from the western grain farmer to the northern Amish school girl, America's great people span the continent. They are a conglomeration unique to this planet—full of vivacity, hope, and freedom. This freedom represents the diversity within man's boldest and most durable experiment with democracy. Without this freedom, the black would remain a slave, the refugee would be denied entry through America's portals, the farmer would be unprotected from economic uncertainty and the small Amish girl persecuted until the extinction of her religion. We are different, still we are all the same—one people, a free people. But within the multitudes of origins from our freedom, one element prevails—the United States Constitution. It is the Constitution that enables us, the people, to speak out without fear of persecution, to strive for personal achievement without the stifling restraints of a socialized society. For it is the basis of our Constitution and its separation of powers that enables Americans to live freely. Without this Newtonian concept of politics (Smith, 193), we would surely all be suffocated by an overly oppressive governing force.

As early as 1783, two prominent Americans, Alexander Hamilton and George Washington, began to verbalize their conceptions concerning a new American government based upon a new constitution. Hamilton, concerned with the longevity of such a document, assembled a national convention in Philadelphia for "the sole and express purpose of revising the Articles of the Confederation"—Confederation Congress (Rossiter, 128). The members of this Congress relied heavily on their own personal dealings with government in order to learn from their trials and tribulations. Benjamin Franklin, although away on diplomatic business when the actual Convention occurred, relied on his own dealings in the Albany Crisis of 1754 in influencing the outcome of the Congress. The Constitution was brought forth out of hundreds of years of "trial and error" (Rossiter, 128). This cauldron of American democracy had its origins from English liberalism when the English nobility forced King John to sign the Magna Carta at Runnymede (Smith, 193).

Reflecting on the framing of our great Constitution, one can clearly see the ever so vivid separation of governmental powers. George Washington stressed in his farewell presidential address that there existed a "love of power and proneness to abuse it which predominates in the human heart." He recognized this lust for power and insisted on the necessity of having a system of checks and balances (Richardson, 213). The framers of the Constitution chose to model their new "document of freedom" after the English system. This British ideal was based on the concept of equal representation of three estates, none of which would be able to completely dominate the others (Smith, 192). This system particularly appealed to the once oppressed New Englanders who were searching for a controlled yet democratic form of government. Some framers often disagreed with this system. They could not help but cite their own previous oppression in England under such a system. Benjamin Franklin, one of the premier advocates for the separation of powers, quelled many of their dissatisfactions in his statement, "the government should be strong enough to meet its obligations and safe enough to respect the liberties of the people" (Rossiter, 126-130). It was this fusion of Federalist and Anti-Federalist beliefs that forged the solid framework of the Constitution. Needless to say, by 1787, the separation of powers within the Constitution was considered as necessary to the document itself as a democratic government was to our nation (Smith, 193). In effect, it was James Madison who addressed the real obstacle in the construction of the Constitution. He stated ever so simply that, "in framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce" (Rossiter, 128).

Although the Constitution concerns all facets of society that affect American independence, it is the separation of powers within the Constitution that has become the safeguard of our democracy. The judicial branch of the government, headed by the Supreme Court, is able to confront the executive and legislative orders by declaring them to be "unconstitutional" and therefore null and void (Rossiter, 130). This concept of constitutionality has always existed within the system but was no better exhibited than by the Supreme Court's ruling in the first major challenge of constitutionality of a legislative act—Marbury vs. Madison. The Supreme Court refused to rule on Marbury's appontment to the Court because the Supreme Court was undertaking powers not provided to it by the constitution and therefore the court declared it unconstitutional. The Supreme Court referenced the concept that its duties were expressly judicial whereas adding executive or legislative privileges would be against the terms of the Constitution and therefore constitute it as void (Smith, 190). In this way, the legislative and executive branches are never permitted to achieve total control of our democratic government, for the powers of the judicial branch will always keep the other two branches from veering off the proverbial Constitutional path.

The legislative branch of the government also holds a check over the balance of powers. Congress holds a bearing over the powers of the executive with its ability to make government appropriations. Although it takes the President's approval to sign these appropriations into law, it is the legislative sector that determines the content of this legislation. Congress also has within its abilities the power to organize the judicial system and develop rules for its procedures (Rossiter, 78). In doing so, Congress can prevent a major upheaval within the court system. Clearly, without the legislative branch's "checks", the other two branches of power would most assuredly strive for complete control and in the process destroy one another.

The executive branch of the government, although equal in terms of power to the legislative and judicial, often garners the most publicity in the governmental society. The most impressive power held by the President is his power to veto legislation. This idea of an executive veto was first voiced by John Adams, the strongest advocate for the veto. Adams was convinced that the President required a means of defense against "the legislature's persistent attempts to arrogate all power to itself" (Smith, 273). Although the legislative branch does have the power to over-ride the executive veto, this blatant disregard for the executive's voice only seldom occurs. The only fundamental constitutional debate the United States ever had culminated in the Civil War. This major exception resulted in a disagreement so bitter that an entire section attempted to dissolve this great union. But out of this arose a Phoenix with a common purpose and aspirations of greatness, and within three decades emerged as a formidable world power.

The executive also affects the judicial system. It is the President who chooses the judges who are appointed to our Supreme Court. The legislative branch of the government holds special hearings with the new appointee to assure that the President has chosen the most esteemed persons for the Supreme Court (Rossiter, 78). Without such a "counter check" made by both branches, the selection of judges would prove to be a one sided, unequal representation of the American people.

Controversies still exist as to the executive's prerogative for armed foreign intervention without congressional authority. From Jefferson's war against the Barbary Pirates in 1801 through Ronald Reagan's Iranian and Nicaraguan policies in 1987, the Constitution has enabled the United States to speak with one voice in a specific foreign situation. The War Power Resolution was enacted despite President Richard Nixon's veto, and more recently the 1980 Intelligence Oversight Act and the Boland Amendments of 1983 '84 '85 are examples of this continuing controversy and may ultimately require the intervention of the Supreme Court (Wall Street Journal, 7).

Even as we enter the third century of history's boldest experiment with freedom, the dynamic nature of the separation of power persists. The legal challenge to the appointment of a special prosecutor for the Iran-Contra Affair represents the most current point of Contention involving Presidential power. Yet even though all branches were created under the assumption of equality, power flows increasingly toward the executive end of the scale. The executive must act quickly on behalf of the welfare of all Americans (Nikolaiff, 4). He is no longer an individual, for now he becomes the voice of millions. The executive power of our government resides in his grasp alone. He receives all credit, good or bad, for governmental actions, regardless of whether or not he had a part in the affair itself. What better way to express this concept than former United States President Harry S. Truman's desk top sign "The Buck Stops Here!" Little did he know his cliche would later be used to characterize the Presidency for years to come.

Devices such as the separation of duties and the "checks and balances" within the heart of our government are essential in the prevention of the destruction of political, social, and most importantly, personal freedoms. Without the separation of powers, the Constitution would be emasculated and the governing forces we know today would lose all coherence and stability. This separation guarantees that no single branch of the government will ever prevail over the other two. The freedom and political liberty gained by the balance of power is immeasurable by any tangible means. Yet it can be witnessed even today. Whenever you hear a politician speak out, a refugee become a citizen, a farmer regain his prosperity, or an Amish elder recount "his story" to his posterity, you are witnessing the separation of powers, a guarantee of freedom in our living Constitution.

CONSIDERING REDRESS FOR JAPANESE AMERICANS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. COURTER. Mr. Speaker, much has been said and written in favor of H.R. 442, a bill to offer financial redress to Japanese Americans who were interned in this country during World War II for what the Franklin Roosevelt administration thought to be important national security reasons. Less, however, has been said of the problems associated with the bill. And yet the precedent it would set—in trying to right an old alleged wrong, done in the crisis of wartime, with modest money payments—is troublesome for a number of reasons.

Dr. Ken Masugi, now a Special Assistant to the Chairman of the Equal Employment Opportunity Commission, is the son of parents who were among the internees, and so for him the question of redress is of personal as well as scholarly interest. Dr. Masugi testified against proposals for redress before our Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations in 1984, and subsequently wrote an article for New Perspectives, the magazine of the U.S. Commission on Civil Rights. In the interest of balanced discussion of this significant legislative proposal, today's RECORD will include part of that essay—edited for purposes of economy—entitled "The Duties of Citizenship." Members interested in the entire text of the Masugi article, or in the opposing view as advanced by Peter Irons, are invited to consult the Winter/Summer 1986 issue of New Perspectives.

THE DUTIES OF CITIZENSHIP

(By Ken Masugi)

Because America made human equality its founding principle, it can have an ethnic dilemma. That fact should inform reflection on the World War II relocation from the West Coast of 112,000 ethnic Japanese, two-thirds of whom were American-born, and the rest resident aliens. Today, redress for the relocated ethnic Japanese—through individual payments, pardons, apologies, educational funds, and community grants—has gained national attention, largely through Personal Justice Denied, the report and recommendations of the Commission on Wartime Relocation and Internment of Civilians (CWRIC). But the CWRIC's work, and other criticism of the relocation, rests on dubious historical, political, and ethical premises. If adopted, redress legislation would erode our ability to practice democratic self-government at home and to defend it from tyrannical forces abroad, for it distorts our understanding of the military and civil conditions for successful struggle against tyranny.

The flaw in relocation criticism and redress advocacy brings us far beyond a squabble over spoils for an ethnic group, to our contemporary inability to comprehend politics in terms of regimes and citizenship. The concepts of regime and citizenship are omitted from contemporary political discussions. Regimes constitute political ways of life, with distinctive answers to the question of human purpose. And citizenship involves, as any child knows, both rights and duties. It is not only that today rights have been prized above duties. Civil rights—previously held to be the rights of all citizens—have come to mean the rights of racial, ethnic, and other minorities. Sophisticates regard citizenship as the exercise of the rights of a claimant, the demand for perfect or "total justice." But when justice is forced to be perfect, and when citizens are reduced to claimants, we have perfect despotism. The recent lower Federal court overrulings of cases such as *Korematsu* v. *U.S.* (the 1944 exclusion case) and *Hirabayashi* v. *U.S.* (the 1943 curfew case), and the reinstatement of a $24 billion lawsuit by former evacuees, should give us pause. Military, political, and judicial decisions, treated out of historical context, are made to conform to present-day standards of fairness.

I will argue that citizenship in a regime honoring the founding principle of equality should be the principal focus of discussions of civil rights. And this means exercise of duties, especially the ultimate duty of military service in time of war. But redress, as with many other afirmative action proposals, would balkanize America and divide Americans against each other. It would undermine the feeble notion of citizenship that still exists and distract from the true focus of civil rights policies: the development of mature citizens.

Common sense and experience affirm that immigrants have a politically significant affection for the land of their ancestors. Moreover, in the case of the ethnic Japanese born in America, this conflict of loyalty was heightened by dual citizenship imposed on them by the government of Japan. Many renounced their Japanese citizenship, but some did not. For all Asians not born in America (except the Chinese, our allies in the war), American citizenship would be unattainable until the McCarren-Walter Act of 1952. Discriminatory state legislation (such as alien land laws and anti-miscegenation laws) resulted in a separation of ethnic Japanese from the mainstream of American life, which was racially segregated in many other respects. Segregation and discrimination no doubt increased ethnic Japanese isolation, as well as attachment of Japan and its institutions.

The issue is not "racism" but rather what statement might reasonably have concluded was necessary in order for a war against tyrannical, racist powers to be won. Let us turn to what Army Chief Historian David Trask said he was "unable to certify . . . as a credible piece of history," that is, the CWRIC report. The CWRIC maintains that the best evidence available to the Roosevelt administration—the testimonies of Lieutenant Commander K.D. Ringle of Naval Intelligence and civilian investigator Curtis B. Munson—showed that ethnic Japanese were loyal for the most part, and that relocation was unnecessary. Government suppression of such evidence from its briefs in the Korematsu and Hirabavashi case forms the basis for the coram nobis petitions. But in fact the Ringle and Munson reports, only two out of many, contain cautionary as well as exonerating testimony. Consider the following statement by Ringle:

"Of the Japanese-born alien residents, the large majority are at least passively loyal to the United States. That is, they would knowingly do nothing to the injury of the United States, but at the same time would not do anything to the injury of Japan. Most of the remainder would not engage in active sabotage or insurrection, but might well do surreptitious observation work for Japanese interests if given a convenient opportunity."

Ringle's remarks about the first-generation Japanese (Issei) take on a greater significance when it is recalled that they were the community leaders. The testimony of Munson is also mixed:

"The Japanese are loyal on the whole, but we are wide open to sabotage on this Coast and as far inland as the mountains, and while this one fact goes unrectified I cannot unqualifiedly state that there is no danger from the Japanese living in the United States which otherwise I would be willing to state."

The CWRIC report goes on to maintain, in circumspect language, that "There was no evidence that any individual American citizen [of Japanese ancestry] was actively disloyal to his country." First of all, there are numerours examples of Japanese Americans, in Japan, who aided the Axis cause during World War II. Consider as well the freakish yet instructive Niihau episode in which a downed Zero pilot occupied a tiny, isolated Hawaiian island for a week after the Pearl Harbor attack. The downed Japanese pilot acted with the aid of a Japanese American, who later committed suicide when a Hawaiian killed the pilot. Hawaii, unlike the mainland, was put under martial rule for the duration of the war. To this we can add the evidence of the top-secret cable traffic code-named MAGIC, which took place between Japanese consulates in the U.S. and Tokyo and referred to ethnic Japanese contacts. The Anit-Defamation League of B'nai B'rith supported relocation after discovering that, while the English sections of ethnic Japanese newspapers here took a strong pro-American stand, the Japanese sections favored Japan's aggression in Asia. Would the strong ethnic Japanese support for Japanese aggression in China extend to Japanese aggression on the United States? A perfectly legitimate question, considering the times.

Certainly many relocated ethnic Japanese showed strong signs of disloyalty which cannot be explained away by frustration at relocation. Some ethnic Japanese rioted. The most notable case was at the Tule Lake relocation site holding 18,000 persons. Tule Lake was primarily a segregation center for many of those expressing strongly pro-Japanese feelings. Others openly indulged in pro-Japanese activities; 4,724 individuals returned to Japan. About 3,000 resident aliens were interned, which was more drastic than being relocated. These individuals were so strongly suspected of being pro-Japanese that they were imprisoned under Justice Department direction. Advocates of redress frequently use internment and relocation synonymously, in an effort to prejudice the issue.

Though deemphasized in the CWRIC report, there were pro-Japan factions in the relocation centers as well who denounced American sympathizers as inu or "dogs," and in many cases intimidated or beat them. It is no exaggeration to say that the greatest danger to patriotic Japanese Americans in the relocation centers came not from army guards or local citizenry but rather from their fellow evacuees loyal to Japan.

Who today has both the resources (such as the $1.5 million the CWRIC had at its disposal), and the interest in exposing ethnic Japanese who harbored disloyal thoughts and may even have acted on them? Clearly what we lack is a history of the West Coast ethnic Japanese relocation by an objective, professional historian who understands the actors in the events as they understood themselves. We need a work on the order of University of Hawaii history professor John J. Stephan's "Hawaii Under the Rising Sun: Japan's Plans for Conquest After Pearl Harbor," which concluded of the Hawaiian Japanese that their loyalty to Imperial Japan was far stronger than current conventional wisdom supposes. It may be, after all, that many ethnic Japanese in this country would have found the pressure to support Japan overwhelming following a successful Japanese invasion. Finally, we must not excuse those who offer only passive loyalty or are passively disloyal in time of war. War—and even more so, war against a tyrannical power—justly demands proof of active loyalty. America is no different from any other regime in this regard. The detachment of many ethnic Japanese from Japan would ordinarily be remarkable, but in the situation of war it became merely what was expected: a citizen's duty. If such reasonable doubt exists today, then consider the reactions of policymakers in 1941, faced with Pearl Harbor and the need to deal effectively with a ruthless enemy.

A word at least should be said about the "camps." Movement in and out of the centers was casual. Private car ownership was permitted. Jobs were made available. Provision was made for property to be moved from home to the centers. Ted Morgan's summary is apt: The centers were "like small towns, with churches, hospitals, post offices, stores, schools, gambling, and prostitution." The War Relocation Authority early on (July 20, 1942) adopted a leave policy, following loyalty clearance, which permitted departures for work or college. As early as May 21, 1942, assembly centers (to which evacuees reported before being taken to relocation centers inland) had been releasing evacuees so they could go to agricultural jobs. Taking seasonal leaves, thousands periodically went out to work and then returned. Many of those relocated were reluctant to leave the security of the centers, and not enough evacuees would take advantage of the government's program to fill the vast demand for labor inland. In light of this, it would be chutzpah to dwell, as one redress bill does, on the "enormous damages and losses . . . and . . . incalculable losses in education and job training" during World War II. To say that America had its own concentration camps, differing only in degree from those of the Nazis (the allies of the Japanese) not only grotesquely distorts history but invites trivialization of the Holocaust.

Finally, the Evacuation Claims Act of 1948, with subsequent revisions, provided for financial compensation for property damaged or lost as "a reasonable and natural consequence of the evacuation or exclusion" from the West Coast. Under the Act approximately $37 million was paid out to approximately 25,000 claimants.

IN HONOR OF THE JEWISH COMMUNITY CAMPUS OF GREATER LOS ANGELES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today to share with my colleagues in the U.S. House of Representatives the exciting news of the official opening of the Jewish Community Campus of Greater Los Angeles on Sunday, September 20, 1987. Many years of planning and hard work have made this dream a reality. The following will give you some insight into that dream.

For over 8 years the Federation's Jewish Community Building at 6505 Wilshire Boulevard has served a wide spectrum of Jewish needs, not only in Los Angeles, but across the State and the Nation, in Israel and around the world. The new Jewish Community Campus will lie just west of Topanga Canyon Boulevard in Canoga Park. The campus itself will consist of three buildings and landscaped courtyards, providing office and programming space.

The Jewish Federation Council and its 500 affiliated organizations have become visible and effective members of the city, establishing a multidimensional sphere of Jewish services and committees that broaden and touch every aspect of daily life. They stand as the heart of a vibrant Jewish community, a strong institution that sustains the activities and dreams of millions of people.

The organization of Jewish agencies and committees operating under the auspices of the Jewish Federation Council represents one of the largest social service delivery systems in the country. It has long represented the full scope of available services, providing the planning and budgeting for over 16 essential health, welfare, educational, and social agencies for the entire community.

These organizations provide aid and support to Jews and non-Jews throughout the city, regardless of denomination, synagogue affiliation, or religious observance. The providing of charitable services to all has long been a tradition of Jewish communities everywhere.

The Jewish Community Campus will touch something singular and vital in each of us by promoting and encouraging Jewish life. It will develop an influence that must exist and continue to grow if we, as a community, are to survive and flourish.

The Jewish Community Campus is a new, comprehensive model of service delivery to the Jewish community and is expected to be the prototype for future communal facilities throughout Los Angeles County. There is almost no problem or issue confronting us today which some agency or department of Jewish Federation does not address. Programs and projects to aid senior citizens, parents, youth, and families are all a part of the fabric of Jewish organizations, and will be represented at the Jewish Community Campus.

A few of the services and programs available at the new campus will be the San Fernando Valley Region of the Federation, the West Valley Community Center, the Federation's Community Relations Committee, the Bureau of Jewish Education, Jewish Family Service, Jewish Vocational Service, Jewish Free Loan Association, Bet Tzedek Legal Services, and the B'nai B'rith Youth Organization.

It is a pleasure to bring to the attention of my colleagues the fine work and special services of the Jewish Community Campus, and I ask that they join me in extending to all those involved our best wishes for all future success.

KILDEE PAYS TRIBUTE TO TRINITY ASSEMBLY OF GOD CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation an event that will be held September 20, 1987, in Flint, MI, commemorating the founding of the Trinity Assembly of God Church. On this day, the Trinity Assembly of God Church will celebrate its 50th anniversary.

The strong devotion of the church can be traced back to its origins, to those who first realized their aspirations to found a holy place of worship. In 1937, after the close of a tent revival campaign, Rev. J. Claude Moss was approached by a group of people interested in forming a permanent church. It was during this time that the famous UAW sit-down strike was taking place in Flint. Mrs. Jessie Bailie, one of three original church members, recalls being stopped by soldiers with guns, and questioned before being allowed through the blockades to attend services. Mrs. Bailie along with Mrs. Mildred Crites and Mr. John Gambill, the other original church members, joined with a group and rented a building formerly known as the Spinning Wheel Saloon. That summer a huge tent was erected on property on Holtslander Street and many souls were saved in a continual revival conducted by several evangelists. A penny march was held in each service, with all money collected going into a fund for a church building. This proved to be a wise decision because very soon the tent blew down in a heavy windstorm, and the need for a permanent structure became immediate. Mr. and Mrs. Silas Farnsworth mortgaged their home to help finance a new building. The first church was large and crude but offered, finally, a permanent place to worship. The church became known as People's Tabernacle, and was nondenominational.

Two years later, in 1940, due to a succession of problems and difficulties, only a dedicated dozen of the original group remained. The parishioners found themselves with no pastor and under heavy debt. They remained, however, determined to stay together and preserve their heritage.

In the providence of God, the group was led to contact a devout Christian, Mr. Rollin Severance, owner of the Severance Tool Co. in Saginaw. He paid off all debts and arranged for fill-in speakers for the Sunday services. When he could not find anyone to speak, he came and led the services himself. Under Mr. Severance's leadership, the congregation was brought into fellowship with the Assemblies of God. When the resourceful parishioners repaid their debt to Brother Severance, he directed the funds toward the establishment of a district camp. In the next few years the church grew and prospered, and became known as Trinity Tabernacle. Siding was put on the building, windows and a floor installed, and many other improvements made.

There has been a number of great leaders throughout the history of the church, many of those being pastors. Rev. Carl Ausbury served as the first permanent pastor after Mr. Severance assisted the congregation in establishing a building. Reverend Ausbury was followed by Rev. Lawrence Perrault who was followed by Rev. Leonard Nowell, Rev. John Burgess, and Rev. Glenn Snook. Under Reverend Snook's ministry, the word "tabernacle" was deleted from the name of the church, and it became Trinity Assembly of God. Reverend Snook was followed by Rev. Kenneth Norcross who in turn was followed by the church's current pastor Rev. David Krist. The services of these men have been absolutely essential to the progress of the church over the years.

Mr. Speaker, God has blessed and has provided prosperity to the Trinity Assembly of God since those early days. Many souls have been saved, many members have joined this dedicated congregation, and many lives have been blessed and enriched. I hope that you and my colleagues in the House of Representatives pause for a moment on Sunday, September 20, to reflect upon and appreciate the pride and joy of the parishioners of the Trinity Assembly of God as they celebrate their 50th anniversary.

USE OF FALSE CLAIMS ACT TO SAVE MEDICARE MONEY AND PREVENT MALPRACTICE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. STARK. Mr. Speaker, last year, the Congress was able to pass some major improvements in the False Claims Act, also known as the qui tam law.

I would like to report an example of that new law. The Los Angeles Times of September 9, 1987, reports on a qui tam lawsuit filed by Dr. Paul Michelson against the Scripps Clinic and Research Foundation and one of its former eye doctors for defrauding Medicare through excessive and unnecessary cataract surgery.

I do not know if the facts in the suit are correct or whether the filer of the suit will win, but I hope it will be a message to health providers and professionals around the Nation: If a health professional is providing unprofessional, dangerous, and unnecessary surgery and if the management of that health facility does not act to stop the abuse, then an individual can file a false claims suit and receive monetary rewards for being a whistleblower.

The days of old-boy-network coverup of incompetent and dangerous colleagues should be over. The rewards and incentives of the qui tam law will help improve the ability of doctors, nurses, and others to ensure that incompetent and abusive practitioners are removed. The result can be millions in savings for Medicare—and untold savings in human pain and misery from unnecessary medical procedures.

WHISTLE-BLOWER'S LAWSUIT ACCUSES SCRIPPS CLINIC, EYE DOCTOR OF FRAUD

(By Claire Spiegel)

A unique lawsuit that accuses the prestigious Scripps Clinic and Research Foundation in LaJolla and one of its former eye doctors of defrauding Medicare in treating hundreds of elderly patients was unsealed in Los Angeles federal court Tuesday.

An unusual feature of the multimillion-dollar action is that it was filed by another former eye doctor at the clinic, who stands to receive up to $1.5 million under a new law that gives whistle-blowers important legal clout and financial incentives for reporting overcharges in federal government programs.

U.S. Atty. Robert Bonner announced Tuesday after reviewing the allegations that his office will intervene in civilly prosecuting the case, which seeks between $3.7 and $6.3 million in damages and penalties.

The whistle-blowing doctor is entitled under the federal False Claims Amendments Act of 1986 to receive between 15% and 25% of any judgment.

Lawyers at the Center for Law in the Public Interest, who filed the lawsuit on behalf of the doctor, said this is one of the first actions in what they foresee as a flood of lawsuits by whistle-blowers buoyed by significant incentives to report fraud that has occurred within the last 10 years in all kinds of federal programs, ranging from defense contracts to school lunch programs and construction jobs.

At least two similar lawsuits targeting the defense industry for a total of more than $200 million in damages are pending in Colorado and Washington, D.C.

In the Scripps case, ophthalmologist Raymond Y. Chan is accused of defrauding the federal Medicare program between 1984 and 1986 by billing for eye surgery that he did not perform on his elderly patients or by billing for operations that he did perform but that were medically unnecessary.

The lawsuit estimates that Chan overcharged Medicare by $300,000 during a two-year period, with both the doctor and the Scripps Foundation sharing in the windfall. Based on complex provisions for double and triple damages as well as fines allowed in the False Claims Amendments Act, the lawsuit seeks recovery of between $3.7 to $6.3 million.

Reached for comment, Chan said that he had never defrauded Medicare and that he did not want to comment on the lawsuit because "this is the first I've heard of it."

Scripps spokesman David Gollaher said that Chan's bills have recently been scrutinized by administrators and that "we're not saying whether there were or there weren't irregularities."

Ophthalmologist Dr. Paul E. Michelson, who used to work with Chan at the Scripps Clinic Medical Group, accused Chan of abuses after he randomly examined records for 37 of Chan's hundreds of patients and documented $47,000 in Medicare overcharges, said attorney John Phillips at the Center for Law in the Public Interest.

According to the complaint, Chan allegedly used lasers to treat patients suffering from glaucoma or cataracts and then defrauded Medicare by billing as if he had performed surgery with a knife, which is almost three times as expensive.

Chan is also accused of performing unnecessary laser procedures on patients who either did not suffer from glaucoma or who were not first treated with the "the accepted, appropriate, safer and far less expensive medication therapy" mandated by the American Assn. of Ophthalmology.

"This is one of the most clear-cut cases of unnecessary treatment. There is no dispute," center attorney David Huebner said. "The [patient] charts show that a person would come into the office one day and two days later be zapped with a laser."

He said Michelson filed the lawsuit because "he wanted to protect the patients and was appalled by the idea of unnecessary [laser] procedures being performed on patients who could be helped by just eye drops."

Michelson, now in private practice in San Diego, said in an interview, "My own concerns were strictly the ethics involved here." He said he filed the lawsuit "as a matter of conscience" and that "the financial aspect of the law was of no consideration in my case."

He said that he will donate "a significant percentage" of any of the money he receives to the center's nonprofit subsidiary, Taxpayers Against Fraud.

NO ACTION WAS TAKEN

The complaint says that Michelson attempted to bring the alleged Medicare abuse to the attention of his superiors, including a member of the foundation's Clinical Board of Governors, but that "no action was taken by these Scripps officials to stop the misrepresentations or to inform the government of the overcharges."

Michelson was terminated from Scripps in July, 1986—for "incompatibility," the lawsuit said—and filed his complaint under seal in April, 1987.

Under the law, the complaint automatically triggered a federal inquiry.

"This law allows a private plaintiff to bring a lawsuit to get the ball rolling," Assistant U.S. Atty, Howard Daniels said. "Then the U.S. government investigates, and if we find likely violations, we step in."

Daniels said, "We don't know yet what the total bill will be."

Chan's earnings at Scripps depended to a large degree upon the bills he generated according to the lawsuit. Chan submitted his bills to Scripps administrators who in turn billed Medicare. Chan then received a percentage of his total billings, with the Scripps Foundation receiving most of the rest.

"For every $1 fraud, Scripps Foundation got 50 cents and the doctor got 50 cents," Phillips said.

Phillips said that neither Scripps nor Medicare officials appear to have noticed Chan's "disproportionate number of laser procedures. . . . It appears Medicare doesn't do a very good job of policing."

The Center for Law in the Public Interest lobbied hard for passage of the federal False Claims Act, an updated version of a law passed during the presidency of Abraham Lincoln to crack down on fraudulent government contractors. The newly amended measure gives whistle-blowers larger financial rewards, better legal standing and greater job protection than the old law, Phillips said.

Since the new law passed two years ago, the center has received more than 350 calls from whistle-blowers. Based on the most solid evidence, Phillips said, the center has filed three complaints and five others are being drafted.

A lawsuit in Colorado, which seeks to recover up to $10 million, accuses officials of Rockwell International Corp. and Lawrence Livermore National Laboratory of using Department of Energy dollars to manufacture more than 4,000 items for their personal use, including a wine press and racks, belt buckles, coffee mugs, automobile parts, clocks, jewelry and foot massagers. The complaint was triggered by an engineer at Rockwell's nuclear weapons plant in Rocky Flats, Colo.

Critics of the law have suggested that it will lead to numerous frivolous or vexatious lawsuits and might allow the architect of a fraudulent scheme to reap a windfall by filing a claim, Phillips said this is unlikely but that the center is nevertheless working on possible "technical amendments" to the law that would prevent it.

HANDICAPPED CHILD'S RIGHT TO LIFE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. DORNAN of California. Mr. Speaker, the House resolution I am offering today declares "That a handicapped child's right to life should not be abridged or denied on account of age, health, defect, or condition of dependency."

It is simple, but necessary legislation. No handicapped person should be denied the right to life guaranteed by the United States Constitution. America has made great strides in the past several years to accommodate the special needs of her handicapped citizens. We are all aware of the ramps that have been built, special parking places that are reserved, audio and video advancements that improve television enjoyment for the handicapped, et cetera.

With such efforts being made to improve the lives of our handicapped, it is also essential that we understand that preborn children who are found, through medical advancements, to have handicaps, not be denied the right to life.

There are contact groups and individuals all across the country who are ready and willing to adopt handicapped infants. Mothers who are considering abortion because of a known handicap can give life to their babies and know that they will be loved and cared for all of their lives.

I urge my colleagues to recognize that handicapped children have a God-given right to life and join me in firm resolve that such right shall not be denied.

PROPOSED WELFARE LEGISLATION

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. DOWNEY of New York. Mr. Speaker, for the benefit of the Members, I am today placing in the Congressional Record a comparison of the various welfare reform bills introduced during the 100th Congress. This document, titled "Highlights of Congressional Welfare Reform Bills," describes the major provisions of three bills: First, H.R. 1720 as reported by the Committee on Ways and Means, the Committee on Education and Labor, and the Committee on Energy and Commerce; second, S. 1511, the Senate welfare reform bill introduced by Senator Moynihan; and third, H.R. 3200, the Republican welfare reform bill introduced by Congressmen Michel and Brown of Colorado.

HIGHLIGHTS OF CONGRESSIONAL WELFARE REFORM BILLS

H R. 1720, Ways and Means	H.R. 1720 Amendments, Education and Labor—Energy and Commerce	S. 1511/H.R. 3148, Moynihan-Gradison	H.R. 3200/S. 1655, Michel-Brown-Dole
I. WORK, EDUCATION, AND TRAINING			
Authorization and funding:			
Entitlement under Title IV–A (AFDC)	Authorization under Title IV–C (WIN); also permits limited services under the IV–A entitlement.	Entitlement under Title IV–A (AFDC). Repeals IV–C.	Authorization under Title IV–A.
Federal share of education, training and other non-administration costs at 65%. Administrative costs at 50%.	The Federal share varies between 90 and 70% depending on level of effort and type of expenditure.	Federal share of education training and employment activities and employment activities is 90/60 percent depending on funding source. Administration costs at 50%.	Federal share varies depending on amount of funds appropriated.

HIGHLIGHTS OF CONGRESSIONAL WELFARE REFORM BILLS—Continued

H.R. 1720, Ways and Means	H.R. 1720 Amendments, Education and Labor—Energy and Commerce	S. 1511/H.R. 3148, Moynihan-Gradison	H.R. 3200/S. 1655, Michel-Brown-Dole
No ceiling on funds	Authorizes $650 million in FY 88 (such sums in later years). Once $200 million is appropriated, the next $150 million goes for day care and related activities. Also permits AFDC entitlement funds to be used at 65% match for any IV–C activity.	Authorizes $140 million with a 90% Federal match. Creates an open-ended Federal match under Title IV–A of 60% for States who spend their share of the $140 million. Federal share drops to 50% under certain circumstances.	Authorizes $500 million for fiscal year 88 (such sums in later years). First $160 million of funds that are appropriated would be Federally matched at approximately 79% (varies by State). Remainder is 50% Federal.
Administration:			
Federal administration by HHS	Federal administration by DOL	Federal administration by HHS	Federal administration by HHS.
State administration by the AFDC agency	State administration by whichever agency is selected by the Governor.	State administration by the AFDC agency	State administration by the AFDC agency.
Range of services:			
Requires States to provide: H.S. and remedial education, ESL, job search, skills training, job readiness activities, counseling and info and referral.	Similar requirements	Does not mandate services. Range of services is similar to Ways and Means version.	Permits States to require H.S. or GED for parents age 16–19. All other education services must only be remedial. No specific list of services. Current program options—WIN, WIN demo, CWEP, job search—remain.
Requires States to offer two of the following: OJT, grant diversion, CWEP, and other education and training activities.	Similar requirements except CWEP is not included	Does not mandate services	Training must be directed toward immediate employment.
Target population: (1) teenage parent families; (2) families receiving AFDC for 2 or more years; and (3) families with children under 6.	Strikes targeting requirement. Encourages "special efforts" to the Ways and Means target population plus families with a parent who has not been employed during the preceding 12 months or who lacks a H.S. diploma or has special educational needs.	Four target groups: (1) received AFDC for 30+ consecutive months and youngest child is 3+ years (or 1+ at State option); (2) received AFDC for 30 of 60 months and youngest child is 3+ (or 1+ at State option); (3) parent is age 21 or younger and H.S. dropout; and (4) two-parent families.	Funding is based on the number of high priority clients placed defined as: (1) under age 21; (2) school dropout; or (3) parent of child under age 3.
Service priorities: Serve volunteers in target groups first, then mandatory participants, then other volunteers.	Serve all volunteers first	No provision	Establishes participation requirements: in fiscal year 1988, 15 percent of mandatory registrants must participate increasing to 70 percent by FY 1996. Also, after 3 years, State must have 80% of teenagers and teen parents participating.
Age or youngest child: Participation required by parent of child over 3. Younger by waiver; never below age one.	Same as H.R. 1720	Similar provision	Participation required by parent of child over 6 months of age and on AFDC for at least 6 months.
Job search: All States must operate a job search program	The AFDC agency may offer job search. Job search is also limited as one of the services the State work initiatives agency must provide.	State option	State option.
CWEP (workfare):			
Limited to 6 months, must be combined with training. Hours determined using the current pay scale. No reassignment. No working in exchange for child support payments.	Prohibits workfare. Repeals current law authority for CWEP	Retains current law (no limit on length of participation) except recipient may not be required to work in exchange for child support payments.	Retains current law. Hours of work may be determined including the value of food stamps.
Also authorizes 3 month work experience program	Permits 3 month work experience program; can be extended to 6 months under certain circumstances.	No provision	No provision.
Case management: Assessment, agency-client agreement and case management required.	Similar requirements. Case management is called case assistance.	State option	Permits employment plan for recipients. Contracts and case management at State option.
Wage rates and working conditions:			
Wages must equal current pay scale, otherwise minimum wage.	JTPA benefit and labor standards would apply (prevailing wage).	Wage rates must equal the greater of the Federal or State minimum wage.	JTPA benefit and labor standards would apply except that wages must be equal to the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938.
Recipient cannot be required to take a job if it results in lost income, including health benefits, to family.	Similar provision	Similar provision	Similar provision, but limited to earned income.
College attendance: A person who is already attending a school or vocational training may satisfy the education or training requirement. States may also offer specialized advanced education as they determine appropriate.	Adds postsecondary education for recipients attending school on their own. Prohibits those attending college from being required to participate in any other program activity.	Similar to Ways and Means version	No provision. Education activities may only be remedial.
Reassignment: Prohibits reassignment to CWEP; requires persons who do job search without finding a job to participate in another activity designed to lead to employment.	Prohibits persons who have participated in the education or training components from being required to participate in that component again (regardless of whether they are employed).	No provision	No provision.
Transitional employment: No provision although grant diversion can serve similar purpose.	Permits States to operate a transitional employment program which would provide subsidized jobs with public or private employers for 6 months.	No provision (allows grant diversion)	No provision.
Transition from current law to new program: New program is effective October 1, 1989. States may opt in once proposed rules have been issued. No provision for FY 88 funding.	Funds are authorized for fiscal year 1988 and beyond	Funds are authorized for fiscal year 1988 and beyond	Funds are authorized for fiscal year 1988 and beyond.
II. DAY CARE, TRANSPORTATION AND WORK-RELATED EXPENSES			
Day care guarantee: Parents of children under the age of 6 must be guaranteed child care before they may be required to participate.	Parents of children under the age of 14 must be guaranteed appropriate child care before they may be required to participate.	If the recipient requires child care, the State must assure that child care is provided.	State agency shall provide necessary child care. If child care is unavailable, the individual may not be required to participate. State or local agency must demonstrate availability if challenged.
Day care transition:			
All AFDC families who leave the program with earnings are entitled to day care transition.	Similar provision	Families who leave AFDC due to an increase in earnings are entitled to the day care transition.	Authorized for families who leave AFDC due to increased earnings or termination of disregard. Funding is provided as part of the employment and training program ($500 million).
Transition lasts for 6 months after leaving AFDC	Transition lasts for 12 months	Transition lasts for 9 months	No time limit. Eligibility continues until income exceeds 150% of poverty.
Delivery mechanism: Contracts, certificates (vouchers) or reimbursement through disregard.	Reimbursement only	Similar to Ways and Means version. Cash is also an option	Transition services by certificate only. Recipient day care expenses are reimbursed through disregard as under current law.
Maximum reimbursement: $175 per month for a child over 2; $200 per month for a child under 2.	No provision	Up to $160 per month per child	Up to $160 per month per child.
Matching rate: The Federal AFDC benefit match which varies by State (currently 50–78%).	Federal match of 80% subject to appropriation	Similar to Ways and Means version	The work program matching rate would apply. Most child care would be reimbursed at 50–50.
Standards: Must meet applicable standards of State and local law. Also, care for more than 2 children must meet health and safety standards.	Prohibits relaxation of child care licensing requirements. Requires training of caregivers. Permits States to use funds for construction or renovation of day care centers. Adds standards.	Must meet applicable standards of State and local law	Requires State agency to take steps to insure that child care meets acceptable standards of health and safety. Day care providers must register and meet any standards within 3 years.
III. REWARDS FOR WORK			
Earnings disregards:			
In place of current law, disregard first $100 plus 25% of remaining earnings as a work incentive. No time limit.	If a job pays less than current benefits, State must make supplementary payment for 12 months to make up the difference.	No provision. When a job pays less than current benefits, State must make a supplementary payment if the State requires the recipient to take the job. No limit on duration.	No provision.
Also disregard the earned income tax credit		No provision	No provision.
IV. TRANSITION HEALTH CARE			
Eligibility:			
All AFDC families who leave the program with earnings are entitled to the Medicaid transition.	All AFDC families who leave the program due to earnings are entitled to the Medicaid transition.	Certain families who leave AFDC due to earnings are entitled to Medicaid.	No provision. Retains current law.
Medicaid benefits are extended for 6 months	Medicaid benefits are extended for 6 months. In subsequent 18 months, States must extend benefits, choosing from several options. Recipient copayment permitted.	Medicaid benefits extended for 4 months. State option for an additional 5 months. Flexibility is similar to Energy and Commerce.	

HIGHLIGHTS OF CONGRESSIONAL WELFARE REFORM BILLS—Continued

H.R. 1720, Ways and Means	H.R. 1720 Amendments, Education and Labor—Energy and Commerce	S. 1511/H.R. 3148, Moynihan-Gradison	H.R. 3200/S. 1655, Michel-Brown-Dole
V. CHILD SUPPORT ENFORCEMENT			
Wage withholding: Federal match remains at 70% (it is scheduled to drop to 66% over time) for States that elect to implement immediate wage withholding.		Requires immediate wage withholding for new cases after 2-year phase in. Existing cases only by request.	Requires immediate wage withholding.
Guidelines for awards: Child support guidelines used to set awards would be a rebuttable presumption, and would be reviewed every 3 years. Awards would be updated at least every 2 years.		Guidelines binding as a rebuttable presumption and reviewed every five years. Awards adjusted at least every 2 years.	Guidelines a rebuttable presumption; no provision for updating guidelines. Awards adjusted at least every 2 years.
Paternity establishment: Sets performance standards for paternity establishment and creates incentives for States.		Different provisions, similar purpose	Different provisions, similar purpose.
Performance standards: Requires the Secretary to set time limits for State response to CSE requests.		Similar provision	Similar provision.
Automated systems: Required by 1992		Similar provision	Same as Ways and Means provision.
Access to employment service data: CSE given access to INTERNET data.		Similar provision	Similar provision.
Social Security numbers: No provision		Required in birth records	Similar to S. 1511.
VI. PRO-FAMILY WELFARE POLICIES			
AFDC-UP: Mandates AFDC-UP beginning January 1, 1989		Mandates AFDC-UP beginning October 1, 1989	No provision.
Minor parents:			
Requires minor parents to live with their parents under most circumstances.		Similar provision	Similar provision.
Eliminates the counting of the grandparent's income		No provision	No provision.
VII. BENEFIT IMPROVEMENTS			
Annual evaluation: Requires States to reassess the AFDC need and payment standards annually.		Requires evaluation of the need and payment standards once every five years.	No provision.
Enhanced match: Increases the Federal match by 25 percent for benefit increases.		No provision	No provision.
VIII. OTHER			
General waiver authority: No provision		Authorizes up to 10 demonstration projects, similar to those proposed by the President, including the following programs: AFDC (including the work program), child welfare services, child support enforcement, foster care and adoption assistance, social services block grant, and any State poverty program. Demonstrations extend up to 5 years. States may not reduce recipient benefits below the level available without the demonstration.	Authorizes demonstration projects as proposed by the President. 22 Federal programs could be included. Permits legislative veto.

Note: Prepared by the staff of the Committee on Ways and Means.

DEFENSE ACQUISITION CORPS

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. HERTEL. Mr. Speaker, the resignation of Under Secretary of Defense Richard Godwin underscores the persistent, institutional failure of management at the Department of Defense.

Today I am introducing legislation to address many of the critical problems with procurement in the Department of Defense. This legislation creates a Defense Acquisition Corps.

We can only improve the acquisition process in relationship to the availability and efficient use of a talent and qualified professional work force. We must attract the best individuals and retain their respect, security, and reward.

The Packard Commission stated in its report that the:

> DoD must be able to attract, retain, and motivate well qualified acquisition personnel * * * the Secretary of Defense should have increased authority to establish flexible personnel management policies necessary to improve defense acquisition. An alternate personnel management system * * * should be established to include senior acquisition personnel and contracting officers as well as scientists and engineers. Federal regulations should establish business-related education and experience criteria for civilian contracting personnel, which will provide a basis for the professionalization of their career paths. Federal law should permit expanded opportunities for the education and training of all civilian acquisition personnel. This is necessary if DoD is to attract and retain the caliber of people necessary for a quality acquisition program.

The shining highlights of our massive military expenditures over the past 5 years has been our continued efforts to improve the quality of our military combat personnel and the quality of their lives. This commitment has ensured our national security more than any other recent change.

We need to make the same commitment to our acquisition work force. Only by creating genuine a career path for acquisition professionals can we make good management ideas work.

The legislation I am introducing today authorizes a Defense Acquisition Corps to be organized with professional requirements, special salary scales to attract and keep top performers, special bonus systems and grievance procedures. It includes a special senior acquisition executive rank similar to the executive service. It gives the Secretary of Defense the flexibility to assign corps members as urgent acquisition needs arise. Finally, it authorizes the Secretary to establish a Defense Acquisition University to upgrade the training of procurement personnel and provide continuing education in acquisition specialties. It also authorizes the Secretary to send corps members to our Nation's many colleges and universities which have programs on procurement related disciplines.

I believe as the quality of our procurement work force increases, our acquisition system will be more controlled and effective. Consequently, bureaucratic inertia, redtape, and long leadtimes will decrease and our national security will be improved.

The resignation of Under Secretary Godwin is a dramatic setback for procurement reform. We must move ahead with solutions and provide all the tools for meeting acquisition reform.

INSURANCE NEEDED FOR THE NATION'S ELDERLY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. FLORIO. Mr. Speaker, as the Congress sets about debating the need for insurance for the elderly, there should be agreement on one point, that is that our Nation's elderly need insurance.

Even as the Nation approaches the 21st century, the number of elderly citizens is increasingly becoming a growing and important part of our society. As the Nation grows greyer, many of our citizens find themselves in need of long-term care.

As a reminder of the dramatic growth in the number of aged, one need only look at the occupancy rates of nursing homes today. Today, the nursing homes are packed to capacity, averaging a 92-percent occupancy rate.

If the demand for space in nursing homes is great now, it will increase even more dramatically in the next few decades as the baby boomers, the middle aged, and the youth of 1987 continue to grow.

And that demand is only part of the reason why there is such a need for the Federal Government to step in and take care of the elderly. With the costs of health care expected to jump significantly, even fewer of the elderly will be able to afford care in nursing homes.

With the advances in medical science, better care is, indeed, available to the elderly. But in order for the elderly to have a chance to lead meaningful lives, whether it is under the care of a physician or in the long-term confines of a nursing home, they must have access to the facilities and the equipment.

And the access to long-term care is expensive.

The system that currently exists is inadequate. There is not enough coverage of expenses by the Medicare system and the system is set up to help the elderly only after they have already spent their life savings.

Bankruptcy should not be a prerequisite for health care for our Nation's elderly. And health care is what the entire debate is all about.

In fact, as the number of citizens in the nursing homes across the Nation is expected to quadruple in the next half century, the Congress must contend with raising enough funds to cover this necessary benefit for the elderly.

I have been an original cosponsor of legislation introduced by Congressman CLAUDE PEPPER that would alleviate much of the financial burden now carried by the Nation's elderly.

My home State of New Jersey ranks second in the rate of increase in the number of elderly. As the ranking majority member on Mr. PEPPER'S Subcommittee on Health and Long-Term Care, I recently requested hearings in New Jersey to determine the extent of the insurance crunch for the elderly.

And the need to examine both the extent of this crunch and to remedy it is becoming more readily apparent not only in New Jersey but all across the Nation.

The bills currently before the Senate on catastrophic health care address a part of the problem, providing for acute care. The focus of these bills is to plug in the gaps in insurance for the elderly and to make sure that those who cannot afford to pay for the health care that they need will, indeed, be covered.

If insurance is left to the private insurance companies, then only a third of the Nation's elderly today could afford to get that coverage. What happens to the millions of other elderly who cannot afford the insurance? Is income to be a determinant for who gets health care and who does not?

The elderly of our Nation deserve better. When they were able to work, they built this Nation from its foundation up. Now the Federal Government is called upon to protect the elderly when they are least able to protect themselves.

I am including below an article reprinted from the National Journal, examing the scope of the catastrophic health insurance problem:

[From the National Journal, Aug. 29, 1987]

HEALTH CARE 1988

As America ages, new issues inexorably find their way onto the political agenda. The 1988 presidential campaign could well mark the first time candidates grapple with how to pay for long-term health care for the elderly.

The situation is as follows: Next year, public expenditures for nursing and home health care for the elderly will top $20 billion. By the year 2040, the number of people in nursing homes is expected to be four times the number reported in 1980. Medicare pays only about 2 percent of these costs, and medicaid, which picks up 41 percent, requires that individuals first bankrupt themselves to be eligible. As a result of the tight restrictions on, and low compensation for, such care, nursing homes are in short supply, with occupancy levels at 92 percent. In this seller's market, quality homes are overbooked, and medicaid patients are often turned away.

Long neglected but potentially explosive, the issue is now coming to center stage as the result of a confluence of legislative events and demographic trends.

This year's introduction of catastrophic health care legislation, it seems, has had the added effect of hastening the day of reckoning on long-term care. While President Reagan and Congress had hoped to defuse concern over the vulnerability of senior citizens to high health care costs, the bills now working their way through Congress deal mainly with short-term, acute illnesses, which immediately affect a relatively small number of the aged. Rep. Claude Pepper, D-Fla., dropped his bid to tack on a long-term care amendment with a five-year price tag of $28 billion (which most believed would doom the bill) only after extracting a promise from House Speaker Jim Wright, D-Texas, that long-term care would get full consideration at a later date.

Furthermore, many Members touting the catastrophic bill back home have found constituents more concerned with what it fails to do. Worried about the possible backlash if seniors learn the hard way that medicare still won't cover their nursing home bills, several Members have raised the red flag. Senate Finance Committee member Donald W. Riegle Jr., D-Mich., for example, who is up for reelection next year, has held four hearings around his state to explain the bill and has pointedly included discussions of long-term care.

At the same time, senior citizens' groups are launching a sophisticated campaign to get the issue before the presidential candidates. Led by the American Association of Retired Persons (AARP) and the private, nonprofit advocacy group for low-income elderly known as the Villers Foundation, a group of six organizations, including nursing and religious groups, has launched "Long Term Care '88." It has hired Stephen R. McConnell (former minority staff director of the Senate Special Committee on Aging), commissioned an extensive public opinion poll and enlisted experts to help with a long-term care proposal. It hopes to launch an advertising campaign in key primary states. The AARP plans to make long-term care one of three issues to be addressed at its Iowa candidate forums as well as a key part of its voter education drive. Villers has made a grant to a New Hampshire public radio station working with a local television station to hold a series of candidate forums this fall and winter exclusively on the issue of long-term care.

The goal isn't merely to get the issue on the agenda. The proposal of Republican presidential candidate and former Delaware Gov. Pierre S. (Pete) du Pont IV for tax/exempt individual medical savings accounts, for example, is anathema to most seniors' groups, who view it as ineffective and inequitable. Instead, they're hoping to get candidates to do what Sen. Paul Simon, D-Ill., has already done—endorse the concept of a federally run, universal social insurance program offering a range of long-term-care services, including nursing home and home care.

Besides seniors, the baby boom generation that so many of the candidates are courting is likely to add impetus to the issue. As their cohort begins to enter middle age, many boomers are being called upon to help out parents—and even grandparents—who have trouble paying for care. Watching parents run through their savings to end up on a medical welfare program is not only a wrenching experience, it means that even with two incomes, some struggling families can't expect much of an inheritance and serves as a foretaste of what they themselves can look forward to.

The downside for politicians, however, in the era of record federal deficits, is talking about financing. The private sector probably can't solve the problem. While new private long-term-care insurance policies show promise, the 30-40 per cent of seniors who could afford them aren't the ones pushing medicaid costs up anyway, said Brookings Institution senior fellow Joshua M. Wiener. "Unless you wanted a very minimal program, you're going to need a broad-based tax" to finance it, he said. Adding long-term-care insurance benefits to the medicare program, Wiener estimates, would require a 2.5 per cent payroll tax (to be split between employers and employees and levied with no cap on the amount subject to the tax), compared with a 1.6 per cent payroll tax required to finance current medicare and medicaid programs.

Keeping proposed benefits modest could trim the estimate a bit, and the finance burdens could be spread around by charging the elderly premiums, increasing "sin taxes" on alcohol or tobacco, or raising inheritance taxes. But the remaining costs would still be large, and meeting them would raise sticky political questions.

Difficult as these issues are, the fact remains that the costs will have to be covered somehow. Expenses for existing programs are growing, and their inadequacies, in turn, are exacting social costs. With wives, the traditional care givers, as well as husbands now in the work force, employers are starting to encounter losses in productivity when employees take time off or burn out from caring for and worrying about elderly parents.

Are people willing to shell out for an overhaul of the system? Villers public policy coordinator Ed Howard said that the still-unreleased poll conducted for Long Term Care '88 indicates that they are, and that the issue draws concern among all age groups. If activists have their way, candidates on the trail will find the long-term-care issue marching along beside them.

PROUD SERVICE OF AMERICANS IN EL SALVADOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. LAGOMARSINO. Mr. Speaker, for many years I have been a strong supporter of American assistance to the democracy of El Salvador. If we truly believe in democracy, freedom, and liberty, we should assist those who are committed to these same ideals. That is why we are committed to stopping the expansion of communism and other forms of totalitarianism. Recently, I received the following letter from my constituents, Dr. and Mrs. Craig Larson of Solvang, CA, regarding the untimely death of their nephew, Douglas Lee Adams. Douglas was the crew chief on the American military helicopter that crashed in El Salvador while on a medical mission.

Unfortunately, Douglas's hometown newspapers in Corvallis, OR, wrote about his "dying for a ghost cause." I do not believe that helping the Salvadorans strengthen their democracy, defend their freedom and liberties, and improve their standard of living is a ghost cause. Nor do I believe that helping stem Communist expansion in Central America, our southern neighbors, is a ghost cause. As Douglas Adams' family states, he "gave his life for his country in one of those small battles for peace." I urge my colleagues to read the letter I received from Douglas's aunt and uncle and get a better understanding of what we are really supporting in Central America. I am afraid that too often some of my colleagues listen too closely to the slick Communist apologists and sympathizers and not patriotic American citizens like the family of Douglas Adams.

Representative ROBERT J. LAGOMARSINO,
House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LAGOMARSINO: This is the letter we sent to the Corvallis Oregon Gazette-Times in response to their opinion as expressed on Wednesday, July 22, 1987 in the editorial entitled "Dying for a Ghost Cause". We want you to know the reason our nephew went to El Salvador, so you can represent us.

The same people who moan and groan about the United States of America in El Salvador will moan and groan when Communisium is at our Mexican border. Moaning and groaning in lament "why didn't WE do something to protect ourselves before "they" are at our borders?"

22 year old Douglas Lee Adams, was the crew chief on the helicopter that went down July 15th while on a medical mission in El Salvador. He was wise beyond his years. His last statement as he left home, bound for El Salvador, was "this is my choice of where to go in defense of my country, and if something happens to me rest assured I am right with God." Douglas Adams knew we Americans must start our defense in the 1st hour, not the 11th.

Americans—LAMENT NO MORE—fighting in the 1st hour of defense is far less bloody, more wise and honorable than in the 11th hour.

If America and her soldiers can't fight the "small" fights with your support then we surely won't be able to fight the big ones with or without your support.

Working for peace is like life itself, made up of many small decisions and many small everyday tasks and battles that must be faced in order to prepare for, or hopefully prevent, the major problems.

Douglas Lee Adams gave his life for his country in one of those small battles for peace. A small battle in some people's eyes, but large and honorable in ours.

The Family of Douglass Adams:
INGRID ADAMS
DR. CRAIG & CAROLYN LARSON
CRAIG & CARRIE ADAMS
TONIA & MIKE WARREN
ANNA K. LARSON
JANI & BOB BERGDAHL
JUDI LARSON
DONNA & LARRY REED
RICHARD & CHRISTINE LARSON
BILL & WILMA OKERSTEDT
LOUIS L. LARSON

P.S.—Write your delegates to the Senate and Congress—let them know for true peace we need to teach small countries how to care for and fight for themselves. If not, as our Douglas knew, it will be on our soil soon.

HAVE NOT AMERICA'S VETERANS EARNED CABINET LEVEL STATUS?

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. SOLOMON. Mr. Speaker, I am very pleased to announce today that a majority of the House of Representatives—over 218—have joined in sponsoring legislation—H.R. 1707—to make the Veterans' Administration a Cabinet level department.

I hope the Government Operations Committee in the House and the Governmental Affairs Committee in the other body will now consider conducting hearings on this important legislation.

This bill is strongly supported by every major veterans organization in the United States. It is a bipartisan effort with little or no cost to the Federal Treasury.

Although the size and importance of the VA justifies upgrading it to Cabinet level, there are even more compelling factors to consider. Veterans programs and benefits have been earned through great pain and sacrifice, and oftentimes by loss of lives.

In recognition of the contributions to freedom made by service men and women, we as Americans have placed a high priority on the welfare of our veterans.

By authorizing Cabinet status for the Veterans' Administration, we will ensure that its chief executive officer will participate in top level discussions and policymaking on issues having a direct effect on America's veterans.

Again, I urge all my colleagues to join in the effort to elevate the Veterans' Administration to a Cabinet level department by cosponsoring H.R. 1707. Our veterans have earned the right to be heard at the highest level of Government.

A SALUTE TO ROBERT W. BERG

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Mr. Robert W. Berg. On October 25, 1987, Mr. Berg will be retiring after 30 years of involvement with the Cub Scouts and the Boy Scouts. He will be honored by his colleagues and the Cub Scouts of Pack 790 of Frackville, PA, where he has served as Cubmaster since 1970.

Mr. Berg has had a distinguished career in Scouting. As a Scout himself, he received Scouting's highest honors, including the Eagle Scout Award and selection to the Order of the Arrow. He also had the honor of serving in the color guard for then-President Harry Truman at the second national jamboree held in Valley Forge in 1950.

Mr. Berg continued his commitment to Scouting as the years went by. He became Cubmaster of Pack 790 in 1970, leading the pack to numerous awards. He was also instrumental in arranging events for Cub Scouts throughout the Broad Mountain District. These events included the Pinewood Derby and the Broad Mountain Olympics. In recognition of his outstanding efforts, Mr. Berg was awarded the Scouter's Key and the Broad Mountain District Award of Merit. In 1980, he was honored with Scouting's highest tribute, the Silver Beaver Award.

As he reaches his retirement from Scouting, Bob Berg can look back with pride on his many outstanding achievements. I know that my colleagues will join me in honoring Mr. Berg for his 30 years of dedicated service and in wishing him the best of luck and continued good fortune in the future.

MINORITY ENTERPRISE DEVELOPMENT WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. RANGEL. Mr. Speaker, the President has again declared a week to recognize the outstanding contribution of minority businesses to the American society. Minority Enterprise Development Week will be celebrated during the week of October 4 with activities honoring minority enterprises taking place all over the country. I am extremely pleased that the President, in conjunction with the Minority Business Development Agency, has seen fit to use his executive decree to honor this most worthy group of entrepreneurs.

In New York City, minority businesses are an integral part of our communities. They offer a wide range of job and training opportunities for the citizens of our communities. Most notable is the inspiration and positive role model minority enterprises provide to the minority community.

Unfortunately, many minority businesses are not aware of the vast opportunities available through many of the Government agencies. The celebration of Minority Enterprise Development Week will serve as an important education device for businesses that are interested in participating in the wide range of programs available through Federal agencies.

The official Minority Enterprise Development Week kickoff for the New York region will take place on September 14. While I am not able to attend this celebration, I wanted to share with my colleagues my strong support for this event. The celebration of Minority Enterprise Development Week highlight the activities of these individuals bringing their good works to the attention of all Americans.

I am committed to the successful growth of the minority business community. As Americans we are free to participate in the economic development of this country and it is necessary that we do participate. In furthering the goals of minorities in America, I am convinced that it is necessary to have a solid economic base—without it, true freedom is elusive. I encourage minority enterprise development because it is important to the stability of the minority community and the continued development of the American society.

A TRIBUTE TO MS. JULIE VICTOR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Ms. Julie Victor, a very special resident of my 17th Congressional District. Ms. Victor is a junior at Austintown Fitch High School in Austintown, OH, and it is my strong belief that 1 day we will be watching Ms. Victor represent the United States in the Olympics. Allow me a few moments to outline the basis of this deep hope that I have for her future.

Ms. Victor is an all-around athlete with an outstanding mind. While maintaining a 3.7 grade point average in high school, she is a standout on her high school's basketball team and has won two national championships in barefoot water skiing. Last year she was the Steel Valley Conference champion in the shotput, high jump, and discus, and won the Junior Olympian national championship in both the shotput and the discus. In addition, she won four major events at the International Meet of Champions for A.A.U. and Junior Olympic hopefuls in Chicago the discus, javelin, high jump, and shotput. In only her first 2 years of high school she has qualified for the Ohio State finals in the shotput, high jump, and discus.

Ms. Victor has won numerous other championships too numerous to mention. As her Congressman, I am bursting with pride over her accomplishments. It is my most heartfelt desire that she continue her great athletic strides and victories all the way to the 1992 Summer Olympics. Julie, you have all of my hopes and best wishes for success. Thus, it is with thanks and special pleasure that I join with the residents of the 17th Congressional District in saluting the great athletic career and inspiring life story of Ms. Julie Victor.

A SALUTE TO WARREN JACKMAN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. MILLER of California. Mr. Speaker, I rise to pay tribute to a great leader of the labor movement in California, and especially in my district, Warren Jackman.

This Friday, hundreds of friends and colleagues will honor Warren on the occasion of his retirement after more than 35 years on the front line of the labor movement in our region. Since first becoming active in public affairs, and long before I won election to the U.S. House of Representatives, I have valued the friendship, the guidance, and the support of Warren Jackman, and I have admired the commitment with which he has provided leadership to tens of thousands of working people.

Thirty-nine years ago, Warren Jackman joined the International Brotherhood of Electrical Workers, local 302. Like many of his fellow apprentice electricians, Warren was a veteran of the Second World War. Wages were low, pension, health and welfare plans were nonexistent, and paid vacations were rarely even discussed. While the national economy was growing dramatically, in many cases the average working person was unable to enjoy many of the fruits that an expanding society could offer.

Warren understood that working people would have to secure those rights and benefits for themselves, through organized economic and political activity. Their vehicle was the union, and Warren soon became a significant force for change.

In 1956, Warren became the assistant business manager for local 302, a position in which he served for 23 years. It was an important period of expansion and modernization for local 302, which initiated programs for training union representatives, for skill improvements, and a farsighted course on the uses, hazards and controls of atomic materials.

After 13 years as assistant business manager, Warren moved on to become business manager in 1969, a position he held for a decade. As the principal representative of the union in dozens of negotiations, Warren developed a reputation as a tough bargainer who maintained his good-natured attitude toward those sitting on the other side of the table even as he vigorously fought for the best interests of his membership.

For the past 8 years, Warren has served as the secretary-treasurer of the Contra Costa Building and Construction Trades Council. In that capacity, he has helped lead the labor movement of our country, and of California, through some of the most difficult economic and political periods in recent history. He has done so admirably, always displaying the personal graciousness and the hard-nosed combativeness which have been his hallmark as a labor leader for four decades.

But there is more to Warren's life than the labor movement, though some may not believe it possible knowing the unlimited hours he spends on union business. He has been an active leader in the Business in Support of Career Development, Concerned Citizens for Improved Quality Water, the California Council for Environmental and Economic Balance, the YMCA Board of Directors, and the Concord Convention Bureau.

Warren has been married for 40 years to Della, and together they have raised two sons, Steven and Dee. His real family, however, is a much bigger one than that: it includes his friends, colleagues and coworkers in the labor movement and in the business community, too, who have known and respected Warren Jackman's intelligent and committed leadership.

I am proud, Mr. Speaker, to consider myself a member of that extended family of Warren Jackman. And I know that you and all Members of the House join me in wishing him many years of enjoyable travel, of additional time with his grandchildren, and hopefully, of continued activity in the causes of labor and political action.

THE ROBINSON-NAYLOR-HARRIS FIRST FAMILY REUNION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. STOKES. Mr. Speaker, the tradition of family unity reaches back to our earliest moments as a people, and it lives on in all the many cultures we embrace today. From August 14-16, 1987, the Robinson-Naylor-Harris family celebrated its first family reunion in Centreville, VA. I am a distant relative of the family by marriage and had the honor of addressing this special gathering. Families members assembled from all parts of the world to renew family bonds in celebration of its 200-year legacy. It was an unforgettable occasion.

The Robinson-Naylor-Harris family gathered together with a sense of history—past and future. Although the family has endured many trials and tribulations over the years, they have maintained their love, devotion and commitment to one another.

Centre View Newspaper reporter, Carol Friedman, captured the true spirit of the reunion in an article which she wrote for the paper. I am pleased to share this article with my colleagues in the House.

Mr. Speaker, I would like to commend the Robinson-Naylor-Harris family for the success of their first family reunion. I am proud to be a part of this family and I am looking forward to our next reunion.

[From the Centre View, Aug. 29, 1987]

A FAMILY CELEBRATES

(By Carol Drake Friedman)

The Robinson-Naylor-Harris family gathered on the weekend of Aug. 14-15-16 for their first family reunion. They came from 20 states, and from England and Germany, 700 strong, to renew family bonds and establish new ones, to update the family geneology, and to celebrate their family's 200-year history in the Bull Run area.

The family is descended from James (Gentleman Jim) Robinson (1799-1875), his wife

Susan Gaskins Robinson (1805-1902), and their five children, Alfred, Bladen, Etta, Tasco, and Jamimi (there may have been two other children, Diana and James, but little is known of them).

Eventually, major portions of the land on the south side of Lee Highway between Rocky Run in Centreville and the Robinson house on the Manassas Battlefield was owned by members of the Robinson family. The history of this area and the Robinson family history are inseparable.

Although Gentleman Jim was born free, his wife Susan and their children were born in slavery. Jim was able to buy his son Tasco out of slavery before the Civil War, but his son Alfred, was sold at the stone house (corner of Lee Highway and Sudley Road) to slave traders who took him to Alexandria, where he was put aboard a ship and taken to New Orleans. He was resold there to a sugar plantation owner and put to work cutting sugar cane. He told of his experiences when in 1888, he made his way back to Virginia, and rejoined his family. Several of his descendants attended the reunion.

Jim's son Bladen was just sixteen when the battle of Manassas raged through the corn fields of the Robinson farm. He hired himself as a personal valet to Yankee Captain Hill, and followed him through many battles. When the war was over, Capt. Hill paid him with $1, $10, and $20 gold coins. The coins were carefully preserved and have been handed down to several members of the family; Marguerite C. Robinson, of Washington, D.C. proudly wore her three coins, made into a necklace and earrings, to the reunion. (Oswald Robinson is also a descendant in the Bladen line, see "Profile," page one).

The descendants of Tasco and his sister Jamimi, have left a strong imprint of the history of Centreville. It was Jamimi's son, James Pendleton Robinson, who operated a gristmill and store at the fork of Cub Run and Rocky Run in the early 1900s. Lillian Robinson, also from the Jamimi line, was a midwife for many years, attending at the births of numerous babies in the Centreville area. Lillian was also one of the organizers of the reunion, and was presented with a special award from the family for her dedicated efforts.

The reunion began at the Holiday Inn at Fair Oaks, with a Friday night "get acquainted" buffet. Family members, arriving throughout the evening, were greeted with happy hugs, and children scampered up and down the halls, meeting relatives they had never seen before! Dr. Fred Crosby, a family member from Cleveland, Ohio, who conceived the idea for the reunion, and who was foremost in carrying out the plans for it, was busily collecting family history from everyone. He is a professor of African Studies at Kent State University.

Everyone was up early on Saturday to tour the original Robinson house on the Manassas Battlefield. The house was opened for the family, and Jim Burgess of the National Park Service was on hand to give a short talk and answer questions. Several family members from New York, who had never seen the house before, said they felt connected to their roots when they stood at this place. This was where it all began.

The chimney on the east side of the house bears the initials of many former Robinson tenants. Mothers pointed them out to their children, and others, looking at the worn letters, found it a time to reminisce.

After a visit to the family cemetery, everyone hurried to Bull Run Regional Park for a picnic. Ribs, chicken, salads, baked beans and cakes of all kinds were on the menu, and lines at the serving tables formed quickly. Plates were piled high and juggled to picnic tables under the trees. Adults visited and caught up on news of absent members, while children ran off their excess energy, laughing in the sunshine.

At 9 p.m. the crowd once again met in the ballroom of the Holiday Inn. The evening festivities started with an invocation by Oswald Robinson, a musical selection by Mr. and Mrs. Lawrence Coleman, and speeches by several family members, including Congressman Louis B. Stokes of Cleveland, Ohio, a member of the Congressional Select Committee on the Iran-Contra Hearings, (and a distant relative of the family).

Specially honored were the family members who were over 80 years of age. Present to accept awards were: Hedy Harris 87, Ernest Harris 90, Mavoreen Hargrove 80, Beatrice Fox 84, Julia Fields 92, Viola Payne 89, and Ruth Robinson 96. Honored, but not present, were: Annie Allen 80, Marie Johnson 86, Florence Garrison 93, Grace Barnes 82, Mary B. Robinson 85, Thomas Robinson 82, Melvin Thomas 82, and Gertrude H. Turner 97.

The awards ceremony was followed by a banquet and ball. Ruth Robinson, 96, who had arisen that morning at 4 a.m. to do her daily reading, attended all the events and was dancing at midnight—she was at church the following morning too! A gracious and lovely lady, she is an inspiration to all.

The Mt. Olive Baptist Church in Centreville was overflowing with Robinsons on the last day of the reunion. Rev. Blackmon led the congregration in a joyous service dedicated to the celebration of family. There was thankfulness too, gratitude that the family had survived through many hard times, had endured to find success, and was here, together, for this celebration.

Of special note, was family member Stefon Barbour's rendition of "Forever More" during the service. Romaine Lewis and Ben Naylor, both family members from Centreville, presented $400 to the church as a gift from the family.

At a "farewell Luncheon" served at the church following the service, amid all the reluctant goodbyes, plans for the next reunion were already underway . . . "Next year, in Ohio" . . .

[From the Centre View, Aug. 29, 1987]

PROFILE

(By Carol Drake Friedman)

From the living room of his home which overlooks the Manassas National Battlefield at Groveton, Oswald Robinson often watches the rising sun clear the morning mist from the battleground. Cannons sit quietly now where scenes of desperate combat between the sons of North and South once bloodied the soil.

During the first battle, heavy fighting centered around the original home of the Robinsons; it was a landmark on Military maps. Soldiers from both sides fell wounded in the Robinson yard, and members of the family gave what aid they could to all. The dead were buried where they fell as soon as the battle was over. Later, they were re-interred in proper cemeteries. "But there were so many that were not found," says Robinson, "when I was a boy we would plow up skulls and bones all the time. Sometimes, I would find a skull and scare smaller kids with it, my mother would really skin me for that."

Robinson's parents demanded respect for all the human relics found, and after trying to determine the soldier's allegiance by buttons or buckles, they carried the remains to the Confederate cemetery and buried them there in a common grave. There are an estimate 500 unknown soldiers in this grave.

Robinson traces his lineage from Landon Carter, a grandson of Robert "King" Carter, who took as his mistress, one of the slaves on his plantation "Pittsylvania," which was located on the north side of Lee Highway, between Bull Run and Sudley Road. A son was born in 1799, and he was named James, later known as "Gentleman Jim." James was born free. (Registration of Free Negroes—book #2, Fairfax County C.H. Archives)

When James was a boy, he was educated by an English tutor named Robinson, who was brought to this country to teach Landon Carter's two daughters, Bladen and Tasco. When he became a man, James remembered the kindness of this tutor and chose the name Robinson, for his surname.

Carter gave James four acres of land on which to build a house, and the right to go into the woods and fell trees for the purpose. James Robinson built his house, it still stands on the Manassas battlefield. Though reconstructed by the National Park Service, part of the original house is embodied in the present structure. the four acres with which James had started grew to 284 acres over the years, and was handed down from father to son until 1935, when the Robinsons sold their land for the creation of the National Battlefield Park.

Oswald Robinson was born on January 8, 1910, to James (grandson of Gentleman Jim) and Edna Ratcliff Robinson, in a 14-room house his grandfather built near the original homestead. His father and grandfather farmed the land together when Oswald was a boy, raising corn where soldiers once fought and died.

Robinson grew up in a family of nine children, with parents who were determined to have their children well educated. Eventually seven of those nine received college degrees and three went on to complete their Master's degrees.

He began his education at the one-room Manley Colored School, at the corner of Bethlehem and Balls Ford Road near Manassas, where his future wife, Adria Berry, was a classmate. there were no public high schools for black children in those days, so his parents sent him to the private Manassas Industrial High School. It was a six mile walk from his home.

Robinson has many happy memories of his childhood, but there are bitter memories too. One memory of the dark days of segregation still brings pain. Robinson had an epileptic brother who was severely ill and hospitalized at Johns Hopkins Hospital in Baltimore. When the Robinsons received word that their son was slipping away, they hurried to board a train at Manassas, hoping to reach their son to comfort him before he died. Young Oswald had gone along to bring the horse and buggy home after they were on their way.

Mrs. Robinson had a very fair complexion and when she began to board the waiting train with her husband, the conductor barred her way. "That conductor would not let that train leave Manassas until my mother went on into the white coach, and my father went into the colored coach," said Robinson, "it was the first time I ever saw my father cry; going to see their dying child and they could not be together."

In 1928, Robinson graduated from high school, and took a job teaching at the little one-room school he had attended earlier. The pay was terrible, $45 a month, but, Robinson says, "I just got hooked on teaching, I had found what I wanted to do with my life."

During the summers, he attended Virginia State College (a land-grant college for blacks in Petersburg), returning to teach at Manley every Fall. At last he completed his undergraduate work and received his degree.

When World War II came, Robinson enlisted in the Navy. He was sent to the Naval Training Center at Great Lakes, Ill., where he was chosen honor man of his training company upon graduation from boot camp. When his company debarked, to fight on the high seas, Robinson remained behind to face a different enemy—illiteracy.

The Navy had started the U.S. Navy Remedial School to educate new recruits who had little or no education. In 1943, when Robinson joined the staff, his division had 2,440 students in day and night classes; 1,789 were classified illiterate, 468 were near illiterate, 256 were remedial, and 27 were volunteer students who felt they might benefit from the classes. "After six weeks of schooling, they would be replaced by a new group," explains Robinson, "minorities in my division, whites in another division, but all victims of an educational system that did not answer to their needs." He never did get aboard a ship, but spent the war years doing what he did best—teaching.

When Robinson was released from service at the end of the war, he went back to school to earn his PhD at Catholic University in Washington, D.C., the only institution in the area that would accept a black graduate student. However, the university would not accept all of his credits; they required him to complete four more undergraduate courses before qualifying him for their doctoral program.

In 1948, when he became Principal of the Louise Archer school in Vienna, he was still spending summers at Catholic University. He completed everything but his dissertation, giving it up when he realized there would be no job in the county school system for a black with a Ph.D. It was time to enjoy a summer with his wife Adria, and his two children, Richard and Edna.

Louise Archer was destined to be the only black school in Fairfax County to survive integration, the rest were closed. The integration of Virginia schools as scheduled to take place in September 1965. Robinson would stay on as principal, and a full complement of white teachers would replace the all black faculty. He speaks with passion about this time. "When integration came, I thought it was the best thing ever to happen! I was determined to do everything I could to make it work smoothly. I couldn't help but feel, why hadn't it been that way all along? But, it did no good to look back, we had to start here and go forward."

In March of that year, Robinson and his wife were asked to attend a local citizen's association meeting to answer questions about the forthcoming integration. "There was a lot of ugly and nasty talk at that meeting, so much so, that I became physically frightened," says Robinson. "The tension was terrible, we were finally escorted out by a schoolboard member and the Assistant Supervisor."

In a conversation with the School Board Superintendent the following morning, Robinson admitted that he had had a rough time, but, he said, "I'm not going to dig a hole to hide in, I'll ride out the storm. I'll just be sure to keep my car keys in my pocket at all times!"

During the summer he demanded new furniture and text books. The parents of the children who would be attending classes in the fall were coming to inspect the school and Robinson wanted no reasons for complaints on that score. He also appointed a PTA committee to take the school census, and when it was completed, Robinson and his wife invited the seven members to their home for cocktails and dinner. "They came, and they had a wonderful time," says Robinson, "they went back to Vienna and did the best selling job that you could imagine." As September drew near Robinson and his wife sent a welcoming post card to every child who would attend the school.

Early, on opening day, Robinson met the three men who were sent by the Superintendent for his protection, and they waited for the children to arrive. Soon the buses pulled up, the doors opened, and they were happily relieved by sounds of happy, healthy children, hurrying into classrooms. There were no racial incidents—ever. In fact, the school became known for the warmth and harmony that existed between students, teachers, and administration.

Robinson remained at Louise Archer until he retired from the Fairfax County Public School system in May 1970. At his retirement dinner he presented a check of $5,000 to the school, to be used for books in the school's "Robinson Library," which was named in his honor.

Robinson has treated retirement not as a chance to rest, but as an opportunity to serve in other ways. Phi Delta Kappa, a fraternity of educators of which he is a member, asked him to visit Russia to examine and report on education in that country for a study on socialist education being conducted at Kent State University. It was the first of two trips he made to Russia; the second time, he crossed Russia on the Trans-Siberian Railway, also visiting Mongolia, then China and Japan.

In 1972 he was chosen "Citizen of the Year" by the Prince William Federation of Civic Associations, and was awarded the Washington Star Trophy for his leadership in preventing the Marriott Corp. from building a theme park adjacent to the Manassas Battlefield Park.

Among his many awards, he especially treasures the honorary life membership in the PTA, "in recognition of devoted and distinguished services to children and youth," given to him in 1974.

Virginia Governor John Dalton appointed Robinson to serve on the Governor's Biracial Advisory and Monitoring Committee in 1978. This committee reviewed and kept an eye on desegregation in the educational field. He was commended for his service.

In 1982 he visited seven countries in Africa with his son-in-law, Dr. George Jones, a Washington D.C. urologist who had performed surgery on Tanzanian Vice-President, Aboud Jumbe. In Tanzania, they were guests of President Julius Nyerere. Always the educator, Robinson walked in the late afternoon with the sandal-clad President to a grassy spot near his home; they talked at length about the educational needs of that country, and what could be done to improve it. As usual, a written report of this tour was sent to Phi Delta Kappa.

He has cut back a bit on his commitments this year, but still finds time to serve his community. He had been appointed to the Prince William Hospital Board in 1970, was elected Chairman in 1983, and today is the President of the Executive Board. He is also a member of the Executive Board of the Didlake Training Center in Manassas, which finds and gives employment to the handicapped.

Oswald Robinson's handsome stone house, which he built in 1962, and the eight acres of land surrounding it, have recently been sold to the National Park Service, but Robinson and his wife, Adria, have life tenancy. There is a garden and grape arbor to tend, and in the back yard sits a 15 foot picnic table with 17 foot benches, made with solid, giant slabs of stone. "That table weighs seven tons," he says, "I built it to last." And last it will, just as Robinson has lasted, through a kaleidoscope of experience.

ANGELINE M. "JULIE" VENDITTO

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. KOLTER. Mr. Speaker, today I rise to pay tribute to a constituent of my Fourth District of Pennsylvania, Angeline M. "Julie" Venditto.

A retiring teacher after 45 years, Angeline, of New Castle, PA, has contributed greatly to her community, being especially active since 1942.

Angeline started her teaching career at Union Elementary School, where she worked for 11 years before entering the the New Castle Area School District in 1953. She has been teaching sixth grade at Lincoln Garfield Elementary Schol for the past 34 years.

Angeline graduated from Slippery Rock State College in 1942 and did graduate work at Penn State University, Geneva College, and LaVerne College in California. She was also instructed in basic correctional training—and became a certified parole officer—at George Junior Republic in Grove City, PA.

Her professional school activities include service as treasurer of the NCAEA for 2 years and chair lady of the education committee for 4 years.

She served as president of Lincoln Garfield PTA for 3 years and served as coordinator of volunteer and parental involvement in the Head Start Program. She served as principal's aide in charge of discipline in the Humanizing Education Program.

As cooperating teacher, Angeline has supervised student teachers from several Pennsylvania colleges. Aside from teaching, Angeline has made other outstanding contributions to the community.

Her community and church activities include membership in the St. Joseph the Worker Church and service on the education committee of the parish council. She is a member of the New Castle Police Civil Service Board. Angeline is also a member of Delta Kappa Gamma, where she has served as second vice president, president, and chair lady of the professional affairs and recruitment council.

The dedicated service of Angeline M. Venditto has been a valuable asset to the New Castle Community and I am proud to introduce her and her achievements to my colleagues in the full House of Representatives.

SALUTE TO THE OHIO NATIONAL GUARD ON ITS 200TH ANNIVERSARY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. McEWEN. Mr. Speaker, the Ohio National Guard celebrates its 200th anniversary on July 25, 1988. Over the last 200 years, the Ohio National Guard has demonstrated its rich heritage of service to Ohio and the United States of America.

The Ohio National Guard has never failed to answer the call of the President of the United States to provide trained military units to defend the national security interests of our country and our allies. Througout its rich history, the Ohio National Guard has been recognized for its valor and sacrifice in combat through Presidential citations. In addition, it has among its ranks recipients of the Congressional Medal of Honor, the Nation's highest military award.

During natural disasters and other emergencies, the members of the Ohio National Guard have unselfishly given their time and energy in service to scores of communities across the State of Ohio. These men and women have accepted the challenge of their service and have contributed much to the welfare and safety to these stricken communties.

Mr. Speaker, in "The Adjutant General of Ohio—Annual Report FY 1986," Raymond R. Galloway, major general, the adjutant general, expressed his assessment of the Ohio National Guard:

Boasting a fiscal year-end strength of over 20,000 citizen soldiers and airmen, the Ohio National Guard continues to grow in size, responsibility and achievement. Through time-honored tradition and demonstrated performance, we stand ready to serve, at a moments notice, our community, our state and our nation.

Mr. Speaker, it is with great pride that I share with my colleagues in the U.S. Congress this noteworthy anniversary. On this special occasion, I salute the members and families of the Ohio National Guard for their professionalism, their dedication and their commitment to the people of Ohio and America.

H. CON. RES. 187

Whereas the Ohio Territorial Militia Act of July 25, 1788, established the Ohio National Guard;

Whereas the Ohio National Guard has never failed to answer the call of the President for trained military units to defend the national security interests of the United States;

Whereas the Ohio National Guard has been recognized for its valor and sacrifice in combat through Presidential citations and has among its ranks recipients of the medal of honor, the highest military award of the United States;

Whereas the members of the Ohio National Guard have unselfishly given their time and energy in service to the State of Ohio during natural disasters and other emergencies; and

Whereas the Ohio National Guard continues to carry on the fine and honorable tradition of loyal service to the people of the State of Ohio and the people of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, on the occasion of the bicentennial of the establishment of the Ohio National Guard, the Congress—

(1) recognizes the distinguished service of the Ohio National Guard; and

(2) commends the members of the Ohio National Guard for meritoriously serving the noble causes of freedom and justice as they preserve and protect the laws and people of the United States, Allies of the United States, and democracies throughout the world.

EXCHANGE CLUB CONTRIBUTIONS MANY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. SUNDQUIST. Mr. Speaker, while the House was in recess, an important anniversary was observed by a respected civic group in my district. For 10 years now, the Exchange Club of Nonconnah-Memphis has been serving our community with spirit and enthusiasm and touching the lives of many with its fund raising and programs.

The Nonconnah-Memphis chapter has played a leading role in establishing the Exchange Club Center for the Prevention of Child Abuse in the Greater Memphis and Shelby County Area, Inc. The chapter continues to play an active role in raising the money needed for the center's annual operation.

In addition, the Nonconnah-Memphis Exchange Club has been recognized for its ongoing programs for the community's youth, for its efforts to reward and encourage patriotism, and for it's emphasis on community efforts to fight crime and prevent fires.

Mr. Speaker, the members of the Nonconnah-Memphis Exchange Club have, for 10 years, exhibited what is best for America—the caring spirit of its people for their community and for one another. I ask the Members of this House to join me in saluting their achievement.

TURKEY BEARS MORE THAN ITS SHARE OF NATO BURDENS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. COURTER. Mr. Speaker, despite the budget constraints we face, I was disappointed to see that our military aid to Turkey is likely to be sharply reduced. That NATO ally is surrounded by radical regimes—including the Soviet Union, Bulgaria, Syria, and Iran—and yet it fields the world's sixth-largest military establishment for the benefit of the free world. At a time when we have serious concerns about the fact that Canada and some of our allies in Europe won't spend even 3 percent of their GNP for defense, it is worth remembering that Turkey spends far more than that every year, and without any exhortation from the rest of us.

Mr. Robert Hunter of the Center for Strategic and International Studies here in Washington has written a good article on the strategic importance of Turkey and its current military situation for the Army Times. I ask that it be included in today's RECORD:

TURKEY BEARING MORE THAN ITS SHARE OF NATO BURDENS

ISTANBUL.—The Bosporous, 20 miles of sparkling blue waterway that connects the Black Sea with the Sea of Marmara, cuts through Turkey and separates Europe from Asia. It represents the only territory wholly belonging to a NATO member through which military assets of the Soviet Union, in this case warships, move at will. Thus, the Bosporous and the Dardanelles strait, which joins the Sea of Marmara to the Aegean Sea, are of immense strategic value. It is a key reason that Turkey is vital to U.S. interests in this part of the world.

For the western part of the Soviet Union, the route through the Turkish straits provides the only year-round acess to the open sea. Turkey, a staunch member of the Western alliance has control of an effective choke-point against major commercial and naval resources. A sizable fraction of Soviet seaborne trade passes through here—along with that of Bulgaria and Rumania—as well as the Soviet Mediterranean fleet.

The Soviet Union, like imperial Russia before it, long has been concerned in maintaining unimpeded passage between the Black Sea and the Aegean. The most recent international agreement covering this waterway was signed at Montreux in 1936. That convention guarantees free passage for merchantmen and the warships of any state with which Turkey is not formally at war.

There are limits, however, such as the requirement that foreign warships pass through the Bosporous in daylight. That requirement is maintained today as a matter of principle regarding the Montreux Convention although, as a practical requirement, it is less important than it was in 1936.

Now, sophisticated sensors give Turkey and its allies a clear record of Soviet naval activities in this part of the world. Thus, during the 1973 Middle East war, the United States was apprised of unusual amounts of radiation being emitted from some Soviet ships passing through the Bosporous. That gave rise to fears that Moscow was sending nuclear weapons to the Egyptian port of Alexandria. There was no nuclear confrontation, but the information provided by Turkey was invaluable.

Soon, one principle will be placed under strain: limitations on warship tonnage. The Soviets are building their first true aircraft carrier at the Odessa yards and will need to move it through the Bosporous and Dardanelles en route to Murmansk and final outfitting.

That passage will violate the Montreux Convention. But the Turkish government is unlikely to object; nor is the U.S. government pressing Ankara to take a different stand. Some facts of power in the world cannot be ignored and, should Turkey object, the rest of a valuable convention could come tumbling down. To preserve legal niceties, however, it is likely that the Turks will not ask for, nor the Soviets volunteer, information about the carrier's tonnage.

Turkey's strategic importance to the West and the United States is not limited to the political peculiarities of an accident of geography that places a significant part of Soviet maritime activity at the mercy of the Turkish government's forbearance.

With 790,000 men under arms, Turkey fields the world's sixth largest military establishment. And save for a sliver of land in northern Norway, Turkey is the only NATO country with a front line on the Soviet frontier—miles and miles of it. Peaceful now, that frontier has seen its share of Soviet-Turkish struggle, plus Moscow's claims at the end of the Second World War to large sections of Turkish territory.

Despite its strategic importance, especially to see that the southeastern flank of NATO remains quiet, Turkey has had a checkered relationship with the United States in terms of military and economic aid. Following Turkey's invasion of Cyprus in 1974, the U.S. Congress cut off all assistance for several years.

Today, total U.S. aid, almost all military, is only $490 million. It comes with strings attached. For instance, no U.S.-supplied equipment can be deployed with Turkish forces that still occupy a section of northern Cyprus. The Turks also bridle at the requirement that their aid and that to Greece must be denominated in the ratio of 10 (for Turkey) to 7 (for Greece). But the ratio is less important than the limits on Turkey's share, which the Turks believe is niggardly in view of its importance to U.S. security.

The United States cannot, of course, be indifferent to Turkey's relations with Greece. The two nations formally are allies, as both belong to NATO, but their history of feuding is measured in centuries rather than years. Washington, various alliance officials, and the European states have not been particularly effective at sorting out a host of Turkish-Greek problems—including Cyprus, NATO command arrangements, sovereignty over much of the Aegean Sea, and maritime economic zones.

The United States also is engaged in a squabble with Greece over allegations that the U.S. ambassador in Athens has accused the Greek government of trafficking with terrorists. Athens rejects the charge and—in a bit of play-acting—threatens to expel U.S. bases in Greece.

Whatever the upshot of these conflicts, however, the strategic imperative remains with regard to Turkey. Nor is it profitable to succumb to the view that Turkey has nowhere else to go—that its natural antipathy to the Soviet Union will keep it a loyal U.S. ally no matter what Washington does. In theory, that may be correct. In practice, there is too much at stake on the southeastern flank of the NATO alliance to risk that, somehow, Turkey could be lost to the United States and its Western partners.

Most important, at the moment Turkey is struggling to succeed in a major experiment to return to the ranks of stable democracies in Western Europe. That has not been easy. A quarter-century ago, a Turkish military regime hanged a civilian prime minister—a point cited by today's leaders when they ask for patience by outsiders in judging their performance.

The military most recently intervened in 1980, and civilian rule was reestablished only four years ago. Thus, Turkish democratic political institutions, plus the hopes invested in them by the United States, remain fragile.

On the evening of June 29, the civilian government of Prime Minister Turgut Ozal challenged the military and won. In a successful power play, Ozal rejected the military's preferred choice for the next chief of staff and designated his own. By the next morning, the new designee had accepted his appointment and the opposing generals were on their way to retirement. In a moment unprecedented in modern Turkish history, civilians had stood firm against military doubts, to everyone's benefit.

For the United States, the success of Turkey's democratic and economic experiment is of utmost importance in this part of the world. Prime Minister Ozal has made some remarkable strides in dealing with an economy that lags behind virtually all others in Europe. He is helping to make his country ready for full-fledged membership in the European Community. But there is still a considerable distance to be covered before Turkey can be counted as safely within the camp of stable, progressive, Western states that can bear their share of the security burden. The United States recently has supplied surplus F5-E fighter aircraft, but that is not enough.

Turkey now also plays a role between the West and the nations of the Middle East—especially Iraq and Iran, continually at war with one another but on good terms with Turkey. This, plus Turkey's NATO responsibilities, clearly calls for a much greater Western commitment to this allied nation. But it should not be the responsibility of the United States, alone. In 1979, West Germany proposed a division of labor within the alliance and, for its part, assumed added responsibilities for Turkey. That pledge has never been adequately redeemed. Similarly, the United States is seeking help from Japan in protecting Middle East interests held in common. Turkey is a likely candidate for a major expansion of Japanese economic aid.

In sum, in this obscure corner of the Western alliance, Turkey is bearing more than its share of burdens on behalf of U.S. and other Western interests. If it will make the right appeals, Washington can mobilize required support for Turkey from other countries—in Europe and Japan—whose future depends on what happens here on the shores of the Bosporous. As the Soviet ships glide by, the stakes are too important for Western indifference.

IN HONOR OF HENRY FISCHER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Henry Fischer, a Holocaust survivor who went on to become a distinguished Los Angeles businessman and community activist widely recognized for his charitable endeavors. Mr. Fischer has unanimously been voted 1987 "Man of the Year" by the Gateways Hospital Men's Club.

It is for his particular care and devotion in assisting the emotionally disturbed at Gateways Hospital and Mental Health Center in Los Angeles as well as his numerous other charitable activities that Fischer will be honored at the club's 22d annual "Heal-A-Mind", Sunday, November 1 at the Century Plaza Hotel.

Henry Fischer is both an active director of the hospital and the Gateways Hospital Men's Club. He is also cited for his work as a four-time president of the Lodzer Organization which has raised millions of dollars for various charitable institutions in Israel. Mr. Fischer's charitable contributions and personal efforts for B'nai B'rith, American Heart Association, Variety Club, Congregation Beth Israel, Friars Charities, UJA, United Way and Histadrut among others, have been numerous and very generous.

As a Holocaust survivor from Poland, Henry Fischer, with his wife, Bess, arrived in Los Angeles in 1959 and immediately became involved in assisting other survivors while taking part in many community endeavors on behalf of the needy.

Henry Fischer gives his eternal blessing and gratitude for the opportunities that America has extended, for his wife, and for their daughter, Denise and her three children.

Henry Fischer, feeling, caring and giving has been a life-long trait, as he has dedicated his energies to helping others.

It is a pleasure to share the outstanding accomplishments with my colleagues in the U.S. House of Representatives. I ask that the Members of this body join me in saluting this special man.

KILDEE HONORS MS. MAXINE KRONICK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Maxine Kronick, a spirited woman whose talents and devotion to the city of Flint, MI, have profoundly improved the quality of life in my hometown.

Maxine will be leaving Flint soon to start a new life in Israel. But her enthusiasm, creativity, and love of Flint ignited a spark in our community and will leave a legacy of achievement never to be forgotten.

Maxine came to us 26 years ago from New York and embraced Flint as her own. She was born in the Adirondacks and studied theater, speech, and merchandising at the University of Bridgeport in Connecticut. At heart, however, she is a New Yorker with a Big Apple appetite for fun and the passion and energy to make it happen.

As director of Riverfests, Ms. Kronick's talents brought joy to thousands in our community and helped to revitalize downtown Flint. A ready smile and classy flamboyance are Maxine's signature and it was imprinted on every project she so proudly and professionally handled. When she went on to become promotions director of Windmill Place, a downtown marketplace, Ms. Kronick's energy and marketing knowledge boosted business and set a high standard for the job.

Her achievements, however, are much broader. She is the first woman to have achieved the B'nai B'rith Humanitarian of the Year Award and she filmed a widely acclaimed documentary on modern day Eastern European Jewry. Ms. Kronick is a former chairperson of the United Jewish Appeal Women's Division and in 1981, she received the Woman of Achievement Award from the Flint YMCA. She is also a member of B'nai B'rith Women, Congregation Beth Israel and Temple Beth El.

Mr. Speaker, as Maxine Kronick prepares to leave Flint I am honored and privileged to pay tribute to this fine woman whose heart beats with joy, whose mind races with creativity, and whose soul is guided by respect for human dignity and love.

FOOD AID TO LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. HAMILTON. Mr. Speaker, on August 19, 1987, I wrote to the Secretary of State concerning a request from the Government of Lebanon for 200,000 tons of wheat and 25,000 tons of rice under the Public Law 480 program.

The worsening economic crisis in Lebanon has created a situation in which the country can no longer afford to import its minimum food requirements. The low value of the Lebanese pound has made it increasingly difficult for lower- and middle-income Lebanese to maintain a staple diet. This situation has lead militia of various Lebanese factions to seek to expand their influence among the general population by promising wheat and flour to families in areas under their control. To help remedy this disturbing situation, the Government of Lebanon has requested United States food assistance under the Public Law 480 program. The State Department indicates in its September 9 reply that the United States is contributing $15.2 million dollars worth of emergency food assistance to the Government of Lebanon in 1987. The Government of Lebanon in turn will have this aid distributed to needy Lebanese citizens through the Save the Children Federation.

The correspondence follows:

Congress of the United States,
Committee on Foreign Affairs,
Washington, DC, August 19, 1987.

Hon. George P. Shultz,
Secretary, Department of State, Washington, DC.

Dear Mr. Secretary: I write concerning Lebanon. Although the United States Administration continues publicly to state its policy of supporting a free and sovereign Lebanon, the Central Government and the withdrawal of all foreign forces, we have, since 1984, been able to do little to influence events.

The current worsening economic crisis in Lebanon presents, I believe, an opportunity as well as a challenge. Until two years ago, despite the civil war and foreign invasion, the Lebanese Government managed to keep the value of the Lebanese pound stable—from three to five to the dollar. During the past two years, however, the value of the pound has collapsed. A year ago the exchange rate was forty to the dollar. On the Fourth of July the dollar bought one hundred and forty-nine pounds. Now, the dollar is worth more than two hundred and twenty-five pounds.

The overwhelming majority of Lebanese—the lower and middle class—apparently can hardly afford food. Almost all wheat and rice, the staple of the Lebanese diet, are imported. With the collapse of the value of the Lebanese pound, the cost of these imports is prohibitive.

Traditionally, I gather the government purchases wheat abroad, stores it in Beirut storage facilities and sells it to millers, who, in turn, sell it to bakers. The private sector, despite all of the turmoil, continues to perform remarkably well. The current crisis, however, could undermine the system. Hizballah, the Lebanese Forces, and other militias are apparently taking advantage of the crisis and are providing wheat and flour to families in areas they control, with the clear intention of expanding their influence among the general population.

Against this background, I understand the Government of Lebanon has requested a minimum of 200,000 tons of wheat and 25,000 tons of rice under PL-480 Title I. I believe honoring this request is in the interest of the United States because it would provide commodities through the traditional system of distribution and strengthen the national private sector, because it can help stem the growth of Hizballah's influence, and because the funds generated by the sale of the grain can be used to help pay the salaries of government employees throughout Lebanon.

In the past, U.S. efforts to support the Government of Lebanon have foundered on the inability of the government to provide services throughout the country. Provision of PL-480 commodities can avoid this difficulty. The Lebanese private enterprise system of millers and bakers continues to function and the provision of commodities would strengthen it.

I realize the Lebanese situation may well be beyond redemption but I believe we are not without some influence. When we have the opportunity to try to push events in the right direction, we should do so. I urge you to support the Lebanese Government request for PL-480 Title I food commodities.

With best regards,

Sincerely yours,
Lee H. Hamilton, *Chairman,*
Subcommittee on Europe and the Middle East.

U.S. Department of State,
Washington, DC., September 9, 1987.

Hon. Lee H. Hamilton,
Chairman, Subcommittee on Europe, and the Middle East, House of Representatives.

Dear Mr. Chairman: Thank you for your letter of August 19 regarding the recent Lebanese Government request for PL-480 Title I food commodities.

We share your concern about the current worsening economic crisis in Lebanon and its tragic impact upon the Lebanese people. It was this deep concern which prompted the Administration to contribute $15.2 million of PL 480 Title II emergency food assistance for Lebanon earlier this year. Through this additional assistance, the United States will provide a full year of food ration distribution of basic food commodities (rice, lentils, non-fat dried milk and vegetable oil) to 100,000 needy displace and war-affected families. Target beneficiaries of this program are located in all parts of Lebanon, and this food aid is being distributed to them regardless of their confessional affiliation. Special attention will be given to help nutritionally vulnerable groups such as childlren and the elderly.

This program will be implemented in consultation with the government of the Republic of Lebanon through Save the Children Federation (SCF). Under SCF's supervision, food will also be distributed through local private voluntary organizations and coordination committees.

We also have a modest but important ESF program in Lebanon which demonstrates our continuing support for the central government of President Gemayel. We would hope to continue this program in future years.

We are in the process of reviewing this latest request for a PL-480 program. We appreciate your comments and expression of support for continued assistance to Lebanon. Without Congressional interest, our assistance program to Lebanon could not continue.

Sincerely,
J. Edward Fox,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

THE VA'S HOSPITAL COMPUTER SYSTEM

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. MONTGOMERY. Mr. Speaker, Veterans' Administration employees continue to write to me about the ongoing debate in the Congress regarding the VA's decentralized hospital computer system [DHCP]. They strongly support the DHCP and believe it supplements the provision of quality medical care by quickly providing vital data on veteran patients.

That support is pointed out in a letter I received from Dr. Peter V. Tishler, associate chief of staff/education, VA Medical Center, Brockton/West Roxbury, MA.

Brookline, MA,
June 18, 1987.

Hon. G.V. Montgomery,
Cannon House Office Building,
Washington, DC.

Dear Sir: I deplore recent decisions by the Appropriations Subcommittees to impede the full deployment of the Veterans Administration's Decentralized Hospital Computer Program (DHCP). Currently, the Veterans Administration lags behind the private sector in data processing and communication, because of the delay in creating a system-wide computer capability. The Decentralized Hospital Computer Program offers the precise technology that will permit the VA to remedy this problem. It is an excellent system for storing and making available vital data on our patients, and it has the whole-hearted support of VA physicians.

It is not in the best interest of our veteran patients that the Decentralized Hospital Computer Program be modified or replaced. I urge you to assist us in fulfilling our mission, by ensuring the full and rapid implementation of this fine computer system.

Sincerely.
Peter V. Tishler, MD.,
Associate Chief of Staff/Education,
Brockton/West Roxbury VA Medical Center.

TAX ON SECURITIES TRANSACTIONS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. HUBBARD. Mr. Speaker, I have recently received an August 17 letter from my good friend and constituent John J. Chewning of Hopkinsville, KY, which I would like to share with my colleagues.

John Chewning, an attorney and partner in the Hopkinsville law firm of Chewning, Underwood & Cotthoff, has contacted me about his strong opposition to a proposal under consideration by the House Committee on Ways and Means which would levy a tax on securities transactions. He has expressed a number of disadvantages the proposal would have if enacted.

I hope my colleagues will take a few minutes to read and consider his timely comments. The letter to me from John Chewning is as follows:

AUGUST 17, 1987.

Re: Tax on securities transactions.

Hon. CARROLL HUBBARD, Jr.,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HUBBARD: I have just been informed that Congress is now considering levying a tax on securities transactions, one when you buy and again when you sell, even if you sell at a loss. Aren't we taxed enough? When is there going to be an end to the needless taxes?

I ask you, if the larger institutional investors escape the tax through moving their transactions and securities investments to other countries, will this help raise revenues or the nation's ability to compete internationally? I know it won't help economic growth, create jobs, or encourage savings and investments. We small investors have already paid the tax on the money earned to pay for the securities. Congress should be encouraging people to save their money and invest it to provide for their retirement rather than finding some other way to tax them. Won't you please help the small investor?

Sincerely,

JOHN J. CHEWNING.

SUPERCONDUCTIVITY

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Miss SCHNEIDER. Mr. Speaker, as a result of rapid advances made in the field of superconductivity, our scientific communities are once again on the brink of a major technological breakthrough that could allow the United States to assume a leadership role in the international high-tech arena.

Superconductivity is the ability of electricity to pass through materials without resistance and with no loss of energy. Until recently, superconductivity had no practical applications because it could only be achieved at extremely low temperatures. Early this year, however, Dr. Paul Chu of the University of Houston was able to raise the superconducting temperature to 98K—283°F.—a high enough level to make practical applications a reality. Applications could range from levitated trains that can travel in excess of 300 miles per hour, electric cars, energy transmission, imaging medical diagnostic devices, as well as superconducting electronic circuits that contain a hundred times more information power.

Dr. Roland Schmidt, Chairman of the National Science Board and senior vice president of General Electric, stated at a Congressional Competitiveness Caucus luncheon: "Superconductivity is the greatest technological breakthrough since the invention of the transistor." At the recent Federal Conference on the Commercial Applications of Superconductivity, attended by more then 1,400 scientists, business leaders and Members of Congress, President Reagan echoed Dr. Schmidt's sentiments by pledging Federal support for the research of superconducting ceramics.

Although the United States is leading in the international race to develop a practical superconductor, we must take note that there has been substantial interest in Japan. It has been painfully clear in the past that the Japanese have been able to commercialize new discoveries by having in place a well positioned implementation mechanism. The Japanese have committed a total of $9 billion over the next 3 years to conduct research on superconductivity and are redirecting resources from other programs to meet the superconductivity challenge. At the Cabinet level, advisory groups are being formed through the Science and Technology Agency, a subsidiary of the Ministry of International Trade and Industry [MITI], to consider strategy. Moreover, the Japanese Government has already instituted a series of conferences and meetings to exchange and discuss information.

Mr. Speaker, it is time for the U.S. Government to assist our industry to take advantage of the technology—from the development stage through the commercialization process. U.S. industry must devise manufacturing processes for producing advanced superconductor ceramics and other critical materials, establish on-line information gathering systems that allow for new breakthroughs to be shared by the research facilities and redirect existing research grants.

I am an original cosponsor of H.R. 3048 recently introduced by Congressman DAVE MCCURDY, and H.R. 3217 introduced by Congressman DON RITTER. Each of these bills establishes a national Federal program in cooperation with the private sector to develop potential applications of superconductivity that will contribute to our Nation's economic competitiveness and strategic well-being.

As cochair of the Competitiveness Caucus, I believe that the development of superconducting materials is an essential component of our effort to regain our competitiveness. I urge my colleagues to join me in support of legislation to establish a national superconductivity effort. Let us regain the competitive edge by tackling the future of superconductor research with a Japanese-style commitment.

REAGAN STILL RATES WELL ABOVE A 75 PERCENT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of the American people a recent article by Hank Cox entitled "Reagan Still Rates Well Above a 75 Percent." With many of my colleagues on the other side of the aisle trying to convince the American people that our country is on the economic skids, Mr. Cox correctly states that "the fact remains that this President has been one of the effective in modern history. His economic policies certainly require no defense."

Mr. Speaker, I encourage my colleagues and the American people to review Mr. Cox's article and start putting the rhetoric to rest:

REAGAN STILL RATES WELL ABOVE A 75 PERCENT

President Theodore Roosevelt was once asked how often he expected to be right in his decisions. Roosevelt replied that if he were right 75 percent of the time, he would be doing very well indeed.

For the past year, President Reagan has been taking it on the chin for his decision to send arms to Iran. It is clear the president, in making that decision, permitted his heart to rule his head, an option political leaders accept at their peril. He has acknowledged his error.

Having said all that, however, the fact remains that this president has been one of the most effective in modern history. His economic policies certainly require no defense. Come October, we will celebrate the longest sustained period of economic growth in our country's peacetime history. Unemployment continues to fall and the soaring stock market strongly suggests we are still on an upward curve.

Reagan has rebuilt our nation's defenses and slapped a lid on communist expansion. Indeed, under his leadership, it's the communists who are on the defensive, contending with anti-communist guerilla wars in Afghanistan, Africa and Central America. Even the communist nations themselves are taking lessons in economics from Reagan, loosening state controls of their economies and encouraging private initiative.

During his six and one-half years in office, Reagan has made hundreds of crucial decisions. By my count, two of them were conspicuously wrong-sending the Marines into Lebanon and sending military aid to Iran.

Any way you figure it, Reagan is well ahead of the 75 percent rate deemed praiseworthy by Roosevelt. Still, critics continue their relentless battering of our chief executive, as if those two isolated errors were the only entries on the ledger. History will afford him a more rational, and balanced, assessment.

A FORMIDABLE TASK FOR THE DEMOCRATS

Speaking of politics, the Democrats are falling all over each other trying to convince the American people our country is on the economic skids. It is a formidable task. The stock market continues to set new records, unemployment continues to decline and more Americans are working than ever before. Exports are on the rise, having jumped 15 percent in volume during the last year. And our 3.5 percent jump in productivity in 1986 was the best in the world—the first time we have enjoyed that status in 27 years.

Perhaps most significant of all were the latest data on poverty. According to the Census Bureau, the number of our citizens living in poverty declined in 1986 for the third consecutive year as some 700,000 Americans left the poverty rolls.

Overall, the poverty rate in the U.S. fell to 13.6 percent in 1983. But the real picture looks even better than that. The official statistics are based upon family income and government programs that provide non-cash assistance aren't figured into the equation. When benefits like food stamps, Medicare and subsidized housing are included, the poverty rate drops as low as 9 percent.

Still, the Democratic presidential aspirants range to and fro regarding their audicences with grim tidings of economic despair. Their complaints are eagerly amplified by journalists who apparently see nothing absured or contradictory about them.

Well, of course you could hardly expect the loyal opposition to go about saying. "You never had it so good," and it is true that not everyone has shared in the economic revival. Still, no honest person can deny that the overall situation is inestimably better than it was in 1981. That may be why they don't call it Reaganomics anymore.

A SALUTE TO THE LAVELLE VOLUNTEER FIRE CO.

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the Lavelle Volunteer Fire Co. of Butler Township, PA, who celebrate their 50th anniversay this year. To commemorate this event, the fire company will host an anniversary dinner on September 19, recognizing at this time the firemen of past and present who have provided such outstanding service and protection to the townspeople.

The Lavelle Volunteer Fire Co. has a proud and impressive history. It was incorporated on January 4, 1937, with its first order of business to purchase a fire truck. They did so with $100 collected from the citizens and bought a used truck, housing it in a one-car wooden garage. There were 93 original charter members and their efforts then, as they are today, were brave and tireless. Presently, the firefighting force consists of 168 members, three of which are original members who will be honored on September 19. They have expanded to two buildings and have three fire trucks allowing for even more effective and professional fire prevention and protection. In their 50 years, they have done a commendable job in saving the lives and possessions of many and for this they have the community's and my own gratitude and thanks.

Under the current leadership of Fire Chief Bruce Bitting, the fire company continues to thrive. With years of experience and a committed and dedicated membership, the Lavelle Volunteer Fire Co., is a most respected institution. I know that my colleagues will want to join me in offering congratulations on their 50th anniversary and in wishing them continued success and good fortune in the years to come.

MORE LOW BIRTHWEIGHT BABIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. MILLER of California. Mr. Speaker, during the summer, the National Center for Health Statistics [NCHS] released new and disturbing findings about the status of maternal and child health in this country, which should command our attention.

For the last several years, the rate of decline in the infant mortality rate has slowed, and there has been little improvement in the low birthweight rate over the last decade. Low birthweight is the leading determinant of infant mortality and childhood disabilities.

Consequently, it is particularly disheartening that, in 1985, the low birthweight rate actually increased to 6.8 percent of all live births. While only a slight increase, it seriously jeopardizes our ability to reach the Surgeon General's 1990 goal for reducing low birthweight to 5 percent of all births.

Another NCHS finding may explain why so many babies continue to be born underweight. For the fourth year in a row, there has been no improvement in the rate at which mothers received late or no prenatal care. For some groups, such as black mothers ages 15 to 34, the levels of delayed or no care actually rose by 3 to 6 percent between 1984–85. In addition, in the majority of States—29—and the District of Columbia, the proportion of white mothers receiving delayed or no care increased between 1984 and 1985; for black mothers, the proportion who received delayed or no care went up in 21 States and the District of Columbia.

These are facts we should hardly be ignoring, especially when we know that early, comprehensive prenatal care reduces low birthweight, and saves more than $3 for every $1 invested.

We in Congress have the opportunity to continue expanding Medicaid eligibility to more low-income pregnant women by supporting the Infant Mortality Reductions Amendments of 1987. I urge my colleagues to join me in supporting this critical legislation.

WHO FIGHTS FOR OUR FREEDOM?

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. EVANS. Mr. Speaker, I offer the following excellent article to my colleagues in hopes that we will all truly remember who in our country fights to maintain our freedom. I commend Mark Shields for his very accurate depiction of our Nation's current system of defense and hope that my colleagues closely review the following:

[From the Washington Post, Aug. 4, 1987]

"VOLUNTEERS" FOR AMERICA

In the mined waters of the Persian Gulf, the men and ships of the United States gamble with death. But here in Washington, there is toward that gathering crisis a conspicuous absence of concern. On Capitol Hill and among the leading commentators, the dominant attitude with few exceptions in one of detached passivity. This is not because of preoccupation with the Iran hearings, nor is it a sign of a more worldly tolerance of the use of organized force by the United States. No, the explanation for the disinterest of the powerful is more base: the American establishment has no direct, personal stake in the armed forces of this country.

The American establishment—political and journalistic—lives in a different country from those Americans whose lives are at risk off Farsi Island or those whose lives were ended in a bombed Marine barracks in Beirut. They belong to different classes in proudly classless America. It's a sure bet that any Washington dinner party guest—conservative or liberal—does not personally know a single one of the nearly 2 million enlisted Americans currently in our armed forces, but that the same guest does personally know at least one of the 20,000 Americans who have died of AIDS.

This is an indisputable legacy from Vietnam, the war that imposed no home-front shortages or rationing and demanded no civilian sacrifices. It was a war that made few Americans uncomfortable and no Americans poor. Of course, Vietnam did make 58,135 Americans dead.

In any war, most of the fighting and the dying are done by the youngest soldiers holding the lowest rank. Vietnam was no exception: more than three out of four of the Americans killed there were enlisted men between the ages of 17 and 22 and under the rank of staff sergeant. And they came, as do our current defenders, disproportionately from the working-class neighborhoods of our nation.

South Boston was just such a working-class neighborhood of approximately 2,000 draft-age young men during the 1960s. In Vietnam, 25 South Boston sons and brothers died in the service of their country. Between 1962 and 1972, Princeton graduated more than 8,000 men; six of them died in Vietnam. MIT graduated 8,998 during the same period, and two alumni were killed in Southeast Asia. Harvard graduated 12,595 men during those years, and 12 of them were killed in the war. For Notre Dame the numbers were 13,501 graduated and 38 killed.

Public pressure eventually forced U.S. withdrawal from Vietnam. That public pressure mounted then because young men from every social and economic background were at least threatened with service in that war. That particular political reality has been lost on today's peace advocates who make common cause with the Nixon-Reagan policy which rests on the flimsy moral premise that the rich and the educated ought to be exempt from defending the country.

A few passionate opponents of the "all-volunteer" military had earlier warned that such an isolated military establishment, absent the constant civilian infusion of draftees, would be a potential force in American life. Antimilitary alarmists hinted darkly at the prospect of a "Seven Days in May" type takeover of the government.

Such fears proved groundless. But the saga of Lt. Col. Oliver North suggests how a veteran Marine might intimidate a nonveteran like Assistant Secretary of State Elliott Abrams, who as a 1969 Harvard graduate supported U.S. presence in Vietnam for those young men from South Boston.

An exponent of military escalation with personal participation, along with Patrick Buchanan and a number of syndicated anti-communists, Abrams was almost certainly an easy mark for buffaloing by a swaggering combat hero like North, who survived the killing fields of Vietnam while Abrams was viewing the action from the London School of Economics.

We act as a nation when, as a people, we share the obligations and the perils of our common defense. The most fortunate have now imposed a policy that the burden of defending the country is to be in effect the exclusive burden of the less fortunate. Implicit in that policy is the premise that defending our nation is dirty work to be avoided by those who have been given more. Until we repeal the current system, which requires that the nation's defense be provided by young men and women whose names and identity are unknown to the nation's establishment leadership, that establishment will be able to treat national strategy as a theoretical abstraction, not as a specific policy option that could entail the life or death of their own sons and loved ones.

TRIBUTE TO THE LATE CARMEN N. AUGUSTA, MASTER BARBER OF PATERSON, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. ROE. Mr. Speaker, it is with the deepest sadness and the most profound admiration that I rise today to honor the memory of a former constituent who left an indelible mark on the city of Paterson, NJ, during his more than seven decades there as a dedicated husband, father, neighbor, and public servant. I speak of the late Carmen N. Augusta, who passed away in Florida last month at the age of 80. He will be dearly missed by all who knew him.

Mr. Speaker, Carmen N. Augusta was a model of selfless devotion to his family and community. A barber by trade, and an outstanding one at that, until the time of his death last month, he was the only living charter member of Chapter 855 of the Associated Barber/Stylists and Beauticians of America [AMBBA]. Before he retired to Florida in 1980, Carmen's barber shop on Paterson Street was an institution in Paterson, and one of the city's most popular gathering places.

Carmen N. Augusta was born January 8, 1907, and attended Public School 15 in Paterson and, later, Paterson High School. He also spent 16 months in school in Italy from 1921–1923. He and his wife, Angie, who were married on June 1, 1929 at St. Anthony's Church in Paterson, have one son, Carmen, Jr., who is married to Ann Devine; two grandchildren, Raymond and Patricia Ann, and three great-grandchildren, Melissa, Nicholas, and Ann Michele.

Mr. Speaker, Carmen N. Augusta served his community in many ways and was never too busy to lend a helping hand to those who needed it. Active in many phases of community service, his was the guiding spirit behind the organization of the first PTA of St. Anthony's R.C. School, and he served as its first president, as well as drum major of the St. Anthony's Fife and Drum Corps. Mr. Augusta, who also served 4 years with the 113th Infantry of the New Jersey National Guard, was a past governor of Chapter 553 Loyal Order of Moose, executive board member of St. Anthony's Catholic Club and was president for 17 years of the Santa Croce Society of Paterson. He also served as secretary-treasurer of the Franklin Lakes Lions Club and was an active member of B.P.O.E. Lodge 60, Paterson Elks.

Carmen N. Augusta also served his community in other ways. He spent 6 years as a city commissioner on the Paterson Human Rights Commission, serving as chairman for 2 years. He also was appointed to the Mayor's Advisory Commission on Urban Renewal, to which he devoted 4 years of his time.

In the field of labor, as well being a charter member of Paterson Chapter 855 AMBBA, he also served many years as president, past president and advisor of Associated Master Barbers of New Jersey; 9 years as educational chairman for the State of New Jersey AMBBA; chairman of educational and trade shows for his chapter and State association; legislative committee member and chairman of the State association and he helped establish Chapter 1191 AMBBA in the city of Paterson.

Carmen N. Augusta retired to Florida in 1980 where, as membership representative for that State, he formed six AMBBA chapters.

Mr. Speaker, Carmen N. Augusta made so many contributions to his community, State and Nation that there would not be enough time to recount them all here. His was the kind of involvement and enthusiasm which makes communities thrive and is ultimately the backbone of our great country. All of us from the State of New Jersey salute Carmen N. Augusta and the many accomplishments which make us deeply proud to have known him.

ISSUES RAISED TO BORK NOMINATION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. DELLUMS. Mr. Speaker, today my colleagues in the other body begin their confirmation hearings on the nomination of Robert H. Bork to be an Associate Justice of the U.S. Supreme Court.

During these confirmation hearings I would ask them to consider at length the important issues raised by Michael Ratner and Margaret Ratner in yesterday's Los Angeles Times. Judge Bork's views on the nature of the imperial Presidency need to be examined in depth, because of the implicit danger they present to the checks-and-balances system of Government laid out in our Constitution.

The full text of the Ratners' article is printed below.

[From the Los Angeles Times, Sept. 14, 1987]

BORK WOULD RUBBER-STAMP THE IMPERIAL PRESIDENCY

(By Michael Ratner and Margaret Ratner)

One of the central issues that the Supreme Court will face in the near future is whether a President's actions are limited by law and subject to the will of Congress and the American people.

The Iran-*contra* scandal has exposed a President and a staff with an exaggerated view of the power of the executive branch of government. This is especialy true in the realm of foreign affairs, where the Administration asserts that the President has exclusive power over foreign policy, including the power to support a war against Nicaragua contrary to the intent of Congress as expressed in the Boland Amendment. It has actually taken the position, moreover, that the independent-counsel law—possibly the only means of checking presidential and Administration abuse of authority—is unconstitutional. It has reregistered Kuwaiti ships to protect them in the Persian Gulf without complying with the explicit requirements of the War Powers Resolution.

Under these circumstances, this country cannot afford to have Robert Bork as a Supreme Court justice.

Bork believes that the President should have expansive and unlimited powers over foreign affairs and the war powers. He believes that the courts should have no role in keeping the President within his constitutional limits, even when such power entrenches on congressional prerogatives.

Bork has set forth his views on the plenary power of the executive to conduct foreign affairs unfettered by legislative or judicial constraint. This view allows the President to assert much of the war power that the framers specifically reserved for Congress.

In his dissent in Abourezk vs. Reagan, Bork said that special deference must be given to the President's authority to make and implement decisions relating to the conduct of foreign affairs, and noted that the power over foreign affairs is "fundamentally executive in nature." For this proposition Bork relied on the Supreme Court case of United States vs. Curtiss-Wright Export Corp., and its much criticized language regarding the "plenary and exclusive power of the President" over foreign relations. It was this case and language that Lt. Col. Oliver L. North relied on in his congressional testimony when he said that the President and the National Security Council could disregard the Boland Amendment and make war against Nicaragua.

Bork's position on the bombing of Cambodia during the Vietnam War also reflects this expansive view of the President's powers. When Richard M. Nixon launched an intensive bombing and ground attack against neutral Cambodia without congressional authorization, Bork testified before Congress that the President had ample authority for his action. Bork explained that it was merely a tactical operation, that Congress was powerless to stop the invasion of Cambodia and that any such efforts would "constitute a trespass upon the power the Constitution reposes exclusively in the President."

This position is also a highlight of Bork's testimony in opposition to congressional efforts to impose a warrant requirement to protect private conversations from wiretapping. This testimony occurred after the Church Committee, in the mid-1970s, had detailed serious abuses on the part of intelligence agencies. Nonetheless, Bork said that a warrant requirement would be unconstitutional because it would interfere with the President's power over foreign affairs and that the "conduct of intelligence activities is basically a function of the executive branch and comes within the constitutional powers of the President." In other words, Bork would provide carte blanche to the President to use the intelligence agencies as he chooses, and with no controls.

In testifying against the constitutionality of the independent-counsel law, he said that it would be unconstitutional for Congress to pass legislation insulating the special prosecutor from the power of the President to hire and fire law-enforcement officers. Thus, if he should be on the Supreme Court, no one should be shocked if Bork votes to strike down the laws authorizing independent counsels to investigate the Iran-contra scandal. Bork, after all, was in charge of the "Saturday night massacre" in which Archibald Cox, the special prosecutor appointed by Nixon, was fired.

Bork's narrow view on the role of the courts in deciding controversies concerning the allocation of power between Congress and the President has the direct effect of increasing presidential powers.

His views about judicial review are contrary to almost 200 years of American jurisprudence. In the bedrock case of Marbury vs. Madison, Chief Justice John Marshall said, "It is emphatically the province and duty of the judicial department to say what the law is." Without such a role for the courts, we would not have a government controlled by the Constitution, but one that could easily degenerate into tyranny.

Bork's views on the Imperial Presidency are well documented. We do not need to guess how he would decide the legal issues arising from the Iran-contra scandal. His appointment to the Supreme Court would guarantee a further erosion of the constitutional scheme of separation of powers. He is not the justice whom we need on the court today.

Michael Ratner is the legal director for the New York-based Center for Constitutional Rights. Margaret Ratner is the organization's education director.

A TRIBUTE TO THE INFORMATION, PROTECTION, AND ADVOCACY CENTER FOR HANDICAPPED INDIVIDUALS, INC. [IPACHI]

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. MFUME. Mr. Speaker, I rise today to bring to the attention of my colleagues the work of the Information, Protection, and Advocacy Center for Handicapped Individual's (IPACHI), formerly the Information Center for Handicapped Individuals [ICHI]. IPACHI is a public interest, community-based, nonprofit agency designed as the protection and advocacy system for both developmentally disabled individuals and individuals with mental illness, who reside in the District of Columbia, as mandated by Public Law 98-527 and Public Law 99-319, respectively.

The center has had, as its primary purpose since its inception in 1969, the representation of, and advocacy for, the interests, needs and rights of handicapped individuals.

On September 18, 1987, IPACHI will hold its annual conference at the Grand Hyatt Washington. This year's theme is Advocacy—A Shared Responsiblity.

Keynote speakers are: Mr. Vernon Hawkins, acting commissioner, D.C. Commission on Social Services; Dr. Robert Washington, commissioner, D.C. Commission on Mental Health and Dr. Reed Tuckson, commissioner, D.C. Commission of Public Health.

The morning workshops will address issues in special education and advocacy. Afternoon workshops will focus on children in residential facilities and AIDS. The luncheon speakers include Parren J. Mitchell, former Member of Congress, now chairman, Minority Business Enterprise Legal Defense and Education Fund, Inc. The mistress of ceremonies is Angela Owens, editorial director, WRC-TV, Channel 4 News.

The Second Annual Roland J. Queene, Sr. Memorial Award will be presented to Dr. Jacqueline McMorris, pediatrician and clinic director, Developmental Evaluation Clinic, D.C. Commission of Public Health, Crippled Children's Services. Catherine Liggins Hughes, owner-manager, WOL-AM will receive IPACHI's Community Service Award for outstanding service to the Washington community. First Lady of the District of Columbia, Mrs. Effi Barry will bring greetings from the Mayor.

The executive director for the Information, Protection, and Advocacy Center for Handicapped Individuals, Inc. is Mrs. Yetta W. Galiber. Under her direction, the center produces the following publications: the Directory of Services for Handicapping Conditions, a contemporary and exhastive directory of services for handicapped conditions; Access Washington, a guide to Metropolitan Washington for physically disabled individuals containing information on accessibility of recreation facilities, restaurants, sites of interest, and theaters; and Here Comes the Sun, a directory of summer programs for handicapped children, youth and adults.

In 1971, Mrs. Galiber initiated the Christmas Store for Needy Handicapped Children. Last year, more than 15,000 children were served by the store, purchasing toys with play money. The center also sponsors the Ms. Wheelchair D.C. Pageant, which recognizes the accomplishments of disabled women in the District of Columbia, despite the attitudinal and architectural barriers which confront them.

THE LIABILITY INSURANCE CRISIS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. LAGOMARSINO. Mr. Speaker, lawsuits and awards have significantly escalated during the past 10 years. The impact of this on business and the consumer is devasting. Many of us in the Congress and the administration feel strongly that this is an important national issue.

In my conversations with small businesses in my district they have expressed to me their great concern. For example, between 1974 and 1985, the number of product liability lawsuits filed in Federal district court increased by 758 percent. The number of medical malpractice lawsuits per 100 physicians doubled between 1979 and 1983 and tripled for obstetricians/gynecologists. Furthermore, between 1975 and 1985 the average medical malpractice jury verdict increased from $220,018 to $1,017,716 and the average product liability verdict increased from $393,580 to $1,850,452.

This is a big problem for small businesses that, in too many cases, are forced to close down operations, lay off employees or discontinue product lines. As a member of the House Liability Task Force I believe that Congress must address this problem without further delay.

NEW POVERTY FIGURES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. MILLER of California. Mr. Speaker, recent reports have trumpeted the decline of poverty for America's families, according to the Census Bureau's annual work on income and poverty. Poverty in America dipped slightly in 1986, measuring 13.6 percent compared to 14.0 percent in 1985. While the administration points to these numbers as proof that the recovery is working, a closer look reveals a different story for millions of American families.

While poverty rates across-the-board have declined very slightly, the number of poor mother-only families has continued to increase. In 1986, 34.6 percent of female-headed households lived in poverty compared to 34 percent in 1985. Female-headed households have increased their share of poverty as well. Last year, 51.4 percent of families below the poverty line were made up of female single-parent families, compared to 48 percent in 1985 and 45.7 percent in 1982.

What is so disturbing about these trends is that poverty persists among mother-only families despite increased work effort and fewer children. Over 40 percent of female heads of families worked in 1986 yet were still poor—a 10.5-percent increase over 1982. In addition, the average number of children in poor families headed by women declined from 2.19 in 1982 to 2.13 in 1986.

This year's Census Bureau scorecard on poverty informs us that, contrary to popular opinion, poverty persists among women with children despite their efforts to work more and have fewer numbers of children.

As Congress focuses on welfare reform and other efforts to improve the economic security of poor families, we must recognize that requiring women with children to work will not, in and of itself, lift their families out of poverty. Effective welfare reform must include affordable, safe child care, education, and job training. And it should be combined with other efforts to improve the lives of the working poor—an increased minimum wage, mandated health benefits, and pay equity. If Congress cannot fashion legislation to improve the quality of jobs available to this group, then we will have failed in our stated goals to achieve their independence.

ELDERLY CARE: A CASE OF CATASTROPHIC CONFUSION?

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. DONNELLY. Mr. Speaker, I am submitting for the RECORD today an article from Business and Health magazine titled "Elderly Care: A Case of Catastrophic Confusion?". This excellent article points out what the "catastrophic" bill we recently passed and that the Senate is taking up this week doesn't cover.

As I said on the floor the day I voted against that bill, it doesn't address the long-term care needs of America's elderly, and it doesn't stop physicians from balance-billing senior citizens. But those legitimate concerns were brushed aside in a game of legislative one-upmanship with the White House.

I believe that the Congress should seriously reconsider the entire catastrophic issue and focus on where the real needs of America's elderly lie. To that end, I am submitting this article to continue the debate:

ELDERLY CARE: A CASE OF CATASTROPHIC CONFUSION?

(By Judith R. Peres)

After nine months of congressional debate, there is widespread misunderstanding as to what is catastrophic coverage. It is clear that there are unmet needs for health and long-term care coverage and they will still go wanting after so-called catastrophic legislation is passed. The current confusion stems from various interpretations of what constitutes a financial catastrophe. Questions need to be asked about the current catastrophic proposals. First, what are the health care coverage gaps that result in catastrophic costs for Americans' citizens? Second, who will receive the benefits and who will pay its costs?

WHAT IS CATASTROPHIC TO WHOM?

Protection against financially catastrophic health care expenditures has been considered in one form or another for decades, but no consensus has been reached on the definition of catastrophic. Catastrophic medical costs are large and unpredictable health care expenses that can be measured either in flat dollar amounts, for example, $5,000 in medical costs in a 12-month period, or in percentage of gross income, generally defined as costs exceeding 10 percent gross income. What is critical in this first differentiation of catastrophic is that a medical cost of $5,000 can be devastating for a lower income family but not account for 10 percent of a more affluent family's $60,000 income. An additional difficulty in understanding this issue is that large out-of-pocket health care costs are not associated solely with rare illness events. A 1986 study using data from the 1977 National Medical Care Expenditure Survey (NMCES) found that low income and poor health insurance coverage accounted for catastrophic expenditures in four out of five families who spent 10 percent or more of their income on medical care. Therefore, there is a tension between the notion of a high cost catastrophic illness event and the severe catastrophic financial burden on a particular individual or family. Since incomes, debts and savings are unequal, one person's inconvenience can be another person's catastrophe.

The Reagan administration has focused on a flat dollar amount of out-of-pocket burden for the Medicare population in its catastrophic illness coverage proposal. Congress has modified that proposal by enhancing coverage and varying the financing by ability to pay but has not endorsed the idea of defining catastrophic as a percentage of income. Economists, such as Martin Feldstein, chairman of the Council of Economic Advisors under President Reagan, have examined this issue and concluded that a percentage of income is more equitable from a social welfare perspective.

In his November 1986 Catastrophic Illness Expenses Report to the President, Department of Health and Human Services (HHS) Secretary Otis R. Bowen found the most useful definition of catastrophic expense to be a flat dollar cap that allows for the identification of illness costs that can be borne by individuals and families without having to "significantly change their expectations of living standards in the future." It dismisses a percentage of income threshold as not satisfactory because, for extremely low income populations, it would define as catastrophic the expense levels associated with routine and normally budgetable health care costs. The report goes on to say that the problem of low income levels is different from the problem of health care expense coverage, and is dealt with appropriately by different public policies. In defining catastrophic in this way, the Bowen report fails to acknowledge financially devastating levels of out-of-pocket expenses for lower income persons and limits its discussion to acute and post-acute health care.

Bowen's recommendations addressed three major parts of the catastrophic illness coverage problem: acute care catastrophic protection for the elderly; long-term care protection alternatives; and catastrophic protection for the general population. Yet as introduced later by the President, the narrowly crafted plan only proposes to mandate improvements for Medicare. It merely "aims to improve protection for the general population and for the long-term care of the elderly" through suggestions for private industry and state governments. Nonetheless, it provided a springboard for the current catastrophic care debate.

POOR ELDERLY AT GREATEST RISK

Today, older Americans are spending a higher proportion of their incomes on health care than was the case when Medicare was first enacted in 1965. Twenty-two years later, catastrophic health care costs have been identified once again as a major problem for the nation's elderly. The real issue is in the way the root of the financial hardship is understood and approached. According to the Congressional Budget Office (CBO), not including nursing home and other long-term care, the elderly spent an average $1,055 on their own medical expenses in 1984—more than three times the amount ($310) spent by persons under age 65. Counting nursing home costs, average out-of-pocket health expenses reached $1,705 per year for the elderly—more than five times the cost experienced by others. As alarming as these figures are, they provide little insight into the distribution of economic pain experienced by this nation's seniors.

Except for nursing home needs and unusually long hospitalizations, Medicare has been an effective cornerstone in meeting daily medical needs of the elderly with incomes above $20,000. Used in conjunction with private supplemental insurance, Medicare has kept health care costs for the higher income elderly to a very manageable portion of their budgets. The opposite is true for lower income seniors. Contrary to beliefs about the greening, that is, the growing wealth of the aged, millions of older Americans are experiencing dwindling resources as a result of out-of-pocket medical costs frequently ranging from one-quarter to one-third of their incomes. This certainly is true for a large portion of the 3.3 million elderly poor. It also is the case for a substantial portion of an additional 8.1 million economically vulnerable seniors, whose incomes fall below 200 percent of the poverty line, which, for an elderly person living alone, is $5,360 per year. For these 11.4 million lower income aged, who comprise 42 percent of the elderly population, catastrophically high health care costs are common occurrences. These hardship conditions may be exacerbated, not ameliorated, by most of the pending catastrophic health care proposals.

MEDICARE GAPS WIDENING

Medicare out-of-pocket expenses fall into two categories: services that Medicare does not cover; and expenses such as deductibles, premiums and coinsurance. Medicare fails to cover a wide array of health care needs that are essential to the aged population, such as prescription drugs, dental care, basic preventive services, prosthetic devices, eye glasses and hearing aids. Chronic nursing home and other long-term care also are excluded.

Although the scope of Medicare's protection has not changed materially in recent years, the effects of its coverage gaps have been exacerbated by skyrocketing health costs. This is clearly evident for prescription drugs. The elderly account for 28 percent, or approximately $8 billion per year, of all prescription drug costs even though they constitute only 11.7 percent of the population. From January 1980 through 1985, prescription drug costs rose by 66 percent. It is not unusual now for an elderly person with a common health problem like angina, diabetes or arthritis to pay $50 or more per month for drugs. For lower income elders particularly, prescription drug costs alone can represent a very significant percentage of their income. This summer, the House of Representatives approved an amendment to the catastrophic bill that allows for some prescription drug coverage.

Also, the services that are covered by Medicare—hospital care (Part A) and physician services (Part B)—require elders to share the costs and these out-of-pocket expenditures have increased dramatically in recent years. For example, for each "spell of illness" in a hospital, Medicare requires the patient to pay a deductible of $520. This figure—up 189 percent in the last seven years—is a significant burden, especially for approximately 20 percent of beneficiaries who have no supplemental insurance.

Ironically, congressional efforts to control Medicare's hospital costs have had the unintended effect of increasing the Part A deductible and other out-of-pocket costs for elders. In 1983, Congress introduced the prospective payment system (PPS), which forced hospitals to be much more cost conscious in their patient care. As a result, hospital administrators have every incentive to discharge Medicare patients much sooner. Since PPS began, average hospital stays by Medicare patients have decreased by approximately two days. Patients discharged earlier now must shoulder a wide variety of health related costs in the home—costs that previously were picked up by Medicare's hospital coverage. In a 1987 report, the Prospective Payment Assessment Commission (ProPAC) identified a $550 million cost shift to beneficiaries as a result of PPS.

Elderly individuals also are paying a substantial amount under Part B, and pending catastrophic proposals would add to that cost sharing in the future. To receive Part B coverage, seniors must pay a premium, which has risen from $115.20 in 1981 to $215 currently—an increase of 86 percent. Once enrolled, Medicare's coverage starts only after beneficiaries pay a deductible of $75, up from $60 in 1981.

Beyond these initial costs, patients covered by Part B must pay 20 percent of all physicians' bills up to Medicare's reasonable charge levels. The federal government does not prohibit physicians from charging fees in excess of those levels, and approximately 70 percent of all physicians charge some or all of their Medicare patients higher amounts, called balance billing. These patients must pay the full amount of the excess. In fact, in Bowen's report, Health Care Financing Administration (HCFA) actuaries indicated that 22 percent of the out-of-pocket costs for beneficiaries expending $2,000 or more was a result of balance billing. The rock bottom cost experienced by a hospitalized beneficiary—involving only Medicare's deductibles and premium—is currently $810. Add to this the normal 20 percent coinsurance, plus the full brunt of physician charges above the reasonable charge level, and the expenses are likely to be considerable. When prescription drug bills and costs associated with the services uncovered by Medicare are factored in, the potential for economic catastrophe is significant.

The impact of these costs is dramatically different for lower income seniors than it is for their brethren who are better off. For the higher income aged, these out-of-pocket expenses may be an undesired irritant, but generally are a fraction of annual income. Additionally, the vast majority of higher income seniors purchase private supplemental—that is, Medigap—insurance, which, although not usually cost-effective, insulates them against Medicare's deductibles, copayments and in some cases prescription drug costs. Thus for higher income elders, adequate protection exists if they do not need nursing home or other long-term care, and if they are not in the one percent of the aged who require hospitalization for more than 60 days a year.

CONSTRAINTS UNDER MEDICAID

Perhaps the least understood facet of lower income elderly's health cost problems, however, is the inadequacy of Medicaid, the health care program for the poor. It is mistakenly believed that Medicaid covers impoverished and economically vulnerable elders for virtually all medical costs and thereby acts as an effective wraparound policy to Medicare. Unfortunately, this assumption generally is not true. Although Medicaid provisions vary from state to state, for a majority of the aged poor, Medicaid provides no relief at all. According to the U.S. Census Bureau 1984 Current Population Survey, only 36 percent of the noninstitutionalized aged poor participate in Medicaid. This means that two out of three impoverished elderly not in nursing homes receive no Medicaid assistance, thus bearing the full brunt of Medicare's deductibles, premium, cost sharing and uncovered services.

Medicaid coverage does eliminate the out-of-pocket physician and hospitalization costs for some elderly in most states. Currently 2.8 million seniors are dual eligibles, that is, Medicare at least has purchased the Part B premium on their behalf but does not necessarily pay the deductibles and coinsurance. In general, aged Medicaid beneficiaries are likely to receive help for some of the services not covered under Medicare, such as the partial prescription drug coverage offered under Medicaid in 46 states and the District of Columbia. Thus, the potential for significant health care relief is present under Medicaid.

Usually, seniors must meet the extremely low income and liquid asset levels set for the Supplemental Security Income (SSI) program to qualify for Medicaid assistance. In most states the annual income eligibility limit for a person living alone is $4,080 and, in the minority of states that have higher limits, only three—California, Connecticut and Massachusetts—have eligibility standards above the poverty line. Additionally, an aged person fails to qualify for SSI if his or her liquid assets exceed $1,800, a standard that limits program eligibility to the financially destitute. Of those who fall within these standards, many do not participate because they are unaware of the program's existence and requirements. Hence, senior participation in SSI and in Medicaid is limited to some of the poorest of the poor. Most impoverished elders, and an even larger portion of the economically vulnerable, receive no protection from growing catastrophic health care costs.

Most Americans generally are unaware that neither Medicare nor their private Medigap insurance covers the high costs of long-term care. Of the $35.2 billion in nursing home expenditures in 1985, Medicare paid only 1.7 percent; the rest came from Medicaid and personal resources. The reason for Medicare's small contribution to financing nursing home care lies in the very nature of the program's nursing home benefit, which limits coverage to hospital extended acute care and does not include custodial care.

Although Medicare does pay for unlimited numbers of home health visits without a prior hospitalization requirement, coverage is restricted to those who are homebound and are in need of skilled nursing care, physical therapy or speech pathology under physician supervision. In addition, because it recognizes only a medical model of home health care, Medicare does not pay for many of the social support services that might allow more elderly impaired individuals to remain in their own homes.

Medicaid, on the other hand, is the largest public financing mechanism for long-term care. Accordingly, Medicaid payment for nursing home services in 1985 amounted to almost $15 billion. Added to the personal pain and suffering individuals experience as they decline in their ability to perform even the basic activities of daily life is the fact that long-term care is the leading cause of catastrophic health care expenditures. Data from CBO show that an estimated 47.5 percent of elderly receiving Medicaid in nursing homes were not eligible when they first entered. This figure alone illustrates the number of individuals who have spent down to poverty levels to receive any type of coverage for their nursing home care. Many find the notion of exhausting a lifetime of savings and applying for public assistance a severely demanding and overwhelming prospect in their old age.

PITFALLS OF CURRENT PROPOSALS

Other than financing, the catastrophic coverage plans being considered by the administration and Congress closely resemble each other in design, but none goes far enough to meet elders' needs. Under the administration's plan, beneficiaries could pay an additional $6.10—rising to $8.70 in 1992—a month above the regular Part B premium of $17.90. In return, they would be guaranteed that their out-of-pocket costs would not exceed $2,000 a year in 1988 for hospital and physician costs covered by Medicare.

Legislation proposed by the House of Representatives (H.R. 2470) and the Senate (S. 1127) also attempts to provide some insurance against catastrophic illness. The House bill sets the catastrophic cap at $1,784 in 1989. The Senate version sets the cap at $1,700. Both caps limit beneficiary cost sharing for Medicare covered services only. They differ slightly in coverage design.

An out-of-pocket cap that applies only to expenses specifically covered by Medicare does not address the burden for most beneficiaries. Only 5 percent of Medicare beneficiaries experience out-of-pocket spending in excess of $2,000. However, according to health care analysts John R. Gabel and Thomas Rice, of beneficiaries experiencing out-of-pocket expenses greater than $2,000, 80 percent of cases are a result of nursing home costs. In addition, The Urban Institute has calculated that based on the March 1984 Current Population Survey data, 43 percent of all elderly had liquid assets of less than $2,000.

The major difference among these proposals is their financing. The administration's plan is financed with an across-the-board increase in the Part B premium. The House plan sets a basic premium of $1 a month and a supplemental premium or surcharge on the income of tax paying elders. Estimates indicate that in 1988 the maximum charge of a supplemental premium would be $580 and $930 in 1992. The premium would rise each year to reflect the increase in the cost of Medicare benefits. Most important, the House plan requires Medicaid to pay for all Medicare copays, deductibles and premiums for beneficiaries at or below poverty levels. The Senate bill calls for financing the program with an additional $4 a month premium and a $12 surtax on each $150 in income tax an individual may owe. In 1988, the maximum surtax would be held to $880 for an elderly couple. That limit would rise to $1,000 by 1992. The lack of mandated Medicaid protection for those beneficiaries actually may be harmed by the Senate proposal. The flat premium would be taken out of Social Security checks and would reduce Social Security benefits by $48 in 1989 and by $82 in 1992.

These proposals and the current debate on catastrophic coverage highlight the major conflict between the escalating acute and long-term care health needs of a growing elderly population. This crisis thus must be viewed as an opportunity for change. To reduce the incidence of financial catastrophe for economically vulnerable elders, caps on out-of-pocket spending must not only take income into account, but also must apply to spending for a broader range of services than Medicare now covers. At the very least, the House version, which protects poor elders by mandating Medicare out-of-pocket payments to be paid through Medicaid, offers a provision that must be maintained.

CHILD CARE AND THE ECONOMIC EQUITY ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Ms. SNOWE. Mr. Speaker, I would like to call your attention to a serious dilemma facing America's working parents today. Providing adequate out-of-home day care for our Nation's children has become a necessity as increasing numbers of women continue to enter the work force. If current trends continue, by 1995, more than three-fourths of children ages 6 to 17 will have a mother in the labor force. The number of these children will reach 34.4 million, a 37-percent increase over the 1980 amount and a 34-percent increase over the 1985 figure.

With more women working and more children to be cared for, the need for affordable, reliable day care becomes obvious. Presently, however, this type of day care is scarce in many areas of the country, and it can be extremely costly when available. The cost of day care for one child can range from $1,500 to $10,000 per year. Most parents using day care today spend approximately $3,000 per child per year. Parents who cannot afford this expense tend either to reduce their work hours or leave their children unattended. For most of these parents, it is imperative that they work in order to support themselves and their families. However, it is also necessary that their children be given the proper amount of nurturance that is so essential to their development as healthy, well-adjusted individuals.

An insightful article in the July 31 Washington Post summarized this problem and outlined what some of today's corporate executives are doing to aid their employees. Presently, several corporations are attempting to meet the changing needs of their employees by providing onsite child care. Company executives who formerly did not recognize the child care problem are now using their increased awareness of the situation to the benefit of themselves and their employees. Recent studies have shown that, by providing corporate-sponsored child care, employers have improved recruiting and personnel relations, as well as stabilized their work force. Additional studies have shown that this child care is a positive factor in the acceptance of employment by parents. That is, by providing care for children, corporations are helping their employees to enter and remain in the work force.

Mr. Speaker, in light of this information, I would like to bring the attention of my colleagues in the House to legislation that Representative SCHROEDER and I have introduced, the Economic Equity Act of 1987, H.R. 2577 which currently has 91 cosponsors.

This measure aims to ensure that America's youth are properly cared for while their parents can still remain in the labor force. The Economic Equity Act of 1987 includes provisions that would allow for training for family day care providers, improvement of State child care standards, a dependent care tax credit, mortgage financing of family day care centers, and a latchkey provision which would ensure the maintenance of before- and after-school programs for children whose parents work. I strongly urge my fellow colleagues to help secure the well-being of American workers and their children by cosponsoring this important piece of legislation.

The above-mentioned article follows:

[From the Washington Post, July 31, 1987]

SELLING CHILD CARE

(By Judy Mann)

Cheri Sheridan, founder and president of Play and Learn Corporate Child Care, has been involved with setting up corporate-sponsored child care for more than three years. Part of the way she makes her living is by persuading people who run companies that their work force might be better off if the company gave them a hand with child care. And she's figured out a way to do it.

"I use quotes from other CEOs who say it is worth doing," she says. "You really have to be able to demonstrate that other people are doing it. There's a certain sense of wanting to stay current. Very often the conversation starts out with: 'We don't have a child care problem here.' Then you start asking questions about how many men they have, how many women, what's the average age. And slowly the light may dawn that day care may be an issue here."

Then she brings out a summary sheet that tells employers what day care can do for them. There is the 1982 survey of 204 companies asking why employers offered day care. The number one reason was it helped with recruitment; the second reason was that it improved personnel relations, and third, was it stabilized the work force.

Sheridan, who has been involved with setting up the corporate-sponsored child care center at Tysons Corner, helped conduct the survey of businesses there to determine what their problems were. "Their number one problem was recruitment and morale was second." Day care suddenly looked like a good fit.

Her summary sheet cites a 1984 survey of 178 companies about the impact that provision of child care had on their work force; 90 percent of the companies said morale was positively affected, 85 percent said it had helped with recruitment, 83 percent said workers' satisfaction was improved, 65 percent said it reduced turnover and 53 percent said it reduced absenteeism.

Then there is the study of 700 employees of companies offering some sort of child care: 38 percent said the child care was a factor in their accepting the job, 69 percent said it was the reason they stayed with their employer and 63 percent said it created a more positive attitude toward their employer.

"At a Harvard seminar, they asked the CEOs what their work force was composed of," says Sheridan. "Seventy percent said it was dad at work and mom at home with the kids at the playground. The reality of it is that less than 25 percent of American families conform to that model. There was a recent Department of Labor study that showed that two-thirds of women in the work force are working to be self-sufficient: 25 percent are single, 12 percent are divorced, 5 percent are widowed, 4 percent are separated and 17 percent are married to men earning less than $15,000 a year. That sort of bypasses the comment that we wouldn't have this problem if women stayed at home.

"A lot of the decision makers have never had a day care problem in their life," says Sheridan. "One of my goals for PAL is to improve the quality of day care by making the CEOs aware."

PAL is presently operating two centers in large office complexes that offer the benefits of on-site day care without burdening companies with running a center. "Something that's been the most astonishing thing to me has been the impact on the kids," says Sheridan. Instead of having tears in the morning when a child is dropped off at a center, the children know their parents are nearby. "When the kid is hurt and needs stitches and mom or dad are there in 2 minutes it builds a sense of trust."

Sheridan has been working with children in day care for 10 years and has seen a shift that disturbs her. "I've seen so many kids that are screwed up. When I first started I worked with economically disadvantaged children. These kids had seen some pretty brutal things. The kids were withdrawing, they had temper tantrums and problems with aggressiveness. Now I'm working with more upscale children and you're seeing some of the same problems. You have a 5-year-old who has had 12 different day care givers," and no consistency in his upbringing.

"It costs an average of $3,500 to put a child in day care and it costs $30,000 a year to put a teen-ager through court-committed rehabilitation. By the time a child is 4 years old, 50 percent of what he's going to be as an adult has already been established in things like problem solving, curiosity, attitudes toward learning. It's a time when we really foul up by putting them in less than optimal care." And this should be of concern to communities and business leaders, as well as to parents, because this is the future work force.

HONORING THE NATIONAL HISPANIC UNIVERSITY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. TORRES. Mr. Speaker, I am proud to bring to the attention of my colleagues the continued success of the National Hispanic University [NHU]. On June 21, 1983, I first reported the achievements and accomplishments of NHU. I believe it is timely that we recognize the contributions of the National Hispanic University during Hispanic Heritage Week.

As NHU approaches its sixth anniversary, the trustees, administrators, and faculty members continue their mission of providing higher education opportunities to students who require multicultural or multilingual knowledge, expertise, or perspective in business administration, education, or health science. While the National Hispanic University has worked toward enhancing and implementing crucial programs for Hispanics, NHU reaffirms its commitment toward equal education for all Americans. The school's student body remains geographically and ethnically diverse. The National Hispanic University does not discriminate on the basis of race, color, sex, religion, national or ethnic origin, age, or physical handicap. The diversity of the university is reflected in its board of trustees and its national advisory board.

The National Hispanic University has made important progress toward full accreditation. On July 4 of this year the National Hispanic University learned that the Western Association of Schools and Colleges had granted the school eligibility status for advancement to candidacy. This classification is an important step toward accreditation as a 4-year institution of higher education. When the university was established in 1981 it gained authorization to grant degrees that same year. Subsequently, the school was granted full approval in 1985 as a degree granting institution from the California Office of Private Post Secondary Education.

The National Hispanic University enrolls 300 students annually. However, enrollment figures are not the only indication of a strong institution. The quality of any university is reflected in the students it graduates. Over 130 graduates of National Hispanic University are working in hospitals, community medical clinics, and doctors' offices. These graduates are helping alleviate health problems experienced by the Hispanic community.

Mr. Speaker, I am pleased during Hispanic Heritage Week to bring to the attention of my colleagues an update on the progress and accomplishments of the National Hispanic University. I look forward to continued success and academic excellence for the students, faculty, and staff of the National Hispanic University.

DIRECTOR OF EL PASO JOB CORPS LAUDED BY THE WASHINGTON POST

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. COLEMAN of Texas. Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues the September 10, 1987, feature by the Washington Post on the director of the El Paso Job Corps, Mr. David Carrasco.

Mr. Carrasco directs the Nation's No. 1 Job Corps Center, whose accomplishments have helped me each year in the battle against the administration's annual attempts to eliminate the program. It is not surprising, therefore, that his successes and those of the El Paso Job Corps have attracted national attention and acclaim, and I want my colleagues in the House to learn about what a successful program we have in El Paso and how the programs in their own communities might benefit.

The article is as follows:

SUCCESSFUL COACH FINDS WINNERS IN JOB CORPS—CARRASCO, FORMERLY OF BLAIR AND AU, DIRECTS PROGRAM FOR DROPOUTS IN EL PASO

(By Jon Wilner)

Four flags fly high above the El Paso Job Corps, overlooking Interstate 10. The American flag stands tallest, with the Texas state flag and the Job Corps flag following in order. The fourth is dwarfed by the others. A three-foot red, white and blue pennant with a "No. 1" inscribed, it recognizes the El Paso center as the best Job Corps in the country, and it has been flying since 1979.

David Carrasco runs this highly efficient organization. He is used to first place. He lived in Montgomery County from 1946 to 1964, and during that time coached Montgomery Blair High School to three Maryland Class AA state basketball championships. He then switched to American University and coached the Eagles to three Eastern Regional Division II NCAA basketball championships in the late 1950s.

Carrasco, 68, became director of the El Paso Job Corps when it opened, in September 1970. It took him nine years to get to the top, but now he has the best retention rate (95 percent) of any Job Corps in the country. And 98 percent of his graduates find jobs or enter college or the military.

Financed by the Department of Labor, the Job Corps works with high school dropouts between the ages of 16 and 21. Some come from poverty-ridden or broken homes; some have learning disabilities. Carrasco explains it as a "situation in which something went wrong and the child's discipline is not there."

Yet he is quick to note that the Job Corps is not a center for juvenile delinquents.

"Our mission at the Job Corps is to provide new direction through the teaching of basic skills, be they reading, writing, social or technical, and help the kids get jobs when they graduate [from the year-long program]. We try to turn welfare recipients into tax-paying citizens. We reconstruct the lives of the 'corps members' who are going nowhere."

But how do street kids find Carrasco's open arms at the Job Corps, 15 miles east of downtown El Paso? Why would a high school dropout want to put up with a stringent daily schedule, mandatory dress code and strict discipline? "The kids come through the Texas Employment Commission," Carrasco said. "They go there looking for work, and they are referred to the Job Corps for training. Our good record helps in the recruiting.

"Most of the time, the youngsters want to be in the Corps. Our center is strict, and they want that, because until then they've done a lot of running around. But a lot of them have weak social skills. If they misbehave, fight or steal something, they get one or two chances, then they are thrown out."

Carrasco's attraction to the Job Corps stems from his background, which is similar to many of his students. He was born in an El Paso barrio. Carrasco's family had little money, but the difference between his upbringing and that of his students is that his parents, who were teachers, kept him in school.

"Basically, though, I'm a barrio guy," he said, "so I can relate well to the kids. Sure, I got out of the barrio because I got an education, but as I like to say, I don't live in the barrio, but the barrio lives in me."

After graduating from the University of Texas-El Paso, Carrasco served in the Navy in Bainbridge, Md. (near Havre de Grace) from 1943-45, where he met and married Marge Partin. (The family includes a son, David.) He then moved to Rockville and received his masters in education at Maryland. At the same time, he coached basketball at Blair, from 1951-55. In his five years there, Blair won three state championships. The Blazers were 22-0 in his last season, against a cross-city schedule that included private and D.C. and Virginia public schools.

In 1956, Carrasco became head basketball coach and athletic director at American. The Eagles, led by Will Jones, won three eastern regionals, but each time lost in the first round of the national championships in Evansville, Ind. But he was an effective athletic director, and was in part responsible for moving up American to Division 1.

"Also, I helped integrate AU athletics," Carrasco said. "when I came to AU, there were no black basketball players at any of the area schools. I went to President Hurst R. Anderson and recommended that we integrate. He agreed."

Carrasco left American in 1964 and joined the Peace Corps in Ecuador. Three years later, he was appointed Olympic attache to the U.S. Embassy in Mexico City. Carrasco helped the State Department monitor and supervise the American coaches and served on the Mexico City Olympic Organizing Committee.

In 1969, he returned to El Paso. It was there he heard about the opening of the El Paso Job Corps. He applied for the job and was accepted. His 18-year tenure is the longest of any Job Corps director in the country. He plans to continue at least until he is 70.

"I feel very fulfilled with what I have done," Carrasco said. "When I came in 1970, my goal was to assure that the youngsters left the center as enriched people. Of course, I'd like to someday have 100 percent retention, and also bring a day-care center in for the girls who have young children."

Carrasco said he feels one of the Job Corps' most important functions is the family planning program. Of the 430 participants, approximately 130 are married or have children. The program, which attempts to prevent teen pregnancies and provides counseling for young parents, is controversial "because the families these kids come from don't want the schools to deal with the sex education issues. But I think it's essential."

Carrasco's favorite success story is Carlos Porras, a fourth-grade dropout. Porras, who was fatherless and extremely poor, came to the Corps in 1971, barely able to speak English. He took cooking classes, received his general education diploma and, upon graduating, got a job at the local Kentucky Fried Chicken franchise. For a few years, Porras jumped between the Army and the Job Corps, returning several times to work for Carrasco as a cook. Porras now works in the food distribution business for Phillip Morris International. He travels, has a new home with a swimming pool, and a family.

"He was going nowhere and now he has a great job with a family," Carrasco said, his voice becoming more spirited. "There are a lot of stories like that.

"Sometimes, kids come up to me and say they want to grow up and be just like me. That's such a great feeling. The kids are smart. They can tell who really cares for them."

TRIBUTE TO CHARLES HARTSHORNE WESTON, "PIONEER" IN THE FAMED HENDERSON CASE "SEPARATE BUT EQUAL" AND ANTITRUST LAWS

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. GRAY of Pennsylvania. Mr. Speaker, Charles Hartshorne Weston, 95, a retired attorney who served more than 30 years in the U.S. Antitrust Division of the Department of Justice, died Sunday, August 2, of respiratory arrest at his home in Washington, DC. Mr. Weston was known as one of the Nation's leading legal scholars in constitutional laws. He wrote more than 100 briefs for arguments in the Supreme Court. The brief for which he most wanted to be remembered was the Henderson case when he persuaded the Justice Department to enter the case in opposition to the Interstate Commerce Commission [ICC]. The [ICC] argued that blacks traveling on Southern trains could be served meals behind a curtained partition. Weston argued that the "separate but equal" doctrine did not meet constitutional requirements. This was the first time in a Government brief that the psychological aspects of segregation were develped and extensively documented. This made it possible for arguments before the Supreme Court on the "separate but equal" issue in the famed school desegregation case to build on the psychological aspects of segregation so well documented in the Weston brief in the Henderson case.

Many of the cases which Mr. Weston prepared for the Government have had lasting impact on the quality of life in the United States, especially in the freedom and advancement granted black Americans and other disenfranchised minorities. He successfully challenged the American Medical Association [AMA] in the early 1940's when the [AMA] conspired to prevent physicians and hospitals from serving the members of the country's early group prepayment medical plans, the Washington Group Health Association. He challenged the Associated Press [AP] in 1942 arguing successfully that the [AP] had acted to monopolize the collecting and distributions of news by allowing any [AP] member to block a nonmember paper from joining the organization.

Mr. Weston was a member of many established clubs and organizations. Among those which he spent most of his time was the Hikers and the Cosmos Club of Washington, DC. His wife or more than 60 years, Virginia Ross, died in 1983. Her brother, Charles Ross, was Press Secretary to President Harry S. Truman. He is survived by his distinguished family of two daughters, Amy Weston Firfer of Bethesda and Virginia Weston Slaughter of Tappahannock, VA, a son, Charles H. Jr., of Macomb, IL, a sister, Esther B. Weston King, humanitarian and patron of the arts of Philadelphia, five grandchildren and one great grandchild.

Mr. Weston was born in Merion, PA, the son of S. Burns Weston, the founder over 100 years ago of the Philadelphia Ethical Society and Mary Hartshorne. He graduated from Phillips Exeter Academy and from Harvard College in 1914, where he was editor of the Harvard Monthly, the college literary magazine, and a member of Harvard Soccer Team. In 1916, he received an LLB cum laude from Harvard Law School.

In 1918, Mr. Weston joined the Antitrust Division of the Department of Justice, but resigned 2 years later in opposition to the policies of then Attorney General A. Mitchell Palmer. After several years in private practice, principally with the law firm of Rushmore, Bisbee & Stern in New York City, Mr. Weston returned to Washington and the Antitrust Division in 1929 and he was Chief of the Division's appellate section from 1943 to 1961. In 1956, Mr. Weston received a national merit citation from the National Civil Service League.

Mr. Weston was on the frontlines in the development of antitrust laws. Both the old Interstate Commerce Act and the Sherman Act had become ineffective tools in regulating trade abuses when the Clayton Act, passed during the Wilson administration, put teeth into the regulatory legislation. Mr. Weston's tenure at the Antitrust Division coincided with the Government's most active attempts to bar practices in restraint of trade. Justice Felix Frankfurter once remarked that he always recognized a Weston brief because it was so meticulously and cogently prepared and reasoned.

Yes, the Honorable Charles Hartshorne Weston has charted a noble pathway for present and future Americans to follow and enjoy: a safeguarded free enterprise system, free and equal opportunity for the press, free and equal opportunity for all Americans, without discrimination in travel, lodging and services, and a protector for entrepreneurs of tomorrow and he should never be forgotten.

THE PARENT DRUG AWARENESS ACT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. DORNAN of California. Mr. Speaker, the legislation I am introducing today, "The Parent Drug Awareness Act," amends the Federal Food, Drug and Cosmetic Act to require that any "drug which is derived from an organ or tissue, cells, or any other material from a human fetus" be so labeled and that "such label be made available to the consumer of the drug and, if the consumer is a minor, the parent or guardian of the consumer."

State legislation is uniform in requiring parents to take care of the physical health and welfare of their children, including several types of innoculations, either as a curative or preventive public health measure. It is therefore proper that responsibilities which parents have for their children (whether ethical, religious, medical or personal) be taken into consideration with regard to the composition of such medications which may be administered as required by law. This is especially the case where the substrate for such vaccines may be derived from human tissue.

Current Federal food and drug legislation does not mandate that parents or guardians be informed by medical personnel that a medication or innoculation contains human tissue.

On April 2, 1985, I was informed by Henry H. Dausch, Acting Associate Commissioner for Legislative Affairs for the Food and Drug Administration (FDA), that "with reference to biological products used in humans there are two established cell lines used in rabies vaccine production, called WI-38 and MRC-5 diploid human cell lines. . . . These cell cultures serve as substrate for the manufacture of rabies, rubella, chicken pox and some type of poliomyelitis virus vaccines."

The MRC-5 cell tissues "were derived from the trypsinised lungs of a 14-week-old male fetus which had been removed from a woman aged 27 years for psychiatric reasons." (Some Comparative Characteristics of WI-38 and MRC-5 Cells and Their Suitability for the Production of Viral Vaccines, J.P. Jacobs, Proc. Symposium on Human Diploid Cells, Yugoslav Academy of Science, pp 43-55 [1970]).

The WI-38 cell tissues [and others] originated as follows: "WI-26 was derived from male fetal human lung and WI-38 and WI-44 from female human fetal lung. All embryos were obtained from surgical abortions and were of approximately three months' gestation." (The Limited In Vitro Lifetime of Human Diploid Cell Strains, L. Hayflick, Experimental Research, 37, 614-636 [1965]).

Parents have the right to know this information, so that if they wish, they may seek alternative medication or exercise state statutory or other Constitutional exemptions to such innoculations.

My bill simply asserts the right to know. It does nothing more.

TRIBUTE TO RECIPIENTS OF WOMEN FOR

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the 1987 recipients of WOMEN FOR's Women of Achievement Award. Each year WOMEN FOR, a volunteer organization active in local, national, and world issues, honors outstanding women who have made significant contributions to the advancement of progressive and feminist goals.

This year's honorees are recognized for their outstanding work in the areas of civil and human rights, public education, environmental protection, and world peace. The 1987 honorees are: Gloria Allred, a prominent Los Angeles attorney, for her work against sexual discrimination in the workplace; Jo Caines, director of community relations at KOEC-TV, for her long history of community service; Susan Clark, star of theater, stage, and television, for her commitment to the elimination of nuclear weapons and her ardent support of feminist issues; Laura Lake, an internationally respected scholar of environmental policy implementation, in recognition of her work in environmental issues; Brianne Murphy, a noted photographer, for her work to promote women in the entertainment and photographic industries; Laura Balverde-Sanchez, president and CEO of the New El Rey Sausage Co., Inc., for her remarkable achievement in taking over a bankrupt plant and creating a profitable and strong family business; Silvia M. Siegle, executive director of TURN [Toward Utility Rate Normalization], in recognition of her efforts against arbitrary and unfair utility rates; Stacy Winkler, President, of United Friends of the Children, for her tireless work on behalf of abused, abandoned, and neglected children; and Peg Yorkin, a theatrical producer and activist, for her work in politics and the arts.

It is my honor and pleasure to join with my colleagues in congratulating these women, who have dedicated their efforts not only to promote the advancement of women, but to work toward equality and justice for all humanity.

FLORIDA SHERIFFS YOUTH RANCHES

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. HUTTO. Mr. Speaker, I am pleased to relate to you today a story of a lesson well learned. A gentle old man walked into a Florida sheriff's office who had quite a past. This 72-year-old gentleman had shot and killed a grocer in an armed robbery when he was 19 years of age. However, on this particular day he told the sheriff that, because he knew he was dying, he wanted to donate his life savings of $100,000 to help youngsters stay out of trouble. The money was given to the Florida Sheriffs Youth Fund. This man had learned the importance of teaching youth how not to make a mistake similar to his own.

Over the weekend of October 2, 3, and 4, the Florida Sheriffs Youth Ranches will celebrate 30 years of service to Florida's dependent, neglected, and troubled boys and girls. In 1957 the Florida Sheriffs Association conceived the idea for the boys ranch and in 1959 admitted its first camper. This organization now operates four year-round residential programs, a summer camping program, and a statewide counseling service. Each summer, between 300–400 youth from around the State attend a 10-day summer camping session at the youth camp near Deland.

The reason the Florida sheriffs started the boys ranch back in 1957 was to help prevent juvenile delinquency, and they have not been disappointed. During their 30 years of operation, over 3,500 boys and girls and their families have been given assistance in solving their problems. The sheriffs have proven to these youth that law officers are their friends.

I join with other members of the Florida delegation today in commemorating the occasion of the 30th anniversary of the Florida Sheriffs Youth Ranches.

A CONGRESSIONAL SALUTE TO DICK AND MYRNA WIGOD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. ANDERSON. Mr. Speaker, it is an honor to rise today to pay tribute to Dick and Myrna Wigod. Dr. and Mrs. Wigod will receive the prestigious 1987 Humanitarian Award at a special dinner in their honor to benefit the Long Beach Lung Association Friday, September 18, 1987.

Dr. and Mrs. Wigod have done much to contribute to the success of the Long Beach community. As outstanding citizens, they have contributed their time and wisdom to the city. Through their involvement in community services, volunteer work, and hospital and medical causes, they have received recognition and awards from their friends and colleagues.

Myrna Wigod enjoys great success in a variety of commitments to her community. Among the long list of Myrna's impressive accomplishments: president of the Long Beach City College Library Associates, and president of the Long Beach Civic Light Opera Women's Guild; serves on the board of directors of: the Los Angeles County Medical Association Auxiliary; the Long Beach City College Foundation; and the California State University, Long Beach Athletic Foundation. Myrna also chairs the Los Angeles County Medical Association Regional Poison Center, the Long Beach Community Hospital Foundation, the United Way Region III Medical Professional Division, and the United Way Special Gifts Division. Her accomplishments have not gone unnoticed as she has been the recipient of the Service to Community Award, Long Beach; the Rick Racker Woman of the Year Award in 1982; the Sparkplug Award, American Cancer Society; and the Long Beach City College Hall of Fame in 1985.

Dr. Richard Wigod is also a model of success and has served the medical community well. Dr. Wigod is a member of the California Medical Association, the American Medical Association, and the Los Angeles County Medical Association. He was also the president of the LACMA, Long Beach Medical Association from 1977 to 1978. Dr. Wigod has served as the chief of staff, chief of medicine, and vice chief of staff for the Long Beach Community Hospital. He has also served on the staff at Memorial Hospital and St. Mary Medical Center, as well as chairman of my Congressional District Medical Advisory Committee.

Dr. Wigod's commitment to people and his community is also exemplified in his commitment to community involvement. He is a board member of the Long Beach Civil Light Opera, the Wilson High School Booster Club, and the Long Beach Community Hospital Foundation. Dr. Wigod has served as the team physician for Woodrow Wilson High School, Belmont Bears Youth Football, and Lakewood High School, and is a member of the American Heart Association, American Cancer Society, and the Long Beach Lung Association.

Mr. Speaker, Dick and Myrna Wigod have done so much to help make their community such a beautiful place in which to live and work. My wife, Lee, joins me in congratulating Dick and Myrna on their many accomplishments. We wish them and their children, Jane and Robert, as well as Dr. Wigod's mother, Helen, happiness and all the best in the years ahead.

THE 30TH ANNIVERSARY OF FLORIDA SHERIFFS YOUTH RANCHES

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. IRELAND. Mr. Speaker, I would like to bring to the attention of my colleagues in the House, that we in Florida are about to celebrate the 30th Anniversary of the Florida Sheriffs Youth Ranches. Established in 1957 to help prevent juvenile delinquency, it remains, as far as I know, the only program dedicated to helping dependent, neglected, and troubled boys and girls which is sponsored by a law enforcement agency.

The Florida Sheriffs Youth Ranches now operate four year-round residential programs, a summer camping program, and a statewide family counseling service. I am particularly familiar with one of the residential units, Youth Villa, located in my district, Florida's 10th, in Bartow.

The key to the sheriffs program is that parents of the children must be involved. Boys and girls, ranging in age from 8 to 18, stay with the program an average of 14 months. During that time they are given guidance counseling and taught to accept responsibility for themselves and their surroundings.

However, the program's philosophy is that ultimately the children should be reunited with their families. Each 6 months while the young person is in residential care, parents are asked to attend a family review conference at the facility. The conference includes the parents, the young person, and the Youth Ranch team—includes a unit director, social worker, and residence counselor—and reviews the child's progress and sets new goals as necessary. In addition, one of the program's family social workers works with the parents on an on-going basis while the child is in the care of the facility. Further, there is followup aftercare and adoption services are available on a case-by-case basis.

Mr. Speaker, 65 to 70 percent of those children who go through the villa program are eventually reunited with their parents. Furthermore, this is a program which is supported almost entirely through voluntary gifts. I would like to commend this most admirable record and congratulate all those involved in this program over the years for its outstanding achievements.

IMPORTS THREATEN U.S. MOBILIZATION PLANS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. NICHOLS. Mr. Speaker, part of the global strength of the United States is derived from the ability of our country to arm, clothe and prepare for battle great forces of men and material. The potential might of a determined and fully mobilized United States is awesome to consider.

The fact is, mobilization for a conflict similar to Korea may be awesome only on paper. This is because the U.S. lacks the capacity to produce critical defense items such as uniforms, shoes, tents, and protective chemical equipment in quantities sufficient to meet the demands of mobilization.

Mobilization isn't just a process to ensure the production of more tanks, guns, bullets, ships, airplanes, and submarines. It is the period during which the training base for recruits expands radically, and with it the demand for more shirts and trousers and hats and belts and tents.

Mr. Speaker, sometimes we forget that at the heart of our national defense are the men who carry the guns, fly the jet fighters, and sail our warships. History is full of examples of battles lost and nations toppled because troops didn't have the equipment they needed for sustained engagements.

I know, therefore, that you will share my alarm that in 5 years, probably, and 10 years, certainly, the U.S. textile and apparel industry will be so ravaged by imports that meeting the clothing and personal equipment requirements of mobilization will be impossible.

That is the conclusion of a compelling study on the subject of mobilization and textiles by Lt. Col. Joseph W. Kernodle of the Industrial College of the Armed Forces at Fort McNair. The study is entitled "Clothing, Individual Equipment and Textile Support Capabilities During Mobilization."

Colonel Kernodle approached mobilization with the understanding that the term implies that battle uniforms and critical field equipment ought to be made in America because we cannot rely on imports landing on our shores in time of war.

Now that, I think is a reasonable goal. The Kernodle report defined just how far we are from reaching that goal.

For example:

80 percent of the footwear sold in the United States is imported.

Most tents sold in America today are produced off shore. Fewer than 12 domestic companies produce tents for the military.

Imports have reduced the capacity of the textile industry 10 percent and have severely reduced the capability of the apparel industry to manufacture clothing.

From a list of 500 apparel manufacturers identified for military production, 80 went out of business in 1985 alone.

There are four manufacturers of protective clothing. Fifty such manufacturers employing 500 workers each would be needed for mobilization.

The author of the mobilization report observed, "There is serious doubt that (Vietnam) production levels could be met today. There will be no doubt if the industry is permitted to disappear like the domestic shoe industry."

In summarizing his research, Col. Kernodle says: "The industrial base for clothing, individual equipment and textiles is less capable of supporting mobilization today than at any time in the past. Imports and off-shore production have reduced the tentage, woolen and footwear industries to the point where they are not capable of providing sufficient products. Unique capabilities and large requirements of chemical protective clothing (45 times annual peacetime purchases) have surpassed the capability of the domestic industry. The apparel industry is diminishing rapidly and the textile industry is consolidating, eliminating operations and reorganizaing to avoid dependence on the domestic apparel industry. These industries will not have the capacity to support mobilization within 5 to 10 years if imports continue to increase at the same levels they have for the past 5 years."

Mr. Speaker, I would like to remind my colleagues that our Government believes that second to steel, textiles is most essential to the national defense. In a speech at the annual meeting of the American Textile Manufacturers Institute March 16, 1984, Secretary of Defense Casper Weinberger said, "The Army Quartermaster General declared that textiles were second only to steel as the most vital product in the successful conduct of our war efforts: Today, with our Armed Forces using more than 20,000 different textile items, from parachutes to advanced synthetics, our reliance on the textile industry remains great."

When Secretary of Labor William E. Brock was U.S. Trade Representative, he said in a speech at the National Press Club in April of 1983, "Every industry insists it is essential for national defense. Textiles is the only one we accept, and that goes back 20 years."

It is time that we ensure that uncontrolled imports do not undermine our textile and apparel manufacturing base and jeopardize the national security of the United States.

That is why it is so urgent that we enact H.R. 1154, The Textile and Apparel Trade Act of 1987.

HONORING HANDS OF SHARED TIME

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mrs. MORELLA. Mr. Speaker, I am proud to honor HOST, Hands of Shared Time, for their outstanding service to Montgomery County, MD. This effective and dynamic community service organization has provided vital companionship to the elderly since March 1986.

HOST matches young volunteers with dependent elderly individuals, providing them with companionship and assistance. The time spent by these volunteers can help to prevent a sense of isolation which often is a major cause of deteriorating health. It can be especially important to families who are caring for elderly relatives—these families often work during the day and may have to leave the older people alone, confined to one room.

Volunteers are 15 years of age or older and are drawn from churches, synagogues, and schools in the community; they agree to make weekly visits, spending at least 1 hour per week. The program offers a 12-hour training course, to teach volunteers how to provide companionship, perform various household chores, and maintain contact with the individual during the week.

HOST is funded by a grant from the W.K. Kellogg Foundation in Michigan, and the headquarters are located in Olney, MD. Through a comprehensive outreach effort, HOST serves a 100-square-mile area of northeastern Montgomery County.

The program is the brainchild of Teddy Marcot, who now serves as the director. A registered nurse with a master's degree in gerontological nursing from Georgetown University, Teddy has provided the special leadershp needed to guide this program and to make it the success which it has become in such a short time. I congratulate Teddy and the many HOST volunteers for their important contributions to the elderly of Montgomery County and the community as a whole.

Mr. Speaker, I hope my colleagues will share HOST's valuable work with aging and community organizations in their districts and look to the program as an example of the opportunities for volunteer action at the local level.

A CELEBRATION OF CITIZENSHIP

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. LOTT. Mr. Speaker, this year we celebrate the bicentennial of the U.S. Constitution, a document that has been passed from generation to generation and has stood the test of time. James Wilson, at the time of the signing, said: "We should consider that we are providing a Constitution for future generations and not merely for the circumstance of the moment." The U.S. Constitution is the legacy of our heritage and will guide the course of our future. We must pass it down to our children, as it was passed on to us.

On September 16, at 1 p.m., on the west front steps of the Capitol, "A Celebration of Citizenship" will unite national and community leaders with the youth of America. I invite all Members of the 100th Congress to join with President Reagan, retired Chief Justice Warren E. Burger, Senate and House Democratic and Republican leaders, Chief Justice William Rehnquist, members of the Cabinet, and the youth of America for the patriotic salute to our governing document.

DISTINGUISHED PUBLIC SERVANT RETIRES

HON. WALTER E. FAUNTROY

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. FAUNTROY. Mr. Speaker, on Thursday, September 17, 1987, the family, friends and colleagues of Mr. Alphonso DeShields will celebrate his retirement from the Federal Government after 42½ years on the job.

A native of Spartanburg, SC, Mr. DeShields became a resident of the District of Columbia in 1942. During that same year, he joined the Office of Price Administration where he remained until 1946, when he joined the Office of Housing Expeditor. After leaving that office, he worked for a decade for the President's Committee on Equal Employment Opportunity. From there, in 1966, he joined the U.S. Department of Labor, where he has served for the past 21 years.

During his more than four decades on the job, he has assumed a variety of responsibilities, and he has always been conscientious, supportive, hard working and efficient—the kind of Federal employee every employer dreams about. He is especially known as a courteous and friendly person, able to get along with everyone.

On August 3, 1987, Alphonso DeShields went for a final time to his job in the Office of the Assistant Secretary for Administration and Management, Directorate of Administrative and Procurement Programs, Departmental Library, U.S. Department of Labor. The U.S. Government and the people of America will miss Alphonso DeShields.

His friends and those who worked with him are asked to join him and his lovely and talented wife, Valeria Spivey-DeShields in Conference Room N-3437, U.S. Department of Labor Building, 200 Constitution Avenue, N.W., in the District of Columbia, at 11:30 a.m.

Alphonso DeShields has earned our respect, admiration and applause.

A TRIBUTE TO LT. COL. ROY PRINCE ON HIS RETIREMENT FROM THE ARMY CORPS OF ENGINEERS

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. JENKINS. Mr. Speaker, often, the people who work diligently daily receive little recognition during their tenures. Today, I would like to recognize a man who worked diligently in the U.S. Army Corps of Engineers for 21 years.

Lt. Col. Roy Prince retired August 31 from the Corps of Engineers. During my more than 11 years in the U.S. House of Representatives, I have had several occasions to call on the corps for assistance in which Lieutenant Colonel Prince responded. He has been a credit to the corps at all times.

During his tenure, he has been involved in the revision of the Lake Lanier Lakeshore Management Plan, a project of vital interest to the Ninth District of Georgia. He also worked on the start-up and dedication of the Tenn-Tom Waterway, the post disaster recovery efforts along the Mississippi gulf coast following Hurricane Elena, replacement of the Oliver lock, and the A-C-F drought of 1986.

Before his assignment with the Mobile district as deputy district engineer for civil works 3 years ago, he was a staff engineer in Eujongbu, Korea, with the combined field army, served 2 years of duty in Vietnam, 2 years as a project engineer building roads in Brazil, as project engineer at the corps' San Francisco district, and as an advisor to a National Guard Engineer Battalion in Jonesboro, AR. During his career, he has been awarded three Bronze Stars, three Meritorious Service Medals, three Army Commendation Medals, and the Air Medal.

Now that Lieutenant Colonel Prince has retired, perhaps he, his wife, Marsha, and daughter, Laura, can spend more time with us in the north Georgia mountains where they have escaped occasionally to enjoy the outdoor life.

Wherever his retirement takes him, Lieutenant Colonel Prince can be proud of the service he has given to his country.

FLORIDA SHERIFFS YOUTH RANCHES CELEBRATING 30-YEARS OF SERVICE

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. GRANT. Mr. Speaker, I am proud to announce that we have as visitors at the Capitol a group boys and girls representing the Florida Sheriffs Youth Ranches, a unique charitable organization that is currently celebrating its 30th anniversary as a private child care agency dedicated to helping neglected, unsupervised, and troubled youngsters.

It is a point of pride with me that the Youth Ranches project began in my district when the Florida Sheriffs Association established the Florida Sheriffs Boys Ranch on the banks of the Suwannee River.

At that time, there were skeptics who viewed the Boys Ranch as an impulsive, impractical venture because the Sheriffs Association had only $5,000 and 140 acres of donated land, and the members of the organization were completely lacking in residential child care experience.

As a former banker sensitive to the underserved public image of bankers as hard-nosed realists, I am delighted to point out that two Live Oak, FL, banks came to the rescue by lending the Boys Ranch sufficient funds to finance the first buildings.

This was not exactly textbook banking, and it is likely that the bank officials had some restless nights while the Boys Ranch was getting off to a sometimes sputtering and shaky start.

However, the loans were paid off ahead of schedule, the Boys Ranch prospered, and an impulsive dream eventually developed into a statewide network of child care facilities with an annual operating budget approaching $10 million, real estate holdings totaling over 6,000 acres, a net worth of over $20 million, and a lineup of professional services that ranges from couseling families that are falling apart to providing a good home and prospects of a brighter future for unfortunate boys and girls.

Over 3,500 boys and girls have received help through the five residential programs of the Florida Sheriffs Youth Ranches, and its statewide network of family social workers.

In this year when our Nation is celebrating the 200th anniversary of one of the greatest documents ever devised in mankind's search for freedom, I am grateful for this opportunity to bring to the attention of my colleagues an outstanding example of free men exercising their charitable impulses within the framework of a free society.

The Florida Sheriffs Youth Ranches represents voluntarism at its absolute best simply because this highly successful project has been financed almost entirely by voluntary contributions. It also serves as a dramatic reminder that gruff, tough law enforcement officers have tremendously compassionate impulses under their stern, no-nonsense exteriors.

In 1957 Florida's sheriffs were deeply concerned about the many boys and girls who were becoming juvenile delinquency statistics simply because bad breaks had deprived them of a stable and desirable home life. These sheriffs responded by writing a new chapter in the history of human compassion, and now, 30 years later, I invite my colleagues to join me in saluting them; and also in expressing deep gratitude to the citizens whose generous contributions have made the Florida Sheriffs Youth Ranches an inspiring example of Americans helping Americans the American way.

A TRIBUTE TO NEBRASKA'S GENTLELADY FROM THE THIRD CONGRESSIONAL DISTRICT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. BEREUTER. Mr. Speaker, on September 4 in Lincoln, NE, a very special individual was honored by the Nebraska Hall of Agricultural Achievement.

Our colleague from Nebraska's Third Congressional District was inducted into the Nebraska Hall of Agricultural Achievement, making her the first woman to be honored by that organization. She was an outstanding choice, and I know my colleagues share that view as well.

As a person who watches VIRGINIA SMITH's performance on a day-to-day basis, I can think of no person who better deserves this honor than our colleague from Chappell, NE. She is one of the foremost, effective, and tireless spokespersons and leaders for American agriculture and for our State's agriculture and agri-business sectors.

This Omaha World Herald editorial of September 10, 1987, provides a tribute to accompany this honor for Congresswoman SMITH. I wish to include the text of that editorial in the RECORD and offer my personal congratulations to my colleague.

VIRGINIA SMITH DESERVED THE HONOR

"There is no excellence without great labor." That statement from a valedictory speech at Shenandoah, Iowa, in 1928 hasn't lost its meaning to the person who made it. Virginia Smith, Nebraska's 3rd District representative in Congress, said she still lives by the philosophy she expressed in high school.

Her work for agriculture is a case in point. Recently, she was inducted into the Nebraska Hall of Agricultural Achievement, making her the first woman to be honored by that organization.

As a farm wife, years before she became the first woman elected to a full term in Congress from Nebraska, Mrs. Smith was active in 4-H and cooperative extension service programs. She eventually became national chairwoman of the American Farm Bureau Women. She won awards for speaking and traveled widely in this country and abroad to make speeches, often about agriculture.

She is a member of Appropriations Committee subcommittees dealing with agriculture and energy and water development.

Mrs. Smith's involvement in agriculture helped qualify her to represent the 3rd District in the House. In her 12 years in Congress, her reputation as an advocate for agriculture has grown. She was a deserving recipient of the Hall of Agricultural Achievement honor.

THE 100TH ANNIVERSARY OF THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY

HON. THOMAS C. McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to honor and to celebrate the 100th anniversary of the Baltimore and Annapolis Railroad Co.

Marylanders may remember the pleasure of boarding an electric train in downtown Washington and riding swiftly to downtown Baltimore or the Annapolis statehouse. After running for over 50 years, the Washington, Baltimore & Annapolis Railroad, gave up running trains between two of the three cities that were in its name. The Baltimore & Annapolis Railroad, however, maintained service between those two cities until 1950. Once a railroad that linked Baltimore, Washington, Fort Meade and Annapolis, the Baltimore & Annapolis Railroad provided passenger service on the line from 1887 until 1950.

Although it no longer carries passengers, the railroad serves many in several ways. A 7-mile remnant of the old B&A line still is used to transport freight from South Baltimore to just north of Dorsey Road. The southern port of the B&A railbed has been converted to a 14-mile hiking and bike trail. For 100 years, the Baltimore and Annapolis Railroad has served its passengers with distinction and dignity.

Numerous proposals for additional uses have been entertained. The Mass Transit Administration has explored the possibility of starting light-rail passenger service between downtown Baltimore and its Anne Arundel county suburbs. Through the diligent and dedicated efforts of Kenneth A. Pippein, president of the Baltimore & Annapolis Railroad, the railroad has remained with us to continue its service to the State of Maryland.

March 9, 1987 marked the 100th anniversary of this historical treasure. On September 16, many will gather to celebrate this event. Mr. Speaker, it is an honor to help celebrate the operations of the Baltimore & Annapolis Railroad, past and present.

GROSS TAX INEQUITY

HON. FRED GRANDY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mr. GRANDY. Mr. Speaker, today along with several colleagues I am introducing legislation which will stop a gross inequity. Farmers using pik and roll could be subject to paying taxes twice in 1 year.

According to an obscure USDA rule, when a pik certificate is used to redeem a Commodity Credit Corporation loan, the grain in storage is considered to have been "sold" to the Commodity Credit Corporation. The U.S. Treasury [IRS] considers this to be an income-producing commodity at that time. However, many farmers used existing law to defer income until they actually sold the grain.

Because of this "double-taxation," producers could possibly see a popular "pik and roll" program not be utilized. My legislation gives farmers a fair option, by allowing farmers to either declare the loan option as a sale or wait until they sell their grain before declaring it as income.

My bill is aimed at breaking the bureaucratic snafu and overriding USDA and IRS paper shuffling.

HOUSE OF REPRESENTATIVES—*Wednesday, September 16, 1987*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, as we think on the glories of Your spiritual world, may we also see how those glories can be realized in our daily lives. We recognize, O God, that we so easily separate our spiritual gifts from our worldly tasks. Teach us to see how good deeds done for the needy, the hungry, the hostage and the forgotten can be our way of responding to the spiritual blessings You have provided to us. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

CALL OF THE HOUSE

The SPEAKER. Without objection, a call of the House is ordered.

There was no objection.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 317]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Atkins
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

□ 1010

The SPEAKER. On this rollcall 399 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of the week, and might I indicate to the distinguished majority leader that while we have a good rapport in discussing the schedule from time to time, I know the gentleman is always under pressure from various quarters, just as this gentleman is, and now we begin what will be a series of kind of unpredictable events into September and October and Thanksgiving and the Members are talking about how close to Christmas and really particularly for our west coast Members on transportation and all of the rest, we need as definitive a schedule as we can possibly give to these Members and if the gentleman would be so good as to respond to that particular inquiry, what are we going to do for the balance of the week and beyond?

□ 1025

Mr. FOLEY. Will the distinguished Republican leader yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, first to address the more specific schedule of this week and early next week, the House will be considering the textile legislation today, and tomorrow the House will meet to consider H.R. 442, the Civil Liberties Act, which deals with the Japanese relocation issue. The Japanese-American relocation issue has been scheduled for a period now of many months for September 17, and it is expected that this legislation will be concluded by 2 p.m. or close to 2 p.m. in the afternoon.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

So we have scheduled no other legislation tomorrow and Members can generally believe, I think, that they can have an early departure. There will be no other legislation scheduled for the week.

Next Monday, however, I repeat, next Monday, however, the House will be in session and we will be considering the Farm Credit Act. There will be votes. That is an important legislative proposal and a major agricultural proposal, the major agricultural proposal, for this year. The reason we are scheduling legislation Monday as well as Tuesday and Wednesday is that next week the House will adjourn on Wednesday for the Jewish holidays and there will be consequently only a 3-day work week next week. But it will be 3 days.

Once again, a full schedule on Monday with the farm credit bill and H.R. 442, the Civil Liberties Act on tomorrow.

As far as the rest of the schedule next week is concerned, that will be announced tomorrow. But there will be, as I say, legislation on Tuesday and Wednesday.

We hope there will be a fairly early departure time on Wednesday to accommodate Members who need to have an early departure and be home early.

Broadly speaking, we intend to keep the Members advised on the schedule as precisely as possible. But I think it is clear that the legislation which remains before us and in the other body require a session that will go into the middle or latter part of November. It would be unrealistic for Members to expect adjournment much prior to Thanksgiving.

The problem presented here is not so much the work of the House of Representatives, which frankly has been diligent and on time, but the problems have existed in the other body, and I will not elaborate on those. But we intend to keep pressing forward to complete the work of the House of Representatives so ably begun under the speakership of our distinguished Speaker. And we hope for the continued cooperation of our friends on the minority side.

Mr. MICHEL. Mr. Speaker, might I ask two specific questions.

Today, could the gentleman be a little bit more specific on how we take up that textile bill timeframewise because of the celebration on the west front?

Mr. FOLEY. The House gave approval last evening for the Speaker to declare a recess at approximately, I believe, 1:15 and resuming at 2:30. That will be for the purpose of Members attending the Constitution bicentennial observation on the west front. But we will resume at 2:30 and take up the textile bill until completion.

Mr. MICHEL. Would the gentleman suspect that would run late this evening?

Mr. FOLEY. I do not think so. I think probably 5 or 6 o'clock.

Mr. MICHEL. Finally, next week would those be late evenings?

Mr. FOLEY. The farm bill will be completed on Monday and Members would have to assume that Monday will be a full day. I would assume, we have about 5 hours on the farm bill, so going in at noon and accommodating the procedures of going in, I would think 6 or 7 o'clock would be what Members should assume for the farm bill on Monday.

Again, I think Wednesday we will make every effort to conclude legislation early because of the pending Jewish holiday.

Mr. MICHEL. I thank the distinguished majority leader.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Let the Chair announce that the Celebration of Citizenship which will be observed on the west front of the Capitol commencing at 1 o'clock will last for approximately 1 hour. The latter half of that time will be nationally televised.

This is an occurrence for the purpose of observing the 200th anniversary of the Constitution. Therefore, it will be the purpose of the Chair to declare a recess at approximately 12:45 in order that Members may take the seats reserved for Members of the Congress on the west front for this ceremony commemorating the 200th anniversary of our Constitution.

We would then expect to be back in session at approximately 2:15.

The Chair also would like to announce that at 10 a.m. next Tuesday morning an informal meeting will be held here on the House floor. The House Democratic Caucus, having invited the Republican conference and others who may wish to come will hear an address by the President of Costa Rica, the Honorable Oscar Arias.

RECESS

The SPEAKER. Pursuant to the provisions of House Resolution 255, the Chair announces that he has designated this time for the taking of the official photograph of the House in session.

Without objection, the House will stand in a brief recess while the Chamber is being prepared for the photograph. The House will be in order when the photographs are taken. Members will please face the cameras. There will be about 10 flashes of the strobe lights and the process will take about 10 minutes. About 5 minutes after that the House will proceed with the business of the House.

There was no objection.

The SPEAKER. The Chair declares a recess.

(Accordingly, at 10 o'clock and 34 minutes a.m., the House stood in recess subject to the call of the Chair.)

☐ 1040

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 o'clock and 47 minutes a.m.

REMOVING AVIATION TRUST FUND FROM CONGRESSIONAL AND PRESIDENTIAL BUDGET

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, for the past months, as chair of the Aviation Subcommittee, I have heard time and time again from my distinguished colleagues about airline delays and aviation safety. My colleagues have spoken to me on behalf of their constituents and from their own experience.

I am here today to let this body know that the solutions to most of these problems are within reach. By spending the $5.6 billion surplus that now sits in the aviation trust fund and its future receipts, we can expand the Nation's airports and air traffic control system to handle growing passenger traffic.

We have the funds to replace FAA's vacuum tubes with state-of-the-art computers that will be able to keep air traffic moving. We have the money to ensure safe operation of the airways. We have the dollars to increase the efficiency of our airports and our air traffic control system.

Users of the aviation system have been contributing to the trust fund. Inexcusably, the Congress and the administration have not allowed the users' contributions to be spent.

Rather than fund the needed aviation improvements, the trust fund surplus continues to grow, balancing the overall budget deficit instead of financing projects to reduce air delays and increase aviation safety.

The obvious and final remedy we have been forced to advocate is to remove the aviation trust fund from the congressional and Presidential budget. The House as a whole deserves the chance to decide whether or not we will spend the funds we keep collecting to improve and develop the aviation system and to reduce delays.

I ask for your support in the Rules Committee and on the floor.

NATIONAL POW/MIA RECOGNITION DAY

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, the fate of the men still unaccounted for in Southeast Asia weighs heavily on the heart and minds of all Americans, and especially upon the families and friends of these brave heroes.

On Friday, September 18, Americans will pause to remember those 2,417 men—24 of them Nebraskans—on National POW/MIA Recognition Day.

During the August recess, I was privileged to attend the annual Nebraska Vietnam Veterans Reunion, where the families of the 24 Nebraska POW/MIA's were the guests of honor.

I told the families that although there are many, many foreign-policy issues on which the Congress—and the people of this Nation—are divided, this is one foreign-policy issue on which we are completely united.

All Americans, after all, share this common goal: freedom for any American who may still be held in Southeast Asia, and justice for all of the families who have worked so long to resolve the fate of our POW's and MIA's.

On National POW/MIA Recognition Day and on every other day in the year, the Congress must continue to do everything in its power to ensure that this remains an issue of the highest national priority and that it be quickly and completely resolved.

SUPPORT H.R. 1154, THE TEXTILE BILL

(Mr. RAY asked and was given permission to address the House and 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, today the House will begin to consider the textile bill, which if passed into law will provide relief for the textile industry. I rise in strong support of this industry which is one of a few that is exemplifying the intestinal fortitude that is inherent in Americans when their very survival is threatened.

This bill is under attack by the so-called free traders who seem to be having problems recognizing the facts of life.

The administration wants trading policy left under their jurisdiction and control, however their dismal track record which has brought us to an annual trade imbalance of $165 billion including the worst last quarter in history, is not trustworthy.

I was astonished to learn just recently that the most-favored-nation status, negotiated during the reign of the Shah of Iran, continues during the Ayatollah Khomeini's reign.

It is unbelievable that a country which daily refers to America as the "great Satan" and one who engineered the bombing of the United States Embassy in Beirut, and one who engineered the suicide attack on our Marine barracks in Lebanon killing 242 marines, is able to dump 600,000 square yards of fabric on the American market in a favored nation status.

The Soviets also got in their licks in 1986 by dumping over 12 million square yards of fabric on American markets with only a 3-percent tariff and at a rate of 33 cents per yard, less than American prices.

My colleagues, the free traders cannot be trusted. Enough is enough. Therefore I urge support of H.R. 1154, the textile bill.

NATIONAL EDUCATION SAVINGS TRUST ACT

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, I have introduced the National Education Savings Trust Act, which establishes a national trust fund to assist families to save for their children's postsecondary education.

During the past 10 years while average college costs have increased 100 percent, Federal aid programs have actually declined in relative value. Families all across the Nation are concerned about the way to finance the education their childen must have to compete in tomorrow's increasingly complex work place.

This bill would allow parents to contribute up to $2,000 per child per year into a national education savings trust which would become available to cover the costs when a child is enrolled in a postsecondary institution. Contributions to this fund would have varying rates of deductibility based on a family's income level. If the funds are withdrawn for educational purposes, interest would be tax free.

Many States and postsecondary institutions have developed their own educational savings plans. However, only the Federal Government can offer a family the portability of a plan that applies to all postsecondary institutions and can guarantee equal tax treatment for all.

The National Education Savings Trust Act offers a practical way to meet the future costs of higher education. I urge all Members to give this plan serious consideration.

□ 1055

MEDICARE PREMIUM INCREASES

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, the Washington Post reported yesterday that the Medicare part B premium would increase by 38 percent next year. Medicare part B covers all nonhospital services, and many people are asking "why such a huge increase?"

The answer is simple: drastic increases in physician charges. Even though the inflation rate is only 4 percent, physician charges are increasing at nearly 10 times that level.

Mr. Speaker, these increases will only end when this Congress gets serious about reforming the physician payment system under Medicare and starts to clamp down on physician charges. What we need is a whole new payment system—possibly a set fee-for-service—coupled with a prohibition on the practice of "balance billing." With such a law, we would limit premium costs for beneficiaries and prohibit physicians from billing patients above the exceedingly generous Medicare level, that will be true protection for the elderly, and I will continue to advocate and work for such a system on the Ways and Means Committee.

SEPTEMBER 16, 1787—DELEGATES RECESS PENDING SIGNING OF THE U.S. CONSTITUTION

(Mr. GEKAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, it is now September 16, 1787, and I am reporting to you from the floor of the Constitutional Convention in Independence Hall, Philadelphia. The delegates are all in their own lodgings at this hour preparing to go home, knowing that when they come back to the hall tomorrow after this short recess they will be signing the document now known as the Constitution of the United States, to complete the mandate of the Congress of the United States which had sent these delegates to Philadelphia for the express purpose of revising the Articles of Confederation, but who have devised the new wonderless document called the Constitution.

The only delegates who are scurrying around the hall today are those who have specific duties to accomplish concerning that final day which is scheduled for tomorrow. Among them is James Madison. I have interviewed him extensively, and I have just now asked him why he continues, as he has throughout every single day of this convention, to take notes and to revise those notes and to make memoranda concerning those notes. He has told me that he thinks 100 years from now or 200 years from now, in 1887 or 1987, Members of Congress and people who are history-minded and those who want to celebrate a centennial for the Constitution of the United States will be referring back to his notes to determine what the delegates said, what they thought, what their course was, and what was the nature of the debate that went into the final compilation of the greatest document the world has ever seen, the Constitution of the United States.

PEACEFUL INTERVENTION IN HAITI

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Mr. Speaker, peaceful intervention in Haiti is desperately needed now. Following the leadership of our Government, the people of Haiti removed Francois Duvalier and proceeded step by step to prepare for the institution of a democracy. They confounded everyone and wrote a constitution, and the people came out and 90 percent of them voted for that constitution.

That constitution has a timetable for elections in it. However, military outlaws and armed terrorists are seeking to overthrow that process, to stop that process.

First, the military junta tried to take over the electoral process and the electoral commission that was set up to guide it. When the people rose up against that, they backed down. But they have instituted a policy of terrorism. The army, in concert with local terrorists, have actually hacked to death a candidate who was campaigning for the Presidency. In broad daylight, campaigning before a crowd of people, he was hacked to death, and nobody did anything about it.

Within this atmosphere, free elections cannot go forward. There is a desperate need, in order to have free elections in Haiti, for the United States Government and the Organization of American States to intervene on the side of the people. Peaceful intervention could guarantee a free election. We can guarantee that election, and we can keep to the timetable. If we keep to the timetable, by November 29 the Haitian people will have elected a President step by step. If we do not intervene, then the outlaws of the military and the terrorists will guarantee that there will not be a peaceful democracy established in Haiti.

Haiti is only 90 minutes away from the shores of our democracy. Haiti needs our help desperately. Haiti needs it now. I call upon the United States Government, the State Department, and the Organization of American States to take steps right now to intervene to guarantee a peaceful election in Haiti.

BELLS ACROSS AMERICA

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, tomorrow, September 17, the United States will observe the 200th anniversary of the signing of the U.S. Constitution. On that day, Mr. Madison and 38 other courageous men dared to put their names to a document that would revolutionize the science of government. It established the world's first government of the people, by the people, and for the people.

To commemorate this historic event, on behalf of the Commission on the Bicentennial of the U.S. Constitution, I urge my colleagues to invite every American and every institution, from religious and educational to social and professional, to sound bells, chimes, and carillons on this memorable day at 4 p.m. eastern daylight saving time. At the same time, organizations are encouraged to release red, white, and blue helium-filled balloons. An official bicentennial certificate will be given to participating groups. This will enable Americans to reflect on the blessings of liberty, the ideal of justice, and equal opportunity made possible by the Constitution.

The "Bells Across America" ringing will be led by retired Chief Justice Warren Burger at a special ceremony in Philadelphia as part of the Constitution Day activities to be held in that city at 4 p.m. eastern daylight saving time. Nine children representing all of America's children and the Nation's future leaders will join in ringing a replica of the Liberty Bell.

Mr. Speaker, I urge all the Members to participate and to have their constituents participate as well.

DISCLOSURES FOR HOME EQUITY LOANS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, in the September 15 Federal Register, the Federal Reserve Board proposed a change to regulation Z—Truth in Lending—to implement changes required by the FSLIC recapitalization bill recently signed into law by President Reagan.

During discussion of the ruling, the Board noted that it is "currently studying the broader issue of whether the Truth in Lending disclosures for open-end equity plans should be revised to take account of the special characteristics of these programs, which differ in many ways from the more traditional open-end credit programs. The terms and conditions of these programs are generally more complex and the consequences for consumers greater if they fail to understand the program."

I commend the Federal Reserve's willingness to explore whether additional disclosures are needed for home equity credit lines. I have introduced H.R. 3011, the Home Equity Loan Consumer Protection Act of 1987, because I believe these open-end equity or home equity plans do require additional disclosures for consumers. My bill would bring these disclosures for home equity loans more in line with disclosures which will soon be required of every other loan secured by someone's home. I urge my colleagues to add their name to the 45 other House Members who have joined with me to make these disclosures required of all financial institutions.

U.S. TRADE DEFICIT WORSENS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, last week another all-time record was announced for the trade deficit of this country with the rest of the world—a whopping 16.5 billion additional dollars, despite a 39-percent drop in the value of the U.S. dollar, which this administration said would solve all of our problems. This means more lost jobs in the United States and more lost profits for U.S.-owned companies.

The waiting game of this administration is simply intolerable. Reversing our country's trade deficit does not signal the closing of our doors to imports. Instead, we need to demand that other countries open their doors to us. No industry in any country has the right to shut out U.S. competition. We must have reciprocal access.

Our strong comprehensive trade bill is a good place to begin building on, but we also need an administration that will stand up for America, and we need a trade policy that will restore the United States as a key player in the international economic marketplace.

NASA VICTIMIZED BY COMPUTER CRIME

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute.)

Mr. NELSON of Florida. Mr. Speaker, the morning news chronicles that some computer hackers in West Germany over long-distance lines have broken into a NASA computer network that contains technical information from space shuttle flights and obtained the ability over a 4-month period to manipulate at will this data.

I do not need to share with the Members of the House of Representatives how dangerous this is in manipulating data in our computers that are linked to information being received from the space shuttle. Besides the space program, I have an interest in this, in that I had the privilege of shepherding through the House the computer crime legislation, along with the gentleman from New Jersey [Mr. HUGHES], the chairman of the Crime Subcommittee.

Mr. Speaker, our prosecutors should prosecute these individuals with the full force of law, and where, because there might be foreign citizens involved that our law would not extend to, our State Department should enact and propose the appropriate treaties to see that these people are brought to justice.

SMALL COMMUNITIES TREATED UNFAIRLY BY FARMERS HOME ADMINISTRATION ACTION

(Mr. JONTZ asked and was given permission to address the House for 1 minute.)

Mr. JONTZ. Mr. Speaker, on previous occasions I have spoken on this floor to alert the Members to plans by the Farmers Home Administration to sell off community development loans in their portfolio at a discount to large financial institutions, while denying the right to the affected communities to purchase these loans themselves at a similar discount rate.

My fears became reality just a few days ago when the Department of Agriculture announced that an agreement had been reached to sell about $1.9 billion of loans to the investment community at the unbelievable price of 58 cents on the dollar—after having offered the communities the right to repurchase their loans at the much less favorable discount of 65 to 75 cents on the dollar.

Mr. Speaker, for whose benefit is the Farmers Home Administration being operated? In this case, certainly not that of our Nation's rural communities, who are being charged as much as 22 percent more to purchase these loans.

The conditions which the FmHA set on the sale of loans to our small cities and towns—the unfair discount rates, a requirement that communities purchase all of their loans if they purchase any, a prohibition against use of tax free financing for repurchase of loans—we are designed to prevent these communities from having a fair chance to benefit from the sales.

At a time when rural America faces many economic problems, and when a few thousand dollars saved can make a big difference to the town's or city's budget, our Government ought to be helping small communities, whenever possible. In the case of the recent loan sales by FmHA, that wasn't done. I hope that Congress can take steps to remedy the situation.

TRADE POLICY RESULTS IN EXPORT OF MORE JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, General Electric Corp. has hired more than 35,000 people in Mexico and foreign countries in the last 20 years. The General Electric Corp. has terminated over 25,000 American workers in the last 20 years and moved substantial amounts of their operations overseas.

□ 1110

Let us face it today. Competitiveness in America comes to mean that if you want to be competitive, you fire Americans, and you move overseas.

That is the mentality that has taken hold in Washington; and believe me, with this mentality, we will be lucky to have a manufacturing job in America in the next 10 years.

Today we start the debate on the textile bill, and I wonder for what, because the ITC ruled in 1985 unanimously that foreign manipulations were ruining the footwear industry, and the President did absolutely nothing.

While he talks about the Orient Express, America does not even make footwear, so today is the litmus test in Congress. If you are going to change the Nation around and bring some of our jobs back, then take a look at the good old USA instead of a lot of this Harvard rhetoric that seems to be abounding around here.

EXTENDING STATE ELIGIBILITY REQUIREMENTS FOR CHILD ABUSE AND NEGLECT ASSISTANCE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1596) to extend the period for waivers of State eligibility requirements to enable certain States to qualify for child abuse and neglect assistance, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from New York?

Mr. BARTLETT. Reserving the right to object, Mr. Speaker, I do not intend to object, and I will use this time to yield to the gentleman from New York [Mr. OWENS] to explain the gentleman's request.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, today I ask for unanimous consent for the passage of S. 1596. This bill provides for the continued funding under the Child Abuse Prevention and Treatment Act for two States that are presently out of compliance with one aspect of this legislation. S. 1596 would provide an additional 1 year waiver to two States that have yet to conform with the "guardian ad litem" provisions of the act, Arizona and Alaska.

Because these States continue to make good faith efforts to come into compliance with the relevant sections of the Child Abuse Prevention and Treatment Act—it is important that we retain flexibility in allowing vital programs under the aforegoing legislation to retain funding.

In passing S. 1596 we are acting with the full agreement of the administration and in the same bipartisan spirit that has characterized our dealings to date with the minority concerning the Child Abuse Prevention and Treatment Act.

Mr. BARTLETT. Mr. Speaker, further reserving the right to object, under my reservation, I do support the passage of S. 1596.

Mr. Speaker, this noncontroversial bill simply extends the current waiver authority in the Child Abuse Act. As a result the States of Arizona, Alaska, and Oregon, will receive their fiscal year 1987 funding allocations. These States have had unforeseen difficulty satisfying the guardian ad litem requirement contained in current law. The bill does not contain any new spending authority, and earlier this year the House passed a bill, H.R. 1900, reauthorizing the Child Abuse Program, that contained a similiar provision in recognition of the progress and difficulties experienced by these few States.

This bill is being considered today because the other body does not expect to pass its Child Abuse Act reauthorization in fiscal year 1987, thereby rendering inoperable the extension contained in H.R. 1900 for fiscal year 1987 funds. In the 1984 amendments, States were given extensions until the end of fiscal year 1986 to meet the requirements of the law, including the enactment of their guardian ad litem programs. A small number of States contacted the Committee on Education and Labor during our reauthorization of the Child Abuse Program to request that they be given more time to comply.

After examining evidence to indicate that these States were in fact facing unforeseen difficulties, and more importantly making progress toward enacting the requirement of the legislation, the House agreed in H.R. 1900 to provide limited extensions to these States.

The legislation we are presently considering will allow for an extension only for the purpose of receiving fiscal year 1987 funds. This limited extension will exert a reasonable amount of pressure on the other body to complete its work on the authorization in a timely manner, and ensure that needy social service agencies in the States affected receive their fiscal year allocation.

Mr. Speaker, our ranking Republican member, the gentleman from Vermont, Mr. JEFFORDS, has indicated his support for the measure we are now considering. I would urge my colleagues on both sides of the aisle to vote for passage of S. 1596.

Further reserving the right to object, I yield to my good friend and colleague, the gentleman from Arizona [Mr. KOLBE], who was instrumental in bringing this matter to the attention of the committee.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding to me.

I thank the gentleman from New York [Mr. OWENS] for his support of this bill, which is important to my State, along with the State of Alaska.

The House reauthorized the Child Abuse Prevention and Treatment Act (Public Law 94-247, as amended by Public Law 98-457). The act provides child abuse prevention funds to States which meet 11 delineated requirements. During the act's reauthorization in 1984, provisions were included for a 2-year waiver of the requirements. This waiver allowed States to receive funds in order to make a good-faith effort, with substantial progress during the second year, to comply with the act's mandates.

Arizona had not received grant funds prior to the waiver because the State did not meet the guardian ad litem requirement in section 4(2)(6) of the act. Grant funds received during the past 2 years have helped to establish a guardian ad litem program entitled CASA, court appointed special advocates. During this period of Federal funding, great strides have been taken to make the CASA volunteers available to abused and neglected children involved in dependency procedures in juvenile court. The 2-year period, however, had not been sufficient time to implement this program statewide.

An additional waiver provision will help assure that Arizona meets the act's requirements and secures these needed Federal funds for our child abuse treatment and prevention efforts. Alaska, another waiver State, is also in need of the extension. The absence of a waiver and the consequential defunding would be a severe destructive blow to the momentum States have gained toward accomplishing compliance.

Thus it is necessary for this legislation to be approved to ensure that the great gains that have already been accomplished can be continued without interruption. I urge my colleagues to support S. 1596.

Mr. BARTLETT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Arizona [Mr. RHODES], who was also quite helpful in this process.

Mr. RHODES. Mr. Speaker, I thank the gentleman for yielding to me.

I too rise in support of S. 1596.

As the gentleman has pointed out, the difficulty we have run into in Arizona is that we have been slow in being able to acquire the necessary volunteers in rural counties. I am advised by the Arizona Department of Economic Security that they are making good progress; and with this extension, they will be able to complete the requirements under the act, and continue to be eligible for funding without a waiver.

For that reason, I urge support of S. 1596. The gentleman from Arizona [Mr. KYL], my colleague from the Fourth Congressional District, joins me and the gentleman from Arizona [Mr. KOLBE] in requesting the support of the Members from both sides of the aisle in favor of S. 1596.

Mr. KYL. Mr. Speaker, I rise in support of S. 1596 which will allow the States of Arizona and Alaska to continue to receive Federal funding from the Child Abuse Prevention and Treatment Act while working to comply with all of the act's mandates.

In 1984, the House reauthorized the Child Abuse and Prevention Act which provides Federal funding for child abuse prevention to States that meet 11 delineated requirements. Provisions were made in the reauthorization to allow States working in good faith and with substantial progress to continue to receive funding for 2 years while working to fulfill the 11 requirements.

This year the waiver expired and Arizona has not yet received its funding because it did not meet the Guardian ad litem requirement in section 4(2)(6) of the act. Grant funds received from the two previous years have been instrumental in establishing the highly successful, but not yet statewide CASA, [Court Appointed Special Advocates] Program. The State of Arizona has worked in good faith and with substantial progress, but the 2-year period has not been sufficient time to implement this program throughout the State.

The CASA Program has made great strides in providing support for abused and neglected children involved in dependency procedures in my State's juvenile courts. The additional waiver provided by S. 1596 will allow Arizona to receive its much-needed fiscal year 1987 funding, thus ensuring that progress will continue to be made, and that important ground will not be lost. I urge my colleagues to support S. 1596.

Mr. BARTLETT. Mr. Speaker, I would like to once again express my gratitude to the gentleman from New York [Mr. OWENS], the chairman of the subcommittee, for the gentleman's diligence in this matter; and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

QUALIFICATIONS FOR CHILD ABUSE AND NEGLECT ASSISTANCE

Clause (i) of section 4(b)(3)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103(b)(3)(A)(i)) is amended by inserting before "or" at the end thereof the following: "and for a third one-year period if the Secretary makes an additional finding that such State is making substantial progress to achieve such compliance,".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1596, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1154, TEXTILE AND APPAREL TRADE ACT OF 1987

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 256

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1154) to remedy injury to the United States textile and apparel industries caused by increased imports and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of section 311(a) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177) are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the amendments recommended by the Committee on Ways and Means now printed in the bill and said amendments shall be considered as having been adopted in the House and in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution is a modified closed rule providing for the consideration of H.R. 1154, the Textile and Apparel Trade Act of 1987. The rule provides for 3 hours of general debate, with the time equally divided between the chairman and ranking minority member of the Committee on Ways and Means. The rule waives section 311(a) of the Budget Act against consideration of H.R. 1154. Section 311(a) prohibits consideration of legislation which would cause the ceiling on new budget authority or outlays set by the budget resolution to be exceeded or the revenue floor to be breached. Since this legislation would reduce the amount of imports brought into the United States it would slightly reduce revenues by decreasing the amount of import duties collected. Because secondary effects such as increased taxes resulting from more employment in the domestic textile and apparel industries are not counted in determining Budget Act points of order, a waiver of section 311(a) is necessary.

Mr. Speaker, the rule provides that no amendment is in order to H.R. 1154 except the Ways and Means Committee amendments now printed in the bill. The rule provides that, upon adoption of the rule, these amendments are considered as having been adopted in the House and in the Committee of the Whole, so that no separate vote on these amendments will occur. Finally, the rule provides for one motion to recommit.

Mr. Speaker, passage of this bill is critical to the existence of the textile, apparel, and footwear industries in the United States. For the past 6 years, these critical industries have endured the onslaught of a flood of cheaply produced imports. While growth in the domestic market has followed a steady and relatively stable course, growth in the percentage of foreign-produced goods that make up the market has skyrocketed. If this pattern is to continue, we face the further deterioration of our domestic capacity to produce textile, apparel, and footwear products necessary to clothe and equip our Armed Forces as well as civilians.

In light of this situation, I hope you will agree with me that it is imperative that we take immediate legislative action. The administrative fix that has been promised to us so many times simply has not come true. There is documented evidence that some of our trading partners exercise careless disregard for the administratively imposed quotas. I am sorry to say, our Commerce Department has not been especially eager to enfore their own mandates. This attitude, coupled with an insufficient number of Customs agents, has resulted in a textile trade policy which is an unworkable sham.

The trade deficit continues to soar to unprecedented heights, in large part due to the textile and apparel deficit. As long as foreign imports continue to take over our market, U.S. jobs and job opportunities become our exports.

This legislation that I and 247 of my colleagues have introduced will adequately stem the tide of imports with a minimum of disruption to the current market. We simply want to hold the growth in imported goods to a reasonable pattern that is fair to importers, manufacturers, our trading partners, textile workers, and consumers.

H.R. 1154 achieves this goal by limiting growth to 1 percent per year for each product. Footwear imports are frozen at the 1986 levels. H.R. 1154 does not prescribe discrimination against any individual country. Within the 1-percent cap, the administration is free to negotiate any bilateral or multilateral agreement on any product. Furthermore, if any country suffers injury, the bill provides for compensation to be negotiated in the form of a tariff reduction.

This proposal is the result of great compromose, and is desperately needed by the general economy as well as the industries directly involved. I urge you to vote yes on this rule and yes on final passage of H.R. 1154. Ultimately, I urge you to vote "yes" to override the inevitable Presidential veto later this year.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule sets up a straight "YES" OR "NO" vote on the textile and footwear bill and it should be adopted. So should the bill.

Since the rule provides for 3 hours of debate on the bill and since most Members are familiar with the bill's provisions, I will not describe it in detail. I do want to ask Members for their votes for the measure, and to tell the House the reasons why I am asking for a strong, bipartisan "YES" vote on final passage.

Those of us representing areas where textiles and apparel plants and shoe factories have been an important part of our local economies for generations know firsthand the devastation that imports have inflicted on these industries. In recent years we have seen textile plants and shoe factories shutdown and a great number of workers thrown out of work. We have tried over the last 7 years to enact a law that would allow these industries to survive. Up to now we have failed. Likewise, the industries are failing. We are here again to make our case and ask for help to save these two great American industries from collapse.

In the last 7 years, over 350,000 people have lost their jobs to foreign textile and apparel imports, which now control about 54 percent of the domestic market. Many more hundreds of thousands of people who used to work in industries which supply and service the textile and apparel industry have also been thrown out of work. The condition of the footwear industry is also desperate. In 1981, imported footwear took 51 percent of the domestic market. Today, they have 82 percent. Three hundred eight factories have closed since 1981. Seventy closed last year, and about 57,000 jobs have disappeared in the footwear industry alone. I could go on and cite grim fact after grim fact in this regard but the situation is bleak and getting worse—we all know this.

What I ask is this: Since we have a national trade policy which is causing the ruin and ultimate destruction of the textile and apparel industry, the footwear industry, and many, many other industries, and since this policy has produced the greatest trade deficits in our history, and since we are now the world's greatest debtor nation, then surely this policy must be producing magnificent results in other areas of our national effort to succeed and prosper.

Since any policy's value is measured by the results it produces, surely this trade policy must be producing terrific results in other areas that outweight the devastation and ruin so apparent to all. So, I ask: What are these magnificent and beneficial results, and where are they to be found?

Members will answer this question as they bring to bear their considered views and thoughts on the results our national trade policy has produced. I have asked myself this question, have given it serious thought, and have concluded that our trade policy is not producing good results and should therefore be changed substantially.

I am not an economist or an expert on international trade, but just a businessman who later entered public service. I claim no special expertise or wisdom in these matters. I do feel, however, that I can tell when policy decisions and actions are producing good resuslts and when they are not. In my view the evidence is in, things are not going well, and it is time for a change.

This bill provides an opportunity to begin changing things today, here and now on the floor of the House. After all, the Congress is charged with the responsibility to regulate trade by the Constitution. Let us step forward confidently to accept this responsibility and enact the necessary changes in our trade policy while there is still time to save some of our basic industries from total destruction.

It is time to write a new chapter in the book of American trade policy, and the theme of this new policy must be realism and fairness with the interests of American industries and American workers first.

It has been a long time now since America emerged victorious from the Second World War with few international trade competitors standing out there to challenge us. Over the years we have opened our domestic markets and we have exerted every effort to assist the trading nations of the world, great and small, to recover economically and to expand their export markets. Our policy has achieved its purpose. It was a policy which produced good results operating under a particular set of conditions existing in the world during the post-World War II era.

That era is now history. It is time to fashion a new trade policy to fit our times. Change is constant. Everything moves on. All conditions are dynamic and in flux, not static. Those who cling to ideas which under prior conditions produced wholesome results, but which under present conditions produce unwholesome results, are heading for failure and defeat.

Let us face the truth. We have grown complacent and have allowed the old ideas of so-called free trade to continue to operate, even though as presently applied in the conditions of the world today, these old ideas are causing the industrial ruination of America. We have raised an economic theory to the status of a national theology and we have followed its doctrines as if they were divinely inspired. We have been following these doctrines wherever they have led us, even when this means marching over the cliff to our economic and industrial ruin.

The evidence is now clear to all who will look at it without prejudice. Our faithfulness to the doctrines of so-called free trade, while formerly they produced good results, now threatens our national standard of living and our economic future.

When we hand over our domestic markets to unfair import penetration, we are sentencing ourselves and our children to a bleak future of fewer competitive business enterprises, fewer good jobs, less economic opportunity, and a lower standard of living. As we are now practicing the theology of so-called free trade, we are producing profoundly destructive results for the country because this theory is not based on the actual conditions of today's world. This theory, as it is now operating, relates to an imaginary world in which all nations engage in totally unregulated and unsubsidized trade.

The rest of the world is not playing by our free trade rules. America has opened many of its markets to the world, while most of the world has imposed greater restrictions on imports from us. They are practicing unequal competition. So-called free trade has placed us in direct competition with low-wage nations, such as Thailand, for example, where children are paid 4 cents an hour in sweatshops. It should be clear by now that by allowing other nations to seize large parts of our domestic markets, we are encouraging the permanent interruption of the crucial relationship between supply and demand that has been the main engine of economic and industrial growth in American history. This is a ruinous policy which is producing a disaster for ourselves, and which will eventually produce a disaster for our trading partners.

At this time, a new trade policy is urgently required. Two kinds of policy action need to begin at once. First, we must hold the line, we must keep what we have. We must halt the erosion of the American economy. Textiles and apparel and footwear are a good place to start. Let's be realistic. Isn't 54 percent of the American textile and apparel market enough for our trading partners? Isn't 82 percent of our footwear market enough for them? Second, America must proceed diligently in the direction of fair and balanced trade based on the conditions of world trade as they really are.

A new and realistic trade policy in tune with the actual conditions of our times must bring to a halt the underselling of American industrial production by foreign producers. We must set reasonable and fair limits on the percentage of our domestic markets that can be taken by imports, and we must ensure for American industry a home market on which it can rely in order to rebuild and resume its advance.

Finally, while it is essential to place America first—for who else will if we do not—it is also necessary to declare to ourselves and to the world that we have been in error. In our incessant and tiresome preaching of this theology of so-called free trade, we have not only invited our own industrial and economic ruin, we have also misled other countries.

It is time to step forward and forthrightly admit our error. It is time to state that the idea that the rest of the world can achieve sustainable and ever-increasing economic growth through unbalanced export sales to the American markets is false.

We must put an end to the fantasy that the entire underdeveloped world can copy Japan and achieve economic progress through a parasitic relationship with the American markets.

Let us begin today here in the House of Representatives to make a new beginning. The American textile and apparel and footwear industries are a good place to start moving to a new, realistic trade policy. They employ over 2 million workers found in all 50 States. That is more workers than the steel and auto assembly industries combined. They need the help of their Congress. They have a right to expect it. Let us provide it.

Let us pass this bill today by a strong, bipartisan vote. Let us pass this bill to save our textile and appearel and our footwear industries. Much remains to be done. Let us begin to take up the task now. I ask for a "yes" vote on H.R. 1154.

□ 1125

Mr. DERRICK. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT] for purposes of debate only.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule and in support of the bill that it will permit us to consider, H.R. 1154, the Textile and Apparel Trade Act of 1987.

Passage of this bill is critical to saving our Nation's textile and apparel industry and it is critical to many of our constituencies, as evidenced by the fact that we have nearly 250 cosponsors on this bill.

Since this is the only bill that really is specific that we have considered in trade legislation this year, I think it is useful if I take just a minute to dwell on the fact of the reason we are addressing specifically the textile and apparel industry.

In 1980, just a short time ago and just before Mr. Reagan became President, the United States imported $9½ billion in textile and apparel goods, but we also had offsetting exports. In fact, in terms of basic textile products, we literally had a near balance in textile trade in that year, 1980.

I say that because it is hard to believe how much the situation has deteriorated in 6 short years. Last year, the textile and apparel trade deficit had skyrocketed to $21 billion. Textile and apparel imports had gone up to $24.7 billion. That is an overall increase of 250 percent over 6 years. It is a compounded annual increase of 20 percent. That is how bad the situation is and it shows no signs of slackening.

This year, imports are projected to reach $27.6 billion and that represents again an increase of 20 percent. Each year we have had, since 1981, a record increase. We thought we had peaked out, we had topped out, only to find that the next year we had set a new record on the heels of the old record.

While imports have been increasing at a rate of 20 percent per year compounded annual rate, the domestic market has gone along at a snail's pace of 1 to 2 percent a year.

Now, since 1955-56 when we had our long-term cotton arrangement with the Japanese, every President, every government since President Eisenhower, through President Carter, has assured this industry something that we call today managed trade. You cannot say that the industry has been protected, because I think it is a joke to say that any industry suffering this kind of import competition and a deficit of $22 billion in trade is a protected industry. That is comical; but it has at least been promised managed trade and every President has assured the industry that they would have that kind of protection.

President Reagan himself specifically promised in writing that he during his administration would seek to relate the growth of imports to the growth of our domestic markets. Well, the proof of the pudding is there to be tasted. We have had increases every year of 20 percent compounded annually. We have had an increase in our domestic market of 1 percent. The growth rates simply have not been related.

The administration has at hand the tools necessary to deal with this problem. It has the legal authority to do just what this bill would do, that is, implement global quotas.

Now, I will be the first to admit that it would be better and far more efficient if the administration would just use its authority under domestic law and international law, use its authority and come to grips with this problem.

The administration has an example it can follow. Our European allies in 1981, the European common market, was suffering about the same trade deficit that we had in textile and apparel goods, $3 to $4 billion.

□ 1140

That is what our deficit was then. That is what their deficit was.

They cracked down, they determined that they were not going to allow their deficit to grow and, as a consequence, today the Europeans last year had a deficit last year of about $3 billion. They reduced their deficit in textile apparel trade by about 40 percent, whereas we last year had a deficit of $21 to $22 billion and ours had grown by 500 percent.

The Europeans do not have at their disposal any tools, any implements, any legal authority other than what we have. The only difference is they had the will to do something; our administration did not.

What we are simply supplying in this bill is the will to do something about a serious problem.

One other point. The European Economic Community, certain members of it, have been critical of this bill. But it ought to be remembered and recalled, and people who want to vote on this bill ought to know that we in this country buy three times more clothing and apparel products from Third World countries and lesser developed countries than do the Europeans. We buy five times more than the Japanese. If this is a slowdown in the rate of growth, we will still have far more liberal trade with those countries than will the Europeans and the Japanese who might be critics of this particular bill. We take up 50 percent of all the exports of lesser developed countries; the Europeans take up 20 percent.

Mr. Speaker, without our help, without the passage of this bill, the future of the domestic textile industry runs from bleak to bad. Since 1980, record import levels have contributed to the loss of 350,000 jobs in this country and 1,000 plants in the American textile industry have been shutdown.

My colleagues will be painted in the debate of this bill a picture of prosperity in the current industry. They will be told they are enjoying record profits. Their profits are up, utilization is up, but utilization is up because plant capacity has been cut back by a third. Jobs are up, the percentage of textile workers employed is greater simply because 350,000 textile jobs have been removed from that particular base.

This bill comes before us on a timely occasion. This past weekend we learned that our trade deficit is still running at a rate of $160 to $170 billion a year. We have been told be patient. Rectify the exchange rate of the dollar and that simple macroeconomic solution will take care of everything.

Now we are waking up to the fact that it will not happen, and if we are serious about doing something about our trade deficit, our overall balance of payments deficit, then we have to be serious by stopping the hemorrhage in textile apparels because that is the second largest component of it. The two objectives go hand in hand.

Let us pass this bill, and let us send a message both to the administration and to foreign governments that we are not going to stand by and let our single largest manufacturing industry, the largest employer of minorities and of women in this country, disappear.

I urge my colleagues to support the rule and to vote for H.R. 1154.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, sad as it may seem, I have not yet, as I stand here, determined how I am going to vote on this bill. I have always been wary of protectionist measures, and this is without question another protectionist measure.

What is wrong with a protectionist measure? What it does is it pits two sets of our fellow Americans against one another.

On the one hand, one set of our fellow Americans whose concerns are ours are those in the textile industry in this particular protectionist measure. On the other hand are sets of American citizens who would be hurt by the imposition of quotas and protectionist measures in textiles; namely, our farmers, our clerical workers and those who deal with exports and imports.

So who are we? Can we exert the wisdom of Solomon to determine which of these two sets of our fellow Americans we should choose in any debate on a protectionist measure? That is why we should for the most part allow these matters to be settled by free trade and by the marketplace.

However, I do have hesitations in this particular atmosphere in which we find this bill, and yet may vote for the bill because of two or three other reasons. One is that it is prospective in nature, unlike last year's bill, and it will only apply to numbers and figures and quotas yet to come, which is different from last time. The other reason is based on the fact that the shoe industry, which is a part of this, is separate and apart from the textile industry in so many ways, and the numbers are so horrible there that even I, a staunch free trader, have pause when it comes to the footwear industry.

But that debate is yet to come, and my final vote on the bill is of course yet to come as is that of my colleagues.

But there is no question about where I stand on the rule. We must defeat the rule so that we can try to separate the footwear from the textile industry. They are really apples and oranges in this bill, and we are doing a disservice to the Congress of the United States and a disservice to the people if we cannot have separate considerations of these two industries.

Mr. DERRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT] for purposes of debate only.

Mr. TRAFICANT. Mr. Speaker, sometimes I listen to the speeches and I am not quite so sure how people are going to vote. When it is over, I assure my colleagues when I am done they will know how I am going to vote, and they will know why.

Mr. Speaker, my district lost 55,000 jobs in the steel industry since 1977. In fact, we had 44,000 card-carrying, dues-paying steelworkers, and that is now down to 2,200.

During the great 1984 election campaign Mr. Reagan said do not worry, I will bring those steel mills back. He further said my policies will allow your children to continue to own a piece of the rock.

I say here today that I agree, the President's policy still allows our children in Youngstown, OH, an opportunity to get and own a piece of the rock. The only difference is our kids, to get it, have to import a boulder from Mount Fuji, and that is about what the policies have been.

In fact, the only thing the Reagan administration has given areas like mine has been rustproof paint. I firmly am convinced as I stand in the well of the House today that this President has not finished yet. He will not be satisfied until he has a full grown rice paddy on the east lawn of the White House.

Now let us get off this protectionist business. L.B.J. warned us. He said Congress, if we do not rebuild our factories and take care of our industries, America will be a paper tiger in international trade. Ladies and gentlemen, welcome to confettiville. This is the real Hallmark Hall of Fame Congress because we have done nothing while we let a President do worse. He has taken us the other way.

Let us talk about what the programs are. This administration started the Mequilladora process. Our Commerce Department sent out 12,000 letters to businessmen and corporations around America to teach them how to develop businesses offshore, in Mexico, for example.

My God, what happened to America where our Commerce Department would have seminars in their own land teaching our people how to make a profit in America?

I keep hearing it is good for America if we lose jobs. Pensions are lost, well, that is good for the country. Health benefits, life insurance benefits, for seniors are lost. That is good for the country. Our manufacturers are moving overseas. That is good for the country.

I say what is good for the country would be to send Mr. Reagan and the IRS to Japan. No. 1, that is where all of the jobs are, and that is where all of the money is. That is exactly the way people in my area feel.

Let me explain this to my colleagues. My area has gone from steel to basically autos. When the steel industry demise came about, Congress could see it. It was almost 30 percent import penetration. Now in the auto industry in October 1985 32 percent of every new car sold in America was made overseas. In November 1985 35 percent of every new car sold in America was made overseas. The Chevy Sprint and the Dodge Colts are stone cold imports, and we are talking about protectionism.

Korea will export 1 million cars to America this year and they have a 35-percent tariff against our cars. What is wrong with us down here?

In Iacocca's book, and I read it, there is a professor from Japan who says that he cannot figure out what is going on in America. We in Japan take care of our country first. Why does America not do that?

We take a look at the textile industry. God Almighty, if this is not the litmus test for Congress in future battles on trade, I do not know what is. But it takes me to a little man who was never even elected in India, and everybody may have seen the movie "A Man Named Gandhi" and under British rule all of the imported cloth was coming in and all of the Indians were not working, hunger and pain. This little man stood up and made a little speech, and maybe everybody in Congress should listen too. He said to all of the people in India burn all of that imported cloth from Manchester and Leeds, and if you have but only one piece of homespun, wear it with pride and dignity because there is no beauty in any cloth if it causes hunger and indignation.

Let us face it. The textile industry is getting wiped out, the footwear industry almost wiped out. I think it has come to the point now that Congress has to look at the real trade issues. There is no free trade out there and this administration is selling the farm piece by piece, and what they are not selling the foreign countries are taking it from us.

We do not have to worry about a missile. Khrushchev was exactly right. Let them go ahead and go forward with all of that high-powered sophisticated mentality and they will give the country away.

I say today vote for this rule, vote for this bill and send a signal to the administration that Congress is going to stand here and take them on.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, it has been known for some time that the House would be voting on the textile bill. Those of us who believe that it is bad for the United States believe so just as strongly as its passionate proponents believe that it is good, but we will make that case during the debate on the bill.

I for one have certainly not tried to hold up the bill. It has gotten very speedy treatment from our committee, both in subcommittee and in full committee. I am glad that it is on the floor for consideration.

There is one point about the rule that bothers me. I suppose that the problem is unavoidable. The rule waives the Budget Act. The House waives the Budget Act over and over, in nearly every piece of legislation that it takes up. That is unforgiveably.

This House has simply decided that the budget proces is an object of scorn and derision rather than a standard which we will follow.

In this particular case, the customs duty effect is to lose $5 billion of revenue over the next 5 years. The net revenue effect is to lose $3.2 billion. None of those losses are included in the congressional budget which this House adopted, and, nevertheless, I am sure that the rule is going to be accepted overwhelmingly.

I would just invite Members' attention to the fact that the vote on the rule is a fiscal vote. It is a $3.2 billion net vote, and it is a $5 billion gross vote. The right vote is "no."

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 305, nays 111, not voting 18, as follows:

[Roll No. 318]

YEAS—305

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Baker
Ballenger
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carr
Chapman
Chappell
Clarke
Clinger
Coble
Coelho
Coleman (TX)
Combest
Conte
Cooper
Coyne
Daniel
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank

Frost
Gaydos
Gejdenson
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Holloway
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lott
Luken, Thomas
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schuette
Schulze
Schumer
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Denny (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—111

Archer
Armey
AuCoin
Badham
Bartlett
Barton
Bereuter
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Carper
Chandler
Cheney
Coats
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
DeLay
DeWine
Dornan (CA)
Dreier
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Goodling
Gradison
Grandy
Green
Gunderson
Hansen
Hastert
Hefley
Herger
Hiler
Hopkins
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kolbe
Kyl
LaFalce
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lowry (WA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Nielson
Oxley
Packard
Penny
Petri
Porter
Rhodes
Ridge
Roberts
Roth
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Sensenbrenner
Shaw
Shumway
Smith (NE)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Wolf
Wortley

NOT VOTING—18

Biaggi
Clay
Collins
Conyers
Crockett
Dymally
Edwards (OK)
Garcia
Gephardt
Gregg
Kemp
Latta
Leland
Lloyd
Pursell
Roemer
Spence
Tauzin

□ 1210

Mr. HALL of Texas changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 442, CIVIL LIBERTIES ACT

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 100-301) on the resolution (H. Res. 263) providing for the consideration of the bill (H.R. 442) to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, which was referred to the House Calendar and ordered to be printed.

VIEWS OF CONGRESSMAN BILL FRENZEL ON H.R. 1154, TEXTILE AND APPAREL TRADE ACT OF 1987

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the views of Congressman BILL FRENZEL on the bill, H.R. 1154, the Textile and Apparel Trade Act of 1987, which were inadvertently omitted from the committee report, be inserted at this point in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the material referred to is as follows:

ADDITIONAL VIEWS BY CONGRESSMAN BILL FRENZEL, AUGUST 6, 1987

If you don't like competition, you will love this year's textile bill, H.R. 1154. It is different from last year's vetoed version, but it is just as harmful to the U.S.

The Trade Subcommittee reported the legislation and the full Ways and Means Committee reported it without recommendation, and without enthusiasm. It was an idea whose time has come and gone.

Textile legislation used to be a Holy War. Now it has become an annual ritual. Textiles already have the broadest protection of any U.S. industry. By any standard, textiles is a profitable, high employment industry. Despite its great success, the industry knows only one battle cry, "more."

During the 99th Congress, the industry came close to passing a bill that would have drastically cut back imports, even to many of the least developed countries which are very minor suppliers. When the Congress failed to override a Presidential veto, the industry came right back with a different version which added footwear restraints. Because the bill is different, not better, the industry and its apologists allege that it is GATT and MFA consistent.

The bill is being hyped as the great compromise of the year—the bottom line for the survival of the textile/apparel/footwear industry. Without it, its authors say, there will be no textile/apparel industry by the year 2000. The Institute for International Economics textile study by William R. Cline analyzes that even with the lower tariffs and the phase out of quotas it recommends, the annual rate of employment reduction would be 2% for textiles and 2.5% for apparel—about the same as the annual rate of retirement in the industry.

To look at the current state of the industry is to challenge the statements that the industry is on its last legs. Textiles is the healthiest dying industry in sight. Production has been increasing since the early 70's, up 10% in 1986 and 3% for apparel. Productivity growth, sales and profits are over that of manufacturing as a whole. Capacity utilization is up to 96% currently in textiles. Textiles is the envy of other industries.

Employment is up, 3.4% in textiles and .4% in apparel from May of 87 over 86. Industry employment rose by 25,800 jobs between the same time frame. Unemployment figures in the major textile states are below the national average. Unemployment in the textile industry fell to 5.6% in 1987 from 7.4% in 86. Overall unemployment rate is 6.7%. In the main textile states unemployment rates are 4.8% in North Carolina, 6.1% in South Carolina, and 5.6% in Georgia.

A Kurt Salmon Associates survey of 35 textile companies showed net income increasing by 83% in 1986 with sales increasing 16%. 1987 first quarter profits of 8 textile companies were up 110%. Total industry profits were up 67% in 1986. Every broker in town is touting textile stocks.

The OTA says that between 1975-85 productivity grew at 5.6% average rate per year—twice that for manufacturing as a whole. Apparel was at 2.7%—still above the overall rate. Exports have increased in 1986—13% for textiles, 22% for apparel, according to the USTR. New and expanding plants are being built, further creating job opportunities in the industry. Few industries are enjoying such prosperous times.

The footwear industry is adjusting on its own and stabilizing in areas where it can be competitive. Voluntary labor turnover in the footwear industry is over 30% per year, permitting an adjustment without forced layoffs. While imports are high, domestic producers still control a high percentage of the value of the footwear market. The U.S. footwear industry is dominated by profitable companies concentrating on high quality brands. Quotas would force the importation of higher quality footwear that would directly compete with that.

Import penetration in textiles is high, but not alarming. The Institute for International-al Economics says that combined import penetration was 22% in 86 by value. Commerce shows a combined import share of 33%. ATMI shows much higher figures not accepted by DOC.

There has been a steady rise in imports, but no big surge, except in 1983-85 when the strength of the dollar injured many U.S. industries by encouraging imports. Slower consumption growth in the 70's and early 80's has also taken its toll on the industry. In the last year, imports have risen due to increased consumer demand and the inability of the U.S. industry to supply all of that demand.

Before we agree that the current level of import penetration is worthy of additional import restraints, we need another look at the industry. While it is true that the industry has made some productivity improvements, particularly in textiles, and has been far more effective lately at developing market niches, most of these improvements have occurred too late to recapture the share of U.S. consumption lost to imports.

A complacent textile industry suddenly had to face competition from abroad in the 1970's. Outmoded equipment had to be replaced, and an adjustment shock spread throughout the industry as factories either closed down, unable to raise the capital needed to adjust, or laid off workers no longer needed with new productivity improvements. The question is, are imports to blame, or did they provide a positive stimulus to an industry that badly needed revitalization? Throughout the continuing adjustment process, the industry has been protected as has no other in the U.S. Unsurprisingly, the industry and its employee groups found they loved the insulation from competition the 1,400 quotas had given them. So they have repeatedly asked for more.

When considering the need for more import restraints, we must also consider the impact on U.S. consumers. H.R. 1154 would have a disproportionate affect on lower-income consumers, both in textiles and footwear. The protection in place now, the 1,400 quotas, forces consumers to pay $20 billion annually to protect a prosperous industry and preserves 220,000 textile and apparel jobs. That is $82,000 per job saved in the apparel industry and $135,000 for each textile job saved.

Consumers for World Trade says that $27 billion is the current protection to the textile industry at the wholesale level, and $54 billion at retail level. That level of protection is unconscionable and unnecessary.

The CEA estimates that consumer cost of H.R. 1154 in textiles would be $25-37 billion over 5 years. It estimates a $52,000 cost per job saved in the footwear industry. ITC estimates $6.9 billion in consumer cost for footwear over the first 10 years of the bill.

The Institute for International Economics estimates an average $7.1 billion consumer cost for textiles in H.R. 1154 for each of the first 10 years of the bill. International Business and Economics Research Corporation estimates that H.R. 1154 would increase consumer cost by $10 billion annually and result in the loss of 52,000 retail jobs. It estimates that $223,000 consumer cost would be paid for each of 47,000 jobs protected, a net job loss of 5,000 jobs should the bill pass.

Those costs would be rated extreme by any rational judge. Even if those estimates are off by 100%, they are still too expensive to lay on to the backs of American consumers. Protection for a struggling industry is one thing; H.R. 1154 by this analysis, looks like an exercise in pure greed. We must also review the current protection of the industry. In 1961 the first textile agreement, the Short Term Arrangement, was negotiated as a temporary protection to the industry. 26 years later, the industry is still being protected under the successor agreement, the MFA.

The MFA has been extended three times, each time the rules tigthened, growth rates restricted and coverage broadened. Now, nearly all fibers are covered. We have bilateral agreements with 39 countries which have also become stricter and broader. Those for the major suppliers have an average growth rate of 1%. The Taiwan bilateral includes a 7% rollback. Textiles and apparel have the highest tariffs of any U.S. industry—tariffs averaging 18% versus 3% for all other U.S. industries.

Textile protectionism is not creeping; its galloping. The U.S. government has also automated its system of calls on particular non quotas categories in which market disruption is alleged. This has resulted in far more calls and new quotas than has been the case previously. There are over 1,500 quotas, 200 of which were made in 1986. Over 80% of all low-cost imports are under quotas. Customs enforcement of imports for possible circumvention has stepped up to the point where its efforts are sadly lacking in the general commercial area, and importers complain of lengthy delays and mistreatment of their merchandise. A special rule of origin for textiles and apparel has been devised, and country of origin labeling requirements have been strengthened. Textile exemptions have been granted to our CBI and GSP laws. The 807(A) program provides tariff relief to apparel sewn in 807 plants, if domestic fabric is used.

I would submit that the information submitted above does not justify further textile protection. Even as a so-called compromise measure, H.R. 1154 does not make any sense. The bill calls for quotas on imports from all countries, including Canada and the EC, which were never envisioned under the MFA. (The EC has increased its imports of U.S. textile and apparel by 45% in 1986). It unilaterally limits all quota growth to 1%, and zero growth for footwear. It provides for some compensation to injured countries in the form of tariff cuts, but not even a small percentage of what would be actually required. The bill would also continue the trend towards encouraging increased value imports which more directly compete with U.S. apparel and footwear and results in fewer lower cost imports for low-income consumers.

The bill, in the opinion of the Administration, violates both the MFA and the GATT. It violates the MFA by requiring global quotas, by determining quotas without the usual consultation and market disruption finding, and would violate all of our bilaterals. It would violate the GATT by determining injury for an entire industry, by assigning permanent not temporary quotas, and by not providing adequate compensation. The Europeans, and others of our trading partners, have stated that they will retaliate if this bill passes. The effect of retaliation against U.S. agriculture and high technology products could be devastating.

If the bill passes, we can expect the collapse of the MFA. Even more devastating, we could see the end of the Uruguay Round as well. The U.S. made a standstill commitment with our trading partners during the period of the negotiations. H.R. 1154 would violate that commitment.

If the Congress believes that the industry should receive further protection, it should continue on the same course and speed as we are on now rather than to provide the additional protection of H.R. 1154. We should allow the MFA and the new bilaterals to work, gradually covering more categories as they become disruptive. We should provide more Customs enforcement of possible violations by granting Customs the additional inspectors Congress has long sought to authorize. H.R. 3 also has several sections which deal with circumvention and stiffer penalties for violators, not at all of which I agree, but is a more positive way of getting at the problem than H.R. 1154. The dollar decline is also beginning to make imports more unattractive.

The industry itself must make further commitments to modernization and flexibility as well. There has been a lot of complaint that the industry is inflexible and often refuses to or cannot manufacture many items. Failure to meet production deadlines is another problem, all of which has forced many retailers and U.S. interests offshore.

With an improved macroeconomic picture in the U.S., with adequate enforcement of existing law, and a concentrated effort by the industry to become further competitive, there will be no need for a bill as disruptive as H.R. 1154.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before proceeding with the textile bill, the Chair desires to announce that Members who wish to attend the ceremony on the west terrace of the Capitol in honor of the bicentennial of the Constitution can either meet at the center door to the Chamber at 12:45, where they will be escorted to the Member's designated area on the terrace; or, they may go directly to the west terrace from the second floor of the Capitol by walking through the rotunda, and down the stairs to the center west front door or from the first floor by walking through the crypt to the center west front door.

Members should be in their seats by 1 p.m.

TEXTILE AND APPAREL TRADE ACT OF 1987

The SPEAKER pro tempore. Pursuant to House Resolution 256 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 1154.

□ 1218

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1154) to remedy injury to the U.S. textile and apparel industries caused by increased imports, with Ms. KAPTUR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 1 hour and 30 minutes and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 1 hour and 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Madam Chairman, I yield 45 minutes of my time to the gentleman from Georgia [Mr. JENKINS].

Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 1154, the Textile and Apparel Trade Act of 1987, was reported by the Committee on Ways and Means without recommendation on August 6.

The bill would establish permanent global import quotas on more than 180 categories of textile products and 30 categories of footwear products. The quotas would apply to products from all countries, and would be effective retroactively to January 1 of this year.

For calendar year 1987, the various quotas on textile products would be set at 1 percent above actual levels of 1986 imports for each product category. After 1987 the textile quotas would increase by 1 percent each year.

The import quotas on nonrubber footwear would be frozen indefinitely at actual 1986 levels of imports in each category.

Other provisions of the bill include a grant of compensation authority to the President, a requirement for an annual report to Congress, and a review of the quota programs after 10 years by the Secretary of Commerce.

The one amendment adopted by the committee provides a limited exemption for certain products of U.S. insular possessions.

Madam Chairman, due to strong divisions of opinion within the Committee on Ways and Means on this bill, the committee chose to report the bill without any recommendation on whether it should pass.

I am, however, strongly opposed to this legislation, for reasons I will identify at the close of debate.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Madam Chairman, I yield 45 minutes of my time to the gentleman from Illinois [Mr. CRANE].

Madam Chairman, I yield 6 minutes to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, I rise in support of H.R. 1154, the Textile and Apparel Trade Act of 1987.

As we all know, this legislation passed overwhelmingly in the last Congress but was vetoed by the President. Then as a result of those objections the measure was changed in order to meet those objections, and the present bill would establish quotas on a global basis. Thus no trading partner would be singled out for preferential treatment. The administration would be given complete flexibility to engage in bilateral agreements to enhance the status of any trading partner when it is deemed in the national interest to do so.

In addition, H.R. 1154 provides for no rollbacks of trade. Finally, the measure is consistent with GATT since it includes a congressional finding of injury to the domestic industry, global import quotas, and authorization to negotiate a reduction of tariffs as compensation for affected countries.

Madam Chairman, we have heard a great deal about textiles these past few years. Supporters say that H.R. 1154 is eminently fair, GATT-legal, sets global limitations, provides jobs, reduces Federal expenditures, and generally accelerates our country's economic growth. Opponents claim it will cost consumers billions, that the industry is too protected already, that it will invite retaliation, and that it will cost tens of thousands of dollars for each textile job saved. The information is available out there to support any of these claims. By now, most Members have decided for themselves which arguments have merit.

Today let me offer another point that should be considered—the critical role textiles play in our national defense. Our current Secretary of Labor, Bill Brock, when he served as U.S. Trade Representative, summed up the tremendous importance of textiles. Secretary Brock stated that "Every U.S. industry insists it is essential for national security. Textiles is the only one we accept, and that goes back 20 years."

Secretary Brock is not alone. Dr. Steven Kennedy of the U.S. Army's Natick Laboratories agreed of the importance, saying "it is doubtful if what is left of the woolen and worsted industry can continue for the indefinite future even at its present limited capacity, or be able to supply even peacetime requirements of uniform fabrics for the Armed Forces in the face of price competition from low-wage countries." That, Madam Chairman, is a compelling indictment of our inaction.

The Federal Government spends about $1.5 billion each year on clothing and textiles. The Pentagon admits there are more than 300 different "combat essential" items provided by the textile and apparel industries—things such as chemical-protective suits and gas masks as well as traditioanl textile products like pants and shirts.

But we cannot forget the many nontraditional uses of textile products, and the critical role they play. Grenade decelerators. Bomb decelerators. Fuel cells for helicopters and airplanes. Parachutes. Truck tire components. Helicopter blades and fuselages. Submarine launch tubes. Airplane brakes. Tiles for the "belly" of the space shuttles. Processed materials for the Stealth bomber and fighter, the F-15, F-16, the B-1, the Apache helicopter, and many other military aircraft. In every branch of our Armed Forces, textiles are vital.

While the footwear industry is less pervasive, it is equally important. In World War II, Gen. Omar Bradley noted that 45,000 soldiers were evacuated with trenchfoot. None could return for combat, and some were incapacitated for life. In the sixties and seventies Vietnam was a harsh reminder that sophisticated weaponry has not supplanted the need for basic preparedness in jungle combat.

In the 1980's, one of our greatest allies shared the same problems. At the end of the Falklands war, one-half of all British troops were suffering from trenchfoot due to poorly designed footwear. A recent Army report gave us the sad conclusion. It said, "The lessons learned in pervious wars about the seriousness of trenchfoot * * * never seem to get passed on to the next generation. They have to be relearned in each war by amputations, deaths, loss of battles, and low morale." The report also noted that U.S. trade policy was destroying domestic sources of procurement. That was in 1984, when our domestic footwear market share was 29 percent. Today, it's 17½ percent, the lowest in American history.

And let's not fool ourselves into believing we can replenish our supplies with current stockpiles. Right now, less than one-third of our mobilization requirements can be met with existing reserves. That, Madam Chairman, is a military tragedy.

We are all concerned about national defense. And we all want a strong economy. Well, we can take a huge step toward both of these goals with the passage of the bill before us today. H.R. 1154 is a reasonable, responsive bill that addresses the needs of our domestic textile industry while ensuring minimum disruption in the global economy.

Bill Brock says the textile industry is the only industry we accept as being vital to national security. The Department of Defense now ranks textiles second only to steel. There are simply no acceptable substitutes for textile products. Not a truck could roll, not a plane could fly, not a soldier could march without U.S. textile, apparel, and footwear producers. Ensuring America's troops are properly equipped is not a special interest issue, Madam Chairman, it is a national obligation.

□ 1225

Mr. JENKINS. Madam Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Madam Chairman, I thank the gentleman for yielding me this time.

Let me explain basically what this textile and apparel bill does and the changes from the last time, and there have been substantial changes since the last time.

The last bill had a rollback to 1983 levels. Most, or a large part of the increase in imports into this country has taken place since 1983, so last session's bill would have meant a substantial immediate cutback in textile imports into this country.

Also, the last bill was only applicable to the Asian-rim countries, and there were those that felt it was unfair because of that. These two major things were dealt with in the new bill and in the new bill it has global applications.

The administration has the authority to designate and make that application on a global basis. Further, we do not have a rollback. We go back to the last available figures, and that would be 1986 figures.

After that, textile imports are held to an overall figure of about 1 percent, which is about the growth that the domestic market has shown over the last few years.

Back in the 1980 election, both then-President Carter and candidate Reagan signed letters to the textile people indicating if they were elected or reelected, as the case may be, that they would keep textile imports down to about 1 percent, which would be comparable to what the domestic market was doing.

President Reagan and the administration have simply not done that. We have seen 20, 25 percent increases in textile imports into this country. I think we have a right—yes, this legislation is protective, but the GATT signators and other nations around the world decided textiles needed protecting back years ago, and entered into the Multifiber Agreements because of that.

Our problem is that our part of the agreements are not being enforced, whereas Taiwan, Japan, the European Common Market, and others are enforcing their part of the agreement.

It leaves our American market open to all the Third World nations because of the relatively low capital investment and high labor intensity of apparels which have flooded our markets and taken away jobs in this country.

It is a very legitimate concern of ours, and we cannot affort to let a basic industry slide as we have in other instances, and steel comes to mind.

That is basically what the bill does, and I ask for the Members' close consideration to the debate.

I yield back the balance of my time.

Mr. DUNCAN. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Madam Chairman, I thank the gentleman for yielding me this time.

I represent a district in North Carolina that has 60,000 textile workers. Ten years ago we had 80,000 in that district. One thousand plants have closed.

People say, "Why is business good in the textile industry?"

You close a thousand plants and see how the ones that are left will do.

I have often thought of comparing it to lawyers. This body is full of lawyers; and if we could cut half the lawyers out, think how much better the business would be for the other half.

It is really not fair, because our Government is presently equipped to do something about this problem, and I would agree with the Democrats that they have not done it.

The multifiber agreement that everybody says is such a great thing, leave it alone, we will regulate it that way, that agreement would have allowed textiles to grow in the period I am speaking of by 26 percent. In reality, it has grown by 100 percent.

I do not know whether you know it or not, but Korea has an allotment of polyester cloth they are allocated to ship into this country. The allotment is 95 million yards a year; and yet by going around through Japan, who probably does not produce their proper amount, they are shipping another 80 million yards of polyester cloth into this country.

We need this bill. We are allowing every country in the world to ship into our area now. The textile market, half of it, belongs to the people overseas. That is enough.

Let us vote for H.R. 1154.

Mr. GIBBONS. Madam Chairman, will the gentleman yield?

Mr. BALLENGER. I yield to the gentleman from Florida.

Mr. GIBBONS. Madam Chairman, I thank the gentleman for yielding.

I really challenge the gentleman's figures. The official figures compiled by the administration come nowhere near the figures that the gentleman has quoted.

Mr. BALLENGER. Which figures?

Mr. GIBBONS. All of the gentleman's figures, the import-penetration figures, the share of the market.

They do not come anywhere near that, and I do not challenge the gentleman's veracity; but whoever gave the gentleman those figures did not tell the gentleman the truth.

Mr. BALLENGER. I am sorry that the gentleman disagrees with me, but I am quite sure that the people that gave me the statistics believe them very seriously.

Mr. GIBBONS. Madam Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. PEASE], a member of the Subcommittee on Trade and a member of the Committee on Ways and Means.

Mr. PEASE. Madam Chairman, I thank the gentleman for yielding me this time.

When I spoke against the veto override vote last year, I made three points:

First, the United States has a textile and apparel import problem with enormous human dimensions;

Second, this problem was caused by the Reagan administration's maladministration of trade policy earlier in the decade; and

Third, in the absence of legislation, we have no assurance that the mistakes made by this administration will not be repeated in the future.

I voted to sustain the President's veto because enactment of last year's legislation would have broken our international obligations many time over. It would have jeopardized jobs in manufacturing and agriculture by giving our our trading partners justification under international law to retaliate.

In my view, the textile and apparel industry and—and still has—a problem deserving a legislation response. Unfortunately, H.R. 1562 was the wrong response.

I commend those who crafted this year's legislation for their efforts to improve the bill. However, H.R. 1154 is still too flawed to receive my support. Regrettably, a number of serious problems remain.

The revised bill would still force the United States to violate trade agreements, potentially trading jobs in export industries for those in the textile, apparel, and shoe industries. I remain reluctant to support a zero sum game trade policy.

In addition, this vote comes at an inopportune time. Enactment of the bill would have serious consequences for the new GATT round. Moreover, the House-Senate conference on the omnibus trade bill is just getting underway.

For more than 2 years, I and, I suspect, other Members of Congress have been forced to choose between doing nothing and going overboard. I have found this to be a frustrating predicament. Imagine how frustrated workers in these industries must feel.

In my view, an appropriate and successful strategy would consist of the following:

First, tightened administration of textile and apparel import policy to ensure that import surges beyond MFA guidelines ar quickly identified and analyzed to determine whether they are disrupting markets and warrant calls;

Second, accelerated negotiations to eliminate barriers to U.S. textile exports in countries that enjoy access to U.S. textile and apparel markets; and

Third, enhanced adjustment assistance to workers and communities affected by the great shakeout in the industry during the past several years.

Madam Chairman, my vote against H.R. 1154 is not a vote in favor of doing nothing. Rather, I vote against a cure that I fear would be worse than the disease.

□ 1235

Mr. CRANE. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, there are many who would persuade you this morning that we must build an Iron Curtain around our textile, apparel, and footwear industries. Those possessing siege mentality see an army of imports surging on the horizon with battering rams and fear too many are overrunning our already excessive protective barriers. Problems are seen as unresolveable without further protection. They see plants closing, people out of work, and barrages of imports wounding those remaining domestic producers frantically bobbing and weaving to stay alive. They refuse to recognize newly created employment, profitability and high capacity utilization. They appeal to all of us to support H.R. 1154 as the only solution to save the United States from losing its domestic textile industry entirely, with dire national security and economic consequences if we do not.

But before you harken to the drumbeat of the H.R. 1154 brigade, let me urge you to consider that this is not a losing battle with a bleeding industry on its deathbed. Instead, this industry is alive, well and the most protected in U.S. history. Rather than helping the economy, the restrictive quotas in H.R. 1154 will cause mayhem—more jobs will be lost than gained and lower- and middle-income consumers hardest hit.

Since 1948, industry spokesmen have demanded ever inceasing layers of protection, claiming, as today, that catastrophe is imminent unless immediate government intervention occurs. In response to these pleas we now have nearly 1,400 quotas regulating more than 80 percent of all textile and apparel imports. And only last year, the multifiber arrangement [MFA] was expanded to cover silk blends, ramie, jute, linen, and other fibers. Yet this overanxious industry still howls for more protection.

Examine this so-called weakling before you agree to buy it another suit of armor. According to the Federal Reserve and industry analysts the industry had a banner year in 1986 and looks to be racking up another one in 1987.

From the first quarter of 1985 to the first quarter of 1987, textile production increased 20 percent; and capacity utilization increased steadily from 78 percent in 1985 to 92 percent in 1987. Apparel production is up 8 percent over the last 6 years and capacity utilization climbed to 90 percent.

Now it is certainly true plants may be closing, but more so to move production to more up to date, modern, automated facilities than for lack of business. In fact, with such capacity utilization, manufacturers and retailers have had to turn to imports when our domestic industry was oversubscribed with too many orders to supply their needs.

Employment in the industries continues to rise, with 24,000 more employed in August 1987 than in 1986, and unemployment rates in the leading textile States below the national average of 6.6 percent. North Carolina's rate in the first quarter of 1987 was 4.7 percent, South Carolina's was 5.5 percent and Georgia's 5.1 percent. Further, the textile industry also enjoys greater profitability than manufacturing as a whole, with a 12-percent return on equity in the first quarter of 1987 versus manufacturing's 10.8 percent. And this follows 1986's 24.6 percent return on equity in textiles versus manufacturing's 14.9 percent.

So profits are up, plants are booming at capacity, employment is increasing, yet we are asked to pass emergency legislation for a desperate industry. Nothing will suffice but restrictive quotas limiting growth to 1 percent annually in textiles and apparel, and permanently freezing footwear imports at 1986 levels. This added protection carries a hefty price tag. Consumer costs will rise an estimated 20 percent in escalating prices, or at a consumer cost of $33,000 per job saved. And given higher consumer prices, 52,000 retail jobs will probably be lost. U.S. exports may suffer $6 billion in retaliatory measures. And there will be shortfall of 90 million athletic shoes per year prohibited from entering the U.S. market—and this footwear is not even manufactured domestically.

Finally, if lost jobs and higher prices are not enough, this bill is a blatant violation of international agreements given the unilateral findings and actions required. Its passage will surely result in retaliation, with other industries, especially agriculture, asked to pay the price so textiles and apparel can bask in further benefits.

Lastly, I remind you that the United States launched the Uruguay round of the General Agreement on Trade and Tariffs [GATT]. We are attempting to strengthen our global competitive and economic position through a stronger GATT organization, with all participants opening markets and taking down trade barriers. The supporters of H.R. 1154 would throw this away, showing the world we will not uphold our agreements and that we're out to protect ourselves alone. The result will be a hamstrung GATT round, and disorder in the world marketplace as everyone seeks to follow our shabby example and fend for themselves.

Another wall of protection is not what the U.S. economy requires. If we are to grow, we do not restrict the very supply chain our manufacturers require to meet demand and profit. Our factories are hungry for fibers to produce finished goods and 80 percent of fibers are domestically produced. If we limit imports under this bill, what will occur when manufacturers cannot acquire the remaining 20 percent of fibers they require, especially with U.S. mills already at 92 percent capacity and oversubscribed with orders? Do we shoot ourselves in the foot restricting imports and by consequence doom more manufacturers to shut plants and layoff workers when they cannot get raw materials? Consumption is up 29 percent in the first quarter of 1987, and this bill would restrict annual growth to 1 percent. Clearly that is to move in the wrong direction.

Raising ever higher walls around the United States will cost dearly in lost jobs, more expensive goods, a weakened U.S. economy and a damaged global trading system, all of which will further fuel the spiraling U.S. trade deficit. The root cause of our trade difficulties is not addressed here, no more than in our mammoth trade reform bill to be considered soon in conference. These bills are not the answer to our record trade deficits. They will merely mask it, restructure it, or quite possibly make it worse. We must muster the political will to cut our top heavy budget deficit and reform our tax structure if we expect to restore confidence in our economy, stabilize the dollar, negotiate from strength and cure our trade ills.

I urge my colleagues to vote "no" on H.R. 1154.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CRANE] has expired.

Mr. DUNCAN. Madam Chairman, I yield the gentleman from Illinois 1 additional minute.

Madam Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Madam Chairman, as the gentleman knows, I have the highest respect for him, but the gentleman's numbers are a little different from the Commerce News which was put out just yesterday. It shows that the second quarter textile income was down, and also profits were down 12 percent.

Mr. CRANE. In the second quarter of 1987?

Mr. DUNCAN. 1986 and 1987, it shows a comparison that they were down in 1987. The gentleman quoted some figures. I just wondered where the gentleman got those figures, because the Commerce News, which was printed day before yesterday, shows that the profits are down 12 percent.

Mr. CRANE. The gentleman is talking about down 12 percent in the second quarter of 1987 over the second quarter of 1986?

Mr. DUNCAN. Yes. The gentleman was quoting those quarters a moment ago.

Mr. CRANE. Well, I was not comparing the 2 years. I was talking about second quarter increases over the first quarter of this year.

Mr. DUNCAN. And also, the Commerce News says they were down for those quarters.

Mr. CRANE. But it is the second quarter sales and your figures suggest profits were down over the first quarter of this year?

Mr. DUNCAN. I think that is correct, but the gentleman was quoting the two quarters a year ago and 1987, but they are down and continue to be down.

Mr. CRANE. Well, if I was comparing 1987 with 1986, I retract that and stand corrected.

I thank the gentleman.

Mr. JENKINS. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. DONNELLY].

Mr. DONNELLY. Madam Chairman, I rise in support of H.R. 1154, the Textile and Apparel Trade Act of 1987. Despite what its opponents claim, this legislation is necessary to end the crisis in the textile and footwear industry.

Although I support the bill in its entirety, one of its best features limits "nonrubber footwear" imports to their 1986 levels. There is precedent for this action; from 1977 to 1981, limitations were placed on footwear imports from Korea and Taiwan.

Despite the cries of those in this Congress that say we must have free trade, I contend that free trade must be fair trade. Foreign competition caused 70 "nonrubber footwear" factories to close in 1986, along with another 19 so far this year. Foreign competition cost 9,600 jobs in this industry in 1986. Foreign competition caused imports to rise to the historic high of 941 million pairs in 1986 and foreign competition caused import penetration to hit 82 percent in 1987.

The simple problem is, we cannot compete with unfair and subsidized foreign manufacturers. All the free traders on this floor will talk this afternoon about the need for global competition and international commitments, but the fact of the matter is that our country has a much more noble commitment to its workers than many of our trading partners. We respect the dignity of our workers. We will not let them work at poverty wages and work 18 hours a day. We will not put them in sweatshops and we cannot compete with countries that do.

Madam Chairman, the fact of the matter is that we are better than that. The time has come for action, and this bill will provide it. Stand up to the theorists who tell you that things will get better after this and after some time, and that the principles of free trade are worth more than the dignity of the American worker.

H.R. 1154 is a reasonable and rational solution to a real problem and deserves the support of this House.

Mr. GIBBONS. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. DONNELLY] having assumed the chair, Ms. KAPTUR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1154) to remedy injury to the U.S. textile and apparel industries caused by increased imports, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of yesterday, the Chair declares the House in recess subject to the call of the Chair. Bells will be rung 15 minutes prior to convening following the ceremonies at the west front of the Capitol.

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GIBBONS. Mr. Speaker, can the Chair inform us about what time we will reconvene?

The SPEAKER pro tempore. The Chair will state that the House will reconvene at approximately 2:15. Bells will be rung 15 minutes prior to the reconvening of the House.

The House will be in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 34 minutes p.m.

SUPPLEMENTAL APPOINTMENT OF CONFEREES ON H.R. 3, TRADE AND INTERNATIONAL ECONOMIC POLICY REFORM ACT OF 1987

The SPEAKER. On August 7, 1987, the Chair appointed conferees on H.R. 3, the omnibus trade bill. Pursuant to the order of the House of that day, the Chair will now supplement that initial appointment.

Accordingly, the Chair appoints the following Members from the committees designated, including both the Members initially appointed and Members newly appointed, as conferees and specifies particular portions of the House bill and Senate amendment as the subjects of the various appointments.

Without objection, the appointment will appear at this point in the RECORD.

There was no objection.

The list of conferees is as follows:

CONFEREES ON THE OMNIBUS TRADE BILL (H.R. 3)

From the Committee on Ways and Means, for consideration of titles I, II, VIII, and XV and sections 704 and 906 of the House bill, and titles I, II, III (except sections 308 and 310), IV (except sections 412 through 415), V through VIII, IX (except sections 963, 967 through 972, 974, 975, and 977) of the Senate amendment, and modifications committed to conference:

Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, DOWNEY of New York, PEASE, RUSSO, GEPHARDT, GUARINI, MATSUI, DUNCAN, ARCHER, VANDER JAGT, CRANE, and FRENZEL.

From the Committee on Ways and Means, for consideration of sections 321, 323, 363, 907 through 909 of the House bill, and title XXXVII and sections 308, 310, 412, 977, 2002, and 3871 of the Senate amendment, and modifications committed to conference:

Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, DOWNEY of New York, PEASE, RUSSO, CRANE, FRENZEL, and SCHULZE.

From the Committee on Ways and Means, for consideration of sections 613, 626, 627, 671 through 675, 681, 682, 691, and 692 of the House bill, and sections 974, 975, 2112, 2128, 2171, 2173 through 2175, 2191, 2193, and 2194, of the Senate amendment, and modifications committed to conference:

Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, PEASE, RUSSO, MATSUI, ARCHER, THOMAS of California, and, DAUB.

From the Committee on Ways and Means, for consideration of sections 605 through 607, 611, and 663 of the House bill, and sections 2113, 2114, and 2136 of the Senate amendment, and modifications committed to conference:

Messrs. Rostenkowski, Gibbons, Jenkins, Matsui, Thomas of California, and Daub.

From the Committee on Ways and Means, for consideration of title X of the House bill, and section 3911 of the Senate amendment, and modifications committed to conference:

Messrs. Rostenkowski, Gibbons, Gephardt, Guarini, Crane, and Frenzel.

From the Committee on Ways and Means, for consideration of sections 351, 901, and 902 of the House bill, and sections 968 through 972, 1030 through 1033, and 3811 through 3824 of the Senate amendment, and modifications committed to conference:

Messrs. Rostenkowski, Gibbons, Downey of New York, Archer, and Schulze.

From the Committee on Agriculture, for consideration of title VI and sections 318 through 321 of the House bill, and title XXI (except sections 2178 through 2180A and 2185 through 2187) and sections 601, 602, 604, 605, 974, 975, and 4706 of the Senate amendment, and modifications committed to conference:

Messrs. de la Garza, Brown of California, Panetta, Glickman, Stenholm, Volkmer, Roberts, Morrison of Washington, Gunderson, and Grandy.

From the Committee on Agriculture, for consideration of section 308 of the Senate amendment and modifications committed to conference:

Messrs. de la Garza, Brown of California, Glickman, Roberts, and Morrison of Washington.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 126 (insofar as it would add new sections 311(g) (1) and (2) to the Trade Act of 1974), sections 401 through 427, and 431 through 452 of the House bill, and titles XIII and XVII and sections 108, 2008, 2012, and 2178 through 2180A of the Senate amendment, and modifications committed to conference:

Messrs. St Germain, Fauntroy, Garcia, LaFalce, Schumer, Morrison of Connecticut, Wylie, Leach of Iowa, Bereuter, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 322 of the House bill, and section 1106 of the Senate amendment, and modifications committed to conference:

Mr. St Germain, Ms. Oakar, and Messrs. Garcia, Vento, Schumer, Morrison of Connecticut, Wylie, Leach of Iowa, Bereuter, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 341 and 344 of the House bill, and modifications committed to conference:

Mr. Fauntroy, Ms. Oakar, and Messrs. Garcia, LaFalce, Schumer, Morrison of Connecticut, Wylie, Leach of Iowa, Bereuter, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 428 of the House bill, section 1506 of the Senate amendment, and modifications committed to conference:

Mr. St Germain, Ms. Oakar, and Messrs. Vento, Barnard, Schumer, Morrison of Connecticut, Wylie, Leach of Iowa, Bereuter, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 461 through 471 of the House bill, and sections 3801 through 3809 of the Senate amendment, and modifications committed to conference:

Messrs. St Germain, Fauntroy, and Garcia, Ms. Oakar, and Messrs. LaFalce, Vento, Wylie, Leach of Iowa, McMillan of North Carolina, and Roth.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 476 and 477 of the House bill, and sections 1101 through 1103 of the Senate amendment, and modifications committed to conference:

Mr. St Germain, Mr. Fauntroy, Ms. Oakar, and Messrs. Garcia, LaFalce, Vento, Wylie, Leach of Iowa, Bereuter, and Roth.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 907 of the House bill, and modifications committed to conference:

Mr. St Germain, Mr. Fauntroy, Ms. Oakar, and Messrs. Garcia, Vento, Schumer, Wylie, Leach of Iowa, Bereuter, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 911 of the House bill, and modifications committed to conference:

Mr. St Germain, Ms. Oakar, and Messrs. LaFalce, Vento, Schumer, Morrison of Connecticut, Wylie, Leach of Iowa, Bereuter, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 959 of the Senate amendment, and modifications committed to conference:

Mr. St Germain, Mr. Fauntroy, Ms. Oakar, and Messrs. Garcia, LaFalce, Schumer, Wylie, Leach of Iowa, Bereuter, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1026 and 1027 of the Senate amendment, and modifications committed to conference:

Mr. St Germain, Ms. Oakar, and Messrs. LaFalce, Vento, Schumer, Morrision of Connecticut, Wylie, Bereuter, Roth, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1501 through 1504 of the Senate amendment, and modifications committed to conference:

Mr. St Germain, Ms. Oakar, and Messrs. Vento, Barnard, Schumer, Morrison of Connecticut, Wylie, Leach of Iowa, Bereuter, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 1805 of the Senate amendment, and modifications committed to conference:

Messrs. St Germain, Fauntroy, Garcia, Vento, Schumer, Morrison of Connecticut, Wylie, Leach of Iowa, Bereuter, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title XIX and section 2001 of the Senate amendment, and modifications committed to conference:

Messrs. St Germain, Fauntroy, Garcia, LaFalce, Vento, Schumer, Wylie, Leach of Iowa, Bereuter, and McMillian of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 313 of the House bill, and sections 1201 and 1203 of the Senate amendment, and modifications committed to conference:

Messrs. Fauntroy, Garcia, Morrison of Connecticut, Leach of Iowa, and Bereuter.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 326 of the House bill, and modifications committed to conference:

Mr. St Germain, Ms. Oakar, and Messrs. Garcia, Wylie, and Leach of Iowa.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 345 of the House bill, and modifications committed to conference:

Ms. Oakar, and Messrs. LaFalce, Vento, Leach of Iowa, and Bereuter.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 664 of the House bill, and sections 1801, 3903, and 3906 of the Senate amendment, and modifications committed to conference:

Messrs. St Germain, Fauntroy, Garcia, Wylie, and Bereuter.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 702 of the House bill, and modifications committed to conference:

Mr. St Germain, Mr. Fauntroy, Ms. Oakar, Mr. Wylie, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 902, 905, and 912 of the House bill, and title XIV and sections 3811 through 3824, 3861 through 3867, and 4501 of the Senate amendment, and modifications committed to conference:

Ms. Oakar, and Messrs. LaFalce, Vento, McMillan of North Carolina, and Roth.

From the Committee on Banking, Finance and Urban Affairs, for consideration of secton 1303 of the House bill, and modifications committed to conference:

Ms. Oakar, and Messrs. Fauntroy, Garcia, Leach of Iowa, and McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 1105 of the Senate amendment, and modifications committed to conference:

Mr. St Germain, Ms. Oakar, and Messrs. Garcia, Wylie, and Bereuter.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 1505 of the Senate amendment, and modifications committed to conference:

Mr. St Germain, Ms. Oakar, and Messrs. Vento, Wylie, and Leach of Iowa.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 3854 of the Senate amendment, and modifications committed to conference:

Mr. St Germain, Ms. Oakar, and Messrs. Vento, Wylie, and McMillan of North Carolina.

From the Committee on Foreign Affairs, for consideration of title III (except sections 322, 326, and 351) and sections 451, 601 through 612, 621 through 623, 625, 631 through 637, 641 through 651, 653, 663, 701, 903, 907 and 912 of the House bill, and titles X (except sections 1030 through 1033), XII, XVI, XVIII (except section 1801), XX (except sections 2001 and 2008), and XLVII and sections 311, 413 through 415, 958, 963 through 972, 977, 1104, 1304, 1504, 2111, 2113 through 2127, 2129, 2132 through 2136, 2138, 2139A through 2166, 2180B through 2182, 2184, 2192, 3851, 3881, 4501, and 4901 of the Senate amendment, and modifications committed to conference:

Messrs. Fascell, Bonker, Mica, Berman, Levine of California, Bilbray, Broomfield, Roth, Bereuter, and Miller of Washington.

Except that:

For consideration of section 331 of the House bill, Messrs. Wolpe, Feighan, and Lagomarsino are appointed, vice Messrs. Levine of California, Bilbray, and Miller of Washington;

For consideration of sections 318 through 321, 345, 451, and 912 of the House bill, Mr. Gejdenson is appointed, vice Mr. Levine of California;

For consideration of sections 301 through 317 and 323-326 of the House bill, Mr. Feighan is appointed, vice Mr. Levine of California;

For consideration of section 325 of the House bill, Mr. Solarz is appointed, vice Mr. Levine of California;

For consideration of title XLVII and sections 311, 958, 968 through 972, 2002 through 2007, 2009 through 2012, and 4901 of the Senate amendment, Mr. Solarz is appointed, vice Mr. Levine of California;

For consideration of sections 2111, 2113 through 2127, 2129, 2132 through 2136, 2138, 2139A through 2166, 2180B through 2182, 2192, and 4501 of the Senate amendment, Mr. Gejdenson is appointed, vice Mr. Levine of California;

For consideration of title XII and sections 1802 through 1805, and 1807 through 1809 or the Senate amendment, Mr. Feighan is appointed, vice Mr. Levine of California;

For consideration of title XLVII of the Senate amendment, Mr. Gilman is appointed, vice Mr. Miller of Washington; and

For consideration of section 1020 of the Senate amendment, Messrs. Wolpe, Feighan, and Lagomarsino are appointed, vice Messrs. Levine of California, Bilbray, and Miller of Washington.

From the Committee on Foreign Affairs, for consideration of sections 322, 326, 351, 461 through 471, 664, 702, 703, 901, 902, 905, 1303 through 1306, and 1310 of the House bill, and title XIV and sections 308, 412, 1105, 1505, 1801, 3801 through 3824, 3854, 3902 through 3907, 3910 and 3912 of the Senate amendment, and modifications committed to conference:

Messrs. Bonker, Mica, Berman, Roth, and Bereuter.

Except that:

For consideration of section 664 of the House bill, and sections 308, and 2178 through 2180A of the Senate amendment, Mr. Gejdenson is appointed, vice Mr. Berman; and

For consideration of sections 1303 through 1306 and 1310 of the House bill, and sections 3902 through 3907, 3910, and 3912 of the Senate amendment, Mr. Broomfield is appointed, vice Mr. Bereuter.

From the Committee on Foreign Affairs, for consideration of sections 1030 through 1033 of the Senate amendment, and modifications committed to conference:

Messrs. Fascell, Bonker, Mica, Broomfield, and Roth.

From the Committee on Energy and Commerce, for consideration of title II and section 703 of the House bill, and sections 901 through 913 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Florio, Markey, Sharp, Swift, Bryant, Synar, Eckart, Slattery, Lent, Moorhead, Rinaldo, Dannemeyer, and Ritter.

From the Committee on Energy and Commerce, for consideration of sections 104, 181, 183, 324, 701, 703, 903, 904, 906, and 909 of the House bill, and title XVI and sections 1503, 1802, and 3851 through 3853 of the Senate amendment, and modifications committed to conference; for consideration of sections 121 and 124 of the House bill, and sections 306 and 307 of the Senate amendment, and modifications committed to conference, except for those matters relating to suspension, withdrawal, or prevention of trade agreement concessions or to imposition of duties or other import restrictions on goods; and for consideration of section 201 of the Senate amendment (insofar as it would add new sections 204(d)(1)(B)(ii) and 204(d)(2) (B) through (E) to the Trade Act of 1974), and modifications committed to conference:

Messrs. Dingell, Florio, Markey, Sharp, Swift, Bryant, Lent, Moorhead, Rinaldo, and Dannemeyer.

From the Committee on Energy and Commerce, for the consideration of section 198 of the House bill and sections 2185 through 2188 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Florio, Markey, Sharp, Swift, Bryant, Lent, Moorhead, Dannemeyer, and Coats.

From the Committee on Energy and Commerce, for the consideration of sections 908, 910, and 911 of the House bill and section 310 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Florio, Markey, Sharp, Swift, Bryant, Lent, Rinaldo, Dannemeyer, and Ritter.

From the Committee on Energy and Commerce, for consideration of sections 311 through 316, 345, 461 through 471, 901, 902, 905, 907, and 912 of the House bill, and titles XII (except section 1207) and XIV and sections 968 through 972, 1801, 1802, 3801 through 3824, and 4501 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Florio, Markey, Lent, and Dannemeyer.

From the Committee on Energy and Commerce, for consideration of section 331 of the House bill, and modifications committed to conference:

Messrs. Dingell, Florio, Markey, Lent, and Moorhead.

From the Committee on Energy and Commerce, for consideration of section 702 of the House bill, and sections 1505 and 3854 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Florio, Markey, Lent, and Rinaldo.

From the Committee on Energy and Commerce, for consideration of sections 3861 through 3867 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Florio, Markey, Lent, and Ritter.

From the Committee on Education and Labor, for consideration of title V (except subtitle B) of the House bill, and titles XXIII through XXXII of the Senate amendment, and modifications committed to conference:

Messrs. Hawkins, Ford of Michigan, Biaggi, Kildee, Williams, Jeffords, Goodling, and Coleman of Missouri.

From the Committee on Education and Labor, for consideration of subtitle B of title V of the House bill, and title XXII of the Senate amendment (except the portion of section 2202 that would add new part B to title III of the Job-Training Partnership Act), and modifications committed to conference:

Messrs. Hawkins, Ford of Michigan, Gaydos, Clay, Martinez, and Jeffords, Mrs. Roukema, and Mr. Gunderson.

From the Committee on Education and Labor, for consideration of section 2202 of the Senate amendment (insofar as it would add new part B to title III of the Job-Training Partnership Act), and modifications committed to conference:

Messrs. Hawkins, Ford of Michigan, Gaydos, Clay, Martinez, Murphy, Owens of New York, and Jeffords, Mrs. Roukema, Mr. Gunderson, and Mr. Bartlett.

From the Committee on Education and Labor for consideration of section 904 of the House bill, and modifications committed to conference:

Messrs. Hawkins, Ford of Michigan, Gaydos, Jeffords, and Goodling.

From the Committee on the Judiciary, for consideration of title XIV and sections 166, 171 through 173 of the House bill, and titles XXXIII through XXXVI and sections 201 (insofar as it would add new section 203(f) to the Trade Act of 1974), 401, 415, 416, 1107, 1806, 1908, and 1910 of the Senate amendment, and modifications committed to conference:

Messrs. Rodino, Kastenmeier, Edwards of California, and Hughes, Mrs. Schroeder, and Messrs. Crockett, Fish, Moorhead, Hyde, and Lungren.

From the Committee on the Judiciary, for consideration of sections 872 and 873 of the House bill, and modifications committed to conference:

Messrs. Rodino, Kastenmeier, Edwards of California, and Hughes, Mrs. Schroeder, and Messrs. Crockett, McCollum, Lungren, Fish, and Moorhead.

From the Committee on the Judiciary, for consideration of sections 326, 905, and 912 of the House bill, and titles XIV, XLVIII and sections 1105 and 3861 through 3867 of the Senate amendment, and modifications committed to conference:

Messrs. Rodino, Edwards of California, Hughes, Fish, and Moorhead.

From the Committee on the Judiciary, for consideration of sections 351 of the House bill, and modifications committed to conference:

Mr. Rodino, Mr. Kastenmeier, Mrs. Schroeder, Mr. Fish, and Mr. Moorhead.

From the Committee on the Judiciary, for consideration of section 701 of the House bill, and sections 1603 through 1605 of the Senate amendment, and modifications committed to conference:

Messrs. Rodino, Hughes, Crockett, McCollum, and Lungren.

From the Committee on the Judiciary, for consideration of section 703(h) of the House bill, and sections 1603 through 1605 of the Senate amendment, and modifications committed to conference:

Messrs. Rodino, Hughes, Crockett, Fish, and Moorhead.

From the Committee on Government Operations, for consideration of titles X and XVI of the House bill, and title XLVIII of the Senate amendment, and modifications committed to conference:

Messrs. Brooks, Conyers, Neal, Frank, Weiss, Horton, Walker, and Clinger.

From the Committee on Government Operations, for consideration of sections 461 through 471 of the House bill, and sections 1030 through 1033 and 3801 through 3809 of the Senate amendment, and modifications committed to conference:

Messrs. Brooks, Conyers, Neal, Horton, and Walker.

From the Committee on Merchant Marine and Fisheries, for consideration of title XI of the House bill, and title XLVI and section 2011 of the Senate amendment, and modifications committed to conference:

Messrs. Jones of North Carolina, Biaggi, Anderson, Studds, Bonker, Hughes, Davis of Michigan, Lent, Young of Alaska, and Shumway.

From the Committee on Public Works and Transportation, for consideration of title XII of the House bill, and section 4502 of the Senate amendment, and modifications committed to conference:

Messrs. Mineta, Oberstar, Nowak, Rahall, Applegate, de Lugo, Hammerschmidt, Stangeland, Gingrich, and Clinger.

From the Committee on Small Business, for consideration of title XIII and section 186 of the House bill, and titles XXXVII and XXXIX and section 1804 (insofar as it would new section 661(d)(2)(B) to the Foreign Assistance Act of 1961) of the Senate amendment, and modifications committed to conference:

Messrs. LaFalce, Smith of Iowa, Skelton, Mavroules, Bilbray, McDade, Ireland, and Conte.

From the Committee on Small Business for consideration of section 314 of the House bill (insofar as it would add new section 203(c) to the Export Administration Amendments Act of 1985), and modifications committed to conference:

Messrs. LaFalce, Smith of Iowa, Skelton, McDade, and Ireland.

From the Committee on Science, Space, and Technology, for consideration of section 911 of the House bill, and modifications committed to conference:

Messrs. Roe, Walgren, MacKay, Valentine, Brown of California, Scheuer, Lujan, Boehlert, Ritter, and Packard.

From the Committee on Science, Space, and Technology, for consideration of sections 3852 and 3853 of the Senate amendment, and modifications committed to conference:

Messrs. Roe, Walgren, MacKay, Brown of California, and Scheuer, Mrs. Lloyd, Messrs. Lujan, Morrison of Washington, Ritter, and Mrs. Morella.

From the Committee on Science, Space, and Technology, for consideration of section 3871 of the Senate amendment, and modifications committed to conference:

Messrs. Roe, Walgren, MacKay, Brown of California, and Scheuer, Mrs. Lloyd, and Messrs. Lujan, Boehlert, Walker, and Sensenbrenner.

From the Committee on Science, Space, and Technology, for consideration of sections 3881 through 3884 of the Senate amendment, and modifications committed to conference:

Messrs. Roe, McCurdy, Glickman, Nelson of Florida, McMillen of Maryland, Hayes of Louisiana, Lujan, Lewis of Florida, Walker, and Ritter.

From the Committee on Science, Space, and Technology, for consideration of titles XL through XLIV and sections 4503 through 4505 of the Senate amendment, and modifications committed to conference:

Messrs. Roe, Walgren, Brown of California, and Scheuer, Mrs. Lloyd, and Messrs. Glickman, Lujan, and Boehlert, Miss Schneider, and Mr. Ritter.

From the Committee on Science, Space, and Technology, for consideration of section 4902 of the Senate amendment, and modifications committed to conference:

Messrs. Roe, Walgren, Brown of California, and Scheuer, Mrs. Lloyd, and Messrs. Glickman, Lujan, Lewis of Florida, Packard, and Buechner.

From the Committee on Science, Space, and Technology, for consideration of sections 461 through 471 and 904 of the House bill, and sections 2305, 3801 through 3809, and 3909 of the Senate amendment, and modifications committed to conference:

Messrs. Roe, Walgren, Brown of California, Lujan, and Boehlert.

From the Committee on Science, Space, and Technology, for consideration of section 411 of the Senate amendment, and modifications committed to conference:

Messrs. Roe, Hall of Texas, Torricelli, Lujan, and Sensenbrenner.

From the Committee on Science, Space, and Technology, for consideration of sections 3861 through 3867 of the Senate amendment, and modifications committed to conference:

Messrs. Roe, Walgren, Valentine, Lujan, and Ritter.

From the Committee on Rules, for consideration of title XVI and sections 114(d) and (e) of the House bill, and sections 104, 107, 110, and 2131 of the Senate amendment, and modifications committed to conference:

Messrs. Pepper, Moakley, Derrick, Hall of Ohio, Wheat, Lott, and Taylor.

From the Committee on Armed Services, for consideration of sections 1030 through 1034, and 4901 of the Senate amendment, and modifications committed to conference:

Messrs. Aspin, Stratton, Mavroules, Badham, and Hunter.

From the Committee on Armed Services, for consideration of section 1021 of the Senate amendment, and modifications committed to conference:

Messrs. Aspin, Mavroules, and Hunter.

TEXTILE AND APPAREL TRADE ACT OF 1987

The SPEAKER. Pursuant to House Resolution 256 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1154.

□ 1436

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1154) to remedy injury to the U.S. textile and apparel industries caused by increased imports, with Ms. Kaptur in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, there were 2 hours and 37 minutes remaining in general debate. The gentleman from Florida [Mr. Gibbons] has 41 minutes of general debate remaining, the gentleman from Tennessee [Mr. Duncan] has 36 minutes remaining, the gentleman from Georgia [Mr. Jenkins] has 40 minutes remaining, and the gentleman from Illinois [Mr. Crane] has 40 minutes remaining.

The Chair recognizes the gentleman from Florida [Mr. Gibbons].

Mr. GIBBONS. Madam Chairman, I yield 4 minutes to the gentleman from Oregon [Mr. AuCoin], who is a very distinguished Member of this body and one who has devoted a great deal of time and expertise to the study of this matter.

Mr. AuCOIN. Madam Chairman, I rise in opposition to this bill.

We've heard how this bill is going to get the American textile industry back on its feet again. But the truth is: this bill would actually knock several American companies off of their feet instead.

My congressional district is the home of the corporate offices of Nike and Avia. These are two companies founded in America that employ thousands of my constituents—Americans—who design, market, test, and distribute their athletic footwear.

These companies spotted a change in the tastes of consumers, and began reaching a new market, made up of consumers who liked high-tech, athletic shoes. Domestic companies closed their eyes to that change, and they forfeited the market. Whose fault is that? Not Nike, Avia, or Reebok. Yet this bill penalizes them by including their products in the shoe quota.

And what really galls me is that this protectionism is being imposed when there is no American producer of this type of athletic shoe! How can it make sense to protect an industry that doesn't exist—and injure American companies that do exist?

Do you know what the shoe companies seeking this protection say to that? They say that even though they're not in the athletic shoe market, the companies who are, are indirectly guilty of unfair competition. Alan Wainberg of G.H. Bass Co. explained it this way: "People who used to buy Bass sandals now buy athletic shoes." I say to Mr. Wainberg and other supporters of this bill: What right do you have to come running to Big Daddy government to legislate what kinds of shoes Americans put on their feet? Are you going to mandate that everybody wear Hush Puppies? Nike and Avia are true American success stories. And I remember when I was growing up being told that one's potential for future success was dependent only on one's energy and vision.

But this bill before us takes a different approach to free enterprise.

This bill actually stops the growth of these American companies dead in their tracks by freezing the amount of shoes that they can import.

The fact is that demand for these shoes is increasing. Avia, for example, imported and sold 2 million pairs of shoes in 1986. For the fall 1988 season, they have already ordered and purchased 10 million pair of shoes. In the meantime, the number of people employed in their corporate headquarters has risen to about 200 people in just a few years, and there are plans to employ even more people in the future.

This bill threatens that economic growth. If it had been law a few years ago, companies like Avia would never have started. And, on top of everything else, the bill invites retaliation—against farm products, electronics products, and many other American exports.

What is free enterprise all about? Doesn't it mean rewarding a company that is clever enough to capture the imagination of the American consumer? I think it does.

But the authors of this bill have a different view. They believe that the American consumer's tastes cannot be trusted. And they have so much faith in the Congress' ability to micromanage our economy that they believe they can actually decide what kind of shoes the American public should be wearing.

Madam Chairman, there are dozens of other reasons why we should reject this legislation. But I just wanted to take my time to point out how protectionism is not a free ride. You try to prop up one sector of our economy and there are shock waves elsewhere, not just internationally but domestically as well.

I therefore urge my colleagues to vote against the textile bill.

Mr. CRANE. Madam Chairman, I yield 6 minutes to the gentleman from Texas [Mr. DeLay].

Mr. DeLAY. Madam Chairman, I have with me today a familiar face to many of us here on Capitol Hill—his name is Dennis Gill. Dennis and two of his cardboard friends were kind enough to visit every congressional office here in Washington. They all have these same sad puppy dog faces. They all work in textile plants and are here to tell us that they are going to lose their jobs if we don't pass today's textile bill.

What they may not know, however, is how this bill is going to hurt them if it passes. More importantly, though, is how it is going to hurt the other 238 million American's that don't work in a textile plant.

H.R. 1154 is a textbook example of "special interest legislation." The definition of "special interest legislation" is—a bill in Congress that benefits a well organized, well funded, person or group at the expense of others who are either not special or not of interest. This bill, for the first time, will set global quotas for textile, apparel, and footwear imports into this country. This means that more consumer choices about what consumers buy and how much consumers pay are going to be made on the floor of this House rather than in the store by the consumer.

And not only will we be removing those choices, we will be eroding the meager living standards of millions of poor Americans across the country. This bill will undoubtedly be the most regressive bill we will pass this Congress. Today, the poor people of this country are the ones that aren't special to the proponents of this bill.

Let me illustrate just what I mean by regressive:

Dennis has a nice blue jean outfit on today that was undoubtedly made in the U.S.A. Because of the textile bill, his clothes, and everyone else's clothes, will go up in cost regardless of where they were made.

According to a just released study by Dr. William Cline at the Institute for International Economics, Dennis and the rest of us have had to pay 19-percent more for our U.S. made clothes and 35-percent more for our imported clothes because of restrictions on textiles and apparel imports. And what's worse, these figures will double after this bill passes.

Dennis paid $37 for his jacket. If he had bought it in a free market, he would have only paid $30. And if he buys it after H.R. 1154 is enacted, he will pay $44 for that same jacket. Even worse, if his $37 jacket is imported, he will pay almost $50 for that same jacket after the textile bill is enacted.

Dennis paid $26 for his flannel shirt. If he had bought it in a free market, he would have only paid $21. If he buys a shirt after today's bill, he will pay $31. If his $26 shirt happens to be made in Taiwan, he will pay $35 after today's bill.

Dennis paid $60 for his shoes. If he had bought them in a free market, he would have paid only $48. And if he buys them after today's bill takes effect, he will pay $71.34. If his $60 shoes are imported, he will pay over $80 because of the textile bill!

Dennis also has five children that he has to clothe and feed. According to the Department of Agriculture, he will spend over $30,000 to buy the five of them clothes from the time they are born to age 18. If Dennis didn't have to open his pockets to protect his industry, the textile industry, and the footwear industry—he would save $7,244 on those clothes! And if this bill passes, Dennis will pay over $14,000 for protectionism on his children's clothes!

For $14,000, Dennis could buy a college education. He could tithe to the church. He could put a down payment on a house. He could buy a new car.

But he won't. He, unfortunately, doesn't live in a fantasy land of free markets and unprotected goods. He lives in the land of special interests. The special interests, like the textile and apparel industry, will profit from this bill at the expense of most other Americans—Americans who are not special to the people of this body who vote for this bill.

Vote "No" on this bill. Send a message to the poor and the homeless that you care more about them than selfish special interests.

□ 1445

Mr. GIBBONS. Madam Chairman, I yield 5 minutes to the gentleman from Washington [Mr. Bonker], who, as all of the Members know, is chairman of the Subcommittee on International Economic Policy and Trade of the Committee on Foreign Affairs.

The gentleman has been head of the Export Task Force of this Congress for many, many years.

Mr. BONKER. Madam Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to H.R. 1154. I would like to take this opportunity to commend the gentleman from Florida [Mr. Gibbons], the chairman of the subcommittee, as well as the gentleman from Minnesota [Mr. Frenzel], for the gentlemen's leadership demonstrated and the commitment the gentlemen have devoted to this important issue.

There are clearly four good reasons why we should oppose this special-interest legislation.

First, this House adopted a comprehensive trade bill a few months ago; and we took great pains to make sure that there were no protectionist features in that bill, that the emphasis would be on export promotion, that we would attempt to deal with our trade deficit in a very positive way.

What we are about to do here, if the House were to adopt this legislation, is really an affront to that good effort to put forth a comprehensive trade bill.

Second, the textile industry today is prospering. There is plenty of evidence in their employment numbers, in their profits, and the very fact that this industry has striven to restore its competitive position.

I congratulate them, but it is no basis whatsoever to extend even more protection to that industry.

Third, I am concerned about the precedent that we may establish by favorable action on this legislation. Indeed we would open the door and extend an invitation for other segments of the American industry to come to us looking for special favors, special protection, if you will.

In October 1985 and again in August 1986 when we spoke about the override issue, I made the case in the well of the floor that the timber industry which I represent is in far graver danger than the textile industry; and if a case could be made for the textile industry, an even better case could be made for the timber industry, the aluminum industry, the automobile industry and all the others that make up the mighty economy in the United States.

We would set a very dangerous precedent for others to come knocking on our door, and let us take a lesson from history. The Smoot-Hawley Tariff Act of 1929 was a good example of what is about to occur here today.

When Herbert Hoover traveled around the country as a candidate for President, he promised that if elected, he would convene a special session of the Congress for the purpose of taking up a limited tariff bill, and before the House concluded its work over 20,000 items, import items, became subject to higher tariffs; and that, if anything, precipitated the collapse of the world trading system.

Madam Chairman, my gravest concern has to do with our international obligations.

The gentleman from Florida [Mr. Gibbons] has made available information on how H.R. 1154 would unilaterally violate our sacred agreements under GATT, would violate the bilateral agreements negotiated under the multifiber arrangement.

Mr. Speaker, the United States has worked hard since World War II to establish institutions and rules which would restore the world trading system.

We have very much at stake in maintaining those institutions; but if the United States were to violate the agreements, if we were to abandon our commitments to these agreements, what kind of standard would this set for other countries?

The only hope for the world trading system, especially in a world of overcapacity and intense competition and greater protectionist tendencies, is to have global institutions that can deal with these problems. If the United States, the most powerful economy in the world, were to turn her back on GATT and other agreements and treaties, what hope is there for other countries to adhere to them?

We have a responsibility to uphold those commitments and to uphold America's honor.

I urge opposition to this special-interest bill.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. Clarke].

Mr. CLARKE. Madam Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of H.R. 1154, the Textile and Apparel Trade Act of 1987. The textile industry is the No. 1

industry of my State of North Carolina.

Primarily because of the competition from low-wage countries of the Far East and Latin America, we have seen numerous textile plant closings in recent years, with the loss of thousands of jobs. This trend continues today.

A major part of the problem is weak enforcement of our existing trade agreements. Under the Multi-Fiber Arrangement, textile and apparel imports into the United States were due to rise at a rate of 6 percent during the 1980's. In reality they rose more than five times this much in 1983 and in 1984. Last year the total U.S. trade deficit due to textile and apparel imports was over $20 billion.

This situation cannot continue unless we are willing to let whole sections of our textile industry be eliminated.

H.R. 1154 sets limits on overall imports of a wide range of textile, apparel, and footwear. An annual increase of 1 percent a year in these imports is permitted in line with the growth of the American market. H.R. 1154 calls for strong enforcement of our existing trade agreements and strong action to stop the evasion of quotas which has been accomplished so successfully by some textile-producing countries.

The bottom line of the textile bill is not a textbook theory of free trade but a measure to save the jobs and the livelihood of thousands of American workers, many of whom are older persons who would find it very difficult to retrain for any other work.

On behalf of these people and their families, I urge your strong support for H.R. 1154.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. JONES].

Mr. JONES of Tennessee. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, today I come before this House again to support legislation that will control the textile, apparel, and footwear imports coming into our country, H.R. 1154.

I would like to take this opportunity to stress the necessity of the passage of this legislation. The statistics clearly show the devastating impact of imports on both the domestic textile and footwear industries. Imports now comprise over one-half the U.S. apparel market and 81 percent of the domestic footwear market. In the past 6 years, foreign nations have more than doubled their textile and apparel imports into our market resulting in a loss of over 400,000 jobs and more than 1,500 factories in those domestic industries. The footwear industry has certainly fared no better. In 1986 alone, 70 shoe factories have closed and footwear unemployment averaged 15.4 percent in 1986.

Not only have I watched the statistics showing jobs and industries lost in our country over the years as a direct result of increasing textile and footwear imports, but I have also seen these effects firsthand in my congressional district and in my State. My State, Tennessee, is the fifth largest footwear producing State in our country. In 1986, however, our State alone had six footwear plants close, and in 1985, eight footwear factories closed.

It is important to understand the negative impact of these domestic industries to an area and to our country as a whole. The textile, apparel, and footwear industries are traditionally located in rural communities where that factory may be the largest employer. This fact makes these manufacturers vital to those rural economies in which most are located. In a county where the total work force may be around 6,000 people, one plant closing is deterimental to not only those who lost their jobs, but also to those small businesses and communities who depend on their support for survival. Many of the employees of these industries are women and provide the only source of income for an entire family. It is obvious, therefore, that once a factory is closed, no alternative employment for those in need of a job may be found.

The Textile and Apparel Trade Act of 1987 would establish much-needed quotas on all textiles and textile products imported based on the level of those imports for 1986, with 1 percent growth allowed each year. Footwear imports will also be limited to 1986 levels. Not only will this legislation help curb the large number of imports in these industries, it would reduce our Federal deficit by as much as $500 million while creating over 150,000 new jobs in the second year after its enactment.

Factories continue to close in our country and jobs continue to be lost as a direct result of foreign imports. Our current trade policies regulating textile, apparel, and footwear imports have failed and a legislative remedy is imperative.

H.R. 1154 can provide our domestic textile and footwear industries a market in which they may be competitive. The future of these domestic industries and the jobs they provide are at stake.

I urge my colleagues to vote "yes" on H.R. 1154.

□ 1455

Mr. DUNCAN. Madam Chairman, I yield 4 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Madam Chairman, I rise in support of this legislation so critical to America's footwear and textile industries.

Madam Chairman, those who think the current trade relief process is sufficient should reflect on the shoe industry, a case in point that should be regarded in this legislation.

In 1981, when the Orderly Marketing Agreements expired, the level of import penetration for shoes was 51 percent.

In 1985, when the ITC unanimously recommended relief for the industry and the President denied it, the level was 75 percent.

And what has happened since the last time we considered this legislation in this House? Import penetration is at an alltime high—84 percent. Restrictions were placed on imported automobiles when the levels were but one-fourth of the level the footwear industry endures today. Yet that 84 percent level is the level at which this legislation freezes imports.

I would have supported a rollback to 75 percent in light of the International Trade Commission's decision.

Nonetheless, we do have to draw the line in the sand somewhere, even if it is 84 percent, while we still have shoes on our feet to draw that line. Factory closings and dislocated workers due to patently unfair trading practices and imports have become all too familiar in my State. The familiarity, however, does not yield acceptance of these unfair trade practices.

Failure to enforce the existing trade laws has culminated in this situation. And enactment of the trade reform bill will not resolve the plight of these industries. Whatever its merits or demerits, that bill is prospective in focus—it won't take care of the problems at hand today with both of these industries; [the problems created by the combination of weak trade laws, weaker enforcement, and unfair trade practices.]

My concern is that this Congress and the American Government are no longer capable of recognizing that there is such a thing as a legitimate trade grievance. I worry that blind adherence to the free trade concept at whatever costs has produced a de facto surrender to other nations who are more than willing to use unfair or disruptive practices.

As Commerce Department official William Perry wrote,

> There is a growing perception among those who do not rely on such laws that U.S. trade laws are protectionist in a negative sense * * *. In fact, they are designed to eliminate the effect in the United States of certain foreign practices which the international community recognizes as commercially unfair and injurious.

In part because of the broad sweeping free trade perception, the textile and apparel industries are in a plight similar to footwear.

They, too, have suffered from tremendous production increases in developing nations, a lack of response to this huge, targeted export growth by our government, and the ineffectiveness of current restraints under the Multifiber Arrangement.

In the State of Maine, alone, we have lost one-third of our work force in this industry since 1970. By doing nothing, according to a recent Office of Technology Assessment report, domestic sales of U.S. apparel will be virtually negligible by the year 2000, because the United States will not be taking any action. Two-thirds of the U.S. textile market would be served by foreign interests. As that report has indicated, an absence of action by this Government means the future of these industries will be dictated by foreign governments because they are willing to go the extra mile at any length and at any cost to preserve their industry.

Madam Chairman, if we do not enact this legislation in 1987, I fear that next year we will be considering a memorium resolution for the shoe industry. The situation is that bad and that critical. If we cannot give assistance to those industries under our existing trade laws, protecting their rights as enacted by this House and this Senate, then I fear for the future of other industries as well, because they cannot rely on their government for any kind of legitimate lead under legitimate circumstances.

Mr. GIBBONS. Madam Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Madam Chairman, I rise in opposition to the textile bill.

This legislation blatantly disregards free trade practices and clearly smacks of protectionism. We are all concerned about the loss of jobs in the domestic shoe industry, but in solving this problem we must not destroy jobs in the import shoe industry.

A freeze on shoe imports would stunt the growth of small and medium size companies all across America. The Volume Shoe Corp., a major importer of footwear in this country, is representative of companies that would become economic casualties if this bill becomes law.

The growth of the Volume Shoe Corp. would come to a screeching halt if this legislation is passed.

Today, Volume Shoe employs 1,250 people in its headquarters in Topeka, KS, and provides 12,000 more jobs in its Payless Shoe Stores across the country.

Left alone, the import shoe industry will continue to create thousands of jobs each year. On average, Volume Shoe opens one new retail outlet each day, employing five people in each store on the retail level in addition to many other jobs created in shipping, distribution, and the construction operation that has to support that incredible expansion.

Does free trade threaten the domestic shoe industry? The evidence suggests that it does not. Growth of the U.S. shoe market is largely attributable to the increase in the number of inexpensive imported shoes.

The fact is market growth of 40 percent in recent years has been due to lower income Americans buying more inexpensive shoes, and these are imported shoes which cannot be produced profitably in this country.

I have strongly supported tough action to help open U.S. markets abroad and to prevent U.S. workers and companies from being victimized by the subsidies of foreign governments. That is why I supported the Gephardt amendment, but I do not support or condone protectionism, and that is what we are dealing with today.

The U.S. shoe industry has frequently sought Federal protection, but has failed to show that their problems stem from unfair trade practices.

Madam Chairman, I am also concerned that this bill would trigger retaliation against American agricultural exports.

The cost of this bill will ultimately be felt in the pocketbooks of Americans, both through higher retail prices and the loss of American jobs, especially in the import shoe industry in this country.

I strongly urge my colleagues to oppose this legislation.

Mr. CRANE. Madam Chairman, I yield 3 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Madam Chairman, what we have here is a bill that when you strip away all the details raises barriers against importing primarily textiles into this country. That is what it does.

Now, the proponents of the bill know that if this bill passes it will hurt our port and shipping and apparel industries. It will mean that people in those industries will lose jobs, but the proponents say, "Well, it's too bad, but we've got to help the textile industry because the textile industry is hurting."

Now, if this bill passes, the aircraft, the high technology or agricultural sectors are going to be hurt. Jobs are going to be lost there when other nations retaliate and the proponents of this bill know that, but they say, "Well, it may be tough, but we've got to help the textile industry because the textile industry is hurting."

The proponents know that if this bill passes, regions of our country such as the gulf coast and the Pacific coast and the Northwest are going to be hurt, but they say, "Well, we've got to help the textile industry because the textile industry is hurting."

Well, what about our friends abroad? Several of us visited the Philippines recently. President Aquino told us how in the Philippines they were reducing and eliminating tariffs. That is one of her big planks in her economic recovery program, and then she turned to us and said, "While we do that, why are you considering hitting us in one of our major exports to the United States, textiles?"

Of course, the proponents of this bill know that this bill will hurt this friendly struggling democracy in the Philippines, but they say, "Well, the U.S. textile industry is hurting and needs help."

Well, let us look at the U.S. textile industry. Are jobs down in that industry in the past year? No, jobs are up, up 30,000.

Are hourly earnings down? No, hourly earnings are up.

Is production down? No, production over the last year is up.

Are profits down? No, profits are up.

Madam Chairman, this industry does not deserve relief. It deserves congratulations. As one of the chief executives in the textile industry says, and I quote from a recent article in the news media.

> The only thing that worries us is getting people to fill the jobs. There are just more jobs than there are people. We are running at 100 percent capacity.

Madam Chairman, this is not a bill whose time has come; oh, no. Instead, time has passed this bill by. We should defeat it.

Mr. JENKINS. Madam Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Madam Chairman, I thank the gentleman from Georgia.

I salute the leadership that he and the gentleman from South Carolina have provided for this bill.

If hyperbole were legal tender, this debate would have put a substantial dent in the national deficit. The amount of harm that people have threatened is going to be done by this bill greatly exceeds reality.

I have heard it suggested that this bill will help textiles and damage the apparel industry. Well, I represent an area where the apparel industry very much wants this bill. This is a bill that will help the apparel industry.

The bill will have good and bad aspects, as does every piece of legislation I have ever seen come here. If it were amendable—a thought that I know causes great distress to our friends at ways and means—I would vote for some amendments. I would exempt athletic footwear; but the thrust of the bill is very important. There may be Members in this Chamber entitled to speak from an undiluted free trade position. I do not know who they are. We get from our debates on these issues an operational definition of protectionism. Protectionism is help for an industry that is not present in your State. Protectionism may be what some people think of this bill, but when timber is involved, suddenly protectionism looks a little different.

When other commodities are involved, people switch sides. That is entirely legitimate.

It has become very popular to condemn special interests. I guess special interests are economic groups that do not vote for you.

I do not find any recognizable difference between the special interest groups that are sometimes denounced and the constituencies that are sometimes applauded.

I want to talk about an important aspect of this, the garment workers, very hard working men and women who are underpaid and do excellent work and for reasons outside their control, they are threatened with obliteration by a flood of imports.

This is not a bill to stop imports. This is a bill that regulates the flow. With the passage of this bill, we will still, in my information, be one of the major importers in the world of both garments and textiles.

What we are saying is does the Government simply stand by and neglect completely hard working people who are threatened with a flow and a pace of imports that will overwhelm them, or do we attempt some regulation which will continue a serious flow of imports, and from the competitive standpoint the flow of imports plays the role of providing price competition, but at the same time we keep some domestic capacity.

One of the greatly exaggerated arguments we have had here is how many retail jobs this is going to do away with. Apparently the notion is that if people cannot buy imported clothes, they will go naked. Now, there may be very limited areas where people are allowed to do that. In most of the country, my view is that people will continue to be clothed, and if they cannot buy imported goods in the numbers that they want to buy imported goods, then they will buy goods that are made domestically.

Equity is a very legitimate concern. We have hard working people here who are threatened by a flow of imports that would overwhelm them and this bill will give them some help.

☐ 1510

Mr. GIBBONS. Madam Chairman, how much time remains?

The CHAIRMAN (Ms. KAPTUR). The gentleman from Florida [Mr. GIBBONS] has 28 minutes remaining; the gentleman from Georgia [Mr. JENKINS] has 35 minutes remaining; the gentleman from Tennessee [Mr. DUNCAN] has 29 minutes remaining; and the gentleman from Illinois [Mr. CRANE] has 35 minutes remaining.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from Alabama [Mr. NICHOLS].

Mr. NICHOLS. Madam Chairman, I rise today in support of H.R. 1154, the Textile and Apparel Act of 1987, and would like to focus on two aspects which I hope my colleagues will consider prior to today's vote. first, part of the global strength of the United States lies in our ability to arm, clothe, and prepare great forces of men and materials for battle. In the past we have had great success in deploying these men and materials because we could turn to a strong textile industry to aid in the war effort. My distinguished colleagues, the textile industry has been there when we needed them, now I ask that congress stand in this industry's corner in its time of need. Our Constitution reads that congress has the power "to provide for calling forth the militia to execute the Laws of the Union." I also wish to emphasize the responsibility that we must assume before we have to call on our forces.

The textile and apparel industries' ability to provide adequate amounts of uniforms and critical individual equipment during mobilization is being directly threatened by the vast amounts of foreign imports. In the past engagements such as Korea and Vietnam it has taken this industry 1 full year to meet the minimal amount of uniforms and individual equipment required during the transition from peace to war. This even includes the warstock reserves.

Lt. Col. Joseph W. Kernodle of the Industrial College of the Armed Forces at Fort McNair has conducted a compelling study on the relationship between textiles and mobilization. He concludes that in 5 to 10 years the U.S. textile and apparel industry will not be able to support the mobilization of U.S. forces. According to Colonel Kernodle 80 out of 500 manufacturers identified for military production closed in 1985. It doesn't take a pile of facts and figures to show there will not be an adequate textile industry to meet the needs of quality products for the armed services to be successful in the near future.

Second, Madam Chairman, I have the privilege to represent one of the largest textile districts in the United States. These thousands of employees are dedicated hard working men and women, black and white, and from all walks of life, and they love their country and respect our Nation's great democratic traditions. Their employers cannot be accused of having failed to modernize—the facts will show that the U.S. textile industry is one of the most modern and efficient in the world. All my constituents ask for is a level playing field—a fair chance to compete against an ever-increasing onslaught of foreign competition which has cost some 1.7 million jobs from 1981 through 1985!! Adoption of this important bill would create 152,000 jobs after the second year of enactment. The textile and apparel trade deficit alone jumped 22 percent the first 6 months this year over last year. clearly this fact, alone, shows that the problems remain unsolved. I want to see a strong, healthy American economy with people working. I urge my colleagues to vote for H.R. 1154.

Mr. DUNCAN. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Madam Chairman, if I had the power in this Congress to eliminate the use of one word in these Halls and throughout the Halls of Congress, that would be "retaliation." It is a devastating word. It is a cowardly word.

For 10 years before I came to the Congress of the United States, I watched young men being killed in Southeast Asia based on a policy that somehow or other we were going to win if we feared the retaliation of China and the retaliation of the Soviet Union.

That is what our whole policy was based on, the policy of the Congress, maybe the policy of some of the military leaders. So it was a hopeless case because we were worried about retaliation.

Madam Chairman, I have been here for 13 years and all I have heard over and over and over again is that word "retaliation." Whenever we needed an excuse we used it.

It is a devastating word, it is a cowardly word. When we couple it with agriculture, that is the most mystifying thing that I ever heard. Where is it that we cannot send products that we are going to send products if we do not pass this legislation?

Is it to the EEC? What are we sending to the EEC? In what quantities?

Is it Japan? What agricultural products do we sell to Japan and in what quantities?

Madam Chairman, I represent an agricultural community. I represent a State that has more agriculture, small farms, than any other State. I represent a county, as a matter of fact, that is the fifth in the State of Pennsylvania in agriculture production. They are going to retaliate, oh yes, yes, the President got a little strength a couple of months ago and he said I am going to do a little something in relationship to the EEC. Oh, they yelled retaliation. But what did they do? They came to the United States to negotiate. That is what they did.

Then they got a little more courage, boy, he is getting courageous, and all of a sudden he determines I will needle Japan a little bit, and they said there would be retaliation, retaliation. What did the Japanese do? They came here to negotiate. That is what they did.

They will come here to negotiate now if we pass this piece of legislation. Let us not worry about retaliation.

What do we talk about when we talk about defense? The same people who get up and talk about retaliation are up here saying we need a strong defense. How can you have it if you do not have an industrial base? I would like to know that.

How could we have fought World War II if we did not have the industrial base. We could not have. We could not have won.

Let us think about America for a change.

Mr. GIBBONS. Madam Chairman, I yield myself such time as I may consume to respond to the last speaker.

Madam Chairman, in 1986 the United States exported more than $52 billion in American goods to the European Community, of which $2 billion was in just animal feed and fruits and nuts. In 1986, we exported to Canada almost $45 billion, of which $348 million was fruits and nuts alone.

We exported to China significant quantities of agricultural products.

We exported to Taiwan huge quantities of agricultural products.

We exported agricultural goods to Korea, to Hong Kong, and to Japan. In fact, 40 percent of all the food that the Japanese eat is raised and produced in the United States.

I respect the gentleman from Pennsylvania [Mr. GOODLING] but I am afraid his informant is terribly misinformed.

Mr. JENKINS. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Madam Chairman, this is an extremely important vote we will cast today. Last year, we attempted to provide assistance to our beleaguered textile, apparel and footwear industries through passage of a textile bill. Unfortunately, this effort was defeated by a Presidential veto.

It is now a year later and the situation faced by these industries has not changed. In fact, the situation has worsened. America's textile and apparel firms are still plagued by an influx of subsidized imports originating in countries where the labor force is paid as low as 20 cents a day. At the same time, these countries place severe restrictions on American products. From 1980 to 1986, imports grew at an annual level of 17 percent. More recently, the period from January to June 1987 showed a record increase in imports—over 5 percent higher than last year's figures for the same period. These figures translate to 300,000 jobs lost since 1980.

Madam Chairman, it is time for action. H.R. 1154 is a fair proposal which will greatly assist America's textile, apparel and footwear industries. It gives the administration sufficient flexibility to address this problem and also sends a message to importers that unfair trade practices will not be tolerated. It tells them that we will not abandon America's textile workers who have built one of the world's most efficient and productive industries. H.R. 1154 will offer these workers a chance to fairly compete with foreign imports. Let's give them this opportunity. I urge my colleagues to support the Textile and Apparel Trade Act.

Mr. CRANE. Madam Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Madam Chairman, for many of my colleagues, today's debate is not about shaping our best textile, apparel, or footwear policy for the Nation. It is about protecting jobs, particular jobs, and at any cost.

No matter how you look at this bill it spells trouble for America. It will hurt consumers, it will result in a loss of retail and export employment, and it will invite retaliation on the part of our trading partners. Ironically, passage of this bill will hurt the very people it aims to protect and at a time when the textile, apparel industry is making the changes necessary to become competitive.

Madam Chairman, let me address each of the points I have just made.

The Council of Economic Advisers estimates that this bill would cost the consumers of America between $25 and $37 billion over 5 years in the form of higher prices. Particularly hard hit would be the low-income consumers of America.

A textile tariff of this nature is a tax and a regressive tax. Some studies peg the costs as high as $10 billion per year, not including the inflation ripple throughout the rest of the economy.

While sponsors of this bill will try to protect the textile industry, how will it affect employment elsewhere? The best information I have seen indicates that this bill will result in the loss of some 52,000 retail jobs. The consumer costs per job saved is $32,894 next year; and at a cost of $41,561 in 1991.

The above figures represent the most conservative estimates I have seen of consumer costs per job saved.

The International Business and Economic Research Corp. estimates the cost per job at an almost unbelievable $223,000. They also point out that 5,700 more jobs will be lost in the retail sector than would be protected in the manufacturing sector. These estimates are static and they cannot fully predict the full cost to America.

It is no wonder that farmers, aerospace employees, retail employees, and others resist this legislation. They know that for every job protected in the textile and apparel industries there will be dozens of jobs put at jeopardy in their industry.

Madam Chairman, let us look at the beleaguered textile industry and apparel industry that we are hearing so much about. Since last session's heated debate on this textile bill, I was amazed to learn that 11 textile manufacturers in Fortune 500 offered their shareholders a 36 percent total return on investment. For the same period, apparel manufacturers offered their shareholders 21 percent. Both are well above the average for all manufacture.

Listen to these headlines regarding the industry, "Labor Shortage Frustrates Textile Firms." "Cotton Biz Had a Ball in '86; 1987 Looks Better," "U.S. Fiber Execs Optimistic for Strong Performance in 1987," "Increase in South Carolina Apparel Jobs Seen Continuing; New Plants on Horizon."

This is not exactly gloom and doom stuff.

We are contemplating imposing a regressive tax on the poor consumers in America. We will be jeopardizing jobs in areas across the economy that do not have this special interest thrust. We will be risking inflation for the American economy to provide protection for an industry that is currently thriving.

I think an earlier speaker was correct, the time when a case could have been made for this bill has passed the industry by. It is not needed. It will be counterproductive. If you have a special interest constituency that will benefit, certainly you may feel an obligation to vote yes on this legislation. If you do not, if you represent farmers, if you represent consumers, if you represent Americans who want stable prices and free access to goods for their children, you must vote no.

I urge a "no" vote on this legislation.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Madam Chairman, a couple of months ago I came on the floor with some pictures, and these pictures were from a plant in Parsons, WV. The message I had at that time was that these are real people behind this message, or behind the message they are trying to get to us that there is a problem in their industry.

□ 1525

Madam Chairman, here we go again. Last year Congress attempted to combat the textile and apparel trade deficit through the passage of responsible legislation, but the President vetoed it. Textile and apparel industry unemployment has worsened, yet the administration continues to spoof a policy that does not exist in the real world. We have another chance to address the trade deficit problem before our economic seams are stretched to the splitting point.

Since 1981, the U.S. textile and apparel market has been increasingly eroded by foreign manufactured goods. This foreign invasion has cost nearly one-half million American jobs.

The apparel industry in West Virginia has seen 1,000 jobs lost to foreign nations since 1980. Between July 1985 and July 1986 alone, West Virginia lost 600 jobs from its manufacturing base.

Opponents of this bill say it is protectionist and that we have too much to lose. In West Virginia we have very few jobs left. We have only 3,600 apparel jobs left, 2,000 of which are in the manufacture of women and children's clothing, which is the industry most vulnerable to imports. We have only 1,500 footwear jobs left. Madam Chairman, I respond to opponents by asking: What's left to protect, what's left to lose. Doing nothing is seldom a solution, it is clearly not in this case, and yet there are some who continue to ask us to do nothing.

The textile and apparel trade deficit for January through July increased 21.4 percent. This is indicative of a problem that is growing, not one that is near remedy.

Madam Chairman, the Bible says that we will reap that which we sow. This legislation will allow hard-working Americans to compete in a fair, competitive, and worldwide marketplace. I urge my colleagues to sow the seeds that will begin to reap economic recovery in this industry that is vital to West Virginia and America.

The CHAIRMAN. The Chair would like to announce that the gentleman from Georgia [Mr. Jenkins] has 31 minutes remaining, the gentleman from Florida [Mr. Gibbons] has 27 minutes remaining, the gentleman from Tennessee [Mr. Duncan] has 27 minutes remaining, and the gentleman from Illinois [Mr. Crane] has 29 minutes remaining.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. Alexander].

Mr. ALEXANDER. Madam Chairman, on behalf of Arkansas workers, I rise in strong support of passage of H.R. 1154, the Textile and Apparel Trade Act. The importance of this bill is underlined by the fact that 243 Members of this House, well over half, have signed on as consponsors.

I want to thank the committee and its leadership for the diligent and clear thinking work that has gone into bringing this bill to us for consideration.

When this bill becomes law it will not only help Americans working in apparel, footwear and textile factories, it will help their communities by saving jobs and it will help U.S. farmers.

During my service in Congress I have worked for and supported efforts to make sure that companies that keep their plants open in our State and country get a fair shake when it comes to competing for sales against imported goods.

U.S. plants hire Arkansas and American workers. The jobs they provide help families support themselves, improve their lives and take advantage of educational opportunities. And, at least some of them use American farm products such as cotton and wool.

When they get a fair chance, U.S. manufacturing plants using Arkansas and American workers can compete with any companies and workers from any where in the world.

Some changes in our laws have been made. Others are needed, H.R. 1154 provides urgently needed changes.

Arkansans are good workers for three basic reasons that are very important to employers. They want to work. They appreciate having jobs. They take pride in the work they do.

The Federal Government, including the President, has a responsibility to protect American workers, American companies and the American economy from damge caused by unfair competition from imports.

Under our existing trade laws, the President has substantial opportunity to act to support the interests of our workers, businesses, and the industries threatened by import competition.

This includes bringing about voluntary restraint agreements. Instituting countervailing duties against unfairly priced imported goods and services. And, changing economic policies which encourage imports to flood into the United States and threaten jobs of Arkansas and American workers.

I have worked, and continue to work, to persuade Presidents to act on international trade issues in the best interests of U.S. workers. The unvarnished truth is that throughout the 1980's President Reagan and his representatives have put their foreign policy wants ahead of the jobs and needs of American and Arkansas workers.

This callous attitude and the tidal wave of imports it has encouraged has cost hundreds of thousands of Americans jobs. When a President will not use his authority to insure that American workers get a fair chance on a level playing field, the Congress has a responsibility to act.

Passage of this bill will make clear to the American people, the President and foreign suppliers that this Congress does not intend to see U.S. workers put on unemployment lines by unfair competition from imports.

Madam Chairman, during the period of time between 1950 and 1980, Arkansas attempted to balance its agricultural economy with industrial jobs. Between 1981 and 1986 in my district we lost 20 percent of all manufacturing jobs in the textile, apparel and leather footwear manufacturing industries. Eighty percent of the textile jobs are gone during this period. Four hundred fifty jobs are gone in apparel manufacturing and 1,600 footwear jobs. This has happened all across America because of the lack of a trade policy by the United States. Just today I heard an announcement of the Craddock-Terri Co. of Lynchburg, VA, closed its gates, once providing 2,200 jobs for footwear manufacturing to the people of that economy. We cannot continue to amble along endlessly without a trade policy. It is time for us to stand up for the people that we represent and vote for the textile bill that is pending here today.

In addition to benefits for U.S. textile and apparel factory workers, this it also contains critically needed provisions in support of our footwear manufacturing workers. Its provisions will also help strengthen the markets for U.S. farmers.

Imported textiles and textile products contain cotton equal to nearly 40 percent of the annual U.S. cotton production. Eight of every ten bales of cotton used in imported textiles and clothing is grown in foreign fields. The average annual market revenue loss to American cotton producers is more than $1 billion. Depressed U.S. cotton markets have driven farmers to shift to other crops which are already in surplus—adding to price depression for these commodities.

The International Multifiber Arrangement, to which the United States is a party was intended to hold textile and apparel import growth to a reasonable, logical level.

I believe any fair-minded person will agree that when the U.S. market is growing, as it is, at a 1 percent rate annually and the imports are growing, as they are, at an average of 21 percent annually the situation has become unreasonable, illogical, and unfair.

Imports have gobbled up 52 percent of the U.S. clothing market.

The situation is even worse in the U.S. footwear market.

More than 2 years ago, the U.S. International Trade Commission found that footwear imports are seriously damaging the American footwear manufacturing industry. It recommended restrictions on footwear imports. President Reagan has refused to grant this protection to U.S. footwear workers.

Thanks to deliberate, outrageous decision by the current President, foreign footwear makers control 81 percent of the American footwear sales. In 1986, American footwear production fell down to the levels of the Great Depression of the 1930's.

I am proud that the House recognized the gravity the need for this kind of legislation when we passed a similar bill last year. I am honored to be an original cosponsor of today's bill, which is even better than last year's. I urge my colleagues to join me and other cosponsors in voting for passage of H.R. 1154.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. Valentine].

Mr. VALENTINE. Madam Chairman, while many sectors of the economy have been crippled by the current world trade practices, I do not believe that any industry has suffered more than the beleaguered textile industry. And while every sector of the country has been adversely affected by the current trade imbalance, I do not believe that any State has suffered more than North Carolina.

Today, we have the means at hand to begin reversing the downward trend for the embattled textile industry. The Textile and Apparel Act of 1987 is needed now.

Autos, steel, video recorders, semiconductor chips, machine tools, timber, copper, and electronics are just a few industries in which the United States is losing its leadership or is being driven out of the marketplace. Our traditional manufacturing and industrial bases are being devastated each day by unfair competition from foreign nations.

Virtually every week, House Members take the floor to discuss the need to reach arms reductions agreements to avoid World War III. Madam Chairman, we are already engaged in World War III, only it is not being fought on the military battlefield; it is being fought on the economic battlefield. In this trade war, we do not measure the tide of battle by the number of individual casualties; instead we use abstract measurements such as the size of the trade deficit.

But no matter how abstract or impersonal the measurement, the individual human casualties are real. American workers are losing their jobs, and their families are losing their income, their standard of living, and eventually even their hope.

Madam Chairman, in the footwear industry, 80 percent of the U.S. market has been lost to imports, and 341 American plants have closed since 1980. More than 1,000 textile and apparel plants have shut down since 1980. And more than 400,000 American textile and apparel workers have lost their jobs.

Figures released during July by the Commerce Department show that the January-May 1987 textile and apparel trade deficit increased to $9.6 billion. This record level was reached despite the administration's self-proclaimed intention of negotiating tighter bilateral trade agreements with foreign suppliers. The increase in textile and apparel imports from 1981 through 1986 represents the export of nearly 700,000 American job opportunities overseas.

Some critics of the legislation we are considering today claim that the American textile industry, and indeed other American industries devastated by the flood of foreign imports, are victims of their own outdated technology and methods. Like most generalizations, there is a small element of truth in this charge. American manufacturers do need to modernize.

But to portray American textile manufacturing as an antiquated industry is to promote a myth. The industry is modernizing, and American textile workers are extremely productive.

But not even the most modern, high technology plant can compete with overseas factories that are subsidized by their governments. And not even the most efficient, productive work force can compete in foreign markets that are virtually closed to imports.

The problem is not just technology or productivity. The problem is fairness. American producers should not be forced to compete under unfair conditions.

A new study by the widely respected ICF Inc., using methods of estimation employed by the Congressional Budget Office and the Office of Management and Budget, found that enactment of the Textile and Apparel Trade Act of 1987 would in its second year save the Federal Government as much as $500 million in reduced unemployment payments and AFDC, food stamp, and Medicaid benefits.

Additionally, ICF estimates that enactment of this legislation would result in an increase in employment of 82,000 jobs in 1987 and 115,200 jobs in 1988. These estimates are based on growth rates for textile and apparel imports ranging from 6 to 17 percent annually in the absence of the Textile and Apparel Trade Act of 1987.

I urge my colleagues to weigh the fiscal benefits of supporting this legislation. In the long run, this bill will strengthen the U.S. economy, lower the trade deficit, reduce the budget deficit, and perhaps more important, keep Americans working. It is clearly in our national interest to have a strong, healthy domestic textile and apparel industry.

We cannot help the economy by continuing a failed policy. But we can help the economy, we can save American jobs, we can create new employment opportunities, and we can ensure the American consumer a continuing supply of high quality domestic textile and apparel products by passing the Textile and Apparel Trade Act of 1987.

American workers can compete effectively. But the rules must be fair. Free trade must be free and fair for every nation or it is free and fair for none. This bill starts the essential process of restoring fair competition in the international textile marketplace.

The Textile and Apparel Trade Act is a reasonable, moderate step in the right direction. It deserves to be passed by a wide margin.

I urge my colleagues to support passage of this bill. The hour is late.

Mr. DUNCAN. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Madam Chairman, I rise in strong support of H.R. 1154, the Textile and Apparel Trade Act of 1987. My comments regarding this legislation will be brief but heartfelt.

For nearly 3 years now, we have had the opportunity to examine an ever-expanding library of information about this industry and the problems confronting it. This much can be established from the reports and statistics:

First, the current multifiber arrangement and bilateral accords are not working. Import penetration into our domestic markets currently exceeds 50 percent and is growing annually.

Second, there is a direct cause-and-effect relationship between this import penetration and a loss of American jobs. Since 1980, the industry has lost 350,000 jobs and 700,000 job opportunities. Passage of H.R. 1154 will halt this trend and, according to a recent study, create 152,000 new jobs.

Third, the problems plaguing the industry are not self-inflicted. Foreign exporters, playing under their own set of street-smart trade rules, are using tariffs, quotas, import bans, tax breaks, and other subsidies to take over our markets.

And fourth, a national interest—not a special interest—is being served with passage of this legislation. Who in this body wants to rely and depend upon foreign sources of textiles and apparels to clothe and equip our Armed Forces in time of war? Not I.

Madam Chairman, I would like to conclude by invoking Dwight Eisenhower, who once said that only Americans can hurt America. I hope that each Member, each American in this Chamber today will choose to help an industry so vital to our Nation's prosperity and future.

Mr. RIDGE. Madam Chairman, will the gentleman yield to me?

Mr. COBLE. I yield to the gentleman from Pennsylvania.

Mr. RIDGE. Madam Chairman, I thank the gentleman for yielding. I commend him for his strong statement and I join him in his statement.

Madam Chairman, I rise in support of this important piece of legislation, the Textile and Apparel Trade Act of 1987. With more than 2 million workers, the fiber, textile and apparel industry is the largest in the manufacturing sector—larger than auto and steel combined. Until 1984, the fiber industry was one of the largest employers in my district. My only regret is that this bill comes too late for the hard-working men and women who worked at the Meadville Avtex Fibers plant.

This bill alone may not have saved those jobs and will not resurrect that plant. So, I'm not a cosponsor of this bill because I want to protect a plant in my district. But, I most certainly understand that this bill is in the best interest of American manufacturers and American workers.

The job loss numbers are frightening with an avalanche of 390,000 jobs lost in 7 years. Foreign textile imports have been increasing at a rate of 19 percent since 1981. The U.S. footwear industry's share of the U.S. market has declined from 49 percent in 1981 to 18 percent today.

Still, 2.4 million Americans depend on textiles and apparel for their jobs. Every day, some of these 2.4 million Americans lose their jobs while the Federal Government equivocates. It is truly sad that most of these jobs will not be lost because of worker productivity but, instead, because the United States is the world's preferred trade dumping ground.

The Congressional Office of Technological Assessment's recent report clearly states that developing countries are using export subsidies to promote exports and are paying their textile and apparel workers wages far below those paid to U.S. workers. Interestingly, the European Economic Community [EEC] and Japan have limited the growth of imports from developing nations. Once again, the United States is isolated in its willingness to sacrifice its own interests and jobs to the philosophy of free trade.

Since the President's veto in December 1985, the Ways and Means Committee has worked hard to address the administration's concerns and I congratulate them on this effort. Although the administration still opposes the bill, it should be duly noted that the bill now is consistent with the general agreements on tariffs and trade, provides the administration with flexibility in implementing quotas and with flexibility on the multifiber agreements, and it eliminates rollbacks and discrimination.

Opponents are now focusing on the possibility of increased consumer prices, a very important concern. But, in my view, the level of concern is unwarranted. First, it must be clear that this bill will allow the same level of imports as in 1986 plus 1 percent growth. There will be no rollbacks. Second, the Office of Technology Assessment clearly states that the benefits of cheap foreign labor rarely reaches the consumer and, instead, only the middlemen benefit. Consumers usually pay the same price for equivalent imported and domestic products. Third, we must not ignore that this bill will save U.S. taxpayers an estimated $500 million in unemployment programs by the second year. Best of all, more Americans will not have to be dependent on food stamps, Medicaid, and other programs. Finally, a nationally recognized economic consulting firm has estimated that 152,000 jobs would be created by the second year. More Americans working, contributing and paying taxes.

My colleagues, today's vote presents an opportunity to do something about the decline in our manufacturing base and do something about the survival of America's largest manufacturing employer. In my opinion, providing American workers and businesses with the opportunity to fairly compete is appropriate and desirable. Ignoring a foreign strategy of subsidized exports combined with cheap labor is just the opposite. I urge my colleagues to support this bill.

Mr. JENKINS. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Madam Chairman, at this time I would like to enter into a colloquy with the chairman of the textile caucus, the Honorable BUTLER DERRICK of South Carolina.

There has been a lot of talk here today about the consumer aspects of this bill, but nobody has focused on the safeguards built into this bill for the consumer, especially low-income consumers. Look at the footwear provisions. These portions keep footwear imports at 1986 levels, when they accounted for over 80 percent of the U.S. market—the highest levels ever recorded in history. In addition, there is a special set aside for the cheapest shoes, those imported at $2.50 or less, so that they should be imported at the same high levels as last year. The bill as I read it, prevents price increases in these products, because it makes no allowance for borrowing volume from this category, and making it available for imports of higher priced shoes. The legislation, therefore, encourages importers to fill up this lower priced category. I believe that these provisions do not hurt our consumers, in fact, they protect our low-income consumers. I think that the bill should be applauded for having such safeguards for our low-income consumers.

I ask the gentleman for his comments.

Mr. DERRICK. Madam Chairman, will the gentleman yield?

Mr. MOAKLEY. I am pleased to yield to the gentleman from South Carolina.

Mr. DERRICK. I thank the gentleman for yielding.

Madam Chairman, the gentleman is absolutely correct. The bill does protect our low-income consumers by ensuring an adequate supply of the cheapest shoes because it doesn't allow the foreign countries to shift into higher priced footwear. We fully expect that the agency administering these quotas will develop a program that ensures that any shortfall in the amount of low-priced footwear imports is not made up by bringing in additional higher priced footwear.

Mr. MOAKLEY. I thank the gentleman for that clarification.

Madam Chairman, I have a special interest in this bill as chairman of the House footwear caucus, which numbers 105 members. The footwear industry in this country is losing ground fast. To survive, it must have this bill enacted. No major manufacturing industry in this country has been so hurt by imports as has the nonrubber footwear industry. Since 1981, over 300 U.S. footwear plants have closed their doors, and some 51,000 jobs have been lost.

The industry needs a legislative solution to its problems because its attempts to seek remedy under existing trade statutes have been repeatedly denied. The Reagan administration has twice refused to grant this industry import relief under the escape clause. The industry's section 301 case, documenting numerous unfair trade practices against other countries, was the subject of benign neglect by this same administration. Former administrations do not have much better track records in this regard. This industry's import problems have been ignored, papered over, and callously disregarded for too, too long. It now has only one avenue open if it is to survive, and that is the enactment of this bill.

This industry can be competitive if given a chance and the opportunity presented in this bill. There is a lot of technology available to footwear manufacturers; much of it developed in the last few years. However, the tremendous import surges of the last 5 years are depriving U.S. companies of the financial resources to invest in new technology. These import surges also have robbed the industry of its confidence that these investments will pay off in increased production levels.

The industry deserves a chance to survive. Its workers deserve a place to work. We have only one way to ensure that this happens, and that is the passage of this bill today. I urge my colleagues to support passage of this bill.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Madam Chairman, it is time we came to our senses. Wishful thinking and dated views have clouded our understanding of the realities of textile and apparel trade.

Despite stated efforts by the administration, the textile, apparel and footwear industries are being battered by cheap labor imports. More than $15 billion has been spent in making our textile workers the most efficient and productive anywhere in the world. But they cannot compete against foreign governments that subsidize their industries, pay workers as little as 16 cents per hour and impose severe restrictions on imports from the United States and other countries.

The American textile and apparel industry is fighting for its life. If the current trend persists, the annual textile and apparel trade deficit will exceed $23 billion. From 1980 to 1986, there has been a 20-percent growth in textile imports. With the domestic market growing at a rate of just under 1 percent during the last decade, it is easy to understand how, since 1980, the industry has lost more than 1,500 factories, 40,000 jobs, and 750,000 job opportunities to foreign nations. These foreign markets are literally stealing the shirts off our backs. Without our action, the textile industry will face only increased import penetration and disruption. That is why I urge my colleagues join me in strong support of H.R. 1154, the Textile and Apparel Trade Act.

This bill will help to sustain America's producers of textile, apparel, fiber, and footwear and their nearly 2 million workers by controlling the relentless growth of foreign imports. It will provide them with the market certainty needed to invest the substantial financing needed to continue their modernization efforts.

In South Carolina, we are seeing entire towns shut down in the face of the textile deficit leaving families jobless and hopeless. Yet, last year we handed over $612 million to Iran to pay for textiles, carpets, pistachio nuts, caviar, and crude oil. The pace continues full tilt this year, with Iranian textile imports soaring. What does this say about our administration's commitment to opportunity, to hope, to a future for America's workers?

If there is one word that encompasses all that America stands for, it is opportunity. But for American textile and apparel workers, it is a word that rings hollow these days. American workers want and deserve the opportunity to compete with foreign workers on an even footing—nothing more, nothing less.

I urge my colleagues to join me in strong support of H.R. 1154.

Mr. CRANE. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Madam Chairman, these debates on trade issues unfortunately usually come down to debates between those who will win under the terms of the legislation and those who will lose. That is unfortunate but at least we ought to get the record straight and correct. There are losers under this bill.

Contrary to what we have heard previously in this well, the biggest loser will probably be American agriculture.

This bill invites retaliation specifically from the Pacific rim. The Pacific rim is one of our major agricultural importing regions. Forty percent of all the food the Japanese people eat comes from the United States. They are our No. 1 soybean customer in the whole world and they have the greatest potential in terms of beef and citrus imports. The rest of the Pacific rim is almost as important and it is in some ways more so because of greater growth potential. Korea is our seventh largest agricultural customer.

Furthermore, to argue they will not retaliate flies in the face, first, of their own statements directly to the contrary and, second, of experience.

A couple of years ago this administration did impose restrictions on textile imports from the People's Republic of China. Within the month the People's Republic of China reacted by canceling their entire corn and wheat purchases for that year. The People's Republic of China is not a large importer of American agricultural commodities. So its impact on our agricultural economy was not substantial.

If the Japanese or the Koreans or the rest of the Pacific rim countries were to take similar actions it would be devastating to an agricultural economy that is terribly fragile right now today.

Madam Chairman, nobody wishes ill for the American textile industry, but the evidence is that that is an industry which after some very difficult years is beginning to get back on its feet. We certainly all hope so. And if there are constructive things we can do here today to help them we would like to do that.

But American agriculture has been through, if anything, even more difficult times in the last few years. This year after 6 years of decline we are seeing a turnaround in the volume of American agricultural exports. Let us not cut that short before it even has a chance to get started. There are victims intended if this bill passes and the No. 1 victim will be the American farmer. Let us defeat this bill.

Mr. DUNCAN. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. McMILLAN of North Carolina. Madam Chairman fair and free trade is a good goal in world trade. But it's not a reality in textiles, as in most other segments of world trade. Textile markets are tough and competitive with heavy government involvement by our trading partners. World textile trade has long operated under a negotiated global system. The multifiber agreements are testimony to that fact even though not every nation has participated.

Under those existing but inadequate agreements, the United States has tolerated import penetration of its domestic textile and apparel markets up to 53.8 percent by 1986. Textile-apparel imports have grown at an average rate of 17 percent per year over 7 years while the domestic market grew at only 1 percent and has resulted in the closing of 1,000 textile and apparel plants with a loss of 350,000 jobs.

That unacceptable situation has not been corrected by the new multifiber agreements nor by the decline in the value of the dollar.

The textile trade deficit increased 21 percent in the first 6 months of 1987.

Some argue that earnings have improved. Since 1980 earnings in textiles have always been cyclical—ranging from a low of $851 million in 1982 to a high of $1.7 billion in 1986 but averaging $1.3 billion over the 7 years. Returns at even the highest levels are not adequate to support the heavy reinvestment required to remain competitive. The average return on investment for the eight leading publicly held companies was only 9 percent in 1986 the best year in the last 7 and half that in the lowest year. Much of this improvement has resulted from a shake-out in the domestic industry.

If the strategically important textile apparel industry and its 2.4 million jobs is going to survive in this country the Textile and Apparel Trade Act of 1987 is a necessary guideline to make multifiber agreements effective.

I urge my colleagues to support this bill.

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Mr. GIBBONS. Madam Chairman, I yield myself 1 minute and 30 seconds only for the purpose of putting in the RECORD the figures supplied by this administration's Department of Commerce, with reference to the figures that are collected and published by the Office of Textiles and Apparel in the U.S. Department of Commerce, based on census figures. If anybody's figures are right, I would say that these are more nearly right than anyone else's.

Of all textile finished goods—the total textile market—the import share for 1986 was less than 24 percent. Now, that is the whole market; that includes everything—garments, textile products and everything else. The import share of the domestic market: 24 percent, not 52 percent.

The import share of the apparel market only, according to the Commerce Department figures, was 33.1 percent last year, not 52 percent. That is the highest figure we are going to find—33.1 percent.

The nonapparel segment of the market for textile finished goods, 1986 figures, had import market share at 13.1 percent; not 52 percent as we just heard.

If you weigh these goods, whether you count them by dollars or by square yard equivalents, none of the figures reach some of the ridiculous figures we have heard today. I hope that my colleagues, however they decide to vote on this legislation, will at least keep the figures straight in accordance with the published figures of our own Government.

Mr. JENKINS. Madam Chairman, I yield 2 minutes and 30 seconds to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Madam Chairman, I thank the gentleman for yielding me this time.

A number of our colleagues have expressed a very important concern about doing what is right in this bill for rural America, for our friends in agriculture. Many have correctly noted that agricultural America is about at the bottom now and really cannot afford another severe economic blow.

I agree with that. So out in my district in western Montana, I have stopped by the grain elevators and sat down in the coffee shops and discussed it. I have tried to talk with our wheat and feed grain people, our wool growers, and our cattlemen, and I find that indeed they are divided about this bill. But they all tell me this: they say, "Pat, it's a big country. Everybody has got to try to benefit, and we all do a little better if someone else is doing a little better." One guy put it to me this way: "Pat," he said, "you know, I have come to find out in the last 6 or 8 years that there is no such thing as, 'Friend, your end of the boat is sinking.' So," he said, "as this textile bill comes up, try to get it in a way that doesn't hurt us. We don't want to be hurt. We can't stand that, but if it can help others in America, that would be good."

Just this week I got a letter from the Montana Wool Growers. Let me read the last paragraph of it to you:

> In closing it is proper to note that President Reagan in 1980 made a pledge to the U.S. Textile industry that, if elected, he would take action to relate import growth to the growth of the domestic market. Two years after taking office he reiterated that pledge. But sometime between then and now he has changed his mind and has sat idle while imports have more than doubled the domestic market. In 1980, the U.S. competed with 16 countries importing quantities of wool, but today, in 1987, we compete with 40 and no control. That unfair competition has closed mills, lost U.S. jobs and lost market outlets for the buyers of the Montana wool clip. Congress can stop that trend by passing and probably having to override the President's veto of the Textile legislation.
>
> Sincerely,
>
> BOB GILBERT,
> *Secretary-Treasurer,*
> *Montana Woolgrowers.*

Madam Chairman, the woolgrowers are just one part, but one important part of rural America. They are one very important part of the agricultural community. They do want to pull together. No, they do not want to be hurt, but they know that there is no such thing as saying, "Hey, farmers," or "Hey, textile workers, your end of the boat is sinking."

Mr. DUNCAN. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Madam Chairman, we are hearing a lot lately about the health and the well-being of the textile industry. Many people have forgotten about the apparel industry, which is certainly not healthy and certainly not in a condition of well-being. I would invite them to my district, the Lehigh Valley in Pennsylvania, to see the hundreds of shops and plants that have closed down over the years and the 10,000 to 15,000 jobs we have lost over the last 10 years or so.

In my district, the apparel industry is hurting. If the textile industry is to prosper, we had better have an apparel industry in this country. The figures the gentleman from Florida [Mr. GIBBONS] has presented to us, referring to the 33.1-percent penetration, is less than the 52 percent, but it is enormous, and if we do not have apparel manufacturing in this country, we will not have textile manufacturing. To a very large degree the health and well-being of the textile industry is dependent on the health and well-being of the apparel industry.

Many of the manufacturing industries are going through transitions in this country. Textiles is one of them, apparel is another, and we need time to make the accommodation. We need the manufacturing base to apply a lot of the high technology. We are getting programs in computers, in robotics, and in integrated manufacturing. This technology is coming into apparel manufacturing much as they have already entered into textile manufacturing, but it takes time. If we are overwhelmed with a flood of imports coming in from all over the world, we will not have this time. And then where will the computer industry be? Where will the software industry be, and where will all these high technology industries be if we lose the manufacturing base?

We need that manufacturing base. In the Lehigh Valley, R&D programs to develop new technologies in robotic sewing are right on the horizon, and have the potential to substantially increase sewing productivity. There is also the potential, through "quick response" information technology, to unite the textile and apparel network, resulting in a more efficient system.

The industry currently invests an average of $1.5 billion per year in new plants and equipment. New technology and innovation are being introduced. For example in Lehigh Valley the Ben Franklin Partnership Program and Lehigh University are assisting the American apparel industry to improve productivity via the application of advanced technology. They are currently working on several areas. First they are working on applying technology with the help of a startup company—On-Line Data Systems, Inc.—to develop computer software packages for the apparel and will be the software supplier recommended by IBM for use with its mainframe computers.

Second, the Ben Franklin Center is developing a technology demonstration site for the apparel industry to transfer new technology to the private sector. The center and the university have led an initiative in response to a request from the Department of Defense to create a demonstration site where representatives from all aspects of the apparel manufacturing industry can observe state-of-the-art technology and manufacturing methods at work.

Finally, the center is working to improve manufacturing processes through the Ben Franklin Challenge Grant Program. The project, entitled "Computer Aided Manufacturing and Commercial Sewing/Stitching," received a $62,000 Ben Franklin grant to develop a system within their plant to computer control all the sewing machines by programming each operation of each machine so that the number of stitches is controlled by the program, thus improving efficiency and simultaneously monitoring the work flow.

But if there is no apparel industry left—there is no market for the infusion of this high technology. Clearly these are the types of technological advances which could make us more competitive in our own domestic market and in the world apparel if we are given the opportunity to sell these products overseas. With this in mind, I urge my colleagues to support this legislation. The textile and apparel industries have exhibited the potential to compete in global markets with the aid of a fair trade environment vital to the textile and apparel industries in America.

Mr. JENKINS Madam Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Madam Chairman, I rise to express my strong support for the passage of H.R. 1154. The people of North Carolina and the people of the Fourth District, which I represent, understand the urgency of this legislation. In my State, 304 textile and apparel plants either had to close or lay off significant numbers of their employees between 1981 and March of 1987. During this period, 31,500 people in the textile industry and 11,500 people in the apparel industry lost their jobs to layoffs or plant closings, for a total of almost 43,000 North Carolinians—displaced largely by a flood of foreign imports. In North Carolian's Fourth District, from 1981 through January 1987, 13 plants closed or had to lay off employees and almost 2,500 people lost their jobs.

Imports of textile and apparel products have doubled since 1980, increasing nearly 20 percent annually, and now account for more than half of the domesitc market. This translates into 350,000 actual jobs lost to foreign competitors who often pay as little as 20 cents an hour to their workers, and 700,000 lost job opportunities.

The omnibus trade bill is not sufficient to maintain these essential manufacturing jobs; the Textile and Apparel Trade Act of 1987 is a necessary complement to the omnibus bill. The bill would establish a total, global quota for foreign textile, apparel and footwear products based on the record-setting 1986 levels. Based on the 1986 market share, there would be no mandatory rollback of any country's share, and the administration would be given maximum flexibility in implementation. Imports would be allowed to increase at 1 percent a year, consistent with the growth of the domestic market. Compensation for countries affected would be allowed through reduced tariff levels. The bill is also consistent with the General Agreement on Tariffs and Trade [GATT] principles and with this country's existing international agreements.

H.R. 1154 represents significant concessions by the textile and apparel industry and its workers relative to last year's bill. The stable trade environment it would create is essential if we are to keep American jobs at home and are to continue the modernization of this industry, which reinvests 80 percent of its retained cash flow.

As the Office of Technology Assessment [OTA] concluded in a recent study, the American textile industry "is one of the most productive in the world * * * [but] technology alone may not be able to salvage major parts of the industry." It is critical to moderate the flow of imports in the near term while the industry continues its revolutionary technical improvements. This is exactly what H.R. 1154 provides.

Madam Chairman, these are only a few of the arguments that can be made in support of this bill and I encourage my colleagues to listen carefully to this debate today. This measure is a necessity to save an essential American industry. It takes a moderate and balanced approach. It is time to get past the rhetorical abstractions of "free trade" and "protectionism" and to deal with the realities of the situation we face. Those 350,000 lost jobs are not an abstraction, and H.R. 1154 is a fair and reasonable response.

Mr. FRENZEL. Madam Chairman, I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Madam Chairman, when this bill came before the House Ways and Means Committee, we allowed it to emerge without a recorded vote, amendment or recommendation.

I did not oppose this bill in committee out of deference to those who worked so hard to argue their case on the floor. Now that the bill is here let's look at the merits.

A number of major farm groups believe this legislation is like the pitch of a boomerrang which will return and strike at the heart of an infant recovery in ag exports.

Why do they have these fears? Because of past experience. In 1983, when textile negotiations broke down with China, we unilaterally restricted $50 million of Chinese textiles. China canceled a grain agreement. We lost $500 million in wheat sales. Who do you think won this battle?

It's not just past experience, it's also the commonsense notion that we can't expect foreign nations to purchase our major exports like farm products, if we unfairly and unilaterally cut back on their major exports.

The textile and apparel industry operated at 95 percent capacity in the first quarter of 1987. In fact, domestic textile production has increased 10 percent in 1986. Agriculture will idle 70 million out of 300 planted acres this year. This tremendous undercapacity has taken its toll not just on farmers, but rural businesses across the board.

Does it make sense to give more protection to an industry running at nearly full capacity and pay for it out of sales from an industry like agriculture whose exports are barely limping along?

There are a lot of people afraid about losing their jobs in this industry, and I couldn't be more sensitive to these concerns. Nobody wants more jobs lost. But from January to July of this year, employment in this industry went up by 25,000.

In my own State of Nebraska, employment has held steady since the early seventies. There are about 2,000 Nebraskans employed in this sector during 1987. That is above the 1,900 jobs the industry provided in 1970. While the levels have fluctuated during the period, there hasn't been the wholesale decline in employment and capacity that agriculture has seen.

It isn't as if the industry doesn't have protection: it has over 1,500 quotas covering 80 percent of all low-priced imports and at 18 percent, a tariff rate far above the 3 percent for all other industries.

Ambassador Yeutter's opinion is that this bill violates the GATT and the multi-fiber agreement. We are trying to get agriculture on a fast track in the new GATT round—that is, completed first—to avoid a brewing ag trade subsidy war.

Does anybody think that foreign nations will cooperate in trade liberalization efforts under a new GATT round if we are violating the existing one?

I urge rejection of the bill.

Madam Chairman, I include with my remarks the following letter from the National Association of Wheat Growers:

NATIONAL ASSOCIATION OF WHEAT GROWERS,
Washington, DC, July 16, 1987.

DEAR CONGRESSMAN: You will soon be voting on legislation that, if enacted, will be detrimental to a large segment of U.S. agriculture. That legislation, which we strongly oppose, is the Textile and Apparel Trade Act of 1987 (H.R. 1154).

Congressional and other national trade leaders should recognize that this bill is not an export-oriented piece of legislation. Nor is there any assertion that the imports it would restrict are being unfairly traded. Furthermore, contrary to statements made by several supporters of this bill, it would not help us sell farm products abroad; instead, it would seriously undercut our ability to carry on tough and market-expanding multilateral trade negotiations in the Uruguay Round, reduce the ability of many developing countries to buy our products and bring prompt retaliation against U.S. farm exports by many of our trading partners.

The trade-restrictive thrust of H.R. 1154 would result in retaliatory and counter-retaliatory actions which would seriously disrupt the world trading system and threaten to trigger a world economic crisis. U.S. trading policy should be directed toward greater export and trade growth. It would be counter-productive for the United States to go beyond the import-restrictive Multi-Fiber Agreement (MFA) of 1986, as these bills propose, greatly increasing the risk of bringing on a world-wide recession. Instead, the United States should continue to regulate textile and apparel trade through the internationally accepted multilateral and bilateral processes now being used.

When H.R. 1154 is brought up for consideration, we encourage you to vote against this unduly trade-restrictive proposal, which would damage U.S. farmers, other exporters, consumers and our long-term national interest.

Sincerely,
American Soybean Association,
National Association of Wheat Growers,
National Soybean Processors Association,
Millers National Federation National Grange.

□ 1555

Mr. FRENZEL. Madam Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Madam Chairman, I thank the gentleman for yielding me this time.

Here we go again, or, as like Yogi Berra said, "This is like deja vu all over again."

We are talking about the same bill, old wine and new bottles, that we had the last session. Many of the Members from the industrial Midwest are a little put out that those who represent States with unemployment levels at least half of what we have in Ohio, Michigan, Pennsylvania, Indiana and others would come to the floor again with this same proposal that would invite retaliation against our agricultural districts, would invite retaliation against some of the other areas of our economy. For what reason, I frankly do not understand.

We had a letter recently delivered to all of our offices, and I would like to quote a couple of things from that letter sent jointly by Clayton Yeutter, the U.S. Trade Representative, the Secretary of State, George Shultz, and the Acting Secretary of Commerce, Bruce Smart.

They say the following:

> The European Community has already indicated that it will take countermeasures if this legislation is passed, and others are likely to follow. Some of our most sensitive and competitive export industries, such as agriculture and high technology, would be

likely targets for retaliation. This is not an idle threat; it will happen. The compensation provisions of this bill (a ten percent duty reduction from, say, 18 percent to 16.2 percent over a five-year period) are grossly inadequate to remedy the damage or avoid retaliation by our trading partners.

In sum, this bill is nothing more than pure protectionism for a couple of special-interest groups with seemingly insatiable appetites for limiting competition from abroad.

If a Member represents any agriculture whatsoever, or if that Member represents any of the other groups that could potentially be victims of this retaliation, then there is no choice, it seems to me, but to reject this legislation.

Some people say this bill is another exercise in futility. It is a freebie, and you can vote for it, because we know the President is going to veto it and perhaps there will be no attempt to override.

We do not have to have long memories to remember the last time this came up and the efforts were almost successful.

It was six or eight votes that spelled the difference. We have a chance now to kill this monster in the cradle where it belongs, and not have it pass on to the other body.

I ask the Members to take a close look at this protectionist legislation, defeat it once and for all.

Mr. GIBBONS. Madam Chairman, I yield 4 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Madam Chairman, I thank the gentleman for yielding me this time.

I rise in reluctant but deeply felt opposition to this legislation.

To me this bill really is a battle between the heart and the mind. The heart says vote for it.

In my district we have apparel workers. We have textile workers. They have come to see me. They are working people. They are good people.

They are people set adrift by powerful economic forces that they do not comprehend, but they know that their jobs are on the line, and one looks into their eyes and feels a great deal of sympathy, sympathy that I know the Members have, sympathy that says vote for this legislation; but my mind says do not vote for this legislation.

Do not vote for it, because this is a different America we are in. We are in the throes of great economic change.

This is a new world of competition. We can no longer ignore the rest of the world.

What happens in far parts of this Earth, in Brazil, in Japan or Germany affects us very deply, and to build up walls is simply an admission that we cannot compete.

Now, some maintain the illusion that the walls will only be one-way walls, that perhaps we can keep goods out, but we can continue to export. That is not going to happen.

Common sense tells us it is not going to happen, and history tells us that it is not going to happen.

You cannot build a one-way wall, and so we have a choice. Is America going to become a self-contained unit?

If we do that, our standard of living will plummet. Or is America going to rise to the new challenge of international competition and say we can compete, we can win?

Can we win on every item we produce? No. That is not how it is going to be, no matter what we do; but if we buckle down, if we meet the new challenges of the world, we can win.

To pass this bill is an admission of defeat. It is saying America cannot be the leading economic power in the world, because smaller countries that have far fewer resources than we do can beat us.

I do not think we should admit defeat. We must do everything we can for displaced workers, everything we can with the exception of building those walls that will not hurt their colleagues in other industries, but will ultimately hurt them and their families, though they do not see that today.

In this new sea-changed world, if we reduce the alluring temptation to build those walls, and if we force ourselves to keep to the grindstone and compete, I am convinced that America will remain the leading economic power in the world.

The choice is ours, the choice of difficulty and struggling but of prevailing, or the choice of turning our back on that struggle, running away and admitting defeat.

I urge the Members to vote against this bill.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, during this week of bicentennial celebrations, it is important to remember that in just a few years, the American textile industry will celebrate its bicentennial. This industry has been producing products that were crafted with pride in the U.S.A. since George Washington was President.

Yet, there are those who argue that it is not in the best interests of the United States to insure that our textile industry can compete fairly with other nations. I don't agree!

I don't agree that it was in the best interests of the United States to lose 400,000 American jobs since 1980, over 33,000 of those in my State of South Carolina.

I don't agree that it was in the best interests of the United States to have 1,000 textile and apparel plants close their doors in the past 7 years, 88 of them in South Carolina.

I don't agree that it is in the best interests of the United States to have a textile and apparel trade deficit this year that is 21 percent greater than last year's.

I don't agree that it is in our best interest for the administration to fail to aggressively enforce existing agreements.

And I certainly don't agree that it is in the best interests of the United States to be importing textile goods from Iran at the same time that nation is threatening American sailors in the Persian Gulf.

Madam Chairman, American textile producers are as good as any in the world. Through innovation, hard work and a commitment to quality, they produce exceptional products at a reasonable price. All they ask in return is that their own Government give them a chance to compete fairly against foreign competitors with heavy government subsidies and closed markets. I urge my colleagues to give them that chance by passing H.R. 1154.

Mr. DUNCAN. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Madam Chairman, I thank the gentleman for yielding me this time.

Most of my life I have been a businessman. I know the importance of trade. I know the importance of open trade, and I realize the importance of the economy base of this country.

I am well aware that this country could produce a knee-jerk reaction to try to solve the trade gap in the wrong way.

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Furthermore, I have felt for many years that the concept of the level playing field was right, meaning, of course, that Americans can compete with anyone anywhere in the world, given a reasonable break and given the same rules.

At the same time, there are variations on that theme, the most important being time; but the buck changes and currency values change, country practices for a variety of economic actions, one industry in one country might need something special to give it a boost, to give it, if you will, time.

To use the umbrella ideology of free trade or protectionism in cases like this, of course, to me is wrong.

So it is with the textile industry. The textile bill is not perfect. I wish the conditions that prompt it did not exist, but they do, and this is not a perfect world, but put side by side with the alternatives, I am going to support this bill.

We can philosophize about trade. We should not shackle it. We need trade for others to be able to pay their debts. We do not want to go back to the old days of the Smoot-Hawley debacle and certainly there are temporary economic surges in sales and employment, if not in our profits in the textile industry, along with shouts of greed; but they are temporary and intellectual arguments.

The real world says that the industry is slowly slipping away. The problem is very simple. There are three parts. There is the fiber, the textile, and the apparel. The fiber and the textile are highly technical and lead any other industry similar to it in any part of the world. The apparel industry is not that way. It is very labor intensive.

So in theory you could say let the apparel industry go. The problem is that you and I are not members of the apparel industry, and also, who are going to be our customers?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DUNCAN. Madam Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. HOUGHTON. Madam Chairman, the very people who flood our markets with apparel from abroad in many cases will not permit the imports of our fiber and our textiles; so the textile industry, two-thirds of which is more advanced than any in the world, says, "Help us for a period of time. Don't cut back imports. Let them grow, but give us a chance to adapt."

So I say, why not? Why are we afraid to watch out for our own interests as other people watch out for their interests? As a citizen, as a Member of this body and as a former businessman, I ask, why is this wrong?

Mr. FRENZEL. Madam Chairman, I yield 1 minute to the distinguished gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Madam Chairman, I rise in strong opposition to H.R. 1154, the Textile and Apparel Trade Act of 1987.

Since last session's debate on the textile bill, I was surprised to learn that the 11 textile makers in the Fortune 500 offered their shareholders a 36 percent total return on investment in 1986. For the same period, apparel manufacturers returned their shareholders 21 percent. July employment in the textile industry is up by 30,000 jobs over the last year, while apparel employment is up by 24,000 jobs. At the same time, average weekly earnings in textiles are up a whopping 8.6 percent over last year's, compared with a national average earnings gain of 2.7 percent. These figures prove that the textile and apparel industry is already among the most protected and profitable of all American industries.

I am concerned, Madam Chairman, that this bill puts at risk recent gains and further expected growth in export earnings for the American farmer. Today, our farm exports are beginning to rebound from 5 consecutive years of decline. The forecast for 1987 is for an increase in export volume of 16 percent from 1986. This is still below past export levels. However, we cannot hope to regain export markets by expanding our trade barriers—which this bill does.

Our farmers have gone through the adjustments necessary to make themselves competitive again in world markets. It makes no sense for us now to throw up a trade barrier inviting retaliation against U.S. agricultural exports, especially when it is one sector of our economy that is contributing positively to the Nation's trade balance.

If you don't believe these countries will retaliate against our agricultural exports, just recall when we restricted $37 million in textile imports from China. That country canceled $500 million in U.S. wheat purchases.

The textile and apparel bill previously considered by the House in the 99th Congress affected countries representing 40 percent of our overseas agricultural markets. Now, the 40 or so countries that would be affected by the textile quotas of this bill represent over 70 percent of U.S. agricultural exports. Obviously, with this kind of exposure, American agriculture will make a very attractive and likely target from these countries for retaliation.

Some have said this legislation is more reasonable than the bill passed by the last Congress. They claim it provides for import growth, treats all suppliers equally, and has a compensation provision. This is simply not the case. This bill, like its predecessor, violates our international obligations by arbitrarily restricting imports; our trading partners do not consider this bill reasonable and they will likely retaliate.

In addition, I am concerned that the passage of this bill would open the door to other industries to seek import relief through Congress rather than through the normal injury investigation procedure. Most of such efforts would come from the manufacturing sector at the expense of agricultural exports.

In my home State of Nebraska, one out of every three farm acres is dedicated to production for export. Thus, it is hard to overemphasize the importance of overseas trade to farm and ranch income.

Moreover, economists estimate each 1 billion dollars' worth of farm exports creates agricultural jobs for as many as 35,000 workers.

An additional 60,000 nonfarm jobs are created with each $1 billion in farm export sales, proving that the entire economy has a stake in agricultural trade.

What worries me is that we might become the victims of U.S. trade policies that are actually directed at other nations. Should agriculture be asked to bear economic hardship so that textiles can reap more benefits? Let us find a way to build markets for those commodities, and other U.S. exports, before we throw barbed wire up on our shores.

I strongly urge my colleagues to defeat this measure.

Mr. GIBBONS. Madam Chairman, I yield myself such time as I may use.

The question has arisen about who is opposed to this bill and what kind of economic retaliation do we face if this bill becomes law?

I have received personal statements from the Government of India, the Government of China, and we have received written communications from Bromidi, Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

Now, people will ask, well, who is Thailand? Thailand is a huge market. We are celebrating our 200th anniversary today and the Thais were the first Asian nation to recognize the United States. They have stood by us in every war, including the one that is now going on. They are a poor nation, but they are our friends.

In addition, to that, we have received written threats to retaliate from Antigua and Barbadoes, from the Commonwealth of the Bahamas, from Bermuda, from Belize, from Costa Rica, from the Dominican Republic, from San Salvador, and from Grenada. You remember Grenada. We just liberated Grenada from the Cubans or the Russians or somebody.

We have heard from Guatemala, from Haiti, from Honduras, from Jamaica, from Panama, from Saint Kitts and Saint Lucia, from Trinidad, from our finest trading partner, Canada, our biggest trading partner; the European Community, our third largest trading partner, from our ally, the Republic of Turkey, from all of the Nordic countries, including Finland, Norway, and Sweden.

The only people we have not heard from are the Japanese and they are probably sitting back laughing, because they are going to pick up all the markets we lose.

We have not heard from the Russians, because they realize we are shooting ourselves in the head, not the foot.

Mr. FRENZEL. Madam Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio [Mr. GRADISON], a member of the committee.

Mr. GRADISON. Madam Chairman, I rise in opposition to H.R. 1154, the domestic textile and apparel industry's latest effort to protect itself at the expense of the American consumer. Apparently not content with taxing American consumers at the rate of $27 billion a year, the industry wants an additional $25 to $27 billion over the next 5 years. According to the Chairman of the Council of Economic Advisers, the bill will increase the cost of living of every family in the country by $280 to $420 over the next 5 years. Surely the time has come to say, "Enough is enough."

Let's look at how this bill hurts our constituents. First, as a result of the restrictions that will be imposed, many products simply will no longer be available. Domestic manufacturers either cannot or will not be able to fill this void. I understand that the availability of lower priced children's wear and budget department items in particular will be substantially reduced.

Second, as foreign manufacturers change their product mix to adjust to the new quota limits, they will increasingly concentrate on producing higher priced items. As a result, many lower priced items will not be available and those that will be available will cost much more. That will hit our poorest constituents hardest.

Finally, reduced supply and higher prices will generate inflationary pressures. In the past year alone, import prices have increased substantially as the market has felt the full force of recently imposed quotas. Enactment of H.R. 1154 will only compound the problem.

I've heard it said that consumers won't suffer. Allegedly, it's the retail community that profits at the expense of consumers by buying foreign goods. Nothing could be further from the truth. Retailing is one of the most fiercely competitive industries we have in the United States. Price is dictated by consumers. No retailer can afford to try and make an extra buck in the way proponents of this legislation assert. Indeed, a study prepared for the domestic industry in 1984 showed that there is little difference in the actual profit earned on domestic and imported women's sweaters. In fact, retailers often found domestic sweaters more profitable to sell.

We as a nation cannot afford to provide further relief to what is already one of our most protected industries. Consumers already pay enough and shouldn't be forced to stretch their budgets further merely to accommodate the appetite of the domestic textile and apparel industry. For the sake of consumers, our constituents, vote "no."

Mr. FRENZEL. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the 1987 textile/apparel protection bill, while different from last year's vetoed version in that it does not contain rollbacks, is just as harmful to the United States and just as likely to provoke retaliation by our trading partners.

The bill seeks further protection for the most heavily protected industry we have at a time when the industry is racking up record profits—an increase of 46 percent in 1986 for textiles. Capacity utilization in the industry is far higher than all manufacturing industries, 92 percent for textiles and 90 percent for apparel in 1987.

Even though unemployment in the textile industry has decreased from 9.9 percent in 1985 to 4.9 percent the first half of 1987, and a corresponding 1 percent unemployment decline for the apparel industry, the industry only knows one battle cry, "more protection". Unemployment in the textile states is lower than the national average. Employment increased by over 30,000 in the textile industry during the last year. In July alone, apparel employment increased by 20,000 jobs.

The Institute for International Economics predicts that even with lower tariffs and a phase out of quotas, the annual employment reduction rate would be 2 percent for textiles, and 2.5 percent for apparel, which equals the retirement rate in the industry. This does not appear to be a dying industry to me. It is easy to see why industries in states suffering far greater unemployment have sought similar protection or have opposed this bill.

While it is regrettable that so many textile/apparel workers have lost their jobs, it was inevitable that the industry had to be restructured to become competitive. All U.S. industries have had to face this fact, particularly after the 1982 recession, and the high value of the dollar in the mid-1980's.

In a global economy, no U.S. industry can insulate itself from competition from abroad. Most job losses in the industry were due to plant modernization, productivity improvements, and the strength of the dollar rather than imports. In my judgment, we should work with the States to develop higher paying jobs for unemployed textile workers, such as those established in the North Carolina Research Triangle. In fact, the latter is working so well that one chief executive officer of a textile company in North Carolina complains that there are not enough people to fill jobs created by a new textile plant.

The U.S. industry has done quite well finding market niches for itself. However, it has also forced many U.S. customers offshore by inability or refusal to manufacture certain items, or by constantly ignoring shipping deadlines. While exports have increased in 1986-13 percent for textiles and 22 percent for apparel, exports would have been greater in the cotton yarn industry, but that industry is too busy supplying the domestic market.

When reviewing the footwear industry which is also covered in this bill, there is even less reason for protection under this bill. A high voluntary labor turnover of 30 percent has permitted adjustment without forced layoffs. The industry is profitable on high priced footwear where it can compete. Quotas could force more higher priced footwear imports which would displace U.S. production.

Cost to consumers is one of the major reasons for opposing this legislation. CEA estimates $25 to 37 billion consumer cost over 5 years for textiles/apparel. Institute for Interntional Economics estimates $7.1 billion consumer cost for each of the first 10 years of the bill.

International Business and Economics Research Corp. estimates a $10 billion annual cost and loss of over 52,000 retail jobs, a net job loss of 5000. Consumer cost per job would be $223,000 for jobs paying less than $15,000 per year. For footwear, a $52,000 cost per job. This consumer cost is on top of the current $20 billion per year for textile/apparel protection.

H.R. 1154 violates the MFA, our bilateral agreements, and the GATT. It would install global quotas without a finding of market disruption by product, it would not permit the consultation and negotiation required under the MFA, and it does not provide favorable treatment to developing countries. It violates GATT article XIX (safeguards), by ignoring the requirements that serious injury must be found on a particular item, that relief should be temporary and that adequate compensation must be granted. The bill arbitrarily assigns an unsubstantiated finding of injury on all textile/apparel imports, it does not have an expiration date and it does not grant adequate compensation. It would also violate our Uruguay round standstill agreement, and would probably end those negotiations.

Let's give the 1986 extension of the MFA a chance to work. Nearly all fibers are now included. Bilaterals for our major suppliers have an average growth rate of 1 percent, and in actual rollback for Taiwan. New calls and quotas are being made constantly on categories that threaten market disruption. There are over 1,500 quotas now; 200 were issued in 1986.

The system works, if we give it a chance.

The textile/apparel industry has been protected since 1961 in what was to be temporary protection. Successor agreements have continued until today's MFA. There is enough criticism of our textile/apparel restrictions globally now. This bill would definitely result in retaliation by our trading partners, some of which has already been announced.

The textile/apparel industry is thriving. It receives far more protection than other industries, including the highest tariffs we have. To further compensate this industry is a slap in the face to other industries far more deserving. I urge my colleagues to oppose this bill.

Mr. DUNCAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the Philippines were referred to by one of my colleagues awhile ago, I am not sure which one, but according to the information that I have from the State Department, the Philippines has a 50-percent average tariff on apparel and a 40-percent average tariff on fabrics.

Korea has a 35-percent average tariff on apparel and a 22-percent average tariff on fabrics.

Peru, they do not allow any imports to come in.

Thailand, which has nice people and is a good ally, they have a 60-percent average tariff on apparel and textiles.

Colombia has 60 to 70 percent, and China has a 65- to 120-percent tariff on apparel, 30- to 90-percent tariff on textiles.

I represent a diversified district. The people I represent are sophisticated and well educated in many ways. I have some who are not; but even the most uneducated person in my district knows what being fair is, and when you tell him that a country can sell 50 or 60 percent of their exports into our country and that we have these high tariffs, then he knows that is not fair, and so do I.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. Espy].

Mr. ESPY. Madam Chairman, I thank the distinguished gentleman from Georgia for yielding me this time.

Madam Chairman, I just want to rise and add my voice and take just a minute to make this brief statement in support of H.R. 1154, the Textile and Apparel Trade Act of 1987, which is a measure that is merited and timely. With nearly 250 cosponsors, it is clear that this legislation has broad support across this country and that a desired policy direction is clear.

Only Monday, Treasury Secretary James Baker said that the administration was "a little late" in addressing our tremendous trade deficit. Madam Chairman, it is far better to be late in action, than not to take any action at all. Let Congress take the lead in correcting the disastrous effects of the administration's inaction which has meant an average industry job loss of 17-percent per year since 1981 in the textile and apparel industries.

I do not believe we are taking a protectionist position in support of this bill, but rather correcting a flaw in our international trade mechanics and operating structure. The elements of the textile bill are indeed GATT compatible, and provides the administration with provisions to reduce tariffs in compensation for the effects of the imposed quotas, a provision which should please the administration.

Madam Chairman, too many U.S. jobs have been lost within the Southeast and a major U.S. industry suffers. I am proud to be a cosponsor of this bill and urge my colleagues to dismiss the protectionist rumors and vote yes on the passage of the textile bill.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from Maine [Mr. Brennan].

Mr. BRENNAN. Madam Chairman, I rise today as a cosponsor and strong supporter of the Textile and Apparel Act.

The State of Maine has lost more than 7,000 jobs since 1980 in the textile and apparel industry.

I have received boxes full of photographs from mill workers in Maine, standing proudly by their press, their lathe, or their cutting board. This Nation's trade policies are not abstract to these hard-working men and women. They have watched the rise in shoe imports from 50 percent in 1981 to over 80 percent today eliminate their jobs. They urge me to support this legislation to help save those jobs that are left.

I believe this measure represents a practical approach to managing the tide of imports that threaten employment and communities.

It does not call for a rollback nor a reduction of current import levels, nor does it discriminate against any nation.

It gives the President flexibility to negotiate a reduction of any tariff on a country-by-country basis.

I am familiar with the arguments of those who oppose the bill—that it is protectionist—that it will cause retaliation—that this industry is booming and doesn't need any more support.

The fact is that U.S. trade competitors in the textile and apparel business carefully regulate their markets. It is estimated that tariffs on textiles in some countries range from 25 to 70. The fact is that more efficiency alone cannot ensure the survival of America's manufacturers—not when the shoe-making competition pays an hourly wage of 72 cents—like in Brazil.

The choice we face is simple:

We can responsibly manage our trade with other nations, or we can pay millions of dollars in unemployment compensation.

President Reagan recently visited a Harley Davidson plant where he supported trade relief to help the motorcycle industry.

I submit, Madam Chairman, that shoes and textiles are certainly as important as motorcycles.

If we can help the motorcycle industry, I believe we can help the shoe and clothing industries.

I urge you to join me in supporting this bill.

Mr. JENKINS. Madam Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. Neal].

Mr. NEAL. Madam Chairman, I rise in strong support of H.R. 1154, the Textile and Apparel Trade Act of 1987.

It's clear that the U.S. textile industry is bearing the brunt of unfair trade practices. Unbalanced trade agreements, passive enforcement of bilateral arrangements, and artificial barriers to free trade are ravaging our industry and putting Americas out of work.

Madam Chairman, the U.S. textile industry work force has declined from 848,000 workers in 1980 to 727,000 workers today. Combined textile apparel, and related industry job losses since 1980 are more than 300,000. Import penetration of the U.S. market increased during that 6-year period from about 28 percent to over 50 percent, and the annual trade deficit in textiles and apparel has passed the $18 billion mark. In my State of North Carolina alone, more than 45,000 textile industry employees have lost their jobs since 1980.

This alarming trend is not the fault of the American textile industry. Indeed, our industry is one of the most productive in the world. It reinvests 80 to 85 percent of its retained earnings and leads the world in modernization. But even with great strides toward increased productivity, employment figures and market share continue to decline.

To a large extent, Madam Chairman, the culprit is our own administration. It has refused to enforce the bilateral textile and apparel agreements negotiated during the late 1970's. And while many foreign nations take advantage of America's open borders, many continue to erect barriers to U.S. products, creating a double disadvantage for American textile workers.

Madam Chairman, my preference is always free trade, but the fact is, trade in textiles and apparel is manipulated throughout the world. Trade in textiles and apparel is not free and our failure to recognize this reality and respond appropriately has been very costly for our country.

H.R. 1154 is a much better bill than the textile bill this House passed by an overwhelming vote in the 99th Congress. I strongly support H.R. 1154 and I urge the Members of this House to vote for it.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from Georgia [Mr. Rowland].

Mr. ROWLAND of Georgia. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, America's textile and apparel industries have taken a severe beating. The effect of cheaply made foreign imports on this industry has been devastating.

In my home State of Georgia, the textiles and apparel industry is the largest manufacturing employer in the State. It is literally the manufacturing backbone of our State. Over the past 5 years, Georgia has lost more than 20,000 jobs in this sector of our economy.

Opponents of this legislation point to statistics showing that the textile industry has increased its profits and is in better shape. At first glance, this may sound convincing. However, upon closer inspection, we find that this does not hold water.

When labor costs are decreased through layoffs and capacity is increased by plant closings, the situation can be made to look a lot better than is actually the case. While remaining plants may be more profitable this "downsizing" is economically unhealthy. The fact remains that the industry cannot compete under current conditions.

Additionally, profits rise and fall due to the cyclical nature of this industry. If you want to look at statistics, the latest Department of Commerce figures show that textile profits are down 12 percent for the second quarter of this year from 1986 levels.

Madam Chairman, this is a bill that is consistent with the General Agreements on Tariffs and Trade [GATT]. Let's act now to insure that stability of this industry and the many hardworking Americans who depend on it for their livelihood. Vote "yes" on H.R. 1154.

Mr. JENKINS. Madam Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. Madam Chairman, I rise in strong support of the pending legislation.

As many of you know, textiles and footwear are both significant industries in the district I represent, but even if this were not so, even if not one individual who resides within the Fifth District of Virginia were affected, I would still stand for passage.

There is a basic issue of equitability here. The American people have seen industry after industry swallowed alive by foreign manufacturers, primarily in the Pacific rim area. The textile, apparel and footwear workers, and the companies which employ them, have fought with every weapon available to them to maintain their jobs and to insure that American consumers have available to them American-made wearing apparel. Management has invested billions of dollars in new plant and equipment, in design and technology, and employees have cooperated in every conceivable way.

It is now time for the Congress to recognize this, and to accord to the textile, apparel, and footwear industries additional tools to make certain that these products do not join the long list of others which no longer are made in this country.

At the end of this week, the largest manufacturer of footwear in my district will close its doors. Hopefully, a way can be found to reopen them, but in the meantime hundreds of workers in these plants face a bleak time.

This Nation does not need a continuing cycle of plant closings and local economic depressions, and it no longer can afford to see such wholesale layoffs.

I urge all Members of this body to support H.R. 1154.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Madam Chairman, we have heard much debate from the opponents of this legislation. They have charged that it will be costly to consumers. They have said it is GATT illegal and will violate bilateral agreements. They have said it will evoke retaliation.

We also hear a lot about huge profits for the industry, but figures from the Department of Commerce reveal that profits are down for the second quarter by 12 percent from the second quarter of 1986.

And any profits for the period January to June 1987 are less for textiles as compared to all manufacturing—3.3 percent for textiles/apparel and 4.8 percent for all manufacturing. And they also tell the real truth of what has happened to the domestic textile industry. The few manufacturers that are left would be expected to make a little profit when numerous others have closed their doors due to imports. These profits cannot make up for the tremendous losses in jobs and productivity for the U.S. economy.

But I don't need to elaborate on profits and GATT and retaliation. These issues are already being addressed very well by other very illustrous Members of this body.

However, I would like to say to this House that unless this country makes courageous decisions on this Nation's enormous trade deficit, the standard of living for our children and grandchildren will be seriously and irreparably reduced.

This administration says it is slowing textile import growth. If that is the case, why is the textile/apparel trade deficit up 21.4 percent over July 1986?

Why is the administration allowing more textile imports from Communist countries, in 1987 alone up 17 percent from the People's Republic of China, 127 percent from Hungary, and over 8,000 percent from the Soviet Union?

And why in the name of heaven are we standing still for import surges in textiles from Iran? Indeed, why are we importing anything from Iran, and why do we continue to extend most-favored-nation status. If the administration does not act on its authority to revoke MFN, the Congress should do so.

We are financing Iran's war effort while spending millions of dollars to protect shipping in the Persian Gulf against the tyranny of this government. This is an absolutely ludicrous situation and it is time to put a stop to the ineffective implementation of textile and apparel trade policy by this administration.

Because of these policies our marketplaces are being deluged with foreign imports, our domestic manufacturing base is eroding at alarming rates and, even more alarming, our industry is increasingly owned by foreign investors.

In 5 years, we have gone from being the world's No. 1 creditor to being the world's No. 1 debtor.

While foreign investment is not responsible for the trade deficit, it is indicative of our growing dependence on foreign productivity and not our own.

While the rest of the major industrialized countries of the world subsidize their industries and erect trade barriers which shut out U.S. exports, we continue to espouse policies which allow our trading partners to flood our markets, often with illegal shipments or through other means that undermine even those restrictions that are on the books with regard to trade.

Madam Chairman, we cannot afford "free trade." In reality it does not exist. In the words of noted international economist John Culbertson,

> By sacrificing our home market on the altar of free trade, we are condemning ourselves and our children to a future of fewer competitive businesses, fewer good jobs, less opportunity, and a lower standard of living.

I join Mr. Culbertson in his assessment that it is time to rethink this issue and insist on a mutually beneficial and balanced international trade.

I strongly urge the passage of this legislation.

□ 1620

Madam Chairman, we cannot afford free trade. In reality it does not exist.

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I would join Mr. Culbertson in his assessment that it is time to rethink this issue and insist on a mutually beneficial and balanced international fair trade to protect our folks that want to work so hard and produce to do these things that they so sorely need for their families.

Mr. CRANE. Madam Chairman, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Madam Chairman, protectionism is bad policy. It is nothing more than an economic Maginot Line, a 20th-century Great Wall. It is the politics of scarcity, in a growing world economy.

Here in this country prosperity has been enjoyed by investors and managers and workers alike because our policies have not only accommodated, but encouraged growth.

Protectionism is the opposite of a policy of growth. It is a policy of surrender: a signal to the world that we can't compete. The message to the rest of the world is that even though our consumers want your goods, you can't sell them here. Your goods aren't welcome, and we don't care to explore your markets.

But, Madam Chairman, this bill is worse than protectionism. It seeks to protect industries that don't need help. It is not only a bad bill, it provides a bad solution to a problem that doesn't even exist.

Business in the domestic textile industry is so good that producers can't keep up with the demand. The textile industry isn't marketing its products overseas because it is overextended.

For instance, in July an industry executive testified before a hearing in the other body that import quotas have cut off any further supply of foreign rayon, while domestic mills have indicated to buyers that they are fully booked on production of rayon through 1987 and into 1988.

In the meantime, prices have risen roughly 50 to 60 percent in 6 to 8 months.

We've received similar reports about shortages in cotton.

According to Charles E. Battaglia, president of Yarn Sales,

> Business is so strong, and cotton supply so tight, we can't take on any new customers for cotton yarns * * *. We would like to export more, but * * * we are too busy supplying the domestic market.

A representative of Nike, Inc. testified that his company would like to expand its domestic apparel production, but has been forced to take its business offshore.

Here's what he said:

> Price is not the controlling factor that has caused Nike, Inc. to seek production sources in foreign countries.

If price isn't the reason, what is? Again, in the words of Carl Davis:

> All too often we have found American apparel manufacturers to be inflexible in their production and unable to meet production deadlines. We would like to expand our purchases of apparel in the United States, but unfortunately cannot risk doing so.
>
> Trade barriers in the form of more restrictive quotas would only enhance these problems as the domestic production facilities found themselves with increased orders. In the long run, the ones who will suffer will be the American consumers.

Madam Chairman, there are many reasons to oppose this bill, but surely one of the most important is that it will inhibit, not expand, trade. And it simply isn't needed.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Madam Chairman, I would like to respond to several of my colleagues today. Most of them seem to be from the Far West. I do not understand why they have information that is so different from ours.

The last speaker, the gentleman from Washington [Mr. CHANDLER], seems to indicate that the textile and footwear industry in this country is in such good shape that we do not need any protection and we cannot really fulfill the orders.

I have to extend an invitation to my friends from the West and from the other areas of the country that do not have this problem in their districts, to come and visit Pennsylvania and northeastern Pennsylvania in particular, and see what the problem is.

I would like to respond to another colleague from the West, from the State of Oregon, who earlier today referred to the athletic footwear industry and he said there is not any athletic footwear produced in the United States.

I was really shocked when I heard this statement this afternoon. And I can assure you that the 400 workers I visited over the weekend who were manufacturing athletic footwear were really surprised to learn that we had discharged them from their jobs. I assured them they had not been discharged and there is a great deal of misinformation brought to the House of Representatives. But I want to assure my friend from Oregon that there are 400 workers in the 11th District of Pennsylvania working today manufacturing athletic footwear.

If anyone else tells the Members of the House that that is not true, that is just pure mistaken fact.

Madam Chairman, today is an important day in the life of our Nation, for today we celebrate the 200th anniversary of the Constitution of the United States.

Article I, section 8 of the Constitution gives the Congress the right and the responsibility to "regulate commerce with foreign nations" and to "lay and collect taxes, duties, imposts and excises."

Today the House of Representatives will honor the Constitution by passing H.R. 1154, the Textile and Apparel Trade Act of 1987, which I am proud to be a consponsor of. In passing H.R. 1154 the House will be exercising its responsibilities under article I, section 8 to protect the future of two industries which are as old as the Constitution itself and vital to the American economy: the American shoe and textile industries.

Madam Chairman, in recent years hundreds of thousands of American shoe and textile workers, including tens of thousands in northeastern Pennsylvania, have lost their jobs as a result of a flood of foreign imports made in countries that subsidize their industries, pay slave labor wages, and which have little or no health, safety, labor or environmental protection laws. If we do not take action now to make our trade laws fairer to American workers, we risk losing these entire industries. We also cannot expect American exports to increase if we do not use our trade laws to encourage other nations to pay their workers a living wage.

The case for this legislation is clear. Employment in the industries is way down. Profits are down 12 percent in the last year alone. The trade deficit is up to record levels, $16.5 billion in 1 month alone, and shoe and textile imports make up a full 16 percent of that deficit. The bill is compatible with our international trade obligations under GATT and it gives the President all the flexibility he needs to comply with bilateral agreements.

Last month the United States imported 1.25 billion square yards of textiles and apparels. That is roughly enough to make 500 million pairs of pants—enough to give every man, woman, and child in the United States two new pairs of pants every month.

Madam Chairman, we cannot allow foreign manufacturers who pay their workers as little as 18 cents an hour to take American shoe and textile workers to the cleaners. As their elected representatives we have the responsibility under the Constitution to provide for the general welfare by making sure that our trade laws give American workers a chance to earn a decent living.

Madam Chairman, my home State, Pennsylvania is proud to be the birthplace of the U.S. Constitution and one of the largest shoe and textile producing States in the Nation. We Pennsylvanians are proud of our workers, and their heritage, and we know that if they are given a chance to compete on an even basis they will win. I intend to enthusiastically vote for this bill which will give them that chance.

Mr. JENKINS. Madam Chairman, I yield 3 minutes to my colleagues the gentleman from Georgia [Mr. RAY].

Mr. RAY. Madam Chairman, I respect the views of my friends who oppose restrictions on trade, but I do not understand their thinking, particularly when we have a $165 billion trade deficit. This morning's report indicated that we have broken all records in the last quarter with a $41 billion trade deficit. It has been said that for each of these billions of dollars, 5,000 U.S. jobs are lost.

We are not just talking about textile jobs, my colleagues. We are also talking about hundreds of other categories of goods. Many industries are gone and are out of business. But there is one industry which has lost 50 percent of its manufacturers and does have the gumption and intestinal fortitude to fight for its life. That is the textile industry. Steel, shoes, gloves, automobiles, certain high tech and electronics industries and others have already lost out.

Another reason why many of us are concerned about our industries and our jobs is that we have lost confidence in our Commerce Department, our State Department, trading negotiators, and those who advocate free trade.

Contributing to our dismay is the fact that we continue to do business with Iran under the most-favored-nation status, despite the destruction of our Embassy in Lebanon, which took about 7 lives, and the suicide truck bombing of our marine barracks that killed 241 of our young American marines. Iran recently dumped 600,000 square yards of cloth with a low cost and low tariff on this Nation that they often refer to as the Great Satan.

The Soviet Union, after buying our submarine technology from the Toshiba Co.—which by the way has taken thousands of American jobs and transferred them to foreign countries—dumped 12,000 square yards of cloth on American markets at 43 cents per square yard plus a tariff of only 3 cents. American prices for similar cloth is 73 cents per square yard.

I suppose, Madam Chairman, that this was done with the consent of many of our people in the State Department.

Despite the interest of this country in trying to keep its markets open, we have to work to protect those markets in certain areas, such as the textile industry. I urge my colleagues to vote for this bill.

Madam Chairman, I rise today in strong support of the textile bill. This legislation will establish import quotas on each category of textiles and textile products from all exporting nations. These quotas would be based on the level of imports from each nation for the year 1986 and would create no rollback of trade.

The legislation we are considering today will not discriminate among countries. It will set global limits which would not single out a specific producer, but it will send a strong signal that at last one segment of our industrial base has the courage and the intestinal fortitude to say enough is enough. The textile bill will give the administration full flexibility within prescribed global limits and will be consistent with present trade arrangements.

To illustrate the need for such trade support, I would like to draw your attention to a situation involving textiles from Iran—which the Commerce Department, the administration and the so-called free traders have ignored.

Since January of this year, 600,000 square yards of fabric at a cutrate price have been shipped here from Iran. Not only are they dumping textiles on our markets, but they are doing it with most-favored-nation trade status negotiated with the Shah of Iran. Can you imagine the delight of the Ayatollah knowing they are dumping their goods on the markets of a nation that they consider to be the great satan.

It is unbelievable that we continue to offer them these trade terms when we know without question that Iran engineered the bombing of our Embassy in Beirut and destroyed our marine quarters there killing 242 young marines and are presently creating mischief in the Persian Gulf.

It's bad enough when the administration will not slow down the textile imports from our allies and trading partners, such as Hong Kong, Taiwan, South Korea, the Philippines, and Central America and others. But it is beyond belief to think they would allow our worst enemies to undercut our own producers.

This type of carelessness and disregard has caused the need for such legislation as H.R. 1154.

I, along with Congressman JENKINS, will this week, introduce a bill to strip away Iran's most-favored-nation status and we already have 50 cosponsors. Iran, through its terrorist tactics, has kidnapped Americans, killed Americans, and unless we take away their most-favored-nation status, they will take away more and more American jobs—which by the way represents 5,000 jobs for each billion dollars of trade deficit.

To further illustrate the need for textile trade protection, I would like to draw your attention to textile imports from the Soviet Union.

The Soviets are the cheapest producers of cotton sheeting in the world. American producers are now selling their cotton sheeting at 73 cents per yard. The Soviets are able, with heavy subsidies, to produce and ship their sheeting to the United States at a cost of 33 cents per yard. Our import duties add only 3 cents to the cost allowing the Soviets to undercut our goods by 40 cents per square yard—a price at which no American producer is able to compete.

Last year the Soviets began exporting a small amount of cotton sheeting into the United States. Beginning in March they increased their exports by 2 million square yards. In the months that followed, the Soviets doubled their exports each month.

The American textile industry petitioned for the implementation of the textile agreement as early as May 26 of this year and again on June 4. The administration had the authority to curb these imports. However, no action was taken. The attitude of the administration was summed up by one official who was quoted as saying, "We can wait and negotiate with them and then take action."

When the exports exceeded 12 million square yards, the administration finally took action—it called for negotiations.

The subsequent negotiations in Washington were a complete failure. Since no pressure had been placed on the Soviets they came to the negotiations with outrageous demands and no desire to reach common ground.

With no agreement from the Soviets, the administration imposed a 4.4-million-square yard limit of cotton sheeting from the U.S.S.R. for the coming year. This did nothing to protect our producers from the 12 million yards that the Soviets had already dumped on our market.

The Soviets are also mounting a campaign to join Western trade and financial agreements. Last year the Soviet Union tried to join the 54-member Multifiber Arrangement which is administered by the General Agreement on Tariffs and Trade. Their membership was blocked by the administration largely from pressure by the Pentagon.

Within the administration there is a battle concerning the use of trade with the Soviet Union as a bargaining chip. The State Department has argued that the best road to an arms agreement is through stronger economic ties with the Soviets. It appears that this argument is winning the debate. At an East-West forum, Deputy Secretary of State John C. Whitehead replied when asked about Soviet membership, "We would like to see the Soviet Union become a member of all these international bodies."

Apparently the Toshiba incident, whereby U.S. Navy submarine technology was sold to the Soviets, has been forgotten, even though $30 billion invested in our submarine fleet has been compromised.

Madam Chairman, how can we continue to allow nations such as Iran and the Soviet Union to flood our markets and undercut our own producers. The time for action is now. I urge my colleagues to support the textile bill.

Mr. SCHULZE. Madam, Chairman, I am happy to yield 3 minutes to the gentlewomam from Maryland [Mrs. BENTLEY], one who is very much concerned about this topic.

(Mrs. BENTLEY asked and was given permission to revise and extend her remarks.)

Mrs. BENTLEY. Madam Chairman, we hear the many rationales for "giving away the American market" to every foreign manufacturer under the Sun—and in the process to give away those American jobs—which I see as a constitutional birthright celebrated today. Once again we are told how much more it will cost American consumers to save these jobs.

Why are we not told the hidden costs to every American for the loss of these jobs? No matter how much the lobbyists for free trade push the idea that foreign manufacturers are somehow doing us a favor with cheap products, the statistics on the cost of unemployment to every American prove it's just not so.

ICF Inc., in a recent study, estimates that enacting H.R. 1154, the Congress will enable the Federal Government to save as much as $500 million in reduced outlays to unemployed workers in the second year.

This estimate is based on the costs to unemployment insurance and other unemployment-sensitive programs plus reduced Federal interest costs that would result from cutting the deficit by these amounts.

There are many communities across the country—where well-paying manufacturing jobs have been lost to foreign imports—who could tell us on this floor of the costs in human suffering and the many tragedies which spin out of the cruel numbers of a balance-of-payments deficit.

The officials of these States and communities could also tell of losses to their tax rolls and to their services from the loss of these jobs.

You want to peddle cheap blue jeans on this floor today? There'll be markets aplenty among the unemployed—they'll need them, if this bill does not pass—if they make enough on unemployment compensation to buy them.

There's another aspect to this: national security. Any military force needs uniforms for its troops. When we were briefed by Pentagon officials last year, I was stunned when the admiral agreed that the United States did not have an industrial base equal to that which it had at the beginning of World War II, after which even the U.S.S.R. had credited our industrial base for its victory.

He added the United States could not buy in this country today what it could in 1941 and proceeded to list military uniforms among those items. Isn't it frightening that our military may have to fight in an emergency inadequately uniformed—because we can't get product here.

When I challenged the admiral about buying boots overseas rather that from a boot factory on the edge of my district, he responded they were cheaper in Korea.

My retort was that Navy admirals also are cheaper in Korea.

But more importantly, the workers in the Korean boot plant do not contribute to our tax base, do not help pay to keep the Pentagon in operation.

The overseas workers do not help reduce our operating deficit.

One more point that I want made in this debate—on the day we celebrate our great Constitution's birthday—what about the plight of the foreign workers in all the textile sweatshops being operated in these poor nations to supply our consumers with cheap products? Is that what we want to perpetuate?

Have we lost all conscience in this country? Is it OK for women and children to work 7 days a week to supply our runaway consumerism? Does any one of you on this floor suggest that our own workers could compete with these poor exploited people? You have said they must be more competitive. And for what? Are we a nation of peacocks?

There are other questions, too—on paying for all of this—since we have a large balance-of-payments deficit, maybe—just in order to cut our borrowing from the world to pay for consumer products is justification enough to support this bill.

Look at us. Look at what we are doing to ourselves. We go in debt to buy goods which are worn out or out of fashion before the bill for them is ever paid.

We put our own workers out of jobs in order to buy the goods and then, in all too many cases, we are supporting the exploitation of women and children in order to get the cheap products.

And every day we move deeper and deeper into the position of being a colony.

I urge you all today to vote for a stronger America. Vote for H.R. 1154—save our jobs. Save our money. Save this country.

Mr. GIBBONS. Madam Chairman, I yield myself 9 minutes.

Madam Chairman, first of all I would like to rebut the gentlewoman about being prepared. That young admiral that she quoted was not even in the Service when World War II began. I can assure her that having been a soldier before Pearl Harbor and at Pearl Harbor time, I wore World War I uniforms, I fired World War I ammunition, and World War I rifles. I carried those weapons all the way through the war.

Some of our stuff that we fought with in World War II actually came from the Spanish American War.

Today, however, we are very much better prepared. There is enough law now on the books that if there is any shortage of ability to meet our wartime needs, all kinds of drastic things can be levied against foreign industry and foreign imports.

That is a bunch of hokum and the admiral that said that either ought to be retired or demoted.

Madam Chairman, let us look at where we are today and what is happening in America. I hear these cries of gloom and doom and the facts just do not support them.

□ 1635

What nation on Earth exceeded all other nations, all other industrialized nations on Earth in growth between 1982 and 1986? Would somebody want to answer that?

It was our United States of America. The OECD figures, the official world figures show that industrial production grew faster in the United States than it did in any other industrialized country on Earth, including Japan, Canada, all of Europe, all of the other nations.

Now what has that got to do with this debate? We are talking about textiles, we are talking about garments. If you examine the economic figures and the employment figures in these industries as compared to the rest of American industries you will find that as far as profits are concerned, as far as stock value is concerned, as far as return on equity is concerned, that the textile industry and the garment industry is doing real well.

Here are the figures. These are not industry figures. These are official figures of this Government.

The profits in the textile industry increased by 62-percent last year to more than $1.7 billion, its highest level of profit in a decade. And on top of that 62 percent increase last year which is phenomenal and cannot be sustained, during the first quarter, which is as close as we can measure this year, in addition to the 62 percent the profits went up another 12 percent.

Now is that a sick and dying industry? That is the textile industry.

In the textile and apparel industry employment went up 25,000 jobs this year from January 1 to June 1, 1987, versus the same period in 1986.

Now is that a dying industry? No it is not a dying industry.

Now I admit that overall employment in the textile and garment industry has gone down, not by the drastic figures that you see or hear here, which have been heard on the floor, but they have gone down and why have they gone down? Because the textile and apparel industry have modernized.

That is what modernization is all about; you get greater production out of fewer people and therefore you become more efficient and you become more profitable.

If anyone could go into a modern textile mill today, and we have some in this country, versus some antiquated ones and we have a few of those left too, you would notice that the difference between what a spinning machine can do, what a modern spinning machine can do and what an antiquated one, post-World War II technology can do. There is no comparison. The total number of people required to spin the same amount of thread is vastly different.

If you go into the weaving end of the textile business where the cloth is put together from thread and you look at the old post-World War II, some American machines but mainly European machines, you will find the old shuttles working back and forth. But you go into the very modern plants and I was privileged to do in South Carolina and North Carolina, you will find the water jet loom and the air jet loom weaving cloth at 10 times as fast and with far less defects than the old machinery. So certainly the employment rate in these areas to produce the same amount of goods is going to be far down. But overall the industry is profitable.

Now there are some, I believe 15,000 to 18,000 individual business units in this industry, these two industries together. And in those there are going to be some eliminations.

Some of them are going to be because of obsolescence, some of them are going to be because of poor management and some of them are going to be by foreign competition.

But let us remember that the highest official figures of penetration that we have are in the garment area and they have finally reached about 33 percent.

Now I am not a stand pat fellow. We are not talking about free trade. We have heard that thrown around here. This is not free trade that I am even defending here. I am just asking us not to go further.

Estimates are that it will cost $20 billion, a $20 billion tax out of the American economy if we adopt this program. The current program of protection that we have already is costing $20 billion which means we are costing every household in the United States about $300 per household. This program will increase that to $600 per household.

Now we are not talking about free trade. There has not been any such thing as free trade in the textile industry ever in the United States. The protection began really in earnest in 1957 and it has escalated up so that now we have not only a multifiber arrangement with all the world but we have 41 different separate bilateral trade agreements going into 1991 around the world covering almost every product, 140 different categories of products, that you can think of.

We are not talking about free trade. We are already talking about the industry that has the highest protective tariff in the United States on an average 18 percent. We are talking about an industry that is doing relatively well compared to its fellow American industries.

When you look at American industry, I have already cited OECD figures that showed that American industry has grown faster than any other industrial country in the world in the last 5 years.

Now what are we belly-aching about? We just want more. It is impossible. No country on Earth has ever been able to raise its standard of living, and that is what we are talking about here, the American standard of living, by closing its markets. It never has happened in 6,500 years of recorded history and it is not going to happen now. It is impossible. You cannot do it.

Now all that is going to happen is that we are going to lose other markets to the Canadians, to the Europeans, to the Japanese, to the Russians, if we pass this legislation. We are going to hurt ourselves.

Mr. JENKINS. Madam Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. In answer to what Mr. GIBBONS has said, I will also tell him that in 6,500 years no country has ever increased their prosperity by giving away one of their basic industries. And these figures that we have been arguing about all afternoon, that Mr. MCMILLAN said earlier, the 53-percent penetration versus the 33-percent penetration.

Mr. GIBBONS. Madam Chairman, will the gentleman yield to me for a minute? I will yield additional time to the gentleman later.

Madam Chairman, will the gentleman yield to me for 1 minute?

Mr. DERRICK. I certainly will yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

Madam Chairman, I am not talking about giving away our industry.

We already have agreements with all of the textile producing nations on Earth and we are already protecting that industry and we have made commitments and they have made commitments that go to 1991. I just think that to renege on those commitments now, to say we have got to have more is, first of all, not the way to do business, and, second, it is not going to hurt our country.

I am not asking for free trade, I am asking though that we do live up to our commitments.

Madam Chairman, I yield 1 additional minute to the gentleman from South Carolina.

Mr. DERRICK. Mr. GIBBONS, either you or I, one, is missing the whole point of this argument.

Mr. GIBBONS. I know you are.

Mr. DERRICK. The point of it is this: Sure, we have all these agreements, of course we do. But the point of the whole legislation is that we are not enforcing them, we are not enforcing them. Now you talk about the penetration figure. If we were enforcing our Multifiber Agreements we would not be standing here this afternoon.

Now you talk about a 33-percent penetration versus a 53-percent penetration. Mr. GIBBONS, I respect you as being one of the better minds of the House and you know as well as I do that you are both using different facts. You are using dollars, Mr. MCMILLAN was using yardage.

Mr. GIBBONS. No.

Mr. DERRICK. And it is done in two different ways. The fact of the matter is that whatever figures you use, if you use the yardage it is increased from 30 percent in 1980 to 53 percent.

Now let me tell you, we hear a lot about protection. Well, so what? You know why I am sent to Washington? I was sent to protect, as one of the things that I have been sent to do is to protect the living standard and the ability of the people that I represent to make a living. We have lost 350,000 jobs in the textile apparel industry and we have lost approximately 700,000 job opportunities.

My State has been particularly hard-hit by the loss of some 35,000 jobs.

Now are you going to stand there and tell me that I do not have a right to get up here and to try to hold these jobs for my constituents? Of course not. I know you are not.

I think it was Brock who was reported on the floor earlier who said that the textile and apparel and fiber industry is second only to the steel industry and our defense needs. What are we going to do if we continue to give away these basic industries? The gentleman was down in South Carolina and, you know, we were delighted to have you down there. We would like to have you back. We might have to get a bulletproof car when you come back but we still would like to have you. We will provide it.

We would love to have you come back—I am being facetious of course—we would love to have you come back and we will treat you I hope with the same cordial hospitality that you received before.

You know, you need to remember those towns that you went through that were just so bleak and grey because jobs that had been there for 100 years were no longer there.

So you know my suggestion is let us go ahead and pass this bill. If there is anything, any bill that I have seen that we can really help our country, not only in our defense needs but in our standard of living, it is this bill. I would like to see us go ahead and pass it. And maybe get enough to have a veto override.

Madam Chairman, the following members were inadvertently excluded from the cosponsor list of H.R. 1154: HERBERT BATEMAN of Virginia, LARRY HOPKINS of Kentucky, BUDDY ROEMER of Louisiana, and LAMAR SMITH of Texas.

Mr. JENKINS. Madam Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. I thank the gentleman for yielding time to me.

Madam Chairman, among the most fallacious arguments against the Textile and Trade Act is the constant wimpering about fear of retaliation. What kind of retaliation is going to be more harmful to America than the record U.S. trade deficits; closed textile mills and idle shoe factories, once the pride of the Northeast? What kind of retaliation, adopted at the discretion of the administration, can worsen the plight of the unemployed textile workers in my district?

Madam Chairman, can it be that this same policy, dictated by some fear of retaliation, is the reason why Iran keeps its most-favored-nation trading status with the United States? As my colleague from Georgia pointed out, our textile imports from Iran soar while we spend millions to protect shipping in the Persian Gulf from Iranian missiles, torpedo boats, and aircraft. The Iranian trade situation seems to be indicative of a general fear and lack of backbone to take meaningful action on the economic front when our cause is just.

H.R. 1154 is a reasonable and orderly approach to a very real and costly problem that is going to get worse, much worse, if we refuse to act because of a lack of backbone. For the past 30 months the drumbeat from the administration has been, "the trend is to lower the trade deficit." However, the trade deficit continues to rise alarmingly with the administration blaming other nations' economic mistakes, bad weather, unreliable statistics, and Congress. Other nations have always made mistakes; we've always had bad weather, unreliable statistics, and Congress.

The remedies are contained in this bill. The policy so far has resulted in 300,000 lost American jobs since 1981; a fourfold increase in the trade deficit from $40 billion in 1981 to nearly $170 billion now. Despite the claims of opponents of import relief—the facts are that profits continue to fall for the once mighty U.S. textile industry.

I urge my colleagues to support H.R. 1154, a reasonable, moderate tool to help restore our balance of trade and put American manufacturers back in business and American workers back on the job.

□ 1650

The CHAIRMAN. The Chair wishes to indicate that the gentleman from Georgia [Mr. JENKINS] has 9 minutes remaining, the gentleman from Florida [Mr. GIBBONS] has 9 minutes remaining, the gentleman from Pennsylvania [Mr. SCHULZE] has 13 minutes remaining, and the gentleman from Illinois [Mr. CRANE] has 18 minutes remaining.

Mr. SCHULZE. Madam Chairman, I yield 4 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, this bill insists on nothing more than a fair fight. It recognizes that the sweatshops of the world are flooding the United States with two-thirds of the world's output, and we are expected to hold our own against that flood tide while complying with the humane work requirements that the U.S. law and regulations require, something that is not required in most of the sweatshops of the world where these products are manufactured.

I will make three points. First, there is a serious textile import problem in this country. It was serious last year when we voted strongly to revamp our textile trade policy. It was serious in each of the 5 years before today, formative years in terms of our textile problems, because during that period of time textile imports actually doubled.

Second, the textile and apparel industry is not brimming with health. Oh, some few companies may be, but I am talking about the hundreds of companies that no longer exist, companies whose statistics will not show up in our records because they have gone bankrupt and their plants have closed. And if Members do not believe that, they can come and take a trip with me sometime in my district and around my State and around the South, and we will show them the hulks sitting there empty. Those people cannot speak now in the statistical battles because they statistically do not exist.

We hear all this talk from both sides on the subject of profit margins, capacity utilization, productivity, and the like, and I have to say that the American textile industry as a whole is apparently doing somewhat better as a general rule, with a few big companies. It is an industry that is lurching back, though, from a coma. Some large companies are doing well, but many, many small companies are not, and many have gone out of existence. The industry is over 1,000 plants smaller than it was in just 1980 and nearly 300,000 jobs smaller than it was in 1980 because of imports.

Our textile and apparel trade deficit has increased many times over since 1980, and it shows not one sign of slowing down, meaning we will see the eventual complete erosion of this industry in this country.

It is estimated that nearly half of the clothing purchased in this country comes from China or Korea or Brazil or other countries of the world. So try telling our remaining workers that things are finally on the mend and things are better, They are unemployed. They disagree with you.

This is the third point: The fundamental problem plaguing American textiles and apparel is not whether our industry has failed to take competitive steps. No matter how hard our workers work or how much we improve our productivity, no matter how many millions our industry pours into our retooling efforts and the like, we cannot compete against the sweatshops in the Far East that are paying hardly any wages, that are working children in places where the electric wires bristle on the floor, with no air-conditioning and hardly any ventilation. You have been there. So have I. We do not allow that in this country, nor should we. Yet we cannot compete against that kind of competition without some sort of protection.

Our textile trade policies have left our people to the wolves. It is short and simple. Since the early 1970's almost all textile and apparel trade has operated under the multilateral textile trade agreement, which states among other things that individual countries should not make it subject to import surges that disrupt the markets, and also, last but not least, import growth of textiles should be expected but at moderate levels.

In essence, the MFA is unique. It acknowledges that we should allow imports, but it allows up to protect our industry and its workers.

Madam Chairman, I ask the Members to stand up for American workers and support this bill. If we do not, if this bill does not pass, I have great fears that the American textile and apparel industry will disappear.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I have heard a lot of talk about rapid growth recently in the textile and shoe industry. I say to the Members, if you have been cut off down to the ankles and you have grown back to the knees, I guess you are looking OK, but you are still far, far away from being at eye level.

That is exactly the situation we have in this country. I want to talk about real jobs lost, not about projected jobs lost. I want to talk about the Kinney shoe plant in Glenville, WV, just about 2 months ago, with 250 textile workers. I had the sad experience of going to that community meeting to organize some plan as to how we would try to get trade adjustment assistance benefits.

This was not a high-paying plant. They were low wages, barely above minimum wages, but with high productivity because they took pride, and yet because 80 percent of the shoes sold in this country are foreign and because they cannot sell their shoes abroad like anyone else can sell their shoes in this country, they lost their jobs and the plant.

We are trying to find a new buyer, but it is pretty tough when they know that there is 80 percent of the market lost already and nothing better to come. This bill will not save those Kinney workers today, but it may put a buyer in that plant. It may guarantee that others will not have the same sad experience that we had recently.

Madam Chairman, I urge the Members to support this legislation.

Mr. JENKINS. Madam Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Madam Chairman, since December 1986, over 10.6 million square yards the equivalent of textile and apparel exports from South Africa—worth over $6.6 million—have been admitted for consumption into the United States in violation of law—Public Law 99-440. Although the sanctions the Congress legislated on South Africa last session prohibited textile imports from that country, for South African exporters, United States importers, American textile workers, and the Reagan administration, it has been a case of "business as usual."

Madam Chairman, the U.S. Trade Representative has written to me opposing H.R. 1154, the Textile and Apparel Trade Act. He writes, "the administration has already done an enormous amount in recent months to assist the U.S. textile and apparel industries." I disagree. I would suggest that compliance with U.S. law would be a good place to begin and that passage of H.R. 1154, the Textile and Apparel Trade Act, is a necessary action to protect American textile jobs.

I urge my colleagues to support H.R. 1154.

Mr. SCHULZE. Madam Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Madam Chairman, I rise today in strong support of the Textile and Apparel Trade Act of 1987—and I do so as one who is also a strong supporter of fair and open trade policies.

All across the country, and particularly in areas such as my own State of Missouri, tens of thousands of shoe and textile workers are watching anxiously today to see if we in this body will turn our backs on them, of if we will grant them the temporary import relief they so desperately need—and deserve.

Last year alone, 70 nonrubber footwear factories in the United States closed their doors. Five of those factories were in Missouri, and I can tell you that the communities who are losing those jobs are rural communities in which every paycheck counts, and in which other jobs are few and far between.

Why are these jobs being lost? In 1968, only 1 in 5 pairs of shoes worn in the United States were made overseas. Today, only 1 in 5 pairs of shoes bought by Americans is not made overseas. This disastrous trend is the direct consequence of the kind of unfair trade practices we all profess to condemn. While our own market has remained wide open to foreign-made shoes, virtually all other major shoe-producing nations in the world have closed their markets and done everything possible to shut out imported footwear. The result: we have long been the best target anywhere for the shoe salesmen of other countries. Those nations, as we all know, have no qualms about providing whatever subsidies are necessary to claim an ever-greater share of the U.S. market.

We have here crafted a bill that is reasonable, responsible, and effective, I urge my colleagues to support H.R. 1154, and by so doing, give thousands of American workers a real chance to revive an industry that is a vital part of our economy.

Mr. SCHULZE. Madam Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Madam Chairman, I rise in strong opposition to H.R. 1154.

Madam Chairman, this Member cannot support H.R. 1154 as it is reported to the floor today by the Ways and Means Committee.

As I promised my constituents who have asked me to support H.R. 1154, I have taken considerable time studying the information concerning this legislation. I had hoped that in substance the bill would be an improvement over previous textile legislation that has been considered by Congress.

In some instances the bill is an improvement. For instance, H.R. 1154 discriminates against specific countries less than previous legislation, and it does allow for modest growth in imports which it is argued, would lessen the likelihood of retaliation by other countries.

In other respects, however, H.R. 1154 is as bad, if not worse, than the textile legislation considered by Congress in 1986. The following are a few of the major reasons why I believe that H.R. 1154 is not in the best interests of most of my constituents, or the Nation:

ACTIONS HAVE ALREADY BEEN TAKEN TO HELP THE U.S. TEXTILE AND APPAREL INDUSTRY

Major steps have already been taken to strengthen the position of the U.S. textile apparel industries. The American textile and apparel industry has experienced the greatest level of protection afforded any industry, as evidenced by the recently extended coverage of the Multifiber Agreement [MFA], the tightening of our major bilateral textile agreements, and the continually increasing volume of restraints on new and midlevel supplies.

The Multifiber Agreement has been renegotiated to extend coverage to virtually every type of fiber. Many of our bilateral agreements have also been renegotiated to restrict annual import growth to only 1 percent, from major suppliers, and 6 percent from other suppliers. In 1986 alone, the United States negotiated or imposed more than 200 quotas. These agreements and quotas should limit imports of most products to nominal growth in 1987.

In addition to strict quotas, the textile and apparel industries benefit from tariffs that average 18 percent, compared to 3 percent for other manufacturing industries.

ECONOMIC CONDITION OF THE TEXTILE AND APPAREL INDUSTRY

Contrary to statements we have read, production and profit levels are increasing and employment levels of the textile and apparel industry are stabilizing.

Profits of textile companies increased 97 percent during the first three quarters of 1986. Capacity utilization was 95 percent through December. Domestic production and exports increased and inventories decreased in 1986.

The unemployment rate of textile and apparel workers combined has dropped from 14.6 percent in 1982 to a low of 6.7 percent in June 1987. Unemployment in the textile sector alone in June 1987 was 3.5 percent—the lowest rate recorded in recent history, and considerably below the national average.

Most of the recent loss in textile and apparel employment has resulted not from import competition but from management decisions on the part of the industry reflecting improved productivity and competitiveness.

RETALIATORY IMPACT ON OTHER U.S. EXPORTING INDUSTRIES

Because of the tight quota restrictions of H.R. 1154, we can expect significant retaliation from our trading partners, especially from the European Community and Canada, which in effect were not affected by the last bill.

H.R. 1154 would have an especially heavy impact on American agriculture. The countries supplying textiles to the United States were the markets for almost three-quarters of our total agricultural exports in 1986. Because H.R. 1154 affects all textile supplying countries, it will adversely affect countries that together comprise more than 70 percent of our agricultural export markets; the bill previously passed by Congress only affected countries representing 40 percent of our overseas agricultural markets.

The bill H.R. 1154 would put at risk the recent gains and further expected growth in export earnings for the American farmer. U.S. agricultural exports are increasing in both volume and value. Compared with 1986, U.S. agricultural exports are expected to climb 16 percent in volume to 127.5 million tons, and 5 percent in value to $27.5 billion.

IMPACT ON U.S. CONSUMERS

By restricting textile, apparel, and shoe imports, H.R. 1154 would raise clothing costs for consumers. Low- and middle-income citizens would be particularly affected.

The Council of Economic Advisers is quoted as estimating that the restrictions imposed by the bill would raise wholesale textile and apparel costs by up to $37 billion over 5 years. Costs ultimately paid by consumers at the retail level would raise by an even larger amount.

IMPACT ON CURRENT TRADE NEGOTIATIONS AFFECTING THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Finally, H.R. 1154 would damage, if not destroy, chances for a successful round of GATT negotiations. Those negotiations, just now beginning in Geneva, Switzerland, represent our best chance to increase United States exports and the sale of services. By strengthening the system of rules and disciplines that govern trade. Violating the MFA and the GATT at this point would flagrantly undermine U.S. credibility in these negotiations and compromise our efforts to use the talks to eliminate unfair trade practices and open foreign markets for U.S. exports. We cannot ask others to open their markets when we are closing our own, or to effectively negotiate new commitments when we are busily breaking existing ones.

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Madam Chairman, I rise in opposition to H.R. 1154.

Madam Chairman, I am in opposition to H.R. 1154, the Textile and Apparel Trade Act of 1987. Although this measure differs substantially from the bill passed by this body last year, the adverse consequences of this legislation upon the Hawaii textile industry remain unchanged.

In Hawaii, more than 3,350 people are employed in 145 textile and apparel manufacturing companies. The textile and apparel industry is my State's second largest manufacturing concern behind agriculture, experiencing a 1986 growth rate exceeding 13 percent.

The proposal of separate global quotas for each Department of Commerce textile category, permitting 1 percent annual growth rate in each textile and apparel classification, could be devastating to Hawaii industries. Implementation and distribution of quota allotments and growth allowances would be entirely at the discretion of the administration. This proposal creates a situation of great unpredictability for Hawaii's small, specialized manufacturers. Most of the fabrics utilized in the Hawaiian textile and apparel industry are impossible to procure from American mills. Dependent upon foreign textile companies for small orders and intricate, detailed, multicolored prints, any administration reduction or freeze in the quota allocated a specific nation could eliminate Hawaiian access to these specialized fabrics, decimating a flourishing industry and eliminating needed jobs.

Additionally, confronted by a restrictive growth quota, Asian, and other suppliers, could refuse the relatively small, costly orders of Hawaii manufacturers, opting instead to satisfy the more profitable demands of larger customers. Small American textile and apparel industries, including Hawaii businesses, may fall victim to larger orders if forced to compete in a restrictive market with large firms.

I share my colleagues concern over the serious trade difficulties experienced by the United States. However, Congress needs to address these concerns in a manner that strengthens the U.S. economy, increases American industrial competitiveness, and benefits the American worker and consumer. Unfortunately this bill falls short on these goals. For these reasons, I must oppose H.R. 1154.

Mr. SCHULZE. Madam Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Madam Chairman, I thank my distinguished colleague for yielding this time to me.

Madam Chairman, it is ironic that while competitiveness is the theme of the 100th Congress, we consider this legislation, H.R. 1154, the Textile and Apparel Trade Act of 1987. This bill will damage our exports abroad and shelter our domestic industries from the competition they ultimately must meet.

The bill will limit the growth of textile imports to 1 percent above a 1986 base. While this might sound like fair protection to our important textile industry, the use of import quotas in this fashion once again demonstrates trade policy formulated in a vacuum. Countries which are struggling to enhance their own democracies and which generally support American foreign policy will now have their growth in the U.S. textile market limited to just 1 percent annually.

The Philippine Government of Corazon Aquino, which is struggling with Communist insurgents and whose exports have grown to $441 million last year, or 11 percent, under this bill will face the prospects of growth limited to just 1 percent. Like the ill-advised Sugar Program of 1985, these quotas are not just economically unwise, they will thwart attempts to earn foreign exchange necessary to meet debt obligations and stunt the prospects for growth in many countries like the Philippines fighting for democracy.

Proponents of the bill claim it will reduce unemployment in the industry and thus reduce government unemployment outlays. But their figures are based on the assumption that displaced workers never get rehired, and they ignore the additional costs that consumers will pay as a result of higher prices. In fact, the Council of Economic Advisers estimates consumers would pay an additional $25 to $37 billion over 5 years. Tragically, lower income consumers would pay the heaviest penalty as product upgrading will reduce the availability of less expensive merchandise.

In addition, as the gentleman from Minnesota [Mr. FRENZEL] has so accurately stated, this bill violates existing trade agreements, including the General Agreement on Tariffs and Trade [GATT] and the Multifiber Agreement [MFA] in at least seven different instances. How can our negotiators in Europe and Asia seek to pry open foreign markets while we continue to erect new barriers here at home?

Madam Chairman, the danger of this bill, as well as other trade legislation, is that it diverts attention away from the true ills of our economy. We suffer today from a government which continues to spend without constraint. Our budget deficit undermines our negotiators in Bonn and Tokyo, makes financial markets unstable, and threatens the future of the next generation of young Americans. Passage of this legislation will send yet another signal to the world that our country prefers to raise new walls against the outside, rather than doing some necessary housecleaning here at home.

Mr. CRANE. Madam Chairman, I yield 2 minutes to the gentleman from Washington [Mr. MORRISON].

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Mr. MORRISON of Washington. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise today in strong opposition to H.R. 1154, the Textile and Apparel Trade Act of 1987. During the 99th Congress, I voted against similar legislation as well as supported the President's veto of the bill. Nothing has significantly changed in the last year that has convinced me to change my mind this time around.

In fact, the domestic textile industry seems to be doing relatively well. Employment is up—profits are up—wages are up—compared to last year's levels. The United States has also completed its bilateral negotiations, under the Multifiber Agreement, with its Far Eastern trading partners—Korea, Taiwan, and Hong Kong. Compared to the struggle my constituents face in a district so dependent on agriculture, I would have a difficult time supporting legislation designed to further protect an industry that seems to be in relatively good health.

More importantly, passage of this bill sends a dangerous political message to our trading partners in the world who will be encouraged to retaliate by closing their markets. U.S. agricultural exports will be the first to feel the doors shutting. U.S. agriculture, not to mention the U.S. economy, cannot afford this—especially since export markets provide a potentially profitable future for U.S. farmers if expanded and developed.

For Washington State especially, retaliation signals a devastating future. The Fourth District in Washington, which I represent, has been increasingly dependent on foreign markets for their exports. Our Pacific Rim trading partners, as a result of our farmers' marketing efforts, have demonstrated a committed interest in opening their markets to our products. Protectionist legislation at this point of the cycle would have a costly effect, damaging positive and progressive efforts targeted at adjustment to the international economy of the future. Washington State provides a demonstration of the success in store if our export markets are allowed to respond to market forces in a fair trade environment.

Apple, potato, Timothy Hay, and wheat growers are a few examples of the commodity groups that have been very successful at educating consumers in the Pacific Rim of the quality of Washington State agricultural products. These markets have grown, and continue to grow. The success in developing these markets overseas has served as a model for the future of American agriculture and has been allowed to prosper in an environment where international trade has been encouraged.

In Washington State, agriculture is the No. 1 industry, worth $3.3 billion to the economy. Since many of our products are grown specifically for the export market, the Northwest has grown crucially dependent on international trade. Commodities totaling $1.2 billion move through Washington State ports, creating many agriculture-related as well as ag-dependent jobs. Finally, 5 billion dollars' worth of processed foods are exported abroad. Together these efforts have made 1 in 5 jobs in Washington State dependent on international trade. The textile bill threatens this profitability.

I think it's time that the United States take on the challenge the international economy brings rather than continue to protect domestic industries for historic, political, and emotional reasons. Washington State agriculture has met this challenge face on and can serve as a model to the rest of the Nation. This is much more positive for the U.S. economy in the long run.

Closing markets has never been a productive or efficient answer, as history taught us in the 1930's. If we pass the textile bill today, we do so at the direct cost of farmers, consumers, and America's economic health. I urge my colleagues to reject the move in this direction and vote against H.R. 1154.

Mr. JENKINS. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I have heard repeatedly on the floor of the House, "I was doing other things, I could not be here."

There is a supposition and a principle involved here that we have to modernize American industry, because they cannot compete internationally; and forget about unfair subsidization, border taxes, and equalization taxes, the suits that we have had.

There has been repeated fining, subsubstantial fines at one time or another, never collected, though, foreign countries being fined for evading reasonable requirements under the international agreements, dumping into this country, the whole lot of things which we on the steel caucus have lived with over the last 10, 12, 15 years.

I see the same thing happening to the textile, apparel, and the footwear business that this particular legislation is trying to help.

Let me make this one point. It has been said that we have to modernize. Everybody knows, and this is true from the Nixon administration all the way through President Ford and through President Carter, and up until the present President, who has extended limitations on specialty steel coming into this country, all those Presidents have done that.

We have been respected internationally as the most modern specialty steel industry in the world, no question about it. Yet, they cannot compete, and every one of those Presidents had to put a limitation on imports coming in. There is a reason for it.

The specialty steel industry has modernized. Japan recognizes it; everybody does. Yet that most modern industry cannot compete internationally. Why? Because there are unfair trading practices going on.

I just want that particular point to be clear on record, and that is a bunch of baloney, for want of another term, that we are not modern. Yes, sure we have nonmodern and nonrefurbished mills in existence. That does happen, but that is not the principle involved, and that is not the answer.

I wish I had more time, and I urge my colleagues to support this bill. It is very important or the textile people and the footwear people and apparel people will follow what the steel industry has done, and that is to cut their production in half.

I have lost 30,000 steelworkers in my district and a lot of other places have, too.

Madam Chairman, I rise in strong support of H.R. 1154, the Textile and Apparel Trade Act of 1987. I believe that Congress needs to control textile, apparel, and nonrubber footwear imports to prevent further disruption and job losses in these important U.S. industries.

I know about the negative impact of imports. I know that imports cost workers' jobs and disrupt industry, and I have seen the effects of uncontrolled steel imports on America's steel industry.

In my district near Pittsburgh, 40,000 steelworkers have lost their jobs in the last 10 years, and my hometown of McKeesport is still suffering from an unemployment rate of over 9 percent—3 percent higher than the national average.

As the chairman and a founder of the Congressional Steel Caucus, I know that the Pittsburgh steel industry isn't the only one that's suffering from low-priced foreign steel. Wherever Americans make steel, they are affected by the flood of foreign steel, which now captures about 23 percent of our domestic market.

And, like the steel industry, imports are now battering the U.S. textile, apparel, and footwear industries.

The most recent trade figures show record-breaking levels of imports, including a 7-month trade deficit in textiles and apparels of $16.8 billion.

Last year, these imports also contributed over $21 billion to the U.S. trade deficit, and this year's figures will be even worse.

Imported footwear captures an incredible 81 percent of the U.S. market, and Taiwan alone manufacturers 37 percent of all of the footwear sold in the United States.

Last month I was in Taiwan and I learned a great deal about why their businesses are so successful. The Taiwanese Government offers very special privileges to their exporters, including duty-free importation of raw materials and manufacturing equipment as well as reduced tax rates. In addition, Taiwanese workers don't enjoy the freedom to bargain collectively, and so their wages are much lower than those of their counterparts in the United States.

Madam Chairman, the same unfair trading practices which have hurt the U.S. steel industry are about to eliminate our textile, apparel, and footwear industries. I urge all of my colleagues to control the damage before it's too late. I urge you to support H.R. 1154.

Mr. SCHUETTE. Madam Chairman, today the House is considering the second major piece of trade legislation to come before this Chamber in this session of Congress. I will support H.R. 1154, because I believe it is a reasonable and measured response designed to put the lid on an ever rising tide of foreign textile, apparel, and footwear products into this country. Since 1980, imports in these industries have more than doubled, and I urge my colleagues to join with me and the more than 250 cosponsors of H.R. 1154 to support this important measure.

I do so because this legislation involves much more than a simple esoteric question about what to do to address our Nation's burgeoning trade deficit. It is about dealing with a national tragedy that has robbed an estimated 400,000 Americans and their families who once worked in these industries of their livelihoods.

In my district, I have 400 reasons in Big Rapids, MI, to vote for this bill. It is a vote for 400 people and their families who receive their daily bread from a footwear manufacturing facility in that city. Unfortunately, for the people of Ithaca, MI, this bill comes too late. Last year, 1986, marked the end of a 3-year tragedy of a plant closing that cost more than 250 10th District residents their jobs. It robbed the fragile farm economy of Gratiot County of an almost $350,000 annual payroll, and cost the people the benefit of services bought with $35,000 in property taxes.

In many ways, those workers, their families and their neighbors know firsthand what many of us are speaking about here today. I for one believe these hard-working Americans deserve a chance to compete and earn a living. I ask that my colleagues to give full consideration to the nearly 2 million Americans, their families and their communities who today depend on these industries. Having done so, the only choice is to vote for fairness and reciprocity in world markets on behalf of these industries.

If the House fails to pass this bill, I believe we will be turning our backs on these deserving Americans. We will be ignoring Americans and their families in difference to modern sweat shops in far away lands where workers earn only a very small fraction of what is considered a barely livable wage by our Nation's standards.

Make no mistake, the question of what to do about our soaring trade deficit and how to reduce the increasingly dangerous loss of U.S. jobs to overseas producers is a highly complex, often times confusing matter. Particularly difficult is the unenviable balancing act of accepting the challenge of addressing the job-robbing increase textile, apparel and footwear imports without crossing the always unclear line of protectionism. Indeed, this effort represents an exercise in deft policymaking of the highest order for this body.

Because of these complexities, there can be no doubt that H.R. 1154 is far from a perfect bill. I personally have reservations about many provisions and aspects of this bill. In particular, we must recognize that the enormous trade deficit is a product of more than just unfair trade practices. Other factors that can be directly traced to job losses include a strong U.S. dollar—largely because of macroeconomic policies and international economic developments—and an unprecedented amount of investment in automation by these industries.

Therefore, leveling the playing field through the passage of H.R. 1154—perhaps in combination with H.R. 3—will at best provide only temporary and partial relief. In a broader sense, this legislative effort must also be accompanied by a thoughtful change in our country's fiscal and monetary policies, designed to both reduce the Federal budget deficit and promote stability in international monetary exchange rates, if we are to be successful in meeting our policy goals.

I also am concerned by the possibility that this measure will substantially reduce customs duty revenues—by an estimated $3.9 billion over the next 5 years—and that this bill may provoke retaliation on the part of our trading partners. This possibility is particularly worrisome from the standpoint of our Nation's agricultural producers and exporters. Far too often, our Nation's farmers have been punished in international export markets as this Nation pursues other nonagricultural policy goals.

Not surprisingly, H.R. 1154—like H.R. 3 before it—is a very emotional issue. It has often been the subject to misinformation. On one side, the textile and apparel industries are once again seeking "temporary" restrictions on imports, despite almost three decades of protection. At the same time, it is misleading to portray this industry as a coddled industry, one that is a picture of economic health because it is experiencing record profits and is operating at 90-plus percent of capacity.

The fact of the matter is that I take little comfort in the fact that more than 50 percent of our domestic textile and apparel demand is served by manufacturers located abroad. In addition, reports that U.S. producers are utilizing nearly all of their capacity, fails to properly take into consideration that this industry's capacity has been reduced by nearly 10 percent—in part due to numerous plant closings—over just the past 5 years.

It is ludicrous to suggest that "free trade" exists today in the global textile and apparel industry. Few, if any, of the roughly 170 countries who export to the United States engage in "fair trade," much less free trade. Those who suggest that there is reciprocity in these industries, are at best, selectively filtering the facts. At worst, they are intentionally looking the other way. I for one do not intend to look the other way when it comes to American textile and apparel workers.

Perhaps the most overlooked aspect of H.R. 1154, however, is the crisis in our Nation's footwear industry. A total of 9,600 jobs were lost in the footwear industry in 1986 under the pressure of the never ending onslaught of foreign imports. Production fell by 9 percent as we imported a record 941 million pairs of nonrubber shoes. As a percentage of the U.S. market, imports claimed more than 80 percent of U.S. footwear demand, and most importantly, 70 communities around this Nation—1 of which was Ithaca, MI—had to endure the tragedy of a footwear plant closing its doors forever under the pressure of these imports.

Moreover, these alarming figures show no signs of ebbing. Through the first 6 months of 1987, another 19 factories have closed, and production has fallen by 11 percent. Nonrubber footwear imports have risen by 3 percent so far this year over last year's record level, and foreigners now claim almost 83 percent of the U.S. market.

With H.R. 1154, we are telling our trading partners that enough is enough. We are saying that more than half of our textile market and 83 percent of our footwear market is all that we can afford to have go overseas. It is about putting an end to the lack of reciprocity and unfair trading practices that are so pervasive in these industries around the world today.

Given an even playing field, America can compete. H.R. 1154 gives the American textile, apparel, and footwear industries a total of 10 years to become competitive. The industry says it can compete, if only given a fair and reasonable opportunity to do so. I for one take them at their word and want to give them a chance.

But perhaps even more important than giving these victimized companies a chance is the question of giving the hard-working Americans and their families who derive their livelihoods in these and dependent industries a chance. I want to be on record as saying that they deserve nothing less than the opportunity afforded under this bill. I, therefore, urge my colleagues to support H.R. 1154, and pass this urgent measure into law during the current session of Congress.

Mr. FAWELL. Madam Chairman, the textile and apparel industries do not need the protection provided under H.R. 1154. Several factors exist which do not merit the establishment of global import quotas on textiles, apparel products, and nonrubber imports.

The textile industry has made great economic strides during the past few years. Contrary to what proponents of H.R. 1154 would have us believe, the textile industry is not on the brink of economic ruin. Domestic textile and apparel production increased by 10 percent and 3 percent, respectively, in 1986. Textile industry profits dramatically rose by 67 percent in 1986. On the trade front, textile exports increased 13 percent in 1986 and apparel exports increased 18 percent.

Capacity utilization, a good indicator of any industry's economic performance, was a remarkable 95 percent in the first quarter of 1987—well above the 81-percent capacity utilization for all other industries. Textile and apparel employment is also up. During the period of January through July of this year, employment increased by 25,000 over the same period last year.

The unemployment rate in the textile and apparel industry is about 3 percent—the lowest level since 1968. A major problem today in the textile industry is not unemployment, but labor shortages. The Journal of Commerce recently reported that North and South Carolina textile firms are having a difficult time filling jobs. According to the Journal:

> Plants that once limped along on three- or four-day-a-week schedules are now bursting at the seams with orders. Practically all segments of the industry—denim, fleece, and yarn—are enjoying healthy sales.

The Journal also reported:

> The search for workers can be frustrating in areas like Gaston County, North Carolina. In Gaston, which leads the state in textile employment, the jobless rate is low (4%), and mills are competing with other thriving industries for workers.

Why then does the textile and apparel industry clamor for import protection? Unfortunately, this is not clear. What is clear, however, is that someone else will foot the bill for the tremendous costs associated with quotas on textile and apparel. That someone, of course, is the American consumer.

The International Business & Economic Research Corp. [IBERC] estimates that H.R. 1154 would add $10.4 billion annually to consumer costs at the retail level. According to the Institute for International Economics, this cost increase is on top of the $27 billion consumers already pay each year to protect the textile, apparel, and footwear industries.

If H.R. 1154 is approved, a family of four would pay $617 annually for the cost of protecting the textile, apparel, and footwear industries. These costs would fall hardest on low-income families. Textile and apparel protection already costs the poorest 20 percent of American families 3.6 percent of their income, compared to 1 percent for middle-income families. Emptying the pockets of consumers to protect industries which are economically quite robust is insidious.

Consumers, however, are not the only losers under this quota bill. The IBERC estimates that 52,000 retail jobs would be lost due to decreased consumer spending on textile products, apparel, and footwear whose prices would be inflated by quotas. Incredibly, 5,000 more jobs would be lost in the retail sector than would supposedly be "saved" in the textile and apparel industries.

Often overlooked in the debate on this legislation is the Government protection already provided to the textile and apparel industries. In fact, these industries are the most heavily protected of all American industries. The multifiber agreement, which was supposed to be temporary, has been renewed three times since its enactment in 1974. The most recent extension, agreed to in 1986 among 53 countries, is the most restrictive MFA ever negotiated. The 1986 renewal extended the MFA to cover practically all fibers, such as ramie, linen, and silk blends.

The administration has also negotiated tough bilateral agreements that are more restrictive than the MFA. Bilateral agreements with Hong Kong, Taiwan, South Korea, and Japan limit their import growth to 1 percent annually. Agreements reached with smaller suppliers, such as India, Pakistan, and Malaysia, limit their textile and apparel exports to 6 percent annual growth.

When will the textile and apparel industries be satisfied with what they already have? One thousand five hundred quotas cover 80 percent of all low-priced exports. Tariffs on textile and apparel imports average 18.6 percent—much higher than the 3.6-percent tariff on all other imported products.

Congress must also take into account the effect this legislation would have on our trade relations. According to the U.S. Trade Representative, H.R. 1154 would: "violate the MFA by unilaterally imposing global quotas. It would breach the safeguard provisions of GATT by indiscriminately granting permanent protection to a huge array of textile and footwear products without a product-specific determination of serious injury. And the bill would set global quotas at levels that would force us to abrogate a host of bilateral agreements. What better way to destroy our international credibility."

This quota bill obliterates U.S. obligations under existing trade laws in such a way that will no doubt result in retaliation. In Illinois, where manufacturing and agricultural exports are vital to the State's economy, retaliation will be painfully felt. Furthermore, our efforts to seek GATT reforms at the Uruguay round of trade negotiations will be undermined if we enact GATT-illegal legislation such as H.R. 1154.

Finally, H.R. 1154 is not cost-free to the Government. Because the United States will have to compensate trading partners for import restrictions which adversely affect them, the bill reduces tariffs on textile and apparel imports by 10 percent. These tariff reductions will cost the U.S. Treasury $3.9 billion over 5 years.

Our trade laws should only be used to remedy unfair trade and prevent serious injury to domestic industries. The textile and apparel industries, presently enjoying robust growth, have not demonstrated that they have been seriously injured by increased exports. My colleagues should reject attempts by advocates of H.R. 1154 to manipulate our trade laws to provide even greater protection to the heavily protected textile and apparel industries.

Mr. DENNY SMITH. Madam Chairman, I rise in support of H.R. 1154, the Textile and Apparel Trade Act of 1987. We can no longer afford to stand on the sidelines and hope that our record trade deficits will disappear on their own. We are moving into a new era of world trade, and we must do what we can to guarantee free and fair trade for everyone.

My decision to cosponsor and support this measure was a difficult one. I voted against similar legislation during the 99th Congress, and I voted against H.R. 3, the "omnibus trade bill," because many of their provisions were counterproductive to the problem. I also voted against these measures, in large part, because of assurances by the administration and our trading partners that they would do better in enforcing our bilateral and multilateral agreements. We were told that everything possible was being done to open foreign markets to our goods and services, much in the same way that we have operated for years.

But what we have seen over the past few weeks are new records being set in our quarterly trade deficits. We can not get Oregon potatoes into Korea, or Oregon beef into Japan. Today, in Japan, a major exposition of new audio and viewing systems to be sold in the United States has opened. The Soviet Union is trans-shipping textiles into this country in increasing numbers. And Sri Lanka, located in the balmy Indian Ocean, has become one of the leading exporters of sweaters to this country. We seem to have lost control of our trade situation in much the same way that the Congress has lost control of the budget process, and we will pay an enormous price unless something is done.

H.R. 1154 is not a perfect bill, and it was a difficult decision on my part to support it. There is a great deal of pressure to oppose this legislation.

But when I ask the opponents of this legislation what their alternatives are, they don't say much. I hear of our multilateral and bilateral agreements and ongoing negotiations. Yet, these agreements have been, and continue to be, violated on a regular basis. I heard from the administration that we would resolve this problem if we were able to bring down the value of the dollar. We now hear that any further drop in the value of the dollar threatens our own economy. I keep hearing on the floor of the House that we will reduce our budget deficits. But CBO and OMB have just said that our inability to control spending will cause a dramatic increase in our deficit over the next 2 years. I hear of the fear of retaliation against our products. I don't think that our trading partners will be so quick to turn their backs on their best customers.

Madam Chairman, we can no longer afford to wait for more broken promises. No matter what trade legislation comes before the House, there will be the threat of retaliation. While we must be wary of that threat, we can not let that fear dictate our policy or bully us into inaction. If we are to address our trade deficits, then we must do it by taking actions, not relying on others. We have to address all of the causes of the problem, including unfair practices.

This legislation is GATT and MFA legal in that it does not target countries like the Gephardt amendment. It allows for an increase in imports of textiles and apparel in accordance with signed agreements. It allows the President to compensate those countries that may be hurt as a result of our actions.

Most importantly, it sends a message to the administration and our trading partners that the time for talk has passed. We can no longer stand by and let rhetoric dictate policy. Our trading partners must live up to the agreements they signed after negotiations. The White House must use the regulations already legal under GATT and MFA to look out for U.S. interests at home and abroad.

H.R. 1154 is not a perfect bill; no trade bill is. People on both sides of this issue have come up with widely conflicting numbers to prove their point. But if more of these individuals would turn their attention and efforts toward addressing the problem than belittling the possible cures, then perhaps the problem could be solved.

Mr. LIGHTFOOT. Madam Chairman, today we are being asked to enact a global quota on imports of virtually all textile products. A number of arguments have been raised in support of such a quota, including the need to save American jobs, the need to preserve our manufacturing base for national security, and need to halt the loss in revenue caused by imports displacing domestic production. I am not unsympathetic to these concerns. But while restricting imports may seem a remedy, I cannot help but believe that such protection is shortsighted. This legislation does not solve our trade deficit problems.

The textile industry currently has more quotas on imports than any other domestic industry—there currently are over 1,400 quotas in place covering approximately 80 percent of the textile industry. Tariffs and quotas now raise imports costs by 25 percent for textiles and, in some cases, 50 percent or more for apparel.

Meanwhile, textile and apparel industries, according to William Cline, a senior fellow at the Institute for International Economics, "have not experienced major declines in production. Profits relative to capital have been consistently high in apparel, and profit rates were above the manufacturing average in textiles in 1986 as well."

Also of concern to me are the provisions of H.R. 1154 which would violate our existing trade agreements. According to my respected colleague, the gentleman from Florida who is the chairman of the House Ways and Means Subcommittee on Trade, in a letter to Members of the House of Representatives, "This bill will flagrantly violate U.S. obligations under various international agreements." Many of the 40 or more bilateral agreements we have with other countries would be violated if we enact H.R. 1154.

The August 7, 1987, Wall Street Journal, in its quarterly survey of industry earnings began its report on the textile industry stating,

> * * * profits were up an average of 33 percent in the second quarter of 1987 over the same period in 1986. This is the same industry in which profits soared by over 100 percent for the largest textile manufacturers in the first quarter of 1987 over the same year-earlier period.

This information was circulated the other day in a "Dear Colleague" letter from members of the House Ways and Means Committee.

As well, U.S. Labor Department statistics show that in July alone, apparel industry employment grew by more than 20,000 jobs over the previous month. In the textile production industry, 6,000 new jobs were created in July. Furthermore, an article in the Durham Sun newspaper in Charlotte, NC, cited a shortage in workers in the textile industry. The chairman of Stowe Mills in Gaston County, NC, was quoted as saying, "There's just more jobs than there are people * * * we're running at 100 [percent] capacity."

As a representative of the second most rural congressional district in the country—a district heavily dependent upon agriculture and agricultural exports—I also must be concerned about the impact of reducing imports from our best agricultural trade customers. Those nations most severely affected by this bill are our largest customers of commodities. When their exports, and thus their earnings are reduced, they have less capability to purchase our exports.

Let me say once again: I am not unsympathetic to my constituents and others who are employed in the domestic textile and apparel production industry. I certainly understand that people want to keep their jobs. However, I can see nothing in this legislation that will, over the long term, preserve their jobs. It is a temporary restriction that does not prescribe a remedy for increased U.S. competitiveness in the international arena. In my view, H.R. 1154 would create more problems than it would solve. I cannot in good conscience support the bill.

Mr. RAHALL. Madam Chairman, I rise in strong support of H.R. 1154, the Textile and Apparel Trade Act of 1987. There are those who argue that this bill is a protectionist measure; I would point out to them that the intent of the bill is to ensure the fair treatment of American workers who are victims of an international marketplace which is often neither free nor fair. How can we expect the U.S. textile, apparel, and shoe industries—among the most productive and efficient in the world—to compete against foreign nations that provide government subsidies to export industries, pay workers incredibly low wages and impose severe restrictions on imports from the United States? I feel that it past time to intervene on behalf of American workers—including many in my home State of West Virginia—who are steadily losing their jobs due to foreign imports while the products they make are excluded from foreign markets.

It is exceedingly clear that negotiations and bilateral treaties have been inadequate to deal with the problems caused by unfair foreign trade. The current administration has failed miserably to enforce the multifiber agreement and to respond to foreign violations in a timely manner. Although the MFA was intended to hold growth in imports from developing countries to 6 percent each year, since 1980 imports have grown an average of 17 percent every year. Additionally, the 1986 renegotiation of the MFA by the administration has proved no relief and, in fact, has allowed textile and apparel imports to increase.

The authors of H.R. 1154 have worked hard to ensure that the bill is nondiscriminatory and consistent with international trade laws and U.S. trade obligations. There have been four major changes made in the legislation to address concerns expressed last Congress. The bill sets global limits rather than country-specific limits to eliminate the possibility of discrimination against any individual country. The bill does not reduce imports but does reduce the rate of import increases. The bill authorizes the President to compensate foreign suppliers for the import restrictions by cutting tariffs on textiles, textile products, and footwear. The threat of foreign retaliation, therefore, has been eliminated with compensation directly provided for in the bill. Finally, this version of the bill provides the administration with greater flexibility: As long as a 1-percent growth level is maintained for each product category, the administration is completely free to determine how to apportion the quotas.

To reiterate, the U.S. textile, apparel, and footwear industries and workers desperately need this legislation. If steps are not taken to restrain imports, we will continue to lose out to foreign firms and this country will be left without a domestic textile and apparel industry. I urge my colleagues to support H.R. 1154 and to help the workers of this country who are desperately trying to hold onto their jobs and way of life.

Mr. ROEMER. Madam Chairman, I would like to make my constituents in Louisiana and my colleagues in the House of Representatives aware of my support for H.R. 1154, the Textile and Apparel Trade Act of 1987. I should have been listed on the bill as a cosponsor, but my name was inadvertently left off.

As you know, I voted for last year's version of this legislation which passed both Chambers of Congress but was vetoed by the President. Since then, we have had an opportunity to address some of the objections voiced last year and substantially clean up the textile and apparel bill. Three provisions of H.R. 1154 that make it more palatable are: First, it established global, not country-by-country, quotas; second, the limits would restrict the growth of textile and apparel imports to 1 percent per year and hold footwear imports to 1986 levels; and third, to protect other American industries and agriculture, it provides the administration with more flexibility and authority to compensate countries for these quotas by reducing tariffs on textiles and textile products.

Since 1981, the United States has experienced record trade deficits as a result of sharply rising imports and falling exports. In 1986 the trade deficit skyrocketed to about $170 billion—four times the $40 billion deficit in 1981.

The U.S. textile, apparel, and shoe industries and their workers are among the most productive and efficient in the world. But they cannot compete against foreign nations that provide government subsidies to export industries, pay workers as little as 16 cents per hour and impose severe restrictions on imports from the United States and other countries.

During the past 7 years, more than 350,000 Americans have lost their jobs to foreign textile and apparel imports, which now control 53.8 percent of the American market. Hundreds of thousands of workers employed in industries which supply and service the textile and apparel industry have also lost their jobs.

The passage of H.R. 1154 is crucial to the long-term economic health of our domestic economy as a whole, not just a specific industry. A recent study conducted by ICF Inc., an economic consulting firm, concluded that enactment of this bill could result in a net gain of 152,000 jobs over a 2-year period. In addition, the ICF study found that the bill would reduce Federal outlays of $500 billion because of lower unemployment compensation, AFDC, food stamps, and Social Security payments and lower Federal interest payments. That's good news to a Congressman from a State that has the highest unemployment rate in the country.

H.R. 1154 is fair. It is fair to consumers, fair to importers, fair to industry and, perhaps most important, it's fair to American workers.

Mr. LAGOMARSINO. Madam Chairman, I rise today in opposition to H.R. 1154, the Textile and Apparel Trade Act of 1987. This bill is opposed editorially by such diverse papers as the Wall Street Journal and the Washington Post, by members of the President's Cabinet, the chairman of the Council of Economic Advisors, the American Farm Bureau and the National Association of Wheat Growers.

This legislation is a blatant violation of U.S. commitments and obligations under the GATT and the fundamental principles of the multifiber agreement [MFA] and would put a new round of congressionally supported Uruguay multilateral trade negotiations in jeopardy. In addition, it will invite certain retaliation by many of our free world allies threatening thousands of jobs in agriculture, aerospace and semiconductor parts. The United States is still the world's largest exporter and consequently we will have the most to lose in a trade war.

Madam Chairman, many of these countries are important U.S. foreign policy, military, and economic allies. The House should remember that Asia is our largest and fastest growing export market. However, the United States will be unable to sell our products overseas if other nations are denied export earnings. Also, some of these nations are deep in debt to U.S. banks and need to have a sound base for foreign exchange earnings or else increased U.S. foreign aid assistance may become necessary.

This bill will damage fledgling democracies in Central America and help to put in jeopardy our interests there.

This bill will raise the price of clothing and shoes by nearly $37 billion at the retail level over the next 5 years. Low income families would be the ones most affected by the unavailability of low priced imports. Supporters of this legislation say that this is a way to save American jobs and prevent irreversible damage to the textile industry. Textile/apparel industry statistics tend to point in a different direction. Domestic textile production increased by 10 percent in 1986 and apparel production was up 3 percent. Factory utilization in textiles is at 95 percent in the first quarter of 1987. Finally, average unemployment in the main textile States is lower than the national average. It is interesting to note that stock prices of 7 of the largest textile companies were up 76 percent in 2 years.

The textile/apparel industry is already the most highly protected industry in the Nation. It has and will continue to benefit from the Nation. It has and will continue to benefit from the decline in the dollar and improved domestic productivity. I have always felt that it is better to negotiate than legislate and this administration already has negotiated favorable Multifiber Agreement with many of our textile supplier nations.

Madam Chairman, I would remind my colleagues who think that retaliation is not likely, to just ask our wheat farmers about the retaliation they suffered the last time we restricted Chinese textile exports or the computer products industry when we placed a stiff tariff on imported Canadian cedar shingles. I urge my colleagues to oppose this dangerous piece of legislation.

Mr. BORSKI. Madam Chairman, I rise in strong support of H.R. 1154, the Textile and Apparel Trade Act.

Since 1980, foreign textile and apparel imports have more than doubled. Over 350,000 workers have lost their jobs and more than 1,000 plants have been closed. Two million more America textile workers face the unemployment lines unless the tide of imports is stopped.

The Reagan administration has taken little action to stem rising textile and apparel imports. It has not adequately enforced existing agreements or acted aggressively to get other countries to open up their textile markets.

Without the import restraints contained in H.R. 1154, the United States will continue to lose out to foreign firms and this country will soon be left without a domestic textile and apparel industry.

The Textile and Apparel Trade Act establishes limits on overall imports on a wide range of textiles, apparel, and footwear. It would limit the growth of textile and apparel imports to 1 percent each year, and hold footwear imports to 1986 levels.

H.R. 1154 will send a strong message to our trading partners that we will no longer tolerate the steady erosion of American jobs, industry and economic prosperity. The time to insist on fair trade is long overdue; the time to approve the Textile and Apparel Trade Act is now.

Mr. LAFALCE. Madam Chairman, it is now almost 2 years since the House last voted on textile and apparel legislation. The issue is not going to go away, nor should it. American workers in these industries remain under serious pressure. I share their concerns about the fate of their companies and their own economic future. Despite these concerns, I must continue to oppose this legislation. I can only hope the bill's supporters will try to appreciate the sincere and serious reservations I continue to have about the approach they are advocating.

Proponents argue that the latest bill is substantially different from the one the House previously considered. The legislation's supporters have made a serious effort to address some specific problems. But, in fact, the bill is only superficially changed from the version vetoed by President Reagan more than a year ago. From a policy standpoint, its basic thrust is no less troublesome.

In my view, the solution that is being advanced will not ultimately solve those problems facing the industry or its workers. By papering over serious adjustment problems we cannot continue to evade, the bill puts other more competitive sectors of our economy at risk and places our trading relations with other countries in serious jeopardy.

Let us make no mistake about the kind of solution we are considering—additional protection for an industry that is already the most extensively protected of all American industries. Protection is a very dangerous weapon for us to wield; so dangerous that it must applied, if at all, only with surgical precision. First of all, it must be a time-limited, short-term solution. Second, it must be designed to promote ultimate liberalization of the sector, either through revitalization or humane adjustment programs.

The protection afforded in this bill meets neither of these criteria. What the proponents offer is a continuing program of protection from competitive pressure with no prospect of either revitalization or ultimate liberalization. The bill provides only for a cursory review of the program by the Commerce Department after 10 years. Nothing in the bill would ensure that the industry will be in any better shape, or any better able to adjust, in 1997 than it is now.

Protection is a form of Government benefit. In exchange for that benefit, Government has a right to expect what it got under the Chrysler Loan Guarantee Program—industry action that will ultimately improve the competitive position of the industry and of the U.S. economy as a whole. We will not get such action through this legislation. What we can expect in the future is what we have received to date—requests for more and more protection.

Many words and much paper have been expended on the issue of whether this bill is or is not "GATT-legal." As we might expect, a decent legal argument can be made on both sides of that issue. But legality is not finally the point. The issue is whether this bill is good public policy for the industry and the U.S. economy. I believe it is not.

There is no question that this industry has suffered severely, and will be under continuing pressure. The year 1985 was one of the worst years ever for the industry. It capped a 6-year period in which more than 1,000 plants were closed and hundreds of thousands of people were laid off.

But it is time we acknowledged that some such adjustment has to occur, and will never be easy. The textile and apparel industry is not alone. A wide variety of American industries, ranging from steel and auto parts to semiconductors and computers, are under serious competitive pressure. Such pressure is inevitable as many of our trading partners move up the scale of development.

If we are to compete in the changing world economy, the role of public policy must be to facilitate and reduce the pain of necessary adjustment, not to prevent it. This administration has been seriously remiss in this regard. It was the lax enforcement of the MFA that created the push for this legislation in the first place. This administration has done nothing to ease the transition to other jobs in other sectors through training and retraining programs or to secure health and pension benefits for the economically vulnerable. The "social dumping" by other countries in the form of poverty-level wage rates that make it impossible for us to compete have been given short shrift by our trade negotiators.

This indifference has created the problem. But the answer cannot be a program of protection designed to insulate the industry and ensure a certain number of positions in particular sectors.

THE POSITION OF THE INDUSTRY

It is difficult to argue that the textile and apparel industry is more deserving of protection than other hard-pressed U.S. industries. In many respects, it is actually in a stronger position and has received far more attention from the Government.

In 1985, I warned against the dangers of constructing permanent solutions under changing circumstances. Circumstances have changed for the industry, rather dramatically. Domestic textile production increased 10 percent in 1986, while apparel production was up 3 percent. U.S. textile exports were up 13 percent in 1986 and apparel exports increased 18 percent. Textile industry profits rose 67 percent in 1986. Capacity utilization reached 95 percent in the first quarter of 1987.

Textile and apparel employment has even risen somewhat. Employment figures from January to July 1987 represent an increase of 25,000 jobs over the same period last year. New textile and apparel plants are opening. In fact, the chief problem at the moment is not a flood of imports but rather supply shortages caused by the inability of U.S. industry to keep up with demand for its production.

The U.S. textile and apparel industry now benefits from some 1,500 quotas, covering 80 percent of all low-priced imports, and tariffs averaging nearly 18 percent as compared with 3 percent from all other industies. This makes the industry by far the most protected in America.

When this legislation was under consideration 2 years ago, industry representatives raised legitimate complaints about the lax enforcement and inadquate coverage of the multifiber arrangement [MFA]. I believe that serious efforts have been made to address those concerns.

Last year our Government renegotiated the MFA to extend coverage to virtually all textile and apparel production by including previously-uncontrolled products. We also negotiated bilateral agreements with Hong Kong, Taiwan, Korea, and Japan—countries which supply 40 percent of our textile and apparel imports—which will limit their import growth to 1 percent annually. In addition, the United States concluded agreements with some of our mid-level suppliers, such as India, Pakistan, and Malaysia which limit their textile and apparel exports to the United States to approximately 6 percent annual growth.

We have barely begun to implement these agreements. Yet this legislation presumes their inadequacy and forces the United States into the position of breaching them.

IMPACT OF THE LEGISLATION

In fact, what I find most disturbing about this bill is its cavalier disregard for our international obligations.

Legalisms aside, I believe that common sense argues that this bill clearly violates the spirit of the GATT and the Multifiber Arrangement [MFA] which is itself an exception to the GATT designed to give the textile and apparel industry even greater protection.

It is true that the GATT does contain an "escape clause" provision allowing for protection in cases where a domestic industry is seriously injured by imports and requires time for adjustment. But there are key differences between what GATT would allow and what this bill would effect.

The GATT provision provides for temporary protection; the bill, for permanent, indefinite restrictions. GATT requires product-specific findings of serious injury; the bill covers a sweeping range of products in an array of industries without an injury finding. Import restrictions under GATT must be carefully tailored; the bill provides for the same, constant level of protection for an indefinite period, across product categories. GATT requires adequate compensation; the bill places arbitrary restrictions on the amount available. Under U.S. law, the method for implementing the GATT safeguard provision is a section 201 action. It is a remedy the industry is choosing to ignore.

But the MFA which governs textile trade is itself an exception to the GATT, a structure of protection, which has been negotiated in recognition of the special problems facing this industry. The MFA provides for the negotiation of bilateral import quotas. This bill would violate the MFA by unilaterally imposing global quotas. And the bill would set those quotas at levels that would force us to abrogate a host of bilateral agreements already negotiated.

The European Community has already indicated that it will take counter measures if this legislation is passed, and others are likely to follow. Some of our most sensitive and competitive export industries, such as agriculture and high technology, would be likely targets for retaliation.

Passage of this bill would also undermine the Uruguay round of trade negotiations and compromise our efforts to use those negotiations to open foreign markets to our exports. Textiles and footwear are among the most important items in world trade—to our trading partners as well as ourselves. We cannot ask others to open their markets when we are closing our own, or to negotiate new commitments with us when we are busily breaking existing ones. We have achieved some hard-won concessions from the developing countries regarding the inclusion of services and investment in the new round, concessions very important to this country's economic future. We can expect the developing countries to take a second look at this issue if we pass this bill.

Finally, we cannot be indifferent to the tremendous impact of this bill on American consumers. Consumers pay $20 billion annually in added costs as the result of higher import prices and induced increases in prices of domestically produced textiles and apparel. The cost amounts to some $100,000 per job saved in the direct production of textiles and apparel. The net costs to the economy are approximately $8 billion annually. The burden of this protection is borne disproportionately by the poor, since many imports are in the low price ranges.

CONCLUSION

In my view, neither the condition of the industry nor the policy goals we should be pursuing would justify enactment of this legislation. That is very regrettable. We have spent considerable time on this issue over the last several years. Yet, while the industry and its workers continue to feel the pain of international competition, we are no closer to a real program of adjustment.

This legislation has failed before, and for good reasons. I believe it will fail again. When it does, I would welcome the opportunity to work closely with the industry to formulate a program that will be truly responsive to the concerns raised about the present proposal and that will work to the ultimate benefit of the industry, its workers, and our economy as a whole.

Mr. DICKINSON. Madam Chairman, I am concerned over the loss of 300,000 textile related jobs since 1980, thus I have cosponsored H.R. 1154 to fight the decline of the textile industry.

This new act is patterned after legislation introduced in the 99th Congress but is a more appealing measure as it complies with GATT rules. It sets quota levels on textile products from all countries, while tying the growth of future imports to the growth of America's domestic textile industry.

We should focus our debate on the importance of fair trade and the ability of American industry to compete with others on an equal footing. In the area of textile and apparel imports, the footing as it exists today is not equal, and foreign nations have taken advantage of American generosity by abusing the provisions of international trade agreements to make raids into the American marketplace.

What is at stake are 4 million direct and indirect textile and apparel manufacturing jobs throughout the United States. The textile industry is a mainstay of the U.S. economy, representing over 5 percent of the total manufacturing work force in 36 States and 10 percent of total U.S. manufacturing employment.

In 1986, the textile and apparel trade deficit was over $21 billion, or 12 percent of the overall merchandise trade deficit. In fact, imports of apparel and apparel fabrics have increased an average of 8 percent annually while the domestic market has increased an average of 1 percent annually since 1973. Since 1982, such imports have increased by 21 percent annually, nearly doubling the share of the domestic market captured by imports to 52 percent in 1986.

To counter the flood of imports, the textile bill fixes the import level of textiles and textile products from all countries at 1 percent over 1986 levels. Imports after 1987 are only allowed to increase by 1 percent each year. Enforcement of limits is assigned to the Secretary of Commerce, who is also required to enforce reasonable spacing of imports throughout each year. In addition, the President is required to report to Congress annually on the administration of the act. Ten years after the act becomes law, the Secretary of Commerce is instructed to begin a review of its operation and report his findings to Congress within 6 months.

This legislation will help the textile industry survive, which will help save jobs and promote economic growth for our own country.

Mr. TOWNS. Madam Chairman, today we again have an opportunity to protect the American labor force. It has been projected that 550,000 more textile and apparel workers will lose their jobs in the next 6 years. These unemployed workers would be in addition to the 300,000 who have become unemployed since 1980. We had an opportunity, today, Madam Chairman, to preserve these jobs for American workers.

The 2 million workers in this industry are largely women and minorities—one-third black, 17 percent hispanic, and 8 percent Asian American. In an industry where 67 percent of the workers are women, we are talking about jobs which support children and families. If imports are allowed to continue unabated, it is fairly clear that these jobs will cease to exist. In the face of last year's agreement to expand South African textile imports and the recent revelations about imports from Iran, we can hardly expect the administration to negotiate stronger bilateral textile agreements difficult to accept the notion that the administration is serious about protecting the interests of our domestic textile and apparel industry.

Where will these workers, these women and men, who represent the working poor in this Nation, find alternative employment? The answer is: There is little chance of entry level jobs replacing the employment offered by the textile and apparel industry.

Madam Chairman, today I hope that we will look beyond regionalism. This is not a bill for the special interests of the Northeast and Southeast; this is a bill for the American worker. Just as many of us consider the family farmer to be a national treasure, I hope that we will view the domestic textile and apparel industry in the same vein. I urge my colleagues, regardless of the local industries' interest, to support H.R. 1154 and protect the jobs of these American workers.

Mr. SUNDQUIST. Madam Chairman, relief for the textile and footwear industries is long overdue. I applaud the House leadership's tenacity in bringing this important legislation to the floor today.

Madam Chairman, hundreds and hundreds of jobs have been lost in west Tennessee and middle Tennessee in textiles and footwear. And hopefully this legislation will preserve the remaining jobs that are currently in jeopardy—and might revitalize the industries so that those who have lost jobs can return to work.

As chairman of the Republican Task Force on International Trade, I take no pleasure in fighting the President on this issue. I agree with the President's goal of free and open trade. But unfortunately the administration has not aggressively enforced existing trade laws to prevent unfair practices and assist with temporary import relief.

We have lost 37 percent of our footwear jobs since 1981—and the unemployment rate in the industry averaged 15.4 percent—almost three times the national average! Imported footwear currently holds 81 percent of the total domestic market, compared to 51 percent in 1981. We've lost a whopping 30 percent of marketshare in just a few years to foreigners. Because of this, 308 shoe factories have shut their doors in the past 6 years—70 of these in the last year. Half the footwear factories in my district alone have been closed.

Nonetheless, the President made a decision in 1985 to decline relief for the industry, even though there was a unanimous injury determination by the ITC. Clearly the trade law system on the books is not working for American footwear and textile workers.

After countless efforts—the textile industry filed 21 antidumping and countervailing duty petitions—without one positive finding in their favor.

Since the system is not working, it is totally appropriate for this body to intervene with H.R. 1154—to make our own injury determinations for footwear and textiles, and grant the relief that the administration has refused. H.R. 1154 is completely consistent and justified according to the trade laws that have existed for 13 years.

In 1974 Congress passed, and the President signed into law, the trade laws under which U.S. trade policy has since been operating. For the last 13 years, we have had a law on the books—section 201—which sets guidelines for import relief under certain injury findings.

Specifically, section 201 states that it's purpose is "for import relief for the purpose of facilitating orderly adjustment to import competition * * * which may include such objectives as facilitating the orderly transfer of resources to alternative uses and other means of adjustment to new conditions of competition."

For some unknown reason, the administration has chosen not to enforce or apply this law—as it was intended—in the cases of footwear and textiles. Therefore, this body is justified in making an injury determination on its own—it is our responsibility to enforce the intent of the trade laws where the administration has failed to.

Footwear is the most blatant example of this administration's refusal to apply section 201. The 201 system was brought to its knees with the President's choice to overrule the ITC's 4-to-1 decision for relief. What is the point of having the relief language if it is never going to be used? What is the point of having the 201 system if it can be overturned on a whim after the judicial process?

I submit to this body that had our original trade laws been enforced to their fullest and proper extent—we would not be facing the trade crisis we are today.

Of the 65 201 petitions which have been initiated since 1974 only 12 have been granted relief. I can only wonder why the executive branch is so reluctant to provide temporary breathing space—which is entirely within the legal context of GATT and the intent of the law—when other countries are so blatant with their unfair trade practices. This is not a question of carrying a big stick, or protectionism, or even fair trade—it's a question of enforcing the laws of this country!

It is not necessarily important to argue any more why the footwear and textile industries are in trouble—or who is at fault. What is important is to grant fair and reasonable—and long overdue relief. It is critical that this body implement the intent of the law by passing the Textile and Apparel Trade Act of 1987 today.

Mr. EDWARDS of California. Madam Chairman, I rise in support of H.R. 1154, the Textile and Apparel Trade Act of 1987 and urge our colleagues to vote in favor of it. I commend the distinguished gentleman from South Carolina, BUTLER DERRICK, for his leadership on this important issue.

Madam Chairman, the solution to the trade problem we find ourselves in requires leadership and hard work. H.R. 1154 embodies those tools necessary to make the tough decisions to attack this very difficult issue.

H.R. 1154 represents fairness. The 2 million American workers in the textile industry need a fair chance to make a decent living for their families. They deserve the right to know that hard work and productivity will translate into job stability.

H.R. 1154 does not single out specific countries. It sets global limitations in a nondiscriminatory manner. This comprehensive, generic approach reintroduces fair trade in the relationship between domestic manufacturers and our trading partners.

This measure is consistent with our international treaties and compacts, fulfilling our obligations both at home and to other nations.

Madam Chairman, I reiterate my strong support for H.R. 1154 and urge my colleagues to give this legislation their full support.

Mr. COURTER. Madam Chairman, Congress is once again being asked to consider legislation that would address the textile and apparel import problem. This year's bill contains very few changes from last year's highly protectionist measure. There are numerous reasons why I cannot support this latest bill. First, during the 1980's, New Jersey has added 179,000 jobs in the trade sector. There are a total of 859,000 trade jobs, which makes trade the second largest job sector in my State's economy. The New Jersey area has become a major distribution center for both domestic and imported apparel, textile, and footwear products. This important and growing job sector would be threatened by a wave of protectionism that legislation such as this would certainly unleash.

Second, 33 percent of all U.S. textiles, apparel, and footwear imports passed through the New York-New Jersey region's gateway in 1986, 13 percent of the region's total sea and air import trade are textile, apparel, and footwear products, and 25,200 jobs and over $1 billion of the gross regional product is generated by this aspect of our trade. While reduced imports would have a positive but limited impact on the region's apparel, textile, and footwear manufacturers, a reduction in imports would likely undermine the wholesaling position of the region and likely lead to a loss of employment in the apparel and textile wholesaling industry. Further, of the region's 10 leading trading partners, including both Asia and European nations, 9 are among the largest exporters of textiles, apparel, and footwear to the region.

Third, restrictions on imports will lead to higher costs to regional consumers. Census estimates indicate that in 1986 regional retail sales of apparel and shoe stores amounted to approximately $7 billion or 9.2 percent of national retail sales of apparel and shoe stores. Between 1980 and 1986, as the value of the dollar rose, the total national CPI rose by 33 percent while the prices of apparel commodities increased by only 12 percent. Finally, in the New York-New Jersey region over the same time period, while the total CPI grew by almost 37 percent, the prices of apparel commodities grew by less than 6 percent.

In real terms, prices for apparel commodities in the region dropped by 30 percent, as the strong dollar led to increased imports of foreign apparel.

Mr. FIELDS. Madam Chairman, I rise in opposition to H.R. 1154, the Textile and Apparel Trade Act of 1987.

I do not oppose the textile bill because I am insensitive or uncaring. I care about the textile workers in this country. But, I also care about the families struggling to feed, clothe, and educate their children. Many families simply cannot afford the higher clothing and shoe prices the textile bill will bring.

I care about the chemical workers in the 8th District of Texas. The textile bill's global import quotas are in clear violation of the General Agreement on Trade and Tariffs. If the textile bill becomes law, foreign nations will retaliate and chemicals will be a target of that retaliation.

In 1986, chemicals topped the list of United States exports to Europe, Canada, China, Taiwan, South Korea, Hong Kong, Japan, Mexico, and many other nations. The chemical industry is one of the few major industries in which the United States still has a positive trade balance worldwide. My district and much of the Texas gulf coast area depend heavily on the chemical industry. Neither Texas nor the Nation, as a whole, can afford to lose chemical markets abroad.

Chemical workers will not be alone in feeling the effects of foreign retaliation. Dock workers at the Port of Houston, which I represent, will feel the sting of foreign retaliation, too. Organic chemicals, in dollar value, are the top exports through the Port of Houston.

Grain and grain products rank third in dollar value and first in tonnage among items exported through the port. Agricultural products will certainly be targets of foreign retaliation, too. American farmers along with dock workers, railroad workers, and others whose jobs are linked to farm products will suffer.

Does the condition of the textile industry merit the costly protection contained in this legislation? I believe the answer is clearly, "no." The textile industry is already the most protected industry in the United States. Tariffs on textile products average 18 percent compared with a 3-percent average for other industries' products. Eighty percent of all textile imports are covered by an incredible 1,500 textile and apparel quota agreements. Textile quotas already cost the consumer $27 billion per year. This legislation would force consumers to pay another $10 billion per year.

Unfortunately, many textile workers lost jobs in the early 1980's. However, modernization shared the blame with foreign competition as a major culprit in those textile job losses. Despite the difficult years of the early 1980's the textile industry began to improve in 1985. In 1986, domestic textile production rose 10 percent. Unemployment among textile workers fell from 9.9 percent to 7.5 percent. Capacity utilization rose from 84 percent in 1985 to 91.4 percent in 1986; textile profits skyrocketed 67 percent.

In the first quarter of 1987, textile capacity utilization rose, again, to 95 percent. Twenty thousand new textile jobs were created and unemployment fell to 6.9 percent. First quarter 1987 profits for the major textile manufacturers soared 100 percent over 1986 first quarter profits.

I cannot vote for legislation which would force American families to pay billions more to clothe their families while textile industry profits are soaring. I cannot vote for legislation which could cost the jobs of chemical workers, of farmers, of railroad workers, of dock workers, and many others when jobs in the textile industry are increasing, not decreasing.

Madam Chairman, the textile bill is the wrong solution at the wrong time. I urge my colleagues to vote against this unwarranted protectionism.

Mr. GILMAN. Madam Chairman, I rise in support of H.R. 1154, the Textile and Apparel Trade Act of 1987. I thank the gentleman from South Carolina [Mr. DERRICK] for introducing this necessary legislation and for his fine work as chairman of the Congressional Textile Caucus, of which I am a member. I would also like to thank the Textile Caucus vice chairman, my distinguished colleague from New York, Mr. HORTON, for his tireless efforts to preserve the vitality of domestic textile industries both in our home State of New York and throughout the Nation. Finally, Madam Chairman, I commend the distinguished gentleman from Massachusetts [Mr. Moakley] who, as chairman of the House Footwear Caucus, has skillfully lead the effort to assist that manufacturing community which is so important to the economies of the Northeastern States.

H.R. 1154 has been characterized by its opponents as benefiting only a small particular special interest. Madam Chairman, the facts do not bear out this argument. H.R. 1154 is fully endorsed by groups as diverse as the United Auto Workers and the National Farmers Union. Legislation similar to the one before us now was passed by the Congress last year. The current version of H.R. 1154 has been amended to conform with objections raised at that time, and I believe that it is a better bill than the one we passed a year ago. The support of 242 of my colleagues, all of whom have joined me in cosponsoring H.R. 1154, attests to the support for this legislation not only throughout the Congress but also throughout the country.

Textile industries are highly important to our economy. In recent years, these industries have been under attack from the rising surge of foreign imports. In the domestic footwear industry, for example, production of nonrubber footwear has fallen to an 18-year low of 241 pairs per year. Imports to the United States have meanwhile risen to an 18-year high of 941 million pairs per year, enough to capture 80 percent of the U.S. nonrubber footwear market. In 1985 alone, 58 nonrubber footwear factories closed throughout the country. At least one of these factories, Middletown Footwear, Inc., was in my own 22d Congressional District. In 1986 the number rose to 70 closings, and there were another 19 during just the first half of this year. The Congress cannot permit this process to continue. It may be too late for the 15 production workers at Middletown Footwear, but it is not too late for the 6,000 footwear employees throughout New York, and the more than 80,000 employees throughout the Nation.

Madam Chairman, I have described the detrimental effects of excessive foreign imports only in one segment of the textile industry. My colleagues will undoubtedly furnish examples from other segments of the market and their own congressional districts. Suffice it to say that it is well past time for Congress to recognize the inherent inequities which smother productivity in our domestic textile industries. It is past time for Congress to ensure effective competition in the world marketplace. It is past time for Congress to enact the Textile and Apparel Trade Act. Accordingly, I urge my colleagues to vote in favor of this legislation.

Mr. TALLON. Madam Chairman, recently I was shocked and dismayed to learn that our Nation continues to grant most-favored-nation status to Iran. And that same morning headlines reported yet another mining incident further jeopardizing our soldiers in the Persian Gulf. The irony is bitter and inescapable.

We must put an end to this crazy sequence. It's quite possible that Iranian ships bringing into this country have literally steamed past United States warships filled with United States servicemen headed to the Persian Gulf to protect access to the Western world. Now who is the greater fool?

I believe it is high time we came to our senses. That is why I am joining in support of legislation introduced by Congressman Richard Ray and Ed Jenkins to revoke Iran's most-favored-nation status.

Last year, Iran exported $611.6 million worth of goods into the United States, while the United States, we exported only $34.1 million. With most-favored-nation status, Iran has also been able to flood our markets with goods that are half the cost of those produced by our domestic manufacturers. In 1987, we handed over $612 million to Iran to pay for textiles, carpets, pistachio nuts, caviar, and crude oil. The pace continues full tilt this year, with Iranian textile imports soaring. Last year, Iran exported 15,000 square yards of textiles into this country. By August of this year, they had exported 600,000 square yards.

Meanwhile, the American textile and apparel industry is fighting for its life against a flood of cheap imports. In South Carolina, we are seeing entire towns shut down in the face of the textile deficit, leaving families jobless and hopeless.

Madam Chairman, I don't understand it. We know for certain that Iran has been responsible for the kidnapping of our citizens, the bombing of our Embassy in Beirut, and the suicide truck bombing of our Marine barracks in Lebanon which killed 241 marines. And, as I speak, American lives are in danger from mines and attacks in the Persian Gulf.

I urge all my colleagues to join in support of this legislation so that Iran, the most fatal nation, is no longer ranked as a most favored nation.

Mr. PANETTA. Madam Chairman, I rise in opposition to H.R. 1154, the Textile and Apparel Act of 1987. While I share in the frustration of my colleagues with regard to the $170 billion merchandise trade deficit that is draining America's economy, this legislation is no solution to the problem. We must resist the temptation to apply quick-fixes to a situation which demands a comprehensive, long-term approach. While the time is clearly overdue for action on trade, this is just as certainly the wrong action.

Trade has become a dominant issue on Capitol Hill and around this Nation as constituents have focused on the devastating economic and social impact of this enormous trade deficit. Industries which cannot compete in the world market are forced to close down, battered by foreign imports and unfair trade practices and haunted by a $160 billion budget deficit which creates an overvalued dollar and makes U.S. exports prohibitively expensive abroad. Thousands of Americans are losing their jobs each month. Few in our Nation are left untouched.

With this scenario, both Houses have done something very constructive on the trade crisis facing us today., After both bodies passed comprehensive trade bills in the last few months, scores of Members are furiously working on a compromise package. Whatever the merits of the two different bills, they reflect legitimate frustration with the trade deficit and with the Reagan administation's apparent indifference to the problem. Unfortunately, it appears that many of the administration's recent trade initiatives were simply a reaction to congressional determination to take the lead on trade.

Although there are many factors contributing to the rising trade deficit, the No. 1 culprit is the overvalued dollar. How are we to expect our products to compete with foreign goods when they are marketed with a price tag that reflects an inflated dollar figure? We are, in effect, slapping a surcharge on every product that is in competition with a foreign-made counterpart, both here and abroad. The textile bill proposes to restore the competitiveness of our industry by limiting the number of imports that enter our borders in an attempt to reduce foreign competition.

This approach simply will not work. First, such an action constitutes an open invitation for retaliation. Members of the European Economic Community as well as Canada have explicitly proclaimed that upon enactment of this proposed law they will commence inkind action against our agricultural exports. Other nations will certainly follow suit. Who would profit by such an escalation of trade war? Certainly not the consumer, nor the American family and especially our lower and middle income citizens. Only the rich may be able to afford the increased prices when goods are even available.

Another concern of mine is that this legislation would severely undercut the Uruguay Round of GATT negotiations to extend and confirm existing agreements. It would violate the safeguard provisions of GATT by indiscriminately granting permanent protection to a hugh array of products. Countless existing bilateral agreements would be abrogated. It would also violate the multifiber arrangement by imposing unilateral, global quotas on all textile products. We must enter a new round of international trade negotiations from a position of strength, able to persuade our trading partners to open up their markets as we have opened ours.

The cost of this bill to American consumers has been estimated at over $20 billion with the possibility of inviting retaliation of up to $29 billion of U.S. exports. While approximately 46,000 would be saved through this added protection, 58,000 jobs would be eliminated in the retail industry, thereby resulting in a net loss of 5,700 jobs. Furthermore, some segments of the industry currently enjoys a tarriff rate of 22 percent as compared with an average of 5 percent for all other domestic industries. There are over 1,000 quotas already in place for textile and textile products.

Instead of providing further protection for this industry, I believe we must concentrate our efforts on sending a comprehensive trade bill to the President to relieve our current trade crisis. With the House passing H.R. 3, the Trade and Economic Policy Reform Act of 1987, on April 30, 1987, and the Senate passed S. 1420, the Omnibus Trade and Competitiveness Act of 1987, on July 21, 1987, the Congress has developed two very strong and viable comprehensive trade bills. The Reagan administration has proposed minimal changes in U.S. trade laws and has lead our Nation down the road of trade disaster having inherited a trade deficit of $34 billion in 1981 to $170 billion over 6 years. Currently, the administration's most important goal in trade legislation is to persuade Congress to extend authority for the President to enter into international trade agreements. The President needs an extension of negotiating authority to complete successfully the ongoing negotiations in GATT. Since the administration needs congressional cooperation to carry out its trade agenda, it will be forced to compromise on congressional initiatives for trade reform.

The House and Senate bills, while similar in their basic thrusts, have many important differences. There are, for example, significant differences in their provisions regarding trade remedies and authority for trade negotiations. Also, each bill has provisions that have not been addressed in the other House. Consequently, the conference committee has the complex task in reconciling the two bills. Between 150 to 200 legislators will represent the 9 Senate committees and 13 committees of the House that have some jurisdiction over the issues.

My greatest concern is that the work of the conference committee is futher complicated by administrative threats to veto legislation containing certain controversial provisions in the House and Senate bills. In late July of this year, President Reagan stated that if either bill came to him in present form, he would have no choice but to veto it. It is precisely this continued uncooperative and unrealistic attitude that would allow me to join my House colleagues in supporting the override of an anticipated Presidential veto of the textile bill when it passes later today.

For too long I have seen this administration simply give lip service to working with Congress on important legislative matters facing our Nation. The facts are that whether we are formulating a solution to our budget problems or the trade deficit, the administration takes on the role of tattle-tale running to the American people to claim that the Congress is the enemy of this or that when the fact is the President and his administration take no part of forging compromises on important issues. The President either wants it all his way or else he'll take his toys home and play by himself.

My first goal remains passage of a strong, comprehensive trade bill this year, not a piece-meal trade bill for various industries. However, should the administration continue to thwart the work of Congress on a trade package, I will then join my colleagues in passing this textile bill over the alternative of no trade bill at all.

Madam Chairman, the trade crisis we are facing will not be resolved by the President alone nor the Congress by itself, but rather bipartisan leadership to push the final compromise trade bill over the hump to enactment into law. If the President continues to be the roadblock to arriving this year on a comprehensive strategy to relieve the trade crisis, then I look forward to supporting the override of the certain Presidential veto of this legislation.

I am under no illusions that this prescription is an easy one to follow. However, the trade situation in our Nation has so deteriorated that there simply are no painless solutions, neither for the affected industries and their workers, nor for the politicians called upon to solve the problem overnight.

We must not attack the trade crisis on a piece-meal basis. America is best-served by a comprehensive policy designed to place our Nation's manufacturers and industries back on a sound economic footing. Glossing over the problem by applying another coat of industry-specific protectionism will hurt all of us in the long run.

I urge my colleagues to vote "no" on H.R. 1154, but carefully monitor the administration's actions on a possible veto of this legislation and more importantly, the administration's cooperation on passing a comprehensive trade bill this year.

Mr. CRANE. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL], a member of the Subcommittee on Trade.

Mr. FRENZEL. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, we have an interesting debate here. Unfortunately, we are restricted to 3 hours. On the other hand, we have had much discussion among ourselves through the medium of "Dear Colleague" letters and through committee hearings, so that the subject has been rather fully aired.

Despite the full discussion, it is my opinion that our discussion is still dominated by myths. We have the proponents of H.R. 1154 telling us that this is a very sick industry, that there are regions of the country which have been badly hurt.

I think many of the Members would agree that that has been the case in the past, but I think, it has been quite clearly shown that we have a very healthy textile industry, that its rate of return on investment is greater than that of manufacturing in general, and that it is enjoying its third straight very wonderful year.

We have also been told that the American concept of free trade does not work with respect to textiles; and therefore, we must get protectionist.

May I say that there is no industry in the United States more protected than textiles, and it has never been subjected to free trade, at least in my lifetime.

We have the highest tariffs in the industrialized world, and I will refer the Members to some other writings in the committee hearings with respect to the number of protocols, and our quotas, and our bilateral arrangements with our trading partners.

With respect to unemployment, I am told that the July figure for the Nation is 6.1. The three textile-producing States who are telling the Members how down on their luck they are, South Carolina with 5.5, and that is 10 percent under the national rate; North Carolina with 4.7, 20 percent under the national rate; and Georgia with 5.1, somewhere in between, but well under the national rate, a little less than 10 percent under.

If one is to look at the shoe States like Maine and Massachusetts, one finds even lower unemployment rates, 2.6 in Massachusetts, 4.9 in Maine, while in the industrial heartland of Illinois, Michigan, and Ohio, we have unemployment rates of 7.1, 8.8, and 6.7; and the perpetrators of this bill would tell us that those States with high unemployment should pay for the bad luck of those who have low unemployment.

That is a little hard sell to make, I think, to rational people in this day and age. We have been told that import penetration is skyrocketing. The import penetration in textiles is 13.3 percent. In 1986 it will be about the same, maybe a little less in 1987.

The apparel penetration is 33 percent. It is a high number, but the surge that is occurring now is occurring by reason of people being afraid this bill is going to be passed, and they are trying to get in under the wire.

We have been told that somehow we will help the consumers if we ask them to pay a couple hundred bucks more per family than they are now paying. They are now paying $300 per family additionally because of tariff and quota protections already in place for textiles.

The Chairman of the Council of Economic Advisers says the cost to consumers is $25 billion, $37 billion over the next 5 years. That doubles the protection already in effect.

If we look at GATT, we have been told that there is some sort of myth circulating, that this is in accordance with the GATT.

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It is clearly violative of article 19 of the GATT, which calls for restrictions when used to be temporary and to be phased out, caused by serious injury, that they be limited to the amount necessary for the remedy, and that there be compensation to trading partners to equal the restrictions. In every one of those categories, this bill falls short and violates article 19.

In addition, it violates 41 bilateral agreements and would ruin the MFA and throw that into shambles internationally.

It would hurt our friends in the Caribbean Basin, particularly Haiti, Costa Rica, and the poorest nations in the world that we are trying to help now by rolling back 30 percent what they are shipping into the country. The same is true in the Far East.

The retaliation, of course, would fall on those industries which have done a good job, agriculture, high tech, airframes, computers, chemicals, papers, those industries that have worked hard and are exporting, they are the ones that would be hurt. The successful industries will have to pay for the unsuccessful.

If there was ever a time for such a bill, this not it. I have not given up on America. I do not think the textile industry is a cripple. I do not think Americans are nonproductive. I believe that we can compete in the world without the necessity of the extra crutch, the extra wheelchair, and the extra iron lung. I do not think we have to cry poor for an industry that is enjoying better profits than the rest of manufacturing generally.

I think we need to beat this bill. There is a feeling, as a previous speaker indicated, that you can give a vote to the labor unions today and the bill will go away because it is obvious that the industry is in such good condition that the bill will never find its way to the President. If this bill gets two-thirds of the votes of this House today, I guarantee that we will be voting on it again and again, once on a conference report and once on a veto message.

The place to stop this bill is here and now. The vote is "nay."

Mr. CRANE. Madam Chairman, I have one final request for time. I yield 1 minute to the gentleman from California [Mr. Dreier].

Mr. DREIER of California. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise in opposition to H.R. 1154, the Textile and Apparel Trade Act of 1987. I do not want to get bogged down in a discussion of all the trade violations contained in this bill, nor do I want to list the startling figures on industry productivity and increased profits over the past 2 years. Many of my colleagues have made these arguments against H.R. 1154 very succinctly, and I believe very convincingly.

The bottom line is that the domestic textile and apparel industries are experiencing a strong comeback. Just consider that textile manufacturers' profits rose 67 percent in 1986 over last year and then rose nearly 12 percent in the first quarter of 1987. In addition, these industries have mounted a successful consumer awareness campaign which has American consumers paying more attention to the origin of the finished products they purchase. However, while enjoying the greatest level of protection afforded any industry, these manufacturers are asking for tougher sanctions against their foreign competitors.

Unfortunately, our trading partners—especially those in the developing world—will not be easily convinced that these American industries are still on the verge of collapse. We have just recently reached new bilateral trade agreements concerning these products with four of our major trading partners. Should H.R. 1154 be enacted, these same countries would surely retaliate.

The major problem with H.R. 1154 is that it provides protection for jobs in one industry at the expense of workers in other activities. For example, workers in agriculture, aerospace, high technology electronics, chemicals, and pharmaceuticals would be the first to feel the retaliatory backlash. However, the damaging effects would soon be felt by every American in the form of lost jobs, higher prices, and shrinking economic growth.

While I am sympathetic to the situation of many workers who have lost their jobs in these industries, I feel H.R. 1154 takes the exact opposite approach to furthering our trade objectives. For several years now we have stressed job creation, competitiveness, and negotiations to open markets in other countries for American goods. I am convinced that enactment of H.R. 1154 will destroy jobs, inhibit innovations in these industries, and close existing and potential export markets.

Mr. JENKINS. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I yield to the gentleman from North Carolina [Mr. Rose].

Mr. ROSE. Madam Chairman, I thank the gentleman for yielding to me.

Briefly, I would like to say that our good colleague, the gentleman from Oregon [Mr. AuCoin] said that there were no domestic manufacturers of athletic footwear in the United States. I just want the record to show that in my district there are 2,000 hard working people in the Converse plant that make a very high quality canvass sneaker.

Madam Chairman, I would like the record to show that I support this legislation and I urge my colleagues to vote for H.R. 1154.

Mr. JENKINS. Madam Chairman, I thank my colleague.

Let me say very briefly that I wish that it were not necessary that I reappear today, because we have had a vote before that was ultimately vetoed that would have given us some relief.

The industry has attempted to be responsible and reasonable. Last time you indicated that there were real problems with this bill, that it discriminated against certain countries. The industry and the members of the textile caucus headed by my friend, the gentleman from South Carolina, Mr. Butler Derrick addressed that issue.

We said, "All right, if that concerns you, we will make it apply to everyone."

Now, my friend, the gentleman from Florida, does not like that, but it would not make any difference what type of a textile bill we ever brought before this House, the gentleman would never support any of them. I have served on the gentleman's committee for 10 years and I can assure you of that.

Now, many Members did not like the fact that last year's bill was directed primarily to the major producers. We addressed that issue. We attempted to do so in a responsible way.

Who are we trying to fool by saying that suddenly we are a protectionist industry? We have had quotas in this industry. This is nothing new. We have had them for over 20 years. We are attempting to make a set of quotas work.

Whom are you trying to help? Where are the increases coming from? Certainly we have bilateral agreements with some of the major producers. Let me name a few of them that you are trying to protect.

The increase from Bulgaria, 126,000 square yards in 1980, to 1,895,000 square yards last year. Is that whom you are trying to protect?

Cambodia, Czechoslovakia, let me give you this figure: 2,359,000 square yards in 1980, up to this year 4,019,000.

Do you want to help Hungary? It went from 2,200,000 in 1980 to 18,600,000 square yards last year.

The People's Republic of China that we have heard a great deal of talk about, 324 million square yards to 1 billion 739 thousand square yards.

Is your concern about Romania? That goes from 19 million square yards in 1980, to 63 million square yards in 1986.

Now, I understand that if the administration or this Congress, or whoever it may be, wants to trade, which I happen to support, I have no objection to trading with Communist countries, that is one way to try to resolve a lot of difficulties; but if you are concerned, according to the last figures, that we may penalize Bulgaria, Czechoslovakia, Hungary, the People's Republic of China, Poland, Romania, the Soviet Union that has gone from 19 million to 63 million square yards in the last 10 years, is that our concern?

And yes, there was a considerable number of imports from Iran.

Now, I would like to be reasonable in this as anyone else. Intellectually, I would like to be for free trade totally.

My friends, if you think you are going to rely upon services to get us out of this trouble, we have lost 8 of the 10 largest banks. We are no longer even in that category.

The largest insurance company, you want to sell insurance around the world and make up the trade deficit, we no longer have the largest insurance company in the world.

You see data processing, high technology, agriculture, where are you going to move to?

Unfortunately, as much as we intellectually want to be for free trade, if we are realistic with ourselves, if we are honest with ourselves, we know it is not working.

You said if we devalued the dollar, if the dollar was decreased in value in the international financial market, it would change. It has gone down over 40 percent against most currencies in the last 2 years. Our deficit goes up.

You say the industry is profitable. Let me tell you something. If you eliminate 20 percent of the market, the other 80 percent is going to do fairly well for a little while, and then we will ultimately be right back in the same situation.

I know that no debate is going to change anyone's vote. I recognize that, but all of you people who feel very confident from the port areas of Washington and other States, you will be down here and my industry will have moved offshore because they will have to do so in order to compete. I think that is a mistake for America.

Mr. SCHULZE. Madam Chairman, I urge an affirmative vote on the question about to be put, and I yield back the balance of my time.

Mr. GIBBONS. Madam Chairman, I yield all our remaining time to the gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Ways and Means Committee, to close debate.

Mr. ROSTENKOWSKI. Madam Chairman, this month the Congress embarks on the final leg of a 3-year effort to reform U.S. trade policy. When the conference on the omnibus trade bill begins its work, a desire for real reform will guide our deliberations.

Many important themes are emerging from that legislative effort. But among them, the most basic is the view that the United States must take a firm stand against the artificial trade barriers of other nations. That has become the rallying cry of the 100th Congress! We want the governments of the world to break down their trade restraints. And we want all nations to play by the rules. This is a lofty goal, which can only be achieved if the United States maintains a strong commitment to free and fair trade.

Today, we face a vote which tests whether the push for fair trade is real or just political hype. The bill we are now considering establishes permanent restrictions on all textile and footwear imports. It invokes the very kind of trade policy we find so offensive in other nations. If it becomes law, we are, in effect, notifying the world that we aren't really serious about fair trade.

I think each of us should ask a basic question about this textile quota bill. What underlying principle of fairness does it uphold? If other nations were to follow suit, what system of trade rules would emerge from the multitude of bitter recriminations which would inevitably occur in its wake? I believe the answers to these questions are clear.

Many Members have voted for this bill because it "sends a message" that we are unhappy with our trading partners and this administration. But I think many of us know that if it ever became law the message to the world would be "every man for himself."

A few months ago, we voted on the Gephardt amendment. I sat and listened as Member after Member took to the well to condemn the protectionist policies of Japan, Taiwan, Korea and other nations. "Its time to get tough," they said. The House endorsed their arguments and passed the amendment.

But how does one square this bill with the Gephardt amendment? The Gephardt amendment speaks of reciprocity, fairness, and tough negotiations. The textile bill speaks of plain, old-fashioned protection for a few selected industries.

I know America's workers have been severely injured by our own inept trade polices. But the solution is not to single out one group for protection. The solution is to have overall policies which assert our long-term interests.

So I urge my colleagues—let's stop voting for ill-advised trade bills just to send messages. Let's get serious about this country's trade problems and start crafting an omnibus trade bill which has some sound principles behind it. That's the right thing to do! Until we stop advocating politically popular but unrealistic trade measures and start developing sensible legislation that has a chance of becoming law, Congress is not going to be viewed as a serious player in the effort to stabilize world trade.

I urge you to vote no on this legislation.

Mr. WEISS. Madam Chairman, as a cosponsor, I rise in strong support of the Textile and Apparel Trade Act of 1987 (H.R. 1154).

There is a lot of controversy about the effect of this bill, which has been condemned as a protectionist evil by its opponents.

To get to the truth of the matter, I think it is necessary to view this bill in the context of the overall economic situation in this country today.

The current state of the American economy is cause for serious concern. Joblessness remains at epidemic levels. The Nation's infrastructure is in disrepair. We are accumulating unprecedented debt at all levels of our society—personal, corporate, Federal, and international. The Federal deficit remains at astounding levels, contributing to a trade deficit that is out of control—it grew by $16.5 billion in July alone. We are facing the decline and collapse of basic industries and a long-term decline in national productivity.

By now the reasons for these failures are well known. Ronald Reagan campaigned for office by promising to balance the budget in his first term. Instead, he borrowed more heavily than all previous Presidents combined. This opened up a huge trade imbalance with our trading partners and made us a debtor nation. As a result, basic domestic industries have suffered from decline and collapse. And the workers in those industries have been thrown out of work or forced to live with less.

With 1 year left in his administration, President Reagan is probably thinking more and more about his place in history. One thing can be certain: The term "Reaganomics" will almost certainly become synonymous with neglect, decline, and failure. The rosy predictions of the White Hosue notwithstanding, President Reagan's chickens will come home to roost. Who will pay the price? We will; our children will; and their children will.

The Reagan administration's record on trade is abysmal. Since 1981, the trade deficit has more than quadrupled—from $40 billion to nearly $170 billion. The administration has said little and done less in response to a flood of imports and a sharp decline in exports. It has stood by as entire industries have been imperiled.

Do we need the Textile and Apparel Trade Act?

Textile and apparel imports have risen 17 percent a year since 1981—400,000 jobs have been lost.

In 1981, we imported 376 million pairs of footwear. In 1986, the figure was 941 million pairs—57,000 jobs have been lost.

The textile, apparel and footwear industries are efficient and productive. They have spent billions to modernize. But they simply cannot compete against the unfair trading practices, including government subsidies, extraordinarily low wages, and import restrictions that bar U.S. products. The result is that imports account for a larger and larger share of the domestic market for these goods.

The Reagan administration simply has not responded to this problem as it should have. Under the Multi-Fiber Agreement, growth in imports from developing nations was to be limited to 6 percent a year. Yet actual growth has far exceeded this level. The administration has failed to enforce existing agreements, and it has failed to pressure other nations to open their markets to U.S. goods.

There is a recourse. The Textile and Apparel Trade Act will help the textile, apparel and footwear industries compete in the world market. And its provisions have been carefully drawn to meet the objections that were raised about earlier versions of this legislation.

The bill restricts the growth in textile and apparel imports to 1 percent a year, and it restricts footwear imports to 1986 levels. However, the bill will permit the administration to apportion these quotas among all nations instead of discriminating against specific nations.

In addition, the bill gives the administration the authority to enter into agreements to reduce tariffs on these products in order to compensate foreign nations for the effect of the quotas. Thus, the likelihood of retaliation will be minimized.

Finally, the bill requires yearly reports to Congress and permits Congress to remove these quotas at any time.

In short, this bill will do what the Reagan administration has consistently failed to do: it will improve our economy. The bill will help preserve basic American industries in the face of unfair trading practices. It provides fair treatment to American workers, and it will actually increase overall employment. And it will reduce Government outlays.

Most important, this bill will be a major step forward in the fight to get our Nation's trade deficit under control. And that, in turn, will be a major step toward economic revitalization of our overall economy.

Our Nation's civilian economy has always been one of our greatest assets. We cannot stand by as it is destroyed through neglect and failed policies. The Textile and Apparel Trade Act will make a real contribution at a time when a contribution is sorely needed.

I urge all of my colleagues to support this bill and to pledge to take whatever other actions prove necessary to get our trade deficit down and our economy back on track.

□ 1730

Mr. GIBBONS. Madam Chairman, I yield back the balance of my time.

Mr. CRANE. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 1154, as amended, is as follows:

HR. 1154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Textile and Apparel Trade Act of 1987".

SEC. 2. POLICY.

The policy of this Act is to—

(1) relate the growth of textile and clothing imports to the growth of the domestic market in order to prevent further disruption of the United States textiles and textile products markets, damage to United States textile and clothing manufacturers, and loss of job opportunities for United States textile and clothing workers; and

(2) maintain a viable United States nonrubber footwear industry by preventing further damage to United States nonrubber footwear manufacturers and loss of job opportunities for United States nonrubber footwear workers.

SEC. 3. FINDINGS AND DETERMINATIONS.

(a) FINDINGS.—The Congress finds that—

(1) with respect to textiles and textile products—

(A) the current level of imports of textiles and textile products from all sources, more than one hundred and sixty-five countries, reached nearly 12.7 billion square yard equivalents in 1986, an increase of 17 per centum over 1985 imports; this level of imports is 2.5 times the level of imports in 1980, a rate of increase that was not foreseen when the United States granted trade concessions benefiting foreign suppliers of textiles and textile products, and represents over 1.2 million job opportunities lost to United States workers;

(B) imported textiles and textile products contain four million bales of cotton which is equivalent to 39 per centum of annual cotton production in the United States; eight out of every ten bales of cotton contained in imported textiles and clothing are foreign grown cotton; sustained massive increases in imports of cotton textile and clothing products are causing a declining market share for domestic cotton producers, depressed prices, and an average annual market revenue loss of over $1,000,000,000; another result is that a market development program voluntarily funded by United States cotton producers actually benefits foreign growers; finally, as imports of textiles and clothing increase, domestic cotton acreage is shifted to produce other agricultural products which are already in oversupply thereby adding to the problems of United States agriculture;

(C) imports of textiles and textile products made of wool have doubled since 1980, creating major disruptions among domestic wool products producers and seriously depressing the price of United States produced raw wool; because import penetration in the domestic wool textile and clothing market is nearly 70 per centum, it is critical that action be taken to halt further erosion of the domestic industry's market share;

(D) imports of textiles and textile products made of manmade fiber and competing fibers, other than cotton or wool, have more than doubled since 1980 resulting in substantial reductions in domestic manmade fiber production capacity and job losses;

(E) the textile and clothing trade deficit of the United States exceeded $21,000,000,000 in 1986, an increase of 18 per centum over 1985, and accounted for 12 per centum of the Nation's overall merchandise trade deficit;

(F) import growth of clothing and clothing fabrics has averaged 8 per centum annually since 1973; over that same period, the domestic market for clothing and clothing fabrics has grown only 1 per centum annually; import growth has recently accelerated and, since 1982, has averaged 21 per centum annually; the result is that import penetration in the domestic clothing and clothing fabric market has nearly doubled in the last six years, reaching a level of 52 per centum in 1986;

(G) as a result of this increased penetration and the very limited growth of the domestic market, the United States companies producing textiles and textile products competitive with those imported have been seriously damaged, many of them have been forced out of business, many have closed plants or curtailed operations, workers in such companies have lost employment and have been otherwise materially and adversely affected, and serious hardship has been inflicted on hundreds of impacted communities causing a substantial reduction in economic activity and lost revenues to the Federal and local governments;

(H) the factors described above are causing serious damage, or the actual threat thereof, to domestic producers of textiles and textile products; as a result, market disruption exists in the United States requiring new measures;

(I) unless the import growth rate of textiles and textile products is slowed to the long term rate of growth of the United States market, plant closings and job losses will continue to accelerate, leaving the United States with reduced competition benefiting domestic consumers and leaving the Nation in a less competitive international position;

(J) a strong, viable and efficient domestic textiles and textile products industry is essential in order to avoid impairment of the national security of the United States; and

(K) actions taken by the United States under the Arrangement Regarding International Trade in Textiles of December 20, 1973, as extended (commonly referred to as the "Multi Fiber Arrangement" or "MFA") have failed to avoid disruptive effects in the textiles and textile products markets in the United States; and

(2) with respect to nonrubber footwear—

(A) nonrubber footwear imports in 1986 reached a record level of nine hundred and forty-one million pairs; this volume of imports is 2.5 times that of 1981, the year that import relief for the nonrubber footwear industry terminated, and is 11.6 per centum above 1985 levels, the year in which the International Trade Commission issued its third finding that the domestic nonrubber footwear industry has been seriously injured by increased imports;

(B) since 1981, import growth of nonrubber footwear has averaged more than 20 per centum per year, gaining market share at the expense of the domestic industry; in 1981, import penetration of the domestic nonrubber footwear market was 51 per centum; by 1986, import penetration reached an unprecedented 80.7 per centum;

(C) as a direct result of imports, domestic nonrubber footwear production has declined every year since 1978, reaching two hundred thirty-four million pairs in 1986, a production level matched only during the Great Depression in the 1930's;

(D) domestic nonrubber footwear employment has steadily declined every year since 1981, and is down 37 per centum from 1981 levels and 7.3 per centum from 1985 levels; unemployment in the nonrubber footwear industry averaged 15.4 per centum in 1986, more than double the national average; and

(E) domestic nonrubber footwear production facilities are closing at an alarming rate, with three hundred and eight factory closings since 1981 and seventy closings in 1986 alone.

(b) DETERMINATIONS.—Congress determines that, for the foregoing reasons—

(1) textiles and textile products are being imported into the United States in such increased quantities and under such conditions as to cause or threaten serious injury to producers of textiles and textile products in the United States, and

(2) nonrubber footwear is being imported into the United States in such increased quantities and under such conditions as to cause or threaten serious injury to producers of nonrubber footwear in the United States,

within the meaning of article XIX of the General Agreement on Tariffs and Trade.

SEC. 4. LIMITS ON IMPORTS.

(a) CALENDAR YEAR 1987.—Notwithstanding any other provision of law—

(1) the aggregate quantity of textiles and textile products, from all countries, classified under a category that is entered during calendar year 1987 shall not exceed an amount equal to 101 per centum of the aggregate quantity of such products classified under such category, from all countries, that entered during calendar year 1986, and

(2) the aggregate quantity of nonrubber footwear, from all countries, classified under a nonrubber footwear category that is entered during calendar year 1987, and during each calendar year thereafter, shall not exceed an amount equal to—

(A) the aggregate quantity of nonrubber footwear classified under such category, from all countries, that entered during calendar year 1986, and

(B) in the case of low priced nonrubber footwear, notwithstanding subparagraph (A), the aggregate quantity of low priced nonrubber footwear classified under such category, from all countries, that entered during calendar year 1986.

(b) Growth Adjustment.—For calendar years after 1987, the aggregate quantity of textiles and textile products, from all countries, classified under each category that may be entered during each such calendar year shall be increased by an amount equal to 1 per centum of the aggregate quantity that could be entered under such category during the preceding calendar year. If the aggregate quantity that could be entered under a category for a calendar year after 1987 is reduced under section 9(b), then, in the first calendar year in which there is no such reduction, this subsection shall be applied as if there had been no reduction under section 9(b) in previous calendar years.

(c) Exceptions.—

(1) The limitations in this Act on the aggregate quantity of articles of textiles and textile products and nonrubber footwear that may be entered during any calendar year do not apply to articles of that kind that are the product of any insular possession of the United States if the articles are—

(A) exempt from duty under general headnote 3(a) of the Tariff Schedules of the United States (19 U.S.C. 1202); and

(B) manufactured or produced in such possession by individuals who are either—

(i) United States citizens;

(ii) United States nationals; or

(ii) permanent residents of such possession in accordance with its laws.

(2) Notwithstanding any other provision of law, the aggregate quantity of sweaters that are—

(A) made of cotton, wool, or manmade fibers; and

(B) assembled in Guam from otherwise completed knit-to-shape component parts; and that may be entered—

(i) during calendar year 1987, may not exceed 163,216 dozen; and

(ii) during any calendar year after 1987, may not exceed the aggregate quantity that is authorized to be entered under this paragraph during the preceding calendar year, increased by 1 per centum.

(d) Enforcement.—The Secretary of Commerce shall prescribe such regulations as may be necessary or appropriate for the efficient and fair administration of the provisions of this Act, including regulations governing entry, or withdrawal from warehouse, for consumption of the products covered by this Act. Such regulations shall provide for reasonable spacing of imports over the calendar year.

SEC. 5. TARIFF COMPENSATION.

(a) Compensation.—

(1) The President may (A) enter into trade agreements with foreign countries or instrumentalities to grant new concessions as compensation, to the extent required under international trade agreements of the United States, for the import limits imposed under section 4 of this Act to maintain the general level of reciprocal and mutually advantageous concessions under such agreements; and (B) proclaim such modification or continuance of any existing duty on textiles and textile products and on nonrubber footwear as he determines to be required or appropriate to carry out such agreements.

(2) No proclamation shall be made under paragraph (1) decreasing any rate of duty to a rate of duty which is less than 90 per centum of the existing rate of duty.

(3) Before entering into any trade agreement under this subsection with any foreign country or instrumentality, the President shall consider whether such country or instrumentality has violated trade concessions of benefit to the United States and such violation has not been adequately offset by the action of the United States or by such country or instrumentality.

(b) Staging Requirements.—The aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to subsection (a) shall not exceed the aggregate reduction which would have been in effect on such day if a reduction of one-fifth of the total reduction under subsection (a) had taken effect on the effective date of the first reduction proclaimed to carry out such trade agreement, and at one-year intervals after such effective date.

(c) Prohibition.—Except as provided in subsection (a) and notwithstanding any other provision of law, the President may not enter into trade negotiations with any foreign country or instrumentality with respect to duties on textiles and textile products and on nonrubber footwear and may not decrease, or propose a decrease, in any such duty by any means, including an implementing bill under section 151 of the Trade Act of 1974 or a proclamation.

SEC. 6. ANNUAL REPORT.

Not later than March 15, 1988, and March 15 of each calendar year thereafter, the President shall submit to the Congress a report on the administration of this Act during the preceding calendar year. Such report shall include detailed information about the implementation and operation of the limitations established under section 4. All departments and agencies shall cooperate in preparation of this report, as requested by the President.

SEC. 7. REVIEW.

The Secretary of Commerce shall commence ten years after the date of enactment of this Act a review of the operation of this Act. The Secretary shall consult representatives of workers and companies in the textile and textile products and nonrubber footwear industries, the United States Trade Representative, the Secretary of Labor, and other appropriate government officials. Within six months after the commencement of the study, the Secretary shall submit to Congress his findings.

SEC. 8. DEFINITIONS.

For purposes of this Act—

(1) The term "textiles and textile products" includes, but is not limited to, all articles covered by a category;

(2) The term "nonrubber footwear" means nonrubber footwear articles classified under items 700.05 through 700.45; 700.56; 700.72 through 700.83; and 700.95 of the Tariff Schedules of the United States (19 U.S.C. § 1202) (as in effect on January 1, 1987) and includes, but is not limited to, all articles covered by a footwear category;

(3) The term "category" means each of the following—

(A) each category identified by a three-digit number in the Department of Commerce publication "Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated", dated January 1987, and in any amendments to such publication correcting clerical errors or omissions;

(B) each subdivision of a category described in subparagraph (A) with respect to which the United States has (i) an agreement with any country on the date of enactment of this Act limiting exports of textiles and textile products to the United States that includes a specific limit on such subdivision, or (ii) taken unilateral action to limit products from any country entered under such subdivision; and

(C) a category consisting of the manmade fiber products not covered by a category described in subparagraph A and classified under subpart E of part 1 of schedule 3 to the Tariff Schedules of the United States.

The Secretary of Commerce shall determine, after consultations with the United States Trade Representative and the United States International Trade Commission, whether comparable subdivisions described in subparagraph (B) are consistently defined; if the Secretary determines that such subdivisions are not consistently defined, then the Secretary shall prescribe by regulation an appropriate definition of the category covering such comparable subdivisions;

(4) The term "nonrubber footwear category" means each of the following—

(A) men's leather;

(B) men's vinyl/plastic;

(C) men's other;

(D) women's leather;

(E) women's vinyl/plastic;

(F) women's other;

(G) juvenile leather;

(H) juvenile vinyl/plastic;

(I) juvenile other;

(J) athletic leather;

(K) athletic vinyl/plastic;

(L) leather work footwear;

(M) other leather footwear;

(N) miscellaneous vinyl/plastic; and

(O) miscellaneous other.

(5) The term "low priced nonrubber footwear" means nonrubber footwear with a customs value of $2.50, or less, per pair.

(6) The term "country" means a foreign country, a foreign territory, an insular possession of the United States, or any other territory, possession, colony, trusteeship, political entity or foreign trade zone, whether affiliated with the United States or not, that is outside the customs territory of the United States;

(7) The term "duty" includes the rate and form of any import duty, including but not limited to tariff-rate quotas;

(8) The term "existing" means the nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) set forth in rate column numbered 1 of Schedules 1 through 7 of the Tariff Schedules of the United States (or the comparable rate of duty set forth in any law that may supersede such Traffic Schedules) existing on the day before the date of enactment of this Act; and

(9) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

SEC. 9. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), the provisions of this Act shall apply to textiles and textile products and to nonrubber footwear entered, or withdrawn from warehouse, for consumption on and after the date of enactment of this Act.

(b) Calendar Years 1987 and 1988.—The Secretary of Commerce shall prescribe by regulation the aggregate quantity, if any, of textiles and textile products and of nonrubber footwear that may be entered under section 4(a) under each category and each nonrubber footwear category during the period beginning on the date of enactment of this Act and ending on December 31, 1987. Notwithstanding subsection (a), to the extent that the aggregate quantity of imports of textiles and textile products or of nonrubber footwear entered under a category or nonrubber footwear category after December 31, 1986, and before the date of enactment of this Act exceeds the quantity permitted entry for such products under such category during calendar year 1987 under section 4(a), then the limit that would otherwise apply under section 4(b), in the case of textiles or textile products, or under section 4(a), in the case of nonrubber footwear, for such category for calendar year 1988 shall be reduced by the amount of such excess quantity. If such excess quantity exceeds the limit that would otherwise apply under section 4(b), or section 4(a), as appropriate, for such category for calendar year 1988, then the limit for such category for calendar years after 1988 shall be reduced until such excess is accounted for.

The CHAIRMAN. No amendments to the bill are in order except the amendments recommended by the Committee on Ways and Means now printed in the reported bill, which are considered as having been adopted in the House and in the Committee of the Whole.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Ms. KAPTUR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1154) to remedy injury to the U.S. textile and apparel industries caused by increased imports, pursuant to House Resolution 256, she reported the bill back to the House with sundry amendments printed in the reported bill adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The amendments printed in the reported bill are considered as having been adopted in the House.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCHULZE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 263, nays 156, answered "present" 1, not voting 15, as follows:

[Roll No. 319]

YEAS—263

Ackerman
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Baker
Ballenger
Barnard
Bateman
Bentley
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Borski
Boucher
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clinger
Coble
Coelho
Coleman (MO)
Combest
Conte
Conyers
Cooper
Coughlin
Coyne
Daniel
Darden
Davis (IL)
Davis (MI)
de la Garza
Dellums
Derrick
Dickinson
Dingell
DioGuardi
Dixon
Donnelly
Dowdy
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Grant
Gray (IL)
Gray (PA)
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kildee
Kolter
Kostmayer
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Lewis (GA)
Lipinski
Lott
Madigan
Manton
Markey
Martin (NY)
Mavroules
McCloskey
McDade
McGrath
McMillan (NC)
McMillen (MD)
Mfume
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Parris
Pashayan
Patterson
Pelosi
Pepper
Perkins
Pickett
Price (IL)
Price (NC)
Quillen
Rahall
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Roukema
Rowland (GA)
Russo
Sabo
Savage
Schneider
Schuette
Sharp
Shays
Shuster
Sikorski
Sisisky
Skeen
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Snowe
Solomon
Spratt
St Germain
Staggers
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swindall
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wright
Yates
Yatron
Young (AK)

NAYS—156

Akaka
Anderson
Archer
Armey
AuCoin
Badham
Bartlett
Barton
Bates
Beilenson
Bennett
Bereuter
Berman
Bilirakis
Bonker
Bosco
Boulter
Boxer
Broomfield
Brown (CO)
Bunning
Burton
Chandler
Cheney
Coats
Craig
Crane
Crockett
Dannemeyer
Daub
DeFazio
DeLay
DeWine
Dicks
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Edwards (OK)
English
Fawell
Fields
Foley
Frenzel
Gallegly
Gallo
Gibbons
Glickman
Gradison
Grandy
Green
Hansen
Hastert
Hefley
Herger
Hiler
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kennelly
Kleczka
Kolbe
Konnyu
Kyl
LaFalce
Lagomarsino
Leach (IA)
Lent
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Marlenee
Martin (IL)
Matsui
Mazzoli
McCandless
McCollum
McCurdy
McEwen
McHugh
Meyers
Mica
Michel
Miller (CA)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nelson
Nielson
Owens (UT)
Oxley
Packard
Panetta
Pease
Penny
Petri
Pickle
Porter
Pursell
Rhodes
Roberts
Rostenkowski
Roth
Rowland (CT)
Roybal
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schulze
Schumer
Sensenbrenner
Shaw
Shumway
Skaggs
Slattery
Smith (IA)
Smith (NE)
Smith, Robert (OR)
Solarz
Stallings
Stangeland
Stark
Stump
Swift
Synar
Tauke
Udall
Upton
Vander Jagt
Vucanovich
Walker
Waxman
Weber
Whittaker
Wolf
Wortley
Wyden
Wylie
Young (FL)

ANSWERED "PRESENT"—1

Martinez

NOT VOTING—15

Biaggi
Clay
Coleman (TX)
Collins
Courter
Kemp
Latta
Lloyd
Rangel
Roemer
Schroeder
Skelton
Spence
Tauzin
Weldon

□ 1745

The Clerk announced the following pair:

On this vote:

Mr. Spence for, with Mr. Courter against.

Mr. MICA changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2260

Mr. PETRI. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2260.

The SPEAKER pro tempore (Mr. LEHMAN of California). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

[Mr. LIVINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE NUCLEAR ENERGY REORGANIZATION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, today I am introducing the Nuclear Energy Reorganization Act of 1987, which will improve the effectiveness of nuclear safety regulation by restructuring the Nuclear Regulatory Commission [NRC] and establishing both an Inspector General within the NRC and an independent Nuclear Safety Board.

Title I of my bill would replace the Commission with the Nuclear Energy Regulatory Agency (Agency) headed by a single administrator who would be appointed by the President with the advice and consent of the Senate.

In the aftermath of the accident at Three Mile Island both the Rogovin and Kemeny investigations into the accident recommended replacing the Commission with a single administrator. I know that there are those who believe that the Commission structure provides advantages over the single administrator, but I have come to believe that the Commission's effectiveness as a safety regulator—its primary function—is hampered by the Commission structure itself. I believe that a single administrator would more efficiently manage the agency and more effectively regulate the nuclear industry.

Title II of my bill would establish an Office of Inspector General within the Agency. Inspectors general are a common feature in nearly all executive departments. Although the NRC has established an Office of Inspector and Auditor [OIA] within the Commission, the director of OIA is appointed by the Commission rather than the President and it does not report to Congress on its activities or deficiencies in NRC programs.

The OIA's track record does not inspire confidence in its ability to perform the duties of an inspector general. Both the current director and her predecessor have been investigated for alleged wrongdoings. In 1981 the General Accounting Office issues a report critical of OIA's management and independence and recommended that Congress consider establishing a statutory Office of Inspector General.

Mr. Speaker, we are all aware of the current allegations of misconduct within the NRC. I have long believed that public confidence in the safety of nuclear power depends upon the integrity of the NRC. A statutory inspector general is necessary to restore credibility to and insure the integrity of the Commission.

Finally, Mr. Speaker, title III of my bill would establish an independent Nuclear Safety Board [NSB] composed of three members appointed by the President with the advice and consent of the Senate. The Board would have broad duties and authority regarding the safety of nuclear facilities and activities.

The idea for an NSB gained attention in 1979, in the aftermath of the accident at Three Mile Island when investigations into the accident uncovered disturbing facts. The investigations showed that prior to March 28, 1979 a series of seemingly modest mishaps at TMI and other Babcock & Wilcox [B&W] reactors had resulted from significant weaknesses in the B&W design. Had these events been properly investigated and if the lessons learned had been acted upon, the March 28 accident would not have occurred. TMI thus demonstrated the need to assure comprehensive inquiries into relatively innocuous reactor malfunctions.

Hal Lewis, a physics professor at the University of California at Santa Barbara and an early and articulate supporter of the NSB concept, proposed that an NSB be established to fulfill the need for improved investigations. Our colleague MICKEY EDWARDS, displaying his usual wisdom and foresight, saw the merits of the concept and he enlisted Professor Lewis to work with him in converting it into a legislative proposal.

The underlying rationale for setting up an independent agency was that the NRC, the agency responsible for licensing nuclear facilities and assuring compliance with regulations, could not be fully objective in assessing the causes of reactor malfunctions and accidents. At the same time it seemed to many of our colleagues that the argument for an NSB was not so overwhelming as to warrant setting up a separate agency.

As a compromise between a fully independent agency and reliance for investigations upon NRC line staff, the Commission established the Office for Analysis and Evaluation of Operational Data [OAEOD] within the NRC. Although the OAEOD has served a useful purpose it has not been accorded the stature necessary to assure that the lessons of reactor malfunctions will be incorporated into the Commission's regulations. Potentially dangerous events have continued to occur at operating reactors and the efforts of the OAEOD and other Commission investigating groups have left unanswered the important question as to why neither utilities nor the NRC had detected and corrected beforehand the weak links in the safety chain that caused these events. I believe that an independent nuclear safety board would fulfill this function.

Some of the Nuclear Safety Board's functions would be analogous to the National Transportation Safety Board, which investigates transportation accidents independent of the Department of Transportation [DOT] and recommends corrective measures to DOT. The Board would also assess the adequacy of Federal laws and standards relating to nuclear safety and make recommendations to the Agency and DOE as to specific safety measures which should be adopted.

Mr. Speaker, the time has come to make much needed changes in the NRC so that those responsible for regulating nuclear facilities and activities can concentrate on safety first. My bill, establishing the Nuclear Energy Regulatory Agency, an Office of Inspector General and an independent Nuclear Safety Board, would go a long way toward achieving effective nuclear safety regulation.

I will include in the RECORD a brief summary of the bill.

NUCLEAR ENERGY REORGANIZATION ACT OF 1987 SECTION-BY-SECTION SUMMARY, SEPTEMBER 9, 1987

Section 1 entitles the bill the "Nuclear Energy Reorganization Act of 1987."

Section 2 declares that the purpose of the bill is to enhance the effectiveness of nuclear safety regulation.

Section 3 contains the definitions for terms used in the Act.

TITLE I—NUCLEAR ENERGY REGULATORY AGENCY

Section 101 is the Table of Contents for Title I.

ESTABLISHMENT

Section 102 would establish the Nuclear Energy Regulatory Agency (Agency) as an independent regulatory agency to replace the Nuclear Regulatory Commission (NRC), and to assume all of its functions except for those reserved to the Inspector General in section 207 and the Nuclear Safety Board in Section 312.

OFFICERS

Section 103 would mandate a single Administrator to head the Agency, along with one Deputy Administrator and six Assistant Administrators whose functions the Administrator would prescribe. The Administrator, as well as the Deputy and Assistant Administrators, would be appointed by the President with the advice and consent of the Senate.

ABOLITION OF NRC

Section 104 would abolish the NRC.

TRANSFER OF APPROPRIATIONS, PERSONNEL AND INCIDENTAL TRANSFERS

Sections 105 and 106 would transfer the employees and assets, liabilities and property of the NRC to the Agency, while protecting the salaries of the affected employees.

Section 107 would provide for determinations of incidental transfers of NRC functions and disposition of assets by the Office of Management and Budget.

SAVINGS PROVISIONS

Section 108 would cause all effective orders, regulations, permits, licenses, etc. issued by the NRC to remain effective according to their terms.

This section would also (i) establish that this Act would not affect pending proceedings or actions commenced prior to its effective date, (ii) provide for appropriate substitution of parties in such actions, and (iii) subject the Administrator's actions to judicial review to the same extent at NRC actions.

REFERENCES TO NRC

Section 109 would establish that all references to the NRC in laws, rules, regulations, etc., regarding functions transferred to the Agency, would be deemed to refer to the Agency or Administrator.

TITLE II—OFFICE OF INSPECTOR GENERAL

Section 201 is the Table of Contents for Title II.

ESTABLISHMENT

Section 202 would establish an Office of Inspector General within the Agency, to be headed by an Inspector General (IG) appointed by the President with the advice and consent of the Senate. The IG would report to the Administrator or the Deputy Administrator, who could not interfere with the conduct of any audit or investigation undertaken by the IG. The IG may be removed by the President for cause.

Section 202 would also provide for Assistant Inspectors General for Auditing and Investigations.

Section 202(e) would place restrictions on the Inspectors General and Assistant Inspector General, prior to and during their terms, regarding certain financial or employment relationships with businesses involved in the generation of nuclear power.

DUTIES AND RESPONSIBILITIES

Section 203 would establish the duties and responsibilities for the IG, including:

To provide policy direction for and to conduct audits and investigations relating to programs and operations of the Agency;

To review existing and proposed legislation and regulations and to make recommendations as to their impact on the efficiency of the Agency's programs and operations, and to prevent and detect fraud and abuse in those programs and operations;

To recommend policies to improve efficiency or to prevent and detect fraud and abuse within the Agency;

To act as a liaison between the Agency and other governmental and nongovernmental entities in matters relating to efficiency or detecting fraud and abuse;

To keep the Administrator and Congress fully informed concerning its activities and investigations and to recommend corrective action.

Section 203 would also require that audits be conducted in conformance with the standards established by the Comptroller General of the U.S., and that the IG report to the Attorney General when he has reasonable grounds to believe there has been a violation of Federal criminal law.

REPORTS

Section 204 would require the IG to prepare reports summarizing the activities of the Office every 6 months. Each report must include: significant problems and abuses discovered; recommendations for corrective action; updates as to implementation of previous corrective action recommendations; a summary of prosecutions referred to authorities and resulting convictions; a summary of reports to the Administrator under section 204; and a listing of every audit report completed.

The reports would be furnished to the Administrator and the Nuclear Safety Board by April 30 and October 31 of each year and transmitted by the Administrator to the appropriate Congressional Committees within 30 days, along with the Administrator's comments.

The reports would be available to the public on request within 60 days after transmittal to Congress.

Section 204 would also require the IG to report immediately to the Administrator those problems, abuses or deficiencies which are "particularly serious or flagrant." The Administrator would be required to transmit such a report to Congress within 7 calendar days, along with the Administrator's comments.

INVESTIGATIVE AUTHORITY

Section 205(a) would provide that the IG, in carrying out his functions: have access to all relevant documents and materials available to the Agency: investigate, make reports and request information and assistance from other governmental agencies as necessary; have subpoena power (enforceable by court order) to require production of documents and information; have direct and prompt access to the Agency; select and employ such people as necessary; and enter into contracts in amounts provided for in advance in appropriation Acts.

Section 205(b) would require the cooperation or assistance of other Federal agencies upon the IG's request.

Section 205(c) would provide for appropriate office space and equipment at the Agency's offices.

EMPLOYEE COMPLAINTS

Section 206(a) would allow the IG to receive and investigate employee complaints or information regarding illegal activities, fraud, waste, mismanagement, abuse of authority and specific danger to the public health and safety.

Sections 206 (b) and (c) would protect the confidentiality of the employee(s) providing such information or complaints and protect such employee(s) from reprisals unless their actions were made with knowledge of the falsity of information or willful disregard for its truth or falsity.

TRANSFER OF FUNCTIONS

Section 207 would transfer the present NRC Office of Inspector and Auditor to the Office of Inspector General, along with any other functions or duties the Administrator may determine are appropriate, except for any program operating responsibilities.

TITLE III—NUCLEAR SAFTY BOARD

Section 301 is the Table of Contents for Title III.

ESTABLISHMENT AND COMPOSITION

Section 302 would establish the Nuclear Safety Board (Board) as an independent agency. The Board would be composed of 3 members appointed by the President, with the advice and consent of the Senate, with no more than 2 members from the same political party.

Section 302(b) would place restrictions on Board members, prior to and during their terms, regarding certain financial or employment relationships with businesses involved in the generation of nuclear power or businesses involved in nuclear activities under contract to the Department of Energy.

Section 302(c) would require the President to name a Chairman as chief executive officer of the Board, with organizational and administrative duties. The Chairman would name an Acting Chairman to act in the Chairman's absence.

Section 302(d) would establish terms of 6 years for Board members (with the first Board serving staggered 2, 4 and 6 year terms). All members may be reappointed and may be removed by the President for cause.

Section 302(e) would provide that two members constitute a quorum of the Board and that actions of the Board would be determined by majority vote. Any number of Board members would have the authority to hold hearings.

GENERAL DUTIES AND AUTHORITY OF THE BOARD

Section 303 would give the Board broad duties and authority including:

Reporting to the President and Congress on the safety of nuclear facilities and activities, including legislative proposals;

Assessing the adequacy and effectiveness of Federal laws, regulations and standards relating to nuclear safety, including reports to the President and Congress;

Investigating events at nuclear facilities, or involving nuclear material, which the Board determines to be significant in terms of potential effects on public health and safety. This would include the power to request the Administrator of the Nuclear Energy Regulatory Agency (Agency) or the Secretary of Energy to investigate such events and report findings to the Board for analysis and recommendations;

Analyzing operational data from any nuclear facility for potential safety implications;

Conducting studies or evaluating suggestions pertaining to nuclear safety;

Making recommendations to the Agency or DOE as to specific safety measures which should be adopted;

Establishing reporting requirements binding on those who are involved with nuclear facilities or nuclear material regulated by the Agency; and

Reviewing and reporting on safety studies and facility license applications referred to it.

SPECIFIC POWERS OF THE BOARD

Section 304 would allow the Board to hold hearings, take testimony and other evidence, summon witnesses, issue subpoenas, conduct inspections of facilities or property where a significant event (see section 303) has occurred, obtain autopsy and other medical information about deaths occurring as a result of a nuclear accident, and seek enforcement of its subpoenas or other orders in Federal court.

Section 304(f) would prevent any report of the Board relating to a nuclear accident or investigation of the Board from being used as evidence in any action for damages arising from matters mentioned in the report.

GENERAL ADMINISTRATIVE POWERS OF THE BOARD

Section 305 would allow the Board to obtain official data from other federal agencies or instrumentalities, including material classified or protected from disclosure under the Atomic Energy Act of 1954. This section would also allow the Board to require federal, state or local governmental agencies, or any person engaged in interstate commerce, to respond to requests for information.

Section 305 also would authorize the Board to delegate its authority to employees or agents of the Board, to enter into contracts, to establish liaison with other agencies, to appoint advisory committees and to establish rules and regulations necessary to the exercise of its functions.

PUBLIC ACCESS TO INFORMATION

Section 306 would require the Board to make all information it receives available to the public, except trade secrets, safe-guards or classified material, or other information protected from disclosure by law.

RESPONSE TO BOARD RECOMMENDATIONS

Section 307 would require the Administrator of the Agency or the Secretary of Energy to respond in writing to each Board recommendation regarding nuclear safety within 90 days of receiving the recommendation. Such responses would have to describe the procedures to be used to implement the recommendation or contain a detailed explanation as to why the recommendation was not being adopted. The recommendation and responses would be available to the public.

CIVIL PENALTIES

Section 308 would require the Board to impose civil penalties for violations of reporting requirements (established under section 303), after written notice and an opportunity for hearing.

JUDICIAL REVIEW

Section 309 would subject all Board orders to judicial review if appealed within 60 days.

ANNUAL REPORT

Section 310 would require the Board to submit an annual report to Congress, including:

Finding required under section 303(1) and (2);

A summary of investigations conducted and recommendations made;

An evaluation of Agency and DOE efforts to investigate and prevent nuclear events affecting the public health and safety;

Recommendations for legislative and administrative actions regarding nuclear safety.

STAFF AND SUPPORT SERVICES

Section 311 would allow the Board to hire a staff of not more than 50 full-time equivalent officers and employees and to employ up to the equivalent of 12 full-time experts or consultants. This section also would allow the Board to borrow, on a reimbursable basis, personnel, facilities, and equipment from other government agencies, and to use the mails like other federal agencies.

Section 311 also would allow the Board to accept donations of services, money or property.

TRANSFER OF NRC FUNCTIONS

Section 312 would transfer to the Board the functions of the NRC Office for Analysis and Evaluation of Operational Data, and other functions the Administrator deems appropriate except for program operating responsibilities, and the functions of the Advisory Committee on Reactor Safeguards. The Advisory Committee on Reactor Safeguards would be abolished by Section 312.

TITILE IV—CONFORMING AMENDMENTS AND EFFECTIVE DATE

COMPENSATION

Section 401 would amend federal executive compensation schedules to provide compensation of the Administrator, Deputy Administrators and Assistant Administrators of the Agency, the Inspector General and the members of the Nuclear Safety Board.

EFFECTIVE DATE

Section 402 would make the Act effective 120 days after the date of enactment, or on an earlier date if the President so prescribes and publishes in the Federal Register.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 5 minutes.

[Mr. LUNGREN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REFORM OF McCARRAN-WALTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, today I am introducing, by request, and executive branch proposal to revise the ideological grounds of exclusion of the Immigration and Nationality Act.

My introduction should not be construed as total support, but it is the first step by this administration to recognize that the exclusion provisions of the McCarran-Walter Act are outmoded and in urgent need of revision.

Congressman FRANK has also proposed legislation to revamp the 33 grounds of exclusion (H.R. 1119), including the grounds covered by this bill. His legislation was the subject of hearings by the Subcommittee on Immigration, Refugees, and International Law in 1984 and again this year.

The administration bill will be an important component in the processing of remedial legislation. The Select Commission on Immigration and Refugee Policy in 1981 also recommended comprehensive revision of the grounds of exclusion.

I am pleased to see this significant step by the administration and I look forward to their continued cooperation as the Congress considers necessary changes in this area.

SAN BENITO LITTLE LEAGUE ALL-STARS HAVE BANNER SEASON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, It is my pleasure to bring to the attention of my colleagues the marvelous baseball season recently completed by the San Benito Little League All-Stars, who represent San Benito County, CA, in the 16th Congressional District.

The San Benito All-Stars were 1987 champions of northern California and came within one game of going to the Little League World Series in Williamsport, PA. Only a loss to Northwood Little League of Irvine, CA, in the final of the Western Regionals at San Bernardino prevented them from going all the way to the World Series, but not before the San Benito team had defeated squads from Colorado, Montana, and Hawaii to set up their appearance in the regional final.

The team members are Fred Avalli, Anthony Bautista, Jose Castillo, Eddie DeLuna, Anthony Escamilla, Abram Pasillas, Joey Pena, Felipe Quintero, Mikey Razo, Mondo Razo, Mark Salcido, Bryan Smith, Randy Solano, and Chad Stevens. The team manager is Beto Ramirez, and the coach is Alan Thomas.

I would like to include in the RECORD a news article from the Hollister Free Lance which provides some additional background on the San Benito All-Stars' exciting season. I hope my colleagues will find it interesting, and I know they join me in extending heartfelt congratulations to the team.

THE DREAM SEASON

(By Greg Rudder)

The dream for San Benito Little League's All-Stars is over, but not before 21 games of memories and emotions that will be talked about for years were played.

The Hollister stars finished 17-4, champions of District 9, Section 4 and Northern California. No Hollister team has ever accomplished what the 1987 all-star club did in finishing second in the 14-team, 13-state Western Region of the United States.

In last week's Western Regionals at San Bernardino, SBLL lost 15-0 to Northwood LI, of Irvine in the final before a crowd of 10,000 people. The winner earned a spot as the West representative in the 8-team Little League World Series in Williamsport, Pa.

Manager Beto Ramirez' club matched solid, balanced hitting with three top hurlers. The club was labeled "San Burrito" by some misguided opposing fans at the sectionals in Mission San Jose and the "Eliminators" after coming back from the losers' bracket to win the NorCal crown. All in all, the stars were made of a lot beef.

The squad of 13 12-year-olds and one 11-year-old buried the ghost of the 1983 SBLL All-Star team, which lost in the NorCal final.

Not only did the boys learn a lot more about themselves and baseball from the tournament exposure, but they also were able to visit Disneyland, go to a professional baseball game at Angels Stadium and live life on the road away from home for about two weeks. They meet many new friends.

During all-star play, SBLL ripped 23 homers and relied on the pitching of Jose Castillo, who was 7-1 on the mound, Mikey Razo (6-2) and Anthony Bautista (4-1). Ironically, in the end, the Hollister stars—weary and tired form an active pressure-filled slate of games including nine in nine days at one point—ran out of pitchers for the regional final.

Right fielder Mondo Razo ripped seven homers in the tourneys and smacked three roundtrippers against Billings Heights Nationall LL of Montana at the Western Regionals. Third baseman Abram Pasillas smacked four homers.

Through each step and level of the all-stars' play, there always emerged a new hero, Castillo pitched four straight complete games through the hardest part of the rise. Mondo Razo ripped the three homers in one game. Catcher Anthony Escamilla won two games with thrilling late-in-the-game homers. First baseman Chad Stevens knocked home a winning run and injected adrenalin into a "flat" Hollister team at the NorCal tourney. Mikey Rizo hit a homer and was one walk from a perfect game in the Western Regional opener. The list can go on.

It was a season of highs—peaks that were almost obscured by how often and many games the stars had to play and win—culminating with the club finishing just one 6-inning win short of a trip to the Little League World Series.

REPORT ON TESTIMONY HEARD JULY 27 IN MIAMI, FL, BY THE COMMITTEE ON EDUCATION AND LABOR

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana [Mr. JONTZ] is recognized for 60 minutes.

Mr. JONTZ. Mr. Speaker, I have requested this special order so that my colleagues and I might come before the House to report on the testimony we heard last July 27 at a hearing held by the Education and Labor Committee in Miami, FL. Representative OWENS of New York, Representative HAYES of Illinois, and I traveled to Miami to hear testimony from average working people: telephone workers, airline pilots, flight attendants, airline mechanics, bus drivers, and construction workers. The common element connecting their stories was that they were all, in one way or another the victims of the economic policies of our Federal Government.

Now we have often heard over the past several years about victims of Federal Government policy. We have heard most often about the businessmen, the corporate citizens, overwhelmed by Government forms or plagued with Government requirements. No doubt some of those victims deserved relief. However, the victims we heard from in Miami were different. They were the average working people who have suffered the brunt of the administration's policy. And they deserve help too.

In 1981 when President Reagan took the helm, he began instituting a wide range of policies designed to release American business from the fetters of Government regulation. The President's theory was to get the Government out of the way of business and let the free market work.

The administration's approach rested on three major tenets: deregulation, privatization, and investment and regulatory policies which allow and promote unrestrained mergers, buyouts, and acquisitions by corporate America. Last week in Miami, we heard evidence of the drastic effects that these policies have had on working people and the American public.

That testimony was helpful, first of all, in pointing out how the public suffers from the current climate with regard to working people in this country; how the public suffers from unsafe buildings and unsafe buses, from higher taxes, from delays and risks in the airline industry. There is no question that the public is paying a very high price for these policies which the Federal Government is now pursuing.

The testimony also pointed out how individual workers and their families pay a high price for these policies. The death of a construction worker, the stress put on an airline pilot, setbacks for Hispanic and black employees: It is clear that the individual worker is bearing much more of the burden than should be the case.

Those testifying perhaps emphasized less the economic cost than some other kinds of costs that workers are paying; which is good because it is all too easy for us to put these things in solely economic terms. But it seems to me, coming from the Midwest, that when you have a loss of good jobs, when you have a two-tiered compensation system for flight attendants, when you have layoffs and people working only part time, that we all pay a great deal from the perspective of our national economy.

In my district we produce lots of things, from popcorn to automobiles. Probably anyone who has bought an American-made car has a part in it coming from my district. When people who live and work in Miami are not earning a good income, that diminishes their capacity to purchase those products.

On the other hand, when we lose those good jobs in Indiana—and we have lost about 150,000 manufacturing jobs since the late 1970's—that reduces our ability to get on an airplane and travel to Florida and contribute to the economy there. So the entire country suffers when a worker is set back anywhere. When a worker is laid off or hired at a lower wage or when an experienced worker quits his job because of stress and takes another job at a lower wage, the entire country suffers.

Our country needs good jobs. We do not need workers and their families subjected to the stress and the difficulties we heard described in Miami. I would not describe those jobs as good jobs. I think we should have a system politically and economically in this country where Americans have a chance to work hard at a good job.

One of the major subjects of our Miami hearing was deregulation of the airline industry. Deregulation has brought low airfares for those people who live in the largest cities, who fly between 11 a.m. and 3 p.m., Tuesday through Thursday, stay over Saturday night, and buy their ticket in advance forfeiting any possibility of a refund. For many others deregulation means higher fares, cancellations, flight delays, lost luggage, and decreased safety.

For airline employees, deregulation has lengthened working hours, cut pay and benefits, canceled pension funds, and disrupted labor-management relations. Many employees have lost their jobs outright through layoffs, mergers, or lockouts. Many others have been stressed to the breaking point resulting in deteriorating health, breakup of their families and, in some cases, suicide.

We listened, in Miami, to the testimony of a flight attendant who was disciplined for missing work after being assaulted, raped, and held hostage in her apartment.

We also heard an Eastern mechanic with 7 years seniority who lost his job because he missed work for 1 day and 5 minutes due to a diabetic condition.

Probably most disturbing of all, we learned of a pilot required to fly a plane he considered unsafe.

Texas Air's approach to labor relations at Eastern has resulted in a dramatic rise in employee grievances, disciplines, and terminations.

Texas Air is going after its Eastern employees through their pocketbooks too. Although Eastern has been profitable in the first two quarters of 1987, management is now planning to cut wages and benefits by $490 million. This reduction is in addition to $238 million in concessions already made by flight attendants, pilots, and other employees.

At the same time we should ask whether, even if the brunt of deregulation has fallen hardest on airline employees, does the public have a better, safer, cheaper air transportation system today? No Member of this body who depends on air transportation to and from their district will think twice about that answer.

Robert Crandall, chairman of American Airlines, has recently called on Congress to enact a "bill of rights" for employees in the airline industry. He reasons that such a law would prevent carriers from competing at the expense of their employee's wages, benefits, and job security. He specifically called on Congress to mandate pension programs and medical coverage for retirees. I agree with Mr. Crandall.

The second industry addressed at the Miami hearing was the telecommunications industry, in particular the divestiture of AT&T, and its effects on employees. Since divestiture, jobs in basic telephone service have been reduced at the rate of 5 percent a year, more than 53,000 jobs in an industry which is expanding. These reductions means a reduced commitment to quality telephone service. There are simply fewer telephone workers to take orders, test lines, perform repairs, answer billing questions, install new service, or do the other jobs necessary to the maintenance of quality service. At the same time, basic telephone service rates have escalated sharply.

The human toll of divestiture is not limited to lost jobs. A never ending program of job shifting and consolidation has made insecurity a way of life for telephone employees. We heard from Thomas Carrao, a 17-year employee at an AT&T Miami distribution facility. When the decision was made to close that facility, Mr. Carrao was denied transfer to a comparable job in Atlanta while other less senior and lower paid Miami employees were transferred there. Mr. Carrao was instead offered the choice of a job in Orlando at half his current salary or layoff.

Unable to support a wife and four children at the lower paying job, Mr. Carrao was forced to look for work elsewhere. After weeks of frustration looking for a job at a decent wage, Mr. Carrao began drinking heavily, and his wife suffered a nervous breakdown.

Fortunately, he finally found a job with a company contracted to AT&T. Mr. Carrao was highly qualified for this work; it was the same job he'd worked before his layoff. The only difference was the salary was 25 percent less.

This kind of story has been repeated across the Nation. In my district, David Musall of Marion had 14 years with Indiana Bell at the time of the divestiture, and he was transferred to ATTIS—AT&T Information Services—in Fort Wayne. He sold his home and moved the 50 miles to Fort Wayne. Two months later he was laid off from the Fort Wayne job and offered a job in Carmel, IN, 100 miles in the other direction.

Again, a Federal policy promoting the unfettered decisions of corporate America made no provision for the devastation heaped on the lives of American workers.

Another of Federal policy we looked at was privatization, the transfer of traditional Government sector work to private industry.

Testimony we heard in Miami illustrates that contracting out work frequently costs more, not less than apparent savings are often an illusion because many real costs are not considered. A new layer of bureaucracy is created to deal with the bidding process, administering the contract, and monitoring results.

We heard testimony about the Metro-Dade Transit System where the push is on to contract out mechanical repair. Management says that in-house inventory costs are too high and turnaround time on repairs is too long. Yet, the employees testified that the high in-house costs result in large part from the necessity of reworking repair jobs returned from contractors.

Theoretically, it may be possible for Government to spend a similar amount of money to provide similar services either directly or through a contractor. However, when Government does the work itself, it is more likely to create a number of jobs for middle-class workers with the attendant fringe benefits. In the private sector, on the other hand, adequate salaries and fringe benefits will likely be sacrificed to provide greater profit for the contractor company. Jobs with lower wages and benefits are created, and middle-income jobs are eliminated.

When you come from the Midwest as I do, the economic problems we face often seem synonymous with those of the auto and steel industries, industries short on capital, long on outmoded capacity, and faced with growing international competition. I think, perhaps, when we see these problems we tend to look at the trade bill and say, well this is the answer. But, in fact, privatization, corporate mergers and acquisitions, and deregulation are affecting us too, and the Miami hearing certainly helped to broaden my perspective on the problems working people are facing.

I would like to put forward another idea as a way of looking at these problems. That is the idea that we ought to try to get Government back on the side of the average citizen. It seems to me that what we heard in Miami were stories of people who were quite willing to go out and put in a fair day's work to try to make a better life for themselves and their families, but who were thwarted—not because they were not willing to make the effort—but because the rules were stacked against them.

Under these circumstances, I think we have to ask is our Government functioning to help the average citizen, or is the Government standing in the way of the average citizen?

Clearly, in these cases, where we see the effects of deregulation and privatization, and the effects of a national labor relations system that is not working, and all of the other situations we heard testimony on, Government is not on the side of the little guy.

Maybe too often, Mr. Speaker, we get caught in the wrong debate when we try to move new legislation. Whether it is on plant closing, or family leave, or whatever, we get accused of trying to bring about more Government; that we are trying to increase the role of Government, and we know that that is not a popular thing.

I would suggest that what we ought to do is reframe these questions into a debate over whose side is the Government going to be on? Is our Government going to be on the side of the flight attendant? Is our Government going to be on the side of the mechanic? Or is this Government going to side with the vested interests, who certainly do not need another, extra, voice? They have plenty of means to get their point of view heard.

I think that one idea this country was founded on was the idea that the Government exists to further the rights and well-being of the average citizen. That when the average citizen does well, the country does well.

No, Mr. Speaker, the overall effect of deregulation, privatization, and merger mania has not been to revitalize American industry. The effect has been to degrade work in America. The strength of America has always been vested in its middle-class working people, in their aspirations for a better future for themselves and their children. Today we are frustrating those aspirations, and in doing so we are gambling with our future.

We seem to have forgotten how much the well-being of our Nation depends on the strength and welfare of its working people. In the name of free enterprise, we have allowed the protections of our labor laws to lapse. We have adhered to a philosophy which praises the entrepreneurial spirit, but ignores the social cost. For our efforts we have reaped a stagnant economy where the gap between rich and poor is widening; an economy where the standard of living of the American worker is slipping backward, and where parents can no longer assume a better life for their children.

Thank you, Mr. Speaker.

□ 1815

Mr. Speaker, I yield to the gentleman from Illinois [Mr. HAYES] for the gentleman's comments on our hearing.

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentleman for yielding.

I rise today with my distinguished colleagues, MAJOR OWENS and JIM JONTZ, to share with all the Members of the House of Representatives a short summary of the Committee on Education and Labor's hearing in Miami, FL, on July 27, 1987.

The Industrial Union Department of the AFL-CIO coordinated "Jobs With Justice" campaign with the active participation of eight major affiliates. Their campaign is aimed at exposing and correcting growing corporate abuse of American labor law which has had very serious consequences for millions of American working people. The hearing explored and documented corporate threats to the employment security and existing living standards of working people. Some of the testimony focused on corporate America's offensive on the right of working people to organize to protect these fundamental rights.

The Miami hearing also focused on the impact of deregulation on working people, labor-movement relations, and the community. Many prominent union leaders and economists gave testimony on the impact of deregulation on their members, followed by individuals who shared their personal experiences and suffering as a result of deregulation in their industry. Among other things, the witnesses stated that:

While Texas Air and Eastern are spending hundreds of millions on takeovers, they have asked and received permission from the IRS to forego their $70 million pension payment which they owe to their employees' pension funds. Why must retired workers subsidize corporate profits for shareholders?

Deregulation has led to insignificant deterioration of labor relations, the quality of workers' lives, and threatens the economic welfare of the entire community.

Pilots at Continental are stripped of human dignity and are intimidated into signing documents stating that they are happy employees.

Black or Hispanic transit workers are forced to work 14-hour days without lunch—paid or unpaid—whose pay will be cut by $6,000 per year as a result of privatization.

A Gainesville maintenance mechanic earned a middle-class living until his work was privatized. As a result, he continued in the same job, in the same work location, earning near minimum wage. The private contract experiment failed and the worker started as a public employee again at the bottom.

Middle-age telephone workers with 20 years' seniority are now facing uncertain futures as a result of deregulation.

Members of the Committee on Education and Labor and other Members of Congress have become increasing aware of the recent negative impact of corporate mergers, acquisitions, buyouts, and sellouts, that have resulted in an increasing hostile environment for the working people in America.

Many of those who advocated deregulation of particular industries argue that deregulation would produce economic opportunities for more companies to participate in rewards and profits of American business. It was suggested that this greater corporate participation would increase the number of new jobs created and raise wages of working people.

Early in 1986, as part of the take over at Trans World Airlines [TWA], concessions were sought and agreed to with several of the unions, but the negotiations with the Independent Federation of Flight Attendants [IFFA] fell apart when twice as much in salary reductions and increased workloads were demanded. In a recent hearing held by the Subcommittee on Labor-Management Relations, Committee on Education and Labor, Victoria Frankovich, president of IFFA, stated that Mr. Icahn stated that "flight attendants did not need the money because they were 'second income' earners and not 'breadwinners' like the male employees." IFFA has about an 85-percent female work force and many are single-parent households. I find Mr. Icahn extremely insensitive to the needs of working women, in particular and working people in general.

I believe that it is a very important part of our oversight responsibility to be sure that the laws enacted by the Congress are being implemented in the manner intended by the Congress. It was not our intent to create a business environment where the rights of working people to negotiate and bargain collectively with an employer would be eroded. These field hearings provided a focal point for the growing concerns and need of American working people.

The "Jobs With Justice" campaign asks for three simple opportunities:

The right to job security for all American workers, both union and unorganized;

The right to an adequate and fair standard of living; and

The right to organize on the job.

America is wealthy and powerful. There is enough opportunity for business and working people to prosper in this positive environment. But I am concerned by the increase of these negative incidents in the American business world. I want my colleagues and the American people to know that concerned Members of Congress are becoming increasingly aware of the plight of working people and we stand firm in our resolve to protect working peoples rights.

Mr. Speaker, in addition, I would like to include a copy of the Communications Workers of America, AFL-CIO, CWA News, "The Faces & Stories Behind Jobs With Justice" dated August 1987.

The article referred to follows:

[From CWA News, August 1987]

CWA, Union Leaders Kick Off "Jobs With Justice" Campaign

CWA President Morton Bahr and the leaders of some of the nation's largest labor unions held a news conference on June 23 to announce the kick-off of "Jobs with Justice: A Campaign for Workers' Rights."

The campaign, aimed at restoring workers' rights, will focus on local actions. Union members throughout the country will be circulating cards asking co-workers to pledge to participate in five workers' battles during the last year.

The unions are calling for the right to job security for all American workers, both union and unorganized; the right to an adequate and fair standard of living; and, the right to organize on the job.

"For far too long workers and their unions have been on the defensive," Bahr declared. "Well, today we draw the line and say, enough is enough.

"There are 15 million American workers organized in unions. We're asking these workers to sign a pledge, to make a commitment," Bahr explained. "The pledge is simple, it says, " 'I'll Be There at least five times during the course of the next year to support other workers' battles for justice as well as my own.' "

United Auto Workers (UAW) President Owen Bieber said that the Jobs with Justice campaign is designed "to mobilize, agitate, and educate" the American public. He said, "The time is now to act against unfair trade competition, plant closings and corporate takeovers which devastate lives."

Bieber stressed that the goal of the campaign, which is being spearheaded by the Industrial Union Department (IUD) of the AFL-CIO, is to mobilize tens of thousands of union members and all workers into a positive campaign to restore workers' rights.

International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers (IUE) President William Bywater said, "Corporate America is involved in an onslaught against working people. We have all witnessed and felt the erosion of workers' rights in this country over the last decade. But, the American people are waking up, there is a change of attitude."

By joining in these actions, union members and the general public "can demonstrate support for a positive vision of Americans' future for themselves and their children," noted Bywater.

The union leaders explained that the campaign would consist of a series of activities including rallies and congressional hearings, to build unity and support for workers' rights.

Richard Trumka, president of the United Mine Workers of America (UMW), added, "Our way of life will not be maintained by a national policy that decrees, by design or default, the destruction of millions of jobs in our basic industries, and their replacement by dead-end, minimum-wage employment that can only bring poverty to American working people."

Bahr emphasized the goals of the campaign:

To raise the issues important to working people to the front burner;

To mobilize tens of thousands of workers around the country through the "I'll Be There" pledge; and,

To call for a series of activities including rallies and congressional hearings throughout the country to help build unity and support for workers' rights.

In conjunction with the Washington, D.C., news conference, a Jobs with Justice rally, led by the International Association of Machinists (IAM), was held in Miami. The rally was called to demand congressional hearings into worker abuse and to draw public attention to the erosion of job security and the standard of living in Florida.

Over 3,500 union workers, in coalition with community and religious organizations, attended the noon demonstration at Eastern Airlines on June 23.

"I'm glad that Miami has been chosen as the launch site for this campaign. Good, secure jobs have been disappearing rapidly in that area of the country," said IAM President William Winpisinger. "Miami's economy is heavily dependent on the airline industry. Workers and communities all over South Florida have seen the devastating effect of opening our skies to pirates like (Eastern Chairman) Frank Lorenzo and the like."

Florida AFL-CIO President Dan Miller, addressing the press conference via telephone from the rally in Miami, reported, "There is something very powerful going on here. Today's action was great, but it is just the beginning."

Miller noted that 63 unions and 23 community, religious, women's and civil rights organizations were involved in the Florida rally. "We have touched a nerve among workers in this city," he declared.

The next action is also planned for Miami where a mass rally will be held on July 29 during CWA's annual convention.

Other unions supporting the campaign are: American Federation of State, County and Municipal Employees (AFSCME), Amalgamated Clothing and Textile Workers Union (ACTWU), Service Employees International Union (SEIU), Transport Workers

Union (TWU), United Food and Commercial Workers Union (UFCW), United Paperworkers International Union, and United Steel Workers of America (USW).

[From CWA News, August 1987]

HARD HIT CWA MEMBERS TELL WHY WE NEED "JOBS WITH JUSTICE"

WE'RE READY TO FIGHT BACK

Jobs with Justice demands:

The right to job security for all American workers, both union and unorganized;

The right to an adequate and fair standard of living;

The right to organize on the job.

CWA is part of "Jobs with Justice," a nationwide coalition of labor unions, religious, civil rights and women's organizations, community groups, elected officials, and other citizens working together to build unity and support for workers' rights in America.

As the following personal CWA members' stories demonstrate, no one is safe from today's management tactics, no matter what their age, years of service, or job status. Some workers are losing secure jobs through divestiture and deregulation. Others are seeing their jobs contracted out to lower-paying, non-union firms. Still others are facing continual employer pressure for contract concessions.

These stories are representative of the millions of workers whose living standards and ability to provide for their families are under attack by a new generation of corporate robber barons.

AFTER DIVESTITURE: ONE WORKER'S ODYSSEY

Tracy Stintzcum grew up in a Bell System family, with her mother and stepfather each having more than 25 years of service with Bell of Pennsylvania. So it was only natural that, in 1974, she went to work for that company as a storekeeper.

"I grew up with the idea that working for the phone company meant that you did a good job and in return you had some security," she said. "But with divestiture, that sure has changed."

For more than eight years, Stintzcum worked happily for Bell of Pennsylvania, enjoying the positive work atmosphere that strong union representation created. Then for personal reasons she moved to Arizona and her trouble began.

Despite her years of experience, Mountain Bell wouldn't hire her. "They said things were too uncertain because of divestiture coming," she recalled.

Eventually, she found a job with AT&T in Denver as a general clerk, sorting mail for customer billing. The company said it couldn't give her any wage credit for her past Bell System service, and that seniority credit for other purposes would not be added for five years.

"I had been making $450 per week at Bell of Pennsylvania," Stintzcum said, "and now I was getting less than $200 per week."

In December, 1984, she transferred to a Customer Service and Support Operations center, handling repair service calls. But AT&T soon closed the center and moved the work to Dallas.

"Since I was considered to be low in seniority, I didn't have many options for work in Denver, so I took a job with ATT-COM as an operator, with another pay cut of $25 per week," she said.

Next, ATT-COM began to circulate papers for operators to transfer to Mountain Bell as part of the reorganization resulting from divestiture.

"After the papers were all signed, they told us we actually would be working for a new, unregulated subsidiary called Mountain Bell Service Link," Stintzcum said. "I also found out I was stuck with another pay cut." (Ed Note: CWA is protesting this pay cut.)

"It is not just the lower pay and the fact that if there is a layoff today I am considered to have three years seniority rather than fourteen. But, the whole attitude of management has changed a lot too."

Stintzcum's first job with AT&T in Denver was non-union, and she remembers working there as a "nightmare. There was no such thing as due process," she said. "Discipline was applied left and right without any sense of fairness."

Stintzcum helped organize the data center, and became an area representative after the election. "I can remember giving a grievance to a supervisor and having him ball it up and throw it in the trash," she said. "Another time I insisted that we get a relief period when we were working six hours of forced overtime, and they tried to put something in my file accusing me of starting a work slowdown.

"In a lot of cases the philosophy of 'treat people well and they'll work hard' seems to be gone," she added. "Even though out west here we're surrounded by right-to-work country, we have to take on the challenge of organizing people, because that's the only way we can protect ourselves."

BATTLING RACISM AND "PRIVATIZATION"

For 20 years, Jerlean Hunt has been serving the food for banquets at Stephen F. Austin University (SFA) in Nacogdoches, Texas. The typical banquet she serves is organized as a thank-you to people active in school or civic organizations.

But there is never a thank-you for Hunt and her co-workers. Instead, the university has contracted out their jobs. While they were able to work through CWA to win promises of continued employment, their pay has been cut and dozens of workers have been fired or forced to quit by management harassment tactics.

"When I first hired in at the cafeteria, I was young and I didn't know anything about my rights," Hunt remembers. "I was bringing home maybe $100 a month, and that was that. Later on, some of the people filed a lawsuit over discrimination, and that brought a lot out into the open."

The lawsuit showed that black and female workers were not given promotional opportunities, but instead were used to train white males for higher paid positions.

University personnel officials even were told to circle the "n" in Stephen or Austin to indicate a "Negro" job applicant. Those applicants then were offered only low-paid jobs.

"I went to a meeting in November, 1983, where we decided to organize a committee of the Texas State Employees Union (an affiliate of CWA)," Hunt recalls. "TSEU helped us reach a settlement of the discrimination lawsuit and set up a system to enforce it."

The settlement is expected to bring the workers about $15 million in back pay. Job openings must now be posted and career ladders developed.

Throughout 1984, TSEU committee members successfully gained the support of other workers and monitored management practices on the job. The university responded in January, 1985, by announcing that it would contract out the food service operation to ARA Services, a private firm, even though the existing work force was generating up to $1 million per year in revenue. This tactic of "Privatization" has become popular among public employers throughout the nation, threatening the jobs of many of CWA's 80,000 public worker members.

TSEU members responded with a grassroots campaign of lobbying university officials and the legislature, educating the news media, building a coalition with groups like the local NAACP and NOW chapters, and demonstrating solidarity on the job.

"Through the union, we were able to win an agreement that ARA would use the same people and preserve our pay and working conditions, but the university hasn't made them live up to it," Hunt reported.

"They kept my pay rate the same, but for most of us they cut our hours way back, and they did things like not paying us for breaks anymore, so my paycheck is about half what it used to be. I'm working another job too, as a maid in private homes, or my husband and I would really be in trouble," says Hunt.

ARA has cut the work force in half through a variety of tactics. Workers were fired for going on maternity leave or using their sick leave rights. Others were subjected to harassment that forced them to quit.

"As they started to cut back on the help, people were having to do the work of two or three jobs at a time," Hunt said. "My brother-in-law had his supervisor riding him all the time, saying 'you are going too slow.'"

"Then they cut his hours to about 12 hours a week, and he had to quit. He has a family with a bunch of kids, and he's been looking for another job now for a year and a half. They're just getting by on his wife's salary."

With the work contracted out, the university claimed that TSEU couldn't represent the workers because they weren't state employees. The workers then collected 124 out of 142 cards asking the National Labor Relations Board to hold an election so ARA would have to bargain with CWA. But ARA argued that the NLRB did not have jurisdiction, and the union's petition was tied up for nearly two years of NLRB proceedings.

Finally, the NLRB scheduled an election for July 15.

[EDITORS NOTE.—As the CWA News was going to press, the NLRB once again delayed the election for at least a month as a result of further management stalling efforts.]

"Since the election date was announced, we've been visiting everybody at home to talk about the union," Hunt said. "The first time I walked into somebody's house like that, I was kind of shy, but now I'm used to it and it's fun. People see that we've all got the same problems.

"We've given the university our best service for a long time, but they didn't appreciate it. No matter how long it takes us, we're going to keep working through the union until they start treating us right."

BEATING UNION-BUSTERS "BY THE BOOK"

On Monday morning, March 2, as the early morning sun rose on San Francisco Bay, Ken Collmer and his fellow customer service technicians reported in for what they knew would be a very unusual work day.

To start with, their employer, PacTel InfoSystems, wasn't expecting to see them. With their contract having expired the previous Friday, the company thought it had provoked a strike and had replacements on the scene ready to work.

Ignoring the scabs. Collmer and the regular technicians prepared to do their normal duties—but with a difference. Always a highly committed, dedicated group of workers, the techs came to the job this day having decided to do only what was required . . . no more, no less. There would be no extra effort, no favors for the company, no shortcuts, no overtime.

"We had a more effective strategy than a strike in this situation," said Collmer, "and considering what the company was trying to pull on us, we had no choice but to do something."

The dispute began in November, 1986, when the Northern Telecom western sales and service operation, whose technicians were represented by CWA Local 9415, was purchased by Pacific Telesis.

Telesis, which employs more than 44,000 CWA members, bought the Northern Telecom operation through its unregulated subsidiary, PacTel InfoSystems (PTIS).

Telesis and its regulated subsidiary, PacBell, claim to be model employers with a philosophy of "cooperation" with workers and their unions. But when negotiations began on a new bargaining agreement to cover the PTIS technicians, management made demands which would destroy the union contract.

For example, their proposals would have given management near-total control over working conditions and work rules, essentially eliminated seniority rights for layoffs and job bidding, eliminated management's duty to provide specified training, and allowed individual workers to enjoy the benefits of union representation without paying dues.

"We wore buttons to work to show we were solidly against these kinds of changes, and two days before the contract expired we had a demonstration at Telesis headquarters," Collmer recalled. "The company saw that the strategy of beating us at the bargaining table wasn't going to work."

The next day, management broke off negotiations and filed a petition with the National Labor Relations Board, claiming that an election should be held to see if workers wanted CWA representation. The voters, in addition to the 92 technicians, would include more than 90 non-union service managers. A quick election involving service managers who had no previous contact with the union appeared to be a surefire way to eliminate CWA entirely.

"We had a membership meeting to discuss our options," said Collmer, who serves as a CWA steward. "The company seemed to want a strike, but we didn't think that would be in our best interest. So we came up with our CPR plan."

First-Aid Against Union-Busting.—CPR stood for "Creative Persistent Resistance," a program of non-cooperation with management.

"We stopped taking our trucks home at night, and instead made the company inventory everything at the end of each shift and again when we went out the next day," Collmer said.

"So if I had a job 80 miles away, by the time I actually got there it might be 11 o'clock, and then I'd have to stop at 2 o'clock to be back in time to return the truck."

Other elements of the CPR program included grieving every violation of the contract or past practice, refusing overtime, using personal days and vacation time, and refusing to do tasks which should be management responsibilities.

"This tactic of just going by the book was a new concept for us and it wasn't easy to do, believe me," Collmer said. "It puts a lot of stress on people, because everybody feels much more comfortable doing the best job they possibly can for the customer. But we realized that we couldn't serve the customers in the long run if our contract was destroyed."

In addition to the on-the-job pressure, the technicians organized support from other CWA locals throughout District 9. Unions in San Mateo County, for example, persuaded the county board of supervisors to hold up a $40,000 contract with PacTel. A potential $2.5 million job upgrading the county's communication system was also in jeopardy.

After an eight-week campaign, and just days before demonstrations were to take place at Pacific Telesis' annual shareholders meeting, management agreed to a settlement.

The technicians won an extension of their contract plus a retroactive wage increase. A union representation election involving the technicians and service managers was set for August, giving CWA members time to campaign. The company also agreed that it couldn't stack the voter list with new hires or make threats or promises to discourage unionization. A neutral third party was chosen to oversee the election.

CWA supporters like Ken Collmer are now busy visiting the service managers at home to discuss the need for unity.

"We're working hard at listening to them and giving them facts, because we figure that if Pacific Telesis can get rid of CWA on the deregulated side, the next step will be to go after the union on the regulated side as well," says Collmer. "We've got to show right now that CWA members are not going to accept that."

A CRUEL CHRISTMAS GREETING FROM MCI

Karen McJimpson had big plans for the holidays last Christmas. Earlier in the year, she and her 10-year-old son had finally moved into a house of their own after years of renting apartments around the Detroit area. It was going to be a special Christmas season, topped off with a trip to California to visit family.

Her income of about $16,000 per year as a salesperson for MCI wasn't what she once made as an installer for Western Electric, but she had saved what she could.

Then, on Dec. 2, as she and several hundred co-workers were completing their work day, they were told to report the next morning to meeting rooms at one of six area motels. There, they were told that they were fired as of that moment.

"The meeting only took a few minutes," McJimpson recalled. "We'd been trying to get the union in so we'd have some rights, but without that there really wasn't much we could say."

About 3,000 MCI workers were fired in the Christmas Massacre. The company chose to include McJimpson and her telemarketing colleagues among their targets, only a few days after management had been notified by the National Labor Relations Board that the workers had filed enough cards to force an election for CWA representation.

McJimpson had been a strong supporter of the CWA organizing drive. "I had been a CWA member for three years at Western Electric, and during that time I found out what it means to have a union," she said.

Value of Union Representation

"When I was hired around 1979, there were very few women hired as installers, and management gave us a very hard time. At one point, I was fired for refusing to do work that a doctor had said not to do because of a back injury I'd had on the job.

"For seven months I had no income, but the union got everything back—my job, my back pay, medical expenses, everything. We also had problems getting women promoted, and the union stepped in a number of times and won grievances on that."

After being laid off by Western Electric, McJimpson searched for three years for a job as an installer, making ends meet in the meantime by working at a department store, drug store, and similar jobs.

Then she heard that MCI was interviewing.

"They told me that if I was willing to start in telemarketing, in a few months they would move me to installation," she said. "That was the first of many promises they never kept."

Besides the lower pay and benefits, McJimpson was struck by the lack of enforceable rights in the non-union environment. "There were no guidelines, not even an employee handbook," she said. "There was a quota system for how many sales you had to make per month, but the quota changed whenever they felt like it. There was no set attendance policy, guidelines for promotion, or anything like that."

The union card-signing campaign forced the company to withdraw the quota system temporarily, but when it was reinstated, workers asked CWA to file for an NLRB-supervised election.

Then came the firings, and CWA officials launched efforts to assist the workers. They established a relief fund, made plans to arrange training and assist with job placement, and helped workers obtain unemployment benefits. The union filed NLRB charges over the firings, and drew national attention with a rally led by Rev. Jesse Jackson and U.S. Rep. John Conyers.

McJimpson and many of her coworkers have continued their connection with the union by signing up under CWA's new Associate program.

While on unemployment, McJimpson took classes in computer technology and attended more than 25 job interviews.

"The problem is that most of the jobs that are available these days are minimum wage or close to it, and you can't live on that," she said. "They keep looking at past jobs I've had and say, 'You realize that we're not going to pay you what you've been used to making.'

"I can't understand this system of ours," she said. "It seems like for someone like me who wants to work and has some skills and experience, there ought to be a decent job."

ZURBRUGG: CASE STUDY IN UNION-BUSTING

At age 54, one of Betty Watson's big worries is that she will become a burden to her two grown children who live nearby in Burlington County, N.J.

She has been out of work since April, when she was fired from her $5.14 per hour job servicing bathrooms at Zurbrugg Memorial Hospital.

"I was actively working to get people to sign cards so we could vote in the union," Watson said, "so management found a reason to get rid of me. Now it's a question of how long it will take the Labor Board to review the charge we've filed."

Watson went to her first CWA organizing meeting last year, shortly after management cancelled raises for workers with 10 or more years of service and reduced pay increases for others.

"Someone had asked the company vice president how people with many years of seniority were supposed to live without any pay increase, and he said, 'They can always leave if they want to make more money,'" she recalled.

"That was the way we were treated—we were nobodies, and if there was a problem, it was never resolved in our favor."

Watson became convinced that she and her co-workers needed CWA representation.

"I tested CWA * * * I watched to see if they lied to us, if they made promises they couldn't keep, because I know unions aren't necessarily perfect," she said.

Impressed with what she saw, Watson gave the campaign her full support. "I understood that a union is only as good as what the people themselves put into it," she said. "You can't sit at home, watch TV, stay silent, and expect things to change.

"There were a lot of times when I'd been working hard all day and I didn't feel like going to meetings, but I believed in what we were doing so I went."

To help coordinate its anti-union campaign, the company hired a $200 per hour law firm.

Management threatened to close the hospital or lay off many of the workers, and even stooped to trying to stir up racial trouble to divide the work force, Watson said.

Despite the intimidation tactics, 300 workers voted for the union, but an identical number voted against. CWA supporters decided to circulate new cards to set up a second election.

"After we started getting new cards signed I went on vacation," Watson recalled. "When I got back, management said they didn't have the form they had signed giving permission for me to be gone, and they fired me."

While the National Labor Relations Board considers her case, Watson is continuing to actively support the organizing drive.

"You're not going to break me over a $5 an hour job," she said. "I've been working since I was 12 years old and I've learned two things. One is that the only reason management is there is to make money. That's all they worry about.

"The second is that all the stuff about people in this country having 'freedom of this' and 'freedom of that' is just propaganda to keep the common people satisfied. The fact is that the only freedoms we have, the only rights we have, are the ones we organize for."

If she can't get her job back, Watson said, she and her husband will face a difficult decision. "I'd like to stay near my grandchildren, but we might have to move to Florida where my brothers and sister live," she said.

"But I can tell you this * * * no matter where we go I'm going to be involved with the unions. They're all we have."

Mr. JONTZ. Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS], a member of our Committee on Education and Labor, who was present at the hearing in Miami.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman for yielding.

I would first like to commend the gentleman from Indiana [Mr. JONTZ] for coordinating this special order on Jobs with Justice.

The story needs to be told. The American people have no idea of what our workers are going through; and this is only a prelude, only a preamble of what is to come.

Every American worker is threatened by the attitude of this administration, by the accepted norms of the business world.

We have entered a whole new phase in America. Today we voted on a bill related to textiles. We have had debate all afternoon with respect to the problem of the flight of jobs overseas, and the fact that our markets are open and being invaded constantly by products from overseas, while at the same time overseas markets of other countries are not open to ours. Jobs are being stolen. We have been swindled. Fair trade has become a gross swindle.

Here is a situation where most of the jobs that were discussed in the Miami hearing were jobs which cannot be exported, jobs which cannot be taken overseas. They were talking about jobs in transportation, jobs with the airlines. The airlines cannot pick up and go overseas.

We have routes here in this country that must be serviced. The most lucrative routes in the world are here in this country. Airline traffic is increasing. The business of the airlines is booming. Bus companies are going out of business.

There are fewer trains, but the one part of the transportation network that continues to grow is the airline traffic, and yet the workers for airlines, the people who work in the airlines industry, were among those who told the most horrifying tales at this hearing.

We have a situation where jobs in industries that are not threatened by overseas competition are also being put into a vise. Workers are being squeezed in order for better profits. We are into the economics of cruelty. We are into the economics of exploitation of workers, workers who have already been organized and have gone through the cycle, paid their union dues. They have fought for organization.

They have used collective bargaining for years, but now they find themselves in a squeeze where they are losing most of what they have gained, and cruelty reigns supreme.

All of the kind of cruelty that was prevalent in Europe for so many years that led to the upheavals in the European economy for so many years, they are here now.

There is a whole series of laws to protect their workers, and workers have a much better situation with respect to plant closings, occupational hazards, parental leave in Europe than we have. They have much better working conditions than our working conditions here.

The economics of cruelty and the economics of exploitation have come to our shores. One of the people who is pushing a new movement, Jobs with Justice, what are they looking for? It is an organized counterattack against the economics of cruelty, against the economics of the Ronald Reagan administration which boasts that it has created hundreds of thousands of jobs. Hundreds of thousands of jobs have been created by this administration, but they are jobs which pay minimum wage, and even with two members of the family working, it is hard for a family of four to survive, given the minimum wage jobs that have been created.

Jobs with Justice wants to make certain that the good jobs that do exist and have for years continue. They want the right to job security. They want the right to an adequate and fair standard of living.

They want the right to organize on the job, and to be able to proceed with collective bargaining, to deal with conditions on the job. Those are not just union members. They have been joined by a coalition of religious groups and consumer rights groups.

Consumers feel that they have a lot to lose. I do not have to stretch anybody's imagination to tell you that an airline consumer and an airline worker have a common bond, a common interest.

We heard the tale of one airline worker in Florida who had gone through a situation when he was fired when Eastern and Continental merged. He was fired and squeezed out really, because when he was told he had to transfer, he decided yes, I will transfer and go to Atlanta. The people in Atlanta told the people in Miami that they did not have a job for him. He was squeezed out.

He found himself in a situation where for months he had no job. He went through a very serious situation with his family, and finally he came out, and he was given a job with the company, the company which Eastern Air Lines now contracts with to do their maintenance work.

Here is a man who is a mechanic, and he was working for a substantial wage plus fringe benefits, health plan, vacation, pension, all of that; and he lost his job, went back to the very same job at a wage rate that was half the wage rate he had before with no fringe benefits.

□ 1830

Now, what do you think this mechanic who day-by-day is involved in maintaining airplanes will do? I do not question the integrity of workers in the airline industry, but I do think that the man's mind has been impacted and affected. Through no deliberate sabotage, I suspect that workers who have been treated like that will forget to turn a screw until it is tight enough or forget to put a bolt on sometimes or be careless about the job. I cannot see how they would not be bitter, how there would be some bitterness and how they would not be less concerned about their jobs.

As a consumer, as a person who rides airlines frequently and all the other consumers, we ought to be concerned with the security of those workers. We ought to be concerned with the mind set and the attitude of the workers. We ought to be concerned that they get a fair wage, that they have job security, that they are able to organize, that they are satisfied workers who will produce the very best every time they work on a part on an airplane, because once you get into the air if something goes wrong just because some small nut is not there or some bolt is missing or some screw is not tight, it is too late then. As consumers, we are all in a catastrophe that is unnecessary.

So consumers have united with the unions, with the religious groups and with the civil rights groups.

It is not only airlines in private industry that are part of the problem, although that is bad enough. We have a situation where the airline industry in the pursuit of mergers for the purpose of maximizing profits, and we read about the millions of dollars that are made on Wall Street by people who do no work at all, they just shift papers and frighten each other and badger each other back and forth and scare each other into deals and they end up making tremendous profits.

Well, somewhere the squeeze has to come so that somebody pays for those profits that are made and the squeeze is on the workers. The squeeze is on the workers in private industry.

But here we have a situation which extends beyond private industry. In the transportation industry at the local level, we found that we have another kind of exploitation. Again, transportation is one of those industries that we cannot blame Japan or Europe. We cannot blame anybody outside the country for having affected the workers and the workers' environment. We cannot blame them for stealing jobs. We have got to have bus service at the local level. We have got to have local transportation.

In Florida, as in a number of other places, the move is on to privatize, take the publicly operated transportation systems and hand them over to the private sector and let the private sector proceed to do with the local bus companies what the airlines are doing with the airline industry. Let them squeeze to get as much as they can out of them. Let them force the workers to their knees so that the same workers who worked in the bus companies as public employees will end up maybe getting their jobs back without fringe benefits at a much lower wage or without the same working conditions.

You have wholesale contracting out of jobs that is promoted by the local government as a way of saving money.

It all comes out of the White House. Privatization is pushed from Washington. They even have some clauses in the contracts that are put out by the Department of Transportation which require that local transportation companies must consider privatization. They must move at least to consider privatization and they are rewarded by the Federal Government, the Department of Transportation, the one headed by Elizabeth Dole who just retired recently. They require that we must consider privatization at the local level.

The push starts in Washington. So that is another form of workers exploitation.

At the worker level there are people who would like to show some immediate gains in the political arena, so they rush to make the kind of deals that are going to show the biggest profit with the least amount of resources outlay by the taxpayers. They rush into these deals with private companies, and frequently it is a swindle. It is not cheaper.

In Dade County, FL, it bills itself as the most privatized county in the Nation. Dade County is proud of the fact they have followed the Reagan Administration push into privatization. It has continued to privatize and privatize; however, what has been the cost in savings to the taxpayer? The taxpayer has not found any reduction in the cost of government services. In fact, the opposite has been true.

In Dade County, FL, government services have gone up 30 percent over the last 3 years, 30 percent. I assure you the unions did not get it. I assure you the workers did not get it. Where is the money going? It is going to pay the profits of the privatized companies.

Once a company is privatized, I assure you it is not easy to make the transition back.

Private contractors cut every corner to make a buck. They give poorer service, and yet the service costs more.

Contracting out invites corruption as politicians seek to pay off their friends and supporters in reward for these contractors. Contracting out is another way of pushing patronage to a new level. Instead of those nickle and dime jobs that members of the other party do not care as much about, because their patronage exists on a higher level, they have to give out contracts for millions. So privatization has become a new form of patronage. Millions of dollars in patronage are being passed out not only at the local level, but also here in Washington. Privatization is an avenue for paying off friends.

Large numbers of jobs are lost and the jobs that remain are usually lower paying, lower skilled positions.

Career ladders are wiped out. They do not mind trapping workers at the bottom of the heap. In fact, they like that. The less a worker earns, the least amount of time the worker stays with the company, the better for them in terms of pensions and fringe benefits.

This has a devastating effect on minority women workers. The minority women workers have usually relied heavily on service careers in the public service. This has been the path of the middle class for large numbers of minority persons by working in the public sector where due to discrimination and prejudice they found it easier to get jobs and they found it easier to deal with organizing and improving their working conditions in those situations. All that goes out when privatization begins.

So the merger mania and privatization combined are taking place in two areas where we are not threatened at all by overseas competition, where nobody is going to steal our jobs by doing what is being done, using the almost slave labor wages of Hong Kong, Korea and other places, in order to steal the industrial jobs. They are going to wipe out the workers and take away the decent jobs, even in situations where we have to have the services here.

In the merger mania, Frank Lorenzo, the Texas air robber baron, has become obsessed with acquiring an airline monopoly. He is part of the problem, most of the problem in Miami, and in this hearing, of course, there was one story after another about the cruelty that has been inflicted on workers as they attempt to wring wage concessions and also destroy the working conditions of the workers.

The harassment and the dehumanization of workers that takes place is unbelievable. Lorenzo and his cohorts are trying to drive out the senior employees and replace them with lower paid new hires. Sick leave policy now is ridiculous. Workers are allowed to get sick only three times a year. If you are sick three times a year, after that you are fired.

The committee heard from a mechanic with diabetes who was fired after he had an attack. He blacked out as he was driving to work.

A mechanic with Lupus who suffered from severe headache attacks was reduced to hiding in the bathroom at work because he was afraid he would be fired if he stayed at home.

A flight attendant, we heard from a flight attendant who was disciplined after she missed work because she had been raped. They had a letter from the police and had the whole horrible story. The airline officials still dismissed her because she did not report to work immediately after the grisly incident took place.

Then there is all kinds of petty harassment that is organized. Lorenzo had overloaded the grievance system. The grievance system still exists. You can always file for a grievance, but the way they have overloaded the system, you have to wait forever. You are fired and then you have to wait for months, sometimes years, before the case is heard.

This is all happening in America. This is all happening in the land that gave the best deal to the working people. This has all happened in a country that built its economy on creating a massive class of consumers, people who had good jobs and money to spend and some sense of security, who went out and bought products and built the market that is still the prize of the world. We are still the economic engine of the world. Our consumer economy still is what makes all the free world economies go, yet we are threatening that economy. We are threatening to destroy it. We are making our workers cannon fodder.

There is a process in motion now that will come to fruit. The chickens will come home to roost in a very terrible way. After we have wiped out those consumers, after we have created a class of very bitter workers, we are going to find our whole economy is going to grind to a standstill.

Again I commend the gentleman from Indiana for coordinating this special order. This is a story that has to be told. This is a story that is not told in the Wall Street Journal. This is a story that is not told properly in the New York Times or the Washington Post. The networks seem not to be able to find out the terrible things that are happening. They seem not to want to report them.

This is a story that must be told in a nation where the President says, "What are you worried about? If nine people are working and one is without a job, why should you worry? If one-tenth of the population is unemployed, why worry? If another tenth of the population is employed at wages which do not allow them to survive, why worry? If another tenth are employed in jobs that are being constantly harassed and being pushed about and threatened, and their sense of security is being lost, why worry?"

Well, we must worry. First of all, they are human beings. They are the secret ingredient of our economy.

Finally and most of all, they are the American citizens who made this country great. There are more workers than there are anybody else. These workers must not continue to be sacrificed in a process that makes the rich richer, that makes merger manias successful, that makes for a situation where millions and millions of dollars are made each time the Wall Street people play their games. We think the workers deserve a better deal than they are getting. This is America. We have not only led the world in building a powerful industrial economy, we have led the world in fairness to our workers. We have led the world in building the largest labor unions, the best deals for workers. We need to retain that leadership. We need jobs with justice. We can have jobs with justice.

Mr. Speaker, I congratulate the gentleman for helping to push forward the fight for jobs with justice.

Mr. JONTZ. Mr. Speaker, I want to thank the gentleman from New York for his observations this afternoon and his summary of the testimony that our committee heard in Miami.

I think the gentleman from New York, again as the gentleman from Illinois, has a long record of being an able spokesman for the working people in this country and his observations are quite on the mark in my opinion in terms of the problems that the working people face.

Mr. Speaker, coming from the industrial heartland of our Nation, I look around at the many of the residents of my district and the problems we have had with plant closings and the difficulties people have getting good jobs, it is often easy to conclude that this economic growth that we hear a lot about has simply bypassed us in the Midwest and the industrial heartland and that somehow we have been the victim of economic policies that have not had the same effect on other parts of our country, and to some extent indeed that is true; but the testimony that we heard at Miami, traveling to the coast, traveling to an area of our country that is growing, very much convinced me that in fact working people in other parts of the country are suffering a great deal as well.

We can see the effects of privatization, of deregulation, of merger mania, on the average working people in Miami, and it was not a very pleasant picture that we saw.

My hope is that our Education and Labor Committee can listen to the voice of working people in other parts of our country and examine the policies that our Nation has pursued in these past few years and that we in the Congress can assume the responsibility that we should to speak up for the interests of the average people in this country, because as we said here his afternoon the well-being of our Nation really does depend on the well-being of our working people and the citizens that we heard from in Miami are not getting the sort of break from our Government which is their due.

□ 1845

HAITI NEEDS ASSISTANCE

The SPEAKER pro tempore. (Mr. LEHMAN of California). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 10 minutes.

Mr. OWENS of New York. Mr. Speaker, I rise to speak on an issue which I consider myself somewhat of an authority. I have the largest Haitian American constituency in this country in my district. There are more people of Haitian descent living in my district than anywhere else in the country. The second largest is in Miami, FL, but in Brooklyn in my district, the 12th Congressional District, we have the largest number of Haitian Americans and probably the largest number of Haitian refugees. These Haitians are in constant contact with their brothers and sisters and mothers and fathers and the people they left behind in Haiti. They know like nobody else knows what is happening in Haiti.

Mr. Speaker, they tell me daily of stories of terror and fear and they are worried about the process of democracy that is supposed to be going forward in Haiti. They have a lot to be proud of. The people of Haiti have a lot to be proud of. After several decades of exploitation of the worst kind, of terror of the worst kind, the people of Haiti rose up and they threw out the dictator Jean Claude Duvalier, who had succeeded his father, Francois Duvalier. They threw him out and then it was said there would be nothing but chaos. But the people of Haiti again showed that they understand far better than they have been given credit for what is at stake. The people of Haiti agree that for a group to write a Constitution and after that Constitution was written they turned out in an overwhelming turnout, 90 percent of them and they voted to support that Constitution. That Constitution was ratified by a large majority of the Haitian people.

In the Constitution there was a timetable for the election of officers at the local level, an assembly, for senators and finally at the conclusion of the electoral process timetable they would elect a President.

They also set up an election commission. It is written into the Constitution.

So the people, the majority, and I am talking about the majority of the people in Haiti, the overwhelming majority are on the right track. They love democracy, they know how to get democracy, but the great fear of the people who live in my district, the relatives of people who live in Haiti, is that terror and guns and the military will prevent the democratic process from going forward.

Mr. Speaker, they have good reason to be afraid. They have good reason to be afraid. Immediately after the Constitution was passed the military junta tried to abrogate the whole process. They wanted to obliterate the whole process and come in and take over the role of the election commission. The military junta, the people in charge, they wanted to be in charge of the election themselves and although they professed to have no ambitions with respect to being elected to public office it is clear that they do want to control the elections and decide who would be elected.

Only after the people of Haiti again rose up with demonstrations and strikes did the military junta back down and give the electoral process back to the election commission. But in the meantime hundreds of Haitians were slain not only in the demonstrations in the city but in the hillsides, in the provinces, hundreds of people were slain. Most of the time they were slain by terrorists, the old remnants of the Tontons Macoutes, a terrorist organization established by Francois Duvalier. The Tontons Macoutes hacked people to death while the Omnies stood by and did nothing.

The most grizzly example of what was going on was reported in most of the papers here in this country. That is that a politician campaigning for President on a sunny day in the middle of the day before a crowd of people was leaped upon, he and his assistants, by these Tontons Macoutes, hacked to death in front of the crowd, and they walked away and nobody still to this day has apprehended them.

That was a Presidential candidate, a person running for office who was hacked to death along with his assistant.

Under these conditions can democracy go forward? No. The people of Haiti need help. They have shown that they can do part of a job. It is up to us to give them the help to do the rest of the job. We must have peaceful intervention in Haiti. We must have intervention on the side of the majority. We must help the majority.

We have stood by all over the world, and we have seen the democratic processes go forward. We have seen governments elected by the people and then we have seen military outlaws come in and take over, declare that things are not running properly, and they come in and take over.

Something has to be done on the international level. Haiti is just 90 miles from our shores and I say we should do something first in Haiti.

There is no reason why the Organization of American States and the U.S. Government should stand by and allow the democratic process, which the majority of the people of Haiti want to go forward, to be taken over by a band of thugs, military outlaws, and armed terrorists.

They are the ones that we have to fear.

I want to congratulate Arthur Schlesinger for an article which appeared on this subject in the New York Times on Wednesday, September 9, 1987. As we all know, Arthur Schlesinger is presently professor of humanities at City University of New York. We all know that Arthur Schlesinger, Jr., is one of the greatest historians alive, that he played a major role in shaping American policy for many years.

I want to thank Arthur Schlesinger for his brilliant article which states the case very well, and I would like to read it into the Record. It is entitled, "Yes, Washington, there is a Haiti."

I think every American ought to hear this and understand the kind of abandonment that we are guilty of. It is immoral to neglect Haiti the way we have neglected Haiti over the years and now we are into the same thing, we are neglecting Haiti at a crucial moment in the history of the country and allowing it to sink back into the morass of confusion and terror.

Mr. Schlesinger begins as follows:

> What a collection of fakes we Americans are! We endlessly proclaim our devotion to democracy and human rights. We endlessly rebuke the rest of the world for falling short of the high standards of liberty and probity that we unfailingly achieve ourselves (or do we?). And with our self-congratulatory habits of the heart and undaunted lack of self-knowledge, we overlook the fact, evident to others, that our concern for democracy is, to say the least, partial and selective.
>
> So we block a peace settlement in Central America because of our alleged commitment to the future of democracy in Nicaragua—a commitment not visible to the naked eye when the Somozas ruled Nicaragua and hardly visible today in our policy toward, say, the Pinochet dictatorship in Chile. And we righteously denounce lapses from democratic purity in Angola, Mozambique and Yemen.
>
> Our capacity to shed tears for oppression and misery in the Communist world appears unlimited. But we remain marvelously oblivious to the tragedy overtaking a forlorn country well within our own sphere of influence.
>
> Haiti was once one of the most prosperous islands in the Antilles. It was once France's richest Western Hemisphere colony. It was the first country in the Americas after the United States to gain independence. But its history since independence has been pathetic—never more pathetic than today, after 30 years of misrule by first, the demonic "Papa Doc," Francois Duvalier, and then his feeble, luxury-loving son, "Baby Doc," Jean-Claude Duvalier.
>
> The tyranny rested on terror and magic. Between Papa Doc's pretorian guard of official thugs, the notorious Tontons Macoutes, and his voodoo doctors, the Haitian people, already miserably poor, undernourished and demoralized, were reduced to almost hopeless passivity.

Mr. Speaker, I want to conclude by saying that Arthur Schlesinger concluded his article with a call for intervention into Haiti, peaceful intervention on the side of democracy. We should heed the call of Arthur Schelesinger before it is too late now while the democratic process is going forward, while the candidates are campaigning, and the vote is to be taken on November 29, 1987.

We need peaceful intervention in Haiti.

THE SHULTZ/SHEVARDNARDZE SUMMIT AND SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. Stokes] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague, Mr. Kemp, for joining with me in reserving this time to discuss the issue of emigration for Soviet Jewry, on the occasion of meetings being held between Secretary of State George Shultz, and Soviet Foreign Minister Eduard Shevardnardze.

Mr. Speaker, I was privileged yesterday, to receive in my office, Irena and Michael Cara-Ivanov, who were previously refuseniks in the Soviet Union. Currently, Irena and Michael live in the State of Israel and they are visiting the United States on a special mission to meet with officials in our government. They are traveling with Avital Shcharansky. During their meeting with me they delivered a thoughtful and serious appeal for the release of Dr. Vladimir Dashevsky, a world-renowned astrophysicist, and the father of Irena Cara-Ivanov.

In very warm and moving terms, these young people, who had experienced life in the Soviet Union on a day-to-day basis, provided me with a very real example of how the Soviet system continues to make a mockery of human rights in its treatment of Jewish people seeking to emigrate. In Dr. Dashevsky's situation, we are offered in human terms, an illustration of how the Soviet bureaucratic machine relentlessly takes whatever steps it deems necessary to frustrate and prevent a Jewish citizen from exercising a fundamental human right—the right to freedom of movement.

As an astrophysicist, Dr. Vladimir Dashevsky has distinquished himself both in the Soviet Union, and throughout the world community. He has published numerous articles in respected scientific journals, and is one of only three Soviet scientists to be selected to serve in the American Astronomical Society.

Dr. Dashevsky began his distinquished career as a researcher at the Institute for Terrestrial Magnetism, located near the Soviet capital of Moscow. While conducting himself as a respectable citizen, contributing to the good of the Soviet state through his scientific research, Dr. Dashevsky also continued to develop and pursue readings and activities which enhanced his understanding of his own unique culture. Dr. Dashevsky pursued this interest diligently, studying the works of the Jewish existential philosopher, Martin Buber, teaching himself Hebrew, and studying classical Aramaic and Hebrew texts in the original.

Reaching a point in his life that was both natural and understandable for any individual, Dr. Dashevsky developed a strong yearning for closer ties to his own culture and people which led him in 1976 to request an exit visa to the State of Israel.

It is unfortunate, however, that shortly after Dr. Dashevsky's request to emigrate, Soviet authorities responded in a manner that is all too familiar, and has been repeated all too often. Dr. Dashevsky was immediately forced to give up the prestigious position he had held at the Soviet Institute for Terrestrial Magnetism, and is now only able to make a living by tutoring high school students in physics.

Such a harsh response by the Soviet Government, however, has not succeeded in breaking Dr. Dashevsky's spirit. During the period following his first refusal, he became active in the refusenik movement, providing a role model for a large and growing group of young Jews, who, at the risk of being reprimanded by the Soviet Government, have chosen to gather together regularly, to study Jewish texts under the direction of Dr. Dashevsky.

In recent months, a great number of his most successful students, many of whom had assisted him with both the organizational and teaching responsibilities for Jewish cultural gatherings, have received permission to emigrate to Israel. This action has increased the burden facing Dr. Dashevsky, leaving him virtually alone to assume the teaching burden, and overall leadership for a great many young Jews in Moscow, who have committed themselves to pursuing the practices of their own unique culture. In addition to this great responsibility, Dr. Dashevsky must provide for his wife and three youngest children.

Because Dr. Dashevsky has chosen not only to dedicate his life to science, but to devote himself to his Jewish heritage as well, his group's activities have been disrupted by the KGB on repeated occasions, and he has been placed under constant and harassing surveillance.

In examining the rationale used by the Soviet Government in support of its refusal to grant Dr. Dashevsky an exit visa, we are presented with an active example of how an archaic and repressive system can bend to serve its own ends, instituting whatever policies it deems necessary to deny individual freedom. The Soviet bureaucracy had developed the practice of denying Jews the right to emigrate to Israel and the West if they cannot produce signed statements from their relatives who are to remain in the Soviet Union proving that they will leave no outstanding debts nor obligations to the family members remaining.

This tactic intimidates relatives who will not be leaving the country, in that they are required to sign documents which support emigration, and which will be placed in the files of the KGB.

These statements are requested even though there is not a Soviet law on record which requires an individual to provide such a statement. Soviet authorities claim that their purpose for requiring such statements is to ensure that financial matters between emigrees and their relatives are settled expeditiously. Government authorities have refused, however, to consider affidavits indicating that an emigree will assume full responsibilities for all outstanding financing obligations even where these have been notorized in accordance with Soviet law.

Another problem occurs when relatives refuse to provide these statements. Under Soviet law, Soviet authorities are obliged to demand necessary statements from relatives. The Soviet authorities, however, have refused to make such demands, and have in effect given an individual's relatives the power to veto his or her exit from the Soviet Union. Therefore, the situation facing Dr. Dashevsky and thousands of Jews seeking to emigrate, is a problem that stems not from faults in current internal Soviet law, but from the Government's refusal to implement its own regulations.

While General Secretary Gorbachev has announced a new policy of glasnost, and proclaimed to the world "the beginning of a new era of openness," the numbers of Jews being allowed to emigrate from the Soviet Union are still fewer than in previous times, and are certainly as yet not significant enough to proclaim a new era. In 1986, the emigration of Soviet Jews was at its lowest in 15 years.

Although approximately 260,000 Jews have been allowed to leave the Soviet Union since 1968, at least 400,000 more continue to fight for the fundamental right to relocate to a place of their choosing. In 1979, 51,320 Jews were permitted to emigrate from the U.S.S.R., while in 1982, only 2,688 were allowed to leave, more than 48,000 less than the 1979 figure. In 1986, the number of Jews allowed to emigrate was at its lowest in 15 years, with only 914 being allowed to leave.

These numbers are not idle figures. As the case of Dr. Dashevsky exemplifies, we're talking about human lives and the basic rights of freedom. It is time for the Soviet Union to stop treating the lives of Jewish people as a tool of foreign policy, and end the game of treating the issue of Jewish emigration as a convenient political yo-yo, letting the numbers go up and down based solely on the political whims of the Soviet leadership.

Mr. Speaker, on August 1, 1975, the Soviet Union joined 34 other countries in the family of nations, in signing the Helsinki accords. This important document, committed signatory states to the pursuit of human rights—to opening the doors to free speech and movement, to family reunifications, to uninhibited religious expression, and to a toleration of individual ideas. By signing the accords, the Soviet Union placed its international credibility on the line, and the world continues to watch in the hopes that the Soviets will follow this agreement with substantive action.

Mr. Speaker, I call upon the Soviet Government to abide by the Helsinki accords, on the occasion of this week's very important meetings between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze, to end these intolerable practices, and to cease treating the issue of emigration for Soviet Jewry as a convenient political tool. As Dr. Dashevsky's situation clearly points out, the current methods being employed by Soviet authorities are arbitrary, and in violation of fundamental human rights that have been fully endorsed by the global community.

Mr. KEMP. Mr. Speaker, I would like to thank my colleague, the new co-chairman of the Congressional Coalition for Soviet Jewry, the gentleman from Ohio, LOU STOKES. I want to compliment him for the fine work he's done in taking the lead on the issue of Soviet Jewry, and on this special order in particular. The National Conference on Soviet Jewry must also be recognized here for their advice, support, and impressive coordination and energy.

Today, United States Secretary of State George Shultz and Foreign Minister Eduard Shevardnadze of the Soviet Union are meeting in Washington to discuss relations between our two countries. This seems like a good time to review the issue of Soviet Jewry under the much-acclaimed policy of glasnost, which should be one of the topics for discussion.

Is glasnost working? Let's look at how it's failed. The figures clearly indicate movement in the wrong direction. Under General Secretary Gorbachev, Jewish emigration is a mere one-tenth of what it was under Secretary Brezhnev in 1979. Without glasnost.

Let's look at some specific examples of glasnost at work.

Under glasnost Natan and Etya Tkach, an elderly couple in their seventies, continue to be refused permission to join their daughter, Klavdia Fridman, her husband Ezik, and their son, Leonid first in Israel, then in the United States. They have been denied 20 times. The reasons vary, but the results are the same;

this couple is in ill health and separated from their family for an unconscionably long time.

Glasnost permits emigre Leonard Terlitsky to return for a heartbreaking visit to the Soviet Union on his new American passport to visit his elderly mother, Fanya, and his brother Mark. Both say they will not last another 11 years in refusal.

Glasnost permits Inna Meiman to come to the U.S. for necessary medical treatment after more than two decades of outside pressure. Only the Soviets waited too long; tragically Inna died within 2 weeks of her arrival, surrounded by friends and separated from her family. Glasnost continues to keep her husband, Naum Meiman, 76, alone, a prisoner in the Soviet Union and a refusenik for 25 years.

Will glasnost permit former refusenik Leonid Feldman, now a rabbi, about to become a United States citizen, to return to his hometown in the Soviet Union to lead a congregation and teach Hebrew?

Will glasnost permit Ida Nudel, Vladimir and Maria Slepak, Alexei Magarik to join their families in Israel and the United States? Both Alexei and Ida are now out of jail, but how did glasnost permit them to be arrested and sentenced in the first place?

What of new applications, encouraged by the vast publicity surrounding glasnost and the recent emigration of small numbers of well-known refuseniks? Well, there aren't many to speak of. Not because people haven't applied, but because the government will not accept their applications and therefore can say "We have no new applications." Is this glasnost at work?

Yes, under Secretary Gorbachev and his policy of glasnost, a few friends for whose release we have been fighting have recently been informed that they will be permitted to emigrate; the Beguns, the Brailovskys, the Siedels, the Landsmans, and four others. Rumours flew for years that pianist Vladimir Feltsman and his family would be released, only to have it happen last month, after an 8 year wait. But these are barely a dozen people out of nearly half a million.

Each visa should not be an event of international importance. Emigration of Soviet Jews should be a daily occurrence. By international treaties, signed by the Soviet Union, citizens of the Soviet Union are guaranteed the right of free travel, of cultural exchange, of family reunification. Jewish, and other, emigration from the Soviet Union should be treated as the right which it is, under the law of God and the laws of man, and not the miracle it has become.

Why should there be a classless class called "refuseniks?" A class of people created and defined solely by the fact of their having applied to emigrate and been refused, thereby sentencing them to social and economic purgatory. Why should applicants have to wait at all to emigrate? Why should anyone have to produce an invitation from an immediate relative outside the Soviet Union? If there is a country, such as Israel or the United States, willing to open our arms and make these people welcome, absorb them fully into the fabric of their own society, why should the Soviet Union prohibit this reunification, repatriation, or simple emigration? These are rights guaranteed by the Helsinki accords, and other international agreements to which the Soviet Union is a party. Glasnost working would mean complete freedom of movement, and compliance with agreements to which the Soviet Union is a party.

And if the Soviets so consistently violate agreements which they have already signed, should we be entering into new ones without indication that they are complying with existing agreements? We must seek some assurance that they will not extract an additional high price for compliance.

I believe in free trade, but until these questions are favorably answered, until compliance is assured, the United States should be more restrictive in its commercial negotiations with the Soviet Union. United States banks should be discouraged from lending vast sums of money in untied, unrestricted, unsupervised loans to the Soviet Union.

Glasnost cannot be deemed as anything more than a public relations success. Until there is some substantive movement in the area human rights and Soviet Jewry, our two nations cannot come to a real understanding in a true spirit of cooperation. Substantive improvement is necessary. The policy—the placebo—of glasnost is not enough.

Our strongest moral weapons are our will, our system of democracy, our unshakeable belief in individual freedoms as guaranteed by our Constitution, which has been our governing document for 200 years, and the Bill of Rights, which sets forth the inalienable rights of all men and women. It is our responsibility as freedom-loving people, to ensure that others share our blessing of freedom. Our refusenik and dissident friends in the Soviet Union know that they can continue to count on us to exercise our strength in their behalf.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. STOKES. Mr. Speaker, I am happy to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I would like to thank my colleague from New York, Mr. KEMP, and the gentleman from Ohio [Mr. STOKES] who, as cochairs of the Congressional Coalition for Soviet Jews, have arranged today's special order. Their leadership on behalf of the National Conference on Soviet Jewry, which sponsors the Congressional Coalition, is highly appreciated on this important human rights matter.

By now, everyone has become familiar with the term "glasnost" as openness, which has come to symbolize the new Soviet reforms and attitudes. We do not yet know the full scope of this glasnost, nor its duration. And its impact on Soviet Jews, and their lives and their rights, continues to remain clouded.

With the visit this week in Washington of Soviet Foreign Minister Eduard Shevardnadze have come discussions of many issues. Paramount among these is the current and future status of Soviet Jews, thousands of whom remain in refusal. That certain prominent individuals have been given permission to leave is indeed a welcome sign, yet contradictions continue to surface.

We appreciate and applaud the permission granted to Josef Begun, Lev Elbert, Col. Lev Ovsishcher, and several other long-term refuseniks. We hear that refusals based on secrecy matters are being reconsidered, in view of the fact that the vast majority of individuals categorized in this manner have not been involved in any kind of secret work for a decade or more. It is only right and proper that these individuals be allowed to be reunified with their families, pursuant to the principles set forth in the Helsinki final act. So it is compliance that we seek, and compliance that we acknowledge when it occurs.

Yet what we are witnessing at this time, Mr. Speaker, is not full compliance with either the letter or the spirit of the Helsinki accords. In the past several months I have been informed of a number of disturbing situations which I would like to bring to the attention of my colleagues.

Cases where all but one member of the family is given permission, thereby separating families.

Numerous reports of individuals whose applications to emigrate are not even being accepted by the OVIR office, thereby creating a subgroup of Soviet Jews who cannot even be refused.

Manifestation of a new situation whereby initial reasons for refusal are removed, while new bureaucratic obstacles imposed.

Although 4,700 Soviet Jews have emigrated through August of this year, there remain many thousands and thousands more whose long-term refusal status lingers on. Ida Nudel and the Slepaks are just two of the more prominent cases. Not as well known is the plight of the Terlitsky family, the Dashevsky family, the Khassinas, the Chernobilskys, and Lev and Lean Shapiro, to name just a few. Each of these Soviet Jews has a legitimate right to family reunification under the Helsinki final act, but are thwarted repeatedly in their efforts to claim that right. We in Congress remain committed to their cause for religious and cultural freedom and human dignity. We must continue to press forward on behalf of these individuals, and the many hundreds of thousands of other Soviet Jews who have indicated the desire to exercise their rights under international agreements.

Mr. Speaker, Soviet Foreign Minister Shevardnadze has been welcomed to this country. We hope his meetings here are fruitful and productive. Progress seems to have been made in recent months, and we look forward to an eventual summit meeting between our two heads of state. Yet, we cannot rest until family reunification permission is granted to all who seek it, and full compliance with the Helsinki accords is achieved. The new excuses for denying emigration and the posturing taking place at OVIR offices all across the Soviet Union must be quelled, and an honest and forthright position assumed instead.

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Mr. Speaker, I thank the gentleman for yielding this time and commend him for his continued efforts in this human rights battle.

Mr. STOKES. I thank my distinguished colleague from New York for his excellent statement here this evening. In turn I want to express my appreciation to him for the stalwart manner in which he has continued to fight on behalf of Soviet Jews.

Mr. Speaker, I also want to commend the National Conference on Soviet Jewry for the excellent work that they do on behalf of those who seek to emigrate from the Soviet Union. I worked with them for a number of years now and I am deeply moved by the commitment and deep sincerity with which that organization works on behalf of those who desire to leave the Soviet Union.

Mr. Speaker, at this time I would like to yield to the distinguished gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. I thank the gentleman for yielding. I congratulate the gentleman for this special order and compliment those other Members who have shown their dedication to the cause of the refuseniks, those patriots in Russia who continue to be oppressed despite some of the favorable reports which come out.

I think the purpose of this special order is to distinguish between the good and the bad which is emanating from Russia and from the international meeting.

Mr. Speaker, the meeting between Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze provides a wonderful opportunity to raise the issue of human rights in the Soviet Union. The movement on behalf of Soviet Jewry is a unique struggle for emigration in the context of a tradition of 4,000 years. It is the struggle to reunite and redeem one-sixth of world Jewry, the remnant of east European Jewry after the Holocaust. It fits within the tradition of the people who have returned to the land of Israel from exodus, exile, and dispersion. Since 1968, there have been approximately 644,000 requests for emigration by Soviet Jews. Understandably, only the bravest risk the perils of repeated requests. During this period of glasnost, it is imperative for the Congress to maintain its commitment to the issue of Soviet Jewry. Despite the fact that several well-known refuseniks have recently received permission to emigrate, scores of other Jews continue to wait for permission, many of whom have suffered the anguish of family separation and religious and cultural harassment for a decade or more.

While we are gratified that former prisoners of conscience and refuseniks will now be allowed to emigrate, we must remember that there still remain in the Soviet Union other former prisoners and long-term refuseniks, as well as thousands of other Jews who wish to exercise their basic human right of freedom of emigration.

While it is our hope that the Shultz-Shervardnadze arms talks will be successful, we send a message to the Soviet leadership and the Jewish minority that our concern for human rights has not waivered and our support will remain ever strong. I urge my colleagues to continue to work together to secure human dignity and human rights throughout the world.

Again, I thank the gentleman from Ohio [Mr. STOKES], who is always in the forefront in worthy causes of this kind.

Mr. STOKES. I thank my distinguished colleague from Ohio for his excellent contribution to this special order. I am pleased at this time to yield to my distinguished colleague from the State of Washington [Mr. MILLER].

Mr. MILLER of Washington. I thank the gentleman.

I first want to express, Mr. Speaker, to the distinguished Congressman from Ohio my appreciation for his leadership in the cause of human rights and in the cause of human rights behind the Iron Curtain.

There are many Jews in the Soviet Union today who know of Congressman STOKES' efforts. I think it is especially appropriate that we have this special order tonight. One reason it is especially appropriate is that the Union of Councils for Soviet Jews is holding its annual meeting in Washington, DC, this week. I have been privileged to cochair along with Congresswoman COLLINS of Illinois the union's congressional call to conscience this year.

There is a second reason why this special order is appropriate and that is the presence of Foreign Minister Shevardnadze in the United States.

We welcome Mr. Shevardnadze. I know that we all hope that his talks with Secretary of State Shultz will be most productive. But we must also express to the Soviet Foreign Minister our deep concern over the lack of real movement on Jewish emigration and religious freedom in his country.

We appreciate the release of several leading refuseniks. I am especially gratified to hear this week from Vladimir Magarik who visited me in Seattle this past spring. I learned this week that his son, Alexei, has returned from labor camp to Moscow. However, I was saddened to hear from Khaya Beinus, who lives in the Seattle area that her daughter has now received her 21st refusal to emigrate, her 21st refusal over 13 years. That family still remains divided.

Mr. Speaker, there are more than 150,000 Jews in the United States with relatives inside the Soviet Union. These families have suffered long enough the torment of separation from their loved ones. It is time for the immediate reunification of such divided families.

While there has been a slight increase in the number of Jews leaving, there are still 400,000 Jews in the Soviet Union who wish to emigrate. They languish without jobs, without protection, without freedom to live fully as Jews. We ask for consistent emigration procedures. We ask for the abandonment of the emigration decree of January 1, 1987. We ask for the removal of fabricated "state secret" refusals. We ask for an increase in emigration figures to at least match the 1979 figures. We ask for freedom of choice of destination, and last but not least we ask for a dramatic upswing in freedom of Jewish study and expression inside the Soviet Union.

Mr. Speaker, I hope the Soviets will put this nagging issue behind them. I hope that Secretary Gorbachev, Foreign Minister Shevardnadze will in the spirit of glasnost put this issue behind them. For it is time for them to live up to international law, it is time for the gates to open so that Jews can be free.

Until the Soviet Union releases those who are trapped against their will, it will be very difficult for our Government and our citizens to increase trade and cultural contacts with the Soviet Union.

Mr. Speaker, I thank the distinguished Congressman from Ohio for yielding and am happy to turn the floor back over to him.

Mr. STOKES. I thank the gentleman for yielding back and thank him for his participation in the special order this evening. He has certainly made an articulate and eloquent statement.

I am sure that not only do I appreciate his participation but these human beings who are caught behind the curtain in the Soviet Union are indebted to him for his contribution here this evening.

Mrs. MORELLA. Mr. Speaker, my recent trip to the Soviet Union brought me face-to-face with both the positive significance and also the limits of the new openness or glasnost. I met with most of the top leadership of the Soviet Jewish refusenik movement, with Soviet officials, and with a group of divided spouses.

Among the refuseniks I met with are Lev Shapiro, Vladimir Slepak, Ida Nudel, and Arkady, and Helen Mai. I also met with the

Deputy Chief of Human and Cultural Affairs at the Soviet Ministry of Foreign Affairs, Mr. Yuriy Reshetov, and the First Deputy Director of the Soviet Customs Administration, Mr. Vitaliy Boyarov. As a member of the House Post Office and Civil Service Committee, I focused in my discussions with Mr. Boyarov on Soviet interception of mail to and from the West.

My 8-day stay in the Soviet Union convinced me that refuseniks have become pawns of Soviet foreign policy, the most famous among them to be set free only when the Soviets wish to sweeten the atmosphere before a high-level meeting. Last week's releases are clearly tied to this week's discussions between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze.

I was reminded that efforts on behalf of Soviet Jewry are not limited to their role in reminding both ourselves and the world of the essential differences between the Soviet system and our own. Those activities are both a carrot and a stick with which to encourage better treatment of Soviet Jews and a concomitant freeing up of the general atmosphere in the Soviet Union.

I am reminded of the words of Vladimir Slepak, who I met during my stay. Vladimir Slepak is a refusenik who still waits. Waits, as he has waited for 17 years now, to be free. To be free to practice his religion and to teach it to his children. To be free to speak his conscience and to write it. Vladimir Slepak has said to us, his friends in America, "If you turn your eyes from us, even for a moment, we will cease to exist." Mr. Slepak makes it clear that the fate of Soviet Jewry is tied to Western pressure. I share his assessment.

There has been talk of the priority of rescuing those 12,000 Soviet Jews who are, like Mr. Slepak, refuseniks. These people have, by definition, been repeatedly refused an exit visa, many for 10 years or longer. I am concerned that the Soviets will let these 12,000 go and then shut the gates. This concern is heightened by rumors that Jews who are now visiting Soviet visa offices for the first time have been turned away without being allowed to apply.

We must be concerned with not only the 370,000 who have at great risk already taken the first step toward leaving, but also the estimated 2 million Jews who remain in the Soviet Union. By preventing these people both from freely practicing their religion and from teaching it to their children, the Soviet Government is subjecting these Soviet Jews to cultural genocide. One can only wonder how many of these 2 million would leave if the gates were opened wide and they could ask for visas without fear. We must work to give them that chance.

We must continue to stress, through letters, phone calls, and demonstrations, that we will not rest until the Soviet Union frees all who wish to live in freedom. The struggle for Soviet Jewry is far from over.

Mr. DURBIN. Mr. Speaker, the recent release of 15 refuseniks from the Soviet Union is cause for much joy for those released and their families. That joy, however, is tempered by two important facts.

First, while these 15 refuseniks and their families rejoice today, their release follows years of suffering in the Soviet Union, waiting and hoping that they might be released. All those released have been waiting for exit visas for at least a decade. In addition, they leave behind tens of thousands of refuseniks who are still denied permission to emigrate. Soviet officials have allowed 4,700 Jews to emigrate this year, a figure much higher than the 1,000 exit visas approved annually in recent years. However, 51,000 were allowed to leave in 1979.

Second, their release comes only days before Secretary Schultz is to meet with Foreign Minister Shevardnadze in Washington. As such, it is unlikely to signal any kind of genuine change in Soviet emigration policy. Instead, it appears to be a diplomatic gesture, trying to generate good will in the upcoming talks and in the possible United States-Soviet arms control summit.

How should we respond to the Soviet Union's gesture? I believe it demonstrates the value of pressuring Moscow to adhere to the fundamental principles of human rights. If the release to refuseniks was not important to the West, then the Soviets would not have released them in order to generate a feeling of good will. There can be no doubt in their minds about the importance of the release of refuseniks and its impact on public opinion in the West.

We must not delude ourselves that the Soviets have had a change of heart and have decided to adopt more humanitarian emigration policies. Instead, we should see these gestures for what they are—carefully thought out steps designed to achieve an explicit goal. We must continue to exercise the leverage we have by exerting steady pressure on the Soviet Government to release refuseniks through letters, telegrams, et cetera, in order to achieve these limited responses and offer hope to those still awaiting release.

Mr. LEVIN of Michigan. Mr. Speaker, first of all I want to commend my colleagues LOU STOKES and JACK KEMP for initiating this special order and to the rest of my colleagues who agreed to participate. The only thing worse than losing one's freedom of movement is losing one's voice, and our brothers and sisters in the Soviet Union have lost both. So we must be their voice.

Clearly, there has been some progress made in sheer numbers of emigration—from a few dozen a month to a few hundred. But this is not nearly enough. The only number that matters is 100-percent emigration for those who seek it.

Just yesterday I spoke on the phone with Alexi Bronshtein who lives in Leningrad and has been refused an exit visa. Alexi is also a divided spouse who was married last year to a Swedish woman in an official Soviet ceremony. His wish is to be reunited with his wife so they may perhaps settle in Israel where he has family.

When Alexi requested permission to leave he was dismissed from medical school where he had already completed 4 years of study. He now faces the threat of conscription. Alexi told me yesterday that he had just returned from Moscow to speak with emigration officials about his status. Every time he goes, Alexi talks with a different Soviet official, but yesterday, as in each previous attempt, he was told nothing of substance.

We've heard much about glasnost these last few months but this is unassailable evidence that thus far glasnost has meant a great deal as a marketing tool, but has had limited practical application.

When I asked Alexi what more we could do, he said we need to keep sending letters. He said we must do everything in our power to make the Soviets aware that the United States will not stop fighting for him.

And we will press on; not just on behalf of the 400,000 Soviet Jews who have applied for and been refused exit visas, but on behalf of those countless prisoners of conscience who have been locked up, and often beaten, humiliated, and tortured.

Soviet Foreign Minister Eduard Shevardnadze is in Washington this week to negotiate a new arms control treaty. Above all, an arms treaty arms reduction depends on faith in each other's respect for the most basic human right, the right to exist.

Every step toward respect for other basic human rights—freedom of religion, association, speech, and travel, to name a few—directly increases our confidence in each other's respect for this fundamental human right of survival. In this context, it's doubly imperative that we stress in all our negotiations with the Soviets the need for a completely open human rights policy.

That policy, of course, includes the right for people like Alexi Bronshtein to live and work where they choose, and how they choose.

Mr. TRAFICANT. Mr. Speaker, in light of the ongoing meetings between Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze, I would like to recognize the opportunity for negotiation in the sensitive areas of arms control and human rights. I believe that the 3-day session between the leaders will produce concrete negotiations and hopefully a decision to convene a summit scheduled for a future date.

In addition to the optimism for and energy expended on behalf of a nuclear arms resolution between the United States and the Soviet Union, I would also like to draw attention to the continually hedged issue of human rights. During this period of glasnost, it is particularly important that we stress the need to improve the plight of Soviet Jewry. I am not negating the fact that refusenik releases have increased during the past year—3,092 as of June, compared to 914 during all of 1986—however these figures cannot compare to 28,864 in 1978, or 51,320 releases in 1979. We must not overlook the fact that human rights policies under Gorbachev remain bleak, and we in Congress must reaffirm our efforts to work toward eliminating the tragic abuse of human dignity under the Communist Soviet regime.

Mr. Speaker, as Americans we recognize and enjoy the benefits of living in a free and democratic nation. As we commemmorate the 200th anniversary of the signing of our Constitution, let us not forget the situation of those who are denied freedoms associated with basic human rights. I hope my colleagues will join me today in recognizing the importance of human rights negotiations during the Shultz-Shevardnadze humanitarian standards within the Soviet Union.

Mr. MOLINARI. Mr. Speaker, I rise to commend the gentlemen from Ohio [Mr. STOKES] and from New York [Mr. KEMP] for reserving this special order dealing with the plight of Soviet Jewry. The timing of this special order is particularly appropriate since it coincides with the visit of Soviet Foreign Minister Eduard Shevardnadze. What better time to raise the plight of Soviet Jews than when our Secretary of State and Soviet Foreign Minister are talking about agreements in the arms control area. We must constantly remind the Soviets that we will not ignore their violations of international human rights agreements. Such violations, as Natan Sharansky rightly notes, raises the question of their credibility.

The Soviets not only violate the human rights of well-known dissidents and refuseniks such as Ida Nudel, Vladimir Slepak, and my own adopted refusenik Aleksandr Paritsky of Kharkov, but even those of elderly sick couples like Natan Tkach and his wife Etya of Moscow.

Aleksandr Paritsky and his wife, Polina and daughters, Dorina and Anna, first applied fo exit visas to Israel in 1976 in order to be reunited with Aleksandr's brother Itzhak. Most recently, in May, Aleksandr and his family were again denied permission to emigrate.

Aleksandr and his family have been continually harassed for their quest to emigrate. Aleksandr was even jailed—resulting in a heart condition—because of his wish to emigrate. In 1981, Aleksandr was arrested, tried, and sentenced to 3 years in a labor camp for allegedly circulating fabrications known to be false which defame the Soviet state and social system.

But the Soviets not only harass those that are outspoken about their desires to emigrate but even afflict the frail, elderly, and sick. Natan and Etya Tkach first applied for permission to leave the Soviet Union over 10 years ago. Since then they have been refused 20 times, most recently on March 23, 1987.

For many years the Soviets gave no reason for their refusal other than it was not advisable. The reasons given for refusal in the last few years, however, were for the alleged security risk of Natan. Even if at one time Natan was a security risk, and that is doubtful since he worked as a manual labor distributing overalls in a machine factory, he retired over 15 years ago. Today, it is sad to report, Natan, 75 years old, is almost completely deaf, very ill, and going senile. Security risk is obviously not the reason for their denial.

The health of Etya is also a great concern to the family. The Tkach's daughter, Klavdia Fridman, a U.S. citizen residing in my district on Staten Island, NY, has related to me that her mother suffers from myocardial ischemia and pancreatitis. She further reports that Etya has undergone surgery several times and has been in and out of the hospital most of this year. Both Etya and Natan need the warmth and care of their family here in the United States.

The Tkach's situation is truly a case of family reunification. For without this family being reunited, I am afraid that the hope of this elderly sick couple will run out shortly. It is bad enough to be kept in a country against one's will. It is even worse when one's medical condition is fragile and one's family is not around to provide the psychological and physical assistance needed to carry on. We must remind the Soviets that reunification of families is one of the paramount purposes of the Helsinki accords to which they are a signatory and we expect them to fully abide by that agreement.

I am encouraged by the recent Soviet increase in Jewish emigration and the announced release of several prominent refuseniks. I am also heartened by the fact that Dorina Paritsky, Aleksandr's eldest daughter, has recently received permission to emigrate. We must not halt, however, in our insistence that all of those that wish to emigrate be granted such permission. We will not tolerate the Soviets disregard for basic human rights or their misuse of alleged security risks as a reason for denial of emigration. Until the Soviets allow the over 400,000 Soviet Jews who have indicated their desire to emigrate permission to do so we can not and will not be still.

Mr. MANTON. Mr. Speaker, I would like to commend the leaders of the Congressional Coalition for Soviet Jews for organizing today's special order. Today is an appropriate occasion to call attention to the plight of Soviet Jews because Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze are meeting in Washington. While there are many important topics to be discussed during their meetings, none are more important than the Soviet Union's emigration policies.

We have all been encouraged by the recent release of many prominent refuseniks and prisoners of conscience, but we must not let these cases overshadow the fact that there are still approximately 400,000 Jews who wish to leave the Soviet Union. It is still extremely dangerous for the Jewish people of the Soviet Union to learn Hebrew and to practice their religion. Rabbinical training, essential to the future of Judaism, is still forbidden. Furthermore, to even apply for emigration in the Soviet Union is to invite demotion or dismissal from one's job, the loss of academic degrees, and other acts of harassment. Recent changes in the Soviet Union's emigration laws have also made it more difficult for Jews to receive permission to emigrate.

Mr. Speaker, while many prominent refuseniks have been allowed to leave the Soviet Union, there are too many unknowns who remain. Secretary General Gorbachev recently told a congressional delegation that denying an exit visa on the basis the applicant has been in possession of state secrets should be a relevant concern for only 5 or 10 years. In 1977, one of my constituents was forced to divorce her husband so that she and her son could emigrate. Her husband was not allowed to emigrate because of his supposed access to sensitive information. Although his employment and supposed access ended 14 years ago, his requests for an exit visa have been repeatedly denied.

Mr. Speaker, the United States must continue to press the Soviet Government to reform their emigration policies. I am hopeful that Secretary Shultz and Foreign Minister Shevardnadze will discuss these issues and come to a favorable resolution. The Soviet Union must understand that while the United States will not allow Soviet Jews to be used as pawns, neither will we cease our efforts on their behalf.

Mr. BUSTAMANTE. Mr. Speaker, I want to thank Congressmen STOKES and KEMP for sponsoring this special order on behalf of Soviet Jews on occasion of the Shultz-Shevardnadze meetings.

As the United States and the Soviet Union have been moving closer to an arms control agreement on medium-range nuclear weapons and a summit is in the offing, the Soviet Union has acted to resolve a few well publicized human rights cases. The Soviet Union has continually used these goodwill gestures to show their good faith efforts at promoting world peace and freedom. However, when these cosmetic moves are seen in proper context, they prove to be calculated and ominous. The case of Yosef Begun, whose recent permission to emigrate was announced with much fanfare before Mr. Shevardnadze's meetings with Secretary Shultz, illustrates the Soviets' cynical approach to human rights. After a 16-year struggle to emigrate and to maintain his Jewish culture and religion, ex-prisoner of Zion Begun has become a hostage of détente, a pawn to be used by the Soviet leadership to project an image of openness to the West. The reality that Yosef Begun embodies is that of the Soviets' denial of cultural rights which their Constitution purports to protect and their noncompliance with international agreements guaranteeing free emigration.

We in the West yearn to see a real opening in the Soviet Union and a genuine respect for human rights since totalitarian regimes pose the greatest threat to freedom loving people. Therefore, if Mr. Gorbachev is serious about political reform his policies should reflect a positive departure with the past. Releasing celebrated human rights victims before summit meetings in exchange for American political concessions does not represent real Soviet political reform, it merely reflects a calculated move to project a positive image in the West.

Mr. Speaker, is Gorbachev's glasnost real or is it wishful thinking on our part? It is best to compare today's glasnost with previous attempts at Soviet political reform. Under Nikita Khrushchev hundreds of thousands were released from the gulag, exonerated and rehabilitated. Artists and writers were allowed to travel abroad and to express themselves in an unprecedented manner. In comparison, today's reforms are meager. Despite the spectacular releases of celebrated prisoners, the Soviet authorities have not repudiated the policy that created the modern day gulag. Moreover, Gorbachev has not exonerated and rehabilitated the few political prisoners that have been released. Many still linger in prisons and psychiatric wards. Cultural exchanges with the West are still tightly controlled by Soviet authorities who determine whether Soviet artists are reliable to appear in the West and who chose who from the West is acceptable for Soviet audiences. The emigration of Jews has increased from less than 100 a month in recent years to 500, but it is still a fraction of the annual rate of 50,000 under Brezhnev. When the actual numbers of Soviet Jewish emigration are measured against the demand by 400,000 Soviet Jews to leave, one can appreciate that the Soviets are only allowing a trickle to leave. To make matters worse, the Soviets promulgated a new emigration law which would exclude 90 percent of the Jews who have indicated their desire to leave from emigrating. In addition, Soviet authorities are not even accepting applications to emigrate, thereby eliminating the need to refuse applications and thereby eliminating future refuseniks. As the record shows the freeing of Yosef Begun cannot hide the paltry reality that glasnost is so far. Mr. Gorbachev has still a long way to go until he can demonstrate concrete political reform in the Soviet Union.

Mr. Speaker, Mr. Shevardnadze should convey the following message to Mr. Gorbachev: The American people have heard your rhetoric of openness or glasnost, they are waiting for you to act on your promises. They want to see significant improvements in human rights and, at least, similar levels of Jewish emigration which were achieved in the late seventies. Failing that you will forfeit the trust necessary for significant change in superpower relations.

Mr. WEISS. Mr. Speaker, I am pleased to participate today in the special order, sponsored by the Congressional Coalition for Soviet Jews, to address the issue of human rights and Jewish emigration in the Soviet Union.

It is particularly appropriate to speak about this issue at this time—for not only does it coincide with the much-awaited visit of Soviet Foreign Minister Eduard Shevardnadze, it also coincides with the celebration of the 200th anniversary of the U.S. Constitution. Thanks to the Constitution, American citizens are guaranteed basic human rights—rights which are systematically denied to Soviet citizens by their government.

The introduction of the glasnost policy by General Secretary Gorbachev has been accompanied by encouraging progress in United States-Soviet relations. The two governments are near to reaching an agreement to eliminate short and intermediate-range nuclear weapons. Soviet authorities are allowing unprecedented educational exchanges with the United States. There is even diplomatic cooperation between the United States and the Soviet Union, as in the recent U.N. Security Council resolution calling for a ceasefire in the Iran-Iraq War.

Within the Soviet Union, issues previously considered off-limits are now openly being debated. Countless prisoners of conscience have been released, and a number of prominent refuseniks have received permission to emigrate.

While these steps taken by the Soviet Government are indeed encouraging, they are not enough. The Soviet Government continues to unjustly detain too many of its citizens. Soviet Jews are still subject to religious discrimination. Although the rate of emigration has increased in comparison to the last 2 years, it is not nearly what it should be.

Since January 1, 1987, approximately 4,700 Soviet Jews have been allowed to emigrate. At the current rate, a total of 10,000 to 20,000 Jews will be given permission to leave the Soviet Union in 1987. But there are an estimated 350,000 to 400,000 Jews left in the Soviet Union who have indicated that they want to emigrate. In 1979, approximately 51,000 Jews were allowed to leave. A return to such levels would be a significant sign that the Soviet Government is committed to improving its treatment of Soviet Jews.

After much fanfare about a new, supposedly more liberal policy of emigration, the Soviet Union enacted a new highly restrictive emigration decree, in effect since January 1, 1987. The decree limits letters of invitation to emigrate to individuals who have close relatives in other nations. It thus effectively excludes thousands of Jews wanting to leave the Soviet Union.

Lastly, there is an apparent increase in the number of emigration visas refused by Soviet authorities on the basis that the individuals involved were privy to "state secrets." Such claims are absurd—one woman was refused a visa because she had worked part-time studying low-temperature refrigeration in a chemical institute!

In short, despite glasnost, the Soviet Government has yet to fulfill its obligations to preserve the basic human rights of its citizens—obligations which is voluntarily accepted when it signed the 1948 Universal Declaration of Human Rights and the 1975 Helsinki Final Act.

I ask my colleagues today to join me in sending a strong message to Foreign Minister Shevardnadze that we will not cease in our demands that the Soviet Government take further steps toward the fulfillment of its obligations to protect human rights. We must make Secretary Gorbachev realize that further improvements in United States-Soviet relations—improvements which are desired by the peoples of both our countries—cannot be divorced from a fundamental commitment to human rights.

Today, when we celebrate an American tradition of upholding human rights let us rededicate ourselves to the cause of improving human rights around the world. Let us loudly declare our belief that human beings have a right to think and speak freely, to live with dignity and to observe their religious beliefs without interference by the State. History—American history in particular—has shown that persistence and passion in pursuing a just cause can shake the most powerful nations in the world.

Mr. FIELDS. Mr. Speaker, I thank my colleagues in the Congressional Coalition for Soviet Jews for their leadership in the issue of human rights in the Soviet Union, and for providing the Members of Congress with the opportunity to talk about human rights and Jewish emigration in the Soviet Union during the meetings between Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze.

Recently brought to my attention was the plight of a Soviet refusenik, Abram Kagan who has been denied permission to emigrate from the Soviet Union. Abram is an internationally known statistician who has received several invitations to scientific meetings outside the U.S.S.R., he has never been able to attend these seminars or to emigrate to Israel, although he and his family have been in refusal for more than 10 years. He has consistently been denied permission to emigrate because of secrecy, despite the fact that his employers at the Steklov Institute of Mathematics have led him to believe that there was no reason for him to be denied permission to emigrate. In actuality, Abram never had any contact with State secrets, having worked only as a theoritical mathematician whose papers have all appeared in the open scientific press. Just recently, the Soviet authorities granted permission to emigrate to everyone in his family, with the exception of Abram. To separate this loving father from his wife and two children is the ultimate cruelty of the Soviet Government.

Sometimes the story of a single person or family can tell more about a system of government than all the statistics in the world. Abram Kagan is only one of thousands of people who have been victims of anti-Semitism in the Soviet Union.

Until the end of June 1987 it seemed to be better for Soviet Jewry than the recent past. However, it should be noted that while Jewish emigration increased significantly in the first 6 months of 1987, the following situation remained: If Jewish emigration this year would continue at the current rate, the year's total would reach only 7,000—less than one-seventh of the peak year of 1979 when 51,320 Jews arrived in Vienna, almost all of those granted permission are drawn from a list of 11,000 documented refuseniks, with little evident breakthrough concerning the thousands of others who are known to seek to emigrate, very few applicants are being approved, or even processed, and virtually no one who lacks first degree relatives abroad, whether parents or siblings, can get new applications accepted.

General Secretary Mikhail Gorbachev has been seeking to project an image of openness and flexibility on human rights issues. He has taken some dramatic steps to demonstrate that the Soviet regime's policies on these matters are changing. He has released several prominent refuseniks. This is welcome news. Yet, for most Soviet citizens, there has been no general improvement in Soviet human rights practices under Gorbachev.

During his recent visit to West Berlin, President Reagan challenged the Soviets by calling for the dismantling of the Berlin Wall. In anticipation of another meeting between President Reagan and General Secretary Gorbachev, we must implore the Soviet Union to dismantle another wall, a wall which surrounds the Soviet Union by denying Soviet Jews a chance for freedom.

Mr. Speaker, it is our duty as freedom-loving people to throw the public spotlight of international concern on Soviet human rights performance. For the thousands of Soviet refuseniks, we remain their only hope.

Mr. GREEN. I would like to thank Representatives KEMP and STOKES, the House cochairs of the Congressional Coalition for Soviet Jews, for organizing this special order.

This special order comes at a very special time. Not only is Soviet Foreign Minister Sheverdnadze now meeting with Secretary Shultz, but just yesterday I had a visit from Vladimir Magarik, father of Prisoner of Conscience Alexei Magarik. Magarik met me with the happy news that Alexei had just Monday been freed from a Soviet labor camp. Vladimir referred to himself as the joyful father of a "newborn son" and said he attributed his son's release, a year and a half early, to presure from the West.

Also, this month we have had word that a dozen well-known refuseniks, including Iosif and Inna Begun, Victor and Irina Brailovsky, Lev Sud, and others have been given permission to emigrate. These same people had been told just a few months ago that their cases would never be considered and that they would never be allowed to emigrate.

The numbers, too, are encouraging. In the first half of 1987, 3,092 Soviet Jews were allowed to emigrate. Just last month, 782 Jews left the Soviet Union. Those are startling numbers considering that in all of 1986 only 914 Soviet Jews were given exist visas.

And yet our work is far from over and our vigilance cannot yet be relaxed. Alexei Magarik, who first applied to emigrate in 1983, is still in the Soviet Union and not in Israel with his father. Lev Elbert, who is one of the well-known refuseniks, expected to be given an exist visa with the Beguns and Brailovskys, still has not officially heard that he will be allowed to leave. Ida Nudel, the Guardian Angel of Refuseniks, is still in internal exile and kept from her ever hopeful sister in Israel. Semyon Gluzman, a psychiatrist and former prisoner of conscience whom I first adopted 9 years ago, is still waiting in Kiev.

So while the Soviets have allowed for increased emigration and the miraculous releases of the now-famous refuseniks, for which we are grateful, the Soviets have still not outlined a clear and consistent policy. Immigration and compliance with the Helsinki Agreements cannot be on an ad hoc basic. The Soviet Government must adopt a well-defined and consistent review process for handling emigration requests. That review process must include, for instance, a responsible definition of what constitutes "access to state secrets" and must produce a clear guideline for documentation from family.

The Soviets must be made to understand that such a change in immigration policy would not go unrewarded, that such actions would inevitably lead to better trade relations and ultimately even to MFN status.

Next week is the Jewish New Year, Rosh Hashanah. What better time to push for these new and hopeful policies than now as Jews all over the world prepare to celebrate freedom and new beginnings.

Mr. HUGHES. Mr. Speaker, I want to commend the gentleman from Ohio, Mr. Stokes, for organizing today's special order on the plight of Russian refusenkiks. In light of the current visit of Soviet Foreign Minister Shevardnadze, this special order is particularly timely. I hope we can convince the soviet leadership that, even though the attention of our country is concentrated on the prospect of an arms agreement, we still mean business when it comes to respect for fundamental human rights.

I would like to take just a moment to mention the situation of a Russian family that is of particular interest to the people of my own Second District of New Jersey. Alexander and Rosa Joffe, Russian citizens who wish to start their lives over again in another country, have been denied the right to leave the Soviet Union and be reunited their family. The Board of Chosen Freeholders of Cumberland County, NJ, have taken notice of the Joffe family's ordeal, and have taken it upon themselves to adopt the Joffe family's cause as their own. As part of their worthy campaign to bring the Joffes to the world's notice, the members of the Cumberland County board have asked me to use this special order to spotlight the Joffes' fight to emigrate.

Of course it is entirely proper to focus this special order on the plight of individual families, such as the Joffes, in their quest for freedom. But while we draw attention to the Joffes, we must not ignore the fact that they represent more than just one family—they are a sympol for all oppressed persons who seek to exercise their rights as human beings to emigrate.

I implore General Secretary Gorbachev to review the Joffe family's case in the spirit of glasnost, and allow these people to be reunited with their loved ones. If Mr. Gorbachev really means to take his country in a new direction, he should start by exercising his sense of compassion and statesmanship and breaking the bonds that hold the Joffes, and tens of thousands like them, as virtual prisoners in their native land.

Mr. CLARKE. Mr. Speaker, much attention is rightly focused on Soviet Foreign Minister Shevardnadze's visit to Washington this week. I hope very much that Secretary of State Shultz placed human rights high on the agenda of his talks with Mr. Shevardnadze, and that our Government will continue to insist on observance of basic human rights in the Soviet Union in accordance with international agreements. I welcome recent Soviet gestures in releasing a few refuseniks, and I hope we will see a great deal of further progress. For those not already familiar with the problem of Jewish emigration from the Soviet Union, it may be useful to review the background of the issue.

It is not difficult for free Americans to imagine why anyone would want to emigrate from the Soviet Union, despite the hardship of leaving friends and relatives behind and starting over in a foreign country. We should remember, however, that Soviet Jews have special reasons for leaving, in part because they are singled out for special treatment.

Jews are officially considered as a nationality in the Soviet Union, like Russians and Lithuanians and Uzbeks. Jews were even given an artificial national homeland in the Sovet far east. Like all Soviet citizens over 16, Jews must carry their internal passports everywhere they go. Each passport gives the bearer's nationality. That means that in every contact with the police, bureaucrats, housing officials, and employers, a Jew is not just a citizen, but a Jewish citizen. This is not as blatant as sewing yellow stars of David on people's clothes, but in a country with a long tradition of anti-Semitism, it is harsh.

What does anti-Semitism mean today in the Soviet Union? Cossacks no longer slaughter Jewish villagers, and even Stalin's chillingly clear references to "cosmopolitan elements" have not been officially encouraged in recent years. Present-day Soviet anti-Semitism is usually more subtle. One Moscow women has spent her life reading and translating American literature. Her real passion, however, is the great classical literature of her own country. When in her youth she told university officials she wanted to major in that area, they said it would be inappropriate for a Jew to be an expert in Russian literature and firmly suggested American studies instead. It is no accident that Jews, althouth they tend to be more urban and educated than others in the U.S.S.R., are hard to find in Moscow's most prestigious professional and graduate schools. Prejudice shows its face at all levels, from playgrounds to the Kremlin.

In view of the discrimination and occasional hostility they face, Mr. Speaker, it is hardly surprising that some Jews try to assimilate to Soviet society and forget their Jewish heritage. Indeed the Soviet propaganda campaign against Zionism, as they define it, means in essence that the only good Jew is one who has lost all his Jewishness. It is clear that the average Russian knows that Zionism is a code word for Judaism. He therefore understands the real message of the television programs, newspaper articles, and books, condemning Zionism and Israel. Any Jew who asserts his heritage, or—worse still—decides he must emigrate to be free to assert it, immediately steps into the prepared role of Zionist and traitor.

The chief instrument of this official campaign is the state Anti-Zionist Committee. Among its members is Moscow's only rabbi. Little wonder that the city's 100,000 or more Jews regard him as the state's representative, not their own. Yet any Jews who seek religious life together but avoid the official synagogue risk breaking laws against belonging to unregistered religious bodies. Teaching Hebrew is not illegal, but many Hebrew teachers have been imprisoned on trumped-up charges like possession of drugs. Hebrew teacher Leonid (Ari) Volvovsky was sent to a labor camp in part for owning a copy of the novel "Exodus."

All this takes place, Mr. Speaker, in a totalitarian society where there is no effective way to appeal actions of state and party officials. We see potential in Gorbachev's policies for eventual basis improvements, but meanwhile glasnost has helped encourage a Russian nationalist movement which apparently has influence very high in the Kremlin. A central element of this movement is anti-Semitism.

Our policy, therefore, should be to maintain the pressure on the Soviet Government to do two things: First, to allow Jews and other Soviet citizens the right to practice their religion and cherish their heritage free of state interference; and second, to fulfill the U.S.S.R.'s international obligation to pose no barriers to free emigration.

Mr. SMITH of Florida. Mr. Speaker, as Secretary Shultz and Soviet Foreign Minister Eduard Shevardnadze begin their scheduled talks, I am hopeful that the plight of human rights and Jewish emigration will be discussed. With this in mind, I rise today to highlight the case of my adopted Soviet refusenik, Yakov Rabinovich. Mikhail Gorbachev's glasnost policies recently have been credited with an array of new reforms. Although the Soviet Union is rapidly progressing in many domestic aspects, the question of Soviet Jewry still remains unresolved. Unlike all citizens in our

American democracy, Soviet Jewish refuseniks live with uncertainty, harassment, and intimidation, and they are treated brutally by the Soviet system. Their only crime is their desire to live as Jews and to emigrate to Israel.

Gorbachev has been credited with the release of a number of Jews and political prisoners. Unfortunately, 400,000 known Jews still seek freedom from the Soviet Union. Their attempt is a long and tedious process which is usually culminated with denial. These individuals then lose their citizenship, residence, and even their occupations. Furthermore, they are often separated from their spouses and children.

One case, in particular, involves my adopted refusenik, Yakov Rabinovich, who first applied for permission to emigrate with his family in 1978. Three years after he first requested a visa, permission was granted to only his wife and two children. Rabinovich encouraged them to leave in the hope that he would soon follow. Since 1980, he has been denied permission to emigrate by an arbitrary Soviet bureaucracy, that unjustly accused him as having access to state secrets.

Probably the most tragic aspect of his torture is his forced separation from his wife and family. Rabinovich was advised to divorce his wife in order to make the emigration process easier for one of them. While he unwillingly remained in the Soviet Union, his son graduated from Brandeis University in 1985. Even their communication has been limited; often phone calls from Rabinovich's wife and children have been withheld.

Rabinovich now resides in Leningrad. Not only does he lead a dismal and lonely life, but he also has been cruelly deprived of his professional career and livelihood. Once a shipbuilding engineer, Rabinovich now works in a shoe factory earning a mere 130 to 150 rubles a month—equivalent to $130 to $150 in the United States. He must deal with the professional and personal humiliation of a pay decrease of 100 rubles from his once prestigious career.

The Soviets justify this treatment by accusing Rabinovich of having access to state secrets. In reality, the ships which Rabinovich helped design travel worldwide. Obviously, this Soviet citizen, as well as 11,000 others, is being denied an emigration visa only because he is a Jew. This bureaucracy can refuse him his freedom, but it cannot deny his Jewish identity. He will never forget his studies, or his heritage, regardless of his forced separation from his family.

The Soviet Government can isolate him, but even they are unable to restrict his religious convictions. As he patiently awaits a reunion with his family, Rabinovich serves as an active member of the Leningrad refusenik community where he studies Hebrew and Jewish culture. He is unafraid to stand up for what he believes and is dedicated to helping others. Rabinovich is an individual who actively seeks knowledge of Judaism as well as the freedoms found in our great democracy.

The primary dilemma is that the Soviets refuse to admit that there is a Jewish problem. With glasnost, Gorbachev is modernizing many internal policies, yet he does not necessarily intend to improve his position on the human rights issue. The Soviet Jewry question cannot be overlooked by this welcomed and much needed openness. Gorbachev may be trying to initiate an economic revolution, but we must be skeptical of his underlying intentions. As far as I am concerned, this is just an attempt to appease us and ignore the true problem at hand. As American citizens, we must continue to administer to the dire needs of the Soviet Jews which they are denied while living in this hostile country.

According to the Soviet Government, everyone who wants to leave has done so. Therefore, the family reunification provisions of the Helsinki Final Act are no longer needed. On the contrary, their services are seriously needed. Emigration statistics have never been so low. Gorbachev has addressed this topic, but thus far no substantial action has been taken.

As this public relations game persists, basic human rights are being violated. The only way to force the Soviets to release the Jewish refuseniks and to incorporate human rights is through a unified front. We cannot remain on the sidelines and passively watch this unjustice. Families are separated and innocent citizens are treated as prisoners. We must put a end to Soviet religious persecution.

The United States must continue to press the relaxation of harsh Soviet emigration policies to allow refuseniks such as Yakov Rabinovich the freedom to emigrate. As Members of Congress, it is our responsibility to take the initiative and pressure the Soviet officials until all dissidents are released. Soviet Jews must be granted their freedom and be protected from Soviet persecution and separation from their loved ones. The only hope for the Soviet Jewish refuseniks is the Western efforts, such as the congressional call to conscience vigil for Soviet Jews, sponsored by the Union of Councils of Soviet Jews. I am pleased that my colleagues have set time aside today to continue to speak out on behalf of the denial of human rights, so that the Soviets will realize Soviet Jewish emigration is a priority and a commitment of the United States, not a propaganda tool.

Mr. RICHARDSON. Mr. Speaker, the meetings currently taking place between Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze provide a unique opportunity to raise the issue of human rights in the Soviet Union. As a member of the Helsinki Commission, I would like to express my concerns about the new Soviet emigration legislation and the plight of the Soviet Jew.

NEW SOVIET EMIGRATION LEGISLATION

We welcome the publication of your new regulations on entry into and exit from the U.S.S.R. and some of the provisions which are geared toward speeding up the decision-making process on applications for exit visas. Nevertheless, many Americans are troubled by other provisions, including the requirement that the invitations from abroad necessary for application can only come from close family members. We are concerned that the definition of family is so narrow as to exclude many who would like to emigrate. We are also concerned about the requirement that family members must grant approval of close relatives' emigration requests.

The new Soviet emigration policy merely creates some possibility for limited numbers of people to leave. The regulation makes no mention of emigration as a right, and continues to leave Soviet authorities with absolute power to reject applications for emigration.

The regulation, citing formal new rules on who may leave, essentially codifies existing restrictive practices in effect since 1980. These practices allowed departure on the basis of family reunification only, rather than as a fundamental human right.

The decree continues the Soviet practice of withholding permission from those who have "knowledge of state secrets." While a state may have legitimate security concerns, and limit exit permission to those exposed to military secrets, the decree does not define the term and has no ceiling on time.

The decree also spells out eight other reasons for denying requests for emigration, including a catch-all provision that gives Soviet authorities the right to reject applications on grounds of "insuring the protection of social order, health, or the morals of the population."

The publication of this decree can be seen as a positive step. However, it should be kept in mind that the regulation disregards provisions of various international documents, particularly the international covenant of Civil and Political Rights, which guarantee the right to leave one's country.

JEWISH EMIGRATION

Since the signing of the Helsinki Final Act, the level of Jewish emigration, after an initial and marked increase, has declined rapidly.

In the 1980's, emigration declined to a low of 896 in 1984, 1,140 in 1985, and 914 in 1986. However, the number of Jews permitted to emigrate in March of 1987, 470, represents the highest monthly level since late 1981.

It is estimated that 383,000 Soviet Jews are in possession of a Vyzov—invitation to emmigrate. While it is not known how many have actually applied or would apply if given the opportunity, it is probable that many are awaiting a more favorable climate before taking the risk to emigrate.

There are over 11,000 known Jewish refuseniks, although some estimates run as high as 20,000. Over 1,000 have been waiting to emigrate for more than 10 years.

We welcome the increase in emigration so far this year and are encouraged by indications that emigration will continue to increase substancially. However, hundreds of religious believers of all faiths are imprisoned, exiled, or incarcerated in psychiatric hospitals for attempting to practice their faith. Thousands of evangelical Protestants in the Soviet Union have expressed the intention to emigrate from the U.S.S.R. to escape religious persecution.

The release of all these religious prisoners of conscience would demonstrate that the Soviet Government really intends to live up to its international human rights obligations. We would urge your Government to permit all citizens, regardless of ethnic or religious origin, to emigrate if they wish to do so.

Mr. GRADISON. Mr. Speaker, in recent weeks, a number of well-known Soviet Jewish refuseniks have received notice from the Soviet Government that they have been granted or will be given permission to emigrate. For example, long-term refuseniks, such as Iosif

Begun and Victor Brailovsky, have been alerted that they may immigrate to Israel.

Overall, there has been a substantial increase in Jewish emigration from the U.S.S.R. In 1986, 914 Jews were allowed to leave the Soviet Union while 4,699 Jews had emigrated as of August 1987.

These statistics, as well as reports that some of the more famous refusenik cases will be resolved, have raised hopes that the Soviet Government may be changing its policy toward Jews who have expressed a desire to leave the Soviet Union. Indeed, United States State Department officials and United States negotiators who have brought up human rights cases with the U.S.S.R. recently report that the Soviet Government has been willing to discuss this issue, a noticeable change from previous years.

Nevertheless, administration officials and human rights experts caution that it is too soon to tell whether Soviet policy is undergoing a fundamental change. It is widely believed that the Soviets have been receptive to resolving cases of concern to the West in order to improve agreement prospects for the Soviets in other areas, whether it be on INF or trade.

Without question, Soviet advances on human rights issues should be applauded and encouraged. But, progress and continued improvement in the rate of Soviet Jewish emigration can only be ensured through persistent effort. If meaningful change in the treatment of Jews in the Soviet Union is to occur, Soviet Jewry activists, human rights supporters, and Congress must continue to publicize human rights issues and press the Soviet Government for reforms.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. LEHMAN of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. FOLEY), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ARMEY) to revise and extend their remarks and include extraneous material:)

Mr. LUNGREN, for 5 minutes, today.

(The following Members (at the request of Mr. GLICKMAN) to revise and extend their remarks and include extraneous material:)

Mr. UDALL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, on September 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WEISS, to revise and extend his remarks just prior to the vote on final passage on H.R. 1154 in the House today.

(The following Members (at the request of Mr. ARMEY) and to include extraneous matter:)

Mr. GREEN in two instances.

Mr. MCGRATH in two instances.

Mr. GALLO.

Mr. RITTER.

Mr. SOLOMON in three instances.

Mr. WORTLEY in two instances.

Mr. DAUB in two instances.

Mr. MICHEL in two instances.

Mr. BURTON of Indiana.

Mr. SAXTON.

Mr. FIELDS.

Mr. WELDON.

Mr. CRANE.

Mr. INHOFE.

Mr. CONTE.

Mr. ROTH.

Mr. LIGHTFOOT.

Mr. DENNY SMITH.

Mr. LEWIS of Florida.

Mr. COURTER.

(The following Members (at the request of Mr. GLICKMAN) and to include extraneous matter:)

Mrs. BOXER.

Mr. HOWARD.

Mr. TALLON.

Mr. FASCELL in two instances.

Mr. VENTO in two instances.

Mr. HOYER.

Mr. KLECZKA.

Mr. MURTHA.

Mr. RANGEL.

Mr. EVANS.

Mr. FRANK.

Mr. MACKAY.

Mr. MORRISON of Connecticut.

Mr. MONTGOMERY.

Mr. HAMILTON.

Mr. PEPPER.

Mr. COLEMAN of Texas.

Mr. HERTEL.

Mr. YATRON in two instances.

Mr. ACKERMAN.

Mr. LIPINSKI.

Mr. DINGELL.

Mr. MILLER of California.

Mr. DORGAN of North Dakota.

Mr. KOLTER.

Mr. DWYER of New Jersey.

Mr. BRUCE.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 1596. An act to extend the period for waivers of State eligibility requirements to enable certain States to qualify for child abuses and neglect assistance;

S.J. Res. 22. Joint resolution to designate the period commencing September 21, 1987, and ending on September 27, 1987, as "National Historically Black Colleges Week"; and

S.J. Res. 135. Joint resolution to designate October 1987 as "Polish American Heritage Month."

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Thursday, September 17, 1987, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2099. A letter from the Secretary of Agriculture, transmitting the Department's views concerning H.R. 3030, the Agricultural Credit Act of 1987; to the Committee on Agriculture.

2100. A letter from the Secretary of the Interior, transmitting a report of the Department's progress in negotiating an agreement for the redevelopment of the southern end of Ellis Island, pursuant to section 5 of the Department of the Interior fiscal year 1987 Appropriations Act as contained in Public Law 99-591 (100 Stat. 3341-251); to the Committee on Appropriations.

2101. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1987, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-106); to the Committee on Appropriations and ordered to be printed.

2102. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting a list of Navy functions which will be the subject of cost studies under the Commercial Activities [CA] Program pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2103. A letter from the General Council, Department of the Treasury, transmitting a draft of proposed legislation to amend the Federal Deposit Insurance Act; to the Committee on Banking, Finance and Urban Affairs.

2104. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report of the Bank's operations for fiscal year 1986, pursuant to 12 U.S.C. 635g(a); to the Committee on Banking Finance and Urban Affairs.

2105. A letter from the Auditor, district of Columbia, a report entitled "Review of the Procedures, Utilized by the Baseball Commission, for the Receipt, Disbursement and Accounting of Funds," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2106. A letter from the Secretary of Education, transmitting a copy of final regulations for secondary and transitional services for handicapped Your Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2107. A letter from the Chairman, Railroad Accounting Principles Board, transmitting the Board's final report on recommendations for integrating cost accounting principles and the cost accounting system certification process into existing rail carrier rate regulation under title 49 of the U.S. Code, pursuant to 49 U.S.C. 11167; to the Committee on Energy and Commerce.

2108. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of transmittal No. B-87 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1), AECA certification 86-28 of 8 April 1986, pursuant to 22 U.S.C. 2776(b)(5), AECA, section 36(b) (90 Stat. 741; 93 State. 708, 709, 710, 94 Stat. 3134; 94 Stat. 1520); to the Committee on Foreign Affairs.

2109. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. A-87 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1), AECA certification 84-20 of 26 January 1984, pursuant to 22 U.S.C. 2776(b)(5), AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 94 Stat. 1520); to the Committee on Foreign Affairs.

2110. A letter from the Acting Director, Defense Security Assistance Agency, transmitting an addendum to the listing of all outstanding Letters of Offer to sell any major defense equipment for $1,000,000 or more, and an addendum to the Listing of all Letters of Offer that were accepted, as of June 30, 1987, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

2111. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of certain FMS quarterly reports for the third quarter of fiscal year 1987, April 1, 1987 to June 30, 1987, pursuant to AECA, sections 36(a) and 26(b) the March 24, 1979 report by the Committee on Foreign Affairs and the seventh report by the Committee on Government Operations; to the Committee on Foreign Affairs.

2112. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting the Department's notice of proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2113 A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's notice of a proposed new record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2114. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2115. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2116. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the Council's annual report for fiscal year 1986, pursuant to 16 U.S.C. 470(b); to the Committee on Insular Affairs.

2117. A letter from the Comptroller General of the United States, transmitting a report on the proposed guidelines of the U.S. Sentencing Commission, pursuant to Public Law 98-473, Section 235(a)(i)(B)(ii)(II) (98 Stat. 2032); jointly, to the Committee on Government Operations and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLAND: Committee on Appropriations. Supplemental report on H.R. 2783 (Rept. 100-189, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 263. Resolution providing for the consideration of H.R. 442, a bill to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians (Rept. 100-301). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. Report on subdivision of budget totals agreed to in the Concurrent Resolution on the budget (H. Con. Res. 93) for Fiscal Year 1988 (Rept. 100-302). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JACOBS:

H.R. 3280. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the overtime requirements of that act certain individuals employed in the cleaning of carpets or fabrics; to the Committee on Education and Labor.

By Mr. KLECZKA (for himself, Mr. ST GERMAIN, Mr. SCHUMER, Mr. LAFALCE, Mr. KANJORSKI, Mr. PETRI, Mrs. COLLINS, Mr. OWENS of Utah, and Mr. SMITH of Florida):

H.R. 3281. A bill to amend section 235 of the National Housing Act to encourage the refinancing of mortgages, loans, and advances of credit for which assistance payments are provided under the lower income homeownership program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NELSON of Florida:

H.R. 3282. A bill to reform the laws relating to former Presidents; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. PEPPER:

H.R. 3283. A bill to allow the obsolete submarine United States ship Turbot to be transferred to Dade County, FL, before the expiration of the otherwise applicable 60-day congressional review period; to the Committee on Armed Services.

By Mr. RITTER:

H.R. 3284. A bill to direct the Secretary of Transportation to carry out a highway demonstration project to extend Pennsylvania State Route 33 to provide a limited access highway to connect Interstate Routes I-78 and I-80; to the Committee on Public Works and Transportation.

By Mr. UDALL:

H.R. 3285. A bill to amend the Atomic Energy Act of 1954 to reorganize the functions of the Nuclear Regulatory Commission by abolishing the Commission and in its place establishing the Nuclear Energy Regulatory Agency, an inspector general thereof, and a Nuclear Safety Board in order to promote safer and more effective and efficient nuclear regulation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

H.R. 3286. A bill to amend the Carl D. Perkins Vocational Education Act to clarify the distribution of assistance under such act to single parents and single pregnant woman; to the Committee on Education and Labor.

By Mr. WORTLEY (for himself, Mr. LAGOMARSINO, Mr. SCHULZE, Mr. PETRI, Mr. MCGRATH, Mr. HUGHES, Mr. DONALD E. LUKENS, Mr. COURTER, Mr. HANSEN, Mr. DWYER of New Jersey, Mr. DIOGUARDI, and Mr. SPENCE):

H.R. 3287. A bill to amend the Ethics in Government Act of 1978 to require legislative branch employees who are cleared for access to classified information to file an annual financial disclosure statement; to the Committee on Rules.

By Mr. BRUCE (for himself, Mr. MARKEY, Mr. BRYANT, Mr. LELAND, Mr. SWIFT, and Mrs. COLLINS):

H.R. 3288. A bill to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARCIA (for himself and Mr. LEACH of Iowa):

H.R. 3289. A bill to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEWIS of Florida:

H.R. 3290. A bill to settle Seminole Indian land claims within the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER (for himself and Mr. WYDEN):

H.R. 3291. A bill to amend title XVIII of the Social Security Act to limit the rate of increase of the part B Medicare premium to the rate of increase in Social Security benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RANGEL (for himself, Mr. GILMAN, Mr. ACKERMAN, Mr. AKAKA, Mr. BIAGGI, Mr. CONYERS, Mr. CROCKETT, Mr. DE LUGO, Mr. FASCELL, Mr. FAUNTROY, Mr. FLAKE, Mr. FRANK, Mr. FUSTER, Mr. GUARINI, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. MATSUI, Mr. PEPPER, Mr. RODINO, Mr. STARK, Mr. STOKES, Mr. SUNIA, Mr. TOWNS, Mr. TRAFICANT, and Mr. WEISS):

H.R. 3292. A bill to establish certain grant programs relating to acquired immune deficiency syndrome among intravenous substance abusers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RODINO (by request):

H.R. 3293. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. WHITTAKER (for himself, Mr. Bates, Mr. Synar, Mr. Scheuer, Mr. Ritter, and Mr. Wyden):

H.R. 3294. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the sale and distribution of tobacco products containing tar, nicotine, additives, carbon monoxide, and other potentially harmful constituents, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JACOBS:

H.J. Res. 358. Joint resolution proposing an amendment to the Constitution of the United States permitting the President to grant a pardon to an individual only after such individual has been convicted; to the Committee on the Judiciary.

By Mr. RICHARDSON (for himself, Mr. Lujan, Mr. Ortiz, Mr. Torres, Mr. Bustamante, Mr. Roybal, Mr. Fuster, Mr. Garcia, Mr. de la Garza, and Mr. Martinez):

H.J. Res. 359. Joint resolution designating April 8, 1988, as "Senator Dennis Chavez Day"; to the Committee on Post Office and Civil Service.

By Mr. SHUSTER:

H.J. Res. 360. Joint resolution designating October 1988 as "Pregnancy and Infant Loss Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. WATKINS (for himself, Mr. Towns, Mr. Evans, Mr. English, Mr. Horton, Mr. Dyson, Mr. Udall, Mr. Volkmer, Mr. Hughes, Mr. Coelho, and Mr. Chapman):

H.J. Res. 361. Joint resolution recognizing, encouraging, and supporting the National Rural Crisis Response Center; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself, Mr. Wolpe, Mr. Crockett, Mr. Gray of Pennsylvania, Mr. Conte, Mr. Dymally, Mr. Udall, Mr. Leland, Mrs. Schroeder, Mr. Dellums, Mr. Mavroules, and Mr. Edwards of California):

H. Con. Res. 189. Concurrent resolution condeming the indiscriminate killing of innocent and unarmed civilians and other acts of sabotage committed by the Mozambique National Resistance [RENAMO] and urging President Reagan to continue to recognize the Mozambican Government; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Con. Res. 190. Concurrent resolution condemning the use of rapid decompression as a method of animal euthanasia; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOEHLERT:

H.R. 3295. A bill for the relief of Nancy L. Brady; to the Committee on the Judiciary.

By Mr. WYLIE:

H. Res. 264. Resolution to commemorate the 25 years of service of the Reverend Father Anthony P. Sarris as priest of the Annunciation Greek Orthodox Church of Columbus and its parish; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. Jacobs, Mr. Traficant, Mr. Sawyer, and Mr. Walgren.

H.R. 190: Mr. Wortley, Mr. Foglietta, and Ms. Slaughter of New York.

H.R. 245: Mr. Baker, Mr. Cardin, and Mr. Martinez.

H.R. 372: Mr. Marlenee.

H.R. 514: Mr. Foglietta and Mr. Torricelli.

H.R. 592: Mr. Bilirakis, Mr. Goodling, and Mr. MacKay.

H.R. 594: Mr. Daniel, Mr. Blaz, Mr. Howard, and Mr. Ireland.

H.R. 622: Mr. Kleczka.

H.R. 666: Mr. Barton of Texas.

H.R. 782: Ms. Pelosi.

H.R. 791: Mr. Conte.

H.R. 807: Mr. Carr.

H.R. 906: Mr. Ford of Tennessee.

H.R. 907: Mr. Edwards of Oklahoma, Mr. Akaka, Mr. Martinez, and Mr. Torricelli.

H.R. 1036: Mr. Oxley and Mr. Pashayan.

H.R. 1082: Mr. Mollohan.

H.R. 1093: Mr. Hayes of Louisiana, Mr. Staggers, Mr. Robinson, Mr. Montgomery, Mr. Oxley, Mr. Frost, Mr. McEwen, Mr. Clinger, Mr. Chappell, Mr. Dowdy of Mississippi, Mr. Cheney, Mr. Hall of Ohio, Mr. Stokes, Mr. Schuette, Mr. Bustamante, Mr. Neal, Mr. Miller of Ohio, Mr. Bereuter, Mr. Fish, Mr. Tauke, Mr. Wortley, Mr. Burton of Indiana, Mr. Dyson, Mr. Hansen, Mr. Yatron, Mrs. Smith of Nebraska, Mr. Gregg, Mr. Jenkins, Mr. Skeen, Mr. Wise, Mr. Hoyer, Mr. Kanjorski, Mr. Perkins, Mr. Armey, Mr. Ravenel, Mr. Gunderson, Mr. McMillen of Maryland, Mrs. Vucanovich, Mr. Wilson, Mr. de la Garza, Mr. Evans, Mr. Hastert, Mr. English, Mr. Leath of Texas, Mr. Dicks, Mr. Bunning, Mr. Brennan, Mrs. Patterson, Mr. Madigan, Mr. Towns, Mr. McCloskey, and Mr. Derrick.

H.R. 1115: Mr. Gregg, Mr. McEwen, Mr. Smith of New Jersey, and Mr. Weldon.

H.R. 1442: Mrs. Bentley.

H.R. 1481: Mr. Neal.

H.R. 1495: Mr. Derrick and Mrs. Patterson.

H.R. 1694: Mr. Pursell.

H.R. 1707: Mr. Badham, Mr. Rodino, Mr. Fazio, Mrs. Boggs, Mr. Daub, Mr. Price of Illinois, Mr. Lehman of California, and Mr. Gordon.

H.R. 1709: Mr. Bliley.

H.R. 1770: Mr. Stark.

H.R. 1782: Mr. Lott, Mr. Thomas of Georgia, and Mr. Gejdenson.

H.R. 1987: Mr. Nichols.

H.R. 2041: Mr. Rahall.

H.R. 2091: Mr. Foglietta and Mr. McMillen of Maryland.

H.R. 2168: Mr. Fauntroy and Mr. Gejdenson.

H.R. 2171: Mr. Owens of New York and Mr. Levine of California.

H.R. 2183: Mr. Hayes of Louisiana, Mr. Cooper, Mr. Evans, Mr. Carr, and Mr. Espy.

H.R. 2248: Mr. Mrazek, Mr. Levin of Michigan, Mr. Quillen, Mr. Volkmer, and Mr. Daub.

H.R. 2260: Mr. Bennett, Mr. Grant, Mr. Torres, Mr. Gordon, Mr. Evans, Mr. Bereuter, Mr. Roth, Mr. Roberts, Mr. Tauzin, Mr. English, Mr. Fish, Mr. Lancaster, Mr. Bates, Mr. Ford of Tennessee, Ms. Kaptur, Mr. Lott, and Mr. Jones of Tennessee.

H.R. 2276: Mr. Scheuer, Ms. Pelosi, Mr. Owens of New York, and Mr. Berman.

H.R. 2423: Mr. Solarz, Mr. Lantos, Mr. Dymally, Mr. Savage, Mrs. Boxer, Ms. Pelosi, Mr. Levine of California, Mr. Atkins, Mr. Owens of New York, Mr. Morrison of Connecticut, and Mr. DeFazio.

H.R. 2487: Mr. Dornan of California, Mr. Bates, Mr. McCloskey, Mr. Foglietta, Mr. Vento, Mr. Atkins, Mr. Gregg, Mr. Boner of Tennessee, and Mr. Lehman of California.

H.R. 2510: Mr. Atkins.

H.R. 2585: Mr. Lowery of California and Mr. Yates.

H.R. 2641: Mr. Petri, Mrs. Morella, Mr. Atkins, Mr. Mrazek, Mr. Conte, and Mr. Studds.

H.R. 2675: Mr. Shaw, Ms. Kaptur, and Mrs. Bentley.

H.R. 2676: Mr. Atkins.

H.R. 2692: Mr. Ford of Michigan, Mr. Leland, Mr. Conte, Mr. Florio, Mr. Donnelly, Mr. Mavroules, and Mr. Levine of California.

H.R. 2699: Mr. Duncan and Mr. Barnard.

H.R. 2776: Mr. Biaggi, Mr. Obey, Mr. Grandy, Mr. Daub, Mr. Bustamante, Mr. Marlenee, and Mr. Foglietta.

H.R. 2791: Mr. Rinaldo.

H.R. 2844: Mr. Bonior of Michigan and Mr. Gejdenson.

H.R. 2878: Mr. Staggers.

H.R. 2883: Mr. Feighan, Mr. Gregg, Mr. Bonker, Mr. Akaka, Mr. Young of Florida, Mr. Mfume, Mr. Gray of Pennsylvania, Mr. Eckart, and Mr. Coughlin.

H.R. 2911: Mr. Levin of Michigan.

H.R. 2922: Mr. Neal and Ms. Oakar.

H.R. 2977: Mr. Andrews, Mr. Livingston, Mr. Donnelly, Mr. Grandy, Mr. Nowak, Mr. Leach of Iowa, Mrs. Morella, Mr. Coble, Mr. Ballenger, Mr. Dowdy of Mississippi, Mr. Jones of North Carolina, Mr. Boehlert, Mr. Vento, Mr. Price of North Carolina, Mr. Conte, Mr. Shumway, Mr. Hawkins, Mr. Torricelli, Mr. Walker, Mrs. Kennelly, Mr. Kostmayer, Mr. Yatron, Mr. Natcher, Mr. McDade, Mr. Gordon, Mr. Derrick, Mr. Montgomery, Mr. Mfume, Ms. Oakar, Mrs. Byron, Mr. Jacobs, Mr. Anderson, Mr. Bartlett, Mr. Combest, Mr. Hefner, Mr. Wise, Mr. Denny Smith, Mr. Buechner, Mr. Oxley, Mr. Sawyer, Mr. Roemer, Mr. Rinaldo, Mr. Saxton, Mr. Gilman, Mr. Espy, Mr. Armey, Mr. Hefley, Mr. Roe, Mr. Durbin, Mr. Borski, Mr. McEwen, Mr. Ravenel, Mr. Lott, Mr. Sharp, Mr. Coughlin, Mr. Badham, Mr. McCloskey, Mr. Levin of Michigan, and Mr. Barton of Texas.

H.R. 2983: Mr. Bartlett, Mr. Mineta, Mr. DeWine, Mr. Lagomarsino, Mr. Mrazek, Mr. Nielson of Utah, Mr. DioGuardi, Mr. Wyden, Mr. Frost, Mr. Wortley, Mr. Fazio, Mr. Atkins, and Mr. Walgren.

H.R. 2985: Mr. Stokes and Mr. Pepper.

H.R. 3011: Ms. Slaughter of New York, Mr. Hughes, Mr. Dwyer of New Jersey, Mrs. Roukema, Mr. Atkins, Mr. Vento, and Mr. Howard.

H.R. 3021: Mr. Lancaster.

H.R. 3026: Mr. Burton of Indiana, Mr. Bevill, Mr. Davis of Illinois, Mr. Oxley, Mr. Henry, Mr. Martinez, Mr. McEwen, Mr. Brown of Colorado, Mr. Gregg, Mr. Frost, Mr. Fawell, Mr. Smith of Florida, Mr. Lagomarsino, and Mr. Schuette.

H.R. 3069: Mr. Madigan.

H.R. 3101: Mr. Smith of Florida, Mr. Alexander, Mr. Shumway, Mr. Berman, Mr. Owens of New York, Mr. Espy, and Mr. Blaz.

H.R. 3161: Mr. Bilirakis.

H.R. 3169: Mr. Lancaster.

H.R. 3175: Mr. Beilenson, Mr. Oxley, and Mr. Penny.

H.R. 3176: Mr. Beilenson and Mr. Oxley.

H.R. 3179: Mr. Howard, Mr. Horton, Mr. Mfume, Mr. Towns, Mr. Fish, Mr. Hochbrueckner, Mr. Gejdenson, and Mr. Fauntroy.

H.R. 3229: Mr. Lagomarsino.

H.J. Res. 144: Mr. Hastert, Mr. Hertel, Mr. Foley, Mr. Mineta, and Mr. Lowry of Washington.

H.J. Res. 234: Mr. Wylie, Mr. Grandy, Mr. Holloway, Mr. Donald E. Lukens, Mr. Fauntroy, Mr. Chappell, Mr. Hammerschmidt, Mr. Hubbard, Mr. Bliley, Mr. DioGuardi, Mr. Stokes, Mr. Kemp, Mr. Molinari, Mr. MacKay, Mr. Dicks, Mr. Regula, Mr. Watkins, Mr. Bilirakis, Mr. Cardin, Mr. Grant, Mr. Stark, Mr. Applegate, Mr. Mollohan, Mr. St Germain, Mr. Pursell, Mr. Chandler, Mr. Markey, Mr. Kennedy, Mr. Boucher, Mr. Berman, Mr. Wilson, Mr. Anderson, Mr. Bosco, Mr. Synar, Mrs. Lloyd, Mr. Wise, Mr. Yates, Mr. Gunderson, Mr. Lantos, Mr. Gejdenson, Mr. Denny Smith, Mr. Jeffords, Mr. Solomon, Mr. Petri, Ms. Kaptur, Mr. Hoyer, Mr. Guarini, Mr. Duncan, Mr. Jones of North Carolina, Mr. Frank, Mr. Bateman, Mr. Conyers, and Mr. Swindall.

H.J. Res. 260: Mr. McDade, Mr. Madigan, Mr. Lagomarsino, Mr. Fazio, Mr. Boner of Tennessee, Mr. Dixon, Mr. Lipinski, Mr. Horton, Mr. Volkmer, Mr. Atkins, Ms. Oakar, Mr. Robert F. Smith, Mr. Anderson, Mr. Torricelli, Mr. Fields, Mr. Mrazek, Mr. de Lugo, Mr. Pepper, Mr. Denny Smith, Mr. Gray of Illinois, Mr. Kostmayer, Mr. Martinez, Mr. Livingston, Mr. Kennedy, Mr. Fish, and Mr. Moakley.

H.J. Res. 272: Mr. Stratton, Mr. Bateman, Mr. Nelson of Florida, Mr. Matsui, Mr. Hayes of Louisiana, Mr. Sabo, Mr. Wyden, and Mrs. Vucanovich.

H.J. Res. 287: Mr. Bennett, Mr. Conte, and Mr. Chandler.

H.J. Res. 315: Mr. Emerson.

H. Con. Res. 97: Mr. Foglietta.

H. Con. Res. 101: Mr. Weiss, Mr. Mollohan, Mr. Crockett, Mr. Sunia, and Mr. Schuette.

H. Res. 114: Mr. Marlenee and Mr. Nielson of Utah.

H. Res. 188: Mr. Ravenel, Mr. Barnard, and Mr. Moorhead.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2260: Mr. Petri.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

72. By the SPEAKER: Petition of Harry E. and Ruth B. Saxton, Lorimor, IA, relative to medical assistance to cattle; to the Committee on the Judiciary.

73. Also, petition of the Western States Water Council, Salt Lake City, UT, relative to the Endangered Species Act and western water projects; to the Committee on Merchant Marine and Fisheries.

74. Also, petition of the Western States Water Council, Salt Lake City, UT, relative to dams with safety problems; to the Committee on Public Works and Transportation.

75. Also, petition of the Western States Water Council, Salt Lake City, UT, relative to water quality certification; jointly, to the Committee on Public Works and Transportation and Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3030

By Mr. BROWN of Colorado:

—At the end of Sec. 109 insert the following:

(h) Section 1.9 (12 U.S.C. 2017) is amended—

(1) by striking out "85" and inserting in lieu thereof "80".

(2) Effective date.—The amendment made by paragraph (1) shall apply to loans applied for and made after the date of enactment of this Act.

H.R. 3030

By Mr. DINGELL:

—Page 144, beginning on line 10, strike out all of title III of the bill through page 177, line 19, and redesignate the succeeding title and sections and conform the table of contents accordingly.

H.R. 3030

By Mr. JEFFORDS:

—Page 170 on line 4, strike the close quotes and period at the end of the sentence and insert the following after line 4:

"Sec. 5.92. Borrower Rights.—The provisions of section 4.13, as amended by the Agricultural Credit Act of 1987, and sections 4.14A, 4.14C through 4.14F, 4.21, and 4.22 as added by such Act shall apply to any loan that is originated by a non-Farm Credit System institution and that is subject to this title to the same extent that such provisions would apply to such loan had it originated with an institution of the Farm Credit System under regulations prescribed by the Farm Credit Administration".".

—Page 170, line 20: strike all after "TITLE IV—REORGANIZATION OF THE FARM CREDIT SYSTEM" through page 181, line 16.

—Strike Subsection 6.3(b) and insert in lieu therof the following:

Sub(b):

Within 90 days after the creation of the bank for cooperatives, borrowers which were stockholders of the district banks for cooperatives operating under title III on the date of the enactment of this Act shall vote either to remain part of the bank for cooperatives or to have the Service Bank located in the same regional area as such stockholders retain the authorities of a bank for cooperatives as provided under title III.

Sub(c):

A majority vote of stockholders and contributors to guaranty funds described in title III shall be required for each Service Bank regional area in order for the Service Bank in that regional area to retain the authorities of a bank for cooperatives as provided under title III. The majority vote shall be required based on both (1) the one-man one-vote provisions of section 5.2(c) and (2) a majority of the total equity interests (not including unallocated surplus and reserves) held by voting stockholders and contributors to guaranty funds in the district bank(s) for cooperatives covered by each Service Bank regional area.

SENATE—*Wednesday, September 16, 1987*

The Senate met at 8:30 a.m., and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

The Lord is my shepherd, I shall not want. He leadeth me * * *.—Psalm 23:1.

Mighty Lord, in the pragmatic world of politics, it is easy to treat the words of the Shepherd's psalm as beautiful and irrelevant to hard, harsh reality. But in so doing, we deprive ourselves of the solid promise, "I shall not want"—we compound our confusion in rejecting Your promised leadership. We walk in darkness because we refuse Your light. Gracious Shepherd, the Senate confronts an impossible agenda. The mountain of legislative responsibility—plus the atmosphere of controversy and conflict—the relentless shadow of a faraway national election—the critical urgency of momentous issues impose a superhuman reality demanding superhuman wisdom, direction, energy, and effort. Patient God, forgive us for our indifference to Your word and awaken the Senate to the availability of the Good Shepherd and His faithfulness to fulfill His promise. Teach them to walk in His way for their own satisfaction, the good of the Nation and the glory of God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 16, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING DEMOCRATIC LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting Democratic leader, the Senator from Wisconsin, is now recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the majority leader and the minority leader be reserved for their use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. I understand that under the order, we now have time for morning business. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

WHY WE CAN HAVE EITHER ARMS CONTROL OR SDI, BUT NOT BOTH

Mr. PROXMIRE. Mr. President, President Reagan has announced that after the agreement between the two superpowers eliminating intermediate and short-range nuclear weapons from Europe has been reached, the next step on the arms control agenda is a mutual United States-Soviet 50-percent reduction in strategic nuclear missiles. Sounds great. Is such an agreement possible? Would the Soviets agree to cut their 10,000 strategic nuclear warheads in half, if we agreed to do the same with our 10,000 strategic warheads? The answer is almost certainly an emphatic "No!" Why no? Because there is one sure way the Soviet Union could lose the credibility of its deterrent.

Here's what it would require: First, it would take a sharp reduction in the Soviet strategic nuclear warheads. The 50-percent reduction would constitute a good first step. It would require an intense development and deployment of an advanced United States missile defense, a strategic defense initiative [SDI] that might work if the Soviets could be persuaded to reduce their strategic warheads enough. How much is enough? Perhaps down to 1,000 or 2,000 or, if possible, less. This reduction of Soviet warheads is the one absolutely prime prerequisite for the success of SDI. If through arms control we could persuade the Soviets to limit their nuclear arsenal, if we could further persuade them to confine their arsenal to stationary land-based missiles, and if we could find a way to limit the missiles that carry the Soviet warheads to the present slow-burn launchers, we just might be able with our SDI kinetic kill vehicles to convince the Soviets that we could stop enough of their missiles in any preemptive attack that much of the United States could survive and the once great Soviet nuclear deterrent might no longer be able to deter an American nuclear attack.

Is this scenario ridiculous? Of course, it is. There is no way the Soviets will agree to a 50-percent reduction in their offensive nuclear deterrent or, indeed, to any reduction or even a limitation on expansion of their deterrent as long as we appear to be on the verge of deploying SDI. The Soviets surely understand that they can overcome SDI by simply expanding their nuclear deterrent by whatever multiple they calculate SDI can reduce their penetration to U.S. targets. If SDI can stop 50 percent of their penetration, they double their warheads; 90 percent, they increase their warheads by a factor of 10. This is the way the other side neutralizes any SDI progress. An administration that wants an arms control agreement with the U.S.S.R. to reduce both arsenals abides by the ABM Treaty and keeps SDI in its research phase. An administration that wants the U.S.S.R. to reject United States offers to cut both arsenals by 50 percent can achieve that by simply pushing ahead with SDI. This is precisely what the Reagan administration is doing. So how do we persuade the Soviets to cut their nuclear arsenal from the present 10,000 down to 5,000? We agree to continue to keep the ABM Treaty with its strict formal interpretation in effect.

Some argue that the Soviets could agree to cut their nuclear warheads to 5,000 with no significant risk no matter what we do with SDI. They would contend that no conceivable SDI that we could develop in the next 25 or 30 years could possibly prevent more than 90 percent of the U.S.S.R. warheads from penetrating the SDI defense. A 10-percent penetration by U.S.S.R. warheads would mean that 500 warheads would strike United States cities. The National Academy of Science experts tell us that 100 Soviet warheads reaching American targets would devastate our cities and kill between 35 and 55 million Americans. So why wouldn't 5,000 Soviet warheads be enough to continue a credible Soviet deterrent? The answer is because neither the Soviet nor the American experts have any real idea how effective SDI might be. We wouldn't know until a few minutes after the first preemptive strike.

So, what do nations do when faced with the kind of terrible uncertainty that their deterrent might lose credibility? They assume the worst. So they keep building their nuclear arsenal. They certainly do this when the cost of multiplying their offensive nuclear warheads is so much less than the SDI cost of defending against such an endless offensive buildup.

In conclusion, it is clear that to put a cap on this terribly dangerous race to build up offensive nuclear arms is an essential first step to preventing an accidental or calculated catastrophe. It would be even better to actually reduce these insanely redundant arsenals as the President has said he wishes to do. But to take either of these steps, it is critical that both sides recognize that attempts by either to weaken or destroy the credibility of the other's deterrent by an antimissile defense—an SDI—is sure to destroy any prospect of an offensive nuclear limitation or reduction agreement by the other side. We must make up our minds. We can have a comprehensive arms control, limiting nuclear weapons on both sides, or we can have a strategic defense initiative that will threaten the other side's deterrent. We cannot have both.

MORNING BUSINESS

Mr. KARNES. Mr. President, a parliamentary inquiry. What time allotments do we have this morning?

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period to transact morning business, not to extend beyond 9 a.m., with Senators permitted to speak therein for up to 3 minutes each.

Mr. KARNES. I thank the Chair.

PROTECTING "PIK" FROM THE IRS

Mr. KARNES. Mr. President, I am pleased to take the floor today to discuss an important piece of tax legislation designed to protect farmers from the Internal Revenue Service attempt to "pick away" at the PIK and Roll Program. I would like to thank my good friends and colleagues, Senators GRASSLEY and DOLE, for their assistance and cooperation in moving this matter to the attention of the Senate. I am confident that this bill will help many farmers in Nebraska, Iowa, and Kansas, as well as other farm States.

Mr. President, the problem farmers face is based on an IRS revenue ruling, issued earlier this year, the day after the income tax filing deadline for most farmers and months after the time they had to make their tax planning decisions. Potentially, it affects every farmer in this country that participates in the PIK and Roll Program. The IRS ruling would have the effect of increasing this year's income tax burden of those farmers. It would not increase their actual income, but it would tax them as though they had suddenly given themselves a large pay raise.

The bottom line is that farmers would be effectively forced to pay higher income taxes—substantially higher—for this year than they planned for. I think this is wrong. I think it is counterproductive. I think it is bad for planning. Worst of all, I know it is bad for the financial condition of many of our farmers who have weathered the storm of the farm economy and are looking forward to keeping some of the money they earn in their own pockets for a change.

My legislation would reverse the recent ruling, restoring the more favorable tax treatment for PIK and roll transactions.

The Revenue ruling, 87-17, has a significant impact on cash basis taxpayers who declare Commodity Credit Corporation loans as loans rather than as income. Normally, if the loan is forfeited at the time of maturity, the loan proceeds are taxed at that time. If the loan is repaid in cash before its maturity, no taxable event occurs.

But the Revenue ruling treats the loan as a forfeiture when PIK and rolled. The IRS takes the position that CCC loan redemptions with PIK certificates constitute a sale of grain, making the transaction fully taxable immediately. Prior to this ruling, producers presumed that the transaction did not result in taxable income until the grain was sold, unless the taxpayer elected to treat the loan as income.

Of course, the irony of this situation is that if a farmer pays back his Commodity loan with a cash payment, no income is realized at the time the payback is made. However, the ruling requires that if that same payback is made with a PIK certificate, then income is realized at that time. Mr. President, it would seem to this Senator that such a distinction in the law will not do much for the confidence of farmers in the PIK certificates they hold—not when those certificates may cost them at tax time.

The ruling will have a dramatic impact upon those farmers who last year forfeited the grain securing their 1985 Commodity loan, then PIK and rolled the 1986 crop with the expectation that it would be counted as 1987 income. Under the new ruling, these farmers will have income from 2 crop years upon which they will have to pay taxes.

Mr. President, the answer is clear. We should allow the farmers to consider their certificates "as good as cash" for the purposes of paying back their Commodity loans. We should take out the uncertainty and, in their case, the punishment involved in participating in PIK and roll.

I hope the Senate will expedite consideration of this legislation so that the farmers of this Nation may continue their operations without the prospect of paying an inordinate amount of their income to the Treasury next year based on Revenue ruling 87-17.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

ON DISREGARD FOR CONSTITUTIONAL PRINCIPLES IN THE CLEAN AIR ACT AMENDMENTS BEFORE THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

Mr. SYMMS. Mr. President, two centuries ago, representatives from the original American Colonies convened in Philadelphia in an effort to bring unity and order out of their newly won freedom. Four months later, on September 17, they submitted to the Nation a Constitution. Benjamin Franklin, George Washington, James Madison, and the 36 other signers of this new document testified to its lasting value. They firmly believed it contained the principles of good government needed to safeguard liberty, creating a rule of law and not of men or tyrants.

As the convention closed, Franklin expressed his hope that this Constitution would rise like the Sun on a bright new day for human freedom and balanced government. For the first time in centuries, limited power was being granted by the people to the government, and not vice versa. It was the first step in one of the greatest experiments of history, an experiment known as the United States of America.

I, for one, believe that experiment has proven a success. If you want proof, all we have to do is just look around. In the course of the Constitution's bicentennial celebration, Americans across the Nation are thanking in word and song the Founding Fathers who bequeathed to us today a free and properous nation.

But we must remember, Mr. President, that freedom and prosperity don't come without a price. In 1852, a Boston abolitionist named Wendell Phillips accurately noted that the price of liberty is eternal vigilance. Our freedom will not survive if we ignore the principles embodied in the Constitution. On occasions, I have seen this very Congress deviate from those principles with devastating effect. There is no better example of such constitutional abandonment than the Clean Air Act amendments currently being considered by the Senate Environment and Public Works Committee.

I do not want to impugn any of the motives of my colleagues, Mr. President, and let me first credit the bill's authors with having the best of intentions, and I repeat that they have the highest intentions to protect the quality of America's most shared resource, air. But as Justice Marshall said of Federal laws, it is not enough that their "end be legitimate"; the means to that end chosen by Congress must not contravene the spirit of the Constitution.

Mr. President, the committee's clean air legislation not only contravenes but outright tramples on the spirit of our Constitution. James Madison, the noted father of that revered document wrote, "The powers delegated by the proposed Constitution to the Federal Government are few and defined." He further pointed out that one of the greatest tasks of government was to oblige it to control itself—oblige it to control itself. I repeat that, Mr. President.

And yet the proposed clean air bill that is before the Environment and Public Works Committee today places nothing beyond the grasp of oppressive Federal regulation. Would you believe, Mr. President, it even goes so far as to control the baking of bread. Deeming the fumes rising from baking bread—not from the combustion heating the oven, but from the bread itself—to be an air pollutant, this bill would force bakeries to either install million-dollar emissions control devices, or bake only wheat breads that do not ferment as much.

Such an intrusion of the Government into the lives of Americans is as contrary to the spirit of the Constitution as can be imagined. What limits to Federal power exist if Government is permitted to control aspects of private American life as intrinsic as the baking of bread? And it is not just bakeries that would bear this burden. The bill comes down hard on many already heavily regulated industries such as automobile manufacturers, oil and gas companies, and chemical plants. It goes even further to regulate dry cleaners, paint companies, farmers, and countless other industries whose contribution, if any, to overall pollution is insignificant.

Certainly King George himself was never as intrusive of people's lives as this bill would purport to be. What would General Washington and his compatriots have thought had they know they had defeated the heavy hand of Britain only to be subjugated to a government as burdensome as that proposed in this clean air bill.

I find it difficult to understand how legislation that would drive independently owned bakeries out of business for no significant reason could even be considered by this Congress. Thomas Jefferson certainly knew the fallacy of such a policy. He commented in his time that, "Our legislators are not sufficiently appraised of the rightful limits of their power—that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us."

It is interesting to note that on one occasion as President, Mr. Jefferson wrote: "The path we have to pursue is so quiet that we have nothing scarcely to propose to Congress. A noiseless course, not meddling with the affairs of others, unattractive of notice" was his preferred mode of operation.

Mr. President, the proposed clean air bill which is now pending before the committee, which will be brought up this morning in that committee for markup, as a matter of fact, is far from unattractive of notice. My office has been flooded with calls and letters from individuals who are in fear of losing their livelihoods. I have heard from many in the automotive industry who are concerned with the 10-year/100,000-mile warranty mandated by the bill. Let me share a typical comment and statement from one of those, who express his concern, from a letter that I received:

> This bill with its extended warranty period would present a tremendous problem to everyone in the automotive aftermarket, which I am sure you will agree, adds greatly to America's economy. Not only is this bill anticonsumer, it is also anticompetitive, granting new car dealers a virtual monopoly on parts and service which is something that they have never been able to come close to achieving in an open marketplace. The business community in this country became the greatest in the world by utilizing a free and open competitive market. I feel that this bill is taking a stone from the very foundation of American business that it has taken over 200 years to build.

Mr. President, I have received hundreds of letters making similar comments. Nothing could be further from Mr. Jefferson's advice to Congress: that it pursue noiseless courses that do not meddle in the affairs of others. These automotive repair shops and parts stores are not begging for money, or for special tax treatment, or even for lenient environemtnal regulation. They are merely pleading for the freedom to compete, to be allowed to sell their goods and services free of Government interference. One of the underlying and fundamental axioms of our Constitution is, as Alexander Hamilton wrote, that "an American's entitlement to freedom is incontestible." I repeat that: "An American's entitlement to freedom is incontestible." What are we even proposing legislation like this for, legislation that would put small bakeries out of business, legislation that would preclude small, independent repair shops from working on automobiles, that would fix into law that they have to go to a certain dealership in order to have their car repaired or fixed to comply with Federal regulations.

In the words of Thomas Jefferson: "The freedom and happiness of man * * * [are] * * * the sole objects of all legitimate government." I am as concerned with air pollution as any of my colleagues, and dealing with it will undoubtedly bring about happiness. But if there is a lesson taught by our Constitution, it is that true happiness is not obtained by Government at the expense of freedom. I am convinced that free people safeguarding their constitutionally recognized property rights will breath cleaner air than a people coerced by the whips and chains of Government, an oppressive government.

Mr. President, let us put aisde legislation such as these supposed "clean air" amendments and celebrate the bicentennial of the Constitution by remembering its main purpose, "To secure the blessings of liberty to ourselves and our posterity." May our intention be, as President Reagan has said, "To renew the meaning of the Constitution. To rescue from arbitrary authority the rights of the people. Together, then let us restore constitutional government. Let us renew and enrich the power and purpose of States and local communities and let us return to the people those rights and duties that are justly theirs."

Mr. President, I yield the floor.

Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceeding's be approved to date.

The ACTING PRESIDENT pro tempore. Hearing no objection, that is the order.

PROGRESS ON THE DEFENSE BILL

Mr. BYRD. Mr. President, late last night the Senate was able to begin acting on the Department of Defense authorization bill. Our friends on the other side of the aisle thought better of their filibuster strategy, and we were able to have rollcall votes on amendments and proceed with the important work on this bill.

I hope the action which began last night will accelerate today, and that amendments can be debated, voted on, and disposed of. It is high time that this important bill which authorizes the programs vital to our national defense be enacted by the Senate, sent to a conference with the House, and put on the President's desk.

Debate will occur today on an amendment which relates to the section of the bill which has attracted the most attention and generated considerable controversy. I assume there will be considerable debate on this amendment or motion offered by the Senator from Virginia [Mr. WARNER]. This debate will be enlightening, it will be vigorous, and then the Senate will decide this important issue concerning the ABM Treaty.

Mr. President, the debate on this amendment could very well go on all day. But again I want to say that it is important that the Senate act on this bill. Time is running out and the calendar is running out. There is no longer any reason to believe that this Senate can complete its work in October or in early November or perhaps even late in November. Through necessity, the Senate is now at a point where it is going to be forced to stay in session for very long days. And as long as this Defense authorization bill is before the Senate, I intend for the Senate to stay in for many hours every day.

As long as there is no filibuster there will not be any all-night session. But the Senate will be coming in early every day and it will be staying in late every day. There is no way around it. We have too much to do. There are too many amendments and too many of them are controversial and, therefore, will require some considerable time for legitimate debate.

WHAT KIND OF SIGNAL ARE WE SENDING?

Some Senators were given to understand yesterday that the actions of the Senate might send signals to the Soviet Union since the Soviet Foreign Minister, Mr. Shevardnadze, is currently in town for discussions with the administration. What kind of signals are we sending with prolonged filibusters on this bill? First, the bill is important.

The bill is for a strong defense for the United States. The chairman and the ranking member and other members of the Armed Services Committee have produced a bill that allocates over $300 billion to our national defense. It funds vital programs at levels sufficient to ensure that our defenses will remain strong for the rest of this century. Mr. Shevardnadze should recognize that a broad consensus exists in the Senate for a strong national defense.

The second signal that Mr. Shevardnadze should be given is that this Senate is in favor of a responsible approach to arms control, one which advances the security of the United States and its allies and friends, one which reduces the risks of war. That is what the amendment that was offered by the Senator from Georgia [Mr. NUNN], and I, and which was adopted last night by a vote of 92 to 1, means. That is its signal.

Signal No. 3: The Senate takes the treaty obligations of the United States seriously. It does not look lightly on decisions which could affect the obligations of the United States under international law and, more to the point, which are part of the law of the land of the United States. This signal has relevance for any treaties currently under negotiation, any future ratification debate in the Senate. In that sense, Mr. President, we are sending a positive signal about the Senate and about the United States. It is a signal which should help the arms control process move forward.

There will be further debate about arms control in this bill and it could go on for days. Some of the issues are controversial in the Senate, but Mr. Shevardnadze and the Soviets should understand that this Senate takes its arms control responsibilities seriously, that these issues are debated fully and openly, and that the United States Senate is an equal branch of our Government and has an equal role in the making of our international treaties. By "equal role," I mean that it gives its advice and its consent to the making of treaties. And when it comes to the approval of the ratification of treaties, while the Senate does not ratify treaties, as we often hear, the Senate must give its approval to the resolution of ratification of treaties before ratification can occur, and that requires a two-third vote.

Mr. President, as I indicated on last evening, at 9 o'clock this morning I shall suggest the absence of quorum and it will be a live quorum.

Does the Chair have any message which it wishes to lay before the Senate or any statement?

I yield the floor.

BICENTENNIAL MINUTE

SEPTEMBER 16, 1859: SENATOR BRODERICK KILLED IN DUEL

Mr. DOLE. Mr. President, 128 years ago today, on September 16, 1859, a Senator died in California. What made this death remarkable was the fact that the Senator, David Broderick, had been shot 3 days earlier in a duel with David Terry, the former chief justice of the California Supreme Court. A number of early 19th century Senators, including Andrew Jackson, Henry Clay, and Thomas Hart Benton, had attempted to settle personal grievances on the dueling ground, and some had actually killed their opponents, but no sitting Senator, before or after Broderick, would himself meet so barbaric an end.

Broderick, a tough, self-made Democrat, had migrated to California in 1848. Also moving to California that year was Congressman William Gwin of Mississippi, a patrician lawyer and physician. Both men quickly became embroiled in the turbulent politics of the region: Gwin, a slave owner, leading the "chivalry" or pro-slavery wing of the California Democrats, while Broderick's faction vigorously opposed the extension of slavery in California. When California became a State in 1850, the legislature sent the two enemies to the Senate, where they constantly traded insults on the floor.

Back in California in the summer of 1859 to campaign for local candidates, Broderick loudly announced in a hotel dining room that one of Gwin's closest allies, Chief Justice Terry, was corrupt and unfit for office. Terry immediately resigned from the bench and challenged Broderick to a duel. Their first attempt on September 12, was interrupted by the police, but the next morning at sunrise the two men faced each other on a secluded beach beside the Pacific. At the command to fire, Broderick prematurely touched the hair trigger, firing his bullet into the sand at Terry's feet. Terry coolly aimed, fired, and shot Broderick in the chest. Broderick lingered in great pain for 3 days until he died on September 16.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The ACTING PRESIDENT pro tempore. Under the previous order the hour of 9 o'clock having arrived the Senate will now resume consideration of unfinished business which is S. 1174. The clerk will report the pending business.

The legislative clerk read as follows:

The bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

CALL OF THE ROLL

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 21]

Byrd
Dole
Hecht
Johnston
Kennedy
Reid

The ACTING PRESIDENT pro tempore. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. LEVIN], and the Senator from Rhode Island [Mr. PELL], are necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

The PRESIDING OFFICER (Mr. DIXON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 10, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—83

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Kerry
Leahy
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Symms
Thurmond
Trible
Warner
Wirth

NAYS—10

Armstrong
Bond
Boschwitz
Evans
Hatch
Kasten
Packwood
Quayle
Wallop
Wilson

NOT VOTING—7

Dodd
Gore
Lautenberg
Levin
Pell
Stevens
Weicker

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

AMENDMENT NO. 682

The PRESIDING OFFICER. Under the previous order, the Glenn amendment is temporarily set aside, and the Senator from Virginia, Mr. WARNER, is recognized to offer an amendment to strike the Nunn-Levin language from the DOD authorization bill.

The Chair recognizes the Senator from Virginia, Senator WARNER.

Mr. WARNER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an amendment numbered 682.

On page 23, strike out line 7 through page 24, line 19.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first I would like to express my appreciation to the distinguished majority leader and the distinguished minority leader, and my good friend, the chairman of the Senate Armed Services Committee. During the deliberations last night, under the guidance of two strong leaders here in the U.S. Senate, we worked our way through an impasse. I think we have reached a point now where the bill can move forward. I wish to express my appreciation to the leadership for making that possible.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. WARNER. Yes.

Mr. BYRD. I want to make that a two-way street. I express my appreciation to the chairman and the ranking member for the work, the hard work, the good work, the excellent work, that they have done in the committee in developing this legislation and in the leadership that they are giving to all of us on the floor with respect to this bill.

I particularly want to salute the distinguished Senator from Virginia for his unfailing courtesy, patience, and cooperation. He never ceases to give all his devotion.

Mr. WARNER. Mr. President, I thank the distinguished majority leader. I also thank my distinguished minority leader, who worked right with us through the late hours of the evening.

I felt, Mr. President, that the debate yesterday was a very constructive debate. While we may have had different perspectives later on in the day as to the course of that debate, unquestionably the earlier hours of the day, I think, contributed greatly to the knowledge of the Members of this body and others who have followed the debate.

Mr. President, we are now at the focal point. With this amendment, we move to take out of the bill that portion which regrettably led all but one Republican, with great reluctance, to vote against the committee action on this bill coming to the floor.

This Chamber has heard, and will continue to hear, the reasons for that action being taken. It is now my opportunity this morning to come directly to the point of my personal concerns, and I think, concerns shared by many others with regard to this amendment.

The debate on the Levin-Nunn provision has been unprecedented in the annals of the annual defense authorization bill. The provision was the only reason why eight of nine Republican members of the committee voted against favorably reporting out an otherwise remarkably balanced defense bill. The provision has been at the center of Republican opposition to taking up consideration of the defense authorization bill on the floor.

Finally, the President has stated publicly his strong opposition to this amendment and has stated—I think with reluctance but nevertheless unequivocally—his intention to veto any bill containing this provision as now drawn.

The Levin-Nunn provision would prohibit the expenditure of funds for development and testing related to the Strategic Defense Initiative [SDI]. It would require a joint resolution of the House and Senate before the President could proceed with any development or testing of SDI systems which could not be conducted under the so-called narrow interpretation of the ABM Treaty.

Last night, the Senate adopted the Byrd-Nunn amendment whereby the Senate "cautions that neither the Congress nor the President would take actions which are unilateral concessions to the Soviet Union." Mr. President, the Levin-Nunn in my judgment, would have the effect of requiring by statute that the President follow the more restrictive of two plausible interpretations of the ABM Treaty, at the particular time when the Soviet Union is seeking an even more restrictive interpretation at the negotiating table.

The Soviets have publicly stated that they recognize neither the narrow interpretation that has been discussed here nor the broad interpretation, but that they have a third interpretation unlike either being considered here in the United States Senate.

The Levin-Nunn provision would have the effect of binding the United States to an interpretation under the ABM Treaty to which the Soviet Union is not bound. Mr. President, the effect of the Levin-Nunn provision seems to this Senator to take the very course of imposing unilateral restrictions that over 90 Senators cautioned against last night—the very words in the Byrd-Nunn amendment.

Embedded in the Levin-Nunn provision are a number of issues, all of which have been addressed during the course of over 4 months of floor debate and floor speeches. There are the legal issues having to do with the interpretation of the ABM Treaty with respect to so-called future systems. Senators on both sides have spent countless hours studying the records that have been available to the Senate and have reported their findings.

The administration, at the direction of the President, has undertaken to study the negotiating record, the ratification record, and the record of subsequent practice, and made these studies available to Senators.

The administration studies of the treaty and the negotiating record concluded that the treaty is ambiguous, and that the negotiating record establishes that the Soviet Union refused to agree to prohibit the development and testing of mobile ABM devices based on other physical principles.

Administration studies of the ratification record concluded that no change occurred in the international obligations undertaken in the treaty through any condition, reservation, or understanding, nor did they find any basis in the Senate record to conclude that the Senate's consent to ratification was premised on a generally held intention that the treaty prohibited development and testing of mobile ABM devices based on other physical principles. The study found in the Senate record, however, representations by executive officers that support the restrictive interpretation upon which Senators could justifiably have relied in granting advice and consent.

The administration study of subsequent practice details the conduct, bilateral agreements, exchanges, and public statements of both the United States and the Soviet Union between 1972 and 1985 relating to future ABM systems. The study concluded that the record of subsequent practice fails to establish a domestic or international legal obligation binding the United States to the restrictive interpretation.

Mr. President, the Levin-Nunn provision also has embedded within it questions related to the conduct of the SDI Research Program and questions related to the most effective use of critical defense dollars. The Congress in last year's defense authorization bill requested an assessment of the impact of the broad interpretation of the ABM Treaty on the SDI Program. In addition to the program related issues, which would allow the program to proceed more quickly, more confidently and with less cost, this study noted that the broad interpretation would permit us to delay a decision on fundamentally altering the ABM Treaty regime by several years until we had confidence that the technologies which we had developed would meet the criteria for deployment. Under the restrictive interpretation, the United States would be forced to make a decision to alter the treaty regime simply to complete the testing portion of the research program.

Mr. President, I note these studies, both by way of underscoring the depth and breadth of the issues that underlie our opposition to the Levin-Nunn provision and to make the point that the President has been, and remains committed to continuing consultations with the Congress and our allies before reaching any decision to restructure the SDI program in accordance with the broad interpretation. Let me make it clear. The President has not made any decision with respect to restructuring the SDI Testing Program. And, might I add, the Pentagon, in its recent review of the readiness of portions of the SDI Program to proceed to the demonstration/validation phase of the acquisition process, has considered a program plan that is consistent with the restrictive interpretation of the treaty.

Mr. President, the legal and program arguments against the Levin-Nunn provision have been and will be detailed by other Senators who share my opposition to their position. Other Senators have spoken on the constitutional questions raised by the provision. Let me conclude my remarks here by underscoring the principal reason for my opposition, and that is its impact on negotiations.

I believe that there is little argument that the SDI Program brought the Soviets back to the negotiating table, and this Senator believes that by hanging tough on the SDI Program, the President has been able to bring the negotiations to the point today where we are very close to an agreement on INF, and there is a more favorable prospect than ever before on reaching agreement on strategic nuclear weapons in START.

We have been told by our negotiators that the Soviets have been insisting on an even more restrictive interpretation than the ABM Treaty as one of their conditions in the course of these negotiations and that the so-called narrow interpretation, to which the Levin-Nunn provisions would bind this program, is not indeed their objective. In the judgment of this Senator, the leverage needed by our negotiators to achieve agreements that are in our national security interest are gravely undermined when the President is effectively forced by statute to follow the more restrictive of two plausible interpretations of the ABM Treaty, The Congress would effectively be establishing a new starting point for the negotiations, and one decidedly in the favor of the Soviet Union.

I therefore urge my colleagues to consider the caution against imposing unilateral constraints on the United States, particularly at this critical time. Last night we overwhelmingly supported that objective by voting for the majority leader's amendment.

Mr. President, the Levin-Nunn provision represents a unilateral constraint on the United States and grants a substantial concession to the Soviets at a critical juncture in the arms control negotiations in Geneva.

Mr. President, later today, I will take up another aspect of this treaty.

If I may have the attention of the distinguished chairman of our committee, I have stated that later today I would like to engage in a colloquy on another aspect of the amendment that troubles me a great deal.

That is the concept of having a joint resolution which would allow the House of Representatives by the presence of a simple majority on the floor of the House to cast a vote which could override the judgment of all 100 Senators who presumably would have at one time or another expressed their views on the floor and quite possibly have cast a vote on this issue. We would be giving to the House, which does not have the constitutional responsibility that the Senate has in the area of treaties, a veto over the judgment of the Senate, and that issue, I say most respectfully to my distinguished colleague, is a troublesome one for this Senator.

Mr. NUNN. I might say to my friend from Virginia in response to that I think it is a legitimate area of inquiry. The Constitution of the United States says that when a treaty is ratified it becomes the law of the land. It is just written as clear as a bell. There is no ambiguity about that. So this treaty is the law of the land.

We can debate what the treaty says, but we know it has been ratified and we know what the Constitution says, and we know that it is the law of the land.

The President said yesterday that laws have to be changed or made by legislatures. The Constitution also sets up a House and a Senate.

Many times we in this body would prefer we have only one body and there are, amazing to me, the ones who feel most strongly in that direction are those who have come here from the House. They seem to believe that many times the House is not on the same course as the Senate and we would be better off with only one body. I get frustrated, too. I know we have problems in conference. Everything we do in regard to weapons, everything we do in regard to laws, requires both the House and the Senate. That is the way our system works.

I would be absolutely adamantly opposed to any infringement on the Senate's constitutional duty to advise and consent. The House does not have that. The Senator is right. There is a unique role for the Senate in treaties. The question is this is not just a treaty now. It is also the law of the land.

So the Senator's concern I understand, but I do not know of any answer to that that is constitutional.

Mr. WARNER. Mr. President, let me suggest to my good friend to pause a moment and reflect on the statement he just made. If I could paraphrase it, a treaty is the law of the land. In my judgment it is in a separate category, and I will address that later, but the Senator from Georgia said everything we do in connection with the law takes the action of the House and the Senate. Was that basically what the Senator said?

Mr. NUNN. In creating law.

Mr. WARNER. In creating law.

But let us pause for a moment to think how a treaty becomes law. A President negotiates that treaty. That is his sole province.

Mr. NUNN. With the advice of people like my friend from Virginia, who are exercising daily their right under the Constitution to advise and consent.

Mr. WARNER. But we are careful, the two of us being in that group traveling periodically to Geneva to meet with the negotiators, to meet with them here, not to try and dictate any of the instructions or the terms and conditions.

But if I may just continue my train of thought and come back to that.

Mr. NUNN. I would like to come back to that and I will.

Mr. WARNER. But pause with me. The President negotiates that treaty. Then it is sent to this body and this body alone under the advise and consent clause, and it is the action of this body which then enables the treaty to become law.

In my judgment that procedure sets the category of treaties apart in the generic term of the law of the land.

I thank the Senator.

Mr. NUNN. May I respond to my friend from Virginia? Let us assume something here. Let us just hypothetically assume we have the right to under the ABM Treaty—I do not think there is any dispute on this—to deploy, I believe it is 100 fixed land-based ABM interceptors. The Soviets have that right also.

Now, that is in the treaty and that has been passed.

Let us assume the President decides that he is going to ask the Congress or the Senate under the treaty for the right to deploy those 100 interceptors. He is going to ask for funding. Would the Senator from Virginia believe that only the Senate should approve the funding for that?

Mr. WARNER. Mr. President, quite logically the purse strings of the United States are controlled by both Houses.

Mr. NUNN. The Senator is exactly right. This amendment is a control of the purse string. This amendment is not a writing into law of the ABM interpretation.

The Senator from Virginia acknowledged that when we first started the debate way back in May. If we wanted to draft a piece of legislation that said what the narrow interpretation was and said that was the law and we are going to put it into law, we could have done that. We did do that. What we did do is we made it plain that these tests that the administration has come forward and asked for the funding on, $5.5 billion, $5.7 billion, and we put $4.5 billion in this bill, these tests have been laid out by the administration in their own words as in keeping with the traditional interpretation of the treaty.

Jim Abrahamson testified to that before the Appropriations Committee and the Armed Services Committee.

As I said to my friend from Virginia, the only thing we are saying is if the administration departs from what they said they were going to use this money for, they have to come back and as they would on any other weapon or any other tests where we are concerned about it and get approval of the Congress.

So it is a purse-string issue. That is what we are talking about. We are not trying here to write into the law what the treaty means. We are saying if the administration deviates from the testing program that they have set up which is in keeping with the traditional interpretation as interpreted by the Nixon administration, Ford administration, Reagan administration, and Carter administration, that they have to come back to the Congress for that funding. In other words, we are not giving them a blank check. That is the reason that I have agreed over and over and still would agree to take the $4.5 billion in this provision and remove them from the bill and go forward with everything else and sit on this SDI money until we can come to agreement with the administration about how it is going to be used.

So it is a matter of purse strings, and the House of Representatives is not only involved in purse strings, the House of Representatives originates all the appropriations bills. That is to me the answer to the Senator's concern. I think it is a concern and let me come back just briefly——

(Mr. PROXMIRE assumed the chair.)

Mr. WARNER. Mr. President, if I might interrupt my distinguished colleague, I had allocated to other Senators time to also address this question. We will have the privilege, the two of us, of being on the floor for some extensive period.

I would only point out, and will pursue this later, the language the Senator rather skillfully quotes in the provision itself is the very language from the ABM Treaty, and that says the limitations shall cease and then the Senator places the conditions. He has incorporated the language of the treaty into this provision and that was the stroke, intentionally or unintentionally, when he in my judgment let the House have a one-House veto over the action of the Senate.

Mr. NUNN. May I say to my friend from Virginia that the language of the treaty was very precise in what was limited and I think the language is clear as to what was limited. Otherwise, the Senator from Virginia would not be concerned about it.

That raises the question, if the language is so clear, why is the big debate between the broad and the narrow?

Mr. WARNER. Mr. President, we shall develop this in the course of the day.

Mr. NUNN. If I could just pursue with my friend from Virginia, this is the exact language of the treaty and this is what the opposition side says is to be interpreted broadly.

If that is the case, why are you concerned about it being written into the bill?

Mr. WARNER. I do not want to see written into the statute any implicit interpretation of a treaty and allow the House of Representatives to make that interpretation.

Mr. NUNN. I say to my friend that is not an interpretation. That is the exact language.

Mr. WARNER. Mr. President, we will deal with that as the day unfolds.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

Mr. President, later today there will be a ceremony on the west steps in which the President and Members of Congress participate in a ceremony celebrating the bicentennial of our Constitution. And yet last night, Mr. President, the Members of this body celebrated it in a very strange fashion. You might say, to quote from Hamlet, they honored it in the breach.

Interestingly enough, earlier that day, yesterday, some of those who voted last night to place themselves above the Constitution had participated in the hearings of Judge Bork where they were quite critical of his conduct, finding it to be in conflict with their interpretation of the Constitution.

Let me be specific and come directly to the point, Mr. President, because last night we had two votes, one on the so-called Dole-Warner amendment, which put forth a very simple proposition that the Senate of the United States should refrain from intruding upon the prerogative, in fact, the exclusive responsibility assigned by the Constitution to the President for the negotiation of treaties.

It ignored the language which I think is virtually irresistible that, "The Congress must not act to further the interests of the Sovet Union by unilaterally adopting the Soviet negotiating positions"—I underscore "negotiating"—"that have been rejected by the United States Government."

Then Mr. President, what they did pass, which passed with a single dissenting vote, was an amendment offered by the distinguished majority leader and the chairman of the Armed Services Committee which said, in language that did not quite address the point, that the Congress and that the Senate "endorses the principle of mutuality and reciprocity in our arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union."

Mr. President, having just voted last night for an amendment that cautions the Senate not to take actions which are unilateral concessions to the Soviet Union, we have this morning before us a motion to strike precisely such a concession.

And let no one be in any doubt as to the actual character of the Levin-Nunn amendment. It represents a unilateral concession to the Soviet negotiating position which has been rejected by the U.S. Government, specifically by our Geneva negotiators who for a very long time have been engaged in talks not just on intermediate range missiles, not just on strategic weaponry, but also on space. And let no one be in any doubt that this intrusion by the Levin-Nunn amendment would have a very dramatic impact upon those negotiations.

Now what the Levin-Nunn amendment does, simply stated, is to condition all future funding of the strategic defense initiative upon the administration's acceptance of the narrow interpretation of the Antiballistic Missile Treaty. Or, to put it in layman's language, we cannot spend further to implement the goals of the strategic defense initiative unless we agree that the money is going to be spent only for research and not for the development and testing of the kind of defenses against a missile attack that the whole ABM concept is designed to achieve. We are constrained to research. We cannot go forward with certain development and testing.

That is a strange constraint. It is one that is consistent only with the idea that we are safe only if we guarantee our vulnerability. The doctrine of mutually assured destruction is a doctrine of mutual vulnerability. However, is it indeed mutual? Have the Soviets thought so?

Contrary to what my friend from Georgia would have us believe, there is no clear and consistent understanding of what this ABM Treaty has meant, either on our side of the Atlantic or on the other side of the Urals. And in fact, the Soviet interpretation has changed. Why is it, Mr. President, that as late as 1985, the Soviet Union put forward a proposal that would in fact give rise to the very suspicion that, until that moment, they believed in a broad interpretation. In March 1985, the Soviets in Geneva proposed to prohibit all testing, development, and deployment of space-based ABM systems. Now, why would they do that if in fact it was everyone's understanding that such a prohibition was already in effect?

Very clearly, the only logical answer to that question is that until that moment, they did not feel a need, but they felt a need to make it clear that there had to be such a prohibition. That bespeaks very plainly on their part in the broad interpretation, the broad interpretation meaning one that would permit the development and testing of so-called, future or exotic antiballistic missile systems.

I said, "Let no one be in doubt as to the impact of the Levin-Nunn amendment on negotiations in Geneva." Let me explain that.

We have had, as I say, negotiators trying to achieve a breakthrough with respect to strategic weapons. We are all hopeful that later this fall there may be the announcement of an agreement as to a wise and workable agreement that will reduce for the first time offensive weapons of an intermediate range. But, candidly, what would be far more important would be an announcement that we were able to achieve a wise and workable agreement that would reduce strategic weapons. But is that likely? It is unlikely, Mr. President, for the very reason that the Soviet negotiating strategy—and there is no secret to anyone who reads the newspapers—has been to establish a linkage between progress in reducing strategic arms and progress, as they term it, in constraining the U.S. SDI program.

Now, this, of course, is hardly mutuality and reciprocity of the kind envisioned by the Byrd-Nunn amendment last night because the Soviets themselves have, for many years, been engaged in precisely the kind of research that they would have us abandon altogether. But, Mr. President, if one is in any doubt that this, as a practical matter, is having an impact upon those negotiations, then we should listen to the words of our negotiators in Geneva.

Two afternoons ago, before the Senate Armed Services Committee, we had those negotiators present. In response to my question to them as to what the passage of the Levin-Nunn amendment would bring to their negotiating posture, Ambassador Paul Nitze stated that the passage of the amendment would be, to quote him, "most unhelpful."

Ambassador Henry Cooper spelled it out a little more clearly. He said it would necessarily narrow the range of our negotiations so that the spectrum would span from a restrictive interpretation of the treaty to an outrageously restrictive interpretation.

What he is saying is that we are moving, by this unilateral concession, ever nearer to the Soviet position and, in fact, moving so near to the Soviet position that we would so constrain our own strategic defense initiative policy that according to a study requested in the 1987 defense authorization bill we would engender a cost to that program of several years' delay, at least 3 years' delay, and $3 billion in the costs of the program.

Why do we do this to ourselves? Mr. President, there is no good answer. The only answer that makes any sense is that we must continue to make ourselves vulnerable.

You know, it is an extraordinary thing—I do not know if your experience has been what mine has been—going into town meetings or meetings with service clubs, intelligent audiences who read, who try to keep informed. It is a very interesting thing that when you ask the question of that kind of an audience, "How many of you think that we have an adequate system of antiballistic missile defense here in the United States?" You will get maybe half the room raising their hands.

I no longer ask the question because I no longer wish to embarrass the audiences because the answer is, and the audiences are shocked by the answer, we have no defense against ballistic missiles; none.

Mr. President, that is a perilous situation. I hope that we will see a time in the near future when in fact we do reduce the missile inventory, of both superpowers, to a point where we can safely assume that we will not be compelled to continue relying exclusively upon a very precarious balance of nuclear terror, when, in fact, we can have reasonable assurance that there will be no Soviet first strike because such a first strike would be utterly irrational, not just under the theory of the deterrence that underlies the doctrine of assured destruction but rather because we will have added to that very significantly a defense against preemption.

Mr. President, that is not an impossible dream. A first generation system, we are advised by very competent scientific and engineering authority, is a possibility, even a probability, if it is adequately funded and given sufficient resources before the turn of the century. That, coupled with an offensive deterrent, would give us an assurance that we do not now have. Not now—not now, Mr. President, in a nation that has no defenses against ballistic missile attack.

What Ambassador Nitze and Ambassador Cooper were telling us is that we are undercutting their position by the passage of the Levin-Nunn amendment. It is not simply a fencing, as we have so often engaged in as we attach conditions to the production of a particular weapons system. This amendment contains language, it quotes the treaty, but it does not quote all of the treaty; it is selective in that regard and it ignores the fact that the negotiating history and the record of negotiations of the ABM Treaty makes clear that the Soviet position with respect to so-called futuristic ABM systems, those based on "other physical principles" would be governed by the provisions of Agreed Statement D, which is to say that before they could be deployed there would have to be discussion and, presumably, some agreement between the superpowers. But no constraint is placed by Agreed Statement D upon the development and testing of such futuristic systems based on "other physical principles."

So, Mr. President, what we could do by the enactment of the Levin-Nunn amendment, if it were actually to become a domestic law of the United States, is that we would bind ourselves—and understand that this is no sense-of-the-Senate resolution, this is binding upon the United States—we would bind the American people to an interpretation of the ABM Treaty and so constrict our own progress on achieving those defenses that we do not now have that the likelihood is that we would never attain them. And that, perhaps, is, after all, the goal of this provision.

Indeed, some will concede that it is the goal of putting this kind of roadblock in the path of achieving a strategic defense initiative to safeguard the United States from nuclear missile attack.

It is a strange view in my judgment that our safety depends upon our giving absolute guarantees to the Soviet Union of our vulnerability.

Mr. President, this is not something that we can simply dismiss as business as usual because this is a landmark decision. It is the first time that we have actively intruded upon the negotiating process. It very well may be the first time that we have sought to interpret, after the facts, a treaty usurping the responsibility of the President of the United States and competent constitutional authority gives that responsibility to the President, not to the Congress, not to the Senate.

Yes, the Senate has a role. Clearly, we have a role in treaty making. But it is not negotiation. It is ratification and the two are not to be confused.

Yes, clearly, the Senate and for that matter the House of Representatives, which does not have that ratification responsibility of the Senate—both Houses have the responsibility to enact defense authorization statutes and, in so doing, they may condition spending upon a weapons system or even, as in this case, a defensive system. But what this amendment does, Mr. President, that is so different is that it quite clearly, quite expressly, conditions further funding of a particular system upon acceptance of an interpretation of a treaty. It is not the responsibility of Congress nor does Congress have the authority to impose that interpretation upon the administration. That is the difference. This is not like conditioning funding for the MX on the agreement between the administration and the Congress of an acceptable basing mode.

That was and remains a decision about what is the best mechanical means of basing a weapons system. It did not depend upon a treaty. It did not interpret a treaty. It did not reinterpret a treaty. It had nothing to do with the treaty. And neither had any of the other constitutional fencings engaged in by Congress. This is a departure. It would set a dangerous precedent.

But most dangerously, it would impact present negotiations in Geneva. Indeed, it might well be said that if we enact the Levin-Nunn amendment the conference between the House and the Senate might just as well occur in Geneva. We might as well tell the negotiators for both the Soviet Union and the United States to sit and watch while we decided what constraints we will impose upon the United States.

Is this not precisely, Mr. President, what 92 Senators last night cautioned against, against taking the kind of action that amounts to unilateral concessions to the Soviet Union? How far toward their negotiating position should we go? Negotiation, in my understanding of the word, and I have had some experience, involves people sitting across the table from one another and making concessions to gain concessions. It does not exist, Mr. President, when one side begins the negotiation by saying, "Well, this was our position, but here we will go 90 percent of the way toward yours. Now we will negotiate the balance of the 10 percent that remains on the table."

That is what Ambassador Cooper meant when he said enactment of the Levin-Nunn amendment would necessarily narrow the range of negotiation. Narrow it? It would almost close the window so it is barely open a crack. It would not be sufficient that anyone could expect that through it could come any kind of reasonable or meaningful defense initiative, at least not within a timeframe within which it might be necessary.

For those who might be so concerned about achieving a breakthrough on arms control, do they really think that the Soviets have returned to the bargaining table for any reason other than the fact that we were firm in making good our promise that if they did not accept the zero option, we would in fact put missiles, reluctantly, on European soil to match the SS-20's that threaten our NATO allies? Or that they have come back to the table because suddenly, in March 1983, the President of the United States indicated a new resolve to pursue ballistic missile defenses just as the Soviets themselves have been pursuing them for decades, spending more on defense than on offense.

Mr. President, for those interested in arms control, let me put it as simply as possible. This is the greatest lever we have ever had or ever will have within the foreseeable future. If we are interested in the reduction of offensive inventories, if we are interested in reducing ballistic missiles that threaten the United States, it will be because we have enormous leverage with the Soviets perception that the United States has the ability and the resolve to achieve a system of antiballistic missile defenses.

Are we to give that away? Are we to give away the leverage that has brought about a return to the negotiating table of the same Soviets who stalked off vowing not to return, who have now returned, having dropped all their preconditions? Are we to now make this incredible unilateral concession to the Soviet Union?

I would not want that on my conscience.

Mr. President, I will confess that, to an extent, we may have all been engaged in an academic exercise here because it is no secret that the President of the United States has made clear that should a defense authorization bill reach his desk with the Levin-Nunn amendment in it, let no one be in any doubt, he will veto it. Let no one be in any doubt that he will be sustained in that veto because there is a letter which I have circulated and on it are 36 signatures of Senators who have pledged to sustain him on that veto.

For those who may not be familiar with this Levin-Nunn amendment and may not understand the passion that it kindles, let me just recite a little recent history.

The rest of this bill, the defense authorization bill, even though it might undergo substantial amendment because it embraces a complex of highly complicated subjects, is essentially a good bill. It would have passed out of the Senate Armed Services Committee with a virtually unanimous, bipartisan vote, as have defense authorization bills every year in the time that I have been in the Senate.

But this year, for the first time, we had that kind of bipartisan agreement right up to the last moment and then at the last moment there was added to this legislation the Levin-Nunn amendment and that immediately transformed that bipartisan support for this bill into an almost straight party line division.

The Republicans, who for years have, been accused by our brothers on the other side of the aisle as being almost jingoistic in our passion for a strong defense, were the ones who voted against this measure. My Democratic colleagues, many of whom have confessed to me some sensitivity about how their party is being perceived on defense, were the ones who sent this bill to the floor with this amendment in it.

What is more important, Mr. President, is that the reason for this division is the seriousness with which we must regard the Levin-Nunn amendment. It is quite different from anything that we have seen before, except, Mr. President, for the same kind of nonsense that was present in the House Armed Services version of the 1987 defense authorization bill.

There was a similar provision that related to a demand, a mandate, that the administration accept the numeric sublimits of the SALT II Treaty, unratified though it may be by the U.S. Senate, and, therefore, not binding upon the United States.

The House Armed Services Committee took it upon themselves to demand that the President of the United States accept the SALT II Treaty. That created a very similar impasse. When we went to conference, the Senate refused to accept that outrageous provision in the House bill, and the conference very nearly foundered on that point. We almost had no defense authorization bill last year.

Mr. President, it is a shame that we did not have it out right then and there. But, instead, the Members of the House finally decided that they had better withdraw that amendment because they did not wish to be accused of undermining the President of the United States on the eve of his meeting with General Secretary Gorbachev in Reykjavik. They did not wish to be perceived as being those who had undercut the ground from the President of the United States in what might be a crucial arms control negotiation.

Well, however belated, that was a responsible view, and the same responsible view would impel reasonable and responsible Members of the Senate on this day to recognize in this the same mischief—and to call it mischief is to understate it—the same peril, Mr. President, that was present except that this is so far more dangerous because what we are talking about is a defensive system so far more important to the United States that it almost defies comparison.

Why is it that those who finally came to their senses and understood that they should not undermine the American President on his way to arms control negotiations with the Soviet Union a year ago now are perfectly willing to undermine the same President of the United States dealing through his delegated negotiators in Geneva when they are engaged in crucial arms control negotiations with the Soviet Union? Why is that? There is no consistency there. There is no explanation.

Mr. President, it does not make sense, but it is not simply a foible of the Congress like so many others that the public can afford to ignore, to shrug off. It is a perilous, tragic error. It is, in the words of the Byrd-Nunn amendment of last night, the kind of unilateral concession to the Soviet Union against which we all voted last night.

Now, Mr. President, if the Members of the Senate are willing to usurp the function of the President, which the Constitution assigns exclusively to him, the responsibility for the negotiation of treaties, then perhaps they are willing to arrogate to themselves further power, and that is the control of those negotiations. We are not all going to crowd into the room with the Soviet negotiators, but instead we will simply set the parameters for what the discussion will be. We will narrow the range, as Ambassador Cooper has put it, and that will effectively control what occurs.

There are any number of arguments that could be made in favor of this motion to strike. The ranking member of the Foreign Relations Committee has protested the presence of this amendment on the defense authorization bill, saying that if it should appear anywhere it should be on a Foreign Relations Committee bill. He is right. This committee really has no jurisdiction over matters dealing with treaties, and that fact cannot be disguised or papered over by saying this is a customary fencing arrangement in which the Armed Services customarily engage. That is not true. This is expressly a conditioning of further spending for the defenses of the United States upon the acceptance of a particular interpretation of a treaty, a treaty which constitutionally says the President of the United States shall interpret. But evidently, this body, which later this morning is going to celebrate the bicentennial of our Constitution, does not have time for such nice distinctions.

I will tell you what we did last night, Mr. President. We put ourselves above the Constitution. We said to those who were wise enough, so that we are celebrating their wisdom 200 years later, to craft a Constitution based upon a separation of powers, we have decided that in our wisdom we can ignore that long tradition, that wise and honored tradition of the separation of powers and we will arrogate to the Senate of the United States and even to the House, and in fact to a majority of those present and voting in the House, the responsibility which the Constitution gives to the President of the United States and not to the Senate, not to the House, nor to both Houses combined.

If that does not persuade people, Mr. President, then I do not suppose the idea that this will cost several years and several billion dollars in delay and added costs on a strategic defense initiative program will matter much to them either. Perhaps it should not. Because what they will do by adding this constraint and making this unilateral concession is to so constrain the program that it cannot achieve what technologically it is capable of achieving, which is to say the safeguarding of the United States from ballistic missile attack, from attack by those missiles that can leave the Soviet Union and once launched be beyond man's ability to recover and land 26 minutes later in the United States, touching off what we all have feared, the horror of nuclear holocaust.

Mr. President, this is so much more than mischief that really it is difficult to find words adequate to describe how ill-advised, how arrogant, how unwise it will be if we are in fact guilty of enacting the Levin-Nunn amendment. There will be people who follow me on the floor who will tell you, "Well, listen, it could be a lot worse. It could be as arrogant as the House version." Yes, it could. It will not make a great deal of difference. Style is not the issue here. Substance is the issue. And observance of the Constitution of the United States.

There are probably many who are listening who think, "Oh, come on. All of this talk about the Constitution, what does it really mean."

Well, what it really means, very simply Mr. President, even to those who might take the Constitution lightly, not be very much concerned with things like separation of powers, is that by putting ourselves in the business of being the negotiators, or at least by setting the parameters for negotiation, we have not only arrogated to ourselves the power that the Constitution assigns to the executive, but substantively we will have so constrained the Strategic Defense Initiative Program that it will never be able to produce the set of defenses, even a first generation system of defenses, that hold infinite promise for safeguarding our children and their children. That system in combination with some offensive deterrent, even one as minimal as we presently possess, offers real promise that there will never be a Soviet first strike, and therefore never be a nuclear holocaust, never be the kind of mutually suicidal nuclear exchange about which so many books and articles and movies have been produced.

(Mr. ADAMS assumed the chair.)

Mr. WILSON. Mr. President, it is not often that the men and women of this Senate, who are I think uniformly of good will, are so moved that they will undertake the kind of action that the members of the Senate Armed Services Committee did when they converted what was bipartisan support for an otherwise good bill into a virtually straight party line division. Not quite party line. There was one Republican vote. There is a reason for that departure from history. It is because of the seriousness of this matter, and it is for that reason the President has said he will veto this legislation, as important as the defense authorization bill is. We will hear much—we have heard much already, yesterday and last night—about the need for the ships and planes and tanks, and about the need for the pay raise.

Well, no one on this side of the aisle quarrels with that. To the contrary, I think that we have been at least as assertive as our brethren on the other side of the aisle. Certainly we are so characterized by the popular media and we do not shrink from that characterization.

We are for a strong defense. We are for it now. We would have voted for this bill months and months ago if this amendment, the Levin-Nunn amendment, had not been contained in it.

There is no question about that. There cannot be any reasonable question about it. We have made that offer repeatedly months ago and virtually at every point in the interval at which the majority has sought to bring this measure to the floor.

This is an unaccustomed role for the Republicans. Those of us who believe in a strong defense do not like the idea of delaying the defense authorization bill. We like even less the necessity for a President, this President in particular, having to veto this bill because it contains so pernicious an amendment as to taint the entire bill. That is a remarkable step for a President to have to take. I am not sure there is any precedent for that. But this President, who if he had stood for anything, has stood for rebuilding America's credibility by rebuilding her defenses neglected through the years that preceded his administration, is now suddenly placed in the position by the majority in both Houses where they seek to bring to his desk and ram down his throat a defense authorization bill that contains an amendment that he cannot and should not swallow.

Mr. President, he will not swallow it. He will veto it and we will sustain. But I do not think he should be put to that particular test. Candidly I am a little tired of the kind of politics that continually seeks to play partisan games and put on the President's desk a bill that he must veto. That is not serving the interests of the American people.

However much we may deplore the partisan gamesmanship in the domestic arena, at the very least I would hope that when we are talking about something as important as the survival of the American people and threats to their survival from ballistic missile attack, we would have the same good judgment that the American people do. They are sick to death of this kind of partisanship. They think that it ought to end at the water's edge, that we ought to have a unified defense and foreign policy, the kind that we had when an Arthur Vandenberg worked with a Harry Truman to save Greece and Turkey from becoming Communist, when a Democratic President pleaded with a Republican Senate to support him in taking the measures necessary to prevent a Communist takeover of Greece and Turkey in the years immediately following World War II.

It would be a very fine thing, Mr. President, if we saw a return to that. And there are Members on both sides of the aisle who are hungry for a return to that time and that temper. We cannot return to that time. But we certainly can return to that temper.

I heard a very fine speech by my friend and colleague, the Senator from Oklahoma [Mr. BOREN], when he received an award this year from the Washington Times, and it contained a very plaintive theme; and, that was, simply stated that the business of the United States in the area of foreign policy is simply too important and of such overriding importance to give way to the petty concerns of partisanship.

Mr. President, I am not holier than thou. I have been partisan. I will be again. It is part of our two-party system, hopefully a competition that benefits the public. But there is, I hope, in the perception of most men and women a reasonable limit to the kind of partisanship that we should engage in. I think this provision clearly exceeds it. If I am intruding upon honest conviction by my brethren, I will apologize for that. But I must say that I have to ask again if they had the wisdom to withdraw this kind of a provision last year when the President was going to Reykjavik, what makes this different? It is different. This is vastly more important. But the principle is the same. The principle is do not undercut the negotiations of the United States when they are negotiating with a skilled and determined adversary as the Soviet Union is in a matter as crucial as that having to do with arms control.

Mr. President, let me touch a few other bases here because there have been a number of questions raised by colleagues not on the Armed Services Committee who have not been party to the debate either in committee nor heretofore the debate on the floor.

They have asked a number of questions. One of these: Is the Levin-Nunn amendment even Constitutional? It is not, because, unlike other fencing arrangements, it expressly conditions further spending upon an interpretation of the treaty, the ABM Treaty and treaty interpretation is not a role given by the Constitution to the Senate of the United States or to the Congress of the United States.

My colleagues have asked, "Cannot the Senate interpret the treaties?" There is a very limited role given to the Senate even interpreting treaties that they have once ratified. Constitutional law says that it is the role of the President to interpret treaties. I can assure you that will not always make me happy. It has not in the past. It will not in the future. But it is the fact. It has to do with the thing we call separation of powers.

Colleagues have asked, "Does the Levin-Nunn amendment actually interpret the treaty; is it guilty of an unconstitutional overreaching?" And the answer to that, my friends, is yes.

Again, this is not a matter of style. It is a matter of substance and the language of the amendment expressly conditions further funding of the SDI Program upon acceptence by the administration of the narrow interpretation of the ABM Treaty when the President and his administration have announced that we are fully entitled to adopt the broad interpretation, one that does permit development and testing.

I have been asked, "Well, does it in fact afford the House of Representatives a unilateral one-House vote, a unicameral veto?" Yes, it does because in order to undo the constraint that is placed upon further spending, a joint resolution would have to be adopted and that can be frustrated by a majority of those present and voting in the House of Representatives, that House to which the Constitution has given no foreign policy role similar to that conferred upon the Senate. And, of course, the Constitution gives to neither House the role of negotiation.

But the answer is, yes, it permits a majority of those present and voting in the House to defeat the kind of joint resolution that would be necessary to remove the block to further spending for the Strategic Defense Initiative.

Now the argument will be made, and the question has been asked me by colleagues, "Well, but is it not true that without the Levin-Nunn amendment, we would be handing the President a blank check giving him $4.5 billion to spend as he chooses?" Well, that goes back to the difference between the fence upon the MX, for example, and this purported fence which is nothing less than an ill-disguised usurpation of the Presidential authority because it conditions the action upon an interpretation of a treaty.

It is not giving a blank check. It is saying that we can go forward with the Strategic Defense Initiative in concert with an interpretation to which the Soviet Union evidently gave credence as late as March 1985. We have every reason to believe that they have conducted their own research policy with a view toward achieving a capability for development and testing, if they have not in fact engaged in some.

My colleagues, who have had the opportunity to go into the secure room, S-407, and avail themselves of the negotiating record of the ABM Treaty, have in most cases chosen not to do so, but they have at least asked. "Isn't the treaty itself ambiguous?" Parts of it are; parts of it are not, which means that, on the whole, on the face of it, the context of the treaty is ambiguous. It gives rise to different interpretations. The more reasonable interpretation of Agreed Statement D, just on the face of it, is that those systems that are devised in future on other physical principles will be governed by the provisions of Agreed Statement D, rather than the articles of the treaty itself. What Agreed Statement D provides is that if in future some clever fellow devises a system based on other principles than those in effect when the treaty was signed or those defined in the other articles of the treaty, any future deployment—not the development and testing, but the deployment—of that kind of system would depend upon consultation and agreement between the superpowers.

However, the fact of the matter is that the negotiating record of this treaty makes quite clear, and Judge Sofaer's analysis of it makes quite clear, as does Ambassador Nitze's analysis of it—and he was a participant in the 1972 negotiations that led to the ABM Treaty—that the proper interpretation is the broad interpretation.

Mr. President, does it make sense to spend billions of dollars engaged in pure research knowing that we will never use the research to develop and test the system that we are researching? Academic research is a splendid thing. The pursuit of truth is a splendid thing. But if we do not intend to develop and test this system, does it make sense to spend billions on it?

We will be told by those who were pushing the Levin-Nunn amendment that all this amendment does is say not that the President cannot go to the broad interpretation but that if he is going to spend any money going to it, he first has to get the consent of Congress, which is another way of saying that if the President is going to be able to spend money on it as he and the Joint Chiefs of Staff have requested, they will have to acquiesce to a mechanism whereby a majority of those present and voting in the House can deny them the right to go forward and implement the Strategic Defense Initiative under the broad interpretation.

That is what this is all about, and let us not try to delude anyone. This has been carefully fashioned to give an absolute veto of the broad interpretation to those who wish to exercise that veto, and they can be a very small number in the House of Representatives, and that is a mistake of tragic dimensions.

Mr. President, we will also be told that the Strategic Defense Initiative office, itself, has said that their present program is one that does not require the broad interpretation, that they can operate within the constraints of the narrow interpretation. All that statement means is that because they have been so constrained, they have, in response, designed their program to fit the constraints. It is a self-fulfilling prophecy.

However, what this document, entitled "A Report to Congress on the Antiballistic Missile Treaty," states very clearly is that it will cost us years of delay and billions of dollars in added costs if we are so artificially constrained—constrained not by technology but by imposing upon ourselves a unilateral concession that makes no sense.

This report, I remind my colleagues, is one that we requested. It says: "A Report to Congress on the Antiballistic Missile Treaty, as requested by section 217 of the fiscal year 1987 authorization act." We ask for advice, we get it, and we ignore it at our peril; because we are so wise that on the day that we celebrate the bicentennial of our Constitution, we celebrate it by trashing the separation of powers doctrine and by engaging in an unconstitutional act, as we intrude upon a function of the U.S. President, assigned to him exclusively by the Constitution, and that is the responsibility for the negotiation of treaties with foreign powers.

Mr. President, strange as it may seem, we have only scratched the surface here. There is much more to be said. But I would think that members of the public would probably conclude that quite enough has been said. Between what was said yesterday and what has been said today, I hope it is clear that what we have done has been not only to violate the Constitution, if we enact this Levin-Nunn amendment, but also, immediately after 92 Senators voted last night for an amendment by the majority leader which cautions us against Congress or the President taking actions which are unilateral concessions to the Soviet Union, that is precisely what we will have done.

Mr. President, I do not want that on my conscience; but, much more to the point, I do not want the United States to be placed in the position where we are artificially constrained, not by technology but by an interpretation for which there is much, much doubt. I will only tell you that the Soviets will not be so constrained.

Mr. President, we live in a world where, whether we like it or not, there are two superpowers. If those who believe that the superpowers have avoided nuclear conflict by a doctrine of mutually assured destruction—genuinely believe that—if they believe in the mutuality and reciprocity which is expressly stated as the goal, the principle endorsed by the Byrd-Nunn amendment of last night, then it is a contradiction in terms to say that we support the principle of mutuality and reciprocity, caution against unilateral concessions, and then engage in precisely the most glaring unilateral concession in the history of arms control. That is what this is about, Mr. President. That is why the Republicans on the Armed Services Committee, who were prepared to vote enthusiastically for this otherwise good bill, voted against it. It is why we will vote against it if this amendment is entered on the floor. It is why the President will veto it, and why it will be sustained.

Mr. President, I inquire of my colleague from Texas, if I can gain his attention, as to whether he is ready to take the floor. I am advised that he wishes to be heard on this matter.

Mr. WARNER. Mr. President, if the Senator will yield, I advise Senators who are following this matter that there are several Members on our side who are prepared to come forward. I have so advised the distinguished chairman of the Armed Services Committee. We are here to accommodate as many Senators as wish to speak this morning on this side of the aisle. We have a roster of those who are willing to come forward.

Seeing no Senator seeking recognition, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAMM. Mr. President, we have had a great deal of debate. I personally found it beneficial as we tried to focus on this issue. I would like to just touch on a few things that I think are important to the debate, and that I hope individual Members will look at, as we deal with this issue, which has become to some degree sort of charged with partisanship. I think these issues are critical, as we make what I believe is going to be a very fundamental decision that is going to affect not only whether we adopt a defense authorization bill this year or not, but how we are going to deal with the Soviet Union in the future, and that will have an impact on the overall relationship between the President and the Congress in terms of the conduct of American foreign policy.

I am opposed to the Nunn-Levin amendment for a lot of reasons. I am opposed, first of all, because this is a unilateral action. It never ceases to amaze me as we debate all of these issues in Congress, and I would note to our colleagues, that this is not the first time that we have had a debate concerning arms control and disarmament related to the armed services authorization bill. This debate has been going on for a couple of years as those of us who served on the conference committee and tried to work out our differences with the House are aware. Every time we go to conference we have these provisions, at least in the last 2 years, that have been adopted by the House that try to impose on the U.S. Government restrictions in some cases related to SALT II, a treaty that was never ratified, that the Soviets never abided by, and that has expired. We have had the broad versus narrow interpretation of the ABM Treaty as part of this ongoing debate. We have it here at a very critical time.

But the fact is that there has been a continuing confusion in the House as to what the jurisdiction of the Armed Services Committee is. It is not the duty of the Armed Services Committee to tame the Russian bear. There are other committees that have jurisdiction. We are an armament committee. Our goal is to keep the bear back from the gate.

So I would argue, first, that this is not an item which really belongs in this debate. It is an item that belongs somewhere else, I would argue not now, not in the Congress, but clearly not here.

But what has been missed for the whole 3 years that we have debated foreign policy and arms control and disarmament on the armed services authorization bill is, that actions taken in this great body and across the way in the House of Representatives do not bind the Soviet Union.

If we undertake an interpretation of a treaty here, we are doing so on a unilateral basis. What we might impose in the way of restrictions on the President, what we might write into the law in terms of restrictions on the Pentagon in expenditures for SDI, in no way will bind the Soviet Union.

So, first, I object because this is unilateral action.

Now, we have heard a great deal of debate, and I came today prepared to read all kinds of statements that were made in the midst of the ABM Treaty and in the wake of the negotiations in the Senate before, during, and after Senate ratification, and I could read extensively quotes from Mel Laird, quotes from Admiral Moorer, the Chairman of the JCS, quotes from Secretary Rogers, and the list goes on and on.

And I could by selecting from the record of public and private statements, if we could submit on the public record here, the negotiating records which are secret, I believe I could make an ironclad case for the broad interpretation of the ABM Treaty.

But I do not deny the fact that someone equally diligent could make a case for the narrow interpretation.

As I read the record, which is available upstairs, which is secret, the negotiating record, it is clear to me that while we sought a narrow interpretation of an ABM Treaty, the Soviet Union wanted no part of the narrow interpretation. That is why we had the provision related to new and exotic types of weapons systems, something we tried to prohibit, the Soviets refused, and here today because we are blessed with a free enterprise system and individual freedom that has unleashed the creativity of our people we now have had very important technological breakthroughs related to national defense and to defense against intercontinental ballistic missiles in particular that have now become very relevant to the arms control debate and to the defense debate.

Now we are in a position where we are approaching the types of new systems that the Soviets refused to limit under the ABM Treaty.

But there is no doubt about the fact that by picking and choosing, in looking at the negotiating records, in looking at public statements, in deciding to look at one section of the treaty and not the other, someone could make the case for the narrow interpretation.

I submit, Mr. President, that we are not going to settle this issue here. This is an issue that is ultimately going to be settled, I would guess, when the Soviets have gone so far into the broad interpretation that no one thinks it is a relevant debate. It just so happens that while the Soviets have huge leads in conventional forces and in other areas, in the area of high technology and SDI, we have a clear advantage. That is our cutting edge in terms of providing security for ourselves and for the free world. Because of that, this debate is relevant here today.

(Mr. SHELBY assumed the chair).

Mr. GRAMM. Now, one other thing that I object to about the Nunn-Levin amendment is that it gives a degree of control to an individual House of Congress, to in essence impose its interpretation of a treaty. This is not your normal appropriations provision whereby we say you can spend the money within these specified constraints. This is not a normal authorization for an appropriation where we say you will spend money in this broad category on these particular items.

This is a provision that says that if the President decides to move in the direction of an interpretation of a treaty he does not have to move in that direction; he simply has to begin to make plans on the basis of that interpretation, and I remind my colleagues we are not talking about a prohibition against testing. We are not talking about a prohibition against moving SDI outside the laboratory. We are talking about a prohibition of planning to move in that direction.

It is almost that you are taking a broad interpretation if you think about it. If there is anybody in the Pentagon doing planning on the broad interpretation, then Congress wants to have a right to vote on whether to release the funds or not.

Now, one of the problems is—and it has always been a problem with regard to public opinion and misunderstanding—I would hope with all the people we have got in the Pentagon that there are people over there today who are working on every possible scenario.

We are all amazed when we read in the Sunday paper, when there is no real news and they have to dig up something, that there is some guy deep down in a hole somewhere in the Pentagon planning for what a chemical war would be like. And we see a big headline, "Pentagon Plans Chemical Conflict."

Well, I hope to God that there is somebody in the Pentagon who is looking at what such a terrible conflict would be like, because the Soviets have chemical weapons. We do not have enough to carry on any kind of conflict, but they do. And surely there has got to be somebody over in the Pentagon making plans on that basis.

Well, surely, since the Soviets any day could take action related to a broad or narrow interpretation of the ABM Treaty—in fact, the Soviets have made it clear from the beginning that they have always taken the broad interpretation, except now when it is to their advantage to impose their interpretation on us—surely we have got to have people working in SDI who are looking at the expenditure patterns and research related to the broad interpretation. In fact, if that is not going on today, we are making a tragic mistake.

But the Nunn-Levin amendment says if you are undertaking activities as a requisite for moving to the broad interpretation, even if you are not doing it during the year that this authorization bill will be in effect, if you are just planning it, if you are just looking at it in an outyear. And what constitutes looking at it? If you have got a team working on SDI and you have got a team that is working on the basis of a Soviet breakout. And I hope my colleagues will look at this problem. We know the Soviets are spending money on nuclear missile defense. In the history of the nuclear era, they have spent ten times as much money on nuclear defense as we have. We know they are spending money on SDI and probably more than we are even on the narrowly-defined SDI project, substantially more than we are on any kind of broadly-defined definition of strategic defense.

But one might argue under the Nunn-Levin amendment that if we have got people who are working to be prepared for a Soviet breakout and therefore that are working on a schedule of testing and even deployment in the event that suddenly we woke up tomorrow morning and discovered that the Soviets had made a technological breakthrough in laser technology or guidance technology or computer software and that they are moving toward a partial or total deployment, surely we have people in SDI who are looking at that possibility who would immediately be able to put a plan before the Congress, before the Pentagon that would accelerate our program. In fact, I would think that every person who is supporting the Nunn-Levin amendment would support such contingency.

But as I read the Nunn-Levin amendment it is not clear to me that that kind of planning, that those kinds of preparations would not by some interpretation mean that we are taking action and spending money related to the broad interpretation of the treaty.

Now, I ask my colleagues, if suddenly in the morning we woke up and discovered that the Soviets were beginning to deploy an SDI system, do we all of a sudden want to have in law a provision that prohibits even the planning for a breakout moving toward the broad interpretation? But that is not really the relevant question. People would argue, "Well, at that point we will vote to break out." But if we do not have plans, if we had not looked at that option, if we do not have contingency plans, we are going to be starting from scratch. This is part of the nonsense of this whole amendment. It says do not test SDI. Even though the Soviets have spent 10 times as much on nuclear defense as we have since World War II, we do not want you testing it. It might be provocative. Even though they are spending more money on it than we are, because we have technological advantages, we do not want it tested.

Now, you can view that as nonsense or tomfoolery or wisdom depending on your perspective. To me it is pretty clear, but to others obviously it is not, or my view is not clear to them.

But to take the position that we do not even want anybody looking at the potential of a breakout and therefore testing and deployment, that we do not want work being done that would pave the way for a broad interpretation of the treaty with testing or deployment, that is not in my opinion prudent public policy.

And what has happened here, in the desire to limit the flexibility of the President with regard to SDI, we are writing into law a nonsensical position that if carried to its logical extreme would say "Don't even plan for testing or deployment no matter what may happen at any moment in time."

That is what happens when you get into these situations where you do not want to vote on an issue but you do not want a decision made. And I guess one of my complaints here is that in foreign policy we in Congress are masters at telling the White House to not make a decision.

I remember on the reflagging incidents—and I have to admit I have shared concerns about reflagging in the Persian Gulf—the proposal was not to not do it, the proposal was to delay it. With 535 Members of Congress, none of whom have to take direct responsibility, we are masters at saying to Presidents who do have to take the responsibility: "Don't make the decision. Now we do not want to make the decision. We do not want to be answerable if the decision fails, but we don't want you to make the decision."

We are standing on the sidelines. We are throwing rocks. We are putting up roadblocks. But we do not want to share any responsibility.

This amendment is the result of that kind of mentality, because we are not voting here on language that says, "Don't do something." We are voting here on language that says if you decide to do something, then Congress wants to come back with what in essence is a one-House veto and we would have to approve it at that point. And what we are saying you cannot do is so poorly defined that what we are potentially precluding here is the actual ongoing work that should be done today about eventual testing and eventual deployment.

Can you imagine spending $4.5 billion of the taxpayers' money on a Strategic Defense Initiative and saying, "Oh, by the way, out of $4.5 billion, we don't want anybody to be thinking about how we test it. Out of $4.5 billiion we don't want anybody doing any planning about how you deploy it."

No. 1, that does not make sense, technically. If fact, until you have done some plans for testing, how do you design it? Until you have done plans for deployment, how do you test it? How do you design it?

What we are imposing here is a nonsensical position that says, "Go out and spend all of this money on pure research, but don't be looking at any kind of practical testing or implementation because we don't want you to do that. And if you decide to do it, if anybody is even going to think about doing it in its extreme form, we want to be able to vote on it."

Well, I think everybody knows that that does not make any sense. Science does not work that way. You can imagine trying to design an automobile where you said to people: Now, you can do all the designing you want to and we are designing—we at least expect some day we might build this car—but we do not want you to go out and test any of it; we do not want you to be planning to test any of it. We just want you to be designing it. That is imposing limitations that squander the taxpayers' money. It is not smart.

If we are not going to have SDI, then let us do not fund it. But if we are going to fund it, let us not shackle it to such an extent that we do not get our money's worth.

My view on this thing is clear. The Soviets are going to build an SDI system. They are going to build it as soon as they can get technology in place to do it. We have got several options.

We can wait around until they do it and then decide at that point that we are going to get serious. I do not think that is wise policy, in part because they have got such superiority in conventional weapons and in throw weight on nuclear weapons, that we need that technological cutting edge of SDI to maintain the balance of power to keep the peace.

Second, that kind of approach, of waiting until the Soviets do it, not only did not make sense because of the imbalance in other areas but it did not make sense because they may have a breakthrough, gain an advantage, and then what would our situation be?

There are those near and those around the country who argue: It would not be good for the United States to be able to defend itself against Soviet intercontinental ballistic missiles; that that would be destabilizing; that that would represent a provocation that would make this bear angry and God knows what he would do if he were angry.

The problem with that logic is the bear is already angry. The Soviets are trying to build this system. Their problem is, however, that they do not have the technology to do it.

If we wait around until they develop the technology to do it, we are going to lose our comparative advantage and, in the process, we are going to pay billions of dollars and incur risks to the life and freedom of every person who lives on this Earth.

So, clearly, I believe that we ought to get on with the job and build SDI. There are those who say we should not. But I guess my frustration here is we are not debating the issue, again. We are debating the debate. We are debating language that says you could do research but you cannot even do any effective planning to test and deploy it. That makes no sense. That is the kind of hobbling that guarantees that our runner will not win the race. It is inefficiency. It is a waste of the taxpayers' money at the very time that not only is Ivan at the gate, but the wolf is at the door.

I do not know whether Members of the Senate are aware of the fact that we are working—in fact I just came from a conference, trying to deal with this wolf at the door, trying to revitalize the Gramm-Rudman-Hollings balanced budget law.

We all know that we are looking at a budget which has been adopted by this Congress that takes us back to the level of defense spending as a percentage of GNP that we had when Jimmy Carter was President and we all remember that unhappy era. We all remember the bipartisan support that strengthened defense but at the same time we are moving back to that direction. We are saying, let us hobble our most important and innovative defense program, SDI. It does not make sense economically, it does not make any sense militarily.

But there is another problem altogether. Even if everything that I have said were not true, this is still a bad idea. Even if this was not a nonsensical position, to say we do not want people planning for testing and deployment and if you go and do that we have got to come back and get a separate congressional approval on whether to go to the broad interpretation or not—not doing it, but just planning it. Even if hobbling defense expenditures at a time when we are broke made any sense, there is still an overwhelming reason why the Nunn-Levin amendment ought to be rejected. It ought to be rejected because it gives the Soviets, through action in the United States Senate, those things that they cannot win at the bargaining table in Geneva.

Can you imagine what a difficult position we put our negotiators in when we are trying to write into law the demands of the Soviet Union at the bargaining table? What kind of cooperation between the legislative and executive branches of Government is that? Sure the Soviets must be mystified as how nonsensical this whole process is.

I do not think there is anybody here that would argue that the Soviets have come back to the bargaining table because suddenly their longing for peace and tranquility on this Earth has been rekindled. In fact, the Soviets said they would never come back to the bargaining table unless we stopped SDI. Everybody remembers that. They were pounding on the table and they walked out and they said they would not come back.

But guess what? They came back to the bargaining table.

Why did they come back? They came because of SDI, and they came back because of what we have done since 1981 in modernizing our conventional and strategic forces. They came back because it was in their interest to come back, and the Soviet Union is motivated by only one set of interests and that is Soviet interests. We continually forget that, to our great peril.

The Soviets came back to the bargaining table because they fear SDI.

As the distinguished Senator from South Carolina, STROM THURMOND, said when he came back from his meeting with Gorbachev: You know, the one thing I came away from that meeting absolutely convinced about is that SDI scares that man to death. In fact, the Soviets have done for SDI what Ronald Reagan, the Great Communicator, could not do. They are so adamant against SDI that they have about convinced the American people that if they are so much against it, that despite all these "experts" who say it could never have worked, it is a silly idea, it is a waste of money, it is a boondoggle—if the Soviets are so convinced that it represents peril to them, there must be something good about it.

You do not need a Ph.D. in nuclear physics or in aeronautical engineering to know that if the Soviets continually desperately want us not to invest in SDI, they probably are not trying to promote efficiency in our defense budget. They are probably not trying to keep us from going down a technological dead end.

They are fearful of what we will be capable of doing in defending ourselves. The plain truth is, and everybody knows it, the Russians are back at the bargaining table because of SDI. That is why they are back.

They are back because they fear American technology; because, by having a repressive government that denies human freedom they cannot unleash that spark of creativity that has done more than anything else in the postwar period to preserve our freedom and to keep the peace.

We do not have peace today because we are more dedicated to spending money on defense than the Soviets. The truth is, totalitarian societies have an advantage in defense because they can force their people to spend the money. Defense has declined as a percentage of GNP and as a percentage of the budget almost by 50 percent since John Kennedy was President, because democracies and the political constituencies that are built around programs, tend to rob defense to give money to constituencies who then vote for those who give them the money.

What has maintained the edge that has kept the peace is technology. The Soviets cannot match it because creativity comes from freedom. And they cannot give that without having their system destroyed internally, and that is their dilemma.

What we are doing here is taking away the one advantage that we really have. The Soviets are back at the bargaining table because they fear SDI; because they fear American technology.

Now, what does this amendment say to the Soviets? The Soviets reading this RECORD—and it must be terribly boring through most of the long debates—but when they get down to the Nunn-Levin amendment, it must produce some, "Look, Comrade," response. And they say: What the Congress is saying to the American President is we are not sure we are serious about this SDI business. You can do all the testing you want to. You can test, you can theorize, you can use test tubes, you can work within a laboratory. But do not even think about testing on any kind of operational basis. Do not even do any planning about deployment. And, if you think about doing one of those things, you have got to notify Congress and then both Houses of Congress have to vote to say it is OK.

Either House of Congress can say, no, we are not going to let you do anything with this SDI research. You can do all the pure research you want to, but either House of Congress, by this amendment, is reserving a privilege on a one-House veto basis, of saying: No, we do not want to do anything practical. Spend the money, but do not let it be directed toward the actual defense of America.

What does that say to the Soviets? That says to the Soviets: Here we are, speaking now on behalf of these Soviets—something I am not qualified to do—but here they are, spending all this energy trying to negotiate treaties that in some cases represent giving up advantages to themselves to try to have an impact on SDI, and Congress is doing, through votes, what the Russians are negotiating to get the United States Government to do.

I do not know most people in the Senate feel about bargaining, but I feel that if a fellow is likely to give me what I want without me having to give him anything if I will just wait long enough, I am not going to be in any hurry to try to cut a deal with the fellow.

I have not dealt much with the U.S. Congress in any kind of representation of foreign powers, so, quite frankly, I have never had any dealings with anybody who was that dumb. But if I ever did, and I figured if I just waited they were going to do what I wanted them to do, why should I negotiate dismantling nuclear missiles? Why should I negotiate the START talks? Why should I negotiate losing something that I have an advantage on when Congress is going to make the President do what I am negotiating with him to try to get him to do?

Even if everything I have said here is nonsense, and I do not believe that it is, but even if it were, the reason that we ought to defeat this Nunn-Levin amendment is that it gives the Russians, through action in Congress, what they cannot get at the bargaining table.

Why should we give away our technological edge, limit our ability to look at putting that technology to use, when the Soviets are willing to negotiate on the basis of giving up some of their advantage for what we are in the process in this very room, in this very debate, in giving?

Our negotiators are at the table today, negotiating a treaty in the final phases with regard to nuclear missiles in Europe. The final dotting of the i's and crossing of the t's is occurring even as we speak. The beginnings of a potential movement beyond that to start talks that would reduce the number of nuclear weapons in this world is in its infancy even as we speak. We should defeat the Nunn-Levin amendment if for no other reason than because it undercuts our negotiators in Geneva by giving the Soviets for nothing what they are willing to negotiate for. It is poor policy. It wastes the taxpayers' money. It is nonsense as a policy of defense to invest in something but commit not to do anyting that will allow you to ever use it. It gives unacceptable power to one House of Congress to veto a decision that the President has the right to make in terms of interpreting the treaty. The Supreme Court has ruled over and over again that when in doubt concerning the meaning of an international obligation or treaty, the broad interpretation should always be taken.

But all of those things aside, do we in the Senate want to be giving the Soviets what they cannot win at the bargaining table? I answer that, "No." This is bad policy. We are not going to have a full-scale testing of SDI this year. Let us debate the issue. Let us not hobble this program.

We all know that if you look at these votes, increasingly there is a partisan tone. I believe the President will veto this bill if these restrictions are in it. I will urge him to do that. I will vote to sustain the veto. This issue is not going away. It is going to be back. It is going to be debated. I think it is important that people understand this is bad policy. This undercuts the President. This does not promote the interest of world peace. It does not protect our people. Our people are paying tremendous costs to be protected. Our people are paying very high taxes. The working men and women in this country today are seeing government at all levels take 40 cents out of every dollar of income. I do not believe enough of that money is going to defense, but, for God's sake, when we are going to spend the money on defense, let us not hobble ourselves to guarantee that the money is not well spent.

If the Congress does not want SDI, cut out the funding and spend it on something else. But if we are going to spend the money on SDI, let us not so hobble the process that we cannot get our money's worth. And if we are going to do that, if tomfoolery is so prevalent in the Congress that we cannot resist doing it, let us at least wait until we are away from the bargaining table so that we do not encourage our enemies to think that we are so foolish that if they will wait long enough, we will do everything they desire.

Those are the issues. I hope Members will look at this amendment; that Members will look at it not on a partisan basis; that they will weigh the full issues, and that they will make a choice in the American interest.

While I respect every Member of this body and recognize, as Jefferson said long ago, that good men with the same facts can still disagree, I believe, if you look at all the facts, that we should not be doing this now. I urge my colleagues to vote to strike the Nunn-Levin amendment.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend the distinguished Senator from Texas, a very valuable member of our committee. Obviously, he has invested a great deal of time in dealing with this issue. We owe him a debt of gratitude for sharing with us today his wisdom.

Mr. President, we have other speakers. However, we do not want to monopolize the floor if there are speakers on the other side. We also recognize the presence of the majority leader on the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. May I first inquire whether the majority leader has any other matter?

Mr. BYRD. I thank the Senator. I do wish to proceed for about 30 seconds.

Mr. DIXON. I yield.

ORDER FOR RECESS FROM 12:30 P.M. UNTIL 2:15 P.M. TODAY

Mr. BYRD. Mr. President, the ceremony recognizing the Bicentennial of the Constitution will occur today on the west side of the Capitol.

I ask unanimous consent, in order to allow Senators to attend that ceremony, that the Senate stand in recess from 12:30 p.m. today to 2 p.m.

Mr. WARNER. Mr. President, I was just thinking, if the ceremony is over at 2, should we allow, say, 10 or 15 minutes for Senators to return to their places?

Mr. BYRD. Very well. I think that is a good idea.

Mr. WARNER. That 15-minute period would be satisfactory, so I would suggest 2:15.

Mr. BYRD. Very well. Let us make it 12:30 to 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Senators.

Mr. DIXON. I thank the majority leader.

Mr. President, I will not speak at length. I see my distinguished friend, the senior Senator from Louisiana, is here. Many know that in the last session of the Congress the Senator from Louisiana was a leader in the debate concerning the funding level of the Strategic Defense Initiative, and my recollection is that it was his efforts which ultimately achieved the level of funding that the Senate provided in the DOD authorization bill which went to conference.

So I am sure my colleagues will be interested in hearing the observations of the distinguished senior Senator from Louisiana, who has been a student of this issue and I am sure will make a valuable contribution to the discussion.

May I say, Mr. President, that as a member of the committee I have appreciated the remarks of the ranking member, the Senator from California, the Senator from Texas, and others on the other side who have discussed this question. I am delighted to see my friend and colleague, the distinguished Senator from Alabama, in the chair because he is a valued member of the committee and he remains well informed on this subject matter from the considerable amount of time spent in committee on the issue.

I want to come back once again as one of the managers of this bill to the central theme, which is this, Mr. President. We are not arguing the broad interpretation of the ABM Treaty or the narrow interpretation of the ABM Treaty. We are arguing here Congress' power of the purse over all or any expenditures and, in the context of what we are doing here specifically, the Congress' power of the purse in connection with authorization and appropriation of funds in the interest of our national defense.

The President knows that in this session of the Congress where we have very difficult fiscal constraints, one of the main responsibilities of those of us in the Armed Services Committee and particularly those of us who are chairmen of major subcommittees is to meet our obligations and to reach those reductions that were necessary under the directions given us by the Congress. And my friend from Texas, who spoke so eloquently just a moment ago and has now left the floor, is the father of Gramm-Rudman-Hollings, one of the strongest fiscal constraints that forces us to bring about these kinds of reductions that are called for in the process we are going through right now.

Now, let me read again, so that my colleagues who are not on the floor will understand what we are debating, Mr. President.

This is the bill, S. 1174, Mr. President. Page 3 of the bill. I read lines 10 through 15.

> Funds appropriated or otherwise made available to the Department of Defense during fiscal years 1988 and 1989 may not be obligated or expended to develop or test antiballistic missile systems or components which are sea-based, air-based, space-based, or mobile land-based.

Now, that is what we are arguing here, and that is nothing more than an exercise of the fundamental power of the purse by the Congress.

May I say further, Mr. President, that the amount of money that you and I voted for in that committee, $4.5 billion, for SDI is substantially more than I suspect the Senate will give us in the end, is substantially more than the House has funded, and is substantially more than the conference will authorize ultimately. And some on our committee—and, incidentally, not necessarily the present occupant of the chair or this Senator—would not have voted for the $4.5 billion but for the fact on page 23 we exercised the power of the purse over how that $4.5 billion would be used.

During the committee's hearings on this bill, Mr. President, General Abrahamson testified that all SDI research projects and all planned major experiments for these 2 years have been designed to fully comply with the traditional interpretation of the treaty.

Now, listen to this. This is a matter of record. In response to a question from the distinguished senior Senator from Alaska [Mr. STEVENS] at a March 19, 1987, Defense Appropriations Subcommittee hearing as to whether he could assure the Congress that the money will be spent in accordance with the President's current decision of the narrow interpretation—now, that is a direct quote of Senator STEVENS—General Abrahamson replied, a direct quote:

> That is the way the budgets were put together and that is the way our plan is presently laid out. The answer is yes, sir.

Now, Mr. President, we took General Abrahamson—at his word, and we said, "Good, we are going to give you $4.5 billion in authorized funds in this committee." That is a lot of money. That is substantially more than last year—I think 22 percent more than last year. Twenty-two percent, Mr. President. Name me any other program in the Congress we are talking about that has been increased 22 percent. Name me one. We said we will give you 22 percent more. Now, I do not think that will hold up on the floor. I am here to confess that. But that is what we did in the committee. Spare parts, ammunition, and other things were shorted so that SDI could get a 22-percent increase. And we said but we are going to put in the Nunn-Levin language, and here it is.

Here is an article in Aviation Week, August 17 of this year, "SDI Programs Face Delays Due To Fiscal 1988 Cutbacks."

We protected most of those delays by this language to which our colleagues now take exception.

But I want to return to the final simplistic theme before I yield my time. This is not a discussion of the broad or narrow interpretation of the treaty. There have been some marvelous speeches made here by some very learned Members on that subject. That is not the issue.

I want to make this argument just to be a devil's advocate, Mr. President. If you conceded the broad interpretation, if you conceded that, this would still be entirely appropriate. We have a right under the broad interpretation to say look, you will not spend any money on these kinds of experiments over the amount that we appropriated this year. We have that right. That is part of the exercise of the power of the purse. I am involved in all kinds of fencing activities in this place.

This Senator is exceedingly proud and thinks one of my main contributions is the time that we fenced the money for the divad gun that could not hit anything until they completed the test and they gave up the gun. If I spend the rest of my life here I may never save $4.5 billion for the taxpayers like I did in one fencing sentence that one time, Mr. President. There is nothing the matter with fencing money.

So I conclude because it will be my pleasure, Mr. President, to yield to my warm friend who has made such an important contribution on this same issue, the distinguished senior Senator from Louisiana, by saying that this is not an exercise in the interpretation of the treaty. The treaty is a law. A lot of different people can interpret that. That is their power to do that in any manner they see fit. I support the interpretation of the Senator from Georgia, my warm friend, the chairman of the committee. But this is an argument over our power over the purse. I call upon the membership on this side which believes in exercising fiscal constraint in a responsible way to exercise that fiscal constraint and to support the committee, Mr. President, in connection with the language on page 23, lines 10 through 15 which says that you cannot do that kind of testing under the $4.5 billion we have authorized. I would hope that we defeat the amendment offered to strike the Nunn-Levin language.

I thank the President and I yield to my colleague from Louisiana.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. McCAIN. Will the Senator yield for one comment to my distinguished friend from Illinois concerning his remarks?

Mr. JOHNSTON. Yes.

Mr. McCAIN. I would like to express my appreciation for some very strong remarks and very cogent argument on the part of my friend from Illinois.

I would like to remind him, however, that at least from the view of this Member, and I believe those on this side, the Levin-Nunn amendment had no connection to the amount of money that this Member voted to authorized for SDI. In fact, the Nunn-Levin amendment came at the very end of the deliberations of the committee, long after we had decided the level of funding to be authorized for SDI. I think that is an important point to be made here. At least Members on this side had made no connection whatsoever. In fact, we hoped the good judgment of the committee would prevail. We would not have such a restrictive limitation placed in the authorization bill which has led us to the impasse we are in here today which has delayed the approval of this authorization bill for now over 5 months and portends, at least to this Member, a much longer delay.

Mr. DIXON. Would my friend yield for this kind of response? I do not want to take the time of my friend from Louisiana. I only want to respond by saying that notwithstanding what the Senator said about that, there were Members on our side who had the greatest reluctance to support the funding level for SDI in this bill without this kind of language. However, it turned out chronologically the Nunn-Levin amendment and SDI funding were linked together in the final bill. I hesitate to impose upon the time of my friend from Louisiana.

Mr. McCAIN. I appreciate the time of the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana has the time.

Mr. JOHNSTON. Mr. President, first of all, I want to commend the minority part for letting this bill get back on track. I think the plan now is to vote on the various amendments and let the Senate work its will, let the President exercise his veto if that is his will. And I will guess it is, and in any event, to let the Senate go on record on this matter.

I think that is good sense. I think it is good government. I might say it is somewhat inevitable because we could have put ourselves through all of these loops and hoops and delays and ended up on the appropriation bill with the exact same vote. A vote on these matters cannot be avoided because they come finally on the appropriation bills. I can guarantee you that we would vote on the appropriation bills if we did not vote here. So this makes good sense.

I commend the minority party for their wisdom in this matter even if it is wisdom late acquired.

Mr. President, I want to respond to two points which the distinguished Senator from Texas made with respect to SDI and with respect to the Nunn-Levin amendment.

First of all, let me repeat here what I have said before; that is, I am a very strong supporter of the Nunn-Levin amendment. The Senator from Texas said that the Nunn-Levin amendment prevents planning and research on SDI technologies. The very clear fact is, Mr. President, it does not prevent planning and research. Indeed, planning and research is going on right now in a whole host of weapons systems, with beam weapons, with the free electron laser, with the Eximer laser, with the neutral particle beam, with the nuclear shotgun, with the rayogun, with the improved BAMBI Program, that is a rocket space-based kinetic kill vehicle, and with a whole range of weapons. That research and that planning is proceeding. That is not prevented by the Nunn-Levin amendment.

All that is prevented by the Nunn-Levin amendment is testing and development. Testing is the predecessor of development. You cannot develop until you have tests, and both testing and development are prevented by the ABM Treaty. As a matter of fact, those are the terms that are used in the ABM Treaty that are specifically prohibited along with deployment but testing and development are prohibited. The obvious reason that they are prohibited in the Nunn-Levin amendment is that we do not want some member of the executive branch making the decision on this own to break the ABM Treaty, and to get off into a new space race without the Congress even knowing about it.

The reason that this kind of amendment is necessary is because of the broad latitude given by the Appropriations Committee and by this Congress through the appropriations process to the SDI Program.

In effect, what we have done, Mr. President, is given very broad latitude to General Abrahamson and the Office of Strategic Defense Initiative. We have done that for a very good reason. First of all, we are not scientists in the Congress, and we cannot and we should not micromanage that program. We should not divvy out every dollar as we do in other defense programs saying what can be built, what can be tested, and how many dollars for each contract on each research program. Rather, we have given the money in very broad categories.

It is not only within our constitutional power to micromanage, and to give line items for every item to be spent within the SDI budget, but it is usually done with most appropriations programs. But we felt that they ought to be given broad latitude because it is a fast-moving research field where something which in January seems like a good idea by July would not be a good idea. So it is our desire to give very broad latitude and the greatest degree of flexibility to the SDI goal that has made necessary the Nunn amendment. If we did not pass a Nunn amendment, then indeed we could achieve the same purpose by carefully limiting each line item so as not to include any of these tests, and so as to require a reprogramming decision, which in turn would have to be approved by Congress, in order to achieve the purpose of breaking the ABM Treaty.

So, Mr. President, the statement of the Senator from Texas that this prevents planning and research simply does not comport with the facts and the very same language of the Levin-Nunn amendment. All that prevents is development and testing. Those are the words used in the amendment: "No funds may be obligated or expended to develop or test antiballistic missile systems." It is just as clear as anything could be that that is all that is prevented.

Point No. 2 of the statement of my friend from Texas, Mr. GRAMM: He said that the Senator from South Carolina [Mr. THURMOND] talked to Mr. Gorbachev, and he came back and said it is clear that this "scares the bejesus out of Mr. Gorbachev."

The answer is, So what? I might say that it also scares me. The idea of getting off into a multibillion dollar spending program that does not make the country safer scares me a great deal. If you can figure where that money would come from, I can tell you that it would take very large amounts of taxes and would get us off into a new space race.

Mr. President, the idea that what scares the Soviets has to be good for us, and what is bad for them has to be good for us simply does not hold water. It is the kind of mentality which now has produced over 10,000 nuclear weapons on each side, which has seen those nuclear weapons grow by a factor of four since the first SALT treaty was entered into. It is the space race mentality.

The Soviets do not like us to build more nuclear weapons, so therefore we build them. I guess the reverse mentality is that we do not like them to build them, and therefore they build them, and you have these huge stockpiles of weapons that make the world a less safe place and do not give the United States additional security.

So, Mr. President, I think the fact of whether this scares or does not scare the Soviets is irrelevant. The question is, Does it contribute to our security? I think the answer is that a premature deployment of SDI and a breaking of the ABM Treaty would be the very last thing this country should do in terms of its own security, let alone whether the Soviets like or do not like that action.

No. 3, Mr. President, let me speak about the treaties. I had the honor of being one of the observers at the Geneva arms talks. There are really three separate negotiations going on in Geneva. One has to do with the intermediate range nuclear weapons. That is the treaty that is ready to sign, with the exception that the issue of the 72 Pershing 1-A missiles has not been fully worked out, at least as of the last time I have received information. That treaty is thought to be ready to go.

The intermediate range treaty has never depended upon SDI. It has not been driven by SDI. It has not been made possible by SDI. It will not be prevented by a failure to agree on SDI. That was implicitly clear on both the American side and the Soviet side in Geneva. I think it cannot be argued to the contrary, because no agreement in SDI is possible in the next few months, and yet we are going to get an intermediate range treaty.

The Soviets want an intermediate range treaty because the flight time of those missiles, some 10 to 12 minutes to Moscow, would put at risk the leadership of Moscow. The Soviets value their leadership, the safety of their leadership, much greater than the United States does. To put it another way, in a democratic society, elected members of a society cannot protect themselves—or, should we say, ourselves—greater than the ordinary population.

In a totalitarian system such as the Soviet system, the ruling politburo, the ruling bureaucrats, can and do put their own protection as their first priority. The Pershing I-A missiles threaten that leadership, and that is what has driven the intermediate-range treaty. The START talks—the Strategic Arms Reduction Treaty—does depend on SDI; and I can tell this body, as common sense would dictate, that no START treaty is possible until an SDI agreement is made.

The reason for that is very simple, and it is that if you can stop 25 percent of the ICBM's that are coming into a country, the obvious response for the country which does not have the SDI is to increase their warheads by 25 percent. So the Soviets are not going to be reducing their warheads by 50 percent while we are deploying an SDI. It simply does not make sense, and it will not be done. We can argue about that all we want, but it is very clear that the Soviets are not going to fly in the face of common sense.

Item No. 4, Mr. President, has to do with the question of the narrow versus the broad interpretation of the treaty. The narrow and the broad interpretations of the treaty deal with what we call agreed statement D, which contains certain expectations for weapons or antiballistic missiles based upon other physical principles. The phrase "other physical principles" has come to be described as exotic principles; and to the extent that a technology is thought to be exotic, the broad interpretation of the treaty would say that you can test and develop weapons based upon an exotic technology.

Mr. President, exotic technology in this context is thought by Judge Sofaer and others to mean beam weapons. Those are the laser weapons and the neutral particle beams and the other kinds of beam weapons.

The interesting thing is that those beam weapons are really not ready for testing at this point. The beam weapons are some years away from development to the point of real testing. There might be a small subcomponent test of an underpowered laser that could be done, not as an antiballistic missile but as a discrimination device. But in terms of using the beam weapons as antiballistic missiles, that is many years away, if it can ever be done. Most experts would say that that is probably the late 1990's or after the turn of the century, before that would be ready.

What these tests are about, and what the controversy is about, is what we call space-based kinetic kill vehicles. Space-based kinetic kill vehicles are simply, as some would describe them, smart rocks—that is, a warhead that does not contain an explosive charge but which disables the antiballistic missile by the force of its own kinetic energy; hence, the phrase "space-based kinetic kill vehicle."

There are varied iterations of that. One is a shotgun, which literally shoots bits and pieces of material. Another is a space-based rocket. The space-based rocket, the SBKKV, is really very old technology.

(Mr. GRAHAM assumed the chair.)

In the early 1960's we began a program called BAMBI. I forget what BAMBI stands for but it is one of these acronyms that the Air Force had. But it was more than just a paper study. It was indeed a paper study. I hold in my hand the BAMBI study which has been submitted to us by the Department of Defense, and in this BAMBI study they developed a very thorough, well-though-out system of space-based rockets with heat-seeking guidance systems which would actually collide with the incoming ICBM and that was a program which was thought worthy of deployment by some at that time.

In 1962, actual tests were done with rockets fired from airplanes at incoming ICBM's with again the heat-seeking device, detecting the warhead as it entered the outer atmosphere and colliding physically with the warhead.

I mentioned this, Mr. President, because this is precisely the technology that is thought to be the subject of early deployment by SDI and by others in the administration.

No other technology is ready. That is the architecture that is being discussed. That is what the controversy is all about—space-based kinetic kill vehicles with orbiting rocket pods. It has been testified to before our committee, on the Defense Appropriations Committee. It had been written about in the literature.

So, the question is, Mr. President, is that a system based on other physical principles? Is it exotic technology? Why, Mr. President, the question answers itself. How could it be other physical principles, how could it be exotic technology when it is well thought out, when you have a study of this thickness and this thoroughness and when you had actual tests, actual tests?

Why, Mr. President, it is absurd, it is absolutely absurd to say that that kind of system meets the criteria of agreed statement D as based on other physical principles.

And, indeed, when Ambassador Nitze came before our committee, I showed Ambassador Nitze a letter which he had written in 1977 in which in correspondence to—I forget who his letter was to, but it is in the record. But I asked him, "Do you agree that BAMBI was a space-based KKV, that it was well understood at the time, and that at least as of 1977 you said it was your clear intention that it bar engineering development, it being the treaty, bar engineering development of BAMBI?"

Ambassador Nitze said "That is correct."

"Now, would you tell me, Mr. Nitze, has anything happened since 1977 to change your view of that?"

Ambassador Nitze said, "I still think that is a correct view if you want my opinion."

That was testimony earlier this year before the Defense Appropriations Subcommittee.

The predicate for those questions and in the Defense Appropriations Committee was the fact that he had written a letter in 1977 to Donald G. Brennan—I have the answer now—of the Hudson Institute, that letter being July 8, 1977, in which he had said in that letter and I quote:

> This brings me to the operative questions, what can we properly do under the treaty and what could the Soviets arguably get away with?
>
> It was our clear intention that article V bar engineering development of a BAMBI type ABM system.

So, Mr. President, common sense says you cannot deploy, test or develop a BAMBI-type system. Ambassador Nitze said then, said in 1977, and says now, that it was the clear intention of that treaty to bar a BAMBI-type system, and the question is: Is this space-based KKV a BAMBI-type system and the answer is unquestionably so. It is based upon the same physical principle, a rocket fired from an orbiting pod with a heat-seeking finder and with a kinetic killing device.

In virtually every single principle, it is not only similar, it is identical. As a matter of fact, Mr. President, even the shape of the system is the same. In the Washington Post of April 2, 1987, we supplied from that study the shape of the system and put it next to the present system and it is virtually identical in design.

Mr. President, it is beyond question that what I am saying is correct.

Now, what does the administration say? They do not say that a BAMBI-type system, that the space-based KKV is not barred by the treaty. They do not say that. They said, "We do not know."

What you get out of the administration is doubletalk. As a matter of fact, if I recall correctly, we asked this question to Secretary Weinberger and he being unaware of the extent I guess of the BAMBI study said in effect that, well, we are studying that but we think it is different because BAMBI had an exploding warhead whereas we are talking about a kinetic kill warhead.

Excuse me. That was not Secretary Weinberger. That was Richard Perle, the Assistant Secretary of the Department of Defense.

But I think that it is correct to say that the administration either has not made up its mind on this question or that it speaks with several voices, or at least it is unpredictable as to where the administration will come down on this question of is the space-based KKV a BAMBI-type system.

So, Mr. President, if it is a BAMBI-type system, and there is just not any doubt that it is, it is prevented by the broad interpretation of the treaty and by the narrow interpretation of the treaty. It has nothing to do with that because it is not based upon other physical principles. It is based on principles that are as old as 1962 which have been tested indeed in 1962.

So, that leads to the ineluctable conclusion, Mr. President, that if the administration is in doubt about something so fundamental as that decision, then we in the Congress better put something in so at least we will have some control over whether that treaty is broken, maybe inadvertently. Maybe the administration has a lack of information in spite of our assiduous efforts to show the administration what is in their own studies, or maybe some read and do not understand. None is so blind as he who will not see or so deaf as he who will not hear.

And the plain words are there. But maybe they are being ignored simply on the basis of—I do not know on what basis. In any event, Mr. President, it is very clear that what the administration or what some in the administration have in mind would violate the treaty under a broad or narrow interpretation and we must, therefore, have the Nunn-Levin amendment in order to prevent that.

If the Congress does want to get into a testing program or a deployment program or a development program, then we ought to go into that with our eyes wide open. Just yesterday the administration said, "Well, the cost of this space-based KKV program has now doubled." Instead of being about $40 billion to $60 billion, the first estimate, they say it is now around $100 billion.

I have news for them, Mr. President. They cannot touch it for $100 billion. And do you know, Mr. President, how effective that architecture would be? If it worked and if it were deployed at whatever cost, even if you could get it at $100 billion, you are only talking about a system that would shoot down about 1 in 5 of the Soviet incoming ICBM's. And you are also talking about a system that could be easily defeated at much less cost and on a much quicker timeframe by the fast-burn rockets.

Now, why do I say that? I say that because the administration's own experts say that. In other words, if you have got a space-based KKV based upon orbiting rocket pods with sensors that sense the plume of that rocket as it comes up through the atmosphere, then it has got to be able to get to that plume before the plume burns out. And if you put a fast-burn rocket—by fast-burn, I mean something in the neighborhood of 100 seconds, maybe even 150 seconds would do it. The SS-18 now has a burn time of 300 seconds, so that is a long time within which that plume can be observed by the heat-seeking orbiting battle station. But if they reduce that by half, and that is, according to all the experts, known technology. It is not exotic technology. It is known.

So if the Soviets put in that fast-burn system then it defeats catastrophically, according to the lead scientist at Lawrence Livermore Laboratory, it defeats catastrophically the space-based kinetic kill vehicle. So, oops, there goes your $100 billion if you could build it for that amount. So if we are going to make those kinds of decisions, Mr. President, we ought to be brought into it because you know if the administration breaks the treaty and starts the race, then you are into it. Once you start that race and then the Soviets are doing their thing, then you have got to do your thing and then it is a tit for tat and we are off to the races.

For example, do we have any choice now as to whether to go to MIRV missiles, multiple independent reentry vehicles, where you put 10 or maybe as many as 20 independent nuclear bombs, warheads, on a rocket? No, we do not have any choice because we chose not to enter into a treaty back when we could have. Back in the late 1960's and early 1970's, we could have had a treaty which could have said do not put, I think it is, 12 warheads on the SS-18 or 10 warheads on the MX missile. We could have chosen not to do that which would have vastly reduced the number of warheads. We chose not to do it. Once you are in the race, you do not have a choice. And that is what would happen with respect to SDI.

Once you are in the race, you do not have a choice. You can say, well, it may or may not work or $100 billion is too expensive, but when you are in that race, Mr. President, it is too late to talk about "Shall we do it or shall we not do it?" We would have already done it. The credit card would have already been charged and the bill would be on the way. Now is the time, before we break the treaty, to make those kinds of decisions.

Now, finally, Mr. President, I would like to deal with the question of why should anybody object to this great defensive system, this astrodome that the President wants to put over the country. Why should the Soviets be scared to death, if that is a correct statement of what Gorbachev says? Or why, conversely, should we be afraid if the Soviets develop such a system? Well, the reason is plain, Mr. President, that SDI is more useful as an offensive system than it is as a defensive system. It may not work. In my judgment it probably will not be effective, at least not for over a decade, no matter how much money we want to spend on it, as a defensive system. Because you simply could not get enough of the warheads. Where it is very, very useful is as an offensive system. Why is that so?

First, because it would be a wonderful ASAT system. In other words, we have got sensors and we have got orbiting rocket pods. All we would have to do is point those rockets at Soviet satellites and we could in effect blind the Soviet system. Both the Soviet Union and the United States depend upon satellites for all kinds of information—for battle management, of course, for intelligence, as well as for such mundane things as the weather. And an SDI system would be able to shoot those down.

Well, now, is that a good thing? Well, Mr. President, I submit it is not a good thing because it is destabilizing; because the Soviet Union would know we had the ability to blind them at any moment and therefore they would be tempted to make a first strike on us before we put the first strike on them. In other words, the slightest aberration in the world of politics, any crisis that came up, the Soviets would immediately go into a huddle and say, "Look, is this going to develop into a real crisis? If so, we better push our nuclear button now."

The whole question, Mr. President, in my view, of arms control is really a question of crisis management. Nobody thinks, or very few people think, that it is even conceivable that the President or the Pentagon would get together and say, "Let's push the button right here on this beautiful Wednesday morning and obliterate the Soviet Union and get rid of that threat." Nobody thinks that, including the Soviet Union.

Conversely, we are not worried about that for the Soviet Union. We are not worried about Gorbachev and his people saying, "Let's do it now."

What we are worried about, and both sides worry about, is the development of a crisis, a Cuban missile crisis, for example, where the chances of war, according to Kennedy, were about one in two, I believe is the figure that they used. I mean the idea, if that were true, that we had a one-in-two chance of obliterating the world or a good portion of it in 1960 is mind-boggling. We had only a fraction of the nuclear weapons at that time as we have now. We probably have 50 times as many now as we did then. But the crisis, the possibility of a crisis developing into the kind of situation where either side is thinking about pushing that button, is still there.

Just in today's paper, they reported an event which happened yesterday in which the distinguished Senator from Georgia and the distinguished Senator from Virginia were able to finally get a crisis management center jointly manned by Soviets and Americans so that in this time of crisis they can trade information, because of bad information being the real enemy of stability in times of a crisis.

Now the ability of either side suddenly and without warning to decapitate the other side with respect to information by doing away with our satellites is destabilizing, because there is no time to talk, there is no time to do anything. You have to "shoot 'em or lose 'em." In other words, you are going to lose all your rockets, you are going to lose your ability to see unless you shoot them now. And at the time of a crisis, that is a very great danger.

So SDI is first useful as an ASAT system to blind the other side. Second, it is useful as an offensive weapons system because it would be good against what we call the ragged response, maybe not against the first strike.

What I mean by that is this. Mr. President, if we fire off, say, 5,000 warheads at the Soviet Union as a first strike and take out as many of their rockets and their bombers and their military installations and all the rest as we can, then there will be some remnants of the Soviet nuclear force which could be fired at us. Submarine-launched ballistic missiles come to mind immediately. There is no way, probably, we could take those out. So here comes a second strike or response from the Soviet Union.

For that purpose the strategic defense initiative would be very useful.

Mr. President, The Congressional Research Service at my request prepared a report called "Project Defender," which I believe deserves the attention of my colleagues. This 24-page document is a description of a classified research and development effort undertaken by the DOD from 1958 to 1968 on ballistic missile defense technologies. A subset of that general research was Project BAMBI which explored the use of satellite-based interceptor rockets to destroy enemy ICBM's in their boost phase.

The reports compiled in that research effort are so old, Mr. President, that they have been declassified. Now why is this research important today? Why is this report, a descriptive summary of research undertaken a quarter century ago, worthy of my colleagues' attention?

Mr. President, the entire defense authorization bill is held up because the administration wants to be free to adopt their so-called broad interpretation of the ABM Treaty to accelerate testing and development of the strategic defense initiative in pursuit of an early deployment. The essence of that reinterpretation is that exotic ballistic missile defense systems, those "based on other physical principles," may be tested and developed even if those systems would be based in space.

In contrast, under the traditional interpretation the testing and development of space-based ballistic missile defense systems are prohibited.

The crucial question becomes, what is an exotic system, because the so-called "broad interpretation of the ABM Treaty broadens the permissible testing and development only for exotic systems. Well, laser weapons are generally considered exotic, but they won't be ready in time for an early SDI deployment in the mid-1990's. The SDIO admits that.

The only defensive weapons system SDI has proposed for deployment in space in an early SDI deployment to destroy Soviet ICBM's in their boost phase where they are most vulnerable is the space-based kinetic kill vehicle or SBKKV. The term "SBKKV" is fancy terminology for a guided missile that would collide at high speed with the Soviet ICBM. These guided missiles would be based by the thousands on satellites orbiting the Earth. The fact of the matter is, Mr. President, if SBKKV is not exotic then neither the narrow nor the broad interpretation of the ABM Treaty permits it to be tested and developed. And without SBKKV, early SDI deployment is dead in the water. In short, if SBKKV is not exotic, then this contentious fight over the broad interpretation of the ABM Treaty is, for all practical purposes, a useless bloody exercise.

I began to think SBKKV was less than exotic several months ago when I obtained a 1,000-page report entitled, "A Review of Project Defender for the Director of Defense Research Engineering," dated July, 1960. That 27-year-old report included a picture of an SBKKV that was a dead ringer for the model of the SBKKV that General Abrahamson, the SDIO Director, was exhibiting at hearings this year.

Richard Perle, former DOD Assistant Secretary, told the House Armed Services Committee on March 13, 1987, that SBKKV are exotic because they collide with their targets rather than destroying them with a fused warhead. However, the interceptor rockets being researched in Project BAMBI 25 years ago were also so-called kinetic kill weapons.

Mr. Perle suggested SBKKV are exotic because they will have an infrared guidance system rather than being guided by radar. But the systems being investigated a quarter century ago were also intended to be guided by an infrared guidance system.

Then on May 19, 1987, Secretary Weinberger told the Defense Appropriations Subcommittee that this 25-year-old research was "simply a program on paper." In other words, we never got far enough in the technology on SBKKV back then to conclude that SBKKV is not exotic.

This Congressional Research Service report on Project Defender proves that the technology for SBKKV had proceeded much further than mere paper studies long before the ABM Treaty was signed. This CRS report shows that SBKKV vehicles were designed, built, and even tested under simulated space conditions in the early 1960's.

As for kinetic kill weapons the report indicates that well before the ABM Treaty we actually intercepted real missile warheads at White Sands using small rocket interceptors launched from an aircraft. So there is nothing exotic about killing a missile warhead with a kinetic kill vehicle.

Interestingly enough, Mr. President, the administration has not officially concluded that SBKKV is exotic. They admitted that in their May 19 report to Congress on the ABM Treaty. In other words, we do not know that adoption of the broad interpretation of the ABM Treaty will permit the testing and development of SBKKV.

One can understand the difficulty of asserting that SBKKV is an exotic technology given the thousands of pages of research and test results on SBKKV dating back to 1958 that are stored in Government vaults.

I commend this CRS report to my colleagues and I thank the authors of the report, Charles Gellner, senior specialist in international affairs, and Terri Lehto, for their efforts here in retrieving a valuable historical record.

Mr. NUNN. Mr. President, I ask unanimous consent that we might have an additional 2 minutes before the previous order is implemented.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I join in that request for purposes of acknowledging my appreciation to the Senator from Louisiana for his thoughtful statements on the work done by the Senator on nuclear risk reduction efforts. I understand the Senator from Georgia has a statement which, after stated, I will indicate my concurrence with.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I want to thank the Senator from Louisiana for his remarks. I want to commend him for doing an exhaustive and very detailed study of the strategic defense initiative and for enlightening the Senate on the facts about that, including the kinetic kill vehicle; including, I think, the very strong case that broad versus narrow definitions of the treaty do not really have a bearing at all on whether they are going to be able to test the kinetic kill vehicle that they have in mind.

The Senator has done tremendous work. The Senator from Wisconsin has joined him. I commend the Senator and his capable staff.

Mr. JOHNSTON. I thank the Senator from Georgia very much.

Mr. NUNN. I believe this has been cleared by the Senator from Virginia and the other side. I would like to request amendment 681, the Byrd-Nunn amendment adopted last night, be separated from the underlying Glenn amendment which is amendment 680 and treated as if it had been enacted as a first-degree amendment to be inserted in the bill at the appropriate place.

Mr. WARNER. Mr. President, I earlier indicated my concurrence. Indeed, that is the case. I have now just been notified by the minority leader that at this time on his behalf I am to interpose an objection.

I express my apologies to the chairman. I have just at this moment been informed. Certainly it reflects what my understanding was of the agreement that we reached last night.

The PRESIDING OFFICER. Objection is heard.

Mr. NUNN. I thank the Senator from Virginia for making that clear.

Perhaps we can work it our later on in the day, because this is an accommodation to the Senator from Ohio.

Mr. President, if there is any remaining time of the 2 minutes, I would waive that back and ask that the previous order be completed.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The Senator has yielded back any remaining time. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:33 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EXON).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued with the consideration of the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to discuss the pending amendment and the entire scenario which has existed these last couple of days. I have been paying careful attention to the debate on this very important issue. I would like to spend a few moments, with the indulgence of this body, to review a little bit the factors which I think have led us to the situation we are in today.

I think it is important to note, Mr. President, that this is the first time in history that we have ever had a Department of Defense authorization bill in this Senate held up for the length of time that it has been held up, some 5 months. We continue to fail to address some very important amendments, of which there are many which must be addressed before this body can approve of the authorization bill for the very important and most critical function of spending for this Nation and its vital national interests throughout the world.

Why has this legislation been held up for the length of time that it has been? I think the answer to that is obvious to those who have been following the course of actions that have taken place concerning this legislation. It all has to do with one single amendment, the so-called Nunn-Levin amendment, which we all know dramatically circumscribes the President's authority to conduct what he feels is important testing of the SDI.

I think it is important to recognize the depth of feeling on this side for a variety of reasons, including a basic and fundamental one. That is that there is no place on the authorization bill appropriate for this kind of an amendment. There are, indeed, other vehicles.

As my distinguished colleague from Louisiana mentioned earlier today, this will probably be part of an appropriations bill which will probably be voted on one way or another as well.

Instead, we find ourselves locked in sometimes acrimonious dispute over this particular amendment, not only as far as the basic thrust of the amendment is concerned, but the nonapplicability of this amendment as part of the defense authorization bill.

I regret it frankly, Mr. President. I have a couple of amendments to offer that I think are important to this bill. I regret that we have been unable to give the men and women who serve in the military of the United States the assurance as to how they will be taken care of in issues ranging from a pay raise to the kinds of equipment with which they will be supplied to defend this Nation's vital national security interests throughout the world.

I again would appeal to my friends on the other side of the aisle to set aside this amendment. Let us get about the important aspects of the defense authorization bill, address those issues, and get this bill passed.

Presently we all know that if this authorization bill reaches the President's desk with the Nunn-Levin amendment contained therein, it will surely be vetoed. So when charges of obstructionism are leveled at this side of the aisle, I think there is no greater testimony to the tactic of obstructionism than that of approving a bill that is sure to be vetoed, not vetoed because of 98 percent of the bill which has been agreed upon in a rare degree of unanimity on the Armed Services Committee but because of one single amendment.

So I think, Mr. President, that it would serve the interests of the body, but more importantly the country, if we dispensed with the so-called Nunn-Levin amendment and went on with the rest of this bill. It obviously appears as if we are not. It obviously appears as if this body will be spending very long and perhaps late hours debating this single amendment and disregarding, unfortunately and unintentionally, the rest of the authorization bill, which inevitably will lead to a lack of attention to certain amendments and certain aspects of the bill which I believe deserve the attention of this body. Of course, the Nunn-Levin amendment circumscribes the authority of the President to conduct testing of SDI.

I think it might be in the interest of this body again to review the strategic defense initiative and what it is all about and the contribution it has already made in the opinion of many to this Nation's security. I think there is one basic fact that is well worth recognizing and appreciating—and I think it is appreciated by the overwhelming majority of informed opinion on arms control issues. It was the strategic defense initiative which brought the Soviet Union to the bargaining table and is leading us to the threshold of a landmark agreement which will for the first time in the history of arms control negotiations do away with an entire generation of nuclear weapons.

That is a major and singular contribution that the strategic defense initiative has made, and in my opinion renders it of enormous value as a program and an initiative, the benefits of which have already far outweighed its costs.

It was interesting to hear my distinguished friend, the chairman of the Armed Services Committee, say that he had offered to the administration he would withhold debate of this amendment as long as Mr. Shevardnadze was in Washington negotiating with Secretary Shultz over the possibility—we hope probability—of a summit meeting between Mr. Gorbachev and President Reagan.

If that is the logic my distinguished friend and chairman of the Armed Services Committee is using, then it would be far more profitable for this amendment to be dropped until such time as the summit meeting is complete, because I think it is very clear that SDI will play a role in the negotiations at the summit, which we hope will take place within the next couple months. I hope that a couple months delay would not impair the ability of my friend and colleague from Georgia to impose his will and that of what appears to be the majority in this body that the authority of the President on testing SDI be circumscribed as is described in his amendment, or to more accurately describe the amendment until such time as there is a positive vote of both bodies.

I think it is also very important to point out that the strategic defense initiative is for the first time in the history of nuclear weapons a chance to erect a defensive barrier rather than a continued buildup of offensive nuclear weapons which for all intents and purposes has continued unabated since the detonation of the first nuclear weapon at Hiroshima and Nagasaki in 1945.

There are a number of arguments concerning the strategic defense initiative, and I will not review them all; it is the subject of another debate. But I think it is abundantly clear to most Americans, and the reason why there is overwhelming support amongst the American people for the strategic defense initiative, that it gives us an opportunity to erect a defensive shield in space as opposed to the continued buildup of offensive nuclear weapons on the ground, in some cases outside Tucson, AZ, and other parts of the State of Arizona.

Will the strategic defense initiative work? I certainly, Mr. President, do not have the scientific knowledge and talent to make that judgment, nor do I believe, many people in this country. But to reject out of hand the possibility of not an impenetrable shield, but a sufficient defensive system which would place sufficient uncertainty in the minds of the Soviet war planners about the success of a first-launch strike, I think is wrong. Obviously, it is not achievable without sufficient expenditure of time, money, and effort on the part of the scientific community in this country. But it appears to me that if the Nunn-Levin amendment is, indeed, adopted, we will be precluded for all intents and purposes from finding out if there is a viable SDI system that can be built at a reasonable cost in a reasonable length of time, because we are all aware that any weapons system sooner or later arrives at a point where it must be tested. Research and development, work in the laboratory is an important, crucial, fundamental aspect of any weapons system but sooner or later we have to test.

Given my experience in the other body, which was only 4 years, it is highly unlikely that the body would approve the kind of testing necessary for SDI to become a reality, or even parts of SDI, which leads me to another aspect of this amendment that is exceedingly disturbing to me.

As a Member of the Senate, I cherish the differences between the Senate and the House. In fact, I am deeply grateful that I have the opportunity to speak at length on this issue on the floor of the Senate as opposed to the extremely restricted debate due to the number of Members in the other body.

But I am loath to give up the constitutionally mandated obligation of the Senate, and that is to ratify treaties, to provide advice and consent. We can certainly go into a later time the extent of the advice and consent which is constitutionally mandated. I believe my colleague from Indiana pointed out that the early Members of this body, many of whom were parties to the Constitution of the United States, had a different view of the meaning of advice and consent. But I do not think in their wildest imagination the Framers of the Constitution contemplated a treaty-making role for the House of Representatives as would now be consigned to it by the Nunn-Levin amendment. The Nunn-Levin amendment clearly states that unless there is a vote of approval by both Houses, then the President will be prevented from further testing of SDI. Not only is that unlikely from a practical standpoint, given the makeup of that body, but, most importantly, it is a clear abrogation of the rights and responsibilities of the Senate. I hope that in their deliberations my colleagues will take that into careful consideration.

On the subject of negotiations, it has been a long, hard road for this administration to reach the brink of a significant arms control agreement. It is not this Senator's opinion that this amendment will be a severe handicap in our negotiations. That is the opinion of the negotiators. The negotiators themselves appeared at a hearing of the Senate Armed Services Committee and stated that the passage of this amendment will impair the ability of our negotiators to arrive at a meaningful arms control agreement in Geneva.

And by the way, I did not need, nor did the committee I hope need, that information from those negotiators because common sense dictates that because that is what the Soviets have been seeking for years and years and years ever since SDI became a possibility.

It seems almost incomprehensible that this body would give away to the Soviet Union something that they have been unable to achieve at the bargaining table. In fact, in an act of great political courage, perhaps one of the most courageous acts, was the reason why the Reykjavik negotiations foundered because our President refused to sacrifice SDI on the altar of promised arms control agreements.

Mr. President, I am not one who would never negotiate away SDI. I think I could draw a scenario at some time in history of negotiations where there would be significant, meaningful, and indeed draconian reductions in offensive nuclear weapons, that at that time it would be entirely appropriate for the strategic defense initiative to be part of that tradeoff. But I certainly would suggest that at this time in these negotiations not only is it an inappropriate time, it could be incredibly damaging to the ability of our President and our negotiators to reach that point in the negotiations.

I think, Mr. President, that as we continue this debate it would be very important for us to try to remember why this legislation is before us. This legislation is before us so we can provide the equipment, the pay, the material, and all the requirements for the Armed Forces to take care of the United States' vital national security interests throughout the world. It is not—it is not, I repeat—a vehicle for various arms control provisions so that we can carry out some kind of, or impose some kind of arms control negotiations on the President of the United States and his negotiators. I think it is important when we discuss this amendment to know what we are talking about. We are talking about the strategic defense initiative, the funding for which when we look at the overall funding for defense is rather small. It has been significantly reduced over the last few years from the President's requests. And yet many Americans believe, and I think accurately, that this SDI provides an opportunity to end the unending and tragic arms race in which we have been involved with our adversaries since 1945.

Mr. DIXON. Would my friend yield for a brief question?

Mr. McCAIN. I am more than happy to yield to my friend and distinguished colleague from Illinois, a man very dynamic and knowledgable on this issue, and one who has spent a great deal of time and effort on this subject. And I am sure I will be more than illuminated to hear from him.

Mr. DIXON. May I say to my friend that what I hear, and what he says about the funding for the SDI Program, is that it has not grown as much as the President requested. That the Senator would concede. But would my friend from Arizona, who happens to be a member of my Subcommittee on Readiness, Sustainability and Support, and has seen what has happened to the preparedness and readiness programs and how they have dwindled over the years, concede that the 22-percent growth that we gave over last year for SDI in our Armed Services Committee is considerably more formidable than what even he would expect to obtain, either from this body or the Congress as a whole?

Mr. McCAIN. I suggest that the point of the Senator from Illinois is very well made. But it all depends on the matter of priorities. If the Senator feels, as many of us do, and obviously the administration does, that a viable SDI Program can lead to significant reductions in expenditures in other areas, such as the never-ending new generations of offensive nuclear weapons over time, then many feel that it is an investment well made.

I would also, before I yield again to my friend from Illinois, like to say I share his deep concern and his commitment to the readiness and preparedness of the Armed Forces of the United States. I also share his view that we are in danger now for the first time since the late seventies of leaving the men and women who man the Armed Forces of the United States unprepared for the defense of this Nation's vital national security interests.

I would be glad to yield back to my friend.

Mr. DIXON. May I only say, and I hesitate to interrupt the remarks of a dear and respected friend like the Senator from Arizona, but I know about his concerns in the same area where I have concerns. The fact is that all of those charts on ammunition, charts on depot, real property maintenance, all those things, spare parts, show us getting back down in 1991 to about where we were in 1981 at the beginning of the Reagan administration. All those things say to me that we have profound problems everywhere from a fiscal standpoint and a financial standpoint.

I only wanted to say that while I have the highest personal regard for my colleague from Arizona, and believe in a lot of what he is saying about the strategic defense initiative, yet I say to him given the priority problems that we had in that committee to give a 22-percent growth in SDI, while either cut or held at the same level, and on the whole bill itself permitted only growth at zero percent inflationary experience, I think no one can complain about how we treated the Strategic Defense Initiative Program.

So when this Senator comes back, may I say to my friend, and it says on page 23 all we are doing is exercising the power of the purse, having treated this program pretty generously, I at least think by comparative analysis there is a value in what the Senator says.

I thank the Senator for letting me interrupt.

Mr. McCAIN. I thank my friend from Illinois for that important statement and to a large degree I share his view. And I share his deep concern that we have made significant reductions in cooperation with the Defense Department, I might add, that place us at some risk. I would also like to repeat my point, and that is that when we look at the amount of money we have spent on strategic weapons systems—and I am not just talking about missiles, I am talking about submarines, I am talking about multi-billion-dollar pieces of equipment—if we can achieve a viable strategic defense initiative, the requirement for those enormously expensive strategic systems will go down. And therefore I believe we can spend more money in the areas which are so vital to maintaining our defense posture, and those are the "non-sexy items" such as bombs, bullets, pay, uniforms, gasoline, and spare parts.

So I think the point of my friend from Illinois is well made. But I also would like to point out that we also have the long-term view that we must take which many of us share; that is, if this program is successful, it can in the long term reduce the requirement for what has been a substantial part of the defense budget over many, many years. My recollection is somewhere around 30 percent of the defense budget has been devoted to strategic weaponry.

My goal is to see SDI become a reality which would then reduce dramatically or even eliminate the requirement for offensive strategic weapons.

Mr. President, I hope that we will continue this debate. I think it has been illuminating to many of our colleagues. I think it is an important issue.

I hope that in retrospect we might examine how we got to where we are today with the 5-month delay, and all of us around here at 11 o'clock last night with sometimes acrimonious debate, and recognize that the best way to avoid a repetition of this in the future is if we would leave arms control amendments off the defense authorization bill.

There are many vehicles for these kinds of amendments. We will see other vehicles used for these kind of amendments. But this Nation's defense is not the place to play around with the kind of argument and debate which we have been in which has precluded us from addressing the important aspects of this bill and which has precluded us from taking up some very important amendments to this bill which will be offered by many of my colleagues.

I also would like to finally say I understand how difficult this has been for my friend and chairman of the committee who has been through some very difficult times. I respect his opinion on this issue as I do many others. He has a degree of expertise behind him in this country, much less this body but on this issue I respectfully disagree and hope in the future we can continue to agree as we do on about 99 percent of the other issues regarding national defense.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, in view of the fact that my distinguished friend, Senator McCAIN, who apparently now will be managed on that side—at least for a brief period—has placed a quorum call in operation, I wonder if I could have unanimous consent to discuss a slightly related matter, but a matter that does not pertain to this amendment, for perhaps 4 or 5 minutes, while we wait for the next person on his side to come to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESIGNATION OF RICHARD GODWIN

Mr. DIXON. Mr. President, last Friday, on the floor of the Senate, I expressed concern about an article I had read in a defense newspaper concerning Under Secretary Godwin of the Department of Defense. On Monday, I read a front-page article in the Washington Post about Under Secretary of Defense Godwin's pending resignation.

I am profoundly concerned about what I believe the situation is with respect to that position in the Department of Defense, because the resignation of Mr. Godwin, the Under Secretary of Defense for Acquisition, has occurred. The chairman of the committee, Senator NUNN, and the chairman of the jurisdictional subcommittee, Senator BINGAMAN, have scheduled a hearing on the question of how the Department of Defense, and specifically the Secretary of Defense and the Deputy Secretary of Defense, are ignoring the plain directions of the Department of Defense reorganization bill and the 1987 defense authorization bill that we passed last year.

My friend on the floor remembers that I was the sponsor of the amendment to the DOD reorganization bill that set up the Under Secretary of Defense for Acquisition, pursuant to the Packard Commission report. I can say that I was at every subcommittee hearing where that matter was discussed. I was at every committee hearing of the Armed Services Committee where that subject was discussed. I was on the floor of the Senate when the DOD reorganization bill was debated and that subject was discussed.

Throughout every proceeding pertaining to that legislation, it was agreed, I think, by everyone that we were creating a czar, a procurement czar, an acquisition czar, for the Department of Defense who would be the one, single person who would make those finite determinations about acquisition and procurement policy in the Department of Defense.

There is $185 billion—that is no small change—spent on military procurement. We have all the services competing with one another. The system is in place that has always been in place: the duplication, the waste, the mismanagement, and I regret to say even sometimes the fraud, that flourished in this country, through all administrations, for decades.

Here was a man who is trying to do something about it. I never will forget, after the reorganization bill became law—Senator Goldwater and Senator Nunn did a tremendous job on that bill—I remember going to breakfast with Secretary Godwin after his nomination had been confirmed. Senator Levin, as I recall, was there, as well as Senator Bingaman.

We said: "We really mean this; Congress really means this. We really want to give a free hand to you to be the acquisitions czar in the Department of Defense. We will back you. We will give you all the support you need."

Everything has been downhill since that wonderful morning at that breakfast, because he has not had the support, or cooperation from his friend the Secretary of Defense. The Secretary of Defense, the Deputy Secretary have done everything in the world to avoid the law. After everybody gave all their tributes to Mr. Packard and the Packard Commission, none of that is meaningful. It is all forgotten. The same old system is in place: business as usual, every man for himself, everything duplicated, get what you want.

I think it is a tragedy. I am surprised that the great national media, which sometimes can be concerned about small matters, has been so unconcerned about what I consider to be a really big matter taking place in the Defense Department right now which will lead to substantial continued abuses in that system.

It is a tragedy, and I hope more Members on both sides will ultimately be concerned about it and raise their voices against what is obviously occurring and say: "Look, the Packard Commission was right. We meant what we said in the DOD reorganization bill. We really want one czar in charge of all procurement and acquisition controlling what happens with American defense dollars."

As I stand here on the floor, proud of my friendship with the distinguished Senator from Arizona, who had a great and distinguished career in the military service, I think of the genuine heroes in America like him who have given so much for their country while many people in the present system are trying to figure out a way not to follow the law of the land.

All we were trying to do in that bill, with that particular provision, was to see to it that for the buck we spent we got a buck worth of bang to defend the United States of America.

I think it is a shame that there is not more understanding in the Department of Defense of the clear intention, positively expressed, of Congress when the DOD reorganization bill was passed.

Incidentally, I do not know that much about Under Secretary Godwin personally. I have met him and like him. I am an old trial lawyer. We always used to try the other guy in a lawsuit, and I understand that individuals in the Department of Defense and others are saying it was the problem of the individual, not the system. I will guarantee that it does not matter who we confirmed for that job. He would have the same problem, in my view, that Under Secretary Godwin has had.

I send word to the Pentagon that, so far as I am concerned, I meant what I said when we passed that bill, and the law means what it says. I think that like-minded people such as myself, on both sides, will ultimately try to see that there is a correction made soon in the policies of the Department of Defense with respect to the position of the Under Secretary of Defense for Acquisition.

Mr. McCAIN. Mr. President, will the Senator yield?

Mr. DIXON. I yield.

The PRESIDING OFFICER. The Senator yields the floor. The Senator from Arizona [Mr. McCain] is recognized.

Mr. McCAIN. Mr. President, I ask unanimous consent that I may address the issue that my distinguished friend and colleague from Illinois previously addressed.

The PRESIDING OFFICER. The Senator is recognized.

Mr. McCAIN. Mr. President, I appreciate the remarks made by my friend from Illinois and I would repeat again, as I am sure I will many times in the future, I do not know of a Senator here who has dedicated more of his time and effort to the preparedness and the capabilities of this Nation's Defense Establishment than my friend from Illinois. He has done a super job and I appreciate the opportunity of serving with him on not only the committee but the subcommittee which he so ably chairs.

I agree to a large degree with the remarks that my colleague just made.

Let me point out a little caution here because before we rush to judge the events that took place, I think it is important that we see if there is another side to the argument. I would direct the attention of my colleagues to an editorial that was in the Washington Post this morning, and I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

EMPTY OFFICE AT DEFENSE

Richard Godwin has resigned as Pentagon weapons czar, saying he wasn't given the backing he needed to bring sweet reason to the acquisition process, the job for which he was hired a year ago. The depressing likelihood is that too much will be made out of the resignation on all sides. Those who continue to think the answers to the Pentagon's procurement problems lie in its table of organization will say, with reason, that his throat was cut by the very networks his job was created to supplant. The opposing school will say, perhaps also rightly, that the main fault lay not with the system but with him—that the former Bechtel Group executive, too used to having his own way, lacked the finesse this job required.

The real problem lay in relying on a reorganization plan to achieve a substantive result. We never learn. The vast and complex weapons acquisition process will never be efficient; we put too many conflicting demands on it. Its shifting foundation is the Threat, which continually changes with perceptions. Huge theological disputes develop about which threats are the most serious, what weapons should be built to meet them, how many different roles should be grafted onto each weapon.

These half-metaphysical, half earthy inter- and intra-service debates are complicated by the lack of any fully realistic way to test most of the doctrines and weapons. Most of them are built precisely so that they will never *have* to be used. The system is riddled with both conflicts of interest and adversarial relationships; careers and profits both depend on it. Atop all these are what might be called managerial questions. In developing a weapon—always in part a reach into the unknown—do you try to move as fast as you can, or as cautiously? Where do you come out in the daily trade-offs between sophistication and simplicity? Would you rather run a few production lines at optimum rates or a lot of lines at once but inefficiently?

The alluring idea of reorganization is that if only you could centralize this welter of decisions, you could achieve greater order. But that is an illusion. First, there is no agreement on what greater order consists of; if there were, the disorder would likely not exist. Some critics define reform as stripping weapons of gold plate, but others see it as hauling the auditors out of the defense plants and stripping the process of red tape.

Second, and more important, these decisions are in a sense already centralized—in the defense secretary. They are policy decisions, perhaps the most important the secretary is called upon to make. He cannot delegate them. The secretary has no shortage of subordinates now—the deputy secretary, the service secretaries. He can tell them what to do, just as readily as he can tell an undersecretary for acquisition to tell them what to do. Reorganization is always among the answers when a problem arises in government. But reorganization cannot paper over substantive differences; nor is it a substitute for will.

Mr. McCAIN. The editorial is entitled "Empty Office at Defense." It starts out:

> Richard Godwin has resigned as Pentagon weapons czar, saying he wasn't given the backing he needed—

Et cetera.

It goes on to say:

> Those who continue to think the answers to the Pentagon's procurement problems lie in its table of organization will say, with reason, that his throat was cut by the very networks his job was created to supplant. The opposing school will say, perhaps also rightly, that the main fault lay not with the system but with him—that the former Bechtel Group executive, too used to having his own way, lacked the finesse this job required.

Mr. President, I do not know which of those statements is correct because I, although familiar with the series of events that have taken place, obviously am not privy to the events that have taken place that led to Mr. Godwin's resignation.

I believe, though, there are two sides to this story, and I would hope that one of the hearings that our committee could have in the near future would have Mr. Godwin as one of the witnesses and perhaps have someone from the Pentagon, Secretary Weinberger, if necessary, to present evidence not for the purposes of either violating or vindicating Mr. Godwin, because let us face it he has resigned and that chapter is over, but perhaps to carryout, to achieve the goal which my esteemed friend and colleague from Illinois so greatly desires as do I which is the implementation of the Defense Reorganization Act which clearly has failed to a large degree to this point.

Whether that is due to personalities, whether it is due to the bureaucratic resistance, which we are all aware can be very intense, I do not know. But I believe that one of the services we can provide to the American people is to hold a hearing, and I know that my friend from Illinois would probably be very interested in that kind of a hearing so that we can inform the American people not only what happened but how we can prevent recurrence in the future.

Would my friend from Illinois like for me to yield to him?

Mr. DIXON. I only say and I thank my colleague from Arizona, I join him in saying that the best thing we can do is have some hearings on this. I am delighted to indicate to my friend from Arizona that there will be a hearing next Tuesday, I understand that Under Secretary Godwin has been invited, that the Secretary of Defense and the Deputy Secretary can present their views if they desire.

The only point I wanted to make here was I am just amazed at the lack of interest in the matter that I think is of fundamental importance, quite frankly, and central to the question of the Department of Defense reorganization bill that we passed. Last year everybody was saluting the flag and praising the Packard Commission report.

Now, I just suspect a lot of it is forgotten, and I regret that very much because I think there was a very strong intention upon many of us on both sides of the aisle of different political persuasions to really make this thing work.

Senator Barry Goldwater is down there in Arizona right down there today with or without a beard. I am sure Barry agrees with what I am saying here. I believe that great Senator, who was a great, great American leader, believes that we ought to do something about this.

Mr. McCAIN. I agree with my friend from Illinois.

If my distinguished predecessor, Senator Goldwater, were here, he would describe, in much more graphic terms than Senator DIXON and I can imagine, his displeasure, I am sure, at this turn of events.

I would also like to reiterate my agreement with my friend from Illinois. Perhaps the greatest problem in defense today is the perception, unfortunately to a large degree accurate, on the part of the American people that their defense dollars which are earmarked for defense are fraudulently or inefficiently wasted and abused. All too often we hear the story of a $200 hammer and a $400 toilet seat which in the words of my friend from Maine gave new meaning to the word "throne." All those horror stories we heard about in the weapons acquisition process.

Here we are in the situation where the post that was created to address this problem in large part is now being vacated under less than pleasant circumstances and it does generate so very little attention.

I would suggest to my friend from Illinois that one of the answers here, unfortunately, is that the issue is so complex, the question of acquiring a viable weapons system and taking it from the drawing board and getting it in operation is so enormously difficult that it is impossible to grasp, that we seem to focus on the simplistic aspects of it and not on the more difficult and complex aspects of weapons acquisition, which is exactly the job that Mr. Godwin held.

So I also would suggest that until we get full attention to this issue, we will not be able to cure the problem, and perhaps the hearing which we are now assured will take place will not only bring attention to this specific incident but perhaps give us better understanding as to how we can address the most formidable issue of defense acquisition.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. LEVIN. Mr. President, the fundamental issue involved in section 233 of the committee bill is whether Congress will have a say in how SDI dollars are going to be spent. The issue is not which interpretation of the ABM Treaty is correct. Section 233 does not legislate any particular interpretation of the ABM Treaty. It does not express the sense of the Senate even that the traditional interpretation is the legally correct one.

Nothing in section 233 prohibits the President from stating that he believes the broad interpretation is legally justified as he has already done. He can continue to do so.

The President presumably in the future will decide whether or not he wishes to apply a new broad interpretation to the ABM Treaty.

What this language in the committee bill does is to preserve a congressional role in the expenditure of billions of dollars that we are authorizing for SDI.

The committee report perhaps states it as well as anyone.

The report reads:

> The decision to authorize expenditure of funds for the Armed Forces is one of the most significant constitutional responsibilities assigned to the Congress. The strategic defense initiative is one of the most controversial and costly programs ever to be presented to the Congress. Without prejuding the wisdom and desirability of undertaking testing, development and deployment of mobile space-based ABM's using exotic technologies, it is imperative that Congress in general and this committee in particular examine in detail any proposed expenditures that would involve such a substantial change in policy.

That is what the committee report in support of section 233 provides, and I believe that Senator WARNER, on May 13, stated it accurately when he said, in response to a Senator who was stating that the committee report adopted the narrow interpretation, the following:

> The authors of the amendment

That is myself and Senator NUNN—

> Have tried very carefully to point out that we did not do that. We indirectly may have framed the debate for that, but in a sense all we did was to put in a technical restriction on the expenditure of funds thereby limiting the President's option at some future time if he so desired to make a shift in the direction of the program.

Mr. President, if we delete this language, we will be allowing the executive to decide unilaterally how to spend these SDI billions. Many of us, indeed, I believe most of us, want to exercise the responsibility which the

Constitution places upon us to decide how money is spent, not just how much money is spent.

The bottom line is this: Section 233 preserves a congressional role without prejudging how we will exercise it. If we delete the language, we will be abdicating the responsibility which the Constitution places upon us to control the expenditure of funds pursuant to the Constitution and laws and treaties of the United States.

Will the President later on say that he wants to apply a broad interpretation of the ABM Treaty? We do not know yet. But what we do know is this: The narrow interpretation has been in effect since the ABM Treaty was explained to the Senate in 1972 and ratified by the Senate at that time.

There were many exchanges during the committee proceedings at the time of ratification which made it clear that the development and testing of mobile, including space-based, ABM systems or components were prohibited. That interpretation carried right through 1985. The arms control impact statement, for instance, in 1985, an impact statement written by this administration, provided that—

> The ABM Treaty prohibition on the development, testing, and deployment of space-based ABM systems or components for such systems applies to directed energy technologies or any other technologies used for this purpose.

Mr. President, we also should note, in terms of the importance of this issue and the importance of Congress maintaining a role in the expenditure of funds relative to the ABM system, that six former Secretaries of Defense in March of 1987 wrote that:

> We believe that the United States and the Soviet Union should continue to adhere to the traditional interpretation of article V of the ABM Treaty.

So we are talking about an interpretation which carried forward at least to 1985, the so-called traditional, or the narrow, interpretation of the ABM Treaty. And now some say that despite that record, which is that important and significant, that we should now give the President the untrammeled right to move to a new interpretation or not as he sees fit.

Mr. QUAYLE. Will the Senator yield?

Mr. LEVIN. For a question, I would be happy to yield.

Mr. QUAYLE. For a question. In the Senator's judgment, which I value, and he is one of the most thoughtful Members of this Senate, I would like to ask him who does he believe has the constitutional responsibility to interpret the treaty after it is approved by the U.S. Senate by a two-thirds vote? Is it Congress, the Senate and the House by a majority vote, or is it the Commander in Chief, the President of the United States, that has the constitutional right to interpret the treaty?

Mr. LEVIN. The Congress is required to appropriate money pursuant to the Constitution of the United States. That includes the laws and the treaties of this country. We should not be appropriating money in a way which is unconstitutional. We have a right to be sure and to be confident and analyze and to think through what we are doing when we appropriate money.

And that is the issue. The issue here is not which interpretation is correct at this point. The issue here is if the President decides that he wants to spend money that we are appropriating pursuant to a new or a broad interpretation, that the Congress has a right, indeed, we think a duty, that it make sure that its appropriations comply with the law of the land. The law of the land includes the treaties.

So, my answer to the Senator—and he indeed is a thoughtful Senator—is that we have an obligation in the appropriations process to comply with the law of the land, which includes treaties. For instance, many of us when it came to dense pack in that appropriation, the MX dense pack, were very much concerned that it would violate a treaty—an unratified treaty, may I say, but a treaty which had been entered into by the United States.

Many of us had concerns that any money which goes to the Contras might violate the Rio Treaty. We seek defense money in order to make certain that our appropriations comply with the law of the land which includes treaties.

So I cannot give you an either/or answer. It is not that the President has the sole authority or that the Congress does. Each branch has its own duties. Our duty is to appropriate money. And we have the right and, indeed, I believe we have the obligation, to make sure our appropriations are compliant with the law.

Mr. QUAYLE. Let me just indulge my friend for one moment on a question. This is the thing I am trying to get before the Senate. I do not dispute the fact that the Congress of the United States, by a majority vote of the House and Senate, has the constitutional right, prerogative, to appropriate money for anything. You know, if they want to cut it off for MS, if they want to cut it off for revenue sharing, whatever it may be, they have a right to do that.

What I am trying to establish here and what I am trying to get is a direct answer. In the only Supreme Court case that I have been able to find on this point, the Fourteen Diamond Rings, which I am sure the Senator is familiar with, versus the United States. It says that, after the ratification, the power, the constitutional power of interpretation, rests with the President not the Congress. I am not talking about spending money.

You know, this amendment is predicated on article V of the ABM Treaty. It does not reference agreed statement D because those that propose the narrow interpretation of the ABM Treaty do not give much credence to agreed statement D.

But what I am trying to establish—and I think the Senator will agree with me—is that the constitutional responsibility, as adjudicated by the U.S. Supreme Court, in fact lies in the executive branch and the Commander in Chief. Obviously, if he interprets a certain treaty and asks for money, the Congress can tell him to go you know what and cut it off. Congress can tell him in polite terms, sometimes impolite terms, what to do.

But the fundamental point, and this is the thing that I ask my distinguished friend who is a very, very thoughtful and deliberate person—very precise, I might add—that I do not know how they can skirt the issue that the constitutional responsibility for interpretation rests with the executive branch. And that is the basis and that is the fundamental principle that drives this Senator and other Senators to speak long and hard on this issue.

I concede Congress' clear powers, and I believe political science 101 is clear on them as a matter of fact, and they teach them in the grade schools. It is even set out in our celebration—such as the power of the purse, the right to declare war. The power of the purse belongs right here and over there in the House. But not the power to interpret treaties once they are approved and become, as the Senator from Michigan says, the law of the land.

So I ask my friend once again: Is not the constitutional responsibility of interpretation of treaties, upon approval by the advice and consent of the Senate, with the President of the United States and the executive branch?

Mr. LEVIN. First of all, in terms of the Fourteen Diamond Rings case, that case stands, really, for the unremarkable proposition that a resolution which is approved by Congress cannot change the meaning of a prior law, including a treaty.

But let me now get to what your real point is——

Mr. QUAYLE. A resolution which is similar to the Levin-Nunn amendment. It is similar to the Levin-Nunn amendment.

Mr. LEVIN. We are not trying to change a treaty.

Mr. QUAYLE. Sure you are.

Mr. LEVIN. Let me try to answer your question.

Mr. QUAYLE. OK. You have the floor.

The **PRESIDING OFFICER**. The Senator from Michigan has the floor.

Mr. LEVIN. First of all, I am glad that my good friend from Indiana acknowledges that Congress controls the power of the purse.

Mr. QUAYLE. Never in dispute.

Mr. LEVIN. Also, I am glad my friend from Indiana would acknowledge that we can set restrictions on the expenditure of funds, we can fence the expenditure of funds. As a matter of fact, we have fenced the expenditure of funds and my friend from Indiana has voted for such fencing.

We have said that Congress will not allow you to spend these funds until you, for instance, come back to us with a report. We did that with the dense pack basing mode. We said you may not produce MX missiles until you come back and tell us about the survivability of a dense pack basing mode and what the other alternatives are.

We fenced the production money of MX missiles. Why did we do it? Many people did it for this reason—let me finish. Many people did it because they felt the dense pack basing mode violated a treaty, albeit an unratified one. When you look at the debates you will find that a number of people expressed the concern that dense pack would violate both SALT I and SALT II.

Now, it is clear to me in answer to your question—I am going to give you a direct answer—that the Congress need not appropriate money if it believes that appropriation will violate the law of the land. And, if it does not know whether or not the President is going to proceed in a certain direction or another in terms of his desire to spend money in one way or another, they may wait. Congress may wait.

It may fence the money and say, "Look, if you want to proceed in a certain way, you come back and you report to us and then we will decide whether or not we want to spend money in that way."

Why? Any number of reasons. We may decide we do not want to spend money in the way that the President now wants to spend money. We have a right to do that. That is our appropriation process. We have fenced the money in this language. There is no reason why we cannot build a fence around the expenditure of money. We do it regularly in the Congress.

We do not adopt any interpretation in this language. I have repeated that over and over again and I am kind of surprised that my good friend from Indiana doubts that because again I think even my friend from Virginia has acknowledged this. We have made it clear and the committee report makes it very clear that there is no intention here to prejudge the correctness of the narrow versus the broad interpretation. The background of this amendment is as follows: That since 1972 through 1985, the so-called narrow interpretation was followed by one administration after another—from President Nixon on, including the Reagan administration. And it is in their arms control impact statements.

All we are saying in this language is this: We do not know if you are going to move to a broad interpretation or a new interpretation, Mr. President. We do not know if you will or not. If you are, going to if you want to apply a new interpretation to the expenditure of these funds, you have to come back to us so that we can approve the expenditure of the funds. We may like the way you want to do it. We may not like the way you want to do it. But we want a role. We are not going to write you a blank check for $4.5 billion of SDI money, and then say you spend it under any interpretation you want, because there are some people who want a role in the expenditure of that money. That is all it says.

(Mr. WIRTH assumed the Chair.)

Mr. QUAYLE. Will the Senator yield?

Mr. LEVIN. Go ahead.

Mr. QUAYLE. I appreciate the Senator's indulgence. Let me just say a couple of things. First, an observation about comparing what you are doing with Levin-Nunn with what you did with dense packs or MX, there may have been some questions raised in debate, but I can tell you—I will go get the amendment, I don't have it—the amendment on dense pack and MX in no way referenced SALT II. In no way did it reference SALT II.

This amendment makes direct reference to article 5 of the ABM Treaty. That is a very big difference. Furthermore, as the Senator so properly points out, SALT II was unratified and therefore not the law of the land. The ABM Treaty has been ratified and is the law of the land.

But I can follow the Senator's logic and I can agree with him on a couple of points. Congress does have the power of the purse. But the Senator's resolution and the Senator's amendment is cutting off funding based upon an interpretation for a possible future action, a future action by the President of the United States.

So this is not saying we are going to deny you funds for the MX missile. You are denying them funds specifically for an interpretation of the ABM Treaty. And I have a very difficult time saying how this is not an interpretation of the amendment.

I mean, the very first paragraph:

> Funds appropriated or otherwise made available to the Department of Defense during fiscal years 1988 and 1989 may not be obligated or expended to develop or test antiballistic missile systems or components which are sea based, air based, space based, or mobile land based.

That is almost identical language to that which is in article 5 of the ABM Treaty.

So I say to my friend from Michigan: Sure, I can follow you and agree with you that Congress has the right to cut off funds for certain ongoing programs. This is not an ongoing program. This is an interpretation of a treaty and what really makes matters worse, is that it invites the House of Representatives by majority vote to undo what the U.S. Senate could say was the interpretation of the treaty we are going to invite far more involvement on interpretation of treaties and other treaty matters from our friends over in the House.

Mr. LEVIN. Are you really suggesting that the House of Representatives has an obligation of appropriating funds which it believes violate the law of the land? Are you suggesting that treaties of this country are not binding on the House? Are you suggesting that when appropriating money the House does not have to consider the law of the land—including treaties which are part of the law of the land? Is that what your suggestion is?

Because I tell you I reject it. I think your problem really is not with this language, it is with the Constitution, which requires that appropriations of funds be by both Houses.

Mr. QUAYLE. I have absolutely no problem with that.

Mr. LEVIN. I think your other problem is that you do not consider treaties to be part of the law of the land.

Mr. QUAYLE. I certainly do.

Mr. LEVIN. Well, if you accept both of those, then the House in appropriating funds pursuant to the law of the land must consider treaties and has a right to. They are not interpreting treaties——

Mr. QUAYLE. Let me ask my friend this——

Mr. LEVIN. In any way other than in the appropriation of funds. And now let me read you the amendment on the MX basing mode.

> None of the funds appropriated in this resolution may be obligated or expended to initiate full-scale engineering development of basing modes for the MX missile until such basing mode is approved by both Houses of Congress in a concurrent resolution.

And now let me read you from some of the debate.

Senator MITCHELL supporting this:

> A third reason for stripping this resolution of MX missile production funding relates to the fact that the Dense Pack basing arrangement may violate the letter and spirit of the SALT I Agreement to which the United States is a party and the provisions of the SALT II Agreement which President Reagan is pledged to follow as long as the Soviets do likewise.

Let me read you another statement of Senator BYRD in this case, in terms of supporting this restriction on MX production money.

> The administration overlooks the fact that its Dense Pack proposal may reasonably be interpreted as a violation of the SALT II Treaty draft which the administration has said that it, and the Soviets, are both abiding by.

So there were many people in this debate who felt we should restrict those funds because they wanted money to be spent consistent with the law of the land. The law of the land includes treaties. That is the most direct answer I can give to my dear friend from Indiana, I may say, that the law of the land includes treaties and that when it comes to the appropriation of funds we should act pursuant to the Constitution.

Mr. QUAYLE. As I had said before, there are a number of things up to a certain point where I wholeheartedly agree with my friend from Michigan. I agree that the Congress has the power of the purse, to agree to condition or disapprove treaties. Furthermore, on this particular resolution, you are not denying money for a specific program for a specific test or development, because the administration has said, somewhat improperly, that they are not moving to the legally correct interpretation. So we are cutting off money based on a prospective, down the road, hypothetical situation that the President may not go to. There is not a specific program, so it is not a specific appropriation.

The Senator knows full well that once the President made that decision to go to the legally correct interpretation——

Mr. LEVIN. They have not made that decision.

Mr. QUAYLE. That is what I am saying, that this amendment is not attempting to deny funds to a specific program because there is not a specific ongoing program under the legally correct interpretation.

Mr. LEVIN. We do not know yet whether the administration will move to a broad interpretation. All we are saying is that we do not want to write a blank check that will give them the right to unilaterally move to that without our having a role in the process. What you want us to do is to write a check for $4.5 billion this year for SDI and then tell the administration to take the money and run: "You can do whatever you want and we will not have a role."

It is very possible that if the administration decided to interpret this treaty in a new way, the broad way, that the Congress might not appropriate $4.5 billion or authorize $4.5 billion. There are a whole lot of us who would never vote $4.5 billion if the administration were going to move to a new or broad interpretation of the ABM Treaty.

In other words, it is contingent. We put the $4.5 billion in but that is on the understanding of the representation that has been made to us, that they will continue to operate under the traditional or narrow interpretation of the ABM Treaty. You are saying, "What the heck, write the check. If they want to move to the new interpretation, that is our tough luck."

It is not our tough luck. It is the Constitution's tough luck if we allow that to happen.

Mr. QUAYLE. It is the Constitution's tough luck, which this Senator is preparing to do, to pass an arms control bill and decide what the majority of the Senate wants to have as an interpretation of the treaty, which I submit is not constitutionally proper for the Senate to do. I do not think the Senator from Michigan has disputed that, that the interpretation power rests with the executive branch. But the Senator's amendment is premature at best, premature because, as he well knows, we get into all sorts of line items. The SDI account has line items for all sorts of programs and there is no line item in there to go to the legally correct interpetation on testing and development of SDI. The administration has further said when, in fact, they move to such tests, not only will they tell Congress, but in Congress we pass laws all the time, and I am sure the chairman of the Armed Services Committee can pass out a bill in the matter of hours, if he wants to, and send it to the President saying, "We do not want you to spend money on this specific program."

But that is not what we are engaged in. We are engaged in the interpretation amendment. SALT II debate included people who had an anxiety about the dense pack, who did not think it was going to work, who had all sorts of names for that. Some called it the dunce pack, things like that. That is a debate I remember. The Senator referred to it in the debate concerning Senator MITCHELL and others, where you and others had concerns about the SALT Treaty and the ABM Treaty.

A far more proper way to voice such concerns is to make it a sense-of-the-Senate resolution to have our voice heard, rather than binding interpretation language on a defense authorization bill, which I believe is absolutely the wrong way to go. There is a serious question of the constitutional issues. We, by a majority vote, will interpret it as the law of the land, the majority here, and on the other side, will interpret what that treaty is as the law of the land. Do you want the Senate to start interpreting court cases? Absolutely not. I know the Senator does not want that. But that is exactly the type of direction we are going.

Mr. LEVIN. We appropriate money all the time and we all the time determine whether the money is for a legal purpose. We make those determinations all the time around here. We do not appropriate money for purposes which are illegal. At least, I hope we do not.

Let me conclude. We do not know, and I am glad the Senator says at best it is premature, but premature, it seems to me, is the argument that the President is going to move to a broad interpretation. We do not know that he will. The point is that we cannot give him the unilateral right to do that. We have a role in the appropriation of money. We do not have to write the check and say, "Here," and then allow him to expend or obligate those funds under a totally different set of circumstances than existed when we appropriated the money, or appropriate the money the way he has come to us, which is that he is continuing at this moment to abide by the traditional interpretation. We are not under the obligation to say, "Here is the money. You can now spend it any way you want, broad or narrow." We are not obligated to do that.

We can say this. There is nothing in the Constitution which prevents us from putting a restriction on the appropriation of funds. There is nothing in the Constitution which says we cannot tell the President of the United States, "If, if, if you want to move to a different interpretation of this treaty, then we want you to come back and see whether or not we will approve the expenditure of these funds because we might or might not have approved $4.5 billion if you told us you were going to operate under a broad or new interpretation of the ABM Treaty."

That is all we are saying.

You want to label that, if you want to label that, if you want to, that that means we are interpreting a treaty. The way I label that is that we are appropriating funds and we want to do it in a way which is legal, and we have a right to do that.

I think we have taken an oath to do it in the way which is legal.

I will go further with my friend from Indiana. I think our oaths require us to authorize and appropriate funds which are legal. You have conceded that the treaty that we entered into and ratified is part of the law of this land.

Mr. QUAYLE. Now, I think we are getting to another very fundamental difference that the two of us have, not only what this amendment is, what I perceive to be an interpretation amendment, and not an appropriation amendment, because there is no broad interpretation program that the President has yet requested. It is prospective. It is premature at best. But the Senator has just said that if you want to give a blank check to do something, that is illegal.

Mr. LEVIN. That some of us think may be illegal.

Mr. QUAYLE. I do not see that to be illegal.

Mr. LEVIN. There are many of us in the Congress, perhaps a majority, who believe that the interpretation which was in effect from 1972 until 1985, which was announced on television might not be the correct interpretation. Many people believe in this Congress that that is the correct interpretation of the law which binds us, and by the oath we have taken we have said we will comply with that.

Mr. QUAYLE. That goes back to the fundamental question I asked at the beginning: Who is going to be the interpreter of treaties? Will it be the majority of the House and the Senate or the President? Once the President interprets a treaty, if the Congress disagreed with the interpretation, they can delay funds to implement that interpretation, because what the Congress cannot do is to sit there and say, "That is illegal and that you cannot do." Certainly, they can delay funds for a specific request, but they simply cannot interpret the treaty.

I believe what the Senator has said is very important, because he said it may be illegal. What he is asking the Senate to do is to make the interpretation of what they believe the interpretation of the treaty ought to be. That is something that many of us feel is fundamental to the Constitution in the separation of powers in giving flexibility to the executive branch in this very important issue. There are major differences on those two very, very fundamental points.

Mr. LEVIN. I think that the Senator from Indiana has actually in the last few moments said pretty close to what I think this amendment does, which is once the President decides that he wants to move to a new interpretation, then we can deny funds. That is exactly what this amendment keeps open as an option. Without this amendment the President can move to a new interpretation. If he decides to do that and could spend this money immediately, it would then require congressional action in order to block the expenditure of funds. Clearly if we can do that, we can say in advance that if you move to a new interpretation, you ought to come back to us.

Mr. QUAYLE. Will the Senator yield for a question at that point?

Mr. LEVIN. That is a distinction without a difference. And the way you have phrased it is really pretty close to the purpose of this amendment. You have said once the President interprets, we can deny the funds. That is very close to saying——

Mr. QUAYLE. You can deny the funds for a request that the President makes.

Mr. LEVIN. It is very close to saying if the President interprets we can deny the funds and that is exactly what we are doing here. We are not denying the funds. We are simply saying if the President interprets, we then want you to come back and get approval for the funds. So the Senator's description of what he thinks we can do—this two-step process of once the President interprets, then we can deny the funds—is pretty much the intention of this amendment. I would point out in subsection (b) of this amendment we say that:

> The limitation of subsection (a) shall cease to apply if the President submits to Congress a comprehensive report on the systems or components which the President proposes to develop for test; and after such report is received by Congress a joint resolution described in subsection (c) is introduced and such joint resolution is enacted.

I think my good friend from Indiana would concede we cannot have here a one-House veto or a one-House action. That would violate the Chadha decision. You must have a two-House action if anything is going to be legal. It has to be two Houses not only because the appropriations process requires two Houses, it requires two Houses because any veto or any action required by Congress must under the Chadha decision be with two Houses.

If I can just add one other thing which is really important I believe, it is that we want to give Congress the chance to act. What we have put in here is expedited procedures to be sure that Congress can decide. The reason that that is so important is that it confirms what I have said. Along with Senator NUNN, I am a cosponsor of this amendment and this is legislative history we are creating. What I have said is we do not prejudge which interpretation is correct. Now, the author of the amendment is here representing that to you. We did not prejudge which interpretation is correct. What we do prejudge and we do insist upon is a role for the Congress in the appropriation of funds. We want to know, if the President is going to move to a new interpretation, that he is going to do so, and then we want to decide whether we want to allow $4.5 billion to be spent under that new set of circumstances.

That is a very, very different set of circumstances than exist now for many—I will not say all, not for my friend from Indiana—for many Members of the Congress.

Mr. QUAYLE. Will the Senator yield on that point?

Mr. LEVIN. I would be happy to yield.

Mr. QUAYLE. He says this amendment does not prejudge what the interpretation of the treaty should be. If that is the case—as a matter of fact, there might be a way out of it—why not add agreed statement D into the resolution and allow us to go ahead and use money under article V and agreed statement D? Agreed statement D is not part of the resolution.

Mr. LEVIN. I think my friend would agree——

Mr. QUAYLE. Would you add that, agreed statement D, to the resolution?

Mr. LEVIN. No. And I think my friend would be the first to agree that the opinion of the State Department legal counsel is that this new interpretation of agreed statement D would allow funds to be spent for the developments and testing of mobile ABM systems and components. So if you put that in, you are then saying that you are wiping out the whole point of this, which is if you want to move to a new interpretation or broad interpretation of the treaty, come back to the Congress under expedited procedures and get our approval. If you put the language from agreed statement D in there, you completely wipe out the efficacy of this amendment. The point of this amendment——

Mr. QUAYLE. Why not put in the whole treaty?

Mr. LEVIN. The point of this amendment is not hidden. It is a very clear amendment.

Mr. QUAYLE. I know. That is why I am opposed to it.

Mr. LEVIN. It is a very clear amendment and it should not be misconstrued by anyone. It does not prejudge. It does not state what is the correct interpretation. And again, it is important in terms of legislative history.

My good friend from Indiana may some day want to rely on history because if this language stays in the bill, I would guess that if the President wants to move to a broad interpretation of the treaty, my good friend from Indiana will be coming back here saying we should allow him to do it under those expedited procedures. I do not think then you are going to want to argue that the Congress by the adoption of section 233 put itself on record as committing itself to the narrow interpretation of the ABM Treaty. Do you really want to say now that, if we adopt section 233, we are committing ourselves to the narrow interpretation of the ABM Treaty? Are you saying if we adopt section 233 you are not going to come back here if the President decides to move to a broad interpretation and argue under those expedited procedures that we ought to let him spend the $4.5 billion under the new interpretation? Is that what you are saying?

Mr. QUAYLE. There is no doubt in my mind that the Senator from Michigan and the chairman of the Senate Armed Services Committee, who are authors of this amendment, believe in the narrow interpretation. The reason we have this amendment is because of your belief in the narrow interpretation and you do not want to see the administration go to the legally correct interpretation. So therefore, I presume people will be voting for that and will be voting for the narrow interpretation, which is an interpretation amendment, which is something that I fundamentally object to and that is the whole argument.

I think the Senator is stating it perhaps better than I. It is the interpretation that I object to, not the spending of money.

Mr. LEVIN. We believe it is Congress having a role in the appropriation of funds. Now, obviously we believe that the narrow interpretation was the correct one. We have made that clear. But the issue is this amendment does not take the position that the narrow interpretation is the correct one.

Now, I am a cosponsor of this amendment. All I can do is repeat to my friend from Indiana what our intention is. It was crafted very, very carefully to avoid putting Congress in the position of saying that the narrow interpretation is the correct interpretation. It was crafted to give Congress the right, if and when the President moves to a broader interpretation, to then decide whether we want $4.5 billion to be spent under those circumstances. That is all the amendment does.

Now, then you say, "Well, gee, Senator NUNN and Senator LEVIN have already expressed themselves in support of the narrow interpretation." And that is true. But this amendment does not adopt the narrow interpretation as the interpretation of Congress.

Let me ask my friend a question he has not answered. If and when we adopt the language of this bill, section 233, are you then waiving your argument later on on this issue? Later on, when the President comes to us under these expedited procedures, will you then be conceding that we have already adopted the narrow interpretation in this language? Are you going to waive that right now?

Mr. QUAYLE. Absolutely not, because if in fact the President goes to the legally correct interpretation, I will be advancing and hoping that the Congress in fact will approve that.

Now, under this resolution the majority of the Senate might be convinced but a minority in the House can undo what the majority of the Senate just did. I would say that that is, in my view, somewhat of a one-House veto.

Let me say one thing. The Senator keeps saying that his intention is not to interpret the treaty. I accept that. I have worked with the Senator long and hard on many issues and when he tells me that is his intent, I accept that. Let me just tell him something. In expressing your intent, you could do it a lot easier than by saying you do not want a reference to the treaty by instead putting in the whole ABM Treaty, or at least put in agreed statement D. What the Senator has done is to take out the most restrictive part of the ABM Treaty that happens to be compatible with the narrow interpretation and it is certainly very difficult for me to believe that you have not got some bias and prejudice and you want people to vote on your interpretation because that is the only provision that is referenced in the resolution that is before the Senate in the DOD bill. That is my difficulty.

Mr. LEVIN. That is the obvious way of making reference to a narrow interpretation of the treaty, which is exactly what the amendment does. It says if you want to move to a different interpretation, come to us for approval. That is all it says. That is the easiest way of making reference to a narrow interpretation of the treaty. The words "narrow interpretation of the treaty" are not words of art that can easily fit to a statute.

Would my friend from Indiana be happier if we said, if the President wishes to move from a narrow to a broad interpretation of the treaty, then he should come back to the Congress and get approval of the Congress? Would he not be standing there then?

Mr. QUAYLE. No. My desire would be that when and if—and who knows when this administration is going to move toward the legally correct interpretation. It has been quite some time. It has slipped for a long time. We have not gotten too far. But when they do that, the Senator from Michigan, the chairman of the Senate Armed Services Committee, has plenty of time, opportunity, power of persuasion, and other things I might add to get their thought across in a very proper way. They can deny the funds for a specific request of this President or any President.

I do not have any problem with that. I may oppose it. I am sure I would oppose it. But I would face head-on the denial of funds for a specific request that the administration has. It would be a line item in the DOD bill or the appropriation bill. We would have not a hypothetical situation or a theoretical situation way in advance. We would have something up front right now, we would debate it, argue whether we want to go ahead with a test, and maybe it would be the space-based kinetic kill vehicle. Maybe they say they want to test that. They can test if they want to move toward testing and development. It is all right with me.

We can sit there and say hey, wait a second. They are for a narrow interpretation. We do not like that. If you do not like it, strike it out. Delete it if you do not like it. Whatever you wipe out in the committee, try to restore on the floor or whatever it may be.

We can have a special bill. We do not have to wait for the DOD authorization bill.

This is a very important issue. I am sure there are ways we can get it before the Senate. I am sure the House would help you out. They pass everything quickly. If I understand you, they ought to be equal parties in these treaties particularly in the interpretation. We will have some new constitutional delegation of authority going on around here.

Mr. LEVIN. The whole point is without this language, the section 233, the President can spend for testing and development of the mobile system without even a request. I am very much intrigued by the Senator's position that it is consitutional. If the President reaches a new decision, interprets the treaty in a broad way, then says that is the way he is going to start spending money, then the Congress can say, "No, you are not." The Senator would say that that is not interpreting the treaties. The Senator says Congress can do that.

Mr. QUAYLE. Yes, denying funds.

Mr. LEVIN. Fence the funds in advance is what the Senator is saying. I know of no constitutional authority for that statement. I know of no constitutional authority for the position that we cannot put a fence around the expenditure of money when we can block the expenditure of those funds.

Mr. QUAYLE. What program is the Senator fencing the money from?

Mr. LEVIN. I am just saying the Senator has said we can block the expenditure of funds based on our interpretation of a treaty if it is different from what the President just announced yesterday.

Mr. QUAYLE. It is not based on it. It would be a denial of funds which the Congress can tell. Tell me what program the Senator is denying funds for. He cannot tell me. There is not one.

Mr. LEVIN. It can be anything.

Mr. QUAYLE. I wish there was one. I wish we could have a debate on this program. I have been telling the administration for a year that they ought to get on with it. They have not. I have lost that argument within the administration thus far.

Mr. LEVIN. The Senator lost another argument in the administration, too, because Judge Sofaer does not call this the legally correct interpretation.

Mr. QUAYLE. What is it called?

Mr. LEVIN. He says, "I have never used that phrase, never."

Mr. QUAYLE. What does he call it?

Mr. LEVIN. "It is a primitive phrase, don't you think. It is silly to talk about this treaty, this ambiguous treaty with phrases like that." That is what Judge Sofaer says about the Senator's description of this as the legally correct interpretation.

Mr. QUAYLE. I am delighted that the Senator agreed, and congratulates Judge Sofaer——

Mr. LEVIN. I do not congratulate.

Mr. QUAYLE. The Senator talked about Judge Sofaer.

Mr. LEVIN. I did not congratulate.

Mr. QUAYLE. I am going to reference the Senator's admiration for his ability to interpret words and things of that sort.

So I thank my dear friend from Michigan.

Mr. LEVIN. He is balanced, in my view.

Mr. QUAYLE. I know. Maybe we can get more balance as Judge Sofaer becomes more known to other Senators around here.

Mr. LEVIN, I want to show the Senator when Judge Sofaer comes up with something that is credible, as he has with this comment, I am the first to be espousing the wisdom of the particular comment that he has made. This one it seems to me is.

He has a lot of wisdom and things of that sort, and I certainly concur and want to be associated with the Senator's remarks.

Mr. LEVIN. Appropriating funds is Congress' province. How many dollars are spent on a program is Congress' business, as is the question of how those funds are spent.

Section 233 doesn't tell the President how to interpret the treaty. It tells him how we are willing to spend taxpayers' dollars.

Congress regularly considers limits on spending to conform that spending to its view of the requirements of the law of the land.

This was the case during the debates on the MX basing mode called dense pack. This was the case during debates on aid to the Contras. This was the case during the debates on funding for the mining of Nicaraguan harbors.

In all those cases, Congress wanted a role in funding programs which some felt violated a treaty which the United States had freely entered or agreed to comply with even in absence of ratification.

There's nothing new in what we are doing here. The bill language simply preserves Congress' say in how SDI dollars are spent. Section 233 simply provides that Congress won't hand over to the President the unilateral decision on how those SDI dollars will be spent.

The administration testified repeatedly that the SDI budget includes no plans for the testing or development of mobile ABM systems or components. Based in part on that testimony, the Armed Services Committee recommended the authorization of $4.5 billion for SDI. Should we not be able to rely on that if we want to? Surely we can say that if the President changes his mind and decides to apply a new interpretation, he should come back to Congress for our approval.

The committee included section 233 in the bill to ensure that if the administration changed its mind, the Congress would preserve its constitutional prerogative to approve or disapprove the expenditure of funds.

Section 233 does not impinge on the President's constitutional prerogatives. Rather it preserves the constitutional prerogative of the Congress to approve, disapprove, or limit the expenditure of Federal funds.

There are a number of reasons why Congress might decide to limit the expenditure of funds for testing or development of mobile ABM systems and components.

We might decide that a move toward near-term deployment of SDI is not wise, regardless of what is permitted or prohibited by a treaty to which we are a party. We might decide that near term technologies offer little hope for an effective defense, and that therefore the SDI budget should be spent on those technologies that offer more promise in the long term. Or, we might decide that such activity would constitute a violation of specific U.S. treaty commitments, and thus the law of the land.

Some say a congressional effort to exercise judgment on this issue would be tying the President's hands or pulling the rug out from under our negotiators. I'm afraid the rug rhetoric is threadbare. We were told not to constrain the MX missile or its basing mode—that we would thereby pull the rug out from under our negotiators. We were told not to cut the administration's annual SDI requests—that would pull the rug out from under our negotiators.

Well, we did both because our view of national security led us in good conscience to that conclusion. Our negotiators are still standing firmly on a stable rug. They are on the verge of entering into significant agreements with the Soviets and the administration admits we are powerful and strong.

Opponents say that section 233 gives the House of Representatives a one-House veto. It's not section 233—it's the Constitution which requires both Houses of Congress to approve spending. This provision, section 233, does not give the Congress any more authority than the Constitution provides: it preserves the congressional power to limit the way in which the President spends money. It is the Constitution which provides that both Houses approve not just how much is spent, but how Treasury funds are spent.

As we celebrate the 200th anniversary of the Constitution, we must recognize that all parts of the Constitution deserve celebration—not just the Executive powers provision. No Congress worth its salt would give up the power of the purse and turn over the purse strings to the executive branch. There is nothing unusual about Congress making certain that funds are spent according to law.

Under our Constitution, no President can demand a postdated blank check and claim he is entitled to it.

No Congress worthy of the constitutional grant of power over the purse should write such a check.

I think our colloquy with Senator QUAYLE has brought out some of the issues that I was going to go into. But the important issue here on this day we are celebrating the 200th anniversary of the signing of our Constitution is that this Congress has the right, the obligation, the sworn duty to appropriate funds. Senator QUAYLE I am afraid wants to jump right to article III or article II, get right to the executive and judicial branches of the Constitution. There is an article I. It comes first. It has to do with the Congress of the United States. It has to do with appropriation of funds. It has to do with the purse strings.

We are not obligated to hand over the money and allow the executive branch to spend it any way it wants to. We are both entitled and indeed obligated to make sure that money is spent in a way which is lawful and in compliance with the laws of this land including the treaty of this land. And there is no distinction that I know of in the Constitution between restricting the expenditure of funds as we have and between doing what Senator QUAYLE suggests he could accept, which is to block the expenditure of funds the day after the President announced a new interpretation of the treaty. We are saying if and when the President interprets the treaty in a broad way, we want you to come back to us for approval. That is all we are saying.

I know of no doctrine in the Constitution, no theory which would stop us from placing a restriction on the expenditure of funds in this way. We have done it repeatedly in the past. We did it in 1983 when it came to a basing mode for the MX missile. We said you cannot produce MX missiles until you come back to us with a report on a basing mode. We fenced that money. We made the administration come back to the Congress. We put in expedited procedures as we do in this language in section 233 to make certain that Congress could act following a decision by the administration if this administration decides to adopt a broad interpretation of this treaty, and again we do not know that they will. If they do, all we are saying is come back to us. We want a role. We do not want to cut off those purse strings and hand you the purse. We want to keep those purse strings where this glorious Constitution which we are celebrating today put them, which is in the Congress of the United States.

Mr. WARNER. Mr. President, at some point would the distinguished Senator from Michigan entertain a question?

Mr. LEVIN. I am yielding the floor.

Mr. WARNER. I just much prefer if he would just accept a question.

Mr. LEVIN. Sure.

Mr. WARNER. I have listened with great interest to the Senator's analysis of this amendment, and he repeatedly said we want just to look at it. He keeps referring to the "we" and the role of the Congress.

In the drafting of this amendment did the Senator from Michigan, perhaps the distinguished chairman of the committee and others who collaborated, look at an option whereby both Houses proceeded to address the issue in much the same way we address other issues; namely we have to collaborate between the two Houses?

Mind you, by raising this question in no way am I acceding to the propriety or the advisability of the amendment. But I am just interested.

Did you consider the option whereby both Houses would participate, as we do on other bills, and perhaps have a conference, so that there is some jointness between the two Houses, comparable to the manner in which we pass other laws? As has been pointed out by the distinguished Senator from Indiana and myself and many others, we do read into this clearly a one-House veto. It is of great concern to this Chamber that the House of Representatives, just a handful, could override the judgment of all 100 Senators on this issue and, indeed, the President.

Hypothetically, suppose the President decided on a course of action in accordance with the Levin-Nunn amendment and came to Congress, as specified in the amendment, and the Senate, which is very knowledgeable on this amendment now, debated it, and all 100 Senators participated one way or another, at least by voting on it, and supported the President. Then the House of Representatives—and I do not say this in any pejorative sense—summarily handles it. A handful of Members of the House happen to assemble, and a majority present and voting decide the issue and, in effect, overrule the judgment of the President of the United States and the judgment of this Chamber.

My question to the Senator is this: In devising this amendment, did you consider an option—and I am not certain I can sit down and draft it right away—by which both Houses collaborate, go to conference, and then there is some joint action of Congress, which it seems to me would be more consistent with your repeated use of the words, "We want you, Mr. President, to come back and seek our approval."

Mr. LEVIN. This language was patterned after the Jackson approach in the dense pack basing mode.

Mr. WARNER. Mr. President, I realize that there are precedents, but now that I reflect on them, the distinguished Senator from Indiana raised one which did not relate to any treaty, but we made a mistake perhaps in that mechanism. We are in a critical situation. Some of us feel strongly that the action of a single Chamber is tantamount to the interpretation of a treaty, so it is different from dense pack and MX.

Mr. LEVIN. I am glad you acknowledge that there is precedent for this, because the dense pack approach was exactly this. It required a concurrent resolution of Congress.

There is a very simple basis for this. The Constitution requires that money be spent only after both Houses of Congress approve. So you may not like the fact that both Houses of Congress have to approve the expenditure of funds, but your problem is with the Constitution.

Mr. WARNER. Mr. President, I do not object in any way. I am proud to be a Member of the Senate, and I recognize that both Chambers have to act jointly on money bills. But I ask my colleague: If you are going to do it, why did you not try to devise a statutory procedure by which both Houses, acting together, have a conference, and there is some jointness in the action, before we overrule the Commander in Chief of the Armed Forces, the individual who under the Constitution is given what I regard as preeminent responsibility for this Nation beyond its shores?

Mr. LEVIN. I know of no better word for "joint" than "joint." It requires a joint resolution, under expedited procedure.

Mr. WARNER. Is there a conference? Is there collaboration?

Mr. LEVIN. You say "collaboration." The only way you can have expedited procedures—one way legally is to have a joint resolution, which is what we provide for, which is perfectly constitutional, my friend will acknowledge.

Perhaps you can devise some other approach to achieve a joint resolution. There are perhaps many other approaches. Under the Constitution, a joint resolution is what this language requires, under expedited procedure. So perhaps the Senator from Virginia could devise another way to a joint resolution, but this is the way this particular language reads.

Mr. WARNER. It seems to me that on money bills, we go to conference and send them to the President. This issue is far more important, in my judgment, than the money bills. This goes to the very heart of the security of this Nation, this particular ABM Treaty.

I am not pronouncing whether I am for the broad, the narrow, or the third position enunciated by the Soviets. Why should we adopt a procedure that preempts the work of the two Houses together to share the views as to any differences of opinion between the two Houses?

Mr. NUNN. Mr. President, if the Senator will yield, would the Senator from Virginia prefer us to drop that resolution and just leave that out, so that it would just be an ordinary law of Congress?

Mr. WARNER. We are looking at a lot of options.

Mr. NUNN. That would just be the normal procedure. We thought we were putting something in that would help the President, help the administration, and help the overall feeling on this subject by expedited procedure. We can drop that, if that gives the Senator concern, and we can have a regular law, which is subject to debate and filibuster and all that.

I am puzzled by the Senator's objection to something which expedites the President's move.

Mr. WARNER. Mr. President, I am talking about this Chamber working on it. Then perhaps 30 or 40 Members of the House might show up some day, with a simple majority present and voting, and could overrule the majority of this Chamber.

Mr. NUNN. Is that not the case with the $4.5 billion in SDI? Is that not the case of funding of every test in SDI, every ship, every submarine, every bullet, every pay raise? For everything we provide for the military, we have to have two Houses. The Senator being from Virginia, I thought he would be in favor of having the Senate and the House.

Mr. WARNER. It would be nice to go to conference and perhaps share the views of the two Chambers.

Mr. NUNN. The way to do that is to knock out the resolution and have it go through the normal procedure of having anyone on the floor of the Senate being able to filibuster and having 34 Senators being able to block consideration of the resolution. The Senator really does not want that, does he?

Mr. WARNER. Mr. President, we will work on that during the course of the debate.

Mr. NICKLES. Mr. President, I join my colleague and friend, Senator WARNER, in his amendment to strike out section 233, limitation on development or testing of space-based and other mobile antiballistic missile systems, which is included in the Department of Defense authorization bill.

I, like many other Senators, have been chagrined that we have been on this bill so long and have spent a lot of time on this amendment. But this amendment, which deals with restricting SDI, or the strategic defense initiative, is very important. It is one that may have very long and lasting implications, not only in the Congress, but also in our negotiation process with the Soviets, in the efforts we make and the abilities we have in being able to come up with systems designed and capable of protecting the American people, capable of protecting our country, capable of protecting our defense capabilities.

As I have told the President and some of my constituents, I think it is high time we start working on developing systems that are capable of destroying weapons, not people. That is really the essence of what the strategic defense initiative is all about.

Quite a few people are excited about the fact that we are involved in negotiations with the Soviets in Geneva and Washington, DC, with Soviet Foreign Minister Shevardnadze visiting with Secretary Shultz; and people are optimistic and hopeful that an agreement can be reached on the INF talks. I hope so, as well.

Also, there have been discussions going on for a couple of years dealing with the START talks and in the space and defense technology talks.

I have visited with the Soviets and know that the Soviet Union is concerned about SDI. I have been pleased and honored to participate as a Senate observer for the arms control process. The Soviets, in my mind, do not care so much about the definition of what you call a broad or a narrow interpretation of the ABM Treaty. They are interested in whether we design components or systems capable of destroying their missiles.

They are interested in what kind of progress has been made by the United States on strategic defense. The Soviets take a very broad view of the ABM Treaty. If there is any ambiguity in any treaty, they will drive it to the hilt. If it is to their advantage to do so they will abrogate the treaty or violate the treaty. Many times we have been too silent dealing with treaty violations.

Is it not interesting that the United States and the U.S. Senate will spend so many hours, days, and months discussing the treaty, discussing one clause of a treaty, article V in the treaty, which is now inserted in this DOD authorization bill? Is it not interesting that we will spend so much time and legal effort by the State Department attorneys, by legal counsel, in trying to define what we can do or cannot do, and so little time in saying what are the Soviets doing? Does it really make any sense whatsoever for the United States to impose restrictions on ourselves while the Soviet Union does not.

A treaty, Mr. President, is supposed to be mutually binding, but time after time, we find that the Soviets have not bound themselves. But, we end up unilaterally binding ourselves.

That is not a wise course of action to follow, but yet we have seen it happen time and time again.

The net result of the language that we have dealing with section 233 is exactly that. We are imposing restrictions on ourselves by taking a piece of the ABM Treaty out, placing it in the middle of this authorization bill, saying "funds appropriated or otherwise made available to the Department of Defense during fiscal years 1988 and 1989 may not be obligated or expended to develop or test antiballistic missile systems or components which are sea based, air based, space based, or mobile land based," unless a joint resolution of Congress agrees to such thing.

Certainly the Soviet Union's aggressive ABM effort is not self-restricted. If they are able to come up with a system that increases their defense capability certainly they will do so.

I echo the comments of Senator QUAYLE who asked, is it not ironic that we take only the one section of the ABM Treaty and insert it into the DOD bill? I will read article II, Mr. President which we did not put in the DOD bill, which says:

> For the purposes of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of—

And then it enumerates several specific components. It did not say all future systems. You might ask why did it not include future systems. That concerns the agreed statement D, which was agreed upon there are some disagreements on what agreed statement D would do, but certainly this question has been researched by Judge Sofaer and many others. Paul Nitze, Richard Perle, and many others who were involved in the negotiations say that it limited deployment. Agreed statement D did not limit testing or development.

If you read agreed statement D, it says:

> . . . the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future . . .

Which implies to me that the negotiators anticipated that other systems to substitute for launchers and missiles would be created in the future—

> . . . specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

In other words, in agreed statement D it really says that, yes, there are going to be future systems and we will talk about them later. It did not prohibit the systems. It did not prohibit the development of those systems.

Yet by the language that we have in the bill before us with the Levin-Nunn amendment we are basically saying we are not going to do that; for the next 2 years let us not spend any money in testing and development. I think it is more restrictive, much more restrictive than what we have in the ABM Treaty.

Can it be done?

I would say, yes, Congress has the power of the purse. Congress can put all kinds of amendments on how we are going to spend money. The House of Representatives went much further. It said, "We will not spend any money dealing with sublimits of SALT II."

Yes, language such as that can be done.

So in a backward way which bothers this Senator and should bother all Senators, we basically have one or both Houses by the power of the purse say whether or not we are going to implement the treaties. Certainly that is possible. Yes, it is the President's responsibility, the administration's responsibility to conduct the negotiations of a treaty. It is the Senate's responsibility under the Constitution to ratify the treaty. It takes both Houses of Congress to fund those treaties, and there is no doubt that both Houses, yes, if they want to place undue restraints on those treaties they have the power to do so, and it will all be constitutional.

What seems ridiculous to me, though, is for the Senate to place arbitrary restraints on the United States, on our country, through the funding process when the Soviet Union does not. The Soviet Union has an aggressive SDI Program, and ABM Program. They are very active in an antiballistic missile defense system, very active. The United States has not been as active as they have. They have not only been active, they have not only interpreted the treaty to the broadest extent possible, but they have also violated the treaty, violated the treaty time and time again.

We hear statements on the floor, we even had a few Congressmen visit the Krasnoyarsk radar. We hear some say we think maybe it is a violation of the letter of the law, maybe not the intent, or vice versa.

The ABM Treaty, article VI, paragraph (b) says, "the United States and the Soviet Union agree not to deploy in the future radars for early warning of strategic ballistic missile attack except in locations on the periphery of national territory and oriented outward."

Krasnoyarsk fails in both those categories. It is a violation of the treaty.

We are nitpicking, arguing over this broad-versus-narrow, and whether or not we are going to constrain scientists and developers of the SDI Program with very technical legal constraints. There may be a legitimate difference of opinion—I do not argue that, and I certainly do not question the sincerity of the sponsors of the amendment. But as a net result, if this amendment is implemented we will be constraining the United States and we will not be constraining the Soviet Union in any way.

Now that makes no sense. That does not work to the defense capabilities of the United States. That does not make the United States any safer. It actually increases our vulnerability. That is not a smart thing to do. That is not something we should do in this DOD bill. It is not something we should do on any other bill.

The President has stated he will veto this bill if the Levin-Nunn language is in it. He will be exactly correct in doing so. I would hope and pray that he would.

Again, let us look at what the Soviets have said. In 1972 Soviet Defense Minister Grechko proclaimed that ABM Treaty imposed "no limitations on the performance, the research, and experimental work aimed at resolving the problem of defending the country against nuclear missile attack."

Basically, he said that this treaty will not stop the Soviets from protecting their country. They adamantly protected their right to be able to develop and test systems, so they could work on developing an ABM system.

Actually, the United States negotiators sought an agreement to limit future systems. They wanted to ban testing. They wanted to ban development. They wanted to ban deployment. All they received from the Soviets was banned deployment. That was all they received. And even that part is somewhat ambiguous as far as an agreed statement D. But, they did not receive an agreement to ban all future systems.

We are getting ready to give it to them. We are getting ready to impose that limitation on the United States, but we are not going to impose it on the Soviet Union. That is what is really absurd.

The Levin-Nunn amendment is not the only thing which alarms me. It may be the only amendment we are discussing right now, but if you look at the House language on arms control issues, they want to further restrict the United States. There is no limit to the desire of many people in Congress to place restrictions on the United States without getting any comparable restrictions on the Soviet Union.

I happen to think arms control treaties can be good if you can actually get some real reductions in weapons systems and if you can make sure that both sides comply. And if they do not comply, maybe we do more than just say, as we have in the past, "Oh, they didn't comply, but we are going to continue complying."

In the case of the ABM Treaty, the Soviet Union is not complying, and is in gross violation of the treaty. They even invite a group of Congressmen to visit the grossest violation of the treaty, the Krasnoyarsk radar, and the Congressmen come back singing the praises of it.

At the same time, we have our Congress, both the House and now the Senate, trying to impose very strict interpretations of the treaty. We do not want to violate one iota of the treaty even though the Soviet Union is violating it every single day and we know it and they know it.

In my opinion, that makes it very difficult for us to be successful in the negotiating cycle, which, again, I hope that we are. We have a very competent team in Geneva and have made real progress. I hope we do come up with a treaty that really does reduce the tension and that really does reduce nuclear weapons.

But it has to be a treaty that is mutually agreed to and mutually observed. And if it is not mutually observed, if the Soviets grossly violate it or continue to violate others, I think we should note that and not take action to restrict our own development, or restrict our testing. At the same time as we are negotiating new agreements, they are wantonly, aggressively expanding their testing, expanding their development, may even be expanding their deployment in various categories while we sit on our hands. That does not increase our stability, our security, or our national interests.

The timing for this amendment and those amendments coming from the House, particularly the one dealing with SALT II sublimits, could not have come at a worse time. SALT II was never ratified. You go through the constitutional process. Yes, the Carter administration signed the SALT II Agreement, but it had to be ratified by the Senate. It was not ratified by the Senate, even though it was strongly controlled by the President's same party.

Many people, Democrats and Republicans, felt that treaty left a lot to be desired. They did not think it was equal. They did not think it would help the security of the United States. So we did not ratify the treaty. But now we have one House that is trying to mandate compliance with a particular section of the treaty, with just one section of the treaty.

Just like this language that is in this bill right now quotes from article V of the treaty, but, as Senator QUAYLE pointed out, it left out agreed statement D which dealt with future systems. In other words, we put in language that said no money whatsoever for development or testing of SDI. I will mention the language again:

> No money to test, deploy, or develop ABM systems or components which are sea-based, air-based, space-based or mobile land-based.

But it does not talk about what ABM systems are as defined in article II. It does not mention future systems as discussed in agreed statement D. So we take the most restrictive portion of the ABM Treaty and insert it in the DOD bill.

The House has done the same thing on SALT II. They have said, "Well, numerical sublimits, we mandate that. Of course we won't mention the fact that, yes, the Soviets have deployed new missiles outside the range of the treaty. We won't mention other areas where they violated the SALT II Treaty. We are going to just impose on the United States one particular section."

Again, I just fail to see the wisdom in that type of logic and the timing. The timing of this amendment absolutely could not be worse.

One of the reasons why several Senators on this side, myself included, did not want to see the DOD bill come up with this type of restriction was because we really are hopeful or optimistic that maybe we can conclude a positive, real arms reduction treaty with the Soviet Union on INF, intermediate range missiles, zero-zero. We actually want to bring down a whole category of missiles. The Soviet Union has a lot of SS-20 intermediate range missiles. They are threatening all of Europe and a lot of Asia. Let us reduce those down to zero-zero. The President made that proposal several years ago. A lot of people from time to time say it is not realistic. It is realistic. It is happening because we are persistent.

It can actually enhance security, in my opinion, if it is real. If we actually know they are destroying those missiles, not just moving them back, not redeploying them somewhere where we do not see them. We have to make sure. We have to verify. We have to actually witness those missiles being destroyed or dismantled. But we can do that. We are close to being able to do that.

I think the negotiators have made real progress in strategic systems, in the long-range systems, those that threaten the United States. And that really is in the interest of the people of the United States. That has a lot of positive appeal. And they are talking about really reducing the number of warheads. That is positive.

Some people come back and say, "Well, wait a minute. The big hangup is SDI."

The reason why the Soviets are really interested in doing something on the strategic systems is that they are concerned about SDI. They are very concerned about SDI.

I know that my colleagues and the chairman of the Armed Services Committee, when we have gone to Geneva, we have heard the Soviet negotiators tell us time and time again, "You are not going to get anything on the strategic systems, the long-range systems, if you do not give something on SDI."

That tells you that they are concerned about SDI. They want SDI in on the table. They want to be able to negotiate it.

Well, if we are not careful we are going to give it to them.

We are not going to negotiate it, we are just going to give it to them. What sense does that make?

Do you remember canceling the B-1 bomber? Did we get them to cancel the Backfire bomber when we canceled the production of the B-1 bomber back in the late seventies? We did not get anything for it. That is what we are doing here when we end up basically handcuffing the SDI program in this manner without getting anything in return.

I happen to be an advocate of SDI. I happen to think it makes sense for us to try to develop systems capable of protecting American people, American cities, American weapons. Let us protect ourselves. Let us have weapons to destroy weapons, instruments to destroy weapons, instruments to protect our people. That makes sense. It makes eminent good sense. I do not want to see us negotiate or throw that away. I do not think we should. I certainly do not think we should throw it away without getting anything in return.

If we handicap ourselves by placing undue restrictions on ourselves that the Soviet Union does not have placed on them, that is exactly what we are doing.

I have visited with General Abrahamson. He said,

> Yes, we can conduct an SDI program under the narrow interpretation. But, yes, it is going to also be much more expensive, a lot costly, a lot more time consuming.

For what reason? Again the Soviets do not impose that kind of restraint on themselves.

For treaties to be positive they have to be mutual. It has to apply to the Soviets as well to ourselves. Frankly, in the ABM Treaty we negotiated for a strict treaty. We negotiated for a treaty that would limit future testing, development, and deployment. We did not get it.

The Soviet Union knows that and they have acted all along that this is quite obvious. The strictness is not in the treaty. But yet we are getting ready to impose it upon ourselves. I do not think that makes sense.

We should help our negotiators. They are making real progress. They have been negotiating for years. They are getting close, very close, on INF. They are not all that far away on doing something real on long-range weapons systems, as well, on the START talks.

Ambassador Lehman, in my opinion, has done an outstanding job; an outstanding job.

And I would encourage any Senator on the floor and any Senator who might be listening to contact the negotiators. Call Ron Lehman, call Ambassador Cooper, call Paul Nitze, call Max Kampelman. Ask those individuals who have been negotiating across the table from the Soviet Union what this amendment means. Ask them if we should be placing restraints on the SDI Program without even negotiating, without getting anything in return. If you will ask them, I think that they will tell you that they would much prefer to see Congress not tie their hands; to give them as much flexibility as possible.

The Soviets are concerned about this SDI Program. They are very concerned. They would love to see us limit it either through appropriations or through legislation like we are getting ready to do.

They would like to see the restraints. Do they have to trade anything? Do they have to say: We will limit any testing in these areas? The Soviets do not have to give up anything.

Did we negotiate and say, well, wait a minute. We do not want you to enhance your capabilities for defensive systems; we do not want you to be doing any testing or development for ABM systems, so we will both do this together?

Are they giving up one iota for our putting this language in? No. We are constraining ourselves. We are not constraining the Soviet Union.

To me, that is a very serious mistake; a serious mistake dealing with ABM. It would be a serious mistake if we acquiesced with the House language dealing with SALT II. It would be a mistake if we acquiesced in the House language dealing with ASAT, putting restrictions on ASAT.

All these are very important questions. The Soviets have an aggressive ASAT program. I hate to see us take unilateral positions that put us in an inferior position, either negotiating or strategically or in defense posture with the Soviet Union.

I very much want and pray to have a safer world. I happen to think we are going to be much safer when we have comparable systems and the Soviet Union knows that we possibly have systems capable of protecting ourselves.

I was shocked when I learned that we do not have systems capable of destroying incoming Soviet ICBM's. A lot of Americans do not know that. They do not know that we cannot destroy an intercontinental ballistic missile [ICBM's] coming over the polar area. We can monitor it, we can retaliate, but we cannot destroy it, and that is what we are really talking about trying to develop with SDI. We are talking about coming up systems able to destroy missiles coming over. Let us do that. Let us work on this.

You know, this is one of the things that has disappointed me concerning debate on this issue and all the technicalities dealing with broad versus narrow. This may be great for the legal counsel. They may love poring over these voluminous negotiating records. I myself have gone up, I have read some of these negotiating records. You can become tired of it very quickly.

What really bothers me is we have not spent the time talking about what enhances the security of the United States; what enhances the security of free people. What can we do?

I wonder how many Senators have really spent some time with General Abrahamson or other people in the Department of Defense asking what can we do to protect ourselves? Can we come up with capabilities, if we had an early warning system or notice that, yes, they are launching or preparing to launch? Would a President have an option? Would a President even have an option to try and destroy those incoming missiles? Or is his only option whether or not to retaliate and possibly retaliate before those incoming missiles strike? Launch before we are stricken.

This is not really a very good option. I would not want to be a Commander in Chief and have my only option be retaliation. I, personally, would like to have a defensive option. I would like it, if we had the Department of Defense be for defense, not for more and more offense. I think the mutual assured destruction [MAD] theory, which really evolved in the early sixties, is absurd.

The MAD idea that we are going to have so many offensive weapons and you have so many and we both know it will be so horribly destructive, so let us not engage in nuclear hostilities—that is dangerous. It is dangerous when you have individuals like Qadhafi or Khomeini, who may have in their hands, some day, a nuclear weapon. What kind of option does that give us?

Oh, yes, they can inflict a lot of damage on us and we can inflict more damage on them. So the population will suffer a tremendous pain and penalty because we can retaliate in a manner that is just as bad as theirs.

Would it not be much better to give the Commander in Chief an option of saying: Yes, we understand they have a weapon, but we also have some systems capable of destroying that weapon, destroying that weapon before it does significant damage to our interests, to the interests of the free people of the world?

We have a lot of responsibility in this body, determining the outcome and course of this issue. I just think it would be a very, very serious mistake if we handicapped those persons conducting the trials, testing the efforts to develop these systems, to place constraints on ourselves that greatly exceed any constraint imposed on the Soviet Union. I think it would be a serious mistake.

So that is the reason why I think this debate has gone on and on. I, for one, will tell my colleagues that I question whether or not we should filibuster.

I think it is important for people to know this issue; to know it is important. I feel confident the President would veto.

If we do not have the votes to strike this language, although I hope that we do, let us hurry up and pass the bill. Let us let the President veto the bill and let us take it up again without it on there. I am confident we have the votes to sustain his veto. The checks and balances can work.

I think, again, the time of bringing forth this issue could not be worse. We are negotiating. There is a short period of time when we can come up with, I think, a significant INF treaty. Possibly we could do more.

I think this language, by constricting our negotiators, by constricting our SDI Program, without getting anything in return at the bargaining table, is a very, very serious mistake.

So I hope that my colleagues will join with me in support of the Warner amendment.

Mr. President, I yield the floor.

The **PRESIDING OFFICER.** The Senator from South Carolina is recognized, Senator HOLLINGS.

Mr. **HOLLINGS.** Mr. President, in joining the debate at this time, let me express a genuine regret, Mr. President, that no longer is the U.S. Senate the world's most deliberative body.

I was privileged to be here when it truly was deliberative. Debates in those days were both educational as well as inspirational. They educated this Senator.

Indeed, that was the original purpose of the Senate. As Jefferson told Washington, out at Mount Vernon, in rejecting the idea of a unicameral legislature in favor of a bicameral legislative branch, the Senate would serve to cool passions and permit dispassionate decisionmaking. Jefferson said that just as we pour scalding tea into a saucer to cool it before drinking, so the Senate would be a body where the political passions are cooled and tempered, where issues are decided deliberatively for the good of the country.

Likewise, the intrusion of television has decreased the occasions and opportunities for genuine debate among Senators on the floor. Instead, we are either back in our offices watching floor action on TV, or we are on the floor mugging for the cameras. The other day, after I had raised a point with a fellow Senator, instead of answering me he kept looking high up to the corner of the gallery. I asked my assistant, "Where in the world is he looking—who is he talking to?"

They answered, "Don't you know, he is talking to the camera up there."

These days, we couldn't care less what a fellow Senator thinks, sees, hears, or understands. We in the South cannot learn from the North, nor the East from the West. We in rural areas cannot learn the problems and lessons of metropolitan areas. We each retreat into our parochial concerns.

Oh sure, we all agreed on the idea of government in the sunshine. Senators got elected by taking the doors off the offices. But now we have gone too far, we have become sunburned. We have gone to the extreme, to the point where you cannot get Senators' attention—particularly on matters as complex as the ABM Treaty and the strategic defense initiative.

As concerns the debate now at hand, Mr. President, the issue is not whether the administration will have a blank check. The Senator from Georgia and the Senator from Michigan 2 years ago began their backchannel assault on the strategic defense initiative. They have never supported it, Senator LEVIN has actually voted against SDI at critical junctures.

Senators have had to fight tooth and nail, not just in the authorization process, but also through the appropriations process and into the continuing resolution. Never mind the Soviets, it has taken a battle royal just to defend the United States of America here in this august body.

We have heard all this scare talk about boondoggles, costs amounting to $2 trillion, and so on. Yet all that is hoped for and all that could be hoped for at this early stage is research, development, and testing to see whether it makes any sense to even consider deployment.

We can argue ad infinitum about whether SDI will work. But, Mr. President, the best evidence on that score is what Mr. Gorbachev thinks. You might not think it will work, I might not think so, another man might have doubts but Gorbachev is a true believer. Twenty scientists cannot explain to me how a plane flies, much less how we got to the Moon, but we did it. I remember how they ridiculed Kennedy when he said we were going to the Moon.

Likewise, now we have a whole crew of self-styled peace activists. How nice to be wrapped in the mantle of peace in contrast to us warmongers.

Patrick Henry said, "peace, peace, everywhere they cry peace"—200 years ago—"but there is no peace." Well, there is peace today only because of our nuclear deterrent on the one hand, and our superiority of technology on the other hand.

I heard the Senator from Michigan talking about how his amendment was just a modest little limitation. I said, "That cannot be allowed to pass unchallenged." So here I am, and he has beat a retreat.

"If you wish for peace," as George Washington said, "you must prepare for war."

President Kennedy was a young lad in 1940, a senior at Harvard. His father was Ambassador to the Court of St. James. Traveling to Europe that summer of 1940, the question in young J.F.K.'s mind was how, after World War I and in a short 20-year period, the vanquished could have risen to challenge the victor, how the great British Empire could be brought to its knees by an aggressive Germany. Young Kennedy wrote this in his senior thesis and later published it in a book titled "Why England Slept." Kennedy noted that the argument by Germany's neighbors in the 1930's was "don't worry." After all, they said, it is just a manifestation of the humiliation that the Germans suffered in defeat. It is just German macho, nothing to worry about. Sure, they have a bunch of arms, but they haven't any place to use them. Well we soon found out that they knew exactly how and where to use these massive stockpiles of arms. The illusion was shattered by the occupations of the Sudetenland and Poland in 1939.

Today we hear striking similar arguments on the floor of the Senate. They say we need not defend ourselves or match the Soviet buildup. After all, they say, the Soviets will never use those arms.

Here in 1987, America sleeps. The peace activists are fatalistic. They say you cannot defend yourself against a missile attack. But Mr. Gorbachev believes you can. He has spent billions of rubles and 10 years of research. They have a decade-long jump on us. They are far ahead in space stations. Their astronauts stay in space for nearly a year at a time. Meanwhile, we are floundering around trying to play catchup ball amidst an obstacle course of budget constraints.

The half-thinking and wishful thinking of the 1930's is now heard here in the U.S. Senate. Kennedy wrote about it in "Why England Slept."

Likewise I hear echoes of Sir Herbert Lawson on the House of Commons saying that arms bleed social programs. Here in the Senate, they protest that we cannot affort SDI. Yet the difference in the argument is between funding at $3.2 billion or funding at $4.2 billion. How can we say, in a $3.5 trillion economy, we cannot find an additional $1 billion for research to defend ourselves?

Another shibboleth—Kennedy wrote of it in 1940 and today many in America believe it—is that arms cause war, rather then prevent war. If only we would set the example by laying down our arms and hugging and loving, we would have an international love-in. Give Gorbachev a bear hug. Kiss his glasnost. Whoopee. In this spirit, we have a delegation of Congressmen visiting Krasnoyarsk and pronouncing it harmless.

Any honest Congressman would have acknowledged he didn't know what he was looking at. They are not physicists. In contrast, our Government has action pictures from our overhead satellites. We know exactly what Krasnoyarsk will do and exactly what the violations are.

But the attitude is one of hear no evil, see no evil. We are all swept up with glasnost.

Jerry Ford said, when he was President in 1985, "Do not mention that word détente anymore." Here we are, a decade later, proclaiming whoopee, glasnost, and, after all, arms cause war.

Down in Nicaragua, they said back in 1979 that Danny Ortega was well intentioned, that we should give him aid. So we gave him aid and he kicked us in the groin, he shut down democracy. Now our entire hemisphere is threatened, but we hear the cry, "Leave Nicaragua alone. We don't want to start a war."

Similarly on trade, they fret that we might start a trade war. Well, let the record show that the first bill to pass the National Congress 198 years ago on the Fourth of July 1789 was a tariff bill on some 700 imported items. We started the trade war two centuries ago in order to build the industrial backbone of America.

So how naive can we be today? Do we not read history? Do we not understand anything about the greatness of this land?

Will we get into an arms race by researching SDI? The fact is, we are already in an arms race and we will continue to be in it. Hopefully, we will always be able to best our adversary thanks to our technology. After all, there are not as many Americans as there are Russians or Chinese. SDI is fundamental to our security.

Mr. President, I can tell you here and now that Mr. Gorbachev knows what he is doing. Gorbachev is like Louisiana politicians; they are smart; they don't just wander into office. The Presiding Officer did not get here via a beauty contest. He got here with his wits. But Brezhnev was not that smart. He thought he could terrorize and cow Europe, imposing hegemony with his SS-20 intermediate-range missiles. And he almost succeeded. He almost succeeded. You have got to give President Reagan credit for sticking to his guns, deploying Pershing II's and cruise missiles. Meanwhile, all you heard in Congress was a great hue and cry that we must not deploy the Pershing II's because it would start an arms race. Well, we deployed the Pershings and now we are on the verge of an arms-reduction agreement.

But Mr. Gorbachev with his glasnost and PR skills is infinitely more shrewd and savvy. He is going to win hegemony over Europe by taking away all of our missiles. That will leave only his 144 Red Army divisions against our 40. That is how he is going to do it. He is out to destroy political will.

That is why I voted against the Dole-Warner proposal. After all, if the Soviets can get rid of those missiles with inspections, and thereafter get rid of chemical weapons with inspections, then they have checkmated Maggie Thatcher. Meanwhile, they convert a fertilizer factory and in 6 months' time, they have built up a 10-year supply of chemical arms.

So let us not hear this story about how the Soviets are trying to save money and how their economy is in such bad shape. Let us not think that SDI has brought the Soviets to the bargaining table. They are at that arms control table because they want to be, because they have a strategy to leave the West vulnerable. We never should have toyed at Reykjavik with the idea of complete nuclear disarmament. Conventional arms have never prevented war. Nuclear weapons have.

The United Kingdom knows the value of a nuclear defense. Their conventional deterrent is negligible. But they are a secure nation thanks to their nuclear missiles. That is the only way they are going to be able to protect the British Isles, and they know that. It is no surprise, then, that they have grave misgiving about the current pell-mell rush to repair President Reagan's political standing by crippling Europe's nuclear defense. He will get his summit on arms control, and as a result we are going to sap and demoralize NATO.

Back in 1971, Senator Mansfield and I had a debate in the Senate about bargaining chips. The SALT and ABM negotiators told us categorically, "Never vote for anything as a bargaining chip. If you need it, vote for it. Support it." I repeat, the Soviets are sophisticated these days. They know what they want, what they need. They will recognize a bargaining chip and they simply will disregard it." They have far more sense than we give them credit for and here we talk naively like we are trying to protect a bargaining chip in the current negotiations over an INF Treaty. That is not the issue.

The issue plain and simple is whether we are going to trash the strategic defense initiative program. As I said, the Senator from Michigan started his anti-SDI activism 2 years ago. He persuaded our distinguished colleague, the Senator from Georgia to join him. It is dismaying to me, at this crucial hour in our history, that our leadership is writing this language in the bill: "Funds appropriated or otherwise made available to the Department of Defense during fiscal years 1988 and 1989 may not be obligated or expended to develop or test antiballistic missile systems."

Well, heaven's above, the armed service crowd is supposed to be defending the United States and they say we cannot spend any money to defend ourselves. They know that what is prevailing here will be done by a majority vote rather than a two-thirds vote. They will give us a new treaty. They also know that 2 years from now they can say "Well, we debated that and now that you are ready to do some testing, but our new, unique, restrictive interpretation of the ABM Treaty says you can't test." And, yes, SDI will be eliminated as a bargaining chip. But more important, it will be gone from our security. Look what lies ahead of us. We will have an INF Treaty that disarms Europe. There will be the overwhelming strategic offensive weaponry that already exists in the Soviet Union; there will be a Soviet defensive system in space which they are now beginning to develop. We will see the Soviet lead, we will know the Soviet lead, and we will understand the Soviet lead. And we will be subject to hegemony here in the United States. Who thinks we are going to end the world in order to save Berlin? Who thinks we are going to end the world to save any of those countries which will not defend themselves because they will not appropriate a lot of their GNP because the United States does not have a draft to show its commitment? But by that time, the Soviets will have Finlandized Europe and destroyed the United States' influence. We can then forget about Angola and our commitments in Africa. We can forget about our commitments in the Far East. We can forget about our commitments in this hemisphere because they will have taken over down in Latin America. You know, Mr. President, we cannot even find $100 million, to save freedom in the Americas, I am going to have an amendment on that based on a GAO study which I had conducted. It examines our costs in the Persian Gulf. We can find $100 million to protect oil about 7,000 miles from here, but we cannot find $100 million for freedom in our hemisphere. It is a sad thing. It is a very sad thing that we have to observe.

So the issue here is not all of these little nice sounding words in the defense bill that we want the President to come back and report to us. No, no. They do not want any kind of testing or developing of SDI technology. We will get into more of that debate later on—the successes that we have had in SDI. But I am surprised at the technology developing so far on SDI. It is very encouraging. We ought to appropriate more money to assure its continued success. That would be appreciated, and the validity of the program and various technology can either be proved or disproved.

So the issue is very, very clear here. It is not our distinguished friend Sofaer. I do not know him as well as I should. But what I do know of him, he is a professional. He is not a shield. He is not a political tool to give the administration a politicized decision. He is proud of his profession. He is proud as a former judge of the Federal courts, and he has come to the Department of State, and was given a charge. He has fulfilled that charge in a very intelligent and thorough fashion. He realized his staff had made a halfway report. The Senators from Michigan and Georgia continue to attribute to him what he corrected. And Judge Sofaer has done his job in a professional fashion.

Various Senators and I have been up on the fourth floor of the Capitol listening, learning, reading, and studying the record of the treaty. I can tell you here and now that the argument is erudite and is professional as Sofaer is, and his presentation is not the Sofaer-Nunn controversy because I know who wins on that score. Senator NUNN is popular and respected in this body, and the subject is complicated. And it is too easy to roll over and say SAM spent 3 days on this thing, presented it to the body. My colleagues tell me "I know what you are saying, but I am going to stick with the chairman of the Armed Services Committee."

So that would end the entire debate. I am afraid that is the point where we are because we cannot get, with live quorums and time given, the attention of the body. They are tied up in trade, budget, debt limit, and all the other particular bills, and in markups in the Appropriations Committee. So it is very, very easy to take this involved matter and—just as with the Judge Bork nomination—there is a parade that has already passed town. We will vote with the chairman of the Armed Services.

But I say most seriously this is a dark day for the defenses of our country. Look at what people are saying. Take Paul Nitze, whom I met I think as Secretary of the Navy for Lyndon Johnson. Here is a chief negotiator saying that you can test and develop SDI technology. Then there is Ambassador Smith saying that you can test and develop. There is General Allison saying that you can test and develop. There is Harold Brown having written that you can test and develop. There is Secretary of State Rogers at the time saying you can test and develop. There is the chairman of the Joint Chiefs of Staff, Admiral Moorer, saying you can test and develop. There is General Palmer, and he is testifying—which incidentally was left out of the Nunn presentation—saying you can test and develop the system. All of those witnesses and all of the subsequent practices go out of the window, and the Senator from Georgia is ahead because the Members won't come and listen.

I and the anti-SDI crowd won't debate. But they are good at confusing. Senator NUNN comes and says exotics. If you can find the word "exotics" in this treaty, I will jump off the dome. Now we will make a second jump off the dome. I am getting a little bit more assured because they cannot show me otherwise. I do not mind if I am wrong. Just tell me, and we will all quietly go away.

But the other strategy here is, as the Senator said on yesterday, to confuse fixed land-based and mobile systems. And the inference is from the Senator from Georgia in this confusion, that article II controls fixed land-based and article V controls mobile-based.

If we can find fixed land-based and if we can find the mobile-based systems, treated in that fashion in this treaty, I will jump off the dome.

Mr. NUNN. Will the Senator yield? I do not contend, if I may, to my friend from South Carolina, that article II controls fixed land-based. Article II is only the definitional section. It does not differentiate between fixed land-based and mobile, sea-based and air-based. Article V defines what is limited for testing and development purposes, and article V excludes fixed ground-based.

Mr. HOLLINGS. How does it exclude it? I have the treaty.

Mr. NUNN. If the Senator will read article V——

Mr. HOLLINGS. I read article V.

Mr. NUNN. I do not have it in front of me. But if the Senator will read it out loud.

Mr. HOLLINGS. All right. We will read it out loud for the distinguished chairman. Article V says each party undertakes not to develop, test or deploy the ABM systems or components which are sea-based, air-based, space-based, mobile land-based.

Mr. NUNN. That is right. The Senator just made it clear that it does not include fixed land-based. That was purposeful.

Mr. HOLLINGS. That's because fixed land-based systems are those current in 1972—defined in article II—and article V is tied to variants of those. Agreed statement D deals with futuristic systems.

Mr. NUNN. It does not say fixed land-based. Why does it say mobile land-based? Because it is fixed land-based. That is what the heart of article V means. It excluded fixed land-based but the United States wanted to be able to test and develop our fixed land-based laser systems. That was one of the goals President Nixon gave to the negotiators. So in article V we very cautiously and very carefully excluded fixed land-based.

The Senator, if he reads that, read it again and again, he will see fixed land-based is excluded there because we wanted to test and develop the land-based and we retain that right. We still retain that right.

I thank my friend for yielding.

Mr. HOLLINGS. I thank the chairman for fashioning the debate his way. As I said yesterday he confuses by throwing in ground-based exotics, not mobile, and fixed land-based. The issue is current versus future—plain and simple.

The entire argument and I am going to elaborate again, was present and future, not fixed land-based. Article II says that for the purposes of this treaty—and this defines the ABM systems—and ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory currently—currently—consisting of talking about the present 1972 as distinguished from agreed statement D, which treats the future—ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role or a type tested by an ABM mode, ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles, and ABM radars, which are radars constructed and deployed for an ABM role or of a type tested in an ABM mode.

Paragraph 2 of article II further defines the ABM system components listed in paragraph 1 of this article as including those which are (a) operational, (b) under construction (c) undergoing testing, (d) undergoing overhaul, repair or conversion, or (e) mothballed—which are currently operational, currently under construction, currently undergoing testing, currently undergoing overhaul, repair, or conversion, or currently mothballed.

Now that we have gotten away from exotics, we have gotten to the crux of the argument. So let us see whether the negotiations were talking about fixed land-based as compared to mobile.

It is clear that the U.S. delegation was instructed, "Don't agree to flexibility for the future. We want a controlled future."

The entire argument was whether or not the future versus the current could be controlled—it was not the issue of mobile-based versus land-based.

We can look at the negotiating record made at the time, because this is extremely important. The Senator from Georgia says agreement was reached on September 15, 1971 whereby future systems were controlled forever. It is in the record, and I want to get the exact quote. I quote Senator NUNN:

> The negotiating record shows that the parties explicitly agreed that the restrictions on testing and deployment of mobile space-based ABMs applied to any type of present or future component of ABM systems, and this included exotics.

That was subsequent to the paragraph where he was talking about the debate they had as evidenced by the negotiating record with respect to United States and Soviet decisions on articles VI between September 15 and September 24. It is headed: "Sofaer finds that parties fail to agree on limiting exotics," in this article.

Pay close attention. Senator NUNN says,

> Oh, no, that is wrong. The negotiating record said that those restrictions applied to any type of present or future components of ABM systems.

That was on September 15, and that is the distinguished chairman's categorical statement on which he bases his argument. I am going to show you the categorical U.S. memorandum of the negotiating record plus the statements made at that time.

I have looked at the record and found out first that the debate on future systems begins before September 15.

(Mr. CONRAD assumed the chair.)

On August 17, 1971, Harold Brown, one of the U.S. negotiators, and later Secretary of Defense is quoted from a U.S. ABM staff memorandum as follows:

> Had we made it clear that in the first paragraph we were talking about a ban on deployment, but not on the development and testing of future kinds of systems.

He was talking about future kinds of systems, using the word "future" and not fixed land based.

Academician Shchukin of the Soviet staff said that if one could not point to specific systems in or near development status, the politicians and diplomats would probably not be interested in possibilities.

He was trying to say, "Tell me what you are talking about."

On August 24, again quoting from that record:

> The sides had achieved an understanding that limitation should cover such systems of ABM defense as radars, launchers, and ABM interceptor missiles. . . . In other words, the treaty should have for its subject ABM systems which could be technically described and determined . . .

Remember the Nunn language, in his presentation, about inferentially, generically describing and implicitly inferring—I am going to get back to that. Remind me, please.

Here is Shchukin saying that it has to be technically described and determined.

"What did the U.S. have in mind in speaking of such systems as devices?"

That is the quotation from the U.S. memorandum, the negotiating record, on Shchukin, in 1971.

Here's Ambassador Smith, on August 27: "If future systems were not covered, uncertainties would increase."

Ambassador Smith was carrying out his charge, in charge of the negotiating team. He said, "Let us cover the future."

Harold Brown, on August 27, with regard to U.S. article VI—it later became V, indicated that—

> Our objective in this Article 6 is to establish a commitment that neither side will deploy ABM systems—including future types of ABM systems—which might not use ABM interceptor missiles, ABM launchers, or ABM radars . . .

Again, he was trying to include future systems. He was not talking about the difference between fixed land-based and mobile systems. This is a straw man they put up and they blamed Sofaer for it. He is not responsible for it, because that is not the treaty and that is not in the record and that is not even in the treaty. The argument was over current and future. That was the entire argument.

On August 31, 1971, General Trusov:

> A provision of the kind which the U.S. side has proposed would add an undesirable element of vagueness to our ABM agreement . . .

Remember what I said yesterday, that Garthoff said, "Be precise." Remember when I said Ambassador Gerard Smith said in his book it was precise. Here they are arguing a year before ratification. We ratified the treaty in August 1972, and in August 1971, when joining in this ABM Treaty, the Soviets said, "Let us not be vague."

These were lawyers. These were very careful draftsmen. They did not want vagueness, and they were not talking about fixed, land-based versus mobile-based.

I quote what Senator NUNN said yesterday. He said:

> Because the Senator from South Carolina, as Judge Sofaer did to begin with in this deliberations—and he has clarified a lot of that since then—fails to distinguish between ground-based and mobile-space-air testing. Everyone agrees—and that was an American position in the talks all along—that we were going to protect our ability to test exotics as long as they were ground-based exotics, not mobile, not space, not air. This record is so confusing because people do not distinguish between the two.

If you want to study this record as thoroughly as I have, do not get confused by Senator NUNN's gymnastics.

I quote Senator NUNN again:

> There is no doubt that exotics can be tested, but it is only a certain kind of exotics, and that is mobile, air, and space, that cannot.

He forms a treaty that never was ratified. You cannot find that in this treaty.

Mr. President, I ask unanimous consent that the full text of the treaty be printed at this point in the RECORD.

There being no objection, the treaty was ordered to be printed in the RECORD, as follows:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS

[Note—Signed at Moscow May 26, 1972; Ratification advised by U.S. Senate August 3, 1972; Ratified by U.S. President September 30, 1972; Proclaimed by U.S. President October 3, 1972; Instruments of ratification exchanged October 3, 1972; Entered into force October 3, 1972.]

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Proceeding from the premise that nuclear war would have devastating consequences for all mankind,

Considering that effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons,

Proceeding from the premise that the limitation of anti-ballistic missile systems, as well as certain agreed measures with respect to the limitation of strategic offensive arms, would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament,

Desiring to contribute to the relaxation of international tension and the strengthening of trust between States,

Have agreed as follows:

ARTICLE I

1. Each party undertakes to limit anti-ballistic missile (ABM) systems and to adopt other measures in accordance with the provisions of this Treaty.

2. Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty.

ARTICLE II

1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;

(b) under construction;

(c) undergoing testing;

(d) undergoing overhaul, repair or conversion; or

(e) mothballed.

ARTICLE III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, and (2) ABM radars within no more than six ABM radar complexes, the areas of each complex being circular and having a diameter of no more than three kilometers; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, (2) two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in an ABM system deployment area containing ICBM silo launchers, and (3) no more than eighteen ABM radars each having a potential less than the potential of the smaller of the above-mentioned two large phased-array ABM radars.

ARTICLE IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

ARTICLE V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each Party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time from each launcher, not to modify deployed launchers to provide them with such a capability, not to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

ARTICLE VI

To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by the Treaty, each Party undertakes:

(a) not to give missiles, launchers, or radars, other than ABM interceptors missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode; and

(b) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

ARTICLE VII

Subject to the provisions of this Treaty, modernization of ABM systems or their components may be carried out.

ARTICLE VIII

ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time.

ARTICLE IX

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

ARTICLE X

Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

ARTICLE XI

The Parties undertake to continue active negotiations for limitations on strategic offensive arms.

ARTICLE XII

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

ARTICLE XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintended interference with national technical means of verification;

(d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty; including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

2. The Parties through consultation shall establish, and may amend as appropriate, Regulations for the Standing Consultative Commision governing procedures, composition and other relevant matters.

ARTICLE XIV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Treaty.

2. Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty.

ARTICLE XV

1. This Treaty shall be of unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

ARTICLE XVI

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the day of the exchange of instruments of ratification.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on May 26, 1972, in two copies, each in the English and Russian languages, both texts being equally authentic.

For the United States of America:

RICHARD NIXON,
President of the United States of America.

For the Union of Soviet Socialist Republics:

L.I. BREZHNEV,
General Secretary of the Central Committee of the CPSU.

AGREED STATEMENTS, COMMON UNDERSTANDINGS, AND UNILATERAL STATEMENTS REGARDING THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILES

1. AGREED STATEMENTS

The document set forth below was agreed upon and initiated by the Heads of the Delegations on May 26, 1972 (letter designations added);

Agreed statements regarding the treaty between the United States of America and the Union of Soviet Socialist Republics on the limitation of anti-ballistic missile system.

[A] The Parties understand that, in addition to the ABM radars which may be deployed in accordance with subparagraph (a) of Article III of the Treaty, those non-phased-array ABM radars operation on the date of signature of the Treaty within the ABM system deployment area for defense of the national capital may be retained.

[B] The Parties understand that the potential (the product of mean emitted power in watts and antenna area in square meters) of the smaller of the two large phased-array ABM radars referred to in subparagraph (b) of Article III of the Treaty is considered for purpose of the Treaty to be three million.

[C] The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers.

[D] In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XII and agreement in accordance with Article XIV of the Treaty.

[E] The Parties understand that Article V of the Treaty includes obligations not to develop, test or deploy ABM interceptor missiles for the delivery by each ABM interceptor missile of more than one independently guided warhead.

[F] The Parties agree not to deploy phased-array radars having a potential (the product of mean emitted power in watts and antenna area in square meters) exceeding three million, except as provided for in Articles III, IV and VI of the Treaty, or except for the purposes of tracking objects in outer space or for use as national technical means of verification.

[G] The Parties understand that Article IX of the Treaty includes the obligation of the US and the USSR not to provide to other States technical descriptions or blue prints specially worked out for the construction of ABM systems and their components limited by the Treaty.

2. COMMON UNDERSTANDING

Common understanding of the Parties on the following matters was reached during the negotiations.

A. Location of ICBM Defenses—The U.S. Delegation made the following statement on May 26, 1972:

"Article III of the ABM Treaty provides for each side one ABM system deployment area centered on its national capital and one ABM system deployment area containing ICBM silo launchers. The two sides have registered agreement on the following statement: "The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers." In this connection, the U.S. side notes that its ABM system deployment area for defense of ICBM silo launchers, located west of the Mississippi River, will be centered in the Grand Forks ICBM silo launcher deployment area. (See Agreed Statement [C].)"

B. ABM Test Ranges—The U.S. Delegation made the following statement on April 26, 1972:

"Article IV of the ABM Treaty provides that "the limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges." We believe it would be useful to assure that there is no misunderstanding as to current ABM test ranges. it is our understanding that ABM test ranges encompass the area within which ABM components are located for test purposes. The current U.S. ABM test ranges are at White Sands, New Mexico, and at Kwajalein Atoll, and the current Soviet ABM test range is near Sary Shagan in Kazakhstan. We consider that non-phased array radars of types used for range safety or instrumentation purposes may be located outside of ABM test ranges. We interpret the reference in Article IV to "additionally agreed test ranges" to mean that ABM components will not be located at any other test ranges without prior agreement between our Governments that there will be such additional ABM test ranges."

On May 5, 1972, the Soviet Delegation stated that there was a common understanding on what ABM test ranges were, that the use of the types of non-ABM radars for range safety or instrumentation was not limited under the Treaty, that the reference in Article IV to "additionally agreed" test ranges was sufficiently clear, and that national means permitted identifying current test ranges.

C. Mobile ABM Systems—On January 29, 1972, the U.S. Delegation made the following statement:

"Article V(1) of the Joint Draft Text of the ABM Treaty includes an undertaking not to develop, test, or deploy mobile land-based ABM systems and their components. On May 5, 1971, the U.S. side indicated that, in its view, a prohibition on deployment of mobile ABM systems and components would rule out the deployment of ABM launchers and radars which were not permanent fixed types. At that time, we asked for the Soviet view of this interpretation. Does the Soviet side agree with the U.S. side's interpretation put forward on May 5, 1971?"

On April 13, 1972, the Soviet Delegation said there is a general common understanding on this matter.

D. Standing Consultative Commission—Ambassador Smith made the following statement on May 22, 1972:

"The United States proposes that the sides agree that, with regard to initial implementation of the ABM Treaty's Article XII on the Standing Consultative Commission (SCC) and of the consultation Articles to the Interim Agreement on offensive arms and the Accidents Agreement,[1] agreement establishing the SCC will be worked out early in the follow-on SALT negotiations; until that is completed, the following arrangements will prevail: when SALT is in session, any consultation desired by either side under these Articles can be carried out by the two SALT Delegations; when SALT is not in session, ad hoc arrangements for any desired consultations under these Articles may be made through diplomatic channels."

Minister Semenov replies that, on an ad referendum basis, he could agree that the U.S. statement corresponded to the Soviet understanding.

E. Standstill—On May 6, 1972, Minister Semenov made the following statement:

"In an effort to accommodate the wishes of the U.S. side, the Soviet Delegation is prepared to proceed on the basis that the two sides will in fact observe the obligations of both the Interim Agreement and the ABM Treaty beginning from the date of signature of these two documents."

In reply, the U.S. Delegation made the following statement on May 20, 1972:

"The U.S. agrees in principle with the Soviet statement made on May 6 concerning observance of obligations beginning from date of signature but we would like to make clear our understanding that this means that, pending ratification and acceptance, neither side would take any action prohibited by the agreements after they had entered into force. This understanding would continue to apply in the absence of notification by either signatory of its intention not to proceed with ratification or approval."

The Soviet Delegation indicated agreement with the U.S. statement.

3. UNILATERAL STATEMENTS

The following noteworthy unilateral statements were made during the negotiations by the United States Delegation:

A. Withdrawal from the ABM Treaty—On May 9, 1972, Ambassador Smith made the following statement:

"The U.S. Delegation has stressed the importance the U.S. Government attaches to achieving agreement on more complete limitations on strategic offensive arms, following agreement on an ABM Treaty and on an Interim Agreement on certain measures with respect to the limitation of strategic offensive arms. The U.S. Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces. The USSR Delegation has also indicated that the objectives of SALT would remain unfulfilled without the achievement of an agreement providing for more complete limitations on strategic offensive arms. Both sides recognize that the initial agreements would be steps toward the achievement of more complete limitations on strategic arms. If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty. The U.S. does not wish to see such a situation occur, nor do we believe that the USSR does. It is because we wish to prevent such a situation that we emphasize the importance the U.S. Government attaches to achievement of more complete limitations on strategic offensive arms. The U.S. Executive will inform the Congress, in connection with Congressional consideration of the ABM Treaty and the Interim Agreement, of this statement of the U.S. position."

B. Tested in ABM Mode—On April 7, 1972, the U.S. Delegation made the following statement.

"Article II of the Joint Text Draft uses the term "tested in an ABM mode," in defining ABM components, and Article VI includes certain obligations concerning such testing. We believe that the sides should have a common understanding of this phrase. First, we would note that the testing provisions of the ABM Treaty are intended to apply to testing which occurs after the date of signature of the Treaty, and not to any testing which may have occurred in the past. Next, we would amplify the remarks we have made on this subject during the previous Helsinki phase by setting forth the objectives which govern the U.S. view on the subject, namely, while prohibiting testing of non-ABM components for ABM purposes: not to prevent testing of ABM components, and not to prevent testing of non-ABM components for non-ABM purposes. To clarify our interpretation of "tested in an ABM mode," we note that we would consider a launcher, missile or radar to be "tested in an ABM mode" if, for example, any of the following events occur: (1) a launcher is used to launch an ABM interceptor missile, (2) an interceptor missile is flight tested against a target vehicle which has a flight trajectory with characteristics of a strategic ballistic missile flight trajectory, or is flight tested in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range, or is flight tested to an altitude inconsistent with interception of targets against which air defenses are deployed, (3) a radar makes measurements on a cooperative target vehicle of the kind referred to in item (2) above during the reentry portion of its trajectory or makes measurements in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range. Radars used for purposes such as range safety or instrumentation would be exempt from application of these criteria."

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[1] See Article 7 of the Agreement to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics, signed Sept. 30, 1971.

C. No-Transfer Article of ABM Treaty—On April 18, 1972, the U.S. Delegation made the following statement:

"In regard to this Article [IX], I have made a brief and I believe self-explanatory statement to make. The U.S. side wishes to make clear that the provisions of this Article do not set a precedent for whatever provision may be considered for a Treaty on Limiting Strategic Offensive Arms. The question of transfer of strategic offensive arms is a far more complex issue, which may require a different solution."

D. No Increase in Defense of Early Warning Radars—On July 28, 1970, the U.S. Delegation made the following statement:

"Since Hen House radars [Soviet ballistic missile early warning radars] can detect and track ballistic missile warheads at great distances, they have a significant ABM potential. Accordingly, the U.S. would regard any increase in the defenses of such radars by surface-to-air missiles as inconsistent with an agreement."

Mr. HOLLINGS. Mr. President, I thing it is good that you can see the treaty and hear from the record because you can see the entire debate was between current and future.

I want to go a little further. On September 8, 1971, Karpov told him it was wrong to limit means not known to anyone. You see, as to future systems, they did not know what they were. They were differentiating between fixed land-based and mobile. They were thinking of lasers, particle beams, and fixed-base stations.

But the issue was not fixed land-based versus mobile whatever—absolutely not. He was talking about things he did not know, and you can tell throughout the debate that the Soviet team was trying to get to the point under the U.S. would be definative in its statement.

They said; "We are not going to cover those uncertainties; tell us what you are talking about."

Karpov said he believed it was wrong to limit means not known to anyone. Up to now, he noted, the subject of our discussions was limitations on concrete and specific ABM systems which might exist and could be verified by national means. We should adhere to this subject in the future too. He noted that appropriate procedures for handling these questions are envisaged. The Standing Consultative Commission would consider additions and amendments.

And that is what they finally put in agreed statement D.

Graybeal on that same date, September 8, 1971, says—well, he felt also you can go ahead. He felt that an operative article indicating clearly the objectives with regard to future systems would be far more useful than merely referring these questions to the Standing Commission.

He still is trying hard on behalf of the United States and trying to get the future included.

On September 13, 1971 Col. Fedenko reiterated the standard Soviet arguments against including any general provisions on future undefined ABM systems.

That is not fixed land based versus mobile. That is a whole big bollix of argument here that just does not pertain. There is no evidence for that.

Admittedly they use that expression from time to time. The military comes up and still talks in these military kinds of terms. But the great thing in issue between the negotiating teams was whether future systems could be controlled, and our team was charged to control the future, and the Russians were saying absolutely not and they succeeded.

On September 17—after the September 15 date that Senator NUNN said settled the issue—Ambassador Smith had the feeling that the Soviet position on article II reflected a desire that nothing be done to prejudice the Soviet position on the issue treated in paragraph 1 of article VI which concerned future systems.

The Soviet negotiator, Semenov, on that same date, stated that ". . . bearing in mind that inclusion of uncertainties in an agreement would surely lead to all sorts of misunderstandings in the future," . . . with reference to the U.S. position on article VI, ". . . where we were trying to control the future, . . ." he would not care to say any more. This problem would be kept in his field of vision for the next Vienna phase.

Then on September 20, the U.S. negotiator Garthoff, stated that there would remain seven points of difference, including a provision to cover future "unconventional" ABM systems.

They talk of unconventional. It was not fixed land-based and mobile. That is not the argument here that Senators LEVIN and NUNN put out. No. We should not bite on that bait whatsoever. It concerns future systems versus current systems. That was the whole debate and that is on September 20 when Senator NUNN said it was all settled on September 15.

And Shchukin on November 30, the Soviet side, and I quote from the United States negotiating memorandum, "The Soviet side cannot recognize as well-founded the proposal of the United States involving an obligation not to deploy ABM systems using devices other than . . . missiles, launchers, radars. The subject of a treaty could only be a specific and concrete limitation on ABM systems."

And so there you were. I could also include the statements from memoranda of December 7, 10, 14. Paul Nitze noted in connection with Shchukin's comments on future systems that the Soviet had emphasized the inappropriateness—of this subject for treaty language.

On December 14—3 months after Senator NUNN said it was settled in his presentation, the scholarly presentation—the negotiators are still arguing. Semenov said "Although Dr. Brown said the question of future ABM systems, which do not include launchers, radars and interceptors . . . I would like to ask what this is all about in concrete terms." This is Semenov, the Soviet negotiator. "In what does the U.S. side see a danger in the absence of a provision on this account in the treaty?" he asked.

I quote again, "If these systems cannot be defined now"—Senator NUNN defines them—here is a negotiator, the Soviet one, and I quote, "If these systems cannot be defined now, except that they are not something known today, and, at the same time, the draft treaty includes a number of clear limitations and constraints not to deploy territorial ABM systems, not to give the capability for rapid reload, et cetera, is it not sufficient to have such limitations?"

Quoting still from Semenov, "To be sure, including in the treaty a provision covering something that is not known cannot be justified by any considerations, and therefore this proposition cannot be the subject of a treaty."

They would not agree to future systems. They just would not agree. We tried all that fall period. You remember the President went over to Europe, I think it was early in 1972. Henry Kissinger was there and they worked over the SALT I Treaty overnight. They worked to 5 o'clock in the morning.

On December 17, Garthoff, our man said, and I quote from the staff memorandum, "On future ABM systems, I suggested to Kishilov the possibility of a new approach to meeting the issue. Perhaps it would be possible to have a clear and explicit understanding, for example, in an agreed minute, that neither side would deploy a future ABM system or components without prior consultation and mutual agreement in the Standing Consultative Commission.

Now you see how they are beginning to come around to agreed statement D, that they finally agreed on in May. They started thinking in these terms, having put it off all fall, in December 1971, and they sealed it in May 1972.

Garthoff said again on December 17, "Grinevsky referred to the conversation I had had that morning with Kishilov concerning a possible alternative approach to handling future ABM systems . . . handling these matters through the Standing Consultative Commission, rather than through explicit treaty provisions, offered a possible resolution to our differences."

Then, Mr. President, I am not going through the entire thing—I will put it all in the RECORD here.

But the December 20, U.S. staff memorandum quotes Semenov as follows:

> Suppose that the draft treaty . . . had a provision on limiting systems other than those now known which use interceptors and launchers . . . such a provision would create the grounds for endless arguments, uncertainties. . . . He asked if the goal of the two delegations isn't just the opposite, that is to reach agreement on limiting known ABM systems. . . . Certainly such limitations on known ABM systems constitute a factor for relaxing international tension and curbing the race in strategic arms and limiting them. . . . How then could an ABM Treaty include a provision about whose content the sides do not have the vaguest notion?

Oh, oh under Senator NUNN they had a notion, it was fixed land-base versus mobile. That is absolute nonsense. These negotiators said "We just don't know whatever they would come up. How can we limit the unknown?"

The Soviets demurred.

I quote still from Semenov:

> The sides cannot and must not engage in discussion of questions not known to anyone. The task faced by the two sides is to erect reliable barriers against deployment of known ABM components in excess of the levels defined by the ABM Treaty. . . . If it should appear necessary to supplement the ABM Treaty by a provision prohibiting or limiting other ABM components in addition to those now known, this can be done in accordance with the procedures provided for in provision on review.

And I will jump now to January 11, 1972, to save the time of the Senate.

> January 11, 1972. Grinevsky said that the treaty referred to ABM systems which were defined in Article II. It could not deal with unknown other systems.
>
> Garthoff challenged this interpretation on two grounds: first, the treaty dealt not only with ABM systems compromising components identified in Article II, but all ABM systems;

That is what he was trying to contend.

> Second, the issue did not concern "other" systems but rather future ABM systems . . . .

See, even our own negotiators were talking about future. They were not talking about fixed land-based versus mobile.

I am quoting again from Garthoff on January 11:

> However, what Garthoff was referring to—and the U.S. was particularly concerned about—was precisely ABM systems and components of some new kind in the future. Garthoff repeated his reference to laser ABM interceptors as an example.

See, now fixed land-based, not mobile. After the Senator from Georgia said it was all agreed to back in September and that is what we should deal with in fixed land-based and mobile. Here in January, our own negotiator is talking about laser ABM interceptors. That is what Senator Goldwater asked General Palmer. That is what was in the Armed Service report. That is what we were talking about.

Grinevsky, on January 14, the statement reads—and, let me read it exactly.

> January 14, 1972, Grinevsky produced a Soviet draft, based closely upon (but not identical with) the statement made in the meeting that morning by Academician Shchukin. The statement read:
>
> "With a view to ensuring the implementation of the provisions contained in Articles I and III of the Treaty on the limitation of ABM systems, the Parties agree that in the event of the emergence.

They were talking about the emergence and they intermittently used the word "create" where we would use "test and development."

> In the event of the emergence of ABM systems based on other principles questions of their limitation may be discussed further in accordance with Articles XIII and XIV of the ABM Treaty."

And then from General Allison, on February 1, 1972:

> We also appear to agree that substituting a different component for one of these three in the future would result in a "future" or "other" ABM system. It seems that . . . our Delegations should be able to agree on a set of words for the interpretive statement.

Mr. President, I know I have belabored the Senate, but you have to be specific. We are asked to interpret the treaty and this bill gives us a new treaty to ratify with this little amendment. And it is an awfully, awfully dangerous precedent and dangerous to the security of the country.

Let me read one final quotation from Garthoff, on February 1. You can see how he got to agreed statement D.

> February 1, 1972. Garthoff: Grinevsky called to say that he believed his Delegation could accept the proposal if the words "based on other physical principles and" were included before the phrase "including components."

So we got to Agreed Statement D to the treaty, and I will read it:

> In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such system and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

Mr. President, I ask unanimous consent that all of the references herein be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FUTURE ABM SYSTEMS

Soviet Rejections/Questions From Negotiations Record—Regarding Future ABM Systems Leading to Development of Agreed Statement D.

1. August 17, 1971. Brown: Had we made it clear that in the first paragraph we were talking about a ban on deployment, but not on the development and testing of future kinds of systems. (No mention of fixed, land-based systems.)

Shchukin: If one could not point to specific systems in or near development status, the politicians and diplomats would probably not be interested in future possibilities.

2. August 24, 1971. Shchukin: The sides had achieved an understanding that limitations should cover such systems of ABM defense as radars, launchers, and ABM interceptor missiles. . . . In other words, the treaty should have for its subject ABM systems which could be technically described and determined. . . . What did the U.S. have in mind in speaking of such ABM systems (refers to other devices in U.S. proposed Article VI) and such devices?

3. August 27, 1971. Minister Semenov: It was his impression that it was doubtful if it (the U.S. proposal on other devices) properly applied to the subject matter of an agreement on ABM limitations.

Ambassador Smith: If future systems were not covered, uncertainties would increase.

Brown: Our objective in this Article 6 is to establish a commitment that neither side will deploy ABM systems—including future types of ABM systems—which might not use ABM interceptor missiles, ABM launchers, or ABM radars.

4. August 31, 1971. General Trusov: Did not consider it reasonable or necessary to include a provision covering what he called undefined ideas, maintaining that the provision in both the U.S. and Soviet drafts for review and amendment would be sufficient . . . a provision of the kind which the U.S. side has proposed would add an undesirable element of vagueness to our ABM agreement.

5. September 3, 1971. General Trusov: The U.S. side's objective in including a paragraph in Article 6 to provide obligations not to deploy ABM systems, including future systems, which use components other than ABM launchers, interceptors, and radars is not clear. What is, in fact, involved is conjectural systems, i.e., some possible future systems not now known to anybody . . . the U.S. side proposes to include in a draft treaty limitations on the deployment of such systems or components not known to anybody. The Soviet side does not believe that it is correct to include such limitations.

Smith: Without an agreement on future systems . . . it would be a cruel illusion to the peoples of both nations to say that we had concluded an agreement on ABM systems.

6. September 8, 1971. Col. Fedenko: If ABM means different from those presently known . . . should be detected by national means, the problem could be examined by the Standing Commission.

7. September 8, 1971. Karpov: Believed it was wrong to limit means not known to anyone. Up to now, he noted, the subject of our discussions was limitations on concrete and specific ABM systems . . . which might exist and could be verified by national means . . . we should adhere to this subject in the future too. . . . He noted that appropriate procedures for handling these questions are envisaged . . . the Standing Consultative Commission would "consider" . . . additions and amendments.

Graybeal: He felt that an operative article indicating clearly the objectives with regard . . . to future systems would be far more useful than merely referring these questions to the Standing Commission. . . . He noted that the texts (referring to paragraph 2 of U.S. proposed Article VI and Soviet Article V) were similar with two exceptions . . . the U.S. text refers to future devices, and reflects the basic difference in view (referring to future ABM systems) which we have been discussing in relation to paragraph 1 of the U.S. Article 6.

Graybeal: Asked whether the language of the Soviet working paper (responding to U.S. Article VI.2.) covered devices other than ABM launchers, interceptors, and radars . . . and whether transportable systems or components would be considered as mobile systems or components.

Barlow: "Said that by transportable systems" we mean interceptors, launchers, and radars.

Karpov: Said he would review the U.S. remarks . . . wished to ask however whether the term mobile included the term transportable . . . asked if this also applied to sea-based, air-based, and space-based systems. Graybeal responded affirmatively.

8. September 13, 1971. Col. Fedenko: Reiterated the standard Soviet arguments against including any general provisions on future undefined ABM systems.

9. September 15, 1971. Karpov: Argued that the new formulation of Soviet paragraph 1 (U.S. paragraph 2) of Article 6 (V) obviates the requirement for the phrase "other devices for performing the functions of these components" appearing at the end of U.S. paragraph 2.

10. September 17, 1971. Smith: Had the feeling that the Soviet position on Article 2 reflected a desire that nothing be done to prejudice the Soviet position on the issue treated in paragraph 1 of Article 6.

Semenov: Bearing in mind that inclusion of uncertainties in an agreement would surely lead to all sorts of misunderstandings in the future . . . with reference to the U.S position on Article VI . . . he would not care to say any more . . . this problem would be kept in his field of vision . . . for the next Vienna phase.

11. September 20, 1971. Garthoff: Stated there would remain seven points of difference including a provision to cover future "unconventional" ABM systems.

12. November 30, 1971. Shchukin: The Soviet side cannot recognize as well-founded the proposal of the U.S. involving an obligation not to deploy ABM systems using devices other than . . . missiles, . . . launchers, . . . radars . . . The subject of a Treaty (Agreement) could only be a specific and concrete limitation of ABM systems.

13. December 7, 1971. Garthoff: On Article V, both sides reiterated the strong positions which they hold on the question of the paragraph relating to future systems. . . . Kishilov and Grinevsky flatly asserted that they were certain there would be no change in the position of the Soviet side.

14. December 10, 1971. Brown: The Soviet side has objected to limits on possible future ABM systems on the basis that such systems are defined only in general terms.

15. December 14, 1971. Nitze: Noted in connection with Shchukin's comments . . . on future systems he had emphasized the inappropriateness of this subject for treaty language.

16. December 14, 1971. Semenov: Although Dr. Brown said that the question of future ABM systems, which do not include launchers, radars, and interceptors . . . I would like to ask what this is all about in concrete terms. In what does the U.S. side see a danger in the absence of a provision on this account in the treaty? If these systems cannot be defined now, except that they are not something known today, and, at the same time, the draft treaty includes a number of clear limitations and constraints not to deploy territorial ABM systems, not to give the capability for rapid reload, etc., is it not sufficient to have such limitations? To be sure, including in the treaty a provision covering something that is not known cannot be justified by any considerations, and therefore this proposition cannot be the subject of a treaty.

17. December 17, 1971. Garthoff: On future ABM systems, I suggested to Kishilov the possibility of a new approach to meeting the issue. Perhaps it would be possible to have a clear and explicit understanding, for example, in an agreed minute, that neither side would deploy a future ABM system or components without prior consultation and mutual agreement in the Standing Consultative Commission.

18. December 17, 1971. Garthoff: Grinevsky referred to the conversation I had had that morning with Kishilov concerning a possible alternative approach to handling future ABM systems . . . handling these matters through the Standing Consultative Commission, rather than through explicit treaty provisions, offered a possible resolution to our differences.

19. December 20, 1971. Semenov: Suppose that the draft treaty . . . had a provision on limiting systems other than those new known which use interceptors and launchers . . . such a provision would create the grounds for endless arguments, uncertainties . . . He asked if the goal of the two Delegations isn't just the opposite, that is to reach agreement on limiting known ABM systems . . . certainly such limitations on known ABM systems constitute a factor for relaxing international tension and curbing the race in strategic arms and limiting them . . . how then could an ABM treaty include a provision about whose content the sides do not have the vaguest notion? . . . Could the sides include in an ABM treaty the unknown without risk of making the treaty indefinite and amorphous? . . . The sides cannot and must not engage in discussion of questions not known to anyone. The task faced by the two sides is to erect reliable barriers against deployment of known ABM components in excess of the levels defined by the ABM treaty . . . If it should appear necessary to supplement the ABM treaty by a provision prohibiting or limiting other ABM components in addition to those now known, this can be done in accordance with the procedures provided for in the provision on review.

20. December 20, 1971. Grinevsky: Raised the question of dealing with future ABM systems through statements on the record.

Garthoff: noted that the suggestion he had advanced in this respect was for an agreed minute . . . there must be a clear agreed mutual understanding that, prior to any deployment of future systems . . . there would be consultation and agreement in the Standing Consultative Commission.

21. December 21, 1971. Grinevsky: Asked if the American side had proposed language for the suggested separate agreed understanding on future ABM systems.

Garthoff: Said he could provide an illustrative draft statement . . . as a possible solution to the impasse over the American proposal for a third paragraph in Article V. The Soviet Delegation has said on several occasions that it is opposed to the proposal by the United States to include a provision in the ABM agreement prohibiting ABM systems in the future which would use devices other than ABM interceptor missiles, ABM launchers, or ABM radars to perform the functions of those components. In order to contribute to negotiating progress, while maintaining our basic position on this matter, the U.S. side is willing to drop Article V(3) if there is a clear agreed understanding as part of the negotiating record. An Agreed Minute could read as follows:

The Parties agree that the deployment limitations undertaken in Article I and Article III are not to be circumvented by deployment of components other than ABM interceptor missiles, ABM launchers, or ABM radars for countering strategic ballistic missiles in flight trajectory. They agree that if such components are developed and the question of deployment arises, neither side will initiate such deployment without prior consultation and agreement in the Standing Consultative Commission.

22. January 11, 1972. Shchukin: The Soviet side continues to believe that only quite specific ABM system components of which each side had a clear idea could be included in an ABM treaty. . . . For this reason the Soviet delegation continues to consider this point "not suitable" for inclusion in the draft ABM treaty we were negotiating.

Nitze: Said he had understood from Shchukin's remarks that he believed that if ABM components other than radars, interceptors and launchers were developed, they could appropriately be the subject of consultations under Article XIII. However, if such components were developed and could, in fact, be deployed in a manner to circumvent the specific limitations of Article III of the treaty, would it not be appropriate that they also be subject to agreement between our Governments?

23. January 11, 1972. Grinevsky: Said that the treaty referred to ABM systems which were defined in Article II. It could not deal with unknown other systems.

Garthoff: challenged this interpretation on two grounds: first, the treaty dealt not only with ABM systems compromising components identified in Article II, but all ABM systems; second, the issue did not concern "other" systems but rather future ABM systems. . . . However, what Garthoff was referring to—and what the U.S. was particularly concerned about—was precisely ABM systems and components of some new kind in the future. Garthoff repeated his reference to laser ABM interceptors as an example.

24. January 14, 1972. Trusov: Affirmed the Soviet position that it is premature to discuss limiting systems which are now nonexistent, and that if and when such systems appear then limitation would be subject to discussion under the provisons of Articles XIII and XIV of the Draft ABM Treaty.

25. January 14, 1972. Shchukin: Said he had a very brief comment to make. At the January 11 meeting, Mr. Nitze had asked the question whether so-called "other ABM means" would be a subject not only for appropriate consultation but also for agreement. Both sides agree that they should assume obligations not to deploy ABM systems except as provided in Articile III of the draft ABM Treaty. In order to insure implementation of this provision of the Treaty, the sides could, in the event of the emergence of ABM systems constructed on the basis of other physical principles, further discuss the question of their limitation in accordance with Articles XIII and XIV of the draft ABM Treaty.

26. January 14, 1972, Grinevsky: produced a Soviet draft, based closely upon (but not identical with) the statement made in the meeting that morning by Academician Shchukin. The statement read:

"With a view to ensuring the implementation of the provisions contained in Articles I and III of the Treaty on the limitations of ABM systems, the Parties agree that in the event of the emergence of ABM systems based on other principles questions of their limitation may be discussed further in accordance with Articles XIII and XIV of the ABM Treaty."

27. January 26, 1972, Grinevsky: in response to the latest proposed U.S. language on the Agreed Interpretive Statement on future ABM systems strongly urged that the American side not pursue this proposed addition, i.e., a clause reading to perform the functions of ABM interceptor missiles, ABM launchers, or ABM radars. He also commented that his side had now accepted the earlier American formulation completely, and in fact had accepted the American position on the subject entirely, save only that it would be a jointly agreed interpretation rather than a paragraph in the treaty.

Draft Interpretive Statement on Future ABM Systems: In order to insure fulfillment of the obligation not to deploy ABM system components except as provided in Article III of the Treaty, it is agreed that in the event ABM system components other than ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such system components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

28. January 31, 1972, Garthoff: I suggested that perhaps we need a fresh approach, first survey the problem and see if we agreed on the substance of the matter—which I believed we did—and then find appropriate language to express this agreed position. Grinevsky saw that I was speaking from prepared notes and seemed interested. I thereupon gave him a copy . . . after reading the talking points, Grinevsky said that he believed there was complete agreement.

Garthoff Talking Points: It is understood that both sides agree that:

1. ABM systems and their components, as defined in Article II, should not be deployed except as provided for in Article III.

2. The deployment of ABM system components other than ABM interceptor missiles, launchers, or radars to perform the functions of those components is banned.

3. Devices other than ABM interceptor missiles, ABM launchers, or ABM radars could be used as adjuncts to an ABM system provided that the devices could not perform the functions of and substitute for ABM interceptor missiles, ABM launchers, or ABM radars. For example, a telescope could be deployed as an adjunct to an ABM system, whereas a laser for performing the function of an interceptor missile by rendering ineffective a strategic ballistic missile in flight trajectory could not be deployed.

4. Article III should be drafted so as not to permit the deployment of devices other than ABM interceptor missiles, ABM radars to substitute for and perform their functions.

5. If such devices are created in the future, their deployment could be provided for by limitations subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV.

29. February 1, 1972. Allison: I observed that both sides have had a clear understanding for some time that within the context of our negotiations when we speak of an ABM system we are referring to a system made up of three components—ABM launchers, ABM interceptor missiles, and ABM radars. We also appear to agree that substituting a different component for one of these three in the future would result in a "future" or "other" ABM system. It seems that . . . our Delegations should be able to agree on a set of words for the interpretive statement.

30. February 1, 1972. Nitze: It seemed to me to be most likely that if something new were to become possible in the future, that this would be of such a nature as to substitute for either launchers or interceptors or radars, but not for all three.

Shchukin: said that if a new system were developed which could substitute either for radars or for interceptor/launchers, this would be a new system and, as such, subject to Articles XIII and XIV.

31. February 1, 1972. Garthoff: Grinevsky called to say that he believed his Delegation could accept the proposal if the words "based on other physical principles and" were included before the phrase "including components."

AGREED STATEMENT D TO THE TREATY

In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

Mr. HOLLINGS. Mr. President, I have as thoroughly as I know how gone down chapter and verse to clear up this nonsense about exotics. I have also tried to clear up this nonsense that we do not understand the treaty because mobile is the thing or land-based is or fixed land-based is not or mobile is not and the like.

The debate is on current or future systems. That is the differentiation.

Now, what happens: We go into all of the language and to the Senators in the ratification. And I could go at length, but maybe we will speak a little bit more after we join in debate here.

We had the distinguished Senator from Mississippi as the chairman of the Armed Services Committee when the treaty was ratified. And if there is any doubt about what Congress had in mind and whether or not future systems were limited, let me point out one interesting fact. The very same Senate that ratified the treaty—the restrictive treaty we are told—provided just the opposite. I say this because we continued after the treaty to appropriate funds for future R&D technology without limiting it to fixed land-based systems. For fiscal year 1973, for the Army's Laser Technology Program, we appropriated $11.9 million for the Navy's high energy laser, $18.2 million; for the Air Force; strategic laser technology, $1.3 million; and for the DARPA short-wave laser technology program; $20 million.

Now, Mr. President, we continued funding and we still hear that Senator Jackson had been told "no future systems." Let us assume that they are correct—and I know they are incorrect. In fact, on the debate, Senator Jackson never even mentioned the ABM Treaty. He did ask some questions. He used the phrase fixed land-based at times, as the generals did from time to time. But, generally speaking, all of the negotiations were on current and future. Senator NUNN only quotes eight Senators who asked about future systems and the majority of them agreed with the Senator from South Carolina if you look carefully at the words used. In all candor I did not listen to them. I came to the floor, and they did not listen to me. The entire debate was 6 hours on August 3, 1972.

There was none of this, whether it is a broad interpretation or the narrow interpretation; never all that nonsense about exotics. That is not in the treaty. The debate was and is current and future.

But there could not be any doubt. That same Congress, Senator Jackson, Senator STENNIS, handling the defense authorization bill, the very one that we are discussing now for fiscal 1988, they provided all of these amounts for all of the future systems, that now the Senator from Georgia says in his amendment you cannot test and you cannot develop, which we could in 1973.

And what about 1974? Army laser technology, I say to Senator STENNIS, Army laser technology, $11.7 million. The Navy's high energy laser, $19.5 million; The Air Force's strategic laser technology, $3 million; DARPA's short wave laser technology, $17 million, that's $51.7 million.

I will never forget, because we argued this on another particular point relative to President Reagan's Strategic Defense Initiative Program.

He certainly made SDI exotic, we used to call it the Ballistic Missile Defense Program. Senator WALLOP, and I were vitally interested in the BMD Program. I was on the Defense Appropriations Subcommittee. By the time President Reagan took office in 1981-82, I say to the Senator, we had nearly $1 billion in research and development for BMD.

We have an entirely new technology now. But we were pressing and shoving President Carter to get into space because we could see the Soviets in space.

That is why we were so vitally interested in it and why we were pressing the subject at that time. All of a sudden, President Reagan comes in and takes the ball and calls it the Strategic Defense Initiative [SDI] Program. He is going to have an umbrella. He is going to end all nuclear—peace in our time. He overdescribed it and everybody said that is unrealistic and everything else. He, in his zeal and over-description about the particular subject, almost killed it.

The DOD took the Army BMD Program from Huntsville, AL, upgraded it, put it in the Air Force's hands, labeled it SDI and peace in our time, and we had an umbrella defense. And we are going to give our research to the Soviets. Well, that is nonsense. And that is why you cannot make sense, because the client, President Reagan, cannot make up his mind now.

Give me a client like Ollie North. He knows what he is doing. That is why North was so good. He had clearance. He knew what his mission was and he did it. In this whole debate, I cannot tell you whether President Reagan agrees with the ABM Treaty or not. I do not know. I would love to find out because I could make a powerful argument one way or the other. He leaves me in limbo.

What kind of nonsense do we have here with the chairman of the Armed Services Committee coming along and saying you cannot commit yourselves—the President himself says about a treaty: "I can't make up my mind, but by the way, I am going to veto it." I do not know what he is going to veto, because he might, by then, agree with it.

Mr. President, this whole nonsense started back in March. I want to quote this one thing so everybody will understand exactly what the distinguished Senator from Georgia contended and he cannot change it. Here is what he says.

I refer, if you please, Mr. President, to March 11 the CONGRESSIONAL RECORD of the U.S. Senate on page S2975. It is in the middle of the page, right at the top—talking about ABM(c).

> ABM radars, which are radars constructed and deployed from an ABM mode.

And so forth.

Then next Senator NUNN says under the title "Traditional interpretation."

> Article II defines the term ABM system generically.

False, absolutely false. It does not do it generically. It does it explicitly.

Garthoff said, and I put it in the RECORD: "We have got to be precise."

Ambassador Gerald Smith in his book said, "precisely drawn." The Soviets complained as we negotiated, let us not put anything in that is vague. Everything was precise. Nothing is generic but I will read on. We have got to correct this.

Senator NUNN says:

> Article II defines the term "ABM system" generically as a system which has the function of countering strategic ballistic missiles. The definition then lists as an illustration the components "currently" in use at the time of the agreement.

Not as an illustration but to specify. Words of specificity. Not just an illustration. You have to go along with the dance. You have to get in the rhythm to read this particular interpretation. I quote:

> Because the clause listing the components is only illustrative—

Who said only illustrative?

> it does not limit the term ABM systems to those containing such components—

When it did. He says it does not limit ABM systens to those containing such components. "It also means,"—listen to that—

> it also means that the term implicitly covers future systems.

There is the treaty. We put it in the Record. We will read it again for you because, if you cannot find anywhere therein, Mr. President, where it says, as the distinguished chairman of the Armed Services Committee contends, that it only means that the term "implicitly" covers future systems. Let me quote again from Senator NUNN:

> Consequently, future ABM systems that might use different components, that is exotics, are within the definition.

That is totally false. Totally false. Absolutely misleading.

Any study of this record will reveal, be it the ratification records be it the negotiation record be it the subsequent practices record; and more than anything else, be it the treaty itself, that there is nothing about exotics and that Article II does not cover future systems. It is misleading to state the opposite.

If article II covered futures, then what is the agreed statement D for? Why did they go from August—from July, really, of 1971 over this same point, until May of 1972, and finally get the argument concluded by this particular provision?

> In order to ensure fulfillment of the obligation not to deploy—

It does not say testing and developing.

> not to deploy ABM systems . . . the parties agree that in the event ABM systems based on other physical principles—

It does not say land-based, fixed land-based, mobile-based—it said "other physical principles." That means they did not know what it could be—"created in the future." Why would they put in "created in the future" to be controlled by agreed statement D if article II covers future systems, We know it does not cover future systems.

I just cannot go along with this charade. They have been caught off base. They know it because they are not out here arguing against what I am saying.

They will not take the floor and argue against what I am saying. I want to hear them. I am right here. I will be glad to stay here all evening and I want to hear their arguments against the presentation I have made because there has been a lot of work in this thing. It is conscientiously done. If I am wrong, I will apologize, but I can tell you here and now, I am afraid I am not.

What we are doing is rewriting a treaty with a simple amendment in an authorization bill. What the Constitution requires by a two-thirds vote, this amendment will do by a simple majority vote and allow the House of Representatives to join in where it does not belong. If this is not the destruction of the process, I do not know what it is.

The 1972 Antiballistic Missile Treaty is a remarkably straightforward document—a model of "precise"—negotiator Garthoff—English as spoken by very careful lawyers, meticulously crafted over a year's time. For a decade and a half, there was no significant argument concerning its meaning and intent.

Today, however, that placid unanimity has been shattered. Debate rages between two creative new "interpretations" of the ABM Treaty—one tailored to suit the political agenda of the left and another championed by the right. The left's "narrow" view is that the treaty bans development, testing, and deployment of ABM systems such as the strategic defense initiative. The right counters with the interpretation that, in effect, anything goes; we can deploy SDI next week and still abide by the Treaty.

What is lost sight of in this debate is the explicit, commonsense text that was agreed to in 1972. The ABM Treaty is not a bolt of cloth we can cut to fit this or that political fashion. As one who voted for the ABM Treaty, I am dutybound to speak up for the integrity—the explicit meaning—of the Treaty as it was originally negotiated and understood by the Soviet and United States negotiators.

The treaty interpretation touted by the "deploy now" faction failed to gain a wide following and has been successfully beaten back into its cave. But the "narrow" view, championed by Senator SAM NUNN is alive and kicking. It is mischievous nonsense that cries out for rebuttal.

Senator NUNN bases his new interpretation on statements made during the 1972 ratification process in the Senate. He insists that the treaty's meaning is determined not by the literal text of the treaty or by the negotiating record, what the Soviet and American negotiators actually said and aagreed to, but by the ratification record, for example, what Senators said during debate on the treaty. This deference to the ratification record—questionable on its face—is made doubly dubious by the fact that there was next to no floor debate on the ABM Treaty. Senators debated the treaty for less than 8 hours. Majority Leader Mike Mansfield complained that no Senators wanted to speak and that the Senate was "twiddling its thumbs."

Surely commonsense dictates that the negotiating record, in concert with the explicit text of the treaty itself, must hold precedence over various Senators' "interpretations" or "readings" offered in the course of ratification debate. Let us briefly examine the text and the negotiating record.

Article II of the treaty clearly differentiates between ABM systems current at the time of the signing of the treaty and ABM systems based on "other physical principles" in the future. Development, testing, and deployment of mobile-based versions of "current" ABM technologies, for example, those existing in 1972, are clearly banned by the treaty. However, there is no such ban on the development and testing of future technologies. The treaty's agreed statement "D" says only that deployment of such future technologies is subject to negotiation and agreement.

Negotiator Dr. Raymond Garthoff stated in 1971:

> The question of constraints on future systems would be settled elsewhere than in Article II.

In concert with this assertion, agreed statement "D" says—the emphases are mine:

> In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

Former Chief ABM Treaty Negotiator Gerard Smith, testifying in 1972 on the nature of restrictions on futuristic ABM systems, virtually restated agreed statement "D":

> * * * one of the agreed understandings says that if ABM technology is created based on different physical principles . . . development work, research, is not prohibited, but deployment of systems using those new principles . . . would not be permitted unless both parties agree by amending the treaty.

During ratification, Senator Barry Goldwater asked Negotiator Smith:

> * * * under this Agreement are we and the Soviets precluded from the development of the laser as an ABM?

Mr. Smith replied tersely: "No, Sir."

More recently, in testimony March 19, 1987, before the Senate Appropriations Committee, former ABM Negotiator Paul Nitze stated:

> In sum, my recollection of the negotiating process leaves me convinced that the Soviets agreed in a binding manner to prohibit only the deployment, not the creation, of systems based on other physical principles.

Indeed, it is all but forgotten that the United States negotiating team worked doggedly to get the Soviets to ban future ABM technologies. Again and again, the Soviets responded with a flat "nyet." Regarding future ABM systems, former Negotiator Lt. Gen. Royal Allison stated on June 21, 1972:

> Constraints in the Treaty apply to deployments only. Research and development are not constrained. The U.S. delegation, under instruction, sought a clear-cut ban on deployment of future ABM systems but the Soviets would not agree.

Gen. Bruce L. Palmer, testifying in 1972 before the Senate Armed Services Committee, stated flatly:

> There is no limit on R&D in the futuristic system.

Yet, despite the crystal clear text of the treaty and the equally unambiguous testimony of our ABM negotiators, Senator NUNN and his allies continue to push amemdments in Congress that would shackle the United States to his "narrow" interpretation. This is wrong. In effect, he seeks to ratify a new treaty by a majority vote of the Senate instead of the constitutional two-thirds. He further corrupts the Constitution by inviting House participation in this new "ratification process."

Senator NUNN would unilaterally bind the United States to a "narrow" interpretation that the Soviets' own aggressive SDI program left in the dust long ago. At the other extreme, militant conservatives are hell-bent on immediate deployment of an SDI system that, by any assessment, still requires a thorough program of research and development. Both sides are wrong. We must say no to the distortion and politicization of the ABM Treaty, whether from the left or the right. We must defend the integrity of this excepitonally valuable treaty.

I yield the floor for a moment, Mr. President.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I shall be brief in the remarks that I make here. I show up at this time, mainly because I have been on the committees there, both those committees, for a period of years.

This is a very difficult matter. It has been attended on both sides by a number of our very best Members on each side. Among our very best Members, not only in the field, but in the general field.

That has not included me. I have never had the privilege of working on it. I am not a specialist in that field either, so I do not take any credit in correctness about what my conclusions are.

I do know that it is a very delicate matter. It is difficult to deal with, particularly a new change in the rule, modifying it some.

I am pressured now, as we all are, by time. This is beyond the middle of September already, beyond the 16th day of September, and here are these bills that something has to be done with. They are major, far-reaching bills. With all deference to everyone, I think it is highly incumbent on us, knowing the responsibility that we have, to carry across-the-board these large sums of money around the world. I think we better clear up and clean up and pass these appropriations bills at the money levels chosen by the membership and continue to work on this question about missiles and all. We should not abandon that in the least, but we cannot hold up these major parts of our necessary items. As I say, on these far reaching and broad programs we cannot hold here, except to a degree.

I am very much concerned as a Member of this body that we let this matter pass on in some form, with that suggestion, and straighten out whatever we finally decide should be straightened out about this main question.

The Senator from South Carolina is very well versed in the subject and always makes a good speech. I always listen to him when I am around.

I will conclude with this statement, Mr. President:

As I see it, Mr. President, this amendment requires the United States to stick with the traditional, or narrow interpretation of the treaty as has existed for the past 15 years since its enactment in 1972, unless the Congress, our Congress, approves a change.

This issue has been scrupulously studied and carefully analyzed by the chairman of our committee, Senator NUNN, together with the Senator from Michigan [Mr. LEVIN], who is a man of great and deep ability, and in both of whom I have the utmost confidence and respect, and by the very able committee staff. They have all gone into the matter in great depth and given it along and thoughtful consideration.

As I said, I voted in favor of the amendment during the full committee markup of the defense authorization bill this spring, and committee markup of the defense authorization bill this spring, and I will continue to support it in any way I can on the Senate floor.

I know this has to be straightened out. It should be done as soon as we reasonably can. That means delaying the rest of the budget, almost, in order to get some kind of a settlement.

In addition, Mr. President, changing the interpretation of the ABM Treaty now would raise very serious institutional questions, it seems to me, about treaty making as a whole and in particular the Senate's role in this important function.

While I believe that this whole matter should be reviewed in the light of the current day situation, and changes made, if they are appropriate, I do not believe that going back on an old treaty and reinterpreting it is the way to settle this issue. A change now in the traditional interpretation of the ABM Treaty could cause a grave misunderstanding, I think and raise all sorts of questions not only by other countries but by our own people concerning America's international dealings and our whole process of foreign affairs.

As I said, I will vote in favor of the amendment as reported by the committee. I want to encourage, thought that the matter be considered as briefly and ask rapidly as we can on the broad facts.

As I just said, if we should bring it up to date, so to speak, then that is what should be done.

Mr. WARNER. Mr. President, in a few minutes, I wish to say that while I may differ from the ultimate conclusion of our distinguished former chairman, indeed I was deeply moved by the reasoning that he provided. I have the utmost respect for his historical perspective. I hope he has observed, as I have, that to date we have had good, sound debate. We recognize the urgency to move on with this bill, the chairman's desire, and a view which I share, and we are doing our very best.

I also would acknowledge that the distinguished Senator from South Carolina has again made a very important contribution to this important debate.

Mr. STENNIS. I thank the Senator for his generous words. I appreciate the fine work he has been doing.

Mr. WARNER. Mr. President, at some point I would hope our colleague from Missouri would be given an opportunity to speak.

Mr. NUNN. Mr. President, I, too, want to commend the Senator from Mississippi. He has been my hero for a long time, even before I got to the U.S. Senate. That image of the chairman of the Armed Services Committee before I got here, meaning the Senator from Mississippi, was an image that inspired me to run for the U.S. Senate. When I arrived here, under his chairmanship, one of the great pleasures of my life has been learning in his footsteps, and watching him serve as chairman with not only ability but with absolute integrity. As far as I am concerned, the Senator from Mississippi is a Senator's Senator. I say that when he is on my side and I also say it when he and I do not agree, which is not very often because I usually follow his guidance and advice. I do not know of any other person I would rather have on my side on such an important issue as this. I commend him for his exemplary service both as chairman of the Senate Armed Services Committee, as Senator pro tempore, and as a Senator we look to for character and integrity, and as the Senator we look to when we try to define to people outside this institution what this institution is all about.

Mr. WARNER. While the manager of the bill is here, there is the pending matter of the unanimous consent request that goes to the clarification of the standing of the Glenn amendment.

As far as I know, there is no objection on this side.

Mr. NUNN. Mr. President, I thank my colleague from Virginia. We talked about this last evening. I believe the minority leader was there when we talked about it. The Senator from Ohio has been most patient. It is his amendment. He has been somewhat of a punching bag. We have not debated his amendment but we have used it as a vehicle to which other amendments were attached. He desired that his amendment be judged on its own merits. The unanimous-consent request is in three parts.

Mr. President, I ask unanimous consent that the Byrd-Nunn amendment, No. 681, adopted last night, be separated from the underlying Glenn amendment, No. 680, and treated as if it had been enacted as a first-degree amendment to be inserted in the bill at the appropriate place.

Mr. WARNER. Mr. President, after consultation with the minority leader and other Members on this side, that correctly recites the understanding that was reached last night in the nature of a refinement. We have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NUNN. Mr. President, I further request unanimous consent that the word "firm" be stricken from the first line of the Byrd-Nunn amendment and be inserted after the word "foreign" in the last line of subsection (d)(2) of the Glenn amendment.

I say by way of explanation that this is a further technical amendment in putting the Glenn amendment back where it was. My colleague and I have discussed this. I would hope he would have no objection.

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Along the same line, Mr. President, I finally request that the subsection designated (e) be stricken from the Byrd-Nunn amendment as adopted.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. The Senator from Virginia indicates there is no objection. Is there objection from any Member of the body? No objection being heard, it is agreed to.

Mr. NUNN. Mr. President, may I say to my friend from South Carolina, I commend him for the diligence he has applied to this task because he has gotten into this in detail. He and I have a fundamental disagreement on this matter, but I know how many hours are required to get into the detail the Senator from South Carolina has gotten into on this matter. It is a mind boggling, complex task and with his usual diligence he has gotten into it in great detail.

So we do not agree on the conclusions, but I do commend him for his diligence, for his efforts, for his dedication to the Nation's security, which has been longstanding, and for his overall contribution to this debate.

Mr. HOLLINGS. I thank the Senator.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Missouri.

Mr. BOND. Mr. President, I have been listening to the debate that has taken place today and has continued on and off for the past 4 months. I share the concern of many of my colleagues regarding the Levin-Nunn language which prohibits the Department of Defense from conducting tests of the strategic defense initiative without the prior approval of both Houses of Congress.

Mr. President, I find the Levin-Nunn language unacceptable for several reasons. We have heard many of these reasons mentioned during today's very informative debate, but I believe this issue is so critical to our Nation's security that all interested Senators' opinions should be thoroughly and completely aired.

I agree with the interpretation of the distinguished ranking member, the Senator from Virginia, that the amendment raises constitutional concerns. This provision represents an unacceptable intrusion by Congress into the President's conduct of foreign policy. The Constitution sets forth the roles the different branches of Government are to play in the conduct of foreign policy. It provides that the President is to be the sole representative of the United States in the making of treaties. With this amendment Congress attempts to take a bigger piece of the pie by encroaching on the President's area of responsibility.

In addition, I oppose this amendment for the same reason I have opposed other arms control provisions that have been proposed in Congress, because it and they represent a unilateral constraint upon the United States.

Mr. President, when Congress enacts into domestic law provisions which unilaterally prohibit the United States from taking action which would be in our national security interest, that is not an arms control measure. That is a concession. Whether or not we conduct tests into various aspects of the strategic defense initiative should be the subject of negotiations between the United States and the Soviet Union, just as measures relating to nuclear testing or antisatellite weapons or nuclear warhead limits should be the product of negotiations between the two countries. These types of conditions should not be imposed unilaterally on our country by the Congress. The practical effect of the Levin-Nunn language is that our negotiators are forced to adopt a restricted position regarding the testing of strategic defense systems. This is similar to what Soviet arms control negotiators have been trying to accomplish at the bargaining table.

As the distinguished junior Senator from Texas said earlier today, and he said it very eloquently, the Soviets are deeply concerned about the possibility of the United States developing a strategic defense system. They do not want to see it researched, they do not want to see it tested, and they certainly do not want to see it deployed. SDI has brought the Soviets back to the bargaining table and it has kept them there. It would be a great mistake for the Congress to force our negotiators to give up the very leverage that appears to be the force behind the recent movement in arms control negotiations.

It seems clear to me that the last thing we want to do is give the Soviets the very thing they have been seeking during the past few years of negotiations without getting compensating concessions from the U.S.S.R. Regardless of whether individual Senators support SDI research, SDI deployment, or abandonment of the SDI program altogether; and regardless of whether they believe SDI should be used as a bargaining chip or that it must be deployed at all costs, simple common sense should tell us that it is a mistake to relinquish SDI as a lever at the negotiating table.

The whole point of the give and take of a negotiation is to get the best deal we can. When we show our cards before we even get to the table, we relinquish our ability to protect our interests.

Mr. President, it would be a mistake for us to enact a provision like the one we are considering today especially at a time when it appears that we are very close to concluding an arms control agreement with the Soviets. Passage of this provision can only result in the President losing leverage in his talks with Soviet leader Gorbachev.

Mr. President, today following the suggestion of our distinguished colleague the junior Senator from Oklahoma, I had the pleasure of talking with an arms negotiator. I called Dr. William Van Cleave. Dr. Van Cleave, a member of the 1969 through 1971 SALT I negotiating team, as many of my colleagues know, is a distinguished professor of strategic studies and recognized expert on arms control issues. He was a lead witness before the committee and spoke in opposition to the treaty. He said at that time that some U.S. negotiators wanted a restrictive interpretation but the U.S.S.R. rejected that interpretation.

Recently I had the honor of welcoming Dr. Van Cleave to Southwest Missouri State University in Springfield, MO, where he is establishing his center for defense and strategic studies.

What he told me today was, first, that the article by Senator DAN QUAYLE, our distinguished colleague from Indiana, which appeared in the June 15, 1987, Los Angeles Times, was completely accurate. Dr. Van Cleave states that the Levin-Nunn amendment would hold us to a unilateral interpretation of the treaty which the Soviets do not accept. It would treat the ABM Treaty as if it were effective and as if it were being observed when in fact the ABM Treaty has failed to prevent the establishment of a defensive capability by the U.S.S.R. and it has failed to prevent a buildup of offensive weapons by that country.

Professor Van Cleave reminded me that a book by the distinguished scholar Walter Lippmann, in 1947, said that "disarmament treaties tragically have usually been effective in preventing the armament of that side which does not want to arm." And that would be the impact of the Levin-Nunn amendment today.

Professor Van Cleave has pointed out the Levin-Nunn amendment assumes that both sides are equally complying with the ABM Treaty, but it ignores the fact that it has not prohibited, as it was intended, the development of a base for national defense of the country. First, it was to have prevented phased array radar systems, but we know in fact that the Krasnoyarsk radar and the other mobile radar systems are providing that kind of coverage. Second, it was to prevent the development of surface-to-air missiles that could be used in countering ICBM's, but the President has found probable and his advisory commission has found certain a violation of the dual testing of air defense in an ABM mode.

Third, it was to prevent the development of ground-based mobile missile components. Once again the President has found probable violation, the General Advisory Commission has found outright violations because the Soviets have proceeded to develop ABM capable mobile radars. The President has concluded that the sum of these separate violations raises the very real probability that the U.S.S.R. is developing a national ABM defense.

Professor Van Cleave urged that the Members of this distinguished body consider a comparison of what the two countries have done since the conclusion of this treaty. First, the U.S.S.R. has developed the Moscow defensive system, the ABM system for Moscow, which is permitted by the treaty. The United States has none. But to go beyond that, the U.S.S.R. has embarked on a very rigorous, expensive, and continuing program to modernize the Moscow system which has been thoroughly redone and brought up to date with radars, launchers, and interceptors.

On the U.S. side, since we do not have a system we obviously have not upgraded.

Third, what is most disturbing is the U.S.S.R. has opened production lines. They are turning out equipment to be used in ABM defenses. They have set up, in modernizing the Moscow system, a production line that allows them to store, stockpile, and to prepare for prompt deployment the equipment they would need in a full-fledged nationwide ABM defense system.

The United States obviously has gone nowhere nearly so far.

What about the existing system? The U.S.S.R. has 6,000 radars and 12,000 launchers, most of them ready for speedy reload. They have been upgrading their SS-10 and their SS-12, blurring the difference between a surface-to-air missile and an antiballistic missile.

Here, the United States has some radars and has some F-15's but we have virtually no defensive capability going beyond the aircraft intercept.

In the final area, the U.S.S.R. has a research program. And here so does the United States. We have what we are calling the SDI, the strategic defense initiative. Professor Van Cleave suggests that it really is kind of the other way around. The U.S.S.R. has more heavily funded the longstanding research into a program which General Abrahamson and Admiral Crowe said give them a lead. They have the strategic defense initiative. They are on the initiative. What we have is a strategic defense response.

Finally, Professor Van Cleave points out that, as the Wall Street Journal said in its July 15 editorial, the U.S.S.R. has targeted and tracked an ICBM with a laser. This would be in violation of the Levin-Nunn amendment. They have already done the things that the Levin-Nunn amendment would prohibit us from doing.

Based on his views, those of Professor Van Cleave, and what we have heard and learned from others, Mr. President, I ask how we in this Congress can impose on our country a more restrictive interpretation of the ABM Treaty when the Soviets are not even sticking to it now, and seem willing to go beyond the limits of even what the broadest interpretation would permit.

It is for all of these reasons that I joined with 33 of my colleagues in writing the President on May 6 to tell him that I would oppose the Levin-Nunn amendment during the Senate consideration of S. 1174, and that if necessary, I would, and I shall, vote to sustain his veto of the entire defense bill.

This debate has been almost absent of any discussion of what the Soviets are up to. And I do not think the American people understand the duplicity of the Soviets with respect to every treaty in which they have engaged.

Mr. President, I share the concern of all Members of this body regarding the importance of passing a defense authorization bill. Providing for the defense of our Nation is the most important duty of the Federal Government. Passage of a defense authorization bill this year is important to our continued ability to maintain our defenses.

I hope we will be able to remove or to at least separate this amendment from the bill so that we can proceed with the consideration of critical national security issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, before the distinguished Senator from Missouri leaves the floor, I want to compliment him for what he just said. He has given good advice to the Senate, and I might add, the Senator himself has received good advice from a man whom I respect highly, Bill Van Cleave, and the Senator is indeed fortunate to have Bill as a resident of his State, and a professor of a fine institution in Missouri.

I thank the Senator.

Mr. BOND. I thank the Senator.

SOVIET ABM TREATY VIOLATIONS

Mr. HELMS. Mr. President, I want to extrapolate a little bit on what the distinguished Senator from Missouri had discussed. I will not take long. When I conclude, I am going to ask—I do not do so now—that a listing of the confirmed Soviet arms control treaty violations be printed in the RECORD.

First of all, just for example, and I am going to ask Mr. Sullivan to hold up a drawing, I call the Senate's attention to a drawing of the Soviet Krasnoyarsk radar and a map of the Soviet Union showing ABM radar coverage.

Mr. President, the Soviet Krasnoyarsk radar is a clearcut violation of the ABM Treaty; no question about it. It is so clearcut as to be startling. It shows the high degree of arrogance of the Soviet Union. Apparently they have decided that we are not going to protest anything, and that certainly the Congress of the United States is not going to take any firm action.

The map shows that the Krasnoyarsk radar is in the interior of the U.S.S.R. and it is oriented inward. The ABM Treaty states that it must be on the periphery of the Soviet Union and oriented outward.

The Krasnoyarsk radar pictured in the drawing is a clearcut violation itself. The recent U.S. congressional visit to inspect Krasnoyarsk confirmed the U.S. assessment that it is indeed a violation, and previously both the Senate and the House went on record that the Krasnoyarsk radar is a clear violation of the ABM Treaty—and, as such, that it is an important obstacle to any new arms control treaty.

I have arrived at the conclusion that instead of debating U.S. unilateral interpretations of the ABM Treaty, we should be debating withdrawal from ABM Treaty due to the Soviet breakout.

That, it seems to me, is inevitably the ultimate notice to the Soviet Union—that we are not going to put up with their violations any more.

Second, I call the Senate's attention to the drawing of the SAM-12. The President has reported to the Congress six times that it is "highly probable" that the Soviets have tested the SAM-12 in an "ABM mode" in violation of the ABM Treaty. This violation is particularly serious, because it could contribute to a Soviet nationwide ABM defense, which is the key prohibition of the ABM Treaty.

Mr. President, I ask that an annex entitled "Confirmed Soviet SALT Violations," be printed in the RECORD. I might add, Mr. President, that I have made certain that all information herein has been declassified and cleared for my public use by the CIA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANNEX: CONFIRMED SOVIET SALT VIOLATIONS

A. Presidentially Confirmed Expanding Pattern of Soviet SALT II Breakout Violations—Total of 24:

I. SS-25 road mobile ICBM—prohibited second new type ICBM:

1. Development since 1975;

2. Flight-testing (irreversible) since February, 1983;

3. Deployment (irreversible) since October, 1985—over 100 mobile launchers—"direct violation":

4. Prohibited rapid-refire capability—doubles or triples or quadruples force;

5. Reentry Vehicle-to-Throw-Weight ratio over 1 to 2 (and doubling of throw-weight over the old SS-13 ICBM)—probable covert SS-25 two or three MIRV capability—"direct violation";

6. Encryption of telemetry, "direct violation".

II. Excess Strategic Nuclear Delivery Vehicles (SNDVs):

7. Strategic Nuclear Delivery Vehicle de facto limit of 2,504—Soviets have long been at least 75 to over 600 SNDVs over the 2,504 SNDV number only they had when SALT II was signed in 1979, thus illustrating the clear fact that SALT II was fundamentally unequal.

III. Prohibited SS-N-23 Heavy SLBM:

8. Heavy throw-weight prohibited—conclusive evidence (irreversible);

9. Development since 1975;

10. Flight-testing (irreversible);

11. Deployment on Delta IV and probably on Delta III Class submarines (irreversible);

12. Encryption of telemetry.

IV. Backfire Intercontinental Bombers Excess Number and Extended Range:

13. Arctic basing, increasing intercontinental operating capability;

14. Probable refueling probes, also increasing intercontinental operating capability;

15. Production of more than 30 Backfire bombers per year for an estimated period of over five years, making more than an estimated 12 extra Backfire bombers;

V. Camouflage, Concealment, and Deception:

16. Expanding pattern of camouflage, concealment, and deception (Maskirovka), deliberately impeding U.S. verification.

VI. Encryption:

17. Reported almost total encryption of Soviet ICBM, IRBM, SRBM, SLBM, GLCM, ALCM, and SLCM telemetry.

VII. Concealment of ICBM Launcher and Missile Relationship:

18. Reported probable concealment of relationship between SS-24 missile and its mobile ICBM launchers, and concealment of the relationship between the SS-25 missile and its mobile ICBM launchers.

VIII. Prohibited SS-16 Mobile ICBM:

19. Confirmed concealed deployment of 50 to 2000 banned SS–16 mobile ICBM launchers at Plesetsk test and training range, now reportedly probably being replaced by a similar number of banned SS–25 mobile ICBM launchers.

IX. Falsification of SALT II DATA Exchange:

20. Operationally deployed, concealed SS-16 launchers not declared;

21. AS–3 Kangaroo long-range-air-launched cruise missile range falsely declared to be less than 600 kilometers, and not counted.

X. Excess MIRV Fractionation:

22. SS-18 super heavy ICBM—NIE reportedly states that SS-18 is deployed with 14 warheads each instead of the allowed 10, adding over 1,230 warheads.

XI. Exceeding SALT II MIRV Missile Sublimits:

23. and 24. The Reagan Administration confirmed on August 7, 1987, that:

"The Soviets exceeded the SALT II sublimit of 1,200 permitted MIRVed ICBMs and MIRVed SLBMs when the 5th Typhoon submarine recently began sea trials. Moreover, some SS-X-24 MIRVed ICBM railmobile launchers should now be accountable under the SALT II sublimit on MIRVed ICBMs. It appears that the Soviets have not yet compensated for any of the SALT II-accountable SS-X-24 launchers. Therefore, the Soviets may also have exceeded the SALT II sublimit of 820 MIRVed ICBM launchers." This judgment has been further confirmed as accurate.

The Soviets reportedly informed U.S. arms control negotiators in Geneva in late 1983 that they intended to exceed the SALT II sublimits of 820, 1200, and 1320, which they are now in fact doing. And Soviet leader Gorbachev confirmed to President Reagan at the Iceland Summit on October 11, 1986, that the SS-24 was deployed.

Moreover, the Soviets are reportedly flight-testing the even heavier throw-weight follow-on to the super heavy SS-18 ICBM, in violation of the SALT II absolute ceiling on SS-18 throw-weight. This SS-X-26 ICBM, the follow-on to the SS-18, will certainly result in further excess MIRVing on the SS-18, because it will probably carry 20 warheads.

B. Presidentially Confirmed Expanding Pattern of Soviet SALT I Interim Agreement Break Out Violations—5 Violations:

1. Soviet deployment of the Heavy SS-19 ICBM and the Medium SS-17 ICBM to replace the Light SS-11 ICBM was a circumvention defeating the object and purpose of the SALT I Interim Agreement. Article II of the Interim Agreement prohibited Heavy ICBMs from replacing Light ICBMs. This violation alone increased the Soviet first strike threat by a factor of six.

2. Soviet deployment of modern SLBM submarines exceeding the Limit of 740 SLBM launchers, without dismantling other ICBM or SLBM launchers, which the Soviets actually admitted was a violation.

3. Soviet camouflage, concealment, and deception deliberately impeded verification.

4. Circumvention of SALT I by deploying SS-N-21 and SS-NX-24 long range cruise missiles on converted Y Class SLBM submarines which "is a threat to U.S. and Allied security similar to that of the original SSBN."

5. "The United States judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM is a violation of the SALT I Interim Agreement."

As Defense Secretary Weinberger stated on December 11, 1986, "SALT I and SALT II have been largely irrelevent to the Soviet military buildup. Both agreements merely codified and authorized large increases."

C. Presidentially Confirmed Expanding Pattern of Soviet SALT I ABM Treaty Break Out Violations—Nine Violations.

1. The siting, orientation, and capabilities of the Soviet Krasnoyarsk ABM Battle Management Radar "directly violates" three provisions of the SALT I ABM treaty. The Soviets have privately admitted this violation to themselves.

2. Over 100 ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 Surface-to-Air Missiles and radars are "highly probable" violations of the SALT I ABM Treaty. Two high Soviet officials have even admitted that their SAMs have been tested and deployed with a prohibited ABM capability. The Joint Chiefs of Staff have stated that the SAM-5, SAM-10, and SAM-12 all have a prohibited ABM capability.

3. The Soviets may be developing and deploying both a territorial, and a nationwide ABM defense, which violates the SALT I ban on developing even a base for a nationwide defense. President Reagan has stated that "this is a serious cause for concern." The Secretary of Defense has testified that the "Soviets have some nationwide ABM capability" already.

4. The mobility of the ABM-3 system is a violation of the SALT I ABM treaty.

5. Soviet rapid relocation without prior notification of an ABM radar, creating the Kamchatka ABM test range, and mobility of the ABM-3 radar, were violations of the ABM treaty.

6. Continuing development of mobile "Flat Twin" ABM radars, from 1975 to the present, is a violation of the prohibition on developing and testing mobile ABMs. The Soviets are now mass producing the ABM-3 system for rapid nationwide deployment.

7. Soviet ABM rapid reload capability for ABM launchers is a serious cause for concern. The State and Defense Departments state that the Soviets may have a prohibited reloadable ABM system.

8. Soviet deliberate camouflage, concealment, and deception activity impedes verification.

9. Confirmed Soviet falsification of the deactivation of ABM test range launchers is a violation of the ABM treaty dismantling procedures.

As Defense Secretary Weinberger stated on December 11, 1986, there has been: "The recent discovery of three new Soviet large phased-array radars of this type [the Pechora-Krasnoyarsk class]—a 50 percent increase in the number of such radars. These radars are essential components of any large ABM deployment. . . . The deployment of such a large number of radars, and the pattern of their deployment, together with other Soviet ABM-related activities, suggest that the Soviet Union may be preparing a nationwide ABM defense in violation of the ABM Treaty. Such a development would have the gravest implications on the U.S.-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities."

D. Presidentially Confirmed Expanding Pattern of Soviet Violations of Nuclear Test Bans—Over Seventy Violations:

1. About twenty atmospheric nuclear weapons tests, August through September 1961, in violation of the 1959 Mutual Test Ban Moratorium, including a fifty-eight megaton shot.

2. Over thirty conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in violation of the 1963 Limited (or Atmospheric) Test Ban Treaty.

3. Twenty four cases of Soviet underground nuclear weapons tests over the 150 kiloton threshold in probable violation of the 1974 Threshold Test Ban Treaty.

E. Presidentially Confirmed Expanding Pattern of Soviet Violations of Biological and Chemical Weapons Bans:

1. "The Soviets have maintained an offensive biological warfare program and capability in direct violation of the 1972 Biological and Toxin Weapon Convention." The United States has no defenses against this capability. The Sverdlovsk Anthrax Explosion of April 1979, killing several thousand Soviets, is direct evidence of this capability.

2. "Soviet involvement in the production, transfer, and use of chemical and toxic substances for hostile purposes in Southeast Asia and Afghanistan are direct violations of the 1925 Geneva Protocol." Tens of thousands of innocent men, women, and children suffered horrible deaths from these Soviet atrocities, which are also violations of the Genocide Convention.

F. Soviet Violation of the Kennedy-Khrushchev Agreement:

The Soviets are violating the 1962 Kennedy-Khrushchev Agreement prohibiting Soviet offensive weapons in Cuba because of the reported presence of 4 to 12 or more TU-95 Bear intercontinental bombers, more than 43 nuclear-delivery-capable Mig-27 Flogger fighter-bombers, several types of strategic submarines, over 200 nuclear-delivery-capable-Mig-21 fighter-bombers, and the Soviet Combat Brigade. President Reagan, the CIA director, the JCS chairman, and the Under Secretary of Defense for Policy have all charged that the Soviets are violating the agreement.

THE ABM TREATY—SUBSEQUENT PRACTICE

Mr. HELMS. Mr. President, along another line, last week the legal advisor of the Department of State, Judge Abraham D. Sofaer, issued the third and final portion of his study dealing with the negotiating record and the proper interpretation of the ABM Treaty. Considering the debates and the votes yesterday in this body on our role in treaty-making and its relationship to the ABM agreement, as well as our current consideration of S. 1174, I believe it is essential at this time at least to have a portion of Judge Sofaer's report made available for the RECORD, so that Senators, if they care to, can read it, and I hope they will, because Judge Sofaer's comments thus far, except for a few contrived, controversial aspects, have been pretty well kept secret in this town, particularly in the news media.

Part III of the legal adviser's overall study centers on the subsequent practice following the ratification of the ABM Treaty, particularly the conduct of the parties, the bilateral agreements and exchanges, and the public statements made by both sides between 1972, when the treaty was concluded and ratified, and 1985, when the President announced the results of a reexamination of the treaty in light of the negotiating record. It is the conclusion of the legal adviser, Judge Sofaer, with which I agree, because I believe it is a sound conclusion, well argued, and well presented, that the record of subsequent practice between the United States and the Soviet Union fails to validate the restrictive or narrow view of the ABM Treaty, as expounded by my good friend the distinguished Senator from Georgia [Mr.

NUNN]. Other critics of the administration have been perhaps even more vociferous than Senator NUNN.

As I have pointed out on several occasions, Mr. President, the ABM Treaty is ambiguous in the wording of the articles and clauses relating to future testing. That was also the conclusion of the distinguished Senator from Indiana [Mr. QUAYLE] in his excellent analysis delivered on the floor yesterday. It is clear that subsequent practice reveals that the meaning of the treaty language, especially the provisions resulting from last-minute compromises, such as agreed statement D, were not all that clear. For example, article II of the ABM Treaty contains the language: "of a type tested in an ABM mode." But there is no Russian language equivalent for the word "mode" and in the Russian text the phrase "of a type tested for ABM purposes" was substituted. These two statements do not mean the same thing, Mr. President, and the result is ambiguous. That is true of other parts of the treaty as well, if Senators will take the opportunity to look at it. That is why subsequent practice must be taken into account in the interpretation of the treaty and how it is to be applied.

As a general rule of international law, when there is a disagreement between the parties to a treaty as to the meaning of that document, as in contract analysis, subsequent practice is to be taken into account. Section 325 of the Restatement of the Foreign Relations Law of the United States (Revised), which represents the views of leading American scholars and jurists in the field of international law, declares that "subsequent practice between the parties in the application of the agreement is to be taken into account in interpreting the agreement." I.M. Sinclair, the former senior legal adviser to the British Foreign and Commonwealth Office, states that if the terms of a treaty are not clear, or are capable of more than one interpretation, than the context of the treaty, which includes subsequent arrangements or subsequent practice is relevant to determining the intent of the parties and the meaning of the treaty's terms. He adds that these additional factors have to be taken into account. As the legal adviser points out, in the conclusion of his study, during the 13-year period between 1972 and 1985, at no point "did the views stated by the United States and Soviet Union on the interpretation of the treaty coincide."

Mr. President, Judge Sofaer has made an important contribution to the legal analysis of the application of the ABM Treaty and its operation according to the rules of international law. It should be available to all interested Senators and others. As a matter of fact, I think it ought to be made available to the general public. It is extremely important that we be aware of this study in our debate on S. 1174. Unfortunately, the total document runs 133 pages and is too long to print in its entirety. The complete document has been sent to all Senators.

I ask, Mr. President, unanimous consent to have printed in the RECORD part III of the legal adviser's unclassified study of the ABM Treaty and its subsequent practice.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ABM TREATY—PART III: SUBSEQUENT PRACTICE SEPTEMBER 9, 1987

I. INTRODUCTION AND SUMMARY OF CONCLUSIONS

This is the third of three parts of a study of the ABM Treaty's application to so-called "future" ABM systems. The purpose of this three-part study is to ascertain the Treaty's meaning on this issue. The first part, originally prepared in October 1985, and completed in May 1987, examined the Treaty language and negotiating history. It concluded that the Treaty text is ambiguous, and that the negotiating record establishes that the Soviet Union refused to agree to prohibit the development and testing of mobile ABM devices based on other physical principles ("OPP").

The second part, also completed in May 1987, examined the ratification record of the Treaty. It concluded that no change occurred in the international obligations undertaken in the Treaty through any condition, reservation, or understanding. It also found no basis in the Senate record to conclude that the Senate's consent to ratification was premised on a generally held intention that the Treaty prohibit development and testing of mobile OPP devices, or that the Senate had taken any action that would bind the President to the "restrictive" interpretation as a matter of domestic law. The study found, however, that the Senate record contains representations by Executive officers to the Senate which support the restrictive interpretation, upon which Senators could justifiably have relied in granting advice and consent. It concluded that the President should give appropriate weight to such representations and to any understandings reflected in the ratification record even though they may not be binding as a matter of law.

This third and final part of the ABM study examines the agreements and practices of the parties subsequent to ratification of the Treaty. It then describes and applies to the record of subsequent practice the controlling principles of international and domestic law.

This part covers all forms of subsequent practice potentially probative of the parties' intentions with respect to the regulation of OPP systems. It begins with the period immediately following the ratification of the Treaty, and proceeds up to the President's announcement in October 1985 of the results of a re-examination, in light of the negotiating record, of the meaning of the ABM Treaty as it applies to ABM systems and components based on OPP. An analysis of materials beyond October 1985 would in general have limited utility, because those materials have been widely published and because after that date the relevant materials largely consist of defenses of the interpretations presently at issue. It is noteworthy, however, that Soviet positions advanced since October 1985 differed in material respects from the restrictive interpretation held by the U.S. prior to that time.

This version of the study is unclassified in its entirety. A classified version has also been prepared, including material and appendices which could not be publicly released because of the need to protect intelligence sources and methods, and the confidentiality of certain diplomatic exchanges. The full classified version has been provided, under appropriate arrangements, to the Senate for examination by Senators.

A. The record of subsequent practice

An evaluation of the significance to be accorded any particular evidence of subsequent practice must be based on controlling legal principles, which are discussed below. One circumstance, however, deserves mentioning at this point. In general, actual conduct by the parties reflecting a common understanding of treaty obligations is entitled to much greater weight than mere statements separated from actual conduct. Likewise, conduct based on a consistent, common understanding of obligations is entitled to much greater weight than actions which cannot clearly be attributed to treaty considerations, or which are based on shifting, vague or inconsistent understandings. Despite the extensive collection of relevant materials in this study, there is little evidence of a pattern of conduct based on a consistent, common understanding of treaty obligations. Most of the evidence examined in this study consists of statements, usually unconnected with any action having probative worth. A principal reason for this has been the fact that the parties have not had the programmatic need or technological capacity for very long to develop and test OPP systems or components that are ABM-capable.

Further, it has often been impossible to ascertain whether conduct by the U.S. has been common with conduct of the Soviets. Soviet practice cannot be analyzed or evaluated in the same manner as U.S. practice. The Soviet Government publishes no reports of its BMD activities, and internal debates over the scope of Soviet obligations, if they occur, are never revealed. U.S. officials hold a variety of views concerning Soviet behavior in interpreting treaties. One view describes the Soviets as determined to construe their treaty obligations narrowly, but also to avoid or disregard such obligations whenever desirable, as reflected by construction of the Krasnoyarsk radar. Soviet statements concerning the ABM Treaty, moreover, must be regarded as potentially reflecting Soviet interests as perceived at the time each statement is made; this is clearly demonstrated by the variety of inconsistent positions taken by Soviet negotiators between 1972 and 1985.

For the purpose of analysis, the record of subsequent practice has been divided into four periods: (1) 1972-74, when the parties were initiating their compliance with the Treaty and sorting out basic issues; (2) 1974-78, when the parties conducted their first formal five-year review of the Treaty and negotiated important clarifying interpretations of some of its provisions; (3) 1978-83, when the Executive Branch began publicly to articulate the restrictive view of the Treaty, and to state its applicability to the pre-SDI research program on ballistic missile defense; and (4) 1983-85, when the President announced the SDI program and the U.S. stated that the restrictive interpretation applied to the accelerated U.S. effort, while the Soviet Union began to attack SDI on various legal grounds and doubts as to the validity of the restrictive interpretation began to be expressed more widely within the USG.

Between 1972-74, a few public statements were made by either government concerning the ABM Treaty. During Soviet ratification proceedings, Soviet Defense Minister Grechko stated that the ABM Treaty did not preclude research and experimentation aimed at solving the problem of defending the country against nuclear missile attack. Other Soviet statements stressed the Treaty's ban on deployment of new systems, and disclaimed any binding effect to unilateral, U.S. interpretations.

A strong divergence of views within the Executive Branch, as to the proper interpretation, became evident during the formulation of the internal directive on compliance by the U.S. Government with the Treaty. This directive proceeded from a draft which would have embodied the restrictive interpretation in critical provisions, to a final version which was consistent with either view and left the issue of development and testing of mobile OPP devices for policy-level decision at such time as an OPP system became ready for testing. These changes resulted from disagreement or doubt about the restrictive interpretation in several offices within the Department of Defense; in particular, the three military branches expressed or suggested the view that the restrictive interpretation had been unilaterally assumed by the U.S.; at the same time, the Joint Staff stated that the instruction "appeared more restrictive than called for by the agreements and in other instances appeared ambiguous." Statements of Executive Branch officials before Congress in this period varied, but were essentially ambiguous. The former legal adviser to the SALT I delegation, John Rhinelander, articulated the restrictive interpretation in an unofficial published commentary.

Between 1974-78, the two sides engaged in bilateral discussions in various contexts which demonstrated the differences and uncertainties which still characterized their thinking on the OPP question. During the early phases of SALT II, the Soviets tabled a proposal regarding new strategic offensive systems based on other physical principles. The U.S. representative reported (after extensive discussion) that he could not ascertain whether the Soviets believed that all such arms should be banned in the absence of agreement to permit them, or permitted in the absence of agreement to ban them; the proposal was later dropped by the Soviets. In the course of these discussions, the U.S. representatives recalled that Agreed Statement D banned the deployment of OPP systems in the absence of agreement to the contrary, but the Soviet representative (Semenov, who led the USSR ABM Treaty Delegation) suggested that this might not be a correct reading of the Treaty.

During the negotiation in the SALT II Treaty of the definition of independently targetable reentry vehicles, the Soviets accepted the phrase "other devices" for the purpose of including in the provision's regulatory scope future, unknown devices that could serve the functions involved. The Soviets had rejected identical language proposed by the U.S. for the ABM Treaty, stating then that they opposed coverage in the ABM Treaty text of unknown, future devices. The Soviet SALT II negotiator explained that coverage of current and future ABM devices was achieved in the ABM Treaty through a combination of Article II(1) and Agreed Statement D.

USG preparations for the first formal ABM Treaty Review Conference in 1977 resulted in extensive interagency consideration of a proposal to seek clarification of the OPP question from the Soviets at the Conference. The records associated with this exercise show: (1) that no uniform interpretation of the Treaty existed within the USG, with ACDA advancing the restrictive interpretation, the DCI and the JCS Chairman questioning or rejecting such restraints, and OSD expressing uncertainty as to what the Soviets had agreed; and (2) that the U.S. remained unclear as to whether or not the Soviet Union agreed with ACDA's "understanding" of the Treaty's limitations on future ABM systems. The USG decided against raising this issue with the Soviets at the Conference. The issue of future systems was raised informally on instructions with a Soviet negotiator, however, who failed to confirm that any obligation existed under the Treaty concerning future systems beyond the obligation to discuss them in the SCC.

In 1978 the two parties concluded clarifying interpretations that dealt, among other things, with the meaning of "tested in an ABM mode" in Article II(1) of the Treaty. In this Agreement, and in many prior exchanges, the Soviets emphasized their view that ABM systems regulated by the Treaty were comprised exclusively of the three conventional components listed in Article II. In one provision of the clarifying interpretations, the parties agreed that, if an ABM interceptor missile were given the capability to carry out interception without the use of ABM radars for guidance, application of the term "tested in an ABM mode" would be subject to additional discussion and agreement in the SCC. The record of the discussion of this provision does not clearly indicate a mutual understanding by the parties of its implications: the Soviets made clear that they considered that if an ABM interceptor were given such a capability it would be part of a system based on OPP. The interpretation contemplates that the creation of such a system would be permitted, though the issue of the application of the phrase "tested in an ABM mode" would be subject to discussion and agreement. (Under either interpretation of the Treaty creation would be permitted, but under the restrictive interpretation testing would be limited to a fixed land-based mode.)

Three former U.S. SALT I negotiators made statements during this period supportive of or implying the restrictive interpretation in a written public debate on the issue; protagonists from the Hudson Institute and the Rand Corporation disagreed. Official publications of the USG for the period prior to 1978, including ACDA's "Arms Control and Disarmament Agreements" are ambiguous, and refer to the treatment of OPPs in Agreed Statement D as a matter separate and distinct from the treatment of mobile and space-based systems in Article V.

Between 1978-83, the Executive Branch stated its position on the interpretation of the ABM Treaty in various public Arms Control Impact Statements ("ACIS") published during that time. The 1979 ACIS (submitted on February 28, 1978) was prepared in ACDA, and articulated the restrictive interpretation of the Treaty. No legal study or memorandum concerning the Treaty or its negotiating history has been located that might have been used to support this result; a DOD suggestion that the conclusion representing only the "U.S. position" (and, presumably, not necessarily the Soviet position) was rejected on the ground that a public suggestion that the Soviets were not bound wold be misleading and unconstructive. Some additional ACIS—particularly those submitted between 1981 and 1983—also supported the restrictive interpretation in varying degrees, as did other Executive Branch reports to the Congress and some legal memoranda in the Department of State. Personnel at the Institute for Defense Analysis objected to early ACIS drafts for incorporating the restrictive interpretation. Some support for these objections was expressed in DOD, but in 1981 a staff-level DOD official prepared an internal review that confirmed the restrictive interpretation, which was approved by other staff-level officials in DOD. A decision was made against referring the issue to appropriate senior, policy-level officials for consideration. The 1981 internal DOD memorandum relied on incomplete study of the negotiating record. Similarly, the State Department legal studies relied on incomplete excerpts from the negotiating record, compiled within ACDA in 1980, and were conclusory on key issues.

During this period, Soviet negotiators noticed public reports of U.S. BMD activities, as well as commentary on possible future plans. They complained that such activities and plans were undesirable. They did not, however, articulate a coherent view of the Treaty consistent with the restrictive interpretation.

President Reagan's announcement of the SDI program in March 1983 promised that the program would be conducted within the confines of the Treaty, but did not address which activities beyond research but short of deployment were lawful. Some Executive Branch statements after the SDI announcement supported the restrictive interpretation. These statements indicated that the Executive Branch held the restrictive view, and that the SDI program was consistent with it. Other Executive reports and statements during the same period were ambiguous.

Actions taken by the U.S. in the SDI program through October 1985 were consistent with the restrictive interpretation. During this period, the U.S. stated that its development and testing activities had been designed to be consistent with that interpretation. Those involved in the management of SDI programs found: that the tests planned or conducted required no adjustments for reasons related to the Treaty because the devices involved either were of a type that did not require exceeding the restrictive interpretation or were not ABM components (lacked ABM capability and were not tested in an ABM mode); that the objectives of the SDI program could be met during this period within the restrictive interpretation; and that in any event the U.S. was not technically capable at that time of changing the test program in ways that would go beyond the restrictive interpretation and at the same time offer significant program advantages.

Prior to October 1985 only one series of SDI tests arguably involved an ABM system or device based on OPP (the Homing Overlay Experiment, or HOE); that test would not have been conducted differently under the broad interpretation because it involved the testing of a fixed land-based ABM system. Otherwise, only planning for future tests (such as the Delta-180 test in September 1986) was affected by the restrictive interpretation during this period.

During 1984 and 1985, certain developments led to a determination within the Executive Branch that the OPP question deserved greater study than it had previously been accorded. DOD officials charged with SDI responsibilities sought guidance on the Treaty's scope and received conflicting advice. U.S. negotiators in talks with the Soviets were puzzled by certain Soviet positions and advised further study of the negotiating record. These and other activities led to substantial differences of views within the Executive branch, causing Secretary of State Shultz to order the Legal Adviser to prepare a report on the subject. The Legal Adviser's October 1985 review of the Treaty text and negotiating record, and the opinions on that study of all relevant policy-level officials in the Administration, formed the basis for President Reagan's decision of October 1985 that a broader interpretation of the Treaty was fully justified. The President also decided, as a matter of policy, that is was then unnecessary to restructure the SDI program in a manner consistent with the broad interpretation.

Congress responded to the President's Strategic Defense Initiative by adopting appropriations for the SDI program that were not conditioned on any interpretation of the Treaty. Congress did, however, legislate and appropriate funds after Executive representations were made that the program would be consistent with the restrictive interpretation.

The SDI announcement caused a dramatic increase in the attention given by the Soviets to the OPP issue. They reformulated their position on the ABM Treaty and advanced several different arguments in an effort to attack the SDI program. Their position has consistently been in support of an interpretation narrower than the restrictive interpretation. They have stated, for example, that research, as well as development and testing, on space-based OPP systems and components, is inconsistent with the Treaty. They advanced other more restrictive interpretations, which would limit in various ways the scope of research permitted on space-based OPP systems, and prohibit all research, development and testing intended ultimately to provide a territorial defense.

These different viewpoints were argued at length in bilateral discussions, but were never resolved. At no time have the Soviets accepted the restrictive interpretation. Furthermore, while the Soviet positions would have the effect of prohibiting development and testing of space-based OPP devices, the Soviet argument regarding Article II(1) was consistent with the broad interpretation, and its views of Article V(1) were, before October 1985, inconsistent with any position ever held by a U.S. official and have no basis in the Treaty text or negotiating history. Since October 1985, they have adopted a functional definition for ABM systems consistent with the restrictive interpretation of Article II(1). However, their interpretation of Article V(1) prohibitions remains more restrictive than the restrictive interpretation.

No clear evidence has been developed as to what interpretation the Soviets have applied in practice to their own BMD programs. Existing evidence does not convincingly establish that the Soviets have advanced to the development stage with respect to mobile OPP ABM systems; but in light of existing limitations, a confident judgment on this issue is presently impossible. Available evidence clearly establishes, however, that Soviet BMD activities have included research, development and testing of types which they have characterized as inconsistent with the Treaty. The Soviets also plainly violated the Treaty in proceeding with deployment of the Krasnoyarsk radar.

B. Legal conclusions

1. *International legal obligations*

International law requires consideration of subsequent agreements and conduct of the parties in construing a treaty, particularly to resolve ambiguities. The strength to be accorded such practice depends upon the evidentiary value of particular activity on the issue being examined. In general, concurrent conduct, reflecting agreed understandings, is entitled to much greater weight than unilateral statements communicated by one party to another; internal deliberations are entitled to little if any weight in ascertaining an agreed understanding. Written agreements represent a particularly valuable source of subsequent conduct, and conduct tends to have greater weight when it is closer in time to the agreement being construed.

The record of subsequent conduct of the parties to the ABM Treaty does not establish that the parties had intended in 1972 to prohibit the development and testing of mobile OPP devices. It does, however, provide important insight into the parties' understandings of these issues, at various points, and as they developed over time. These understandings must be considered in arriving at any final judgment on the interpretation of the Treaty.

During negotiation of clarifying interpretations and at other times between 1972 and 1978, the Soviets repeatedly expressed the view that the Treaty was intended to regulate conventional ABM systems. U.S. negotiators disagreed with this view, but accepted the Soviet text in this respect for purposes of the interpretations. These agreed provisions may be read as lending sunport to the broader interpretation and are entitled to substantial weight in the interpretation of the Treaty. One of the interpretations also contains a provision that deals with an ABM missile that is guided without an ABM radar. The Soviets insisted upon treating the substitute guidance system in the same manner as OPP, making the testing in an ABM mode of such a system subject to discussion and agreement. These agreements relate only to particular aspects of the OPP problem, however, and therefore establish no definitive interpretation of the Treaty's application to development and testing of mobile ABM devices based on OPP.

Apart from the formal agreements of the parties, their exchanges, statements, and conduct on matters relating to the OPP question do not evidence a common and consistent understanding of the Treaty interpretation question. The U.S. position in bilateral discussions before October 1985 appears to have been consistent with the restrictive interpretation throughout this period; U.S. negotiators on several occasions indicated a view consistent with reading Article II(1) and the Treaty proper to regulate OPP systems and components.

Substantial doubt and disagreement, nevertheless, was expressed within the USG at various times throughout this period on the OPP question. These internal doubts and disagreement show that positions implying the broader interpretation were supported throughout the period by knowledgeable individuals. The doubts expressed concerning the restrictive interpretation principally took the form of questioning whether the Soviets had agreed to it. Soviet statements and contentions, particularly during the 1972-79 period, lent credible support to these internal USG doubts, since these statements indicated that the Soviets did not share the restrictive interpretation. Internal evidence is entitled to little, if any, weight under international law, however, as it cannot be treated as common or concordant conduct, establishing agreement as to what the parties meant in 1972 with respect to the interpretation of the Treaty. But the evidence of internal doubt, combined with a lack of Soviet confirmation, reflected the absence of any commonly held view.

The Soviet position in bilateral discussions has changed substantially between 1973 and 1985, evidently in response to the Soviet perception of its national interests. During the period from 1972 to 1978, Soviet negotiators repeatedly took the position that Article II(1) of the Treaty defined ABM systems within the Treaty text as only those consisting of ABM interceptor missiles, launchers, and radars; they never during this period indicated agreement with the restrictive view, and on at least two occasions failed to respond to opportunities to confirm that even the deployment of OPP devices was banned. Soviet statements began to change only around 1979, when the U.S. published extensive descriptions of its expanded BMD activities and plans; Soviet views shifted dramatically in 1983 after President Reagan announced SDI, when Soviet negotiators expressed views of the Treaty, based primarily on Article I(2), more restrictive in material respects than those of the U.S., and on an interpretation of Article V(1) which lacks any basis in the Treaty or its negotiating record.

Actions taken by the U.S. in its BMD programs through October 1985 (including the SDI program) have been consistent with the restrictive interpretation. This fact does not necessarily indicate a subsequent practice establishing agreement of the parties. During this period, the U.S. explicitly stated that its development and testing activities had been designed to be consistent with the restrictive interpretation. These tests required no adjustments for reasons related to the Treaty, however, because the devices involved either were of a type that did not require exceeding the restrictive interpretation or were not ABM components (lacked ABM capability and were not tested in an ABM mode). The objectives of the SDI program could be met during that period, moreover, within the restrictive interpretation, and the U.S. in any event was technically incapable at that time, in the view of SDI officials, of changing the test program in ways that would go beyond the restrictive interpretation and at the same time offer significant program advantages. Prior to October 1985, only planning for future tests was affected by the restrictive interpretation. Finally, these activities were conducted consistent with the restrictive interpretation because that view of the Treaty was reflected in the FY79 ACIS, and supported in some subsequent ACIS, without sufficient study.

No comparable record exists with respect to Soviet structuring of its BMD program. We have insufficient evidence to determine whether the Soviets reached the stage at which development and testing activities inconsistent with the restrictive interpretation would have been feasible and useful, but were not undertaken for reasons of Treaty compliance; the Soviets may, moreover, have conducted tests or advanced devices without U.S. detection. Soviet BMD activities, including research and experimentation clearly oriented toward possible future mobile OPP systems, have certainly been inconsistent with the more restrictive views advanced by the Soviet side since announcement of the SDI program (e.g., that the Treaty prohibits research into ABM devices the deployment of which is prohibited). They have also deployed a radar at a place where radars of that type are prohibited under any interpretation of the Treaty.

This record of subsequent practice establishes no binding international legal obligation by the U.S. and the USSR to follow the restrictive interpretation. At no time have U.S. and Soviet views coincided on the application of the Treaty to OPP systems. During the period from about 1983 to October 1985 the statements of the U.S. and the Soviet Union, though based on different theories, would both have had the result of precluding development and testing of space-based (and presumably other mobile) OPP systems, despite their disagreement on other aspects of the problem. The Soviet view during that period, however, was based on a reading of Article II(1) that is inconsistent with the restrictive interpretation, and in fact supports the broader view, and on a reading of Article V(1) which is radically different from any advanced by the U.S. and which lacks support in the Treaty language or negotiating history. Only after October 1985 when the broad interpretation was found fully supported by the U.S. Government did the Soviets adopt a functional definition for Article II(1). However, their interpretation of Article V(1) prohibitions remains more restrictive than the restrictive interpretation. Furthermore, this period represents less than three of the fifteen years since the entry into force of the Treaty. Finally, insufficient proof exists that the parties engaged in conduct probative of the restrictive view that was consistent and common. The parties appear to have been incapable of the most probative forms of conduct during most if not all the period from 1972 to 1985; and we have insufficient evidence in any event to judge whether Soviet behavior was in fact consistent with the restrictive view.

2. *Domestic legal obligations*

As discussed in pp. 42-55 of Part II of this study, the interpretation of a treaty for purposes of domestic law is based, in the first instance, on the principles of international law that govern treaty interpretation. In some respects, however, the obligations of the President under U.S. law with respect to the interpretation of a treaty may draw upon additional considerations, due to the allocation of governmental powers under the U.S. Constitution.

No special preference is given under international law to the interpretations of a treaty made by governmental authorities of either party. In applying the provisions of a treaty for purposes of domestic law, however, U.S. courts will typically give great weight to any reasonable interpretation articulated by the U.S. Executive Branch. As explained in Part II, this results both from the normal deference given to Executive agencies in interpreting federal statutes, and from the special deference given to the President in the interpretation of treaties as an aspect of conducting the nation's foreign affairs. While longstanding interpretations by the Executive Branch must be accorded great weight, the Supreme Court has also accorded great weight to an interpretation even though it had not been previously maintained by the Executive Branch.

The President is obliged under U.S. law to comply with constitutionally valid legislation enacted subsequent to the ratification of a treaty, even if it is inconsistent with U.S. international obligations under the treaty. Similarly, communications between the Executive Branch and Congress subsequent to ratification, while usually of little weight under international law, are likely to be given more serious consideration by U.S. courts in the interpretation of treaty provisions for domestic law purposes.

As noted in Part II, the interest in avoiding non-mutual international obligations should be weighed against finding that the President has domestic-law obligations different from those that are binding on the other treaty partner. Furthermore, the President's powers to interpret treaties and to conduct foreign affairs should not be limited absent clear indication that such limitations were specifically intended. On the other hand, while legally binding limitations on Executive discretion are disfavored, the President must give proper weight in exercising his powers to all relevant matters and evidence, including Executive Branch representations to Congress, and indications of legislative reliance on such representations.

Nothing in the record of subsequent practice of the ABM Treaty binds the President as a matter of domestic law to the restrictive interpretation. Nonetheless, a substantial number of Executive representations have been made to Congress, beginning with the 1979 ACIS, and lasting until late 1985, which support the restrictive interpretation to one degree or another. Relevant statements include those made by SDIO in its 1985 annual report (completed while the Executive Branch was beginning its first comprehensive review of the negotiating record). Congressional appropriations for SDI during FY 1985-86 were not expressly conditioned on any interpretation of the Treaty; however, Congress has legislated and appropriated funds with these representations on the record, arguably creating an expectation that the restrictive view would continue to be followed. Since October 1985, Congress appropriated funds for FY87, but did not condition their expenditure on continued observance of the restrictive interpretation. The body of substantial evidence that supports the broader interpretation has been essentially internal, and only after completion of a legal review in October 1985 has the Executive clearly articulated the broader view and communicated to Congress the evidence and arguments that support it.

The President should give appropriate weight to Executive representations made to Congress, and expectations developed by legislators, during the post-ratification period, in determining and exercising his lawful discretion to interpret the ABM Treaty. Congress, on the other hand, is also constitutionally obligated, in exercising its constitutional powers, to weigh in good faith the full record of evidence relevant to the ABM Treaty's lawful interpretation, and to defer to reasonable Executive judgments as to the meaning of such evidence, including evidence of subsequent conduct.

Mr. HELMS. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I have listened to the debate and speeches in this body over the past 5 months about the correct interpretation of the ABM Treaty, and whether the development and testing of advanced strategic defense technologies are permitted by this treaty. We have also heard a great deal about the constitutional role of the Senate in giving its advice and consent.

In my judgment, what the Levin-Nunn amendment comes down to is what course of action best serves our national security interests. What effect will this provision have on the Strategic Defense Initiative [SDI] Program, and on the prospects for achieving deep reductions in the numbers of nuclear weapons?

During the discussion of his legal analysis of the ABM treaty, my friend and colleague from Georgia, Senator NUNN, said "* * * the American public and our allies need to understand that if we cannot solve current strategic vulnerabilities through arms control or our own strategic programs, we may have no recourse but to consider deploying some form of strategic defense." I think it is already clear that strategic defenses must be an essential and permanent element of the strategic balance. I thought so 15 years ago when I noted during the ABM Treaty ratification debate that the treaty "effectively prevents us from ever having the means to protect our population from a Soviet first strike."

When the ABM Treaty was signed in 1972, Ambassador Gerard Smith asserted on behalf of the United States that the limitations on ballistic missile defenses contained in the treaty would not serve our strategic interests unless strategic offensive arms were significantly reduced within 5 years. It is now 15 years later, and we all know that the promised follow-on reductions in offensive forces have not been realized. Instead, Soviet strategic offensive capabilities have multiplied, not decreased, as has the threat these systems pose to our own deterrent capability. In view of the failure of the SALT I/ABM Treaty formula to provide adequately for our security, we must now reconsider the contribution that strategic defenses can make in our deterrent posture.

There is another compelling reason for us to reconsider the role of strategic defenses in our security posture—that is the vast Soviet strategic defense research, developments, and deployment program. Again, during the ABM Treaty ratification debate, I noted that the "Treaty overlooks the fact that present ABM deployment in the United States and the U.S.S.R. is not symmetrical." The situation is far worse today. In the past 10 years, the Soviets have spent an estimated $150 billion on strategic defense—15 times as much as the United States has spent. The Soviets have the world's only operational ABM system around Moscow, which they have been modernizing and expanding. They have also violated a central provision of the ABM Treaty with the Krasnoyarsk radar. Taken altogether, Soviet strategic defense activities raise the concern that they may be preparing an ABM defense of their national territory—the very thing the ABM Treaty was designed to prevent.

If we fail to respond to the threat posed by Soviet strategic offensive and defensive programs, the implications for our security will be very grave. To respond, we must be able to explore and develop our own strategic defense technologies in the most expeditious and effective manner possible. In the current budget environment, we should insist on no lesser standard of performance from the SDI program. It is in this regard that requiring by statute that the President follow the more restrictive of two plausible interpretations of the ABM Treaty, which would be the practical effect of the Levin-Nunn proposal, becomes very important.

The broad interpretation would permit us to delay a decision on fundamentally altering the ABM Treaty regime by several years until we had confidence that the technologies which we had developed would meet our criteria for deployment. Under the restrictive interpretation, the United States would be forced to make a decision to alter fundamentally the treaty regime simply to complete the testing portion of the research program.

Under the broad interpretation the United States is allowed to conduct research, development, and testing to maximize confidence in the feasibility of strategic defenses. Specifically, this interpretation would allow the program manager to design realistic tests to integrate fully capable weapons, sensors and battle management/command, control and communication.

The broad interpretation would reduce costs significantly and allow for greater efficiency. This is accomplished through integrated testing using the most capable hardware, as opposed to piecemeal testing. We estimate that it would save 2 years in the research program and at least $3 billion dollars in establishing the feasibility of an initial defense against ballistic missiles.

Under the broad interpretation, confidence in defense feasibility would increase much faster than under the restrictive interpretation, thereby permitting an earlier decision on the desirability of defenses.

The broad interpretation of the treaty would significantly reduce program uncertainty caused by the inherent ambiguities of the treaty under the restrictive interpretation.

The broad interpretation of the ABM Treaty would allow the United States to retain the option to deploy strategic defenses in the mid-1990's. Even under ideal conditions, the restrictive interpretation would delay deployment until the late 1990's.

In addition to the greater expense of the restrictive interpretation, each month this Nation continues under the restrictive interpretation imposes a 1½ to 2-month delay in the deployment of defenses based upon the results of SDI research.

These findings, which have been presented in briefings and testimony to the Subcommittee on Strategic Forces and Nuclear Deterrence, make clear that restructuring the SDI program to take advantage of the broad interpretation of the ABM Treaty provides advantages from the point of view of cost, schedule, and confidence in the results of our SDI program. While we debate these legal technicalities, there can be little doubt that the Soviets are pursuing their own version of the SDI program unimpeded by such internal debate.

Mr. President, in the end, SDI testing is not primarily a legal or constitutional question but a political one. Should the United States pursue the development of strategic defenses for deployment as quickly and as efficiently as possible, or should we be unilaterally bound to an interpretation of the ABM Treaty that costs us time and money? I think the answer to this question is clear—we should enhance our security through strategic defenses as quickly as we can.

The Levin-Nunn amendment, by requiring as a practical matter that the President follow the more restrictive of two plausible interpretations of the ABM Treaty, would legislate inefficiency in the program at a time when we should be getting the most for our scarce defense dollar.

Mr. President, I urge the adoption of the amendment to strike the Levin-Nunn amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. EXON are printed later in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, thank you very much.

Mr. President, section 233 of the Department of Defense authorization bill for fiscal year 1988, as reported by the Senate Armed Services Committee, prohibits the use of funds for the development and testing of anti-ballistic missile [ABM] systems or components which are sea-based, air-based, space-based or mobile land-based, unless the President submits a report to Congress specifying the systems he proposes to develop and test, and Congress passes a joint resolution to so authorize. The provision is based on language in the 1972 ABM Treaty.

OPPONENTS OF THE LEVIN-NUNN PROVISION ARGUE

Passage of the Levin-Nunn provision would represent a major concession to the Soviets by preventing development and testing of systems the Soviets fear without extracting similar concessions from them. Critics further argue that Levin-Nunn undercuts the administration's hard bargaining line in other ongoing negotiations.

THE LEVIN-NUNN PROVISION DOES NOTHING OF THE SORT

The administration has not requested funds for the development and testing of mobile land, sea, or space-based ABM weapons. In fact, the administration indicated in hearings that it did not intend to request funds for such systems. The Levin-Nunn provision simply asserts the right of Congress to consider such a request before approving the expenditure of funds for such purposes. Asserting Congress' right to authorize and appropriate funds for national defense in no way undermines the administration's bargaining position on arms control. Indeed, this provision provides for expedited consideration of requests to authorize funds for the strategic defense initiative in the event that the arms control climate changes.

OPPONENTS OF THE LEVIN-NUNN PROVISION ARGUE

The provision is unconstitutional because it interferes with the President's "sole authority" to the implement and abrogate treaties. Furthermore, opponents of the provision contend it gives the House of Representatives authority in the treaty making process, something for which the Constitution does not provide.

THE LEVIN-NUNN PROVISION DOES NOTHING OF THE SORT

The Levin-Nunn provision does not interpret the treaty, it simply limits the expenditure of funds—a power well within the authority of the legislative branch. It is a power the House shares with the Senate. The provision does not grant the House a veto of any interpretation of the ABM Treaty or any other treaty. This argument is a red herring dragged across the trail of this debate to divert attention from the fact that the administration is seeking carte blanche on SDI spending.

If, on the other hand, this provision does have the effect of blocking an attempt by the current administration to reinterpret preemptively a treaty ratified by the Senate, then so be it. If this administration is successful in such an endeavor, the constitutional role of the Senate in the treatymaking process—one of the brilliant checks and balances our forefathers wrote into the Constitution to guard against the excesses of an overmighty executive—would be undermined, and the credibility of the United States in the international arena would be eroded. How could our allies—and even more importantly, our adversaries—be assured that they could securely enter into agreements with a country that reserves to itself the option to reinterpret treaties purporting to have the force of law. I detect some irony in the fact that this administration, that has repeatedly advocated restraint and conservatism in interpreting the Constitution, and which has emphasized its claim that it is nominating a strict constructionist to the Supreme Court, is attempting to broadly interpret a treaty and thereby remove the Senate from its constitutional role in the treatymaking process.

OPPONENTS OF THE LEVIN-NUNN PROVISION ARGUE

The provision prevents planning of and research on systems integral to SDI, thereby effectively slowing development of SDI and forcing us to continue to rely on the doctrine of mutually assured destruction. They further argue that this provision leaves the United States naked to a Soviet breakout in the field of ABM technology.

THE LEVIN-NUNN PROVISION DOES NOTHING OF THE SORT

The Levin-Nunn provision prevents the expenditure of funds for the development and testing of mobile land, sea or space-based weapons prior to congressional consideration of a specific authorization request. Opponents of the Levin-Nunn provision would have us believe that this means no money can be spent on research for these kinds of systems. Since 1985 SDI has received $8.6 billion for research and has used it to advance research on directed energy weapons—laser beams, kinetic energy weapons—rockets and other projectiles that destroy by impact, sensors for identifying and tracking targets, and computers and communications systems for controlling an ABM system. Enactment of the Levin-Nunn provision will not do a thing to halt these efforts. Neither will that provision prevent a United States response to a Soviet breakout from the terms of the 1972 ABM Treaty. To the contrary, this bill directs the Strategic Defense Initiative Office to fully fund near-term deployment options for just such a contingency. By the same token, we should be careful not to rush into premature development and testing of these costly technologies. The expense of development, testing and early deployment of near-term SDI technologies may well, in our current circumstances of fiscal constraint, have the unintended consequences of freezing further research of future technologies on which could be built an effective ballistic missile defense system and not some fictional "star wars" system that some would have us believe is just around the corner. Sometimes you have to start slow to go fast. Burning rubber at the start just wears out the tires.

The Levin-Nunn provision does none of these things its detractors claim. It is prudent legislation that imposes modest restriants on a program that otherwise threatens to be a runaway train—a potential black hole—that could consume an increasingly disproportionate share of defense dollars. I have concluded that the real objections to the Levin-Nunn provision by the administration and its supporters are that it constrains their ability to pursue their SDI objectives without consulting Congress, and that it blocks an effort by the executive branch to play fast and loose with the treatymaking provisions of the Constitution.

I ask to speak at this point, having sat in the Chair for a good period of time this morning and again yesterday as we were discussing the filibuster. And I was struck on this day of the 200th anniversary of the Constitution by themes that were being debated and are being debated here today which are more than familiar and are an absolute reflection of the wonders of our political system and the strengths of our constitutional system.

Three issues have come up over and over and over again in this debate, three issues that we can I think all be proud to debate whether we are on one side of the issue or another. I happen to agree with Senator Levin and Senator Nunn. But let me just touch on those three as I was sitting, particularly in the last 2 days, and observing them and particularly on this historic day.

First, the suggestion that we in the Congress ought to provide the funds to the administration, sort of put it on the stump in the middle of the night and get out of there or that they would like to take the money and run.

The administration—and this country for 200 years—has always wanted it that way. And the Congress has always said, "Wait a minute, we have a responsibility to put our stamp on it." The conflict has existed for 200 years and I hope it will exist for 200 years more as to who has the power over the purse. That was in part this debate yesterday and today—take the money and run, or the power of the purse.

The second major issue that is being debated today and last night was the issue of the power, the strength and the role obviously of the U.S. Senate, and the issue of advise and consent. On foreign policy and arms control it is very clear that we in the Senate believe that there is an extraordinarily powerful and important role for us to play. The administration would like—and if you were the administration, I suspect you would argue the same thing—to diminish that role. How powerful should we be; what is our role; how much do we have to say? That is also a theme that has been debated for 200 years, and I hope will be debated for 200 years more.

The third issue which perhaps may be long term—long term being the next year, 2 years, 3 years, 5 years—and the most important relates to the authority of the Senate and the role of the Senate in treaties. What would be the perception around the world? I think if the United States singularly through the executive branch were able to change the meaning of treaties, what is the role of the U.S. Senate in conducting our foreign policy?

Three themes have been debated, Mr. President, in the last day, and many others as well. But again I get up to comment on this point. I hope we are going to come to a vote pretty quickly but I get up to comment on observing what has been going on for this period of time on this special day in our Nation's history, issues that we have been debating here that go right to the heart of our constitutional system, right to the heart of the whole question of balances between the executive branch and the congressional branch.

I thank you very much for your indulgence while I made these very brief remarks.

LEVIN-NUNN LANGUAGE TO LIMIT TESTING OR DEPLOYMENT OF SDI IN VIOLATION OF THE ABM TREATY

Mr. LEAHY. Mr. President, I rise in support of the Nunn-Levin language in the defense authorization bill. Before turning to the substance of this extremely important arms control issue, I must state for the Record that the 4-month filibuster of the motion to take up the defense bill is one of the most bizarre and disturbing exercises I have witnessed in my dozen years in the Senate.

For months, loyal, patriotic members of the Republican Party refused to allow the Senate to consider the 1988 defense budget—the bill that provides over $300 billion to defend the United States. There is real concern that some may even yet attempt to kill the Levin-Nunn provision, as well as other arms control measures, by stalling the defense bill until the Senate is forced to move to other urgent items, such as the debt limit extension, the reconciliation bill, and other matters.

Their objection is not that the bill authorizes too little ammunition for our troops, or too few nuclear missiles or bombs, or not enough destroyers or fighter planes. The reason for this extraordinary filibuster is a single sentence relating to the ABM Treaty in a 218 page bill.

The sentence—the so-called Levin-Nunn language—reads:

> Funds appropriated or otherwise made available to the Department of Defense during Fiscal Years 1988 and 1989 may not be obligated or expended to develop or test anti-ballistic missile systems or components which are sea-based, air-based, space-based, or mobile land-based.

There is more, setting up a way for the President and Congress to set this restriction aside. But this is the heart of the issue.

I urge my colleagues to read that sentence closely, because maybe there is some large misunderstanding which is causing the Senate to spend so much time on an issue which should cause little or no controversy.

As I look at this language, three things are apparent to me:

First, it requires the President to obey the law.

The ABM Treaty, signed in May 1972, and ratified by the Senate, is international law and the law of this land.

That treaty permits each side to develop, test or deploy only ABM systems or components which are land-based and fixed. It allows each side to defend one site with 100 land-based, fixed ABM launchers and interceptors.

Everything else—nationwide ABM defense, development, testing or deployment of mobile land-based, air-based, sea-based or space-based ABM systems or components, or development, testing or deployment of exotic ABM technologies based on "other physical principles" not known in 1972—is prohibited.

You do not have to be a constitutional scholar or strategic expert to see at once that this is a huge legal barrier to the President's dream of a space-based, nationwide, death ray defense against ballistic missiles. As long as the ABM Treaty is accepted to prohibit what its words convey, star wars cannot get very far out of the laboratories.

The U.S. Senate—and our entire Nation—owes a great debt to the chairman of the Armed Services Committee, Senator NUNN, for making this point so abundantly clear in his authoritative studies on the subject.

Second, it withholds funding for 2 years for activities that the administration concedes could not be carried out during this period in any event.

A Martian who suddenly dropped by to observe the Senate in action could be forgiven for being a little puzzled about this cosmic debate.

The bill would not authorize funds for certain SDI tests that the administration says it could not conduct within the next 2 years anyway.

General Abrahamson, the head of the SDI Program, testified to Congress that he can carry out the President's research and development program for at least the next 2 years without violating the so-called traditional interpretation of the ABM Treaty.

Third, it defers—rather than settles—the issue of the traditional versus the broad interpretation of the ABM Treaty.

The original Levin amendment, as I understood it, would have prohibited funding for any activity which would violate the traditional interpretation of the ABM Treaty, this is any development or testing of the space based kinetic kill system the administration has fixed on.

The Levin-Nunn compromise draws back from the flat prohibition on violating the traditional interpretation of the ABM Treaty. It in effect defers the issue of which interpretation is correct, and provides a mechanism for the President to set aside the funding restriction and carry out tests, with the approval of Congress, that would go beyond the traditional interpretation.

Frankly, I consider this dodging of the basic issue a flaw in the Levin-Nunn language. It fails to quash once and for all the Reagan administration's attempts to rewrite the meaning of a treaty that was ratified by the Senate 15 years ago. If the U.S. Senate's role in ratifying treaties is to remain more than a formality, I believe we should be reaffirming our equivocal commitment to the ABM Treaty as presented to the Senate during the ratification process in 1972.

However, I will join my good friends, the Senators from Michigan and Georgia, in voting against efforts to strike or weaken their provision in this defense bill. Deferral of the issue for 2 years and continuation of the traditional meaning of the ABM Treaty for that period is certainly far better than leaving the administration a free hand to gut the treaty. But, let the record be clear that I would rather settle the issue here and now that the ABM Treaty means what it says, and the United States has entered into a solemn international commitment to abide by that clear meaning.

Mr. ADAMS. Mr. President, for the last few months we have been debating, in one form or another, a number of critically important questions related to the role of the Senate in the treaty making process and to the proper interpretation of the ABM Treaty. Those are interesting questions, and I would be delighted to join that discussion, but I would submit that neither question is relevant to the specific language proposed by Senators LEVIN and NUNN or to the motion by Senator WARNER to strike that language.

I have looked carefully at the Levin-Nunn language. I have studied the report of the Armed Services Committee on this language. I have listened to the two authors of the language discuss it on the floor. And while one can certainly agree that the language is a response to the administration's new interpretation of the ABM Treaty and their advocacy of the broader reading of the treaty, the Levin-Nunn language does not seek to endorse or reject the administration's interpretation. All it says is that the administration must come to the Congress and get specific authorization for funds to be spent on projects which are allowed under their reading of the treaty but prohibited under the traditional interpretation of the ABM agreement. It does not say that the administration is precluded from making such a request. It does not say that the Congress will not approve such funds. In short, it does not in any way prejudge the issue; it simply protects the right of the Senate, at the appropriate time, to make a judgment.

That is all it does, and that is what the Congress has always done.

We did this on the MX missile and dozens of other weapons systems. We have done it in other policy areas. And hopefully we will continue to do it. This is nothing more than using the power of the purse—the unquestioned power of the Congress.

I can understand why supporters of the broad interpretation of the ABM Treaty and supporters of early deployment of SDI might oppose the Levin-Nunn language, but I would tell them that the Levin-Nunn language does not prevent early deployment nor does it deny the possibility that the President's interpretation of the treaty is correct, even though I do not accept or agree with the President's attempts to reinterpret this treaty.

Earlier this year, Senator BIDEN introduced legislation, which I was pleased to cosponsor, which did reach the conclusion that the President's interpretation is incorrect. But the Levin-Nunn language does not do that.

Listen to the language of the Committee report: "Without prejudging the wisdom and desirability of undertaking testing, development and deployment of mobile/space-based ABM's using exotic technologies, it is imperative that Congress in general—and this committee in particular—examine in detail any proposed expenditures that would involve such a substantial change in policy." That does not say that the President is wrong in his reading of the treaty or that Senators LEVIN and NUNN are right. It says we do not want to make that choice now.

Beyond that, as the committee report indicates, we do not need to make that choice now. As the committee report makes clear, delaying a decision in this bill does not have a practical impact on existing plans. The committee report indicates that "the administration has stated that its research and development program for the Strategic Defense Initiative complies with the prohibition on testing and development . . . [and] the administration has not requested any funding for fiscal years 1988 or 1989 to test or develop mobile/space-based ABMs using exotics." In short, even if the Levin-Nunn language was a prohibition—and, again, I do not believe that is an accurate characterization—it would prohibit something which the administration does not intend to do anyway.

There are, however those who claim that even if the Congress is acting within its constitutional right to exercise the power of the purse in this regard, it ought not use that power. They believe that such an action unjustly restricts the President's ability to negotiate with the Soviets. Well that is not the conclusion of the committee. Their report indicates that "the committee believes this feature [the waiver of the prohibition by a vote of both Houses of Congress] will give the President flexibility in arms control negotiations." Indeed, the comittee was so concerned about the negotiating flexibility that the Levin-Nunn language gives the President that it warned that "it would be a serious mistake, however, for the administration to view this section as an invitation for it to implement the so-called new interpretation of the ABM Treaty or to proceed with an early deployment scheme for SCI." On balance, then, I believe the Levin-Nunn language gives the President the authority and flexibility he needs while retaining for the Congress the right to exercise its obligations under the Constitution.

Mr. President, I have been discussing the "neutrality" of the Levin-Nunn language. I want to close by expressing, briefly, my own lack of neutrality on the underlying issue of SDI. My opposition to SDI is, I hope well known. For a variety of practical and philosophic reasons, I simply do not think that SDI is a viable addition to our national defense strategy. Beyond that, I am not neutral on the interpretation of the ABM Treaty. I have studied Judge Sofaer's analysis of the treaty, I have studied the analysis of Senators LEVIN and NUNN as well as the studies submitted to the Senate by others who support the reinterpretation. I am convinced, on the merits of the case presented, that the traditional interpretation is correct and that is why I have co-sponsored the Biden bill. But again, I urge my colleagues to look beyond the rhetoric and the merits of the underlying issue: the Levin-Nunn language does not reach that issue and does not employ that rhetoric. It does not pass judgment on the merits of one interpretation or the other; it simply affirms the judgment made by our Founding Fathers that the Congress of the United States has the authority and the responsibility to use the power of the purse to guide national defense policy. And that is what this debate should be about.

Mr. KENNEDY. Mr. President, I rise in opposition to the motion by Senator WARNER to strike the Levin-Nunn language from the Department of Defense authorization bill. This language simply imposes an obligation already required by the ABM Treaty. It would establish a 2-year prohibition on the Defense Department from using funds to develop or test any antiballistic missile [ABM] systems that are sea-based, air-based, space-based, or mobile land-based.

In my view, this is the most important provision in the Defense authorization bill. It is a crucial brake on the Reagan administration's ill-advised and obscenely expensive strategic defense initiative. This amendment simply seeks to uphold the law of the land. It would bar the administration from expending funds on ABM systems prohibited by the traditional interpretation of the ABM Treaty without the prior consent of the Congress.

This provision would not be necessary if the administration had followed the interpretation of the ABM Treaty that every previous administration has endorsed and operated under. The Nixon administration, the Ford administration, the Carter administration, and even the Reagan administration through its first 4 years in office recognized that the ABM Treaty prohibited the development and testing of space-based ABM systems.

But, in late 1985, the Reagan administration announced a new interpretation of the 15-year-old treaty that would allow such development and testing. This vital decision was taken without consulting Congress—despite the Senate's constitutional role in the ratification of treaties. It was taken without consulting the allies—despite the treaty's critical importance to their defense. It was taken without consulting the Soviet Union—despite the existence of the standing consultative commission for the resolution of treaty interpretation disputes.

No one here who supports the Levin-Nunn language argues against research to explore promising avenues in antimissile technology that have opened up in recent years. But at the point that star wars research turns into star wars testing and deployment, we must draw the line.

In fact, the ABM Treaty already draws that line. That treaty is as much in the interest of the United States in 1987 as it was in 1972 when the Senate ratified it by the overwhelming margin of 88 to 2.

That treaty eliminated one entire arena of competition between the superpowers. Without that treaty, we would have spent the past 15 years in a full-throttle drive to develop complex, costly and ultimately ineffectual nuclear defenses.

But now the administration wants to take off the brakes. Propelled by the hocus-pocus of the star wars fantasy, this administration is engaged in an unseemly and unprecedented attempt to circumvent the Senate, to reinterpret the ABM Treaty without withdrawing from it, to wriggle out of it without repudiating it, in other words to violate the law of the land.

I urge the administration to stop hiding behind false loopholes and to speak honestly to the American people. If they believe that the ABM Treaty no longer serves the interests of the United States, let them say so. Let them be candid with the American people, and let them abrogate the ABM Treaty in the way that its language provides. and then let the American people judge for themselves which course to follow—by casting their votes at the polls. I am confident that the choice will be clear—nuclear arms control on Earth, not a nuclear arms race in space.

In the life of every Congress, there are moments of historical choice, moments when the votes that are cast change the course of our Nation's history. This is one of those moments, I urge my colleagues to look into the future to a time when we will be called to account by the next generation of Americans and by succeeding generations. Let us cast this vote to reaffirm the rule of law in our own country and to stand behind our solemn commitments—with friends and adversaries alike. This is one vote that truly will be heard around the world.

Mr. BYRD. Mr. President, I have the following unanimous-consent request which has been cleared with both managers and Senators on both sides of the aisle:

It is ordered that the Senate proceed immediately to the consideration of an amendment by Mr. QUAYLE dealing with the Krasnoyarsk radar, that there be 30 minutes time limitation thereon to be equally divided in accordance with the usual form, that the amendment by Mr. GLENN be temporarily set aside, and that the vote in relation to the pending amendment by Mr. WARNER occur tomorrow morning at 9:30 a.m.; and provided further that no amendments be in order to the amendment to be offered by Mr. QUAYLE.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Mr. President, reserving the right to object and I shall not object.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I am sure the way the majority leader worded that unanimous-consent request in reference to the Warner amendment it would permit a motion to table to be made.

Mr. BYRD. It would.

Mr. NUNN. I could be recognized.

Mr. WARNER. Mr. President, that part of the unanimous-consent request remains intact. It is just a question of sequencing it.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I see the proponent of the amendment here and I wonder if the majority leader and others will recognize him for a moment.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the Quayle amendment which has not been offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does the Senator want to order the yeas and nays on the amendment?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The foregoing request is agreed to.

AMENDMENT NO. 683

Mr. QUAYLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. QUAYLE] proposes an amendment numbered 683.

At the appropriate place insert the following:

SEC. SENSE OF CONGRESS ON THE KRASNOYARSK RADAR.

(a) FINDINGS.—The Congress finds the following:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long leadtime element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(5) The Krasnoyarsk radar is more than 700 kilometers from the Soviet-Mongolian border and is not directed outward but instead, faces the northeast Soviet border more than 4,500 kilometers away.

(6) The Krasnoyarsk radar is identical to other Soviet ballistic missile early warning radars and is ideally situated to fill the gap that would otherwise exist in a nationwide Soviet ballistic missile early warning radar network.

(7) The President has certified that the Krasnoyarsk radar is an unequivocal violation of the Anti-Ballistic Missile Treaty.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Soviet Union is in violation of its legal obligation under the 1972 Anti-Ballistic Missile Treaty.

Mr. QUAYLE. Mr. President, parliamentary inquiry. I presume the time is equally divided between the two sides; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. QUAYLE. I yield myself 5 minutes.

Mr. President, this sense-of-the-Congress resolution is relevant to the debate and one that is probably more necessary tonight given the recent publicity on whether the Krasnoyarsk phased-array radar is in fact a violation of the ABM Treaty. It is exceedingly relevant to this debate to consider this because tomorrow morning we are going to be voting on an amendment dealing with what kind of interpretation we are going to have on the ABM Treaty.

I, quite frankly, believe the votes on the first round will favor having the narrow interpretation be the interpretation that the Senate wants to side with. That will be a narrow interpretation of a treaty that the Soviet Union clearly violates. So this is a very relevant and important issue that the Senate is going to vote on. I imagine the vote will be unanimous or close to unanimous.

Second, Mr. President, I think it is very important and timely at this opportunity to once again affirm that the Krasnoyarsk phased-array radar presently located is, without any question a violation of the ABM Treaty; that the only way that they are not going to be in violation of this treaty is to take it down.

We had a couple of Congressmen that were over there recently that came back and made a number of public statements and said they were not certain that this was a violation of the treaty. They said, "Well, it was not really operational," and there was all sorts of hedging and hemming and hawing. And the Soviet Union was very adroit in being able to allow them to go out and see this and to get all sorts of publicity on whether it was or was not a violation of the ABM Treaty.

I believe tonight what the Senate will do is go on record once again affirming what the President has certified, that this Krasnoyarsk phased-array radar is a clear violation of the ABM Treaty.

Now it says this: It says that that treaty is being violated not by the United States.

As a matter of fact, this administration still adheres to the narrow interpretation of the treaty. But the Soviets have violated it. That is what, Mr. President, one might logically conclude as a little bit of a double standard.

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order. The Senator from Indiana has a right to be heard and will be heard.

The Senator may proceed.

Mr. QUAYLE. Mr. President, what we have is somewhat of what one might logically perceive to be a little bit of a double standard, as our administration presently has a narrow interpretation rather than a broad legal interpretation of the ABM Treaty.

I yield myself an additional 2 minutes, Mr. President.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. QUAYLE. As I said, the United States of America adheres to a narrow interpretation, even though we could go to a broad or legal interpretation and the Soviet Union unilaterally violates this treaty.

Now, at least in my home State in the coffee shops, if you lay out the facts, they would say, "Yeah, that is a double standard. No doubt about it." Not only do we adhere to it, we adhere to it in a very narrow, restricted basis and yet the Soviet Union can unilaterally violate it without any response. They can just callously do this. They have gotten away with it in the past and I presume they will probably get away with it in the future.

But this amendment is an amendment that will confirm once again that we consider this is a violation of the ABM Treaty. It passed the House in May by 418 to 0.

I believe, particularly in light of all the publicity, front-page news stories in the news that raised some question, possibly some question about whether this is a violation of the ABM Treaty, I think the Senate will make it clear just what the real truth is.

There is no question, despite what the Congressmen may have in fact suggested, that it is a violation and I think everybody knows that.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, does the manager of the bill have the control of the time?

Mr. NUNN. I yield such time as the majority leader may desire.

The PRESIDING OFFICER. The manager of the bill controls the time if he is opposed to the amendment.

Mr. BYRD. Suppose nobody is opposed to it.

Mr. NUNN. What if the manager of the bill is undecided?

Mr. WARNER. Mr. President, I have time, do I not, on this side?

The PRESIDING OFFICER. If the manager of the bill does not oppose the amendment, the time is controlled by the minority leader or his designee.

Mr. NUNN. Mr. President, I do not oppose the amendment. As a matter of fact, I agree with the amendment. I intend to vote for the amendment. So I fall under that set of conditions. I forfeit my time under my control to the majority leader, who I am delighted to yield to.

Mr. BYRD. Mr. President, I believe, under the usual form, the distinguished Senator from Virginia would control the time. By virtue of the fact that the manager supports the amendment and the minority leader is not here, his designee is here and has control of the time.

Mr. WARNER. Mr. President, I yield such time as is desirable to the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the motion to table the pending Warner amendment, which motion will be made tomorrow morning at 9:30 a.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank all Senators.

Mr. WARNER. Mr. President, I wish to speak in behalf of the amendment by my distinguished colleague from Indiana. It is my understanding—and, forgive me, while I was engaged in the colloquy with the majority leader, did the Senator not mention the action the House has taken on a comparable measure? I think it would be very helpful to this body if you would recite the history of this amendment, which I join in supporting, by the House of Representatives.

Mr. QUAYLE. The Senator is correct. I did refer to the vote in the House, which was 418 to 0. I also pointed out the relevancy of this amendment, particularly on the vote that is going to take place tomorrow. Beyond being relevant to the debate on what the interpretation of the ABM Treaty should be and how we have a narrow interpretation and yet they violate it, this amendment speaks to the recent visit of a few Congressmen who went over there and came back and placed in doubt, at least in public statements, whether this was a violation or not. I think it is very appropriate that the Senate go on record and once again confirm what the President has certified that we do find a clear violation of the ABM Treaty.

Mr. WARNER. Mr. President, I yield the floor.

Mr. President, I yield such time as the Senator from California may desire. And with the concurrence of the Senator from Indiana, we should urge any other of our colleagues who may wish to speak on this amendment to come forth. Otherwise, in a few minutes we could presumably yield back such time here that may be remaining.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. I thank the Chair and I thank the distinguished manager.

I rise to support the Quayle amendment and to commend the Senator from Indiana for bringing this amendment before us. We need not take much time because he has, with succinctness and eloquence, expressed very clearly the importance of this measure. It very forthrightly simply states that the radar at Krasnoyarsk is a flat violation of the Anti-Ballistic Missile Treaty.

What we have there is a violation both by location and though there seems to be some doubt on the part of recent observers, there seems to be little doubt on the part of others, certainly by intelligence agencies, that it is also a violation in terms of the battle management capability of that radar.

Mr. President, the significance of that violation is very great. I think what this indicates is that we have laboring, as Senator QUAYLE has put it very well, under a real double standard.

I would only hope that we not aggravate that double standard by an imprudent action with respect to the Levin-Nunn amendment. Because we risk very greatly, aggravation of that double standard and the consequences that flow from it are that we will be put at a considerable disadvantage.

But that, I think, is enough for the present time. What we have seen is that those who have been pressing the United States to observe the letter of the law and who have pressed us to accept a narrow interpretation of the treaty have themselves been guilty of a very clear violation of even the unambiguous parts of the treaty.

Mr. President, that speaks volumes. It is very difficult for us to trust someone who urges a course of action and then follows, themselves, an entirely contradictory course. Indeed, I do not think we can engage in trust. The stakes are too high. The past performance is too clear.

This is an unhappy, recent, and very significant addition to the list of instances of Soviet cheating on arms control agreements.

What that means is that we are not exempted from dealing with the other superpower, but it imposes on us an absolute duty to do so with very clear eyes; with no illusions; and with the kind of very hard-headed realism which makes it clear we will be interested only in a very wise agreement that actually safeguards the interests of the United States and that we will not seek agreement purely for the political advantage of having an agreement.

So, to my friend from Indiana, I express my gratitude. I would ask that he add me as a cosponsor to his amendment.

I thank the Chair.

Mr. QUAYLE. I ask unanimous consent that Senator WILSON be added to the cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, I ask unanimous consent that a number of articles regarding the Krasnoyarsk radars be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 13, 1987]

THE KRASNOYARSK RESOLUTION

The House voted last week to put strict limits on U.S. strategic-defense spending to avoid any violation of the Anti-Ballistic Missile Treaty with the Soviet Union. But in a separate action that attracted almost no notice, the very same members of Congress unanimously agreed that the Soviets already have broken the ABM accord.

By a vote of 418-0, the House Thursday resolved: "It is the sense of the Congress that the Soviet Union is in violation of its legal obligations under the 1972 Anti-Ballistic Missile Treaty."

The resolution, offered by freshman Rep. Curt Weldon (R., Penn.), focused specifically on the Soviet Union's ABM radar at Krasnoyarsk. It noted that the ABM radar at Krasnoyarsk. It noted that the ABM treaty prohibits early-warning radars except along the periphery of a nation's territory and only if they are oriented outward, and also bans deployment of an ABM system to defend national territory. (Only one ABM site, either covering a missile field or the nation's capital, is permitted under the accord.)

The House then went on to recognize that the Krasnoyarsk radar is "for ballistic missile early warning and tracking" and is "not directed outward but instead faces the northeast Soviet border more than 4,500 kilometers away." It also said that the radar is "ideally situated to fill the gap that would otherwise exist in a nationwide Soviet ballistic-missile early-warning radar network." The House further accepted President Reagan's certification that Krasnoyarsk is "an unequivocal violation" of the ABM treaty.

House liberals and conservatives, SDI opponents and proponents, arms controllers and arms-control doubters are now jointly on record as finding that the Soviet Union is in violation of its "legal obligation" under the ABM treaty. No one any longer accepts the Kremlin's propaganda that the Krasnoyarsk radar is merely for spacecraft tracking. It is, rather, part of a developing Soviet ABM network.

The Senate now has an obligation to address a similar resolution on the Krasnoyarsk radar. It was, after all, the Senate and not the House that ratified the ABM treaty in the first place. It is, therefore, the Senate's responsibility to determine whether the Soviets are complying with its provisions, instead of arguing about legalistic "narrow" or "broad" interpretations of the ABM negotiating record.

[From the Wall Street Journal, Apr. 13, 1984]

AN ARMS-CONTROL CRAVING

(By Carnes Lord)

Four years ago, there was every reason to believe that the 1980s would be marked by a new realism in the American approach to arms control. The failure of arms control to constrain the Soviet military buildup of the 1970s had become generally apparent; the Soviet invasion of Afghanistan shattered whatever hopes continued to be harbored for detente and stopped in its tracks the second strategic arms limitation agreement (SALT II). The election of Ronald Reagan brought to power an administration that was deeply concerned about the deterioration in the U.S.-Soviet military balance and was disposed to lay at least some of the blame for this on the exaggerated expectations generated by the advocates of arms control and on the political dynamics of the "arms-control process." This skepticism about the virtues of arms control seemed to be in harmony with the mood of the American public and Congress. To the incautious observer, it very much looked as if the Reagan administration had a clear mandate to take the problem of arms control and fix it.

Instead, of course, the past four years have witnessed a surge of anti-nuclear feeling in the country at large. And among the intellectual and policy elite there has been a renewal of enthusiasm for arms control that seems remarkably untempered by the experience of the recent past. As the 1984 presidential election approaches, the Democratic hopefuls have vied with one another in support for new arms-control initiatives of varying degrees of irresponsibility. More surprisingly, the president has come under steady pressure from Republicans in Congress and from elements of his own administration to demonstrate ever new flexibility, including unilateral concessions, in arms-control talks with the Soviet Union. This is in spite of the demonstrative Soviet walkouts from negotiations on nuclear weapons, and in spite of the mounting evidence of Soviet violations of existing agreements.

VERIFICATION AND COMPLIANCE

Nothing is more revealing of the dubious impulses animating the unilateralist arms-control revival than the failure of its champions to come to grips with the problem of verification and compliance. For many years, arms-control enthusiasts have paid lip service to the need for effective verification of agreements, but have failed to devote serious attention to the operational and political difficulties (as opposed to the technical limitations) that face any verification effort. On the contrary, the efficacy of existing verification methods and approaches has been consistently overstated, while compliance problems have been played down.

Above all, the evidence that has accumulated over the past decade or so of Soviet violations, near violations, exploitation of loopholes and negotiating deception has been treated in cavalier and exculpatory fashion, when it has not been simply ignored. As if the purpose and context of agreements were wholly irrelevant to the issue, the U.S. government has been asked to concern itself only with violations in a strictly legal sense. Moreover, it has been expected to employ standards of legality which, though proper in a criminal prosecution under domestic law, are wholly inappropriate to a situation where (Russian) witnesses cannot be forced to appear, evidence is incomplete for deliberately withheld), sources cannot always be revealed because of intelligence sensitivities, and the law itself lacks an authoritative neutral interpreter. Ambiguities in factual evidence or in the language of agreements have been taken by many as sufficient reason for disregarding possible violations. Not only have Soviet explanations been credited that were palpably false: arms control advocates have actually constructed briefs for hypothetical Soviet positions of greater ingenuity than anything the Soviets themselves were able to come up with. And even where a legal violation is recognized as certain or highly probable, its significance tends to be dismissed. In all cases (but most notably in the area of Soviet anti-ballistic missile activity), evidence for violations has been dealt with in piecemeal and isolated fashion, with little attempt to see it in the broad context of Soviet compliance behavior generally or of Soviet strategic intentions.

This complex of attitudes is currently facing its most severe test. A report submitted by President Reagan to Congress on Jan. 23 lays out the results of an intensive study of the evidence for Soviet noncompliance with arms-control agreements in seven areas. In one of these areas—chemical and biological warfare—the U.S. has for some time formally accused the Soviets of violating the relevant agreements. Despite strenuous and continuing efforts to discredit these charges, they have been confirmed by refugees and by independent analyses carried out in a number of European countries. Of the other issues, the most significant concerns the Anti-Ballistic Missile Treaty of 1972. The construction of a phased-array ballistic missile early warning (BMEW) radar by the Soviets near Krasnoyarsk in southern Siberia—in contravention of the treaty requirement that such radars can only be deployed at locations on the national periphery and oriented outward—opens an entirely new chapter in the history of Soviet compliance behavior. If Soviet activities in the chemical and biological area may be said to be the first unambiguous treaty violation whose military significance bears importantly and directly on the U.S.-Soviet strategic nuclear balance.

The intent of the relevant provision of the ABM Treaty was to prevent either party from creating the base for a territorial ABM system by building a network of BMEW radars that could be used not only to warn of a missile attack but also to aid in the tracking and interception of incoming nuclear warheads. While there is room for disagreement as to the extent to which this and similar radars already in operation on the Soviet periphery were specifically designed to perform an ABM "battle management" function, they have an inherent capability to perform that function. And the characteristics of the new radar as well as its location near a number of ICBM deployment areas suggest that its primary purpose is indeed ballistic missile defense.

A recent report by the Federation of American Scientists contained a claim that the Krasnoyarsk radar is primarily for space tracking rather than early warning or missile defense and is thus allowed under the treaty. That is simply false. While the president's report stops short of simply calling the radar a violation (it uses the phrase "almost certainly"—for reasons that have not been explained).

In assessing the significance of the Krasnoyarsk radar, it is necessary to consider both how it fits into the overall picture of Soviet ABM-related activities and what it reveals about Soviet intentions. What is worrisome is not the Soviet BMEW radar net by itself, but its potential when linked with other air defense and ABM radars and interceptor missiles. For years, the Soviets have taken advantage of ambiguities in the ABM Treaty to develop and test air-defense systems against ballistic missile targets, and they have developed small ABM radars that probably could be rapidly deployed throughout Soviet territory. Should the Soviets choose to free themselves from the treaty's constraints, they would now have in place the long lead-time elements that would permit rapid expansion to an effective nationwide ABM system. As for Soviet intentions, the very fact that they seem to have been prepared to face the consequences of a deliberate and massive violation of the ABM Treaty must raise ominous questions about their next moves.

BANKRUPT APPROACHES

What is to be done? While no one will deny that it is difficult to devise effective strategies for response to violations, it is also clear that current approaches have proved to be bankrupt and are no longer an effective deterrent to further violations. To continue to pretend that all compliance issues can be resolved simply through patient discussion with the Soviets in confidential channels such as the Standing Consultative Commission is perfectly idle. This view assumes that all compliance issues rest on misunderstanding and that both parties are dealing in good faith, whereas nothing could be further from the truth.

What are needed are real penalties—withdrawal from agreements or suspension of particular provisions, and political and military countermeasures. The U.S. has never exacted such penalties for any Soviet action in any arms-control area. Unless and until we do, the Soviets will grow more brazen yet in their disregard for treaty obligations, and the U.S. will approach ever more closely that condition—familiar from the annals of Western disarmament efforts in the 1930s—

where generous forbearance and blind hope give way to impotence and appeasement.

[From the New York Times, Jan. 28, 1987]

RADAR TRAP, AND OPPORTUNITY

The United States is building missile warning radars at Thule in Greenland, a Danish territory, and Fylingdales in Britain. Soviet officials and some Americans assert these violate the Antiballistic Missile Treaty. The issue is being debated this week in Denmark, too. American critics suggest halting construction if the Russians will stop building an almost certainly illegal missile-sensing radar at Krasnoyarsk in Siberia. The proposal is both a trap and an opportunity.

A straight trade is the wrong idea. The American radars do not appear to violate the treaty. But the recent Soviet acknowledgment of a problem at Krasnoyarsk needs to be explored, not spurned.

Built inland, the Krasnoyarsk radar affronts the ABM Treaty, which permits such radars only on the edge of a nation's territory. The device is a large phased array radar, in which the beam is moved electronically instead of by a steerable dish. These powerful instruments can serve several uses, like space tracking, early warning of missile attack and direction of interceptors against missiles aimed at targets within their beam.

That's why the framers of the ABM Treaty specified that all early warning radars should be on a country's borders facing outward, physically precluding them from serving in an antiballistic missile role. If the Krasnoyarsk radar can space-track, the legal function for which the Russians say it is designed, it can also do early warning and maybe missile defense. By any reasonable reading of the treaty, the radar is in the wrong place

Only after the United States complained did the Soviet Union object to the new Thule and Fylingdales radars. It suggested work on all three radars should cease. But the seeming symmetry of this clever suggestion vanishes on inspection. The ABM Treaty permitted the early Warning radars then existing at Thule and Fylingdales. As a general rule, it permits modernization. Following a decision of President Carter's, the Administration is replacing the old steerable dish radars at the two sites with large phased array radars. This will, true, vastly increase the radars' coverage and capacity to define targets. Still, the raders are at sites covered by the treaty with the same early warning function as before.

Critics now argue that the new radars are impermissible Replacing a steerable dish with a phased array radar they say, is like building a nuclear power plant in place of a wood stove and calling it modernization. More specifically, a section of the ABM Treaty, called Agreed Statement F, prohibits phased array radars as large as those planned for Thule and Fylingdales. But modernization is generally permitted, regardless of technology, and one of the exceptions to Agreed Statement F accepts early warning radars at both sites.

Given the Aministration's folly in repudiating the second stratetic arms treaty, its critics are right to fear it may seize on the Krasnoyarsk radar to undermine the ABM Treaty, too. But contriving to equate the Thule and Fylingdales upgrades with Krasnoyarsk is not the answer.

The Administration's lofty dismissal of the Soviet offer is not the right response either. With creative diplomacy, Krasnoyarsk could be the lever for clearing up other doubtful Soviet activities as well as questions about Thule and Fylingdales. Fixing these issues in existing arms treaties would be the best preparation for any new agreement.

[From the Washington Post, Feb. 5, 1985]

THE KRASNOYARSK RADAR

A year's further discussion of whether the Soviet Union is respecting its arms control obligations has produced more of a consensus than most people had thought possible. The release of President Reagan's latest congressionally mandated report on "Soviet noncompliance with arms control agreements" makes this clear.

The main thing that has happened since the last report is that public attention has focused on one alleged violation—the Krasnoyarsk radar. Most of those who previously hesitated to call it a violation of the 1972 Antiballistic Missile Treaty (ABM) have stopped hesitating. It has become very hard to deny that the Soviets set out shortly after the treaty was signed on a course specifically blocked by the treaty, that they stone-walled through years of American efforts to induce them to admit it or correct it and persist on that course to this day. Fewer people remain to say that it really doesn't matter all that much and that, in any event, it's wrong to talk about it in public.

Some Americans feared—others hoped—that official efforts to nail the Kremlin on this violation would unravel the whole arms control process. This has not happened: President Reagan and the Russians are headed back to full-scale negotiations at Geneva. But there have been other major consequences. The American standards for verification of new agreements have been toughened. And major impetus has been given to the idea of an American defense against ballistic missiles—this is the idea embodied in the president's Strategic Defense Initiative. Unlike the Soviet radar at Krasnoyarsk, this program, in its current, research phase, is entirely consistent with the ABM Treaty.

A few Soviets have hinted that, if Moscow felt it could avoid public embarrassment, it might find a way to halt construction on the radar or otherwise signal that it understood American sensitivities. But of course Moscow had years to do just that, and so far has chosen not to, even though it was being discreetly pressed on the matter by Americans of very different political persuasions.

Is there not someone in the Kremlin with the wit to recognize the immense Soviet interest in quietly unfolding a few tarpaulins at the Siberian construction site? What a pity that its political radar is so inferior to that huge electronic radar being built at Krasnoyarsk.

[From the Wall Street Journal, Apr. 23, 1985]

VIOLATIONS AND DOUBLE STANDARDS

Release of a Pentagon report on the Reagan strategic-defense initiative has uncovered a theological rhubarb over arms control. The narrow issue is whether testing for the U.S. "Star Wars" program will violate the 1972 Anti-Ballistic Missile Treaty, which by now nearly everyone agrees has already been broken by the Soviet Union. The argument illustrates the double standards that dominate the arms-control discussion. And it raises the question of how you get out of a treaty that threatens the strategic balance and national security.

With Star Wars, Mr. Reagan wants to actually defend against nuclear missiles, which is what the ABM treaty seeks to prevent. The treaty bans deployment of certain ABM components, does not seek to prevent research, but does have some provisions limiting testing. So far, Mr. Reagan has asked for research and testing but not deployment. The issue is what tests are allowed by a treaty that bans tests of ABM "components" without exactly explaining what is a "component."

The Pentagon report describes the tests and avers that while testing involves "gray areas," it plans to "make certain" that "the U.S. is in compliance." A detailed section explains the difference between a "component" and a "sub-component," and how U.S. testing involves the latter.

Arms controllers warm that breaching the "gray areas" may wreck the treaty. Yet almost all factions now concede the Soviets have already violated it, apparently without wrecking it as far as U.S. tests are involved. For years some of us have been complaining about Soviet testing and deployment of surface-to-air missiles, some reloadable; mobile radars tested in an "ABM mode"; and all the other components needed for a breakout into a nationwide defense. Arms controllers dismissed these isolated developments as strategically insignificant, only "gray-area" violations.

With the ABM treaty—which tries to limit technology, an ambigious and changing thing—nearly everything is . . . So under the double standard that arms controllers seek to apply, Soviet activity right up to the point of a nationwide ABM capability is "gray" and therefore allowable. But at the same time U.S. research is also gray—but therefore not allowable. That there can even be a heated debate on whether this-or-that test is a violation point illustrates the inherent, object flaw of the ABM treaty.

The Pentagon's report rightly question this "double standard," but it also embodies a double standard or two of its own. For example, if the Soviet research and testing really is aimed at a large capability to break out of the treaty quickly, why should we worry about whether our research and testing comply? More fundamentally, why are we spending all this money on research if we are going to abide by a treaty that outlaws deployment of the weapon if the research is successful?

There is a strong case to be made for a ballistic-missile defense program, but it cannot be made hiding behind contradictory rationales. A serious case would probably start from the premise that, even if not violated, the ABM treaty is a bad thing, for us and the Soviets. It seeks to limit defense; real arms control ought to allow for unlimited defense and try to limit offensive forces.

Likewise, the Reagan administration has been bold enough to point the finger at the Soviets, at Geneva and elsewhere for violating the treaty. But if the administration wants Americans to take such charges seriously, it will have to act as if it believed this were true. The Pentagon report at least notes that the treaty does have a withdrawal clause, and that when it was signed, negotiator Gerard Smith said that the U.S. would consider its "supreme interests" jeopardized if further limits were not placed on offensive arms. And the Pentagon further remarks: "We do reserve the right to respond to those violations in appropriate ways, some of which may eventually bear on the treaty constraints as they apply to the United States."

> In this oblique and bureaucratic way, the Pentagon report does start to open the right issue: If a treaty is built on wrong principles in the first place, if the Soviets are already violating it, at what point does the U.S. stop twisting its own programs to comply, and simply and honestly say the treaty is void?

Mr. QUAYLE. Mr. President, I do not believe I have any requests for other speakers. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Will the Senator yield just a couple of minutes?

Mr. QUAYLE. I will be glad to yield however much time the Senator needs.

Mr. NUNN. Mr. President, I support the Quayle amendment. I think the Krasnoyarsk radar is a violation. I think it violates the location and orientation of ballistic missile early-warning systems that is clearly set forth in the treaty, so I urge our colleagues to vote for this amendment.

I would also just add that the connection between this and the Levin-Nunn amendment, it seems to me, is not appropriate, the reason being the President of the United States has not asked for the proportionate response nor has he proposed a proportionate response though he has clearly said this is a violation.

I would think the normal course of order would be for the President of the United States to not only ask for the proportionate response but to explain what proportionate response he would anticipate and what proportionate response to this violation he envisions.

I must also add that I think the administration has every obligation to go to the standing consultative commission and to empower our representatives there to try to pursue a solution to this violation, in the sense of having the violation eliminated.

I believe that should be done. I am not sure how much of that has been done but we do have a standing consultative commission and they are charged with this responsibility and I would hope that there would be the kind of authority needed there to deal with that and the kind of direction to insist the Soviets do clear up that violation. We have made it clear we do feel it is a violation. The House has. The Senate has, I hope, after we vote on this; so I agree with the amendment of the Senator.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, the time will be divided equally.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, would the manager for the bill yield me 3 minutes?

Mr. NUNN. Mr. President, this manager did not have time under the rules, so if the Senator from Indiana will yield 3 minutes——

Mr. QUAYLE. I will be glad to yield 3 minutes to the distinguished chairman of the Finance Committee.

Mr. BENTSEN. I will be prepared to offer an amendment in a few minutes. I understand from both sides there is no objection to it. I understand you are checking on that point at this moment.

What we are seeking is communities along the gulf coast that are preparing—that is they are trying to decide what they have to do in the way of sewer lines, all the public facilities that have to be prepared. This would provide up to $300,000 may be expended for that purpose. It would assist those along the gulf coast.

I frankly do not know an objection to it and this is a standard procedure that takes place in this kind of public installation for Federal Government planning.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, I know of no objection to it on this side, but I might just say we are checking, particularly checking with the junior Senator from Texas.

Mr. BENTSEN. The junior Senator will be a cosponsor of it.

Mr. QUAYLE. Well, that clarifies that, if he is a cosponsor of it. I do not see there will be any problem at all. If we can run just a couple of checks and we will set this aside and be able to take it in due course.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, our staff has been over this with the Senator from Texas. He has been very diligent in pursuing this amendment. As I recall, this amendment was accepted by the Senate last year.

Mr. BENTSEN. I believe that is correct. That is correct, a very similar amendment was accepted.

Mr. NUNN. I know the Senator from Texas is concerned about the homeporting and planning for the homeporting. It is a good amendment. And we will be delighted to recommend that our colleagues accept it at the appropriate time when the amendment is pending before the Senate.

The PRESIDING OFFICER. Who yields time? If neither side yields time, the time will be divided equally.

PROGRAM

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed with the program for time and that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ADJOURNMENT UNTIL 8:30 A.M.

Mr. BYRD. Mr. President, the order has been entered that the Senate will come in at 8:30 tomorrow. I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until the hour of 8:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr BYRD. Mr. President, I ask unanimous consent that tomorrow after the two leaders have been recognized under the standing order, that there be a period for the transaction of routine morning business not to extend beyond the hour of 9 o'clock a.m. and that Senators may speak during that period for not to exceed 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFINISHED BUSINESS

Mr. BYRD. Mr. President, the unfinished business automatically will come back before the Senate at what time tomorrow?

The PRESIDING OFFICER. The unfinished business will reoccur after the morning business has been concluded.

Mr. BYRD. So we will come in at 8:30, have the orders for the leaders and then we have morning business from that point until the hour of 9 o'clock. The unfinished business would automatically come back before the Senate at 9 o'clock.

Mr. President, I will not ask for a live quorum tomorrow morning at 9 o'clock in view of the fact that there will be a rollcall vote at 9:30 tomorrow morning on the motion to table the Warner amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, this may or may not be the last vote tonight. The managers have indications that other Senators wish to call up amendments tonight. If the managers wish to entertain those amendments, there may or may not be additional rollcall votes this evening.

Mr. WARNER. Mr. President, I had to step out to the cloakroom, but it was my understanding of the parliamentary situation that at the conclusion of the vote on the pending Quayle amendment that the Senate will go back to the amendment of the Senator from Virginia and that is the pending business. We have entered into a unanimous-consent agreement that is quite explicit that that amendment would be voted on at 9:30 tomorrow morning, at which time the Senator from Georgia would make a motion to table. Therefore, I am perplexed at how we can have other votes tonight, given that unanimous consent agreement.

Mr. BYRD. Mr. President, if the managers are willing to entertain other amendments tonight by Senators who wish to call them up, if they can get unanimous consent to temporarily lay aside the Warner amendment, they could proceed.

Mr. WARNER. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENTSEN. If the Senator will yield, I have such an amendment and I understand it has been cleared by both sides. It should not take over a couple of minutes. I would appreciate obtaining unanimous consent to temporarily lay aside the amendment under consideration and consider my amendment.

Mr. WARNER. Mr. President, I do wish to accommodate the Senator from Texas. The Senator from Indiana, of course, was acting on my behalf, and I concur in whatever decision he made. It seems to me fair not only to the Senator from Texas but to other Senators that we should have some idea of the quantum that the majority leader and the chairman want to achieve tonight.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. WARNER. I will propound that to the manager of the bill as a formal question.

Mr. NUNN. Mr. President, I would like to take as many amendments as we possibly can tonight. I think the nature of things is such that they would have to be noncontroversial amendments. I would hope that the Senator from Virginia will agree that the amendments which have been cleared on both sides, and I understand the Senator from South Carolina has such an amendment and the Senator from Texas has such an amendment that could be taken up, those which have been cleared on both sides, that we could take them up and move on. We have over 80 amendments to this bill. Even noncontroversial amendments take 15 to 20 minutes.

If we could have an understanding under these circumstances, since we do not have another amendment at the moment that would demand a rollcall vote that we have been able to get over here, that we have tried, I would suggest that we try to take several noncontroversial amendments, if they are cleared on both sides, take them tonight, and then move on tomorrow morning to the other business of the bill.

Mr. WARNER. Might I suggest to the manager of the bill and others that we have discussed this, of course, with the hope of enabling us to get some sort of consensus. I have not been able to acquaint my colleagues with the other items. We have settled the issue that the Senator from Indiana spoke on, and we can dispose of that one, but on any other further amendments, I would like to have the opportunity to talk with the managers.

Mr. BENTSEN. Mr. President, if I understand the colloquy, I am now in a position to ask unanimous consent that the amendment under consideration be temporarily set aside and ask that an amendment that has been cleared on both sides of the aisle be given immediate consideration.

AMENDMENT NO. 684

(Purpose: To set aside certain sums for community planning assistance for certain Gulf Coast communities in connection with the Naval Strategic Dispersal Program)

Mr. BENTSEN. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Ms. MIKULSKI). Is there objection? Without objection, it is so ordered.

The clerk will state the amendment.

The bill clerk read as follows:

The Senator from Texas [Mr. BENTSEN], for himself, Mr. GRAMM, and Mr. COCHRAN, proposes an amendment numbered 194.

Mr. BENTSEN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 198, between lines 4 and 5, insert the following:

PART C—MISCELLANEOUS PROVISIONS

SEC. 2831. COMMUNITY PLANNING ASSISTANCE

The Secretary of Defense may expend not more than $300,000 from funds appropriated to the Department of Defense for fiscal year 1988 pursuant to an authorization contained in this division and not more than $300,000 from funds appropriated to the Department of Defense for fiscal year 1989 pursuant to an authorization contained in this division to provide planning assistance to communities located near Gulf Coast homeports proposed under the Naval Strategic Dispersal Program, if the Secretary determines that the financial resources available to the communities (by grant or otherwise) are inadequate.

HOMEPORT COMMUNITY PLANNING ASSISTANCE

Mr. BENTSEN. Madam President, I am pleased that the Armed Services Committee has endorsed continuation of the Navy's strategic dispersal program. Despite past controversy, the Congress has supported the homeport program in the firm conviction that the military advantages greatly outweighed the added costs.

Along the gulf coast, communities are working steadily and eagerly to prepare for the arrival of the Navy ships and personnel in the next few years. In the Corpus Christi area, for example, the South Texas Homeport Steering Council has been established and has hired staff and named task groups to study the impact on housing, roads, schools, and so forth. Federal planning funds have already helped in this process, and more is needed.

In Pascagoula, MS, a coordinator for homeport activities has been named, and the community is hoping to receive funds to help defray the costs for the coordinator and consultants which will be hired to perform the necessary impact studies.

These are just two of the cities which need and have qualified for the community planning assistance regularly approved in the past for major new military installations. I have been advised, however, that the defense authorization bill reported by the Senate Armed Services Committee does not contain formal authorization for funds for community planning assistance for gulf coast home port sites. I am also advised that such legislation is necessary to ensure that Federal support to ongoing local planning efforts can continue on schedule.

To correct this oversight, I am proposing an amendment, using language suggested by the Office of Economic Adjustment of the Department of Defense, to provide $300,000 for each of the next 2 fiscal years for such community planning assistance. Such legislation, similar to that enacted by the Senate last year, would establish clear legal authority for this assistance. The Defense Department anticipates that the Ingleside/Corpus Christi area would receive approximately $200,000 of that amount for each of the next 2 years; that Pascagoula, MS would get about $50,000 each year; and that the remaining $100,000 would be available for other home port sites that might submit justifiable requests.

My amendment would guarantee that local communities will have the benefit of Federal planning assistance so that the roads and schools and housing are anticipated and ready when the ships arrive. I hope that the committee agrees on the need for these funds.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 684) was agreed to.

AMENDMENT NO. 683

Mr. QUAYLE. Madam President, I ask unanimous consent that Senator HELMS be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair wishes to advise the Senator from Indiana that he has 1 minute remaining. The Senator from Virginia has 3 minutes remaining.

Mr. QUAYLE. Madam President, I yield back the remainder of my time.

Mr. WARNER. Madam President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Indiana. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in the family.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from South Dakota [Mr. PRESSLER], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

I also announce that the Senator from Vermont [Mr. STAFFORD] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—89

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—11

Boren
Cohen
D'Amato
Dole
Gore
Lautenberg
Pressler
Rudman
Simon
Stafford
Wirth

So the amendment (No. 683) was agreed to.

Mr. NUNN. Madam President, I had hoped to get up other amendments this evening. I still hope we can get up some amendments which will be of a noncontroversial nature. There will not be any more rollcall votes.

We are open for further debate on the ABM amendment, and I have notified Senators that if there is further debate, we will continue that debate. We want a thorough debate. We do not want anyone to feel they are cut off.

We had debate all day yesterday. Perhaps 3 or 4 hours of it were on the ABM amendment. We also had 6 or 7 hours of debate today on that amendment, and we are prepared to have more.

So I do not want anyone to feel that there has been a premature motion to table, although we have a unanimous consent agreement tonight that will be in effect tomorrow morning. We will vote at 9:30 in the morning.

I do serve notice that if there are any other Senators who would like to debate that this evening, as floor manager, I will accommodate them.

Mr. WARNER. Madam President, I join the distinguished chairman in observing that we had a very good debate on the pending issue, on the ABM amendment, as he has characterized it, against which I have lodged a motion to strike.

We do urge our colleagues to come over. The leadership has provided this opportunity for any additional debate, in view of the fact that we have now established a fixed time tomorrow morning for the vote.

Mr. BYRD. Madam President, may I add this postscript: Tomorrow morning, at 9 o'clock, the Senate will turn to the consideration of the pending question, which is the amendment by Mr. WARNER, and there is a 30-minute period between 9 and 9:30 before the tabling motion occurs.

There will be 30 minutes at that juncture if Senators wish to have further comment on the Warner amendment. Otherwise, if they do not, we can go ahead at 9. We have the time set for the motion to table. That will be at 9:30. We could come in at 9 and have the two leaders fulfill their standing orders and then have the morning business at 9:30. But we could leave it as it is, which leaves a window of 30 minutes if Senators wish to comment on the pending question.

Mr. DOMENICI. Madam President, I ask unanimous consent that I be permitted to proceed for 2 minutes as in morning business.

MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that there be a period for morning business and that Senators be permitted to speak therein, and that the period not extend beyond 20 minutes.

Mr. WARNER. Madam President, it is not my intention to object, but I am wondering, so that we could advise other Senators, whether we could agree now to go into morning business and not proceed further on the pending matter. In that way, many staff members and others can begin to prepare for tomorrow.

Mr. BYRD. That will be fine.

Does the Senator want 5 minutes?

Mr. DOMENICI. That is plenty for this Senator. I do not need any more than 5 minutes.

Mr. BYRD. Madam President, within that time, if there are other Senators who have anything further to say on the pending question, they have been notified and they should be here promptly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico may proceed.

FIRST ANNUAL LIEBER PRIZE FOR OUTSTANDING ACHIEVEMENT IN MENTAL HEALTH RESEARCH

Mr. DOMENICI. Madam President, today is a special day in the history of mental health research. Today Dr. Benjamin Stephenson Bunney, professor of Psychiatry and Pharmacology and vice chairman of the Department of Psychiatry at Yale University School of Medicine, became the first recipient of the annual Lieber Prize of $50,000. The Lieber Prize was endowed by Stephen and Constance Lieber of New York State and is awarded for outstanding achievement in research on mental illness. This prize is particularly significant because it marks a new initiative to raise private funds for expanding our Nation's research into serious mental illness.

The exciting new technologies and discoveries for mental health research, largely funded by the Federal Government, have sparked a private sector interest in helping to find more answers to the problems of understanding and treating major mental illness not only in our country but for anyone anywhere.

The organization formed last year to raise private resources to advance the study of mental illness is NARSAD, the National Alliance for Research on Schizophrenia and Depression. Four energetic citizens' groups helped to form NARSAD. They are the National Alliance for the Mentally Ill, National Mental Health Association, National Depressive and Manic Depressive Association, and the Schizophrenia Research Foundation.

NARSAD is the sponsor of the first annual Lieber Prize. In addition, NARSAD is giving 10 research grants of $25,000 each to research scientists. These are scientists who have a record of accomplishment and a promise of future achievement. Our hopes are with them. Our search is for new knowledge in the understanding and treatment of schizophrenia and depression.

My wife Nancy and I have each been honored to be named honorary chairmen of this private sector fund raising initiative, The Mental Illness Research Campaign, to raise $10 million over the next 3 years. The other honorary chairman is Barry Bingham, Sr., former publisher of the Louisville Courier Journal.

NARSAD sponsors include Katherine Graham, Rosalynn Carter, Carl Sagan, Senator DANIEL PATRICK MOYNIHAN, Arnold Palmer, Peter Ueberroth, Sally Struthers, Julian Bond, Ted Turner, Joanne Woodward, the Rev. Theodore Hesburgh, and Rabbi Alexander Schindler.

In a fairly short time, we have raised $1,000,000.

The honorary chairmen of the NARSAD Scientific Council are equally eminent: Nobel Laureate Dr. Julius Axelrod and Dr. Eli Robins. Dr. Herbert Pardes of Columbia University is president of the distinguished NARSAD Scientific Council. The Scientific Council selects the Lieber Prize winner and the grant award winners.

Research in mental illness has been starved. As a nation, we spend about $7 in research for each American with schizophrenia or depression. The comparable amount for each cancer patient is $203, and $88 is spent in research for each heart patient. Currently, less than 15 percent of mental illness research is privately funded. By comparison, 42 percent of cancer research funds come from the private sector.

The NARSAD Mental Illness Research Campaign is designed to channel increased private funding into investigations of the origins, causes, and possible cures of mental illness.

Schizophrenia and depression afflict more than 14.5 million Americans, at best disabling them for a period, at worst shattering their lives and those of their families. About 40 percent of the homeless on our city streets have serious mental illnesses. In our Nation's hospitals, mentally ill patients occupy more beds than those with any other illness, more than the victims of heart disease, cancer, and respiratory illness combined.

The estimated cost to the United States of America for providing medical and social services to these unfortunate victims exceeds $20 billion annually.

The prestigious Lieber Prize's first winner, Dr. Benjamin S. Bunney, of Yale University, has dedicated his life to understanding the origins and, possibly, the cure for schizophrenia. Dr. Bunney's research career has focused on the brain's dopamine system, which has been implicated as a part of the major neuronal dysfunction in schizophrenia.

Dr. Bunney, 48, has conducted all of his research at Yale University. He has been on the faculty of the Yale School of Medicine since 1971. His work has included pioneering research on the effects of antipsychotic drugs in the brain and the effect of these drugs on the transmissions in the dopamine system.

To quote Dr. Bunney: "This is a particularly exciting time to be working in the area of brain function. There has been an explosive growth in both the fields of neuroscience and population and molecular genetics. Because of this, the tools are now becoming available which allow us to answer questions that we did not have the means to answer before."

After honoring Dr. Bunney for his excellent work, we at NARSAD awarded 10 grants of $25,000 each for the continuation of fine research into schizophrenia and depression. The 10 grants were awarded to:

First. Davangere Devanand, M.D., Columbia University.

Second. David Miklowitz, Ph.D., University of California at Los Angeles.

Third. J. Frank Nash, Ph.D., Case Western Reserve University.

Fourth. Sergio Starkstein, M.D., Johns Hopkins University.

Fifth. George Volger, Ph.D., Washington University.

Sixth. Royce Waltrip II, M.D., University of Maryland.

Seventh. Steven Faux, Ph.D., Harvard University.

Eighth. Ezra Susser, M.D., M.P.H., New York State Psychiatric Institute, Columbia.

Ninth. Scott Cain, M.D., Duke University.

Tenth. Sari Gilman, M.D., University of Pittsburgh.

Mrs. Gwill Newman, president of the NARSAD Board of Trustees, expressed our pride in the early successes of this fine organization when she said, "We are very proud of the young researchers from outstanding universities who have won these first NARSAD awards. We are certain their accomplishments and their investigative focus, will encourage other scientists to move seriously into the field of mental illness research."

Because NARSAD is so new and because we will be hearing more from this spirited organization in the coming years, I would like to inform my colleagues about NARSAD's goals:

First. Raising funds for creative research into the causes, prevention, and cure of severe mental illnesses;

Second. Discovering, encouraging and supporting young investigators so that research into mental disorders becomes competitive with other fields;

Third. Supporting university-based research centers where vital interaction of a variety of disciplines can be brought to bear on the profoundly complex problems of brain disease; and

Fourth. Making the most advanced technology available to mental illness researchers so that they can gain a clear image of the brain's activity in their efforts to diagnose and treat the body's most complex organ.

Mr. President, I applaud NARSAD and its committed and talented leadership. I applaud Dr. Benjamin S. Bunney for his commitment to a most worthy cause. His work will be an inspiration to young researchers who are considering committing their lives and talents to this worthy cause. They are needed, Mr. President, and they can make a difference in the daily lives of many suffering human beings.

I also applaud our 10 outstanding research grant recipients and wish them all the best. We can all be proud of their efforts to push back the frontiers of knowledge in a very complicated but exciting field.

Finally, Mr. President, I would like to thank the Members of the Senate and the House of Representatives for seeing the value of research into serious mental illness and for committing important but scarce resources to this purpose. This commitment has come at a time when additions to domestic spending are more difficult to make.

It is indeed heartening to see this fine private effort come into being. NARSAD will help carry the financial burden for research. We, as a Nation, are looking for answers to one of the most puzzling problems to ever face humanity—serious mental illness. With continued congressional support and fast growing interest outside of Government, Americans can expect accelerated gains in this noble effort.

Until we understand more about our own brain and nervous systems, we will remain unable to bring sufficient help to many who suffer from schizophrenia and serious depression. We are now able to relieve the symptoms and stabilize many patients, but each patient who remains beyond our assistance is another spur to dig deeper into the causes and cures.

The potential is tremendous. The challenge has been made. Our technologies can be refined and our knowledge sharpened. We are at the crossroads of new discoveries. The next 10 years can bring the most important breakthroughs yet. We will know more about the forces that direct our mental energies than we have ever known in the history of mankind.

Mr. President, today's Lieber Prize marks the beginning of a new partnership. The public and private research communities can enrich each other. We can be more optimistic about the next decade of truly exciting research and treatment possibilities for the seriously mentally ill.

Madam President, even though I have not used my 5 minutes, I yield back the remainder of any time I might have and yield the floor at this time.

DANGEROUS ADDITION: AMERICA'S CRAVING FOR FOREIGN CAPITAL

Mr. EXON. Mr. President, I call the Senate's attention to a most interesting article that appeared in American Politics magazine, the August 1987 issue. It is written by Mr. Jonathan Paul Yates. The title of the article is "Dangerous Addiction: America's Craving For Foreign Capital."

Mr. President, I will quote briefly from the article and then at the proper time ask that the entire article, a short article, be included in the RECORD. I think this is probably the best summation of the very dangerous road that America is traveling down these days with regard to our reliance on foreign capital to carry our budget deficits in these United States.

Mr. Jonathan Yates, who is a staff member of the House of Representatives, opens his article in this fashion:

> In its attempt to convince Japanese investors to place $1 billion in its debt and equity offerings, Bank-America has followed the lead of the U.S. government in relying on foreign capital to meet its operating costs. Because of this reliance on foreign investors—particularly from Japan—to buy treasury bonds and underwrite the Federal budget deficit, the Reagan Administration has come to realize that decision makers for U.S. economic policy can no longer confine their travels to the financial houses of New York and the government institutions of Washington, but must increasingly interact with the Bank of Tokyo in Japan and the Bundesbank in Bonn, West Germany.

To further quote from the article:

> Once in office, the Reagan Administration set out to achieve three major goals through its economic programs: slash taxes, reduce the size of the Federal government and increase defense spending. The Administration hoped that government spending cuts, coupled with economic growth stimulated by the tax cut, would compensate for lost revenue and the $2 trillion cost of the defense buildup. When this scheme failed, the Reagan Administration—on a scale never witnessed before—turned to deficit financing to underwrite its economic programs.

Mr. President, I would like to read the closing two paragraphs of this excellent article, as follows:

> Steps must be taken to reduce America's dependence on capital from abroad. Relying on foreign capital to meet American economic needs is as dangerous as relying on foreign oil to meet American energy needs. The Federal budget deficit must be decreased to reduce the need for foreign capital. Moreover, measures must be taken to encourage Americans to save more in order to increase the supply of domestic capital.
>
> If our dependence on foreign capital persists, the United States, in the words of one Treasury Department official, will find itself in Brazil's condition, "beholden to overseas creditors . . . always worrying about rolling over its foreign debt and its creditors' reactions when it makes policy."

Mr. President, I ask unanimous consent that the entire article from which I have just quoted and referred to in my remarks from American Politics of August 1987, written by Mr. Jonathan Paul Yates, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DANGEROUS ADDICTION—AMERICA'S CRAVING FOR FOREIGN CAPITAL

(By Jonathan Paul Yates)

In its attempt to convince Japanese investors to place $1 billion in its debt and equity offerings, Bank-America has followed the lead of the U.S. government in relying on foreign capital to meet its operating costs. Because of this reliance on foreign investors—particularly from Japan—to buy treasury bonds and underwrite the Federal budget deficit, the Reagan Administration has come to realize that decision makers for U.S. economic policy can no longer confine their travels to the financial houses of New York and the government institutions of Washington, but must increasingly interact with the Bank of Tokyo in Japan and the Bundesbank in Bonn, West Germany.

Once in office, the Reagan Administration set out to achieve three major goals through its economic programs: slash taxes, reduce the size of the Federal government and increase defense spending. The Administration hoped that government spending cuts, coupled with economic growth stimulated by the tax cut, would compensate for lost revenue and the $2 trillion cost of the defense buildup. When this scheme failed, the Reagan Administration—on a scale never witnessed before—turned to deficit financing to underwrite its economic programs.

Relying on domestic capital formations to finance record budget deficits would have pre-empted private needs, escalating interest rates and enervating both recovery from the deep recession of 1982 and Republican election hopes for 1984. In 1985, for example, total private savings in the U.S. were $114 billion short of the $809 billion needed for business investment and government borrowing. The Administration has been so successful in attracting foreign capital to compensate for the shortfall that foreign purchases of treasury bonds have increased 2,000 percent over the last decade, to over $75 billion annually. Financing the U.S. Federal budget deficit has become a joint economic venture of Japan, Inc. and the Reagan Administration.

At first, high real-interest rates attracted foreign funds into secure, profitable U.S. Federal and corporate debt. Real yields on bonds—the rate earned minus inflation—increased 10 points from 1978 to 1982. As a result, foreign purchases of U.S. Federal debt soared from $3.6 billion in 1979 to $28 billion in 1983 to over $75 billion in 1986.

As inflation subsided in the United States and interest rates were lowered, the yield on treasury bonds fell. Since 1985, when the finance ministers from the five industrialized nations agreed to lower the dollar in value, the superior yield of U.S. Federal debt to Japanese bonds has declined by 60 percent. Because of the dollar's decrease in value and the resulting strength of the yen, a $1,000 U.S. treasury bond that cost 265,000 yen in 1985 is worth less than 150,000 yen today (and its yield is 40 percent greater than it would have been had the dollar held its value). "Talking down" the dollar has made U.S. stocks and bonds 60 percent cheaper for foreign investors and has compensated for the lower yield. As a result of this discount, foreign investors provided two-thirds of the net investment capital in the United States last year and will buy more U.S. stocks and bonds this year than American investors.

This growing role in providing investment capital for the United States and purchasing massive quantities of treasury bonds has given foreign institutions, especially those in Japan, increasing influence in U.S. economic matters. Their expanding influence was evident in a series of events that occurred after the United States affixed $300 million in tariffs to Japanese imports in April, which was followed by the passage of a major trade bill in the House.

It took only treasury bond auctions and a visit by Prime Minister Nakasone of Japan before Reagan began to talk of lifting the tariffs and vetoing the trade bill. And, as an inducement to Japanese investors to buy U.S. treasury bonds, Reagan raised interest rates in the United States while Tokyo cut its prime to make U.S. bonds more attractive to Japanese investors. Later, U.S. officials said that future rate changes could be tied to policy actions—including an end to the $300 million worth of sanctions on Japanese goods.

At the treasury bond auction in February, prior to the American tariffs on Japanese goods and the passage of the trade bill, Japanese investors purchased about 40 percent of the offering at an average yield of 7.49 percent. In April, after the sanctions were announced, Japanese investors bought only 20 percent of the bonds being auctioned, forcing the yield to 8.9 percent at the next treasury auction. They also dumped stocks the next day the market was open, driving the Dow Jones average down by 57 points. The cost to Wall Street investors and American taxpayers in higher interest rates on treasury bonds and losses on their stock and bond holdings was in the billions of dollars.

At the treasury bond auction that followed Nakasone's May 1 visit to this country, the Administration's talk of lifting sanctions and the rise in U.S. interest rates in conjunction with Tokyo's interest rate cut, Japanese investors—with strong government encouragement—bought over half of the bonds offered, bringing the yield back down to 8.76 percent. The next day, the White House indicated that a trade bill similar to legislation approved by the House and Senate Finance Committees would be vetoed.

Japan's ability to manipulate the U.S. stock and bond market has been demonstrated before. Last year, four Japanese institutions applied to the Federal Reserve to become primary dealers in U.S. treasury bonds, which would give them the ability to market the bonds directly rather than through an American brokerage house. At the May 1986 treasury bond auction, while their applications were pending, Japanese investors demonstrated their ability to manipulate the U.S. bond market by engineering distortions that resulted in huge losses for several American firms. Shortly thereafter, the Federal Reserve approved the Japanese applications.

Both Washington and Tokyo have countenanced this trans-Pacific flow of funds into U.S. treasury bonds. In 1984, after heavy lobbying from the Administration, Congress ended tax withholding on interest payments to foreign investors. In 1985, the dollar was "talked down" to allow foreign investors to purchase U.S. stocks and bonds at a discount. Eight months later, the Finance Minister of Japan relaxed restrictions on the amount of foreign securities that Japanese investors could hold as a percentage of their portfolios. And, of course, Japanese institutions were given approval to deal directly in U.S. treasury bonds.

Steps must be taken to reduce America's dependence on capital from abroad. Relying on foreign capital to meet American economic needs is as dangerous as relying on foreign oil to meet American energy needs. The Federal budget deficit must be decreased to reduce the need for foreign capital. Moreover, measures must be taken to encourage Americans to save more in order to increase the supply of domestic capital.

If our dependence on foreign capital persists, the United States, in the words of one Treasury Department official, will find itself in Brazil's condition, "beholden to overseas creditors . . . always worrying about rolling over its foreign debt and its creditors' reactions when it makes policy."

COMMEMORATING NATIONAL HISPANIC HERITAGE WEEK: HISPANIC AGENDA FOR 1990 AND BEYOND

Mr. WIRTH. Mr. President, this is "National Hispanic Heritage Week"; September 13-19. Yesterday also marks the anniversary of Mexico's independence from Spain—September 16—a special day for millions of Hispanic Americans to pause and celebrate their unique culture and history as a people.

Recent statistics indicate that Hispanic Americans are rapidly becoming one of the Nation's most dynamic and fastest growing minority groups. America's Hispanic community is not only emerging as a potent economic force, it is also growing in political strength and as a source for constructive change and prosperity in the country.

To underscore the vitality of America's Hispanic community and to give special meaning to National Hispanic Heritage Week, I am pleased to bring your attention to the work of people in my State who have unveiled a 21-page report entitled, "Hispanic Agenda: 1990 and Beyond." This report is the culmination of work that began more than a year ago when Hispanic community leaders in Colorado decided to engage the community in a broad-based effort to identify issues of concern and solutions to specific problems. In essence, the report is a blueprint for progress in the Hispanic community.

Although the agenda is largely the work of the Latin American Research and Service Agency [LARASA], it draws heavily from the active participation of more than 200 people throughout the community who gathered together on October 18, 1986, at St. Catejan's Center at the Auraria Higher Education Center in Denver, CO, to discuss the economic, social, educational, and political future of Colorado Hispanics. Under the leadership of State Senator Tony Hernandez, Fred M. Acosta, Juana M. Bordas, and Audrey R. Alvarado, the agenda was published and released this week.

I commend it to my colleagues and all interested persons as a thoughtful and articulate summary of concerns and goals that Coloradans—both Hispanic and non-Hispanic—wish to share with the Nation as a whole, and, therefore, ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD.

(Note: The charts in the following report are not reproducible in the RECORD.)

HISPANIC AGENDA: 1990 AND BEYOND

(Colorado 1987)

EXECUTIVE SUMMARY

The ultimate goal of the Hispanic Agenda is to enhance the quality of life for Colorado Hispanics and all other Coloradans. To achieve this improved quality of life, the Hispanic community and its leaders must take responsibility to insure that there is a coordinated, integrated and systematic approach to positive change.

The Hispanic population continues to face socioeconomic difficulties. We must now begin to address these issues. As society continues to change at an ever increasing pace, we must employ creative approaches and seek long term solutions to the problems Hispanics encounter in our society. The Hispanic Agenda is a statement of goals and objectives, endorsed and supported by the Hispanic community. When the Agenda is fully implemented, it will allow the Hispanics of Colorado to participate more fully in the economic, social, educational and political mainstream of the state.

The Hispanic Agenda Steering Committee began work in January, 1986, to develop the structure and process for the Agenda. Futuristic and optimistic in its orientation, the Hispanic Agenda addressed eight major components:

Education: kindergarten-12th grade,
Higher education,
Labor and employment,
Economic development,
Housing and neighborhood,
Health and human services,
Political participation and leadership, and
Media,

These components were identified by building a consensus among representatives of the Hispanic community, its leadership and experts who work in each of these areas. Subcommittees were formed to identify specific problem areas and collect information with regard to each of these topic areas. The next step in the process was the development of draft position papers containing short and long term goals and objectives.

On October 18, 1986, the Hispanic Agenda Conference took place at St. Cajetan's Center at the Auraria Higher Education Center, Denver, Colorado. Over 200 participants reviewed the draft position papers and revised the goals addressing the future direction of the Hispanic community and the state of Colorado. The goals were developed with the intention of achieving them within the next five years.

The Hispanic Agenda Steering Committee combined the information contained in the draft position papers with the input from the Conference to arrive at this finalized Hispanic Agenda. The Hispanic Agenda is not meant to be all inclusive. As other issues become priorities, they will be included in the Agenda. This is just the beginning.

This publication renders the blueprint to a vision of the future. It belongs to everyone, Hispanic and non-Hispanic. It is the property of the community. All of Colorado's citizens have the responsibility to see that it is implemented to the fullest measure.

We anticipate that Hispanics throughout the state will make a personal and professional commitment to the Agenda's goals and objectives. It is the hope of all who developed the Hispanic Agenda that this organized effort will be an on-going process which will broaden opportunities and improve the quality of life for Hispanics in Colorado.

HISTORICAL OVERVIEW

The concept of pluralism so beautifully inscribed on the dollar bill E Pluribus Unum—"out of many comes one"—has been the dream and promise of America since the Declaration of Independence, 200 years ago. The state of Colorado, with its rich multicultural heritage has the opportunity and challenge to fulfill this dream. The very name Colorado was given by the Conquistadors, who in search of additional northern territory for the Spanish crown came across Texas, Arizona and New Mexico to a land they named for its vibrant natural beauty and the red clay that colored its majestic mountains—Colorado. Although many people who emigrate here are sometimes surprised by the state's pronounced Hispanic flavor, an understanding of history makes clear the important role, contributions and historical impact Hispanics have had on the settlement and growth of Colorado.

The Spanish heritage of the Southwest is a prominent one, rooted in more than 400 years of history and culture, and dating back almost 200 years before the signing of the Declaration of Independence and 300 years before Colorado became a state. It was in 1598 that Juan de Onate led the official expedition that spread the Spanish Empire's cultural and political presence into what is now the Southwestern United States.

The Spanish colonists synthesized their culture with the Native American people who had lived on the land for centuries. The marriage of the Spanish and Indian cultures resulted in a new, dynamic and creative ethnic blend which produced unique institutions, art, literature and values. The Spanish introduced ranching and stock raising, public schools, silver-working, architectural style, citrus fruits, Christianity, water laws and community property concepts. The Indian culture brought its knowledge of the land, cultivation for preparation and preservation, crafts and art design, folk medicine, hunting and tribe or community consciousness. The descendants of this culture marriage are the Hispanics of Colorado and the Southwest today.

In 1821, Mexico gained its independence from Spain, and Anglo-Americans were allowed legal entrance into Colorado and the Southwest. A healthy trade developed between the United States and Mexico. A major trade route included the Mountain

Branch of the Santa Fe Trail that utilized Bent's Fort through Raton Pass into Santa Fe.

While trapping and trading had brought Spanish and Mexican incursions into Colorado before 1821, land grants and the sprouting of trading posts along the Arkansas River encouraged the development of permanent settlements. Mexicans and Anglos were pulled together into compatible relations as the Anglos came in to "Settle the West." Mexicans acted as guides, translators, merchants, packers and soldiers and taught the "new immigrants" how to survive in this beautiful land.

In 1846, the United States went to war against Mexico and resulting with the Treaty of Guadalupe Hidalgo, annexed almost half of the Mexican Hidalgo. The following states or portions thereof became part of the United States; New Mexico, California, Oklahoma, Kansas, Nevada, Utah, Arizona, Texas, Colorado, and Wyoming. The Mexican residents of the ceded territories were granted United States citizenship and became "charter members" of the state. As a standing tribute to their previous history, the communities of the Southwest often retain the Spanish "plaza" plan, architecture, and construction of adobe. Southwestern arts, crafts and food have remained an integral part of this area's cultural distinction.

The Civil and Indian wars, combined with the Gold Rush, attracted soldiers, prospectors, settlers, and land speculators from California and eastern United States. As these new people arrived, they too were taught how to survive and earn their livelihood by the Hispanic people. Skills taught included; mining by use of the batea and the arrastra methods; ranching and animal herding; farming and cultivation; trading and trapping. The integration of the state of Colorado, with the diversity of people it has today, had begun.

In the territorial period and into statehood in 1876, Colorado Hispanics entered political arenas and played substantive roles. Casimiro Barela, for example, known as the "Perpetual Senator," not only led the southern Colorado delegation in protecting the rights of the "charter members," but assisted in writing the Constitution of the state. So great was his influence that his likeness is preserved in the State Capitol dome today.

Industrialization and development in Colorado during the latter half of the nineteenth century attracted additional "charter members," as well as Mexican immigrants who came to work on the railroads, in the mining industry, in agriculture, (e.g., Great Western Sugar) and, ranching (e.g., sheep and cattle). Many migrant workers whose origins in Texas placed them on a migrant trail to eastern Colorado decided to remain and relocated in numerous communities along the front range. Hispanics, through their hard work and contributions to the labor force, built the state of Colorado and forged the foundation of today's economic base.

Intensive immigration from Mexico during the first decades of the twentieth century was caused in part by the active recruitment of a cheap labor force and by the political turmoil of the Mexican Revolution (1910-1934). New organizations emerged during this era that expressed concerns for cultural preservation and political status. Mutualistas (mutual-aid societies) provided services throughout Colorado and formed alliances throughout the nation with like-minded groups. This included "charter members" who were here before Colorado became part of the United States, recent immigrants from Mexico, and also many supportive people like former Colorado Governor Bill Adams.

World War II marked renewed economic development as industries moved inland in response to the threat of invasion. Colorado Hispanics became an urban population as emigrants moved near their war-related industries. In response to a need for an enlarged labor force, legislation encouraging Braceros, Mexican national workers in the United States, answered this demand for labor. Serving with great distinction in the military during World War II, Colorado Hispanics continued their contributions in defense of their nation. A patriotic people, Hispanics today have more Medal of Honor recipients per capita than any other group.

The nation's long and challenging history of border problems and illegal aliens has had a powerful impact on Colorado. Starting with the "charter members" who were here before Colorado became a state and again during World War II, there has been an open and then closed door policy toward aliens. This "revolving door" let people in when cheap labor was needed and then closed again when economic times necessitated a tight labor market. Nevertheless, this emigration pattern has had some beneficial effects on Colorado Hispanic culture, which has been constantly revitalized by the contributions of recent immigrants, particularly in language, customs and values. It has also produced backlash and prejudice against undocumented workers and accusations that Hispanics do not assimilate into the dominant culture.

Yet today, in the aftermath of the Civil Rights movement, which promoted the rights of Blacks, Hispanics and other people of color, Hispanics have made great strides in advancing socially and economically. Hispanics today are better educated, and can be found in all levels of business, government and society. Hispanics are beginning to exert the same strong influence on this state that they did in the early days of Colorado's history. One reason for this is that Colorado Hispanics actively participate in politics. Hispanics are also a growing population. As their numbers increase, they will have a greater impact on Colorado and the nation as a whole.

Colorado Hispanics bring a unique cultural blend integrating the individualism and hard work of the Western settlers with the rich heritage of Native American people. Colorado Hispanics have contributed much to the development and growth of Colorado, standing as an example of a people who love their country and their culture and who have assimilated without losing their cultural identity. The success of Hispanics in Colorado will contribute to the success of the entire state.

DEMOGRAPHICS

While the nation's total population increased by 11.5 percent between 1970 and 1980, the total Hispanic population increased by 61 percent, totaling 14.6 million (a 6 percent annual growth rate). The Mexican origin Hispanic subgroup increased by 93 percent, followed by Cubans at 48 percent, Puerto Ricans at 41 percent, and "Other Spanish" origin peoples at 21 percent. Current census reports estimate a 16 percent growth rate from 1980 to 1985 for Hispanics nationally (16.9 million), in contrast to 3 percent for the total U.S. population.

In 1980, Colorado ranked ninth nationally in its concentration of Hispanics. Hispanics constituted 11.8 percent of Colorado's total populations (see Chart 1). As the following map of Colorado counties illustrates, two of 63 counties in Colorado has a Hispanic majority (Costilla—77 percent, and Conejos—61 percent). The bulk of Hispanics in Colorado self-identified as Mexican/Mexican-American/Chicano (61 percent). The second largest hispanic subgroup identified as "other Spanish" (37 percent). Puerto Ricans and Cubans constituted less than 2 percent. State projections estimate the Hispanic growth rate at nearly 16 percent between 1985 to 1990, contrasted to 10 percent for Colorado's state population.

In 1980, slightly more than half of Colorado's Hispanics lived in the Denver metro area, with 53 percent of those having lived in the city and county of Denver. That is, over one-fourth of Hispanics in the state resided in a single urban area. In line with national statistics, Colorado Hispanics are an urbanized population, with 85 percent residing in major urban areas.

The educational status of Hispanics in Colorado closely parallels other states with a high concentration of Hispanics. In 1980, 51 percent of Hispanics 25 years or over did not complete high school, and less than 10 percent completed college. Estimates on Hispanic high school dropouts range from as low as 11 percent to as high as 50 percent.

The median family income of Colorado Hispanics in 1979 was $15,412 compared to $21,940 for non-Hispanics. When the number of persons per household is taken into account, the disparity in income is amplified. The per capita income for Hispanic persons per household was $4,714 in contrast to $8,585 for non-Hispanics. In other words, the average income per person in a non-Hispanic household was nearly two times that of Hispanics.

One of the most striking characteristics of the Hispanic population, both nationally and locally, is its youthfulness. The age pyramid in Chart 2 graphically shows the difference in age distribution between Hispanics and non-Hispanics. The contrast in age is particularly evident in the "less than 20 years of age" categories. In 1980, 40 percent of Hispanics were under 18 years of age in contrast to 26 percent of non-Hispanics. Overall, Hispanics are considerably younger than non-Hispanics. In 1980, the median age of Hispanics in Colorado was 22.5 years in contrast to 29.4 years for non-Hispanics. Furthermore, fertility is higher for Hispanic women (2,428 children per 1000 women 15 years and older) than for total Colorado women (1,752/1000). The fertility rate for Hispanic women is projected to remain unchanged through the mid 21st century.

SUMMARY

Given the Hispanic population's youthfulness, high fertility rate and continued growth, Hispanics will become an increasingly more vital segment of Colorado's population. Efforts to integrate Hispanics into the economic and political mainstream would benefit not only the Hispanic community, but the state of Colorado as well.

HISPANIC AGENDA: 1990 AND BEYOND (MAJOR COMPONENTS)

KINDERGARTEN THROUGH 12TH GRADE EDUCATION

Hispanics are a young, vibrant and energetic population. Forty-five percent are under the age of nineteen. Hispanic youth are and will continue to be a valuable resource for employers. This youthful Hispanic population will be working longer and contributing more dollars into the federal social security system than any other ethnic population. Therefore, it is in the best interests of both the Hispanic and majority populations to improve achievement levels of our Hispanic youth on the elementary and secondary levels. The result will be an improved quality of life for all citizens of our state.

Issues

The following areas are key concerns for the Hispanic community: Academic performance of Hispanic youth; Attendance rate of Hispanics; Drop out rate; Institutional racism in the education system; Current school finance method.

Based on statewide assessment of student achievements, Hispanics are performing at a lower level than Anglo students. Specifically, utilizing the Iowa Tests of Basic Skills/Tests of Achievement and Proficiency, Form G, Hispanic performance ranged from 14 to 21 percentile points below all students. The areas tested included vocabulary, reading and language skills, work-study skills, mathematics skills, social studies and science. (See Chart 5 from "Status of K-12 Public Education in Colorado, 1986," published by the Department of Education.)

Hispanic youth are challenged to survive in the current educational system. Part of the responsibility for the lower performance of Hispanics rests with the structure and method of teaching in Colorado school systems. Historically Colorado's education system has received a failing grade in promoting academic success of ethnic minorities. Absence of a "climate of excellence" in the classroom contributes to this shocking educational ineffectiveness. Teachers who have low expectations of Hispanic achievement get the results they expect. There has been minimal commitment to preventive, early intervention efforts or encouragement of innovative teaching methods. The emphasis has been on remedial-type programs reaching students at a later stage in their schooling. To bring about improved student performance, early intervention needs to become a priority.

Hispanics are also dropping out of school in dangerously large numbers. Some studies estimate that 50 percent of Hispanics do not complete high school. Chart 3 dramatically shows the educational completion differences between Hispanics and non-Hispanics across urban and rural areas. For Hispanic adults 25 years and older, 40.9 percent in rural and 47.8 percent in urban areas completed high school. In contrast, 80.1 percent of non-Hispanics living in rural and 81.2 percent living in urban areas completed high school.

As reported by the Colorado Department of Education in a 1986 study which only includes data from 10th to 12th grade, the Hispanic drop out rate is 11.3 percent. The 1980 census data also show that Hispanic youths in the 18-24 age group were far less likely to have completed high school than non-Hispanics. For Hispanics living in rural areas the completion rate was 59 percent compared to 60 percent for urban Hispanics. For non-Hispanics the completion rate in rural areas was 77.4 percent compared to 82.7 percent for urban non-Hispanics. (See Chart 4.)

A recent Stanford University study estimated the lifetime cost to society of dropping out to be about $200,000 per drop out—approximately $20,000 for social services, $50,000 in lost tax revenue and $130,000 in lost net income to the individual. The drop out situation is at crisis proportions.

Failure is compounded by the lack of acceptance of the pluralism that characterizes our state and our nation. As a result, institutional racism continues to exist in the education system. Racism is evident in lower expectations by teachers and educational administrators of the Hispanic child. Racism is demonstrated in the lack of Hispanic role models in the class-room, a higher discipline and suspension rate among Hispanic students, and a curriculum that ignores Hispanic historic contributions to the development of Colorado and our country. The call for excellence in our schools must be applied across the board.

The current financing method of public education is a major problem affecting all of our children in Colorado. First, financing for education is decreasing. As reported by the Colorado Legislative Council, the financial support of K-12 education in constant dollars has decreased each year for the last five years. The state contributes 47 percent of the total funds, and the local property tax burden is 53 percent. The current school finance law is not meeting the needs of Hispanic students. It requires revision, not only to ensure educational opportunity, but also to prevent educational opportunity from being solely a function of local property tax.

Responsibility

The primary responsibility for increasing the academic success of Hispanic youth lies with the Hispanic Community. However, parents, students, the state and private sector must all participate wholeheartedly in this undertaking. The quality of life for all citizens of Colorado will be enhanced by the success of Hispanic youth in K-12 education.

Kindergarten through 12th Education Goals

Decrease by 15 percent the number of class days missed.

Increase by 3-5 percent per year the competency test scores for Hispanic students in each test component.

Increase by 10 percent per year the number of Hispanic students who pass the competency test(s) the first time.

Decrease by 10 percent per year the drop-out rate.

Institute a multi-cultural curriculum in Colorado's K-12 education system.

Rewrite the School Finance Law and base it on educational need.

Increase to a minimum of 50 percent the financing contribution of the state for K-12, thereby reducing the local property tax burden significantly under 50 percent.

Develop and implement standard state accountability measurements for each school district in Colorado.

Increase parental and community participation in the educational system through tutoring, mentoring and role model programs.

Increase by 40 percent early intervention education.

HIGHER EDUCATION

Colorado depends on a highly educated and trained labor force. Higher education and Colorado's future growth are inextricably intertwined. The Hispanic population will serve as a major pool from which to draw faculty, staff and students. Unfortunately, to this date, Hispanic participation in institutions of higher education has been minimal. Efforts must be made to turn the tide in order to lay the groundwork for the future growth of our state and the success of its citizens.

Issues

There are three major issues in higher education affecting Hispanics:

Recruitment, retention and promotion of qualified Hispanics in institutions of higher education.

Recruitment and retention of Hispanic students and financial assistance to help them complete their education;

Lack of involvement and participation of Hispanics in influencing policy through employment and appointments on policy-making boards of government and commissions in higher education.

The numerous higher education issues relating to Hispanic faculty and staff are intertwined. Hispanics are under represented at the levels of faculty and staff personnel. In 1984-85, it was estimated by Western Interstate Commission on Higher Education (WICHE), that less than one percent of executive, administrative and managerial positions were held by Hispanics in Colorado and that fewer than two percent of higher education tenured faculty positions were held by Hispanics. Chart 6 shows that of Hispanics working in institutions of higher education, 58 percent are in non-tenured or other faculty positions.

The lack of support systems for Hispanics working within higher education has hindered the entry and retention of Hispanics into higher education institutions. Fewer networks exist to inform individuals of upcoming vacancies. Attempts to increase the numbers of Hispanics by enforcement of Affirmative Action guidelines has not been successful because of a lack of commitment by institutions of higher education and the State Legislature.

Many Hispanic students rely on financial assistance to obtain an education. Along with a decline in aid, there has been a corresponding decline in recruitment efforts directed at minority students. According to the latest available data, Hispanics received 3.2 percent of the baccalaureate degrees conferred in 1983. Chart 7 shows that in 1980 less than 10 percent of Hispanics, 25 years and older, residing in urban and rural areas, completed four years of college. In contrast 24.7 percent rural non-Hispanics and 31.3 percent urban non-Hispanics completed four years of college. In 1990, it is projected that only 5.6 percent of higher education degrees will be conferred to Hispanics, despite the fact that Hispanics between the ages of 15 to 19 will represent 11 percent of the total school population.

The decline of the traditional white, 18-24 years old student has renewed interest among higher education institutions in recruiting non-traditional students. If colleges and universities are to contribute to the quality of life, they must begin to work more aggressively in the areas of recruitment and retention of Hispanics in all institutions of higher education. Chart 8 shows that one of four Hispanics are enrolled in two year colleges in 1985. Hispanic representation must be expanded to four year and graduate institutions to enable Hispanics to compete in the areas requiring high technology degrees.

Elementary and secondary educators also are responsible for expanding the pool of qualified and interested college-bound students. Kindergarten through twelfth grade educators have not uniformly focused on encouraging and preparing Hispanic students for college.

At the system level Hispanics have not been represented on governing boards and commissions related to higher education. The few that have been appointed have not been as effective as they could be because of limited support systems and a lack of commitment of the governing bodies to the Hispanic community. Affirmative action policies and plans have been developed without a strong commitment to enforcement. This has contributed to the continuation of a laissez-faire attitude toward the educational needs of Colorado's Hispanic community.

Responsibility

There are a number of responsible parties that could positively influence change in the area of higher education. The Hispanic community must continue to play a major role in promoting and encouraging our youth to pursue their education. Hispanic faculty and staff must work together to promote themselves and others in the system. State governmental entities must accept responsibility for implementing affirmative action policies, that are more than plans with good intentions and possess a strong enforcement component. The private sector, with much to gain from a highly educated work force, must begin to invest in higher education and the future Hispanic leaders of Colorado.

Higher Education Goals

Increase by at least 10 percent recruitment/retention efforts of Hispanics in higher education.

Increase from 3.2 percent to at least 10 percent baccalaureate degrees earned by Hispanic students.

Increase by 15 percent the numbers of Hispanic faculty personnel in higher education.

Increase by 10 percent annually financial aid for qualified Hispanic students.

Increase the representation of Hispanics on governing boards and commissions to achieve at least parity.

Develop a state-wide student transition support program.

Establish a communication clearinghouse regarding higher education opportunities for students and faculty.

LABOR AND EMPLOYMENT

Hispanics represents a growing proportion of the U.S. labor force. They are a youthful population in an aging society. Today, about 6.7 percent of our nation's workers are Hispanic. This proportion will increase to about 10 percent by the year 2000.

The employment status of Hispanics and other minorities will be increasingly important in the future. In 1952, there were 17 workers for every retiree on Social Security; by 1992 demographers project that there will be only three—and one of these will be a minority group member. Thus the employment skills of minority workers will be critical not only for the nation's productivity and competitiveness in the world market, but also for the solvency of the Social Security system, according to a 1987 report of the National Council of la Raza.

Unemployment and underemployment have been chronic problems in the Hispanic community. Double-digit unemployment has been a reality during both good and bad economic times; in 1985, Hispanic unemployment in Colorado averaged 12.2 percent, compared to 5.6 percent for whites.

Issues

There are three major issues in labor and employment affecting the Hispanic community:

Hispanic unemployment rate is twice the rate of Anglos;

Significant numbers of Hispanics lack formal education and skills training for changing labor force demands.

Hispanics are over-represented among occupations likely to suffer from high job losses.

The Hispanic unemployment rate during the last ten years has remained about two times that of Anglos. In 1980 Hispanics in rural Colorado were close to three times more likely to be unemployed than non-Hispanics (as shown in Chart 9).

The single most important barrier to success in the labor market for Hispanics is their low level of educational attainment. There is no doubt that the typical job or occupation of the future will require advanced education and/or training. Increasing workers' job readiness skills is a prerequisite to reducing the unemployment rate. In the future illiteracy will no longer mean a low paying, labor intensive, menial type of employment—it will mean no job at all.

Hispanics also suffer from serious inequities in occupational distribution. Both Hispanic men and women are strikingly under represented in white-collar jobs and over represented in low-skill blue-collar jobs with low wages and limited opportunities for advancement, as shown in Chart 10. It is no surprise then that Hispanics in the work force receive the lowest weekly wages of any major group in the labor market, with Hispanic women reporting the lowest wages. Hispanic families experienced a decline in real income in 1985.

Employment training must be two-pronged: first, it must increase literacy to enable the worker to begin to earn a living; secondly, as a condition of employment, the worker will be provided with continuing training. The latter protects workers who are engaged in occupations that will see significant losses because of technology improvements.

According to recent studies, Colorado ranks 13 out of the 50 states with regard to "climate of growth" in terms of jobs and new companies. Yet this growth essentially excludes Hispanics who lack the formal education and training for a hi-tech, service-sector economy. At the same time because of the youthful composition of the Hispanic community, Hispanic workers can and will be a driving force for industries of the future.

Responsibility

Colorado's human resource investments represent a critically important commitment. Expanding opportunities for Hispanics and non-Hispanics can be achieved through a partnership of state and local government and the private sector, utilizing economic development strategies, education and employment training programs. In addition, Hispanic workers must be endowed with the motivation and self-resolve to improve their current plight. The community can assist in this process and set high standards, provide leadership, raise consciousness and provide the necessary accountability. The end result will be greater prosperity for all Coloradans.

Labor and Employment Goals

Increase by 40 percent the literacy of Hispanic workers.

Increase by 30 percent the private and public partnership training program funds.

Increase by 40 percent the number of Hispanic workers in training programs.

Increase by 40 percent the utilization of the Job Training Partnership Act program in the Hispanic community.

Reduce by 5 percent the Hispanic unemployment rate.

Increase by 30 percent labor force participation of low income Hispanic female heads of household.

Expand by 20 percent the educational opportunities available to underemployed and high risk loss occupations.

ECONOMIC DEVELOPMENT

America has one of two choices. We can accept a lower standard of living by cutting the wages of blue and white collar workers, or we can raise our standard of living through effective public/private investment. The goal of such investment would spur the growth of new high-paying, high-tech and information based industries. The Hispanic Agenda chooses the later approach.

The economic success of Hispanics is dependent on America's ability to compete in the world. Conversely, America's ability to compete in the world is also heavily dependent on the effective and successful investment in her Hispanic citizens. Obviously, the education of America's youth, including a soaring population of young Hispanics, plays a crucial role in our nation's ability to compete and prevail in today's and tomorrow's world economy.

The U.S. Census Bureau reports that the number of Hispanic-owned businesses in the United States increased by 53 percent between 1972 and 1977. Receipts from those firms totaled $15 billion in 1982, a substantial increase over a five year period. On average and in almost all cases, Hispanic businesses are small businesses.

Issues

There are four major issues confronting the Hispanic business community;

Limited access to capital and management/technical assistance;

Revitalization of neighborhood Hispanic business;

Internal coordination of Hispanic community;

Systematic and institutional racism.

The fate of small businesses and future employment opportunities are closely linked. Between 1981 and 1985, Colorado added an estimated 80,000 net new jobs. Small, independently owned new business played a key role. Over 59,000 of these net new jobs were in firms with less than 20 employees and over 51,000 in local, independently owned firms. Firms with less than 100 employees now account for over half the jobs in Colorado.

Start-ups have and will continue to dominate the state's growth in employment. As a result, a sound Hispanic economic development strategy should nurture the successful growth of Hispanic-owned small businesses. Such an approach will result in a significantly increased number of high-quality jobs for Hispanics.

Like all small businesses, potential and existing Hispanic enterprises require start-up and consecutive rounds of financing to grow. An individual small business often has almost all the right pieces in place—right product, right market and right time. Frequently, the only pieces missing are available and/or affordable capital, and management and specialized technical assistance.

Revitalized neighborhood retail/service businesses are needed in the community. Many small businesses in Hispanic neighborhoods are owned by non-minorities. Hispanic entrepreneurship must be promoted. Hispanic consumers should be encouraged to patronize Hispanic business; in too many cases, they are required to shop and buy goods and services outside the neighborhood.

While some progress has been made, the Hispanic business community must coordinate its efforts. More collaboration is needed in areas of joint venturing, subcontracting, and purchasing products and services. A lack of coordination causes many Hispanic enterprises to lose significant business with the following types of potential customers: major local corporations, state and municipal governments and federal government.

Systematic, institutional racism remains a barrier to Hispanic progress. Significant economic "mainstreaming" of Hispanics remains to be done. The level of participation in our state's economy is not satisfactory. We need more Hispanic business people serving as role models.

Responsibility

The Hispanic community as a whole must take responsibility, including obtaining the cooperation of local corporations, other Chambers of Commerce, and state and local government. Significant economic success can be achieved if the community effectively coordinates and executes their plans. The Hispanic Chamber of Commerce can provide a focal point for revitalization of the Hispanic business community. The executive and legislative branch of government must involve Hispanics in the state's economic development planning, as well as advocate opportunities for Hispanics in the plan's implementation.

Economic Development Goals

Establish 100 new Hispanic owned businesses.

Increase by 100 percent Hispanic business receipts.

Increase by 300 the number of employment opportunities within each Hispanic neighborhood.

Create through the State Legislature Small Business Development Credit Corporations that will provide financing and management/technical assistance.

Unbundle contracts with local corporations thus providing more opportunities for Hispanic Small Business Owners.

Centralize the minority certification/guideline education and information process.

Increase knowledge of the bidding process among Hispanic Small Business Owners.

Initiate and establish a Hispanic Small Business Owners resource information clearinghouse in cooperation with the Hispanic Chamber of Commerce.

Establish an annual Hispanic Small Business Owners Trade Fair for public and private sector organizations.

Increase by 35 percent funds raised for neighborhood economic development organizations.

Implement a one-stop regulation and certification office.

Establish a statewide minority small business council.

HOUSING AND NEIGHBORHOOD

The breadth and diversity of housing issues facing Colorado . . . the price at which the private market system can provide housing and the ability of low-income households to pay for the housing. Until recently the federal government has taken the lead in addressing the needs of those residents whose housing requirements were not being met by the private sector. Today there is a new opportunity for state and local government working together with the Hispanic community to improve the housing and neighborhoods in Colorado.

Issues

There are four key housing and neighborhood issues that affect Hispanics;

The lack of affordable housing throughout the state of Colorado;

The need for revitalization of Hispanic neighborhoods and existing housing units;

Freedom of choice for Hispanics to live anywhere;

The need to identify and purge regulations and priorities that negatively impact the affordability and the quality of housing.

The main housing issue is affordability. In 1985, 32 percent of Colorado renter households and 10.6 percent of owner households were living in inadequate units or paying too high a proportion of their income for shelter. A significant portion of the Hispanic population is unable to afford adequate housing.

Secondly, revitalization of Hispanic neighborhoods is essential to our quality of life. The owner occupied housing stock in the state is aging. The combination of aging housing with a lower-income owner, particularly in rural Colorado, often results in deterioration of the unit and its eventual * * * taken, affordable housing units deteriorate until they are eventually abandoned or demolished. Too often the results is complete retrogression of the neighborhood.

Assuring that Hispanics have the freedom of choice to live anywhere within the metro area and the state of Colorado is critical. A recent study of affordable housing in the metro area and the state indicated that Hispanic families whose income does not exceed $25,000 per year are required to live in areas where the housing stock is less than adequate for their needs.

The last issue impacting Hispanic housing and neighborhoods addressed the regulations and priorities of a variety of state agencies and commissions that directly affect housing costs. We need to identify and revise regulations within state and local governments as well as private housing regulations that negatively impact affordability and quality of housing.

Responsibility

The responsibility of remedying the housing situation and revitalizing Hispanic neighborhoods lies with the Hispanic community. We must promote and take direct action to improve the quality of shelter and quality of life in Hispanic neighborhoods. Businesses, including—but not limited to—banks, savings and loan associations, insurance companies, private developers, foundations, private and quasi-public corporations, have a major responsibility in playing a positive role in improving the quality of shelter and life in Hispanic neighborhoods. The federal government should also continue to play a significant financial role in housing, especially ensuring that low and moderate income individuals, State and local governments must also concern themselves with housing policies to insure that adequate and affordable housing is an achievable goal.

Housing and Neighborhood Goals

Establish a Housing Trust Fund to provide a source of funds to Hispanics throughout Colorado and to support housing initiatives in Hispanic communities.

Establish a blue ribbon committee to identify resources available for housing to promote neighborhood rehabilitation.

Activate a "fairshare allocation" model in which local governments agree to provide affordable housing in their communities accessible to Hispanics.

Insist that local governments offer incentives to private developers to build a percentage of units for low and moderate income individuals.

Explore the utilization of employee pensions as a source of revenue for housing, rehabilitation and/or development.

Support legislation that positively addresses the issue of Warranty of Habitability (standard living conditions for renters).

Insure that all economic development policies responsibly address housing development and the impact on the quality of life of residential neighborhoods.

Demonstrate the economic benefits of affordable housing initiatives and neighborhood rehabilitation programs to the state legislature, emphasizing the positive role legislators can play in housing development.

HEALTH AND HUMAN SERVICES

The relationship between education, job training and employment, housing and economic development is closely linked to the need for public human services and health programs. Because of socioeconomic factors, Hispanics are disproportionately represented as consumers of public programs in health and human services. Like all other consumer populations, Hispanics have the right to receive quality services provided in a sensitive and professional manner. Hispanics must be afforded equal and open access to programs which will address their needs. Any cultural or language barriers which may impede or prohibit the delivery of services must be addressed and solutions implemented to assure quality care for Hispanics.

Issues

The following are four major concerns for the Hispanic community;

Poverty of Hispanic women and teenage pregnancy;

Lack of preventive health care;

Alcohol and drug abuse;

Accessibility to quality health care.

In 1984, the U.S. Civil Rights Commission reported that women were quickly becoming the largest poverty group in the nation. A large percentage of these impoverished women are Hispanic. In Denver as Chart II shows, approximately half of the families headed by Hispanic women live in poverty, compared with one-third families headed by white women. If day care were more available, female heads of households would be less dependent on Aid to Families with Dependent Children (AFDC). Although having a job does not in every case bring an end to poverty, women would have a better opportunity of fighting poverty through job training and employment.

As reported by the Piton Foundation in A Profile of Poverty in Metropolitan Denver, "teenage pregnancy, which occurs at a higher rate in neighborhoods where poverty is concentrated, contributes to the growing number of female-headed families. Many teenage mothers drop out of school, attempt to rear their children by themselves and need long-term public assistance. Half of the families receiving Aid To Families with Dependent Children (ADFC) in Denver are headed by women who were teen mothers. Among teenagers in Denver, Hispanics had the highest pregnancy rates (114 per 1000 women) . . ."

In addition, poverty has a significant affect on availability of prenatal care. Because of a lack of prenatal care, newborns have a higher incidence of illness and birth defects and mothers have a higher occurrence of delivery and post delivery health problems.

Another factor contributing to the poverty of single parent families is the absence of child support. As reported by the Federal Office of Child Support Enforcement in 1983, 8.7 million women in the United States were raising children without fathers in the home. Of these, 58 percent, or five million, had court orders or agreements establishing a right to child support. Only half of these mothers, 2.5 million, received the full amount owed. Another quarter, 1.3 million, received only partial payments, while the remaining 1.2 million received nothing at all. Although specific ethnic data is not available for Colorado, lack of payment of child support is a problem in the Hispanic community, as well as for the total community.

Child abuse and neglect are present in the Hispanic community. In 1980, Colorado's statistics showed 4,775 cases of reported abuse; of these cases, 1,409 were non-white; 17.6 percent or 843 were Hispanic. The State Department of Social Services notes several factors that should be taken into account in interpreting the higher reporting rate for Hispanics, in particular, the effects of poverty. Hispanic families, on average, experience greater economic stress which in turn may result in increased risk for abuse or neglect. Also, a higher proportion of Hispanics live in inner-city neighborhoods, and the stresses of inner-city living may increase risks for abuse and neglect.

Further, the higher rate may be due to reporting phenomena rather than to actual differences in levels of abuse or neglect. Higher levels of contact with public social agencies and health clinics increase the odds that a "suspicious" injury will be referred to protective services. Prejudice, perhaps operating subtly among both professionals and nonprofessionals, may increase the odds that a referral will be made in a "questionable" situation. In sum, socioeconomic factors in combination with reporting goals seem to explain much of the difference in rates.

The third issue, alcohol and drug abuse, is a serious and costly problem. According to the 1984 State Plan for Alcohol and Drug Abuse Treatment, Hispanics constitute 18.6 percent of the Denver population, but accounted for 25-31 percent of the Denver DUI arrests from 1973-1981. It is estimated that Hispanics accounted for 22-26 percent of statewide involuntary commitments to alcohol treatment, while representing only 11.8 percent of state population. However, these high statistics could be attributed to the variance in the application of alcohol related laws in Hispanic communities.

Mortality rates for Hispanics are 33 percent greater than that of Anglos. Comparisons show that on the average the life expectancy rate for Hispanics is five years shorter than that for Anglos. The major causes for lack of preventive health care to Hispanics are poverty, the rising cost of health care, lack of insurance benefits, physical accessibility and mobility (i.e., elderly), cultural barriers, the dehumanization of our health delivery systems, and lack of information on disease prevention and health care.

Responsibility

To positively impact Health and Human Services for Hispanics, the Hispanic community must take responsibility to advocate for improved and expanded services. The private and public entities responsible for health care and human service delivery throughout the state of Colorado must improve delivery systems, accessibility and quality of care to expand services to the Hispanic Community.

Health and Human Services Goals

Increase by 10 percent the AFDC allotments for all children and families who have no other source of income.

Increase by 25 percent the availability of low cost/subsidized day care and other supportive services for low income women.

Increase by 30 percent the number of educational and training programs for low income female heads of households.

Increase by 40 percent child support payments and/or collection.

Increase by 25 percent the number of prenatals and parenting programs for teenage single parents.

Encourage health and human services delivery systems to reduce cultural and language barriers.

Increase preventive health care educational programs focused on the Hispanic population.

POLITICAL PARTICIPATION AND LEADERSHIP

The population growth of Hispanics and their increasing participation in the political process has and will continue to impact national and statewide elections. Currently Hispanics are the second largest ethnic group in the United States. By the year 2060, Hispanics will become the largest ethnic group. Sheer numbers will give Hispanics enormous political clout.

Influencing public policy decision-making requires active and vigorous participation in the political process. Hispanics must continue to intensify their level of political participation to advocate and defend their community interest.

Issues

There are three major issues that affect the Hispanic community:

Lack of political sophistication and internal coordination within the Hispanic community;

Deep and widespread sense of political apathy within the community;

Systematic and institutional racism.

Hispanic representation in public office has increased significantly in recent years. Colorado has over 160 Hispanic elected public officials. Hispanics currently serve as state legislators, mayors, municipal officials, assesors, sheriffs and school board members. While such individual successes are impressive, incumbent Hispanic office holders need to start identifying, recruiting, working with and developing future political leaders. In addition "state of the art" political campaign techniques, now widely known and understood throughout the community, need to be employed. Further, there needs to be improved communication vehicles enabling Hispanic public officials to report on the impact of legislation and policy on Hispanics.

A sometimes unresponsive political structure has resulted in a significant level of apathy among Hispanics. Many believe that the political process and public policy issues are irrelevant to them individually and to the future of the community as a whole. Although the number of Hispanics registered to vote has significantly increased, more Hispanics need to be encouraged to register. In addition, more effort to increase voter turnout is critical.

The Hispanic vote can and will decide elections. As reported by the National Association of Latino Elected and Appointed Officials Education Fund (NALEO), when a candidate for statewide office captured 14.6 percent of the Hispanic vote in Colorado, his or her overall total vote increased by one percent. To increase voter turnout among Hispanics, we need to demonstrate the power the Hispanic community can bring to bear on improving their quality of life by exercising their right to vote.

Systematic and institutional racism remain significant obstacles to increasing the impact of Hispanics in the political process. In many areas of Colorado, at-large elections prevent Hispanic citizens from holding public office. Frequent attempts are made during the reapportionment process to "gerrymander" existing and potential Hispanic districts. Furthermore, economic discrimination, combined with the growing financial requirements of politics, preclude many Hispanics from conducting viable election campaigns.

Responsibility

Significant political successes can be achieved if the Hispanic community takes responsibility, plans and acts in an effective and coordinated manner. Colorado has a great opportunity to engage, challenge and utilize the leadership available in the Hispanic community. By electing Hispanic leaders to public office, the Hispanic community can more fully realize its vision and dedication to improve the quality of life for Hispanics and all Coloradans.

Political Participation and Leadership Goals

Identify and implement strategies to eliminate at-large state and local elections across Colorado.

Facilitate increased Hispanic representation by ensuring the appointment of at least two Hispanics to the 1990 reapportionment commission.

Develop a "think tank" that communicates public policy and political positions of direct interest of Hispanic individuals and the community.

Utilize the "think tank" to promote closer collaboration between existing and potential public office holders and the community.

Increase by 20 percent Hispanic voter registration.

Increase by 30 percent the Hispanic voter turnout for elections.

Coordinate fund raising within the community by creating a Hispanic Political Action Committee.

Encourage Hispanic elected officials to report the potential impact of public policy to Hispanic organizations.

MEDIA

As the Hispanic population grows, the influence of media coverage and Hispanic representation in the media will have enormous impact in shaping opinion and projecting images of the Hispanic community. Print, radio and television media have a fundamental responsibility to report on community events, as well as to inform the community about national and international events.

Issues

There are two major issue areas related to the media:

Under-representation of Hispanics in the media;

Coverage of Hispanics by the media.

There are only a few Hispanic, on-air/on-camera personalities on major radio or television stations in Denver. Although Hispanics comprise about 12 percent of Colorado's population, less than two percent of news room staffs are Hispanic. A major concern of Hispanics in the media is they often become the lone booster of Hispanic events and activities and are typecast as "the Hispanic reporter." The limited number of Hispanics in the media also results in a paucity of role models for Hispanic youth.

The need to improve news coverage of the Hispanic community is essential to developing a more positive image of Hispanics. By focusing on positive aspects of the community, the media could develop a constructive working relationship and gain a more respectful perception of the Hispanic community.

There is also a need to increase the media's interest in covering newsworthy Hispanic events. Far too often, the media has not been notified in advance of newsworthy events. The Hispanic community generally distrusts the media to cover events objectively and accurately. This has hampered dissemination of news promoting a positive image of Hispanics.

Responsibility

The Hispanic community has responsibility for its image and presence in the media. Organized efforts led by local community-based groups and leaders to work with the media can improve the current relationship between the media and Hispanic community.

The media itself has a responsibility to project a realistic view of society, as well as of particular ethnic communities. The media's power structure must create opportunities for advancement and promotion of Hispanics in the media, in addition to promoting a policy of covering news about Hispanics and the Hispanic community.

Hispanics in the media have a responsibility to ensure that positive Hispanic images are projected; Hispanic professionals are promoted; the Hispanic community is served; and to act as role models to Hispanic youth.

Media Goals

Identify Hispanic media persons to become role models for the Hispanic community and its youth.

Coordinate recruiting efforts of Hispanic youth to increase the numbers of qualified Hispanics in the media.

Revitalize the Community Affairs Seminars educating the Hispanic community about how to better utilize the media.

Develop a "Who's Who" Hispanic Resource Directory that includes names and phone numbers of Hispanics in all areas of expertise.

Develop a constructive working relationship between the Hispanic community and the media to promote positive media coverage.

Achieve equal representation across all levels of employment of Hispanics in the media by 1990.

Establish community networks to create the exchange of information, expertise, and resources.

Create a partnership between Hispanics in the media and the Hispanic community at large to insure media accountability for program contents, hiring practices and other issues related to Hispanics.

BUILDING ACCOUNTABILITY

A reading of the summaries of each of the major components demonstrates that the Hispanic community perceives itself as a key player in promoting change. Change will only occur if our community takes action—NOW.

This Agenda is only the beginning. Action committees will be created to develop strategies to achieve our stated goals. No one has more invested in the success of this Agenda than the Hispanic Community.

The community at large and the Hispanic community must now begin to build bridges to open up opportunities for greater involvement of Hispanics in decision-making positions. It is through this open process that we will begin to accept our interdependence on each other to obtain a better quality of life for all of Colorado's people. This Hispanic leadership is eager and willing to address the issues identified in this report to usher in a new dawn for Colorado's Hispanics. We move forward, not forgetting the past, but building on it, to achieve the goals we have developed that will secure a better future for Hispanics and Colorado.

STRATEGIC APPROACH AND CRITERIA

The following is a standard set of criteria we used to provide an organized approach to identifying goals and objectives, developing plans and establishing time frames for achievement of this component of the Hispanic Agenda.

Goals are defined as our long-term vision of what we want the Hispanic Community to achieve. Objectives can be thought of as accomplishments required prior to achieving the established goals.

Task 1: Identify the key issues, needs and problems in your specific socioeconomic area.

Recommended criteria:

A. How do these issues, needs and problems specifically impact Hispanics?

B. How does this situation compare to the total population?

C. What are the current issues and/or barriers that hinder success?

D. How should these issues/barriers be "prioritized"?

Task 2: Identify who has the ultimate responsibility in this socioeconomic area.

Recommended Criteria:

A. Who are the individuals, organizations, agencies and groups responsible for addressing this socioeconomic area?

B. What is their relative role?

C. How successful are they in addressing this area?

Task 3: Provide recommendations, including goals and objectives that will positively impact the issues identified in Task 1.

Recommended Criteria:

A. What are the goals/objectives in the short-term (one-three years), 5 years, 10 years?

B. What specific policies, do you suggest to achieve realistic, clear and measurable objectives?

C. Should the roles of the current key players (identified in Task 2) be altered? If so, how?

D. Who else should be involved in addressing this area?

E. Is public/private sector cooperation necessary to impact this area? If so, in what specific form?

F. How should the achievement of these goals and objectives be evaluated and measured?

Task 4: Identify the interrelationships of your suggested recommendations with the other components of the Hispanic Agenda.

THE NEW INTERNATIONAL FINANCIAL SERVICES CENTER IN DUBLIN

Mr. KENNEDY. Mr. President, I wish to draw the attention of my colleagues to the ambitious plans of the Government of Ireland to build an International Financial Services Center, covering an area over 1 million square feet, and projected to cost $400 million, at the Customs House dock site on the north bank of the River Liffey in Dublin.

Dedicated to strengthening Ireland's economic contacts around the globe, the new center will make Dublin a vital hub of economic activity. Designed to be a focal point for business, commerce, and tourism, the Customs House Center will develop a new Irish financial services industry—one which will be able to compete internationally by use of advanced telecommunications technology. Already, these plans for new financial services have sparked the interest and enthusiasm of the American business community. In fact, several American banking institutions have indicated they wish to be major participants in the endeavor.

It is no secret that Ireland has faced severe difficulties during the economic recessions engendered by the world's two major oil crises. The attempts by successive Irish Governments to maintain the standards of living and services enjoyed by the Irish people resulted in the imposition of a great strain on the budget. The new Irish Government elected last February has taken disciplined and energetic measures to restore balance in the budget and has reiterated and renewed Ireland's commitment to export-led growth. Already there are several very positive indications that these corrective measures are bearing fruit. Public borrowing has been contained, inflation is at its lowest level in 20 years, and in the first half of this year, Ireland has enjoyed its best-ever export figures. A record Irish trade surplus is being forecast for 1987.

These optimistic indicators do not alter the fact that Ireland is experiencing difficulties in providing jobs and livelihoods for all its people, especially for the youth who make up a large proportion of the population. It would be a tragedy if, after Ireland had invested so much in its youth and especially in education throughout the 1960's and 1970's, the country were to see the cream of its highly educated graduates forced to seek a living and a future outside their own country in the 1980's.

That is a major reason why the Irish Government has decided to establish this International Financial Services Center, which will provide as many as 7,500 jobs, will open new opportunities for young Irish men and women to use their talents, to practice their hard-earned technological skills and to demonstrate their initiative and enterprise for the benefit of their own country. It was the Irish people who made the initial investment and effort to produce a technologically advanced work force, and it is only right that the Irish people should reap the eventual rewards of this investment.

The Irish Government's remarkable initiative deserves encouragement by the United States. It offers a real possibility for a resurgence of hope and opportunity in a land that has given much to America. Over the centuries, Ireland's greatest contribution to the world has been its people. Throughout our history, the United States has been enriched by the contributions of Irish Americans, and America has not forgotten its Irish roots. Since the 1960's, American business leaders and industrialists have invested much time and money in establishing plants and in developing industries in Ireland.

America's involvement has been fruitful, productive, and beneficial to both countries. It shows that Ireland, the Irish people, and the Irish work force have much to offer American investors and corporations. It also shows that America has the ability and the willingness to help an old friend in a practical and economically realistic way.

This new project presents a fresh opportunity for America and Ireland to work together, and establish Dublin as a hub of the international financial services network. The Irish Government is especially interested in the participation of American firms in this enterprise, and such participation deserves to be in command—for this financial services initiative makes sense for Ireland and for the United States as well.

A CENTURY OF SERVICE TO THE CITIZENS OF OGDEN, UT

Mr. HATCH. Mr. President, Let me take this opportunity to congratulate the Ogden, UT, Chamber of Commerce on its 100th anniversary which it celebrates this year. This organization embodies the spirit of American business and community involvement.

The Ogden Area Chamber of Commerce was first organized in 1887, when Utah was still a territory. It is the oldest chamber of commerce in the State of Utah and the model for many similar organizations in the State.

The chamber has a distinguished history of service to the community of Ogden. It has been actively involved in the development of Ogden from the very beginning. While chamber records from the early days are few, we do know that in 1908 there were 198 members, and it is worth noting that three businesses still operating today were among those members then.

Throughout its 100 years of existence, the Ogden Area Chamber of Commerce has been involved in local and regional projects to improve business and community life in Ogden. Business has banded together more than once in the town of Ogden to initiate necessary positive change. In 1926, chamber president James Devine led a successful fight to keep the Internal Revenue Service from moving its center out of Ogden. Today, the IRS is a regional service center employing more than 3,000 Ogden area residents. During that same year, the chamber listed as major projects a new hotel, a new industrial business, a viaduct extension, a dam, and a railroad track extension.

Over the years the Ogden Chamber of Commerce has been directly involved in a number of local and regional projects to enhance commercial life in the area. Among those are the Golden Spike Livestock Coliseum, the National Guard Armory, the first Credit Bureau, two new high schools, and numerous others.

Mr. President, the Ogden Area Chamber of Commerce boasts a membership of 1,245, and the people who constitute this membership strive to improve the business life in Ogden. These Utahns are directly involved in encouraging a strong convention business, improving the image of Ogden, encouraging residents to shop locally, attracting industry to the area, and building a stronger membership.

Congratulations to the Ogden Area Chamber of Commerce on a century of service. I suspect this chamber will be around for another 100 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 22. Joint resolution to designate the period commencing September 21, 1987, and ending on September 27, 1987, as "National Historically Black Colleges Week"; and

S.J. Res. 135. Joint resolution to designate October 1987 as "Polish American Heritage Month".

At 4:14 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1596. An act to extend the period for waivers of State eligibility requirements to enable certain States to qualify for child abuse and neglect assistance.

The Message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 34. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 22, 1987, and ending November 30, 1987, as "National Family Week";

H.J. Res. 224. Joint resolution designating the week of October 18, 1987, through October 24, 1987, as "Benign Essential Blepharospasm Awareness Week";

H.J. Res. 255. Joint resolution designating the third week in May 1988 as "National Tourism Week";

H.J. Res. 331. Joint resolution designating October 1987 as "National Cosmetology Month"; and

H.J. Res. 338. Joint resolution designating October 15, 1987, as "National Safety Belt Use Day".

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 7:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 1596. An act to extend the period for waivers of State eligibility requirements to enable certain States to qualify for child abuses and neglect assistance;

S.J. Res. 22. Joint resolution to designate the period commencing September 21, 1987, and ending on September 27, 1987, as "National Historically Black Colleges Week"; and

S.J. Res. 135. Joint resolution to designate October 1987 as "Polish American Heritage Month".

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore (Mr. STENNIS).

MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 34. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 22, 1987, and ending November 30, 1987, as "National Family Week"; to the Committee on the Judiciary.

H.J. Res. 255. Joint resolution designating the third week in May as "National Tourism Week"; to the Committee on the Judiciary.

H.J. Res. 331. Joint resolution designating October 1987 as "National Cosmetology Month"; to the Committee on the Judiciary.

H.J. Res. 338. Joint resolution designating October 15, 1987 as "National Safety Belt Use Day"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 224. Joint resolution designating the week of October 18, 1987, through October 24, 1987, as "Benign Essential Blepharospasm Awareness Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Appropriations, with amendments:

H.R. 2714: A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 1988, and for other purposes (Rept. No. 100-158).

By Mr. JOHNSTON, from the Committee on Appropriations, with amendments:

H.R. 2700: A bill making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes (Rept. No. 100-159).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

C. William Verity, Jr., of Ohio, to be Secretary of Commerce.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nonimee's commitment to repond to request to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GARN (for himself and Mr. HATCH) (by request):

S. 1687. A bill to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simply the boundaries of the Goshute Reservation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHILES:

S. 1688. A bill to allow the obsolete submarine U.S.S. *Turbot* to be transferred to Dade County, FL; to the Committee on Armed Services.

By Mr. EXON (for himself and Mr. KARNES):

S. 1689. A bill to amend section 127 of title 23, U.S. Code (relating to vehicle weight), to permit the operation of vehicles in the State of Nebraska which could be lawfully operated within such State on May 1, 1982; to the Committee on Environment and Public Works.

By Mr. CONRAD:

S. 1690. A bill to amend the Historic Sites, Buildings, and Antiquities Act of 1935, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself and Mr. MURKOWSKI):

S. 1691. A bill to provide interim extensions of collection of the Veterans' Administration housing loan fee and of the formula for determining whether, upon foreclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan; by unanimous consent, placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Con. Res. 73. A concurrent resolution calling on the President to place the Chinese human rights situation on the agenda of the U.N. Commission on Human Rights; to the Committee on Foreign Relations.

S. Con. Res. 74. A concurrent resolution calling on the President to retaliate against the expulsion of Western journalists from China; to the Committee on Foreign Relations.

S. Con. Res. 75. A concurrent resolution calling for the release of Yang Wei; to the Committee on Foreign Relations.

By Mr. INOUYE (for himself, Mr. EVANS, Mr. DECONCINI, Mr. BURDICK, Mr. MCCAIN, Mr. ADAMS, Mr. BOREN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DOLE, Mr. FORD, Mr. FOWLER, Mr. LEVIN, Mr. PELL, Mr. PRYOR, Mr. REID, Mr. RIEGLE, and Mr. STAFFORD):

S. Con. Res. 76. A concurrent resolution to acknowledge the contribution of the Iroquois Confederacy of Nations to the Development of the United States Constitution and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution; to the Select Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GARN (for himself and Mr. HATCH) (by request):

S. 1687. A bill to correct historical and geographic oversights in the establishment and development of the Utah component of the Confederate Tribes of the Goshute Reservation, to unify the land base on the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes; to the Committee on Energy and Natural Resources.

MODIFICATIONS TO GOSHUTE INDIAN RESERVATION

● Mr. GARN. Mr. President, I am pleased to introduce this legislation with Senator HATCH which is designed to clarify and correct numerous matters affecting the status of the land of the Confederated Tribes of the Goshute Reservation, which lies along the west-central border of Utah. I introduced virtually the same bill at the end of the last term, but time constraints made passage impossible. I am optimistic that the Senate will be able to consider this matter and act favorably on it this year.

Since the creation of its reservation over 80 years ago, the small, 400 member Goshute Tribe has been plagued by problems relating to its reservation boundaries.

Most obvious of all of these problems is a strip of land approximately one-quarter mile wide and 8 miles long which cuts through the middle of the reservation, but does not belong to the tribe. This strip resulted from an error in the Executive order legal descriptions originally establishing the reservation. Technically, the strip is now held by the United States as a part of the Bureau of Land Management inventory. This bill will change the status of the title so that the United States will hold it in trust as a part of the Goshute Reservation.

Among the other provisions of the bill are sections which will place the tribal cemetery—now owned privately by the tribe—in trust status along with surrounding BLM land. Other sections will combine surface and subsurface interests where such are now split between tribal and Federal ownership.

I believe that this bill is noncontroversial and will meet with the support of the tribe, the non-Indians in the area, and affected Government agencies. Last year, my staff met with members of the tribal government and with members of the non-Indian community. Their concerns and interests have been carefully noted and are reflected in the draft of the bill which I introduce today. Through this process of gathering and evaluating comments from the public, we have been able to eliminate the possibility of local objections to the bill.

In addition, we have worked closely with representatives of the Department of the Interior in the Bureau of Indian Affairs and the Bureau of Land Management and have accepted their suggestions to improve the bill. We have also incorporated the suggestions of the representatives from the interested departments of the State of Utah.

I hope that this bill will see prompt action by the Senate to make passage possible this year.

Mr. President, I ask unanimous consent that a memorandum in support of the legislation and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Memorandum in Explanation and Support of Goshute Reservation Improvement Legislation

INTRODUCTION

The main body of the Goshute Indians resides on an arid and remote 95,000-acre reservation which straddles the Utah-Nevada border, approximately 40 miles south of the city of Wendover. This small tribe of about 400 members has occupied the lands in this general area since time immemorial. After the creation of their reservation, however, the members of the tribe have been beset by boundary problems which plague the administration of tribal affairs on their lands.

A review of the history of the creation of the various components of the Goshute Indian Reservation has revealed a number of problems in the historical and geographical development of the reservation. The proposed legislation has been introduced in an effort to cure many of these problems and to simplify and streamline the boundaries of the reservation.

In recent years, Congress has passed a number of acts to simplify, unify and otherwise improve the boundaries of other existing Indian reservations. See, for example, the Acts codified in the following sections: 25 U.S.C. §§ 463-463c (Papago Indian Reservation), 25 U.S.C. §§ 463d-g (Umatilla Indian Reservation), 25 U.S.C. §§ 459-465 (general), 25 U.S.C. § 465a (Klamath Tribe), 25 U.S.C. § 467 (general), 25 U.S.C. § 487 (Spokane Indian Reservation), 25 U.S.C. § 501 (Yakima Indians), 25 U.S.C. §§ 610-610e (Swinomish Tribe), and 25 U.S.C. §§ 621-624 (Pueblo and Canoncito Navajo Indians). *See also* F. Cohen, *Handbook of Federal Indian Law,* pp. 477-480 (1982 ed.). The proposed Goshute reservation improvement legislation is similar in purpose to these acts and includes much of the legislative language which has become standard in such acts.

Section by Section Analysis

SECTION 1

President Wilson created the first small Goshute Indian Reservation by means of an executive order in 1914.

Current federal Indian law holds that presidential executive orders which created reservations do not in and of themselves create property rights within the meaning of the Fifth Amendment in the Indian occupants of those reservations. The Goshute Tribe now desires Congress to officially recognize President Wilson's executive order of 1914 and thereby vest the Tribe with Fifth Amendment property rights in the 1914 reservation In Section 1 of the bill, Congress expressly recognizes and confirms the title of the Goshute Tribe to the reservation created by President Wilson's Executive Order. The section also specifies the effective date for determining water rights and priorities for the entire reservation to be the same as that of the respective executive orders (or such earlier dates as may be indicated by any applicable order or law).

SECTION 2

Section 2 guarantees third parties all valid rights they may have in any of the lands affected by this bill. This section also covers implementation matters such as transition of responsibility for leases, improvements, and so forth. The section also provides for the Secretary of the Interior to review the validity of all mining claims existing on the reservation, and the section further delineates the rights attendant with any valid claim.

SECTION 3

Subsection (a). When President Wilson created the first Goshute Indian Reservation in 1914, his executive order did not extend the western boundaries of this "Utah" reservation all the way to the Utah-Nevada state line. This omission or oversight left a strip of land about one-quarter mile wide and eight miles long between the western boundary of the reservation and the Utah-Nevada state line.

In 1938, Congress created a second small reservation for the Goshutes in east central Nevada. In doing so, Congress extended the eastern boundary of this 1938 reservation all the way east to the Nevada-Utah state line. This left the Utah and Nevada reservations or the Utah and Nevada "halves" of the "one" reservation separated by the thin strip of federal but non-Indian land on the Utah side of the state line. The lands in this strip consist of 1,753.51 acres of BLM land and an enclave of some 320 acres of private land.

The Goshute Indian Tribe believes the United States always intended that both the eastern (Utah) and western (Nevada) sides of the Goshute reservation be physically joined and that the historical accident which resulted in the omission of this small strip from the reservation in 1914 and which prevented the unification of the reservation lands in 1938 can and should be remedied. Subsection 3(a) provides for the addition of the BLM lands in this "Goshute Strip" to the rest of the reservation. The private lands are not affected.

Subsection (b). In 1921, the United States, pursuant to the General Allotment Act, alloted 160 acres of the 1914 Executive Order Reservation to the heirs of Pon Dugan, a Goshute Indian. A few years later, the Department of the Interior discovered that the land it had allotted Dugan included various agency buildings. The Department subsequently arranged to re-acquire the acreage upon which the buildings stood, and, accordingly, bought back half or 80 acres of the original allotment acreage. This reconveyance was finalized in 1926. Unfortunately, none of the legal documents which effectuated this reconveyance indicates that the United States took these 80 acres in trust for the Goshute Indians. Thus, these 80 acres right in the middle of the reservation are in a status akin to the "Goshute strip"—federal but not reservation land. The purpose of Section 3 is to correct this situation.

Subsection 3(b) provides for the addition of this small parcel of federal but non-Indian land within the 1914 Executive Order Reservation area to the Goshute reservation. (The remaining acreage of the original allotment is apparently still in the hands of the heirs of Pon Dugan; the bill does not affect these 80 acres.)

Subsection (c). Since the creation of the first Goshute reservation in 1914 and pursuant to authority contained in the Indian Reorganization Act, 25 U.S.C. § 461m, et. seq., the United States has acquired several hundreds of acres within and outside of the boundaries of the 1914 and 1938 reservations which it holds in trust for the Goshute Indians. The government concentrated its efforts in acquiring lands for the Tribe in an area approximately 6 miles north of the Utah half of the reservation and 4 miles east of the Nevada half of the reservation. This area now consists of approximately 1,440 acres of land. In recent years, the Tribe has constructed various buildings, a community center with a gymnasium, and a steel welding plant on this acreage. The area has become known as the "lower" (in elevation) or "headquarters" area of the reservation.

The Indian Reorganization Act, Section 7 (25 U.S.C. § 467), reads in part: The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by . . . this title, *or to add such lands to existing reservations.* [Emphasis added.]

This section has been interpreted and applied to the effect that unless the Secretary takes some affirmative action to officially add lands acquired pursuant to the Act to a reservation, the lands so acquired, even though they may be held in trust, are not officially part of existing reservations.

The Secretary has never taken any action to officially add the above mentioned lands which are held in trust for the Goshute Indians to the Goshute Indian Reservation. Thus, these IRA lands, although within or adjacent to the reservation and held by the United States in trust for the Goshute Indians, are not technically part of the reservation. The purpose of this subsection is to remedy this oversight or omission. In this subsection, Congress officially declares the lands described therein to be part of the Goshute Indian Reservation.

Subsection (d). From time to time and for various reasons, the United States in its own capacity and not in trust for the Goshute Indians, has reserved various subsurface resources in the Ibapah area.

Unfortunately, whenever the United States has taken the subsurface of such lands in trust, it did not always take the subsurface rights previously reserved in such lands by the United States in trust. The result has been that in many cases, the surface and subsurface estates of such lands are split, the surface being held in trust, the subsurfaces being held by the United States but not in trust. This subsection will unify the surface and subsurface estates and place them in trust for the tribe as a part of the reservation. Presently, there are no mineral resources known to exist on the lands in question.

Subsections (e) and (f). Pursuant to the provisions of the Cemetery Act of March 1, 1907, 43 U.S.C. § 682, the Goshute Tribe acquired a cemetery, consisting of 5 acres, in Section 4, Township 10 South, Range 19 West. These lands held by the Goshute Tribe as a private entity (not held by the United States in trust), are not now a part of the reservation. Subsection (e) calls for the addition of this 5 acre cemetery (and any other land which the Goshute Tribe may own in its own right as a private party) to the reservation.

In order to provide unrestricted access to the Goshute Tribal Cemetery and to further streamline reservation boundaries, Subsection (f) provides for the addition of the acreage in Section 4, Township 10 South, Range 19 West, which surrounds the cemetery (plus the northwest ¼ of the northwest ¼ of Section 9) to the headquarters part of the reservation.

Subsection (g). This subsection directs the Secretary of the Interior to prepare and publish a legal description of the subject lands, correct any technical errors in legal descriptions, and prepare a map depicting the lands added to the reservation.

SECTION 4

In 1896, when Utah became a state, the federal government sought to alleviate the consequences of the federal government's control of large parts of the state (the main consequence being there was proportionately less land in private ownership subject to taxation) by granting the State of Utah four sections of each 36 section township; the idea being that by leasing such sections, the State could generate revenues to help support the public schools. Accordingly, the Enabling Act that permitted statehood provided:

"That upon . . . admission . . . Sections numbered 2, 16, 32, and 36 in every Township of said proposed state . . . are hereby granted . . . for the support of common schools."

Pursuant to this Act, the State of Utah presently holds several sections of land within, adjacent to or in close proximity to the Goshute Reservation.

Section 4 simply provides that if any enclaves of state land (surface or subsurface) within the present boundaries of the Goshute reservation ever become federal land pursuant to a federal land—state land exchange such as that contemplated by PROJECT BOLD, they will automatically become reservation lands. The Section merely provides that if a certain contingency happens, then the Tribe would not be faced with the existence of what currently plagues the Tribe, that is, enclaves of federal but non-reservation land within the reservation. This section provides that in the case such state land ever becomes "federalized" such newly formed federal enclaves will be automatically added to the reservation.

SECTION 5

Section 5 allows the Secretary of the Interior to acquire by donation, exchange, or purchase other lands in close proximity to the reservation. The advice and consent of the tribe is required in any such transaction with the following limitations: only tribal funds are to be used and any exchange is to be of equal value.

SECTION 6

This Section requires the Secretary of the Interior to consider the needs and wishes of the tribe in the event the United States intends to divest itself of approximately 640 acres of land which borders the tribal headquarters area.

SECTION 7

Section 7 extinguishes the reserved right of the United States to construct ditches and canals on the lands described in the act and any other lands acquired for the tribe in the future.

SECTION 8

This Section contains "boiler-plate" language concerning the application of the laws of the United States relating to Indian land.

SECTIONS 9 AND 10

Section 9 sets forth definitions of the terms "reservation," "Secretary," and "Tribe." Section 10 contains the legal descriptions of the lands referred to in the foregoing sections.

CONCLUSION

The thrust of this proposed legislation is to perform several tasks of a "housekeeping" nature, to correct certain historical oversights in the creation and development of the reservation, and to simplify and streamline the boundaries of the reservation.

In sum, the proposal calls for the immediate attention of approximately 2,198.51 acres of land to the reservation. All of this land was at one time a part of the aboriginal area of the Goshutes. In 1977 the tribe concluded a lengthy case against the United States under the Indian Claims Act. That case determined that the government had taken approximately seven million acres of tribal land in the late 1800's. Under that case, the tribe was compensated for the taking at a rate of approximately one dollar per acre. An offset was made from the total due the Goshutes for the reservation areas that were granted back to the tribe. It appears from the calculations of those areas, however, that the "strip" running through the middle of the reservation was included in determining the offset even though the lands in the strip were not then included in the reservation. Consequently, the return of this land to the tribe as a part of their reservation should not have any monetary implications because the value of the strip has already been included in the value of the offset deducted from the claims judgment.

The bill has been the subject of much correspondence, meetings, informal hearings, and more than four years of work by the Goshute Tribe. The Goshute Tribe believes that the present form of the bill resolves in a satisfactory way all the questions and concerns which have been raised by federal and state government agencies and local non-Indians neighboring the subject area. It is anticipated that the bill will have no budgetary, regulatory, or paperwork impact.●

By Mr. CHILES:

S. 1688. A bill to allow the obsolete submarine U.S.S. *Turbot* to be transferred to Dade County, FL; to the Committee on Armed Services.

TRANSFER OF "TURBOT" SUBMARINE TO DADE COUNTY

● Mr. CHILES. Mr. President, today I am introducing a bill to expedite transfer of the U.S. Navy's obsolete *Turbot* submarine to Dade County, FL for use in their Artificial Reef Program.

The county has agreed to all of the Navy's terms for the transfer, including liability for all costs associated with the transfer. I know of no opposition to this action.

The Navy will be soon forwarding to Congress notice of the intended donation of the *Turbot* as required by title 10 of United States Code 7308. This code requires that the proposal remain before Congress for 60 continuous days.

Mr. President, the timing of this transfer is critical. It must take place before the windy, winter months to ensure a smooth move operation. Congressman PEPPER is offering an identical measure today, and I am hopeful that we can secure timely action on this bill.●

By Mr. EXON (for himself and Mr. KARNES):

S. 1689. A bill to amend section 127 of title 23, United States Code (relating to vehicle weight), to permit the operation of vehicles in the State of Nebraska which could be lawfully operated within such State on May 1, 1982; to the Committee on Environment and Public Works.

VEHICLE WEIGHTS WITHIN THE STATE OF NEBRASKA

Mr. EXON. Mr. President, I am introducing legislation today for myself and for Senator KARNES to correct a problem that has caused difficulty for the State of Nebraska, the Nebraska Department of Roads, and the trucking industry.

The issue involves the interpretation of current Federal law on the authority of Nebraska to set weight limits above 80,000 pounds on its interstate system. The State of Nebraska Department of Roads has allowed certain weight limits of 95,000 pounds on its interstate system only if a vehicle has sufficient axles and sufficient axle spacing to conform to the bridge formula set out in law. The raising of the Nebraska interstate weight limits benefited the farming, construction, and trucking industries of Nebraska at no cost to the highway system based on the opinion and studies of the Nebraska Department of Roads.

This conclusion evidently is not unique to Nebraska. Other Midwestern States allow weight limits greater than 95,000 pounds, including South Dakota, Wyoming, and Michigan.

My bill would amend the United States Code to clarify the "grandfather rights" under current Federal law of the Nebraska Department of Roads to permit higher weight limits and place Nebraska on the same footing as other States which have higher limits and are not being threatened with loss of their Federal highway funds. The Federal Department of Transportation is attempting to unfairly penalize Nebraska in this case.

Mr. President, this is an important bill and a fair and equitable bill for Nebraska. I am pleased to have the original cosponsorship of my colleague, Senator KARNES, in this endeavor. I look forward to working with my colleages on this issue.

By Mr. CRANSTON (for himself and Mr. MURKOWSKI):

S. 1691. A bill to provide interim extensions of collection of the Veterans' Administration housing loan fee and of the formula for determining whether, upon forclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan; placed on the calendar by unanimous consent.

HOME LOAN PROGRAM PROVISIONS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I, together with the committee's distinguished ranking minority member [Mr. MURKOWSKI], have today introduced S. 1691, a bill to provide 3-month, interim extensions of two provisions relating to the Veterans' Administration's home loan guaranty program which would otherwise expire on September 30, 1987.

First, our bill would extend through December 31, 1987, the general requirement in section 1829 of title 38, United States Code, for the collection of a 1-percent fee on those receiving a housing loan guaranteed, insured, or made by the Veterans' Administration.

Second, our bill would extend for the same 3-month period the provisions of section 1816(c) of title 38 establishing a statutory formula—known as the "no-bid formula"—for determining whether the VA shall, or shall not, acquire at a liquidation sale the property securing a VA-guaranteed loan that is in default.

These provisions were enacted in section 2512(a) of the Deficit Reduction Act of 1984 (Public Law 98-369) and, as noted, are scheduled to expire on September 30.

On August 3, 1987, the House of Representatives passed in sections 3 and 6 of H.R. 2672 2-year extensions of the fee-collection requirement and, with certain revisions, the formula, respectively. Likewise, on July 30, 1987, the Senate Committee on Veterans' Affairs ordered reported in S. 9, the proposed "Omnibus Veterans, Benefits and Services Act of 1987," a 2-year extension of the fee and 1-year extension of the formula with revisions different from those in the House bill. It is clear that there is insufficient time between now and September 30 to obtain Senate passage of the provisions in S. 9, resolve the differences with the House, and enact an extension in the context of those bills.

The administration strongly supports extensions of, indeed making permanent, the collection of a VA loan fee and the "no-bid" formula.

I would note that the extension of the fee is assumed in baseline figures underlying the fiscal year 1988 congressional budget (H. Con. Res. 93). Moreover, any hiatus in the collection of the fee would both be inequitable to those required to pay the fee before and after the hiatus and would jeopardize the solvency of the VA's Loan Guaranty Revolving Fund and create a need for additional appropriations—about $25 million for each month the fee is not collected—to pay the claims of the holders of defaulted VA-guaranteed loans.

Mr. President, the formula governing VA acquisition of properties securing loans being foreclosed has been in effect for 3 years and provides principles, well-known throughout the housing and banking industries, by which the VA must abide. I believe that it is important to extend the termination date of this current "no-bid" formula in order to allay concerns among mortgage bankers and various other concerned parties that the rules governing VA acquisitions may be changed during the period between September 30 and the enactment of legislation to extend and, possibly, revise the formula.

Mr. President, I am seeking to put this bill immediately on the calendar today and will seek Senate action tomorrow on this interim legislation. I wish to express my gratitude to Senator Murkowski for his support and cooperation in this effort. We are both hopeful that our good friends and counterparts in the House of Representatives, House Veterans' Affairs Committee Chairman "Sonny" Montgomery and ranking minority member Gerald Solomon, will find this bill acceptable and obtain House action sending it to the President for signature in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding section 2512(c) of the Deficit Reduction Act of 1984 (Public Law 98-369), the provisions of section 1816(c) of title 38, United States Code, shall continue in effect through December 31, 1987.

(b) Notwithstanding subsection (c) of section 1829 of such title, fees shall be collected under such section with respect to loans closed during the period beginning October 1, 1987, and ending December 31, 1987.

Mr. MURKOWSKI. Mr. President, I am pleased to join with my colleague from California in introducing legislation which would ensure the continued financial integrity of the Veterans' Administration Home Loan Guaranty Program.

No veterans' program has a wider impact on American society and the American economy than the Veterans' Home Loan Guaranty Program. Since 1944, the mortgages used to purchase over 12 million homes have been guaranteed by the VA. Through this program, millions of veterans have gained the stability and economic benefits that flow from home ownership. Millions of families have started matured in a stable secure environment.

It is not without reason that home ownership is widely defined as "the American Dream."

It is not without reason that the Congress has acted to ensure the benefits of this "American Dream" are available to those who served our Nation in uniform.

Mr. President, the impact of the Veterans' Home Loan Guaranty Program extends far beyond the ranks of America's veterans.

This program benefits those who build the homes; those who supply the builders; those who sell the land; those who finance the sales; those who broker the sales, and beyond.

All of these beneficiaries, and therefore the entire Nation, have a stake in the continued economic health of the Veterans' Home Loan Guaranty Program. The economic health of the program is in turn dependent upon measures the Congress has enacted to protect the financial integrity of the loan guaranty revolving fund. The authority for two of these measures, the 1-percent loan origination fee and the so-called no bid formula, will expire at the end of this month. The legislation we are introducing today would extend this authority for 90 days.

Mr. President, this fall, both bodies of Congress will have the opportunity to consider legislation which would reform and improve this critical veterans' program. The temporary legislation we are today introducing is needed to ensure the program will continue to operate in a stable and financially sound manner until the Congress has time to consider more comprehensive reforms.

Failure to adopt this legislation will deprive the loan guaranty revolving fund of the income from the 1-percent loan fee now paid by homeowners who benefit from this program.

Mr. President, this event would quickly exhaust the loan guaranty revolving fund and jeopardize the program's continuation. Congress would be forced to either provide additional funds by means of appropriations, or allow the Veterans' Home Loan Guaranty Program to cease operation. At a time of enormous fiscal constraints, we can no longer be assured that additional appropriations in excess of $300 million would be available.

For these reasons I urge my colleagues to join me in supporting this legislation which will allow the current situation to continue for 90 days until we have more comprehensive legislation before us.

ADDITIONAL COSPONSORS

S. 461

At the request of Mr. Mitchell, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 461, a bill to prohibit the implementation of certain regulations of the Secretary of Health and Human Services and the Secretary of Agriculture respecting irradiated foods, to amend the Federal Food, Drug, and Cosmetic Act to prescribe labels for irradiated food, and for other purposes.

S. 660

At the request of Mr. Durenberger, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 660, a bill to create a fiscal safety net program for needy communities.

S. 936

At the request of Mr. Durenberger, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of S. 936, a bill to amend title

XVIII of the Social Security Act to permit certain individuals with physical or mental impairments to continue Medicare coverage at their own expense.

S. 998

At the request of Mr. DeConcini, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act."

S. 1019

At the request of Mr. Riegle, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to clarify the tax exempt treatment of self-insured workers' compensation funds.

S. 1220

At the request of Mr. Kennedy, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of S. 1220, a bill to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

S. 1393

At the request of Mr. Heinz, the name of the Senator from Colorado [Mr. Armstrong] was added as a cosponsor of S. 1393, a bill to amend title 39, United States Code, to designate as nonmailable matter any private solicitation which is offered in terms expressing or implying that the offeror of the solicitation is, or is affiliated with, certain Federal agencies, unless such solicitation contains conspicuous notice that the Government is not making such solicitation, and for other purposes.

S. 1440

At the request of Mr. Evans, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 1440, a bill to provide consistency in the treatment of quality control review procedures and standards in the Aid to Families with Dependent Children, Medicaid, and Food Stamp Programs; to impose a temporary moratorium for the collection of penalties under such programs, and for other purposes.

S. 1483

At the request of Mr. Heinz, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of S. 1483, a bill to reestablish food bank special nutrition projects, to establish food bank demonstration projects, and for other purposes.

S. 1489

At the request of Mr. Moynihan, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 1489, a bill to amend section 67 of the Internal Revenue Code of 1986 to exempt certain publicly offered regulated investment companies from the disallowance of indirect deductions through pass thru entities.

S. 1522

At the request of Mr. Riegle, the names of the Senator from Alabama [Mr. Shelby], and the Senator from Arkansas [Mr. Bumpers] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

SENATE JOINT RESOLUTION 111

At the request of Mr. Heinz, the name of the Senator from Georgia [Mr. Fowler] was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987, and November 1988, as "National Hospice Month."

SENATE JOINT RESOLUTION 148

At the request of Mr. D'Amato, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of Senate Joint Resolution 148, a joint resolution designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. Riegle, the names of the Senator from Florida [Mr. Chiles], the Senator from Virginia [Mr. Warner], the Senator from Illinois [Mr. Simon], the Senator from Idaho [Mr. Symms], the Senator from Virginia [Mr. Trible], the Senator from North Dakota [Mr. Conrad], the Senator from Arkansas [Mr. Bumpers], the Senator from Utah [Mr. Hatch], the Senator from Wisconsin [Mr. Proxmire], the Senator from Ohio [Mr. Metzenbaum], the Senator from Maryland [Mr. Sarbanes], the Senator from Rhode Island [Mr. Chafee], the Senator from Texas [Mr. Bentsen], the Senator from North Dakota [Mr. Burdick], the Senator from Wisconsin [Mr. Kasten], the Senator from South Carolina [Mr. Thurmond], the Senator from Idaho [Mr. McClure], the Senator from Washington [Mr. Adams], the Senator from California [Mr. Wilson], the Senator from Tennessee [Mr. Gore], the Senator from West Virginia [Mr. Byrd], and the Senator from Vermont [Mr. Stafford] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating October 15, 1987, as "National Safety Belt Use Day."

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. Heflin, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated.

SENATE CONCURRENT RESOLUTION 23

At the request of Mr. Cranston, the name of the Senator from Delaware [Mr. Biden] was added as a cosponsor of Senate Concurrent Resolution 23, a concurrent resolution designating jazz as an American national treasure.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. Grassley, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of Congress that volunteer work should be taken into account by employers in the consideration of applicants for employment and that provision should be made for a listing and description of volunteer work on employment application forms.

SENATE RESOLUTION 246

At the request of Mr. Moynihan, the names of the Senator from Arkansas [Mr. Pryor], the Senator from Texas [Mr. Bentsen], the Senator from North Dakota [Mr. Conrad], the Senator from Wisconsin [Mr. Proxmire], the Senator from Ohio [Mr. Glenn], the Senator from Tennessee [Mr. Gore], the Senator from South Carolina [Mr. Hollings], the Senator from Mississippi [Mr. Stennis], the Senator from North Carolina [Mr. Sanford], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of Senate Resolution 246, a resolution to honor Irving Berlin for the pleasure he has given to the American people through almost a century of his music.

AMENDMENT NO. 591

At the request of Mr. Danforth, the name of the Senator from Minnesota [Mr. Boschwitz] was added as a cosponsor of amendment No. 591 intended to be proposed to S. 328, a bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

SENATE CONCURRENT RESOLUTION 73—RELATING TO HUMAN RIGHTS ISSUES IN CHINA

Mr. HELMS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 73

Whereas Mr. Liu De, Editor of the Jianan Literature and Art Journal has been imprisoned for 7 years by the Peoples Republic of China Ministry of State Security;

Whereas the principal charge against Mr. Liu was his advocacy of "democracy and freedom", for his native country;

Whereas Mr. Xue Deyun, a poet, has been arrested for the nonviolent expression of his fundamental right to freedom of opinion, expression and demonstration;

Whereas Mr. Liu Binyan, Vice Chairman of the Chinese Writers Association has been dismissed form his position and has become the target of a public campaign of vilification and abuse;

Whereas the said Mr. Liu Binyan is best know to Chinese readers as an investigative reporter who uncovered abuses of power by local Communist Party secretaries, extortion, bribery, intimidation of intellectuals and persecution of ordinary people;

Whereas Mr. Liu Xinhu, director of the magazine "People's Literature" has been dismissed from his position for having advocated pluralism in literature;

Whereas Mr. Wang Ruowang, the former Deputy Editor of Peoples Daily, has been dismissed from his position and has become the subject of a public campaign of vilification and abuse;

Whereas the said Mr. Wang, a Communist Party member for 50 years, was accused of having said, "If I am not given freedom, I will fight for it";

Whereas Mr. Fang Lizhi, the Vice President of the University of Science and Technology at Hefei, Anhui, and one of China's leading scientists, has been dismissed from his position and has become the subject of a public campaign of vilification and abuse;

Whereas the said Mr. Fang has been accused of arguing that "the starting point of democratic ideology is from the lower levels of higher";

Whereas Mr. Guan Weiyan, the President of the University of Science and Technology at Hefei, Anhui, has been dismissed from his position for not having censored the said Mr. Fang;

Whereas Mr. Lu Jiaxi and Mr. Yan Dengsheng, the President and Vice President, respectively, of the Chinese National Academy of Sciences, have been dismissed from their positions for having advocated freedom of scientific inquiry;

Whereas Mr. Liu Zaifu, Director of the Institute of Literature at the Chinese Academy of Social Sciences has been purged and vilified for advocating freedom of expression in literature;

Whereas Mr. Wu Zuguang, a noted playwright, has been purged and is the subject of a public campaign of vilification and abuse;

Whereas Mr. Wang Ruoshui, former deputy chief editor of People's Daily has been purged for having advocated freedom of the press;

Whereas Mr. Su Shaozhi, Director of the Academy of Social Sciences Research Institute of Marxism-Leninism-Mao Zedong Thought has been dismissed from his position for having advocated freedom of expression in ideological debate;

Whereas Mr. Zhang Xianyang, Director of the Marxism-Leninism-Mao Zedong Thought Laboratory under the Chinese Academy of Social Sciences Research Institute of Marxism-Leninism-Mao Zedong Thought has been purged for having advocated freedom of expression in ideological debate;

Whereas Mr. Sun Changjiang, deputy chief editor of the Beijing Keji Bao has been purged for having advocated freedom of the press;

Whereas Mr. Yu Haocheng, editor of the Peoples' Publishing Company has been purged for allowing his company to print materials favorable to democracy;

Whereas Mr. Yang Wei, a 1983 graduate of the University of Arizona has been imprisoned and charged with unspecified counterrevolutionary activities by officials of the Shanghai Public Security Bureau;

Whereas the principal accusation against the said Mr. Yang is advocacy of political freedom in China;

Whereas Dr. Che Shaoli, Mr. Yang's wife and a student at Baylor University in Houston, Texas, has been refused information about her husband's whereabouts by Chinese authorities;

Whereas the treatment of Mr. Yang and his family is frightening to all Chinese students now studying in the West and meant to be so by Chinese authorities;

Whereas Mr. Zhu Houze, the Chief of Propaganda for the Chinese Communist Party has been dismissed from his position for advocating "democratic pluralism";

Whereas Mr. Wei Jing-sheng, one of the leaders of the Chinese "Democracy Wall" movement of 1978-80, has been transported to a strict regime labor camp in Qinghai Province;

Whereas Mr. Liang Jimen, Director of the Chinese State Family Planning Commission has admitted that coercion is still being used to force Chinese women to have abortions;

Whereas the Chinese Communist Party's Propaganda Department has assumed direct control of the heretofore independent Chinese Federation of Literary and Arts Circles;

Whereas a new office has been established directly under the Chinese State Council to tighten control and censorship of the press.

Whereas Mr. Song Muwen, Vice Director of the People's Republic of China State Media and publication Office has bragged that 10 million copies of 1,000 titles of books and periodicals have been suppressed in the first 5 months of 1987;

Whereas Chinese censors have suppressed 39 publications in the Province of Guangxi alone;

Whereas the Shenzhen Youth News in southern China has been ordered closed by officials of the Peoples Republic of China;

Whereas the scholarly journal DuShu ("Reading Books") has been suppressed for translating Western literature and philosophy;

Whereas the said Shenzhen Youth News was accused by Chinese officials of promoting Western democratic ideals;

Whereas the Shenzhen newspaper Special Zone Workers has been closed for having advocated Western democratic ideals;

Whereas the Shenzhen monthly Special Zone Literature has been closed for having advocated Western democratic ideals;

Whereas the Society newspaper of Shanghai has been ordered closed by officials of the Peoples Republic of China;

Whereas the Society newspaper of Shanghai was accused of advocating Western democratic ideals;

Whereas the Hubei Youth News in central China has been closed for having advocated Western democratic ideals and its reporters are under investigation by political authorities;

Whereas the Anhui Science Journal in eastern China has been closed for having advocated Western democratic ideals;

Whereas the Anhui Journal of Scientific News in eastern China has been closed for having advocated Western democratic values;

Whereas radical elements within the Chinese Communist Party are reported to be targeting the World Economic Herald of Shanghai, a newspaper that has published a wide variety of views over the past year;

Whereas the People's Republic of China is a member state of the United Nations;

Whereas the People's Republic of China has adopted the United Nations Charter and accepted its priniciples in authoritative declarations and resolutions including the Universal Declarations of Human Rights;

Whereas the activities of the People's Republic of China authorities described above violate such principles in the United Nations Charter as are presented in the Preamble (emphasizing fundamental human rights); Article 2 (2) (pledging all members to a good faith commitment to Charter obligations): Article 55(a)(b)(c) (promotion of human rights and fundamental freedoms); and Article 56 (pledge to carry out said principles);

Whereas the activities of the People's Republic of China authorities described above violate the basic standards found in the Universal Declaration of Human Rights via the Preamble (pledge of respect for human rights and fundamental freedoms); Article 2 (guarantee of all rights to every citizen of signatory member state); Article 3 (guarantee of life, liberty and security of the person); Article 7 (equal protection before the law); Article 8 (trial by competent tribunal); Article 9 (prohibition against arbitrary arrest or detention); Article 10 (fair public trial); Article 18 (freedom of thought and conscience); Article 19 (freedom of speech and expression); Article 20 (freedom of peaceful assemble and association); and Article 29 (limitation of state intrusion on individual rights);

Whereas the People's Republic of China by the action of its Government and Communist Party authorities violated Article 13(1)(b) (promoting international education and assisting human rights) of the United Nations Charter;

Whereas the People's Republic of China has violated the Universal Declaration of Human Rights in Article 26 (right to an education directed at full development of personality) and Article 27(1)(2) (right to participate in cultural life with protection of moral and material interests resulting from one's own intellectual labors);

Whereas cultural relations between the United States and the People's Republic were established by the United States-People's Republic of China Cultural Agreement signed in Washington on January 31, 1979;

Whereas under the terms of the said Cultural Agreement the People's Republic of China guaranteed the encouragement and facilitation of the exchange of information and cooperative programs (Articles I, II, and III);

Whereas exchanges of scholars and students between the United States and the People's Republic of China were established by the Understanding on the Exchange of Students and Scholars reached in Washington in October 1978 and the United States-People's Republic of China Agreement in Science and Technology signed in Washington January 31, 1979;

Whereas under the terms of the said agreement on the exchange of students and scholars, the People's Republic of China guaranteed a two-way scientific and scholarly exchange for students, graduate students and scholars, offering full study support and research opportunities for the purpose of improving contracts in science, technology and education;

Whereas under the terms of the said agreement on Science and Technology the People's Republic of China promised cooperation, exchange of information and documentation, joint research, contacts between scientific entities and cooperation among the scientific communities of each nation;

Whereas, the Government and Communist Party officials of the People's Republic of China are in violation of the aforesaid Cultural, Scientific and Technology and Exchange of Students and Scholars Agreements by the arrest and continued detention without trial of returned University of Arizona student Yang Wei;

Resolved by the Senate, (The House of Representatives concurring) that it is the sense of the Congress that the current urgent situation in human rights in the People's Republic of China should be placed on the agenda of the United Nations Commission on Human Rights at its next meeting in Geneva, Switzerland.

Be it further resolved that the Congress of the United States calls upon the government of the People's Republic of China to release Mr. Yang Wei.

Be it further resolved that until the human rights situation in the People's Republic of China clarifies, the United States Government should offer Chinese students studying in the United States participation in the Extended Voluntary Departure Program.

Be it further resolved that it is the sense of the Congress that the United States Government should reexamine its technology (including nuclear) and arms transfer policies towards the People's Republic of China.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the chief of the diplomatic mission of the People's Republic of China to the United States.

SENATE CONCURRENT RESOLUTION 74—RELATING TO JOHN FISHER BURNS

Mr. HELMS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 74

Whereas Mr. John Fisher Burns, a British subject and Beijing correspondent for the New York Times was accused of espionage by officials of the People's Republic of China Ministry of State Security;

Whereas the said espionage consisted of having photographed a 1,000 year old marble bridge;

Whereas Mr. Burns was expelled from China on July 23, 1986;

Whereas Mr. Lawrence MacDonald, an American citizen and Beijing correspondent for the Agency French Press was accused of espionage by officials of the People's Republic of China Ministry of State Security;

Whereas both Mr. MacDonald and Agency French Press formally denied the accusations of espionage;

Whereas the charges against Mr. MacDonald were totally unfounded and Mr. MacDonald had never transcended the standards of professional ethics;

Whereas Mr. Shuitsu Henmi, a Japanese citizen and Beijing correspondent for the Kyodo News Service was accused of espionage by officials of the People's Republic of China Ministry of State Security;

Whereas both Mr. Henmi and the Kyodo News Service formally denied the accusations of espionage;

Whereas Mr. Henmi was expelled from China on May 9, 1987;

Whereas these actions taken by the People's Republic of China Ministry of State Security were intended to intimidate both Chinese sources and Western Journalists;

Whereas the expulsion of Mr. MacDonald came in retaliation for legitimate broadcasting by the Voice of America, an agency of the United States Government;

Whereas press relations between the United States and the People's Republic of China were established by the United States-People's Republic of China Cultural Relations Agreement signed in Washington January 31, 1979;

Whereas Article II of the said agreement commits the Chinese Government to encourage and facilitate the development of contacts and exchanges between the two countries including news organizations;

Whereas the United States Information Agency is the lead agency on the said cultural agreement for the United States Government;

Whereas the expulsions of Mr. Burns and Mr. MacDonald were contrary to the spirit and intent of the said cultural agreement;

Whereas the expulsions of Mr. Burns and Mr. MacDonald were meant to discourage the development of contacts and exchanges between the two countries and, thus, specifically contrary to Article II of the said cultural agreement;

Whereas Article 19 of the Universal Declaration of Human Rights declares "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers";

Whereas the expulsions of Mr. Burns, Mr. MacDonald and Mr. Henmi from the People's Republic of China were intended to and had the effect of denying Chinese citizens rights guaranteed to them under Article 19 of the Universal Declaration of Human Rights;

Whereas Article 19 (2) of the International Covenant on Civil and Political Rights declares, "Everyone shall have the right to freedom of expression; this shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice";

Whereas the expulsions of Mr. Burns, Mr. MacDonald and Mr. Henmi from the People's Republic of China were intended to and had the effect of denying Chinese citizens rights guaranteed to them under Article 19 of the International Convenant on Civil and Political Rights;

SENATE CONCURRENT RESOLUTION 75—RELATING TO YANG WEI

Mr. HELMS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 75

Whereas, Yang Wei, a Chinese national, studied at the University of Arizona from 1983 until he received his Masters of Science degree in microbiology in 1986;

Whereas, in May 1986 Yang Wei returned to China to marry Dr. Che Shaoli and arrange for funding for his continued studies under a Ph.D. program at the University of Arizona;

Whereas, on January 11, 1987 while still an official student at the University of Arizona, Yang Wei was arrested by the Shanghai Public Security Bureau;

Whereas, Yang Wei has been held without charge or trial since January 11, 1987;

Whereas, Mr. Yang's wife, a student at Baylor Medical College in Houston, Texas, has been refused any information about her husband's whereabouts or condition by Chinese authorities;

Whereas, Mr. Yang's father, Yang Jue, and his mother Bi Shuyun, have been denied all contact with their son;

Whereas, the Chinese Criminal Procedure law of 1979, Sections 92, 97, 125 and 142 provides for a maximum of four and a half months of detention without charge or trial and Yang Wei has now been held over eight months, contrary to Chinese law;

Whereas, Yang Wei has not committed any crime under United States or Chinese law;

Whereas, Yang Wei and his wife only aspire to freedom and democracy;

Whereas, the treatment of Mr. Yang and his family is frightening to all Chinese students now studying in the West and meant to be so by Chinese authorities; and

Whereas, recently more than two thousand Chinese students signed an open letter to express their concern about recent political developments in their country; be it

Resolved by the Senate and House of Representatives concurring, That—

(1) The People's Republic of China should immediately release Yang Wei and provide compensation for his illegal detention; and

(2) Until the human rights situation in the People's Republic of China clarifies, the United States Government should offer Chinese students studying in the United States participation in the Extended Voluntary Departure Program.

CONCURRENT RESOLUTIONS RELATING TO HUMAN RIGHTS VIOLATIONS IN COMMUNIST CHINA

Mr. HELMS. Mr. President, tomorrow morning, September 17, at 10 o'clock the Senate Foreign Relations Committee will address the issue of human rights violations in Communist China. I am grateful to the distinguished chairman of the committee, Senator PELL, for scheduling this important committee hearing.

Last winter and spring, Mr. President, I addressed this body four times on the issue of human rights violations in Communist China. I was by no means alone. Almost 2,000 Chinese students in the United States have signed an unprecedented letter of concern to their Government. One hundred and sixty distinguished American China scholars sent an open letter of concern. The University of Michigan's China Studies Center sent an open letter. Distinguished Chinese American scholars and colleagues from Hong Kong sent a fourth letter.

We all had hoped that these indications of concern would turn Communist Chinese authorities away from their anti-intellectual, anti-foreign political campaign known as the campaign against bourgeois liberalism. However, we have not been successful. The campaign has only intensified. Last month the Communist Party propaganda chief declared that the struggle against Western notions of democracy and human rights remains "tense and serious" thereby providing the basis for the continuing purge of intellectuals with different points of view on political reform.

Mr. President, it is China's intellectuals, its brightest and its best, who have paid the price for this latest round of barbaric madness. Educators, scientists, poets, journalists, newspaper editors, the list goes on and on. Just last month there was a new round of purges—a well-known playwright, more newspapermen, social scientists. This is a Chinese roll of honor, Mr. President.

As the principal purpose in this campaign is the suppression of ideas it follows that the Communists would turn their attention to the press and publications. A new office has been established for the direct purpose of tightening control and censorship of the press. Filled with leftists who prospered during the misbegotten Cultural Revolution, this office, unlike other Government offices in Communist China, is very efficient. The Vice Director of the office bragged in June that 10 million copies of 1,000 titles of books and periodicals have been seized and destroyed.

Let me repeat that figure, Mr. President: 10 million copies of 1,000 titles of books and periodicals seized and destroyed.

Similar to the honor roll of Chinese patriots who have been purged this year, there is a list of Chinese publications which have been suppressed. Unfortunately, we do not have all the names. We know that there have been literary, scientific, and economic journals suppressed. Thirty-nine publications were closed in one small province alone.

Mr. President, during the Senate discussions over the Soviet Government's suppression of the human rights among the peoples it controls, the question often comes up, "Why devote so much attention to the fate of one man when millions are suffering?" The answer is twofold: One man can symbolize millions and sometimes totalitarian regimes will release one man. These are the reasons that Natan Shcharansky is free today.

Today I am submitting a concurrent resolution on one man—University of Arizona student Yang Wei. As I informed the Senate last spring Yang Wei was arrested on January 11, 1987, and is still being held. His crime is an aspiration to freedom and democracy for his native land. My resolution calls for the release of Yang Wei and the opportunity for other Chinese students to remain in the United States temporarily while the current political campaign runs its course.

On March 25 I submitted Senate Concurrent Resolution 39 and Senate Concurrent Resolution 40. Today I am resubmitting them as modified to adjust to changed circumstances. The circumstances which have changed are the continuation of the current anti-intellectual political campaign. Since March 25 another Western reporter has been expelled from Communist China, at least 40 newspapers and journals have been suppressed and many more intellectuals have been purged.

Mr. President, I ask unanimous consent that two articles from the May/June 1987 issue of China Spring Digest and two lists of purged Chinese intellectuals and suppressed publications be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHINESE PUBLICATIONS SUPPRESSED 1987

"Dushu" (Reading Books).
Society (Shanghai).
World Economic Herald (Shanghai).
Shenzhen Youth News.
Hubei Youth News.
Anhui Science Journal.
Anhui Journal of Scientific News.
Special Zone Workers (Shenzhen).
Special Zone Literature (Shenzhen).

CHINESE INTELLECTUALS PURGED 1987

Fang Lizhi, scientist/educator.
Liu Binyan, journalist.
Lu Jiaxi, president, Chinese Academy of Sciences.
Yan Dongsheng, vice-president, Chinese Academy of Sciences.
Zhu Houze, party official.
Yang Wei, micro-biologist.
Wang Roushui, journalist.
Yu Guangyuan, economist.
Liu De, journalist.
Liu Xinwu, newspaper editor.
Wang Ruowang, literary critic/poet
Guan Weiyan, educator.
Wu Zuguang, playwright.
Su Shaozhi, social scientist.
Yu Haocheng, newspaper editor.
Liu Zaifu, novelist.
Zhang Xianyang, social scientist.
Sun Changjiang, newspaper editor.
Xue Deyun, poet.

PLEASE HELP SAVE MY HUSBAND, YANG WEI—A U.S.-EDUCATED STUDENT ARRESTED IN SHANGHAI

(By Dr. Che Shaoli)

I am Yang Wei's wife, Che Shaoli. I was born in Shanghai in 1956. I graduated from First Medical School of Shanghai in 1983. I married Yang Wei in the summer of 1986 and came to the United States in November of the same year. I am studying for my Ph.D in Baylor college of Medicine in Texas.

Now, I must tell the plight of my husband, Yang Wei, who was secretly arrested in Shanghai, and I appeal for help.

A BRIEF BIOGRAPHY OF YANG WEI

Yang Wei was born and grew up in Shanghai in 1955. He graduated from the Biology Department of Fudan University in 1981. In 1983, he came to America to study microbiology at the University of Arizona. He received his master's degree in 1986, and returned to China to marry me in May of the same year. Yang Wei waited in China for the approval of a fellowship to continue his Ph.D. studies in the U.S.

Yang Wei's home address is: Apt 404. #13 the 5th Guang Zhong Village, Guang Zhong Rd., Shanghai, China.

THE ARREST OF YANG WEI

On January 11 of 1987, Yang Wei was arrested at his parents' home in Shanghai. Several points are noteworthy about his arrest.

1. The police had illegally searched Yang Wei's parent's home, and they found some leaflets supporting the students movement, and some of Yang Wei's personal notes about the students movement.

2. The police did not have a search or arrest warrant, nor did they show any proof that Yang Wei had broken the law. They took him into custody, saying it was a "detention check."

3. The police threatened Yang Wei's parents not to make it public, especially not to let me know because I am studying in the United States.

4. Since then Yang Wei's whereabouts has been unknown. His family members have not been allowed to visit him.

OUR FAMILY BACKGROUND

Yang Wei's father, Yang Jue, is a senior cadre of the Chinese Communist Party. He was a department head at Shanghai Railway College.

Yang Wei's mother, Bi Shuyun, also a member of the Chinese Communist Party, is now secretary of the General Party Branch of the Department of Secretariat in Shanghai University.

My parents are also Communist Party Officials. My father was the deputy commander of the Jiangsu Province's military region.

Both Yang Wei and I are not against the Government, however, we stand for China's current reforms, and we aspire to freedom and democracy.

PURSUIT OF LIBERTY AND DEMOCRACY IS NO CRIME

Yang Wei's arrest is related to his involvement in the students movement in Shanghai in December, 1986. To my knowledge, he is deeply concerned about China's four modernizations and reforms. He always stands by the reformists Hu YaoBang and Zhao Ziyang, and firmly supports students' demands for freedom and democracy. He kept a close contact with the students movement. But all of his activities were within the limits of law. He met students from various colleges, made notes and took pictures of the development of the movement. He did all this is keeping with his rights as a citizen.

MY POINTS

1. Yang Wei did not commit any crime.

2. The Shanghai Public Security Bureau did not follow legal procedures in their arrest and detention of Yang Wei.

3. The Bureau has shown themselves guilty while threatening Yang Wei's parents not to reveal Yang Wei's arrest to the public. The fact that they tried to keep it a secret to me shows that they don't trust Chinese students abroad.

4. It is illegal and inhumane not to inform Yang Wei's family members of his whereabouts to this day.

5. Students abroad are frightened at the treatment some overseas students received upon their return. Recently, more than one thousand overseas students signed an open letter to express their concern about recent political developments in the country. Yang Wei's arrest means that all of the students who have signed the letter could face political persecution. As far as I know, many stu-

dents who returned to China have been interrogated and investigated. If this practice is not changed, how can returning students have any sense of safety?

MY DEMANDS

1. The truth of Yang Wei's case must be given immediately.
2. Yang Wei must be released immediately.

Once again I appeal to media around the world to pay attention to my husband's case and show sympathy.

LIVING FOR HUMAN DIGNITY—AN INTERVIEW WITH YANG WEI'S WIFE AND RELATIVES

(By Qiu Chun)

Yang Wei, who was a graduate student at the University of Arizona between 1984 and 1986, went back to China in June 1986 to get married. While waiting for a grant to continue his study in the United States, Yang Wei was secretly arrested by the Shanghai Public Security Bureau on January 11 for his participation in the students movement at the end of 1986. After his arrest was publicized, the case aroused strong public reaction at home and abroad. Responding to it, Senator Helms has proposed a draft resolution, which would allow Chinese students extended voluntary departure, lest the students who have been associated with the democracy movement be endangered upon their return to China.

The following article is an interview with Yang Wei's wife Che Shaoli, sister Yang Xiaobei and her husband Yu Mang. The interviewer, Ms. Qiu Chun, is a personal friend of the family. She had submitted this interview to many Chinese publications in an effort to win sympathy and support for Yang Wei.

Qiu. Yang Wei was secretly arrested by the Public Security Bureau in January because of his participation in the students movement. After his case was reported by the press, it attracted extensive attention from the concerned public. People want to know more about you. Would you please tell us how you met, fell in love and got married?

Che. Our marriage was considered unusual by most people. We had never seen each other before our marriage. So when we were just married, my family felt that Yang Wei was a stranger.

Qiu. How did you get to know each other? Were you introduced by someone?

Che. Yes, it was Yu Mang who introduced us to each other. They were classmates in college. Later, Yu Mang and I went to the same graduate school. He knew both of us quite well.

When Yang Wei was in the United States, he studied very hard. However, he was always able to take time to write to me. His letters were very interesting and full of in-depth thinkings. In his first letter to me he talked about his ideas "About Wife." A good wife should, he thinks, be well educated, kind and ready to help people. Also, she should preferably be healthy and like sports. People who enjoy sports are relatively more magnanimous and optimistic. To him, her appearance is not important. He said his wife should have the new ideas of the 1980s.

Qiu. How long did you know each other before you got married? And when did you come to the United States?

Che. We had corresponded for one year. He came back to China to marry me after he had got his master degree. I came to America in November, 1986, six months after we got married while Yang Wei was still waiting for his grant to continue his Ph.D studies in the United States.

Qiu. Xizobei, you are Yang Wei's sister, would you please tell us about yourself and your family?

Yang. I was among the students who were allowed to take the college entrance examination admitted for the first time after the Cultural Revolution. After graduation, I taught at a very small school before coming to the United States in 1985.

My parents are both retired now. My Father, Yang Jue, used to be a director in the Shanghai Railway College. My mother, Bi Shuyun, worked on a variety of jobs. Before the Cultural Revolution, she was a teacher in the Chinese Language Department at Fudan University. During the Cultural Revolution, she was sent to work in the countryside. After the Cultural Revolution, she came back to Shanghai to work in the college of arts at Fudan University.

Qiu. Did your parents have any special expectations for you and your brother? How did they raise you?

Yang. My parents expected more of my brother than me, especially in the academic field. They hoped that we could study well. During the Cultural Revolution, getting into college depended on "recommendations." Surely we didn't have any chance. After Deng Xiaoping reinstated the college entrance examination system, we had already interrupted schooling for several years.

Qiu. Did they instill in you a sense of responsibility toward the country and the society?

Yang. Of course they did. Both of my parents are members of the Communist Party. They taught us to enjoy working and love socialism. The Communist party had liberated the people, therefore, they said, we should obey the Party.

Qiu. How do you think about your brother?

Yang. I think my brother would be nothing special if he were in America. But in China, things are different. In the thirty years since the liberation, the people have not been able to develop their individualities. Comparatively, Yang Wei is active and creative. Many people feel Yang Wei is different from them. Some people say he is odd, some call him a bookworm, some think he is honest. One thing they have in common is that he is different.

Qiu. Shaolee, what in Yang Wei is special attractive to you? What is his outlook on life?

Che. His own words tells his outlook on life. He said a person's existence is trivial, one must strive hard to make this existence significant, and to be recognized. He said, striving is a lonesome endeavor. But he is also a very confident person. It seems he knows exactly what he is doing; he is not one bit nihilistic about life. I admire him a lot, and consider him a very happy man.

Qiu. Yu Mang, you went to college with Yang Wei. Would you please tell us about your study environment and what is your knowledge and evaluation of him?

Yu. Not only were we classmates for four years at Fudan University, we were also roommates. I knew him quite well. It was the first time after the Cultural Revolution we were able to enter college through entrance examinations. All of us earnestly hoped to make the best out of college. We also felt the backward state of our country must change. Yang Wei was even more eager than others. We could say that he was a very independent thinker. He had his own method of studying, he had his own opinions about learning and about the problems of the country. He cared about what was happening around him and he cared about politics.

A small episode demonstrates not only my, but the whole class' opinion about Yang Wei. Just before graduation, we all got together chatting, someone had an idea, to write some comments for each one in the class year book, entitling the book "The Class' Most . . ." Most of us got comments which were somewhat superficial and not quite true. Only the comment on Yang Wei "The Most Strange Thinker" was agreed by everybody.

Qiu. Does it mean that at first you felt he was odd, but after some time, you began to agree with him?

Yu. Yes, I really do feel this way. Besides, everybody knew Yang Wei was very warm-hearted. While we kidded at his oddness, we still admired him deep down. We were also convinced that Yang Wei will become an accomplished person, whether in science or in some other area.

I had mentioned that he was always ready to help others. The old bicycle of his was always free for anyone to use. One summer, our class had an outing to Mt. Huang. Yang Wei was in excellent physical condition from a love for boxing and gymnastics. He volunteered to carry all the supplies up the mountain, and still ran in front of us. He studied hard, and strived for efficiency. Even going up the mountain, he would not waste time. He kept in front of us and took a lot of scenic pictures. He told us that we were too slow and had missed lots of beautiful scenes. After he had reached the top of the mountain, he would sit in a pavilion, took out his book on "Relativity" and start to read. Yang Wei wanted to make every minute useful.

Qiu. Yang Wei studied microbiology at the University of Arizona. He was planning to pursue his doctorate in this field. What was his attitude toward his field of study.

Yu. His major in college was biochemistry. He did well, although he felt it was too specialized. Basically, he loved science. He had taken courses in systematic engineering and computer sciences. He did very well in all of them.

Qiu. Has he enjoyed reading since childhood?

Che. Yes. I think he was born to enjoy reading.

Qiu. What does he mostly read?

Che. According to himself, he loved mathematics when he was child. But he has also read a lot of literary works. I feel that books are his life.

Yang. He reads a variety of books, and he is very interested in philosophical readings. During the Cultural Revolution, the so-called philosophy was nothing but Marxism and Leninism. Seldom could we find a book dealing with western philosophy. He had read quite a lot of Marxist and Leninist works, and really did some research about them. My mother worked in the literary field, so we had western novels at home. During the Cultural Revolution, my mother asked us not to tell anybody about these books. She even asked us not to read them, lest we would be poisoned by these western novels. In fact, my mother was afraid that we would be punished for reading these novels.

Qiu. What do you think has shaped and influenced Yang Wei's attitudes and thinking?

CHE. I think his family has exercised a great influence on him. His parents are enlightened and open-minded. But his family probably never imagined that Yang Wei could be involved in politics. He has always had an inclination and aptitude for science. Another important influence was his father. His father was considerate and understanding. Yang Wei discussed everything with him. Yang Wei's experience in America has also had an important effect on him, he felt America is efficient society.

QIU. What do you think, Xiaobei?

YANG. I think the Cultural Revolution had a significant influence on him. During that time, both of my parents were subjected to humiliations such as being forced to make confession to made-up charges and going through unreasonable investigations. Students put up large-character posters attacking them. They spent several years of exile in the countryside. At that time, we lived in a workers' quarter. My brother and I were discriminated by people there and we could not make friends with other children. We were very repressed, so we stayed at home and found consolation in books.

QIU. What was Yang Wei's attitude toward our country's four modernizations and the reform?

CHE. He supports China's reform. He hoped that the reform would bring more opportunities to more people. He said, Taiwan has no satellites in space, no rockets, but the people have higher living standard than us. He thinks, at present, it is not the priority for China to pursue the most advanced technology.

QIU. Xiaobei, do you understand your brother's motivation in supporting the democratic movement?

YANG. Sure, my brother was very concerned about the country's important events. He hopes our country to be prosperous and strong. He hopes that every Chinese will enjoy human dignity.

YU. I consider it quite normal for Yang Wei to get involved in the students movement. Originally, we all saw that the reform was having positive effects, but now it is rolling back. Anyone who has conscience and a little ambition would be concerned about the country, concerned about the reform. We cannot just watch the reform being pulled back. As an old Chinese saying puts it, "Every man is responsible for the country's up and down." I think it's normal, reasonable and patriotic for young people to take part in the demonstration activities.

QIU. Shaoli, do you support him for what he has done?

CHE. What Yang Wei has done are those things every responsible and righteous Chinese should to. I have no reason to stop him. But at the same time I am very worried about him.

QIU. Is it for love that you respect his belief and goals in life?

CHE. Yes, I think so. I think to love a person means to help that person to accomplish what he wants to do, and to help him become the most perfect person possible that he himself wants to be, not the one I want.

QIU. Xiaobei, how do you feel about your brother's arrest?

YANG. Naturally I feel very sad. My brother and I have been attached to each other since childhood. In my memory, we have never quarreled even once. My brother has always taken good care of me. I think he is very knowledgable, and I have a great respect for him.

YU. The bond between them is very strong. In my experience, brothers are seldom willing to talk about their sisters in the presence of peers. But Yang Wei frequently showed his feeling of concern for his sister. His love for his sister was what called my attention to Xiaobei.

QIU. Don't you think he tried to match you on purpose?

YU. No. Yang Wei was a bookworm. He would not go out and look for a husband for his sister. Besides, Yang Wei did not know about it until we had dated for about one year. The affection Xiaobei has for him is also very special. She is always telling me that when they were kids, her brother held her hands and took her to play. In her little girl's mind, a lover's image was just her brother.

QIU. Shaoli, how did you feel after learing of Yang Wei's arrest?

CHE. Yang Wei is a sensitive person, but he always controlled himself by reason. I have been worried that he couldn't hold out in jail, that his defense of reason would fall apart. It was hard on him to remain in China and wait for the approval of his fellowship. To him waiting is a waste of time. Later, he found something worthwhile to do, and he was arrested for it. I think his life is more valuable than mine, I wish I could change places with him in jail.

QIU. The Chinese authorities has declared Yang Wei was arrested for putting up "counter-revolutionary posters," "spreading counter-revolutionary propaganda." What do you think of these charges?

CHE. I think the Chinese government is wrong in outlawing Yang Wei's thoughts and activities. There is no legal basis to the charge of counterrevolutionary. I consider his thoughts are rather revolutionary. They are for the betterment of the Chinese society. In China, everybody is thinking about the problems Yang Wei thinks about, but only a few people would really do something about it. It is as if Yang Wei didn't know it is o.k. to think, but not to act. That is the reason for his arrest.

QIU. In view of what has happened to Yang Wei, what do you think about the safety of the returning Chinese students, especially those who have signed the open letter to the Chinese government?

YU. In my opinion, what Yang Wei thought and did then are no different from what the students did when they signed the open letter. Yang Wei's arrest means that all of those who signed the letter are at risk. I believe the students who signed the open letter, if they were in China at that time, would also have done what Yang Wei did. In this sense, Yang Wei's fate is relevant to all of us. I think the overseas Chinese students should act to support Yang Wei, because to save Yang Wei is to save themselves.

QIU. After Yang Wei's case was publicized by several newspapers, what kind of response did you receive?

YU. I got phone calls through the night. People expressed their concern about Yang Wei. And they were angry with the Shanghai Public Security Bureau.

CHE. I received a lot of calls. All showed sympathy for Yang Wei. Besides, some people voluntarily took action on behalf of Yang Wei. Now, we are getting some results. The Shanghai Public Security Bureau has softened its attitude toward Yang Wei's parents, the authorities publicly admitted that they arrested Yang Wei. I am very grateful for everyone's efforts.

QIU. Yu Mang, what kind of help do you expect of the public?

YU. I hope people from all walks of life, including the overseas students, will write letters and make telephone calls to the concerned authorities, to express their concern about Yang Wei's case.

SENATE CONCURRENT RESOLUTION 76—TO ACKNOWLEDGE THE CONTRIBUTION OF THE IROQUOIS CONFEDERACY OF NATIONS TO THE DEVELOPMENT OF THE U.S. CONSTITUTION AND TO REAFFIRM THE CONTINUING GOVERNMENT-TO-GOVERNMENT RELATIONSHIP BETWEEN INDIAN TRIBES AND THE UNITED STATES ESTABLISHED IN THE CONSTITUTION

Mr. INOUYE (for himself, Mr. EVANS, Mr. DECONCINI, Mr. BURDICK, Mr. MCCAIN, Mr. ADAMS, Mr. BOREN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DOLE, Mr. FORD, Mr. FOWLER, Mr. LEVIN, Mr. PELL, Mr. PRYOR, Mr. REID, Mr. RIEGLE, and Mr. STAFFORD) submitted the following concurrent resolution; which was referred to the Select Committee on Indian Affairs:

S. CON RES. 76

Whereas, the original framers of the Constitution, including most notably, George Washington and Benjamin Franklin, are known to have greatly admired the concepts, principles and governmental practices of the Six Nations of the Iroquois Confederacy; and,

Whereas, the Confederation of the original thirteen colonies into one Republic was explicitly modeled upon the Iroquois Confederacy as were many of the democratic principles which were incorporated into the Constitution itself; and,

Whereas, since the formation of the United States, the Congress has recognized the sovereign status of Indian Tribes, and has, through the exercise of powers reserved to the Federal Government in the Commerce Clause of the Constitution (art. I, s8, cl. 3), dealt with Indian Tribes on a government-to-government basis and has, through the Treaty Clause (art. II, s2, cl. 2), entered into 370 treaties with Indian tribal nations; and,

Whereas, from the first treaty entered into with an Indian nation, the Treaty with the Delaware Indians of September 17, 1778, and thereafter in every Indian Treaty until the cessation of treaty-making in 1871, the Congress has assumed a trust responsibility and obligation to Indian Tribes and their members to "exercise the utmost good faith in dealings with the Indians" as provided for in the Northwest Ordinance of 1787, (1 Stat. 50); and,

Whereas, Congress has consistently reaffirmed these fundamental policies over the past 200 years through legislation specifically designed to honor this special relationship; and,

Whereas, the judicial system of the United States has consistently recognized and reaffirmed this special relationship: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) The Congress, on the occasion of the 200th Anniversary of the signing of the United States Constitution, acknowledges the historical debt which this Republic of

the United States of America owes to the Iroquois Confederacy and other Indian Nations for their demonstration of enlightened, democratic principles of government and their example of a free association of independent Indian nations;

(2) The Congress also hereby reaffirms the constitutionally recognized government-to-government relationship with Indian Tribes which has historically been the cornerstone of this nation's official Indian policy;

(3) The Congress specifically acknowledges and reaffirms the trust responsibility and obligation of the United States Government to Indian Tribes, including Alaska Natives, for their preservation, protection and enhancement, including the provision of health, education, social and economic assistance programs as necessary, to assist Tribes to perform their governmental responsibility to provide for the social and economic well-being of their members and to preserve tribal cultural identity and heritage; and

(4) The Congress also acknowledges the need to exercise the utmost good faith in upholding its treaties with the various Tribes, as the Tribes understood them to be, and the duty of a Great Nation to uphold its legal and moral obligations for the benefit of all of its citizens so that they and their posterity may also continue to enjoy the rights they have enshrined in the United States Constitution for time immemorial.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

WARNER (AND OTHERS) AMENDMENT NO. 682

Mr. WARNER (for himself, Mr. Thurmond, Mr. Humphrey, Mr. Quayle, Mr. Wilson, Mr. Gramm, Mr. Symms, Mr. McCain, Mr. Helms, Mr. Hollings, and Mr. Wallop) proposed an amendment to the bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; as follows:

On page 23, strike out line 7 through page 24, line 19.

QUAYLE (AND OTHERS) AMENDMENT NO. 683

Mr. QUAYLE (for himself, Mr. Wilson, and Mr. Helms) proposed an amendment to the bill S. 1174, supra; as follows:

SEC. SENSE OF CONGRESS ON THE KRASNOYARSK RADAR.

(a) Findings.—The Congress finds the following:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long leadtime element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(5) The Krasnoyarsk radar is more than 700 kilometers from the Soviet-Mongolian border and is not directed outward but instead, faces the northeast Soviet border more than 4,500 kilometers away.

(6) The Krasnoyarsk radar is identical to other Soviet ballistic missile early warning radars and is ideally situated to fill the gap that would otherwise exist in a nationwide Soviet ballistic missile early warning radar network.

(7) The President has certified that the Krasnoyarsk radar is an unequivocal violation of the Anti-Ballistic Missile Treaty.

(b) Sense of Congress.—It is the sense of the Congress that the Soviet Union is in violation of its legal obligation under the 1972 Anti-Ballistic Missile Treaty.

BENTSEN (AND OTHERS) AMENDMENT NO. 684

Mr. BENTSEN (for himself, Mr. Gramm, and Mr. Cochran) proposed and amendment to the bill S. 1174, supra; as follows:

On page 198, between lines 4 and 5, insert the following

PART C—MISCELLANEOUS PROVISIONS

SEC. 2831. COMMUNITY PLANNING ASSISTANCE

The Secretary of Defense may expend not more than $300,000 from funds appropriated to the Department of Defense for fiscal year 1988 pursuant to an authorization contained in this division and not more than $300,000 from funds appropriated to the Department of Defense for fiscal year 1989 pursuant to an authorization contained in this division to provide planning assistance to communities located near Gulf Coast homeports proposed under the Naval Strategic Dispersal Program, if the Secretary determines that the financial resources available to the communities (by grant or otherwise) are inadequate.

EXTENSION OF PHYSICIAN'S COMPARABILITY ALLOWANCES AND SPECIAL PAY FOR PSYCHOLOGISTS IN THE PUBLIC HEALTH SERVICE

STEVENS AMENDMENT NO. 685

Mr. CHAFEE (for Mr. Stevens) proposed an amendment to the bill (S. 1666) to amend title 5, U.S. Code, to provide for the extension of physicians comparability allowances and to amend title 37, U.S. Code, to provide for special pay for psychologists in the commissioned corps of the Public Health Service; as follows:

On page 2, strike out lines 4 through 6, and insert in lieu thereof: Section 5948(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out "$7,000" and inserting in lieu thereof "$14,000";

(2) in paragraph (2) by striking out "$10,000" and inserting in lieu thereof "$20,000"; and

(3) by adding at the end thereof (after and below paragraph (2)) the following:

"For the purpose of determining length of service as a Government physician, service as a physician under section 4104 or 4114 of title 38 or active service as a medical officer in the commissioned corps of the Public Health Service under Title II of the Public Health Service Act (42 U.S.C. ch. 6A) shall be deemed service as a Government physician."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The field hearing will take place October 12, 1987, from 9 a.m. to 12 noon, and 1:30 p.m. to 4:30 p.m. The hearing will be held in the Carlsbad Civic Center at 4012 National Parks Highway, Carlsbad, NM.

The purpose of the field hearing is to receive testimony on S. 1272, the Waste Isolation Pilot Plant [WIPP] Land Withdrawal Act of 1987.

Those wishing further information about the hearing should contact Julie Thompson or Lynn Ditto in Senator Jeff Bingaman's office in Roswell, NM, at (505) 622-7113 or Beth Norcross of the subcommittee staff in Washington, DC at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a hearing during the session of the Senate on September 16, 1987, at 10 a.m. on the nomination of Robert H. Bork to be Associate Supreme Court Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, September 16, 1987, at 10 a.m. and 2 p.m. to mark up farm credit legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 16, until 12 noon to mark up clean air legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resoures be authorized to meet during the session of the Senate on Wednesday, September 16, 1987, at 9:30 a.m. to consider the response to the reconciliation instructions under the budget resolution; S. 1145, amendments to the Alaska Native Claims Settlement Act of 1971; S. 1084, and amendent No. 176, United States Uranium Enrichment Act; S. 1100, and amendment No. 177, Uranium Revitalization and Tailings Reclamation Act of 1987; S. 247, to designate the Kern River as a national wild and scenic river; H.R. 799, Kings River in California; S. 253, to convey Forest Serviceland to Flagstaff, AZ; H.R. 1205, to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, FL, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida; H.R. 1744, to amend the National Historic Preservation Act to extend the authorization for the Historical Preservation Fund; H.R. 797 to authorize the donation of certain non-Federal lands to Gettysburg National Military Park and to require a study and report on the final development of the park; H.R. 990, to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA; H.R. 242, to provide for the conveyance of certain public lands on Oconto and Marinette Counties, WI; S. 1297, to amend the National Trails System Act to provide for a study of the De Soto Trail; S. 575, Land Conveyance to the Catholic Diocese of Reno/Las Vegas; H.R. 1366, to provide for the transfer of certain lands in the State of Arizona; S. 574, entitled the "Battle Mountain Pasture Restoration Act of 1987; S. 1259, to direct the Secretary of the Interior to permit access across certain Federal lands in the State of Arkansas; S. 578, to amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail; S. 1012, to increase the amount authorized to be appropriated for property acquisition, restoration, and development, and for transportation, educational, and cultural programs, relating to the Lowell National Historical Park; to continue the term of member of the Lowell Historical Preservation Commission pending the appointment of a successor; to adjust a quorum of the Commission in the event of a vacancy; and to delay the termination of the Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 16, 1987, at 10:30 a.m. to hold hearings on Ambassadorial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 16, 1987, at 2 p.m. to hold a hearing on Ambassadorial nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the National Ocean Policy Study, be authorized to meet during the session of the Senate on September 16, 1987, at 10 a.m. to hold hearings on S. 849, the Commercial Fishing Industry Vessel Safety and Compensation Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNITED STATES POLICY TOWARDS THE TWO KOREAS

● Mr. DeCONCINI. Mr. President, the U.S. Congress is always in vital need of objective, informative, and advisory research in order to keep appraised of situations both at home and abroad. This information should come from our own governmental services as well as the academic world.

I have been fortunate to receive a report from Prof. Yung-hwan Jo of the Arizona State University Political Science Department. The paper, "U.S. Policy Towards the Two Koreas," is an indepth study covering a broad spectrum of issues pertaining to South Korea, including its recent history, the North Korean threat, and the effect of United States policy toward the region. This is both a timely and provocative paper, especially given the ongoing political unrest and labor disputes.

I am personally very interested in the issues affecting South Korea, and successfully passed a resolution this spring regarding their transition to democracy. With United States political, economic, and military interests involved in this country, I feel that insightful works such as Dr. Yung-hwan Jo's paper are extremely beneficial in reaching a greater understanding of the South Korean society. I hope my colleagues have an opportunity to read this.

Mr. President, I ask that the text of this paper be inserted in the RECORD.

The text follows:

U.S. POLICY TOWARD THE TWO KOREAS

(By Yung-hwan Jo)

Korean Institute for Human Rights has done a lot for the causes of human rights and democracy in Korea. To most of you who have expended your valuable resources for the movement, permit me to take my hat off in deference. I am honored by your invitation to be a part of commemorating the third anniversary of this Institute.

INTRODUCTION

Shortly after students occupied the U.S. Information Service Library in Seoul in May 1985, demanding a U.S. apology for the Kwangju incident and a halt to U.S. support for the Chun regime, the U.S. Embassy staff and student leaders as well as junior professors who were close to the students had a get-together at Onyang Hot Spring Hotel. The U.S. not only denied its involvement in the incident but also pointed to the limits of U.S. ability to shape the South Korean domestic situation. The Korean students countered the U.S. position by arguing that, irrespective of the real American influence on Korea, the U.S. is perceived by most Koreans as dominating and penetrating Korean affairs in a wrong direction and can easily shape the course of Korean politics in the direction of democratization, if willing. As I was told in Korea,[1] both sides assessed the conference differently and there appears to be a cognitive dissonance between the American embassy and the South Korean students. Yet, this could not be a minor irritant in the otherwise solid foundation of the Washington-Seoul alliance.

Radicalization of Korean students has been attributed to several sources: 1) students' acceptance of the "dependency" theory in sequence to earlier exposure to nationalistic values; 2) rising income gap and expectations plus relative deprivation stimulated by rapid economic growth, (in other words, any newly industrializing countries with per capita income of $2,000 or more tends to have a greater level of student activism.);[2] 3) Use of South Korea mainly as a frontline base of U.S. global strategy against the Soviet Union, and a "high-handed" policy of Washington in pressuring Seoul to remove trade barriers; and importantly, 4) the always yielding, accommodating and often knee-jerk responses of the "unpopular" and "illegitimate military" government in Seoul. However misconceived they may be, they were once the perceptions of only a small number of "radical" students. But today these views have become increasingly popular among a large number of students and others in the public. Is Korean student activism beyond control? If the military elite in South Korea can somehow convince the public of their adherence to the principle of civilian su-

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Footnotes at end of article.

premacy and their personal disinterest to rule, by some concrete measures comparable to the civilization of the Brazilian military regime, a major root cause of both the increasing student unrest and the newly emerging anti-American sentiment would be eliminated, therein also removing one linkage of alleged North Korean incitement.

As for the U.S.-North Korean relations, there is even a worse perceptual gap. To the U.S. and its allies, the policies and conditions inside North Korea hold the key to the detente and reunification process of Korea. To North Korea, however, the major obstacle to the solution of the Korean problem is held by Washington. Although the basic zero-sum relationship of U.S.-North Korea has not been altered, their respective major allies (Japan and China) have normalized their traditionally hostile relations. In the second half of the post-war era, more favorable changes have taken place than in the first half. A Chinese-U.S. rapprochement as well as North-South Korean talks though often interrupted did take place which no one would have thought possible until the end of the 1960's.

Can the lessons of the recent and on-going Sino-American detente be relevant, if, not transferable, to future U.S.-North Korean relations? Washington's policy toward the two Koreas cannot be analyzed unless we take into account Washington's overall ties with Japan and its increasing ties with China.

The strategic interdependence and economic complimentarity between China and Japan will in turn make it necessary for them to play closer and more cooperative roles in influencing the external relations between the two Koreas. Washington consults both China and Japan on Korean issues, and North Korea is interdependent with China for its defense and with Japan for its economy, while South Korea is interdependent with Japan and the U.S. for its investment and security and with China for its bourgeoning commercial relations.

First, let us turn to the U.S., the main actor and the sources of its Korean policy.

AMERICAN IMAGES OF KOREA AND ITS POLITICAL DYNAMICS

Unlike China or Japan, Korea had no Western reservoir of repute on which to fall back. According to the Potomac Surveys,[3] the American people do not hold South Korea and its people in very high esteem. North Korea is relegated to the status of parish. Major economic achievements of South Korea have been recognized in recent years, but the images of Korea in general are still influenced largely by the "Koreagate," Reverend Moon, political unrest, and human rights violations of the South while to a lesser extent by the behaviors of the North such as narcotic smuggling and the Burma barbarism committed by its agents. While the majority of Americans oppose the idea of defending South Korea should the North decide to attack, many of the leadership figures approve of the security link between Seoul and Washington.

It might be worth noting that the future of America's presidential politics in 1988 is as uncertain as their Korean counter part. A recent study[4] of a leading authority on presidential elections shows that the Republican landslide of 1984 "rested entirely on the votes of the less sophisticated; Mondale actually 'won' the vote in the more sophisticated sector by a narrow 52/48 margin." The conservative wing is firmly in control of the Republican party. Can George Bush, who is less conservative and less charismatic than Reagan, be acceptable to leaders of the dominant wing of the party whose difference from the national population of the Republican party identifiers was a resounding 58%? "If the Democratic left created sufficient ideological space between it and the nations' voters to permit Republican victories, so the Republican move to the right may have opened the way for an immediate resurgence of Democratic strength en route to the White House in 1988." [5]

Although the Reagan policy has been more supportive of Seoul's security needs than Carter, there is no evidence that the educated, if not the majority, American electorate has become more conservative in recent years. As a matter of fact, the above study argues that by 1984 the national electorate had moved slightly to the left of their 1980 positions.

THE U.S. ROLE IN SOUTH KOREA: AN INTERPRETIVE HISTORY

The past U.S. policy toward Korea disappointed Koreans by acquiescing in Japan's colonization, dividing Korea and placing South Korea outside the U.S. defense zone. But Koreans owed their independence from Japan and survival of the South during the Korean war to the U.S. U.S.-South Korean relations, which were dominated in its earlier phase by security concerns has expanded into the development of political, human (immigrants), cultural and especially economic ties.

1. Although the U.S. viewed the deterioration of democracy under the Rhee government with misgivings, it did not attempt to influence the situation until the students took it upon themselves.[6]

2. The U.S. was closely involved in the diplomatic normalization between Korea and Japan in 1965 and the dispatch of ROK troops to Vietnam a few years later.[7]

3. The "Koreagate" (lobbying) scandal of 1978 was related to Korea's primary concern with the U.S. plan of troop withdrawal which was to be completed by Carter in 1981 or 1982, although this idea was conceived by Nixon. The incident caused strain between Seoul and Washington but contributed toward reversing the withdrawal plan. Many in the U.S. and Japanese executives and security communities feel uncertain about Pyongyang's intentions. The South Korean opposition even feared losing the protective U.S. influence on Korea's politics.

4. A case of role change: The role partnership of the South with the U.S. was cemented far more than that of the North with its partners; in fact, "South Koreans were adverse to any kind of change or anything that smacked of change in their relationship with the Americans." [8]

Thus, even when the Nixon Doctrine aroused misgivings on the part of the officials in Seoul, it was probably beyond their imagination that the new Nixon would seek a visit to China, a staunch ally of North Korea. After all, the real breach between Washington and Beijing was caused by the Korean war. Seoul was apprehensive that China might give "false assurances" to the U.S. that would facilitate U.S. military withdrawal from the South earlier than necessary. After all, it was the wish of Seoul that Beijing would accept and that the U.S. would agree to the continued presence of American troops in South Korea for an indefinite period. On the one hand, the necesssity of continued American involvement in South Korea was argued for as a force to keep China, the Soviet Union, and Japan from warring against each other,[9] and on the other hand, it was argued perhaps for the audience of Beijing as a possible check on resurgent Japanese militaries.[10]

In the context of its dual relationship with China and China's most feared foe, the Soviet Union, North Korea can be hypothesized to have developed its role enactment vis-a-vis these two great powers to a fine art. By making each other aware of the expectations imposed upon it by the other, and in a historical/geographical situation which obviously obliges it to avoid antagonizing either, North Korea has been able to assume a degree of autonomy in its international relations which stands out in stark contrast to the condition of the South.[11] As a result of the extremely dependent relationship between Seoul and Washington as well as the rigidity and unidimensionality of the South's past role playing vis-a-vis both the U.S. and the North, South Korea has only since developed a practical repertoire of role change, self-reliance, and detentism.

Probably nowhere will the impact of the Sino-American and the Sino-Japanese détente be more strongly felt than in the two Koreas, where each regime claims its legitimacy in a cold war exclusiveness far more intense than that which separates China from the U.S. and Japan. In the past, great power intervention intensified contention in Korea. None of the four powers would today actively intervene in the "Koreanization" of efforts to manage crisis and/or unify the country.

5. U.S. economic assistance ceased by 1970 and steady and remarkable economic growth during the past two and a half decades has forced Seoul to look far beyond the U.S. and Japan. This not only reduced its economic dependence on the U.S. but also created a source of tension with it. In having become America's seventh largest trade partner, it became one of the largest contributors to the U.S. trade deficit.

6. In spite of its earlier concerns over the realignment (role change) of the U.S. and China, South Korea has become its beneficiary. It has given Seoul an opportunity to seek contacts with China and the U.S.S.R. Seoul's diplomatic success which surpasses Pyongyang's has given it confidence and a sense of independence in its foreign policy so that America may find it difficult to ride roughshod over the growing nationalism there.

7. Up to this moment, May 1986, the U.S. appears to be far more willing to work with the authoritarian South Korean government rather than to jeopardize its authority. Korea's economic and strategic importance are viewed to be too great for Washington to risk its stability for the sake of democraticization.

SECURITY ASPECTS AND THEIR IMPLICATIONS

Security developments on the Korean Peninsula affect the security interests of the Soviet Union, China, and Japan as well as the U.S. As for U.S.-South Korean relations, they have been providing the shield behind which economic development of the South has taken place and the relationship is expected to assist in the achievement of a more democratic political life. After all, national consensus of a sort is the foundation of true security.

Washington's threat perception of Pyongyang is based on the view that the North has "the largest commando force in the world [which is] compounded by factors of time and distance." The security situation is viewed by the U.S. to be potentially unsettling with "one of the most . . . severe imbalances in military power anywhere in the world." [12] America's security emphasis based on such a perception has undoubtedly served as an effective deterrence against North Korea and has even given South Korea confidence to deal with not only Pyongyang, but also its allies. At the same time, has it not also contributed to the arms buildup in South Korea and recently of the Soviet Union in North Korea and in its vicinity? Can these developments serve the interests of the U.S. in the region? [13]

Korea divided has meant confrontation and an escalation in the arms race. The Korean reunification may not be achieved by peaceful means. The Korean war has shown the absolute impossibility of the reunification of Korea by armed forces. And the advent of Sino-American detente has reduced the possibility of the U.S. or China intervening in another Korean war. These being the case, the rational choice of a logical and calculated mutual interest of both Koreas might suggest the inevitability of an inter-Korean detente and cooperation as is the case of the two Germanys. At a minimum, arms competition of the past must be replaced by peaceful competition.

The key to reducing arms competition and tension lies in a step-by-step building of confidence and reduction of fear and distrust on both sides. Since the past proposals to exchange observers during military exercises (team spirit) and to increase the role of the Neutral Nations Supervisory Committee, etc., has not produced any results, might it not be useful to provide Pyongyang with some basis to remove its deep sense of psychological insecurity by way of GRIT? [14] In the long run, it might also be useful for Washington to urge Seoul and Tokyo to work out their economic and security problems with regard to Pyongyang and also to urge Tokyo and Beijing to work together to limit Soviet expansionism around Korea and the Sea of Japan. It will be more desirable to pursue these multilateral approaches while seeking improvements in U.S.-North Korea relations. It is almost inconceivable that the U.S. could be drawn into talks with North Korea at the South's expense. Seoul should know this.

Some current bilateral security issues include: 1) Seoul's continuance to press for a larger amount of Foreign Military Sales credits at concessory rates (the amount being in the range of $220-$230 million in recent years); 2) the transfer of American military technology which is of a proprietary nature; and 3) sales to third countries of military equipment with a U.S. component. [15] In addition to these smaller technical issues, there is a larger negative aspect of U.S.-South Korea security developments. America's Korean policy is viewed today by the opposition, and many others, in the South to have been influenced more by the Pentagon, especially the military-industrial complex, than by the State Department and the Congress. South Korea's anti-Americanism is therefore attributed to Washington's support and tacit approval of the authoritarian military regimes of Park and Chun, especially to the latter's "alleged" involvement in the Kwangju incident of 1980. [16]

ECONOMIC ASPECTS AND THEIR IMPLICATIONS

South Korea's economic development over the last 30 years has been so rapid that today "two-way U.S.-Korean trade each year ($17 million in 1985) exceeds in value the total of all American economic aid ever provided to Korea." Such a booming economy is a U.S. foreign assistance success story. [17]

However, the current trade imbalance, created by the still small threat posed by South Korean competition, has resulted in U.S.-Korean trade frictions. This threat has the possibility of greatly intensifying in the near future. As a residual product of the Japanese trade threat, South Korea is treated like a new Japan, which exacerbated their anti-American sentiment in recent years.

Intellectually, South Korean anti-Americanism can be traced to the nationalistic emphasis of Korean education in the '80's and '70's as well as the pervasively popularized works of "dependency" theory among students and intellectuals. [18]

Lastly, it may be worth noting that Korean investment in the range of $200 million or more in the U.S. built factories and created jobs for American workers. Some 700,000 hard-working Koreans in America are also contributing toward American economy, however small it may be in terms of the totality of America.

POLITICAL ASPECTS AND THEIR IMPLICATIONS

To Washington, its influence on the Korean political situation, while greater than other powers, is limited, and many Koreans have an exaggerated notion of Washington's ability to influence events in Korea. Thus, on his visit to Seoul, May 8, 1986, U.S. Secretary of State, George Shultz said that while the U.S. is not taking sides in Korea's internal political debates he reaffirmed the U.S. support of the efforts by the Chun government to realize an orderly transition of political power. He urged the government to be basically responsive to the will of people and the opposition not to adopt violent means in the process of democratization. [19] Gaston Sigur, U.S. Assistant Secretary of State told four Korean opposition politicans that security and democratization should be pursued simultaneously in Korea. [20]

Mr. Shultz seemed to go out of his way not to indicate any loosening of Washington's backing for President Chun Doo Hwan. He emphasized ties to the U.S. by stating that the "Seoul government will only move ahead if it feels secure in its military, economic, and political ties to the U.S." [21] In addition, Shultz's praise of Chun's efforts for "smooth" transfer of power, emphasis of security and economic development over democratization goals as well as extraordinary emphasis on the difference between the Philippines and Korea, and his unwillingness to meet with Kim Dae-jung and Kim Young-som, two most-powerful opposition leaders etc. have convinced most observers, to say nothing of the Korean opposition, that he favored a "great political compromise" in favor of the military-backed Democratic Justice Party. Even if he had an intention to be neutral, his visit to Seoul has had a consequence of boosting those in power and alienating the major opposition party, New Korea Democratic Party, and many more. Mr. Secretary might have been misled about the mass and intellectual support the opposition party commands in contrast to the party in power.

In the past six years, student activism has increased dramatically with a dozen separate attacks against the U.S. establishment. These attacks took place in a country where "Yankee Go Home" was never heard before and their purpose was to pressure Washington to seek political liberalization in South Korea. [22] South Korean opposition has asked two things: one is that the U.S. declare its firm support of the cause of Korean democratization and restoration of human rights. The other is that the U.S. commander in Korea, who controls the Korea-U.S. Combined Forces Command, should endeavor to ensure the political neutrality of the Korean Armed Forces. Kim Dae-jung said, "We'll take care of the rest." [23]

Will South Korea become another Vietnam or another Philippines? Although the likelihood of the latter scenario is greater than before, most policy-makers in the U.S. and elites in South Korea might like to promote democratic transition before the country is engulfed by the kind of violence that has over taken the Philippines. The issue is "how" to promote it. The opposition wants to avoid Chumism without Chun which the party in power seems to perfer to preserve. The U.S. role is very delicate, limited or not, Reagan's disassociation from the Kirkpatrick theory [24] in favor of opposition to dictatorships on the right as well as on the left and Shultz's emphasis of democracy over military bases are commendable but appear to be less applicable to South Korea than Haiti and Philippines at last minutes. This shift as expressed in the March 14, 1986 message to the Congress appears to have been aimed at getting Congressional support for "contras."

Koreans are better educated and their economy is far superior to that of the Philippines, but the political atmosphere is more repressive in Seoul than it was in Manila under Marcos. Another Chun after 1988 under the existing seven-year term would mean thirty-five years of military supremacy over the civilians. For these reasons, Korea might have a justification for "enlightened" U.S. intervention better than, if not as much as, the Philippines. American intervention in Manila was judicious and it could be repeated in Korea when the opposition becomes stronger and united. Timing was important in the former and so was the free press.

NORTH KOREA AND INTER-KOREAN RELATIONS

U.S. policy toward the two Koreas was analyzed in terms of its policy toward Seoul, since there has not been much interaction between Washington and Pyongyang except occasionally at the Panmunjom table. Hence the U.S.-North Korea relations can be discussed initially in terms of Washington's relations with Tokyo and Beijing.

Japan is expected to extend opportunities for economic and other interactions to the North. Its role in shaping the future of Korea is larger than that of any other power, and Pyongyang knows Japan better than any other Western Power. Pyongyang's need for Japan's technological know-how and economic cooperation and Seoul's dependence on Japanese investment are increasing Japan's weight in Korean settlement. The U.S. might explore new concepts and opportunities in dealing with the North but not at the expense of Tokyo and Seoul. Japan might initiate a Tokyo-Pyongyang detente and encourage the North-South dialogue short of reunification of the two Koreas.

American leaders have not hesitated to ask the Chinese leaders to intercede with North Korea. The strategic interdependence and economic complimentarity between China and Japan/U.S. will lead China to consult Japan and the U.S. in the settlement of Korean problems. These developments favor China's establishing more ties with the South, though unofficial, and they also facilitate an improvement in inter-Korean relations. Most nations including Moscow would welcome the relaxation of tensions in the Peninsula and a favorable external environment gives them the freedom to make accommodations to the changing economic environment in East Asia.[25]

Almost all of the policy-makers in Seoul, Tokyo, Washington, Beijing, and even Moscow hope for the gradual erosion of the rigid styles and objectives of the Northern policy. Yet, many of them, especially the U.S. and the South are still opposing the only peaceful means of approaching such an end. The U.S. should take an active role in revising Pyongyang's image and perception of the West which have been distorted by a long period of isolation from the Western world. This can be done by encouraging the North to turn outward and the outside world, especially U.S. allies, to interact with the North. The psychological environment of North Korea might also be improved in the process of its communication with Japan and the U.S., more than through contacts with the South.

Washington's unwillingness to deal with Pyongyang is based on the U.S.-South Korea assumption that the North's policy has not changed, including its willingness to attack the South at a most opportune moment and that Washington-Seoul should therefore continue the "negotiation from strength" policy toward Pyongyang. Are these assumptions still valid? The only time North Korea seriously considered a military risk was probably during the American preoccupation with the Vietnam War, not afterward. With a GNP today almost five times that of the North, a trade volume 17 times greater and military balance between the two Koreans approaching an adequate level especially with hundreds of strategic nuclear warheads, Pyongyang may not be "willing or capable" of launching an attack against the South unless there is a political turmoil of unmanageable proportion. Therefore can it not be argued that a danger that a real war would pose to the North (in view of a probable nuclear response) and its weakened competitive position compared to the South, could account for the North's substitute war and the Burma tragedy? Besides, in recent years, Pyongyang policies toward Seoul and Washington have become less rigid than Washington policy toward Pyongyang. For example, North Korea no longer insists on solving the Korean issue by the Koreans themselves. Nor does it insist on dealing directly with Washington thereby bypassing Seoul. It is now promoting the Tripartite talks which was initiated by the Carter administration; it also asks for a joint declaration of non-aggression which was originally initiated by the Park Chung Hee administration. Are not these changed overtures worth some probing?

CONCLUSION

As long as the North-South dialogue is being resumed, a precondition to any Washington-Pyongyang dialogue, there is an excellent chance for the U.S. to accede to the proposed three-way talks as a byproduct of the current Panmunjom dialogue. Would not the talks provide the U.S. an opportunity 1) to show the North Koreans about the Washington-Seoul consensus on U.S. presence; 2) to begin the slow process of making Pyongyang's system more open on the model of China; and 3) to induce China and the Soviet Union into contact with South Korea thereby leading to a de-facto cross-recognition as in the case of more than fifty nations having diplomatic relations with both Koreas?

Had there been no war experience of 1950–53 or were there a reduction of half of the mutual suspicion, we could have by now a Korean version of the Camp David Accord reached in 1978 at a tripartite conference consisting of Israel, Egypt, and the U.S. What concrete steps can we take to eradicate or at least to reduce the roots of suspicion, fear, and tension across the 38th parallel?

We must propose various confidence-building measures, otherwise both Koreas could fight like two scorpions within a bottle, locked in a vicious embrace. As psychologists Charles Osgood and Roger Fisher suggested years ago, we could experiment with: 1) "GRIT," a graduate plan calling for reciprocation in tension reduction; 2) incremental maximization of concessions with a veto power; and 3) a series of actions to be taken without incurring risk to security.[26] The Austrian Peace Treaty of 1956 was a surprise and so was the Four-Power Agreement of 1971 on access to Berlin. We should ask ourselves how and why these surprises came about and what can be learned from these events that applies to the Korean Peninsula, although obstacles to the latter case might be more severe than the former. It is important to understand that surprises always occur and that we should be imaginative while realistic.[27]

Today and hereafter, the United States faces new challenges vis-a-vis Korea including problems born of economic failure in the North and success in the South. Both Koreas are going through a precarious phase of political succession. Washington may have to leave old policies behind in order not only to accommodate these changes but also to take an initiative in Korean settlement.

Lastly, it may be worth noting for those of you who have been involved in the movement of democraticization along with Kim Dae-jung that:

1. You should be prepared for all kinds of worst case scenarios in South Korea, including: (a) a radicalized popular uprising calling for a direct involvement of Kim Dae-jung; (b) any drastic action that might be taken by the military, a coup or an attempt against his life etc. and (c) a public demand initiated by Cardinal Kim Soo-Hwan and the church leadership, if not the NKDP, that Kim Dae-jung should not seek a candidacy for the highest office.

2. A strategic importance of Korea has been elevated from a local to global level in the policy-making community of the U.S. Government. But there has not been a corresponding increase on the part of public for U.S. military commitment to South Korea. (In fact public opposition to U.S. military involvement has been two to one in case of a war in Korea.) Hence the Congressional support could fluctuate. Hence the over-all U.S. commitment to the defense of South Korea might be about half of the U.S. commitment to any major European or Japanese allies. That being the case, the current or next administration of Washington might make a short-sighted cost-benefit analysis regarding Korea. Any surprising variable could intervene in the on-going negotiation for the so-called "Great Political Compromise."

3. The political change in the Philippines has inspired the Korean opposition but Washington is not likely to have Seoul repeat the drama of Manila. Hence the pressures for reforms and compromises. Washington seems to know the Democratic Justice Party is powerful but not popular while the New Korean Democratic Party is popular but not powerful. Only if the army and the student refrain from meddling in the process of negotiation between the two, can the opposition remain solidly united and widely supported, thereby contributing toward having Washington tilt from a pro-DJP side to a neutral if not a pro-NKDP side. Students radicalization should not be allowed to become an excuse for the military to intervene.

FOOTNOTES

[1] In December, 1985, I had a chance to talk to participants of both sides.

[2] See "Analysis of Student Activism," *The Korean Herald*, November 27, 1985 for 1) and consult the "J" curve theory and the works of Douglas Price and Samuel Huntington for 2).

[3] See William Watt, *The United States and Asia: Changing Attitudes and Policies*, Lexington, Massachusetts: Lexington Books, pp. 80–82, (1982); and also Yung-hwan Jo (ed.) *U.S.Foreign Policy in Asia: An Appraisal* (Santa Barbara, CA: ABC-Clio Press, 1978).

[4] Warren E. Miller, "A New Context for Presidential Politics in the U.S.: The Reagan Legacy," a paper proposed for meeting both at Academia Sinica, Taipei and Stanford University, May and June, 1986.

[5] *Loc. cit.*

[6] Yongsoon Yim (ed.) *Handbook on Korea-U.S. Relations*, (New York: The Asia Society, 1985), p. 7.

[7] *Ibid.* and see Yung-hwan Jo, "Japanese and Korean Relations and Asian Diplomacy," *ORBIS*, Summer, 1967, pp. 582–589.

[8] U.S. Congress, House of Representatives, Committee on Foreign Affairs, *American-Korean Relations: Hearings before the Subcommittee*, 92nd Congress, 1st Session, (Washington, DC.: GPO, 1971), p. 6.

[9] Pyong-choon Huhn, "Korea and the Emerging Asian Power Balance," *Foreign Affairs*, (January 1972), pp. 339–350.

[10] *The New York Times*, September 2, 1971.

[11] See K.J. Holsti, "National Role Conceptions in the Study of Foreign Policy," and Carl W. Backman, "Role Theory and International Relations: A Commentary and Extension," *International Studies Quarterly*, Vol. 14, No. 3 (September 1, 1970), pp. 233-309, 310-319 for discussion of changing the level of analysis from individual to nation. A nation's role is seen in this paper as providing a setting for decision-making, and so establishing the parameters for acceptable policy.

[12] Paul D. Wolfowitzu, "Recent Security Developments in Korea," State Department Current Policy #731, August 12, 1985.

[13] Eugene Kim's paper at the Indian Lakes Resort Conference on Peace, Security and Unification of Korea, October 1985, pp 13–14.

[14] Charles Osgood, *An Alternative to War or Surrender*, (Urbana, Illinois: University of Illinois Press, 1962); Walter Isard, "The Veto Incremax Procedure," *Vietnam*, ed. by W. Isard (Cambridge, Massachusetts: Schemenkan, 1969).

[15] State Department Briefing Paper, "Korea: U.S.-ROK Security Relationship, December 17, 1985.

[16] This view is based on my several contacts with ruling elites of the opposition.

[17] Department of State Briefing Paper "Korea's Economic Performance," December 17, 1985, and The Heritage Foundation Asian Studies Center Background #16, "How a Booming South Korea Exports Jobs to the U.S." October 15, 1984.

[18] State Department Briefing Paper, "Korea: U.S.-ROK Security Relationship," December 17, 1985.

[19] *The Korean Republic*, May 9, 1986; *The New York Times*, May 8, 1986.

[20] *Ibid*, May 10, 1986.

[21] *The New York Times*, May 8, 1986.

[22] For *Eastern Economic Review*, December 26, 1985.

[23] *The Washington Post*, May 5, 1986.

[24] For Jeane Kirkpatrick's preference of right-wing dictators over left-wing, see her article "Human Rights and American Foreign Policy" in *Commentary*, November 1981.

[25] Nathaniel B. Thayer, "The U.S., Japan, and the East Asian Order," a paper presented at *The International Symposium on the Reunification of Korea and Peace in Asia*, Yokohama, July 1985.

[26] Charles Osgood, *An Alternative to War or Surrender*, (Urbana, Illinois: University of Illinois

THE PASSING OF FLOYD LEE

● Mr. DOMENICI. Mr. President, I rise today to express my sorrow upon the death of a legendary man of New Mexico.

Floyd Lee died on August 21, 1987, at the age of 91. A man of selfless activities and aspirations, Floyd Lee's life resembled that of a Western Horatio Alger hero.

A World War I veteran, Floyd Lee decided to return to college. In order to defray tuition costs, he became a cowboy, and was soon promoted to the position of ranch manager. Twenty years later, Floyd Lee purchased that ranch.

He combined the tradition of the family farmer with the vision and foresight of an inventor. His innovative experiments produced such things as a new strain of sheep and a machine designed to measure the density and quality of wool.

And for his pioneering work, he was awarded many honors. Among them, he was named "Agriculturist of Distinction" by New Mexico State University in 1962, "Cattleman of the Year" by the New Mexico Cattlegrowers Association in 1965, "Farmer of the Year" by the Valencia County Farm and Livestock Bureau in 1967, and "Man of Year" by the Record Stockman in 1968.

Floyd Lee's pioneering spirit extended to politics. A 12-year State senator, Mr. Lee focused much of his interest on issues such as range management, State growth, economic progress, and educational quality. He bypassed the opportunity to run for Governor, stating that a gubernatorial campaign would drain too much of his time from family fellowship.

He added much to New Mexico through his service on the board of the Bataan Memorial Methodist Hospital, the Albuquerque Production Credit Association, and advisory boards of the Bureau of Land Management. He served as chairman of the New Mexico Wool Growers' Association.

The range of Floyd Lee's achievements reflects the complexity of his amiable character. In addition to his ranching innovations and political accomplishments, Mr. Lee had another lasting influence on our State. He captured the wolf that is the mascot of the University of New Mexico's Lobos.

In remembrance of his dedication to attaining the highest quality education in New Mexico, Mr. Lee's family has established the Floyd Lee Memorial Scholarship at both the University of New Mexico and New Mexico State University.

Floyd Lee was a pioneer. His occupational innovations, his diverse interests, his principled political involvement, and his perpetual altruism assure that Floyd Lee will hold a place among America's western legends.

Mr. President, I know that my colleagues join me in sending our most sincere condolences to Mr. Lee's daughter, Harriet Lee, to his sister. Margaret McCarthur, and to his surviving grandchildren.

New Mexico and America will miss Floyd Lee.●

THE P&L RAILROAD

● Mr. McCONNELL. Mr. President, a year ago two Kentucky businessmen, Jim Smith and David Reed, purchased trackage to be abandoned by ICG Railroad between Paducah and Louisville, KY. Since start up of the new company, the P&L Railroad has increased rail employment from 270 to 315 jobs and shop employment from 35 to 150 jobs. The company made a profit in the first month of operations and recorded revenues exceeding $45 million in the first year. The P&L's rates have helped to make area shippers more competitive thus contributing to the economy of western Kentucky.

I mention these facts, Mr. President, because it shows what can be achieved with vision, planning, and a large degree of risk. That risk was great but it has paid off in dividends for area shippers and workers. One of the owners is now contemplating an even larger undertaking; one that boggles the imagination by its scope—a $1 billion private development in Livingston County, KY—$1 billion.

The extraordinary nature of this project is best understood by its individual components:

First. A 100-acre lake and island to be completed within 30 days. The 3-acre island will be the site of a 150 to 200 room vacation lodge accessible only by boat.

Second. A 300- to 400-room hotel located on the Ohio River with convention and entertainment facilities.

Third. A 6,500-foot airport runway which is currently under construction.

Fourth. A 10-story office complex with 100,000 square feet per floor.

Fifth. A housing project of 2,000 homes.

Sixth. A theme park rivaling the scale of Opryland.

Seventh. An 18-hole golf course and hunting preserve.

Eighth. Several thousand acres of site development for heavy industrial, light industrial, warehouses and distribution centers.

In addition, to these ambitious projects, Jim Smith and his partner in the P&L Railroad, David Reed, will donate a $3.5 million office complex for the city and county and renovate the Livingston County courthouse. Plans also include rebuilding and repairing Smithland's baseball park at a cost of $150,000.

These plans are all extraordinary. But what is equally incredible is that not $1 of State or Federal money will be used. That, Mr. President, is a feat in and of itself.

Jim Smith is creating opportunities for his western Kentucky "family." He has recognized the key elements for economic development in his own backyard, a strong work force and central location, and is providing the investment to capitalize on the inherent positive attributes of the area. I applaud his vision; may his actions inspire others to risk for a better future.●

INFORMED CONSENT: LOUISIANA

● Mr. HUMPHREY. Mr. President, today I would like to insert into the RECORD a letter in support of my informed consent legislation, S. 272 and S. 273. I urge my colleagues to support my informed consent bill so that future women will not be subjected to needless pain and suffering because of a lack of information.

I ask that the letter from the State of Louisiana be printed in the RECORD.

The letter follows:

JUNE 5, 1987.

DEAR SENATOR HUMPHREY: As a young person I chose abortion as a "solution" to a problem with no alternatives. Although I thought it was a solution I was not prepared for the actual "after" problems. No one offered a true description of fact or the long term emotional trauma or any alternatives. The Bible says, "My people perish for lack of knowledge"

Lets inform women before the fact and offer alternatives.

Respectfully,

SHARON LOGAN.

LOUISIANA.●

GLOBAL ECONOMIC REALITIES

● Mr. BOSCHWITZ. I recently reread an article by Peter Drucker, Clarke professor of social science and management at the Claremont Graduate School, CA regarding the changed world economy.

Dr. Drucker pulls together in this article from the spring 1986 issue of Foreign Affairs evidence that we are part of a global village where the actions of other nations affects our everyday living. He traces the decline of manufacturing jobs with the rise in information oriented jobs and predicts that in 25 years industrial nations like the United States and Japan will have no more of their population in manufacturing than we do in agriculture. In this light, the need for knowledge becomes paramount if America is to retain a competitive advantage.

Press, 1962); Walter Isard, "The Veto Incremax Procedure," *Vietnam*, ed. by W. Isard (Cambridge, Massachusetts: Schemenkan, 1969).

[27] See Hudson Institute Workshop on *Future Prospects for the Korean Peninsula in a World Context*, (RI-3541/2-RR, November, 1982).

I found the arguments and themes particularly revealing and ironically similar to the relation that farmers and agricultural leaders have had to come to terms with the past decade. Dr. D. Gale Johnson published a now famous book in the early 1970's entitled "World Agriculture in Disarray." Both Johnson and Drucker describe how the United States can no longer control our destiny by trying to fool global economic realities. The realities of our world are that each nation is to a greater or lesser degree dependent on other nations for their wellbeing. This is painfully clear for American farmers and increasingly clear for everyone else in our society.

I recommend this article to all persons intersted in the future of our country and, indeed, the future of our world and I ask it be printed in the RECORD.

The article follows:

THE CHANGED WORLD ECONOMY

(By Peter F. Drucker)

The talk today is of the "changing world economy." I wish to argue that the world economy is not "changing"; it has already changed—in its foundations and in its structure—and in all probability the change is irreversible.

Within the last decade or so, three fundamental changes have occurred in the very fabric of the world economy:

The primary-products economy has come "uncoupled" from the industrial economy.

In the industrial economy itself, production has come "uncoupled" from employment.

Capital movements rather than trade (in both goods and services) have become the driving force of the world economy. The two have not quite come uncoupled, but the link has become loose, and worse, unpredictable.

These changes are permanent rather than cyclical. We may never understand what caused them—the causes of economic change are rarely simple. It may be a long time before economic theorists accept that there have been fundamental changes, and longer still before they adapt their theories to account for them. Above all, they will surely be most reluctant to accept that it is the world economy in control, rather than the macroeconomics of the nation-state on which most economic theory still exclusively focuses. Yet this is the clear lesson of the success stories of the last 20 years—of Japan and South Korea; of West Germany (actually a more impressive though far less flamboyant example than Japan); and of the one great success within the United States, the turnaround and rapid rise of an industrial New England, which only 20 years ago was widely considered moribund.

Practitioners, whether in government or in business, cannot wait until there is a new theory. They have to act. And their actions will be more likely to succeed the more they are based on the new realities of a changed world economy.

First, consider the primary-products economy. The collapse of non-oil commodity prices began in 1977 and has continued, interrupted only once (right after the 1979 petroleum panic), by a speculative burst that lasted less than six months; it was followed by the fastest drop in commodity prices ever registered. By early 1986 raw material prices were at their lowest levels in recorded history in relation to the prices of manufactured goods and services—in general as low as at the depths of the Great Depression, and in some cases (e.g., lead and copper) lower than their 1932 levels.[1]

This collapse of prices and the slowdown of demand stand in startling contrast to what had been confidently predicted. Ten years ago the Club of Rome declared that desperate shortages for all raw materials were an absolute certainty by the year 1985. In 1980 the Carter Administration's Global 2000 Report to the President: Entering the Twenty-First Century concluded that world demand for food would increase steadily for at least 20 years; that worldwide food production would fall except in developed countries; and that real food prices would double. This forecast helps to explain why American farmers bought up all available farmland, thus loading on themselves the debt burden that now so threatens them.

Contrary to all these expectations, global agricultural output actually rose almost one-third between 1972 and 1985 to reach an all-time high. It rose the fastest in less-developed countries. Similarly, production of practically all forest products, metals and minerals has gone up between 20 and 35 percent in the last ten years—again with the greatest increases in less-developed countries. There is not the slightest reason to believe that the growth rates will slacken, despite the collapse of commodity prices. Indeed, as far as farm products are concerned, the biggest increase—at an almost exponential rate of growth—may still be ahead.[2]

Perhaps even more amazing than the contrast between such predictions and what has happened is that the collapse in the raw materials economy seems to have had almost no impact on the world industrial economy. If there was one thing considered "proven" beyond doubt in business cycle theory, it is that a sharp and prolonged drop in raw material prices inevitably, and within 18 to 30 months, brings on a worldwide depression in the industrial economy.[3] While the industrial economy of the world today is not "normal" by any definition of the term, it is surely not in a depression. Indeed, industrial production in the developed non-communist countries has continued to grow steadily, albeit at a somewhat slower rate in Western Europe.

Of course, a depression in the industrial economy may only have been postponed and may still be triggered by a banking crisis caused by massive defaults on the part of commodity-producing debtors, whether in the Third World or in Iowa. But for almost ten years the industrial world has run along as though there were no raw material crisis at all. The only explanation is that for the developed countries—excepting only the Soviet Union—the primary-products sector has become marginal where before it had always been central.

In the late 1920s, before the Great Depression, farmers still constituted nearly one-third of the U.S. population and farm income accounted for almost a quarter of the gross national product. Today they account for less than five percent of population and even less of GNP. Even adding the contribution that foreign raw material and farm producers make to the American economy through their purchases of American industrial goods, the total contribution of the raw material and food producing economies of the world to the American GNP is, at most, one-eighth. In most other developed countries, the share of the raw materials sector is even lower. Only in the Soviet Union is the farm still a major employer, with almost a quarter of the labor force working on the land.

The raw material economy has thus come uncoupled from the industrial economy. This is a major structural change in the world economy, with tremendous implications for economic and social policy as well as economic theory, in developed and developing countries alike.

For example, if the ratio between the prices of manufactured goods and the prices of non-oil primary products (that is, foods, forest products, metals and minerals) had been the same in 1985 as it had been in 1973, the 1985 U.S. trade deficit might have been a full one-third less—$100 billion as against an actual $150 billion. Even the U.S. trade deficit with Japan might have been almost one-third lower, some $35 billion as against $50 billion. American farm exports would have bought almost twice as much. And industrial exports to a major U.S. customer, Latin America, would have held; their near-collapse alone accounts for a full one-sixth of the deterioration in U.S. foreign trade over the past five years. If primary-product prices had not collapsed, America's balance of payments might even have shown a substantial surplus.

Conversely, Japan's trade surplus with the world might have been a full 20 percent lower. And Brazil in the last few years would have had an export surplus almost 50 percent higher than its current level. Brazil would then have had little difficulty meeting the interest on its foreign debt and would not have had to endanger its economic growth by drastically curtailing imports as it did. Altogether, if raw material prices in relationship to manufactured goods prices had remained at the 1973 or even the 1979 level, there would be no crisis for most debtor countries, especially in Latin America.[4]

III

What accounts for this change?

Demand for food has actually grown almost as fast as the Club of Rome and the Global 2000 Report anticipated. But the supply has grown much faster; it not only has kept pace with population growth, it has steadily outrun it. One cause of this, paradoxically, is surely the fear of worldwide food shortages, if not world famine, which resulted in tremendous efforts to increase food output. The United States led the parade with a farm policy of subsidizing increased food production. The European Economic Community followed suit, and even more successfully. The greatest increases, both in absolute and in relative terms, however, have been in developing countries: in India, in post-Mao China and in the rice-growing countries of Southeast Asia.

And there is also the tremendous cut in waste. In the 1950s, up to 80 percent of the grain harvest of India fed rats and insects rather than human beings. Today in most parts of India the wastage is down to 20 percent. This is largely the result of unspectacular but effective "infrastructure innovations" such as small concrete storage bins, insecticides and three-wheeled motorized carts that take the harvest straight to a processing plant instead of letting it sit in the open for weeks.

It is not fanciful to expect that the true "revolution" on the farm is still ahead. Vast

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Footnotes at end of article.

tracts of land that hitherto were practically barren are being made fertile, either through new methods of cultivation or through adding trace minerals to the soil. The sour clays of the Brazilian highlands or the aluminum-contaminated soils of neighboring Peru, for example, which never produced anything before, now produce substantial quantities of high-quality rice. Even greater advances have been registered in biotechnology, both in preventing diseases of plants and animals and in increasing yields.

In other words, just as the population growth of the world is slowing down quite dramatically in many regions, food production is likely to increase sharply.

Import markets for food have all but disappeared. As a result of its agricultural drive, Western Europe has become a substantial food exporter plagued increasingly by unsalable surpluses of all kinds of foods, from dairy products to wine, from wheat to beef. China, some observers predict, will have become a food exporter by the year 2000. India is about at that stage, especially with wheat and coarse grains. Of all major non-communist countries only Japan is still a substantial food importer, buying abroad about one-third of its food needs. Today most of this comes from the United States. Within five or ten years, however, South Korea, Thailand and Indonesia—low-cost producers that are fast increasing food output—are likely to try to become Japan's major suppliers.

The only remaining major food buyer on the world market may then be the Soviet Union—and its food needs are likely to grow.[5] However, the food surpluses in the world are so large—maybe five to eight times what the Soviet Union would ever need to buy—that its food needs are not by themselves enough to put upward pressure on world prices. On the contrary, the competition for access to the Soviet market among the surplus producers—the United States, Europe, Argentina, Australia, New Zealand (and probably India within a few years)—is already so intense as to depress world food prices.

For practically all non-farm commodities, whether forest products, minerals or metals, world demand is shrinking—in sharp contrast to what the Club of Rome so confidently predicted. Indeed, the amount of raw material needed for a given unit of economic output has been dropping for the entire century, except in wartime. A recent study by the International Monetary Fund calculates the decline as one and one-quarter percent a year (compounded) since 1900.[6] This would mean that the amount of industrial raw materials needed for one unit of industrial production is now no more than two-fifths of what it was in 1900. And the decline is accelerating. The Japanese experience is particularly striking. In 1984, for every unit of industrial production, Japan consumed only 60 percent of the raw materials consumed for the same volume of industrial production in 1973, 11 years earlier.

Why this decline in demand? It is not that industrial production is fading in importance as the service sector grows—a common myth for which there is not the slightest evidence. What is happening is much more significant. Industrial production is steadily switching away from heavily material-intensive products and processes. One of the reasons for this is the new high-technology industries. The raw materials in a semi-conductor microchip account for one to three percent of total production cost; in an automobile their share is 40 percent, and in pots and pans 60 percent. But also in older industries the same scaling down of raw material needs goes on, and with respect to old products as well as new ones. Fifty to 100 pounds of fiberglass cable transmit as many telephone messages as does one ton of copper wire.

This steady drop in the raw material intensity of manufacturing processes and manufacturing products extends to energy as well, and especially to petroleum. To produce 100 pounds of fiberglass cable requires no more than five percent of the energy needed to produce one ton of copper wire. Similarly, plastics, which are increasingly replacing steel in automobile bodies, represent a raw material cost, including energy, of less than half that of steel.

Thus it is quite unlikely that raw material prices will ever rise substantially as compared to the prices of manufactured goods (or high-knowledge services such as information, education or health care) except in the event of a major prolonged war.

One implication of this sharp shift in the terms of trade of primary products concerns the developed countries, both major raw material exporters like the United States and major raw material importing countries such as Japan. For two centuries the United States has made maintenance of open markets for its farm products and raw materials central to its international trade policy. This is what it has always meant by an "open world economy" and by "free trade."

Does this still make sense, or does the United States instead have to accept that foreign markets for its foodstuffs and raw materials are in a long-term and irreversible decline? Conversely, does it still make sense for Japan to base its international economic policy on the need to earn enough foreign exchange to pay for imports of raw materials and foodstuffs? Since Japan opened to the outside world 120 years ago, preoccupation—amounting almost to a national obsession—with its dependence on raw material and food imports has been the driving force of Japan's policy, and not in economics alone. Now Japan might well start out with the assumption—a far more realistic one in today's world—that foodstuffs and raw materials are in permanent oversupply.

Taken to their logical conclusion, these developments might mean that some variant of the traditional Japanese policy—highly mercantilist with a strong de-emphasis of domestic consumption in favor of an equally strong emphasis on capital formation, and protection of infant industries—might suit the United States better than its own tradition. The Japanese might be better served by some variant of America's traditional policies, especially a shifting from favoring savings and capital formation to favoring consumption. Is such a radical break with more than a century of political convictions and commitments likely? From now on the fundamentals of economic policy are certain to come under increasing criticism in these two countries-and in all other developed countries as well.

These fundamentals will, moreover, come under the increasingly intense scrutiny of major Third World nations. for if primary products are becoming of marginal importance to the economies of the developed world, traditional development theories and policies are losing their foundations.[7] They are based on the assumption—historically a perfectly valid one—that developing countries pay for imports of capital goods by exporting primary materials—farm and forest products, minerals, metals. All development theories, however much they differ otherwise, further assume that raw material purchases by the industrially developed countries must rise at least as fast as industrial production in these countries. This in turn implies that, over any extended period of time, any raw material producer becomes a better credit risk and shows a more favorable balance of trade. These promises have become highly doubtful. On what foundation, then, can economic development be based, especially in countries that do not have a large enough population to develop an industrial economy based on the home market? As we shall presently see, these countries can no longer base their economic development on low labor costs.

IV

The second major change in the world economy is the uncoupling of manufacturing production from manufacturing employment. Increased manufacturing production in development countries has actually come to mean decreasing blue-collar employment. As a consequence, labor costs are becoming less and less important as a "comparative cost" and as a factor in competition.

There is a great deal of talk these days about the "deindustrialization" of America. In fact, manufacturing production has risen steadily in absolute volume and has remained unchanged as a percentage of the total economy. Since the end of the Korean War, that is, for more than 30 years, it has held steady at 23-24 percent of America's total GNP. It has similarly remained at its traditional level in all of the other major industrial countries.

It is not even true that American industry is doing poorly as an exporter. To be sure, the United States is importing from both Japan and Germany many more manufactured goods than ever before. But is also exporting more, despite the heavy disadvantage of an expensive dollar, increasing labor costs and the near-collapse of a major industrial market, Latin America. In 1984—the year the dollar soared—exports of American manufactured goods rose by 8.3 percent; and they went up again in 1985. The share of U.S.-manufactured exports in world exports was 17 percent in 1978. By 1985 it had risen to 20 percent—while West Germany accounted for 18 percent and Japan 16. The three countries together thus account for more than half of the total.

Thus it is not the American economy that is being "deindustrialized." It is the American labor force.

Between 1973 and 1985, manufacturing production (measured in constant dollars) in the United States rose by almost 40 percent. Yet manufacturing employment during that period went down steadily. There are now five million fewer people employed in blue-collar work in American manufacturing industry than there were in 1975.

Yet in the last 12 years total employment in the United States grew faster than at any time in the peacetime history of any country—from 82 to 110 million between 1973 and 1985—that is by a full one third. The entire growth, however, was in non-manufacturing, and especially in non-blue-collar jobs.

The trend itself is not new. In the 1920s one out of every three Americans in the labor force was a blue-collar worker in manufacturing. In the 1950s the figure was one in four. It now is down to one in every six—and dropping. While the trend has been running for a long time, it has lately accelerated to the point where—in peacetime at least—no increase in manufacturing production, no matter how large, is likely to reverse the long-term decline in the number of blue-collar jobs in manufacturing or in their proportion of the labor force.

This trend is the same in all developed countries, and is, indeed, even more pronounced in Japan. It is therefore highly probable that in 25 years developed countries such as the United States and Japan will employ no larger a proportion of the labor force in manufacturing than developed countries now employ in farming—at most, ten percent. Today the United States employs around 18 million people in blue-collar jobs in manufacturing industries. By 2010, the number is likely to be no more than 12 million. In some major industries the drop will be even sharper. It is quite unrealistic, for instance, to expect that the American automobile industry will employ more than one-third of its present blue-collar force 25 years hence, even though production might be 50 percent higher.

If a company, an industry or a country does not in the next quarter century sharply increase manufacturing production and at the same time sharply reduce the blue-collar work force, it cannot hope to remain competitive—or even to remain "developed." It would decline fairly fast. Britain has been in industrial decline for the last 25 years, largely because the number of blue-collar workers per unit of manufacturing production went down far more slowly than in all other noncommunist developed countries. Even so, Britain has the highest unemployment rate among non-communist developed countries—more than 13 percent.

V

The British example indicates a new and critical economic equation: a country, an industry or a company that puts the preservation of blue-collar manufacturing jobs ahead of international competitiveness (which implies a steady shrinkage of such jobs) will soon have neither production nor jobs. The attempt to preserve such blue-collar jobs is actually a prescription for unemployment.

So far, this concept has achieved broad national acceptance only in Japan.[8] Indeed, Japanese planners, whether in government or private business, start out with the assumption of a doubling of production within 15 or 20 years based on a cut in blue-collar employment of 25 to 40 percent. A good many large American companies such as IBM, General Electric and the big automobile companies have similar forecasts. Implicit in this is the conclusion that a country will have less overall unemployment the faster it shrinks blue-collar employment in manufacturing.

This is not a conclusion that American politicians, labor leaders or indeed the general public can easily understand or accept. What confuses the issue even more is that the United States is experiencing several separate and different shifts in the manufacturing economy. One is the acceleration of the substitution of knowledge and capital for manual labor. Where we spoke of mechanization a few decades ago, we now speak of "robotization" or "automation." This is actually more a change in terminology than a change in reality. When Henry Ford introduced the assembly line in 1909, he cut the number of man-hours required to produce a motor car by some 80 percent in two or three years—far more than anyone expects to result from even the most complete robotization. But there is no doubt that we are facing a new, sharp acceleration in the replacement of manual workers by machines—that is, by the products of knowledge.

A second development—and in the long run this may be even more important—is the shift from industries that were primarily labor-intensive to industries that, from the beginning, are knowledge-intensive. The manufacturing costs of the semiconductor microchip are about 70 percent knowledge—that is, research, development and testing—and no more than 12 percent labor. Similarly with prescription drugs, labor represents no more than 15 percent, with knowledge representing almost 50 percent. By contrast, in the most fully robotized automobile plant labor would still account for 20 or 25 percent of the costs.

Another perplexing development in manufacturing is the reversal of the dynamics of size. Since the early years of this century, the trend in all developed countries has been toward even larger manufacturing plants. The economies of scale greatly favored them. Perhaps equally important, what one might call the "economies of management" favored them. Until recently, modern management techniques seemed applicable only to fairly large units.

This has been reversed with a vengeance over the last 15 to 20 years. The entire shrinkage in manufacturing jobs in the United States has occured in large companies, beginning with the giants in steel and automobiles. Small and especially medium-sized manufacturers have either held their own or actually added employees. In respect to market standing, exports and profitability too, smaller and middle-sized businesses have done remarkably better than big ones. The reversal of the dynamics of size is occurring in the other developed countries as well, even in Japan where bigger was always better and biggest meant best. The trend has reversed itself even in old industries. The most profitable automobile company these last years has not been one of the giants, but a medium-sized manufacturer in Germany—BMW. The only profitable steel companies, whether in the United States, Sweden or Japan, have been medium-sized makers of specialty products such as oil drilling pipe.

In part, especially in the United States, this is a result of a resurgence of entrepreneurship.[9] But perhaps equally important, we have learned in the last 30 years how to manage the small and medium-sized enterprise to the point where the advantages of smaller size, e.g., ease of communications and nearness to market and customer, increasingly outweigh what had been forbidding management limitations. Thus in the United States, but increasingly in the other leading manufacturing nations such as Japan and West Germany as well, the dynamism in the economy has shifted from the very big companies that dominated the world's industrial economy for 30 years after World War II to companies that, while much smaller, are professionally managed and largely publicly financed.

VI

Two distinct kinds of "manufacturing industry" are emerging. One is material-based, represented by the industries that provided economic growth in the first three-quarters of this century. The other is information- and knowledge-based: pharmaceuticals, telecommunications, analytical instruments and information processing such as computers. It is largely the information-based manufacturing industries that are growing.

These two groups differ not only in their economic characteristics but especially in their position in the international economy. The products of material-based industries have to be exported or imported as "products." They appear in the balance of trade. The products of information-based industries can be exported or imported both as "products" and as "services," which may not appear accurately in the overall trade balance.

An old example is the printed book. For one major scientific publishing company, "foreign earnings" account for two-thirds of total revenues. Yet the company exports few, if any, actual books—books are heavy. It sells "rights," and the "product" is produced abroad. Similarly, the most profitable computer "export sales" may actually show up in trade statistics as an "import." This is the fee some of the world's leading banks, multinationals and Japanese trading companies get for processing in their home office data arriving electronically from their branches and customers around the world.

In all developed countries, "knowledge" workers have already become the center of gravity of the labor force. Even in manufacturing they will outnumber blue-collar workers within ten years. Exporting knowledge so that it produces license income, service fees and royalties may actually create substantially more jobs than exporting goods.

This in turn requires—as official Washington seems to have realized—far greater emphasis in trade policy on "invisible trade" and on abolishing the barriers to the trade in services. Traditionally, economists have treated invisible trade as a stepchild, if they noted it at all. Increasingly, it will become central. Within 20 years major developed countries may find that their income from invisible trade is larger than their income for exports.

Another implication of the "uncoupling" of manufacturing production from manufacturing employment is, however, that the choice between an industrial policy that favors industrial production and one that favors industrial employment is going to be a singularly contentious political issue for the rest of this century. Historically these have always been considered two sides of the same coin. From now on the two will increasingly pull in different directions; they are indeed already becoming alternatives, if not incompatible.

Benign neglect—the policy of the Reagan Administration these last few years—may be the best policy one can hope for and the only one with a chance of success. It is probably not an accident that the United States has, after Japan, by far the lowest unemployment rate of any industrially developed country. Still, there is surely need also for systematic efforts to retrain and to place redundant blue-collar workers—something no one as yet knows how to do successfully.

Finally, low labor costs are likely to become less of an advantage in international trade simply because in the developed countries they are going to account for less of total costs. Moreover, the total costs of automated processes are lower than even those of traditional plants with low labor costs; this is mainly because automation eliminates the hidden but high costs of "not working," such as the expense of poor quality and rejects, and the costs of shutting down the machinery to change from one model of a product to another. Consider two automated American producers of televisions, Motorola and RCA. Both were almost driven out of the market by imports from countries with much lower labor costs. Both subsequently automated, with the result that these American-made products now successfully compete with foreign imports. Similarly, some highly automated textile mills in the Carolinas can underbid imports from countries with very low labor costs such as Thailand. On the other hand, although some American semiconductor companies have lower labor costs because they do the labor-intensive work offshore, e.g., in West Africa, they are still the high-cost producers and easily underbid by the heavily automated Japanese.

The cost of capital will thus become increasingly important in international competition. And this is where, in the last ten years, the United States has become the highest-cost country—and Japan the lowest. A reversal of the U.S. policy of high interest rates and costly equity capital should thus be a priority for American decision-makers. This demands that reduction of the government deficit, rather than high interest rates, becomes the first defense against inflation.

For developed countries, especially the United States, the steady downgrading of labor costs as a major competitive factor could be a positive development. For the Third World, especially rapidly industrializing countries such as Brazil, South Korea or Mexico, it is, however, bad news.

In the rapid industrialization of the nineteenth century, one country, Japan, developed by exporting raw materials, mainly silk and tea, at steadily rising prices. Another, Germany, developed by leap-frogging into the "high-tech" industries of its time, mainly electricity, chemicals and optics. A third, the United States, did both. Both routes are blocked for today's rapidly industrializing countries—the first because of the deterioration of the terms of trade for primary products, the second because it requires an infrastructure of knowledge and education far beyond the reach of a poor country (although South Korea is reaching for it). Competition based on lower labor costs seemed to be the only alternative; is this also going to be blocked?

VII

The third major change that has occurred in the world economy is the emergence of the "symbol" economy—capital movements, exchange rates and credit flows—as the flywheel of the world economy, in place of the "real" economy—the flow of goods and services. The two economies seem to be operating increasingly independently. This is both the most visible and the least understood of the changes.

World trade in goods is larger, much larger, than it has ever been before. And so is the "invisible trade," the trade in services. Together, the two amount to around $2.5 trillion to $3 trillion a year. But the London Eurodollar market, in which the world's financial institutions borrow from and lend to each other, turns over $300 billion each working day, or $75 trillion a year, a volume at least 25 times that of world trade.[10]

In addition, there are the foreign exchange transactions in the world's main money centers, in which one currency is traded against another. These run around $150 billion a day, or about $35 trillion a year—12 times the worldwide trade in goods and services.

Of course, many of these Eurodollars, yen and Swiss francs are just being moved from one pocket to another and may be counted more than once. A massive discrepancy still exists, and there is only one conclusion: capital movements unconnected to trade—and indeed largely independent of it—greatly exceed trade finance.

There is no one explanation for this explosion of international—or more accurately, transnational—money flows. The shift from fixed to floating exchange rates in 1971 may have given an initial impetus (though, ironically, it was meant to do the exact opposite) by inviting currency speculation. The surge in liquid funds flowing to petroleum producers after the two oil shocks of 1973 and 1979 was surely a major factor.

But there can be little doubt that the U.S. government deficit also plays a big role. The American budget has become a financial "black hole," sucking in liquid funds from all over the world, making the United States the world's major debtor country.[11] Indeed, it can be argued that it is the budget deficit that underlies the American trade and payments deficit. A trade and payments deficit is, in effect, a loan from the seller of goods and services to the buyer, that is, to the United States. Without it, Washington could not finance its budget deficit, at least not without the risk of explosive inflation.

The way major countries have learned to use the international economy to avoid tackling disagreeable domestic problems is unprecedented: the United States has used high interests rates to attract foreign capital and avoid confronting its domestic deficit; the Japanese have pushed exports to maintain employment despite a sluggish domestic economy. This politicization of the international economy is surely also a factor in the extreme volatility and instability of capital flows and exchange rates.

Whichever of these causes is judged the most important, together they have produced a basic change: in the world economy of today, the "real economy of goods and services and the "symbol" economy of money, credit and capital are no longer bound tightly to each other: they are indeed moving further and further apart.

Traditional international economic theory is still neoclassical, holding that trade in goods and services determines international capital flows and foreign exchange rates. Capital flows and foreign exchange rates since the first half of the 1970s have, however, moved quite independently of foreign trade, and indeed (e.g., in the rise of the dollar in 1984-85) have run counter to it.

But the world economy also does not fit the Keynesian model in which the "symbol" economy determines the "real" economy. The relationship between the turbulences in the world economy and the various domestic economies has become quite obscure. Despite its unprecedented trade deficit, the United States has had no deflation and has barely been able to keep inflation in check; it also has the lowest unemployment rate of any major industrial country except Japan, lower than that of West Germany, whose exports of manufactured goods and trade surpluses have been growing as fast as those of Japan. Conversely, despite the exponential growth of Japanese exports and an unprecedented Japanese trade surplus, the Japanese domestic economy is not booming but has remained remarkably sluggish and is not generating any new jobs.

Economists assume that the "real" economy and the "symbol" economy will come together again. They do disagree however—and quite sharply—as to whether they will do so in a "soft landing" or in a head-on collision.

The "soft-landing" scenario—the Reagan Administration is committed to it, as are the governments of most of the other developed countries—expects the U.S. government deficit and the U.S. trade deficit to go down together until both attain surplus, or at least balance, sometime in the early 1990s. Presumably both capital flows and exchange rates will then stabilize, with production and employment high and inflation low in major developed countries.

In sharp contrast to this are the "hard-landing" scenarios.[12] With every deficit year the indebtedness of the U.S. government goes up, and with it the interest charges on the U.S. budget, which in turn raises the deficit even further. Sooner or later, the argument goes, foreign confidence in America and the American dollar will be undermined—some observers consider this practically imminent. Foreigners would stop lending money to the United States and, indeed, try to convert their dollars into other currencies. The resulting "flight from the dollar"would bring the dollar's exchange rates crashing down, and also create an extreme credit crunch, if not a "liquidity crisis" in the United States. The only question is whether the result for the United States would be a deflationary depression, a renewed outbreak of severe inflation or, the most dreaded affliction, "stagflation"—a deflationary, stagnant economy combined with an inflationary currency.

There is, however, a totally different "hard-landing" scenario, one in which Japan, not the United States, faces an economic crisis. For the first time in peacetime history the major debtor, the United States, owes its foreign debt in its own currency. To get out of this debt it does not need to repudiate it, declare a moratorium, or negotiate a "roll-over." All it has to do is devalue its currency and the foreign creditor has effectively been expropriated.

For "foreign creditor," read Japan. The Japanese by now hold about half of the dollars the United States owes to foreigners. In addition, practically all of their other claims on the outside world are in dollars, largely because the Japanese have resisted all attempts to make the yen an international trading currency lest the government lose control over it. Altogether, Japanese banks now hold more international assets than do the banks of any other country, including the United States. And practically all these assets are in U.S. dollars—$640 billion of them. A devaluation of the U.S. dollar thus would fall most heavily on the Japanese.

The repercussions for Japan extend deep into its trade and domestic economy. By far the largest part of Japan's exports goes to the United States. If there is a "hard landing," the United States might well turn protectionist almost overnight; it is unlikely that Americans would let in large volumes of imported goods were the unemployment rate to soar. But this would immediately cause severe unemployment in Tokyo and Nagoya and Hiroshima, and might indeed set off a true depression in Japan.

There is still another "hard landing" scenario. In this version neither the United States, nor Japan, nor the industrial economies altogether, experience the "hard landing"; it would hit the already depressed producers of primary products.

Practically all primary materials are traded in dollars, and their prices might not go up at all should the dollar be devalued (they actually went down when the dollar plunged by 30 percent between summer 1985 and February 1986). Thus Japan may be practically unaffected by a dollar devaluation; Japan needs dollar balances only to pay for primary-product imports, as it buys little else on the outside and has no foreign debt. The United States, too, may not suffer, and may even benefit as its industrial exports become more competitive. But while the primary producers sell mainly in dollars, they have to pay in other developed nations' currencies for a large part of their industrial imports. The United States, after all, although the world's leading exporter of industrial goods, still accounts for only one-fifth of the total. And the dollar prices of the industrial goods furnished by others—the Germans, the Japanese, the French, the British, and so on—are likely to go up. This might bring about a further drop in the terms of trade for the already depressed primary producers. Some estimates of the possible deterioration go as high as ten percent, which would entail considerable hardship not only for metal mines in South America and Zimbabwe, but also for farmers in Canada, Kansas and Brazil.

One more possible scenario involves no "landings," either "soft" or "hard." What if the economists were wrong and both the American budget deficit and American trade deficit continue, albeit at lower levels than in recent years? This would happen if the outside world's willingness to put its money into the United States were based on other than purely economic considerations—on their own internal domestic politics, for example, or simply on the desire to escape risks at home that appear to be far worse than a U.S. devaluation.

This is the only scenario that is so far supported by hard facts rather than by theory. Indeed, it is already playing.

The U.S. government talked the dollar down by almost one-third (from a rate of 250 yen to 180 yen to the dollar) between summer 1985 and February 1986—one of the most massive devaluations ever of a major currency, though called a "readjustment." America's creditors unanimously supported this devaluation and indeed demanded it. More amazing still, they responded by increasing their loans to the United States, and substantially so. International bankers seem to agree that the United States is more creditworthy the more the lender stands to lose by lending to it!

A major reason for this Alice-in-Wonderland attitude is that the biggest U.S. creditors, the Japanese, clearly prefer even very heavy losses on their dollar holdings to domestic unemployment. And without exports to the United States, Japan might have unemployment close to that of Western Europe, nine to eleven percent, and concentrated in the most politically sensitive smokestack industries in which Japan is becoming increasingly vulnerable to competition from newcomers such as South Korea.

Similarly, economic conditions alone will not induce Hong Kong Chinese to withdraw the money they have transferred to American banks in anticipation of Hong Kong's reversion to Chinese sovereignty in 1997. These deposits amount to billions. The even larger amounts—at least several hundred billion—of "flight capital" from Latin America that have found refuge in the U.S. dollar will also not be lured away by purely economic incentives such as higher interest rates.

The sum needed from the outside to maintain both a huge U.S. budget deficit and a huge U.S. trade deficit would be far too big to make this the most probable scenario. But if political factors are in control, the "symbol" economy is indeed truly "uncoupled" from the "real" economy, at least in the international sphere. Whichever scenario proves right, none promises a return to any kind of "normalcy."

VIII

From now on exchange rates between major currencies will have to be treated in economic theory and business policy alike as a "comparative-advantage" factor, and a major one.

Economic theory teaches that the comparative-advantage factors of the "real" economy—comparative labor costs and labor productivity, raw material costs, energy costs, transportation costs and the like—determine exchange rates. Practically all businesses base their policies on this notion. Increasingly, however, it is exchange rates that decide how labor costs in country A compare to labor costs in country B. Exchange rates are thus a major "comparative cost" and one totally beyond business control. Any firm exposed to the international economy has to realize that it is in two businesses at the same time. It is both a maker of goods (or a supplier of services) and a "financial" business. It cannot disregard either.

Specifically, the business that sells abroad—whether as an exporter or through a subsidiary—will have to protect itself against three foreign exchange exposures: proceeds from sales, working capital devoted to manufacturing for overseas markets, and investments abroad. This will have to be done whether the business expects the value of its own currency to go up or down. Businesses that buy abroad will have to do likewise. Indeed, even purely domestic businesses that face foreign competition in their home market will have to learn to hedge against the currency in which their main competitors produce. If American businesses had been run this way during the years of the overvalued dollar, from 1982 through 1985, most of the losses in market standing abroad and in foreign earnings might have been prevented. They were management failures, not acts of God. Surely stockholders, but also the public in general, have every right to expect management to do better the next time around.

In respect to government policy there is one conclusion: don't be "clever." It is tempting to exploit the ambiguity, instability and uncertainty of the world economy to gain short-term advantages and to duck unpopular political decisions. But it does not work. Indeed, disaster is a more likely outcome than success, as all three of the attempts made so far amply indicate.

In the first attempt, the Carter Administration pushed down the U.S. dollar to artificial lows to stimulate the American economy through the promotion of exports. American exports did indeed go up—spectacularly so. But far from stimulating the domestic economy, this depressed it, resulting in simultaneous record unemployment and accelerated inflation—the worst of all possible outcomes.

President Reagan a few years later pushed up interest rates to stop inflation, and also pushed up the dollar. This did indeed stop inflation. It also triggered massive inflows of capital. But it so overvalued the dollar as to create a surge of foreign imports. As a result, the Reagan policy exposed the most vulnerable of the smokestack industries, such as steel and automobiles, to competition they could not possibly meet. It deprived them of the earnings they needed to modernize themselves. Also, the policy seriously damaged, perhaps irreversibly, the competitive position of American farm products in the world markets, and at the worst possible time. Worse still, his "cleverness" defeated Mr. Reagan's major purpose: the reduction of the U.S. government deficit. Because of the losses to foreign competition, domestic industry did not grow enough to produce higher tax revenues. Yet the easy and almost unlimited availability of foreign money enabled Congress (and the Administration) to postpone again and again action to cut the deficit.

In the third case the Japanese, too, may have been too clever in their attempt to exploit the disjunction between the international "symbol" and "real" economies. Exploiting an undervalued yen, the Japanese have been pushing exports—a policy quite reminiscent of America under the Carter Administration. But the Japanese policy similarly has failed to stimulate the domestic economy; it has been barely growing these last few years despite the export boom. As a result, the Japanese have become dangerously overdependent on one customer, the United States. This has forced them to invest huge sums in American dollars, even though every thoughtful Japanese (including, of course, individuals in the Japanese government and the Japanese central bank) has known all along that these investments would end up being severely devalued.

Surely these three lessons should have taught us that government economic policies will succeed to the extent to which they try to harmonize the needs of the two economies, rather than to the extent to which they try to exploit the disharmony between them. Or to repeat very old wisdom, "in finance don't be clever; be simple and conscientious." I am afraid this is advice that governments are not likely to heed soon.

It is much too early to guess what the world economy of tomorrow will look like. Will major countries, for instance, succumb to traditional fears and retreat into protectionism? Or will they see a changed world economy as an opportunity?

Some parts of the main agenda, however, are fairly clear by now. Rapidly industrializing countries like Mexico or Brazil will need to formulate new development concepts and policies. They can no longer hope to finance their development by raw material exports, e.g., Mexican oil. It is also becoming unrealistic for them to believe that their low labor costs will enable them to export large quantities of finished goods to developed countries—something the Brazilians, for instance, still expect. They would do much better to go into "production sharing," that is, to use their labor advantage to become subcontractors to developed-country manufacturers for highly labor-intensive work that cannot be automated—some assembly operations, for instance, or parts and components needed only in relatively small quantities. Developed countries no longer have the labor to do such work, which even with the most thorough automation will still account for 15 to 20 percent of manufacturing work.

Such production sharing is, of course, how Singapore, Hong Kong and Taiwan bootstrapped their development. Yet in Latin America production sharing is still politically unacceptable and, indeed, anathema. Mexico, for instance, has been deeply committed since its beginnings as a modern nation in the early years of this century to making its economy less dependent on, and less integrated with, that of its big neighbor to the north. That this policy has been a total failure for 80 years has only strengthened its emotional and political appeal.

Even if production sharing is implemented to the fullest, it would not by itself provide enough income to fuel development, especially of countries so much larger than the Chinese "city-states." We thus need a new model and new policies.

Can we learn something from India? Everyone knows of India's problems—and they are legion. Few people seem to realize, however, that since independence India has done a better development job than almost any other Third World country: it has enjoyed the fastest increase in farm production and farm yields; a growth rate in manufacturing production equal to that of Brazil, and perhaps even of South Korea (India now has a bigger industrial economy than any but a handful of developed countries); the emergence of large and highly entrepreneurial middle class; and, arguably, the greatest achievement in providing schooling and health care in the villages. Yet the Indians followed none of the established models. They did not, like Stalin, Mao and so many leaders of newly independent African nations, despoil the peasants to produce capital for industrial development. They did not export raw materials. And they did not export the products of cheap labor. Instead, since Nehru's death in 1964, India has followed a policy of strengthening agriculture and encouraging consumer goods production. India and its achievement are bound to get far more attention in the future.

The developed countries, too, need to think through their policies in respect to the Third World—and especically in respect to the "stars" of the Third World, the rapidly industrializing countries. There are some beginnings: the debt proposals recently put forward by Treasury Secretary James A. Baker, or the new lending criteria recently announced by the World Bank for loans to Third World countries, which will be made conditional on a country's overall development policies rather than on the soundness of individual projects. But these proposals are aimed more at correcting past mistakes than at developing new policies.

The other major agenda item is—inevitably—the international monetary system. Since the Bretton Woods Conference in 1944, the world monetary system has been based on the U.S. dollar as the reserve currency. This clearly does not work any more. The reserve-currency country must be willing to subordinate its domestic policies to the needs of the international economy, e.g., risk domestic unemployment to keep currency rates stable. And when it came to the crunch, the United States refused to do so—as Keynes, by the way, predicted 40 years ago.

The stability supposedly supplied by the reserve currency could be estblished today only if the major trading countries—at a minimum the United States, West Germany and Japan—agreed to coordinate their economic, fiscal and monetary policies, if not to subordinate them to joint (and this would mean supranational) decision-making. Is such a development even conceivable, except perhaps in the event of worldwide financial collapse? The European experience with the far more modest European Currency Unit is not encouraging; so far, no European government has been willing to yield an inch for the sake of the ECU. But what else can be done? Have we come to the end of the 300-year-old attempt to regulate and stabilize money on which, after all, both the modern nation-state and the international system are largely based?

We are left with one conclusion: economic dynamics have decisively shifted from the national economy to the world economy.

Prevailing economic theory—whether Keynesian, monetarist or supply-side—considers the national economy, especially that of the large developed countries, to be autonomous and the unit of both economic analysis and economic policy. The international economy may be a restraint and a limitation, but it is not central, let alone determining. This "macroeconomic axiom" of the modern economist has become increasingly shaky. The two major subscribers to this axiom, Britain and the United States, have done least well economically in the last 30 years, and have also has the most economic instability.

West Germany and Japan never accepted the "macroeconomic axiom." Their universities teach it, of course, but their policymakers, both in government and in business, reject it. Instead, both countries all along have based their economic policies on the world economy, have systematically tried to anticipate its trends and exploit its changes as opportunities. Above all, both make the country's competitive position in the world economy the first priority in their policies—economic, fiscal, monetary, even social—to which domestic considerations are normally subordinated. And these two countries have done far better—economically and socially—than Britain and the United States these last 30 years. In fact, their focus on the world economy and the priority they give it may be the real "secret" of their success.

Similarly the "secret" of successful businesses in the developed world—the Japanese, the German carmakers like Mercedes and BMW, Asea and Erickson in Sweden, IBM and Citibank in the United States, but equally of a host of medium-sized specialists in manufacturing and in all kinds of services—has been that they base their plans and their policies on exploiting the world economy's changes as opportunities.

From now on any country—but also any business, especially a large one—that wants to prosper will have to accept that it is the world economy that leads and that domestic economic policies will succeed only if they strengthen, or at least do not impair, the country's international competitive position. This may be the most important—it surely is the most striking—feature of the changed world economy.

FOOTNOTES

[1] When the price of petroleum dropped to $15 a barrel in February 1986, it was actually below its 1933 price (adjusted for the change in the purchasing power of the dollar). It was still, however, substantially higher than its all-time low in 1972-73, which in 1986 dollars amounted to $7-$8 a barrel.

[2] On this see two quite different discussions by Dennis Avery, "U.S. Farm Dilemma: The Global Bad News Is Wrong," *Science*, Oct. 25, 1985; and Barbara Insel, "A World Awash in Grain," *Foreign Affairs*, Spring 1985.

[3] The business cycle theory was developed just before World War I by the Russian mathematical economist, Nikolai Kondratieff, who made comprehensive studies of raw material price cycles and their impacts all the way back to 1797.

[4] These conclusions are based on static analysis, which presumes that which products are bought and sold is not affected by changes in price. This is of course unrealistic, but the flaw should not materially affect the conclusions.

[5] Although the African famine looms large in our consciousness, the total population of the affected areas is far too small to make any dent in world food surpluses.

[6] David Sapsford, *Real Primary Commodity Prices: An Analysis of Long-Run Movements*, International Monetary Fund Internal Memorandum, May 17, 1985, (unpublished).

[7] This was asserted as early as 1950 by the South American economist Raul Prebisch in *The Economic Development of Latin America and its Principal Problems* (E/CN. 12/89/REV.I), United Nations Economic Commission for Latin America. But then no one, including myself, believed him.

[8] The Japanese government, for example, sponsors a finance company that makes long-term, low interest loans to small manufacturers to enable them to automate rapidly.

[9] On this see my book, *Innovation and Entrepreneurship: Practice and Principles*, New York: Harper & Row, 1985.

[10] A Eurodollar is a U.S. dollar held outside the United States.

[11] This is cogently argued by Stephen Marris, for almost 30 years economic adviser to the Organization for Economic Cooperation and Development (OECD), in his *Deficits and the Dollar: The World Economy at Risk*, Washington: Institute of International Economics, December 1985.

[12] Stephen Marris, *Deficits and the Dollar*, cited above, gives the clearest and most persuasive presentation of the hard-landing scenarios.●

TRIBUTE TO BANDELIER ELEMENTARY SCHOOL

● Mr. DOMENICI. Mr. President, I am very proud to tell my colleagues about seven students from Bandelier Elementary School in Albuquerque, NM, who recently won first place at the National Olympics of the Mind competition. I know the Senate joins me in wishing the students and Bandelier Elementary our congratulations.

This national program often called simply OM, is a problem solving competition for elementary, middle, and high school students. The competition attracted over 600 teams from across the country. By challenging students to be creative, and by encouraging students to test their intellectual powers in competition, the program encourages the development of skills for creativity and problem solving.

Teams compete throughout the school year before reaching the national competition. Early in the school year, board members devise five long-term problems for teachers to present to their students. Student teams then choose one of those problems and work together to solve it. Each school chooses a team to compete at the State level, and those State winners advance to the national competition.

In this year's national competition, the team of fourth and fifth graders from Bandelier Elementary School enacted a 7-minute caveman scene. This included a fire discovery scene and musical instrument creation skit. In addition to taking first place in their division, the Bandelier youngsters won the Ranata Fusca Award for outstanding creativity in problem solving.

Mr. President, I am very pleased to recognize before the Senate today the Bandelier team members: Cathy Csepregi, Claire Johnson, Michael Feferman, Matthew Jackson, Amee Marsjanik, Tim Scott, and Todd Windes.

I also would like to commend the parents of the students, as well as the team choaches, Sandy Lethem and Frank Csepregi, and Bandelier Elementary School principal Joe Groom.

The hard work and creativity demonstrated by these students, and the support and encouragement given the students by their parents and teachers, makes me and all New Mexicans so very proud of our schools.

NAUM MEIMAN

● Mr. SIMON. Mr. President, I am pleased to hear that Foreign Minister Shevardnadze's visit to our country has allowed President Reagan to raise the issue of human rights directly with a high-ranking official in the Soviet Government.

I have told and retold the story of my good friend Naum Meiman. Yesterday gave new hope to those of us struggling for Naum and his many comrades in the Soviet Union. Naum is still trying unsuccessfully to leave the Soviet Union, Naum is still trying to be reunited with his daughter whom he has not seen for 11 years, and Naum is still suffering from constant harassment and religious persecution. Most importantly, Naum is still suffering from the loss of his wife, Inna, who died prematurely as a consequence of inadequate medical care in the Soviet Union.

The progress made yesterday toward making the world safer from the threat of nuclear destruction is welcome. However, it should not allow us to forget those individuals in the Soviet Union who continue to suffer and whose basic human rights continued to be denied.

We must not forget the plight of Naum Meiman. Yesterday's meeting was a step, a single step, that must be followed by many more.●

THE CALENDAR

Mr. BYRD. Madam President, I ask the distinguished acting Republican leader, Mr. CHAFEE, if two items on the Calendar of Business, Calendar Order No. 297 and Calendar Order No. 303, have been cleared on his side of the aisle.

Mr. CHAFEE. Madam President, I say to the majority leader that he is absolutely correct. No. 297 has been cleared and available for passage at his convenience. On No. 303, I have an amendment by Senator STEVENS that, at the appropriate time, I would like to offer. But if the majority leader would like to proceed with 297, we might do that if he is agreeable.

Mr. BYRD. Madam President, I thank my friend.

I ask unanimous consent that the Senate proceed seriatim to the consideration of Calendar Orders numbered 297 and 303.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF PENALTIES RELATING TO CERTAIN AVIATION REPORTS AND RECORDS OFFENSES

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 1163) to amend section 902(e) of the Federal Aviation Act of 1958 to revise criminal penalties relating to certain aviation reports and records offenses.

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 1163, legislation to strengthen the criminal penalties for those airlines not complying with Federal Aviation Administration safety recordkeeping and reporting requirements. It is badly needed to ensure the airlines are not cutting corners on their operations and maintenance activities—and therefore remain safe to fly.

I want to commend the Chairman of the Aviation Subcommittee, Senator FORD, for taking the necessary steps to ensure that this bill—which was passed by the House of Representatives earlier this year without objection—is enacted into law. And I want to commend its sponsor, DAN GLICKMAN, for his efforts to introduce this bill as a means of ensuring that there is no compromising aviation safety.

Mr. President, there are several reasons why increased penalties are needed. But the principle one remains the safety of those who fly. Only last month we once again say the tragedy caused by a crash of an airliner in Detroit—and the loss of scores of lives.

That accident reinforces the need for us to take every conceivable action to ensure that in this deregulated environment, the airways remain safe.

We did not deregulate aviation safety in 1978. Everyone will agree on that. Yet, under deregulation, there are increasing pressures for the airlines to focus on competitive demands—which can result in a dimunition of attention on necessary activities such as preventative maintenance. In today's deregulated environment, there is no assurance that the costs of running an airline will be covered, and the possibility of not performing such maintenance is very real.

As such, there exists the incentive for an airline to cut corners. And because of the minimal penalties now on the books for falsifying records and reports required by the FAA—a misdemeanor punishable by a fine of between $100 and $5,000—an airline CEO, in an extreme case, may find it in his best interest to falsify or not report such information. The fact that it does occur was made clear by recent in-depth inspection by the FAA of the major air carriers and the identification of record numbers of recordkeeping and reporting violations.

Mr. President, this bill, which will increase those criminal penalties for the failure to file or intentional falsification of FAA-required safety reports, will help ensure that that incentive is eliminated. H.R. 1163 would do this by imposing the threat of penalties that could reach $10,000 for every violation—as well as imprisonment—steps that should ensure that adequate records are kept and that safety is not compromised.

Mr. President, I urge the Senate to move swiftly on this bill. It should be passed today and sent to the President for his signature.

Mr. FORD. Mr. President, H.R. 1163, legislation to establish criminal penalties for commercial air carriers in violation of aviation safety reporting and recordkeeping requirements is timely legislation and it should be passed. I urge my colleagues to join me in supporting it and sending it to the President so that it can be expeditiously signed into law.

The past 2 years have shown an increasing need for criminal penalties related to the Federal Aviation Administration's recordkeeping and reporting requirements on airline safety matters. Increasingly, the FAA has found that airlines are guilty of not complying with current requirements on maintaining and proper reporting of records on operational and training activities, maintenance, flight time, weight and balance calculation, hazardous material training, and the processing and certification of flight crews. The best and most recent example of this was last year when the FAA identified some 78,000 violations by Eastern Airlines of the agency's safety recordkeeping and reporting requirements.

Mr. President, it is not news to anyone when I say that public confidence in our Nation's air transportation system has never been lower. Recent accidents and increasing reports of safety problems necessitate our taking every action possible to increase the margin of aviation safety.

Clearly, action is needed. In this case that translates into legislation to ensure increased compliance with FAA recordkeeping and reporting requirements—and correspondingly, I believe, increased safety among commercial air carriers.

H.R. 1163 would establish fines of not more than $5,000 in the case of an individual and not more than $10,000 in the case of an air carrier for the failure to file or falsification of a report, account, record, or memorandum required by FAA safety-related rules or regulations. It would also require that any air carrier or employee who intentionally falsifies or conceals a material fact, or invites reliance on a false statement or representation concerning a material fact in a report, account, record, or memorandum required by the FAA would be punishable by fine, imprisonment of up to 5 years, or both.

This legislation, which was introduced by Congressman DAN GLICKMAN, has already unanimously been approved by the House of Representatives. And it was approved in late July without objection by the Commerce Committee. I therefore see no reason why it should not pass today with the same kind of support.

Mr. President, H.R. 1163 is needed to ensure increased compliance with the FAA's safety rules and regulations. It is needed to improve aviation safety. I urge my colleagues to join me in supporting its passage.

The PRESIDING OFFICER. Are there amendments? If not, the question is on the third reading and passage of the bill.

The bill (H.R. 1163) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PAY AND ALLOWANCES OF CERTAIN MEMBERS OF THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE

The PRESIDING OFFICER. The clerk will report the next measure.

The assistant legislative clerk read as follows:

A bill (S. 1666) to amend title 5, United States Code, to provide for the extension of physicians comparability allowances and to amend title 27, United States Code, to provide for special pay for psychologists in the commissioned corps of the Public Health Service.

The Senate proceeded to consider the bill.

AMENDMENT NO. 685

(Purpose: To amend title 5, United States Code, to increase the minimum amount of the physicians comparability allowance)

Mr. CHAFEE. Madam President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. Stevens, proposes an amendment numbered 685.

Mr. CHAFEE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection, it is so ordered.

The amendment is as follows:

On page 2, strike out lines 4 through 6, and insert in lieu thereof:

Section 5948(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out "$7,000" and inserting in lieu thereof "$14,000";

(2) in paragraph (2) by striking out "$10,000" and inserting in lieu thereof "$20,000"; and

(3) by adding at the end thereof (after and below paragraph (2)) the following:

"For the purpose of determining length of service as a Government physician, service as a physician under section 4104 or 4114 of title 38 or active service as a medical officer in the commissioned corps of the Public Health Service under Title II of the Public Health Service Act (42 U.S.C. ch. 6A) shall be deemed service as a Government physician."

Mr. STEVENS. Mr. President, the Federal Physicians Comparability Allowance Act of 1978 enabled the heads of executive agencies to offer service agreements to certain categories of Federal physicians and dentists in order to alleviate recruitment and retention problems experienced by the agencies. The allowance which was reauthorized in 1979, 1981, and 1983 is used only where there is a significant recruitment and retention problem. Currently it may not exceed:

The $7,000 per annum if, at the time the agreement is entered into, the physician has served for 24 months or less; or $10,000 per annum if the physician has more than 24 months' service.

The act will expire September 30, 1987.

Recent statistics show that in the last 3 years, the percentage of physicians receiving the bonus has grown from 53 percent to 61 percent Governmentwide. The largest category of physicians receiving the allowance are researchers—92 percent. Even with the comparability allowance these physicians have a pay gap with private sector physicians ranging from 28 to 75 percent. Consequently, the agencies are still experiencing recruitment and retention problems. Mr. President, we are living in a time when we must attract the very best physicians to the Federal Government. We need top academicians to attack national problems such as AIDS and cancer. We cannot always provide the benefits and modern facilities commonly available in the private sector, but we can do something to narrow the pay gap.

The bill I introduced August 7, 1987, would reauthorize the act until September 30, 1990. It will also raise the maximum allowance to $20,000 in lieu of the current $10,000. I would still expect that the $10,000 limit would be used in most cases, but additional incentive would be available for extraordinary recruitment and retention problems. The bill will also expand special pay coverage to psychologists in the commissioned corps of the Public Health Service who have been board certified by the American Board of Professional Psychology. It is comparable to the board certified pay given to Public Health Service medical officers.

The amendment I am offering today would also raise the $7,000 per annum maximum for physicians who have served for 24 months or less to $14,000 maximum. Following further discussions with the administration, I have concluded that it would be appropriate that the maximum also be raised for those with less than 24 months' service. While I would expect that the maximum allowance would not be routinely used, it would allow agencies the flexibility to offer higher salaries to attract exceptionally qualified physicians from the private sector.

Mr. President, we are nearing the expiration date of the Federal Physician's Comparability Allowance Act. I urge my colleagues to support this important legislation.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 685) was agreed to.

The PRESIDING OFFICER. Are there further amendments to be proposed?

The question is on the engrossment and third reading of the bill.

The bill (S. 1666) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS.

(a) PHYSICIANS COMPARABILITY ALLOWANCES.—Section 5948(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out "$7,000" and inserting in lieu thereof "$14,000";

(2) in paragraph (2) by striking out "$10,000" and inserting in lieu thereof "$20,000"; and

(3) by adding at the end thereof (after and below paragraph (2)) the following:

"For the purpose of determining length of service as a Government physician, service as a physician under section 4104 or 4114 of title 38 or active service as a medical officer in the commissioned corps of the Public Health Service under Title II of the Public Health Service Act (42 U.S.C. ch. 6A) shall be deemed service as a Government physician."

(b) EXTENSION OF AUTHORITY.—The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1990, nor shall any agreement cover a period of service extending beyond September 30, 1992.".

SEC. 2. SPECIAL PAY FOR PSYCHOLOGISTS IN THE PUBLIC HEALTH SERVICE CORPS.

(a) SPECIAL PAY.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302b the following new section:

"§ 302c. Special pay: psychologists in the Public Health Service Corps

"(a) A member who is—

"(1) an officer in the Regular or Reserve Corps of the Public Health Service and is designated as a psychologist; and

"(2) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology,

is entitled to special pay, as provided in subsection (b).

"(b) The rate of special pay to which an officer is entitled pursuant to subsection (a) shall be—

"(1) $2,000 per year, if the officer has less than 10 years of creditable service;

"(2) $2,500 per year, if the officer has at least 10 but less than 12 years of creditable service;

"(3) $3,000 per year, if the officer has at least 12 but less than 14 years of creditable service;

"(4) $4,000 per year, if the officer has at least 14 but less than 18 years of creditable service; or

"(5) $5,000 per year, if the officer has 18 or more years of creditable service.".

(b) CONFORMING AMENDMENTS.—(1) Section 303a of title 37, United States Code, is amended by inserting "302c," after "302b," each place it appears.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302b the following new item:

"302c. Special pay: psychologists in the Public Health Service Corps.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1987 or on the date of the enactment of this Act, whichever is later, and shall apply with respect to pay periods beginning on or after that effective date.

Mr. BYRD. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. CHAFEE. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT—S. 705

Mr. BYRD. Madam President, I ask unanimous consent that a star print be made of S. 705, a bill to convey federally held lands to the Sioux Nation and I send a corrected copy of the bill to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PLACE BILL ON CALENDAR

Mr. BYRD. Madam President, I ask unanimous consent that S. 691, a bill introduced earlier today by Senators CRANSTON and MURKOWSKI dealing with veterans' guaranteed loans be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD. Madam President, may I ask my distinguished friend if the three nominations on the Executive Calendar on page 2 under the Department of Agriculture have been cleared on the other side of the aisle.

Mr. CHAFEE. Madam President, I wanted to report to the distinguished majority leader that, indeed, those three nominations have been cleared on this side.

Mr. BYRD. Madam President, I thank the distinguished Senator. I ask unanimous consent that the Senate go into executive session to consider the nominations on page 2 under the Department of Agriculture, there being 3; that they be considered en bloc, confirmed en bloc, the motion to reconsider be laid on the table, the President be immediately notified of the confirmation of the nominees and that the Senate return to legislative session.

The PRESIDING OFFICER. There is no objection. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows.

Milton J. Hertz, of North Dakota, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Ewen M. Wilson, of Virginia, to be an Assistant Secretary of Agriculture.

Ewen M. Wilson, of Virginia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

ORDER WAIVING THE CALL OF THE CALENDAR AND THAT NO MOTIONS AND RESOLUTIONS OVER, UNDER THE RULE, COME OVER

Mr. BYRD. Madam President, I ask unanimous consent that on tomorrow the call of the calendar be waived under rule VIII and that no motions and resolutions over, under the rule, come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask my distinguished friend, the acting leader on the other side, if he has any further statement to make or further business to transact.

Mr. CHAFEE. Madam President, I want to thank the distinguished majority leader.

I would like to ask one question, a brief question, if I might. It is my understanding regarding tomorrow that the time for debate on the Warner amendment will be from 9 until 9:30, with a vote at 9:30, no earlier than or no later than 9:30. Am I correct on that?

Mr. BYRD. Yes, Madam President; that is correct.

Mr. CHAFEE. So anybody who wishes to participate in any debate, if that individual Senator comes to the floor at 9 o'clock, can speak during the time between 9 and 9:30.

Mr. BYRD. Yes.

Mr. CHAFEE. What will happen to the time of the leaders?

Mr. BYRD. I will proceed to state the program and answer the distinguished Senator's question.

PROGRAM

Mr. BYRD. Madam President, the Senate will convene tomorrow morning at 8:30. After the two leaders have been recognized under the standing order, there will be a period for the transaction of morning business, not to extend beyond the hour of 9 o'clock a.m. During that period for the transaction of morning business, Senators may speak therein for not to exceed 3 minutes each.

At the hour of 9 o'clock a.m., the Senate will resume consideration of the unfinished business, the DOD authorization bill.

Between the hour of 9 o'clock and 9:30 a.m. tomorrow, Senators may speak on the DOD authorization or may speak on the pending Warner amendment, and at the hour of 9:30 a.m., Senator NUNN will be recognized and he will be the Senator who will move to table the Warner amendment. Senator NUNN will be recognized at 9:30 a.m. to make the motion to table the amendment by Mr. WARNER. There will be a rollcall vote on that tabling motion, the yeas and nays already having been ordered.

Mr. CHAFEE. I was going to ask the majority leader, if I might—and I am not necessarily sure this is going to occur, but there might be a couple of people though they have not shown evidence tonight that they wish to debate it—I know there is not a time limit on this bill but there is a time certain to vote. I wonder if it is possible to agree that the time between 9 and 9:30, if there are more than one individual present who wishes to speak, might be equally divided between the managers of the bill.

Mr. BYRD. I think that is a good suggestion. I ask unanimous consent that the time between 9 o'clock and 9:30 a.m. tomorrow be equally divided and controlled by the manager and ranking member. The ranking member is the offeror of the amendment. I ask unanimous consent that the time be equally divided between Mr. WARNER and Mr. NUNN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, following the vote on the motion to table the Warner amendment, and I have no way of knowing what the outcome will be, necessarily, may I express the hope that throughout the day Senators will have amendments to call up. Today, in discussing amendments with Senators, I felt certain that Senators had amendments but they were not quite ready to call up their amendments. I hope they will be ready to call up their amendments because these opportunities do arise. The managers are on the floor and they are ready to debate amendments, but Senators are not ready to call up their amendments.

To save the time of Senators and especially the managers of the bill, Senators who have amendments would accommodate those managers if they have those amendments ready so we can have a steady flow of the amendments and upon the disposition of one, another amendment can be taken up.

I should say that upon the disposition of the amendment by Mr. WARNER, the pending question then will recur on the amendment by Mr. GLENN, so there will be an amendment after the amendment by Mr. WARNER has been disposed of, that being the Glenn amendment. Then we will see where we go from there.

That amendment will be open to amendments and all Senators are urged, if they have amendments, to let the managers know, and I am sure the managers will be eager to get on with amendments. I urge Senators to be prepared for a long day tomorrow and a long day the following day so that we can make good progress on this bill.

I reiterate my earlier statement that there may be a Saturday session. The calendar is facing us and we are daily becoming victims of the calendar and our inability to move the legislation forward, and so the events are crowding in on us with appropriations bills being reported from the Appropriations Committee and with the debt limit extension facing us very soon. The debt limit will expire on next Wednesday at 12 midnight, a week from today, and we will have to take some action prior to that.

I understand, talking with Mr. BENTSEN, may I say, that he feels good progress is being made on both sides with respect to the Gramm-Rudman-Hollings fix. So let us hope that that good news will continue to hold and that we may be able to handle all of these matters in due course.

I thank my friend on the other side of the aisle.

In closing, I am told that the nomination of William Sessions to be Director of the FBI, which is on the calendar, will be ready for consideration before the week is out, and also the nomination of Mr. Verity to be Secretary of Commerce hopefully will be ready and cleared before the week is out.

Does my friend have anything further?

Mr. CHAFEE. No. I thank the distinguished majority leader.

There is nothing that restores the soul and spirit more than a restful weekend with one's family.

Mr. BYRD. That is true. That is what I have been saying for a long time.

Mr. CHAFEE. So I hope that we can move along and dispose of these matters. I am obviously anxious to see these nominations considered and hopefully approved rapidly.

Just out of curiosity, might I ask the majority leader what his intention would be with those nominations? Would it be his thought that he might possibly bring them up this week?

Mr. BYRD. I would hope so, yes.

Mr. CHAFEE. Would it be required that the DOD authorization bill be disposed of or could we intervene?

Mr. BYRD. No. A motion to go into executive session can be made at any time. It is not debatable. We can go to any nomination on the calendar, but that nomination, once it is reached, is debatable. So we will try to work those things out and hopefully clear these nominations and act on them before the week is out.

Mr. CHAFEE. That is good news.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BYRD. Now, Madam President, that we might go home and engage in some "sleep that knits up the ravell'd sleave of care," I move, in accordance with the order previously entered, that the Senate stand in adjournment until 8:30 tomorrow morning.

The motion was agreed to and the Senate, at 9:03 p.m., adjourned until Thursday, September 17, 1987, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 16, 1987:

INTERNATIONAL ATOMIC ENERGY AGENCY

THE FOLLOWING-NAMED PERSONS TO BE THE REPRESENTATIVE AND ALTERNATIVE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE THIRTY-FIRST SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY:

REPRESENTATIVE:

JOHN S. HERRINGTON, OF CALIFORNIA.

ALTERNATE REPRESENTATIVES:

RICHARD T. KENNEDY, OF THE DISTRICT OF COLUMBIA.

BRUCE CHAPMAN, OF WASHINGTON.

LANDO W. ZECH, JR., OF VIRGINIA.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 16, 1987:

DEPARTMENT OF AGRICULTURE

MILTON J. HERTZ, OF NORTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

EWEN M. WILSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

EWEN M. WILSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

INTRAVENOUS SUBSTANCE ABUSE AND AIDS PREVENTION ACT OF 1987

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. RANGEL. Mr. Speaker, today I have introduced the "Intravenous Substance Abuse and AIDS Prevention Act of 1987."

Acquired immune deficiency syndrome—AIDS—is perhaps the most pernicious enemy ever faced by this Nation. This disease could literally destroy us from within. AIDS, however, is not only a direct threat to our national health and well being, it is also a deadly indicator of another disease infecting our society—intravenous [IV] drug abuse. Intravenous drug abuse is the second most frequent means of transmitting the human immunodeficiency virus [HIV], which causes AIDS. The legislation I have proposed would authorize Federal funds for grants to expand drug abuse treatment, establish prevention programs, and provide services to reduce the spread of AIDS through intravenous drug abuse.

The Centers for Disease Control report over 40,000 cases of AIDS. They project 270,000 cases by 1991. Since there is no known cure for the disease, most of these individuals will die.

Among the reported cases of AIDS, heterosexual intravenous drug abusers constitute 17 percent. If the cases of AIDS among homosexuals who are also IV-drug users are added to the heterosexual IV-drug users, intravenous drug abuse accounts for approximately one-fourth of all AIDS cases.

AIDS is transmitted among intravenous substance abusers through the use and sharing of needles, syringes, swabs, or other drug-related implements, contaminated with HIV infected blood. AIDS can be transmitted rapidly among intravenous substance abusers in a given geographic area. These individuals are only the first of the victims in the IV-drug use/AIDS chain. Once a group of intravenous substance abusers becomes exposed to the HIV virus, they become the primary source for heterosexual and perinatal transmission of AIDS.

Although female and perinatal AIDS cases constitute only a small proportion of AIDS cases, the association between these cases and IV-drug use is startling. More than 50 percent of women with AIDS are intravenous drug abusers. The second largest group of women at risk for contracting AIDS are women who are the sexual partners of intravenous substance abusers. There are currently more than 500 pediatric AIDS cases. The overwhelming majority of pediatric AIDS patients, infected through maternal transmission, were children of intravenous drug users.

On July 27, the Select Committee on Narcotics Abuse and Control, which I chair, held a hearing on "Pediatric AIDS" at Harlem Hospital in New York City. To date, Harlem Hospital has cared for at least 60 children infected with the HIV virus. At any one time, there are 8 to 12 such children in the hospital.

In Harlem, as in the Nation, most of these children contract the AIDS virus from their mother during pregnancy or during the process of delivery. Most of the infected mothers are either past or present intravenous drug users or have had sexual relations with someone who has the virus, usually an intravenous drug user. It is easy to judge these women and simply condemn them for their behavior. Such posturing, however, will not prevent more babies from becoming infected; it will not help those babies already afflicted with the disease; and it will not change the behavior of the adults who are transmitting this plague.

Preventing and reducing the transmission of AIDS among intravenous drug abusers is one of the most effective ways to prevent and reduce the heterosexual or perinatal transmission of AIDS. For that reason, I have introduced the "Intravenous Substance Abuse and AIDS Prevention Act of 1987." This legislation would provide $400 million for grants to expand drug abuse treatment services for intravenous drug abusers, for demonstration projects to reduce and prevent the incidence of AIDS in infants and to provide support to infants who have AIDS, and for prevention programs to arrest the spread of AIDS related to intravenous drug abuse.

Specifically: The bill authorizes $200 million for the Secretary of Health and Human Services to make grants to public and private nonprofit entities to provide treatment services to intravenous substance abusers.

The grants will enable these programs to make available to such abusers, and to their sexual partners, counseling and education services to prevent the transmission of HIV and testing to determine HIV infection.

Priority for the services will be given to geographic areas where the incidence of intravenous substance abuse is substantial relative to the incidence in other areas and, simultaneously, the incidence of HIV infection is relatively substantial. Seventy-five percent of the funding under this section of the act will be reserved for such areas. Another 25 percent of the funding will be directed toward communities where the incidence of intravenous drug use is substantial and the incidence of HIV is not, but the development of HIV may be prevented if sufficient treatment, counseling, and education services are provided to intravenous drug users; $100 million is authorized for demonstrated projects to reduce or prevent the incidence of HIV infection in infants and to provide support to infants who have such infections.

Priority will be given to communities where the incidence of infant HIV infection is substantial and the incidence of HIV among intravenous drug users is high. Secondary consideration will be given to communities where the incidence of HIV infection among intravenous substance abusers is substantial.

Services that may be provided under this grant program include:

Prenatal care for women who are intravenous drug users;

Services and financial assistance to parents of children infected with HIV;

Services and financial assistance to encourage foster care for infants with HIV;

Counseling, education, and testing services for women who are intravenous drug users and who are pregnant or at risk of becoming pregnant, to prevent the transmission of HIV; and

Counseling, education, and testing services for women who are the sexual partners of intravenous drug abusers and who are pregnant, or at risk of becoming pregnant, to prevent the transmission of AIDS; $100 million is provided for grants to prevent the spread of AIDS related to intravenous drug abuse.

Because minority communities are being disproportionately affected by AIDS related to intravenous drug abuse, the bill preference to programs providing services to minority populations in any geographic area where there is substantial intravenous substance abuse.

Projects funded under this provision would include education and counseling outreach projects for intravenous substance abusers and school based and mass media efforts.

AIDS will not simply disappear. If we wait for a cure, many will die unnecessarily. It is only through a concerted effort on the part of all segments of the community and all levels of Government that we can purge our Nation of this disease. AIDS, like small pox and polio, must become a disease of our past, not our present and future. To ensure that this happens, we must recognize the important link between intravenous drug abuse and the spread of AIDS. We must provide treatment for intravenous substance abusers and we must reach out to immunize those communities and populations most threatened by intravenous drug abuse. My bill would respond specifically to these needs.

In closing, I urge my colleagues to join me as a cosponsor of this legislation. It is essential to the preservation of our national health and national security.

Mr. Speaker, I include the Intravenous Drug Abuse and AIDS Prevention Act of 1987 at this point in the RECORD:

H.R. 3292

To establish certain grant programs relating to acquired immune deficiency syndrome among intravenous substance abusers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intravenous Substance Abuse and AIDS Prevention Act of 1987".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) More than 38,000 cases of acquired immune deficiency syndrome (AIDS) have been reported to the Centers for Disease Control, and more than 270,000 such cases are expected to be reported by 1991.

(2) Intravenous substance abusers are the second largest group in the United States that has AIDS. Of the cases of AIDS reported to the Centers for Disease Control, 17 percent are attributable to intravenous substance abuse and such abuse was a risk factor in an additional 8 percent.

(3) HIV (the virus causing AIDS) is transmitted among intravenous substance abusers through the use and sharing of needles, syringes, swabs, or other drug-related implements that are contaminated with blood infected with HIV.

(4) HIV can be transmitted rapidly among intravenous substance abusers in a given geographic area. Once a group of intravenous substance abusers becomes exposed to HIV, such abusers become the primary source for heterosexual transmission and perinatal transmission of HIV.

(5) A disproportionate number of cases of AIDS has occurred among members of minority groups. More than 80 percent of such cases attributable to intravenous substance abuse have occurred among Blacks and Hispanics and more than 90 percent of heterosexual and perinatal transmission AIDS cases related to such abuse have occurred among Blacks and Hispanics.

(6) More than 50 percent of women in the United States who have AIDS developed the disease as a result of intravenous substance abuse. The second largest group of women who are at risk with respect to infection with HIV are women who are the sexual partners of intravenous substance abusers.

(7) Most women with AIDS are in their child-bearing years, and women infected with HIV may transmit HIV to any of their children born subsequent to the mother's infection. In July 1987, the Centers for Disease Control reported a cumulative total of 460 cases of AIDS among children under 5 years of age at the time of diagnosis. Approximately 80 percent of children with AIDS who were infected through perinatal transmission were children of intravenous substance abusers.

(8) Preventing or reducing the transmission of HIV among intravenous substance abusers is essential with respect to preventing or reducing the heterosexual and perinatal transmission of HIV in the United States.

(9) To reduce and prevent the spread of AIDS related to intravenous substance abuse, additional Federal leadership and support is urgently needed to expand treatment for intravenous substance abusers, to promote efforts to prevent pediatric AIDS and provide better care for infants with AIDS, and to establish effective school and community-based AIDS prevention programs.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM FOR TREATMENT SERVICES WITH RESPECT TO INTRAVENOUS SUBSTANCE ABUSE.

(a) In General.—The Secretary of Health and Human Services may make grants to public and nonprofit private entities for the purpose of enabling grantees to provide, in accordance with subsection (b), treatment services to intravenous substance abusers.

(b) Requirements With Respect to Acquired Immune Deficiency Syndrome.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that, in providing pursuant to subsection (a) treatment services to intravenous substance abusers, the applicant will—

(1) make available to such abusers, and to the sexual partners of such abusers, counseling and education services with respect to preventing the transmission of the etiologic agent for acquired immune deficiency syndrome; and

(2) make available to such abusers testing for the purpose of determining whether such abusers are infected with such etiologic agent.

(c) Consent to Testing.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that the applicant will not, as a condition of the receipt of substance abuse treatment services, require that an individual undergo testing described in subsection (b)(2).

(d) Requirement of Provision of Services in Certain Geographic Areas.—The Secretary may make grants under subsection (a) only to applicants that will provide services under the grant in a geographic area in which, in the determination of the Secretary—

(1) the incidence of intravenous substance abuse is substantial relative to such incidence in other geographic areas; and

(2) the incidence, among intravenous substance abusers, of infections with the etiologic agent for acquired immune deficiency syndrome—

(A) is substantial relative to such incidence in other geographic areas; or

(B)(i) is insubstantial relative to such incidence in other geographic areas; and

(ii) may be prevented from becoming substantial if sufficient treatment, counseling, and education services are provided to intravenous substance abusers.

(e) Allocation of Amounts Available for Grant Program.—Of amounts available pursuant to subsection (f), the Secretary shall—

(1) reserve 75 percent for grants under subsection (a) to applicants that will provide services under the grant in geographic areas described in paragraphs (1) and (2)(A) of subsection (d); and

(2) reserve 25 percent for grants under subsection (a) to applicants that will provide services under the grant in geographic areas described in paragraphs (1) and (2)(B) of such subsection.

(f) Funding of Grant Program.—Of the amounts appropriated pursuant to section 7, the Secretary shall reserve 50 percent for the purpose of carrying out this section.

SEC. 4. ESTABLISHMENT OF GRANT PROGRAM FOR SERVICES AND ASSISTANCE FOR REDUCTION AND PREVENTION OF ACQUIRED IMMUNE DEFICIENCY SYNDROME AMONG INFANTS.

(a) In General.—The Secretary may make grants to public and nonprofit private entities for the purpose of enabling grantees to carry out demonstration projects for reducing or preventing the incidence in infants of infections with the etiologic agent for acquired immune deficiency syndrome and for providing support to infants who have such infections.

(b) Preferences in Making Grants.—The Secretary shall, in making grants under subsection (a)—

(1) give first priority to qualified applicants that will provide services under the grant in any geographic area in which, in the determination of the Secretary—

(A) the incidence in infants of infections with the etiologic agent for acquired immune deficiency syndrome is substantial relative to such incidence in other geographic areas; and

(B) the incidence, among intravenous substance abusers, of infections with the etiologic agent for acquired immune deficiency syndrome is substantial relative to such incidence in other geographic areas; and

(2) give second priority to qualified applicants that will provide services under the grant in any geographic area described in paragraph (1)(B).

(c) Provision of Certain Services.—Grantees under subsection (a) may expend grant funds—

(1) to provide for prenatal care for women who are intravenous substance abusers;

(2) to provide for prenatal care for women who are the sexual partners of intravenous substance abusers;

(3) with respect to the parents of infants infected with the etiologic agent for acquired immune deficiency syndrome, to provide services and financial assistance to parents for the purpose of aiding parents in caring for, and providing support to, such infants;

(4) to provide services and financial assistance with respect to encouraging foster care for such infants and other means by which such infants can receive care and support in settings other than hospitals;

(5) with respect to women who are intravenous substance abusers and who are pregnant or at risk of becoming pregnant, to make available to such women counseling and education services with respect to preventing the transmission of the etiologic agent for acquired immune deficiency syndrome and to make available to such women testing for the purpose of determining whether such women are infected with such etiologic agent; and

(6) to make such services and such testing available to women who are pregnant, or at risk of becoming pregnant, and who are the sexual partners of intravenous substance abusers.

(d) Funding of Grant Program.—Of the amounts appropriated pursuant to section 7, the Secretary shall reserve 25 percent for the purpose of carrying out this section.

SEC. 5. ESTABLISHMENT OF GRANT PROGRAM FOR PREVENTION OF ACQUIRED IMMUNE DEFICIENCY SYNDROME RELATING TO INTRAVENOUS SUBSTANCE ABUSE.

(a) In General.—The Secretary may make grants to public and nonprofit private entities for the purpose of enabling grantees to provide counseling and education services with respect to preventing the transmission of the etiologic agent for acquired immune deficiency syndrome directly or indirectly through intravenous substance abuse.

(b) Preferences in Making Grants.—The Secretary shall, in making grants under subsection (a), give preference to qualified applicants that will provide services under the grant to minority populations in any geographic area in which, in the determination of the Secretary, the incidence of intravenous substance abuse is substantial relative to such incidence in other geographic areas.

(c) Provision of Certain Services.—Grantees under subsection (a) may expend grant funds—

(1) to provide counseling and education services described in such subsection through outreach services to intravenous substance abusers; and

(2) to provide education services described in such subsection through the dissemina-

tion of information throughout the geographic area involved, including dissemination in school systems and through means of mass communication.

(d) FUNDING OF PROGRAM.—Of the amounts appropriated pursuant to section 7, the Secretary shall reserve 25 percent for the purpose of carrying out this section.

SEC. 6. GENERAL PROVISIONS.

(a) REQUIREMENT WITH RESPECT TO INCREASE IN SERVICES.—The Secretary may not make a grant under any of sections 3 through 5 to an applicant unless the applicant agrees that the applicant will not expend amounts received under the grant involved to supplant any funds otherwise available to the applicant for the purpose for which such grant is to be made to the applicant.

(b) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under any of sections 3 through 5 to an applicant unless the applicant has submitted to the Secretary an application for the grant involved. The application shall, with respect to carrying out the purpose for which the grant is to be made, provide assurance of compliance satisfactory to the Secretary and shall otherwise be in such form, be made in such manner, and contain such information and agreements as the Secretary determines to be necessary to carry out such purpose.

SEC. 7. AUTHORIZATIONS OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated $400,000,000 for fiscal year 1987 and such sums as may be necessary for each of the fiscal years 1988 through 1990.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) The term "intravenous substance abuse" includes substance abuse through subcutaneous injection and intramuscular injection.

(2) The term "Secretary" means the Secretary of Health and Human Services.

FINANCIAL DISCLOSURE FOR CONGRESSIONAL STAFF WITH SECURITY CLEARANCES

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. WORTLEY, Mr. Speaker, over the last few years, our country has faced a distressing number of espionage cases as well as the continuing problem of leaks of national security secrets. The debacle at the U.S. Embassy in Moscow is still another reminder that we are not vigilant enough when it comes to our Nation's security.

We expect other governmental institutions to maintain strict oversight of their employees who hold security clearances. Why shouldn't Congress keep track of its own employees with security clearances? It's time we in the Congress set an example for a standard of conduct and put our own house in order to help prevent future breaches of security. To that end, I am reintroducing legislation amending the 1978 Ethics in Government Act to require that all legislative branch employees with a security clearance of secret or higher file a financial disclosure statement with the appropriate officials in the Congress.

Financial disclosure will help prevent the temptations involved in having access to national security secrets which could be extremely valuable to our enemies. Disclosure forms are filed under oath, and an intentional falsification or omission could subject the filer to criminal penalties. This would help discourage congressional employees from engaging in even the most casual agreement with foreign agents. At the very least, the forms could disclose to the appropriate officials information that could cause a reinvestigation of an individual.

I believe financial disclosure statements are a basic way to keep track of those persons with security clearances. To be sure, most employees who are granted security clearances would not dream of compromising our national security, but it often only takes one person to do a lot of damage. I believe a financial disclosure statement would keep a check on those individuals who may be tempted by the promise of big money or who are being manipulated, possibly blackmailed, to divulge secrets.

The privilege of receiving a security clearance carries with it a responsibility to our country. Financial disclosures are presently required by law for Members of Congress and a key staff member of each Member. Is it any less important to require an annual disclosure from those individuals who are exposed to our country's most valuable secrets?

It is time for the Congress to take a first step in stopping the flow of sensitive information to our adversaries. I hope my colleagues will join me in support for this legislation.

AN INTERVIEW WITH COMMANDANTE DANIEL ORTEGA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. SOLOMON. Mr. Speaker, the Associated Press tells us that the next issue of Playboy magazine will publish an interview with Commandante Daniel Ortega, who is quoted as saying he "would really like to be doing what Che (Guevara) did"—in other words, spreading Marxist revolution throughout the Western Hemisphere.

We've also been reading that Commandante Ortega plans to visit his masters in Moscow November 7, the very day that the Guatemala City peace plan is to take effect. And now we read that you, Mr. Speaker, think this display of utter contempt for the West will, and I quote, "have the effect of producing less dependence on Moscow and Havana."

Mr. Speaker, I'm sure you treat mules in Texas the same way we treat them in upstate New York. Sometimes we have to hit them in the head with 2-by-4's a few times before they get the message. I really don't know how many times Communists have to tell us they are Communists, dedicated to world revolution, before we believe them. Perhaps it will be when the Sandinistas show up at your district office, which is a lot closer to Managua than it is to Albany. You might want to keep that in mind when you read the interview.

IN HONOR OF THE 40TH ANNIVERSARY OF THE SCHOOL OF VISUAL ARTS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. GREEN. Mr. Speaker, it is my pleasure and honor to report that the School of Visual Arts, located on East 23d Street in my district, is celebrating its 40th anniversary this year, and began its observance Monday in fine fashion with an exhibition of poster art at the Cooper-Hewitt Museum (also within the district), the Smithsonian Institute's National Museum of Design.

The Nation's largest degree-granting, independent art college with over 6,000 students, the School of Visual Arts pioneered, and maintains today, a teaching philosophy of hiring only working professionals. With a faculty of 650, the school boasts an instructor-pupil ratio of better than 10:1, and has numbered among its teachers some of the most renowned design artists of this century, such as Milton Glaser, Marshall Arisman, Paul Davis, and Bob Giraldi to name but a few. With the benefit of such caliber of instruction, it is no wonder that 87 percent of every graduating class are working in their major fields within a year. Some 2,200 full-time undergraduates, the most talented of whom are offered generous scholarships, take courses in six major subjects: art education, film, fine arts, media arts, photography and journalism. The master's of fine arts degree is also offered, and the school is admirably committed to continuing education, with some 4,000 adults enrolled.

Perhaps most important, however, has been the SVA's contribution to art in the public domain, especially in the subways. While "underground" in the most literal sense, this art could hardly have a more broad-based audience since the subways are ridden by millions daily. The posters have moved beyond their original forms of simple institutional advertising to take on wider concepts, with the most outstanding of the diverse array of the past four decades going on display this week. I expect that the decades to come will feature more innovation and creativity from the cream of the country's design talent, and under the guidance of Silas Rhodes, the founder and current chairman of the board, and his son David, the current president, the School of Visual Arts will continue to flourish as one of New York's most vital artistic forces.

BERLIN, PA, SESQUICENTENNIAL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. MURTHA. Mr. Speaker, I am very pleased to recognize the celebration of the 150th anniversary of Berlin, PA.

In recognizing such historical moments, we remember our past as a way to learn about our present and future. We have underway in Somerset County and eight other counties in western Pennsylvania, a major historical tourism project that recognizes the contributions of that area to America's industrial growth. The people of Berlin made a major contribution to that growth.

In this ceremony we remember the people of those 150 years who contributed to our region and to America. These are our ancestors that mined the coal that fueled our Nation, started the farms that made us the breadbasket of the world, labored in the mills and factories that made us an industrial power, and started the traditions of family, loyalty, and honor that are the cement of America's character.

It is always amazing to me to think back and realize that over the last 150 years, the people of a community like Berlin have seen America withstand a Civil War, send its young men to fight in two World Wars and other conflicts, suffer through depression, recession, and natural disaster, and see America and the region challenged from a hundred different directions. But in seeing what the ancestors of Berlin have overcome and the challenges they have met, it is a reminder to us all that deep in the American fabric rests the characteristics to see us through whatever present and future crises we face.

My congratulations to the Berlin community on its sesquicentennial, and continued good wishes for the people of the community.

WINPISINGER CALLS FOR FAIR TRADE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. VENTO. Mr. Speaker, the national debate on how to effectively restore fair trade and reduce our unprecedented trade deficit continues. There are, of course, many different views on how our Nation should respond to this serious problem. Many different points of view were recently expressed at the Second Annual Global Logistics Symposium at Princeton University. During this symposium, more than 20 leaders from business, labor, academia, and government met to discuss international trade issues and how they affect our Nation's economic future.

One of the more provocative and throughtful addresses to the symposium was delivered by William W. Winpisinger, president of the International Association of Machinists and Aerospace Workers. Mr. Winpisinger's call for "a level playing field" in international trade is compelling and persuasive. I ask unanimous consent that Mr. Winpisinger's remarks be printed in the RECORD.

The remarks follow:

NOTES FOR REMARKS BY WILLIAM W. WINPISINGER

(International President, International Association of Machinists and Aerospace Workers)

We thank the Center for Logistics and Transportation for this opportunity to present a trade union view on global logistics and international economics. It will be an unaccustomed experience to attempt to beard the lion in its den.

I'll waste no time in putting our position up front.

We detect not a little chicanery and hypocrisy in discussing the current competitiveness craze in terms of economic nationalism, when, in fact, the primary actors and agents in the game are multinational corporations (MNCs). Certainly, U.S.-based MNCs claim no allegiance to country or government. Rather, they fly a flag of convenience in bottom-line quest for market penetration or domination, resource control, cost-minimization/profit-maximization, or all of the above.

Here's a viewpoint that seldom—almost never—gets presented to officialdom or the public at-large. When U.S. based MNCs buy into; co-produce with; transfer capital, technology and management to; invest in or otherwise make direct foreign investment for production offshore (goods or services); but for sale back in the home market, then in terms of economic nationalism, America's "competitiveness" is enormously deprived, while that of our "competitors" is greatly enhanced.

As long as this uninhibited free flow of largely private capital and technology persists for purely private reasons, then U.S. "competitiveness will remain anemic, for the obvious reason that U.S.-based MNCs are also foreign competitors.

Their corporate balance sheet and income statement compete against our national income accounts and balance of payments. Those MNC ledgers also compete against the bottom-line standard of living of most working and unemployed citizens here in the home economy.

With the trade deficit currently standing at somewhere around $170 billion and probably another third of that amount escaping Customs and Census Bureau accounting—which red ink continues to hemorrhage and coagulate on the Special Trade Representative's doorstep—then the "competitiveness" craze seems likely to become chronic and maybe even deteriorate into some severe form of economic psychosis. (For whatever its worth, we don't expect the Federal Reserve Board with Alan Greenspan, Barbara Walters, and a new brand of Broadway Economics to escape the phychosis. A Right Wing Reaganite majority on the FRB, seems determined to continue to keep Economics a nasty and brutish pseudo-science—a new media star Chair notwithstanding).

Within the parameters of orderly and fair trade—fair meaning that labor as a factor of production has at least equal priority with capital and management—we believe corporate sovereignty and behavior must be licensed in the national interest in terms of national needs, priorities and values. U.S. International trade policy ought to be complementary, not contradictory, to our domestic policies and priorities.

Our major trade competitors play the game that way, and they're enjoying trade surpluses, not trade deficits.

On the other hand, Newly Industrialized Countries (NICs) and Lesser Developed Countries (LDCs) in almost all cases enjoy an authoritarian's "comparative advantage" of substandard civil, human, political, labor and trade union rights. Environmental, safety, health and protections against hazardous and toxic industries are lacking or substandard, too.

In all trade deals, agreements, and treaties, uniform and parity standards to raise ecological, environmental, human and labor rights, and to enhance living standards ought to be a condition precedent to free entry of goods and services into the U.S. market. Specifically, we believe signatory nations of the General Agreement on Tariffs and Trade (GATT) should impose trade sanctions on the products of nations whose businesses and corporations violate fundamental economic, political and social rights.

It is ironic that some 73 nations have agreed to trade sanctions on countries that violate agreements to protect wild animal life, but none has yet been willing to strike a similar bargain to protect human beings.

Without those measures, the global economy will continue to be exploited rather than developed. And the new MNC global sovereignty linked and allied with authoritarian regimes in NICs and LDCs, will continue to undermine effective demand—not to mention democracy—in our domestic economy, while failing to build and expand new consumer-based markets in the exploited ones.

It is a "zero-sum" game, the rules of which can and must be changed.

We notice that much of this current competitiveness craze is based on a cost-cutting binge. Academics and management officials alike will surely pardon us if we point out that it is a basic economic principle that cost-cutting in and of itself creates no economic growth nor new wealth. Cost-cutting, too has its point of diminishing return and optimal effect. In particular, when cost-cutting is applied almost universally to labor and to substituting other factors for labor, maximum efficiency equations and goals may be achieved at the expense of aggregate effective demand and a market that can buy that which it produces.

In other words, how many cars, TV sets and personal computers can Koreans, Indonesians and Mexicans buy for personal consumption on wages of 50 cents an hour or less and some food rations? And assuming this globalization of production process continues over another decade—as most MNC moguls and their free-trader allies in academia and government vow it will—how long before low-wage deindustrialized U.S. workers cannot buy imports—cheap or otherwise?

Alabama, after all, implemented a cheap-wage, anti-union economic development strategy in 1936. It was an undeveloped economy then, and it is still undeveloped fifty years later.

Globally, struggling people in the Southern Hemisphere are not apt to wait 50 years more for a free-trade system to improve their lot.

For those who protect MNCs and international capital by raising the twin spectres of protectionism and Smoot-Hawley tariffs, we suggest they dig a little deeper into modern economic history. The causes of economic protectionism and Smoot-Hawley legislation were directly linked to a fanatical free-market dogma that espoused the primacy of capital and management, supply-side economics, extensive substitution of technology for human labor, and a massive almost universal cost-cutting binge against wages.

More than one economic historian has long since concluded that long term and persistent destruction of the labor economy, and, hence, the undercutting of effective demand and the consumption function, were what really led to economic protectionism at the onset of the Great Depression.

Then, as now, the federal government in the U.S. abdicated responsibility for establishing rules of the trade game and left international commerce to the fates of a free market mythology and the whims of purely private interests, the public interest be damned. It didn't work in the 1920s and it won't work in the 1980s.

There must be government intervention to protect labor and consumer interests, as well as capital, management and producer interests. We note that intervention apparently is not a bad move when it comes to correcting the excesses of fluctuating exchange rates and shoring up battered currencies, including the dollar. Indeed, the notion that a purely competitive world exists is silly in the face of reality. The reality is that transnational oligopolistic enterprises and international cartels are the dominant players in world-wide markets. They're not moving to promote competition. They're hell-bent on eliminating it.

So all the flak we hear about "competition" and "competitiveness" is illusory, if not downright deceitful and hypocritical.

What this country really needs right now is not less government and more corporate ramboism. It needs something like a Temporary National Economic Council to examine and reconsider the theoretical underpinnings, the institutional relationships and structures, and, above all, the practices of the international trading system. We need more systems analysis and less blind dogma guiding our trade apparatus and trade policies.

And that systems analysis must factor-in human values as well as the amoral equations of bionic economists and their econometric models.

In calling for this analysis and examination, we can look to at least one of the Big Three bionic economists to support us. Data Resources International's (DRI) own Otto Eckstein called for just such a thoroughgoing analysis in a 1984 report on U.S. manufacturing industries.

Said Mr. Ekstein in that report, "There are so few exceptions to the decline of the international positions of the U.S. manufacturing industries that one must seek . . . general causes that act on the entire American economy." There's a call for trade systems analysis if ever we've heard one.

Perhaps none in academia has made the point quite as forcefully or succinctly as Bruce Scott and George C. Lodge in their boo, "U.S. Competitiveness in the World Economy." "Declining U.S. competitiveness is evident in a shift from decades of trade surpluses to substantial deficits, eroding market share in almost all sectors, and declining profitability since the late 1960s.

"In addition, real, after-tax earnings of American workers have been declining since they peaked in 1972-73."

Scott and Lodge continue to make our point, when they declare, "A clear concept of national competitiveness is essential to diagnosing the problem. U.S. competitiveness means the ability to employ U.S. resources, both human resources and capital resources, so that Americans earn increasing returns while in open competition with other countries."

Finally, Scott and Lodge call for our analysis and examination of the relationships and linkages of our domestic economy with the emerging global one: "Unless the United States re-examines and modifies its basic economic strategy, it cannot expect to finance its commitments to leading the Western Alliance, increasing the domestic standard of living, and improving the distribution of income."

There you have it. We trust it isn't too disturbing to Princetonians that we've cited Harvard scholars and alumnus to back our cause. Point is, learned scholars in the rarefied reaches of academia are beginning to cut through the fog and smokescreen of free market mythology and are discovering reality to be remarkably similar to the way Machinists and working people have been describing it these past half-dozen years or more.

If Harvard can begin to see things our way, Princeton can't be far behind. Or is it already ahead?

That last line of Scott and Lodge's, about the U.S. continuing to lead the Western alliance brings up an increasingly key component of international economics, which is seldom included in the academic, corporate or government discussions. (Or any phalanx thereof, to be more precise). The neglected component of the analysis and discussion of international trade and the global economy is the link between disarmament and development.

In her annual series of excellent statistical study, entitled, "World Military and Social Expenditures," Ruth Sivard tells us that since 1960, world military expenditures have increased faster than the world's aggregate GNP per capita.

Military expenditures have more than doubled per capita (in 1983 dollars) since 1960, while GNP per capita has barely increased by half. The increase in the world's economic product over the 1960 to 1983 period amounted to a net $8.6 trillion. The growth in military expenditures during the same period was $14 trillion.

This means that military expenditures have outpaced the economic expansion on which rapidly growing population depends for improved living conditions.

The gap between the pace of the arms build-up and the growth in GNP per capita has become even more pronounced in the last three years.

As Ms. Sivard tells us, "Behind the numbers is the pain of millions of lives lost to neglect as well as to violence."

Last year, under the auspices of the United Nations, a joint declaration by a panel of 15 internationally renowned economists, which included Nobel Prize Laureate Lawrence Klein of the U.S., Walter Scheel of the Federal Republic of Germany and Inga Thorsson of Sweden, concluded that in a world of increasing interdependence, global politics is being reshaped in a way that defines security as much in economic as in military terms.

"The time has come to take into account the existence of an array of non-military threats to security in such forms as sharply dimished prospects for economic growth and social development, large scale unemployment, resource scarcity, threats to food security and severe environmental degradation," the panel stated.

"Scarce resources are better put to the formidable task of improving living standards than to military build-up."

Therefore, ". . . there is sufficient civilian need in the world which, if turned into effective demand, is a viable instrument of economic stimulation in recessionary conditions, and a feasible stimulator of research and development," according to those distinguished observers.

Still, too many policy makers and policy advisors here in the U.S. continue to think and act as if only the military sector can promote economic development. Tell that to the Vietnamese. Tell it to Central Americans. Tell it to Grenadians. Tell it to those Middle Eastern and South African and South American people who are and have been subjected to military models of development.

Certainly, the Reagan Administration puts all its stock into a military version of Lord Keynes' model. What's more, The Reagan Administration has refused to participate in the UN General Assembly's International Conference on the Relationship Between Disarmament and Development scheduled in Paris from July 15 to August 2 this year. The Administration's argument is that disarmament and development are separate issues, with no connection.

We reject that line out of hand. In a world of finite resources, and the threat of nuclear armageddon (with smart "conventional" weaponry no less destructive when taken in totality) the sensible assumption for a global political and economic strategy must be to reallocate resources away from military purposes towards socio-economic development.

Now that the U.S. is dependent on foreign credit to sustain its excessive militarism, conversion from a military to a civilian-based domestic economy and international trade system is no longer solely a moral imperative. It is a political and economic imperative. And that dependency on foreign credit inextricably links development with disarmament.

In an interdependent world, neither the developed nor the Newly Industrialized nor the Less Developed nor the Undeveloped countries can escape the consequences of global militarism and its economic costs.

Excessive militarism is responsible for much of U.S. "competitive" problems. The folks who are beating our socks off in the trade sweepstakes don't have to devote 55 percent of their public revenues to building and sustaining a gold plated Rube Goldberg military machine.

And that too has to be considered in any intelligent discussion about the world economy and the current competitiveness craze.

Thank you.

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TAX TREATMENT OF PICK AND ROLL GRAIN

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. DAUB. Mr. Speaker, yesterday I introduced a bill to more fairly deal with the income earned when a farmer does the "PIK and roll." No, it's not a new basketball play done in the corn field, but when it comes to describing the IRS's ruling on the topic I can't help but cry foul. Revenue ruling 87-17 requires a farmer who uses PIK certificates to redeem Commodity Credit Corporation [CCC] loan grain, to treat the transaction as though the certificates had been sold to the CCC. In short, the IRS considers this transaction to be income producing, requiring the farmer to pay income tax on the amount during the year of the loan repayment. Clearly, this is not income to the farmer, but rather is the repayment of a loan. Taxable gain should not be recognized by the farmer until the underlying collateral, the grain, is sold and not when a loan is repaid.

The ruling is particularly unfair because it was not announced until March 1987, after many farmers had already relied on the old rules and completed their PIK and roll transaction. The result is that many 1986 tax returns should include income from farmers' 1985 and 1986 crop. The 1985 crop would have been deferred until 1986 under section 77 of the Internal Revenue Code. If a farmer did a PIK and roll in 1986, under the ruling the repayment of the loan would also be included in their 1986 return, resulting in a doubling-up of income in 1 year.

My bill would place the farmer back in the position he was in prior to the IRS ruling, with one addition; that is, the farmer could elect to have the tax apply 9 months after the date the loan was originally received. This election is based on the similar rule which requires a CCC loan to be included in income after 9 months when the loan lapses. Under my bill, the farmer can also elect to take the gain into income when the loan is repaid, as in the IRS ruling, or when the commodity used to collateralize the loan from the CCC is finally sold. Most importantly, without the passage of this bill many farmers will be faced with the unexpected and unfair result that they will have to recognize income from two crop harvests in a single year.

GLASNOST

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. YATRON. Mr. Speaker, today the United States and the Soviet Union signed a pact in an attempt to reduce the risk of war. Certainly, all of us who value peace and human life cannot help but be encouraged by initiatives such as these. Soviet Foreign Minister Eduard Shevardnadze quoted in the September 16 edition of the Washington Post said, "I would like to think that this small gulp of hope is a prelude to a quenching of the global thirst for peace and security." Even though I long for this gulp of hope, in fact many gulps of hope, there are reasons why my thirst will not yet be satisfied.

I remain concerned about the human rights situation in the Soviet Union, in particular, the plight of Soviet Jews. Although the number of Jews emigrating from the Soviet Union is increasing and anti-Semitism is not as evident in current official policy, the issue of Jewish emigration and national rights has yet to be fully resolved. "Glasnost" will have positive effects on Soviet Jewry if it is fully implemented, but international pressure must continue so this goal can be realized.

The Soviet Union is sensitive to external criticism of its domestic practices. Mr. Gorbachev is very aware of Western concern about Soviet Jewry. He understands that compliance with the provisions of the Helsinki accords pertaining to emigration and family reunification are important to the image of the Soviet Union he seeks to export to the free world. It is, therefore, incumbent upon us to make sure human rights remains a priority in our negotiations, and to continually remind Soviet authorities of their obligations to their citizenry.

Before we can trust the word of any government, we must look to those who are governed. If the promise of liberty and justice has been denied them, how then will the promise of a reduction in arms be afforded to us.

TAKE THE AVIATION TRUST FUND OFF BUDGET

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. HOWARD. Mr. Speaker, the Committee on Public Works and Transportation will seek a waiver from the Rules Committee on Tuesday to allow an amendment to be offered on the floor to remove the airport and airway trust fund from the congressional budget process.

The increasing frustration of the American public with flight delays as well as the growing concern with safety problems make this move imperative. The unobligated balance of almost $6 billion should be spent on airport expansion and safety projects and the modernization of the antiquated air traffic control system.

The aviation trust fund is fully funded by dedicated taxes paid by users and benefiters of the aviation system. The money cannot be spent for any other purpose and it is deceptive bookkeeping to attempt to use each year's unspent surplus for deficit reduction purposes.

The increasing support for increased aviation spending has been demonstrated in newspaper editorials throughout the country. In the latest, which I submit for the RECORD, the New York Times on September 13 endorsed removing the aviation trust fund from the budget.

The article follows:

[From the New York Times, Sept. 13, 1987]

FREE THE AVIATION BILLIONS

Stung by charges that she has mismanaged the nation's air transportation system, Secretary of Transportation Elizabeth Dole blames Congress. It is responsible for the unspent $5.6 billion in the Aviation Trust Fund, she says, and thus for increased congestion and delay.

Mrs. Dole is partly right. But so are her critics. The nation's interest lies less in refereeing the dispute than in clarifying how the trust fund is to be used and *using* it. The best way would be to move the fund entirely out of the Federal budget.

About $3 billion a year collected through an 8 percent tax on airline tickets and other aviation consumption feeds the trust fund, which is sequestered by law for use in the nation's aviation system. Most of the money goes for capital purposes—equipment and facilities; airport construction and improvement; research and development. But the fund also pays for nearly half the Federal Aviation Administration's operating budget.

Despite the restrictions, however, Congress still must appropriate money from the fund each year, just as it does the Government's other funds, and the appropriation counts in the general deficit accounting. Mrs. Dole says Congress has appropriated less than the Administration has requested and less than the law authorizes for equipment and facilities. This has triggered a penalty provision designed to assure that the fund is used mostly for capital expenses as opposed to operations. For every dollar that capital spending falls below authorized levels, the F.A.A. loses two trust fund dollars for operations and must draw on the general Treasury.

Congressional spokesmen, Democratic and Republican, reply that Mrs. Dole's charge of underfunding ignores the realities of the appropriations process. The President can get away with offering a budget that gives nothing for some functions and fully funds others, like the F.A.A. But politically, Congress could not pass a budget that didn't give something to each function, even if that means funds for all fall short.

It is absurd that an issue of such importance to so many should come down to a debate over the arcana of Federal budgeting. Setting up a trust fund but leaving it subject to annual appropriation invites confusion, abuse and backbiting. The Aviation Trust Fund ought to be taken entirely out of the budget, perhaps put in a new quasi-governmental agency. That would finally let the nation's travelers buy the air transportation system they thought they had been paying for.

MEDICARE HOSPITAL PAYMENT POLICIES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. HUBBARD. Mr. Speaker, I have recently received a July 27 letter from my friend and constituent Michael L. Graue, administrator of HCA Logan Memorial Hospital in Russellville, KY, which I would like to share with my colleagues.

Mike Graue has contacted me about his views with regard to the budget reconciliation package as it relates to Medicare. His views have merit and deserve the attention of my colleagues.

I hope my colleagues will take a few minutes to read and consider his excellent and thoughtful comments. The letter to me from Mike Graue is as follows:

JULY 27, 1987.

Hon. CARROLL HUBBARD,
Congress of the United States, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HUBBARD: With Congress near agreement on the fiscal year 1988 budget resolution, it is my understanding that authorizing committees soon will meet to draft substantive provisions needed to meet budget savings targets in the resolution.

I am writing to express my views and concerns about matters likely to be considered during reconciliation regarding Medicare hospital payment policies. Decisions on these issues are of critical importance to our hospital, its future and its ability to serve the community. Logan Memorial Hospital is a 100 bed acute care facility that is classified as a rural hospital. Since you were a part of the dedication program for our new hospital 2 years ago, I know you are familiar with the community and the service area. Our patient load at present is 61 percent Medicare. These issues are vital to our existence.

First, hospitals must be provided with a reasonable increase in Medicare prices under the prospective payment system [PPS], at least equaling inflation in the hospital marketplace minus 2 percent. Moreover, efforts to "rebase" PPS, and drastically cut payments by recalculating the base used to set prices, must be avoided. Rebasing would be predicated on inadequate and invalid data and would undermine the system's incentive for efficiency.

PPS price increases have been extremely small over the past few years—0.2 percent in fiscal year 1986 and 1.15 percent in fiscal year 1987. In fact, inflation in the hospital marketplace has totaled 19.5 percent since fiscal year 1984 when the system began, but PPS prices have risen only 9.0 percent—10 percentage points or 50 percent less than initially promised by Congress.

Second, current Medicare payment methodology for hospital capital expenses should be maintained. Congress should defer action to incorporate capital in PPS for at least 2 years and prohibit the Secretary of Health and Human Services from issuing regulations that accomplish such an objective. Without specific congressional action to bar implementation of these regulations, HHS rules will take effect automatically and radically change the method Medicare uses to reimburse hospital capital expenses.

When PPS was enacted, capital costs were excluded because no one knew how best to fold such costs into prices. A solution is no closer today. Currently available information suggests that the only method of paying for capital that provides reasonable assurance of adequacy and equity is a continuation of current methodology. None of the proposed methods of paying for capital yields adequate and equitable payments.

Moreover, incorporation of capital in PPS is not needed to control new capital expenditures. Just last year, through enactement of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99-509), Congress took steps to restrain hospital capital payments. PPS incentives to control operating expenditures, combined with private-sector efforts to limit health care spending growth, already have limited capital expenditures to necessary projects.

Also realizing PPS potential depends on whether the system can offer assurance that payment will be adequate and equitable. Continuation of a 21 percent differential between urban and rural PPS prices is inequitable given changes in utilization patterns since 1982. Consequently, the rate of increase in fiscal year 1988 PPS prices for rural hospitals should be approximately 4 percent more than the increase in urban hospital prices to appropriately reduce the differential.

Because of declining volume, changing case mix and other factors, rural hospitals have a definite disadvantage. Essential hospitals should qualify for sole community provider designation—granted when an institution is the sole source of inpatient hospital services reasonably available to individuals in the area. Medicare payments also should reflect these hopitals' special needs, particularly when patient volume drops substantially and increased funds are needed to cover fixed costs to keep the facility open.

Criteria for determining whether a hospital is a sole community provider should be expanded to include all hospitals in counties where there are no other hospitals, or that are more than 25 miles or 40 minutes from another hospital. The sole community provider should have the option of selecting from two payment alternatives for a three year period: (1) current law retaining the 25 percent hospital-specific/75 percent regional price blend and special low-volume adjustment; or (2) full national rates with low-volume adjustment protection.

Periodic Interim Payments should be maintained for all providers now eligible. A policy change will result in a claims reimbursement slow-down.

Diagnosis Related Groups [DRG's] should be refined to more accurately reflect patients' severity of illness.

I appreciate your taking the tme to read this letter and consider my views and concerns. If you have questions or require additional information, I trust that you or your staff will feel free to contact me.

Sincerely,

MICHAEL L. GRAUE,
Administrator.

QUIZ ON THE U.S. CONSTITUTION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. FASCELL. Mr. Speaker, we are currently celebrating the 200th anniversary of one of our Nation's most remarkable and lasting achievements—the Constitution. During my recent Labor Day picnic in Miami, an annual tradition which I have celebrated with my constituents for the past 37 years, I distributed a quiz on the constitution for all to enjoy. This challenging quiz was prepared by Mr. Pat Collins, a highly respected teacher of 11th grade U.S. Government classes at Belen Jesuit Preparatory School in Miami. I am submitting the quiz for the RECORD today for the education and enjoyment of our colleagues here in the House. I hope that many of you will take the opportunity to research these challenging questions. For those of you who need a little extra assistance in mastering these important constitutional questions, I will provide the answers to the quiz at some future date.

CONSTITUTION TRIVIA QUIZ

(Skill Level: "Juniors")

1. The first part of the United States Constitution is called:
1. The Preamble
2. The Introduction
3. The Opening

2. The first words of the Constitution are:
1. "In the beginning . . . ."
2. "Once upon a time . . . ."
3. "We the People . . . ."

3. The Constitution was written in the year:
1. 1776
2. 1787
3. 1812

4. The Constitution was written in the city of:
1. New York
2. Washington, D.C.
3. Philadelphia

5. The number of Articles in the original Constitution is:
1. Seven
2. Ten
3. Twenty

6. The first Article of the Constitution is about the:
1. Congress
2. President
3. Courts

7. The first ten Amendments to the Constitution are called the:
1. Articles of Confederation
2. Northwest Ordinance
3. Bill of Rights

8. Secretary William Jackson and —— delegates signed the Constitution.
1. 39
2. 42
3. 55

9. The number of states in the United States of America at the time of the Constitution was:
1. 48
2. 27
3. 13

10. The oldest constitution in the world today belongs to:
1. Italy
2. The United States
3. France

(Skill Level: "Patriot")

1. The "Father of the Constitution" is:
1. George Washington
2. John Hancock
3. James Madison
4. Thomas Jefferson

2. Complete the phrase: "We the People of the United States, in Order to form a more perfect ————, establish ————, insure domestic ———— . . ."
1. Country, Justice, Peace
2. Union, Justice, Tranquility
3. Union, Liberty, Welfare
4. Nation, Justice, Tranquility

3. The Great Compromise at the Federal Convention resulted in:
1. 3 branches of government
2. a bicameral legislature
3. the electoral college
4. preserving the slave trade

4. The delegate who proposed to have a President with a lifetime term:
1. Alexander Hamilton
2. George Mason
3. George Washington

4. Elbridge Gerry
5. The Constitution was completed and signed on:
1. September 17, 1787
2. September 7, 1787
3. July 4, 1787
4. July 4, 1776
6. The 85 essays written by James Madison, Alexander Hamilton and John Jay in support of ratifying the Constitution are called:
1. Common Sense
2. The Social Contract
3. The Federalist Papers
4. The Centinel
7. The first state to ratify the Constitution was:
1. Pennsylvania
2. Virginia
3. Connecticut
4. Delaware
8. The Constitutional principle of establishing three branches of government (Executive, Legislative, and Judicial) is called:
1. federalism
2. separation of power
3. parliamentary
4. popular sovereignty
9. The First Amendment to the Constitution provides for:
1. freedom of speech and press
2. freedom of asembly and petition
3. freedom of religion
4. all of the above
10. Today the United States Constitution is preserved in:
1. The Library of Congress
2. The Museum of American History
3. The National Archives
4. The White House

(Skill Level: "Founding Father")

1. The Secretary of the Federal Convention of 1787 was:
1. James Madison
2. George Washington
3. William Jackson
4. Charles Pinckney
2. The number of delegates who attended the Federal Convention was:
1. 74
2. 55
3. 42
4. 39
3. The Virginia Plan was introduced to the Convention by:
1. William Paterson
2. Edmund Randolph
3. John Blair
4. George Mason
4. "The United States shall guarantee to every State in this Union a ——— form of government." (Article IV):
1. republican
2. democratic
3. federal
4. fair
5. The Committee of Style and Arrangement put the Constitution in its final literary form. The delegate most responsible for that work:
1. Gouverneur Morris
2. William Jackson
3. Rufus King
4. William Samuel Johnson
6. George Mason of Virginia refused to sign the Constitution because:
1. the states were weakened
2. he hated Alexander Hamilton
3. there was no Bill of Rights
4. all of the above
7. The only "Founding Fathers" to sign the Declaration of Independence, the Articles of Confederation, and the Constitution were Robert Morris and:
1. Benjamin Franklin
2. Oliver Ellsworth
3. George Washington
4. Roger Sherman
8. The three authors of The Federalist Papers all signed their names:
1. Richard Saunders
2. Publius
3. The Committee
4. Revere
9. The term "due process of law" is found in Amendments:
1. I and VI
2. III and XXV
3. IV and XII
4. V and XIV
10. On July 16, 1987, members of the 100th Congress met in Independence Hall to honor the Great Compromise of 1787. The presiding officer of that ceremony this summer was:
1. Speaker Jim Wright
2. Senator Robert Byrd
3. Congresswoman Lindy Boggs
4. former Chief Justice Burger

CIVILIANS WHO CANNOT REMAIN NEUTRAL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. MOAKLEY. Mr. Speaker, for the last 4 years, I have sponsored legislation which would temporarily suspend the deportations of Salvadoran and Nicaraguan refugees currently in the United States. On July 28, the House of Representatives passed my bill by a strong margin of 237-181. The Senate is expected to consider a similar bill sponsored by Senator DENNIS DECONCINI of Arizona in the very near future.

Mr. Speaker, I believe that Salvadoran and Nicaraguan refugees deserve temporary protection due to the violence and turmoil which has engulfed both countries. The Salvadoran and Nicaraguan refugees who have sought safety in the United States are not economic migrants, as some have contended. They are war refugees. They need our help.

Holly Burkhalter, the Washington, DC, representative of Americas Watch, Asia Watch and the Helsinki Watch has written an excellent article for the Christian Science Monitor about the special dangers that civilians of both El Salvador and Nicaragua must currently face. I think it further dramatizes the need to offer those who have fled these a temporary helping hand. Mr. Speaker, I highly recommend Ms. Burkhalter's thoughtful article to my colleagues.

CIVILIANS WHO CANNOT REMAIN NEUTRAL

(By Holly Burkhalter)

Insurgency and counterinsurgency have a particularly crude dimension in Central America, where there have been a number of attacks on civilians in recent months.

In El Salvador and Nicaragua, guerrillas and government forces are forcing civilians to aid them or are taking reprisals against civilians believed to be helping the other side. In both countries, it is difficult for civilians to remain neutral, as rebel and government forces attempt to deprive each other of civilian support.

A recent case of five killings by the Salvadorean Army illustrates the problem. In May, guerrilla combatants forced five young men from northern San Miguel Province to accompany them and armed them with guns. The men were released several days later. They sought to return to their homes without the weapons, but were captured and killed by government soldiers. The Salvadorean Army first claimed to have killed a group of guerrillas in combat, but later changed its story to accuse the guerrillas of killing the five and dumping their bodies into a well. Family members insist the unarmed victims were executed by the armed forces.

The Salvadorean guerrillas also carry out selected assassinations of civilians believed to be assisting the Army. A recent increase in such incidents appears to be a response to the Army's stepped-up efforts to recruit civilian collaborators in combat areas. From the standpoint of the Army, however, the risks run by its informers may not be a matter of great concern. As one Army officer in San Miguel was reported in April as telling a US journalist: "It makes the guerrillas nervous, because they do not know who is working for us. If they kill the person or an innocent civilian they terrorize the population, but if they do not, then we may get information."

In Nicaragua, both the Army and the contras depend upon civilians for military intelligence. Where contra forces have attempted to operate, murders of Sandinista activists and, in some cases, of their family members, are frequent. Such attacks eliminate some who might inform the government of the whereabouts of the contras, and terrorize others into silence. The contras have also kidnapped civilians and forced them into military service or into providing logistical support. Many Nicaraguan civilians have been forced to serve as bearers of supplies for the contras, or as unarmed scouts and human minesweepers who walk ahead of the contra troops.

For their part, Sandinista military units are antagonistic to civilian supporters of the contras who, they believe, provide information that makes Nicaraguan government forces vulnerable to ambushes. Accordingly, the Sandinistas have arrested hundreds of alleged contra supporters in conflict zones, denied them due process, and jailed and mistreated them. Abuses have included beatings, mock executions, deprivation of sleep and food, and threats against family members.

While the laws of war allow a government to take legal action against civilians supporting its enemies, they do not permit trumped-up charges, kangaroo courts, physical abuse, or threats against family members.

Many would argue that it is in the nature of insurgency and counterinsurgency that warring armies compete for civilian support in conflict areas and often punish those believed to have aided the opposing side.

Yet this does not mean that it is futile to try to protect human rights in the context of such wars. The parties to these conflicts also seek international legitimacy and support. By making it plain that practices which victimize civilians are not tolerable, the international community can force changes.

The armed forces were required to curb the death squads and aerial bombardments of civilians; the Nicaraguan armed forces were required to curb abuses against the Miskito Indians; the guerrillas in El Salvador and the contras in Nicaragua are being required to curb their use of land mines that kill and maim civilians. All of these curbs were forced by international public opinion.

That same pressure should be directed against both sides in El Salvador and Nicaragua who are abusing civilians they consider supporters of their enemies.

BEHAVE OR BE DAMNED

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. WORTLEY. Mr. Speaker, I would like to call the attention of my colleagues to a radio address about corporate morality given by the renowned Paul Harvey on August 22, 1987, for the ABC radio network. I submit a transcript of the address for the RECORD.

Paul Harvey is right on target with his timely report, and I hope his message is heeded. The free market system serves us well, but it is not to be confused with the free-for-all market system envisioned by the inside traders and racketeers of current infamy.

As a member of the House Committee on Banking, I am acutely aware of the role of moral abuses in the failure of financial institutions. Recent testimony before our committee by the Federal Deposit Insurance Corporation revealed that serious insider abuse, fraud, and/or apparent criminal activity contributed significantly to about one-third of the bank failures in recent years. Such offenses are an assault on our moral culture as well as on innocent taxpayers, investors, and consumers.

[Paul Harvey News, ABC Radio Network, Sept. 22, 1987]

BEHAVE OR BE DAMNED

There is a new awareness in the corporate board room that industry without morality has lost its rudder.

American leaders in politics, industry and finance have been cutting corners, bending rules, cheating.

Recently the Chairman of Chase Manhattan addressed a graduating class at Tulane with what he labeled up front as a "sermon."

Mr. Willard Butcher was appalled—and he thought those students should be—at insider trading scandals which have converted some Phi Beta Kappa graduates of the finest schools into convicted felons.

And even in the pristine halls of academia, embarrassing revelations of rule-breaking in amateur athletics.

One college president recently remarked, wryly, "We're trying to build a university that our football team can be proud of."

Scandals are not new to our nation. Ethical abuses have been with us since the Grant administration and the Teapot Dome scandals in government—through the Black Sox scandal of 1919 in sports—to the Salad Oil and Equity Funding scams in business.

But Mr. Butcher says the recent difference is that ethical abusers came to be treated like celebrities.

Recently the New York Times said the best way to ensure the success of your next dinner party is to invite Ivan Boesky, Dennis Levine or the Mayflower Madam.

The attitude seems to be, "If you're indicted—you're invited." Where Americans formerly outpaced the world in producing quality goods and reliable service, recently the short-term objectives came to be make money, get rich and get out.

But more significant than all the hanky-panky that's been going on is the response of such men as Willard Butcher. His company now has a Corporate Code of Conduct—spelling out the value standards which his employees are expected to live up to.

Motivation seminars which used to stress convince the customer, sell the sizzle, close the deal—are now espousing ethical behavior and ethical principles, "behave or be damned."

Corporate leadership is looking beyond quarterly profits to long-term societal concerns: Reg Jones at G.E., Dan Burke of ABC, Bill Pollard at Servicemaster, Irving Shapiro at DuPont, David Rockefeller and Jim Burke and John Shad. And Harvard's business school has now made the study of ethics an integral part of the curriculum.

From recent painful headlines has come a new commitment to "ethical excellence." We've discovered that if only in our own enlightened self-interest, being better and doing better is better.

UNITED STATES SHOULD NOT ABANDON YET ANOTHER ALLY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. SOLOMON. Mr. Speaker, for some reason best explained by psychoanalysts, some individuals, including, regretably, Members of this House, have chloroformed themselves into thinking negotiations with the Marxist masters of Nicaragua will guarantee peace for all time. These people, some of them well-meaning, seem to believe that if one wishes for peace hard enough, it will materialize, that if we can get people who hate us to sign a treaty, they then will love us.

One of the best newspapers in the Northeast, the Times-Union of Albany recently exposed that dangerous mentality, warning us to keep up pressures on the Sandinistas until they prove their interest in peace.

If they do, it will be a first. There is not one case in history, not one, in which a peace agreement with Communists has been worth the paper it was written on. No agreement with the Communists has ever resulted to our benefit.

Not everyone is fooled. The editors of the Times-Union, at least, can see through the wishful thinking that threatens to reach epidemic proportions these days:

STICKING WITH THE CONTRAS

Irrespective of the wisdom of Costa Rican President Arias' peace plan for Central America, the United States is more or less stuck with it. The President himself had pretty much committed himself to a negotiated settlement when he, in effect, authorized Jim Wright to draw up a plan in the administration's name. As soon as Mr. Arias' peace train left the station, however, Jim Wright jumped aboard and so—at least with one leg—did President Reagan.

The problem with the Arias plan, however, is that it might too easily permit the Sandinistas to violate its main principles while the anti-communist forces are abandoned and dissolved. The Sandinistas, that is to say, may not be serious about restoring civil and political rights and moving toward a multi-party system and open government.

It is for precisely this reason that President Reagan has so far insisted that the contras not be abandoned by the United States until the Sandinistas live up to their part of the accord and liberalize that nation's politics. Commandant Daniel Ortega, contrariwise, has lately been insisting that the peace accord, which was signed by several Central American nations last week, would not be binding unless the United States first ended its support of the contras.

There will undoubtedly be pressure from many in the United States, including many in Congress, for President Reagan to cut the contras off. The President should resist.

The fact of the matter is, Mr. Ortega and the rest of the Sandinista directorate have given little reason for the world to believe they would voluntarily move in the direction of freedom and democracy—and much reason to doubt it. In 1979, it will be remembered, the Sandinistas were also called upon to compromise with their political opponents, mostly because of heavy political pressure. The agreement that was reached included guarantees for freedom for all political parties, opposition groups and the media, as well as a system for protecting private property against arbitrary confiscation.

While agreeing to all of this in the abstract, however, the Sandinistas were busy undermining each principle in practice. All this happened, it should be recalled, when the Carter administration still looked favorably on the revolution—and was even prepared to send $75 million in aid to help out the Sandinistas. Since then, Nicaragua has gradually been converted into a quasi-totalitarian state.

Does anyone really believe that Mr. Ortega would even be talking about freedom and democracy if the contras, backed by the United States, had not all along been pressuring him in the field? Does anyone seriously believe that if left alone now the Sandinistas would quit their Marxist program for Nicaragua? Indeed, does anyone believe that the Sandinistas are any less Marxist or any less beholden to Cuba and the Soviet Union today than they were last year?

When Mr. Ortega was finally pressured into signing this latest peace accord he immediately flew to Havana to confer with Fidel Castro. Strangely, Mr. Castro gave the Sandinista leader the green light—an even more curious development than the Sandinistas agreeing to an open government.

But, as Lawrence Harrison, the former director of the U.S. Agency for International Development's mission to Nicaragua has written, "That Mr. Castro has now endorsed the Central American peace agreement is particularly telling: Does anyone believe that he really wants democratization in Nicaragua?"

Before the United States can afford to halt aid to the contras, the Sandinistas must take specific steps. These include reducing their military forces, ousting Cuban and Soviet military advisors and guaranteeing free and open elections that would provide the contras the opportunity to take part in a democratically elected government.

It is certain there will be no move toward democracy in Nicaragua without some pressure being applied. The United States cannot abandon the contras now because the contras are the only source of pressure that could force Nicaragua to reform. A piece of paper by itself, no matter how many signatories, will not do the job.

IN HONOR OF THE ANNUAL THIRD AVENUE FESTIVAL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. GREEN. Mr. Speaker, what is described as "the largest 1-day event in America" will be held in my district on Sunday, September 27. The annual Third Avenue Festival attracts more than 2½ million people to its activities. The festival this year returns to the direction of its originator, Ed Kayatt, owner of Our Town community newspaper.

Extending along Third Avenue from 68th to 96th Streets, neighborhood merchants as well as other vendors line both sides of the avenue with booths offering a variety of foods and merchandise reflective of the rich cultural diversity of New York City itself.

The Daily News will officiate over the live entertainment and celebrities that will be on hand. There will be five bandstands, one featuring Skitch Henderson's 86-piece New York Pops Orchestra. The list of celebrities include the "infamous" Morris The Cat, who claims to be running for President. the "candidate" will be accompanied by a former candidate's daughter, Eleanor Mondale.

Festival proceeds are donated to charitable and community not-for-profit organizations such as local senior groups, including Stanley Isaacs Senior Center, Burden Center for the Aging, Lenox Hill Neighborhood Association, as well as the Yorkville Common Pantry, Asphalt Green Recreation Center, the 19th Precinct Community Council and the Neighborhood Coalition for the Homeless to name but a few.

I ask my colleagues to join with me in recognition of the Third Avenue Festival organizers and of Mr. Kayatt, for their continuing commitment to the community and its organizations.

PENNSYLVANIA DAIRY FARMS OF DISTINCTION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. MURTHA. Mr. Speaker, agriculture remains the No. 1 industry in the State of Pennsylvania, and this year the Commonwealth set out to choose some dairy farms from the nearly 15,000 in the State as Dairies of Distinction.

I am very pleased to recognize five of those farms that are within Pennsylvania's 12th Congressional District. Those recognized from the area are: George C. Stahl of Somerset; Mark and Merle Mishler of Hollsopple; Tom Walker of Somerset; Donald Kalp of Acme; and John and Scott McIlvaine of Greensburg.

One of the pleasures of representing a diverse area in Congress is learning about its people and its distinctions. Over the years I have represented our area in Congress, I have learned a great deal about agriculture and the farming families of our region. Among these farms recognized are lands that have been in the family since the 18th century, and these are families that have been dedicated to preserving the land, working long, hard hours, and caring about their community.

I thought an article written about one of the farms summarized much of the feeling I have found to be a key to farming in the area. The reporter wrote that the family was "pleased the Commonwealth has recognized their farm for its beauty as well as for its usefulness. It cannot increase their sense of pride in their farm, however, because a deep devotion to the land has always been there. They will display their road sign, but they will also go about their daily chores with the same fierce determination to make the land better for the next generation."

It is a pleasure for me to extend this recognition to these special farm families, and to wish them well with their continuing farm and community activities.

LABOR STILL FIGHTS FOR FREEDOM

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. VENTO. Mr. Speaker, although we celebrated Labor Day on September 7, I would like to call my colleagues' attention to an article which was published recently in the St. Paul Pioneer Press Dispatch, September 1, 1987, by David Morris, a consultant, author, and lecturer from St. Paul.

Mr. Morris observes that "Wherever one finds a budding democracy, organized labor is usually sowing the seeds." The examples of trade union activity in such diverse nations as Poland, the Philippines, South Africa, South Korea, El Salvador, and others, are a testament to the power of ordinary people when they become organized for political and social change.

The common demand of labor movements in all of these countries and indeed here in the United States is respect for the dignity of labor and human rights. It is certainly appropriate that we reflect upon this never-ending struggle, not only on our officially celebrated "Labor Day" but every day.

I include Mr. Morris' article at this point in the RECORD:

[From The St. Paul Pioneer Press, Sept. 1, 1987]

DESPITE PERILS, BAD PRESS, LABOR STILL FIGHTS FOR FREEDOM

(By David Morris)

Trade unions are the engine of liberty. Wherever one finds a budding democracy, organized labor is usually sowing the seeds. In the Philippines, South Africa, South Korea, El Salvador, yes, even in the United States, ordinary workers have been a powerful force for justice and decency.

Three hundred fifty thousand black miners have been on strike in South Africa. Their immediate concerns were for better wages and working conditions. But Cyril Ramaphosa, general manager of the National Union of Black Miners, knows it won't stop there. So does Prime Minister Pieter Botha.

"You organize the workers and once you've organized them they take their lives into their own (hands)," says Ramaphosa. They start using that power in issues that concern the wider society.

Which is why ordinary people coming together threatens unjust regimes. And why labor organizers and leaders like Ramaphosa live in a world of constant and immediate danger. In 1980 alone 1,000 union members were killed or abducted in Guatemala. In El Salvador this spring the president of the National Association of Agricultural Workers was "detained" by soldiers. His decapitated body was found floating in the river. Shortly thereafter the president of the teachers union was shot to death.

New leaders emerge despite this brutality, a testament to the indomitability of the human spirit and to the human need for dignity and pride and respect. Ferdinand Marcos found out what happens when a people get angry and organized. Anastasio Somoza did too. So did the Polish government. In August 1980 electrician Lech Walesa led a Gdansk ship-yard strike for better working conditions. By early 1981 the strike had mushroomed into Solidarity—10 million members, 50 percent of the labor force, legal recognition from the government. For one heady moment the working class was negotiating directly with the state.

The workers demanded authority to hire and fire their own managers. They demanded free elections. When negotiations faltered Walesa declared, "The situation forces us to take upon ourselves responsibility for the fate of the nation." He made that remark in September. In December the state fought back. Martial law was declared. The army took control.

Our own history is studded with examples of workers helping us to form a more perfect union. In the great social movements of the day—civil rights, women's right to vote, child labor, Social Security, medical care for the elderly—organized labor played an instrumental role.

Next Monday is Labor Day. Our history books tell us that a national day of celebration in September was first proposed by the fledgling American Federation of Labor in 1884. What is less known is that at the same convention the AFL declared May 1, 1886 the day American workers would unilaterally declare the eight-hour day to be the legal working day. "Eight hours for work; eight hours for rest," was their cry.

On May 1, 1886, the first May Day was celebrated not in Europe or in Russia but in the United States. Three hundred fifty thousand workers in almost 12,000 businesses went on strike to demand an eight-hour day. Half of those won that demand almost immediately. The movement had a ripple effect. Fourteen-hour days were reduced to 12. Saturday became a half day in many businesses.

This spectacularly successful demonstration of worker power scared the authorities of the time as much as did Poland's Solidarity a century later. On May 4. 1886. the police killed a dozen demonstrators in Chicago's Haymarket Square. Hundreds of labor leaders were arrested throughout the country.

In the 1880s. America's political leaders called the strikers "communists." In the 1980s. Polish authorities called them "capitalists." In neither case could the label hide the workers' desire for freedom.

Recently, 40,000 South Korean workers occupied Hyundai's shipyards and engine manufacturing plants. In El Salvador, two dozen unions are on strike. In both cases the workers are demanding legal recognition. In both cases they also demand democracy.

South African miners, Hyundai auto workers, Gdansk shipyard employees, Salvadoran teachers, all want the same thing: a recognition of their value as people. Consideration. Respect. Liberty.

Unions are rarely viewed with favor by those who run our factories, our television stations, our newspapers, our governments. For a union is, by definition, an independent source of power, rooted deeply in the collective ability of those who produce our wealth. It is a subversive force in the best sense of the word. Thus we grow up not knowing that May Day began in the United States. We come to view unions as a necessary evil.

But today's headlines belie this distorted picture. Around the world, at great personal risk, millions of people are saying to the most violent, repressive regimes on earth: "Enough! We will toil no longer until we have rights."

So, to those who mine the earth and build our cars and ships, and teach our children, a toast. To liberty and justice, and solidarity.

CONSTITUTION SACRED

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. DAUB. Mr. Speaker, I include the following tribute to the Constitution for the RECORD. It is a prize-winning piece written by Roy Palmquist from Omaha, NE.

CONSTITUTION SACRED

The following is my tribute on prayer for the U.S. Constitution.

Almighty God, from this document of humanity we inherit our birthright to liberty. Inscribed in the blood of those who died for such liberty. Almighty God, grant us always the wisdom to safeguard it. The Constitution is the culmination of the Magna Carta, the Declaration of Independence and the Bill of Rights (first 10 amendments—it is the passport to human happiness and a plan of life altogether fitting and proper to truth and justice.

The Constitution is sacred. A spiritual creation conceived by God-endowed men who were deliberate and far sighted, who combined balance, flexibility and stability to make it a useful device. It endures because it embodies Christianity.

The Constitution is the vehicle which America has utilized to become the greatest nation in the world; the compass which has guided us through stress and storm; through peace and progress. By experience, it is the only way to liberty. Almight God, I pray, keep it that way.—Roy A. Palmquist.

BOLIVIA'S MONETARY REFORM LEADS TO SUPPLY-SIDE REVOLUTION

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. YATRON. Mr. Speaker, the Bolivian Government, which only 2 years ago had an inflation rate of 20,000 percent, has made exemplary progress in bringing inflation under control. The annual inflation rate is now 12.5 percent.

One major project assisting that government in stabilizing the fiscal situation was established by the United Nations Development Program [UNDP]. UNDP is reforming and implementing a new tax structure and has contributed to the creation of a new Ministry of Revenue. This is a typical effort by UNDP, where important basic infrastructural work is being implemented to assist an impoverished nation.

Mr. Speaker, I would like to commend to the attention of our colleagues an article published in the Wall Street Journal that details those efforts and successful results. The article is entitled "Bolivia's Monetary Reform Leads to Supply-Side Revolution," and was published in the Journal on July 24, 1987.

The article follows:

[From The Wall Street Journal, July 24, 1987]

BOLIVIA'S MONETARY REFORM LEADS TO SUPPLY-SIDE REVOLUTION

(By William N. Raisord)

LA PAZ, BOLIVIA.—In 1985. Bolivia's 20,000% annual inflation rate tended to over-shadow all other economic statistics. So it was no surpirse when the newly elected democratic government of President Victor Paz Estenssoro, faced with economic chaos, concentrated its efforts first on monetary control—or, rather, decontrol. The peso was devalued 93% and exchange rate controls were removed. The market now determines the value of the new currency, which was renamed the *Boliviano* on Jan. 1, 1987. The free-floating Boliviano has been trading at two to one to the dollar ever since. The government also stopped spending money it didn't have.

These short-term measures have had a dramatic effect on Bolivian economic statistics: The government's budget deficit dropped from 28% of gross domestic product in 1984 to a respectable 4% of GDP last year. and the 20,000% rate of inflation now is holding steady at a 12.5% annual rate.

However, lost in the fuss over inflation was a related, fiscal statistic: During the period of super-high inflation, the tax resource base, traditionally a low 7% to 11% of GDP, dropped to less than 1%. Thus, along with an anti-inflationary program, the new Bolivian administration had to adjust its fiscal accounting. The old tax law was progressive, and had many different codes. "It was not only confusing, it was easy to get around, Many of us, including myself, paid little or no taxes," one businessman told me.

The government had to move fast. In less than 10 months, it developed and passed a new tax law. It also asked the United Nations Development Program (UNDP) to help reform and implement the new tax structure. In addition to revamping the tax structure, UNDP helped create a new Ministry of Revenue.

Ramiro Cabezas, the new minister of revenue, says: "The previous system was eroded, corruption was generalized, the tax base destroyed. We completely discarded the old system of more than 400 codes and replaced it with seven new codes."

A basic criterion was to design a system that was as easy as possible ito enforce. For example, businesses pay taxes on "presumed" income, calculated as the difference between assets and liabilities, rather than on profits. "It's a blind tax," admits Mr. Cabezas, "but assets are easier to identify than profits."

Manuel Vivado, president of an agricultural consulting firm, doesn't believe the tax is fair. "Farmers and ranchers need land, cattle, machinery and often make small profits," he says. "Banks, on the other hand, can make huge profits with relatively fewer assets. I'm examining these differences for the cattlemen's association and we will present our case to the Ministry." Yet even Mr. Vivado concedes, "In general, we support the new tax system but we believe some inequities need adjustment. I'm optimistic. It's a give-and-take process. The whole country is moving toward a more rational system."

The centerpiece of the new code is a 10% value-added tax (VAT) on all sales of goods and services. VATs have a terrible track record in Latin countries. Argentina's 18% VAT, for example, is so widely violated that shopkeepers invariably quote two prices: one with a receipt, in which the VAT is included, and one without (the latter, of course, being the cheaper).

The new Bolivian administration, however, has tried to encourage cooperation by permitting VAT taxpayers to deduct 10% of the value of their purchases from their personal-income taxes. At the same time, the top marginal rate for personal-income tax has been reduced from 35% to a flat rate of 10%. In other words, it's conceivable that many Bolivians will pay only the 10% VAT tax and no personal-income taxes! "We are not interested in taxing income," says Mr. Cabezas, "but in forcing the buyers and sellers to issue the invoice in order to have a better control on the value-added tax."

"One of the most important characteristics of the new system," notes Mr. Cabezas, "is that private banks have been contracted as collection agents. Bolivia's experience has been that when government revenue officials and taxpayers were in direct contact with each other, tax revenues fell off sharply." Banks will receive a flat fee for every form processed plus a negotiated commission (around 2%).

To implement this unique system, the UNDP team is developing a computerized software system that will enable the banks to accurately and efficiently process payments and then turn the records on tape over to the Ministry. For the first time in its history, the government will have a system of record keeping that will enable it to quickly identify those who haven't paid their correct taxes. Moreover, says Omar C.M. Spinelli, director of the UNDP team, identification by computer further reduces the possibility of corruption.

The customs tax also was rewritten. The old system yielded only an estimated 4% to 5% of the estimated value of imports. The rates varied, but typically were quite high, topping off at 80% for luxury items. They also encouraged wholesale smuggling. Also, legitimate businessmen were forced to give up their sale of imported goods and switch to locally made products. A small-business man I knew in the 1960s had a thriving business selling imported kitchen and bathroom fixtures—sinks and tubs. Now his shop is filled with small locally produced items ranging from cosmetics to hair lotion. Why? "I couldn't pay the import tax and still make a profit," he told me.

The new tax is a flat 20% across-the-board levy. It is designed to encourage legal imports, reduce the incentive to smuggle and realign incentives to import with market factors. Perhaps it's too early to say that the flat rate has had a supply-side effect in stimulating growth. But officially registered imports were up 30% in 1986, and a further increase is projected for this year.

Preliminary data also show that customs and revenue taxes have already significantly expanded government income. "Our goal," says Mr. Cabezas, "is to collect 4% of GDP in taxes this year and 7% by 1989." That should give the government the revenues it needs while leaving business with enough savings to take the lead in economic reactivation.

Bolivia still has major problems. The principal source of foreign-exchange earnings comes from the cocaine traffic. Bolivia's foreign debt is equivalent to GDP and real interest rates are 35% to 45% (interest on deposits is fixed at 18%). One-quarter of the workers are unemployed, including two out of three (20,000) miners from a once-powerful mining industry whose costs now far exceed earnings.

Carlos Mesa, a respected newsman and executive director of a private TV station here, says. "Yes, an outsider who looks at our foreign debt, weak economy and powerful narcotics trafficking could say that we are living on the edge of an economic precipice. But if you had lived here for the past few years, you would now see hope. The critical fact is that the government has put on the brakes. It has a coherent economic policy. Moreover," he adds with relief, "we have had five years of democracy and there is now a strong orientation to resolve the problems of the country within the context of democracy."

CPA'S DESERVING OF PRAISE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. FRANK. Mr. Speaker, recently, the Governor of Massachusetts, Michael Dukakis and the General Court of Massachusetts, which is the formal name for the Massachusetts Legislature, gave appropriate recognition to the important work done for all of us by certified public accountants. 1987 marks the 100th anniversity of this important profession in its current organizational form, and the proclamation by the Governor and the resolution by the legislature point out how important their work is, and correctly notes that the members of this profession are entitled to congratulations on the work they do.

I wish to extend my congratulations to the 6,700 members of the Massachusetts Society of Certified Public Accountants for their part in commemorating this important anniversary. And I include the proclamation of Governor Dukakis and the resolution of the General Court of Massachusetts in honor of CPA's at this point:

THE COMMONWEALTH OF MASSACHUSETTS—A PROCLAMATION

Whereas the Massachusetts Society of Certified Public Accountants, Inc. joins The American Institute of Certified Public Accountants in celebrating the 100th birthday of the public accounting profession in the United States; and

Whereas the Massachusetts Society of Certified Public Accountants, Inc. whose 6,700 members are trained to provide accounting and auditing services, management advisory services, tax advice, personal financial planning and other services; and

Whereas certified public accountants are employed in public practice, industry, business, government and education; and

Whereas certified public accountants play a crucial role in the business and financial community in the Commonwealth of Massachusetts; and

Whereas the Massachusetts Society of Certified Public Accountants, Inc. encourages members to adher to high professional standards of conduct and participation in continuing professional education program; and

Whereas the public accounting profession is celebrating its centennial commemorating "A Century of Progress in Accounting" in meeting the changing needs of corporations, investors, credit grantors, labor, government, and the general public;

Now, therefore, I, Michael S. Dukakis, Governor of the Commonwealth of Massachusetts, do hereby proclaim September 20-26, 1987 as "Certified Public Accountants Week" and urge the citizens of the Commonwealth to take cognizance of this event and to participate fittingly in its observance.

RESOLUTIONS CONGRATULATING THE PUBLIC ACCOUNTANCY PROFESSION ON ITS CENTENNIAL

Whereas nineteen hundred and eighty-seven marks the one hundredth birthday of the certified public accountancy profession in the United States; and

Whereas the sixty-seven hundred members of the Massachusetts Society of Certified Public Accountants, Inc., are celebrating this milestone; and

Whereas certified public accountants provide important services in the business and financial community in the Commonwealth of Massachusetts; and

Whereas certified public accountants are employed in public practice, industry, business, government, and in education; and

Whereas certified public accountants are trained to provide accounting and auditing services, management advisory services, tax advice, personal financial planning, and many other services; and

Whereas accurate financial information plays an important role in the continuing well-being of business, industry and government; and

Whereas the Massachusetts Society of Certified Public Accountants, Inc., is dedicated to promoting and maintaining the highest professional standards of practice; now therefore be it

Resolved, That the Massachusetts General Court hereby commends and congratulates the men and women in the public accountancy profession on the occasion of their centennial and for their contributions to society; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to Jere St. Angelo, president, and Theodore J. Flynn, executive director, of Massachusetts Society of Certified Public Accountants, Inc.

IN HONOR OF THOMAS J. D'ALESANDRO, JR.

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1987

Mrs. BOXER. Mr. Speaker, I feel very privileged today for the opportunity to honor the memory of Thomas D'Alesandro. While serving the people through years in public office as a Congressman and as the mayor of Baltimore, he always remained one of the people. He lived his life as we should hope to live ours, with integrity, with compassion, with care for the common person. A staunch supporter of the New Deal, the world is a better place for his having graced it. Thomas D'Alesandro made a difference. His life calls to mind what we should hope to do, and his memory lives with us as a reminder of what we can accomplish.

I had the pleasure of meeting Mr. D'Alesandro here on the House floor at his daughter's swearing-in ceremony. He was an extremely warm man, a very gracious man. He asked me to look after his daughter, Nancy. Well, I told him I would, but after watching the newest Representative from San Francisco at work, I should add, Mr. D'Alesandro, we'll look after each other.

IN COMMEMORATION OF THE 225TH ANNIVERSARY CELEBRATION OF THE TOWN OF ATHOL AND THE VISIT OF THE DUKE OF ATHOLL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. CONTE. Mr. Speaker, I rise today to commemorate the 225th anniversary of the town of Athol's incorporation. I also want to take this opportunity to honor the Duke of Atholl's visit to the town that his family helped found many years ago. The grandeur of the celebration planned by the residents of Athol should serve to tell us here in the U.S. Congress that Americans have not forgotten "the rock from whence they were hewn."

The early settlement in the area now known as Athol was originally referred to as Pequoig. Among the residents—and perhaps the largest landowner in Pequoig—was Col. John Murray. When the residents met in 1762 to incorporate the township, Colonel Murray suggested the name "Athol," as the terrain of the area reminded him of his father's dukedom in Scotland.

Since the departure of Colonel Murray, no member of the Duke's family has returned to visit the township. However, the invitation extended and accepted by the present Duke of

Athol, George Iain Murray, is a sign of the strong value that continues to be placed on tradition by the town's residents.

Upon reflection of the importance of this reunion, I am moved. So often the history of our people and our Nation is seen as a determined traveler that never looks back. Because of our Nation's rapid growth through numerous developmental stages, it is often thought that ambitions for the future blinded us to the importance of experiences with the past. This is not true of the people of Athol.

Mr. Speaker, in Athol's 225th anniversary celebration I have rediscovered the warmth that is felt in the reunion with one's past. For the residents of Athol, this visit is an opportunity to cultivate intimacy with the very foundations of their community. For the Duke, this reunion is a chance to witness the growth of the seeds planted by his family. For both, it is a chance to reflect on the inherent value of tradition.

This event is truly deserving of a grand celebration. In fact, both the residents of Athol and the Duke have determined that the importance of this visit merits the accompaniment of the Duke's private army. The Duke is the commander of the last private army recognized in Europe—an army dubbed the "Highlanders." The training and splendor of this ceremonial entourage will, no doubt, add immensely to the pride and joy that will be felt throughout the visit.

Reflection on the events of next week's ceremony calls to mind a ceremony of the past. In 1983 I attended the dedication of the newly renovated Pequoig Hotel. At that point Athol was experiencing tough times. The town had one of the highest unemployment rates in the State and the only resource available to Athol was the town's people. The completion of the Pequoig project marked a crucial first step in Athol's recovery. Since then, the downtown area has undergone a revitalization that includes the Dumont project, the renovation of the Delta building, and the upgrading of the cityscape. The strength of the revitalization required the construction of almost 200 new parking slots—and even this addition will barely meet the demands of increased business downtown.

Today, Athol's unemployment rate is significantly below the national average and civic leaders continue to plan for increased economic activity. Underlying this recent development is a strong sense of cooperation among everyone involved with Athol. While I have fought for Federal funds, State government officials, shopkeepers, industries from the area, and, of course, Athol's residents have all worked hard to fuel the momentum of this revitalization.

The celebration planned for the 225th anniversary is yet another example of the commitment felt by the residents of Athol to their community. Without a doubt the people of Athol are still the greatest resource available to the area. And I know that the 225th anniversary will not be the last concerted effort by Athol's residents. There are more projects to be undertaken and I am confident in Athol's capabilities to meet upcoming challenges.

Mr. Speaker, the ceremony and regalia that will take place during the next week will be exciting for everyone involved. Yet the strongest message from this reunion will be the warmth of kinship and community that will forever glow.

JUSTICE MARSHALL'S MEAN-SPIRITED REMARKS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. SOLOMON. Mr. Speaker, when Supreme Court Justice Thurgood Marshall rated President Reagan the worst President ever on civil rights, he not only violated all rules of courtesy and decorum, he violated the truth.

In a recent television interview, Justice Marshall exposed the frustration he must feel at the prospect of a future Supreme Court more in tune with mainstream America. All the excuses being used to oppose President Reagan's nomination of Robert Bork to the Supreme Court are being stripped away, one by one, leaving only the most blatantly partisan attacks. And to this partisanship, sadly enough, Justice Marshall is making his contribution.

President Reagan was genuinely hurt when he heard of Justice Marshall's remarks, and understandably so. Ronald Reagan, more than any man I've ever known, has never had a prejudiced bone in his body, which makes Marshall's remarks all the more mean-spirited.

I would ask Justice Marshall this question: Which has really benefited blacks more, the "Great Society" approach which nearly made blacks permanent wards of the state, or the Reagan approach, which honors the 1964 Civil Rights Act by enforcing a color-blind society and gives blacks the dignity they deserve?

I would add, Mr. Speaker, that thanks to Ronald Reagan, we have enjoyed the longest peacetime prosperity in this Nation's history. A rising tide lifts all boats, and the Reagan revolution has lifted the prospects of every man, woman, and child in this country.

OKLAHOMA HAS ANOTHER WORLD CHAMPION

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. WATKINS. Mr. Speaker, Oklahoma, which has long been a State of champions such as Jim Thorpe, Freckles Brown, Mickey Mantle, Pepper Martin, Carl Albert, and many others—again has fielded a champion and John Smith has returned my alma mater, Oklahoma State University, to international acclaim in wrestling.

John lives in Del City, OK, which is just about 20 miles too far west to be considered a part of the Third Congressional District, and he is now a senior at Oklahoma State University in the Third Congressional District of Oklahoma.

In August, John defeated Kahser Isaev of the Soviet Union, 5–4, in the 136-pound gold medal match, at the World Freestyle Wrestling Championships at Clermont-Ferrand, France, giving the United States its second and final individual title. Isaev, the defending world champion, lost to Smith 5–3, in the finals of last summer's Goodwill games in the Soviet Union. Smith's only other close match in these world championships was a 6–2 decision over a Mongolian wrestler.

This summer's events were a repeat of John's activities last year when he won two titles in the Goodwill Games.

He is believed to be the first U.S. wrestler to ever win a world title while a student in college.

Mr. Speaker, last March he won the College NCAA National Championship and was selected the Nation's Outstanding Wrestler. In July 1987, he won the gold at the Pan American games held in Indiana.

In addition, John Smith has been nominated for the Sullivan Award, which goes to the outstanding amateur athlete in the Nation.

I'm sure that my colleagues and the Nation will join me in sharing pride in John Smith's wrestling accomplishments. He brings honor to Oklahoma, to OSU, and to the United States.

JUDY HARBIN: MODEL CITIZEN

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. DONALD E. LUKENS. Mr. Speaker, I would like to honor today a young lady from Ross Township, OH who tragically lost her life in an automobile accident this past year.

Miss Judy Harbin was a very bright, personable young lady who truly epitomized the phrase "model citizen." She strove to be a better person each day and was willing to push her limit as far as possible. Her spirit was one that burned bright and touched everyone who came into contact with her. A natural leader, Judy was successful not only with her school work but also with the many outside activities and other projects that helped her community and those less fortunate than she.

Never one to say no, she also possessed a very strong and aggressive attitude. Judy was always available to give help to anyone in need of it and simply put, served as a beautiful example to other young people.

Our Nation would be much better served if we had more Judy Harbins among our young people. Judy lived a productive and fruitful, but tragically short life. She accomplished more in her few years on Earth than many people accomplish in a lifetime. I am proud that Judy called me a friend.

BICENTENNIAL CELEBRATION SPONSORED BY HEWLETT ELEMENTARY SCHOOL

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. McGRATH. Mr. Speaker, it is my pleasure to bring to the attention of this body the outstanding program being conducted by an elementary school in my district to commemorate the Bicentennial of the Constitution of the United States.

In recognition of this important day in the history of the United States of America, administrators, teachers, and students of Hewlett Elementary School will be participating in a 2-day educational celebration of patriotism and citizenship. On September 16, 1987, the students will be involved in an all-day "teach in" on the Constitution which will include local political leaders as guest speakers. The students will also join President Ronald Reagan in a nationwide Pledge of Allegiance and then proceed to recite the Preamble to the Constitution led by retired Chief Justice Warren Burger.

The second day of this patriotic celebration will be highlighted by a red, white, and blue balloon launch and a moving speech by a local appellate court judge. The students will also demonstrate their respect and admiration for the Constitution and their Nation by joining together to sing a variety of patriotic songs and hymns.

I wish to commend Hewlett Elementary School and those individuals who have made this outstanding program a reality. Stella Pompa, Rose Weinstein, Clare Lenz, and Principal Dr. Mildred David, I applaud your outstanding efforts in bringing this important moment in the history of the United States to the attention of the young people of our community. The program you have designed will certainly serve to foster increased awareness and respect among the young people of Hewlett Elementary School for this Nation and this important document which has a profound impact on all our lives.

CLARIFYING THE INTENT FOR DISTRIBUTING ASSISTANCE TO SINGLE PARENTS AND SINGLE PREGNANT WOMEN UNDER THE VOCATIONAL EDUCATION ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce amendments to the Carl D. Perkins Vocational Education Act. These amendments clarify the intent of the Congress regarding the distribution of assistance to single parents and single pregnant women under this act.

These amendments are necessary because the Department of Education has interpreted the act to prohibit service to single pregnant women under the set-aside for single parents. The amendments I am introducing today will permit service to single pregnant women.

Surely, if we can provide training to single pregnant women before they deliver, we are that much ahead of "the curve" in making these women more competitive in the labor market.

I am hopeful that these amendments can be added in conference to the House passed School Improvement Act of 1987, since it is my understanding that the Senate will include similar language to these amendments when it acts on its version of the bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF DISTRIBUTION OF ASSISTANCE TO SINGLE PARENTS AND SINGLE PREGNANT WOMEN.

(a) USES OF FUNDS.—Section 201 of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2331) is amended—

(1) in subsection (b)(4), by striking out "or homemakers;" and inserting in lieu thereof ", homemakers, or single pregnant women;"; and

(2) in subsection (f), by striking out "and homemakers" each place such term appears and inserting in lieu thereof ", homemakers, and single pregnant women".

(b) DISTRIBUTION OF ASSISTANCE.—Section 202(4) of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2332) is amended by striking out "and homemakers;" and inserting in lieu thereof ", homemakers, or single pregnant women;".

LOOKING BACK TO THE CONSTITUTION'S CENTENNIAL

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. GALLO. Mr. Speaker, as we celebrate the bicentennial of the U.S. Constitution, I would like to look back to a point in our history that is halfway between today and the day in 1787 when the delegates from the 13 States signed the U.S. Constitution and formed our current system of government.

The centennial celebration in 1887 has a special meaning to me and to my constituents, because our President at the time of this celebration was the only New Jersey born Chief Executive to serve in this high office during our first 200 years as a nation.

In tribute to the U.S. Constitution, the fundamental law of the land, and the role of President Grover Cleveland, 100 years ago on September 15, 1887, the town of Caldwell, the residents and neighboring communities will celebrate U.S. Constitution Week, from September 14 through the 21 of September, with American flags displayed at residences and business sites, and with the displaying of the specially designed Constitution flag on the town's green.

Grover Cleveland was born in the Golden Anniversary, the 50th anniversary year of the U.S. Constitution in Caldwell, NJ, and was the 22d President of the United States, presiding at the centennial celebration, the 100th anniversary of the Constitution, in Philadelphia, PA, and in the year when the Nation marks the bicentennial of the U.S. Constitution, the sesquicentennial or 150th birthday of President Cleveland is marked in his home State of New Jersey, and in his hometown of Caldwell, in northwest Essex County.

On September 15, 1887, at the official ceremony marking the centennial of the U.S. Constitution, President Grover Cleveland, the 22d and 24th President of the United States, a native of New Jersey, born in the town of Caldwell, presided at the centennial ceremony at Constitution Hall in Philadelphia, PA, surrounded by members of his Cabinet, the Supreme Court of the United States, Members of Congress, elected State and local officials, and the general public.

He spoke these words on behalf of the people of America on this historic occasion:

> When we look down upon 100 years and see the origin of our Constitution, when we contemplate all its trials and triumphs, when we realize how completely the principles upon which it is based have met every national need and national peril, how devoutly should we say with Benjamin Franklin, "God governs in the affairs of men," how solemn should be the thought that to us is delivered this ark of the covenant, and to us is given the duty to shield it from impious hands.

Although President Cleveland's style of oratory is more typical of his time than of our own, his basic belief in our Constitution as a document that has survived because it continues to meet the needs of a free people is as true today as it was in 1887.

As Caldwell and surrounding communities celebrate this day of great meaning to our Nation by honoring the man who presided over the centennial event with such grace and flare, it is appropriate to recognize the special contributions of Mayor George T. Imperial and local historian Jacqueline A. Beusse who had the foresight and dedication to make this celebration possible.

As the Member of Congress who represents these fine people in the town of Grover Cleveland's birth, I commend to your attention their efforts on this special day in our Nation's history.

VA HONORS OUTSTANDING VOCATIONAL REHABILITATION AND COUNSELING PERFORMANCES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. MONTGOMERY. Mr. Speaker, the Veterans Administration's Department of Veterans Benefits recently established an awards program to formally recognize outstanding accomplishments in vocational rehabilitation and counseling and to commend individuals for performing their duties in a clearly superior manner. The awards also recognize severely disabled veterans who, against great odds, successfully complete their rehabilitiation programs. Three individuals have won this first annual Vocational Rehabilitation Award.

Dr. James S. Porter, counseling psychologist at the VA's Jackson, MS, regional office, is being cited for his expertise in counseling seriously disabled and impared veterans, many of whom otherwise could not have obtained suitable and gainful employment.

Mr. Norbert E. Horak, vocational rehabilitation specialist at the VA's Des Moines, IA, regional office, is being cited for his examplary work in providing rehabilitation services to disabled veterans. In one case, he helped a seriously disabled combat-injured Vietnam veteran overcome physical, academic, and financial obstacles to complete his program goal of becoming a high school teacher, Mr. Horak's persistence with this veteran was rewarded and the veteran is now rehabilitated. Another severely injured combat veteran has progressed beyond the bounds of his severe physical limitations due in large measure to Mr. Horak, who will not let him give up on himself.

Finally, Mr. Errol G. McCall is VA's Disabled Veteran of the Year. Mr. McCall is a 100 percent service-connected veteran whose rehabilitation program at the VA's Hartford, CT; regional office took several years to accomplish. Although his combined disabilities could have totally excluded him from employment consideration, his determination to prepare for and acquire a suitable job motivated his case manager to work with him toward realizing his ambition. Mr. McCall is now employed at the VA regional office in Hartford as a finance division employee, and his prospects for continued employment are excellent. The Hartford regional office considers itself privileged to have Mr. McCall as a member of its work force.

The VA's vocational rehabilitation and counseling divisions around the country practice what they preach. They rehabilitate our disabled veterans and, in many cases, hire them as productive, competent employees.

Mr. Speaker, these three fine Americans will be honored on Tuesday, September 22, 1987, at a reception sponsored by the Disabled American Veterans. I know my colleagues will want to join me in offering our deep appreciation to Dr. Porter and Mr. Horak for their outstanding services. We also congratulate and applaud Mr. McCall's determination in overcoming the limitations of his disability.

A JOLT TO ARMS CONTROL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. SOLOMON. Mr. Speaker, as the United States and the Soviets move closer to signing an intermediate Nuclear Arms Control Agreement, it is crucial that we carefully evaluate the impact this agreement will have on the overall military balance.

The American people should be mindful of the serious discrepancies which exist between NATO and Warsaw Pact conventional forces, as well as the instability in the strategic balance created by Soviet strategic advances. The recent deployment of the mobile SS-24 missiles by the Soviets and our inability to deploy a similar system is the case in point. In this regard I wish to submit for the RECORD the August 17, 1987, editorial from the Providence Journal entitled "Soviet SS-24s on the move: a jolt to arms control."

[From the Providence Journal, Aug. 17, 1987

SOVIET SS-24S ON THE MOVE: A JOLT TO ARMS CONTROL

The Soviet Union has beaten the United States to the goal both nations have had of mobility for their big intercontinental ballistic missiles. The USSR has managed to put its 10-warhead, SS-24 missiles on railroad cars, thus making it difficult to pinpoint their locations. Unless the country can match the feat soon—and being a democracy rather than a totalitarian state is one of the difficulties in doing so—a period of nuclear instability looms, during which time arms control agreements may be harder to come by.

The Kremlin acknowledged its new deployment Wednesday after the White House confirmed revelations of it by Sen. Jesse Helms, R-N.C. So far, U.S. satellites have detected only five of the missiles, but since they are meant to elude detection, there probably are others hidden. How many only Moscow knows.

The SS-24 rolls around on 62,000 miles of railroad track, hiding in a thousand tunnels scattered throughout the Soviet Union. It can hit any major target in Europe or America as accurately as the immobile SS-18, now the bulk of the Soviet arsenal.

The White House called this development—which has long been anticipated by U.S. intelligence—"sobering." That understates the case.

Mobile missiles are designed to enhance nuclear stability because, as moving targets, they reduce the ability of an enemy to launch a successful first strike. This mobility makes them harder to verify, complicating arms control, but since the goal of arms control is to enhance stability by deterring first-strike adventurism, the trade-off is considered worthwhile.

Unfortunately, this trade-off in pursuit of stability assumes that mobile missiles are deployed by both sides. If done by one side alone, the effect is extremely destabilizing. And while the Kremlin has the political capacity to run the SS-24 through the streets of Moscow without worrying how Muscovites might react, the mobility of the MX—once intended as America's mobile missile—was sidetracked by the "not in my back" yard syndrome that scuttles reasonable discourse in too many areas of American politics.

One alternative to the MX, the single-warhead Midgetman, remains on the drawing board. Another, strategic defense, is years off. Neither may ever be deployed. So while the SS-24 plays hide and seek with U.S. satellites, the MX will sit defenseless and expose in old Minuteman III siloes.

Whether the SS-24 deployment violates the defunct SALT II Treaty, as Senator Helms alleges, is debatable. In any event, the U.S. can hardly complain: it abandoned the unsigned treaty last year. However, the problem is less one of treaty violations than of threats to U.S. security which were increasing regardless of SALT II.

Deployment of the SS-24 ushers in an era of superpower uncertainty in which U.S negotiators will find verifiable treaties virtually impossible to negotiate. Ultimately this means either the Kremlin must become trustworthy, or future U.S. presidents will-have to rely yet more heavily on military than on diplomatic strategies to ensure the nation's secturity.

THE SANDINISTA'S SECRET AGENDA

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. DONALD E. LUKENS. Mr. Speaker, I am inserting for the record an editorial by Morton Kondracke which appeared in today's edition of the Washington Times.

Mr. Kondracke, who is by no means a conservative, nevertheless recognizes the Sandinista's true agenda in recent "peace talks"—consolidation and expansion.

When even moderate-to-liberals like Morton Kondracke see through the false peace plans now being considered in Central America, it is time that the U.S. Congress does.

When Congress accepts that fact, they will also understand that without the pressure the Contras put on the only Communist government in Central America, the freedom of Central Americans is in jeopardy.

Peace, democracy and hemispheric security might be advanced by the Arias plan if democrats outside Nicaragua force the Sandinistas to live up to the accord they signed.

A debacle is more likely—the dismantling of the Contras in exchange for some token steps toward democracy. If this occurs, the United States will be seen as abandoning yet another force of indigenous fighters who depended upon us.

The third possible outcome is the likeliest: that the Guatemala plan will fall apart.

The peace plan's author, Costa Rican President Oscar Arias, said that on Nov. 7 he will "pass judgment" on whether the Sandinistas are following the plan's terms, but he is not optimistic about their compliance.

Various U.S. officials insist that when Mr. Arias met with President Reagan on June 17, he said that if the Sandinistas failed to democratize, "you will be free to do your thing." Mr. Arias denied this to me, but all over Latin America there is evidence that leaders and populations expect the United States to act like a great power and deal with the Sandinista threat.

A poll conducted by an affiliate of Gallup International—and published in Guatemala the day the Arias agreement was signed—strongly suggests that the Contra policy has public support in Central America and the Sandinistas do not.

The Sandinistas' strategy for dealing with the Arias plan seems directed straight at the U.S. Congress. They want the Contras off their backs at the cheapest possible price in terms of democratization—perhaps at no cost at all, if collapse of the Arias plan can be blamed on the Reagan administration and if furious Democrats in Congress then cut off Contra aid in revenge.

The Guatemala agreement also contains ambiguities that the Sandinistas are free to exploit in order to torpedo the pact.

The Sandinistas are spreading word that they are ready to comply with the pact's democratization requirements, and that they are likely to take steps showing good faith in advance of Nov. 7.

With respect to the Contras, the Sandinistas want it both ways: They say the force is less than a third as big as the United States claims, that it's demoralized and having no success on the battlefield, yet also that it's the cause of Nicaragua's economic misery and suspension of the constitution under the state of emergency.

Their bottom line is that Sandinismo stands for political pluralism, a mixed economy and a non-aligned foreign policy, and that only the enmity of the United States prevents its pacific success. The logical conclusion is that the United States should cut off the Contras and give peace a chance.

But by the evidence of history and the testimony of honest people who try to live under the Sandinistas, all of this is a colossal deception.

The truth is that the Sandinistas are Marxist-Leninists, allies of the Soviet Union and believers in world revolution. Far from making life better for the Nicaraguan people, the Sandinistas have made it worse for almost everybody.

Hiding behind a "democratic mask," the Sandinistas have always acted like ruthless communists. They killed some 800 persons after taking power. Peasants in the countryside suspected of collaborating with the Contras are often jailed for years, tortured and sometimes killed. During the 1984 elections, rallies and speeches of opposition candidates were broken up by Sandinista toughs.

Amid all this, Managua is a desperate and sad city.

The Sandinistas blame their woes on the Contras and America, but they have caused most of their economic problems themselves by confiscating land and turning most of it over to collectives. The economy is ostensibly 50 percent in private hands, but the government tells businesses what to produce, what prices to charge, what to pay workers and furnishes materials—which are almost always in shortage—on the basis of political loyalty. The annual inflation rate is more than 1,000 percent.

One gets the strong feeling that the Sandinistas signed on to the Arias plan out of desperation. What the Sandinistas want is a respite from the Contra struggle, which, by their own accounts, is costing the lives of 100 soldiers a month and driving the economy to the brink of ruin.

The Contras create leverage for the United States and other democracies—almost certainly there would be no Arias pact without them—and they provide the only hope there is of making the Sandinistas live up to the terms of the Guatemala agreement.

To make this goal a reality requires determined action on the part of the world's democrats. This effort needs private financial and moral support. The fractured internal opposition needs to unify and it needs training that could come from the political parties in the United States—or, better yet, the democracies of Europe and Latin America.

Above all, the internal opposition, the Contras, the Reagan administration and the Latin American democracies need to develop lists and timetables spelling out standards of conduct that they expect the Sandinistas to meet. Watchdog groups, American and international, need to be formed to monitor Sandinista compliance, and groups such as the Organization of American States need to be ready to inflict strong sanctions if the Sandinistas show signs of cheating.

For the world's democrats to demand that Nicaragua live up to its pledge of 1987 would be a far more humane and moral way to deal with Sandinismo than the military means employed by the Reagan administration. But until such a concerted effort is under way, the United States needs to maintain the military option.

If House Speaker Jim Wright and the other Democrats are going to abandon Nicaragua, they had best get a plan ready to house the Contras, their relatives and hundreds of thousands of other refugees in the United States. The better plan is for Congress to re-fund the Contras, put the military aid in escrow, and give peace a real chance.

PUBLISHERS WAGE BATTLE AGAINST ALCOHOL AND DRUG ABUSE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. McGRATH. Mr. Speaker, I would like to bring attention to the significant contribution the Association of Free Community Papers of Long Island has made the battle against drug and alcohol abuse in our society. The group which is made up of publishers from Nassau, Suffolk, and Queens Counties, sponsored and publicized a series of special meetings throughout the region to focus public attention on the growing threat that drug and alcohol abuse poses to our society. Officials of government agencies in the three county area made special presentations on various aspects of substance abuse in many communities.

The publishers also devoted a considerable amount of conspicuous editorial space to the promotion of drug abuse education and prevention activities.

Newspaper space, particularly in weeklies, is a valuable commodity. I commend the members of the Association of Free Community Papers for their generosity. I also congratulate them for their community involvement and commitment to helping eradicate the horrors of substance abuse. The publications involved reach nearly every home in an area of more than 4 million people. Thus, the association's campaign against drug and alcohol abuse has been a tremendous public service and resource to help deal with a critical national problem.

ON THE NATIONAL RURAL CRISIS RESPONSE CENTER

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. WATKINS. Mr. Speaker, I have today introduced a House joint resolution calling on the Congress to recognize, encourage, and support a National Rural Crisis Response Center, which is sponsored by the American Family Farm Foundation, a not-for-profit 501-3-C tax-exempt foundation formed in 1985 to promote the concept of the American family farm as an integral part of America's way of life.

There are some who say the crisis on the farm is over. They are wrong. On August 17, the New York Times reported in a page 1 story that in the past 2 years, 100 farm-stress deaths have been recorded in Oklahoma alone.

I have asked the Rules Committee to make my resolution in order as an amendment on H.R. 3030, the farm credit bill this body will be addressing Monday.

And, I have just been informed that Willie Nelson has decided to feature support of the National Rural Crisis Response Center at Farm Aid III, which will be an event of Saturday, September 19, in Lincoln, NE.

Mr. Speaker, as I said, the crisis in rural America and on the farm has not passed.

Let me share with my colleagues some facts:

The deep and severe crisis in rural America and on the American family farm is continuing.

Families are leaving the farm in record numbers and as the agriculture economy declines.

Stores are being boarded up and abandoned in rural towns and communities all across the United States.

A national survey conducted by Dr. Luther Tweeten, Oklahoma State University Regents agricultural economics professor, and agricultural economists from other southern land-grant colleges, revealed that 82 percent of Americans surveyed feel the family farm is a vital part of our heritage and should be preserved.

In August, Mona Lee Brock, a constituent of mine who lost first her farm, then her husband, stated at a Capitol grounds press conference, that during the past year there had been 54 suicides documented in Oklahoma because of the agriculture depression.

Mrs. Brock has, since her husband's death, been associated with a crises hot-line, AG-LINK, initiated by the Oklahoma Council of Churches, to respond to crisis calls from farm and rural families who have financial, legal, emotional, and medical problems associated with the farm crisis.

The National Rural Crisis Response Center is being established to serve as a national link responding to the needs of these thousands of rural and farm families. The National Rural Crisis Response Center works like this:

A person in distress will call a toll-free telephone number which will be answered by a volunteer.

Using a computer data bank, the National Rural Crisis Response Center volunteers will be able to refer the call to an appropriate local agency in the farmer's geographic area throughout the Nation to try to meet the financial, legal, spiritual, emotional, medical, shelter, or food needs.

The National Rural Crisis Response Center will be funded by private an corporate contributions with no Federal funding involved. Its neighbors helping neighbors; and

There will be no direct Federal costs involved in enacting the provision.

Mr. Speaker, I urge that my colleagues—both rural and urban—join me in cosponsoring this legislation and that it move, either as an amendment, or as a separate piece of legislation to call attention to the needs of the farm and rural community.

DIRECTOR WICK'S ADDRESS ON PUBLIC DIPLOMACY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. COURTER. Mr. Speaker, yesterday, the U.S. Advisory Commission on Public Diplomacy began holding an important conference on "Public Diplomacy in the Information Age." U.S. Information Agency Director Charles Z. Wick spoke to the assembly today on the topic of "Public Diplomacy in the Global Marketplace of Ideas." Because his address was significant, far sighted, and I believe, very well received by the audience of experts present, I think it should be reprinted in the CONGRESSIONAL RECORD so that my colleagues may give it their consideration.

PUBLIC DIPLOMACY IN THE GLOBAL MARKETPLACE OF IDEAS

(By Charles Z. Wick, Director, U.S. Information Agency)

I am delighted and honored to have the opportunity to address you this afternoon. On this 40th anniversary of the U.S. Advisory Commission on Public Diplomacy, I feel a deep sense of gratitude to those men and women who, over the years, have served on the Commission. Their advice and counsel have made an invaluable contribution to America's overseas information and cultural programs.

Over the past several years, it has been my privilege to work with Ed Feulner—a man who as Chairman of the current Commission has worked unstintingly with great dedication. And, Bob Wallach, Vice Chairman, the other members—Tom Korologos, Priscilla Buckley, Richard Scaife, Hershey Gold, and Herbert Schmertz—to each of you, let me say that your generous and productive efforts are deeply appreciated. You have performed an important service, and we salute you!

The world today is very different from what it was 40 years ago when the Commission was formed. At that time, the international structure and order inherited from the 19th century had collapsed and attempts to replace it were directed from two philosophically distinct and antagonistic power centers. This was the era of the Cold War.

America met those challenges with a sense of daring and determination. The Truman Doctrine, the Marshall Plan, NATO—these all stand as testimonials to imaginative leadership and effort. The renewed vitality of Western Europe and Japan—protected by the shield of a strong of a strong and effective deterrence—are a measure of its success.

Almost immediately, America began to move boldly beyond traditional diplomacy, and speak directly to the citizens of the world. Noteworthy were our efforts to make allies of former enemies. By 1950, twelve hundred public diplomacy professionals were running 25 information centers in the Federal Republic of Germany alone. The results were significant! Most FRG cabinet members over the past 30 years have participated in the exchange programs of those early days—long before their incumbency.

Our strong effort rested on the belief that modern diplomacy would soon have less to do with the carpeted corridors of foreign ministries than with public opinion. As Chairman Dante Fascell observed over a decade ago:

"Today the success or failure of foreign policy undertakings is frequently affected more profoundly by what people think and say than by the workings of traditional diplomacy."

America's post-war public diplomacy effort was a major success, but it was limited. Time soon ran out on the political will to sustain a large financial burden. And, the effort to reach mass populations overseas was severely limited by the technical means available.

Eventually, the financial fuel of the effort dwindled and the public diplomacy machine started to sputter. My predecessors did the only sensible thing: with fewer resources stretched over more countries, they focused and targeted. Over 97% of our cultural and information representatives came home from Germany. In Italy, all were removed from Bari, Catania, Trieste, Genoa, Palermo, and Florence.

But, in spite of these reductions, we were still able to accomplish our mission by targeting influential journalists, scholars, commentators and the like. These so-called elites carried America's message to their world—often with greater credibility than the direct voice of the U.S. government.

It was while this somewhat narrow performance was on stage that two new actors entered from the wings.

The first was the dramatic information revolution. The second—coming more recently and striding along in its wake—was Mikhail Gorbachev. Both have had a profound influence on our thinking about the future of public diplomacy.

Although the Information Age is upon us, its full and powerful sweep is still unfolding. Its force—which began as the Medieval scribes were replaced by Gutenberg's mechanical printing press—has gathered momentum and is now shaking the social, economic, political, and ideological foundations of our world.

In increasingly rapid progression have come the steam printing press, the telegraph, telephone, tape recorder, radio, television, videocassette recorder, computer, and most recently, the dazzling array of fiber optic and international satellite communication technologies.

At each stage, the limitations of time and space have been reduced to the point now where instantaneous communication from any point in this "electronic global village" can be received by hundreds of millions of people simultaneously.

The impact on our strategy has been dramatic. The inherent need to communicate with mass publics—a desire we had to suppress as we trimmed our sails and targeted only elite influentials—was suddenly able to be fulfilled. Modern technology was making it economic and efficient to reach millions upon millions of people in all corners of the globe. No longer did we have to rely solely on indirect communication through elites. Now we could reach mass audiences directly.

The global reach of the new communications technology has generated a global marketplace of ideas. And, like most markets, it is marked by disorder, conflict and the opportunity for great gain and loss.

For this reason, our failure to employ this new technology—and to use it strategically—can destroy the traditional advantages that America has had in this marketplace: the advantage of freedom; the advantage of democracy; the advantage of diversity.

Reflect for a moment! What would history say of a great nation such as ours—a nation born with these advantages—which squandered its resources and failed in the marketplace of ideas?

We can fail you know! The competition, although not naturally at home in a marketplace of ideas—or any other marketplace, for that matter—is learning fast, is unafraid to invest, and freely uses the huge advantage of deception.

This is why we have moved decisively with the expansion of major programs and the launching of new technologies: doubling Fulbright exchanges; expanding our international visitors program; modernizing and expanding the Voice of America, and starting Radio Marti; creating the global satellite television network—WORLDNET using satellite communications to send our Wireless File direct to foreign media, and to speech information to important foreign groups through our libraries abroad; and our major new overseas book development and English language programs.

We know only too well—as does Gorbachev—that, fed by a steadily improving system of instantaneous global communication—world public opinion is gradually emerging as a potent force capable of decisive influence over the policies and conduct of governments—no matter how popular or how dictatorial.

Consider the following: Audio cassettes—recorded in Paris by Khomeini and smuggled into Iran—helped overthrow the Shah. And with disastrous consequences! Fundamentalist Moslem ideas are threatening the power balance in the Middle East. A $100 million Soviet disinformation campaign stopped the U.S. deployment of the neutron bomb. False claims—trumpeted over the Soviet Union's National Radio of Iran—that America desecrated the Holy Place at Mecca led to the burning of the U.S. Embassy at Islamabad.

But, Free World radio broadcasting to the Polish people helped forge the united front of Solidarity. International telecommunications helped the bright lure of a democratic future sweep through El Salvador, the Philippines, and South Korea.

And the litany goes on!

Every day—from any where—a new story unfolds, ripples through the marketplace of ideas, and brings the force of public opinion to bear on the emerging events.

Today, in Beirut, Seoul, or Chernobyl in Johannesburg, in Geneva, or Managua. Millions of people—separated by geography, but united through the modern miracle of telecommunications—are swept into the rite of participation. As in a Greek drama—and often guided by the loudest chorus— a moral sense envelopes the participants, crying out for action and eventual resolution. And, increasingly, those in responsible positions are compelled to respond.

It is this modern: drama that we must understand. We must understand the choruses, the actors, and those who move them.

There is no doubt that Gorbachev does. Utilizing the most modern means of satellite telecommunications, he has embarked on an adventurous public diplomacy campaign, a campaign assigned to present a new image of openness to the world.

His tactic is clear—it is to have Soviet-informed world public opinion pressure free world governments—particularly those of Western Europe, Japan, and the United States—to act in a way favorable to Soviet interests.

His strategic-objective remains the same—it is to resurrect the credibility of Marxism-Leninism, to achieve political legitimacy in the West, and to bring about the rupture of the Western: Alliance by employing Lenin's own dictum that "ideas are much more fatal than guns."

Ideas? America also believes in ideas—the ideas of freedom, democracy, and diversity—and they give us a decided advantage. Gorbachev is limited by the oppressive bureaucratic rationalism of Marxism-Leninism.

In truth, Gorbachev's campaign of "glasnost," or openness, disguises an essentially closed society. "Glasnost" continues to be "gloss-over-nost," and seeks the triumph of deceit and deception over truth and honesty. A taste of Soviet "openness" does not always work to his benefit. Those with a taste of freedom should not learn too much about this new "glasnost."

Faced with these limitations, Gorbachev has focused international attention on a myth—the myth of "openness"—and he has raised the manipulation of truth to new heights. Novosti—the Soviet world-wide wire service—TASS, and Radio Moscow daily blast outrageous falsehoods about the United States, its officials and institutions.

And his reach is growing. Moving decisively to employ the latest communications technology, he has established an extensive system of earth receiving stations and geosynchronous satellites.

Today, Soviet television can be received in Western Europe, North and Central America, Southwest Asia, North Africa, and the Middle East. Just this past March, an agreement was signed with two television companies in Argentina to relay Soviet television programs to that country, and 20 other Latin American countries. Cable News Network now brings Soviet news and programs into this country.

Fortunately, USIA had begun to deploy the new satellite technology prior to Gorbachev's rise to power. By combining this new technology with our traditional programs, we forged a powerful instrument for peace.

And, we have aggressively shown that, while America continues to offer the hope of freedom, the Soviet Union—despite the vague promises of "glasnost"—offers little more than oppression.

We began this satellite effort in late 1983 with the creation of WORLDNET. Through WORLDNET, we have been able to project by satellite around the world foreign media interviews with Administration spokesmen, and news, educational and cultural programs. With a Congressional mandate, we created Radio Marti to beam the truth about America and the truth about Communism to people trapped behind Cuba's "sugar cane curtain."

The modernization of the Voice of America's transmitting facilities—now being jeopardized by an interruption of funds—will insure that its message, in 44 languages, can reach virtually all of mankind more clearly.

The slow, uncertain radio telephone—bedeviled by atmosphere conditions in transmitting our news service, the wireless file—has been replaced by instantaneity and the accuracy of modern satellite telecommunications.

We can now deliver this resource by satellite—not only to our embassies and posts—but directly to newsroom editors overseas who influence public opinion. This greatly strengthens our ability to try to compete with TASS and Novosti.

With material underwriting from the Federal Republic of Germany, we are establishing a television counterpart to our radio station in Berlin—RIAS or Radio in the American Sector. Through RIAS-TV, we will be able to vault the "wall of suppression" which surrounds that city and to broadcast the message of freedom to the people of East Berlin and the German Democratic Republic.

Notwithstanding these dramatic developments, USIA continues to stress the importance of communicating through people-to-people programs.

Indeed, during the Reagan Administration, these programs have been enhanced considerably. USIA's budget for educational and cultural exchange programs—including Fulbright scholars and International Vistors—has increased by 115% since Fiscal Year 1981. Under the President's Youth Exchange Initiative—a program designed to correct misimpression in the critical formative years—over 22,000 additional exchanges have been stimulated by USIA grants.

We have established the Central American Undergraduate Scholarship Program to address the misperceptions about America which exist throughout the region.

We are implementing the President's U.S.-Soviet Exchange Initiative to raise mutual understanding with our principal adversary to a new level.

We are training Afghan journalists so they can report the appalling truth of their struggle to the rest of the world. We have strengthened our worldwide English teaching effort. We have developed—in partnership with MacMillan Company—a new audio visual English teaching program which can be used in homes, classrooms, and over radio and television stations around the world.

We have expanded our book translation programs—particularly in Central America—and are lifting the veil of ignorance about America.

Yes, we are doing our best to propel America into this new era. But, to successfully execute a coherent strategy, all the available means at our disposal must be part of a single institutional entity. USIA has the central responsibility for American public diplomacy. The Advisory Commission has been a forceful advocate—and constructive critic—on our behalf.

The significance of a unified public diplomacy effort has also been recognized in the Congress. Through the untiring efforts of Congressmen Dante Fascell, Dan Mica and Congresswoman Olympia Snowe, the wise leadership of Congressmen Neal Smith and Harold Rogers, for whom USIA can only be most grateful—the inspiration of Senators Pell, Lugar, Hatfield, Rudman, and so many others—we now have that unity of purpose and unity of resource to be effective.

Yet, there exists a misunderstanding of the real need for a unified public diplomacy mechanism—a viewpoint that would splinter the effort and destroy the possibility for a well-designed, comprehensive strategy to meet the challenges of the information age. They would dismantle USIA into its component parts and: create an independent broadcasting entity; move educational and cultural exchanges to other institutions; relocate information and advocacy programs elsewhere in the Government.

I strongly disagree. To do so would weaken the effectiveness of all the programs. The strength of our public diplomacy depends upon utilizing the synergism of many different resources in a coordinated manner so as to effectively present the broad spectrum of American society, American political opinion, and Administration policy.

Any one of our initiatives often puts in service a variety of USIA capabilities—VOA editorials, TV, AMPARTS, Wireless File, electronic dialogues, conferences, exchanges—not to mention the coordinated relationship they all have with 217 USIA posts worldwide, State, the NSC, Defense, and other branches of government.

To fragment these resources will only fragment our purpose and lead to a deterioration of overall effectiveness.

Finally, let me remark that the success of America's public diplomacy depends—ultimately—on the kind of people we as Americans are. The moral sense of honesty and fair play that lies at the root of American life is the basic foundation for all the Agency does.

America's commitment to truth and justice, mandates USIA to pursue effective advocacy and dispassionate scholarship side by side. These principles allow us to distinguish news from editorials without diminished effect.

These principles allow us to conduct a bold defense of U.S. policy, and yet be forthright. These principles allow us to broadcast the Iran-Contra hearings as a testimony to the strength of our society. These principles allow us to send our Artistic Ambassadors overseas to be compared with professional performing artists anywhere.

Without a sense of fidelity to those two principles of truth and justice, we would fail as advocates. And we would certainly hear about it from the Congress, the President, and most certainly, from Ed Feulner and his Advisory Commission colleagues.

In closing, let us cast our gaze on the new emerging communications technology.

The prospects it offers America's public diplomacy stimulate the imagination. And yet—even the most creative imagination will probably fall short of the dazzling future.

One can see the President communicating instantly at the flip of a switch—over thousands of miles—with any government leader.

One can see our alliances made closer, more immediate, and our conflicts made less prone to dangerous accident and misunderstanding.

One can see people everywhere—people who can never hope know America firsthand—relaxing in their homes, hearing words and seeing pictures about life in America.

One can see these same people—men, women and children—thus better able to withstand the wrenching impact of deliberate falsehood and distortion of America.

Yes, one can see a new era. Imagine with me for a moment.

The new emerging technology is opening hitherto closed windows and doors. It is allowing freedom to shine in radiant splendor. Distances collapse. . . . Time evaporates. . . . Men and women pause. . . . Fresh breezes blow and warm the imagination with manifold visions of a true spring.

The landscape becomes alive with promises for a better tomorrow.

Human passions begin to stir and a sense of excitement and anticipation grips the soul.

For a "brief, shining moment" the cold, dark winter clouds of spiritual oppression and human misery—usually broken by only an occasional, but retreating ray of hope—those dark winter clouds . . . begin to recede.

I see that for so many individuals—in so many parts of the world—the new technology has become a light, a light that illumines the mind and warms the heart, a light that slowly, but inexorably germinates the seeds of freedom that lie in the inner recesses of the spirit.

Yes, I see a light that draws men and women closer together, uniting them in that often painful march to the dawning of a new spring—realizing at last the promise of "peace on earth and good will toward men."

SEMINOLE INDIAN LAND CLAIMS SETTLEMENT ACT

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. LEWIS of Florida. Mr. Speaker, as the House Member who represents two of the three Federal Seminole Indian Reservations in Florida—Brighton and West Big Cypress—I am proud to introduce the Seminole Indian Land Claims Settlement Act of 1987.

This legislation is not only of vital importance to the Seminole Indian Tribe of Florida, but also to a variety of non-Indian Floridians whose water and property rights are beneficially affected by the settlement this bill approves. Under this precedent-setting agreement, long-standing claims of the Seminole Tribe to land and water rights will be amicably settled, to the benefit of the tribe and its members, as well as the people of Florida.

Specifically, the Seminole Indian Tribe has agreed to sell to the State of Florida, at its appraised value, six sections of land in Palm Beach County from the northeast portion of the East Big Cypress State Reservation. The State has agreed to preserve this land perpetually in its natural state.

The tribe will also relinquish claims to 19 whole or partial sections of land in Broward County on the east end of the East Big Cypress State Reservation, to be included in conservation 3A and managed by the South Florida Water Management District [SFWMD]. In turn the State will transfer in trust to the United States, for the benefit of the Seminole Tribe, some 15 sections of land on the western end of the East Big Cypress State Reservation, three of which are presently subject to a flowage easement. The SFWMD has agreed to release this flowage easement on these three sections.

The dispute about rights to the flow of water across the State-recognized Seminole Reservation has prevented the tribe from developing its land, and the SFWMD and the State from implementing a flood control plan in neighboring Hendry County. Under the terms of this settlement or compact, the tribe has agreed to drop its lawsuits and its opposition to the flood control plan, and to preserve specified wetlands in the land area which will be placed in Federal trust for the tribe. The SFWMD will provide technical assistance to the tribe needed in developing a surface water management system for farmlands in the Big Cypress and Brighton Reservations.

The settlement which this bill is intended to ratify will impose no new costs on the United States. However, if litigation were to continue because the Congress does not act promptly to approve this legislation, the results could be very expensive indeed. Under its responsibility to protect the trust resources of the Seminole Indian Tribe, the United States would be obligated to financially support the tribe's suit.

This compact has already been approved by Florida Governor Bob Martinez and the cabinet of Florida, both houses of the State legislature, by the South Florida Water Management District and by the Seminole Indian Tribe themselves. Companion legislation was introduced in the Senate yesterday. My legislation merely expresses necessary congressional approval of these land transactions, and as I have stated previously, will involve no Federal payments.

If not fully approved soon, this settlement could begin to unravel, costing the tribe, the people of Florida, and the taxpayers of the United States significant amounts of money. Therefore, I urge all my colleagues to join with me in moving this legislation expeditiously through the Congress.

IN HONOR OF JUDGE MARY F. McDEVITT

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. HERTEL. Mr. Speaker, I rise today to mark 30 years of dedicated service by the Honorable Mary F. McDevitt, 39th District Court Judge in Roseville, MI.

Mary McDevitt was raised in an atmosphere of law and justice, with her father an attorney and her mother an elementary school teacher and principal in Roseville. She attended school locally and received her law degrees from the prestigious Detroit College of Law.

Her dedication to her law career began early as she worked full-time while taking prelaw classes at night. She continued with part-time work during law school. After graduation, Mary McDevitt took a position with the legal department of a local company and was appointed as an aide to the Macomb County Probate Court. She continued this through 1956, when she opened a private law office and later began serving as part-time judge.

In 1957, Mary McDevitt was elected Erin Township Justice of the Peace. The next year, she became Roseville Municipal Judge and served in that capacity until 1968. In 1969, Hon. McDevitt began serving as 39th District Judge and has been elected every 6 years since then.

In addition to her duties as judge, Mary McDevitt has participated in a number of civic and professional organizations. A few of these include the American Bar Association, the State Bar of Michigan, the Macomb County Bar Association, the American Judges Association, the Women Lawyers Association, and the American Judicature Society.

I would like to ask my colleagues to join me and her many friends in honoring Judge McDevitt's 30 years of community service and dedication. Her contributions have been more than appreciated.

ROAMIN' DAKOTA

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, a North Dakota columnist named Wayne Lubenow writes a weekly column entitled "Roamin' Dakota".

In a recent column, he commented on the Persian Gulf, the minesweepers, the U.S. Navy and Abdul and Ali.

Sometimes, a tongue-in-cheek column contains a powerful message and I decided I wanted to share Wayne Lubenow's column with the rest of my colleagues by having it inserted in the CONGRESSIONAL RECORD.

ROAMIN' DAKOTA

(By Wayne Lubenow)

If it weren't for my advancing years, a touch of arthritis in my right shoulder, a left knee that pops in & out & a wife who won't let me cross the street without guidance, I'd join the Navy again.

See, the first time I joined the Navy—it was in 1943—they put me on an aircraft carrier & sent me to the South Pacific & people shot at me & crashed airplanes into us & stuff like that.

This time I would promptly volunteer for duty on a U.S. Navy minesweeper. Frankly, I'm surprised that thousands of young men aren't lined up at Navy recruiting stations demanding to serve on a minesweeper.

That's because our minesweepers don't go nowhere.

No, they sit in ports along the East Coast where there ain't no mines & the crew gets to go on liberty every night & the livin' is easy.

Meanwhile, our Kuwaiti-turned-American supertankers are hitting mines in the Persian Gulf. (Well, one mine, anyway.)

It is mystifying to an old sailor like me why we don't have minesweepers where the mines are.

(Of course, for 3 years the whole Navy chain of command was mystifying to me.)

In World War II we always had minesweepers leading an assault on an enemy-held island or almost anywhere our fleet went.

That was so none of our ships would hit mines which I thought was sound strategy.

I guess it's different in this electronic age of push-button warfare.

Still, the scenario seems like something right out of the Keystone Kops.

President Reagan announces that America will put American flags on Kuwaiti oil tankers & that our fleet will escort them through the Persian Gulf.

So here's the Pentagon people in a huddle, all the top-ranked admirals & generals & a passel of collegebred civilian advisors who got more degrees than a thermometer.

"Here's how it stacks up," says Admiral A.J. ("Old Blood & Guts") Barnacles, "Them Iranians got some Silkworm missiles from China, but we can smack 'em. Yes sir, boys, we got the capability to destroy their missiles or any suicide planes that come in or any suicide gunboats. That's because we got the ultra-super, neon-colored, heat-seeking, radar-lock, brain-cell guided, teflon-coated, Vitamin-enriched FHT4987 anti-anti missile-missile."

Well, this so encouraged the gang in the Pentagon that they broke into a couple of choruses of "Anchors Aweigh" & began hollering things like, "Remember Pearl Harbor."

One old admiral, who apparently had too much lunch, lurched to his feet & toasted, "Back to Grenada, boys."

So in a well-publicized maneuver, our fleet began convoying those 2 Kuwaiti tankers through the Persian Gulf. Our boys were ready & loaded for bear.

Over on the beach a couple of Iranians were talking. "Hey, Ali," said one, "Have we still got a mine left & have we still got that old boat with the 40-horse Johnson motor?"

"Yeah, Abdul," Ali says, "It's laying around somewhere."

"Good," Ali says. "Hey, let's go put a mine in the path of that American convoy."

"Why not?" Abdul shrugs, "but how do we know they'll hit it?"

"Are you kidding?" Ali says, "We know their course & they're steaming in a straight line. They ain't even zig-zagging. What's more, they ain't got no minesweepers."

"Geez," Abdul says, "That's hard to believe. We been mining this gulf for 7 years & a lot of ships have gone down. The Russians are using minesweepers. Are you sure they ain't got none?"

"Trust me," Ali says, "They ain't got none. All they got is the ultra-super, neon-colored, heat-seeking, radar-lock, brain-cell guided, teflon-coated, vitamin-enriched FHT4987 anti-anti missile-missile."

"Wow," Abdul says, highly impressed, "What if they hit our boat with that?"

"Don't worry," Ali says, "They probably ain't got it turned on."

FIGHT FOR HUMAN RIGHTS MAY FIRE POLITICAL REFORM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. SAXTON. Mr. Speaker, I would like to bring the following article to the attention of my colleagues who may not have seen it yet. In this article, Natan Sharansky warns us against separating human rights issues from other dealings with the Soviet Union. This is a very timely piece, in light of Soviet Foreign Minister Shevardnadze's visit to Washington.

FIGHT FOR HUMAN RIGHTS MAY FIRE POLITICAL REFORM

(By Natan Sharansky)[1]

At 11 one night in 1982, my wife, Avital, called a friend of Prime Minister Margaret Thatcher's. It was my fifth year in the gulag and she had just heard through the grapevine ominous reports about my health. She wanted Mrs. Thatcher to bring up my case with a Soviet official scheduled to meet with the prime minister the next morning.

Obviously peeved at being awakened, Mrs. Thatcher's friend demanded, "Do you think the whole world revolves around your husband?" Avital retorted: "You should thank God for the opportunity to participate in this struggle. Without freedom for people like my husband, there is no freedom for anyone. Not for you, not for me." He seemed to agree. And so did Mrs. Thatcher, whose efforts for Soviet Jewry and human rights in the Soviet Union have been consistent and forceful.

Yet the question of the primacy of the human-rights issue in dealing with totalitarian countries is nevertheless a nagging one—and one that is highlighted this week by Soviet Foreign Minister Eduard Shevardnadze's visit to the U.S.

The Soviet treatment of human rights is so much a part of its policy toward the West that it is impossible to view it as a separate issue. Throughout Soviet history there have been periodic "openings" to the West, dictated by the need to salvage a chronically tottering economy by harnessing Western resources. They are usually accompanied by internal reforms, whose aim is to make Soviet bureaucracy less corrupt and inefficient, and Soviet society more palatable to the free world. But Soviet leaders are always careful to restrict reforms to the superstructure. Free access to Western ideas and real freedom of speech, action and movement are viewed as threats to the foundations of the system.

Regardless of the degree of "openness" toward the West at any given time, the Soviet Union has supported violent movements and regimes. It is as comfortable with such regimes as it is uneasy with democracies. In this, nothing has changed.

In other areas there have been some dramatic changes. Mikhail Gorbachev has instituted reforms intended to decimate the bureaucracy and increase productivity. And in an effort to forestall American strategic superiority and eliminate the threat of the Strategic Defense Initiative, he has adopted a conciliatory attitude in arms talks.

He has recognized the need to placate artists and intellectuals, chafing at the sight of fewer restrictions in other communist countries, and has allowed the publication of some of the books formerly on the Soviet Index. Most of these are, however, by dead authors. The dissenting living are still banned.

Some political prisoners have been released, but unlike their predecessors in Khruschev's time, they have not been rehabilitated; others still linger in prisons and psychiatric wards. The emigration of Jews has increased from less than a hundred a month in recent years to 500, but it is still a fraction of the annual rate of 50,000 in 1979, and a trickle when measured against the 400,000 who have expressed their desire to leave. A new draconian emigration law restricts applicants to those with relatives of the first degree living abroad. It thus disqualifies more than 90% of potential Jewish emigrants.

Image-building is enjoying top priority today. Soviet officials are no longer evasive and elusive. They seek the press with Madison Avenue savvy, with protestations of friendship and flexibility.

Image-building was also a primary concern in the detente of the 1970s. It permitted the Soviets to exploit public pressures created in the open societies of the West while nipping in the bud any such pressures at home. And while the West was preaching and implementing disarmament and disengagement, the Soviet Union was making violent forays into Ethiopia, Angola, the Middle East, Afghanistan and Nicaragua. When such groups as Helsinki Watch, Amnesty International and Free Trade Unions, supporters of nuclear-free zones inside the Soviet orbit, and Eurocommunists began to sprout in the Soviet Union, the KGB arrested them with ruthless dispatch. One of my fellow prisoners then named us "the hostages of detente," predicting that we would be used as bargaining chips and released at the next detente.

It was during the detente of the '70s that the U.S. Congress recognized the need to link adherence to human-rights agreements with trade agreements. In 1973 it passed the Jackson Amemdment, which is based on the premise that liberalization of Soviet human-rights policies is an indication of Soviet good faith and that the absence of such good faith makes helping the Soviet economy unacceptably risky.

This concept of "linkage" was expanded in the 1975 Helsinki accords, which packaged commitments to human rights with security arrangements in Europe and Western recognition of the postwar borders. Not surprisingly, the Soviets have been trying to unlink these ever since. Now, in the euphoria of *glasnost*, they are trying to implement their own version of linkage; extorting concessions on policy in exchange for releasing some of the hostages of detente. If the West permits itself to fall into this trap, there will be no end to it; the political price for each hostage will rise with each transaction.

The West must realize that Soviet non-adherence to human-rights contracts is not merely a humanitarian problem. On the simplest and most pragmatic level, it raises the question of credibility. Is it wise to rely on any agreements with a government that has shown nothing but contempt for its own signature on numerous agreements? Just as questionable is the West's readiness to do business with a regime whose trampling of human rights is inseparable from its global anti-Western aggression. Under such circumstances, when business dealings, technology transfers and scientific exchanges are separated from the human-rights issue, it is indeed a case of selling the Soviets the rope with which to hang the democracies.

Fighting for human rights in the Soviet Union is as politically prudent as it is morally right. It can give an impetus to the carefully controlled reforms until they acquire a momemtum of their own and bring about real change, and it can ultimately moderate Soviet foreign policy at a point where cooperation between the superpowers will be safer than playing Russian roulette.

REPRESENTATIVE MEL LEVINE PROPOSES "INVESTING IN A NEW AMERICA"

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. MACKAY. Mr. Speaker, our colleague MEL LEVINE recently delivered a thoughtful and visionary speech to the San Francisco Rotary Club about the future of America's economy.

While noting such healthy economic indicators as today's low inflation and unemployment rate, Representative LEVINE cautioned that today's prosperity is based upon growing and unsustainable debt. "How long can the world's largest debtor remain the world's greatest power?" he asked.

Congressman LEVINE proposed a different course in his speech: "Investing in a New America."

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[1] Mr. Sharansky was imprisoned for nine years in the Soviet Union. He now lives in Jerusalem.

He stressed that America is undergoing a fundamental economic transition which requires major investments in our education, job-training, and technology commercialization systems. He particularly emphasized the need to focus our attention on long-term solutions to these problems and on the discipline to accomplish these focused goals.

Representative LEVINE also rightly noted that the key to changing America's present economic course is ethical and moral, not technical. Quoting Norman Lear's observation that "the societal disease of our time is America's obsession with short-term success," Mr. LEVINE called for a return to an "older ethic built upon the ties between the generations, and a commitment to those who will follow us."

Mr. Speaker, these insights speak to us in Congress as much as to the American people, and I hope as many of my colleagues as possible will find time to read this speech, which I insert in the RECORD at this point:

INVESTING IN A NEW AMERICA

INTRODUCTION: THE BEST AND WORST OF TIMES

Many of us are confused by today's economic news. On the one hand, we are heartened by reports that today's 6 percent unemployment rate is the lowest since 1980, inflation appears under control, and the Dow Jones has passed 2600. We're in the 57th month of one of the longest recoveries of the post-war era, and it was even reported last week that the poverty rate had fallen to the lowest level since 1980.

But if we are heartened by the good news, most of us are also troubled when we read that America has become the world's largest debtor in just the last three years; that we today owe some $350 billion to foreigners, and could owe as much as $800 billion by 1990; that 31 states have been in a near-recession, and that hundreds of thousands of farmers, energy, auto and steel workers have lost their jobs and livelihoods; that a presidential commission reports America has lost its lead in 7 out of 10 new sectors like electronics and semiconductors, as well as autos and steel; and that recent trade deficits mean that Americans have consumed $500 billion more goods than they produced during the last 4 years.

What are we to make of all this? How can we be enjoying such a long recovery while simultaneously piling up debt and losing our competitiveness? Can these simultaneously be the best and worst of times?

The answer, I'm afraid, is yes. Experts of all political persuasions agree that today's strong recovery is a result of a borrowing binge threatening serious trouble in the years ahead.

It is as if you or I spent a $50,000 bank loan on clothing, cars and vacations this year. We would have enjoyed a dramatic personal "recovery" now. But future years could see our standard of living drop dramatically as we were forced to use large portions of our salary to meet loan repayments.

As Paul Volcker testified to Congress last year, "we are living beyond our means. That might be acceptable if we (had) a surge in productive investment, but we (do) not. These are not conditions that are sustainable for long".

Conservative professor Alan Meltzer says that "America's main economic problem is that we consume too much relative to what we produce. Since our borrowing is used mainly to finance consumption, we live better now but leave a debt to be serviced and paid in the future (by us) or our children".

Liberal investment banker Felix Rohatyn writes that "American fiscal folly, coupled with the inability to coordinate economic policies with Europe and Japan, has created an ever-increasing worldwide pyramid of debt that cannot withstand a major recession."

History will regard with special irony the fact that a Republican Administration that speaks so much of renewing American strength may have done more to weaken this nation than any Presidency since Calvin Coolidge. To those who doubt this, I ask one simple question: how long can the world's largest debtor remain the world's greatest power?

The answer is self-evident, and I suggest to you today that it is time to seek an alternative.

It is time to launch new initiatives to rebuild America. Our top national priority must be to strengthen our economy. With a strong economy, we can meet such other national goals as cleaning up the environment, ensuring a strong defense and ending poverty. Without a strong economy, we can do none of these things.

And the key to a strong economy is to invest in America.

We cannot borrow our way to prosperity—both history and logic suggest that no nation can indefinitely go into debt.

Nor can we become strong at home by engaging in foreign scapegoating abroad. Yes, the Japanese and others have engaged in unfair trade practices. But even if they ended these practices overnight, it would not have a major impact on our trade deficit. We will solve our trade crisis only when Americans themselves are offered high-quality American cars superior to Hondas, or top-flight video cassette recorders that are better than Sonys. A strong economy must begin at home.

And so does a strong foreign policy. America became a great military power because of its strong economy—not vice versa. If we continue to dissipate our national wealth on foreign adventures and a nuclear arms race at the expense of investing in our own economic strength at home, we will decline as a great nation as have all other great powers before us—and for precisely the same reasons.

Clearly the time has come to once again invest in ourselves—turning from foreign scapegoating to a far more exciting endeavor: seeing our schools unleash the creativity and imagination of our young people and once more become a model for the world; ensuring that we become a nation of lifelong learners, learning challenging new skills and information as frequently as we change jobs and careers; re-igniting the "Yankee ingenuity" that has been our national pride, as we rebuild our manufacturing prowess and once again experience the satisfaction of knowing that the world is turning to products and services that are "Made in America."

The reason why investing in ourselves is the key to our future is simple, but profound: the world today is in the early stages of an economic transition that will transform our lives as dramatically as did the Industrial Revolution.

At home, America is switching from a resource to knowledge-based economy, in which success depends upon small, entrepreneurial service and flexible manufacturing firms rather than the large resource-based corporations which powered our previous mass manufacturing growth. Cheap oil and abundant land once powered our growth. Today it is knowledge—the skills and adaptability of our workers, the brainpower of our scientists and engineers, and the literacy of our population.

Abroad, we are increasingly part of a global economy in which our strength depends upon allied cooperation and Third World development.

This transition to a global knowledge economy offers tremendous promise of America. We may have lost our former competitive advantage in cheap resources, and face stiffer competition from the increased sophistication and cheaper labor of foreign competitors. But we possess something far more important: the world's most innovative workforce and technology base. America, in short, has precisely the knowledge base needed for success in a knowledge economy.

If America's future can be bright, however, getting there will not be easy. For any transition requires disruption and change.

There is no single magic policy bullet that can save the American economy. If supply-side tax cuts were not the answer, for example, neither are tax increases. Instead, we need to reorient dozens of policies towards productive investment which, together, will unleash the massive new wave of investment needed to remake the American economy.

Increasing productive investments is not simply a question of "spending more money." The sad fact is that much of our present investment is misdirected. Overall American spending on education, for example, has risen steadily in the past decade—even as Scholastic Aptitude Test scores dropped 74 points between 1963 and 1986. Too much education spending has gone into increasing administrative personnel rather than targeting an increase in the quality and quantity of classroom teachers. There must be a major focus on redirecting existing investment.

At the same time, however, we cannot delude ourselves that simple redirection of investment will solve our problems. America must also increase its overall investment levels if it is to remain a great power.

And we must move also beyond the stale debate which sees some Americans focus on attacking government and others on attacking business. When America has moved forward—whether during World War II, or our post-war success in space, aerospace and agriculture—government, business and academia have joined together to do their respective jobs better. The issue for the '90s is not more or less of government or business, but better government and business.

The time has come to lift our sights beyond the debates of the past and instead set a great national goal for the future: this nation should commit to ensuring that America has the world's finest workforce and technology base in the year 2000. A comprehensive economic strategy is needed to: (1) boost investment in people; (2) promote technology commercialization; (3) create an overall climate for investment and entrepreneurialism; and (4) remake the world economy.

Investment in people

We need to increase our investment in creating the world's finest workforce by (a) improving education by increasing the number of hours our students learn, raising classroom teacher salaries, providing incentives to schools to perform better—particularly in communication, math, science, foreign language and engineering skills—tripling Head

Start and compensatory education programs to reach all those in need, and developing a new system of financing college and post-secondary vocational education; (b) upgrading job-training by increasing our commitment to the Job-Training Partnership Act, ensuring that its focus on involving employers also applies to high school and community college programs, and increasing training and aid to displaced workers; and (c) improving on-the-job productivity by promoting pay-for-performance standards, redesigning jobs to give employees more say over their conditions of employment, providing family support such as parental leaves for an increasing number of workers who do not have anyone at home to look after their infants.

Investment in technology

At the same time, we also need to do more to commercialize new technologies. The challenge is to ensure that the U.S. has a civilian capacity to bring these breakthroughs to the marketplace by developing joint industry-government commercialization efforts.

The semiconductor industry, for example, has recently developed a trail-blazing proposal called "Sematech," which would be a joint effort between private industry and government to develop the generic manufacturing technologies needed to regain our lead in semiconductor production. What is important about this proposal is that (1) industry is putting up significant amounts of its own funds before asking for governmental assistance, and is taking responsibility for the project's success or failure in a sector where they have a proven track record; and (2) it can be demonstrated convincingly that this project is necessary because its top competitors have successfully used government aid to take market share from U.S. companies. I believe that Sematech should not only be supported, but become a model for industries across America that can meet similar criteria.

Another top priority is ensuring that America has the capacity to aid projects like Sematech. The only place to look for such funds today is the Defense Department, which obviously is not in the business of commercializing new technologies. I think the time has come to develop a civilian capacity to support our manufacturing sector. Accordingly, I have introduced along with Senator Glenn a proposal for an Advanced Civilian Technology Agency or ACTA, which would give the Department of Commerce the capacity to commercialize new technologies. At a time when the Japanese are poised to make new commercial breakthroughs in everything from superconductors to supercomputers, I believe that America has no higher priority than supporting this proposal.

A national commitment to creating the world's finest workforce and technology base in the year 2000 can only work, however, if we also move to create a new national climate to support savings, entrepreneurialism, and long-term thinking by both business and government.

Reducing the fiscal deficit is an essential first step toward increasing the pool of capital available for investment. But we also need to increase incentives for individuals to save, rethink pension fund investment priorities to promote more productive investment, and discourage the kind of excessive takeover activity that breeds short-term rather than long-term thinking. It is particularly important that we do more to spur the small business and entrepreneurial risk-taking upon which so much of our future job and economic growth depends. And while it is premature to talk of further tax reform at this point, we may also eventually have to consider doing more to ensure that our tax code equitably encourages investment and discourages consumption.

Finally, it is particularly important in this age of growing global interdependence that we do more to remake the world economy so that it comprises a growing market for our goods.

If America's economy is to expand in the 1990s it will have to be by developing markets in the Third World to replace the European and Japanese markets to which we once sold. We need to develop a new international regime, as we did at Bretton Woods after World War II, that sees the Third World end its debt crisis, resume growth, and serve as an expanding market for our goods. The time has come to develop policies that will see increased Third World demand for American products, and increased private investment flows to replace reduced foreign aid and commercial bank loans.

CONCLUSION: OUR CHALLENGE IS MORAL NOT ECONOMIC

The fact that most economists would agree with most of the policies suggested above suggests perhaps the most important point about our present economic condition: our problems are political and moral, not economic and technical.

We need as a nation, of course, to discuss economic policy. But we need even more to discuss the moral and political shifts needed to make such policies a reality.

There is no more important strain in American history than the focus on the individual and, yes, individualism. I personally believe that if there is one single cause of America's greatness, it is both its respect for individual rights and its encouragement of individual initiative.

But if America was built by individuals standing alone, it was also built by individuals standing together. As important as individualism has been as a theme during our history, so too has been the importance of community—from the frontier wagon-trains that settled America to the New Deal which saved it from the Great Depression to voluntary organizations such as this which make so great a contribution to the quality of American life.

There was, I believe, much that was healthy in the early '80s reaction against "too much government," including the need to cut bureaucracy, dependence and over-regulation. Now, however, the pendulum has swung too far towards a narrow kind of individualism that threatens each of us as individuals. It is time for the pendulum to swing back towards the middle, towards a better balance between the individual and community, rights and responsibilities.

Such a new American community will need to be guided, it seems to me, by three basic principles:

(1) Growth requires discipline:

This generation of Americans has enjoyed a unique historical moment in which the destruction of our allies after World War II, our access to cheap resources, and our superior know-how created the world's first consumer society. Today, however, this moment is passing. Allies have been rebuilt and often out-compete us, and resources are no longer cheap nor the key to growth. It is time to return to the values which built this country: hard work, discipline, duty to nation over self.

Students need to study more, managers manage better, and workers work harder. It is time to return to an ethic that asks what we can do for our country, beginning with making whatever national investments are necessary to ensure America's continued greatness. This is the kind of patriotism that will save America rather than continuing to see its treasure dissipated in foreign adventures and a nuclear arms race we cannot win.

(2) Growth requires participation and equity: No one group of Americans is rich enough to finance America's rebirth. If all Americans are going to be asked to pitch in, however, they will want to be assured that commitments to invest are shared fairly, and that they have a greater say in the basic decisions that affect their lives—particulary in the workplace.

(3) Growth requires concern for the future:

Above all, the new American community requires a new focus on long-term thinking—not only about where we will be a decade from now but what kind of society we are leaving our children.

Norman Lear has recently written, "the societal disease of our time, I am convinced, is America's obsession with short-term success, its fixation with the proverbial bottom-line * * * America has become a game show. Winning is all that matters. Cash prizes. Get rich quick. We are the captives of a culture that celebrates instant gratification no matter what the larger costs.

I believe it is time for the pendulum to swing back towards an older ethic built upon the ties between the generations, and a commitment to those who will follow us.

Our grandparents and great-grandparents took it for granted that they would leave a better society for us than the one they found. They were willing to work hard, save, invest and do whatever else was necessary to make sure that we were better educated, clothed and housed than were they.

That was America. That was investing in a new America.

We can, we must, do no less for our children.

INTRODUCTION OF THE CHILDREN'S TELEVISION ADVERTISING PRACTICES ACT

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. BRUCE. Mr. Speaker, it is my pleasure today to join with five members of the House Subcommittee on Telecommunications and Finance in introducing the Children's Television Advertising Practices Act. This bill will encodify the pre-1984 FCC guidelines regarding children's television advertising.

In 1981, The FTC's final staff report and recommendation in the matter of children's advertising noted that out of respect, or a desire to please, children are prone to accept any role model. Consequently, children place indiscriminate trust in television advertising. Also, until children reach an age at which they can understand that a commercial is a selling tool they are clearly being deceived.

Frankly there was nothing new about this finding. Mainstream psychological research had long ago found that young children believe that fictional characters appearing in television advertising want to help them, that they perceived the selling figures as friendly, sincere, honest, and worthy of imitation.

Realizing this, the National Association of Broadcasters published its "children's television advertising guidelines." This code responsibly outlined the public service responsibilities of broadcasters and weighed them against the practical necessities for broadcasters to raise revenue from advertising.

Based on this input from the industry the FCC issued its children's television policy statement in 1974, which essentially provided practical standards which protected first amendment rights, allowed stations to earn a profit and enhanced broadcasters ability to realize their legal, public-interest responsibility to protect children from excessive advertising.

Unfortunately, in 1984 the FCC attempted to graft pure free market economics onto the social responsibility for broadcasters to serve the public interest. This has been significantly detrimental to serving our Nations children.

Now I believe that allowing market forces to operate is essential to economics. In fact the first bill I introduced in the 100th Congress was the Regulatory Fairness Act which amends the Federal Power Act to allow market forces to more closely determine consumers utility rates.

In the Regulatory Fairness Act, I was joined by several members of this subcommittee from both sides of the aisle including Mr. MOORHEAD, Mr. SWIFT, Mr. TAUKE, Mr. LELAND, Mr. OXLEY, Mrs. COLLINS, Mr. NIELSON, Mr. ECKART, Mr. RICHARDSON, Mr. BOUCHER, Mr. COOPER, as well as Chairman MARKEY.

We all supported the Regulatory Fairness Act because we want to see the free market help make an economic determination regarding setting utility rates, but today we are dealing with a social responsibility, the free market is a viable theory of economic regulation. But the free market is a bankrupt theory of social regulation.

Relying on a marketplace of children to determine the course of children's programming is about as wise as allowing a marketplace of children to determine their courses in school. In fact it could be more dangerous.

The FCC experience with using the free market to regulate children's television since 1984 has proved ineffective. If the free market were working in children's television, quality programs, like quality products, would receive increased consumer support and therefore superior ratings. These ratings would determine the commercial success of programs. The inferior programs would be driven from the market by dissatisfied consumers.

But as the Wall Street Journal reported in May:

> A glut of programming and declining ratings is turning the world of animated children's shows into a battlefield.

The Journal also reports that while ratings of such programs are down a whopping 20 percent in the past year, the number of these programs for next year has increased by nearly 30 percent. The reason for this is that the free market does not work with a consumer, like the small child, who is incapable of making qualified market judgments, and therefore needs special care.

Instead of a free market, we now have a chaotic market which is being polluted by artificiality in the form of commercial tie-ins between toy manufacturers and the cartoon show producers. These tie-ins drive out quality programming and therfore make it impossible for a free children's TV market to work, even in an economic sense. As Michael Brockman, who oversees daytime programming at CBS, recently pointed out—

> There's more attention being given to the best deal than to the best program.

Now I am aware that there have been cases of commercial tie-ins for years. But the problem has grown increasingly worse since the FCC abandoned the guidelines which my bill would reinstate. In this regard I would like to associate myself with the views expressed in the Advertising Age editorial entitled "A TV License To Steal, From Kids."

> You can hardly tell the commercials from the programs, especially if your too little to comprehend what adversiting is and certainly to be sophisticated to know a licensing deal when you see one. . . . Actually in the trend's early stages we didn't mind so much . . . but the small fry (is now) being bombarded . . . six days a week with product themed shows. . . .
>
> Children's TV sorely needs innovation, diversity and substance, but unhappily with would be sponsors flooding the airwaves with tailor made vehicles, there is little room for program producers who might want to sell more shows that make children think and grow up gracefully. . . .

And Advertising Age concludes by warning,

> Those responsible for the building avalanche of toy licensed TV should get themselves ready for even greater consumer group—and consumer—outcries. Although it takes the American public a while to react to excesses, reaction is sure to come, and many voices will be heard.

Today I am adding my voice to that of Chairman MARKEY'S, Mr. BRYANT, Mr. LELAND, Mr. SWIFT, and Mrs. COLLINS by introducing the Children's Television Advertising Practices Act which will require the FCC to limit the duration of advertising in children's programs to the pre-1984 level of 9½ minutes per hour on weekends and 12 minutes during the week. Our bill will eliminiate host selling and tie-in practices, and assure adequate separation between content and commercial messages.

Mr. Speaker, advertising without governmental oversight endangers children. Regulation is necessary to balance broadcasters need for revenue with the public interest. Yet despite the policy to protect children, the FCC's effort to deregulate and the Justice Department's abolition of the NAB Code eliminated the mechanism for protection. Our bill will establish that mechanism. I hope my colleagues in the House join us in our effort.

Once again I thank you for this opportunity, and I yield back the balance of my time.

PRICING AGRICULTURAL WATER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. MILLER of California. Mr. Speaker, I want to bring to the attention of my colleagues a September 19, 1987 editorial in the San Francisco Chronicle which outlined the need to redefine how agricultural water is priced.

Water supplied from Federal irrigation projects has never been priced at its market value. The refusal to intelligently price water has led us to other, more costly solutions such as large water projects.

However, the Chronicle correctly points out that if "California combined new market pricing policies for water with effective water conservation programs, enough surplus water could be found and sold to ease concern over future water supplies."

The Chronicle also congratulates the Berrenda Mesa Water District and the Environmental Defense Fund for their recent agreement to seek a buyer for 50,000 acre feet of surplus water the district is unable to use. The proceeds from this sale will be used to reimburse farmers for letting land lie fallow.

Mr. Speaker, I join with the Chronicle in "cheering" the District and EDF in their pioneering effort. This innovative, cooperative approach illustrates that there is more to water policy than pouring concrete, opening the floodgates, and signing away subsidies that cost taxpayers billions of dollars and damage the competitiveness of farmers in nonreclamation areas.

PRICING WATER

The best things in life are free, so the saying goes. And those words have a strange application in California agriculture, which has enjoyed decades of subsidized water provided by federal and state water projects.

When the federal government's huge Central Valley Project in California was undertaken years ago, a primary objective was to provide water for irrigation and for domestic consumption. The water was not treated as a true commodity, priced at what the market would pay, but sold at negotiated prices below market value. For years, there has been general support for the idea of providing low-cost water to family farmers.

But attitudes toward water pricing policies have changed in recent years for a variety of reasons. The family farm has become an endangered species. And the cost of energy to deliver cheap water often prices the water beyond the reach of farmers.

In an era of tight government budgets, there has also been a general shift of philosophy toward user fees, charging those who benefit from a governmental service a fee equal to what the service costs.

Putting a market-oriented price on agricultural water is a radical concept, not quickly accepted. It has its strong opponents, even though it would undoubtedly result in "finding" water that is surplus to farming needs and could substantially slow down, if not eliminate, the drive to build massive new water projects.

If California combined new market pricing policies for water with effective water conservation programs, enough surplus water could be found and sold to ease concern over future water supplies. It might also bring an end to the savage water wars between Northern and Southern California that have been fixtures of the Sacramento legislative scene.

The Legislature, which has just concluded its session, witnessed once again a divisive battle because Assemblyman Jim Costa of Fresno and Senator Ruben Ayala of Chino pushed legislation to divert an unknown, but massive, amount of water from Northern California to the Central Valley and Southern California. The bills had no protection for the bay and delta habitats.

While the fight over water in the Legislature received all the media attention, another important water event was taking place out of the limelight. A Kern County water district said it had rights to far more state water than it needed, and it proposed to offer its surplus for sale at market rates. This almost unprecedented event has substantial implications.

The Berrenda Mesa Water District of Kern County signed an agreement with the Berkeley office of the Environmental Defense Fund to cooperate in seeking a buyer for some 50,000 acre feet of water to which the water district is entitled each year from the State Water Project. The water is enough for the yearly domestic requirements of more than a quarter of a million people. Berrenda Mesa has surplus water, a spokesman said, because growers of row crops, such as cotton, garlic, onions and potatoes, can not pay the current price of water, $100 an acre foot, and return a profit. Proceeds from the sale of the water will be used to reimburse farmers for promising to let their lands lie fallow permanently.

Putting water up for sale to the highest bidder is virtually unknown in California, although it is going on elsewhere in the West. In California, the idea is generating major resistance. The Kern County Water Agency is reportedly opposed to the sale of water entitlement, taking the view that water that is in Kern County must not be shipped elsewhere. Others resist the idea because the concept could doom the era of comparatively cheap water subsidized by the taxpayers.

We cheer on the pioneering Berrenda Mesa Water District and the Environmental Defense Fund, and we wish them well in the litigation that inevitably occurs when water and money are mixed.

IN HONOR OF THE CONSTITUTION

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. ECKART. Mr. Speaker, I would like to take a moment to pay tribute to the U.S. Constitution. On this occasion of the celebration of our Constitution's 200th birthday it is important to examine what, in fact, was created 200 years ago in Philadelphia. In one sense it is a collection of roughly 2,000 words that created a system of governmental institutions for the newly liberated United States of America. However, in another sense, it is, as Woodrow Wilson stated, "a vehicle of life, and its spirit is always the spirit of the age."

The dual nature of the Constitution has given it both the durability and the resilience necessary to survive a Civil War, World Wars and 200 years of social change and growth. The document, although amended 26 times, has remained remarkably similar in form to its original conception; yet it has expanded in ways that the Framers could never have imagined in 1787. The words have grown to incorporate a myriad of meanings and ideas. Woodrow Wilson perhaps best captured this characteristic of the Constitution when he said, "the Constitution was not meant to fit us like a straitjacket. In its elasticity lies its chief greatness."

As we look back this week on the birth of our Government we must remember the true genius that was summoned during that historic summer in Philadelphia. We must remember the remarkable nature of the document and the destiny that is written into those 2,000 words.

WELFARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 16, 1987, into the CONGRESSIONAL RECORD:

WELFARE REFORM

Last year the President and the Congress agreed that a simple and effective way to help the working poor was to reduce their taxes. This year another important antipoverty step is underway. Welfare reform has risen to the top of the national agenda. Studies have been conducted, states have experimented, and now the President and Congress are considering significant changes in federal welfare programs.

The two largest federal cash welfare programs are Aid to Families with Dependent Children (AFDC) and the earned income tax credit. Federal funds pay for about 70% of all welfare benefits. Most observers agree that welfare programs are not working. Poverty in America, by some measures, has actually worsened, and concerns about program inefficiencies continue. But disillusionment with welfare did not, until recently, translate into serious reform efforts. Few voices called for reform; the prevailing political climate discouraged new social policy initiatives. Suddenly all that has changed. There is a loose consensus among liberals, moderates, and conservatives on the major problems with our welfare system, and on the general direction reforms must take. This consensus embodies both liberals' concern for the poor and conservatives' concern about welfare dependency.

One area of broad agreement is to place more emphasis on work and responsibility. Welfare recipients should be required to work after a period of training and education, if jobs can be found for them. A requirement that recipients obtain work was thought to be impractical for women with young children, but two factors have increased the acceptability of work in welfare. First, much evidence suggests the debilitating effect of welfare. Almost one-third of all persons who enroll in AFDC are on public assistance for eight years or longer; most recipients do not develop the basic skills they need to find employment. Second, with most mothers now working, it is only fair to require work from those who receive welfare benefits, including women with children. Today the view is that jobs will speed recipients' reentry into the mainstream of society. Under this approach, welfare programs should offer skills training, remedial education, job placement programs, day care and transportation services.

Another common theme in welfare reform plans is the need to strengthen the family. Rising divorce rates and out-of-wedlock births contribute substantially to poverty and welfare dependency. Three out of four new AFDC cases result from either marital disruption or an out-of-wedlock birth; over 40 percent of unwed mothers who have a child under three when they first receive AFDC remain dependent on it for ten or more years. Current welfare programs both ignore and aggravate the plight of the poor family. For instance, 26 states, including Indiana, currently limit AFDC and Medicaid benefits to single-parent households entirely, and the remaining states restrict eligibility so that only a small fraction of all poor, intact families receive AFDC benefits. Some evidence suggests that denying support to two-parent families encourages one parent to leave and may even encourage divorce. Pro-family welfare reforms include strengthening enforcement of child support laws, withholding child support payments directly from wages, providing education and counseling to reduce out-of-wedlock births, and extending welfare benefits to two-parent families. Welfare programs are meant to serve children primarily. It helps to think principally about how proposed reforms impact on children.

A third element of consensus is to allow the states greater discretion and flexibility in the way they handle federal welfare funds. In the past, state governments have been criticized because many showed insufficient commitment to providing adequate, non-discriminatory benefits. But criticism has largely disappeared as the states have proven themselves willing and able to administer welfare. The states have become the innovators in welfare policy, taking the lead on such issues as childcare, education and training, and work programs. Since economic and social conditions vary widely from state to state, it makes sense to give the states greater flexibility to tailor welfare programs suited to the particular needs of their citizens.

Despite the widespread agreement on these major issues, several areas of disagreement must be resolved before a welfare reform bill becomes law. Cost is the principal obstacle to fundamental reform. Although a welfare program based on work and training may reduce costs eventually, it may raise them initially. The new proposals would raise costs by $1 billion to $10 billion during the next 5 years, and their high cost has allowed action on welfare reform bills in Congress.

Advocates of reform also disagree about whether benefits should be increased and whether the scope of current programs should be expanded. Unanswered questions include: Should a national minimum benefit be established? Should day care be provided and for how long? Should public sector jobs be created for welfare recipients? Should sanctions be imposed on recipients who choose not to participate in new work programs?

Finally, many still have doubts about transforming the existing welfare system, with its emphasis on income support, to one that emphasizes work. Writing a check to welfare recipients is easy. It is much harder to assess the employability of welfare recipients, train them, and place them in permanent jobs. Many welfare recipients have serious deficiencies in basic skills. Even if those deficiencies are overcome, private-sector jobs may not be available.

As welfare reform unfolds, we must be careful not to promise too much. Even the word "reform" might be too optimistic. Past experience suggests that progress will be marginal and slow, and no one should expect a dramatic reduction in poverty. The reforms would not radically alter welfare, but they would make a new attempt to move people off welfare and into jobs. That would be a welcome change in welfare policy.

NOTE: Much of the information used in this report was drawn from an article by Robert Reischauer entitled "Welfare Reform: Is Consensus Enough?" which appeared in the September 1987, edition of the Brookings Review.

WILLIAM C. DOHERTY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. MICHEL. Mr. Speaker, many of us who have spent quite a bit of time in Congress or in Washington remember William C. Doherty, former president of the National Association of Letter Carriers and at one time U.S. Ambassador to Jamaica. On August 9, Bill Doherty died and I know I speak for many of those who remember him with fondness that he will be missed.

At this time I wish to insert in the RECORD the obituary of William C. Doherty that appeared in the Washington Post, August 11, 1987.

[From the Washington Post, Aug. 11, 1987]

WILLIAM C. DOHERTY

Mr. Doherty, 85, former president of the National Association of Letter Carriers who later served as U.S. ambassador to Jamaica, died of congestive heart failure Aug. 9 at the Collingswood Nursing Center in Rockville.

Mr. Doherty was president of the letter carriers association from 1941 until 1962, and was said to have been an effective lobbyist on Capitol Hill for pay raises.

During that time he also served as a vice president and executive committee member of the AFL-CIO.

He was ambassador to Jamaica from 1962 to 1964, then led a drive to raise money to build a retirement community for letter carriers, NALCREST, near Lake Wales, Fla. He had lived there since the mid-1960s.

A former resident of Bethesda, Mr. Doherty was born in Glendale, Ohio. He began work as a messenger for the Postal Telegraph Co., in Cincinnati when he was 14. He participated in an unsuccessful strike by the Commercial Telegraphers Union of America in 1919, then served three years in the Army.

Mr. Doherty became a letter carrier in Cincinnati in 1923, and at the same time became active in union affairs. He was president of the Cincinnati chapter of the letter carriers association—and later the Ohio chapter—before coming to Washington in 1941, after he became president of the national association in a bitterly contested election.

During Mr. Doherty's term as president, membership in the union grew from 67,000 to 155,000, and a health insurance plan that remains in effect today was implemented. In 1960 he wrote a book, "Mailman USA," a history of the union's struggles.

His first wife, Gertrude Helen Dacey Doherty, died in 1967, and his second wife, Oza Howell Barlow Doherty, died in 1983.

Survivors include five sons by his first marriage, William Charles Doherty Jr. of McLean, John Timothy Doherty of Winchester, Va., James Francis Doherty of Silver Spring, and Joseph Patrick Doherty and Thomas Aloysius Doherty, both of Rockville; four daughters by his first marriage, Mary Seton Doherty Puglisi of Gaithersburg, Catherine Ellen Doherty Stewart of McLean, Gertrude Patricia Doherty Boswell of Silver Spring, and Margaret Frances Doherty Rieger of Rockville; 53 grandchildren, and 30 great-grandchildren.

THE TEXTILE AND APPAREL ACT OF 1987

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. CRANE. Mr. Speaker, I rise to address the issue of the Textile and Apparel Act of 1987. Despite the likely consequences of the bill, and despite the administration's efforts to substantially increase protection to their industries in 1986, the domestic textile and apparel industries have come to Congress seeking additional protection. The American textile industry actually fared better than the rest of the economy in 1986, and prospects are good for another strong showing in 1987. Clearly this is not an industry in need of additional protection.

Furthermore, passage of the bill would harm U.S. consumers, provoke retaliation, violate our international obligations, and undermine U.S. efforts to secure a more open trading system for all U.S. exports.

The bill would violate the safeguards provision of the GATT by indiscriminately granting permanent protection to a huge array of products. It would violate the Multifiber Arrangement created by U.S. industries to protect them from imports, by imposing unilateral, global quotas on all textile products. The quotas would, in turn, be set at levels that would force the United States to abrogate our bilateral agreements.

It is my opinion that the short-term benefit of increasing protection to the already overly protected domestic textile and apparel industries is by far outweighed by the potential damage to our entire economy. Therefore, I urge my colleagues to carefully consider Ambassador Gotlieb's letter, and to join me in the attempt to forestall the passage of the Textile and Apparel Act of 1987.

CANADIAN EMBASSY,
Washington, DC, July 31, 1987.

Hon. PHILIP M. CRANE,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN CRANE: I am writing in connection with the Textile and Apparel Act of 1987 that the Committee on Ways and Means is to consider shortly. The Canadian Government is of the view that this legislation would very seriously impair the world trading system. In particular, my Government is concerned that the passage of such legislation would threaten the future of the Multifibre Arrangement, thereby placing further pressure on an international trading environment already jeopardized by mounting protectionism.

Canada also has experienced disruptive levels of clothing imports over the past few years. Thus, we appreciate the circumstances giving rise to this proposal and are aware of the difficulties involved in formulating policies that will address such problems without unduly disrupting Canadian and U.S. bilateral and multilateral objectives. The Canadian Government itself has been under heavy pressure to intensify the border protection currently afforded Canadian textile and clothing industries by imposing a global import quota. On a number of occasions, Canadian Ministers have received representations from their U.S. counterparts with respect to the unfortunate consequences any such Canadian action would have on bilateral trade and on our mutual efforts to resist protectionism and to stabilize and enhance the multilateral trading environment. The Canadian Government has determined that solutions to these problems must be found within the context of an international agreement. However, passage of the textile legislation currently before Congress would make it extremely difficult for the Canadian Government to resist taking action to intensify protection in this area.

I also wish to emphasize my Government's concern about the negative impact on Canada/U.S. trade that would result from restrictions on Canadian exports under this legislation. The United States has traditionally enjoyed a surplus in trade in textiles and clothing with Canada. This surplus has been maintained in spite of a major decline in the relative value of the Canadian dollar, which has made Canadian exports more attractive in the United States. In 1986, the U.S. surplus amounted to $504 million, on a two-way textile and clothing trade of approximately $1.6 billion. In addition, the proposed legislation would affect Canadian exports of footwear which were valued at $50 million in 1986.

The compensation provided for in the bill is inadequate at best, and could not begin to meet the claims of affected countries, including Canada. Enactment of this legislation, therefore, would force such countries to consider mirror legislation or retaliatory actions that would affect United States exports of textiles, clothing and footwear, and perhaps other products.

More important perhaps than simple bilateral retaliation would be the irreparable damage that the proposed legislation would wreak on the international trading system. It could destroy the MFA and irrevocably prejudice the Uruguay Round of multilateral trade negotiations. Developing countries, heavily dependent on textiles and apparel exports, could not agree to negotiate an opening of their markets to our exports of manufactures, nor could they be expected to cooperate in meeting our objectives in such new areas as trade in services and the protection of intellectual property rights.

Yours sincerely,

ALLAN GOTLIEB,
Ambassador.

RELIGIOUS FREEDOM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. FROST. Mr. Speaker, tomorrow, as we honor the document and the amendments which have given us religious freedom, let us sound the horn for those who cannot practice their religion. In particular, as the High Holy Days—Rosh Hashanah—approach, let us awaken to the plight of Jews in the Soviet Union.

Denied the right the practice their religion, they will not be able to participate in the 10 holiest days of the year when Jews around the world celebrate the creation and prepare for the new year through prayer and atonement. Although supposedly living in an open society, noted for its glasnost, few will have access to a synagogue, the place of worship which is so important in Jewish life especially during these 10 days. They will not hear the sound of the ram's horn calling them to self-judgment, self-improvement and atonement. Nor will they be able to gather together on Yom ha-Zikaron—the Day of Remembrance—when the millions who were persecuted and died for their religion are honored.

Let us not be taken in by the recent granting of permission for some Soviet Jews to emigrate. Although the number has increased this year, it is only a fraction of those who have requested to leave—most because they wish the right to practice their religion.

Much has been made of the Soviet authorities willingness to permit the development of Jewish religious and national life, but Soviet Party leaders have stated they would continue to lead the struggle against religion until it finally disappeared.

As we celebrate the many freedom granted us under the Constitution and the Bill of Rights, let us remember the Soviet Jews who still cannot worship. For in reality, we cannot truly celebrate as long as they are not allowed to join with us in proclaiming the message of the High Holy Days—the reaching out to men and women of every faith and creed in the spirit of forgiveness, good will, and peace.

PEACEFUL SOLUTION TO THE PROBLEMS IN PUNJAB

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. BURTON of Indiana. Mr. Speaker, on September 10, 1987, four of the five chief priests of the Sikh religion declared support for the Sikhs fighting for a separate Sikh nation in India's Punjab state. The announcement from the Golden Temple, seat of the Sikh religion, called on Sikhs worldwide to give "tan, man, dhan," or body, soul and wealth, to the Sikh's "decisive war for liberation." They said the Indian Government was oppressing Sikhs all over India.

This statement was the strongest yet by Sikh religious authorities. I urge the Indian Government to use restraint in resolving this dispute. Most Sikhs want a peaceful solution in the Punjab and the Indian Government should respect their human rights and freedoms. There is evidence that the Indian authorities are currently suspending basic freedoms in the Punjab and that increasingly harsh police tactics are only aggravating the situation. Sikhs around the world will never submit to oppression.

The U.S. State Department refuses to recognize the systematic and routine suppression of human rights in the Punjab. I would like to submit for the RECORD recent articles from the Christian Science Monitor, the Economist, the Tribune, and a statement by the president of International Sikh Organization, Dr. Gurmit Singh Aulakh. These articles shed light on the problems Sikhs are encountering in India. I hope the international community, especially the UN Human Rights Commission, will put pressure on India to bring a fair and peaceful solution to the problems in the Punjab.

[From the Christian Science Monitor, Sept. 8, 1987]

TOUGH INDIAN SECURITY LAWS DRAW FIRE FROM CIVIL-RIGHTS GROUPS

(By Brahma Chellaney)

NEW DELHI.—Tough new laws adopted by the Indian parliament to combat escalating Sikh terrorism are sparking acrimonious debate between the government and civil liberties groups.

The legislation strengthens a preventive detention law and gives authorities wide powers to combat activities that they judge anti-national. It was adopted late last month by the upper and lower houses of the Indian Parliament—where Prime Minister Rajiv Gandhi's ruling Congress (I) party holds a large majority of the seats.

Civil liberties groups contend such laws abridge civil liberties and would be misused against political opponents, thus threatening the world's largest democratic system. They claim that the series of extraordinary laws enacted since Mr. Gandhi succeeded his assassinated mother Indira Gandhi in late 1984, are Draconian, and provide no safeguards against their misuse by government officials or security forces.

The government cites the "unusual and serious situation" prevailing in Sikh dominated Punjab State to justify the controversial powers. Sikh extremists from this prosperous agricultural state have been waging a violent campaign for an independent homeland.

Over the last four years, Sikh terrorists have been responsible for killing hundreds of Hindu civilians and politicians, as well as Sikhs seen as "collaborating" with the New Delhi government. Hundreds of Sikhs have been detained for varying periods under the different laws to combat terrorism. And, in recent months, security forces claim they have daily killed two or three alleged Sikh terrorists in what are termed "encounters."

About 1,400 people have been killed in terrorist-related violence in India since last year. The situation has rapidly deteriorated in recent weeks, with police reporting at least half-a-dozen slayings almost daily.

Speaking in Parliament two weeks ago, Deputy Interior Minister P. Chidambaram argued that the administration needs extraordinary powers, not weapons, to fight terrorism.

But, contends noted jurist V.M. Tarkunde, "These sweeping laws, though intended to combat terrorism, are proving counterproductive."

Mr. Tarkunde is president of Citizens for Democracy, a civil rights group. "Sikhs think the laws are aimed at them, and since anyone now can be arrested arbitrarily and denied bail, Sikhs feel like second-class citizens," he says. "These laws are indeed encouraging terrorism."

Last month's Terrorist and Disruptive Activities' Prevention Bill is regarded as the toughest antiterrorist legislation passed since India's independence from Britain in 1947. Like most of the other recent controversial laws, it is applicable nationwide. Among other things, it seeks to provide for minimum imprisonment of from five years up to life for unauthorized possession of certain arms. Critics say it shifts the onus of proof from the prosecution to the accused. Human rights activists are concerned that the act may allow the use of police torture to extort confessions that can be used as evidence.

The act provides the death penalty for terrorist killings and long prison terms for a wide range of "disruptive activities," covering songs, paintings, books, and audio cassettes deemed to undermine India's unity.

The other legislation approved this week amends the 1980 National Security Act to permit authorities not to disclose to a detainee for up to 15 days the reasons for his arrest. This was necessary to relieve pressure on local authorities because of "the large number of detention orders" being issued, Mr. Chidambaram said.

Hundreds of people have been jailed across India under the Security Act, which provides for imprisonment without trial for up to two years in Punjab and one year elsewhere in India. They include suspected Sikh extremists, petty criminals, and political dissidents. The act has been strongly criticized by London-based Amnesty International.

"So idolized has the State become that we no longer think creatively of political or judicial solutions to a crisis like the one confronted in Punjab; instead the itch is to arm the State with more and more power," wrote a magazine the columnist recently, adding that the country is experiencing "a subtle variety of incremental authoritarianism."

Late last year, Parliament passed controversial legislation empowering the government to open private mail "in the interest of public safety." The former President Zail Singh, who retired in July, refused to sign it into law. But new President Ramaswamy Venkataraman is expected to give his assent shortly.

Several analysts, however, say that India has an independent judiciary and a fearless press, and that there is no immediate danger to the Indian democracy.

[From the Economist, Aug. 29, 1987]

SIKHLY HOPES

Is Punjab sliding towards chaos? Since the central government dismissed the state government and began running Punjab in May, Sikh terrorists have killed more than 500 people. That is three times as many as they killed in the first three months of this year. Now Mr. Darshan Singh Ragi, the top Sikh priest with authority over temporal matters, has left the Golden Temple and retired to his village home. This leaves the Sikhs' holiest shrine in the hands of extremists who will accept nothing less than a separate state of "Khalistan". The shadowy "panthic committee" which runs the separatist movement has announced that it will call a meeting of all Sikhs to appoint a new head priest and depose Mr. Singh. Their move may not work, but it if does Punjab will come a step closer to civil war.

Mr. Rajiv Gandhi, the prime minister, imposed direct rule on Punjab because he wanted to give the police a free hand, unhindered by local politicians, to mop up terrorists. The results have not been encouraging. The Delhi-appointed police chief of Punjab, Mr. Julius Ribeiro, had claimed in the spring that there were only about 100 hard-core terrorists left in the state, and that one big push would break them. The imposition of direct rule gave Mr. Ribeiro his chance. In the very first month of it, the police killed or captured 404 suspected terrorists. Since then they have been killing two to three alleged terrorists every day, and catching two or three times as many. Despite this the number of terrorist killings and attacks has risen dramatically: up at least fourfold since this time last year.

One reason is that some police tactics have aroused sympathy for the terrorist groups—and stimulated recruits. For the past four years the terrorists have been making a special point of attacking judges, witnesses, informers and the families of policemen and politicians (on August 16th six close relatives of India's Sikh home minister, Mr. Burta Singh, were murdered). As a result, almost no one is willing to give evidence against the terrorists. The police have therefore taken to murdering the worst of the captured terrorists in what are officially described as "encounters". The police claim that they do no such thing. But these denials are hard to take seriously in the cases of encounters, increasingly frequent, in which no policeman is killed or injured despite prolonged exchanges of gunfire, and no terrorist is injured, only killed.

Faked encounters have come as a propaganda godsend to the separatists. Yet the real difficulty is not that the government's policing has taken on certain attributes of a "dirty war". It is that the government has not joined to its toughness any policy of giving support to the moderate Sikhs who are trying to resist the drift to extremism.

This failure began last year when Mr. Gandhi reneged on certain important promises—notably to give Punjab sole control of the city of Chandigarh—in the accord he signed in 1985 with a moderate leader of the Sikhs. The government has made things worse by its failure this year to back Mr. Darshan Singh. Ever since December 1986, when he became acting high priest of the Akal Takht (the "timeless throne"), Mr. Singh has used his considerable authority to condemn the killing of innocents, to bring all Sikh factions including the terrorists on to a common platform for talks with the central government, and to press the government to open talks with the militants.

In February Mr. Singh succeeded in getting almost all the Sikh political parties to agree on a programme to satisfy Sikh grievances with the framework of the Indian constitution. In the following weeks several major terrorist leaders gave their support to the high priest. This encouraged the central government, which had been watching Mr. Singh closely, to open indirect talks with him and with some of the militant leaders in April.

By the end of April a four-point peace plan had been drawn up which had the support of all moderate Sikh groups and all but two of the terrorist groups. But in a sudden reversal, Mr. Gandhi's home minister went to parliament to repudiate the government emissary who had agreed to Mr. Singh's peace plan. Two weeks later Mr. Gandhi imposed direct rule.

Mr. Singh made a second attempt to get talks started on August 4th, when he held a convention at the Golden Temple of all Sikh groups including the terrorist ones. Opinion had seriously hardened against the idea of a deal with the central government. The high priest was unable to get even the more moderate groups to agree that any autonomy for Punjab should be within the existing Indian federation. A few days later he invited the militants to take over responsibility for looking after the Sikhs and left the Golden Temple.

It was a tactical dare, intended to reassert his authority. But the government in Delhi needs to reflect on it. If Mr. Singh goes for good, there soon may be nobody left in Punjab for Mr. Gandhi to do business with. That vacuum could be even more dangerous than it sounds: a Punjabi Hindu organisation calling itself the "national defence force" has already been set up, with the aim of recruiting a 10,000-strong sacrificial squad" to "fight terrorists and protect the lives of innocent people in the state".

[From the Tribune, Aug. 24, 1987]

BHAJAN LAL FOR VP'S ARREST

HISAR.—The Union Environment Minister, Mr. Bhajan Lal, today demanded immediate arrest of a former Defense Minister, Mr. V.P. Singh, and registration of a case of sedition against him.

Addressing a public meeting here in connection with the forthcoming municipal elections, he said Mr. V.P. Singh was trying to create "disaffection in Army ranks" and lowering the morale of the force by describing the recently purchased arms as substandard.

Mr. Bhajan Lal criticized Mr. V.P. Singh for his anti-corruption campaign and described it as a "political stunt." The former Defense Minister had collected "politically frustrated" persons around him and was trying to malign Prime Minister.

Referring to the Punjab problem, Mr. Bhajan Lal said terrorists should be shot dead. They did not deserve to be arrested and tried by courts of law. Only a tough posture against such elements could help resolve the Punjab problem, he added.

He appealed to the people to vote for the nominees of the Congress (I) in the August 30 poll.

STATEMENT BY DR. GURMIT SINGH AULAKH

Today the International Sikh Organization pledges the support of the Sikh community outside of India in response to "tan, man, dhan," or body, soul and wealth to the Sikh Freedom Fighters opposing the Government of India as called for by the Head Sikh Priests from the highest religious seat of the Sikh Nation, the Golden Temple. This pledge of support will increase the aid sent to Sikh freedom fighters from the International Sikh Community.

A little known civil war has been taking place in the Punjab State of India for the last four years. Yet report of this war has been slight due to the news blackout imposed by Rajiv Gandhi. The call by the Head Priest of the Sikh religion is significant because it shows a unifying of the Sikh people against the New Delhi Government. Prior to this call, Sikhs have been divided between those who wanted more Sikh control within the Punjab State and those who wished to secede from India entirely. The action by the Priests indicates that even Sikh moderates have leaned toward full secession from India.

THE 350TH ANNIVERSARY OF THE BIRTH OF FATHER JACQUES MARQUETTE

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. ROTH. Mr. Speaker, 1987 is a year of historical significance, most notably the 200th anniversary of our Constitution. This year, 1987, also commemorates another event, the 350th anniversary of the birth of Father Jacques Marquette. As a Jesuit priest, explorer, missionary, teacher, and discoverer, Father Marquette's contribution to our history and Nation are significant.

As a graduate of Marquette University, I am duly aware of the importance of his search for truth and discovery of knowledge. Also significant are his contributions to the historical and cultural development of the Northern Midwest and the Mississippi Valley.

Born in Laon, France, in 1637, Marquette quickly advanced through his studies to become a teacher and entered the Jesuit order at the age of 17. Though teaching was to remain his occupation for the next several years, Marquette never denied his cherished hope that his ultimate calling would be that of an overseas missionary.

At 29 years of age, Marquette was designated by his superiors for service in Canada, then New France. On September 20 of 1666, he landed in Quebec.

The next stage of his life was dedicated to working among the Indian tribes located around the Great Lakes. Quickly he mastered their languages, introducing them to Christianity, medicine, and science. Marquette's reputation and popularity quickly spread. Moving to the mission vacated by Father Allouez's departure to Green Bay, Marquette relocated to La Pointe. Here, he was visited by many tribesmen from far away, among others, the Illinois, who had crossed a great river on their way. Marquette, like no other, was able to reach these tribesmen, both teaching and learning from them.

Continuing to contact additional Indian tribes, in 1671 Father Marquette founded the Mission of St. Ignace on the straits of the Mackinac. It was here that Marquette teamed up with a Canadian explorer, Louis Jolliet—the team that, accompanied by five men in two bark canoes, would discover and explore the Mississippi River.

In 1673, this first expedition to the Mississippi River began by way or Green Bay, through the Fox River Valley and into the Wisconsin River, down the Mississippi to the Arkansas. Geographically, Marquette's discovery and exploration of this area confirmed eventual navigational passage to the Gulf of Mexico. Culturally, this discovery enabled the growth of the Mississippi Valley, also named the Valley of Democracy. This designation is appropriate if one considers the effect its settlement had on 17th and 18th century Europe. As a discovery into the rich interior of North America, opportunities were provided the common man to raise his status from dependence and poverty to one of independence and property. If we examine the many and varied communities that have developed along the Mississippi all the way from Wisconsin down South, we realize the vast differences and cultural contributions these areas have made to our Nation.

The journey down the Mississippi and back to De Pere, WI, had taken a physical toll upon Marquette, and he died only 2 years later.

Of all the Jesuit missionaries who have come to explore the Western World, Marquette is perhaps the most renowned, partly because of his early death, partly because of his drive for truth and knowledge, partly because he and Jolliet were the first to follow the course of the Mississippi River. Rightly so, many Americans commonly hold the missionary-explorer in esteem.

How appropriate that, in 1881, a university was founded that bears his name. Recognized throughout the Nation as a leading academic institution, Marquette University charters its students on an exploration in discovery of truth, knowledge, and justice. Marquette graduates not only have a significant and important influence in Wisconsin, but throughout the Nation and the world.

How appropriate that, in 1896, the people of Wisconsin chose Father Marquette as one of their citizens to be commemorated in the Statuary Hall of our Nation's Capitol.

How appropriate that, in 1987, we join in commemoration of the birth of one of the greater explorers—the discoverer who enabled the growth and cultural contributions of the Valley of Democracy to flourish in America's heritage.

ROUTE 33 HIGHWAY EXTENSION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. RITTER. Mr. Speaker, today I have introduced legislation to carry out a highway project in Northampton County, PA, of approximately 3 miles to extend Pennsylvania Route 33 on the Federal-aid primary system. The construction will proceed from Route 33's terminus at U.S. Route 22, between Bethlehem and Easton, to Interstate Route I-78. This bill, if enacted, will provide a four-lane limited access highway connecting Interstate Routes I-78 and I-80 and will demonstrate methods by which connection of two interstate routes will:

Foster significant economic development and job creation by providing high speed, limited access motor vehicle transportation to an area in dynamic economic transition;

Appreciably decrease the use of local roads by through traffic particularly by heavy trucks and thereby promote highway safety;

Reduce intraregional and interregional travel time and reduce transportation costs; and

Perhaps most importantly, Mr. Speaker, Route 33 and other interconnects will increase the efficiency and optimize the value of interstate routes—I-80 and I-78—and other Federal investments—in this case, the Lehigh Valley Industrial Parks, Inc., whose economic value amounts to some $109 million annually with over 7,000 jobs created as recipients of $2 million in EDA grants.

Mr. Speaker, if the Lehigh Valley Industrial Parks and other businesses are to remain competitive, a recent market analysis shows that the completion of the Route 33 extension and I-78 will provide the infrastructure to attract new and expanding businesses.

The economic impact study without the Route 33 extension shows the economic impact loss as follows: jobs—16,834; income—$333 million annually; and taxes—$16.7 million annually. An optimistic case was also projected for the completion of the Route 33 extension projecting the attraction of more businesses offering higher payrolls including high technology firms and similar companies that occupy New Jersey's growth corridors. For this scenario, demand for industrial land is projected to reach: 39 acres in 1995; 381 acres in 2000; and 1,055 acres in 2020. Employment is projected to total over 500 jobs in 1995, 5,000 in 2000 and 15,0000 in 2010.

Mr. Speaker, I know that the next highway reauthorization will not be considered until, perhaps 1991, at which time additional demonstration projects will be authorized and funded. I would expect the Route 33 extension would meet with the same favorable response from the committee and the Congress as was the case with our Basin Street Bridge project, included in the highway reauthorization enacted earlier this year.

Further, the people of the Lehigh Valley literally waited for years at the crossing and for the Congress to include Basin Street as a demonstration project. The time to consider the next reauthorization will be here before we know it and I want the Congress and the citizens of the Lehigh Valley to know that I will go all out once again to obtain this valuable demonstration project that will be of benefit to the entire Nation.

THE AGRICULTURAL CREDIT ACT OF 1987

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. DINGELL. Mr. Speaker, there is broad and growing concern about the provision in title III of the Agricultural Credit Act. This legislation proposes to create a secondary market for farm real estate loans which would be exempt from the disclosure and reporting requirement of State and Federal securities laws. Some believe that it may even be exempt from important criminal fraud statutes.

The measures is scheduled for consideration by the House next week, at which time I plan to offer an amendment to strike title III. I would like to share with my fellow Members several "Dear Colleague" letters, a letter from Treasury Secretary James Baker, and an August 27 editorial which appeared in the Washington Post, which detail the reasons for my opposition to title III.

I ask unanimous consent to insert these materials in the RECORD to assist my colleagues as they prepare for consideration of H.R. 3030 and, I hope, join me in an amendment to delete title III of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 14, 1987.

DEAR COLLEAGUE: The Agricultural Credit Act of 1987, H.R. 3030, is scheduled for floor consideration later this week. We support many of the bill's provisions, but must call your attention to our serious concerns about Title III, which would create a secondary market for farm real estate loans.

The provision would enable banks, insurance companies and others to "package" and resell to investors farm real state loans.

Contrary to some assertions, Title III would not assist farmers, nor would it shore up the Farm Credit System. Indeed, as now structured, Title III would likely result in further damage to the FCS—just as the rest of H.R. 3030 is seeking to restore its health. In allowing the "packaging" of farm real estate loans for resale to investors, it is a virtual certainty that only the best loans would be bought, thus leaving the FCS holding the least credit-worthy loans.

There is taxpayer risk, too. Included in the Title III provisions is a Federal guarantee; to the extent there is any failure, there would be a $1.5 billion liability for the Government. And, if any of those whose loans are *not* resold into the "pool" end up in default, there is additional—and significant—risk to the Treasury in further bailout of the Farm Credit System.

Claims of resemblance to "Ginnie Mae," "Freddie Mac," and "Fannie Mae" to the contrary notwithstanding, the provisions of Title III would provide investors with none of the protections of those programs. With no requirements for even minimal capitalization, buyers of the "packaged" loans would have no idea whatsoever as to their value or worthiness. Worse, Title III waives reporting and disclosure requirements of all State and Federal securities laws, and Federal and State agencies have expressed concern that Title III may even waive criminal fraud statutes!

All of us want to alleviate the problems of the Nation's farm economy, and all of us want to help farmers. The problem with Title III is that it is, unfortunately, wide of the mark. The people who would benefit from Title III are NOT farmers; they are the individuals and institutions doing the loan packaging and sale—and making handsome fees on the deal.

There are better ways to restore health to our farm economy and to the Farm Credit System. Because of a lack of time for careful consideration of these highly complex issues, we are offering an amendment, together with other Members, to strike Title III when the bill comes up this week. We hope you will join us in striking "Farmer Mac" when the measure comes up.

Sincerely,

TRENT LOTT,
Minority Whip.
JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 1987.

DEAR COLLEAGUE: As members of the Committee on Banking, Finance and Urban Affairs, we want to express our concern about H.R. 3030, the Agricultural Credit Act of 1987 scheduled for floor action next week.

The bill will provide relief for the Farm Credit System's banks and local lending associations, which have reported losses of about $4.8 billion over the past two years. The measure also provides Federal guarantees for the more than $4 billion in system stock held by farmer-borrowers. American farmers have suffered severe losses, and they need and deserve assistance from Congress.

However, Title III of the bill establishes a secondary market for securitized real estate loans. Under the bill, the market would be exempt from Federal and state securities laws—laws which currently provide a significant amount of protection against fraud and abuse in financial transactions. Moreover, the secondary market might tend to skim off the Farm Credit System's best loans and to compete for investment dollars with banks outside the System. If that happened, the System would be left holding substandard loans, requiring more outreach and servicing than the loans sold in the secondary market.

We believe that this plan could saddle taxpayers with the unnecessary responsibility of making good on any losses yet will not help those farmers already burdened with debt. It is clear that Congress and the Committees with jurisdiction—including the Banking Committee and the Committee on Energy and Commerce—need more time to consider the implications of this Title of the bill.

Please join us and the leadership of the Energy and Commerce Committee in supporting an amendment to delete Title III from the bill.

Sincerely,

FERNAND ST GERMAIN,
Chairman.
BRUCE MORRISON,
BARNEY FRANK,
CHARLES E. SCHUMER,
BRUCE VENTO,
MARCY KAPTUR.

LOOK OUT FOR "FARMER MAC!"

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 1987.

DEAR COLLEAGUE: Next week the House will be asked to consider H.R. 3030, the Agricultural Credit Act of 1987. It contains a badly flawed provision.

That bill creates a bailout package of financial assistance to shore up the Farm Credit System's 37 banks and 387 local lending associations, which together have reported losses of $4.8 billion over the past two years and are projected to lose up to $3 billion more over the next three years. It also would provide federal guarantees for more than $4 billion in system stock held by farmer-borrowers. We strongly support this assistance package. Our farmers have suffered grievous losses.

However, Title III of H.R. 3030 sets up a secondary trading market for securitized real estate loans. As structured in the bill, that market would be exempt from federal and state securities laws, exposing investors to great potential chicanery. As a recent *Washington Post* editorial clearly points out, it would also expose the Farm Credit System, the Treasury and the American taxpayer to unlimited costs.

In order to compete for investment dollars with banks outside the system, "Farmer Mac" would have to skim off the Farm Credit System's best quality loans. The Farm Credit System would be left holding large numbers of substandard loans, demanding continuous, expansive servicing. The secondary market will do little to help farmers already burdened with System debt. We are supposed to be helping the Farm Credit System, not putting a gun to its head. The banks see lots of fee and trading income in all this. All the American public will see is more red ink. We oppose this result and you should too.

Please join us in supporting an amendment to delete Title III from the bill. If you need more information, or would like to help, please contact Consuela Washington (Dingell—52927), Stuart Kaswell (Lent, Rinaldo—63400), or Howard Homonoff (Markey—62424).

Sincerely,

John D. Dingell, Chairman, Committee on Energy and Commerce; Edward J. Markey, Chairman, Subcommittee on Telecommunications and Finance, Committee on Energy and Commerce; Norman F. Lent, Ranking Minority Member, Committee on Energy and Commerce; Matthew J. Rinaldo, Ranking Minority Member, Subcommittee on Telecommunications and Finance, Committee on Energy and Commerce.

[From the Washington Post, Aug. 27, 1987]

FARMER MAC

The farm credit bill that awaits the House on its return contains a provision that was only put there as a sop to the influential commercial banks, insurance companies and others that make farm loans. It transfers much of the risk in such lending from these private institutions—every one a champion of free enterprise in other contexts—to the taxpayer. The government is already too deeply involved in the farm economy as guarantor of price and income. Its additional role as guarantor of credit should be minimized rather than enlarged. The provision should be stricken from the bill.

The bill is meant to bail out the Farm Credit System, a little-known but long-established network of several hundred lending institutions that now makes about a third of U.S. farm loans. So many of the system's loans have gone bad that without a federal infusion it will apparently have to default on its bonds. But the banks and other lenders that compete with the system have also suffered grievous farm losses, and their argument is that if Congress helps the system it should help them too.

The bill would do that by creating a secondary market for all farm loans (not just the system's). The market would be similar to those the government has helped develop over the years for home mortgages. The farm loans would be marketed under the auspices of a new corporation. In housing, these corporations—the Government National Mortgage Association, Federal National Mortgage Association, Federal Home Loan Mortgage Corp.—have come to be known as Ginnie Mae, Fannie Mae and Freddie Mac. Now Farmer Mac would join them.

Only loans with Farmer Mac's seal of approval could be sold in the new market. The government would then help guarantee their repayment. A bank could make a loan, sell it at a slight profit in the secondary market, replenish its coffers and wipe out its risk, all in almost the same stroke. No wonder the banks like the idea.

The administration, which doesn't, says the proposal may end up draining the Farm Credit System, supposed beneficiary of the bill, of its better loans, thereby compounding rather than solving its problems. But the argument against it is more fundamental. Proponents say the secondary market—and federal guarantee—will attract more money into farming at lower interest rates. Sure it will, but where do you stop? Why not a Steely Mac for hurting steel, a Greasy Mac for dear old oil, a Threaddie Mae in case of need in textiles? Congress should tell the banks no on this one.

THE SECRETARY OF THE TREASURY,
Washington, DC, September 14, 1987.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR JOHN: The Agricultural Credit Act of 1987 (H.R. 3030) contains several provisions that should help to minimize the cost of taxpayer assistance to the Farm Credit System (FCS) and at the same time strengthen the FCS. These are goals that the Administration strongly supports. However, it also contains sections with which we have significant problems. Chief among these are Title III, the secondary market provisions, and Title II, the Farmers Home Administration (FmHA) provisions.

For the past two years, we have strongly opposed the creation of a federally-backed secondary market for agricultural loans because: (1) it will do little to help farmers, particularly struggling ones; (2) the FCS itself already effectively acts as a secondary market; (3) the necessary government guarantees will increase the federal government's exposure to losses of up to several billions of dollars each time the agricultural sector falls on hard times; and (4) it seriously damages the FCS by giving a government subsidy (in the form of the guarantee) to private sector lenders who can then take over the System's best borrowers. This loss of good loan volume would be a problem in itself, and would also increase the System's cost of lending to its remaining farmer-borrowers.

Moreover, as former Federal Reserve Chairman Paul Volcker pointed out last year, while a secondary market could increase the liquidity of lenders, there is ample credit available at this time. There simply is a short supply of creditworthy lending opportunities.

The FmHA provisions, through overly lenient loan restructuring and "borrower rights" requirements, are expected to increase the FmHA's cost by up to $900 million in FY88.

Another provision that we oppose is directing FCS institutions that have received needed capital from healthy institutions in the System to return this capital. We believe that the FCS institutions should continue to share their capital in the spirit of self-help before taxpayer assistance is required. In addition, we believe the forbearance and borrowers' rights provisions mandated by the bill for System lenders will prove to be cumbersome to administer, expensive, and damaging to the System's recovery.

We have supported the legislative effort which started as an attempt to help bolster the Farm Credit System and all farmer-borrowers. Unless the problems I have mentioned are corrected, however, I will be forced to consider recommending that the President not sign the bill that has resulted.

Sincerely,

JAMES A. BAKER III.

CRISIS IN INDIA WORSENS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. DWYER of New Jersey. Mr. Speaker, on several occasions over the last several months, I have taken to the floor of this Chamber to call the attention of this body to the tragic situation which exists in the Punjab region of India. As you know, Mr. Speaker, the Punjab is dominated by Sikhs, who have been involved in a long-running and deteriorating battle with the Indian Government.

It is difficult to report precisely what is happening in the Punjab. The Indian Government has imposed a virtual news blackout and limited traffic in and out of the region. But the reports which have filtered out are not good.

There are reports of fighting, riots and killings in this region. The violence which is ongoing in the Punjab should be of concern to all freedom-loving people. It is a tragedy which shows no signs of improvement. To the contrary, there is reason to suspect it could get worse.

In the face of this tragedy, the Indian government has seen fit to continually crack down on the Sikhs, to not respond to their grievances and to intensify political and martial pressure on them.

Responding to this 4-year siege, the high Sikh priests have now declared their independence from India. Yet, because of the major role which the Punjab region plays in the economy of India—it is its most productive agricultural region—it seems unlikely that the government could allow such a secession to occur if it is able to prevent it. The prognosis can only be more oppression, more bloodshed, more death.

Each time that I have come before the House to discuss this issue, Mr. Speaker, I have called for a laying down of arms and a greater dialog between the Sikhs and the Indian Government. That has not happened and the situation has gotten progressively worse.

As a representative of a congressional district in which both Sikhs and Hindus are making valuable contributions to the political, economic, and cultural life, I again urge my colleagues to be aware of this tragic civil war, of the death and destruction which has already occurred and to join with me in urging both sides to seek a negotiated settlement—one which will bring a lasting peace and freedom to this troubled region.

DEBT CEILING EXTENSION

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. COLEMAN of Texas. Mr. Speaker, I am concerned that this House will soon be presented with a debt ceiling extension sometime in the next month or so amended in a way that completely abdicates the forthright position we have taken over the past difficult year. We made a promise to the American people when we passed the Gramm-Rudman deficit reduction amendment in 1985: A promise that we would stick to tough, responsible deficit-reduction targets regardless of the political fallout.

Sticking to those targets—which for this next fiscal year is a deficit of no more than $108 billion—is what Gramm-Rudman was originally all about. We promised the American people that we would bite the bullet when the time came, if necessary, to tackle this deficit head-on and not back down to political expediency.

Mr. Speaker, the proposed compromise would be a slap in the face of the American people after making this promise. Instead of lowering the deficit to $108 billion, it would be allowed to slip to $144 billion or so. In my opinion, this would be an act of collective hand-washing of the tough choices it takes to get this deficit under control.

The so-called compromise doesn't stop there, either. The Office of Management and Budget would be given permission to cook the numbers for maximum political gain, all of which adds up to complete contravention of the spirit and the letter of the original Gramm-Rudman process.

The problem, of course, is that we all realize that the Gramm-Rudman target of $108 billion cannot be reached with spending cuts alone. President Reagan himself asked for $22 billion in revenue increases in his budget request earlier this year, and the House of Representatives, while reducing the President's revenue request by $4 billion, recognizes this need as well.

Even if Congress were to cut $20 billion in spending and raise $20 billion in new revenue, President Reagan will veto the $20 billion in new revenue. The target will be missed, and this compromise proposal if passed will force the Congress to vote for sequestration, and worse, it will force the President to sign the sequestration order, regardless of the economic impact on America.

The President has requested all year that the Congress present him with a clean debt limit extension. That 's what I would vote for, given the chance, and that's what this House ought to do. An unencumbered debt limit would permit the original Gramm-Rudman amendment, as modified by the U.S. Supreme Court, to be in place and force us to deal directly with a tough deficit target.

The truth, as I have said since 1982, is that you cannot achieve meaningful deficit reduction through spending cuts alone, but it will take a combination of revenue increases and spending cuts, with the revenue increases dedicated to deficit reduction. We should also quit reducing taxes while increasing spending.

One reason I opposed the tax reform legislation in 1986 was that it permitted huge reductions in the top rates for those wealthy taxpayers making more than $100,000 a year. Those rates have dropped from 50 percent to 38 percent, and they are scheduled to drop another 10 percent next year.

Those are the tax cuts that we should consider freezing at the current rate to prevent further losses in tax revenues that are desperately needed to fight the deficit.

The problem with raising the deficit target from $108 billion to $144 billion is that it gets us off the hook. It means that we don't have to cut spending quite as much, and we don't have to raise as much revenue. Cutting spending and raising revenues are painful choices, but they are necessary. The old saying "no pain no gain" is true, and we are not going to make progress toward balancing the budget if we allow the targets to be manipulated to avoid making the tough choices.

If there's no recognition by this Congress that the American people already understand that the national debt is the single greatest concern in the country today, then we will surely find out that is the case in the 1988 elections. The interest on the national debt is second only to defense and Social Security as the single largest item in the budget that we can control, and more and more Americans recognize it for the looming crisis it is.

Mr. Speaker, we should have become convinced by our constituents that we must stick to the fundamentals of the original Gramm-Rudman legislation. Those principles are tough but fair. We have no business fudging the target numbers. Each year we put off the tough choices, we will only have them come back twice as tough the next time around. Let's honor our promise to the American people by sticking to the original Gramm-Rudman amendment and meet our deficit targets through real budget reform and a responsible combination of spending cuts and revenue increases.

TEXTILE AND APPAREL TRADE ACT

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. TALLON. Mr. Speaker, it is time we came to our senses. Wishful thinking and dated views have clouded our understanding of the domestic effects of international trade and competition.

The world of 1987 is far different than that of 1950. Modern management and finance, technology, and the worldwide increase in the education and skills of workers have created a global economy. This new international economy has raised standards of living around the world and opened our vast domestic markets to determined competitors. And as the mountain of global productivity has grown, we are sliding farther and farther away from the pinnacle.

Lacking a strategic response, we have watched our great manufacturing enterprises falter and our industrial work force suffer the worst employment shocks in 50 years. While our market—the world's largest—is relatively open, other countries have protected their own industries from our exports. No where is this more evident than in the textile and apparel industries.

Despite stated efforts by the administration, the textile, apparel, and footwear industries are being battered by cheap labor imports. More than $15 billion has been spent in making the textile industry among the most efficient anywhere in the world. Still the flood of imports continues.

If the current trend persists, the annual textile and apparel trade deficit will exceed $23 billion. In square yards, imports reached their highest levels ever in May, increasing to more than 1 billion square yards for the month. Second profits in the second quarter of 1987 were down 12 percent from those of the second quarter of 1986. We cannot allow this to continue. That is why I believe it is imperative that my colleagues join me in strong support of H.R. 1154, the Textile and Apparel Trade Act.

This bill will help to sustain America's producers of textile, apparel, fiber, and footwear and their nearly 2 million workers by controlling the relentless growth of foreign imports. It will provide them with the market certainly needed to invest the substantial financing needed to continue their modernization efforts.

H.R. 1154 calls for a total limit on foreign textile, apparel, and footwear imports. However, it mandates no specific import restrictions on individual nations. These controls will be based on 1986 levels. This measure does not target specific nations or regions, and will allow the Government considerable flexibility in implementing its provisions. It does not discriminate among countries and provides compensation for newly established controls consistent with the General Agreement on Tariffs and Trace [GATT]. Finally, H.R. 1154 provides for a 1-percent annual import growth which is the long-term growth of the U.S. market.

This bill addresses a number of the concerns expressed by its former opponents. It provides the administration considerable flexibility. It is not inflationary and will not result in higher consumer costs. It will not provoke retaliation since it does not roll back trade. It authorizes compensation to our trading partners for the quotas by permitting textile and apparel tariffs to be reduced.

The U.S. textile and apparel industry and its workers are the most productive and efficient in the world, but they cannot compete against foreign governments that subsidize their industries, pay workers as little as 16 cents per hour, and impose severe restrictions on imports from the United States and other countries.

We cannot sit idly by and watch developing nations steadily overtake American manufacturers at home and abroad. The threat from these foreign competitors is an empty one, not because they won't start one, but because they already have. For a decade or more textile and apparel products are dumped in the U.S. market on a consistent and widespread basis. The goal is simple: the elimination of U.S. competition.

The American textile and apparel industry is fighting for its life. From 1980-86, there has been a 20-percent growth in textile imports. With the domestic market growing at a rate of just under 1 percent during the last decade, it is easy to understand how, since 1980, the industry has lost more than 1,500 factories, 40,000 jobs, and 750,000 job opportunities to foreign nations. And, without our action, the textile industry will face only increased import penetration and disruption.

In South Carolina, we are seeing entire towns shut down in the face of the textile deficit leaving families jobless and hopeless. Yet, last year we handed over $612 million to Iran to pay for textiles, carpets, pistachio nuts, caviar, and crude oil. The pace continues full tilt this year, with Iranian textile imports soaring. What does this say about our administration's commitment to opportunity, to hope, to a future for America's workers?

Mr. Speaker, I am tired of drifting and I'm tired of tiptoeing. We've got to get a program and then get with it. We cannot postpone passage of the textile bill any longer. In South Carolina and across the Nation, a flood of imports are stealing the jobs of our textile workers and the futures of their children. Passage of the textile bill will reaffirm our commitment to opportunity, to U.S. industry, to the American dream. The time for talk is past, now we must act.

If there is one word that encompasses all that America stands for, it is opportunity. But for American textile and apparel workers, it is a word that rings hollow these days. American workers want and deserve the opportunity to compete with foreign workers on an even footing. Nothing more. Nothing less.

A CONGRESSIONAL SALUTE TO DR. JOHN STUART LINK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. ANDERSON. Mr. Speaker, it is my honor to rise today to pay tribute to Dr. John Stuart Link. Dr. Link will be honored at a dinner fundraiser September 19, 1987.

Dr. John Stuart Link was born December 2, 1946 in San Diego, CA. Upon graduating from Hilltop High School, Dr. Link attended the University of Southern California where he majored in English literature. Dr. Link demonstrated his strong work ethic and commitment to excellence as he graduated from USC cum laude in 1968. After completion of his studies at USC, Dr. Link attended USC Medical School receiving his doctorate in 1972. His internship was served at Los Angeles County USC Medical Center. He practiced at the Long Beach Memorial Hospital from 1974 to 1975, and is currently on staff at the San Pedro Peninsula Hospital.

Dr. Link has a long list of great accomplishments and impressive degrees. His degrees are a tribute to his integrity and determination to succeed, and fulfill his own personal standards. From July 1976 through 1977, he was a Fellow of the American Cancer Society. From July 1975 to July 1977, he earned a fellowship from the USC Department of Medicine in medical oncology. Dr. Link is a member of the Certified Board of Internists and Diplomate on the Board of Internal Medicine.

Dr. Link is truly known for his gentleness and untiring efforts in dealing with the terminally ill. He demonstrates his commitment to the ill everyday, and has a remarkable ability to instill hope in all.

Mr. Speaker, as you can see, Dr. John Stuart Link has done much to make his community a beautiful place in which to live and work. My wife, Lee, joins me in congratulating Dr. Link on all his accomplishments. We wish him and his wife, Victoria, and his four daughters, Erin, Ashley, Amanda, and Rebecca, happiness and all the best in the years ahead.

HONORING ARMAND D'ANGELO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. ACKERMAN. Mr. Speaker, I rise today on the occasion of a dinner-retirement party sponsored by the officers and members of the joint industry board of the electric industry in honor of their chairman, Armand D'Angelo.

Ever since he was a young man, Armand D'Angelo has been dedicated to serving the electrical industry. He began his career as an apprentice and was gradually promoted to general foreman. Over the years, Armand continued to advance and serve the industry in a memorable fashion.

In 1957, New York City Mayor Robert F. Wagner appointed Armand D'Angelo as the commissioner of water supply, gas, and electricity, a position he held until 1965. The following month, Armand was elected to become the first full-time and salaried chairman of the joint industry board [JIB]. For the first time in its 80 year history, the electrical industry had a person with a union background as both its chief representative and its administrator.

During his tenure as chairman, the joint industry board has seen not only the maintenance and monetary increase in many established programs, but also the creation of new benefits in areas previously unheard of. The JIB annual report, begun by D'Angelo, recalls the events of the past year, illustrates the industry's progress, and provides valuable information about JIB's developments. Another innovation of Armand's was the creation of a one-stop procedure for retirees. Under this system, JIB assists members in filing for Social Security as well as other negotiated benefits in the familiar surroundings of the industry. This process tends to ease the difficulties felt by most workers who in preparing for retirement were required to make trips to different agencies often succumbing to an avalanche of forms and procedures.

With his experience as a public servant, Chairman D'Angelo was able to institute many new administrative policies to streamline the operation of the JIB and thereby enhance a more productive structure to benefit both labor and management. Throughout his tenure, great strides were made to rid the industry of its previous racial imbalance and father-son policy that hinders entrance into the apprenticeship program. To remedy this situation, JIB in 1966 participated in open-comprehensive testing, administered by the Department of Labor, to determine which applicants were best suited for the apprenticeship program. Another milestone was recorded in the annals of the JIB when in 1975 the first group of women were admitted into the apprenticeship training program.

Armand D'Angelo has left a legacy of charismatic leadership which will serve as a guidepost and goal for future generations to emulate.

Mr. Speaker, I call now on all of my colleagues to join me in congratulating Armand D'Angelo, his wife Yolanda, their two sons, Carl and Joseph, their daughters-in-law Patricia and Olga, and their seven grandchildren on his day of retirement after many years of dedicated service to the electrical industry, joint industry board, and the community, and in wishing him the best as he begins a new phase in his life.

HEROINE FOR THE UNEMPLOYED

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. OWENS of New York. Mr. Speaker, I rise in memory of Lucille Rose, an outstanding administrator of federally funded job development programs in New York City who later served as deputy mayor of the city of New York. Job training legislation represents one of the most significant and pragmatic achievements of the U.S. Congress.

Despite a considerable number of problems, across the country federally funded employment programs achieved a practical, bread and butter impact on the lives of thousands of Americans. New York City supplemented its Federal funds with city tax levy funds in amounts far greater than the matching sums required. The result was a gigantic program far greater than any comparable undertaking elsewhere in the country.

Lucille Rose guided the New York City Department of Employment through its most tumultuous and expansive years. Mrs. Rose was an early champion of the hard-core unemployed. She insisted that the lion's share of the training resources and the first available jobs should go to those who needed them most. For her tenacity in defense of this principle Lucille Rose was once publicly called a "liar" by a major New York City labor leader. But history has vindicated Lucille Rose. The failure to heed her pleas led to a steady erosion of the Comprehensive Employment Training Act [CETA] Program. Public officials who opposed granting first preference to the hard-core unemployed laid the groundwork for massive corruption within the CETA Program. Abuses escalated to the point where CETA became indefensible and CETA was destroyed.

The vision and courage of Lucille Rose, if it had been appreciated, could have saved this vitally needed program. Today we are faced with a pressing necessity to re-create the CETA Program. Because local and State officials who held the reins of power refused to heed the wisdom of civil servants and administrators like Lucille Rose, we must now reinvent a program that was destroyed by clubhouse greed.

Lucille Rose was not only competent and creative, she was also practical and compassionate. Her family background, education, and on-the-job training prepared her to thoroughly understand the people in need and the clientele served as well as the government bureaucracy.

Lucille Rose was born on September 27, 1918, in Richmond, VA, and died in New York on August 15, 1987, of a heart attack at the age of 67.

She was a resident of Brooklyn, NY, from the time she and her family moved to the area. She attended and graduated from Public School 3, Girls High School, and Brooklyn College. She received her master's degree from the New School of Social Research in New York City.

Lucille Rose began her long and outstanding career in public service as a fiscal clerk in the department of social services in 1949. After earning a degree in economics from Brooklyn College in 1963, she was named director of the Bedford-Stuyvesant field office of the city's department of labor. By 1970, her responsibilities increased to the degree that New York City Mayor John Lindsay appointed her the first deputy commissioner of the city's manpower and career development agency.

In 1972, Mrs. Rose became the commissioner for the department of employment. While she headed the agency, its budget grew from $55 million to $300 million.

The highlight of Mrs. Rose's career came in 1977, when New York City Mayor Abraham Beame appointed her to the post of deputy mayor, an appointment which made her the first woman in that position.

She also distinguished herself in the various posts she held in a number of political and civic organizations. She was the first woman president of the Catholic Interracial Council; a member of the National Association for the Advancement of Colored People; the National Democratic Committee; the Salvation Army Advisory Committee; and Saint Mary's Hospital. Prior to her death, she had been elected president of the Bedford-Stuyvesant Brooklyn Chapter of the Lioness Club.

Throughout her life, Lucille Rose worked unceasingly to promote racial justice, quality health care, and educational and employment opportunities for everyone. It is altogether fitting and proper that all people who care about the unemployed and the people on the bottom who are struggling to help themselves mourn her passing and salute the outstanding contributions of Lucille Rose.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 17, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 18

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

Business meeting, to mark up H.R. 2712, appropriating funds for fiscal year 1988 for the Department of the Interior and related agencies.

SD-116

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on product liability.

SR-253

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings to discuss the National Coal Council reserve data base report and the state of information relating to the quality and recoverability of U.S. coal reserves.

SD-366

Judiciary

To continue hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

SR-325

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To hold hearings on S. 303, Jacob K. Javits Gifted and Talented Children and Youth Education Act, and S. 1348, Office of Comprehensive School Health Education Act.

SD-430

10:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

Business meeting, to mark up H.R. 3058, appropriating funds for fiscal year 1988 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SD-192

SEPTEMBER 21

9:30 a.m.

Small Business

Government Contracting and Paperwork Reduction Subcommittee

To hold hearings to examine the impact of a series of amendments to the Small Business Act as contained in the Department of Defense Authorization Act for fiscal year 1987 (P.L. 99-661).

SR-428A

10:00 a.m.

Judiciary

To resume hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice

of the Supreme Court of the United States.
SR-325

SEPTEMBER 22

8:45 a.m.
Armed Services
To hold hearings on the effectiveness of legislation enacted last year establishing the position of the Under Secretary of Defense for Acquisition.
SR-222

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of M. Alan Woods, of the District of Columbia, to be Administrator of the Agency for International Development.
SD-419

Judiciary
To continue hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.
SR-325

Small Business
To hold oversight hearings on the Small Business Administration small business development center program.
SR-428A

11:00 a.m.
Environment and Public Works
Business meeting, to mark up proposed legislation to provide limited extensions in the Clean Air Act deadlines for areas that violate the health-protective national air quality standards.
SD-406

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

SEPTEMBER 23

9:00 a.m.
Rules and Administration
Business meeting, to consider S. 1490 and H.R. 2249, bills to designate certain employees of the Library of Congress as police for duty with respect to the Library buildings and adjacent streets and to require the rank structure and pay for such employees to be the same as that for the Capitol Police, H.R. 60, to authorize the Architect of the Capitol to accept gifts and bequests of personal property and money for the benefit of the Capitol Buildings Art Collection, and H.J. Res. 309, to establish the Speaker's Civic Achievement Awards Program to be administered under the Librarian of Congress.
SR-301

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
Business meeting, to resume markup of S. 1665, Farm Credit Act of 1987.
SR-332

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to mark up proposed legislation to provide limited extensions in the Clean Air Act deadlines for areas that violate the health-protective national air quality standards.
SD-406

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To hold hearings on proposed legislation authorizing funds for Federal procurement policy programs.
SD-608

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on the impact of proposed catastrophic health legislation on the Federal Employee Health Benefit program and the Federal annuitant.
SD-342

10:00 a.m.
Judiciary
To continue hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.
SR-325

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings on S. 1294, to promote the development of technologies which will enable fuel cells to use alternative fuel sources, S. 1295, to develop a national policy for the utilization of fuel cell technology, and S. 1296, to establish a hydrogen research and development program.
SD-366

Select on Indian Affairs
Business meeting, to mark up S. 1475, to establish a clinical staffing recruitment and retention program within the Indian Health Service, and H.R. 2937, to make miscellaneous technical and minor amendments to laws relating to Indians.
SR-485

SEPTEMBER 24

9:00 a.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

SEPTEMBER 25

9:30 a.m.
Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To resume hearings to examine the results of a General Accounting Office survey regarding the accounting procedures and processing of seized cash and properties by Federal agencies.
SD-342

10:00 a.m.
Judiciary
To resume hearings on the nomination of Robert H. Bork, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.
SR-325

SEPTEMBER 28

9:30 a.m.
Governmental Affairs
To hold oversight hearings to review inventory control and surpluses by Federal agencies.
SD-342

SEPTEMBER 29

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review coastal zone management consistency provisions.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on Federal procurement decisions concerning Wedtech Corporation.
SD-342

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 2121, to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia, H.R. 1983, to authorize the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and S. 858, to establish the title of States in certain abandoned shipwrecks.
SD-366

SEPTEMBER 30

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings on Federal procurement decisions concerning Wedtech Corporation.
SD-342

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

OCTOBER 1

2:00 p.m.
Energy and Natural Resources
To hold closed hearings on the status of the Department of Energy's efforts to address issues concerning the defense materials production reactors located in the United States.
S-407, Capitol

OCTOBER 6

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on pipeline safety.
SR-253

OCTOBER 7

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

OCTOBER 8

9:30 a.m.

Governmental Affairs
Permanent Subcommittee on Investigations

To hold hearings on government handling of Soviet and communist bloc defectors.

SD-342

OCTOBER 9

9:30 a.m.

Governmental Affairs
Permanent Subcommittee on Investigations

To continue hearings on government handling of Soviet and communist bloc defectors.

SD-342

OCTOBER 20

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee

To hold hearings on S. 816, S. 1026, and S. 1040, bills relating to the construction, acquisition, or operation of rail carriers, and to review the Interstate Commerce Commission consideration of railroad line sales.

SR-253

NOVEMBER 5

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To hold oversight hearings on activities of the Federal Aviation Administration, Department of Transportation.

SR-253

NOVEMBER 10

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

NOVEMBER 12

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

CANCELLATIONS

SEPTEMBER 17

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

SEPTEMBER 24

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

HOUSE OF REPRESENTATIVES—*Thursday, September 17, 1987*

The House met at 10 a.m.

The Reverend Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, MD, offered the following prayer:

May God be gracious to us and bless us and make His face to shine upon us, that Thy way may be known upon Earth, Thy saving power among all nations.—Psalm 67:1-3.

Father, in thankfulness for the opportunity to serve the people of this Nation, we turn to You in prayer. We ask You to bless our labors and to allow the fruits of these labors to yield a rich blessing. Guide us, that we might direct the bounty of this Nation to the benefit of our youth, our elderly, our poor, and our seriously ill. We ask You to be our strength in the peacekeeping efforts to balance the struggle for nuclear and technical supremacy.

Father, in Your mercy, forgive us any misuse of the resources which You have placed within us and in Your justice restore and make whole all who might have suffered as a consequence of our actions.

We ask this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PERSONAL EXPLANATION

Mr. SCHULZE. Mr. Speaker, I was informed this morning that my vote yesterday was recorded as being opposed to the textile bill.

I have to assume a malfunction in the computer caused this error, but I am aware of the fact that we cannot change the computer tally, so I ask that the RECORD reflect my support for that legislation.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce that it is the intention of the Chair to forgo 1-minute speeches today until disposal of today's business.

CIVIL LIBERTIES ACT OF 1987

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 263

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 442) to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and said substitute shall be considered as having been read. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as having been adopted in the House and in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR] pending which I yield myself such time as I may consume.

Mr. Speaker, the consideration of House Resolution 442, the Civil Liberties Act of 1987, implementing the recommendations of the Commission on Wartime Relocation and Internment of Civilians, will be before the Members shortly.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee. The rule also makes in order the consideration of the Judiciary Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The rule is an open rule allowing for the consideration of germane amendments. The rule also provides that the bill need not be amended in order, by title and by section.

The rule also provides that the amendments printed in the report of the Rules Committee accompanying House Resolution 263, shall be considered as having been adopted in the House and in the Committee of the Whole. There are six technical amendments in the Rules Committee report and all the amendments have been agreed upon by all the committee chairmen involved in this legislation.

Finally, the rule allows for one motion to recommit with or without instructions.

Mr. Speaker, the Civil Liberties Act of 1987 acknowledges the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry during World War II. It apologizes on behalf of the people of the United States for the actions taken and provides for an education fund that would finance efforts to inform the public about the internment in order to prevent the recurrence of any similar event. Importantly, the act makes restitution to those individuals of Japanese ancestry who were interned and, furthermore, discourages the occurrence of similar injustices and violations of civil liberties in the future.

☐ 1010

Enactment of this legislation would provide more credibility and sincerity to all declarations of concern by the United States over violations of human rights committed by other nations.

This day, September 17, 1987, is significant for we celebrate today the 200th anniversary of the signing of the U.S. Constitution.

We also have the historic opportunity to make amends for one of the ugliest episodes in our Nation's past.

Mr. Speaker, over 40 years ago, 120,000 people of Japanese-American ancestry were forced to give up their livelihoods, their jobs, their belongings, and their homes, and were moved to so-called "relocation" centers in the western United States for the duration of World War II. This action flagrantly disregarded the civil liberties of loyal Americans, young and old, wealthy and poor.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

What is more shameful is that the action was based largely on racial prejudice and wartime hysteria.

Many Americans would rather forget the torment of those thousands of people who were incarcerated, but forgetting is not the answer. To forget, I think, is to fail once again. What we must do is admit our errors, work to correct them, and ensure they are never allowed to happen again.

This bill accomplishes these worthy goals.

The House of Representatives has two distinguished Members who were interned in the camps as young children. My good friends from California, Representatives NORM MINETA and BOB MATSUI, both still carry the pain and the anguish that resulted from forced relocation.

Imagine, if you can, a young boy, an American citizen, thrown into an isolated camp, forced from his home and his friends, separated from all but a few who could care for him.

In 1942, criminals had the right to a trial, the right of appeal, but these 120,000 individuals were not given a trial. They had no right of appeal. In fact, they were not even told what they had done to cause their isolation. They were only told that their ancestry made them noncitizens.

What sense of justice were we hoping to teach our children by this fact? How did the interned parents explain to their children the purpose of the Constitution and what it was supposed to stand for?

Since World War II, our Nation, to its credit, has made great strides to guarantee the civil rights of all Americans. The Civil Liberties Act of 1987 is another step toward redressing the injustices against those who were interned. Those 120,000 people suffered economically, socially, educationally, and especially emotionally. We have, it seems to me, a moral responsibility to compensate the internees as best we can for their hardships and to reaffirm our commitment to justice under the law.

Mr. Speaker, let us make September 17, 1987, historic not only for its significance as the 200th anniversary of the signing of our Constitution, but also let it be historic as the day that we righted a terrible wrong and embraced wholeheartedly our dedication to protecting civil liberties for all Americans.

Mr. Speaker, last night in reading several articles about what happened during this period of the war to American citizens, I ran across an article done by a woman named Susan Faludi. I would like to quote one paragraph, and end by quoting one paragraph. In it she says:

> A hallucinatory quality clings to the story of the internments of the Japanese-Americans, as if the events themselves make sense only when perceived as imaginary. There is too much dissonance, too many contradictory chords resisting reconciliation. There are the contradictions of stripping civil liberties from people—two-thirds of them U.S. citizens—as a way of safeguarding American freedoms. There are the contradictions of incarcerating an entire race while fighting a war against a nation incarcerating an entire race. When the Jews were freed from Dachau, it was the Japanese-American 442nd Regiment, the most decorated U.S. Army regiment in World War II, that threw open the gates—while their relatives waited for them at home behind barbed wire.

Mr. Speaker, this is a very good and very long overdue bill and I urge my colleagues to support the rule and eventually to support the bill that follows.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 263 is an open rule under which the House will consider authorizing $20,000 in tax-free restitution payments to approximately 60,000 people of Japanese ancestry who were relocated or interned by the Federal Government during World War II.

The bill made in order by this rule, H.R. 442, admits that President Franklin Roosevelt's administration—the Government at that time—fundamentally violated the basic civil liberties and constitutional rights of citizens of Japanese ancestry when it evacuated, relocated, and interned them on the basis of their ancestry.

Mr. Speaker, the bill contains a statement of the Congress recognizing that this was a grave injustice. It also contains a congressional apology on behalf of the Nation.

The bill does not include, however, any findings about the history leading up to the relocation and internment of civilians. This is major flaw, it seems to me.

If the 100th Congress is going to apologize for Government actions taken legally over 40 years ago, it seems to me, we ought to have some examination of why it happened.

For several years now, the gentleman from California [Mr. LUNGREN] has pressed the point that the Government decisions made in the weeks following the Japanese attack on Pearl Harbor were caused by race prejudice, war hysteria, and a failure of political leadership.

Mr. Speaker, since this an open rule, the gentleman from California will be able to offer his amendment to bring the bill into conformity with the findings of the Commission on Wartime Relocation and Internment of Civilians concerning the historical factors.

The bill advances a theory that, after 40 years, a formal apology is not enough and that American taxpayers should make financial payments to individuals on a wholesale basis.

Mr. Speaker, the United States has long ago recognized and acknowledged that the personal hardships experienced by people who were interned were unjustified, both Americans and Japanese.

In 1948, when the history of this period was still fresh, Congress established a comprehensive and reasonable program for financial restitution. Further payments, especially in the broad fashion of the bill, are simply not warranted.

Mr. Speaker, the gentleman from California [Mr. LUNGREN] will be allowed under this rule to offer his amendment striking the authorization for $20,000 payments to individuals.

I have some requests for time, and I reserve the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I have no more requests for time.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, I think there can be no doubt about the fact that a very grave and severe injustice was done to American citizens of Japanese descent during the early years of World War II. I think for that reason it is very appropriate that we consider some of the causes of that injustice and that we try to address those questions in a way that might somehow try to make amends for what was done and perhaps of more significance, assure that it will not be done again in the future; so I think that the apology portion of this bill is very much in order and I certainly support it.

I believe an apology is due. At the same time, I believe that apology should be very profound and it should be lasting in its nature. I do not think it is going to be memorialized in that sense by the simple payment of $20,000 to each internee during World War II.

I felt it would be more appropriate to symbolize this apology on a grander scale and on a continuing basis perhaps by the construction of a monument or the setting up of a trust fund for scholarships or a study of civil rights, so that we could keep the memory of what happened in World War II before us and remain faithful to our pledge to learn from the past and to not permit that kind of injustice to occur again.

□ 1025

So I prepared two amendments, one which would establish a scholarship fund, and the other which would direct the Park Service to erect an appropriate monument. The Parliamentarian decided that those amendments would not be germane.

I, therefore, went to the Rules Committee and asked for a waiver of that particular objection so that I could offer them on the floor today. Because the amendments were not considered in the Judiciary Committee, the waiver was not granted.

I do not intend to pursue the matter on the floor today. Since I did send out a "Dear Colleague" letter announcing that I intended to offer three amendments, and two will not be offered now, I simply wanted to take this opportunity to explain to Members the reason why.

It seems to me that the amendment dealing with the education trust fund, particularly setting up scholarships for the study of human rights and the promotion of the kind of knowledge, would indeed be germane. The bill does call for a civil liberties public education fund, and one of the purposes of it is to prevent similar kinds of events in the future. Setting up a scholarship fund, I think, would certainly carry out that purpose and could be conducted with the same funds, and it seems to me a very appropriate and even germane amendment to offer.

Particularly I am concerned about the fact that the bill authorizes $1,250,000,000 primarily for the purpose of giving redress, but of that sum only $50 million is allocated to the fund which would provide education in the direction that I have indicated. It seems to me that if indeed our purpose is to prevent this from happening again and to keep the memorial of it before us we should have such a study, and it should be funded in a much larger amount than the bill provides for.

So, Mr. Speaker, I simply want to say that I am sorry that my amendments are not germane today. I will not offer them. But I do think as we consider this subject further in the debate today and as we pursue it in the months and years ahead that perhaps we might keep in mind that there are better solutions than the simple paying of money damages to those who are claiming that their civil rights were violated.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I respectfully urge my colleagues to approve the rule for the Civil Liberties Act of 1987.

Now, after 45 years, Congress has the opportunity to close the book on one of the most shameful events in our Nation's history: The internment, beginning in 1942, of 120,000 loyal Americans simply on the basis of their ethnic ancestry. There was no trial; there was no jury.

Those interned were not foreign spies disloyal to the United States. Many had sons or brothers fighting with the 442d Regimental Combat Team, which was comprised of Americans of Japanese ancestry and which is the most highly decorated unit in the history of American fighting forces.

Among those interned were old men and women who had toiled in the fields of California. Their hard labor made barren lands productive, lands that many would lose as a result of the internment.

Those interned were not unscrupulous agents of a foreign power: They were business people who had worked long and hard to build small businesses and to become respected members of their communities. And, those interned were not recent immigrants of uncertain loyalty; most were born in this country and were proud citizens from birth.

I was one of those interned. I was 10 years old. If someone, anyone, could show me how by any stretch of the imagination any reasonable person could suspect me to have been a security threat, I would abandon this effort here and now.

The fact remains that no Americans of Japanese ancestry committed any acts of treason or disloyalty, and the fact remains that the internment was not a mere inconvenience to Japanese-Americans.

Evacuated with little notice and little explanation, thousands of Americans lost their homes, their businesses, their farms. And we lost 3 years of our lives. The financial losses were enormous. But the losses of friends, education, opportunity, and standing in our communities were incalculable.

The internment was not, as some say, "regrettable but understandable." It was wholly unjustified in light of what we know now and, even more distressing, unjustified in light of what anyone who had wanted to know the truth could have known in 1942. As a consequence, our entire Nation was and still is shamed by the internment.

Yes, it was a time of great national stress. But moral principles and rules of law are easy to uphold in placid times. But are these same principles upheld by great nations under great difficulty and stress? Sadly, we as a nation failed such a test in 1942.

Congress enacted legislation in 1942 to implement the internment, and it is now up to Congress to demonstrate our national—and natural—capacity for justice and wisdom. Let us show the strength of our Nation and our system of laws by admitting the errors of 1942, apologizing for these errors, and making some efforts toward redressing the damage we have done.

Let us state clearly and unequivocally our commitment that such a wholesale abuse of civil rights will never again happen in this land. H.R. 442 will state such a commitment and redress these wrongs.

Mr. Speaker, I urge my colleagues to approve the rule.

Mr. TAYLOR. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Speaker, I think it is a shame that we have a bill of this significance on a day when our time constraints are so difficult. Many Members want to leave today so they can get to Philadelphia this afternoon for the celebration of the Constitution. I understand that. I will not call for a vote on the rule. I will not belabor the point, but unfortunately a lack of debate does not allow the time necessary to fully discuss this issue.

This bill is known as the Civil Liberties Act. It was placed on the calendar on Constitution Day for a purpose, in my judgment, and that is to make it very difficult for anyone who has a difference of opinion with the committee's report and the bill here to be able to offer that in a seriousness of discussion.

It is to be taken as a gesture in support of the Constitution if one supports the bill in all of its glory, and if one has a dispute with a portion of the bill it makes it rather difficult to discuss that.

Nonetheless, I would like to discuss on this time my reasons for opposing a major portion of this bill.

During the 96th Congress, Mr. Speaker, I cosponsored H.R. 5499, which established the Commission to investigate this question, the Commission on Wartime Relocation and Internment of Civilians. I did that because as a Californian growing up I was unaware of the way Japanese-Americans and Japanese nationals who lived in the United States, particularly in my home State of California, were treated during World War II. As I learned about it, as I began to understand some of those things, I thought it was necessary and that we as a nation had a responsibility to clear the record of any insinuation that those who were involved, that is, those Japanese-Americans and those Japanese nationals living in the United States, were anything else than loyal Americans. For that reason I considered it to be an honor to be selected from this House to serve on that Commission and to spend 2 years studying this matter.

As the only Member of this body, the only Member of either the House or the Senate, the only currently elected official sitting on that body, I felt that I had a responsibility not only to review the historical record, but to also place it in the context of today's imperatives and today's priorities with respect to the spending of taxpayer funds. In that regard I suppose I was in a different position than most of the other members of the Commission.

I must say that I felt that the Commission's findings, that is that the decision was the result of three major factors, a lack of political will, some race prejudice and war hysteria, that those findings were accurate. Nonetheless, I do believe that we have not given a full emphasis to all of those elements and a full appreciation and understanding of the circumstances and what we intend to do by our response in this Congress.

It seems to me it is extremely important for us to investigate what happened some 40 to 45 years ago, attempt to take lessons out of that and apply those lessons to the present as well as to the future so that we do not repeat those mistakes. If we believe or we lead our Nation to believe that this decision by Franklin Delano Roosevelt was primarily in response to racial prejudice, we mistake his decision, we do ourselves a disservice because we take no lessons out of this to apply to the future. If it is as simple as that, we did not need a commission. If we in fact believe that to be true, it will give us no lessons for the future because we are all against race prejudice.

The question is, How could someone seemingly without race prejudice, how could someone with the interests of America at heart make this decision? How could F.D.R. make that decision? To me that means we have to look in the historical record and see it is a far more complex thing than to say it is racial prejudice, that is it, and let us be against racial prejudice because we will not avoid the tough questions in the future. It is more complex than that, I think, when one gets into wartime situations and therefore it seems to me it is extremely important to set the record straight. Yes, to say absolutely that no single Japanese-American or Japanese national living in the United States was ever found guilty nor was there evidence of the fact that they were involved in being disloyal to the United States, we ought to set that record straight.

Therefore, I believe we ought to have an official policy of the U.S. Government in the nature of a piece of legislation passed by this Congress and signed by the President of the United States. We ought to recognize it was a major error. We ought to make an official apology. And if we really mean it in terms of making sure we do not repeat this or something similar in the future, we ought to have an educational fund where we continue to fund studies of this period and the lessons that arise out of it.

Those who think that the generation that made these decisions did so merely out of racial prejudice and we will not do that in the future ought to remember what occurred in the United States when we had our hostages in Teheran. There were cries in the Nation and including this body and the Senate that we ought to round up all Iranians whether or not they had done anything wrong and in effect hold them hostage until we had our hostages released in Iran.

The problem is how to make sure we do not fall into that trap. How do we set aside mechanisms so that discussions will come forward so that a President of the United States will have the ability and the obligation to receive information from all parts of our society in order that he or she will avoid that in the future?

Mr. Speaker, one of the things I think we have to recognize is that we are judging a previous generation with the ability of 20-20 hindsight. I think the one major shortcoming of the Commission was that we ignored what was known as the MAGIC cables. Any student of World War II knows what the MAGIC cables are. Those are the cables of the Japanese Government during World War II, the code we broke and they unknowing that we had broken the code continued to send their messages. The information that was made available to Franklin Delano Roosevelt at the time he made this decision gave quite a different view of things than what we found subsequently. I will address that later on when we are discussing the bill itself.

All I am saying is what we ought to do is take a very careful historical review of this.

Last, I would say this: I will be offering an amendment to knock out the individual reparations. I could go back and show my colleagues the debate that took place in the Senate, that took place in the House, where prime sponsors of the legislation in the Senate to establish the Commission said they would not support the establishment of the Commission if monetary reparations were the outcome of that legislation. We were told that was not the indicia of whether we were doing a serious job, rather when we began as a commission we were supposed to study the historical record and make any recommendations we thought were appropriate. Now we hear, however, the argument that unless we have an apology accompanied by money the apology means nothing.

I hope we address that seriously. We are talking about $1.25 billion. Have we come so far in this country that we say nothing is of value, even legislation, even an official apology, unless it is accompanied by monetary reward? I hope not. But that is the argument that has been made. If we do not have individual reparations involved what we are doing is hollow, it is phony.

The other thing we have to consider is this: As elected officials we have the obligation to establish priorities, and that means a priority for $1.25 billion has to be determined. Is it more appropriate in this circumstance than for Social Security recipients, for those on welfare, for those receiving food stamps, for our men and women who are in the Armed Forces today and do not have adequate housing or for a whole host of other things? It seems to me what we have to do is as elected officials not say $1.25 billion sound like a good sum, let us do it, but where does it stack up with respect to other priorities? It seems to me that is a more difficult decision, but nonetheless it is a decision we have to make.

There is no one here I think that would suggest that $20,000 is the value of having been denied one's liberties for a period of time. I have never heard that argument. There is no one that suggests $20,000 makes things right. There is no one that suggests $20,000 is adequate compensation for the time one spent away from home and in a camp. So what is it? It is taken as the indication of the significance, of the symbol, of the sincerity of our action.

I ask my colleagues, does it make sense that we in America have come to a point that sincerity can only be judged by a dollar sign accompanying any piece of legislation?

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume to respond to my colleague, and then I will move the previous question.

Mr. Speaker, I have a deep amount of respect and admiration for my friend from California, Mr. LUNGREN, but I would like to take exception to one particular thing that he said, and that is the timing of this piece of legislation. I cannot think of a more appropriate way for Members of this institution to celebrate the 200th anniversary of this Constitution than to be discussing this legislation which gets to the heart of that Constitution.

□ 1040

This piece of legislation that we will have before us in just a few minutes to be talked about in this institution, to be talked about in this Chamber, the Chamber of free speech that is admired by every people and country of the world, it seems to me is the best way to celebrate this very important day, to talk about the right to liberty, as he has just talked about, the right not to be lifted from your home in the middle of the night, the right to be compensated, the right to grow up without fear; all of these issues that are at the heart of the Constitution, particularly the Bill of Rights and the first 10 amendments will be discussed today.

So I am pleased that the leadership has decided along with others to schedule this bill and I am hopeful that we can talk to America in a very important and significant way through this bill this afternoon.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. On that I will yield for purpose of debate only.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Speaker, my point is not that this is not an appropriate day. My concern is because we have a national celebration in Philadelphia to which a number of Members wish to attend and because we are under time constraints, and I think the gentleman recognizes that as much as I do, I am not sure we have the ability to give attention to it for the full debate and to gain the attention of the Members that something of this seriousness ought to have. That is my only point.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield on that point briefly to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman for yielding.

Mr. Speaker, I admire the seriousness with which the gentleman from California has approached this, though I disagree with him in one aspect. But I must say I think we have left adequate time. We started this early, we did away with 1-minutes, we are not going to rollcall on the rule because I believe it is an open rule that puts no constraints on Members. I believe we will have several hours to debate because what emerged from the subcommittee and committee process was the general sense that our disagreeement here focused on this major question of the compensation. The gentleman has a language amendment, as he knows many of us agree with him, that language amendment—Members legitimately may differ about that but it is not a major difference of opinion. There is difference on both sides of the aisle. We have one central issue, the question of money. We will have debated that for probably 2 hours or so and I do not think if you look at the way this House deals with things that that is an inadequate amount of time.

I thank the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. COELHO). Pursuant to House Resolution 263 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 442.

□ 1043

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 442) to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, with Mr. GRAY of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 30 minutes and the gentleman from Florida [Mr. SHAW] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, it is a great privilege for me to be able to yield such time as he may consume to the gentleman from New Jersey [Mr. RODINO] the distinguished chairman of the Committee on the Judiciary who has done so much to bring us to this moment today.

Mr. RODINO. Mr. Chairman, today as we celebrate the signing of our Constitution 200 years ago, we have an opportunity to reaffirm that this great document of human liberty applies to all Americans by favorably considering H.R. 442, the Civil Liberties Act of 1987.

The preamble of the Constitution speaks eloquently about the blessings of liberty, the most basic and fundamental of our civil rights. All American citizens enjoy these rights and they expect to be protected from arbitrary imprisonment by the Federal Government. Some 40 years ago, during World War II, the Federal Government without providing any due process under law, sent nearly 120,000 loyal American citizens and resident aliens of Japanese ancestry to remote internment camps. Many of these individuals, in the panic of sudden departures, lost their businesses, farms, and homes. Most of all they were deprived of their personal freedom. This great wrong to this day remains uncorrected. A truly great nation is worthy of its greatness when it recognizes that it has made mistakes. We now have the opportunity to recognize and to redress this grave injustice by passage of H.R. 442.

On June 17, 1987, the Committee on the Judiciary ordered reported H.R. 442 with a single amendment in the nature of a substitute by an overwhelming vote of 28 to 6. The provisions of H.R. 442 as reported by the committee are as follows:

The bill contains an apology by Congress on behalf of the Nation to those of Japanese ancestry who were subject to evacuation, relocation, and internment during World War II. The Congress states in the apology that the actions of the Government were carried out without adequate security reasons and were motivated in part by racial prejudice and wartime hysteria. The Congress further states that individuals of Japanese ancestry suffered enormous damages both material and tangible, all of which resulted in significant human suffering for which appropriate compensation has not been made.

The bill also authorizes the establishment of a trust fund of $1.25 billion to be used for two purposes:

The primary purpose of this authorization is to provide $1.2 billion to make payments of $20,000 to each surviving individual of Japanese ancestry deprived of liberty during the relocation program.

The second purpose is to provide $50 million for the establishment of a civil liberty public education fund to publish the hearings of the Commission and to sponsor research and public educational activities about the internment period so that it causes and circumstances may be understood.

The Committee on the Judiciary concluded that it is difficult to provide adequate, financial compensation to the individuals of Japanese descent who were relocated from the west coast during World War II for the fundamental violations of their civil liberties and constitutional rights they suffered, but that the restitution payments provided in H.R. 442 represent a strong affirmation by the Congress that a very grave mistake was made by the Government in the relocation program. In recommending restitution payments to eligible individuals, the committee, which regularly considers the claims of individuals who have been wronged by the Federal Government, followed precedents in awarding damages to those who have been convicted or detained without due process of law. The committee concluded that restitution payments demonstrate a tangible commitment by the Government of the United States that such wrongs should not be committed again. Although a formal apology is important and the education fund is needed, these actions alone, without compensation, are not adequate to redress the wrongs.

The committee recommends that the House act favorably on H.R. 442, as amended, to remedy the grave injustice done by the U.S. Government during the internment period to U.S. citizens and to permanent resident aliens of Japanese ancestry.

I want to commend Representative BARNEY FRANK who has provided real leadership on this bill as chairman of the Subcommittee on Administrative Law and Governmental Relations of the Judiciary Committee. As will as to commend the gentleman from Florida [Mr. SHAW] for his contribution.

I urge this House to act favorably on H.R. 442. These Americans, all loyal individuals, suffered tremendous losses through the disruption of their lives and loss of their freedom. It is long past time for us to redress these wrongs—and it is particularly fitting that we do so on this day when we celebrate the signing of that great document of freedom and justice, our Constitution. I urge your support of H.R. 442.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking member of the subcommittee that convened the hearings on H.R. 442 and the subcommittee that initially considered this bill for markup, I am pleased to see that this issue has finally come to the floor of the House for consideration. As many of my colleagues are aware, this issue has been considered in subcommittee for several Congresses and has considerable legislative history behind it. I think it will be healthy for us as a nation, for this Congress to finally consider this issue and put it behind us.

As many of you know, H.R. 442 contains a statement of the Congress with regard to the factual history surrounding the U.S. Government's relocation and interment of American citizens of Japanese ancestry during World War II. That statement includes a recognition by Congress that the Government's decision to evacuate, relocate, and intern U.S. civilians during World War II was a decision made and carried out without adequate security reasons, and was a decision motivated in part by racial prejudice and war hysteria. The bill further makes a formal apology on behalf of the people of the United States for these particular actions carried out by the U.S. Government during World War II. This bill further requires a review of all criminal convictions which resulted in the implementation of the decision to evacuate, relocate, and intern these civilians; and requests pardons, where appropriate, for those convictions.

H.R. 442 establishes a fund to be called the "civil liberties public education fund" which among other things will be used to make restitution to each individual under the bill in the amount of $20,000. This fund will further be used to sponsor research and public educational activities regarding the events surrounding the relocation program in part so that the causes and circumstances of these events may be better understood. In order to implement these programs and make the restitution required in the bill, H.R. 442 authorizes $1.25 billion.

The Administrative Law Subcommittee, over the past several Congresses, has held a total of 6 days of hearings on this issue and those hearings have provided some very compelling and effective testimony, including the testimony of Members of this very body which have built a very strong record in favor of this legislation. I believe the internment of Americans of Japanese ancestry was an injustice and I believe our Government's ability to recognize it as such and address it under these unique circumstances and particularly on this historic day is noble and just. However, I do not say this without some serious reservations about any precedent we may be setting in passing this bill because I do not believe this Government or any government can or should attempt to apologize or make restitution for every wrong committed during a time of war.

There are Members who will be introducing some very substantive amendments here this morning and I would like to encourage all of the Members to examine these amendments very carefully and vote according to their own feelings as they come up and we will be looking forward to the final passage of this bill.

□ 1055

Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I consider being able to serve in this body an enormous privilege, and at no point in my service here, which is now in its seventh year, have I felt more privileged. What we are about to do today, I hope, is an act of greatness for a Nation.

This is a great Nation. It is a nation, more than any other in the world, that is struggling successfully with the obligations of being a leading world power in the most humane and democratic and open way. We are not perfect. There are no perfect human societies. But we have in this country under the Constitution we celebrate today mechanisms whereby we can improve. We are improving, and one very clear example of that is this bill today.

Members have said, some critically, that what we are doing is judging the past by the standards of the present. Yes, we are. This is not to say that people of the past were bad people. None of us can be confident today that we would necessarily have acted differently 45 years ago. We all hope we would have, but none of us, I think, can be absolutely certain that we would have. What we are saying is that given the evolution in the ideals of this country, we believe we would have.

There has been discussion of racism. This country in the 1940's was a country much more tainted by racism than today. One of the great triumphs of America in this postwar period is the extent to which we have confronted the racism that was not peculiar to America. That is a human problem. But we have confronted it, I think, more forthrightly and more successfully than most other societies. We continue to have work to do.

What we are saying is that we have an obligation as a people in charge of the Government today, a government which, by the way, was the financial beneficiary of what happened. That was not the motivation for it, but there were seizures and expropriations which financially benefited the Government 40 or more years ago.

What we are saying is that as part of our effort to use our Constitution to improve ourselves we are going to admit that we made a mistake, and I think it is part of being a great Nation to be able to admit that we made a mistake. I think we ought to contrast ourselves with the Soviet Union. The Soviet Union during World War II engaged in massive resettlements of its populations. It was big news in the Soviet Union because some of those who had been so cruelly resettled were allowed to have a protest demonstration.

Let us let that be a contrast for the world. They are proud of the fact that they allowed people who had been brutally mistreated to object to it. We have long since passed that point. What we are saying today is, yes, we made a mistake. We understand that, and we apologize for it. I think that sentence in this bill that says, "the Congress apologizes on behalf of the Nation" is not only a great statement, it is a great example for the rest of the world that a strong and powerful and free Nation is not embarrassed about saying that we are not perfect and we are getting better, and we acknowledge that we made that mistake. That is what we are doing today.

As for the money, it is not strictly compensation because, frankly, if we were compensating people for the pain and loss and the suffering, by any legal standard I am aware of we would be paying far more than this. In fact, people ought to understand that a lawsuit is now pending. Some of those Japanese-Americans who were victimized have filed a lawsuit, and while the executive branch of the Federal Government tried to have it thrown out, they were unsuccessful. The Supreme Court did say it had been brought in the wrong court. The court where it was brought, the circuit court, allowed it and said the staute of limitations should not be a bar. There is a suit pending.

Under this bill, people who accept the compensation offered—and I should not say, "compensation," because it is not meant to be and it is not by any means full compensation—people who accept that settlement may not proceed with the lawsuit. So this might well save the Government money. Nobody can be sure. I would not bet on the success of that lawsuit, but there is a lawsuit pending, and what we are saying is that here is an offer of a settlement, and if you accept that, then you are out of the lawsuit. It is an absolute bar to people pursuing the lawsuit, where if they are allowed to sue the Government and the Government is admittedly at fault, the damages would be far greater than anything in here.

If we look at this $20,000 in 1945 dollars, we are talking about a much, much smaller sum. Why the money? It is not because money is the only measure of sincerity, but because a simple apology alone does not seem to us to convey the full force of what we are trying to do here.

Yes, we want to make it very clear that we are in effect imposing a penalty on ourselves to show and to demonstrate in fact how sincere we are. It is a figure arrived at by the commission, and we think it is an appropriate one.

Mr. Chairman, I am very proud to be a part of a democratic legislative body, Representatives of a very great Nation, that says to the world that we made a mistake and we are now, I believe, if we do this, in a stronger position to play the role that many of us are proud to have America playing.

We in this Chamber from time to time criticize other governments for their failure to recognize human rights, and I am glad to participate in those efforts, whether it is on behalf of Soviet Jews or blacks in South Africa or others who are being denied their rights.

Acknowledging the mistake that we have made, saying that national security ought not to be invoked inaccurately as a basis for condemning fellow citizens for no good reason, I think that strengthens our ability to be a strong voice for freedom across the world.

Mr. Chairman, we will go further into this, but at this point I will yield to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment the gentleman from Massachusetts [Mr. FRANK] for his leadership on this issue.

I strongly support H.R. 442, but I noticed that in this legislation the Aleuts of Alaska who were not Japanese but who were incarcerated and put in concentration camps, who lost their churches and their homes and were actually used as slave laborers by the U.S. Government, are not included in this bill, and yet they have been and were in the past.

I would like to have the gentleman's comment because I know that I have introduced that legislation and we have had lengthy hearings on that legislation. What is going to be the outcome of that particular piece of legislation?

Mr. FRANK. Mr. Chairman, I thank the gentleman for bringing the point up. He deserves a great deal of credit as the Representative of Alaska for fighting hard on behalf of the Aleuts, as he mentioned.

As the gentleman noted, there was originally legislation which encompassed all of this. We decided after discussion that it would be best to deal with this in different bills. As the gentleman is aware, there were some technical problems involving the Aleut situation because there were some land transfers involved and it involved other committees. It involved the Ways and Means Committee and the Interior Committee.

I am pleased to be able to report to the gentleman that I know he has received a letter from the chairman of the Judiciary Committee, the gentleman from New Jersey [Mr. RODINO], to this effect. The subcommittee which I chair passed this bill out unanimously with the strong support of the gentleman from Florida and others on both sides of the aisle. There was a period in which some technical work had to be done. The first-rate staff of our committee and the gentleman's staff and others did a good job on this. I can report to the gentleman, as the committee chairman has informed him by letter, that that bill is now awaiting action by our full committee. I know of no objection to it on our full committee. As far as we can tell, it was supported unanimously, and I believe I have the support of the ranking minority member here. We supported that unanimously, and the gentleman is right, it is a companion piece of legislation here. It involves a much, much smaller amount of money because we are dealing with many fewer people. But is is equally a matter of justice. It deals with the same period, and I very much hope that within a short period of time we will be standing on this floor, the gentleman from Alaska, the gentleman from Florida, the gentleman for New Jersey, and myself, passing this bill as well.

Mr. YOUNG of Alaska. Mr. Chairman, again I want to thank the gentleman for his leadership on this issue, and I thank him for his assurance that the Aleut bill will arrive on the floor.

Mr. FRANK. Mr. Chairman, I reserve the balance of my time.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FISH], the ranking minority member of the Judiciary Committee.

Mr. FISH. Mr. Chairman, I rise in support of the Civil Liberties Act of 1987, and I compliment the subcommittee chairman for his leadership in bringing this to the floor. At this time I would simply like to associate myself with the remarks of the gentleman from Massachuesetts [Mr. FRANK] and commend him for his eloquence in underscoring the principles behind this legislation.

Mr. Chairman, I rise in support of the Civil Liberties Act of 1987 (H.R. 442). This legislation would make restitution to those Japanese-American citizens and permanent resident aliens of Japanese ancestry who were evacuated from the west coast during World War II.

Soon after the outbreak of World War II, 120,000 Americans of Japanese ancestry, two-thirds of whom were actually United States citizens, were either interned in camps or otherwise deprived of their civil rights. H.R. 442 is omnibus claims legislation that attempts to redress that historical wrong in two fundamental ways. First, H.R. 442 contains a formal apology by Congress on behalf of the Nation of the Japanese-American community. Second, the bill establishes a trust fund of $1.25 billion, the bulk of which will represent onetime $20,000 payments to each living Japanese-American or permanent resident alien deprived of liberty. Approximately $1.2 billion will be used for these payments and the remainder—approximately $50 million—will be used for educational and humanitarian activities to further study the causes, effects, and implications of these events. The estimates are that there are approximately 60,000 individuals now living who would be eligible for this onetime payment.

It is important to emphasize that this $20,000 payment per person is not reimbursement for the loss of property or employment. Rather, it is in the nature of "liquidated damages"—these individuals are being partially compensated for the violation of their civil rights. The concept of monetary damages in compensation of violations of constitutional rights is not unusual or unprecedented. In 1971, the Supreme Court recognized a citizen's right to be compensated for violations of fourth amendment rights; that is, unreasonable searches and seizures. *Bivens* v. *Six Unknown Agents of the Federal Bureau of Investigation,* 403 U.S. 388 (1971). Since that time, the Supreme Court has expanded this "constitutional tort" concept to include violations of the fifth and eighth amendments as well. Lower Federal courts have applied the constitutional tort principle to claims based upon a variety of other constitutional rights including those protected by the first and sixth amendments. The deprivation of due process here was fundamental; the individuals who were evacuated and relocated had not been convicted of any crime. As the Members of this House know, our Constitution explicitly protects citizens against false arrest, false imprisonment, and abuse of process.

In 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians to review the facts and circumstances surrounding the decisions made with respect to persons of Japanese ancestry during World War II. That Commission conducted 20 days of public hearings and in December 1982, published its final report. H.R. 442, in large part, would implement the recommendations made by that Commission. The Committee on the Judiciary favorably reported H.R. 442, as amended, on June 17, 1987. The vote on final passage was a bipartisan 28-6.

Mr. Chairman, H.R. 442 concerns a difficult and disquieting subject. Difficult because it relates back to a time of great stress in our Nation's history. Disquieting because the official decisions made at that time—evacuation, relocation, and internment—do not, in retrospect, appear to have been justified by either military necessity or valid national security reasons. H.R. 442 is also difficult and disquieting because it requires this House to determine what is the appropriate way to provide "redress" or "restitution" for the wrongs done.

In reality, there is no way to fully compensate persons who lost their homes, their jobs, their businesses—and their freedom—because of hasty and emotional judgments that proved to be wrong. Lives were not only terribly disrupted; they were indelibly altered. It is true that these injuries cannot ultimately be measured in dollars alone. But that, to me, is not an argument against any form of monetary relief. The funds contained in H.R. 442 are a significant and tangible gesture on behalf of the U.S. Government. Frequently, Congress acts favorably on claims legislation that is only partially compensatory, but nevertheless represents the final settlement of the claim involved.

Most importantly, what this legislation and its historical origins require us to do is to confront the real meaning of being an American. This year is the 200th anniversary of our Constitution and the rights contained in that wonderful document are not just legalisms or precepts on paper. They are supposed to be guarantees—against an arbitrary government as well as public and private prejudice. America went to war in 1941, but the principles contained in our Constitution should not have gone to war as well.

Before ending, I would like to add a personal note. For 18 years—1969 to 1987—my personal secretary and office manager was Mrs. Aya Honda Ely. Mrs. Ely was more than an employee—she was and is a treasured friend of mine and my family. Aya is a native-born American citizen of Japanese ancestry. At the outbreak of World War II, she was a young woman living and working in California. In early 1942, she was dismissed from her job with the State of California, simply because she was of Japanese descent. She and the rest of her family were subsequently evacuated and relocated under the exclusion order to a camp in Arizona where whe remained until 1944.

Many on Capitol Hill know Aya, a charming and dedicated woman, certainly as loyal an American as any of us. She now is enjoying a well-earned retirement. Rarely did she refer to her experience during World War II, and never was there an expression or trace of bitterness. But she, and thousands like her, are symbols of the tenuous nature of our democratic society. Aya Ely and the others who endured these events deserve this recognition and national apology.

Mr. FRANK. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PASHAYAN].

Mr. PASHAYAN. Mr. Chairman, I rise in support of H.R. 442.

Mr. Chairman, this bill draws a conclusion to one of the most shameful episodes of American history.

On February 19, 1942, President Franklin Delano Roosevelt himself, by Executive Order 9066, ordered that all Americans of Japanese descent be forcefully removed from their homes, places of business, schools, and churches, and be taken to military detention camps to live in confinement—men, women, and children. Thus did F.D.R. coldly and calculatedly conceive and executive a policy of national racial discrimination. And thus did F.D.R. commit his own act of infamy, staining forever the pages of American history, an act of infamy for which he and his party must forever bear full responsibility.

□ 1110

These Japanese-Americans had committed no crime against the United States. The history of World War II does not document a single act of espionage or sabotage by a Japanese-American. Thus did F.D.R. open one of the saddest chapters in American history. For 3 years the U.S. Government, under F.D.R.'s Executive order, deprived these Japanese-Americans not of their lives, but of their liberties and properties. In the internment camps they lived without comfort or privacy, while their children learned the rituals of American life, including the daily pledge of allegiance to the American flag, which stands for justice and liberty for all. After nearly a year of confinement, the Government gave internees the opportunity to earn their freedom by signing a declaration of absolutely loyalty to the United States, a requirement not levied on other American citizens. Many internees who signed the statement later joined the American war effort as part of special Japanese-American regiments that fought in some of the most bitter battles of the war. The Government further isolated into a separate camp those internees who expressed their bitterness and resentment by refusing to sign a pledge of loyalty.

H.R. 442 acknowledges the injustice done to the Japanese-Americans who were interned during World War II and aplogizes to them on behalf of the Nation. It also directs the Department of Justice to review the criminal convictions of individuals who were convicted of violating the law imposed under the internment, with a view of exonerating them.

I question whether provisions in the bill for individual redress are the most appropriate remedy. In light of Congress' efforts to reduce Federal spending, I tend to favor a monument or a library dedicated to all the internees that will stand as an enduring reminder to succeeding generations of Americans of what F.D.R.'s government did to some of its own citizens, and that it must never be done again.

Nevertheless, I rise in support of H.R. 442 because I believe that Congress must act to bring this painful issue to a responsible conclusion.

I ask my colleagues on our side of the aisle to rise above partisan considerations, and to assist our colleagues on the other side. After all, it was their President who locked up American citizens without cause. Let us vote today to right the wrong, to be an enduring reminder of how wrong a righteous political party can be.

It seems to me that if he were here today among us as a colleague, Abraham Lincoln would surely vote "aye" on the bill.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, yesterday our Nation participated in a celebration of citizenship in which we pledged allegiance to the flag and to the Nation for which it stands. That pledge ends with the simple words "* * * with liberty and justice for all." Let us give substance once again to these words by passing the Civil Liberties Act of 1987 which will recognize and apologize to Americans of Japanese ancestry who were treated with grave racial and economic injustice by being taken from their homes and interned in camps during World War II.

Passage of H.R. 442, without amendments, will stand as an eloquent testimony to the importance of the U.S. Constitution whose 200th anniversary we celebrate today. It is now time to admit a mistake caused by fear and bigotry. The trust fund authorized in this bill will be used for a modest restitution to each survivor of that internment and for public education to make sure similar events do not occur ever again.

Let us learn from the lessons of history. We do not want an atmosphere that tolerates civil rights abuses, even in wartime, which eventually caused the German clergyman Martin Niemoeller to say,

> In Germany they came for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

Mr. Chairman, let this Congress speak up today to demonstrate that the kind of wholesale abuse of civil and constitutional rights such as was found in the internment camps will not happen again in the United States.

Mr. Chairman, let us continue our celebration of the U.S. Constitution by passing the Civil Liberties Act of 1987.

Mr. Chairman, I would like to add my commendation to the gentleman from Massachusetts [Mr. FRANK], the chairman of the subcommittee, and to the gentleman from Florida [Mr. SHAW], the ranking minority member on the subcommittee, for their leadership on this very important bill.

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I look upon this as a bill that every Member should vote "yes" on; and I rise in favor of H.R. 442, and ask my colleagues to support it without any amendments.

Mr. Chairman, I understand that there have been some misperceptions moving through the House that persons of Japanese ancestry living outside the west coast and in Hawaii were not subject to evacuation orders.

I simply want to stress to this body that this is not true. I know that at least 1,000 individuals of Japanese-American ancestry were residing in Hawaii, were in fact interned during this period.

I want to engage in a colloquy with the gentleman from Massachusetts [Mr. FRANK], and ask the gentleman, does the gentleman agree that in fact certain persons of Japanese ancestry who resided in Hawaii and were interned, whether the relief envisioned under this bill would apply to those individuals?

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. AKAKA. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's concern; and I can say, and I have checked with the staff and with the experts on this, it is our information that there were Americans of Japanese ancestry living in Hawaii who were interned; and under the terms of this bill, they would be covered.

I do not know of the exact number, but Americans of Japanese ancestry residing in Hawaii who were in fact interned would be treated in this bill like anyone else who was interned, subject to the same offer, and they could accept the compensation in return for giving up their right to sue and have that same right as everyone else.

Mr. AKAKA. I thank the gentleman for the gentleman's response, and again I urge the Members to support the bill without amendments.

Mr. Chairman, 200 years ago today our forefathers adopted a Constitution in Philadelphia which they presented to the States for ratification. That Constitution is now the law of the land.

As stated in the preamble, the Constitution was established to secure the blessings of liberty to ourselves and our posterity. I can think of no better way to honor the bicentennial of our Constitution than by passing H.R. 442 and correcting the injustice of Japanese internment.

H.R. 442, the Civil Liberties Act of 1987, will implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians. The passage of this legislation is long overdue.

H.R. 442, which I have proudly cosponsored, would implement the five recommendations proposed by the Commission. First, the bill recommends Congress to pass a joint resolution, signed by the President, recognizing the grave injustice that was done and offering the apologies of this Nation. Second, it would recommend a Presidential pardon for those Japanese Americans convicted of violations of statutes regarding curfew, evacuation, and relocation. Third, it would provide restitution of position, status, or entitlement lost because of exclusion and relocation. Fourth, a special foundation would be established to fund research and public educational activities regarding the internment. Finally, monetary restitution would be provided to those Japanese Americans deprived of their liberty or property as a result of internment.

I strongly support passage of H.R. 442, because it will begin to redress the wrong perpetrated on these innocent people. We cannot begin to compensate interned Japanese Americans for the indignity and humiliation they suffered. This legislation will not turn back the clock on internment, but it offers an apology that is long overdue.

Using his powers as Commander in Chief, President Roosevelt issued Executive Order 9066, which provided that "the successful prosecution of the war requires every possible protection against espionage and sabotage to national defense material, national defense premises, and national defense utiities * * * " Under this Executive order, "all persons of Japanese ancestry," regardless of citizenship or loyalty, living in specified military zones were interned in the interior of the United States. Japanese Americans living in California, and the western halves of Oregon and Washington, and the southern half of Arizona were placed into internment camps. Let me point out, however, that between 1942 and 1944, no Japanese Americans were convicted of espionage. In contrast, 18 Caucasians were charged with spying, during the same period, 10 of whom were convicted. As the Commission stated, internment of the Japanese Americans was based on, and I quote, "race prejudice, war hysteria and a failure of political leadership. A grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry."

History cannot be changed. Today, however, Congress has the opportunity to formally recognize that the internment of Japanese Americans was a reprehensible event. Justices William O. Douglas, Earl Warren, and Tom C. Clark, in retrospect, have expressed their remorse about Japanese internment. Approximately 120,000 Japanese Americans had their lives disrupted, and were unjustly incarcerated. These individuals were guilty of no crime but were sentenced to internment without a trial. Throughout the Second World War the Federal Government deceived the public by referring to internment camps as relocation centers or assembly centers. Internees were referred to as "nonaliens." In fact, the internment camps were not relocation centers or assembly centers. These camps were circled by barbed wire fences and movement was restricted by armed guards. Individuals were not free to leave internment camps to "relocate" to another State. Instead, these citizens were forced to spend 2 to 3 years of their lives as prisoners of war in their own country.

In addition to having liberty denied, other basic constitutional guarantees were denied. The first amendment right of freedom of speech and assembly were denied to internees. The right to vote was also denied. Religious freedom guaranteed all citizens by the Constitution was denied to the internees. Shinto religious practices were prohibited in the camps on the grounds that they represented Japan. Buddhist priests were placed in separate Justice Department internment camps, thereby limiting the practices of Buddhism.

The Commission on Wartime Relocation and Internment of Civilians issued their report, "Personal Justice Denied," in December 1982. Congress has been debating this issue for the past 5 years. Will we continue to deliberate this issue until it is forgotten and put aside? I hope not, for to do so would be more of an injustice to these Japanese Americans. We must never forget that this event happened; rather, we need to remember and learn from this experience. It is this type of attitude toward our mistakes that makes America what it is today—a democracy.

Once again, I strongly urge my colleagues to support H.R. 442, so that all Americans may believe in our Constitution and its system of justice. Americans of all races and color should know by our action today that we have faith in and are prepared to defend "liberty and justice for all."

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. SAIKI].

Mrs. SAIKI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as a cosponsor of H.R. 442, the Civil Liberties Act, I would like to express my strong support for this legislation and urge my colleagues to support this measure as passed by the Judiciary Committee.

As a young person growing up in Hawaii, I witnessed firsthand the forced relocation of many friends, neighbors, and relatives. Loyal American citizens, many of whose sons were fighting for our country in Europe, were placed in internment camps without sufficient legal recourse. Families were separated, and people lost homes and businesses for which they had worked their entire lives.

Mr. Chairman, while I realize there are those who will oppose the financial commitment in the bill, I feel this section is fair and just. The money is hardly adequate to compensate for the loss of civil liberties. We can never fully repay people for the loss of their dignity and their legal rights under the Constitution. However, financial payment is an appropriate means by which to provide some restitution. While I understand that the internment was ordered under an atmosphere of war hysteria, the action was wholly unjustifiable.

In closing, Mr. Chairman, I would like to thank the Members of the Judiciary Committee for moving this bill to the floor, and I urge my colleagues to support H.R. 442.

□ 1120

Mr. SHAW. Mr. Chairman, I yield 5½ minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

I am opposed to the bill. I think it is important that I set forth before the entire body the reasons for that opposition.

I have studied this bill over the course of the past several years during which it has been pending here in the House of Representatives. I have a very keen interest in the subject and I have therefore devoted considerable time and effort to looking at the facts surrounding this bill.

Certainly the testimony presented before the Commission initially and more recently before the Judiciary Committee, as well as the books that have been written and published about the ordeal that Japanese-American citizens were put through during the World War II years are very touching, very emotional, and certainly are provocative of some kind of response; but it seems to me a sad thing that much of the debate about H.R. 442 has revolved around emotional arguments, rather than the more rational arguments that I think should prevail.

I think, for example, the very title of the bill, the very number of it, H.R. 442, named after the regimental combat team which was made up of Nissei's that fought so valiantly in Europe and the fact that it is being brought up today, September 17, those are neat devices to bestow some magic upon the bill; but I think that the merits of the bill need to be discussed and looked at in a very careful way. I think if we do that, we would decide that the redress provisions of this bill really are not well taken.

First, there was a claims procedure for Japanese who had lost property. There were payments made. There were releases signed. We can now go back and question the adequacy of those payments, but the procedure was a thorough one and it prevailed for some years after Congress enacted the procedure in 1948.

Second, there are many cases of legal wrongs in America where we do not respond with money damages. Often we do, to be sure, but cases of declaratory relief, cases of injunctive relief, are cases where we cure a wrong other than by putting money in the pockets of those victims.

This particularly bothers me here, because I really believe that in this case we are judging the actions of the past by applying standards of today. Certainly today in the area of civil rights and civil liberties we have a much greater sensitivity than we had 45 years ago in 1942.

I do not know anyone yet anyway who is advocating that we go back and pay $20,000 to each of the black schoolchildren of this country who may have been victimized by the separate but equal education policies that prevailed in the South before the Supreme Court decision in 1954 declaring that to be unconstitutional.

The Constitution also in the fourth amendment says that we shall not permit unlawful searches and seizures. Pursuant to that, we developed the Miranda warning. Are we going to now go and say that those who were incarcerated after convictions that did not entail the reading of Miranda rights should now be paid $20,000 because that civil right was violated?

The eighth amendment of the Constitution says that we shall not allow cruel and unusual punishment, and yet we know that there were prisoners detained at Alcatraz who were kept in dungeons and chained. Shall we go back and reward them now because their civil liberties were violated?

I just suggest that actions that may at one time have appeared to be either legal or justified, may not be legal or justified under today's standards. These were all cases of Government actions, maybe not occurring during wartime, but nevertheless actions which resulted in civil rights violations. To go back now and say this particular area of civil rights violations should be addressed with money damages I think sets a very dangerous precedent and I think is a procedure that up to now, at least, has not been part of our law.

I also object to this means because it is obvious from reading the bill that the $20,000 payment is not intended to have any testimentary effect. It is payable only to those still living who were incarcerated in camps. If really the purpose of this is to demonstrate to the Government that it did something wrong, then I believe there should be some testimentary effect; that is, there ought to be the ability to inherit on the part of those heirs of those who were unlawfully incarcerated.

The wrong that we are seeking to redress, if indeed this bill passes, is not contractual, but a wrong that should have testimentary benefit to it.

Finally, Mr. Chairman, I believe that this bill may revive some of the bias that we saw during World War II and the years shortly thereafter against good Japanese-American citizens.

Mr. Chairman, I think that we do not want to do anything to revive that bias. We now count Japaness-American citizens as some of the most respectable, hard-working, loyal Americans that we have in our country. To separate them in this fashion, to make them the recipient of a stipend which is an effort to pay them for something I think could revive some bias and I think the bill is dangerous for that reason.

Let us not try to resolve this problem by just throwing money at our problems as a balm to our conscience. Let us do something more meaningful and more constructive that will have lasting effect throughout future generations.

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the gentleman from the Territory of Guam [Mr. BLAZ].

Mr. BLAZ. Mr. Chairman, one of the best motivators for men in battle is the belief in what they are fighting for. The men of the 442d Regimental Combat Team fought fiercely, violently, and with great distinction, because they believed in what they were fighting for, despite the indignities that were placed upon their brothers and their sisters.

Here we are 45 years later and we have yet to remove this blight from our conscience. If we are to celebrate the 200th anniversary of our great Constitution with a clear conscience, the first order of business is to clear our conscience. We can do this by approving H.R. 442.

There is a great similarity between the experience of the gentlemen from California, BOB MATSUI and NORM MINETA, and myself. We spent time in our youth in detention in concentration camps. There is one great distinction. My guards in the American Territory of Guam that was captured were enemy soldiers. Theirs were American soldiers in America.

Mr. Chairman, justice delayed is justice denied.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I rise in strong support of this important bill. I compliment Congressman BARNEY FRANK, the distinguished chairman of the Judiciary Committee's Subcommittee on Administrative Law and Government Relations, and the other subcommittee members, for their work on it.

I especially compliment our colleagues, Congressmen NORM MINETA and BOB MATSUI. Their strength and their commitment to the legislation were invaluable in developing and bringing the bill before us today.

Mr. Chairman, as a native Californian, I remember with great sadness when friends and neighbors just disappeared from my own community, sent to so-called relocation camps, their lives and families disrupted, their personal belongings lost and property sold to speculators. It was a tragic time, a blot on our Nation's history.

The country should rightfully mourn for how loyal American citizens and lawful residents were so cruelly deprived of their freedom without the slightest semblance of due process, all because of their Japanese ancestry.

We can never adequately compensate our friends, our neighbors, our colleagues for the enormous losses and suffering they were forced to endure. But, with this bill, we can acknowledge their pain and we can say we're sorry. The redress provided is very, very modest compared to the tremendous losses which they suffered.

As we celebrate the bicentennial of our Constitution, it is a fitting time for the country to acknowledge—and to try to right—the wrongs that were done. I urge all of our colleagues to support this measure today, without amendment.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, earlier in this debate one of my colleagues from the other side of the aisle attempted to suggest that the shame of this chapter in American history was a shame that should rest largely on the shoulders of F.D.R. and the Democratic Party. I think that our party must accept primary responsibility in that our President was in power. We were in control of the Congress, but a study of history will suggest that leaders on the other side, leaders in the Republican Party, the Governor of California, for example, also was involved in this tragic chapter in American history.

My colleague also concluded that the reason he would now today vote for this important resolution is in the memory of Abraham Lincoln. His study of history might suggest that even Abraham Lincoln in the throes of the Civil War when a similar panic had hit this Nation, suspended habeas corpus.

I think, frankly, if you study the chapters of history that have been written, you will find that great nations consistently make great mistakes in the heat of war.

This is indeed a shameful and tragic chapter in our Nation's history. It is sad that Americans of Japanese ancestry who were never found to have been disloyal during the entire World War II conflict and many of whom served admirably and courageously during that conflict, were in fact tainted and imprisoned. For many of them their lives were ruined.

I struggled with this bill, nevertheless, because of the suggestion that a $20,000 compensation would somehow close this chapter in American history and that if enough money were spent in compensation, we could put it behind us; but as I reflect on it, this payment is consistent, I think, with our Constitution and the great tradition of our country that suggests that we do have due process and that citizens can petition for redress of grievances. This is an extraordinary way to do it, through the passage of legislation, but I think it is entirely fitting to offer to those who suffered this injustice, this compensation in full settlement of their claim against our U.S. Government.

I think this attempt at settlement is fair and straightforward and it will close a tragic chapter in America's history.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, some might believe that since I was the sole dissenter on the Commission and since I will have a major amendment in terms of the money, that I find fault with the basic conclusions of the Commission. I do not.

I believe the history of the period leaves little room for doubt that a grave injustice was done. I fully concur with the finding of the Commission that the implementation of Executive Order 9066 was largely a result of "race prejudice, war hysteria, and a failure of political leadership."

However, I think that there is a difference between self-examination and self-flagellation. They say that hindsight is 20-20. I as one who was born after World War II doubt if my generation has a full appreciation for the difficult circumstances and the plight that the United States was in during the onset of World War II.

In one of the Commission's hearings, we had a military historian from the Department of Defense devote a large portion of the meeting describing the terrible fix that the United States was in. In his book, "Born Free and Equal," published in 1944, Ansel Adams, a vocal opponent of the internment process, refers to these difficult circumstances of the war, when he said:

> The spectacular victories of Japan, the crippling of our fleet at Pearl Harbor, the possibility of invasion of our West Coast—all were facts of tragic import, and at the time, were considered more than ample justification of the mass exodus. In addition, there was the threat of public retaliation against the Japanese American population. We may feel that racial antagonisms fanned the flame of decision * * * but the fact remains that we were in the most potentially precarious moment of our history—stunned, seriously hurt, unorganized for actual war * * *

I might tell you that this was before the Battle of Midway. We had lost every single battle of the war. Americans were facing the fact that we were going to lose.

But please do not misunderstand. I believe the internment and relocation experience of our fellow Americans and resident aliens was wrong; however, when a nation is at war fighting for its very survival, it should come as no surprise that wrong-headed decisions can be made. I think we have to understand the complexity of it.

Another area that I do not believe is receiving the kind of treatment it deserved was the MAGIC cables. It did not receive it in the hearings we had in the Commission and I do not think it has received it in this House as well.

□ 1135

As a Commissioner I can tell you that we did not thoroughly examine the avenue. But let me just give you some of the messages that were going across the desk of President Franklin Delano Roosevelt at the time he made this decision. In retrospect we know this information was incorrect. But the President was up against a potential loss of the United States and these are the messages that came across his desk. These were cables that we had intercepted, official Japanese Government cables.

> Utilization of our second generation and our resident nationals: In view of the fact that if there is any slip in this phase our people in the U.S. will be subjected to considerable persecution and the utmost caution must be exercised * * * We shall maintain connection with our second generation.

This is from the Japanese Embassy in Washington back to the Japanese Government in Tokyo.

> We shall maintain connection with our second generations who are present in the United States Army. We also have connections with our second generations working in airplane plants for intelligence purposes.

Those are just two. There were many, many of these.

We know now in retrospect that they were wrong. Whether the people in the Embassy here were intentionally giving bad information, whether they were giving information based on what their hopes were, whether they were trying to make themselves look good with the Government in Japan, we do not know. But you have a President of the United States who is making decisions about the survival of the Nation, receiving intercepted coded messages of the enemy saying that they have infiltrated the Japanese-American community in the United States.

In retrospect it is a slander against the Japanese-American community. We know now there was no evidence that this ever happened, but the President did not know that. He was faced with war at a time when we were losing every battle in the Pacific.

The question is do we merely say this was racism on the part of F.D.R., racism on the part of the U.S. Government, racism on the part of all his advisers, and say therefore we owe something; or do we look at the complexity of the situation? Do you want to talk about figures? Earl Warren and F.D.R. were the two biggest advocates of this. Little known is that someone called J. Edgar Hoover said that it was not necessary. He said he had information about those for whom there was reasonable suspicion in the Japanese community. He knew where they were, and he could round them up and we could hold them. In fact, that is what we did in Hawaii as opposed to what we did in the rest of the country.

So we were wrong.

The question is what do we do now? Little remarked upon has been the fact that in 1948 the Congress did establish a mechanism for recovery of property losses. That act was amended in 1951. It was amended again in 1956.

It was said at that time this would be the final decision, this would take care of it. That was supported by the Japanese-American community at that time.

Twenty years later we now have another bill. It is before us. I do not believe that the apology is wrong; we need an apology. We need an official recognition of error. Not that we do not need an educational fund. I support a $50 million educational fund.

The question is do we need individual reparations? I think it is more complex than has been presented.

I hope Members would take that into consideration.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, America had just observed the Thanksgiving holiday; we were preparing to celebrate Christmas; it was a good year for giving thanks and giving gifts. We had emerged from the depths of the economic depression, tens of thousands of us were back to work, and millions more had regained faith in themselves and in this country.

Then without warning or provocation we were attacked. Americans were killed somewhere on an island in the Pacific called Oahu, in a small blue graveyard known as Pearl Harbor. We were stunned, angered, outraged. In this Chamber President Roosevelt asked the Congress to declare war and was greeted with a panoply of emotion which no President before or since has ever witnessed.

We had been attacked by a truly foreign nation. The American people found the ways of Japan, its culture, its language, its history, its mores, the faces of its people, to be foreign to us here in fortress America.

We were outraged and we had every right to be outraged. We were determined to our souls to defend ourselves and more, to punish.

When the strongest nation in the history of the world leaps up in defiance, slashing forth, it will inevitably sweep from its path and trample upon those things which is calmer, more thoughtful times, it would take great care to respect and to nourish.

Perhaps now almost a half century later we can look back at those times of outrage and determination and try at least to understand why we placed American-Japanese children in prison camps.

Perhaps we as a people who understand the mistakes that are made in confusion and fear, perhaps we can reflect now about why we confiscated the property of our American neighbors of Japanese ancestry. Given the dreadful drama of those times, perhaps we can find some logic for having rounded up and locked up an entire race of American people. Perhaps we can.

But regardless of the reasons for those actions, we now know, each and every one of us, know it was wrong.

Today's decision is simple, will the United States of America with its love of justice say to those of its fellow citizens who were wronged, "We are sorry. You were violated. We will make you whole again as best we can."

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Chairman, it is somewhat ironic that I have this opportunity to stand here in the well of the House as one of the cosponsors of H.R. 442. Mr. Chairman, 45 years ago I was a company commander of an infantry company that made the combat landing in North Africa. I was with the 9th Infantry Division, and later I was with the 5th Army headquarters and made the combat landing in Italy.

Somewhat later I was serving on the G-3 staff of the Peninsula Base section in Naples, Italy, and it was my responsibility to meet the 442d when they made their entry into the war. They landed in Naples and I went out to meet them and met their officers, met many of them, met many of the enlisted personnel, and then I had the opportunity to witness the heroism of the 442d as it went into combat in Italy.

It was a tremendous contribution to the war in Italy which they made, and I do not think there is any other military operation in which more people distinguished themselves than the members of the 442d. The 442d has stood out in my mind over these 45 years as one of the great combat units of the American Army in World War II.

Then when I learned later, and especially after I came to Congress and learned of the tragedy that had occurred to many of the relatives of these people who were participating as members of the 442d Combat Regiment, it really appalled me. I have been one of the principal sponsors for a number of years in trying to get this bill through and I want to commend the bill's sponsors, particularly the gentleman from California [Mr. MINETA], and others who have brought the bill to the floor today.

Mr. Chairman, four Congresses ago I was a sponsor of legislation which called upon the President to designate May 4 through May 10 of each year as "Asian-Pacific American Heritage Week." That week has been set aside annually to pay tribute to the untold contributions made to the American society by Asian-Pacific Americans.

Our passage of H.R. 442 today will erase a perennial black mark on that commemoration. Today also is the 200th anniversary of the signing of our Constitution. It is very appropriate that we pass this legislation today.

It is time we made amends and recognize the tremendous contributions that the Japanese made to the war effort, and H.R. 442 is one way that we can pay that respect to those people who made that tremendous contribution. The record of the 442d Combat Regiment is one of the Army's proudest moments. H.R. 442's passage today will be one of our proudest moments.

Mr. Chairman, I rise in strong support of H.R. 442, the Civil Liberties Act of 1987, which implements the findings of the Commission on Wartime Relocation. I want to commend the bill's sponsor, Majority Leader TOM FOLEY, Mr. MINETA, and the many other Members who have committed so much time and energy to this effort over the years.

More than 120,000 Japanese-Americans were incarcerated in internment camps during World War II. For up to 2 years, their basic civil rights were stripped in the name of military necessity. The possibility of a Japanese invasion along our Pacific coast distorted our national judgment and intensified our wartime fears. Quite simply, in our zeal to win the war, the United States overreacted. For that, many are owed an apology.

Now, four decades after the fact, we cannot offer full restitution to the scores of Japanese-Americans forcibly detained. But H.R. 442 makes a statement to the world, and to those interned and their descendants. H.R. 442 acknowledges the fundamental injustice of our actions, apologizes on behalf of the United States, and makes restitution to the 60,000 survivors of Japanese internment camps.

Today is the 200th anniversary of the Constitution. What better celebration of America's open and free society than to come before the world on this important day, admit a serious national mistake, and attempt to make reparations? I urge my colleagues to support this important, overdue legislation.

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I rise in support of the Civil Liberties Act and in opposition to amendments which would strip all meaning from this gesture.

We cannot change history but we can take this small step towards correcting an injustice to American citizens whose only crime was to have been of Japanese ancestry.

We should, I believe, in this small way attempt to compensate these Americans for the loss of their freedom which was taken in a shameful moment without the due process procedures which we all cherish.

Thousands of loyal Americans were denied most of the basic rights supposedly guaranteed them by our Constitution. Forty-five years later we have the opportunity to take a step toward mitigating that wrong.

There is no conjecture about what occurred. Americans of Japanese descent were prohibited from living, working, and traveling on the west coast. Internment camps where many were forced to live were prison-like and located in inhospitable areas of the West and South. Families were uprooted and homes and businesses sold at drastic losses.

Japanese-Americans were stripped of their most basic human dignities, deprived of all the rewards of American citizenship, and made to live like criminals.

The legislation we have here attempts to give redress and compensation to those who suffered in the internmant camps. While we can never diminish what happened, we can provide compensation as a symbol of justice to the survivors and a legacy they leave their families.

This bill, I believe, is also an important step towards seeing that this never happens again.

The internment policy represents a dark day for our country. Wartime hysteria leading to this policy ran counter to many of the principles embodied in our Constitution. Most of the basic liberties guaranteed to Americans were taken from a select few, each of whom were loyal citizens of this country.

Our constitutional celebration is a celebration of the principles outlined in that document. Therefore, it is fitting that we formally recognize the internment policy as wrong and we now try to correct that policy as best we can.

I only regret, Mr. Chairman, that we cannot compensate those thousands of Japanese-Americans who have already died.

Let us not wait any longer.

Mr. SHAW. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I would like to mention that we have had from the gentleman from California [Mr. LUNGREN] and the gentleman from Montana [Mr. WILLIAMS] an opportunity to try to put this item in perspective. The whip advisory in connection with this Civil Liberties Act of 1987 says that it was racial prejudice and "wartime hysteria".

That was no hysteria. That was real wartime, and we Americans were on the receiving end.

Remember Pearl Harbor? That was not hysteria. That was war! That was an act of war and it was carried out as Franklin Delano Roosevelt pointed out at the very time our negotiators, Cordell Hull and the Japanese envoys Admiral Nomevra and Ambassador Kurusu and others were supposedly trying to solve the problem without military action at all.

□ 1150

But we ought to recognize, as Mr. WILLIAMS has very properly and effectively spelled out what happened: we had been wiped out at Pearl Harbor and, we had submarines firing on the west coast of Oregon, we had drifting balloons that had been sent over from Japan with bombs on them which started forest fires. So this was no wartime hysteria. This was no drill. We had learned that the consulate in Hawaii had been all along the center of espionage for the Japanese.

If to expect that the Japanese in Hawaii had helped in the espionage, it was reasonable to think that the orders that Mr. LUNGREN has referred to, our military expected an amphibious landing by the Japanese and it seemed possible that Japanese people might come out and help the landing. They could not ignore any possibility.

So this was not racial prejudice, this was a proper action to contemplate hysteria. Franklin Roosevelt did the right thing. In fact as Commander in Chief, if President Roosevelt had not done this he would have been derelict in his duty.

Mr. FRANK. Mr. Chairman, in the interest of expedition, I yield back my 30 seconds.

Ms. PELOSI. Mr. Chairman, as a strong supporter of H.R. 442, the Civil Liberties Act of 1987, I am pleased to see it brought before the House for consideration. Now, as we celebrate the bicentennial of the Constitution, it is most fitting that we act to rectify one of the most serious violations of constitutional rights in the history of this Nation. The forcible relocation of 120,000 Japanese-American citizens and resident aliens away from their homes during World War II constituted an appalling abuse of civil liberties.

Solely because of their Japanese ancestry and heritage, these loyal Americans were subjected to circumstances and conditions in direct violation of their civil, constitutional, and human rights guaranteed by the Constitution. They suffered, they lost property, finances, and tragically, their freedom. The stress experienced by individuals and families caused untold damage to these Americans. It is up to this Nation to ensure that these losses are adequately redressed.

It is truly unfortunate that we cannot redo that past. Nothing that this Government does could really repay the losses and the harm caused by this relocation. The hardships and injustices took away from these people things that no one can replace. Broken families and disheartened individuals cannot easily be fixed.

This legislation, however, takes major steps to help the Japanese Americans in their 45-year struggle for justice. The least the U.S. Government and we as a people can do for these 120,000 people, mostly native-born Americans, who were denied their basic rights and held against their will in forcible confinement for up to 3 years, is to see that this legislation is enacted. H.R. 442 provides $20,000 compensation to Americans who lost their homes, their farms, and their business, and who were unjustly imprisoned without a trial for up to 3 years. The bill also makes a long overdue formal national apology for the internment. It will correct military and employment records of detainees; and, allocate money for research to protect civil liberties, in order to ensure that this kind of action never happens again.

Mr. Chairman, I have heard first hand of the tragedy of this forcible relocation. A number of the people who personally experienced this blot on the Nation's history came from San Francisco. A number of the former internees now reside there. The absolute least thing we can do for these people is to see that they receive justice. This bill is redress; it is justice. Today, on the 200th anniversary of the signing of the Constitution, we can pay no greater respect to the document and to its principles than by upholding it. Passage of H.R. 442 is a clear message that this flagrant violation of civil liberties was wrong, that it will be corrected, and that it will not happen again. I urge my colleagues to vote "yes" on H.R. 442.

Mr. MOODY. Mr. Chairman, I rise in strong support of H.R. 442, the Civil Liberties Act of 1987, to make restitution to Japanese Americans interned during World War II. I am a cosponor of this bill.

We must formally restore some justice to the loyal, law-abiding Japanese-American citizens who were forcefully relocated and interned 47 years ago. We can never undo the injustice that was done to them, but some financial restitution will help make both symbolic and material amends to the survivors—a small token for the liberties and benefits that they lost during their internment.

These 120,000 Americans, most of whom were born in this country, lost not only their freedom but in many cases also their homes, businesses, and farms. They suffered the humiliation of detention and removal from their communities.

They were incarcerated without trial, without due process. They were denied the basic civil rights that our Constitution guarantees to all Americans. And they were denied these rights simply because of their ancestry.

The very least we can do now as a great and self-correcting country is to formally apologize to the 60,000 survivors for the difficulties, and to offer at least token compensation. The formal apology is long overdue.

H.R. 442 is an effort to right this 47-year-old wrong. It is vital that Congress makes an official acknowledgment of an old mistake. We must make it clear that we as a country do indeed value the rights guaranteed by our Constitution and understand that denial of these rights to American citizens must eventually be acknowledged and redressed.

Mr. DIXON. Mr. Chairman, today, while we celebrate the bicentennial of the Constitution, an entire ethnic group nears the end of its 45-year journey to see justice. On this, the 200th birthday of the signing of the American Constitution, I am proud to join my colleagues who have spoken out in support of H.R. 442, the Civil Liberties Act of 1987.

The framers of the Constitution, recognizing that no institution is perfect, devised a document that could be amended to allow for growth, change and the correction of past errors. The members of the first Congress took advantage of this flexibility and added the first 10 amendments, the Bill of Rights. These amendments emerged from their discussion of one of the more difficult problems of government—balancing national defense and the need for order in society against the rights of individual citizens.

During the opening months of World War II, over 110,000 Japanese Americans and permanent residents were forced to sell their homes and businesses. They were then herded from their communities into detention camps established by the U.S. Government. Many spent the next 3 years of their lives under armed guard, behind barbed wire.

In 1942, racial prejudice and wartime hysteria upset the delicate balance between the rights of the citizen guaranteed under the Constitution and the power of the state, and one of the greatest abuses of civil liberties in American history occurred. H.R. 442, in extending a congressional apology to the internees on behalf of the Nation and offering modest monetary compensation to them for the violation of their civil liberties, seeks to acknowledge and redress the injustice perpetrated 45 years ago.

On this special birthday celebration of the Constitution, when we recommit ourselves to upholding it as a living document, I am proud to cast my vote in favor of an unamended H.R. 442. I urge my esteemed colleagues in the House to cast their votes similarly.

Mr. DELLUMS. Mr. Chairman, I am pleased that the House of Representatives is today considering H.R. 442, the Civil Liberties Act of 1987, which would implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians. I am an original cosponsor of H.R. 442, and have been in each Congress it has been introduced.

The U.S. Government, in total defiance of the Bill of Rights, forcibly removed and detained 120,000 Japanese Americans and resident Japanese aliens during the early days of World War II. However, there was no mass removal or detention of Italian Americans or German Americans. In my mind, the racist motives of wartime relocating are a deep stain on the honor of our Nation. Further compounding the injury caused to Americans of Japanese descent, our court system failed, in Korematsu versus the United States, to uphold its duty to protect the rights of citizens from this illegal executive branch action. Later legislation, such as the Evacuation Claims Act, did not come close to repaying the massive economic hardships imposed upon Japanese Americans.

H.R. 442 would set up a trust fund of $1.5 billion, and a lump sum of $20,000 would be paid out of the trust fund to any individual of Japanese ancestry who was deprived of his or her liberty or property under the internment program. Passage of the legislation is long overdue and is needed to demonstrate to all Americans that our system of government is founded or principles, as reflected in the Bill of Rights, that may not be violated.

I am proud to have this opportunity to vote today in support of the Civil Liberties Act. I only wish that there was a tangible means to restore the lost honor and dignity of our citizens of Japanese descent.

Mr. LANTOS. Mr. Chairman, I rise today in strong support of H.R. 442, the Civil Liberties Act of 1987 which provides redress to Americans of Japanese ancestry who through outrageous injustice were interned during World War II. It is fitting that today, as we celebrate the anniversary of our Constitution, we address one of the most flagrant violations of the principles laid down in this historic document.

The number assigned to this bill is also highly significant—H.R. 442. It is numbered for the famous 442d Regimental Combat Team which fought in some of the fiercest European campaigns of World War II. This entirely Japanese-American military unit was the most highly decorated unit of its size in the entire military history of the United States, earning over 18,000 decorations.

Yet the courage and patriotism of the 442d Regiment did not prevent one of the most discriminatory acts ever taken by the Government of the United States. On February 19, 1942, President Roosevelt signed Executive Order 9066 which was the first step in depriving Americans of Japanese ancestry of their rights as U.S. citizens. Initially, Japanese Americans on the west coast were merely prohibited from entering sensitive military areas. Soon, however, evacuation orders were issued which resulted in the wholesale removal of all Japanese Americans living on the entire west coast to camps further east. Most were forced to remain there for the duration of the war, deprived of their civil rights and constitutional liberties.

Mr. Chairman, I also wish to emphasize my full support for the provision in the legislation to provide monetary restitution to those who suffered. This bill authorizes a total of $1.25 billion in fiscal year 1989 and subsequent years to establish a civil liberties public education fund in the Treasury. Payments of $20,000 are to be made to each person who was subject to confinement or relocation during World War II. No amount of money can adequately compensate these people for the emotional and financial hardship, and loss of liberty they experienced. This payment, however, is the most appropriate gesture we can make. I urge my colleagues to support this provision as the only equitable and reasonable step we can now take.

Recognition of this terrible wrong is long overdue. It was an act based on ill-founded fear and xenophobia. It violated the most fundamental principles of the very document whose writing we are celebrating today. Mr. Chairman, I am an original cosponsor of this legislation, and have been a supporter of this legislation since it was first introduced. I firmly believe that our celebrations today will be complete only if H.R. 442 is approved. In it, we recognize that people of all races and ancestry can be loyal citizens of the United States of America.

Most important of all, we must never permit comparable actions to be taken again, whether in peacetime or in war.

Mr. ATKINS. Mr. Chairman, I am astonished that we are engaged in a debate today to determine a "fair" price for liberty. Forty-five years ago, this Nation committed one of the greatest transgressions of civil rights imaginable. And, on the very day we have been granted the opportunity to apologize to the 120,000 Americans of Japanese ancestry for the enormous wrongs committed against them, it is shameless that we would mire ourselves in a debate over what price we might attach to this apology.

The dollar figure we would make available to each surviving internee was determined by an independent congressionally mandated Commission on Wartime Relocation and Internment of Civilians. Listening as the members of the Commission did to stories of overwhelming economic, social and educational losses, they determined that more was required of us than eloquent words of apology. The losses were too severe and the mistakes of this Nation too great to leave unanswered the question of financial reparations. Hence, the Commission recommended financial remuneration and I believe that our apology today would be vitiated without it.

Mr. Chairman, how can any of us understand what it must have been like to endure imprisonment—imprisonment without due process and, most significantly, imprisonment without any guarantee of safety for oneself and one's family. We rounded up individuals, made them leave their homes and jobs, housed them in horse stalls in race tracks only 4 days after removing the horses and then shipped them off to far off isolated internment camps. We visited upon these people fear and anguish and we tried pretty hard to strip our fellow Americans of their dignity. And, what was our justification—it was never proven that they were a security risk or that any military end was served. So, we now have to acknowledge that we committed this egregious act because we could not tame our own racial prejudice and because we succumbed to wartime hysteria. The irony is that these were among the very things we were fighting against in World War II.

If we believe we are now a more enlightened people, and certainly we must, then we have nothing to fear in setting whatever precedent giving these funds might imply. I was gratified to note that in our judicial history there are examples of compensation being awarded where there have been assaults on civil rights of individual Americans. However, if there were no precedents to draw on, I, for one, would have no fear of establishing one here today. Our Constitution is wise, but the men and women of our Nation are not infallible. Only by creating legal precedent and acknowledging great wrongs where they have occurred can we ensure that we never revisit an era of wholesale racial prejudice.

I, therefore, ask my colleagues to put aside any reservation they may have about financial reparations. Providing such reparations may be dramatic recourse, but the wrongs we are here to redress warrant the most profound apology we can offer. Let us not, therefore, make the hallmark of today's debate one of assessing the cost of civil liberties; let us get on with the business of celebrating our commitment to civil liberties. I urge my colleagues to defeat any amendments to eliminate individual compensation or to alter the means by which such funds are calculated.

Thank you.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 442, a bill which I've cosponsored, to indemnify American citizens of Japanese descent who were forcibly relocated during World War II. As my colleagues know, in 1942, some 120,000 individuals of Japanese ancestry, including 77,000 American citizens, were removed from their homes on the west coast, and evacuated to other areas of the country. Indeed, many such individuals were removed to my congressional district in southern New Jersey, where they have made major contributions as outstanding citizens in our community.

This was a wrong of monumental proportions. Even common criminals are given the right to be confronted by their accusers, to be represented by an attorney, and to have a trial by a jury of their peers—but these basic rights were denied to these American citizens and residents during the hysteria of wartime. Indeed, there was no basis for the suggestion that Japanese Americans did anything illegal or wrong or would be disloyal to our country.

To the contrary, many Japanese Americans fought for the United States with valor and distinction during World War II. One person who comes to mind is my friend and colleague, U.S. Senator SPARK MATSUNAGA, who was twice wounded in battle in Europe and North Africa.

Although World War II saw us at war with a number of countries that made up the Axis powers, no other ethnic groups or nationalities were singled out for similar treatment. It was only Americans of Japanese heritage who were rounded up en masse, and forced to abandon their homes, their professions, their farms, and their community ties.

Many Japanese Americans did indeed lose a great deal in the relocation. They were moved hastily and taken to distant locations, losing their homes, businesses, and most importantly their liberties. I feel it is remarkable that these fellow citizens accepted this treatment with grace and dignity, and never flagged in their loyalty to the United States.

I realize that the Federal Government has serious fiscal problems. However, I believe that fiscal problems can be no excuse for not paying our debts, and it is clear from the historical record, that we as a nation owe a debt to these Americans who were denied their liberty and property without due process of law. It would seem that the $20,000 per person payment authorized by H.R. 442 is a relatively small amount, compared to the wrong that was committed. I urge my colleagues to vote for H.R. 442.

Ms. OAKAR. Mr. Chairman, I rise to add my voice to the eloquent entreaties of my colleagues. It is time and past time that we redress the injustices to our own people. We must pass this Civil Liberties Act.

Manzanar, Minidoka, Heart Mountain, Poston, Tule Lake, Gila River, Granada, Topaz, Jerome, Rohwer. These were America's concentration camps.

Unfamiliar names of remote and desolate places, seared permanently in the minds of some, forgotten by too many.

Yet history records in America, the forcible eviction of 120,000 men, women, and children of Japanese ancestry from their homes.

Without trial, without wrongdoing, without the law, Americans were forced into camps by the Government.

Japanese Americans lost their freedom, their careers, their land, their dignity. Some found mental anguish to last a lifetime.

Many would prefer to forget. But as we have healed and moved on we cannot leave behind this harsh lesson. Wherever and whenever liberties can be taken from one, they can be taken from any or all.

They said it can't happen here. Now we hear it can't happen again. Yet, there's talk again of camps here in America. Talk of segregating the ill at their most vulnerable hour. Talk of special circumstances that somehow allow us to forget that these are human lives.

We have learned to listen to the faint whisper of Soviet dissidents. We have experienced what our brothers and sisters felt in Hungary, in Czechoslavia, in Cambodia, Poland, Uganda and South Africa, when they stood for rights and died without mercy. We discovered that the gulag exists and that all the wonderful speeches about human rights could mean precisely what they did not say.

But that is not America. We are somehow something more for ourselves and all who hold hope for our world.

Let us set the example. Let us make our symbolically amends and pledge not that it can't happen again, but that we will not allow it to happen again.

In the end, our commitment to human rights must remain not a political decision, or a legislative decision, or heaven forbid, a financial decision; ultimately we must decide as moral human beings, responding with shock and horror to the pain we inflict upon our brethren.

I urge us to return to fundamental values in framing our answer here today. Please vote for this Civil Liberties Act of 1987 on the 200th anniversary of our Constitution.

Mr. LEVINE of California. Mr. Chairman, I rise today as a cosponsor in strong support of H.R. 442, the Civil Liberties Act of 1987. With this legislation, which is long overdue, we have the opportunity to right a grievous wrong committed against Japanese-Americans over 40 years ago.

The internment of Japanese-Americans during the Second World War is one of the most reprehensible episodes in our history. Without one shred of evidence, for no apparent reason other than their appearance and heritage, more than 120,000 Japanese-Americans were forcibly removed from their homes and incarcerated in what amounted to prisoner-of-war encampments.

No charges were filed. No hearings or trials were held. Yet, when the President signed Executive Order 9066, the constitutional rights of these Americans, whose ancestors happened to be Japanese, were taken from them in an action unprecedented in our history.

This was a case of hysterical racism. Nothing more and nothing less. Because Japanese-Americans looked different, and were easily identifiable by name, the United States Government ignored the Constitution and jailed Japanese-Americans to placate the irrational hate felt by many Americans in the wake of Pearl Harbor.

Of course this attitude ignored the great contributions to our country by Japanese-Americans. Their contributions to business, architecture, science, medicine, education—are all well documented. Some of our greatest scientists, educators, and business leaders are Japanese-Americans.

Anyone familiar with the history or World War II knows that Japanese-Americans fought with great bravery and distinction in our Armed Forces in Europe. Of course they were not allowed to fight in the Pacific Theater. The same racist attitude which led to the internment of Japanese-American civilians convinced our military leaders that Japanese-Americans could not be trusted to fight against Japan. How many German-Americans were told that they could not be trusted to fight against Hitler?

The internment experience was traumatic and humiliating. Those interned suffered many losses. In many cases their personal and professional lives were decimated. They lost friends, lost education, lost opportunity, lost standing in their communities. And, worse, they lost nearly 3 years of their lives.

Although some remedial measures were implemented to redress the war's injustices, it was not until 1980 that Congress began in earnest the process of national reconciliation with the creation of the Commission on Wartime Relocation and Internment of Civilians. The recommendations of this Commission, after hearing from 750 witnesses, are the basis for the bill we are debating today—H.R. 442.

H.R. 442 finds that the evacuation, relocation, and internment of individuals of Japanese ancestry was carried out not because of any documented acts of espionage or sabotage, but because of racial prejudice, war hysteria and a failure of political leadership. It also finds that there was no military or security reason for the actions, and that those who were excluded suffered enormous damages and losses. Most importantly, this legislation recognizes that the basic civil liberties and constitutional rights of those interned were fundamentally violated by the evacuation and interment.

H.R. 442 seeks to redress this violation of thousands of Americans rights. During my days in the California State Legislature, I coauthored a bill, which became law in 1982, to permit those Japanese-Americans in the civil service, who were dismissed or who resigned during the war because of their Japanese ethnicity, to claim $5,000 as reparation.

As desirable and appropriate as is the intent of H.R. 442, Americans of Japanese ancestry can and will never be adequately redressed for their loss and suffering. However, this bill is a very important expression of the recognized responsibility of the U.S. Government in this shameful chapter in the history of this country.

Mr. Chairman once again, I call on my colleagues to do the right thing by those who suffered so much. I strongly urge a "yes" vote on H.R. 442, to ensure swift passage of this vital bill.

Mr. Chairman, last year I delivered a lengthy speech on this subject to the Japanese American Citizens League in Los Angeles.

I submit it for the Record:

Remarks of Congressman Mel Levin Before the Japanese American Citizens League, Los Angeles, CA, August 24, 1986

Good afternoon. I am very pleased to be with you today and to have the opportunity to speak with you. I am honored to have been invited to speak with you by a marvelous public servant, city councilman George Nakano of Torrance. And I am honored to serve in Congress with two of your members who are known to be two of the finest Congressmen not just from California but from the entire nation, Bob Matsui and Norm Mineta.

Having grown up in California, I have long been familiar with the work of the Japanese American Citizens League, and with your many contributions in the areas of education and civil and human rights. I have a great deal of respect for the work of the JACL, so I am especially happy to be here.

As I stand here today, I cannot imagine a United States without Japanese Americans, any more than I can imagine a United States without Italian Americans, Polish Americans, or—well, you fill in the name. Ours is a diverse culture. This very diversity lends to its stunning complexity, and is part and parcel of the richness and uniqueness of our country. And no matter what our diverse heritages, we all share the same common bond: we are all Americans.

Japanese Americans have made contributions to virtually every profession in every region of the United States. Their contributions to business, architecture, science, medicine, education—are well-documented.

I would like to think things have always been well for Americans of Japanese ancestry. But such is not the case. In truth, there is a dark blot upon this country with respect to them. That dark blot is the internment of 120,000 citizens and permanent resident aliens of Japanese ancestry during World War II.

The decision to intern Japanese Americans followed a long and ugly history of west coast anti-Japanese agitation and legislation. From 1907 through 1948 anti-Japanese bills were introduced in every session of the California legislature. In 1907 an agreement between the United States and Japan halted immigration of male laborers. In 1913 a California law banned purchase of land by aliens "ineligible for citizenship." As Asians, the Japanese were barred from U.S. citizenship. This was perhaps the single most important factor affecting the issei (pronounced E-say)—first generation Japanese immigrants—because it kept them out of the American political process and left them virtually defenseless against discriminatory legislation.

In 1920 aliens were prevented from leasing land. In 1924 a new U.S. immigration law completely slammed the door on Japanese immigration.

It was in that context that the Japanese American citizens league was founded in 1929.

The anti-Japanese hostility stemmed in part from feared economic competition, and in part from outright racism. It was a time of what was so disparagingly called the "yellow peril"—fear of an unknown Asian culture.

The Japanese, small in number and with no political voice, became a convenient target for political demagogues.

In the first months of World War II, Japanese armies in the pacific won a frightening string of victories against the United States. In January and February 1942, the military position of the United States in the Pacific was perilous. There was fear the Japanese would attack the west coast.

As one individual in the government at the time recently explained, "frightened people do frightening things." And it was within that context that, on February 19, 1942, 10 weeks after Pearl Harbor, President Roosevelt signed Executive Order 9066. This order gave to the Secretary of War and the military commanders the power to exclude any and all persons, citizens and aliens, from designated areas in order to provide security against sabotage, espionage and fifth column activities.

President Roosevelt called December 7, 1941, "A day that will live in infamy." One historian has written that February 19, 1942 was a day that "should live in infamy," for shortly thereafter all American citizens of Japanese descent were prohibited from living, working or traveling on the west coast of the United States. The same prohibition applied to the generation of Japanese immigrants who, pursuant to Federal law and despite long residence in the United States, were not permitted to become American citizens.

So began one of the most shameful chapters in the history of the United States.

With no charges filed, with no hearings or trials, and with little notice, Japanese American citizens and aliens were given numbers and herded to "assembly centers." Allowed to bring only what they could carry, they were transported for the duration of World War II to 10 "relocation centers"—barely habitable camps or tar-paper shacks, surrounded by barbed wire fences.

The justification given for this action was military necessity. But the historical causes which shaped the decision to intern Japanese Americans were racism, war hysteria and a failure of political leadership. In fact, not a single documented act of espionage, sabotage or fifth column activity was committed by an American citizen of Japanese ancestry or by a resident Japanese Alien on the west coast.

The internment experience was, to say the least, a traumatic one. Those interned suffered many losses: Tremendous financial and personal losses—lost friends, lost education, lost opportunity, lost standing in their communities—and loss of nearly three precious years of their lives.

There were bitter ironies in the wake of Executive Order 9066. In early 1942 a newspaper ran a photograph of a little Japanese boy on a train headed for an internment camp. He was leaning out the window waving an American flag.

And in its attempt to "Americanize" the already American children in the camps, they had to salute the flag and sing "My Country, 'Tis of Thee, Sweet Land of Liberty." In this context these words ring hollow and exceedingly cruel.

Fourth of July celebrations were bravely held behind barbed wire in the camps, and in the shadow of sentry towers.

Departure from the camps was permitted only after a loyalty review. Many were allowed to leave to go to college outside the west coast or to private employment, or to join the Army. Some 33,000 Japanese Americans served during the war, some drafted right out of the camps. Parents in tar-paper shacks displayed starred banners indicating that their sons were American soldiers.

The irony of Japanese Americans fighting for a nation that confined their people is sharpened by the valor they displayed on the battlefield. For its size and length of service, no other American unit was more decorated than the 442nd Regimental Combat Team. The 442nd has been called the most highly decorated unit in the history of American fighting forces. Made up primarily of Japanese Americans, the unit earned more than 18,000 individual citations for bravery, including a Medal of Honor, 52 Distinguished Service Crosses, 560 Silver Stars, and no fewer than 9,486 Purple Hearts.

But after serving, one member of the 442nd returned home to California to find, as he said, "every store on main street had a 'No Japs Wanted' sign out front."

Hawaii's Senator Daniel Inouye, who lost an arm in combat and earned the Distinguished Service Cross, has said, "we were fighting two wars—one against the Axis overseas and another against racism at home."

And one detainee wrote: "The thoroughly American" internees "realized that Americanism had somehow skipped the Japanese Americans."

It was not until December 1944 that Japanese Americans were freed to return to their homes on the west coast. But many had lost everything. They were the victims of an indignity of tremendous proportions, and they lived with a tremendous stigma.

Although some remedial measures were implemented to redress the war's injustices, it was not until 1980 that Congress began in earnest the process of national reconciliation with the creation of the Commission on Wartime Relocation and Internment of Civilians. The Commission heard the testimony of some 750 witnesses, many speaking about their painful experience for the first time. The commission's lengthy and detailed report is an excellent historical study and a powerful indictment of a shameful wartime policy.

The commission recommended appropriate remedies for the injustices of the internment. Its recommendations are the basis of a bill—HR 442—the "Civil Liberties Act of 1985"—now pending in Congress with 140 cosponsors, of which I am one. This number—442—honors the 442nd Regimental Combat Team.

There are 12 findings in this important legislation, but I want to mention just five.

One, the evacuation, relocation and internment of individuals of Japanese ancestry was carried out without any documented acts of espionage and sabotage, or other acts of disloyalty by any citizen or permanent resident aliens of Japanese ancestry on the west coast.

Two, there was no military or security reasons for the evacuation, relocation or internment.

Three, the evacuation, relocation and internment of individuals of Japanese ancestry were caused by racial prejudice, war hysteria and a failure of political leadership.

Four, the excluded individuals suffered enormous damages and losses, both material and intangible, all of which resulted in significant human suffering for which full and appropriate compensation has not been made.

Five, the basic civil liberties and constitutional rights of those individuals interned were fundamentally violated by the evacuation and internment.

HR 442 seeks to redress the internment in several ways. First, the bill contains a provision which I would like to quote in total. It is titled "Recognition of Injustice and an Apology on Behalf of the Nation." It reads, "The Congress recognizes that a grave injustice was done to both citizens and resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. On behalf of the Nation, the Congress apologizes."

The bill also directs the United States Attorney General to review all cases in which U.S. citizens and permanent resident aliens of Japanese ancestry were convicted of violations of laws of the United States, and to recommend to the President for pardon consideration those convictions which the Attorney General deems appropriate. The President is requested to offer pardons to those individuals recommended by the Attorney General.

The bill directs executive agencies, to which Japanese Americans may apply, to review with liberality applications for the restitution of positions, status or entitlements lost because of acts or events during the internment period.

The bill establishes a $1.5 billion "civil liberties public education fund." This fund would be used in part to sponsor research and public educational activities so that events surrounding the evacuation, relocation and internment of U.S. citizens and permanent resident aliens of Japanese ancestry will be remembered and understood.

Lastly, the bill requires the Attorney General to identify and locate individuals excluded from their places of residence pursuant to Executive Order 9066 and to provide a one-time per capita compensatory payment of $20,000 to each of these surviving 60,000 people.

Hearings were held in Congress on this bill in both 1984 and this year. HR 442 is pending in the House Judiciary Subcommittee on Administrative Law and Governmental Relations, where members are hopeful that consideration can be completed this session.

There is no question in my mind about the appropriateness of monetary compensation to Americans of Japanese ancestry. During my days in the state legislature I coauthored a bill, which became law in 1982, to permit those Japanese Americans in the civil service, who were dismissed or who resigned during the war because of their Japanese ethnicity, to claim $5,000 as reparation.

The United States Congress supported the policy of removal and detention, and enacted a federal statute which made criminal the violation of orders issued pursuant to Executive Order 9066. The Government of the United States was responsible for the catastrophic damages, and the government therefore has a legal and moral responsibility to compensate the internees for those losses.

Desirable and appropriate as is the intent of HR 442, Americans of Japanese ancestry can and will never be adequately redressed for their loss and suffering. But this bill is a very important symbolic expression of the recognized responsibility of the United States Government in this shameful chapter in the history of our country.

Japanese Americans have had other successes in rectifying the wrongs against them. In February of this year a federal judge overturned the conviction of Mr. Gordon Hirabayashi, who refused to be evacuated to wartime internment camp in 1942, was found guilty, and had fought the conviction ever since.

In June the Washington, D.C. U.S. Court of Appeals upheld the reinstatement of a lawsuit brought on behalf of the 120,000 interned Japanese Americans. The decision upheld a January decision that overruled a 1981 ruling that a six-year statute of limitations on suits against the government barred the lawsuit.

Still, Asian Americans of all backgrounds have felt the brunt of racism over the years, and it has been reported that there has been a rise in both racial tension and violence since the early 1980s. The current discrimination is motivated in part by fears among some Americans that Asians are "taking over" businesses and jobs. The inability of certain U.S. industries to compete effectively against Asian—particularly Japanese—imports has been a factor.

The most gruesome example of this is the 1982 murder of Vincent Chin in Detroit. Two former automobile workers thought Mr. Chin was Japanese, and they blamed Japan for unemployment in the American auto industry. Mr. Chin was beaten to death with a baseball bat the night before his wedding.

Incidents of anti-Asian behavior reportedly increased 40 percent from 1983 to 1984 in the Los Angeles area, the home of the U.S.' largest group of Asians.

As you can see, anti-Asian sentiment continues to exist in this country. This latent tendency rears its ugly head in times of economic stress, providing an excuse to abandon moral and legal principles.

Every one of us has a responsibility to do all we can to ensure that what happened to Americans of Japanese ancestry during World War II never again happens to them or to any other group. Those of us who so dearly cherish the best that America stands for, and who so deeply revere the principles and rights enumerated in our Constitution, must be ever-vigilant to make sure our democratic system and due process is not stampeded again.

The internment experience was a fundamental personal and social tragedy, not only for Americans of Japanese ancestry, but for all of us, for when even one person's rights are tread upon, the rights of all of us are tread upon, and society as a whole is diminished.

I might add that, as a Jewish American, I believe I have a somewhat heightened sensitivity to the curse of racial or religious discrimination. And I believe the historical frame of reference in which I was raised has heightened my interest in fighting against discrimination wherever it might rear its ugly head.

To help ensure that the events of World War II are never repeated, I urge you to be politically involved, for with that involvement comes power. The first Asian American is now serving on the Los Angeles City Council. Others serve in other cities and towns across this country, but not enough. Don't forget that being excluded from the American political process left Americans of Japanese ancestry virtually defenseless against the horrible discriminatory actions of World War II.

Lastly, be vigilant in protecting your rights, because when you do, you help protect the rights of us all and of all citizens of our great nation.

Mr. MILLER of Washington. Mr. Chairman, I rise in support of this important resolution which accomplishes four very important objectives. First, it is a long overdue apology for the injustice our country committed in interning Japanese Americans during World War II. If we are to be the leader of the free world and a strong and persuasive voice for human rights and freedom, then we must set an example for the rest of the world to follow and when we fail to set that example we must admit it and take action to rectify that mistake.

Second, we must not only admit our mistakes, we must make amends for them. This bill does that. It is important that we pay restitution to those we wronged. We owe it to ourselves and we owe it to those interned.

Third, by setting up a public education fund we have taken measures to ensure that we will never again commit such an injustice. It would be far too easy to forget that act as part of our past. By keeping ourselves aware of this injustice we will prevent such a crime in the future.

Mr. Chairman, I applaud this bill and the actions it takes and urge my colleagues to vote for it.

Mr. TORRICELLI. Mr. Chairman, I rise in strong support of H.R. 442, the Civil Liberties Act of 1987. The internment of Japanese-Americans on the west coast during the Second World War is a blemish on the United States' treatment of its citizens. The constitutional rights of an entire American ethnic group were violated because of the action of their native country.

The loyalty of individual Americans, of a whole community of Americans was questioned without due regard to the law. In 1942, our country succumbed to racial prejudice and wartime hysteria and abandoned the Constitution, the document we celebrate today, to deprive the basic civil rights of over 100,000 Americans of Japanese ancestry.

The Civil Liberties Act of 1987 is designed to remedy this grave injustice. Congressional passage of this legislation would put our Government on record acknowledging that its actions in 1942 were carried out without sufficient security reasons and were motivated in part by racial prejudice and wartime hysteria. Congress would go on record as making an apology on behalf of the Nation to those who were interned.

This act also establishes a trust fund of $1.25 billion to be used for payments of $20,000 for each Japanese-American deprived of his or her constitutional liberties and for educational and humanitarian purposes on behalf of the ethnic Japanese community in the United States. While the level of financial compensation to Japanese-Americans who were interned may be inadequate, the restitution payments provided for in this act represent a strong affirmation by Congress that a mistake was made.

Finally, by passing this act, we provide for further study of the causes and effects of the evacuation of the Japanese-American community on the west coast. History cannot be undone, but we can learn its lessons. We can affirm that the principles and rights contained in the Constitution will never again be abandoned or abridged.

Mr. BOSCO. Mr. Chairman, as an original cosponsor of H.R. 442, the Civil Liberties Act of 1987, I am proud to rise in strong support of this long overdue legislation. Today, as we observe the 200th anniversary of the signing of the U.S. Constitution, it is fitting that we should consider this legislation that begins to redress the profound personal injustices inflicted upon loyal Americans more than 40 years ago. Adoption of this measure not only attempts to compensate Americans of Japanese ancestry who were interned during World War II, but it also reaffirms, in a meaningful way, our faith in the fundamental constitutional principles of liberty and justice for all.

In February of 1942, 2 months after the bombing of Pearl Harbor, some 120,000 persons of Japanese ancestry were evacuated from the west coast of the United States, without trial or jury, and confined to detention camps in desolate areas. Undertaken ostensibly for reasons of military security, this policy of evacuation and internment was carried out despite the fact that no American of Japanese ancestry was ever charged or convicted of any acts of treason or disloyalty. Moreover, no Americans of Italian or German descent were similarly removed or deprived of their civil and constitutional rights. Sadly enough, this shameful policy was motivated entirely by racial prejudice and war hysteria.

The financial and emotional losses suffered by these individuals were staggering. Most lost their homes, farms, possessions, and businesses. But the deprivation of personal freedoms and dignity may be the most enduring loss. Mr. Speaker, the formal apology and payment of $20,000 to each surviving victim provided for under H.R. 442 can never fully or fairly compensate these loyal Americans, but as a Nation that values its democratic principles above all, we are morally bound to reconcile this painful chapter in our history. Passage of H.R. 442 is an essential step toward that end, and I strongly urge my colleagues to join with me in approving this important measure.

Mr. KOSTMAYER. Mr. Chairman, I rise today in support of H.R. 442, the Civil Liberties Act of 1987. This legislation is of great importance to the 120,000 Americans of Japanese ancestry who were held against their will in forcible confinement during World War II.

Mr. Chairman, the legislation before us today would authorize a tax-free $20,000 restitution payment to those who were interned. Anyone acepting the restitution would be required to waive any claim against the Federal Government related to wartime relocation and internment. The Attorney General would be responsible for identifying, locating, and making the payments to eligible individuals.

Most importantly though, Mr. Chairman, this legislation would apologize on behalf of the people of the United States for the evacuation, relocation, and internment of persons of Japanese ancestry during World War II.

Mr. Chairman, some of my constituents in Bucks and Montgomery Counties were interned in these camps. Mr. Ben Ohama, of Willow Grove, PA, was 24 years old when he was forced to relocate from his home in Fresno, CA. He was sent to Poston, AZ, with his family where he was held for a year and a half. When he was released from the camp he came to the defense of his country and fought in the U.S. Army from 1944 to 1946.

Mr. George Nakashima, of New Hope, PA, was also interned in these camps, Mr. Speaker, In 1942 Mr. Nakashima was sent with his wife and 6-week-old daughter to an assembly center in Portland, OR. Mr. and Mrs. Nakashima were forced to raise their infant child in a former livestock building with 4,000 other internees for 3 months. They were then sent to a relocation center near Hunt, ID, where they were interned for over a year. Mr. Nakashima has since received the Order of the Sacred Treasure, 3d class, an honor bestowed for greatly contributing to United States-Japanese relations.

Mr. Ohama and Mr. Nakashima are loyal Americans, Mr. Chairman. They and the 119,998 other Americans of Japanese ancestry should not have been interned during World War II.

The passage of H.R. 442 is long overdue. I urge my colleagues to vote in favor of this legislation. Japanese-Americans deserve nothing less than an apology and redress for the loss of their constitutional rights.

One can make up a variety or arguments to oppose this bill. Yet no argument outweighs the need to redress the terrible injustice and the wholesale abrogation of rights of the evacuation and internment.

An injustice, terrifying in its scope and depth, was committed by our Nation's Government. The question is, What is our responsibility now to deal with such a shameful episode?

Some would say that it is too late, that we should not second guess the past, that people today cannot understand the hysteria of the time.

But is that our policy—not to judge the past? Then truly we will be condemned to repeat the folies we commit. A wise nation knows that if it is to have a future, it must examine and acknowledge its past—both its days of pride and days of shame.

Our Nation was scared, yes, but is that a reason to crush the very freedoms for which we were fighting? Show me the footnote in our Constitution which claims, "Not valid when the going gets tough." The words chiseled in the marble of the Supreme Court Building say, simply, "Equal Justice Under Law," not "Equal justice under law except when things get sticky."

Some people oppose this bill because they actually confuse the Imperial Government of Japan with Americans who happen to be of Japanese ancestry. And people are still making that mistake today. This bill has nothing to do with the nation or people of Japan. It deals with how the U.S. Government treats its own citizens.

It is said that war demands sacrifices of its citizens. That is true. And no sacrifices were braver than those made by the American soldiers of Japanese ancestry who laid down their lives for the very rights which they and their families had been denied. These soldiers fought valiantly for their country at the same moment that their Nation was holding their loved ones behind barbed wire and machineguns. That is a sacrific beyond measure.

However, the sacrifices which a great nation asks do not include the abandonment of the very rights which its citizens are fighting to uphold. The internment and evacuation were not sacrifices that were the Government's to demand; they were illegal and unnecessary violations of the individual rights which we hold dearest.

The United States did not impose such punitive measures on its residents who were of Italian or German ancestry. Those men and women, those toddlers and grandmothers and grandfathers, did not suffer wholesale scrutiny and distrust. They were not shipped off to prisons en masse.

Some say the camps were for our protection. If that was so, why were the machineguns pointing in at us?

Some are concerned about setting a precedent. What an odd argument—to say that we had better not do something that is right, because we might set a precedent. But you and I know that H.R. 442 will not do so. And the precedent we will affirm if we do not act is a vile one.

If we do not pass H.R. 442, we will be supporting the precedent that our Government is free to round up its citizens on the basis of race, hysteria, and suspicion. If we do not vote for H.R. 442, we are saying that the Bill of Rights can be suspended at will.

This legislation is not just for those who were directly affected, though it is important that the stain of suspicion they have borne for a generation be erased.

H.R. 442 is for all Americans, including those yet to be born. Let us leave them a legacy in which we are strong enough to admit our wrongs. Let us prove that we do not shrink from the responsibilities that a nation shoulders for its actions. We cannot refuse to uphold our most cherished liberties.

Mr. Chairman, today let us take a giant step toward the ideal of "Equal Justice for all" by dealing bravely and forthrightly with the past. I urge you to vote for H.R. 442.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment, in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and said committee amendment in the nature of a substitute is considered as having been read.

Amendments printed in Report No. 100-301 accompanying House Resolution 263 are considered as having been adopted in the House and in the Committee of the Whole.

The text of the committee amendment in the nature of a substitute, as amended, is as follows:

H.R. 442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Liberties Act of 1987".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) acknowledge the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry during World War II;

(2) apologize on behalf of the people of the United States for the evacuation, relocation, and internment of such citizens and permanent resident aliens;

(3) provide for a public education fund to finance efforts to inform the public about the internment of such individuals so as to prevent the recurrence of any similar event;

(4) make restitution to those individuals of Japanese ancestry who were interned;

(5) discourage the occurrence of smiliar injustices and violations of civil liberties in the future; and

(6) make more credible and sincere any declaration of concern by the United States over violations of human rights committed by other nations.

SEC. 3. STATEMENT OF THE CONGRESS.

The Congress recognizes that, as described by the Commission on Wartime Relocation Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons, and were motivated in part by racial prejudice and wartime hysteria. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.

SEC. 4. REMEDIES WITH RESPECT TO CRIMINAL CONVICTIONS.

(a) Review of Convictions.—The Attorney General is requested to review any case in which an individual living on the date of the enactment of this Act who, while a United States citizen or permanent resident alien of Japanese ancestry, was convicted of a violation of—

(1) Executive Order Numbered 9066, dated February 19, 1942,

(2) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones", approved March 21, 1942 (56 Stat. 173), or

(3) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States, or other action made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation, or detention of individuals solely on the basis of Japanese ancestry,

on account of the refusal by such individual, during the evacuation, relocation, and internment period, to accept treatment which discriminated against the individual on the basis of the individual's Japanese ancestry.

(b) Recommendations for Pardons.—Based upon any review under subsection (a), the Attorney General is requested to recommend to the President for pardon consideration those convictions which the Attorney General considers appropriate.

(c) Action by the President.—In consideration of the statement of the Congress set forth in section 3, the President is requested to offer pardons to any individuals recommended by the Attorney General under subsection (b).

SEC. 5. CONSIDERATION OF COMMISSION FINDINGS BY DEPARTMENTS AND AGENCIES.

(a) Review of Applications By Eligible Individuals.—Each department and agency of the United States Government shall review with liberality, giving full consideration to the statement of the Congress set forth in section 3, any application by an eligible individual for the restitution of any position, status, or entitlement lost in whole or in part because of any discriminatory act of the United States Government against such individual which was based upon the individual's Japanese ancestry and which occurred during the evacuation, relocation, and internment period.

(b) No New Authority Created.—Subsection (a) does not create new authority to grant restitution described in that subsection, or establish new eligibility to apply for such restitution.

SEC. 6. TRUST FUND.

(a) Establishment.—There is hereby established in the Treasury of the United States the Civil Liberties Public Education Fund, to be administered by the Secretary of the Treasury.

(b) Responsibilities of the Secretary of the Treasury.—

(1) Investment.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

(2) Sale of obligations.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(3) Credits to fund.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(c) Uses of the Fund.—Amounts in the Fund shall be available only for disbursement by the Attorney General under section 7 and by the Board under section 8.

(d) Termination.—The Fund shall terminate not later than the earlier of the date on which an amount has been expended from the Fund which is equal to the amount authorized to be appropriated to the Fund by subsection (e), and any income earned on such amount, or 10 years after the date of the enactment of this Act. If all of the amounts in the Fund have not been expended by the end of that 10-year period, investments of amounts in the Fund shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Fund $1,250,000,000. Any amounts appropriated pursuant to this section are authorized to remain available until expended, except that any funds appropriated for payments by the Attorney General under section 7 shall be used for such payments during the fiscal year in which the funds are first made available.

SEC. 7. RESTITUTION.

(a) Location and Payment of Eligible Individuals.—

(1) In general.—Subject to subparagraph (4), the Attorney General shall pay out of the Fund to each eligible individual the sum of $20,000, unless such individual refuses to accept the payment. The Attorney General shall, within 9 months after the date of the enactment of this Act, identify and locate, without requiring any application for payment and using records already in the possession of the United States Government, each eligible individual. Failure to be identified and located within such 9-month period shall not preclude an eligible individual from receiving payment under this section. Any eligible individual may notify the Attorney General that such individual is an eligible individual, and may provide documentation therefor. The Attorney General shall designate an officer or employee to whom such notification and documentation may be sent. The Attorney General shall, when funds are made available for payments to an eligible individual under this section, notify that eligible individual of his or her eligibility for payment under this section.

(2) Effect of refusal to accept payment.—If an eligible individual refuses to accept any payment under this section, the amount of such payment shall remain in the Fund and no payment may be made under this section to such individual at any time after such refusal.

(3) Payment in full settlement of claims against the united states.—The payment to an eligible individual under this section shall be in full satisfaction of any claim of such individual against the United States arising out of acts done to that individual that are described in section 10(2)(B). This paragraph shall apply to any eligible individual who does not refuse to accept payment under this section within 6 months after receiving the notification from the Attorney General referred to in the last sentence of paragraph (1).

(4) Exclusion of certain individuals.—No payment may be made under this section to any individual who, after September 1, 1987, is awarded a final judgment or a settlement on a claim of such individual against the United States for acts done to that individual that are described in section (10)(2)(B).

(b) Order of Payments.—The Attorney General shall endeavor to make payments under this section to eligible individuals in the order of date of birth (with the oldest receiving full payment first), until all eligible individuals have received payment in full.

(c) Resources for Locating Eligible Individuals.—In attempting to locate any eligible individual, the Attorney General may use any facility or resource of any public or nonprofit organization or any other record, document, or information that may be made available to the Attorney General.

(d) Notification and Documentation by Eligible Individuals.—Any eligible individual who, by September 30, 1989, has not received payment under this section from the Attorney General or has not otherwise been notified by the Attorney General for purposes of payment under this section, may notify the Attorney General that such individual is an eligible individual and may provide documentation therefor. The Attorney General shall designate an officer or employee to whom such notification and documentation may be sent.

(e) Administrative Costs Not Paid From the Fund.—No costs incurred by the Attorney General in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under this section to any eligible individual.

(f) Termination of Duties of Attorney General.—The duties of the Attorney General under this section shall cease with the termination of the Fund.

(g) Clarification of Treatment of Payments Under Other Laws.—Amounts paid to an eligible individual under this section—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering, and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

SEC. 8. BOARD OF DIRECTORS OF THE FUND.

(a) Establishment.—There is hereby established the Civil Liberties Public Education Fund Board of Directors which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) Uses of Fund.—The Board may make disbursements from the Fund only—

(1) to sponsor research and public educational activities, and to publish the hearings and findings of the Commission, so that the events surrounding the evacuation, relocation, and internment of the United States citizens and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood; and

(2) for reasonable administrative expenses of the Board, including expenses incurred under subsections (c)(3), (d), and (e).

(c) Membership.—

(1) Appointment.—The Board shall be composed of 9 members appointed by the President, by and with the advice and consent of the Senate, from individuals who are not officers or employees of the United States Government.

(2) Terms.—(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of 3 years.

(B) Of the members first appointed—

(i) 5 shall be appointed for terms of 3 years; and

(ii) 4 shall be appointed for terms of 2 years, as designated by the President at the time of appointment.

(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of such member's term until such member's successor has taken office. No individual may be appointed as a member for more than 2 consecutive terms.

(3) Compensation.—Members of the Board shall serve without pay, except that members of the Board shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board, in the same manner as persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

(4) Quorum.—5 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(5) Chair.—The Chair of the Board shall be elected by the members of the Board.

(d) Director and Staff Personnel.—

(1) Director.—The Board shall have a Director who shall be appointed by the Board.

(2) Additional staff.—The Board may appoint and fix the pay of such additional staff as it may require.

(3) Applicability of civil service laws.—The Director and the additional staff of the Board may be appointed without regard to section 5311(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the minimum rate of basic pay payable for GS-18 of the General Schedule under section 5332(a) of such title.

(3) Administrative Support Services.—The Administrator of General Services is authorized to provide to the Board on a reimbursable basis such administrative support services as the Board may reasonably request.

(f) Gifts and Donations.—The Board may accept, use, and dispose of gifts or donations of services or property for purposes authorized under subsection (b).

(g) Annual Reports.—Not later than 12 months after the first meeting of the Board and every 12 months thereafter, the Board shall transmit to the President and to each House of the Congress a report describing the activities of the Board.

(h) Termination.—90 days after the termination of the Fund, the Board shall terminate and all obligations of the Board under this section shall cease.

SEC. 9. DOCUMENTS RELATING TO THE INTERNMENT.

(a) Deposit of Documents in National Archives.—All documents, personal testimony, and other material collected by the Commission during its inquiry shall be delivered by the custodian of such material to the Archivist of the United States who shall deposit such material in the National Archives of the United States. The Archivist shall make such material available to the public for research purposes.

(b)(1) Public Availability of Certain Records of the House of Representatives.—The Clerk of the House of Representatives is authorized to permit the Archivist of the United States to make available for use records of the House not classified for national security purposes, which have been in existence for not less than thirty years, relating to the evacuation, relocation, and internment of individuals during the evacuation, relocation, and internment period.

(2) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives, but is applicable only with respect to the availability of records to which it applies, and supersedes other rules only to the extent that the time limitation established by this section with respect to such records is specifically inconsistent with such rules, and is enacted with full recognition of the constitutional right of the House to change its rules at any time, in the same manner and to the same extent as in the case of any other rule of the House.

SEC. 10. DEFINITIONS.

For the purposes of this Act—

(1) the term "evacuation, relocation, and internment period" means that period beginning on December 7, 1941, and ending on June 30, 1946;

(2) the term "eligible individual" means any individual of Japanese ancestry who is living on the date of the enactment of this Act and who, during the evacuation, relocation, and interment period—

(A) was a United States citizen or a permanent resident alien; and

(B) was confined, held in custody, relocated, or otherwise deprived of liberty or property as a result of—

(i) Executive Order Numbered 9066, dated February 19, 1942;

(ii) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones," approved March 21, 1942 (56 Stat. 173); or

(iii) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the United States or other action made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation, or detention of individuals solely on the basis of Japanese ancestry;

except that the term "eligible individual" does not include any individual who, during the period beginning on December 7, 1941, and ending on September 2, 1945, relocated to a country while the United States was at war with that country;

(3) the term "permanent resident alien" means an alien lawfully admitted into the United States for permanent residence;

(4) the term "Fund" means the Civil Liberties Public Education Fund established in section 6;

(5) the term "Board" means the Civil Liberties Public Education Fund Board of Directors established in section 8; and

(6) the term "Commission" means the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act.

SEC. 11. COMPLIANCE WITH BUDGET ACT.

No authority under this Act to enter into contracts or to make payments shall be effective except to the extent or in such amounts as are provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal year 1989 and thereafter.

AMENDMENT OFFERED BY MR. LUNGREN

Mr. LUNGREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUNGREN: Page 3, line 25, strike out "and wartime hysteria" and insert in lieu thereof ", wartime hysteria, and a failure of political leadership".

Mr. LUNGREN. Mr. Chairman, I would say that this amendment would bring the statement of Congress in this legislation contained in section 3 into conformity with the findings of the Commission on Wartime Relocation and Internment.

The Commission found that the broad historical causes that shaped these decisions were race prejudice, war hysteria, and the failure of political leadership. Unfortunately, the committee bill has dropped the "failure of political leadership" as one of the underlying causes of the relocation and internment.

In my estimation this is belied by the overwhelming weight of historical evidence on this question.

As I indicated before, this was a decision made by Franklin Delano Roosevelt after he had the advice of his counselors. He had various bits of information in front of him. I think that it is difficult, putting yourself in his shoes, to condemn his actions at that time. I think where a larger condemnation would come into place was his reluctance to remove the Executive order at an earlier date. There is evidence in some letters, some correspondence with the President, that he did not allow the Executive order to be lifted as soon as it could have been because of fear of the consequences of the upcoming congressional elections and the impact of his party at that particular time. That, I think, is a failure of political leadership.

What I would like us to do in this situation is to get the complexity of the situation before us, a full amplification of that.

A little earlier, Mr. Chairman, I made reference to several MAGIC cables.

Let me give you an idea of some of the things that the President had before him at that time.

Let me just mention a couple of other MAGIC cables that were before the President so that we have a fuller understanding of the historical record. They said, and this cable was from the Seattle Japanese consulate to Tokyo at one point:

> We are using foreign company employees as well as employees in our own companies here for the collection of intelligence having to do with economics along the lines of the construction of ships, the number of airplanes produced and the various types, the production of copper, zinc and aluminum, the yield of tin for cans and lumber. For the future we have made arrangements to collect intelligence from second generation Japanese draftees on matters dealing with troops as well as troop speech and behavior.

Another cable, from the Los Angeles Council to the Government of Japan in Tokyo: "We are doing everything in our power to establish inside contact in connection with our efforts to gather intelligence materials." Further on it continues, "We plan to establish very close relationships with various organizations and in strict secrecy have them keep these military establishments under close surveillance. Through these means we hope to obtain accurate and detailed intelligence reports. We have already established contact with absolutely reliable Japanese in the San Pedro and San Diego area," both of those areas in southern California along the coast, "who will keep a close watch on all shipments of airplanes and on other war materials and report the amounts and destinations of such shipments. The same steps have been taken with regard to traffic across the United States-Mexico border. We shall maintain connection with our second generation who at present are in the U.S. Army, to keep us informed of various developments in the Army. We also have connections with our second generation working in airplane plants for intelligence purposes. With regard to the Navy, we are cooperating with our naval attaché's office and submitting reports as accurately and as speedily as possible." Then there are a number of other cables in the same regard.

The point I am trying to make is this: as we look back on the decision that was made, we have to recognize the information that was available to the President at that time.

In retrospect we know those cables were in error. They were wrong. For what reason they were wrong we do not know. Whether it was somebody in the employ of the Japanese Government here puffing his position or what he had done or whether they in fact thought they had made those contacts or whatever, we do not know. All we know is that the President of the United States at that time was confronted with it.

My particular amendment would just offer the question on the element of political leadership in the full context of the decisionmaking process. It seems to me if we take this out we make the historical record less than what it is. We reject a major finding of the Commission. And I think we do so in a way that is not accurate.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. Yes, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman for yielding. Mr. Chairman, the gentleman is a real scholar on this subject. I think he makes a very relevant point. he puts the bill back to where it was sort of originally but with a very important context. I hope his amendment is accepted.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the committee and in the subcommittee, I supported an effort to delete the language that the gentleman is attempting to put back in the bill. After listening to his presentation and knowing of his background and knowledge of this particular subject and pursuit of historic accuracy, I too join the gentleman from Massachusetts in accepting the language.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LUNGREN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUNGREN

Mr. LUNGREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUNGREN: Page 3, strike out lines 10 and 11 and redesignate the succeeding paragraphs accordingly.

Page 4, lines 4 and 5, strike out "for which appropriate compensation has not been made".

Page 7, lines 9 and 10, strike out "by the Attorney General under section 7 and by the Board under section 8" and insert in lieu thereof "by the Board under section 7".

Page 7, line 23, strike out "$1,250,000,000" and insert in lieu thereof $50,000,000".

Page 7, line 25, strike out ", except that" and all that follows through page 8, line 3 and insert in lieu thereof a period.

Page 8, strike out line 4 and all that follows through page 11, line 7, and redesignate the succeeding sections accordingly.

Page 17, line 10, strike out "8" and insert in lieu thereof "7".

Mr. LUNGREN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LUNGREN. Mr. Chairman, I suppose this might be considered the important amendment, at least if the debate thus far is any guide.

This amendment would delete one of many sections of the bill. My amendment would strike the language providing restitution for eligible individuals in section 7 of the bill. The effect of this would be to reduce the amount to be appropriated to the fund in section 6 by $1.2 billion leaving $50 million for public education purposes.

As I have said before, let me be clear that the history of the period leaves little room for doubt. I believe that an injustice was done when the U.S. Government implemented Executive Order 9066 compelling the internment of nearly 120,000 Japanese-Americans and resident aliens living on the west coast.

In the 96th Congress I was honored to be an original cosponsor of H.R. 5499 which established the Commission on Wartime Relocation and Internment of Civilians.

It was clear that in creating the Commission there was no understanding that the main or chief purpose was to provide monetary redress. In fact, many of the most ardent proponents of the legislation which gave rise to the Commission went to great lengths to assure us that this was not the case. This is illustrated by testimony before the Senate Committee on Governmental Operations by Mr. William Hori, a proponent of reparations. In his statement to the committee he indicated that a primary cosponsor of the legislation in the Senate had said that:

> The only condition I made the other four Members of Congress to agree to was no monetary reparations would ever be asked. If they had not agreed I would not have endorsed the bill.

Certainly this body has a right to make an independent judgment on this matter. But in my estimation it is an expensive distraction from the seriousness of this tragic episode in our Nation's history.

Mr. Chairman, I find it difficult to accept the argument that unless we have money attached to what we are doing today it has no significance, it is not sincere, it is not genuine; for if that had been the argument the very bill creating the Commission to investigate this whole episode in our Nation's history would never have been passed. At that time at least one major proponent of the bill establishing the Commission made it very clear that if the purpose of the bill was individual reparations he would not support that bill. He was assured by proponents in the Congress and out of the Congress that that was not the case. If that was their position, that is, the proponents of the bill at that time, that in fact they considered it an important gesture to have an investigation of this episode to create an accurate historical record and hopefully have an apology, why now do the proponents say that to do less than give money is either an act of insincerity or an act lacking substance or something which is nothing more than a hollow gesture?

You cannot have it both ways. If in fact the proponents accepted at that point in time that monetary reparations would have blocked consideration of this and they accepted that and thought, nonetheless, it would be an important thing for Congress to act in this regard, I find it difficult to understand now that it is a hollow gesture for us to act.

In this regard I find the rationale for reparations that is contained in the Judiciary Committee report to be, in my judgment, incredible. It states this:

> Although a formal apology is important and the education fund is needed, these provisions alone without compensation will not insure or serve as a disincentive to us as a nation to prevent future denials of fundamental civil liberties.

So in other words, if you read the committee report the reason we must have monetary redress is as a disincentive for us to repeat these actions in the future.

I just want to ask this: Does anyone seriously believe that any future administration will be deterred from making a similar mistake because g' have required compensation 45 years after the fact when most of the people who were within the decisionmaking circle of the Federal Government have long since passed from governmental positions and most, if not all, have long since passed from the Earth? The threat of punishing my 11-year-old daughter 3 years from now would seem to me to do little in the way of encouraging my 14-year-old son now to mow the lawn.

I mean, if you are going to say that we are setting this up so that any future administration will avoid mistakes of this type because they fear 45 years after they have made the decision a future generation will be punished, I think that is folly. Yet I think that is the essence of the committee report if you look at their reasoning for the money damages.

Such an attenuated relationship between the commission of an act that is admittedly wrong and the sanctions related thereto have nothing to do with deterrence.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(By unanimous consent Mr. LUNGREN was allowed to proceed for 5 additional minutes.)

Mr. LUNGREN. Mr. Chairman, I say it has nothing to do with deterrence, but everything to do with the misguided notion that the dollar sign is the only genuine symbol of contrition.

Ironically, the rationale of the Commission report itself eloquently undermines the recommendation for reparations in these words:

> Two and one half years behind the barbed wire of a relocation camp, branded potentially disloyal because of one's ethnicity alone, these injustices cannot be translated into dollars and cents. Some find such an attempt in itself a means of minimizing the enormity of these events in a constitutional republic. History cannot be undone. Anything we do now must inevitably be an expression of regret and an affirmation of our better values as a nation, not an accounting which balances or erases the events of the war that is beyond anyone's power.

Mr. Chairman, grave injustices are often the product of war. Whether we are talking about the loss of limb or life or the loss of property, the result is often agony and human suffering. As Cornelius Ryan has all too well documented, mistakes, admittedly terrible mistakes are made. From "The Longest Day" on the beaches of Normandy to "A Bridge Too Far" in Arnheim, war turns both logic and life upside down. The survival instinct does not always produce well conceived decisions when scrutinized with the benefit of 20-20 hindsight. The result is that lives are shattered and families permanently scarred.

I ask you this, Mr. Chairman, What do we say to the families of our men who died in Sicily not because they were killed by enemy fire but because our bombers mistakenly identified them as the enemy?

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Mr. Chairman, I fear the potentially grave consequences of extending the principle of restitution contained in this bill. Many of my colleagues on the other side of the aisle, as well as some on this, have argued that the denial of civil rights by Government can just as easily derive from Government inaction as from Government action. It is not too difficult to think of arguments concerning the need for recompense because of a time lag between Brown versus the Board of Education and the Swann versus Charlotte, North Carolina decision in 1971.

Attempting to put a price tag on misbegotten policies of the past poses the spectacle of unwieldy precedent. The principles of equity involve more than the satisfaction of wrongs in this specific case. Rather, similar treatment for those with similar grievances is required. American Indians and blacks are but two examples of possible claims to recompense under such elevated principles of retroactive justice.

In this country we have a statute of limitations for virtually every crime except murder. We have a statute of limitations for virtually every tort action. Why? Not because we do not think that a wrong was created, not that we do not think that someone was harmed, but because we believe there is a concern for finality, that at some point in time we cannot say to one generation, go back and try to make monetary amends for the previous generation.

We do that consistently in our law on the criminal side as well as on the civil side. If today we say 45 years is appropriate for extending the statute of limitations, why not 90 years? Why not 100 years? Why not 150 years?

This country, as great as it is, has imperfections. We have made mistakes. We have made grievous errors. Never have I thought that we used a bottom-line analysis of it to see if we would balance the fiscal board.

It is indeed folly to try to judge history as an evolving balance sheet. Do we really believe, as one of my fellow commissioners said, that nothing can be genuine unless it involves the coin of the realm? Have we reached such a state in our society that unless money is exchanged, the sincerity of our expression is brought into question? The logic of materialistic reductionism in my judgment not only has the potential of demeaning the gravity of the experience at issue but of subsuming or overcoming the more important task of ensuring that future generations are taught the lessons to be learned from this ignominious episode in our Nation's history.

Mr. Chairman, this issue ought not to be over whether a certain person gets $20,000 or not. It ought to be an acknowledgment of error in the past, an establishment of an educational fund so that we can continue to study this episode, take lessons from it, and hopefully apply it to the future. That is the best bequest we can make to our children and our children's children, not the idea that unless they put a price tag on something, it is a worthless experience.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(On request of Mr. DELLUMS, and by unanimous consent, Mr. LUNGREN was allowed to proceed for 3 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I tried to listen with rapt attention to the gentleman's presentation. This gentleman from California is not an attorney, but I would like to speak to the question of economic recompense that the gentleman dealt with.

Back in the early 1970's this gentleman was speaking on the steps of the east front of the Capitol. Several thousand human beings had come to the Capitol to present a petition to myself and a few other colleagues calling for peace in Vietnam. All of those persons were arrested on the Capitol steps.

I brought a lawsuit. It became Dellums versus Powell, because Mr. Powell was the chief of the Capitol Police at that time. That lawsuit went through the entire court process to the Supreme Court of the United States. The Supreme Court of the United States acted on Dellums versus Powell. The decision that was made in the Federal courts was sustained through our entire appeal process to and through the U.S. Supreme Court. It said that not only were the first amendment rights of the persons on the Capitol steps violated, but those who were arrested found their fourth amendment rights were violated.

The Court also found that the first amendment rights of this gentleman, Mr. DELLUMS of California, were violated because I lost the group of people who came to redress their government by presenting the people's peace treaty to me.

In the first instance the judge and the jury ruled in Dellums versus Powell that all of those persons would receive in the aggregate $12 million. That meant that this gentleman, on the basis of the violation of the first amendment rights, was to receive $7,500. All of the other persons whose first amendment rights had been violated and who had been imprisoned overnight or for a day or two were to receive at least $10,000.

Now, what was clearly established, in my humble opinion, in Dellums versus Powell, though I am not an attorney, is that we have a history in this country of providing economic recompense where indeed the Government has violated the rights of its citizens. The only thing that was questionable in the initial ruling was whether or not the $12 million was an appropriate figure, not that economic recompense was in question. That had been dealt with. So they asked the original judge to go back and look at the issue. So they came out with a figure of $1.2 million.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has again expired.

(On request of Mr. DELLUMS, and by unanimous consent, Mr. LUNGREN was allowed to proceed for 3 additional minutes.)

Mr. DELLUMS. Mr. Chairman, if the gentleman will yield further, just as a quick aside, this gentleman did not take the resources. He gave the money to the ACLU so they could continue their fine efforts.

The point was that economic recompense is an integral part of the history of this country.

So I find the gentleman's argument on those grounds faulty. To suggest in some way that we somehow distort and prostitute the extraordinary principle of justice simply because we hang a price tag on it belies the history of the decisions of the courts of this land. This gentleman stands as a clear example of that in Dellums versus Powell.

Now, whether $20,000 or whatever is the appropriate figure, that is a judgment call. But as I have said many times on the floor of this Congress, we stand in an atmosphere of judgment. We are required to act, to decide whether it is $20,000 or $200,000 or whatever, but not that the principle should ever be challenged.

Mr. Chairman, I thank my colleague for his genorosity in yielding to me to simply make the response to the gentleman's argument on the question of economic recompense. I think it is wholly appropriate in this situation, and I will oppose the gentleman's amendment for the very reasons that I asserted in my argument.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has again expired.

(On request of Mr. DELLUMS, and by unanimous consent, Mr. LUNGREN was allowed to proceed for 3 additional minutes.)

Mr. LUNGREN. Mr. Chairman, I am happy to take this time to respond to the gentleman from California [Mr. DELLUMS] and I would like to make several points. The first point is that in the instance the gentleman has suggested, he is correct that the court made the determination that there was an unconstitutional deprivation of rights in his particular case. That is not the history of this incident.

The incident was challenged in the courts all the way to the Supreme Court, and it was the judgment of the Supreme Court at that time that Franklin Delano Roosevelt was within his constitutional powers as Commander in Chief to issue this order and to have it implemented. So in fact there was not a violation of constitutional rights as understood at that time.

The gentleman knows the argument now with respect to Mr. Bork in the other body is whether the Constitution is a continuing evolving document. Members of his side of the aisle generally accept that argument. At the time of the acts in question here it has evolved to such a point that in fact the President of the United States was within his constitutional rights, and, therefore, the constitutional rights of the individuals involved were not violated.

What we are doing now is looking back 45 years later. One of the reasons we have economic recompense in a case like that of the gentleman from California is not because there was a financial calculation that it was worth $7,500 for each person to be denied the amount of time they were to be given to consult with the gentleman on the steps of the Capitol, but in essence because that was considered a serious enough financial burden on the Government to be a deterrent to that conduct in the future. And there was a close connection between the violation of civil rights perpetrated by the Government and the penalty placed on the Government, so that those in power or those they represented were immediately punished.

That is very different from what we are talking about now. We are talking about an action that was reviewed by the Supreme Court 45 years ago and determined to be constitutional at that point. Now we are coming in 45 years later and saying, despite the fact that it was constitutional at that time, in retrospect we think it was wrong—incidentally I agree it was wrong—and, therefore, we are going to give recompense.

If we read the committee's own language, they say the reasoning for it is deterrence. I find that faulty reasoning. We are not going to deter somebody from action now by saying 45 years from now that other people unelected, maybe not even alive at this time, are going to suffer the consequences of the decisions we make.

So I think these are very, very different circumstances. What I am saying is, as we correct the historical record, as we make it abundantly clear that there was not disloyalty visited upon this country by any Japanese-American or any Japanese national here, as we make abundantly clear that any shadow of a doubt ought to be lifted, as we try to take the lessons out of that, that is the important thing we ought to be doing. Rather than by saying that the only way to judge the sincerity of our action is by the amount of money behind the dollar signs given to the individuals involved.

So I understand the gentleman's point. I think his point is absolutely relevant to his experience. I have tried to point out the vast difference between his experience and the experience we are judging now.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, American citizens of Japanese ancestry were imprisoned in the Second World War in this country not because of anything they had done but because of who they were.

It is interesting to note that we were at war with Germany and Italy as well, but German-Americans and Italian-Americans were not imprisoned during that war, and obviously there was a great deal of racial overtones in what was involved.

But I think the key issue here is that American citizens were incarcerated without due process of law because of the way they looked and because of their race.

I try to personalize it. My ethnic background was treated to a similar but far worse scenario in Western and Eastern Europe during the Second World War, and I have tried to imagine whether I, with my ethnic background, or Irish-Americans, Polish-Americans, German-Americans, French-Americans, or black Americans could have the same thing happen to them in America. And as we deal with this 200th anniversary of the Constitution, I say, no, probably not. It could not happen in America as long as due process of law is dealt with.

But a very, very serious wrong was perpetrated on a class of Americans, Japanese-Americans, during the Second World War, and regardless of the circumstances of why it happened, it is still something that we should insure never happens again. So the question is, How do we remedy this wrong that was done? That is the issue.

I believe the gentleman from California [Mr. LUNGREN], in good faith, believes the way to remedy the wrong is to apologize. I must say that we have talked about this issue before, and I have some sympathy for that standpoint, but I was the chairman of the subcommittee before the gentleman from Massachusetts [Mr. FRANK] was, and I listened to the hearings, and my own judgment is that a pure apology and no restitution is not enough.

Why? First of all, I think it depends on the seriousness of the wrong. A minor wrong committed by this government probably deserves no restitution.

□ 1220

A major wrong deserves something extra special. In this case we have an affirmative government action, not a negligent action, not a failure to act, but an affirmative government action to remove American citizens out of their homes and put them in prison camps during a period of time during the Second World War. That is a major, major wrong, and similar wrongs in today's circumstances, nonracially motivated, have resulted in very, very big judgments, big dollar judgments from the United States of America.

In my judgment without restitution, the seriousness is demeaned, the seriousness of this incarceration, not only for Japanese-Americans of today's generation who were in those camps, but for all Americans, particularly Americans who are in minority circumstances.

There is a sign on one of my courthouses that says, "What is Past is Prologue," and I think that is what we do today.

We provide for the future ways to avoid the pitfalls of the past. This issue is a test for the United States of America, the greatest country in the world, a test of historic magnitude. We will never tolerate the denial of due process again, so that Americans of Irish, Polish, French, Jewish, black, and Hispanic descent will know that being different, being different is no grounds to be separated without due process of law.

Now, if you can do this with an apology, that is fine; but it reminds me a little bit like the old contracts were in English law, and you would sign the contract; but without the seal, the contract would not be worth anything.

In my judgment, the money compensation is the seal, so that 30 and 40 and 50 years from now, people will know that the greatest country in history on the face of the Earth was good enough to provide a seal to end the wrong that was done to a class of American citizens.

Two hunderd years after the signing of the Constitution, I believe that we will be providing not only the apology, but the seal to ensure that this never happens again.

I hope my colleagues will reject the Lungren amendment. I know it is offered in good faith.

I have the greatest respect for the gentleman from California, but I think it is the wrong way to handle the matter.

Mr. DELLUMS. Will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

I want to take a brief moment and respond to the assertion of the gentleman from California [Mr. LUNGREN] in response to this gentleman's statement.

The thrust of my argument is that economic recompense in the face of injustice is an appropriate response. That injustice does not have to be denied in my humble opinion by the courts of this land. It does not have to be defined by the Supreme Court of this land.

I could be defined in a political context by the people of this land, and I believe that the overwhelming response of the people of this land is that this is with justice, economic recompense.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 30 additional seconds.)

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding to me.

I rise to express my strong support for H.R. 442, the Civil Liberties Act of 1987 and my opposition to the Lundgren amendment. I can think of no more fitting action for this body to take today, the bicentennial of the signing of our Constitution, than to pass this long overdue measure.

It is impossible to overstate the suffering to which over 120,000 Japanese-Americans were subjected when they were uprooted from their homes and their communities and compelled to live in mass detention camps. As a Californian, I personally know many people who endured this terrible loss of civil liberties, of property, even loss of innocent years of childhood. And we all are colleagues of two of the most distinguished Members of this body, who personally were detained in the camps with their families.

So this bill is our long overdue way of trying in a small, token fashion to apologize, and to make amends. But I find of almost equal importance what this bill does for the rest of us who did not suffer the terrible injustice.

How many Americans have tried to make sense of the internment camps, and have concluded that there must be some unspoken exceptions to the ringing words of our Constitution and the Bill of Rights? And what price does that effort to reconcile the irreconcilable exact from our vigilance in protecting civil liberties and civil rights today?

How many Americans over the past 45 years have had their pride in our Nation as a beacon of human rights shaken by an acknowledgment of this stain on our national record?

We must approve H.R. 442 today not simply for Japanese-Americans, but for all Americans. And to my colleagues who argue that we are setting a costly precedent here today that we can ill afford, let me say God help us if we ever again undertake another policy like Executive Order 9066 that would warrant redress like our action today. That is what we truly cannot afford.

I salute the individual Japanese-Americans and their organizations who have worked so long and so hard to win approval of this measure. Their efforts have not been for themselves alone, but for us all. In that spirit, I urge passage of H.R. 442 on this historic day, in this historic 100th Congress.

Mr. SWINDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, across the street inscribed on the fresco of the Supreme Court Building are the words "Equal Justice Under the Law."

Yesterday afternoon we had the unique occasion, as Members of the 100th Congress, to stand on the plaza and hear the President of the United States close the ceremony there recognizing the bicentennial of the Constitution by leading us as a nation in the Pledge of Allegiance to the flag.

The closing words were "liberty and justice for all."

The essence of the debate here today can be distilled to two words: "liberty and justice."

The truth of the matter is the word "justice" means to do what is right. We pride ourselves as a nation in being a nation not of men, not of individuals, but of laws.

Incidentally, the law to which we refer is the Constitution, the supreme law of the land. For that law to be meaningful, it cannot be easily set aside. It cannot be set aside even under the most extraordinary circumstances, unless we follow the very methodology outlined in the Constitution itself.

There is no debate here today that the Constitution was summarily ignored. I, for one, do not think it is fruitful to go back in 20-20 hindsight and try to judge whether or not that particular judgment was justified or not justified, because the truth of the matter is, war is extraordinary; but I do think it is significant that the Subcommittee on Administrative Law and Governmental Relations of the full Committee on the Judiciary very frequently brings forth particular bills that are to address issues where the statute of limitations has run, where it may be res judicata, where there may be a whole proliferation of legal terms that says to that individual, your legal resource has for all intents and purposes exhausted.

What we do is, we look to the word "justice," and we try to do that which is right. Let me say that this is not an easy issue for this Congress to deal with. It is a very emotional issue, but I, for one, could not stand in the well, as I have done many times, talking about the Constitution, talking about being a strict constuctionist, and today stand here and say that when it comes to the 40,000 or 60,000 individuals that were summarily deprived of their fifth amendment rights, which says no person—notice, it does not say no person, unless the color of their skin happens to be white, nor does it say a person who happens to have already been born, as is the case, of course, with the unborn—the point is, it says no person shall be deprived of their life, their liberty, nor their property without due process of law.

There has been no due process of law here. Certainly the statute of limitations has run but that is not the point.

This body shares the unique ability to even 40 years after the fact redress that role.

I would close by saying, while it is easy to debate this issue academically, I would like to ask the Members to put it in a very personal frame of reference.

I would ask the Members to imagine just for a moment that you are a 19-year-old young man who is serving his country in a time of war abroad, and receive a letter that says your parents have just been picked up under an Executive order, and they are currently being imprisoned in a camp somewhere in the United States of America, and you ask why.

You are told, because a nation thousands of miles away declared war on our country, and because you happen to be remotely descended to that nation, we are going punish your parents. Certainly each Member would say that is not fair. What about their constitutional rights?

There is probably not a single Member of Congress that has not had the opportunity to address a group of immigrants who, because of the ceremony that they go through, are told the significance of becoming U.S. citizens.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. SWINDALL] has expired.

(By unanimous consent, Mr. SWINDALL was allowed to proceed for 2 additional minutes.)

Mr. SWINDALL. One of the points that I always make when I address those groups of immigrants who are on that proud occasion becoming U.S. citizens is to say that from that moment forward, they share the most unique privilege in the world; and that is, they are U.S. citizens with all of the rights, including the constitutional rights, attendant thereto.

If we as a body are desirous of doing what is right in this bicentiennial year of the Constitution, if we are desirous of fulfilling and satisfying the first responsibility our Founding Fathers gave to the Federal Government to establish justice, then it is incumbent on us to right this wrong.

Let me just say in terms of the dollar amount, it is $2,863 in 1945 dollars. Certainly that amount of money is, if anything, too little, not too much.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. SWINDALL. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding.

I want to express my appreciation to the gentleman from Georgia at the subcommittee and full committee levels today, and for the gentleman's support for this legislation.

The gentleman has shown a great deal of thought, integrity; and I very much appreciate it. The bill is a better bill because of the work the gentleman did in subcommittee in amending some of the language, and I appreciate the gentleman's support here today.

Mr. SWINDALL. Mr. Chairman, one last point, and I would say it to my prolife friends who argue consistently that the Constitution guarantees the right not to be deprived of life or liberty or the pursuit of happiness without due process of law, that that is precisely the issue which we debate here today.

□ 1230

It is a very important point if we are to be consistent in our fight to make certain that those constitutional protections are recognized for all Americans, equal justice under the law.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is obviously a proud day in the history of the United States as we celebrate the 200th anniversary of our Constitution. We could not have a more appropriate bill on the floor to be considering on that day than this piece of legislation. I am proud to have been a member of the Judiciary Committee and of the Subcommittee on Administrative Law when this bill has come before us to consider, because it is at once difficult in many ways, but the message that the Constitution sends to us is clear about what is right.

This is a bill to redress grievances for the deprivation of basic human rights that are recognized in our Constitution of individuals who are imprisoned without cause and without process, deprived of their liberty, liberty which is protected by the United States Constitution, and more than that, singled out for this punishment for no other reason than their ethnic origin, singled out by racism, singled out by that most pernicious form of discrimination that can destroy society and destroy the people within it.

There is no question about the wrong that was done. The challenge is to respond to that wrong in an appropriate and effective manner. We all wish we could go back and do it over and get it right and never have the wrong occur, but we cannot; but that is no reason not to act now when we still have the power and ability to act and when those who suffered the indignity of that false imprisonment and that racist denial of liberty are still alive to hear the words of this Congress and to receive appropriate compensation.

This is a challenge on a great day to a great nation to have the strength that only a great nation can have to recognize when it is wrong and to try to correct its wrong no matter how late in the day that realization comes.

There is in this legislation an apology and a recognition of the causes which led to this injustice, and that is as it should be.

There is also in this legislation money to be paid to those individuals who claim it, who suffered this injustice, and that is as it should be also.

There is a great American expression used by all of us on many occasions, "Put your money where your mouth is." I think that fits this occasion.

The fact is that words are important and solemn words spoken by this body are important, but in America we all know that we deal also with things valued with money, and the willingness to pay compensation in dollars speaks about how absolutely clear we want to be about what is at stake.

There was a constitutional violation. The courts have held repeatedly that just the constitutional violation alone without any other losses is justification for compensation. In no way does the amount of money in this bill compensate individuals for months and years of lost liberty, of lost property. It is a very small amount, but it does say something very clear and it says something clear in the equality of the payment across people who suffered different amounts in different periods of time. It is an equality that says this Constitution is equal for all and deprivation of constitutional rights has a very special place in this Constitution.

It is an amount we can afford, but it will not be easy. We all know of our budget problems. It will cost us. We will feel it. We have said in this bill that it must respect the Budget Act and it must be in the budget process, and that means there will be a sacrifice, and that is appropriate, too. We as a nation are going to make a small sacrifice, to make what amounts to a small payment; but what we are going to say with that payment is not only that our words behind our apology and our recognition of the wrong, but our resources are, too.

We as a great nation really believe this Constitution that we celebrate today. We want it to have reality, not only in our words, but in the lives of the individuals whom we have hurt in the past by our actions.

So, Mr. Chairman, I rise in support of this legislation and in opposition to the pending amendment which would strike the monetary compensation. I think it is of a piece. It is of a whole and it reflects our commitment in the good old American understanding that we are willing to put our money where our mouth is when we have something important to say.

Mr. McCANDLESS. Mr. Chairman, I move to strike the requisite number of words and rise in support of the Lungren amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from California, Mr. LUNGREN.

I join with most Americans who sincerely regret the economic, social, and emotional damage done to our fellow Americans of Japanese descent during World War II. However, while I support a formal apology to Japanese-American internees as well as restitution for specific, verifiable losses, I cannot agree that a blanket dispensation of $20,000 to every surviving internee is proper. In a sense, the money is "guilt" money to soothe the collective conscience of our Nation. No amount of money can rectify damage done 40 years ago.

Much has already been done for specific restitution of economic losses. In 1948, Congress passed the Japanese-American Evacuation Claims Act which allowed Japanese-Americans to claim and be compensated for personal property losses. Although not all losses could be verified, approximately $37 million was paid in claims. In 1972, the Social Security Act was amended so that Japanese-Americans over the age of 18 would be deemed to have earned and contributed to the Social Security system during their detention. The Federal civil service retirement provisions were amended in 1978 to allow Japanese-Americans civil service retirement credit for the time spent in detention after the age of 18.

Again, I emphasize that these actions have not "righted" a wrong committed 40 years ago, but neither will a $1.2 billion congressional appropriation. Japanese-Americans were not alone in suffering during World War II. Americans as a whole suffered economic losses and even death during the war. In my view, the best we can now offer surviving Japanese-American internees is the resolve that never again will such violations of basic rights occur in the United States. H.R. 442 does that, and I strongly support that portion of legislation. However, I cannot and do not support the portion of H.R. 442 that provides a $20,000 payment to each surviving internee. That portion of the legislation would have to be removed before I could vote for the passage of H.R. 442.

Therefore, I urge my colleagues to support the Lungren amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. McCANDLESS. Yes, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, would the gentleman oppose compensation to American prisoners of war who had been in the Armed Forces?

Mr. McCANDLESS. For what reason?

Mr. YATES. Well, the fact is that this Congress voted to pay compensation to Americans who were prisoners of war during World War II and during the Korean war, for example. These are the equivalent of prisoners of war, were they not? Should they not be compensated for the time they were in the camps?

Mr. McCANDLESS. To the gentleman from Illinois, I do not like to get personal about this, but I was in the eye of the storm in the Los Angeles area during this period, and although looking back on it now I could not justify what took place at the time and under the circumstances, it seemed the right thing to do for both the individuals involved for their personal safety as well as that of the United States.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. McCANDLESS. I yield to the gentleman from Illinois.

Mr. YATES. But, Mr. Chairman, here we are 45 years later, the storm has abated. We have a more rational approach. We know that what we did at that time was wrong in the heat of the emotion and in the fears that the war generated. Why then does the gentleman not change his mind at this time, now that the storm has abated, and permit some element, some measure of compensation for the people whom I am sure he recognizes as having been wronged?

Mr. McCANDLESS. Because I feel, as I said in my proposal, that soothing the conscience of the United States by giving someone $20,000, whether they spent 1 day or 3 years in internment, is not something that I can go along with.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of H.R. 442. This measure is a long-overdue attempt to atone for one of the most infamous incidents in our country's history. This legislation is aimed at correcting one of the most blatant and one of the most egregious violations of constitutional rights and safeguards. I would like to commend our majority leader, Congressman Tom Foley, for sponsoring this legislation. In addition, I would like to acknowledge the endeavors of two of our colleagues of Japanese-American heritage, Congressman Bob Matsui and Congressman Norm Mineta. Both men have offered eloquent and deeply moving statements about their own experiences and those of their families in the internment camps.

I have already stated that this measure, which includes a formal apology to Japanese-Americans on the part of the Congress, and a system of compensation, is much belated. In hindsight, we can now see that the military "necessity" for the forced "evacuation" and "relocation" of more than 100,000 Japanese-Americans was nonexistent. At the time, many acquiesced in this dreadful denial of the most basic procedural rights and freedoms afforded by the Constitution, a document we are justly praising and celebrating this week. It is fitting that as we mark the bicentennial of the signing of the Constitution, we remember the incarceration of more than 100,000 men, women, and children in internment camps.

Rather than recount the legacy of discrimination and distrust that led to the establishment of the squalid internment camps, I would prefer to focus on a less well-known aspect of the Japanese-American experience in our country. It is ironic that at the same time that the United States Government moved native-born Americans as well as Japanese immigrants who thought of themselves as Americans to internment camps, thousands of other Japanese-Americans served honorably and courageously in the Armed Forces of the United States. Even if no Japanese-Americans had volunteered for military service during the Second World War, H.R. 442 would be an entirely appropriate response to a painful and humiliating experience for Japanese-Americans.

In fact, however, several thousand men of Japanese-American roots served so honorably and courageously that their units received the highest number of decorations and citations per man of any unit in the history of our country. These units were the 100th Battalion of the Hawaii National Guard and the 442d Regimental Combat Team, comprising the 442d Infantry Regiment, the 552 Field Artillery Battalion, and the 232d Engineer Battalion. An additional 6,000 Japanese-Americans, serving in the military intelligence service, saw duty in the Pacific theatre of operations primarily as interpreters.

While their families and friends were uprooted and separated from their homes, these brave men unmistakably demonstrated the loyalty and patriotism of Japanese-Americans. The men of the 442d Regimental Combat Team and other Japanese-Americans who served in the Armed Forces were "NISEI." They were second-generation Americans born to Japanese parents who had moved to this country.

More than 33,000 Nisei wore the uniform of the United States. In this military service, they risked their lives for the same country that had basically imprisoned their families and friends. More than 35 percent of these men became casualties. Approximately 1,000 died in combat.

The legendary 442d Regimental Combat Team, with its "Go for Broke" motto, fought valiantly in North Africa, Italy, and France. Among its heroic deeds, the 442d, while suffering 800 casualties in the process, including 200 dead, rescued the 211 surviving members of the 2d Battalion, 141st Infantry of the All-Texan 36th Division. This would be a pyrrhic victory, except to the members of the "Lost Battalion," trapped by overwhelming forces within German-occupied southern France.

At no time did the total manpower of the 442d top 4,500 men. However, this unit received more than 18,000 individual decorations, including a posthumous Medal of Honor; 52 Distinguished Service Crosses; 500 Silver Stars; 5,200 Bronze Stars; and 9,486 Purple Hearts. The 442d earned seven Presidential unit citations. In addition, members of the 442d Regimental Combat Team received decorations from 18 allied nations, including the French Croix de Guerre and the Italian Croce al Merito di Guerra.

Mr. Chairman, as the House of Representatives debates H.R. 442, let us pause to consider the Congressional Medal of Honor citation for Private First Class Sadao S. Munemori. This medal, our country's highest military accolade, was awarded posthumously. The citation reads:

> [Munemori] took over his squad after the squad leader was wounded.
>
> After some extremely heavy fighting, Munemori worked his way back toward his squad, followed by bursting grenades.
>
> As he neared the crater where his men were waiting, a grenade bounced off his helmet and rolled into the crater.
>
> Without hesitation, Munemori dove on the grenade and smothered the explosion. He was killed. His two squad members escaped with their lives.

When President Harry S. Truman tied the last of seven streamers commemorating Presidential unit citations to the colors of the 442d Regimental Comat Team, he said, "You fought not only the enemy, but prejudice, and you won." President Truman was not entirely correct. This second battle, the one against prejudice, is not over.

Mr. Chairman, the 442d Regimental Combat Team and the thousands of other Nisei members of our Armed Forces fought the enemy on the far-flung battlefields of the Second World War. These men fought courageously, indeed heroically. They fought, often at a truly fearsome cost in lives and limbs. Let us remember their courage, their loyalty, and their patriotism. Remembering the injustices endured by these men, their families, and their friends, merely because of their ancestry, I ask the House of Representatives to pass H.R. 442. Let us "Go for Broke" and say we remember, we are sorry, and we are grateful.

Mr. Chairman, I also rise in opposition to the amendment that is pending before us to combine with an admission that this was a black day in the history of America, in the history of our country, in taking an action that clearly none on the floor of this House would now justify, would perhaps explain in the emotion of passion and prejudice that perhaps existed, but nevertheless, not justified.

Mr. Chairman, I will not repeat the history that some have fully explained, but I rise as Chairman of the Commission on Security and Cooperation in Europe, the Helsinki Commission, an act which all of us in this body strongly support, the provisions of which are discussed regularly on the floor of this House and they are discussed in the context of the Soviet Union and the Warsaw Pact nations, acting against individuals for the sole reason of their ethnic or cultural or religious heritage or background, and we rightly condemn that activity. It is clearly a violation of the provisions of the Helsinki final act.

If the Helsinki final act had been in existence in 1940, 1941, and 1942, our actions would have been clearly in violation of that act. It seems to me very appropriate that America stand up at whatever time, it is never too late, never too late to redress a wrong. It is never too late to attempt in some small way, however inadequate it may be, to compensate for that wrong; so I believe that when I as Chairman of the Helsinki Commission go, as I have gone over the last few months to Bulgaria and talked to the Bulgarians about how they are treating the Turkish minority in Bulgaria, about how they have forcibly tried to have them change their names, and in fact have succeeded, or when I go to Romania and talk to them about treating the Hungarian minority in Transylvania, or when I go to the Soviet Union and talk to them about allowing Jews to emigrate, allowing them to practice their cultural and religious background and heritage, that I will come from a country that says, "Yes, we are not perfect." We understand that, but we are prepared to stand up and say we have made mistakes and we want to make good to the extent we can. Financially we cannot make these people whole, but we can say we recognize the wrong it committed. We are sorry for that wrong, and because the gentleman from California and the gentleman from Georgia, poles apart on many issues, but in agreement on this very fundamental issue, that in America we believe that where there is a legal wrong and where there is damage, there ought to be compensation.

There are cases where no amount of compensation will make the wrong party whole, but it is basic to the American concept of fairness and justice that compensation in some degree is made.

So my colleagues, I would hope that we would reject the Lungren amendment, offered I know in the spirit of good will, but I think sending a very bad message, not only to those whom we have wronged, but very frankly, to those around the world who want to know whether America does in fact stand for the principles that it so eloquently talks about on this floor and around the world. We are not only sorry for a grievous wrong, but we also want to know that in some small way we are prepared to take some of our treasure and apply it to redressing that wrong.

□ 1245

That is right and proper that we do so. Support the passage and oppose the amendment to diminish the action that we take today.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from California.

Mr. Chairman, I must preface my remarks by expressing my deep affection and admiration for the two gentlemen from California who are the primary sponsors of this legislation. I consider Mr. MINETA and Mr. MATSUI two of the most responsible and effective legislators in this body. I can think of no one with whom I more reluctantly oppose. Yet, I rise in opposition to portions of this bill.

My colleagues, there are few in this House that followed the events of World War II as they unfolded more carefully than I did. The rights of Japanese-Americans were not treated with the same respect that the rest of our citizens were during World War II. We all agree that injustices were inflicted upon them. Looking back we may wish that we would have done things differently. But President Roosevelt, the Congress, and the courts, did what they, at the time and under the circumstances, felt was the right thing to do.

War, by its very nature, creates an environment where injustices are commonplace. During our history, millions of Americans, even some living and working today, have suffered injustices, have had their civil and personal rights trampled on. Almost all, however, only wish to have these injustices recognized and their civil rights restored. There is not enough money in the Treasury to repay for all the injustices our citizens have sustained.

May I indulge the House with a personal experience during World War II. I was raised in a family of 17 children. My father was a simple carpenter and farmer. We were a very poor family. In 1941, we were about to lose our small farm in Idaho. It was decided my father would accept a job working for a Government contractor to build an airbase on Wake Island in the Pacific. The contract read that workers would be paid from the time they left San Francisco until the time they returned. The contract, of course, didn't anticipate war. Wake Island, as many of you know, was bombed the same day as Pearl Harbor. The island fell 15 days later and dad, along with 1,500 other workers, was taken prisoner. The money stopped coming to the family when he was taken prisoner. I was 10 at the time and 15 when he was released at the end of the war.

No money came for 2 years. Finally, Congress passed a bill that paid $100 a month to the families of prisoners. That didn't even make the payment on the farm, much less feed and clothe the family. At the end of the war there was no back pay, only a token settlement of the contract. An injustice, of course. There are literally hundreds of thousands of families like ours who sustained injustices from wars. Would we now ask our Government or the Japanese Government to satisfy these injustices with a money settlement—never. It would demean a time when our family learned to work together, pull together, and pray together. Money cannot buy the lesson of that experience. That was the beginning of a typical American success story.

I ask my colleagues to support the Lungren amendment. It will appropriately recognize the injustices to our Japanese-American citizens during World War II but not demean that acknowledgment with a payoff. In our attempt to repair these injustices let's not create multitudes of other injustices. There are many deserving of the same treatment but will never get it. Our Japanese friends don't need it, many will not accept it. Our budget can not afford it. And most of you deep inside must feel we ought not to do it. I beg of you, vote for the Lungren amendment and if fails I reluctantly plead with you to vote against the bill.

Mr. PEASE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say at the outset that I strongly support the statement of the Congress which forms the heart of the Judiciary Committee's bill. It is long overdue that Congress acknowledge the Nation's actions in the forcible evacuation and relocation programs and apologize to those Japanese-Americans who suffered as a result.

However, that I must oppose the bill's provision of cash restitution payments to those internees who are still alive. I believe that the provision of tax-free $20,000 payments under the bill is inconsistent with this country's traditional way to redress injuries.

The American legal system generally permits damages to be awarded in order to compensate an individual for the actual losses he or she experiences or in order to punish wrongdoers.

Our system of compensatory damages is based on the premise that we are capable of quantifying the loss suffered by the individual victim and ought to compel the wrongdoer to make restitution. The $20,000 offered under the bill is a purely arbitrary figure which does not attempt to distinguish among the degrees of injury suffered by the individuals involved.

Our legal system also employs the notion of punitive damages, which are meant for the sole purpose of penalizing the wrongdoer and presumably deterring similar behavior in the future. It does not seem to me that the restitution payments could be properly classified as punitive damages since they would impose no painful penalty on the Government nor would they serve as any additional deterrent to similar actions.

Thus, while I understand the generous impulse which gives rise to the restitution provision, I feel compelled to support the amendment of the gentleman from California.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PEASE. Mr. Chairman, I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, suppose one of our constituents is wrongly arrested by the police? Does he not have a cause of action and is he not entitled to redress?

Mr. PEASE. He is.

Mr. YATES. How does that differ from what happened in this case?

Mr. PEASE. The court situation, if I may reclaim my time, the court seeks to determine the degree of damage and loss to that particular individual and rewards him for it.

Mr. YATES. Is that not what the Congress seeks to do in this case for wrongful arrest?

Mr. PEASE. No, it does not. The Congress does not seek to do it in this case. The Congress intends, seeks to grant an across-the-board $20,000 payment to each and every person regardless of the circumstances.

The $20,000 payment to each person affected and still living—without any regard to the particular circumstances of individual persons—does not pass the test of the legal principle of compensation for quantifiable loss. The $20,000 payment also does not pass the test of common sense. Does anyone think that $20,000 is adequate compensation for 3 years of internment? Of course not! The $20,000 payment is purely symbolic.

Similarly, the $1 billion cost of this bill surely will not be punitive in the sense of deterring the U.S. Government from such action in the future. That simply is not credible. If the U.S. Government does behave differently in the future—and I hope it will behave differently—it will not because of a fear of having to pay reparations at some point in the distance future.

To conclude, I strongly support the apology to Japanese-Americans for the grievous error made by their Government. I cannot, however, support the cash restitution payments.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when I was first elected to Congress in 1948 the first bill I filed at that time was one which would grant the opportunity to become citizens to the Japanese emigrants, the Issei, who could not become citizens because of the then existing Oriental exclusion laws. It took 4 years for that law to be passed.

In 1952 the Congress passed the bill setting aside the Oriental exclusion laws and providing that no person should be deprived of the opportunity to become an American citizen because of race.

I was a cosponsor of the legislation which created the Redress Commission and I am a cosponsor of the bill before us today. It is a most important bill. This is the first major step this Nation can take in rectifying one of the most unconscionable violations of our Government of the civil rights of any people. Everyone, to whom I've spoken in the Congress considers the action taken by our Government at that time in incarcerating the entire west coast Japanese community behind barbed wire a most flagrant injustice. And the question the legislation raises is whether those who suffered as a result of that injustice are entitled to redress.

The people who were treated so shamefully were among the best model citizens of our community at the time when they were placed in the detention camps.

Obviously ours is a nation of immigrants, and among the immigrants who did so much for our Nation were the Issei, the foreign-born Japanese-Americans, whose determination and great faith in themselves, whose self-discipline and ability, enabled them to turn California deserts into gardens to beautify and feed America. Many of them helped build the railroads that span our great Nation, and many of them went into business and became highly successful. But always, the Japanese Americans were among the most dignified and public spirited citizens in their community.

At the very outset, the Japanese immigrants should have been welcomed to our country in the same manner as the peoples of European nations; and yet they were not. Their contribution to the community was as great, if not greater. They were helpful, they were temperate, they were never troublemakers. They were the model citizens in every community. And yet their reward, much too frequently from their American neighbors, was discrimination and hostility. And, the greatest wrong of all to the foreign-born Japanese, was the fact they were barred from the most precious possession within the province of any nation to give—its citizenship. This was a direct outgrowth of the unfortunate Oriental exclusion laws, and the passage of those laws marked a black period for the Issei in America.

But with all their difficulties and their troubles, the Issei maintained their stoical faith in themselves, expecting that some day the great tradition of America, in providing equal justice to all Americans. And though they themselves were ineligibile for citizenship, they put their time and effort into the development of education of their children so that they would have the benefit and enjoy the right of American citizenship. They were loyal to their new country. When the attack on Pearl Harbor came immediately the people of Japanese ancestry became targets for suspicion throughout the United States and Hawaii without cause or provocation. Japanese who had been living in California for many years were uprooted, homes destroyed, and they themselves placed behind barbed wire detention fences without a hearing or trial.

Mr. Chairman, this should have been enough to kill the spirit of a less responsible group of people. But the reply from the Japanese parents was to sent their children out from behind the wire fences into the American Armed Forces to fight the Nazis and the armed forces of their ancient homeland. It should be of great honor to Japanese Americans that their sons became world famous as members of one of the greatest fighting units of all time, the 442d Regimental Combat Team.

The record deserves mention because it was so outstanding during World War II. There comes to mind the record of Sgt. Ben Kuroki, who flew 58 bombing missions over Europe and Japan and became a national hero. Two Japanese American units, the 442d Regimental Combat Team and the 100th Infantry Battalion, later merged with it, were among the most decorated in the history of the U.S. Army. Fighting in Italy and France, the 442d more than lived up to its regimental motto "Go for Broke," a Hawaiian idiom meaning "shoot the works." It won 10 unit and more than 5,000 individual awards. Six hundred fifty of its Purple Hearts had to be delivered to the next of kin. No man in the 442d ever deserted, a remarkable record. Americans of Japanese ancestry not only fought the enemy abroad but had to bear the brunt of prejudice at home.

Exhaustive investigations by the Army, Navy, and FBI showed that not one act of sabotage was committed in Hawaii, though citizens and residents of Japanese ethenic background comprised one-third of that territory's population, or sabotage by one of them anywhere.

Their citizenship could not have been more exemplary. I know that because following World War II, many came to Chicago rather than return to California. I came to know them in 1948, and I came to know them well because I ran for Congress for the first time that year. They asked only one pledge of me as candidate for that office, and that was that I would consider favorable legislation which would permit their parents to become citizens.

When I was elected to Congress, the first bill I filed was one which would grant the opportunity to become citizens to the Issei, the Japanese immigrants who could not become citizens under the then laws against orientals.

It took 4 years for the bill to be passed. In 1952, the Congress passed the bill setting aside Oriental exclusion laws and providing that no person should be deprived of the opportunity to become an American citizen because of race.

There were so many things that had to be compensated for, and special legislation provided for, because certain Americans happened to be Japanese Americans. War brides they married had to have special legislation. Claims were filed, but the claims allowed by the Congress were only a pittance of the actual losses that took place against those who had been placed in the camps.

I believe that this Nation has a deep moral and special obligation to recognize the need to make right, to the extent it can be righted, this historic injustice to a fine group of Americans. It is agreed that while money cannot compensate for this immense wrong, it can help do so, Mr. Chairman. The great lawyer, Clarence Darrow was asked by a client, whose cause he had successfully prosecuted in court, how she could ever possibly pay for what he had done for her. Darrow replied: "Madam, the Phoenicians evased such questions when they recognized monetary standards for compensation." An apology is appropriate in this bill. Equally appropriate is some monetary compensation for those wronged by this country by improper incarceration. The Congress must meet its responsibilities by recommending appropriate redress.

Mr. Chairman, I am appalled by the suggestion made by some Members of the House that one of the consequences of approval of this bill may be the rebirth of the discrimination against Japanese-Americans that gave rise to this wrong. To my mind that would be a reason for approving this bill, to show that this Congress believes, as I'm sure the American people do—that there is no place for such vicious thinking in our country, that threats or warnings, that such attitudes will rise again if we pass this act cannot be accepted or endorsed.

□ 1300

For the reasons I have stated, Mr. Chairman, I ask that the Lungren amendment be opposed and voted down.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. I thank the gentleman for yielding.

First of all, let me say I want to congratulate the gentleman for the work he did on removing the Oriental exclusion law. It is a little known piece of history that many of those Japanese nationals who were in the United States in California along the coast at the outbreak of World War II were assumed to be disloyal by other Americans because they had not become American citizens when it was not realized that they were incapable of becoming American citizens because we would not allow them. They could live here 60, 70 years, but if you happened to be born in Japan you could not become an American citizen.

Mr. YATES. And you could not own land in California.

Mr. LUNGREN. And you could not own land in California. And I think what the gentleman did in bringing that to the attention of the Congress and removing that blight on our legal history was extremely important.

I just want to congratulate him for what he did there.

Mr. YATES. I thank the gentleman for his comments.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, everybody agrees that the policy that we are talking about was wrong and unfair and I think everybody in this House agrees that there ought to be a formal apology and that is a part of this bill as well.

We have reviewed the history. One speaker, a proponent of the bill, said he felt badly because there was a Democrat President and a Democrat Congress and that maybe they were responsible in some way. I do not feel that at all, Mr. Chairman. It was a national policy, it was endorsed by most Americans, and for it, as the successors, we are all indicted.

On the other hand, if we could magically transport this Congress back to those days and under those circumstances my suspicion is that we would do about what that Congress did in those days, which was nothing. I do not think we are any wiser than the Congress that was seated at that time.

However, I think it is important to note that none of us here, at least as far as I know, participated in government at that time even though I suspect we all would have let it happen without objecting to it.

I think part of what the bill tries to do is to admit our guilt and to apologize for it. I think that is exactly what we should do today, but I am a little bit disappointed with what the committee is asking us to do.

What a contorted way the committee gives us to show how guilty we feel or how embarrassed we are. What a funny way they ask us to rub ashes on our heads. They are saying that with our current budget situation that our children and grandchildren must pay for mistakes that were made two or three generations before they were born by accepting the debt which the $1.2 billion is going to incur.

The committee is asking us to purge ourselves of somebody else's guilt with another generation's money. Just think of the enormity of that for a minute. It is not anything that we did but because we feel guilty, because we have these noble motivations to right some wrongs, we are going to give away money indiscriminately without respect to the degree of suffering, without respect to whether we take it from the poor and give it to the rich or whatever because we feel a little bit guilty. We are going to put the hairshirt on somebody else and that somebody else is our children and our grandchildren. And remember, they did not make the decision and neither did we make the decisions.

This seems to me to be a perfectly typical congressional action: Whenever we feel badly we give away somebody else's money. Then suddenly we are made whole, we are purged and we all feel wonderful.

Well, I do not think our constituents feel wonderful about that. I do not think if you put this bill to referendum that you would get one objection to admitting guilt. I think you would get nearly 100 percent objection to giving away money indiscriminately, which the Government does not have, to people without respect to the degree of claim they have.

Many Members have said in no way can we compensate for what we did to these people. I believe that is true and I believe in no way should we try to compensate, should we try to pay blood money to cleanse this embarrassment or the guilt that we all feel.

I hate to be curmudgeonly on this subject, I always hate to argue against somebody else's bill. I find it is a role I am cast into frequently. I hate to put my judgment ahead of the people who have studied these things for a long time but for better or for worse that is my job and that is all of our jobs. I do not think I am going to feel one bit better after we have given away our grandchildren's money in this way than I do today. I am still going to feel that we made a mistake, I am still going to hope that we do not make that mistake again, but I am not going to feel fulfilled or purged or cleansed at all. It is $1.2 billion. We do not have that in our budget. That means that should we be lucky enough to get a Gramm-Rudman bill we will have to make up the $1.2 billion somewhere else. Maybe we will have to cut it from a grant to somebody who is poor so that we can pay this to a rich person. I believe this is an act of phonyness and I believe the amendment should be supported. The rest of the bill should be passed. If the amendment is not supported I cannot support the bill.

Mr. MATSUI. Mr. Chairman, I move to strike the requisite number of words.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the bill and in opposition to the amendment.

Mr. Chairman, 45 years ago, we suspended our laws in a most unfortunate and blatant display of racism by incarcerating or relocating 120,000 Americans of Japanese ancestry. This action was carried out despite the lack of military justification and the fact that the Japanese within our borders were loyal and patriotic Americans. Quite simply, ethnic prejudice and wartime hysteria were responsible for this incredible tragedy.

We have a special pride in our country because it is composed of people of different backgrounds, ethnicities, and heritages. Our Constitution, which is celebrating its bicentennial today, is based on the premise that members of our society should be judged as individuals, not on the basis of race, ethnicity, or any other personal characteristic. Yet 45 years ago we imprisoned without justification, charge, indictment, or trial, Americans of Japanese ancestry precisely on this basis. Incredibly, we did not turn our racism against German-Americans or Italian-Americans and incarcerate them despite the fact that Japanese-Americans posed no greater threat than individuals of these heritages. Further, throughout World War II, those soldiers of Japanese ancestry who fought for the United States were among the most decorated and patriotic soldiers. Plain and simple it was wrong for us to intern any American citizen on the basis of ancestry.

Two distinguished Members of this body were among those personally affected by this tragedy. Congressman BOB MATSUI was an infant and Congressman NORM MINETA, a young child whose unfortunate fate of living in California, and being of Japanese ancestry resulted in their relocation. Had they lived anywhere besides the west coast they would have been spared since only those of Japanese ancestry living on the west coast were subject to this great injustice. And despite the pain that this tragic action personally causes them, it is very much the result of their tireless efforts that we are finally addressing this dark moment in our history.

I wholeheartedly support H.R. 442 for it recognizes that the internment of Japanese-Americans was a racist and wrongful act and offers compensation and an apology that was due some time ago. No sum of money can undo the pain and devastation of this action but we can repay our moral debt. Our sense of obligation leads us to publicly and formally apologize to those of Japanese ancestry who were relocated and interned during World War II. This legislation also serves to remind us of the moral and ethical consequences should we ever be tempted to abrogate the rights of such a group within our borders. Moreover, it sends a clear signal and reaffirms to present and future generations that we do place a high value on civil liberty. For these reasons and the need to finally redress the horrors of this unfortunate action, I strongly support the passage of H.R. 442 and urge the support of my colleagues.

Mr. MATSUI. I would like to first of all thank the leadership of both the majority and minority for holding this bill on the 17th of September.

I would also like to thank both the Republican-Democratic caucus members for being here on a day when this is the only issue before us.

I realize many Members would like to get back to their home districts cr their home States for celebrations in their various areas, and that to be here on this day is somewhat of an imposition on the membership.

I would also like to state that this is a very difficult issue for me to speak on today, mainly because it is, I guess, so personal and perhaps some of you may think that I may lack objectivity. That may very well be the case. But I will try to be objective.

I would like if I may for a moment, however, to indicate to all of you perhaps what it was like to be an American citizen in 1942 if you happened to be of Japanese ancestry.

My mother and father who were in their twenties were both born and raised in Sacramento, CA, so they were American citizens by birth. They were trying to start their careers. They had a child who was 6 months old. They had a home like any other American. They had a car. My father had a little produce business with his brother.

For some reason because of Pearl Harbor in 1942, their lives and their futures were shattered. They were given 72 hours notice that they had to leave their home, their neighborhood, abandon their business, and show up at the Memorial Auditorium which is in the heart of Sacramento and then be taken, like cattle, in trains to the Tule Lake Internment Camp.

My father was not able to talk about this subject for over 40 years and I was a 6-month-old child that they happened to have. So I really did not even understand what had happened until the 1980's. It was very interesting because when he finally was able to articulate he said, "You know what the problem is, why I can't discuss this issue, is because I was in one of those internment camps, a prisoner of war camp and if I talk about it the first thing I have to say is look, I wasn't guilty, I was loyal to my country, because the specter of disloyalty attaches to anybody who was in those camps."

And that stigma exists today on every one of those 60,000 Americans of Japanese ancestry who happened to have lived in one of those camps.

They were in that camp for 3½ years of their lives and, yes, they have gotten out and they have made great Americans of themselves and I think if my mother were alive today she would be very proud of what the U.S. Congress hopefully is about to do, because the decision we make today really is not a decision to give $20,000 to the 66,000 surviving Americans, the decision today is to uphold that beautiful, wonderful document, the Constitution of the United States.

You know, because this is the 200th celebration, we have been talking about those 55 individuals who put together that document, and I do not think there is any question that there was some Supreme Being that gave them the inspiration to put that document together. I will also say if you took that same document and put it in the Soviet Union there would be no way that the people of that country would understand what it truly means and the spirit behind it. It is only because of the American people that that document is a living document with meaning, not only 200 years ago, but for 200 years in the future as well. The real issue here today is an issue of fundamental principle. How could I as a 6-month-old child born in this country be declared by my own Government to be an enemy alien? How can my mother and father who were born in this country also be declared a potential enemy alien to their country? That is the underlying issue here. They did not go before a court of law, they did not know what charges were filed against them. They were just told, "You have 3 days to pack and be incarcerated." That is the fundamental issue here.

Now I would like to just, if I may, discuss some of the principles that were raised by the proponents of the Lungren amendment just for a moment.

The gentleman from Minnesota said, "Why should today's generation pay for the tragedies of the past generation?" I do not look upon America in terms of generations. We must look upon this country as a continuous flow and ebb. We are not talking about a generation in the 1940's and a generation today. We are talking about fundamental principles because the Constitution does not change from generation to generation. It is a living document that exists forever, for eternity. So it is not a question of generations. I know that some would say, "Well, we as Americans in time of war have responsibilities and everybody suffers in time of war." You know, that is true. RON PACKARD from California gave an eloquent presentation of the fact that his father had been incarcerated during World War II by the Japanese Government, a prisoner of war. Many families lost their husbands and their sons and many families were broken because of tragedies like divorce because of the separations. Everybody suffers during times of war so why should not the Japanese-Americans also share in that suffering? Let me say this: Every one of us, if war were declared today, would volunteer to fight on behalf of our country and our democracy; that is a fundamental principle.

The CHAIRMAN. The time of the gentleman from California [Mr. MATSUI] has expired.

(On request of Mr. YATES and by unanimous consent Mr. MATSUI was allowed to proceed for 3 additional minutes.)

Mr. MATSUI. That is a fundamental responsibility of a democracy, a fundamental responsibility of our Government that if our security is jeopardized we have a responsibility to defend it.

□ 1315

We have a responsibility to die for our country, but I tell you one thing, that in a democracy, this democracy with out Constitution, a citizen does not have a responsibility to do: every one of us does not have a responsibility to be incarcerated by our own Government without charges, without trial, merely because of our race. That is what our constitutional fathers meant 200 years ago when they wrote the Bill of Rights. That is not a responsibility and an inconvenience of a democracy.

I hope that each and every one of the Members will find it in their hearts to look at these issues not as an individual tragedy for 60,000 Americans of Japanese ancestry but look at it in terms of the real meaning of this country. We are celebrating 200 years of a great democracy, and I think we can today uphold and renew that democracy with a vote in favor of this bill and a vote against the pending amendment.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I say to my colleagues that I would like to first express my deep appreciation of thanks to the leadership on both sides of the aisle for the opportunity to have this bill brought up on the 17th of September, 1987.

Congressman JIM WRIGHT, the Speaker of the House of Representatives, has been involved in this issue right from the beginning. He was the original author of the bill that created the Presidential Commission on Wartime Relocation and Internment of Civilians. That Commission was appointed in 1981, and it worked on this for 18 months in order to complete its report. Then Congressman JIM WRIGHT went ahead and produced the work product, the legislative recommendations of that Commission, and he has been a strong supporter of this effort ever since. In the 100th Congress, with Congressman JIM WRIGHT becoming the Speaker of the House and unable to sponsor legislation, our majority leader, the gentleman from Washington, Mr. TOM FOLEY, has been the author of it, and we have had good, strong bipartisan leadership on behalf of this bill all the way through.

But to me this is a very, very emotional day, in sharp contrast to May 29, 1942, when, as a 10½-year-old boy wearing a Cub Scout uniform, I was herded onto a train under armed guard in San Jose, CA, to leave for Santa Anita, a race track in southern California. And here, on the 17th of September, 1987, we are celebrating the 200th anniversary of the signing of that great document, the constitution of our great land. It is only in this kind of a country, where a 10½-year-old can go from being in a Cub Scout uniform to an armed-guard-guarded train to being a Member of the House of Representatives of the greatest country in the world.

Mr. Chairman, I rise now to urge my colleagues' opposition to the amendment offered by our fine friend, the gentleman from California [Mr. LUNGREN]. Today we can truly celebrate the bicentennial of our great Constitution by passing this legislation without any weakening amendments. H.R. 442, including compensation, will reaffirm and strengthen this very, very vital document that we are celebrating today.

H.R. 442 may not deal with events either as distant or as proud as those in Philadelphia 200 years ago, but the bill does address events just as central and just as fundamental to our rights and to our laws.

The gentleman's amendment would eliminate a key provision of this bill, the payment of monetary compensation to the present-day survivors of a shameful episode in our Nation's long and proud history. Beginning in 1942, the Federal Government ordered and sent 120,000 Americans of Japanese ancestry to isolated camps scattered throughout the Western United States, and those who were interned and evacuated had but days, sometimes only hours, to dispose of their property and set their affairs in order, and then, carrying only what their arms could hold, these Americans were summarily shipped off to parts unknown for up to 3 years.

Because the Government of the United States was responsible for the violation of the rights of 120,000 lives, that Government, our Government, has a legal and moral responsibility to compensate the internees for the abrogation of their civil and human rights.

Now, some are saying that these payments are inappropriate, that liberty is priceless and we cannot put a price on freedom. That is an easy statement to make when you have your freedom, but it is absurd to argue that because constitutional rights are priceless, they really have no value at all. Would you sell your civil and constitutional rights for $20,000? Of course not. But when those rights are ripped away without due process, are you entitled to compensation? Absolutely.

I served on our House Budget Committee for 6 years. I was a member of the conference committee which wrote Gramm-Rudman-Hollings, so I understand and appreciate our budget constraints. But we all know that the funds authorized by H.R. 442 will be appropriated over several years and are but a tiny fraction of our trillion-dollar Federal budget. But the most important considerations in our actions today must be merit and justice, and this authorization is not only just but long, long overdue. If we reject this amendment, history will show that on this bicentennial day, the House of Representatives could not rest until it had redressed the wrong of 1942.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(By unanimous consent, Mr. MINETA was allowed to proceed for 3 additional minutes.)

Mr. MINETA. Mr. Chairman, those wrongs will not be righted, those injured will not have been redressed until we have acted to prove, not only in word but in word and in deed, that the evacuation and the internment were tragic mistakes that our Government will never repeat. By keeping compensation in H.R. 442, the House will tell the world that this body is genuine in its commitment to the Constitution and we will be putting our money where our mouth is.

One night in early 1942, when we did not know what events were to come, my father called our family together. I had one sister in San Francisco, but the rest of us, the four of us, were still in San Jose. He said he did not know what the war would bring to my mother and to him since they were resident aliens, my dad having come in 1902 and my mother in 1912, but with the Oriental exclusion law of 1924 they were not able to become citizens because they were prohibited by that racial exclusion law from becoming U.S. citizens. However, he was confident that his beloved country would guarantee and protect the rights of his children, American citizens all. But his confidence, as it turned out, was misplaced.

I was born in this country, as were most of those who were interned, yet at that time even citizenship was not enough if your parents or grandparents had come from Japan. So on May 29, 1942, my father loaded his family upon that train under armed guard which was taking us from our home in San Jose to an unknown distant barracks. He was later to write to friends in San Jose, and he wrote in that letter about his experience and his feelings as our train pulled out of the station. I quote from the letter:

> I looked at Santa Clara's streets from the train over the subway. I thought this might be the last look at my loved home city. My heart almost broke, and suddenly hot tears just came pouring out, and the whole family cried out, could not stop, until we were out of our loved county.

We lost our homes, we lost our businesses, we lost our farms, but worst of all, we lost our most basic human rights. Our own Government had branded us with the unwarranted stigma of disloyalty which clings to us still to this day.

So the burden has fallen upon us to right the wrongs of 45 years ago. Great nations demonstrate their greatness by admitting and redressing the wrongs that they commit, and it has been left to this Congress to act accordingly.

Injustice does not dim with time. We cannot wait it out. We cannot ignore it, and we cannot shrug our shoulders at our past. If we do not refute the shame of the indictment here and now, the specter of this tragedy will resurface just as surely as I am standing here before you, and the injustice will recur.

This bill is certainly about the specific injury suffered by a small group of Americans, but the bill's impact reaches much deeper into the very soul of our democracy. Those of us who support this bill want not just to close the books on the sad events of

1942; we want to make sure that such blatant constitutional violations never occur again.

□ 1330

I must confess that this is a moment of great emotion for me. Today we will resolve, if we can finally lift the unjust burden of shame which 120,000 Americans have carried for 45 painful years.

It is a day that I will remember for the rest of my life. I hope the Members will help me, too, to remember it as a day when justice was achieved, and so with all my heart, I urge the Members to oppose this amendment and to support H.R. 442, the Civil Liberties Act of 1987, and in so doing, to reaffirm our Constitution on this very historic day.

Mr. Chairman, I urge my colleagues to vote for H.R. 442.

Mr. SHUMWAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the two gentlemen from California have both spoken very eloquently about not just this bill, but about their own experiences; and I am sure we have all been touched by their remarks.

Indeed it seems to me that all of the speakers that have spoken in favor of this bill, and against the pending Lungren amendment, have made excellent arguments for an apology being made to those who were aggrieved in World War II.

If that were the only issue before us, it would pass unanimously, and we would all agree and not have this debate. That is not the only issue.

We are talking about money. Mr. Chairman, I cannot yet see a case having been made for the payment of money damages. Why is it we cannot say that we are sorry without paying money with it?

We might call it a seal, or we might call it special treatment; but I just do not know of any precedent for compensation of money in cases like this.

Certainly we have the Civil Rights Act, and it provides remedies for those whose civil rights have been violated, and those remedies include damages. There is no question about that.

We all support that, but those remedies are invoked after the presentation of evidence, after a burden of proof has been sustained, none of which is applying in this abbreviated procedure.

It is ironic that many of my Japanese-American friends have told me that they do not want the money. They are not interested in the $20,000, and I simply ask then, if that is the case, why are we voting money.

Why can we not simply say, we are sorry, and leave it with that matter; and finally, Mr. Chairman, I do not think there is any Member of this body that should realistically believe that the payment of $1¼ billion is going to be any kind of deterrent to the Federal Government.

It is not going to teach us a lesson, particularly a Government like ours that spends $3 billion a day in routine fashion without hardly the blink of an eye.

We need to have something of a more lasting and significant nature. If we want to look for a deterrent, it is not in this bill.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, I thank the gentleman for yielding.

As the author of this amendment, I respect the judgment and the sentiment of the two gentlemen from California.

When I took upon the responsibility to represent this House in the Commission investigating it, I did so because of my belief that we had to make it very clear that there should be no shadow of question hanging over the heads of Japanese-Americans, or Japanese nationals who were the subject of this executive order in the 1940's.

I have a disagreement with the gentleman from California as to whether money is necessary to make that genuine, but I do not want anybody to believe that I reject the notion that we ought to apologize, or that I reject the notion that we ought to erase that stigma, if it does exist.

It is extremely important for us as a Congress to do so. At the same time, I would hope we do not believe now the genuineness, as suggested by some, can only be measured in dollars.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and in support of the bill as it was reported.

Mr. Chairman, I would like to take this time to commend my colleagues for their untiring pursuit of justice for the Japanese-American civilians who were evacuated, relocated or interned during World War II. I appreciate this opportunity to speak on behalf of this bill and urge my colleagues to support passage of H.R. 442 without the inclusion of limiting amendments.

1987—the year that marks the celebration of the Bicentennial of the Constitution of the United States—is a fitting year to redress the terrible wrongs committed against some 120,000 Americans of Japanese descent; Americans whose homes and businesses were lost, whose families were uprooted for up to 3½ years, whose ancestry was the excuse for the betrayal of the principles upon which our Constitution was founded.

H.R. 442 would implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians that was created by Congress to investigate the circumstances surrounding President Franklin Roosevelt's Executive Order 9066 of February 2, 1942. This legislation authorizes a $1.25 billion trust fund in order to give $20,000 to each of the internment survivors. The compensation we offer here today cannot adequately redress the grave injustice done to both citizens and permanent resident aliens of Japanese ancestry. It can communicate, however, the sincerity of our offer to make amends to the victims of this violation of personal liberty.

Through orderly policy, H.R. 442 will avoid court ordered reparations which surely would be awarded if cases or class action suits were carried to fruition. United States law should seek to avoid such confrontation and the negativism that it would spawn. The resources in this measure will provide as timely a compensation as is possible today to those Japanese-Americans that suffered through these experiences without the burden inherent in the judicial process.

Mr. Chairman, I support the establishment of the trust fund and the creation of a civil liberties public education fund. In order to continue teaching the importance of the lessons learned from this tragedy of injustice, we as Americans must make an effort to make the relevant facts readily accessible. Sponsoring research and public education programs is necessary for the reflection that will help us and our children to understand the circumstances and causes surrounding the internment of Japanese-American civilians, and to ensure that a similar incident will not happen in the future.

Mr. Chairman, I rise in support of this bill, and again urge my colleagues to support H.R. 442 in its entirety.

Mr. WRIGHT. Mr. Chairman, anything I or any other Member might say at this point could be quite anticlimactic.

I simply want to suggest that I can think of no finer way to celebrate the 200th anniversary of the Constitution of the United States than to rectify a wrong.

I can think of no better statement of the bona fides of our intention than to admit that we were grievously wrong, to make atonement, and thus to reaffirm our commitment that the Constitution of the United States applies equally to all American citizens.

Forty-five years ago some 120,000 people were uprooted from their homes, taken from their businesses and from their farms, and imprisoned on no other ground or cause than their racial ancestry.

Clearly, that was a violation of the Constitution. There can be no question. Without due process, without any allegation of any individual wrongdoing, they were incarcerated.

It was one of those grotesque political aberrations in America's political life that have occurred occasionally in moments of extreme national stress, which we later deeply regret, and for which we seek to make amends.

It is quite true that no amount of money can adequately repay for the loss of dignity, loss of face, the insult, the hurt, the denial that was visited upon these American citizens; but we owe it to ourselves to make atonement.

Conrad Adenauer, when head of the Federal German Republic in the 1950's, proposed that Germany should pay substantial economic aid to Israel, then an infant republic attempting to establish itself in the Middle East.

There were those who asked Conrad Adenauer why money was owed, or why money would be any measure of the sorrow and shame that was felt by the German people. Some said this cannot repay those who were so grievously wronged; this cannot restore life or liberty to those lives and liberties were taken by other Germans. And Conrad Adenauer replied, No, perhaps not, but the atonement we owe not to others, but to ourselves. It was in the nature of a penance to cleanse and restore the German soul.

Now on this 200th anniversary of our Constitution, I think all of us know that wrongs were committed, and any of us who have a doubt might try to imagine how he and his family might have felt if—for no other reason than the land from which their ancestors came—they had been seized, taken from their homes, denied their liberties, and incarcerated in prison for the better part of 4 years with the implication that they were disloyal Americans.

I think I know how I would have felt, though nobody can really know who has not been in that position. So I ask the Members to vote down the amendment, though I know the gentleman from California, the author, means well and does not condone what was done.

I ask the Members to vote for the bill. I think it will send a message down the corridors of the future that America is big enough to admit a mistake and honest enough within itself to try to make atonement for the error.

Some still live who were mistreated in this fashion. To them this will say we are sorry. We open our arms to you. We make redress for the wrong that we committed against you, and we offer this as an atonement; and we commit ourselves unequivocally by this act to the official proposition that all Americans, of whatever ancestry or origin or condition, are entitled to the protection of law.

□ 1340

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LUNGREN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LUNGREN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 237, answered "present" 1, not voting 34, as follows:

[Roll No. 320]

AYES—162

Applegate
Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boucher
Boulter
Brooks
Broomfield
Buechner
Bunning
Burton
Byron
Callahan
Carper
Chapman
Clarke
Coats
Coble
Coleman (MO)
Combest
Cooper
Daniel
Darden
Daub
DeLay
Dickinson
DioGuardi
Dorgan (ND)
Dowdy
Dreier
Dyson
Emerson
Erdreich
Fawell
Fields
Flippo
Ford (MI)
Frenzel
Gallegly
Gaydos
Gekas
Goodling
Gradison
Grandy
Grant
Green
Gregg
Guarini
Hall (TX)
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Inhofe
Ireland
Jenkins
Kanjorski
Kasich
Kolbe
Kyl
Lagomarsino
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Montgomery
Moorhead
Myers
Nichols
Olin
Packard
Parris
Pease
Penny
Petri
Pickett
Price (NC)
Pursell
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Rose
Roth
Rowland (GA)
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Traxler
Upton
Vander Jagt
Walker
Watkins
Whittaker
Wolf
Wylie
Yatron
Young (FL)

NOES—237

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Badham
Bates
Beilenson
Bennett
Berman
Bilbray
Boehlert
Boland
Bonior (MI)
Bosco
Boxer
Brennan
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carr
Chandler
Cheney
Clay
Clinger
Coelho
Coleman (TX)
Conte
Conyers
Courter
Coyne
Craig
Crockett
Dannemeyer
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (TN)
Frank
Frost
Gallo
Garcia
Gejdenson
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gray (IL)
Gray (PA)
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hawkins
Hayes (IL)
Herger
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hughes
Hyde
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McGrath
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pashayan
Patterson
Pepper
Perkins
Pickle
Porter
Price (IL)
Rahall
Rangel
Ravenel
Richardson
Rinaldo
Rodino
Roe
Rostenkowski
Roukema
Rowland (CT)
Roybal
Russo
Sabo
Saiki
Sawyer
Saxton
Scheuer
Schneider
Schuette
Schulze
Schumer
Sharp
Shays
Sikorski
Skaggs
Skeen
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Swindall
Synar
Torres
Torricelli
Traficant
Udall
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wolpe
Wortley
Wyden
Yates
Young (AK)

ANSWERED "PRESENT"—1

Mineta

NOT VOTING—34

Biaggi
Boggs
Boner (TN)
Bonker
Borski
Chappell
Collins
Coughlin
Crane
Dornan (CA)
Gephardt
Gordon
Kemp
Kolter
Konnyu
Lantos
Latta
Lloyd
Mavroules
McCurdy
Neal
Oxley
Panetta
Pelosi
Quillen
Roemer
Savage
Schroeder
Skelton
Spence
Tauzin
Towns
Weiss
Wise

□ 1355

The Clerk announced the following pairs:

On this vote:

Mr. Quillen for, with Ms. Pelosi against.

Mr. Coughlin for, with Mr. Lantos against.

Mr. Crane for, with Mr. Panetta against.

Mr. Oxley for, with Mr. Mavroules against.

Messrs. BATES, BONIOR of Michigan, and GARCIA changed their votes from "aye" to "no."

Messrs. LENT, SHUSTER, and ROSE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BONKER. Mr. Chairman, on the rollcall vote No. 320 I was unavoidably detained and had I been present I would have voted "no" on the Lungren amendment.

(By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Chairman, I have asked for this time for the purpose of inquiring of the distinguished majority leader the legislative program.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. Mr. Chairman, I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I thank the distinguished Republican leader for yielding.

We, of course, expect to complete the present legislation within the next hour, I would assume, and there is no further business scheduled for today. The House will not be in session tomorrow.

Mr. Chairman, the House will be in session on Monday to consider H.R. 3030, the Agricultural Credit Act of 1987.

The House will convene at noon and it is expected there will be many recorded votes. Members should not expect an early adjournment on Monday.

We will move to complete the bill which probably will require a fairly late session Monday night and again voting will begin with consideration of the rule early on Monday after the House convenes at noon. Members should expect to be in the House at noon when the House convenes, and to stay late.

On Tuesday, because of the late session on Monday, we have postponed previously scheduled suspensions on Monday until Tuesday.

We will first consider on Tuesday H.R. 2783, the HUD appropriations, fiscal 1988, subject to a rule. The House on Tuesday of course is meeting at noon.

Then there are nine votes scheduled under suspensions:

H.R. 25, Whistle Blower Protection Act of 1987;

H.R. 390, to authorize a gold medal to Mary Lasker;

H.R. 3251, to authorize the minting of coins in commemoration of the bicentennial of the U.S. Congress;

H.R. 2035, to increase the authorization for Lowell National Historical Park;

H.R. 2566, Jean Lafitte National Historical Park and Preserve Amendments;

H.R. 2893, Fishermen's Protective Act reauthorization;

H.R. 1171, to establish a National Ocean Policy Commission;

H.R. 3017, National Sea Grant College Program Act; and

H.R. 3051, Airline Passenger Protection Act of 1987.

On Wednesday, September 23, the House will meet at 10 a.m. to consider an unnumbered House joint resolution for the continuing appropriations for fiscal year 1988, subject to a rule.

Members should be prepared on either Tuesday or Wednesday for the possibility of a debt ceiling conference report, although the conference has not concluded and I cannot predict this, the conference is making good headway and it may be that we will have a conference report ready for Tuesday or Wednesday.

When the House adjourns on Wednesday, the 23d of September, it will adjourn in respect of the Jewish high holidays and we hope to have an early adjournment Wednesday. We will attempt to forgo such things as 1-minute speeches and would hope to have an early disposition of our business for the benefit of the Members who must depart early.

The House though will not be in session accordingly on Thursday, September 24, and on Friday, September 25, we will have a pro forma session, but there will be no votes. The House will not meet on Thursday. We will have a pro forma session on Friday.

We will not have votes on Monday, September 28, Monday week, as the British would say.

Mr. MICHEL. Mr. Chairman, is it expected that that would be a suspension day with rollcalls rolled over, or is that pro forma?

Mr. FOLEY. Mr. Chairman, we assume there may be a suspension day with rollcalls rolled until Tuesday, September 29.

Mr. MICHEL. A week from Monday there will be no rollcalls, but there will be something Monday all day long?

Mr. FOLEY. Yes, but this coming Monday again there will be many rollcalls. The House will meet at noon. The Members should not attempt to arrive late because there will be votes early in the day. We will stay until completion of the bill. It may be rather late on Monday night in order to complete the legislation.

On Tuesday the House will meet at noon and we will consider the HUD appropriations bill and the nine suspensions, and Members are again reminded that Tuesday at 10 a.m., the House will meet informally with Senate guests and the President of Costa Rica, His Excellency, the President of Costa Rica, President Arias.

Mr. MARTIN of New York. Mr Chairman, will the gentleman yield?

Mr. MICHEL. Mr. Chairman, I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr Chairman, with respect to Monday next, I would ask the distinguished majority leader, there had been a hearing that has been scheduled and has had to be changed on a number of occasions relative to the Armed Services Committee. We would like to have an idea as to when that first vote would occur on Monday as best the gentleman can divine. I appreciate that the gentleman cannot give us the exact time.

Mr. FOLEY. Mr. Chairman, I would say there is a possibility of a vote about 1 minute after noon on the Journal, and then I would think a vote on the rule will occur probably between 1 and 1:30, but it could occur without debate on the rule as early as 5 minutes after 12. That is not likely, but there was an hour debate on the rule and any time between an hour and a few minutes there will be a vote.

I would tell the gentleman that, if a Member does not appear at noon, he is probably going to miss a rollcall vote on the Journal; if Members are not here by 12:30, they risk missing a vote on the rule.

Mr. MARTIN of New York. Mr. Chairman, I can understand that, and I do not expect the majority leader or anybody else to be able to say whether or not it is going to be at 10 after 1 or whatever. I do want to point out, and this is not my district or for myself, but something very important for our committee, and it has frustrated one of the Members frankly on your side of the aisle.

Mr. FOLEY. Mr. Chairman, I would give this advice, since we have announced that on September 28 there will be no votes on the House floor except procedural votes, I would suggest the distinguished committee reschedule its hearing for a date on which it is announced there will be no votes, and that is Monday, September 28.

Mr. MARTIN of New York. Mr. Chairman, I thank the majority leader for his guidance.

AMENDMENT OFFERED BY MR. SHUMWAY

Mr. SHUMWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUMWAY: Page 8, lines 8 and 9, strike out "sum of $20,000" and insert in lieu thereof "amount provided in paragraph (2)".

Page 8, add the following after line 24 and redesignate the succeeding paragraphs accordingly:

(2) AMOUNTS OF PAYMENTS.—The amount of the payments to eligible individuals under paragraph (1) are as follows:

(A) Except as provided in subparagraph (B)—

(i) an eligible individual who was confined or held in custody (as described in section 10(2)(B)) for a period of 3 years or more shall be paid $20,000; and

(ii) an eligible individual who was confined or held in custody (as described in section 10(2)(B)) for a period of less than 3 years shall be paid $18 for each day of such confinement or custody.

(B) With respect to any period in which an eligible individual, while confined or held in custody (as described in section 10(2)(B)), was less than 18 years of age, that individual shall be paid for each day of such confinement or custody during that period the number of dollars equal to the age (in whole years) of that eligible individual.

Page 16, lines 1 and 2, strike out "confined, held in custody, relocated, or otherwise deprived of liberty or property" and insert in lieu thereof "confined or held in custody".

Page 5, strike out line 19 and all that follows through page 6, line 4 and insert in lieu thereof the following:

(a) REVIEW OF APPLICATIONS BY CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Each department and agency of the United States Government shall review with liberality, giving full consideration to the historical findings of the Commission and the findings contained in this Act, any application by an individual described in paragraph (2) for the restitution of any position, status, or entitlement lost in whole or in part because of any discriminatory act of the United States Government against such individual which was based upon the individual's Japanese ancestry and which occurred during the evacuation, relocation, and internment period.

(2) INDIVIDUALS TO WHOM PARAGRAPH (1) APPLIES.—The individuals to whom paragraph (1) applies are—

(A) any eligible individual, and

(B) any individual who would be an eligible individual, except that such individual was relocated or otherwise deprived of liberty or property (but was not confined or held in custody) as a result of any of the laws, orders, directives, or other actions described in section 10(2)(B).

Mr. SHUMWAY [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1410

Mr. SHUMWAY. I thank the Chairman.

Mr. Chairman, I realize the hour is late and many Members have obligations to travel very shortly. I would like to speak just briefly about my amendment because I do think it has merit and it is worthy of being considered by the House in earnest.

I recognize also that it has been the position of the proponents of this legislation that they resist all amendments. I recognize the reasons for that position.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I would be happy to yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman for yielding.

I would simply like to say to the gentleman I appreciate his spirit, but, Mr. Chairman, the gentleman is incorrect when he says we are resisting all amendments. We began today with an amendment to the language, a very important amendment offered by the gentleman from California to which the majority willingly acquiesced. So we have not resisted all amendments. We in fact have acquiesced to one.

Mr. SHUMWAY. The gentleman is correct and I appreciate him correcting the record in that regard. But I think otherwise our colleagues have indicated that the proponents of the bill do resist any other amendments.

I simply offer this one, Mr. Chairman, because I sincerely believe it improves this bill. It does not cut the bill, but I think it makes it much more palatable to many Members of this body.

Let me point out in the very beginning that the purpose of this amendment is not to cut costs. It does result in a smaller amount of outlays from the Federal Government, but it is not a cost-cutting effort for which I offer this amendment. Rather, the purpose of this amendment is to achieve some measure of fairness in the bill and indeed I think that goal would appeal to all Members of this body.

Again, let me just reiterate that my purpose in offering this amendment is not to cut costs but to build into the bill a measure of fairness that I think is not there at the present time.

The bill defines persons eligible for the $20,000 payment as being any person that spent any length of time at all in one of the camps that we have talked about. It seems to me, Mr. Chairman, implicit in that definition is an injustice that needs to be rectified. It is not difficult for us to imagine on the one hand an infant who may have been born in camp perhaps toward the end of World War II, maybe spent a week or just a few days in camp and then because his parents were released, exited from the camp with his family, spending only a matter of a few days there. On the other hand, contrasted with that internee is the head of a family who may have been committed to supporting his children with a store or a farm, who had income that he used to provide for his family, that person having to pull up roots, lose his home, lose his possessions, move his family out of the home, obviously posed to him a great deal of hardship especially if he spent as long as 3 years in the camp, as many did.

It seems to me we make a mistake by putting both types of victims in the same category, paying them both $20,000. Obviously, the degree of civil rights deprivation is much greater in the one case than it is in the other case. One of the objections I have had to this bill is the arbitrary nature of that formula. So my amendment suggests, Mr. Chairman, that we build in two factors to the formula which I think will ease away the arbitrariness from it.

Under my amendment we would pay $20,000 to the person who was an adult who spent the 3 years in camp. But for other adults who spent a shorter period of time in camp, the rate of pay would be $18 per day which essentially works out to the $20,000 over the 3 years. For those who were minors or infants under the age of 18, my amendment would pay them at the rate of $1 per day times the age that they were when they were in camp. It seems to me, Mr. Chairman, that this kind of formula is much better geared and tailored to meet the civil rights laws that we've heard described so well here during the debate today.

It is fair, it is one that will not require an overwhelming burden of proof on the part of the Japanese-Americans who were victimized. There are tables, there are lists, there is information available in the archives of the Library of Congress.

The formula I have devised is quite simple. It may not be perfect but I do think it is fair and I urge it upon the Members for that reason.

Mr. DYMALLY. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, much has been said about the injustice of the experience of the Japanese-Americans across the United States during World War II. I do not think there is any need to delve any further. However, I do want to respond to two or three points raised by my neighbor, Mr. LUNGREN, and my friend, Mr. PACKARD, dealing with the question of compensation which they seem to think is either immoral or illegal.

Mr. LUNGREN, for whom I have great respect and who moved me when he gave his stirring remarks here about Martin Luther King's birthday holiday bill is someone for whom I have a great deal of respect and I want to respond to his legal premise upon which he opposed the compensation.

He cited the fact that the Supreme Court had made a decision on this issue and therefore it seems somewhat redundant, it seems unnecessary that we should relive that part of history. I want to cite to him here—and I am not a lawyer—the case of Plessy versus Furgeson where the Supreme Court of this land upheld the whole question of separate but equal accommodation.

Subsequently, this Congress corrected that with the Civil Rights Act and therefore it seems to me very appropriate today for this Congress to correct an error on the part of the Supreme Court. The Supreme Court is the highest court in the land but they are not endowed with perfection. From time to time they make very grave and historic mistakes and that is what we are trying to do here, to correct that.

Mr. PACKARD, my friend from California, also made a very moving statement about the loss of his father and the disorganization of his family. But his father was not discriminated against because he was a white male. He was discriminated against because he was part of the adversary group, he was viewed as part of the enemy. He was captured by the enemy. He was not singled out because he was white and male.

In this case the Japanese-Americans were singled out because they were a Japanese ancestry. So it does not seem to me that the case of Mr. PACKARD applies here. It is totally in keeping with the nature of war.

This is a case where the United States did not give protection to its own citizens. On the other hand and without attempting to be personal or offend anyone because I strongly opposed the internment, there were several thousand Germans in the Midwest and there were Nazi spies within the United States and the U.S. Government was aware that the Nazis had penetrated the United States. They arrested some of them. They did not put the Germans living in the Midwest in concentration camps.

While the United States was at war with Germany and Italy also, there were no American-German or American-Italian internment camps, yet as I have stated earlier, 120,000 Americans of Japanese ancestry were interned, simply because they were a racially identifiable nationality. The security justification does not stand since there is not one documented case of espionage by a Japanese-American. So here was a case of blatant discrimination. But the point that the opposition to this bill is making is that the monetary compensation is either illegal, immoral, or unnecessary. It seems to me perfectly proper, very appropriate that we should compensate these people who lost their property. As a newcomer to Los Angeles, I ended up in an area which I think most of you know, around the coliseum, University of Southern California.

I have lived in that area and I was haunted very often by the notion that I was living in a house which was taken away by the Government from a Japanese-American and which was sold by real estate developers for very little money. And that notion always haunted me. As a legislator in California I looked to see how I could make a contribution to rectify this wrong, one of which was: Many Californians of Japanese ancestry had become victims of the bombing in Hiroshima and Nagasaki and had developed a peculiar ailment but they were ineligible for Medicare because they were wage earners. I introduced legislation to see if we could open up a research institute at UCLA to look at this peculiar ailment. So we have an opportunity today, Mr. Chairman, to rectify a wrong and to pay compensation in a small amount, not to compensate for an injustice but as a symbolic gesture on the part of the United States.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I am reluctant to rise in this debate for many reasons, first because I myself have such strong feelings; second, because so many strong feelings are expressed by others. But probably more than any other reason, because of the eloquence of the debate has been moving for so many of us and I hesitate to add my clack to that eloquence.

I rise because I feel compelled to rise, Mr. Chairman.

We are here as Representatives of our constituents and as Representatives today we are attempting to do two things. The first is a good thing and a necessary thing, to make a public confession that our Government was wrong and to ask forgiveness for that wrong on behalf of ourselves as Representatives and on behalf of the people that we represent.

I believe that is sincere by all parties. What I worry about is the extent to which we can really do that for our constituents. Can we make our constituents understand what we feel today? And will they feel that?

So I am not sure, Mr. Chairman, whether we can do that or not, but I feel honored that we have been willing to try and make the effort for all American people to make this statement.

The second thing which I do not believe is a good or a necessary thing to do is, strangely enough, what we most certainly can do which is spend the American citizens' money to make restitution. And if we spend that money and we do not have a sincere universal reconciliation of our feelings and our attitudes in the process, it will be a blatant hypocrisy. In that regard, Mr. Chairman, I want to speak about a single word, a word that I find offensive, a word that is a dirty word, a word that is a mean word and a word that is a harsh word, that I once again hear in this town, I am sorry to say, I have heard on this floor and I hear in this country that I thought I would not hear anymore.

□ 1425

I was around in 1942, 1943, 1944, 1945, 1946, and 1947, and I heard that word. I did not like it then, and I do not like it now. The word I am talking about is the word, "Jap." I hear it in this country too much, and I hear it in conjunction with the trade bill. I want the body to know that I do not take such a word to the well lightly.

But if we use that word, after we have this vote—and we most certainly will, I understand, vote the apology and the money, and we are doing that as Representatives of the people and as leaders of the people—if we do that and if we then, pursuant to this action today, whether it be with regard to trade or any other subject, either use or accept the use of that word or any such word that is an epithet against a race of people, or the spirit within which such language is used, then what we will have done today will have been a terrible hypocrisy.

I will be asking my colleagues to vote against the one thing we can surely do, which is to spend the American taxpayers' money, and I will ask my colleagues to vote for the one thing we must surely do, which is to express the American citizens' regret for past misdeeds and their willingness to accept the responsibility for those deeds, and then go one step beyond this floor and ask my colleagues to join me in once again expressing, in the way we do business with all other Americans and all other citizens in the world, no tolerance for racial prejudice and dirty language, either in our own use or in the use of words by others. If we can do that, we will have done a far, far more important and better thing than to spend somebody else's money for hypocritical efforts.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the pending amendment.

Mr. Chairman, I am very honored to be a member of the committee that has brought H.R. 442 to the floor. This bill, as I think the last vote of this House indicates, will state very clearly that this Nation made a mistake, that it admits its mistake, it makes an apology, and it takes steps to prevent this type of activity from happening in the future, and, most importantly, it provides for compensation.

Mr. Chairman, let me talk a little bit about the compensation because that is the subject of the amendment that is pending before us now. This amendment would do serious damage to the provisions of H.R. 442 as it relates to compensating those people whose rights were violated.

Where does the $20,000 come from? It did not come out of Congress; it came out of the commission that looked into this. It is a figure, Mr. Chairman, that will at least be acknowledged by the group that has been affected as a fair figure of compensation.

I want to compliment the men and women in this House who worked so hard on this particular bill to bring us a figure of compensation so that the group affected would feel that we are in fact making a good-faith effort to compensate those people whose rights were violated. It avoids the painful experience of going through litigation.

The amendment being offered now would set up a bureaucratic nightmare. It would put one more obstacle in the way of compensating people who have been waiting for 45 years to receive compensation.

Mr. Chairman, it is not the length of time that a person spends in one of these camps, it is not the age of the person who is in the camp, it is the fact that that person's rights were violated and we need a fair system to compensate those people. The bill before us provides that fair system.

Mr. Chairman, I urge the Members to reject the amendment.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I am glad to yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, may I just ask the gentleman this question: as the gentleman views the measure of compensation now contained in the bill, is it his position that a person who perhaps was an infant and who spent only days in a camp was aggrieved or violated to the same extent as someone who was an adult and who spent 3 years in the camp?

Mr. CARDIN. Absolutely. That person carries the stigma of having his constitutional rights or her constitutional rights violated. That person was in a circumstance where his personal rights or her rights were taken away.

Let me point out that we have developed a system that is fair to a group, that has been recognized by the group, and I urge the Members not to try to pit people against people. Let us end this chapter in our history.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I would agree that not everyone was injured absolutely equally, but I would also say this: If we went to anything like a realistic measure of the degree of injury and we tried to come close to compensating people for that, we would have a bill for 10 times as much as this. As the gentleman from Georgia [Mr. SWINDALL] pointed out, in 1945 dollars we are talking about $2,800. So if we want to go to a more realistic compensation system, first of all, the transaction costs would be enormous in the assessments, but when we go to the harm to people, as our colleague, the gentleman from California, whose hearing was damaged because of inadequate medical treatment in the camps, the people who lost homes and livelihoods and chances of advancement, we would be spending a lot more than $1.2 billion.

So a few people might be getting a little more than we think they should, but a lot will be getting less, and if we were to go away from the uniform form to something where we assess how much each person was owed, we would be spending a lot more money and a lot more time.

Mr. Chairman, this is an element of compromise. It is a compromise that saves the Government money.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the last world.

Mr. Chairman, I would assume only the highest motives should be ascribed to the gentleman's amendment, because I am sure he wants to be ultimately fair or as fair as he can to all those who were injured. But as the gentleman from Massachusetts and the gentleman from Maryland just indicated, how can we be fair if we pit one against the other?

On the technical side, the amendment really is not fair in any event because under the formula there are those who will get much less than the $20,000, but if the time puts them over the $20,000, they are capped anyway. So while there are those who will not reap any benefits, there will be many who will be detrimentally affected.

Secondarily, we heard that the compensation factor may be $2,800 in real terms based on 1942 dollars. What we did not hear and what we ought to hear, because the gentleman from Texas was incorrect, is that this is not taxpayers' money, it is not Treasury dollars, this is the repayment of confiscated property that the Treasury of the United States borrowed, took for no interest for 45 years. In real terms, the confiscated property today is worth literally hundreds of billions of dollars, and to those that had psychological, deep scars inflicted on them, even infants, we are giving a token payment. It is almost to some degree the best we might be able to do under all of the current circumstances, and there are those who will probably say that it is a tokenism.

But it is one way at least that we have of redressing the most bitter example of how people can, under the threat of the possiblity of war, be set upon and pitted against one another even in a democracy, even in this country.

If you want to get some ideas, I say to my colleagues, close your eyes and just imagine yourselves on any given day, a nice warm day, playing out in the yard, 5 years old, and the next thing you know, you and your family are in the back of a truck being taken a few hundred miles away and put behind barbed wire fences, put in the most atrocious housing and held there against your will as American citizens. And these are not Japanese-Americans; these are Americans who are only Japanese by descent.

Everyone of us would today fight viciously to avoid this problem. Yet it happened in this country, and there is no amount of fairness that you can try to overlay that will change the basic reality. We put people behind bars for no reason, we scarred them, we cruelly tortured them, and there is no way to apportion that by a small dollar amount between child and parent.

And if you want to be technical, let us be technical. Where is the legacy that some of those parents would have left their children? It was confiscated. It is gone. So given that the children only spent a few weeks or less behind bars, it is even more cruel because we are depriving them of what they may have gotten from their parents who may be dead now an did not qualify, and we are also taking from them the compensation for that legacy which they no longer have.

This bill is a fine example to some degree of the conscience of Americans who are able to stand up and say that we made a mistake, and even though in its own small way it is inadequate, we will do something to make amends in a small way for what happended before and we will recommit ourselves not to do it again.

Mr. Chairman, as God watches us, this bill as it is written is the right bill to support.

Mr. CHANDLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I disagree with the gentleman from Florida [Mr. SMITH] in this respect: Our purpose here today is not to compensate anybody. We could never adequately do that, whether the person was in a concentration camp for 1 day or for the entire duration of the war.

There are times when we as Americans have to make decisions, not with the logic of our minds but with the feelings of our heart. I think that is what we are doing here today. It would be so easy to trivialize this whole issue in an argument over the dollar amounts that are involved. I think we come close to doing that with a $20,000 figure for everyone involved.

The gentleman from California has given considerable thought to this, and I admire him for that. He is an honored Member of this body. But I think this is a time when we reach into our hearts and say, even if it does not appear to make total sense, let us do it because it is ultimately the right thing to do.

Earlier I heard Members on this floor say there was justification for what was done. I was born in 1942. I did not have the advantage of knowing then what was occurring. I have no historical memory of it. But there can never, in an open, free, and democratic society, be a justification for taking people from their homes and taking their liberty. We must never allow it to happen again.

Let us not trivialize this any further by the adoption of amendments to this piece of legislation. I have thought about this with my mind for a long time, and until this week I was undecided. But when I turned to my heart, I realized this is what has got to be done.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in the 16 years that I have represented the citizens of our Nation's Capital in the Congress without a vote on this floor, I don't know when I have wanted more to cast a vote on behalf of my constituents than on this day and on an issue like this where we can right a tragic and historic wrong.

I cannot vote today because, while the citizens who elect me pay more per capita in Federal taxes than the residents of 49 of the 50 States, my constituents alone among Americans still endure the tyranny of taxation without representation. I am here to appeal to my friends in this body to vote for me on this bill. Vote against the Lungren amendment. Vote for the committee bill.

Mr. Chairman, it brings goose pimples to the skin of many of us who truly love this country to think that on this very day 200 years ago, September 17, 1787, the Founding Fathers signed the Constitution of the United States and thus launched it on its historic and magnificent journey down the corridors of time.

I find myself asking the question, "Had I been privileged to be one among them on this day 200 years ago would I, too, have signed the document?" I have concluded that I would have voted with the Founding Fathers, its glaring imperfections to the contrary notwithstanding. Yes, I know that the Constitution they signed extended the right to vote only to those who owned property; it denied women the right to vote altogether. I know that it declared my forbears to be only three-fifth citizens with no rights that white citizens were bound to respect.

But I would have voted yes on this day 200 years ago. I'd have voted yes because the Constitution they drafted was not a perfect document, but a living document. It was not a finished document, but a document that could grow as our Nation grew. It was not a document that embodied justice, but a document that gave us room for the continued pursuit of justice.

Through 24 amendments to that Constitution we have been wise to right historic wrongs and to extend the blessings of liberty to all within our land. We have an opportunity today to right a wrong done our Japanese-American citizens. You will have an opportunity later this fall to right a wrong that we continue to visit upon the citizens of our Nation's Capital.

It is significant, Mr. Chairman, that our Committee on the District of Columbia is on this historic day filing its report on H.R. 51, a bill to extend full citizenship rights to District residents through statehood.

I urge every Member to ask him or herself. "Would I have voted with the Founding Fathers 200 years ago to end the tyranny of taxation without representation for the Thirteen Colonies?"

If your answer to that question is yes; then I hope you will vote "no" on the Lungren amendment, "yes" on the committee bill and "yes" on the D.C. statehood bill this fall to end the tyranny of taxation without representation for the citizens of the last colony.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, I thank the gentleman for yielding to me.

I would like to respond to the gentleman from Florida that referred to the compensation being given by this bill; and I believe the gentleman referred to the confiscation of property.

Just for correcting the record, I would like to say that there is nothing that I see in the orders that were given, the actions that were taken, that amounted to property confiscation by the Government.

It is true that properties were lost in some cases, sometimes through abandonment, neglect, or sometimes through the fraud of others; but it was not part of the Government relocation program to confiscate property.

I do not think that there is an effort made in this bill to reimburse people for property confiscation; for civil rights violations, yes.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I represent a thriving Japanese-American community in the San Francisco Bay area and on behalf of that community may I say how pleased I am at the way this bill is moving forward to completion with dignity and without the amendment to strike the reparations.

I know we all have special relationships with the people of our districts and I have such a relationship with the Asian community in my district. And there isn't a time that I am in that community, at meetings or church gatherings that I am not told by some young and thriving constituents, of the pain and suffering and the trauma felt by their parents and their grandparents because of America's war relocation effort.

The experience of my dear friends from California, Mr. MATSUI and Mr. MINETA, strikes a chord deep within my soul. Because of my own ancestry, I had aunts and uncles and cousins and grandparents pulled from their homes in Western Europe because of one reason—their ethnicity.

This kind of ripping apart of humanity must have no place in the world—no place!

Our action here today is very significant not just in this country but all over the world. We are saying no, never again!

Whether it's the Japanese-American relocation, or the Armenian genocide, or the Holocaust or apartheid, or the refuseniks in Russia, or solidarity in Poland, we say "No."

I am proud that as we celebrate the Constitution, we commemorate all of its glory in the best possible way by defeating all crippling amendments and passing H.R. 442, the Civil Liberties Act of 1987.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I thank the gentleman for yielding to me.

I rise in very strong support of H.R. 442 and against the amendment of the gentleman from California.

Much has been said, and I am not going to repeat it; but let me just say that we could not have a better opportunity to do justice on this most historic day than the bill that is before the Members today, H.R. 442.

That is the essence of the Constitution really that provides rights and remedies, privileges to our citizenry, and a process to redress those rights.

Many of the Members today have alluded to the fact that there was mass hysteria, and indeed I am sure there was back in 1941 and 1942; but some of that hysteria was fed by those who knew differently.

I have looked at the Commission on Wartime Relocation and Internment of Citizens report.

I would like to recite one particular paragraph in there which suggests that our Government did in fact know that there was no substance to these suggestions of disloyalty on the part of our Americans of Japanese ancestry.

> Contrary to the facts, there was a widespread belief supported by a statement by

> Frank Knox, Secretary of the Navy, that the Pearl Harbor attack had been aided by sabotage and fifth column activity by ethnic Japanese in Hawaii. The government knew that this was not true, but took no effective measures to disabuse public belief that disloyalty had contributed to massive American losses on December 7, 1941. Thus the country was unfairly led to believe that both American citizens of Japanese descent and resident Japanese aliens threatened American security.

So first officials in the Government knew there was no substance to it, and permitted it to go forward. It also has been argued that there is no precedent for us providing reimbursement, but we do that every year by attempting to redress those persons arrested, falsely imprisoned by sums that try to make amends for the wrong done to those citizens.

That is what we are going to do, nothing less.

It was said earlier in today's debate, and it is so true, that justice, justice that is in fact delayed is justice denied.

Let us hope we can get on with the business today of trying to make amends.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Chairman, I thank the gentleman for yielding to me.

I rise in strong support of H.R. 442 and in opposition to the amendment.

Mr. Chairman, we must learn from this national mistake, this national disgrace, so this kind of action will never be repeated.

It is not enough to promise never to repeat this mistake. As a nation, we must redress for this error in order to do justice for the ideals for which we stand.

The amount of compensation in this legislation is very small in consideration of the losses incurred by Americans who were singled out on the sole basis of their racial ancestry. While we cannot erase the history of injustice done, national recognition for the wrongs committed can serve to renew our commitment to the ideals of personal justice and basic human rights. The time is always right to do what is right.

I think it is time for the Members to oppose this amendment and to support the legislation.

I urge my colleagues to support H.R. 442, the Civil Liberties Act of 1987. This important legislation would implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

During World War II, 120,000 Americans of Japanese ancestry, two-thirds of whom were United States citizens, were incarcerated, some for as long as 2 years, and deprived of their civil rights. None of the Japanese-Americans who were relocated had been convicted of any crime, and the Report of the Commission on Wartime Relocation and Internment of Civilians, published in 1983, concluded that the relocation was not a military necessity. In addition to the loss of jobs, land, and possessions, the relocation presumed disloyalty, shame, and social stigma, and caused tremendous damage to those involved, in terms of loss of personal dignity, identity, and psychological trauma. The scars of this experience are still evident four decades later.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Washington [Mr. LOWRY], who introduced this bill in 1979.

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding to me.

I wish to compliment the gentleman from Massachusetts and the other members of the committee for the outstanding work done.

We worked on this for 8 years. This is a tremendous day to be a Member of the U.S. Congress in this great country, because what we are going to do today is something that will make America proud on this 200th anniversary of the Constitution.

I want to thank every Member and urge defeat of the amendment and urge passage of the bill.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before I tried to caution the body that we ought to be engaged in self-examination rather than self-flagellation, and I am afraid some historical statements have been made on this floor and entered into the RECORD; and as we reflect on what it was that our country did wrong, we should not hype that, exaggerate that, because we would take the wrong lessons out of it.

To equate what this country did to what happened in World War II, or the Holocaust, or Armenian genocide and other examples of inhumanity to man is, I think, unnecessary. It is not that type of case at all.

Mr. Chairman, the problem is, this debate evidently now is whether or not the money is appropriate or how much money, and little regard is being paid to the historical accuracy of this record.

□ 1450

That would be as unfortunate in one direction as is the stigma that is still attached to some Japanese-Americans remaining from the wrong Executive order that was issued by Franklin Delano Roosevelt. We do not have to be proud of that decision to say it does not equate with the Holocaust or anything like that. We do not have to be proud of that decision to reject the notion that there was torture.

One of the real problems when you read the history of this is that initially reference was made to concentration camps. That was a term that was used long before we discovered what happened in Nazi Germany and long before the term concentration camp got a different connotation.

Depriving Americans of their civil liberties is bad and we ought to apologize for it and act to set the record straight, but suggesting it was worse than it was is also bad.

Mr. Chairman, it has also been mentioned by some that what we are talking about here is not moneys from the taxpayers of America, the General Treasury; rather, it is a return on investment that was gained somehow by the American Government when these people were required to leave their homes. That is just not true. The losses they suffered were losses they suffered when those lands were abandoned or when they were sold at less than appropriate prices.

The Congress of the United States has responded to those property losses on at least three separate occasions. In 1948 we passed a law which dealt with such property claims. We extended that law in 1951 and in 1956. We not only extended it, but we expanded the amount to be recovered from $2,500 to $100,000.

In 1958 there was a further, as I said, extension and expansion of the program. At the time that that extension was coming about in debate in both the House and the Senate side, those groups that supported something to be done to make some recompense for the damages that had been suffered by those who were under the order of President Delano Roosevelt argued that this was the last request that would be made.

Twenty years later, we find ourselves on the floor dealing with it again. Although I will acknowledge I am against individual reparations, it does appear to me that if you do support individual reparations, you ought to consider whether there ought to be a blanket amount of money or whether we should use some discrimination; that is, make some determination as to the seriousness of the loss suffered by the individuals, those who were in for more than 3 years, those who were in for only a few months; it seems to me we ought to seriously look at this.

Last, I would plead with my colleagues, as much as you wish to revisit history and to apologize for the actions of the United States, do not make them worse than they were. Acknowledge what happened. These were not concentration camps. These were not torture camps. This was not Nazi Germany. This was not the Holocaust. This was not the Armenian genocide, and we do a disservice to those who came before us when we suggest that it was.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words. I rise in support of H.R. 442.

Mr. Chairman, as has been discussed here earlier, we have compensated the victims of this tragic event through damages to their property. The suggestion in this bill, I believe, is a reasonable one. It suggests that we also try and come up with a compensation, even though inadequate, which everyone I think would acknowledge, for the time that they were incaracerated or restrained.

Colorado has a special feeling for this. Out of this tragic event, out of the movement of people involuntarily, Colorado benefited. Some of our finest citizens came from those camps. They are some of our most honest, hard-working and productive human beings, not only in Colorado, but in the Nation.

Mr. Chairman, they are proud people. If we try to compensate them for the insult, other than apologize, I am not sure we can do it. They are not asking for a handout. They are not asking for something that they do not deserve. What they do reasonably feel is that the time they spent in those camps is worth some compensation. It is for that reason that I not only support the bill, but that I support the amendment of the gentleman from California.

Let me suggest how terribly I think this amendment is, because it reaches the very core of why these people are entitled to compensation and why they feel they are entitled to compensation. It is this. They are not asking for a favor or a handout. They are asking only for a portion of what they deserve. This amendment tries to give a reasonable allocation based on the time that they spent in that incarceration.

I would suggest for these very proud people, it is important for this bill not to seem simply like a handout, but to be put in the true perspective which it is, and that true perspective is something they deserve.

We do them a disfavor if we give the person who was in the camp 2 days the same amount that someone who was in there 3 years. We do them a disfavor, because this is not a handout. This is something they are entitled to.

Mr. Chairman, I would urge approval of the amendment of the gentleman from California and approval of the measure as well.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the pleas to go home, but we are here to do business and this gentleman does not speak on the floor every day on every issue and there are few issues, I might say to my distinguished friend, the gentleman from Massachusetts, that are compelling enough that one must speak. Just introducting a few written remarks by the staff is not adequate, or making a few comments with respect to one of my colleague's amendments earlier is not adequate. There comes a moment when one has to speak, to tell his or her own story vis-a-vis the proposition that is before the body.

One of my distinguished colleagues on the other side of the aisle stated that he was born in 1942 and has no recollection of the war. This gentleman was born in 1935, so I do recall the war and felt the war through the body of a child and saw it through the eyes of a child.

My home was in the middle of the block on Wood Street in West Oakland. On the corner was a small grocery store owned by Japanese people. My best friend was Roland, a young Japanese child, the same age. I would never forget, Mr. Chairman, never forget, because the moment is burned indelibly upon this child's memory, 6 years of age, the day the six-by trucks came to pick up my friend. I would never forget the vision of fear in the eyes of Roland, my friend, and the pain of leaving home.

My mother, as bright as she was, try as she may, could not explain to me why my friend was being taken away, as he screamed not to go, and this 6-year-old black American child screamed back, "Don't take my friend."

No one could help me understand that, no one, Mr. Chairman.

So it was not just Japanese-Americans who felt the emotion, because they lived in the total context of the community and I was one of the people who lived in the community.

So I would say to my colleagues, this is not just compensation for being interned. How do you compensate Roland, 6 years of age, who felt the fear that he was leaving his home, his community, his friend, RON, the black American, who later became a Member of Congress; Roland, the Japanese-American, who later became a doctor, a great healer.

This meager $20,000 is also compensation for the pain and the agony that he felt and that his family felt. This meager $20,000, in 1942 terms $2,800, is also compensation for the thousands of dollars of personal belongings that were strewn on the streets, on 10th and Wood Streets in West Oakland in 1942, because in case you do not know it, they could only take what they could carry.

So the little football that we played with in the streets, the games that we played that took up hours of our time in the streets, the furniture that we walked on and wrestled upon as children in 1942 in the streets; so this $20,000 and this formula that if you were in for 1 day you get a few nickels, if you are in for 3 years you get the whole $20,000, as if we could play that game.

This is not about how long you were in prison. It is about how much pain was inflicted upon thousands of American people who happened to be yellow in terms of skin color; Japanese in terms of ancestry, but this black American cries out as loudly as my Asian-American brothers and sisters on this issue.

So this formula, while well intended, does not in any way address the reality of the misery, Mr. Chairman. It must be rejected out of hand because it does not address the misery.

Vote for this bill without this amendment and let Roland feel that you understood the pain in his eyes and the sorrow in his heart as he rode away screaming, not knowing when and if he would ever return.

Mr. MINETA. Mr. Chairman, I rise in opposition to the gentleman's amendment to H.R. 442. The gentleman has just introduced us to what can only be described as the bell-curve theory of civil rights.

Mr. Chairman, either you have rights or you don't. Our Constitution is based on the principle of "equal rights for all." There is nothing in that fine document which says one's individual rights are somehow proportional to one's age or earning power.

Yet that is precisely what this amendment does: it correlates damages to a person's age and length of time in camp. But let me remind this body that every person who was evacuated from the west coast—from infants right on up to grandmothers—suffered a wholesale abridgment of civil rights. Those who were age 10 suffered the same humiliation as those of 20 or 50 or 80.

The Commission on Wartime Relocation and Internment of Civilians, after thoroughly studing these events, recommended individual compensation of $20,000 per person. The Judiciary Subcommittee on Administrative Law and Governmental Relations approved such compensation by a voice vote. The full Judiciary Committee overwhelmingly saw fit to keep the individual lump-sum compensation to survivors.

The suggestion of some kind of per diem payment for one's loss of rights directly contradicts the intent of the bill. Under H.R. 442, the restitution is not for lost property and wages, as great as those losses were, but for the sweeping loss of individual rights. Every person who was evacuated and interned lost his or her rights. This Congress should not institute a subminimum wage for the civil rights of minors.

In addition to the problems of substance, this amendment would impose horrendous administrative problems in determining individual payments.

Imagine trying to document how many months and days each internee spent in camp, and what the age was—in years, months, and days—for every child upon both entering and leaving camp! Would the administrators need photos of birthday cakes with candles to help gather proof? The identification of every person who is eligible will not be a difficult job; counting birthdays certainly would be an impossible one.

If the gentleman's amendment is an attempt to save money, it will have the reverse effect. More administrative money will be spent on verifying unnecessary data than would be saved with this penny-ante shell game of individual rights.

Mr. Chairman, the Judiciary Committee overwhelmingly agreed that those interned suffered a wholesale abrogation of their rights, and as a result were each entitled to a lump-sum payment. To do otherwise would be to tamper with the scales of justice.

I ask my colleagues to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SHUMWAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHUMWAY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred two Members are present, a quorum.

Does the gentleman from California [Mr. SHUMWAY] insist on his request for a recorded vote?

Mr. SHUMWAY. I do, Mr. Chairman.

A recorded vote was refused.

So the amendment was rejected.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GEKAS. The Chairman counted the number of members on the question of whether or not a recorded vote should be taken, but I did not hear a vote being taken on the issue.

The CHAIRMAN. A voice vote was taken first. The gentleman from California requested a recorded vote and it takes 25 in the Committee of the Whole, and only 21 were standing.

□ 1505

The CHAIRMAN. Are there further amendments?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. GRAY of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 442) to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, pursuant to House Resolution 263, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LUNGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 141, answered "present" 1, not voting 50, as follows:

[Roll No. 321]

AYES—243

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Badham
Bates
Beilenson
Bennett
Bereuter
Bilbray
Boehlert
Boland
Bonior (MI)
Bonker
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bustamante
Campbell
Cardin
Carr
Chandler
Cheney
Clay
Clinger
Coelho
Coleman (TX)
Conte
Conyers
Courter
Coyne
Craig
Crockett
Dannemeyer
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallo
Garcia
Gejdenson
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gradison
Gray (IL)
Gray (PA)
Gunderson
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hefner
Herger
Hertel
Hochbrueckner
Horton
Houghton
Howard
Hoyer
Hughes
Hyde
Jacobs
Jeffords
Johnson (CT)
Jones (NC)
Jontz
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
Lagomarsino
Lancaster
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McGrath
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Nelson
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pashayan
Pease
Pepper
Perkins
Pickle
Porter
Price (IL)
Price (NC)
Rahall
Rangel
Ravenel
Rhodes
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Roybal
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schuette
Schulze
Schumer
Sharp
Shays
Sikorski
Skaggs
Skeen
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Swindall
Synar
Tauke
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)

NOES—141

Applegate
Archer
Armey
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Boulter
Broomfield
Buechner
Bunning
Burton
Byron
Callahan
Carper
Chapman
Clarke
Coats
Coble
Coleman (MO)
Combest
Cooper
Daniel
Darden
DeLay
DioGuardi
Dorgan (ND)
Dowdy
Dreier
Dyson
Emerson
Erdreich
Fawell
Fields
Flippo
Frenzel
Gallegly
Gaydos
Gekas
Goodling
Grandy
Grant
Green
Gregg
Guarini
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hiler
Holloway
Hopkins
Hubbard
Huckaby
Hunter
Inhofe
Ireland
Jenkins
Johnson (SD)
Jones (TN)
Kanjorski
Kasich
Kolbe
Kyl
Leath (TX)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Montgomery
Moorhead
Myers
Nichols
Nielson
Olin
Packard
Parris
Patterson
Penny
Petri
Pickett
Pursell
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Rowland (GA)
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stangeland
Stenholm
Stratton
Stump

Sundquist
Sweeney
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Upton
Walker
Whittaker
Wylie
Young (FL)

ANSWERED "PRESENT"—1

Mineta

NOT VOTING—50

Baker
Berman
Biaggi
Boggs
Boner (TN)
Borski
Bryant
Chappell
Collins
Coughlin
Crane
Daub
de la Garza
Dornan (CA)
Downey
Ford (TN)
Gephardt
Gordon
Henry
Hutto
Kemp
Kolter
Konnyu
LaFalce
Lantos
Latta
Lent
Lewis (CA)
Lloyd
Mavroules
McCurdy
Neal
Nowak
Oxley
Panetta
Pelosi
Quillen
Roemer
Russo
Schroeder
Skelton
Smith (NE)
Spence
St Germain
Tauzin
Towns
Vander Jagt
Watkins
Weiss
Wise

□ 1520

The Clerk announced the following pairs:

On this vote:

Ms. Pelosi for, with Mr. Quillen against.

Mr. Lantos for, with Mr. Coughlin against.

Mr. Kemp for, with Mrs. Smith of Nebraska against.

Mr. Berman for, with Mr. Crane against.

Mr. Lewis of California for, with Mr. Baker against.

Mr. Konnyu for, with Mr. Oxley against.

Mr. JONES of Tennessee and Mr. JOHNSON of South Dakota changes their votes from "aye" to "no".

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians."

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN H.R. 442, CIVIL LIBERTIES ACT OF 1987

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the clerk may be allowed to make technical and conforming changes in the bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. BORSKI. Mr. Speaker, I was unavoidably absent on September 17 when the House of Representatives considered H.R. 442, the Civil Liberties Act of 1987. Had I been present, I would have voted "aye" on final passage and "nay" on any weakening amendments.

H.R. 442 offers long overdue redress to Americans of Japanese descent whose constitutional rights were violated by our Government during World War II. The legislation is based on the recommendations of the Commission on Wartime Relocations and Internment of Civilians.

It is fitting that the House of Representatives approve H.R. 442 as we celebrate the bicentennial of the U.S. Constitution. Passage of the bill will reaffirm our commitment to the 200-year-old document that is the foundation of our great democracy.

REPORT ON HOUSE JOINT RESOLUTION 362, CONTINUING RESOLUTION, 1988

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 100-306) on the joint resolution (H.J. Res. 362) providing temporary restrictive financing not to exceed the current level for the fiscal year 1988 which begins October 1, 1987 for programs covered under the 13 regular appropriation bills, which was referred to the Union Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3030, AGRICULTURAL CREDIT ACT OF 1987

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 100-307) on the resolution (H. Res. 265) providing for the consideration of the bill (H.R. 3030) to provide credit assistance to farmers, to strengthen the Farm Credit System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. (Mr. WILSON). Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 21, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on a personal note, I was absent on votes No. 315 and No. 316 on September 15, 1987. Had I been present I would have voted "aye."

AMENDING THE EXPORT-IMPORT BANK ACT OF 1945

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 3289) to amend the Export-Import Bank Act of 1945, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LEACH of Iowa. Mr. Speaker, reserving the right to object, I do not object, but simply would like to make the point that the minority has no objection to this, and in particular we wish to express our appreciation for the leadership of the gentleman from New York [Mr. GARCIA] in bringing to the floor a bill at the request of the administration in such a very timely fashion.

Mr. GARCIA. Mr. Speaker, will the gentleman yield under his reservation?

Mr. LEACH of Iowa. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Speaker, section 19 of Public Law 99-472, the Export-Import Bank Act Amendments of 1986, establishes a tied aid credit program at the Bank, and authorizes a $300 million appropriation for fiscal year 1987 and fiscal year 1988 to be used for grants made under the tied aid credit program. The tied aid credit program was designed as a "war chest" for Eximbank to target its own credits in ways which would advance negotiations in the OECD for rules to constrain misuse of tied aid credits by other countries for commercial advantage. It was expected that each Exim tied aid credit package would combine a grant with a standard export credit.

Before authorization of the $300 million fund for fiscal year 1987 and fiscal year 1988 and the initial appropriation of $100 for fiscal year 1987, Eximbank had authorized selected tied aid credits on soft terms for the same war chest purposes. Because no grant funds were yet available, these were 100 percent credits with low interest rates and long repayment term. The 1986 act stated that the fund appropriation is available to reimburse the Bank for the subsidy cost of these war chest tied aid credits authorized by the Bank in fiscal year 1986.

The Bank has now determined that there may be some instances where it is more appropriate to use a 100-percent soft loan—such as was done in fiscal year 1986—for support of a transaction under the tied aid credit program rather than a combination of a grant and a regular Eximbank loan as originally envisioned. In fact, the Bank has such a case now pending. This legislation would simply permit the Bank to reimburse its account for the amount of the subsidy; that is, grant element, in any such soft loan authorized in fiscal year 1987 and 1988, the same as it is allowed to do for fiscal year 1986. No additional budget authority or funds would be required because the amount would come out of the $100 million appropriation already available for the tied aid credit program in fiscal year 1987 and from whatever Congress provides for the program for fiscal year 1988.

Mr. LEACH of Iowa. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill as follows:

H.R. 3289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15(c)(2) of the Export-Import Bank Act of 1945 (22 U.S.C. 635i-3(c)(2)) is amended by striking out "during fiscal year 1986" and inserting in lieu thereof "during fiscal years 1986, 1987, and 1988".

The bill was ordered to be engrossed, and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EMBARGO AGAINST MEXICAN TUNA FISH

(Mr. ANDERSON asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON. Mr. Speaker, it is with more than the usual forethought that I address the House today and bring before this body my call for an embargo on the part of the United States against Mexico. I ask that this embargo be placed upon frozen, fresh, and canned tuna fish. Recent actions by vessels of the Mexican Navy leave me no choice but to ask for such an embargo.

Allow me to give a background summary. In July 1980, Mexican naval vessels seized an American tuna boat outside the 12-mile territorial jurisdiction of that country and refused to release the boat. The United States retaliated by imposing an embargo on Mexico at that time.

In August 1986, little more than a year ago, the United States finally lifted the 1980 embargo. This action was announced as a gesture of goodwill by the President and was predicated upon the Secretary of State's decision to lift the embargo.

The 1986 decision to lift the embargo on Mexico was based upon the Secretary of State's determination that our southern neighbor was meeting the condition that "sufficient time" had elapsed since a seizure incident. Thus, the Secretary of State decided that, although there had been a seizure in 1983, 3 years from that date represented a sufficient amount of elapsed time to justify lifting the 1980 embargo.

In February 1987, 6 months after the lifting of the embargo of 1980, two American tuna boats were seized off the northern tip of Baja California. There were many calls to my office requesting an immediate reimposition of the embargo but since the position of the tuna boats at the time of seizure was somewhat in doubt, I deferred from a call for an embargo. It was not easy to exercise patience on that occasion for the fines imposed by the Mexican Government were high and it was particularly galling for the owners of the seized vessels to have to buy back their own fishing nets from the authorities who had seized them. For a fisherman, his nets are his livelihood. It is almost as if a person's automobile was released to the owner only to be told that the tires would have to be separately repurchased. The Mexican Government practice of having tuna fishermen buy back their own confiscated nets is an insult to good reason and judgment.

Nonetheless, in February's incident the fines were paid, the tuna boats released and the incident was closed although the request that the United States reimpose the embargo was not forgotten by the captains and the leaders of the southern California tuna fishing industry.

This brings us to the present. On September 3, 1987, the *Mauretania,* a San Pedro based fishing vessel was seized off the coast of Mexico by a Mexican naval vessel. The *Mauretania* was fishing well beyond the recognized 12-mile limit for tuna and was therefore very much engaged in legal fishing. The boat was escorted into the port of La Paz, detained, fined $30,000, suffered the loss of their legal catch of 207 tons of tuna and once again made to undergo the farce of buying back their own nets to the tune of $25,000. If we consider the current cost of tuna at $1,050 a ton, the total loss to the *Mauretania* for legal fishing off the coast of Mexico is close to $275,000. Clearly this violation is an outrage.

Mr. Speaker, on behalf of the tuna fish owners and operators of southern California, I call upon the Secretary of State to take the necessary steps to impose an immediate embargo on the import of any Mexican frozen, fresh, or canned tuna into the United States. This action by the Secretary of State would be no more than what is called for. Any other action on the part of the Secretary of State would be unacceptable to me. I ask that the embargo remain in effect until such time as a workable understanding be reached with Mexico that would once and for all protect the legal activities of the tuna fishermen of this country.

It has to be true that a reasonable approach between reasonable people can bring this nagging problem to a close. All that the fishermen of southern California wish to do is to legally pursue their livelihood. Once that livelihood is not endangered then an embargo is not necessary. Until then an embargo is mandatory.

TAKE THE AVIATION TRUST FUND OFF BUDGET

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, the Federal Government is pulling a scam on air travelers. Twice as many people are flying today as flew in 1978 before deregulation. Each of these air travelers has paid an 8-percent tax on his ticket, supposedly to fund the equipment and personnel necessary to provide a safe trip and the airport development to handle the increased volume of passengers.

Guess again, $5.6 billion of the money raised from these taxes have not been used for the intended purposes. That money is sitting in the trust fund unused in order to make our Federal budget deficit look a little less horrendous than it is. That's deceptive and immoral.

Does our aviation system need all that money? You bet it does. We need more air traffic controllers, we need modern air traffic control equipment, and we need expanded airport capacity.

We have fewer air traffic controllers now than in 1978, but twice as many passengers lives depend on their efforts. We import vacuum tubes from the Soviet Union for our antiquated air traffic control equipment because they aren't manufactured in the United States anymore. The last major airport built in this country was completed 13 years ago, before deregulation and the incredible increase in air traffic.

We've been hearing a lot about delays and air safety this summer. To address those problems, we must expand the capacity of our aviation system. That means freeing the money in the trust fund to be used for what the taxes were intended to be used for. The only way to do that is to take the trust fund off budget. We owe it to air travelers and their families to take this action.

The Reagan administration has been a big proponent, and I think rightfully so, of user fees. It should be the biggest proponent of making sure this user fee is used as the Government promised it would be.

HAPPY BIRTHDAYS ARE IN ORDER TODAY

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, happy birthdays are in order to our country today. Today is the 200th anniversary of our Constitution in Philadelphia in 1987. Yesterday we celebrated that event with an extravaganza here on the steps of the Capitol. Today our President and many Members of this body are going to Philadelphia to reenact that signing. The Constitution is a living document as exemplified in hearings going on in the other body for confirmation of a Supreme Court Justice. There are some things we can do in this body to insure that it remains a living document here also. Today would be an excellent day to bring to the floor a balanced budget amendment for this body to vote on. There is a discharge petition being readied to make that occur. Today would also be an excellent day to consider some of the reforms that the Republican conference sent to the Speaker of the House dealing with our budget process, rulemaking process, committee ratios, many other activities.

Happy 200th birthday, America. Hopefully we will have another 200 years as strong as the first 200.

STRONG SUPPORT FOR LINE-ITEM RESCISSION LEGISLATION

(Mr. JOHNSON of South Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of South Dakota. Mr. Speaker, as we pause today to observe the 200th anniversary of our Nation's Constitution, I am reminded of what I heard recently as I traveled across South Dakota, holding a dozen public "Town and Country" meetings in all parts of the State.

More than 500 people took part, and they were nearly unanimous in expressing serious concern about the dangerous Federal budget deficit.

I found strong support for the line-item rescission legislation that I have introduced, for a budget summit conference of Government leaders, and for a balanced budget amendment to the Constitution.

South Dakotans realize that the budget deficit is costing America $135 billion this year in interest on the national debt. This money is coming out of the pockets of middle class taxpayers and going into the vaults of wealthy special interests—both here and overseas—who collect windfall interest payments.

What we've got is a pickpocketing Uncle Sam playing the role of a 20th-century Robin Hood—in reverse.

My South Dakota constituents are saying it's time for us to reduce this deficit with the same spirit of resolve and determination that our forebears demonstrated when they created our Constitution 200 years ago.

□ 1535

AIR SAFETY LINKED TO FREEING UP TRUST FUND MONEYS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the safety and convenience of our Nation's aviation consumers depends upon the removal of the Airport and Airway Trust Fund from the Federal budget. Such action would ensure that the $2.8 billion authorized in H.R. 2310 is spent as intended.

I believe it is fundamentally unfair that the 8-percent ticket tax paid by aviation consumers is not being fully used to improve an air transportation system which is increasingly unsafe and inefficient. Unsettling as it may be, statistics indicate that the planes on which we travel today are more likely to crash than they were a year ago and the aviation consumer is more prone to be the victim of inconvenient delays.

Unfortunately, the situation appears to be getting worse. Plans to modernize the American Air Traffic Safety System are already 2 years behind schedule. Our air traffic controllers are relatively inexperienced and hopelessly overworked. The number of near midair collisions has increased 50 percent in the first half of 1987 compared to the same period last year.

Ironically, dedicated funding already exists which is not being used to correct this situation. In fact, $5.6 billion in unspent revenues is currently sitting in the aviation trust fund which could be used to fund safety, capacity, and noise improvements, and the trust fund surplus continues to grow. At the present rate, the surplus will reach $10 billion by fiscal year 1989 and $12 billion by 1991.

Yet, instead of being used for improvements, the aviation trust fund has essentially become a pawn in a budget game which has nothing to do with air transportation. I believe it is time to put the aviation trust fund to work.

Taking the trust fund off budget is fiscally responsible. The Congressional Budget Office recently reported that the removal of the trust fund from the budget would actually reduce the deficit starting in fiscal year 1990. This fact contradicts many previous assumptions regarding the role of the trust fund in the budget process.

Failure to expend the trust fund for aviation improvements represents a dangerous deception which jeopardizes the lives of the American public. I urge my colleagues to support the release of the trust fund for its intended purpose.

FIFTIETH ANNIVERSARY OF THE DAVID TAYLOR NAVAL SHIP RESEARCH AND DEVELOPMENT CENTER

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, 50 years ago, in the twilight years before World War II, ground was broken in Carderock, MD, for a new experimental model basin to replace the old one at the Washington Navy Yard. Not long afterwards, the facility was named after Rear Adm. David Taylor, who designed and supervised the construction of the old experimental model basin and spent 20 years as its director.

During World War II and especially thereafter, the facility now known as the David Taylor Naval Ship Research and Development Center has played a crucial role in developing a Navy to match America's commitment to leadership of the free world. It has responded to the challenge of new technology with vigor and enthusiasm, designing, evaluating, and testing many of the ships in the postwar nuclear Navy.

Today, the Taylor Center is the Navy's principal research, development, testing, and evaluation center for naval vehicles and is considered the finest establishment of its kind in the world. Tomorrow, the Taylor Center will be celebrating its anniversary. I know that my colleagues join me in congratulating the center for having reached this milestone.

URGING THE REAGAN ADMINISTRATION TO SUSPEND MFN STATUS FOR ROMANIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I have a very serious matter that I want to bring to the attention of our colleagues here today.

As we know, Mr. Speaker, the House suspended MFN for Romania because, first, a Catholic priest said that Christmas should be a holiday and they beat him and killed him. Second, they bulldozed a synagogue, the last Spanish synagogue. They bulldozed the Seventh Day Adventist Church while the people were in it.

Mr. Speaker, this administration, the Reagan administration, and the State Department, even with all that, does not want to suspend MFN.

Mr. Speaker, I am sad to say today that since the Reagan administration has granted the continuation of MFN, the Romanian Government has knocked down two more churches. They have knocked down two churches to make room for what they call a boulevard, the boulevard which is called Victory of Socialism. So the Reagan administration and the State Department are allowing the Ceausescu administration to continue to bulldoze those churches so they can name a boulevard, and they are calling the boulevard Victory of Socialism.

Mr. Speaker, where is the State Department? Where is the White House when 23 million people are being persecuted in Romania and we get nothing from the Reagan administration except one thing? We get only one thing, Mr. Speaker—silence.

Mr. Speaker, I hope this Reagan administration wakes up and does what is right and, by Executive order, suspends MFN and stands on the side of the people that want freedom and human rights and liberty.

URGING A RATIONAL CONSIDERATION OF THE ACID RAIN PROBLEM

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, the National Acid Rain Precipitation Assessment Program's interim report has been released today. There is a story in the Washington Post about it, and I think those of us who are interested in the acid rain issue ought to take a close look at its findings.

Only a small portion, a small fraction, in fact, of U.S. lakes and streams have been damaged by acid rain, and the damage is not likely to worsen significantly in the near future. That is the conclusion of this interim report.

Also there is little evidence, the report indicates, to support the theory that acid rain is adversely affecting our forests. Natural stresses and insects and diseases are likely to have more serious effects, according to this report. SO_2 projections into the next century are likely to decline as new technology is implemented.

This is not a time to relax our environmental safeguards. I am not advocating that. I am simply saying that as we look at this acid rain question, it is clear there is no need to rush to judgment. Let us give thoughtful, careful, rational consideration as to how we proceed in dealing with the solution to this problem. Let us not rush into a solution that we might all regret later.

ETERNAL VIGILANCE IS THE PRICE TO SECURE THE BLESSING OF LIBERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, the Government of the United States was organized 200 years ago today, 12 years after our forebears declared independence from England.

It was the first time in history that the principles upon which a nation was to be founded were prescribed in a written document—the Constitution. The preamble clearly defines the purposes of our Government. We all know by heart those immortal words:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

We Americans love freedom. And more than other provisions, we notice the provisions granting freedom. In order to "secure the blessings of liberty * * *" to American citizens the founding fathers divided the powers of Government among three separate branches: legislative, executive, and judicial; reserving to the States those powers not granted to the Federal Government. Equally important, the framers created a laborious process through which the eternal struggle between protecting personal liberty and promoting economic interests may be reconciled.

On the occasion of the signing of the Constitution, Benjamin Franklin admonished future generations when he said: "We have created a Republic if you can keep it."

In walking through the Capitol corridor today to the Hall of the House of Representatives I stopped for a moment to ponder the thoughtful words of the late Mr. Justice Louis Brandeis that are preserved there seemingly in response to Mr. Franklin:

> The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding.

In his genius Thomas Jefferson prescribed the remedy: "Eternal vigilence is the price of freedom."

At separate times Jefferson also suggested:

> Enlighten the people and tyranny and oppression will vanish like evil spirits at the dawn of day.

* * * *

> If once the people become inattentive to public affairs you and I, and Congress, and assemblies, Judges and Governors shall all become wolves.

Mr. Speaker, indeed we are blessed to be American citizens. It is my hope that everyone of our generation will be vigilant to support the Constitution. It is a miracle and we have an obligation as citizens enjoying the blessings of liberty to pass it intact to future generations.

JUDGE BORK AND THE RULE OF LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, it may be providential that the hearings on the nomination of Judge Robert Bork to the Supreme Court of the United States should coincide with the celebration of the 200th anniversary of the Federal Constitution.

The coincidence of these two events requires us to take a special look at the constitutional views of Judge Bork and to determine whether they are consistent with and likely to enhance and support the constitutional system under which we the people of the United States govern ourselves. Such an examination reveals that Judge Bork is an extremist whose views are outside the constitutional mainstream and threaten the stability of the social compact under which a heterogeneous people coexist.

If there are two principles fundamental to the American constitutional system they are: First, a commitment to the rule of law; and second, a commitment to individual rights. Judge Bork's constitutional ideology is inconsistent with both. His writings over many years, both as an academic and as a jurist, demonstrate an authoritarian contempt for the rule of law as well as a disdain for the rights of minorities.

The "Saturday night massacre" will long be remembered as one of the most serious challenges to constitutional government in our Nation's history. President Nixon ordered the firing of Watergate Special Prosecutor

Archibald Cox, despite a commitment to Congress, in order to evade a court order to reveal incriminating documents. According to the only Federal court to ever review those events, the firing of Cox was an illegal act which engendered "considerable public distrust of government" and precipitated "a lack of confidence in the administration of justice."

We cannot forget that it was Solicitor General Robert Bork who carried out President Nixon's order after the Attorney General and Assistant Attorney General both resigned in protest.

The firing of Cox was one of the offenses listed in the Bill of Impeachment which forced Richard Nixon from office. Shall the man who actually executed the outrageous act be rewarded with appointment to the highest court in the land? Shall we seat on the Supreme Court a man who undermines trust in Government and confidence in the administration of justice?

While others with a more developed sense of constitutional processes were offended by Nixon's action, Robert Bork seems quite at ease with an imperial Presidency claiming immunity from the rule of law. Indeed, to this day, Judge Bork appears to contend that the special prosecutor—independent counsel—law adopted after Watergate in an effort to insulate investigations of executive branch wrongdoing from improper influence is an unconstitutional infringement of Presidential powers. He maintains this position despite the specific and unambiguous provision of article II, section 2 of the Constitution authorizing Congress to vest the appointment of inferior officers in the courts or in Congress itself.

Judge Bork's commitment to an Executive beyond the reach of the rule of law is further exemplified by his narrow views concerning standing to sue, including his negative view of congressional standing to challenge actions by the executive branch.

The case of *Barnes* v. *Klein*, (759 F.2d 21, D.C. Cir., 1984), involved a dispute between Congress and the President over an attempted pocket veto. Judge Bork dissented from the court of appeals' approval of jurisdiction, declaring: "We ought to renounce the whole notion of congressional standing."

It was Judge Bork's position that such disputes ought to be resolved politically. The reality of that position is that the President always wins. Since such disputes involve the legal effectiveness of legislation, and since the President controls the administration and execution of the laws, unless Congress can appeal to a third body to resolve the dispute, the Executive wins by default.

Indeed, the potential defendant always wins when access to a court is denied. That's what is so pernicious about Judge Bork's general views in regard to standing to sue, including his expansive view of sovereign immunity. Sovereign immunity is a medieval doctrine that assumes the sovereign can do no wrong. In its modern form, it protects the Government from suit even if individuals have suffered a violation of their rights. Judge Bork has frequently argued to expand such immunity—despite the fact that under our system it is supposed to be the people, not the Government, which is truly sovereign. For example, in the case of *Bartlett* v. *Bowen* (816 F.2d 695, D.C. Cir., 1984, en banc), Judge Bork argued that the Government was immune from challenges to the Federal Medicaid Program.

Thus, for Judge Bork, a narrow conception of the standing doctrine is another means by which he helps to protect lawless and authoritarian behavior by Government bureaucrats.

In the first great constitutional case, Marbury versus Madison, Chief Justice John Marshall remarked that there can be no rights without remedies. By restricting judicial remedies, Judge Bork eliminates individuals' rights and undermines the rule of law.

Judge Bork's view of our constitutional structure seems to be upside down. He appears to suffer from some rare form of constitutional dyslexia. Rather than a system to maximize individual freedom and keep Government off our backs, his constitutional structure seems modeled after that of totalitarian regimes which believe that Government officials are immune from public scrutiny and accountability and citizens have few rights which Government officials have to respect.

That conclusion is further supported by Judge Bork's record in regard to enforcement of the Freedom of Information Act, another Watergate reform designed to make Government more open and accessible. In seven split decisions involving the FOIA in which Judge Bork participated in the court of appeals, he voted against public access to information and in favor of Government secrecy in every case.

JUDGE BORK AND IRAN/CONTRA

The Bork nomination is particularly distressing at a time when this Nation faces its greatest challenge to the rule of law since Watergate.

Throughout this past summer, the Nation witnessed the spectacle of White House personnel claiming that they could operate outside the law—with or without the President's approval. We saw a lieutenant colonel assigned to the National Security Counsel claim before the Nation that the President's men were not bound by congressional mandates restricting the use of Government resources and Government funds in the conduct of foreign relations. We saw a string of Executive officials explain that they felt that they could ignore statutory requirements of congressional notification and consultation when they found it inconvenient to comply. And we saw a President smilingly acquiesce in these claims of Executive authority and hail the lawbreakers as patriots.

And when the Attorney General was forced by congressional demands and public outcry to apply to the courts for appointment of independent counsel to investigate some of these executive branch transgressions, we saw the same Attorney General claim, in the name of the President, that the independent counsel law was an unconstitutional invasion of executive authority.

These lavish claims of Presidential power may be anticipated from officials of the executive branch attempting to justify their own actions. Generally, it is left to the judicial branch to resolve such constitutional disputes and to establish the constitutional limits of the powers of the other branches. And the Federal courts have been faithful to their constitutional obligation to contain the other branches within their appropriate limits. More than 100 years ago the Supreme Court said:

> No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law and are bound to obey it. (*United States* v. *Lee*, 106 U.S. 16, 1882.)

But confirmation of Judge Bork would place on the Supreme Court the foremost exponent of unbridled Executive power, a man who rejects outright any meaningful role for the Congress in foreign affairs. In 1971, then-Professor Bork defended President Nixon's decision to bomb Cambodia, insisting that Congress had no power to limit the President' discretion to stage the attack. In an article in the American Journal of International Law, Bork claimed for the President authority to order the attack on alleged Vietnamese sanctuaries in Cambodia under "the inherent powers of the Presidency" as well as pursuant to congressional authorization which he found contained in the Gulf of Tonkin resolution.

Judge Bork has asserted Executive control over foreign affairs in other contexts as well. Thus, he testified that Congress had no power to require Executive intelligence agencies to obtain a warrant before wiretapping an American citizen suspected of engaging in clandestine intelligence activities.

On the bench, Judge Bork has consistently tried to insulate the President's policies from legal challenge by legislators. In addition to the pocket veto case, Judge Bork contended in Crockett versus Reagan that 29 Members of Congress could not challenge the legality of the President's maneuvers in El Salvador.

In attempting to place Robert Bork on the Supreme Court, President Reagan is trying to pack the Court with a strong advocate of executive power who he can count on to say the President can do no wrong—or at least can't be sued for it.

JUDGE BORK AND THE SOCIAL COMPACT

Ours is a heterogeneous Nation. Our Constitution takes account of that fact. That social compact empowers the majority to enact and implement those policies essential to protect the general welfare, while guaranteeing to every individual and minority element freedom from unreasonable oppression by temporary or permanent majorities.

For black Americans and other minority groups, the enforcement of the social compact is a matter of survival. But the social compact is not self-executing. Legislatures, which are controlled by electoral majorities, can be generally trusted to watch over the perogatives of those majorities. However, protection of minority rights is uniquely the job of the judiciary.

And that is what gives us, especially, such great concern about Judge Bork. His writings, over a long career, both as an academic and as a judge, make clear that he does not accept the concept of a social compact in which the judicial branch is obliged to protect minorities from the tyranny of the majority. He is a strict majoritarian—at least where minority rights are concerned.

Judge Bork's view of the social compact is at direct odds with those of most of the Justices who have sat on the Supreme Court for at least the past 40 years. Over and over, starting with his now famous exegesis of "Neutral Principles" in the Indiana Law Journal, Judge Bork has insisted that the only individual rights protected against the majority are those explicitly and unmistakably mentioned in the Constitution and Bill of Rights. That, in itself, is a chilling idea for those of us whose ancestors were in slavery at the time of the adoption of the original compact and whose assimilation into the People of the United States under the Constitution required a bloody war and another 100 years of equivocation.

Judge Bork's ideological bent against minority rights is summed up in the phrase from Lord Chesterton he likes to quote deriding the notion that a community has every liberty except the liberty to make laws—his rallying cry in favor of majoritarianism in opposition to minority rights.

Equally disturbing is his willingness to permit false majorities to retain their underserved ruling status by the use of devices which restrict the right to vote. I refer to his public criticism of legislation forbidding certain voter literacy tests which had been used as a pretext for discrimination as well as his denunciation of the Supreme Court decision forbidding poll taxes, which Judge Bork called pernicious. Thus, even his commitment to so-called majoritarianism is suspect—and may be nothing more than a cover for an elitism whose real goal is to protect the dominant status of the wealthy and privileged.

Whatever his real motivation, what is indisputable is that Judge Bork has opposed just about every civil rights advance of the past 40 years.

In 1948, 6 years before Brown versus Board of Education, the Supreme Court decided the landmark case of *Shelley* v. *Kraemer* (334 U.S. 1). A precursor of Brown, the case outlawed judicial enforcement of racially restrictive deed covenants. Bork's Indian Law Journal article denounced the Shelly opinion, thus supporting the right of property owners to divide the country into racial ghettos enforced by the police power. In the 40 years since Shelly, housing integration has advanced at a snail's pace. If Bork had had his way, it would have stood absolutely still.

When Congress, inspired by Supreme Court decisions like Shelley and Brown, as well as the early civil rights movement, passed the Civil Rights Act of 1964 prohibiting discrimination in public accommodations, Bork called it unsurpassed ugliness. There is no record that he ever found racial segregation and discrimination itself so personally obnoxious or offensive.

And for the next 20 years, Mr. Bork took every opportunity to inveigh against proposals to expand rights of racial equality and justice in our land, including his opposition mentioned earlier, to the abolition of poll taxes and literacy tests which were used to deny the right to vote to the poor and members of minority groups:

As Solicitor General, Bork opposed fair housing remedies for low-income black citizens even though the Federal Government had participated in the discrimination. (*Hiss.* v. *Gautreaux*, 425 U.S. 284, 1976).

He found fault with the Supreme Court's decision in *Reitman* v. *Mulkey* (387 U.S. 369, 1967), upholding the California Supreme Court decision invalidating the State's proposition 14, a State ballot measure that overturned California's open housing law.

In 1972, Bork was one of only two law professors to testify in support of the constitutionality of proposed legislation to drastically curtail school desegregation remedies that the Supreme Court had held necessary to cure violations of the 14th amendment. And as Solicitor General, he continued to oppose school desegregation remedies before the Supreme Court.

Regarding affirmative action in medical school admissions, Bork sharply attacked the opinion of Justice Lewis Powell, the man he is nominated to succeed, in *University of California Regents* v. *Bakke* (438 U.S. 265, 1978) for suggesting that universities might take affirmative steps to train qualified blacks as doctors to meet the needs of the medically underrepresented black community. Justice Powell has cited that opinion as the one of which he is most proud.

Judge Bork has gone so far as to say that affirmative action offends "ideas of common justice." I have seen nowhere in his writings a suggestion that he feels racial discrimination "offends common justice."

Judge Bork's public career has spanned the period in which our society has made its greatest strides in extending the promise of equal justice to all its citizens and eliminating many of the vestiges of a polarized past. Millions of Americans played heroic roles in this historic forward movement toward an integrated society. Millions of others who were once skeptical of the civil rights movement have now come to terms with it and endorsed its objectives. During this entire period, Robert Bork has been an active and vocal heckler along every step of the route. And, from all that appears on the public record, remains so to this day.

Nomination of a man with so little regard for the rights of racial minorities to our highest court is an insult to millions of American citizens. This country has come too far in the past 20 years to tolerate on the Supreme Court a person with such views. At a time when we pride ourselves on the advances brought about by the civil rights movement, his confirmation would represent a major step backward into a bygone era when people of color had no rights which a white person was bound to respect.

JUDGE BORK AND OTHER INDIVIDUAL RIGHTS

It is not only people of color who must be concerned about Judge Bork's view of the rights of the individual. Whether it be rights of personal privacy, religious freedom, freedom of speech or electoral participation, Judge Bork has exhibited a disturbing hostility to claims of constitutional protection. He has condemned the notion of voting equality as set forth in the one-person-one-vote doctrine; he has challenged the long-settled view that the first amendment protects scientific and artistic, as well as political speech, and even narrowly defines the latter; he constrains the establishment clause to permit almost any sort of Government support of religion other than the establishment of an official church; and he considers it judicial usurpation for courts to forbid States from prohibiting birth control by married couples.

He clearly rejects the notion that the major purpose of the U.S. Constitution is to keep Government off our backs, and is apparently ready to authorize the bureaucracy to entwine itself around our necks.

Judge Bork's views in opposition to individual and minority rights and in support of unrestrained executive power have now been well documented in reports issued by several public organizations dedicated to civil liberties and consumer and worker rights. In addition, there have been several especially revealing articles about Judge Bork which have appeared in print recently. In order to provide maximum illumination of Judge Bork's views and record and the threat he represents to us all, I am including in these remarks the following materials:

A report of the NAACP Legal Defense and Education Fund Inc. on "Judge Bork's Views Regarding Racial Discrimination;"

A report of the American Civil Liberties Union on the "Civil Liberties Record of Robert Bork;"

A report by the Public Citizen Litigation Group on "The Judicial Record of Robert H. Bork;"

A statement by the AFL-CIO Executive Council on "Opposition to the Nomination of Robert H. Bork;"

A press release from the Columbia Law Review entitled, "Bork's Voting Record Far More Conservative Than That of Average Reagan Judge, New Study Reveals;"

An article from the New York Review of Books by Ronald Dworkin on "The Bork Nomination."

JUDGE BORK AND STARE DECISIS

Equally worrisome as Judge Bork's constitutional views are his commitment to an activist political agenda for implementing them and his disdain for constitutional precedent.

The eminent legal philospher Ronald Dworkin concluded from a review of his writings that Judge Bork's decisions are guided mainly by "right wing dogma," that he has no coherent legal philosophy at all. This conclusion is borne out by the analysis prepared by the Public Citizen Litigation Group of nonunanimous Court of Appeals decisions in which Bork participated. That study found that the surest predictor of Judge Bork's decisions is the identity of the parties to a case. Invariably, he voted for Government and business litigants against individual claimants, and that when Government and business clashed, he sided with corporate interests.

Illustrative of Judge Bork's selective use of judicial restraint were two cases involving Federal regulatory activities. In one case, involving the Federal Communications Commission, Judge Bork gave short shrift to a black citizens' committee which wanted the agency to continue a policy of examining a licensee's past programming in connection with renewal applications to determine if it had acted in the past in accordance with the public interest. In the other case, Judge Bork upheld the objection of the Soft Drink Association to the Secretary of Agriculture's attempt to promulgate a rule restricting the sale of junk food in public schools until after the lunch period. In other words, Judge Bork was quite willing to permit the FCC to authorize the poisoning of children's minds, but wouldn't permit the Department of Agriculture to forbid poisoning of their bodies.

Judge Bork's alleged commitment to the principle of deference to the actions of administrative agencies also got misplaced when it came to the effort of the Federal Energy Regulatory Commission to control electric rates charged consumers in Louisiana, Arkansas, and Mississippi by Middle South Energy Inc. While Judge Ginsburg felt it was an appropriate occasion for deference to the decision of a regulatory agency, Judge Bork wrote the majority opinion reinstating the company's rate schedule.

Another example of his result mindedness was revealed recently when a retired Federal judge, James F. Gordon of Kentucky, wrote an unprecedented letter to the Senate Judiciary Committee complaining about Judge Bork's unethical attempt to manipulate the decision of a panel on which they both sat. According to Judge Gordon, Judge Bork attempted to write into an opinion his own view on congressional standing after the other two panel members had specifically disapproved it. That is one more indication of Judge Bork's obsession with implementing his own political agenda through decisionmaking.

As objectionable as that is for a circuit court judge, it is all the more cause for concern in a Supreme Court Justice, who is not bound by precedent and who is answerable to no higher authority. Indeed, Judge Bork has on many occasions publicly declared his belief that a member of the Supreme Court should not feel bound by prior constitutional interpretations with which he disagrees. Owen Fiss, the Alexander Bickel Professor of Public Law at Yale, has specifically commented on Bork's "willingness to denounce, repudiate, even deride decisions" that he does not agree with. And, Professor Fiss adds, elevating him to the Supreme Court "is not likely to instill within him a new reverence for authority, but rather give him the power to write his views into law."

What a Supreme Court with Judge Bork would be like may already have been foretold by recent events in the District of Columbia Court of Appeals, where Judge Bork tried to join together with the five other Republican members of that court in a partisan bloc to override any opinions written by one of the five Democratic appointees. That plan was derailed only because one of the Republicans had second thoughts.

It is thus not surprising that the Bork nomination has generated the largest grassroots movement in the Nation's history in opposition to a judicial appointment. The combination of his hostility to settled constitutional doctrine in regard to individual rights, his disdain for precedent and his overt political partisanship are a recipe for a constitutional disaster this Nation cannot afford. The answer is clear. The U.S. Senate should just say no to Bork.

Mr. Speaker, under leave to include extraneous matter, I submit the following material:

JUDGE BORK'S VIEWS REGARDING RACIAL DISCRIMINATION

(A Report of the NAACP Legal Defense and Educational Fund, Inc., August 1987)

(1) Criticism of Supreme Court Precedents.—

Judge Bork has contended that five major Supreme Court civil rights opinions were wrongly decided. *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966) and *Oregon* v. *Mitchell*, 400 US 112 (1970), upheld the constitutionality of the provisions of the federal Voting Rights Act which prohibit the states from requiring voters to be able to read and write in English. If these decisions were overturned, and the relevant portions of the Voting Rights Act were held invalid, state literacy tests would again become operative, barring non-literate adults from registering, and disenfranchising a large number of existing voters, a substantial proportion of them non-white. In New York State, where an English language literacy requirement is in the State Constitution, approximately 40% of the Puerto Rican population is literate in Spanish rather than English.

Judge Bork has disagreed with the decision in *Shelley* v. *Kraemer*, 334 U.S. 1 (1948), which held that state courts may not enforce racially restrictive covenants requiring that property not be sold or leased to non-whites. In many instances housing discrimination is now forbidden by federal statute. In those cases to which federal open housing laws do not apply, however, a Supreme Court decision overturning *Shelley* would result in state court enforcement of restrictive covenants. The Supreme Court has construed *Shelley* to ban state courts from awarding damages for violations of contracts requiring racial or other forms of discrimination; if *Shelley* were overturned, such damage actions would become permissible.

Judge Bork has asserted that *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), which held the poll tax unconstitutional, was wrongly decided. Although the states which once utilized poll taxes have now repealed them, a number of jurisdictions restrict the franchise in certain elections to owners of real property, or impose extremely high filing fees for certain candidates. The Supreme Court, relying on *Harper*, has held that such practices unconstitutionally prevent less affluent citizens from voting or running for office.

Judge Bork has also objected to the decision in *Reitman* v. *Mulkie*, 387 U.S. 369 (1967), which held that a state cannot establish special constitutional obstacles to the enactment of civil rights statutes.

(2) Congressional Authority To Prohibit Practices with Discriminatory Effects

Judge Bork's criticism of *Katzenbach* v. *Morgan* and *Oregon* v. *Mitchell* was based on his contention that Congress, in enacting legislation under sections of the Fourteenth Amendment, cannot prohibit conduct that would not itself be unconstitutional under section 1 of the Amendment. In 1972 Judge Bork, in explaining his views regarding the constitutional restrictions on federal civil rights legislation, urged that Congress could not under the Fourteenth Amendment adopt a statute forbidding practices which had a discriminatory effect but which were not adopted for a discriminatory purpose. Bork's analysis was contained in a pamphlet regarding the so-called "Equal Educational Opportunities Act of 1972."[1] This legislation, proposed by President Nixon for the primary purpose of curtailing the use of busing to desegregate public schools, also contained in section 201 a prohibition against various forms of discrimination. Two parts of section 201 forbade practices with discriminatory effects, regardless of whether or not those practices were racially motivated.[2]

Judge Bork argued that these two portions of the proposed legislation, because they required no showing of official discriminatory intent, were unconstitutional:

"Two of the subsections of 201 . . . may be read to impose obligations far beyond any the Supreme Court has seen fit to define. Section 201(c) prohibits the assignment of a student to a school other than the one closest to his home if the result is to increase the degree of segregation by race, color, or national origin. Section 201(f) requires schools to take "appropriate action to overcome language barriers." Since these subsections do not explicitly refer to a forbidden segregatory *intent*, it would be possible to interpret them as imposing obligations upon schools that had never practiced de jure segregation. They could be seen, that is, as an attempt by Congress to legislate in the *de facto* area.

"This reading of 201 (c) and (f) would raise .... grave issues of constitutional policy. ... The Fourteenth Amendment . . . seems to be limited to an affirmative policy of denial by the state. . . .

"This difficulty with any interpretation that applies the strictures of the Fourteenth Amendment to *de facto* cases has led to attempts to say that Congress' power under the amendment is broader than that of the courts. Thus it is suggested, the Court may not reach *de facto* situations but the Congress may. . . . The solution seems improper, however, for it leaves the legislative power where it belongs only as between Congress and the Court, and shifts it impermissibly to Congress from the state legislatures. . . . The power to "enforce" the Fourteenth Amendment is the power to provide and regulate remedies, not the power to define the scope of the amendment's command or to expand its reach indefinitely.

"To read 201 (c) and (f) of the equal opportunities bill as dispensing with the need for a forbidden discriminatory *intent* by an agency of government, therefore, is to impute a casual attempt to alter drastically the relation between the federal and state government and to raise a profound issue of constitutionality in the wrong way."

R. Bork, "Constitutionality of the President's Busing Proposals," pp. 19-20 (1972) (Emphasis added).

If the Supreme Court were to accept Judge Bork's position regarding the limited nature of congressional authority under the Fourteenth Amendment, the validity of many federal statutes establishing a discriminatory effect standard would indeed be in doubt. The Equal Protection Clause itself ordinarily forbids only intentional racial discrimination. *Washington* v. *Davis*, 426 U.S. 229 (1976). Congress, however, has enacted a variety of statutes establishing a discriminatory effect rule, despite often strong opposition by the Reagan administration to the utilization of such a standard. Title VII of the 1964 Civil Rights Act, for example, prohibits most employment practices with a discriminatory effect; the application of Title VII to state and local governments has hitherto been based on the Fourteenth Amendment. *Fitzpatrick* v. *Bitzer*, 427 U.S. 445, 453-56 (1976). In 1982 Congress amended Section 2 of the Voting Rights Act to forbid the utilization of election laws and practices with a discriminatory effect, *Thornburg* v. *Gingles*, 92 L.Ed.2d 25 (1986); although this legislation found support in the Fifteenth Amendment as well as the Fourteenth, Judge Bork's constitutional objection seems equally applicable to both Amendments.

(3) Comments on the Poll-Tax.—

During his 1973 confirmation hearing, Judge Bork was questioned about his position that *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), striking down the Virginia poll tax, was wrongly decided:

Senator TUNNEY. How do you feel about the decision. Do you think that as far as the welfare of the Nation is concerned, the *Harper* case was correctly decided?

Mr. BORK. I do not really know about that, Senator. As I recall, it was a very small poll tax, it was not discriminatory and I doubt that it had much impact on the welfare of the Nation one way or the other.

Senator TUNNEY. How about the welfare of those people who had to pay it and might not have been able to afford it, for those people who perhaps would have been inhibited from registering and voting because of the poll tax?

Mr. BORK. Well, I would hope that a state would take some measure to enable those whose means do not permit them to pay a tax like that to pay it or to be relieved of it.

(1973) Confirmation Hearing, p. 17). In 1980 Judge Bork described *Harper* as having invalidated "even . . . racially non-discriminatory poll taxes."[3]

Judge Bork's benign characterization of the poll tax is difficult to reconcile with the facts that were common knowledge long before 1973. In its 1966 decision in *Harper* itself, the Supreme Court expressly found that the "Virginia poll tax was born of a desire to disenfranchise the Negro." 383 U.S. at 666 n.6. *Harper* cited a 1965 Supreme Court decision in *Harman* v. *Forssenius*, 380 U.S. 528 (1965), which had also concluded that the Virginia poll tax was racially motivated. The sponsor of the Virginia poll tax, in a passage quoted in *Harman*, exclaimed:

"Discrimination! Why, that is precisely what we propose; that, exactly, is what this Convention was elected for—to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution, with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate."

380 U.S. at 543. At the 1902 Virginia state convention which enacted the poll tax, "the only real controversy was whether the provisions eventually adopted were sufficient to accomplish the disenfranchisement of the Negro." 380 U.S. at 543 n. 23.

The Supreme Court was not alone in recognizing that the poll tax in Virginia and across the south was adopted for the purpose of disenfranchising blacks. The Senate Judiciary Committee concluded in 1965, as it had in 1943, that the poll tax was racially motivated:

"We think a careful examination of the so-called poll tax . . . and an examination particularly of the constitutional conventions by which the amendments became a part of state laws, will convince any disinterested person that the object of the State constitutional conventions, from which emanated mainly the poll tax laws, were motivated entirely and exclusively by a desire to exclude the Negro from voting."

S. Rep. No. 162, 89th Congress, 1st Session, pt. 3, at 33 (1965). The United States Commission on Civil Rights reached the same conclusion:

"Between 1889 and 1908, the former Confederate states passed laws or amended their constitutions to erect new-barriers around the ballot box. The most popular were: (1) The poll tax . . . [T]heir sponsors made little or no attempt to disguise their chief objective, which was to disenfranchise Negroes in flat defiance of the Fifteenth Amendment."

United States Commission on Civil Rights, "With Liberty and Justice for All," p. 30 (1959).

The Senate's view of the poll tax, which existed only in southern states, was confirmed by repeated judicial findings. In the same year that the Supreme Court recognized in *Harper* the racial purpose of the Virginia poll tax, similar findings were made by lower federal courts regarding the poll taxes in Texas and Alabama. In *United States* v. *Texas*, 252 F. Supp. 234 (W.D. Tex. 1966), a three judge federal court held that "[a] primary purpose of the . . . Texas . . . poll tax . . . was the desire to disenfranchise the Negro." 252 F. Supp. at 245. The court noted a report of the Texas legislature that the poll tax was popular because of "a desire to disenfranchise the Negro," and quoted contemporaneous accounts of the racial purpose underlying the original adoption of the Texas poll tax. 252 F. Supp. at 242-43 n. 44. In *United States* v. *Alabama*, 252 F. Supp. 95 (M.D. Ala. 1966) another three-judge court found:

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[1] R. Bork, "Constitutionality of the President's Busing Proposals" (American Enterprise Institute 1984).

[2] H.R. 13915, 92d Cong., 2d Sess. (1972), stated in pertinent part as follows: "Section 201. No state shall deny equal educational opportunity to an individual on account of his race, color, or national origin, by—

* * * * *

(c) The assignment by an educational agency of a student to a school other than the one closest to his place of residence within the school district in which he resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

* * * * *

(f) The failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs."

[3] R. Bork, "Justice Douglas; His Politics Were His Law," Wall Street Journal, November 21, 1980.

"[F]rom its inception the Alabama poll tax was illegal and invalid as an attempt to subvert the Fifteenth Amendment to the United States constitution. The necessary effect of the poll tax as adopted in 1901 was to disenfranchise Negro voters. The history of the poll tax leaves no doubt that this was its sole purpose."

252 F. Supp. at 95. The words of the framers of the Alabama poll tax were as avowedly racial as those at the Virginia convention:

"[I]t is our purpose, it is our intention, and here is our registered vow to disenfranchise every Negro in the state." [4]

In Louisiana the President of the state convention commented regarding the new constitution embodying that state's poll tax:

"[D]oesn't it stop the Negro from voting, and isn't that what we came here for?" (applause) [5]

At the South Carolina convention that enacted that state's poll tax, one delegate decried black voting and insisted that the convention's purpose was "to put such safeguards around the ballot in the future to so restrict the suffrage and circumscribe it, that this infamy can never come about again." [6] The Mississippi Supreme Court expressly acknowledged that the state's poll tax was adopted to "obstruct the exercise of the franchise by the Negro race." *Ratliff* v. *Beale*, 74 Miss. 247, 266-67 (1896).

The United States Congress repeatedly recognized the serious harm and injustice caused by the poll tax. Between 1959 and 1962 the House of Representatives passed anti-poll tax bills on five occasions, and the Senate twice proposed constitutional amendments. *Harmon* v. *Forssenius*, 380 U.S. at 538-39. In 1962 the Congress adopted a constitutional amendment prohibiting the use of a poll tax in federal elections; the proposal was promptly ratified by the states and became the Twenty-Fourth Amendment. The poll tax remained in effect, however, for state elections. In 1965 Congress made a formal finding that continued "requirement of the payment of a poll tax as a precondition to voting . . . precludes persons of limited means for voting." 42 U.S.C. § 1973(h). In *United States* v. *Alabama* the court concluded that, because of its continued applicability to state and local elections, "the poll tax remains one of the last great pillars of racial discrimination. In effect, the tax still bars a large number of Negroes from the polls." 252 F. Supp. at 100.

Contemporaneous accounts of the impact in Virginia of the Twenty-Fourth Amendment, and of the on-going effect of the poll tax on non-federal elections, made clear the subsequent significance of *Harper* in that state and elsewhere. The New York Times reported in 1964 that the ratification of the Twenty-Fourth Amendment brought about a surge in black registration for federal elections, but that few of the new registrants paid the poll tax still required to vote in state elections:

"Norfolk, VA September 19th. Virginia's Negroes, freed from paying a poll tax in Federal elections by a constitutional amendment, are registering in record numbers in several Virginia communities . . . .

"In the Tidewater region around Norfolk and in Richmond, Negroes have been quick to seize advantage of the poll tax demise . . . . [I]n Richmond . . . . Negro registrations totalled 1,279, and white registrations 519 . . . . In Norfolk, 5,325 people, at least half of them Negroes, registered . . . . the city's population is 26 percent Negro . . . . Negro registration in Portsmouth from July 16 through September 16 totalled 2,027, roughly one-third as many as the 6,235 Negroes previously registered in that city . . . . In 1960, from July 16 to September 16, only 224 Negroes registered in Portsmouth . . . .

"The quickened Negro interest in national politics bears little immediate chance of Negro influence in state elections. Registrars in Portsmouth and Norfolk estimate that *10 percent or less of the new Negro voters are also paying the $1.50-a-year poll tax still demanded as a state and local voting requirement.*"

New York Times, September 20, 1964, p. 66 col. 3. (Emphasis added.)

The next spring the Times reported in a front page story that an end to the poll tax still applicable to state and local elections would have a major effect on state politics:

"Byrd's Power in Virginia Periled by Proposed Ban on Poll Tax

"Richmond, May 28th. It is generally acknowledged here that repealing the poll tax for state and local elections would probably speed the demise, or transformation, of the Byrd political organization in Virginia. . . . The removal of all taxes on voting, it is believed, would accelerate the change from a small, controlled electorate to a much broader one in which the urban centers held power that had been centered in the county courthouses. . . .

"In last year's Presidential election, after ratification of the Twenty-Fourth Amendment, more than one million Virginians voted, an increase of 270,000 from the 1960 election . . . Ralph Eisenberg, writing in last month's edition of The University of Virginia Newsletter, said an analyses of the election showed that 'removal of the poll tax as a requirement for voting in Federal elections was the principal factor responsible for the impressive turnout.'

"One observer here said a similar effect could be expected in state and local elections if the poll tax were entirely removed. 'It could blast some of the old-line conservatives out of their seats in the General Assembly and shake up the Governor's office quite a bit. . . .

"[I]n Virginia . . . Texas . . . Mississippi and Alabama . . . there is evidence that the tax keeps down political participation by the poor, Negroes included. . . .

"[W]hen the tax was repealed in Louisiana, Florida, Tennessee, Georgia and Arkansas the voter turnout increased 5 to 10 percent . . . a number greater than the margin of victory in many election contests. . . .

"The Virginia poll tax was adopted by constitutional convention in 1902. In the next Presidential election, participation fell drastically, from 264,000 in 1900 to 130,000 in 1904."

New York Times, May 31, 1965, p.1, col. 1.

(4) Opposition To Title II of the 1964 Civil Rights Act—

In 1963, Judge Bork wrote an article opposing adoption of Title II of the 1964 Civil Rights Act, which prohibits racial discrimination in public accommodations. R. Bork, "Civil Rights—A Challenge," *The New Republic*, August 31, 1963, pp. 21-24.[7] Judge Bork offered three distinct reasons for rejecting the proposed legislation.

First, Bork argued that Title II would be difficult or impossible to enforce

"[I]t is . . . appropriate to question the practicality of enforcing a law which runs contrary to the customs, indeed the moral beliefs, of a large portion of the country. Of what value is a law which compels service to Negroes without closes surveillance to make sure the service is on the same terms given to whites? It is not difficult to imagine ways in which barbers, landlords, lunch counter operators, and the like can nominally comply with the law but effectively discourage Negro patrons. Must federal law enforcement agencies become in effect public utility commissions charged with the supervision of the nation's business establishments or will the law become an unenforceable symbol of hypocritical righteousness?" (Id. at 23).

Second, Bork contended that Title II was objectionable because the rationale of the bill would, if accepted, lead to other anti-discrimination measures:

"If it is permissible to tell a barber or a rooming house owner that he must deal with all who come to him regardless of race or religion, then it is impossible to see why a doctor, lawyer, accountant, or any other professional or business man should have the right to discriminate. Indeed, it would be unfair discrimination to leave anybody engaged in any commercial activity with that right. Nor does it seem fair or rational, given the basic premise, to confine the principle to equal treatment of Negroes as customers. Why should the law not require not merely fair hiring of Negroes in subordinate positions but the choice of partners or associates in a variety of business and professional endeavors without regard to race or creed . . . It is difficult to see an end to the principle of enforcing fair treatment by private individuals." (Id. at 22).

The 1964 Civil Rights Act had many of the consequences which Judge Bork feared: Title VII was construed to apply to discrimination in the selection of partners, *Hishon* v. *King and Spalding*, 467 U.S. 69 (1984), Title VIII forbade many forms of discrimination in real estate transactions, and Congress enacted a variety of measures dealing with discrimination in the selection of subcontractors. See *Fullilove* v. *Klutznick*, 448 U.S. 448 (1980).

Third, Bork attacked Title II because he believed that it infringed on the freedom of whites to discriminate:

"Few proponents of legislation such as the Interstate Public Accommodations Act seem willing to discuss the cost in freedom which must accompany it . . . There seems to be a strong disposition on the part of the proponents of the legislation simply to ignore the fact that it means a loss in a vital area of personal liberty. That it does so is apparent. The legislature would inform a substantial body of the citizenry that in order to continue to carry on the trades in which they are established they must deal with and serve persons with whom they do not wish to associate . . . Of the ugliness of racial discrimination there need be no argument . . . But . . . [t]he principle of such legislation is that if I find your behavior ugly by my standards, moral or aesthetic, and if you prove stubborn about adopting my view of the situation, I am justified in having the state coerce you into more righteous paths. That is itself a principle of unsurpassed ugliness."

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[4] See *United States* v. *Alabama* 252 F. Sup. at 98.

[5] See *United States* v. *Texas*, 252 F. Supp. at 243 n. 52.

[6] Id. at 243 n. 51.

[7] The article was reprinted in the Yale Law Report (Winter, 1963). Judge Bork also wrote a letter defending the article. "Civil Rights—A Rejoinder," *The New Republic*, Sept. 21, 1963, p. 36.

(Id. at 22). Judge Bork perceived no basis in the Constitution or history of the United States for treating the freedom of whites to discriminate as any less legitimate than the interest of blacks in equal treatment and opportunity.

Judge Bork also denounced in harsh terms civil rights leaders who were sitting in at whites-only lunch counters asking to be served.

"[I]t is possible to be somewhat less than enthusiastic about the part played by "moral leaders" in participating in demonstrations against private persons who discriminate in choice of their patrons. It feeds the danger of the violence which they are the first to deplore. That might nevertheless be tolerable if they were demonstrating against a law that coerced discimination. They are actually part of a mob coercing and disturbing other private individuals in the exercise of their freedom. Their moral position is about the same as Carrie Nation's when she and her followers invaded saloons." (Id. at 23)

Carrie Nation and her followers, it will be recalled, ordinarily entered saloons wielding hatchets and axes, and wrecked the interior of the saloons and their contents. There was, so far as we have been able to ascertain, no incidents in which sit-in demonstrations engaged in either violence or the destruction of private property. The invariable practice of these demonstrations was simply to sit in a whites-only section of a restaurant and politely ask to be served. See, e.g., *Gardner-Louisiana,* 368 U.S. 157, 160 (1961). (Demonstrators sat in whites-only section "and remained quietly in their seats. . . . The arresting officer testified that the petitioners did and said nothing except that one of them stated that she would like a glass of iced tea . . ."); *Bouie* v. *Columbia,* 378 U.S. 347, 348 (1964) (two demonstrators, after entering a whites-only restaurant, "contined to sit quietly in the booth" after being asked to leave). Although violence occurred during this period of the civil rights movement, it was invariably the work of white individuals, mobs or policemen attacking peaceful black and white civil rights demonstrators. The incident most analogous to the practices of Carrie Nation occurred in Atlanta, when a white restaurant owner named Lester Mattox armed himself with a pick handle and chased blacks from his restaurant. As a result of that attack Mr. Maddox became a celebrity, among Southern whites and went on to be elected Governor of Georgia.

In a 1964 article in the Chicago Tribune, Bork reiterated his objection that Title II would interfere with the rights of whites who preferred not to associate with blacks:

"The accommodations law . . . would inform all owners of specified businesses that in order to continue in their established trades they must deal with and serve persons with whom they do not wish to associate. It would similarly, inform all customers of such businesses that they must sacrifice what seems to some of them an important aspect of their personal liberty in order to enjoy the services and goods of any such commercial establishment."

R. Bork, "Against the Bill," Chicago Tribune, March 1, 1964, p. 1 col. 1. Title II, he feared, would lead to other restrictions on freedom of association:

"[T]his law would set a particularly dangerous precedent because of the logical and political impossibility of confining its principle of coercing private associations to the particular areas it covers. If the owners and patrons of the commercial establishments reached by bill [roughly: restaurants, hotels and motels, gas stations, and theatres] are to be denied freedom of association in the name of a larger morality, how can that freedom be left to any seller of goods or services? There is, in fact, no reason to confine the principle of enforced association to commercial relationships."

Judge Bork challenged the constitutional authority of Congress to adopt the Public Accommodations Act:

"Many constitutional problems are raised by the civil rights bill but among the most serious are those raised by the public accommodations section. The House bill rests that section both upon Congress' constitutional power to regulate interstate commerce and upon the 14th amendment. The law would reach about as far as possible under the interstate commerce power. It provides, for instance, that no lunch counter owner can discriminate if a 'substantial portion' of the food he serves has moved in interstate commerce. The results are plain for the concept of federalism, the historic idea that there are important powers wholly reserved to the states and beyond the reach of the national government. If Congress can dictate the selection of customers in a remote Georgia diner because the canned soup once crossed a state line, federalism—so far as it limits national power to control behavior through purported economic regulation—is dead." (Id.)

Judge Bork who also argued that Title II, like Title VII, would prove unenforceable.

In 1973, at the Senate hearing regarding his nomination to serve as Solicitor General, Judge Bork, in response to a question from the committee, stated that he supported Title II. The full text of his statements is as follows:

"I should say that I no longer agree with that article and I have some other articles that I no longer agree with. That happens to be one of them. The reason I do not agree with that article, it seems to me I was on the wrong track altogether. It was my first attempt to write in that field. It seems to me the statute has worked very well and I do not see any problem with the statute, and were that to be proposed today I would support it." (1973 Confirmation Hearing, pp. 14-15)

(5) Opposition to Title VII of the 1964 Civil Rights Act.—

In his 1964 Chicago Tribune article Judge Bork also argued rejection of Title VII of the 1964 Civil Rights Act. He urged that Title VII, like Title II, would properly force whites to associate with blacks:

"[T]here are serious and substantial difficulties connected with the public accommodations and employment provisions. Such laws would:

"1. Adopt a principle of enforcing associations between private individuals which would, if uniformly applied, destroy personal freedom over broad areas of life.

* * * * *

"It is not enough to be assured that some people use their freedom badly and that others are thereby affronted or even made to suffer. The same could be said of many other freedoms that we continue to retain.

"Moreover, the intrusion upon freedom represented by a public accommodations and employment practices law would be of an extraordinary nature—for it is extraordinary that government should regulate the associations of private persons."

R. Bork, "Against the Bill", Chicago Tribune, March 1, 1964, p.1. col. 1. The enactment of Title VII, Judge Bork argued, would set a dangerous precedent:

"Recent headlines make it completely clear that the demand for government enforced association does not stop at the boundaries of the commercial world but is being pressed aggressively in other areas of life. The accommodations and employment provisions of the civil rights bill cannot be viewed in isolation but must be assessed as only a modest first step in a broad program of coerced social change.

"If, therefore, the principle of enforced association which underlies this bill were uniformly applied [and, of course, if it is a good principle, it ought to be uniformly applied], we would have a greatly different society from the one we now enjoy. The new one might possibly be more just and moral, but it would quite certainly be far less free." (Id.)

The social costs of enforcing Title VII, he insisted, would be intolerable:

"The difficulty of enforcing the public accommodations and fair employment sections of the proposed law would result from three factors: (1) The sheer number of establishments covered; (2) the difficulty of judging whether the standards imposed by the law had been evaded, and (3) the fact that the law would run directly contrary to the customs and moral beliefs of a majority of the population in a large part of the country . . .

"It must be enforced not only when a Negro is refused employment but when he is discriminated against in more subtle ways on the job.

"Enforcement is made even more impossible because the law attempts to deal with discriminations by reason of religion and national origin as well as race and color. The fair employment section even outlaws discrimination by reason of sex. [The House bill does avoid any appearance of stuffy fairness for absolutely everybody by thoughtfully providing that while you may not refuse to hire a man because of his religion, you may do so if he is an atheist.]

"This attempt to enforce fair treatment for almost every conceivably disadvantaged group would completely overload the enforcement machinery." (Id.)

It would be better, he urged, not to try to prohibit employment discrimination, because if whites succeeded in violating the law it would undermine black confidence in peaceful change:

"Many persons . . . favor the law as a moral symbol and as a weapon for use along with other tactics. The difficulty with this somewhat sophisticated viewpoint is that most supporters as well as opponents of this legislation think they are struggling over a law that is meant to be enforced.

"If it is not, the result on both sides may be disrespect for law and loss of faith in peaceful solutions to this problem. It could be that the most dangerous alternative before us is to enact a law that cannot be enforced." (Id.).

Enacting legal protections for racial and religious minorities, Bork insisted, would necessarily increase rather than reduce hostility among different racial and religious groups:

"The effect of public accommodations and employment practices legislation upon racial and religious tensions may be quite the opposite of what its advocates intend.

"Not only will the law pit persons of different races and religions against each other in litigation [not a notably soothing process], but it will proclaim that law, and hence politics, may properly be explicitly racial and religious.

"Political strugle will increasingly take place between groups bearing racial and religious identifications. Alliances will be sought and enmities formed on such lines.

"The process has begun already, and its implications for the future of our society are nothing short of appalling. The only hope of avoiding it is to deny that law may ever properly confer rights or impose duties upon private individuals on the ground that they are, or are dealing with, whites or Negroes, Protestants, Catholics, or Jews." (Id.)

In a 1971 article Judge Bork again expressed reservations about the feasibility and social costs of enforcing Title VII of the 1964 Civil Rights Act:

"Certain forms of discrimination present the problem of criteria that are real but cannot easily be established by evidence. It is easy enough to establish whether a person has been turned away from a restaurant because of race or sex—the variables are few. But employment discrimination presents a different problem. The decision concerning who is to be hired or not hired, who is to be promoted or passed over, does not always, or perhaps even usually, turn upon objective and quantifiable data. Such decisions also rest upon elements of judgment and intuition. On a case-by-case basis, therefore, the employer's decision will usually turn out to be unreviewable. Unless he admits bias, it is almost impossible to prove that he discriminated. This, it appears, is the reason federal programs in this field, including the President's "Philadelphia Plan" for the building trades, have had to impose quotas in order to be effective . . . .

"We are beginning to see that these are areas in which a government of men rather than laws is to be preferred. Sometimes, as in the case of employment discrimination, we may be willing to pay the costs that the use of law entails, but then we should be skillful enough to frame the criteria in ways that law can handle. We must remember that law is a blunt instrument, and that we cannot use it effectively if we assign it tasks requiring a scalpel."

R. Bork, "We Suddenly Feel That Law is Vulnerable", Fortune, December, 1971, pp. 137-38. The substance of this somewhat delicately phrased comment appears to be that eradicating employment discrimination "may" be important enough to warrant the costs inherent in the use of law, but that detecting whether employment decisions were made on the basis of forbidden criteria, such as race or sex, is so different that Title VII can only be implemented in harsh, perhaps unacceptable, ways.

(6) Support of the Nixon Anti-Busing Bills.—

In 1971 the Supreme Court unanimously held that federal courts could direct the use of busing where necessary to desegregate a de jure segregated school system. *Swann* v. *Charlotte-Mackelenburg Board of Education*, 402 U.S. 1 (1971). The next year President Nixon proposed two bills intended to limit the effect of *Swann*. The first, the "Student Transportation Moratorium Bill," would have forbidden any federal court or agency to issue any busing order whatever until July 1, 1973, or until the enactment of congressional standards, whichever occurred sooner. The second measure, the so-called "Equal Educational Opportunities Act of 1972", would have forbidden busing under certain specified circumstances, regardless of whether it might be constitutionally required, and would have established fixed time limits on the period during which desegregation orders, including those involving no busing whatever, could remain in effect. Congress rejected this legislation.

Judge Bork testified that the two bills as originally introduced were constitutional; other constitutional law experts were overwhelmingly of the view that the proposals were unconstitutional. Hearings on the Equal Educational Opportunity Act of 1972, 92nd Cong., 2d sess., pp. 1312-20 (1972); R. Bork, "Constitutionality of the President's Busing Proposals" (American Enterprise Institute, 1972).

(7) Comments On Affirmative Action.—

Judge Bork has written two articles regarding affirmative action. The first, published shortly before the Supreme Court decision in *University of California Regents* v. *Bakke*, 438 U.S. 265 (1978), expressed the hope the Supreme Court would hold that the affirmative action plan at issue was forbidden by Title VI of the 1964 Civil Rights Act. Judge Bork did not contend that the original intent of the framers of the 1964 Act was to forbid affirmative action. He argued, rather, that a victory for Bakke under Title VI was desirable because it would force Congress to adopt specific legislation dealing expressly with affirmative action:

"[I]f Title VI is held to authorize private suits, a decision for Bakke on the statutory ground of the Civil Rights Act would reengage the political process in a more focused and self-conscious way in the definition of equality. That ought to happen before the Supreme Court makes the ultimate determination."

R. Bork, "Bakke Should Be Decided by the Political Process", Wall Street Journal, October 22, 1977. Bork expressed concern that it would be undesirable for the Supreme Court, if it reached the constitutional issue, either to permit all forms of affirmative action, or to adopt a sweeping prohibition:

"To enshrine government preference for particular races in constitutional law might damage the Court, transform perceptions of what American society is about and intensify explicit racial and ethnic demands for scarce resources. Declaring racial preferences illegal, however, may cut heavily into minority attendance. . . ." (*Id.*)

The Supreme Court decided *Bakke* on constitutional grounds, and concluded, as a result of the opinion of Justice Powell, that affirmative action was permissible in some but not all instances. Judge Bork expressed satisfaction that "the courageous and badly treated Bakke goes to medical school next fall", and that "the hard-core racists of reverse discrimination are defeated." R. Bork, "The Unpersuasive Bakke Decision", Wall Street Journal, July 21, 1978. Judge Bork, however, criticized Justice Powell's intermediate position:

"As politics, the solution may seem statesmanlike, but as constitutional argument, it leaves you hungry an hour later. The trouble is, it is hard to take seriously. . . . Justice Powell's . . . vision of the Constitution remains unexplained. Justified neither by the theory that the [Fourteenth] amendment is pro-black nor that it is color blind, it must be seen as an uneasy compromise resting upon no constitutional footing of its own." (*Id.*)

This argument was not inconsistent with Judge Bork's earlier suggestion that the case be resolved under Title VI. In both articles Judge Bork made clear that in his view the Supreme Court, in deciding whether or not to address the major constitutional issue involved, should take whichever approach would stimulate consideration in the political process of the policy issues at stake. Several years later Judge Bork, as a member of the Court of Appeals, urged that court base its approach to a controversial case on the same premise. *Planned Parenthood Federation* v. *Heckler*, 712 F.2d 650, 665, 668 (D.C. Cir. 1983).

In his post-*Bakke* article Judge Bork also expresses some of his own views on the constitutional issues raised by affirmative action. Judge Bork denounced position taken by Justices White, Blackmun, Brennan and Marshall that affirmative action might be permissible because of past societal discrimination. Those four Justices had argued that the effects of such societal discrimination had given Bakke an unfair advantage, and that in the absence of that past racial discrimination minority applicants would have outranked Bakke himself even without resort to an affirmative action plan. Bork responded:

"Even granting the speculative premise, we cannot know which individuals under a hypothetical national history would have beaten out Bakke. Justice Brennan appears to mean, therefore, that the particular individuals admitted in preference to Bakke on grounds of race are proxies for unknown others. Bakke is sacrificed to person A because Davis [Medical School] guesses that person B, who is unknown but of the same minority race as A, would have tested better than Bakke if B had not suffered pervasive societal discrimination. A is advanced to compensate for B's assumed deprivation, and Bakke pays the price. The argument offends both ideas of common justice and the 14th Amendment's guarantee of equal protection to persons, not classes." (Id.)

Even though Bakke might have been the white beneficiary of past racial discrimination, Judge Bork urged, Bakke had a constitutional right to keep that benefit unless it was possible to identify the specific black who, but for past discrimination, would have been admitted to medical school. This contention appears to be the precursor of the position subsequently advocated by Assistant Attorney General William Bradford Reynolds that affirmative action is unconstitutional because it is not "victim-specific."

On July 2, 1987, a New York Times story regarding Judge Bork included the following statement:

"Judge Bork has said little if anything *publicly* about current civil rights issues, in particular job preferences for women and minorities.

"Administration officials privately express confidence, however, that he would share its view that racial preferences benefiting women and minorities who cannot personally prove themselves victims of discrimination at the expense of white men are illegal." (Emphasis added). The Times story did not identify the Administration officials who had expressed that view.

(8) Judge Bork's Record As Solicitor General.—

When Judge Bork was confirmed in 1973 as Solicitor General, he indicated to the Senate Judiciary Committee that as Solicitor General he would defer to the policies of the Administration, rather than attempting to present to the Supreme Court his own views.

Judge Bork generally adhered to that approach. When the government was a party to a civil rights case that reached the Supreme Court, the Solicitor General's office advocated there the same position which the government had taken in the lower courts, both in cases in which the government's position was pro-civil rights and in cases in which it was not.

REPORT ON THE CIVIL LIBERTIES RECORD OF JUDGE ROBERT H. BORK

(Prepared by the American Civil Liberties Union)

Pursuant to ACLU policy, established by the Board of Directors of the American Civil Liberties Union, this report examines the record of Robert H. Bork, Judge on the U.S. Court of Appeals for the District of Columbia Circuit, who has been nominated for the position of Associate Justice of the United States Supreme Court. The memorandum review Judge Bork's authored opinions while on the bench[1] his unpublished speeches (many given in the past five years), as well as his academic writings, congressional testimony, popular articles, speeches, and interviews.[2] Where Judge Bork has disclaimed a position previously taken, that is noted; otherwise, it is assumed that Judge Bork still adheres to these published views.

I. INTRODUCTION

Robert Bork's extreme judicial philosophy is reflected in a series of speeches, articles, testimony and court decisions. If his philosophy prevails, it would radically reduce the role of the Supreme Court and seriously diminish the force of the Bill of Rights and the liberties it protects.

Judge Bork's view of the Constitution is that it creates a governmental structure designed, with few exceptions, to promote the majority will at the expense of individual rights.[3] This view is summarized by a quote from Chesterton, which he repeatedly cites: "What is the good of telling a community that it has every liberty except the liberty to make laws? The liberty to make law is what constitutes a free people".[4]

In Judge Bork's opinion, the Constitution must be interpreted almost exclusively in light of its majoritarian purpose. This means that the only individual rights protected against the majority are those explicitly and unmistakably mentioned in the Constitution and the Bill of Rights. As a result, Judge Bork assigns a sharply limited role to the Supreme Court. Any doubt as to the constitutionality of a statute should be resolved by permitting the legislature to have its way. The Court may strike down a statute only if there is no doubt that a provision of the Constitution is clearly violated. Moreover, legal concepts, such as standing and justiciability, should be defined to reduce substantially the number of cases that the Court may accept for review.

Judge Bork sees the primary role of the Constitution as insuring that the majority is able to impose its moral judgments on the rest of society. His conception of the Court's role is radically different from most, if not all, of the Justices who have sat on the Court in the past forty years. In fact, Judge Bork has specifically rejected a long list of landmark constitutional rulings by the Supreme Court.[5] These rulings, which he has described as "pernicious,"[6] "unprincipled,"[7] and "utterly specious,"[8] include the following:

A decision striking down a statute making it a crime for married couples to use contraceptives; [9]

A decision barring judicial enforcement of racially restrictive covenants; [10]

A decision protecting illegitimate children against arbitrary discrimination; [11]

A decision protecting the right to use obscene language for political purposes; [12]

Decisions giving First Amendment protection to speech advocating violence for political reasons as long as there is no clear and present danger; [13]

Decisions striking down state abortion laws; [14]

A decision holding unconstitutional a law requiring the sterilization of habitual criminals; [15]

Decisions striking down state poll taxes and literacy tests; [16]

Decisions upholding affirmative action plans in various circumstances; [17] and,

Decisions striking down state laws permitting prayer in the schools or permitting use of government funds for public employees to teach in parochial schools.[18]

Indeed, Judge Bork questions whether the Framers intended the Court to assume the power to review the constitutionality of statutes.[19] He is sure, however, that the power of judicial review should generally be exercised to facilitate the ability of the majority to impose its moral views on the minority.[20]

As Judge Bork interprets the Constitution, few rights are shielded from the majority's judgments. If confirmed, and if his views prevail, civil liberties in this country would be radically altered and the structure of government radically changed. The majority in each state could impose its moral values on the private lives and decisions of all citizens. Individual liberty would have a radically different meaning in each state.

II. JUDICIAL APPOINTMENTS: THE ROLE OF IDEOLOGY

Throughout most of our history, the Senate has engaged in a "practice of thoroughly informing itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him." [21] Indeed, the Framers rejected giving the Senate only a limited veto over the President's nomination, voting down a proposal that the President appoint unless "disagreed to by the Senate." [22] Both the text of the Constitution, as well as the history of the Appointments Clause, demonstrates that the Senate has and should exercise a shared role with the President in the confirmation process.

A. History of the Appointments Clause

The Appointments Clause expressly provides for consensus by the two elected branches of government in the confirmation process. Article II, section two of the Constitution states that "the President . . . shall nominate, and by and with the [a]dvice and [c]onsent of the Senate shall appoint . . . Judges of the Supreme Court. . . ."

The history of the clause clearly indicates that its language was a compromise between those who wanted appointment by the President alone and those who favored appointment by the Congress or Senate without a presidential role. The original Virginia Plan, introduced at the convention on May 29, 1787, provided that all judges would be appointed by the national legislature.[23] By June 13, the convention had decided that appointment by the whole legislature was unwieldy, and had therefore adopted Madison's proposal that the appointment power be lodged in the Senate alone.[24]

Two attempts to switch the appointment power to the President were defeated. On July 18, 1787, the convention voted down a proposal that the President appoint without congressional approval, and on July 21, the convention rejected a motion that the President appoint unless "disagreed to by the Senate." [25] Only near the end of the convention, on September 7, did the Framers agree to give the president any role in the selection of judges. The president's power to nominate, however, was carefully balanced by the requirement that the Senate advise and consent on every appointment.[26]

Eight years later, in 1795, the Senate rejected Washington's nomination of South Carolina's John Rutledge to the Supreme Court. John Rutledge had been one of George Washington's original appointments to the Court, as well as one of the principal authors of the first draft of the Constitution. He had resigned from the Court to become Chief Justice of South Carolina. The Senate rejected his second nomination in 1795 by a vote of 14 to 10 because Rutledge had attacked the recently ratified Jay Treaty and was regarded as a weak Federalist.[27] For those who find the "original intent" of the Framers persuasive, it is significant that three of the rejecting Senators had signed the Constitution.[28]

B. How The Senate Has Exercised Its Role

Over 200 years, the Senate has rejected almost 20 per cent of the president's Supreme Court nominees.[29] Beginning with John Rutledge in 1795, the Senate has considered and rejected nominees because of their views on a range of issues, including federal supremacy, civil service, slavery, immigrants, unions, business, and civil rights. Sometimes the Senate has rejected a candidate outright; other times, the Senate has declined to take action or a candidate has withdrawn.[30]

In this century, the Senate rejected President Hoover's 1930 nomination of Chief Justice John Parker of North Carolina, by a vote of 41-39, largely due to Parker's racist campaign speeches and anti-union attitudes. The senate also rejected President Nixon's nomination of Clement Haynsworth and Harold Carswell. Carswell's rejection was based in part on 1948 campaign speeches supporting white supremacy.

C. The Senate's Appropriate Role

As Professor Charles Black has written:

"The Supreme Court is a body of great power. Once on the Court, a Justice wields that power without democratic check. This is as it should be. But is it not wise, before that power is put in his hands for life, that a nominee be screened by the democracy in the fullest manner possible, rather than in the narrowest manner possible, under the Constitution?" [31]

Those who believe it improper for Senators to reject nominees for ideological reasons would seldom restrict the President in the same fashion. Yet there is nothing in the text of the Appointments Clause or in its application during the past 200 years to suggest that the Senate should be more limited or less diligent than the president in the range of factors it may or should consider. "He who *advises* gives or withholds his advice on the basis of *all* the relevant considerations bearing on [the] decision." [32]

While the President has broad discretion in most Executive appointments,[33] the Senate's role in appointing Justices to the Supreme Court may more aptly be compared to its co-equal partnership in making treaties, or to the President's role in vetoing legislation. In each case, the structure and text of the Constitution make plain that the gov-

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Footnotes at end of report.

ernmental function is so important as to demand the concurrence of two branches.

Thus, constitutionally, the Senate has a shared role in the appointments process that obliges it to consider a broad range of factors, including a nominee's judicial philosophy.

III. CIVIL LIBERTIES RECORD

Judge Bork has been on the bench since 1982. During that time, he has written opinions involving key civil liberties issues: free speech, government secrecy, sexual discrimination, gay rights. He has not written opinions in many other areas such as church-state relations, race discrimination and its remedies, voting rights or reproductive freedom. However, his extra-judicial writings and speeches, including a series of unpublished speeches delivered mostly in the past five years, provide a clear expression of his views on these and other subjects.

A. Equal Protection and Voting Rights

Judge Bork's narrow view of the Equal Protection Clause is that it prohibits limited forms of discrimination against racial, ethnic or religious minorities, and very little else.[34] According to Judge Bork, "[t]he equal protection clause . . . can require formal procedural equality, and, because of its historical origins, it does require that government not discriminate along racial lines. But much more than that cannot properly be read into the clause." [35]

He does not believe that the Fourteenth Amendment bars judicial enforcement of racially restrictive covenants.[36] He does not believe that it limits state constitutions from precluding fair housing enforcement.[37] He does not believe that it was intended to provide heightened protection for illegitimate children.[38] He does not believe it entitles Congress to remedy *de facto* discrimination, even against racial minorities.[39]

The Supreme Court's longstanding view of the Fourteenth Amendment is far more expansive. Thus, the Court has repeatedly struck down discriminatory laws supported by nothing more than "a bare . . . desire to harm a politically unpopular group. . . ." [40] It has recognized the propriety of carefully crafted affirmative action plans.[41] And it has rejected the contention that the Equal Protection Clause can or should be limited to race.[42] These Supreme Court holdings are not, as Judge Bork would have it, far-out interpretations of the Court without basis in law. They are the result of the Court's attempt over decades to fulfill its role as the interpreter of broadly stated constitutional provisions. Judge Bork would eviscerate that role, and leave individual liberty primarily in the hands of majorities in state and local legislatures.

Moreover, Judge Bork sees little risk in reducing the Court's role in promoting equality:

"The premise that the poor or the black are underrepresented politically is quite dubious. In the past two decades we have witnessed an explosion of welfare legislation, massive income redistributions, and civil rights laws of all kinds. The poor and the minorities have had access to the political process and have done well through it." [43]

Judge Bork also minimizes the role of Congress in promoting equality, preferring instead to defer to local majorities, which historically have been the major source of racially discriminatory laws and customs. Thus, in 1972, Judge Bork testified that federal legislation dealing with remedies for *de facto* segregation, "would raise . . . grave issues of constitutional policy. . . ." [44] He stated:

"Th[e] difficulty with any interpretation that applies the strictures of the Fourteenth Amendment to *de facto* cases has led to attempts to say that Congress' power under the amendment is broader than that of the courts. Thus, it is suggested, the Court may not reach *de facto* situations but the Congress may. That solution leaves the legislative power where it belongs, in the Congress. . . . The solution seems improper, however, for it leaves the legislative power where it belongs only as between Congress and the Court, and shifts it impermissibly to Congress from the state legislatures. There is no warrant in the language or history of Section 5 to suppose that it is a national police power superior to that of the states. The power to "enforce" the Fourteenth Amendment is the power to provide and regulate remedies, not the power to define the scope of the amendment's command or to expand its reach indefinitely." [45]

This view, which Judge Bork has not repudiated in any material, available publicly, would resurrect the discredited doctrine of states' rights with respect to racial discrimination.

Judge Bork even criticizes a series of Supreme Court decisions upholding the power of Congress to remedy *de jure* discrimination. For example, Judge Bork rejects Supreme Court doctrine that relies on the Fourteenth Amendment to ensure equality of the franchise, criticizing the one-person, one-vote cases as lacking any "constitutional . . . excuse.[46] According to Judge Bork:

"The principle . . . runs counter to the text of the Fourteenth Amendment, the history surrounding its adoption and ratification and the political practice of Americans from colonial times up to the day the Court invented the new formula [of one-person, one-vote]." [47]

Based on his extremely restrictive view of the scope of the Fourteenth Amendment and the role of the Supreme Court in enforcing it, Judge Bork also disagrees with the Supreme Court's decision in *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966), invalidating Virginia's use of a poll tax in state elections.[48] He disagrees with the Supreme Court's decision in *Katzenbach v. Morgan*, 384 U.S. 641 (1966), upholding a congressional ban on English literacy tests for voters who had completed the sixth grade in a Puerto Rican school.[49] In short, Judge Bork repudiates key Supreme Court precedent in the voting rights area under the Fourteenth Amendment.

Consistent with his narrow views on the Fourteenth Amendment, Judge Bork has also been a critic of the Supreme Court's affirmative action decisions, describing the *Bakke* opinion [50] (in which Justice Powell cast the critical fifth vote) in the following terms: "As politics, the solution may seem statesmanlike, but as constitutional argument, it leaves you hungry an hour later." [51]

Judge Bork has even suggested that employment and education issues are too subjective for judicial review.

"Certain forms of discrimination present the problem of criteria that are real but cannot easily be established by evidence. It is easy enough to establish whether a person has been turned away from a restaurant because of race or sex—the variables are few. But employment discrimination presents a different problem. The decision concerning who is to be hired or not hired, who is to be promoted or passed over, does not always, or perhaps even usually, turn upon objective and quantifiable data. Such decisions also rest upon elements of judgment and intuition. On a case-by-case basis, therefore, the employer's decision will usually turn out to be unreviewable. Unless he admits bias, it is almost impossible to prove that he discriminated. * * *

"We are beginning to see that there are areas in which a government of men rather than of laws is to be preferred." [52]

B. Sex Discrimination

Judge Bork has an even more restrictive view of the Fourteenth Amendment and the role of the Supreme Court with respect of sex discrimination.

This flows directly from Judge Bork's radical judicial philosophy. In 1984, Judge Bork wrote: "The Constitution has provisions that create specific rights. These protect, among others, racial, ethnic, and religious minorities." [53] Women are conspicuously absent from this list. Judge Bork's view is that because women are not explicitly mentioned in the Fourteenth Amendment, the amendment offers them no distinct constitutional protection. While Judge Bork would not protect racial minorities from most state and local discrimination, he would not protect women under the Constitution from *any* discrimination, federal, state or local.

Judge Bork has also opposed passage of the Equal Rights Amendment, stating that "the role that men and women should play in society is a highly complex business, and it changes as our culture changes." [54] This leads Judge Bork to conclude that judges should not be asked to decide "all of those enormously sensitive, highly political, highly cultural issues" that are inherent in determining the meaning of equality.[55]

Even where Congress has legislated in favor of sexual equality, Judge Bork has declined to enforce statutory guarantees by adopting narrow rules of construction. Thus, in *Vinson v. Taylor*,[56] Judge Bork argued that Title VII of the 1964 Civil Rights Act does not protect women against on-the-job sexual harassment. His view was unanimously rejected by the Supreme Court in an opinion written by Chief Justice Rehnquist. "*[Without question*," the Court held, "when a supervisor sexually harasses a subordinate because of the subordinate's sex, that supervisor 'discriminate[s]' on the basis of sex." [57]

Judge Bork adopted a similarly narrow construction of the Occupational Safety and Health Act of 1970, which requires an employer to provide "each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm. . . ." [58] Despite the statute's broad remedial goals, Judge Bork rejected a challenge to a company policy demanding that women of childbearing age be surgically sterilized as a condition of employment in certain plant departments.[59] Judge Bork held that relief could be granted only if "the words of the statute *inescapably*" require it.[60]

C. Church/State

Judge Bork has never been called upon to rule on the religion clauses of the First Amendment. But he has, in a series of recent unpublished speeches,[61] offered an interpretation of the religion clauses that is contrary to traditional legal thought and the weight of historical evidence.[62]

In Judge Bork's view:

"The religious clauses state simply that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.' The establishment clause might have been read merely to preclude the recognition of an official church, or to prevent discriminatory aid to one or a few religions. The free exercise clause might have been read simply to prohibit laws that directly and intentionally penalize religious observance. Instead both have been interpreted to give them far greater breadth and severity."[63]

Far from regarding government support of religion as a violation of the Establishment Clause and a threat to religious freedom, Judge Bork sees danger in maintaining a wall of separation between church and state, a wall which he believes has led to a dangerous "privatization of morality."[64]

"There may be in man an ineradicable longing for the transcendent. If religion is officially removed from public celebration, other transcendent principles, some of them very ugly indeed, may replace them."[65]

Whatever "political divisiveness" may be caused by the presence of religious "symbolism" in public celebrations, Judge Bork believes the "thoroughgoing exclusion of religion is . . . an affront and . . . the cause of great divisiveness."[66] Thus, Judge Bork criticizes well-settled Supreme Court establishment doctrine, calling it "rigidly secularist."[67]

Judge Bork's articulated philosophy suggests that he would not permit the Supreme Court to overrule local laws that have an overtly religious purpose.[68] According to Judge Bork, "[t]he first amendment was not intended to prohibit the *nondiscriminatory* advancement of religion, so long as religious belief was not made a requirement in any way."[69] On those grounds, he has criticized the Supreme Court's decision in *Aguilar v. Felton,* 473 U.S. 402 (1985), striking down the use of public funds to pay teachers in religious schools.[70]

More broadly, Judge Bork supports government action that generally advances religion.[71] He therefore welcomes, "the reintroduction of some religion into the public schools and some greater religious symbols in our public life."[72] He dismisses the threat of entanglement by noting that "government is inevitably entangled with religion."[73]

Judge Bork would even limit the federal court's power to hear First Amendment claims that implicate religion. Well-settled doctrine allows an individual to sue to stop the expenditure of government funds for religious purposes. Judge Bork contends this doctrine is wrong and "bring[s] into court cases in which nobody could show a concrete harm."[74]

If adopted, Judge Bork's position on the establishment clause could return prayer to the schools, allow nondiscriminatory state aid to religious institutions, and use the powerful arm of the state to coerce personal morality in vast and varied ways.

Judge Bork likewise criticizes the "breadth and severity"[75] of the Free Exercise Clause, as interpreted by the Supreme Court. Twenty years ago, the Court stated: "[I]t is too late in the day to doubt that the libert[y] of religion may be infringed by the denial of or placing of conditions upon a benefit or privilege."[76] Justice O'Connor confirmed that test last Term:

"Only an especially important governmental interest pursued by narrowly tailored means can justify enacting a sacrifice of First Amendment freedoms as the price for an equal share of the rights, benefits, and privileges enjoyed by other citizens."[77]

The Court has thus struck down laws that condition government benefits on an individual's relinquishment of the right to free exercise.[78]

Judge Bork apparently rejects this doctrine. He has criticized the Supreme Court for having "require[d] government to make special allowances for activity motivated by religious belief of such scope that, if government had done the same thing, without a court order, it would have violated the Establishment Clause."[79] In short, he does not believe that the Free Exercise Clause bars indirect abridgments of religious freedom, no matter how severe.

D. Freedom of Speech and Press

Judge Bork believes that the First Amendment protects only speech that relates to the political process mandated by the Constitution, *e.g.,* voting and legislative action. He bases this view on the structure of government established by the Constitution—"a form of government that would be meaningless without freedom to discuss government and its policies."[80]

At one point he wrote that the First Amendment protects only speech that is "explicitly political. There is no basis for judicial intervention to protect any other form of expression, be it scientific, literary or . . . pornographic."[81] More recently, he stated that the First Amendment protects speech that "is essential to running a republican form of government," including "speech about moral issues, speech about moral values, religion and so forth, all those things [that] feed into the way we govern ourselves."[82]

In situations where Judge Bork seeks the First Amendment as applying, he is generally protective of speech.[83] Judge Bork has argued that political dialogue should be absolutely immune from libel claims. Going beyond current Supreme Court doctrine, Judge Bork's concurrence in *Ollman v. Evans*[84] urged absolute immunity for a newspaper report that a Marxist professor "had no status within the profession."[85] According to Judge Bork, the professor was "not simply a scholar," but rather "an active proponent . . . of Marxist politics,"[86] and therefore had "to accept the banging and jostling of political debate, in ways that a private person need not . . ."[87] He wrote:

"Those who step into areas of public dispute, who choose the pleasures and distractions of controversy, must be willing to bear criticism, disparagement, and even wounding assessments. Perhaps it would be better if disputation were conducted in measured phrases and calibrated assessments, and with strict avoidance of the ad hominem; better, that is if the opinion and editorial pages of the public press were modeled on the Federalist Papers. But that is not the world in which we live, ever have lived, or are ever likely to know, and the law of the First Amendment must not try to make public dispute safe and comfortable for all the participants."[88]

Judge Bork has similarly criticized those restrictions on campaign finance that were upheld by the Supreme Court in *Buckley v. Valeo*[89] on the ground that they permit the "government [to] regulate ordinary political speech and thus influence the outcomes of democratic processes."[90] And he ruled that a photomontage depicting President Reagan could not be banned from the District of Columbia subways, emphasizing that the poster "conveys a political message" and that the subway had transformed itself into a public forum.[91]

Judge Bork's view that political debate should be unregulated by the government also leads him to reject the fairness doctrine.[92] Contending that "fairness" can better be assured through competition than regulation, he has urged the Supreme Court to "revisit this area of the law and either eliminate the distinction between print and broadcast media . . . or announce a constitutional distinction that is more usable than the present one."[93]

On the other hand, Judge Bork refused to protect the speech of political demonstrators who sought to picket outside foreign embassies in Washington, D.C. He contended that criticism of foreign governments whose embassies we host would produce "ill treatment of ambassadors to the United States . . . [and] adversely affect the interest of the United States."[94]

In addition, Judge Bork excludes from his definition of protected political speech any advocacy of violence or civil disobedience designed to achieve a change in the government. Judge Bork would forbid such advocacy even where it represents no "clear and present danger."[95] He would, therefore, give no constitutional protection to the work of writers advocating civil disobedience, such as Thoreau, Gandhi or Martin Luther King, Jr. "Speech advocating . . . the frustration of . . . government through law violation has no value in a system whose basic premise is democratic rule," Judge Bork has asserted.[96]

He thus disagrees with many of the leading free speech cases of the last half-century in which the Supreme Court has held that speech advocating the overthrow of government is constitutionally protected unless it is intended and likely to produce imminent, lawless action.[97] According to Judge Bork:

"The tradition of support for civil disobedience and even violence is deeply disturbing, particularly disturbing because it is so firmly established in the institutions that mold opinions."[98]

The Supreme Court, by contrast, has firmly adopted the view articulated by Justice Brandeis in his famous concurrence in *Whitney* v. *California,*

"Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty. To courageous, self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present, unless the incidence of the civil apprehended is so imminent that it may befall before there is opportunity for full discussion."[99]

Judge Bork would permit any local community to bar speech it found offensive. At the time of the Skokie case, for example, he said that "the fundamental issue raised by Skokie . . . is whether a creed of that sort ought to be allowed to find voice anywhere in America."[100] He found it "remarkable" that "the legal order" would assume "that Nazi ideology is constitutionally indistinguishable from republican belief."[101]

Furthermore, Judge Bork's view of the First Amendment as limited to "political" speech places the entire realm of artistic expression outside the protection of the First Amendment or, at best, "towards the outer edge."[102] "It is sometimes said," Judge Bork has asserted, "that works of art . . . are capable of influencing political attitudes. But . . . [they] are not on that account immune from regulation."[103] This radically restrictive view of the First Amendment, coupled with Judge Bork's deference to legislated morality, raises the possibility that books like *Ulysses*, or indeed the variety of books that have more recently been the subject of attempted censorship by local school boards, could once again be banned if deemed offensive to the public at large.

Although Judge Bork has an expansive view of the Supreme Court's role in protecting certain forms of expression under the First Amendment, Judge Bork is in fact far outside the broad range of traditional First Amendment jurisprudence. He would narrow the Supreme Court's protection of free expression primarily to political speech. Even within this category, he excludes speech that advocates civil disobedience or "offensive" political ideologies.

Thus, Judge Bork's approach to the First Admendment would diminish the Supreme Court's role in protecting freedom of expression from governmental trespass and once again allow local majorities to determine what is acceptable.

E. Privacy

Judge Bork does not find a right to privacy in the Constitution. It is a right he says, that "strikes without warning" and lacks "intellectual structure." [104]

"[T]he so-called right to privacy cases, which deal mainly with sexual morality and which generally conclude that sexual morality may be regulated only in extreme cases [,] . . . share the common theme that morality is not usually the business of government but is instead primarily the concern of the individual." [105]

Accordingly, Judge Bork rejects Supreme Court doctrine that has recognized, over the last half-century, a constitutional right to privacy in a wide variety of contexts,[106] including: the purchase and use of contraceptives by married people,[107] single individuals,[108] and minors;[109] the decision of a woman, in consultation with her physician, to determine whether to have an abortion;[110] a parent's right to defend his or her relationship with a child, whether the parent is mother or father, married or unmarried,[111] and, the individual's right to possess obscene material in the privacy of the home.[112]

As to *Roe v. Wade*, which upholds a woman's right to control reproduction, Judge Bork has testified: "I am convinced, as I think most legal scholars are, that *Roe v. Wade* is, itself, an unconstitutional decision, a serious and wholly unjustifiable judicial usurpation of State legislative authority." [113]

As a Court of Appeals judge, Judge Bork has refused to enforce claims of privacy that he is empowered to adjudicate, contending that a lower court should not enforce a right unless the Constitution, by its express terms, or a Supreme Court decision squarely on point, prevents the government from taking a challenged action.[114]

Judge Bork's comments about privacy reveal a great deal about his judicial philosophy. Judge Bork grants the community broad power over the individual. The Supreme Court, by contrast, has repeatedly recognized what Justice Brandeis described as "the right to be let alone—the most comprehensive of rights and the right most valued by civilized men." [115] Within that zone of privacy, the individual is protected against unwarranted community intrusion.[116]

Judge Bork denies the right to privacy because it is not explicitly mentioned in the Constitution. However, as Judge Bork has acknowledged in the libel context, "[a] judge who refuses to see new threats to an established constitutional value, and hence provides a crabbed interpretation that robs a provision of its full, fair and reasonable meaning, fails in his judicial duty." [117]

F. Criminal Law

Judge Bork's record in the area of criminal law also reveals a disregard of Supreme Court precedent at the expense of fundamental rights.

It is well-settled, for example, that the Fourth Amendment provides people suspected of crime with a series of protections against unreasonable searches including the exclusion of evidence seized in violation of the procedures mandated by the Amendment. Judge Bork has suggested that the exclusionary rule be abandoned. "The only good argument [for the exclusionary rule] really rests on the deterrent rationale, and it's time we examine that with great care to see how much deterrence we are getting and at what cost."[118] He takes this position in the face of overwhelming evidence that the exclusionary rule has virtually no negative effect on law enforcement or crime rates and would not, if abolished, enhance public safety. Because Judge Bork opposes the exclusionary rule, however, he would impose a heavy burden on those who support it to show that its effects are socially beneficial.

In sharp contrast, Judge Bork endorses the death penalty without any effort to justify its deterrent effect, relying on the references in the Fifth and Fourteenth Amendments to "capital offenses" and the "deprivation of life." He does not believe that the Eighth Amendment, which bars "cruel and unusual punishment," provides any limitations on those clauses, disputing that the standard of what is cruel and unusual should evolve over time.[119]

In general, Judge Bork's approach to criminal appeals reflects little respect for the rights of the innocent who may be mistakenly accused, or for the role of the courts in protecting those rights.[120]

In *United States* v. *Mount*, Judge Bork argued that the court's supervisory power could *never* be invoked to exclude evidence obtained by means which shock the conscience,[121] although the issue was not before the court (indeed the doctrine warranted only a footnote in the majority decision).[122] Judge Bork insisted that the Supreme Court had created a general bar against the use of supervisory power to suppress evidence, stating:

"[O]ur supervisory powers have been substantially curtailed by the Supreme Court's recent decision in *United States* v. *Payner*, 447 U.S. 727 (1980)." [123]

In fact, the Supreme Court had specifically disavowed the construction which Judge Bork placed on its opinion, noting:

"[O]ur decision today does not limit the traditional scope of the supervisory power in any way." [124]

Although criminal law is not an area in which civil liberties has fared well in the Supreme Court in recent years, Judge Bork would go much further than existing Supreme Court rulings to cut back on due process rights.

G. Access to the Courts

Judge Bork has consistently closed the courthouse door to individuals seeking relief for a broad range of constitutional and statutory violations.[125] His radical restriction of federal jurisdiction reflects the limited role he grants the federal courts to vindicate individual rights.

Words like "standing," "Justiciability" and "immunity" may sound far-removed from civil liberties.[126] But as Judge Bork has put it, "[I]n constitutional law philosophical shifts often occur through what appears to be mere tinkerings with technical doctrines." [127] Whether a court denies a civil liberties claim on the merits or refuses to hear a civil liberties claim on jurisdictional grounds, the effect is the same: Civil liberties are denied.

Judge Bork enforces jurisdictional bars in an extreme manner that often places him in a position of dissent from his colleagues.[128] In other cases, where his judicial colleagues have held that a claim is not justiciable, Judge Bork has written separately to urge a broader rule to deny access for civil liberties claims to an even larger group of potential litigants.[129] He gives little apparent weight to the need to enforce the Constitution against violations by the political branches of government or to the central importance of federal courts in enforcing civil liberties.

1. Restrictions on Standing to Sue in Federal Court

Standing is the determination of whether a particular person is the proper party to bring a matter to the court for adjudication. Judge Bork has explicitly stated that standing doctrine should limit "the number of occasions upon which courts will frame constitutional principles to govern the behavior of other branches and of states." [130]

It is not simply that Judge Bork strictly adheres to existing limits on standing.[131] Rather, Judge Bork pushes the law, in dissent and concurrence, beyond existing limits.

For example, Judge Bork has argued in dissent, that "[w]e ought to renounce outright the whole notion of congressional standing." [132] Judge Bork acknowledges that no Supreme Court precedent supports his position. Nonetheless, he insists: "Though we are obligated to comply with Supreme Court precedent, the ultimate source of constitutional legitimacy is compliance with the intentions of those who framed and ratified our Constitution." [133]

Similarly, Judge Bork has argued that associations should not be permitted to sue for monetary damages on behalf of their members.[134] The Supreme Court has expressly allowed associations—for example, environmental and other public interest groups—to sue on behalf of their members under specific circumstances.[135] Judge Bork, by contrast, would "frame a *per se* rule against an association's standing . . . to assert damage claims on behalf of its members." [136]

2. Expansion of Sovereign Immunity Protection for the Government

A second way in which Judge Bork has attempted to limit access to the federal courts is by expanding the scope of sovereign immunity.[137] Sovereign immunity is a medieval doctrine that assumes the monarch can do no wrong. In its modern form, the Executive cannot be sued for illegal action unless consent has been given to suit. Thus, the doctrine protects the government from suit even if individuals have suffered a violation of their rights. Judge Bork has frequently argued to expand such immunity.[138]

3. Narrow Construction of Jurisdictional Statutes

Judge Bork has also urged extremely narrow interpretations of statutes creating federal court jurisdiction. Even where Congress has passed legislation requiring the federal courts to hear certain claims, Judge Bork has declined to find jurisdiction.[139]

In restricting access to the court, Judge Bork firmly rejects the remedial tradition which we have come to associate with the federal judiciary.

H. Executive Power

Judge Bork's judicial philosophy can be understood as an attack on the basic notion of checks and balances. One aspect of that philosophy is the extremely limited role he grants to the courts in mediating disputes between the individual and the government. Another aspect is his willingness to enlarge the power of the presidency at the expense of the legislatures, the judiciary and civil liberties.

As Solicitor General, Judge Bork argued that members of Congress lacked standing to challenge his firing of Archibald Cox. A federal court disagreed and also found the firing illegal.[140]

Judge Bork has also expressed views suggesting that the Independent Counsel Act[141] has serious constitutional defects. Testifying before Congress on bills that would have shifted control over appointment and removal of a Special Prosecutor from the President to Congress, Judge Bork stated: "To suppose that Congress can take that duty from the Executive and lodge it either in itself or in the courts is to suppose that Congress may b[y] mere legislation alter the fundamental distribution of powers dictated by the Constitution."[142]

In an exchange with Senator Burdick, Judge Bork asserted that Congress must be satisfied with the President's "promise" not to remove the Special Prosecutor.

"Senator BURDICK. This is one of the things that bother[s] me, Mr. Bork. The President, when Mr. Cox was dismissed, contended that he had the power to do so regardless of the contract. Is that not correct?

"Mr. BORK. The President said he had the power to do so regardless of the charter, yes.

"Senator BURDICK. And any charter we make here, at this time, still does not change the powers of the President?

"Mr. BORK. No; it does not.

"Senator BURDICK. In other words, regardless of what we do, the President has the inherent power to dismiss the Special Prosecutor?

"Mr. BORK. I admit the President has the legal power. I think he has made a promise to the American people."[143]

Judge Bork did indicate that if the Attorney General were to appoint the Special Prosecutor, without Senate confirmation, Congress might be able to impose conditions on removal. Under no circumstances, however, could Congress *prevent* the President from removing the Special Prosecutor.

Turning to the question of the President's authority to use military force without congressional approval, Judge Bork, in 1971, defended President Nixon's decision to bomb Cambodia, insisting that Congress had no power to limit the President's discretion to stage the attack:

"[T]here is no reason to doubt that President Nixon had ample constitutional authority to order the attack upon the sanctuaries in Cambodia. . . . That authority arises both from the inherent powers of the Presidency and from congressional authorization. *The real question in this situation is whether Congress has the constitutional authority to limit the President's discretion with respect to this attack.*"[144]

Contending that the Gulf of Tonkin Resolution amounted to a declaration of war against North Vietnam, Judge Bork argued that the President could claim a free hand to execute military and strategic "details", including the attack on a third country.

"I arrive, therefore, at the conclusion that President Nixon had full constitutional power to order the Cambodia incursion, and that Congress cannot, with constitutional propriety, undertake to control the details of the incursion. This conclusion in no way detracts from Congress' war powers, for the body retains control of the issue of war or peace. It could end our armed involvement in Southeast Asia and it can forbid entry into new wars to defend governments there."[145]

Judge Bork has asserted exclusive Executive power in other contexts as well. Thus, Judge Bork testified that Congress has no power to require Executive intelligence agencies to obtain a warrant before wiretapping an American citizen suspected of engaging in clandestine intelligence activities on behalf of a foreign country.[146]

On the bench, Judge Bork would insulate the President from challenge in court by legislators. For example, *Crockett v. Reagan* involved a suit by 29 members of Congress challenging the legality of the President's maneuvers in El Salvador.[147] Judge Bork concurred separately, stating that legislator standing would violate the Constitution—notwithstanding two prior panel decisions rejecting that view.

In *Abourezk v. Reagan*,[148] Judge Bork once more advocated deferring to the Executive at the expense of a congressional enactment that sought to protect civil liberties. Responding to the Executive's repeated exclusion from this country of aliens belonging to proscribed organizations, Congress passed the McGovern Amendment, which generally bars exclusion of an alien based on political views or organizational affiliation. *Abourezk* concerned the denial of visas to four aliens, including the Nicaraguan Minister of the Interior and a former NATO general who had become an advocate of nuclear disarmament. The majority held that the visa denials appeared to circumvent the McGovern Amendment. Judge Bork dissented, stating that the majority opinion demonstrated "a lack of deference to the determinations of the Department of State . . . ."[149]

Judge Bork's deference to the Executive, at the expense of Congress, is evident as well in his refusal to find federal jurisdiction over claims based on violations of international human rights, despite a statutory enactment providing for such jurisdiction. Plaintiffs in *Tel-Oren v. Libyan Arab Republic*[150] were Israelis who alleged a violation of international law arising out of the deaths of children in an attack on a school bus by the Palestinian Liberation Organization. Judge Bork argued, in effect, that the 1978 federal statute upon which plaintiffs relied for jurisdiction created jurisdiction only over legal claims that existed in the eighteenth century.

Similarly, in *Persinger v. Islamic Republic of Iran*,[151] Judge Bork wrote a decision refusing to allow a former Iranian hostage to sue Iran in United States courts, despite a provision in the Foreign Sovereign Immunity Act permitting suits against foreign governments for injuries occurring within "all territory and waters, continental or insular, subject to the jurisdiction of the United States."[152] Plaintiff's injuries occurred within the American Embassy. Judge Bork concluded, however, that embassies were not sufficiently within the jurisdiction of the United States to trigger jurisdiction under the statute.[153]

Finally, Judge Bork has relied on a cramped view of the statute of limitations to bar review of the Executive policy that placed Japanese-Americans in internment camps during World War II. The victims of that internment policy sought compensation for lost property in *Hohri v. United States*.[154] Plantiff's claims turned on whether military necessity justified their internment. Had the claims been brought earlier, they would have been dismissed due to the Court's war-time deference to Congress and the Executive. Recently, however, Congress has disclosed documents establishing that military necessity had never existed. Judge Bork nevertheless found plaintiffs' claims to be time-barred.

Judge Bork's views on Executive power also lead him to shield Executive action from the checks-and-balances of public scrutiny.

Thus, Judge Bork has given a narrow reading to the Freedom of Information Act, a statute designed to promote democratic accountability by opening up government processes to review. Judge Bork frequently urges a restrictive interpretation of the statute, which prevents disclosure of information to reporters, research groups, and others.

For example, in *McGehee v. C.I.A.*, 697 F.2d 1095 (D.C. Cir. 1983), Judge Bork argued against even *in camera* inspection of documents pertaining to the "People's Temple" in Guyana, which the C.I.A. had withheld from a journalist for more than two years. The majority wrote: "[W]here, as here, an agency's responses to a request for information have been tardy and grudging, courts should be sure they do not abdicate their own duty."[155] Judge Bork, by contrast, found no evidence of bad faith on the part of the agency, despite its dilatory and evasive behavior.

Second, Judge Bork would insulate the process of administrative deliberation by restricting access to information about the deliberative process and thereby often restrict effective lobbying. Indeed, he has stated that "[c]oncern about the effect of lobbying on agencies may itself" bar access to information.[156]

Third, Judge Bork would enlarge the scope of Executive privilege, which he describes as "an attribute of the duties delegated to each of the branches by the Constitution."[157] He contends that to restrict the privilege "to the President himself" would be "troubling" because it "ignores the President's need, both long-established and all the more imperative in the modern administrative state, to delegate his duties."[158] Judge Bork's judicial colleagues criticized his effort "to extend the privilege . . . to the entire Executive Branch, [and thereby] create an unnecessary sequestering of massive quantities of information from the public eye."[159]

IV. CONCLUSION

This concludes our report on Judge Bork's record. We believe it fairly characterizes his views, and the judicial philosophy behind it, based on the entire body of his work to the extent it has been available to us.

On the basis of this record, we do not believe it is possible to locate Judge Bork within the broad range of acceptable judicial thought consistent with a commitment to liberty and democracy, and the institutions designed to protect and assure both. Nor do we think it possible to locate Judge Bork within the conservative judicial tradition exemplified by Justices Felix Frankfurter, John Harlan or, lately, Justice Lewis Powell.

Judge Bork may well have strong intellectual credentials, but that is not enough. The Senate has a constitutional responsibility to scrutinize a nominee's judicial philosophy and determine whether it is consistent with the function of the Supreme Court in protecting individual rights. Judged by that standard, Robert Bork's nomination as Associate Justice of the Supreme Court should be rejected.

FOOTNOTES

[1] The memorandum focuses on opinions which Judge Bork wrote (whether for the majority, concurring or in dissent), in order to distill Judge Bork's judicial philosophy from his own words. The memorandum does not address opinions which Judge Bork silently joined.

[2] Judge Bork provided texts of his unpublished speeches to the Senate Judiciary Committee. Copies are available from the ACLU Washington Office, 122 Maryland Ave., N.E. (202-544-1681) as are copies of all of Judge Bork's published articles and other writings. A complete list of this material is available from the ACLU.

[3] *See generally* Bork, *Neutral Principles and Some First Amendment Problems,* 147 Indiana L.J. 1 (1971) [hereinafter *"Neutral Principles"*].

[4] Bork, *Morality and the Judge,* Harper's 28, 29 (May 1985).

[5] *See* Notes 10-22, *Infra.*

[6] *The Human Life Bill: Hearing on S. 158 Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary,* 97th Cong., 1st Sess. 308, 310, (1982) (statement of Professor Bork).

[7] Bork, *Neutral Principles, supra,* at 9.

[8] *Id.*

[9] *Griswold v. Connecticut,* 381 U.S. 479 (1965); *see* Bork, *Neutral Principles, supra,* at 11.

[10] *Shelley v. Kraemer,* 334 U.S. 1 (1948); *see* Bork, *Neutral Principles, supra,* at 15.

[11] *Levy v. Louisiana,* 391 U.S. 68 (1968); *see* Bork, *Neutral Principles, supra,* at 12.

[12] *Cohen v. California,* 403 U.S. 15 (1971); *see* Bork, "The Individual, the State and the First Amendment," Unpublished Speech, Univ. of Michigan (1979) (reported as 1977 or 1978).

[13] *E.g., Brandenburg v. Ohio,* 395 U.S. 444 (1969); *see* Bork, *Neutral Principles, supra,* at 23.

[14] *E.g., Roe v. Wade,* 410 U.S. 113 (1973); *see The Human Life Bill: Hearing on S.158 Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary, supra,* at 310.

[15] *Skinner v. Oklahoma,* 316 U.S. 535 (1942); *see* Bork, *Neutral Principles, supra,* at 12.

[16] *Harper v. Virginia State Board of Elections,* 383 U.S. 663 (1966); *Katzenbach v. Morgan,* 384 U.S. 641 (1966); *see Nominations of Joseph T. Sneed to be Deputy Attorney General and Robert H. Bork to be Solicitor General: Hearings before the Senate Comm. on the Judiciary,* 93d Cong., 1st Sess. at 5, 16-17 (1973) (statement of R. Bork).

[17] *Regents of the University of California v. Bakke,* 438 U.S. 265 (1978); *see* Bork, *The Unpersuasive Bakke Decision,* The Wall Street Journal, at 8, col. 4 (July 21, 1978).

[18] *Aguilar v. Felton,* 473 U.S. 402 (1985); *Engel v. Vitale,* 370 U.S. 421 (1962); *see* Bork, Unpublished Speech, Brookings Institute, Washington, D.C. (Sept. 12, 1985), at 3.

[19] *See* Bork, *Judicial Review and Democracy,* Society 5 (Nov.-Dec. 1986); Bork, *Styles in Constitutional Theory,* 26 S. Texas L.J. 383 (1985).

[20] Bork, *Morality and the Judge, supra,* at 28.

[21] Rehnquist, *The Making of a Supreme Court Justice,* 29 Harv. L. Rec. 7 (Oct. 8, 1959).

[22] 4 *The Founders' Constitution* 32-33 (Kurland & Lerner, eds. 1987).

[23] *Id.* at 30; *see generally* Black, *A Note on Senatorial Consideration of Supreme Court Nominees,* 79 Yale L.J. 657, 660-62 (1970).

[24] 4 *The Founders' Constitution, supra,* at 31.

[25] *Id.* at 32-33.

[26] *Id.* at 36. This formulation—nomination by the President, and appointment with the advice and consent of the Senate—was apparently patterned after the "experience of 140 years in Massachusetts." *Id.* at 32.

[27] Tribe, *God Save This Honorable Court,* 79-80 (1985).

[28] Schwartz, *The Senate's Right to Reject Nominees,* The New York Times, at A27, col. 2 (July 3, 1987).

[29] *Id.* Until 1900, the Senate rejected more than one out of four presidential nominees; since 1900, only one out of every 13 nominees has been rejected.

[30] The rejected nominees include: John Crittenden, John Quincy Adams' nominee, whose nomination in 1829 was never voted on because of his strong Whig leanings; George Woodward, who was rejected in 1845 by a vote of 29-20 due to his anti-immigrant views; Secretary of State Jeremiah Black, James Buchanan's nominee, whose opposition to the abolition of slavery led to his 26-25 rejection; and Caleb Cushing, Ulysses S. Grant's nominee, who withdrew after discovery of his wartime correspondence with Confederate President Jefferson Davis. Tribe, *God Save This Honorable Court, supra,* at 86-89. The Senate was particularly strong for approximately two decades after 1837, and ten of the 18 nominations made by the presidents serving between Jackson and Lincoln failed to win Senate confirmation. For example, in 1844, when Justice Baldwin died, two presidents sent a total of five nominations to the Senate before his seat was finally filled, two and one-half years later. *Id.* at 58-59.

[31] Black, *A Note on Senatorial Consideration of Supreme Court Nominees, supra,* at 660.

[32] *Id.* at 659 (emphasis added).

[33] Historically, the Senate has adopted a more deferential role in reviewing the President's Executive appointments; it has rejected a higher percentage of Supreme Court nominations than for any other national office. Tribe, *God Save This Honorable Court, supra,* at 78.

[34] Bork, *Neutral Principles, supra,* at 11. Judge Bork has not authored any equal protection cases while on the bench. He has, however, acknowledged in dictum that discrimination based on race, religion or ethnicity is constitutionally prohibited. *See Dronenburg v. Zech,* 741 F.2d 1388, 1397 (D.C. Cir. 1984).

[35] Bork, *Neutral Principles, supra,* at 11. Judge Bork's approach to the constitutional provisions regarding private property—the Contract and Takings Clauses—is significantly different. While admitting that the "intention underlying" these clauses "has been a matter of dispute," he suggests that the clauses "have not been given their proper force" and can be utilized to limit state regulation of private property. Bork, *The Constitution, Original Intent, and Economic Rights,* 23 San Diego L. Rev. 823, 829 (1986). This expansionist view is reflected in his judicial decisions. *E.g., Jersey Central Power and Light Co. v. Federal Energy Regulatory Comm.,* 768 F.2d 1500, 1506, *vacated and remanded,* 810 F.2d 1168 (D.C. Cir. 1987) (en banc) (striking down utility rate regulation); *Silverman v. Barry,* 727 F.2d 1121 (D.C. Cir. 1984) (striking down local zoning ordinance).

[36] Bork, *Neutral Principles, supra,* at 11. The Supreme Court ruled otherwise in *Shelley v. Kraemer,* 334 U.S. 1 (1948).

[37] Bork, *Neutral Principles, supra,* at 11. The Supreme Court ruled otherwise in *Reitman v. Mulkey,* 387 U.S. 369 (1967).

[38] Bork, *Neutral Principles, supra,* at 12. The Supreme Court has ruled otherwise. *See Weber v. Aetna Casualty & Surety Co.,* 406 U.S. 164 (1972); *Levy v. Louisiana,* 391 U.S. 68 (1968).

[39] *Equal Education Opportunities Act of 1972: Hearings on S. 3395. Before the Subcomm. on Education of the Senate Comm. on Labor and Public Welfare,* 92nd Cong., 2d Sess. 1343 (1972). The Supreme Court ruled otherwise in *City of Rome v. United States,* 446 U.S. 156 (1980).

[40] U.S. Dept of Agriculture v. Moreno, 413 U.S. 528, 534 (1973); *Cleburne v. Cleburne Living Center,* 473 U.S. 432 (1985).

[41] *E.g., Johnson v. Transportation Agency, Santa Clara County,* 55 U.S.L.W. 4379 (1987).

[42] *E.g., Frontiero v. Richardson,* 411 U.S. 677 (1973) (sex discrimination). *See also* notes 38 and 40, *supra.*

[43] bork, *The Impossibility of Finding Welfare Rights in the Constitution,* 3 Wash. U.L.Q. 695, 701 (1979).

[44] *Equal Educational Opportunities Act of 1972: Hearings on S. 3395 Before the Subcomm. on Education of the Senate Comm. on Labor and Public Welfare, supra,* at 1343.

[45] *Id.*

[46] Bork, *"The Supreme Court Needs a New Philosophy,* Fortune 138, 163 (Dec. 1968).

[47] Bork, *Neutral Principles, supra,* at 18. Judge Bork suggests that the Guarantee Clause of the Constitution requires "rational" reapportionment to protect majority rule, but does not "easily translate[ ] into the one person, one vote requirement. . . ." *Id.* at 19.

[48] *Nominations of Joseph T. Sneed to be Deputy Attorney General and Robert E. Bork to be Solicitor General: Hearings before the Senate Comm. on the Judiciary,* 93d Cong., 1st Sess. 5, 17 (1973) (statement of R. Bork).

[49] *Id.* at 16.

[50] *Regents of the University of California v. Bakke, supra,* 438 U.S. 265.

[51] Bork, *The Unpersuasive Bakke Decision, supra,* at 8, col. 5.

[52] Bork, *We Suddenly Feel That Law Is Vulnerable,* Fortune 115, 136 (Dec. 1971).

[53] *Dronenburg v. Zech,* 741 F.d 1388, 1397 (D.C. Cir. 1984) (Bork, J.).

[54] McGuigan, *Judge Bork Is A Friend Of The Constitution,* 11 Conservative Digest 91, 95 (Oct. 1985). Judge Bork explained that these were views held ten years ago, and that, as a judge, he no longer feels free to comment on the Equal Rights Amendment.

[55] *Id.*

[56] 753 F.2d 141, *reh'g denied,* 760 F.2d 1330 (D.C. Cir. 1985) (Bork, J., dissenting), *Aff'd, Meritor Savings Bank v. Vinson,* 106 S. Ct. 2399 (1986).

[57] *Meritor Savings Bank v. Vinson, supra,* 106 S. Ct. at 2404 (emphasis added).

[58] 29 U.S.C. § 654(a)(i).

[59] *Oil, Chemical & Atomic Workers Int'l Union v. American Cyanamid Co.,* 741 F.2d 444 (D.C. Cir. 1984) (Bork, J.).

[60] *Id.* at 448 (emphasis added).

[61] *See* Bork, Unpublished Speech, Brookings Institute, Washington, D.C. (Sept. 12, 1985) [hereinafter, *Brookings Speech*]; Unpublished Speech, "Comments on Professor Morawetz's Paper," Woodrow Wilson International Center for Scholars, [Princeton University] (June 13, 1985); Unpublished Speech, University of California, Berkeley, Cal. (Apr. 29, 1985) [hereinafter, *Berkeley Speech*]; Unpublished Speech, "Religion and the Law," John M. Olin Center for Inquiry Into the Theory & Practice of Democracy, Univ. of Chicago (Nov. 13, 1984) [hereinafter, "Religion and the Law."]

[62] *See generally,* Levy, *The Establishment Clause: Religion and the First Amendment* (1986); Swomley, *Religious Liberty and the Secular State* (1987).

[63] *Brookings Speech, supra,* at 1.

[64] *Brookings Speech, supra,* at 6.

[65] *Brookings Speech, supra,* at 12; *accord* Bork, "Religion and the Law," *supra,* at 15-16.

[66] Bork, "Religion and the Law," *supra,* at 15-16; *accord Brookings Speech, supra,* at 11.

[67] *Brookings Speech, supra,* at 10. He specifically criticizes the current three-prong test for determining violations of the Establishment Clause, which provides: "First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion, . . . finally, the statute must not foster 'an excessive government entanglement with religion.'" *Lemon v. Kurtzman,* 403 U.S. 602, 612-3 (1971), quoting *Walz v. Tax Commission,* 397 U.S. 664 (1970).

[68] Bork, "Religion and the Law," *supra,* at 5.

[69] *Id.* at 6.

[70] Bork, *Brookings Speech, supra,* at 3.

[71] *Id.*

[72] *Id.* at 11.

[73] *Id.* at 3.

[74] Bork, "Religion and the Law," *supra,* at 3-4; *accord Brookings Speech, supra,* at 3-4.

[75] Bork, "Religion and the Law," *supra,* at 2; *accord Brookings Speech, supra,* at 1.

[76] *Sherbert v. Verner, supra,* 374 U.S. at 404.

[77] Bowen v. Roy, 106 S. Ct. 2147, 2167 (1986) (O'Conner, J., concurring in part and dissenting in part).

[78] *Hobbie v. Unemployment Appeals Comm. of Florida,* 107 S. Ct. 1046 (1987); *Thomas v. Review Bd. of Indiana Employment Sec. Div.,* 450 U.S. 707 (1981); *Shervert v. Verner, supra,* 374 U.S. at 398 (1963).

[79] *Berkeley Speech, supra,* at 5.

[80] Bork, *Neutral Principles,* at 31.

[81] *Id.* at 20. *See id.* at 26 ("All other forms of speech [than 'explicitly and predominantly political'] raise only issues of human gratification, and their protection against legislative regulation involves the judge in making [illigitimate] decisions . . . ."); *id.* at 27 ("[T]he protection of the first amendment must be cut off when it reaches the outer limits of political speech."); *id.* at 29

("[c]onstitutionally, art and pornography are on a part with industry and smoke pollution.").

[82] Unpaginated Transcript, Public Affairs Television, Inc., *Moyers: In Search of the Constitution #107 Strictly Speaking* (Attorney General Edwin Meese and Judge Robert Bork) (Airdate May 28, 1987).

[83] The principal exception to this speech-protective attitude is Judge Bork's willingness to permit even political speech to be surppressed in furtherance of an alleged foreign policy inteerst. *See Finzer v. Barry,* 798 F.2d 1450 (D.C. Cir. 1976), *cert. granted sub non. Boos v. Barry,* 107 S. Ct. 1282 (1987); *Abourezk v. Reagan,* 785 F2d 1043, 1062, (D.C. Cir.) (Bork, J., dissenting), *cert. granted,* 107 S. Ct. 666 (1986).

[84] *Oilman v. Evans,* 750 F.2d 970 (D.C. Cir. 1984) (Bork, J., concurring).

[85] *Id.* at 996.

[86] *Id.* at 1004.

[87] *Id.*

[88] *Id.* at 993.

[89] 424 U.S. 1 (1976); *see* Bork, "The Individual, the State and the First Amendment," Unpublished Speech, Univ. of Michigan, 1977 or 1978.

[90] *Id.*

[91] *Lebron v. Washington Metropolitan Area Transit Authority,* 749 F.2d 893 (D.C. Cir. 1984) (Bork, J.).

[92] The fairness doctrine requires broadcasters to provide evenhanded coverage of controversial issues. Its constitutionality was upheld by the Supreme Court in *Red Lion Broadcasting v. FCC,* 395 U.S. 367 (1967). However, in August of this year, the FCC declared the fairness doctrine unconstitutional on the theory that the factual premises of *Red Lion* were no longer valid. *In re Syracuse Peace Council* (Aug. 6, 1987).

[93] *Telecommunication Research and Action Center v. FCC,* 801 F.2d 501, 509 (D.C. Cir. 1986), *cert. denied.* 55 U.S.L.W. 3821 (1987).

[94] *Finzer v. Barry,* 798 F.2d 1450, 1459 (D.C. Cir. 1986) (Bork, J.), *cert. granted sub nom. Boos v. Barry,* 107 S. Ct. 1282 (1987).

[95] Bork, "The Individual, the State and the First Amendment," *supra.*

[96] Bork, "The Individual, the State and the First Amendment," *supra.*

[97] *E.g., Brandenburg v. Ohio, supra,* 395 U.S. at 444.

[98] Bork, *We Suddenly Feel That Law Is Vulnerable, supra,* at 116.

[99] 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).

[100] Bork, "The Individual, the State and the First Amendment," *supra.*

[101] *Id.*

[102] Unpaginated Transcript, Public Affairs Television, Inc., *Moyers: In Search of the Constitution, supra.*

[103] Bork, "The Individual, the State and the First Amendment," *supra.*

[104] McGuigan, *Judge Robert Bork Is A Friend of The Constitution, supra,* at 97.

[105] Bork, *Brookings Speech, supra,* at 6.

[106] Bork, *Neutral Principles,* at 7. *See also* Unpaginated Transcript, Public Affairs, Television, Inc., *Moyers: In Search of the Constitution, Supra.*

[107] *Griswold v. Connecticut, supra,* 381 U.S. 479. The Court protected the activities of medical personnel distributing contraceptives, as well as activities in the privacy of the marital bedroom.

[108] *Eisenstadt v. Baird* 405 U.S. 438 (1972), invalidated a Massachusetts law prohibiting distribution of contraceptives to single people.

[109] *Carey v. Population Services International,* 431 U.S. 678 (1977).

[110] *Roe v. Wade, supra,* 410 U.S. 113 (1973); *Thornburgh v. American College of Obstetricans,* 106 S. Ct. 2169 (1986).

[111] *Stanley v. Illinois,* 405 U.S. 645 (1972); *Santosky v. Kramer,* 455 U.S. 745 (1982).

[112] *Stanley v. Georgia,* 394 U.S. 557 (1969).

[113] *The Human Life Bill: Hearings on S. 158 Before the Subcomm. on the Separation of Powers of the Senate Comm. on the Judiciary, supra,* at 310. *See* Greenhouse, *No Grass is Growing Under Judge Bork's Seat,* N.Y. Times, at A18 (Aug. 4, 1987).

[114] Judge Bork refused to recognize a constitutional right to privacy when James L. Dronenburg challenged a government decision dismissing him from the Navy solely on grounds that he engaged in homosexual sex. *Dronenburg v. Zech,* 741 F.2d 1388, 1395 (D.C. Cir. 1984). In *Dronenburg,* Judge Bork speculated that the mere presence of homosexual men in the military causes damage:

"Episodes of this sort are certain to be deleterious to morals and discipline, to call into question the even-handedness of superiors' dealings with lower ranks, to make personal dealings uncomfortable where the relationship is sexually ambiguous, to generate dislike and disapproval among many who find homosexuality morality offensive, and, it must be said, given the powers of military superiors over their inferiors, to enhance the possibility of homosexual seduction." *Dronenburg v. Zech, supra,* 741 F.2d 1398.

Judge Bork's parade of horribles that can result from the presence of male homosexuals on the job stands in sharp contrast to his dismissive attitude toward the problem of male heterosexual harrassment of women. *Vinson v. Taylor, supra.*

Although the Supreme Court in *Bowers v. Hardwick,* 478 U.S. —— (1986), subsequently upheld the constitutionality of state sodomy laws, it specifically did not duplicate Judge Bork's generalized rejection of a constitutional right to privacy.

[115] *Olmstead v. United States,* 277 U.S. 438, 378 (1928) (dissenting opinion).

[116] *See Poe v. Ullman,* 367 U.S. 497, 539 (1961) (Harlan, J., dissenting) ("I believe that a statute making it a criminal offense for *married couples* to use contraceptives is an intolerable and unjustifiable invasion of privacy in the conduct of the most intimate concerns of an individual's personal life.") (emphasis in original).

[117] *Ollman v. Evans, supra,* 750 F.2d at 996.

[118] McGuigan, *An Interview with Robert H. Bork, supra,* at 6.

[119] *Id.* at 5–6.

[120] Similar limitations on access to courts are manifest in Judge Bork's opinions in related areas. *See, e.g., McClam v. Barry,* 697 F.2d 366 (D.C. Cir. 1983) (holding that Section 1983 action alleging police misconduct was barred by plaintiff's failure to comply with local six-month notice requirement); and, *Brown v. United States,* 742 F.2d 1498 (D.C. Cir. 1984) (where majority held that *McClam* was erroneously decided and where Bork dissented, adhering to his reasoning in *McClam,* and taking a more restrictive view of the issue than did Justice Scalia, then a member of the *Brown* majority).

[121] *United States v. Mount,* 757 F.2d 1315, 1320 (D.C. Cir. 1985).

[122] *Id.* at 1318 n. 5.

[123] 447 U.S. 727, 735 n. 8.

[124] 447 U.S. at 735 n.8. In addition, Judge Bork insisted that the Supreme Court had announced a general rule that exclusion of evidence is *never* appropriate unless that remedy would have a deterrent effect on law enforcement practices, 757 F.2d at 1321, attributing to the Court the "holding" that "where the exclusionary rule 'does not result in appreciable deterrence,' its use is not warranted," citing *United States v. Leon,* 468 U.S. 897, (1984).

The cited language is not the holding of *Leon.* It is not even an accurate quotation. Rather, the language appears in a discussion of non-criminal proceedings (in which the exclusionary rule may be less likely to deter misconduct) and is a quotation from an earlier case in whcih the Court declined to extend the rule to civil proceedings:

"[i]f . . . the exclusionary rule does not result in appreciable deterrence, then, clearly, its use *in the instant situation* [federal civil proceedings] is unwarranted." 468 U.S. at 909 [emphasis added], quoting *United States v. Janis,* 428 U.S. 433, 454 (1976).

[125] Bork has also urged Congress to cut back access to the federal courts. He has testified that:

"The only solution to the workload problem is a drastic pruning of jurisdiction of all Federal Courts. . . . So far as the Supreme Court is concerned, part of their [sic] difficulty is self-inflicted. They have, over a period of years, taken on types of cases which the Supreme Court previously did not do and invited a great deal of litigation that previously was not there." *Hearings on S.1847 Before the Subcomms. on Courts and Agency Admin. of the Senate Comm. on the Judiciary,* 97th Cong., 2d Sess. at 9, 13–14 (1982).

[126] A basic principle of American constitutional law requires that federal courts adjudicate only live cases and controversies between parties who have a real stake in the outcome of the litigation. These requirements are central to our constitutional structrue and serve many vital functions: They assure that cases will be decided in a context in which concrete facts can illuminate abstract principle and that the energy of federal judges will be devoted to cases that truly demand judicial resolution. Nevertheless, if requirements of justiciability are enforced with excessive rigor, individuals with legitimate grievances are denied not only their rights but also their day in court.

[127] Bork, "Religion and the Law," *supra,* at 2.

[128] For example, *Barnes v. Kline,* 759 F.2d 21 (D.C. Cir. 1984) (Bork, J., concurring), *vacated,* 107 S. Ct. 734 (1987), involved a challenge to President Reagan's pocket veto of a human rights certification bill. Bork dissented, on grounds that legislators lack standing. *Brown v. United States,* 742 F.2d 1498 (D.C. Cir. 1984) upheld a prisoner's right to bring a damage action in federal court against prison officials for an alleged violation of his constitutional rights. Bork dissented, saying that the prisoner had not complied with state procedural rules. *Hohri v. United States,* 793 F.2d 304 (D.C. Cir. 1986) (en banc) upheld the rights of Japanese-Americans to challenge government action confiscating their property during World War II. Bork dissented, asserting that the claims should have been filed at the time and are now barred by the statute of limitations. *Bartlett v. Bowen,* 816 F.2d 695 (D.C. Cir. 1987) allowed Medicare beneficiaries to present a First Amendment challenge to restrictions on services in Christian Science nursing homes. Bork dissented, on grounds that the statute does not allow any challenge, even on constitutional grounds, where the claim is for less than $1,000.

[129] *E.g. Robbins v. Reagan,* 780 F.2d 37 (D.C. Cir. 1985) held that the government could close a homeless shelter if alternative housing were provided. Bork concurred, arguing that the court had no jurisdiction to hear the case. *Vander Jagt v. O'Neill,* 699 F.2d 1166 (D.C. Cir. 1983) found no jurisdiction. Bork concurred, articulating broader grounds for denying relief. *Telecommunications Research & Action Center v. Allnet Communications Servs. Inc.,* 806 F.2d 1093 (D.C. Cir. 1986) denied an organization standing to claim money damages for its members in the circumstances of the case. Bork concurred, advocating a *per se* rule barring any organization from suing for money damages for its members. *Tel-Oren v. Libyan Arab Republic,* 726 F.2d 774 (D.C. Cir. 1984) denied Israeli plaintiffs access to federal courts to redress a tort committed in violation of the law of nations. Bork concurred, arguing that the 1789 statute creating federal jurisdiction over actions in these circumstances had virtually no modern role.

[130] *Barnes v. Kline, supra,* 759 F.2d at 55.

[131] An example of his narrow reading of current law can be found in his limited view of the types of injuries that are sufficient for standing. The Supreme Court has held that plaintiffs must allege a personal injury to have standing. *see, e.g., Gladstone, Realtors v. Village of Bellwood* 441 U.S. 91, 100 (1979); *Sierra Club v. Morton,* 450 U.S. 727, 735 (1972). Judge Bork has rejected claims of injury in circumstances where current law would seem to allow standing. For example, in *Northwest Airlines v. F.A.A.,* 795 F.2d 195 (D.C. Cir. 1986), an airline sued the Federal Aviation Administration to challenge a decision permitting a pilot who had been suspended for intoxication to fly commercial planes. The Airlines claimed that the threat to traffic safety gave it standing to sue. Although this injury is within the zone of interests protected by the Federal Aviation Act, Judge Bork found the injury "far too speculative and conjectural to provide a basis for standing." *Id.* at 202.

Similarly, in *Citizens Coordinating Committee on Friendship Heights v. Washingotn Area Metropolitan Transit Authority,* 765 F.2d 1169 (D.C. Cir. 1985), the court, in an opinion by Judge Bork, denied standing to a plaintiff alleging violations of the Clean Water Act by the Transit Authority's pollution of a stream. The Supreme Court has explicitly ruled that environmental and esthetic injuries are sufficient for standing. *See, e.g., Duke Power Co. v. Carolina Environmental Study Group Inc.,* 438 U.S. 59 (1978); *United States v. Students Challenging Regulatory Agency Procedures,* 412 U.S. 669 (1973); *Sierra Club v. Morton,* 402 U.S. 727 (1972). Nonetheless, Judge Bork found the alleged noneconomic injury insufficient for standing.

Similarly, where an injury is "indirect," Judge Bork would deny standing to a party challenging government action lest the court become involved "in the continual supervision of more governmental activities than separation of powers concerns should permit." *Haitian Refugee Center v. Gracey,* 809 F.2d 794, 810 (D.C. Cir. 1987). In *Gracey,* a nonprofit corporation that exists to help Haitian refugees sued to stop a federal government program designed to interdict undocumented aliens on the high seas. The plaintiff claimed, in part, that it would be injured in that it could not perform its counseling function because the government's program kept Haitains from contacting the Center.

The Supreme Court had allowed standing on an almost identical claim in *Havens Realty Corp. v. Coleman,* 455 U.S. 363 (1982). Moreover, plaintiff alleged that the federal governments program was causing its inability to counsel and that a favorable court decision would allow it to resume couseling, which should have satisfied the requirement that plaintiff allege that the defendant's actions caused the harm and that a favorable court decision is likely to remedy the injury. *See, e.g., Allen v. Wright,* 468 U.S. 737 (1984). Nonetheless, Judge Bork found no standing because of "separation-of-powers principles central to the analysis of Article III." As Judge Edwards argued in dissent, Judge Bork's opinion ignored precedent and created a new limit on standing by ruling that the separation of powers concept leads a court to deny causation where it otherwise factually exists. *Gracey,* 809 F.2d at 826-27 (Edwards, J., dissenting).

[132] *Barnes v. Kline, supra,* 759 F.2d at 41.

[133] *Id.* at 56.

[134] *See Telecommunications Research & Action Center v. Allnet Communication Servs., supra,* 806 F.2d at 1097.

[135] *Hunt v. Washington State Apple Advisory Comm.,* 432 U.S. 333 (1977).

[136] *Telecommunication Research & Action Center v. Allnet Communication Servs., supra,* 806 F.2d at 1097.

[137] *Judge Bork's expansive view of sovereign immunity takes the form of narrowly construing the provisions of the Federal Torts Claims Act, the primary statute where Congress has waived the United States' immunity. See, e.g., Jayvee Brand, Inc. v. United States,* 721 F.2d 385 (D.C. Cir. 1983) (Bork, J.).

[138] For example, in *Bartlett v. Bowen,* 816 F.2d 695 (D.C. Cir. 1987), Judge Bork argued that the government had not waived sovereign immunity with respect to a First Amendment challenge to the administration of a thee federal Medicare program. *See also Brown v. United States,* 742 F.2d 1498 (D.C. Cir. 1984) (en banc) (rejecting Judge Bork's dissenting view that a local ordinance barring damages claims by inmates also barred any claim seeking to vindicate constitutional rights).

[139] *E.g., Tel-Oren v. Libyan Arab Republic,* 726 F.2d 774; (D.C. Cir. 1984) *Persinger v. Islamic Republic of Iran,* 729 F.2d 835 (D.C. Cir. 1984). Both cases are discussed more fully in the section that follows on Executive Power.

[140] *Nader v. Block,* 366 F. Supp. 104 (D.D.C. 1973).

[141] 28 U.S.C. §§ 591-8 (1978).

[142] *Hearings on the Special Prosecutor before the Senate Comm. on the Judiciary,* 93d Cong., 1st Sess. 451 (1973).

[143] *Nominations of William B. Saxbe to be Attorney General: Hearings Before the Sen. Comm. on the Judiciary,* 93d Cong., 1st Sess. 92 (1973).

[144] Bork, *Comments on Legality of United States Action in Cambodia,* 65 Am. J. Int'1. L., at 79 (1971) (emphasis added).

[145] During his confirmation hearings as Solicitor General, Bork responded to questions about *how* Congress could constitutionally act to end the war in Southeast Asia. Bork responded that he had "not studied the question of the particular form your efforts take . . .," reciting the general principle that "the ultimate power of war and peace resides in the Congress." *Nominations of Joseph T. Sneed to be Deputy Attorney General and Robert H. Bork to be Solicitor General: Hearings before the Senate Comm. on the Judiciary, supra,* at 9-10.

[146] *Foreign Intelligence Surveillance Act: Hearings on H.R. 7308 Before the Subcomm. on Courts and Civil Liberties of the House Comm. on the Judiciary,* 95th Cong., 2d Sess. 130, at 134 (1978). Bork also argued that federal courts have no jurisdiction under Article III to issue warrants in this area, although they routinely do so in criminal matters. Moreover, Bork argued that judges should not even ensure that surveillance complies with constitutional standards. *Id.* According to Bork, abuse by intelligence agencies is not a realistic concern: "The possibility of future abuses has been greatly lessened because of [the] exposure [of past abuses]. We have established a new set of expectations, a new tradition, about how we want our intelligence agencies to behave." *Id.* at 132.

[147] The legislators claimed that the President had violated the War Powers Resolution, 50 U.S.C. §§ 1541-48 (1976), and the War Powers Clause of the Constitution by introducing military officals into situations "where imminent involvement in hostilities is clearly indicated by the circumstances." *Crockett v. Reagan,* 720 F.2d at 1355.

[148] 785 F.2d 1043, 1075 (D.C. Cir.) (Bork, J., dissenting) *cert. granted,* 107 S. Ct. (1986).

[149] 785 F.2d at 1076.

[150] 726 F.2d 774 (D.C. Cir. 1984).

[151] 729 F.2d 835 (D.C. Cir. 1984).

[152] 28 U.S.C. § 1603(c).

[153] 729 F.2d 839.

[154] 793 F.2d 304 (D.C. Cir. 1986) (denial of rehearing *en banc*) (Bork, J., dissenting).

[155] 697 F.2d at 114. *See also Meeropol v. Meese,* 790 F.2d 942 (D.C. Cir. 1986) (Bork, J.) (declining to order additional discovery against the F.B.I. based on a sampling of one percent of the pages withheld). Judge Bork also insulates corporate and commercial activity from public scrutiny. *E.g., Greenberg v. Food and Drug Administration,* 803 F.2d 1213 (D.C. Cir. 1986) (dissenting from denial of summary judgment to bar disclosure to publication group of list of health care facilities owning CAT scanner manufactured by particular company).

[156] *Wolfe v. Department of Health and Human Services,* 815 F.2d 1527, 1538 (D.C. Cir. 1987), *ren'g en banc granted,* —— F.2d —— (July 2, 1987) (Bork, J. dissenting). Faced with a request for disclosure of an agency log that recorded the progress of topics considered for regulation, Judge Bork argued that the agency's deliberative process would be seriously harmed by disclosure. Judge Bork contended that the agency had a right to conduct its deliberations, prior to publication of a decision in the *Federal Register,* free and clear of public scrutiny and without being lobbied by interest groups.

[157] *Id.* For a full discussion of Executive privilege, *see* R. Berger, *Executive Privilege* (1975); Dorsen & Shattuck, *Executive Privilege, Congress and the Courts,* 34 Ohio St. L.J. 1 (1974).

[158] *Id.* at 1539.

[159] *Id.* at 1533.

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON OPPOSITION TO THE NOMINATION OF ROBERT H. BORK TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, AUGUST 17, 1987

The AFL-CIO opposes the nomination of Judge Robert H. Bork to be an Associate Justice of the Supreme Court of the United States. We call on the Senate to use its independent "advice and consent" powers to reject that nomination.

It is an open secret that the President is intent on perpetuating the "Reagan revolution's" social and political program beyond his term of office by putting the courts, including the Supreme Court, in the hands of judges whose first fealty is to that program. It is the Senate's right and responsibility to stand up to this ideological court packing and to insist on a Supreme Court nominee steeped in the richer, more complex, more diverse and more humane body of rules, practices and understandings that have historically been recognized to constitute the law.

Our review of Judge Bork's academic work and his public career make it plain that he is a man moved not by deference to the democratic process, nor by an allegiance to any recognized theory of jurisprudence, but by an overriding commitment to the interests of the wealthy and powerful in our society. His agenda is the agenda of the right wing and he has given a lifetime of zeal to publicizing that agenda; that is the stuff from which his nomination was made and that is what requires the Senate to refuse its advice and consent.

Over the past three decades Judge Bork has opposed a variety of initiatives, whether legislative or judicial, to extend social, economic, political, and legal rights more broadly and equitably. So far as we have been able to ascertain, he has never shown the least concern for working people, minorities, the poor, or for individuals seeking the protection of the law to vindicate their political and civil rights. The causes that have engaged him are those of businessmen, of property owners and of the executive branch of government.

Judge Bork's academic work on the Constitution purports to be in praise of "judicial restraint" and "neutral principles," but his work as a whole makes it clear that these phrases are used merely as literary counterpoint to the invective in which he condemns "liberal judges" who allegedly decide cases out of "partisanship," "activism" and reliance on "their personal political values."

The decisions he derides include many of the landmarks guaranteeing civil liberties, racial justice and equal treatment under law: decisions providing for "one man one vote"; outlawing the poll tax; upholding Congress' broad powers to enforce the Fourteenth Amendment; enunciating the "clear and present danger" test to safeguard free speech; and outlawing exclusionary racial covenants. These are not the excesses of judicial imperialists but rather conscientious efforts to plumb the deepest values of the Constitution and to move, in a measured way, toward the realization of its grand plan.

In contrast, we have not found in Judge Bork's writings even a whisper of disapproval of any Supreme Court decision in the last fifty years taking a limited view of individual rights or a broad view of government power, or any suggestion that right-wing judges have ever improperly relied on their personal values in construing statutes or in fashioning constitutional principles. Nothing in logic or experience supports the notion that judges who share Judge Bork's political and social views have been so consistent in their devotion to disinterested reason; and, not surprisingly, the arguments Judge Bork makes do not support his contention that the modern decisions upholding individual rights he attacks are wholly without legal support.

The Constitution is a complex and subtle document phrased in the general terms required in a charter of government meant to endure. The Supreme Court's interpretative efforts are necessarily imperfect and reasoned criticism of those efforts is a purifying force in the evolution of constitutional law. But Judge Bork's polemics, his litany of complaints that the decisions with which he disagrees are the product of willful efforts to distort, have precisely the opposite effect.

Aside from seeking to drain the Bill of Rights of most of its force, Judge Bork has concentrated his energies on attempting to liberate big business from most of the limits on corporate power stated in the antitrust laws. In pursuit of this goal, and in order to further his personal belief in the virtues of Chicago-school economic theory, he is an extreme judicial activist, ready and willing to jump all the hurdles put in his way by legislative enactments and dozens of long standing judicial precedents.

Judge Bork's "dedication" to judicial restraint also disappears where the issue is executive power. With only vague "separation of powers" concepts to rely on he has been quick to condemn both legislative and judicial checks on the Executive branch. That approach cannot be squared with his approach to individual rights cases, where he argues that only the clearest constitutional mandate can ever justify invalidating a legislative act.

Judge Bork's five year record on the federal bench has been characterized by the same tendency to subordinate principle to partisan preference. As the *Columbia Law Review* noted, his record in non-unanimous decisions in which he participated—in those close cases in which there almost surely was no binding precedent to foreclose the exercise of independent judgment—is far to the right of other Reagan-appointed judges. His actions in those cases, said that Review, display a "one-sided approach to . . . the principles of restraint he espouses," since he voted "consistently in favor of business groups' claims against federal agencies yet opposed most claims by public interest groups." And in non-unanimous constitutional cases the pattern is the same: claims that are not based on property rights rarely won Judge Bork's support while claims of executive authority—whether challenged by Congress or individuals—rarely lost his vote.

President Reagan has justified his choice by arguing that Judge Bork's accomplishments make him a logical successor to Justice Frankfurter. That is a comparison with special meaning to the trade union movement. Felix Frankfurter was a strong and early friend of labor who had worked to expose the evils of the labor injunction, to frame the New Deal and to forward the cause of civil liberties before going on the bench. Yet, once on the Supreme Court, Justice Frankfurter, out of respect for the democratic branches of government, took a relatively narrow view of the Court's authority to invalidate legislation on constitutional grounds and showed a scrupulous regard for following congressional intent in cases involving federal statutes.

Justice Frankfurter's career makes it plain that restraint in the exercise of judicial authority is no vice. Organized labor is committed to making its way by mobilizing the energies of its members and by making their presence felt in the economic, political and legislative processes. We are well aware of the dangers of personal political and social bias in judicial decision-making; we recognize that judges who strive to transcend their parochial limits are the judges who meet the obligation of their office.

Judge Bork is not in the Frankfurter tradition. Justice Frankfurter referred to constitutional adjudication as a process calling for "statecraft," calling, in other words, for a justice able to look beyond his personal predilections and to comprehend the wide range of legitimate interests reflected in the law.

Judge Bork has demonstrated no capacity for statecraft. His skill is the pamphleteer's skill of reducing complex questions to caricatures and of belittling the honor and integrity of his intellectual opponents. His place is on the lawyers' side of the bar openly arguing for the privileged who have been the beneficiaries of his endeavors all along.

For these reasons the AFL-CIO opposes his nomination to the Supreme Court and urges the Senate to refuse its "advice and consent."

THE JUDICIAL RECORD OF JUDGE ROBERT H. BORK

(Public Citizen Litigation Group: Arthur L. Fox II, Eric R. Glitzenstein, Patti A. Goldman, Cornish F. Hitchcock, Paul Alan Levy, Joan S. Meier, Katherine A. Meyer, Alan B. Morrison, William B. Schultz, and David C. Vladeck)

INTRODUCTION

On July 1, 1987, President Reagan nominated Judge Robert H. Bork to be an Associate Justice of the Supreme Court of the United States. The nomination was instantly controversial because in recent years the man Judge Bork would replace—Associate Justice Lewis F. Powell, Jr.—has been the swing vote in many 5-4 cases.

Both his supporters and opponents have argued that Judge Bork should be evaluated on the basis of his record. An important source of data is Judge Bork's performance as a member of the United States Court of Appeals for the District of Columbia Circuit, popularly known as the "D.C. Circuit." Many legal observers consider this court to be second only to the Supreme Court in terms of influence, primarily because it hears a large number of important cases involving the federal government that can affect people across the nation.

Judge Bork has served on the D.C. Circuit for over five years. Prior to his nomination, he had participated in approximately 400 cases in which there were published opinions, and he had written 144 majority, concurring and dissenting opinions. Shortly after the nomination was announced, the Public Citizen Litigation Group undertook a detailed examination of these cases.

The Public Citizen Litigation Group lawyers were aware of Judge Bork's decisions in cases involving their own clients and knew that in cases involving public interest organizations and government, Judge Bork had regularly sided with the executive branch.[1] Recognizing, of course, that this experience was not necessarily an accurate reflection of his overall record, we undertook a study of all his pre-nomination cases, to discern if any common themes or trends could be identified.

This analysis focuses on Bork's role in those cases where the judges disagreed with each other. We identified 56 "split decisions" in which Judge Bork particiapted—those cases in which one or more judges disagreed with the majority on how the case should be resolved and filed a dissenting statement. Judge Bork's votes in split decisions are significant for several reasons. First, it is likely that these votes made a difference in the outcome. In addition, although most D.C. Circuit cases are decided by a unanimous three-judge panel, the cases in which judges disagree publicly tend to be the more controversial cases, some of which will ultimately reach the Supreme Court for resolution. Finally, these are the "tough cases" because by definition split decisions are cases in which at least one judge disagreed with Judge Bork.

A. SUMMARY OF FINDINGS

An analysis of Judge Bork's record on the D.C. Circuit demonstrates that:

Judge Bork's performance on the D.C. Circuit is not explained by the consistent application of judicial restraint or any other judicial philosophy; instead in split cases, one can predict his vote with almost complete accuracy simply by identifying the parties in the case;

In split cases where the government is a party, Judge Bork voted against consumers, environmental groups, and workers almost 100% of the time and for business in every such case;

In 14 split cases, Judge Bork denied access to the courthouse every time; among the many losers was the United States Senate, which, according to Judge Bork's dissent, could not bring a case of major constitutional significance to the federal courts;

Judge Bork has expressed a desire to reformulate broad areas of antitrust law, and to narrow the constitutional protections of individuals;

Judge Bork is far less a friend of the First Amendment than some have suggested, as evidenced by four cases in which he voted against the First Amendment claims of political demonstrators;

On several occasions, Judge Bork's colleagues have been extremely critical of him for misinterpreting Supreme Court precedent and going beyond the facts of a particular case.

Judge Bork is widely credited as being a proponent of judicial restraint, a judicial philosophy that in administrative law cases requires courts to defer to the executive branch. Our analysis of his decisions, however, found that Judge Bork generally adhered to this philosophy only in cases brought by individuals or organizations other than a business (referred to as "non-business cases").

In the field of administrative law, Judge Bork adhered to an extreme form of judicial restraint if the case was brought by public interest organizations. His vote favored the executive in every one of the 7 split decisions in which public interest organizations challenged regulations issued by federal agencies. These cases included environmental issues, the regulation of potentially carcinogenic colors in foods, drugs, and cosmetics, the regulation of television and radio licensees, and a requirement that family planning clinics notify parents of teenage girls who sought birth control information and devices. The single non-business general regulatory issue on which Judge Bork voted in favor of the individual involved challenges by President Reagan and Senator Kennedy to a decision of the Federal Election Commission regarding the treatment of campaign expenses.[2]

Judge Bork also deferred to the executive branch in labor cases brought to benefit employees, where he voted for the government in 4 out of 5 cases in which the court split.[3] And in cases brought under the Freedom of Information Act ("FOIA") and related statutes, he voted for the agency and against the requester in all 7 of the cases in which the court split, even though Congress has made it clear in the statute that no deference is to be accorded the executive branch agencies in those cases.

In the areas of constitutional law, the doctrine of judicial restraint has a similar meaning: it requires judges to be reluctant to find new rights in the Constitution or to expand existing ones. Once again, in civil rights and civil liberties cases brought by individuals, Judge Bork adhered to this philosophy. In the 6 split decisions where the government was a party, he voted against the individual every time. The pattern in criminal cases was the same; Judge Bork voted for the prosecution in the 2 split criminal decisions. Indeed, he voted against the criminal defendant in 23 of the 24 criminal cases in which he participated on the D.C. Circuit.

A summary of Judge Bork's votes in split decisions involving the federal government and a party other than a business appears below:

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[1] A list of the Public Citizen Litigation Group cases in which Judge Bork has participated appears in the Appendix.

[2] None of the cases were brought by the "conservative" public interest organizations such as the Heritage Foundation.

[3] In the single vote that favored employees' interests, Judge Bork voted to remand that case to the Merit Systems Protection Board after upholding a worker's discharge on the merits, so that the agency could explain its reasons for a strictly procedural ruling in favor of the executive.

JUDGE BORK'S VOTES IN SPLIT DECISIONS IN CASES AGAINST THE EXECUTIVE NOT BROUGHT BY BUSINESS

	Private party [1]	Executive
Administrative Law:		
General regulatory cases	1	7
Labor cases	1	4
Freedom of information cases	0	7
Constitutional law	0	6
Criminal law	0	2
Total	2	26

[1] Public interest group, worker, individual, FOIA requester, candidate.

However, Judge Bork did not consistently adhere to the principles of judicial restraint. To the contrary, when a private corporation or business group (referred to as a "business interest") sued the government, he was a judicial activist. Thus, in the 8 split decisions where a business interest challenged the government, Judge Bork voted for the business every time. Five of these are rate-making cases where the court's decisions directly affected the cost of services provided to consumers, and 3 are labor cases in which the losers were workers. The other victory by a business interest reversed the Department of Agriculture's so-called "junk food rule," which prohibited the sale of soft drinks and other products in competition with nutritious meals being served in school lunch programs.

Judge Bork's votes in split administrative law cases in which a business interest was a party appear in the table below:

JUDGE BORK'S VOTES IN SPLIT DECISIONS IN ADMINISTRATIVE LAW CASES BROUGHT BY BUSINESS

	Business	Executive
Federal Energy Regulatory Commission, Interstate Commerce Commission, Department of Agriculture cases	5	0
Labor cases	3	0
Total	8	0

The only split case in which a business interest asserted a constitutional right is *Jersey Central Power & Light Co.* v. *FERC,* 768 F.2d 1500 (1985) and 810 F.2d 1168 (1987) (*en banc*), which also raised administrative law issues. Judge Bork's opinions in favor of Jersey Central in this case, as well as his position in several other cases, suggest that he is much more willing to find a constitutional violation where business is asserting a property interest, such as a taking of property without just compensation, than when individuals are seeking constitutional protection for their non-economic rights.

Not only did Judge Bork consistently rule against individuals and public interest organizations on the merits, but in many cases he did not even let them through the courthouse door. Thus, in the 14 split cases involving questions of access to the courts or to administrative agencies, Judge Bork voted against granting access on every occasion. He voted to dismiss cases against prison inmates, social security claimants, Haitian refugees, handicapped citizens, the Iranian hostages, and the homeless. Judge Bork did not reach the merits in any of these cases; rather, he refused to decide the claims raised. And in one case, he affirmed a decision of the Nuclear Regulatory Commission denying the Attorney General of Massachusetts an opportunity to participate in a proceeding concerning the safety of a nuclear power plant in Massachusetts.

The most significant expression of Judge Bork's views on access are contained in his dissent in *Barnes* v. *Kline,* 759 F.2d 21 (1985). There Judge Bork voted to preclude the United States Senate, the House of Representatives, and 33 Members of Congress from litigating an issue of major constitutional importance (whether the President had effectively exercised the pocket veto), even though the President's attorney had conceded that the plaintiffs could sue. According to Judge Bork, the courts are not available to resolve major constitutional controversies between the President and Congress; instead, those issues must be decided in the political arena.

Judge Bork's opinions in *Barnes* and other standing cases strongly suggest that, if he were on the Supreme Court, he would vote to deny standing in a large variety of cases challenging executive action, including many cases brought by public interest organizations. Because his theory of standing is grounded on his own interpretation of Article III of the Constitution, only a constitutional amendment could alter the result. A summary of Judge Bork's votes on access cases appears below:

Judge Bork's votes in split decisions in cases involving access to the courts

Granted access	0
Denied access	14

Taken together, Judge Bork's decisions in the fields of administrative, constitutional, and criminal law and his rulings on access present a clear theme: where anybody but a business interest challenged executive action, Judge Bork exercised judicial restraint either by refusing to decide the case or by deferring to the executive on the merits. However, when business interests challenged executive action on statutory or constitutional grounds, Judge Bork was a judicial activist, favoring the business interest in every split decision in which he participated. In summary, when split cases in which Judge Bork participated during his five years on the D.C. Circuit are combined, on 48 out of 50 occasions (or 96% of the time) Judge Bork voted to deny access, voted against the claims of individuals who had sued the government, or voted in favor of the claims of business which sued the government.

National Women's Law Center Report Documents Judge Bork's Views on Women's Legal Rights

Following the nomination of Judge Robert Bork to the Supreme Court, the National Women's Law Center undertook a review of his legal opinions, writings, and statements bearing on the rights of women. We have now released our 39-page report, *Setting the Record Straight: Judge Bork and the Future of Women's Rights.* A copy of the report's Executive Summary is attached.

Setting the Record Straight concludes that Judge Bork advocates legal views that are hostile to women's interests in critical areas, including their constitutional rights to equal protection and to privacy, and important statutory protections. Moreover, our findings show that he is a judicial activist who supports reversing many Supreme Court decisions that establish key rights of women, and who seizes every opportunity to advance his positions.

Copies of *Setting the Record Straight* are available for $5 each from the National Women's Law Center, 1616 P Street, N.W., Suite 100, Washington, D.C. 20036. If time allows, we hope that you will publicize this report in a newsletter or other appropriate mailing. For further information, please contact the Center.

Setting the Record Straight: Judge Bork and the Future of Women's Rights

Following the nomination of Judge Bork to the Supreme Court, the National Women's Law Center undertook a review of his court decisions, writings and statements that bear on the legal rights of women. Judge Bork has stated that the courts are ill-suited to address problems of sex discrimination. His record reflects that view, both in the approach he has articulated for interpreting the law, and his actual court decisions.

Judge Bork strongly disagrees with Supreme Court cases interpreting the constitutional rights to equal protection and privacy that form the cornerstone legal protections for women. Judge Bork also has interpreted statutes narrowly that afford women critical protections in the areas of employment and health. Finally, Judge Bork is a judicial activist who supports overturning the Supreme Court precedents affecting women's rights, which he believes are wrongly decided, and who as a judge has seized unusual opportunities to advance his positions.

In Judge Bork's view, the Constitution provides no specific protections for women except for suffrage. Women would be left defenseless against government discrimination under his interpretation of the Constitution.

1. Judge Bork believes that the fourteenth amendment equal protection clause is designed to eliminate only discrimination on the basis of race. His theory that the Constitution and its amendments must be interpreted according to their historical context precludes any specific fourteenth amendment protection against sex discrimination.

Instead of the courts giving careful, or "heightened," scrutiny to governmental policies that treat men and women differently, as the Supreme Court has required since 1971, Judge Bork would return to the old standard that any "rational" basis is reason enough to justify discrimination. All claims of illegal sex discrimination considered under the rational basis standard have been rejected by the Supreme Court.

A long line of Supreme Court cases beginning in 1971 used a new "heightened scrutiny" test to invalidate government-sponsored sex discrimination. Cases that would be overturned by Judge Bork's reasoning include: State's automatic preference for males over females to serve as executor of estates held invalid [*Reed* v. *Reed* (1971)]; stricter requirements for servicewomen than servicemen to claim dependents held invalid [*Frontiero* v. *Richardson* (1973)]; different Social Security benefits for women and men held invalid [*Weinberger* v. *Wiesenfeld* (1975); *Califano* v. *Goldfarb* (1977)]; State statute obligating parent to support sons to an older age than daughters held invalid [*Stanton* v. *Stanton* (1975)]; and State statute giving husbands exclusive authority to manage community property jointly owned by the husband and wife held invalid [*Kirchberg* v. *Feenstra* (1981)].

2. Judge Bork believes that there is no constitutionally-protected right to privacy. In his view, the framers of the Constitution did not envision such a right, and therefore landmark Supreme Court cases based on the right to privacy over the last fifty years were wrongly decided.

Judge Bork disagrees with Supreme Court cases that have carved out a sphere of familial privacy and integrity with which the government cannot constitutionally interfere, and would decide them differently. Cases that would be overturned include: State prohibition against teaching of modern foreign languages violates fundamental rights of parents to control their children's education [*Meyer* v. *Nebraska* (1923)]; State law requiring children to attend public schools unreasonably inteferes with parents' right to direct the education of their children [*Pierce* v. *Society of Sisters* (1925)]; and school board requirements that pregnant teachers resign at a fixed time early in pregnancy held invalid [*Cleveland Bd. of Educ.* v. *LaFleur* (1974)].

In a court of appeals case, Judge Bork wrote a separate statement that described the right asserted by a noncustodial father to discover the location of his children as "tenuous" and unworthy of constitutional protection [*Franz.* v. *United States* (1983)].

Judge Bork disagrees with Supreme Court cases that have protected access to contraception and abortion on the basis of a constitutional right to privacy, and would reverse cases that include: State law prohibiting the sale or use of contraceptives, even by married couples, held invalid [*Griswold* v. *Connecticut* (1065)]; and State law prohibiting access to abortion held invalid [*Roe* v. *Wade* (1973)].

Judge Bork's narrow interpretation of the Constitution is mirrored by his narrow interpretation of statutes designed to protect women.

1. In the area of employment, Judge Bork has advocated legal positions that would seriously narrow women's statutory protections—protections that have been confirmed by the Supreme Court.

In *Vinson* v. *Taylor* (1985) (op. dissenting from denial of rehearing), Judge Bork questioned whether job-related sexual harassment should be sex discrimination prohibited at all by Title VII of the 1964 Civil Rights Act. In this case, Judge Bork also stated that sexual harassment cases should be harder to prove and subject to different standards than other Title VII discrimination cases.

In a unanimous opinion, written by now Chief Judge Rehnquist, the Supreme Court rejected Judge Bork's reasoning, and held not only that sexual harassment was a violation of Title VII, but that the severe standards of proof Judge Bork would impose were not appropriate.

Judge Bork has expressed the view that the legal theory underlying affirmative action remedies to overcome the effects of past governmental discrimination is wrong.

In contrast to Judge Bork's view, last term in *Johnson* v. *Department of Transportation*, the Supreme Court affirmed the validity and importance of affirmative action to provide women access to highly paid jobs from which they had been excluded in the past.

2. In the area of health, Judge Bork has analyzed statutes inconsistenty, finding no Congressional authority to protect women's health in one statute, while reaching to find Congressional authority to allow restrictions on access to contraceptives in another.

In *Oil, Chemical & Atomic Workers Int'l Union* v. *American Cyanamid Co.* (1984), Judge Bork held that despite the language of the Occupational Safety and Health Act, which he conceded arguably applied, an employer would not violate the Act by having a policy that required female employees to become surgically sterilized in order to keep their jobs.

In *Planned Parenthood* v. *Heckler (1983)*, Judge Bork adopted a very different approach. In a case holding that Congress did not authorize the Department of Health and Human Services (HHS) to require a parental notification rule covering family planning grantees, Judge Bork conceded that the rule was invalid. But he further stated that the case should be remanded to HHS, and developed a theory under which, in his view, HHS could lawfully reissue the rule.

Judge Bork has stated his belief that "mistaken" Supreme Court decisions should not be followed in future cases; has indicated a belief that the Supreme Court cases upon which fundamental rights of women are based are mistaken; and has a record demonstrating that he would actively seek to implement his views.

1. Judge Bork has stated that justices should freely correct prior Supreme Court decisions, unless precedents are so fixed, as under the Commerce Clause, that they should not be overruled.

Judge Bork has given every indication that precedents based on the rights to privacy and heightened protection for women under the equal protection clause should be changed.

Judge Bork has described as unconstitutional or unprincipled the application of the equal protection clause to "non-racial inequalities;" the *Griswold* decision allowing the sale and use of contraceptives; and the *Roe* v. *Wade* decision upholding a woman's right to abortion.

2. While on the Court of Appeals, Judge Bork has taken unusual steps to advance his views.

Although bound by Supreme Court precedent finding a constitutional right to privacy, in an opinion addressing the employment rights of homosexuals in the Armed Forces, he included a review of his general position on the right to privacy and his opinion of the correctness of Supreme Court precedents [*Dronenburg* v. *Zech* (1984)].

In a sexual harassment case, he filed a "separate statement" seeking to limit the reach of an opinion by a panel of which he was not a member, even though rehearing was denied [*King* v. *Palmer* (1985)].

In a case involving privacy rights asserted by a father seeking access to his children, in which he was a member of the panel, Judge Bork filed a statement attacking the constitutional rights afforded the father by the majority, not when the opinion was issued but more than a month later [*Franz* v. *United States* (1983)].

In sum, Judge Bork's record is one of a judicial activist, whose views place him outside the mainstream of jurisprudential thought. These views, if implemented by the Supreme Court, would have profound consequences for the legal rights of women.

Bork's Voting Record Far More Conservative Than That of the Average Reagan Judge, New Study Reveals

Supreme Court nominee Robert Bork, in a series of contentious cases as an appellate court judge, voted on the conservative side over 90% of the time—making him far more conservative than the average Reagan appointee to the U.S. Court of Appeals, an objective study has concluded.

The year-long study, about to be published in the Columbia Law Review, examined all of the over 1200 nonunanimous decisions by the U.S. Courts of Appeals during 1985 and 1986. This summer, co-authors Timothy Tomasi and Jess Velona conducted additional research to incorporate all of Judge Bork's votes in nonunanimous cases since his appointment to a federal judgeship by President Reagan in 1982.

Overall, the results were that Reagan judges, while much more conservative than Democratic judges, were no more conservative than judges appointed by previous Republican presidents. Democratic judges voted on the liberal side of cases, such as for civil rights plaintiffs, criminal defendants and public interest groups and against business, 62% of the time. Reagan judges did so only 31% of the time, but other GOP judges voted on the liberal side at the same rate—31%. Reagan judges were especially hostile to the claims of criminal defendants, minorities and the disabled, but so were other Republican judges.

Judge Bork did not at all fit this pattern, however. In 18 nonunanimous cases during 1985-86, he never voted on the liberal side. Moreover, since 1982, he cast liberal votes in but 4 of 42 such cases—a rate of just 10%. Many of these were government regulation cases, in which Bork voted consistently in favor of business groups' claims against federal agencies (7 of 8 cases) yet opposed most claims by public interest groups (14 of 15 cases). Thus, he voted on the liberal side of regulation cases only twice in 23 cases studied, only 9% of the time, and far less than the 42% rate of other Reagan judges.

The study also tested whether Reagan judges, when disagreeing with Democratic appointees, took the liberal side of the case more often than did other GOP judges in such situations. Once again, no differences emerged—both Reagan judges and other GOP appointees cast liberal votes 24% of the time. When Judge Bork disagreed with Democrats, however, he never voted on the liberal side in 15 cases during 1985-86, and he did so just twice in 37 cases since 1982—only 5% of the time.

"It is surprising that Reagan judges on the average were no more conservative in their voting behavior than other GOP judges," said Mr. Velona, Articles and Book Reviews Editor of the Columbia Law Review. "If any group of judges would be ideologues, Reagan's appointees fit the bill. But that just hasn't happened."

"As for Judge Bork, people all too often focus solely on his own record and conclude that he is very conservative," said Mr. Tomasi, Notes and Comments Editor of the Law Review. "But the next question is, conservative compared to whom? Our study provides such a unique baseline by examining the voting records of other Republican appointees. Even though the number of cases involving Judge Bork was relatively small, the wide gap between his voting behavior and those of his Republican colleagues cannot be ignored."

"Most strikingly," Velona and Tomasi added, "Judge Bork's voting behavior in regulation cases reflects an apparently inconsistent application of judicial restraint. In the cases with dissents examined in our study, Bork consistently urged that the court defer to agency decisions when a public interest group sued the government. However, in our study, when a business group sued a government agency, Bork very often voted to reverse the agency's decision."

"Of course, the Senate must consider more than these voting patterns in evaluating a judicial nominee," Velona and Tomasi concluded. "We urge that Judge Bork's public statements, academic writings and judicial opinions be closely scrutinized. Still, Judge Bork will need to explain what we have identified as an apparently one-sided approach in at least a significant portion of his judicial decisions. The average Reagan judge may be within the Republican mainstream, but the President's nomination of a man with Judge Bork's record to the nation's highest court can only fuel the current debate about judicial extremism."

[From the New York Review of Books, Aug. 13, 1987]

The Bork Nomination

(By Ronald Dworkia)

President Reagan's nomination of Judge Robert Bork to succeed Justice Lewis Powell on the Supreme Court presents the Senate with an unusual problem. For Bork's views do not lie within the scope of the longstanding debate between liberals and conservatives about the proper role of the Supreme Court. Bork is a constitutional radical who rejects a requirement of the rule of law that all sides in that debate had previously accepted. He rejects the view that the Supreme Court must test its interpretations of the Constitution against the principles latent in its own past decisions as well as other aspects of the nation's constitutional history. He regards central parts of settled constitutional doctrine as mistakes now open to repeal by a right-wing court; and conservative as well as liberal senators should be troubled by the fact that, as I shall argue here, he has so far offered no coherent justifications for this radical, anti-legal position.

It would be improper for senators to reject a prospective justice just because they disagreed with his or her detailed views about constitutional issues. But the Senate does have a constitutional responsibility in the process of Supreme Court appointments, beyond insuring that a nominee is not a crook or a fool. The Constitution is a tradition as well as a document, and the Senate must satisfy itself that a nominee intends in good faith to join and help to interpret that tradition in a lawyerlike way, not to challenge and replace it out of some radical political vision that legal argument can never touch.

The Senate's responsibility is particularly great in the circumstances of the Bork nomination. Bork is the third justice added to the Court by an administration that has for seven years conducted an open and inflexible campaign of ideological appointments on all levels of the federal courts, hoping to make them a seat of right-wing power long after the administration ends. Reagan made no effort to disguise the political character of Bork's appointment: he said that Bork is "widely regarded as the most prominent and intellectually powerful advocate of judicial restraint," and that he "shares my view" of the proper role of the Court. Conservative pressure groups are already raising money to support the nomination, and the right-wing New York *Post* has challenged liberals to "make our day" by opposing it.

Bork's appointment, if confirmed, promises to achieve the dominance of the right on the Supreme Court that Reagan's previous appointments failed to secure. For Justice Powell has been a swing vote, siding mainly with the right on issues of criminal law but with more liberal justices on other issues of individual rights, and he has provided the fifth and conclusive vote, one way or the other, on many occasions. If Bork votes as those who support him have every reason to expect he will, the Court will have lost the balance that Powell provided, and it will have lost the opportunity for cases to be decided one by one on the issues, rather than on some simple ideological test. So the Senate should not apply the relaxed standards it does when a president seeks merely to have his own constitutional philosophy represented on the Supreme Court. The Bork nomination is the climactic stage of a very different presidential ambition: to freeze that institution, for as long as possible, into an orthodoxy of the president's own design.

Few nominees, moreover, have so clearly and definitively announced their positions on matters they are likely to face if confirmed. Bork has declared, for example, that the Supreme Court's decision in *Roe* v. *Wade*, which limited a state's power to make abortion criminal, was itself "unconstitutional," that the Constitution plainly recognizes the propriety of the death penalty, and that the Court's long string of decisions implementing the "one man, one vote" principle in national and local elections was seriously mistaken. He has called the suggestion that moral minorities such as homosexuals might have constitutional rights against discrimination legally absurd, and has doubted the wisdom of the constitutional rule that the police may not use illegally obtained evidence in a criminal trial. In a dissenting opinion on the Circuit Court, which the majority said contradicted strong Supreme Court precedent, he said that Congress cannot challenge in court the constitutionality of the president's acts.

The New York Times reports White House officials as confident, moreover, that Bork will support the administration's extreme position against affirmative action, which the Supreme Court has rejected in several close votes. And Bork has strongly suggested that he would be ready, as a justice, to reverse past Supreme Court decisions he disapproved of. ("The Court," he said, "ought to be always open to rethinking constitutional problems.") Nominees often decline to answer senators' detailed questions about their views on particular issues, out of a fear that public announcement would jeopardize their freedom of decision later. But Bork has given his own extreme views such publicity that senators need not scruple to ask him to defend them.

Most commentators have assumed that Bork has a well-worked-out constitutional theory, one that is evident and straightforward, though very conservative. The Constitution has nothing in it, Bork says, except what the "framers"—"those who drafted, proposed and ratified its provisions and various amendments"—put there. When a case requires the justices to fix the meaning of an abstract constitutional proposition, such as the requirement of the Fourteenth Amendment that government not deny any person "equal protection" of the law, they should, according to Bork, be guided by the intention of the framers, and nothing more. If they go beyond what the framers intended, then they are relying on "moral precepts" and "abstract philosophy," and therefore acting as judicial tyrants, usurping authority that belongs to the people. That, Bork believes, is exactly what the Supreme Court did when it decided the abortion case, the one-man-one-vote cases, the death penalty and affirmative action cases, and the other cases of which he disapproves.

Is that an adequate theoretical explanation of his radical constitutional positions? The idea that the Constitution should be limited to the intentions of the framers has been very popular among right-wing lawyers since Attorney General Meese proclaimed it the official jurisprudence of the Reagan administration. It has been widely criticized, in familiar arguments that neither Bork nor any member of the administration has answered.[1] I shall not pursue those arguments in this article, however, because I am interested, as I said, in a different issue: not whether Bork has a persuasive or plausible constitutional philosophy, but whether he has any constitutional philosophy at all.

In order to explain my doubts I must describe, in some detail, the way Bork actually uses the idea of original intention in his legal arguments. He offered his most elaborate account of that idea in an article written many years ago, discussing the Supreme Court's famous decision in *Brown* v. *Board of Education*, which used the equal protection clause to declare racial segregation of public schools unconstitutional.[2] The *Brown* case is a potential embarrassment to any theory that emphasizes the importance of the framers' intentions. For there is no evidence that any substantial number of the congressmen who proposed the Fourteenth Amendment thought or hoped that it would be understood as making racially segregated education illegal. In fact, there is the strongest possible evidence to the contrary. The floor manager of the bill that preceeded the amendment told the House of Representatives that "civil rights do not mean that all children shall attend the same school," and the same Congress continued the racial segregation of the schools of the District of Columbia, which it then administered.[3]

When the Supreme Court nevertheless decided, in 1954, that the Fourteenth Amendment forbids such segregation, many distinguished constitutional scholars, including the eminent Judge Learned Hand and a distinguished law professor, Herbert Wechsler, had serious misgivings. But the decision has by now become so firmly accepted, and so widely hailed as a paradigm of constitutional statesmanship, that it acts as an informal test of constitutional theories. No theory seems acceptable that condemns that decision as a mistake. (I doubt that any Supreme Court nominee would be confirmed if he now said that he though it wrongly decided.) So Bork's discussion of *Brown* v. *Board of Education* provides a useful test of what he actually means when he says that the Supreme Court must never depart from the original intention of the framers.

Bork says that the *Brown* case was rightly decided because the original intention that judges should consult is not some set of very concrete opinions the framers might have had, about what would or would not fall within the scope of the general principle they meant to lay down, but the general principle itself. Once judges have identified the principle the framers enacted, then they must enforce it *as* a principle, according to their *own* judgment about what it requires in particular cases, even if that means applying it not only in circumstances the framers did not contemplate, but in ways they would not have approved had they been asked.

Since the framers of the Fourteenth Amendment did not believe they were making segregated schools unconstitutional, nothing less than that expansive interpretation of "original intention" could justify Brown as a decision faithful to their intent. And Bork has made it plain on many other occasions that the expansive interpretation is what he has in mind. In a recent case in the DC Circuit Court of Appeals, for example, he joined a majority decision declaring that the First Amendment protected newspaper columnists from a libel suit brought by a Marxist political scientist after they had reported that he had no standing in his profession.[4] Bork's then colleague on that court, Antonin Scalia, who has since been promoted by Reagan to the Supreme Court, dissented, and chided Bork and the other members of the majority as being faithless to the intention of the framers of the First Amendment, who plainly did not suppose that they were changing the law of libel in the way the majority decision assumed. Bork replied, once again, by insisting that a judge's responsibility is not to the particular concrete opinions the framers might or might not have had about the scope of the First Amendment principle they created, but to that principole itself, which, in his view, required that the press be protected from libel suits in ways the framers would not have anticipated.

That seems right. If we are to accept the thesis that the Constitution is limited to what the framers intended it to be, then we must understand their intentions as large and abstract convictions of principle, not narrow opinions about particular issues. But understanding their intentions that way gives a much greater responsibility to judges than Bork's repeated claims about judicial restraint suggest. For then any description of original intention is a conclusion that must be justified not by history alone, but by some very different form of argument.

History alone might be able to show that some particular concrete opinion, like the opinion that school segregation was not unconstitutional, was widely shared within the group of legislators and others mainly responsible for a constitutional amendment. But it can never determine precisely which general principle or value it would be right to attribute to them. This is so not because we might fail to gather enough evidence, but for the more fundamental reason that people's convictions do not divide themselves neatly into general principles and concrete applications. Rather they take the form of a more complex structure of layers of generality, so that people regard most of their convictions as applications of further principles or values more general still. That means that a judge will have a choice among more or less abstract descriptions of the principle that he regards the framers as having entrusted to his safekeeping, and the actual decisions he makes, in the exercise of that responsibility, will critically depend upon which description he chooses.

I must illustrate that point in order to explain it, and again I can draw on Bork's own arguments to do so.[5] In his discussion of the *Brown* case, he proposed a particular principle of equality as the general principle judges should assign to the framers: the principle that government may not discriminate on grounds of race. But he might just as well have assigned them a more abstract and general principle still: that government ought not to discriminate against any minority when the discrimination reflects only prejudice. The equal protection clause of the Fourteenth Amendment does not, after all, mention race. It says only that government must not deny any person equal protection of the law. The Fourteenth Amendment was, of course, adopted after and in consequence of the Civil War, which was fought over slavery. But Lincoln said the war was fought to test the proposition that all men are created equal, and of course he meant women as well. In any case it would be preposterous to think that the statesmen who created the equal protection clause thought that official prejudice was offensive only in the case of race. They thought that official racial discrimination was outrageous because they held some more general principal condemning all forms of official prejudice. Indeed, their views about race would not have been moral views, which they plainly were, unless they held them in virtue of some more general principle of that sort.

Then why should judges not attempt to define and enforce that more general principle? Why should they not say that the framers enacted a principle that outlaws any form of official discrimination based on prejudice? It would follow that the equal protection clause protects women, for example, as well as blacks from discriminatory legislation. The framers apparently did not think that their principle had that range; they did not think that gender distinctions reflected stereotype or prejudice. (It took a later constitutional amendment, after all, to give women the vote.) But once we have defined the principle we attribute to the framers in that more abstract way, we must treat their views about women as misunderstandings of the force of their own principle, which time has given us the vision to correct, just as we treat their views about racially segregated education. That, in effect, is what the Supreme Court has done.[6]

But now consider the case of homosexuals. Bork called the suggestion that homosexuals are protected by the Constitution a blatant example of trying to amend that document by illegitimate fiat. But once we have stated the framers' intention as a general principle condemning all discrimination based on prejudice, then a strong case can be made that we must recognize homosexual rights against such discrimination in order to be faithful to that intention. The framers might not have agreed, even if they had examined the question. But once again a judge might well think himself forced, in all intellectual honesty, to regard that as another mistake they would have made, comparable to their mistakes about school segregation and women. Once again, as in those cases, time has given us the information and understanding that they lacked. Superstitions about homosexuality have been exposed and disproved, many states have repealed laws making homosexuals acts criminal, and those laws that remain are very widely regarded as now based on nothing but prejudice. I do not mean to claim that the argument in favor of homosexual rights would be irresistible if we accepted the broader reading of original intention that I described. But the argument would state a strong case that any opponent would have to answer in detail, not simply brush aside as Bork did.[7]

An appeal to the framers' intention, in other words, decides nothing until some choice is made about the right way to formulate that intention on any particular issue. If we choose the narrowest, most concrete formulation of original intention, which fixes on the discrete expressed opinions of the framers and ignores the more general moral vision they were trying to serve, then we must regard *Brown* as unfaithful to the framers' will; and that conclusion will seem to most people ample evidence that the most concrete formulation is the wrong one. If we assign to the framers a principle that is sufficiently general not to seem arbitrary and ad hoc, on the other hand, like the principle that government must not discriminate on grounds of prejudice, then many of the decisions Bork castigates as illegitimate become proper according to the standards Bork himself claims to endorse.

So everything depends on the level of generality a judge chooses as the appropriate one, and he must have some reason for his choice. Bork chooses a level intermediate between the two I just described. He says that judges should assign the framers a principle limited to the groups or topics they actually discussed. If race was discussed during the debate over the equal protection clause, but neither gender nor sexual behavior was "under discussion," then the original intention includes the principle that government should not discriminate racially. It does not include the more general principle that the government should not act out of prejudice against any group of citizens, because that more general principle would apply to women and homosexuals, who were not discussed. The odd suggestion that we can assign no general principle to the framers whose application would extend to any group or topic not "under discussion" would of course sharply limit the individual rights the Constitution would protect. But it is flatly inconsistent with Bork's other opinions—the framers of the First Amendment did not discuss the law of libel, for example. And it has no jurisprudential or historical merit at all.

There is no more sense in assigning the framers an intention to protect only the groups they actually mentioned than in assigning them an intention limited to the concrete applications they actually envisioned, which Bork agrees would be absurd. The framers meant to enact a moral principle of constitutional dimensions, and they used broad and abstract language appropriate to that aim. Of course they discussed only the applications of the principle that were most on their minds, but they intended their discussion to draw on the more general principle, not eviscerate it. Perhaps they disagreed among themselves about what their principle would require, beyond the issues they discussed. And contemporary judges, with more information, may think it requires legal decisions few if any of the framers anticipated, as in the case of segregated schools and gender discrimination. But Bork's suggestion insults the framers rather than respects them, because it denies that they were acting on principle at all. It reduces a constitutional vision to a set of arbitrary and isolated decrees.

Bork defends this truncated view of original intention only by appealing to the platitude that judges must choose "no level of generality higher than that which interpretation of the words, structure, and history of the Constitution fairly supports." That is certainly true, but unhelpful, unless Bork can produce an argument that his own, truncated conception meets that test; and he has not, so far as I am aware, produced even the beginning of such an argument. His conception yields narrow constitutional rules that protect only a few groups while excluding others in the same moral position. How can a discriminatory rule of that sort count as a fair interpretation of the wholly general and abstract language that the framers actually used when they referred to equal protection for all persons? Most lawyers think that the ideal of integrity of principle—that fundamental rights recognized for one group extend to all—is central to the Constitution's structure. How, then, can Bork's narrow rules be recommended by any fair interpretation of that structure? Unless he can produce some genuine argument for his curtailed view of original intention, beyond the fact that it produces decisions he and his supporters approve, his constitutional philosophy is empty: not just impoverished and unattractive but not philosophy at all.

Judges in the mainstream of our constitutional practice are much more respectful of the framers' intentions, understood as a matter of principle, than Bork is. They accept the responsibility the framers imposed on them, to develop legal principles of moral breadth to protect the rights of individuals against the majority. That responsibility requires judgment and skill, but it does not give judges political license. They test competing principles in the interpretative, legal manner, by asking how far each fits the framers' decisions and helps to make sense of them, not as isolated historical events but as part of a constitutional tradition that includes the general structure of the Constitution as well as past Supreme Court and other judicial decisions. Of course competent and responsible judges disagree about the results of that exercise. Some reach mainly conservative results and others mainly liberal ones. Some, like Justice Powell, resist classification because their views are particularly sensitive to differences between different kinds of issues. Disagreement is inevitable, but the responsibility each judge accepts, of testing the principles he or she proposes in that way, disciplines their work and concentrates and deepens constitutional debate.

Bork, however, disdains these familiar methods of legal argument and analysis; he believes he has no responsibility to treat the Constitution as an integrated structure of moral and political principles, and no responsibility to respect the principles latent in past Supreme Court decisions he regrets were made.[9] In 1971 he subscribed to an alarming moral theory in an effort to explain why.[10] He said that moral opinions were simply sources of what he called "gratification," and that "there is no principled way to decide that one man's gratifications are more deserving of respect than another's, or that one form of gratification is more worthy than another." Taken at face value, that means that no one could have a principled reason for preferring the satisfactions of charity or justice, for example, to those of racism or rape.

A crude moral skeptic is an odd person to carry the colors of the moral fundamentalists. Nevertheless, if Bork is still that kind of skeptic, this would explain his legal cynicism, his indifference to whether constitutional law is coherent in principle. If not, we must look elsewhere to find political convictions that might explain his contempt for the integrity of law. His writings show no developed political philosophy, however, beyond frequent appeals to the truism that elected legislators, not judges, ought to make law when the Constitution is silent. No one disputes that, of course; people disagree only about when the Constitution is silent. Bork says it is silent about gender discrimination and homosexual rights, even though it declares that everyone must have equal protection of the law. But he offers, as I have said, no argument for that surprising view.

He does suggest, from time to time, a more worrying explanation of his narrow reading of the Constitution, because he flirts with the radical populist thesis that minorities in fact have no moral rights against the majority at all. That thesis does recommend giving as little force to the framers' intentions as possible, by treating the Constitution as a collection of isolated rules, each strictly limited to matters that the framers discussed. But populism of that form is so plainly inconsistent with the text and spirit of the Constitution, and with the most apparent and fundamental convictions of the framers, that anyone who endorses it seems unqualified, for that reason alone, for a place on the Court.

There is very little else about political morality to be found in Bork's writings. He did declare an amazing political position long ago, in 1963. He opposed the civil rights acts on the ground that forbidding people who own restaurants and hotels from discriminating against blacks would infringe their rights to liberty. He tried to defend that position by appealing to John Stuart Mill's liberal principle that the law should not enforce morality for the sake of morality alone. He called the idea that people's liberty can be restricted just because the majority disapproves of their behavior an idea of "unsurpassed ugliness."

His analysis of the connection between liberty and civil rights was confused. The civil rights acts do not violate Mill's principle. They forbid racial discrimination not just on the ground that the majority dislikes racists, but because discrimination is a profound harm and insult to its victims. Perhaps Bork realized this mistake, because in 1973 he declared, in hearings confirming his appointment as Nixon's solicitor general, that he had come to approve of the civil rights acts. But in 1984, without acknowledging any change in view, he disavowed Mill's principle entirely, and embraced what he had formerly called an idea of unsurpassed ugliness, the idea that the majority has a right to forbid behavior just because it thinks it morally wrong." In a lecture before the American Enterprise Institute, in which he was discussing the liberty not of racists but of sexual minorities, he dismissed the idea that "moral harm is not harm legislators are entitled to consider," and accepted Lord Devlin's view that a community is entitled to legislate about sexual and other aspects of morality because "what makes a society is a community of ideas, not political ideas alone but also ideas about the way its members should behave and govern their lives." Perhaps Bork's convictions did shift so dramatically over time. But it is hard to resist a less attractive conclusion: that his principles adjust themselves to the prejudices of the right, however, inconsistent these might be.

In any case, the Senate Judiciary Committee should try to discover, if it can, the true grounds of Bork's hostility to ordinary legal argument in constitutional law. It should not be satisfied if he defends his announced positions by appealing only and vaguely to the original intention of the framers. Or denounces past decisions he might vote to repeal by saying that the judges who decided them invented new rights when the Constitution was silent. For these claims, as I have tried to show, are empty in themselves, and his attempts to make them more substantial show only that he uses original intention as alchemists once used phlogiston, to hide the fact that he has no theory at all, no conservative jurisprudence, but only right-wing dogma to guide his decisions. Will the Senate allow the Supreme Court to become the fortress of a reactionary antilegal ideology with so meager and shabby an intellectual base?

FOOTNOTES

[1] The idea of an *institutional* intention is deeply ambiguous, for example, and political judgment is required to decide which of the different meanings it might have is appropriate to constitutional adjudication. (See my book, *Law's Empire*, Chapter 9.) And the original intention theory appears to be selfdefeating, because there is persuasive historical evidence that the framers intended that their own interpretations of the abstract language they wrote should not be regarded as decisive in court. See H. Jefferson Powell, "The Original Understanding of Original Intent," *Harvard Law Review*, Vol. 98, p. 885 (1985).

[2] See Bork, "Neutral Principles and Some First Amendment Problems," *Indiana Law Journal*, Vol. 47, pp. 12-15 (1971).

[3] See Raoul Berger, *Government by Judiciary: The Transformation of the Fourteenth Amendment* (Harvard University Press, 1977), pp. 118-119.

[4] See Bork's concurring opinion in *Ollman* v. *Evans* 750 F2d 970 (1984).

[5] For more general discussions of the same point in different contexts, see my *Taking Rights Seriously* (Harvard University Press, 1977), Chapter 5, *A Matter of Principle* (Harvard University Press, 1986), Chapter 2, and *Law's Empire* (Harvard University Press/Belknap Press, 1986), Chapter 9.

[6] See, for example, *Craig* v. *Boren*, 429 US 190 (1976).

[7] I might have used many other areas of constitutional law to illustrate the point I have been making about the idea of original intention. In the 1971 article I mentioned earlier, for example, Bork offered a theory about the original intention behind the First Amendment's guaranty of freedom of speech. He said that the framers intended to limit constitutional protection to politically valuable speech, and that the First Amendment therefore does not prevent legislators from banning scientific works they disagree with or censoring novels they find unattractive. He recently announced that he long ago abandoned that view, for the somewhat shaky reason that scientific works and novels may relate to politics (most of them do not). But he still apparently believes that the First Amendment has no application either to pornography or to what he regards as advocacy of revolution, on the ground that neither has any political value in his eyes.

He offers no justification, however, for attributing to the framers the relatively narrow principle that only political ideas deserve protection. No doubt they focused on political censorship, which was one of the evils they had fought a revolution against. But since Milton's *Areopagitica*, at least, it had been widely supposed that political speech must not be censored for a more general and abstract reason that applies to other forms and occasions of speech as well: that truth will emerge only after unrestrained investigation and communication. (A tract in favor of free speech published in 1800 argued that "there is no natural right more perfect or absolute, than that of investigating every subject which concerns us.") So once again the choice of which principle to attribute to the framers will be decisive. If we concentrate on their special concern about political speech, Bork's formulation seems more appropriate. If we look instead to the philosophical antecedents of that special concern, it does not. We need an argument to justify the choice, not a flat declaration that one formulation does and the other does not capture the original intention.

[8] He does so in a lecture to the University of San Diego School of Law on November 18, 1985, reprinted in the San Diego Law Review, Vol. 23, No. 4 (1986), p. 823. Bork attempted to reply, in that lecture, to an argument by Dean Paul Brest of the Stanford Law School which was apparently similar to the argument I have made here. Bork does not supply a reference to Brest's argument.

[9] In an earlier article (*The New York Review*, November 8, 1984) I contrasted Bork's methods, as exhibited in the *Dronenbureg* case, with the methods more traditional lawyers would have used.

[10] Bork, "Neutral Principles," p. 10.

[11] Bork, "Civil Rights—A Challenge," *The New Republic* (August 31, 1963), p. 19.

[12] Bork, "Tradition and Morality in Constitutional Law," The Francis Boyer Lectures, published by

the American Enterprise Institute for Public Policy Research.

[13] Bork did not, however, read Devlin very carefully. Devlin thinks the majority has a right to enforce its moral views only in unusual circumstances, when unorthodox behavior would actually threaten cultural continuity, and he does not think that his views would support making private homosexual acts between consenting adults criminal. See Patrick Devlin, *The Enforcement of Morals* (Oxford University Press, 1965).

Mr. FORD of Tennessee. Mr. Speaker, it is my firm opinion that Judge Robert H. Bork is an unsuitable appointee to the U.S. Supreme Court. Far too much is at stake for all of us, and especially for those Americans who are voiceless and disenfranchised, to allow his repressive philosophy to become the law of the land. His appointment has frightening implications for racial minorities, women, and gay people. His restrictive reading of the protections afforded by the first amendment are troubling. His support of the unfettered exercise of Presidential power is disturbing, especially in the time of Contragate. And his promotion of ostensibly principled positions under the rubric of judicial restraint threatens to move our society backward in a gradual retrenchment of many fundamental liberties that as Americans, we consider inalienable rights.

It is clear that Judge Bork would like to restrict the rights of racial minorities. He has questioned the constitutionality of the public accommodations provisions of the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1970 Amendments to the Voting Rights Act. He has gone so far as to argue that Shelley versus Kraemer wrongly prohibited State court enforcement of racially restrictive covenants. And he has expressed his opposition to the consideration of race in affirmative action efforts, such as that sanctioned in Bakke decision.

Judge Bork proposes to reduce the scope of the equal protection clause of the 14th amendment, arguing that it does not address matters other than race, and we have seen where he stands on the issue of race. He ruled that sexual harassment is not a form of sexual discrimination in Vinson versus Taylor. Moreover, he has failed to recognize that the constitutional guarantee of liberty encompasses a right to privacy. On this basis, he has expressed his view that Roe versus Wade is an unconstitutional and unjustified usurpation of State legislative authority, thus denying the right of women to exercise control over their own bodies; he has criticized the Griswold versus Connecticut decision permitting married couples to use contraception; and he has taken the opportunity in Dronenburg versus Zech, to deny the right to privacy in the context of homosexual conduct. Judge Bork has also consistently favored the rights of management, in both government and business arenas, over those of labor, by upholding the right to fire an employee who refused to drive an unsafe truck in Prill versus NLRB, and by permitting a restaurant to fire employees for distributing union material during working hours.

Although Judge Bork is a self-proclaimed champion of first amendment freedoms, it is important to examine the restrictive and selective nature of his application of the right to self-expression. We must scrutinize his belief that only speech which is necessary to the political process is protected, for it is clear that some freedom, applied to some people, is not freedom at all. His role in the "Saturday Night Massacre" and his support of broad and ultimately unrestricted Presidential power also merit close attention. In claiming independence from the bounds of precedent and focusing on original intent, he has fashioned out of the Constitution a facile document. For himself, he has shaped a role in which he may exercise his own conservative, indeed, fundamentalist, will.

Because we must seek to protect the individual liberties of each American, and redress injustice through both legislative and judicial action, Judge Bork must be rejected as a candidate for the Supreme Court. The Court's role as the most powerful protector of our rights and the balance between executive, legislative, and judicial power is otherwise jeopardized, trembling on the brink of decades of backward, rather than forward movement.

Mr. EDWARDS of California. Mr. Speaker, the appointment of the next Supreme Court Justice is a critical one, for this moment in history bears a heavy burden for the future of our country.

Does the Senate have the constitutional right and obligation to reject a nominee because they don't like his or her views? The answer is an emphatic "yes."

The text of the Constitution could not be clearer on the authority of the Senate with regard to judges of the Supreme Court. The President "shall nominate, and by and with the advice and consent of the Senate, shall appoint * * * Judges of the Supreme Court. * * *"

The legislative history of the writing 200 years ago of the Constitution is equally clear. The Constitutional Convention almost fell apart because of the fear of giving the President too much power. Many changes were adopted expressly to limit and to balance the powers given to the President.

Both the clear language of the Constitution and the original intent of the framers check the power of the President to shape the Federal Judiciary. Both give the Senate equal responsibility in determining the membership of the Nation's highest court.

He is contemptuous of the constitutional right of privacy as enunciated by the Supreme Court. He criticizes the Supreme Court for its 1965 decision that upheld the right of a married couple to use contraceptives—Griswold versus Conn—and denies the right to reproductive privacy espoused by the Court in Roe versus Wade.

In cases involving the efforts of minorities to be protected from a bullying majority, he takes a view that all who are the least bit familiar with the intent of the framers must find strange. He refers routinely to the "loss of liberty" by the majority whose intrusion the minority is trying to resist.

A most disturbing aspect of Bork's philosophy is this view of the Presidency. Of all the concerns expressed by our Founders in Philadelphia 200 years ago, the fear of a too forceful President, a President unchecked by Congress and the judiciary, obsessed the authors of the Constitution.

They saw in the President's office the foetus of a monarch. They insisted on the system of checks and balances, with no one branch overpowering the others. Bork's history reveals that he believes the President must have extraordinary power, beyond the control of Congress or the Courts.

As a law professor in 1978, Bork asserted that the President as Commander in Chief should have unlimited power to wiretap aliens or citizens suspected of subversive activity.

The constitutional authority of the Senate is advise and consent, and consent means the duty to make the decisions, "yes or no." As the respected legal scholar, Prof. Charles Black of Yale Law School points out, a judicial appointment is not the selection of one of the President's people, like the appointment of a Cabinet Member. There, due deference should be paid to the President's right to pick his or her own team.

But a Supreme Court Justice is not a member of the President's team. That judge must not be selected so as to work for or against the President. He or she is a judge appointed for life.

Presidents certainly have a right to nominate justices who share their philosophy; but, the Senate unquestionably has an equal right to reject them. The philosophy of a nominee to the Supreme Court must be just as relevant for the Senate as it was for the President making the nomination.

The Senate's absolute right to give or withhold consent for any reason whatsoever was established in 1795 when the Senate rejected John Rutledge for the Supreme Court.

The President was George Washington, the most prestigious and respected chief executive in our history. And why did the Senate refuse its consent to President Washington? Because a majority of that body didn't like Rutlege's public disapproval of a treaty proposed by John Jay.

This solid interpretation of the provision to advise and consent has been followed consistently in the 192 years since then, and 20 percent of the various Presidents' Supreme Court nominations have been rejected. Let's not let anyone tell us that Judge Bork must be confirmed because President Reagan has the right to pick his own team. The Supreme Court is the people's team, not the President's, Democrat or Republican.

Just who is Robert Bork, and why are we so exercised about his nomination? Well, we know he was a professor of law at Yale, that he was Solicitor General under President Nixon, that he fired Special Prosecutor Archibald Cox, and act that was subsequently found by a Federal court to be unlawful. We know that presently he is a judge on a Federeal appeals court, a judge whose duty it is to follow the precedents set by the Supreme Court in all areas of law.

We are learning much about what kind of a man in Robert Bork, and how his mind works, and what we might expect from him as Supreme Court Justice.

Here's Bork on the Bill of Rights: "A hastily drafted document upon which little thought was expended."

On freedom of speech, Bork says, "The words are not necessarily absolute." He believes that only "explicitly political speech" is protected, not scientific, commercial, or even literary speech. He rejected the requirement of a judicial warrant. During the Vietnam war, Bork wrote that President Nixon had the right, uncheckable by Congress, to send troops into Cambodia.

Consistently over the years Bork has made clear his troubling views on the vital subject of the power of the Presidency. And we do not like the image that is presented—unlimited power in the White House, unlimited power in the executive.

In nine cases before the court of appeals where access to Government information was an issue, Bork voted each time to deny access. And, what we are learning from reading his opinions and speeches and articles is alarming us. Day by day, hour by hour, we are becoming more strongly convinced that Bork's confirmation by the U.S. Senate could turn back the clock to some of the darkest days of our history.

For at least 30 years no American institution has served better in protecting our liberties than the Federal courts. Bork has spent the last 25 years denouncing the Federal courts. His presence on the Supreme Court would have tremendous impact on the evolution of constitutional justice and our society as a whole.

Too much is at stake for the Senate to shirk its constitutional obligation in reviewing this pivotal nomination. That duty must be fulfilled with the most extraordinary care.

Ms. OAKAR. Mr. Speaker, the Constitution is in jeopardy.

Robert Bork, President Reagan's pending nominee to the Supreme Court, rejects constitutional protections of our privacy, our civil rights, and our basic freedoms.

In fact, Judge Bork once claimed that the Bill of Rights was only "A hastily drafted document on which little thought was expended."

I say "no," Judge Bork.

No, we will not allow you to take us back.

As the Judiciary Committee of the other body, under able leadership, has noted, throughout his career, Judge Bork has opposed virtually every major civil rights advance. He has opposed:

The public accommodations bill;

The decision advancing open housing;

The decisions establishing the principle of one-person, one-vote;

The decision striking down racially restrictive covenants;

The decisions banning literacy tests;

The decision outlawing poll taxes;

And the decision upholding affirmative action.

Therefore, I say we oppose Judge Bork.

We must oppose a man who indicates women should not be included within the scope of the equal protection clause and who has opposed the equal rights amendment.

We must oppose this man whose unbroken repudiation of the doctrines preventing Government intrusion into the privacy of personal lives ignores the tradition and text of the Constitution.

For Judge Bork's severely limited view of the right to advocate political and social change bars from the courts many whose right to bring suit has been previously recognized.

Even in antitrust, Judge Bork advocates unprecedented judicial activism, proposing that the courts ignore almost 100 years of judicial precedents and congressional enactments.

On labor, Judge Bork's opinions markedly oppose the American worker.

And Judge Bork's overall record demonstrates extremely restrictive views on freedom of the press;

Finally, at this critical juncture in the history of the Court, when fidelity to the basic protections of the Constitution has been thrown into doubt by some in this administration, Judge Bork has supported executive powers essentially unlimited by law.

In the interests of our Nation, I urge all of my colleagues to oppose the elevation of Judge Robert Bork to be an Associate Justice of the Supreme Court.

We are literally one Justice away from injustice.

We must stand together.

Mr. Speaker, I include a copy of the resolution in the RECORD immediately following my remarks:

BORK RESOLUTION

Whereas an accurate portrait of Judge Bork's record demonstrates that he is not a Practitioner of Judicial Restraint;

Whereas the Bill of Rights was not, as Judge Bork claims, "A hastily drafted document on which little thought was expended;"

Whereas throughout his career, Judge Bork has opposed virtually every major Civil Rights advance;

Whereas Judge Bork: opposed the Public Accommodations Bill; opposed the decision advancing Open Housing; opposed the decisions establishing the Principle of One-Person, One Vote; opposed the decision striking down Racially Restrictive Covenants; opposed the decisions banning Literacy Tests; opposed the decision outlawing Poll Taxes; and opposed the decision upholding Affirmative Action;

Whereas Judge Bork has indicated that Women should not be included with the scope of the Equal Protection Clause and has opposed the Equal Rights Amendment;

Whereas Judge Bork's unbroken repudiation of the doctrines preventing unwarranted Governmental Intrusion into the Privacy of Personal Lives ignores the tradition and text of the Constitution;

Whereas Judge Bork has a severely Limited View of the Right to advocate political and social change;

Whereas Judge Bork bars from Federal Courts many whose Right to bring suit has been previously recognized;

Whereas in Antitrust, Judge Bork advocates Unprecedented Judicial Activism, proposing that the Courts ignore almost One Hundred Years of Judicial Precedents and Congressional Enactments;

Whereas Judge Bork's opinions on Labor have markedly opposed the American Worker;

Whereas Judge Bork's overall record demonstrates extremely restrictive views on Freedom of the Press;

Whereas Judge Bork has supported Executive Powers essentially Unlimited by Law: Be it therefore

Resolved, That in the interests of our nation and to preserve our proud tradition of progress, the Democratic Party opposes the elevation of Judge Robert Bork to be an Associate Justice of the Supreme Court.

Mr. SABO. Mr. Speaker, although I am always reluctant to advise the Senate on how it should perform its duties, there is an issue about which I cannot remain silent. Many actions that Congress takes this fall will be important. But the most important decision to be made concerns the confirmation of Judge Robert H. Bork to the U.S. Supreme Court.

The Senate should exercise its prerogative and reject Judge Bork's nomination. His appointment could usher in a new era in which the Court reverses much of the progress we have made in the past decades. Should the Senate confirm Judge Bork, I fear the Court may roll back many of the important advances for which we have fought for so long.

We have fought and won important battles to protect basic individual rights and liberties, to enhance our democratic processes, and to expand economic opportunities so all Americans can share in the American dream. Now is not the time to retreat from these victories. The American people do not want us to turn back the clock and revisit these issues. Instead we must move forward.

While we have been surprised in the past at the change in philosophy that has occurred in some justices once they joined the Court, we cannot gamble that this will happen with Judge Bork. It is clear—from his writings, lectures, and opinions covering 20 years—he has a unique view of the Court's role in our evolving democracy. He has a radical view of the Constitution itself.

Judge Bork has a hostile attitude toward the role of the Court and the Constitution in ensuring the rights of individuals, minorities, women, and right to privacy. He has opposed every piece of civil rights legislation and Court decisions designed to protect civil liberties. Under his view of the Constitution women and minorities get second class protection. He is biased against the rights of the individual and the public, in favor of big business.

Judge Bork disagrees with numerous landmark court decisions, many of which he would willingly vote to overturn. Many of these decisions are now deeply woven into the fabric of our society. The vast majority of Americans have come to accept these rulings as the established law of the land.

It is especially ironic that as we celebrate the bicentennial of the U.S. Constitution, President Reagan has nominated a man who wants to tear that remarkable document to shreds. It is sad that he has chosen a man who could embark on a major assault against the Constitution.

I am sure that Judge Bork is a smart man. But intelligence is not the only criterion that should be used to evaluate whether he should serve on the highest court in the land. His philosophy and ideology are extremely important. Just as the President would not nominate a man whose views were contrary to his own, the Senate should not approve a man whose philosophy is so radically different from the mainstream of American thought.

The Court was never intended to be a tool by which the President alone could promote his ideology. It is not a subdivision of the executive branch of Government. Instead, it is a vital independent third branch of our Government. That is why the Senate has the authority to review and pass judgment on a President's recommendation.

The Senate in the case of Judge Bork has a grave responsibility to use its veto power over the President's nomination. I urge the Members of the other body to reject President Reagan's nomination of Judge Bork. In doing so, you will have the support and heartfelt thanks of many of us in this body, the American people, and future generations who want to move forward in the pursuit of justice, liberty, and democracy.

Mr. DE LUGO. Mr. Speaker, it gives me great pleasure to join my colleagues in speaking up against the nomination of Judge Robert Bork to the Supreme Court, and I commend the Black Caucus for putting this event together. While the Members of the other House have the official power to advise and consent on such nominations, we in "the people's House" also must be heard on this crucial nomination.

The debate over Robert Bork has become, quite appropriately, a debate on the future direction of the Supreme Court and this country. It's a debate on whether we are really committed to full justice for blacks and women and all our citizens.

We've got to tell President Reagan and the country that we are not backing away from our commitment to bring justice to all the people of this country. We don't want or need a Supreme Court that is inclined to dismantle the political machinery and judicial rulings that have brought us this far in civil rights. We don't want or need a Supreme Court that seeks to carry out the overblown "Reagan revolution" long after this President is out of office.

When the President retires in 16 months, he is welcome to return to his romanticized, nostalgic view of American life in the 1930's and 1940's, but he must not take the Supreme Court with him.

The next Supreme Court nominee is just too important to let President Reagan appoint a judge who has challenged the legal rulings that have shut down racial segregation in this country; a judge who has challenged the legal rulings that have expanded women's rights in this country; a judge who, 15 years ago, was willing to fire the Watergate special prosecutor even after his two superiors had preserved their honor by refusing to carry out that Presidential order.

In many respects, Robert Bork represents the very judicial philosophy that we have been fighting against to make progress in civil rights in the last 40 years. We can't afford to give him a hand in the future of the Supreme Court.

I look forward to seeing Judge Bork's nomination defeated. And I look forward to seeing the national debate over this man's judicial philosophy stir up a renewed commitment to civil rights for all in this country.

Mr. RANGEL. Mr. Speaker, I am pleased to join with my colleagues to express opposition to the nomination of Robert Bork to the U.S. Supreme Court. Today, there is nothing that is more threatening to the progress of civil rights, personal freedoms, and the rights of individual citizens in this country than the likelihood of Bork as an Associate Justice to the Supreme Court. This may be the only moment in the history of my tenure as a Member of the House that I long for a vote in the Senate.

I have always known that if the Reagan administration would have a long-term impact on the history of this country, it would most definitely have to be through the courts. As lifetime members, there is basically no control over the actions of a member of the judicial branch once appointed. This is why I urge all individuals who cherish the freedoms expounded in the Constitution to oppose the Bork nomination and oppose it with all veracity.

The administration defends its nomination of Bork as an effort to establish a balance on the Supreme Court, support for judicial restraint. Well, if Bork's judicial restraint is evidenced by his long line of opinions in opposition to individual rights, statements against the rights of minorities, and outright expression of opposition to the controversial Roe versus Wade, then I have long had a misconception of the term judicial restraint.

Former Associate Justice Lewis Powell was the paradigm of judicial restraint. He realized that the Constitution is filled with ambiguities, unintended clauses, and in need of interpretation. Powell was from the school of thought that interpretation should be done according to stringent guidelines, taking into account judicial precedent—Bork has no understanding of these principles.

No, Robert Bork is not from the school of judicial restraint. What he is, is an ideological tool of an extreme conservative movement attempting to force its ideology on an unwilling, unsuspecting public. He has set precedents for not following precedent, and expressed publicly that he does not feel constrained by precedent.

Furthermore, Bork is opposed to key provisions of the Civil Rights Act of 1964; is in favor of a congressional limit on the use of busing as a tool of school desegregation; and is critical of the landmark decision in the Bakke case which endorses affirmative action. Bork is not the right person for the job today. While I see the mood of the country shifting to the center, it is nowhere near the far end of the spectrum where Robert Bork resides.

I have seen the spectrum of change in this country. I saw the Great Depression and World War II. I grew up in the tide of change in the forties and fifties. I served in the Korean war and watched the social revolution of the sixties. I have seen the progress of the people and worked as a Member of this great body to save the economic structure of this beloved country. All of this progress, all of this change will be jeopardized if Robert Bork is appointed to the highest Court of this land, the Court that has the final word on all judicial questions.

Mr. Speaker, it is my fervent desire that Bork will not be nominated to the Supreme Court. His nomination is not in step with the mood of the Nation. I hope my colleagues in the other body will recognize this and vote "no" on Bork.

Mr. HAYES of Illinois. Mr. Speaker, I rise today with my distinguished members of the Congressional Black Caucus and other Members who have opposed the nomination of Judge Robert H. Bork.

Early in July 1987, President Reagan nominated Judge Robert H. Bork to be an Associate Justice of the U.S. Supreme Court. This nomination would replace Associate Justice Lewis F. Powell, who is retiring from the Court.

In evaluating Judge Bork's nomination to the Supreme Court, the U.S. Senate has a constitutional obligation to consider independently whether the nomination is in our Nation's best interest. The framers of the Constitution divided the appointment power between the President and the Senate, just as they divided the treaty power. The U.S. Constitution makes the role of the Senate equal to that of the President. One of the fundamental functions in confirming judicial nominees is to prevent partisan, ideological court packing by a President. Mr. Reagan has tried to remake the Supreme Court to mirror his views. The Senate must reject nominees who represent a drastic shift in the Court's to one extreme if a Senator believes the shift would be harmful to the Nation. The Senate has always acted on broader criteria than just academic and professional credentials.

In the area of civil rights, Judge Bork said that this—

> [Legislation] outlawing discrimination in business facilities serving the public . . . ignore[s] the fact that it means a loss in a vital area of personal liberty. The legislature would inform a substantial body of the citizenry that in order to continue to carry on the trades in which they are established *they must deal with and serve persons with whom they do not wish to associate.* (added) . . ., [T]he simple argument from morality to law can be a dangerous non sequitur. Civil Rights—A Challenge, by Robert Bork, The New Republic, August 31, 1963, p. 22. Judge Bork sums up his view of the anti-discrimination law as coercion and "unsurpassed ugliness."

A recent study in the Columbia Law Review reveals Judge Bork's voting record is far more conservative than that of the average Reagan judge. Judge Bork, in a series of contentious cases as an appellate court judge, voted on the conservative side over 90 percent of the time—making him far more conservative than the average Reagan appointee in the U.S. Court of Appeals, the study concluded.

I believe that evaluating Judge Bork's published opinions, and his record over 5 years which reveals that he participated in about 400 published opinions of the U.S. Court of Appeals for the District of Columbia Circuit, and he had written about 144 majority, concurring, and dissenting opinions, that were examined by the Public Citizen Litigation Group in Washington, DC [Public Citizen] show that Judge Bork's opinions reflect judicial restraint and closed mindedness.

I understand that, Public Citizen focused on Judge Bork's opinions and those cases in which the judges on the court disagreed and identified 56 "split decisions" in which Judge Bork participated—those cases in which one or more judges disagreed with the majority on how the case should be resolved and filed a dissenting statement. Judge Bork's votes in split decisions are significant for several reasons. They made a difference in the outcome and tend to be the more controversial cases, some of which may reach the Supreme Court.

Also, Public Citizen found that Judge Bork's record demonstrates, among other things, that:

His performance on the D.C. Circuit is not explained by the consistent application of judicial restraint or any other judicial philosophy; instead in split cases, one can predict his vote with almost complete accuracy simply by identifying the parties in the case;

In split cases in which the Government is a party, Judge Bork voted against consumers, environmental groups, and workers almost 100 percent of the time and for business in every such case;

In 14 split cases, Judge Bork denied access to the courthouse every time among the many losers was the U.S. Senate, which according to Judge Bork's dissent, could not bring a case of major constitutional significance to the Federal courts;

In addition, it has been reported in the Public Citizen's analysis, "The Judicial Record of Judge Robert H. Bork," August 1987, page 20, that his position in labor cases shows him as no friend of labor.

In the labor area, Judge Bork had been differential to agency decisions that upheld the rights of business institutions but nondeferential to those agencies that ruled in favor of workers of their unions. Of 8 cases in which the members of the court disagreed about the proper outcome, Judge Bork voted against the workers' claim 7 times (1 of which was a vote against the workers' claim against their union; in another case, the only issue involved an attorneys' fee claim). The only vote in favor of an employee came in a case in which Judge Bork voted against the worker on the principal issue, by upholding an employer's decision to discharge the worker, but remanded the case for the agency to explain a procedural ruling made against the worker, although the terms of the remand were such that defeat for the worker was nearly inevitable. *York v. Merit Systems Protection Board*, 711 F.2d 401 (1983).

I oppose the nomination of Judge Robert H. Bork to be an Associate Justice of the U.S. Supreme Court.

I believe that Bork is an extreme conservative and confirmation of Judge Bork would shift this closely divided Supreme Court sharply to the right.

Judge Bork is a believer and advocate in judicial restraint. Judge Bork may vote simply by identifying the parties in the case.

Judge Bork consistently votes against workers, consumers, environmental groups and for business in cases that come before him, almost 100 percent of the time.

Judge Bork's record reflects strong opposition to the principle of one-person, one-vote; denying the enforceability of racially restrictive covenants; and extending the reach of the equal-protection clause. (Washington Post September 14, 1987, p. A3) Judge Bork is outside the American mainstream on the questions of abortion, civil rights and the rights of individuals against the Government.

Judge Robert H. Bork by his record has never shown the least concern for working people, minorities, the poor, or for individuals seeking the protection of the law to indicate their political and civil rights. Instead, he has consistently protected the rights of businessmen, of property owners, and of the executive branch of the Federal Government.

We're one vote away from losing our most fundamental rights; for example, we are just one Justice away from injustice. We all know that it is the Senate's right and responsibility to stand up to this ideological court packing.

I oppose the nomination of Judge Robert H. Bork and encourage the members of the Committee on the Judiciary in the U.S. Senate to reject Judge Bork for the U.S. Supreme Court.

Mr. DIXON. Mr. Speaker, it is with a measure of irony that I rise on this the 200th birthday of the signing of the American Constitution to oppose the nomination of Robert H. Bork to the Supreme Court of the United States. On this, I find myself compelled to speak out against the nomination of this candidate.

It is ironic because as we pay tribute to the document that "secured the blessings of liberty" for nearly seven generations of Americans, a decision must be made on a judicial nominee who, I strongly suspect, would act to reverse many of the important Supreme Court decisions that have expanded the scope of protections guaranteed by the Constitution.

Justice Thurgood Marshall ignited a thoughtful, necessary constitutional debate last May, when he cautioned Americans against a blind veneration of the original document and its historic framers. In brief, he asked if we should truly applaud the Founding Fathers' vision of American democracy—a democracy that denied basic liberties to major sectors of the Nation's population?

Like Justice Marshall, I believe that the Constitution we are celebrating today is the result of the diligent work of many men and women who worked to erase the serious defects in that original document, working toward the gradual expansion of the Constitution's scope to include protection of all Americans.

It has been relatively recent in American constitutional history that the judicial branch has joined dedicated private citizens and Congress to expand the definition of the Constitution to include all Americans. Beginning with the landmark case, Brown versus the Board of Education of Topeka in 1954, the Supreme Court has handed down decisions expanding civil rights for racial minorities and women. With the Brown decision, the Court struck down racial segregation as unconstitutional; it has since sanctioned the use of affirmative action as a centerpiece for securing the civil rights of historically underprotected minorities. In the latter half of the 20th century, the Supreme Court has played a progressive role in ensuring that the Constitution is regarded as a living document.

Judge Bork, who professes to be guided by the doctrine of "original intent", has reserved special scorn for this type of judicial progressivism.

Bork's reputation for judicial restraint is undeserved, and the Reagan administration's portrayal of him as a mainstream jurist who approaches cases with an open mind, a misrepresentation. His writings and speeches as a teacher and a scholar, and his decisions as an appeals court judge reveal an appetite for conservative activism. His addition to the Supreme Court would virtually ensure a five-vote majority that would undo much of the social progress.

The American people have worked hard in the past 200 years to extend the rights guaranteed by the Constitution to include all citizens. On this special birthday, as we recommit ourselves to upholding the Constitution as a living document, we must reject the Supreme Court nomination of an individual who threatens to drive us backward in our struggle toward the attainment of equal rights and equal protection for all. I urge my esteemed Senate colleagues in the Judiciary Committee to vote against the Bork nomination.

□ 1550

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding.

First I want to thank the gentleman from Michigan for this special order and this discussion.

At the time that the name was proposed, the gentleman from Massachusetts [Mr. FRANK] had a discussion on the House floor that I joined the gentleman in; but I want to thank the gentleman from Michigan for the first very substantial and documented portrayal and narration of the Bork thinking as expressed through the exercise of judicial power.

In our system of democratic government, the people in choosing candidates say that this was a nominee in an open election. The citizens of the United States nowadays, in order to form a properly informed judgment as to the merits and qualifications of an individual seeking public office would, if having that information, evaluate what that individual did when he or she actually exercised power. You have a record, in other words, of performance.

In the case of the judiciary, of course, since it is not in the case of the Federal judiciary, an elective body, and is an appointive organ of the Government, the submission by a President as an appointee or the suggested appointment of a candidate for a judicial post has always been considered a political situation. Therefore, the people's representatives in the other body are the only ones that have some kind of residuum insofar as judgment evaluations of that candidacy.

□ 1605

When President Theodore Roosevelt appointed the then and later great renowned Charles Evans Hughes, and even before Charles Evans Hughes in the case of Holmes, he stated in a letter to the then leaders that the reason he had appointed him was that he considered him very safe politically. In other words, he was an entrusted official who could be trusted that if some out-and-out political type of judgment was going to be exercised by the judge, he would be safe insofar as the President was concerned.

Well, I think every President has always sought that, even in the nomination of the district judges. I can understand the idea and the notion that somehow or other, as President Reagan would like to advance the notion, that this is not a political determination is, of course, absurd.

Therefore, the only thing that I can see that a responsible Senator entrusted with his constitutional grant of power could do would be to examine the record, not Judge Bork's exposition of ideology in some speech or some article for a law review, but what was it that he did at a given moment in a specific case structured in accordance with an issue burgeoning up from the midst of American society, and there the record is limpidly clear, as so ably pointed out by the gentleman from Michigan.

In the Shelly case, I happen to have had a very intimate association with that in my area. After the war we had some returning veterans who had been injured, had disabilities, and some money with which to purchase a home. When the war was over with, we had an upsurge in home construction for some areas in my city of San Antonio were developed out of the old platted subdivisions, some of which had been platted and described in the master deed records of the county courthouse. Even if you were to go today and examine the master deed records, you would still see the evidence of these restrictive covenants in which the original grantor, the developer and proprietor, reserved the right in case the property was attempted alienated, either through sale, deceasance or inheritance or the like, to a person of Negro or Mexican identification. These were the words.

There were some sections in other parts of Texas where there was an additional category in which the word Jew or Jewish was added, but in our area it was very specifically Negro or Mexican.

So after the war I was instrumental in the formation of the only organization of its kind. It was an attempt to try to put together some of the men who had made some money who were of Mexican descent and had made some money during the war and had very little evidence of social consciousness. So I got a few of them together, organized what we called the PAPA, the Pan American Progressive Association. I tried to orient them along the lines of improving through the joinder of this very important new established group a recognition of some badly needed improvements, such as extension of water mains in the very downtown area of San Antonio which for a variety of reasons had not been done.

One day a couple came in, a gentleman by the name of Humphries, a 100-percent disabled soldier, who had served with a young man by the name of Poente. So the young man, Poente, and Mr. Humphries on crutches came in with the elder Poente, Mr. Anton Poente. They had heard about this organization, had heard about me, because I had also worked with some of the garment industry workers in teaching English and citizenship classes and one of his daughters had been involved, so they came to me. They were puzzled. They had a paper. This paper was a restraining order notice that was served on Humphries, advising him that the 37th District Court of Bexar County was scheduling a hearing on that temporary restraining order to prevent the occupation of this little dwelling that Mr. Humphries was attempting to sell and for which he had already accepted $3,000 in cash. At that time you could buy a house for $3,000. He had accepted this from the Poentes. It was all the money they had.

Mr. Humphries had immediately invested that money in doctors and hospitals and whatnot and he did not have a penny left, when suddenly they were confronted with not being able to either occupy or Mr. Humphries maintaining ownership. They were faced with a reversionary clause that said that piece of property would revert to the original owner, one Thurmond Barrett, Sr.

When I explained to them what the paper was about, I said, "You've got to hurry, because this is Thursday and next Monday you have to have some appearance in court. You can't lose by default."

To make a long story short, I got a volunteer lawyer, and through his help, a young man who is now an appellate court judge, who had been a companion of mine in law school and quite a scholar, Mr. Carlos Cadena, and through his help I explained to him that one of the last things I had done in law school was to have made a special study of restrictive covenants, that I had picked up in reading the journals that a group of black citizens in St. Louis, MO, in 1946 had finally put together one quarter of a million dollars and had filed a case with the hope of reaching the Supreme Court.

Finally, in 1947, in effect they did. The then Solicitor General for the government for President Truman's administration, Mr. Perlstein, announced that he was going to join that group as amicus curiae in support of their case before the Supreme Court.

So there you had the Solicitor General of the United States, the Justice Department of the United States, if you please, of Harry Truman's era, going into court in a way that you cannot see Judge Bork, who was advancing the counterargument sustaining the propriety in law of the concept of restrictive covenants based on race, color, or creed.

So I advised Mr. Cadena that it was expected that in the spring term of 1948 the Supreme Court would decide that the odds were very good that the decision would be favorable.

So I suggested that his argument to the 37th District Court judge, the Honorable Judge S.G. Tayloe, would withhold any proceedings until such time as the Supreme Court could be reasonably expected to hand out a decision. It did on May 3, 1948.

Judge Tayloe immediately convened, held in concordance with the Supreme Court. Mr. Barrett appealed to the Fourth Court of Civil Appeals. He went on and appealed it to the Texas Supreme Court. So in the Texas Supreme Court, we now have a corpus or a tradition and a precedent in which the unconstitutionality of restrictive covenants based on race, color or creed, were upheld at the State level; but later when I read of Judge Bork's pronunciamentoes in that respect, I knew then and there that he was tainted with the kind of judicial imperfection that would render him incapable and particularly in the capacity of Chief Justice of the Supreme Court of the United States.

Mr. CONYERS. Well, I knew that the Shelly case would stir my colleague's memory into his important activities, because as the chairman of the subcommittee that deals with housing, I want to let him know that we are grateful for the modest progress that we are hopefully making as we study the plight of the low-income citizens who number in the millions in our country and his work has been done. I deeply appreciate the gentleman's contribution.

Mr. GONZALEZ. I in turn thank the gentleman for his generous expression.

□ 1620

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. (Mr. WILSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

IN CELEBRATION OF OUR BICENTENNIAL OF OUR CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. YOUNG] is recognized for 10 minutes.

Mr. YOUNG of Florida. Mr. Speaker, Americans throughout our Nation and freedom loving people throughout the world are joining together today to celebrate the bicentennial of our Constitution, which remains the heart of our Nation's Government—the greatest democracy the world has ever known.

Fifty-five delegates met in Philadelphia during 4 hot and steamy summer months in 1787 to draft a document to govern our newly liberated Nation. The product of their efforts was not arrived at easily or without heated debate, and it was very different than any constitution the world had ever known. Finally, on September 17, 1787, the debate was concluded, compromises were completed, and 39 delegates representing 12 States signed the Constitution and sent it to the 13 States for their ratification. It is this historic occasion we celebrate today with ceremonies at Founders Hall in Philadelphia and in each of our 50 States and thousands of communities and schools.

Yesterday I had the privilege of taking part in a Celebration of Citizenship on the west front steps of our Nation's Capitol. This program served as a prelude to today's ceremonies and those of the next 4 years as we mark special events in the early days and months of this great governing document, including its ratification by the States and its implementation by our forefathers. The celebration yesterday was bursting with symbolism and characterized what has enabled the Constitution to endure for two centuries.

Gathered on the steps of our Capitol were the President and his Cabinet members, the Justices of the Supreme Court, and Members of Congress, the leaders of our three branches of Government. The President, Justices, and Members of Congress are delegated three separate but equally important roles in our Government which provide an intricate system of checks and balances to ensure that no one branch oversteps the bounds set forth in the Constitution. This sharing and division of power was unique to the world in 1787 for no nation had ever been governed under such a system.

Our celebrations yesterday and today also provide a time to reflect on the words of the Constitution and to marvel at the resiliency of this document. Although it is but a few pages long, the Constitution was so comprehensive and well drafted that it has had to be amended just 17 times by the American people. The first 10 of the 26 amendments, known as the Bill of Rights, were ratified by the States just 4 years after the Constitution was written and now provide for the basic freedoms and liberties for which our Nation stands.

This document is so enduring, that it is among the oldest constitutions governing any nation today. It is even more remarkable when you consider that two-thirds of all the world's constitutions have been adopted in the past 17 years.

It is most appropriate that during this time of celebration, the work of our Nation's governing bodies goes forth as established in the Constitution. The Senate is in the midst of its consideration of the President's nominee for a seat on the Supreme Court, the Congress is negotiating with the executive branch to reach agreement on a number of our Nation's important fiscal matters, and the President and his key cabinet leaders continue their negotiations with world leaders on a number of major foreign policy questions.

Perhaps just as symbolic as the functioning of our system of checks and balances, is the way in which these matters are considered and debated. Diverse views and sharp rhetoric characterize each of these majors issues before the executive, judicial and legislative branches this week. That is, however, as the Constitution would have it in protecting the rights of free speech for all Americans. The debate was no less heated or at times divisive 200 years ago as the delegates drafting the Constitution sought grounds for compromise to achieve their goal of completing a governing document for our fledgling nation. In fact, three delegates so strongly disagreed with the final product that they refused to sign, and one State refused to even send a delegation to Philadelphia for these proceedings.

Our Constitution promotes debate and the airing of differing viewpoints. And it stands apart from the so-called constitutions of other nations, especially those of the Communist bloc, which say they provide for and protect the freedoms of speech, religion, and the press but are in reality totalitarian states that stifle these basic human rights.

Our Constitution also provides for the orderly transfer of power within the Government and only allows for changes to this governing document with the consent of the governed. This sharply contrasts with many nations where military juntas and coups forcefully bring about a change of power and where constitutions are drafted and discarded like old newspapers at the direction of autocratic rulers or ruling parties.

Certainly the strength of the concepts and words embodied in our Constitution has enabled it to endure the test of time, but these concepts and words are only as strong as the will of the people it governs. This exceptional document, which has served our Nation well in times of prosperity as well as in times of crisis, gathers its strength from the spirit and enthusiasm of the American people. That spirit was in evidence yesterday as millions of people nationwide paused to recite together the Pledge of Allegiance. Children in our schools, workers at construction sites, and brokers on the floor of the New York Stock Exchange joined together "* * * one nation, under God, indivisible, with liberty and justice for all."

The Constitution has so inspired the American people that thousands of men and women have laid down their lives over the years to protect the rights and privileges it guarantees. This great document has also inspired people throughout the world. Millions of men, women, and children have sought refuge in our Nation where they will be free to pray, work, and raise their families. Many more people, living under Communist tyranny, have been inspired by the Constitution to keep alive their dream to live in a land which provides for the same freedoms as we enjoy in the United States.

Under our Constitution, every American plays a role in the governing of our Nation. The most basic right it guarantees is the right to vote on election day. Sadly enough, many people throughout the world will never have the opportunity in their lifetimes to cast a ballot in a free election.

It has been a distinct privilege for me to serve the people of Pinellas County, FL, as their elected representative to the U.S. Congress these past 17 years and it is a special honor to have been one of only 11,000 Americans to have served in this great body. As our Nation begins in earnest its celebration of the Constitution, we are in the midst of celebrating for the next 2 years the convening last January of the historic 100th Congress.

Mr. Speaker, if there is one lesson to be learned from our celebration, it is that we cannot, and must not ever take our Constitution for granted. The struggle to gain and maintain the freedoms and liberties we enjoy today was too long and hard and we have paid a high price over the years to defend these rights. As we have learned from history, the protections afforded us under the Constitution can all too quickly be snatched away and are difficult to regain.

Our Nation must remain firm in its resolve to remain strong to repel any challenge to our freedom. I can assure you that this Member of Congress is committed to uphold his constitutional responsibility to provide for our national security.

The Constitution has served our Nation well for 200 years and it is incumbent upon each of us to ensure that it continues to serve future generations just as well. Today all Americans reaffirm their belief in the greatest document democracy has ever known and give thanks to the many people, the heralded and the unknown, who have fought, served, and strived to protect and carryout its charge.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTTO (at the request of Mr. FOLEY), for today after 3 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ARMEY) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. WOLF, for 60 minutes, today.

Mr. PARRIS, for 5 minutes, on September 21.

Mr. PARRIS, for 5 minutes, on September 22.

Mr. PARRIS, for 5 minutes, on September 23.

Mr. PARRIS, for 5 minutes, on September 25.

Mr. JEFFORDS, for 60 minutes, on September 21.

Mrs. Bentley, for 60 minutes, on September 21.

Mrs. Bentley, for 60 minutes, on September 22.

Mrs. Bentley, for 60 minutes, on September 29.

Mrs. Bentley, for 60 minutes, on September 30.

(The following Members (at the request of Mr. Conyers) to revise and extend their remarks and include extraneous material:)

Mr. Alexander, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, on September 28.

Mr. Hubbard, for 60 minutes, on September 30.

(The following Members (at the request of Mr. Coats) to revise and extend his remarks and include extraneous material:)

Mr. Young of Florida, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Conyers, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $8,592.50.

(The following Members (at the request of Mr. Armey) and to include extraneous matter:)

Mr. Lagomarsino in two instances.
Mr. Packard in two instances.
Mr. Dornan of California.
Mr. Stangeland.
Mr. Goodling.
Mr. Solomon.
Mr. Kemp.
Mr. Davis of Michigan.
Mr. Blaz.
Mr. Fields.
Mr. Courter.
Mr. Hammerschmidt in two instances.

(The following Members (at the request of Mr. Conyers) and to include extraneous matter:)

Mr. Rangel.
Mr. Dorgan of North Dakota.
Mr. Torricelli.
Mr. Eckart.
Mr. Rodino.
Mr. Lantos in two instances.
Mr. Walgren.
Mr. Montgomery in two instances.
Mr. Lehman of California.
Mr. Barnard.
Mr. Torres.
Mr. Solarz.
Mr. Rahall.
Mr. Guarini.
Mr. Hawkins.
Mr. Pepper.
Mr. Synar.
Mr. Edwards of California.

ADJOURNMENT

Mr. CONYERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p.m.), under its previous order the House adjourned until Monday, September 21, 1987, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the second quarter of calendar year 1987 and miscellaneous reports filed with the Committee on House Administration and forwarded to the Clerk of the House concerning the foreign currencies and U.S. dollars utilized by Interparliamentary Unions and other similar groups or delegations during calendar year 1986 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Walter Fauntroy	4/12	4/17	Haiti		564.00		814.00				1,378.00
Hon. Stan Parris	4/11	4/15	Korea		656.00						656.00
	4/15	4/17	Thailand		294.00						294.00
	4/17	4/19	Hong Kong		372.00		[3] 4,673.00				5,045.00
William C. Danvers	5/21	5/25	Canada		632.00		[4] 9,664.20				10,296.20
Hon. Walter Fauntroy	6/6	6/13	Egypt		686.00		[5] 4,093.00				4,779.00
Hon. Al McCandless	6/6	6/13	Egypt		686.00		[5] 4,093.00				4,779.00
John Balder	6/6	6/13	Egypt		686.00		[5] 1,881.00				2,567.00
Mark Constantine	6/6	6/13	Egypt		686.00		[5] 1,996.00				2,682.00
Nelle Temple	6/6	6/13	Egypt		686.00		[5] 1,857.00				2,543.00
Robert Brown	6/6	6/13	Egypt		686.00		[5] 1,990.00				2,676.00
Hon. Stan Parris	6/12	6/16	France		936.00		[3] 3,766.00				4,702.00
Hon. Carroll Hubbard	6/12	6/16	France		936.00		[3] 3,766.00				4,702.00
Committee total					8,506.00		38,593.20				47,099.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military aircraft provided. Figures reflect comparable 1st class commercial rate.
[4] Military air transportation round trip.
[5] Commercial air transportation round trip.

FERNAND J. ST GERMAIN, Chairman, Aug. 19, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
K.C. Bell	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Hon. Mario Biaggi	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Hon. Jim Bunning	5/14	5/15	Panama		97.00						
	5/15	5/16	Costa Rica		92.00						
	5/16	5/17	Nicaragua		0.00						
	5/17	5/18	Honduras		92.00		[3] 1,490.93				1,771.93
Harry F. Burroughs	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Sharon K. Brooks	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Rudolph V. Cassani	5/8	5/15	England	761.90	1,280.00		[4] 765.00				
						77.40	[5] 129.63				2,174.63
Catherine R. Cooper	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gina DeFerrari	6/22	6/28	England		[6] 700.00		[4] 731.00				1,431.00
Hon. Jack Fields	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Wallace J. Henderson	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Thomas J. Manton	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
James McCallum	6/6	6/14	Scotland/United Kingdom	593.29	968.00		[4] 2,555.00				
						18	[5] 29.34				3,552.34
Kurt R. Oxley	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Hon. Owen B. Pickett	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Jeffrey R. Pike	6/25	6/26	Canada		100.00		[4] 302.85				402.85
Gerald Seifert	6/24	6/28	Hong Kong		600.00		[4] 1,946.00				2,546.00
Hon. W.J. Billy Tauzin	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
David S. Whaley	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Cyndy Wilkinson	5/28	5/31	Panama		588.00		[3] 956.48				1,544.48
Lori Williams	6/20	6/28	England		[6] 800.00		[4] 2,234.00				3,035.00
Committee total					12,373.00		22,618.99				34,991.99

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Prorated portion of military transportation.
[4] Commercial airfare.
[5] Ground transportation.
[6] Cash advance issued by State Department—advance also covered train fare from London to Bourmouth and return.

WALTER B. JONES, Chairman, July 30, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Samuel G. Wise	5/3	5/13	Austria		[3] 630.00		1,134.00				1,764.00
Meredith Brown	5/4	5/22	Austria		2,268.00		1,134.00				3,402.00
Orest Deychakiwsky	5/4	5/22	Austria		2,268.00		1,134.00				3,402.00
John Finerty	5/8	5/30	Austria		2,772.00		1,134.00				3,906.00
Lynne Davidson	5/11	6/18	Austria		4,788.00		1,209.00				5,997.00
Mary Sue Hafner	5/20	5/25	Canada		790.00		[4] 554.59				1,344.59
Ronald McNamara	5/21	5/25	Canada		632.00		[5] 303.32				935.32
Samuel G. Wise	5/20	6/13	Austria		[3] 1,512.00		1,286.00				2,798.00
Barbara Edwards	5/31	6/13	Austria		1,638.00		1,219.00				2,857.00
Commitee total					17,298.00		9,107.91				26,405.91

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] One-half per diem.
[4] Military and commercial transportation.
[5] Round trip military transportation.

STENY H. HOYER, Chairman, July 31, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HUNGER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mickey Leland	6/28	6/29	Angola	NA	NA		14,199.41				
Committee total							14,199.41				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICKEY LELAND, Chairman, Aug. 19, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, BELGIUM AND FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 18, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles Rose	2/13	2/15	Belgium	12,958	268		11,910.29				12,679.29
	2/15	2/18	France	3,608.20	501						
Robert Garcia	2/13	2/15	Belgium	12,958	268		11,910.29				12,679.29
	2/15	2/18	France	3,608.20	501						
Bart Gordon	2/13	2/15	Belgium	12,958	268		11,910.29				12,679.29
	2/15	2/18	France	3,608.20	501						
Bill Richardson	2/16	2/18	France		501		[3] 6,242.23		[4] 1,294.00		8,037.23
Ralph Regula	2/13	2/15	Belgium	12,958	268		[3] 5,005.44		[4] 884.78		6,158.22
Peter Abbruzzese	2/13	2/15	Belgium	12,958	268		11,910.29				12,679.29
	2/15	2/18	France	3,608.20	501						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, BELGIUM AND FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 18, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ronald Lasch	2/13	2/15	Belgium	12,958	268		11,910.29				12,679.29
	2/15	2/18	France	3,608.20	501						
Spencer Oliver	2/13	2/15	Belgium	12,958	268		11,910.29				12,679.29
	2/15	2/18	France	3,608.20	501						
Arch Roberts	2/13	2/15	Belgium	12,958	268.00		11,910.29				12,679.29
	2/15	2/18	France	3,607.20	501.00						
Josephine Weber	2/13	2/15	Belgium	12,958	268.00		11,910.29				12,679.29
	2/15	2/18		2,607.20	501.00						
Delegation expenses			Brussels						3,367.37		3,367.37
			Paris						3,214.68		3,214.68
Subtotal, military transportation							106,529.99				
Subtotal, commercial transportation							2,178.78				
Grand total					6,921.00		108,708.77		6,582.05		122,336.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.
[4] Commercial transportation.

CHARLES ROSE, May 13, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA-UNITED STATES INTERPARLIAMENTARY CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 27 AND MAR 3, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Barnes	3/1	3/3	United States		403.29		[3] 430.00 [4] 392.34				1,225.63
Dante B. Fascell	2/27	3/3	United States		673.54		[4] 784.68				1,458.22
Bill Frenzel	2/27	3/2	United States		466.80		[4] 392.34				859.14
Sam Gibbons	2/27	3/3	United States		650.67		[3] 560.00 [4] 392.34				1,603.01
Lee Hamilton	2/27	3/3	United States		692.42		[4] 784.68				1,477.10
Jim Kolbe	2/27	3/2	United States		453.48		[4] 392.34				845.82
David Martin	2/27	3/3	United States		656.56		[4] 784.68				1,441.24
James Oberstar	2/27	3/3	United States		632.48		[4] 784.68				1,417.16
Bill Richardson	2/27	3/3	United States		683.04		[4] 784.68				1,467.72
Arlan Stangeland	2/27	3/3	United States		610.94		[4] 784.68				1,395.62
Bob Traxler	2/27	3/3	United States		620.20		[4] 784.68				1,404.88
Morris K. Udall	2/27	3/3	United States		745.81		[4] 784.68				1,530.49
James Weaver	2/27	3/3	United States		618.29		[4] 784.68				1,402.97
Nancy Agris	2/27	3/3	United States		627.28		[4] 784.68				1,411.96
Everett Bierman	2/27	3/3	United States		678.14		[4] 784.68				1,462.82
Elizabeth Daoust	2/25	3/3	United States		1,054.70		[3] 189.00 [4] 392.34				1,636.04
George Ingram	2/27	3/3	United States		620.83		[4] 784.68				1,405.51
	8/17	8/19	United States		328.23		[3] 365.00		106.36		799.59
Robert Kurz	2/27	3/3	United States		724.21		[4] 784.68				1,508.89
Steve Nelson	2/27	3/3	United States		627.80		[4] 784.68				1,412.48
Michael VanDusen	2/27	3/3	United States		624.24		[4] 784.68				1,408.92
Delegation expenses:											
Official delegation functions									20,264.44		
Inflight expenses									404.05		
Ground transportation									2,251.05		
Supplies									767.00		23,686.54
Committee total					13,192.95		[3] 1,544.00 [4] 13,731.90		23,792.90		52,261.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial transportation.
[4] DOD transportation.

SAM GEJDENSON, Mar. 18, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INTERPARLIAMENTARY UNION CONFERENCE, MEXICO CITY, MEXICO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 12, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Representative Louis Stokes	4/4	4/12	Mexico		935.13		149.74				1,084.87
							[3] 581.25				581.25
Marty Sletzinger	4/3	4/12	Mexico		886.20		378.00				1,264.20
							[3] 581.25				581.25
Ellen Rayner	4/5	4/12	Mexico		733.35		[3] 1,278.75				2,012.10
Julie Illsley	4/5	4/12	Mexico		527.28		[3] 1,278.75				1,806.03

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INTERPARLIAMENTARY UNION CONFERENCE, MEXICO CITY, MEXICO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 12, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation expenses:											
Official meals	4/3	4/12	Mexico		1,219.47						1,219.47
Control room	4/3	4/12	Mexico		816.36						816.36
Transportation							1,029.41				1,029.41
Miscellaneous									64.27		64.27
Committee total					5,117.79		5,277.15		64.27		10,459.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] DOD transportation provided pursuant to 31 U.S.C. 22A.

CLAUDE PEPPER.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH-AMERICAN PARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 17 AND APR. 20, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles Rose	4/17	4/20	Bermuda		528		1,908				2,436
Thomas S. Foley	4/17	4/20	Bermuda		528		1,908				2,436
Berkley Bedell	4/17	4/20	Bermuda		528		1,908				2,436
Wyche Fowler	4/17	4/20	Bermuda		528		1,908				2,436
Webb Franklin	4/17	4/20	Bermuda		528		1,908				2,436
Sala Burton	4/17	4/20	Bermuda		528		1,908				2,436
Lawrence J. Smith	4/17	4/20	Bermuda		528		1,908				2,436
John Spratt	4/17	4/20	Bermuda		528		1,908				2,436
Bart Gordon	4/17	4/20	Bermuda		528		1,908				2,436
Don Sundquist	4/17	4/20	Bermuda		528		1,908				2,436
Peter Abbruzzese	4/17	4/20	Bermuda		528		1,908				2,436
Spencer Oliver	4/17	4/20	Bermuda		528		1,908				2,436
Arlene Atwater	4/17	4/20	Bermuda		528		1,908				2,436
Jane Fonvielle	4/17	4/20	Bermuda		528		1,908				2,436
Judith Lemons	4/17	4/20	Bermuda		528		1,908				2,436
Control room									599.20		599.20
Committee total					7,920		28,620		599.20		37,139.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES ROSE, May 16, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, LUXEMBOURG, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 22 AND MAY 26, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Frank Annunzio	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Sherwood L. Boehlert	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Jack Brooks	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Sala Burton	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Norman D. Dicks	5/22	5/26	Luxembourg	25,740	572.00		1,965.82		482.16		3,019.98
Don Fuqua	5/22	5/26	Luxembourg	25,740	572.00		1,965.82		482.16		3,019.98
Robert Garcia	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Bart Gordon	5/22	5/26	Luxembourg	25,740	572.00		1,965.82		482.16		3,019.98
Frank Horton	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Mary Rose Oakar	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Charles Rose	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Patricia Schroeder	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Peter Abbruzzese	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Arlene Atwater	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Jack Brady	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.16		5,370.41
Jennifer Grant-Fohl	5/22	5/26	Luxembourg	25,740	572.00		4,316.26		482.16		5,370.42
Billie Gay Larsen	5/22	5/26	Luxembourg	25,740	572.00		4,316.26		482.17		5,370.43
Ron Lasch	5/22	5/26	Luxembourg	25,740	572.00		4,316.26		482.17		5,370.43
Spencer Oliver	5/22	5/26	Luxembourg	12,870	286.00		1,965.81		246.96		2,498.77
Curt Prins	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.17		5,370.42
Arch Roberts	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.17		5,370.42
Dara Schlieker	5/22	5/26	Luxembourg	25,740	572.00		4,316.25		482.17		5,370.42
Committee total					12,298.00		85,555.30		10,372.37		108,226.17

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note.—"Transportation" reflects expenditures for military transportation expenses. "Other purposes" reflects expenditures for local transportation, control room, and Embassy personnel overtime and per diem expenses.

CHARLES ROSE, June 2, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INTERPARLIAMENTARY CONFERENCE ON EUROPEAN COOPERATION AND SECURITY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND JUNE 2, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Vance Hyndman	5/24	6/2	West Germany		1,144.00		1,280.00				2,424.00
Committee total					1,144.00		1,280.00				2,424.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLAUDE PEPPER.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 29 AND JUNE 2, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ronald Coleman	5/28	5/31	United States		518.26		[3] 332.00				850.26
E de la Garza	5/28	6/2	United States		1,437.36		[3] 189.00				2,015.63
Tom DeLay	5/29	6/2	United States		504.00		[4] 528.24				1,279.24
							[3] 247.00				
David Dreier	5/29	5/31	United States		259.73		[3] 220.00				479.73
Benjamin Gilman	5/29	6/1	United States		353.90		[4] 528.24				882.14
William F. Goodling	5/29	5/31	United States		241.20		[4] 528.24				954.44
							[3] 185.00				
Jim Kolbe	5/29	5/30	United States		115.00		[3] 178.00				293.00
Robert J. Lagomarsino	5/29	5/30	United States		253.17		[4]917.51				1,170.68
	6/1	6/2									
George Miller	5/30	5/31	United States		116.00		[3] 634.00				750.00
Charles B. Rangel	5/29	5/31	United States		246.29		[4] 528.24				1,329.53
							[3] 555.00				
Gus Yatron	5/29	6/2	United States		1,123.25		[4] 917.51				2,040.76
Elliott Brown	5/29	6/2	United States		460.00		460.00		[4]917.51		1,377.51
Mario Castillo	5/29	6/2	United States		460.00		[4] 917.51				1,412.26
J.C. Chester	4/22	4/25	United States		491.62		[3] 274.00				765.62
	5/29	6/2	United States		478.35		[4] 917.51				1,395.86
John Cusack	5/29	6/2	United States		474.30		[4] 917.51				1,391.81
Elizabeth Daoust	4/22	4/25	United States		508.69		[3] 274.00				782.69
	5/27	6/2	United States		818.05		[3] 370.00				1,577.32
							[4] 389.27				
Jim Davis	5/29	6/2	United States		617.10		[4] 917.51				1,534.61
Shelly Livingston	4/22	4/25	United States		461.99		[3] 274.00				735.99
	5/27	6/2	United States		744.51		[3] 370.00				1,503.78
							[4] 389.27				
Mark Tavlarides	5/29	6/2	United States		521.19		[4] 917.51				1,438.70
Hillel Weinberg	5/29	6/2	United States		499.62		[4] 389.27				888.89
Delegation expenses:											
Official delegation functions									22,354.18		
Interpreting and translations services									5,190.16		
Transcripts									1,161.98		
Supplies									1,109.70		
Inflight expenses and ground transport									638.36		30,454.38
Committee total					11,738.33		[3] 4,102.00				
							[4] 11,010.12		30,454.38		57,304.83

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, Mar. 10, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INTERPARLIAMENTARY CONFERENCE, BUENOS AIRES, ARGENTINA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 2 AND OCT. 6, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rep. Jim Moody	10/2	10/6	Argentina		586.88		3,516.00				4,102.88
Marty Sletzinger	10/2	10/6	Argentina		465.69		3,603.00				4,068.69
Delegation expenses:											
Transportation	10/2	10/6					80.12				80.12
Miscellaneous	10/2	10/6							76.55		76.55
Committee total					1,052.57		7,199.12		76.55		8,328.24

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLAUDE PEPPER.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2118. A letter from the Acting Secretary of Commerce, transmitting a copy of the annual executive branch assessment of the economic condition of the automobile industry, "The U.S. Automobile Industry, 1985," pursuant to 15 U.S.C. 1871; to the Committee on Banking, Finance and Urban Affairs.

2119. A letter from the Secretary of Education, transmitting a draft of proposed legislation to improve the administration and enhance the utility of the national assessment of educational progress; to the Committee on Education and Labor.

2120. A letter from the National Commander, American Ex-Prisoners of War, transmitting a copy of the 1987 audit report as of June 30, 1987, pursuant to 36 U.S.C. 2111; to the Committee on the Judiciary.

2121. A letter from the Inspector General, Department of Health and Human Services, transmitting a copy of a report entitled "Social Security Client Satisfaction," to determine what effects, if any, staff reductions at the Social Security Administration were having on the quality of services to the public; to the Committee on Ways and Means.

2122. A letter from the Secretary of Energy, transmitting a copy of the Department's report on the activities and progress of the compact regions and nonmember States in 1986 leading to the development of new low-level waste disposal facilities, pursuant to 42 U.S.C. 2021g(b); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2123. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to repeal health maintenance organization authorities; jointly, to the Committees on Energy and Commerce and Ways and Means.

2124. A letter from the Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, Department of Justice, transmitting, a report on the status of alleged and actual violations of the Foreign Agents Registration Act by representatives of governments or opposition movements in sub-Saharan Africa, pursuant to 22 U.S.C. 5101; jointly, to the Committees on the Judiciary and Foreign Affairs.

2125. A letter from the Secretary of the Treasury, transmitting, notification that with the expiration of the temporary public debt limit at midnight on September 23, the Secretary will be unable to invest or roll over maturing investments of trust funds and other Government accounts, including the civil service retirement and disability fund and the thrift savings fund of the Federal employees' retirement system, pursuant to 5 U.S.C. 8348(1)(2); 5 U.S.C. 8348(i)(2); jointly, to the Committees on Ways and Means and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2035. A bill to increase the amount authorized to be appropriated for property acquisition, restoration, and development, and for transportation, educational, and cultural programs, relating to the Lowell National Historical Park; to continue the term of a member of the Lowell Historic Preservation Commission pending the appointment of a successor; to adjust a quorum of the Commission in the event of a vacancy; and to delay the termination of the Commission; with amendments (Rept. 100-303). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2566. A bill to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes (Rept. 100-304). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 51. A bill to provide for the admission of the State of New Columbia into the Union; with an amendment (Rept. 100-305). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 362. Joint resolution making continuing appropriations for the fiscal year 1988, and for other purposes (Rept. 100-306). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 265. Resolution providing for the consideration of H.R. 3030, a bill to provide credit assistance to farmers, to strengthen the Farm Credit System, and for other purposes (Rept. 100-307). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on Veterans' Affairs. Report on Section 302(b) of the Congressional Budget Act of 1974 (Rept. 100-308). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana (for himself, Mr. Hyde, Mr. Courter, Mr. Gingrich, Mr. Armey, Mr. Davis of Illinois, Mr. Young of Alaska, Mr. Dornan of California, Mr. Swindall, Mr. Ballenger, Mr. DeLay, Mr. Dannemeyer, Mr. Bliley, Mr. Craig, Mr. Lungren, Mr. Packard, Mrs. Saiki, Mr. McCandless, Mr. Kyl, Mr. Combest, Mr. Thomas of California, Mr. Oxley, Mr. Nielson of Utah, Mr. Hefley, Mr. Hunter, Mr. Daniel, Mr. Stratton, Mr. Crane, Mr. Bunning, Mr. Fields, Mr. Weber, Mr. Mack, and Mr. Kasich):

H.R. 3296. A bill to provide for military assistance for the Nicaraguan democratic resistance after November 7, 1987, if the Government of Nicaragua has not completely complied with the requirements of the agreement signed in Guatemala on August 7, 1987; to the Committee on Foreign Affairs.

By Mr. DAVIS of Michigan:

H.R. 3297. A bill to amend the Merchant Marine Act, 1936, to establish a new system of operating differential subsidy contracts for vessels in liner service, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 3298. A bill to provide for central recordation of recreational vessel mortgages; to the Committee on Merchant Marine and Fisheries.

H.R. 3299. A bill to establish within the Department of Transportation a new Federal Maritime Administration, to consolidate within that Administration certain functions of the Federal Government relating to maritime transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. BOXER (for herself, Mr. Berman, Mr. Dellums, Ms. Pelosi, Ms. Kaptur, Mr. Leland, Mr. Savage, Mr. Fauntroy, Mr. Stokes, Mr. Blaz, Mr. Conyers, Mr. Howard, Mr. Neal, Mr. Swift, Mr. Dymally, Mr. St Germain, Mr. Akaka, Mr. Mrazek, Mr. Solarz, Mr. Towns, Mr. Owens of New York, Mr. Dyson, and Mr. Crockett):

H.R. 3300. A bill to direct the Director of the Office of Technology Assessment to prepare a report regarding hazardous waste reduction and management; to direct the Administrator of the Environmental Protection Agency to prepare a hazardous waste reduction and management plan; and for other purposes; jointly, the the Committees on Energy and Commerce; Merchant Marine and Fisheries; Public Works and Transportation; and Science, Space, and Technology.

By Mr. DORNAN of California:

H.R. 3301. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that the labeling of drugs which are derived from materials from a human fetus shall include notice of the source of such materials and the labeling shall be made available to the consumer and the parent or guardian of the consumer; to the Committee on Energy and Commerce.

By Mr. HALL of Texas:

H.R. 3302. A bill to clarify the exemptive authority of the Securities and Exchange Commission; to the Committee on Energy and Commerce.

By Mr. HAMMERSCHMIDT:

H.R. 3303. A bill to amend the National Trails System Act to designate the Trail of Tears as a national historic trail; to the Committee on Interior and Insular Affairs.

By Mr. HENRY (for himself, Mr. Daniel, Mr. MacKay, Mr. Howard, Mr. Lagomarsino, Mr. Fawell, Mr. Lewis of Florida, Mr. Grant, Mr. Dannemeyer, Mr. Upton, Mr. Florio, Mr. Shumway, and Mr. Bateman).

H.R. 3304. A bill to provide that the exception from the hospital insurance tax for service performed by an election official or election worker shall apply where renumeration for such service is less than $500 in a calendar year; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 3305. A bill to amend title 38 of the United States Code to require the Administrator of Veterans' Administration to consider the number of veterans residing in each State, and the projected changes in the number of veterans residing in each State, in acquiring and operating medical facilities; to the Committee on Veterans' Affairs.

By Miss SCHNEIDER:

H.R. 3306. A bill to extend the temporary suspension of duty on a certain chemical; to the Committee on Ways and Means.

By Mr. SYNAR:

H.R. 3307. A bill to provide for an orderly transition to the taking effect of the initial set of sentencing guidelines prescribed for criminal cases under section 994 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.J. Res. 362. Joint resolution making continuing appropriations for the fiscal year 1988, and for other purposes.

By Mr. GONZALEZ (for himself, Mr. St Germain, Mr. Wylie, and Mrs. Roukema):

H.J. Res. 363. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KLECZKA (for himself, Mr. Frank, and Mr. Frenzel):

H.J. Res. 364. Joint resolution proposing an amendment to the Constitution of the United States to permit Congress to grant power to bodies in the judicial branch to remove judges for cause; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. Carper):

H. Res. 266. Resolution providing for the consideration of the joint resolution (H.J. Res. 321) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

201. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the aviation trust fund; to the Committee on Public Works and Transportation.

202. Also, memorial of the Legislature of the State of California, relative to the Elk Hills Naval Petroleum Reserve; jointly, to the Committees on Armed Services and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. Dornan of California.

H.R. 372: Mr. Jeffords.

H.R. 384: Mr. Dicks.

H.R. 387: Ms. Pelosi.

H.R. 388: Mr. Alexander, Mr. DeWine, Mr. Shaw, and Mr. Smith of New Jersey.

H.R. 458: Mr. Boulter and Ms. Pelosi.

H.R. 671: Mr. Ford of Tennessee.

H.R. 792: Ms. Pelosi.

H.R. 817: Mr. Bliley, Mr. Brown of California, Mr. Rhodes, Mr. Howard, Mr. Grant, Mr. Coble, and Mr. Skeen.

H.R. 938: Mr. Bliley.

H.R. 940: Mr. Brown of California, Mr. Bustamante, Mr. Lagomarsino, Mr. Owens of Utah, Mr. Bonker, Mr. Mfume, Mr. Lehman of Florida, Mr. Gray of Illinois, Mr. Hutto, Mr. Edwards of California, Ms. Pelosi, and Mr. Johnson of South Dakota.

H.R. 955: Mr. Dannemeyer and Mr. Buechner.

H.R. 957: Mr. Gilman and Mr. Rinaldo.

H.R. 1076: Mr. Fish, Mr. Gilman, Mr. Marinez, and Mr. Lewis of Georgia.

H.R. 1244: Mr. Lowry of Washington and Mr. Morrison of Washington.

H.R. 1428: Mr. Lagomarsino.

H.R. 1516: Mr. Tauke, Mr. Smith of New Jersey, Mr. DeWine.

H.R. 1583: Mr. Chandler.

H.R. 1729: Mr. Ortiz, Mr. Hiler, Mr. Stallings, Mr. Kildee, Mr. Quillen, and Mr. Henry.

H.R. 1734: Mr. Dicks and Mr. Lowry of Washington.

H.R. 1808: Mr. Gejdenson and Mr. Daub.

H.R. 2113: Mr. Donald E. Lukens and Mr. Hansen.

H.R. 2116: Ms. Kaptur and Mr. Donald E. Lukens.

H.R. 2248: Mr. Ballenger, Mr. DeLay, Mr. Gregg, Mr. Regula, Mr. Sunia, and Mr. Jeffords.

H.R. 2270: Mr. Staggers.

H.R. 2328: Mr. Penny.

H.R. 2417: Mr. Richardson.

H.R. 2500: Mr. Levin of Michigan.

H.R. 2532: Mr. Leland and Mr. Callahan.

H.R. 2587: Mr. Fields, Mr. Boulter, Mr. Bunning, Mr. Yates, Mr. Hall of Texas, Mrs. Saiki, and Mr. AuCoin.

H.R. 2609: Mr. Pease, Mrs. Boxer, and Mr. Foglietta.

H.R. 2611: Mr. Solomon, Mr. Kolbe, Mr. Wylie, Mr. Hammerschmidt, Mr. Ireland, Mr. Nelson of Florida, Mr. Gingrich, Mr. Carper, and Mr. Mica.

H.R. 2669: Mr. Slaughter of Virginia and Mr. Saxton.

H.R. 2725: Mr. Owens of Utah, Mr. Rogers, and Mr. Emerson.

H.R. 2727: Mr. DeFazio, Mr. Weiss, and Mr. Foglietta.

H.R. 2773: Ms. Pelosi, Mr. Owens of Utah, Mr. Atkins, Mr. Levin of Michigan, and Mr. Levine of California.

H.R. 2774: Ms. Pelosi, Mr. Owens of Utah, Mr. Atkins, Mr. Levin of Michigan, and Mr. Levine of California.

H.R. 2833: Mr. Hyde and Mr. Shumway.

H.R. 2866: Mr. Hochbrueckner.

H.R. 2908: Mr. Campbell.

H.R. 2920: Mr. Coelho and Mr. English.

H.R. 2928: Mr. Neal and Mr. Bunning.

H.R. 2934: Ms. Snowe and Mr. Bilirakis.

H.R. 3069: Mrs. Johnson of Connecticut and Mrs. Smith of Nebraska.

H.R. 3129: Mr. Frenzel, Mr. Nelson of Florida, Mr. Stenholm, Mr. Hansen, Mr. McEwen, Mr. Daub, Mr. Daniel, Mr. DeLay, and Mr. Shumway.

H.R. 3132: Mr. Frank, Mr. Dymally, Mr. Pepper, Mr. Fauntroy, Mr. Leland, and Mr. McCloskey.

H.R. 3175: Mr. Owens of Utah.

H.R. 3176: Mr. Owens of Utah.

H.R. 3180: Mr. Daub and Mr. DeLay.

H.J. Res. 199: Mr. Kostmayer, Mr. Savage, Mr. Applegate, Mr. Lantos, Mr. Fazio, Mr. Hoyer, Mr. Bonior of Michigan, Mr. Kennedy, Mr. Fish, Mr. Panetta, Ms. Pelosi, Mr. Crockett, and Mr. Matsui.

H.J. Res. 240: Mr. Oberstar, Mr. Aspin, Mr. Biaggi, Mr. Vento, Mr. Crockett, and Mr. Campbell.

H.J. Res. 274: Mr. Atkins, Mr. Bilbray, Mr. Bosco, Mr. Brown of California, Mr. Bryant, Mr. Coble, Mr. Dreier of California, Mr. Fawell, Mr. Fish, Mr. Foglietta, Mr. Gekas, Mr. Grandy, Mr. Gunderson, Mr. Hastert, Mr. Hochbrueckner, Mr. Kolbe, Mr. Lent, Mr. Levin of Michigan, Mr. Thomas A. Luken, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Manton, Mrs. Meyers of Kansas, Mr. Parris, Mrs. Patterson, Mr. Rangel, Mr. Richardson, Mr. Roberts, Mr. Rose, Mr. Sabo, Mr. Schuette, Ms. Slaughter of New York, Mr. Taylor, Mr. Torricelli, Mr. Vento, Mr. Volkmer, Mr. Walgren, Mr. Wolpe, and Mr. Young of Florida.

H.J. Res. 314: Mr. Fish, Mr. Morrison of Connecticut, Mr. Owens of Utah, and Mr. Rinaldo.

H.J. Res. 328: Mr. Lungren.

H.J. Res 349: Mr. Edwards of California, Mrs. Boxer, Mr. Hall of Ohio, Mr. Panetta, Mr. Daub, Mr. Brown of California, Mr. Badham, Ms. Kaptur, Mr. Neal, Mr. DeFazio, Mr. Oberstar, Mr. Pease, Mr. Martinez, and Mr. Fazio.

H.J. 355: Mr. Volkmer, Mr. Nichols, Mr. Yatron, Mr. McEwen, Mr. Sundquist, Mr. Durbin, Mr. Hochbrueckner, Mr. Hastert, Mr. Miller of Ohio, Mr. Early, Mr. Fish, Mr. Pursell, Mr. Daniel, Mr. Parris, Mr. Fields, Mr. Denny Smith, Mr. Dannemeyer, Mr. Moakley, Mr. Frank, Mr. Coelho, Mr. Wyden, Mr. Shaw, Mr. Gunderson, Mr. Molinari, Mr. Visclosky, Mr. Stark, Mrs. Boxer, Mr. Cheney, Mr. Hoyer, Mr. Carr, Mr. Lipinski, and Mr. Sunia.

H. Con. Res. 108: Mr. Hubbard, Mr. Montgomery, Mr. Upton, Mr. Donald E. Lukens, and Ms. Kaptur.

H. Con. Res. 126: Mr. Hyde.

H. Con. Res. 148: Mrs. Meyers of Kansas and Mr. Lightfoot.

H. Res. 62: Mr. Cardin, Mr. Vander Jagt, Mr. Sabo, Mr. Bonior of Michigan, Mr. Davis of Michigan, and Mr. Howard.

H. Res. 131: Mr. Evans, Mr. Kildee, Ms. Kaptur, Mr. Leland, Mr. Wheat, and Mr. Gray of Pennsylvania.

H. Res. 144: Mr. Rangel.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 162

By Mrs. BYRON:

—Page 29, strike out line 4 and insert the following (and indent lines 5 through 13 accordingly):

(b) Discrimination Prohibited.—

(1) No employer or

Page 29, after line 13, insert the following:

(2) An employer with 15 or fewer employees may transfer an employee who is or has been a member of a population at risk to another job without violating this subsection so long as the new job has earnings, seniority, and other employment rights and benefits as comparable as practicable to the job from which the employee has been removed. In providing such alternative job assignment, the employer shall not violate the terms of any applicable collective bargaining agreement.

Page 32, after line 2, insert the following:

(5) An employer is not required to provide medical removal protection for employees if the employer—

(A) has 15 or fewer full-time employees at the time medical removal protection is requested, and

(B) has made or is in the process of making a reasonable good faith effort to eliminate the occupational health hazard that is the basis for the medical removal decision.

SENATE—*Thursday, September 17, 1987*

The Senate met at 8:30 a.m. and was called to order by the Honorable John B. Breaux, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

You shall know the truth, and the truth shall set you free. Eternal God, in whom is all truth, yesterday we celebrated the law which has governed our land for 200 years. Today we celebrate the Lawgiver, the Eternal God, author of truth, justice, and order. With profound gratitude we praise You for the Constitution crafted to ensure the fundamental convictions of the framers. We praise and thank You for their belief in certain self-evident, indisputable truth—all men are created equal; they are endowed by their Creator with certain inalienable rights. To secure these rights governments are instituted among men. Forgive us, Father, for the times we honor the law forgetting the Lawgiver, the One who inspired and guided in its conception and birth. In His name, who is incarnate truth, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, September 17, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John B. Breaux, a Senator from the State of Louisiana, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. **BREAUX** thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The **ACTING PRESIDENT** pro tempore. Under the standing order, the Chair recognizes the acting majority leader, Senator Proxmire.

RESERVATION OF THE LEADERS' TIME

Mr. **PROXMIRE.** Mr. President, I ask unanimous consent that the time of the majority and minority leaders be reserved for their use later in the day.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. **PROXMIRE.** Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LET'S HEAR IT AGAIN FOR THE CONGRESS

Mr. **PROXMIRE.** Mr. President, recently I spoke on the floor of this body about the overwhelming and consistent attacks on the Congress. I said that it was time that some of us—particularly some of us in the Congress—spoke out on behalf of this institution. Throughout our 200-year history it has been a good institution, and often a great institution. Thirty years from now historians will look back on recent Congresses. In my judgment they will find serious fault in our handling the deficit, but solid virtue elsewhere.

So why is it that so many Members of the Senate and House make a career out of attacking the Congress? Listen to the remarks by Members of this body criticizing Congress—on the floor, in committee, on television, and radio broadcasts to the folks back home. The criticisms of Congress pour out in a flood. And how many statements do you ever hear—ever—by a Member of this body telling the truth that Congress—for all its failures, and they are serious—is a body of men and women who are doing a reasonably good job under very difficult circumstances. Oh, yes, we have failed dismally in bringing the budget deficit under control. And that is a major shortcoming. But Congress is struggling hard in this issue. Meanwhile in the last few years Congress has eliminated a raft of gaping loopholes and truckholes from the Tax Code. It has twice brought lying, deceiving, and law breaking administrations to account in Watergate and Irangate. It has begun to provide substantial protection for our environment. It has enacted legislation that will significantly improve the Nation's health. It has greatly strengthened the Social Security system by buttressing retirement benefits with a more adequate payroll tax. It has made steady progress in consumer protection. It has moderated the Reagan administration's excessive military buildup. It has fought a gallant, if losing, fight to advance arms control in this dangerous nuclear world.

And yet, the Congress as such, continues to get no praise, no support, no recognition of its solid achievements. It gets no encouragement to continue its struggle in those areas where it has tried but failed. The one simple fact that no one ever acknowledges is that the Congress is no more and no less than the Members of Congress. If the membership of Congress is good individually the Congress must be good. If the Congress as a body is not good, the same can be said for individual Congressmen. So how can it be that so many Members of Congress always say such good things about their colleagues? But never—and I mean never in their career, not once—have they said a good thing about the Congress in which they serve. It is ridiculous.

Mr. President, there are at least two vital elements in the Congress that go beyond the quality of the individual membership of the Congress. One is the remarkable history of this great place. When we, as individuals, come as Members to the Congress, we are strongly affected by the habits, the traditions, the memories, the examples of those who preceded us as Congressmen and Senators. Our leaders in this body, Senators Byrd and Dole, regularly remind us of the really great traditions of the Senators who preceded us. All of us become better legislators as we strive to live up to the great examples of the past.

There is a second element that makes the Congress more—and I mean much more—than the sum of its parts. And that is the leadership. The House and Senate over the years have both been blessed with solid, constructive leadership. That leadership has made the Congress a more positive, a more cohesive and cooperative body than it could have been as just an assembly of 535 individual Members.

In the Senate today consider the quality of our leaders Robert Byrd and Robert Dole, and their top assistants. And in the House Speaker Wright and the two party leaders—Foley and Michel. Leadership with its challenges and pitfalls always invites criticism but congressional leadership today continues as it has throughout

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the 30 years this Senator has served in this body to be honest, responsible, sure footed and constantly working in the interest of our country. So, sure, there is a great deal to criticize about the Congress—criticism we hear and we should. But there is also much about Congress to praise, and this we never hear.

So let us hear a few cheers—amid all those boos and catcalls. Boos and catcalls are about all the Congress ever, and I mean ever, gets.

ADDITIONAL COSPONSOR TO S. 1201

Mr. PROXMIRE. Mr. President, I ask unanimous consent that Senator THAD COCHRAN be added as a cosponsor to S. 1201.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield the floor.

BICENTENNIAL MINUTE

SEPTEMBER 17, 1787: U.S. SENATE CREATED

Mr. DOLE. Mr. President, as we all know, today we celebrate a most historic anniversary. Two hundred years ago, on September 17, 1787, 39 delegates to the Federal Convention signed the Constitution of the United States. Among the many significant consequences of their action was the creation of the U.S. Senate.

Benjamin Franklin was one of the few Convention delegates to oppose a two-House legislature. It is fitting, then, on this most historic occasion, to read from his final statement to the Convention. "I confess," he said, "that there are several parts of this Constitution which I do not at present approve, but I am not sure that I shall never approve them: for having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise it is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

"In these sentiments sir, I agree to this Constitution with all its faults, if they are such; because I think a general government necessary for us * * * I doubt, too, whether any other convention we can obtain may be able to make a better constitution. For when you assemble a number of men to have advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly, can a perfect production be expected? It therefore astonishes me, sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded * * * thus, I consent, sir, to this Constitution because I expect no better, and because I am not sure, that it is not the best."

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend past the hour of 9 a.m., with Senators permitted to speak therein for 3 minutes each.

Who seeks recognition?

The Senator from Alabama is recognized.

BICENTENNIAL OF THE CONSTITUTION

Mr. SHELBY. Mr. President, as we continue to celebrate today the bicentennial of the Constitution, I would like to read to you the preamble of the Constitution and to share with you the meaning of the words to me, and I believe, the meaning of these words to most Americans.

> We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

I am humbled by the simple eloquence of these words written 200 years ago by men representing such diverse interests. In spite of their different visions, these men recognized the significance of the Nation they were about to create. The framers have left us with a rich legacy which remains a source of pride and strength for our people. This legacy focuses on a belief that we can overcome any obstacle and a belief that we can accommodate diverse viewpoints within a framework of laws.

There are some who would say that our Constitution was a flawed document on the day it was signed, that the Union was not perfect and that justice did not prevail throughout the land. Yes, there was slavery in this country at that time. And white women did not have the right to vote. Perhaps our Founding Fathers realized that nations do not have perfect beginnings and that a new nation—the United States of America—would have been stillborn if necessary compromises were not made.

There are others who would say that our Constitution was a flawed document because it did not prevent a divisive and bloody war between the States. And that the Constitution was radically refined by the 14th amendment. Civil wars were not new to humanity 200 years ago and they are not uncommon to us today. However, in spite of our Civil War and the expansion of individual rights under the 14th amendment, the basic structure of our Government as adopted on September 17, 1787, 200 years ago today remains unchanged.

To everyone who would say that our Constitution is imperfect, I say that it is only in America that a Catholic named John F. Kennedy could become President of the United States. It is only in America that a woman named Sandra Day O'Connor and a black man named Thurgood Marshall could sit on the Supreme Court of the United States. Finally, I say that it is only in America that a descendent of former slaves, Martin Luther King, Jr., could inspire so many Americans, both white and black, to see the inconsistencies between our behavior and the moral imperative of the words of our Constitution written 200 years ago.

This discussion, I believe, demonstrates that the Constitution of the United States is more than a written document. It is more than a collection of beautiful words. I believe that our Constitution is an ideal, etched in the minds and hearts of Americans. We believe that our Government, though imperfect, is the best that humanity has developed. And that every American has a duty, if not an obligation, to contribute toward making our Government one of a more perfect Union, and to ensure that justice prevails throughout the land. I believe that it is this vision of America which has caused our constitutional Government to endure for 200 years. It is this vision which will keep our Nation strong as we find solutions to the difficult problems facing us today.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada, Senator REID.

JAPANESE INTERNMENT REPARATIONS

Mr. REID. Mr. President, from time to time there arise issues which test not only the conscience of a man but that of mankind. They deal, almost always, those great questions, with the rights of an unpopular minority.

The response to that test is the true measure of any nation which has pretentions to civilization. When the roar of the mob provokes a government into curtailing individual rights, then that government has failed in its basic duty.

The Declaration of Independence, as usual, says it best. It is to secure basic rights. The magnificent document tells us that "* * * governments are instituted among men."

Our Nation has not, of course, always been successful in securing those rights. Lynch mobs have on occasion prevailed, and for long periods State, local, or Federal governments denied basic rights to segments of our population.

And yet, Mr. President, in the darkest of times, and at the most hysterical of moments, there was always a calm bulkwark for our liberties. That rampart was the U.S. Supreme Court.

Aberrations occurred, of course, in our history. There was the infamous Dred Scott decision declaring blacks to be noncitizens, and Plessy versus Ferguson which upheld the segregation doctrine. But by and large, the Court could be relied upon to protect the innocent individual or group against the tyranny of the majority.

It could be relied upon; that is, until December 7, 1941. When the air and naval forces of the Japanese empire struck suddenly and without warning at Pearl Harbor, our Nation was shocked, outraged, and furious. And rightfully so.

Cries for revenge immediately rang out. Demands were made that Japan be punished for her attack. And rightfully so.

What was not right, what could not be justified, was the wellspring of ugly racism which burst to the surface in the Western United States. Over 100,000 American citizens of Japanese origin were dragged from their homes by the forces of the Government and interned in concentration camps.

No examination was made of their loyalty; no distinction was invoked between legitimate enemy aliens and innocent citizens. That the action taken was blatantly racist is demonstrated by the fact that the same actions were applied neither to Americans of German origin nor to those whose families came from Italy.

One wonders if anyone in Government considered the incongruity of applying to citizens of Japanese origin the same tests of parentage and grandparentage that Hitler was applying in his despicable war of extermination against European Jewery.

There stood between those citizens and their oppressors in and out of government only that one bulwark of our liberties; the Supreme Court. The Court failed the test miserably. It permitted the forced relocation and internment of American citizens on a purely racial basis over the dissent of only one Justice. That one Justice, Robert Jackson, who was later to prosecute war criminals at Nuremberg, demonstrated the importance of one judge as the conscience of a nation.

One of the citizens forced from his home is a friend of mine, Wilson Makabe, who lives in Reno, NV. Wilson's response to that degradation and humiliation was magnificent. He enlisted in the U.S. Army. He enlisted from his new home, which was a concentration camp. When he went home on leave from his military base, he had to visit his family also in a concentration camp. Before that American soldier could go home to visit his father and sisters in their barracks, he was subjected to searches by his fellow GI's who were their guards.

Wilson fought with the famous 442d with many people, including Senators INOUYE and MATSUNAGA. He fought in Italy. He lasted on the battlefield less than 30 days before he was so badly shot up they had to ship him back from the front in a body cast up to his arms. They took his leg off, eventually, and sent him home.

He got off the boat and called one of his brothers. That is when he learned he had a welcome home present. The neighbors had set fire to his family's home in California. It was burned to the ground.

Mr. President, we as a Congress are now considering a piece of legislation to apologize and offer reparations to survivors of this dark chapter in our history. Apologies and reparations, of course, are not enough. They will not be enough. But they are at this time all we can do.

I will vote for this legislation and so, I am sure and most hopeful, will the majority of my colleagues. Before we vote on this legislation, though, Mr. President, I want to say something to my friend Wilson Makabe. I want to say thank you, Wilson, and I am sorry.

Mr. President, I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator yields the floor.

Does the Senate note the absence of a quorum?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BORK NOMINATION

Mr. RUDMAN. Mr. President, Senator THURMOND, in his opening statement at the hearings on the nomination of Judge Bork to the Supreme Court, gave a brilliant exposition on the role of the Senate in the confirmation process. In addition, he gave the best statement in support of Judge Bork that I have heard to date. Although I will not make a final decision as to how I will vote on Judge Bork's confirmation until after the hearings have concluded, I believe Senator THURMOND's statement should be read by anyone interested in this matter.

Accordingly, I ask unanimous consent that the text of his statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman, today, the Committee begins consideration of the nomination of Judge Robert H. Bork to be Associate Justice of the United States Supreme Court. This is the fourth Supreme Court nomination that this Committee has considered in the past six years. (In fact, I might say that it is the 20th such nomination that I have had the opportunity to review during my 33 years in the Senate.) On earlier occasions, I have set forth the qualities I believe a nominee to the Court should possess:

Unquestioned integrity;

The courage to render decisions in accordance with the Constitution and the will of the people as expressed in the laws of Congress;

A keen knowledge and understanding of the law; in other words, professional competency;

Compassion, which recognizes both the rights of the individual and the rights of society in the quest for equal justice under law;

Proper judicial temperament—the ability to prevent the pressures of the moment from overpowering the composure and self-discipline of a well-ordered mind;

An understanding of, and appreciation for, the majesty of our system of government—in its separation of powers between the branches of our Federal government; its division of powers between the Federal and State governments; and the reservation to the States and to the people of all powers not delegated to the Federal Government.

There is no doubt that the nominee before us today meets these qualifications. His intellectual credentials are impeccable: Phi Beta Kappa, distinguished professor of law at Yale Law School, and respected author. His experience is extraordinary: in academia, as a general practitioner, as Solicitor General, and as a Judge for the United States Court of Appeals for the D.C. Circuit (felt by many to be the second most important court in this country). Judge Bork has a longstanding reputation for integrity and judicial temperament. On two occasions, Judge Bork has had his professional qualifications and personal character specifically examined and carefully scrutinized by the American Bar Association. On both occasions, the ABA has given Judge Bork the highest possible rating for his professional competence, integrity, and temperament.

Judge Bork is not a new or unknown quantity. He has been before this Committee twice previously, and both times the Committee and the Full Senate have deemed him worthy of confirmation: to be Solicitor General and to be a Judge of the U.S. Court of Appeals for the D.C. Circuit. It is also worthy of note that both times Judge Bork was confirmed by the Full Senate—once when Democrats controlled the Senate, and once when Republicans did—there was not a single dissenting vote.

In fact, if we were to put aside questions of philosophy and ideology, Judge Bork would in all likelihood already be sitting on the Court. However, it is apparent that some would have the issue of philosophy become the standard for whether or not we confirm this nominee for the Supreme

Court. This nomination has been delayed longer—by any standard—than any other Supreme Court nomination in the last 25 years, while opponents mount an ideological campaign against him. Because so much has been said about the question of philosophy and ideology, I believe we should examine that issue within the context of the nominating process.

Some have said that philosophy should not be considered at all in the confirmation process (In Fact, I have been incorrectly aligned with that position), and others say that philosophy should be the sole criteria. I reject both of these positions. I believe that a candidate's philosophy may properly be considered, but philosophy should not be the sole criteria for rejecting a nominee, with one notable exception. The one exception is when the nominee clearly does not support the basic, longstanding, consensus principles of our Nation.

I want to be very clear about this point: I do not believe that philosophy alone should bar a nominee from the Court unless that nominee holds a belief that is so contrary to the fundamental, longstanding principles of this country that the nominee's service would be inconsistent with the very essence of this country's shared values.

Such a nominee's position should be unequivocal and in violation of a basic belief. For example, freedom of speech is a fundamental, accepted principle in this Country—but exactly what constitutes "speech" and whether or not there are limitations on any particular activity, are issues on which reasonable people can disagree. Freedom of religion is an accepted tenet of this Country—but whether freedom of religion means that a person in the military can wear religious garb rather than his uniform is a matter that can be, and is, openly debated. That there should be no government-established religion in America is a fundamental principle—but whether that prescribes prayer in our schools is a matter of accepted public debate and commentary. That discrimination based on race or national origin is unacceptable is a basic tenet of this Nation—but there certainly is no such agreement on the use of preferential quotas. I raise these examples not to launch into a substantive debate on any of these issues, but merely to point out that we should not confuse core, fundamental principles with evolving and debatable applications of those principles.

In applying this standard, which could lead to automatic rejection of a nominee, we must be reasonable. We must apply it in a manner which also protects the basic American interest of free and open debate on important issues. As the courts, and all Americans, grapple with new applications of our principles and new doctrines are created and offered, these evolving decisions are not sacrosanct and above criticism. In fact, debate and discussion of these new ideas is not only welcomed, it is essential. This is a stringent standard, but in my tenure in the Senate, this test has never been used to disqualify a nominee because no President has ever sent such a nominee to the Senate. To apply a broader philosophical litmus test would put a nominee in jeopardy of being labeled "unamerican" or "unfit" if he has ever been in a minority position on any issue.

It has been said that since the President uses philosophy to pick a nominee, the Senate can use philosophy in evaluating a nominee. A corollary statement should be just as true: when the President does not solely use philosophy to choose his nominee, the Senate should not solely use philosophy to reject that nominee. Historically, Presidents do consider philosophy when appointing nominees to the Supreme Court. That is part of our system of government; it is the manner in which the American people have an opportunity to influence the Court which so greatly affects them. Not only is that generally accepted, but this President was re-elected overwhelmingly when the issue of such appointments was a major, well-discussed campaign issue.

Because this process is well understood by the American people, any nominee selected by a President comes to the Senate with a presumption in his favor. Accordingly, opponents of the nominee must make the case against him. That is why opponents of Judge Bork are trying to fit him into some accepted basis for disqualification or create a new one to defeat him.

First, Judge Bork's opponents will try to raise questions about his character and integrity. Failing this, they will assert that he is disqualified by virtue of his philosophy, by labeling him as an extremist or "outside the mainstream." This, in essence, refers to the purely philosophical test which I have discussed. A review of Judge Bork's record indicates that he indeed is well within the mainstream of legal debate and discussion in this Country. His record on appeals is perhaps the best in the Country.

However, even if a nominee occasionally dissents from a majority view, that should not disqualify him. Although Judge Bork has been in the accepted majority position almost without fail, there is a grand tradition of legal dissent in this country. As Justice Felix Frankfurter said, "In this Court, dissents have gradually become majority opinions." There certainly is nothing wrong with writing a dissent at any judicial level if it is called for; in fact, integrity demands it.

Opponents of this nominee have also surfaced a new theory of "balance" on the Court; that somehow there is a mandated, immutable balance on the Court. This theory has an inherent problem: when did the Court reach the perfect balance—was it the Warren Court, or the Courts which preceded the Warren Court and which were so greatly overturned by the Warren Court? Further, does anyone really believe that these proponents of a "balance theory" would oppose a liberal nominee solely because he had been named to replace a conservative Justice? Of course not. More fundamentally, such a theory presupposes that the Supreme Court is infallible, when clearly it is not. Do we really want to enshrine, for all time, every decision the Court makes? History gives us many examples of the Supreme Court overruling itself and correcting its own errors. Usually, those who argue "balance" have certain decisions that do not want reconsidered under any circumstances. On the other hand, I believe the Court should be allowed to correct errors it has made.

Finally, there is one other issue that should be addressed. I believe, as I have stated before, that the Full Senate should make the final determination on all nominations. The confirmation process should not stop at the Committee level. The Constitution requires the advice and consent of the Senate, not simply the opinion of any one Committee. I am pleased that both Chairman Biden and the Distinguished Majority Leader, among others, have indicated that they agree that this nomination should be dealt with by the Full Senate.

Judge Bork, welcome again to the Committee, and we look forward to your testimony.

POLAND

Mr. KASTEN. Mr. President, I rise today to draw attention to the voice of liberty being heard from within Communist Poland.

Last weekend, 40,000 Polish young people gathered in Warsaw to enjoy one of the world's most democratic art forms: Rock music. Just as rock 'n roll has become one of the most potent expressions of America's spirit of individual freedom, the Polish version has given an outlet to the suppressed energies of Poland's youth.

The Polish regime, like all repressive totalitarian governments, seeks to deny the personal creativity at the heart of all human endeavor and achievement. The ideology of the few supplants the spirit of the many; bureaucratic uniformity threatens to deaden the genius of the people.

Zbigniew Holdys, leader of the rock band "Perfekt," made clear how Poland's youth feels about the inhumanity of the Polish regime, and he did so in words that compare favorably with the defiant-youth lyrics of our own Chuck Berry, and with the protest songs of Bob Dylan.

He sang:

> A lot of us—few of them. They are afraid of us, they are afraid to sleep at night * * * they are afraid of themselves.

Mr. President, when Holdys sang these words, he was wearing a cape with a letter "S" emblazoned on it, to show his support for the outlawed Solidarity trade union.

Mr. President, I ask unanimous consent that the front-page article in the Washington Post of September 14, the article in which this extraordinary peaceful protest is described, be entered in the Record.

The youth of Poland give us hope, and deserve our respect.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 14, 1987]

Rock Around the Regime—40,000 Cheer as Lyrics Twit Polish Rule

(By Jackson Diehl)

Warsaw, Sept. 13—It was billed as the biggest, freest, most daring rock concert ever staged in Poland. And sure enough, when the home-grown group Perfekt hit the stage of a huge outdoor stadium here last night, 40,000 waiting young people jumped up to dance, shout, and sing out their frustration with communist rule.

"I'm not dead yet," shouted Perfekt leader Zbigniew Holdys, to the opening bars of a three-hour hard-rock show driven by the twin themes of alienation and defiance. At its end, his band was nearly drowned out by the crowd as thousands held up flames and sang out the words of the group's anthem, "We want to be ourselves."

What happened in between was a distinctively Polish show, where a base of blasting guitars was topped by gestures of protest ranging from the ironic to the explicit. At one point, thousands in the crowd added a word to a Perfekt chorus and repeatedly sang, "Don't be afraid of that Jaruzelski," Poland's ruling general and Communist Party chief.

During another song, the bearded, beret-capped Holdys segued into a guitar rendition of "Yankee Doodle" as the stage lights turned red, white and blue, bringing a huge roar of approval from his fans.

"You may have heard that the 'Days of Polish Culture' are going on in Moscow now," Holdys told the crowd, referring to an official communist-sponsored cultural event. "All the [party] guys went there, so we are free to jump around up here."

In fact, the concert marked a breakthrough for the Polish rock scene, six years after it came to life—during the era of the Solidarity union movement. Politically explicit lyrics were banned after the union's suppression under martial law.

Subsequently, the groups were condemned by state music agencies to a wasting regimen of low wages and punishing schedules. This produced a crisis of declining quality and public interest in recent years.

Now, as a new wave of liberalization in Poland eases censorship and controls on private initiative, rock groups are hoping to make a comeback with a younger generation yearning to articulate its frustration and hopes. "Young people now know that something is wrong with the system in Poland, although they are not sure what," said Holdys. "To be credible with them, we have to say so straight out."

Perfekt is one of several rock groups that mixes protesting words and gestures with its music and is tolerated by authorities anxious to show that Poland has embraced the policy of *glasnost*, or openness in public life, promoted by Soviet leader Mikhail Gorbachev. Although the references to Jaruzelski and other explicit lyrics led to the groups' banning in earlier years, Holdys and other rock activists said communist authorities now seemed willing to tolerate rock as a relatively harmless, if irritating, outlet for youth.

With last night's concert, Holdys and the Perfekt group intended to kick off the new era. Banned from performing in much of Poland during the early 1980s, the five-member group—which sold an astonishing 1 million records at its peak of popularity in 1982—reassembled several months ago and began preparing a new set of songs.

Perfekt formed its own private musical agency to escape from the tutelage of state agents and planned last night's concert to burst through the small-town, small-hall restraints enforced by the state on rock until now. "We wanted to play what we never were able to do before," said Holdys in an interview. "We wanted to give the biggest concert ever given in Poland, to do what is done by rock groups all over the world—but was never allowed in Poland."

Remarkably, official waivers proved the least of the group's problems. Although Poland had never before seen a rock concert in a stadium, Warsaw officials readily agreed to book the city's huge Dziciencolecia stadium, which holds 100,000 for soccer games and censors cleared all but one of the group's new songs.

Holdys, who has spent most of his 17-year career struggling to get permission for performances, said authorities may have felt obliged to be compliant. "It was easier to give us permission than to have it get out that Perfekt was banned again," he said. "That would have upset a lot of youth and made it look like nothing has changed here."

The real trouble, Holdys said, proved to be obtaining sufficient electronic, sound and lighting gear in technology-starved Poland, and setting it up properly. "We had to borrow practically every speaker in Poland, and 90 percent of them didn't work," he said. "There are only five cordless microphones in Poland—we got three of them."

In the end, the group's hard work seemed to pay off. Despite sprinklings of rain before and during the concert, the sound system held up. Colored stage lights, swirling smoke and a climactic fireworks display made up a respectable spectacle. Most importantly, the hoped-for crowd of teens, students and young couples turned out, many of them riding in on trains and buses from outside Warsaw.

Holdys, although never a member of Solidarity, dressed for the occasion in a long black cape adorned on the back with a huge letter "S." "That's all it takes," he said with a grin. "Everybody knows what it stands for."

Although not overtly political, the songs were blunt in their messages. "A lot of us—few of them," began one of Holdys' songs premiered at the concert. "They are afraid of us, they are afraid to sleep at night . . . they are afraid of themselves."

Another new song playfully focused on Warsaw's huge and popularly despised Place of Culture, a gothic Stalinist skyscraper placed in the center of the city as a "gift" from Soviet ruler Joseph Stalin in the early 1950s. In a bitter comment on the failures of communist rule, the song speculates that the building, "that palace of ours," could soon collapse, "mixing the blood of the latest generations with that of the guy who falls from the 30th floor."

TRIBUTE TO DR. HENRY D. STOKES

Mr. BOSCHWITZ. Mr. President, in August, I went back home to say goodbye to an old friend, a fine American, Dr. Henry D. Stokes.

His was a remarkable life, built on his very genuine love of country and clear belief in the vitality of the American dream, in the ability of the individual to make a difference, to preserve the best of the past and prepare for the best kind of future.

Doc Stokes' influence extended far beyond his small community of Cambridge, MN, where he practiced dentistry and political activism—both full time—from the Minnesota Legislature to the U.S. Senate and the White House. His political involvement was a partnership shared with his wife, Evie, and eventually his children. I never saw Doc without Evie; and, as I said at the funeral, the roads of Minnesota will be a bit quieter now because Doc will not be moving incessantly and loyally from one meeting to another—influencing the course of events in his State and indeed in his Nation.

He served with enthusiasm and great skill, helping bring a community college to his city and a new Veterans' Administration hospital to his State. He died in the care of the VA hospital in Minneapolis, where he was treated with the same love and consideration he brought to every veterans' concern. He was instrumental in the election of scores and scores of State legislators, three Governors, two U.S. Senators and an American President, Ronald Reagan, for whom he campaigned from the earliest moment.

My colleague, Senator DOLE, noted that impressive record and, early this year, recruited Doc to serve as Minnesota chairman of his Presidential campaign, a post for which, by experience and philosophy, he was ideally suited. His death came as he began once more to translate his vision of America into the kind of practical, positive action that made him a leader in Minnesota and on the national scene as well.

I am proud to have known Doc Stokes. I will always count him and his wife among the best friends of my life.

BICENTENNIAL OF THE CONSTITUTION

Mr. HATCH. Mr. President, as we celebrate the bicentennial of the Constitution today, we have the right to feel good as Americans. We can be very proud of our achievements. It is my pleasure to present for the CONGRESSIONAL RECORD the following lyrics to this patriotic song in honor of the 200th anniversary of the signing of the Constitution.

We come from everywhere
we're called Americans
From every distant shore,
but what matters more
is we're Americans.

United by the promise etched beneath the flame
that says beyond this golden door you enter
everyone's the same.

So many voices sing America's song.
So many dreamers come from different shores
to proudly sing along.
So many colors in our rainbow choir.
So many hearts from many homelands
all with one desire
to raise their voices in a country that's free.

To blend their music with America's
from sea to shining sea.
So many voices from
so many lands
make one great song
when we join voices,
hearts and hands.

So many voices sing America's song,
So many dreamers come from different shores
to proudly sing along.
So many colors in our rainbow choir.
So many hearts from many homelands.
All with one desire.
To raise their voices in a country that's free.
To blend their music with America's from
sea to shining sea.
So many voices from so many lands
make one great song,
make one great song
when we join voices, hearts and hands.

Lyrics by Bruce Belland
Music by Robert F. Brunner

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is concluded.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The ACTING PRESIDENT pro tempore. The hour of 9 o'clock having arrived, the Senate will now resume consideration of the unfinished business, S. 1174, which the clerk will please report.

The legislative clerk read as follows:

A bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Glenn Amendment No. 680, to prohibit the awarding of contracts for research and development in connection with the Strategic Defense Initiative program to foreign countries and foreign firms;

Warner Amendment No. 682, to strike the limitation on development or testing of space-based and other mobile anti-ballistic missile systems.

Mr. WARNER. Mr. President, it is my further understanding that at the hour of 9:30 a.m. the Senator from Georgia will be recognized for the purpose of making a motion to table the pending amendment offered by the Senator from Virginia, and thereafter there will be an immediate vote.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is correct.

Mr. WARNER. Mr. President, throughout this debate—and indeed I think it has been a very good debate—the proponents of this amendment have characterized it simply in the context of being a matter relating to funding and that therefore it is the jurisdiction of both Houses of the Congress to deal with matters relating to the expenditures of funds. I concur in that obervation.

But I further observe that this amendment is historic in that it invokes indirectly, impliedly or otherwise, the interpretation of a treaty. That has been at the center of debate here for some days.

I would like to bring to the attention of the Senate a letter that was sent by the distinguished majority leader, ROBERT C. BYRD, to the President of the United States. It is printed in the CONGRESSIONAL RECORD of August 25, 1978. And I now ask unanimous consent the letter in its entirety be printed in the RECORD immediately following my opening remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Senator BYRD, who has spent a good deal of his career studying the precedents and the history of this body and who has diligently assembled through the years a history which will be very valuable to future Members of this body, scholars and others, was deeply concerned that the President was considering forwarding a strategic arms pact to the Congress in a form not as a treaty but as an agreement. The letter spells out very carefully the Senator from West Virginia's deep concern over establishing a precedent on a matter so serious.

Implied in this letter, if not directly stated in this letter, is the admonition to the Congress, and particularly the Senate, that to forward this agreement, that is the pact in the form of an agreement, would begin to take away the special jurisdiction of the Senate in the matter of treaties.

I would like to read a paragraph from Mr. BYRD to the President, under a letter dated August 15, 1978.

> An international pact which is so significant to the security interests of the United States must, I believe, receive full status as a treaty which meets the full and only Constitutional definition of a treaty: one which is submitted to the Senate and must obtain a "super majority" in that body before it may be ratified by the Executive.

And this is the particularly pertinent part that I am about to read:

> As discussed at the Constitutional Convention and in the Federalist Papers, Article II, Section 2 was intended to impart a "peculiar propriety" to the union of the Executive and the Senate in the treaty area. It is incumbent upon both the Senate and the Executive to maintain this special relationship. If such an arms limitation pact is successfully negotiated, I strongly believe that the basic document should be submitted to the Senate in the form of a treaty.

Mr. BYRD goes on to point out clearly the peculiar jurisdiction of this body in relation to treaties and, in addition, the relationship between this body and the executive branch.

I suggest that this amendment, either intentionally or unintentionally, is drawn in such a way as to set a landmark, if not a foundation, precedent that would begin a slow erosion of that peculiar relationship between this body and the executive branch as it relates to treaties of the United States.

EXHIBIT 1

OFFICE OF THE MAJORITY LEADER,
Washington, D.C., August 15, 1978

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I understand that consideration is being given to the submission of a strategic arms pact with the Soviet Union—if and when one is successfully negotiated—to the House and Senate for their joint action. This course of action would involve treating the pact as an "agreement" rather than a treaty.

With great respect for your prerogatives as Chief Executive, I must strongly urge you not to take this course. In the field of foreign affairs the roles of the Executive and the Congress are restricted by the principles of the Constitution. The limitations, indeed the requirements of Article II, Section 2, with regard to the treaty-making power cannot be lightly waived. As set forth unambiguously in that section, the United States may become a party to a treaty only through the action of the President, by and with the advice and consent of two-thirds of the Senate.

An international pact which is so significant to the security interests of the United States must, I believe, receive full status as a treaty which meets the full and only Constitutional definition of a treaty: one which is submitted to the Senate and must obtain a "super majority" in that body before it may be ratified by the Executive. As discussed at the Constitutional Convention and in the Federalist Papers, Article II, Section 2 was intended to impart a "peculiar propriety" to the union of the Executive and the Senate in the treaty area. It is incumbent upon both the Senate and the Executive to maintain this special relationship. If such an arms limitation pact is successfully negotiated, I strongly believe that the basic document should be submitted to the Senate in the form of a treaty.

A strategic arms pact with the Soviet Union is of such consequence that it must merit the confidence of the American people and broad support within the Senate.

I hope that a good SALT treaty, fully protective of our security interests and those of our allies, can be negotiated. I believe this to be a matter of highest importance. We want to do all in our power to reduce the threat of nuclear conflict. However, such a pact must be sound in every respect and able to withstand the Constitutional test of advice and consent.

Sincerely,

ROBERT C. BYRD,
Majority Leader.

The ACTING PRESIDENT pro tempore. The Senator from Virginia has 7 minutes 20 seconds remaining. The Senator from Georgia controls 13 minutes.

Mr. NUNN. Mr. President, how much time does the Senate majority have?

The ACTING PRESIDENT pro tempore. The Senate majority has 13 minutes.

Mr. NUNN. I would ask the Chair to notify me when I have 6 minutes remaining.

The ACTING PRESIDENT pro tempore. The Chair will so notify the Senator from Georgia.

Mr. NUNN. Mr. President, I agree with my colleague, my friend from Virginia, about the debate we have had on this matter. I think it has meaningful. I think it has been enlightening to both sides. I am pleased that we are able to come to a conclusion on this matter and move on to other matters after the vote at 9:30 this morning.

Mr. President, one recent statement on the relationship between the President and Congress in the area of foreign and military affairs—and that is what the heart of this debate is all about, that is, the relationship between the two branches of Government—is set forth in the petition for review filed in the Taiwan Treaty case by a number of leading Members of this body.

A former chairman, an individual who all of us who work with him and knew him came to admire greatly, Senator Goldwater, filed a petition to the Supreme Court of the United States. He was joined by 25 other Members of Congress. In that petition he asserted a role for the Congress in deciding the fate of the Mutual Defense Treaty with the Republic of China when President Carter terminated that treaty. That was in the late 1970's.

A number of current Members of this body participated as plaintiffs with Senator Goldwater in that case, including Senators THURMOND, GARN, HATCH, HELMS, HUMPHREY, MCCLURE, SYMMS, and QUAYLE.

Nothing, as far as I know, has changed regarding the separation of powers since that petition was filed.

Yet we find that a number of Members who filed that petition as coauthors have taken, as I view it, exactly the opposite position; diametrically the opposite position, in the debate that we have had over the Levin-Nunn provision.

At this time they are asserting vast powers for the President. In fact, we voted on an amendment here the other day that said the President was the sole voice under the Constitution in regard to treaty negotiations; the sole voice.

As I said then, and I will not repeat the argument, I think that ignores the fact that there is nothing about "sole voice" in the U.S. Constitution. Nowhere does that appear, but there are a few words about the Senate's role in treaties, including "advice" and "consent."

If advice means anything, it means giving advice while the advice would be timely.

So, what we have is, perhaps, a change of mind; perhaps changed circumstances; but, nevertheless, a diametrically opposed view emerging from some of our colleagues in this body. That view is totally contradictory to the view they had a few years ago when we had a Democrat in the White House and the issue was on another treaty.

Senator WARNER did not, as far as I know—and I searched very carefully on this point—I know he recognizes that——

Mr. WARNER. It is not there.

Mr. NUNN. He did not join in that position, but a number of Senators did. But I think Senator WARNER made one of the most profound statements on the floor of the Senate in June 1979 on this overall subject, although he was not a signatory.

First I think we ought to give a little background here. My colleague from Virginia, on September 15, in a Senate floor statement regarding the Levin-Nunn amendment said, and I quote him—September 15, 1987, Senator WARNER attacked the Levin-Nunn amendment on the ground that it would:

> Repose in the House of Representatives indeed a simple majority of the House present and voting, the authority, Mr. President, to overrule the judgment of all 100 Senators on this issue.

Continuing the quote:

> Yes; a simple majority of the House could come forward and by that inaction, perhaps through some sort of their rather unique procedures in the Rules Committee, prevent the President of the United States from taking certain action.

On June 6, 1979, my dear friend from Virginia said in a speech on the floor which was in reference to the Carter decision to terminate the Taiwan Treaty, although he was not a member of that group that petitioned the Supreme Court, he stated, and I am going to quote him on that—Senator WARNER said on June 6, 1979:

> [A] treaty may be terminated only by a subsequent statute or by a subsequent treaty or by some subsequent instrument of similar status and force.
>
> Any other conclusion would of necessity contemplate the termination of law by some action not accord with the basic concepts of democratic government since it would imply that, although law is to be made only with the participation of the people's representatives, it can be unmade without the same form of popular consent.
>
> Those of us from Virginia, whenever confronted with an interpretation of our Constitution, understandably look to the wisdom and guidance of none other than Thomas Jefferson [who wrote in] the manual of parliamentary practice for the use of the Senate of the United States, found in every desk in this Chamber [that] "the legislature alone can declare [treaties] infringed and rescinded."

Now, I ask my friend from Virginia whether he sees any contradiction between those two views?

Mr. WARNER. Mr. President, I am happy to reply to my good friend, although I want to provide some time for my colleagues to respond on this issue.

I think the distinguished Senator from Georgia has correctly stated my earlier remarks in this general area. But at that time my attention was focusing on the issue of a termination as opposed to an interpretation, and I think there is a distinction in there. As you note quite accurately, and I appreciate the courtesy in that, because I did not join in that because I do have a continuing concern in that area.

I would ask my friend from Georgia, do you feel that there is, as stated by the distinguished majority leader in his letter, a peculiar relationship between the Senate of the United States and the executive branch in the area of treaties, and that relationship is not shared——

The ACTING PRESIDENT pro tempore. The Chair will state you have 6 minutes remaining.

Mr. WARNER. And that relationship is not shared by the House of Representatives.

Mr. NUNN. I certainly agree with my friend from Virginia as that applies to the making of treaties. But where I draw the line and I think the Senator drew the line in his statement in 1979 is that once a treaty is made it becomes the law of the land.

The Senator said very articulately in 1979, that once a treaty is the law of the land only the peoples' representatives, that is the Congress, that is the House and the Senate, can change that law. So I think that the Senator is correct. The Senate does have a unique role.

The House has nothing to do with the ratification or making of treaties, but they have a role in the repealing of law. Once a treaty becomes the law, it, indeed, has to be addressed by both the House and the Senate.

Mr. President, I would yield the floor at this time and reserve the balance of my time.

The ACTING PRESIDENT pro tempore. The Senate majority has 5 minutes remaining.

The Senator from Virginia.

Mr. WARNER. I will yield the floor in a moment. I want to just make one observation about the role of the Members of Congress as stated by the Senator from Georgia in the course of negotiating the treaty. I stand by my statement that the President is the sole negotiator and the sole voice on matters external for this country in relationship to the negotiation.

I think my good friend from Georgia knows and I know when we, the two of us and other Members, go to Geneva in connection with the current negotiations, we are exceptionally careful never to involve ourselves in any of the negotiating process. Not even to be present. We go to the extreme of not even to be present in the same room at the time negotiations take place for fear of giving the impression to others that we are participating.

Mr. NUNN. If the Senator will yield very briefly? I think the record should indicate the Senator is absolutely correct. The record should also indicate that the observer group under Senator STEVENS asked for the ability to participate by sitting in and observing negotiations and we were turned down by the State Department.

Also, if you look in history—I agree with him, the President should be the principal negotiator, but not the sole negotiator. If you look in history, Senators have participated, actually, as negotiators. I do not recommend that, but that is not unprecedented.

Mr. WARNER. Mr. President, we should continue that at a later time and I now yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WARNER. I ask that my time be equally divided between the Senators from Indiana and California.

The ACTING PRESIDENT pro tempore. Three minutes.

Mr. WILSON. Let me respond to my friend from Georgia. The Goldwater petition which he mentioned was dismissed by the Supreme Court of the United States and, in fact, judgment was given that the district court should dismiss the action at that level as well.

The cite is 444 U.S. 996 (1979).

Much more to the point, Mr. President, the Levin-Nunn amendment seems to condition funding for the strategic defense initiative upon an interpretation of a treaty, specifically, the narrow interpretation of the ABM Treaty, one which would prohibit the development and testing of ABM systems.

That is not simply the fencing with which we are so much accustomed in defense authorization bills. However much the authors of the amendment may seek to disguise it, it is, by its very language which quotes the treaty, necessarily made dependent upon an interpretation.

It says that the President may not expend money, or that no moneys may be expended on an interpretation of the ABM Treaty, which would permit the development of space-based and other things that are permissible under a broad interpretation of that treaty.

Mr. President, yesterday we gave lip-service to a celebration of our bicentennial anniversary of the U.S. Constitution. By the passage of Levin-Nunn, we will do the greatest violence to the doctrine of separation of powers. We will do so by intruding on the powers of negotiation that are given exclusively by the Constitution to the President of the United States.

My friend from Georgia says that he agrees that the President is the principal negotiator. He is the sole negotiator, Mr. President. If Senators had participated in any past treaty-making sessions, it was at least with the implicit understanding that they were the delegates of the Executive.

Mr. President, you cannot say that the language of this leads to any other interpretation but that this is, in its requirement of a joint resolution approved by both Houses the President's interpretation of the ABM Treaty, anything but an intrusion upon the power of negotiation given exclusively by the Constitution to the President. It is an intrusion upon the powers of negotiation because it sets parameters to the negotiation, exactly as we were told by Ambassador Cooper 3 days ago in response to the question, What would passage of Levin-Nunn do to the negotiations in Geneva having to do with START and space?

He said it would necessarily narrow the range of those negotiations.

Mr. President, we may not do lip-service one day and violence the next without living long to regret it.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Indiana.

Mr. QUAYLE. Mr. President, how much time have I?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes 30 seconds.

Mr. QUAYLE. I thank the Chair.

Mr. President, as my colleague from California just pointed out, there are a number of problems with this. First, there is a serious constitutional question. The Senate, in my judgment, has the power of the purse but not the power to interpret treaties. That remains with the President of the United States. We are treading on the constitutional responsibility of the executive branch. I know we can rule by majority vote and I know it will be vetoed. The veto will be sustained. I think the constitutional principle will be affirmed. I do not know why the Senate at this time wants to do something when they know this is a question of interpretation. Further, we have in the debate over the last couple of days decided that the interpretation rests with the executive branch. There is a dispute on what this amendment actually does.

Second, at this time what a slap in the face to our negotiators, just a slap in the face. We are saying to them, "You do not know how to negotiate and we are going to establish a Soviet Union position on the interpretation of the ABM Treaty."

On the front page of the paper today Gorbachev talks about a START proposal. a START proposal which could lead to any kind of defense talk. We know SDI will play an important role. SDI is linked to the ABM Treaty. And this, today, with that discussion, what a slap in the face to negotiators who worked hard, long and tireless hours, who have gotten this country with the Soviet Union in a close position to get an INF accord, to have the United States Senate get in and start to interpret treaties for the executive branch and our negotiators.

We ought to be ashamed of ourselves.

Third, Mr. President, this amendment holds hostage SDI. SDI is something I strongly believe in. In fact, the men who will vote for this amendment believe in it, too. But I am telling you the effect of this amendment is holding SDI hostage. There is absolutely no way you can go forward with a legitimate SDI Program without testing and developing. You have to do that at some time if you are going to deploy defenses. This is not going to be a program that you will research forever. If you are going to research forever, you do not need as much money as we have in the budget. We could do with a lot less, to satisfy a desire than just research. We want to get beyond research sometime. It is like driving an automobile. Will we drive an automobile that we have not tested and developed? Of course not. We have to test and develop that.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Georgia.

Mr. NUNN. Mr. President, I must say the Senator from Indiana and I have worked very closely, and he is a valued member of our committee. After listening to his vehement position on the Levin-Nunn amendment, I was shocked the other day when he introduced a resolution on the INF negotiations. I do not know of anyone, when we are negotiating here in Washington——

Mr. QUAYLE. Will the Senator yield?

Mr. NUNN. I do not have time. Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. NUNN. I was shocked to find he was introducing that kind of a resolution, asking the Senate to repudiate a recent decision on INF by the President of the United States right while the Foreign Minister of the Soviet Union was in town to negotiate on INF. I may end up——

Mr. President, do I have the floor?

The ACTING PRESIDENT pro tempore. The Senator from Georgia has the floor.

Mr. NUNN. I may end up agreeing with the Senator, but I was shocked because it was so totally contradictory to everything the Senator has been vituperating on.

Mr. President, I ask for order in the Senate.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. NUNN. Mr. President, I was also amazed when I went back and read the RECORD in 1979. The same Senator from Indiana at that time was one of the petitioners in the case of Goldwater versus Carter, and said in the petition:

> It is beyond dispute that the framers were distrustful of executive power and shrank from placing kingly authority anywhere.

Quoting again from the petition:

> Madison emphasized at the constitutional convention that the Framers meant "to fix the extent of executive authority," not to confer open-ended powers * * *.

Madison added that:

> Executive powers (should) be confined and defined—if large we shall have the evils of elective Monarchies.

Has the Constitution changed between 1979 and 1987?

That same Senator from Indiana said, on May 14, 1987:

> The role of the Senate is not one to interpret and implement ratified treaties. That is not the role of the Senate. That is a constitutional role that is fundamentally and exclusively reserved to the President of the United States.

On December 3, 1979, the same Senator in the Taiwan Treaty petition said:

> A power to change the law (whether established by statute or treaty) is * * * a contradiction rather than a corollary of the responsibility for seeing to its faithful execution. (Quoting Professor Arthur Bestor.)

Senator QUAYLE, in his Taiwan Treaty petition, also said:

> If the President alone is allowed to make for the Nation the final decision of when he "must take immediate action" in order to conduct foreign affairs "in a rational and effective manner," he becomes the ultimate arbiter of his own powers, free of any judicial responsibility to say what the law is.

So I think the Senator from Indiana has obviously changed his views completely on the Constitution of the United States and changed in the last 8 years on this point. I would submit it is not correct.

Mr. President, how much time have I remaining?

The ACTING PRESIDENT pro tempore. Thirty seconds.

Mr. NUNN. Mr. President, I yield to the Senator from Maine.

Mr. COHEN. I thank the Senator for yielding.

Mr. President, the debate we have been holding on section 233 of S. 1174—the Levin-Nunn amendment—is of profound significance for both the security policy of our Nation and the constitutional prerogatives of this body. Our vote on this motion to strike section 233 will not end this debate, since Senators and Members of the other body will have the opportunity to address the issue during later consideration of the authorization bill and during the appropriations process. Moreover, the restrictions of section 233 presume a continuing dialog with the executive branch on this critical matter.

As is evident from the debate over the past several years, the issues are enormously complex. I would like today to present a summary of my views on these difficult and important issues.

S. 1174, the National Defense Authorization Act for fiscal years 1988 and 1989, authorizes appropriations for the Department of Defense and the defense activities of the Department of Energy for the coming 2 years. The Armed Services Committee drafted this legislation after giving careful consideration to the President's budget requests for fiscal year 1988 and 1989.

This legislation authorizes and provides funding for a great number of programs. It also restricts the expenditure of funds for numerous programs. This exercise of control over the use of Federal funds, of course, is the job of the committee, the Senate, and the Congress as a whole.

One such provision restricting the use of funds is section 233, which states that funds made available to the Department of Defense during fiscal year 1988 and 1989 may not be used to develop or test antiballistic missile systems or components which are sea-based, air-based, space-based, or mobile land-based. I supported this provision during the markup of the authorization bill in the Armed Services Committee, and it was approved on a 12-to-8 vote.

Let me reiterate at this point that I am a supporter of an SDI Program. I know that other Senators who supported this provision in the Armed Services Committee are also SDI advocates. These include the chairman of the committee, who has never been described as anything but a vigorous and thoughtful supporter of a strong national defense posture.

This is not a debate over support or opposition to a well-funded, robust SDI Program. Nor is it a debate over what is the correct interpretation of the ABM Treaty. Section 233 does not seek to answer that question, but rather ensures that the executive branch does not attempt to preemptively answer the question.

The principal questions at issue are, "Does the Congress have the authority to control the Federal Government's purse strings?" and "Does a President have the authority to unilaterally implement an interpretation of a treaty that is contrary to that which was the basis for the Senate's advice and consent to ratification of that treaty?"

The answer to the first question is clearly "yes"; I cannot imagine any Senator arguing the opposite. And, as has been pointed out by the chairman of the Armed Services Committee, if the President insists on seeking to answer the second question in the affirmative, then he and his successors should anticipate that, in the future, the Congress will feel obliged to impose restrictions far more stringent than the type incorporated in section 233 on funding and on materials necessary for administrations to provide to the Senate in future requests for advice and consent to ratification of treaties.

During the committee's markup and in the ongoing floor debate, a number of objections to this provision have been raised. These objections have been cloaked in a host of arguments. Let me briefly address some of these objections.

First, some of my colleagues assert that section 233 will interfere with Strategic Defense Initiative Office [SDIO] plans and prevent it from pursuing its important mission. I would note that the President did not request any funds in fiscal year 1988 or 1989 to test any ABM elements such as mobile or space-based ABM systems or components which would go beyond the traditional interpretation of the ABM Treaty. Department of Defense [DOD] and SDIO officials testified to the Armed Services Committee that no tests of mobile or space-based ABM systems or components are planned for fiscal year 1988 or 1989. Accordingly, section 233 will not interefere with current SDI plans.

Claims by some Senators that this section will strangle SDI or prevent SDIO from carrying on its important work are refuted by the President's budget and the testimony of General Abrahamson. The research, development, and testing activities of SDI can go forward as envisioned in the President's budget request and the plans presented by SDIO to the Armed Services Committee.

Second, some of my colleagues have argued that since ballistic missile defense is the subject of negotiation in the nuclear and space talks in Geneva, we should not legislatively address the SDI Program. The Dole-Warner amendment stated that "the Congress should not seek to establish, in U.S. domestic law, positions on matters * * * (which) are being negotiated" with the Soviet Union.

It is not exactly clear what those advancing this argument intend. Does it mean that the Congress should not authorize or appropriate funds for SDI and other programs affected by the Geneva negotiation? I doubt that this was the intention, yet when the Congress approves funding for SDI it certainly is adopting a position on SDI, and the level of funding it provides indicates something about the Congress' position on SDI. In fact, section 231 of the committee's bill mandates that in fiscal year 1988, "not more than $4,120 million may be obligated for the strategic defense initiative" by the Pentagon. This cap on SDI spending at a level more than $1 billion below what the President requested can only be described as establishing in U.S. domestic law a position on SDI. I have heard none of my colleagues call that provision an unconstitutional intrusion upon the President's powers—as it certainly is not.

Even more to the point, let us examine the fiscal year 1987 supplemental appropriations bill, which was approved by the Congress and signed into law by the President as Public Law 100-71. Incorporated into the bill language of the supplemental appropriations was the following language with regard to DOD funding for the heavy-lift launch vehicle, a program funded in part by the SDI:

> None of the funds appropriated by this Act may be obligated or expended for research, development, test, and evaluation intended to facilitate early deployment of a ballistic missile defense.

It would certainly appear that the Senators, the Members of the other body, and the President, himself, accept the authority of the Congress to impose restrictions on the use of funds for the SDI program.

Mr. President, there are other examples of legislation approved by the Congress and signed by the President that affected military matters that were at the time the subject of negotiations with the Soviet Union. For example, in June 1984, the current chairman of the Armed Services Committee initiated a debate on NATO conventional defenses and the failure of some of our European allies to fulfill commitments they had made to bolster their contributions to the common defense. The Senate voted to substitute for Senator NUNN's amendment one that I sponsored and that the then-chairman, Senator Tower, had a large role in drafting. This latter amendment wrote into law a binding cap on the number of troops the United States could deploy in Europe.

Many of those who now argue that the Senate should not legislatively address matters under negotiation supported this European troop strength amendment despite the fact that the United States was then engaged in negotiations in the MBFR talks on the number of troops the United States and the Soviet Union would be permitted to station in central Europe. While the amendment addressed the level of troops stationed in all of Western Europe as opposed to the NATO territory of immediate interest to the MBFR talks—West Germany, Belgium, Luxembourg, and the Netherlands—there is a definite connection between the subject of the amendment's provision and the MBFR talks.

Mr. President, I would also point out that there have been other occasions when the Senate legislatively addressed matters being negotiated with the Soviets, with the intent of influencing the course and outcome of those negotiations. Moreover, I will point out that a number of the Senators who oppose the Levin-Nunn provision or who supported the Dole-Warner amendment have in fact been among those who earlier supported legislation whose purpose was to affect such negotiations. A good example of this is the Jackson amendment to the resolution authorizing President Nixon to approve the Interim Agreement on the Limitation of Strategic Offensive Arms—the SALT I Interim Agreement of 1972. The Jackson amendment, which was approved, was supported by Senators DOLE, HOLLINGS, THURMOND, STEVENS, as well as by our former colleagues, Senators Howard Baker and Barry Goldwater.

Senator Jackson made clear that his purpose in offering the amendment was to influence the course and outcome of the SALT II negotiations. On August 7, 1972, on the floor of the Senate, he stated that:

> My amendment puts the Congress on record in opposition to follow-on SALT agreement in which the United States is limited to levels of intercontinental strategic forces inferior to the level accorded to the Soviet Union.

Jackson went on to tell a colleague that:

> The amendment accomplishes what I thought the Senator wanted to accomplish—that Congress—the Senate in particular—should not only give its consent, but give its advice.

Finally, Jackson concluded:

> I believe that what we have done here with this amendment is to exercise our constitutional obligation of giving our advice and consent.

The intent of section 233 is not to influence the Geneva negotiations. But I think that the history of this body's action lays to rest the argument that the Senate is obligated to not adopt a position on a matter because it is under discussion with the Soviet Union.

Mr. President, there will be future debates on whether the Reagan administration's attempt to reinterpret the ABM Treaty is justified. There are many factors which need to be considered in addressing that issue. Both Judge Sofaer and the chairman of the Armed Services Committee have submitted extensive reviews of the negotiating history, the ratification proceedings, and the record of subsequent practice.

Other informed individuals who played critical roles during the period in which the ABM Treaty was negotiated, was the subject of the Senate's advice and consent, and has been implemented have also expressed their views on this matter. Former Secretaries of Defense Melvin Laird, James Schlesinger, Elliot Richardson, and Harold Brown have all stated their support of the traditional interpretation of the treaty. Others taking issue with the administration's reinterpretation include Ambassador Gerald Smith, chief U.S. negotiator of the ABM Treaty; John Rhinelander, legal advisor to the U.S. delegation; and Lt. Gen. Royal Allison, the senior U.S. military officer on the U.S. delegation.

I believe that the evidence clearly favors the traditional interpretation. However, that is not the question before the Senate as it considers the motion to strike section 233. What is in question is whether the President will unilaterally implement the reinterpretation. The State Department Legal Advisor, Judge Abraham Sofaer, testified on this matter to the Senate Armed Services Committee on November 21, 1985. In a written answer for the record he stated on behalf of the administration:

> The President has affirmed that he intends to pursue the SDI research program as currently structured, which is consistent with the restrictive interpretation. Should a future Administration seek to implement the broader interpretation, the Congress would have a voice in that decision.

The question on which we are being asked to vote is whether the Congress will have a voice in that decision, and whether the administration will live up to its commitment of coming to the Congress should it seek to implement its reinterpretation during fiscal year 1988 or fiscal year 1989.

Given the clear indications coming from the executive branch that it is anxious to move to implement the broad interpretation, this body has little choice but to incorporate into legislation the administration's commitment to consult with us first.

Accordingly, I urge my colleagues to vote to maintain the Levin-Nunn provision.

The ACTING PRESIDENT pro tempore. The Senator from Georgia has 20 seconds remaining. Does he yield back the time?

Mr. NUNN. Mr. President, I thank the Senator from Maine. No one is more diligent, no one is more aware of the implications of arms control, no one studies it with a more absolute bipartisan approach than the Senator from Maine. I commend him for his work.

Mr. CHAFEE. Mr. President, for the past several months I have been observing and listening to the arguments in the Chamber about the Nunn-Levin amendment, and I must say that I am disturbed by this dispute. The amendment has resulted in a profound division of opinion, not only between disagreeing Senators, but also between the Congress and the President.

To be sure, without disagreements we would have little to do in this body. But this particular disagreement over the meaning of one of our Nation's most important treaties goes to the heart of foreign policymaking in this country. As we have seen over and over in recent years, some kind of consensus about the most significant issues is essential to effective foreign policy. It is unfortunate that we in the Senate and in the U.S. Government in general lack a consensus on such a basic foreign policy issue as the ABM Treaty.

In some ways, this entire matter is a little baffling to me since, in my view, the meaning of the ABM Treaty and the correctness of the traditional interpretation are clear. There is no doubt that the language to the treaty itself, like the language of any law or agreement, is open to interpretation. And there are indeed provisions of the treaty that, on the face of it, can be interpreted in a number of ways.

According to international law, particularly the Vienna Convention of the Law of Treaties, the treaty text itself is the first place you look when interpreting a treaty. Most of the ABM Treaty is clear enough. Article I sets out the overall purpose of the treaty: "Each party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense * * *." Article V then takes the treaty's reach a few steps further with an agreement "not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based." The question now being debated here is whether this latter prohibition was meant to apply to future ABM systems or components—the so-called exotics, the category into which much of today's SDI program would have fallen at the time the ABM Treaty was negotiated.

I believe that the plain language of the treaty leaves little doubt on the answer to this question. But whatever doubt remains in the mind of the reader of the treaty is dispelled by examining the negotiating record and the subsequent practice of the two parties to the treaty. As John Rhinelander, legal adviser to the SALT I delegation, points out in a recent article, President Nixon's instructions to the negotiators were unambiguous:

> Our objective is to reach agreement on the broad principle that the agreement should not be interpreted in such a way that either side could circumvent its provisions through future ABM systems or components.

And as the distinguished senior Senator from Georgia has proven in his exhaustive analysis of the negotiating record and the Senate's consideration of the treaty, our delegation achieved what President Nixon asked them to achieve. The treaty that was presented, explained, and defended before the Senate by the Nixon administration clearly prohibited testing and development of "exotic" ABM systems and components.

International law says that the second place, after the treaty text, to which one turns for the correct interpretation of a treaty is the subsequent practice of the parties. Here it is again obvious how the treaty was and should be interpreted with regard to testing and development of futuristic space defenses. The Nixon, Ford, Carter and—until late 1985—Reagan administrations, issued numerous and consistent statements over the course of 13 years that left no doubt that the United States was interpreting the treaty strictly with regard to testing and development of exotic ABM defenses. On the Soviet side, the distinguished Senator from Georgia has identified a number of "smoking guns," proving that the Soviets shared the traditional United States interpretation. In particular, statements by Victor Karpov, one of the Soviet ABM negotiators, and Lt. Gen. Viktor Starodubov, former Soviet Commissioner to the Standing Consultative Commission, point directly to the Soviet espousal of the strict interpretation.

Yet in the face of all this evidence for the traditional interpretation, where do we find ourselves? Now, suddenly, as a result of a desire by some to put the SDI program on the fast track, we find ourselves divided over a treaty which, until quite recently, everyone agreed had a definite meaning. I believe strongly that the broad interpretation of the ABM Treaty is a wrongheaded attempt to dump the ABM Treaty by means of legalistic arguments. I share the view of many who have spoken here in the last few days, that if the United States is going to dump that important treaty—the Magna Carta of arms control, as it has been called—the Congress must have its say in the decision. The Nunn-Levin amendment will give us that say, and I fully support it.

The ABM Treaty is the law of this land and I for one want the United States to stand by it. We may have concerns about violations, including the Krasnoyarsk radar violation on which the Senate so forcefully spoke last night. But we have a mechanism for resolving such disputes and I am disappointed and frustrated that the administration has not used that mechanism, the SCC, for resolving these problems.

I would have preferred that the Nunn-Levin amendment had not been necessary, that we would have worked cooperatively with the administration to set the course of the strategic defense initiative while remaining in compliance with the ABM Treaty; and that we could have supported vigorous administration efforts to resolve the Krasnoyarsk violation within the SCC. Unfortunately, this administration has proven basically hostile to preserving the integrity of the ABM Treaty, and therefore I have decided that the Nunn-Levin amendment is a wise and necessary step for the Senate to take. I urge my colleagues to support the amendment and vote against striking it from the bill.

Mr. DOLE. Mr. President, this morning the Senate will vote on a motion to table Senator WARNER's amendment to strike the so-called Levin-Nunn language from the Defense authorization bill. This matter was debated throughout yesterday. There may be Senators who still wish to be heard on the subject, or there may be others who would like to hear more. Nevertheless, we vote at 9:30, so the time to face this issue has arrived.

Although there are certainly additional arguments to be made, I am sure that I am not alone in having heard enough to support the Senator from Virginia. In fact, I believe that yesterday's debate only corroborated the view I have had of this issue for some time. The Senator from South Carolina, [Mr. HOLLINGS], the Senator from California, [Mr. WILSON], and several others, ably reviewed the legal situation. Here is how I see it:

First, as the ABM Treaty was negotiated in 1971 and 1972, the United States repeatedly suggested, but the Soviet Union steadfastly refused, clear language to prohibit development and testing of ABM systems based on "other physical principles." In fact, there is no such prohibition in the treaty.

Second, the ratification proceedings here in the Senate cannot, and did not, alter the treaty between the United States and the Soviet Union.

Third, since 1972, the United States and the Soviet Union have said and done various things, but at no time did their view of the ABM Treaty's meaning coincide. This finding of the third Sofaer study, which was delivered last week, shows that subsequent practice does not cast any light on what the mutual intent of the parties was.

Fourth, after all is said and done, it is the President who must ultimately interpret the international obligations of the United States. In this case, the President has conducted an exhaustive analysis which supports his earlier conclusion.

Yesterday's debate also brought out another point which has been made before, but I think bears repeating. While some of us sit here splitting legal hairs, trying to deny the President a perfectly justifiable interpretation of our international obligations, the Soviet Union—the other party to this treaty—proceeds exactly as it pleases. The Soviets are not interested in our "broad versus narrow" debate. They would like to bind us to an even narrower treaty interpretation. In fact, they would do anything to stall American technology while they race ahead, violating any and every interpretation of the ABM Treaty. In short, what Levin-Nunn seeks to do is to impose an amazing double standard on the United States, while the Soviets do as they please.

Let's not forget that this double standard imposes very real costs on America's defense. It forces us to proceed with SDI in a way which costs more time and money than necessary. Furthermore, proceeding under these constraints may not yield us the confidence in SDI systems which we would normally require to make a full-scale engineering and development decision on a major defense system. That this comes at a time of tight budgets and demands for more and more testing of defense items makes the situation all the more absurd.

A headline in this morning's Washington Post underscores another point made yesterday. "Gorbachev Says Second Arms Pact Possible" it reads. The Senator from Oklahoma, [Mr. NICKLES], suggested we make a phone call to our negotiators to seek their advice on Levin-Nunn. Every one of them will tell you that this sort of measure at this critical time is going to undercut them, thus lessening their chances to achieve a good arms control agreement.

That is about where it stands. We have made our point on this legislation. If it stays in the bill, the President will soon make his point. Make no mistake—if Levin-Nunn stays in the bill, the President will veto it, and his veto will be sustained.

I urge all my colleagues to vote against tabling Mr. WARNER's amendment.

Let me just add one final note of thanks to the Senator from Virginia. He has led the opposition to Levin-Nunn from the first moment it appeared. He has been an articulate spokesman for America's security.

Mr. GORE. Mr. President, so much has already been said on this subject that I shall begin with a pledge to be brief.

The proposition before us is that the Senate ought to do away with the Levin-Nunn amendment on SDI, because: First, it infringes upon the President's authority to negotiate with foreign powers, by imposing certain constraints on the manner in which he may use public money authorized and appropriated by Congress; and second, because action at this time would be embarrassing to the President as he meets with the Foreign Minister of the Soviet Union.

The first argument amounts to a radical interpretation of the powers of Congress which would essentially demote it to a permanently subordinate relationship with the executive branch. It astonishes me that anyone could seriously challenge the Levin-Nunn amendment on the grounds that it oversteps Congress' constitutional authority, if they have given any thought at all to the implications of such a doctrine for everything else the U.S. Congress does, day in and day out, regardless of which party is in the majority.

The second argument is transparently self-serving. If the administration had wished to avoid any potential embarrassment of the sort described by some of my colleagues, it ought to have allowed the Senate to work its will before now. It is, in fact, regrettable for us to have a display of disagreement at this time, but that cannot be considered a matter of serious enough consequence to expect that the Senate should be silent on what—I trust—a majority of its Members believe to be a vital policy issue.

As for the substance of the matter, the issue is similarly clear. The Levin-Nunn amendment seeks to assure that the administration, having secured funding for SDI under one set of assurances as to the content and pace of the program, cannot switch signals at will—but instead must announce its intention and make the case for it. It is emphatically not a measure designed to damage SDI. On the contrary, a more statesmanlike attitude on the part of the White House might have accepted this measure as a way to build confidence between the executive branch and Congress: a good thing to do at any time; a vital thing under present circumstances.

We should sustain the Levin-Nunn amendment and move on, at last, to consideration of the rest of the Defense authorization bill.

Mr. DANFORTH. Mr. President, my reasons for voting for the Warner amendment are somewhat different from the reasons of my colleagues.

It is my understanding of the history of the ABM Treaty that the so-called narrow interpretation was the intention of our negotiators and was the accepted understanding of the Treaty since its adoption in 1972. Therefore, on the issue of broad versus narrow interpretation, I agree with Senators LEVIN and NUNN. However, I do not agree that the issue should be resolved in the Defense authorization bill and, therefore, I shall vote to strike their amendment from this bill.

My reasons for concluding that this is not the time or place to decide the issue are as follows:

First, the President has stated flatly that he would veto a bill which included the Levin-Nunn provision. I see no purpose in turning this bill into a dry run.

Second, the issue of broad versus narrow interpretation need not be decided at this time. The SDI Program has not yet and will not in the immediate future reach a level of development which would exceed the narrow interpretation of the treaty.

Third, many have suggested that Congress should not render what amounts to a legal interpretation of the meaning of the ABM Treaty while negotiations on arms control are in progress as such an interpretation may affect the bargaining position of our negotiators.

Fourth, the application of the Levin-Nunn amendment would be mechanically difficult, if not impossible. Congress would be in a position of passing on each proposed test of the SDI to determine whether that specific test would or would not exceed the narrow interpretation of the treaty. Such specific review of each test goes far beyond a general participation in arms control policy and constitutes micromanagement of the details of our national defense.

Mr. GLENN. Mr. President, I rise in support of the Levin-Nunn amendment which places a 2-year ban on funds for testing and development of SDI systems not consistent with the narrow, traditional interpretation of the ABM Treaty, unless the President submits a report to Congress on the systems he proposes to test or develop, and Congress passes a joint resolution repealing the prohibition. As a member of the Senate Armed Services Committee, I supported the Levin-Nunn amendment during the committee markup of this year's DOD Authorization Act. I believe that it was not only the committee's responsibility but duty to take this action.

Also, I am a cosponsor of Senate Resolution 167 which states that the traditional interpretation of the ABM Treaty is the correct interpretation. I feel very strongly about what is involved in this issue. It is nothing less than the protection of the Congress' legitimate role in national security and the importance of retaining U.S. credibility in the world.

The recent congressional Iran-Contra hearings highlighted the damaging effects to our national security policy which may occur when members of the executive branch of Government take it upon themselves to make commitments in foreign policy without the input of the Congress. Incidents such as the Iran-Contra scandal as well as the reinterpretation of the ABM Treaty contribute to waning confidence in American foreign policy. Nothing is as important to a nation as its reputation for integrity in the international arena. We would gravely imperil America's good name in the world if we renege on our international obligations by permitting the President to unilaterally reinterpret the ABM Treaty.

The 1972 ABM Treaty prohibits both the Soviet Union and the United States from building nationwide ABM systems or their components. The treaty allows research, but bans development, testing, and deployment of all ABM systems, except those that are fixed and land-based. The ABM Treaty enhances U.S. national security by preventing a costly and dangerous arms race in antiballistic weapons, and the subsequent offensive arms race to overcome such defensive weapons. The treaty is a critical element of our arms control efforts.

What we now find, however, is that the ABM Treaty has come under assault by the Reagan administration. For almost 15 years under Democratic and Republican administrations, the U.S. Government has considered the narrow, traditional interpretation of the ABM Treaty as the correct interpretation. In October 1985, the Reagan administration manufactured its reinterpretation of the treaty, which the administration has promoted but not yet adopted as policy.

This reinterpretation contradicts the negotiating record as understood by all the American negotiators at the time except for Mr. Nitze who is a member of the current administration. It contradicts the explanation of the ABM Treaty made to the Senate by the Nixon administration. And it contradicts the Senate's understanding of the treaty when it gave its overwhelming support of the treaty by a vote of 88 to 2.

The reinterpretation seems to be motivated by the administration's apparent desire to deploy the first phase of the strategic defense initiative and provide a legal rationale for doing so by manufacturing a reinterpretation of the 1972 ABM Treaty.

The SDI early deployment craze is clearly not based on any threatening change in the strategic status quo, but is instead motivated by myopic political factors—primarily the desire to lock future administrations into support of the SDI Program. Unfortunately, a premature decision for early SDI deployment will also lock the American people and our allies into an enormous change in national security strategy that could have dangerous implications for international stability.

Should we, then, continue funding for SDI? Absolutely. I support the SDI research program to determine the long-term feasibility of strategic defense. Research cannot be verified and we must continue with a strategic defense research program if only as a hedge against a Soviet breakout of the ABM Treaty to deploy their own SDI system. Indeed, U.S. strategic defense research has gone on long before President Reagan's March 1983 speech elevating strategic defense as the primary American national security goal.

I believe that the Reagan administration has grossly oversold the status of the SDI Program, sometimes implying that a fully developed SDI system is imminent, and other times claiming that we can somehow develop a "leakproof" shield that would protect our major population centers from nuclear attack. Neither assertion is correct.

I have met with many of the scientists involved with SDI research and, without exception, they have told me that we are still at least 10 to 15 years away from making the scientific breakthroughs necessary to even know whether we could or should deploy an effective SDI system. Clearly, any talk of early SDI deployment is premature.

In my view, the decision as to whether we should deploy an SDI system can only be answered after continued research demonstrates that an SDI program is technically feasible, we can determine its cost, and whether it is truly in the national security interests of the United States.

Until that day in the distant future, and I emphasize distant future, I firmly believe that the United States and the Soviet Union should commit themselves to maintaining compliance with the ABM Treaty within the treaty's narrow, traditional interpretation which will permit research and limited testing of new SDI technology.

Mr. President, I would like to join my colleagues who have expressed disagreement with those who imply that the Congress does not have a legitimate role to play in formulating American foreign policy and assessing our national security priorities. This is a sad outlook on our system of government in this year of the bicentennial of the Constitution.

The Congress is empowered and indeed obligated to play a significant role in setting the national security priorities of the United States. We must be willing to exercise our constitutionally mandated prerogative by determining how our increasingly limited national resources are to be spent in the area of national security in SDI.

We in the Congress would be derelict in our responsibilities to our constitutional oath of office and the people we represent if we were to blithely acquiesce to the wish of the Chief Executive to unilaterally reinterpret a treaty that has already been ratified by the Senate. I need not remind my colleagues that in our system there are three branches of government, of which the executive branch is only one.

Mr. President, Congress does have a legitimate role to play in the area of foreign policy and I urge my colleagues to vote against the Warner amendment to strike the Levin-Nunn provision.

Mr. NUNN. Mr. President, this is a power of the purse question: Does the Congress have the power of the purse? If so, we ought to support Levin-Nunn amendment. Mr. President, I move to table the Warner—

Mr. STEVENS. Mr. President, will the Senator hold that up for just 1 second?

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. STEVENS. I ask to have 30 seconds to ask the Senator a question.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. May I ask, does this provision apply only to this budget cycle, to the period of 1988-89?

Mr. NUNN. The Senator from Alaska is exactly correct.

Mr. STEVENS. It will not be permanent legislation?

Mr. NUNN. It will not be permanent legislation. It covers only the cycle that General Abrahamson testified to where he said they had no plans for any efforts that would go beyond the President's directive which is the traditional interpretation.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. NUNN. I move to table the Warner amendment.

The ACTING PRESIDENT pro tempore. The question now occurs on the motion of the Senator from Georgia to table the Warner amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. STAFFORD] is absent on official business.

I further announce that, if present and voting, the Senator from Vermont [Mr. STAFFORD] would vote "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 38 as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—58

Adams
Baucus
Bentsen
Biden
Bingaman
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Heinz
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Stennis
Weicker
Wirth

NAYS—38

Armstrong
Bond
Boschwitz
Cochran
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gramm
Grassley
Hatch
Hecht
Helms
Hollings
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—4

Boren	Simon
Lautenberg	Stafford

So the motion to lay on the table amendment No. 682 was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I know that the Senator from South Carolina desires recognition. I hope he can get that recognition in a moment.

Let me inform all Senators that now, if I am correct, the Glenn amendment is pending.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NUNN. I am informed that the Senator from Ohio would like to take up his amendment in about an hour. I anticipated that it would come now. We have an amendment by the Senator from South Carolina which is ready to be taken up, and we are looking for other amendments in the next hour. We would like to be able to move on with this bill. We have about 80 amendments pending. We are going to be here all day and into the evening, and we will be voting into the evening. I do not anticipate any windows, because once we have windows, we end up wasting hours. We all know that.

I do not anticipate anything other than a full session tomorrow, a full session going into the evening on Friday—assuming all this is consistent with the majority leader's wishes.

The Senator from Virginia and I have talked. We would like to have Saturday business because we have so many amendments pending, and I think all Senators ought to be prepared to be here Saturday. We are going to get meaningful amendments up Saturday; and I say to my colleagues that if we are going to come in on Saturday, we should have meaningful amendments.

We want to get this bill moving. We have a number of amendments, and it is going to take considerable time to dispose of them. We have a number of important amendments which will take considerable time.

I would like to hear the views of my colleague from Virginia, but I hope we can get people in this morning to offer amendments. The more we get up in the morning, the less time we will spend here at night. If we spend from 10 a.m. until 2 p.m. productively, we can avoid going to 12, 1 or 2 o'clock at night. If we do not use the early afternoon hours productively, we will have to be here very late this evening.

Mr. WARNER. Mr. President, I assure the distinguished chairman that this side of the aisle wants to be cooperative and wants continual momentum at this point in the consideration of the bill. Nevertheless, we have been under this UC agreement for some time, and I must add——

Mr. BYRD. Mr. President, may we have order in the Senate? It is important to hear what the managers have to say.

The ACTING PRESIDENT pro tempore. The Senator is correct.

All Senators will take their seats. The Senate will be in order.

The Senator from Virginia.

Mr. BYRD. Mr. President, there is not order in the Senate yet.

The ACTING PRESIDENT pro tempore. The Senate will please be in order. Senators who desire to converse will please retire from the Chamber. Senators in the rear of the Chamber who are in discussion will please retire from the Chamber. The Senate will be in order.

Mr. WARNER. I thank the distinguished majority leader.

Mr. BYRD. Mr. President, I think the Chair ought to be respected in the Senate.

The ACTING PRESIDENT pro tempore. The Chair is trying to get the Senate to come to order.

Those Senators conversing in the rear of the Chamber will please retire from the Chamber.

Mr. BYRD. Mr. President, I will insist on Senators respecting the Chair. The Chair has the duty to get order in the Senate and have Senators take their seats, and I will take mine.

The ACTING PRESIDENT pro tempore. The Senate will please be in order, so that we can conduct the business of the Senate. Those Senators desiring to engage in conversation will please retire from the Senate Chamber.

The Senator from Virginia.

Mr. WARNER. I thank the distinguished majority leader.

Mr. President, this side of the aisle is anxious to cooperate with the manager, the distinguished chairman of the committee. Nevertheless, we are under a unanimous-consent agreement, and until this moment, Senators were being guided by that agreement in connection with their activities this morning, other than those related to the floor. I am wondering if we might have a short quorum call for the purpose of allowing this Senator to canvass Members on this side of the aisle.

Mr. NUNN. We have an amendment by the Senator from South Carolina which has been cleared. I suggest that we go ahead with that.

Mr. WARNER. The Senator from Georgia informs me it has been cleared. I do not have knowledge of the amendment of the Senator from South Carolina being cleared. Do other Senators have a knowledge of that being cleared?

Mr. QUAYLE. Why does the Senator not tell us what the amendment is?

Mr. HOLLINGS. The amendment on the CHAMPUS clause. It is the monitoring device. It has been cleared on the minority side. It relaxes the communications.

Mr. WARNER. Mr. President, as far as I know the ranking member of the subcommittee that has jurisdiction over that has not come over to advise me with respect to the clearance procedure, and that is the Senator from California.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point before we take up the amendment on the question of schedule?

Mr. WARNER. Mr. President, we are still trying to resolve the issue of what the Senate should do here. The request of the Senator from Virginia is a brief quorum call so we can assess the interest of the Members on this side of the aisle, which Members have been operating under the guidance of the pending unanimous-consent agreement.

So what I am asking is for a brief interlude here while we make an assessment of our membership. First, I think it would be helpful, if we want to specifically address this amendment, to listen to the distinguished ranking member of the subcommittee that has jurisdiction over the substance of the amendment.

Mr. WILSON. I thank my friend from Virginia.

It will not take long because I have no knowledge of it and I think the interval will be useful.

Mr. WARNER. The statement has been made it has been cleared on this side of the aisle. As manager, I have no knowledge of the clearance.

Mr. WILSON. I have to challenge that. No one has talked to me about it.

Mr. NUNN. Mr. President, I withdraw that comment. We understood at the staff level it had been cleared on both sides of the House. So it will have to be looked at. We talked about this amendment last night and I thought it was cleared.

I apologize to the Senator from South Carolina. My side informed the staff level it had been cleared.

Mr. WARNER. Mr. President, I would suggest if a quorum call would be put in for a period not to exceed 5 minutes, I would then be able to address that.

Mr. BUMPERS. I would urge just a moment before a quorum call is asked for to make this observation: This is just from my standpoint. I am going to be offering two of the most controversial amendments I suppose on this bill, one dealing with the Persian Gulf and the other on the SALT II Treaty.

It seems to be one way to get momentum going here is to get time agreements on them. The amendments are going to be offered. I do not know whether we are going to get a time agreement or not.

If we are going to have a quorum call to discuss how to get this bill moving, it seems to me a good way to start is to agree to time agreements on those amendments. I am prepared to make an offer of a 2-hour time limitation equally divided on the Persian Gulf amendment, and 3-hour time limit equally divided on SALT II. We might be able to cut that down. Those have been debated here before. There is not much new information going to be shared on either of those. That is a couple of controversial amendments you could get out of the way on agreement.

Mr. QUAYLE. Mr. President, will the Senator yield?

Mr. WARNER. Mr. President, if I may address the distinguished manager of the bill, we want to be cooperative. As far as I know, we do not have a copy of the amendment of the Senator from South Carolina. The pending business of the Senate at the moment is under the control of the unanimous-consent agreement. The request of this Senator is for a period of about 5 minutes to assess the interest on this side of moving away from the unanimous-consent agreement to other matters. I respectively ask for a period of 5 minutes within which to make that assessment and then I will be glad to proceed.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. WARNER. I yield.

Mr. NUNN. Mr. President, I respect that request and certainly think that would be in order. Perhaps it would save us some time. There are three or four Senators who have asked for a brief period to stand up and make unanimous-consent requests, and I request that the Senator from Virginia withhold the quorum call and let us see if we can accommodate our colleagues here, after which I will put in a quorum on the Senator's behalf.

Mr. WARNER. Mr. President, perhaps a brief period of morning business.

Mr. NUNN. What is the pending business and the order of the Senate?

The PRESIDING OFFICER [Mr. DASCHLE]. The pending question is the amendment of the Senator from Ohio [Mr. GLENN].

Mr. NUNN. Is there any time limit?

The PRESIDING OFFICER. There is no time limit.

Mr. NUNN. There is no control over time, then.

The PRESIDING OFFICER. That is correct.

Mr. NUNN. Mr. President, am I recognized? Do I have the floor?

The PRESIDING OFFICER. The Senator from Virginia currently holds the floor.

Mr. WARNER. Mr. President, I will momentarily yield the floor. I am delighted there is this much interest now and momentum in the bill and I simply ask for the opportunity, given the fact that the distinguished Senator from Georgia just approached me 1½ minutes ago to inform me we could not proceed in his judgment in accordance with the unanimous-consent agreement. So give me 5 minutes and I am sure we can proceed.

Mr. NUNN. The Senator's request, as always, is very reasonable. I would like to be recognized or perhaps the Senator from Virginia could retain the floor and yield to Senator JOHNSTON.

Mr. WARNER. Mr. President, I yield the floor.

Mr. NUNN. Mr. President, the Senator from Louisiana asked me to yield.

Mr. JOHNSTON. Yes. I simply wanted to ask and urge the distinguished Senator from Georgia and the majority leader that if we have to work an extra day I would hope we could make that Monday and not Saturday. Just from my standpoint, and I know a number of other Senators have longstanding commitments on Saturday and simply must go home, to work Saturday and then be off Monday is something akin to bizarre to me and I would just hope we can avoid that Saturday session.

Mr. NUNN. I might say to my friend from Louisiana, if we can make enough progress and get the bill really rolling, that is something to be taken into consideration. As far as the Monday session, I must confess that is over my pay grade limit. I have no jurisdiction to discuss that situation; it is a matter that would have to be taken up with the majority leader.

But we will take into account the feelings of the Senator from Louisiana.

Mr. JOHNSTON. There are others as well that share my view.

Mr. BYRD. Mr. President, will the Senator from Georgia yield to me?

Mr. NUNN. I yield the floor.

Mr. BYRD. Mr. President, I fully support what the Senator from Georgia has said with respect to the prospect for action on this bill and the need for action, the need for Senators to get up their amendments, and the possibility that there might have to be a Saturday session.

I have indicated before today that there may be necessity for Saturday sessions at some point. I hope we can avoid them.

There are two problems here that I noted on yesterday. The Senator from Georgia asked Senators if they could call up their amendments. They say, "I've got one but I am not ready to call it up." He tried that last afternoon late and last evening. "I've got one but I am not ready to call it up."

I hope that the Senator from Georgia will have the cooperation of Senators who have amendments and that they will be ready to call them up and go into the evenings.

A Saturday session can be avoided. I am sure the distinguished Senator from Georgia did not mean to imply, and I did not hear him say and I did not infer, that he was saying we would have a Saturday session. He indicated that if there were amendments and we could get votes and make progress we would not have a Saturday session or something to that effect.

Mr. NUNN. Unless we made such tremendous progress by Friday.

Mr. BYRD. Ahead of time.

There is another thing about our friends. All of the Senators are my friends. But I have run into this for a long, long time. The Senator from Georgia runs into it occasionally whenever he has to manage a bill. This is the same with other Senators. There is a great proclivity around this place for Senators to bail out around 11 o'clock in the morning or 11:30 on Fridays. I made a commitment many months ago that we would not be in session on Mondays.

I am trying to keep that commitment. But it means we do not have votes on Fridays except in the early part of the day—and we have this problem often on the other side where Senators will somehow ask other Senators to protect them and not have any votes and they get out of here.

We cannot take a month on this bill. We only have 3 months left in the year. This month is more than half gone. We cannot take a month on this bill. We have other important business coming along.

I fully support the Senator from Georgia. I am going to be right at his elbow in supporting for late night sessions and Saturday sessions if he and the other manager feel that we have to have them. Senators can avoid them by cooperating, working long evenings, and working long and productive Fridays.

Mr. NUNN. I thank the Senator.

I think the Senator from Alaska would like to be recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent to be recognized to speak out of order for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

[Mr. STEVENS' remarks will appear later in the RECORD under Statements on Introduced Bills and Joint Resolutions.]

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read.

Mr. BYRD. Mr. President, has consent been given to setting the other amendment aside?

The PRESIDING OFFICER. The Chair had attempted to have the clerk read it. Does this amendment pertain to the Glenn amendment?

Mr. DIXON. It does not, Mr. President.

I first ask unanimous consent that the amendment by the distinguished Senator from Ohio [Senator GLENN] may be set aside to consider this relatively minor amendment. Of course, I will give a moment to the other side to consider the amendment before I present the amendment. But we are trying to get something moving here, Mr. President, on a bill that will require a considerable amount of time.

So I do ask unanimous consent that the amendment by Senator GLENN, who is chairing another committee at the moment, be set aside so that we can consider this amendment. I ask that a copy of the amendment be given to the ranking member and others on the other side to examine it.

The PRESIDING OFFICER. Is there objection to the amendment consent request?

Mr. WARNER. Mr. President, I object. It was the understanding of this Senator when I departed the Chamber that I asked for the opportunity to have a caucus, which we are in the midst of conducting right now, to determine the flexibility on our side in response to the request of the distinguished manager of the bill to set aside the Glenn amendment for the purpose of an amendment of the Senator from South Carolina. I am now prepared to accede to that request if he wishes to repeat it, that the Glenn amendment be set aside for the purpose of the consideration of an amendment by the Senator from South Carolina.

But I must ask my good friend from Georgia to allow common courtesy for me to finish an amendment before another amendment is brought up, because we were proceeding on an understanding that we were going to set aside the Glenn amendment for the purposes of considering the Hollings amendment, a copy of which we just received a few minutes ago. We all want to achieve an orderly process and I know the manager of the bill was endeavoring to do that.

Mr. DIXON. If I may interrupt my dear friend of Virginia, I will withdraw my amendment for the time being, Mr. President. We will proceed in the manner that the ranking member suggested. I will offer my amendment at the conclusion of the business on the amendment of the Senator from South Carolina. So I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Chair will inform the Senator from Illinois that the amendment has no standing since there was an objection. The Senator from Georgia.

Mr. NUNN. Mr. President, I continue to have a problem. The Senator from South Carolina was present and ready. He was ready last night, he was ready again this morning, and he was informed twice that our staffs had talked and that his amendment had been cleared. Now that it has been cleared, he is no longer here. So while I suspect that the Senator from South Carolina may be able to be recruited, the process has become a comedy of errors. I have to ask staff to communicate better because when they tell me matters have been cleared, I have to assume they were talking for Senators. Obviously, in this case they were not.

We will do our best to get the Senator from South Carolina back. In the meantime, I hope the Senator from Virginia would be willing to take a look at the Dixon amendment and see if that one can be brought up. We are not asking that each one of these be cleared. But we do need some amendments. We are going to have a lot of amendments requiring a vote. Under the unanimous consent now, the only way we can bring an amendment up is to set aside the Glenn amendment. I anticipated that the Senator from Ohio would be here, but he is chairing a very important hearing and we have got to allow about an hour for that. We simply cannot afford to waste the next hour and 15 minutes. I know the Senator from Virginia is doing his utmost to see that that is not done.

Mr. WARNER. I am not so sure I will concur that this has been a comedy, because we are trying to make earnest efforts to accommodate those Senators wishing to raise amendments. We were under the clear request that we set aside the Glenn amendment for the purposes of the amendment of the Senator from South Carolina, a copy of which we just received. We have now looked at it and we are ready to proceed on that.

How soon might we determine whether or not the Senator from South Carolina would be available? I am not trying to be dilatory.

Mr. NUNN. I have never seen the Senator from South Carolina on anyone's leash. He does not wear any other Senator's leash. He is a free and independent Senator. I do not know how long it will be before he comes back, because he has been here twice now wanting to bring his amendment up. We will send word and we will do our very best to get him back.

Mr. WARNER. In the meantime, Mr. President, we will be happy, if you put in a momentary quorum call, to examine the amendment from the Senator from Illinois to see whether or not that is an appropriate piece of business in that the Senators on this side, who are familiar with the text of the amendment and the substance, are available to be present during the course of the debate.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

Mr. DIXON. Mr. President, may I ask my colleague, the distinguished manager, to temporarily set aside his request for a call of the quorum. I wonder if I can proceed for a few brief moments, while the ranking member is examining my amendment, to make a statement that does pertain to armed services business but does not pertain to an amendment?

Mr. WARNER. Mr. President, I will be pleased to hear the amendment.

Mr. DIXON. I am handing a copy of the amendment to the distinguished ranking member while I make the other statement.

UNITED STATES MILITARY DAMAGE CLAIMS IN WEST GERMANY

Mr. DIXON. Mr. President, this week I sent a letter to the General Accounting Office requesting GAO to conduct a thorough investigation of the way the United States pays military damage claims in West Germany. This request is prompted by recent allegations that the United States may be paying property damage claims resulting from United States training exercises in West Germany that are highly inflated and sometimes even fraudulent.

As my colleagues are aware, United States military troops stationed in West Germany conduct extensive training exercises and maneuvers to maintain a high state of combat proficiency and readiness. Unfortunately, these military maneuvers inevitably result in damage to private and public property in the areas in which these training exercises and maneuvers take place.

As a result, financial claims for damage to German property from United States military training exercises amount to millions of dollars each year. These claims are filed by German citizens or municipalities, and are adjudicated and paid through cost-sharing arrangements set forth in the NATO Status of Forces Agreement.

Back in 1980, GAO conducted a review of the process by which the Defense Department, and in particular the Army, reviewed and paid training and maneuver damage claims in West Germany. GAO concluded in that report:

> The Army does very little to verify damage claims payments and relies on the FRG [Federal Republic of Germany] to investigate and adjudicate the claims and pay the claimants. The (U.S. Army) Claims Service, together with Army units, merely establish that U.S. units were present when and where the damage occurred. The almost total lack of U.S. involvement in verifying even very large dollar amount claims is questionable. The United States needs to assume a more direct role in the investiga-

tion of high-cost claims, especially those involving road damage.

GAO went on to recommend that the Secretary of Defense should strengthen the United States Army Claims Service's capability to verify high-cost damage claims in West Germany through the use, whenever possible, of qualified engineering personnel stationed in West Germany.

Mr. President, it has come to the Armed Services Committee's attention that the Department of Defense has taken very little action to implement the GAO recommendation to increase the involvement of U.S. personnel in the damage claims verification process. In addition, as I indicated at the outset of my remarks, recent press reports allege that the United States may be paying damage claims in West Germany that are highly inflated and in some cases even fraudulent.

A July 5, 1987 article in the San Jose Mercury News quoted knowledgeable current and retired Defense Department personnel involved in administrating United States damage claims in West Germany. According to that article, these officials say that their own spot-checks in West Germany during the past 4 years have disclosed repeated examples of fraudulent claims by West German cities, public agencies and private landowners.

This same article goes on to quote a military official in the West German Embassy here in Washington as saying "That is quite possible. We have the saying in Germany 'The oldest boy gets the farm, the next one gets the maneuver damage.' This is a pretty old game."

I don't know if this is an accurate quote, or whether this West German diplomat was just being facetious. But I don't consider the payment of millions and millions of dollars every year in U.S. damage claims to the West Germans a game. The United States is and should be liable for damage claims resulting from training exercises by United States soldiers stationed in West Germany. But we should have confidence that the millions of dollars the U.S. Government is paying each year for these claims are valid and properly documented.

I ask unanimous consent that the July 5, 1987 article from the San Jose Mercury News which I referred to in my remarks be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1.)

Mr. DIXON. Mr. President, according to GAO the damage claims paid by the U.S. Government to West German individuals and municipalities are costing between $18 and $24 million of U.S. taxpayers' money per year. GAO also noted that there is currently a backlog of approximately $28 million in claims that are being postponed for payment until the next fiscal year for lack of funds. These claims are paid out of an account known as the Defense Claims Account which comes under the jurisdiction of the Subcommittee on Readiness, Sustainability and Support which I chair.

Mr. President, at my request the GAO interviewed one of the former DOD claims officials mentioned in the recent press reports. Based on the results of this preliminary review, I have asked GAO to update their 1980 report in this area and to conduct a full review of the procedures the Defense Department uses to validate military damage claims in West Germany before they are paid.

I am not interested in denying payment for any properly documented, valid claims for property damages from U.S. military maneuvers or training exercises. But I am interested in putting a stop to any notion that these types of claims are going to be paid to anyone who takes the trouble to file one, whether or not real property damage from a U.S. military exercise actually occurred.

I ask unanimous consent that my letter to the Honorable Charles A. Bowsher, the Comptroller General, requesting this GAO review be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 14, 1987.

Hon. CHARLES A. BOWSHER,
Comptroller General, U.S. General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am writing to request that the General Accounting Office update its 1980 report on military damage claims in Germany. Claims, amounting to millions of dollars of damage to German property, arise each year from training exercises involving U.S. troops. Claims are filed by German nationals and are paid through cost sharing arrangements set forth in the NATO Status of Forces Agreement.

The 1980 GAO report recommended that the Defense Department strengthen the capability of the U.S. Army Claims Service to verify damage claims in Germany through the use of qualified engineering personnel already stationed in-country. It has come to the Committee's attention that little has been done to increase the involvement of U.S. personnel in the damage claims verification process. In addition, recent press reports suggest that the U.S. may be paying claims that are highly inflated and in some cases even fraudulent. Consequently, I request that GAO determine what DoD is doing to validate military damage claims before they are paid. Members of my staff have already met with your staff in the National Security and International Affairs Division to discuss this issue in detail.

I would appreciate your providing at least preliminary results of your review to the Committee staff no later than February 15, 1988. If you have further questions do not hesitate to contact me or Mr. David Lyles of the Committee staff.

Thank you for your attention to this matter.

Sincerely,
ALAN J. DIXON, *Chairman,*
Subcommittee on Readiness, Sustainability and Support.

EXHIBIT 1

[From the San Jose Mercury News, July 5, 1987]

OUTMANEUVERING THE U.S. ARMY—W. GERMANS BILK PENTAGON WITH CLAIMS OF WAR GAME DAMAGE, OFFICIALS SAY

(By Pete Carey)

The U.S. government is paying millions of dollars in fraudulent claims for damage done by American forces on maneuvers in West Germany, according to several knowledgeable military officials who say the Defense Department has ignored their complaints.

The officials—who are on active duty or recently retired—say their own spot-checks in West Germany during the past four years have disclosed repeated examples of fraudulent claims by West German cities, public agencies and private land owners.

Last year, for example, they looked into 91 claims from a single small area of West Germany totaling $362,346, all of which had been approved by the West German government and submitted to the U.S. command for payment. When local officials were confronted with evidence that their claims were false or inflated, they reduced or withdrew most of them, and the United States paid only $40,828—about 11 percent of the original claim.

"That is quite possible," acknowledged Gen. Hasso Von Uslar, a military official in the West German Embassy in Washington, D.C. "We have the saying in Germany, 'The oldest boy gets the farm, the next one gets the maneuver damage.'"

"This is a pretty old game."

The U.S. Army's Judge Advocate General's Office, which administers maneuver-damage claims, said it was checking the allegations after it was asked for comment last week. In the past, the Defense Department has declined to consider altering its payment system because doing so might require renegotiation of other NATO treaty provisions advantageous to the United States.

The examples of fraudulent and exaggerated claims against American forces were gathered by U.S. Army officers. One such claim, from the city of Gelsenfeld, was "grossly inflated or fictitious," according to a report signed by an investigator in the Judge Advocate General's Office. The investigator was present when a city official was grilled last year about his city's damage claim. The city later withdrew its claim.

In another case uncovered by American officials last year, a forest service in southern Germany withdrew its claim that 800 trees had been damaged. Investigation by U.S. officials revealed that the trees didn't exist. That claim also had been approved by the West German government and sent to U.S. forces for payment, the officials said.

A $57,217 damage claim from a village near Frankfurt last year was approved by West German officials and forwarded to the U.S. forces for payment, said Willi Segeth, a retired Defense Department maneuver-damage officer now living in Denver. After Army officials investigated, the village lowered its claim to $6,933.

Claims fraud "has gotten so public that the abuses of maneuver damage payments are the subject of jokes at parties and public gatherings of city officials," Segeth said. "The Americans are just paying and paying without knowing what is going on."

Segeth said he is acting as a spokesman for several military officials, including active-duty personnel who say they fear disciplinary action if they speak publicly. One officer spoke off the record, and another said he would testify before Congress, if asked. Other officers already have filed official reports discussing the problem.

"All of us are willing to sing like birds," Segeth said, if Congress investigates the abuses.

U.S. forces spent $23.4 million in 1985 satisfying claims the U.S. troops and vehicles on maneuvers have damaged public and private property. The U.S. government concedes that damage is done by its forces on maneuvers from time to time and has agreed to a reimbursement program for farmers whose crops are run over by Bradley Fighting Vehicles or M-1 tanks, for cities whose pavement is damaged and for parks and forests whose trees are knocked down. The payments could rise to $50 million this year, according to congressional officials, in part because of the declining value of the dollar.

"Essentially it's bribe money," said an aide to Rep. Stephen Solarz, D-N.Y., a member of the House Foreign Affairs Committee, who has looked into the matter. "We pay the German farmer off, and he doesn't get aggravated. It's hush money, and it's lots of dough."

Under NATO rules governing U.S. forces in Europe, the claims are investigated by the West German government, which pays them and then bills the United States for 75 percent of the total, plus up to 14 percent in tax. No Americans investigate the claims.

The West German military also receives maneuver damage claims, said Von Uslar, the West German general in Washington. But the American's problems are compounded by their unfamiliarity with the language and the fact that U.S. units usually aren't stationed in the maneuver areas.

"I think every claim should be eyeballed by a responsible representative of both sides," said Lt. Gen. R.L. "Sam" Wetzel, retired former commander of the U.S. Army Fifth Corps from 1984 to 1986. "They could then put a proper judgment on the value of the claim."

Wetzel declined to comment on the extent of fraudulent claims but said "tremendous efforts" are being made to prevent maneuver damage in the first place.

The U.S. General Accounting Office, a branch of Congress, recommended in 1980 that the treaty covering NATO forces in Europe be amended so that U.S. officials could jointly investigate the claims. But the Defense Department said it would be unwise for the United States to bring a single issue into renegotiation.

"The whole agreement is on the table for renegotiation, and the Germans and others would bring lots of things into it, too," said a Defense Department official. "It might end up costing tremendously more in other areas."

And in a 1983 study, the Army inspector general said Army headquarters believed that the fact that West Germany pays for 25 percent of the maneuver damages "provides a strong incentive for its agents to hold down the claims awards."

But a 1986 memorandum obtained by the Mercury News suggests otherwise. In the memo, an officer in the U.S. NATO claims branch in Europe reported that his personal investigation "establishes the failure" of German officials "to deal with apparent systemic problems in the processing of maneuver-damage claims." The officer, Capt. Michael D. Waldrop, said that German officials told him they don't have time to investigate every claim, and that "90 percent of all the claims are inflated."

The evidence that something is wrong with the claims system was gathered from 1982 to 1986 by suspicious U.S. Army officers who checked damage claims with the help of Segeth, 53, a native of Germany who became a U.S. citizen and served 22 years in the Army before becoming a civilian Army employee.

Segeth was assigned by his brigade commander, Col. Robert S. Fiero, to probe claims for maneuver damage that were suspected of having been inflated. Fiero observed in a memorandum that "currently, no claims are ever surveyed by U.S. personnel, and German officials randomly check the claim several months later, resulting in needless dollars being spent for maneuver damage."

By the time he retired in October, Segeth said, he had found numerous examples of inflated and fraudulent claims by various agencies and citizens. Two such claims were described in memos written by U.S. Army officers who investigated suspicious claims.

A "memorandum for record," dated March 1986 and signed by infantry Maj. Jasper L. McBride, reports on his and Segeth's investigation of a $13,414 claim by a forestry agency near the city of Gelnhausen for damage allegedly done to the forest by U.S. troops.

"We found no maneuver damage in any of the areas alleged to have been damaged except one," McBride reported. At a subsequent meeting, the forestry official who filed the claim "was made to discuss the findings and resolve the discrepancies between his damage claim and the complete absence of damage in the areas claimed to have been disturbed."

"Following a somewhat heated discussion he admitted that, although he had filed the highly detailed damage claim specifying exact numbers of trees destroyed and precise (locations), he must have made an error."

A U.S. Army Judge Advocate General's "memorandum for record," dated May 27, 1986, reported on an inspection tour in Bavaria to view about $200,000 in damage claimed by the city and local forestry agency of Geisenfeld. The document was signed by Capt. Waldrop of the Army's NATO Claims Branch.

"After viewing the first few damage sites of the city," Waldrop wrote, "it became apparent that the claimed damages were grossly inflated or fictitious. . . . As the day wore on, (a city official) began to admit that the city's claim was based on the mere sighting of maneuvering vehicles on a given street." The city eventually "withdrew entire portions of claims for damage," the officer reported.

During an inspection of alleged damage to the forest "it was soon evident that the same type of problems existed in the Forstamt (Department of Forestry) claim as in the city of Geisenfeld," Waldrop reported. "Inflated claims and possibly fictitious claims.

"The statement of the director of the Forstamt that his credibility has never been challenged before was also a clear indictment of the existing system."

In a continuing series of spot checks, Segeth said, he found repeated instances of fabricated claims, damage done by others but billed to the U.S. forces and inflated claims. One claim, approved by the West Germans for billing to the United States, involved a private landowner who submitted a claim for a damaged corral, which investigation showed had collapsed from dry rot.

"I can give you a hundred cases like this," Segeth said. "Every year, we could save at least $20 million to $25 million by tightening our system. . . . In the last four years, we could have saved $100 million."

The United States has at least 60 German nationals working in its claims office in West Germany, Segeth said, "and all they are doing is writing checks all day long."

Segeth said he was able to convince his brigade, division and corps commanders that there was a serious problem but was blocked by higher-ranking officers in the U.S. Army Europe headquarters in Heidelberg.

Last year, Segeth said, he flew to Washington with the intention of meeting with Senate Armed Services Committee members. A Pentagon general persuaded him to present his case to the Army Judge Advocate General's Office in Washington, he said, and an official there promised action on his request that more U.S. personnel be assigned to verify claims of damage done by U.S. forces on maneuvers.

Segeth said nothing was done, and now, nearly a year later, he and the others have decided to make their case public.

Said one high-ranking officer who asked not to be identified:

"Our whole concern is not in trying to do anything vindictive but to try to look at it as a taxpayer and say, 'Wait a minute; we're getting taken to the cleaners.' Nobody wants to rock the boat or change the system."

Mr. DIXON. Mr. President, I thank the Chair. I thank the distinguished ranking member. I have concluded my statement.

If my colleague has examined my amendment and is prepared to proceed to it, I would like to get the business of the Senate going by offering the amendment—by first requesting that we set aside the Glenn amendment.

Mr. WARNER. Mr. President, I am perfectly prepared to answer the distinguished Senator's question. I just wonder if we might momentarily wait until the manager of the bill——

The PRESIDING OFFICER. If the Senator would suspend, the Senator from New Mexico has been seeking recognition.

Mr. BINGAMAN. Mr. President, I would seek recognition just to give an opening statement and to speak to the Glenn amendment which is the pending amendment, but I certainly do not want to interrupt the flow of business.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me take just a few moments to rise first, or course, in support of the defense authorization bill.

I have a lengthy statement describing some of the concerns we have tried to address in that bill, particularly in the defense industry and technology subcommittee which I chair in the Armed Services Committee.

I would like to commend the chairman of the committee and the majority leader for their persistent efforts over the past 4 months which have finally resulted in bringing this bill to the floor. This is a good bill, the result of a very fair and open markup process which focused on major issues, not line item micromanagement. I think the committee can be justly proud of our product.

Mr. President, in urging this bill be expeditiously adopted, I would like to emphasize several actions taken by the committee in the jurisdiction of the Defense Industry and Technology Subcommittee, which I chair and on which Senator GRAMM serves very ably as ranking minority member.

First, let me address a stituation I believe is approaching crisis proportions for our country. That situation is the steadily eroding technological and industrial bases that underpin our national defense effort. Senators WIRTH, DIXON, GORE, and GLENN have all been active in the committee pointing out various elements of the challenge we face in this area. Furthermore, I believe a direct linkage can be made with the declining competitiveness of U.S. industry in general in the world marketplace. Overall, the result is a declining defense industry capability to produce the high quality, technologically superior equipment, at reasonable costs, needed by the Armed Forces.

Why is this happening? Part of the reason, I am convinced, lies in the fact that the technology base share of DOD funding has been declining since 1965, and that the Department, outside the Air Force, is not adequately funding industrial base modernization programs. This lack of positive action by the Department, combined with a highly adversarial Government-industry relationship, a topic which I will address later in the debate on this bill, has badly eroded the foundations of national defense.

Another area that concerns me is the deficiency in the conventional defense technology base. Congress established the balanced technology initiative last year, under the leadership of Chairman NUNN and Senator COHEN, to be part of a broad-based, balanced U.S. technology initiative to address the entire range of nuclear and conventional deficiencies in our defense posture. Its goals are to expand research on innovative concepts for enhancing conventional defense capabilities. Its focus is on establishing a coherent program of research on ways to exploit the West's advantage in technology, specifically to increase the rate of obsolescence of Soviet and Warsaw pact equipment, doctrine, and tactics.

DOD has stated that approximately 250 candidate projects, with a total fiscal year 1987 cost of more than $2 billion, were nominated within DOD for consideration in implementing the BTI program last year. The fiscal year 87 program, however, included only 35 programs because the total funding was limited to $183 million. This indicates that a tremendous potential exists, but adequate funding does not. Furthermore, the Department has requested no money in the fiscal year 1988 and fiscal year 1989 budget request for the BTI program, although the Department asserts it will carry out the 35 projects begun in fiscal year 1987.

It became evident to me as we worked on this bill that positive action is needed by the Congress to reverse the steadily eroding technological and industrial underpinnings of defense, and that strong support must be shown for the conventional technology base in particular. The long-term adverse funding trends for these three areas—the tech base, the industrial base, and the conventional force "leapfrog" technologies—make it apparent that the first thing we must do is reverse those trends by adequately funding these areas. The bill before the Senate today does just that—it starts the funding trend in these areas upward toward the level needed to insure our long-term ability to produce the future defense systems needed by this country.

Because the United States depends upon technologically superior systems to offset the numerical superiority of our adversaries, this bill adds $200 million to the President's request for the defense technology base and the defense industrial base. Of this $200 million, $50 million is directed to the technology base for the university research initiative—an initiative with significant potential for defense, as well as the commercial sector of our economy.

Another $150 million of the $200 million will provide resources to undertake a defense manufacturing initiative to improve manufacturing technologies in the industrial base. This defense manufacturing initiative will establish a manufacturing technology research program in the Defense Advanced Research Projects Agency—a long-term, high payoff investment in such areas as high temperature superconductivity and flexible manufacturing and assembly. And to address broad national concerns about the loss of technological and manufacturing leadership of the U.S. semiconductor industry, this initiative adds $50 million to the $50 million budget request for the semiconductor manufacturing technology institute or Sematech.

I urge my colleagues to support these measures—this relatively small investment in our defense technology and industry will be returned many times over. I appreciate the strong support which the committee's chairman, Senator NUNN, has given me as I have argued for adequate funding for these programs which are so important to our long-term ability to maintain qualitative advantages in weaponry over our potential adversaries.

Finally, I am convinced that the defense research effort remains imbalanced, with too much growth in the strategic defense initiative and too little in our conventional defense technology base and on innovative "leapfrog" technologies to improve our conventional capabilities. To provide a better balance, this bill authorizes $300 million to continue programs, projects, and activities initiated in fiscal year 1987 under the balanced technology initiative, and directs that $200 million be obligated from other RDT&E accounts for new and innovative research and development under the balanced technology initiative. By adopting this bill, the Senate will have played a crucial role in refocusing our research and development efforts. Again, I commend Senator NUNN and Senator COHEN for the leadership they have shown on the balanced technology initiative.

Mr. President, before I conclude my remarks, let me briefly note the hard work which the dedicated committee staff has done in preparing this bill for floor action. Kent Bankus and Andy Effron for the majority staff and Jon Etherton and John Wildfong for the minority staff have very ably supported all of the members of the Defense Industry and Technology Subcommittee. I am sure we all are grateful for the work they have done already and the work they will do during floor debate and conference consideration of the bill. I also want to commend Arnold Punaro, the committee's staff director, for the orderly markup process we concluded in May. He saw to it that all committee members had the information they needed with plenty of lead time. That made the markup of this bill flow better than any I had participated in up to now.

Mr. President, let me conclude by urging my distinguished colleagues to expenditiously debate this bill. We need a good debate on some of the bill's provisions, but I hope we will not see any further delaying tactics. They simply serve no useful purpose that I can see.

AMENDMENT NO. 680

Mr. BINGAMAN. Mr. President, let me also just take the opportunity here to speak to the Glenn amendment, dealing with the issue of SDI contracts with our allies.

I understand that Senator GLENN has not yet debated that amendment. It is an amendment that was offered in essentially the same form last year and one which I supported then and which I support now. I want to give a statement explaining to my colleagues the reasons why I think this is an important amendment and one that deserves their support as well.

I am proud to be a cosponsor of this very important amendment which is designed to prevent the United States from getting into the untenable position of funding both sides of a race to develop new technologies of commercial importance to our country.

Mr. President, many times before on this Senate floor, I have talked about the concern that the Armed Services Committee and many in the Senate have with regard to the erosion over the past 20 years of our defense technology base and our defense industrial base.

We concluded that the problem was threatening to reach crisis proportions and we added funding this year in this bill to try to reverse some of the adverse trends we saw in such critical industries as the semiconductor industry. We urged DARPA to get involved in a defense manufacturing initiative and to focus in particular on the new breakthrough in high temperature superconductivity and in such areas as applying computer research, artificial intelligence research, to the manufacturing and assembly processes. We fully funded the administration request to launch a major effort in the area of focal plane array technology, and especially the manufacturing in volume of focal plane arrays detectors. The bottom line is that the committee took some very serious steps to try to address the problem we see in the erosion of our defense technology base and our defense industrial base.

At the same time that we are working to strengthen that effort, Mr. President, my concern and the reason that I strongly support the Glenn amendment is that I see what the strategic defense initiative organization is doing.

They are going around the world offering research contracts to our allies in precisely the same areas where we believe that it is critical for America to maintain its technology base. They are offering these contracts in return for some sort of tacit political support from our allies for the strategic defense initiative. And let there be no mistake about the motivation of most of our allies. They want our SDI research dollars in order to gain a competitive edge in key high technology developments of commercial importance. The Germans have put their Economics Ministry in charge of their cooperation with the United States. In the case of the Japanese, the Ministry of International Trade and Industry is heavily involved on the Japanese side. Recently, the Dutch became the sixth of our allies to sign an MOU on SDI joint research. And in signing the agreement, the Dutch made it clear that their interest was in generic applications of technologies outside the realm of SDI.

When the Japanese signed on in July to a memorandum of understanding with the Strategic Defense Initiative Office, the Defense Department put out a list of 16 examples of Japanese technological capabilities which could be tapped for the strategic defense initiative in this country. I ask unanimous consent that the list be put in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST RELEASED BY THE PENTAGON OF 16 EXAMPLES OF JAPANESE TECHNOLOGICAL CAPABILITIES TO BE TAPPED BY SDIO

Surveillance, Acquisition, Tracking and Kill Assessment (SATKA).

Radar Transmit/Receive Modules.

Mercury Cadmium Telluride Focal Plane Array Development.

Real-Time Signal Processing Technology Optical Data Storage.

Manufacturing Processes for Electro-Optical and Electronic Devices.

Survivability, Lethality and Key Technologies (SLKT).

Gallium Arsenide Technology for Semiconductors.

Superconductivity.

Kinetic Energy Weapons (KEW).

Miniaturization of Inertial Guidance Units and Accelerometers.

Microwave and Millimeter Wave (Large and Small) Circuit Integration.

Window/Radome Materials.

Radar Absorbing Materials, Paints, Aerosols, Ferrites.

Guidance System Software.

Directed Energy Weapons (DEW).

Nonlinear Optical Techniques for Atmospheric Compensation.

Advanced Metallic Glass Materials for Magnetic Acceleration Cores.

Composite Materials for Large Optics.

Mr. BINGAMAN. These are technologies in which SDIO proposes to fund Japanese Research. Let me read some of the examples from that list. You will see a remarkable similarity to the technologies in which the Defense Department is trying to foster an industrial base and a technology base in this country. Here are some of the examples: Gallium arsenide technology for semiconductors, high temperature superconductivity, mercury cadmium telluride focal plane array development, real-time signal processing technology, optical data storage, manufacturing processes for electro-optical and electronic devices, composite materials for large optics, advanced metallic glass materials for magnetic acceleration cores, radar absorbing materials, paints, aerosols, ferrites, microwave and millimeter wave—large and small—circuit integration, and guidance system software.

I think it is clear, Mr. President, that these are the exact areas of technology where we fear that America may be falling behind, and they are the exact areas where we need to be doing more rather than funding our allies to do more.

Mr. President, this is an extraordinary list to say the least. The implication is that SDIO plans to turn to the Japanese to provide these technologies which are critical, not only for defense, but for commercial development as well and we should be very clear on that. As soon as they get one millimeter ahead in the race with the U.S. industry and U.S. universities and U.S. national laboratories to develop these technologies, they will use those for other purposes. We will spend tens of millions of dollars on focal plane array development in this country while SDIO spends money in Japan funding their efforts. We will spend tens of millions of dollars in this country developing guidance system software within the various software initiatives of the Defense Department and SDIO will be funding Japanese software development. We will be spending over $50 million a year on high temperature superconductivity research and development in this country in the defense and energy budgets and SDIO will be funding Japanese high temperature superconductivity research efforts. We will be spending tens of millions of dollars developing semiconductor manufacturing technology and SDIO will be funding Japanese semiconductor manufacturing technology. We will be spending tens of millions of dollars on radar absorbing materials development.

And that is stealth technology, just a fancy word for stealth. And SDIO will be turning to the Japanese to fund their efforts in developing radar absorbing materials. I cannot think of anything that makes less sense from the point of view of preserving this Nation's industrial base and technology base than what the Strategic Defense Initiative Organization is contemplating in doing in these instances.

Mr. President, let me make it clear that I am not opposed to research cooperation with our allies. When the allies bring something to the table to which they are committing their own resources in approximately equal proportion with ours, I have no objection to such cooperation. I support the Nunn-Warner NATO and non-NATO cooperative arrangements with our allies which are carried out under the condition that both sides are making contributions and investments. The goal of those programs is perfectly rational, namely to seek standardization and to avoid duplication within the allied research and acquisition efforts. The idea is that by putting the best of our allies' technologies together with our technologies we can produce better weapon systems which can be produced on both sides of the Atlantic and strengthen the industrial and technology bases of both sides.

But that is not what we have here. Sentor GLENN's amendment simply says stop subsidizing our allies' research efforts in these technologies of importance to SDIO but also of tremendous importance commercially, when there is no allied commitment to investing their own resources in these efforts. I can assure my colleagues that our allies are not subsidizing our semiconductor or high temperature superconductor or other high technology research efforts.

Senator GLENN cites the interview in the August 31 edition of Defense News, with Sir Raymond Lygo, chief executive of British Aerospace. It is worth citing it again. Mr. Lygo states in the interview when asked about the Glenn amendment and I quote:

> I must say I have a great deal of sympathy with Congress in this matter. I have always made my own views very clear. Unless the Europeans themselves are prepared to put money into SDI, I really didn't understand why the American taxpayer was suppose to put money into European industry. It didn't seem to me to be a particularly fair arrangement.

Mr. President, Mr. Lygo has gotten to the heart of the matter in his interview. I simply do not believe that we should be subsidizing our allies' commercial research efforts in order to buy their acquiescence in our SDI research program. I use the term "acquiescence" rather than support because I do not sense any great allied support for the purposes or goals of the President's strategic defense initiative effort.

As each of these countries have signed agreements with us, they have all sought in those agreements to distance themselves from SDI and its goals. The Dutch did that most recently and the Japanese and Germans have done it before them.

If you believe that it is ridiculous for the United States to be funding both sides of this technology race to develop high temperature superconducting materials and both sides in the race to improve the semiconductor technology and both sides in the race to develop focal plane array technology, then you should be supporting the Glenn amendment.

I hope that most Members of this body will agree and that the meager political benefits in alliance acquiescence in SDI are not worth the cost of subsidizing allied research efforts in technologies of commercial importance at a time when this Nation is running at $170 billion annual trade deficit.

Mr. President, if we want a strong technology base in this country and a strong defense industrial base, I would urge my colleagues to support the Glenn amendment.

Mr. President, I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the manager of the bill has approached the Senator from Virginia and asked there be some momentum forward. We have done the very best we can. We are now prepared, as we have been this morning, to receive amendments. As I understand it, there is a pending—if it is not pending, it will be momentarily—a unanimous-consent request that the Glenn amendment be temporarily laid aside for the purpose of bringing up an amendment by the Senator from Illinois. If that is propounded to the Senate, it is the intention of this Senator not to raise an objection. I see no other Senators present on my side seeking recognition, so I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. I thank the distinguished ranking member.

Mr. President, I ask unanimous consent that the pending Glenn amendment to the DOD authorization bill be temporarily set aside so that the Senator from Illinois may offer an amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. WARNER. I do not intend to object, but I want to make it eminently clear to other Senators listening that upon completion of action of this body on the amendment of the Senator from Illinois that the Glenn amendment recurs.

The PRESIDING OFFICER. The Chair informs the body that that is automatic.

Mr. WARNER. I just wish to make that clarification, Mr. President.

AMENDMENT NO. 687

Mr. DIXON. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 687.

Mr. DIXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, between lines 13 and 14, insert the following new section:

SEC. . PROCUREMENT OF MANUAL TYPEWRITERS.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410. Procurement of manual typewriters

"Funds appropriated to or for the use of the Department of Defense may not be used for the procurement of manual typewriters which contain one or more components manufactured in a country which is a member of the Warsaw Pact unless such country has a most favored nation trading status with the United States."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the following new item:

"2410. Procurement of manual typewriters.".

Mr. DIXON. Mr. President, this is a very short and brief amendment. It simply provides in the case of manual typewriters purchased by the Department of Defense that members of the Warsaw Pact countries that have a most-favored-nation trading status with the United States may compete for the provision of manual typewriters.

Now, I must admit that in the sense of the overall acquisition and procurement policies of the United States of America, which involve about $185 billion, this does not involve a great deal of money. But the fact is that no manual typewriters are manufactured in the United States, and in recent years almost all the acquisition and procurement of manual typewriters in this country has been from Brazil. My information is that they manufacture a typewriter that we purchase in large quantities. However, the Polish people manufacture a typewriter that is superior in quality, that can be purchased, believe it or not, for about $4 a typewriter less.

Now, in the numbers that these typewriters are purchased, which is in the thousands, there is some incremental amount of money that can be realized to the Treasury by the adoption of this amendment.

This amendment does not require DOD to buy Polish typewriters. It only states that because Poland is a favored nation behind the Iron Curtain, a Warsaw Pact nation, it may bid competitively to sell these typewriters to the Department of Defense.

The Brazilian typewriter that we are now buying costs $141 a unit. Most of its construction is plastic and thereby not very durable. The Polish-made typewriter costs $137, $4 less per unit, and is completely constructed of metal.

Now, I am not arguing the case for what typewriter we ought to buy, but there is apparently substantial evidence that the Polish typewriter would be of superior quality for less money. All I am saying is that we ought to decide this matter through competition. That is what this amendment would accomplish.

I would be glad to yield to any questions.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I think the Senator has brought up a fascinating amendment because it is trying to undo a little legislation that a former Member of Congress, now deceased, in the House of Representatives put in some several years ago, I think about 1983, for the purpose of encouraging a certain ethnic group within his constituency.

Now, I am not here to debate the question of how we accommodate several ethnic groups or whatever ethnic composition we have in our various States and districts, but my understanding is that this was put in to favor a certain Brazilian firm, the headquarters of which was in the district of this particular Member of Congress, and that our distinguished colleague from Illinois is now seeking to undo that in the hopes that certain firms associated with the eminent nation of Poland could come in now and play a competitive role.

There may well be some cost saving, but, Mr. President, I hope the Senator would go into this with some thoroughness. I am not here in an effort to consume time because if the Senator from Illinois will recall, this body went on record in the trade bill in terms of a Warsaw Pact nation—Romania—which would be eligible under this amendment to compete.

What we are doing here is setting a precedent which would enable Warsaw Pact nations, and my understanding is there are only two now, Poland and Romania, which have the most-favored-nation status, to come in and bid first on typewriters. This is a very narrow amendment. It is on manual typewriters. But nevertheless it would establish a precedent that this body should note with some care before we rush to decision on the amendment. As a matter of fact, it seems to me in view of the action taken in the trade bill by this body with reference to Romania, which also would be eligible under this amendment, I think every Member of the Senate should address this issue. And for that purpose, Mr. President, I ask for the yeas and nays at this time on the amendment.

The PRESIDING OFFICER. Is there sufficient second?

Mr. DIXON. I would like to ask the ranking member to withhold his request for the yeas and nays for the moment, please.

The PRESIDING OFFICER. There is not a sufficient second at this time.

Mr. WARNER. Very well, Mr. President. I will accede to the ruling of the Chair. It is an unusual one. But I will accede to it for the moment. But I point out that this is not a simple amendment, that it goes to a principle with respect to the nations in the Warsaw Pact which have the most-favored-nation status, and that principle was addressed by this body during the course of the trade bill. This body is on record. So I am not going to sit here and allow this to go unnoticed by every Member in this body.

Mr. President, would like to ask the distinguished proponent of the amendment, the Senator from Illinois, if he might advise this Senator how, should this body adopt the amendment and it would become law, the procedure by which the Department of Defense would determine that a manual typewriter contains or does not contain "* * * one or more components manufactured in the country which is a member of the Warsaw Pact unless such country has a most-favored-nation trading status with the United States," specifically how, do they take a typewriter and determine whether or not one or more components could be made in one of these nations? I myself, Mr. President, freely acknowledge I am not familiar with the composition of typewriters or how many parts are in the typewriters.

Mr. DIXON. I am advised, may I say, by staff that in these contracts, the contract does reveal where the manufactured components are manufactured so that the Department of Defense can readily determine that question.

As the Senator has so correctly pointed out, all we are saying in this amendment is that Poland, which has a favored-nation status, may compete. As I understand it, other nations do compete, incidentally. I am told Brazil, Japan, and a few others do compete.

Mr. WARNER. I want to be careful. I do not read the amendment saying Poland may compete.

Mr. DIXON. The amendment does not say that.

Mr. WARNER. I want to be explicit about that. The amendment simply says those nations having the most favored nation trading status may compete.

Mr. DIXON. That is correct.

Mr. WARNER. The amendment does not specify Poland.

Mr. DIXON. That is absolutely correct.

Mr. WARNER. Mr. President, as a courtesy to another Member of the body I wonder if the distinguished Senator from Illinois and the Senator from Virginia might—he seems to desire to seek recognition here.

Mr. HOLLINGS. I was wondering if we could at an appropriate time set the amendment aside. I do not want to interrupt.

Mr. DIXON. May I say to my friend from South Carolina that I am more than happy to withdraw this amendment so we can go to the Senator's amendment. I was trying to usefully occupy our time when Senator GLENN was otherwise engaged until we can get to his amendment. This amendment is one that I can present again at any appropriate time. So I will be glad to withdraw the amendment and to yield the floor so that the Senator from South Carolina can present his.

I ask unanimous consent at this point to withdraw the amendment.

Mr. WARNER. Mr. President, I object for the moment. Mr. President, this side of the aisle is endeavoring in every way to accommodate the distinguished manager of the bill and those Senators desiring to bring up amendments. And I am prepared to at an appropriate time lay the pending amendment, which is the Glenn amendment, aside and go to the amendment of the Senator from South Carolina. But I do need the opportunity to bring to the floor the distinguished ranking member of the subcommittee which has jurisdiction over the amendment of the Senator from South Carolina, and we must ask as a matter of courtesy for a minute or two as we rapidly shift from one amendment to another.

Mr. DIXON. I do not have any objection at all as the manager of the bill, Mr. President, to give a few minutes to the other side to prepare to respond to the Senator from South Carolina. But I do have a perfect right to withdraw my own amendment.

Mr. WARNER. The Senator does have a right to withdraw.

The PRESIDING OFFICER. The Senate will suspend. The Chair will inform Senators that while the Senator from Virginia retains the floor, the Senator from Illinois does not have the authority to withdraw the amendment. It does not take unanimous consent. If the Senator from Illinois retains the floor he then has the right unilaterally to withdraw his amendment. But it does take recognition in order to do that.

Mr. DIXON. Have you recognized the Senator from Virginia?

The PRESIDING OFFICER. The Senator has retained the floor.

Mr. DIXON. I will do that at the conclusion of his remarks, Mr. President.

Mr. WARNER. Mr. President, I simply want to indicate to those present and those listening that this side of the aisle is prepared to cooperate. We simply need a little sense of direction. We were on the Dixon amendment. I asked for the yeas and nays. The Chair has ruled that there was an insufficient second. Then suddenly the Senator desires to withdraw his amendment which he has a perfect right to do. I have indicated that we need just a little advance notice, maybe but a minute or two as we shift from one amendment to the other as a courtesy to those on this side of the aisle who have specific knowledge of the various issues to be present. I am going to yield the floor for the purpose, I presume, of allowing this Senator to withdraw his amendment and then others can seek recognition.

I now see the distinguished ranking member who has knowledge of the amendment to be offered by the Senator from South Carolina, and I presume the Senate can proceed to take up that amendment.

Mr. President, I yield the floor.

Mr. DIXON. Mr. President, I am perfectly willing to accommodate in every way the minority side, the ranking member. I hope my reputation for courtesy in the time I have been here is well known to all Members.

I am delighted to accommodate the ranking member and to give him a reasonable amount of time to prepare for the amendment by the distinguished Senator from South Carolina. In the certain knowledge that the Senator from South Carolina is equally courteous and will give the time, I withdraw my amendment and leave the future course of this matter at this time in the tender care of the Senator from South Carolina. I do withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HOLLINGS. The Senator from Virginia has been most gracious. I appreciate it. I thank the managers of the bill, the Senator from Illinois, and the Senator from Virginia.

AMENDMENT NO. 688

(Purpose: To provide for CHAMPUS coverage for Sudden Infant Death Syndrome [SIDS] treatment)

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the amendment of the Senator from Ohio [Mr. GLENN] be temporarily set aside so that I can send to the desk an amendment and ask that it be reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina, (Mr. HOLLINGS) for himself, Mr. GLENN, and Mr. WILSON, proposes an amendment numbered 688.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following: "Subsection 1079(a) of title 10 is revised by striking the word "and" at the end of clause (13) an inserting therein a "semicolon", and by striking the "period" at the end of clause (14) and inserting therein the word "and", and by adding a new clause (15) as follows:

"(15) Coverage may be provided for electronic cardio-respiratory home monitoring equipment (apnea monitors) for home use when a physician prescribes and supervises the use of the monitors for infants who have had an apparent life threatening event, who are subsequent siblings of a Sudden Infant Death Syndrome victim, or whose birth weight was 1500 grams or less, in which case the coverage may include the cost of the equipment, hard copy analysis of physiological alarms, professional visits, diagnostic testing, family training on how to respond to apparent life threatening events, and assistance necessary for proper use of the equipment."

Mr. HOLLINGS. Mr. President, this amendment is presented on behalf of myself, Senator GLENN, and the distinguished manager of this section of the bill on the other side, the Senator from California [Mr. WILSON].

Mr. President, this amendment is one that is urgently needed. Quite simply, it corrects a serious oversight in CHAMPUS regulations by permitting reimbursement for the cost of electronic cardio-respiratory home monitoring equipment—in other words, apnea monitors—used by infants identified as being at increased risk to sudden infant death syndrome.

Every year in the United States, 7,000 to 8,000 infants die suddenly, for no apparent reason. These infants are victims of sudden infant death syndrome [SIDS] the No. 1 cause of death for infants between the ages of 1 month and 1 year.

In May 1985, Marine Sgt. Reese and Belinda Picklesimer lost their infant daughter, Amanda, to sudden infant death syndrome. This unexplained and unexpected death was very difficult for the Picklesimers to accept, as it is for all families who share this tragic experience. But, with the help of support groups, they picked up the pieces and continued with their lives. And, Mr. President, in February 1986, Mrs. Picklesimer gave birth to another daughter, Bonne Leigh.

Elated over the birth of their child, but frightened by the thought of another life-threatening episode of sleep apnea, Sergeant and Mrs. Picklesimer looked for ways to prevent its recurrence. The only proven prevention of sudden infant death syndrome involves the monitoring of an infant's heart rate and respiration. And this, Mr. President, is very simple—apnea monitors consist primarily of a belt that easily wraps around a child's chest during sleep or when the infant is otherwise unattended. When the baby experiences an episode of prolonged sleep apnea—an interruption in breathing of 20 seconds or longer—an alarm sounds and immediate resuscitation can begin.

The device is highly effective but, regrettably, it is also relatively expensive—rental fees range as high as $300 per month. As a consequence, it is not feasible to provide home apnea monitors for every infant—indeed, it is probably unnecessary. However, it is imperative that home apnea monitoring be available to all babies who are identified as high risk, especially the siblings of infants who have been stricken by sudden infant death syndrome.

CHAMPUS does cover the use of home monitoring equipment, Mr. President, but only for infants who have suffered medically recorded apnea episodes. It does not reimburse the use of monitors for infants that appear healthy. This is a kind of medical catch 22: Many infants die from their first attack of sleep apnea, but an infant is not eligible for a CHAMPUS-funded apnea monitor until after the first attack. In other words, you have to have an apnea crisis before you can qualify for the monitor under CHAMPUS. If you do not qualify for it, you have to die in order to qualify, and by that time, obviously, it's too late. I hate to speak so crudely, but those are the facts. Clearly, this is an unacceptable situation—especially in the case of siblings of SIDS victims, who are known to be more vulnerable to sleep apnea than non-SIDS siblings.

Mr. President, we must act to correct this shortcoming in current CHAMPUS regulations. Previously, in denying coverage for a seemingly healthy sibling of a SIDS victim, CHAMPUS claimed that "there is no medical or clinical evidence that shows a higher risk for a sibling of a SIDS victim." Yet, I submit for the record, Mr. President, citations from seven research studies whose data consistently demonstrate that subsequent siblings are at 4 to 10 times greater risk of SIDS than infants in the general population.

This Senator's family has suffered experiences along this line. Yet, thanks to apnea monitors, a grandchild has been saved and has grown into a very healthy child, and another grandchild is also coming right along.

Mr. President, CHAMPUS has worked with me to modify its rules and look at the clear medical evidence on subsequent SIDS siblings. It is true that we cannot afford to pay for home monitoring for all babies. But, as I have pointed out, there is no need to monitor all children, only those we have good reason to believe are at special risk—especially SIDS siblings. Other health insurance plans recognize this risk and permit reimbursement for apnea monitors. We have a duty to provide this same coverage to members of our Armed Forces and their families. I am grateful to the DOD for the reversal of its policy and I urge adoption of this amendment.

I ask unanimous consent to have printed in the RECORD the citations to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—INCIDENCE OF SIDS IN SIBLINGS OF SIDS VICTIMS

[Per 1,000 live births]

Study	Sibling	
	Prior born	Subsequent born
Froggatt et al (1)	* 11.1–22 (2.3)	
Peterson et al (2)		19–21
Beal (3)	* 20 (2.1)	
Irgens et al (4)		* 5.6 (1.3)

* Number in parentheses refers to the incidence (per 1,000 live born) in the general population.

[1] Froggatt P, Lynas MA, MacKenzie G: Epidemiology of sudden unexpected death in infants ("cot death") in Northern Ireland. Br J Prev Soc Med. 25: 119, 1971.

[2] Peterson DR, Chinn NM, Fisher LD: The sudden infant death syndrome: Repetitions in families. J Pediatr. 97: 265, 1980.

[3] Beal SM: Some epidemiological factors about sudden infant death syndrome (SIDS) in South Australia. In, Sudden Infant Death Syndrome. Tildon JT, Roeder LM, Steinschneider A. (eds.) New York: Academic Press, 1983.

[4] Irgens LM, Skjaerven R, Peterson DR: Prospective assessment of recurrence risk in sudden infant death syndrome siblings. J Pediatr. 104: 349, 1984.

TABLE 2.—INCIDENCE OF PROLONGED APNEA IN SUBSEQUENT SIBLINGS

Study	Sample size	Prolonged apnea (percent)*
Orlowski, Lonsdale, Nodar (5)	10	50
Duffty, Bryan (6)	50	24
Kelly (7)	70	23

* Percentages of siblings who developed episodes of prolonged apnea.

[5] Orlowski JP, Lonsdale D, Nodar RH: Predictions of apnea in siblings of sudden infant death syndrome victims using brainstem auditory evoked potentials. J Pediatr. 98: 1018, 1981.

[6] Duffty P, Bryan MH: Home apnea monitoring in "near-miss" sudden infant death syndrome (SIDS) and in siblings of SIDS victims. Pediatrics, 70: 69, 1982.

[7] Kelly DH: incidence of severe apnea and death in infants identified as high risk for sudden infant death syndrome. In, Sudden Infant Death Syndrome, Tildon JT, Roeder LM Steinschneider A. (eds.) New York: Academic Press, 1983, pp. 607–613.

I will be glad to yield if the Senator from California has any questions.

Mr. DIXON. Mr. President, speaking for this side, I congratulate the Senator from South Carolina on the very fine, humanitarian purposes of his amendment. This amendment has been cleared on this side and we are delighted to support it.

Mr. HOLLINGS. I thank the distinguished Senator from Illinois.

Mr. WILSON. Mr. President, I commend my distinguished colleague from South Carolina for what I think is a very good amendment. He has stated, not crudely but eloquently, the need for this extended coverage of CHAMPUS.

The heartbreak visited upon parents of infants who are victims, who have succumbed to sudden infant death syndrome, is not only understandable, but also, it is avoidable. Happily, modern technology has given us the means whereby an alarm can detect the cessation of breathing; and by means of that alarm, in some cases the infant is awakened and breathing is resumed. In other cases, the parent is alerted, so that corrective action may be taken and this totally needless tragedy averted.

As the Senator from South Carolina has correctly indicated, there are now valid indicators of the presence of this affliction. It does seem to be a thing that runs in families. Siblings are more likely to suffer this.

So what he has done is a very simple but very necessary thing—CHAMPUS coverage, by which we seek to assure health benefits to the dependents of active-duty military personnel. Obviously, if it does not contain coverage of this kind, it has a significant omission.

Most of the active duty personnel of the Armed Forces are relatively young people, families of childbearing age. So this is a particularly desirable change in the law.

In fact, I think this is such a desirable thing that I ask my colleague if he intends to seek a rollcall vote. I think a number of people would like to cast a vote on this measure.

Mr. HOLLINGS. I would be pleased to have the yeas and nays, but I do not want to delay the bill. I do not know what the disposition is of the managers of the bill. I think we may adopt it by a voice vote, but a rollcall vote would suit me.

Mr. DIXON. We would be delighted to adopt it on a voice vote, unless the other side wants a rollcall vote.

Mr. WILSON. I think a number of people would like to be on record.

Mr. NUNN. Mr. President, I ask my colleague from California to withhold the yeas and nays unless there is a real desire. We have 80 amendments, and I hope we can dispose of a number of them. If we have rollcall votes on these kinds of amendments, we are going to get further and further behind. I hope we can accept this amendment on a voice vote, unless the Senator from South Carolina desires a rollcall vote.

Mr. HOLLINGS. I will be glad to cooperate, and I appreciate the cooperation of the managers of the bill. I certainly appreciate the support of the Senator from California.

Mr. DIXON. Is there a request for the yeas and nays? There is none on this side.

Mr. WILSON. I yield to the wishes of the sponsor. I think a number of people would like to be on record.

Mr. DIXON. If there is no request for the yeas and nays, I suggest that the Chair put the question.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 688) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the distinguished manager.

The PRESIDING OFFICER. The question now recurs on the Glenn amendment.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. WARNER. Mr. President, I object. First of all, we have to be consistent with the unanimous consent agreement. We have to set the pending amendment aside, and this Senator will accede to that. We have to be procedurally accurate.

AMENDMENT NO. 687

(Purpose: To permit the Department of Defense to procure manual typewriters from Warsaw Pact countries that have a most favored nation trading status with the United States)

Mr. DIXON. Mr. President, I ask unanimous consent that the Glenn amendment be set aside for the purpose of considering an amendment, and I have sent the amendment to the desk subject to the unanimous consent being obtained.

Mr. WARNER. There is no objection on this side, Mr. President.

Mr. DIXON. I thank my distinguished friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON Mr. President, I ask unanimous consent that my distinguished colleague from Illinois, Senator PAUL SIMON, be listed as a principal cosponsor with me on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself and Mr. SIMON, proposes an amendment numbered 687.

Mr. DIXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, between lines 13 and 14, insert the following new section:

SEC. . PROCUREMENT OF MANUAL TYPEWRITERS.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410. Procurement of manual typewriters

"Funds appropriated to or for the use of the Department of Defense may not be used for the procurement of manual typewriters which contain one or more components manufactured in a country which is a member of the Warsaw Pact unless such country has a most favored nation trading status with the United States.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410. Procurement of manual typewriters.".

Mr. DIXON. Mr. President, we are back again on the amendment regarding the Polish typewriters. The present law provides that Warsaw Pact nations may not compete in connection with the procurement and acquisition of manual typewriters by the Department of Defense.

This amendment would obviate that requirement of the law so that most-favored-nation status, Warsaw Pact nations may participate in competition in respect to the purchase of manual typewriters by the Department of Defense.

Mr. President, the Department of Defense is being forced to buy high priced, lower quality manual typewriters. Since 1983, our Army has been forbidden from even accepting bids from the manufacturers of the cheapest, highest quality typewriters available; the Polish made Predom manual typewriter. My amendment would end this practice and allow DOD to consider bids that would save them and the taxpayers money.

Manual typewriters are not made in the United States. They are mainly produced in Brazil and Eastern Europe. The Government has no choice but to buy imported machines.

DOD mainly purchases Brazilian-made Olivetti typewriters. Current language, annually included in the DOD appropriations bill forbids any member of the Warsaw Pact from competing for the $1.15 million contract.

My amendment proposes that we open bidding to Warsaw Pact countries who possess most-favored-nation trading status. This group includes Poland, Yugoslavia, and Hungary.

I do not propose that we allow Warsaw Pact countries to compete for the manual typewriter contract. There are good reasons for disallowing many of the countries from benefiting from U.S. Government procurement.

The most important reason is the failure to observe human rights. Most-favored-nation trading status in the case of Communist countries is a privilege granted only to countries who choose to observe human rights. Nations who do not follow this course will not retain their most-favored-nation trading status. For example, this Congress, with myself included, recently voted to revoke Romania's MFN status because of its terrible human rights record.

So, Warsaw Pact countries who do possess most favored trading status and observe human rights should not be denied an economic advantage based on this rationale.

There is no reason for the United States Government to continue to subsidize a Brazilian company. Considering that the volume of purchases each year is about 5,000 to 10,000 units, the cost of this subsidy is substantial.

No American jobs or industry are saved through this subsidy. It only serves to increase the cost passed on to the taxpayer.

The Brazilian typewriter costs $141 per unit. Much of its construction is plastic and thereby not very durable.

The Polish-made Predom typewriter costs $137, $4 less per unit, and is completely constructed of metal.

The Predom manual typewriter is cheaper and more durable. This product should be allowed to compete in DOD's bidding process.

In addition, national security will not be affected by the potential purchase of Polish typewriters. The Predom typewriter is licensed for production to Poland by a Swedish company. Consequently, parts for the typewriters are available from Sweden, West Germany, and Switzerland. Also, parts to cover any contingency are stocked by the American distributor. In the event of war, typewriters already purchased by DOD will be easily serviced.

Finally, the Department of Defense is not adverse to allowing more competition in the manual typewriter bidding process. In a letter addressed to me, Mr. Robert B. Costello, the Assistant Secretary of Defense Production and Logistics, stated that the Department of Defense "views the continuance of the restriction"—on Warsaw Pact typewriters—"as a matter of congressional discretion."

My amendment would not grant the contract to the Polish typewriter. It would only allow them to engage in the bidding process. Olivetti would still be able to compete.

There is no reason to subsidize a Brazilian manufacturer and to not allow the Polish typewriter to compete. American jobs are not at stake. National security would not be impaired. The U.S. Government would not be providing business to a country that violates our human rights standards. I urge my colleagues to join me in saving the taxpayers money and in establishing a fair bidding process by supporting my amendment.

Mr. President, there are two most-favored-nation status, Warsaw Pact nations now—Poland and Romania. The Senate is familiar with the fact that in the trade bill we removed the most-favored-nation status of Romania. This Senator voted in favor of doing that. I would hope that that provision in the trade bill is enacted into law so that the only nation that would be affected by this amendment should that occur would be Poland. If that is not the case, then I would suggest that we would want to further modify this amendment to the DOD authorization bill in the conference to see to it that the law applies only to Poland.

Again, the sole and only purpose for the offering of this amendment is to give the Department of Defense the opportunity to accept competitive bids and so to determine what is the best quality typewriter for the least price. This is the reason why I am offering this amendment.

I yield the floor.

Mr. WARNER. Mr. President, it is the intention of this Senator to be supportive of the amendment and to vote in favor of it. I renew at this time, having had a discussion with the distinguished manager of the bill, the request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. WARNER. Now, Mr. President, the purpose for asking for the yeas and nays by the Senator from Virginia is as stated earlier in our colloquy that as I interpret the amendment, and the Senator from Illinois has now confirmed my interpretation, there are two Warsaw Pact nations—Romania being one of those nations. In the context of the trade bill, this body adopted an amendment which would have the effect of revoking the most-favored-nation status of Romania.

I was supportive of that amendment and therefore—I think it is important that all Senators recognize, one, that as now drafted, Romania could enter the competition, and the distinguished Senator from Illinois has acknowledged that, and therefore—recognizing that the opportunity which I interpret to be in conflict with the overall long-term objectives of this body as expressed in the amendment on the trade bill, there is a conflict and, therefore, Senators should be allowed to address that as they vote on this bill and they may wish to put in statements in connection with that vote to clarify their positions on the Dixon amendment, so as it is not to be in conflict with their position on the trade bill. I think we owe that to them.

I appreciate my colleagues agreeing that a record vote is in order on this. I personally, Mr. President, favor additional trade with Poland. I had the privilege of visiting Poland earlier this spring with the chairman, the Senator from Georgia, at which time we had very productive talks with the leaders of that nation. I have high hopes for the people of that nation, high hopes that they will eventually begin to achieve greater freedom and civil rights, and perhaps this is but a small step forward, but an important step forward in that direction.

Basically, I concur in the objectives of the Senator from Illinois to try to find every means within the Department of Defense to save a nickel. And this might well have that effect. It could be that Brazil and other nations could come in and begin to compete, but nevertheless the cost savings would incur to the taxpayers of the United States.

Mr. President, I see the Senator from Georgia seeking recognition. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I share the views expressed by my colleague from Virginia. We did visit Poland this year. We had a number of conversations with governmental officials. Some of the talks were productive, some of them were not.

But we had inspiring conversations with Polish citizens and with church leaders. And they were uniformly not only enlightening, but they were also inspiring. The people of Poland are indeed proud, noble, productive, and energetic people. And if that system will simply give these people of Poland some flexibility and unleash them, they will be one of the very productive nations of Europe.

So I hope that this amendment passes. There is the complication which I believe has been discussed about the Senate having taken a position regarding Romania on the trade bill. That position basically takes away the most-favored-nation treatment for a period of time hoping to give incentive to Romania to ease up on some of the abuses of the people in that nation.

This amendment, of course, is generic and "most favored nation" would include both of those countries. I can assure our colleagues, however, that we will watch what happens in the conference on armed services and what happens in the conference on trade, because I think it is much better not to single out countries in regard to most-favored-nation status. But I do think those two things have to be coordinated, otherwise the Senate could end up taking inconsistent positions.

We will watch that very carefully, and I am sure the Senator from Illinois will watch it carefully. I congratulate him on this amendment. I know that there are people here who follow Eastern European affairs in this country that will also be proud of the lead the Senator is taking, because this amendment is not only in keeping with trying to help the Polish people, but also saves money for the Department of Defense.

Mr. WARNER. Mr. President, I thank the distinguished manager of the bill, and I thank him for supporting this Senator in seeking the opportunity for all Members to express their will on this amendment so as to protect them in connection with their prior votes on the trade bill.

I think we should make it clear in the colloquy on this amendment that it is not the intention of any Senator to discriminate against Brazil or any other country that wants to come in and compete. It simply broadens the base of competition. If the Brazilians can come in and compete on this at a lower cost and profit, that opportunity remains.

Mr. DIXON. Mr. President, I thank the distinguished ranking member for his comments. I thank the distinguished chairman for his comments. I have no further comments.

Mr. President, I suggest the absence of a quorum temporarily while we have a further discussion.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 689

(Purpose: To reduce from 60 to 55 the age for nontermination of the annuity of a surviving spouse under the Survivor Benefit Plan after the remarriage of the surviving spouse)

Mr. NUNN. Mr. President, I have a technical amendment here that I would like to offer at an appropriate time which makes a technical correction to a provision enacted into law in the Fiscal Year 1987 Defense Authorization Act. This provision adjusted the age at which a surviving spouse of a military member is entitled to certain benefits under the survivor benefit plan. The age was changed from 60 to 55 in this provision.

Due to a drafting error, this change from 60 to 55 was inadvertently omitted from one pertinent section of the statute.

So this technical correction changes that and corrects this omission.

I ask unanimous consent that the Dixon amendment, which is now pending, be temporarily laid aside for the consideration of this amendment, at which time we would revert to the Dixon amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I do not intend to object, I just bring to the attention of the manager, the Senator from Georgia, that I believe parliamentarily we would have to set aside the Dixon amendment and set aside the Glenn amendment, and on both of those actions there will be no objection on this side, then proceed to the technical amendment.

The PRESIDING OFFICER. In the Chair's judgment, it is sufficient at this time to just set aside the Dixon amendment.

Mr. WARNER. There is no objection on this side.

Mr. President, I ask unanimous consent that the Senator from Virginia and the Senator from California [Mr. Wilson] be made cosponsors of this amendment. It is an important technical correction, and we are quite prepared to act on it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the request of the Senator from Georgia to temporarily set aside the amendment of the Senator from Illinois? Hearing no objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. Nunn], for himself, Mr. Warner and Mr. Wilson, proposes an amendment numbered 689.

On page 77, between lines 6 and 7, insert the following new section:

SEC. 644. AGE FOR NONTERMINATION OF SBP SURVIVING SPOUSE ANNUITY AFTER REMARRIAGE.

(a) Resumption of Annuity Upon Termination of DIC for Remarriage.—Section 1450(k)(1) of title 10, United States Code, is amended by striking out "60" and inserting in lieu thereof "55".

(b) Applicability.—The amendment made by subsection (a) shall apply as if included in the amendments made by section 643(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3886).

On page 77, line 7, strike out "Sec. 644" and insert in lieu thereof "Sec. 645".

Mr. NUNN. Mr. President, I move the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 689) was agreed to.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 687

Mr. DIXON. I understand the distinguished ranking member and chairman are prepared to proceed with the rollcall on this amendment.

Mr. WARNER. That is an accurate statement, Mr. President. I once again call to the attention of all Senators the fact that the pending amendment would enable Romania to participate in this competitive contracting for the manual typewriters. While I intend to vote in favor, I wish to say at this time for the purpose of the record that I continue to adhere to the position that I expressed in my vote on the trade bill when the subject of most-favored-nation status with respect to the nation of Romania arose. It may well be in the interest of other Senators who are about to vote on this to likewise indicate for the purpose of the record, should there be any possibility of inconsistency in their votes.

This Senator asks for the yeas and nays. Indeed, I think the manger of the bill and distinguished Senator from Illinois will take precautionary steps to protect my colleagues.

Mr. DIXON. Let the record show I voted to remove the most-favored-nation status for Romania. I continue to support that position. We will support it as conferees on the trade bill. Should that trade bill not emerge as law I will, in the conference, take the necessary steps, working with the chairman and the ranking member and those on the House side to prevent the Romanian favored nation status in this bill.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on agreeing to the amendment of the Senator from Illinois. the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announced that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

I further announce that the Senator from Michigan [Mr. LEVIN] is absent due to illness.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of a death in the family.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

I also announce that the Senator from Vermont [Mr. STAFFORD] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—53

Adams
Armstrong
Baucus
Bentsen
Biden
Bond
Bradley
Bumpers
Burdick
Chafee
Cranston
Danforth
Daschle
Dixon
Dodd
Dole
Durenberger
Evans
Exon
Fowler
Glenn
Gore
Graham
Harkin
Hatch
Hatfield
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Leahy
Lugar
Matsunaga
McCain
McConnell
Melcher
Mikulski
Moynihan
Murkowski
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Simon
Stennis
Warner
Wirth

NAYS—41

Bingaman
Boschwitz
Breaux
Byrd
Chiles
Cochran
Cohen
Conrad
D'Amato
DeConcini
Domenici
Ford
Garn
Gramm
Grassley
Hecht
Heflin
Helms
Hollings
Humphrey
Karnes
Kasten
McClure
Metzenbaum
Mitchell
Nickles
Pressler
Proxmire
Quayle
Rudman
Sarbanes
Sasser
Shelby
Simpson
Stevens
Symms
Thurmond
Trible
Wallop
Weicker
Wilson

NOT VOTING—6

Boren
Heinz
Lautenberg
Levin
Specter
Stafford

So the amendment (No. 687) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. The Senate will be in order. Senators will cease audible conversations.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senate cannot proceed until the Senate is in order.

Mr. NUNN. Mr. President, I hope that we can have the Senator from Ohio here very shortly. I hope we can begin on the Glenn amendment in about 5 minutes. I have been requested to put in a quorum call. There are a couple of meetings going on. We can discuss the order of business here on the defense bill. I will send word to the Senator from Ohio that we are ready to take up his amendment. I understand that is the pending business.

The PRESIDING OFFICER. That is correct.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I ask unanimous consent to add Senator Riegle as a cosponsor of my SDI-related amendment No. 680.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, last Friday I proposed an amendment to the fiscal 1988 and 1989 Department of Defense Authorization Act which places certain restrictions on the award of SDI-related research contracts overseas.

Identical legislation has already been passed by the House of Representatives on May 12.

Let me give just a little bit of background about why I think this is an important amendment.

Mr. President, if we all had to stand here today and pick one or two or three items that we think are important because it is for development of our Nation ahead of other nations, for it to leapfrog in progress ahead of other nations around this world in a short, little timeframe in history, I am sure there would be some who would rise to address the Senate and say, "Well, we had great resources and we had flowing rivers, we had purple mountain majesties, we had fruited plains, we had all the things that we sing about that made this country great and of which we are justifiably proud.

But I would submit there are other places around this world, Mr. President, that have great resources. They did not develop the way the United States of America developed. I would submit there are two very basic, fundamental factors that permitted the United States to develop the way we did. One of them has a great deal to do with this amendment this morning.

The first I mention, however: We set up an educational system in this Nation of ours that came to be for everybody. It was not for just the selected few. It was not for the rich kids. It was not just for the politically well-connected. It was not just for the kids from the castle, as it might have been in other lands before our Nation was formed and before we had a Constitution that said that we, the people, wanted to do certain things. One of those certain things was that we wanted to make sure that our people were educated. So education in this Nation of ours came to be for everyone. It came to be for all of our people and now that became and educated citizenry.

This amendment deals only peripherally with that. It is not addressed basically to education but it is addressed to the second thing that I believe made this Nation of ours preeminent in a short time period in history; why we leapfrogged ahead of other nations. That second point is: We were willing to put more of our gross national product back into basic, fundamental research, breakthrough Nobel laureate type research; more basic, fundamental research than any nation in history.

We learned those new things first and put them to work with that educated citizenry across the world. We created the new jobs and new industries.

That little combination there of education and of research, those two things, is what I believe were more responsible than anything else for the advancement of the United States of America.

What does that have to do with SDI? The strategic defense initiative is the greatest research project ever put together in the history of this world. That is what it is, a research project. It is not ready to be a deployment system yet. It is not ready to be a full-blown system ready to go into action today, even though the administration would like to get some of them deployed in their waning years, get them locked in, even though they are not ready to go.

I spent 10 days in the last two summers going around to some of our leading scientists in this country to get their opinion of whether we are on the verge of breakthroughs and what would be necessary to make SDI go, to let it go.

There are three areas basically: Laser projection, particle beam area, and radar detection. We need major breakthroughs in those areas before we can even consider here in the Congress whether we want to exercise the option to deploy or not.

What do they say? They say before we make breakthroughs in those areas they would estimate with even all of our research we have going, billions of dollars of research, the biggest project ever put together, that it will be at least 10 years and maybe as many as 15, and some say perhaps even 20 years, before we really have all of this developed in the particular beam area, in the laser projection area, and in the computer area.

So we have a huge research project going. There will be many civilian spinoffs from that as we learn better how to control laser, micro and macro; how we control orientation of units in space for roll, pitch, and yaw to a degree never achieved before; what that means to inertial guidance and application to airplanes, and a whole host of things. New techniques and materials have to be developed for mirrors in the SDI Program. That has spinoffs to the civilian economy.

We could go on talking all afternoon about the potential for civilian spinoffs that we have in this program.

What is the history of SDI? The President proposed SDI, better known as star wars, back in 1983. There was a lot of interest, a lot of pro and con on it in our country, a lot of people for it and a lot of people against it.

What was the reaction of our allies? The reaction of our allies was nil. At best, some of them kept quiet and others were very critical of the whole thing. They thought it would upset the chances for arms control. They did not want to see it. They thought it was a whole new concept that changed the mutually assured destruction concept over the one of mutually assured protection, which is a nice thing to think about. It is one difficult to attain. They were very skeptical about it.

So we went along for 2 years with our allies not really supportive of this whole program. Nobody jumped on board. To be charitable, we could say some of them just kept quiet and others were openly critical of the whole thing. Some of our allies at best just kept quiet.

So the President felt he was out there alone, hung out to dry by our allies. What did he do?

In 1985, he proposed that we share these research dollars with our allies, that we give some of this research money to our allies and see whether they would support us then.

Well, that was a big sales job even at that point. Some of the leaders of these foreign nations had a tough time even at that saying, "Well, we will accept your research dollars. We want to spend them in our country, certainly. We want to get in on this. We want to build our laboratories, we want to build our technicians, our scientific infrastructure in our countries, but not necessarily because we are that much in support of star wars but because we know this is going to be of great value to our country."

Lo and behold, the United States of America, the U.S.A., is going to supply all of the money for this. Blessings on the United States of America.

"Will we then say," speaking as a foreign government head, "well, I better get behind this because I may get several hundred millions of dollars out of this to help build my own research structure in my own country; my own technicians, who will develop their capability. We will have a lot of spinoffs from this kind of scientific advancement. It will be of benefit to our economy."

And what does it look like on our side of the ocean?

What we see right now are foreign governments, the Japanese, German, French, British, others, beginning to outcompete the United States in certain selected fields already. We know they are pouring more money into research to build up their research establishments. It is a big priority for them. Well it might be, because they have seen what the goose was that laid the golden egg in the United States. They are putting more money into education and research.

Are we behind yet? No, no, we are not behind yet in the research area. We are still well ahead.

But the trend is wrong. We are cutting back. In the first year of this administration, they proposed cutting back almost 29 percent in basic research funding at the time period when all of these other nations were beginning to put more and more into basic research.

We were able to hold that to some 16 to 17 percent cut in the first couple of years of this admininstration. So our basic research funding has not been decimated.

Here we are knowing that foreign nations are beginning to put more into research, the key to the future, the key to our competitiveness in the future, that big buzzword we have now, competitiveness in trade, and here we are going to send out hundreds of millions of dollars, potentially, to help them build up their scientific infrastructure, their research capability, to outcompete the United States of America down the road 5, 10, 15, 20 years and on into the future.

These nations are not even participating in SDI. They have yet to put the first dollar into SDI. Yet they want to share in the research. Why would they not? That is a big freebee for Uncle Sam to send over to help them out, help build up their laboratories to outcompete us in the future. Does that make any sense?

Well, it does not to me. That is why I am addressing it with this amendment.

This amendment very basically says that they are not participating. It says we do not see any reason why we should in fact send our research dollars over there, when they are not even participating in the program, and help them build up their scientific infrastructure to outcompete us in the future.

Mr. President, this legislation requires that funds appropriated for research in the Strategic Defense Initiative Program during any fiscal year be spent in the U.S.A., unless, and it makes some exemptions in this. I do not want to be unreasonable about it. Unless the Secretary of Defense certifies to the Congress in writing at any time during such fiscal year that the work to be performed under the contract "cannot be competently performed by a U.S. firm at a price equal to or less than the price at which the research, development, testing or evaluation would be performed by a foreign country."

In other words, if we have a foreign firm that says, "Here is the capability we have with regard to optics, mirrors, computers," whatever it is, and they come in and bid on this and they are going to be able to come in and outbid an American company and do that research cheaper than an American company, I say, bless them, let them go. Let them be paid. It will help build up their research. They are doing it cheaper than our own firms are willing to do it. I would not restrict that, so long as our own firm is not competent to perform.

I would say if it is in our own country, it should be performed in the United States unless they can undercut us on price or we cannot meet them on price.

There are some things the amendment does not do. It does not affect contracts awarded before enactment or contracts awarded in the United States. If a foreign company has an interest in this country with the work to be done here, OK, we will make an exception. This will be done with foreign-owned firms located in the United States that employ American citizens.

The amendment does not affect contracts awarded exclusively for research, development, test, or evaluation in connection with the ATBM, a program of very special concern to our allies.

We had some debate about this whole thing on the floor last year. So it exempts that. There were many people concerned about that so we have exempted that program completely.

This measure is similar to legislation that I introduced last year on the floor of the Senate during consideration of the 1987 Department of Defense authorization bill.

Last year's amendment, I would say to you, was a little more restrictive. It prohibited DOD expenditure of SDI funds overseas unless the Secretary of Defense certified to Congress in writing that the contract could not be "reasonably performed in the United States by a U.S. firm." That was much more restrictive than what we have in the language this year.

So to all those people who voted with me last year on this, I say vote with me again if you want to follow exactly the same logic, the same rationale we had last year, but it is even more attractive this year. I hope it would attract more votes than we had last year. Last year's vote was a very, very definitive vote. A motion to table my amendment last year was defeated overwhelmingly by a vote of 64 to 33. And then as a result of that overwhelming 2 to 1 vote the amendment was subsequently approved on a voice vote. However, we lost it in conference last year. The House did not have similar legislation.

So we took that up with them this year. They have now passed legislation that is identical to the language of my amendment. I am hoping we cannot only have that 2-to-1 vote on this amendment this year but perhaps can even improve upon that.

So very clearly, Mr. President, at a time when our own research base is hurting, trending in the wrong direction, we should use SDI research to build up our own infrastructure, not that of our economic competitors, in the future. There is not a single person in this room who does not have an interest in some college or university—every Senator certainly does—where they want research funding. They are crying for research funding. They want the upgrading of their labs. They want the upgrading of equipment. They would love to share in some of this research. I want to see us building up our own scientific infrastructure, not that of our allies who are not even willing to participate in the SDI Program.

An unpopular kid can be very popular out on the school ground if he has a big bag of candy and he is willing to pass it out, but how long is that popularity going to last—and is it really popularity that is deserved and believed in? Have you gained some really true friends by giving them pieces of candy out of this bag? We do not have a single one of these nations participating in SDI and yet they want the gravy, they want the benefits of SDI research. I do not blame them.

Let me give you an example. The opposition of Helmut Kohl in Germany, after having been ambivalent if not hostile toward the SDI Program when it was announced, was diminished somewhat by the Reagan administration's invitation to participate in the program. The Federal Republic of Germany's Kohl government, for instance, in order to overcome resistance to participation in the SDI Program, emphasized the enormous commercial benefits to be derived from SDI research. They talked openly about building up their own economic infrastructure with this kind of research which would be financed from the United States of America. They would not have to put one single dollar into it, either into the basic SDI Program or into the research itself—no matching fund requirement or anything like it.

Out of our largesse and to buy support, to bribe support for the SDI Program, we give them money to run certain parts of research that should be done in our own country. Is there any doubt about how the Germans view this? No, I do not think there is, for another reason. They administer the program out of their economics ministry. They do not even put it in their defense ministry. The Federal Republic of Germany's economics ministry is managing West Germany's participation in SDI. That is what they think of it. I think it reflects the nature of their country's interest in this program.

There was another interesting quote, too, that we noted the other day. A European view on this amendment was recently expressed by Sir Raymond Lygo, who is a 36-year veteran of the British Royal Navy and currently the chief executive officer of British Aerospace. In the August 31 edition of Defense News, he stated, when he was asked a question about this:

> I must say I have a great deal of sympathy with Congress in this matter. . . . Unless the Europeans themselves are prepared to put money into SDI, I really didn't understand why the American taxpayer was supposed to put money into European industry. It didn't seem to me to be a particularly fair arrangement.

That is not some person off the street. That is the chief executive officer of British Aerospace, as quoted in the August 31 edition of Defense News.

So we in Congress, I feel, must be willing to determine how our increasingly limited national resources are to be spent on SDI research. I do not like to see us gain support for this program with out allies solely on the basis of research money they are willing to receive from us, with no other indication of support for the program other than, sure, they would like to build up their own research structure and reap the benefits at our expense, at the very same time we should be building up our own research in this country.

Mr. President, I would only close these remarks and respond to any questions anyone may have about this by saying I think this Nation became what it is because of the education of all of our people and because we were willing to put more of our gross national product back into basic research. We learned those new things first. That is what has built this country, whether it came out of defense research or other civilian labor research, Bell Labs, Monsanto, 3/M, DuPont—the very few companies that really put a lot of money, big money on a consistent basis into basic fundamental research. Blessings on them for doing it, but by far most of the very basic, fundamental research money in this country has come from Government contracts.

That to me is important. And this is the biggest research project ever, dealing with some of the most fundamental physical laws of nature in which we are trying to make breakthroughs. This deals with some of the most fundamental research that may well give us for generations to come a leg up on other nations in these particular areas—computers, lasers neutral particle beams, and so on. We should not say to the American taxpayer that your tax dollars will go to help foreign nations that will not even support the SDI Program but we will now give them research money so that in decades hence they can be more competitive with the United States with all of our trade problems, with the concern we have about fair trade and equal trade and making sure that we stay ahead and that we are the preeminent Nation in this world. We set out under this program to buy support for SDI from our allies, buy support, support that they were not willing to give until we held out this big carrot, this sack of candy, if you will. So they have gone along with it because they are getting something out of it. They certainly are. It is some of the most basic research we could possibly be funding and we are paying for it en toto, 100 percent on each project awarded. That is what we have. That is what this amendment addresses, in summary.

I would be glad to answer any questions on it.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Virginia.

Mr. WARNER. Mr. President, indeed, with some reluctance, I raise in opposition to this amendment. The distinguished Senator from Ohio has articulated a very persuasive case. He articulated his case against a background of success last year when, indeed, the votes were heavily in favor of a proposition not dissimilar in many respects to the one that is now pending before us.

Mr. President, I am compelled to indicate my opposition and encourage others to at least first consider this amendment once again from a fresh perspective before deciding to cast their votes.

I will momentarily send to the desk an amendment, one which I think is eminently fair. I first wish to generalize the content of that amendment and afterward to respond to any inquiries of my distinguished colleague from Ohio, and then I will endeavor to give a very precise and technical definition of what the amendment seeks to achieve.

First, the nature of the amendment. Intentionally or unintentionally, our good friend from Ohio has taken out SDI and sort of set it in a special category apart from a wide range of contracts for weapons of all types.

This Nation does not stand alone in the area of research and development on weaponry. As a matter of fact, for many of the weapons that we are using today certainly parts of those systems have been researched and developed by our allies and other friendly nations.

The Glenn amendment is going to the very heart of this rather lengthy program originating perhaps long before this Senator came on the Earth—who knows? But, anyway, today we have a vast network interlocking arrangements with countries concerning weaponry.

This amendment has the effect, of course, undoing at least four agreements that we have made with four of our most valued allies, and then establishing a precedent that our Nation can carve out from this vast range of weaponry one segment of weapons and deny them the opportunity to equally and very competitively offer as their technology.

That is a bad precedent. We can anticipate some of our allies and friendly nations coming forward and saying, well, if America is going to do that, then we will likewise cut out that area of expertise where perhaps we are preeminent and not let American firms compete.

Our good friend addressed the question of jobs, one of the most sensitive issues in this Nation today other than a person's church, his home, or his family. The job is one of the most valued things not just for the economics, but for the pride of being a working man or woman in this Nation of ours. But I forewarn those that are anxious to climb aboard the Glenn amendment that while this may protect a certain segment of jobs, it could well result in the loss of jobs in other areas.

So the purpose of the amendment which I will send forth shortly is simply to put the contracting in SDI on an equal footing with the contracting in all other weapons systems. Through the years, the Congress and indeed Members of this body and one in particular, the former Senator from Indiana, Birch Bayh, devised laws which would protect American interests and at the same time establish a balance with the competition from other nations. It is known as the Bayh amendment. And my amendment simply states that SDI should be treated fairly and equally under the existing law along with all other contracts. It prevents my good friend from Ohio using this amendment pending as a vehicle to segregate SDI and treat it differently.

My amendment says the existing law gives adequate protection for defense contracting, let us keep SDI contracts in that posture, as they are being treated today under the Bayh amendment and the principles embraced therein. That seems to me to be imminently fair and equal.

Now, Mr. President, I will proceed to address this in a more technical manner. As I stated, SDI contracts today are being awarded strictly on the basis of technical merit and cost in accordance with the procurement policies that Congress has mandated for all types of defense contracts.

Contracts with allies have been compliant with the Bayh amendment that provides no DOD research and development contracts may be awarded to foreign firms if a U.S. firm is equally competent and willing to work at a lower cost. That is a fair standard. We should apply it equally to all contracts.

SDI contracts have also been compliant with the provision in the fiscal year 1987 Defense Appropriation Act that prohibits any set-aside of SDI research funds for foreign firms, and further states that U.S. firms should receive SDI contracts unless degraded results would occur. That is degraded results. Not only does that bear on the effectiveness of the weapons system, but let us not open up opportunity where the American taxpayer, contributing to the defense of America with their tax dollars, is compelled by this amendment offered by the Senator from Ohio to spend those dollars on areas of research and development that are less technically competent than can be acquired from abroad.

These previous acts of Congress set forth the principle for contracts with foreign nations that the pending amendment changes in a most dramatic and significant way. That principle is that we should not accept lower standards in the interest of favoring U.S. firms. It is a principle that is applied across the board for DOD contracting with foreign firms.

This amendment reverses that principle for SDI, and only SDI. Regrettably SDI has been picked out as the whipping boy here, picked in this Chamber now for many years, and here is another step forward. And I think we should move with great caution.

Mr. President, the amendment would damage important U.S. economic interests by inviting similar action by foreign nations. We just voted not more than an hour ago on a provision—oh, yes, relating to manual typewriters, but nevertheless to allow another nation, in this instance Poland, to compete fairly in the arena of contracts.

Now we are about to address an amendment which just does the reverse, namely creates a situation of unfairness for foreign nations in the area of SDI contracts.

I would hope the Senate would not be inconsistent on votes within just a matter of hours.

Foreign governments invest considerable sums on defense R&D in the United States. The United Kingdom alone has spent over $1 billion in the United States for this purpose over just the past 5 years.

Mr. President, in the rush again to assault SDI, we may well be losing sight of the advances that we are making in terms of R&D contracting in the conventional weapon area with our allies and other friendly nations. One of the issues that is currently on the forefront of the national security agenda—and how many times has the distinguished chairman of the Senate Armed Services Committee, acknowledged leader on this principle, spoke of the imbalance of conventional weaponry that exists between this Nation and the Warsaw Pact—is the issue of force imbalance in Europe. Always a high priority, the conventional imbalance has taken on added importance in view of the prospects for significant reduction in intermediate-range nuclear missiles. The negotiations as we know are going on at this very moment. And we are all hopeful and expect a fruitful result. But that result could have dramatic impact in the area of conventional weaponry. So we had better look at our rear guard as we are again assaulting SDI.

It is against this background that cooperation with our NATO allies which Senator NUNN, I and others in this Chamber have urged to be a matter of the highest priority for several years is even a more urgent priority.

I see on the floor the distinguished Senator from Delaware. He is recognized in this Chamber as being one of the experts in this area of the imbalance of conventional weaponry and the need for research and development and contracts with many of our allies.

This amendment strikes at the very heart of that cooperation. It directly undermines the allied cooperation that we have secured with memoranda of understanding with four allied governments on SDI research and undermines the cooperation we are seeking in other areas of defense cooperation, especially the enhancement of conventional defenses.

Mr. President, the call of "Buy American" is loud and persuasive and one which we all want to join in, with the heartfelt sense that we are doing the right thing. But in this instance, we would be doing the wrong thing. It is for that reason that I urge my colleagues to consider carefully the implications of the Glenn amendment and, likewise, consider carefully this amendment, which is advanced in the spirit of fairness.

The Glenn amendment singles out SDI. It unwinds and I think virtually breaks the cooperative agreements with several of our allies who are now working on R&D. It threatens U.S. economic interests should allied nations similarly restrict their substantial U.S. investments in R&D.

We must remember that R&D in weaponry is an across-the-board situation; and if we begin to adjust it in one category, such as SDI, there is a reaction in the other categories of conventional weapons.

My hope and expectation is that those nations that join the United States in SDI contracting are likewise considering investing added dollars in the areas of conventional weaponry and R&D research in this country. Were the Glenn amendment to prevail, they would have to say to themselves: "We had better take a second look at whether or not we should make that investment in conventional R&D in the United States, since now we have been virtually blockaded from a fair playing ground in the area of SDI."

The amendment undermines cooperation with our allies at a time when this cooperation is most urgent to redress conventional force imbalances in Europe.

Congress already has legislation in place that establishes an appropriate policy—a level playing field, which is a favorite phrase in this Chamber—for contracting with our allies and our friendly nations. It protects U.S. interests, while at the same time recognizing that the United States does not enjoy technical leadership in every area of technology. It enables U.S. taxpayers to contribute their dollars in a manner in which the decision-makers will best apply them and get the greatest sales.

Mr. President, I believe that the Glenn amendment can be perfected—and I say that respectfully to my good friend—in a manner that addresses the concerns which he legitimately has. This amendment, as I have outlined, is to improve certain technical aspects of the Glenn proposal.

Therefore, I now send to the desk a perfecting amendment and ask for its immediate consideration.

AMENDMENT NO. 690 TO AMENDMENT NO. 680

The **PRESIDING OFFICER**. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 690 to the Glenn amendment numbered 680.

Mr. **WARNER**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

In the amendment numbered 680 strike out subsections (b) and (c) and insert in lieu thereof the following:

"(b) EXCLUSION OF PROHIBITION UPON ANNUAL CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to those contracts in any fiscal year for which the Secretary of Defense certifies to Congress in writing before the end of such fiscal year that the research, development, testing, or evaluation performed under such contracts cannot be performed with equal competence by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTION FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if——

(1) the contract was entered into before the date of the enactment of this Act;

(2) a significant part of the contract is to be performed within the United States; or

(3) the contract is for research, development, test or evaluation in connection with anti-tactical ballistic missile systems.".

Mr. **WARNER**. Mr. President, I will now, as carefully as I can, go through precisely the effect of this amendment. Bear with me, because this is a matter that is considerably technical in nature.

First, rather than have a Secretary of Defense reporting the requirement for each and every contract for which an exclusion of the prohibition in the Glenn amendment is invoked, the perfecting amendment would make the report an annual one. A review of the number of SDI contracts existing as of August 1987 suggests that they are primarily a collection of very small-value contracts. A reporting requirement on each contract individually would impose, as a practical matter, an administrative barrier to taking advantage of the suspension provision in the Glenn amendment.

I call to the attention of my colleagues the efforts time and time again in this Chamber to try to reduce the amount of paperwork, the number of reports that various segments of the executive branch must make.

Second, and most important, the perfecting amendment brings the Glenn language into conformity with existing law, the language of the Bayh amendment—that is, the Secretary must certify that the SDI research contracts with allies cannot be performed with equal competence by a U.S. firm at equal or lesser price. This change ensures that the Senate does not legislate against a technologically superior allied proposal costing the same as a "competent" but inferior U.S. proposal. The change is entirely consistent with the procurement policies that the Congress has mandated, and with the terms of the memorandums of understanding negotiated with four of our allies in which free and open competition was an underlying assumption.

Third, the perfecting amendment makes two minor changes to the "exceptions" provisions of the Glenn amendment. One would except contracts where a "significant" part of the contract is to be performed in the United States. Under the Glenn amendment, contracts with allies where a significant part of the work would be done in the United States would be prohibited unless the contract met the suspension terms. Second, the perfecting amendment excepts contracts for ATBM research, even if they are not exclusively for such research. This change reflects the fact that most ATBM related contracts are not exclusively dedicated to ATBM research.

Mr. President, at a time when the prospects of an arms control agreement is putting even greater focus on the conventional balance in Europe, I find it unwise in the extreme to change the ground rules by which our allies can participate in cooperative research efforts. That would be the effect of this amendment. The SDI program has no monopoly on the arguments made by the Senator from Ohio with respect to the role of research in America's economic and security infrastructure. What is to prevent the extension of the Glenn prohibition to other areas of allied cooperation? I believe that the perfecting amendment would not have these adverse effects. I strongly urge its adoption, in a sense of fairness, and let us create a level playing field for all those who have played these many years in contributing to America's defense in all areas of weaponry, including SDI.

Mr. President, I ask for the yeas and nays on my amendment.

The **PRESIDING OFFICER.** Is there a sufficient second?

The yeas and nays were ordered.

Mr. GLENN. Mr. President, I welcome the opportunity to respond to the comments of my distinguished colleague and good friend from Virginia.

It is difficult to oppose him. He has been on the Armed Services Committee and has taken an active role in all these matters of defense for a long time, and I do respect his judgment. We have significantly different views in this particular situation.

Let me comment on what this does first with regard to our other defense contracts and our mutual research contracts with our European allies in particular, although this amendment applies all over the world, Germans, Japanese, French, Taiwan, whoever we may have arrangements with or not as far as relations and the possibility of doing research under these contracts.

But I would submit that our situation with NATO in regard to SDI defense is entirely different from our regular cooperation in NATO and all the things we try to work with them on interoperability, on mutual research, on tanks, on aircraft, on engines, on fuels, on a whole host of things that I support. I have supported strongly in the Armed Services Committee, have supported on the floor of the Senate, have supported in principle, and I still do support that.

I would like to see this sharing interoperability. It means we are going to work together if war comes. But SDI to me is a very, very special case because SDI does not fit under the general title of what we agree upon with our NATO allies. They disagree with us in this area. They were against it. And those who were not against it at least would not speak out for it. And so it was only after we started offering the potential of these huge research contracts directly attributable to SDI that they at least did not oppose it any more.

So research in other areas where that is involved in areas such as tanks, aircraft, rifles and communications equipment, and so on, I am 100 percent for the sharing of research in those areas and if we want to put research dollars into some European firm where we have a mutual interest on things that we mutually agree are defense items that we want to see developed and they want to see developed, OK, fine, and nothing in here would have anything to do with that at all.

Now, my good friend from Virginia said this is an assault on SDI. I do not look at it that way at all for this reason. If the Europeans or any other nation around this world want to work out a memorandum of understanding with us in this particular situation, if we are proposing contracts and research contracts to do a certain job, and they come in with a cheaper price, the contract can be awarded. That is it. Nothing in this amendment of mine prevents that at all. Nothing prevents that. If they can do the research cheaper then we would not even have to put any magic funds in. There would be no requirement for anything except to work out the memorandum of understanding. They have a cheaper offer on this thing than an American firm to do the same job, and they get the contract.

It does not disturb in any way, shape or form, any the memorandum of understanding that have already been agreed to.

So I do not see how this is an assault on SDI. It is an offer, quite frankly, to let them go ahead and bid on these contracts if they want to, and if they win the contract, they win the contract and it goes.

But what is prevented is if the same cost comes up, we give preference to the American firm. Or if the American firm comes in with a cheaper cost, we are not going to say in the interest of SDI and in the interest of buying our allies' cooperation on this, we will even pay more to have it done over there. If they come in and outbid us, it is their contract, and I would not prohibit that, and there is not any language in this amendment that says that we would do that.

I do not see that this damages U.S. interest. Quite the opposite. That term was used. If anything, I think it is in support of U.S. interest because we are doing basic research that is going to undoubtedly have a lot of civilian spinoffs into the future. I think we help American interest.

As far as the typewriter example that was used here that we just voted on a few moment ago, it is my understanding, while this is a little different technical level than typewriters, it is my understanding that there is no longer any U.S. firm that makes manual typewriters.

Let us compare that back to SDI research. If there is a certain type research that is needed, and no U.S. firm supplies that kind of research, let us contract for it with a foreign firm. That is fine, and nothing within this amendment of mine would change that whatsoever.

So am I in favor of "buy American?" Yes. That is a thing we use all the time now with regard to consumer products and we check labels in our clothes and everything else to see if we are buying American and I hope people do buy American.

In this particular instance I really want to buy American.

I can guarantee you if it means building up our scientific capability, our own laboratories and I would repeat once again this does not prevent foreign firms from competing. If they come in with the same proposed research project, have a cheaper cost than an American firm, then the contract can be awarded to them.

But to say award contracts to foreign firms just to in effect buy their support for SDI or at least hush money to keep them quiet, when our own laboratories and scientists want this kind of capability ourselves, is to me just the wrong way to go.

So I do not prohibit them from competing on contracts. There is nothing in this that says we will not have them competing on contracts here.

Now, I also rise in opposition to the amendment offered by my distinguished colleague and friend from Virginia for all of those other reasons, plus the reason that the House of Representatives has already passed the exact language that I have in my amendment. That means that we will not take the chance of losing this which was supported by two-thirds of the Senate last year. This year we worked this out. The House has already passed it. So when we go to conference, it will be in the Defense authorization bill. So I would like obviously to keep this in the same language that we have in this bill.

Let me comment, however, directly, on the amendment as sent to the desk by the distinguished Senator from Virginia.

He said that we want to cut back on paperwork. I agree with that 100 percent. And what my amendment says—he made a point out of that, and it is a good point to be made, but it is just flat wrong, because what I say in my amendment is if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research is such and cannot be performed. It does not say we have to report every time there is a project. He can accumulate them and report them all at one time during the year if he likes. That is fine with me. or with his option, he thinks it is a large contract and he wishes to have some sort of a guidance working with us over here, if at his discretion in the Pentagon the Secretary of Defense wishes to report one to us because it is big and important and he wants to know how we feel about it, he can do that.

I would let this legislative history show what is intended in this is if he wants to accumulate them and report them all at one time at the end of the year or any time during the fiscal year he determines is appropriate, that is his option to do so. So I do not want that wording in my amendment to indicate that I want to create a mass of paperwork in the Pentagon every time one of these things comes up for consideration.

Mr. WARNER. Mr. President, I readily accede to the wishes of the Senator from Ohio on this particular part of my amendment. I defer to him on this. I think our minds are alike in terms of the goal to be achieved. it is a question as I and others read the amendment we did not interpret it quite as the Senator from Ohio has not articulated. It may well be we have created a legislative history that clarifies it. If not, the Senator would consider whatever modest technical amendment and syntax it might be necessary to clarify it.

Mr. GLENN. In response to my good friend from Virginia I did not want to lock it in that he had to report on April 1 or 60 days or 90 days, or anything else. I do not want to create that kind of situation for the Pentagon either.

So if he has one he wishes to report because it is a big one and is important, he can do that so we will know about it. But as far as all the minutiae of smaller contracts, and so on, he can accumulate those and report them once a year or whatever time period he would desire. That would be fine with me.

Another comment and that is the change in language that said cannot be performed with equal competence by U.S. firm. My view on it is this, that if we have a certain project and if we know there is a technical competence well beyond anything that we have available to us in this country, then I would presume that the people writing the contracts or writing the proposals would write it in such a way that it reflects that, that we do not have that competence. But to do otherwise it seems to me would be unfair to the American firm. If we have a project and a certain level of competence is required to accomplish, computer breakthrough, laser breakthrough, the particle beam breakthrough, or control systems, or whatever we are talking about, if we have American firms competent to deal with that, why would we want to give it to a foreign firm even though they may be a bigger firm? I do not know. Maybe they have done more past work in optics, for instance. But if we have that firm that is responding to a request for proposal and they are a competent firm to do the level written out in that RFP, why would we not give it to an American firm?

If the breakthrough we need is at a higher level and there is only a foreign firm that has the capability of performing that research, then the contract, under my amendment, would still go to the foreign firm, because the contract would be written or the request for proposal would be written to require that higher level of performance under the contract.

It gets rather technical there, but I think the distinguished Senator sees what I mean. If we write our contract for a certain function to be done under that research project, it should reflect exactly what we want. If what we want is something that is not available by American firms, then fine, good, we contract with the foreign firm. Let them perform the research and they get the benefit of whatever buildup their capability was there, or whatever.

Mr. WARNER. Would the Senator entertain——

Mr. GLENN. Let me just finish that thought.

But if we write that contract where American firms have a competence for what is exactly required under that request for proposal, the RFP, for a certain research capability, then why should it not go to the American firm?

Mr. WARNER. Mr. President, I am delighted that the Senator begins to focus on this, because this is where my perfecting amendment, in my judgment, tries to really improve what the Senator from Ohio is striving to achieve.

First, I think we have mutual agreement here that we are not arguing the cost of performance. In other words, whoever comes in at the lower cost may have an edge, but what we are trying to do in the area of the dollars there is on, so to speak, a level plain. They can compete in terms of how they write their final clause.

But where there is a difference is in this area of technical competence. As I interpret the Senator's amendment, if a foreign firm and a U.S. firm comes along, you have established a standard whereby the U.S. firm is judged to be competent, and even though the foreign firm is, let us say, quite superior and competent and the price is the same, the U.S. firm is going to get it. And our Nation and our taxpayers are just automatically denied the advantages associated with a firm with a considerably higher technical competence of doing that work.

It seems to me that we have had so much experience through the years now with the Bayh amendment and on the other areas of weaponry that we ought to keep this level playing field the same for all the categories of weapons and not single out SDI and try to build a new set of standards of competence which would just grant the contract and deny superior technical competent firms from achieving that.

Mr. GLENN. If the Senator will yield, I will take that situation he described. We have an American firm that is competent. We have a foreign firm that has greater competence. And that might occur in some areas.

It seems to me, then, that that could well be reflected in the request for proposal for whatever the research is to be done, that we are going to get a higher level of competence, and we would write the contract to a higher standard if that is what is needed. If it is not needed, if it is something that can be equally performed by both companies, whatever their competence, then I say award it to the American firm. And that is the difference.

Mr. WARNER. Mr. President, I would simply reply to my distinguished colleague that, having some knowledge of defense contracts, having spent a number of years in the Department of Defense, we are really treading into a dangerous area if we are trying to write contracts in such a way that they are targeted toward one or two or perhaps several firms. I think the Senator in stressing that point underlines one of the basic weaknesses in his approach.

If we are going to be drafting contracts tailored for special firms, then we are headed for big trouble.

Mr. GLENN. Mr. President, I would only respond by saying that the whole SDI effort is a research effort. Although they are trying to make it a deployment effort, it is not a deployment effort yet. It has not been approved. It is a research effort. And research contracts are difficult to write, I would give my distinguished colleague his due on that.

I have been involved with research, too. The Senator, having been in the contracting area in the Pentagon with years of experience as Secretary of the Navy, has had a lot more experience in it than I have as far as the contracting goes. But I have been around in the research——

Mr. WARNER. Mr. President, I yield the floor to the Senator's execution in research and development.

Mr. GLENN. I was a user and not a contractor at that point.

But the point I wanted to make is this: The research contracts are specific. And I do not see this as being any big area of contention here between us. I think where there is an equal competence, where the competence of an American firm is equal to the task to be performed under the RFP and you may have a foreign company that has the capability to even operate at a higher level on a different contract basis, then if they do they would get a contract to operate on that different or higher level, whatever it is. But as long as the research to be performed is at a certain level and an American firm is capable of doing that, I see no reason why we should give our research money then to nations that are not even basically in support of the SDI program to begin with.

I see my distinguished colleague, Senator SHELBY, over here. I would like to yield the floor to him.

Mr. WARNER. If I could make just one brief reply to that observation. Again, it seems to me you are arguing my case, I say respectfully to my good friend. You say in the R&D area we are searching for the best that is achievable. And as we proceed in this dramatic and challenging area of research, we should let the superior technology, the firm that has the superior technology, not just the competent, but the superior technology seize that opportunity and move with it.

In essence, I say the Senator from Ohio is right. It is unique. Let us not put a set of handcuffs on those firms that have superior technology and say to them, "Sorry, we have here at home one that is competent and has a base level that ought to be able to do it." Therefore, the superior technical firm would be denied the opportunity.

Mr. GLENN. Mr. President, before I yield the floor, let me explain this a little bit on how I see this contracting taking place, because the contracting that could be done under this is not going to be done on the basis of a lot of money being given to some foreign research group and saying, "OK, develop the optics system and you have the whole job for SDI." That is a $5 billion job over 4 years, or whatever it is.

If that was the way the contract were to be awarded, then I would tend to agree much more with the Senator from Virginia's view on this. But they are not going to be that big an award for a whole portion of this SDI concept, as such.

The contract to be awarded will be for a certain development on a computer chip. It will be for a certain gyro with certain capabilities of control. It will be for certain specific thrusters to control the spacecraft in roll, pitch, and yaw so that you can direct this directed energy across thousands of kilometers of space and have it very actively controlled. It will be for very specific forms of material or hardware or a specific development that we then can use in the overall picture for SDI.

Now, that means that if we have the specifics like I am talking about on material or gyros or directions controls or thrusters or whatever, if we have that kind of thing that we are contracting for, then an American firm that has a level of competence in a specific area like that is just as capable of making a contribution as a foreign firm that might have the capability in gyros and thrusters and all sorts of other things not being contracted for.

So I would just submit that I think if is a whole different thing than giving great portions of the SDI to a firm that might have a better competence overall than an American firm given a very specific job to do which they could do very well.

Mr. WARNER. Mr. President, I am anxious for other Members of the Senate to participate in this debate and at a later point I would like to, given time, have the opportunity to go into many of the really interesting things that are being done which are just narrow segments of research and development. They are not great, big dollars. They are relatively small dollars.

But here is a list of universities and firms in several areas of the world—in other words, nations closely allied with ours—that are doing small segments and doing it because of their superior technology.

I hate to stand on the floor of the Senate and acknowledge that any firm abroad has a technology base superior to the U.S. firms. But, pragmatically, it is a state of fact and I think we must acknowledge it.

Mr. President, I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in support of the Glenn amendment and in opposition to the amendment by the Senator from Virginia, Senator WARNER.

I want to make it clear early that I am not opposed in any way to working with our allies on technological research. We have been doing this and we have come a long way in this regard.

Our allies, as most of you here know, have worked with, among other agencies, the Army Missile Command for years on joint research projects, and I support this and similar efforts.

However, the strategic defense initiative is the largest research project of our time. Should we share this with everybody? It is the American taxpayer that is paying for this—most of it, if not all. I believe that we now need this program to build our own technological infrastructure, just as in the space program where NASA's advance led to a technological revolution. SDI, now, can result in commercial applications that can be even further reaching than we can imagine.

Time and time again the United States has made technological breakthroughs, only to have our allies who happen also to be our economic competitors today, use this technology to what? To develop products of their own at the cost of American jobs.

More importantly here today, though, my opposition to the awarding of the SDI-related research contract overseas stems from national security; from the standpoint of national security.

All of you are aware of the recent revelations regarding CoCom violations that have placed the whole business of technology transfer into the limelight. The administration has just entered into a memorandum of understanding with the Japanese Government concerning a joint SDI program.

I do not believe, however, that the timing of this agreement could have come at a worse time. Japan is certainly not alone in sending sensitive information to the Soviet Union. CoCom violations are widespread.

The now infamous sale of illegal propeller technology to the Soviet Union by the Toshiba Machine Co. points to the fact that some of our allies cannot be trusted to withhold sensitive technology from the Soviet Union.

The Soviets are years behind the United States in a number of areas of technological development. The Soviets and our allies are behind in areas of computers, microelectronics, and machine tools.

Though their own SDI Program has been under way for years, the Soviet technology basically is well below that of the United States. I think, therefore, that the only way they get the technology needed to compete with the United States is on the open market. They have been doing a lot of this.

I do not believe that we can take the chance of SDI and SDI-related technology getting into the hands of other nations where it is so easily transferred.

Let us look at some of the stats here. We are already awarding a number of contracts to foreign countries. The United Kingdom, 24 contracts, $29.963 million; West Germany, 17 contracts, $48.336 million; Israel, 6 contracts, $10.653 million; Italy, 11 contracts, $2.249 million; France, 4 contracts, $3.408 million; Canada, 2 contracts, $.42 million; Belgium, 1 contract; The Netherlands, 1 contract.

But I submit to you that it is time that we start looking for our technological research like this inward. We have the people in this country. We have the scientists.

You talk about competence. We have been able to attract it in this country. The Senator from Ohio is right. I do not think we can afford to water this down. We continue to do it. Not only are we losing our technological grasp, we are losing our technological national security. We should not do this.

I support the efforts on the part of the Senator from Ohio. I hope that we can adopt his amendment.

I yield the floor.

Mr. ROTH. Mr. President, I rise in opposition to the so-called Glenn amendment. I do so reluctantly because I think all of us are supportive of the idea that, to the maximum degree possible, the American dollar for defense should be spent at home.

Unfortunately, because of the changes in the security area, I do not believe that it is any longer practical for the United States or any other country to try to entirely base their security on domestic industry.

Let me tell you why. It seems to me, as we approach the problem of security, the most important factor is to ensure that American soldiers, American men and women, have the best weapons, the best systems available anywhere in the world and that if necessary, we shall secure the services of scientists, industries, anywhere that they are available in the free world.

Several years ago a number of us proposed on the Senate floor, on May 13, 1982, that to achieve this goal of a better common defense, that it was important that we promote cooperation in the securing of weapons among the NATO alliance.

At that time we provided that the financial burden of providing for the defense of NATO Europe, and for the protection of the interests of NATO member states in areas outside NATO's geographic boundaries, has reached such proportions that new cooperative approaches among the United States and NATO are required to achieve and maintain an adequate collective defense.

What we were saying then, and I think it is just as true now, that each of the 16 countries within the North Atlantic Alliance cannot continue to produce a question of national military forces that is qualitatively uneven, quantitatively inferior, and has only a limited ability to rearm, repair, reenforce, support, supply, or even communicate with one another.

Under our resolution it was said that a decision to pool the enormous technological, industrial, and economic resources of NATO member countries will not only lead to lower-than-otherwise net costs, but will provide a powerful inducement for the Soviet Union to bring about meaningful arms reduction agreements.

Mr. President, this amendment was proposed by myself, Senator GLENN, and Senator NUNN and it was enacted or adopted by the Senate unanimously with the exception of one dissent. I think the arguments that supported that resolution then apply to the situation today. I am concerned if we would try to make a special exception to SDI, because again I think in this area, for the reasons outlined by my distinguished colleague from the State of Virginia, that it is important that we utilize the very best scientific facilities for research; the very best contractors to produce any materials that we see are necessary for our common security in the future.

One of the things that I think concerns all of us is the cost of defense and, if we continue along the road of each of the NATO countries developing its own facilities to produce every bullet, every tank, and every plane within each country, we shall continue along the course of an inadequate conventional defense.

I think we are all aware that the Soviet Union and ourselves are approaching agreement in the area of nuclear arms reduction, at least in the intermediate field if not the strategic, and that to the extent that we are successful in doing so of greater importance becomes conventional defense.

Many military experts are concerned about this development from the standpoint of the importance the strategic arms reduction will place, will impose, upon conventional defense.

The question is, how are we going to develop a viable conventional defense, particularly in view of the reluctance of most NATO countries to spend additional sums for security purposes?

So we are entering a period where arms cooperation or acquisition, beginning with the research and development as well as the ultimate production, will increasingly depend upon cooperation between the allies.

I think it is a recognized factor that the cost of weapons is so high, so expensive, and particularly those in the area of scientific development, that if we are unable to cooperate with our friends and allies we could well end up bankrupting each of our countries.

It seems to me that we have no choice but to attempt to bring about cooperation.

I would like to refer back to what Senator Tower said at the time the Roth-Glenn-Nunn amendment was offered. At that time he said:

> We are prepared to support this amendment, but I would like to say to my colleagues that if we support this, we better understand what we are talking about is a two-way street in defense procurement. We cannot expect West European nations to purchase all of its defense requirements in the United States. We are going to have to purchase things from them. If we are going to preserve in the various European capitals the climate which supports increased NATO spending, which we have urged our NATO partners to do, we have to be willing to make some purchases from those countries.

He pointed out that in the last 5 years NATO and Europe bought on the average six times as much military hardware in the United States as the United States purchased from NATO Europe.

I believe that today we want to continue along the road of cooperation. Thanks to the initiative of my distinguished colleagues, Senator NUNN and Senator WARNER there are a number of areas where we have cooperative agreements.

I would hope as we embark in the area of SDI we would continue the cooperation in the same manner. Thus, for this reason, I am very supportive of the amendment that has been offered by Senator WARNER to the Glenn proposal, as I think it helps to correct the basic deficiencies in the Glenn amendment.

Let me state also, Mr. President, that at an appropriate time I am going to ask Senator WARNER to agree to a further addition to his perfecting amendment.

I believe that it is important that as part of the Glenn amendment we contain language that would provide that the prohibition in subsection (a) of the Glenn amendment shall not apply in circumstances where the Secretary of Defense determines that application of such a prohibition would be contrary to the national security interest of the United States; provided, that the Secretary of Defense communicates to the Armed Services Committees of the Senate and House of Representatives his reasons for so determining within 30 days of awarding a contract to a foreign firm not exempted under subsection (c).

It seems to me that where there are circumstances that it is not in our national security interest to be bound by the Glenn amendment, leeway should be provided for the Secretary of Defense to make such a finding because, again, I want to emphasize, I want to underscore, that in matters of security the ultimate criteria must be that American soldiers have the best weapons, the best systems, available, irrespective of where they are developed or what they cost. I think none of us want to send American boys and girls into wartime conditions up against an enemy better armed.

Admittedly, the Warner amendment is an important one that I strongly support. I also think it is important that if the SDI Program should serve national security, it should have access to the best technology and broadest R&D base. Any attempt to restrict the program's technology access or R&D, research and development base is harmful to U.S. security. I fear that restricting SDI contracts to the United States, for example, could do damage if we, for example, lost access to German expertise in optics, for example, British expertise in mirror technology. That does not say that U.S. firms cannot do work in these areas competitively, but I think we all have to admit that there are some scientific areas where foreign firms and foreign scientific centers can do it better. Why should we deprive SDI projects of the best technology? Why should, for example, NATO, Europe, or Israel put any effort into any aspect of SDI other than tactical defense when they know that they are to be effectively excluded from the overall SDI Program?

It seems to me that rather than trying to deny ourselves the cooperation, the cost sharing, the working together in this area, we should be working just the opposite.

What does the Glenn amendment do for the international image of the United States? I have already mentioned a number of MOU's have already been negotiated. Signatories presume that these agreements give them limited access to R&D in SDI. Yet, that would be reversed.

Mr. President, I think it is critically important as we seek to improve on the defense of the Western alliance, on the security of the United States, that we move in the direction of NATO cooperation because it is through cooperation that we can provide a bigger bang for every dollar spent.

As I said, Mr. President, at the appropriate time it is my intention to offer the paragraph I referred to above as part of the amendment of the senior Senator from Virginia.

I yield the floor.

The PRESIDING OFFICER. Is there further debate of the amendment of the Senator from Virginia?

Mr. DIXON. There is no further debate on this side, unless the distinguished Senator from Ohio wants to close, Mr. President.

Mr. GLENN. I do not believe we have anyone else coming over to speak unless Senator SHELBY wishes to speak again. I do not know whether the other side has any people coming to speak or not.

At the appropriate time I will move to table the amendment of the Senator from Virginia, but I would certainly withhold if anyone else wishes to speak. I do want to make some remarks in reply to my distinguished friend.

This has been a very good discussion this afternoon. Let me just say to my distinguished colleague from Delaware that I do not see this situation as the same as the general defense cooperation we have with NATO because SDI is significantly different from buying tanks. It is not like having interoperability problems with rifles. Those are all areas where we have mutual interests. They have been long standing and worked out. We keep 350,000 people in Europe all the time in support of our mutual efforts in NATO. We do research together in NATO on conventional warfare. That has been the history ever since World War II.

In SDI we have a different situation. We have the biggest research project ever put together and we have our allies that basically were opposed to it. That is not part of the regular, routine conventional warfare support that we give each other within NATO and our allies.

So this is a completely separate situation. This is totally a research project, and I will not go back through all the things I indicated earlier on how I feel about that. I do see my distinguished friend from Virginia is back on the floor now and I would reply also as to how the contracting would be different.

Overall, NATO has specific stated requirements, but the RFP's we referred to awhile ago are very detailed specifications to meet those stated requirements.

I say to my good friend that if there are higher specifications to be written, then that will, indeed, preclude firms that are not competent from being selected. And that would permit such foreign firms to have the contracts granted to them.

Now, we have a list, and I am sure there is a similar list on the other side. The status of SDI allied contracts as of August 1987. These were all completed. We could go down through this whole list and I will not do that, but we are talking about $159,000 for optical electron computing that is going to a university in the United Kingdom. Would we not rather see that at the University of Virginia? Would we not rather see it at the University of Connecticut, seeing my good friend in the Chair, than at a United Kingdom university? How about West Germany, where a study of membrane tool technology costs $400,000. I can tell you right now that I would prefer to see that contract at the University of Alabama, or at the University of Ohio, or at the Ohio State University.

I would rather see it in this country. There are a large number of these contracts going to the United Kingdom, West Germany, and Italy. I do not want to disturb those. I want to see that kind of basic, fundamental, breakthrough research they were not willing to even participate in as a whole project, the European nations, until we in effect bought them off with promises that we would help build up their scientific infrastructure and award these contracts overseas even though American firms could well do that same research in this country.

So to summarize once again, I think that the Warner amendment as proposed would gut the Glenn amendment. At the appropriate time I will move to table the amendment. I will give my distinguished colleague or anybody supporting his side the floor. I do not wish to cut off debate, but I am prepared to move to a vote whenever he is ready.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Ohio. As I did earlier, I note the presence of the distinguished Senator from Delaware [Mr. ROTH], who has an amendment which would fit on mine, and I am about to ask by way of unanimous consent, even though I established the yeas and nays, if this amendment, which Mr. ROTH would shortly send to the desk, could be added to my amendment and therefore the Senate would consider both the Warner perfecting amendment and the Roth amendment at the same time.

Mr. GLENN. Mr. President, if I might inquire, is there a copy of that available so we might see it before the question is put?

Mr. WARNER. Absolutely. My request would be, Mr. President, that I yield the floor, allowing the Senator from Delaware to address his amendment, during which time the Senator from Ohio can review it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I thank the distinguished Senator from Ohio as well as my distinguished colleague from Virginia.

Mr. President, what I have suggested be added is a paragraph (d) for what I call a national security exemption. It seems to me that from the standpoint of our security interests it is important that there be an exception to the Glenn amendment which would permit the Secretary of Defense to determine that that amendment does not apply in those circumstances that would be contrary to the national security interests of the United States.

What we are concerned about today is the security interests of this country. It seems to me that as important as we all agree it is we carry on research and development, we carry on the acquistion of weapons and new systems in the United States, it is important we do so in the way that best protects our security.

As I have already indicated, I believe our top consideration in acquisition should be to ensure that the United States is acquiring the best weapons, the best systems, the best defenses available for the American soldier. So it is for that reason I urge that an additional exception be added to the Glenn amendment which would enable the Secretary of Defense to determine that application of such a prohibition would be contrary to the national security interests of the United States. We would further require that the Secretary of Defense communicate any such decisions to both the Senate and House of Representatives within the 30 days of awarding a contract to a foreign firm under this special clause.

So I hope that my distinguished colleagues will agree to Senator WARNER's proposal of unanimous request that a paragraph (d) be added to his amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER [Mr. DODD]. The Senator from Virginia.

Mr. WARNER. I welcome and thank the distinguished Senator from Delaware for his participation. That is a very valuable addition to my amendment in the nature of a perfecting amendment. It would be my hope that the proponent of the amendment will agree to it. I see at the moment he is engaged in perhaps some analysis.

Mr. GLENN. What is the question? Whether I would agree to amend your amendment?

Mr. WARNER. Really two steps. Step one would be to acquiesce to the unanimous-consent request that it just be added as a section at the end of mine, and also it is my hope that we can accommodate the leadership to conclude our debate and initiate a vote on the amendment, which I understand will be in the nature of a motion to table, before 2:30 because of the hearing on the Bork nomination.

Mr. GLENN. May I have 1 minute to reply to the change? I agree to the change that the Senator wants, and then I will move to table.

AMENDMENT NO. 690

Mr. WARNER. Let us first perfect the amendment.

Mr. President, I ask unanimous consent that the pending amendment by the Senator from Virginia be amended to include as a last section the amendment which I send to the desk on behalf of Mr. ROTH.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the modification is agreed to.

The amendment (No. 690), is as follows:

In the amendment numbered 680 strike out subsections (b) and (c) and insert in lieu thereof the following:

"(b) EXCLUSION OF PROHIBITION UPON ANNUAL CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to those contracts in any fiscal year for which the Secretary of Defense certifies to Congress in writing before the end of such fiscal year that the research, development, testing, or evaluation performed under such contracts cannot be performed with equal competence by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

"(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

"(1) the contract was entered into before the date of the enactment of this Act;

"(2) a significant part of the contract is to be performed within the United States; or

"(3) the contract is for research, development, test or evaluation in connection with anti-tactical ballistic missile systems.".

(d) NATIONAL SECURITY EXEMPTION.—The prohibition in subsection (a) shall not apply in circumstances where the Secretary of Defense determines that the application of such a prohibition would be contrary to the national security interests of the United States. *Provided,* That the Secretary of Defense communicates to the Armed Services Committees of the Senate and the House of Representatives his reasons for so determining within 30 days of awarding a contract to a foreign firm not exempted under subsection (c).

Mr. GLENN addessed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. We will try to finish before the 2:30 deadline. I think we can do that without any problem. I rise again to oppose the amendment by the distinguished Senator from Virginia, as modified by the distinguished Senator from Delaware, and as added as a perfecting amendment. On this basis it seems to me that what the distinguished Senator from Delaware has done is basically leave things as they are. It would not really restrict anything.

What would be required would be for the Secretary of Defense to say that a particular SDI contract overseas is necessary, then he would notify the congressional committees, and that would take care of that. I would not find that acceptable. I think they have already exercised poor judgment in awarding these contracts overseas when they could be awarded here. That is what we are trying to stop.

I will not elaborate further. I see my distinguished friend from Alabama who may wish to speak on this briefly. We are trying to meet a 2:30 deadline here because one of the other committees is going in at 2:30. I will move to table after the remarks from Senator Shelby.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I am looking at this amendment that was just offered a few minutes ago. I think this is worse than what we had on the floor earlier. The amendment originally written by the Senator from Virginia was not this bad. What does this basically say? I will share it with you.

> The prohibition in subsection (a) shall not apply in circumstances where the Secretary of Defense determines that application of such a prohibition * * *.

Well, let us think about that just a minute.

This administration, as you all know, has just entered into an agreement with the Japanese regarding SDI research. Who is going to be doing a lot of that in Japan? I have shared with you on the floor earlier today some of my thoughts regarding the giant company Toshiba. We talked about what they had done as far as selling technology to the Soviet Union in conjunction with a Norwegian firm to make quiet propellers for the Soviet Union. It has done irreparable damage. I think this is worse. I would oppose it.

I agree with the Senator from Ohio, Senator GLENN. We have people here in this country that are in the forefront of research. I think we can get people from around the world to come here. If these people from around the world who are our allies want to do the research, let them fund it. Do not let the American taxpayer fund it, fund their jobs, and fund their universities. It was pointed out, some by me but more by my colleague from Ohio, that various schools around the world, not in the United States, are benefiting from the American taxpayer.

I am coming from the standpoint of national security, the transfer of national security. You get into SDI. They are not going to be transferring it. They are going to be privy to it at the beginning. This is a bad amendment in my opinion. I ask you to oppose it. I join with my colleague from Ohio.

The PRESIDING OFFICER. Is there further debate?

Mr. ROTH. Mr. President, I will be very brief. I think it is important to understand that in principle what I am proposing and what my distinguished Senator from Virginia is proposing is something that we adopted almost unanimously on May 13, 1982 by a vote of 87 to 1.

We agreed at that time that it was important that there be a decision to pool the enormous technological industrial and economic resources of the NATO countries in order to lower costs and have better security. There is no ground for making an exception to that general provision of SDI. Again, we want to have the best resources available to us because the ultimate of what we want to achieve is the best security measures, the best defense systems, the best weapons for American soldiers irrespective of where they are developed.

I yield back my time.

The PRESIDING OFFICER. Is there further debate on the amendment by the Senator from Virginia?

Mr. GLENN. Mr. President, may I inquire of my distinguished floor manager? Does anyone else wish to speak? Mr. President, I move to table the Warner amendment, as modified by the distinguished Senator from Delaware, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Virginia, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

I also announce that the Senator from Vermont [Mr. STAFFORD] is absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. HEINZ] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—50

Adams
Baucus
Bentsen
Biden
Bingaman
Breaux
Bumpers
Burdick
Byrd
Chiles
Cohen
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Glenn
Gore
Grassley
Harkin
Hatfield
Hollings
Inouye
Johnston
Kasten
Kennedy
Kerry
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Weicker

NAYS—45

Armstrong
Bond
Boschwitz
Bradley
Chafee
Cochran
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Fowler
Garn
Graham
Gramm
Hatch
Hecht
Heflin
Helms
Humphrey
Karnes
Kassebaum
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Quayle
Reid
Roth
Simpson
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NOT VOTING—5

Boren
Heinz
Lautenberg
Specter
Stafford

So the motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 680

Mr. RIEGLE. Mr. President, I rise as a cosponsor of the Glenn Amendment, which requires that U.S. taxpayer dollars appropriated for the SDI research program be spent in the United States, unless the Secretary of Defense certifies to the Congress that the work to be performed under the contract "cannot be competently performed by a U.S. firm at a price equal to or less than the price at which the work would be performed by a foreign firm."

I have serious reservations about the wisdom of pursuing the President's SDI Program, which carries with it a price tag of $1 to $2 trillion over the next 10-15 years. However, if a decision is made to commit research dollars to that effort, they should go to U.S. firms whenever possible. They should not be used to build up the infrastructure of our economic competitors.

The SDI Program involves revolutionary, state-of-the-art technology which is sure to have significant spinoffs both for conventional military applications and for civilian uses.

I was particularly struck by the point made by Senator GLENN in his opening remarks, that the Economics Ministry of West Germany—rather than the Defense Ministry—is managing that country's participation in SDI. The nature of the West German's interest in the program is clear. In fact, the Kohl government, in order to win support in his country for the SDI Program, emphasized the enormous commercial benefits to be derived from SDI research.

Mr. President, like the Senator from Ohio and others who support this amendment, I believe that allied cooperation in defense efforts is essential to strengthening the alliance. But if our allies want to compete for SDI research contracts funded with U.S. taxpayer dollars, they should be willing to help us pay for the program.

Despite the fact that none of our allies has contributed to the cost of the SDI Program, as of last month, 74 SDI contracts, worth more than $96 million, had been awarded to eight of our allies. In addition, Memorandums of Understanding have been signed between the United States and several of our European allies and Japan, setting the stage for future allied competition for SDI contracts.

While the remarks of the chief executive of British Aerospace, Sir Raymond Lygo in a recent Defense News interview, have already been referred to in this debate, I think they bear repeating. He said:

> * * * Unless the Europeans themselves are prepared to put money into SDI, I really didn't understand why the American taxpayer was supposed to put money into European industry. It didn't seem to me to be a particularly fair arrangement.

Mr. President, the strategic defense initiative is one of this administration's highest military priorities, and is the largest single weapons request in the fiscal year 1988 military budget. Some $5 billion has already been spent on the program, and the defense authorization bill now before us provides for an additional $4.5 billion in new funding.

The substantial investment which we have made in the SDI research program, and the potential applications of that research for other military and nonmilitary efforts, requires that we allow competent American firms to benefit from those research dollars. Only by providing opportunities for U.S. firms to conduct high-tech research can we keep pace with the technological advances being made by our economic competitors.

Mr. President, last year, 64 Senators voted against tabling a similar Glenn amendment. I urge the Senate to stand by the position it took last year, and support this important amendment.

The PRESIDING OFFICER. Is there further debate on the Glenn amendment?

Mr. GLENN. Mr. President, if there are no further amendments, I move the amendment.

The PRESIDING OFFICER. Is there further debate on the Glenn amendment? If not, the question is on agreeing to the Glenn amendment.

The amendment (No. 680) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. NUNN. Mr. President, while Senators are here, let me just try to give some idea of where we are going. I have an amendment that is sponsored by Senator QUAYLE, Senator WARNER and myself. I see the Senator from Alaska is here. My amendment deals with the Glenn amendment, but it is not an amendment to the Glenn amendment. The Glenn amendment has been adopted.

I would defer to my friend from Alaska if he prefers to go next. I believe this amendment that relates to the Glenn amendment could be handled rather quickly. I may not be correct in that assessment. I will defer to my friend from Alaska if he is prepared to proceed.

I would suggest that if I could provide a brief explanation of this amendment, with Senator GLENN's attention, we could determine very quickly whether it is going to require extensive debate or not.

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order.

Mr. NUNN. Mr. President, if I could give a brief explanation, it would give us some idea about whether this amendment is going to take much time.

I see my friend, the Senator from Alaska, is on the floor. If it is going to take much time, I would be glad to wait.

Mr. STEVENS. Will the Senator yield?

Mr. NUNN. I am happy to yield.

Mr. STEVENS. I certainly defer to the Senator from Georgia, as the manager of the bill, as to his desire.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order. The majority leader is correct. All conversations in the Chamber please cease. Those conducting conversation please remove themselves to the cloakroom.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I do have an amendment to strike the Exon amendment from the bill. I would be more than willing to enter into a time agreement with regard to that or a time certain as to when to vote as soon as the Senator would determine how long his amendment would take.

I note that Secretary Shultz will brief the Senate at 4, and some of us have a very important meeting at 6. I know that is not going to interfere with the process on the floor, but this Senator would like to be present at both of those.

I would be happy to proceed anytime the Senator wishes me to proceed. I would like to see the vote on our amendment take place before 6 o'clock.

Mr. NUNN. Mr. President, may I ask my friend from Alaska whether he would be prepared to suggest a time? I have not discussed this with Senator EXON. Perhaps we could get a time agreement right now on that amendment. I think that would be helpful.

Mr. EXON. In response to the question, I think it is time we start reaching some time agreement on everything. I am ready to start with a time agreement of anything that is reasonable—a half-hour, equally divided; an hour, equally divided, anything that is the wish of my friend from Alaska. And we can vote at any time. I would hope that that would not be the only vote between now, at 3 o'clock, and 6 o'clock. We have got an awful lot to do.

I would ask the managers of the bill when do they want to schedule a vote. But it is going to depend on what happens now. First, can we get a time agreement on the next amendment? Is the next vote to be on the Glenn amendment that we have been debating most of the day?

Mr. NUNN. Let me suggest to my friend from Nebraska the order in which I would like to proceed. If I could explain this amendment without introducing it, we could tell in about 4 or 5 minutes whether there is going to be a big debate or not. If there is to be a significant debate, I will not introduce the amendment at this time, and we could go directly to the amendment of the Senator from Alaska. If there is not going to be much debate on the amendment that Senator WARNER, Senator QUAYLE, and I will sponsor, then it would not even require a rollcall vote. I do not have a way of gauging that right now.

In the meantime, the Senator from Alaska and the Senator from Nebraska could try to get a time limitation on Senator STEVENS' amendment.

If we could get an indication now of how much time would be required on the Stevens amendment, we could move very rapidly to that amendment right now if that is required.

Mr. STEVENS. Mr. President, I would suggest the Senator try his approach and see how much time his amendment is going to take and the two of us will confer and have a timeframe for him when he is finished.

Mr. NUNN. When the two Senators get together on a timeframe, I am willing to be interrupted at any time so we can come to an agreement immediately.

Mr. BYRD. Mr. President, the distinguished Senator from Alaska referred to the Shultz meeting in 407 at 4 o'clock. I am informed now that that is being delayed at Mr. Shultz' request until 5 o'clock.

Mr. STEVENS. Fine; I thank the Senator.

Mr. NUNN. Mr. President, I would like the particular attention of the Senator from Ohio because I would like to explain this amendment. I am not going to send it to the desk at this point, but I would like to explain it.

I am in great sympathy with what the Senator from Ohio is trying to do and yet I have concerns about his amendment. I voted against the motion to table the Warner amendment thereto. In other words, I was in favor of the Warner amendment.

The reason I was in favor of the Warner amendment was because for a long time we have tried to get Europeans involved in cooperative projects. Cooperative projects require good faith and equal competition; that is, a level playing field. We are trying our best to get firms on both sides of the Atlantic Ocean to work together. We are trying to avoid the duplication of weapons systems, the pervasive inability of weapons systems to function together on a battlefield, and the huge waste of resources this entails.

Now, I did not speak vigorously against the Glenn amendment because I think there is validity to his assessment that, in effect, some of the SDI contracts have been awarded on a political basis for support around the globe rather than strictly on the basis of merit. It is hard for me to gauge how many of them fall into that category, very hard to say. But I do have that real doubt.

This amendment—and I would hope to get a vote on it at some point—says that the Glenn amendment prohibition shall not apply to any contract awarded to a foreign government or a foreign firm by the strategic defense initiative organization if that foreign government or foreign firm agrees to fund a substantial portion of the total contract cost.

The Senator from Indiana had an amendment almost identical to this one as a possible amendment to the Glenn amendment. Mine is not an amendment to the Glenn amendment, which has already been adopted; it would be an exception to the Glenn amendment. This amendment would assure that any European country that wanted to participate in the strategic defense initiative and put a portion of its own money in one of the strategic defense initiative-type projects, that government, or a company who did a similar thing, would be able to compete on a completely equal playing field.

I would hope the Senator from Ohio would look favorably on this amendment. I would now yield the floor to the Senator from Indiana and welcome his comments.

The PRESIDING OFFICER. As I understand it under unanimous consent we are not discussing the amendment as yet. This is a general discussion on the floor.

The Senator from Indiana.

Mr. QUAYLE. Mr. President, let me speak to the amendment that the distinguished chairman of the committee will be offering. It is an amendment, I think, that goes a long way toward facilitating the cooperation with our allies rather than any confrontation and that is what we want. We want to have cooperation.

He has been very involved in the cooperative arrangements. Where we have the bilateral contracts, and where we are trying to, in fact, encourage the cooperative arrangements between the United States and our NATO allies, I believe that ought to be facilitated and expedited as much as possible.

Furthermore, Mr. President, it is important to point out that the United States in this area of defense expenditures, R&D, or procurement, is on the positive side of the balance of trade. We have heard a lot about trade deficits, not necessarily on this debate but overall, where it becomes restrictive and we say hey, everything is going to be done in America, where we would like it to be done. But we have international responsibilities, an international global economy. We want our allies to buy things from us and from time to time, particularly when they have a good product, competency and costs, we ought to go ahead and purchase from them and have these joint arrangements.

The Senator from Ohio for the last couple of years has voiced a very legitimate concern and inquiry in the whole SDI scheme. I have heard him say time and again: Do you know what they are doing over there? He would point across the Potomac River. Do you know what they are doing over there? They are selling SDI. In other words, they are playing Santa Claus with the strategic defense initiative; with our good tax dollars, plus robbing the R&D account in this country. Some of us would scratch our heads and say: Now wait a second. We would look and see if they are really giving it away.

He has been on the forefront, and he says we should not peddle SDI to get a constituency. I think we ought to let it stand on its own merits. SDI ought to stand on its own two feet—because it will. We will find defense is compatible with offense.

I can go to the point that Senator GLENN has raised time and time again. It would not be any more playing Santa Claus or going around and selling SDI, because this amendment that will be offered, the host country, the country that is going to be in the R&D, will have to make a substantial contribution to that contract. I believe that answers, hopefully, in a positive way, a very legitimate concern that the Senator from Ohio has had. Quite frankly, I think that was much of the motivation for the amendment that he has offered in the past, which I have unfortunately had to oppose.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I want to speak in favor of the Glenn amendment and in reluctant opposition to the amendment of my friend from Georgia.

Mr. President, one of the biggest problems with SDI is that the Office of SDI and the administration had had a hype that has been associated with SDI. There has been an effort to sell this throughout the United States and throughout the world, through locating contracts.

Mr. President, our NATO allies, for the most part, think SDI is not a very good idea. That is not true with every member of NATO. That is not true with every member of the defense establishment of each country. But, by and large, Mr. President, the members of NATO view SDI very much like our scientific community, and that is, it is an R&D program which ought to be pursued in a robust way. But they view this talk of premature deployment and this rush toward the kinetic kill vehicle as being just what our scientific community does, just what the American Physical Society does, and that is not a very good idea.

So in case my colleagues do not know, please check around with what we have tried to do. We have, in effect, been trying to buy the support of foreign countries: Italy, Germany and so forth.

You know, in Germany, do you know where they have located the Office of SDI? In their Defense Department? No. In the Economics Ministry. Because they see this as an economic boon for Germany which, in turn, has led Germany to go to a very sort of left-handed, tepid, lukewarm support of SDI. Otherwise, I think they would come out and call it just what it is and that is an ideological program under the cloak of a scientific program. It is an ideological program.

Mr. President, that is why I think the amendment of the Senator from Ohio is such a good idea. We have the capability in this country, believe me, to pursue all of the scientific research that needs to be done on SDI. The finest work in the world, the pioneering work in R&D is in Livermore labs, Los Alamos labs, in American industry.

We do not have to go exporting hard-earned American taxpayers' dollars and American jobs in order to buy the support of the Italians and the Japanese.

I mean, can you imagine with a trade deficit like we have with the Japanese to be exporting more jobs in the guise of expanding our capability with R&D?

Mr. President, the Japanese are great in manufacturing. They take almost all the American ideas developed here with American money, with American research, and they do them very well from automobiles to copying machines to VCR's. That is all American technology.

America leads the world, certainly in defense R&D. Clearly in defense R&D.

Mr. President, if we are going to have this SDI Program, and I think we should, even if it is funded at a higher level, even if it is cannibalizing more worthy defense programs in order to increase that SDI Program, if we are going to do that, Mr. President, at least let us keep it at home where we have the best research and development in defense that there is. Let us not go exporting American jobs simply to get our NATO allies to sort of keep quiet.

You know, do not let them speak as the American Physical Society, which is the supreme court of physics in this country, which will call SDI, or at least the premature deployment of kinetic kill vehicles which this administration or parts of this administration seem intent on doing, wrong.

So, Mr. President, let us stick with the Glenn amendment. This proposed amendment says it is OK to go abroad if a substantial amount of research is going to be paid for by Italy or by Germany. What in the world is a substantial amount? Well, it is whatever the SDI office says is substantial. Five cents on the dollar? Six cents? What is substantial? Nobody knows.

The reason they want to locate these contracts over there is, as I say, in order to buy their support. You can be sure that the word "substantial" will be as de minimis as the SDI Office can make it. And, believe me, the SDI office will make it very slight.

I would yield to my dear friend from Indiana for a question.

Mr. QUAYLE. The Senator has stated he does support SDI as a program.

Mr. JOHNSTON. Indeed.

Mr. QUAYLE. But the Senator would want to deny a research contract from going overseas if, in fact, you could have better quality and price at the same level than the United States; is that correct?

Mr. JOHNSTON. In the first place, I do not think the premise that they do better research in SDI abroad than they do here—I think that premise is all wrong. I do not know whether the Senator has been through our labs and our research of our American contractors. I have been all over and the best work in the world is done right here.

I do not know of one field where they do better work than we do right here. This is research and it is in its very early stages. Frankly, most of it is not done at all, yet. They are trying to create it. They are trying to learn how to build an Excimer laser with sufficient power, or a neutral particle beam. They do not have it yet.

I say we have the greatest capability and clearly equal capability with any country in the world.

I say what has motivated the SDIO to try to put these contracts abroad, and they are putting them abroad pell mell, is, in effect, to get their support or at least to quiet their opposition to what we are doing. That is what I think it is all about.

Mr. QUAYLE. Will the Senator yield?

Mr. JOHNSTON. Yes, indeed.

Mr. QUAYLE. I have no dispute with the Senator's categorical assessment that we have the best research base in our laboratories in the world.

I do think there are probably some things in research that we could, in fact, get from some of our allies. I can think of one particular thing in relation to SDI that the Germans do quite well, German optics. I believe that the Senator will probably agree with that. We can do it, but they do it very, very well. With just the fact that they can do it very, very well on a quality and competence basis, plus making a contribution from their own government as we try to facilitate cooperation rather than confrontation, I really do not see the problem in the Nunn-Quayle amendment.

Mr. JOHNSTON. We are not buying German lenses. It brings to mind the great Leica lenses on cameras. We are not buying that existing product, which is very good. We are doing the R&D, in effect creating an industry. I say if we are creating an industry, like in this new kind of optics—and these are different kinds of optics than used on cameras, the kind of optics that go into the infrared lenses and that sort of thing—I say, let us create it here if it does not exist. Frankly, it exists here as well as it does anywhere in the world. We have the capability in R&D.

If you looked at the trade deficit lately, we cannot afford, in R&D, to be exporting those jobs and to be increasing that trade deficit anymore.

I think the Senator made a very good talk when he was imitating Senator GLENN. It sure sounded convincing to me. I think he hit the nail right on the head. I hope under their guise of whatever SDI considers to be substantial, which is an absolutely meaningless term, that we will stick with Senator GLENN's amendment.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I realize we have not had the amendment formally submitted and there has only been discussion in general terms.

The distinguished Senator from Indiana is absolutely correct on my view on this in recent years. I enjoyed the characterization he made a few minutes ago. I thought it was particularly good.

My objection is twofold: One, that we are passing out 501 contracts for political support. I want to see the money spent in this country, unless they can do it cheaper over there. As I said, that is what my amendment provides.

My question is much like the question of the Senator from Louisiana: What is substantial? I do not know. Substantial? Is that 50 percent cost sharing? I would presume something like that.

I think in the legislative history we can establish what we expect to be a substantial amount. I know there is no percentage figure in there and maybe there cannot be. But I am dubious.

I am not opposed to this amendment at this point, but I have some of the same questions the distinguished Senator from Louisiana has. Can they buy in for 5 percent and get 95 percent funding? Does substantial mean 50 percent of the funding and an even split? I do not know what is meant by substantial, quite frankly.

I know that substantial is supposed to have a generic meaning, but I do not know what it is. Can I have a definition of substantial?

Mr. QUAYLE. The Senator can correct me if he wishes to, but I believe the language in this amendment comes from the substantial portion language in the CDI arrangement we have with our allies. That is where we took that language from.

I think possibly the Senator from Louisiana has supported that in the past.

That is where I have a problem in drawing the line, because we want cooperation in advanced conventional R&D, but somehow in SDI we have to set up different ground rules. A different ground rule we will have in the SDI to make sure they do have the same kind of cooperation arrangements as they do have in the CDI, the conventional defense initiative. That is the best definition I can give.

Mr. NUNN. Will the Senator yield for one point? There is no doubt that "substantial contribution" is not precisely defined. I am hesitant to define it precisely because in NATO we have a wide variation of countries and a wide variation of financial abilities.

In the cooperative project to which the Senator from Indiana referred—in which, by the way, Senator QUAYLE, myself, and others, including the Senator from Ohio, have been very active—I have been told by staff in the last few minutes that the contribution lies somewhere in the range of 20 or 25 percent. But it varies depending on who is getting the main benefit.

There are some of those cooperative projects that overwhelmingly benefit the United States, where the allied country involved does not have a whole lot of interest, but, nevertheless, has enough interest to make a contribution. Of course, their contribution tends to be lower in those cases.

There are other projects that are much more beneficial to the European nations involved, and their contributions tend to be correspondingly higher.

I would imagine that in this highly technical area, the allied contribution would be 50 percent or more, with a number of them somewhere between 10 and 30 percent. I think it will vary.

I would say that the Senator from Louisiana expressed some of the apprehension I have about the SDI office. I have not quite reached the stage of cynicism he has reached, but I am on the same ladder down and getting deeper all the time. Nevertheless, he is below me on that ladder. Recognizing that we will be watching this carefully, however, I still believe that the SDI office, the Secretary of Defense, and others would be making a very bad mistake if they played games with this "substantial contribution" language, and used it, as the Senator says, to put a nickel or dime in and thereby comply with the Glenn amendment. I think that would be an enormous error and would cost them a lot in credibility.

So, yes, there is some discretion, there is some room for cynicism, some room for manipulation. But I really believe that the combination of this amendment and the Glenn amendment will do precisely what ought to be done for SDI: separating those countries who want to participate economically from those who want to participate in a military undertaking. We will separate the wheat from the chaff.

Mr. WARNER. Mr. President, I have examined this with great interest. It is really just a very narrow margin here as compared to a very substantial margin the year before. I say that in recognition of the serious concern held in the minds of many Senators.

The reason that I cosponsored this, the principal reason, is that this amendment will help salvage, and I say that respectfully, the five existing agreements we have with five of the closest allies and friends we have. I am quite certain that they will step up and readily accede to the congressional will as expressed in the proposal submitted by Mr. NUNN, Mr. QUAYLE, and myself.

And so for the sake of trying to preserve the modest ground that has been made in advancement of this area of R&D contracting abroad, I certainly would hope that just a few more Senators would join and make this possible.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I apologize in a sense for coming into this debate late. I did not realize how strong the Glenn amendment was. Are my colleagues aware that the Glenn amendment says that this prohibition may be suspended "if the Secretary of Defense certifies to the Congress in writing that such contracts cannot be competently performed by a U.S. firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm"?

Mr. President, if there are optics that are superior and cannot be obtained in the United States, you can do it under the Glenn amendment. Now, what in the world are we trying to do, Mr. President? Under the Glenn amendment, if it cannot be performed in this country at a competitive price, you can send it abroad. But do you know what the SDI Office is doing? We have 24 contracts in the United Kingdom totaling almost $30 million, $29,963 million, more contracts than we have in 41 of the 50 States. American jobs are being exported, almost 30 million dollars' worth. Do you know what we are doing with West Germany? $45 million, almost 46 million dollars' worth of American jobs are being exported to Germany in order to get their support, in my view, for SDI.

Now, if we cannot do it in the United States, sure, send it to West Germany, send it to Italy, send it to the United Kingdom. But if we can do it here, as the Glenn amendment says, at a price equal to or cheaper, please, the Senator from Virginia, somebody, tell me why we ought to export those American dollars and American jobs.

Mr. WARNER. Take, for a moment, a dispassionate look at this equation that we are working on.

Mr. JOHNSTON. I have been for some time.

Mr. WARNER. In terms of the exchange rate, it is an objective of this country to try to get ours down, and that makes it exceedingly difficult for a foreign firm to come in here and do an equal-price arrangement.

Mr. JOHNSTON. Is the Senator suggesting that we ought to subsidize the exchange rate in order to export these American jobs?

Mr. WARNER. Mr. President, I say to my good friend from Louisiana, he misses the point. As we achieve a goal of taking our exchange rate down, it makes it exceedingly difficult for a foreign firm to come in at the same or less price and we are going to lose, particularly in the area of research, what we are striving for, and that is the very best of technology.

Mr. JOHNSTON. If the Senator will yield, the Senator I am sure has read this language.

Mr. WARNER. Many times.

Mr. JOHNSTON. It says if it cannot be competently performed in the United States by a firm at a price equal to or below, then you can send it out. Now, is the Senator telling me if we can do the work in the United States at a price equal to or below, that we ought necessarily therefore ship the contract out if they are willing to put up 10 cents on the dollar?

Mr. WARNER. Mr. President, I will make one point and then I will be glad to yield. Before the distinguished Senator from Louisiana joined us, earlier in this debate the Senator from Ohio and I sort of put the finances to one side recognizing there was a fairly even playing field there, although I dispute that in view of the exchange rates now. But to return again, the uneveness is in the area of competent versus the higher technology that could be achieved from a foreign firm. That is the problem.

Mr. NUNN. Will the Senator yield just briefly?

Mr. JOHNSTON. Yes, indeed.

Mr. NUNN. I do not pretend to be an expert on research contracts but the way they work, according to my understanding, is different from going out and bidding on an automobile or hammer or pile of tin or steel or anything else that is a known and finished product. It is based instead primarily on making a certain amount of money available and basically saying to various firms I have x number of dollars for this general area of research; you give me a proposal and tell me what you can do for that primarily in terms of qualitative research. So the quality and the technological capability of these research firms in the high-tech areas is really what the measuring is all about.

Now, I am all for price competition. Price competition enters into it because you try to see what kind of product you can get. But it is really a qualitative measure rather than a quantitative measure, and therefore it is much more important in my view to worry about Senator Glenn's "competence" language than to worry about cost competition. From our national point of view it is worthwhile to encourage European companies that have high expertise in certain areas to participate—and there are companies in Europe that have optical, for instance, and other technological capabilities that are better than ours.

I am not saying their technology overall is better than ours. The Senator is correct on that. But I do not think the Senator would assert that in this broad array of technology relevant to SDI, America has the best technology in every single field—better than the Japanese, better than the Germans, and so on. There are some technologies at which they are really better. I think that qualitative measurements are very important.

But let me just pose this. The Senator from Alaska has been patient. If the Senator from Ohio and the Senator from Louisiana are willing, in a specified timeframe, to really wrap up and have a rollcall on this, I would like to do so becuase all of this important debate is connected. If they are not willing, if it is going to take extended debate to get to a vote, I would not even introduce the amendment at this time. I would go to another amendment and come back on this one later, because I am interested in moving the bill.

The **PRESIDING OFFICER.** The Senator from Ohio.

Mr. GLENN. I guess I am willing to vote on it now, but I would like a better definition of "substantial." Even a 50-50 sharing in this would seem better to me. I would much prefer, if these people really have had a change of heart and are now in favor of the whole SDI project, that they put some of their money into the whole project and we start this as a sharing of project expenses, not just of the research itself. That would be a much better basis, it seems to me, on which to share research funding. All of the reasons put forward by the distinguished Senator from Louisiana I agree with. And the distinguished Senator from Indiana is absolutely correct in his characterization of me a few moments ago of what I have said on the floor about all of this in the past, that if they would share in the cost of SDI or even if they were sharing in the costs of the research, that would make a great difference. But where they are just flatly accepting American taxpayer dollars to do research to outcompete us with their scientific infrastructure, it seems to me preeminently preposterous and that is what this Glenn amendment is all about.

Now, I do not know what "substantial" is. If they are going to do all the research and all the payment for it, then "substantial" is 50 percent or maybe even more than that. The distinguished Senator from Georgia, the chairman of our committee, indicates that in a lot of our other sharing we say substantial sharing in conventional weaponry with these people under our NATO contracts and understandings is more on the order of 25 percent. Well, now, that gets down to a little lower level than I think we should be going and that is the reason I am a little bit hesitant.

I am all for moving ahead on this. I do not want to delay it. I do not want to start any filibuster or anything like that. I do not know whether anyone can give me a better definition of "substantial." In something like this where they are not even supporting SDI, are we talking about 50 percent, 50 cents on the dollar where they share? It seems to me that would be about the minimum since we would be putting up the large amount and they are not even basically supporting the whole SDI Program. We are helping them build up their research establishment. If it comes to a vote here, I probably will vote with you on this. I do not know. But it worries me I do not have a better definition of "substantial."

Mr. QUAYLE. Will the Senator yield?

Mr. GLENN. Yes.

Mr. QUAYLE. I think it is very difficult to put a percentage on this, whether you are talking about 10 percent, 50 percent, 30 percent, 25 percent. I think basically you have to say a substantial portion, which we do.

Now, let me just tell you what this means, at least in my view. I think you have to go back and see how the SDI and Nunn-Quayle contracts are working, and I think the Senator said somewhere around 25 percent. That may be where the SDI contracts are. It may be higher; it may be lower; it may be significantly higher. But the problem with putting in a percentage is that you have to look at the overall slice of the pie. The United States expenditures in just aggregate dollars on R&D, not total defense dollars, but R&D, specifically SDI and R&D, is several times higher than any other allied country. If you start saying that you have to have dollar for dollar with our additional expenditures, "substantial" might mean less than 50 percent. But substantial is substantial.

We are not saying that there will be 5 cents on the dollar or 2 cents. No.

Mr. GLENN. The Senator says "significantly higher." That is a misnomer because they are not putting anything into the program. We are putting all the funding into SDI. There is nobody supporting SDI but us.

Mr. QUAYLE. We are going to correct that because the Senator has brought up, as I said, a legitimate point. These SDI contracts are, I think, very important. And I think we will see which ones want to stand up and be counted. Do you know what may happen with this requirement? I think there is a lot of apprehension that maybe other nations are not that interested in it.

The Senator from Louisiana started talking about the SDI account in Germany, for example, being done through the Ministry of Economics. Maybe they will not want to come forth with their own substantial portion of contribution. Do you know what? We are going to demand a substantial portion of their contribution which I think is a very legitimate way to proceed.

But is it almost impossible for us to specify what percent share this should be. When we get into the size of our economy versus others, the size of our defense budget, the size of our R&D account, who is going to benefit from the R&D, it is difficult to be able to determine what percentage share is substantial and, thus, fair.

I hope we will not push for a specific percentage.

I am also reluctant to talk about a specific percentage because all of a sudden it becomes sort a regulation, and we have to get that amount.

I think we ought to see what happens without setting the percentage. Let us see what the response is.

Mr. GLENN. If the Senator will yield, I wish I had more faith in my friends across the river in the Pentagon. I do not want to build in a loophole where they can drive a hole through the SDI budget. I am afraid that is what might happen. That is why I was pushing to get a definition of "substantial." I do not want them saying we will let a big contract to Italy, it is a mammoth one, we know we can do it in this country, but as long as we get them to put in 5 percent, that takes care of Congress. And we will go ahead and do this because they have political support. Everybody knows about political support. Between 1983 and 1984, the SDI Program was first proposed, and for a couple of years thereafter got no support from any nation in Europe. Most of them said they were threatened. Some did not oppose it. That is all they did.

In 1985, President Reagan said to the allies that we will share SDI contracts with them, and Helmut Kohl and his people went to work over there convincing them that there was going to be a big economic benefit with lots of spinoff benefits. Do you know where they put it? They put it in the Ministry of Economics. That shows what they think of it.

It is helping them to build up their infrastructure. We doublechecked that with the West German Embassy.

So we are helping them eventually with the trade from all of the spinoffs. If they are willing to put in a sizable contribution, that is fine. I would even bend over backward and go along with that. If it is going to be a mere 10 or 15 percent. I do not see that as a basis where we should match with 85 percent of our money to benefit them. If they are willing to share 50 cents on the dollar, maybe I could bend that far. But I was hoping we could get a better definition of this. That was my point.

I may well vote with the Senator on that if it is submitted.

Mr. JOHNSTON and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, once again, the U.S. Senate is vividly demonstrating that it is the most deliberative body in the whole wide, wide, wide world. Would the President be good enough to advise the Senator from Nebraska what the amendment before the Senate is at the present time?

The PRESIDING OFFICER. The Chair will advise the Senator from Nebraska that there is no amendment before the Senator at this time. Does the Senator from Nebraska have an amendment?

Mr. EXON. No. The Senator from Nebraska is here to defend a part of the bill that was passed that is going to be attacked by the Senator from Alaska; 35 minutes ago we were going to have a 5-minute discussion on the measure that we have now debated for 35 minutes. It is not even before the U.S. Senate. I am only rising to say I am here to defend a very important piece of legislation that the Armed Services Committee passed in the bill that I understand is going to attempt to be struck by the Senator from Alaska.

I am only appealing to my colleagues that if we are going to continue to debate this amendment, may I courteously and respectfully suggest that the amendment be sent to the desk, that we get on with the debate, and then have a rollcall vote? Could we have a time agreement on this? The Senator from Alaska and I are prepared to enter into a time agreement on the motion that he is going to make. Rather than talk let us act and let us vote.

Mr. NUNN. Will the Senator yield?

Mr. EXON. I am glad to yield.

Mr. NUNN. The Senator from Nebraska is exactly correct. I think if we can get to a vote right now, it would save us time to send the amendment to the desk, have it read, and then vote. If we cannot get to a vote right now, I would not send the amendment to the desk. Does anyone object to going to the vote now?

AMENDMENT NO. 691

Purpose: To limit the awarding of contracts for research and development in connection with the Strategic Defense Initiative program to foreign countries and foreign firms

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for himself, Mr. QUAYLE, and Mr. WARNER, proposes an amendment numbered 691.

Immediately following the section entitled "Prohibition Against Certain Contracts" (the amendment number 680 to S. 1174 offered by Mr. GLENN and others), insert the following new section:

SEC. —. COOPERATIVE SDI RESEARCH PROJECTS.

(a) The prohibition in subsection (a) of Section — shall not apply to any contract awarded to a foreign government or a foreign firm by the Strategic Defense Initiative Organization if that foreign government or foreign firm agrees to fund a substantial portion of the total contract cost.

(b) In this section, "foreign firm" has the same definition as in subsection (d) of Sec. —.

The PRESIDING OFFICER. Is there any further discussion on the amendment?

Mr. NUNN. Mr. President, is there a desire for the yeas and nays? I ask the Senator from Louisiana and the Senator from Ohio.

Mr. JOHNSTON. Yes.

Mr. GLENN. Yes.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, before the clerk calls the roll, could we have a brief dialog with the Senator from Alaska, and the Senator from Nebraska and get that time agreement so we can go to that amendment immediately after this amendment?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I appreciate being recognized. If I might yield to the Senator from Alaska, I am not encouraging him to offer this amendment, but I think he will anyway. We have discussed it informally. We, I think, have agreed that there will be no more than 15 or 20 minutes per side and then if he wants a rollcall vote, he can ask for it.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I do have now requests from six Senators to speak briefly. I would request that we have a time agreement that there will be not more than an hour with the time on the amendment to be equally divided.

The PRESIDING OFFICER. The unanimous consent request is there be

1 hour evenly divided between both sides.

Mr. QUAYLE. Reserving the right to object, what does the amendment do?

Mr. STEVENS. It strikes section 505 of the Exon amendment that deals with the National Guard and in effect revises the Montgomery amendment which was in the bill in the last Congress.

Mr. QUAYLE. Does it repeal the Exon amendment?

Mr. STEVENS. It would delete the Exon amendment and leave the Montgomery amendment in law.

Mr. EXON. Reserving the right to object, I assume that we would move things along, and we had earlier agreed to 20 minutes equally divided. Is it possible to live with that so we can move things along?

Mr. STEVENS. I would love to move things along, but two of the people involved are in the Bork hearings and I would not like to leave the time in the situation where they would not be accommodated. I would ask that we have an hour equally divided and I will be prepared to yield back my time that others wish to have.

The PRESIDING OFFICER. The Senator from Alaska has a unanimous consent request that——

Mr. EXON. I do not object. I hope we can agree with that time frame, and have a vote immediately after the time has expired or all time being yielded back.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Reserving the right to object, and I do not wish to object; I am very delighted we have the possibility of this agreement. I ask the Senator from Alaska and the Senator from Nebraska if they would amend the unanimous-consent request to bar any second-degree amendment to the Stevens amendment and to bar or prohibit any amendment to the language which is proposed to be stricken.

Mr. STEVENS. I have no objection.

Mr. EXON. I have no objection.

The PRESIDING OFFICER. There is a unanimous-consent request that there be 1 hour accorded the amendment of the Senator from Alaska, equally divided, with no second-degree amendment considered during the course of the offering of that amendment.

Mr. STEVENS. And no amendment to the text of the bill as it is presented to the Senate.

The PRESIDING OFFICER. No amendment to the text of the bill as offered by the Senator from Alaska.

Mr. QUAYLE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. QUAYLE. In other words, once we dispose of this amendment, no other amendment will be in order to substitute——

Mr. NUNN. Under this time agreement.

Mr. QUAYLE. Just during this hour.

Mr. NUNN. Under the time agreement.

Mr. QUAYLE. I want to make sure that it would not preclude other amendments. I support the Exon position, but I do not want to foreclose other amendments.

The PRESIDING OFFICER. This agreement will not foreclose other Senators at a subsequent occasion.

Is there objection to the unanimous consent request? The Chair hears none and it so ordered.

Is the manager ready to proceed with the amendment? May I have the attention of the manager? Is he prepared to go ahead at this point?

The PRESIDING OFFICER. The unanimous-consent agreement is granted on the amendment of the Senator from Alaska, immediately subsequent to this rollcall vote.

The question is on agreeing to the Nunn amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], and the Senator from Hawaii [Mr. INOUYE], are necessarily absent.

I further announce that the Senator from Michigan [Mr. LEVIN], is absent due to illness.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG], is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD], is necessarily absent.

I also announce that the the Senator from Vermont [Mr. STAFFORD], is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 32, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—61

Armstrong
Baucus
Bentsen
Biden
Bond
Boschwitz
Bradley
Breaux
Chafee
Cochran
Cohen
D'Amato
Danforth
Daschle
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Ford
Fowler
Garn
Graham
Gramm
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Mitchell
Murkowski
Nickles
Nunn
Pressler
Quayle
Reid
Roth
Rudman
Sanford
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—32

Adams
Bingaman
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
DeConcini
Exon
Glenn
Grassley
Harkin
Hatfield
Johnston
Kennedy
Kerry
Leahy
Matsunaga
Melcher
Metzenbaum
Mikulski
Moynihan
Pell
Proxmire
Pryor
Riegle
Rockefeller
Sarbanes
Sasser
Shelby
Simon

NOT VOTING—7

Boren
Gore
Inouye
Lautenberg
Levin
Packwood
Stafford

So the amendment (No. 691) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to offer an amendment to strike the Exon language from the bill.

Mr. STEVENS. Mr. President, I yield to the majority leader.

Mr. BYRD. Mr. President, the Shultz meeting, which was to have occurred at 4 o'clock and which was then slipped to 5 o'clock will not occur at all today. I thank the Senator for yielding.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to offer an amendment to strike the Exon language from the bill. On this amendment there is to be 1 hour, equally divided in the usual form. No amendments to underlying text are in order. The Senator from Alaska is recognized.

AMENDMENT NO. 692

(Purpose: To strike Section 505 of S. 1174, a provision amending Subsection (f) of section 672 of title 10, United States Code)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. HEFLIN, Mr COCHRAN, Mr. CHILES, Mr. KASTEN, Mr. GARN, Mr. GRAMM, Mr. DOLE, Mr. MCCAIN, Mr. PRESSLER, Mr. DASCHLE, and Mr. RUDMAN, proposes an amendment numbered 692.

On page 56, strike lines 3 through 13.

The amendment is as follows:

On page 56, strike lines 3 through 13.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I yield myself 5 minutes.

Mr. President, if we may have order.

The effect of this amendment would be to strike section 505 from the bill. That amendment is known as the Exon amendment. It deals with the active duty of the National Guard. The effect of the Exon amendment is to repeal the Montgomery-Wilson amendment that appeared in the 1987 defense authorization bill.

That current law puts the burden of proof on a State Governor to demonstrate that Guard units should not be deployed overseas. That must be done on the basis that there is a necessity to retain Guard units for State-related activities of a higher priority.

This section would require the President to certify that the Guard will be engaged in national security activities that require that action by the President in calling the Guard to active duty, in particular, with relation to the Montgomery amendment, to assigning the Guard outside of the United States.

The incongruous portion of the bill that is before us really is that—take the situation of the Guard activities in Honduras, in which the Guard from my State very much wants to perform.

If there is one aircraft from the Air National Guard sent from Alaska, another one from Washington, another one from Oregon, another one from Connecticut, another one from Mississippi, to form a group to work with the Army Guard in Honduras in exercises, and this is what we have been doing, the President will have to certify in each State the national security requirement for this active duty on behalf of the Guard.

I believe that the Montgomery amendment, the Montgomery-Wilson amendment of last year is a valid way to deal with the question of the assignment of our Guard units outside of the United States.

Mr. President, I ask unanimous consent that following my remarks there be printed section 522 of the 1987 authorization bill and section 505 of this bill, so that anyone that reads this dialog that we are going to have will understand the difference between the two amendments.

The PRESIDING OFFICER. Without objection that will be the order.

(See exhibit 1.)

Mr. STEVENS. Mr. President, on August 3 of this year, in the case before the U.S. District Court for Minnesota, Perpich versus the Department of Defense, the District Court in Minnesota reaffirmed the Department of Defense's position that title 10, section 672(f), which is the Montgomery-Wilson amendment, is constitutional, legal, and enforceable and it pointed out that the decision of the court was highlighted by the conclusion that Congress may exercise plenary authority over the National Guard training while the Guard is in the service of the United States—that is on active Federal duty—and that the States retain shared control over the National Guard training when the Guard is not on active duty.

The Montgomery amendment preserved that relationship and the court now has upheld the Montgomery-Wilson amendment, that is the court has upheld that amendment as being a valid exercise of our constitutional authority with regard to the National Guards of the several States when on active duty.

My amendment will simply delete section 505 and leave the Montgomery-Wilson amendment as it has been upheld by this court action as appropriate and constitutional exercise of our authority over these National Guards.

These are Guards that are supported by funds of U.S. taxpayers. No individual Governor ought to be in a position of challenging the decisions made by our national authority with regard to National Guard when it is on active duty as a National Guard called up, in effect, by the President or pursuant to his power, for exercise as supplements to our standing military that is already subject to, of course, the Commander in Chief's directives.

EXHIBIT 1

SEC. 505. ACTIVE DUTY OF NATIONAL GUARD

Subsection (f) of section 672 of title 10, United States Code, is amended to read as follows:

"(f) The President may order a unit or member of the Army National Guard of the United States or the Air National Guard of the United States to active duty under subsection (b) or (d) even though the governor or other appropriate authority, as the case may be, withholds consent, if the President certifies to the governor or other appropriate authority that the national security of the United States requires such action by the President.".

SEC. 522. CONSENT OF GOVERNOR FOR CERTAIN ACTIVE DUTY OF NATIONAL GUARD

Section 672 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) The consent of a Governor described in subsections (b) and (d) may not be withheld (in whole or in part) with regard to active duty outside the United States, its territories, and its possessions, because of any objection to the location, purpose, type, or schedule of such active duty.".

Mr. CHILES. Mr. President, I rise at this time to join Senators STEVENS, COCHRAN, and HEFLIN in introducing legislation to delete language in the fiscal year 1988-89 Defense authorization bill establishing new conditions under which a State Governor can withhold consent for overseas training of members and units of the National Guard from his State.

I cosponsor this amendment because I feel that the language enacted in last year's authorization bill—the so-called Montgomery amendment—is sufficient to preserve the balance of control between the State and Federal control of the Guard. Under the present law, a Governor may not withhold consent of overseas Guard training for purposes of location, type, and schedule of such training but he can keep his Guard units in State if a real need exists such as a State or local disaster or civil unrest.

The committee language would put the National Guard in question as a reliable partner in our national defense. Under the committee provisions sponsored by Senator EXON, any time a State Governor happened to disagree with a President on foreign policy matters he could withhold consent for that State's overseas Guard training. The President would then have to certify in writing on a case-by-case basis that national security requires such action. This would give State Governors a role which they do not currently have in foreign policy decisions and serves to make National Guard deployments a forum for debating foreign policy issues.

Mr. President, I believe the bottom line should be training. Decisions affecting where and when Guard units should be sent must be based on how best to prepare Guard units for combat. The Governor will continue to play a valuable role where the National Guard is concerned. However, ultimate decisions which commit our troops to combat will rest with the Commander in Chief.

Mr. STEVENS. Mr. President, I have a series of people who wish to be heard. I would point out——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. Very well. Let me yield at this time to the Senator from Arizona. He wishes time.

Mr. EXON. The Chair reserved the right for recognition, I presume?

The PRESIDING OFFICER. That is true.

Mr. STEVENS. That is true. If my friend wishes to speak at this time? I did not see he was seeking recognition. Does my friend seek time?

Mr. EXON. The only reason I rise at this time, I have no objection to the Senator yielding time on his time. I understand the Senator from South Carolina will be a few more minutes, so I have no objection. Go ahead. I thought he wanted to move ahead.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. STEVENS. For not to exceed 5 minutes, Mr. President.

Mr. McCAIN. Thank you, Mr. President.

I rise in support of the amendment of my distinguished colleague from Alaska.

I would like to recognize the involvement and the commitment of Representative MONTGOMERY, my distinguished former colleague from Mississippi.

Mr. President, there is no one in both bodies that I believe has a better expertise, more knowledge or more esteem than Congressman MONTGOMERY the author of the original Montgomery-Wilson amendment. I think it was an important resolution to what was a very divisive issue across this country, and that it defined the roles of the Governors as to how National Guard units could be deployed and under what authority and to what extent beyond the borders of the State.

I believe that not only was the Montgomery-Wilson amendment an important one that was thoroughly ventilated and approved by substantial margins in both Houses, but I would also remind my colleagues that it has already been tested in court and upheld in court.

I think it would be a serious error on the part of this body to revisit this issue again and cause further consternation and uncertainty, not only for the Governors but, of course also for those members of the National Guard.

Mr. President, the Montgomery-Wilson amendment is working. It is working well. It does, indeed, give the Governors a voice in the disposition of those troops but that opinion is decided within the Guard bureau which, I believe, has the expertise to judge the overall deployment of any Guard unit in this country.

I would hope that we would adopt the Stevens amendment, leave the status quo where it is adhere to a system which is working certainly to the great satisfaction of the members of the Guard and the Governor of my State, and again allow a carefully crafted and very hard-fought decision to remain in being, at least for the next few years to see if it worked adequately and efficiently.

I yield back the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I will yield when someone seeks recognition. My cochairman of the subcommittee, the distinguished Senator from South Carolina, necessarily had to return to the committee on which he plays such an important role with regard to the confirmation of Judge Bork. I will accommodate him when he is ready.

Mr. President, the amendment which I offered and which stood up in the bill withstood quite a lot of debate and reaction. It was discussed at length in the Armed Services Committee. Neither the Governors nor the National Guard like this amendment because neither one of them wins. I submit that for that very reason, the provision as contained in the bill is sound and should be retained, notwithstanding the full court press by the politically powerful National Guard Bureau and their politically powerful bureaucracy.

I listened with interest to the talk about leaving the Montgomery amendment as it is. This is an improvement upon the Montgomery amendment. It is true that the Montgomery amendment has been tested in court, but that is just the first test. The Governors are continuing to fight and will continue to fight the Montgomery amendment.

I think once and for all we should clarify what the will of the U.S. Senate and the U.S. House of Representatives is.

The Montgomery amendment, Mr. President, says in very careful, very guarded language that no Governor may interfere with the foreign policy of the United States, and it goes on to say that if a Governor objects to the deployment of his or her National Guard, if it is for the reason for foreign policy, that objection does not prevail.

What we have worked out here, Mr. President, very briefly, very simply, and very directly, is to settle this matter once and for all, clearly. As a former Governor I have great respect for the National Guard, and I have been a strong supporter of it. I also think that the rights of Governors are very important. What my amendment simply says is that a Governor can complain or object to the deployment of the National Guard anywhere, any place, and any time for any reason. The Governors, therefore, maintain the authority that they have always had as directors of their Guard and as I had when I had the privilege of serving as Governor of Nebraska.

But this amendment goes on to say, and here is where we take the courage to take a stand, that if the Governor objects, and if the President of the United States, the Commander in Chief, says that the Nebraska National Guard or any part of it, or any other National Guard, should be deployed in Central America or anywhere else, the Commander in Chief will prevail.

What I am doing here is strengthening the role of the President of the United States in national security. Since we all know, should know, that the National Guard plays a key role in our force development and force projection like it never played before, we have to clear up this matter once and for all.

So I emphasize once again, Mr. President, that all the Exon amendment does is strengthen the idea, the concept, in the Montgomery amendment which I supported last year. But it eliminates all doubt. There is no fancy legal wording. It merely says that the Governors can object whenever and wherever they want to, but if they do—and I suspect that there will not be a lot of objection because there have not been a lot of objections in the past—if a Governor does object under the total force projection concept, the President of the United States, the Commander in Chief prevails, and he says, "Governor, notwithstanding your objections, I am going to send the Nebraska National Guard or part of it, or the Mississippi National Guard, or part of it, I, as Commander in Chief, am going to send those forces because I think that the national security of the United States is involved."

Some of the comments that have been made by those who are trying to strike this would lead one to believe that the amendment as it came out of the Armed Services Committee weakens the national security interests of the United States. The fact is it strengthens them. For all practical purposes it will end once and for all, I think, any objections that anyone could legitimately have to what we are trying to get done.

What I am saying here, and let us get right down to the issue, is the issue which brought this up was whether or not National Guard troops should be sent to certain sections of Central America, and Governors, for whatever reason, some charged for political reasons, objected to those troops going down there. Then the matter came about who had the National Guard where. It was not defined nor was it previously defined in the law that the President could do it, as Commander in Chief.

I simply say, Mr. President, and I will talk more on this later, that those who are really concerned about the proper training of the National Guard and to keep the National Guard from becoming involved in political contests, should recognize and realize that Ronald Reagan, or any President who succeeds him, is and should be the Commander in Chief. I think that the National Guard plays such a key role that no Governor should be able to stop sending those troops anywhere if that Chief Executive has the sufficient dedication and feels strongly enough about it that he wants to overrule the objection of the Governor. That is what we are talking about.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska has reserved the remainder of his time. Does the Senator from Alaska yield time?

Mr. EXON. Mr. President, I will use a little bit more of my time.

The argument of the Senator from Alaska says that there is something with regard to the constitutionality.

I am not challenging the constitutionality of the Montgomery clause that we passed last year. That is not the issue here.

The issue here is exactly what I said a few moments ago. It is an improvement and it strengthens the Montgomery amendment.

Senator STEVENS agreed that the Governor should not have the authority to interfere when the Guard is on active duty. Exactly. That is exactly the point that I am making.

That is all the amendment does.

It only applies to the training when the Guard is on Federal status. It does not affect when the Guard is on State status. I think there has been a lot of bugaboo and misunderstanding about what this amendment does.

Let me state once again what this amendment does and how it strengthens the Montgomery amendment as it was called last year from the distinguished Member of the House of Representatives who has done an outstanding job in the full matter of national security. All it does is strengthen that to say that the President of the United States may overrule the objection of any Governor for any reason to send the National Guard troops from any State anywhere in the world if the President, as Commander in Chief, determines that that is, indeed, in the interest of national security of the United States of America.

I reserve the remainder of my time.

Mr. STEVENS. Mr. President, I yield myself 1 minute. I say to my good friend—and he is my good friend; we have traveled together. I have great fondness and respect for the Senator from Nebraska—on this issue the problem that we face is the problem of the Governors objecting to service out of the United States. Let us be sure we focus on that. The impact of the Exon amendment is to change the Montgomery amendment. The Montgomery amendment was precise. It says that the consent of the Governor may not be withheld in whole or in part with regard to active duty outside the United States because of any objection to location, purpose, type or schedule of activity.

That is a paraphrase, Mr. President, but as a practical matter the Exon amendment in dealing with the domestic assignment of the National Guard on active duty eliminates the Montgomery amendment that solved the problem with regard to active duty outside the United States, and that is our basic objection.

I yield to the Senator from California, who is the principal sponsor with Congressman MONTGOMERY of this amendment that would be deleted by the Exon amendment. How much time does he want?

Mr. WILSON. Five minutes.

Mr. STEVENS. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. WILSON. Thank you, Mr. President.

I find myself in a somewhat awkward position because I am the WILSON of the Montgomery-Wilson amendment and I supported the existing law in order to insert into law a remedy that was very much needed. And to be clear, both the Senator from Nebraska and the existing law, which has been referred to as the Montgomery-Wilson amendment of last year's authorization bill, have the same objective, which is to allow the National Guard to be deployed—and I think this is truly the real focus of this—"outside the United States" for the kind of training that really cannot be gained within the United States and to avoid what had been occurring, which is that under the existing law there was a confused state in which it was not at all clear whether or not a Governor could assert without any valid reason or even asserting an explicit foreign policy objection to the deployment of the Guard. And that situation clearly was intolerable.

To his credit, my friend from Nebraska seeks to provide a remedy.

So what we are really talking about is a difference in remedy seeking essentially the same goal. His would be provided by allowing the President of the United States in the event that there were some objections raised by a Governor on any count to overrule that objection. The existing law states that a Governor may not object validly to the deployment of his guard outside the United States for reasons that relate to the location, purpose of training, in short, all of those things that really relate to a Governor's asserting his own inconsistent foreign policy with that of the administration.

Now, what has happened since the time that we voted on this in committee—and I was persuaded to go along with the Senator from Nebraska—is that there has been a court test and a very, very strong opinion has been handed down that sustains the existing law, that is, the Montgomery-Wilson amendment. It has upheld the arguments that were raised under the so-called Army clause.

We have a situation in which there is a present effective remedy. There really is not a need to go this step to have an arbiter; it is working now. We do not need to fix it.

So I would say with the greatest respect to my friend from Nebraska, I commend him for a very good-faith effort to try to provide a remedy to what was a situation that really was not a tolerable one, one that would, if left unremedied, result in 50 Governors potentially exercising 50 foreign policies, each asserting themselves to be a President with respect to their own Guard.

That is an intolerable situation. We are after all a union; a majority of our citizens elect a President. It is his responsibility to conduct foreign policy. He is the Commander in Chief. There is one. Under either of these, a Governor could, of course, under any legitimate reason detain his Guard for a legitimate emergency. It may be that he needs to call out the guard to sandbag the levees, to put down some local insurrection, to prevent rioting and looting. That is permitted and it is permitted under the existing law as well. But what we have said, and we ought to focus on the distinction, is that under the existing law, the so-called Montgomery-Wilson amendment of last year, a Governor cannot, as have several, assert their own foreign policy as a bar to the deployment of their Guard outside the United States for needed training, training that they can get in no other fashion and instead the Senator from Nebraska would set up, I think, a needless confrontation in which the President of the United States would have to be the arbiter. Mr. President, the existing law is working. There is no need to fix it.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. EXON. I yield whatever time is necessary to my colleague from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I wish to pay tribute to Congressman MONTGOMERY for the great service he has rendered to the National Guard. He has been a very strong supporter and a very valuable Member of Congress in relation to the work of the Guard. I also commend Senator EXON for his great work on this matter and his work in general on the Armed Services Committee of the Senate.

Now, this is the way that the Exon amendment reads:

> The President may order a unit or member of the Army National Guard of the United States or the Air National Guard of the United States to active duty under subsection (b) or (d) even though the Governor or other appropriate authority as the case may be withholds consent . . .

Now, here is where it comes in:

> . . . if the President certifies to the Governor or the appropriate authority that the national security of the United States requires such action by the President.

In other words, it does not interfere with the Governors, and we should not interfere with the Governors unless it comes to the point where the President certifies to the Governor that the national security of the United States requires such action by the President. And in such event, why should the President not have that authority?

Now, Mr. President, I rise in support of the Exon amendment and in opposition to the pending amendment by my distinguished colleague from Alaska. I commend the Senator from Alaska. He has done a tremendous service to our country in armed services matters, but on this matter it seems to me that the preferable amendment is one adopted by the Senate Armed Services Committee. We have already considered it. We have gone into it in detail in the committee and we approved it in committee.

Senator Stevens is a very strong supporter of the National Guard and he has my admiration and respect for that.

There is some concern that the Exon amendment to the Department of Defense authorization bill, which the Stevens amendment seeks to strike, is an interference with the authority of a Governor in his relationship with the National Guard. Senator Exon and I have both been Governors and this is not the case. This will not interfere with the Guard.

The Guard has all the authority, probably more so. But when the President of the United States says it interferes with national security, who is going to make the decision? The Commander in Chief is the man who ought to make it. That is the President. That is what the Exon amendment does.

Our military forces have always been an instrumental part of our foreign policy and as a part of the total force the National Guard is an extension of the active duty military in this role. The National Guard deserves to train in realistic environments and they should not be prevented from doing so because a particular Governor disagrees with U.S. policy in the region, and as we all know the region in question is Central America.

Mr. President, the issue is realistic training for all of our military forces. We cannot always choose where we must fight to protect our national interests. Therefore, it is very important that we train in is as many environments as possible. And you have to leave it so somebody can make this decision. If 50 Governors cannot make it, the one man that can make it is the President of the United States. That is what the Exon amendment provided.

The purpose of the Exon amendment is to ensure that the Guard gets realistic training when it is in the national security interests of the Nation to train them in locations that some Governors may find objectionable.

Mr. President, the Exon amendment recognizes the right of Governors to assert objections to Federal training of their National Guard members in units for any reason, as has been the case for some 30 years, but permits the President, the Commander in Chief of all the National Guard of the United States, to be the final authority to decide if the National Guard needs the training in question in the interest of national security.

The Exon amendment provides a remedy to determine the validity of Governors' objections to training. Under the Montgomery amendment there is no one with clear authority to detemine if a particular objection of a Governor is violated by the Montgomery amendment.

The Exon amendment presents the very unsatisfactory situation in which National Guard members are ordered to active duty by a service secretary and ordered not to perform active duty by a Governor by providing in law a clear final decision.

That is what you have to have, Mr. President. You cannot quibble when these people need training. The National Guard is part of the total force. If it is part of the total force, who is the Commander in Chief?

I have been a Governor. There are many other Governors here. But the Governors for one reason or another may take a different position, but the President may say we need to train them in different environments. They may go to those environments. So the one man that can make that decision is the President of the United States. That is what the Exon amendment does.

Mr. EXON. Mr. President, I thank my good strong friend, another former Governor from South Carolina for his excellent statement and understanding of the problem.

I reserve the balance of my time.

Mr. STEVENS. Mr. President, does the Senator wish time? I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished author of the amendment for yielding this time to me. It seems to me, Mr. President, what we are observing is sort of like the television program that I think we see or used to see called "Family Feud." I think we are in agreement with what ought to be done and how the authority ought to be placed with respect to sending the National Guard troops outside the United States for training. I think from what I hear everybody who has spoken so far agrees that that decision ought to rest with the President of the United States with Federal authorities, the Department of Defense rather than with individual State Governors. If I am not mistaken, that is what everybody has agreed upon.

The language in current law makes the decision of the Chief Executive absolute. It makes it not susceptible to being questioned by State Governors. What has happened now is in an effort to strengthen that authority the Exon amendment is giving the Governors the option of disagreeing with the President of the United States, and requiring the President to make a certification in each instance of deployment outside the United States that that deployment involves the national security of the United States.

Under the Montgomery version that is current law and which has existed now for 9 months and is working well, there is no such certification necessary. It is presumed as a matter of law that the decision of the President is correct, and that the national security of the United States will be served by the training or the active duty outside the United States.

So I think we have an innocent disagreement over terms on which we all agree on the objective, and that the thing to do is to let the law alone and not try to improve it.

I think we are going to make a mistake if we try to improve it by creating more confusion with respect to the rights and powers of Governors as against the right and power of the President of the United States.

So I hope Senators will vote for the Stevens amendment which I am cosponsoring because I am convinced that we ought not to try to modify or change or improve the law. The Montgomery-Wilson amendment was a compromise, and is now the law and has been upheld by a court of law as to its constitutional and legal authority.

So I hope Senators will vote for the Stevens amendment.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I yield myself what time I may need. I thank my friend and colleague from Mississippi for his statement. I wanted to clarify.

I do not think it is a family feud. It is a family misunderstanding of what is the right thing to do to provide the best possible national defense. All of the people on that side opposite my position and that of Senator Thurmond are just as committed to national defense as we are. So it is how we get the job done.

The Montgomery amendment has been tested in court. But that is not the end of it. There are going to be more tests. There is nothing wrong with the Montgomery amendment in my view. I supported it. I just do not think it goes far enough.

I simply say that my friend from Mississippi was not entirely correct when he said that under the present law it is very clear the President can send troops. The President does not send the troops now. The decision is made by bureaucrats in the Pentagon and the bureaucrats in the National Guard Bureau here in Washington, DC.

Mr. COCHRAN. Will the Senator yield on that point for a question?

Mr. EXON. I am glad to yield for a response, although I am running out of time. Will the Senator from Alaska yield?

The PRESIDING OFFICER. The Senator yields under the time of the Senator from Alaska.

Mr. COCHRAN. Is it true that those who are exercising this power are exercising a derivative power from the

Chief Executive, who is Commander in Chief of the Armed Forces of the United States?

Mr. EXON. I agree with my friend. But the key difference is I do not believe as a former Governor, maybe that is just a little ego, and maybe that is just a little pride. I do not agree that a bureaucrat even with power derived from the Chief Executive should be overruling a Governor who has always been in total control of his National Guard. We have a new deal. We have a new proposition because of the total force concept.

Mr. COCHRAN. Mr. President, will the Senator yield on that point, too, just for a question?

Mr. EXON. I yield.

Mr. COCHRAN. Mr. President, I wonder if the Senator remembers when Mississippi tried to use the power of its National Guard and President John Kennedy nationalized the Guard to help protect the safety and security of citizens at the University of Mississippi in 1962.

Mr. EXON. I remember that very well.

Mr. COCHRAN. That was an example of the test of power and who really has the power to control the National Guard, and ultimately it is the Chief Executive of the United States.

Mr. EXON. If that were true, then we would not have had the recent confrontation and the lawsuit by Governors that was just decided, fortunately, in suppport of the Montgomery amendment.

There is no question that the law says now that if the President wants to federalize the Guard, as he did in Mississippi—as another President did, I believe, in Arkansas at one time—he can do that.

I am trying to go through shortened actions that will not require the President to do that. The President does not decide. That is one of the problems with the Montgomery amendment. The President does not decide. It is bureaucracy under him, deriving from his powers, that make the decision.

I am convinced that the Governors, because of the way the Montgomery amendment is drawn, will continue to oppose. They are trying to worm their way around it legally in language, and we are going to have more and more court cases, and it will be tied up in the courts forever.

In the case of the Federal Government, here is where the blackmail comes in. The National Guard Bureau here now is threatening to cut off funds to the Ohio National Guard because the Governor of Ohio is objecting to sending troops from Ohio into Central America. Now we have a situation where the Government bureaucracy is ganging up and saying: "If you don't bow to our will under the Montgomery amendment, we're going to take your funds away from you." We all know that the Federal Government supplies about 90 percent of the funds.

What I am saying is that if there is a discussion between the Governors, if they do not agree with the policy that is being sent down, they have a right to appeal to the President of the United States; and if the President of the United States overrules them, that is it.

I simply say, Mr. President, that I think there has been an effort to make much more of a problem out this then there actually is. I believe that the Exon amendment was thoroughly discussed, thoroughly studied, thoroughly debated extensively, with strong legal assistance in the Armed Services Committee, and is being debated on the floor; and I think it is very important that we make clear exactly what we are doing. I do agree that this may be a family argument on how best to get the job done.

I reserve the remainder of my time.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes; the Senator from Nebraska has 9½ minutes.

Mr. STEVENS. I yield myself a couple of minutes.

Mr. President, on this 200th anniversary of the Constitution, it might be wise to look to the Constitution.

Article II, section 2, states very clearly:

> The President shall be the Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual service of the United States.

We are talking about people who by definition have been called into service of the United States. They have been placed on active duty as members of the National Guard, subject to National Guard authority. Their commander operates through his subordinates. The Commander in Chief does the same.

Someone in the Guard Bureau said: "We need those people. Let's get some from Alaska and Washington, California, Connecticut, Mississippi, and send them down there to help in this operation, which is good training for all of them." One Governor objects. The Wilson-Montgomery amendment says that objection is immaterial.

The District Court in Mississippi has said that Montgomery-Wilson was right, because the Constitution says that the President is the Commander in Chief of the militia of the several States when it is called into active duty. That is the end of it.

I agree with the Senator from Mississippi that this is a family feud, because we did agree. There is no one here articulating the case of the Governor who objects, but we agree in saying that the Governors ought not be involved.

Unfortunately, my good friend from Nebraska changes existing law, because he says that within the United States, if the National Guard is called to active duty by a President—let us say sent to Little Rock from Alaska—then the President of the United States has to certify that it is in the interests of national security that the Alaskan National Guard be sent to Little Rock. That is section B, by the way. We are also dealing with D, which is overseas. It is not a simple argument we are having.

I am here because my National Guard commander, the Adjutant General, came to see me in my office and said: "We don't like this amendment. We think it confuses the issue once again. We thought the Montgomery-Wilson amendment was clear, was constitutional. It has been held to be constitutional. We ask you to go out there"—even though he is a good friend of yours—"to delete section 505." That is what I have done.

Mr. President, I have great respect for my good friend from South Carolina, but, in my judgment, where I disagree with Senator THURMOND is that there is no argument to be moderated by some third force. The presumption here is that the National Guard Bureau makes a decision on its own, without any authority, and says that the National Guard of Alaska has to go somewhere, whether it is what we call the south 48 or overseas, and the Governor objects. There needs to be someone to arbitrate between the Guard Bureau and the Governor of Alaska.

Our position is that that situation never occurs, because the Guard Bureau is carrying out the authority of the Commander in Chief in the first instance; and to put on the President of the United States the duty to certify that the action has been taken in his name as Commander in Chief is in the interests of national security begs the question. The Constitution gives him the power as Commander in Chief. He does not have to certify to anybody that it is in the national security to order the Guard anywhere, once it is in active duty.

That is what the Constitution says: The militia of the several States, when called into actual service of the United States, is under the President as Commander in Chief.

Mr. EXON. I yield myself such time as I may need.

Mr. President, I have listened with great interest to my good friend from Alaska. Just a couple of corrections. I do not think they are particularly important, but just so that the record is straight.

It was not a Federal court in Mississippi. It was a Federal court in Minnesota that properly declared the Montgomery amendment valid, and I supported that proposition. I do not think that obviates the need to make the law clearer than it now is.

Also, with regard to the statute that was just quoted by the Senator from Alaska, that is under the insurrection laws, and I believe the same insurrection laws were applied when the Federal action was taken in the State of Mississippi.

The Exon amendment does not change that. We are changing the training laws, which is under a different section. So it does not necessarily apply, as was stated in argument a few moments ago.

Mr. STEVENS. Mr. President, will the Senator yield on my time?

Mr. EXON. I yield.

Mr. STEVENS. Does it make a difference whether they are in training or under the insurrection laws so far as the Constitution is concerned, insofar as the power of the Commander in Chief over the militia of the several States is concerned?

Mr. EXON. I am not a lawyer and my distinguished colleague from Alaska is. He might be in a position to answer that better than I. In any event, I think it is a moot question, because what we are trying to do here is to streamline the procedure of giving the Governors the right they have always had—and I listened with great interest to the argument that here we are going through this procedure and allowing the Governors the right to object for whatever reason they think is appropriate.

I guess what I would keep reminding all is that traditionally the Governors have always had control over their National Guard. That is one of the reasons we had some difficulty, as my friend from Mississippi will remember, putting together his amendment last year. It is a new day. It is a new dawn. We have new needs around the world.

I am simply trying to streamline this procedure, while maintaining full control for the Governors as they had before, but recognizing they are going to have to give up something with the new and key role that our National Guard forces play around the world.

Mr. President, the amendment which I offered and is contained in this bill has stirred up quite a reaction. It was discussed at length by the Armed Services Committee. Neither the Governors nor the National Guard like this amendment because neither "wins." I submit that, for this very reason, my provision as contained in this bill is sound and should be retained, not withstanding the full court press on this by the politically powerful National Guard Bureau.

The immediate issue is a key one: who controls the training of the National Guard in Honduras. While this needs to be resolved, it is not a major national security issue today. However, it could well develop into a major security issue if the controversy associated with Honduras were to expand, for whatever reason, to our defense commitments in Europe and the Pacific or elsewhere. That is the larger issue that neither the Honduras or the Guard bureau are considering.

Last year, in the fiscal year 1987 Defense Authorization Act, the Congress approved the "Montgomery amendment." It states that a Governor may not object to the overseas training of the National Guard for the specific reasons of the location, purpose, type, or schedule of that training. It was enacted to ensure that the President remained the Commander in Chief of our Armed Forces and to protect the President's constitutional responsibility for foreign policy. In my opinion, the Governors who objected for foreign policy reasons were wrong to do so for Governors have no legitimate role in foreign policy decisions.

However, the Montgomery amendment did not fully consider the responsibility a Governor feels for the men and women in the National Guard. As a former Governor, I understand this.

Under the current law if a Governor objected to the overseas training, the administration could have retaliated by cutting off funds to the States Guard. A cut-off of Federal funding is not particularly attractive to Governors or Adjutant Generals since the Federal Government provides 90 percent of the Guard's funding. There was also the possibility that the executive branch could tighten up its control of the Guard's management and operation even further. Again, a highly unattractive option from the perspective of many Governors, Adjutant Generals, and the National Guard Association. So, the Montgomery amendment was grabbed before something worse could develop. Unfortunately, problems remain. For example, Governors opposed to any legislation which would deny them full control of the Guard at all times, may try to work around the language of the Montgomery amendment. The Federal Government can still withhold Guard funding. So the issue remains unresolved even with the Montgomery amendment.

Several Governors challenged the constitutionality of the Montgomery amendment. This challenge was rejected by the U.S. District Court in Minnesota on August 4, 1987. Having lost their case, it is increasingly likely that Governors may try to work around the vague language of the Montgomery amendment, and will continue to tie up this issue indefinitely in the courts.

Nonetheless, the Defense Department wishes to retain the Montgomery amendment for several reasons. First, the right of Governors to object was largely eliminated. The Defense Department believed that Governors never had a right to object under the Constitution. The U.S. District Court in Minnesota agreed and the Montgomery amendment remains the law. But whether or not Governors have a legal right to object, I suspect that those Governors who want to will speak out against the overseas training of the Guard if he or she wants to do so. So Governors' objections did not conveniently go away with the adoption of the Montgomery amendment. The issue could be reopened at any time and the indications are that that is increasingly likely, largely due to the ambiguity of the Montgomery amendment language. My amendment would end that ambiguity.

The second reason the Defense Department likes the Montgomery amendment is that it is easy to manage from the Department's perspective. Unelected bureacrats can essentially conduct overseas Guard training whenever and wherever they wish. I submit that this is too much power for a bureaucracy.

Mr. President, note that so far I have addressed concerns of domestic politics and bureaucratic ease of management. What is missing is what is in the best interest of national security. And that is exactly what my provision addresses.

My amendment as contained in this bill seeks to redress some shortcomings and ambiguity in the Montgomery amendment. It provides a middle-ground that accommodates two key concepts. First, that Governors should have the right to state their view on the location, schedule, type, and purpose of their Guard units and members. This is because the Guard still has its traditional State responsibilities. Second, that the President, as Commander in Chief, commands all our Armed Forces, both Active and Reserve components, including the National Guard. This is even more important given the growing reliance our Nation has placed upon the Guard within the total force concept.

My approach would allow a Governor to voice his or her objection to the overseas training of the Guard but give the President the right, as Commander in Chief, to override any such objection on a case-by-case basis and for national security reasons. In effect, Governors would not be denied the right to object but national security reasons would be the final determinant for overseas training of the Guard. I submit that this is as it should be.

The administration opposes this even though the President would have the final word. The reason for the opposition is that the blanket authority available to Pentagon bureaucrats is removed. Under my provision, the

President could not simply state that all overseas Guard training in a specific area is essential for national security. If a Governor objects, then the President rather than the Defense Department or the National Guard Bureau must get involved. Certainly, from the President's perspective, this can be a political irritant. But again, that perspective is focused on political and bureaucratic concerns and not national security. It also ignores the fact that if a Governor wants to object and offer a political challenge, even one bound to lose in court, he or she will do so.

My approach strives to depoliticize this issue as much as realistically possible. Governors would acknowledge the growing importance of the total force concept and the role of the President as the Commander in Chief of all our Armed Forces. They would also acknowledge that while they may have an opinion on foreign policy matters, they, as Governors, have no authority or responsibility in that area which the Constitution leaves to the Federal Government. On the other hand, the President would not be able to enact a blanket policy of sending the Guard anywhere, anytime he desires short of a national emergency. This is in keeping with our Nation's tradition of division of power and the concept of checks and balances. Where there is a clear national security need, my approach provides the President the authority to overrule a Governor's objection.

This offers a clear resolution to differences between Governors and the President and the basis of that resolution is national security. The provision in the bill deters both Governors and the President from making the Nation Guard a political pawn. It redirects our defense decisionmaking process toward objective security needs. It restores the proper balance between State and Federal power and provides a clear, objective means of resolving differences.

I would simply say a more serious problem that I think that we tend to overlook is that the Montgomery amendment is possibly a legal time bomb ticking away. Any Governor who does not want his forces to participate in the training need only state that he anticipates a need for them at home. That has not been talked about. But that is very clear in the Montgomery amendment. That would be eliminated under the Exon clause so it gives the Commander in Chief more authority.

In that situation there will be only two ways to resolve the matter, that is, if the Governor says he needs them at home. First, cut off Federal funds to the State's Guard, a very difficult approach both politically and militarily, and, second, sue the Governor alleging bad faith. Such a suit probably would be rejected by the courts on the grounds it has presented a political controversy among governmental entities that should be resolved through the political process and not the judiciary.

The Exon amendment seeks to deal directly with this by preserving the Governor's veto but in effect allowing the President as the Commander in Chief to override that decision by the Governor for national security reasons, and that is the key to the amendment.

This will have the Governor with a clean procedure if he has a legitimate need for the Guard to stay at home, but it would ensure that the President, the Commander in Chief, would be able to direct the training of the Guard as he feels is necessary anywhere in the national security interest.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I am prepared to wind up the argument and to merely state that I was answering the question of my good friend, the senior Senator from Mississippi, the distinguished President pro tempore.

I simply state that, in my judgment, the issue before us is one that pertains to the right of a Governor to object. The Montgomery amendment says clearly the Governor's objections are immaterial as far as deployment of these National Guard troops outside the United States.

Further, I would state that since by definition they are on active duty, having been called up pursuant to the authority of the Commander in Chief, I think the Montgomery amendment really was not needed, but at that time, it appeared to be needed. It was the product of the deliberation on the authorization bill, this very bill, just 9 months ago.

I think that the Montgomery amendment having withstood the test of the court trial, and I appreciate my friend's correction of the record—I misstated; it was not Mississippi; it was Minnesota, in the district court in Minnesota—that there is no reason as the Senator from California says, there is no reason to change the law. It is working. Even if it did not work the Constitution will work, and the Constitution is clear that the President is Commander in Chief of these National Guard troops when they are on active duty, and by definition they are on active duty once they are assigned by the Guard Bureau. The Federal Government pays their cost, pays about 95 percent of the total cost, but when they are on this active duty, it is 100 percent national costs.

We are talking about troops that are subject to the control of the Commander in Chief and as such I do not think this Exon amendment is necessary.

I yield back the remainder of our time.

Mr. PRESSLER. Mr. President, I support the amendment of the senior Senator from Alaska, Senator STEVENS. That amendment would restore to the Defense authorization bill the Montgomery language—that is, the provisions of current law, adopted last year regarding control over overseas training activities of the National Guard.

The Governor of South Dakota, Hon. George S. Mickelson, and South Dakota's Adjutant General, Gen. Phil Killey both endorse retaining current law and deleting the Exon language from the bill reported by the committee.

I agree with their assessment that overseas training by National Guard personnel should be managed in the same manner currently in force. Interference by Governors on foreign policy grounds in the overseas training assignments of the National Guard units in their States would be encouraged by the provision contained in the committee bill. Therefore, I shall oppose that provision and vote for the Stevens amendment to delete it. The National Guard Association, the Adjutant Generals Association, and many others have contacted me on this matter, and I believe they are correct in their assessment of the potential difficulties that could result from the Exon language in the bill.

Mr. EXON. Mr. President, let us get into this matter just a little bit of the Guard being called up on active duty and, therefore, the Exon amendment is not necessary.

I submit to my colleagues that is not the case. The way this matter actually works and those of us who have been Governors who have been through this understand that the National Guard Bureau calls up the troops. That is when the Governor can object. In other words, you would be led to believe I think in listening to the debate that if the Guard were called to active duty, bingo, the Governor has nothing to say about it. Obviously, that is not the case. That is when he steps in and stops it by saying, "I object."

So, it is not nearly as clear as has been stated here as to how the Montgomery amendment is so totally perfect and so tightly drawn that there is no need for the Exon amendment.

To the contrary, Mr. President, it says specifically in the Montgomery amendment that the Governor may object if he needs his troops at home.

Now who is to decide that situation? He might need them for floods. He might need them for harvests. He might need them for a whole series of things that the Guard has provided for the citizens of their States, very admirably over a long period of time.

I am simply saying that this is a clear-cut amendment. It simply says, Mr. President, that the Governors have the right as they always have had to their troops going anywhere, but it simply says that under the new role that the National Guard plays, very importantly, I might add, in our national force projection picture, it simply says that for training purposes the Chief Executive of the United States, the President, simply by sending a letter to the Governor, if a Governor objects, the Chief Executive, the Commander in Chief says, "Notwithstanding your objections, Governor, the national security interest of the United States is served and I so order."

With that and since the remainder of the time has been yielded back on the other side, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. All time has expired.

Mr. STEVENS. Would the Senator mind if I ask for 30 seconds back so this Senator can put his statement in the Record?

Mr. EXON. I am happy to and then move to table the amendment.

The PRESIDING OFFICER (Mr. Fowler). If there is no objection the Senator can reclaim his time and the Senator from Alaska is recognized for 30 seconds.

Mr. STEVENS. I yield to my good friend who seeks recognition.

Mr. DASCHLE. I thank the Senator for yielding.

Mr. President, I stand in admiration for the Senator from Nebraska and have watched the debate with immense interest. I find that the current language has worked so well and for the last 9 months has continued to demonstrate to me that we ought to keep it. I voted against it the first time. I have watched it with great interest and intend to support it this time.

Mr. President, I want to commend the Senator from Alaska for this amendment. I considered very strongly offering it myself. I wish to add my name as a cosponsor.

Fundamentally, the Exon language in the bill before us, while certainly well intended, is attempting to improve something that simply needs no improvement. As has already been said, the Montgomery-Wilson amendment, approved and now tested, is working and working well. The experts agree, the National Guard agrees, and now, even the courts agree. To change the language now, just as we find almost complete agreement about its effectiveness would be a significant policy blunder.

I strongly support the Montgomery-Wilson provision for two important reasons. First, when it comes to deployment decisions, one and only one authority ought to have sole power. That authority is the President of the United States. No Governor, no general, and no one else for that matter ought to interfere. He alone is the Commander in Chief. We ought not change that.

Second, it is my view that the National Guard ought to continue to play an increasingly important role when it comes to the utilization of our forces. They have demonstrated their ability. They have demonstrated their willingness. They are proving their worth with increasing frequency as they are called upon to fulfill their responsibilities. I would add that they are doing it for less cost, on a man-for-man basis, than can be found in any other way.

The system is now working and working well. It has for the past 9 months. Let us not change now. Let us support the Stevens amendment.

Mr. EXON. Mr. President, I move to table the Stevens amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to lay on the table the amendment of the Senator from Alaska.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. Boren], the Senator from Tennessee [Mr. Gore], and the Senator from Hawaii [Mr. Inouye] are necessarily absent.

I also announce that the Senator from New Jersey [Mr. Lautenberg] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. Stafford] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 66, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—29

Adams
Bentsen
Biden
Bingaman
Bumpers
Cranston
DeConcini
Exon
Fowler
Glenn
Graham
Grassley
Harkin
Kennedy
Kerry
Leahy
Matsunaga
Metzenbaum
Mikulski
Mitchell
Nunn
Pell
Pryor
Quayle
Rockefeller
Sarbanes
Shelby
Thurmond
Wirth

NAYS—66

Armstrong
Baucus
Bond
Boschwitz
Bradley
Breaux
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Ford
Garn
Gramm
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Levin
Lugar
McCain
McClure
McConnell
Melcher
Moynihan
Murkowski
Nickles
Packwood
Pressler
Proxmire
Reid
Riegle
Roth
Rudman
Sanford
Sasser
Simon
Simpson
Specter
Stennis
Stevens
Symms
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—5

Boren
Gore
Inouye
Lautenberg
Stafford

So the motion to lay on the table amendment No. 692 was rejected.

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from Alaska [Mr. Stevens].

The amendment (No. 692) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The Senator from New Mexico.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. BINGAMAN. I yield.

Mr. NUNN. Mr. President, for the information of Senators, and I know this time of night everyone wants to know what is going to happen, what is going to happen is that we are going to get out as many amendments as we possibly can. We cannot have any window. Any window that happens will be strictly a coincidence. There is no agreement with anyone for a window.

We are going to try to have as many amendments that are controversial because we have to move controversial amendments. From time to time, if amendments are noncontroversial, if they are acceptable on both sides, we will work on them.

Depending upon the majority leader, and I will certainly defer to him, I anticipate we will go until at least 11 o'clock this evening. I anticipate we will be going from something like 8 or 8:30 tomorrow morning until 11 or 12 o'clock tomorrow night, and I anticipate we will be going on Saturday.

The only thing that will possibly change that schedule is if we begin to get time agreements, particularly on the major amendments, and there are about 15 major amendments.

I am not talking about time agreements tonight, but I am telling you the facts. The majority leader said we have to move this bill. We are down to 50 amendments. At least 15 or 20 of those will require considerable debate and should require considerable debate. I am making no effort to cut anyone short because everyone has important views on these amendments.

I would ask everyone who has an amendment that they believe will require a rollcall vote to begin to consider whether you will have a time agreement and, if you do feel that way, please indicate it. We are not seeking time agreements tonight, though I would not be adverse to any if we could get them. If we do have time agreements starting tomorrow, perhaps we can avoid a Saturday session. That is the only way we can avoid a Saturday session. If we do not line up a number of amendments to begin tomorrow and finish these amendments tomorrow, and have a number of amendments, virtually everything in sight next week, we would have to have a Saturday session.

Otherwise, there is no way we can finish this bill in the time the majority leader requires. That is the best I can give my colleagues.

Mr. WARNER. Mr. President, in listening very carefully as we all have to the distinguished chairman, I presume his remarks were in a very evenhanded way and not necessarily in admonition to one side or the other side, speaking to all Senators. We are moving along with good forward motion on the bill.

Mr. NUNN. The Senator is absolutely right. We have had good forward motion today. I do not think anyone on either side of the aisle has tried to delay the Senate today. Every debate I think has been a meaningful debate. We have had splendid cooperation from our friends on that side of the aisle and I hope we can continue to move this agenda very rapidly. So my remarks and my urging of Senators applies to Senators on both sides of the aisle who have amendments.

Mr. WARNER. Mr. President, I thank the distinguished chairman.

AMENDMENT NO. 693

(Purpose: To set aside funds for the A-7 Plus program of the Air Force)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from New Mexico [Mr. BINGAMAN].

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself, Mr. GRAMM, and Mr. McCAIN proposes an amendment numbered 693.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, strike out line 10 and insert in lieu thereof the following:

SEC. 123. AIR FORCE PROGRAMS.

On page 8, line 11, strike out "Funds" and insert in lieu thereof "(a) T-46 AIRCRAFT.—Funds".

On page 8, between lines 16 and 17, insert the following:

(b) A-7 CLOSE AIR SUPPORT AIRCRAFT.—Of the amount appropriated or otherwise made available to the Air Force for fiscal year 1988 for procurement of aircraft, $10,000,000 shall be available only for the procurement of equipment, facilities, and services for the modification of A-7 aircraft under the A-7 Plus program. None of such funds may be obligated until the Secretary of Defense has certified to Congress, in writing, that the A-7 Plus program is a cost-effective approach to modernizing close air support and battlefield air interdiction squadrons in the Air Force and the Air National Guard.

The PRESIDING OFFICER. The Senator from New Mexico is recognized in support of his amendment.

Mr. BINGAMAN. Mr. President, this amendment which I am offering on behalf of myself and Senator GRAMM from Texas and my senior colleague, Senator DOMENICI from New Mexico, deals with funding to initiate procurement of a product-improved A-7 close air support battlefield air interdiction aircraft. In short, that is referred to as the A-7 plus.

Before I describe the amendment and why it is important to the Army, Air National Guard and the Air Force. Let me say just a few words about the need we face, as budget constraints grow more severe, to make even greater use of product improvement programs rather than initiating entirely new weapons programs. This need to focus on product improvement is going to be particularly true for weapons platforms, like the A-7, as opposed to the munitions they deliver, where technology is rapidly evolving toward "smart" and even "brilliant" munitions.

Every report on the acquisition system I have seen in the past few years has emphasized the need to utilize product improvement of weapons platform more frequently. A defense Science Board study three summers ago, which Don Rice, the president of Rand headed up, highlighted the need for product improvement. The Packard Commission similarly emphasized that this approach would have to be more vigorously pursued in the future in light of our overall budget constraints.

Mr. President, the Air Force, and in particular the Tactical Air Command, have seen the wisdom of pursuing the product improvement approach in the case of the A-7. I commend them for their adoption of this cost-effective approach. My amendment will enable the Air Force to continue to pursue this program without any gaps as it transitions from the prototype phase to procurement.

Mr. President, two of the key missions of the Air Force are to provide close air support and battlefield air interdiction to the Army. The Air Force relies on several types of aircraft to do those jobs and the A-7 provides a major part of that force. The Air National Guard and the Air Force operate over 350 A-7 aircraft. These aircraft have been in service for some time and need to be modernized.

Now as the budget becomes tighter, the Air Force will have to look for less expensive ways to provide combat capability. The Air Force has looked at remanufacturing the existing A-7 aircraft to extend their service lives and increase their capabilities.

The A-7 plus program is designed to do that very thing. New engines will be installed, and the fuselages will be modified to accommodate the new engines. These changes will maintain the excellent payload and range capability of the existing A-7's The modified aircraft would have new integrated anti-jam communications, precision navigation systems and night attack avionics so that is can operate at night and in adverse weather. These changes will improve its survivability and expand its performance in taxing tactical situations. Further, they will improve the supportability resulting in lower operating costs.

Last year Congress added funds to initiate this program. In May, the Air Force awarded a contract to prototype two aircraft into the new configuration. This prototype program was initiated ahead of schedule.

The speed with which this program has been initiated must in part be credited to strong support by the Air Force for this program. The Air Force leadership set a tough challenge. The remanufactured A-7 could cost no more than half the cost of a new production F-16. This goal appears very achievable. However, in order to attain those objectives, it is important to proceed with this program in an efficient manner.

While the Department did request continued development funding for the prototype program, it did not request funds to initiate the acquisition of those long lead activities including tooling necessary to maintain the remanufacturing program schedule. Let me point out to my colleagues that from program initiation to fielding the first squadron will require only about 60 months for this program. By contrast, the new generation advanced technology fighter program for the Air Force will take between 60 and 70 months just in the prototype phase, and 5 to 6 years more in full scale development and low rate production.

It is possible to field the A-7 plus so quickly only if we avoid needless gaps in the program. One needless gap is purely budgetary. The A-7 plus program will need to transition to initial production starting in fiscal year 1988, but no funds were requested for that transition.

My amendment provides the first installment to insure that the transition can proceed. It is only $10 million, but it is critical to initiate procurement of the tools and other long lead activities required to start this cost-effective program.

Some of my colleagues may wonder whether it makes sense to initiate procurement so soon with the prototype effort starting just this last May. I should point out that there is no major development effort required. These are existing engines and existing electronic components. The A-7 is a sturdy aircraft and a remanufacturing capability already exists. There is little risk in committing funds at this point. However, I did include a provision in my amendment which specifies that those funds may be obligated only after the Secretary of Defense certifies to the Congress that the A-7 program is a cost-effective solution to the close air support/battlefield air interdiction modernization requirement.

I hope my colleagues can join me in supporting this modest but important amendment.

Mr. WARNER. Mr. President, will the distinguished Senator from New Mexico add two Members as cosponsors, the Senator from Texas [Mr. Gramm] and the Senator from Arizona [Mr. McCain].

Mr. BINGAMAN. I am glad to inform the Senator from Virginia, the Senator from Texas [Mr. Gramm] is already a cosponsor and I am glad to add the Senator from Arizona. My colleague, Senator Domenici, is on the floor and would like to speak on this amendment. I therefore yield the floor, Mr. President.

Mr. DOMENICI. Mr. President, I can assure my colleagues I will not speak long. I thank my distinguished colleague, Senator Bingaman, for permitting me to be a cosponsor and I compliment him for the amendment. I hope the Senate adopts it. I hope the floor managers are willing to accept it.

It goes without saying that the United States of America maintains its edge vis-a-vis the Soviet Union with high technology and high performance aircraft. Everyone wishes that we could afford to have F-16's across the board in the Air National Guard.

Many of those units, indeed, will get the F-16, but clearly there is a need to proceed with enhancing the capability of the A-7. This program is predicated upon extensive evaluation and technical studies which say it can be done, that with the program we will, indeed, enhance the A-7 at a substantial savings to the United States and at the same time produce a piece of equipment that is extremely gifted and talented and in many respects a competitor to the F-16 and clearly at far, far less per unit cost.

That is what we are looking for when we talk about fiscal responsibility and maintaining the very best of equipment both for the Armed Forces and those who serve in the Air National Guard. I am pleased to be a cosponsor and hope the amendment will be adopted.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me thank my colleague for his support for this amendment and also indicate that the Senator from California, Mr. Wilson, has asked to be added as a cosponsor. I ask unanimous consent that he be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

Mr. NUNN. Mr. President, this amendment would add $10 million to initiate the procurement of kits to modify existing A-7 aircraft for the Air National Guard. We provided R&D funds for this program last year. It has promise. It looks promising. This concept of modifying existing aircraft, and for that matter other weapons systems, rather than having to buy all new when it is practical, feasible and cost effective is a very good concept. The Rand Corp. has recommended that this is the way to go, not on this particular system, but in general in terms of the way we can save taxpayers' money on defense and also improve our defense capability.

So I agree with the general thrust here in what is being attempted. I am delighted that the Senator added that the Secretary of Defense has to certify that this is cost effective because the jury is still out on this program as to whether it is cost effective. The fact that it fits into the concept makes sense. The fact that the concept itself is necessary to save money does not mean that this program necessarily is going to be cost effective. I hope it is. There is promise that it very well may be but I am delighted that the Senator added that because the Secretary of Defense would have to certify it is cost effective. With that provision here I think we will be making the right decision to accept the amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I join with the distinguished chairman in his observations, and associate myself with that issue on cost effectiveness.

I also ask to be added as a cosponsor with the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Mexico [Mr. Bingaman].

The amendment (No. 693) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 694

(Purpose: To authorize funds for Military assistance to the Democratic Resistance in Nicaragua unless the President certifies to Congress that the communist government in Nicaragua has met certain conditions)

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair.

I gather that the bill now is open to further amendment.

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. Helms] for himself, Mr. Armstrong, Mr. Bond, Mr. Hatch, Mr. Hecht, Mr. Heflin, Mr. Shelby, Mr. Symms, Mr. Thurmond, and Mr. Wilson, proposes an amendment numbered 694.

Add at the end of the bill the following new section:

"Sec. . The sum of $310 million dollars is authorized to be appropriated for military assistance to the Nicaraguan Democratic Resistance for the period ending March 31, 1989; provided, however, that the funds authorized to be appropriated by this section shall not be obligated or expended if the President, on or before September 30th, 1987, shall have certified to Congress the following:

1. That there be no Soviet, Cuban or Communist bloc bases established in Nicaragua that pose a threat to the United States and the other democratic governments in the hemisphere.

2. That Nicaragua pose no military threat to its neighbor countries nor provide a staging ground for subversion or destabilization of duly elected governments in the hemisphere.

3. That the Nicaraguan government respect the basic human rights of its people including political rights guaranteed in the Nicaraguan constitution and pledges made to the OAS—free speech, free press, religious liberty and a regularly established system of free, orderly elections.".

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina has asked for the yeas and nays. The appropriate question now is to determine whether there is a sufficient second, which the Chair puts.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

Mr. HELMS. I believe I have the floor, Mr. President.

The PRESIDING OFFICER. I am sorry. The Senator cannot hear the Senator from North Carolina. What is the request?

AMENDMENT NO. 695

(Purpose: To affirm that the Monroe Doctrine is and should remain the basis for the policy of the United States in Central America)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. NUNN. Mr. President, I thought I had the floor and was suggesting the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for Mr. SYMMS, proposes an amendment numbered 695 to amendment No. 694.

Add at the end of the Helms Amendment (695) the following new section:

"SEC. . It is the sense of the Senate that the policy of the United States toward Central America should be based on the principles of the Monroe Doctrine, to wit: "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power . . . we could not view any interposition for the purpose of oppressing them, or controlling, in any other matter, their destiny, by any European Power in any other light than as the manifestation of an unfriendly disposition towards the United States.".

Mr. HELMS. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

Mr. NUNN. Mr. President, we now have pending two amendments, and I have sent word to the Foreign Relations Committee to send someone over to take a look, because both are very much in the area of foreign policy, and that is not unusual on this bill. It catches a lot of foreign policy amendments. I do feel that they should take a look at it.

I hope it can go ahead. Although no manager of a bill can line up amendments, I have alerted the Senator from Arkansas and the Senator from Washington and the Senator from Alaska on the Republican side that we would certainly be pleased for them to come over and bring up a big amendment called the Persian Gulf amendment. They are waiting on the sidelines.

So, what I would like to do is to have some understanding with the Senator from North Carolina, if possible, about how long he needs on this amendment, so that our colleagues will know when we can get to their amendment; because, at the proper time, I will move to table the underlying amendment, but I do not want to do so in a manner to cut off the Senator from North Carolina in whatever debate he may have.

Mr. President, I think I posed the question to the Senator from North Carolina about what his desire is with respect to debate.

Mr. HELMS. Mr. President, if the Senator will yield, I was waiting to answer until the conference was concluded.

Mr. NUNN. I apologize.

Mr. HELMS. Mr. President, I would be willing to enter into a time agreement on the underlying amendment—say, 30 or 40 minutes, equally divided—provided we can have an up or down vote. I wonder how the Senator would react to that.

Mr. NUNN. If we do not have a time agreement, the motion to table can come any time. I am sure what the quid is, but I am not sure what the quo is.

Mr. HELMS. Just to have the Senate take a position one way or another. Certainly, it is a preliminary thing on whether we are going to sell out the freedom fighters in Nicaragua and leave them dangling without hope. That is the quid or quo.

Mr. NUNN. I think there will be a number of Senators who may want to be heard on this. I am not sure. But it would be awfully hard for me to enter into a time agreement without having those Senators here, unless we reserve the right to move to table the amendment.

I am not looking for a time agreement so much as an indication from the Senator from North Carolina about how much time he desires. I do not want to cut him off. At some point I may very well move to table the amendment.

Mr. HELMS. It is a fair question from a Senator who is always eminently fair. I have managed a few bills in the Senate, and I know how tedious it gets sometimes when amendments are brought up which may or may not evoke a lot of conversation.

I do not intend to spend long on the underlying amendment. Everybody in the Senate knows the issue. Most Senators have a position; some do not. I think we ought to feel the course of the Senate and see where we stand now with respect to our dedication to help the freedom fighters and to dismiss the feeling they have that they are being left on the vine to dry. I will take no more than 15 or 20 minutes, at the outside.

Mr. NUNN. I thank the Senator from North Carolina.

I yield the floor.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment in the second degree.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I thank the distinguished managers of the bill, Senator NUNN and Senator WARNER.

Mr. President, during the last month, I spent a great deal of time looking into the possible, and even probable, implications of the so-called peace plan. During this time, literally dozens of prominent citizens of Central America have contacted me to register their concern that the United States may be planning to sell the freedom fighters down the river.

I do not believe that the majority of the American people favor selling anybody down the river. I just wish that more Americans could get the true story of what is going on and has been going on in Nicaragua and other places in Central America during the past several years.

But in any case, Mr. President, not one person from Central America has told me that he believes that the Communist Sandinistas will comply with that so-called peace plan, and neither do I.

How well I remember how this Senate was taken in, duped, fooled, deceived by the Sandinistas when they came up here in the seventies and just said "Give us $75 million; we are going to have elections; we are going to have a hunky-dory atmosphere in Nicaragua; there is going to be peace and freedom for everybody."

So, I remember the day that the Senate voted the first $75 million to the Communist Sandinistas. And I heard all sorts of declarations on this floor that it was worth the risk, it was worth it to take a chance because we are going to bring peace and abundance and prosperity to Nicaragua and the whole Central America is going to love the United States. Fat chance.

Now, as for the so-called peace plan, there are so many aspects that give me a great deal of heartburn about it.

First and foremost, the Nicaraguan freedom fighters are not even taken into consideration in a plan that purports to decide their future. The peace plan is beneficial only to the Communist Sandinistas, nobody else.

For 8 years we have been demanding that the freedom fighters prove themselves but not once, not once have we dared to test the Communists in Managua and no wonder, Mr. President, there is such apprehension among those in Nicaragua and elsewhere in Central America who yearn for freedom. They have been looking to this colossus north of the border, the United States, to live up to all the rhetoric we spout, even on this September 17 day of the anniversary of the Constitution, about freedom, and yet what have we done, really, except to dole out a little bit here and a little bit there, always exacting all sorts of restrictions, and so forth.

The Nicaraguans, the freedom fighters in Nicaragua, that is, are justified in having apprehensions about where we really stand.

So this amendment is simply to say to the freedom fighters the Senators in this case voting against tabling this amendment support you; we support the quest for freedom in Nicaragua and in Central America and other places in the world.

This so-called peace plan that is being kicked around calls for a general amnesty. Now I ask the Senate why should the freedom fighters be forced to accept an amnesty? Should it not be the Communists in Managua who should be the ones to ask for amnesty? Of course, they should.

The peace plan says that Nicaragua will hold elections in 1990. The last time I checked this was 1987. Bear in mind, Mr. President, that the Sandinistas when they came up here and conned the majority of the U.S. Senate into sending them $75 million they said "Oh, we are going to have elections, guarantee that," but there had not been a ballot dropped yet.

Why should the freedom fighters be abandoned now while the Communist Sandinistas are given 3 more years before they even approach the first threshold of something resembling freedom, that is to say, elections?

Perhaps the fundamental flaw of the Central American peace plan lies in the area of compliance and verification. I wonder how many Senators have read this so-called peace plan. Let me tell you, it calls for the creation of a national reconciliation committee in each country. The committees will consist of 4 members to be selected ultimately by each government and, as should have been expected, Nicaragua has already chosen its commission, you bet your boots, a commission that is stacked 3 to 1, 3 to 1 in favor of the Communists. Big deal.

The peace plan also calls for the Contadora member nations to play a key role in the verification process. Now, how much honesty can we really expect from countries like Panama, which is just riddled with corruption and violence, and Mexico, which would not know a democracy if it saw one coming down the street?

Can we really afford to put the future of Central America in the hands of those countries?

This Senator says "no" and so do those who have been willing to lay down their lives for the prospect of freedom in Nicaragua.

Mr. President, it is obvious that the Central American peace plan is fundamentally flawed. It is a joke, a cruel hoax and it ought to be identified for what it is, and that is the way the freedom fighters and others who yearn for freedom in Central America view it. Even some of the governments which signed this so-called peace plan have contacted me to express their grave reservation, but they are afraid to stick their heads up publicly because they do not know what the U.S. State Department is going to do, they do not know what the Congress of the United States is going to do. We have been up the hill and down the hill and sideways. No wonder they are confused. No wonder they are disillusioned. No wonder that they speculate that they may be left high and dry by the U.S. Congress.

Some of the signers of the Central American peace plan emphasized to me that they just had no choice but to sign it, after the so-called Reagan rights plan was announced. Now, our Central American allies have no illusion about the honesty about their Communist neighbors. They know that there is none. There is no honesty in communism. Our allies know that not once in history has a Communist regime become democratic in 90 days or 90 years. Therefore, history will show us and I would hope teach us that the Communist will sign any agreement, they will make any commitment, they will tell any falsehood, they will retreat on any obligation. They have no intention of complying with any agreement they have made.

If we do not know that much about communism, then we need to start all over again and look at the whole history of communism in this world.

Managua has already announced that comrade Ortega will be a distinguished guest in November, just as the 90 days run out, by the way, a distinguished guest at the celebration of the revolution in where? In Moscow.

And Mr. Ortega could not have sent a more clear signal of his future plans than that.

So, the purpose of this amendment is to put Senators on record. I hope the amendment will not be tabled. It may be. But at least Senators will have an opportunity to say to the freedom fighters and to the Sandinistas, "Here is where we stand, each of us."

We must not be tricked again by the Communist Sandinistas into believing that they are going to comply with anything. If we did not learn about their duplicity back in the seventies when they conned us for $75 million and then more than that, then we have a lot to learn. Oh, they will give the appearance, or try to, that they are attempting to comply by saying that they have expelled all Cuban advisers. I anticipate this charade.

But do you know what they are doing, Mr. President? Those Cuban advisors are being given citizenship in Nicaragua. So they will be technically Nicaraguan citizens, perhaps with dual citizenship. But that is the way they will worm around, squirm around and deceive the people of the United States and particularly this Congress.

I hope we will get around to passing aid to the freedom fighters as quickly as possible so that we can begin to put the pressure on the Communists and stop putting pressure on the freedom fighters, our friends.

Mr. President, since well before the August recess of this body, I have been attempting to have this Senate address the issue of support for the Nicaraguan freedom fighters. Eventually I was successful in having the matter made the unfinished business of the Senate, along with a proposal by Senator SYMMS to reaffirm the Monroe Doctrine. But, what do you know? The legislation to which I proposed the amendment was all of a sudden laid aside. It is no longer the pending business or unfinished business. It is back on the calendar, dead as a doornail. Yes, I am talking about S. 2, the campaign financing act. Now, S. 2 had a flicker of life in it until I added this amendment, and then she dropped dead and we put it back on the calendar.

So I have been trying to get this amendment voted on up or down or even a tabling motion for a long time. And I did not intend to move ahead of any other Senator when I offered this amendment a little while ago. I asked the Chair if the bill was open to amendment and the response was in the affirmative.

There is more than one way to skin a cat, and I am trying to skin a cat another way just to get an expression from each Senator as to whether he or she favors helping the freedom fighters in Nicaragua. They are entitled to know.

Now, I do not suggest that the vote here this evening will be an end-all be-all. I imagine that some Senators will change their minds after this vote. I hope so. Maybe one day we can have unanimity in the Senate on the question of helping those who yearn for freedom, those who are willing to lay down their lives for freedom. I do not know whether that will happen or not, but at least we have got to start somewhere.

I hope I will not hear the pious pretense "Well, this is too early," or "This is too much," or any other excuse. The question of this amendment is for each Senator: "Do we favor extending a helping hand to the freedom fighters in Nicaragua?" Because they are not merely fighting for themselves, they are fighting for liberty and they are fighting for our freedoms. And at our own peril will we forget the fact that if the Soviet Union achieves its goal of taking over Central America it will play havoc to this country and all of our institutions.

Mr. President, the Senate, in my judgment, is obliged to deal with this question. I believe we should start today and find out who stands where and who stands for what. The American people are entitled to know which of us stands for aid to the freedom fighters and which of us do not.

As for Senator SYMMS' amendment, it simply calls for enforcement of a principle that has been around since long before I was born. It is called the "Monroe Doctrine." As far as I know, it has never been repealed. It has been mutilated, it has been abused, it has been ignored, but it has not been removed from what we say is an American principle.

Congress has always overwhelmingly supported the Monroe Doctrine, which I believe to be the single most fundamental principle in American foreign policy. And the only hope for peace in Central America lies in overthrowing both the Soviet-backed Cuban and Sandinista Marxist-Leninist regimes, which are striving to export Communist revolution without borders throughout the Western Hemisphere region.

Unfortunately, the Monroe Doctrine was disavowed and canceled after the Cuban Missile Crisis of 1962. It was canceled by the Kennedy-Khrushchev agreement. But the Soviets have violated this agreement and have exploited the American retreat—and I use that word advisedly—retreat from the Monroe Doctrine.

On the other hand, the Monroe Doctrine has been reaffirmed overwhelmingly twice by Congress in fairly recent years, once in 1982, as I recall, and again in 1984. Since 1982, the Monroe Doctrine has been reborn, certainly in the minds and hearts of many Americans who had not thought about it for a while. And due the credit for this is the distinguished Senator from Idaho [Mr. SYMMS]. Only the implementation and enforcement of a Monroe Doctrine in order to destroy the Soviet-Cuban-Sandinista subversion and aggression can restore peace in the Western Hemisphere. This may ultimately require direct American military intervention.

Mr. President, Central America and the Caribbean are of vital importance to the United States and to the NATO alliance. Fifty percent of all U.S. exports and imports go through the Caribbean. Two-thirds of all U.S. crude oil comes through the Caribbean. Over 60 percent of the U.S. rapid deployment forces to reinforce NATO in a crisis will come out of the U.S. gulf ports and pass through the Caribbean Straits and Florida Straits in order to get to Europe.

It is clear that Central America and the Caribbean are not the back door of the United States. They are the front door. And its security is vital to our security; our national interest.

Mr. President, the United States surrendered to Panama in 1978, sovereign control over the strategic Panama Canal and its indispensable protected territory of the Canal Zone in spite of the overwhelming opposition of the American people, at that time and now. It was one of the gravest errors in American foreign policy.

Right after the Panama Canal Treaty passed the Senate, Fidel Castro held a War Council meeting in Havana at which Mr. Castro decided to accelerate the Communist revolutionary strategy for Central America. That is when it began. Because Mr. Castro saw through all of this and he knew a weakness when he saw one. And he was right.

America's renunciation of the Panama Canal was a sign that the United States had lost the political will to defend its interests in the region and the way was thus opened for further revolution in America's back yard.

Mr. President, the Panama Canal giveaway was quickly followed in 1979 by the overthrow by subversive forces with United States, Cuban, and Panamanian support of the constitutionally elected Government of Nicaragua. Violence has developed into an alarming series of planned revolutionary events, which include the deep humiliation of the United States in Iran, the Soviet invasion of Afghanistan, Sandinista support for subversive activities and violence in El Salvador, and ominous revolutionary threats to other countries of the Americas.

The revolutionary events have served to attract attention to the fundamental principles of American foreign policy, especially the Monroe Doctrine for the protection of the entire Western Hemisphere, particularly in the Caribbean danger zone.

Meanwhile, most of the American Senators who voted for the Panama Canal giveaway have been removed from office by the voters.

Mr. President, the sad fact is that the Monroe Doctrine was disavowed and it was canceled, I hope temporarily only, in late October of 1962. This fact explains why the Western Hemisphere has been in such turmoil ever since.

Mr. President, I shall have additional remarks which I prefer to submit for the RECORD in the interests of time. I do not want to consume more of the Senate's time myself, now, and therefore, I ask unanimous consent that the balance of my remarks be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, as a longtime opponent of military assistance to the Contras, whom I characterize as our terrorists, I oppose this amendment. In light of the encouraging developments surrounding the Central American peace plan, I believe it would be unwise to permit the Contra aid issue to interfere with the peace efforts now underway in the region.

As I stated to Secretary of State Shultz during the Foreign Relations Committee hearing, I believe that the request should be withheld until the peace process has had an opportunity to evolve toward a November 7 implementation. A request for Contra assistance before then would be very damaging to the prospects for peace.

My impression is that the administration itself, while still believing that Contra assistance should be provided, is not very comfortable with the timing of the Helms amendment because the peace process is just getting underway. At the hearing before the Foreign Relations Committee, Secretary Shultz said that the request for Contra assistance would be made "at the appropriate time." We should at least wait until the administration is ready to request the assistance before we consider it in the Senate.

I point out that the certification required in the Helms amendment—that there be no Soviet or Communist base in Nicaragua; that Nicaragua not pose a threat to its neighbors; and that the Nicaraguan Government respect basic human rights—would be well on their way to being satisfied under the Central American peace plan signed by the Central American Presidents in Guatemala.

In the interest of giving our full support to the peace process, I urge my colleagues to vote against the Helms amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I would like to state what is on my mind. I respect and agree with my distinguished colleague from North Carolina in much of what he says—and I am going to make my own comments.

Could I ask the distinguished Senator, is this the administration's approach or is this the approach of the Senator from North Carolina? What I am confused about is I understood the administration wanted $270 million for an 18-month period and they were going to ask for it at a later time here. I am wondering, are we having difficulty here with this request? I want to help the Contras but I am having difficulty with the administration.

Mr. HELMS. So am I.

Mr. HOLLINGS. I told the President at the White House when he announced his peace initiative—by these plans to negotiate, negotiate, negotiate—that all we were going to do was abandon the Contras and get no freedom whatever in Nicaragua. And no fight. It is particularly difficult to fight a Marxist regime, they kill off the opposition or open hundreds of prison camps.

When you cannot publish a paper, you cannot fight the Government.

You try to pray in a church. But if you don't have one and don't have a homily then you do not have any fight by the church. It is the Marxist system of eliminating all the freedoms and then you can't have any fight.

So I am on the other end of the ledger, where "peace, peace, everywhere the man cried peace but there is no peace."

I think I can get more peace and I can get more freedom by supporting some kind of program in opposition to that Marxist foothold.

I might say to the distinguished Presiding Officer, that I met with Daniel Ortega. I mean he is no mystery to me.

I was invited to a conference with him in the office of the distinguished Senator from Nebraska—our former colleague—Senator Zorinsky. We met with the Marxist junta in 1979; Mr. Ortega and his crowd. We heard the promises.

They were going to have freedom of religion and freedom of the press and freedom of assembly and free elections. We all know exactly what we have got. He was telling me: Senator, what you have got in America, we will have in Nicaragua.

Look at what has occurred. I came to the floor with my misgivings. So Senator Zorinsky and the other Senators changed my mind. I said to Ortega, I want you to prove I am wrong. It is not about trusting you. I just do not believe you. I believe you have a different philosophy and a Marxist doctrine and you have no idea of doing what you are telling me but you prove me wrong. I am going down and help you.

I came down to this desk and helped him get the $75 million. Then we got him another $100 million or so.

So do not say America has not given peace a chance. We helped in the overthrow of Somoza and we were ready to help with what was advertised as an open government and took our chances and were misled.

There is no education in the second kick of a mule. I have heard this fellow and so when they come along with the peace plan that all of a sudden we are going to democratize Nicaragua we should know it's not true. They are dying to get rid of their opposition—the Contras—I say to my colleagues. Come on. We live in the real world. Nobody got elected to public office on that kind of promise.

We are doing away with the one thing that is bringing the Communists to the table and is about to get some results there. I want the Senator to understand that I am not necessarily at an overwhelming majority when I oppose the President's flawed peace plan. I want to help the Contras and I am wondering what is the best way to do that.

I was just over in Korea. We have been negotiating there since 1953—about 34 years. They are still negotiating.

They have a cease-fire in Korea. I think we ought to wake up around this place. We do not have peace in Korea. We have our 40,000 troops dug in right at the front. There was a cease-fire but South Korea never signed any treaty for peace.

The way they have gotten what they have and held what they have for the last 30 years is by arming themselves to the teeth. And by putting themselves up at the front, willing, and able to defend their freedom. That is why North Korea has not come over the line. If someone wants to join in negotiations, tell them to go to Panmunjom. They can have a big time and keep on talking, listening about negotiate, negotiate, negotiate. That is over 30 years in Korea. They have not given up anything. How will you get something in 30 days?

Realizing that and trying to keep what help and support I have, I do not want to be precipitous and bring this to a vote that is going down. We could weaken further votes when we have caught the attention of the press and maybe the attention of colleagues. I intend to support what both the Senator from North Carolina and I have in mind to save the Contras and the hope for peace in Central America.

That is what worries me about this particular amendment. We need support, and if we could have the administration come to us with real support, it will mean something. The Sandinistas will not bargain in good faith nor will they become democratic at all. I think a picture will begin to develop where our colleagues in opposition on this floor will open their eyes and understand the real facts of life there.

They are not going to negotiate this thing away. It is not an easy choice. But I do not know of any other alternative that my crowd, the Democrats, have recommended.

I do not want others to say that it is only a Republican initiative to support the Contras. There are a lot of us who have had some experience, some awareness and understanding, who realize we have a real problem down in Central America.

We have now developed another Cuba on our hands.

Is this amendment coordinated by the White House? What can the Senator tell me about that? We are working on the same side but I hope we do not hurt ourselves if we do not get with the administration and get them to make up their minds. I just lost a debate on SDI. Do you know why? Because my client, the President of the United States, says he will adhere to the narrow interpretation of the treaty for the moment when there is not a narrow interpretation. There is only one legal interpretation of the treaty—and it is the treaty itself. But as long as the client, the President, is talking double-talk, I am a goner. If these people are not helping us, we will lose again and make a poor record for assisting the Contras. What can you tell me on this score? Is the administration behind this amendment?

Mr. HELMS. Will the Senator yield?

Mr. HOLLINGS. Yes, I yield. I only heard a little bit of what you said before, but I though, "My colleague is speaking my language. I do not want us to make a bad record for the cause we are both trying to help."

Mr. HELMS. Mr. President, I have scarcely ever heard the eloquence of the voice of my friend from South Carolina.

First of all, it is not a partisan amendment. We have other cosponsors, Senator HEFLIN, Senator SHELBY, and others. I will read the cosponsors into the RECORD in a moment.

What I am trying to do, Senator, is precisely what you want, and that is to start us toward some coordination. I never saw such a team of wild horses with everybody running in a different direction as is the case with this.

The Senator is exactly right about negotiating with the Contras. I remember Will Rogers, and a lot of these young fellows around here do not remember Will Rogers, who once said the United States had never lost a war or won a negotiation.

Mr. HOLLINGS. Exactly.

Mr. HELMS. That is the way we have been with the Soviet Union. That is the way we are with the Sandinistas. They have duped us every step of the way.

As for the amount, sure, there are many forces in the administration who say, "Jesse, please go ahead with this figure."

Then comes the $270 million figure from another segment and the Secretary of State announced that.

I do not really care what the figure is just so we start along the track of assuring the freedom fighters that we are not going to let them die on the vine while all of this negotiation with the Communists occurs.

I hope the amendment will not be tabled. I am perfectly willing to negotiate a figure.

In any case, and the Senator has been here a lot longer than I have been and he knows the procedure here better than I, this is an authorization bill and that figure can be worked out in the conference with the House or in the appropriations bill. I just wanted to get it started in terms of saying to the freedom fighters in Nicaragua, "We have not forgotten you. We are not going to cut you loose. We are not going to let you dry up."

That is the only purpose of this amendment. I say to you with all the sincerity I possess I have had call after call from leaders in Central America saying, "Please do something."

These leaders want freedom. They do not what communism. They see the drift that the Senator himself so eloquently described. I thank him very much for his kind words and I hope that he and others will not vote to table the amendment but let it go to conference and let us begin the process of saying to the freedom fighters, "We are not going to abandon you."

We can settle the money question, the dollar amount, at another time, but I had to have some figure and that is the one I have been using all along. I decided to be consistent with the amendment.

Mr. HOLLINGS. I appreciate the Senator's remarks. Perhaps his strategy is right. I was referring, on the other hand, to a little more orchestration. Now the administration and everybody else are all going in other directions. But on the other side they have the peace movement around there that says this is grand thing. Can you imagine a fellow without an army negotiating something with the Sandinistas, such as Arias? He comes around with the weakest position in the world and negotiates with the opposition, with Marxism. There are some on the House side, the leadership, who think that is grand. I do not know how they got to that, but in any event they did.

I was doubtful and wondering whether we were going off in other directions and maybe we ought to coordinate. I support the Senator. Perhaps his strategy is right.

Mr. HELMS. I thank the Senator.

Mr. President, I believe the clerk did not identify the cosponsors. I would like to do so. They are: Mr. ARMSTRONG, Mr. BOND, Mr. HATCH, Mr. HECHT, Mr. HEFLIN, Mr. SHELBY, Mr. SYMMS, Mr. THURMOND, and Mr. WILSON.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I hope every Senator understands the situation with respect to the amendments offered by my friend from North Carolina. My friend from North Carolina has offered two amendments, amendment No. 694—and I ask the Chair if that is correct—being the original amendment, amendment No. 694.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIXON. That amendment, to oversimplify, is the amendment that appropriates $310 million in Contra assistance. It does other things, but that is the central thrust of that amendment.

My friend from North Carolina——

Mr. HELMS. Will the Senator not use the word "appropriate?"

Mr. DIXON. It authorizes. I thank the Senator from North Carolina. It authorizes $310 million.

The second amendment that my friend from North Carolina has offered is amendment No. 695. That has been offered as an amendment in the second degree to his first amendment, No. 694.

Now, as to the amendment in each case, amendment No. 694, the first amendment, and amendment numbered 695 as an amendment in the second degree, the Senator has requested a vote on those amendments, he has had a sufficient second, and there will be rollcall votes on both amendments.

The amendment before us now, Mr. President, may I say to my colleagues, is amendment No. 695. Amendment 695, the amendment before us, the amendment in the second degree, has nothing to do with authorizing $310 million in Contra assistance. Amendment No. 695 before us is an expression of the support of the Congress for the Monroe Doctrine. I read the title "Purpose: To affirm that the Monroe Doctrine is and should remain the basis for the policy of the United States in Central America."

And so the thing I wanted to say as one of the managers on this side is that I speak only for this Senator, but I intend to support the Senator on the first rollcall which the Senator will conduct, which will be on amendment No. 695 expressing the support of the Senate for the Monroe Doctrine. I intend to vote affirmatively and support the Senator from North Carolina on that particular amendment. That will be the first amendment for which we will vote.

I had wanted to state on the floor my position on the limited question of the first amendment, on which we will vote, amendment 695 expressing, as it does, the purpose of the Senate to affirm that the Monroe Doctrine is and should remain the basis for the policy of the United States in Central America.

Mr. President, I may have other remarks later on the next amendment after we have dealt with and disposed of the first amendment we are discussing at this point. I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Will the Senator from Illinois yield to a question or perhaps the Senator from North Carolina? I am not sure. The Senator is a cosponsor of this amendment?

Mr. DIXON. I am not.

Mr. PACKWOOD. On the Monroe Doctrine? I thought he said he was going to vote for it, though.

Mr. DIXON. I personally will vote for the amendment we are discussing now, which is the Monroe Doctrine amendment. The second amendment, an altogether different question, is an authorization of $310 million.

Mr. PACKWOOD. I beg the Senator's pardon. I thought he was a cosponsor. Could I ask the Senator from North Carolina in that case? I just want to ask so I understand—we all know what the Monroe Doctrine is—will the Senator give me his interpretation of what he thinks it means?

Mr. HELMS. I think I know what it means.

Mr. PACKWOOD. Tell me what it means.

Mr. HELMS. It means that we shall preserve this hemisphere from foreign interference.

Mr. PACKWOOD. Russian or otherwise?

Mr. HELMS. Sure.

Mr. PACKWOOD. OK. Basically, because it is our sphere of influence as we said under James Monroe—it is our sphere of influence and free from European colonization. That is what we were afraid of.

Mr. HELMS. Whatever.

Mr. PACKWOOD. I wonder what the theory is. Is the theory of the Monroe Doctine that it is our sphere of influence, that we have a paramount interest in the Western Hemisphere and we can protect it from—then it was European colonization, today it may be the Russians, specifically Communists? But we are exercising it because we are claiming it as a sphere of influence.

Mr. HELMS. The Senator can use his own vernacular for it, but I think most Americans who share the Monroe Doctrine do not want tyranny imported into this country or exported into this country via Cuba, via Nicaragua. That is the present need for reinforcement of the Monroe Doctrine.

Mr. PACKWOOD. Mr. President, if I might continue further then. I believe so stated I am actually going to support the amendment but I think you want to be very careful when you talk about the Monroe Doctrine, what it intended. As an ancient doctrine, it was intended to prohibit European colonization in Latin America, period—in the Western Hemisphere. We said this is ours. We did not mean we owned it. We did not mean we were going to move in on it although we have from time to time, but the message was: "Hands off, it is our sphere of influence." The only trouble with the sphere of influence theory is that other major powers think they are entitled to spheres of influence. Russia has claimed Eastern Europe for years, and claimed Poland for years. One of the problems with Poland is that Germany used to claim it for years. Nobody ever thought that Poland got Poland; Germany thought Germany got it; Russia thought Russia got it. We had wars for a number of centuries over it. The sphere of influence theory will work to keep peace, but only if each of the major powers understands whose sphere is whose and they do not trespass on each other's. Russia says, "We are claiming Eastern Europe." Now, we do not acknowledge that, although at the Helsinki accords we in essence recognized de facto the realignment of the boundaries resulting at the end of World War I, but Russia says, "We claim Eastern Europe." We say, "We claim the Western Hemisphere." And Russia and the United States can get along fine so long as they do not tread on our sphere and we do not tread on their sphere. I do not know what China might claim. There was a time when Japan claimed the better part of Asia in their coprosperity sphere as their sphere of influence. I will emphasize again, it will work to make peace if all of the nations will recognize each other's sphere.

Probably the greatest example you had, the history of the world where it worked to keep peace, so long as you overlook the occasional revolt by people who did not like the dominance of a major power, was the so-called Pax Romana which was the Roman peace. It lasted several hundred years. Rome was the power spread into Italy, throughout Africa, a fair portion of Europe, and into the Middle East. Throughout Rome kept the peace. Jews did not like it. They put up a whale of a fight at Masada; in fact, they tied up several Roman legions for 3 or 4 years.

You had revolts around the territory, but as far as the average farmer was concerned, so long as he or she paid their taxes, they probably had peace. And I suppose that would work in Latin America as long as Russia keeps its hands off and so long as all of the nations of Latin America are willing to basically cede the authority to keep peace to the United States in their area and from time to time we may have to tread on some toes in the Western Hemisphere to do it but I suppose it would work.

Now, there is no question but that Russia—and I use the term "Russia" rather than Soviet, is an imperialistic country. It has been such a country for as long as it has existed. Its Muscovite dynasty expanded outward, absorbing different people. Russia is hardly a homogeneous country. It moved out and absorbed the Crimeans and the Georgians, Latvia, Estonia, and now most of Eastern Europe. It moved eastward into Siberia. Lenin once referred to Russia as a prison house of nations and that is basically true. The only thing that changed about Russia when they became Communist is that their imperialist desires leap-frogged their contiguous boundaries. That is all that happened. And they began to look not just at eastern Europe. They began to look at Africa. They began to look at Latin America. There are still areas that are contiguous that they have never gotten.

Russia has long wanted, and the Communists have wanted for almost as long, the Bosporus and Dardanelles. The interesting thing is they would have gotten it in World War I; the Allies were ready to give it to them and give them their outlet to the Mediterranean that they wanted, but they pulled out of the war when the Communist revolution took over. And whatever agreements we had made to give them the Bosporus and the Dardanelles, we reneged on, justifiably, and they got out of the way.

I will vote for this resolution, but I think there is a better argument to be made as to how we might justify keeping the peace. I find a great problem with the sphere of influence theory because sooner or later in the history of major powers they begin to covet something from each other's sphere. And then you are either going to have a tremendous cataclysmic showdown without war or you may have a cataclysmic showdown with war.

Mr. DODD. Will the Senator yield?

Mr. PACKWOOD. I am happy to.

Mr. DODD. I want to commend the Senator for his comments and questions. Too often I think we use words here without much of an appreciation of the historical context. The Senator accurately points out the Monroe Doctrine established at a time when principally Spain, but others too, were involved in the colonization of this hemisphere. The Monroe Doctrine was an expression of our allegiance, if you will, with revolutionary governments in this hemisphere who were seeking to overthrow the colonial yoke of European powers.

So when we advanced the Monroe Doctrine we did so in concert, if you will, with the peoples of the Americas. That was the reason for it, and for a good many years throughout the 19th century we were in strong alliance with that effort. Unfortunately, like many doctrines, it became somewhat abused and misconstrued over the years. The Monroe Doctrine was used as the justification for U.S. intervention in Central America in the early part of this century, not necessarily because the people of those countries were being threatened by colonial powers in Europe but because in those days we saw our interests being jeopardized, and not by the European powers. So we invoked the Monroe Doctrine as a justification for our action.

But the Senator is absolutely correct when he talks about the Monroe Doctrine. It should be appreciated in the context in which it was advanced at the time in which it was advanced and to assume somehow that the conditions in the 1980's are a mirror reflection of the world as it existed in the early 19th century in the Americas is to completely misconstrue what occurred then, and what is occurring today.

I would tip my hat to my colleague from North Carolina because he was the only Senator in this body who took note where, only a few short years ago, our ally, Great Britain, took forces to the Falklands in the Americas—a European power invading the Americas. Ninety-nine Senators, ninety-eight, whatever the number was, including this Senator supported the actions of Great Britain in the Americas on a resolution that was offered by the Senator from Delaware, if I recall correctly. Only one Senator said no. The Senator from North Carolina said no.

One could have argued obviously, if you read the Monroe Doctrine in literal terms, that that was a direct violation of the Monroe Doctrine.

So we ought to be somewhat careful before we decide we are going to support what appears to be a relatively harmless resolution which has no meaning, because we are contradictory from time to time, as we were most recently only a few short years ago.

I, for one, will not support this amendment because I do not think it speaks to the issue that we are confronted with. I think it states once again a proposition that will not be supported by our allies in this hemisphere. This very hour they are asking for something else in Central America. They are asking us to support a proposal which they have come forward with. They have asked us not to become more deeply involved, but to be supportive of an effort that may bring some peace to that part of the world.

So at this particular juncture to endorse a doctrine that has been used so often, and perceived by our allies in this region as a justification, a ruse, if you will, for the United States to interpose itself in internal matters in this hemisphere is to totally misconstrue what the distinguished Secretary of State, James Monroe, had in mind in the first decade of the 19th century.

So I will oppose this proposition, as a misuse of the real Monroe Doctrine.

Mr. PACKWOOD. I thank the Senator.

Mr. BYRD. Does the Senator have the floor?

Mr. PACKWOOD. I have the floor.

Mr. BYRD. Would the Senator yield to me for 30 seconds?

Mr. President, would there be a disposition on the part of Senators to reach a time agreement on this amendment in the second degree so we can vote on it? I am ready to vote for it myself.

Mr. HELMS. I think we are almost there, Mr. Leader.

Mr. NUNN. If I could, if the Senator will yield briefly, my understanding is the Senator from Florida would like to have a few brief comments, and the Senator from Illinois.

Mr. DIXON. I have already commented.

Mr. NUNN. I will speak for 1 minute, perhaps, and the Senator from North Carolina may want to speak again. I do not know why we cannot vote on this in perhaps maybe 10 minutes.

Mr. PACKWOOD. I would like to object to that.

Mr. BYRD. Is there a disposition here to keep this debate going on this amendment?

Mr. PACKWOOD. If I might say to the majority leader, I was watching on our inhouse television. I wanted to address myself to it at some length on some serious points. I am reluctant to agree to a time agreement.

Mr. BYRD. I want to say at this point I am a supporter of this amendment. But I hope we are not going to talk on this amendment until 7:30, 8, 8:30, 9, or 9:30 tonight, and see most of the shank of the afternoon and evening fade away. We are ready to vote on this amendment. I want to vote for it. I want to get on with others.

Mr. PACKWOOD. I may vote for it if it means what the traditional Monroe Doctrine meant, that we say that Latin America is out of bounds for European colonization. That is the way it read, if you mean the traditional Monroe Doctrine. But I am reluctant to enter into a time agreement right now.

Mr. BYRD. Very well. I thought maybe the Senator was a supporter of the amendment. I wanted to assure him I had no ulterior motive in here. I just wanted to get on with the other amendments. I thank all Senators.

Mr. HELMS. Will the Senator yield?

Mr. PACKWOOD. Yes.

Mr. HELMS. The distinguished Senator from Oregon and the distinguished Senator from Connecticut have been very eloquent but I wonder if they have read the amendment with respect to the Monore Doctrine. That is the Senator SYMMS' amendment which I have offered for him by the way since he is under the weather. Otherwise he would be here defending it. I strongly support it. I am defending it.

Mr. PACKWOOD. I wonder if the Senator might read it. I heard the clerk read part of it. I did not hear all of it.

Mr. HELMS. I thank the Senator for suggesting that.

> It is the sense of the Senate that the policy of the United States toward Central America should be based on the principles of the Monroe Doctrine, to wit: "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power . . . we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power in any other light than as the manifestation of an unfriendly disposition towards the United States."

I will say that the distinguished Senator from Oregon ought to have a particular interest, and does, in the Monroe Doctrine because his State of Oregon and Washington and Alaska figured very prominently in the Monroe Doctrine way back there. But I will say to him that for two centuries we have had this hands-off policy relating to foreign powers in the hemisphere.

If I may intrude on the Senator's time, I apologize for doing it, I thank the Senator from Connecticut for alluding to the Falklands vote. I was the only Senator who voted against that resolution. And I did so and said so at the time because I did not see the point in several hundred young men dying for nothing. I think the total casualties on both sides in the Falklands matter was about 1,250, in that neighborhood, of British boys and Argentine boys. And I would hate to go to the mothers of any of those boys and say it was worthwhile because that dispute could have been resolved. It would—I emphasize—would have been resolved had the British Ambassador not walked out in arrogance and refused to negotiate that matter.

That is the reason I voted against that resolution and I said so at the time. And it turned out that I was correct about the number of boys, except I underestimated the number of young men that were killed.

I think the Senate made a mistake on that, and I think the Senate will make a mistake if we do not restate and reinforce our position as to the Monroe Doctrine now.

I thank the Senator for yielding me.

Mr. PACKWOOD. Mr. President, I will not speak at length, but I will speak perhaps 10 to 12 minutes, maybe 15 minutes, on this subject. It is a topic to which I may address myself from time to time this fall—on a Contra vote.

I think we have made a fundamental mistake in our attempt to justify Contra aid for the last 3 or 4 years. It will be recalled that when we attempted to initially justify Contra aid, it was for interdiction. That was the argument. They were supplying the rebels of El Salvador. If we occupied the Sandinistas in some fashion and kept them busy, they could not supply the rebels in El Salvador and you could stabilize the government there. I think that is a legitimate reason. That is not a sphere-of-influence reason.

El Salvador has a right to exist. Costa Rica has a right to exist. Guatemala has a right to exist. If we get to the sphere of influence theory, I am willing to grant that in the world of practical politics, whether in the era of Metternich or in the era of Kissinger, no one else is going to do anything about it. The British fought twice in the last century over it, so it is not a new claim. It is not a new claim, but it is not a legitimate claim the Russians are making as to Afghanistan.

There are only three ways we have found to justify interdiction and one way is to sell it to your country. You may not have to do that in a dictatorship, although even in a dictatorship there is a limit beyond which you can commit your young men to war. But at least in a democracy you had better not interdict any foreign policy, covert or overt, that you cannot justify to the people; because if they will not support it, you cannot force them.

What are the three theories we have used to justify sending troops overseas? One is the sphere of influence. I am willing to make a little give on that. I think we do have a paramount interest in the Western Hemisphere and do not have to apologize for it. We do have to understand that other major powers will make similar claims on their areas, and we might have to understand why we should understand their claim.

The second theory—and I find it shaky—is the so-called human rights issue. We are going to go about the world setting up little Americas and make them have governments like we have, with a bill of rights. We are celebrating the Constitution. They should have freedom of the press, freedom of assembly, freedom of religion. That is what the agreement in Central America is trying to impose on the Sandinistas. I doubt that they will ever fully implement it. Why is the rightwing and the leftwing in their country acting very sparingly on that doctrine? The leftwing wants to apply it to Chile and the rightwing wants to apply it to Nicaragua.

I do not find anybody wanting to apply it to Albania or to China or Russia or all of Africa, let alone South Africa. We single out South Africa and say: "You have to sort of be like us because you sort of have a British background and you have to appreciate the niceties of democracy.

We do not apply it in the rest of Africa or in any of the Middle Eastern countries. We do not require Saudi Arabia to have a free press and treat women decently.

I find it is used by people to justify the attempt to intervene in a country because they do not like the government, not that they really want to impose democracy.

Democracy is going to work in this world. Time is on our side. We have more democracies now in Latin America than 10 years ago or 20 years ago. Whether that is the responsibility of Nixon, Ford, Carter, or Reagan, I am not sure. Twenty years ago, you could count on one hand the number of democracies in Latin America. Today you can do that for probably the number of dictatorships.

There will be dips. You will have one of the governments in Latin America that is now a democracy go back to be a dictatorship for a while. But if you ask which way is the trend in the world, it is up. To the best of my knowledge, we did not have any democracies, unless you counted Great Britain, in 1700, we had a few more in 1800, we had a few more 1900, and 1950 we had a lot more.

Time is not on the side of the Russians. Again I emphasize the term Russians rather than Soviets, because their imperialistic desires did not change when they became Communists.

We would be better off in terms of getting the American public to support the Contras, if that is what we want to do, to go back to the interdiction theory, if it still exists, if we can, and the Sandinistas are covertly or overtly supplying the rebels of Salvador or Honduras or Guatemala with machine guns, mortars, logistic support, and communications. I think the American public would understand that, if we can prove it, and I can prove it by more than pictures taken from some satellite that shows little dots on a map and no one can understand, short of experienced aerial mapping photographers.

The real test should not be can we make the Sandinistas hold elections every 2 years for a House like ours, with 6-year terms for a Senate, and that the Sandinistas should have freedom of the press like we have. There is not a country in Latin America that has freedom of the press.

The concepts we try to impose all around this world like that are not even unique to what we call the Napoleonic Code or Roman Code countries. There, they give preference to the state over the individual. The common law Anglo-Saxon tradition gives much more preference to the individual over the power of the state. We are wrong to try to impose our Anglo-Saxon concept of individual liberty on everybody. It is a wonderful system of government and the world is gradually moving toward it.

I am not saying that we have to treat dictatorships and democracies the same. We do not have to invite dictators to this country and have banquets for them and drink toasts to them and say what wonderful democrats they are.

If we seriously want to move the world toward democracy, our standard ought to be the standard of the nation's status. Actually, what the United Nations was founded on is that every state is entitled to exist; and if some powerful neighbor attempts to invade them or subvert them, they should go to the United Nations for help. They have a right to go to the Organization of American States. That does not often work. In this hemisphere they have a right to come to the United States, under the Monroe Doctrine or even under Franklin Roosevelt's "good neighbor policy", which was "live and let live; don't invade your neighbor." They have a right to say. "Our neighbor is trying to invade us. Will you help?" At that stage the United States will have to decide whether we want to help or not.

If Bolivia were to invade Uruguay, I do not know if we would help or not. It would be a difficult invasion for Bolivia. I doubt if we would.

We have chosen not to go to the direct aid of Afghanistan, although we are wisely supplying them. We have not sent troops there because we believe that we cannot successfully send troops there.

If Nicaragua were to invade Costa Rica, I do not think there would be any question but what this country would say that is not in our interest and Costa Rica has no army and if necessary we would be prepared to help them.

But if you are going to justify to the people of this country the intervention of American money, American men, and with that the casualties and the deaths that will come, and you have to justify it on a basis they can understand, they can understand resisting Russian imperialism. I think they have a more difficult time understanding why we want to spend money and men so that Nicaragua sort of looks like our form of government. I would be happy if they move in that direction, but I am not sure that they are going to, and I do not think that ought to be the standard for whether or not we give aid to the Contras.

Mr. President, let me conclude as follows: I will emphasize once more I have not seen much change in Russian imperialism because they became Communists. When they were Russian they wanted Afghanistan, they wanted their warm water port in the Pacific, they wanted their windows on the Baltic, the Bosphorus and the Dardanelles; and when they became Communists nothing changed.

The real test for the West, I emphasize the West, is not can we stand up to the Russians. The West has a gross national product three times that of the Russians. I mean if they mean an arms race, they could not afford to keep up with us. They might try but they cannot afford it.

There will be a real test for Western democracy, in the so-called era of glasnost, where we are seeing the era of good feelings with the Russians—I am happy they are attempting to go to a quasi-mercantile system. I am happy they are going to let more Jews out of the country than they used to. I am happy they are giving this outward appearance. It does not substitute for 500 years of Russian history.

I think the President is going to get an arms agreement with them. I do not think this President is going to enter into any arms agreement that he thinks is a danger to the United States, but I will tell you where the danger is going to come. It is not with that agreement or an agreement on strategic arms that might be signed next year. The difficulty is going to come when, if those agreements are signed and if we are going to resist traditional Russian imperialism that has not changed, will we be willing to spend the increased amounts of money necessary on conventional weapons for Western defense? Unfortunately conventional weapons to achieve the same deterrence cost more than the nuclear weapons. That is not a reason to avoid the treaties. I think we should try to go forward with them, but historically the West has had a very difficult time spending adequately for its own defense until a crisis was upon them and then they had time to spend. Although with each succeeding major war, it was a deeper and deeper hole to dig yourself out of.

I do not know how much time we might have in another war if the West had not taken the time, ahead of time, to prepare.

So far as Russia is concerned and Cuba, which indeed is a bastion of Russian imperialism, and Nicaragua, our standard ought to be to them, you stick to your borders, and when the moment comes that you send one gun to El Salvador, when the moment comes that you start sending your diplomats to Costa Rica and they turn out to be sub rosa spies that are clandestinely trying to overthrow the government, that is the day we draw the line.

But we are making a mistake in attempting to draw it if they will not have a government just like ours.

That is a standard we hold only a few countries to on occasion, not even perpetually in a few spots around the world, when it serves a transitory and temporary interest. That is not a long-term policy. That is a short-term tactical decision that has no philosophical foundation that, in the long run, will not wash with the American public.

So I am going to support this amendment, and I am going to justify it on the basis that it is the traditional Monroe Doctrine and the Senator from North Carolina read it and I see no difficulty in supporting it on that basis, but my vote should not be mistaken for support for what I regard as a misbegotten Contra policy now. This instead may be a start to my efforts to get this country to place its foreign policy on the basis we can sell to the American public and that this public would be willing to support if convinced of the merits.

I will use one last example, Mr. President. In World War II in 1944-45 we were spending 39 percent of our gross national product on defense. Translated into today's terms that would be about $1.6 trillion. And we borrowed half of all the money we were spending. We talk about deficit financing now. We borrowed half the money we were spending on the national budget in World War II. We did it because we thought it was necessary and the public supported it because they thought it was necessary.

We get into this argument today should we have two more aircraft carriers? Mr. President, that is the wrong argument. The argument should be is the Persian Gulf doctrine valid? President Carter announced it and President Reagan picked it up. If we belong in the Persian Gulf, the argument ought to be what is needed to carry out the doctrine? Are two more aircraft carriers needed to carry it out? I think the public, if they believed the doctrine, would spend the money for the aircraft carriers.

Here we are arguing in the budget between the President's request of $298 billion in outlays, and that is the outer limit on the right, if you want to call it that, and the House budget of $282 billion, a difference of $16 billion in a budget in excess of $1 trillion, and I am not one to say that $16 billion is not a lot of money but, Mr. President, in a budget of over $1 trillion the difference between the House which is the low side and the President which is the high side is a relatively modest amount.

I would wager that the public would spend $300 or $310 or $325 billion if they thought the policy that the money was going to be used to carry out was one that they could support.

The administration—I do not mean this critically, because they have tried, I think they have tried to sell the public the wrong policy—the administration has failed to be able to sell the country in support of the policy that they want to carry out in Latin America. There is a policy that the public will support and that policy is, "Don't tread on me." But they will not support the policy of continued aid to the Contras so that we can attempt to force the Sandinistas to let La Prensa publish what it wants to publish 3 or 4 days a week.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from North Carolina.

Mr. HELMS. Mr. President, if no Senator wishes to speak, I need to consult a moment or two off the floor. I will suggest the absence of a quorum unless some other Senator wants to speak. I will not be gone but a couple minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope that we can get to a resolution of this matter soon. It seems we are just killing time during the quorum. Senators are just milling around, wanting to vote. I wonder if there is anything that can be done to expedite the action on this pending amendment.

Mr. DIXON. Mr. President, may I respond to the inquiry of the majority leader?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Let me say to the majority leader, I have been managing, in the minutes that transpired just before the conclusion of the debate. All parties on either side had been fully heard. My best recollection is that the distinguished Senator from North Carolina said he was prepared to have the rollcall. The yeas and nays have been ordered. There was a sufficient second.

Then he said he had to absent himself from the Hall for a couple of minutes, and I understand that he is in the near regions to the Senate Chamber and I would think that we are all prepared to vote as soon as the distinguished Senator from North Carolina will return to the Chamber so we can have a rollcall, which has already been ordered.

Mr. BYRD. Perhaps, someone can contact the Senator and we can proceed.

Mr. DIXON. I understand the Senator is near at hand.

Mr. WALLOP. Mr. Leader, if you will yield? I do not know what the status of that negotiation is. It is, I do not think, a long one. I will inquire. But, if you would indulge, I would ask, please, a few more minutes for a quorum call.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I understand the distinguished Senator from North Carolina is prepared to go to the rollcall on the issue of amendment No. 695.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from North Carolina?

If not, the question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in the family.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

I also announce that the Senator from Vermont [Mr. STAFFORD] is absent on official business.

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 2, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—90

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell

Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—2

Dodd
Proxmire

NOT VOTING—8

Biden
Boren
Gore
Gramm
Inouye
Lautenberg
Shelby
Stafford

So the amendment (No. 695) was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I had hoped to have up an amendment on the Persian Gulf tonight because that is one of the big ones that is going to have to be debated, but that one is obviously not going to come up at this hour. What we have is about five amendments. We have an amendment by Mr. DIXON which relates to a land transfer. We have an amendment by Mr. BUMPERS which relates to SDI, and to the technical part of it. It is known as the man in the loop amendment. We have an amendment by Mr. PRYOR that is a military construction amendment. We have an amendment by Mr. BUMPERS that is a military construction amendment. And we have an amendment by Mr. BINGAMAN on superconductivity.

Mr. President, I anticipate that we could have one or two more rollcall votes tonight. I am not saying that that is inevitable because I do not know what amendments we can get up. We had hoped tomorrow to have a very busy day. I hope to get some of the big amendments up tomorrow, and I hope that we can get four or five or six of them done by the early afternoon. I also hope, again, that Senators would begin thinking about whether they are willing to enter into time agreements because unless we can get a number of time agreements tomorrow and a number of time agreements for next Tuesday, so that we can really get in mind when we are going to finish this bill, we will have to have a Saturday session. I regret that. I know it inconveniences people but I see no way to avoid that. I know that my colleague from Virginia and I will do everything we can tomorrow to see if we can reach time agreements on the big amendments, but it is beyond our control. We can only do so much. We will work together very closely in order to do that.

Mr. President, I think the Senator from North Carolina has had good debate on his amendment. At this point I would like to retain the floor and I will, in a few minutes at the appropriate time, move to table that amendment.

Mr. WARNER. Mr. President, I simply say to the manager——

Mr. NUNN. Mr. President, I retain the floor. I yield to the Senator from Virginia.

Mr. WARNER. Then I put it in the form of a question I will answer myself. Mr. President, as we proceed with the amendments enumerated by the Chairman, it would be my hope—and there are amendments on this side—we might just as a matter of common courtesy rotate from one side to the other.

Mr. NUNN. There would be nothing that would delight me more because what we are seeking is amendments from both sides. We are not trying to dominate amendments. We are seeking the amendments. I do not want any new amendments. I am not asking for any new amendments, but I am saying amendments that are on the list.

Mr. HELMS. Will the Senator from Georgia yield?

Mr. NUNN. Without losing the right to the floor, I yield for a comment.

Mr. HELMS. Mr. President, I thank the distinguished manager of the bill, Mr. NUNN.

First of all, let me say that the White House informed me by telephone in the past few minutes that the President supports the purpose and intent of my amendment which we will vote on shortly, whether by a tabling motion or up or down. That is a direct quote of what I was told: "The President supports the purpose and intent of the amendment."

Let me say this to you freedom fighters in Nicaragua. All sorts of suggestions have been made to this Senator that there ought not to be a vote. But there must be a vote because we must begin this process, we must identify where Senators stand, and we must provide a basis for the American people to let Senators know how they stand.

Mr. NUNN. Mr. President, may we have order? This is very important. The Senator from North Carolina desires to be heard.

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from Georgia has the floor and has yielded to the distinguished Senator from North Carolina. The Senate will please be in order.

Mr. HELMS. I have been warned that Senators will vote against this amendment for various reasons. But let me say that the Senator from North Carolina and many other Senators, and the President of the United States, intend to continue to press the issue of support to the freedom fighters in Nicaragua.

As I said at the outset of the discussion of this amendment, this is not the end to all or be all of the process which eventually must and will lead to the United States standing by the freedom fighters. So if Senators want to turn tail and run on this particular vote, that is up to them. They will be sending the signal as to their willingness to stand up for the freedom fighters.

This is an authorization bill. The amount of money is simply authorized. It can be worked on in conference if any Senator has any problem about that. But the ultimate responsibility will be on the Appropriations Committee and the Senate and the House of Representatives.

The freedom fighters are not going to be allowed to go down the tube whether it is tonight or any other occasion, because this issue will be before the U.S. Senate. I, for one, will help keep it there. This is the beginning of a process; not the end. But I think it is important for Senators individually to say to the freedom fighters, right now, I stand with you and I am willing to send you the signal that I will stand with you in your fight for freedom.

So with that, Mr. President, and with reaffirmation and emphasis, the White House supports the purpose and intent of the amendment. And if it does not pass tonight, then we will revisit this matter again and again and again as a former President of the United States once said.

Mr. DIXON. Mr. President, will the Senator yield?

Mr. NUNN. Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senate will please be in order.

The Senator from Georgia has the floor.

Mr. NUNN. I do not want to cut the Senator off. It is my plan to move to table in just a moment. I do not know whether the Senator was interrupted or not. Did he complete?

Mr. HELMS. I finished.

Mr. CHILES. Will the manager allow the Senator to yield to me for a question?

Mr. NUNN. I have the floor. They are going to have to be very brief questions because people are ready to vote here.

Mr. CHILES. I will be very brief.

Mr. NUNN. I will retain the floor. I yield for a question.

Mr. CHILES. I want to say to my good friend I personally supported the Contra effort from the time it first started and I take some umbrage at the Senator's statement that if a Senator does not vote for this amendment we are sending a signal or we are turning tail and running, I think he said, out of the conference. The President did not send a recommendation up. No hearings have been held on the new money. I personally supported the Contras and believe very strongly that they should be supported. I want the Senator from North Carolina to know I take umbrage at that statement.

Mr. HELMS. Does the Senator want me to respond?

Mr. DIXON. Will the Senator yield?

Mr. NUNN. I may yield to the Senator from Illinois briefly for a question. I hope we can hear question marks at the end of the Senator's statement.

Mr. DIXON. Mr. President, I certainly question the offering of this amendment at this time. This amendment would authorize $310 million for Contra assistance. As one of the Senators on this side who shared with the manager support for Contra assistance in the past to keep the pressure on Mr. Ortega down in Nicaragua, I cannot think of a worse time when the peace initiative is under serious consideration, to offer an amendment of this kind calling for Contra assistance, than the offering of this amendment this evening.

My question is how either the administration or my friend from North Carolina who has offered this amendment can imagine that the interests of the United States are served by the offering of the amendment by the Senator from North Carolina at this time. It is going to lose substantial support on this side that, in the past, has been offered for Contra assistance in order to assert pressure for the democratization of Nicaragua, and the possibility of free elections in the future. I think the Senator knows very well that this amendment cannot prosper tonight, and that they are going to lose a good many votes on this side that in the past have supported that effort.

Mr. NUNN. Mr. President, if I detected a question mark at the end of that from the Senator from Illinois, I might answer his question by saying that I would agree that this is the wrong time for this amendment. And I have great respect for my friend from North Carolina, and I know he is dedicated and absolutely sincere in this. I have voted for every Contra amendment we have had on the floor. And there is every indication that I may have to vote for other Contra amendments in the future if the peace process does not work out. I hope it works. But on this bill that has been filibustered for 4 months, on which we have 50 more amendments remaining, I will have to in a moment move to table with great reluctance. And I would have to take a different view.

Mr. SYMMS. Will the Senator yield? Will the chairman yield?

Mr. NUNN. Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Georgia has the floor.

Mr. NUNN. I would have to take a different view from my friend from North Carolina. I hope this vote will not be taken as a signal. I hope it will not be taken as a signal by the freedom fighters and I hope it will not be taken as a comforting signal by the Sandinistas because I think this is going to be the least number of votes that this Chamber would produce for the Contras under any circumstances. And I hope that people understand in Central America that this vote is not indicating for a lot of us in our view.

Mr. SYMMS. Would the chairman yield?

Mr. NUNN. I yield for a very brief question.

Mr. SYMMS. A very brief statement or question: Mr. Chairman, when Senator McCain and I as recently as 2 weeks ago visited the Contra camps, I asked the commander of the Contras a direct question: "How is the morale of the troops in the field since this whole talk and conversation about the peace plan has come up?" His direct response to me was, "Senator, you must remember that our soldiers in the field have radios and are very conscious of what is going on in the United States." So this vote tonight, whether we like it or not, the ox is in the ditch and we are going to be voting on it. The message to the Contras that are fighting and laying down their lives for freedom will be negative tomorrow morning if we do not vote the Helms amendment.

Mr. NUNN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senate will please be in order.

Mr. HARKIN. Regular order.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. NUNN. May I say to my friend from Idaho that I hope that prediction is not accurate because I hope that there will be enough understanding in Central America to understand that this is not an indication of the true feeling of the United States Senate.

Mr. President, I yield for a brief minute to the Senator from Ohio, and then I will yield for a brief moment to Senator Helms.

Mr. GLENN. This will be brief and a question.

On the Governmental Affairs Committee we tried to follow up to find out what happened to the 27 million dollars' worth of humanitarian aid we voted a couple of years back. The Comptroller General put his people on it. They tracked the money to the Miami banks that were administering this. We were only able to track $9 million out of the $27 million that was for humanitarian aid, and they found in that contract $80,000 for handgrenades.

My question is, has there been any comptrollership or better method of following up on this before we vote any more money to send it down a rat hole? Would the Senator respond? I ask the question. Has there been any more comptrollership set up? Twenty-seven million dollars was sent down. We could only track $9 million of it. Eighty thousand dollars of that was supposed to be for humanitarian aid, but went for handgrenades according to the Comptroller General. Has there been any better comptrollership or tracking of this money set up before we vote on this?

Mr. NUNN. Mr. President, I yield to the Senator from North Carolina for a brief answer.

Mr. HELMS. I want to respond to the distinguished Senator from Florida. If he will read what I said, there was no way that I could be referring to him, because he has not been to me on this question. Some Senators have.

On the second point the Senator made, he said that the administration had made no recommendation. George Shultz came up and appeared before the Foreign Relations Committee and recommended $270 million. So the administration does have a position. There has been a hearing.

I meant to offend no Senator, but I still say that it is incomprehensible that any Senator favoring aid to the freedom fighters would have any objection to voting tonight to send a message to the freedom fighters that we are hanging with them, that this process is beginning, and that it will not be abandoned.

Mr. NUNN. Mr. President, I yield to the Senator from Arizona for a brief question.

Mr. WARNER. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senate will be in order. We will not be able to complete the business until the Senators cease audible discussion.

Mr. McCAIN. The White House has also stated that they would prefer that this amendment be brought up at the appropriate time, which would be when the President submits his request to Congress. I just heard that from the White House. I think that should be taken into consideration.

Mr. WARNER. Mr. President, if the distinguished manager will yield, I understand that the minority leader wishes to come to the floor and verify this situation, if we can just tarry a half-minute.

The ACTING PRESIDENT pro tempore. The Senator from Georgia has the floor.

Mr. NUNN. While Senators are here—and I hope that is the line for amendments that are coming; and if it is, I want my staff to get the numbers and the names. We are looking for amendments. I want to let everybody know that we will have more rollcall votes tonight, in all likelihood, so we do not want people to get too far off. We will give you as much notice as possible.

Mr. GLENN. Mr. President, will the Senator yield for a question?

Mr. NUNN. I yield.

Mr. GLENN. I wonder if we might have an answer while we are waiting. Has any method been set up to control the money?

Mr. NUNN. I yield to the Senator from North Carolina for a brief answer.

Mr. HELMS. Here is the GAO criticism:

> GAO finds no fraud or wrongdoing; it states that controls were insufficient to monitor all transactions. Because of constraints Congress imposed, NHAO was subject to legal and diplomatic sanctions that prevented U.S. Government personnel from watching every step of every transaction. However, NHAO devised a monitoring network that would satisfy a prudent administrator.

I think that adequately answers the Senator's question.

SEVERAL SENATORS: Vote! Vote!

Mr. NUNN. Mr. President, the minority leader has requested to come in.

Mr. WARNER. Mr. President, the minority leader is now on the phone with the White House. He has asked for the opportunity, for a minute or two, to come forward and presumably clarify the situation. I ask the indulgence of the distinguished manager of the bill and all Members present for a reasonable wait.

Mr. BYRD. Mr. President, will the Senator from Georgia yield for a couple of minutes, without losing his right to the floor, while we are waiting on the able minority leader?

Mr. NUNN. I yield to the majority leader.

THE EAGLE CRASHED

Mr. BYRD. Mr. President, I should like to call the attention of the Senate to a matter which should be worthy of attention of all Senators while we accord the minority leader the courtesy he deserves in delaying the vote for a few minutes.

Mr. President, throughout our history, the speedy delivery of our Nation's mail has been an honored tradition. Many of our children still dream today about what it was like to be a Pony Express rider, an early American hero, braving the wilderness and its hostile elements to connect the citizens of our expanding country.

As railroads crisscrossed the country, mail service got even better. Postal employees sorted the mail onboard, while the trains rushed to their destinations. Overnight mail between major cities on the east coast was the rule rather than the exception. It was what you got for the basic mail price, rather than something for which you had to pay extra.

Mr. MOYNIHAN. Mr. President, may we have order? The majority leader is speaking.

The ACTING PRESIDENT pro tempore. The Senator from New York is correct. The Senate is not in order. The Senate will please be in order.

Mr. BYRD. Mr. President, from here on out, I am really imposing on the Senate, because the purpose was to fill this little gap while the minority leader was coming to the floor. Would Senators mind if I proceed for 1 minute?

It is realistic, I guess, to expect that this low-cost, speedy, and efficient service would encounter difficulties in our vastly more complicated and crowded modern scene, and I have always tried to be understanding and supportive of the U.S. Postal Service as it has grappled with its many challenges.

However, even my patience has limits. On yesterday, September 16, 1987, I received a piece of mail via the U.S. Postal Service. Here it is: "Express mail. Next day service. Extremely urgent. Rush to addressee." The envelope has on it a picture of an eagle.

Mr. DOLE. Is that my fundraising letter? [Laughter.]

Mr. BYRD. I have several of the Senator's fundraising letters. I am saving them. Some of them have reached my daughter's mother-in-law, and she, too, is saving them. But back to the Express Mail. It took a bit longer to reach my desk here in Washington than even my understanding nature could accept. In this case, I paid $10.75 for the privilege of receiving this letter 10 months and almost 2 weeks after it had been mailed EXPRESS MAIL—NEXT-DAY service from my office in Charleston, WV, on November 6, 1986. [Laughter.]

I have not even opened it. [Laughter.]

Mr. DOLE. That is a refund.

Mr. BYRD. Oh, I see what this is. This is my long-lost West Virginia driver's license. It was about to expire at the time. [Laughter.]

Remember, this was mailed on November 6, 1986. At the time, an immediate trace was put on the envelope.

The Postal Service simply could not find it.

Suddenly, yesterday, 314 days later and without explanation, it was delivered to my office with other NEXT DAY SERVICE mail. Certainly, in this instance, the U.S. Postal Service's advertised "Express Mail Eagle Delivery" crash-landed!

I want my $10.75 back! [Laughter.]

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate resumed consideration of S. 1174.

Mr. NUNN. Mr. President, I yield to the minority leader for observations and questions.

Mr. DOLE. Mr. President, I just wanted the record to reflect that I am going to vote for the amendment, but I say, as I have just had a call from the White House, they have no quarrel with the intent of the amendment, but they do not agree with the timing. I think that record has been made by Senator MCCAIN, the distinguished Senator from Arizona.

But the thing that concerns this Senator, having been in that part of the world, is what signal we send to those who we have supported in the past. I think it is a very important amendment. I certainly think the Senator from North Carolina has focused on what we should do. I would hope at the appropriate time there will be enough votes to do it, maybe enough votes tonight. If that is the case, that is fine.

But it seems to me that the President is in a position where he did agree we are going to give this plan a chance. That deadline is November 7. It is September 30 as far as the authorization. He can make his request then, but I would guess we are going to be hard-pressed around here to get a vote on the merits until sometime after November 7, maybe November 8. Maybe we can work it out earlier.

But on this basis I want the record to reflect that I will vote for the amendment, but I certainly share the President's view that it is ill-timed.

Mr. THURMOND. Mr. President, I rise in support of the Helms amendment to provide $310 million in military assistance to the democratic resistance in Nicaragua. The underlying issue is quite simply whether the United States Congress will assist in freeing an enslaved people, who are quite willing to fight for their freedom, or whether we will stand by as communism is consolidated first in Nicaragua and then spread throughout the region.

Mr. President, in 1979 the United States, along with members of the Organization of American States, withdrew official recognition of the Somoza government in return for a pledge from the Sandinistas to institute democratic reform in Nicaragua. The Somoza regime fell and the Sandinistas took control as we waited for democratic reform to take place. It is 8 years later and we are still awaiting democratic reform.

The sad truth of the matter is that there is no hope for democratic reform whatsoever in Nicaragua so long as the Sandinistas remain in power. There is also the danger that they pose to their neighbors because the Sandinista dictatorship has stated unequivocally that their Marxist revolution is a "revolution without borders."

Mr. President, there has been a great deal of false information concerning the popularity of the counter revolutionary forces in Nicaragua. Opponents of aid to the Contras repeatedly make the claim that this is not a popular revolution. Nothing could be further from the truth. Let me compare the growth of the Sandinista movement over time to the growth of the Contra movement.

It took the Sandinistas more than 15 years to assemble a movement of between 5,000 and 7,000 soldiers. In less than 5 years the Contras have assembled nearly 20,000 soldiers. In fact, the Contra forces today exceed the total number of men in Somoza's National Guard, which in 1979 totaled only 14,000 men, both active and reserve. This is clearly a popular revolt.

Mr. President, there are critics of support for Contras who would have us believe that there is no hope for success even if we support the Contras consistently. This is also untrue. We must remind ourselves that the Sandinista revolt took more than 15 years to succeed against a small National Guard force. The Contras face the largest and most powerful army in Central America. The Contras who have swelled in ranks to their current size are fighting against an active army of 75,000 Sandinista soldiers backed by another 60,000 reservists and militiamen.

There are those who keep saying give peace a chance. My distinguished fellow Senator from South Carolina was right on the mark earlier when he said that we did give peace a chance 8 years ago and it failed.

"Give peace a chance" will go down in history with other great quotes such as "peace in our time" and "peace with honor." We can have peace in Nicaragua by cutting off aid to the Contras. The problem is we will have peace without democracy. Let's give democracy a chance and then give peace a chance.

Mr. President, the Sandinistas offer nothing but totalitarian despair to the people of Nicaragua. Their only hope is through the success of the Contra movement. I urge all of my colleagues to support the Helms amendment.

Mr. GRASSLEY. Mr. President, in the past, I have supported aid to the Contras and I beleive support for them has pressured the Sandinistas to the negotiating table to work out a peace agreement.

Mr. President, I don't believe we should pull the rug out from underneath the Contras, but I also believe we need to give the Central American peace plan its day in court.

I understand there has been agreement between the two House leaders on humanitarian aid that would keep the resistance afloat while the Sandinistas are given one more chance to prove they mean business in regard to democratizing Nicaragua. I believe there will be support in the Senate for this aid and I will fully support any agreement that will keep the resistance afloat during the peace process.

Therefore, although I am not supporting further military aid to the Contras at this time, I want to put the Sandinistas on notice that I certainly reserve the intent to support aid if true democratization does not take place.

Mr. HEINZ. Mr. President, I oppose the amendment by the Senator from North Carolina authorizing additional military aid for the Nicaraguan democratic resistance because it is untimely and because it represents an authorization that even the President has refrained from requesting.

This amendment is ill-timed because we are in the midst of a peace process, initiated August 7 in Guatemala, which should be given a chance to work. If and when that process falters, the Sandinistas know that continued military efforts by the Nicaraguan resistance is a good prospect, as is continued United States assistance to that resistance.

The administration has indicated its readiness to seek additional aid later and if the peace process does not produce results that will protect vital U.S. interests in Central America. But that request has not yet been made. And after carefully reviewing the administration's testimony only last week, it is clear that the administration does not support this amendment, no matter what is the claim of the sponsor, Senator HELMS. I hope that a request for more assistance will be made only when and if needed, after the peace process in Central America will have been given the opportunity to work.

Mr. President, my vote to table this amendment does not represent a change in my position, and the Sandinistas should not read either my or the Senate's vote tonight as a signal on their ability to avoid their obligations. The Senate will not stand in the way of genuine and lasting diplomatic solutions to Central America's problems. But neither will the Senate stand idle if the Sandinista Government fails to fulfill its obligations to its own people and its neighbors.

Mr. BYRD. Mr. President, this amendment is particularly ill-timed and premature. Passage of this amendment would cast a cloud of doubt and confusion over the peace accords which the five Central American Presidents signed in Guatemala on August 7 of this year. At that historic meeting the five Presidents agreed that within 90 days from that date provisions in the agreement calling for amnesty, cease-fire, democratization, cessation of aid to irregular forces or insurgent movements, and the nonuse of the territory of any of the signatory states for attacks on another nation, shall publicly and simultaneously enter into effect.

Mr. President, the author of the Central American peace plan, President Arias of Costa Rica, recently publicly asked that Congress hold in abeyance any action on further military aid to the Nicaraguan democratic resistance, or Contras, until the 90-day implementation period has elapsed. The Contra leadership has announced that it is willing to forgo new military assistance during this period.

President Arias has asked that we first give peace a chance before voting on further Contra military aid. He has been joined in this sentiment by Presidents Cerezo of Guatemala and Duarte of El Salvador.

I believe we should heed this request by these distinguished democratic Central American leaders. They have agreed on a bold and far-reaching plan seeking to find a just peace for their people. They deserve an unencumbered chance to fully pursue this courageous effort to bring peace to Central America.

Mr. President, we have been told by the aminstration that obligated funds from the $100 million which the Congress appropriated last year will keep the Contras adequately militarily supplied through mid-November. It seems to me, Mr. President, that we should give the Guatemala peace plan a chance before we consider interrupting the scheduled process that has been agreed on, by authorizing more money at this time to continue the war in Central America.

Mr. NUNN. Mr. President, with a great deal of reluctance and with hope that this will not be misunderstood because it is the worst possible time for this amendment, I move to table the amendment.

Mr. DODD. Yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion by the Senator from Georgia to lay on the table the amendment of the Senator from North Carolina.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I also announce that the Senator from New Jersey [Mr. LAUTENBERG] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

I also announce that the Senator from Vermont [Mr. STAFFORD] is absent on official business.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—61

Adams
Baucus
Bentsen
Bingaman
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heinz
Johnston
Kassebaum
Kennedy
Kerry
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Simon
Specter
Stennis
Weicker
Wirth

NAYS—31

Armstrong
Bond
Cochran
D'Amato
Danforth
Dole
Garn
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Nickles
Pressler
Quayle
Rudman
Simpson
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—8

Biden
Boren
Gore
Gramm
Inouye
Lautenberg
Shelby
Stafford

So the motion to lay on the table amendment No. 694 was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, we have an amendment by Senator PRYOR. We have an amendment by Senator DIXON, and I believe we can handle those two amendments in a relatively short order. It is planned that the majority leader announce since we started early in the morning and we will have an amendment laid down tonight, we will get started again early in the morning. Again I want to say to Senators if we can get time agreements and get some of the major amendments done tomorrow we can be able to avoid a Saturday session, provided we can also get some amendments lined up for Tuesday. But that is the only way we can do it. It just cannot be done otherwise.

We will have 4 days next week. We must make progress. We have got to make a lot of progress. Does the minority leader want to make any observations on that? They are cooperating, trying to get people to get their amendments up.

Mr. WARNER. I thank the chairman for observing that we are doing our best. We are prepared tonight to deal with these items which, in the judgment of this Senator, appear not to require votes, but of course that is the prerogative of the leadership.

Mr. BYRD. Mr. President, the distinguished manager or ranking Senator, will he yield?

Mr. NUNN. I will be glad to yield.

Mr. BYRD. Mr. President, then it is to be understood there be no more rollcall votes tonight?

Mr. NUNN. I believe we can say that because we are not going to be able to bring an amendment up that is what I will call a controversial amendment. So there will be no more controversial amendments tonight, no more rollcall amendments. But I am hopeful to get the Dixon and Pryor amendments in this evening.

Mr. BYRD. Mr. President, the managers hope for a good working day tomorrow and they are hoping to get time agreements and they are also hoping to make progress on amendments tomorrow that will allow the Senate to go out tomorrow, then, to Tuesday next.

That being the case, the quorum call, the live quorum call which I had indicated would occur every morning at 9 o'clock so the Senators will come and we get started early and get moving this week—what time do the managers recommend that I do the live quorum?

Mr. NUNN. I would recommend that you have a live quorum at 8:30 tomorrow morning. That way we could begin the debate shortly before 9 o'clock or around 9 o'clock.

Mr. WARNER. Mr. President, I defer to the distinguished minority leader to respond to that.

Mr. DOLE. Any time.

Mr. BYRD. Any time. If it is agreeable with the distinguished Republican leader, then, I know Senator PROXMIRE is going to speak for 5 minutes. The two leaders have 5 minutes each, and I will yield my 5 minutes to Senator PROXMIRE. Then we will be into the live quorum call and that will make it occur beginning around 8:30, 8:35, or 8:40.

Mr. DOLE. So the vote would start at 8:40?

Mr. BYRD. I would suggest the absence of the quorum; have a fast rollcall, and then when the clerk announces through the Presiding Officer the quorum is not present, I would move at that time, and I would hope the Senators would not take too long in getting here. I try to consider the fact that being that early in the morning and that being the first thing, Senators should have more than 15 minutes on a rollcall. But I would hope they would not take longer than 30. I want to be as reasonable as possible, but at some point it loses its value. I will call for the regular order, if I may say, on that first rollcall, certainly after the first 30 minutes. So if someone wishes to vote, they should be here within 30 minutes.

Mr. NUNN. Will the majority leader make it end at 9 o'clock? We have people lined up to begin a vigorous debate on an important amendment at 9 o'clock, so to the extent that the quorum compelling Senators goes beyond 9 o'clock, it becomes counterproductive.

RECESS TO 8:20 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate recess over to tomorrow when it completes business today, to the hour of 8:20.

Then the suggestion regarding the absence of a quorum will begin at circa 8:30, and I will call for the regular order at 9 o'clock.

If Senators are not in by then, they will miss the rollcall vote. The managers will recognize we want to get started at 9 because promises have been made to Senators, as I take it, that the amendment which is anticipated being brought up will be brought up at 9 o'clock.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I will yield the floor. I hope our respective cloakrooms will let Senators know that that rollcall vote will begin at 8:30 and the call for the regular order will occur at no later than 9.

I yield the floor.

Mr. NUNN. Mr. President, I think the Senator from Arkansas has an amendment, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas, Senator PRYOR, is recognized.

AMENDMENT NO. 696

(Purpose: To authorize construction of a gymnasium at Blytheville Air Force Base, Arkansas, for which funds have been previously appropriated)

Mr. PRYOR. Mr. President, I have an amendment which I send to the desk at this time and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself and Mr. BUMPERS, proposes an amendment numbered 696.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 163, between lines 11-12, "Blytheville AFB, AR, gymnasium, $2,750,000."

Mr. PRYOR. Mr. President, I offer this amendment on behalf of myself and Senator Bumpers. It relates to a project on the Blytheville Air Force Base in Blytheville, AR. It is also a project, I understand, which has been previously authorized. I do not believe there is any new money actually appropriated in this procedure at this time.

This matter is also embodied in the House bill, Mr. President. I understand, too, that this will be accepted by the managers on both sides of the aisle. I appreciate their consideration.

Mr. President, I will have two amendments for the Senate's consideration regarding facilities at the Blytheville Air Force Base in Blytheville, AR. Both are cosponsored by the senior Senator from Arkansas.

Right now I have called up the first amendment, regarding the construction of a gymnasium at the Air Force Base.

Mr. President, funds for the gymnasium at Blytheville were appropriated last year without an authorization. In order to get the gymnasium started we need to pass the authorization.

Needless to say, facilities such as these are important to the quality of life at military bases. Having this complex available helps retention in the services and, I would venture, also with the productivity of the servicemen. I would note that the gymnasium at Blytheville is in incredibly bad shape and does not meet the Air Force's own standards for recreational facilities.

I understand that there is no objection on either side of the aisle to this simple amendment and I hope that it can be accepted expeditiously.

Mr. NUNN. Mr. President, first, let me thank the Senator from Arkansas for being brief with his amendment. We are now able to scratch his amendment off the list. We thank the Senator for his cooperation.

This is a project, Mr. President, which has already been appropriated but not authorized. Our staffs on both sides, and the minority manager, who will speak in a moment, have looked at this and believe it is a good project that should be authorized in this bill. I recommend that it be approved.

Mr. WARNER. Mr. President, the distinguished manager and the Senator from Arkansas have made a very valid case. It is our understanding that this item was the subject of appropriations in the previous fiscal year, and consistent with the agreement between the Appropriations Committee and the authorizing committee, that matter is now being taken care of.

Mr. President, as far as I know, there is no objection on this side.

Mr. PRYOR. Mr. President, I take this opportunity to thank the distinguished managers, Senator Nunn and Senator Warner.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 696) was agreed to.

The ACTING PRESIDENT pro tempore. Are there further amendments?

Mr. WARNER. Mr. President, we are now in the process of examining another matter which I have been given by the manager and anticipate that that will likewise be shortly disposed of.

Mr. NUNN. Mr. President, we have done about all the productive business we are going to be able to do this evening on this bill. I want to thank all Senators for their cooperation. We have had a good day.

Mr. President, I can report to the leader we have made substantial progress on very important amendments. We have also shortened the list of amendments. We still have a long, long way to go up the mountain. If we can get started early in the morning and have a full day tomorrow, tomorrow night, and Saturday, we will be able to see daylight.

Mr. President, I thank the Senator from Virginia for his great cooperation, his work for both sides of the aisle, and his partnership in moving the bill along. I thank the Senator.

Mr. WARNER. Mr. President, I am greatly appreciative likewise of the distinguished manager. It is always nice to end a long, productive day with a friendly handshake. I hope we can do it again tomorrow.

Mr. BYRD. Mr. President, I thank both managers and I commend them. They have done a good day's work. We started out today with a rollcall vote at 9:30 a.m. this morning. We have had good debate all day. The managers and the Senate have disposed of several amendments during the day. I think we can all go home with the knowledge that we have done our best.

Mr. President, we will return tomorrow and hope for an equally good or even better day tomorrow.

Mr. SIMON. Mr. President, this morning I missed the vote on the Nunn-Levin provision of the defense authorization bill due to a delayed flight. Had I made the vote, I would have supported my good friends Senators Sam Nunn and Carl Levin.

Their provision made great sense, and will contribute much to our national security. As hearing after hearing on the ABM Treaty made clear this year, there is no basis at all for the Reagan administrations reinterpretation of the ABM Treaty. It would be better characterized as a misinterpretation, and as an unconstitutional effort to back out of our solemn treaty obligations.

The traditional, or narrow, interpretation is the only one that makes sense. I do not want to see a rush toward early deployment, which is why I introduced a resolution earlier this year saying no to any early SDI deployment. I do not want to see the traditional interpretation of the ABM Treaty undermined for any reason, which is why I have supported the strenuous effort expended by Senators Nunn and Levin, and many others in this body who want to see a reversal of the SDI Program and an America that upholds the supreme law of the land.

RED RIVER ARMY DEPOT

Mr. BENTSEN. Mr. President, I want to express my appreciation to the Armed Services Committee for its action approving $6.5 million to begin phase I site work at the Red River Army Depot in Texarkana. Senators Bumpers, Pryor, and I recommended that action to the committee, because we knew that each year's delay in building the much-needed new central distribution center cost our taxpayers $22 million. Instead of prolonging inefficient operations, we argued for a new and fully modernized facility. By getting the job started now, we can start pocketing those savings.

The committee accepted our logic and our recommendation. I am also pleased that the House of Representatives approved similar funding in its versions of both the defense authorization and military construction appropriations bills. Since the Senate Armed Services Committee did not specifically comment on this project in its report, I wanted to ask about the committee's assumptions and intentions regarding this project.

As the Chairman knows, the new Central Distribution Center was originally proposed by the Army several years ago, but the Congress deferred authorization in order to permit a study of possible third-party financed construction of such a facility. When reviewing this program this year, however, the House Armed Services Committee declared in its report:

> * * * because the requirement for modernization of the AOD (Area Oriented Depot) at Red River Army Depot is so critical to readiness and national security, the committee is withdrawing its requirement to study private sector financing of this facility. Furthermore, the committee has accelerated the fiscal year 1989 site preparation by adding $6.5 million to the fiscal year 1988 budget request for this purpose. By taking this action, the committee expects the Secretary of the Army to expedite design on the AOD and reach contract award at the earliest possible time.

My question for the Chairman of the Senate Armed Services Committee is whether that body, in approving accelerated funding for site preparation work, also assumed that further study of third party contracting was not required and intended that the Army proceed forthwith with the project at the Red River Army Depot?

Mr. NUNN. Let me say to the senior Senator from Texas that our committee accepted the logic of the suggestion by the Senator and his Arkansas colleagues. We recognized the need to proceed promptly with this project and thus accelerated it to begin site preparation in fiscal year 1988. We want to get those cost savings just as fast as possible. During the committee's consideration of this issue, no one raised the question of further study of third party financing or, for that matter, contracted operation of the facility. It was not the committee's intent to insist that a study of third party financing be pursued.

Mr. BENTSEN. I want to thank the distinguished chairman for that statement. It clarifies the intention of the Armed Services Committee and frees the Army from any requirement to delay this project further to study the issue of third-party financed construction.

Mr. President, let me raise another question with the distinguished Senator. As I understand it, this bill is a 2-year authorization for many programs, generally limited to multiyear projects in the military construction area. Does this new facility for the Red River Army Depot qualify as such a program? Would the chairman entertain authorizing follow-on funds for fiscal year 1989 in this bill?

Mr. NUNN. Mr. President, this is a multiyear project which could qualify for multiple year authorization. But I would point out that the Army previously did not envision the need for follow-on funding for the actual facility construction until the fiscal year 1991-92 period. I would not like to act further on this matter until the Army reconsiders its funding priorities. Since the House and the Senate Armed Services Committee now favor accelerating the site preparation, it would certainly be prudent for the Army to reassess its fiscal year 1989 budget to take account of this congressional action. But the committee would prefer to wait until we can review the amended fiscal year 1989 budget next year.

Mr. BENTSEN. I thank the chairman for his explanation. I shall be getting in touch with the Army to urge prompt action so that this project can continue without further delays.

ORDERS FOR FRIDAY

LEADERSHIP TIME

Mr. BYRD. Mr. President, just so that tomorrow we can have everything ready to go, I ask unanimous consent that on tomorrow the time of the two leaders be reduced to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 1174

Mr. BYRD. Mr. President, I ask unanimous consent that tomorrow, following the recognition of the two leaders under the standing order, the Chair lay before the Senate the unfinished business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL AT 8:30 A.M.

Mr. BYRD. Mr. President, when the Chair lays before the Senate tomorrow the unfinished business at 8:30 a.m., it is my intention to suggest the absence of a quorum.

The alphabet will be run quickly; whereupon, at the end of the running of the alphabet, I will move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I will ask for the yeas and nays at the time. Only one-fifth of the Senators present is necessary to order the yeas and nays, so if I am here by myself, I will constitute one-fifth of the Senators who are present.

Mr. President, in order that the rollcall vote be long enough to accommadate Senators who may at that hour be a little slower in getting here than they might otherwise, at 9 o'clock, if the rollcall is not ended, a call for the regular order will occur and the Chair then will announce the vote. At that time Senators will begin debate on amendments to the unfinished business, the DOD authorization bill.

Does the distinguished ranking manager, who is now the acting Republican leader, have any statement he wishes to make at this point?

Mr. WARNER. Mr. President, not at this time.

Mr. BYRD. I thank the Senator.

THE CALENDAR

Mr. BYRD. Mr. President, I ask the able Republican assistant leader at this time if Calendar Order No. 307 and Calendar Order No. 314 have been cleared on his side of the aisle.

Mr. WARNER. Mr. President, it is my understanding that Calender Orders 307 and 314 are cleared on this side.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 307 and Calendar Order No. 314 seriatim.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISPLAY OF NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG IN THE CAPITOL ROTUNDA

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 9) to provide for the display of the National League of Families POW/MIA flag in the Capitol rotunda.

Mr. DOLE. Mr. President, earlier this year, I introduced this legislation with the intention of raising the American consciousness on the issue of our servicemen who are unaccounted for and still missing from Southeast Asia. As we approach tomorrow's observance of National POW/MIA Recognition Day, I recall my words from last year's ceremony on the West Capitol steps. I pledged that we would never forget the sacrifices of those brave soldiers and I further assured their assembled families that a grateful Nation would never rest until a satisfactory accounting of all our POW's and MIA's had been made.

Recognizing the courage and dedication of those special families, the Senate reaffirms that pledge by passing this legislation calling for the very symbol of that commitment, the POW/MIA flag, to be displayed in the Capitol as a daily reminder to all Americans that this issue will continue as a national priority.

The administration's efforts to resolve the fates of our missing heroes should remain high on my colleagues' agendas—I'm convinced that indeed it does. This is clearly indicated by the fact that 46 Senators joined in cosponsoring this resolution. I wish to thank them and thank the Rules Committee for its help in making this a reality.

I look forward to the day when every visitor to the Capitol will be reminded of these brave American's sacrifice and the undying steadiness of their families to the see the POW/MIA issue to its final resolution.

The concurrent resolution (S. Con. Res. 9) was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 9

Whereas America can never forget the sacrifices of our brave servicemen who are still missing in action, nor the heroic suffering of our prisoners of war;

Whereas the families of these Americans, having suffered greatly themselves, have joined together as the National League of Families to further the awareness of POW/MIA issues;

Whereas the official National League of Families POW/MIA flag symbolizes the nationwide recognition that is justly deserved by the missing and unaccounted for servicemen of all armed conflicts; and

Whereas the POW/MIA flag is an effective means of further raising public consciousness on this key American issue: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the National League of Families POW/MIA flag may be displayed in the Capitol Rotunda until a satisfactory accounting of all Vietnam POW/MIA's has taken place. The POW/MIA flag so displayed shall be in such size and at such place as the Architect of the Capitol, the Speaker and the Minority Leader of the United States House of Representatives, and the Majority and Minority Leaders of the United States Senate shall designate.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADMINISTRATION OF VETERANS' HOME LOANS

The bill (S. 1691) to provide interim extensions of collection of the Veterans' Administration housing loan fee and of the formula for determining whether, upon foreclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding section 2512(c) of the Deficit Reduction Act of 1984 (Public Law 98-369), the provisions of section 1816(c) of title 38, United States Code, shall continue in effect through December 31, 1987.

(b) Notwithstanding subsection (c) of section 1829 of such title, fees shall be collected under such section with respect to loans closed during the period beginning October 1, 1987, and ending December 31, 1987.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

200TH ANNIVERSARY OF THE SIGNING OF THE U.S. CONSTITUTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 173 to commemorate the 200th anniversary of the signing of the Constitution and ask that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 173) to commemorate the 200th anniversary of the signing of the U.S. Constitution.

The Senate proceeded to consider the joint resolution.

Mr. RIEGLE. Mr. President, today I join with all Americans in honoring our Nation's Constitution. The Constitution has endured and guided us for the last 200 years.

Born out of the America's Declaration of Independence and our forefathers' determination to establish and sustain a free country, the Constitution provides us with a solid foundation to carry out the promise of our ancestors' vision. Under this Constitution, democracy has grown and prospered, and continues to serve the people of our Nation.

Men and women all over the world look to the Constitution as a source of inspiration, hope, and a way to create and sustain a better society. It has provided the opportunity for a country of different races, religions, and regions to become one nation and one people. This is the essense of our country.

Mr. President, the bicentennial of the Constitution is also a celebration of a contract between the people and their elected representatives. It outlines our duties as legislators and servants of our country. For ours is a citizen government, a government of the people. The safeguards provided by the Constitution protect the citizens from an oppressive government and provides a means for every voice to be heard. We, as Members of Congress, have a responsibility to prevent the erosion of these safeguards so that future generations may also benefit from the protections.

We are grateful to our forefathers for possessing the foresight to craft a document with the capacity to grow and change as our Nation has matured. It is this dynamic aspect of the Constitution which makes it as relevant and useful today as it was 200 years ago.

By celebrating the bicentennial of the Constitution, we honor our brief but illustrious past as a nation, and look forward to fulfilling our great potential, through our Constitution, in seeking to make this a great country, with freedom and justice for all who live here.

Mr. DeCONCINI. Mr. President, today we are celebrating the 200th birthday of the signing of our Constitution. This unique document is the oldest functioning Constitution in all the world.

I read a survey recently on what Americans know about the Constitution. The results of this survey should concern us all.

Almost half of those polled did not have any idea what purpose the Constitution serves. When asked if the Constitution made English the official language of our Nation, many thought that it did. When asked if the Constitution guarantees the right to own a firearm, about half thought that it did. When asked if the President could suspend the Constitution in times of national emergency, amazingly, about half said "yes."

We have a unique and great system of Government, the best anywhere. However, it is only as strong as the understanding of it by its citizens. We must increase this understanding through education.

When you stop to consider it, that is really the point of this entire celebration: education. As Bicentennial Commission Chairman and former Chief Justice Warren Burger describes it, the celebration is "a history lesson for all of us."

I'm pleased to be a member of the National Bicentennial Commission. I've had quite a few people ask me, why we are celebrating a 200-year old document? I'll tell you why.

The Constitution is a brilliant document. It uses a delicate system of checks and balances to keep the Government running smoothly, and more importantly, to ensure that the individual rights of our citizens are preserved.

Let's take a look at how the Constitution took a chaotic mess of bickering, individual States and formed an organized union. During the years between the end of the American Revolution and the Constitutional Convention in 1787, the outlook for America was grim. Our Treasury was empty. There was even talk of selling some of the States. The States themselves fought bitterly. We had a one house Congress as established under the Articles of Confederation, but it was ineffective. The British were blockading our ports. Barbary pirates were attacking our merchant ships off the African coast. Congress couldn't afford the ransoms which they demanded, and couldn't amass the naval forces necessary to stop their plundering. The Nation was in trouble. If nothing were done, America would remain a collection of diffused, weak, individual States, vulnerable to foreign aggression.

And then they came to Philadelphia. Fifty-five men determined to create a nation. The task ahead was far from easy. At the convention, tempers flared, debate raged, and uncertainty reigned. There were threats to break up the union before it formed. At times, success appeared impossible. The New York delegation walked out, leaving Alexander Hamilton behind. Patrick Henry, the great Virginia war hero, would not even attend the convention saying that he "smelt a rat."

Fortunately, cooler heads prevailed. Compromises were reached. The 1787 Constitutional Convention was a landmark in the history of governments. It marked the beginning of a government of the people, by the people and for the people.

When the Constitution was originally drafted, the preamble read: "We the People of the States of New Hampshire, Massachusetts, Rhode Island—" and so on through a roll call of the remaining 10 States. In a change that seemed insignificant at the time, the delegates rewrote the preamble to read: "We the people of the United States * * *." This change from "We the People" of the individual States to "We the People of the United States" became one of the single most important acts of the Constitutional Convention. It signified that the Union was now composed of 3 million citizens rather than 13 individual States. The huge barriers between the States had fallen. A bold new government had been created.

Our Constitution, written and ratified 200 years ago, has not remained static. Chief Justice John Marshall noted that a constitution is "framed for ages to come." Such is the case with our Constitution. Our original document has evolved over the years through amendment and judicial interpretation.

Citizens may confidently rely on our Constitution as a guardian of their basic rights. It's possible for anyone in America to bring his or her case before the Supreme Court. Take, for example, Clarence Earl Gideon. He was sentenced to 5 years in the Florida State prison, having been tried without a lawyer. He had so little money that he was permitted to petition the Supreme Court without paying the usual fees.

Gideon had hope, hope that someone would believe that his conviction simply was not fair. He also had faith in our Constitution. He hoped that the Supreme Court would consider his petition, handwritten on prison stationery, arguing that he had a constitutional right to the assistance of a lawyer.

Gideon's hopes and faith were rewarded. The Supreme Court took his case, and held that the 6th and 14th amendments guarantee to State criminal defendants the right to counsel. Only months after that decision, State legislatures which had previously denied indigent defendants the services of a lawyer, fully supported the Court's decision. Gideon was tried again, this time with a court-appointed lawyer. He was acquitted.

The Constitution is a living document which embraces the highest ideals of democracy and liberty. Harry Truman expressed these principles well: "That all men have certain inalienable rights, * * * and that the rule of law stands above Government and citizen alike."

Some may think that they are above the law. But the Constitution tells us differently. It provides us with guarantees against tyranny—not even the Government or the President are above the law.

Americans are celebrating from Maine to Maui, from Atlanta to Anchorage; celebrating the greatest blueprint for democracy ever created.

More than 100 years ago, Daniel Webster spoke of difficult times to come, times so tough that making it through might seem impossible. But we, as Americans, he said, have a special chart to see us through. Webster went on to describe what that chart is:

> We may not see our way clear out of the difficulties which now surround us. We may be tossed upon an ocean where we can see no land—nor, perhaps, the sun or stars. But there is a chart and a compass for us to study, to consult and to obey. That chart is the Constitution of the country. That compass is an honest, single-eyed purpose to preserve the institutions and the liberty with which God has blessed us.

All Americans celebrating the Bicentennial represent hope that the Constitution will continue to be the model for democracies on Earth. Hope and faith that this Government "of the people, by the people, and for the people" will endure throughout the ages.

Mr. SANFORD. Mr. President, I rise today to join my fellow Senators and Americans everywhere in celebrating the 200th anniversary of our Nation's Constitution.

Because this document has worked so well for two centuries, we tend to take the Constitution for granted. We go about our daily business without giving much thought to the document that has made our Nation a land of opportunity and a beacon of hope to those who have never known the blessings of liberty.

Almost two-thirds of the world's written constitutions have been drafted since 1970, and almost all of them borrow some of the basic principles found in our Constitution. In all too many cases, however, those principles—such as freedom of religion, speech, and the press, an independent judiciary—are given little more than lip service.

By contrast in this country, our Constitution enjoys a place of prominence in our National Archives, and the principles it represents have each day since it was adopted been put to the challenge of keeping us a free Nation—a Nation of laws, not of men.

Two hundred years old and it is still more important to us as a Nation and to the entire free world than any new product or discovery to come out of the Research Triangle Park, MIT, or NASA.

Two hundred years old and the study of its each and every word is second only to that of the Bible.

Two hundred years old and millions of men and women have stood and today still stand ready to sacrifice their lives so that we may continue to enjoy the freedoms it guarantees.

Yes, our Constitution is 200 years old today. And while for the past year there have been events of different kinds celebrating this bicentennial, we have actually been celebrating the Constitution in this country daily since it was first adopted.

We celebrate the Constitution each time we vote; each time we express our opinion about our Government, its policies, and its leaders; indeed, each time we bow our heads to pray. We celebrate each time we read the Wall Street Journal, the New York Times, the Raleigh News and Observer, Time, or Newsweek. Each time we gather as thousands of Americans are today in Philadelphia, we celebrate the Constitution.

Each and every one of the rights permitting us to do the things I've just mentioned are all enumerated in the Bill of Rights of the Constitution. It is this document—the Constitution of the United States—that challenges us to do better. And it is because of the satisfaction that comes with knowing that we can do better that we are able to celebrate in this country.

This is the true glory of our Constitution. This constantly renewing faith we have in our ability to do better is what stirs me as a patriot—not a military victory over some small island republic only twice the size of the District of Columbia, not the ability to deceive the Ayatollah in order to underwrite support for the Contras, and certainly not chauvinistic political slogans that tell us it's morning again in America, when for many of us Liberty's torch has always provided us all of the illumination we've ever needed.

My fellow North Carolinians and I take an extra note of pride in our Constitution. Not because we enjoy any more freedoms than those enjoyed by our fellow citizens in other States, but because it was North Carolina that refused to ratify the Constitution until a Bill of Rights was added—until our Constitution expressly recognized and affirmed our noblest impulses as a people. To speak. To pray. To assemble. And to protest.

As many of us in this Chamber know, our first effort at government—the Articles of Confederation—failed. The power of the Chief Executive was insufficient. The Government had no direct means of raising money to sustain itself. The States of Virginia and Maryland were about to declare war on each other over shipping rights in the Chesapeake Bay. More importantly, the Government had no means of dealing with its own shortcomings.

But not unlike today, we were a determined people. We tried again. And today, like then, our Government continues to improve because of our faith in the principles embodied in the Constitution. History shows, too, that as our faith in these principles has grown, so have there been changes made in the Constitution that reflect that deeper faith.

The changes I'm speaking of did not come easily; nor did they come without considerable sacrifice. It took a Civil War to bring changes to the Constitution to end the legal enslavement of one man by another. It was during this time that Zebulon Vance, then a North Carolina legislator and soon after Governor, and the man for whom Vance County, NC, is named, stated:

> We fight for the Constitution, for the Union, and the laws. But when we fight for the Union and the laws, we do so within the Constitution.

It took the unified voice of millions of women to move our Government to recognize their right to vote. It took an even greater movement of our citizens and more bloodshed to guarantee the basic rights of our black, native American, Hispanic, Asian, handicapped, and other minority citizens.

North Carolina avoided the extreme polarization and violence of that era because we recognized early that the Constitution is, as I've said earlier, more than just a document. It is a manifestation of the very best of what we as Americans are all about and, therefore, does not countenance prejudice, hatred, or racial discrimination.

Many men and women will become great because of their work with and words on the Constitution. The intent of its provisions and the words that were chosen to express our Founding Fathers' original meanings will continue to be greatly debated and discussed. Whatever changes are yet made in the Constitution over time will only come very deliberately, as they should.

As President Andrew Johnson once said:

> Amendments to the Constitution ought not too frequently to be made. If continually tinkered with it will lose all its prestige and dignity, and the old instrument will be lost sight of altogether in a short time.

As a U.S. Senator, I am ever mindful of my role in upholding and defending the Constitution. Whether it is voting on the laws of the land, or voting on the merits of those who interpret the laws of the land, my ultimate concern has to be, and always is with how the citizens of this great Nation will be affected by my actions. Each of us today must commit herself and himself never to take the Constitution for granted. As that great North Carolinian and defender of the Constitution, Senator Sam Ervin, once said:

> The greatest danger to the people is that they themselves may erode the roots of their past by forgetfulness and indifference.

We have good cause to be celebrating the Constitution today. People all over the world were seeking the freedoms it offers long before it was ever adopted. And men and women of all races and creeds in countries that have yet to recognize that all people are created equal will, I'm afraid, be forced to pursue those same freedoms for many years to come. We, on the other hand, have them now. We can make them better.

That's the challenge the Constitution places before us in this bicentennial year. To make it a better document. To form a more perfect Union. To aspire to more noble purposes. To become, in short, better people.

Ours must become a Nation less absorbed in itself and more aware of what it represents. We must become more open, more willing to consider other points of view. We must remain intrigued enough by the principles our Constitution represents to welcome its constant renewal—not to try to apply it strictly, or narrowly, or circumspectly, but openly, fairly, and honestly. And if we do, then we will all be able to take comfort in knowing that the Constitution which has given so much meaning to our lives will continue to do so for many generations in this country yet to come.

Mr. REID. Mr. President, 200 years ago on this date a group of men signed a legal document. One must wonder, if in performing that simple act they possessed any conception of the magnitude of their conduct.

In the two centuries which have followed, the Constitution they created for our Nation has fulfilled its central purpose. It has functioned as our supreme body of law giving the people the ability to predict the results of their conduct, and their relationship with society and the government. It has proved flexible enough to meet each grave crisis, and yet, as the framers intended, acted as a bulwark for our liberties, and a rampart for our rights.

Those results, most certainly, were intended and sought by the Founding Fathers. Did they though, did they imagine that throughout a world where tyranny had flourished for millennia, and despots reigned supreme, did they imagine that a lamp had been lit which would never be extinguished? Could they conceive that a dream had been released into the world, a dream to which people in chains in every land would raise their manacled hands and look to freedom?

That dream, that light, that guiding law, is 200 years old. We vote this day on a joint resolution encouraging our citizens to review the document which embodies those concepts central to our freedoms. As a free people we may read it. To stay a free people we must do so. For, Mr. President, it is the nature of freedom, that its virtues are lost to those who do not exercise it, just as knowledge of its components is essential to its vitality.

To the extent that by this action today, we as a Congress can further our citizens' involvement in their self-governance, we are engaged in more than symbolism. To the extent that we can extend our people's knowledge of their rights and duties, we are engaged in more then self-congratulation. To the extent that we rekindle the spirit of individual responsibility for self-rule which guided our forefathers, we also rekindle the lamp, renew the dream, and remind the world of the words, the law, the concept, and the spirit which are the Constitution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (S.J. Res. 173) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 173), with its preamble, is as follows:

S.J. Res. 173

Whereas the signers of the Constitution believed that the document which they had drafted would be the supreme law of the land;

Whereas the signers of the Constitution believed that a democratic form of government should be instituted for the benefit of all;

Whereas the signers of the Constitution believed that no government could exist in peace unless laws were framed and held inviolate that secured to each individual the free exercise of conscience, the right and control of property, and the protection of life; and

Whereas the signers of the Constitution believed that all were bound to sustain and uphold the laws of the respective governments in which they resided, while maintaining certain inherent and inalienable rights as protected by those laws: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress encourages all Americans to read the Constitution of the United States within one year of the 200th anniversary of the signing of such, and strongly encourages individual members of Congress, Federal judges, and officials of the executive branch of the Federal government, because of the unique leadership roles in guiding the affairs of this Nation assumed by each, to set the example in studying this cornerstone of democratic government.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPORT OF AMERICAN MEATS TO THE EEC

Mr. WARNER. Mr. President, I send a resolution to the desk on behalf of the Senator from Indiana [Mr. LUGAR] and others, and I ask unanimous consent that it be placed on the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPORT OF AMERICAN MEATS TO THE EEC

Mr. LUGAR. Mr. President, "free trade" and "fair trade" are phrases we have all heard quite a bit of in the last few months as we debated the trade bill and as we now prepare for the conference with the House.

I sincerely believe that American farmers, workers, and consumers benefit most when trade is truly free and fair. Protectionism and trade barriers deny consumers a choice in buying, they deny competitive companies the opportunity to employ their advantages in productivity and they stifle the creativity which spurs economic growth.

For those reasons, I believe we must be resolute and consistent in opposing unfair trading practices wherever we find them—overseas or here at home. As a nation, we are not any better off if we protect one segment of industry while another one suffers because of that protection.

At the same time, our trading partners must understand the very strong concerns we have in this country toward trade policies which close the door to American goods or make it practically impossible for our companies and exporters to do business. This is particularly true when as Americans we see foreign goods and investment enter this country with relative ease.

Mr. President, a situation has arisen in our trade relations with the European Community which now threatens the export of American meat products to the 12 EC countries. This market, according to Department of Agriculture statistics, was worth about $165 million to American business last year.

I am speaking of the so-called Third Country Directive which establishes the rules which a nation outside the European Community, such as the United States, must operate if it wishes to export to the EC. This directive was originally published more than 15 years ago. It has been the subject of much debate and negotiation over the years but now, unless there is some change of intent, is scheduled to go into effect on January 1, 1988.

To briefly explain the situation, the EC authorities have drawn up a list of very detailed procedures for operation of slaughter houses and meat packing plants and, unless American companies follow those procedures in close detail, they will not be approved for export to the EC.

Every country, Mr. President, has its regulations for imported foods to protect the health and safety of its consumers. This is perfectly reasonable, of course, and the United States maintains its own set of regulations for imported meats and meat products.

The difference in this situation is that the United States employs a principle of equivalency. That is, we recognize that economic and cultural factors may affect the way another country processes meats. So our principle of equivalency simply says that the process another nation may use can be different from our own as long as the end result is the same—as long as the imported product meets our health and sanitary requirements.

The EC, on the other hand, is saying that meatpackers and processors in other countries must copy all of the methods of operation used in Europe or they can be denied the right to export even if the end product meets health and sanitary tests.

This new requirement gets into many areas of little or no relevance to the quality of the product being sold. For example, the EC regulations give their inspectors the right to reject American plants because of things like use of wooden pallets, the placement of sinks and sterilizers, the assembly and use of packing materials and the physical construction and location of the plants themselves.

The Department of Agriculture has maintained throughout the history of this debate that there is no scientific or health reason for these restrictions. On the contrary, they would simply force many American companies to make substantial and unnecessary capital investments to keep their business with the EC and even then, subject them to the bureaucratic whims of the EC inspectors.

It is important to note, Mr. President, that while this regulation could endanger $165 million in American exports, our principle of equivalency allows EC exporters to sell more than $400 million annually in this country. That is, we say to the EC exporters: "You may use different procedures in your plants as long as the end product meets acceptable health and sanitary standards."

This Third Country Directive, if it goes into effect, will be unfair, Mr. President. American industry has lodged a formal complaint against the directive with the U.S. Trade Representative. The petitioners in this case are the American Meat Institute, the U.S. Meat Export Federation, the National Pork Producers Council, the American Farm Bureau Federation and the National Cattleman's Association. In response to the complaint, the U.S. Trade Representative, Ambassador Yeutter, has announced an investigation of the allegation of unfair trading practices filed under section 301 of the Trade Act of 1974.

Unfortunately, the EC authorities have chosen to press this directive and another parallel regulation at the same time. The EC also intends to implement on January 1, 1988, a ban on all meats from animals which have been treated with natural or synthetic hormones.

These hormones are widely used in the United States and the EC regulation would have the effect of banning their use. Once again, Mr. President, there is no scientific or medical reason for this directive. Hormones have been used safely in the United States and other countries for years and rigorous scientific studies have found no harmful effects on consumers. In fact, the EC established its own scientific committee to study this question and ordered the committee disbanded when it was about to issue a report stating that no safety problem existed.

Again, Mr. President, our exporters are faced with a trade barrier posing as a health regulation.

The administration is vigorously opposing the Third Country Directive and other unfair trading practices in the EC. We have seen several examples this year of successful conclusions to other disputes—the matter of the EC enlargement, the oils and fats tax and the citrus-pasta question. I sincerely hope that this Third Country Directive matter and the hormone issue can be negotiated as well, Mr. President, because both sides will suffer from this kind of trade barrier. I urge officials and business representatives in Europe to take a look at their exports to the United States before going through with these arbitrary and unfair regulations.

In the meantime, Mr. President, Congress has a role to play here as we have in the past on other trade disputes with our friends in Europe and Asia. For that reason, I am today introducing a resolution expressing our opposition to the Third Country Directive and calling on the administration to adopt strong and immediate countermeasures if this unfair regulation is enforced. This resolution also has been introduced in the House of Representatives.

Mr. President, I would like to ask unanimous consent to insert in the RECORD announcements from the Meat Industry Trade Policy Council and the U.S. Trade Representative on the Third Country Directive and the filing of the section 301 case.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USTR INITIATES INVESTIGATION INTO EC MEAT RULES

July 22, 1987—U.S. Trade Representative Clayton Yeutter today announced that he has initiated an investigation of an alleged unfair trade practice involving new European Community inspection requirements for imported meats. This action is in response to a petition filed under Section 301 of the Trade Act of 1974 by the American Meat Institute, the U.S. Meat Export Federation, the American Farm Bureau Federation, the National Pork Producers Council and the National Cattleman's Association.

"The Section 301 petition raises questions about whether the Community's Third Country Meat Directive violates the GATT and discriminates against U.S. exporters, creating a trade barrier that harms the American meat industry," Yeutter said. "We are concerned about allegations that these new restrictions subject meats imported from the United States to inspection requirements that are not applicable within EC member nations and are not fully enforced in meatpacking plants shipping across national boundaries within the EC. Questions have also been raised about whether the restrictions can really be justified on health grounds.

"We have raised this issue repeatedly with the Community, including as recently as last week when Agriculture Secretary Richard Lyng and I met with EC Vice President Frans Andriessen and Commissioner Will de Clercq. We will be invoking dispute settlement procedures available under the GATT and we'll request formal consultations with the EC on this manner at the earliest possible date."

If consultations or other dispute settlement measures do not resolve the problem, a finding can be made under Section 301 that there are unfair trade practices. At that time, the U.S. Trade Representative can recommend a number of actions to the President, including retaliation.

MEAT INDUSTRY FILES COMPLAINT AGAINST EEC IMPORT RESTRICTIONS

WASHINGTON, DC, July 14, 1987.—Left with no apparent hope of negotiating a reasonable settlement, the meat producing and processing industry today initiated a formal complaint against the European Economic Community's (EEC) Third Country Meat Directive. The complaint, filed with United States Trade Representative Clayton Yeutter, charges the directive has erected illegal trade barriers that regulate U.S. meat more strictly than meat produced in Europe and are not supported by science. Therefore, they impose an "unjustifiable or unreasonable restriction" to U.S. exports of meat and meat products.

The petitioners are the American Meat Institute, the U.S. Meat Export Federation, the National Pork Producers Council, the American Farm Bureau Federation and the National Cattlemen's Association. These organizations consult and cooperate on trade issues through the Meat Industry Trade Policy Council.

In 1985, U.S. meat exports to the EEC amounted to 113,698 metric tons at a value of $131,634,000. This is an important market for the U.S. meat industry.

The complaint charges that the EEC regulations, which purport to control meat hygiene and sanitation, actually regulate imported U.S. meat much more strictly than meat produced within EEC member countries. This two-tier inspection system violates Article III of the General Agreement on Tariffs and Trade (GATT).

The directive outlines detailed requirements plants exporting to the EEC must meet. The lengthy list covers such areas as facilities, equipment, veterinary staffing and procedures, carcass washing, annual employee physical examinations and officially monitored vehicle washing and disinfecting stations. The directive officially went into effect May 1.

Specific requirements being challenged include separate rooms for various meat slaughter and processing operations; separate rooms for dry storage and box assembly; and prohibition of wooden pallets, knife handles, structural beams or fencing.

The petitioners point out that "no scientific evidence [exists] that the detailed facility requirements of the EEC directive have any significant health or safety advantages when compared with USDA's facility requirements established through prior approval of facility blueprints. Nonetheless, unless U.S. packers meet these requirements, they cannot export to the EEC."

The crux of this long-running trade dispute, which began in 1972 when the EEC Council first approved the directive, is the EEC's unwillingness to recognize the concept of equivalency between the two inspection programs.

The EEC, following reviews of more than 400 U.S. plants since 1984, has certified only seven slaughter plants and three cutting plants. This list does not include many of the newest and most efficient U.S. slaughter plants. Another 59 slaughter plants are approved only until December 31 and must be reinspected by EEC reviewers. On the other hand, USDA currently accepts meat imports from some 250 European plants.

"Since the U.S. evaluates the equivalency of European establishments in authorizing meat imports from the EEC, the U.S. is entitled to similar treatment from the EEC as a matter of reciprocity," the complaint says.

Filing the complaint under Section 301 of the Trade Act, was the only alternative left to the meat industry. After years of discussions at the technical level between the USDA and EEC veterinarians, the administration last year finally challenged the directive as a trade issue. It was hoped Yeutter and Secretary of Agriculture Richard Lyng could settle this dispute through high-level negotiations. Administration efforts included a fact-finding investigation under Section 305 of the Trade Act, but the EEC refused to cooperate and did not answer questions developed by Yeutter and his staff.

A final effort to reach a settlement failed last week when Yeutter and Lyng met with EEC commissioners Willy de Clerq and Frans Andriessen on a variety of trade issues in Washington. Although the directive was a prime topic of discussion, the EEC representatives again refused to show any flexibility. The petitioners had agreed to withhold filing the complaint pending the outcome of the meeting.

The U.S. Trade Representative has 45 days to accept or reject the petition. If accepted, there will be another opportunity for consultation and mediation between the U.S. and the EEC. If these talks are unsuccessful, the dispute will be referred to the GATT in Geneva. A panel, selected from nations which are not parties to the dispute, will hear presentations from both sides and make appropriate recommendations.

The recommendations go to the Council composed of all GATT members, which must rule on the panel report. If a report favorable to the U.S. is adopted, the EEC must modify its program in a manner favorable to the U.S. or the President is authorized under the Trade Act to take retaliatory action against the offending trade practices.

Mr. LUGAR. In closing, Mr. President, I would like to say that I am pleased that a number of Senators already have lent their names as cosponsors to this resolution and I would invite all my colleagues to support this important and truly bipartisan effort. Senator LEAHY, the distinguished chairman of the Committee on Agriculture, Nutrition, and Forestry, joins with me in support of this resolution. Also cosponsoring this resolution are Senators LEAHY, BOSCHWITZ, BURDICK, CHILES, DIXON, DOLE, DOMENICI, DURENBERGER, GRASSLEY, HEINZ, HELMS, MCCLURE, NICKLES, PRESSLER, SYMMS, KARNES, COCHRAN, WALLOP, WILSON, KASSEBAUM, MCCONNELL, PRYOR, and KENNEDY. We have only about 3 months left before this directive is to be put into effect and I hope that we can get expeditious approval of this resolution in the Senate to support our negotiators.

Equally important, Mr. President, is the overall context of our trade relations with our European friends. We need to find a better way to conduct the settlement of these differences and to avoid this pattern of dispute which has been repeated several times already this year. The 12 EC nations are good trading partners and both sides need to do all that is necessary to see that our trade relations grow and prosper on each side of the Atlantic.

Thank you, Mr. President.

JOSEPH L. MANKIEWICZ—AN ENDURING GENIUS IN MOTION PICTURE ART

Mr. PELL. Mr. President, in early 1988, the great film director, Joseph L. Mankiewicz, will celebrate his 79th birthday. This will be one more milestone in the incredibly productive life of one of America's true masters of the motion picture craft.

Joseph L. Mankiewicz was born in 1909 in Wilkes Barre, PA, the third and youngest of the children born to Frank and Johanna Mankiewicz. At the time, his father was a teacher of French and German at the Harry Hillman Academy. After moving to New York City in 1913, young Joseph completed eight grades at P.S. 64 by the time he was 11 and graduated from Stuyvesant High School in 1924 at age 15. Later that year he enrolled at Columbia College as the youngest member of the class of 1928.

Soon after graduation he traveled to Germany, ostensibly to continue his studies. Very soon, in Berlin, he found work as an assistant correspondent for the Chicago Tribune and did additional work translating film subtitles from German into English. In 1929, his brother Herman Mankiewicz, by then already a well-established screenwriter, invited his younger brother to join him in California. Mankiewicz arrived in Hollywood and was placed under contract to Paramount—a contract which had to be approved by a judge since he was not yet of legal age.

At Paramount, after 2 years of journeyman writing and absorbing the mysteries of talking pictures, his first screenplay, "Fast Company," starring Jack Oakie, was produced by David Selznick. In 1931 he received his first nomination for an Academy Award for writing the screenplay of "Skippy". In 1932 he wrote "Million Dollar Legs", a satire on the Olympic Games, which has since become a minor cult classic.

Mankiewicz moved to MGM in 1934 where, after being refused permission by Louis B. Mayer to direct what he wrote, he functioned as writer/producer on numerous films including "Manhattan Melodrama", "Fury", "Three Comrades", "Philadelphia Story", and "Woman of the Year".

By 1943 he was under contract to Twentieth Century Fox—now as writer/director/producer—with his talents approaching their most fruitful period. Among his Fox films were "The Ghost and Mrs. Muir", "A Letter to Three Wives", "No Way Out", "People Will Talk", "Five Fingers" and the unparalleled "All About Eve". This masterpiece was nominated for 14 Academy Awards with 5 in the "best acting" category alone. This was a record number of nominations which has yet to be equalled by any single film.

Leaving Fox to freelance, he continued his career with "Julius Caesar", "The Barefoot Contessa", "Guys and Dolls" and "Suddenly Last Summer". In 1952, having returned to New York City, he changed pace somewhat by directing a production of "La Boheme" at the Metropolitan Opera.

Mankiewicz is the only filmmaker to have won four Academy Awards in consecutive years for Best Screenplay and Best Director. These were for the films "A Letter to Three Wives" in 1949 and the triumphant "All About Eve" the following year. His most recent nomination was for directing the fine thriller "Sleuth" in which both members of the cast were nominated for acting awards.

Numerous international honors have been bestowed upon Mankiewicz from around the world, including awards from the British Film Academy for "All About Eve" and "Julius Caesar"; the "Edgar" (Allen Poe) from the Mystery Writers of America; the Writers Guild of America's Laurel Award; the D.W. Griffith Award for Outstanding Lifetime Achievement in Film Directing. President Saragat of Italy awarded him "Commander in the Order of Merit" and important retrospectives have been tendered him by British and French film institutes. Finally, Columbia College honored him with the Alexander Hamilton Medal in 1986 "for distinguished service and accomplishment in any field of human endeavor * * *"

Joseph Mankiewicz is a brilliant master of the very special craft of motion picture-making. Generations of film-goers will delight in the work he has created throughout his long and distinguished career. He has done so much to raise this unique art form to be one of mankind's great arts.

I take this opportunity to personally salute Frank L. Mankiewicz for all he has done to enrich our lives and wish him well for the years ahead.

THE CONFIRMATION OF JUDGE BORK: QUALIFICATIONS OR POLITICS?

Mr. PRESSLER. Mr. President, I shall vote for Judge Robert Bork to be a Justice of the U.S. Supreme Court. I have been closely following the hearings for the last few days and feel he is doing an excellent job. He is one of the most qualified individuals ever nominated. Barring some unforeseen and unanticipated ethical problem, Judge Bork should be confirmed by the U.S. Senate. I recently met with him to discuss his current views on the judicial system. When I attended Harvard Law School and Oxford University, I had the opportunity to hear his lectures and read some of his articles.

Politics should not dictate judicial nominations. In the past, I have supported the qualified judicial nominees of Democratic and Republican Presidents alike. For example, I supported President Carter's qualified and competent nominees even when I disagreed with some of their views.

It is the role of the President to nominate Supreme Court Justices. The Senate has the power to "advise and consent" on these nominations. The confirmation process is designed to ensure that nominees are highly qualified and have neither ethical nor character problems. It was not intended to be a battleground for partisan politics. Senators should be evaluating Judge Bork's qualifications and his extensive judicial record. Unfortunately, some individuals are making Judge Bork out to be an extremist. After reading many of his opinions and articles, I find this view to be unfounded. Not one of Judge Bork's majority opinions has been overturned by the Supreme Court. His is not the record of a radical.

Judge Bork believes in judicial restraint—the idea that the Court's role is to ensure that the laws are consistent with the Constitution rather than a judge's personal beliefs. He believes that it is the role of judges to interpret the Constitution, not to make laws.

The Supreme Court reconvenes on the first Monday in October, but Judge Bork's confirmation hearings were not scheduled to start until September 15—2½ months after the nomination was submitted! Why the delay? Some individuals seem to be using this time to make a partisan issue of an important matter where politics has no place. It may even be that some would oppose any Reagan nominee in the hope that Court appointments could be made by the next President. This is inexcusable. Because of this delay, it is possible that there will be only eight Justices when the Supreme Court reconvenes this fall. The American people need and deserve the Supreme Court working at full strength. When Justice Powell retired from the Court, he noted that vacancies "created problems for the Court and for litigants." Such problems could be prevented if we rise above politics and focus on the issues.

Recently, the American Bar Association endorsed Judge Robert Bork's Supreme Court nomination by giving him its highest rating. In 1982, Judge Bork also received the American Bar Association's highest rating when he was nominated to serve on the U.S. Court of Appeals for the District of Columbia Circuit. Judge Bork was confirmed unanimously by the Senate. He has served in that position for the last 5 years. Judge Bork has served as a professor at Yale Law School, as Solicitor General of the U.S. Department of Justice, and in the U.S. Marine Corps. As a practitioner, he has argued and won numerous cases before the Supreme Court. Justice John Paul Stevens, who is considered to be a moderate-liberal Justice, publicly stated "I personally regard him as a very well-qualified candidate and one who will be a very welcome addition to the Court."

In addition to being highly qualified on the basis of experience, Robert Bork believes that excessively liberal interpretations of procedural rights do not serve the goal of protecting justice for all. Many of Judge Bork's opinions illustrate his strong belief that we must protect constitutional rights, but the guilty should not go free. There has been much debate regarding the exclusionary rule. To what extent do we disallow evidence, knowing that a guilty party will go free. Yes, criminals should have constitutional rights. But as Judge Bork has asked, "at what cost?" Many law enforcement agencies have announced their support for Judge Robert Bork, including: The Fraternal Order of Police, International Association of Chiefs of Police, National District Attorneys Association, and the National Sheriff's Association, just to name a few. Stronger law enforcement procedures are needed and supported by the American people.

Some have clearly distorted Judge Bork's role in the Watergate Saturday night massacre in an attempt to make an issue where none exists. Former President Nixon ordered then-Attorney General Elliot Richardson to fire Special Prosecutor Archibald Cox. Richardson refused to carry out the President's order and resigned. Solicitor General Bork carried out Nixon's order. A point often overlooked by Bork's detractors is that Elliot Richardson urged Mr. Bork to stay at the Justice Department to maintain order in the wake of his own resignation. Soon after Cox was dismissed, Bork sought another special prosecutor and pressed former President Nixon into agreeing not to interfere with the investigation. Because of his actions, the

Watergate investigation continued free from Presidential control.

It is time for everyone to focus on Judge Bork's qualifications and dispense with the politics. There is one goal—filling the vacancy on the Supreme Court with a worthy candidate. It is my hope that Senators will not vote for or against Judge Bork based solely on political philosophy or partisanship. The vacancy should be filled before the Supreme Court reconvenes in October. Further delays surely will make the American people wonder if Judge Bork is receiving a fair hearing.

MESSAGES FROM THE HOUSE

At 10:05 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that on August 7, 1987, the Speaker appointed conferees to the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3) entitled "An Act to enhance the competitiveness of American industry, and for other purposes," and pursuant to the order of the House of that day, the Speaker now supplements that initial appointment.

Accordingly, the Speaker appoints the following Members from the committees designated, including both the Members initially appointed and Members newly appointed, as conferees:

From the Committee on Ways and Means, for consideration of titles I, II, VIII, and XV, and sections 704 and 906 of the House bill, and titles I, II, III (except sections 308 and 310), IV (except sections 412 through 415), V through VIII, IX (except sections 963, 967 through 972, 974, 975, and 977) of the Senate amendment, and modifications committed to conference: Mr. Rostenkowski, Mr. Gibbons, Mr. Jenkins, Mr. Downey of New York, Mr. Pease, Mr. Russo, Mr. Gephardt, Mr. Guarini, Mr. Matsui, Mr. Duncan, Mr. Archer, Mr. Vander Jagt, Mr. Crane, and Mr. Frenzel.

From the Committee on Ways and Means, for consideration of sections 321, 323, 363, 907 through 909 of the House bill, and title XXXVII and sections 308, 310, 412, 977, 2002, and 3871 of the Senate amendment, and modifications committed to conference: Mr. Rostenkowski, Mr. Gibbons, Mr. Jenkins, Mr. Downey of New York, Mr. Pease, Mr. Russo, Mr. Crane, Mr. Frenzel, and Mr. Schulze.

From the Committee on Ways and Means, for consideration of sections 613, 626, 627, 671 through 675, 681, 682, 691, and 692 of the House bill, and sections 974, 975, 2112, 2128, 2171, 2173 through 2175, 2191, 2193, and 2194 of the Senate amendment, and modifications committed to conference: Mr. Rostenkowski, Mr. Gibbons, Mr. Jenkins, Mr. Pease, Mr. Russo, Mr. Matsui, Mr. Archer, Mr. Thomas of California, and Mr. Daub.

From the Committee on Ways and Means, for consideration of sections 605 through 607, 611, and 663 of the House bill, and sections 2113, 2114, and 2136 of the Senate amendment, and modifications committed to conference: Mr. Rostenkowski, Mr. Gibbons, Mr. Jenkins, Mr. Matsui, Mr. Thomas of California, and Mr. Daub.

From the Committee on Ways and Means, for consideration of title X of the House bill, and section 3911 of the Senate amendment, and modifications committed to conference: Mr. Rostenkowski, Mr. Gibbons, Mr. Gephardt, Mr. Guarini, Mr. Crane, and Mr. Frenzel.

From the Committee on Ways and Means, for consideration of sections 351, 901, and 902 of the House bill, and sections 968 through 972, 1030 through 1033, and 3811 through 3824 of the Senate amendment, and modifications committed to conference: Mr. Rostenkowski, Mr. Gibbons, Mr. Downey of New York, Mr. Archer, and Mr. Schulze.

From the Committee on Agriculture, for consideration of title VI and sections 318 through 321 of the House bill, and title XXI (except sections 2178 through 2180A and 2185 through 2187) and sections 601, 602, 604, 605, 974, 975, and 4706 of the Senate amendment, and modifications committed to conference: Mr. de la Garza, Mr. Brown of California, Mr. Panetta, Mr. Glickman, Mr. Stenholm, Mr. Volkmer, Mr. Roberts, Mr. Morrison of Washington, Mr. Gunderson, and Mr. Grandy.

From the Committee on Agriculture, for consideration of section 308 of the Senate amendment and modifications committed to conference: Mr. de la Garza, Mr. Brown of California, Mr. Glickman, Mr. Roberts, and Mr. Morrison of Washington.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 126 (insofar as it would add new sections 311(g) (1) and (2) to the Trade Act of 1974), sections 401 through 427, and 431 through 452 of the House bill, and titles XIII and XVII and sections 108, 2008, 2012, and 2178 through 2180A of the Senate amendment, and modifications committed to conference: Mr. St Germain, Mr. Fauntroy, Mr. Garcia, Mr. LaFalce, Mr. Schumer, Mr. Morrison of Connecticut, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 322 of the House bill, and section 1106 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Ms. Oakar, Mr. Garcia, Mr. Vento, Mr. Schumer, Mr. Morrison of Connecticut, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 341 and 344 of the House bill, and modifications committed to conference: Mr. Fauntroy, Ms. Oakar, Mr. Garcia, Mr. LaFalce, Mr. Schumer, Mr. Morrison of Connecticut, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 428 of the House bill, and section 1506 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Mrs. Oakar, Mr. Vento, Mr. Barnard, Mr. Schumer, Mr. Morrison of Connecticut, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 461 through 471 of the House bill, and sections 3801 through 3809 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Mr. Fauntroy, Mr. Garcia, Ms. Oakar, Mr. LaFalce, Mr. Vento, Mr. Wylie, Mr. Leach of Iowa, Mr. McMillan of North Carolina, and Mr. Roth.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 476 and 477 of the House bill, and sections 1101 through 1103 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Mr. Fauntroy, Ms. Oakar, Mr. Garcia, Mr. LaFalce, Mr. Vento, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. Roth.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 907 of the House bill, and modifications committed to conference: Mr. St Germain, Mr. Fauntroy, Ms. Oakar, Mr. Garcia, Mr. Vento, Mr. Schumer, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 911 of the House bill, and modifications committed to conference: Mr. St Germain, Ms. Oakar, Mr. LaFalce, Mr. Vento, Mr. Schumer, Mr. Morrison of Connecticut, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 959 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Mr. Fauntroy, Ms. Oakar, Mr. Garcia, Mr. LaFalce, Mr. Schumer, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1026 and 1027 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Ms. Oakar, Mr. LaFalce, Mr. Vento, Mr. Schumer, Mr. Morrison of Connecticut, Mr. Wylie, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1501 through 1504 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Ms. Oakar, Mr. Vento, Mr. Barnard, Mr. Schumer, Mr. Morrison of Connecticut, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 1805 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Mr. Fauntroy, Mr. Garcia, Mr. Vento, Mr. Schumer, Mr. Morrison of Connecticut, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title XIX and section 2001 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Mr. Fauntroy, Mr. Garcia, Mr. LaFalce, Mr. Vento, Mr. Schumer, Mr. Wylie, Mr. Leach of Iowa, Mr. Bereuter, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 313 of the House bill, and sections 1201 and 1203 of the Senate amendment, and modifications committed to conference: Mr. Fauntroy, Mr. Garcia, Mr. Morrison of Connecticut, Mr. Leach of Iowa, and Mr. Bereuter.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 326 of the House bill, and modifications committed to conference: Mr. St Germain, Ms. Oakar, Mr. Garcia, Mr. Wylie, and Mr. Leach of Iowa.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 345 of the House bill, and modifications committed to conference: Ms. Oakar, Mr. LaFalce, Mr. Vento, Mr. Leach of Iowa, and Mr. Bereuter.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 664 of the House bill, and sections 1801, 3903, and 3906 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Mr. Fauntroy, Mr. Garcia, Mr. Wylie, and Mr. Bereuter.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 702 of the House bill, and modifications committed to conference: Mr. St Germain, Mr. Fauntroy, Ms. Oakar, Mr. Wylie, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of sections 902, 905, and 912 of the House bill, and title XIV and sections 3811 through 3824, 3861 through 3867, and 4501 of the Senate amendment, and modifications committed to conference: Ms. Oakar, Mr. LaFalce, Mr. Vento, Mr. McMillan of North Carolina, and Mr. Roth.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 1303 of the House bill, and modifications committed to conference: Ms. Oakar, Mr. Fauntroy, Mr. Garcia, Mr. Leach of Iowa, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 1005 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Ms. Oakar, Mr. Garcia, Mr. Wylie, and Mr. Bereuter.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 1505 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Ms. Oakar, Mr. Vento, Mr. Wylie, and Mr. Leach of Iowa.

From the Committee on Banking, Finance and Urban Affairs, for consideration of section 3854 of the Senate amendment, and modifications committed to conference: Mr. St Germain, Ms. Oakar, Mr. Vento, Mr. Wylie, and Mr. McMillan of North Carolina.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title III (except sections 322, 326, and 351) and sections 451, 601 through 612, 621 through 623, 625, 631 through 637, 641 through 651, 653, 663, 701, 903, 907, and 912 of the House bill, and titles X (except sections 1030 through 1033), XII, XVI, XVIII (except section 1801), XX (except sections 2001 and 2008), and XLVII and sections 311, 413 through 415, 958, 963 through 972, 977, 1104, 1304, 1504, 2111, 2113 through 2127, 2129, 2132 through 2136, 2138, 2139A through 2166, 2180B through 2182, 2184, 2192, 3851, 3881, 4501, and 4901 of the Senate amendment, and modifications committed to conference: Mr. Fascell, Mr. Bonker, Mr. Mica, Mr. Berman, Mr. Levine of California, Mr. Bilbray, Mr. Broomfield, Mr. Roth, Mr. Bereuter, and Mr. Miller of Washington; except that—

For consideration of section 331 of the House bill, Mr. Wolpe, Mr. Feighan, and Mr. Lagomarsino are appointed, vice Mr. Levine of California, Mr. Bilbray, and Mr. Miller of Washington;

For consideration of sections 318 through 321, 345 451, and 912 of the House bill, Mr. Gejdenson is appointed, vice Mr. Levine of California;

For consideration of sections 301 through 317 and 323 through 326 of the House bill, Mr. Feighan is appointed, vice Mr. Levine of California;

For consideration of section 325 of the House bill, Mr. Solarz is appointed, vice Mr. Levine of California;

For consideration of title XLVII and sections 311, 958 968 through 972, 2002 through 2007, 2009 through 2012, and 4901 of the Senate amendment, Mr. Solarz is appointed, vice Mr. Levine of California;

For consideration of sections 2111, 2113 through 2127, 2129, 2132 through 2136, 2138, 2139A through 2166, 2180B through 2182, 2192, and 4501 of the Senate amendment, Mr. Gejdenson is appointed, vice Mr. Levine of California;

For consideration of title XII and sections 1802 through 1805, and 1807 through 1809 of the Senate amendment, Mr. Feighan is appointed, vice Mr. Levine of California;

For consideration of title XLVII of the Senate amendment, Mr. Gilman is appointed, vice Mr. Miller of Washington; and

For consideration of section 1020 of the Senate amendment, Mr. Wolpe, Mr. Feighan, and Mr. Lagomarsino are appointed, vice Mr. Levine of California, Mr. Bilbray, and Mr. Miller of Washington.

From the Committee on Foreign Affairs, for consideration of sections 322, 326, 351 461 through 471, 664, 702, 703, 901, 902, 905, 1303 through 1306, and 1310 of the House bill, and title XIV and sections 308, 412, 1105, 1505, 1801 3801 through 3824, 3854, 3902 through 3907, 3910, and 3912 of the Senate amendment, and modifications committed to conference: Mr. Bonker, Mr. Mica, Mr. Berman, Mr. Roth, and Mr. Bereuter, except that—

For consideration of section 664 of the House bill, and sections 308 and 2178 through 2180A of the Senate amendment, Mr. Gejdenson is appointed, vice Mr. Berman; and

For consideration of sections 1303 through 1306, and 1310 of the House bill, and sections 3902 through 3907, 3910, and 3912 of the Senate amendment, Mr. Broomfield is appointed, vice Mr. Bereuter.

From the Committee on Foreign Affairs, for consideration of sections 1030 through 1033 of the Senate amendment, and modifications committed to conference: Mr. Fascell, Mr. Bonker, Mr. Mica, Mr. Broomfield, and Mr. Roth.

From the Committee on Energy and Commerce, for consideration of title II and section 703 of the House bill, and sections 901 through 913 of the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Florio, Mr. Markey, Mr. Sharp, Mr. Swift, Mr. Bryant, Mr. Synar, Mr. Eckart, Mr. Slattery, Mr. Lent, Mr. Moorhead, Mr. Rinaldo, Mr. Dannemeyer, and Mr. Ritter.

From the Committee on Energy and Commerce, for consideration of sections 104, 181, 183, 324, 701, 703, 903, 904, 906, and 909 of the House bill, and title XVI and sections 1503, 1802, and 3851 through 3853 of the Senate amendment, and modifications committed to conference; for consideration of sections 121 and 124 of the House bill, and sections 306 and 307 of the Senate amendment, and modifications committed to conference, except for those matters relating to suspension, withdrawal, or prevention of trade agreement concessions or to imposition of duties or other import restrictions on goods; and for consideration of section 201 of the Senate amendment (insofar as it would add new sections 204(d)(1)(B)(ii) and 204(d)(2)(B) through (E) to the Trade Act of 1974), and modifications committed to conference: Mr. Dingell, Mr. Florio, Mr. Markey, Mr. Sharp, Mr. Swift, Mr. Bryant, Mr. Lent, Mr. Moorhead, Mr. Rinaldo, and Mr. Dannemeyer.

From the Committee on Energy and Commerce, for the consideration of section 198 of the House bill and sections 2185 through 2188 of the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Florio, Mr. Markey, Mr. Sharp, Mr. Swift, Mr. Bryant, Mr. Lent, Mr. Moorhead, Mr. Dannemeyer, and Mr. Coats.

From the Committee on Energy and Commerce, for the consideration of sections 908, 910, and 911 of the House bill and section 310 of the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Florio, Mr. Markey, Mr. Sharp, Mr. Swift, Mr. Bryant, Mr. Lent, Mr. Rinaldo, Mr. Dannemeyer, and Mr. Ritter.

From the Committee on Energy and Commerce, for consideration of sections 311 through 316, 345, 461 through 471, 901, 902, 905, 907, and 912 of the House bill, and titles XII (except section 1207) and XIV and sections 968 through 972, 1801, 1802, 3801 through 3824, and 4501 of the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Florio, Mr. Markey, Mr. Lent, and Mr. Dannemeyer.

From the Committee on Energy and Commerce, for consideration of section 331 of the House bill, and modifications committed to conference: Mr. Dingell, Mr. Florio, Mr. Markey, Mr. Lent, and Mr. Moorhead.

From the Committee on Energy and Commerce, for consideration of section 702 of the House bill, and sections 1505 and 3854 of the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Florio, Mr. Markey, Mr. Lent, and Mr. Rinaldo.

From the Committee on Energy and Commerce, for consideration of sections 3861 through 3867 of the Senate amendment, and modifications committed to conference: Mr. Dingell, Mr. Florio, Mr. Markey, Mr. Lent, and Mr. Ritter.

From the Committee on Education and Labor, for consideration of title V (except subtitle B) of the House bill, and titles XXIII through XXXII of the Senate amendment, and modifications committed to conference: Mr. Hawkins, Mr. Ford of Michigan, Mr. Biaggi, Mr. Kildee, Mr. Williams, Mr. Jeffords, Mr. Goodling, and Mr. Coleman of Missouri.

From the Committee on Education and Labor, for consideration of subtitle B of title V of the House bill, and title XXII of the Senate amendment (except the portion of section 2202 that would add new part B to title III of the Job Training Partnership Act), and modifications committed to conference: Mr. Hawkins, Mr. Ford of Michigan, Mr. Gaydos, Mr. Clay, Mr. Martinez, Mr. Jeffords, Mrs. Roukema, and Mr. Gunderson.

From the Committee on Education and Labor, for consideration of section 2202 of the Senate amendment (insofar as it would add new part B to title III of the Job Training Partnership Act), and modifications committed to conference: Mr. Hawkins, Mr. Ford of Michigan, Mr. Gaydos, Mr. Clay, Mr. Martinez, Mr. Murphy, Mr. Owens of New York, Mr. Jeffords, Mrs. Roukema, Mr. Gunderson, and Mr. Bartlett.

From the Committee on Education and Labor for consideration of section 904 of the House bill, and modifications committed to conference: Mr. Hawkins, Mr. Ford of Michigan, Mr. Gaydos, Mr. Jeffords, and Mr. Goodling.

From the Committee on the Judiciary, for consideration of title XIV and sections 166, 171 through 173 of the House bill, and titles XXXIII through XXXVI and sections 201 (insofar as it would add new section 203(f) to the Trade Act of 1974), 401, 415, 416, 1107, 1806, 1908, and 1910 of the Senate amendment, and modifications committed to conference: Mr. Rodino, Mr. Kastenmeier, Mr. Edwards of California, Mr. Hughes, Mrs. Schroeder, Mr. Crockett, Mr. Fish, Mr. Moorhead, Mr. Hyde, and Mr. Lungren.

From the Committee on the Judiciary, for consideration of sections 872 and 873 of the House bill, and modifications committed to conference: Mr. Rodino, Mr. Kastenmeier, Mr. Edwards of California, Mr. Hughes, Mrs. Schroeder, Mr. Crockett, Mr. McCollum, Mr. Lungren, Mr. Fish, and Mr. Moorhead.

From the Committee on the Judiciary, for consideration of sections 326, 905, and 912 of the House bill, and titles XIV and XLVIII and sections 1105 and 3861 through 3867 of the Senate amendment, and modifications committed to conference: Mr. Rodino, Mr. Edwards of California, Mr. Hughes, Mr. Fish, and Mr. Moorhead.

From the Committee on the Judiciary, for consideration of section 351 of the House bill, and modifications committed to conference: Mr. Rodino, Mr. Kastenmeier, Mrs. Schroeder, Mr. Fish, and Mr. Moorhead.

From the Committee on the Judiciary, for consideration of section 701 of the House bill, and sections 1603 through 1605 of the Senate amendment, and modifications committed to conference: Mr. Rodino, Mr. Hughes, Mr. Crockett, Mr. McCollum, and Mr. Lungren.

From the Committee on the Judiciary, for consideration of section 703(h) of the House bill, and sections 1603 through 1605 of the Senate amendment, and modifications committed to conference: Mr. Rodino, Mr. Hughes, Mr. Crockett, Mr. Fish, and Mr. Moorhead.

From the Committee on Government Operations, for consideration of titles X and XVI of the House bill, and title XLVIII of the Senate amendment, and modifications committed to conference: Mr. Brooks, Mr. Conyers, Mr. Neal, Mr. Frank, Mr. Weiss, Mr. Horton, Mr. Walker, and Mr. Clinger.

From the Committee on Government Operations, for consideration of sections 461 through 471 of the House bill, and sections 1030 through 1033 and 3801 through 3809 of the Senate amendment, and modifications committed to conference: Mr. Brooks, Mr. Conyers, Mr. Neal, Mr. Horton, and Mr. Walker.

From the Committee on Merchant Marine and Fisheries, for consideration of title XI of the House bill, and title XLVI and section 2011 of the Senate amendment, and modifications committed to conference: Mr. Jones of North Carolina, Mr. Biaggi, Mr. Anderson, Mr. Studds, Mr. Bonker, Mr. Hughes, Mr. Davis of Michigan, Mr. Lent, Mr. Young of Alaska, and Mr. Shumway.

From the Committee on Public Works and Transportation, for consideration of title XII of the House bill, and section 4502 of the Senate amendment, and modifications committed to conference: Mr. Mineta, Mr. Oberstar, Mr. Nowak, Mr. Rahall, Mr. Applegate, Mr. de Lugo, Mr. Hammerschmidt, Mr. Stangeland, Mr. Gingrich, and Mr. Clinger.

From the Committee on Small Business, for consideration of title XIII and section 186 of the House bill, and titles XXXVII and XXXIX and section 1804 (insofar as it would add new section 661(d)(2)(B) to the Foreign Assistance Act of 1961) of the Senate amendment, and modifications committed to conference: Mr. LaFalce, Mr. Smith of Iowa, Mr. Skelton, Mr. Mavroules, Mr. Bilbray, Mr. McDade, Mr. Ireland, and Mr. Conte.

From the Committee on Small Business, for consideration of section 314 of the House bill (insofar as it would add new section 203(c) to the Export Administration Amendments Act of 1985), and modifications committed to conference: Mr. LaFalce, Mr. Smith of Iowa, Mr. Skelton, Mr. McDade, and Mr. Ireland.

From the Committee on Science, Space, and Technology for consideration of section 911 of the House bill, and modifications committed to conference: Mr. Roe, Mr. Walgren, Mr. MacKay, Mr. Valentine, Mr. Brown of California, Mr. Scheuer, Mr. Lujan, Mr. Boehlert, Mr. Ritter, and Mr. Packard.

From the Committee on Science, Space, and Technology for consideration of sections 3852 and 3853 of the Senate amendment, and modifications committed to conference: Mr. Roe, Mr. Walgren, Mr. MacKay, Mr. Brown of California, Mr. Scheuer, Mrs. Lloyd, Mr. Lujan, Mr. Morrison of Washington, Mr. Ritter, and Mrs. Morella.

From the Committee on Science, Space, and Technology for consideration of section 3871 of the Senate amendment, and modifications committed to conference: Mr. Roe, Mr. Walgren, Mr. MacKay, Mr. Brown of California, Mr. Scheuer, Mrs. Lloyd, Mr. Lujan, Mr. Boehlert, Mr. Walker, and Mr. Sensenbrenner.

From the Committee on Science, Space, and Technology for consideration of sections 3881 through 3884 of the Senate amendment, and modifications committed to conference: Mr. Roe, Mr. McCurdy, Mr. Glickman, Mr. Nelson of Florida, Mr. McMillen of Maryland, Mr Hayes of Louisiana, Mr. Lujan, Mr. Lewis of Florida, Mr. Walker, and Mr. Ritter.

From the Committee on Science, Space, and Technology, for consideration of titles XL through XLIV and sections 4503 through 4505 of the Senate amendment, and modifications committed to conference: Mr. Roe, Mr. Walgren, Mr. Brown of California, Mr. Scheuer, Mrs. Lloyd, Mr. Glickman, Mr. Lujan, Mr. Boehlert, Miss Schneider, and Mr. Ritter.

From the Committee on Science, Space, and Technology, for consideration of section 4902 of the Senate amendment, and modifications committed to conference: Mr. Roe, Mr. Walgren, Mr. Brown of California, Mr. Scheuer, Mrs. Lloyd, Mr. Glickman, Mr. Lujan, Mr. Lewis of Florida, Mr. Packard, and Mr. Buechner.

From the Committee on Science, Space, and Technology, for consideration of sections 461 through 471 and 904 of the House bill, and sections 2305, 3801 through 3809, and 3909 of the Senate amendment, and modifications committed to conference: Mr. Roe, Mr. Walgren, Mr. Brown of California, Mr. Lujan, and Mr. Boehlert.

From the Committee on Science, Space, and Technology, for consideration of section 411 of the Senate amendment, and modifications committed to conference: Mr. Roe, Mr. Hall of Texas, Mr. Torricelli, Mr. Lujan, and Mr. Sensenbrenner.

From the Committee on Science, Space, and Technology, for consideration of sections 3861 through 3867 of the Senate amendment, modifications committed to conference: Mr. Roe, Mr. Walgren, Mr. Valentine, Mr. Lujan, and Mr. Ritter.

From the Committee on Rules, for consideration of title XVI and sections 114(d) and (e) of the House bill, and sections 104, 107, 110, and 2131 of the Senate amendment, and modifications committed to conference: Mr. Pepper, Mr. Moakley, Mr. Derrick, Mr. Hall of Ohio, Mr. Wheat, Mr. Lott, and Mr. Taylor.

From the Committee on Armed Services, for consideration of sections 1030 through 1034, and 4901 of the Senate amendment, and modifications committed to conference: Mr. Aspin, Mr. Stratton, Mr. Mavroules, Mr. Badham, and Mr. Hunter.

From the Committee on Armed Services, for consideration of section 1021 of the Senate amendment, and modifications committed to conference: Mr. Aspin, Mr. Mavroules, and Mr. Hunter.

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1154. An act to remedy injury to the United States textile and apparel industries caused by increased imports.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1154. An act to remedy injury to the United States textile and apparel industries caused by increased imports.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, September 17, 1987, he presented to the President of the United States the following enrolled bill and joint resolutions:

S. 1596. An act to extend the period for waivers of State eligibility requirements to enable certain States to qualify for child abuses and neglect assistance.

S.J. Res. 22. Joint resolution to designate the period commencing September 21, 1987, and ending on September 27, 1987, as "National Historically Black Colleges Week."

S.J. Res. 135. Joint resolution to designate October 1987 as "Polish American Heritage Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1853. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, certification of the necessity for apportionment of additional funds for Radio Free Europe/Radio Liberty, Inc., resulting from the low value of the dollar in foreign currency exchange rates; to the Committee on Appropriations.

EC-1854. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on budget rescissions and deferrals dated September 1, 1987; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1855. A communication from the Deputy Assistant Secretary (Logistics), Department of the Air Force, transmitting, pursuant to law, a report on the study on conversion of the military family housing maintenance function at Laughlin Air Force Base, TX, to performance by contract; to the Committee on Armed Services.

EC-1856. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, notification of plans to study the conversion of certain functions to performance by contract; to the Committee on Armed Services.

EC-1857. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of certain functions to performance by contract at the Naval Air Station, Fallon, NV; to the Committee on Armed Services.

EC-1858. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report covering certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977 and related agreements; to the Committee on Armed Services.

EC-1859. A communication from the Acting Director, Defense Security Assistance Agency, transmitting, pursuant to law, notification of a proposed foreign military assistance sale to Japan; to the Committee on Armed Services.

EC-1860. A communication from the Director, Department of Defense Office of Dependents Schools, transmitting, pursuant to law, the "Annual Test Report Department of Defense Dependents Schools 1986-87"; to the Committee on Armed Services.

EC-1861. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, Selected Acquisition Report (SAR), which was excluded from the August 14, 1987 submission of June 30, 1987 SARS; to the Committee on Armed Services.

EC-1862. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report entitled "The U.S. Automobile Industry, 1985"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1863. A communication from the Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the "Export-Import Bank of the United States, Annual Report 1986"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1864. A communication from the President of the United States, transmitting, pursuant to law, a report entitled "Semiannual and Final Report—National Emergency with Respect to South Africa"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1865. A communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend section 8 of the "Eastern Pacific Tuna Licensing Act of 1984"; to the Committee on Commerce, Science, and Transportation.

EC-1866. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the Annual Report of the Advisory Council on Historic Preservation for Fiscal Year 1986; to the Committee on Energy and Natural Resources.

EC-1867. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report on proposed refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1868. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report on proposed refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1869. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the final report on the Aid to Families with Dependent Children (AFDC) Homemaker/Home Health Aid Demonstration; to the Committee on Finance.

EC-1870. A communication from the Assistant Secretary of the Treasury (Domestic Finance), transmitting, pursuant to law, notice of the inability to invest or roll over maturing investments of trust funds and other Government accounts, upon the expiration of the temporary debt limit at midnight on September 23, 1987, unless there is a debt limit increase or extension; to the Committee on Finance.

EC-1871. A communication from the Commissioner for the Federal Election Commission, transmitting, pursuant to law, the fiscal year 1989 budget request of the Federal Election Commission; to the Committee on Rules and Administration.

EC-1872. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Paying Physicians—Choices for Medicare"; to the Committee on Finance.

EC-1873. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties, entered into by the United States in the 60-day period prior to September 10, 1987; to the Committee on Foreign Relations.

EC-1874. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report of the Attorney General to Congress on the status of investigations of actual and alleged violations of the Foreign Agents Registration Act of 1938, as amended, by representatives of governments or opposition movements in sub-Saharan Africa; to the Committee on Foreign Relations.

EC-1875. A communication from the Acting Attorney General, transmitting, pursuant to law, a report on the pendency of three sealed and consolidated appeals in the United States Court of Appeals for the District of Columbia Circuit, in which appellants challenge the constitutionality of the independent counsel provisions of the Ethics in Government Act; to the Committee on Governmental Affairs.

EC-1876. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Office of Personnel Management's first report evaluating the Performance and Recognition System; to the Committee on Governmental Affairs.

EC-1877. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the establishment of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1878. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a proposed Privacy Act system of records—Aftercare Evaluation System (AES), System No. 09-70-0035; to the Committee on Governmental Affairs.

EC-1879. A communication from the Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, a report on the establishment of a new Privacy Act system of records—Health Care Practitioner Adverse Credentiating Data Bank, HHS/HRSA/BHPr, System No. 09-15-0054; to the Committee on Governmental Affairs.

EC-1880. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Procedures, Utilized by the Baseball Commission, for the Receipt, Disbursement and Accounting of Funds"; to the Committee on Governmental Affairs.

EC-1881. A communication from the Comptroller of the United States, transmitting, pursuant to law, "Reports Issued in August 1987"; to the Committee on Governmental Affairs.

EC-1882. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a proposed Privacy Act system of records—Medicare Hearings and Appeals System (MHAS), System No. 09-70-5001; to the Committee on Governmental Affairs.

EC-1883. A communication from the Administrator of the Veterans Administration, transmitting, for the information of the Senate, a report entitled "The VA Today"; to the Committee on Veterans Affairs.

EC-1884. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Second Annual Report on the Activities of the United States Department of Justice Concerning Enforcement of the Controlled Substance Registrant Protection Act of 1984 (P.L. 98-305); to the Committee on the Judiciary.

EC-1885. A communication from the Comptroller of the United States, transmitting, pursuant to law, a report concerning the claim of Mr. Samuel R. Newman, to be relieved of liability for payment of travel expenses that were erroneously paid to him by the Federal Aviation Administration; to the Committee on the Judiciary.

EC-1886. A communication from the National Commander of America Ex-Prisoners of War, transmitting, pursuant to law, the 1987 audit report as of June 30, 1987, for the American Ex-Prisoners of War; to the Committee on the Judiciary.

EC-1887. A communication from the Acting Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the fiscal year 1989 budget request for the Railroad Retirement Board; to the Committee on the Judiciary.

EC-1888. A communication from the Secretary of Education, transmitting, pursuant to law, the document entitled "Final Regulations for Secondary and Transitional Services for Handicapped Youth Programs"; to the Committee on Labor and Human Resources.

EC-1889. A communication from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the "1987 Report of the Interagency Coordinating Council"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DeCONCINI, from the Committee on Appropriations, with amendments:

H.R. 2907: A bill making appropriations for the Treasury Department, U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1988, and for other purposes (Rept. No. 100-160).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1744: A bill to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund (Rept. No. 100-161).

By Mr. HARKIN, from the Committee on Appropriations, with amendments:

H.R. 2713: A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1988, and for other purposes (Rept. No. 100-162).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1692. A bill to amend title 38, United States Code, to provide for the payment of a veterans' disability benefit in the case of certain veterans who have non-Hodgkin's lymphoma; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. Boren, Mr. Bentsen, Mr. Nickles, Mr. McCain, Mrs. Kassebaum, Mr. DeConcini, and Mr. Melcher):

S. 1693. A bill to amend the National Trails System Act to provide for a study of the Coronado Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NICKLES:

S. 1694. A bill to extend the authorization of the Victim Compensation and Assistance Act; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. Stevens):

S. 1695. A bill to reauthorize the Fishermen's Protective Act; to the Committee on Commerce, Science, and Transportation.

By Mr. KARNES (for himself and Mr. Conrad):

S. 1696. A bill to minimize the impact of agricultural nitrogen on ground water and surface water quality by establishing a nationwide educational program aimed at American farmers, to urge the adoption of agricultural best management practices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself and Mr. Levin):

S. 1697. A bill to provide for the registration of foreign interests in U.S. property; to the Committee on Commerce, Science, and Transportation.

By Mr. GORE (for himself and Mr. Sasser, Mr. Boren, and Mr. Nickles):

S. 1698. A bill to amend section 547 of title 11, United States Code, to provide that certain withdrawal transactions made by depositors from certain financial institutions not be avoided as preferential transfers; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Mr. Sanford):

S. 1699. A bill to reauthorize and revise chapter 2 of the Education Consolidation and Improvement Act of 1981 in order to establish priorities of educational assistance, to authorize a teacher training and improvement program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY:

S. 1700. A bill to strengthen the provisions relating to the National Assessment of Educational Progress, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS:

S.J. Res. 189. A joint resolution to amend the Pledge of Allegiance to the Flag of the United States of America; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for Mr. Lugar (for himself, Mr. Leahy, Mr. Boschwitz, Mr. Burdick, Mr. Chiles, Mr. Dixon, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Grassley, Mr. Heinz, Mr. Helms, Mr. McClure, Mr. Nickles, Mr. Pressler, Mr. Symms, Mr. Karnes, Mr. Cochran, Mr. Wallop, Mr. Wilson, Mrs. Kassebaum, Mr. McConnell, Mr. Pryor, and Mr. Kennedy)):

S. Con. Res. 77. A concurrent resolution expressing the sense of the Congress in opposition to the third country meat directive by the European Community requiring individual inspection and certification by the European Community of United States meat plants and urging the President to take strong countermeasures should the European Community deny United States meat imports because of the unfair application of the directive; placed on the calendar by unanimous consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1692. A bill to amend title 38, United States Code, to provide for the payment of a veterans' disability benefit in the case of certain veterans who have non-Hodgkin's lymphoma; to the Committee on Veterans' Affairs.

AGENT ORANGE DISABILITY BENEFITS ACT

Mr. MURKOWSKI. Mr. President, I am today offering legislation responsive to the concerns of those veterans who, two decades ago, answered their country's call to arms. I am introducing legislation which would provide Veterans' Administration disability compensation to veterans who were exposed to herbicides in Vietnam and who subsequently develop non-Hodgkins lymphoma. This legislation would also provide service-connected death benefits to the survivors of veterans who die due to this disease after being exposed to herbicides in Vietnam.

I am taking this action to focus the attention of Congress on this important issue which has been the subject of numerous studies. I am pleased that the distinguished chairman of the Veterans' Affairs Committee, Senator Cranston, who shares my concern and has been a leader in the search for answers on the agent orange question, has committed to holding a hearing on this issue in the near future. The Disabled American Veterans—which has been in the forefront of advocacy for disabled veterans—has requested legislation addressing this issue.

Mr. President, for over a decade the Congress has balanced its desire to provide compensation to veterans who believe their illnesses are the result of exposure to herbicides against a scientific record which did not show these chemicals to be harmful to humans. Neither did the record show that Vietnam veterans suffered disproportionately from diseases attributed to exposure to herbicides. However, the Congress did mandate and fund a wide range of studies on the health effects of herbicides and the health experience of the veterans who served in Vietnam. And, of course, we have carefully evaluated other relevant studies and developments.

Mr. President, in September 1986 the Journal of the American Medical Association published a study conducted by the National Cancer Institute which showed increased incidence of non-Hodkins lymphoma, in Kansas farmworkers who regularly used the herbicide 2,4-D, a component of agent orange. Let me read to you just one of the many supportive comments regarding this study. On February 11, 1987, Mr. Oliver Meadows, chairman of the Veterans' Administration Advisory Committee on Environmental Hazards stated that, "The Council believes that the study was well-designed and well-conducted. The Council expressed the general opinion that the study's findings, while not directly applicable due to the differences in method and exposure, did have implications for Vietnam veterans." Just recently, the VA released the results of a study of the causes of the deaths of over 50,000 of the over 150,000 Vietnam veterans who have died since the war. This study shows that Marines who served in Vietnam suffer from non-Hodgkins lymphoma at more than twice the expected rate.

This study is particularly powerful because it compares the death rate of Vietnam veterans against that of veterans who did not serve in Vietnam. Because it compares veterans against other veterans, it avoids many of the criticisms of other studies which used non-veteran control groups.

This study analyzes a large number of deaths and it avoids many of the statistical fluctuations that unavoidably arise in statistical studies with a small sample size.

Both of these studies appear to reinforce previous unconfirmed studies which pointed a finger at an association between the components of agent orange and non-Hodgkins lymphoma.

Neither study, by itself, is conclusive. And I'm sure that some scientists will question the study's methodology and findings. That is to be expected. However, in combination, and in the light of prior studies pointing to an association between non-Hodgkins lymphoma and components of agent orange, I believe the studies have an important message.

And that message is a simple one: It is now time for the Congress to act.

The evidence is not perfect; but it will never be perfect. Our understanding of cause and effect is still incomplete, but we will never have a complete understanding of disease and its causes.

The essence of leadership is to know when the data is adequate to act.

Leadership is a willingness to take action in the face of incomplete and imperfect data, rather than accepting the paralysis inherent in a never ending wait for perfect understanding.

The search for answers must continue; however, the constant desire for just one more study should not be an excuse for our inaction.

Mr. President, as I deliberated on whether to proceed with this far-reaching legislation, in the absence of conclusive proof linking non-Hodgkins lymphoma to agent orange, I considered for a moment the fact that the Veterans' Administration in all its compassion and generosity provide as a matter of routine—no questions, no hassle—tax-free service-connected disability compensation to veterans who contract AIDS while in the military even when it is the result of military misconduct—drug abuse. And yet, equally as a matter of routine, they say "no" to every veteran who is suffering from an equally deadly disease that many scientists believe is linked to a component of agent orange.

Obviously, this does not trouble some people, but it troubles me greatly. Why is this? Time. The AIDS virus can be detected almost immediately while in service. Non-Hodgkins lymphoma is insidious and does not manifest itself for many years after military service. In my view, however, it is more directly related to the performance of duty and the benefit of the doubt should be given to the veteran.

I want to thank Admiral Zumwalt who led our naval forces in Vietnam and served as the Chief of Naval Operations for his insight and council on this issue. I am pleased he is with us today.

I urge my colleagues to join me in supporting this legislation. Again, I look forward to working with the chairman and members of the committee on this issue. I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agent Orange Disability Benefits Act of 1987".

SEC. 2. PRESUMPTION RELATING TO DISEASE OR DEATH RESULTING FROM NON-HODGKIN'S LYMPHOMA.

(a) PRESUMPTION OF SERVICE CONNECTION.— Section 312 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era, the disease of non-Hodgkin's lymphoma shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) Paragraph (1) of this subsection shall not apply in the case of any claim received by the Veterans' Administration after September 30, 1991.".

(b) PRESUMPTION REBUTTABLE.—Section 313 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c) The presumption of service connection provided in section 312(c) of this title shall not apply in the case of the disability or death of a veteran as a result of non-Hodgkin's lymphoma if—

"(1) there is affirmative evidence that such disease was not incurred by the veteran during the performance of service in the Republic of Vietnam during the Vietnam era;

"(2) there is affirmative evidence to establish that an intercurrent injury or disease which is a recognized cause of the disease was suffered by the veteran between (A) the date of the veteran's latest departure from the Republic of Vietnam while in the active military, naval, or air service during the Vietnam era, and (B) the onset of the disease; or

"(3) the Administrator determines, based on evidence in the veteran's service records and other records of the Department of Defense, that the veteran was not exposed to herbicides while in the active military, naval, or air service in the Republic of Vietnam during the Vietnam era.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on October 1, 1987. No benefit may be paid for a period before that date by reason of the enactment of such amendments.

By Mr. BINGAMAN (for himself, Mr. BOREN, Mr. BENTSEN, Mr. NICKLES, Mr. MCCAIN, Mrs. KASSEBAUM, Mr. DECONCINI, and Mr. MELCHER):

S. 1693. A bill to amend the National Trails System act to provide for a study of the Coronado Trail, and for other purposes; referred to the Committee on Energy and Natural Resources.

CORONADO NATIONAL TRAIL STUDY ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce the Coronado National Trail Study Act of 1987, a bill that I hope will add an important element to the cultural legacy of the Southwestern United States.

I am pleased that Senators BOREN, BENTSEN, NICKLES, MCCAIN, KASSEBAUM, and DECONCINI are joining me as cosponsors. The role of the Coronado Trail in the history of the American Southwest can not be overestimated. In his expedition through New Mexico and neighboring States, Coronado was among the first Europeans to see and experience the wide variety of environmental and natural features that make this region of the Nation so unique. My legislation would amend the National Trails System Act to mandate a major study of the Coronado Trail, the approximate route taken by the expedition, so that explorer's observations may be accurately documented. The year long study by the Park Service would aim toward eventual designation of the route as a part of the National Historic Trail system. All original Spanish documentation is to be reviewed as well as the continuing search for new primary documentation. An examination of all information on the archeological sites along the trail is also requested.

Between 1540 and 1542, Francisco Vasquez de Coronado led an expedition from Compostela on the southwest coast of Mexico into the American Southwest in search of the legendary Seven Cities of Cibola. His party of approximately 300 Spanish soldiers and 1,000 Indian allies and servants marched through the present States of Arizona, New Mexico, Texas, Oklahoma, and Kansas. Along this route Coronado and his troops found Pueblo Indian settlements, including the Zuni villages of western New Mexico and Acoma along the Rio Grande River. He traveled as far north as the Taos Pueblo, and east to Pecos. He encountered the Hopi in Arizona and Plains Indians in Texas, Oklahoma, and Kansas. Members of the Coronado expedition became the first Europeans to see the Grand Canyon in Arizona, the Palo Duro Canyon in Texas, and many other dramatic southwestern landmarks.

The study of Coronado Trail will draw on information from several historical perspectives. Coronado's expedition was the first major European excursion into the interior of the present-day Southwest. The historical record of the expedition gives us an understanding of the motives behind the enterprise and also a view of how an undertaking such as this was organized, equipped, and financed. The record also illustrates how the Pueblo Indians reacted to the intrusions into their territory. Reports and legal proceedings after the expedition also furnish glimpses of how the Indian populations lived at the time of the first European contact. This is valuable information to ethnohistorians.

The exploits of the Spanish, the Mexican Indians, and the native tribes of the region are a very important but sadly neglected part of the history of our Nation. Yet their story is an integral part of the complex events that forged our country. This area and its history has, for the most part, been passed over in the recounting of events shaping mainstream U.S. history.

The study of Coronado's route and, hopefully, its inclusion in the national trail system would complement the celebration of the coming 450th anniversary of Coronado's expedition and the 500th anniversary of Columbus' discovery of the New World. Coronado's expedition was the first significant exploration in the Southwest after the discovery of America.

Most of the sites visited by Coronado or his expedition party are readily identifiable and thus can be marked appropriately for tourists to investigate and appreciate. I would expect such identification and marking to stimulate tourism in the trail States.

The route of Francisco Vasquez Coronado's American expedition is a living reminder of the Spanish occupancy of the southwestern United States. The wealth of history along the trail warrants its study from all perspectives: How did the Indians view the Spaniards? What insights can the study of Spanish documents give us? What archeological evidence is available to highlight or refute our present knowledge of the trail?

Over 400 years after Coronado led his troops through Arizona, New Mexico, Texas, Oklahoma, Kansas, we have an opportunity to preserve an important episode in American history. I urge my colleagues to make this possible by supporting this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coronado National Trail Study Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Francisco Vasquez de Coronado led an expedition from Compostela on the Southwest Coast of Mexico, into the American Southwest in search of the legendary Seven Cities of Cibola between 1540 and 1542;

(2) Coronado's expedition of approximately 300 Spanish soldiers and 1,000 Indian allies and servants marched through the State of Arizona, then through the States of New Mexico, Texas, Oklahoma, and Kansas;

(3) Coronado and his troops found Pueblo Indian settlements, including the Zuni villages of western New Mexico, Acoma along the Rio Grande River, as far north as Taos, and east to Pecos, as well as those of the Hopi in Arizona and Plains groups in Texas, Oklahoma, and Kansas; and

(4) members of the Coronado expedition became the first Europeans to see the Grand Canyon in Arizona, the Palo Duro Canyon in Texas, and many other Southwestern landmarks.

SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding at the end thereof the following new paragraph:

"(31) Coronado Trail, the approximate route taken by the expedition of the Spanish explorer Francisco Vasquez de Coronado between 1540 and 1542, extending through portions of the States of Arizona, New Mexico, Texas, Oklahoma, and Kansas. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to its suitability for designation not later than one calendar year from the date of enactment of this paragraph. In conducting the study under this paragraph, the Secretary shall provide for (A) the review of all original Spanish documentation on the Coronado Trail, (B) the continuing search for new primary documentation on the trail, and (C) the examination of all information on the archeological sites along the trail.".

By Mr. NICKLES:

S. 1694. A bill to extend the authorization of the Victim Compensation and Assistance Act; referred to the Committee on the Judiciary.

VICTIM COMPENSATION AND ASSISTANCE ACT AMENDMENTS

Mr. NICKLES. Mr. President, today I am introducing legislation authorizing the extension of the crime victims fund to September, 1992. This legislation is needed to ensure that victims of crime have continued access to programs designed to reduce the emotional and financial effects of victimization.

The crime victims fund was established by the Victims of Crime Act of 1984. A ceiling on the crime victims fund has been set at $110 million. While this is the authorization level, at no time has it reached this amount. Funds are targeted in four program areas: 49.5 percent of the fund is set aside for compensation for crime victims and 45 percent of the fund is allotted to crime victim assistance. This assistance consists of services and limited emergency financial assistance to victims of crime. The rest, 4.5 percent, is made available for child abuse prevention and treatment grants.

A key component of the crime victims fund is that it is entirely funded by the collection of fines, penalty assessments, and bond forfeitures from people convicted of Federal crimes. This fund is not the taxpayer's burden. It is the burden of those who make the fund necessary. It is financed by penalties of criminals themselves.

The victims of crime fund is working and is needed. In 1987 alone, the Office for Victims of Crime anticipates awarding $28,296,000 to 40 States for victim compensation and $30,772,000 to 57 States and territories for victim assistance. In addition, the office has provided $171,000 to the Federal Law Enforcement Training Center to improve the training of Federal officers concerning victims of crimes and continued grants with other national associations such as the National District Attorneys' Association and the National Association of Attorneys General.

I propose we extend the authority for the crime victims fund until September 1992. This program is working and it will encourage development of additional crime victim programs at the State and local levels. I encourage my colleagues to support this legislation.

By Mr. BREAUX (for himself and Mr. STEVENS):

S. 1695. A bill to reauthorize the Fishermen's Protective Act; to the Committee on Commerce, Science, and Transportation.

REAUTHORIZATION OF FISHERMEN'S PROTECTIVE ACT

● Mr. BREAUX. Mr. President, today I am introducing legislation that would reauthorize for 3 years section 7 of the Fishermen's Protective Act of 1967 known as the "Fishermen's Guaranty Fund." Through the Fishermen's Guaranty Fund, the State Department is authorized to compensate U.S. fishing vessel owners for certain losses sustained as a result of the seizure or detention of their vessels on the high seas by foreign governments on the basis of jurisdictional claims not recognized by the U.S. Government.

Losses payable under the section 7 program are limited to: (1) the market value of the fish caught before seizure if they are spoiled or confiscated; (2) up to 50 percent of gross income lost as a direct result of such seizures; and (3) actual costs, other than those covered in (1), incurred by an owner during seizure and detention. Capital for the fund is derived partially from fees paid by vessel owners and partially by congressional appropriations. As such, the program represents an industry supported insurance program.

The program is central to the viability of the U.S. tuna fleet which is compelled to operate in distant waters worldwide yet is plagued with seizures by nations that do not adhere to the concept of cooperative international tuna management. The United States has for some time now maintained that effective management of highly migratory species of tuna cannot be achieved on a unilateral basis, but such resources must be managed as a unit throughout their migratory range. Several international fora have been established for the sole purpose of cooperative range-wide tuna management and these have been shown to be highly effective. Therefore, the U.S. Government does not officially recognize the unilateral jurisdiction of any nation over tuna beyond 12 miles off its coast. The purpose of the Fishermen's Guaranty Fund Program is to prevent legitimate U.S. fishermen from being severely penalized for the failure of other nations to adopt a responsible tuna management regime.

Mr. President, I ask unanimous consent that the text of the bill appear in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(e) of the Fishermen's Protective Act (22 U.S.C. 1977(e)) is amended by striking "October 1, 1987" and substituting "October 1, 1990".●

By Mr. KARNES (for Mr. Conrad):

S. 1696. A bill to minimize the impact of agricultural nitrogen on ground water and surface water quality by establishing a nationwide educational program aimed at American farmers, to urge the adoption of agricultural best management practices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL NITROGEN EDUCATION ACT

● Mr. KARNES. Mr. President, I rise today with my colleague from North Dakota, Senator Conrad, to introduce a bill entitled "The Agricultural Nitrogen Education Act of 1987." This bill is designed to minimize the impact of agricultural nitrogen in ground and surface water by establishing a nationwide educational program aimed at identifying, educating, and encouraging American farmers to implement the use of best management production and conservation practices.

This legislation may be best characterized as a low-cost method for dealing with nitrate pollution, helping to avoid increases in farmers' costs of production. It would achieve this with a minimum of what farmers hate most: Federal regulation and intervention. This should be good news for our family farmers.

Mr. President, it is essential that our Nation's water supplies be safe for consumption. It is also essential that this safety be assured prior to contamination and that it be done in a reasoned manner. Our Nation's farmers have long been true conservationists and stewards of our soil and water resources. In addition, the agricultural economy is challenging producers to produce their crops with the greatest production economies. I believe that this stewardship of our natural resources combined with the need to increase production cost efficiencies, will result in this voluntary approach successfully contributing to the continued supply of safe water.

Adequate supplies of safe water are essential to our Nation's survival. The entire agricultural industry, from the manufacturer of inputs, to the producer, processor, and distributor of commodities, want to take aggressive preventive measures to assure continued supplies of safe water.

Toward this end, the legislation I am introducing today is designed to come up with new technology and make it available to our farmers, and educate them as to its benefits, resulting in a powerful combination that can be effective in lowering nitrate pollution in our water supplies. The USDA will be required to first, coordinate the development of this technology; second, develop educational materials; and third, transfer this technology to farmers through county offices of the USDA Soil Conservation Service and the Extension Service Offices. Specific examples of this technology include identification of factors which will assure nitrogen application at stages of plant growth, and rates of application which will result in the fullest possible utilization of agricultural nitrogen by plants. Additionally, this technology will include identification of soil and water conservation practices designed to minimize leaching and runoff of agricultural nitrogen not utilized by the plants being produced.

I recognize that there is extensive debate currently underway regarding FIFRA. I would not intend that this bill become embroiled in this debate. This bill different from FIFRA in that it is intended to represent a voluntary, preventive aproach as opposed to a regulatory approach to the issue of nitrates in ground water through the use of production techniques and soil and water conservation practices.

Mr. President, my home State of Nebraska has already passed State legislation to regulate agricultural practices which are viewed as contributors to ground water quality degradation. If ground water contamination is found, Nebraska's State law requires the designation of special ground water protection areas. Within these areas, local authorities must then design and implement an action plan to first, educate water users and second, require use of best management practices to prevent or reduce future contamination of ground water. While the bill I am introducing today is different from the Nebraska State law in that the Nebraska State law is regulatory and our bill today is voluntary, they are similar in that the remedy called for is oriented to education and the use of best management practices.

Mr. President, I firmly believe that our Nation's farmers must pursue increased production cost efficiencies through methods which do not require extensive capitalization. This legislation is designed to enhance this concept in that it would call for the development of best management practices which focus on production techniques which assure the most efficient and effective applications of nitrogen fertilizers; specifically, application methods, timing and rates of application which assure the most complete utilization of nitrogen fertilizers, and various conservation tillage methods. These best management practices will not only minimize the opportunity of nitrates to reach surface and ground water supplies, they can also in a very real way reduce production costs. Consequently, this can be a method of increasing production efficiencies without requiring extensive capital investment.

Mr. President, I am proud to introduce this bill today. I believe that it represents a practical, reasonable, preventative type approach to addressing continued supplies of safe water. I encourage the support of my colleagues in the passage of this bill.●

By Mr. HARKIN (for himself and Mr. Levin):

S. 1697. A bill to provide for the registration of foreign interests in United States property; to the Committee on Commerce, Science, and Transportation.

FOREIGN INVESTMENT DISCLOSURE ACT

● Mr. HARKIN. Mr. President, in the last 5 years, foreign investment in the U.S. economy has doubled, reaching $1.3 trillion in value. A quarter of this capital, about $350 billion, has been used to purchase interests in U.S. factories, farmlands, refineries, and other assets. While foreign investment has been and will continue to be very beneficial to our country, I believe that the dramatic rise in foreign investment raises as many troubling questions as it does benefits—and under current conditions, we do not even have the facts to begin answering those questions.

Thus, I rise today to introduce, along with Senator Levin, the Foreign

Investment Disclosure Act of 1987. The purpose of this bill is to require all foreign investors who acquire more than 5 percent of a U.S. business enterprise or of U.S. real estate to provide basic information about themselves and about the investment to the Department of Commerce. The bill further requires that if the foreign investor has an interest of 25 percent or more in a U.S. company—what is termed a "controlling interest"—that investor must disclose the same kind of information already required of U.S. companies whose stock is traded on the U.S. exchanges.

This bill is a very modest proposal. It certainly is not designed to discourage foreign investment in the United States. The bill places no new restrictions, limitations, preconditions, or preclearance requirements of any kind on any foreign investment in the United States. It simply requires disclosure of significant foreign interests in U.S. businesses and real estate through registration with the Department of Commerce.

Currently, at least half a dozen Federal agencies are required by a number of statutes to collect information on foreign investment. But none of them are required to provide comprehensive information. Other Government agencies and Congress are basically kept in the dark, receiving only the most general data or statistics about foreign investment.

I find this very disturbing. I think that we need to be well informed about the impact that foreign direct investment has on our economy. But under current law, our knowledge is very limited. Our competitive capabilities, our job-creation policies, our plant construction efforts, and, of course, our national security, are all affected by foreign investment. Thus, we need to enhance our system for collecting and disseminating data regarding foreign investment. The bill I am introducing today would achieve that.

In July, I offered this proposal as an amendment to the omnibus trade bill. Unfortunately, it was caught up in the last-minute hurry to complete the bill, and as a result, it was tabled—but more for procedural than substantive reasons. Nevertheless, the chairman of the Commerce Committee, Senator HOLLINGS, and the chairman of the Banking Committee, Senator PROXMIRE, expressed strong interest in the measure. They did, however, comment on their concern that no hearings had been held on the proposal. While it is true that no hearings have been held in the Senate, I would point out that the Government Operations Committee in the House held hearings and issued a 200-page report on the disclosure of foreign investment in the United States. Nevertheless, I welcome hearings in the Senate as soon as possible and appreciate the interest that both Senate chairmen indicated in holding such hearings in the fall. I am sure that when they look at the substance of the measure, they will find that it is a sound and reasonable approach for obtaining sufficient information about direct foreign investment.

Mr. President, this bill offers a clear policy regarding foreign investment disclosure requirements. We do not wish to discourage foreign investment in this country. We wish to encourage legitimate business investments, because they do provide jobs and they do help our economy. But in so doing, I think it is not only wise but equitable to have such investors provide the basic information that we need to determine what course our own investments must take.

I repeat, this is only a modest proposal. It does not cover Treasury bonds or any other debt. It requires only that those who invest in real estate and business in this country tell us who they are and how much they own. The bill does not require anything more than what is required of publicly held businesses in the United States. It is a policy which foreign investors should not fear, but which Americans should welcome.

For most foreign investor interests, the bill requires that only the most basic questions would be asked: "Who are you, where are you from, and what have you got?" The information required by this bill is not different in kind from the information required of foreign investors by most industrialized nations of the world.

I repeat that this bill is not designed to discourage foreign investment in the United States. Clearly, foreign direct investment can bring benefits to our economy by creating employment opportunities for American citizens or providing needed capital infusions for faltering U.S. firms. Some might say that the boom indicated by current economic statistics has occurred primarily because of increased foreign money.

But, the short-term advantages of foreign investment should not prevent us from considering the potentially long-term effects on our economy and national security.

Over time, as ownership of our economic assets is transferred overseas, so is the authority to make important business and economic decisions affecting the prosperity and independence of Americans. Foreign access to sensitive high technology and research capabilities narrows our strategic and competitive edge. Foreign influence in vital energy- and defense-related industries may endanger our national security.

Meanwhile our economy is becoming so dependent on foreign capital that many respected economists, including former Federal Reserve Chairman Paul Volcker, have warned that a major withdrawal of that capital—whether in response to a change in economic outlook or to a political controversy—could send us into an economic tailspin.

Other problems arise because of our current lack of information. We often cannot even determine with confidence whether a foreign investor is a legitimate business, a hostile nation like Libya, Iran, or the Soviet Union, or a drug trafficker, tax evader, or white collar criminal laundering ill-gotten gains.

Our ignorance of the interests behind foreign investments here has allowed our economy to become a haven for capital flight from the Third World, an unwitting accomplice in grand theft from the poorest people in the poorest countries in the world. Over the past year and a half, clear evidence has surfaced that Ferdinand and Imelda Marcos and their cronies secretly invested billions of dollars here through an elaborate financial network of dummy corporations and agents. Evidence came to light on these investments not from any Government data source, but from Marcos' own financial documents confiscated by his successors and by U.S. Customs.

We are also endangering our national security by not knowing more about the foreign investors operating here. In the mid-1970s, the Soviet Union secretly attempted to acquire three banks in northern California. The Soviet Government was after sensitive advanced American technological information concerning the many high-tech companies that owed money to the banks. The acquisitions were already well underway, but the Soviet abandoned the attempt as soon as a Hong Kong financial newsletter reported it. We were able to prevent this sophisticated attempt at espionage, but under current laws we may never know how many similar efforts have succeeded.

Even when foreign investments in the United States are by legitimate businesses for legitimate business reasons, the lack of reliable ownership and financial information can be detrimental to our national welfare.

First, economists, scholars, and other researchers inside and outside of Government are unable to conduct empirical studies on the effects of foreign investments in our economy.

Second, American workers and communities are unable to deal effectively with foreign-owned companies who demand wage and benefit cuts from the workers and tax breaks and subsidies from the communities. The companies often claim that such concessions are necessary because of poor financial conditions in the company. But, because of foreign parent companies are not required to disclose the same financial information U.S. companies are, the workers and communities are unable to verify those claims.

INADEQUACIES OF CURRENT DATA

A hodgepodge of Federal agencies collects information on foreign investment here, in a hodgepodge of bureaucratic formats, under the authority of a hodgepodge of uncoordinated laws.

Among the collecting agencies are the Departments of Commerce, Treasury, and Agriculture; the Securities and Exchange Commission; the Internal Revenue Service; and the Federal Trade Commission.

Among the laws providing for collection of this information, there is the "International Investment Survey Act," the "Domestic and Foreign Investment Improved Disclosure Act," and the "Foreign Agricultural Investment Disclosure Act."

But none of these sources provides comprehensive information. In one case, the information is organized only under the name of the foreign-owned U.S. company, so that every U.S. company on record at the agency would have to be checked independently in order to determine the U.S. holdings of a particular foreign investor.

In another case, all details are kept confidential—even from other government agencies and from Congress—and only the most general aggregate statistics are published.

In still another case, the investor listed is often a foreign dummy corporation created solely for the purpose of hiding the investor's true identity.

For example, the Foreign Agricultural Investment Disclosure Act requires disclosure to the Department of Agriculture by foreign purchasers of U.S. farm and ranch land. The information collected is publicly available. While this law may appear to require comprehensive public disclosure, any investor who wants to remain anonymous can hide behind a foreign dummy corporation. These corporations generally do not disclose who owns them, and the Foreign Agricultural Investment Disclosure Act does not require them to do so.

FOREIGN GOVERNMENTS' DISCLOSURE REQUIREMENTS

In 1980, the House Government Operations Committee found that, with regard to data collection on foreign investments, "of the most major host countries of the world, we would be at the bottom, even among the industrialized countries. . . There are very few major countries in the world today that are as naive and ignorant concerning the size and nature of foreign investment in their countries as the United States is."

Little has changed since then. Most nations of the world, including the Western industrialized nations, not only require disclosure of this information and more, but also impose preclearance requirements and other restrictions and limitation on foreign investments. Even Switzerland keeps a public registry of Swiss companies with foreign ownership.

Japan's preclearance process seems one of the most stringent in part because it is the most explicit. The Ministry of Finance, the Foreign Exchange Ministry, and other ministries screen each proposed investment, taking comments from potential Japanese competitors. Any ministry can deny the proposed investment outright or can demand alterations in it as a condition for approval. Japan also flatly prohibits foreign ownership of more than 25 percent in any of its high-tech companies.

CONCLUSION

Mr. President, we are living through a special time in our country. For the first time since World War I, we have become a net debtor nation. We are experiencing unprecedented inflows of foreign investment in the United States, literally seeing it double in the last 5 years.

This investment, while beneficial in the short term, may raise long term problems. For example, 25 percent of our Nation's machine tool industry, which is essential to our defense industrial base, is owned by foreign investors, none of whom have to register under current law.

My bill merely requires basic disclosure to help America know the precise levels and source of foreign investment in the United States. It provides for disclosure of business assets and land ownership, it does not cover securities or portfolio investments.

It does not place any limits on investments, it just allows us to track it. Americans should know who is buying and who has the potential to control our business, our industry, and our defense industrial base.

The bill will not discourage foreign investments. Business people bring their money here because it is a good place to invest, but because the U.S. offers anonymity.

What are we asking from foreign investors? We are not nationalizing their companies, as many foreign nations have done to our companies in recent years. We are not telling them they must have a local partner who has majority control, as many foreign nations do to our investors now. We are not telling them how much they must export, or who they must hire, as other nations routinely tell our companies abroad.

We are asking only that as they enter the American marketplace, they sign in. That they tell us who they are and that their major investments in U.S. businesses are.

This bill will not restrict foreign investment. It requires no greater disclosure than that now required by other nations. It will, however, provide policymakers and the American people with the information needed to assess and analyze the impact of foreign capital on the U.S. economy.

Mr. President, the American people deserve to know who owns America.

I ask unanimous consent that a copy of the "Foreign Investment Disclosure Act of 1987" and of a Wall Street Journal article on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1697

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Foreign Investment Disclosure Act of 1987".

SEC. 2. (a) Any foreign person who, after the effective date of the regulations prescribed pursuant to subsection (j), acquires directly or indirectly—

(1) a significant interest in a United States property, or

(2) a controlling interest in a United States business enterprise;

shall register that interest with the Secretary within 30 days after the acquisition.

(b) Any foreign person who, on the effective date of the regulations prescribed pursuant to subsection (j), holds directly or indirectly—

(1) a significant interest in a United States property, or

(2) a controlling interest in a United States business enterprise,

shall register that interest with the Secretary within 180 days after the effective date of such regulations.

(c) Each registration required under subsection (a) or (b) shall be in such form and in accordance with such procedures as the Secretary may require by regulation and shall contain the following:

(1) The identity, address, legal nature, industry, and nationality of the foreign person.

(2) The date on which the foreign person acquired the interest.

(3) The relation of the foreign person to the United States property.

(4) The name, location, and industry of the United States property.

(5) The market value of (A) the assets of a United States business enterprise or (B) a United States real property.

(6) The percentage size of the interest acquired.

(d) If the interest registered under subsection (a) or (b) is a controlling interest in a United States business enterprise, the foreign person shall, by an amendment to the registration made within 180 days after registering such interest, provide the Secretary with the following additional current information:

(1) With respect to the foreign person, an English translation of so much of the information listed in subparagraphs (A), (B), (C), and (D) of paragraph (2) that is publicly disclosed in the home country of the foreign person.

(2) With respect to the United States business enterprise—

(A) a—

(i) balance sheet and income statement;

(ii) statement of changes in financial condition; and

(iii) statement of sales, assets, operating income, and depreciation by industrial segment,

prepared in accordance with Generally Accepted Accounting Procedures or in accordance with Statutory or Regulatory Accounting Principles and accompanied by explanatory notes and any current auditor's statements and reports;

(B) the location of all facilities within the United States;

(C) the identity and nationality of each director and executive officer, the compensation of each executive officer, and any related business transactions of any director; and

(D) a description of any significant civil litigation in which the business enterprise has been involved within the past year.

(e)(1) Within 90 days after the end of each calendar year, a foreign person who has registered an interest in United States property under this section, and who, at any time during such calendar year, held directly or indirectly—

(A) a significant interest in such property, shall report to the Secretary any changes in the information required under subsection (c) that have occurred since the filing of the registration under subsection (a) or (b) or the most recent report under this subparagraph; or

(B) a controlling interest in such United States business enterprise, shall report to the Secretary any changes in the information required under subsections (c) and (d) that have occurred since the filing of the registration under subsection (a) or (b) or the most recent report under this subparagraph.

(2) Any report filed under this section shall be in such form and in accordance with such procedures as the Secretary may require by regulation.

(f)(1) To the extent a foreign person has prepared other documents which contain information required under this section with respect to an interest required to be registered or reported under this section, the foreign person may provide a copy of such other documents (or the relevant portions thereof) for the purposes of complying with the requirements of this section.

(2) With respect to any interest required to be registered or reported under this section which a foreign person acquires or holds solely through, or by virtue of acquiring or holding a significant or controlling interest in, a United States business enterprise which is an issuer whose securities are registered under the Securities Exchange Act of 1934 and which has filed the material required to be filed by such United States business enterprise pursuant to sections 12, 13, 14, and 15(d) of such Act, the foreign person may, in lieu of providing the information otherwise required under this section, provide the Secretary with a copy of the most recent annual and periodic reports, statements, and notices filed pursuant to such Act.

(g) Any foreign person who is late in registering an interest or reporting changes with respect to an interest in accordance with subsections (a) through (f) shall be subject to a civil penalty of not more than $10,000 for each week the registration or report is late, provided that the total amount of such penalty shall not exceed the market value of the interest with respect to which the penalty is assessed.

(h) Any foreign person who willfully fails to register an interest or submit a report in accordance with subsections (a) and (b), or who willfully submits false or misleading information in the registration or report, shall be fined not more than $10,000, or shall be imprisoned not more than 1 year, or both.

(i) The Secretary may undertake such investigative actions as the Secretary considers necessary to monitor compliance with this section. For the purposes of conducting such investigations the Secretary shall have the same powers and authorities as the Federal Trade Commission under sections 9 and 10 of the Federal Trade Commission Act.

(j) Not later than 90 days after the date of enactment of this Act, the Secretary shall publish for notice and public comment regulations to carry out this section. The final regulations prescribed to carry out this section shall take effect not later than 180 days after such date of enactment. Such regulations shall—

(1) establish forms and procedures for making such disclosures required by this section; and

(2) establish procedures for indexing, and providing public access to, the information disclosed under this section.

(k) The Secretary shall transmit in June of each year, beginning in 1989, a report to the President, the Congress, and the Federal Elections Commission describing—

(1) the extent to which foreign persons hold significant or controlling interests in United States properties, the nationality of those foreign persons, the industries in which those interests are concentrated, and the social, economic, and other effects in the United States of such foreign interests;

(2) the effectiveness and efficiency of the registration and reporting requirements contained in this section in providing the information required under this section and the extent to which the information provides a comprehensive description of the presence of foreign capital in the United States economy;

(3) other Federal data collection activities that overlap with, duplicate, or complement the registration and reporting requirements established under this section and that could be consolidated or eliminated without compromising the quality of data collected; and

(4) in the case of the first annual report, the feasibility of establishing a system to track individual transactions representing other capital flows into the United States.

(l) Not later than 365 days after the effective date of the regulations prescribed pursuant to subsection (j), the Secretary shall compile (and thereafter keep current) an inventory of interests registered or reported under this section and the information contained in such registrations or reports. The inventory shall be made available for public access and shall index the information for retrieval by—

(1) the name and nationality of any foreign person who registers or reports an interest under subsections (a) through (f) and the standard industrial classification number or numbers (as issued by the Director of the Office of Management and Budget) of any such foreign person; and

(2) the name of the United States property in which any interest registered or reported under this section is held, the standard industrial classification number or numbers of any such United States property, and the State in which any such United States property is located.

(m) As used in this section:

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "United States", when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(3) The term "United States business enterprise" means—

(A) any sole proprietorship, branch, partnership, associated group, association, estate, trust, corporation, or other organization organized under the laws of the United States or of a State or that has its principal place of business in the United States; and

(B) any two or more enterprises described in subparagraph (A) which are acting in concert.

(4) The term "United States property" means—

(A) any United States business enterprise; and

(B) any real property located in the United States, including any minerals therein.

(5) The term "foreign person" means—

(A) any individual who is not a citizen of the United States;

(B) any business enterprise that is organized under the laws of a foreign government or which has its principal place of business outside of the United States;

(C) any foreign government or any agency or instrumentality of a foreign government; and

(D) any two or more persons acting as a group for the purpose of acquiring or holding any interest referred to in subsection (a) or (b) (and each foreign person in such group), if any foreign person or persons described in subparagraph (A), (B), or (C) of this paragraph hold an equity or ownership interest in such group of 25 percent or more, or the equivalent of such an interest.

(6) The term "significant interest" means any equity or ownership interest that exceeds 5 percent of the total equity or ownership interests in—

(A) a United States property that (i) has assets or, in the case of real property, is an asset, in the United States with a market value in excess of $5,000,000; or (ii) had gross sales from the United States in the most recent fiscal year in excess of $10,000,000; or

(B) each of any two or more United States properties if the properties in the aggregate (i) have assets or, in the case of real property, are assets, in the United States with a market value in excess of $20,000,000; or (ii) had gross sales from the United States in the most recent fiscal year in excess of $40,000,000.

(7) The term "controlling interest" means an equity or ownership interest that exceeds 25 percent of the total equity or ownership interests in a business enterprise that—

(A) has assets in the United States with a market value in excess of $20,000,000; or

(B) had gross sales from the United States in the most recent fiscal year in excess of $20,000,000.

(8) The term "acquire" and "hold", when used with respect to an interest, refer to the acquisition or holding of that interest by the ultimate beneficial owner regardless of whether such interest is held directly or through a nominee or other financial intermediary. Such terms do not refer to the acquisition or holding of that interest by a nominee or other financial intermediary on behalf of the ultimate beneficial owner.

(9) The term "equity or ownership interest" shall not include—

(A) any note, bond, debenture, loan, obligation, or other evidence of indebtedness, any put, call, straddle, option, or privilege on any debt, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any debt; and

(B) any mineral interest other than an interest in fee simple absolute or a reversionary interest.

(10) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(11) The term "branch" means the operation or activities carried out by a person in a different location in its own name, rather than through a separately incorporated entity.

(n)(1) Subject to paragraphs (2) and (3), this section shall take effect 90 days after the date on which regluations are prescribed under subsection (j).

(2) Subsection (j) of this section shall take effect on the date of the enactment of this Act.

(3) Subsection (g) shall take effect 365 days after the date on which regulations are prescribed under subsection (j).

Foreign Firms Build More U.S. Factories, Vex American Rivals: Their Strong Currencies Make Investments Here Cheap; Unions Also Are Worried—Political Issue of the 1990's?

(By Peter Gumbel and Douglas R. Sease)

Just as the weak dollar is making American companies more competitive overseas, it is helping cause new headaches at home: The correspondingly strong yen, pound and mark make it easier than ever for foreign rivals to set up shop in the U.S.

In the past, businessmen, labor leaders and politicians have generally welcomed such investment, and most still do. Foreign companies operating here can create jobs, pump new capital and technology into aging industries, and even cut the huge U.S. trade deficit by reducing imports.

But now, a few chilly drafts are wafting through the usual warm reception. More American companies are discovering that the foreign-investment boom also brings more tough foreign competitors to play on the home turf. Others worry about becoming the target of a hostile tender offer from abroad. And as nonunion foreign companies proliferate, some labor unions are fretting over the erosion of their membership and political influence and complaining about the difficulty of bargaining with unionized U.S. units of foreign concerns.

The worries are being sparked by booming investment from Western Europe as well as Japan.

RAPID DEVELOPMENTS

The pace of direct foreign investment has certainly become dizzying. In recent weeks alone, a British holding company agreed to acquire Smith & Wesson, the famed 135-year-old U.S. arms maker; a West German tire maker successfully bid for GenCorp Inc's General Tire units and at least five Japanese companies announced plans to build U.S. factories making products ranging from laboratory equipment to auto batteries. And this week, France's Thomson S.A. agreed to acquire General Electric Co's consumer-electronics business and thus become the largest manufacturer of television sets in the U.S.

In all last year, foreign concerns, mostly from Europe and Japan, plowed a net $21.7 billion into U.S. companies, factories and real estate. That lifted their direct investment here to a record $209.3 billion, more than double the total at the start of the decade.

"The tendency is to think all this investment is unmitigated good," says Clyde Prestowitz, a former counselor to U.S. Commerce Secretary Malcolm Baldrige. "But I think there are legitimate questions. . . . We need to be sure that the United States gets the maximum possible benefits from foreign investments."

"FIRE-SALE PRICES"

Others are more blunt: "The dollar has now reached the point where further declines place everything for sale in this country at fire-sale prices," says Henry Wendt, the chief executive of SmithKline Beckman Corp.

Past surges of investment from abroad have prompted similar flurries of concern, which later proved overdrawn. During the early 1970s, many Americans feared that Arab oil-producing nations would snap up American assets on a huge scale; yet the effect was barely noticeable.

Moreover, foreign-investment worries go both ways. Juergen F. Strube, the chief executive of BASF Corp., the American unit of the West German chemical giant, likens present U.S. uneasiness to similar fears in Europe in the 1950s and 1960s about the then-aggressive American multinationals. Though conceding that when investment surges "in such a short time, it creates tension," he affirms the majority view: "International integration is helpful. . . . It's good for America, it has been good for Europe, and if we can gain access to the Japanese and Far Eastern markets, it'll be good there, too."

Nonetheless, the competitive landscape in some U.S. industries is clearly changing. Four of the nation's top 10 chemical companies and more than half of the cement industry are foreign-owned, and soon there will be more Japanese than American concerns making cars in the U.S. Foreign companies are beginning to dominate even such obscure industries as burglar alarms.

Some people in the hot seat find it difficult to be philosophical. When Japan's Dainippon Ink & Chemicals Inc. made a takeover bid for Reichhold Chemicals Inc. earlier this month, for example, the American company initially not only spurned the offer but also went shopping for Washington-connected attorneys to "look into Japanese takeovers of American firms." A recent poll by Chemical Week, a trade publication, found that 31% of executives at U.S. chemical companies feared the wave of foreign takeovers sweeping their industry: just 18% were enthusiastic.

Foreign investment "is the greatest issue of our time," says Lee Kadrich, the director of government affairs and trade for the Automotive Parts and Accessories Association. "If you continue to allow an increase in capacity, clearly it's got to come out of someone else's hide, and clearly it's going to be the hides of the domestic industry." By one estimate, some 300 Japanese auto-parts makers are expected to set up U.S. operations between now and 1990.

There are already some mechanisms for control, including the antitrust and securities laws, and a government committee that can review foreign investments that may have major implications for U.S. national interests. Late last year, that committee and several government departments debated Fujitsu Ltd.'s proposed acquisition of control of California-based Fairchild Semiconductor Corp. after competitors and various Reagan administration officials raised objections. In the end, Fujitsu withdrew before any government resolution. (Ironically, Fairchild is already owned by Schlumberger Ltd., a conglomerate founded by two Frenchmen and now based in the Netherlands Antilles.)

OFFICIAL POSITION

The official administration position still favors free and open access, and so far no one is proposing a halt to direct foreign investment. But the rising anxiety across the nation is starting to make some impression in Washington.

The sweeping trade bill passed by the House contains a provision that would require foreign investors to report to the government any significant interest they hold in a U.S. business or real estate, as well as holdings of large blocks of corporate securities. Sponsor John Bryant, a Texas Democrat, insists that he doesn't oppose foreign investment; he says he just wants everyone to know where it is coming from: "America has been selling off its family jewels to pay for a night on the town, and we don't know enough about the proud new owners."

The Senate-passed trade bill would give the administration authority to review foreign acquisitions of U.S. businesses to determine the effects on national security or essential commerce affecting national security.

The House also recently passed a bill that would prohibit the use of federal community development funds for any project that would increase a foreign company's market share at the expense of a domestic concern.

Rep. Marcy Kaptur, an Ohio Democrat, contends that the Japanese "come in and establish what amounts to colonies in the U.S. with their suppliers, and our people don't get a fair chance to bid into their production." She notes that even though Mazda Motor Corp., which is building an auto-assembly plant near Detroit, says it will buy seats from Lear Siegler Inc., an American manufacturer, a Mazda Japanese supplier will supply some components and technology to Lear Siegler. "It's a completely closed system," she charges.

EUROPEAN APPROACH

European companies, on the other hand, have avoided much controversy. A spate of takeovers in the U.S. cement industry, for example, has given foreigners 51% of U.S. cement production capacity, says William Toal, an economist at the Portland Cement Association. Yet the trend has gone virtually unnoticed by the American public.

But it hasn't escaped the cement workers. Henry Bechtholdt, who heads the U.S. cement workers' union, complains that bargaining with foreign-owned companies is difficult because it is hard to gauge their financial position. Their U.S. managers can sometimes duck awkward questions by pinning responsibility on the parent company back home, he says.

One reason Europeans seem to escape attention is they tend to blend into the U.S. economy, often using American banks, accountants and managers. "Europeans have a long history and tradition of becoming insiders in the markets in which they operate," says Amir Mahini, the director of international business research at McKinsey & Co. in New York.

For example, Bayer AG, a West German chemical company, does $4.25 billion in annual sales in the U.S. Its U.S. arm exports about 22% of its production and is the sole world-wide supplier of certain Bayer products. "We're trying to be an attractive American company playing by American rules," says Konrad M. Weis, Bayer USA Inc.'s chief executive. "We say when in Rome, behave as the Romans do." The German-born 58-year-old himself became a U.S. citizen in December 1985.

Not all acquisitions by European companies go smoothly, however. Hoechst AG's acquisition of Celanese Corp. last year was held up for weeks because of antitrust considerations—a sign of how powerful the German chemical company has grown in the U.S.

AGGRESSIVE TAKEOVERS

And unlike the Japanese, Europeans—and the British in particular—are much more willing to attempt eyecatching hostile takeovers. Indeed, some aggressive foreign entrepreneurs such as Sir James Goldsmith and Robert Maxwell have become almost as familiar to Wall Street as Saul Steinberg and Carl Icahn.

Americans who have battled European takeover artists can become strong advocates of limiting foreign ownership of U.S. assets. Robert E. Mercer, the chief executive of Goodyear Tire & Rubber Co., which last year withstood a hostile bid by Sir James, told a Senate hearing recently that foreign takeovers "are a threat to America's industrial base, its technology, its economy and its ability to produce materials that would well be needed in some future emergency, military or otherwise." Goodyear is so bitter that it pulled its business from J. Walter Thompson last month after the advertising agency was taken over by a British rival.

The takeover issue could heat up if, as some people predict, the Japanese change tactics and attempt more acquisitions. "The people who run Japanese companies are smart, well-informed, and can figure out that they're simply better off making an acquisition if the right fit can be found," says James Martens, the managing director of Peers & Co., a merchant-banking firm that advises Japanese companies on acquisitions and investments in the U.S.

But even he doesn't expect many hostile takeover attempts by the Japanese: "I believe 90% of the Japanese would be very uncomfortable when they got into it, particularly in the political atmosphere here in the U.S. right now."

WEAK DOLLAR'S EFFECTS

Meanwhile, the weak dollar continues to lure foreign direct investment. Jean-Louis Beffa, the president of Cie. de Saint-Gobain of France, estimates that it now is 10% cheaper to make certain glass and other products in the U.S. than to send them here from Europe.

In addition, establishing an American operation has become downright cheap. In the spring of 1985, Dainippon Ink tried to buy Sun Chemical Corp.'s printing-ink business, but Sun's $550 million price looked steep: the equivalent of 132 billion yen. A deal was finally struck in August 1986, and Sun got its $550 million, but the cost to the Japanese company had declined 36% to only 84 billion yen.

Fear that rising protectionist sentiment in the U.S. will translate into legislation or other barriers is also a powerful motivator. Japan's Komatsu Forklift Co. recently decided to build a factory in La Mirada, Calif., because it feared tariffs on its imports after an American competitor, Hyster Inc., accused Komatsu of dumping in the U.S., says Douglas Nuttall, the controller for Komatsu Forklift (U.S.A.) Inc.

Much of the controversy revolves around Japanese companies, relative newcomers to U.S. direct investment. Though the Japanese have only about one-tenth of the amount invested in U.S. operations that Europeans have, American concern over the burgeoning trade deficit has spotlighted the Japanese.

Ironically, the Japanese try to minimize potential conflicts. Rather than acquire U.S. companies, most Japanese concerns prefer to build brand-new factories—to bring in their own technology an control quality. "It is easier to start from scratch than to transfer technology to an existing U.S. company because of differences in management philosophies," says Keiji Endoh, the chairman of Ricoh Corp., the U.S. subsidiary of Ricoh Co.

CONTROVERSIAL STRATEGY

However, that strategy irks some Americans because often the Japanese also bring with them their own suppliers, bankers and even construction companies to provide parts and services that many Americans had expected to provide.

"There's always this great promise that the U.S. economy is going to be improved dramatically as these Japanese companies like Honda and Toyota create jobs and demands for services and supplies," says Matthew Coffey, the president of the National Tooling and Machining Association. "They create a few jobs at tremendous expense to the state taxpayer, but they never wind up creating the demand because they have their loyalty to suppliers back home."

MANY FOREIGNERS FIND BUILDING PLANTS IS EASIER THAN MAKING MONEY IN U.S.

(By Peter Gumbel and Douglas R. Sease)

Setting up a U.S. plant is one thing. Making money here is quite another.

There are few reliable statistics on how well U.S. subsidiaries of foreign concerns fare, and most companies are reluctant to disclose figures. But examples of problems and failure abound. And even when a U.S. acquisition doesn't go completely awry, it can severely drain foreign companies' patience and capital.

Thyssen AG's acquisition of Michigan-based Budd Co. pushed the West German steelmaker deep into the red and almost cost its chairman, Dieter Spethmann, his job in 1984. Britain's Midland Bank PLC sold Crocker National Bank to Wells Fargo & Co. last year, after Crocker's losses totaled $330 million in 1983 and 1984 alone.

"The probability of any acquisition succeeding is less than 50-50," says Amir Mahini, the director of international business research at McKinsey & Co. in New York. "It's difficult to carry off any successful acquisition. It's even more difficult when the acquirer is a foreign company and you have to meld two cultures."

Building a U.S. manufacturing plant can be just as hazardous. Volkswagen AG has been plagued by problems at its auto assembly plant in Pennsylvania. Operating far below its potential, the money-losing plant is kept running only because the German auto maker says it needs an "insurance policy" against possible U.S. legislation curbing auto imports.

Even Japanese companies, despite their fearsome reputation for efficiency, haven't necessarily been more successful. Kazuo Nukazawa, a leading Japanese economist, says some unconfirmed estimates show that more than 80% of Japanese factories in the U.S. aren't profitable.

Kazuo Nomura, the former president of Sumitomo Electric's American Subsidiary, says setting up a factory in North Carolina caused a lot of problems. The plant made fiber-optic cable according to Japanese standards, while American customers demanded cable made to U.S. standards. Moreover, the plant's capacity was in excess of what the fledgling distribution network could handle. "Sumitomo was proud of its technology, but the problem was marketing and management," he says.

Foreign companies on a spending spree in the U.S. often end up paying a premium. Stephen H. Goodman, the managing director of investment banking at Bankers Trust, says that when a Japanese company plans an acquisition, it makes painstaking preparations that prevent it from bidding quickly when a company is suddenly put up for sale. "That strategy doesn't get you companies cheap." he comments.

Europeans often overpay, too. Bertelsmann AG's acquisition of Doubleday for almost $500 million last year was widely viewed in the publishing industry as excessive. BASF AG spent $1 billion on the Immont unit of United Technologies Corp. in 1985, an amount analysis term as much as $200 million over the nearest competing bid. Juergen F. Strube, the chief executive of BASF Corp., acknowledges that the price was high, but "we were prepared to pay a premium for the synergies," he says, "We were paying for the business as it fit into our operations."

Once a U.S. base is operating, foreign companies can still have a tough time. One vexing question is how to juggle local manufacturing with imports. When the dollar was high, it paid to export to the U.S. Now that the U.S. currency is low, it doesn't. Albrecht O. Staerker, executive vice president at the New York branch of West Germany's Commerzbank AG, says many German companies have learned from the dollar's swings during the 1970s that they can be profitable here only if they run virtually self-contained operations and don't rely on imported parts. "You have to go 100%," Mr. Staerker says.

Nonetheless, many foreign concerns, too proud to admit defeat, shrug off their difficulties. Most say they take a long-term view and can afford a few bad years. Few face the same pressure from shareholders that U.S. companies do, and they have leeway in their accounting rules to conceal any losses from foreign subsidiaries.●

By Mr. GORE (for himself, Mr. SASSER, Mr. BOREN, and Mr. NICKLES):

S. 1698. A bill to amend section 547 of title 11, United States Code, to provide that certain withdrawal transactions made by depositors from certain financial institutions not be avoided as preferential transfers; to the Committee on the Judiciary.

BANKRUPTCY CODE AMENDMENTS

● Mr. GORE. Mr. President, today I am introducing legislation which is necessary to ensure the fairness and the spirit of our Bankruptcy Code. I am pleased that my distinguished colleagues, Senators Jim Sasser, David Boren, and Don Nickles, are joining me as original cosponsors.

A tragic application of a little-known provision of the Federal Bankruptcy Code has victimized some 800 former depositors of Southern Industrial Banking Corp. [SIBC] in Tennessee. These good faith depositors accepted the risks of losing their money which they had deposited in an uninsured bank. However, they never imagined that they could be sued as preferred creditors because they happened to withdraw their money during the 90 days before SIBC declared bankruptcy. The SIBC's catastrophe has brought to light a terribly unfair loophole in the preference language of the Bankruptcy Code—a loophole that opens the possibility of depositors being sued as the technical equivalent of preferred trade or business creditors in the event an institution like SIBC declares bankruptcy.

At first, bankruptcy experts and laymen alike thought that SIBC, an industrial loan and thrift company, was a unique hybrid institution that fell between the cracks of Federal and State bankruptcy and banking laws. Time is proving that assessment wrong.

Last year, two trust companies in Oklahoma declared bankruptcy. Now many depositors of Oklahoma Trust and Oklahoma Finance are on the brink of SIBC's "preference" depositors' 4-year-old nightmare, and it has become apparent that the problem is much broader than originally envisioned. Approximately 800 institutions and possibly hundreds of thousands of their depositors may be at risk of a similar preference tragedy. While only bankruptcy courts decide whether or not a particular depository institution can file for bankruptcy, the threat of a bank filing bankruptcy and its depositors facing a subsequent preference suit has been demonstrated to be very real.

Under U.S. bankruptcy law, a preferred payment is one made to a creditor by a debtor 90 days before the debtor's filing bankruptcy. Preferred payments would be subject to repayment to the general pool of recovered funds through which creditors share in and spread out their losses in a bankruptcy case. Congress drafted section 547 of the Bankruptcy Code with a view toward preventing a debtor from preferring certain of its trade and other business creditors prior to bankruptcy.

But Congress also had the foresight to carve out certain exceptions to these preference laws. Among these, Congress exempted one class of businesses able to file for bankruptcy. This special group is comprised of banks, savings and loans, and virtually all depository institutions under section 109. Congress exempted these institutions for good reason: A person's relationship with a depository institution is not a debtor/creditor relationship but rather a trust relationship.

The goal of our bill is to close an unintended and unfair loophole in the bankruptcy law by clarifying the concept of preferred creditors. The legislation would exempt from this preference language withdrawals from an entity that is in the business of accepting deposits but is a debtor eligible to file bankruptcy. Such withdrawals must have been made without insider knowledge of the financial condition of the business or of its impending bankruptcy.

These former SIBC depositors were not insiders. They withdrew their money during the ordinary course of business and during the ordinary course of day-to-day life. They withdrew their money to pay hospital bills, to meet living expenses, and to send their children to college. After 3 years of court battles, many of these working class people and retirees face losing their life savings and their homes.

Congress never intended the bankruptcy laws to apply to any type of depository institution such as SIBC of Tennessee or the Republic Financial Corp. of Oklahoma. This is evident by the fact that like institutions are exempted by section 109 from the application of the bankruptcy laws. Furthermore, it follows that Congress never intended that depositors at such institutions would technically be construed as preferred creditors.

The purpose of our bill is simply this: To close an unintended and unfair loophole in the bankruptcy law by clarifying the concept of preferred creditors. I ask my colleagues to help to restore the spirit of the law to our bankruptcy laws by joining in support of this legislation.●

● Mr. SASSER. Mr. President, I am pleased to join today with my colleague from Tennessee in introducing legislation to correct a serious inequity in our bankruptcy laws.

Many of my constituents have been severely affected by a little-known section of the bankruptcy law. The end result has been to bring several hundred of them to the brink of financial ruin.

In 1983, the Southern Industrial Banking Corp. filed bankruptcy under chapter 11. SIBC was an industrial loan and thrift company which also accepted individual deposits such as passbook savings accounts and certificates of deposit. Many of these depositors continued to use their accounts for their everyday financial transactions right up until the time of SIBC's bankruptcy filing, unaware of the condition of the institution.

Once SIBC filed for bankruptcy, these transactions were covered by a relatively obscure section of the bankruptcy law prohibiting withdrawals for 90 days before a bankruptcy filing. These depositors have been sued by the liquidating trustee in the case who is demanding that the withdrawals be paid back immediately.

But, Mr. President, most of these depositors are ordinary working class people who considered—and used—SIBC as their bank. They are not insiders seeking to shield their investment from the law. The withdrawals were used to pay depositors' normal living expenses—rent, grocery bills, mortgages, automobile loans, and the like. They do not have that money anymore.

Now these hard-working individuals are facing financial ruin. They have been sued, had judgments entered against them, and many of those judgments are about to be executed. Many stand to lose their homes and their life savings.

We do not believe that Congress intended that the preferential transfer provision should apply to these depositors. They are in a depository relationship with SIBC, not a creditor relationship. In fact, banks cannot file for bankruptcy. It is only because Southern Industrial Banking Corp. was not actually a bank—even though many of its depositors believed it to be so—that this issue arises at all.

Under current bankruptcy law, there are seven categories of exceptions where a trustee may not avoid a transfer. Our legislation would add an eighth category to cover those who are in a depository relationship to the institution. Thus, trustees could not avoid transfers which are withdrawals by depositors of money held in either checking-type accounts, savings accounts, or time certificates.

We believe that this would more closely reflect the intent of Congress in passing the law. Congress intended, and properly so, to prevent large investors, often with inside knowledge, from withdrawing their assets and shielding them from the losses faced by other investors in an institution which goes bankrupt. However, that is not the case here.

Let's look for a moment at what's happening in this case. Here we have individual depositors who think they are dealing with a bank. As part of their everyday family financial dealings, they make withdrawals from their accounts, or their time certificates mature. Several weeks later, what the depositors thought was a fiscally sound institution files for bankruptcy. Then along comes the bankruptcy trustee who tells them that not only are their deposits frozen, but they have to return money that they had withdrawn in good faith. Money that they had deposited in the first place.

Not surprisingly, they are asking how they could have been expected to see into the future, and why someone can take their money from them. Again, I say, I do not believe that Congress intended to ruin these small depositors. I urge the committee to consider this legislation expeditiously and I look forward to working with my colleagues for early passage of this bill.●

● Mr. BOREN. Mr. President, I am pleased to join with Senator Gore of Tennessee in offering legislation to make a much needed clarification of our bankruptcy statues and protect depositors who lost funds in the bankruptcy of the Republic Financial Corp. of Tulsa, OK.

The Republic Financial Corp. of Tulsa, OK, filed for bankruptcy in September 1984. Many individuals and other depositors, who had invested in this company, lost millions of dollars in a case which is still being discussed and litigated in our courts.

Our bankruptcy code has been written to provide a fair and equitable system of procedures for those individuals and business concerns who have had or been associated with irreversible financial difficulty—whether through normal economic conditions or illegal activity. It seeks to remedy the loss suffered by those innocent of wrongdoing to rebuild their financial loss. It likewise was written to discipline those who have wrongfully helped cause such a financial crisis.

Over 2 months prior to the bankruptcy of the Republic companies, legislation to amend the Federal bankruptcy laws, which passed Congress, was signed by the President. These changes were not technically effective until October 10, 1984, 16 days after Republic's bankruptcy. One critical provision is one which stated that deposits withdrawn from a firm within 90 days of its filing bankruptcy were subject to recovery by the trustee, unless it was withdrawn in a normal, business transaction. Even before the Federal legislation became effective on October 10, 1984, it was, in my opinion, not within the spirit of the law to penalize those who simply act in a normal prudent course of business.●

By Mr. SIMON (for himself and Mr. Sanford):

S. 1699. A bill to reauthorize and revise chapter 2 of the Education Consolidation and Improvement Act of 1981 in order to establish priorities of educational assistance, to authorize a teacher training and improvement program, and for other purposes; to the Committee on Labor and Human Resources.

ELEMENTARY AND SECONDARY EDUCATION REFORM AMENDMENTS

● Mr. SIMON. Mr. President, today I am introducing a bill to reform and reauthorize the chapter 2 block grant of the Education Consolidation and Improvement Act. My bill proposes to make fundamental and necessary changes in current law by refocusing these funds on the students in greatest need and on programs that meet those needs.

This idea is not new. Senator Claiborne Pell, the distinguished chairman of the Labor and Human Resources Subcommittee on Education, Arts and Humanities, has championed the idea of more closely targeting chapter 2 funds on a specific set of Federal education priorities. He introduced S. 627, the Targeted Educational Assistance Act, on March 3 of this year, to reflect these ideas. Senator Pell has remained a staunch advocate of more closely focusing these Federal funds on a limited set of Federal priorities and improving oversight and accountability. He introduced similar legislation in the 98th and 99th Congresses.

I strongly share Senator Pell's concern that those of us in the Congress who support education programs, and those in the schools who implement educational policy, must get our own educational house in order. Before we can be effective in reordering Federal spending priorities, we should establish some of our own programs. Establishing priorities for chapter 2 will not only improve the likelihood of securing additional appropriations, but it will also make a clear statement about which critical educational objectives should be pursued with Federal funds. We should begin during this reauthorization and we should begin with the chapter 2 block grant.

Virtually all of our Nation's school districts receive chapter 2 formula based grants, for an average of $7–$9 per child. Chapter 2 is a formula based program, which allocates funds to local school districts based on the number of school-aged children. Funds are spread so thinly—42 percent of all school districts receive less than $5,000—that a serious question is raised regarding the impact of these funds at the local district level. For example, in Illinois the smallest grant under chapter 2 went to School District No. 124 in the amount of $126.50.

One simply has to ask: What Federal interest is served in awarding such a small grant and what can we realistically expect the school district to accomplish?

School districts have complete discretion, within broad guidelines, on the use of these funds. More importantly, the current law does not hold either the local education agencies [LEA's] or the State education agencies [SEA's] accountable for how these funds are expended, and whether any educational objectives are met. Given the high percentage of small grants and the amount of local discretion on their use, it is difficult to determine what Federal purpose, if any, is being fulfilled through the expenditure of one half billion Federal tax dollars. In fact, it is almost impossible to tell whether any local educational goals are being advanced.

As Secretary Bennett stated in a major speech to the National Press Club on September 8, 1987:

> I would like to concentrate my remarks today on one change that I consider essential to carrying forward the movement for education reform. That is accountability: the giving and taking of responsibility for results. Right now, we don't have enough of it. Accountability is the linchpin, the keystone, the *sine qua non* of the reform movement. In our discussions of education in the coming year, at the local, state, and national levels, accountability should be at the top of the agenda.

While I do not often agree with the Secretary, I believe that he has his finger on an extremely important point. I support increased accountability in the chapter 2 program.

The elementary and secondary education reform amendments I am introducing would: First, change the substate mechanism for the distribution of chapter 2 funds; second, establish five Federal priorities for the expenditure of these funds; third, create a new Federal-State partnership in education responsive to State leadership in education reform; and fourth, require that States and local school districts account for funds they received. It would significantly alter the present chapter 2 program by instituting a competitive grant application process and creating a minimum grant of $25,000. Clearly, this would mean that each school district would not receive an annual grant. They would, however, be eligible for a grant of sufficient size to have a real impact on the quality of education in the district.

Presently, chapter 2 funds are primarily used to purchase computer services, library equipment, and to support various student services. While these funds enable LEA's to purchase equipment they may not otherwise be able to buy, I believe that this should be carried out primarily with local or State funds. Emerging educational priorities such as dropout prevention, parental literacy, early childhood education, programs for the gifted and talented, and improvements in the quality of instruction and curricula in elementary and secondary education cannot be ignored.

The education priorities and populations targeted in this bill would be funded on a discretionary basis. It would target these funds where the need is greatest and the potential for improvement is highest. The education priorities listed in the bill are:

> Increasing the availability and the quality of instruction of pre-kindergarten programs especially for children who are from educationally disadvantaged backgrounds, including children with handicaps;

Expanding and improving student dropout prevention programs, particularly early intervention projects designed to prevent student dropouts and to facilitate the reentry of students who have dropped out of school;

Increasing parental involvement in the education of children who receive assistance under chapter 1 and to enhance the literacy of such parents by integrating early childhood education and adult education for parents into unified programs to be referred to as "even start;"

Carrying out projects for the enrichment of secondary school curricula, including junior high and middle schools, particularly new methods in approaches to teaching, the use of stated achievement goals for the students, the continuous monitoring of student progress, and the strengthening of course work and requirements in mathematics, and the physical sciences, and foreign languages;

Expanding and improving programs to identify and educate gifted and talent children students particularly students who may not be identified through traditional assessment methods; and

Implementing state educational reform adopted by the States.

These priorities target limited Federal education resources on economically and educationally disadvantaged children, while also providing funds to support State reform efforts. A peer review panel would be established to evaluate applications and advise the State superintendent on the discretionary grant awards.

The targets listed in this bill happen to reiterate some of the recommendations listed in the recent Committee for Economic Development report on "Children in Need." This report emphasized the correlation between early childhood intervention and education and the scholastical achievement of students in later years. Poor academic performance is the best predictor of who will eventually dropout. With an estimated 30 percent of students considered educationally disadvantaged, early intervention and dropout prevention is critical to identifying and addressing their education problems and to keeping these "at risk" children in school. My bill intends to use the existing Federal funds in chapter 2 to focus on these issues.

Although I strongly support more Federal funding for chapter 1 and other categorical education programs, I believe we must take action now and not wait to address these needs if and when additional Federal funds become available when the Federal Government resolves its budget crisis.

In addition to the elementary and secondary education goals of this bill, it also includes a separately authorized Teacher Training and Improvement Act. It adopts, in large part, the recommendations of the Reagan administration in this area. The bill would provide an $80 million authorization for educator recruitment, retention, and renewal programs.

I am pleased that the distinguished junior Senator from North Carolina has joined me in cosponsoring this bill. Among the many Members of this body who talk about the need to improve the quality of education, Senator SANFORD has been a leader as Governor of his State and as president of Duke University. North Carolina's Superintendent of Public Instruction, Dr. Craig Phillips and its former Governor Jim Hunt have been outstanding leaders in the field of education as well. If all the States could boast of a strong public school system and public higher education system like North Carolina's, we would have fewer problems to solve in the education arena. I am pleased that we have such an outstanding spokesman for education in the Senate like my friend TERRY SANFORD.

Mr. President, the bill I am proposing attempts to change the status quo and refocus chapter 2 funds where the need is greatest. But, I want a results-oriented program. In these days of increasingly scarce Federal resources, we need a stronger justification for programs or we risk losing them through Gramm-Rudman budget cuts. Presently, chapter 2 has all the defense of Federal revenue sharing. There is no need for the Government to collect and distribute these funds if they do not serve a Federal purpose. The Federal Reserve Bank is a money processing center, not the Federal Government's education program. The Federal Government's primary role in education is an attempt to make an inequitable education system equitable. The status quo maintained in the present chapter 2 program does nothing to assist in this attempt.●

By Mr. STEVENS:

S.J. Res. 189. Joint resolution to amend the Pledge of Allegiance to the Flag of the United States of America; referred to the Committee on the Judiciary.

AMENDMENT TO THE PLEDGE OF ALLEGIANCE

Mr. STEVENS. Mr. President, members of our Government appeared before the American people yesterday and called on them to celebrate their citizenship in this Nation. It was an effort to reach out—particularly to the children in our schools—and involve them in the bicentennial of our Constitution.

Each of the speakers who took part in the ceremony commented on the importance of the Constitution as the cornerstone of the Nation. One in particular, Stephanie Petit, a young lady who this year won the National Spelling Bee, caught my ear. In remarks aimed at her fellow students, she commented on the importance of the principles embodied in the document in our everyday lives, and on the need to keep those principles in mind in building for the future.

Weighing all of their comments while the President led us in reciting the Pledge of Allegiance, it struck me that something was missing from that familiar oath. There is no mention of the Constitution in this sentence which affirms our loyalty to the United States.

By the terms of the document itself, the President must swear an oath to preserve, protect and defend the Constitution before taking office. Each Senator in this body, each Member of the House, and each judge in this land take similar oaths to support and defend the Constitution. When citizens pledge allegiance to the flag of the United States, and to the republic for which it stands, they, too, promise to uphold our Constitution.

The Constitution is the foundation of our Government, our economic system and our society, yet we fail to recognize it in our Pledge of Allegiance. The 200th anniversary of the signing of the Constitution is the ideal time to correct this oversight and honor our Nation's most basic document. Therefore, I am introducing today a joint resolution to amend the Pledge of Allegiance so that it will read:

> I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God and the Constitution, indivisible, with liberty and justice for all.

In preparing this amendment I looked over the history of the Pledge of Allegiance. It was first recited in 1892 in the public schools to commemorate the 400th anniversary of the discovery of America. This first pledge was written by Francis Bellamy, who was an associate editor of the Youth's Companion.

The original wording was subsequently expanded in the 1920's. When Congress codified the rules and customs pertaining to the use and display of the flag in 1942, the Pledge of Allegiance was included. The only amendment to the codified text has been the addition of the words "under God," which occurred in 1954.

It is time for us to consider another addition to the Pledge. Recent bicentennial activities have focused attention on the content and the importance of our Constitution. By introducing this legislation today, I am hoping we can extend the spirit of the bicentennial celebration and add to our everyday lives an increased awareness of our Constitution and its importance to our Nation.

I want unanimous consent that the text of the joint resolution and of the comments made by Miss Stephanie Petit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 189

Resolved by the Senate and House of Representatives of the United States of America *in Congress assembled,* That the text of the Pledge of Allegiance to the Flag, codified by the Act of June 22, 1942 (ch. 435, § 7, 56 Stat. 380), as amended, is amended by inserting, after "under God" and before the comma, the following: "and the Constitution".

REMARKS BY STEPHANIE PETIT, OUTSTANDING YOUNG PERSON

For two hundred years now, the Constitution has safeguarded our rights. It stands behind every American tradition and culture. This is especially important to young people because we are the future, and America is counting on us to preserve it. Because both of my parents were born and raised outside this country, they have taught me to appreciate and cherish the greatest of America.

Many facts taught in school are soon forgotten after the final exam is over. But the Constitution, unlike many other concepts gained through school, needs no final exam, for the American youth continue to live it. We live it every day as American citizens in all walks of life.

The Bicentennial of the Constitution is calling much well deserved attention to the document. However, this attention should not end with celebrations, because our work to build the future has just begun.

I am very honored to be here and to share my thoughts with you, and to remind all of us how great the country is we live in.

Thank you.

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. ARMSTRONG, the names of the Senator from Montana [Mr. MELCHER], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 450, a bill to recognize the organization known as the National Mining Hall of Fame and Museum.

S. 542

At the request of Mr. ARMSTRONG, the names of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 542, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 567

At the request of Mr. DECONCINI, the name of the Senator from Arkansas [Mr. BUMPERS], was added as a cosponsor of S. 567, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 588

At the request of Mr. HATCH, the name of the Senator from Minnesota [Mr. DURENBERGER], was added as a cosponsor of S. 588, a bill to designate September 17 of every year as "Constitution Day" and to establish such day as a legal holiday with certain limitations.

S. 818

At the request of Mr. KARNES, his name was added as a cosponsor of S. 818, a bill to provide permanent authorization for White House Conferences on Small Business.

S. 851

At the request of Mr. GRAHAM, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 851, a bill to provide Federal financial assistance to States offering scholarships to financially needy students from certain Latin American and Caribbean countries, and for other purposes.

S. 889

At the request of Mr. GORE, the name of the Senator from Alabama [Mr. SHELBY], was added as a cosponsor of S. 889, a bill to amend the Communications Act of 1934 to provide for fair marketing practices for certain encrypted satellite communications.

S. 1099

At the request of Mr. COCHRAN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1099, a bill to authorize the several States and the District of Columbia to collect certain taxes with respect to sales of tangible personal property by nonresident persons who solicit such sales.

S. 1181

At the request of Mr. PRYOR, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1181, a bill to amend the Federal Salary Act of 1967 and title 5 of the United States Code to provide that the authority of determined levels of pay for administrative law judges be transferred to the Commission on Executive, Legislative, and Judicial Salaries.

S. 1201

At the request of Mr. PROXMIRE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1201, a bill to prevent consumer abuses by credit repair organizations.

S. 1203

At the request of Mr. GRASSLEY, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1203, a bill to amend title 22, United States Code, to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization, and for other purposes.

S. 1217

At the request of Mr. MURKOWSKI, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from North Carolina [Mr. HELMS], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1217, a bill to amend the Mineral Leasing Act of 1920 to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, the public lands within the Coastal Plain of the North Slope of Alaska for oil and gas exploration, development, and production.

S. 1281

At the request of Mr. BREAUX, the names of the Senator from Washington [Mr. ADAMS] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1281, a bill to amend Public Law 97-360, and for other purposes.

S. 1520

At the request of Mr. BAUCUS, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from Arkansas [Mr. PRYOR], the Senator from South Dakota [Mr. PRESSLER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Florida [Mr. GRAHAM], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1520, a bill to amend the Internal Revenue Code of 1986 to allow certain entities to elect not to make changes in their taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 1587

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1587, a bill to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic Games.

S. 1620

At the request of Mr. PELL, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1620, a bill to reauthorize and revise the Act of September 30, 1950 (Public Law 874, 81st Congress) relating to Federal impact aid, and for other purposes.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1686

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1686, a bill to amend the Internal Revenue Code of 1986 to defer the tax consequences of the repayment of a Commodity Credit Corporation loan with a generic commodity certificate.

SENATE JOINT RESOLUTION 100

At the request of Mr. PELL, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 100, a joint resolution to affirm the national policy of metric conversion benefiting the United States.

SENATE JOINT RESOLUTION 111

At the request of Mr. Heinz, the names of the Senator from Montana [Mr. Baucus], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987 and November 1988 as "National Hospice Month."

SENATE JOINT RESOLUTION 116

At the request of Mr. Durenberger, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of Senate Joint Resolution 116, a joint resolution expressing the sense of the Congress that Federal aid for refugee assistance programs should not be reduced, and for other purposes.

SENATE JOINT RESOLUTION 168

At the request of Mr. Melcher, the names of the Senator from Kansas [Mr. Dole], the Senator from New York [Mr. Moynihan], the Senator from Iowa [Mr. Grassley], the Senator from New Mexico [Mr. Domenici], the Senator from Idaho [Mr. Symms], and the Senator from Washington [Mr. Adams] were added as cosponsors of Senate Joint Resolution 168, a joint resolution designating the week beginning October 25, 1987, as "National Adult Immunization Awareness Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. Cranston, the names of the Senator from Mississippi [Mr. Stennis], the Senator from New Jersey [Mr. Bradley], the Senator from New Jersey [Mr. Lautenberg], and the Senator from Maryland [Mr. Sarbanes], were added as cosponsors of Senate Joint Resolution 171, a joint resolution designating the week beginning November 8, 1987, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 173

At the request of Mr. Reid, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Nevada [Mr. Hecht], and the Senator from Alaska [Mr. Murkowski] were added as cosponsors of Senate Joint Resolution 173, a joint resolution to commemorate the 200th anniversary of the signing of the U.S. Constitution.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. Grassley, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of Congress that volunteer work should be taken into account by employers in the consideration of applicants for employment and that provision should be made for a listing and description of volunteer work on employment application forms.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. Breaux, the name of the Senator from Indiana [Mr. Quayle] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution to reaffirm support for the maritime policy of the United States and the laws implementing it, as set forth in the Merchant Marine Act, 1936, and related laws; and to urge that any consideration of changes in that policy or laws be removed from the agenda of the United States-Canadian free trade negotiations.

SENATE RESOLUTION 254

At the request of Mr. Simon, the name of the Senator from Iowa [Mr. Harkin] was added as a cosponsor of Senate Resolution 254, a resolution to state the guiding principles of United States policy toward South Africa's illegal occupation of Namibia.

AMENDMENT NO. 680

At the request of Mr. Glenn, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of amendment No. 680 proposed to S. 1174, an original bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

AMENDMENT NO. 684

At the request of Mr. Bentsen, the name of the Senator from Mississippi [Mr. Stennis] was added as a cosponsor of amendment No. 684 proposed to S. 1174, an original bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 77—OPPOSING THE THIRD COUNTRY MEAT DIRECTIVE BY THE EUROPEAN ECONOMIC COMMUNITY

Mr. LUGAR (for himself, Mr. Leahy, Mr. Boschwitz, Mr. Burdick, Mr. Chiles, Mr. Dixon, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Grassley, Mr. Heinz, Mr. Helms, Mr. McClure, Mr. Nickles, Mr. Pressler, Mr. Symms, Mr. Karnes, Mr. Cochran, Mr. Wallop, Mr. Wilson, Mrs. Kassebaum, Mr. McConnell, Mr. Pryor, and Mr. Kennedy) submitted the following concurrent resolution; which was placed on the calendar by unanimous consent:

S. Con. Res. 77

Whereas the third country meat directive by the European Community requiring individual inspection and certification by the European Community of United States meat plants would damage a $130,000,000 United States export market:

Whereas this directive would reduce prices and income to the United States livestock producers;

Whereas this directive would reduce employment in the United States meat packing industry;

Whereas this directive would create a trade barrier in violation of the general agreement on tariffs and trade;

Whereas the terms of the directive would not apply to intracountry meat trade within all European Community member states;

Whereas there are no established enforcement mechanisms for the directive within the European Community;

Whereas the requirements of the directive are not based solely upon specific scientific research and evidence;

Whereas this directive will not result in more wholesome meat being made available to European consumers;

Whereas the United States has strongly opposed the establishment of trade barriers under the guise of hygiene and sanitation requirements;

Whereas the United States has maintained the position that any attempt by the European Community to impose unfair health requirements on United States meat imports would invite strong and immediate countermeasures: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the administration should vigorously oppose the implementation of the directive by the European Community which will limit United States access to European Commodity agricultural markets;

(2) if the European Community denies United States meat imports based on scientifically unsubstantiated standards or standards which are not applied to intracountry trade within all European Community member states, the Administration should adopt strong and immediate countermeasures; and

(3) the administration should communicate to the European Community the message that the United States views the directive as inconsistent with the European Community's obligations under the general agreement on tariffs and trade.

Sec. 2. The Secretary of the Senate shall transmit copies of this resolution to the President, the Secretary of State, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the United States Trade Representative, the head of the Delegation of the European Community to the United States, and the Ambassadors to the United States for each of the member states of the European Community.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

McCAIN (AND WARNER) AMENDMENT NO. 686

Mr. McCain (for himself and Mr. Warner) submitted an amendment in-

tended to be proposed by them to the bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; as follows:

On page 114, between lines 13 and 14, insert the following new section:

SEC. . SENSE OF THE CONGRESS REGARDING JAPAN'S CONTRIBUTIONS TO GLOBAL STABILITY.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Alliance of the United States and Japan is the foundation for the security of Japan and peace in the Far East and is a major contributor to democratic freedoms and economic prosperity enjoyed by both the United States and Japan.

(2) Threats to both the United States and Japan have significantly increased since 1976, principally as the result of the Soviet Union's occupation of Afghanistan, the continued expansion and buildup of Soviet military forces (particularly Soviet expansionist efforts in the South Pacific and the buildup of the Soviet Pacific fleet), the Vietnamese occupation of Cambodia, and instability in the Persian Gulf region (from which Japan receives 60 percent of its petroleum and one-third of its total energy requirements).

(3) In keeping with the declaration made at the 1983 Williamsburg summit meeting that "the security of our countries is indivisible and must be approached on a global basis", the Japanese government has raised its defense spending by an average of 5 percent per annum since 1981, rescinded a limit on annual expenditures for defense of 1 percent of the gross national product, and is fulfilling Prime Minister Suzuki's pledge to defend Japan's territory, airspace, and sea lanes to a distance of 1,000 miles by 1990.

(4) Congress applauds the actions referred to in paragraph (3) that have been taken by Japan and the Japanese commitment to implement a 1,000 mile defense capability. However, Japan has the world's second largest gross national product, is a major creditor nation, has a large private savings rate, but lags far behind other industrialized democracies in terms of the percent of gross national product devoted to national defense expenditures and expenditures for global security and stability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States would welcome an initiative by Japan to assume a politically acceptable and significant global security role consistent with its economic status by taking the following actions:

(1) Increase its Official Development Assistance program funding so that by 1992 it will be spending approximately 3 percent of its gross national product on such program.

(2) Devote increased Official Development Assistance expenditures primarily to regions of importance to global stability outside of East Asia, particularly Oceania, Latin America, and the Caribbean and Mediterranean nations.

(3) Devote any increase in its Office Development Assistance program primarily to concessional, untied grants and increase the portion of total expenditures made for such program for those multilateral financial institutions of which Japan is a member.

(4) Designate those nations that are to be recipients of its increased development assistance through consultation with its security partners.

(5) Expand its Official Development Assistance program without regard to its expenditures on defense, particularly expenditures for completion of the 5-year defense program for fiscal years 1986 through 1990.

DIXON (AND OTHERS) AMENDMENT NO. 687

Mr. DIXON (for himself and Mr. SIMON) proposed an amendment to the bill S. 1174, supra; as follows:

On page 114, between lines 13 and 14, insert the following new section:

SEC. . PROCUREMENT OF MANUAL TYPEWRITERS.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410. Procurement of manual typewriters

"Funds appropriated to or for the use of the Department of Defense may not be used for the procurement of manual typewriters which contain one or more components manufactured in a country which is a member of the Warsaw Pact unless such country has a most favored nation trading status with the United States."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410 Procurement of manual typewriters.".

HOLLINGS (AND OTHERS) AMENDMENT NO. 688

Mr. HOLLINGS (for himself, Mr. GLENN, and Mr. WILSON) proposed an amendment to the bill S. 1174, supra; as follows:

At the appropriate place, insert the following:

"Subsection 1079(a) of title 10 is revised by striking the word "and" at the end of clause (13) and inserting therein a "semicolon", and by striking the "period" at the end of clause (14) and inserting therein the word "and", and by adding a new clause (15) as follows:

"(15) Coverage may be provided for electronic cardio-respiratory home monitoring equipment (apnea monitors) for home use when a physician prescribes and supervises the use of the monitors for infants who have had an apparent life threatening event, who are subsequent siblings of a Sudden Infant Death Syndrome victim, or whose birth weight was 1500 grams or less, in which case the coverage may include the cost of the equipment, hard copy analysis of physiological alarms, professional visits, diagnostic testing, family training on how to respond to apparent life threatening events, and assistance necessary for proper use of the equipment.

NUNN (AND OTHERS) AMENDMENT NO. 689

Mr. NUNN (for himself, Mr. WARNER, and Mr. WILSON) proposed an amendment to the bill S. 1174, supra, as follows:

On page 77, between lines 6 and 7, insert the following new section:

SEC. 644. AGE FOR NONTERMINATION OF SBP SURVIVING SPOUSE ANNUITY AFTER REMARRIAGE.

(a) RESUMPTION OF ANNUITY UPON TERMINATION OF DIC FOR REMARRIAGE.—Section 1450(k)(1) of title 10, United States Code, is amended by striking out "60" and inserting in lieu thereof "55".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply as if included in the amendments made by section 643(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3886).

On page 77, line 7, strike out "SEC. 644" and insert in lieu thereof "SEC. 645".

WARNER AMENDMENT NO. 690

Mr. WARNER proposed an amendment, that was subsequently modified, to the amendment No. 680 to the bill S. 1174, supra; as follows:

In the amendment numbered 680 strike out subsections (b) and (c) and insert in lieu thereof the following:

"(b) EXCLUSION OF PROHIBITION UPON ANNUAL CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to those contracts in any fiscal year for which the Secretary of Defense certifies to Congress in writing before the end of such fiscal year that the research, development, testing, or evaluation performed under such contracts cannot be performed with equal competence by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract was entered into before the date of the enactment of this Act;

(2) a significant part of the contract is to be performed within the United States; or

(3) the contract is for research, development, test or evaluation in connection with anti-tactical ballistic missile systems.".

(d) NATIONAL SECURITY EXEMPTION.—The prohibition in subsection (a) shall not apply in circumstances where the Secretary of Defense determines that application of such a prohibition would be contrary to the national security interests of the United States. *Provided*, That the Secretary of Defense communicates to the Armed Services Committees of the Senate and the House of Representatives his reasons for so determining within 30 days of awarding a contract to a foreign firm not exempted under subsection (c).

NUNN (AND OTHERS) AMENDMENT NO. 691

Mr. NUNN (for himself, Mr. QUAYLE, and Mr. WARNER) proposed an amendment to the bill S. 1174, supra, as follows:

Immediately following the section entitled "Prohibition Against Certain Contracts" (the amendment number 680 to S. 1174 offered by Mr. Glenn and others), insert the following new section:

SEC. . COOPERATIVE SDI RESEARCH PROJECTS.

(a) The prohibition in subsection (a) of section —— shall not apply to any contract awarded to a foreign government or a foreign firm by the Strategic Defense Initiative

Organization if that foreign government or foreign firm agrees to fund a substantial portion of the total contract cost.

(b) In this section, "foreign firm" has the same definition as in subsection (d) of section——

STEVENS (AND OTHERS) AMENDMENT No. 692

Mr. STEVENS (for himself, Mr. HEFLIN, Mr. COCHRAN, Mr. CHILES, Mr. KASTEN, Mr. GARN, Mr. GRAMM, Mr. DOLE, Mr. MCCAIN, Mr. RUDMAN, and Mr. PRESSLER) proposed an amendment to the bill S. 1174, supra; as follows:

On page 56, strike lines 3 through 13.

BINGAMAN (AND OTHERS) AMENDMENT NO. 693

Mr. BINGAMAN (for himself, Mr. GRAMM, Mr. DOMENICI, Mr. MCCAIN, Mr. WILSON, and Mr. WARNER.

On Page 8, strike out line 10 and insert in lieu thereof the following:

SEC. 123. AIR FORCE PROGRAMS.

On page 8, line 11, strike out "Funds" and insert in lieu thereof "(a) T-46 AIRCRAFT.—Funds".

On page 8, between lines 16 and 17, insert the following:

(b) A-7 CLOSE AIR SUPPORT AIRCRAFT.—Of the amount appropriated or otherwise made available to the Air Force for fiscal year 1988 for procurement of aircraft, $10,000,000 shall be available only for the procurement of equipment, facilities, and services for the modification of A-7 aircraft under the A-7 Plus program. None of such funds may be obligated until the Secretary of Defense has certified to Congress, in writing, that the A-7 Plus program is a cost-effective approach to modernizing close air support and battlefield air interdiction squadrons in the Air Force and the Air National Guard.

HELMS (AND OTHERS) AMENDMENT NO. 694

Mr. HELMS (for himself, Mr. ARMSTRONG, Mr. BOND, Mr. HATCH, Mr. HECHT, Mr. HEFLIN, Mr. SHELBY, Mr. SYMMS, Mr. THURMOND, and Mr. WILSON) proposed an amendment to the bill S. 1174, supra; as follows:

Add at the end of the following new section:

"SEC. . The sum of $310 million dollars is authorized to be appropriated for military assistance to the Nicaraguan Democratic Resistance for the period ending March 31, 1989; provided, however, that the funds authorized to be appropriated by this section shall not be obligated or expended if the President, on or before September 30, 1987, shall have certified to Congress the following:

1. That there be no Soviet, Cuban or Communist bloc bases established in Nicaragua that pose a threat to the United States and the other democratic governments in the hemisphere.

2. That Nicaragua pose no military threat to its neighbor countries nor provide a staging ground for subversion or destablization of duly elected governments in the hemisphere.

3. That the Nicaraguan government respect the basic human rights of its people including political rights guaranteed in the Nicaraguan constitution and pledges made to the OAS—free speech, free press, religious liberty and a regularly established system of free, orderly elections.".

SYMMS AMENDMENT NO. 695

Mr. HELMS (for Mr. SYMMS) proposed an amendment to amendment No. 694 proposed by Mr. HELMS (and others) to the bill S. 1174, supra; as follows:

Add at the end of the Helms Amendment 694 the following new section:

"SEC. . It is the sense of the Senate that the policy of the United States toward Central America should be based on the principles of the Monroe Doctrine, to wit: "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power * * * we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power in any other light than as the manifestation of an unfriendly disposition towards the United States.".

PRYOR (AND BUMPERS) AMENDMENT NO. 696

Mr. PRYOR (for himself and Mr. BUMPERS) proposed an amendment to the bill S. 1174, supra; as follows:

On page 163 between lines 11-12, "Blytheville AFB, AR, gymnasium, $2,750,000."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of an oversight hearing before the Senate Committee on Energy and Natural Resources to receive testimony from Government and public witnesses regarding the implementation of the Reclamation Reform Act of 1982. The hearing is scheduled to take place on October 2, 1987, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

For further information regarding the hearing you may wish to contact Russell R. Brown, senior professional staff, telephone (202) 224-2366. Written inquiries regarding the hearing may be addressed to the Committee on Energy and Natural Resources, room SD-364, Dirksen Senate Office Building, Washington, DC 20510.

Mr. President, as my colleagues are aware, there have been serious allegations of abuse and circumvention of the acreage limitations established by the Reclamation Reform Act of 1982. In turn, the rules and regulations promulgated by the Department of the Interior for the implementation of the Reclamation Reform Act have been criticized as being inadequate to prevent possible abuse. In response to that criticism, the House included amendments to the Reclamation Reform Act in H.R. 2700, the 1988 energy and water appropriations bill.

Last week, during the Energy and Water Appropriations Subcommittee markup of H.R. 2700, the amendments to the Reclamation Reform Act were struck from the bill with the understanding that an oversight hearing on the implementation of the Reclamation Reform Act would be held by the Committee on Energy and Natural Resources. As I stated to my colleagues during the markup on H.R. 2700, I strongly support the intent of the House amendments in ending the possibility of abuse of the limitation of the Federal reclamation law; however, it is also my strong belief that this is an issue which cannot be clearly and definitively resolved without public hearings.

It is my intent that the October 2 hearing before the Committee on Energy and Natural Resources will assist the Senate in achieving an agreeable response to the House proposal contained in H.R. 2700 by the time of the conference. Toward this end, I will invite the severest critics of the acreage limitation program to present their arguments to the committee. In turn, I will have the Department of the Interior respond to those criticisms.

I would advise my western colleagues that resolution of the controversy surrounding the implementation of the Reclamation Reform Act is crucial if there is to be continued support by the public and the Congress of any further expansion of federally supported irrigated agriculture in the Western States.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, September 23, 1987, at 9 a.m., to conduct a business meeting. On its legislative agenda, the committee will be marking up S. 322, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; H.R. 60, to permit the Architect of the Cpaitol, under the direction of the Joint Committee on the Library, to accept gifts of money for the purchase of works of fine art for the Capitol, and for other purposes; H.R. 2249, to change the title of employees designated by the Librarian of Congress for police duty and to make the rank structure and pay for such employees the same as the rank structure and pay for the Capitol Police; House Joint Resolution 309, providing support for the Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives; Senate Resolution 92, relative to expenditures by the Select Committee on Intelligence; an original resolution to permit amendments to bills implementing trade agreements under section 151(d) of the Trade Act of 1974 if such amendments relate to the domestic or foreign waterbourne commerce of the United States; and three original resolutions to pay gratuities to the survivors of deceased Senate employees.

On its administrative agenda, the committee will be considering an amendment to the Senate service pin regulations to permit awards to be made on the actual 12th anniversary of employment; an amendment to the Senate travel regulations which would establish a maximum rate for per diem expenses for Senate travelers; and the issue of the display of national, State, and Senate flags in the halls of Senate Office Buildings.

For further information regarding this business meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a hearing during the session of the Senate on September 17, 1987, on the nomination of Robert H. Bork to be Associate Supreme Court Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 17, 1987, to hold a hearing on the current status of U.S.-PRC relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 17, 1987, to hold hearings on proposed legislation relating to Presidential transition.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 17, 1987, to hold hearings examining the need for legislation restricting the types of fees imposed by airports on off-airport businesses.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS COMMITTEE

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, September 17, 1987, to hold a hearing on S. 818, a bill to provide permanent authorization for White House Conferences on Small Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources, Subcommittee on Research and Development, be authorized to meet during the session of the Senate on Thursday, September 17, 1987, to receive testimony concerning S. 1480, the Department of Energy National Laboratory Cooperative Research Initiatives Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on September 17, 1987, to conduct a hearing on S. 559, S. 560, and S. 633, bills to study and control the disposal of plastic waste and to implement annex V of the International Convention for the Prevention of Pollution from Ships, as modified by the protocol of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RON REICHERT

● Mr. LEAHY. Mr. President, today is the birthday of the Constitution—and coincidentally, the birthday of a young man who spent much of his early youth on my staff—working to preserve and protect the virtues that Vermonters hold dear.

Ron Reichert of Middlebury, VT, joined my staff back in 1976 and when he left to pursue other interests last month, he was the Vermonter with one of the longest records of service in my office.

When Ron came to Washington, we were just beginning to put together a strategy to assist economic development in Vermont communities and promote ideas like downtown rehabilitation and the preservation of historic buildings and places that were too often sacrificed in the name of progress.

Ron worked hard with local community leaders, and together we found that by preserving and restoring the works of our ancestors, we were preserving the beauty of our communities. Vermonters were pleased—and our visitors were charmed. A new generation of tourism and population growth ensued without disrupting the normalcy of rural life in most of our small communities.

We worked to control what was happening by retaining the familiar landmarks that all of us had grown to know and appreciate.

Vermont absorbed much change—and it took a sensitive Vermonter like Ron to help make the transition a little easier—or at least, less traumatic than it might have been.

So I have lost an old and good friend to the natural inclination of Vermonters to strike out on their own—and move on.

I will miss Ron Reichert. Vermonters will miss him.

He worked hard to preserve Vermont's historical integrity and promoted its cultural institutions. He assisted in the economic resurgence in many deprived areas of our State while preserving our State's unique environment.

He worked with local officials to create housing programs for low-income families and through our office, channeled job opportunities and economic growth to rural areas, where the economic policies of the last 7 years have hit hardest.

On the national level, he worked for a strong and vital historic preservation program, and all States benefited from his work with the National Trust for Historic Preservation, and the National Conference of State Historic Preservation Officers and Preservation Action.

In short, Ron Reichert is one of those rare people who brings into Government both sensitivity and a talent for getting things done.

I miss him, and want to take this opportunity to tell my fellow Senators and the people of Vermont just how much this young Vermonter meant to me and to them in the 11 years he served as an aide and friend to all of us.●

BICENTENNIAL OF THE U.S. CONSTITUTION

● Mr. BOSCHWITZ. Mr. President, I rise today to join my colleagues and all Americans in celebrating the 200th anniversary of our Nation's Constitution.

Last year, we marked the 100th birthday of the Statue of Liberty with great pomp and circumstance. The outpouring of patriotism was comparable to that of the Bicentennial in 1976. Today, September 17, 1987, we celebrate the Bicentennial of the U.S. Constitution, and this occasion should be approached with at least as much fervor as the milestones before it. Yesterday, on the steps of the Capitol thousands of Americans listened to the words of our President, the leaders of both Houses of Congress, the Chief Justice of the Supreme Court, and the former Chief Justice of the Supreme Court, and Chairman of the Bicentennial Commission.

They not only heard their Constitution exalted, but enjoyed a spirited demonstration of patriotism. Yes, Mr. President; we are truly celebrating this milestone with great national pride. Today, I stand before my colleagues to remind them of the reason for all of the hullabaloo.

Some people have complained that we should not engage in such festivities over a document, that in their words was imperfect from the start. I would argue that, at least in theory, the U.S. Constitution is perfect. "How can you say that?" you ask. I contend that the perfection of the Constitution lies within the mechanisms for change incorporated by the framers.

The ability to improve the system established by the Constitution was demonstrated right from the start with the ratification of the first 10 amendments to the Constitution, the bill of rights. For 200 years the Constitution of the United States has remained the state-of-the-art social contract because of its flexibility and potential improvement. Over the years, amendments to the Constitution have overcome the shortcomings of the original documents. The 19th, 24th, and 26th amendments extended the rights of the franchise to, in order, blacks, women, and 18 year olds. All of the civil rights legislation was made possible by the 14th amendment.

Any builder will tell you that a well-built house needs a strong foundation. for our Nation, the Constitution is that foundation. As one whose family came to this country on the promise of freedom and justice, I cannot agree with those who would rather we ignore this watershed event in history. We have much to be thankful for and much to celebrate.●

CONGRESSIONAL BUDGET ACT 302(b) ALLOCATION

● Mr. JOHNSTON. Mr. President, section 302(a)(2) of the Congressional Budget Act requires the Senate Budget Committee to allocate total budget authority, total budget outlays, and total credit authority among committees of the Senate. Each of the committees receiving a 302(a)(2) allocation is, in turn, required by section 302(b) to file its own report showing its respective allocation of those accounts to its own subcommittees. I ask that the subcommittee allocations for the Committee on Energy and Natural Resources be printed at this point in the RECORD.

The material follows:

COMMITTEE ON ENERGY AND NATURAL RESOURCES CONGRESSIONAL BUDGET ACT 302(b) ALLOCATION OF ACCOUNTS

Subcommittee on Energy Regulation and Conservation: None.

Subcommittee on Energy Research and Development:

Account Name: Department of Housing and Urban Development.

Housing Programs.

Community disposal operations fund.

Account Number: 86 4040 0 3 451.

Subcommittee on Mineral Resources Development and Production:

1. Account Name: Department of the Interior.

Bureau of Mines.

Helium fund.

Account Number: 14 4053 0 3 306.

2. Account Name: Department of the Interior.

Bureau of Mines.

Contributed funds.

Account Number: 14 8287 0 7 306.

3. Account Name: Department of the Interior.

Geological Survey.

Account Number: 14 8562 0 7 306.

4. Account Name: Department of the Interior.

Minerals Management Service.

Payments to States from receipts under Mineral Leasing Act.

Account Number: 14 5003 0 2 852.

Subcommittee on Public Lands, National Parks and Forests:

1. Account Name: Department of Agriculture.

Forest Service.

Forest Service permanent appropriations.

Account Number: 12 9922 0 2 302.

2. Account Name: Department of the Interior.

Bureau of Land Management.

Special acquisition of lands and minerals.

Account Number: 14 1117 0 1 302.

3. Account Name: Department of the Interior.

Bureau of Land Management.

Operation and maintenance of quarters.

Account Number: 14 5048 0 2 302.

4. Account Name: Department of the Interior.

Bureau of Land Management.

Miscellaneous permanent appropriations.

Account Number: 14 9921 0 2 302.

5. Account Name: Department of the Interior.

Bureau of Land Management.

Miscellaneous trust funds.

Account Number: 14 9971 0 7 302.

6. Account Name: Department of the Interior.

National Park Service.

Land Acquisition.

Account Number: 14 5035 0 2 303.

7. Account Name: Department of the Interior.

National Park Service.

Operation and maintenance of quarters.

Account Number: 14 5049 0 2 303.

8. Account Name: Department of the Interior.

National Park Service.

Miscellaneous permanent appropriations.

Account Number: 14 9924 0 2 303.

9. Account Name: Department of the Interior.

National Park Service.

Miscellaneous trust funds.

Account Number: 14 9972 0 7 303.

10. Account Name: Other Independent Agencies.

Advisory Council on Historic Preservation.

Donations.

Account Number: 95 8298 0 7 303.

11. Account Name: Department of the Interior.

Bureau of Land Management.

Miscellaneous permanent appropriations.

Account Number: 14 9921 0 2 852.

Subcommittee of Water and Power:

1. Account Name: Department of Energy.

Power Marketing Administration.

Bonneville Power Administration fund.

Account Number: 89 4045 0 3 271.

2. Account Name: Department Energy.

Power Marketing Administration.

Emergency fund, Western Area Power Administration.

Account Number: 89 5069 0 2 271.

3. Account Name: Department of Energy.

Power Marketing Administration.

Continuing fund, Southeastern Power Administration.

Account Number: 89 5653 0 2 271.

4. Account Name: Department of Energy.

Energy Programs.

Advances for cooperative work.

Account Number: 89 8575 0 7 271.

5. Account Name: Department of the Interior.

Bureau of Reclamation.

Colorado River dam fund, Boulder Canyon project.

Account Number: 14 5656 0 2 301.

6. Account Name: Department of the Interior.

Bureau of reclamation.

Reclamation trust funds.

Account Number: 14 8070 0 7 301.

7. Account Name: Department of the Treasury.

United States Customs Service.

Miscellaneous permanent appropriations.

Account Number: 20 9922 0 2 852.

Full Committee:

1. Account Name: Department of the Interior.

Office of the Secretary.

Operation and maintenance of quarters.

Account Number: 14 50552 0 2 306.

2. Account Name: Department of the Interior.

Territorial and International Affairs.

Compact of free association.

Account Number: 14 0415 0 1 806.

3. Account Name: Department of the Interior.

Territorial and International Affairs.

Payments to the United States territories, fiscal assistance.

Account Number: 14 0418 0 1 852.●

UNIVERSITY OF ALABAMA COLLEGE OF ENGINEERING

● Mr. SHELBY. Mr. President, I am proud to rise today to give recognition for a job well done to the college of engineering at the University of Alabama as they enter their 150th year of service.

The University of Alabama has always been a step ahead in engineering education. The university initiated its engineering education program in 1837. It was the first engineering instruction in Alabama and one of the earliest programs in America. In early 1837, only 2 years after New York's Rensselaer Polytechnic Institute graduated the Nation's first engineers, the University of Alabama's board of trustees hired a "professor of mathematics, natural philosophy, and civil engineering." The first step had been taken. The university had distinguished itself as one of the first institutions in the United States to offer formal engineering education.

Even in the early years, when other institutions held rigidly to the classical education, university leaders believed that every educated person should be versed in the "scientific knowledge of the day." The foresight of these early leaders established an environment that nurtured the growth of the young engineering program.

In 1909, the college of engineering became a separate division of the university. Over the next 30 years, enrollment, faculty, and facilities grew significantly. The college's professional reputation rose steadily.

In 1936, when the Engineer's Council for Professional Development began its national accreditation program, Alabama once again stepped ahead as one of the Nation's first engineering colleges to be accredited. The University of Alabama College of Engineering has maintained continuous accreditation since the beginning of the education program.

Mr. President, continuing its proud tradition, the university looks to the future, leading the way in quality engineering education, in state-of-the art computer technology, in research that improves our lives, and in economic development through industry partnerships. I commend them for their past and eagerly anticipate their future.●

RECOGNIZING ELAINE LEWIS

● Mr. D'AMATO. Mr. President, from time to time I call attention of this body to the work of outstanding New Yorkers who have made important contributions to their chosen field.

One such person is Elaine Lewis. Ms. Lewis is an interior designer based in New York City. In view of her having designed more than 1,000 model apartments in the past 8 years, many view her as the "queen" of the model apartment.

Ms. Lewis's career began in the late 1960's, with an antiques shop on the upper east side. In 1972, Paul Milstein, a major New York developer asked her to design the model apartments in his building, the Dorchester Towers at 68th Street and Broadway.

Her work set the stage for what was to become a highly successful career. She has designed apartments for celebrities such as John McEnroe, Eartha Kitt, Tom Jones, Sidney Poitier, and members of the Rolling Stones.

With the techniques of creating visual rather than physical barriers, resulting in added privacy and openness; varying elevations and heights of furniture; creative sources of indirect lighting; distinctive modular components; and floating or hanging furniture and accessories, Ms. Lewis has designed apartments to an appreciative clientele.

Even the Friars Club, one of New York's exclusive men's clubs, opted for Elaine Lewis's touch as they set about the task of redecoration.

Her work on the Friars Club earned the attention of the New York Times. This project now stands as a monument to Ms. Lewis' talent and achievement.

Mr. President, the New York Times recently gave to Elaine Lewis the attention she has so well earned. I respectfully request that the article entitled, "A Woman's Touch at the Friars Club," which appeared in the August 9 issue be included in the RECORD.

The article follows:

[From the New York Times, Aug. 9, 1987]

A WOMAN'S TOUCH AT THE FRIARS CLUB

(By Leslie Bennetts)

Decades of cigar smoking had darkened the ceilings. The furniture was cracked and frayed, and the lighting was so dim that some rooms looked more like caves.

And so the Friars Club, a venerable meeting place for men that has endured as the haunt of many well-known show-business figures, decided to redecorate.

Although it is still very much a men's club, with strict rules barring women from the premises until 4 every afternoon, the Friars chose a woman for the job.

Nevertheless, old habits die hard. When Elaine Lewis showed up early one day for her first meeting, her male assistants in tow, she was politely told to stay out of the building.

"They asked me to go across the street to the coffee shop," recalled Ms. Lewis. "We had to sit and wait until I could be allowed in the club. The men here are wonderful, and lovely to work with, but I feel like I'm back in the 18th century."

Such inconveniences notwithstanding, the Friars Club has just completed the first phase of a three-year redecorating project, the first in many years to disturb entrenched habits, not to mention encrusted grime, in its five-story English Renaissance home at 57 East 55th Street.

"They had a major renovation in 1968, but since then we've had no real face lift," explained Jean-Pierre Trebot, the club's executive director.

"It's dark; it staid," he said of the club. "There's all this dark wood paneling. I guess that was pleasant at one point, but now people like airy things, light colors. We wanted to lighten up the whole environment."

The reason Ms. Lewis was chosen for the job was simple, according to Mr. Trebot. "Her proposal was the best," he said.

Ms. Lewis, an architectural space planner and interior designer, specializes in model rooms for real-estate developers. The Friars' building, she said, was "very old and tired."

"It's a beautiful town house, and they wanted to keep the beauty of the building but give it more of a new flavor," she said. "I offered what I consider to be a really new look for the club, with a limited budget."

The cost of the first phase of restoration was restricted to $90,000, and most of the changes Ms. Lewis has made to date are cosmetic, with an emphasis on cleaning, repainting and installing better lighting.

In the first-floor bar, the William B. Williams Room, where the red ceiling has been darkened by years of smoke and dirt, Ms. Lewis has the ceiling cleaned and marblized in a handpainted trompe l'oeil pattern in cream, ochre and light gray to match the real marble in the entrance. Ms. Lewis also installed new lighting.

NEW SHADES FOR BERLE ROOM

In the dining room, she lifted the center of the ceiling to make a recess that she papered in gold leaf. On the second floor, in the Joe E. Lewis Bar, Ms. Lewis illuminated the stained-glass emblems, installed limestone lighting sconces, added ivory shades and window draperies in a vivid print in teal, rust and beige, and put turn-of-the-century theatrical posters above the mantel.

In the Milton Berle Room she focused her attention on new window treatments: Translucent shades and ivory cotton brocade replaced the old draperies of heavy red velvet.

The only room to be thoroughly redecorated so far is the Frank Sinatra Room on the third floor. The original hand-carved linen-look oak paneling on the walls was refinished, and recessed neon lighting was put in around the moldings. The new furniture is black leather and there is a new crystal chandelier.

The Ed Sullivan Room next door also got a crystal chandelier and new window treatments, along with a thorough cleaning. The mahogany walls were painted white and glazed, and green trompe-l'oeil marble was painted around the fireplace.

The Friars Club has been in its present home since 1957, but like the building itself, which was constructed in 1909, the group's history goes back to the beginning of the century. It was originally an outgrowth of the Press Agents Association, organized in 1904 to identify and eliminate the "free pass" frauds who, posing as press agents, contrived to obtain complimentary admission to theaters. Two years later the membership was broadened to admit press representatives from around the country, and soon after the group began to stage the dinners honoring well-known men that have made it famous.

The Friars Club has 1,350 members, including the entertainers Alan King, Henny Youngman, Milton Berle, Buddy Hackett, Roger Moore, Red Buttons, Dean Martin, Burt Reynolds and Johnny Carson. Frank Sinatra is chairman of the board.

The club assures its show-business flavor by exercising a quota for "non-professional" members, those outside entertainment and related fields. No more than a third of the membership is made up of nonprofessionals, who pay an initiation fee of $6,000. Members in the profession pay $600.

Even if they are in the entertainment business, women may not join the Friars Club. They are barred from the third floor, but are permitted on the first and second floors after 4 P.M. The reasons for such rules have become murky.

"JUST ONE OF THOSE TRADITIONS"

"I don't really know why, to tell you the truth," Mr. Trebot said. "It's just one of those traditions people keep."

So far the membership appears to have reacted favorably to the club's redecoration, despite a few raised eyebrows at Ms. Lewis's occasional presence on the forbidden third floor.

But larger changes may be in the offing. Mr. Trebot said the club is in violation of a city law that prohibits the exclusion of women from clubs.

"The Club Association of New York State has appealed that law at the state level, the New York State Supreme Court has upheld the city law, and the Club Association is appealing at the Federal level," he said. "Our board feels that in all probability the Supreme Court will uphold the New York City law and that it's time to poll our membership on that subject, probably toward the end of September. Personally, I am confident that the membership will vote in favor of accepting women." ●

INFORMED CONSENT: MARYLAND

● Mr. HUMPHREY. Mr. President, I ask my colleagues to support my informed consent bill, S. 272. It would require that medical personnel inform women considering abortion about the possible effects of the procedure. My office has received hundreds of letters from women in every State in support of informed consent, and I ask that two letters from Maryland be entered into the RECORD.

The letters follow:

FEBRUARY 9, 1987.

DEAR SIR: I wish someone would have told me. These are the words that echoed over and over again in my mind after I had an abortion in August of 1981. It doesn't really matter what my reasons were for having an abortion for I now know that I killed my child. Even as I was being wheeled into the operating room I wondered why no one was questioning what I was doing since this was a little more than getting my appendix removed. What do I wish someone would have told me?

I did not know that 1) my baby already had arms, legs, the beginnings of fingers and toes, eyes and the beginnings of a nose and two ears; 2) my baby had a functioning brain and the heart had been beating for a month; 3) the spinal cord was developing and there were the beginnings of a skeleton and 4) the liver was now functioning and beginning to produce blood cells. In short, what was growing inside of me was not a piece of tissue the size of a pinhead as my doctor told me but a tiny person who had everything that would be found in the fully developed human being.

I vaguely remember signing a piece of paper in the hospital which had something on it concerning alternatives and adoption but it was never explained to me. I know that if women were totally informed of what was going to take place, what her baby looked like and what emotional trauma she might have to deal with many lives would be saved. I am thankful I know a God who forgives and gave me another chance. I now have a healthy two year old son but often wonder about his older brother or sister.

I encourage you and others in Congress to do all you possibly can so that other women will be informed and not have to suffer through the tragedy that I did.

Sincerely,

KAREN J. COLLINS.

MARYLAND.

FEBRUARY 10, 1987.

DEAR SENATOR HUMPHREY: In December of 1975, I was 10 weeks pregnant; an unemployed single parent with a 5-year-old son. How could I raise two children alone? These questions raced through my mind as I considered what to do. My parents could not help me. The fathers of my two children were not willing to share full-time family responsibilities. There was no one I could turn to for advice or help. I was lonely, confused, and afraid.

I could not see how I could handle the responsibility or expense of another child alone. There seemed to be no alternative but abortion, yet I felt deep inside that something was wrong with that solution. Nevertheless, one morning I went to the Laurel Clinic in Washington, D.C., to have an abortion. I didn't receive any formal counselling. They simply described the suction abortion procedure and said that it would take only a few minutes. Those few minutes scarred me for the rest of my life. I recall the cold and insensitive comments of the doctor . . ." Oh this one wants an abortion for Christmas—Uh huh . . . abortion now—pay later." I was already uneasy, but the doctor's uncaring attitude made me afraid, and I wanted to get out of that clinic as fast as I could. I wanted to scream "STOP!", but it was too late. The sedation I had been given had taken effect.

When I regained consciousness, I was already crying; I realized I had made a terrible mistake. My reasons for having the abortion now seemed weak and insignificant. The knowledge that something very precious in me had died weighed heavily upon me. My baby—a living soul—was gone forever. The sense of loss and grief was vivid, just as if someone close to me had died—which, of course, was true.

Through my tears, I could see two nurses walking another sedated woman to the couch area to recover. Then a few minutes later, another. I thought to myself, this is like a factory assembly line. There we all were, weeping for the children we would never see. Do you get the picture: weeping mothers and dead babies. This is the reality of the abortion scene.

Watching a T.V. program months later, I learned some medical facts. I found out that at 10 weeks my preborn baby was a fully formed human being that could even feel pain. I'd had the abortion thinking that the little embryo inside me was mere tissue, with only the potential for becoming actual human life. If only someone had been there to give me the facts about the child inside me. If only someone had been there to point out alternatives that would help me to accept and handle the responsibility instead of escaping it at the expense of my baby's life. I could have been spared the haunting grief and guilt.

One may ask, "How can she share this dark secret of her past?" The answer is simply, "God has done a miracle!" I realized that I had sinned greatly against God by taking the life of my little unborn baby. But Jesus Christ removed the self-destroying guilt and restored me physically, emotionally, and spiritually to a new life. I am so grateful for God's mercy that I want to help other women avoid trauma of abortion and consider their baby's right to life. Now I'm one of those people who stand outside abortion clinics with facts. I intend to be the kind of person that I needed when I was faced with a crisis pregnancy. With love in my heart, I can offer a message of hope, a message of responsibility, and a message of Life!

Sincerely for Life,

SANDRA D. WALTON.

MARYLAND.●

COMPETITION IN MOBILE COMMUNICATIONS

● Mr. GARN. Mr. President, this week in Washington, DC the International Space Communications and Technology Summit is bringing together the major figures in the rapidly changing world of space and satellite technology. Among them is Mr. Olof Lundberg, Director General of INMARSAT, the International Maritime Satellite Organization.

INMARSAT's satellites provide essential communications to the world's commercial shipping fleet, including those traveling the dangerous waters of the Persian Gulf. In addition, pending U.S. Government approval, INMARSAT is poised to provide similar communications services to international aviation community.

Mr. Lundberg is widely known outside of the United States for his determination to enhance civil air safety through new technology and telecommunications techniques. These objectives were the subject of Mr. Lundberg's remarks before his colleagues at the international summit. The text of Mr. Lundberg's remarks, "On Competition," is offered here in its entirety.

REMARKS OF MR. OLOF LUNDBERG

I. INTRODUCTION

Today, the focus of my remarks is on competition in mobile communications, and with the pace of technical and service development, there is every likelihood that the competition will become even more intense in the future. The growing abundance of technology makes it possible to conceive of any number of systems concepts.

II. BENEFITS OF COMPETITION

There is today a considerable amount of competition in mobile communications, and with the pace of technical and service development, there is every likelihood that the competition will become even more intense in the future. The growing abundance of technology makes it possible to conceive of any number of systems concepts.

Today the maritime user, a yacht, a coastal trading vessel, an offshore drilling rig, a fishing boat or a cruise liner, can choose to communicate by a variety of means, such as conventional maritime radio in the VH, MF and HF bands, INMARSAT, perhaps domestic or regional fixed satellite systems or even CB and cellular radio.

Although INMARSAT is the world's only civil mobile satellite communications system, it is no stranger to competition. And there are no signs that competition is going to go away, even if we wanted it to. For my part, I welcome its benefits.

The Federal Communications Commission (FCC) recently and succinctly extolled the benefits of competition in mobile communications in this way: "Competition benefits the public when it maintains or improves service and enhances the economical and efficient provision of communication services." This is an important definition, especially if it is used as a yardstick in measuring the benefits of competition. Other considerations will include those relating to industrial stimulation and trade, but the user's need for safety, coverage and universality should be priority considerations.

Usually the benefits of competition are seen through the eyes of the user, but I would argue that the facilities provider can also reap benefits from competition. The explosive growth of cellular radio in many countries has shown that competition can benefit the facilities provider as well as the user. In the UK, where there are two competing cellular systems, both have more subscribers than they would have had, if one or the other had a monopoly. The cellular operators have revised their forecasts upwards ever since the service began two and a half years ago.

In an ideal competitive environment, the pricing of services and equipment is keenly sensitive to market forces. The market for competing facilities providers is stimulated and grows faster. New services are introduced faster than might have been the case if competition were lacking. Competition even has a salutary effect on the staff of facilities providers as they tend to keep a closer eye on the bottom line and on market share. Staff are lean and hungry. It inspires creativity and encourages productivity.

As a facilities provider, INMARSAT helps stimulate development of technology and services as well as competition by offering free use of its systems for tests and demonstrations to those who will probably become competitors to INMARSAT in the next few years. Most recently, NASA has applied to comsat for free use of the INMARSAT system for testing land mobile satellite terminals which would be used by the mobile satellite (MSS) consortium in competition with INMARSAT.

Furthermore, recognizing the prospect of competition, INMARSAT did not seek a monopoly for the provision of aeronautical satellite services.

Competition can make the pie bigger for all. Our competitors will help us, as we have helped and will help them, to stimulate interest in mobile satellite communications.

III. THREE TYPES OF COMPETITION

INMARSAT faces competition in at least three ways.

1. Inter-modal competition.

The first is inter-modal competition. INMARSAT was established to improve maritime communications. Before the advent of mobile satellite services, maritime communications were provided on the high seas by HF radio, which suffers from interference, congestion, irregular coverage and lack of privacy. Even though the reliability and immediacy of satcoms have been proven for many years, INMARSAT still faces competition from HF radio for three main reasons.

First, HF radio, unlike INMARSAT, is often subsidized around the world. Cost-based pricing has yet to arrive in most countries.

Second, a ship over 1600 tons, operating on the oceans, must carry an HF radio station and a radio officer according to the international Convention. This Convention came into force long before INMARSAT began operations, so no provision was made for satcoms. Thus, even today, several years after INMARSAT came into being, the ship must still carry HF equipment and a radio officer, who has passed a proficiency test in Morse code, even if the ship is equipped with satcoms. It will not be until 1991, when the Global Maritime Distress and Safety System (GMDSS) is introduced, that ships over 300 tons will be able to choose INMARSAT as an alternative to HF and dispense with the services of the radio officer, since satcoms are as easy to use as the plain old telephone.

Third, with the advent of INMARSAT, HF operators who may have been complacent about having a maritime market to themselves are now fighting back aggressively with new technology and improved services.

I have already mentioned other forms of inter-modal competition, including even cellular radio, such as those cellular systems operating in the Gulf of Mexico, Scandinavia and UK. Cellular systems and other evolving terrestrial technologies are already and will be increasingly competitive with satellites due to their high capacity, high quality service in areas where there is a reasonable mobile user population.

2. Intra-system competition

The second type is intra-system competition, which was built into the INMARSAT system in a number of ways when the Organization was created. INMARSAT itself only operates the satellite system. Services to end users are provided by INMARSAT Signatories. The operators of coast earth stations, that is, the interface between the satellite and the public switched networks, compete with each other. A vessel can route its traffic through any coast earth station of its choice in each ocean region. INMARSAT is in a unique position in which many of its owners are in competition with each other. There is thus a strong and healthy competition between, for instance, Comsat and British Telecom in the provision of INMARSAT services.

3. Inter-system competition

The third type is inter-system competition. Until now, INMARSAT, as the world's only civil mobile satellite system, has not faced inter-system competition from other mobile systems. When the Organization was created, countries did not believe that the markets were sufficiently big to justify individual national systems. So they banded together to create an international system, open to all countries.

Even in the short space of five years, however, it has become apparent that there is a body of opinion which believes there is a market potential that could justify establishment of separate domestic or regional mobile satellite systems. While INMARSAT inevitably face inter-system competition, it is not yet clear whether INMARSAT will be entitled to compete with domestic or regional systems which will certainly compete with INMARSAT for international traffic.

The FCC, in its MSS NPRM, envisaged and still envisages a domestic monopoly. Does the FCC's vision suggest that a protective fence should be put up around North America? There are hundreds of aircraft flying in and out of the United States every day and thousands of vessels sailing in and out of your coastal waters. Will users be forced to switch from INMARSAT to a U.S./Canadian MSS Monopoly or from MSS to INMARSAT at those borders?

IV. A PERSPECTIVE ON COMPETITION

Despite the many apparent benefits of competition, I would be less than forthright if I did not also signal a few concerns about the implications of competition, which must, I believe, be seriously contemplated if one is not to be cast as an ideologue.

There has to be a concern that markets are not as big or do not materialize as quickly as expected. The financial risks are very considerable indeed. Arinc has estimated its AvSat system would cost $1.1 billion. The MSSLP estimate $330 million to support a single satellite.

While the financial risks are significant, or even staggering, commercial enterprises are the ones to bear this risk. INMARSAT has the additional obligation under international law to provide distress and safety services, a requirement which competitors will not bear.

The problem of funding non-commercial, but important-to-life safety communications in a competitive environment needs to be resolved. For maritime and aeronautical safety services, coverage, reliability and availability are essential. Users will also need to be assured of the durability and long term commitment of facilities providers. Who is going to fund coverage and service in areas, such as the South Atlantic or Indian Ocean, which don't generate enough traffic to be economically viable? So far, only INMARSAT.

While inter-system competition is inevitable and unquestionably will yield benefits, most of those benefits will accrue to the industrialized countries on which MSS spot beams will be focused. Spot beams and higher IRP in the satellite could help to reduce the costs of the mobile terminals and user charges where the market is big enough. I am less sanguine about the benefits to developing countries. Covering the high costs and considerable financial risks involved in developing mobile spot beam satellites will depend on a sufficiently viable market. Spot beams may be justified in North America and Europe, but it is doubtful that they can be economically sustained in the case of Africa, the South Pacific and other areas.

Technical concerns

The biggest barrier to effective competition in mobile satellite communications may well be technical. Comparing competition between fixed satellite systems and mobile satellite systems is like comparing apples and oranges. There seems to be a growing appreciation amongst policy-makers of the significant differences between the two types of services. Simply stated, the small mobile antennas illuminate the whole geostationary orbit and thus can cause interference to other satellite networks operating in the same frequency bands. With fixed satellite services, two-degree spacing between satellites is possible. In the mobile satellite services, even 30 degree spacing is problematic.

The International Frequency Registration Board (IFRB) has now been notified of several networks proposed for operation in the aeronautical mobile satellite service (AMSS) band: by the U.S. USSR, Canada, Japan, INMARSAT, Australia, Papua-New Guinea and, just a month ago, France. There is no reason to believe that the IFRB will not be notified of still more L-band networks. NASA said recently that "intersatellite interference has become a serious concern."

With respect to the US and Canadian MSS satellites alone, the Mobile Satellite Service Limited Partnership (MSSLP), in its 4 September filing to the FCC, says that "it would be extremely difficult to obtain adequate isolation between the two nations' satellites, even at orbital separations of 30 degrees or more."

The MSSLP says "An interference analysis was done to determine the potential for harmful interference between the proposed mobile satellite system and other systems using the L-band frequencies. . . . The results indicate that coordination will be required between the proposed MSS and the Volna system and between the MSS and

PacStar system . . . coordination will (also) be required in the next generation of INMARSAT satellites."

At this point, it would seem that means chopping up the L-band for each of the players. This solution is already apparent in the MSSP arrangement, in which the consortium says in its 27 July filing, "During nominal operation the Canadian spacecraft will utilize 6.75 MHz." That's the solution for the U.S and Canadian MSS satellites, but even the amount of spectrum will diminish following coordination with INMARSAT, Volna and PacStar, to say nothing of the networks which may yet be notified.

Subsequent to the filing, however, John Klehler, President of Hughes Mobile Communications Company, said that dividing frequency among consortia isn't acceptable, because the band already may have too little capacity. "Dividing the frequency," he said, "would substantially impair the economics of the system."

Nevertheless, technical coordination will be necessary. The problem I have with this process is the following: INMARSAT's first three second-generation satellites will operate in 3 MHz of the existing aeronautical (R) band. More will be needed for further satellites. None of the countries planning their own domestic or regional mobile satellite systems has supported our notification to the IFRB for even 3 MHz internationally, even though most of them have filed for the full 14 MHz in the AMSS band. How can those countries planning their own domestic or regional satellite systems reasonably and credibly argue that they need the full 14 MHz for domestic systems while INMARSAT and the rest of the world deserve nothing?

I find considerable irony in the MSSLP filing's comment that "It is less efficient to provide exclusive frequency allocations for each country desiring to use the mobile satellite system. However, the proposed system architecture makes it possible to provide a share of the system's capacity to any nation that wants it." Some spectrum managers do not seem to have recognized that the available mobile satellite spectrum, of which there is such a shortage, will have to be shared by a large number of national, regional and international systems. But when the time comes, how will it be shared? Will there be an international auction of spectrum? Will there be an international lottery? Will the last come be last served? Will it be regulated, and if so, by whom, the ITU? Will it be shared equally among all contenders? Will it depend on who has the greatest lobbying clout? Will aeronautical and maritime safety needs be a factor? Some degree of relief can be found through frequency reuse which will be technically feasible in the 1990s. Commercially realistic solutions which would provide significant frequency reuse within the visible geostationary orbit, however, are not likely to be feasible for many years to come.

V. PROMOTING COMPETITION

I would now like to note a few ways in which competition could be promoted. Some of the following items raise a number of difficult technical and policy questions, but I believe if the user and facilities providers are going to fully benefit from competition, the resolution of these issues would serve us all well.

1. Subsidies

As I have mentioned, HF radio is often subsidized by other services or by governments around the world—despite the well-known limitations of HF radio. Tax-payers' subsidies of HF radio users slows down the growth of more efficient technologies, such as satcom. It doesn't and won't stop that growth, but it does slow it down.

The domestic mobile satellite communications systems also enjoy subsidies (as well as having been accorded monopoly protection)—from guaranteed government markets, government-sponsored research and development and market studies. Some time ago, a free launch was even on offer. INMARSAT enjoys no such subsidies.

2. Vertical integration

I noted with interest that the MSSLP filing says that the MSSLP would procure spacecraft from Hughes and various marketing and other goods and services from the principals of the MSSLP.

By comparison, INMARSAT is required by its Convention to encourage world-wide competition in the supply of goods and services. We develop and provide equipment specifications to any manufacturer, and thereby support the strong competition which now exists in the supply of hardware to INMARSAT as well as end users. As it happens, US manufacturers have received three of the four contracts we awarded for aeronautical antennas and avionics, or about 60 percent of the overall value. The payloads for our second generation satellites are also coming from the US, and three of the five launch contracts we have are with the US.

I can anticipate a growing concern among our owners, however, about procuring satellites in the future from suppliers who are direct competitors to INMARSAT in the provision of service.

3. Institutional, legal and regulatory barriers

Policy issues in mobile satellite communications are becoming complex. There is a grave risk that the need to resolve these issues will delay the introduction of new services, and an even greater risk that some competitors will deliberately use the courts, regulatory and legislative bodies to delay the introduction of new services by those with whom they are or want to be in competition.

When licensed, the MSS consortium will be able to provide a wide range of services to a wide range of users. Such services include maritime, aeronautical and land mobile communications, position determination and a rural telephone service. By contrast, INMARSAT will have spent more than four years since the amendment process was initiated before its aeronautical amendments come into force. The Department of State has said it is "examining the merits of either initiating or supporting . . . amendments so that INMARSAT may, in the future, have the authority to extend its space segment offerings to include land mobile satellite services, as a further natural and efficient extension of its technology and maritime role.

This proposal is, of course, of interest to us, especially if additional L-band spectrum could be found for land mobile telephony, but we recognize that it is unlikely that new amendments giving INMARSAT the institutional competence to provide land mobile would come into force in a period any shorter than the aeronautical amendments. Thus, while our competitors will be able to offer a full range of services, including rural telephony (i.e., using the mobile frequencies for a fixed service), from the outset, INMARSAT will be obliged to go through a painfully slow process to have our Convention amended, which will hamper our ability to compete effectively against those who do not need to go through such an amendment process.

In my view, the benefits of competition could be enhanced if INMARSAT were entitled to offer similar services to those of its competitors, and if it has greater flexibility to respond to changing service requirements and market demands as our competitors have or will have.

With a multiplicity of mobile satellite systems, standards will also become an issue. Standards should not be seen as a barrier to competition. Rather, they will promote competition, will give manufacturers some assurance of viable markets, will allow users to choose the best service provider (assuming inter-system operability) and, perhaps most importantly, will allow the user to use his equipment wherever he goes. Conversely, the standards-setting process should not be used as a way to block progress and the early availability of new services.

4. Pricing and economies of scale

In a competitive environment, where facilities providers offer a range of services, there is a risk that one service may be used to subsidize another. INMARSAT does not expect one community to subsidize the other. Neither our maritime users nor aeronautical users would accept cross subsidizing each other in any event.

There are nevertheless important economies of scale to be achieved by the maritime and aeronautical communities. These economies come from shared use of the space segment and infrastructure. The larger user base should lead to lower space segment charges for all.

Achieving economics of scale is particularly important in mobile satellite communications because of doubts about the potential market size and, especially, about how fast the markets can be penetrated. While the MSSLP believes there is a vast market for MSS, they note that "The principal uncertainty is how rapidly the target market will be penetrated." This uncertainty makes the need to achieve economies of scale all the more important. It also sheds doubt on the viability of a mobile satellite system dedicated to a single service.

Indeed, it was the belief in the need to achieve economies of scale that prompted the international community a decade ago to cooperate in the establishment of INMARSAT, a system that would be shared by and open to all nations. It was thought that a single system operated by a single country would not be economically viable. Over the last decade, however, that view has changed, as evidenced by the growing interest in the development of separate mobile satellite systems. However, this change makes it even more necessary to permit each of the system operators to have similar flexibility, and thus be able to serve an appropriate aggregation of the potential markets.

VI. REGAINING THE MOMENTUM

There seems to be an increasing awareness of the complex technical difficulties in sharing and reusing the mobile spectrum. Moreover, there seems to be a willingness to search for solutions. Technical coordination is going to be extremely difficult, as all of the players in the mobile satellite business recognize. A high degree of cooperation, understanding and fair play will be needed to resolve this difficulty. As the US, which together with Canada, has led the world in the development of mobile satellite communications, US leadership on this issue will be crucial.

In this context, I noted with interest the comment by the Department of State before the Senate subcommittee on telecommunications on 9 July 1987 in its "continuing reassessment of INMARSAT's future role in light of technological and economic changes . . . (that) INMARSAT could consider launching and managing space segment which would not be part of INMARSAT's global network . . . In this way, INMARSAT would be able to meet user demands for space segment ownership and greater control, and could combine its experience and its economies of scale with many of the advantages of separate mobile satellite systems."

I also noted the US proposal that INMARSAT's Convention should be amended to enable the Organization to provide land mobile satellite services. Low speed data land mobile communications, being very spectrum efficient, could be accommodated in the maritime mobile satellite band, but land mobile telephony would require much more spectrum. Let us hope that the World Administrative Radio Conference, which starts in Geneva today, will find a way forward without prejudicing the needs of the aviation community.

We have had informal discussions with many of the players in mobile satellite communications in the US, Canada, Europe and elsewhere. I detect a willingness to search for solutions as to how the competitors can cooperate at the space segment level to make the most efficient use of the spectrum while competing at the service level to ensure that the users obtain the best quality and best service possible.

There will inevitably be competition between INMARSAT and some of the domestic and regional mobile satellite systems. There will also, however, have to be cooperation in resolving some of the technical difficulties in coordinating a multiplicity of systems, all wanting to use the same scarce spectrum.

It remains to be seen how the various competitiors for the AMSS band will share the spectrum, but share it we must. I truly believe that through satellite technology we now have the capability of providing communications for anyone anywhere, even while he or she is on the move—in the air, over the seas or on land. Making that happen is up to us. The competitive spirit will provide the impetus. If some barriers to competition can be removed, and delays in the provision of new services reduced, all users will benefit from the multiplicity of choice they deserve.●

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, does the distinguished acting Republican leader, my good friend, Senator WARNER, from the great State of Virginia have any further statement or actions that he wishes to transact?

Mr. WARNER. Mr. President, I wonder if the distinguished majority leader would indulge me for a moment?

Mr. BYRD. Certainly.

Mr. WARNER. Mr. President, I just have been handed a letter from the President of the United States addressed to the Republican leader. I feel as if as a matter of courtesy the manager of the bill should be present at which time I will read the letter.

I was not aware that it had arrived. It has arrived. I think this matter should be addressed this evening.

So I am wondering. I know the distinguished chairman of the Senate Armed Services Committee is in the immediate area. Therefore, with the concurrence of the majority leader, I would suggest that we either pause for a minute or put in a quorum. He was proceeding to the Sergeant at Arms Office when I last spoke with him just 2 minutes ago.

Mr. BYRD. Certainly, whatever the distinguished Senator from Virginia wishes, either a quorum or we will certainly see if we can locate the manager.

Mr. WARNER. Mr. President, I see the presence of the distinguished chairman of the Senate Armed Services Committee, and I would like to indicate that I have just been handed a letter that has been forwarded to the Republican leader by the President of the United States.

I was unaware that the letter would arrive at this moment, but I believe it is important that I read this letter—it is short—before we conclude the events of the evening. It may be that the distinguished chairman would like to make a few comments.

Mr. NUNN. Mr. President, I have just read the letter and I appreciate the Senator from Virginia sharing it.

I do not see anything new or surprising about the letter. The President says he is opposed to the Levin-Nunn amendment, and he has been opposed to it all along. He also says that he will veto the legislation if it contains the Levin-Nunn amendment—the same thing he said all along. Senators understood that and knew that when they voted.

Mr. WARNER. Mr. President, I am about to read a letter dated today to the distinguished Republican leader, Mr. DOLE:

"DEAR BOB:

"I was pleased to receive your letter, cosigned by thirty-three of your colleagues, concerning the Levin-Nunn Amendment to the Defense Authorization bill. In this regard, I want to register my profound disappointment that, despite your efforts, the Senate has voted to restrict unilaterally our ability to conduct SDI tests.

"My Administration has given repeated assurances that we would consult fully with the Congress before making any decision to restructure the SDI program according to the broad interpretation of the ABM Treaty. Nonetheless, the Senate has chosen to preempt these consultations by the action it has taken today.

"The Levin-Nunn amendment imposes unilateral restrictions on the United States that are not enforceable on the Soviet Union. It undercuts our position in sensitive negotiations with the Soviets, and it could undermine prospects for achieving effective strategic defense. I must reiterate that I will be left with no alternative but to veto this legislation if it reaches my desk with the restrictions contained in the Levin-Nunn Amendment.

"Sincerely,

RONALD REAGAN"

Mr. President, that concludes the matters on this side for the day.

Mr. BYRD. I thank the Senator, and I thank the distinguished Senator from Georgia.

COMMENTS BY MAJORITY LEADER ROBERT C. BYRD ON SENATOR BIDEN

Mr. BYRD. Mr. President, it seems to me that it would be appropriate today to say a few words about our colleague, the distinguished Chairman of the Judiciary Committee, Senator BIDEN.

Senator BIDEN is a man of good intentions, who means well for America. His credibility is good with me. He has never misrepresented himself to me in any of our dealings.

In all the years that I have known this accomplished Senator and Chairman of the Judiciary Committee, I have witnessed nothing other than the highest moral and family values, and a most sincere dedication to Congress, the country, and his constituency.

RECESS UNTIL 8:20 A.M. TOMORROW

Mr. BYRD. Mr. President, If there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 8:20 a.m. tomorrow.

The motion was agreed to, and at 9:17 p.m. the Senate recessed until tomorrow, Friday, September 18, 1987, at 8:20 a.m.

EXTENSIONS OF REMARKS

BOY SCOUTS TO HONOR HAROLD "TONY" ZENZ

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. BROWN of California. Mr. Speaker, today I wish to pay tribute to a most dedicated and generous community servant, Mr. Harold "Tony" Zenz. Since graduating from the University of Southern California with a degree in business administration, Tony has contributed much of his life to public service. Tony has spent many distinguished years with the county of San Bernardino, serving first as planning director for 4 years, and then as chief administrative officer for 10.

After retiring from county service in 1958, Tony entered private business with the Safeco Title Insurance Co. As he had at the county of San Bernardino, Tony again demonstrated his considerable administrative skills. When he retired from Safeco in 1975, Tony held the position of vice president and manager of Safeco's San Bernardino office.

Tony's dedication to worthwhile causes in the Inland Empire is reflected by his extensive association with community groups. For 13 years he was a member of the Ontario-Montclair School District Board of Trustees, chairing the group of 10 years. In addition, Tony has served as a trustee of the San Antonio Community Hospital for 16 years; chairman of the San Bernardino County Probation Committee for 5 years, and a member for 9; a member of the board of the National Orange Show for 6 years; director of the Friends of Ontario Airport; a member of the West End YMCA Board of Directors for 5 years; and a participating member of the United Methodist Church.

Tony's business and administrative expertise, along with his active commitment to a wide range of community interests, make him one of the Inland Empire's most valuable assets. Tony is currently serving as chairman of a major fundraising drive to restore the Gardiner W. Spring Auditorium. He has also been approached to serve on the board of the Ontario Community Foundation, and other groups that distribute financial grants in the area.

Because he has demonstrated such a deep commitment to community service in my district, I am joining the Old Baldy Council of the Boy Scouts of America in honoring Harold "Tony" Zenz as "Good Scout of the Year."

TRIBUTE TO DR. C. LEIGHTON ERB

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. WELDON. Mr. Speaker, on September 30, the residents of Tinicum Township will be holding a retirement banquet for Dr. C. Leighton Erb, the pastor of St. John's Evangelist Episcopal Church.

Dr. Erb has served the community and people of Tinicum Township for over 15 years. Dr. Erb has selflessly dedicated himself to serving the Lord by ministering to the sick, the poor, and the hungry of our community.

Mr. Speaker, Tinicum Township Board of Commissioners president, Thomas Giancristoforo, summed up Dr. Erb's success by stating, "Dr. Erb has always been there to assist the people of our town in their times of need. He has ministered to all those in need both members and nonmembers of his congregation." Today, all of Delaware County pays tribute to this dedicated servant.

A TRIBUTE TO BILL WEST

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. KOLTER. Mr. Speaker, I rise today to honor an outstanding resident of my Fourth Congressional District in western Pennsylvania, Mr. William F. West, as he retires from the Social Security Administration after 27 years of dedicated service.

Known as "Mr. Social Security" in New Castle, Lawrence County, where he has lived and worked since 1979, Bill West was born in Boyers, PA, and later attended Grove City College.

Mr. West has worked for the Social Security Administration since Feb. 1, 1960, starting as a clerk in the accounting operation branch in Boyers, PA. Since then he has advanced to his current position as assistant manager.

A good father to his three children, Robert, Dan, and Cynthia, and a good husband to his wife Delores, Bill West has been an active member of the local Council on disability, the Blind Association, and the Lions club. He serves on the board of the Blind Association.

Mr. West is to be honored by his coworkers with a dinner on September 26, 1987, at 7 p.m. at Parkstown Lounge in Union Township, Lawrence County.

With great pleasure, I take this opportunity to inform my colleagues in the U.S. House of Representatives of Bill West's untiring efforts on behalf of Lawrence County. I join Bill's many friends and tip my hat to this man's community efforts. He appears at numerous functions and is always willing to stop and listen to the concerns of the public.

Best of luck to you Bill on your retirement. thanks for all you have done. You are a living tribute to Pennsylvania.

IS GLASNOST REALLY ALL IT'S CRACKED UP TO BE?

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. EVANS. Mr. Speaker, for months now Members of Congress have been working to bring about the early release of Soviet prisoner of conscience Alexei Magarik from the confines of a Siberian prison, in hopes that he and Natalia Ratner could immigrate to Israel and be reunited with their father and sister. But despite our efforts, even in this period of declared "openness" in the Soviet Union, the Soviets seem to have paid little attention to our pleadings. Despite the fact that Alexei Magarik was jailed on trumped-up charges, is experiencing failing health and torturous jail conditions, has never had access to any secret information, and in no way poses a risk to the security of the Soviet Union, the Soviets did not free Magarik until Monday, just 1 day prior to his previously announced release date.

This is not to say, however, that we in Congress are not extremely gratified by the release of Alexei Magarik and the recent granting of exit visas to other well-known refuseniks. This is to say that we in the United States should keep our guards up even as we applaud these encouraging announcements. A recent event with which I was directly involved causes me to remain skeptical about the sincerity of Soviet intentions regarding their "openness" policy. On July 24 of this year, I attempted to submit to the Soviet Embassy a legal petition on behalf of Magarik. After speaking to two Embassy officials in the morning, one of my aides, Adam Sachs, went to the Soviet Embassy in the afternoon to deliver the petition. Not only was he not allowed to speak to any Embassy officials, but the gentleman at the front office refused to even take the document. In the words of the gentleman at the reception area, "I don't think you will have success. I don't think they will be interested." If this remark is any indication of Soviet attitude, I find it extremely troubling in this period of glasnost that no one in the Soviet Embassy cares about the legitimate concerns of Members of Congress and other interested citizens.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MARION STACKHOUSE

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. JONTZ. Mr. Speaker, I would like to take a moment to pay tribute to one of the most important figures in Indiana agriculture, Marion Stackhouse, who passed away Saturday, September 15. It would be very difficult to overestimate the many contributions Mr. Stackhouse has made to Indiana's agricultural community. Since 1950 he worked up through the ranks of the Indiana Farm Bureau to help lead it through a turbulent period in American agriculture. Mr. Stackhouse worked actively on a wide range of agricultural issues, and was involved with several boards and agencies. He was a graduate of Purdue University and a World War II veteran. I am very thankful for having had the opportunity to work with Marion Stackhouse. He will be sorely missed.

BICENTENNIAL OF THE CONSTITUTION

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. INHOFE. Mr. Speaker, in this 200th year of our Constitution, it is important that we all take time out to consider how far we have come and how far we still have to go to form the perfect union. In 1787, 55 men of common means came together to compose a document that has guided our great country for 200 years. Ours is the only country whose foundation has been strong enough to withstand the revolutions that have brought every other government down. This can only be attributed to this exceptional document.

I am proud of this document and all that it stands for. I only hope that we can maintain the original concepts that molded it and brought this country to where it is today. There are many pressures today to increase the powers and influence of the Federal Government over those of States and cities. This same struggle was on the minds of the delegates over 200 years ago. Only today the scope of the Government has mushroomed beyond the dreams of even the most ardent Federalists of the 1780's. Today there are some who would turn the Federal Government into the babysitter of the American people, creating the "cradle-to-grave" doctrine popular in the Socialist countries of the world. I cannot stand for this and neither would the founders of this great country. This document has lasted because of the idea that those who govern least, govern best.

Our Government is of the people, by the people, and for the people, not of the Government, by the Government, and for the Government. The Government should exist only for the people and not for its own preservation. When the Government begins to feed off the people in order to sustain its own excesses, it has grown too large. That appears to be what we confront today. The Government is taking an ever-larger chunk of people's paychecks. This is a sure way to destroy our free enterprise system and in doing so dash the hopes and dreams of the American people.

The Constitution of the United States of America will stand as one of the greatest documents ever published. On September 17, 1787, 39 delegates who signed the Constitution expected the new charter to provide a permanent guarantee of the political liberties achieved in the Revolution.

I urge all Americans to study the Constitution during this 200th anniversary in order to learn more about the most important document in all of our lives.

TWENTY-FIVE YEARS OF POLISH SONG FROM MILWAUKEE'S NEW LIFE CHORUS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1987

Mr. KLECZKA. Mr. Speaker, as the Representative of Wisconsin's Fourth Congressional District which contains much of Greater Milwaukee's Polish community, I would like to take this opportunity to extend my warmest congratulations to the New Life Chorus and its gifted director and founder, Mr. Janusz Oksza-Czechowski, on the 25th anniversary of the chorus' birth.

As a proud Polish-American, I am fully aware of the New Life Chorus' dedication to the perpetuation of Polonia. I am grateful that the chorus has preserved cherished elements of our shared heritage in its annual Christmas concerts and their other fine performances throughout the year.

It is particularly appropriate that the New Life Chorus, which was organized to commemorate Poland's Millenium of Christianity in 1966, celebrates its silver anniversary as his Holiness, Pope John Paul II, the champion of the Polish church and the first of its sons to assume the papacy, once again visits our beautiful Nation.

May I close in wishing my friends and constituents in the New Life Chorus, Polish Singers Alliance of America No. 305, a very happy 25th anniversary and many more to come in the fine tradition that they have created for Polonia in Milwaukee.

LEGISLATION TO IMPROVE THE SHIPPING LAWS AND PROGRAMS OF THE UNITED STATES

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. DAVIS of Michigan. Mr. Speaker, I rise today to discuss four bills I have introduced this week that, I hope, will in different ways help correct the precipitous decline in the U.S.-flag merchant marine fleet and address programatic problems in Government programs. In recent weeks, the United States has acted forcefully in the Persian Gulf to guarantee the principle of freedom of navigation. Protecting this principle is proper for a nation dependent on the flow of trade across the oceans. No one disputes that trade is the life blood of this Nation and freedom of the seas is absolutely essential for trade to be carried on. It seems hollow, however, to protect the freedom of the seas only for foreign-flag merchant fleets. In the years immediately following World War II, the United States had the largest merchant fleet in the world. It was a fleet that carried desperately needed material to rebuild the war torn nations of the world. It was a fleet that provided jobs for mariners and shipyards and contributed positively to our balance of trade. It was a fleet that contributed to our national security by assuring the availability of a sealift capacity for our military and industrial base in time of war or national emergency. Today that fleet and the shipyards that once supported it are almost extinct and I believe that action must be taken now to correct this dangerous condition. The bills I introduced this week, each in their own way, address problems in our maritime industry and seek to correct some of them.

OPERATING-DIFFERENTIAL SUBSIDY PROGRAM

The "Vessel Operating-Differential Subsidy Act of 1987" seeks to restore the vitality of the U.S.-flag merchant fleet which trades in our foreign commerce. The Merchant Marine Act of 1936 put into place a system by which U.S.-flag operators in the foreign commerce of the United States are subsidized to the degree necessary to put them on a parity with lower cost foreign competition. There are good policy reasons for this assistance.

First, it is in the national interest to have a strong and viable merchant fleet capable of serving as a military and naval auxiliary in time of war or national emergency. Maintenance of a Ready Reserve Fleet and National Defense Reserve Fleet by the Maritime Administration is expensive and does not adequately address the full military needs of the Nation. Nor does it adequately address the availability of trained seamen to man those vessels. Nor do these reserve fleets consider the vessels needed to supply the economic and industrial base, the home front, during times of crisis. We simply cannot gamble the country's security on the basis of marginal adequacy or the possibility that everything will go according to plan or script. We must be prepared for the worst contingency. The best way to do that is to have an actively manned and operating U.S.-flag merchant fleet engaged in a substantial portion of our foreign commerce.

Second, we must face economic reality. The United States has a higher cost of living, higher safety standards, and more demanding labor and tax laws which impose higher costs on U.S.-flag operations. These higher costs must be recognized and compensated for if it is in our national interest to keep vessels with trained mariners operating under the U.S.-flag. The 1936 act achieved its goal of putting in place a merchant fleet for when the United States entered World War II. Since the end of World War II, however, the U.S.-flag fleet has steadily declined. It has to be recognized that the operating differential subsidy portion of the 1936 act no longer performs the function for which it was designed and must be reformed.

This might be less of a problem in any other fiscal climate than the one we face now. The massive Federal deficit makes for hard choices and intense competition over a shrinking pot of money. But the hard truth is that, if we are going to have any U.S.-flag fleet available when the country needs it, it is going to cost money one way or another.

It is the goal of the Committee on Merchant Marine and Fisheries to achieve some positive and lasting ODS reform during this Congress. The issue has been before the committee for some time and I expect that there will be hearings on the issue before this session is over. Chairman JONES of North Carolina and Representative BIAGGI of New York have both introduced bills designed to revamp the ODS system. The administration has not sent up an ODS bill to Congress, but the Secretary of Transportation sent up a position paper outlining various elements of a system they would like considered. My bill presents another option to be considered.

My bill would require the Secretary of Transportation to enter into operating differential subsidy contracts and amend current ODS contracts with qualified operators. The bill would cap the number of subsidized vessels and reduce the amount of subsidy available under the current system, but it will allow an expanded number of liner operators into the ODS system. The bill would also reduce the amount of subsidy an operator receives to the extent an operator carries cargo under one of the cargo preference laws. In exhange, the operators would be allowed operating flexibility not available under the current system. I hope these operating flexibilities will allow operators to become more efficient and cut operating cost to offset to some degree the reduction in subsidy payments.

Perhaps the most controversial aspect of my bill is that it would not allow U.S.-flag operators to acquire their vessels on the world market. My bill would continue the requirement that subsidized operators build their vessels in domestic shipyards. I recognize that this is a sticky wicket. The Construction Differential Subsidy Program in the 1936 act failed in its goal of achieving parity between the costs of foreign and domestic shipbuilding. In any event, the administration has not requested and the Congress has not funded the CDS Program since 1981. I know that for any ODS reform to work, it must somehow recognize and compensate for the difference in acquisition costs that U.S. operators face. I cannot bring myself, however, to abandon our domestic shipbuilding base completely. We must view the maritime industry as a whole and the shipbuilding base is as vital to our Nation's economic and military security as other segments of the industry. We must also recognize that the international shipbuilding market is by no means a free and open market based on cost competition alone. It is a world of massive Government support, subsidy, and loan assistance. Other nations with much less at stake than the United States consider it important to preserve their shipbuilding base and take necessary steps to do just that. Therefore, I believe that any consideration of operating differential subsidy reform must consider measures to maintain the shipbuilding and repair base so vital to our national security.

My bill also amends section 805 of the Merchant Marine Act, 1936, to tighten up the circumstances under which a subsidized operator is allowed to compete in the domestic trade against domestic operators as part of their subsidized service. If we are to continue the requirements of domestic construction for unsubsidized Jones Act operators, we must make certain that they are adequately protected from competition from subsidized operators.

BOAT MORTGAGE RECORDATION

Fewer than half the States presently have systems to title recreational vessels. Recreational vessel owners in States without boat titling programs would benefit from a system providing for centralized recordation of security interests in boats and aiding in detection and recovery of stolen boats. The bill I have introduced, the "Recreational Vessel Mortgage Recordation Act," would provide for Coast Guard recordation of mortgages against recreational vessels operating in States without boat titling programs.

Under this bill, recreational vessel mortgages against vessels operated principally in States without boat titling systems could be recorded with the Coast Guard. Presently, only vessel mortgages against recreational vessels which have been documented by the Coast Guard may be recorded by the Coast Guard. The new system of recordation would allow mortgages against all recreational vessels in States without titling systems to be recorded, and not just those against documented recreational vessels. To simplify the recordation process, all recreational vessels in States with titling programs, including documented vessels, would be required to record mortgages in accordance with State law.

This system would not place new documentation requirements or restrictions on recreational vessels as a condition of mortgage recordation. In fact, the present vessel documentation system would not be affected in any way. This new mortgage recordation scheme would also not affect the existing State boat numbering and registration schemes.

As an additional protection to lenders, the bill provides that the mortgages against recreational vessels recorded with the Coast Guard may be given preferred mortgage status. So as not to disadvantage lenders in States with boat titling systems, the bill provides that valid mortgages recorded against boats in those States will also have a preferred status.

In addition, the bill would allow recordation of bills of sale, conveyances, and manufacturers' statements of origin to respond to the need of vessel owners in nontitling States to have greater evidence of vessel ownership. The bill would also make other needed changes in the Ship Mortgage Act, 1920. These changes include clarifying that the duties under the act of the collector of customs now reside with the Secretary of Transportation, repealing the document endorsement requirement, and providing for central recordation of vessel mortgages by deleting the requirement that mortgages be recorded in the port of documentation.

This system will allow lenders and boat owners in nontitling States to obtain certain benefits available to boat owners in titling States, without setting up a new Federal bureaucracy to handle the workload. This system should be successful because of its simplicity, and because it makes no change to existing vessel documentation, numbering and registration schemes.

SHIP PLASTIC POLLUTION PROBLEMS

Recently, I also introduced the administration's proposed legislation to implement annex V, regulations for the prevention of pollution by garbage from ships, an optional annex to the International Convention for the Prevention of Pollution from Ships, 1973. Annex V establishes international regulations to prohibit or otherwise restrict discharges into the sea of all types of garbage generated during the normal operation of a ship. A major purpose of annex V is to prohibit the disposal into the sea of all plastics, including plastic rope, fishing nets and trash bags. Also under annex V, adequate reception facilities for garbage will be required at ports and terminals in the United States. This bill would be effective on the date that annex V enters into force for the United States.

The restrictions on disposal of plastics and other types of garbage into the oceans would apply to all U.S. ships wherever they are located and to all other ships located on the navigable waters of the United States. I believe that the disposal of garbage into our waters is such a serious problem that it deserves immediate attention from the Congress.

MARITIME TRANSPORTATION PROGRAM REORGANIZATION

Finally, I am also introducing a bill today to provide for a new Federal Maritime Administration within the Department of Transportation. I have become increasingly concerned that the defense readiness mission of the Department of Transportation is not getting the necessary attention it deserves within the Department of Transportation. I am also concerned that the Department of Defense is not sensitive to the important defense role that is played by the Department of Transportation. Finally, I believe that certain governmental functions related to water transportation should be reorganized.

Under this bill, the Federal Maritime Administration would be headed by an Under Secretary for Maritime Affairs and Readiness, who would be appointed by the President, with the advice and comment of the Senate. The Under Secretary would serve as the Secretary of Transportation's chief advisor on maritime matters, and as the primary liaison to the Department of Defense for maritime readiness matters related to the Department of Transportation without reorganization of the current relationship of the transportation modes in the same manner as was done for the Under Secretary for Oceans and Atmosphere in the Department of Commerce.

The Federal Maritime Service would consist of the U.S. Coast Guard and the National Maritime Service. The U.S. Coast Guard would consist of the present Coast Guard organization, and certain other functions transferred to that organization from the National Ocean Service and the National Weather Service of the National Oceanic and Atmospheric Administration in the Department of Commerce. The

Commissioned Officer Corps and all vessels of the National Oceanic and Atmospheric Administration would be transferred to the Coast Guard, subject, of course, to the continuing need for ship time of the Department of Commerce.

The bill also provides for recommendations from the Secretary of Transportation and the new Under Secretary concerning further governmental reorganization that should be accomplished to consolidate maritime functions in the Federal Government.

PRAISE FOR THE CONSTITUTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. PACKARD. Mr. Speaker, I rise to add my voice to the chorus of praise for our Constitution on this, the bicentennial of the signing of that magnificent document. This is truly a historic occasion.

Since last May, while Congress has been in session, I have entered weekly statements in the RECORD detailing the important events that occurred during the constitutional debate 200 years ago. In those statements, I attempted to liken the events of that summer to current events. It has been amazing to me to read and learn that we grapple with many of the same problems today which faced the Founding Fathers 2 centuries ago. I urge each of the citizens within the sound of my voice as well as my congressional colleagues to study the events of the summer of 1787 which truly provide invaluable insights into the problems of our day.

I am grateful for the Constitution we have been given. It is ours to cherish, protect and defend. It is my belief that the Almighty inspired those who wrote the Constitution and I believe that His guiding hand has been upon that document and this Nation for the past 200 years. This is a glorious day. A day in which those who love freedom can be justly proud. I urge each of us to read the Constitution regularly and contemplate the great impact it has had on the course of human events. It is truly a magnificent document.

NATIONAL POW-MIA RECOGNITION DAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. LAGOMARSINO. Mr. Speaker, as the chairman of the House Task Force on the Missing in Action, I ask my colleagues to join me in commemorating Friday, September 18, 1987, as "National POW-MIA Recognition Day." This national day of remembrance is a very important signal to the Vietnamese and the rest of the world that we care about the fate of our missing servicemen in Indochina and will not let this issue die.

Sadly, the fates of our brave, missing servicemen have remained unresolved for so long. Part of this situation can be blamed on ourselves. Some, in their efforts to forget the Vietnam war also forgot about those who did not come home. Others, like the Woodcock commission, claimed there were no live Americans being held in Southeast Asia. I clearly remember the congressional mission of which I was a part that visited Hanoi in August 1979. In response to our questions regarding the POW-MIA's, now Foreign Minister Nguyen Cao Thach said, "we didn't think you cared." We do care. I care, my constituents care, the POW-MIA families care, millions of concerned Americans care, and our Government cares. Today, under the Reagan administration, the POW-MIA situation has been made a top national priority. New energies and initiatives have been devoted to our POW-MIA's clearly signaling that America has not forgotten its missing men in Indochina and that we are ready and willing, at the highest national levels, to take the actions necessary to bring our POW-MIA's home.

The real reason we still have so many unresolved POW-MIA cases, though, rests with the Vietnamese. The obstacles to progress and uncooperative measures have come from Hanoi, not Washington. On more than one occassion the Vietnamese have agreed with us that the POW-MIA issue is a special humanitarian concern divorced from all others and have pledged timely cooperation. Unfortunately, on more than one occassion the Vietnamese have used external political events to delay and even derail negotiations. I know there are many loyal citizens like me who are frustrated with the amount of progress that has been made. On this day of remembrance, I urge concerned citizens to recall who holds our servicemen and where. To recall who really knows about the fate of these brave Americans and who has prevented a full accounting of them. It is not our Government or its agencies as some have alleged, but the Vietnamese.

I am absolutely 100 percent convinced that the Vietnamese maintain a "stockpile" of American servicemen's remains. I am strongly convinced that there are live, unaccounted for Americans in Vietnam. I also believe there are live POW's in Indochina.

I am encouraged by the positive results of General Vessey's mission to Hanoi. As I just mentioned, the recent reaffirmation by the Vietnamese of their pledge to cooperate on this important humanitarian issue of our POW-MIA's does give me some reason to be hopeful. The Vietnamese have long sought a meeting with a high-level emissary like General Vessey. I believe that General Vessey's ability to concentrate on solely humanitarian issues, with the POW-MIA situation being the main focus, despite Vietnamese pressures to include broader, political matters is a positive step forward. Of course, positive actions by the Vietnamese on behalf of our POW-MIA's would speak much louder than words. I eagerly look forward to being briefed by General Vessey and his delegation about their timely mission. While going forward with these diplomatic initiatives, we must continue with our intelligence and other activities and stand ready to take the appropriate actions resulting from our findings.

I believe progress toward bringing our brave missing servicemen home can be made, despite the numerous obstacles we have yet to surmount, so long as we provide the same solid determination we have already demonstrated. Patience is a difficult but necessary factor when dealing with the Vietnamese. However, I believe our patience and determination is beginning to pay off. The path ahead of us is clear and there is reason to hope for progress. As Senator Jeremiah Denton told the participants of the POW-MIA Recognition Day program at the Capitol last year, the worst feeling a family endures is that of "not knowing"—not knowing if their brother, son, or father is dead or alive, in captivity or in hiding. President Reagan has taken the lead on this issue, making the resolution of these questions a top national priority. I know the House task force and I have joined the President in our commitment to these missing servicemen's proud but longing families.

This National POW-MIA Recognition Day provides concerned citizens with a foundation from which to hold programs and awareness projects on behalf of America's unaccounted for servicemen in Southeast Asia. Today, America is officially broadcasting that it will remain steadfast with or courageous POW-MIA's and their families and will keep the faith. We will use the symbol of this day of recognition to underscore our commitment and reaffirm that "we will not forget." I urge my colleagues to join me in continuing to keep the POW-MIA issue at the forefront of public concern on this special day and the days that follow until all of or missing servicemen are accounted for.

DR. SUSHMA PALMER—A WOMAN USING HER ABILITIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. LANTOS. Mr. Speaker, at the present nearly 17,000 Americans are employed abroad by the State Department of the United States. These men and women are among the brightest, most talented, and best educated people in our Government service. While abroad, many of them are accompanied by their spouses who are equally as bright, talented, and educated. Once stationed abroad, it is difficult for the spouses of State Department personnel to utilize their abilities or pursue their chosen careers.

Spouses often find themselves in a new country, with an unfamiliar culture and a different language. They can feel intimidated and overwhelmed. When this happens their talents are wasted. In this situation everyone loses. The individual loses an opportunity for growth and service in her or his chosen profession; the United States does not get the full use of it's human resources; and a foreign nation does not benefit from the talents that are available. Most important there is a lost opportunity for mutual cooperation between two different nations and cultures which could lead to better understanding and harmony. When the spouses of State Department employees abroad are able to apply their abilities and training the results can be most impressive.

An example of this Dr. Sushma Palmer, the wife of Robie Marcus Hooker Palmer, the U.S. Ambassador to Hungary. In Hungary male lifespan is the shortest in Europe, and this shortness of life is greatly related to the eating habits of Hungarian men. Dr. Palmer is a nutrition expert. Although Dr. Palmer is living in Hungary because of her husband's position as the U.S. Ambassador to Hungary, she recognized the need for her expertise and has arranged a way to help lengthen the lives of Hungarian men.

Dr. Palmer has taken a sabbatical leave from her position as Director of the Food and Nutrition Board at the U.S. National Academy of Sciences. In cooperation with the Hungarian Academy of Sciences and three other scientific institutes in Budapest, Dr. Palmer has organized a program which could lead to a 30-percent reduction in the rate of heart disease in Hungary with in the next few decades.

This program involves nutrition education through television, seminars given at the Hungarian Post-Graduate Medical University, and the implementation of nutrition knowledge through the training of Hungarian physicians and other health personnel. Not only will the Hungarian people benefit from this program, but so will United States and Hungarian relations, Ivan T. Berend, president of the Hungarian Academy of Sciences, said:

> I welcome this additional area of cooperation between our two Academies and believe that it will be of mutual benefit to our our scientific communities and, more broadly, to our two countries.

Through her efforts, Dr. Palmer is not only making a significant professional contribution, she is also helping to better relations between the United States and Eastern Europe. Nonpolitical efforts such as those of Dr. Palmer often bring nations closer together than a political treaty or action.

Mr. Speaker, and I urge the State Department to make a more vigorous effort to provide career opportunities for the families of it's employees. We can not afford to allow such a national resource to be wasted.

MISSING BUT NOT FORGOTTEN: NATIONAL POW/MIA RECOGNITION DAY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. SOLARZ. Mr. Speaker, I would like to call attention to National POW/MIA Recognition Day, which will be commemorated tomorrow, September 18, with a variety of appropriate ceremonies at the local, State, and national level.

Over the last several years, National POW/MIA Recognition Day has helped to increase public awareness that the fate of more than 2,400 Americans who bravely served our country in Indochina has yet to be determined.

Resolving the fate of the 2,413 Americans missing and unaccounted for is an issue of fundamental importance. It is also a humanitarian issue which has garnered broad bipartisan support in the Congress. Indeed, it is incumbent upon us in the Congress as well as the administration to do everything within our power to attempt to heal this festering wound of the Vietnam war by achieving a satisfactory answer to the fate of those Americans who did not return from that war.

In commemorating this day, we do not merely engage in ceremony. Rather, we send a strong and clear signal to Hanoi and Vientiene that our patience will not be diminished and our resolve not broken in pursuing a satisfactory resolution to this issue. Moreover, we affirm our debt to the servicemen and civilian personnel who dedicated their lives to freedom, and pay tribute as well to those who were captured by the enemy and were returned from imprisonment. Finally, National POW/MIA Recognition Day aims to recognize the tremendous sacrifice made by the families of our missing men.

Progress in resolving these issues has been painfully slow. Until the recent appointment of Gen. John Vessey as a Presidential envoy to Hanoi, and his subsequent discussions with the Vietnamese in August, movement toward a resolution had been at a virtual standstill for many months.

I welcomed, therefore, the appointment of General Vessey as a signal that the current administration was committed to pursuing every responsible avenue in resolving this issue. General Vessey is a dedicated professional whose long commitment of service to his country is unparalleled.

Indeed the House of Representatives overwhelmingly endorsed the Vessey mission by adopting a sense-of-the-Congress resolution, House Concurrent Resolution 231, on July 28. In a 418 to 0 vote, the Congress placed its support squarely behind General Vessey and his delegation on the eve of their mission to Hanoi.

While broader political issues continue to divide the United States and the SRV, the Vessey delegation received an important reaffirmation from the Vietnamese that the POW/MIA issue is a separate humanitarian issue not linked to the larger issues of dispute. In so doing, General Vessey articulated the longstanding policy of the United States with regard to this issue—a policy which is fully supported by our friends in ASEAN.

In line with this spirit of humanitarianism, the recent talks in Hanoi opened additional lines of communication regarding the humanitarian concerns of the Vietnamese as a result of the war. Hopefully, the acknowledgement of Vietnamese concerns by the United States will lead to an enhanced atmosphere of cooperation on the part of those in Hanoi who have the capacity to resolve this issue.

It is the Vietnamese, afterall, who possess the answers to all our unresolved questions. And it is the Vietnamese Government which has the ability to end the prolonged pain of the families and friends of those Americans still unaccounted for.

We in the Congress, however, must not waiver in keeping the faith with these brave Americans and their families until the Vietnamese do in fact cooperate fully and swiftly to end this lingering legacy of the war in Indochina.

HEROIN IS NOT THE ANSWER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. RANGEL. Mr. Speaker, in 1984, by a vote of 355 to 55, the House of Representatives firmly rejected legislation to make heroin available to treat intractable pain in terminally ill cancer patients. A number of recent editorials and news columns, however, have once again called upon Congress to enact such a measure.

I was a strong opponent of that legislation then and remain strongly opposed to it today. I opposed this legislation for a number of sound reasons. First, there is simply no scientific evidence that heroin offers any advantages over currently approved medications in relieving cancer pain. Absent such evidence, the risks of making this popular street drug available are not worth taking.

In addition, the overwhelming majority of health and medical professionals oppose the therapeutic use of heroin. They understand that the real problem is not the lack of heroin but the need for more training and education of health care professionals in the proper use of existing pain relievers and new techniques for managing pain. Heroin is not the answer to chronic cancer pain, and to suggest otherwise only holds out false hope to cancer victims and their families.

Just recently, I received a letter from the American Society of Hospital Pharmacists [ASHP] on this issue. The ASHP represents the pharmacists who would be expected to stock heroin if this legislation were to become law. They have carefully reexamined this proposal and have reaffirmed their strong opposition to it. Their reasons for opposing this legislation are most instructive, and I ask that a copy of the ASHP's letter be included in the RECORD at this point for the information of other Members and the public.

The text of the letter follows:

AMERICAN SOCIETY OF
HOSPITAL PHARMACISTS,
Bethesda, MD, September 8, 1987.

Re the Compassionate Pain Relief Act (H.R. 1470, S. 143)

DEAR REPRESENTATIVE: During the past several Congresses, the American Society of Hospital Pharmacists (ASHP) has been a leading opponent of legislation intended to authorize the use of diacetylmorphine (heroin) in the treatment of terminal cancer patients. Recent newspaper columns advocating support for current legislation (H.R. 1470 and S. 143) has sparked renewed interest in this subject, however, and many of your colleagues have requested information on ASHP's position.

In fairness to patients who suffer from interminable pain, ASHP has reexamined the issues associated with this important subject but determined again that the enactment of legislation authorizing the use of heroin would offer no appreciable benefits to pain management therapy and ASHP has reaffirmed its strong opposition to H.R. 1470 and S. 143. The principal reasons for our continued opposition include:

1. the continued absence of any evidence indicating any advantages associated with the use of heroin;
2. the rapidly growing acceptance by health care professionals of what is truly needed in effective pain management—the necessary training and education in the appropriate use of those alternatives already available.
3. the decreasing use in Britain and apparent rejection in Canada of heroin as an alternative for pain management.
4. the unwillingness of most patients to even participate in a federally sponsored study of heroin at Sloan-Kettering Hospital, indicating the unlikely acceptance of the drug even if approved for use; and,
5. recent technological advances that offer liquid oral dosage forms of such effective alternatives as morphine and Dilaudid and that enable patients with intravenous catheters to titrate their own doses of analgesic in response to pain (a technique known as patient controlled analegsia).

Heroin offers no unique advantage over other alternatives now available.

ASHP has completed an exhaustive search of the medical literature and concluded that no scientific or medical evidence exists which supports the position that heroin offers any advantage over such other alternatives as morphine and Dilaudid. Currently, a controlled double blind study is being conducted under federal auspices at Sloan-Kettering Hospital, but the results are still unavailable and any action by Congress at this time would be premature.

ASHP members and other health care professionals involved in pain management have stepped-up their involvement in educational and training programs directed at improving pain management techniques.

ASHP continues to believe that the emphasis should be on more appropriate uses of available narcotic analgesics than on an illegal drug that would only raise the expectations of some patients but, if used improperly, only prove to be ineffective. Efforts such as the Wisconsin Initiative for Improving the Management of Cancer Pain, serve as examples of the kind of progress that can be made when the existing barriers to cancer pain management are broken down. The trend now is toward educating and training health care professionals to recognize the importance of achieving a continuous pain-free state by providing proper doses at intervals necessary to reduce erratic levels that results in more pronounced and lengthier periods of pain.

Recent legalization of heroin in Canada has offered no hope for patients.

After a great deal of fanfare accompanied its legalization in Canada, there has been little or no use of heroin in the treatment of terminally ill patients. Physicians are not ordering it and hospitals are not stocking it. Pain managers are reporting that this is due to the fact the pain can be managed properly with other narcotic alternatives. When patients do not receive adequate relief, it is attributed more to the inappropriate use of the narcotic and not to the product itself.

The current study at Sloan-Kattering should be completed before Congress takes any action on H.R. 1470 or S. 143.

While ASHP doubts that the results of the study now being conducted at Sloan-Kettering will offer any evidence that heroin holds any of the advantages claimed by proponents of its legalization, we believe strongly that any Congressional action on the proposed bills before the results of the study are available would be premature. Furthermore, the reported reluctance of patients even to participate in the study suggests that the potential use of heroin as an alternative would be questionable even if the study does reveal some marginal benefit.

Technological advances are providing patients with more effective and convenient methods of pain management.

Proven alternatives to pain management are not only available in liquid form but, for patients who need prompt relief, patient controlled analgesia systems are being used increasingly as a means of infusing intravenous analgesics on patient demand, but within physician prescribed dosages and time intervals. In this way patients are able to obtain immediate relief through self administration by merely pushing a button. The frequency of administration is controlled by an adjustable lockout mechanism that prevents the patient from receiving any more of the drug for a period of time pre-determined by the physician. This technology allows patients to overcome one of the more important problems associated with pain management—i.e., ensuring that a patient receives the right dose at the right time.

For these reasons, ASHP reaffirms its strong opposition to any legislative effort to make heroin available in the treatment of patients suffering from intractable pain due to cancer. The evidence in support of its use is non-existent and warrants no federal support. Instead, ASHP urges Congress to support the more productive and promising efforts of those health professionals who understand that the key to effective pain management is found in the appropriate use of pain management therapy. If further information on this subject is needed, please contact ASHP's Legislative and Regulatory Director, Gerald F. Hogan, at 657-3000.

Sincerely,

Joseph A. Oddis, Sc.D,
Executive Vice President.

REFORM THE REMOVAL PROCESS FOR FEDERAL JUDGES

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. KLECZKA. Mr. Speaker, today we are celebrating the bicentennial of the Constitution. As great as this document is we sometimes need to amend it. For instance, the Bill of Rights greatly improved the Constitution, and since then we have added 26 other valuable amendments.

Today we need to amend the Constitution to create a new way to remove Federal judges. The drawbacks of the current removal process were demonstrated by last year's impeachment of Judge Harry Claiborne. In the future, the Congress is going to consider impeachments more frequently, and the problems with the removal process are going to become more evident.

A House judiciary unit has already begun its investigation of one impeachment case. Next year, the Congress may have to consider yet another impeachment of a judge. Because these cases delay consideration of vital national issues, I am introducing a constitutional amendment to allow the Congress to establish a new system for removing judges.

A clear precedent exists for reforming the impeachment process. Thomas Jefferson called impeachment "a bungling way of removing judges." In recent years many States have passed constitutional amendments to establish judicial procedures for removing State judges. Now over 45 States have such systems.

We in the Congress should follow the lead taken by these States. I urge my colleagues to support this constitutional amendment to free the Congress from having to spend so much time on removing judges.

Proposing an amendment to the Constitution of the United States to permit Congress to grant power to bodies in the judicial branch to remove judges for cause

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE

"Section 1. The Congress shall have the power to authorize the removal, for impeachable offenses, of judges of courts ordained and established under article III of this Constitution by bodies consisting of other judges of those courts.

"Section 2. The Supreme Court may at such Court's discretion, review and reverse any decision to remove a judge made under this article.".

VA'S DHCP PROVIDES MANAGEMENT EFFICIENCY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. MONTGOMERY. Mr. Speaker, the debate in the Congress regarding the Veterans' Administration's decentralized hospital computer system [DHCP] continues. Yet, VA hospital directors throughout the country have enthusiastically commended the DHCP as a management tool which enables them to deliver more efficiently the quality medical care which a grateful nation has provided for its veterans.

The following letter from the director of the VA Medical Center in Miles City, MT, illustrates how the DHCP helps him to more efficiently manage his resources.

Miles City, MT,
May 18, 1987.

Hon. G.V. Montgomery,
Chairman, Committee on Veterans' Affairs,
Washington, DC.

Dear Mr. Chairman: The DHCP system is critical to the management and delivery of health care at the Miles City VA Medical Center.

The use of the DHCP has reduced the clerical hours spent in entering and retrieving information, thereby giving the support staff more time for processing veterans into our system, resulting in reduced waiting times for the veterans. The DHCP also allows instantaneous entry of pharmacy and laboratory data into the patient file, giving the physicians and nurses access to vital lab results more quickly.

The DHCP system is a connecting link between the Miles City VA Medical Center and our satellite outpatient clinic in Billings, Montana. The satellite outpatient clinic, located 150 miles from the parent facility, is receiving and retrieving information as though it was within our facility walls.

As the Medical Center Director, I have more accurate and timely data on cost analysis which offers more efficient management of the medical center.

Losing the DHCP system would be a real detriment to our facility. Efficiency of staff would be appreciably reduced with the veteran patient suffering the most.

Sincerely,

JAMES A. HUFF.

H.R. 27, THE FSLIC ACT OF 1987

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. BARNARD. Mr. Speaker, I rise to emphasize again my understanding of the intent of the conference committee and this body in adopting section 201(b)(2) of H.R. 27. As I stated on the floor when we considered H.R. 27, the trend toward securitization of assets—for example of consumer receivables and of residential mortgages held by banks—began several years ago. The authority for a bank to participate in the sale of such securitized assets—which is often a part of the bank's funding activities—is longstanding and preexists March 5, 1987. The moratorium is not intended to make banks dismantle these programs or their plans to undertake them.

Since the enactment of H.R. 27, it has been suggested by some that the public sale of securitized bank assets, including mortgage-backed securities, is an activity covered by the moratorium. I do not share that view, and as my remarks on the floor made clear, neither in conference nor on the floor was it agreed that the moratorium would cover such activities. As one who was directly involved in lengthy discussions among many Members in the drafting of this provision, I must emphasize that the language of the bill and its description in the conference report reflect a carefully negotiated compromise and that we should not after the fact succumb to the temptation of trying to read into the moratorium what is not there. Section 201(b)(2) and the conference report stand on their own terms and make clear that the moratorium does not apply to activities that were permissible prior to March 5, 1987.

UNDERSTANDING THE CONSTITUTION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. HAWKINS. Mr. Speaker, I join my colleagues and citizens across this Nation today in honoring the Constitution on its bicentennial. This celebration provides us with the perfect opportunity to understand the source of our freedom, the necessity of viewing the document as a whole, and the importance of its uniquely flexible character. These three distinctive elements are what have enabled us to keep the unparalleled freedom we are privileged to enjoy and the Constitution we are celebrating today.

On September 17, 1787, the Constitutional Convention completed debate on the adoption of a governing document that laid a solid foundation from which citizens could build. The document was not perfect, even by the admissions of the Framers themselves. Benjamin Franklin's impassioned plea for approval of the document by the Convention delegates noted that when—

> * * * you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me * * * to find this system approaching so near to perfection as it does * * *.

Within this system of "government-near-perfection" our citizens were able to add the Bill of Rights, the 14th amendment, and other amendments integral to the preservation of every persons' civil liberties and fully recognizing the rights of all minorities and women. The established mechanisms for orderly change in the original document have proved critical to the preservation of our system. For example, it is hard to speculate what the fate of the United States would otherwise have been during the period of the civil rights movement in the 1950's and 1960's, absent our system's ability to absorb the civil strife we experienced and accommodate our demands for equality. Today, we continue to struggle within this system for full equality in many areas, particularly in access to quality education, the right to employment, and ability to pursue a livelihood in a work environment free of discrimination.

We must understand the significance of reflecting on the Constitution in its entirety—with all its amendments—and remember that without this view, millions of people are left out—disenfranchised from their government. This estrangement is likely the worst charge that could be made against a democratic form of government that, by its nature, was created by and for the people. We should remember well that the freedom we enjoy derive from the people—the citizenry—who 200 years ago created a document to govern us, protect us, and change with us. The changes made to it must be included in any discussion or celebration of its worth.

Therefore, we are not celebrating a single event of September 17, 1787. Rather, we commemorate the framework itself that was laid on that day, its accommodating character, and its subsequent amendments. Of all the combined qualities that distinguish our Constitution in history, its creation and governing by its citizens, and its inestimable capacity for growth best define its essence. These two distinctive elements work together to permit the document to accommodate growth and change of its society's views and situations. And, this ability to change, and the changes themselves, are what has preserved our liberty these 200 years and has made our Constitution the living document that it is today—the oldest written instrument of national government in the world.

REFORM PROCEDURES FOR THE HOUSE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. PACKARD. Mr. Speaker, yesterday and today we celebrate the 200th anniversary of the signing of the Constitution. This is a historic event and an important milestone for our Nation.

Unfortunately, our celebration must be tempered by the realization here in Congress that we fail to live up to many of the high standards set forth in the Constitution.

As we approach the end of the fiscal year we again find ourselves in a position where we have missed all of our own budgetary deadlines and that we must again pass a huge continuing resolution.

This has become a regular process here in Congress. But, it is a travesty and it robs the American people of their right to be heard. Such megabills severely limit debate which is the crucial component of deliberative democracy.

The continuing resolution is just one example. Today, House Republicans are calling for a reform of the procedures of the House and a restoration of truly democratic rule. I lend my support to this effort and call on the powers that be to pay heed to these demands.

RESTORATION AND REJUVENATION OF DEMOCRACY IN THE HOUSE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. LAGOMARSINO. Mr. Speaker, on this 200th anniversary of the Constitution, we are seeking the restoration and rejuvenation of democracy in the House. The House Republican Task Force on Congressional Reform has drawn up a list of reforms, which will be ceremoniously signed later today, and which puts us on record as seeking an end to the impasse which has gripped the House as we approach the start of the new fiscal year.

To date, this House has failed to meet every deadline proscribed in law for the budget. We are in violation of our own rules and the very laws we impose on others. Why should Government come to a stop while we draw salaries for doing nothing?

We have to put an end to back-door spending bills, and put teeth in our procedures. I call upon my colleagues to honor the principles of fair play, compromise, and respect for the rights of all held so dear by our founding fathers, and adopt the changes we have proposed. If not, then I propose that this House adopt the proposal of my friend from California [Mr. LUNGREN] which I have cosponsored, the "Pay for Performance" bill, H.R. 1308, which calls for withholding our own salaries until a budget is passed. We've come a long way in 200 years, but we need to go back to basics in the area of House reforms.

THE SHMUILOVICH FAMILY SHOULD BE PERMITTED TO EMIGRATE FROM THE SOVIET UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of this House today the continued harrassment of a Soviet family which wishes to emigrate to the United States.

Igor Shmuilovich, his wife Kira, and their family first applied for exit visas in 1974. Initially, the family was denied permission to emigrate on the basis of false claims that Igor had access to secret information.

The Shmuilovich family continued to request permission to emigrate, and finally they were granted permission to emigrate in March 1981. They made all the necessary arrangements, paid emigration fees, and purchased airline tickets. At the very last minute, however, the government declared that a mistake had been made, and only Kira's parents were allowed to depart.

Kira's mother has recently had serious surgery and now suffers from heart disease. These health problems, of course, have been compounded by separation from her daughter. Kira and her husband desparately wish to be reunited with their family in the United States.

Mr. Speaker, the Soviet Government has calously given the Shmuilovich family false hopes that they will be reunited with their relatives in the United States. Because of their desire to emigrate from the Soviet Union, the Shmuilovich family has been harassed and mistreated by the Soviet Government; furthermore, official policy has incited their neighbors and coworkers to harass and abuse them.

The Smuilovich family has now been denied permission to emigrate four times. When they were refused permission after their most recent attempt in June 1987, they were told not to reapply until 1995.

Mr. Speaker, the treatment of the Smuilovich family is inconsistent with the Soviet policy of glasnost. More seriously, it is inconsistent with solemn international obligations that the Soviet Government has accepted, including the Helsinki Final Act.

Jewish emigration is a key to Soviet intentions and attitudes. While it is true that Soviet emigration has increased—and I welcome the positive signs that we have seen thus far—many Jews still remain in the Soviet Union against their wishes.

Mr. Speaker, permission for the Shmuilovich family to emigrate would surely be an important indication to the American people and to the world that the Soviet Union is serious about improving its human rights record; that the Soviet Union is serious about glasnost. I invite my colleagues to join me in urging favorable Soviet action in this important case.

BEN EISENSTADT: A REAL MENSCH

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. SOLARZ. Mr. Speaker, I wish to pay tribute to Benjamin Eisenstadt for his vigorous, innovative, and generous commitment as the president of Maimonides Medical Center, situated in Brooklyn's Borough Park community and serving nearly 1 million people.

While it may have been extraordinary for a first class medical center to elect as its board president in 1982 a man who, just 5 years earlier and at the age of 70, checked in as a patient in the center, Benjamin Eisenstadt is just that extraordinary person who merited such a gesture. Today, Mr. Eisenstadt continues to masterfully balance his tenure at Maimonides with his assignment at a multimillion dollar, family owned corporation.

Mr. Eisenstadt's multifaceted strategy to improve the Maimonides center, already a leader in cardiac care and research, includes personal philanthropy and incentive programs for community support. While his generous contributions have initiated Maimonides' Research and Development and Nursing School Foundations, Mr. Eisenstadt feels reluctant to ask others for financial contributions.

But he knows his neighbors will help through other means, and he delights in devising such imaginative programs. For instance, his latest target, and naturally his latest success, has been cutting Maimonides' expenditures for blood due to a chronic shortage of donors. When he offered tickets to Mets baseball games, donations surged by 1,000 pints this year. And his new lottery, which offers a trip for two, will surely attract additional donors, further reducing the center's costs.

Mr. Eisenstadt recently explained that he derives the most pleasure from helping other people. He must be a very happy man for he helps not just Maimonides, but Jewish charities and synagogues, Catholic organizations, and Queens' Peninsula Hospital as well. His efforts and selflessness are inspiring and heartwarming.

The Talmud teaches that, "* * * he who saves a single life, it is as if he saved the entire world." By that standard, Ben Eisenstadt has done well indeed.

COLOMBIA: IS THERE A FUTURE FOR DEMOCRACY?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. RANGEL. Mr. Speaker, in the first half of this year, 1,102 Colombians have been killed in incidents of political violence. This includes more than 650 peasants and more than 40 members of the Patriotic Union, a political party created by the Colombian Revolutionary Armed Forces [FARC] in 1984 after it signed a truce with the former Betancur government. The Patriotic Union has participated peacefully in politics since 1985 and represents a nonviolent if only partial, solution to the problem of conflict in the country that has lasted for decades.

President Virgilio Barco Vargas now faces the devastating challenge of battling a drug mafia, leftist insurgent groups, rightwing death squads and endemic poverty in his country. In addition to our efforts to help Colombia eradicate drug trafficking, we must also support President Barco's attempts to create a more representative democracy. The following article, written by Gayle Edmunds, a research associate for the Council on Hemisphere Affairs, was distributed by COHA on July 1.

COLOMBIA: IS THERE A FUTURE FOR DEMOCRACY?

The attack by the Colombian Revolutionary Armed Forces (FARC) on an army battalion June 16 and the government's swift retaliation sheds new doubts on the future of the Patriotic Union (UP) in Colombian politics. Created by the FARC after signing a truce with the Betancur government in 1984, the UP has renounced violence and has participated peacefully in politics from 1985. Since then, hundreds of its members have lost their lives in trying to bring an end to 40 years of internicine strife and a more representative democracy to Colombia. At this point, the government must balance its anti-guerrilla drive while it still ensures the participation of the UP in politics. It must keep in mind that the FARC was the only guerrilla movement acting in Colombia that seriously considered former Pres. Betancur's offer to reintegrate its members into the political system.

The fate of the UP could serve as a model for other guerrilla movements in Latin America and what awaits them if they decide to lay down their arms and enter electoral politics. Although the cease-fire now has been called off in many areas of the country, the UP continues to exemplify a leftist group created from a guerrilla movement that has attempted to integrate itself peacefully into the system and expand the nation's political alternatives. The example will be a negative one, however, unless greater efforts are made to assure the UP's continued participation in politics, protect the lives of its members, and implement real reforms so that recourse to violence will no longer be the only means to promote change.

At the very least, and admittedly in an unfavorable environment, Bogota must preserve the rule of law so that the country's fragile democratic system may function in reality, and not just in name.

INEVITABLE BREAKDOWN

The fragile three-year armistice between the FARC and the military was shattered June 16 in Caqueta when the guerrilla group mined the path of two army trucks transporting 83 soldiers from the Cazadores Battalion, leaving 27 dead and 42 wounded. The Barco government, which has made well-intentioned attempts to restore peace to the country, condemned the attack and warned that the cease-fire could not be maintained if the FARC continues its "atrocious crimes." The next day, the government responded more forcefully by sending 2,500 soldiers into the area to search for the rebel column. The military units encountered the insurgents near the town of Puerto Rico where they suffered 32 casualties. By early July, the Minister of Defense, Rafael Samudio, announced that military had ambushed and killed 40 guerrillas in the eastern part of the country.

The latest incidents mark the culmination of months of rising tensions between the military and the FARC, with each accusing the other of violating the truce, and increasingly between the military and the UP. The recent outbreak of hostilities raises new questions not only about the prospects for peace in Colombia, but also about the UP's political future as the military renews its conflicts with the FARC.

The UP expressed regret over the mining incident, but blamed the government for failing to verify and enforce the truce. However, it reaffirmed its position as an independent political force with its own leadership and program unconnected to the FARC. With or without the truce, the UP is an important player in Colombian politics in spite of its FARC origins. Last fall, the Union won 11 seats in the National Assembly, and is expected to gain several more in elections next year.

AN EMBATTLED BARCO'S LATEST ATTEMPTS AND FAILURES

Barco has taken some encouraging steps recently in an attempt to stop the violence against leftist politicians. Attorney General Carlos Mauro Hoyos announced May 22 the nomination of a civilian, Omar Henry Velasco, to be assistant prosecutor in the military's jurisprudence section, a post traditionally held by a high-ranking military officer. If confirmed, Velasco will replace Gen. Jose Antonio Gonzalez Prado, the official currently responsible for supervising investigations of military officers accused of human rights violations and other crimes. Although legally subordinate to the Attorney General, the assistant prosecutor has rarely been under his control. This certainly was the case with Gonzalez Prado.

Velasco's nomination, awaiting Supreme Court confirmation, is one of the first hopeful signs after months of heated political debate between the UP and the military over the rising levels of violence gripping the country. Last month, charges filed with the attorney general's office by Jaime Pardo Leal, president of the UP National Coordinating Board and the party's presidential candidate in the last year's elections, accused the security forces of involvement in the murders of more than 50 UP members this year, including the May 7 killing of Jose Miguel Rojas Parrado, mayor of San Jose del Guaviare. Pardo said he had a "parade of witnesses" who would substantiate his charges. A week later, the attorney general asked for Gen. Gonzalez's resignation, questioning his impartiality in investigating attacks against the UP.

Barco's moves to create a "Special Tribunal" last April to investigate political crimes marks another of his steps to quell the violence. Unfortunately, the body will never get a chance to operate since the country's highly conservative Supreme Court declared it unconstitutional June 16. Some Colombians accused the Court of attempting to torpedo the government's initiatives. The justices denied the charges, claiming that the constitution did not grant the president powers to create such a body.

The government also announced the reorganization of the Administrative Department of Security, the main government intelligence agency, forming a large escort division in charge of protecting UP leaders and other vulnerable political figures.

COLOMBIA'S "CENTRAL AMERICANIZATION"

Unfortunately, Barco's modest efforts at reform have little chance of making an impact given the collapse of the truce, the unremitting violence throughout the country, and Colombia's notoriously weak and skewed judicial system. The violence has resulted in an increasing polarization and the beginnings of a breakdown of the political system. Many Colombian analysts have begun to speak of the "Central Americanization" of a country which prides itself on making substantial gains in institutionalizing democratic practices since the 1960's after decades of authoritarian rule.

Despite an official history in recent years of civilian, two-party rule, and nominal military subordination to the present, Colombia is plagued by guerrilla war, right-wing death squads with such names as "Death to Kidnappers" (MAS) and "Total Clean-up," drug traffickers and generalized social unrest. A study conducted by the University of Antioquia reported that ten percent of the country's annual 12,000 homicides can be attributed to death squads and estimated that these illegal groups assassinate an average of 100 people each month.

Growing death squad activities reflect right-wing opposition to the left's participation in politics, as well as the increasing tendency of people to take the law into their own hands. Last April, the UP denounced the formation of a new paramilitary movement in southern Tolima department which calls itself "Rojo Ata," claiming it works with local civil, military and police authorities to eliminate opposition leaders and others it considers "undesirable." The party also accused Hernan Velandia, a high-ranking Army officer, of membership in the MAS—allegedly formed by the "Medellin Cartel" (the well-known drug mafia)—to retaliate for guerrilla abductions. Both groups have attacked UP activists, as well as officials of other organizations suspected of left-wing sympathies.

MILITARY IS CHARGED WITH ABUSES

While the Patriotic Union is being accused of issuing exaggerated accusations for political reasons, the Colombian newspaper El Tiempo, a supporter of the armed forces, has acknowledged military excesses. Recent newspaper accounts contend that many military officers, absorbed in counterinsurgency doctrine and years of battling the FARC, will not accept the peaceful role of the UP in Colombian politics. Also, many reports suggest that death squads work closely with local military officers to obtain arms and guidance. The FARC attack at Caqueta raises even more doubts about the military's future reaction to the UP in view of its past ties with the rebel group.

DIALOGUE OR REPRESSION?

Barco has come under heavy criticism from members of his own Liberal party as well as from more conservative groups for failing to stem the rising tide of violence. Clearly, he has a difficult mission before him. As one Colombian scholar noted, Barco has tried to fight a war by "waging peace"—no easy task in a country plagued by incessant turmoil. His vague rhetoric about eradicating the "absolute poverty" that causes subversion has done little to quell the rampant violence. Strikes and demonstrations have erupted throughout the country, most recently in the departments of Narino and Choco, suggesting that the government has not even scratched the surface of widespread poverty. The president does not consider such actions as a personal threat to his leadership, however, and commented that the "stoppages are a protest against the past. The government is committed to the future and to changes."

If the "apertura politica," or opening of the political system to the left, is to continue, there must be economic and political reforms as well as renewed dialogue with guerrilla groups—something that seems almost impossible at the moment. The UP seems to be intent on remaining inside the system, however—at least for now. If its members continue to be systematically hunted down and it calls for reform ignored, it is likely that it will again join the guerrillas and an historic opportunity will have been missed.

THE 21ST ANNIVERSARY OF DECLARATION OF FREEDOM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. PEPPER. Mr. Speaker, January 23, 1987, marked the 21st anniversary of the signing of the Declaration of Freedom by 5,000 Cuban exiles who loved their homeland and who today are as committed as they were at Key West, FL, in 1966 to seeing the beautiful isle of Cuba released from the tyranny of Castro. In their Declaration of Freedom, these brave individuals dedicated themselves unequivocally to continuing their fight for democracy in Cuba and their dedication to this cause is still strong. Their ideals of freedom of worship, freedom of teaching, freedom of the press, and free enterprise for all the people of Cuba are ideals which we, as Americans, strongly share. I ask, therefore, Mr. Speaker, that the Declaration of Freedom, signed in Key West, FL, on January 23, 1966, by 1,500 dedicated men and women who longed to return to their fatherland and to see their fatherland a free, democratic Cuba once again be inserted in the CONGRESSIONAL RECORD following these remarks:

The declaration follows:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for Power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

In view of the aforegoing.

WE DECLARE

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slaves, we, the Cuban People, hereby make the present.

DECLARATION OF FREEDOM

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

The fundamentals of this Revolution for Freedom are:

First: God almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the Legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23rd day of January 1966.

EMMERS SPEAKS OUT FOR MIA'S

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. DORNAN of California. Mr. Speaker, I rise today to submit for the RECORD an eloquent and urgent plea for action on behalf of America's MIA's and POW's which recently came to my attention. It was written by Mr. Bob Emmers, columnist for my hometown paper, the Orange County Register, and entitled "Mr. President: Free the MIA Hostages."

Bob Emmers is unashamedly a liberal, the "El Lobo" of Orange County. Operating behind the Orange curtain as part of a lonesome and nearly extinct band of leftist partisans, he must survive on the run resorting to frequent tactical, computer terminal, guerrilla warfare against the Republican gunships of Ronald Reagan's favorite county. Though many would sometimes like to pull his plug, if not plug "his pull," Mr. Emmers does provide moments of admirable, constructive, and commonsense discourse on problems confronting our fellow Orange Countians. Bashing rotten, arrogant, murdering drunk drivers comes to mind.

As Bob Emmers correctly notes in his column, the fate of our MIA's/POW's is not a partisan or ideological struggle. These brave Americans were prepared to die for their country, perhaps return home crippled or maimed, but never did they think fellow Americans would abandon them. Yet, despite high-sounding promises to act, successive administrations have done just that—abandonment.

Over the last 22 years, I have at one time or another traveled to world capitals, Communist and non-Communist, with MIA wives seeking information about their husbands; kept these men high profile by originating the MIA-POW bracelet; devoted 14 1-hour television shows to their plight: chaired hearings where we chastized U.S. administration officials at the White House, Pentagon, and State Department for not doing enough; and in two trips to Hanoi in 1979 and 1986 pleaded, cajoled, and simply asked North Vietnamese leaders to return our men. For the families, and other concerned citizens, nothing so far, except false expectations and broken promises. Though during my 1986 trip the North Vietnamese made an historic admission, but later retracted it, that some Americans were probably alive "in the mountains and caves not under our control."

So like Bob Emmers, I feel it's time to simply offer money for their return. Along with others, over 10 of my fellow congressmen and I have promised to privately raise $100,000 each and give a total of two million plus to the person(s) who brings out just one American POW. Whether the administration's current efforts to persuade the North Vietnamese to return our men succeeds or not, we can't wait any longer. It's been 14½ years already.

I would finally add that Mr. Emmers is joined at the Register by others actively working on behalf of our MIA's/POW's. Mike Shelton, the editorial page cartoonist, and his dedicated wife Cookie Shelton, track the fate of these men literally everyday. MIA/POW family members and friends are a gutsy breed who have never given up in the fight against indifference, embarrassment, deceit and the clock.

Mr. Speaker, I commend to my colleagues' attention this excellent column by Bob Emmers.

MR. PRESIDENT: FREE THE MIA HOSTAGES

(By Bob Emmers)

(Bob Emmers is a Register columnist. His column appears on Sunday, Monday, Wednesday and Friday.)

DEAR MR. PRESIDENT. This open letter to you concerns one of the most vital issues of the day—the fate of the MIAs.

Actually, sir, this letter was the idea of a friend of mine, Rich Yarbrough, a Vietnam vet and ex-cop. It's his belief that ordinary citizens can make a difference. Recently, for instance, he wrote to the government of Vietnam asking that a delegation of ordinary citizens be allowed into the country to talk about the MIAs.

Rich stopped by the other day, in the mood to do more. And it was his thought that you, Mr. President, are our best hope now. He believes in you. As a member of the Los Angeles Police Department, he was among those guarding you during a visit you made here during your first campaign. He remembers overhearing you say, "When I'm president, I'm going to make a difference."

"So let's send him an open letter in your column," Rich suggested. "He's out here at the ranch; maybe he'll see it. Let's ask him to make that difference."

Why not? I thought.

So here goes. And please understand, sir, there's no politics involved here. You'd probably call Rich a conservative, me a liberal. But we're not approaching you as liberal or conservative, Republican or Democrat. We're simply writing to you as two ordinary people who love their country and believe in all its hope and promise.

Our thinking is pretty simple. Something must be done. And we believe that you can stir things up enough so that a way is found to resolve this issue.

There are American captives in Southeast Asia. Perhaps hundreds of the nearly 2,500 Americans unaccounted for from the Vietnam War still are alive and held prisoner in Vietnam and Laos. Over the years there have been too many sightings of Americans in Southeast Asia for it to be otherwise.

I'm sure, Mr. President, that you share our anguish over this situation.

But this is the perfect time for you to do something about this horrible national disgrace. You are in the last 1½ years of your presidency and can move forward without regard for the repercussions. You can push aside the political considerations that so often have clouded the MIA issue in the past.

The MIAs, Mr. President, should be brought home—by any means necessary.

We want to be real clear about what we mean by that. In the past, the government has spurned as "blackmail" Vietnamese efforts to trade information about the MIAs for economic assistance. But the Iran affair has shown that we are willing to trade for hostages.

Please, sir, if the Vietnamese demand ransom for our MIAs, pay it. Buy back our MIAs, if that's what it takes. No matter how much it costs. If it is felt that the government itself shouldn't pay the bill, we're sure the money could be raised privately. Is there any citizen who would not contribute toward the freedom of these Americans?

Mr. President, we're speaking to you from our hearts.

Make the return of the MIAs your paramount goal. Speak out on the issue. Send emissary after emissary to Vietnam. Do everything. Please. As Rich says, "This isn't a question of pride or ego, of one country stronger or better than the other. This is just about people being healed from the wounds of war." I couldn't have said it better myself.

Decency and honor and love of country. It's for these reasons that we must deal with the MIA question once and for all.

Mr. President, they are there and they are waiting for us to bring them home.

NAPAP ACID RAIN REPORT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. BOEHLERT. Mr. Speaker, in general, the NAPAP acid rain report released today is scientifically and politically naive, but you have to give them credit—they make an extremely unconvincing case sound pretty convincing. They emphasize evidence that is confusing, deemphasize the really alarming findings, and rehash a lot of assumptions that are unmitigated nonsense.

I don't deny that NAPAP is doing a lot of valuable research that will help Congress decide what action to take. But there's little doubt their findings are being presented as a cause for complacency.

To begin with, they're more than 2 years late, and say they won't be able to give us useful answers by 1990, when the program ends. For our $300 million-plus investment, that's a tremendous failure of leadership.

They can't offer any explanation of higher elevation forest damage without noting air pollution's role, so they just call it multiple stresses.

In the Adirondacks, they use assumptions that totally underestimate the number of damaged lakes. They tell us only 2 percent of lake area is damaged, but that equals 10 percent of the total number of lakes. They only looked at lakes larger than 4 hectares, when in fact there are dozens of smaller lakes, and they are much more susceptible to damage than larger lakes.

Kulp himself told a congressional staff briefing yesterday that if you look also at smaller lakes, the number of dead lakes in the Adirondacks jumps to about 30 percent. And they only looked for dead lakes—those at pH's at or below 5. But that's 10 times beyond the level where fish and other organisms begin dying off—around 5.8. I ask myself, why should they try to obscure the extent of the problem?

They assume dirty, pre-Clean Air Act powerplants will be retired by the beginning of the next century, when any nonpartisan energy expert knows many of these plants are having their lives extended without pollution controls.

They assume nuclear power use will triple over the next 40 years, wishful thinking that flies in the face of realistic expectations. No new nuclear plants have been ordered in over a decade.

I hope that my colleagues will consider the very convincing evidence of air pollution damage—much of it provided by NAPAP as we consider urgently needed amendments to the Clean Air Act.

THE 100TH ANNIVERSARY OF UNITED WAY OBSERVED IN HUDSON COUNTY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. GUARINI. Mr. Speaker, as Americans observe the Bicentennial of the United States Constitution, recognizing its guiding principles of freedom, another important celebration is taking shape: The 100th anniversary of United Way of America. In 1887, four Denver religious leaders, reflecting upon the changing social needs of their community, formed the Charity Organization Society and the concept of United Way evolved. Next week a special commemorative event is being held in my district, Hudson County, to honor a century of good will by people joined together for a common cause. Over 800 community and business leaders will convene for a luncheon celebration at the Statler-Hilton Hotel in Secaucus on September 22, 1987. Two outstanding citizens, Arthur Imperatore, chairman of the board of APA Transport and president of ARCORP and Thomas J. Stanton, chairman of the board of First Jersey National Bank, and I will be the recipients of the prestigious centennial award. Several distinguished individuals, including former Mayors Frank Hague Eggers, John V. Kenny, Charles Witkowski, Bernard Berry, Thomas Gangemi, Charles Krieger, Dr. Paul Jordan, Thomas F.X. Smith, Gerland McCann, Jersey City Mayor Anthony R. Cucci, Bayonne Mayor Dennis F. Collins, and Hudson County Executive Edward F. Clark plan to attend.

Our community is also fortunate to have the dedicated leadership of Mr. William Martin, executive director of United Way of Hudson County. Bill is a shining example, having given to our area a lifetime of caring, sharing, and service. Because of his efforts and the efforts of people like Calvin Green, president of Tri-State United Way; Vincent Beninati; Dennis Murphy, Bill Thompson, Myra Mahon, vice presidents of the Tri-State organization; Vivian Dupree, associate director and comptroller of United Way of Hudson County; Joseph Brown, John Slattery, Mark Zatorski, Linda Kowalski, Lorraine Jordan, all staff members, millions of Americans have become involved in the dynamic community process called United Way. Moreover, Campaign Chairman James Feely, president of Provident Savings Bank, and Vice Chairs William Thornton, president of Thornwall Realty; Peter Murphy, vice president of Midatlantic North; and Daniel Petruzella, vice president of First Jersey National Bank, have given their time, energy and resources to make the environment a better place in which to live and work. The observance next week is a grand occasion and a unique opportunity to salute those who contributed to making United Way what it is today—a vital part of society. It is a salute to the spirit of voluntarism.

Founded in 1935 by Gov. A. Harry Moore as the Allied Aid Association, the organization grew tremendously and the subsequent Community Chest, Community War Fund, Community Fund, United Fund and United Way came to represent action for the betterment of America. United Way of Bayonne merged with United Way of Hudson County in 1972. In later years, the association joined in partnership with United Way of Tri-State, uniting 37 United Ways of New Jersey, New York and Connecticut, 640 communities and 1,740 human service agencies. Playing a prominent role in every aspect of developments was Attorney Thomas Lynch, 1935 to 1984.

As we join to commemorate this historic occasion, we salute Tom Lynch as well as the past president of our United Way:

William Y. Dear, 1935–1943;
A. Harry Moore, 1944–1948;
Gustave H. Koven, 1949–1950;
C. Gilbert Davis, 1950;
Charles E. Adams, 1950–1951;
William O. Lippman, 1951–1952;
Rt. Rev. Msg. Leroy McWilliams, 1952–1953;
Lawrence Whipple, 1953;
Louis P. Brenner, 1954–1955;
Walter Noll, 1955;
William S. Lawo, 1956;
David Klausner, 1957–1958;
Robert J. Smith, 1959–1961;
Fred Stickel, 1962–1963;
John Weis, 1964–1965;
Joseph Caldarera, 1966–1967;
LeRoy J. Lenahan, 1968–1969;
David Leff, 1970–1971;
Lawrence Lewis, 1972–1975;
Harry O'Mealia, 1976–1977;
Fred Peterson, 1978–1979;
Thomas Zito, 1980–1981;
Edward G. Davin III, 1982–1983;
Norman LaGueux, 1983–1984;
Frank Nilan, 1985–1986; and
Dominick D'Agosta, 1987–1988.

Campaign leaders Charles Griffin, Harold Wagner, Florence Hayes, Thomas Lynch, Joseph Barbera, and Lester Thurston played pivotal roles in assisting the presidents.

Bayonne United Way, founded by Samuel Kaye and the Bayonne Chamber of Commerce:

Chester Zebrowski, 1965;
Alex O'Connor, 1966;
Wesley Kapec, 1967;
Alton Adler, 1968;
Keenan O'Brien, 1969;
William Campbell, 1970;
John Ciparro, 1971; and
Frank Nilan, 1972.

Chief volunteer officers of the United Way of Tri-State:

C. Peter McColough, 1977–78;
Walter Wriston, 1979;
Theodore F. Brophy, 1980–1981;
Edmund Pratt, Jr., 1982–1983;
John F. McGillicuddy, 1984–1985; and
John B. Carter, 1986–1987.

As the centennial celebration honors these dynamic leaders, we also pay tribute to the new generation of volunteers and professions preparing to take charge. They will inherit a legacy of commitment to a strong, responsive, and inclusive community system. The centennial, then, represents a call for a new era of hope and service over the next 100 years. With this in mind, we garner support for our primary goals: a dramatic leap forward in service by building a United Way system that is even more open and caring 5 years from now than it is today; double United Way capacity in volunteers and financial resources from 1987 through 1991.

Leaders of United Way of Hudson County have taken their mission of increasing the organized capacity of people to care for one another to heart. They urge people to serve as catalysts that make things happen in their community. Volunteers are forming coalitions that are effectively addressing health care needs, hunger and homelessness, teenage suicide, issues of the elderly, and unmet needs of families. As it enters a second century of service, United Way of Hudson County stands as a model for voluntarism throughout the Nation, meeting the changing needs of society. United Way of America is the movement of the future.

BLACK-PUERTO RICAN ALLIANCES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity to present to you the remarks of one of the most distinguished members of this body, Representative ROBERT GARCIA, concerning alliances between blacks and Puerto Ricans citizens. Both blacks and Puerto Ricans share the common experience of being victims of racism and poverty in America. In a time when we face the reversal of important civil rights gains and great cuts in social programs that aid the poor, a call for us to work together on issues that are common to our communities is highly welcomed.

Representative GARCIA'S remarks in response to the need to maximize the benefits of such alliances are worthy of the attention of all the Members of this body. It is, therefore, with great privilege that I present them to you in the following article, "Black-Puerto Rican Alliance Must Stand Firm":

[From the New York Times, Sept. 17, 1987]

BLACK-PUERTO RICAN ALLIANCE MUST STAND FIRM

To the Editor:

The fine article by Marta Tienda and William Diaz on the plight of Puerto Ricans, "Puerto Ricans' Special Problems" (Op-Ed, Aug. 28), confirms through detailed analysis what many of us intimately involved with the Puerto Rican community have known for years: Puerto Ricans are too often treated as the afterthought of the afterthought by government and industry.

While I do not wish to dispute the findings of Professor Tienda and Mr. Diaz, I would like to suggest a word of caution regarding a conclusion they may have drawn—that Puerto Ricans are somehow more deserving of help from government and business than blacks because of their special problems.

Granted that, because of our heritage, the Puerto Rican community has come to poverty via a different route than the black community. Yet, the degradation of the common experience of poverty and discrimination actually offers our two communities an excellent opportunity to unite in fighting against these two social diseases. Indeed, I would argue that it is only through a common front that we can succeed in our struggle.

In 1965, I, along with Percy Sutton, Shirley Chisholm, Basil Patterson and others, formed the black-Puerto Rican caucus in the New York State Legislature. the purpose of this caucus, which is still in existence today, was to get black and Puerto Rican legislators to work together on the many common issues confronting our communities. I worked with a similar though less formal coalition in the Democratic Party in the early 1980's, trying to make certain that the problems of blacks and of all Hispanic Americans were addressed by the party and its leaders.

I believed then, as I do now, that blacks and Puerto Ricans are natural allies as defined by our common possession of the bottom rung of America's socioeconomic ladder. If we permit ourselves to be divided, then we will remain substantively ignored. Working together, we can make our voices heard. This is the unmentioned conclusion that should be drawn from the fine work of Professor Tienda and Mr. Diaz.

ROBERT GARCIA,
Member of Congress, 18th Dist., N.Y.,
Washington, Aug. 31, 1987.

THE ONES WHO MAKE IT WORK

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, as we celebrate the 200th birthday of the U.S. Constitution this week, it's fitting that I pay tribute to a friend of mine in North Dakota who is retiring as State district judge.

When people speak of the miracle of the Constitution, they often forget that the miracle is preserved and maintained by an independent judiciary whose wisdom and courage over these many years has applied the principles of that Constitution to a changing America.

One member of that judiciary is Judge A.C. Bakken of Grand Forks, ND. I've been privileged to be a friend of Judge Bakken's for many years. He has served with great distinction. His fairness and integrity are unquestioned and his dedication to preserving the timeless truths of our constitutional system in the application of justice is exemplary. It is a special dedication that I salute today.

Judge Bakken is retiring after 20 years as district judge and I wanted to call attention to the Members of Congress his remarkable service. It is people like Judge Bakken who, year after year, make our U.S. Constitution a living document for the American people.

I salute you, Judge Bakken, and I wish you well in your retirement years.

SENTENCING GUIDELINES TRANSITION ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. SYNAR. Mr. Speaker, today I am introducing the Sentencing Guidelines Transition Act of 1987. This bill would delay the implementation of the sentencing guidelines submitted to Congress by the U.S. Sentencing Commission on April 13, 1987, for 12 months, from November 1, 1987, to November 1, 1988. The Senate counterpart to this bill, S. 1676, was introduced by Sen. DECONCINI on September 10, 1987.

The Sentencing Reform Act of 1984 established the Sentencing Commission and charged it with developing sentencing guidelines for Federal judges. This was a landmark piece of legislation designed to change dramatically the Federal criminal justice system. Previously, Federal judges sentencing defendants convicted of Federal crimes have had broad discretion, and have been limited only by the maximum penalty contained in the violated statute and the authority of the U.S. Parole Commission to establish release dates for incarcerated individuals. This discretion has created widespread disparity in the sentencing of different criminals for similar crimes. Congress established the Sentencing Commission to develop guidelines that would reduce such disparity and create greater predictability and proportionality in sentencing.

The Sentencing Commission submitted its initial set of guidelines to Congress on April 13. Under the Sentencing Reform Act, these guidelines will automatically take effect on November 1 unless delayed, modified or rejected by an act of Congress. Since April, the Subcommittee on Criminal Justice, on which I serve, has held a series of hearings on the guidelines. We heard testimony from many witnesses, including a number of distinguished Federal judges. It is clear from this testimony that these guidelines are quite controversial. They have been criticized, among other things, for being unduly complex, for unnecessarily reducing the availability of probation, for contributing to a dramatic increase in an already overcrowded prison population, and for significantly increasing the workload of an overburdened Federal judiciary. In addition, many legal scholars have questioned the constitutionality of the Sentencing Reform Act.

There has been widespread agreement on the need to avoid a chaotic period of implementation of the guidelines. The complexity of the guidelines and the limited time Congress has had to review them have led both supporters and critics of the Commission's work to call for a delay in the implementation of the guidelines. The Sentencing Commission itself requested a delay of 9 months in the implementation of the guidelines when it submitted the guidelines to Congress. The Judicial Conference of the United States has requested that Congress enact a 12-month delay. Most of the Federal judicial circuits have adopted resolutions calling for delays of between 9 and 18 months. The American Bar Association, in a thoughtful and detailed plan for testing the guidelines in field conditions, requested a delay of 2 years in the effective date of the guidelines.

The bill that I am introducing today would help ensure that potential disruptions are kept to a minimum when the guidelines go into effect. This bill would not enact the guidelines. It would simply delay for 12 months the effective date of that portion of the Sentencing Reform Act dealing with the guidelines.

During this delay several important things should occur. First, there will be additional time for training judges, probation officers, and attorneys in the use of the guidelines. This training is essential to minimize the errors that are likely to occur in application of the guidelines. Second, during the delay there should be a rigorous program of testing of the guidelines. This testing will indicate problem areas which require additional training or reexamination by the Commission. Finally, during the delay the Commission should consider feedback on the guidelines that it has received and the criticisms that were raised in the subcommittee's hearings. A 12-month delay would allow all amendments prepared by May 1, 1988—the time the Commission has to make its next set of changes—to take effect simultaneously with the initial set of guidelines on November 1, 1988.

The bill also creates a procedure for expedited judicial consideration of any constitutional challenge to the guidelines. This provision is necessary to ensure that constitutional questions surrounding the guidelines are resolved before the guidelines take effect. Our judicial system could be thrown into turmoil if the Sentencing Reform Act was held to be unconstitutional after they had taken effect and been applied to the sentencing of convicted persons.

H.R. —

A bill to provide for an orderly transition to the taking effect of the initial set of sentencing guidelines prescribed for criminal cases under section 994 of title 28, United States Code, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sentencing Guidelines Transition Act of 1087".

SEC. 2. STAY OF APPLICATION OF SENTENCING GUIDELINES TO CRIMINAL CASES.

Section 235(a)(1) of the Comprehensive Crime Control Act of 1984 is amended by striking out "36" and inserting "48" in lieu thereof.

SEC. 3. EXPEDITED REVIEW.

(a) CIVIL ACTION.—Any person or entity aggrieved may commence a civil action in the United States District Court for the District of Columbia for declaratory judgment and injunctive relief on the ground that chapter 58 of title 28, United States Code, or any guideline submitted to Congress by the United States Sentencing Commission, violates the Constitution.

(b) THREE-JUDGE COURT.—Any action brought under subsection (a) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

(c) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court.

(d) EXPEDITED CONSIDERATION.—It shall be the duty of each court before which is pending a civil action brought under subsection (a) to advance on the docket and to expedite to the greatest possible extent the disposition of such action.

IT ALL BEGAN IN YORK, PA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. GOODLING. Mr. Speaker, our Nation joyfully celebrates the 200th anniversary of the signing of our great Constitution today. September 17, 1787, is a landmark in our country's history.

On this important day, let us not forget that our current Constitution was preceded by an earlier Constitution, the Articles of Confederation. This earlier document, approved by Congress in York, PA, in November 1777, was the early concept of Benjamin Franklin in 1775. The Articles were finally ratified on March 1, 1781.

Drafted primarily by John Dickinson of Pennsylvania, the Articles of Confederation established a central, national government with only one branch, the Congress. The Articles first established the loose association of Thirteen Colonies as one country, the United States of America.

Although it established a weak Federal Government, the Articles of Confederation were an integral step in the evolution of our country from 13 separate State governments to one Nation, as established by our Constitution today.

THE NOAHIDE LAWS AND THE CONSTITUTION PREAMBLE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. KEMP. Mr. Speaker, Rabbi Noson Gurary of the Chabad Lubavitch House of Western New York reminds me that there is a system of ancient laws, the Noahide laws, which correspond to the tenets set forth in the preamble of our Constitution. On this day, 23 Elul 5747 on the Hebrew calendar, the bicentennial of our Constitution, it is appropriate to look at both and recognize the similarity of spirit which binds them. I would like to share this with my colleagues.

The preamble reads:

We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defense, promote the general welfare and secure the Blessings of Liberty to ourselves and our Posterity do ordain and establish this Constitution for the United States of America.

The Noahide laws are as follows:

1. The prohibition of Idolatory
2. The prohibition of Blasphemy
3. The prohibition of Murder
4. The prohibition of Immorality and Promiscuity
5. The prohibition of Theft
6. The establishment of a Judicial System
7. The prohibition of Cruelty to Animals

These are seven laws for humanity as taught by Moses in the Bible. These laws are timeless, not bound by geographical boundaries and can never be altered or modified.

The purpose of every human being is to create a moral and ethical atmosphere in a civilized world. The Constitution and the Noahide laws provide guidelines for the maintenance of moral civilization. These laws have great relevance in today's society.

It is significant to note that our Founding Fathers included these same basic precepts in building the structure upon which our system of democracy is based.

Rabbi Gurary points out that conforming to the standards set forth in the Noahide laws can help our citizens achieve the goals set forth in our preamble. One can be instrumental in creating a more peaceful and decent world by learning about these laws and abiding by them to the best of one's ability.

WHO REALLY BENEFITS FROM UNITED STATES/SOVIET SCIENTIFIC EXCHANGE AGREEMENTS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. SOLOMON. Mr. Speaker, attempts to obtain foreign technology are as ancient as the realization that technology is of military value. The eminent Russian historian Klyuchevsky wrote that Peter the Great's visits to Europe in the early 18th century were to acquire Western technology, not Western culture. Peter took hundreds of foreign artisans and technicians back to Russia and sent Russians abroad to learn technical skills needed to improve Russian armaments.

The Soviets have systematized and perfected Peter's quest for Western technology. The Soviet intelligence organizations—KGB and GRU—Ministry of Foreign Trade, the Soviet Academy of Sciences, and other Soviet and East European organizations are aggressive collectors of Western Technology. Their efforts are directed and closely coordinated by the Military Industrial Commission [VPK] which reports to the Soviet Council of Ministers.

The Soviets employ various mechanisms to acquire Western technology: Recruitment of individuals who have access to classified or otherwise sensitive information, diversion of controlled exports using false shipping documents, transshipment, and other means of concealing the final destination and use of the technology, and information exchange programs, including student exchanges.

The United States has been unsuccessful in providing adequate safeguards of our military important technology. Recently we have focused attention on Soviet espionage and technology diversion, as exemplified by the

Toshiba case, but have not sufficiently addressed Soviet acquisition of critical technology via scientific exchange programs.

The Soviets have identified numerous American universities as targets for the collection of technology. Known Soviet collectors at the United States universities include members of Soviet intelligence agencies, scientists within the Soviet Academy of Sciences, and scientists from the State Committee for Science and Technology who come to study in the United States. Many of these individuals are also involved in spotting and assessing U.S. scientists for potential recruitment as agents.

Soviet scientists have performed onsite research in the fields of communications at MIT's operations research center, computers at the research center at Berkeley and the digital systems laboratory at Stanford, ceramic materials at the department of material science at MIT and gas turbine aircraft engines at the aeronautical science department at Northwestern University.

Clearly the Soviets have obtained the lion's share of scientific information and technological know-how from scientific exchanges that are intended to be mutually beneficial. In order to better protect American technology from Soviet acquisition via exchange programs, I will offer legislation to establish an Interagency Group for Scientific Information Transfer. The group would consist of officials from the Departments of State, Commerce, and Defense. These officials would review and evaluate exchange agreements with Soviet bloc and other designated countries. The group would recommend to Congress methods for enhancing the current exchange review process which is fragmented and ineffective.

Some individuals have expressed opposition to my evaluation proposal on the grounds that it threatens the freedoms of academic and scientific exchange. The interagency group would not possess authority to disapprove an agreement. Rather, its purpose is to provide impetus and a mechanism to evaluate the problem—how to reduce Soviet acquisition of militarily critical scientific and technological information through these exchanges without undue restrictions of academic freedom. Certainly, those who champion academic freedom and freedom of expression should not fear debate and analysis.

HOTEL FIRE SAFETY: FULLY SPRINKLERED HOTELS NEEDED

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. WALGREN. Mr. Speaker, hotels and other high risk residential and public buildings present a great potential for loss of life in the case of fire. A tragic example of the threat posed by hotels, especially those that are not fully sprinklered, occurred late Sunday, July 20, 1987, in New Orleans. Fire forced the evacuation of about 100 guests, from the newly renovated Doubletree Hotel. Tragically, a security guard who helped guests out of the building died of smoke inhalation. The 17-story, 368-room hotel was constructed in the early 1970's before the 1975 city and State laws were enacted requiring buildings 75 feet tall to have complete sprinkler systems. The hotel still did not have a full sprinkler system installed, even after it reopened on June 30, 1987, following 5 million dollars' worth of renovations.

On March 5, 1987, I chaired a hearing of the Subcommittee on Science Research and Technology, on "Hotel Fire Safety: What's Needed To Protect Our Citizens." The hearing reviewed the status of hotel fire safety in the Nation, in light of the DuPont Plaza Hotel fire in San Juan, PR, on December 31, 1986, in which 96 people were killed. Witnesses agreed unanimously that sprinklers are the best way to prevent tragic blazes in hotels, and other high risk residential and public buildings.

Unfortunately, the Dupont Plaza and the Doubletree Hotels did not have a sprinkler system. Most hotels do not. Yet, the track record for fully sprinklered buildings is very convincing—no U.S. fire in buildings fully equipped with properly working sprinklers has resulted in more than two fatalities, excepting explosions and firefighter deaths.

Historically, fire laws have been the province of State and local governments. Witnesses expressed concerns about serious gaps in fire legislation, particularly legislation regarding hotel safety. Many of the witnesses recommended a Federal requirement for sprinklers in hotels because legislation at local and State levels do not address this need.

The safety of people when they stay in hotels, must be addressed by the Congress before another and even larger tragedy, caused by fire, occurs. As citizens travel across the country, they deserve the security that fire safety measures are in place.

An article describing the Doubletree Hotel fire and expressing the view of the New Orleans fire superintendent that "with a sprinkler system, the fire would not have gotten going * * *" appeared in the New Orleans newspaper, the Times Picayune, on July 21, 1987. The article follows:

ARSON FEARED IN DOUBLETREE HOTEL FIRE

(By Walt Philbin)

A hotel fire that claimed the life of a security guard and caused the evacuation of hundreds of guests may have been the work of an arsonist, New Orleans Fire Superintendent William McCrossen said Monday.

Five guests of the Doubletree Hotel New Orleans, 300 Canal St., were treated for minor injuries at Tulane Medical Center. The Doubletree was formerly the International Hotel.

Henry Gonzales, 35, a hotel security guard, died from smoke inhalation, an autopsy by the Orleans Parish coroner's office showed Monday. Gonzales, a former New Orleans policeman, was the first to respond to the fire and was found passed out in the 10th floor hotel corridor. He was pronounced dead on arrival at Tulane Medical Center.

The fire was restricted to the 10th floor, which suffered heavy damage. The 11th floor had smoke damage, and the ninth floor had water damage, department spokesmen said.

McCrossen said, "Some things are suspicious about the fire and I am continuing to look at it. There's nothing definite at this point." He said fire and police arson investigators are looking into the cause of the fire.

McCrossen said his investigators had been able to rule out an electrical malfunction as the cause. He said investigators are looking into two false alarms called in Saturday night and internal alarms triggered on hotel elevators Sunday. Hotel spokeswoman Marian Eckstrom said the false alarms were set off manually and then reported by the hotel. She said she did not know on which floor the false alarms were pulled.

McCrossen said the fire began on the Uptown side of an L-Shaped corridor on the 17-story hotel's 10th floor. He said the floor was unoccupied because of renovations being done there. Eckstrom said new furniture was being placed in guest rooms on that floor. McCrossen said refurbishing was going on as early as Sunday afternoon, hours before the fire was reported at 10:22 p.m., but hotel officials were unable to confirm that report.

The fire chief said the hotel had smoke and heat detectors on the 10th floor, but investigators were examining them to find out if they operated properly. McCrossen said he suspected they did not, because the fire was well-advanced by the time it was reported.

McCrossen said the hotel did not have a sprinkler system except in a few general assembly areas like the dining room. He said the hotel was not required to have sprinklers because it was built before 1975, when city and state laws were enacted requiring buildings over 75 feet tall to have complete sprinkler systems. McCrossen said he knows of only one high-rise building built before that time, the Marriott hotel, that voluntarily re-fitted piping for sprinkler systems.

McCrossen said he believes with a sprinkler system the fire would never have gotten going and that the hotel's business would have been interrupted for an hour at most.

The 367-room hotel evacuated all guests in its 93 occupied rooms. They were put up at the Holiday Inn Crowne Plaza and reimbursed for the night's lodging and an evening meal. Doubletree is contacting each guest personally and offering them complimentary accommodations at a Doubletree hotel of their choice nationwide, Eckstrom said.

The Doubletree Hotel held a grand opening June 30 to celebrate its new name and a $5 million facelift. Operated by Doubletree, it is owned by two local groups—the Burrus-Investment Group based in Metairie and a partnership led by Ray A. Liuzza, who spearheaded the construction.

THE IMPORTANCE OF SOUTH KOREA'S PRESIDENTIAL ELECTION

HON. BEN BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. BLAZ. Mr. Speaker, in the past several days, we have all become increasingly aware of the critical importance of the proposed constitutional reform and Presidential election in the Republic of South Korea.

Not only is it the first Presidential election since 1971—an important step in reestablishing democratic institutions in the strategically vital Korean Peninsula—it is also a historic step for the people of Korea, who will be able to directly elect their President for the first time.

As a member of the House Foreign Affairs and Armed Services Committees, I share my colleagues' deep concern over the need for democratic solutions to the political challenges facing our Korean allies and continued stability on the peninsula.

It was especially enlightening to have met this week with Hon. Roh Tae Woo, chairman of the ruling Democratic Justice Party and the hand-picked successor to incumbent President Chun Doo Hwan. My colleagues also have become familiar, through international media coverage, with Kim Dae Jung, an outspoken opposition leader in the South Korean drama. Indeed, many of the progressive developments we are witnessing in the Korean political realm are the result of the persistent dedication of opposition leaders and parties.

There is another Presidential candidate whose low-key approach belies his outstanding record of achievement. I believe it is extremely important that we also take note of him.

I would like to share with my colleagues some impressions of that leader—Kim Young Sam, a statesman, key opposition leader for the past 30 years and President of the major opposition party—the Reunification Democratic Party.

I first met him last year and, though he has not had as much U.S. national exposure as the others, his credentials are exceptionally impressive and his commitment to democratic processes has been an inspiration to his countrymen.

Kim Young Sam was first elected to the National Assembly in 1954 at the age of 25, making him the youngest lawmaker in the history of South Korea. He was reelected seven times, served as floor leader five times, and twice was president of the major opposition party.

Because of his outspoken democratic commitment, he has been suppressed twice by military regimes: He was expelled from the National Assembly by the Park Chung Hee regime in 1979, when he was president of the New Democratic Party, and also was banned from politics from May 1980 until March 1985 by the current Chun Doo Hwan regime, which took power by coup d'etat in 1980.

Kim Young Sam has been placed on political trial twice for his opposition to dictatorship during the coup d'etats of 1961 and 1980. His life has been threatened repeatedly and he has been placed under house arrest or imprisoned several times.

Protests against the 1980 coup led to severe repression and his house arrest. In 1983, he began a hunger strike as a tribute to those Koreans who were killed in opposition protests of 1980. The 23-day ordeal brought national and international attention to the struggle of the Korean people for their quest for an end to military rule and a restoration of democracy.

In the February 12, 1985, general election, the major opposition party—which Kim Young Sam played a major role in creating—garnered 30 percent of the national vote. The opposition reorganized into the Reunification Democratic Party, and Mr. Kim accepted the presidency of the party in early 1987.

Kim Young Sam has consistently demanded that constitutional changes be made to replace the current electoral college with direct popular election of the President. As a result, the current regime has agreed to constitutional reform to do away with the electoral college and, in December, if all goes according to schedule, South Korea will conduct its first direct Presidential election.

A devoted Christian, Mr. Kim has published several books which present his political ideology and practical philosophy. He is a firm believer in achieving democracy in a peaceful, nonviolent manner. He has tried to prevent what he calls "the vicious cycle of vice."

In foreign affairs, he is a staunch defender of the United States-South Korean alliance and seeks what he calls a consolidation of the relationships with Korea's major allies: the United States, Japan, and European nations for the sake of Korea's national interests.

The Korean people are fortunate to have such a talented and dedicated champion of democratic rights and institutions.

PRESIDENTIAL CITATION AWARDS FOR PRIVATE SECTOR INITIATIVES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. FIELDS. Mr. Speaker, on July 23, 1987, President Reagan presented the 1987 awards for private sector initiatives. On this occasion, 100 businesses from around the country were honored for outstanding achievement in volunteer service and community outreach programs.

The President's Citation Program for Private Sector Initiatives was established in 1984 to recognize exemplary community involvement projects sponsored by businesses, trade associations, and professional societies. All private sector initiative projects qualifying for the citation program are eligible to fly the program's symbol—a red, white, and blue C-flag bearing the slogan, "We can—We care." The C-flag identifies the organization as a contributor to the American spirit of volunteerism and community action.

Each year, President Reagan presents 100 citations for private sector initiatives to the outstanding entries in the citation program. An awards committee, consisting of leaders from the business and association communities, reviews the entries and selects the top 100 programs for Presidential recognition. I am pleased to announce that the San Jacinto Chapter of the Telephone Pioneers of America was selected for recognition.

The San Jacinto Chapter of the Telephone Pioneers of America established their eyeglass bank in September 1985. Since that time over 30,000 eyeglasses have been collected from area individuals, churches, hospitals, eye clinics, schools, businesses, and other charitable organizations.

These glasses are cleaned, refurbished, and typed according to lens prescription. They are then prepared for distribution to needy persons in remote areas of Northern Mexico.

A special van equipped with eye-examination equipment is driven to the selected area and the local population may be examined and fitted with glasses for no charge. Trips are made as often as twice a year, sometimes more, depending on the availability of personnel and refurbished eyeglasses.

At this time over 10,000 pairs of eyeglasses have been distributed to the needy and over 20,000 people have been examined. The project is growing at approximately 50 percent per year.

I would like to extend a personal thank you to the San Jacinto Chapter of the Telephone Pioneers of America for their dedication to such a necessary and worthwhile endeavor.

FREE THE AIRPORT AND AIRWAY TRUST FUND

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. HAMMERSCHMIDT. Mr. Speaker, the major challenge of today's air transportation system is the need to increase the capacity of our airways and airports to meet the dynamic growth in air travel. From 1976 to 1986, the number of passengers increased from 223 million to 418 million—an 87-percent increase in demand. This 87-percent growth in passenger demand was accommodated by a 30-percent increase in the number of flights.

Unfortunately, however, the Government has done little to keep pace with this dynamic growth, and the result today, as we painfully know, is an increase in the number of air traffic control delays. The critically needed modernization of the air traffic control system—embodied in the $16 billion National Airspace System Plan announced in 1982—is already $1.5 billion short and behind schedule. We need new runways, airport terminal facilities, and airport access roads. They are not being built to the extent necessary to meet today's demand, let alone tomorrow's.

These deficiencies in the infrastructure are becoming greater, despite the fact the users of the system have been paying fees into the Aviation Trust Fund, which now has an unobligated surplus approaching $6 billion. At the present rate of user charges and at the present rate of under-utilization of trust fund resources, according to the General Accounting Office, the surplus will reach $10 billion in 1989, and $12 billion in 1991.

The American spirit has always been characterized by rising to meet the future and to meet challenge. And the issue here is a very fundamental one. Are we going to reduce our expectations to meet current capacity? Or, are we going to expand our horizons and take the kind of bold political steps necessary to expand the capacity of our aviation infrastructure?

I believe that we have no choice but to take the latter course and would urge my colleagues to vote to remove the Aviation Trust Fund from the Administration and Congressional Unified Budgets. This issue will be before the House in the near future in connection with the reauthorization of the Airport Improvement Program.

NEED FOR BETTER UNDERSTANDING BETWEEN U.S.-U.S.S.R. IS A TWO-WAY STREET

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Miss SCHNEIDER. Mr. Speaker, today I am joining my colleague, Representative MO UDALL, in introducing a resolution to encourage greater exchanges between Members of Congress and members of the Supreme Soviet, the Soviet Union's parliamentary body. This resolution is similar to one introduced in the last Congress, but even more timely. The Soviet Union under General Secretary Gorbachev is undergoing dramatic changes—changes that not only affect the Soviet people, but that affect the Soviet role in international politics. If Members of Congress are to make informed decisions about the relationship between the United States and the Soviet Union, it is imperative that we become aware of these changes. Clearly, there is no substitute for personal experience as a way of bringing about that awareness.

The need for better understanding between the United States and the Soviet Union is a two-way street. It is just as important that a wider range of Soviet officials be encouraged to visit the United States so that they can make up their own minds about the strengths and flaws of our system.

Every day, decisions are made by Congress and the Supreme Soviet that attempt to assess intentions and goals as well as the political and military capabilities of the other side. These debates will not be simplified by increased awareness of the culture, government, and people on the other side, but certainly the quality of the debates will be improved. Increased awareness resulting from exchanges with Soviet delegates will add to the debate the richness of personal experience.

To my colleagues who are contemplating a visit to the Soviet Union, I would commend a pamphlet prepared by the Federation of American Scientists entitled "Raising the Rate of Exchange." It contains historical perspectives on traveling to the Soviet Union, information on congressional trips, and it presents a very strong case for the value of firsthand experience.

Mr. Speaker, there simply is no good reason that so few of the Members of Congress have felt compelled to visit the Soviet Union. Ours is a nation that prides itself on the freedom to travel and to learn about other people. Establishing greater contact between the two most powerful nations in the world should be viewed as not merely an opportunity, but an obligation.

NATIONAL HISPANIC HERITAGE WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. RODINO. Mr. Speaker, it is a great privilege for me to join with my friends in New Jersey's Hispanic community in recognizing and celebrating the great contributions Hispanic Americans have made to our Nation.

This year the third week of September is designated as "National Hispanic Heritage Week." This is a time to call attention to the many ways in which our country has been enriched by the various Hispanic cultures. Many prominent Hispanic organizations, including La Casa de Don Pedro, Aspina Inc. and F.O.C.U.S. in Newark, NJ, have honored this heritage by effectively serving and helping the Hispanic community. In recognition of all these contributions, I have joined in sponsoring legislation to extend this commemoration from 1 week to 1 month.

The Hispanic community in the United States comprises more than 18 million people and represents almost 8 percent of the U.S. population. Hispanics are one of the fastest growing population groups in the country.

From the very discovery of America until today, the Spanish settlers and their descendants have added invaluably to the rich diversity of our society in which all of us take pride. The Hispanic legacy includes artists, writers, Olympic champions, and leaders in business, government, cinema, and science. Hispanics have fought in the Revolutionary War and every subsequent armed conflict involving the United States. They make up the largest number of Congressional Medal of Honor winners of any ethnic group.

The Hispanic community has enriched American society beyond measure. That is why we must continue our efforts to address the many problems which threaten to prevent Hispanic Americans from participating fully in that society. We must work to ensure that there are no barriers for Hispanic Americans in the areas of employment, housing, and education. As we celebrate National Hispanic Heritage Week, let us all reaffirm our commitment to ensuring that equality of justice and opportunity are enjoyed by all Americans.

AIDS EDUCATION

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. STANGELAND. Mr. Speaker, I am submitting for the RECORD today an article regarding AIDS education program in the St. Cloud, MI, community.

This excellent article, written by Dr. Yomtovian, points out that the St. Cloud area has become the leading community with grassroots support for public awareness of AIDS. I am proud of the community's accomplishment, and hope other communities throughout the Nation will be able to benefit from St. Cloud's success.

St. Cloud Minnesota has been a recognized leader in providing its citizens—men, women and children—with AIDS awareness education. These efforts began as far back as 1983 when St. Cloud Hospital implemented a predeposit self-blood (autologous) donation program for patients undergoing elective surgery. This was started two full years before a screening test to detect the AIDS virus was utilized to screen blood donors. It remains the most active program of its kind in Minnesota and has received national recognition. Its growing use further assures the safety of the national blood supply.

In 1985, when only a handful of AIDS cases had been diagnosed in Minnesota, the St. Cloud Granite Rotary Club initiated a Community AIDS Awareness Education Program. It remains the only known Rotary Club with such a program. It has been the catalyst for many AIDS educational activities in Central Minnesota. These activities include: preparation of a resource book and sponsorship of a workshop for elementary and high school teachers; sponsorship of a seminar at a local university; distribution of AIDS educational materials; sponsorship of and participation in numerous community presentations to other service clubs and professional groups; interfacing with the local media; participation in the Community AIDS Task Force; development of a video, primarily targeted to service club organizations, illustrating and emphasizing the importance of community networking in AIDS awareness education and providing a model approach to accomplish this goal.

In 1986, School District 742 had in place and began to utilize a comprehensive AIDS curriculum developed through local networking and resource sharing. In this same year an alternate test site for AIDS virus blood screening was started in St. Cloud. Finally, again in 1986 a multi-disciplinary community wide AIDS Task Force was convened to unify the community's response to AIDS related issues.

All of our community AIDS activities are ongoing. The singular goal is to reduce and prevent transmission of the AIDS virus. We hope that Central Minnesota will provide a useful model to other communities, of similar size, in achieving this goal.

TRIBUTE TO THE CALIFORNIA HIGH SCHOOL SPEECH ASSOCIATION HALL OF FAME

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. LEHMAN of California. Mr. Speaker, today, on the 200th anniversary of the Constitution, I rise in honor and to pay tribute to a group of individuals who help to embody the spirit and principles of that historic document—the California High School Speech Association Hall of Fame.

The California High School Speech Association [CHSSA] was formed in 1957. Its goal has been to provide young men and women with an appreciation for freedom of speech and to give them the oral communication skills which are critical to maintaining our free society. Through curricular and competitive speech, high school teachers and coaches have, through CHSSA, instilled vital skills necessary to conveying views and opinions and have been instrumental in the success of many of our finest leaders.

In October of 1986, the California High School Speech Hall of Fame was established and in January of 1987, the first 10 members were elected to the hall. These original 10 members were chosen on the basis of their years of service, their leadership, their excellence in coaching, their contributions to the development of CHSSA, and their contributions to the development of oral communication curriculum in California.

Three of the ten speech leaders appointed to the CHSSA Hall of Fame are currently teaching and coaching and include: Donovan Cummings of Stockton and Carmendale Fernandes and Natalie Weber, both of Sunnyvale.

Four members of the CHSSA Hall of Fame are retired and include: Gertrude Baccus of Redlands, Joseph Lagnese of National City, Ernest Poletti of Tracy, and Mary Ritter, of Modesto. The three deceased leaders in the speech community who were appointed to the CHSSA Hall of Fame include: Day Hanks of Los Angeles, Betty Perkins of Merced, and Edna Spelts of Modesto.

Freedom of speech, the ability to utilize this freedom to convey one's views, and democracy are inseparable. 200 years ago the framers of our Constitution realized this vital link and members of the CHSSA Hall of Fame have sought to perpetuate this freedom today.

Again, I honor and pay tribute to the ten Californians, living and deceased, who have been named to the California High School Speech Association Hall of Fame.

LAURENT R. McDONALD—AIR FORCE "AIRMAN OF THE YEAR"

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. BOLAND. Mr. Speaker, earlier today I had the pleasure of meeting with a very special constituent, Sgt. Laurent R. McDonald of Southbridge, MA, who has been selected as one of the Air Force's 12 outstanding Airmen of the Year.

Sergeant McDonald and the other recipients of this award are in Washington this week with their families to be honored for the superlative service they have given their country. Anyone who has served in the Armed Forces knows that the non-commissioned officers are the backbone of the organization. It is fitting, therefore, that the Air Force recognize the outstanding among its ranks of Airmen.

I can think of no one who could be more deserving of this honor than Sergeant McDonald. In less than 5 years of active duty, Sergeant McDonald has distinguished himself as a leader among his peers while dutifully carrying out all tasks laid before him—and then some. He was an honor graduate in basic training; he graduated with a 96.7 grade average from technical training school, where he was a fire protection apprentice; and he was selected "firefighter of the month" twice during his on-the-job training to become a firefighter.

In his first assignment as a fire protection specialist with the 51st Civil Engineering Squadron at Osan Air Force Base in South Korea, Sergeant McDonald wasted little time in demonstrating that his sense of duty sets him apart. On April 5, 1986, responding to an underground fuel tank explosion and subsequent fire, Sergeant McDonald saved a victim of the fire, carrying him 300 yards to medical assistance. For most people, I imagine that is more than a day's work. Sergeant McDonald's day was just beginning, however. He went back into the fireball to search for more survivors, and when rescue operations became impossible, he manned a firefighting vehicle for 16 hours until the fire was finally declared under control.

In Sergeant McDonald's mind, his work is not completed until the task is completed. It is that sort of thinking that no doubt saved lives in that blaze. It is that sort of thinking that makes him a hero. For his gallantry, he was awarded the Airman's Medal, another in a long line of testaments to his worth both as a serviceman and a public servant.

Mr. Speaker, Sergeant McDonald is an exceptional young man, and my pride in him is surpassed only by that of his parents, Larry and Nancy McDonald, who joined him for this week's recognition activities in Washington. I would like to extend my heartfelt congratulations to him and his family for the honor he has received and wish him continued success in his Air Force career.

TRIBUTE TO JOSEPH AND LUCILLE ALANZO ON THEIR 50TH WEDDING ANNIVERSARY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. TORRICELLI. Mr. Speaker, it is with great pleasure that I rise to mark the 50th wedding anniversary of Joseph and Lucille Alanzo. Tomorrow evening, at a gathering of family and friends, Joseph and Lucille will celebrate the sanctity of marriage and the devotion which has bonded them together for the past 50 years.

Joseph and Lucille are a special couple. Both Joseph and Lucille were born and raised in Lyndhurst, NJ, and together, as husband and wife, they remained in Lyndhurst to raise a family of their own. The proud parents of two children, Joseph and Lucille now look forward to the many hours spent with their four active and adoring grandchildren. All three generations of the Alanzo family are respected members of the Lyndhurst community. The family is known and loved throughout the town.

In a world which is often turbulent, and at a time when basic values are too often questioned, Joseph and Lucille Alanzo's 50 years of marriage is an example for us all to follow. With faith in themselves and each other they have built a relationship which has stood the test of time and created a home where all are welcome. I join with their family and the entire town of Lyndhurst in wishing them many more years of health, happiness and harmony.

TRIBUTE TO JOSEPH M. BROWN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. CLAY. Mr. Speaker, I would like to acknowledge before Congress the outstanding performance of Joseph M. Brown, a lay member of the Washington Metropolitan A.M.E. Zion Church in St. Louis, MO.

Mr. Brown, a life member of Washington Metropolitan, has served for a number of years on the board of trustees and has provided leadership in other aspects of the life of the church. In addition, he has been an active participant in multiple organizations and in the larger community.

He was honored on September 12, 1987, for having served as chairman of the Lucas Heights Redevelopment Board. Through his exceptional leadership, which spanned a 15-year period, the redevelopment board has successfully brought to completion three phases of housing development which has substantially increased the number of new housing units in the city. This development has also served as an anchor in the northside community as well. Such leadership is indeed rare.

In closing, Mr. Speaker, I would like to congratulate Mr. Brown for his outstanding performance not only to his church, but, to the St. Louis community as well.

I ask that my colleagues join me in honoring this distinguished gentleman from my district.

HONORING THE 25TH ANNIVERSARY OF THE LOS ANGELES, ORANGE COUNTIES, AFL-CIO ORGANIZING COMMITTEE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. TORRES. Mr. Speaker, I ask my colleagues to join with me in honoring the 25th anniversary of the Los Angeles, Orange Counties, AFL-CIO Organizing Committee.

The Los Angeles, Orange Counties Organizing Committee was created in 1962 by the national AFL-CIO under the leadership of the late President George Meany. The union wanted to combine the resources of the many unions in the area in a cooperative effort to organize the many thousands of workers in the two counties. This pilot program was the first of its kind and has achieved a high degree of cooperation between the various unions. The program has also been a major source of support in organizing over a million workers.

The California Labor Federation, the Los Angeles County Federation of Labor and the Orange County Central Labor Council have from the very start been an integral part of the support structure for the organizing committee. The success of the organizing committee has helped encourage and guide the formation and development of similar committees in other areas of California and in other States.

Mr. Speaker, I am proud to recognize the 25th anniversary of the organizing committee. I wish it well and hope it continues to help workers retain their rights to organize and engage in collective bargaining.

THE 461ST BOMBER GROUP REUNION

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. COURTER. Mr. Speaker, on September 24, 1987, a group of brave and heroic men will gather for their first reunion in 42 years. These men served as a bomber crew, based in Cherignola, Italy, during World War II. Assigned to the 461st Bomber Group, the crew flew more than 60 missions and was shot down on 3 occasions. Every member received the Air Medal, four Oak Leaf Clusters, three Presidential Unit Citations, and European and Mediterranean Theatre Combat Ribbons with seven and eight clusters, respectively. Many were also awarded the Purple Heart.

The members of the crew, Robert J. Louches, George R. Carrier, Bruce T. Newstead, Charles Meisenheimer, James C. Martin, Willard P. Gray, Joseph T. Mullin, Joseph Massoni, and Donald J. Fitz Maurice, have served their country with honor and dignity. I ask you to join me in thanking these men for the service to the United States and in wishing them well in future endeavors.

SHAYS' REBELLION AND THE CONSTITUTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1987

Mr. CONTE. Mr. Speaker, earlier this year the Nation recognized the importance of Shays' Rebellion to our national history when this Congress declared the week beginning January 19, 1987 as Shays' Rebellion Week. Now, as we commemorate the 200th anniversary of the signing of the Constitution, it is time for us to again reflect on the events leading up to the call for the Constitutional Convention.

As you know, Mr. Speaker, Shays' Rebellion was the uprising of several hundred farmers in the face of increased State taxes and court seizures of their land. Shays' followers were not simply rallying behind a charismatic leader. Each of those men had earnest concerns unanswered by the State.

Within Massachusetts this rebellion expressed the sentiments of hundreds of farmers around the State. It was not the first time the courts were protested. However, it was the first and loudest battle.

The news of the uprising in Massachusetts spread quickly. As one historian has put it, "If Massachusetts, the second oldest political community in the United States and the one with perhaps the best and most moderate constitution, could be convulsed by rebellion, what did this insurrection portend for the Nation as a whole?"

The answer to that question was the Constitutional Convention convened 3 months later. By then the ripples from Shays' message had reached every corner of our new nation and the need for strong central government was clear. The Articles of Confederation did not guarantee Americans a responsive forum for their concerns. When State taxes increased, the only recourse was rebellion. That repressive early government did not guarantee fundamental freedoms to the citizens of Massachusetts—freedoms such as the right to representative government. Two hundred years later we in Congress continue to pursue those freedoms for our constituencies.

Mr. Speaker, I am genuinely proud of the active role that the people of western Massachusetts have maintained in support of the Constitution. On the day of the 200th anniversary of the signing of the Constitution, the celebrations in the First District will be truly heartfelt.